

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, SEPTEMBER 2, 2020 - 4:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3RD FLOOR

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

Meeting ID: [672-423-1883](https://zoom.us/join)

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

CALL TO ORDER

1. MINUTES:

- a) Minutes for the meeting held on August 19, 2020.

2. PUBLIC HEARINGS:

- a) Request of Cesar Pavel Cal Camarillo for the following special exception to the City of McAllen Zoning Ordinance: to not provide one required parking space beyond the front yard setback at Lot 21, Trinity Oaks Subdivision Phase I, Hidalgo County, Texas; 3209 Guadalupe Avenue. **(ZBA2020-0046)**
- b) Request of Eva Barrera for the following Special Exception to the City of McAllen Zoning Ordinance: to allow an encroachment of 10 ft. into the 20 ft. front yard setback for an existing carport measuring 20 ft. by 38 ft. at Lot 23, Block 5, Colonia McAllen Unit No.7 Subdivision, Hidalgo County, Texas; 1909 South 33rd Street. **(ZBA2020-0044)**
- c) Request of Ivan Garcia on behalf of Rio Delta Engineering for the following variance to the City of McAllen Zoning Ordinance: to allow an encroachment of 27 ft. into the 75 ft. front yard setback for a new meeting room addition to existing building, at Lot 2, T.M.J.C. Subdivision, Hidalgo County, Texas; 612 Expressway 83. **(ZBA2020-0047)**
- d) Request of America I. Lopez for the following special exceptions and variances to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 7 ft. into the 7 ft. side yard setback on the east property line for an existing storage building measuring 7 ft. by 17 ft., **2)** to allow an encroachment of 5 ft. into the 5 ft. side yard setback on the west property line for an existing storage building measuring 8 ft. by 10 ft., **3)** to allow an encroachment of 23 ft. into the 30 ft. front yard setback for a proposed carport measuring 19 ft. by 20 ft., **4)** to allow an encroachment of 7 ft. into the 7 ft. side yard setback on the east side for a proposed carport measuring 19 ft. by 20 ft., **5)** to allow an encroachment of 23 ft. into the 30 ft. front yard setback for a proposed carport measuring 20 ft. by 30 ft., and **6)** to allow an encroachment of 5 ft. into the 5 ft. side yard setback on the west property line for a proposed carport measuring 20 ft. by 30 ft. at Lot 17, Block 1, Western Acres Subdivision, Hidalgo County, Texas; 1508 Upas Avenue. **(ZBA2020-0040) (TABLED: 08/19/2020)**
- e) Request of Juana L. De Leon for the following special exceptions and variances to the City of McAllen Zoning Ordinance **1)** to allow an encroachment of 6 ft. into the 6 ft. side yard setback along the east property line for an existing carport measuring 21 ft. by 25 ft., **2)** to allow an encroachment of 6 ft. into the 6 ft. side yard setback for an existing porch along the east property line measuring

6 ft. by 58.5 ft., **3)** to allow an encroachment of 20 ft. into the 20 ft. front yard setback for an existing wooden carport, **4)** to allow an encroachment of .58 ft. into the 3 ft. rear yard setback for an existing storage room measuring 16.4 ft. by 13 ft., **5)** to allow an encroachment of 6 ft. into the 6 ft. side yard setback along the east property line for an existing storage room measuring 16.4 ft. by 13 ft., **6)** to allow an encroachment of 3 ft. into the 3 ft. rear yard setback for an existing wooden porch measuring 16.66 ft. by 20.33 ft., and **7)** to allow an encroachment of 6 ft. into the 6 ft. side yard setback along the west property line for an existing wooden porch measuring 16.66 ft. by 20.33 ft. at Lot 4, Block 1, Colonia McAllen Unit No. 4, Hidalgo County, Texas; 2616 Uvalde Avenue. **(ZBA2020-0042) (TABLED: 08/19/2020)**

- f) Request of Robert Zamora for the following special exception and variance to the City of McAllen Zoning Ordinance **1)** to allow an encroachment of 6 ft. into the 6 ft. side yard setback along the west property line for an existing carport with an encroachment area measuring 2.9 ft. by 25 ft., **2)** to allow an encroachment of 6 ft. into the 6 ft. side yard setback along the west property line for an existing wooden storage building measuring 12.4 ft. by 19 ft., and **3)** to allow an encroachment of 20 ft. into the 20 ft. front yard setback for an existing carport with an encroachment area measuring 2.9 ft. by 20 ft. at Lot 3, Block 1, Colonia McAllen Unit No. 4, Hidalgo County, Texas; 2612 Uvalde Avenue. **(ZBA2020-0041)**
- g) Request of Cesar H. Sanchez for the following variance to the City of McAllen Zoning Ordinance: to allow an unattached structure in the R-2 (duplex- fourplex residential) District, at the east 6 ft. of Lot 4, Block 7 and all of Lot 5, Block 7, Larkspur Subdivision No.2, Hidalgo County, Texas; 1607 Nolana Avenue. **(ZBA2020-0045)**
- h) Request of San Juanita San Miguel for the following variances to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 5.17 ft. into the 6 ft. side yard setback along the north property line for an existing covered patio measuring 10 ft. by 24.33 ft., **2)** an existing covered patio measuring 10 ft. by 24.33 ft. with a distance of 3.17 ft. instead of 5 ft. to the main building, and **3)** an encroachment of 6 ft. into the 6 ft. side yard setback along the south property line for an existing storage building measuring 12.75 ft. by 13.33 ft., at Lot 154, Colonia McAllen Unit No. 6 Subdivision, Hidalgo County, Texas; 2121 South 31st Street. **(ZBA2020-0034)(TABLED: 08/05/2020) (REMAIN TABLED: 08/19/2020)**

3. FUTURE AGENDA ITEMS

- a) 2913 Wanda Avenue
- b) 409 Dove Avenue
- c) 7723 North 4th Court
- d) 2113 Hibiscus Avenue
- e) 1504 North 22nd Street
- f) 301 Pelican Avenue
- g) 5517 South 29th 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 19, 2020 at 4:30 p.m. in the City Commission Meeting Room with the following present:

Present:	David Salinas	Chairperson (teleconference)
	Erick Diaz	Vice-Chairperson (teleconference)
	John Millin	Member
	Sylvia Hinojosa	Member
	Jose Gutierrez	Alternate (teleconference)
	Juan F. Jimenez	Alternate (teleconference)
Absent:	Sonia Falcon	Member
Staff Present:	Austin Stevenson	Assistant City Attorney (teleconference)
	Michelle Rivera	Assistant City Manager (teleconference)
	Edgar Garcia	Planning Director (teleconference)
	Rodrigo Sanchez	Senior Planner
	Kaveh Forghanparast	Planner II
	Carlos Garza	Planner I
	Hebert Camacho	Planner I
	Porfirio Hernandez	GIS Technician II
	Carmen White	Secretary

CALL TO ORDER –Chairperson David Salinas

1. MINUTES:

- a) Minutes for Regular Meeting held on August 5, 2020.

The minutes for the meeting held on August 5, 2020 were approved. The motion to approve the minutes was made by Mr. John Millin. Mr. Juan Jimenez seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a) Request of Adrian Melendez for the following variance to the City of McAllen Zoning Ordinance to allow an encroachment of 8.5 ft. into the 10 ft. rear yard setback for an existing frame garage measuring 20.3 ft. by 20.3 ft. at Lot 16, Block 4, Orange Terrace Subdivision No.3, Hidalgo County, Texas; 1018 Orange Avenue. **(ZBA2020-0038)**

Mr. Sotelo stated the applicant was requesting a variance to encroach 8.5 ft. into the 10 ft. rear yard setback for an existing garage measuring 20.3 ft. by 20.3 ft., in order to undertake improvements to existing structure and to allow the structure to remain with the encroachments.

The subject property was located on the north side of Orange Avenue between North 12th Street and North 10th Street. The tract had 67 ft. of frontage along Orange Avenue with lot size of 7,906 square feet. Surrounding land uses to the west, east, and south are single-family residential, and commercial uses to the north.

Orange Terrace Subdivision No. 3 Blocks 4 & 5 was recorded on June 30, 1945. The residential home and garage were built around 1976 according to the Hidalgo County Appraisal records. An application for a building permit for remodeling had not been submitted. An application for a variance was submitted on July 13, 2020. The variance request was to allow 8.5 ft. encroachment into the 10 ft. rear yard setback.

Variance request was to allow an encroachment of 8.5 ft. into the 10ft. rear yard setback. According to the applicant in order to achieve compliance with the required setback, the garage would have to be relocated and reconstructed outside of the required setback and would be costly. There was an alley to the north of the property that serves as a buffer, so no building will ever be built adjacent to the garage.

The neighbor to the east at 1016 Orange Avenue had a carport at 5 ft. from rear property line, which was approved by the Zoning Board of Adjustment at the meetings of April 18, 2018.

In the past, the Zoning Board of Adjustments had approved variance request for accessory uses, but not for living areas.

Staff had not received any phone calls from the surrounding property owners with issues or concern regarding this variance request.

Staff recommended approval of the variance request.

Mr. John Millin inquired if the applicant had obtained a building permit since the structure already existed. Mr. Sotelo stated the applicant had not obtained a building permit however, he did want to renovate it and it would be more than 10 percent of the repair areas. Mr. Millin asked if it would remain a garage. Mr. Sotelo it will remain a garage.

Chairperson David Salinas inquired if there was anyone present to speak in favor of the variance request. There was no one to speak in favor of the variance request.

Chairperson David Salinas inquired if there was anyone present to speak in opposition of the variance request. No one spoke in opposition of the variance request.

Ms. Sylvia Hinojosa **moved** to approve the variance request. Vice-Chairperson Erick Diaz seconded the motion. The board voted unanimously to approve the variance request with five members present and voting

- b) Request of Hector Leal for the following special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 16 ft. into the 25 ft. rear yard setback for a proposed carport measuring 16 ft. by 24 ft. at East 18' of Lot 6 and W 7' of Lot 7, Wilson Subdivision No.2, Hidalgo County, Texas; 300 Nolana Avenue. (ZBA2020-0037)**

Ms. Alvarado stated the applicant was requesting to allow an encroachment of 16 ft. into the 25 ft. rear yard setback for a proposed carport measuring 16 ft. by 24 ft. The business owners would like to use the carport to protect themselves and their vehicle from harsh weather conditions.

The property was located on the north side of Nolana Avenue, approximately 300 ft. east of 4th Street. The lot had 25 ft. of frontage along Nolana Avenue and 320 ft. of depth for a lot size of 8,000 sq. ft. The property was zoned C-3 (general business) district. The adjacent zoning is R-1 (single family residential) district to the north, A-0 (agricultural & open space) district to the east, C-3 (general business) district to the south and west. The surrounding land uses include single-family residences, open space, and commercial businesses.

Wilson No. 2 was recorded on April 23, 1977. According to the Hidalgo County Appraisal district, the commercial building was built in 1978. A right of way permit was issued on September 6, 2016, to build a 20 ft. by 25 ft. slab, which is used as parking. The subdivision plat did not indicate any utility easements along the rear side of the property.

The request was for a special exception for a carport to be built over the existing concrete slab that was used as parking. The rear setback for the subject property was 25 ft. The submitted site plan showed the proposed carport to be encroaching 16 ft. into the 25 ft. rear setback. The existing business is called Fully Promoted and is an embroidery and print shop. The business does not have a need for loading areas at the rear of the property, which would need a 25 ft. clearance. The standard rear yard setback in a C3 (general business) is 5 ft.

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

Staff recommended approval of the variance request. If the Board chooses to grant the variance, it should be limited to the footprint of the submitted site plan.

Ms. Sylvia Hinojosa inquired if there were any other carports in that strip because it was quite lengthy. Ms. Alvarado stated there were other carports in that strip and that the applicant was present. Ms. Hinojosa stated her concern were there existing approximately the same type of carports to protect the vehicles in the back. Ms. Alvarado stated yes.

Mr. Hector Leal, the applicant, stated confirmed over structures in the back.

Mr. John Millin **moved** to approve the special exception limited to the footprint of the encroachment. Mr. Sylvia Hinojosa seconded the motion. The board voted unanimously to approve the variance request with five members present and voting

- c) Request of Robert Zamora for the following special exception and variance to the City of McAllen Zoning Ordinance **1)** to allow an encroachment of 6 ft. into the 6 ft. side yard setback along the west property line for an existing carport with an encroachment area measuring 2.9 ft. by 25 ft. and, **2)** to allow an encroachment of 6 ft. into the 6 ft. side yard setback along the west property line for an existing wooden storage building measuring 12.4 ft. by 19 ft., at Lot 3, Block 1, Colonia McAllen Unit No. 4, Hidalgo County, Texas; 2612 Uvalde Avenue. **(ZBA2020-0041)**

Per Staff, this item was to be tabled until the next meeting.

Mr. John Millin **moved** to table the variance request to allow the applicant an opportunity to have a full board. Ms. Sylvia Hinojosa seconded the motion. The board voted unanimously to table the special exception with five members present and voting.

- d) Request of Juana L. De Leon for the following special exceptions and variances to the City of McAllen Zoning Ordinance **1)** to allow an encroachment of 6 ft. into the 6 ft. side yard setback along the east property line for an existing carport measuring 21 ft. by 25 ft., **2)** to allow an encroachment of 6 ft. into the 6 ft. side yard setback for an existing porch along the east property line measuring 6 ft. by 58.5 ft., **3)** to allow an encroachment of 20 ft. into the 20 ft. front yard setback for an existing wooden carport, **4)** to allow an encroachment of .58 ft. into the 3 ft. rear yard setback for an existing storage room measuring 16.4 ft. by 13 ft., **5)** to allow an encroachment of 6 ft. into the 6 ft. side yard setback along the east property line for an existing storage room measuring 16.4 ft. by 13 ft., **6)** to allow an encroachment of 3 ft. into the 3 ft. rear yard setback for an existing wooden porch measuring 16.66 ft. by 20.33 ft., and **7)** to allow an encroachment of 6 ft. into the 6 ft. side yard setback along the west property line for an existing wooden porch measuring 16.66 ft. by 20.33 ft. at Lot 4, Block 1, Colonia McAllen Unit No. 4, Hidalgo County, Texas; 2616 Uvalde Avenue. **(ZBA2020-0042)**

Per Staff, this item was to be tabled until the next meeting.

Mr. John Millin **moved** to table the variance request to allow the applicant an opportunity to have a full board. Ms. Sylvia Hinojosa seconded the motion. The board voted unanimously to table the special exception with five members present and voting.

- e) Request of Esthela de Hoyos for the following variance to the City of McAllen Zoning Ordinance to allow an encroachment of 5 ft. into the 10 ft. rear yard setback for a proposed swimming pool measuring 17.5 ft. by 8.44 ft. at Lot 63, Santa Yesenia Subdivision, Hidalgo County, Texas; 2308 North 48th Street. **(ZBA2020-0036)**

Mr. Garza stated Esthela de Hoyos was requesting the following variance to allow an encroachment of 5 ft. into the 10 ft. rear yard setback for a proposed pool measuring 17.5 ft. by 8.44 ft.

The property was located on the east side of North 48th Street. The lot has 61.03 ft. of frontage North 48th Street and a depth of 103.44 ft. for a lot size of 6,312.94 sq. ft. The property is zoned R-1 (single family residential) District. The surrounding land uses include single-family residential uses.

Santa Yesenia Subdivision was recorded on February 22, 2005. A note on the plat indicates that the rear yard setback requirement for the lot is 10 ft. A variance application for the proposed swimming pool was submitted on July 06, 2020. The swimming pool permit application for a proposed swimming pool was submitted on July 07, 2020.

The variance request was for a proposed swimming pool, which is an accessory structure and not a primary building. The site plan submitted shows the proposed distance from the rear property line to the outside wall of the swimming pool at 5 ft. The remaining 5 ft. comprise of a 5 ft. utility easement that runs concurrently with the 10 ft. rear yard setback. In the past, the Board has approved variances for accessory buildings.

The site plan showed a proposed swimming pool encroaching 5 ft. into the 10 ft. rear yard setback. In the past, swimming pools were allowed to be built within setbacks;

however, a subsequent determination by the City's Legal Department included swimming pools as structures, which require compliance with setbacks.

Staff had not received any phone calls from the surrounding property owners in opposition to these variance requests.

Staff recommended disapproval of the variance request. If the Board chooses to grant the variance, it should be limited to the footprint of the site plan submitted.

Chairperson David Salinas inquired if there was anyone present to speak in favor of the variance request. There was no one to speak in favor of the variance request.

Chairperson David Salinas inquired if there was anyone present to speak in opposition of the variance request. No one spoke in opposition of the variance request.

Ms. Esthela de Hoyos, the applicant, stated she wanted to build a swimming pool a little larger but could not because of the setback distance.

Chairperson Salinas asked the measurements of the pool. Ms. Hoyos stated it was 17.5 feet by 8.44 feet.

Ms. Hinojosa inquired if there was any information if they were doing anything around the pool such as any utilities. Mr. Garza stated there was a 5-foot utility easement but construction would not go beyond the easement. If they decide to do pavers that would have to go to the Building Department and pavers on sand were permitted.

Ms. Sylvia Hinojosa **moved** to approve the variance request limited to the footprint of the site plan submitted. Mr. Jose Gutierrez seconded the motion. The board voted unanimously to approve the variance request with five members present and voting

- f) Request of San Juanita San Miguel for the following variances to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 5 ft. into the 6 ft. side yard setback along the north property line for an existing covered patio measuring 12 ft. by 24 ft., **2)** an existing covered patio measuring 12 ft. by 24 ft. with a distance of 3 ft. instead of 5 ft. to the main building, and **3)** an encroachment of 3 ft. into the 6 ft. side yard setback along the south property line for an existing storage building measuring 10 ft. by 13 ft., at Lot 154, Colonia McAllen Unit No. 6 Subdivision, Hidalgo County, Texas; 2121 South 31st Street. **(ZBA2020-0034)**

Mr. Garza stated this item was to remain tabled until the next meeting.

- g) Request of America I. Lopez for the following special exceptions and variances to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 7 ft. into the 7 ft. side yard setback on the east property line for an existing storage building measuring 7 ft. by 17 ft., **2)** to allow an encroachment of 5 ft. into the 5 ft. side yard setback on the west property line for an existing storage building measuring 8 ft. by 10 ft., **3)** to allow an encroachment of 23 ft. into the 30 ft. front yard setback for a proposed carport measuring 19 ft. by 20 ft., **4)** to allow an encroachment of 7 ft. into the 7 ft. side yard setback on the east side for a proposed carport measuring 19 ft. by 20 ft., **5)** to allow an encroachment of 23 ft. into the 30 ft. front yard setback

for a proposed carport measuring 20 ft. by 30 ft. ,and **6)** to allow an encroachment of 5 ft. into the 5 ft. side yard setback on the west property line for a proposed carport measuring 20 ft. by 30 ft. at Lot 17, Block 1, Western Acres Subdivision, Hidalgo County, Texas; 1508 Upas Avenue. **(ZBA2020-0040)**

Mr. Camacho stated the applicant, America Lopez, was requesting a variance to allow encroachments into the front yard and side yard setbacks for 2 existing storage buildings and 2 proposed carports. The applicant stated that she had a recent knee replacement surgery and the carports would help her and her husband get to their vehicles safely for their medical appointments in inclement weather. In addition, it would help their cars; their cars suffer damage from hail and from a sap that falls into their cars from a neighboring tree.

The subject property had frontage on Upas Avenue and is approximately 430 ft. away from Main Street. The lot had 61.5 ft. of frontage on Upas Avenue and a depth of 130 ft. The property was zoned R-1 (single family residential) District. The surrounding land uses are single-family residences, El Camino Real Apartments and David Crocket Elementary School.

Western Acres was recorded on March 4, 1952. According to Building Permit records, a Stop Work Order was issued on June 16, 2020 for construction without a permit. The applicant submitted an application for a building permit on June 18, 2020. The variance request application was submitted on July 14, 2020.

The Zoning Board of Adjustments and Appeals approved variances at 1515 Vine Avenue (2116 N. 16th St) and 1409 Vine Avenue for buildings encroachments into the rear and front setbacks lines in 1973.

Variance # 1 was to allow an encroachment of 7 ft. into the 7 ft. east side yard setback, for an existing storage building measuring 7 ft. by 17 ft. for an area of 119 sqft. Storage building is located at the northeast section of the property. According to County records, the improvement was built in 2012.

Variance #2 was to allow and encroachment of 5 ft. into the 5 ft. west side yard setback, for an existing storage building measuring 8 ft. by 10 ft. for an area of 80 sqft. Storage building is located at the northwest section of the property. According to County records, the improvement was built in 2015.

Variance #3 is to allow an encroachment of 23 ft. into the 30 ft. front yard setback, for a proposed carport measuring 19 ft. by 20 ft. for an area 380 sqft.

Variance #4 is to allow an encroachment of 7 ft. into the 7 ft. east side yard setback for a proposed carport measuring 19 ft. by 20 ft. The carport will not have an overhang, at the property line the carport will go straight down.

Variance request # 5 is to allow an encroachment of 23 ft. into the 30 ft. front yard setback, for a proposed carport measuring 20 ft. by 30 ft. with an area of 600 sq. ft.

Variance #6 is to allow an encroachment of 5 ft. into the 5 ft. west side yard setback, for a proposed carport measuring 20 ft. by 30 ft. as in variance #4 there will not be an

overhang. However, staff recommended to relocate, if approved, column #1, to be align with the rest of the columns in the driveway.

The front yard setbacks are important in establishing the character of a single-family neighborhood by providing landscaping to enhance the residence and curb appeal of the street view of properties in a subdivision.

The submitted site plan indicates the proposed carports to be 7 foot from the property line; however, measurements provided are without the benefit of a survey. Approval of the variance request will allow the proposed construction as depicted on the site plan.

Staff had not received any phone calls from surrounding property owners with issues of concern regarding this variance request.

There are other existing carports in the area that appear to be encroaching into the front and side yard setbacks.

There were no utility easements shown on the plat.

Staff recommended disapproval of variance #1 and #2 and approval of the two special exceptions since reasons of appeal are health related. If the Board chooses to approve the variances, the approval should be limited to the footprint as shown on the site plan.

Chairperson Salinas inquired about the variances and special exceptions. Chairperson Salinas stated that staff recommended disapproval on 2 variances and approval of 2 special exceptions, however at the presentation of the request it was stated that it was a total of 6 variances.

Mr. Camacho stated that variances #1 and #2 were for the storage encroaching into the side setbacks while variances #3 through #6 were for the carports. Variances #3 and #4 were for the carport and variances #5 and #6 were for another carport, as depicted on the site plan provided on your packet.

Ms. Sylvia Hinojosa inquired if they ran a business out of the property. Mr. Camacho stated no business. They were an elderly couple and recently had knee surgeries and wanted the carport due the falls during the weather conditions. Ms. Hinojosa stated it was referenced more to the storage units. Mr. Camacho stated it was for storing personal items.

Chairperson Salinas asked if the applicant was present. Mr. Camacho stated she was not present or neither online.

Chairperson Salinas stated they would proceed onto the next item to see if the applicant presents herself at the meeting.

Mr. Camacho stated the applicant still was not present.

Ms. Sylvia Hinojosa **moved** to table the special exceptions and variances to allow the applicant to be present. Mr. Jose Gutierrez seconded the motion. The board voted unanimously to table the special exceptions and variances with five members present

and voting.

- h) Request of Blanca I. Cantu for the following special exception to the City of McAllen Off-Street Parking and Loading Ordinance to allow 5 parking spaces instead of the required 7 parking spaces, at Lot 18, Block 1, Redwood Park Addition, Hidalgo County, Texas; 1601 North 7th Street. **(ZBA2020-0039)**

Mr. Forghanparast stated the applicant was requesting a special exception from the City of McAllen Off-street Parking and Loading Ordinance to provide 5 parking spaces instead of the required 7 parking spaces for a commercial building due to space limitation.

The property was located on the northwest corner of 7th Street and Pecan Boulevard. The lot had 61 ft. of frontage along 7th Street and 135 ft. of depth for a lot size of 8,235 sq. ft. The property was zoned C-3L (light commercial) District. The adjacent zoning was C-2 (neighborhood commercial) District to the east, R-1 (single-family residential) District to the north, and C-3 (general business) District to the west and south. The surrounding land uses included single-family residences, retail stores, beauty salons, and offices.

Redwood Park Addition Subdivision was recorded on September 14, 1949. The subject property was being used as a flower shop and event design company under the name of Cantu's Special Events. An application for a building permit to add eight seats in the patio as a cyber café was submitted on April 23, 2020. The Planning Department rejected the request due to the deficiency of provided and proposed parking spaces. The application for a special exception request was submitted on July 14, 2020, with a revised site plan showed six seats outside.

The establishment had 545 sq. ft. of retail space, and the applicant was willing to add six seats outside. Therefore, 5 parking spaces for the retail space and 2 for the outside seating area were required for a total of 7 required parking spaces. The request was to provide 5 parking spaces due to space limitation. The applicant had explored the possibility of borrowing parking spaces from the neighboring businesses, which was unsuccessful.

During the inspection, staff noticed that three out of the existing five parking spaces were occupied by the company's vehicles.

Staff had not received any phone calls in opposition to this special exception request.

Staff recommended disapproval of the special exception request.

Ms. Sylvia Hinojosa asked if they were trying to set up a small coffee shop. Mr. Forghanparast stated yes and that there were some seats that they were proposing to do similar to a coffee shop. Ms. Hinojosa asked they were not getting rid of their previous business. Mr. Forghanparast stated no. They would still have it with their existing flower shop and event company that go to decorate for events. Ms. Hinojosa stated unless they get a parking agreement from somebody because it would affect the neighborhood. She stated they always had rental trucks to move items. The alley was always busy and they would not have any parking for patrons unless they do something with the front yard. Mr. Forghanparast mentioned that staff had explored different options to see if they could provide another parking space, which was not feasible. In addition, according to borrowing space from other properties and having an agreement, other businesses

needed their parking spaces and they were at their limit, so that was not possible as well. The applicant was present for any questions.

Ms. Hinojosa stated it had always been very busy at that particular location. In addition, she did not know how could they acquire a sit down type business in addition to what they already had there with no place for people to park.

Mr. John Millin asked as it was currently used as a floral shop and event planning office, if they had adequate parking. Mr. Forghanparast stated as of now yes, they did. They tried to work with the applicant. The business they considered as a retail space and that required five parking spaces so they had five parking spaces as of now. Mr. Millin stated to add a coffee shop they would need another two parking spaces. Mr. Forghanparast confirmed.

Ms. Hinojosa asked if those five parking spaces were utilized for the trucks. Mr. Forghanparast stated that during the inspection they noticed that 3 out of 5 parking spaces were occupied by the business' vehicles.

Vice-Chairperson Erick Diaz asked the reason for not being able to add the other two spaces. Mr. Forghanparast stated because of the space limits, they did not have any available space. They have used all the 5 spaces they had.

Chairperson David Salinas inquired if there was anyone present to speak in favor of the special exception. There was no one to speak in favor of the special exception.

Chairperson David Salinas inquired if there was anyone present to speak in opposition of the special exception. No one spoke in opposition of the special exception.

Chairperson Salinas asked if staff had received any oppositions. Mr. Forghanparast stated they had not received any phone calls or emails regarding this request.

Ms. Hinojosa asked if the applicant was stating they were not going to utilize this floral/event-planning business, that meant that they were going to remove the trucks for more parking spaces for her patrons.

Ms. Blanca I. Cantu, the applicant, stated in the photos it had the trucks at that location but they also had another location where they would relocated the trucks there in order to have enough parking spaces for the proposed coffee shop.

Ms. Hinojosa stated if they were to get more access from 7th Street to the front door or a circular driveway would be agreeable. However, the way it was set up in the alley, she did not know how it could happen.

Ms. Hinojosa asked if staff went inside and concluded that they needed seven parking spaces into the retail space. Mr. Forghanparast stated that according to the square footage, five for the retail and two for the proposed coffee shop with six seats outside. He stated the number of spaces calculated based on the Zoning Ordinance were more than seven but staff worked with the applicant and tried to remove some of the spaces they did not use as retail like corridors and storage. Also, for the space outside, they calculated only based on the number of seats versus the square footage that would require more.

Therefore, this number of parking spaces was the minimum number they could get working with the applicant.

Mr. John Millin asked if they determined how many customers they typically have in their parking spaces under its current uses as the flower shop and event planning business. Mr. Forghanparast stated they determined the number of parking spaces according to the ordinance.

Ms. Hinojosa commented when one opens any kind of food service it requires quite a bit of an investment. The applicant needs to be sure that the parking were determined and set.

Chairperson Salinas asked if the applicant was willing to table the item for at least two more weeks to work with the staff again and explore all possibilities to provide the required parking spaces before the Board makes a vote.

Ms. Cantu did not want to wait anymore and wished to proceed to vote.

Ms. Sylvia Hinojosa **moved** to disapprove the special exception request. Ms. Sonia Falcon seconded the motion. The Board voted to disapprove the special exception with four members voting aye and Vice-Chairperson Erick Diaz voting nay.

FUTURE AGENDA ITEMS:

- a) 1909 South 33rd Street
- b) 1607 Nolana Avenue
- c) 3209 Guadalupe Avenue
- d) 612 Expressway 83

ADJOURNMENT

There being no further business to come before the Zoning Board of Adjustment and Appeal, Mr. John Millin **moved** to adjourn the meeting. Ms. Sylvia Hinojosa seconded the motion, which carried unanimously with five members present and voting.

Chairperson
David Salinas

Carmen White, Secretary

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: August 27, 2020

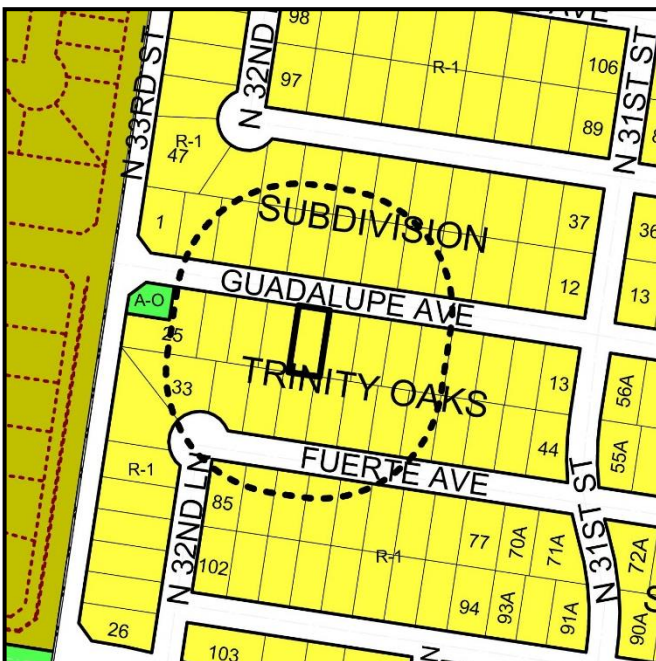
SUBJECT: REQUEST OF CESAR PAVEL CAL CAMARILLO FOR THE FOLLOWING SPECIAL EXCEPTION TO THE CITY OF McALLEN ZONING ORDINANCE: TO NOT PROVIDE ONE REQUIRED PARKING SPACE BEYOND THE FRONT YARD SETBACK AT LOT 21, TRINITY OAKS SUBDIVISION PHASE I, HIDALGO COUNTY, TEXAS; 3209 GUADALUPE AVENUE. (ZBA2020-0046)

REASON FOR APPEAL:

The applicant requests a special exception to the parking requirement of one off-street parking space for single-family uses beyond the front yard setback as required by Section 138-394. The applicant has also applied for a Conditional Use Permit (CUP) to convert the use of an existing bedroom to a virtual music teaching room due to the pandemic. As a result, he proposes to enclose the garage and use it as a bedroom to alleviate the space shortage.

PROPERTY LOCATION AND VICINITY:

The subject property is located on the south side of Guadalupe Avenue, 414 feet west of North 31st Street. The property has 51 feet of frontage along Guadalupe Avenue and a depth of 110 feet for a lot size of 5,610 square feet. The surrounding land use is residential.



BACKGROUND AND HISTORY:

Trinity Oaks Subdivision Phase I was recorded on September 26, 2006. The Appraisal District records show that the residential home was built in 2018. An application for a building permit to remodel and enclose the garage was submitted on July 6, 2020, which was disapproved during the building permit review process due to the elimination of one required parking space beyond the front yard setback.

ANALYSIS:

The intent for the requirement of locating one parking space beyond the front yard setback line is to improve the street yard appearance of single-family residential areas by reducing the number of cars parked along the street and within the front yard. In 1999 the City Commission amended the ordinances to improve the streetscape of neighborhoods. The submitted site plan shows that the existing driveway is 19-foot wide and 27-foot long, accommodating two required parking spaces.

If the request is approved, it may encourage other property owners to apply for a special exception to enclose their garages. The approval of the building permit application is pending this special exception request.

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

RECOMMENDATION:

Staff recommends disapproval of the special exception request.

