AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING
WEDNESDAY, SEPTEMBER 9, 2026 - 4:30 PM
MCALLEN CITY HALL, 1300 HOUSTON AVENUE
CITY COMMISSION CHAMBERS, 3RD FLOOR

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

CALL TO ORDER -

1. MINUTES:

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

2. PUBLIC HEARINGS:

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

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

c) Request of Tim Clark, on behalf of Paradise Park Inc., for the following variances to allow encroachments of: **1**) 7 ft. into the 10 ft. front setbacks and **2)** 1 ft. into the 5 ft. side setbacks for all mobile home properties at 34.06 acres out of Lot 3, less West 3.79 acres, Block 12, Steele and Pershing Subdivision, Hidalgo County, Texas; 100 East Hackberry Avenue **(ZBA2026-0037)**

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

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

3. FUTURE AGENDA ITEMS

a) NONE

ADJOURNMENT:

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

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, August 19, 2026, 2026 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

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

CALL TO ORDER –Chairperson Jose Gutierrez

1. **MINUTES:**

a) Minutes for meeting held on August 5, 2026.

The minutes for the meeting held on August 5, 2026. The motion to approve the minutes were made by Mr. Alex Lamela. Mr. Hiram Gutierrez seconded the motion, which carried unanimously with four members present and voting.

2. **PUBLIC HEARINGS:**

a) Request of Fan Zhou, for a variance to allow an existing tree house encroaching 6 feet into the 6-foot side setback on Lot 95 of The Gardens at Trinity Oaks Subdivision, Hidalgo County, Texas; 3208 Hondo Avenue **(ZBA2026-0030)**

Ms. Ramirez stated the applicant was requesting a variance to allow an existing tree house on the subject property. The variance request is to allow 6-foot encroachment into the required 6-foot side setback.

The subject property was located on the north side of Hondo Avenue, east of North 32nd Lane. The surrounding land use includes single-family residences.

The Gardens at Trinity Oaks Subdivision was recorded on February 26, 2006. The home was built in 2016 and an addition to the house was done in 2018 (family room).

The recorded plat requires a 6-foot side yard setback. The purpose of this request is to allow an existing tree house that was built in 2024 as per the applicant.

As per Section 138-372(b)(1)(2), the Zoning Board of Adjustment may grant a special exception to the minimum setback requirements for a tree house when, in the opinion of the board:

(1) There are no safety concerns regarding the location of the tree house; and

(2) The tree house will not have a detrimental impact on surrounding properties.

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

Staff recommended disapproval of the special exception due to noncompliance with plat note requirements.

Vice-Chairperson Gutierrez asked staff if this item could be changed from a variance to special request for the record. Staff stated yes.

Mr. Fan Zhou, 3208 Hondo Avenue, McAllen, Texas 78504. He stated he would like the Board to approve continue the existence of the tree house that built in April 2024. He stated he was not aware that he needed a permit. It was built sturdy to withstand all kinds of weather. Mr. Zhou built the tree house himself.

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

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

Mr. David Garcia, 3216 Hondo Avenue, Mr. Zhou's neighbor. He stated as a retired contractor it was against City code and also a fire hazard. It was also an invasion of privacy because it could look over his fence. He stated it was facing the street in line with his garage.

Chairperson Gutierrez explained to Mr. Zhou for a treehouse a special exception can be granted. But he informed him that he was encroaching into the 6-foot side setback. The new regulations for the City establish a minimum 5 feet because of a fire hazard. Mr. Zhou stated he figured it was his neighbor because no one else had ever complained about it. It been there for two years. He stated during the construction of the treehouse Mr. Garcia never once questioned or complained.

Board member Diaz asked the applicant how difficult would it be to relocate. Mr. Zhou stated there was no other trees in the backyard and it was small. Board member Diaz asked if it was cemented into the ground. Mr. Zhou stated there was a tree there and reinforced by the fence that was in the front and in the back.

Mr. David Guerra, 423 Nightingale Avenue, a real estate agent on behalf of Mr. Garcia. At this time, he showed pictures to the Board on how it was impacting on the visibility of his house.

Board member Santos stated the location of the structure is difficult. But there are proper procedures to follow. There are safety concerns with fire. There was not a lot of space

between your house and the neighbor's house. Those were two of Mr. Santos' factors.

Board member Hiram Gutierrez stated he commended Mr. Zhou what he's done for his children but at the same time it was against the regulations specifically for that reason.

Board member Santos asked staff regarding the disapproval on the 6-foot setback, was it fair to say that the city was taking into consideration this section with the two-prong test that they weighed that and that the City's opinion that it does not meet that two-prong test. It was section 138-372(b)(1)(2) or as a 6-foot setback.

Mr. Forghanparast stated since it was advertised as a variance staff was recommending disapproval. But if it qualifies for those two options, the Board could approve it as the special exception. One of the reasons for side setbacks was for the fire hazard.

Director Sotelo stated on this the setback was part of plat note so the plat note always supersedes the ordinance. Even though it has a five foot the plat note still has 6 feet.

Following discussion, Mr. Hiram Gutierrez **moved** to follow staff's recommendation and disapprove the Special Exception. Mr. Daniel Santos seconded the motion. The Board voted two members voting nay and three members voting aye to disapprove, Mr. Alex Lamela, Mr. Erick Diaz and Chairperson Jose Gutierrez.

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

Ms. Ramirez stated the applicant was requesting a special exception to allow a 4-foot encroachment into the required 6-foot side yard setback and a 10-foot encroachment into the required 20-foot front yard setback for a carport.

The subject property was located on the north side of Kerria Avenue, west of North 41st Lane. The surrounding land use includes single family residences.

Kerria Crossing Subdivision was recorded on July 28, 1999. No prior variance requests have been submitted for the property.

The existing carport measures 20-foot by 20-foot and encroaches 10-feet into the existing utility easement. The applicant has indicated that he is willing to reduce the carport size 10-feet by 20-feet to avoid encroaching into the easement; however, due to declining health and associated financial constraints, he is unable to afford the additional costs required to modify the existing structure at the moment.

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

Staff recommended disapproval of the special exception due to noncompliance with plat note requirements.

Mr. Jose Garcia, 4104 Kerria Avenue, McAllen, Texas 78501. He stated that he and his wife always wanted a carport but could not afford it. Both he and his wife are disabled. He stated a contractor came by and showed him a picture of a carport that he builds and decided to have it built. Mr. Garcia stated there were three other carports in the neighborhood so he

thought it was alright to have one too. He stated the contractor came by to build it while Mr. Garcia was in the hospital. The day he came home a city official came to his house asking for permits. He told the city official the contractor did not mention anything about a permit. He was not aware that he needed a permit. Chairperson Gutierrez asked when was the carport built. Mr. Garcia stated May 2026. Chairperson Gutierrez mentioned to the applicant that he was encroaching 4 feet into the 6-foot side setback. There was no 5 feet between this structure and the end of your property which was according to the regulations of the City a must. He was encroaching 2 feet of what would be allowed to the applicant. Mr. Garcia stated he was going to cut it back 10 and half feet but did not have the income to do it. He had financial issues. He stated it was less expensive to remove the carport than to reduce it and pay the labor to remove it.

Chairperson Gutierrez asked staff if it was a 30-foot structure on the front. Staff stated it was 20 feet by 20 feet. When the applicant came in, they explained that there was a 10-foot utility easement in the front. He submitted a site plan showing only encroachments into the front setback not to the easements. He was proposing to reduce it back that's why staff advertised it as10 foot encroachment into the 20 front foot setback. But since the applicant's financial issues he cannot reduce it back. Chairperson Gutierrez asked staff what are the measurements of the structure currently. Staff stated 20 feet by 20 feet. It is encroaching 20 feet into the front 20-foot setback.

Board member Diaz asked how does that affect the advertisement. Staff stated it would be a legal question.

City Attorney Stevenson stated one option was the Board had the authority to build up to approve up to the 10 feet the applicant already indicated he was not willing to reduce it. Or other option was to have the applicant to reapply and re-notice knowing what the true intentions are unless the applicant will inform the Board today.

Board member Diaz asked the applicant if he has spoken with the contractor. He stated it shouldn't be difficult to shorten the carport. Mr. Garcia stated no he hadn't spoken to him.

Chairperson Gutierrez asked the applicant if he would be willing to tabling the item and discuss with staff as to what can be done.

Board member Santos stated the city made a recommendation based on what he told staff he was inclined to do by reducing it back which is what they could consider today. They were giving him an opportunity to resolve the issue and find out what the cost would be to reducing it.

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

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

Following discussion, Mr. Erick Diaz **moved** to go table the item. Mr. Alex Lamela seconded the motion. The Board voted to table the item with five members present and voting.

c) Request of Josefina Rangel, for a special exception to allow an encroachment of 20' into the 20' front setback for a carport on Lot 90 of Harvey Terrace UT 2 PH I & 2 Subdivision, Hidalgo County, Texas; 2808 North 26th Street **(ZBA2026-**

0032)

Ms. Ramirez stated the applicant was requesting a special exception to allow a 20-foot encroachment into the required 20-foot front yard setback for a proposed 20-foot by 11-foot carport.

The subject property was located between Daffodil Avenue and Harvey Drive, east of North 24th Street. The surrounding land use includes single-family residences.

Harvey Terrace UT 2 PH 1 & 2 Subdivision was recorded on July 17, 1998. No other requests have been made for the subject property.

The purpose of this request was to allow the build of a 20-foot-by-20-foot carport. The applicant states that the carport is intended to provide the vehicle owner, who is elderly, with protection from the sun and rain.

The recorded plat requires 20-foot minimum front yard setback.

Staff's research did reveal five other properties which were approved by the board for carports in this subdivision.

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

Staff recommended disapproval of the special exception due to non-compliance with plat note requirements.

Chairperson Gutierrez asked staff the reason for the disapproval was because of the plat requirements. Staff stated there were five other applicants that had been approved in the previous years in this subdivision.

