

## AGENDA

**ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING  
WEDNESDAY, SEPTEMBER 1, 2021 - 4:30 PM  
MCALLEN CITY HALL, 1300 HOUSTON AVENUE  
CITY COMMISSION CHAMBERS, 3<sup>RD</sup> FLOOR**

Web: <https://zoom.us/join> or phone: (346) 248-7799

Meeting ID: 672 423 1883

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 Erick Diaz**

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

- a) Minutes for the meeting held on August 18, 2021

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

- a) Request of Juan Rivera, Jr. on behalf of Tiburcia A. Rivera for the following variances to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 15 ft. into the 25 ft. rear yard setback for a proposed covered porch measuring 20 ft. by 15 ft., and **2)** an encroachment of 15 ft. into the 25 ft. rear yard setback for a proposed pool measuring 18 by 15 ft. at Lot 1, Vine Ridge Estates Subdivision, Hidalgo County, Texas; 3608 Upas Avenue. **(ZBA2021-0037)**
- b) Request of Iden I. Trevino on behalf of Sonia Salkinder for the following variance to the City of McAllen Zoning Ordinance to not provide the 8 ft. masonry wall required where a commercial use has a side or rear property line in common with a single family use or zone at a 2.07 acre tract, more or less, being all the east 5.31 acres out of lot 17, Ebony Height Citrus Grove Unit No. 1 Subdivision, Hidalgo County, Texas; 8909 N 10th Street. **(ZBA2021-0038)**

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

- a) 912 North 28th 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 PLANNING & ZONING COMMISSION 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, August 18, 2021 at 4:30 p.m. in the McAllen Development Center, Executive Conference Room with the following present:**

<b>Present:</b>	<b>Erick Diaz</b>	<b>Chairperson</b>
	<b>John Millin</b>	<b>Vice-Chairperson</b>
	<b>Sylvia Hinojosa</b>	<b>Member (Zoom)</b>
	<b>Juan F. Jimenez</b>	<b>Member (Zoom)</b>
	<b>Jose Gutierrez</b>	<b>Member</b>
	<b>Ann Tafel</b>	<b>Alternate</b>
	<b>Hugo Avila</b>	<b>Alternate</b>
	<b>Rogelio Rodriguez</b>	<b>Alternate (Zoom)</b>
	<b>Rebecca Millan</b>	<b>Alternate</b>
<b>Staff Present:</b>	<b>Evaristo Garcia</b>	<b>Assistant City Attorney</b>
	<b>Omar Sotelo</b>	<b>Senior Planner</b>
	<b>Mario Escamilla</b>	<b>Planner I</b>
	<b>Porfirio Hernandez</b>	<b>Planning Technician II</b>
	<b>Carmen White</b>	<b>Secretary</b>

**CALL TO ORDER –Chairperson Erick Diaz**

**1. MINUTES:**

- a) Minutes for the meeting held on August 4, 2021.

The minutes for the meeting held on August 4, 2021 were approved. The motion to approve the minutes was made by Mr. Jose Gutierrez. Ms. Sylvia Hinojosa seconded the motion, which carried unanimously with five members present and voting.

**2. PUBLIC HEARINGS:**

- a) Request of Zoila V. Ramirez, for the following Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 20 feet front yard setback for a proposed swimming pool measuring 14 feet by 25 feet, at Lot 1, Block 3, Colonia McAllen Unit No. 4, Hidalgo County, Texas; 2604 Toronto Avenue. **(ZBA2021-0033)**

Ms. Ramirez stated Zoila V. Ramirez is requesting the following variance to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 20 feet front yard setback for a proposed swimming pool measuring 14 feet by 25 feet. The applicant is

requesting the variance to construct a swimming pool for medical reasons, a swimming pool was recommended by medical professionals.

The subject property is located at the northwest corner of the intersection of Toronto Avenue and North 26 ½ Street. The property is zoned R-1 (single-family residential) District. The adjacent zoning is R-1 (single-family residential) District in all directions. Surrounding land uses are single-family residences.

The plat for Colonia McAllen Subdivision Unit No. 4 was recorded on June 30, 1975. An application for a swimming pool permit was submitted on July 13, 2021. An application for a variance request was submitted to the Planning Department on July 20, 2021. A site plan submitted with the variance request application indicates an encroachment of 10 feet into the 20 feet front yard setback.

The variance request is to allow an encroachment of 10 ft. into the 20 ft. front yard setback along Toronto Avenue for a proposed swimming pool measuring 14 ft. by 25 ft. 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.

Approval of the variance request will allow the proposed construction as depicted on the site plan, but would be in conflict with the front yard setback requirement for this subdivision.

The house faces south 26 ½ Street and sides up to Toronto Avenue. The orientation of the house does not affect the setbacks of the plat. The orientation of the house makes the front yard setback essentially a side yard setback; the proposed swimming pool would be constructed within the front yard setback. A wooden fence surrounds the area in which the proposed swimming pool will be located.

The proposed swimming pool is not being located in the rear yard because of limited space due to an existing pergola and a tree there.

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

Staff recommended approval of the variance request of the proposed swimming pool; approval should be limited to the footprint shown on the submitted site plan.

Chairperson Diaz asked the front yard because the front door was facing 26th 1/2 Street. Ms. Sanchez stated yes, the front door was facing 26th 1/2 Street.

Chairperson Diaz asked if there was anyone present or on Zoom in favor of the variance request. There was no one else in favor of the variance request.

Chairperson Diaz asked if there was anyone present or on Zoom in opposition of the variance request. There was no one in opposition of the variance request.

Ms. Sylvia Hinojosa **moved** to approve the variance as recommended by staff. Ms. Rebecca Millan seconded the motion. The Board voted unanimously to approve the

variance request with five members present and voting.

- b) Request of Mark Jasso, for the following Variance to the City Of McAllen Zoning Ordinance to allow an increase of a non-conforming use, at Lot 8 out of the South part of 10.31 net acres, of the northeast ¼ of Block 8, Hidalgo Canal Company-McAllen, Hidalgo County, Texas; 401A & 401B North 2<sup>nd</sup> Street. (ZBA2021-0034)**

Ms. Sanchez stated Mark Jasso was requesting the following variance to the City of McAllen Zoning Ordinance to allow an increase of a non-conforming use. The applicant is requesting the variance to add an additional electric meter to an existing commercial building that previously shared meter usage with another commercial building; the two structures (mobile homes) sharing the single electric meter are the only ones in the mobile home park who do not have separate electric meters.

The subject property was located at the northwest corner of the intersection of Date Palm Avenue and North 2<sup>nd</sup> Street. The property is zoned R-4 (mobile home and modular home) District. The adjacent zoning is R-1 (single family residential) District to the north, south, and west. There is R-3A (multifamily residential apartment) District to the north, C-3 (general business) District to the north and south; there is R-4 (mobile home and modular home) and I-1 (light industrial) District to the east. Surrounding land uses are single-family residences, a windshield repair shop, and storage spaces.

The subject property had had other previous uses, eventually becoming Baldwin Mobile Home Park. The initial use of "Building 401A" and "Building 401B" served as an insurance firm and a mobile home park store (commercial use), which is now the proposed mobile home for residential use. Currently, there are 72 buildings on the subject property (including "Building 401A" and "Building 401B"), there are 71 electric meters on the property, and a proposed expansion for one additional electrical meter. The application to request of a variance to allow an increase in a non-conforming use was submitted on June 23, 2021.

The variance request was to allow an increase of a non-conforming use with the conversion of a building previously used for commercial use and now proposed to be used as a mobile home for residential use, which will increase the number of existing mobile homes. The subject property is on unsubdivided property, which according to Chapter 138-88(4) of the zoning ordinance, a nonconforming structure and land combination in which a nonconforming use is converted to a permitted use...the structure or structure and land combination shall not thereafter be used except in conformity with the regulations of the district in which it is located. Currently, buildings "401A" and "401 B" share the same electric meter. The proposed electric meter will provide service for building "401 B" which is proposed for residential use. The proposed use will bring the subject property closer to compliance with the zoning district in which it is located.

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

Staff recommended approval of the variance request.

Chairperson Diaz asked if there was anyone present or on Zoom in favor of the variance request. There was no one else in favor of the variance request.

Chairperson Diaz asked if there was anyone present or on Zoom in opposition of the variance request. There was no one in opposition of the variance request.

Mr. Jose Gutierrez **moved** to approve the variance request as recommended by staff. Ms. Sylvia Hinojosa **seconded** the motion. The Board voted unanimously to approve the variance request with five members present and voting.

- c) Request of Bethel Balbontin for the following variances to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 7.75 ft. into the 25 ft. rear yard setback for a proposed house, and **2)** an encroachment of 9.75 ft. into the 25 ft. rear yard setback for a proposed swimming pool measuring 25 ft. by 12 ft. at Lot 2, The Embers Subdivision, Hidalgo County, Texas; 405 Cornell Avenue. **(ZBA2021-0035)**

Mr. Camacho stated the applicant was requesting a variance to a double fronting lot for a proposed pool. The applicant is requesting to allow the swimming pool at the proposed location, since it will help the applicant's budget to keep the design as 1-story residence and she would be matching the character of the neighborhood. Variance request #1 has been withdrawn by applicant, the new proposed site plan of the residence is no longer encroaching into the rear setback.

The subject property was located on the south side of Cornell Avenue, approximately 100 ft. west of North 4<sup>th</sup> Street. The property has 98 ft. of frontage along Cornell Avenue and a depth of 112.5 ft. with a lot size of 11,025 square feet. The property and adjacent zoning is R-1 (single family residential) District in all directions. Surrounding land use include single-family residential houses and vacant land.

The Embers Subdivision was recorded on June 6, 2016. The plat specifies that double fronting lots (along Wisconsin Road) have a 25 ft. rear yard setback. An application for a variance request for encroachment for a proposed swimming pool was submitted to the Planning Department on July 20, 2021.

The variance request was to allow an encroachment of 9.75 ft. into the 25 ft. rear yard setback for proposed swimming pool that measures 25 ft. by 12 ft. The plat for the subdivision specifies a 25 ft. rear yard setback for double fronting lots along Wisconsin Road. (Lots 1-5 and 23-32). Standard rear yard setback in R-1 Districts is 10 ft. The development of the subdivision has built a masonry wall along the rear of the lots along Wisconsin Road. There is a 15 ft. Utility Easement at the rear of the lot and a 10 ft. Electrical Easement on the east side of the lot that will not be impacted by the proposed swimming pool.

There are two variance requests on file, similar to the variance request; encroachment for swimming pool and other structures into the rear yard setback that were approved in 2019,

along the double fronting lots. A site inspection confirmed that there are existing structures that seemed to be encroaching into side setbacks around the neighborhood that are without a permit.

Staff had not received any phone calls or concerns in regards to the variance request.

Staff recommended disapproval of the variance request. If the Board chooses to approve the request, the approval should be limited to the proposed location shown on the site plan.

Mr. Camacho stated previously that the applicant had withdrew request #1.

Ms. Bethel Balbontin, the applicant stated they were building a one-story home due to her pregnancy and her elderly mother-in-law would be living with them. They were trying to make the house fit on the lot and to have the pool as well.

Board member Hugo Avila commented that it appeared a wall was behind and along Wisconsin Avenue. Staff stated yes.

Board member Jose Gutierrez asked staff why they were not recommending disapproval of the variance. Mr. Camacho stated as far as the guidelines it was still with the setbacks.

Chairperson Diaz asked if there was anyone present or on Zoom in favor of the variance request. There was no one else in favor of the variance request.

Chairperson Diaz asked if there was anyone present or on Zoom in opposition of the variance requests. There was no one in opposition of the variance requests.

Mr. Jose Gutierrez **moved** to approve the variance request as proposed in the site plan. Mr. Rogelio Rodriguez seconded the motion. The Board voted to approve the variance request with four members voting aye and Ms. Sylvia Hinojosa voting nay.

- d)** Request of Erick M. Chavez for the following variances to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 1 ft. into the 6 ft. side yard setback for an existing structure, and **2)** not to provide the 6 ft. side yard landscape requirement along the west property line, at Lot 23, Jackson Meadows Subdivision, Hidalgo County, Texas; 1325 East Keeton Avenue. **(ZBA2021-0036)**

Mr. Austin Stevenson, Legal stated that the applicant wanted to be heard today. However, the request was withdrawn by Mr. Erick Chavez and was advised to return later with all the corrected variance requests.

There was no action taken.

- e) Request of Rafael de la Fuente for the following special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 24.5 ft. into the 25 ft. front yard setback for an existing canvas carport measuring 22.9 ft. by 19.8 ft., at Lot 83, Ponderosa Park Phase 7 Subdivision, Hidalgo County, Texas; 3416 Esperanza Avenue. **(ZBA2021-0030) (TABLED: 08/04/2021)**

Mr. Jose Gutierrez **moved** to remove the item from the table. Ms. Rebecca Millan seconded the motion. The Board unanimously voted with five member present and voting.

Rafael de la Fuente was requesting the following special exception to the City of McAllen Zoning Ordinance to allow an encroachment of up to 24.5 ft. into the 25 ft. front yard setback for an existing canvas carport measuring 22.9 ft. by 19.8 ft. The applicant would like the structure to remain because the existing carport provides shade and protection for his vehicles during inclement weather.

The property was located along the north side of Esperanza Avenue, 69 ft. west of North 36<sup>th</sup> Street. The tract had 64 feet of frontage along Esperanza Avenue with a depth of 102 feet, for a tract size of 6,528 sq. ft. The property was zoned R-1 (single family residential) District. The surrounding land use is single family residential. There was an existing single-family residence on the subject property.

Ponderosa Park Phase 7 Subdivision was recorded in January 6, 2003. As per plat, the front yard setback shall be 25 ft., the side yard setback shall be 6 ft., and the rear yard setback shall be 10 ft. According to Hidalgo County Appraisal District records, the residential home was built in 2006 and acquired by the applicant in 2009. Three stop work orders were issued by the Buildings and Inspections Department staff between 2014 and 2016 for the construction of a carport without a permit. A fourth stop work order was issued on June 14, 2021. An application for a building permit for a carport submitted to the Building Permits & Inspections Department on September 3, 2014. An application for a special exception request was submitted to the Planning Department on June 24, 2021 for an existing carport.

The special exception request was for an existing carport of canvas cover construction measuring 22.9 ft. by 19.8 ft. over an existing driveway. The existing carport is open all sides and visibility is not a concern. The submitted site plan shows a carport encroaching 24.5 ft. into the 25 ft. front yard setback. Front yard setbacks are important to help to keep the character of single-family residential areas by maintaining the street yard and curb appeal of properties in a subdivision.

There was an existing garage that is used for recreational activities.

During a site visit, staff noticed two other carports in the area; one of the carports was granted a special exception for an encroachment of 20 ft. into the 20 ft. front yard setback at the Zoning Board of Adjustments and Appeals meeting of June 03, 2020. The approved carport is located in Lot 90, Ponderosa Park Phase 6 Subdivision.

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

At the Zoning Board of Adjustment and Appeals, meeting of August 04, 2021 no one appeared in opposition of the special exception request. Mr. Rafael De La Fuente, the applicant, spoke in favor of the request to remain at its current location. The Board expressed to the applicant the concern over the extent of the encroachment, since the carport was so close to the property line. Following further discussion, the Board voted to table the special exception request, to allow the applicant time to consider a reduction of the encroachment.

Mr. Rafael de la Fuente, the applicant stated he met with the contractor who gave him a quote of what it would cost to move and restructure of the carport to reduce the encroachment from 24.5 feet in a way it would not be all the way to the property line but further back. The contractor came up with the idea of the two poles are closest to the street to bring them back to the 15 feet or 20 feet measurement. He stated the contractor could move the post to the 20-foot and do an L shaped to avoid moving the cross support structure and it would have an overhang. The contractor could not cut and re weld the supports because they were bent. The price would be \$500.00. Mr. de la Fuente stated staff had indicated there was another issue with the overhang. The overhang only allowed for 2 feet. Staff suggested moving two feet instead of 5 or 10 feet the encroachment would be less and less costly.

Chairperson Diaz asked that it was the vertical member encroaching not the horizontal member. Staff stated yes, so anything greater than 2 feet it would require its own variance.

Mr. Austin Stevenson, Legal stated item 2e could be discussed in an Executive Session. If so, the Board could motion to such effect. Chairperson Diaz asked the Board if they wished to go in to Executive Session to discuss further. The Board agreed.

Mr. Jose Gutierrez **moved** to go into Executive Session. Ms. Rebecca Millan seconded the motion. The Board voted unanimously for Executive Session with five members present and voting at 5:04 p.m.

The Board had returned from Executive Session at 5:10 p.m. Chairperson Diaz wanted to make sure the applicant knew the difference between a special exception and variance request. The applicant stated he knew the difference. Chairperson Diaz asked the applicant which measurement would her prefer. Mr. de la Fuente stated the only issue he had with moving it more than two feet was the overhang. He stated it would be 22.5 feet and not 24.5 feet.

Chairperson Diaz asked if there was anyone present or on Zoom in favor of the variance request. There was no one else in favor of the variance request.

Chairperson Diaz asked if there was anyone present or on Zoom in opposition of the variance request. There was no one in opposition of the variance request.



Mr. Jose Gutierrez **moved** to approve the special exception for 22.5 feet instead of 24.5 feet encroachment. Ms. Sylvia Hinojosa seconded the motion. The Board voted approve the special exception with five members present and voting.

- f) Request of Ignacio Guerra III for the following special exception and variances to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 10 ft. into the 10 ft. rear yard setback for a proposed irregular shaped metal carport, **2)** to not require a 5 ft. separation for an accessory building to the main building for a proposed irregular shaped metal carport, **3)** to allow an encroachment of 10 ft. into the 10 ft. corner side yard setback along the west property line for an existing jacuzzi, and **4)** to allow an encroachment of 10 ft. into the 10 ft. corner side yard setback along the west property line for a proposed porch canopy measuring 17 ft. by 34 ft., at Lot 82, Las Villas Subdivision Unit No. 2, Hidalgo County, Texas; 101 East Marigold Avenue. **(ZBA2021-0032)(TABLED: 08/04/2021)**

Ms. Ann Tafel moved to remove the item from the table. Mr. Jose Gutierrez seconded the motion. The Board voted unanimously with five members present and voting.