ZBA 2020-0046

ZBA
9/2/20

City of McAllen

311 North 15th Street

McAllen, TX 78501

P. O. Box 220

McAllen, TX 78505-0220

(956) 681-1250

(956) 681-1279 (fax)

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

Project	Legal Description <u>Lot 21 Trinity Oaks phase 1</u>
	Subdivision Name <u>Trinity Oaks phase 1</u>
	Street Address <u>3209 Guadalupe Ave</u>
	Number of lots <u>1</u> Gross acres _____
	Existing Zoning <u>B-1</u> Existing Land Use <u>Residential</u>
Applicant	Name <u>Cesar Pavel Cal Camarillo</u> Phone _____
	Address <u>3209 Guadalupe Ave</u> E-mail _____
	City <u>McAllen</u> State <u>TX</u> Zip <u>78504</u>
Owner	Name <u>Cesar Pavel Cal Camarillo</u> Phone _____
	Address <u>3209 Guadalupe Ave</u> E-mail _____
	City <u>McAllen</u> State <u>TX</u> Zip <u>78504</u>
Authorization	<p>To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.</p>
	<p>Signature <u>[Signature]</u> Date <u>08/03/20</u></p> <p>Print Name <u>Cesar Pavel Cal Camarillo</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent</p>
Office	<p>Accepted by <u>ICF</u> Payment received by _____ Date <u>AUG 03 2020</u></p> <p>Rev 10/18 <u>24230874130018-CC</u></p> <p>RECEIVED By <u>SC 11:50am</u></p>



Planning Department

REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

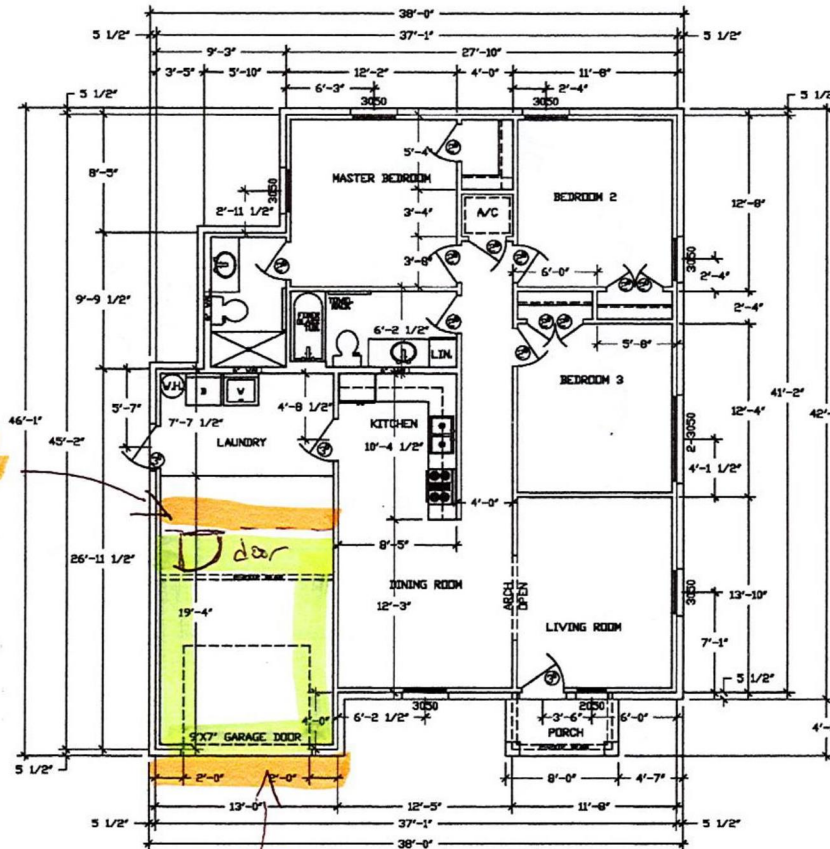
Due to the COVID 19 pandemic my line of work as a private guitar-music teacher has been directly affected. Since I need to enable my daughter's room into an office (so I can keep teaching via remote) the garage conversion can allow us to have her room back.

Board Action

Chairman, Board of Adjustment
Signature

Date

CLASSIC SERIES - OPTION C1 3 Bedroom / 2 Bath with Garage on left side



WINDSTORM COMPLIANCE PLAN

3 BD. / 2 BT.
ADAPTABLE LEFT PLAN
STANDARD ELEVATION
1,575 SQ. FT.

DRIVWAY
DETAILS
in
back

AREA	
LIVING	1,182 SQ. FT.
GARAGE	361 SQ. FT.
PORCH	32 SQ. FT.
TOTAL	1,575 SQ. FT.

FLOOR PLAN
SCALE: 1/8" = 1'-0"

Affordable Homes of
South Texas Inc.
ADAPTABLE 3/2 PLAN

BET DRAFTING AND DESIGN
McALLEN TEXAS 78504
TEL (956) 905-9591

MAR -

PLAN NO.

03-593

JOB NO. 03-593-01

Cesar Pavel Cal Camarillo
3209 Guadalupe Ave





DRIVE WAY MEASUREMENTS

RECEIVED
JUN 11 2004
JUN 11 2004



RESIDENTIAL PERMIT APPLICATION

REV. 3/2020

P.O. BOX 220 McALLEN, TEXAS 78505-0220

APPLICATION MUST BE COMPLETE

PERMIT APPLICATION REFERENCE NUMBER

RES2000-05053

(Please type or print in black or blue ink)

GC104144

APPLICANT

NAME Cesar Pavel Cal Camarillo PHONE
ADDRESS 3209 Guadalupe Ave
CITY McAllen STATE TX ZIP 78504
CONTACT NAME: Pavel Cal PHONE
☒ OWNER ☐ CONTRACTOR ☐ TENANT ☐ OTHER

OWNER

NAME PHONE
ADDRESS *EMAIL:
CITY STATE ZIP
*OWNER INFORMATION NOT PROVIDED, INITIAL:

PROJECT

☐ NEW ☐ ADDITION ☒ REMODELING ☐ REPAIR ☐ MOVE ☐ REMOVE BLDG. HGT. NO. OF FLOORS
BLDG SQ. FT. 247 NO. PARKING SPACES SQ. FT LOT LOT FRONT FLOOR EL ABOVE CURB
EXISTING USE OF LOT NEW USE

SCOPE OF WORK TO BE DONE TV, computer room, game computer room.

RESIDENTIAL NO. OF NO. NO. SQ. FT SQ. FT
NEW UNITS BDRMS BATHRMS NON-LIVING LIVING

FOUNDATION EXT WALL ROOF UPGRADES/OTHER
☐ CONCRETE SLAB ☐ MASONRY VENEER ☐ WOOD SHINGLE ☐ GRANITE COUNTERTOPS
☐ CONCRETE PIER ☐ MASONRY SOLID ☐ COMPOSITION ☐ MARBLE TUBS/FLOORS
☐ CONCRETE BLOCK ☐ METAL SIDING ☐ METAL ☐ CUSTOM WINDOWS
☐ CONCRETE BEAM ☐ COMPOSITION ☐ BUILD UP ☐ POLYURETHANE INSULATION
☐ WOOD POSTS ☐ WOOD ☐ CLAY OR CONCRETE TILE ☐ OTHER UPGRADES
☐ ☐ ☐ ☐
☐ SEPTIC TANK EXISTING OR PROPOSED
☐ YES ☐ NO

LOT BLOCK SUBDIVISION
SITE ADDRESS ST. NO. 3209 ST. NAME Guadalupe Ave.

CITY USE ONLY

Construction Cost Permit Fee \$ 48.00 Rec'd by
Value \$ Double Fee \$ Date 7/15/20
Zoning Total Fee \$ Time 2:25
Park Development Fee \$ Park Zone

The foregoing is a true and correct description of the improvement proposed by the undersigned applicant and the applicant states that he will have full authority over construction of same. The building permit shall not be held to permit or be an approval of the violation or modification of any provisions of City ordinances, codes, subdivision restrictions of State law or be a waiver by the City of such violation. Alteration changes or deviations from the plans authorized by this permit is unlawful without written authorization from the Building Inspection Department. The applicant hereby agrees to comply with all City ordinances, codes, subdivision, restrictions and State laws and assume all responsibility for such compliance. It is understood that the improvements shall not be occupied until a Certificate of Occupancy has been issued. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance or if the work authorized by such permit is suspended or abandoned for six months after the time of work is commenced. This permit is good for one year only.

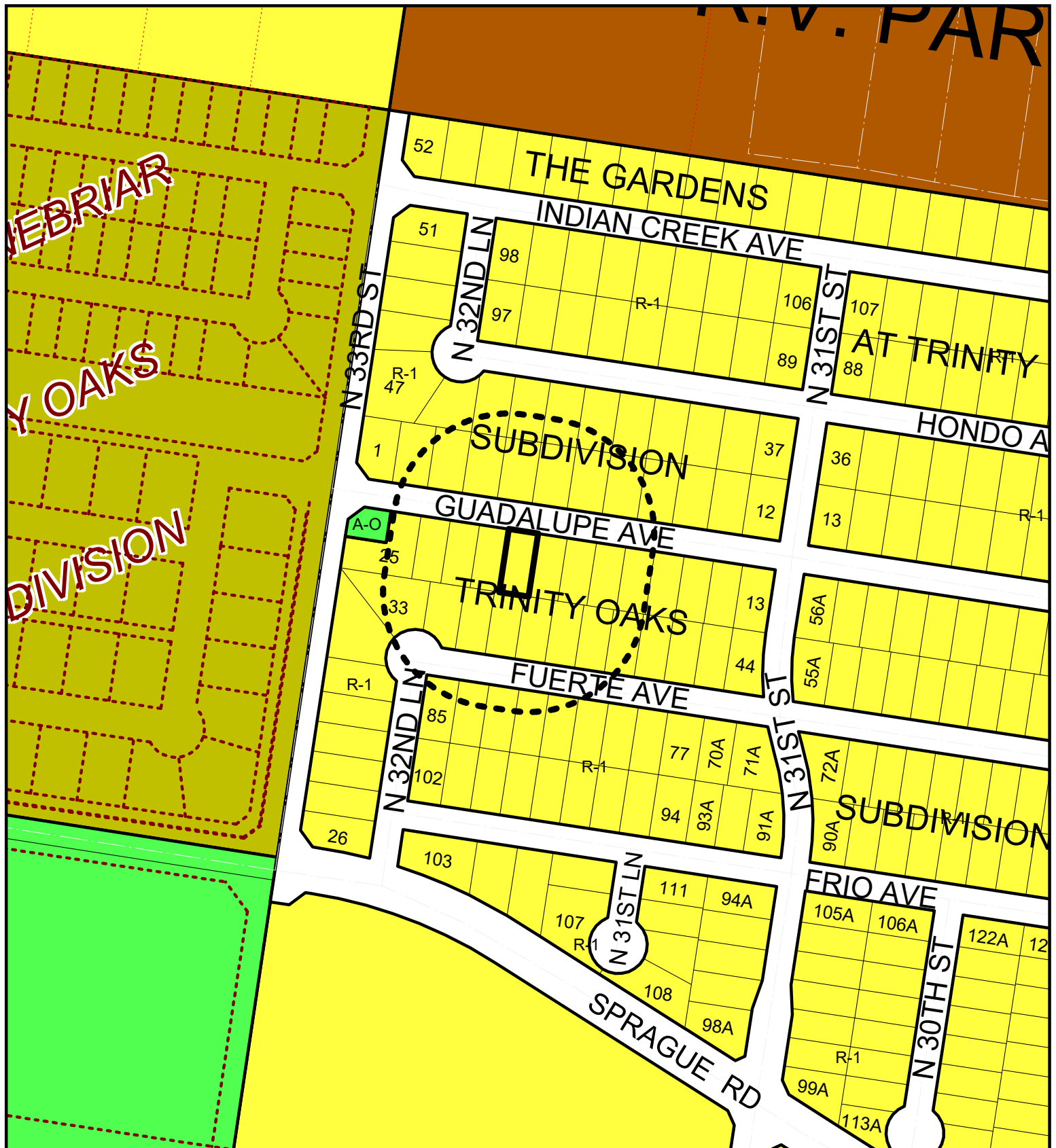
Cesar Pavel Cal Camarillo
PRINT (AUTHORIZED AGENT/OWNER)

SIGNATURE

EMAIL ADDRESS (required)

DATE

07/15/20



CITY OF McALLEN PLANNING DEPARTMENT

LEGEND SCALE: N.T.S.

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

ZONING LEGEND

A-0 (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)
I-3 (SPECIAL DISTRICT)

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AREA MAP





CITY OF McALLEN
PLANNING DEPARTMENT



SUBJECT PROPERTY

AERIAL MAP

SCALE: N.T.S.



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3209

3209

NOTICE
HOME
OCCUPATION
FOR
THIS PROPERTY
CUP2020-0084

NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2020-0046

TEXAS
JTX-3908
KIA

Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

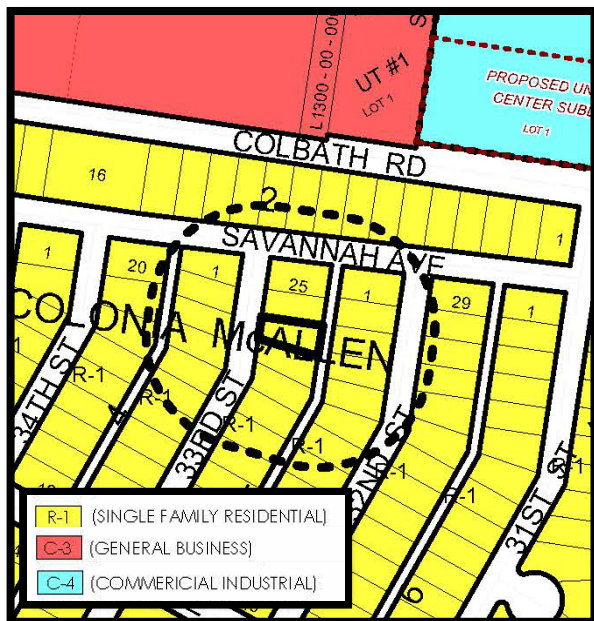
FROM: Planning Staff

DATE: August 24, 2020

SUBJECT: REQUEST OF EVA BARRERA FOR THE FOLLOWING SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: AN ENCROACHMENT OF 10 FT. INTO THE 20 FT. FRONT YARD SETBACK FOR AN EXISTING CARPORT MEASURING 20 FT. BY 38 FT. AT LOT 23, BLOCK 5, COLONIA MCALLEN UNIT NO. 7 SUBDIVISION, HIDALGO COUNTY, TEXAS; 1909 SOUTH 33RD STREET. (ZBA2020-0044)

REASON FOR APPEAL:

The applicant is requesting a variance to encroach 10 ft. into the 20 ft. front yard setback for an existing carport measuring 20 ft. by 38 ft. The applicant is requesting that the carport to remain there to protect her car from sun and rain.



PROPERTY LOCATION AND VICINITY:

The subject property is located on the east side of South 33rd Street, approximately 108 ft. south of Savanna Avenue. The property has 48 ft. of frontage along South 33rd Street and a depth of 110.58 ft. with a lot size of 5307.84 square feet. Surrounding land use are single-family houses.

BACKGROUND AND HISTORY:

Colonia McAllen Subdivision Unit No. 7 was recorded on April 4, 1977. On July 13, 2020 a building application was submitted for a carport without electricity. The application for the variance was submitted on July 23, 2020.

ANALYSIS:

The request is to allow an encroachment of 10 ft. into the 20 ft. front yard setback. The standard front yard setback for R-1 Lots is 20 ft.

The front yard setbacks are important in establishing the character of a single-family neighborhood by providing landscaping to enhance the residence and curb appeal of the street view of properties in a subdivision.

There are other existing carports that appear to be encroaching into the front yard setback, however no variances have been requested.

Should the request be approved, it may encourage other property owners to request a special exception to encroach into the front setback. Approval of the request will allow the construction to stay as depicted on the site plan.

Staff has not received any phone calls of concerns in regards to the special exception.

RECOMMENDATION:

Staff recommends disapproval of the special exception request. If the Board chooses to approve the request, the approval should be limited to the footprint as shown on the site plan.

780A
9/2/2020

ZBA 2020-0044



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project

Legal Description

Carport for one vehicle
Lot 23 BIK 5 Colonia McAllen unit 1587

Subdivision Name

Street Address

1909 South 33rd McAllen, Texas 78503

Number of lots

1

Gross acres

Existing Zoning

Existing Land Use

Reason for Appeal (please use other side if necessary)

un carport quella esta Construcción pedida de 10 pies

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

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

Applicant

Name

EVA Barrera

Phone

956-537-4408

Address

1909 South 33rd

E-mail

City

McAllen

State

Texas

Zip

78503

Owner

Name

~~EVA~~ Barrera

Phone

956-537-4408

Address

1909 South 33rd

E-mail

City

McAllen

State

Texas

Zip

78503

Authorization

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

☐ Yes

☒ No

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

Signature

EVA Barrera

Date

7/24/20

Print Name

EVA Barrera

☒ Owner

☐ Authorized Agent

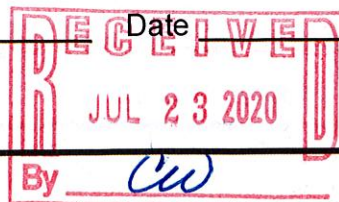
Office

Accepted by

Payment received by

Date

Rev 10/18



Ret # 727355



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

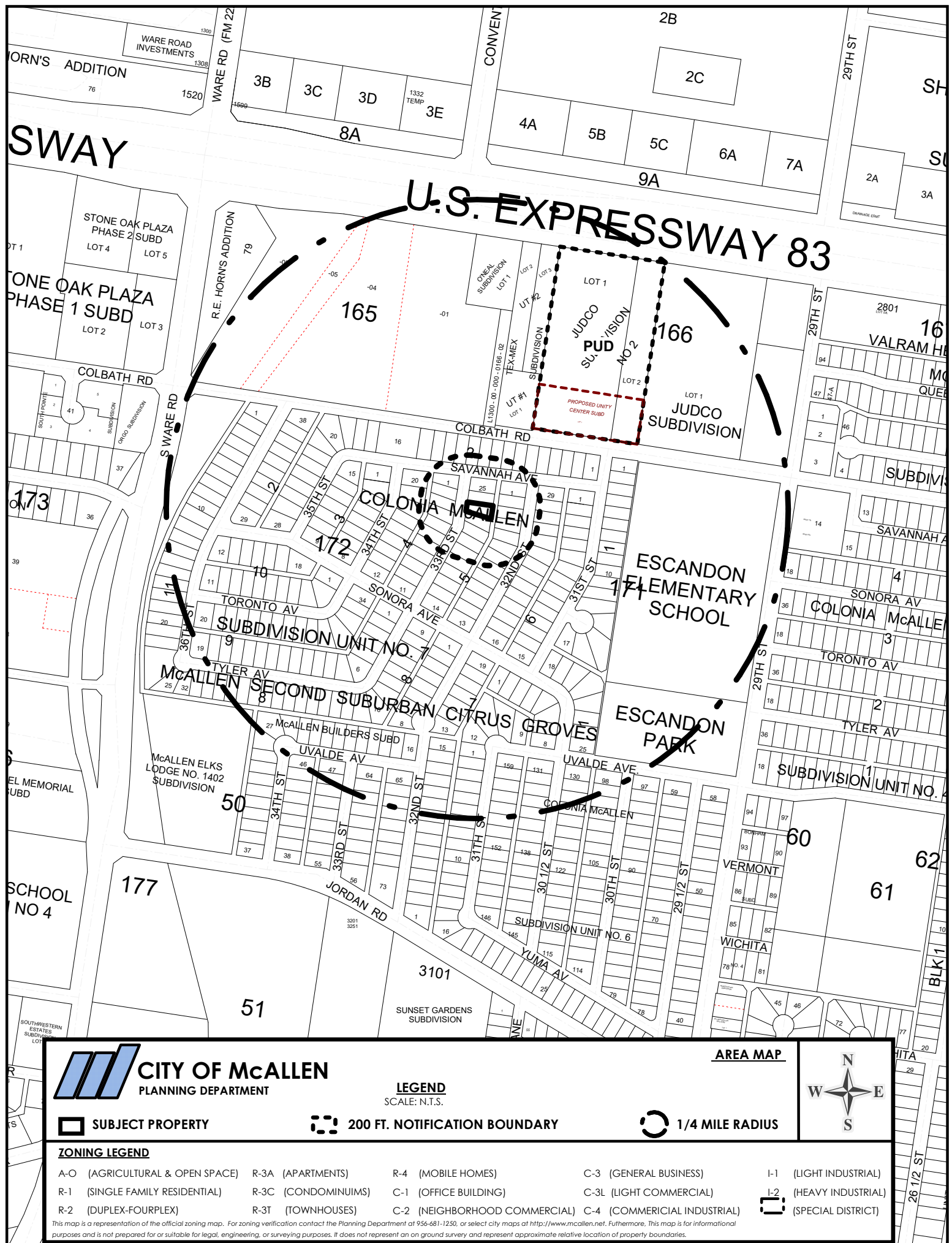
Reason for Appeal

P que me permita que se de que para mi
Carro por el sol lluvia
mi Vecina me dijo que este señora le
avia echo este trabajo que no need permiso
el señor

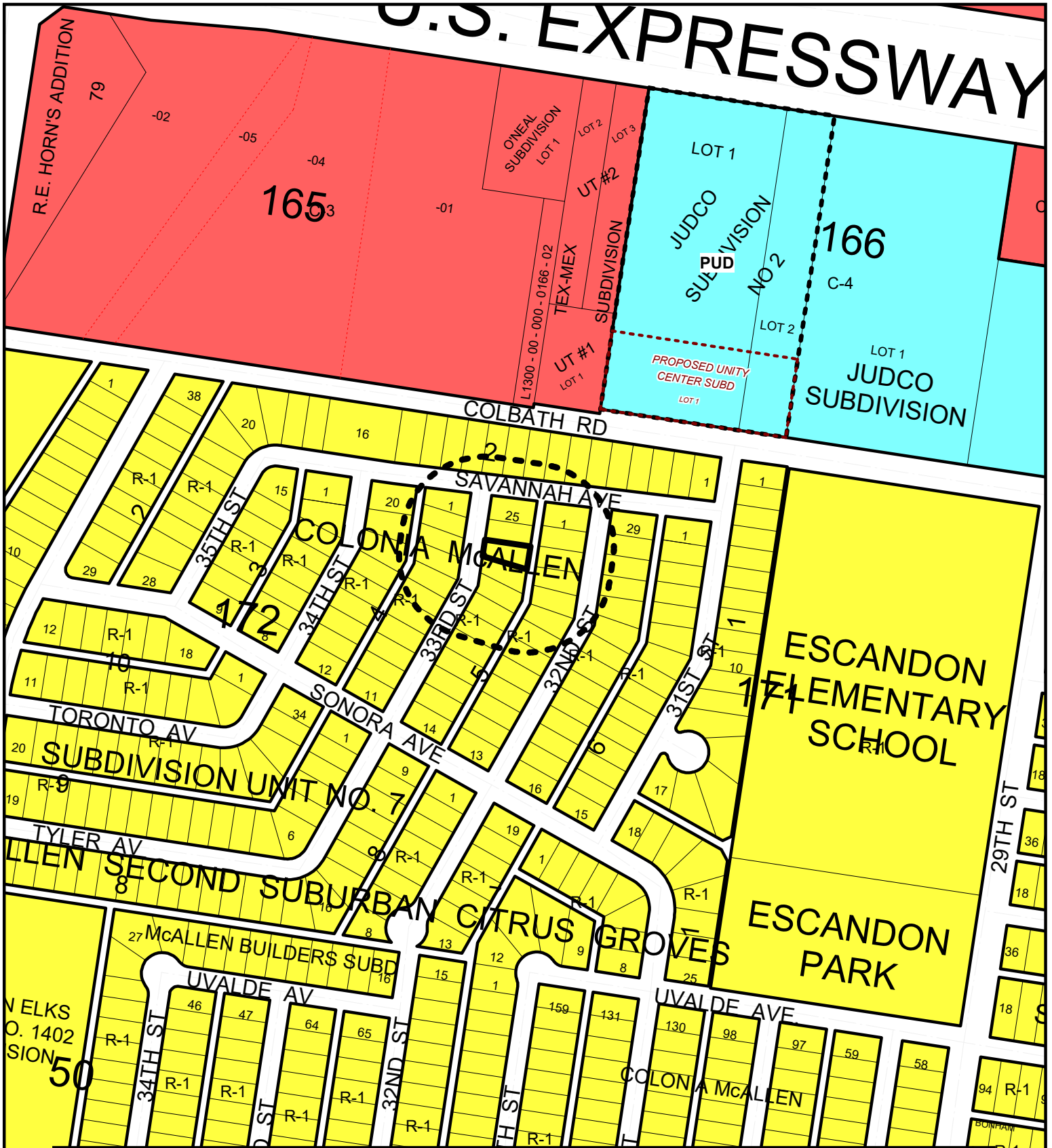
Board Action

Chairman, Board of Adjustment
Signature

Date



U.S. EXPRESSWAY



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP



SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

ZONING LEGEND

A-0 (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)

S (SPECIAL DISTRICT)

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CITY OF McALLEN
PLANNING DEPARTMENT



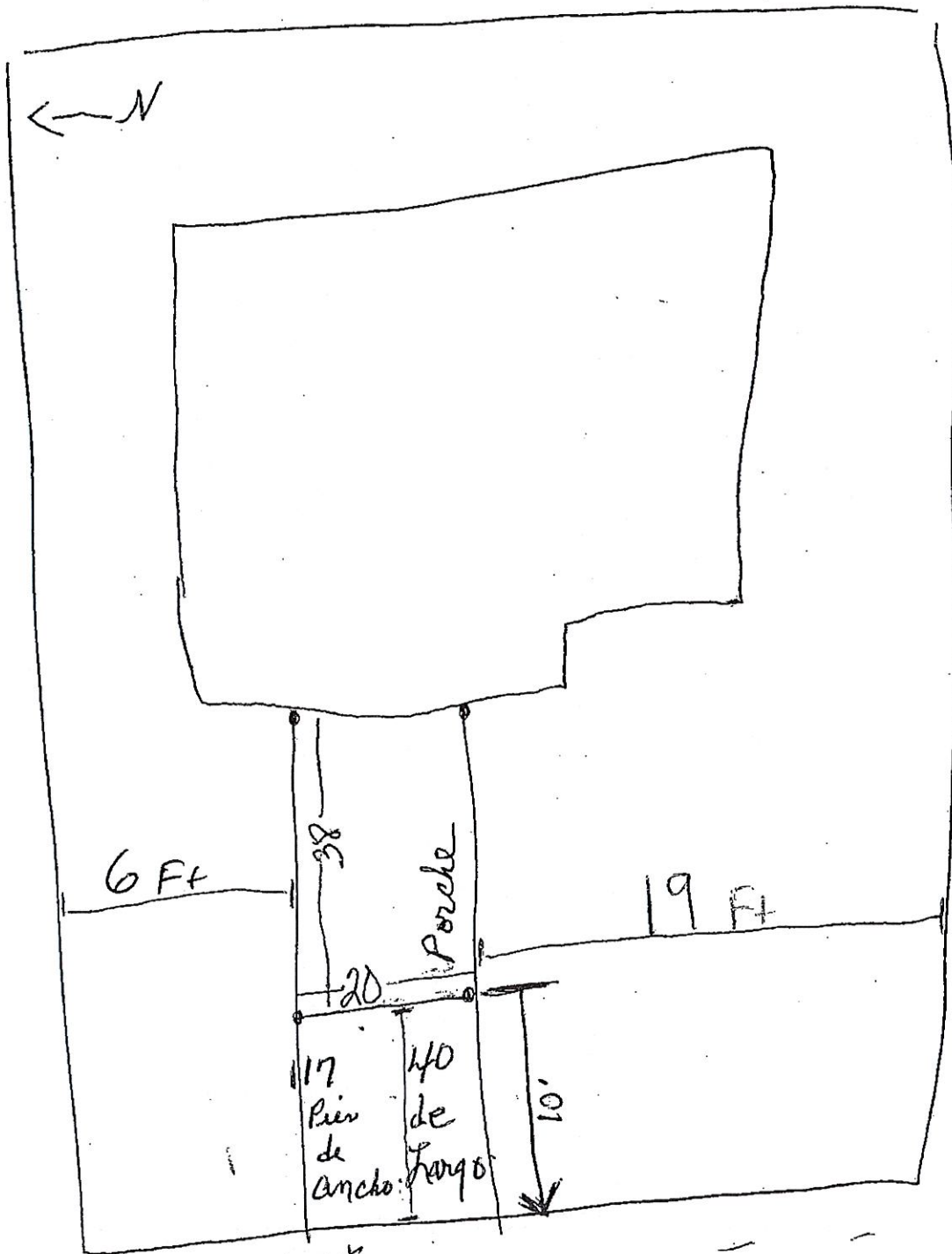
SUBJECT PROPERTY

AERIAL MAP

SCALE: N.T.S.



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1909 So 33 Street





NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2020-0044
CITY OF MCALLEN PLANNING DEPT
956-881-1230
WWW.MC-ALLEN.NET

Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

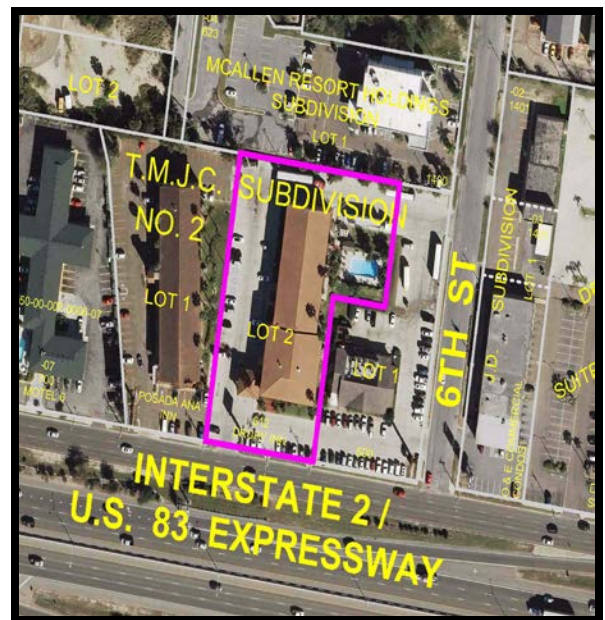
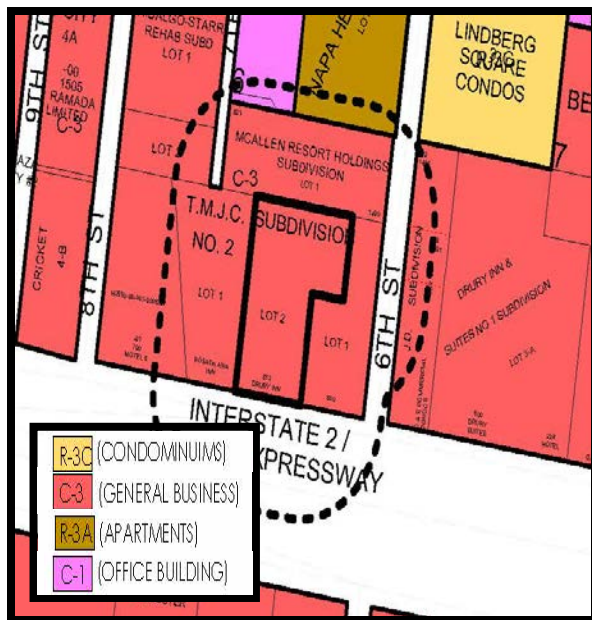
FROM: Planning Staff

DATE: August 27, 2020

SUBJECT: REQUEST OF IVAN GARCIA ON BEHALF OF RIO DELTA ENGINEERING FOR THE FOLLOWING VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE: TO ALLOW AN ENCROACHMENT OF 27 FT. INTO THE 75 FT. FRONT YARD SETBACK FOR A NEW MEETING ROOM ADDITION TO EXISTING BUILDING, AT LOT 2, T.M.J.C. SUBDIVISION, HIDALGO COUNTY, TEXAS; 612 EXPRESSWAY 83. (ZBA2020-0047)

REASON FOR APPEAL:

The applicant requests a variance to encroach 27 ft. into the 75 ft. front yard setback for a proposed new meeting room addition. The applicant stated that the main reason for positioning the new meeting room at the front side back its because most of the hotels of the franchise have their meeting rooms at the front for easy access/ rental of the facility without the struggle to go through structure of the hotel. In addition, the applicant stated that it was the best suitable location since they do not want no remove any rooms and parking spaces.



PROPERTY LOCATION AND VICINITY:

The subject property is located on the north side of U. S. Expressway 83, approximately 1060 ft. west of North 10th Street. The tract has 150.86 ft. of frontage along U.S. Expressway 83 with lot size of 1.4977 Acres. The property is zoned C-3 (general business) District. Surrounding zoning is C-3 District in all directions, R-3A (multifamily apartment) District and C-1 (Office Building) District to the north.

BACKGROUND AND HISTORY:

T.M.J.C. Subdivision was recorded on January 8, 1986. The site currently holds what it used to be Drury Inn. An application for building permit has not been submitted.

ANALYSIS:

Request is to allow an encroachment of 27 ft. into the 75 ft. front yard setback for a new meeting room. The meeting room measures 20 ft. by 70 ft. and would add 1400 sq. ft. to the main structure, 7 additional parking spaces would be required. Site Plan shows 89 rentals units in the hotel for a required 89 parking spaces, for a total of 96 parking spaces required with new improvement. As per site plan only 85 parking spaces are provided, there are no parking agreements submitted. Parking agreements would be needed to comply with parking requirement.

There are existing buildings to the east (700 & 620 Expwy 83) and west (510 Exwpy 83) of subject property that are encroaching into the front setback line as well.

As per Engineering Department, the addition would need to allocate for the retention pond area that would be removed.

Staff has not received any phone calls from the surrounding property owners with issues of concern regarding this variance request.

RECOMMENDATION:

Staff recommends disapproval of the variance as requested.