Ms. Sandra Rangel, 2808 North 26th Street. She was the daughter and was representing her mother, Josefina Rangel. She stated her mother, who is 85 years old would like to have a carport to protect her two vehicles. Her vehicles had been damaged from previous bad weather. Staff stated the picture shown on the T.V. monitor was AI done and dd not exist yet.

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

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

Following discussion, Mr. Erick Diaz **moved** to go against staff's recommendation and approve the Special Exception. Mr. Hiram Gutierrez seconded the motion. The Board voted to approve with five members present and voting.

d) Request of Jorge Sanchez, for a variance to the minimum lot area for a duplex on Lot 5 Blk 1.of South McAllen Subdivision, Hidalgo County, Texas; 809 South Bicentennial Boulevard **(ZBA2026-0033)**

Ms. Ramirez stated the applicant was requesting a variance to allow the construction of a duplex on a 2,375 sq. ft. lot.

The subject property was located along South Bicentennial Boulevard, south of Houston Avenue. The surrounding land uses consist primarily of single-family residences and townhomes. The subject property is currently vacant and is zoned within the City-Core Downtown (CC-DT-UDC) zoning district.

South McAllen Addition Subdivision was recorded on June 16, 1928. A permit was issued in July 2016 for the demolition of an exterior restroom associated with a condemned structure. Additionally, a moving permit was requested in May 2024 to relocate the existing residential structure.

The applicant was requesting a variance to allow the construction of a duplex on a 2,375 sq. ft. lot. Although a duplex is permitted within the CC-DT (City Core–Downtown) District, the subject property is less than the required 4,000-square-foot minimum lot area established in the Unified Development Code (UDC), Section 2.3.3.

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

Staff recommended disapproval of the variance request due to noncompliance with UDC requirements.

Mr. Jorge Sanchez, 809 Bicentennial Boulevard. He stated he started a project a year ago trying to build a duplex for short term rentals. Buying the lot contingent to being able to building a duplex he called the Planning Department before closing on the lot. There were able to build a duplex with the exception of the 4.000 square footage lot. He stated that was omitted when it was presented to him so he closed on the lot and until her submitted the permit that was when he was informed it was not allowed. He's met with all the requirements.

Chairperson Gutierrez asked staff if the use of the land in this area was for a single-family construction or a multi-family construction. Staff stated it was multifamily the only thing was as long as it meets the square footage a duplex would be allowed. If not, you could have single-family, multifamily or commercial.

Mr. Forghanparast stated the city core downtown district that was adopted a months ago by the City Commission. It allowed multiple uses such as single family, multifamily, or commercial. The only thing that based on the lot size it allowed different number of units.

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

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

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

e) Request of Socorro Hinojosa, for a special exception to allow an encroachment of 20' into the 20' front setback for a carport on Lot 31 of the Arrowhead PH 1 Subdivision, Hidalgo County, Texas; 3705 Whitewing Avenue **(ZBA2026-0034)**

Ms. Ramirez stated the applicant was requesting a special exception to allow a 20-foot encroachment into the required 20-foot front yard setback for a proposed 20-foot-by-20-foot carport.

The subject property was located along the south side of Whitewing Avenue, west of North Ware Road. The surrounding land use includes single-family residences and vacant land.

Arrowhead Phase I Subdivision was recorded on March 9, 1981. No other requests have been made for the subject property.

The purpose of this request was to allow the build of a 20-foot by 11-foot carport. They need protection for the natural elements to be able to protect their vehicles.

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

Staff recommended disapproval of the special exception due to noncompliance with plat note requirements.

Board member Gutierrez asked if there were other similar carports built in the neighborhood that were approved. Staff stated there were none that were recorded as approved. There were several but none that came in to obtain a permit.

Mr. Madoqueo Hinojosa, 3705 Whitewing Avenue, son of Socorro Hinojosa. He stated he was in favor to have a carport for the safety of his mother.

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

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

Following discussion, Mr. Alex Lamela **moved** to go against staff's recommendation and approve the Special Exception. Mr. Hiram Gutierrez seconded the motion. The Board voted to approve with five members present and voting.

ADJOURNMENT

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

_____
Chairperson Jose Gutierrez

_____
Carmen White, Administrative Assistant

Planning Department

Memo

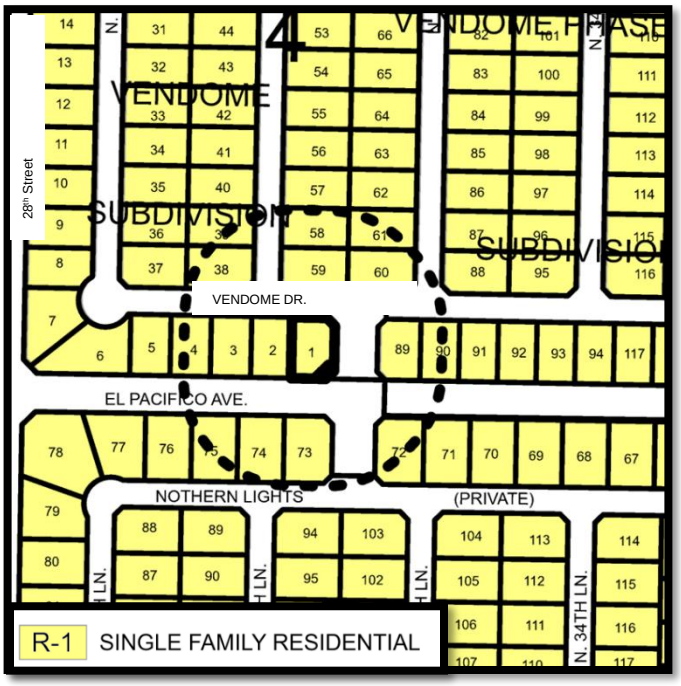
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: September 9, 2026

SUBJECT: **REQUEST OF ANABEL AND ROOSEVELT MARTIN, FOR A VARIANCE TO ALLOW AN ENCROACHMENT OF 10 FT. INTO THE 25 FT. REAR SETBACK FOR A PROPOSED SWIMMING POOL AT LOT 1, VENDOME SUBDIVISION, HIDALGO COUNTY, TEXAS; 3501 VENDOME DRIVE (ZBA2026-0038)**

REASON FOR APPEAL: The applicant is requesting a variance to the minimum rear 25 ft. setback on a double fronting lot.





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

BACKGROUND AND HISTORY: Vendome Subdivision was recorded on October 17, 2017. There was a variance request approved on July 15, 2020 for this property, allowing a 10 ft. encroachment into the 25 ft. rear setback for a covered patio.

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

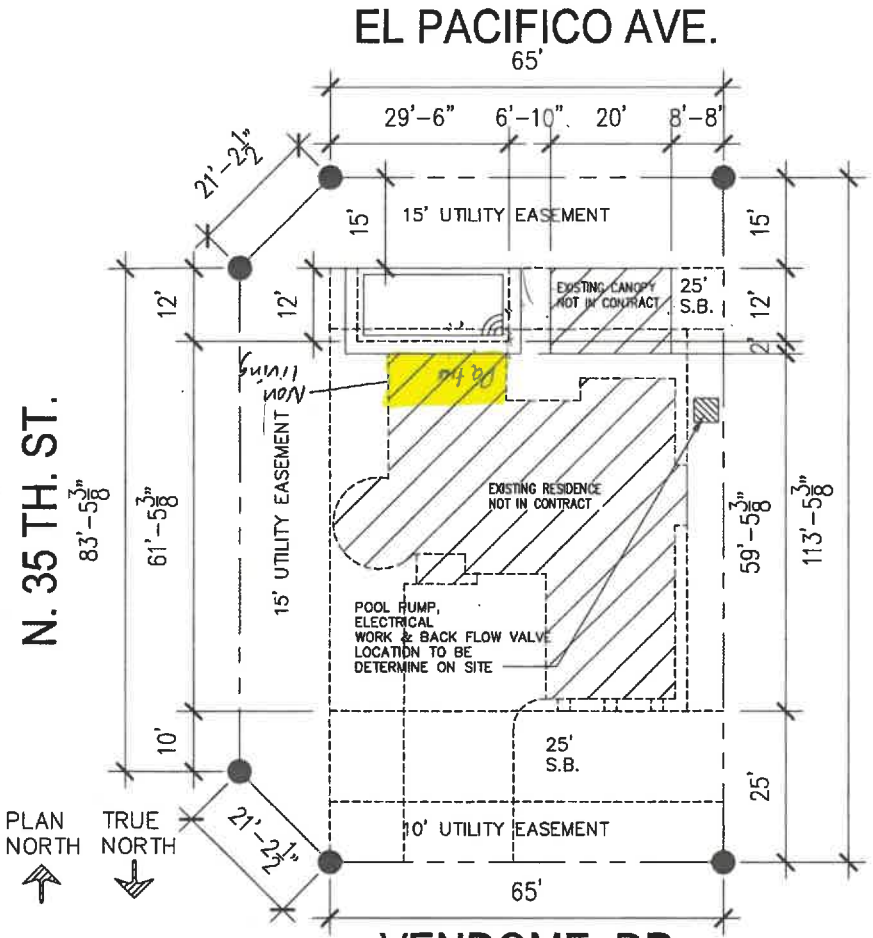
Section 5.3.5.E of the UDC states that where lots have double frontage, running through from one street to another, a required front yard shall be provided on one street only.

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

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

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

RECOMMENDATION: Staff recommends approval of the variance request.



1 SITE PLAN

SCALE: 1" = 20'-0"

ADDRESS:
3501 VENDOM DR.
MCALLEN, TEXAS.

