

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, APRIL 1, 2020 - 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 – CHAIRPERSON, DAVID SALINAS

1. MINUTES:

- a) Minutes for Regular Meeting held on March 4, 2020.

2. PUBLIC HEARINGS:

- a) Request of Steve Barajas on behalf of Rodrigo Martinez Rodriguez for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 1.08 ft. into the 25 ft. front yard setback for a proposed single family residence at Lot 46, Idela Park Unit 2 Subdivision, Hidalgo County, Texas; 5017 South 33rd Street. **(ZBA2020-0008)**
- b) Request of Jake Beasley on behalf of Glazer's Real Estate, LLC for the following variance to the City of McAllen Zoning Ordinance to allow an encroachment of 6.41 ft. into the 20 ft. setback required along Fox Avenue for a canopy measuring 150 ft. by 55 ft., at Lot 5A, Lots 4, 5, 6 and 7, Map of International Center Block 3 Phase II Subdivision, Hidalgo County, Texas; 2000 Redbud Avenue. **(ZBA2020-0010)**
- c) Request of Javier Aldape on behalf of Acre Construction, LLC to allow the following special exception to the City of McAllen Off-Street Parking and Loading Ordinance: to allow 140 parking spaces instead of the required 152 parking spaces, at Lot 1, Acre Subdivision, Hidalgo County, Texas; 101 East Expressway 83. **(ZBA2020-0011)**
- d) Request of Sofia Garza for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 16.5 ft. into the 20 ft. front yard setback for an existing single family residence with a porch, at Lot 5, Block 3, Colonia Guadalupe Subdivision, Hidalgo County, Texas; 1709 Oakland Avenue. **(ZBA2020-0012)**
- e) Request of Juan A. Ruiz on behalf of San Juanita Ruiz for the following special exception and variances to the City of McAllen Zoning Ordinance: **1)** to allow an encroachment of 7.5 ft. into the 10 ft. rear yard setback for an existing carport measuring 17 ft. by 31 ft., **2)** to allow an encroachment of 5 ft. into the 10 ft. rear yard setback for an existing storage building measuring 10 ft. by 12 ft., and **3)** to allow an encroachment of 3 ft. into the 6 ft. north side yard setback for an existing storage building measuring 10 ft. by 12 ft., at Lot 2, Block 1, El Rancho Santa Cruz Subdivision Phase IV, Hidalgo County, Texas; 3113 South McColl Road. **(ZBA2019-0060) (TABLED: 01/15/2020) (REMAIN TABLED: 02/05/2020, 03/04/2020)**

- f) Request of Oralia Rodriguez for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 25 ft. into the 25 ft. front yard setback for a wooden carport with decorative columns measuring 25.0 ft. by 20.0 ft., at Lot 131, Plantation Gap Subdivision Phase 1, Hidalgo County, Texas; 4400 Sandpiper Avenue **(ZBA2019-0057)**
(TABLED: 01/15/2020) (TABLED: 02/05/2020, 03/04/2020)

3. FUTURE AGENDA ITEMS

- a) 2621 South 23rd Street
- b) 101 North 16th 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, March 4, 2020 at 4:30 p.m. in the City Commission Meeting Room with the following present:

Present:	David Salinas	Chairperson
	Erick Diaz	Vice-Chairperson
	Sylvia Hinojosa	Member
	John Millin	Member
	Jose Gutierrez	Alternate
	Juan F. Jimenez	Alternate
Absent:	Sonia Falcon	Member
Staff Present:	Austin Stevenson	Assistant City Attorney
	Edgar Garcia	Planning Director
	Rodrigo Sanchez	Senior Planner
	Berenice Gonzalez	Planner III
	Jose H. De la Garza	Planner II
	Juan Martinez	Development Coordinator
	Porfirio Hernandez	Technician II
Carmen White	Secretary	

CALL TO ORDER – Chairperson, David Salinas

1. MINUTES:

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

The minutes for the meeting held on February 5, 2020 were approved. The motion to approve the minutes was made by Ms. Sylvia Hinojosa. Vice-Chairperson Erick Diaz seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a) Request of Hamlin Pools (Joshua Stansberry) on behalf of Roger Bradshaw, for a variance to the City of McAllen Zoning Ordinance to allow an encroachment 7 ft. into the 10 ft. rear yard setback for an existing storage shed measuring 10 ft. by 14 ft., at Lot 9, Orangewood Subdivision Unit 1, Hidalgo County, Texas; 3325 Sandy Lane **(ZBA2020-0007)**

Ms. Gonzalez stated the applicant was requesting a special exception to allow an encroachment of 7 ft. into the 10 ft. rear yard setback for an existing storage shed.

The property was located at the northeast corner of Sandy Lane and East Burns Drive. The lot has 97.86 ft. of frontage on Sandy Lane with a depth of 168.28 ft. for a lot size of 16,384.88 square feet. The property was zoned R-1 (single family residential) District. Surrounding zoning was R-1 in all directions.

Orangewood Subdivision Unit 1 was recorded on August 16, 1973. Per Building Permits and Inspections, no permit was issued for the construction of this storage shed. Appraisal

District records indicate the shed was built in 2009. The storage shed was already existing when the current property owner acquired the property in 2016.

Section 138-369 of the Zoning Ordinance indicated any accessory building should not exceed 25 ft. in height and it shall be no closer than five feet to the main building. The height of this storage shed was approximately 8 ft., and a site plan provided by the applicant shows the storage shed 10 ft. from the residence. The Planning Department had not received any calls in opposition of the request.

Staff recommended approval of the variance request, subject to the footprint of the building.

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

Mr. John Millin **moved** to approve the variance request. Mr. Jose Gutierrez seconded the motion. The board voted unanimously to approve with five members present and voting.