Mr. Escamilla stated Ignacio Guerra III was requesting the following special exception and variances to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 10 ft. into the 10 ft. rear yard setback for a proposed irregular shaped metal carport, **2)** to not require a 5 ft. separation for an accessory building to the main building for a proposed irregular shaped metal carport, **3)** to allow an encroachment of 10 ft. into the 10 ft. corner side yard setback along the west property line for an existing jacuzzi, and **4)** to allow an encroachment of 10 ft. into the 10 ft. corner side yard setback along the west property line for a proposed porch canopy measuring 17 ft. by 34 ft. The applicant is requesting the special exception to provide shade for his vehicles during inclement weather. The variance requests are to provide shade for the family and a roof cover for the jacuzzi.

The subject property was located at the northeast corner of the intersection of North 1<sup>st</sup> Street and East Marigold Avenue. The corner lot has 90 ft. of frontage along East Marigold Avenue and a depth of 110 ft. for a tract size of 9,900 sq. ft. The property is zoned R-1 (single-family residential) District. The adjacent zoning is C-3 (commercial business) District to the north and R-1 (single-family residential) District to the east, south and west. Surrounding land uses are single-family residences and commercial plazas.

The Las Villas Subdivision Unit No.2 was recorded on January 18, 1983. The plat specifies a 20 ft. front yard setback, 6 ft. side yard setbacks except for corner lots, which shall be 10 ft., and a 10 ft. rear yard setback. According to Hidalgo County Appraisal District records, a residential home was built in 1990 and acquired by the applicant in 2003. An application for a special exception request and variances was submitted to the Planning Department on July 12, 2021.

Special exception request: The special exception request is for a proposed carport that is partially completed as a frame steel construction and is anchored to an existing concrete driveway. The submitted site plan shows a proposed carport encroaching 10 ft. into the 10 ft. rear yard setback. The plat indicates a 5 ft. utility easement that runs concurrently with

the rear setback along the rear property line, for which an abandonment request has been submitted and is being processed.

Variance request #2: Variance request No. 2 is to not require a 5 ft. separation for an accessory building to the main building for a proposed irregular shaped metal carport. The supports of the structure sit approximately 1.16 ft. away from the single-family residence. Construction material is of steel, which is noncombustible.

Variance request #3: Variance request No. 3 is to allow an encroachment of 10 ft. into the 10 ft. corner side yard setback along the west property line for an existing Jacuzzi. The Jacuzzi is portable however; the applicant would like the Jacuzzi to remain in its current location. The Jacuzzi is mobile and can be re-located out of the setbacks.

Variance request #4: Variance request No. 4 is to allow an encroachment of 10 ft. into the 10 ft. corner side yard setback along the west property line for a proposed porch canopy measuring 17 ft. by 34 ft. Corner side yard setbacks are important in allowing for adequate building separation from roadways. Granting of a variance may allow a structure to be enclosed in the future.

There is an existing masonry fence that surrounds the subject property that serves as a buffer.

During a site visit, staff noticed similar encroachments into the side and rear yard setbacks in this block.

Staff had not received any phone calls or emails in opposition to this special exception and variance requests.

At the Zoning Board of Adjustment and Appeals, meeting of August 04, 2021 no one appeared in opposition of the special exception and variance requests. Mr. Ignacio Guerra III, the applicant, stated that he was looking to construct a carport at the rear of the property to provide shade for his vehicles. Mr. Guerra went on to state that the proposed porch canopy will provide shade from the hot sun along the west side of the home and protection for the family while the jacuzzi is in use. The Board expressed to the applicant the concern that the canopy could be enclosed if the variance was approved. Following further discussion, the Board voted to table the item to allow time for the applicant to reduce the proposed encroachment for the proposed porch canopy along the west property line.

Mr. Escamilla mentioned to the Board that the applicant had withdrew variance requests #3 and #4. Staff also there was an abandonment running concurrently with the process for the 5-foot utility easement in the rear of the property, which the applicant had submitted.

Chairperson Diaz asked if there was anyone present or on Zoom in favor of the variance request. There was no one else in favor of the variance request.

Chairperson Diaz asked if there was anyone present or on Zoom in opposition of the variance request. There was no one in opposition of the variance request.

Mr. Rogelio Rodriguez **moved** to approve the special exceptions #1 and #2. Ms. Ann Tafel seconded the motion. The Board voted to approve the special exceptions with five members present and voting.

**3. FUTURE AGENDA ITEMS:**

- a) 3608 Upas Avenue
- b) 8909 North 10<sup>th</sup> Street
- c) 1207 North 8<sup>th</sup> Street

**ADJOURNMENT**

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

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Chairperson Erick Diaz

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Carmen White, Secretary

# Planning Department

## Memo

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

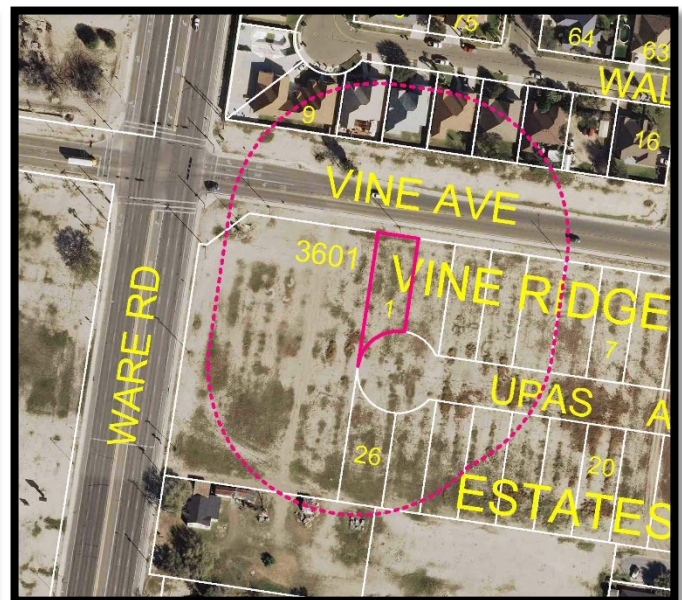
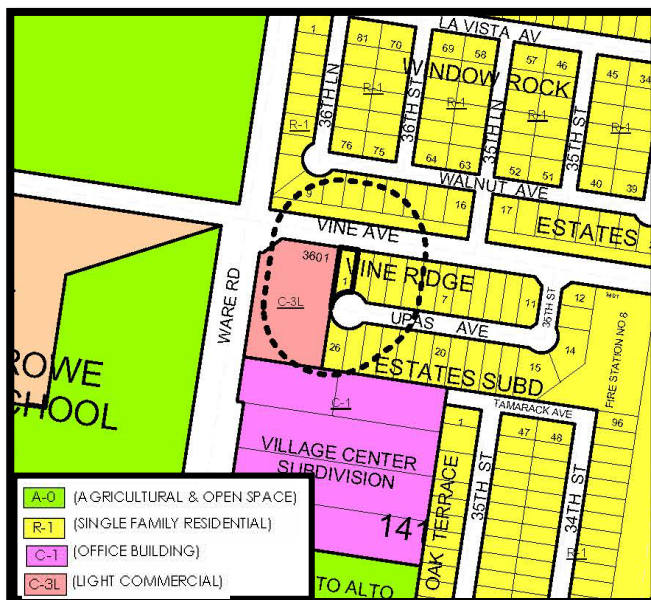
**FROM:** Planning Staff

**DATE:** August 25, 2021

**SUBJECT:** Request of Juan Rivera, Jr. on behalf of Tiburcia A. Rivera for the following variances to the City of McAllen Zoning Ordinance to allow: 1) an encroachment of 15 ft. into the 25 ft. rear yard setback for a proposed covered porch measuring 20 ft. by 15 ft., and 2) an encroachment of 15 ft. into the 25 ft. rear yard setback for a proposed pool measuring 18 ft. by 15 ft. at Lot 1, Vine Ridge Estates Subdivision, Hidalgo County, Texas; 3608 Upas Avenue. (ZBA2021-0037)

### REASON FOR APPEAL:

The applicant is requesting a variance to a double fronting lot for a proposed covered porch and swimming pool.



### PROPERTY LOCATION AND VICINITY:

The subject property is located on the north side of Upas Avenue, approximately 240 ft. east of Ware Road. The property sits on a cul-de-sac and has a width of 55 ft. and an average depth of 153.8 ft. with a lot size of 7,596 sq. ft. The property and adjacent zoning is R-1 (single family residential) District to the north, east, and south and C-3L (light commercial) District to the west. Surrounding land use includes single-family residential houses and vacant land.

**BACKGROUND AND HISTORY:**

The Vine Ridge Estates Subdivision was recorded on March 12, 2019. The plat specifies that double fronting lots along Vine Ave. (Lots 1-11) have a 25 ft. rear yard setback. An application for a variance request for encroachment for a proposed covered porch and swimming pool was submitted to the Planning Department on July 22, 2021.

**ANALYSIS:**

Variance request #1 is to allow an encroachment of 15 ft. into the 25 ft. rear yard setback for a proposed covered porch that measures 20 ft. by 15 ft. the plat for the subdivision specifies a 25 ft. rear yard setback for a double fronting lots along Vine Avenue (lots 1-11). Standard yard setback in R-1 Districts is 10 ft. The property owner has built a masonry wall along the rear of the lots along Vine Avenue. There is a 10 ft. Utility Easement at the rear and west side of the lot that will not be impacted by the proposed covered porch.

Variance request #2 is to allow an encroachment of 15 ft. into the 25 ft. rear yard setback for a proposed swimming pool that measures 18 ft. by 15 ft. the plat for the subdivision specifies a 25 ft. rear yard setback for a double fronting lots along Vine Avenue (lots 1-11). Standard yard setback in R-1 Districts is 10 ft. The property owner has built a masonry wall along the rear of the lots along Vine Avenue. There is a 10 ft. Utility Easement at the rear and west side of the lot that will not be impacted by the proposed swimming pool.

The Montebello Subdivision Unit No. 3 to the east has lots whose rear side is along Vine Avenue and as per the plat the rear setback is 10 ft. The lots whose rear is along Vine Avenue on the north side from the subdivision "Window Rock Estates Subdivision," also have a 10 ft. rear setback as per plat. There is also a 40 ft. width parcel of land on the north of Vine Avenue from the rear property line of the lots to the ROW dedicated for green area. Vine Ridge Estates Subdivision was granted a variance to the paving requirement from 52 ft. to 40 ft. for Vine Avenue; therefore, there is still 20 ft. of ROW from the rear property line to the curb of street.

Staff has not received any phone calls or concerns in regards to the variances requests.

**RECOMMENDATION:**

Staff recommends disapproval of the variance request. If the Board chooses to approve the request, the approval should be limited to the proposed location shown on the site plan.

2BA2021-0037

ZBDA  
9/1/2021



# City of McAllen

## Planning Department

### APPEAL TO ZONING BOARD OF

### ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

<b>Project</b>	Legal Description <u>Vine Ridge Estates Lot #1</u>
	Subdivision Name <u>Vine Ridge Estates</u> Street Address <u>3608 UPas Ave</u> Number of lots <u>1</u> Gross acres <u>0.174</u> Existing Zoning _____ Existing Land Use _____ Reason for Appeal (please use other side if necessary) <u>To build Porche as an addition to home, and build Pool.</u>
	<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport) <input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required
<b>Applicant</b>	Name <u>Juan Rivera, Jr.</u> Phone <u>(956) 844 4009</u> Address <u>3608 UPas Ave.</u> E-mail <u>juanriverajr78@gmail.com</u> City <u>McAllen</u> State <u>TX</u> Zip <u>78501</u>
<b>Owner</b>	Name <u>Tiburcia A. Rivera</u> Phone <u>956 331-6647</u> Address <u>3608 UPas Ave.</u> E-mail _____ City <u>McAllen</u> State <u>TX</u> Zip <u>78501</u>
<b>Authorization</b>	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? <input 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>Juan Rivera, Jr.</u> Date <u>7-1-2021</u> Print Name <u>Juan Rivera, Jr.</u> <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Authorized Agent
<b>Office</b>	Accepted by _____ Payment received by _____ Date _____ Rev 09/20

RECEIVED  
JUL 22 2021  
BY: CW

07 H.C.



# 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: Due

Property owners are parents to a deaf and hard of hearing child which plays and enjoys backyard and makes it dangerous to play in front yard ~~to~~ due to disability.

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

A covered porche are is necessary to enjoy family time and escape various weather conditions, especially the hot sun.

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 area proposed is 10-15 feet away from all existing neighbors, and is enclosed by a brick and block fence which prevents any unwanted entry.

4. Describe special conditions that are unique to this applicant or property: Due to hot sunny weather,

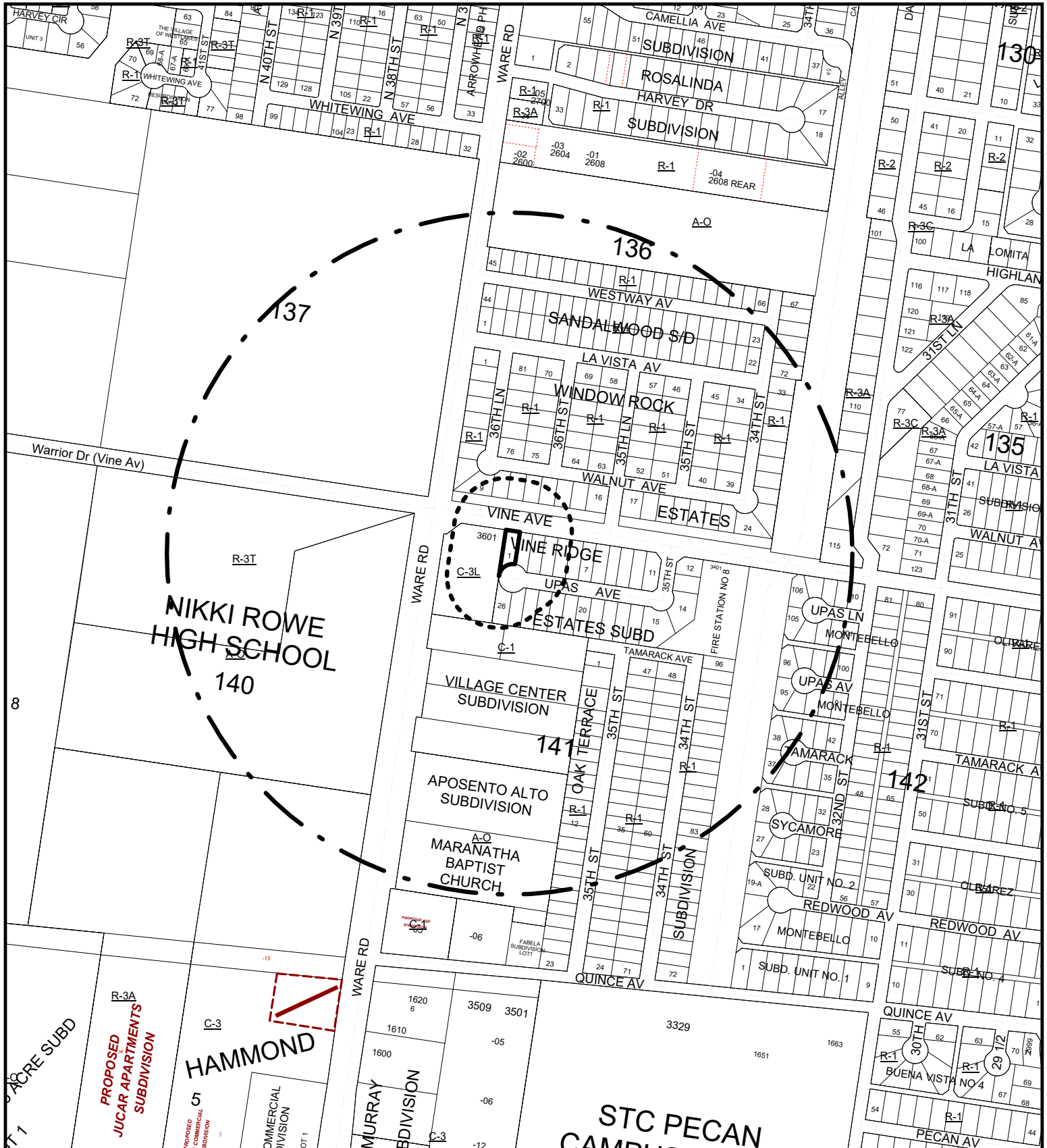
the enjoyment of a backyard requires a covered porche to escape excessive sun exposure. Also to help cover back entry to home from rain.


Reason for Appeal

Board Action

Chairman, Board of Adjustment  
Signature

Date








**CITY OF McALLEN**  
PLANNING DEPARTMENT


**LEGEND**  
SCALE: N.T.S.

**AREA MAP**



 **SUBJECT PROPERTY**

 **200 FT. NOTIFICATION BOUNDARY**

 **1/4 MILE RADIUS**

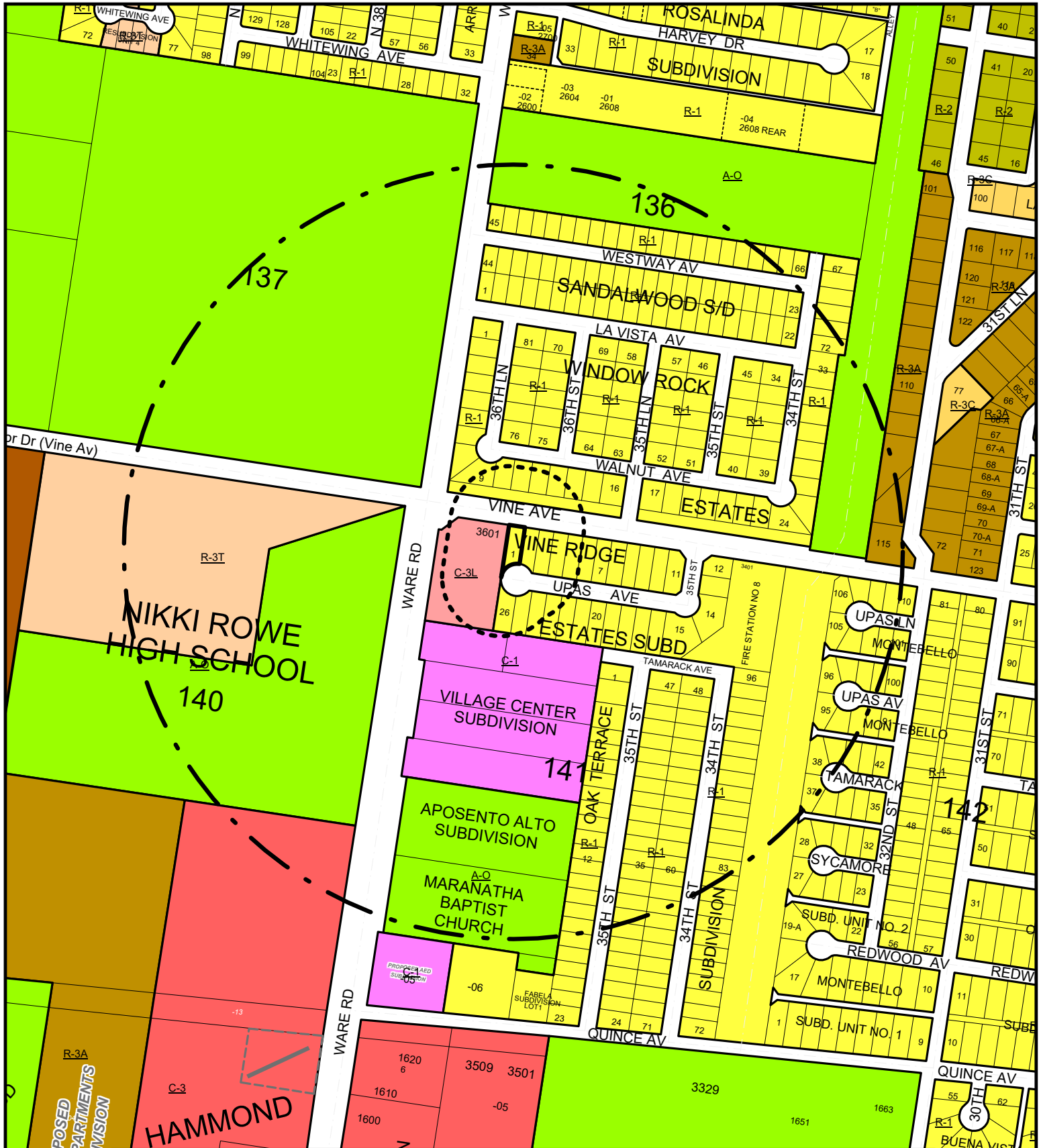
**ZONING LEGEND**

A-O (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLEX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcalLEN.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.