NOTE:
THIS IS NOT A SURVEY CONTRACTOR TO VERIFY ALL DIMENSIONS AND MAKE NECESSARY ADJUSTMENTS FOR PROPER CONSTRUCTION.
FIELD VERIFY ALL DIMENSIONS

RECEIVED

JUL 13 2026

BY: PA

NOTE:
SCALE ON 22"X34" SET IS AS NOTED

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PROJECT # 08242026
DATE: 08/24/2026
DRAWN BY:
CHECKED BY: E. SANCHEZ
REVISION:
1: XXX
2: XXX
3: XXX
4: XXX

PRESTIGIO POOLS & SPAS LLC
(956)715-9394
PROJECT : 3501 VENDOM MCALLEN, TEXAS
OWNER : MR. ROOSEVELT MARTIN

Sánchez DESIGN Garcia SERVICES
Enrique "Ricky" Sanchez Certified Drafter
Donna, Texas 78537 Tel:(956) 472-3758 ensadesignservices@yahoo.com

SHEET: 1of3

SUBDIVISION PLAT OF
VENDOME SUBDIVISION
(PRIVATE SUBDIVISION)

BEING A PRIVATE SUBDIVISION OF 16.387 TRACT OF LAND OUT OF LOT 4, SECTION 234, TEXAS–MEXICAN RAILWAY COMPANY'S SURVEY, HIDLAGO COUNTY, TEXAS, AS RECORDED IN VOLUME 3, PAGE14, MAP RECORDS, HIDALGO COUNTY, TEXAS.

METES AND BOUNDS:

A 16.387 ACRE TRACT OF LAND OUT OF LOT 4, SECTION 234, TEXAS–MEXICAN RAILWAY COMPANY'S SURVEY, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 3, PAGE 14, MAP RECORDS, HIDALGO COUNTY, TEXAS, AND ACCORDING TO CORRECTION ASSUMPTION WARRANTY DEED RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 1439719, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS, REFERENCE TO WHICH IS HERE MADE FOR ALL PURPOSES AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD WITH CAP STAMPED RPLS 4856 SET ON THE SOUTH LINE OF LOT 4 FOR THE SOUTHEAST CORNER OF COUNTRY MEADOWS SUBDIVISION PHASE I (RECORDED IN VOLUME 50, PAGE 14, MAP RECORDS, HIDALGO COUNTY, TEXAS), THE NORTHEAST CORNER OF EL PACIFICO SUBDIVISION PHASE I (RECORDED IN VOLUME 47, PAGE 1, MAP RECORDS, HIDALGO COUNTY, TEXAS), THE NORTHWEST CORNER OF EL PACIFICO SUBDIVISION PHASE II (RECORDED IN VOLUME 53, PAGE 8, MAP RECORDS, HIDALGO COUNTY, TEXAS), AND THE SOUTHWEST CORNER OF THIS TRACT, SAID ROD BEARS S 80°20' E, 46.84 FEET FROM THE SOUTHWEST CORNER OF LOT 4.

THENCE; N 09°40' E, ALONG THE EAST LINE OF COUNTRY MEADOWS SUBDIVISION PHASE I, AND THE EAST LINE OF COUNTRY MEADOWS SUBDIVISION PHASE II (RECORDED IN VOLUME 52, PAGE 98, MAP RECORDS, HIDALGO COUNTY, TEXAS), A DISTANCE OF 1,169.85 FEET TO A 1/2" IRON ROD WITH CAP STAMPED RPLS 4856 SET ON THE SOUTH LINE OF A 150.00 FOOT RIGHT OF WAY DEDICATION TO HIDALGO COUNTY DRAINAGE DISTRICT No.1 (RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 2484071, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS) FOR THE NORTHEAST CORNER OF COUNTRY MEADOWS SUBDIVISION PHASE II AND THE NORTHWEST CORNER OF THIS TRACT.

THENCE; S 80°20' E, ALONG THE SOUTH LINE OF SAID 150.00 FOOT RIGHT OF WAY DEDICATION TO HIDALGO COUNTY DRAINAGE DISTRICT No.1, A DISTANCE OF 605.00 FEET TO A 1/2" IRON ROD WITH CAP STAMPED RPLS 4856 SET FOR THE NORTHEAST CORNER OF THIS TRACT THENCE; S 09°40' W, A DISTANCE OF 120.40 FEET TO A 1/2" IRON ROD WITH CAP STAMPED RPLS 4856 SET FOR AN EXTERIOR CORNER OF THIS TRACT. THENCE, S 15°22'38" W, A DISTANCE OF 50.25 FEET TO A 1/2" IRON RCD WITH CAP STAMPED RPLS 4856 SET FOR AN INTERIOR CORNER OF THIS TRACT.

THENCE; S 09°40' W, A DISTANCE OF 826.00 FEET TO A 1/2" IRON ROD WITH CAP STAMPED RPLS 4856 SET FOR AN INTERIOR CORNER OF THIS TRACT THENCE, S 80°20' E, A DISTANCE OF 73.00 FEET TO A 1/2" IRON ROD WITH CAP STAMPED RPLS 4856 SET FOR AN EXTERIOR CORNER OF THIS TRACT.

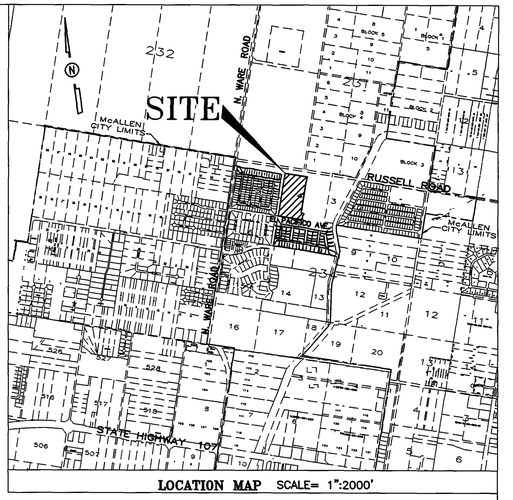
THENCE; S 09°40' W, A DISTANCE OF 50.00 FEET TO A 1/2" IRON ROD WITH CAP STAMPED RPLS 4856 SET FOR AN EXTERIOR CORNER OF THIS TRACT. THENCE, S 54°40' W, A DISTANCE OF 21.21 FEET TO A 1/2" IRON ROD WITH CAP STAMPED RPLS 4856 SET FOR AN INTERIOR CORNER OF THIS TRACT.

THENCE; S 09°40' W, A DISTANCE OF 83.45 FEET TO A 1/2" IRON ROD WITH CAP STAMPED RPLS 4856 SET FOR AN INTERIOR CORNER OF THIS TRACT. THENCE, S 35°20' E, A DISTANCE OF 21.21 FEET TO A 1/2" IRON ROD WITH CAP STAMPED RPLS 4856 SET FOR AN EXTERIOR CORNER OF THIS TRACT.

THENCE; S 09°40' W, A DISTANCE OF 10.00 FEET TO AN "X" MARK ON CONCRETE MADE ON THE SOUTH LINE OF LOT 4, AND ON THE NORTH LINE OF EL PACIFICO SUBDIVISION PHASE II FOR THE SOUTHEAST CORNER OF THIS TRACT

THENCE; N 80°20' W, ALONG THE SOUTH LINE OF LOT 4, AND THE NORTH LINE OF EL PACIFICO SUBDIVISION PHASE II, A DISTANCE OF 673.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 16.387 ACRES OF LAND MORE OR LESS

BEARINGS ARE IN ACCORDANCE WITH COUNTRY MEADOWS SUBDIVISION PHASE I, RECORDED IN VOLUME 50, PAGE 14, MAP RECORDS, HIDALGO COUNTY, TEXAS



3501

ZBA2026-0038
• NOTICE •
VARIANCE
FOR THIS
PROPERTY

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

Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: September 9, 2026

SUBJECT: **REQUEST OF CESAR A. SANTOY, FOR A VARIANCE TO ALLOW AN ENCROACHMENT OF 4 FT. INTO THE 10 FT. REAR SETBACK FOR A ROOM ADDITION AT LOT 21, BLOCK 2, LA PALOMA ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS; 1702 KENNEDY AVENUE (ZBA2026-0036)**

REASON FOR APPEAL: The applicant is requesting a variance to the minimum rear setback for a proposed room addition to the existing home.





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

BACKGROUND AND HISTORY: La Paloma Addition Subdivision was recorded on September 7, 1926. This is the first variance request for this property.