- b)** Request of Oscar Buentello for the following variances to the City of McAllen Zoning Ordinance and to the City of McAllen Vegetation Ordinance: **1)** to the minimum lot size requirement for a duplex, **2)** to allow an encroachment of 3 ft. into the 6 ft. south side yard setback for the existing building, **3)** to allow an encroachment of 10 ft. into the north side yard setback for the existing building, **4)** to allow an encroachment of 15 ft. into the 20 ft. front yard setback for the existing building **5)** to allow to exceed the 10% replacement value for a nonconforming structure, **6)** to not provide the required 50% of landscape within the front yard, **7)** to not provide the required 5 ft. landscape strip with 3 ft. hedge in height, and **8)** to not provide the required landscape in the side yards located within the front yard setback, at Lots 39 & 40, Block 5, D. Guerra's Addition Subdivision, Hidalgo County, Texas; 401 South 21st Street. **(ZBA2020-0005)**

Mr. De la Garza stated the applicant was requesting a variance to the minimum lot size requirement for a duplex, variances to allow encroachments into the front, north and south side yard setbacks for an existing building, a variance to allow to exceed the 10% replacement value for a nonconforming structure, a variance to not provide the required 50% of landscape within the front yard, a variance to not provide the required 5 ft. landscape strip with 3 ft. hedge in height, and a variance to not provide the required landscape in the side yards located within the front yard setback. The applicant proposes to remodel the existing building for use as a duplex.

The property was located at the southeast corner of Dallas Avenue and South 21st Street. The tract comprises two lots and had 50 ft. of frontage along South 21st Street and 88.75 ft. of depth for a total area of 4,437 sq. ft. The property was zoned R-2 (duplex-fourplex residential) District. The adjacent zoning was R-2 District to the north, east, south, and R-3A (multifamily residential apartments) District to the west. Surrounding land uses include single-family residences and duplexes.

The property owner proposes to remodel an existing building approximately 1,500 sq. ft. in size for use as a duplex. In December 2019, an application for a building permit was

submitted for proposed remodeling of the building. An application for the requested variances was submitted on February 5, 2020. According to Hidalgo County Appraisal District records, construction of the existing building was 1940 and has had commercial and residential uses.

Variance request # 1 was for the minimum lot size requirement for a duplex. The City of McAllen Zoning Ordinance indicates that the required minimum lot size for a duplex is 5,600 sq. ft. The combined area of the two lots that comprise the subject property is 4,437 sq. ft. The existing building was constructed over the two lots and will not be increased in size.

Variance request #2 was for an encroachment of 3 ft. into the required 6 ft. side yard setback along the south property line. The submitted site plan shows the distance from the side property line to the existing building at 3 ft. Compliance with required setbacks would necessitate a reduction of the existing building.

Variance request #3 was for an encroachment of 10 ft. into the side yard setback along the north property line. The submitted site plan shows the existing building constructed almost to the property line. Compliance with required setback would necessitate reduction of the existing building to the required setback line.

Variance request #4 was for an encroachment of 15 ft. into the required 20 ft. front yard setback. The site submitted plan shows the distance from the property line to the existing building at 5 ft. The building was constructed within the setback under the applicable zoning district setback when that allowed a 0 ft. front yard setback.

Variance request #5 is to allow to exceed the 10 % replacement value for a nonconforming structure. As per Section 138-89 Repairs and Maintenance (a), on any nonconforming structure or portion of a structure containing a nonconforming use, no work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-load-bearing walls, fixtures, wiring or plumbing to an extent exceeding ten percent of the current replacement cost of the nonconforming structure or nonconforming portion of the structure. Current improvement value of the building is \$34,041 (10% of this amount is \$3,404). The applicant estimates that the proposed improvements involved in the building permit are \$30,000.

Variance request #6 was to not provide the required 50% of landscape within the front yard. The applicant is proposing not provide any landscape within the front yard and the existing concrete to remain. The building was built in 1940 under a zoning district that allowed a 0 ft. front yard setback and is unable to comply with current Vegetation Ordinance requirements, unless the building is demolished.

Variance request #7 was to not provide the required 5 ft. landscape strip with 3 ft. hedge in height as required by the Vegetation Ordinance. According to the site plan submitted, the existing building sits on the north side property line and the applicant is proposing for the existing building to remain at the same place.

Variance request #8 was to not provide the required landscape areas in the side yards located within the front yard. The existing structure was built almost to the property line as allowed by the applicable zoning district, and cannot fully comply with the Vegetation Ordinance requirement unless the building is reduced to comply with setbacks.

Variances 6 through 8 were withdrawn as per staff determination. Section 110-66 of the

Vegetation Ordinance states that the Planning Director has the power to grant exceptions in special cases where the paved area is less 10,000 sq. ft. and where there are unusual and practical difficulties or unnecessary hardships created in meeting with the requirements of this article. After review, staff determined that criteria for exception applies since the building is existing since 1940 and compliance would require demolition of the structure.

The building would be improved from its current state and any new improvements would need to comply with applicable building codes, thus, the building would be brought up to standard (depending on the type of work to be performed). The issuance of any building permit depend on the outcome of variance requests.

Staff had not received any calls in opposition of the variance requests.

Staff recommended approval of variance requests #1, #2, #3, #4, and #5. Variance requests #6, #7, and #8 were withdrawn as per staff.

Ms. Sylvia Hinojosa inquired on variance request #3, what was the yard setback. Mr. De la Garza stated to the north the corner setbacks would be 10 feet. It was encroaching 10 feet into the 10 feet setback because it was almost to the property line. Ms. Hinojosa was concerned with traffic especially on Dallas Avenue. Was there any way they could have moved it in because of the corner. Mr. De la Garza stated there was an existing building and the applicant was to work with what was existing. He was remodeling the inside of the building. Ms. Hinojosa asked about landscaping. Mr. De la Garza stated the applicant was proposing to put a detention area on the east side of the property. He will be complying with all the landscaping requirements including the 10% the landscaping for the lot area.

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

Ms. Anna Marroquin, 2020 Dallas Avenue, stated her concern was regarding the building structure. Cosmetically they went and fixed the outside. There were cracks and did know when the roof was fixed. Ms. Marroquin stated the school drops and picks up her nieces and nephews there at the corner. She stated the building was very close to the corner with a stop sign there and lot of traffic.

Chairperson Salinas stated to the Ms. Marroquin there was a site plan showing the building, a proposed parking in the rear of the building with a detention pond and a trash area

Mr. De la Garza stated the applicant had applied for a building permit in December 2019, and would be reviewed by all the departments including the Building Department so inspections would be done prior to the issuance of permits.