C.E.





**CITY OF McALLEN**  
PLANNING DEPARTMENT

**LEGEND**  
SCALE: N.T.S.

**AREA MAP**

**SUBJECT PROPERTY**

**200 FT. NOTIFICATION BOUNDARY**

**1/4 MILE RADIUS**



**ZONING LEGEND**

<b>A-0</b> (AGRICULTURAL & OPEN SPACE)	<b>R-3A</b> (APARTMENTS)	<b>R-4</b> (MOBILE HOMES)	<b>C-3</b> (GENERAL BUSINESS)	<b>I-1</b> (LIGHT INDUSTRIAL)
<b>R-1</b> (SINGLE FAMILY RESIDENTIAL)	<b>R-3C</b> (CONDOMINIUMS)	<b>C-1</b> (OFFICE BUILDING)	<b>C-3L</b> (LIGHT COMMERCIAL)	<b>I-2</b> (HEAVY INDUSTRIAL)
<b>R-2</b> (DUPLIX-FOURPLEX)	<b>R-3I</b> (TOWNHOUSES)	<b>C-2</b> (NEIGHBORHOOD COMMERCIAL)	<b>C-4</b> (COMMERCIAL INDUSTRIAL)	<b>S</b> (SPECIAL DISTRICT)

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WARE RD

36TH

36THS

35THLN

WALNUT

VINE AVE

3601

VINE RIDGE

UPAS AVE

ESTATES SU

VILLAGE CENTER

35TH ST



**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AERIAL MAP**  
SCALE: N.T.S.

 SUBJECT PROPERTY

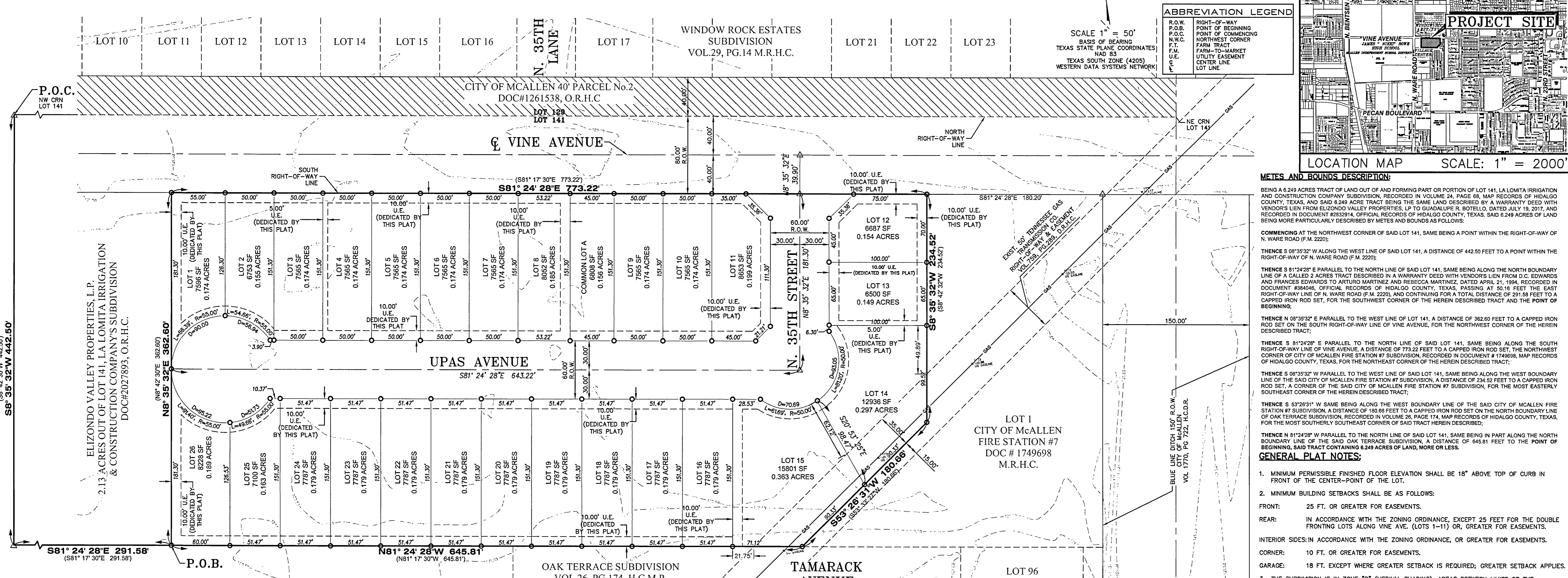
 200 FT. NOTIFICATION BOUNDARY



This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes.

# VINE RIDGE ESTATES SUBDIVISION

A TRACT OF LAND CONTAINING 6.249 ACRES OF LAND OUT OF LOT 141, LA LOMITA IRRIGATION & CONSTRUCTION COMPANY'S SUBDIVISION, VOLUME 24, PAGE 68, RECORDED IN THE DEED RECORDS OF HIDALGO COUNTY.

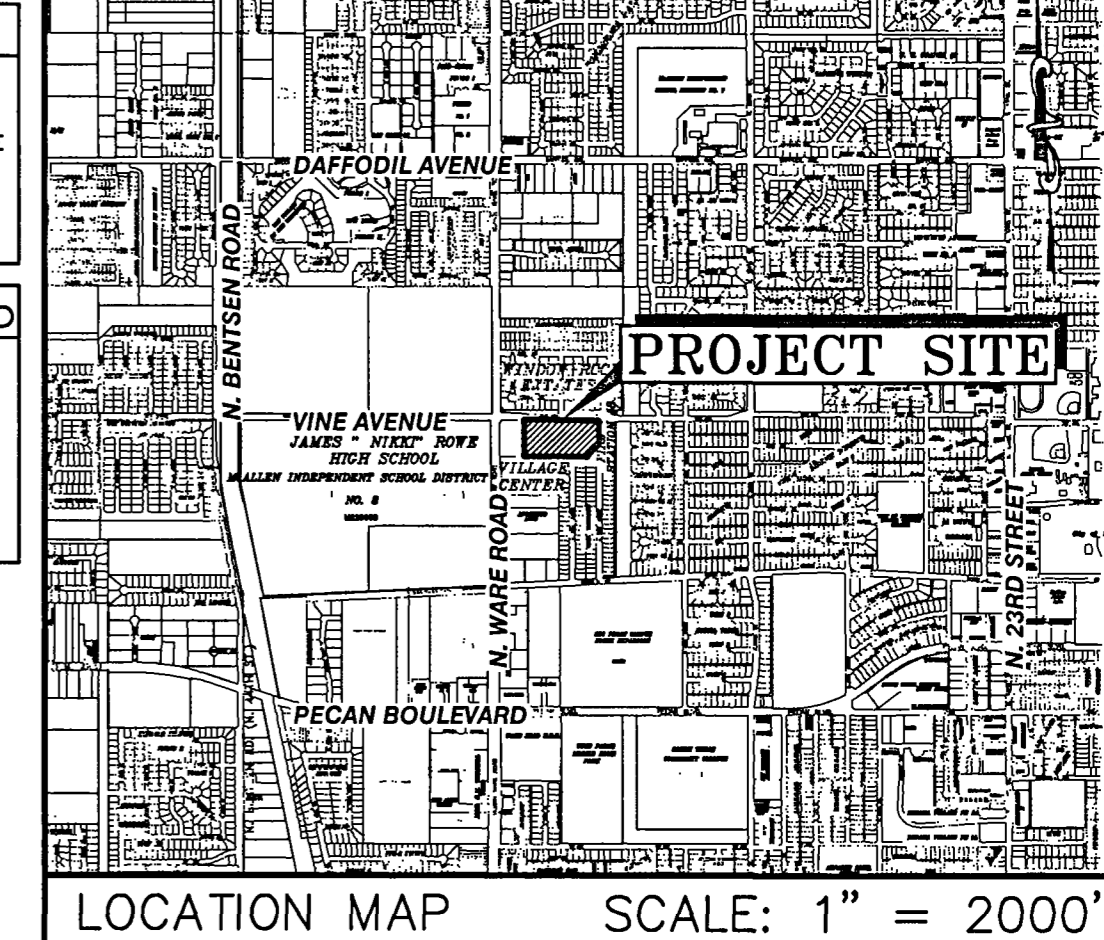


**LEGEND**

- - SET 1/2 INCH IRON ROD
- - FOUND 1/2 INCH IRON ROD
- ▲ - FOUND COTTON PICKER SPINDLE
- △ - SET COTTON PICKER SPINDLE
- XXXX - NATURAL GROUND
- △ - CALCULATED POINT
- - CAPPED IRON ROD SET

**ABBREVIATION LEGEND**

- R.O.W. - RIGHT-OF-WAY
- P.O.C. - POINT OF BEGINNING
- N.W.C. - NORTHWEST CORNER
- F.T. - FARM TRACT
- F.M. - FARM-TO-MARKET
- U.E. - UTILITY EASEMENT
- C.L. - CENTER LINE
- LOT LINE - LOT LINE



**METES AND BOUNDS DESCRIPTION:**

BEING A 6.249 ACRES TRACT OF LAND OUT OF AND FORMING PART OR PORTION OF LOT 141, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION, RECORDED IN VOLUME 24, PAGE 68, MAP RECORDS OF HIDALGO COUNTY, TEXAS, AND SAID 6.249 ACRES TRACT BEING THE SAME LAND DESCRIBED BY A WARRANTY DEED WITH VENDORS LIEN FROM ELIZONDO VALLEY PROPERTIES, LP TO GUADALUPE R. BOTELLO, DATED JULY 19, 2017, AND RECORDED IN DOCUMENT #2832914, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS, SAID 6.249 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 141, SAME BEING A POINT WITHIN THE RIGHT-OF-WAY OF N. WARE ROAD (F.M. 2220);

THENCE S 08°35'32" W ALONG THE WEST LINE OF SAID LOT 141, A DISTANCE OF 442.50 FEET TO A POINT WITHIN THE RIGHT-OF-WAY OF N. WARE ROAD (F.M. 2220);

THENCE S 81°24'28" E PARALLEL TO THE NORTH LINE OF SAID LOT 141, SAME BEING ALONG THE NORTH BOUNDARY LINE OF A CALLED 2.3 ACRES TRACT DESCRIBED IN A WARRANTY DEED WITH VENDORS LIEN FROM D.C. EDWARDS AND FRANCES EDWARDS TO ARTURO MARTINEZ AND REBECCA MARTINEZ, DATED APRIL 21, 1984, RECORDED IN DOCUMENT #384046, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS, PASSING AT 50.16 FEET THE EAST RIGHT-OF-WAY LINE OF N. WARE ROAD (F.M. 2220), AND CONTINUING FOR A TOTAL DISTANCE OF 291.58 FEET TO A CAPPED IRON ROD SET, FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT AND THE POINT OF BEGINNING;

THENCE N 05°33'32" E PARALLEL TO THE WEST LINE OF SAID LOT 141, A DISTANCE OF 392.60 FEET TO A CAPPED IRON ROD SET ON THE SOUTH RIGHT-OF-WAY LINE OF VINE AVENUE, FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE S 81°24'28" E PARALLEL TO THE NORTH LINE OF SAID LOT 141, SAME BEING ALONG THE SOUTH RIGHT-OF-WAY LINE OF VINE AVENUE, A DISTANCE OF 773.22 FEET TO A CAPPED IRON ROD SET, THE NORTHWEST CORNER OF THE CITY OF McALLEN FIRE STATION #7 SUBDIVISION, RECORDED IN DOCUMENT # 1749698, MAP RECORDS OF HIDALGO COUNTY, TEXAS, FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE S 08°35'32" W PARALLEL TO THE WEST LINE OF SAID LOT 141, SAME BEING ALONG THE WEST BOUNDARY LINE OF THE SAID CITY OF McALLEN FIRE STATION #7 SUBDIVISION, A DISTANCE OF 234.53 FEET TO A CAPPED IRON ROD SET, A CORNER OF THE SAID CITY OF McALLEN FIRE STATION #7 SUBDIVISION, FOR THE MOST EASTERLY SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE S 53°28'31" W SAME BEING ALONG THE WEST BOUNDARY LINE OF THE SAID CITY OF McALLEN FIRE STATION #7 SUBDIVISION, A DISTANCE OF 180.66 FEET TO A CAPPED IRON ROD SET ON THE NORTH BOUNDARY LINE OF OAK TERRACE SUBDIVISION, RECORDED IN VOLUME 26, PAGE 174, MAP RECORDS OF HIDALGO COUNTY, TEXAS, FOR THE MOST SOUTHERLY SOUTHEAST CORNER OF SAID TRACT HEREIN DESCRIBED;

THENCE N 81°24'28" E PARALLEL TO THE NORTH LINE OF SAID LOT 141, SAME BEING IN PART ALONG THE NORTH BOUNDARY LINE OF THE SAID OAK TERRACE SUBDIVISION, A DISTANCE OF 645.81 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 6.249 ACRES OF LAND, MORE OR LESS.

**GENERAL PLAT NOTES:**

- MINIMUM PERMISSIBLE FINISHED FLOOR ELEVATION SHALL BE 18" ABOVE TOP OF CURB IN FRONT OF THE CENTER-POINT OF THE LOT.
- MINIMUM BUILDING SETBACKS SHALL BE AS FOLLOWS:  
FRONT: 25 FT. OR GREATER FOR EASEMENTS.  
REAR: IN ACCORDANCE WITH THE ZONING ORDINANCE, EXCEPT 25 FEET FOR THE DOUBLE FRONTING LOTS ALONG VINE AVE. (LOTS 1-11) OR, GREATER FOR EASEMENTS.  
INTERIOR SIDES: IN ACCORDANCE WITH THE ZONING ORDINANCE, OR GREATER FOR EASEMENTS.  
CORNER: 10 FT. OR GREATER FOR EASEMENTS.  
GARAGE: 18 FT. EXCEPT WHERE GREATER SETBACK IS REQUIRED; GREATER SETBACK APPLIES.
- THE SUBDIVISION IS IN ZONE "B" (MEDIUM-SHADING), AREAS BETWEEN LIMITS OF THE 100-YEAR FLOOD AND 50-YEAR FLOOD; OR CERTAIN AREAS SUBJECT TO 100-YEAR FLOODING WITH AVERAGE DEPTH BEING 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. MAP COMMUNITY PANELS NO.: 480343 0005 C MAP REVISED: NOVEMBER 2, 1982.
- A DRAINAGE DETENTION OF 19,974 CF OR 0.459 ACRE FEET IS REQUIRED FOR THIS SUBDIVISION. CURRENT RUNOFF WILL BE DETAILED IN COMMON LOT "A". COMMON LOT "A" WILL BE DESIGNATED FOR DETENTION PURPOSES ONLY. DETENTION SHALL COMPLY WITH MASTER DRAINAGE PLAN. THE CITY OF McALLEN WILL NOT MAINTAIN DETENTION AREA.
- ENGINEERED DRAINAGE DETENTION PLAN, APPROVED BY THE ENGINEERING DEPARTMENT, PRIOR TO ISSUANCE OF BUILDING PERMIT. GRADING MUST COMPLY WITH MASTER PLAN.
- EASEMENTS SHALL BE KEPT CLEAR OF FENCES, BUILDINGS, SHEDS, SHRUBS, TREES, AND OTHER PLANTINGS (EXCEPT LOW GROUND COVER, GRASS OR FLOWERS) AND OTHER OBSTRUCTIONS TO THE OPERATIONS AND MAINTENANCE OF THE EASEMENT.
- THE CITY OF McALLEN TO HAVE A 15'X15' CORNER CLIP EASEMENT AT STREET INTERSECTIONS MEASURED FROM STREET CURB INTERSECTION.
- 4 FT. WIDE MINIMUM SIDEWALK REQUIRED ON VINE AVENUE AND ON BOTH SIDES OF ALL INTERIOR STREETS.
- NO CURB CUT, ACCESS, OR LOT FRONTAGE PERMITTED ALONG VINE AVENUE.
- CITY OF McALLEN BENCHMARK (MC64) A 30" ALUMINUM PIPE WITH A 3/4" BRASS MONUMENT CAP ON TOP. LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WARE ROAD AND DAFFODIL STREET. NORTHING: 1063866.99623 EASTING: 16610485.20658 ELEV. = 120.38
- 6 FT. OPAQUE BUFFER REQUIRED FROM ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL, OR INDUSTRIAL ZONES/USES AND ALONG VINE AVENUE.
- ALL UTILITY AND DRAINAGE EASEMENTS TO BE DEDICATED BY THIS PLAT, UNLESS STATED OTHERWISE.
- A 25 FT. X 25 FT. SITE OBSTRUCTION REQUIRED AT ALL STREET INTERSECTIONS.
- AS PER DECLARATIONS OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR VINE RIDGE ESTATES SUBDIVISION, THE CITY OF McALLEN SHALL BE RESPONSIBLE FOR THE CITY OF McALLEN COUNTY, DEED RECORDS, DEVELOPER/HOMEOWNER'S ASSOCIATION/OWNER, THEIR SUCCESSORS AND/OR ASSIGNEES, AND NOT THE CITY OF McALLEN SHALL BE RESPONSIBLE FOR THE INSTALLATION, MAINTENANCE AND OTHER REQUIREMENTS AS PER SECTION 110-72 OF THE CODE OF ORDINANCES OF THE CITY OF McALLEN, INCLUDING BUT NOT LIMITED TO COMMON AREAS. ANY AMENDMENTS TO DECLARATIONS THAT CONFLICT WITH THE REQUIREMENTS OF SECTION 110-72 SHALL BE NULL AND VOID.
- COMMON LOT A, IDENTIFIED AS A DETENTION AREA SHALL BE MAINTAINED BY THE DEVELOPER, WHO MAY TRANSFER SUCH MAINTENANCE OBLIGATION TO THE SUBDIVISION HOMEOWNER'S ASSOCIATION, VINE RIDGE ESTATES HOMEOWNER'S ASSOCIATION, UPON CONVEYANCE OF TITLE TO THE SAME, THEIR SUCCESSORS AND ASSIGNS, AND NOT BY THE CITY OF McALLEN, NO BUILDINGS OR OTHER STRUCTURES SHALL BE ERRECTED IN COMMON LOT "A", WHICH SHALL BE USED EXCLUSIVELY AS A DETENTION AREA. AFTER COMMON LOT A'S TRANSFER OF TITLE TO THE VINE RIDGE ESTATES HOMEOWNER'S ASSOCIATION THE SUBDIVISION LOT OWNER'S PRO RATA SHARES OF THE COST OF MAINTENANCE SHALL BE DETERMINED BY THE VINE RIDGE ESTATES HOMEOWNER'S ASSOCIATION. FAILING IN SUCH MAINTENANCE OBLIGATIONS, THE CITY OF McALLEN MAY, BUT IS NOT BE REQUIRED TO MAINTAIN THE SAME AT THE LOT OWNER'S COST, WHICH COST MAY BECOME A LIEN AGAINST THEIR PROPERTY. PRIOR TO THE IMPOSITION OF ANY LIEN, THE CITY SHALL FIRST COMPLY WITH NOTICE REQUIREMENTS SIMILAR TO THOSE UNDER EXISTING ORDINANCE SECTION 134-168(d), AS THE SAME MAY BE AMENDED, THE SPECIFIC AND EXCLUSIVE USE OF COMMON LOT A, THE OWNER'S MAINTENANCE OBLIGATION, AND THE CONSEQUENCES OF FAILURE TO MAINTAIN SHALL BE ENTERED INTO ANY DEED OR INSTRUMENT OF CONVEYANCE AS A DEED RESTRICTION, RECORDED IN INSTRUMENT NO. \_\_\_\_\_ OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS

**OWNER'S ACKNOWLEDGMENT**  
STATE OF TEXAS  
COUNTY OF HIDALGO  
I, THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE VINE RIDGE ESTATES 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 SUBMISSION 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.

*Guadalupe Botello*  
GUADALUPE R. BOTELLO (OWNER)  
2325 N. VICTORIA ROAD  
DONNA, TEXAS 78537

**LIENHOLDER'S ACKNOWLEDGMENT**  
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 THE DESIGNATED HEREIN AS THE VINE RIDGE ESTATES SUBDIVISION 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 FORECLOSURE RELATING TO THE SECURITY INTEREST ON THE ABOVE DESCRIBED PROPERTY SHALL BE SUBJECT TO THE PLATTING OF THE PROPERTY AS PROVIDED FOR HEREIN.

*Everardo Elizondo Trevino*  
EVERARDO ELIZONDO TREVINO  
PRESIDENT  
ELIZONDO VALLEY PROPERTIES, L.P. (LIEN HOLDER)  
403 N. 38 1/2 STREET  
McALLEN, TEXAS 78501

**HIDALGO COUNTY IRRIGATION DISTRICT NO. 1**  
THIS PLAT APPROVED BY HIDALGO COUNTY IRRIGATION DISTRICT NO. 1 ON THIS 16 DAY OF JANUARY, 2019 SUBJECT TO THE FOLLOWING:  
1) NO IMPROVEMENTS OF ANY KIND SHALL BE PLACED UPON H.C.I.D. NO. 1 RIGHT-OF-WAY EASEMENT WITHOUT THE EXPRESSED WRITTEN PERMISSION.

*James Donley*  
VICE PRESIDENT

**HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 CERTIFICATE**  
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 NO. 49.21(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

*Raul E. Jesin*  
RAUL E. JESIN, P.E., C.F.M.  
GENERAL MANAGER

**STATE OF TEXAS - COUNTY OF HIDALGO**  
I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PROPER ENGINEERING CONSIDERATIONS HAVE BEEN GIVEN TO THIS PLAT.

*Ivan Garcia*  
IVAN GARCIA P.E., R.P.L.S.  
REG. PROFESSIONAL ENGINEER No. 115662

**STATE OF TEXAS**  
COUNTY OF HIDALGO  
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED GUADALUPE R. BOTELLO, 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.

16  
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 16 DAY OF January, 2019.

*Abraham Jaimes Mendoza*  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS  
MY COMMISSION EXPIRES 10-23-2021  
Notary ID 131325163

**STATE OF TEXAS**  
COUNTY OF HIDALGO  
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED EVERARDO ELIZONDO TREVINO, 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.

22  
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 22 DAY OF January, 2019.

*Abraham Jaimes Mendoza*  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS  
MY COMMISSION EXPIRES 10-23-2021  
Notary ID 131325163

**STATE OF TEXAS**  
COUNTY OF HIDALGO  
MAYOR'S CERTIFICATE  
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.

*James Donley*  
MAYOR

**STATE OF TEXAS**  
COUNTY OF HIDALGO  
PLANNING AND ZONING COMMISSION CHAIR CERTIFICATE  
I, THE UNDERSIGNED, CHAIR 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.

*Raul E. Jesin*  
PLANNING AND ZONING CHAIR

**STATE OF TEXAS - COUNTY OF HIDALGO**  
I, THE UNDERSIGNED, A 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, OR 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 AND HIDALGO COUNTY, TEXAS.

*Ivan Garcia*  
IVAN GARCIA P.E., R.P.L.S.  
REG. PROFESSIONAL LAND SURVEYOR NO. 6469  
SURVEY FIRM NO. 10194027

**PRINCIPAL CONTACTS:**

NAME	ADDRESS	PHONE & FAX
OWNER(S): GUADALUPE R. BOTELLO	2325 N. VICTORIA ROAD DONNA, TX. 78537	(956) 789-2277
SURVEYOR: IVAN GARCIA	921 S. 10TH AVENUE EDINBURG, TX. 78539	(956) 380-5152 (956) 380-5083
ENGINEER: IVAN GARCIA	921 S. 10TH AVENUE EDINBURG, TX. 78539	(956) 380-5152 (956) 380-5083

**PLAT SHEET**

VINE RIDGE ESTATES SUBDIVISION  
McALLEN, TEXAS  
HIDALGO COUNTY

RIO DELTA ENGINEERING  
FIRM REGISTRATION No. F-7628  
SURVEY FIRM NO. 10194027  
921 S. 10TH AVENUE EDINBURG, TEXAS 78539  
(TEL) 956-380-5152 (FAX) 956-380-5083

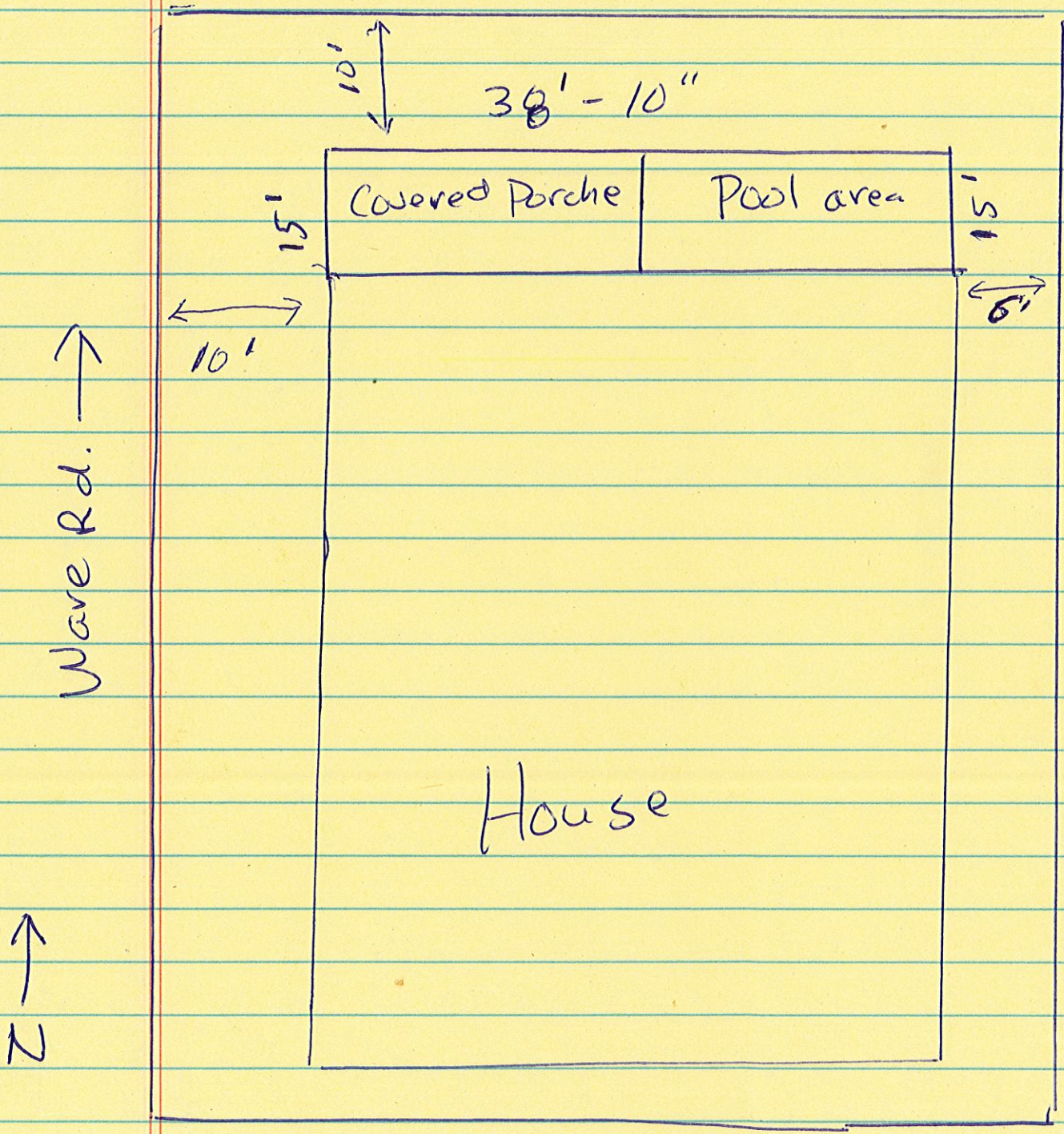
ISSUED FOR: FINAL

ENGINEER: IVAN GARCIA P.E. R.P.L.S.  
SURVEYOR: IVAN GARCIA P.E. R.P.L.S.  
CHECKED: IVAN GARCIA P.E. R.P.L.S.  
DRAWN: OSCAR ALARCON JR.  
SCALE: 1" = 50'  
DATE: JANUARY, 2019  
PROJECT: SUB 17 010  
REVISIONS:  
PAGE NO. 1-OF-1

3609 Upas Ave.  
McAllen, TX 78501

Vine Ridge Estates  
Lot #1

Vine Ave. →



Upas Ave. →







3608

NO TRESPASSING  
PRIVATE PROPERTY

**NOTICE  
VARIANCE  
FOR  
THIS PROPERTY  
ZBA2021-0037**

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

# Planning Department

## Memo

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

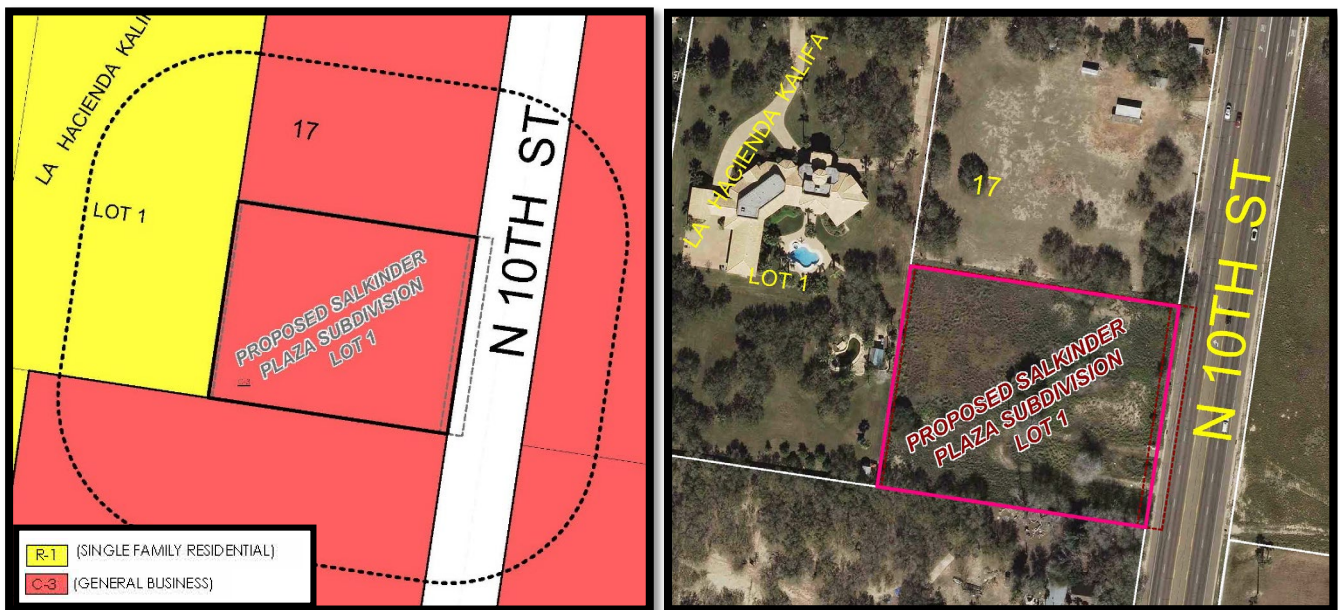
**FROM:** Planning Staff

**DATE:** August 25, 2021

**SUBJECT:** Request of Iden I. Trevino on behalf of Sonia Salkinder for the following variance to the City of McAllen Zoning Ordinance to not provide the 8 ft. masonry wall required where a commercial use has a side or rear property line in common with a single family use or zone at a 2.07 acre tract, more or less, being all the east 5.31 acres out of lot 17, Ebony Height Citrus Grove Unit No. 1 Subdivision, Hidalgo County, Texas; 8909 N 10th Street. (ZBA2021-0038)

### REASON FOR APPEAL:

The applicant is requesting a variance to not provide the 8 ft. masonry wall required along the west side, which side is adjacent to a single family residential zone.



### PROPERTY LOCATION AND VICINITY:

The subject property is located on the west side of North 10<sup>th</sup> Street, approximately 420 ft. south of Northgate Lane. The proposed subdivision plat will have 267.04 feet of frontage along North 10<sup>th</sup> Street and a depth of 337.66 feet for a total area of 2.07 acres and is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the north, east, and south and R-1 (single family residential) District to the west. Surrounding land use include single-family residential house and vacant land.



**BACKGROUND AND HISTORY:**

The property is going the subdivision process, and the subdivision plat, Salkinder Subdivision, has received approval in Preliminary Form by the Planning and Zoning Commission Board on May 18, 2021. The applicant is proposing to construct a commercial plaza on site.

**ANALYSIS:**

The variance request is to not comply with the 8 ft. masonry wall required where a commercial use has a side or rear property line in common with a single family use or zone along the west side of the property. The applicant is proposing to utilize the existing 6 ft. masonry wall of the adjacent property to the west as a buffer. However, as per survey submitted there is a 5.08 ft. gap between both properties.

An 8 ft. masonry wall is required where a nonresidential use has a side or rear area property line in common with any residential use or zone, so that the residential property is visually screened, and so that noise, solid waste or other objectionable influences will be avoided.

Staff has not received any phone calls or concerns in regards to the variances requests.

**RECOMMENDATION:**

Staff recommends disapproval of the variance request.