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

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

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

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

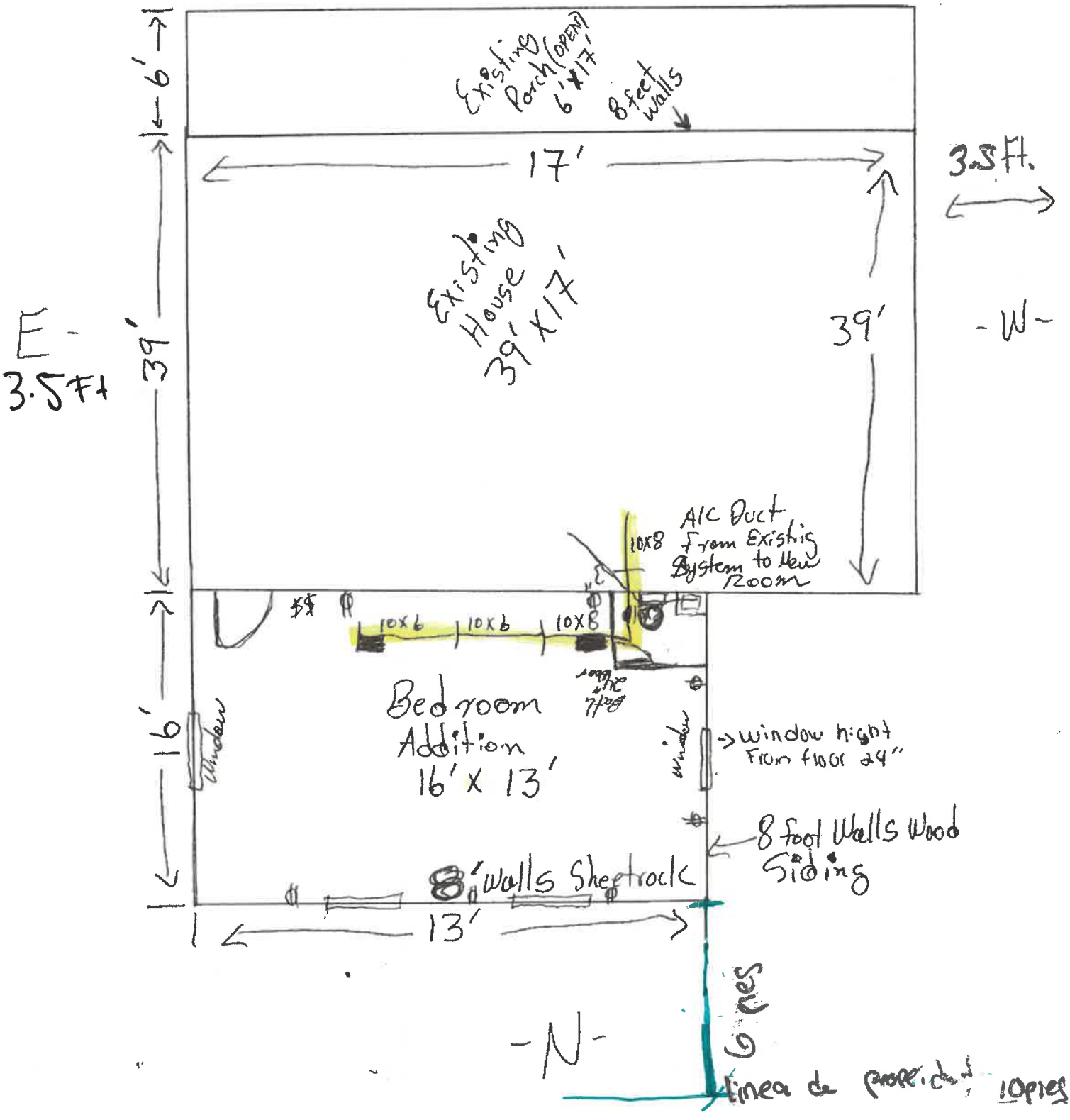
RECOMMENDATION: Staff recommends disapproval of the variance request.

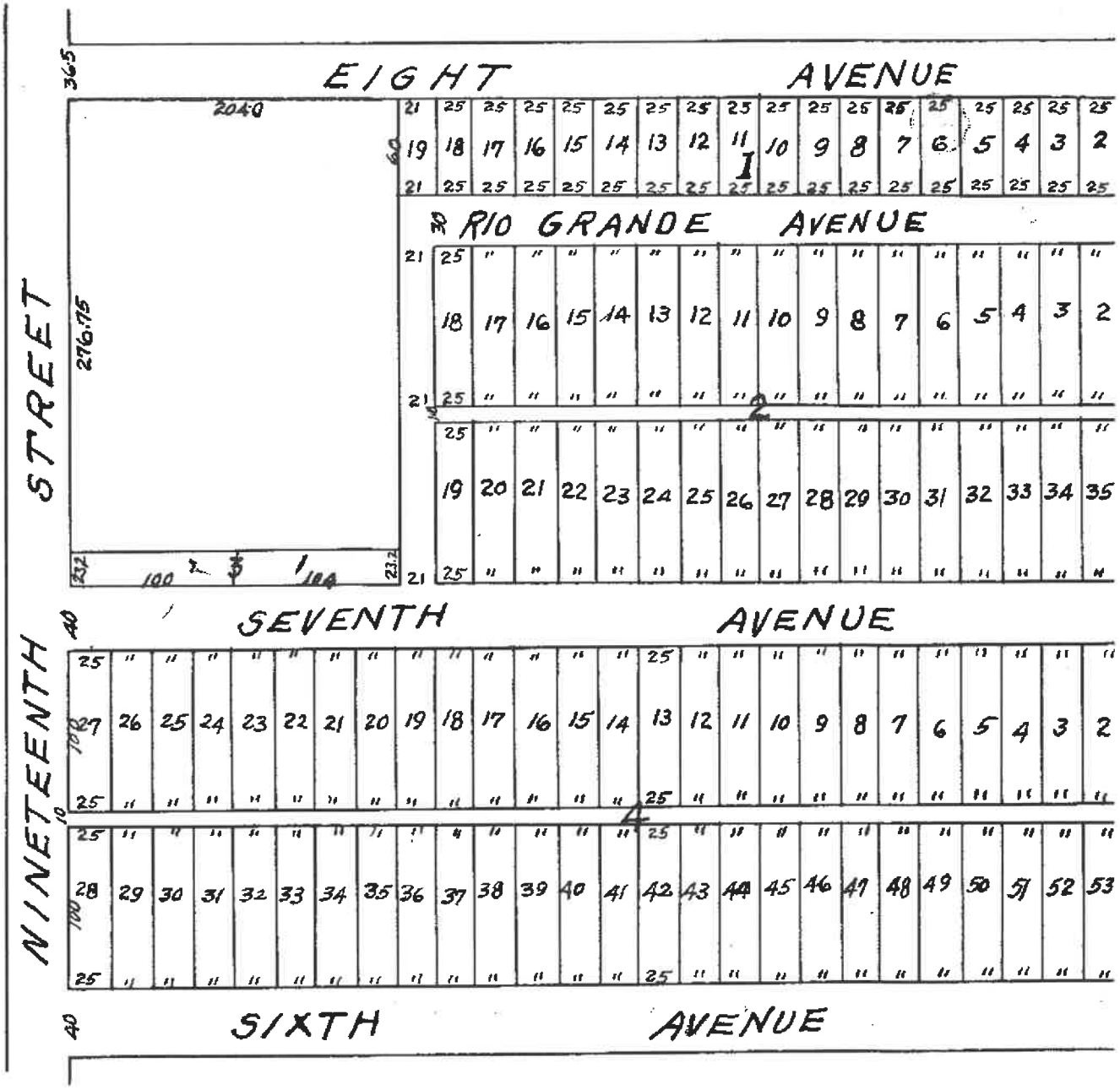
06/30/2026

1702 Kennedy Ave McAllen TX.

FLOOR PLAN

- S -





MAP
OF
LA PALOMA ADDITION
Mc ALLEN TEXAS
Scale 1" = 100'

Being a subdivision of the S.W. 1/4 of the N.W. 1/4 of the N.W. 1/4 of Section 7 Hidalgo Canal Company's subdivision of Porciones 64, 65 and 66 Hidalgo County Texas

I E.M. Card, a surveyor do hereby certify that the foregoing "Map of L Addition to Mc Allen, Texas is a true and correct Plat of the S.W. 1/4 of t the N.W. 1/4 of section 7 Hidalgo Canal Company's subdivision of Por 64, 65, and 66 Hidalgo County, Texas, as surveyed and subdivided by me

E M Card

ZBA2026-0036
• NOTICE •
VARIANCE
FOR THIS
PROPERTY
CITY OF MCALLEN PLANNING DEPT.
956-681-1250
WWW.MCALLEN.NET

Planning Department

Memo

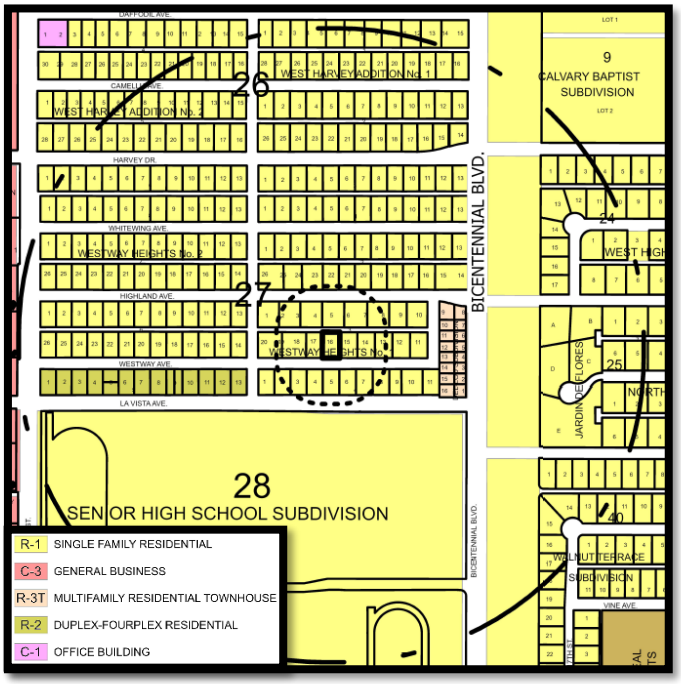
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: September 9, 2026

SUBJECT: **REQUEST OF JUAN M. CEDILLO, FOR A SPECIAL EXCEPTION TO ALLOW AN ENCROACHMENT OF 16 FT. INTO THE 25 FT. FRONT SETBACK FOR A PROPOSED CARPORT AT LOT 16, BLOCK 3, WESTWAY HEIGHTS SUBDIVISION UNIT NO. 1, HIDALGO COUNTY, TEXAS; 2004 WESTWAY AVENUE (ZBA2026-0035)**

REASON FOR APPEAL: The applicant is requesting a special exception to encroach 16 ft. into the 25 ft front yard setback for a proposed carport to protect his vehicles from the weather elements.





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

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

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

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

RECOMMENDATION: Staff recommends approval of the special exeption request.

V.12 P.51 M.R.
NORTH 21st ST
EAST R.O.W.

280.0'

20' ALLEY V.12 P.51 M.R.

S 81°-15'E 76.30'

0.2'

1.5'

0.4'

F1

F1

FRAME STO. ROOM ON CONC. BLKS

12.2'

12.2'

9.8'

20.2'

20.4'

LOT 16
BLK. 3

66 SQ. FT.

13.3'

9.7'

CVRD PATIO

15.8'

14'

12.1'

6.1'

22.8'

LOT 17, BLK. 3 V.12 P.51 M.R.