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

Mr. Oscar Buentello, the applicant, stated he bought the property from an acquaintance and it was semi abandoned. He immediately cleaned the entire front for the parking for the bus. It was covered with brush and debris. He had demolished the house behind the building at his cost. He stated the previous tenant had animals and trash on the property.

Mr. Buentello stated the neighbors had complimented him for his efforts on cleaning up the property.

Mr. Sergio Gonzalez, 407 South 20 ½ Street, stated he did not know if the proposed variance requests would affect him. Ms. Hinojosa explained to Mr. Gonzalez that this area was zoned duplex/fourplex and anything in the footprint of the properties, they could build a two apartments area within the building. It is all housing and it should not make a difference in the taxes.

Ms. Sylvia Hinojosa **moved** to approve the variance requests #1 through #5 with the withdrawals of #6, #7 and #8 per staff. Mr. Juan Jimenez seconded the motion. The board voted unanimously to approve with five members present and voting.

- c) Request of Juan A. Ruiz on behalf of San Juanita Ruiz for the following special exception and variances to the City of McAllen Zoning Ordinance: **1)** to allow an encroachment of 5 ft. into the 10 ft. rear yard setback for an existing carport measuring 17 ft. by 31 ft., **2)** to allow an encroachment of 5 ft. into the 10 ft. rear yard setback for an existing storage building measuring 10 ft. by 12 ft., and **3)** to allow an encroachment of 3 ft. into the 6 ft. north side yard setback for an existing storage building measuring 10 ft. by 12 ft., at Lot 2, Block 1, El Rancho Santa Cruz Subdivision Phase IV, Hidalgo County, Texas; 3113 South McColl Road. **(ZBA2019-0060) (TABLED: 01/15/2020) (TABLED: 02/05/2020)**

Staff recommended the requests remain tabled.

Request of Oralia Rodriguez for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 25 ft. into the 25 ft. front yard setback for a wooden carport with decorative columns measuring 25.0 ft. by 20.0 ft., at Lot 131, Plantation Gap Subdivision Phase 1, Hidalgo County, Texas; 4400 Sandpiper Avenue **(ZBA2019-0057) (TABLED: 01/15/2020) (TABLED: 02/05/2020)**

Staff recommended to table item as requested by the applicant.

FUTURE AGENDA ITEMS:

- a) 5017 South 33rd Street
- b) 2000 Redbud Avenue

INFORMATION ONLY:

Mr. Edgar Garcia, Planning Director, had asked the Board if anyone was going to be present during the Spring Break. The Board discussed it and decided to have the meeting for the following meeting date. Mr. Garcia mentioned possibly having a special meeting date of March 25. Staff would let the Board know.

ADJOURNMENT

There being no further business to come before the Zoning Board of Adjustment and Appeal, Ms. Sylvia Hinojosa **moved** to adjourn the meeting. Vice-Chairperson Erick Diaz 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: March 20, 2020

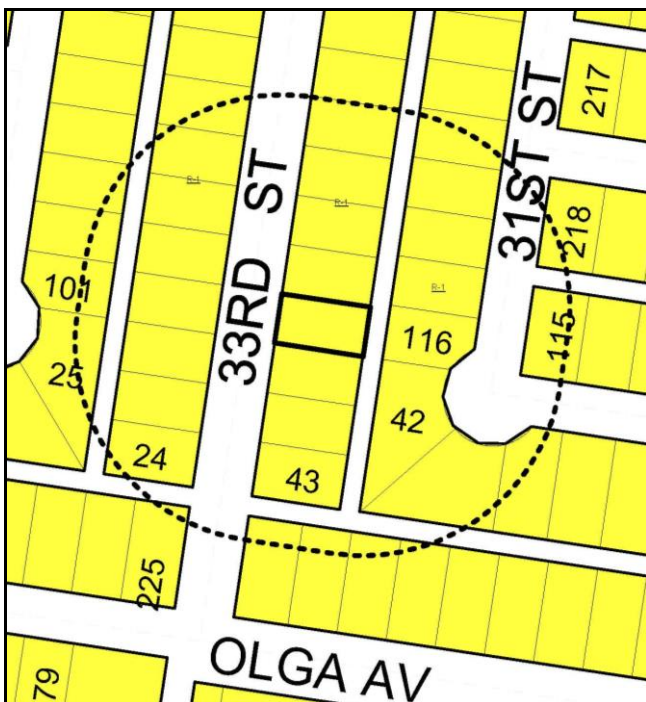
SUBJECT: REQUEST OF STEVE BARAJAS ON BEHALF OF RODRIGO MARTINEZ RODRIGUEZ FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 1.08 FT. INTO THE 25 FT. FRONT YARD SETBACK FOR A PROPOSED SINGLE FAMILY RESIDENCE AT LOT 46, IDELA PARK UNIT 2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 5017 SOUTH 33RD STREET (ZBA2020-0008)

REASON FOR APPEAL:

The applicant is requesting a variance to allow an encroachment of 1.08 ft. into the 25 ft. front setback along South 33rd Street for the construction of a new home.

PROPERTY LOCATION AND VICINITY:

The subject property is located on the east side of South 33rd Street, approximately 300 ft. north of Olga Avenue. The lot has 50 ft. of frontage along South 33rd Street and a depth of 90 ft. The property is zoned R-1 (single family residential) District. The surrounding zoning is R-1 District in all directions.



BACKGROUND AND HISTORY:

Idela Park Unit 2 Subdivision was recorded on July 25, 1978. The applicant submitted for the variance request on February 10, 2020. An application for building permit for the proposed residential construction has not been submitted.

ANALYSIS:

The variance request is to allow an encroachment of 1.08 ft. into the 25 ft. front setback required along South 33rd Street. There are no improvements proposed over Utility Easements.

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

RECOMMENDATION:

Staff recommends disapproval of the variance request. However, if the Board chooses to grant the variance, it should be limited to the encroachment shown on the submitted site plan.