ZBA 2021-0038

ZBOA 9/1/21




City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

<b>Project</b>	<p>Legal Description <u>A 2.07-ACRE TRACT, MORE OR LESS, BEING ALL THE EAST 5.31-ACRES OUT OF LOT 17, EBONY HEIGHTS CITRUS GROVES UNIT NO. 1 SUBDIVISION, MAP OR PLAT THEREOF RECORDED IN VOLUME 5, PAGE 39, MAP RECORDS OF HIDALGO COUNTY, TEXAS, SAVE AND EXCEPT THE NORTH 420.00 FEET, BEING LOCATED ON THE WEST SIDE OF NORTH 10TH STREET (SH 336) AND APPROXIMATELY 420.00 FEET SOUTH OF NORTHGATE ROAD.</u></p> <p>Subdivision Name <u>SALKINDER PLAZA SUBDIVISION</u></p> <p>Street Address <u>8909 N. 10TH ST. MCALLEN, TX 78504</u></p> <p>Number of lots <u>1</u> Gross acres <u>2.07</u></p> <p>Existing Zoning <u>C-3L</u> Existing Land Use <u>C-3L</u></p> <p>Reason for Appeal (please use other side if necessary) <u>PLEASE READ NEXT PAGE</u></p> <p><input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport)</p> <p><input checked="" type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required</p>
	<p>Name <u>IDEN I. TREVINO</u> Phone <u>956-283-8847</u></p> <p>Address <u>200 S. 10TH ST. STE 1303</u> E-mail <u>ident@trevinoengineering.com</u></p> <p>City <u>MCALLEN</u> State <u>TX</u> Zip <u>78501</u></p>
<b>Owner</b>	<p>Name <u>SONIA SALKINDER</u> Phone <u>956-358-1212</u></p> <p>Address <u>4900 N. 10TH STREET</u> E-mail <u>mlopez@urbancity.com</u></p> <p>City <u>MCALLEN</u> State <u>TX</u> Zip <u>78501</u></p>
<b>Authorization</b>	<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 style="text-align: center;"><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></u> Date <u>08/02/2021</u></p> <p>Print Name <u>IDEN I. TREVINO</u> <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Authorized Agent</p>
<b>Office</b>	<p>Accepted by _____ Payment received by _____ Date _____</p> <p>Rev 10/18</p>

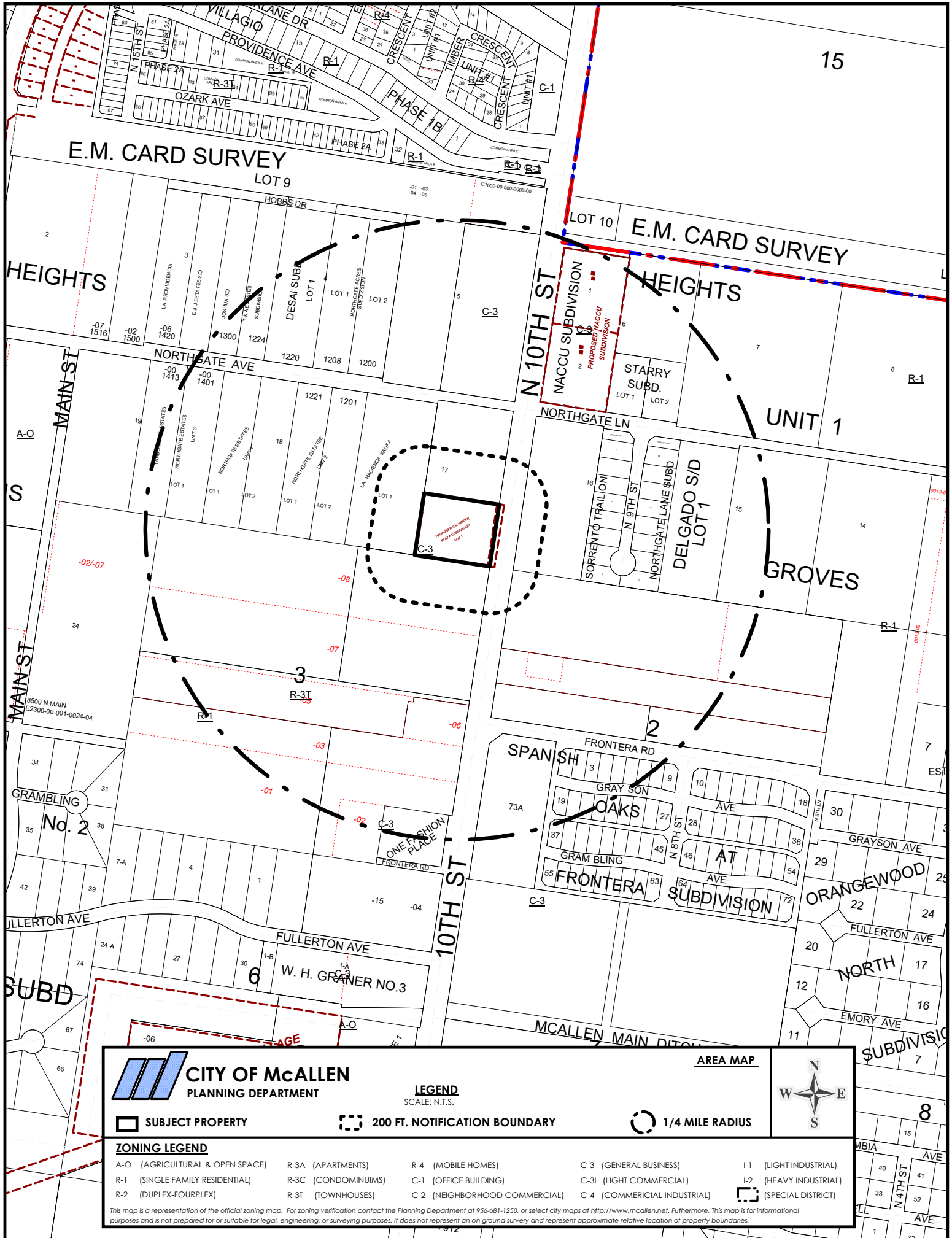


# City of McAllen

## 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 <b>any combination</b> 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>	
	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:
		CITY OF MCALLEN BUFFER REQUIREMENTS ARE AS FOLLOWS: 8FT MASONRY WALL REQUIRES BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL OR MULTIFAMILY RESIDENTIAL ZONE/USES. CURRENTLY THERE IS AN EXISTING 6 FT MASONRY WALL THAT WAS BUILT BY THE SINGLE FAMILY RESIDENTIAL OWNER. THE WALL HEIGHT REQUIREMENT IS 2 FT LOWER THAN THE BUFFER REQUIREMENT.
	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 AVOID BUILDING AS NEW 8FT MASONRY WALL NEXT TO THE EXISTING 6 FT MASORY WALL.
	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 EXISTING MASONRY WALL WILL REMAIN AS IS.
	4.	Describe special conditions that are unique to this applicant or property:
		TRYING TO USE THE EXISTING MASONRY WALL. THE ADDITIONAL FEET CAN NOT BE ADDED TO THE EXISTING MASONRY WALL BECAUSE THE FOUNDATION IS NOT DESIGNATED FOR A 8 FT HIGHT WALL.
	Board Action	
Chairman, Board of Adjustment Signature _____		Date _____



15

E.M. CARD SURVEY

LOT 9

LOT 10

E.M. CARD SURVEY

HEIGHTS

HEIGHTS

MAIN ST

N 10TH ST

NORTHGATE AVE

NORTHGATE LN

UNIT 1

A-O

NACCU SUBDIVISION

STARRY SUBD.

LA PROVIDENCIA

D & J ESTATES S/D

OSMA S/D

F & A ESTATES SUBDIVISION

DESAI SUBD.

NORTHGATE ACRES SUBDIVISION

LA REJENORA, NAUFA

SORRENTO TRAIL ON

NORTHGATE LANE SUBD

DELGADO S/D

GROVES

MAIN ST

10TH ST

SPANISH

FRONTERA RD

GRAYSON

OAKS

GRAMBLING

FRONTERA

AT

ORANGEWOOD

GRAMBLING

No. 2

FRONTIERA

GRAYSON AVE

AT AVE

FRONTIERA

ORANGEWOOD

FRONTIERA

AT AVE

GRAYSON AVE

FRONTIERA

AT AVE

ORANGEWOOD

JULLERTON AVE

SUBD

W. H. GRANER NO.3

FRONTIERA RD

ONE FASHION PLACE

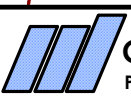
FRONTIERA RD

FRONTIERA RD

FRONTIERA RD

FRONTIERA RD

FRONTIERA RD



**CITY OF McALLEN**  
PLANNING DEPARTMENT

**LEGEND**  
SCALE: N.T.S.

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS



**ZONING LEGEND**

A-O (AGRICULTURAL & OPEN SPACE)  
R-1 (SINGLE FAMILY RESIDENTIAL)  
R-2 (DUPLEX-FOURPLEX)

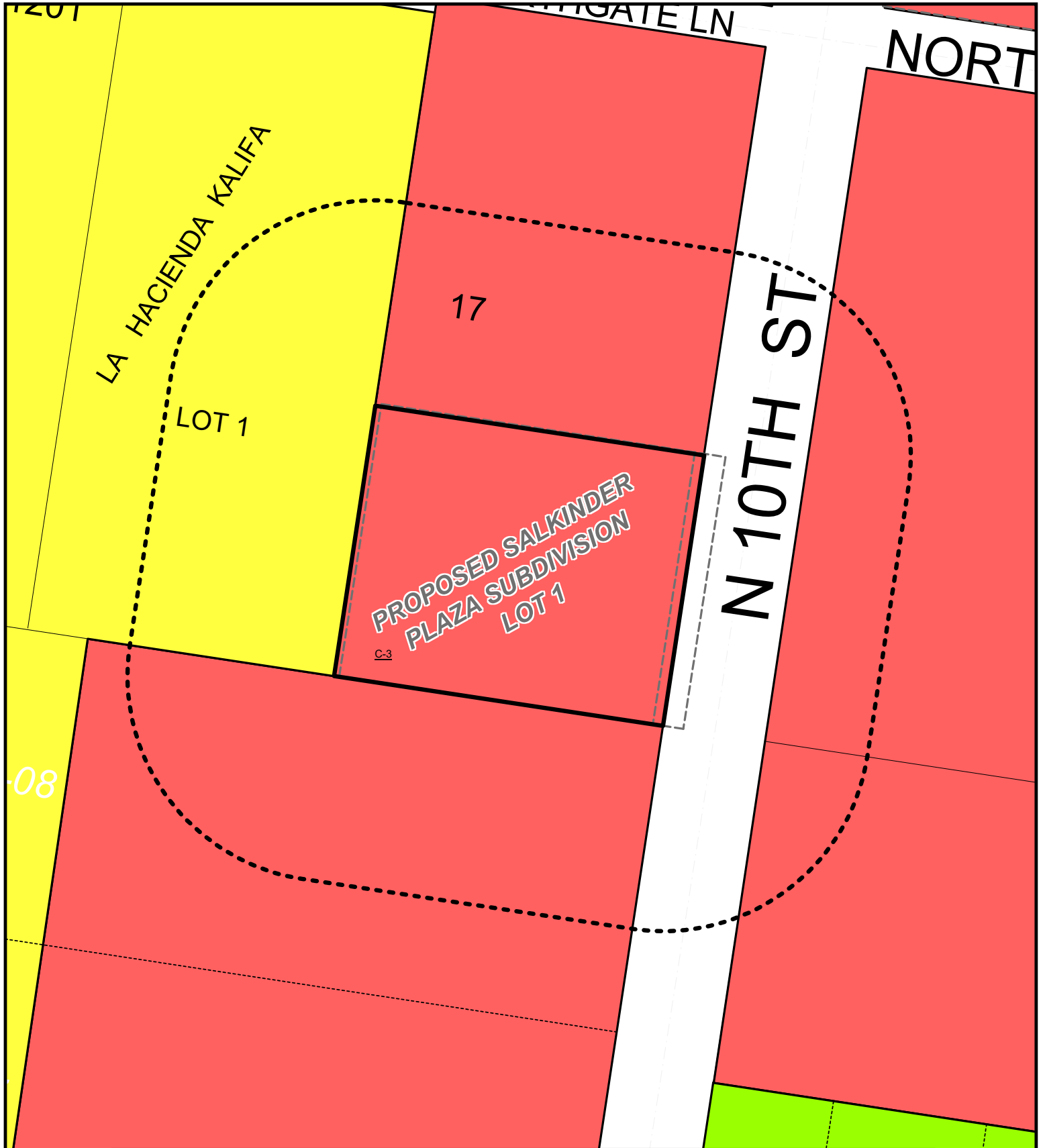
R-3A (APARTMENTS)  
R-3C (CONDOMINIUMS)  
R-3T (TOWNHOUSES)


R-4 (MOBILE HOMES)  
C-1 (OFFICE BUILDING)  
C-2 (NEIGHBORHOOD COMMERCIAL)

C-3 (GENERAL BUSINESS)  
C-3L (LIGHT COMMERCIAL)  
C-4 (COMMERCIAL INDUSTRIAL)

I-1 (LIGHT INDUSTRIAL)  
I-2 (HEAVY INDUSTRIAL)  
 (SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.






**CITY OF McALLEN**  
PLANNING DEPARTMENT

**LEGEND**  
SCALE: N.T.S.

**AREA MAP**

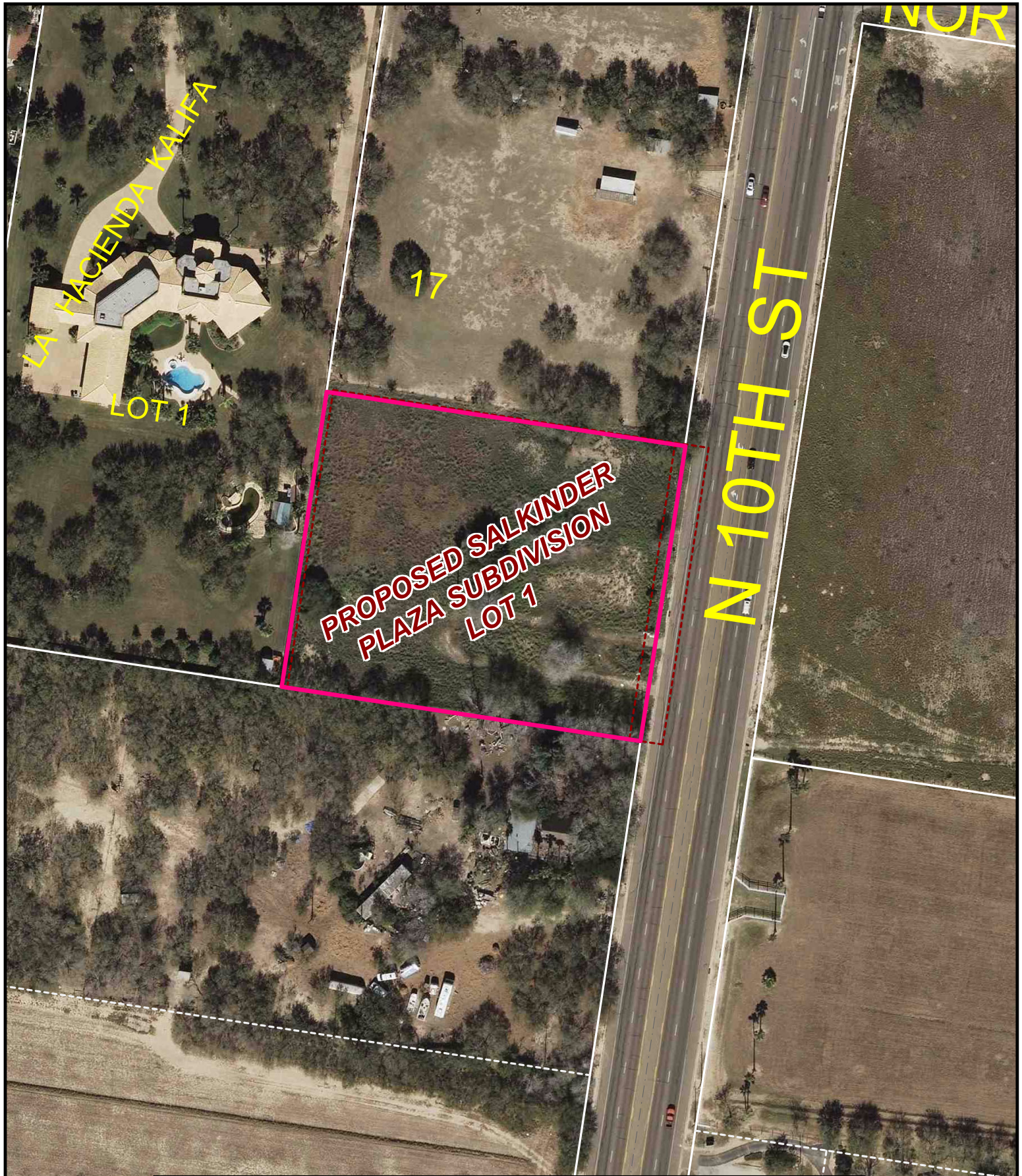


**□ SUBJECT PROPERTY**

**⋯ 200 FT. NOTIFICATION BOUNDARY**

<b>ZONING LEGEND</b>				
<b>A-0</b> (AGRICULTURAL & OPEN SPACE)	<b>R-3A</b> (APARTMENTS)	<b>R-4</b> (MOBILE HOMES)	<b>C-3</b> (GENERAL BUSINESS)	<b>I-1</b> (LIGHT INDUSTRIAL)
<b>R-1</b> (SINGLE FAMILY RESIDENTIAL)	<b>R-3C</b> (CONDOMINIUMS)	<b>C-1</b> (OFFICE BUILDING)	<b>C-3L</b> (LIGHT COMMERCIAL)	<b>I-2</b> (HEAVY INDUSTRIAL)
<b>R-2</b> (DUPLEX-FOURPLEX)	<b>R-3T</b> (TOWNHOUSES)	<b>C-2</b> (NEIGHBORHOOD COMMERCIAL)	<b>C-4</b> (COMMERCIAL INDUSTRIAL)	<b>⋯</b> (SPECIAL DISTRICT)

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 **CITY OF McALLEN**  
PLANNING DEPARTMENT

**AERIAL MAP**  
SCALE: N.T.S.

 **SUBJECT PROPERTY**



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**EXHIBIT "A"**  
**METES AND BOUNDS**

A 2.07-acre Tract, more or less, being all of the East 5.31-acres out of Lot 17, Ebony Heights Citrus Groves Unit No. 1 Subdivision, map or plat thereof recorded in Volume 5, Page 39, Map Records of Hidalgo County, Texas, Save and Except the North 420.00 feet, being located on the West side of North 10<sup>th</sup> Street (SH 336) and approximately 420.00 feet South of Northgate Road, is more particularly described by metes and bounds as follows:

The **POINT OF COMENCEMENT (P.O.C.)** being at a point within North 10<sup>th</sup> Street right-of-way for the apparent Northeast corner of a 10.0-acre tract vested in Daystar Properties, LLC, and the apparent Southeast corner of said Lot 17, and being the **POINT OF BEGINNING (P.O.B.)** of said 2.07-acre Tract herein described:

**THENCE**, North 81 degrees 14 minutes 00 seconds West, with the apparent adjoining North lot line of said 10.0-acre tract vested in Daystar Properties, LLC, and the apparent South lot line of said Lot 17 and of 2.07-acre Tract of land, a distance of 20.00 feet pass a half-inch Iron Pipe found on the apparent existing West Right-of-Way line of said 10<sup>th</sup> Street (SH 336), continuing for a total distance of 337.66 feet to a No. 4 Rebar set with plastic cap stamped 2791 for the apparent Southwest corner of said 2.07-acre Tract of land herein described;

**THENCE**, North 08 degrees 46 minutes 00 seconds East, parallel to the apparent East lot line of said Lot 17, and with the West lot line of said 2.07-acre Tract, a distance of 267.04 feet to a No. 4 Rebar set with plastic cap stamped 2791 for the apparent Southwest corner of a 3.25-acre tract vested in A.C. Jr. & Dorothy McHenry Living Trust (Volume 3372, Page 29, Deed Records, Hidalgo County, Texas), and the apparent Northwest corner of said 2.07-acre Tract of land herein described;

**THENCE**, South 81 degrees 14 minutes 00 seconds East, parallel to the said South lot line of Lot 17, and with the apparent adjoining South lot line of said 3.25-acre tract vested in A.C. Jr. & Dorothy McHenry Living Trust and the North lot line of said 2.07-acre Tract, 317.66 feet pass a No. 4 Rebar set with plastic cap stamped 2791 on the said existing West Right-of-Way line of No. 10<sup>th</sup> Street (SH 336), continuing for a total distance of 337.66 feet to a point on said East lot line of Lot 17 for the apparent Southeast corner of said 3.25-acre tract vested in A.C. Jr. & Dorothy McHenry Living Trust, and the Northeast corner of said 2.07-acre tract of land herein described;

**THENCE**, South 08 degrees 46 minutes 00 seconds West, with the said East Lot line of Lot 17, and of said 2.07-acre Tract, a distance of 267.04 feet to a point for the Northeast corner of said 10.0-acre tract vested in Daystar Properties, LLC, and the Southeast corner of said 2.07-acre tract of land herein described, and being the **POINT OF BEGINNING**, containing a gross of 2.07-acres of land, of which 0.12 of an acre lies in existing Road Right-of-Way, leaving a Net of 1.95-acres of land, more or less.