(MAP: 112.50')
112.70'

N 8°-45'E

6.2'

CVRD PATIO 19.2'

8'

34.8'

BRICK & FRAME HOUSE

44.8'

A/C

7.5'

4'

0.4'

S 8°-45'W

LOT 15, BLK. 3 V.12 P.51 M.R.

112.70'
(MAP: 112.70')

10.9'

9'

10.3'

0.3'

0'2"

37.8'

CVRD AREA

16'

5.2'

M.B.S.L.

6'0"

5'6"

19'0"

CVRD PORCH

27.4'

CONC DRIVE NEW CARPORT

16'0"

25'

27.4'

9'0"

F1

F1

NORTH R.O.W.

9.8'

N 81°-15'W 76.30'

10.1'

B/C

WESTWAY BLVD.
V.12 P.51 M.R.

SCALE: 1"=20'
CAD5: WWAYH16L

NOTE: BASIS OF BEARING THE NORTH LINE OF LOTS 11-20, BLK. 3, WESTWAY HEIGHTS SUB'D. V.12 P.51 M.R.

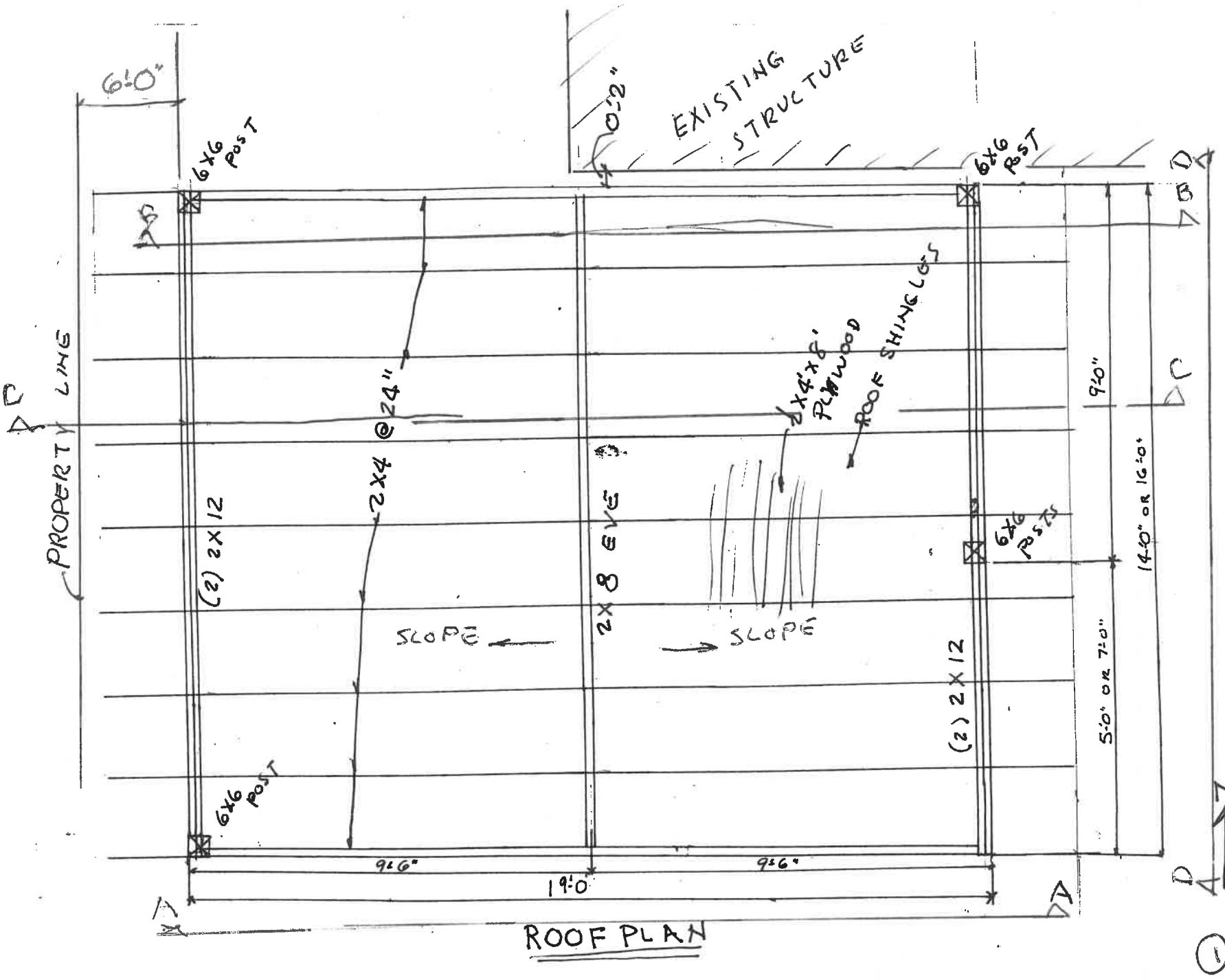
LEGEND

F1-FOUND 1/2" DIAMETER IRON ROD
M.B.S.L.- MINIMUM BUILDING SETBACK LINE
B/C-BACK OF CONC. CURB & GUTTER
R.O.W.- RIGHT OF WAY
-X-X- 6' CHAINLINK FENCE
-XX-XX- 6' CEDAR FENCE

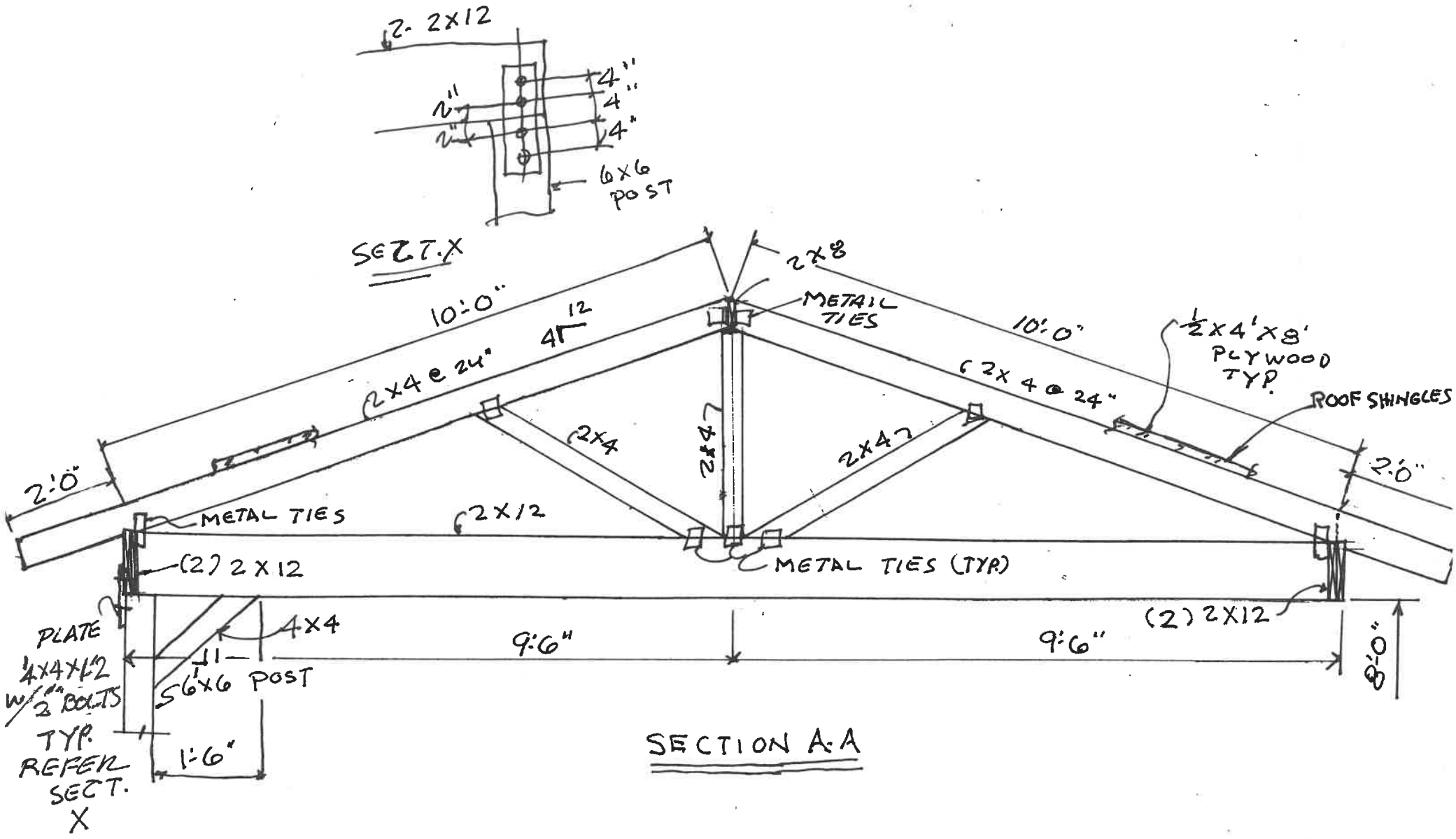
NOTE:
1.) EASEMENTS, RIGHTS, RULES, REGULATIONS IN FAVOR OF HIDALGO CO. IRR. DISTRICT NO. 1.