LBA-9/2/20



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

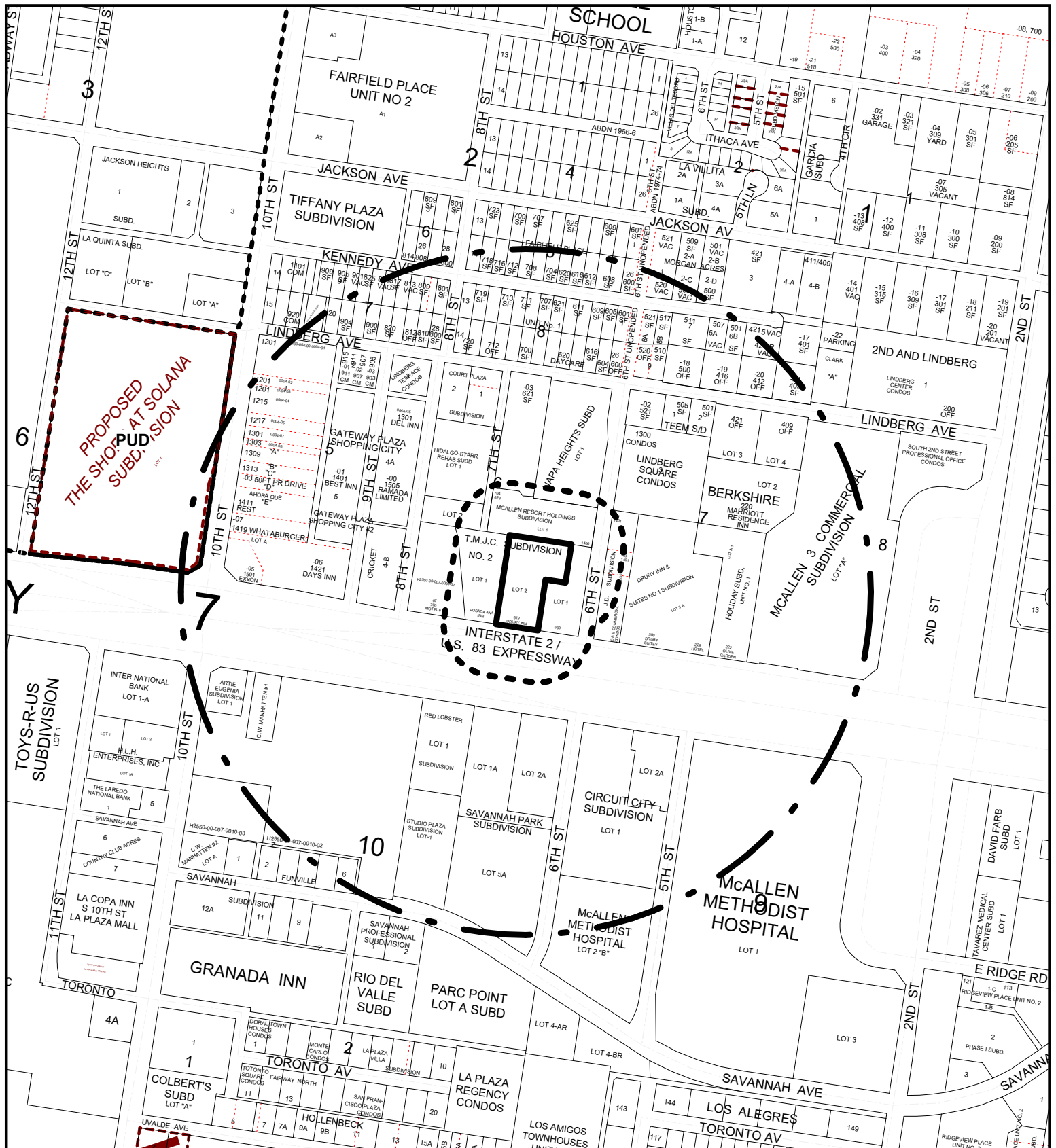
LBA 2020-0047

Project	Legal Description	LOT 2				
	Subdivision Name	T.M.J.C. SUBDIVISION, VOL 24, PG 152B, M.R.H.C.				
Project	Street Address	612 EXPRESSWAY 83				
	Number of lots	1	Gross acres	1.55		
	Existing Zoning	C3-GENERAL BUSINESS	Existing Land Use	HOTEL		
	Reason for Appeal (please use other side if necessary)	NEW MEETING ROOM ADDITION TO EXISTING BUILDING ENCROACHES APPROX. 27 FEET INTO FRONT SETBACK, REQUIRED SETBACK = 75 FEET				
	<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					
Applicant	Name	IVAN GARCIA- RIO DELTA ENGINEERING		Phone	(956) 380-5152	
	Address	921 S. 10TH AVE		E-mail	riodelta2004@yahoo.com	
	City	EDINBURG	State	TX	Zip	78539
Owner	Name	VITRA INVESTMENTS, LLC		Phone	(956) 961 - 4703	
	Address	312 W. NOLANA LOOP		E-mail	vic@ogihotels.com and karla@ogihotels.com	
	City	PHARR	State	TX	Zip	78577
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? <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>Vinod K. Kasan</u>		Date	<u>7/29/2020</u>	
	Print Name	<u>Vinod Kasan</u>		<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent		
Office	Accepted by	<u>BMH</u>		Payment received by		
	Date					

Rev 10/18

RECEIVED
AUG 03 2020

BY: [Signature]



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP



 **SUBJECT PROPERTY**

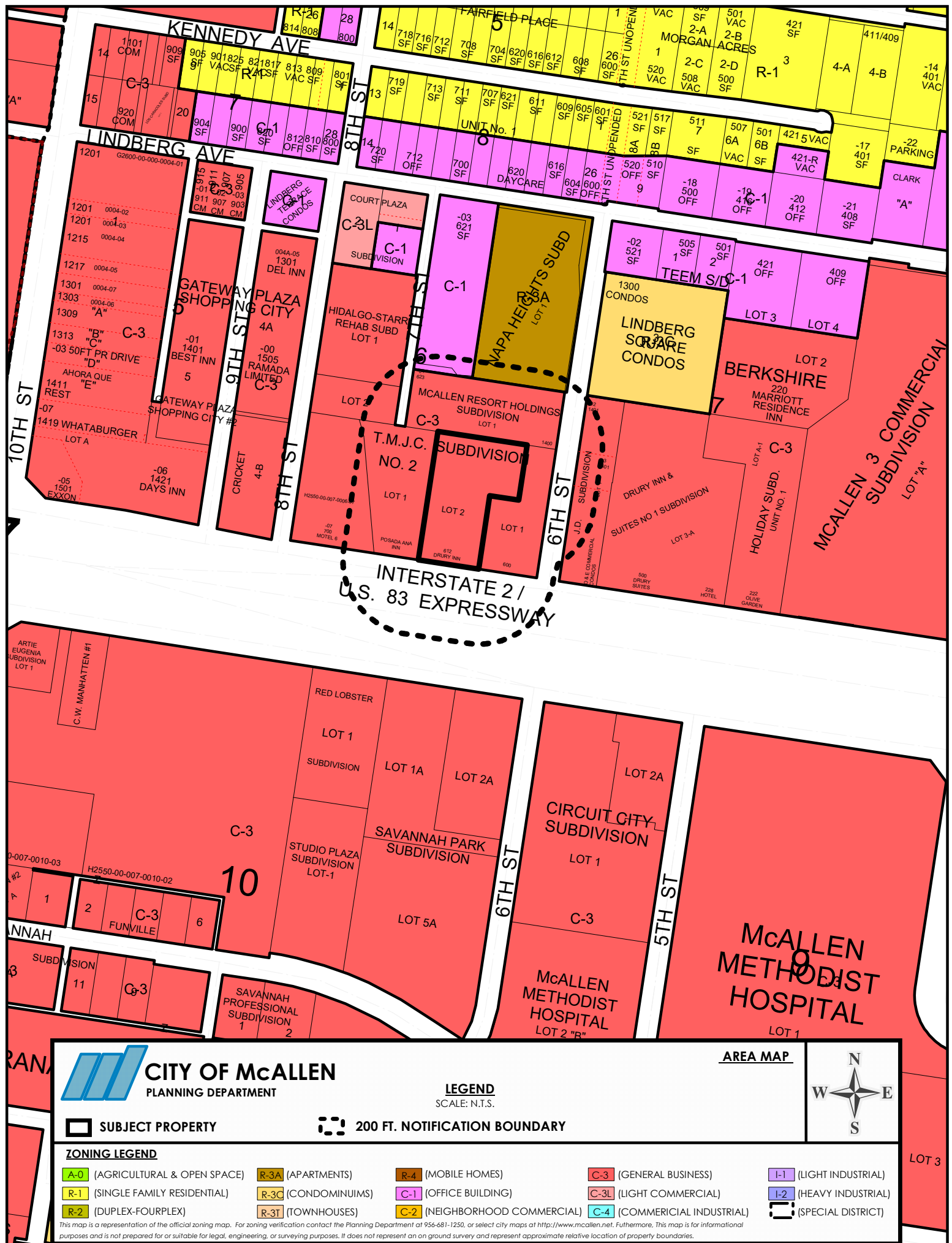
 **200 FT. NOTIFICATION BOUNDARY**

 **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.





CITY OF McALLEN
PLANNING DEPARTMENT



SUBJECT PROPERTY

AERIAL MAP
SCALE: N.T.S.



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Recorded in Book 24 Page 152B
of the map records of Midland
County, Texas
Wichita and Mann, Inc.
County Surveyors

VICINITY MAP.

SECT - 1
CANAL CO. SUB'D.
SET C
1948 1949
15

SOUTH TEXAS
EYE CLINIC
SUBDIVISION

EXISTING 100' UTILITY ESM'T.

S. 81° 18' 30" E. — — — 318.0

NOTES:

1. A COMMON PARKING AGREEMENT WILL EXIST FOR LOTS 1 AND 2 IN ORDER THAT EACH LOT WILL MEET CITY PARKING REQUIREMENTS.
2. THE GARBAGE AREA LOCATED ON THE NORTHWEST CORNER OF THE PROPERTY MUST BE ENCLOSED WITH A MINIMUM 6' HIGH OPAQUE FENCE OR A HEIGHT GREATER THAN 6' AS NEEDED TO ENCLOSE THE AREA.
3. MINIMUM FLOOR ELEVATION SHALL BE T/C + 18" AS MEASURED FROM THE SW CORNER OF THIS SUBDIVISION.
4. A 4' SIDEWALK IS REQUIRED ALONG WEST SIDE OF 6TH STREET, AND ALONG THE NORTH SIDE OF US EXPRESSWAY 83.
5. M.B.S.B = MINIMUM BUILDING SETBACK.
6. U.E. = UTILITY EASEMENT
7. THE ATRIUM CONSTRUCTED AS PART OF THE HOTEL FRONT ON LOT 2 MAY ENCR OACH INTO THE REQUIRED 750' SETBACK BY A DISTANCE NO GREATER THAN 70' SO AS TO HAVE A MINIMUM 680' FRONT SETBACK. REFER TO SITE PLAN APPROVED BY THE PLANNING AND ZONING COMMISSION ON DECEMBER 3, 1985 AND KEPT IN THE T.M.J.C. SUBDIVISION FILES WITH THE PLANNING DEPARTMENT.
8. 6' HIGH OPAQUE FENCE REQUIRED ALONG THE NORTH PROPERTY LINE.
9. DEVELOPER TO PROVIDE 0.41 ACRE- FEET OF ON SITE DETENTION AS PER CITY COMMISSION'S APPROVAL.

T. M. J. C. SUBDIVISION

MCALLEN, TEXAS

BEING A SUBDIVISION CONTAINING 2.52 ACRES
OUT OF THE SOUTH 1/4 OF LOT 6, NORTHEAST 1/4, SECTION 7,
HIDALGO CANAL COMPANY'S SUBDIVISION,
OF PORCIONES 64, 65 & 66, HIDALGO COUNTY, TEXAS.
LYING NORTH OF U.S. EXPRESSWAY NO. 83.

APPROVED
FOR RECORDING
Hidalgo Co. Right of Way Dept.
By Tara H. H. H.
Date Dec 31, 1985

145942

APPROVED FOR RECORDING
BY
COMMISSIONERS' COURT
the 31 day of Dec 1985
J. EDGAR RUIZ, County Clerk
Hidalgo County, Texas
Landis Stults

PREPARED BY
SALINAS & ASSOCIATES
4/13/85
DATE

STATE OF TEXAS:
COUNTY OF HIDALGO:

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

11/12/05
DATE

OWNER: THOMA FLORES de LAVIN

STATE OF TEXAS:
COUNTY OF MIDALGO:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED John M. Flannery de Larin KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 14 DAY OF Nov 1985

Belia R. Sals
NOTARY PUBLIC IN AND FOR
MIDALGO COUNTY, TEXAS

STATE OF TEXAS;
COUNTY OF MIDALGO;

I, THE UNDERSIGNED, A REGISTERED ENGINEER AND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY ON THE GROUND, I FURTHER CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT.

11/13/85
DATE
[Signature]
G. PROFESSIONAL ENGINEER #24164
G. PUBLIC SURVEYOR #2909

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

12/23/85
DATE

MAYOR, CITY OF MCALLEN

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

12/23/85
DATE

CHAYSON, PLANNING COMMISSION

HIDALGO COUNTY IRRIGATION DISTRICT NO. 3 WILL NOT BE RESPONSIBILITY FOR DRAINAGE OR DELIVERY OF WATER TO ANY LOT IN THIS SUBDIVISION. IF DESIRED, THIS WILL NOT BE AT DISTRICT EXPENSE. THIS PLAT APPROVED BY HIDALGO COUNTY IRRIGATION DISTRICT NO. 3 ON THIS THE 22ND DAY OF November, 1985.

J. W. Baldwin
SECRETARY

Glanville Day
PRESIDENT

Plat Book Vol. 24 Page 24-152-B

RECEIVED
AUG 03 2020
BY: JEP

SALINAS & ASSOCIATES, INC.
CONSULTING ENGINEERS & SURVEYORS
1013 ST. CAMERO
MCALLEN, TEXAS
(202) 684-9081 (202) 686-1489 (FAX)

SOUTH TEXAS
EYE CLINIC
SUBDIVISION
VOL. 24 P. 80

SCALE: 1" = 30'

SCALE: 1" = 2,000'

METES AND BOUNDS DESCRIPTION

A 1.55 GROSS ACRE TRACT OF LAND, MORE OR LESS, KNOWN AS ALL OF LOT 2, T.M.J.C. SUBDIVISION, AN ADDITION TO THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 24, PAGE 1528, MAP RECORDS OF HIDALGO COUNTY, TEXAS. SAID 1.55 ACRE TRACT OF LAND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

- COMMENCING AT A 1 INCH DIAMETER IRON ROD FOUND ON THE SOUTHWEST CORNER OF SAID LOT 2 FOR THE SOUTHWEST CORNER AND POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT;
- (1) THENCE, NORTH 08 DEGREES 42 MINUTES 10 SECONDS EAST, CONCURRENT WITH THE WEST LINE OF SAID LOT 2, A DISTANCE OF 345.0 FEET TO A 1 INCH DIAMETER IRON ROD FOUND ON INTERSECTION WITH THE NORTH LINE OF SAID LOT 2 FOR THE NORTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;
- (2) THENCE, SOUTH 81 DEGREES 18 MINUTES 30 SECONDS EAST, CONCURRENT WITH THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 240.0 FEET TO A 1/2 INCH DIAMETER IRON ROD SET FOR THE NORTHEAST CORNER OF SAID LOT 2 FOR THE NORTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;
- (3) THENCE, SOUTH 08 DEGREES 42 MINUTES 10 SECONDS WEST, CONCURRENT WITH THE EAST LINE OF SAID LOT 2, A DISTANCE OF 148.0 FEET TO AN "X" MARKED ON CONCRETE FOR AN OUTSIDE CORNER OF SAID LOT 2 AND THIS HEREIN DESCRIBED TRACT;
- (4) THENCE, NORTH 81 DEGREES 18 MINUTES 30 SECONDS WEST, A DISTANCE OF 78.0 FEET TO A 1/2 INCH DIAMETER IRON ROD SET FOR AN INSIDE CORNER OF SAID LOT 2 AND THIS HEREIN DESCRIBED TRACT;
- (5) THENCE, SOUTH 08 DEGREES 42 MINUTES 10 SECONDS WEST, CONCURRENT WITH THE EAST LINE OF SAID LOT 2, A DISTANCE OF 197.0 FEET TO AN "X" MARKED ON CONCRETE ON INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF SAID EXPRESSWAY 83 FOR THE SOUTHEAST CORNER OF SAID LOT 2 AND THE SOUTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;
- (6) THENCE, NORTH 81 DEGREES 18 MINUTES 30 SECONDS WEST, CONCURRENT WITH THE SOUTH LINE OF SAID LOT 2 SAME BEING THE NORTH RIGHT-OF-WAY LINE OF SAID EXPRESSWAY, A DISTANCE OF 150.0 FEET TO A 1 INCH DIAMETER IRON ROD FOUND FOR AN OUTSIDE CORNER OF SAID LOT 2 AND THIS HEREIN DESCRIBED TRACT;
- (7) THENCE, NORTH 81 DEGREES 18 MINUTES 30 SECONDS WEST, CONCURRENT WITH THE SOUTH LINE OF SAID LOT 2 SAME BEING THE NORTH RIGHT-OF-WAY LINE OF SAID EXPRESSWAY, A DISTANCE OF 114.0 FEET TO THE POINT OF BEGINNING, CONTAINING 1.55 GROSS ACRES, MORE OR LESS.

SURVEY CERTIFICATE

I, RICARDO R. SALINAS, A LICENSED LAND SURVEYOR LICENSED BY THE STATE OF TEXAS, LICENSE NUMBER 97871, CERTIFY TO CHUBB (P.F. ASSURANCE) COMPANY OF AMERICA AND STEERING TITLE INSURANCE COMPANY THAT ON THE 15TH DAY OF DECEMBER 1997, A SURVEY WAS MADE ON THE GROUND AT 1515 W. FARMER STREET, 83 IN THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS, AS PER THE DESCRIPTION SHOWN ON THE SURVEY AND THAT SUCH SURVEY CORRECTLY SHOWS (1) THE BOUNDARIES AND AREAS OF THE SUBJECT PROPERTY AND THE SIZE, LOCATION, AND THE TYPE OF BUILDINGS AND IMPROVEMENTS, HEREON (IF ANY), AND THE DISTANCE THEREFROM TO THE NEAREST PUBLIC (EXTERIOR) PROPERTY LINES OF THE SUBJECT PROPERTY; (2) THE LOCATION OF ALL RIGHT-OF-WAY, EASEMENTS OF WHICH I HAVE KNOWLEDGE, AFFECTING THE SUBJECT PROPERTY; (3) THE LOCATION OF THE PARKING AREAS OF THE SUBJECT PROPERTY SHOWING THE NUMBER OF PARKING SPACES PROVIDED THEREIN; (4) ALL ADJUTING DEDICATED PUBLIC STREETS PROVIDING ACCESS TO THE SUBJECT PROPERTY TOGETHER WITH THE NORTH AND TRUE MERIDIAN.

EXCEPT AS SHOWN ON THE SURVEY, THERE ARE NO (1) ENCROACHMENTS UPON THE SUBJECT PROPERTY, BY IMPROVEMENTS ON ADJUTING PROPERTIES; (2) ENCROACHMENTS UPON ADJUTING PROPERTY, STREETS OR ALLEYS BY ANY IMPROVEMENTS ON THE SUBJECT PROPERTY; (3) PARTY WALLS; OR (4) VISIBLY AND APPARENTLY CONFLICTS OR PRODUCTIONS.

THE ABOVE MENTIONED PROPERTY IS NOT LOCATED IN A DESIGNATED ZONE, A SPECIAL FLOOD HAZARD AREA AS SHOWN ON COMMUNITY PANEL NUMBER 88354, SOURCE OF THE 1:10000 HAZARD HAZARD MAP OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS PER MAP DATED DECEMBER 15, 1992.

Ricardo R. Salinas
RICARDO R. SALINAS, R.L.S., 1994
STATE OF TEXAS
LAND SURVEYOR
2009
EXPIRATION DATE

DATE SURVEYED: SEPTEMBER 16, 1997
REVISED: DECEMBER 12, 1997
JOB NUMBER: S-97-10000

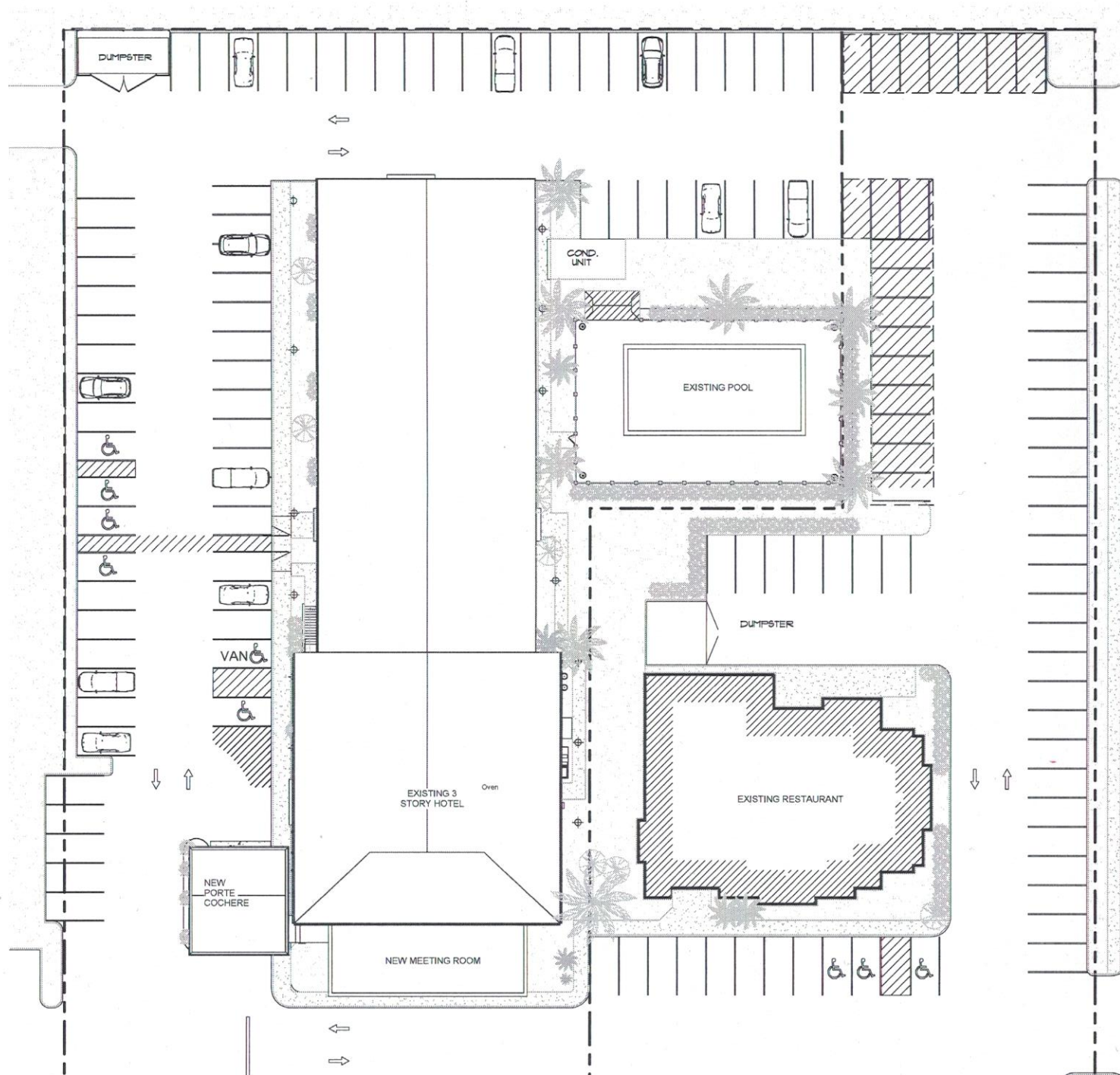
BOUNDARY & IMPROVEMENT
SURVEY PLAT
OF

ALL OF LOT 2, T.M.J.C. SUBDIVISION, AN ADDITION
TO THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS,
ACCORDING TO THE MAP THEREFOR OF RECORDED IN VOLUME
24, PAGE 1528, MAP RECORDS OF HIDALGO COUNTY, TEXAS

GENERAL PLAT NOTES:

1. BEARING SOURCE: RECORDED PLAT OF LOT 2, T.M.J.C. SUBDIVISION, CITY OF MCALLEN, HIDALGO COUNTY, TEXAS.
2. DENOTES PAVED AREAS
3. LANDS CONTAINED WITHIN LOT 2, LIE IN ZONE "B" AND NOT IN A FLOOD PRONE AREA AS PER FLOOD HAZARD BOUNDARY MAP DATED 11-02-82 PREPARED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

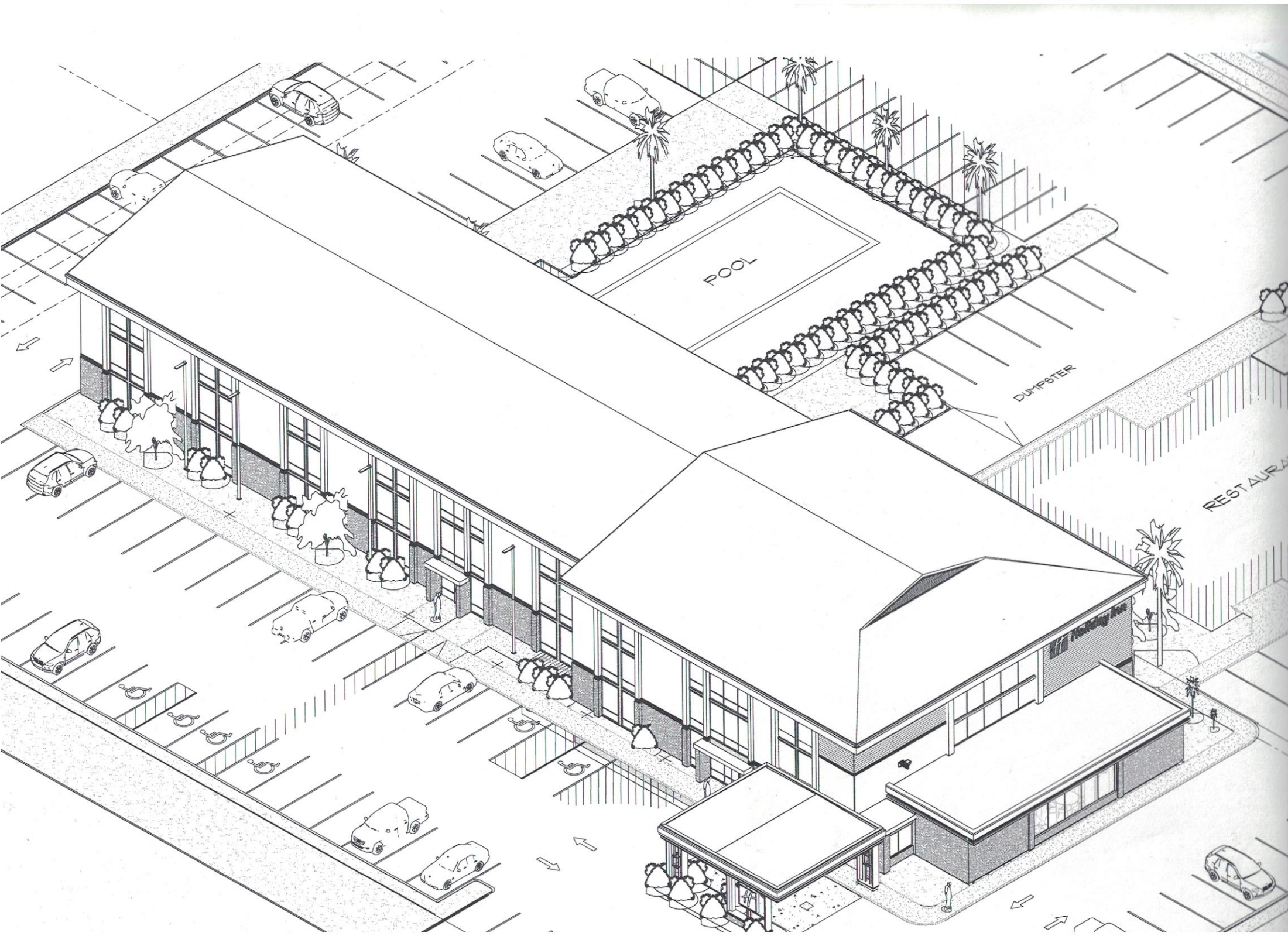
RECEIVED
AUG 03 2020
BY: *JCP*



Parking Count Schedule	
Row Number	No. of Spaces
690	9
696	23
705	2
706	7
707	5
708	2
709	12
710	4
711	1
712	9
719	11
	85

Parking Count Schedule	
Row Number	No. of Spaces
713	3
714	7
715	9
716	7
717	10
718	1
720	16
721	27
	80

S 6th ST



Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: August 28, 2020

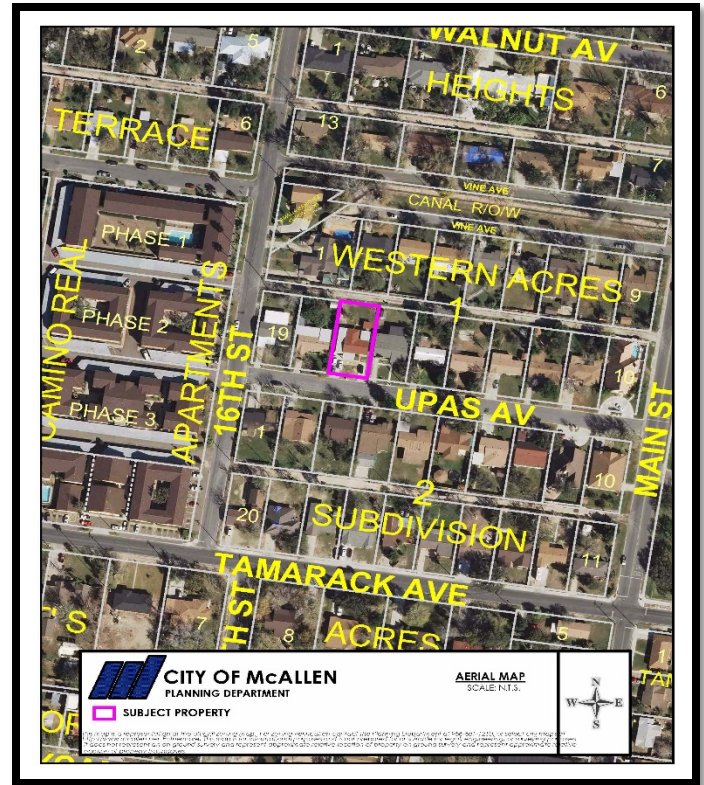
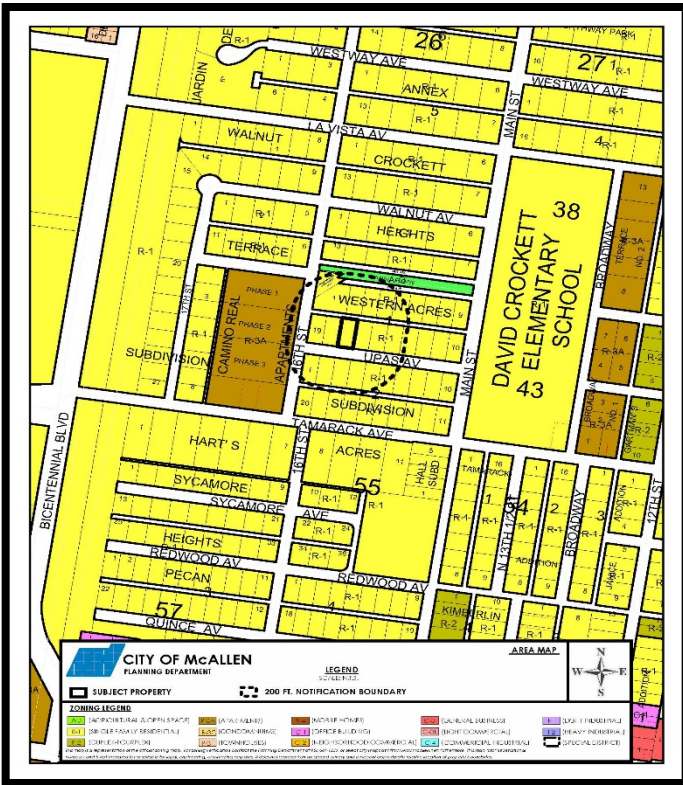
SUBJECT: REQUEST OF AMERICA I. LOPEZ FOR THE FOLLOWING SPECIAL EXCEPTIONS AND VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) AN ENCROACHMENT OF 7 FT. INTO THE 7 FT. SIDE YARD SETBACK ON THE EAST PROPERTY LINE FOR AN EXISTING STORAGE BUILDING MEASURING 7 FT. BY 17 FT., 2) TO ALLOW AN ENCROACHMENT OF 5 FT. INTO THE 5 FT. SIDE YARD SETBACK ON THE WEST PROPERTY LINE FOR AN EXISTING STORAGE BUILDING MEASURING 8 FT. BY 10 FT., 3) TO ALLOW AN ENCROACHMENT OF 23 FT. INTO THE 30 FT. FRONT YARD SETBACK FOR A PROPOSED CARPORT MEASURING 19 FT. BY 20 FT., 4) TO ALLOW AN ENCROACHMENT OF 7 FT. INTO THE 7 FT. SIDE YARD SETBACK ON THE EAST SIDE FOR A PROPOSED CARPORT MEASURING 19 FT. BY 20 FT., 5) TO ALLOW AN ENCROACHMENT OF 5 FT. INTO THE 5 FT. SIDE YARD SETBACK ON THE WEST PROPERTY LINE FOR A PROPOSED CARPORT MEASURING 20 FT. BY 30 FT. AND 6) TO ALLOW AN ENCROACHMENT OF 5 FT INTO THE 5 FT. SIDE YARD SETBACK ON THE WEST PROPERTY LINE FOR A PROPOSED CARPORT MEASURING 20 FT. BY 30 FT. AT LOT 17, BLOCK 1, WESTERN ACRES SUBDIVISION, HIDALGO COUNTY, TEXAS; 1508 UPAS AVENUE. (ZBA2020-0040)

REASON FOR APPEAL:

America Lopez, is requesting a variance to allow encroachments into the front yard and side yard setbacks for 2 existing storage buildings and 2 proposed carports. The applicant stated that she had a recent knee replacement surgery and the carports would help her and her husband get to their vehicles safely for their medical appointments in inclement weather. In addition, it would help their cars; their cars suffer damage from hail and from a sap that falls into their cars from a neighboring tree.

PROPERTY LOCATION AND VICINITY:

The subject property fronts Upas Avenue and is approximately 430 ft. away from Main Street. The lot has 61.5 ft. of frontage on Upas Avenue and a depth of 130 ft. The property is zoned R-1 (single family residential) District. The surrounding land uses are single-family residences, El Camino Real Apartments and David Crocket Elementary School.



BACKGROUND AND HISTORY:

Western Acres was recorded on March 4, 1952. According to Building Permit records, a Stop Work Order was issued on June 16, 2020 for construction without a permit. The applicant submitted an application for a building permit on June 18, 2020. The variance request application was submitted on July 14, 2020.

The Zoning Board of Adjustments and Appeals approved variances at 1515 Vine Avenue (2116 N. 16th St) and 1409 Vine Avenue for buildings encroachments into the rear and front setbacks lines in 1973.

ANALYSIS:

East Storage

Variance # 1 is to allow an encroachment of 7 ft. into the 7 ft. east side yard setback, for an existing storage building measuring 7 ft. by 17 ft. for an area of 119 sqft. Storage building is located at the northeast section of the property. According to County records, the improvement was built in 2012.

West Storage

Variance #2 is to allow and encroachment of 5 ft. into the 5 ft. west side yard setback, for an existing storage building measuring 8 ft. by 10 ft. for an area of 80 sqft. Storage building is located at the northwest section of the property. According to County records, the improvement was built in 2015.

East Carport

Variance #3 is to allow an encroachment of 23 ft. into the 30 ft. front yard setback, for a proposed carport measuring 19 ft. by 20 ft. for an area 380 sqft.

Variance #4 is to allow an encroachment of 7 ft. into the 7 ft. east side yard setback for a proposed carport measuring 19 ft. by 20 ft. The carport will not have an overhang, at the property line the carport will go straight down.

West Carport

Variance request # 5 is to allow an encroachment of 23 ft. into the 30 ft. front yard setback, for a proposed carport measuring 20 ft. by 30 ft. with an area of 600 sqft

Variance #6 is to allow an encroachment of 5 ft. into the 5 ft. west side yard setback, for a proposed carport measuring 20 ft. by 30 ft. as in variance #4 there will not be an overhang. However, staff recommends to relocate, if approved, column #1, to be align with the rest of the columns in the driveway.

The front yard setbacks are important in establishing the character of a single-family neighborhood by providing landscaping to enhance the residence and curb appeal of the street view of properties in a subdivision.