Bearing basis as per the East lot line of Lot 1, La Hacienda Kalifa Subdivision, Volume .33, Page 150, Map Records, Hidalgo County, Texas.

THE ABOVE DESCRIPTION WAS SURVEYED ON THE GROUND UNDER MY DIRECTION ON FEBRUARY 11, 2021. SEE ACCOMPANIED SURVEY PLAT OF SAID 2.07-ACRE TRACT OF LAND.

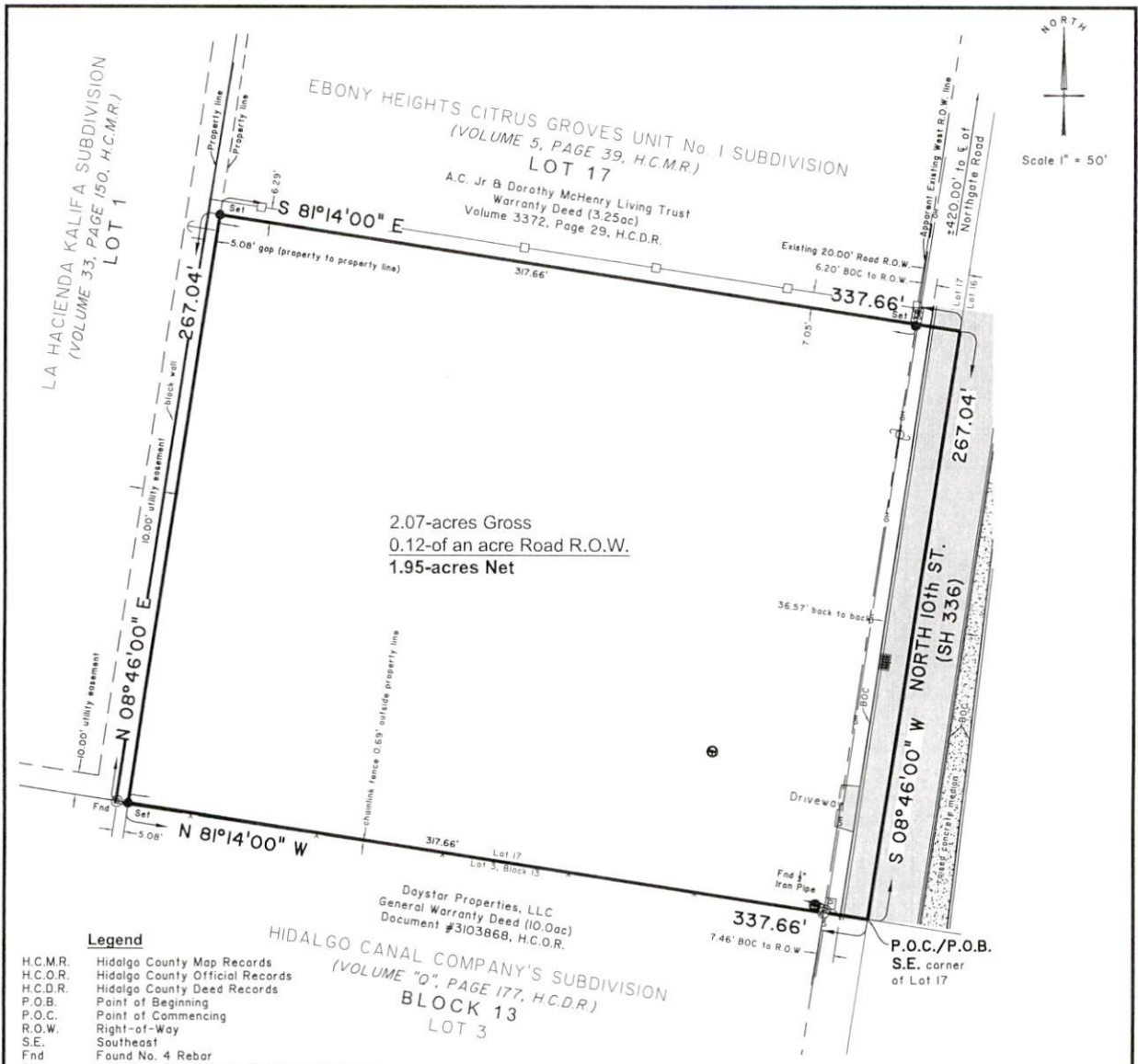
*Homero Luis Gutierrez*

Homero Luis Gutierrez – R.P.L.S. # 2791

02/19/2021

Date





NORTH  
Scale 1" = 50'

2.07-acres Gross  
0.12-of an acre Road R.O.W.  
1.95-acres Net

- Legend**
- H.C.M.R. Hidalgo County Map Records
  - H.C.O.R. Hidalgo County Official Records
  - H.C.D.R. Hidalgo County Deed Records
  - P.O.B. Point of Beginning
  - P.O.C. Point of Commencing
  - R.O.W. Right-of-Way
  - S.E. Southeast
  - Fnd Found No. 4 Rebar
  - Set Set No. 4 Rebar w/plastic cap stamped 2791
  - BOC Back of curb
  - Found No. 4 Rebar
  - Found Iron pipe
  - Existing chicken wire fence
  - Existing chainlink fence
  - Existing overhead power line
  - Existing power pole
  - Existing down guy
  - Existing telephone pedestal
  - Existing grate inlet
  - Existing 24" irrigation standpipe
  - Asphalt pavement
  - Concrete pavement

HIDALGO CANAL COMPANY'S SUBDIVISION  
(VOLUME "O", PAGE 177, H.C.D.R.)  
BLOCK 13  
LOT 3

**SURVEY PLAT SHOWING  
A 2.07-ACRE TRACT MORE OR  
LESS, BEING ALL THE EAST  
5.31-ACRES OF LOT 17, EBONY  
HEIGHTS CITRUS GROVES UNIT  
No. 1 SUBDIVISION,  
(Save and Except the North 420.00 feet)  
CITY OF McALLEN,  
HIDALGO COUNTY, TEXAS,  
VOLUME 5, PAGE 39, H.C.M.R.  
(See Exhibit "A" for Metes and Bounds description)**

I, Homero L. Gutierrez, a registered professional land surveyor in the State of Texas, hereby state that this survey is true and was correctly made on the ground on 02/11/2021 under my direction, that the existing improvements on the ground are as shown, and that there are no visible encroachments, protrusions, apparent conflicts and visible easements, except as shown hereon.



**General Notes:**

1. Survey is valid only if print has original electronic seal and signature of surveyor.
2. Bearing basis as per the East line of Lot 1, La Hacienda Kalifa Subdivision, Volume 33, Page 150, H.C.M.R.
3. Commitment of Title Insurance issued by Title Resources Guaranty Company  
Reference: Michael Allen Wilson, Trustee of the D.L. Wilson Life Insurance Trust  
To: Salkinder Real Estate, LLC  
GF: No. 933487
- Also, see Schedule B, IO.a thru IO.i for additional easement and property matters.
4. Homero L. Gutierrez did not research or prepare a title report or abstract of title on the above property.
5. Building, zoning, platting and/or regulatory laws and/or ordinances of any municipal and/or other governmental authority will apply.
6. The existence, if any underground gas lines or other underground utilities not shown on this survey should be thoroughly investigated by the owner prior to any construction on this site. The Surveyor has limited his investigation of underground utilities on this site to that which can be seen.
7. Surveyor's statement: The property corners of the tract surveyed were staked out based on the best fit of monuments found for this property and others within the immediate vicinity, taking into account the intent of the surveyors' original foot steps. A survey of the original mother tracts to correctly establish minor discrepancies that were found in the property corners would not be a feasible option for the parties concerned. The client has been made aware of any discrepancies found and the respective action taken to stake out his property as per the found and set monuments shown hereon. Survey referred to TxDOT Highway Department District 21 Pharr, Texas Right-of-Way map of SH 336, dated June 1952 from SH 107 South to FM 495.
8. Flood Zone "X" - Areas determined to be outside 500-year floodplain.  
Community Panel No. 480334 0325D  
Map Revised: June 6, 2000  
Revised to Reflect LOMR Dated: May 17, 2001

*Homero Luis Gutierrez*  
Homero Luis Gutierrez, RPLS No. 2791  
Date: 02/18/2021

**HOMERO L. GUTIERREZ**  
P.O. Box 548  
McAllen, Texas 78505  
(956) 369-0988  
DATE: 02/18/2021 JOB No.: HLG21-042







NOTICE  
VARIANCE  
FOR  
THIS PROPERTY  
ZBA2021-0038

## CRITERIA FOR ZBOA DETERMINATIONS

### APPEALS

1. ZBOA may hear and decide appeals **where it is alleged there is error** in any order, requirement, decision or determination made by an administrative official **in the enforcement of Chapter 138** of the Code of Ordinances ("Zoning").
2. In conformity with the provisions of V.T.C.A., Local Government Code § 211.009 et seq. and Chapter 138 of the Code of Ordinances, the **ZBOA may reverse or affirm, wholly or partly, or may modify** the order, requirement, decision or determination appealed from.

### SPECIAL EXCEPTIONS

Authorized under Ord. Sec. 138-43 ("Powers") in the following instances:

1. Where the **street layout** actually on the ground varies from the street layout as shown on such maps.
2. To permit the **reconstruction of a nonconforming building** which has been damaged to the extent of more than 50 percent of its replacement cost.
3. To **waive or reduce the parking and loading requirements** whenever:
  - a. The character or use of the building is such as to make unnecessary the full provisions of parking or loading facilities, OR
  - b. Where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
4. To allow a change **from an existing nonconforming use to another nonconforming use** of a structure, or a structure and premises in combination, if:
  - a. No structural alterations are made, AND
  - b. The Board finds that the proposed nonconforming use is not more nonconforming in the district as the existing nonconforming use.

#### **Ord. Sec. 138-86. – GENERAL POLICY.**

The general public, the board of commissioners, and the planning board are directed to take note that nonconformities in the use and development of land and buildings are to be avoided, or eliminated where now existing, wherever and whenever possible, except:

- (1) When necessary to preserve property rights established prior to the date the ordinance from which this article is derived became effective as to the property in question, and
- (2) When necessary to promote the general welfare and to protect the character of the surrounding property.

## VARIANCES

Authorized only when ALL of the following applies:

1. Owing to special conditions, a literal enforcement of Zoning Ordinance provisions would result in **unnecessary hardship**.
2. **Applicant proves** to the Board the following:
  - a. Land in question cannot yield a reasonable return if used only for a purpose allowed in that zone,
  - b. **Plight is unique** and not shared in general by others in the neighborhood, and
  - c. Variance will **not alter the essential character of the locality**.
3. Variance would **not merely serve as a convenience** to the applicant.
4. Variance must be in **harmony with purpose and intent of Zoning Ordinance**.
5. Variance would **not be contrary to the public interest**.
6. **Surrounding property is be properly protected**.
7. **The spirit of this Zoning Ordinance is observed and substantial justice done**.

# Definitions

## Table of Contents

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<b>Chapter 110-Vegetation .....</b>	<b>6</b>
Section 110-26 Definitions .....	6

## Chapter 138-Zoning

### Sec. 138-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory building* means a subordinate building, located on the same lot as the main building, the use of which is clearly incidental to and customarily found in connection with the main building or principal use of the property.

*Accessory use* means a use which is clearly incidental to and customarily found in connection with the principal use of the premises and which is located on the same lot as the principal use.

*Accessory use of building* means a subordinate use or structure customarily incident to and located on the lot occupied by the main use or structure and conforming with setback and other regulations concerning location.

*Alley* means a minor public right-of-way which is used primarily for vehicular and utility service access to the backs or sides of properties otherwise abutting on a public street.

*Apartment* means a room or suite of rooms located in a building with other such rooms or suites arranged, designed, or to be occupied as a residence by a family. (See Dwelling unit.)

*Associated recreation* means recreational uses which are an integral part of a common ownership or associated or high density residential development (example: homeowners' association with a private club or facility).

*Authorized agent* means an architect, builder, developer or other person empowered to act on behalf of such persons.

*Base station.* As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below, except for new base stations that are not eligible for Section 6409, need not be existing at the time of the application, nor does subsection 138-1.A(a)1.c. apply to a new base station.

*Boardinghouse* means a building other than a hotel where lodging and meals are provided for compensation.

*Building* means any structure designed to be built for the support, enclosure, shelter or protection of persons, animals, chattel or property of any kind. The word "building" includes the word "structure."

*Carrier on wheels or cell on wheels ("COW").* A portable self-contained mobile facility moved to a location and set up to provide wireless services on a temporary or emergency basis.

*Concealed or stealth design elements.* A design elements of any tower, base station or transmission equipment that allows it to be integrated as an architectural feature of a tower or base station or so that it is not readily apparent to a casual observer. It may be screened, disguised, concealed or otherwise camouflaged as a natural structure, structure or part of a structure so that it is not easily recognizable from other natural structures.

*Conditional use* means a use which may be suitable in certain locations in a zoning district if developed and operated under specific conditions and/or for a limited period of time.

*Depth of lot* means the mean horizontal distance between the front and rear lot lines. (See definitions of Front and Rear lot lines.)

*District* means a section of the city for which the regulations governing the areas, heights or uses of buildings are uniform.

*Dwelling unit* means any building or portion thereof which is designed for or used primarily for residential occupancy, but not including hotels, boardinghouses or mobile homes.

- (1) *Single-family* means a building designed for and/or occupied exclusively by one family as a separate dwelling unit.

- (2) *Duplex* means a building designed for and/or occupied exclusively by two families living independently of each other.
- (3) *Triplex* means a building designed for and/or occupied exclusively by three families living independently of each other.
- (4) *Fourplex* means a building designed for and/or occupied exclusively by four families living independently of each other.
- (5) *Multiple* means a building designed for and/or occupied exclusively by five or more families living independently of each other.

The determination of whether one family is living independent of another is based on one or more of the following criteria: separate sanitary facilities; separate kitchen facilities; separate entrances; or separate utilities.

*Eligible facilities request.* As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

*Eligible support structure.* As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

*Existing.* As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

*Family* means one or more persons living together as a single housekeeping unit with common sanitary and kitchen facilities.

*Garage, commercial* means a building or premises used for storage, repair, rental or servicing of motor vehicles.

*Garage, private* means an accessory building, attached or detached, designed or used for the storage of motor-driven vehicles owned and used only by the occupants of the building to which it is accessory.

*Guesthouse* means an accessory building designed for the temporary occupancy of guests of the primary dwelling for which there is no remuneration. "Maids' quarters" means a portion of a dwelling unit, within the same enclosure and not a separate accessory building attached to the primary building, that may contain separate sanitary and/or kitchen facilities which is designed for or used for residential occupancy by an employee of the primary residence.

*Height* means, for a building or portion of a building, the vertical distance from grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, and the mean height level between eaves and ridge for hip, gable or gambrel roofs. In measuring the height of a building, the following structures shall be excluded: chimneys, cooling towers, elevator bulkheads, mechanical rooms, tanks, water towers, radio towers, television antennas, ornamental cupolas, domes or spires, and parapet walls not exceeding four feet in height. Heights authorized in this chapter are subordinate to the airport zoning ordinance, appendix A.

*Loading space* means a space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks and having a minimum dimension of 12 by 35 feet and a vertical clearance of at least 14 feet.

*Lot* means an undivided tract or parcel of land having frontage on a public street, and which is, or in the future may be, offered for sale, conveyance, transfer or improvement, which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record. The word "lot" includes the word "plot."

- (1) *Corner lot* means a lot abutting upon two or more public streets at their intersection.
- (2) *Building coverage* means percentage of the lot that is occupied by the ground area of a building and its accessory buildings.
- (3) *Lot, double frontage* means a lot abutting on two nonintersecting public streets as distinguished from a corner lot.

- (4) *Lot lines* means the lines bounding a lot as defined in this section.
- a. *Front lot line* means the property line between the front yard and the contiguous street right-of-way boundary.
  - b. *Rear lot line* means the property line between the rear yard and the adjacent property or right-of-way, and contiguous with the legal boundary of such use.
  - c. *Side lot line* means the property between two adjacent lots or between the side yard and the contiguous street right-of-way boundary on corner lots.

*Lot of record* means a parcel of land which is part of a subdivision, the map or plat of which has been recorded in the office of the county clerk; or a tract of land not a part of an urban or town lot subdivision, the deed of which has been recorded in the office of the county clerk prior to October 15, 1973, which has not been divided since recording.

*Maneuvering space* means the space entirely on private property required for maneuvering vehicles in such a manner as to preclude the backing of any vehicle into any street right-of-way.

*Mobile home* means a movable or portable dwelling originally constructed to be towed, on its own chassis, by a motor vehicle over public roads.

*Mobile home and modular home park* means a unified development of five acres or more for mobile homes arranged on a tract of land owned by an individual or a single business entity for the purpose of renting or leasing lots, and meeting the requirements of chapter 122, article II of this Code.

*Mobile home and modular home subdivision* means a unified development of five acres or more for mobile homes arranged on a tract of land in such a manner as to provide an individual lot (see definition of Lot) for each of the mobile homes.

*Modular home* means a dwelling unit in which more than 50 percent of the structure is constructed at other than the construction site, brought to the site in modules, and set on a permanent foundation.

*Ornamental feature* means an addition to a structure designed to enhance the appearance of the structure, in compliance with all of the following criteria:

- (1) Any space occupied by or enclosed by the ornamental feature should not be included in or made a part of the air conditioned, heated, or enclosed portion of the structure;
- (2) The feature should serve no purpose or function for the structure other than ornamentation. The building should be equally functional without the feature as with the feature; and
- (3) The feature shall extend no further than 24 inches into a required yard.