ZBA 2020-0008

ZBA
3/18/2020

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>Lot. 46</u>
	Subdivision Name <u>Idela Park Unit 2</u>
	Street Address <u>5017 S. 33rd St.</u>
	Number of lots <u>1</u> Gross acres _____
	Existing Zoning <u>R-1</u> Existing Land Use <u>Vacant</u>
	Reason for Appeal (please use other side if necessary) <u>I, Steve Barajas, wanted to propose the attached plan on behalf of Mr. Rodriguez and his family of 7. They</u>
<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport)	
<input checked="" type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required	

Applicant	Name <u>Steve Barajas</u> Phone <u>(956)688-7355</u>
	Address <u>1420 Erie Ave.</u> E-mail <u>sbarajas@ahsti.org</u>
	City <u>McAllen</u> State <u>TX</u> Zip <u>78501</u>

Owner	Name <u>Rodrigo Martinez Rodriguez</u> Phone <u>(956)451-2420</u>
	Address <u>5017 S. 33rd St.</u> E-mail <u>nancy.luna.martinez02@gmail.com</u>
	City <u>McAllen</u> State <u>Texas</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 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>[Signature]</u> Date <u>2-10-2020</u>	Print Name <u>Rodrigo Martinez Rodriguez</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent

Office	Accepted by <u>[Signature]</u> Payment received by _____
	Rev 10/18



 FEB 10 2020

BY: [Signature]

Pct 697031



City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

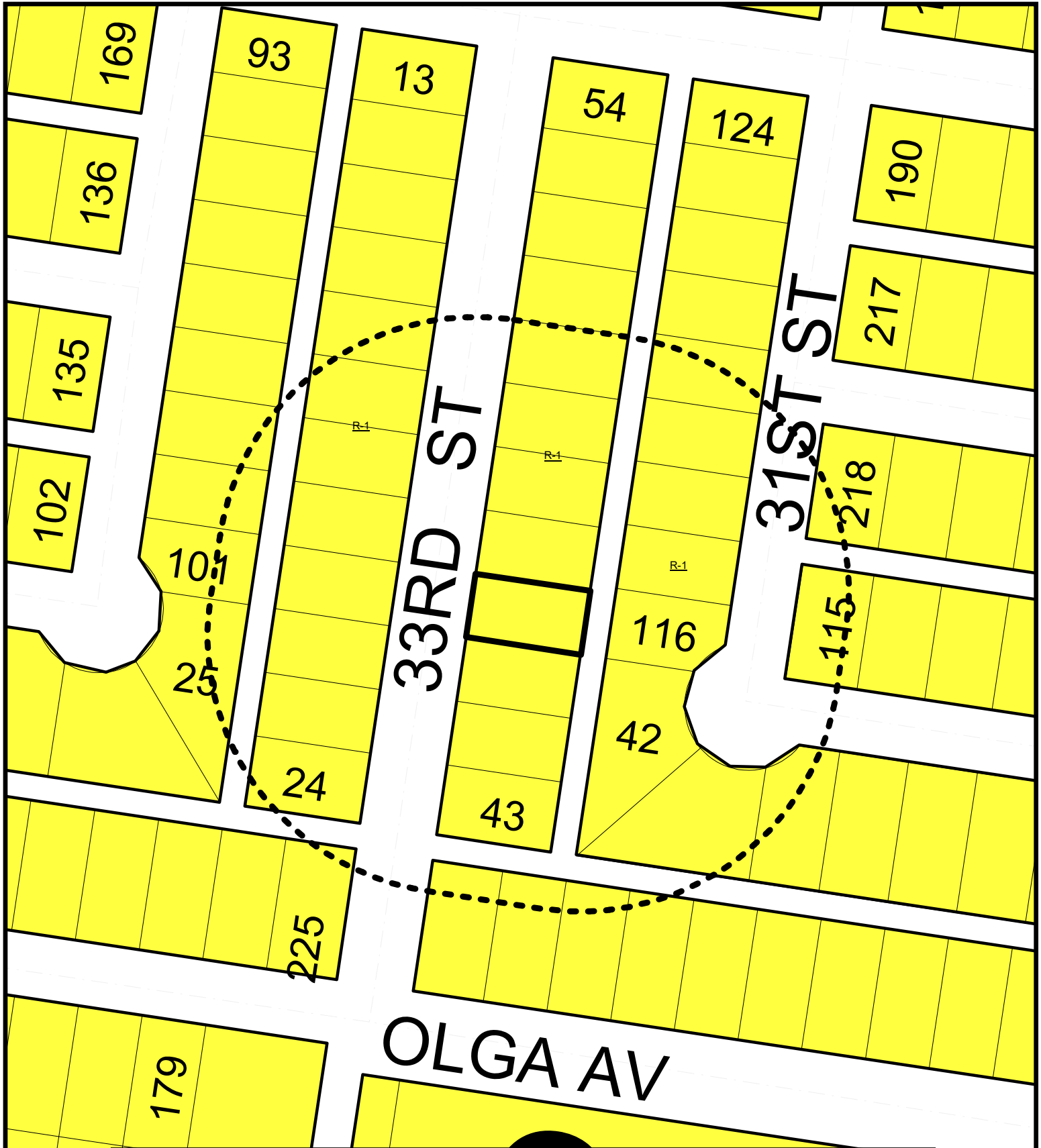
Reason for Appeal


feel this plan will really accommodate his family. They originally wanted something bigger but it would not fit on the lot they already own. We have also already paid to have the plans made and after all considerations, they have asked me to ask you all to please take this variance into consideration. We are asking to encroach 1ft and 1 in. into the front setback, from only the garage side. This will leave the home at 23'11" from the front of the property line instead of the 25' setback. Thank you very much in advanced for your consideration.
-Steve Barajas

Board Action

Chairman, Board of Adjustment
Signature

Date






CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: 1" = 500'

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)	SD (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.