1500 SQ. FT.

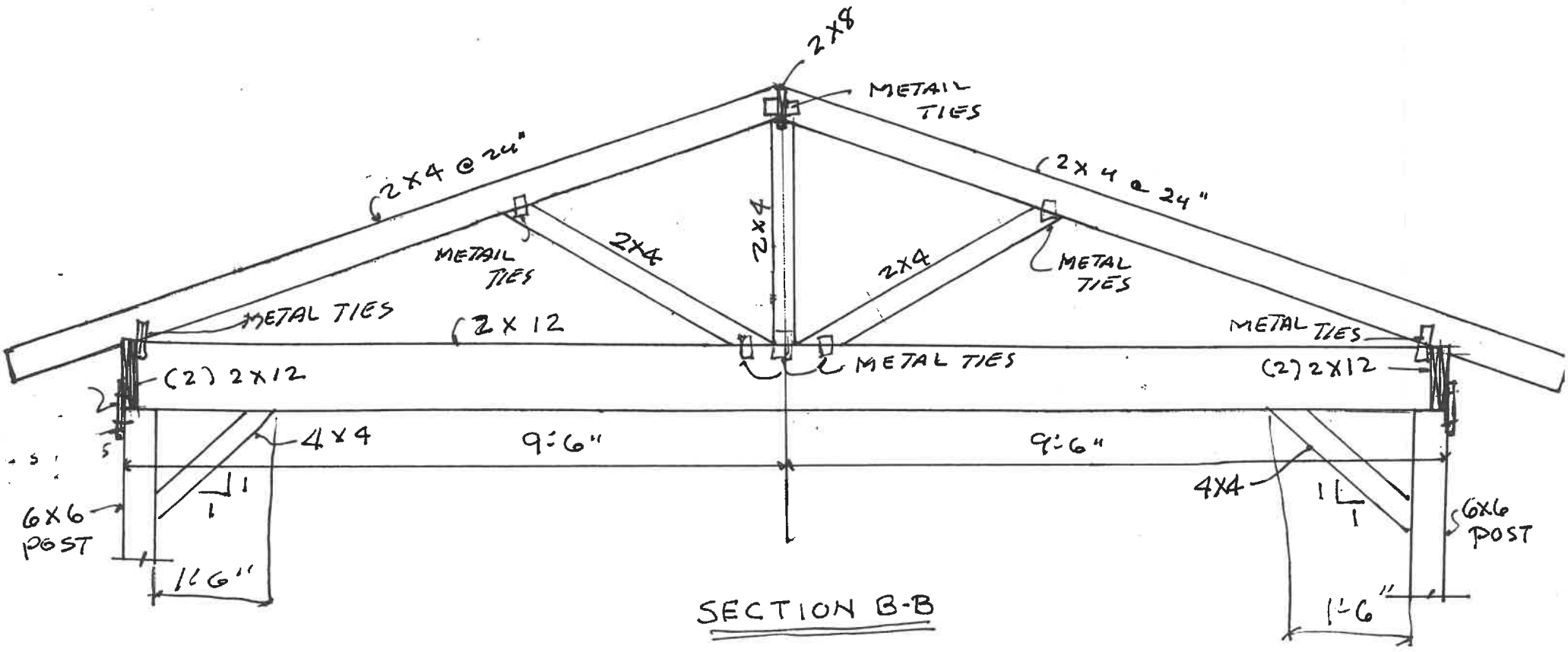
171.5
21.0
15.25


6'-0"
6X6 POST
EXISTING STRUCTURE
0'-2"
6X6 POST
PROPERTY LINE
2X6
@24"
2X4
(2) 2X12
2X8 EVE
SLOPE
SLOPE
5/8"X4'X8' PLYWOOD
ROOF SHINGLES
6X6 POSTS
(2) 2X12
9'-0"
14'-0" OR 16'-0"
5'-0" OR 7'-0"
6X6 POST
9'-6"
9'-6"
19'-0"
A
A
D
B
C
D
Z
1

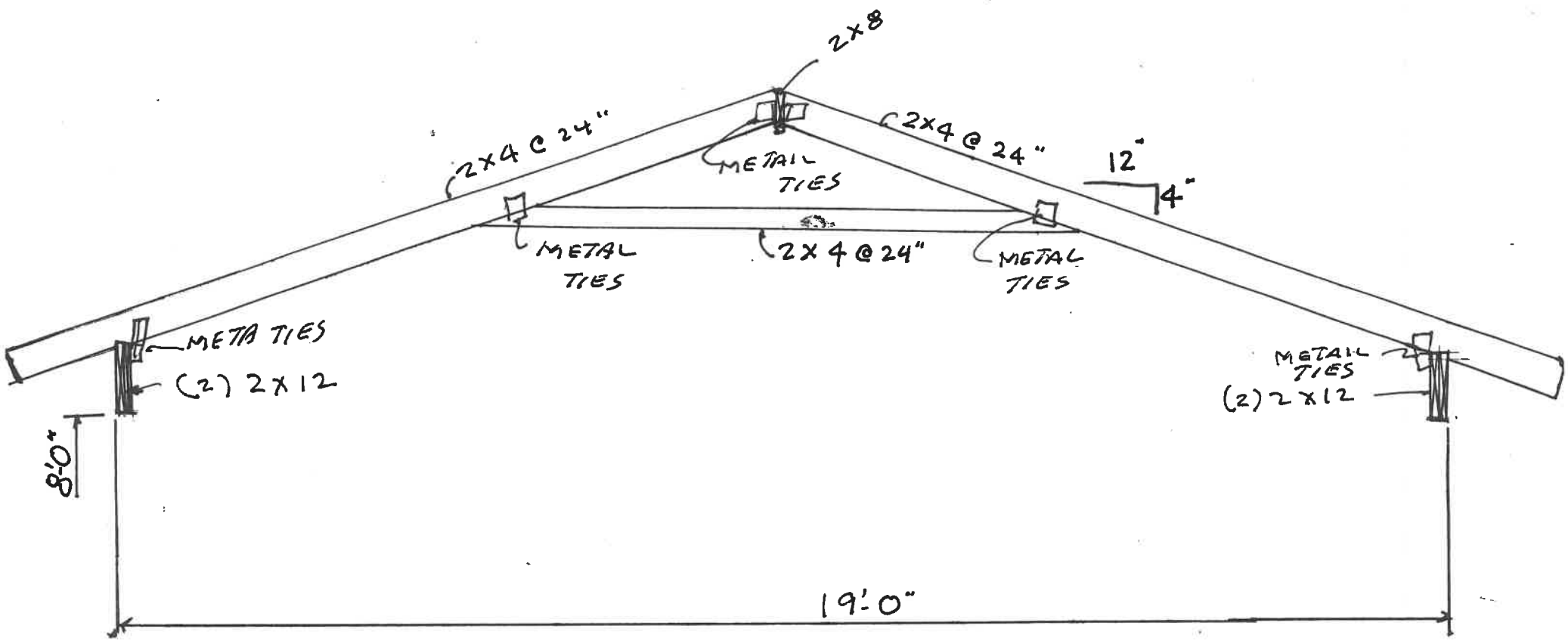
ROOF PLAN


2- 2X12
4"
4"
4"
2"
2"
6X6 POST
SECT. X
10:0"
4 12
2X4 @ 24"
2X8
METAL TIES
10:0"
1/2X4'X8' PLYWOOD TYP.
2X4 @ 24"
ROOF SHINGLES
2:0"
2:0"
2X4
2X4
2X4
METAL TIES
2X12
(2) 2X12
METAL TIES (TYP)
(2) 2X12
PLATE 4X4X1/2 W/ 2 BOLTS TYP. REFER SECT. X
4X4
6X6 POST
9:6"
9:6"
8'-0"
1:6"