*Parking area* means a space used exclusively for the parking of vehicles and where no other business is conducted.

*Parking space* means an area, not closer than six feet from the back edge of the curb, the width and length of which shall exceed by a minimum of two feet the dimensions of the type of vehicle normally to be parked in the space, and connected with a street or alley by a driveway affording satisfactory ingress and egress. The minimum dimension of a parking space shall be in accordance with the city off-street parking requirements in article VII of this chapter.

*Planned unit development (PUD)* means and includes a combination of different dwelling types and/or a variety of land uses which creatively complement each other and harmonize with existing and proposed land uses in the vicinity, and which comply with the Planned Unit Development provisions of chapter 134, article IV of this Code.

*Portable building* means a temporary building that does not have a foundation and is transportable.

*Recreational vehicle or travel trailer* means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified as a travel trailer by the manufacturer of the trailer and, when factory-equipped for the road, it shall have a body width not exceeding eight feet and a body length not exceeding state maximums.



*Residential storage building* means any building, either portable or constructed onsite, utilized for storage purposes and not requiring plumbing and electrical wiring, and not used for living quarters.

*Restaurant* means a building or portion of a building where the primary business is the on-premises sale of prepared food, with adequate kitchen facilities for the preparation of the food to be sold, the adequacy of such kitchen facilities to be based upon the seating capacity of the restaurant and the type of menu offered, and where alcoholic beverages may be sold under the following conditions:

- (1) At least 51 percent of the gross income shall be derived from the sale of prepared food.
- (2) Any outside entrances, outside separate identification, outside signs or other separate advertising for lounge or bar areas shall be permitted only as an accessory or secondary feature of the restaurant.
- (3) Live entertainment may be permitted.
- (4) Whenever the director of planning on the basis of a sworn complaint from any person determines that a violation of this section exists, he may require any person serving alcoholic beverages as an incidental use to provide the city, within 30 days of notification, a verified audit for each quarter of the calendar year, showing the gross income derived from the sale of food.

*Retail* means the sale of goods directly to a consumer; engaged in, pertaining to or relating to the sale of merchandise at retail; or selling by individual items, or by the piece, directly to a consumer.

*Right-of-way line* means a dividing line between a lot, tract or parcel of land and the public right-of-way.

*Street* means a public or private thoroughfare which affords the principal means of access to abutting property, excluding alleys.

*Structural alteration* means any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

*Structure* means anything constructed, erected or artificially built up; or composed of parts and joined together in a permanent manner.

*Substantial change.* As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

*Tower.* As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below, except for new towers that are not eligible for Section 6409, they need not be existing at the time of the application.

*Townhouse* means a single-family dwelling unit constructed in a series or a group of units having common walls, each on a separate lot.

*Transmission equipment.* As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

*Yard* means an open space between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in the definitions of "yard" set out in this section. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

- (1) *Front yard* means a yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the right-of-way line and wall of the main building or any projections thereof other than projections of the usual uncovered steps, uncovered balconies or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension, except where corner lots may be square in dimension and/or have double frontage, in which case the front yard shall correspond to the lot's side adjacent to the longest block face in which it occurs and to which the majority of the existing structures front.

- (2) *Rear yard* means a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than projections of uncovered steps, uncovered balconies or uncovered porches. On all lots, the rear yard shall be in the rear of the front yard.
- (3) *Side yard* means a yard between the main building and the side line of the lot, and being the minimum horizontal distance between a side lot line and the sides of the main buildings or any projections thereof.

(Code 1966, § 32-2; Ord. No. 1996-8, § I, 1-22-96; Ord. No. 1996-70, § I, 11-18-96; Ord. No. 1998-68, § 1, 2-27-98; Ord. No. 1999-69, § 1, 8-9-99; Ord. No. 2004-15, § 5, 2-9-04; Ord. No. 2015-38, § II, 5-11-15)

**Cross reference**— Definitions and rules of construction generally, § 1-2.

Footnotes:

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**Note**— 47 U.S.C. § 332(c)(7)(C) Definitions. For purposes of this paragraph—(i) the term "personal wireless services" means commercial mobile services [cellular service], unlicensed wireless services, and common carrier wireless exchange access services..."; 47 U.S.C. § 332(d) ... (1) the term "commercial mobile service" means any mobile service (as defined in section 153 of this title) that is provided for profit and makes interconnected service available (A) to the public or (B) to such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by regulation by the Commission;..."

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**Note**— 47 U.S.C. § 332(c)(7)(C) Definitions for purposes of this paragraph... (ii) the term "personal wireless service facilities" means facilities for the provision of personal wireless services..."

## Chapter 110-Vegetation

### Sec. 110-26. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Buffer* means a screen constructed of wood, concrete block, masonry, a combination of wood and masonry, or landscape material with a chain link fence in such a manner that adjacent property is visually screened, and so that noise, solid waste or other objectionable influences will be avoided. Such buffer shall be perpendicular to the ground, a minimum of six feet in height, continuous and uninterrupted, and 100 percent opaque except where extraordinary circumstances exist where additional height will more adequately accomplish the desired end.

*Caliper* means the diameter of a tree measured 12 inches above the ground for trees up to and including eight inches in diameter and four and one-half feet above the ground for trees having a diameter of more the eight inches. The diameter of a multi-stem tree shall be measured at the point below branching or the sum of the two largest stems measured at four and one-half feet above the ground which ever is greater.

*Contiguous* means adjacent property whose property lines are shared, or are separated by only a street, alley, easement or right-of-way.

*Developed property* means that portion of a lot or parcel upon which a building, structure, pavement, or other improvements have been or are proposed to be placed.

*Diameter-at-breast-height (DBH)* means the tree trunk diameter measured in inches at a height of four and one-half feet (54 inches) above natural grade or the DBH measurement according to the latest edition of the Guide for Plant Appraisal as published by the Council of Tree and Landscape Appraisers, when the tree trunk branches out at a point lower than four and one-half feet.

*Frontage* means lineal distance measured along abutting street rights-of-way.

*Ground cover* means low growing plants planted in such a manner as to form a continuous cover over the ground, typical horizontal growth form with a maximum height of 24 inches, such as lirioppe, low growing varieties of honeysuckle, confederate jasmine, English ivy or others.

*Landscape material* means trees, shrubs, ground cover, vines or grass installed in planting areas, including but not limited to those installed for the purpose of fulfilling the requirements of this article.

*Landscape strip area* means a planting area within the property lines of specified width and parallel to a public street, excluding driveways for ingress and egress.

*Paved ground surface area* (also referred to in this article as paved area or paved ground area) means any paved ground surface area (excepting public rights-of-way) used for the purpose of driving, parking, storing or displaying of vehicles, boats, trailers and mobile homes, including new and used car lots and other open lot uses. Parking structures, covered drive-in parking areas to the drip line of the covering or garages shall not be considered as paved ground surface areas.

*Planting area* means an area intended or used for landscaping that has a minimum of 40 square feet of actual plantable area and an inside dimension on any side of at least 36 inches.

*Reconstruction* means rehabilitation or replacement of structures on nonresidential or multifamily property to an extent exceeding 50 percent of the assessed valuation of such structures as shown on the most recent tax roll of the city.

*Shrub* means any woody plant of relatively low height, having several stems arising from the base and lacking a single trunk.

*Stormwater detention facility* means an impoundment on a lot or parcel reserved for detaining and controlling the release of stormwater runoff as required by City of McAllen Drainage Policy.

*Street line* means that line separating the right-of-way from any adjacent property.

*Tree* means any self-supporting woody plant of a single trunk and of a species which normally grows to an overall mature height of a minimum of 15 feet in the lower Rio Grande Valley of the state.

*Vine* means any of a group of woody or herbaceous plants which may climb by twining, by means of aerial rootlets or tendrils, or which may simply sprawl over the ground or other plants.

*Xeriscape* means landscape methods which conserve water through the use of drought-tolerant plants and planting techniques.

(Code 1966, § 17 3/8 -4; Ord. No. 1993-88, § I, 12-13-93; Ord. No. 2006-118, § 1, 11-13-06; Ord. No. 2007-28, § 1, 3-26-07)

**Cross reference**— Definitions and rules of construction generally, § 1-2.

## Exceptions Cited within the Zoning Ordinance

### Exceptions pertaining to front yard setbacks:

1. Balconies opening upon fire towers not to exceed 5 feet (*Section 138-366 (d)*)
2. Balconies, uncovered (*Section 138-1, Yard (1)*)
3. Chimneys not to exceed 5 feet (*Section 138-366 (d)*)
4. Cornices up to 2 feet (*Section 138-366 (c)*)
5. Eaves up to 2 feet (*Section 138-366 (c)*)
6. Fence not to exceed 3 feet within 25 feet of a curb intersection in residential zones (*Section 138-367 (c)*)
7. Fire escapes, open or lattice-enclosed not to exceed 5 feet (*Section 138-366 (d)*)
8. Flues not to exceed 5 feet (*Section 138-366 (d)*)
9. Ornamental features up to 2 feet (*Section 138-366 (c)*)
10. Planting not to exceed 3 feet within 25 feet of a curb intersection in residential zones (*Section 138-367 (c)*)
11. Porches, uncovered (*Section 138-1, Yard (1)*)
12. Projections up to 2 feet (*Section 138-366 (c)*)
13. Pumps, filling station not less than 13 feet from the property line or 18 feet from the curb, whichever greater (*Section 138-367(d)*)
14. Pumps, gas and canopies not less than 9 feet from the property line or 10 feet from the curb, whichever greater (*Section 138-259*)
15. Pumps, islands not less than 13 feet from the property line or 18 feet from the curb, whichever greater (*Section 138-367(d)*)
16. Sills up to 2 feet (*Section 138-366 (c)*)
17. Stairways, outside not to exceed 5 feet (*Section 138-366 (d)*)
18. Steps, uncovered (*Section 138-1, Yard (1)*)
19. Structure not to exceed 3 feet within 25 feet of a curb intersection in residential zones (*Section 138-367 (c)*)

### Exceptions pertaining to rear yard setbacks:

1. Balconies opening upon fire towers not to exceed 5 feet (*Section 138-366 (d)*)
2. Balconies, uncovered (*Section 138-1, Yard (1)*)
3. Buildings, accessory may occupy no more than 30% (*Section 138-369*)
4. Carports, unenclosed abutting an alley may be built up to the rear property line within the R-3A and R-3C Districts (*Section 138-356, Footnote 5*)
5. Chimneys not to exceed 5 feet (*Section 138-366 (d)*)
6. Cornices up to 2 feet (*Section 138-366 (c)*)
7. Eaves up to 2 feet (*Section 138-366 (c)*)
8. Fire escapes, open or lattice-enclosed not to exceed 5 feet (*Section 138-366 (d)*)
9. Flues not to exceed 5 feet (*Section 138-366 (d)*)
10. Ornamental features up to 2 feet (*Section 138-366 (c)*)
11. Parking, unenclosed may occupy no more than 90% (*Section 138-369*)
12. Porches, uncovered (*Section 138-1, Yard (1)*)
13. Projections up to 2 feet (*Section 138-366 (c)*)
14. Sills up to 2 feet (*Section 138-366 (c)*)
15. Stairways, outside not to exceed 5 feet (*Section 138-366 (d)*)
16. Steps, uncovered (*Section 138-1, Yard (1)*)

Exceptions pertaining to side yard setbacks:

1. Balconies opening upon fire towers not to exceed 5 feet (*Section 138-366 (d)*)
2. Canopy, unenclosed and not less than 4 feet from the side lot line or 8 feet from a corner lot line (*Section 138-368 (d)*)
3. Chimneys not to exceed 5 feet (*Section 138-366 (d)*)
4. Cornices up to 2 feet (*Section 138-366 (c)*)
5. Eaves up to 2 feet (*Section 138-366 (c)*)
6. Fire escapes, open or lattice-enclosed not to exceed 5 feet (*Section 138-366 (d)*)
7. Flues not to exceed 5 feet (*Section 138-366 (d)*)
8. Ornamental features up to 2 feet (*Section 138-366 (c)*)
9. Porte-cochere, unenclosed and not less than 4 feet from the side lot line or 8 feet from a corner lot line (*Section 138-368 (d)*)
10. Projections up to 2 feet (*Section 138-366 (c)*)
11. Side yards can be reduced to 10% of the lot width provided the lot has a width less than 50 feet. However, no side yard shall be less than 3.5 feet (*Section 138-368 (f)*)
12. Sills up to 2 feet (*Section 138-366 (c)*)
13. Stairways, outside not to exceed 5 feet (*Section 138-366 (d)*)
14. Townhouses can be built up to the side property line with a firewall (*Section 138-356, Footnote 10*)

Exceptions pertaining to height measurements (*Section 138-1, Height*):

1. Chimneys
2. Cooling towers
3. Domes
4. Elevator bulkheads
5. Mechanical rooms
6. Ornamental cupolas
7. Parapet walls not exceeding four feet in height
8. Radio towers
9. Spires
10. Tanks
11. Television antennas
12. Water towers

## Exceptions as per Planning Department Policy

By policy the following are permitted:

1. AC Units
2. Clothes lines
3. Concrete slabs
4. Fire pits
5. Pergolas, arbors, and trellises as a landscape feature (legal opinion, 2009)
6. Playground equipment
7. Pool decks
8. Pool pumps
9. Portable grills
10. Sports equipment i.e. basketball hoop
11. Swimming pools prior to 2009 (legal opinion)
12. Umbrellas and patio furniture
13. Water features and fountains

Legal opinions:

1. In 2009 Assistant City Attorney Ignacio Perez made an interpretation to allow arbors, pergolas, and trellises within the required setbacks. The definition of landscape material is stated as trees, shrubs, ground cover, vines or grass installed in planting areas in Section 110-26 of the Vegetation Ordinance. The legal interpretation was if vines were allowed by code as a planting area and they cover vertical planes such as walls then the same logic could be applied to arbors, pergolas, and trellises as a planting area. Mr. Perez also cited Section 110-56 (g) of the Vegetation Ordinance stating architectural planters may be permitted to fulfill landscape requirements.
2. Prior to 2009 swimming pools were not considered a structure due to the fact they were constructed underground and the Zoning Ordinance defines a structure as anything constructed, erected or artificially built up or composed of parts and joined together in a permanent manner. However, an interpretation was made in 2009 to consider swimming pools as a structure to abide by setback requirements.

**ZONING BOARD OF ADJUSTMENT AND APPEALS**

**RULES AND PROCEDURES**

**CITY OF MCALLEN**

**The McAllen Zoning Board of Adjustment and Appeals adopts the following Rules and Procedures (hereinafter “Rules”) to govern the substance of all board matters.**

**I. ORGANIZATION AND OFFICERS**

**A. Members**

The McAllen City Commission created the Zoning Board of Adjustment and Appeals (hereinafter referred to as “Board”) pursuant to Chapter 211 of the Texas Local Government Code and Chapter 138, Article II, Division 3 of the City of McAllen, Texas Code of Ordinances (the “City Code”). The Commission appoints the members for that Board under Section 211.008 of the Texas Local Government Code (the “Code”).

The Commission composed the Board to sit five (5) members. Each member serves a two-year term. The Commission may renew a member’s term for a maximum of three total consecutive terms. The Commission also appoints four (4) alternate members to serve in the absence of a regular board member. Alternate members serve just as regular members and are subject to the same rules as regular members, unless otherwise provided in these Rules, but do not vote except in the absence of a regular member.

**B. Officers**

The Board shall elect a Chair and a Vice Chair from its own regular members by majority vote. The Chair and Vice Chair each serve one year. The Board shall accept an Executive Secretary appointed by the McAllen Planning Department. The Board shall adopt an attorney advisor appointed by the McAllen Legal Department. The Board shall only accept the appointment of personnel under the condition each person remains the employee and charge of the City of McAllen, with no employment relationship to the Board.

**C. Duties and Officers**

The Chair shall preside over the Board, hold meetings of the Board, decide points of order, and dispense the business of the Board. The Chair may administer oaths, compel the attendance of witnesses, and issue subpoenas as per Section 211.008 of the Code. The Chair shall sign the minutes of board meeting after the minutes have been approved by the Board.

In the absence of the Chair, the Vice Chair, or in both their absences the most senior member, according to the member’s appointment date, shall dispense the duties of the Chair.

## **II. POWERS OF THE BOARD**

### **A. General Powers**

The Board has those powers specified in Section 211.009 and 241.033 of the Code, and those powers granted by the City Commission under Chapter 138 (Zoning Ordinance) and Chapter 110 (Vegetation Ordinance) of the City Code, and those powers granted to the Board by ordinance.

### **B. Specified Powers**

As per city ordinance and state statute, the Board has those powers described in Section 211.009 of the Code and Section 138-43 of the City Code. Those powers described in Section 138-43 are:

1. Hear and decide appeals that allege an error in any order, requirement, decision or determination made by an administrative official or agency in the enforcement of applicable provisions of the Local Government Code, the City Ordinance;
2. Authorize variances to specific cases from the terms of the City Code as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of City Ordinance will result in unnecessary hardship, and so that the spirit of ordinances shall be observed and substantial justice done;
3. Grant special exception to waive or reduce parking and loading requirements whenever the character and use of the building is such as to make unnecessary the full provisions of parking or loading, or where such regulations would impose an unreasonable hardship upon the use of the lot; and
4. Hear and decide any other matters authorized by the City Commission through ordinance.

## **III. DUTIES OF BOARD MEMBERS**

### **A. General Duties of Members**

1. All members of the Board should attempt to inspect the premises of each case which is under consideration at each meeting and become generally familiar with each case prior to Board meetings.
2. All members shall attend all meetings, provided, however, the member must provide 72 hours prior notice to the Executive Secretary in the event the member cannot attend.
3. All members of the Board shall arrive at a logical and fair decision on each case, except where a conflict may preclude a vote on the case.

### **B. Disqualification/Conflict of Interest**

All members of the Board of Adjustment are subject to the City of McAllen Ethics Ordinance (Chapter 2 of the City Code).



In all cases before the Board where a member of the Board has a conflict as described in the Ethics Ordinance, the member shall refrain from any discussion, deliberation or vote. When applicable, the member shall complete and submit a City Conflict of Interest form, but in all cases alert the Executive Secretary at least 72 hours prior to the meeting on which the conflict is at issue. The Executive Secretary shall submit all notices of conflict to the City's attorney.