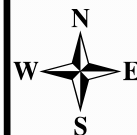


CITY OF McALLEN
 PLANNING DEPARTMENT

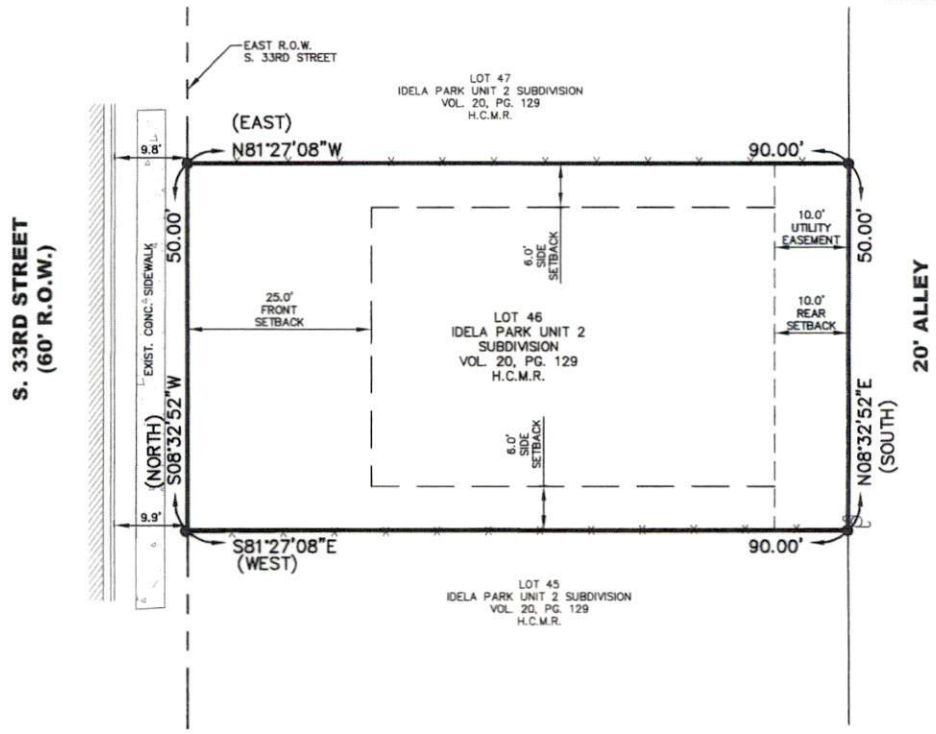


SUBJECT PROPERTY

AERIAL MAP
 SCALE: N.T.S.



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SETBACKS:
 FRONT: 25 FEET
 REAR: 10 FEET
 SIDE: 6 FEET
 AS PER CITY OF MCALLEN

LEGEND	
●	- FND. 1/2" IRON ROD
—○—	- POWER POLE
- X -	- CHAINLINK FENCE LINE
EXIST.	- EXISTING
CONC.	- CONCRETE
ASPH.	- ASPHALT
CONC.	- CONCRETE
H.C.M.R.	- HIDALGO COUNTY MAP RECORDS
H.C.D.R.	- HIDALGO COUNTY DEED RECORDS
O.R.H.C.	- OFFICIAL RECORDS OF HIDALGO COUNTY
R.O.W.	- RIGHT OF WAY
FND.	- FOUND

GENERAL NOTES:
 ADDRESS: 5017 S 33RD ST. MCALLEN TEXAS, 78503
 SURVEYED: NOVEMBER 14, 2019
 REQUESTED BY: TIFFANY HERNANDEZ - AFFORDABLE HOMES OF SOUTH TEXAS
 PROPOSED BORROWER: RODRIGO MARTINEZ RODRIGUEZ AND NANCY MARTINEZ
 FLOOD ZONE DESIGNATION: "ZONE B" - AREAS BETWEEN LIMITS OF THE 100-YEAR FLOOD AND 500-YEAR FLOOD; OR CERTAIN AREAS SUBJECT TO 100-YEAR FLOODING WITH AVERAGE DEPTHS LESS THAN ONE (1) FOOT OR WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN ONE SQUARE MILE; OR AREAS PROTECTED BY LEVEES FROM THE BASE FLOOD.
 COMMUNITY-PANEL NUMBER: 4803430010C
 MAP REVISED: NOVEMBER 2, 1982

I, SAMUEL D. MALDONADO, CERTIFY THAT THIS PLAT REPRESENTS THE FACTS FOUND ON THE GROUND AT THE TIME OF SURVEY AND THAT THERE ARE NO VISIBLE OR APPARENT EASEMENTS, DISCREPANCIES, CONFLICTS, OR SHORTAGES IN AREA OR BOUNDARY LINES, OR ANY ENCROACHMENTS, OR OVERLAPPING OF IMPROVEMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN ON THIS PLAT. NO SUBSURFACE UTILITIES OR SERVICE CONNECTIONS ARE SHOWN. © COPYRIGHT 2018 SAM ENGINEERING & SURVEYING. THIS SURVEY WAS PROVIDED IN MULTIPLE ORIGINALS SOLELY FOR THE BORROWER NAMED HEREON, IN CONJUNCTION WITH THE ORIGINAL TRANSACTION WHICH SHALL TAKE PLACE WITHIN 6 MONTHS AFTER THE SURVEY WAS PROVIDED. NO LICENSE HAS BEEN CREATED OR IMPLIED COPY THIS SURVEY. SURVEY VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE.

Samuel D. Maldonado 11/15/2019
 SAMUEL DAVID MALDONADO DATE
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6027

JOB NUMBER	DRAWN BY	RVMD. BY	DATE
SUR 19.505	D.P.	S.D.M	11/15/2019

- SURVEY NOTES:**
1. BASIS OF BEARING THE NORTH LINE OF LOT 46, IDELA PARK UNIT 2 SUBDIVISION, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 20, PAGE 129, MAP RECORDS OF HIDALGO COUNTY, TEXAS.
 2. BEARINGS SHOWN ARE BASED ON IDELA PARK UNIT 2 SUBDIVISION, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 20, PAGE 129, MAP RECORDS OF HIDALGO COUNTY, TEXAS.
 3. ALL COORDINATES, BEARINGS, AND DISTANCES, ARE BASED ON THE TEXAS COORDINATE SYSTEM, (NAD 83), TEXAS STATE PLANES, SOUTH ZONE, US SURVEY FEET, GRID, BEARINGS AND DISTANCES SHOWN IN PARENTHESIS ARE BASED ON RECORDED DOCUMENT.
 4. ALL HORIZONTAL CONTROL ON THIS PROJECT WAS ESTABLISHED UTILIZING RTK GPS METHODS.
 5. THE SURVEYOR DID NOT PREPARE AN ABSTRACT OF TITLE. TITLE WORK WAS FURNISHED BY FIRST AMERICAN TITLE GUARANTY COMPANY, UNDER GF. NO. 163114, AND TITLE COMMITMENT DATED EFFECTIVE SEPTEMBER 17, 2019. SURVEYOR ASSUMES NO LIABILITY FOR THE ACCURACY OF THE TITLE WORK FURNISHED.