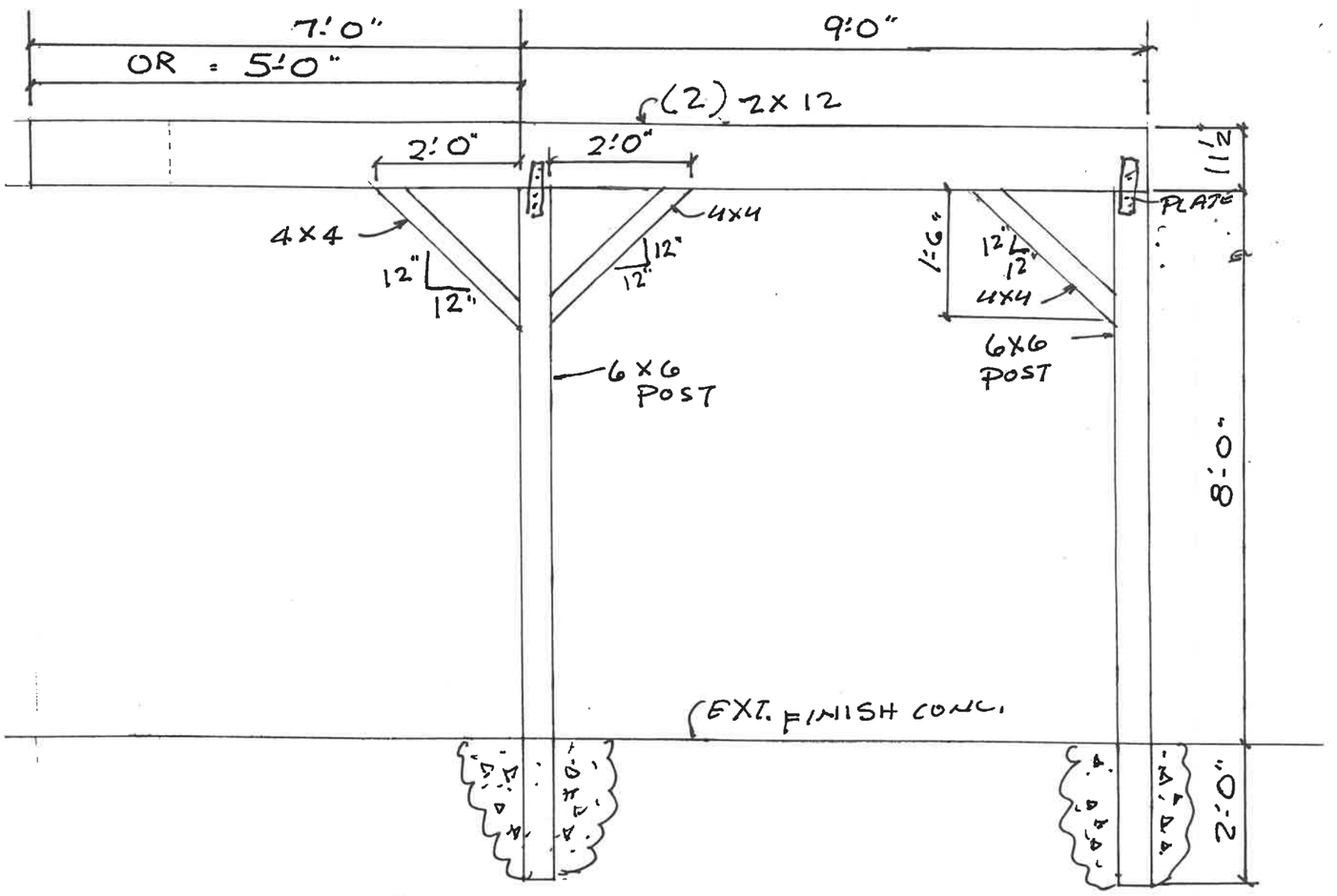
SECTION A-A


2X8
METAIL TIES
2X4 @ 24"
2X4 @ 24"
METAIL TIES
2X4
2X4
2X4
METAL TIES
METAL TIES
METAL TIES
METAL TIES
(2) 2X12
2 X 12
(2) 2X12
4X4
9'-6"
9'-6"
4X4
1
1
1
1
6X6 POST
6X6 POST
1'-6"
1'-6"

SECTION B-B

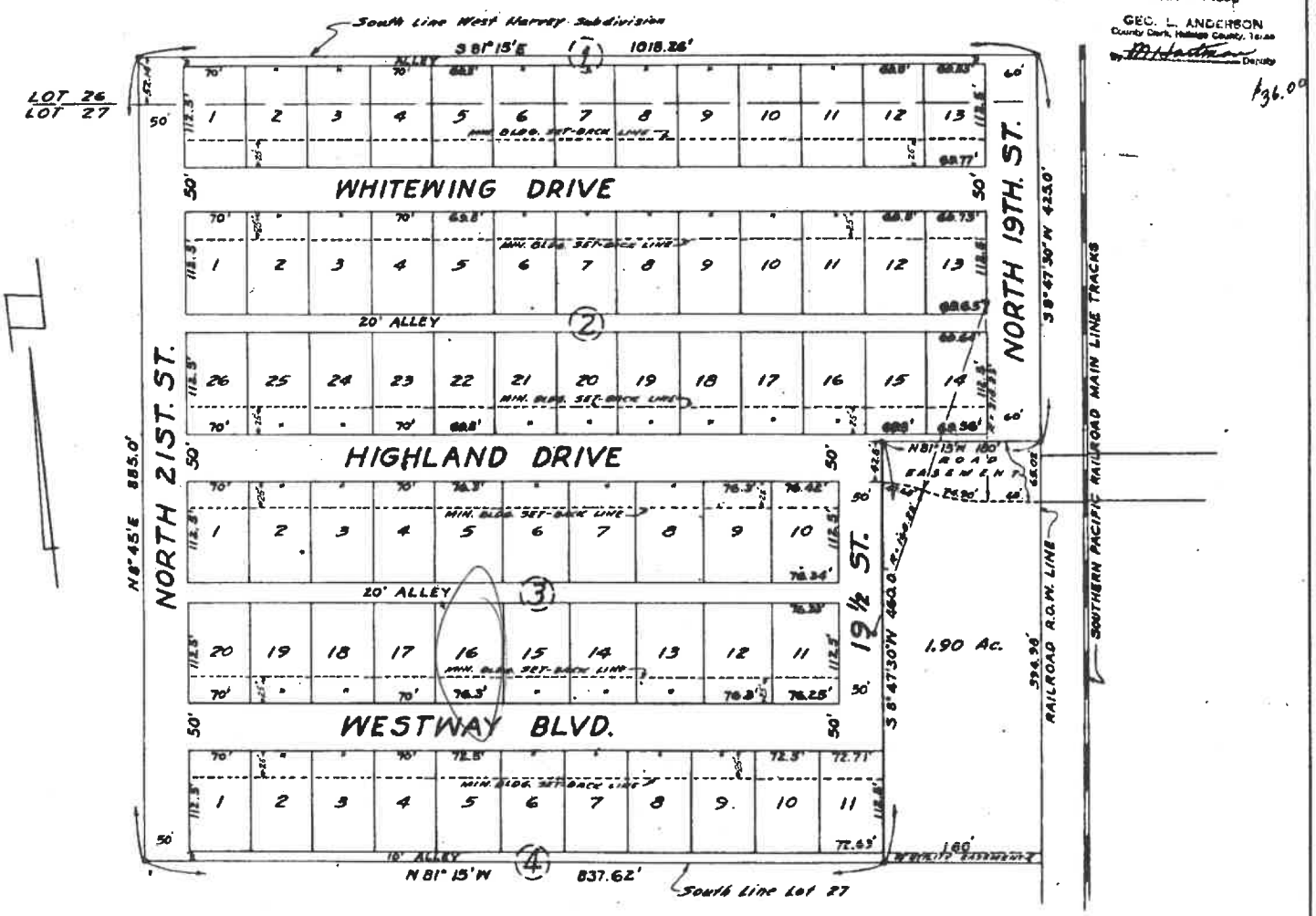

2x8
2x4 @ 24"
2x4 @ 24"
12"
4"
METAL TIES
METAL TIES
2x4 @ 24"
METAL TIES
METAL TIES
(2) 2x12
METAL TIES
(2) 2x12
8'-0"
19'-0"

SECTION - C.C


7:0"
OR = 5:0"
9:0"
(2) 2X 12
2:0"
2:0"
11½"
PLATE
4X4
12"
12"
4X4
12"
12"
1:6"
12"
12"
4X4
6X6
POST
6 X 6
POST
8:0"
EXT. FINISH CONC.
2:0"

SECTION - D-D

FILED FOR RECORD
At 3:40 o'clock P.M.
JAN 27 1959
GEO. L. ANDERSON
County Clerk, Hidalgo County, Texas
By [illegible] Deputy
136.00



MAP
OF
WESTWAY HEIGHTS SUBDIVISION, UNIT NO. 1
McALLEN, TEXAS

BEING A SUBDIVISION OF THE EAST 1.22 ACRE OF THE SOUTH 2.35 ACRES OF LOT 26 AND THE EAST 19.46 ACRES OF LOT 27, BLOCK 1, C. E. HAMMOND'S SUBDIVISION, OF PORCIONES 63 & 64, HIDALGO COUNTY, TEXAS; LYING WEST OF SOUTHERN PACIFIC RAILROAD CO.'s RIGHT-OF-WAY; Except a 1.90 Acre Tract of Land out of the Southeast corner of Lot 27. Containing 18.78 Acres within this subdivision.

Scale: 1" = 100' Date: 1-7-59

I, C. L. FABIAN, A REGISTERED PUBLIC SURVEYOR, DO HEREBY CERTIFY THE FOREGOING MAP TO BE A TRUE AND CORRECT REPRESENTATION OF THE LANDS HEREON DESCRIBED AS PLATTED BY ME FROM THE OUTSIDE BOUNDARIES OF SAME.

C. L. FABIAN
REGISTERED PUBLIC SURVEYOR
Mc ALLEN, TEXAS

STATE OF TEXAS: 88.219 C. L. FABIAN REGISTERED PUBLIC SURVEYOR

STATE OF TEXAS:
COUNTY OF HIDALGO:

KNOW ALL MEN BY THESE PRESENTS:
THAT WE, TED F. STONE AND P. E. GARRETT, OWNERS OF THE PROPERTY HEREON DESCRIBED, DO HEREBY ADOPT, DEDICATE AND CONFIRM THE FOREGOING MAP OR PLAT, AND DO HEREBY DEDICATE TO THE PUBLIC THE SURFACE USE OF THE STREETS, ALLEYS AND EASEMENTS THEREON SHOWN.

TED F. STONE P. E. GARRETT

STATE OF TEXAS:
COUNTY OF HIDALGO:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED TED F. STONE AND P. E. GARRETT, OWNERS, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED. GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 19th DAY OF January A.D. 1959.

NOTARY PUBLIC IN AND FOR
HIDALGO COUNTY, TEXAS

NOTARY PUBLIC HIDALGO COUNTY, TEXAS

THIS PLAT APPROVED BY THE Mc ALLEN ZONING AND PLANNING BOARD ON THIS THE 15 DAY OF January A.D. 1959.

Mc ALLEN ZONING AND PLANNING BOARD
By: V. E. Cook, Jr.
V. E. COOK, JR., CHAIRMAN

THIS PLAT APPROVED BY THE CITY COMMISSIONERS OF THE CITY OF Mc ALLEN, TEXAS ON THIS THE 19th DAY OF Jan A.D. 1959.