#### **IV. A BASIS FOR ACTION**

The Board shall decide each case based on the following:

1. Facts filed with application.
2. Testimony presented at the public hearing on the appeal.
3. The Planning Department's technical report on the appeal.
4. The Board's findings in its field inspection of the property may question all witnesses to assist the Board in arriving at a correct, logical and fair decision.
5. The applicable standards of review described in Section 138-43 of the City Code and Sections II.A., II.B. and VI. of these Rules.
6. All decisions shall be made on the Basis for Action. Neither the Board nor the individual members may use personal, first hand knowledge of any facts to make a determination, if such information has not been entered into the record or made available at the public hearing.

#### **V. APPLICANTS**

##### **A. Legally Vested Interest**

The Board shall not consider an application from any applicant who does not have a vested legal or equitable interest in the property in question. Applicants may appear on their own behalf or may be represented by counsel or agent. Any representation by someone other than an applicant must be accompanied with a written designation by the applicant for the agent to act on behalf of the applicant. (For example, the representative may produce a letter from the applicant to the Planning Department to authorize the representative to speak on behalf of the applicant; or, the representative may submit an application on behalf of a verifiable power of attorney.)

##### **B. Applications**

All applications for consideration by the Board must be on the prescribed form approved by the Planning Department and acceptable to the Board. The Board shall not consider applications for a variance or a special exception or any other Board action, if the application is not on a designated form. The Board shall approve the official application and the Chair shall implement it.

All applications for variances and special exceptions to commercial properties must be submitted with a current, valid "on the ground" survey. An applicant must submit a pauper form with their application if

they cannot proffer a valid survey; provided, however, the applicant illustrates their property with setbacks and encroachments as a survey would.

**C. Meetings**

Applicants have the right to be heard at all meetings where their applications are considered for a dispositive vote. Applicants not able to be present at the scheduled meeting to consider their application may submit to the Planning Department a written request for the Board to table the application. The Board will decide whether or not to grant the applicant's request to table. No application may be tabled at the request of applicant for more than two meetings prior to being considered for a dispositive vote. However, if the applicant requests for his/her application to be tabled because there are only four (4) board members present, such request shall not be counted against applicant's two (2) opportunities to table his/her request. Board action may proceed on any application despite the request of any applicant to table the application. The Board shall note on the record the reason(s) for the tabling of an agenda item. The reason(s) for each tabling, as well as the number of times an agenda item has been tabled, shall be reflected in an activity log in the meeting minutes at the end of each agenda item.

**D. Evidence**

Applicants should be prepared to present evidence necessary to prove their application. The burden of persuasion on seeking a remedy from the Board remains with the applicant at all times.

**VI. HARDSHIP**

A. For an "unnecessary hardship" to apply to a variance, it must relate to the very property for which the variance is sought and be a condition unique, oppressive, and uncommon to other properties. An unnecessary hardship may not be self-created, or be solely financial.

B. "Hardship" must be based on hardship resulting from sharp changes in topography or unusual terrain features. The applicant may prove the topography with a plot plan which includes topographic information related to known base points or surveys, and profiles or particular problems involved, including relationships to topographic features of adjoining properties.

C. There is no unnecessary hardship if the property is suitable and useable for the uses permitted in the district in which it lies, although there will be a loss of profit or other economic disadvantage on account of such use.

**VII. MEETINGS**

**A. Texas Public Information Act and Open Meetings Act.**

Except as permitted under the advice of the Board's attorney, all meetings of the Board are subject to the Texas Public Information Act and shall be open to the public. The minutes of the Board's meetings and records of its examination or other official actions are public records, unless excepted under law.

**B. Quorum**

A quorum consists of seventy-five percent (75%) of the full complement of members. For a full complement of five (5) members, therefore, four (4) members present constitute a quorum. The Chair may declare a quorum does not exist fifteen (15) minutes following a posted meeting time, having found at least four (4) members and alternate members are not present; provided however, the Chair may not declare a quorum thirty (30) minutes from the posted time, should at least members and alternate members not be present.

**C. Regular Meetings**

Regular meetings shall be held every first and third Wednesday at 5:30 P.M., or at other times as determined by the Board, in the City Commission Chambers. The Board by majority vote may change the place, day, and hour of the meetings; provided that, notice complies with the Texas Open Meetings Act (Chapter 511 of the Texas Government Code).

**D. Special Meetings**

The Chair may call a special meeting. A special meeting shall have a lawful purpose and members and public shall be given at least seventy-two (72) hours notice prior to the meeting.

**E. Order of Business**

The usual order of business shall be:

1. Call to Order
2. Approval of Minutes
3. Open Public Hearing
4. Other Statements
5. Introduction: New Information Recommendation
  - a) Presentation of recommendation by City Staff.
  - b) The Chair shall call the applicant or his representative(s) to present the case and answers any questions. If the applicant or representative is not present when called, the Chair may move a case to the end of the agenda.
  - c) The Chair shall then inquire if there are others who wish to address the Board in support of the case.
  - d) The Chair shall then inquire if there are those present who wish to address the Board who are opposed to the case.
  - e) The applicant or his representative may then give a rebuttal to any opposition.
  - f) If new facts are presented during this rebuttal, opposition shall be given the opportunity for rebuttal
  - g) Staff shall then have an opportunity to provide additional information, clarification or address questions from the Board.
  - h) Board discussion.
  - i) The Chair shall then declare that the discussion of the case is closed.

- j) In order to achieve an unambiguous decision, motions should be made in affirmative manner when possible.
  - k) Any motion by a member shall require a second. After a motion has been made and duly seconded, discussion of the motion may be held for a reasonable time. Discussion shall terminate whenever a member shall call for a vote upon the question or whenever the Chair shall so rule.
  - l) Vote on a motion.
6. The Chair may move a case out of regular agenda order.
  7. Staff Report
  8. Other Business posted on the Agenda
  9. Adjournment

**F. Staff Recommendations**

City staff shall provide recommendations on each case before the Board.

**G. Action by the Board**

The super-majority concurring vote of seventy-five percent of the full board compliment, i.e., four affirming members of the Board, shall be necessary to reverse an order, requirement, decision or determination of an administrative official or agency; to decide in favor of an applicant on a matter upon which the Board is required to pass under any such ordinance or regulation; to authorize a variation; or to recommend to the Director of Planning to uphold or modify the interpretation of the City Code. All other matters shall be decided by a majority vote, unless otherwise specified in the City Code. The Board on its own motion may table an application when an applicant does not appear; provided however, in no case may the board table an application, for failure of the applicant to appear, more than twice without taking a dispositive vote.

**H. Minutes of the Board**

The Board, through its designated appointee, shall keep minutes of all meetings that indicate the vote of each member on every question on which it is required to act, or the fact that a member is absent or fails to vote. The minutes shall be filed in the office of the Planning Department and are public record.

**VIII. DECISIONS OF THE BOARD**

**A. Precedent**

There is not precedent. Any one case does not set a precedent for any future case. Each case shall be decided on its own merits and upon the circumstances of the case.

**B. Public Statements**

No Board member shall release any official statement to the public or the press. Only the Director of the Planning Department or her designated representative may make official statements on behalf of the Board.

**B. Parliamentary Procedure**

Any question regarding parliamentary procedure not covered by these rules shall be decided according to the latest edition of Robert's Rules of Order.

**IX. WITHDRAWAL OF APPEAL**

Any appeal or application may be withdrawn by the applicant upon written notice to the Director of Planning.

**X. ATTENDANCE**

Excessive absences cannot be tolerated, as the Board depends on a super majority of attendance in order to exercise decisions on applications for a variance. Three absences or more in a six-month period are excessive. If a Board member is excessively absent from regularly scheduled meetings, the Board may recommend to City Commission, by majority vote, that the Commission appoint an immediate replacement.

**XI. AMENDMENT PROCEDURE**

Amendment to these rules and procedures may be made by the Board at any meeting, upon the affirmative vote of five (5) members, provided any such amendment is proposed at a preceding meeting and entered into the minutes of such meeting. However, board members may adopt through unanimous consent of all members an amendment at the meeting at which it was introduced; provided, however, the amendment shall not become effective until the next regular meeting.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2014 as affirmed by the designated Executive Secretary assigned by the Planning Department of the City of McAllen.

\_\_\_\_\_  
**Executive Secretary**

**ORDINANCE NO. 2018- 70**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCALLEN AT CHAPTER 138 ("ZONING"), ARTICLE VI ("SUPPLEMENTARY DISTRICT REGULATIONS"), DIVISION 3 ("LOTS AND YARDS"), BY ADDING PROVISIONS REGULATING CARPORTS AND GRANTING THE ZONING BOARD OF ADJUSTMENTS TO GRANT SPECIAL EXCEPTIONS THERETO; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY, AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.**

**WHEREAS**, the City of McAllen desires to establish rules and regulations relating to the construction and maintenance of carports within the City,

**WHEREAS**, the City Commission finds that it is in the public interest to delegate the authority to regulate carports to the Zoning Board of Adjustments,

**WHEREAS**, the City of McAllen seeks to protect the value of property located within the corporal limits of the City,

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MCALLEN, TEXAS, THAT:**

**SECTION I:** The Code of Ordinances, City of McAllen, Chapter 138 ("Zoning"), Article VI ("Supplementary District Regulations"), Division 3 ("Lots and Yards") is hereby amended to read as follows:

**Sec. 138-371. – Special Exception for carports.**

- (a) The Zoning Board of Adjustment may grant a special exception to the minimum setback requirements for a carport when, in the opinion of the board:
  - (1) there is no adequate vehicular access to an area behind the required front building line that would accommodate a parking space; and

- (2) the carport will not have a detrimental impact on surrounding properties.
- (b) In determining whether to grant this special exception, the board shall consider the following factors:
- (1) Whether the requested special exception is compatible with the character of the neighborhood.
  - (2) Whether the value of surrounding properties will be adversely affected.
  - (3) The suitability of the size and location of the carport
  - (4) The materials to be used in construction of the carport
- (c) Storage of items other than motor vehicles is prohibited in a carport for which a special exception has been granted under this subsection.
- (d) If the Zoning Board of Adjustmnet Grants a special exception as provided in this section, the site plan and the minutes of the Zoning Board of Adjustment meeting shall be officially recorded with Hidalgo County.
- (e) Any special exception granted under this chapter is granted solely to the applicant and may not be transferred, sold, inherited, bequeathed, or devised.
- (f) A new special exception shall be required upon any change or transfer in ownership of the underlying tract; a special exception granted to a previous applicant does not confer any right to any other individual or corporation to maintain the carport without approval from the Zoning Board of Adjustment.

**SECTION II:** The City Secretary of the City of McAllen is hereby authorized and directed to cause the caption of this ordinance to be published in a newspaper having general circulation in McAllen, Hidalgo County, Texas in accordance with the Code of Ordinances of the City of McAllen, Section 2-56. Publication of ordinances.

**SECTION III:** The City Secretary of the City of McAllen is hereby authorized and directed to cause the language in Chapter 38, Article VI, Division 3, the McAllen Code of Ordinances, as amended by Section I, hereinabove, to be published in the appropriate location in the said Code of Ordinances.

**SECTION IV:** This Ordinance shall be and remain in full force and effect from and

after its passage by the Board of Commissioners, and execution by the Mayor.

**SECTION V:** If any part or parts of this Ordinance are found to be invalid or unconstitutional by a court having competent jurisdiction, then such invalidity or unconstitutionality shall not affect the remaining parts hereof and such remaining parts shall remain in full force and effect, and to that extent this Ordinance is considered severable.

**CONSIDERED, PASSED and APPROVED** this 8<sup>th</sup> day of October, 2018, at a regular meeting of the Board of Commissioners of the City of McAllen, Texas at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

**SIGNED** this 9<sup>th</sup> day October, 2018.

**CITY OF McALLEN**

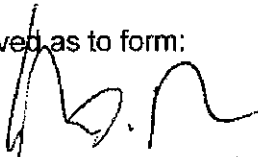
\_\_\_\_\_  
John Ingram, City Commissioner

Attest:



\_\_\_\_\_  
Perla Lara, TRMC/CMC, CPM  
City Secretary

Approved as to form:



\_\_\_\_\_  
Austin W. Stevenson, Assistant City Attorney





## 2021 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

	01/06/21	01/20/21	02/03/21	02/17/21	03/03/21	03/17/21	04/07/21	04/21/21	05/05/21	05/19/21	06/02/21	06/17/21	07/07/21	07/21/21	08/04/21	08/18/21	09/01/21	09/15/21	10/06/21	10/20/21	11/03/21	11/17/21	12/01/21	
ERICK DIAZ- <b>CHAIRPERSON</b>	P	P	P	P	P	P	A	P	A	P	P	P	P	P	P	P								
JOHN MILLIN- <b>VICECHAIRPERSON</b>	P	A	P	P	P	P	P	P	P	P	A	P	P	A	P	A								
SYLVIA HINOJOSA	P	P	P	A	P	P	P	P	P	P	P	P	P	P	P	P								
JOSE GUTIERREZ	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P								
JUAN F. JIMENEZ	P	A	P	P	P	A	P	P	P	P	A	A	P	A	P	A								
ANN TAFEL (ALT 1)	P	P	P	P	P	P	P	P	P	A	A	P	P	P	P	P								
HUGO AVILA (ALT 2)	P	P	P	P	P	A	P	P	P	A	P	P	A	P	P	P								
REBECCA MILLAN (ALT 3)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P								
ROGELIO RODRIGUEZ (ALT 4)	A	P	P	P	P	P	A	P	P	P	P	P	P	P	P	P								

P - PRESENT

A - ABSENT

NEW APPOINTMENT

MC - MEETING CANCELLED

NRM - NO MEETING

LOQ - LACK OF QUORUM

RS - RESIGNATION



# PLANNING DEPARTMENT



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

## 2021 CALENDAR

### Meetings:

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

### Deadlines:

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

### JANUARY 2021

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

### FEBRUARY 2021

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

### MARCH 2021

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

### APRIL 2021

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

### MAY 2021

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

### JUNE 2021

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

Deadlines and Meeting Dates are subject to change at any time. Please contact the Planning Department at (956) 681-1250 if you have any questions.

## 2021 CALENDAR

### Meetings:

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

### Deadlines:

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

### JULY 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
					A-7/20 & 7/21	
4	<b>HOLIDAY</b>	6 <span style="background-color: yellow;">■</span>	7 <span style="background-color: lightgray;">■</span> N-7/20 & 7/21 D-8/3 & 8/4	8 PZ MTG	9	10
		PZ moved to 7/8				
11	12 <span style="color: orange;">●</span>	13 <span style="color: blue;">▲</span>	14	15	16	17
18	19 A-8/3 & 8/4	20 <span style="background-color: yellow;">■</span>	21 <span style="background-color: lightgray;">■</span> HPC N-8/3 & 8/4 D-8/17 & 8/18	22	23	24
25	26 <span style="color: orange;">●</span>	27 <span style="color: blue;">▲</span>	28	29	30	31

### AUGUST 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3 <span style="background-color: yellow;">■</span> Las Palmas Community	4 Exec Room N- 8/17 & 8/18 D-9/1 & 9/7	5	6	7
8	9 A- 8/17 & 8/18	10 <span style="color: orange;">●</span>	11 <span style="color: blue;">▲</span>	12	13	14
15	16 A-ZBA 9/1	17 <span style="background-color: yellow;">■</span> Library	18 Exec Room N-ZBA 9/1 D-9/15 & 9/21	19	20	21
22	23 <span style="color: orange;">●</span>	24 <span style="color: blue;">▲</span>	25 <span style="background-color: lightgray;">■</span> HPC N-PZ 9/7	26	27	28
29	30 A-PZ 9/7	31				
	A-ZBA 9/15					

### SEPTEMBER 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1 <span style="background-color: lightgray;">■</span> N-ZBA 9/15 D-10/5 & 10/6	2	3	4
					A-PZ 9/21	
5	<b>HOLIDAY</b>	7 <span style="background-color: yellow;">■</span>	8 <span style="background-color: lightgray;">■</span> N-PZ 9/21	9	10	11
			D-10/19 & 10/20			
12	13 <span style="color: orange;">●</span>	14 <span style="color: blue;">▲</span>	15 <span style="background-color: lightgray;">■</span>	16	17	18
19	20 A-10/5 & 10/6	21 <span style="background-color: yellow;">■</span>	22 <span style="background-color: lightgray;">■</span> HPC N-10/5 & 10/6	23	24	25
26	27 <span style="color: orange;">●</span>	28 <span style="color: blue;">▲</span>	29	30		

### OCTOBER 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
						2
3	4	5 <span style="background-color: yellow;">■</span>	6 <span style="background-color: lightgray;">■</span> N-10/19 & 10/20 D-11/2 & 11/3	7	8	9
			A-10/19 & 10/20			
10	11 <span style="color: orange;">●</span>	12 <span style="color: blue;">▲</span>	13	14	15	16
17	18 A- 11/2 & 11/3	19 <span style="background-color: yellow;">■</span> PZ moved to 21st	20 <span style="background-color: lightgray;">■</span> N- 11/2 & 11/3 D-11/16 & 11/1	21 PZ MTG	22	23
24	25 <span style="color: orange;">●</span>	26 <span style="color: blue;">▲</span>	27 <span style="background-color: lightgray;">■</span> HPC	28	29	30
						31

### NOVEMBER 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2 <span style="background-color: yellow;">■</span>	3 <span style="background-color: lightgray;">■</span> N-11/16 & 11/17 D-12/1 & 12/7	4	5	6
	A-11/16 & 11/17					
7	8 <span style="color: orange;">●</span>	9 <span style="color: blue;">▲</span>	10	11	12	13
14	15 A-ZBA 12/1	16 <span style="background-color: yellow;">■</span>	17 <span style="background-color: lightgray;">■</span> N-ZBA 12/1 D-PZ-12/21	18	19	20
21	22 <span style="color: orange;">●</span>	23 <span style="color: blue;">▲</span>	24	25 <b>HOLIDAY</b>	26	27
	A-PZ 12/7		N-PZ 12/7			
28	29 A-ZBA 12/15	30				

### DECEMBER 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1 <span style="background-color: lightgray;">■</span> HPC N-ZBA 12/15 D-1/4 & 1/5	2	3	4
5	6	7 <span style="background-color: yellow;">■</span>	8 <span style="background-color: lightgray;">■</span>	9	10	11
		A-PZ 12/21	N- PZ 12/21			
12	13 <span style="color: orange;">●</span>	14 <span style="color: blue;">▲</span>	15 <span style="background-color: lightgray;">■</span>	16	17	18
			D-1/18 & 1/19			
19	20 A- 1/4 & 1/5	21 <span style="background-color: yellow;">■</span>	22 <span style="background-color: lightgray;">■</span> N- 1/4 & 1/5	23 <b>HOLIDAY</b>	24 <b>HOLIDAY</b>	25
26	27	28	29	30	31 <b>HOLIDAY</b>	