THE FOLLOWING MATTERS AND ALL TERMS OF THE DOCUMENTS CREATING OR OFFERING EVIDENCE OF THE MATTERS:

- a. SUBJECT TO THE SUBDIVISION RULES AND REGULATIONS OF THE COUNTY OF HIDALGO AND/OR ORDINANCES OR GOVERNMENTAL REGULATIONS OF THE CITY IN WHICH THE PROPERTY MAY BE LOCATED OR HOLDING EXTRA TERRITORIAL JURISDICTION OF SAID PROPERTY.
- b. EASEMENTS FOR ROADWAYS, CANALS, DITCHES AS SHOWN BY INSTRUMENT DATED JULY 14, 1908, RECORDED IN VOLUME X, PAGE 338, DEED RECORDS OF HIDALGO COUNTY, TEXAS.
- c. EASEMENT GRANTED TO EASEMENT IN FAVOR OF CENTRAL POWER & LIGHT COMPANY AS SHOWN BY INSTRUMENT RECORDED IN VOLUME 750, PAGE 297, DEED RECORDS OF HIDALGO COUNTY, TEXAS.
- e. PIPELINE EASEMENT IN FAVOR OF RIO GRANDE VALLEY GAS COMPANY AS SHOWN BY INSTRUMENT DATED JULY 5, 1978, RECORDED IN VOLUME 1584, PAGE 788, DEED RECORDS OF HIDALGO COUNTY, TEXAS.
- l. VISIBLE AND APPARENT EASEMENTS ON OR ACROSS THE PROPERTY HEREIN DESCRIBED.



PLAT SHOWING

ALL OF LOT 46, IDELA PARK UNIT 2 SUBDIVISION, AN ADDITION TO THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 20, PAGE 129, MAP RECORDS OF HIDALGO COUNTY, TEXAS.

SAMES SAM Engineering & Surveying
 200 S. 10TH STREET, SUITE 1500 TEL: (956) 702-9880
 MCALLEN, TEXAS 78501 FAX: (956) 702-9883
 SURVEY FIRM REG. No. 101416-00

LENGTH: 90'
WIDTH: 50'

10'

38'

10'

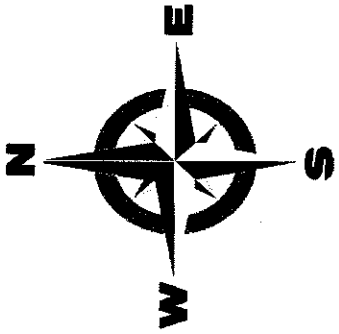
PATIO

5017 S. 33rd St. Lot. 46
McAllen, TX 78503

Idela Park Subdivision Phase II

6'

6'



PORCH

Garage

56'1"

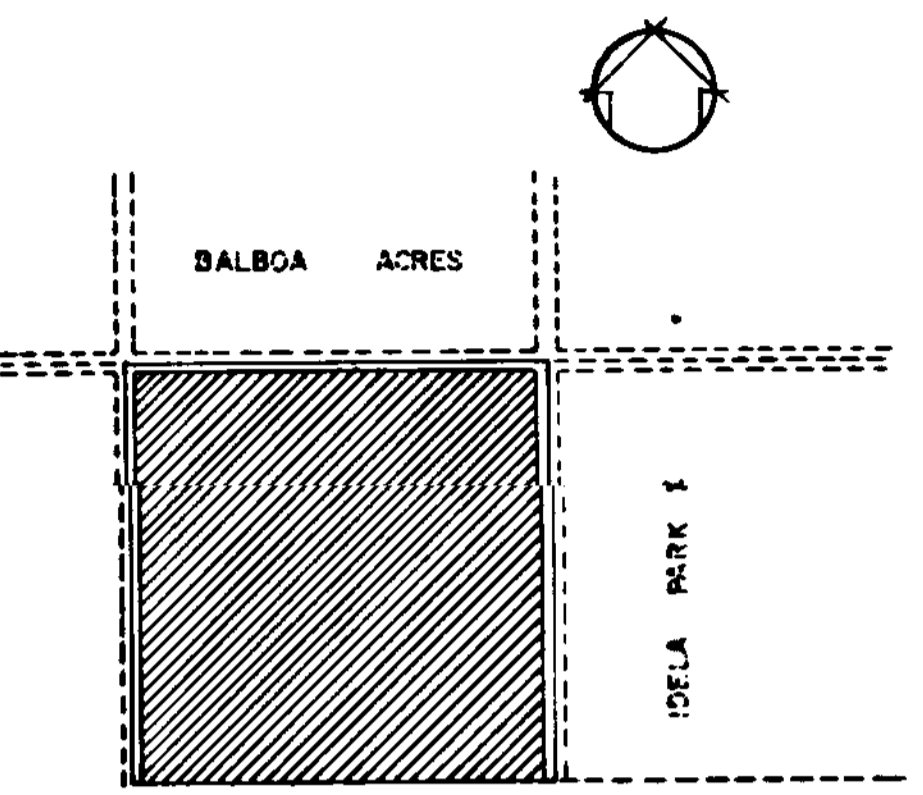
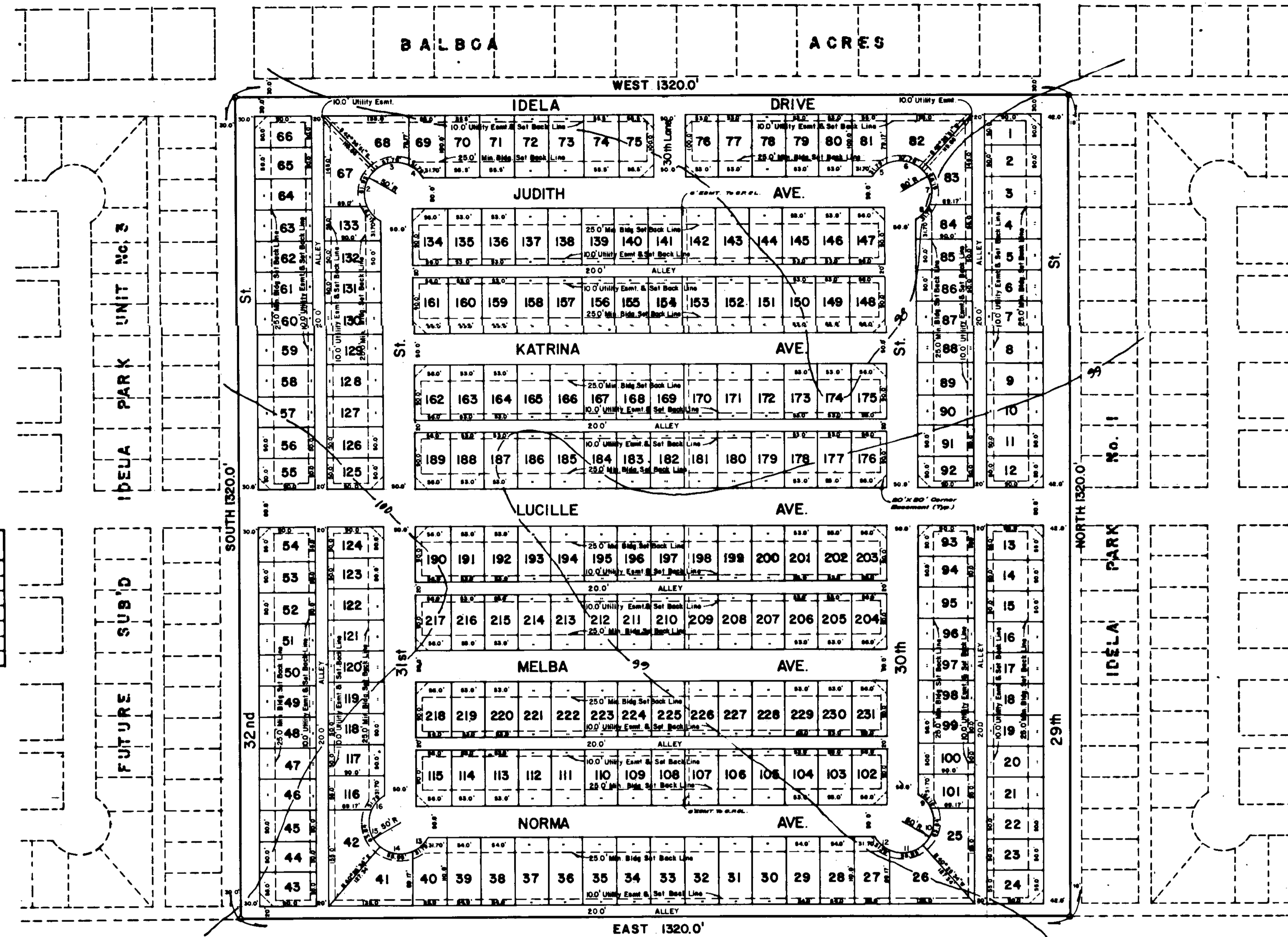
23'11"