ATTEST:

H. H. HENSLEY, CITY SECRETARY

PHILLIP BOEYE, MAYOR

CITY OF McALLEN, TEXAS

APPROVED
FOR RECORDING
Hidalgo Co. Right of Way Dept.
By [illegible]
Date 1/26/59


ZBA2026-0035
NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR THIS
PROPERTY
CITY OF MCALLEN PLANNING DEPT.
956-681-1250
WWW.MCALLEN.NET

Planning Department

Memo

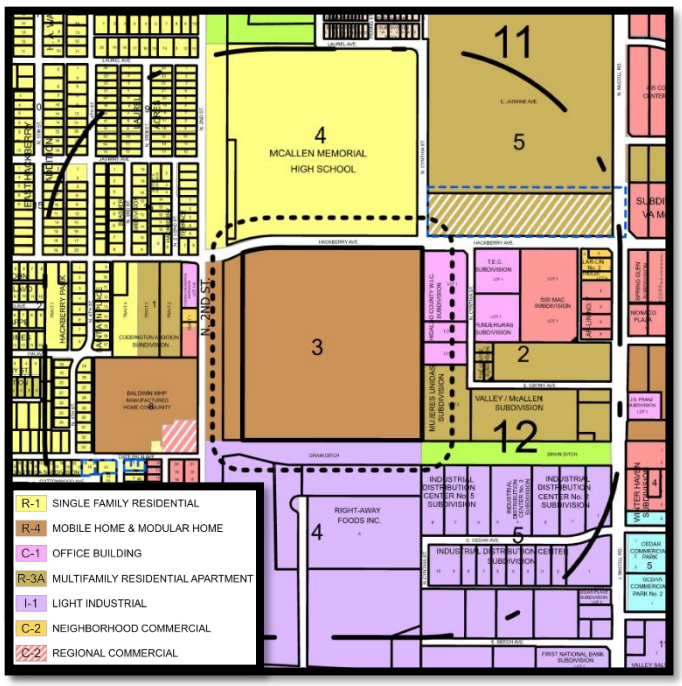
TO: Zoning Board of Adjustment & Appeals

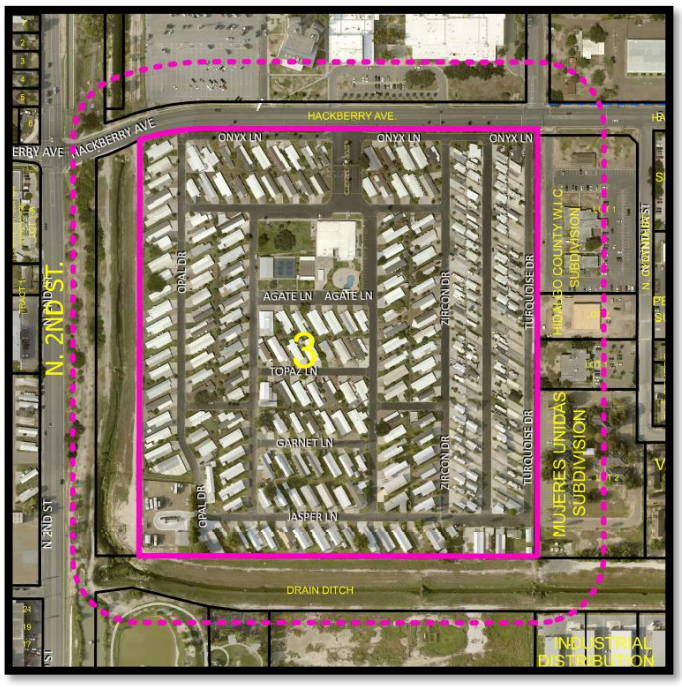
FROM: Planning Staff

DATE: September 9, 2026

SUBJECT: **REQUEST OF TIM CLARK, ON BEHALF OF PARADISE PARK INC., FOR THE FOLLOWING VARIANCES TO ALLOW ENCROACHMENTS OF: 1) 7 FT. INTO THE 10 FT. FRONT SETBACKS AND 2) 1 FT. INTO THE 5 FT. SIDE SETBACKS FOR ALL MOBILE HOME PROPERTIES AT 34.06 ACRES OUT OF LOT 3, LESS WEST 3.79 ACRES, BLOCK 12, STEELE AND PERSHING SUBDIVISION, HIDALGO COUNTY, TEXAS; 100 EAST HACKBERRY AVENUE (ZBA2026-0037)**

REASON FOR APPEAL: The applicant is requesting a variance to the minimum side and front setbacks for all lots in an existing mobile home park in order to build carports and canopies.





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

BACKGROUND AND HISTORY: The property is not a full lot of record, but has been in operation as a mobile home community since before 1978.

ANALYSIS: The applicant is requesting front setbacks for lots in the mobile home park to be changed from 10 feet to 3 feet and side setbacks from 5 feet to 4 feet. Setback for mobile home lots in R-4

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

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

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

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

RECOMMENDATION: Staff recommends disapproval of the variance request.

City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

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

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

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

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

Current set backs deprive lot owners the right to build effective carports and other structures to protect their personal property

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

Having the ability to protect vehicles from the intense Texas heat while providing shelter for personal property.

3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area: Change to the front setbacks would still provide ample space for city fire and safety vehicles to maneuver within the park streets as most of them are 26 feet wide. Changing setbacks does not affect current boundaries of an owners ownership

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

See Attached A

Board Action

Chairman, Board of Adjustment Signature

Date

Rev. 03/25

Attachment A

As a 55 and over community, our resources are limited. Moblie home parks have a limited amount of outdoor space and lot owners need to be allowed to maximize the use of all available space. Times change and so do the needs of a property. The guidelines were set up back in approximately 1974 and so much has changed since then. Being able to modernize Paradise Park, as most of newer parks offer front coverage, increases the amenities offered and helps maintain the value of property. Protection of costly assets, including but not limited to, vehicles, trailer front windows and golf carts from the Texas sun is very important. There is a clear need for a progressive attitude for change when one looks at the use of old carports. Due to the size of newer trucks, SUV's and cars, they don't fit within the older carport space. Many of the side carports/awning areas has been converted to additional living space, Texas rooms, outdoor kitchens and gathering areas.

Request for Variance Change:

Front setback to be changed from 10 feet to 3 feet.

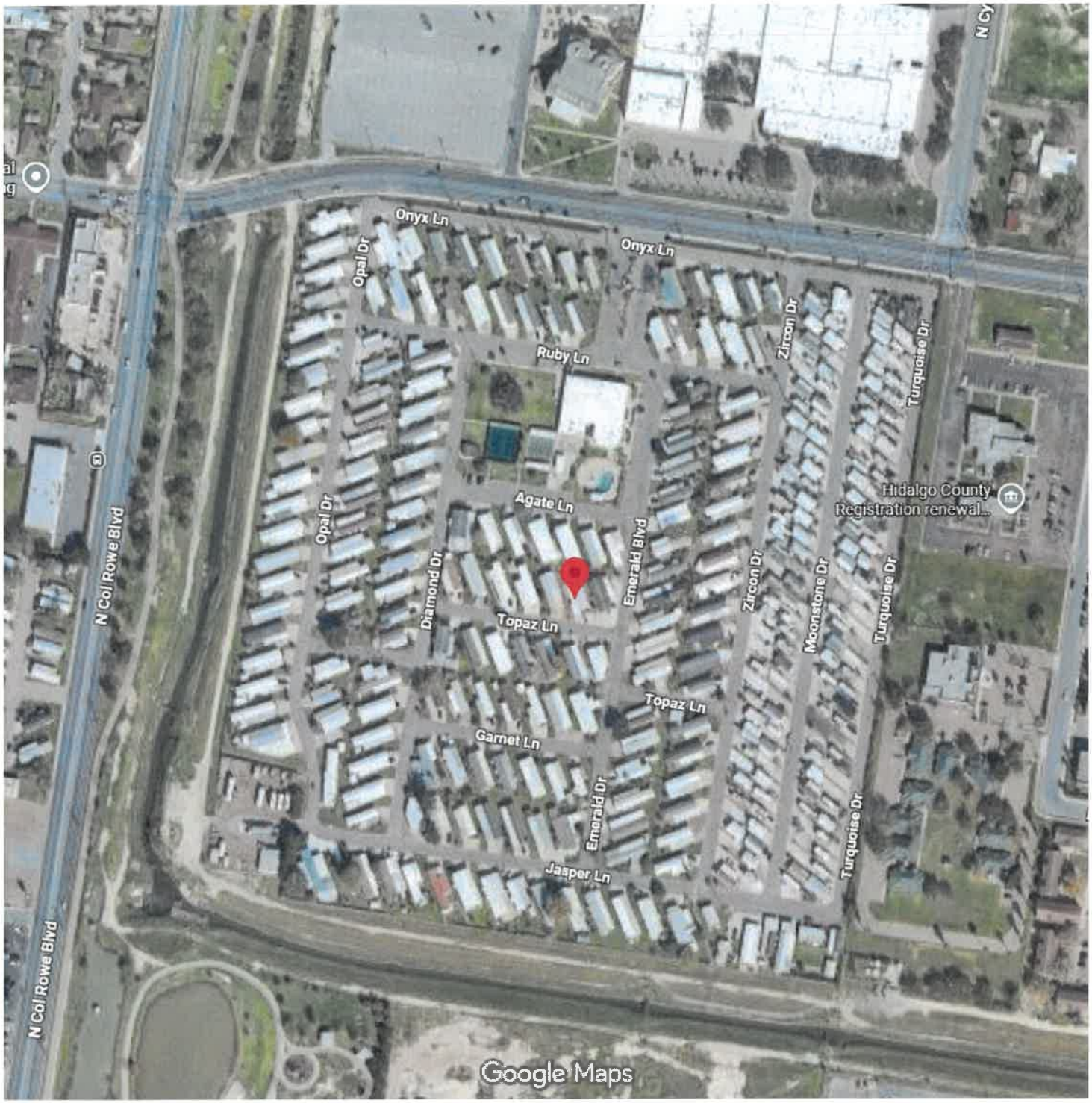
Side setbacks currently equal to 10 feet (5 feet on each side) to 8 feet between structures. (4 feet on each side)

RECEIVED

JUL 13 2026

BY: PA

100 E Hackberry Ave



Imagery ©2026 Airbus, CNES / Airbus, Maxar Technologies, Map data ©2026 Google 200 ft

RECEIVED

JUL 13 2026

BY: PA

BY: _____


ZBA2026-0037
NOTICE
VARIANCE
FOR THIS
PROPERTY
CITY OF MCALLEN PLANNING DEPT.
956-681-1250
WWW.MCALLEN.NET

Item 2E

WITHDRAWN