The submitted site plan indicates the proposed carports to be 7 foot from the property line; however, measurements provided are without the benefit of a survey. Approval of the variance request will allow the proposed construction as depicted on the site plan.

Staff has not received any phone calls from surrounding property owners with issues of concern regarding this variance request.

There are other existing carports in the area that appear to be encroaching into the front and side yard setbacks.

There are no utility easements shown on the plat.

RECOMMENDATION:

Staff recommends disapproval of variance #1 and #2 and approval of the variance #3 through #6 (Carports) since reasons of appeal are health related. If the Board chooses to approve the variances, the approval should be limited to the footprint as shown on the site plan.

ZBA2020-0040

ZBA
8/19/2020

City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

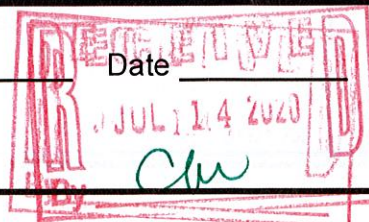
ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project	Legal Description	<u>Western Acres</u>		
		<u>Lot 17 BLK 1</u>		
	Subdivision Name	<u>MO-TEX Subdivision</u>		
	Street Address	<u>1508 Upas Ave.</u>		
	Existing Zoning	<u>The North</u>	Number of lots <u>ONE</u>	Gross acres <u>7995 sq. ft.</u>
		<u>165 Feet of Lot 12</u>	<u>Block 95</u>	Existing Land Use
	Reason for Appeal (please use other side if necessary)	<u>The Reasons are written on the back of this form please read and try to understand but I will respect your decision.</u>		
	<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input checked="" type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport)			
	<input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required			
Applicant	Name	<u>America I. López</u>	Phone	<u>956-681-2555 @gmail</u>
	Address	<u>1508 Upas Ave.</u>	E-mail	<u>America Lopez #1122.com</u>
	City	<u>McAllen</u>	State	<u>TX.</u>
			Zip	<u>78501</u>
Owner	Name	<u>Roel M. Garza, Antonio R. Garza</u>	Phone	<u>904-657-8050</u>
	Address	<u>Monterrey, N.L. Jacksonville</u>	E-mail	<u>N/A</u>
	City	<u>Jacksonville, FL.</u>	State	<u>FL.</u>
		<u>1410 Roberts Rd. St. Johns, FL.</u>	Zip	<u>32259</u>
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.			
	Signature	<u>A. López</u>	Date	<u>07-14-2020</u>
	Print Name	<u>America Lopez</u>	<input type="checkbox"/> Owner	<input checked="" type="checkbox"/> Authorized Agent
Office	Accepted by		Payment received by	
	Rev 10/18		Date	<u>July 14 2020</u>

Rct# 725764

upload:





City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

Saved from our budget for two years to have these carports for necessary reasons such as;

- ① To Enter, and exit to and from our home in a helpful and safety daily basis.
- ② Doctors Appt. After having three knee replacement surgeries last one recent 06-27-20 due to injuries at Vietnam in the military and worked at Texas Dept. of Corrections walking on concrete stairs for 30 years.
- ③ Walks with a cane or walker and has a scooter with bracket attached to the back of his vehicle and needs the space wide enough to hook and unhooked to his vehicle between five cars we have in our household.
- ④ My husband has fallen two times due to wet driveways after rain, bad weather myself I have fallen one time slipping on wet concrete. Has V.A. meeting for PTSD diagnosis.
- ⑤ Groceries and medicine pickups is also an important to leave our home. Librarys for activity programs and check out books which he likes to read.
- ⑥ No shade to enjoy family gatherings to sit or grandkids cause its to hot.

⑦ We have one ramp on one driveway and will eventually get another one on the the second driveway for myself. We don't like to bother anyone and try to do whatever we have to do.

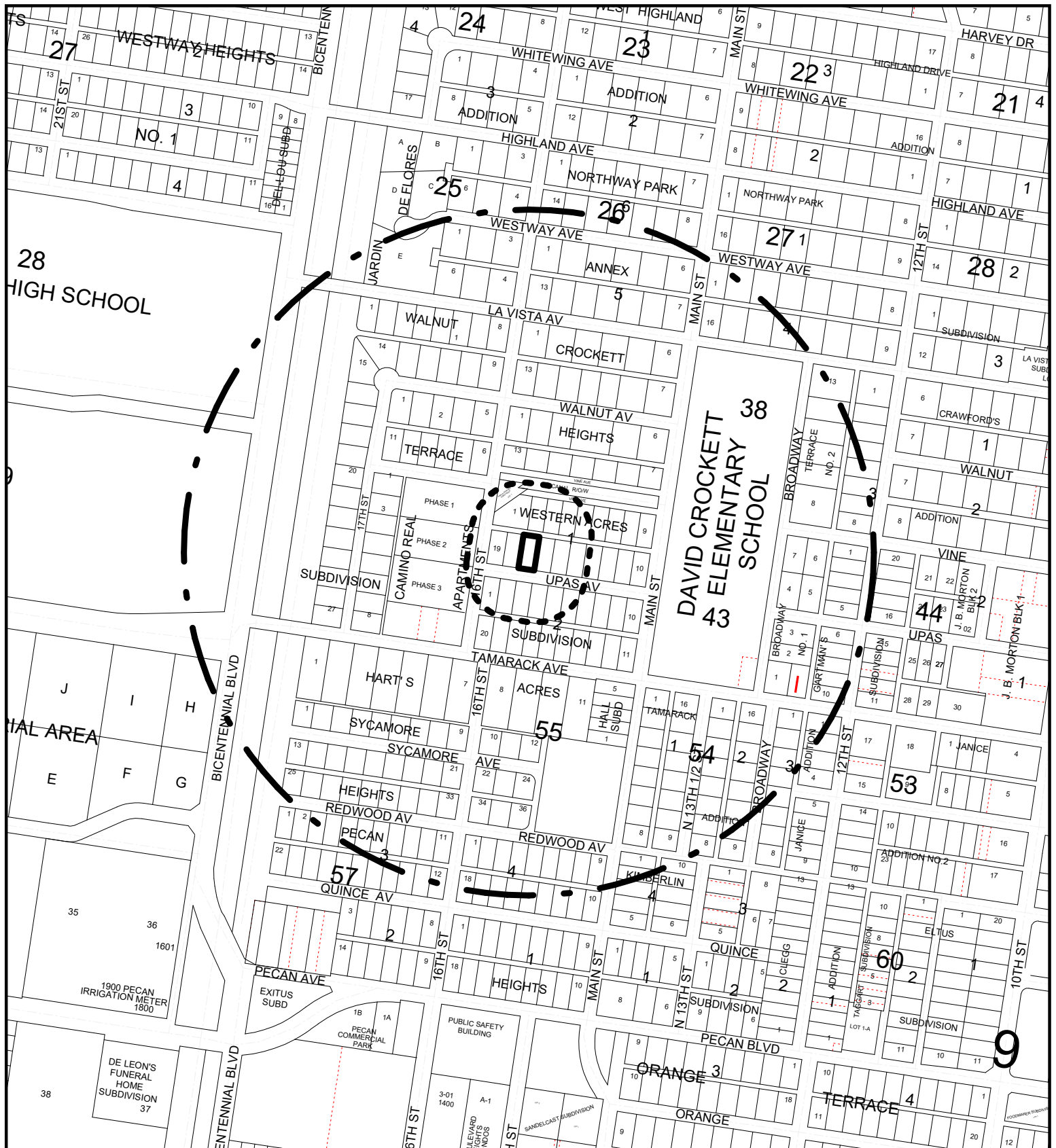
⑧ We both walk slow and get all wet from rain by the we get to our porch trying to rush carrying stuff inside. I have spoken to some neighbors about it and say they don't mind. They will be nice matching my house nothing tacky.

⑨ Last but not least we have had three damage due to hail also my neighbor has a tree that a sticky fluid falls on one car that parks by it and eventually will damage the paint on it. has to be rinse every two days.

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

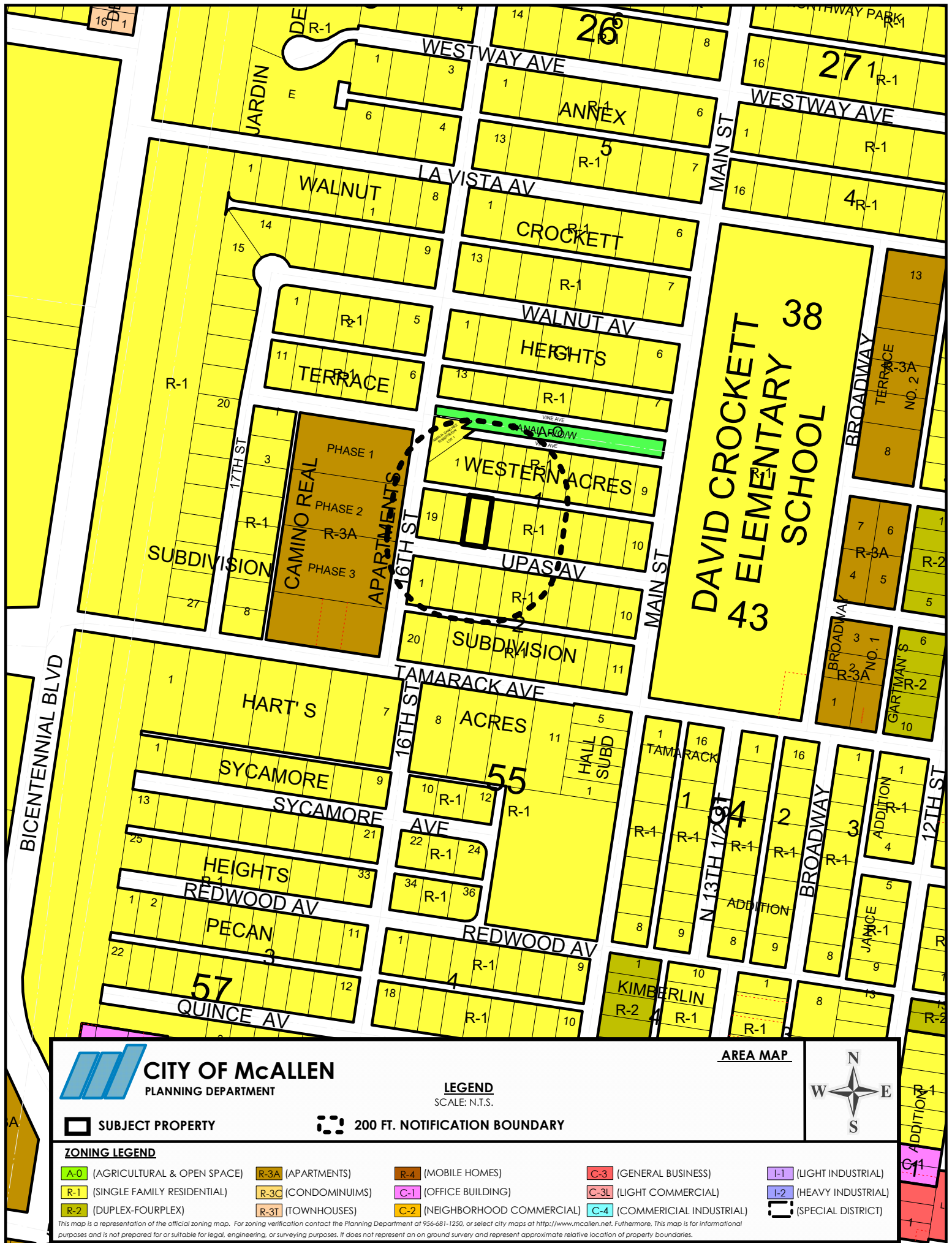
1/4 MILE RADIUS



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)

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CITY OF McALLEN

PLANNING DEPARTMENT
















AREA MAP



 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY

ZONING LEGEND

 A-0 (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)	 S (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.mcalen.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



SUBJECT PROPERTY

AERIAL MAP
SCALE: N.T.S.



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 on ground survey and represent approximate relative location of property boundaries.

6/22/2020

City of McAllen Planning Department
Appeal to Zoning Board of Adjustments to
McAllen Zoning Ordinance

To whom it may concern,
I Jeannie L. Garza widow of Roel M. Garza
give authorization to my sister in law America
L. Lopez for any repairs adding a construction
to fix the house as needed. It was a gift
deed on my behalf. This was decided in 1995.
If you need to contact me my address is
1810 B Williams Lane Harlingen, TX 78552.
Cell phone (956) 493-1815

Thank You
Jeannie L. Garza

Texas Department of Health — Bureau of Vital Statistics

1. NAME OF DECEASED (a) FIRST (b) MIDDLE (c) LAST (d) MAIDEN		2. SEX	3. DATE OF DEATH
Roel Martin Garza		Male	12-26-1997
4. DATE OF BIRTH	5. AGE (IN YEARS)	6. BIRTH PLACE (CITY & STATE OR FOREIGN COUNTRY)	7. SOCIAL SECURITY NO.
10-28-1959	38	Mexico	465-37-9680
8. RACE	9a. WAS THE DECEASED OF HISPANIC ORIGIN?	9b. IF YES, SPECIFY MEXICAN, CUBAN, PUERTO RICAN, ETC.	10. WAS DECEASED EVER IN U.S. ARMED FORCES?
White	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Mexican	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
12. MARITAL STATUS	13. SURVIVING SPOUSE (IF WIFE, GIVE MAIDEN NAME)	14a. DECEASED'S USUAL OCCUPATION	14b. KIND OF BUSINESS OR INDUSTRY
<input checked="" type="checkbox"/> MARRIED <input type="checkbox"/> WIDOWED <input type="checkbox"/> NEVER MARRIED <input type="checkbox"/> DIVORCED	Jeannie Lea	Manager	Wal-Mart
15a. RESIDENCE STREET ADDRESS		15b. CITY OR TOWN	
1810 B. Williams Lane		Harlingen	
15c. COUNTY	15d. STATE	15e. ZIP CODE	15f. INSIDE CITY LIMITS
Cameron	Texas	78550	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
16. FATHER'S NAME		17. MOTHER'S MAIDEN NAME	
Rogelio Garza		America Rivera	
18. PLACE OF DEATH (CHECK ONLY ONE)			
HOSPITAL: <input checked="" type="checkbox"/> INPATIENT <input type="checkbox"/> ER/OUTPATIENT <input type="checkbox"/> DOA OTHER: <input type="checkbox"/> NURSING HOME <input type="checkbox"/> RESIDENCE <input type="checkbox"/> OTHER (SPECIFY)			
19. COUNTY OF DEATH	20. CITY OR TOWN (IF OUTSIDE CITY LIMITS, GIVE PRECINCT NO.)	21. NAME OF HOSPITAL OR INSTITUTION (If not in institution, show street address)	
Cameron	Harlingen	Valley Baptist Medical Center	
22. INFORMANT - SIGNATURE & RELATIONSHIP		23. MAILING ADDRESS OF INFORMANT	
Rogelio Garza Brother		P.O. Box 738 Maynor, Texas 78653	
24. METHOD OF DISPOSITION	25a. PLACE OF DISPOSITION (NAME OF CEMETERY, CREMATORY OR OTHER PLACE)	25b. Section	28. NAME & ADDRESS OF FUNERAL HOME
<input checked="" type="checkbox"/> BURIAL	Valley Memorial Gardens	H	Rivera Funeral Home
<input type="checkbox"/> CREMATION	25c. LOCATION (CITY, STATE)	Block	1901 Pecan
<input type="checkbox"/> REMOVAL FROM STATE	McAllen, Texas	Lot	McAllen, Texas 78501
<input type="checkbox"/> DONATION	27. SIGNATURE OF FUNERAL DIRECTOR OR PERSON ACTING AS SUCH	Space	
<input type="checkbox"/> OTHER (SPECIFY)	Ralph K. Jones	Unknown	
30. CERTIFIER		29. DATE OF DISPOSITION	
<input checked="" type="checkbox"/> CERTIFYING PHYSICIAN TO THE BEST OF MY KNOWLEDGE DEATH OCCURRED AT THE TIME, DATE, AND PLACE, AND DUE TO THE CAUSE(S) AND MANNER AS STATED.		12-27-1997	
<input type="checkbox"/> MEDICAL EXAMINER ON THE BASIS OF EXAMINATION AND/OR INVESTIGATION, IN MY OPINION, DEATH OCCURRED AT THE TIME, DATE, PLACE, AND DUE TO THE CAUSE(S) AND MANNER AS STATED.			
<input type="checkbox"/> JUSTICE OF THE PEACE			
31. SIGNATURE & TITLE OF CERTIFIER		32. DATE SIGNED	33. TIME OF DEATH
Todd Shenkenberg M.D.		1/16/98	7:00 A.
34. PRINTED NAME & ADDRESS OF CERTIFIER			
Todd Shenkenberg M.D. 2121 Pease Harlingen, Texas 78550			
35. PART 1 ENTER THE DISEASES, INJURIES OR COMPLICATIONS THAT CAUSED THE DEATH. DO NOT ENTER THE MODE OF DYING SUCH AS CARDIAC OR RESPIRATORY ARREST, SHOCK, OR HEART FAILURE. LIST ONLY ONE CAUSE ON EACH LINE.			Approximate Interval Between Onset and Death
IMMEDIATE CAUSE (Final disease or condition resulting in death)			week 7
a. Meningitis			
b. pneumonia			days
c. immediate stroke syndrome years			
d. DUE TO (OR AS A LIKELY CONSEQUENCE OF):			
PART 2 OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN IN PART 1 (e.g., substance abuse, diabetes, smoking, etc.)			
36a. AUTOPSY?			36b. AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH?
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			<input type="checkbox"/> YES <input type="checkbox"/> NO
37. DID TOBACCO USE CONTRIBUTE TO DEATH		39. WAS DECEASED PREGNANT	
<input type="checkbox"/> YES <input type="checkbox"/> PROBABLY <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		AT TIME OF DEATH <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK WITHIN LAST 12 MO <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK	
40. MANNER OF DEATH	41a. DATE OF INJURY	41b. TIME OF INJURY	41c. INJURY AT WORK
<input checked="" type="checkbox"/> NATURAL			<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> ACCIDENT	41d. PLACE OF INJURY — AT HOME, FARM, STREET, FACTORY, OFFICE, ETC. (SPECIFY)		
<input type="checkbox"/> SUICIDE	41e. LOCATION (STREET AND NUMBER, CITY OR TOWN, STATE)		
<input type="checkbox"/> HOMICIDE	41f. DESCRIBE HOW INJURY OCCURRED		
<input type="checkbox"/> PENDING INVESTIGATION			
<input type="checkbox"/> COULD NOT BE DETERMINED			
42a. REGISTRAR FILE NO.	42b. DATE RECEIVED BY LOCAL REGISTRAR	42c. SIGNATURE OF LOCAL REGISTRAR	
03-919	01-26-98	Solia K. Jones	

WARNING

The penalty for knowingly making a false statement in this form can be 2-10 years in prison and a fine of up to \$10,000. (Health and Safety Code, Sec. 195, 199)

VS-112 REV. 9/95

STATE OF TEXAS

COUNTY OF CAMERON

CERTIFIED COPY OF VITAL RECORDS

DATE ISSUED

1/27/98

TO: City of McAllen
PLANNING DEPARTMENT
APPEAL TO ZONING BOARD OF ADJUSTMENT
TO McALLEN ZONING ORDINANCE

FROM: ANTONIO R. GARZA
(281) 216-6388

To whom it may concern

I, Antonio R. Garza, brother of America J. Lopez,
give authorization to do repairs or construction to
this home at 1508 Upar Ave, McAllen, TX 78501. It
was a gift to her from me and brothers on the year of 1995.

Thank you

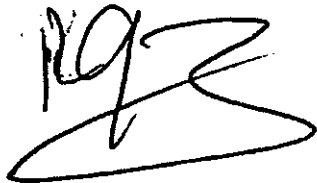
Antonio R. Garza
14914 Wellington Ln.
Houston, TX 77049
(281) 216-6388

Dear Board,

My name is Rosbel Rey Garza and I writing in reference to the resident, my sister America Lopez, on 1508 Upas Street. This home was originally our mother's in the early 70's and was deeded to her sons. My sister and her husband have been residing at his home for nearly 30 years. Over the years, my sister America Lopez and her husband, Wilfredo Lopez have made many improvement to their home. As a son listed on the resident deed or title, I authorized America and Wilfredo Lopez, full Autonomy to make home improvements on the property.

If you have any questions, please feel free to call me at 904-657-8050.

Kind regards,

A handwritten signature in black ink, appearing to be 'R. Garza', with a large, sweeping underline that extends to the left and then loops back to the right.

Rosbel Rey Garza


**CITY OF MCALLEN
PLANNING DEPARTMENT
APPEAL TO ZONING BOARD OF
ADJUSTMENT TO MCALLEN ZONONG
ORDINANCE**

I, Rogelio Guillermo Garza Rivera, with Personal ID No. GARR511129HTSRVG01, and legal address at Camino de los Gavilanes No. 113, San Jemo, Monterrey, Nuevo Leon, Mexico; of marital status married, as the older brother, state by means of this herein the authorization to my sister América I. Lopez to remodel, expand and / or build the property located at 1508 Upas Ave., McAllen, Tx., 78501. Likewise, she is authorized to carry out all the procedures in order to obtain the corresponding authorizations for the purposes described above.

I declare that my sister America I. Lopez is the one who currently lives in the property, therefore owns the legal address of this property

Without further ado, I remain at your disposal for any questions or clarifications in this regard.

Respectfully,



ROGELIO G. GARZA RIVERA
Camino de los Gavilanes No. 113
Col. San Jemo
Monterrey, N.L. CP 64630
Tel. (52) 81 8315 0015

5
 ROSELIO G GARZA & ROSBEL R GARZA
 1508 UPAS AVE
 MCALLEN, TX 78501-3110-08

CAD 100%
 CML 100%
 DR1 100%
 GHD 100%
 JCC 100%
 R12 100%
 SML 100%
 SST 100%

IMPROVEMENTS		35,964
LAND MARKET	+	25,184
MARKET VALUE	=	61,148
PRODUCTIVITY LOSS	-	0
APPRAISED VALUE	=	61,148

ACRES:

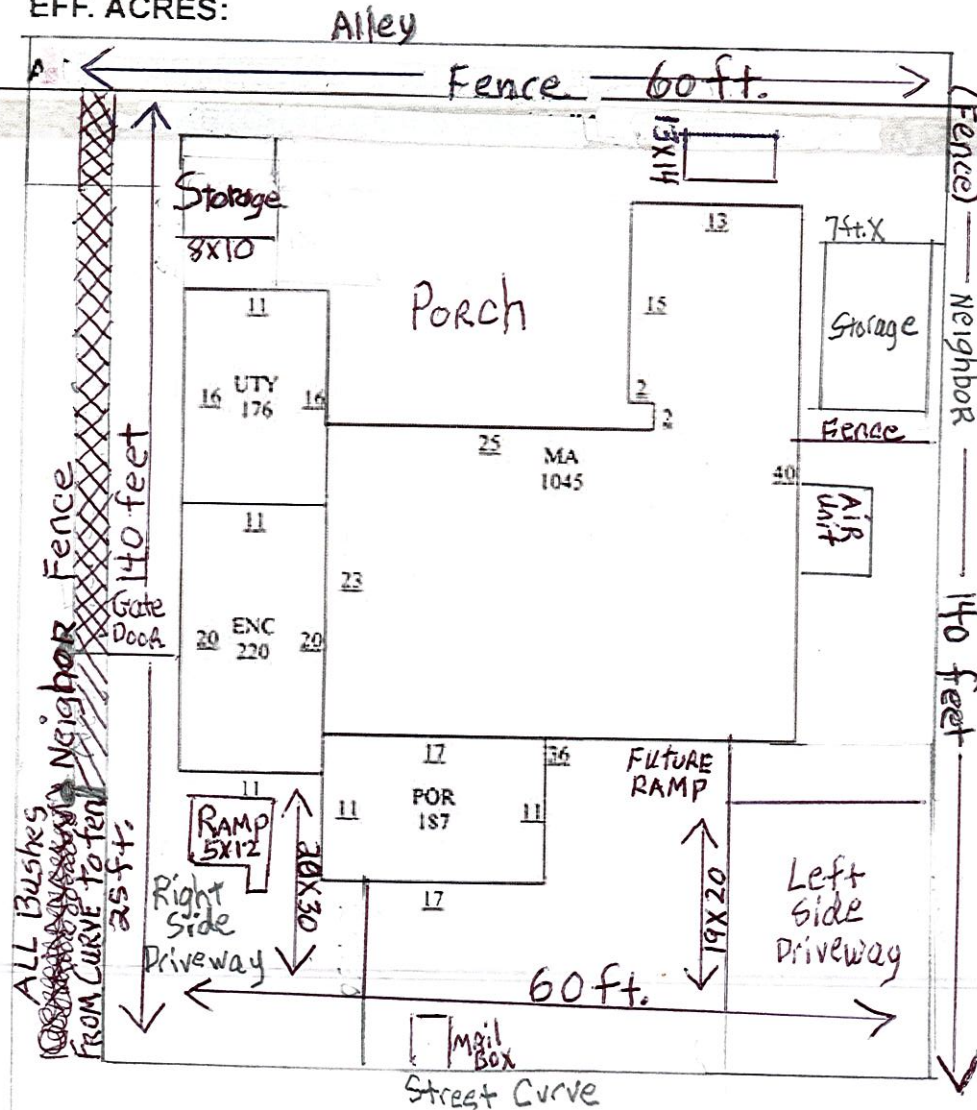
EFF. ACRES:

HS CAP LOSS - 0

ASSESSED VALUE = 61,148

EXEMPTIONS

PICTURE



07-12-2020

To The City of McAllen Planning Department
of zoning board of ordinance

To Whom it may concern MAAM'S AND SIRS,

My name is America Lopez my husband Wilfredo Lopez and three other family members live at 1508 Upas Ave. in McAllen.

This home has been in our family since 1973 that's 47 years. My mother America Rivera was original second owner when she purchase it she became ill and decided to put it the title of the house to my four brothers at that time, between 1980-1985 but was given to me as a gift on 1995, I trust my brothers and for various reasons on my behalfs have not transfer the title to my name. Mainly just raising my 5 children, working, going to school and also the cost. I have Always payed my taxes on time and kept up with all the needed repair such as New plumbing, fuse box, installed central air, put stucco on the brick, fenced the back yard, install New tile, and windows.

I have never had problems with the city ordidance so I am not familiar with the city rules and procedures.

Your decisions I will respect but will you please read on the back of your form why I need this 2 carports.

Thank-you
Mrs. America Lopez

Neighbor Signatures

2009

30 THURSDAY

Sabinio Dela Cruz
1501 UPAS 956 618 43 41
MCALLEN TX. 78501

31 FRIDAY

Jennifer R. Pedroza
1504 Upas Ave
McAllen, Tx 956-627-3363
78501

I approve that my
neighbor America Lopez
uses 2 inches of our
property.

1 SATURDAY

AUGUST

2 SUNDAY

1509 Upas Ave. → Neighbor Across
McAllen, 78501 the street. No
issue with carport
Jesus Hernandez being built at
Disabled Veteran 1508 Upas Ave.

NOTES:

281-509-1864 - Nark Paz

RAMON MEDRANO
1408 UPAS AVE
MCALLEN TX
APPROVE OF ANY CARPORT BUILT
ON HER PROPERTY

Kayla Cruz 1501 Upas Avenue
I approve that my neighbor America
Lopez gets two carports.

Kayla Cruz



NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2020-0040
CITY OF MCALLEN PLANNING DEPT.
986-467-1130
WWW.MCALLE.NET

7
5
0
8

ACRES:

EFF. ACRES:

SML 100%
SST 100%

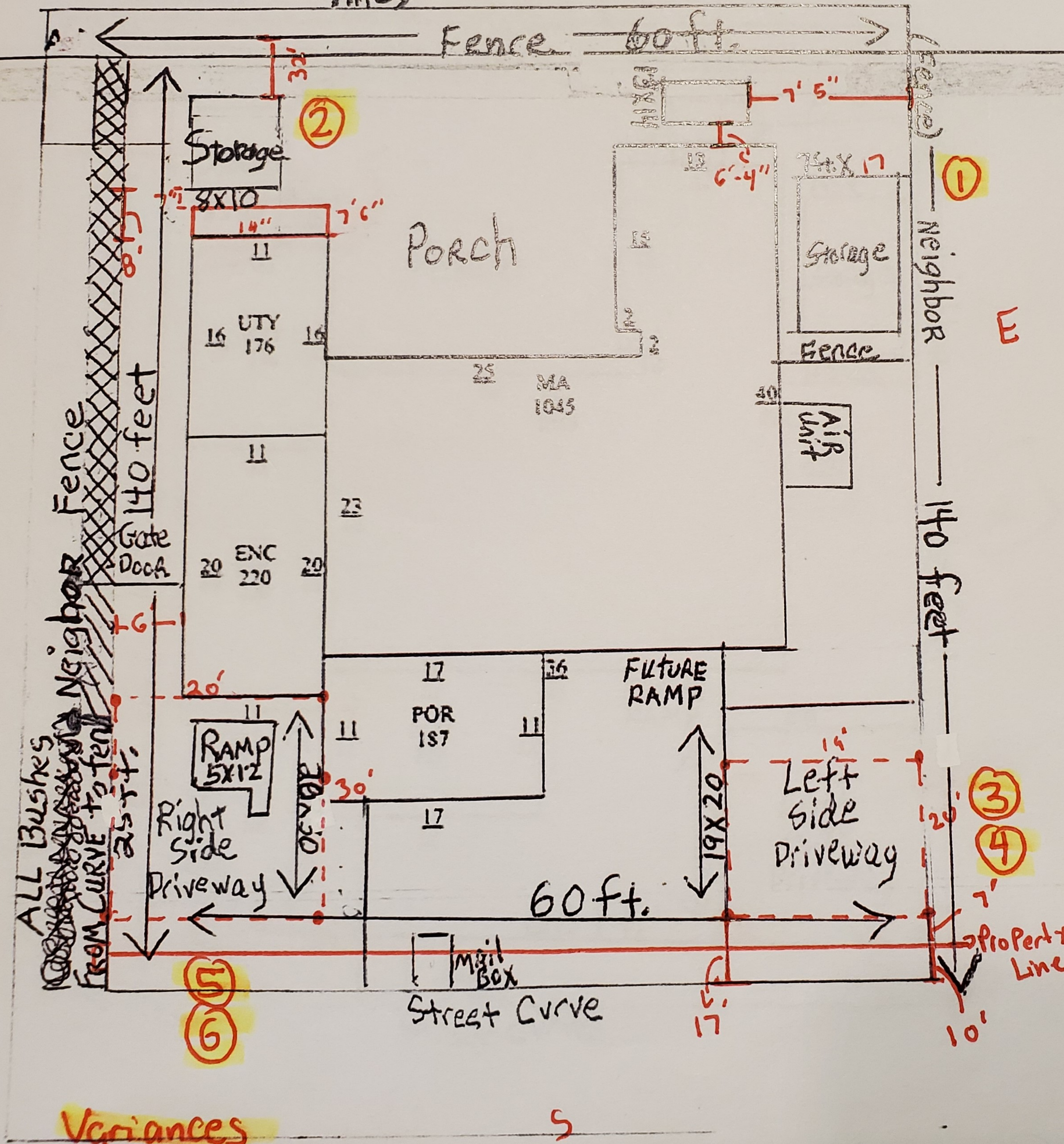
APPRaised VALUE

HS CAP LOSS

ASSESSED VALUE

EXEMPTION

PICTURE



Variances









NISSAN

PALACIOS-GARZA
CORTEZ-FARIAS

PULP

ACRES:

EFF. ACRES:

RI2 100%
SML 100%
SST 100%

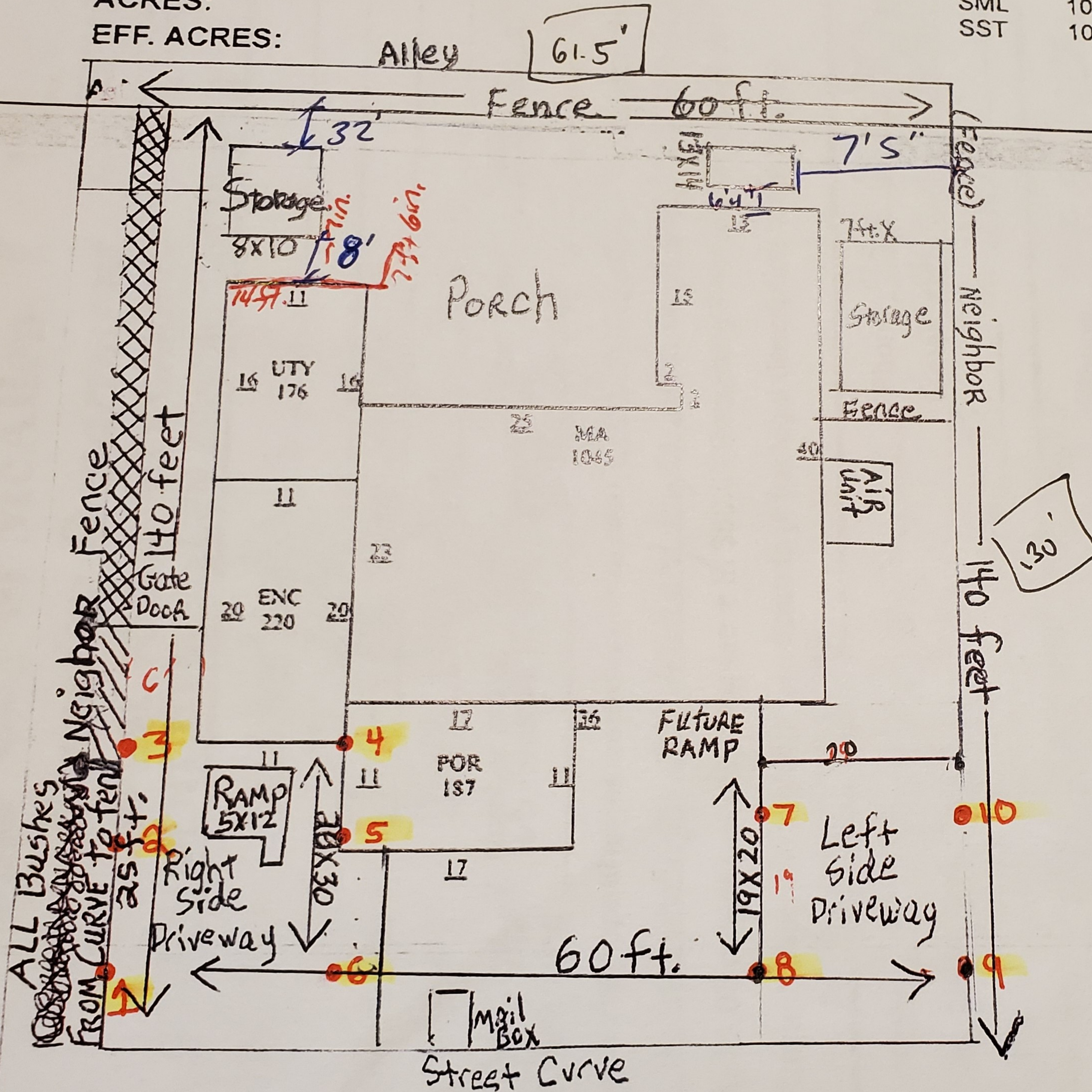
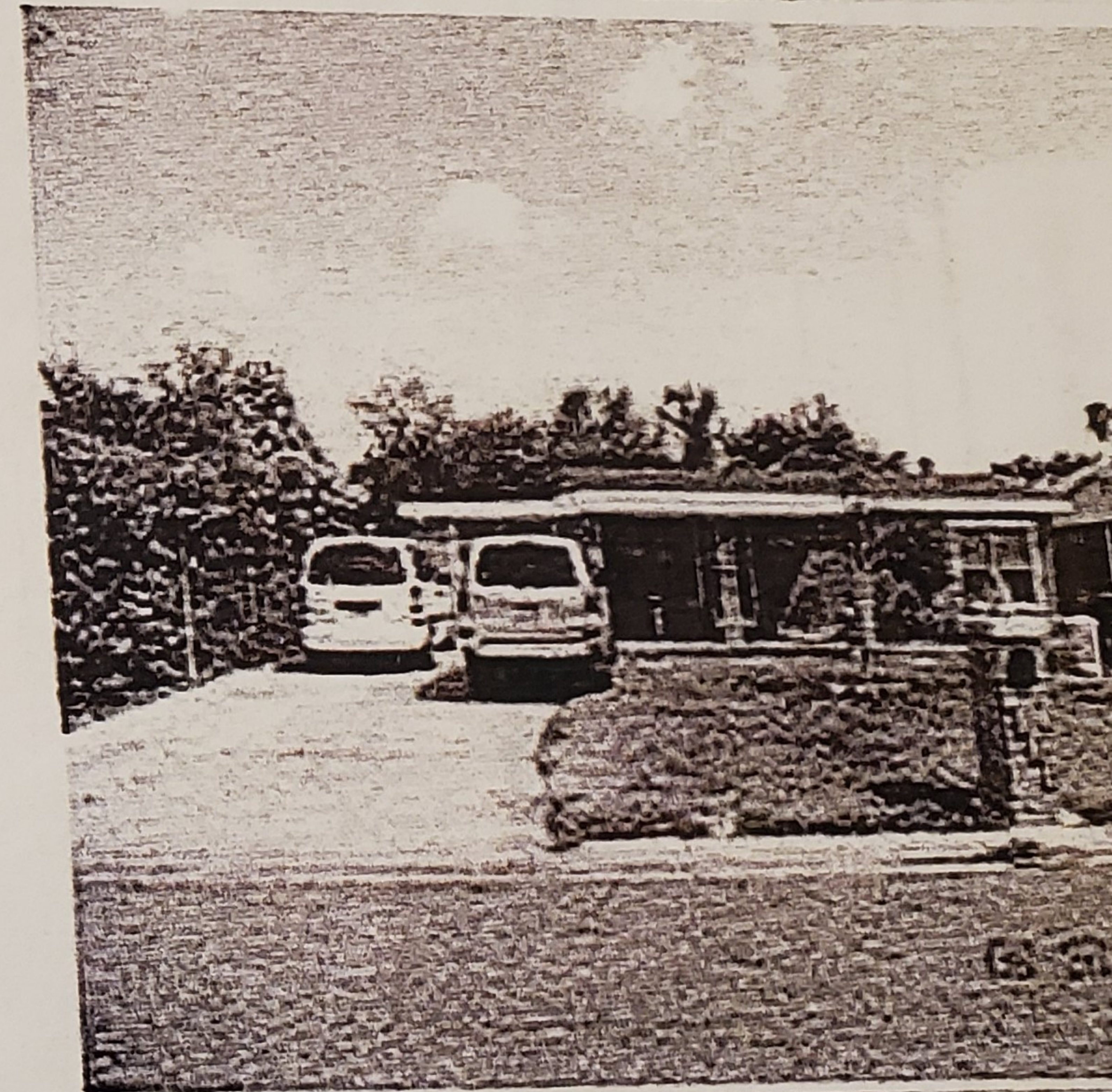
PRODUCTIVITY LOSS = 0
APPRaised VALUE = 61,148

HS CAP LOSS = -

ASSESSED VALUE = 61,14

EXEMPTIONS

PICTURE



Pole Location

RECEIVED
AUG 03 2020
By H.C.



Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: August 24, 2020

SUBJECT: REQUEST OF JUANA L. DE LEON FOR THE FOLLOWING SPECIAL EXCEPTIONS AND VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE 1) TO ALLOW AN ENCROACHMENT OF 6 FT. INTO THE 6 FT. SIDE YARD SETBACK ALONG THE EAST PROPERTY LINE FOR AN EXISTING CARPORT MEASURING 21 FT. BY 25 FT., 2) TO ALLOW AN ENCROACHMENT OF 6 FT. INTO THE 6 FT. SIDE YARD SETBACK FOR AN EXISTING PORCH ALONG THE EAST PROPERTY LINE MEASURING 6 FT. BY 58.5 FT., 3) TO ALLOW AN ENCROACHMENT OF 20 FT. INTO THE 20 FT. FRONT YARD SETBACK FOR AN EXISTING WOODEN CARPORT, 4) TO ALLOW AN ENCROACHMENT OF .58 FT. INTO THE 3 FT. REAR YARD SETBACK FOR AN EXISTING STORAGE ROOM MEASURING 16.4 FT. BY 13 FT., 5) TO ALLOW AN ENCROACHMENT OF 6 FT. INTO THE 6 FT. SIDE YARD SETBACK ALONG THE EAST PROPERTY LINE FOR AN EXISTING STORAGE ROOM MEASURING 16.4 FT. BY 13 FT., 6) TO ALLOW AN ENCROACHMENT OF 3 FT. INTO THE 3 FT. REAR YARD SETBACK FOR AN EXISTING WOODEN PORCH MEASURING 16.66 FT. BY 20.33 FT., AND 7) TO ALLOW AN ENCROACHMENT OF 6 FT. INTO THE 6 FT. SIDE YARD SETBACK ALONG THE WEST PROPERTY LINE FOR AN EXISTING WOODEN PORCH MEASURING 16.66 FT. BY 20.33 FT. AT LOT 4, BLOCK 1, COLONIA MCALLEN UNIT NO. 4, HIDALGO COUNTY, TEXAS; 2616 UVALDE AVENUE. (ZBA2020-0042)

REASON FOR APPEAL: The applicant is requesting a special exception for an existing carport that is encroaching into the front and east side yard setbacks. The applicant is also requesting a variance request for an existing porch on the rear of the property, an existing storage room on the rear, and an existing porch attached to the east side of the house that are encroaching into the setbacks of the property.

PROPERTY LOCATION AND VICINITY: The property is located on the north side of Uvalde Avenue, approximately 180 ft. west of South 26th ½ Street, and is zoned R-1 (single-family residential) District. The tract has a frontage along Uvalde Avenue of 50 ft. with a depth of 106 feet. Adjacent zoning is zoned is R-1 (single family residential) District to the north, west, and east, and A-O (agricultural open space) District to the south. Surrounding land uses are single family residential and a park.

Variance request #4 is to allow an encroachment of .58 ft. into the 3 ft. rear yard setback for an existing storage room measuring 16.4 ft. by 13 ft. Storage buildings that are 200 square feet or less do not require a building permit, but must respect the setbacks of the zoning district in which they are located.

Variance request #5 is to allow an encroachment of 6 ft. into 6 ft. side yard setback along the east property line for an existing storage room measuring 16.4 ft. by 13 ft. In 2011, the applicant applied for a variance request to allow an encroachment of 3.5 ft. by 16 ft. into the side yard setback; however, as per inspection done by Planning staff and site plan submitted on August 3, 2020, it was determined that the storage room had been built encroaching the 6 ft. into the 6 ft. east side yard setback. Storage buildings that are 200 square feet or less do not require a building permit, but must respect the setbacks of the zoning district in which they are located.

Variance request #6 is to allow an encroachment of 3 ft. into the 3 ft. rear yard setback for an existing wooden porch measuring 16.66 ft. by 20.33 ft. As per the City's ordinance no structures are allowed to be built on any setbacks.

Variance request #7 is to allow an encroachment of 6 ft. into the 6 ft. side yard setback along the west property line for an existing wooden porch measuring 16.66 ft. by 20.33 ft. As per the City's ordinance no structures are allowed to be built on any setbacks.

Staff received one call in opposition of the special exception (carport) request.

RECOMMENDATION:

Staff recommends disapproval of the special exception #1 and #3 and variance requests #2, #6, and #7 because no accessory structures nor buildings are allowed to be built on any setbacks. Staff is recommending approval of variance request #4 and #5 in order to cover the entire encroachments as shown on the submitted site plan. If the Board chooses to grant the special exception and variances, it should be limited to the foot print as shown on the site plan.

ZBA 7020-0042

ZBA
8/19/2020

City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project	Legal Description <u>Lote 4 Block 1</u>
	Subdivision Name <u>Colonia McAllen #</u> Street Address <u>2616 uvalde</u> Number of lots <u>1</u> Gross acres <u>0</u> Existing Zoning <u>yes R1</u> Existing Land Use <u>Household</u> Reason for Appeal (please use other side if necessary) <u>Estoy apelando los</u> <u>20 F de enfrente y los 6 F del lado E.</u> <input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input checked="" type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport) <input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required
Applicant	Name <u>Juana L. De Leon</u> Phone <u>(956) 400 95 71</u> Address <u>2616 uvalde</u> E-mail _____ City <u>Mc Allen</u> State <u>TX</u> Zip <u>78503</u>
Owner	Name <u>Porfirio De Leon</u> Phone <u>(956) 278 60 69</u> Address <u>2616 uvalde</u> E-mail _____ City <u>McAllen</u> State <u>TX</u> Zip <u>78503</u>
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization. Signature <u>Porfirio De Leon</u> Date <u>7-14-20</u> Print Name <u>Porfirio De Leon</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent
Office	Accepted by <u>L.G.</u> Payment received by _____ Date _____ Rev 10/18 <div style="border: 1px solid blue; padding: 5px; display: inline-block;"> RECEIVED JUL 14 2020 BY: <u>CW</u> </div>

Act # 725977

661


City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

Reason for Appeal	<p>De madera. Y tambien los 3 F de atras y los 6 F de lado oeste.</p> <p>Razon por los niños que tenemos para que juegen y para proteger los vehiculos en caso de granizo.</p>
Board Action	<div style="border: 1px solid black; height: 150px; width: 100%;"></div>
<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <p>Chairman, Board of Adjustment Signature</p> <p>_____</p> </div> <div style="width: 35%;"> <p>Date</p> <p>_____</p> </div> </div>	



CITY OF MCALLEN
Planning Department

Variance request

LEGAL DESCRIPTION: Lote 4 Block 1

Colonia McAllen #4

PROPERTY ADDRESS: 2616 uvalde

CASE NUMBER: _____

HOLD HARMLESS AGREEMENT

MUST BE SIGNED BY THE PROPERTY OWNER

TO THE FULLEST EXTENT PERMITTED BY LAW, THE UNDERSIGNED APPLICANT AGREES TO INDEMNIFY, DEFEND AND SAVE HARMLESS THE CITY OF MCALLEN AND ITS COMMISSIONERS, OFFICERS, AGENTS AND EMPLOYEES FROM AND AGAINST ANY AND ALL CLAIMS, SUITS, ACTIONS, LOSSES, DAMAGES, EXPENSES, COSTS, INJURIES AND LIABILITIES OF ANY NATURE (INCLUDING BUT NOT LIMITED TO CLAIMS FOR BODILY INJURY, DEATH, BUSINESS INTERRUPTION AND/OR PROPERTY DAMAGE) RELATING TO, ARISING OUT OF OR RESULTING FROM THE GRANTING AND/OR IMPLEMENTATION OF THE VARIANCE REQUESTED HEREIN.

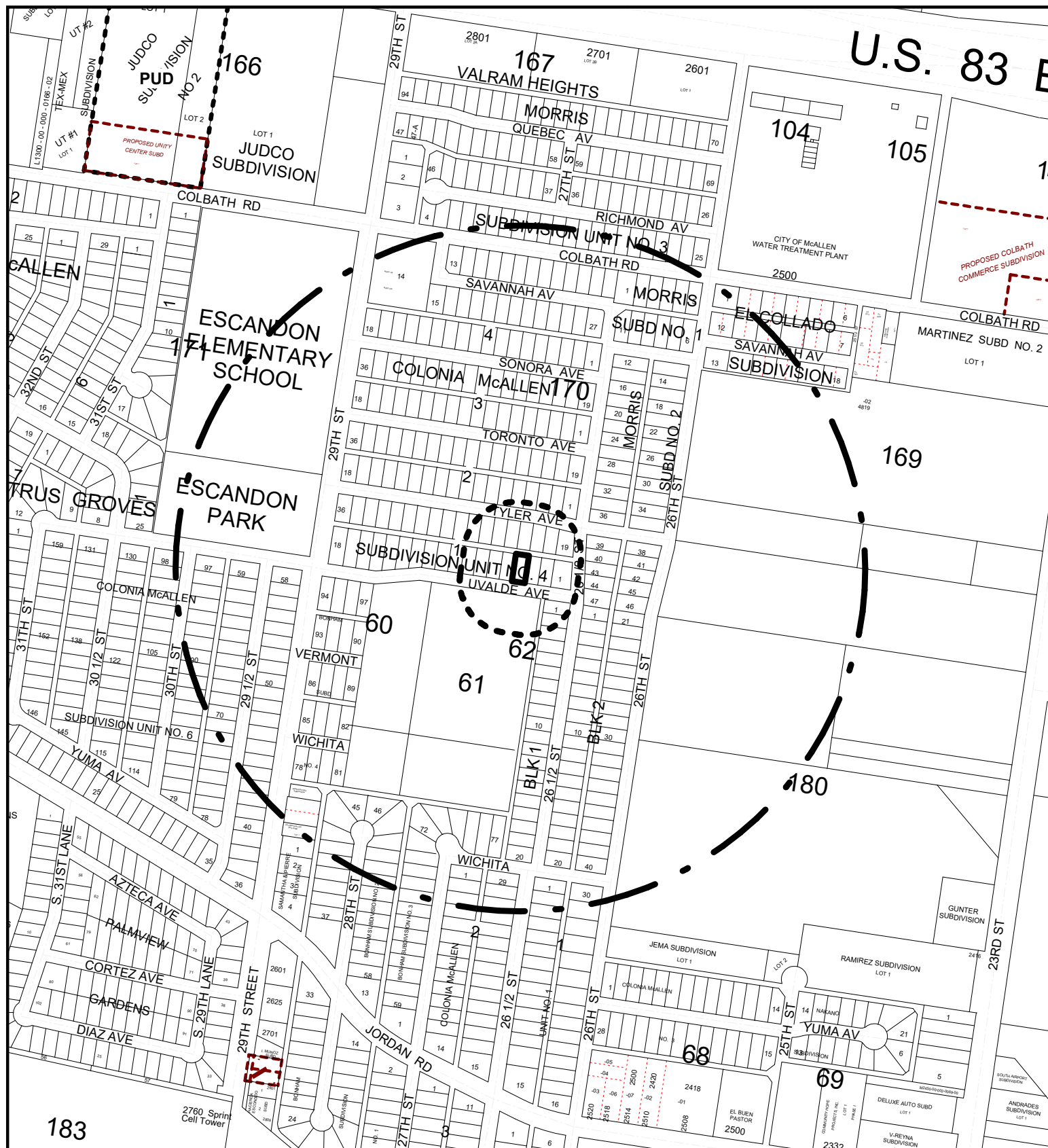
Applicant's Signature Juana L. De Leon

Print Name Juana L. De Leon

Address 2616 uvalde McAllen, TX

Phone (956) 400 9571 e-mail _____





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-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)

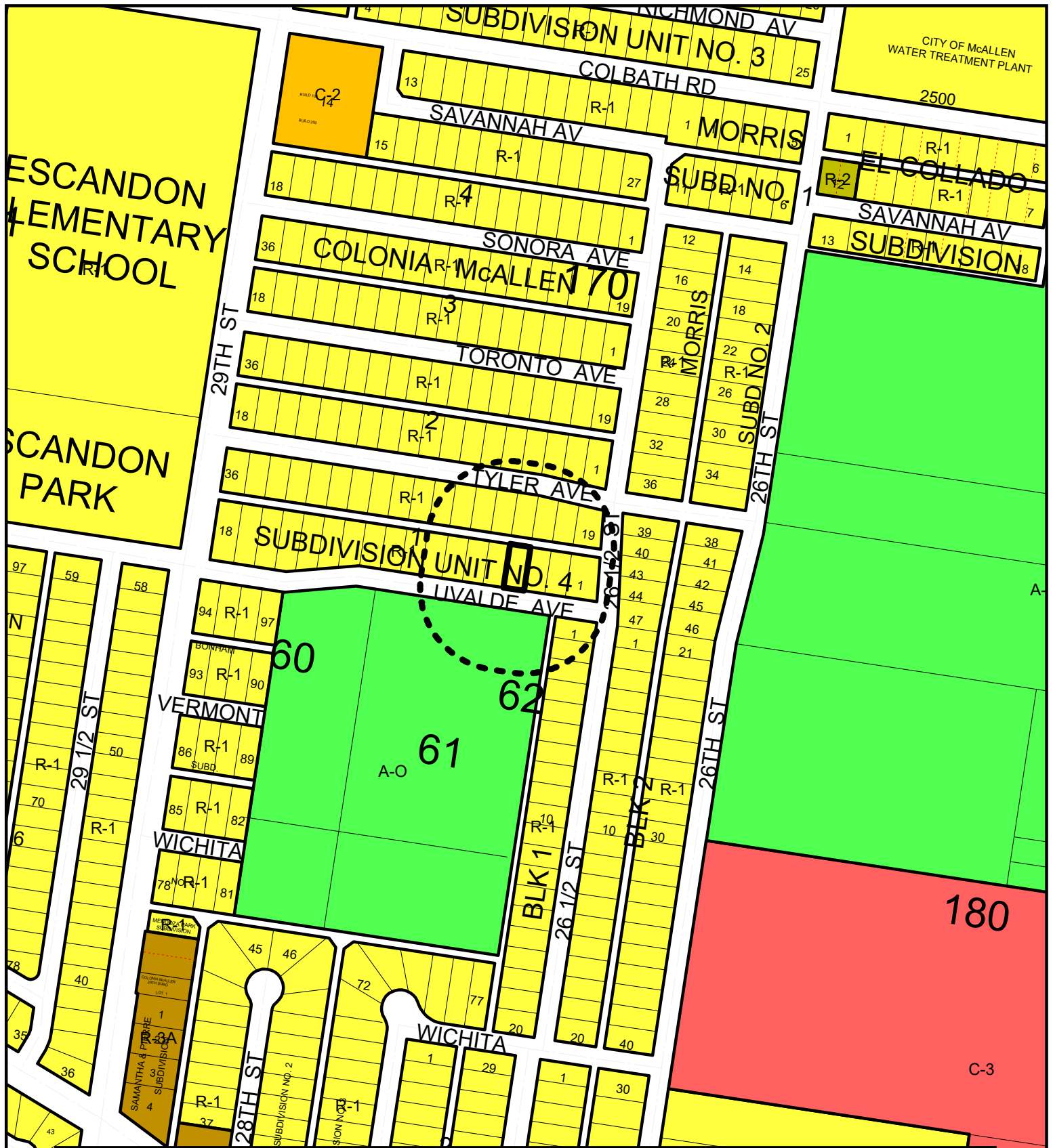
R-3T (TOWNHOUSES)


C-2 (NEIGHBORHOOD COMMERCIAL)

C-4 (COMMERCIAL INDUSTRIAL)

2 (SPECIAL DISTRICT)

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CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.

AREA MAP



SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

ZONING LEGEND

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

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CITY OF McALLEN
PLANNING DEPARTMENT



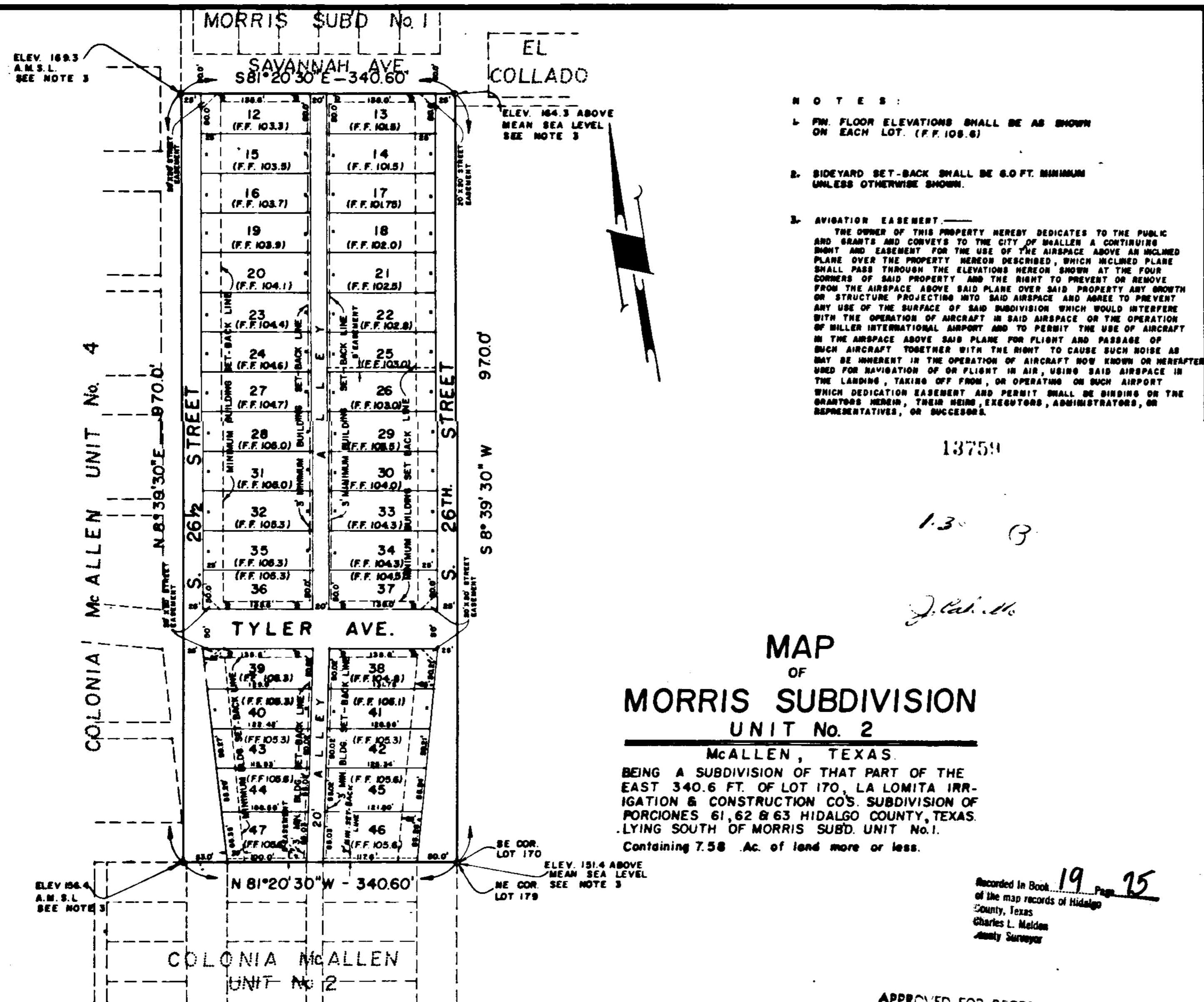
SUBJECT PROPERTY

AERIAL MAP

SCALE: N.T.S.



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STATE OF TEXAS:
COUNTY OF HIDALGO:

I, THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE "MORRIS SUBDIVISION UNIT No. 2" SUBDIVISION TO THE CITY OF McALLEN, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, AVIGATION EASEMENT AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

STATE OF TEXAS:
COUNTY OF HIDALGO:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED VAL MORRIS KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 11th DAY OF May, 1975.

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

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

THIS PLAT APPROVED BY THE HIDALGO COUNTY WATER IMPROVEMENT DISTRICT No. 1 ON THIS 5th DAY OF June, 1975 A.D. 1975

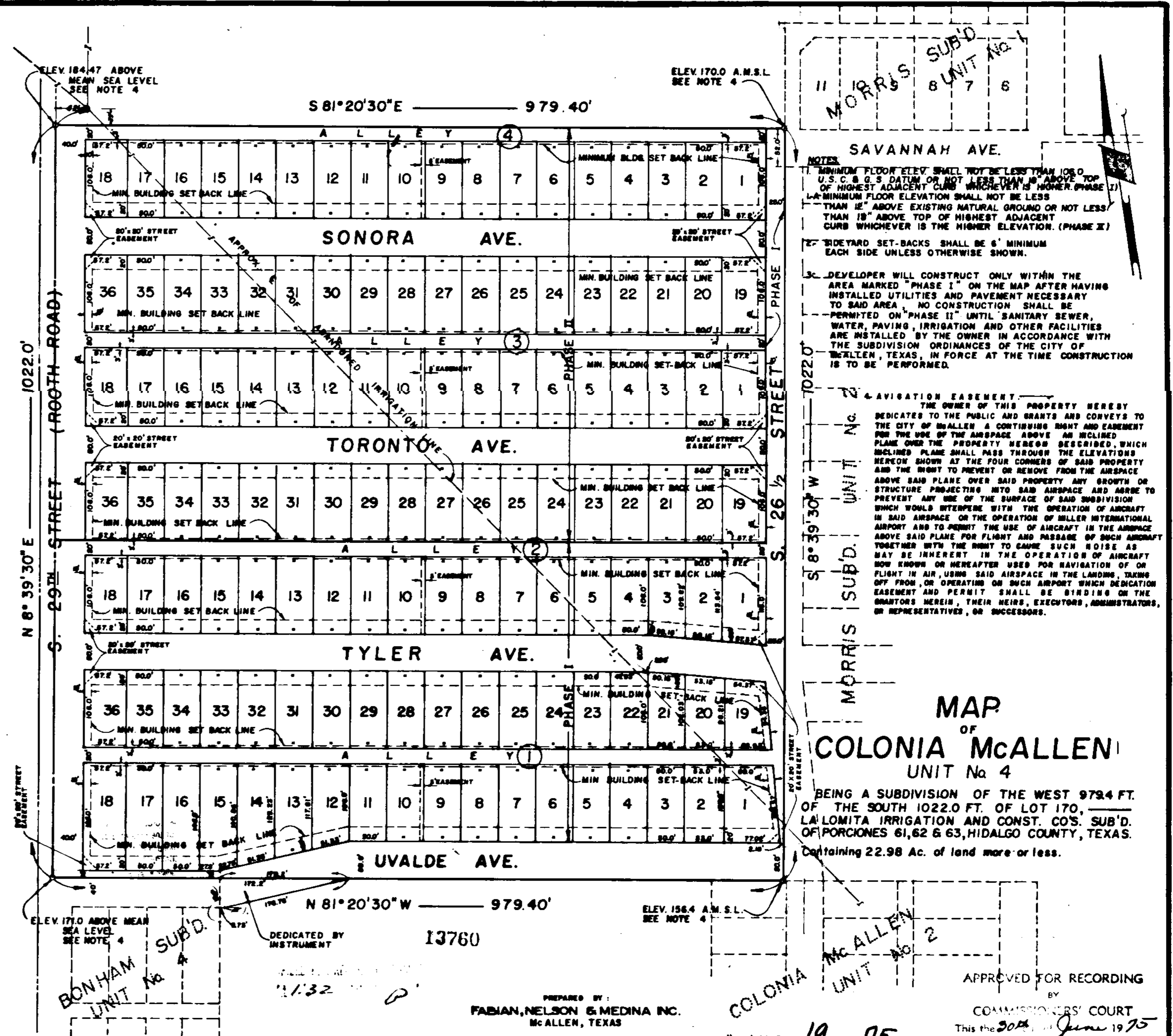
Am W. C. C. Secretary

Mayor, City of McAllen

President

Richard W. C. C.

6.30.75



STATE OF TEXAS:
COUNTY OF HIDALGO:

WE, THE UNDERSIGNED, OWNERS OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE "COLONIA McALLEN UNIT No. 2" SUBDIVISION TO THE CITY OF McALLEN, TEXAS, AND WHOSE NAMES ARE SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, AVIGATION EASEMENT AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

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THIS PLAT APPROVED BY THE HIDALGO COUNTY WATER IMPROVEMENT DISTRICT No. 1 ON THIS 2nd DAY OF June, 1975 A.D. 1975

Am W. C. C. Secretary

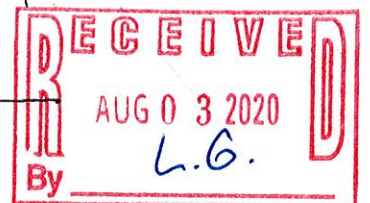
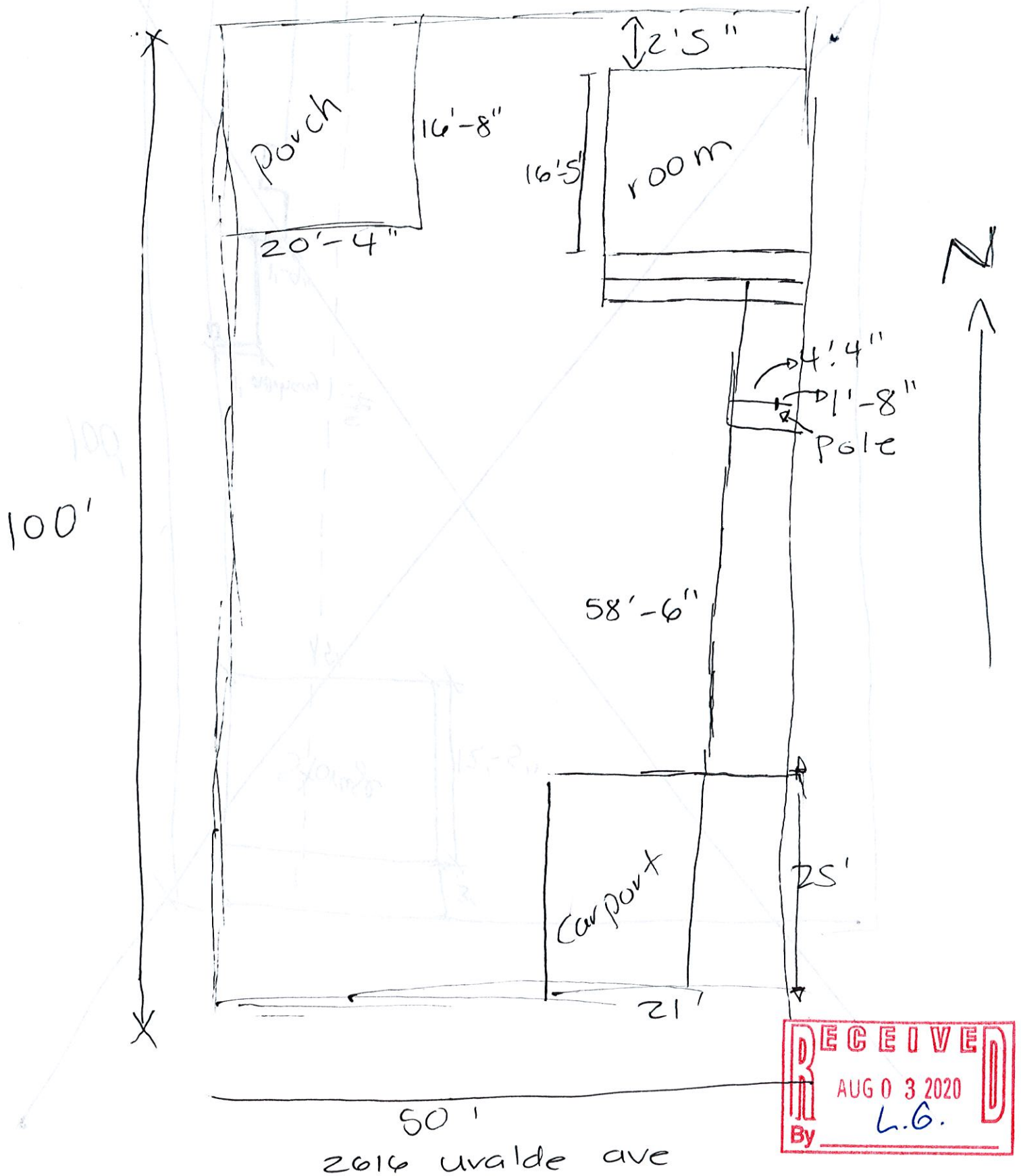
Mayor, City of McAllen

President

Richard W. C. C.