DRIVEWAY 15'

SIDEWALK: 4'

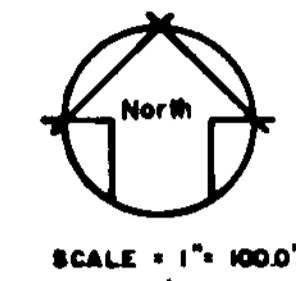
90'
LENGTH

S. 33RD STREET



location map

CURVE NUMBER	BEARING	LENGTH	TANGENT	CHORD	P.C.
1	S 89° 58' 48" W	31.70'	18.46'	31.00'	80'
2	S 70° 00' 00" W	31.00'	30.00'	30.00'	80'
3	S 89° 58' 48" W	31.70'	18.46'	31.00'	80'
4	S 70° 00' 00" W	31.00'	30.00'	30.00'	80'
5	S 89° 58' 48" W	31.70'	18.46'	31.00'	80'
6	S 70° 00' 00" W	31.00'	30.00'	30.00'	80'



24704
IDELA PARK
 (40 Ac.)
 UNIT 2

APPROVED
 FOR RECORDING
 Hidalgo Co. Right of Way Dept.
 By *Verna Walker*
 Date 7-24-78

Recorded in Book 20, Page 129
 of the map records of Hidalgo
 County, Texas
 Charles L. Melton
 County Surveyor

Being A Subdivision Of Lots 3 Of Blk. 3 Rio
 Bravo Plantation Company Subdivision.
 Hidalgo County, Texas

State Of Texas
 County Of Hidalgo

I, The Undersigned, Owner, Of The Land Shown On This Plat, And Designated Herein As The IDELA PARK Subdivision To The City Of McALLEN, TEXAS, And Whose Name Is Subscribed Herein, Herby Dedicate To The Use Of The Public All Streets, Alleys, Parks, Water Courses, Drains, Easements And Public Places Thereon Shown For The Purpose Of Consideration Therein Expressed.

IDELA DEVELOPMENT COMPANY
 (A PARTNERSHIP)
Jim Hood PARTNER
 Owner

State Of Texas
 County Of Hidalgo

Before Me, The Undersigned Authority, On This Day Personally Appeared *Jim Hood* Known To Me To Be The Person Whose Name Is Subscribed To The Forgoing Instrument, And Acknowledge To Me That He Executed The Same For The Purposes And Consideration Therein Stated.
 Given Under My Hand And Seal Of Office This The 19th Day Of May 1978.

W. L. Jones
 Notary Public, County Of Hidalgo

APPROVED FOR RECORDING
 BY
 COMMISSIONER'S COURT
 This the 19th day of July 1978
 SANTOS SALAZAR, County Clerk
 Hidalgo County, Texas
 By: *Shengau* Deputy

I, The Undersigned, Mayor Of The City Of McALLEN, Herby Certify That This Subdivision Plat Conforms To All Requirements Of The Subdivision Regulations Of This City Wherein My Approval Is Required.

FILED FOR RECORD THIS DATE
 At *San Antonio* Tex.
 JUL 25 1978
 SANTIAGO SALAZAR
 County Clerk

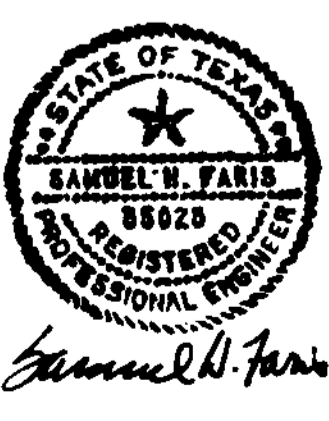
State Of Texas
 County Of Hidalgo

I, The Undersigned, A Registered Professional Engineer In The State Of Texas, Herby Certify That This Plat Is True And Correctly Made Is Prepared From An Actual Survey On The Property Made Under My Supervision On The Ground, And Further Certify Proper Engineering Consideration Has Been Given To This Plat.