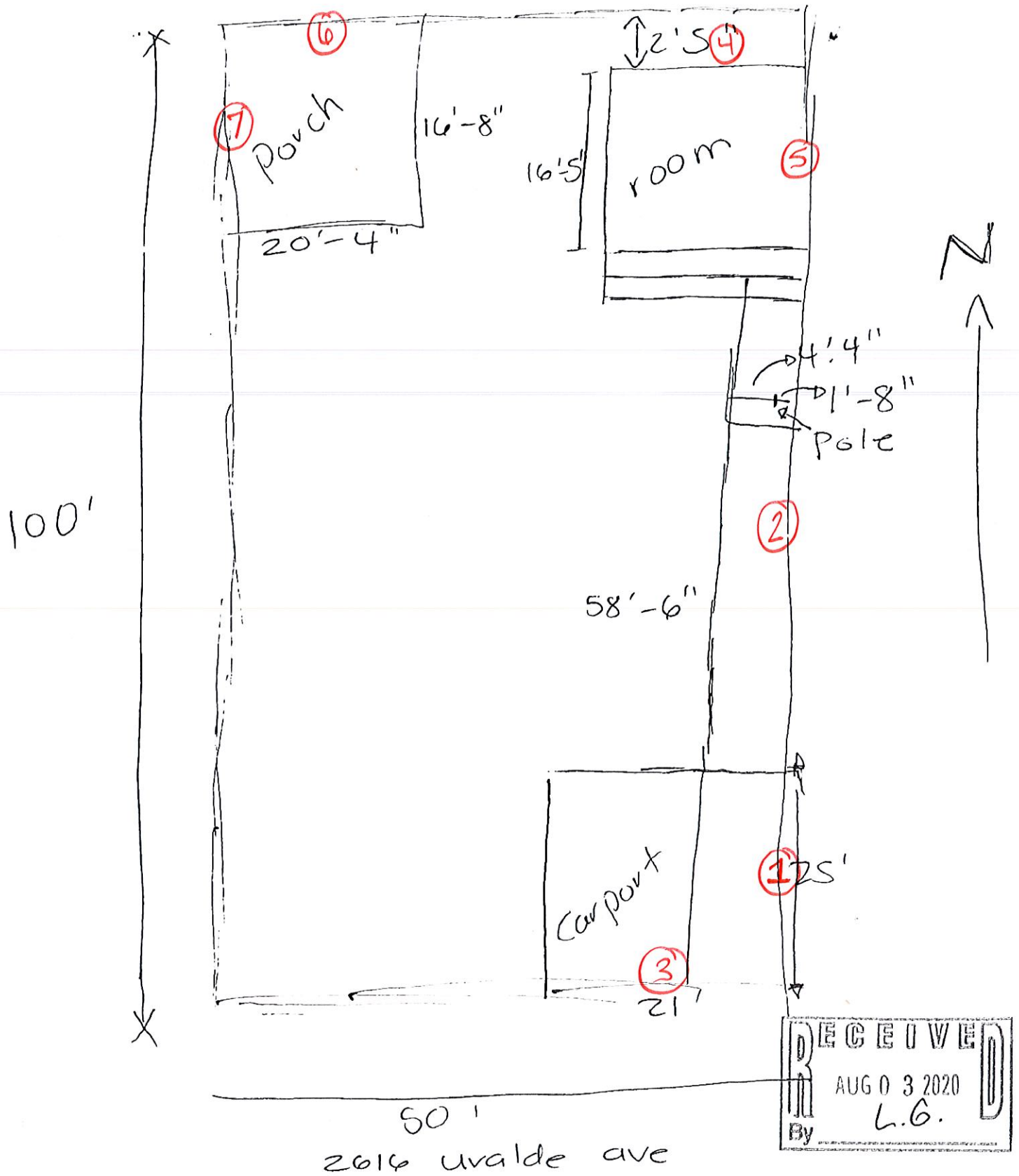
6.30.75

Juana L. De Leon 8/3/20



Special Exceptions and Variances Requests

Juana L. De Leon 8/3/20



P.O. BOX 220 McALLEN, TEXAS 78505-0220

APPLICATION MUST BE COMPLETE

(Please type or print in black or blue ink)

PERMIT APPLICATION REFERENCE NUMBER

RES2020-04614

66104120

APPLICANT

NAME Juana L. De Leon PHONE 956 . 400 . 95 71
ADDRESS 2616 uvalde ave.
CITY Mc Allen STATE TX ZIP 78503
CONTACT NAME: (956) 400 95 71 PHONE _____
☒ OWNER ☐ CONTRACTOR ☐ TENANT ☐ OTHER _____

OWNER

NAME _____ PHONE _____
ADDRESS _____ *EMAIL: _____
CITY _____ STATE _____ ZIP _____
*OWNER INFORMATION NOT PROVIDED, INITIAL: _____

☐ NEW ☐ ADDITION ☐ REMODELING ☐ REPAIR ☐ MOVE ☐ REMOVE BLDG. HGT. _____ NO. OF FLOORS _____
BLDG 1008 NO. PARKING _____ SQ. FT. LOT _____ FLOOR EL. ABOVE CURB _____
EXISTING USE _____ NEW USE _____
OF LOT _____

Citation
SCOPE OF WORK TO BE DONE Addition of laundry room and bathroom, closet existing front capport. Se usara como cuarto de almacenamiento

PROJECT

RESIDENTIAL NEW NO. OF UNITS _____ NO. BDRMS _____ NO. BATHRMS _____ SQ. FT. NON-LIVING _____ SQ. FT. LIVING _____

FOUNDATION ☐ CONCRETE SLAB ☐ CONCRETE PIER ☐ CONCRETE BLOCK ☐ CONCRETE BEAM ☐ WOOD POSTS ☐ _____
EXT WALL ☐ MASONRY VENEER ☐ MASONRY SOLID ☐ METAL SIDING ☐ COMPOSITION ☐ WOOD ☐ _____
ROOF ☐ WOOD SHINGLE ☐ COMPOSITION ☐ METAL ☐ BUILD UP ☐ CLAY OR CONCRETE TILE ☐ _____
UPGRADES/OTHER ☐ GRANITE COUNTERTOPS ☐ MARBLE TUBS/FLOORS ☐ CUSTOM WINDOWS ☐ POLYURETHANE INSULATION ☐ OTHER UPGRADES _____
☐ SEPTIC TANK EXISTING OR PROPOSED ☐ YES ☐ NO

LOT _____ BLOCK _____ SUBDIVISION _____

SITE ADDRESS ST. NO. 2616 ST. NAME uvalde ave

CITY USE ONLY

Construction Cost _____ Permit Fee \$ 161.28 Rec'd by [Signature]
Value \$ 10,000 Double Fee \$ _____ Date 7/1/20
Zoning _____ Total Fee \$ _____ Time 11:43
Park Development Fee \$ _____ Park Zone _____

The foregoing is a true and correct description of the improvement proposed by the undersigned applicant and the applicant states that he will have full authority over construction of same. The building permit shall not be held to permit or be an approval of the violation or modification of any provisions of City ordinances, codes, subdivision restrictions of State law or be a waiver by the City of such violation. Alteration changes or deviations from the plans authorized by this permit is unlawful without written authorization from the Building Inspection Department. The applicant hereby agrees to comply with all City ordinances, codes, subdivision, restrictions and State laws and assume all responsibility for such compliance. It is understood that the improvements shall not be occupied until a Certificate of Occupancy has been issued. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance or if the work authorized by such permit is suspended or abandoned for six months after the time of work is commenced. This permit is good for one year only.

PRINT (AUTHORIZED AGENT/OWNER) Juana L. De Leon SIGNATURE Juana L. De Leon J EMAIL ADDRESS (required) _____ DATE 7/01/20



NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2020-0042
CITY OF HOUSTON PLANNING DEPT.
HOUSTON, TEXAS
HOUSTON, TEXAS









NOTICE
OF
PENDING
LITIGATION
IN
THIS PROPERTY
DRAGAGE 2014

Memo

TO: Zoning Board of Adjustment & Appeals

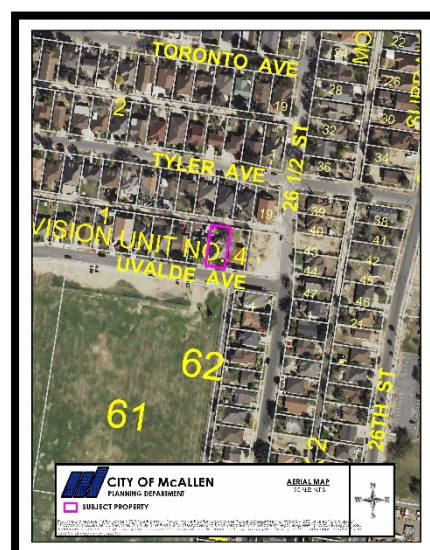
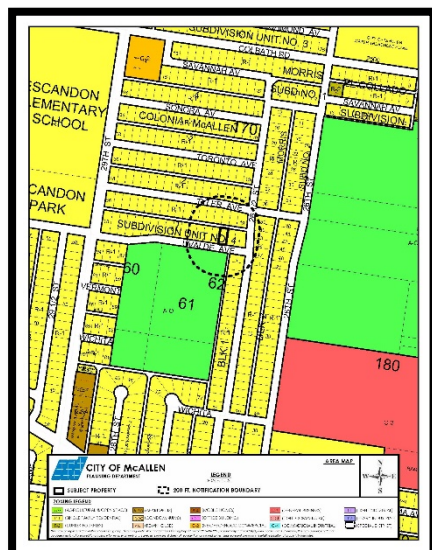
FROM: Planning Staff

DATE: August 24, 2020

SUBJECT: REQUEST OF ROBERT ZAMORA FOR THE FOLLOWING SPECIAL EXCEPTION AND VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE 1) TO ALLOW AN ENCROACHMENT OF 6 FT. INTO THE 6 FT. SIDE YARD SETBACK ALONG THE WEST PROPERTY LINE FOR AN EXISTING CARPORT WITH AN ENCROACHMENT AREA MEASURING 2.9 FT. BY 25 FT. AND, 2) TO ALLOW AN ENCROACHMENT OF 6 FT. INTO THE 6 FT. SIDE YARD SETBACK ALONG THE WEST PROPERTY LINE FOR AN EXISTING WOODEN STORAGE BUILDING MEASURING 12.4 FT. BY 19 FT., AND 3) TO ALLOW AN ENCROACHMENT OF 20 FT. INTO THE 20 FT. FRONT YARD SETBACK FOR AN EXISTING CARPORT WITH AN ENCROACHMENT AREA MEASURING 2.9 FT. BY 20 FT. AT LOT 3, BLOCK 1, COLONIA MCALLEN UNIT NO. 4, HIDALGO COUNTY, TEXAS; 2612 UVALDE AVENUE. (ZBA2020-0041)

REASON FOR APPEAL: The applicant is requesting a special exception for an existing carport area that is encroaching into the front and west side setbacks. The applicant is also requesting a variance request for an existing storage on the rear of the property encroaching into the west side setback of the property.

PROPERTY LOCATION AND VICINITY: The property is located on the north side of Uvalde Avenue, approximately 130 ft. west of South 26th ½ Street, and is zoned R-1 (single-family residential) District. The tract has a frontage along Uvalde Avenue of 50 ft. with a depth of 106 feet. Adjacent zoning is zoned R-1 (single family residential) District to the north, west, and east, and A-O (agricultural open space) District to the south. Surrounding land uses are single family residential and the Uvalde Park.



BACKGROUND AND HISTORY: The property is located in Colonia McAllen Unit. No. 4 Subdivision, which was recorded on June 30, 1975. The plat indicates a 20 ft. front yard setback, a 6 ft. side yard setback, and a 3 ft. rear yard setback. The site plan indicates that an existing carport area in the front and existing storage on the rear and east side has been built encroaching into the setbacks. The encroaching area of the carport is actually part of the existing carport of the neighbor to the west. The neighbor received a citation and stop work by Building Inspection staff on June 29, 2020 for the existing carport without a permit. The neighbor applied for a building permit on July 1, 2020 and after it was determined that there was an encroachment of the existing carport, the neighbor and applicant applied for a Special Exception and Variance request on July 14, 2020.

ANALYSIS:

Special Exception request #1 is to allow an encroachment of 6 ft. into the 6 ft. side yard setback along the west property line for an existing carport with an encroachment area measuring 2.9 ft. by 25 ft. The standard side yard setback for a lot in R-1 (single family residential) District is 6 ft. The applicant allowed the neighbor to the west to build the 2.9 ft. by 25 ft. area of the existing carport into their property encroaching onto the 6 ft. side setback. The neighbor has applied for a Special Exception for the carport.

Variance request #2 is to allow an encroachment of 6 ft. into the 6 ft. side setback along the west property line for an existing storage measuring 12.4 ft. by 19 ft. The standard side yard setback for a lot in R-1 (single family residential) District is 6 ft. The site plan indicates that the existing storage extends all the way to the west property line. As per the City's ordinance no structures are allowed to be built on any setbacks.

Special Exception request #3 is to allow an encroachment of 20 ft. into the 20 ft. front yard setback for an existing carport with an encroachment area measuring 2.9 ft. by 20 ft. Front yard setbacks help keep the character of single family residential areas by maintaining the street yard and curb approval of properties in a subdivision.

Staff received one call in opposition of the special exception (carport) request.

RECOMMENDATION:

Staff recommends disapproval of the special exceptions #1 and #3 and variance request #2 because no accessory structures nor buildings are allowed to be built on any setbacks. If the Board chooses to grant the special exception and variances, it should be limited to the foot print as shown on the site plan.

ZBA
8/19/2020

ZBA 2020-0041



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project

Legal Description Lot 3 Block 1
Subdivision Name Colonia McAllen #4
Street Address 2612 Uvalde
Number of lots 1 Gross acres 0
Existing Zoning yes v1 Existing Land Use Household
Reason for Appeal (please use other side if necessary) Estamos apelando los 2.10P. del lado oeste para un carport.
☒ \$300.00 non-refundable filing fee + ☒ \$50.00 Recording Fee for Special Exception (carport)
☐ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

Applicant

Name Robert Zamora Phone 956 638 7340
Address 2612 Uvalde E-mail _____
City McAllen State TX Zip 78503

Owner

Name Robert Zamora Nirma Zamora Phone 956 638 7340
Address 2612 Uvalde E-mail _____
City McAllen State TX Zip 78503

Authorization

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

☒ Yes ☐ No

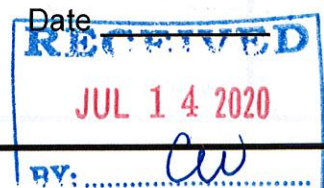
I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable)
OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature Robert Nirma Zamora Date 7-14-20
Print Name Robert Zamora Nirma Zamora ☒ Owner ☐ Authorized Agent

Office

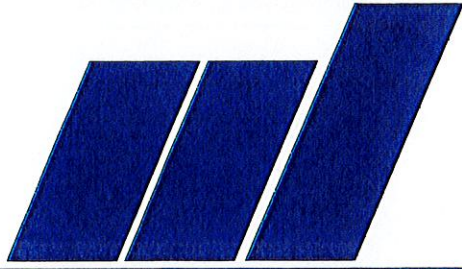
Accepted by LG. Payment received by _____

Rev 10/18



Ref # 725977

Cicela/L.F.



CITY OF MCALLEN

Planning Department

Variance request

LEGAL DESCRIPTION: Lot 3 Block 1

Colonia McAllen #4

PROPERTY ADDRESS: 2612 Uvalde

CASE NUMBER: _____

HOLD HARMLESS AGREEMENT

MUST BE SIGNED BY THE PROPERTY OWNER

TO THE FULLEST EXTENT PERMITTED BY LAW, THE UNDERSIGNED APPLICANT AGREES TO INDEMNIFY, DEFEND AND SAVE HARMLESS THE CITY OF MCALLEN AND ITS COMMISSIONERS, OFFICERS, AGENTS AND EMPLOYEES FROM AND AGAINST ANY AND ALL CLAIMS, SUITS, ACTIONS, LOSSES, DAMAGES, EXPENSES, COSTS, INJURIES AND LIABILITIES OF ANY NATURE (INCLUDING BUT NOT LIMITED TO CLAIMS FOR BODILY INJURY, DEATH, BUSINESS INTERRUPTION AND/OR PROPERTY DAMAGE) RELATING TO, ARISING OUT OF OR RESULTING FROM THE GRANTING AND/OR IMPLEMENTATION OF THE VARIANCE REQUESTED HEREIN.

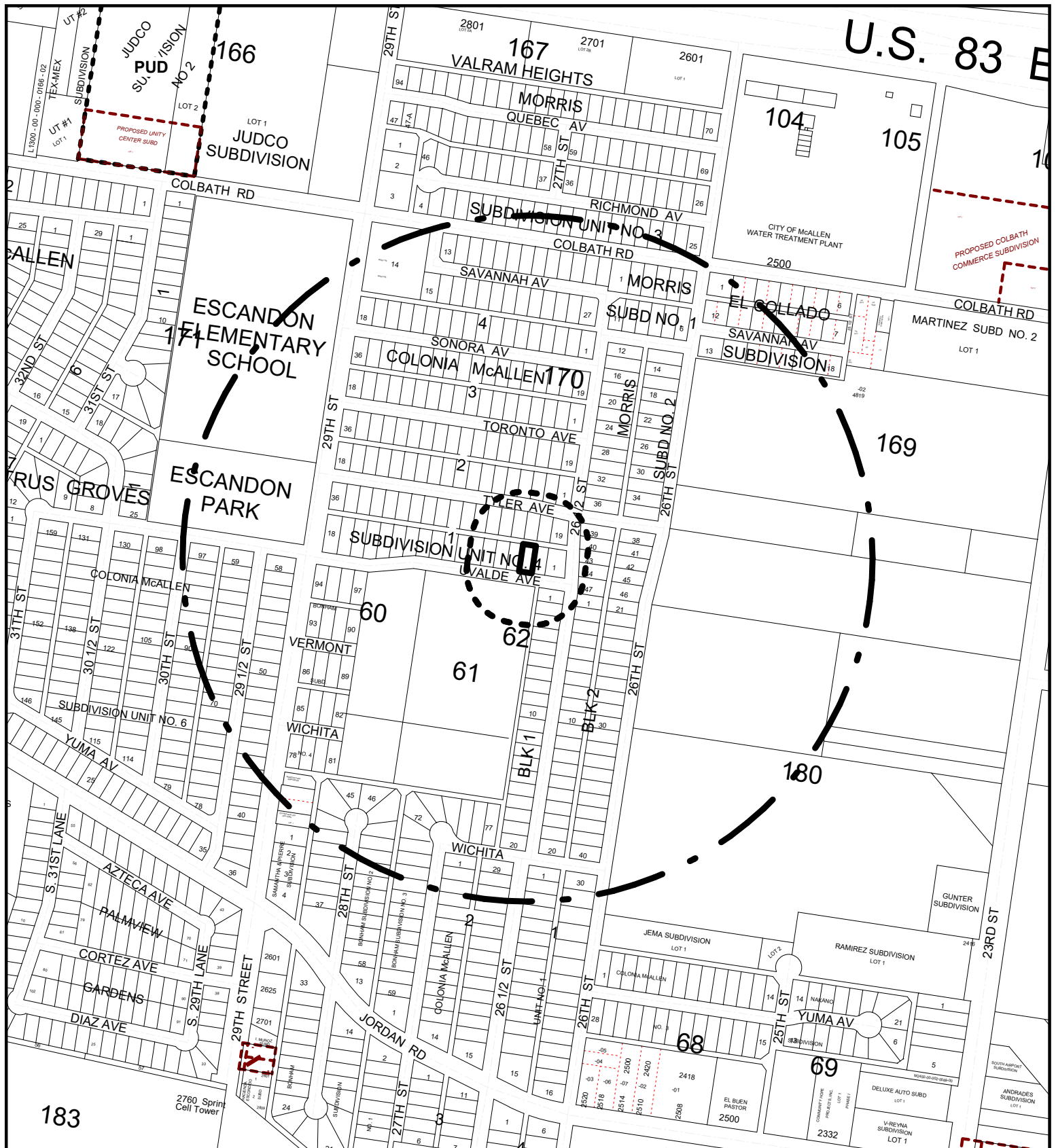
Applicant's Signature [Signature] Niufa Zamora

Print Name Robert Zamora Niufa Zamora

Address 2612 Uvalde McAllen TX

Phone 956 638 7340 e-mail _____





U.S. 83 E



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP



SUBJECT PROPERTY

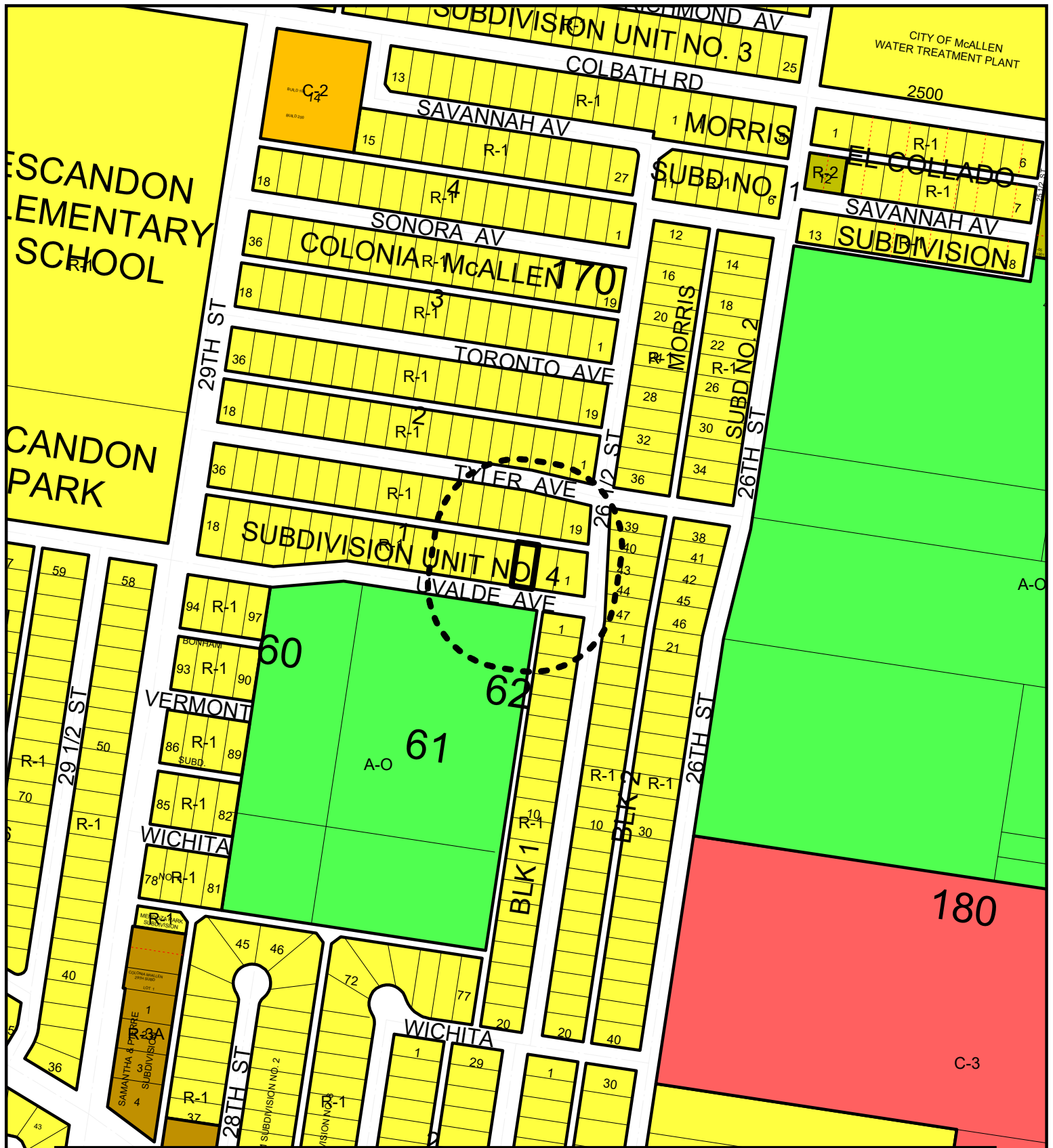
200 FT. NOTIFICATION BOUNDARY

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)

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CITY OF McALLEN PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

AREA MAP



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CITY OF McALLEN
PLANNING DEPARTMENT

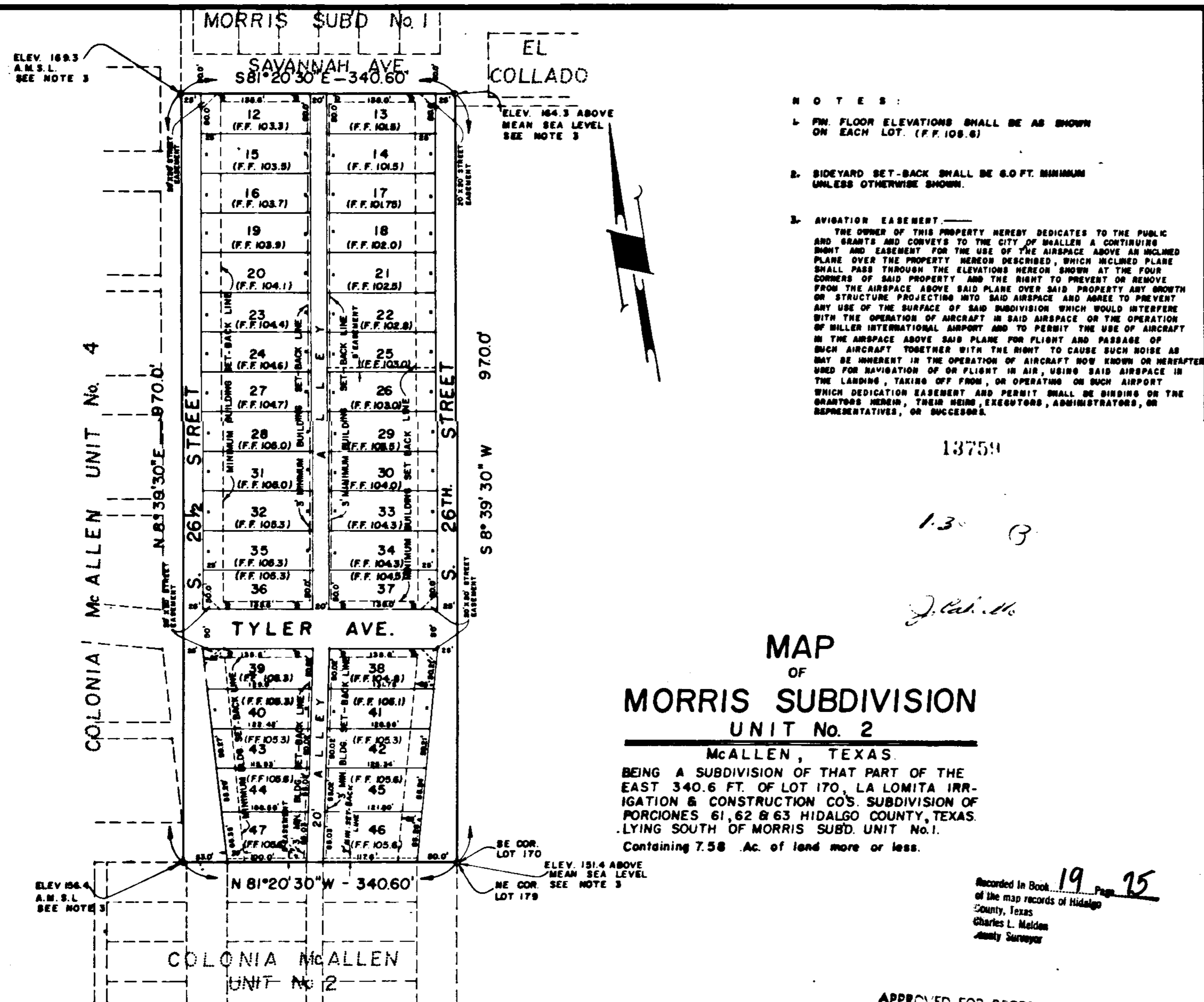


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THIS PLAT APPROVED BY THE HIDALGO COUNTY WATER IMPROVEMENT DISTRICT No. 2 ON THIS 5th DAY OF June, 1975 A.D. 1975

Am W. C. C. Secretary

Mayor, City of McAllen

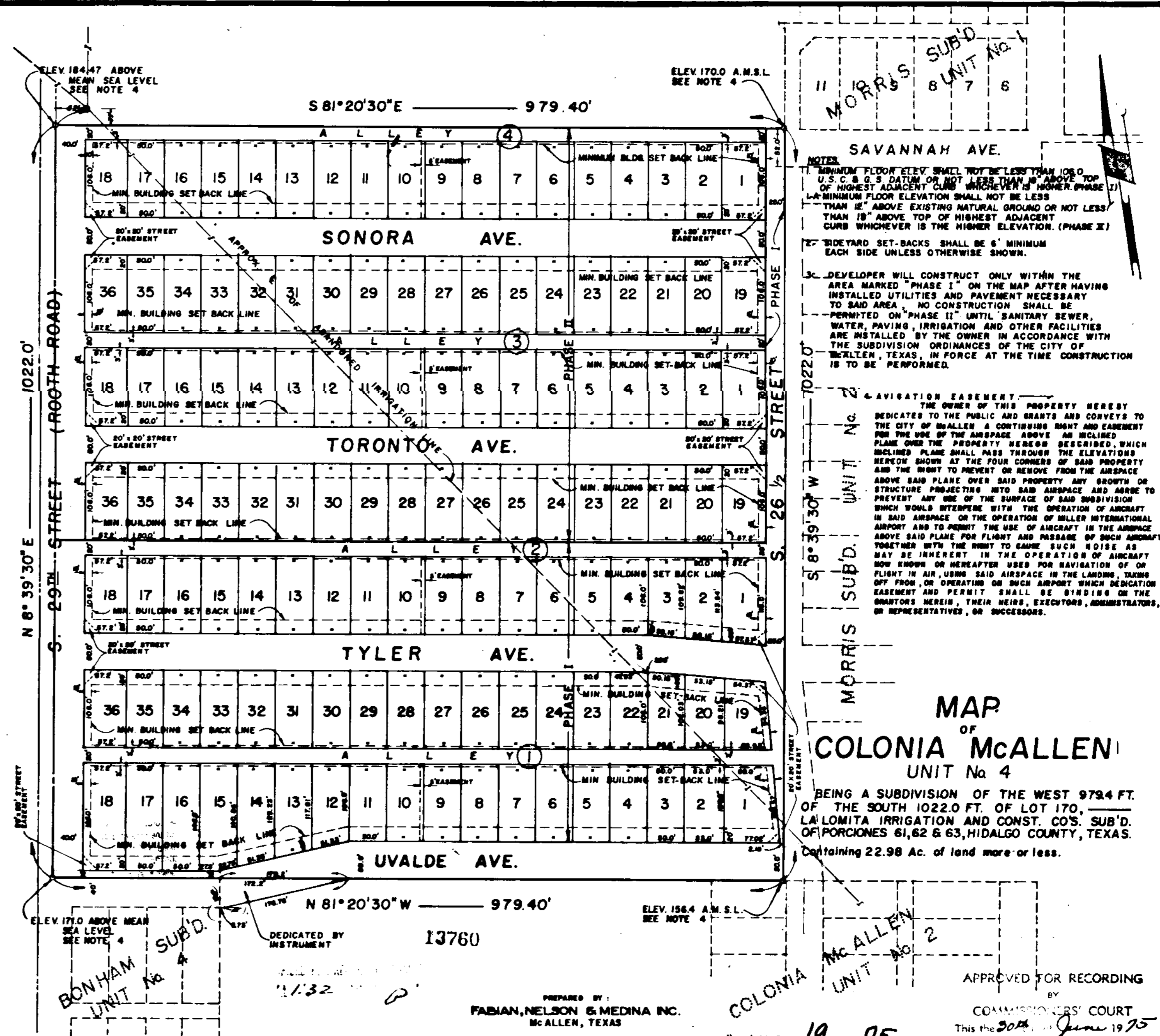
President

PLINIO C. MEDINA
REGISTERED PUBLIC SURVEYOR
McAllen, Texas

Beatrice Garga
Notary Public

Val Morris
VAL MORRIS

APPROVED FOR RECORDING BY COMMISSIONERS' COURT
This the 30th day of June 1975
BARTOLLOME, County Clerk
Charles L. Maldon
County Surveyor



STATE OF TEXAS:
COUNTY OF HIDALGO:

WE, THE UNDERSIGNED, OWNERS OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE "COLONIA McALLEN UNIT No. 2" SUBDIVISION TO THE CITY OF McALLEN, TEXAS, AND WHOSE NAMES ARE SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, AVIGATION EASEMENT AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

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Am W. C. C. Secretary

Mayor, City of McAllen

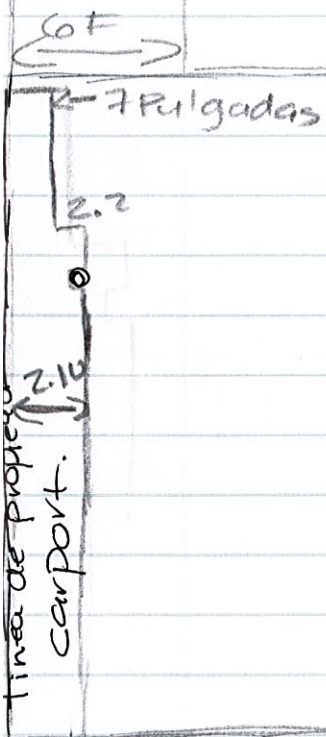
President

PLINIO C. MEDINA
REGISTERED PUBLIC SURVEYOR
McAllen, Texas

Beatrice Garga
Notary Public

Marvin Christensen
MARVIN CHRISTENSEN

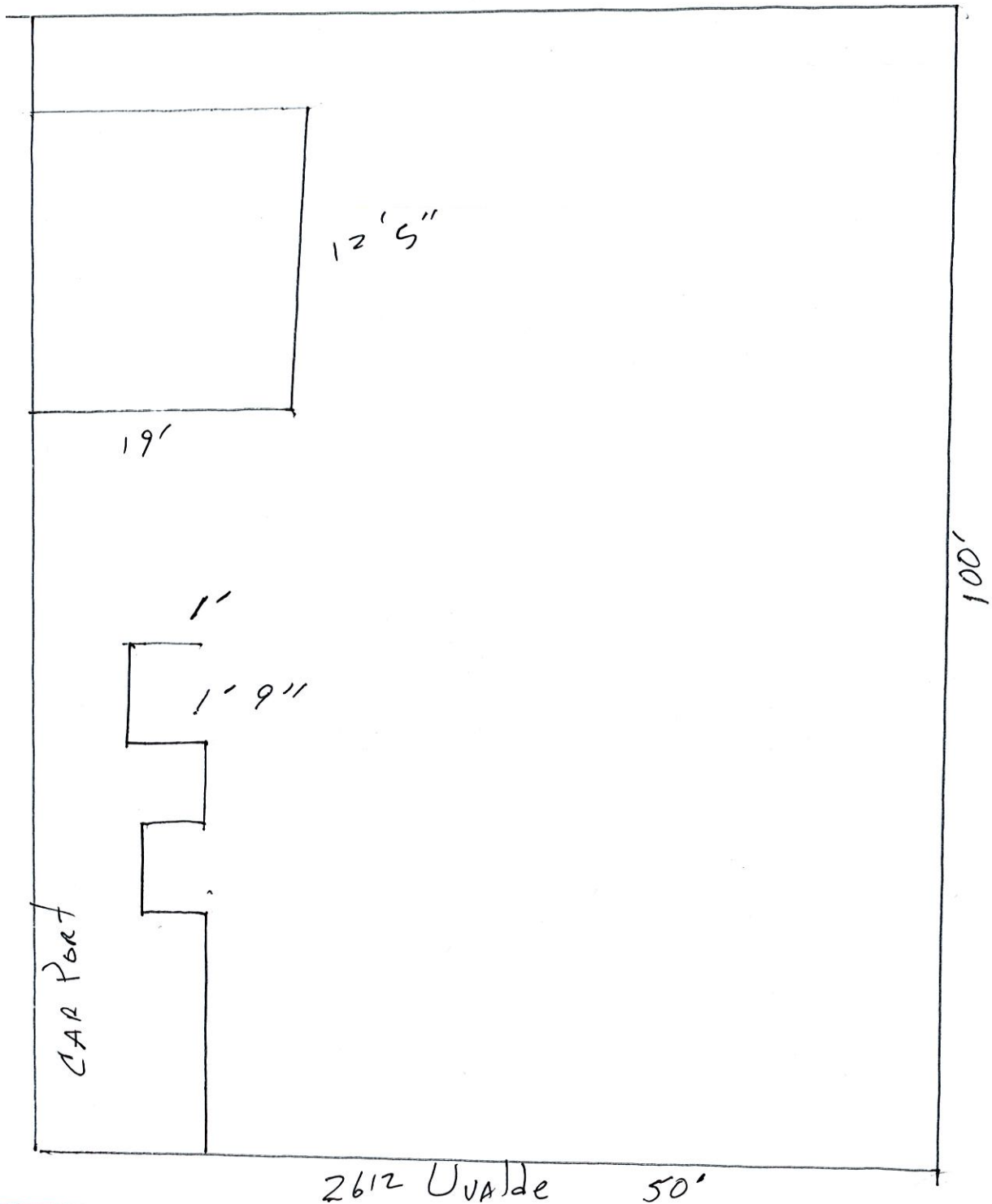
APPROVED FOR RECORDING BY COMMISSIONERS' COURT
This the 30th day of June 1975
SANTOS SANCHEZ, County Clerk
Charles L. Maldon
County Surveyor



Robert Zamora

6387340

N



S



NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2020-0041



Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: August 28, 2020

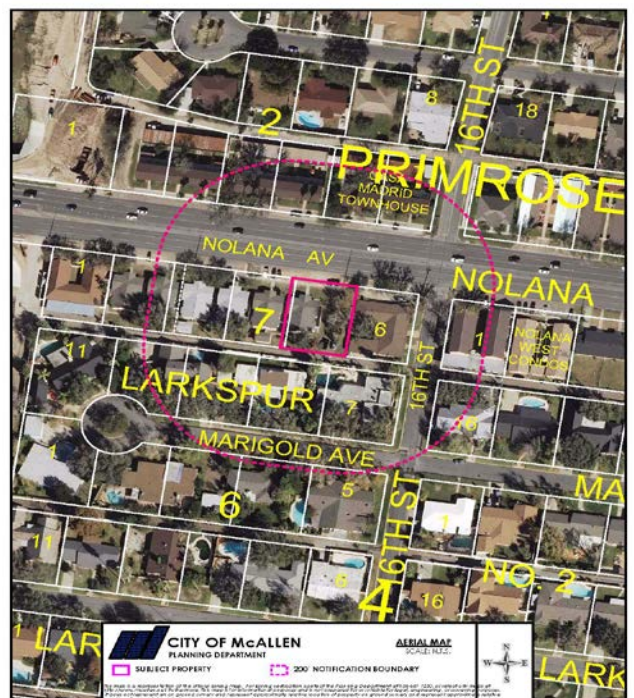
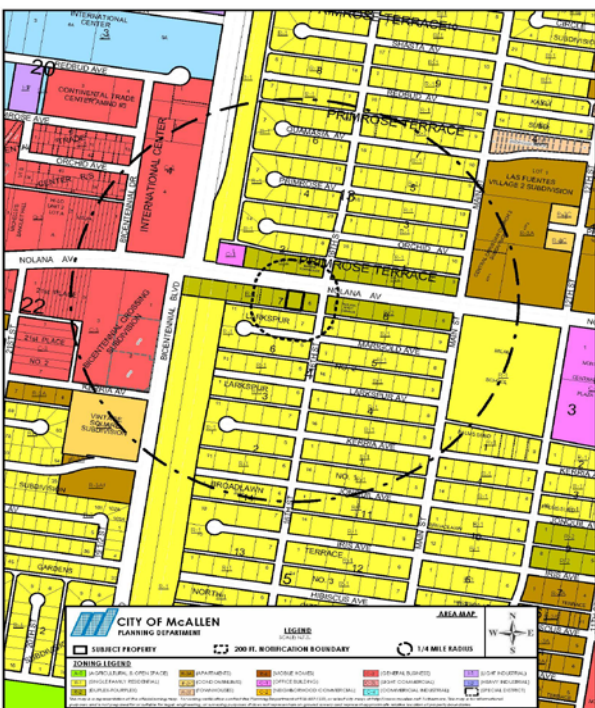
SUBJECT: REQUEST OF CESAR H. SANCHEZ FOR THE FOLLOWING VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE: TO ALLOW AN UNATTACHED STRUCTURE IN THE R-2 (DUPLEX- FOURPLEX RESIDENTIAL) DISTRICT, AT THE EAST 6 FT. OF LOT 4, BLOCK 7 AND ALL OF LOT 5, BLOCK 7, LARKSPUR SUBDIVISION NO.2, HIDALGO COUNTY, TEXAS; 1607 NOLANA AVENUE. (ZBA2020-0045)

REASON FOR APPEAL:

Cesar H. Sanchez on behalf of J.M Moffitt Construction, owner of the property, is requesting a variance to allow an unattached structure in the R-2 (duplex-fourplex residential) District. The applicant would like to have a single family home independently of the existing duplex residential structure.

PROPERTY LOCATION AND VICINITY:

The subject property has frontage on Nolana Avenue and is 50 ft. west away from 16th Street. The lot has 90 ft. of frontage on Nolana Avenue and a depth of 120 ft. with a total lot size of 10,800 sq. ft. The property is zoned R-2 (duplex-fourplex residential) District. The surrounding land uses are duplexes to the west, north, and east, and single-family residences to the south.



BACKGROUND AND HISTORY:

Larkspur Subdivision, Unit No.2 was recorded on January 15, 1962. The variance request was submitted on July 28, 2020.

ANALYSIS:

Section 138-192 permits the following uses in an R-2 (duplex-fourplex residential) District; single family residence, duplex –fourplex, duplex - fourplex townhouses, and duplex-fouplex condominiums. Section 138-1 defines a Triplex as a building designed for and/or occupied exclusively by three 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.

The applicant is proposing to build an unattached 3 bedroom and 2 bathroom single family residence on the subject property adjacent to the existing duplex to the west on the same lot. This would be noncompliant with the R-2 zoning district requirement.

Furthermore, Section 138-356 (7) of the Zoning Ordinance states that only one primary residential structure may be erected on an R-1, R-2, R-3T zoning district lot. The variance request is to essentially allow one duplex and one single-family home instead of one triplex building on the subject property.

There is no utility and irrigation easement shown on the plat.

Staff has not received any phone calls in opposition to the request.

RECOMMENDATION:

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

ZBA: 9/2/20

ZBA2020-0045.



City of McAllen

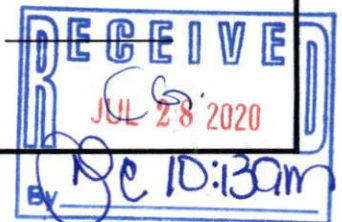
Planning Department

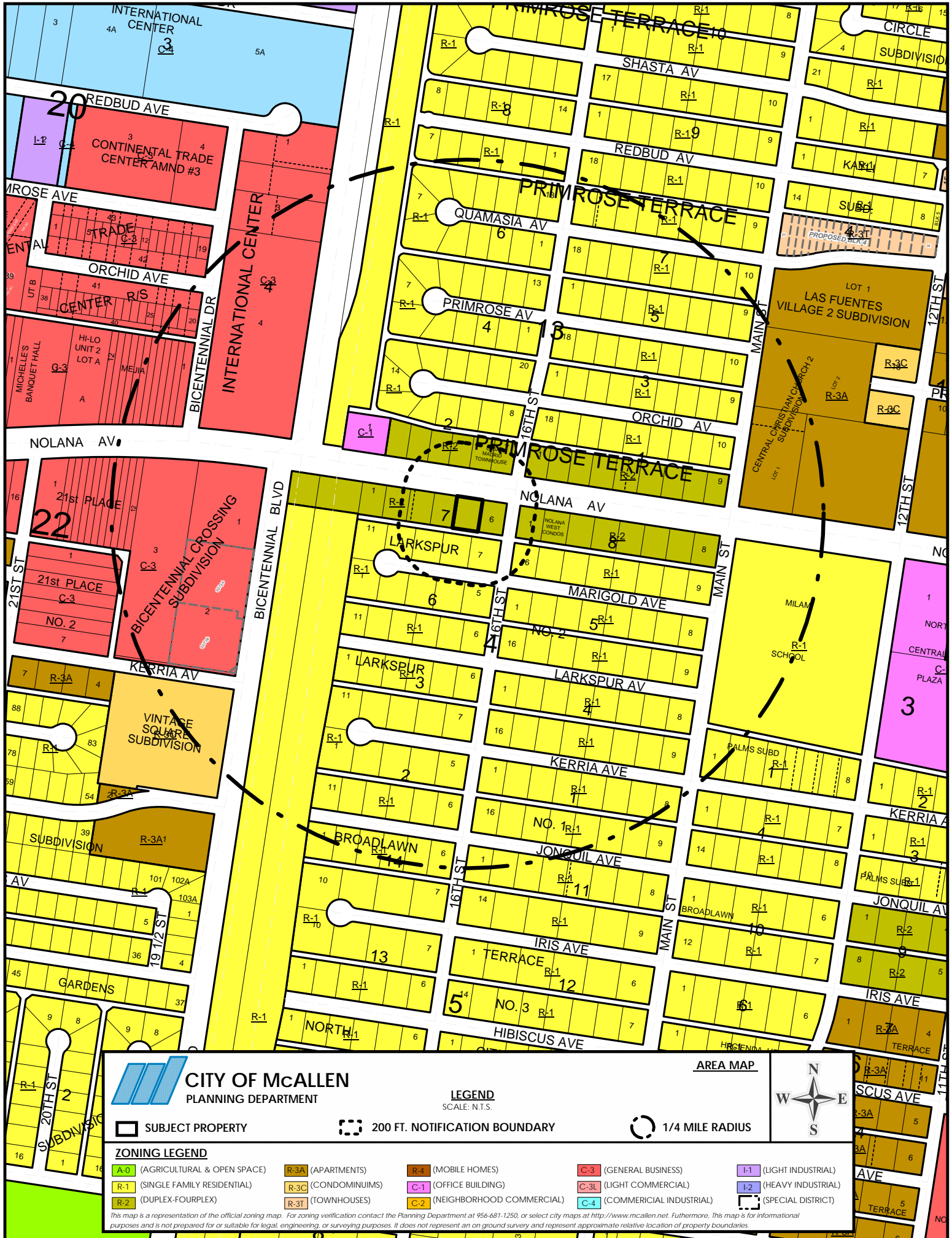
APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project	<p>Legal Description <u>LARKSPUR UT. NO 2 E6 LOT 4 & ALL LOT. 5</u> <u>BLK. 7</u></p> <p>Subdivision Name <u>LARKSPUR UT NO. 2 E6 LOT 4 & ALL LOT 5 BLK 7</u></p> <p>Street Address <u>1607 NOLANA AVE.</u></p> <p>Number of lots <u>1</u> Gross acres <u>10,800 S.F.</u></p> <p>Existing Zoning <u>R-2</u> Existing Land Use <u>VACANTE</u></p> <p>Reason for Appeal (please use other side if necessary) <u>WE REQUEST THE VARIANCE FOR A</u> <u>RESIDENTIAL PERMIT AT THE SITE DESCRIBED ABOVE. WAITING TO BE FAVORED BY YOU</u> <u>SEC 138-356 (7)</u></p> <p><input type="checkbox"/> \$300.00 non-refundable filing fee + <input type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport)</p> <p><input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required</p>
	Applicant
Owner	<p>Name <u>J.M. MOFFITT CONSTRUCTION</u> Phone <u>956 686 8374</u></p> <p>Address <u>1128 PECAN BLVD</u> E-mail _____</p> <p>City <u>MCALLEN</u> State <u>TX</u> Zip <u>78501</u></p>
Authorization	<p>To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?</p> <p><input type="checkbox"/> Yes <input 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>[Signature]</u> Date <u>JULY-27-2020</u></p> <p>Print Name <u>JAMES M. MOFFITT</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent</p>
Office	<p>Accepted by _____ Payment received by <u>[Signature]</u> Date _____</p> <p>Rev 10/18 <u>Rct# 242135 pd \$300</u></p>





CITY OF McALLEN PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS



ZONING LEGEND

A-0 (AGRICULTURAL & OPEN SPACE)

R-1 (SINGLE FAMILY RESIDENTIAL)

R-2 (DUPLIX-FOURPLEX)

R-3A (APARTMENTS)

R-3C (CONDOMINIUMS)

R-31 (TOWNHOUSES)

R-4 (MOBILE HOMES)

C-1 (OFFICE BUILDING)

C-2 (NEIGHBORHOOD COMMERCIAL)

C-3 (GENERAL BUSINESS)

C-3L (LIGHT COMMERCIAL)

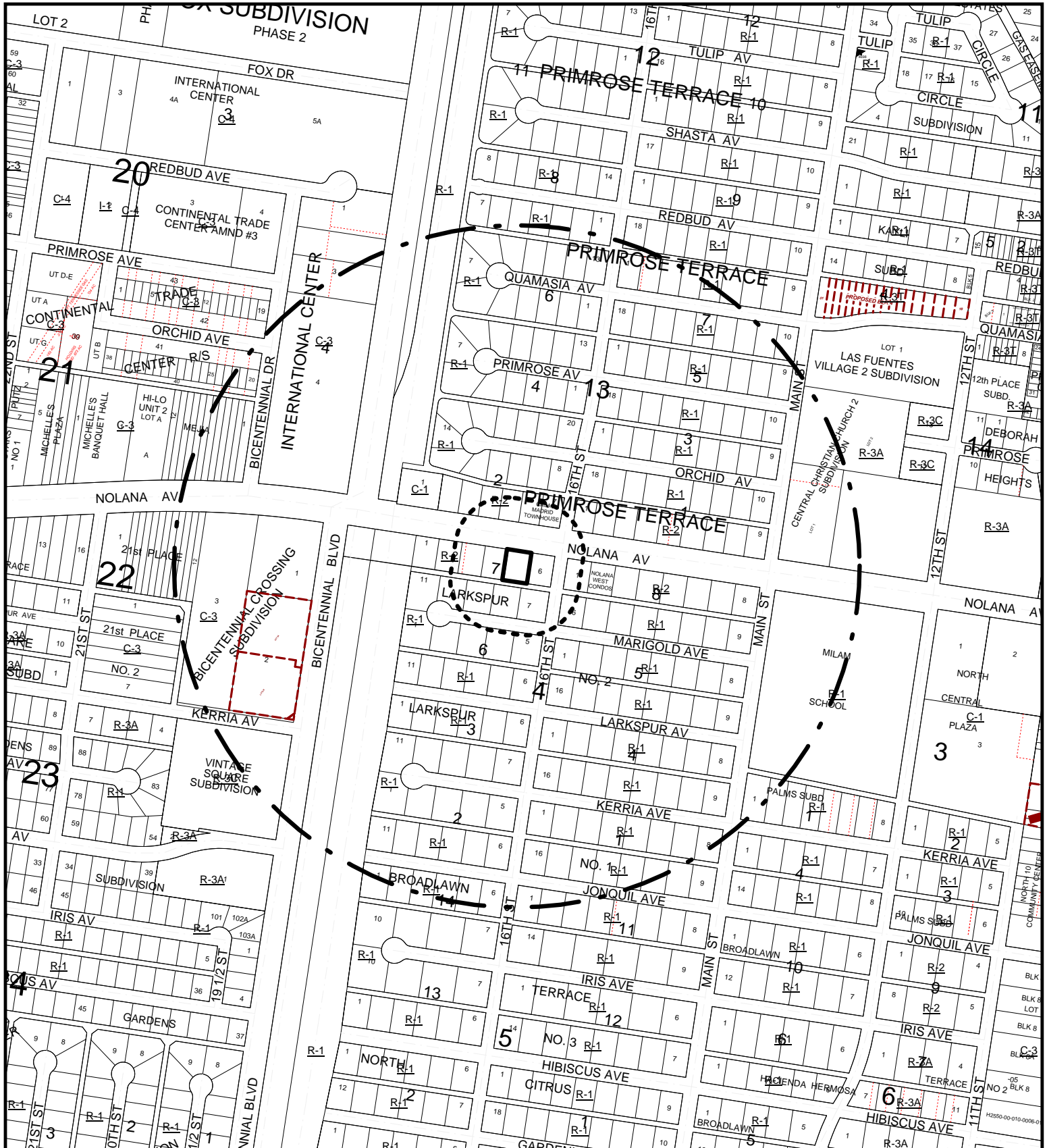
C-4 (COMMERCIAL INDUSTRIAL)

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.

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)

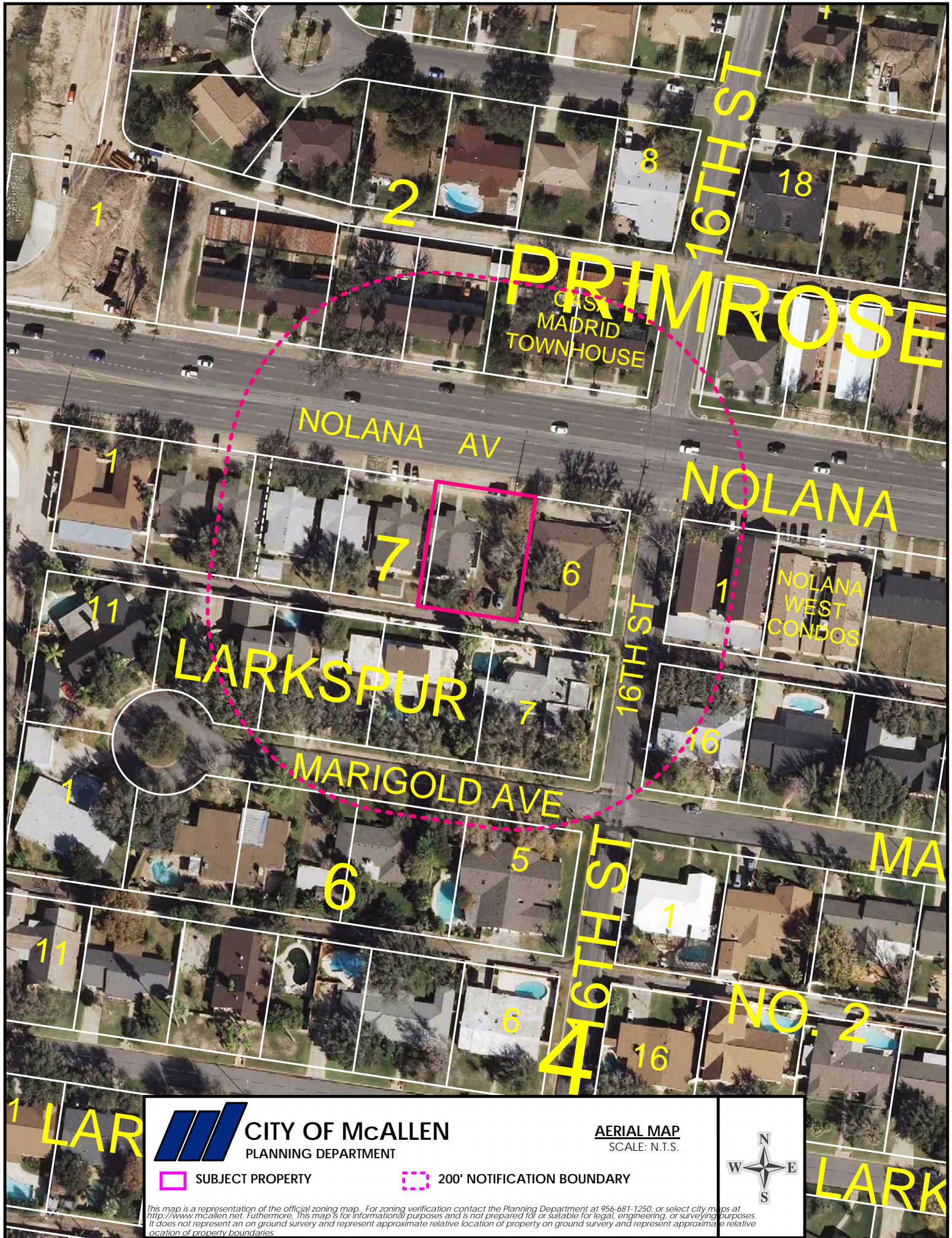
I-1 (LIGHT INDUSTRIAL)
I-2 (HEAVY INDUSTRIAL)
 (SPECIAL DISTRICT)

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A-O

C-3
NO 1 3
1

H2550-00-010-0005-02
RED LINES
COTA



CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

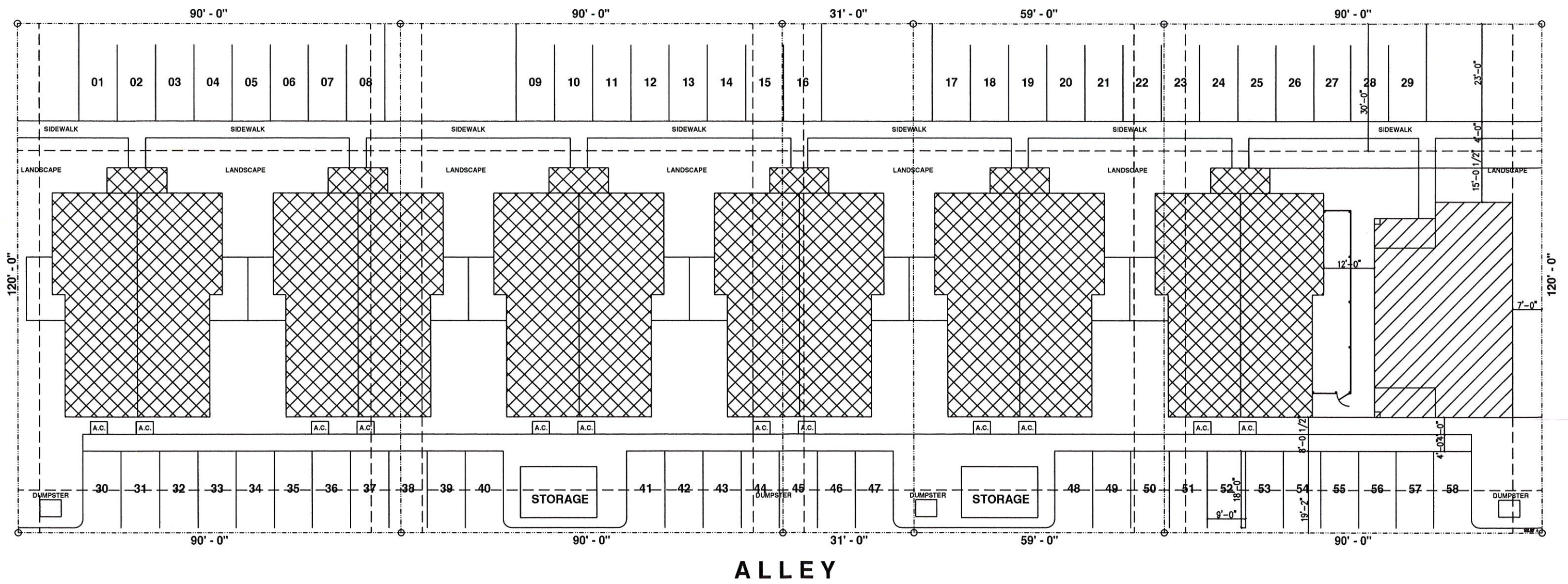
- SUBJECT PROPERTY
- 200' NOTIFICATION BOUNDARY



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1107 Nolana Ave.

NOLANA AVE.



28A 2020-0045
RECEIVED
JUL 28 2020
By [Signature]

1607 Nolana Avenue

PROJECT NO.
072020

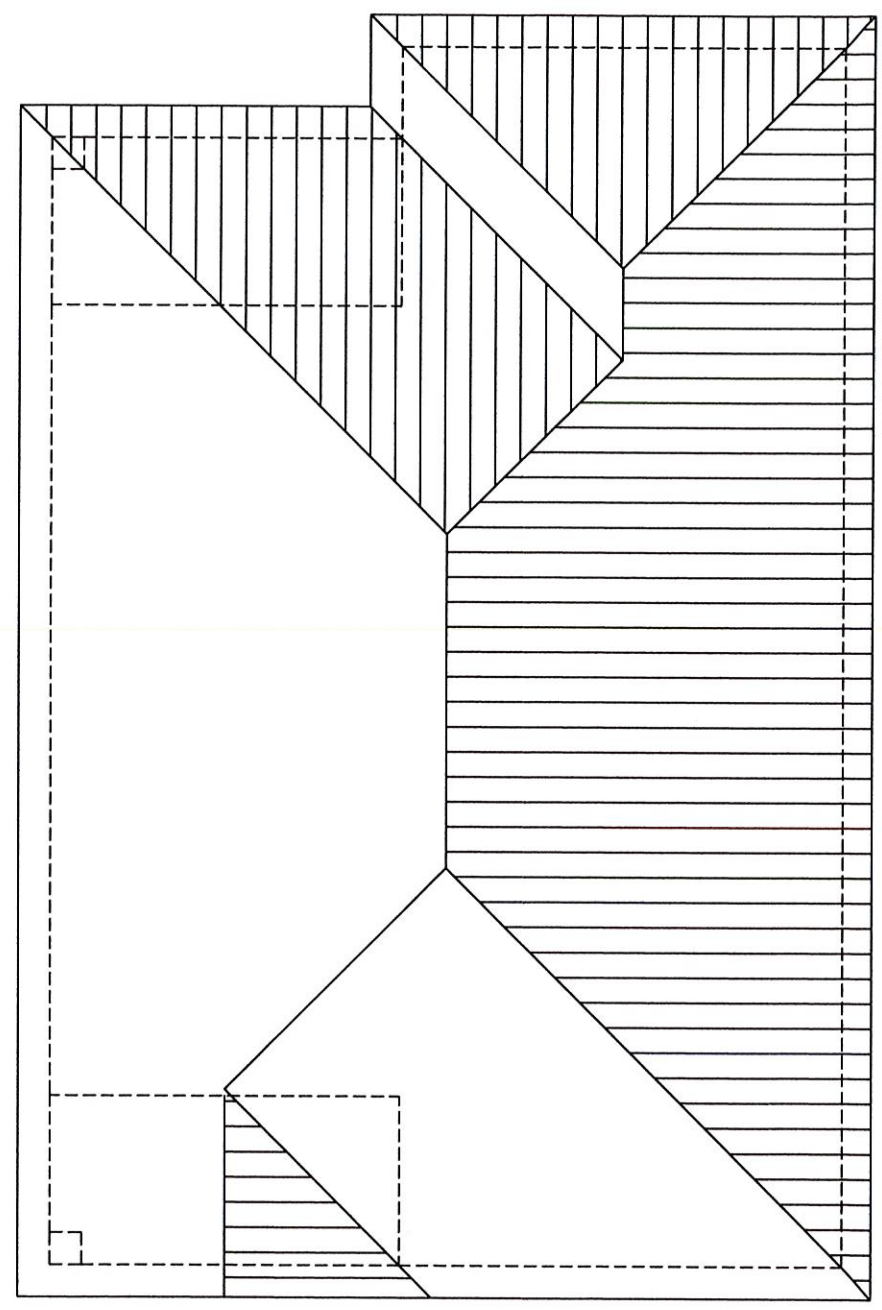
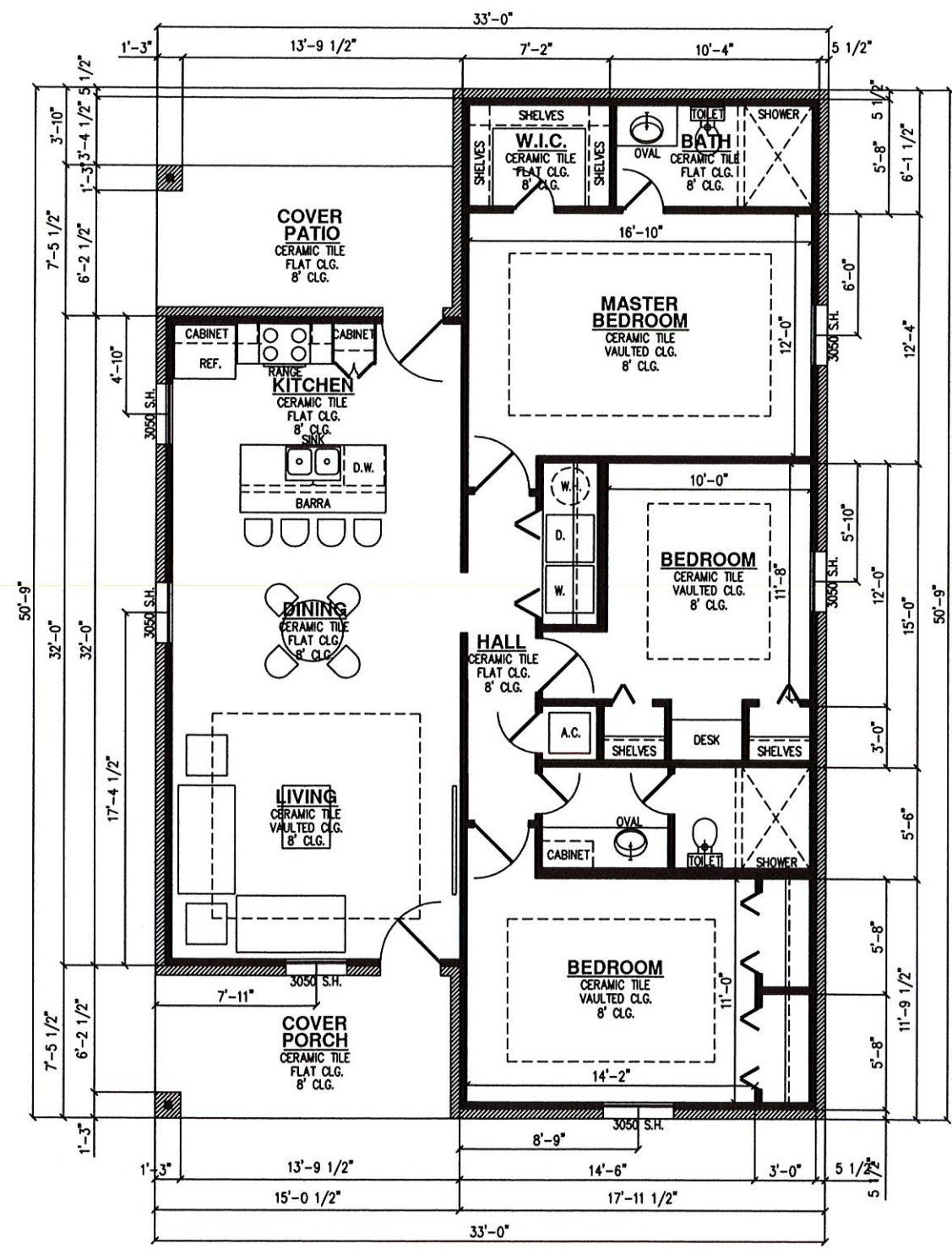
J.M. MOFFITT
construction
McAllen, Hidalgo
County of Texas
phone (956) 686 8374
(956) 686 0076

PROJECT NAME:
Proposed Residential for
LEGAL DESCRIPT:
1607 NOLANA AVE.
CITY OF McALLEN, HIDALGO COUNTY OF TEXAS

DRAWN BY: O.C.	REVISED DATE:
CHECKED BY:	23-JUL-2020
COMPUTER:	

FLOOR PLAN
SCALE: 1/8" = 1'-0"

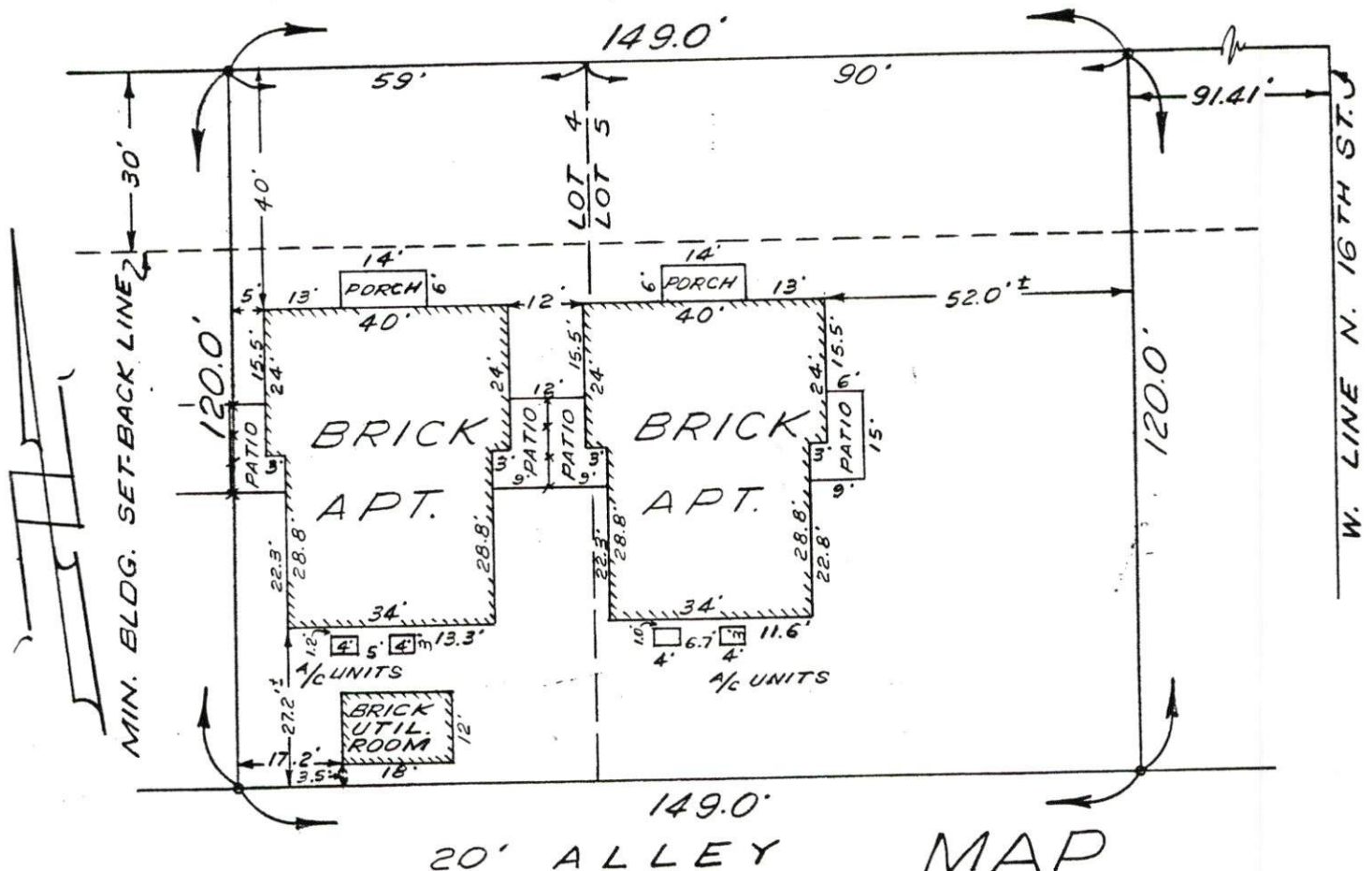
SHEET NO.
1 - 2



28A 2020-0045
RECEIVED
JUL 28 2020
By *Se1013am*

1107 Nolana Ave.

110' NOLANA AVE.



20' ALLEY MAP

OF
THE EAST 59.0 FT. OF LOT 4,
ALL LOT 5, BLOCK 7,
LARKSPUR SUBDIVISION, UNIT 1 & 2,
CITY OF McALLEN,
HIDALGO COUNTY, TEXAS

I, PLINIO C. MEDINA, A REGISTERED
PUBLIC SURVEYOR, DO HEREBY CERTIFY
THE FOREGOING MAP TO BE A TRUE AND
CORRECT REPRESENTATION OF SURVEY
MADE ON THE GROUND UNDER MY
SUPERVISION.

PLINIO C. MEDINA
REGISTERED PUBLIC SURVEYOR
McALLEN, TEXAS



PREPARED BY
FABIAN, NELSON & MEDINA, INC.
McALLEN, TEXAS

C. L. FABIAN - P. C. MEDINA
Registered Public Surveyors

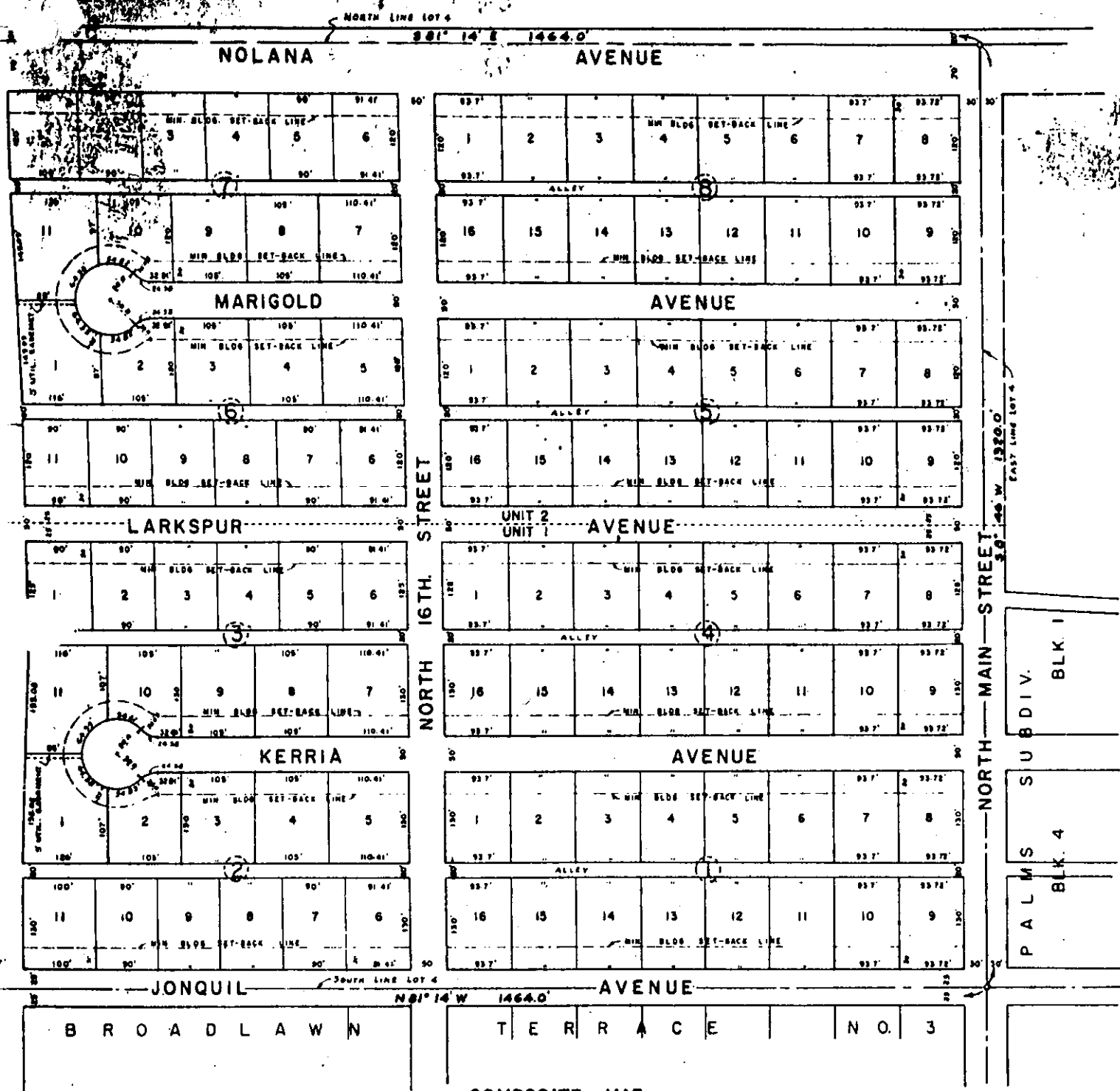
BK. 351-JJ

P. 4

SCALE 1" = 30'

DATE 5-14-81





COMPOSITE MAP
OF
LARKSPUR SUBDIVISION, UNIT NO. 1 &
LARKSPUR SUBDIVISION, UNIT NO. 2
Mc ALLEN, TEXAS

LARKSPUR SUBDIVISION, UNIT NO. 1 BEING A SUBDIVISION OF THE SOUTH
660.0 FT. OF LOT 4, NW 1/4 OF SECTION 10, HIDALGO CANAL CO.'S SUBDI-
VISION; OF PORCIONES 84, 85 & 86, HIDALGO COUNTY, TEXAS AND BEING
RECORDED IN VOLUME 14, PAGE 2, MAP RECORDS; HIDALGO COUNTY, TEXAS
AND
LARKSPUR SUBDIVISION, UNIT NO. 2 BEING A SUBDIVISION OF THE NORTH
660.0 FT. OF LOT 4, NW 1/4 OF SECTION 10, HIDALGO CANAL CO.'S SUB-
DIVISION; OF PORCIONES 84, 85 & 86, HIDALGO COUNTY, TEXAS

SCALE: 1" = 100'

DATES 1-15-62



NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2020-0045

MEMO

TO: Zoning Board of Adjustment & Appeals

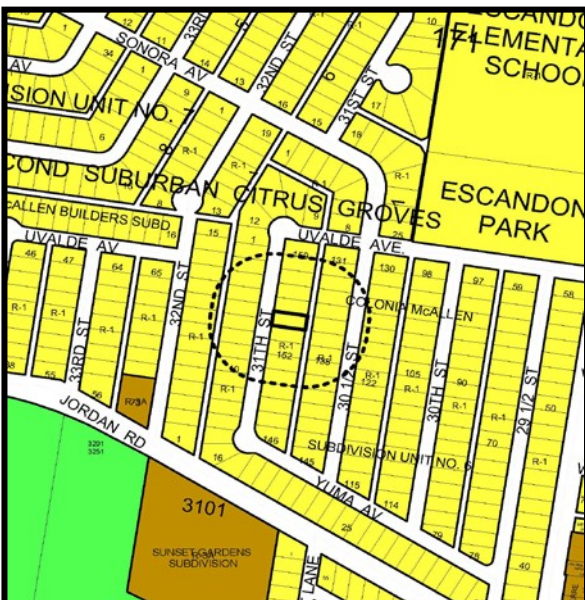
FROM: Planning Staff

DATE: August 14, 2020

SUBJECT: REQUEST OF SAN JUANITA SANMIGUEL FOR THE FOLLOWING VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) AN ENCROACHMENT OF 5 FT. INTO THE 6 FT. SIDE YARD SETBACK ALONG THE NORTH PROPERTY LINE FOR AN EXISTING COVERED PATIO MEASURING 12 FT. BY 24 FT., 2) AN EXISTING COVERED PATIO MEASURING 12 FT. BY 24 FT. WITH A DISTANCE OF 3 FT. INSTEAD OF 5 FT. TO THE MAIN BUILDING, AND 3) AN ENCROACHMENT OF 3 FT. INTO THE 6 FT. SIDE YARD SETBACK ALONG THE SOUTH PROPERTY LINE FOR AN EXISTING STORAGE BUILDING MEASURING 10 FT. BY 13 FT., AT LOT 154, COLONIA MCALLEN UNIT NO. 6 SUBDIVISION, HIDALGO COUNTY, TEXAS; 2121 SOUTH 31ST STREET. (ZBA2020-0034)

REASON FOR APPEAL

San Juanita San Miguel, owner and applicant requests the following variances: 1) to allow an encroachment of 5 ft. into the 6 ft. side yard setback along the north property line for an existing covered patio measuring 12 ft. by 24 ft., 2) to allow a building separation of 3 ft. instead of the required 5 ft. from the accessory building to the main building, and 3) to allow an encroachment of 3 ft. into the 6 ft. side yard setback along the south property line for an existing storage building measuring 10 ft. by 13 ft. The applicant indicated that she is requesting the above variances to allow the existing structures to remain. The applicant would like the structures to remain because the storage buildings are used to store household items, and the existing patio serves as gathering place for the family and it provides shade, which helps her with health conditions.



PROPERTY LOCATION AND VICINITY:

The property is located on the east side of South 31st Street. The property has 50 ft. of frontage along South 31st Street and a depth of 111 ft. for a tract size of 5,550 sq. ft. The property is zoned R-1 (single family residential) District. The surrounding zoning is R-1 in all directions.

BACKGROUND AND HISTORY:

Colonia McAllen Subdivision No. 6 was recorded on August 2, 1976. The plat specifies a front yard-building setback of 20 ft., 6 ft. side yard setbacks, and a 3 ft. rear yard setback. An application for a building permit was submitted to the Building Permits & Inspections Department on June 15, 2020 for an existing covered patio and existing storage building. A stop work order was issued by Buildings and Inspection on June 11, 2020. A variance application for an existing covered patio and an existing storage room was received on June 22, 2020. The applicant stated that the porch and storage room were built in 2017.

ANALYSIS:

Upon a site visit to the subject property by staff, it appeared that the encroachments were different than as shown on the submitted site plan.

Variance request #1 is to allow an encroachment of 5 ft. into the 6 ft. side yard setback for an accessory building. The standard setback for the side yard for a lot in the R-1 zone is 6 ft.

Variance request #2 is to allow building separation of 3 ft. instead of the required 5 ft.

Variance request #3 is to allow an encroachment of 3 ft. into the 6 ft. side yard setback for an accessory building.

There are no utility easements inside the property.

Planning Department has not received any calls in opposition to the request.

A review of Planning Department records did not reveal any other variances granted along this block.

In the past, the Zoning Board of Adjustment has approved variance requests for accessory uses, but not for living areas.

RECOMMENDATION:

Staff recommends tabling of the variance request in order to allow the applicant time to submit a revised site plan.

ZBA 2020-0034

ZBA
8/5/2020

City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project	Legal Description	<u>Colonia McAllen N 6 Subdivision</u>		
		<u>Lot 154</u>		
	Subdivision Name	<u>Colonia McAllen N 6</u>		
	Street Address	<u>2121 Sur 31 St</u>		
	Number of lots	<u>1</u>	Gross acres	
Applicant	Existing Zoning	<u>R 1</u>	Existing Land Use	<u>Residencia</u>
	Reason for Appeal (please use other side if necessary)	<u>Estoy Apelando Los 6 Pies Del hadonorte el piso tiene 27 Años y el cho tiene</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			
	Name	<u>San Juan Te Saurmel</u>	Phone	
Owner	Address	<u>2121 Sur 31 St</u>	E-mail	
	City	<u>McAllen</u>	State	<u>Tex</u>
	Zip	<u>78503</u>		
	Name	<u>San Juan Te Saurmel</u>	Phone	<u>956 5371483</u>
	Address	<u>2121 Sur 31 St</u>	E-mail	
Authorization	City	<u>McAllen</u>	State	<u>Tex</u>
	Zip	<u>78503</u>		
	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>San Juan Te Saurmel</u>	Date	<u>6-22-20</u>
Office	Print Name	<u>San Juan Te Saurmel</u>	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent	
	Accepted by	<u>L.G.</u>	Payment received by	
	Rev 10/18	<u>18</u>	Date	
				By <u>CW</u>

RCH# 722397



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

Reason for Appeal	
Board Action	
	13 Años hecho Mi hijo Me lo hizo Por que tengo Mucha Ansiedad Deprecion Azucar Alta Precion Desahitadu estoy Apelando hos 5 Pies de la Casa al techo para de Jarlo 3 Pies 0 Pulgadas e techo es de Teja
	24 x 12 Covered Palode Madera Patio
	Estoy apelando hos 6 Pies Sur Para un 8 forch Para de Jarlo 3 Pies una pulgada
	<div>Chairman, Board of Adjustment Signature</div> <div>Date</div>

P.O. BOX 220 McALLEN, TEXAS 78505-0220
APPLICATION MUST BE COMPLETE
(Please type or print in black or blue ink)

PERMIT APPLICATION REFERENCE NUMBER

PES2020-04129

GCP4965
APPLICANT

NAME San Juanita San miguel PHONE 956 - 537 - 1483
ADDRESS 2121 S. 31st
CITY McAllen TX 78503 STATE TX ZIP 78503
CONTACT: NAME: Edgar San miguel PHONE 956 655 5404
☐ OWNER ☐ CONTRACTOR ☐ TENANT ☒ OTHER son

OWNER

NAME San Juanita San miguel PHONE 956 537 1483
ADDRESS 2121 S. 31st *EMAIL: sanmykol@gmail.com
CITY McAllen STATE TX ZIP 78503

*OWNER INFORMATION NOT PROVIDED, INITIAL:

☐ NEW ☒ ADDITION ☐ REMODELING ☐ REPAIR ☐ MOVE ☐ REMOVE BLDG. HGT. 1 NO. OF FLOORS
BLDG 418 NO. PARKING SQ. FT. LOT 5000 FLOOR EL. ABOVE CURB
SQ. FT. 288 SPACES
EXISTING USE NEW USE

SCOPE OF WORK TO BE DONE (12'x24') covered patio for owner to use in times
Build permit of anxiety and storage for sentimental items (10'x13')

PROJECT

RESIDENTIAL NO. OF NO. NO. SQ. FT. SQ. FT.
NEW UNITS BDRMS 0 BATHRMS 0 NON-LIVING LIVING

FOUNDATION EXT WALL ROOF UPGRADES/OTHER
☒ CONCRETE SLAB ☐ MASONRY VENEER ☐ WOOD SHINGLE ☒ GRANITE COUNTERTOPS
☐ CONCRETE PIER ☒ MASONRY SOLID ☒ COMPOSITION ☐ MARBLE TUBS/FLOORS
☐ CONCRETE BLOCK ☐ METAL SIDING ☐ METAL ☐ CUSTOM WINDOWS
☐ CONCRETE BEAM ☐ COMPOSITION ☐ BUILD UP ☐ POLYURETHANE INSULATION
☒ WOOD POSTS ☐ WOOD ☐ CLAY OR CONCRETE TILE ☐ OTHER UPGRADES
☐ SEPTIC TANK EXISTING OR PROPOSED
☐ YES ☐ NO

LOT BLOCK SUBDIVISION McAllen

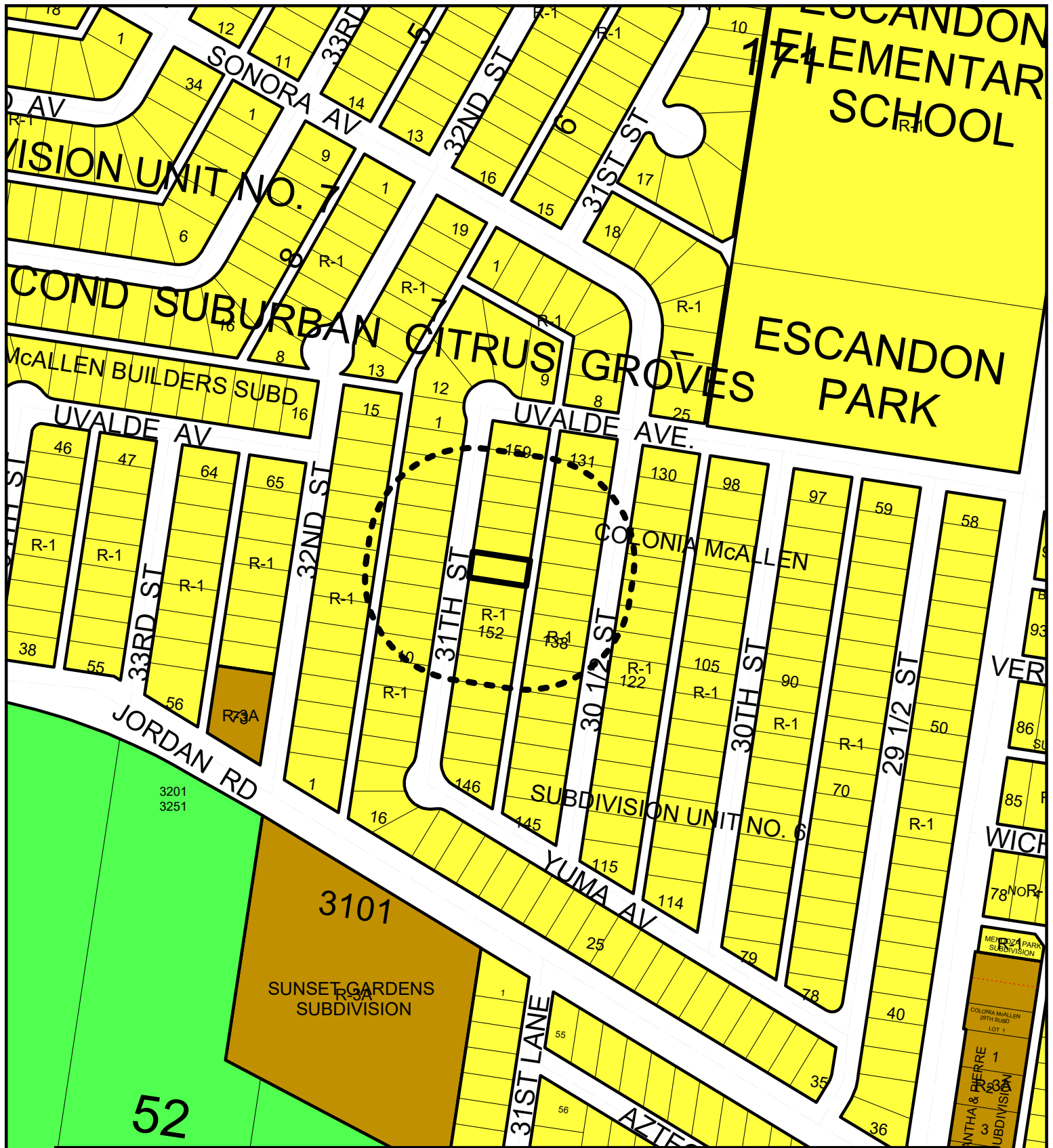
SITE ADDRESS ST. NO. 31st ST. NAME 31st
2121

CITY USE ONLY

Construction Cost Permit Fee \$ 6688 Rec'd by CA
Value \$ Double Fee \$ 6688 Date 6/15/20
Zoning Total Fee \$ 13376 Time 2:58
Park Development Fee \$ Park Zone

The foregoing is a true and correct description of the improvement proposed by the undersigned applicant and the applicant states that he will have full authority over construction of same. The building permit shall not be held to permit or be an approval of the violation or modification of any provisions of City ordinances, codes, subdivision restrictions of State law or be a waiver by the City of such violation. Alteration changes or deviations from the plans authorized by this permit is unlawful without written authorization from the Building Inspection Department. The applicant hereby agrees to comply with all City ordinances, codes, subdivision, restrictions and State laws and assume all responsibility for such compliance. It is understood that the improvements shall not be occupied until a Certificate of Occupancy has been issued. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance or if the work authorized by such permit is suspended or abandoned for six months after the time of work is commenced. This permit is good for one year only.

San Juanita San miguel San Juanita San miguel 6-15-20
PRINT (AUTHORIZED AGENT/OWNER) SIGNATURE EMAIL ADDRESS (required) DATE



CITY OF McALLEN

PLANNING DEPARTMENT

AREA MAP



 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY

ZONING LEGEND

A-0 (AGRICULTURAL & OPEN SPACE)
R-1 (SINGLE FAMILY RESIDENTIAL)
R-2 (DUPLEX-FOURPLEX)

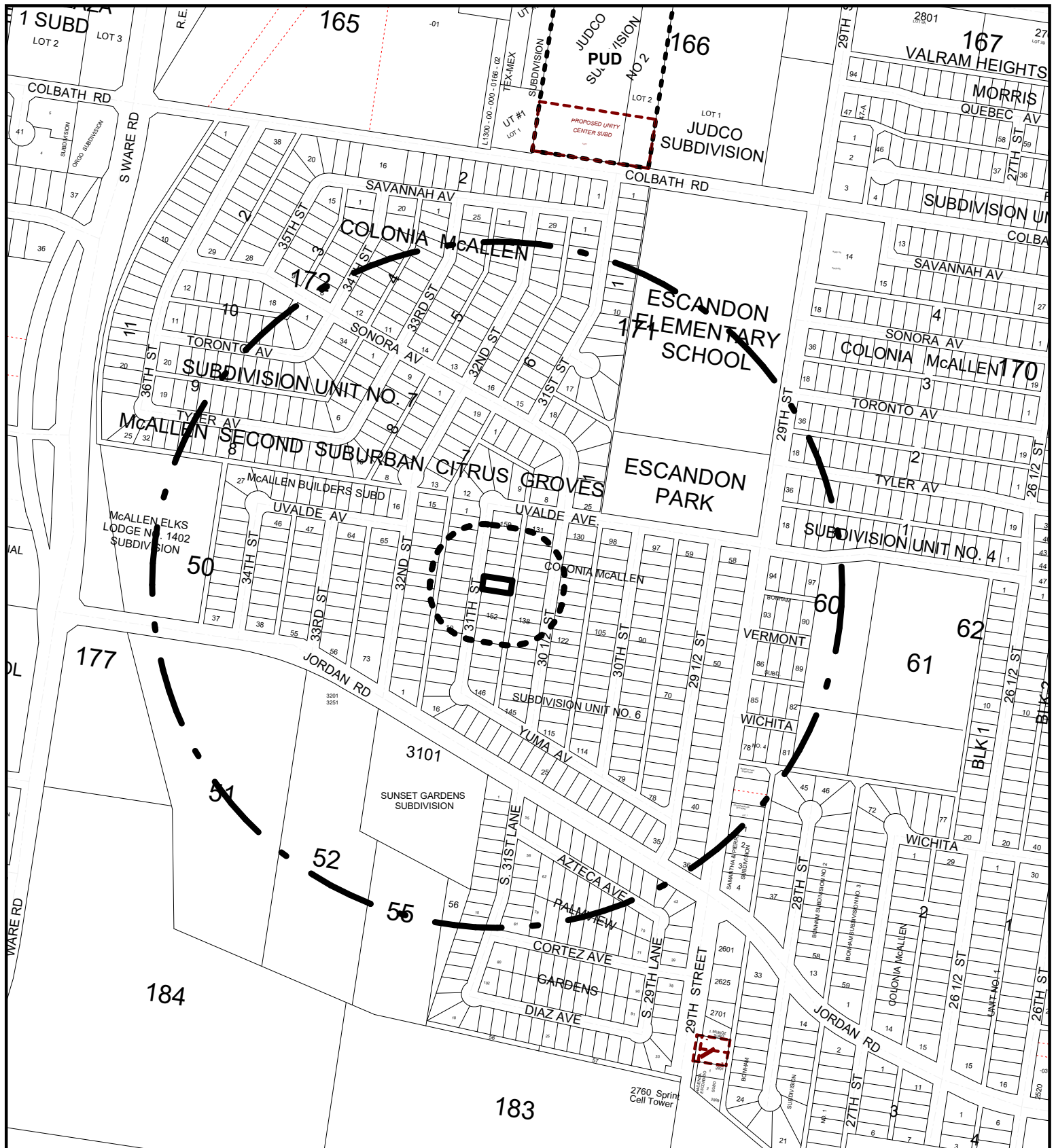
R-3A (APARTMENTS)
R-3C (CONDOMINIUMS)
R-3T (TOWNHOUSES)

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)
S (SPECIAL DISTRICT)

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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)

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CITY OF McALLEN
PLANNING DEPARTMENT



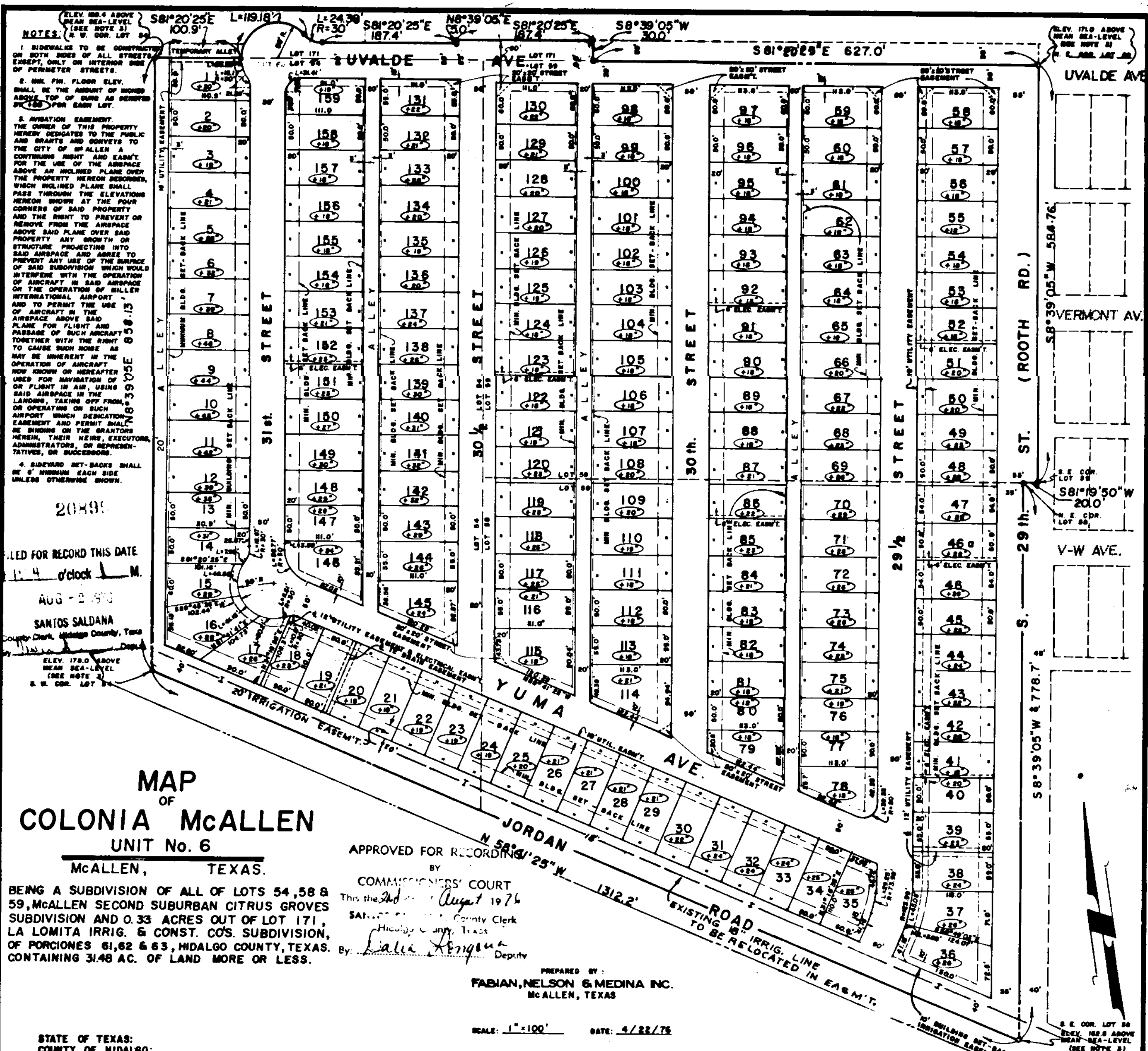
SUBJECT PROPERTY

AERIAL MAP

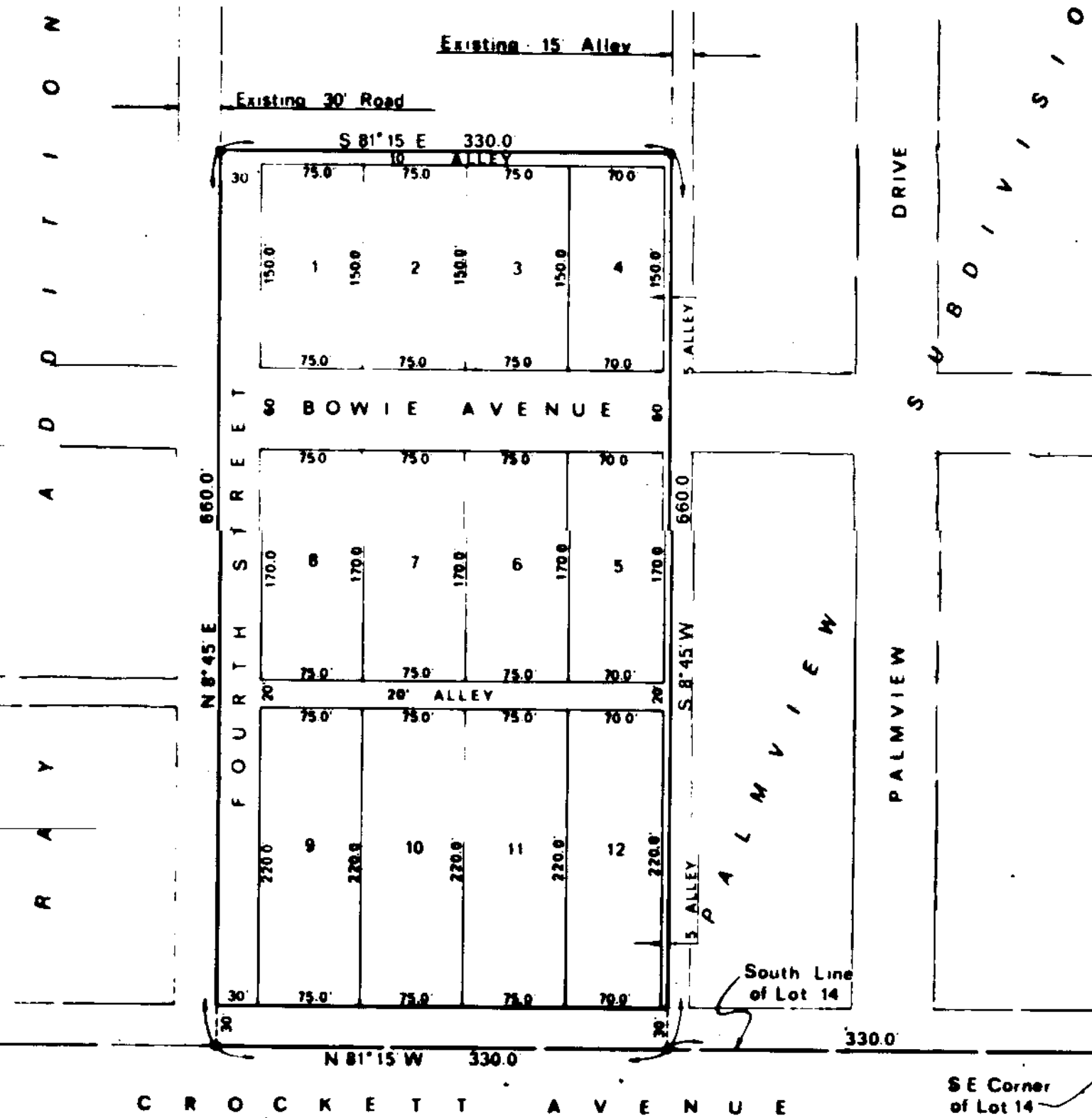
SCALE: N.T.S.



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 on ground survey and represent approximate relative location of property boundaries.



Scale 1"=100'





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Definitions

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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 liriopse, 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.

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**.

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. AMENDEMENT 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 8th 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 9th day October, 2018.

CITY OF McALLEN

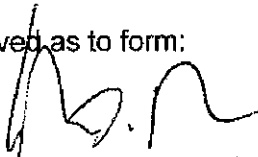
John Ingram, City Commissioner

Attest:



Perla Lara, TRMC/CMC, CPM
City Secretary

Approved as to form:



Austin W. Stevenson, Assistant City Attorney



2020 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

	01/15/20	02/05/20	02/19/20	03/04/20	03/18/20	04/01/20	04/15/20	05/06/20	05/20/20	06/03/20	06/17/20	07/01/20	07/15/20	08/05/20	08/19/20	09/02/20	09/17/20	10/07/20	10/21/20	11/04/20	11/18/20	12/02/20	12/17/20
ERICK DIAZ- VICE-CHAIRPERSON	P	P	NM	P	NM	P	P	NM	A	P	P	P	P	P	P								
SYLVIA HINOJOSA	P	P	NM	P	NM	A	A	NM	A	P	P	A	P	A	P								
DAVID SALINAS- CHAIRPERSON	P	P	NM	P	NM	P	P	NM	P	P	P	P	P	P	P								
JOHN MILLIN, III	A	A	NM	P	NM	P	P	NM	P	A	P	P	P	P	P								
SONIA FALCON	A	P	NM	A	NM	A	A	NM	A	P	A	A	P	P	A								
JOSE R. GUTIERREZ (ALT. 1)	P	P	NM	P	NM	P	P	NM	P	P	P	P	P	P	P								
JUAN F. JIMENEZ (ALT. 2)	P	P	NM	P	NM	P	A	NM	P	A	P	A	P	A	P								
(ALTERNATE 3)																							
(ALTERNATE 4)																							

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



2020 CALENDAR

Meetings:

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

Deadlines:

- D- Zoning/CUP Application
- N - Public Notification

* **Holiday** - Office is closed

JANUARY 2020

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

FEBRUARY 2020

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

MARCH 2020

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

APRIL 2020

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

MAY 2020

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





JUNE 2020

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

2020 CALENDAR

Meetings:

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

Deadlines:

- D- Zoning/CUP Application
- N - Public Notification

* **Holiday** - Office is closed

JULY 2020

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

AUGUST 2020

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

SEPTEMBER 2020

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

OCTOBER 2020

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

NOVEMBER 2020

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

DECEMBER 2020

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