I, The Undersigned, Chairman Of Planning And Zoning Commission Of The City Of McALLEN, Herby Certify That This Subdivision Plat Conforms To All Requirements Of The Subdivision Regulations Of This City Wherein My Approval Is Required.
Jim Hood
 Chairman

McALLEN, TEXAS
 IDELA PARK UNIT No. 2
 C. D. E. Community Development Engineering Mission, Texas
 P. O. Box 1385

DATE: 7-10-78
 REVISIONS:
 SCALE: 1" = 100'
 JOB NO.: 78-103
 DRAWN BY: R.M.E.



R.M.



NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2020-0008

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: March 18, 2020

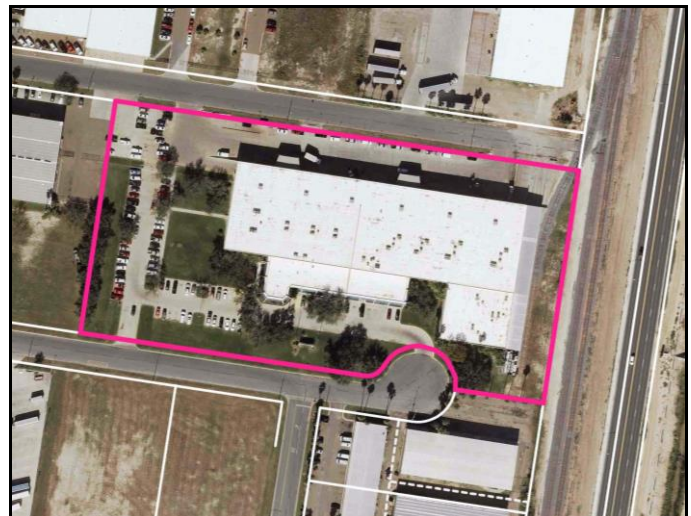
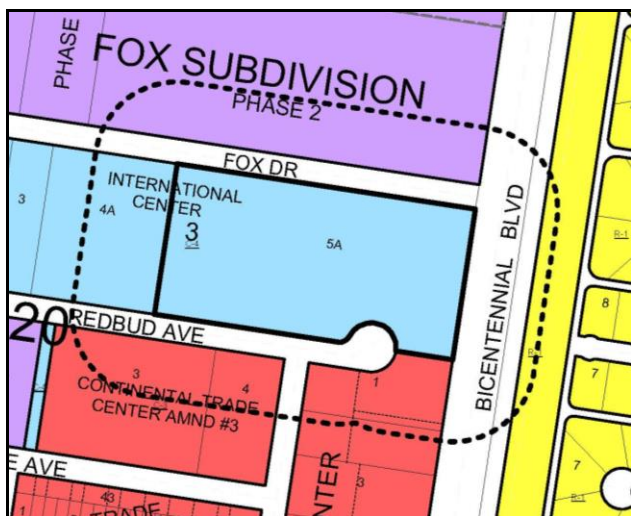
SUBJECT: REQUEST OF JAKE BEASLEY ON BEHALF OF GLAZER’S REAL ESTATE, LLC FOR THE FOLLOWING VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 6.41 FT. INTO THE 20 FT. SETBACK ALONG FOX AVENUE FOR A CANOPY MEASURING 150 FT. BY 55 FT., AT LOT 5A, LOTS 4, 5, 6, AND 7, MAP OF INTERNATIONAL CENTER BLOCK 3 PHASE II SUBDIVISION, HIDALGO COUNTY, TEXAS; 2000 REDBUD AVENUE. (ZBA2020-0010)

REASON FOR APPEAL:

The applicant is requesting a variance to allow an encroachment of 6.41 ft. into the 20 ft. setback along Fox Avenue for a proposed canopy for a dock addition located at the rear of the building along Fox Avenue that will allow for better flow to the distribution center.

PROPERTY LOCATION AND VICINITY:

The property consist of 6.11 acres and is located between Redbud Avenue and Fox Avenue, approximately 1,110 ft. east of North 23rd Street. The property is zoned C-4 (commercial-industrial) District. The surrounding zoning is I-1 (light industrial) District to the north, R-1 (single family residential) District to the east, C-4 to the west and C-3 (general business) District to the south.



BACKGROUND AND HISTORY:

Lots 4, 5, 6, and 7 International Center was recorded on March 4 1992. The applicant submitted for the variance request on February 21, 2020. An application for building permit for the proposed addition and improvements has not been submitted.

ANALYSIS:

The variance request is to allow an encroachment of 6.41 ft. into the 20 ft. setback required along Fox Avenue for a proposed canopy measuring 150 ft. by 55 ft. The proposed canopy will not affect the 10 ft. Utility Easement along the northeast corner of the lot. The proposed loading dock is to create a better flow of loading the merchandise onto the trucks at a faster pace.

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

RECOMMENDATION:

Staff recommends approval of the variance request as indicated on the site plan.

ZBA 2020 - 0010

ZBA
3/18/2020



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>Lot 5A block 3 face 2 of International Center</u>	
	Subdivision Name	<u>International Center</u>	
	Street Address	<u>2600 Redbud Ave, McAllen, TX, 78504</u>	
		Number of lots <u>1 (5A)</u>	Gross acres <u>6.11</u>
	Existing Zoning	<u>C-4</u>	Existing Land Use <u>Beer Distribution Center</u>
	Reason for Appeal (please use other side if necessary)	<u>Variance request to encroach 6.5 feet over current building setback (drawings attached)</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>Jake Beasley</u>	Phone	<u>870-578-7779</u>
	Address	<u>14911 Quorum Dr, Suite 200</u>		
	City	<u>Dallas</u>	State	<u>TX</u>
		Zip	<u>75254</u>	
	E-mail <u>william.beasley@glazersbeer.com</u>			

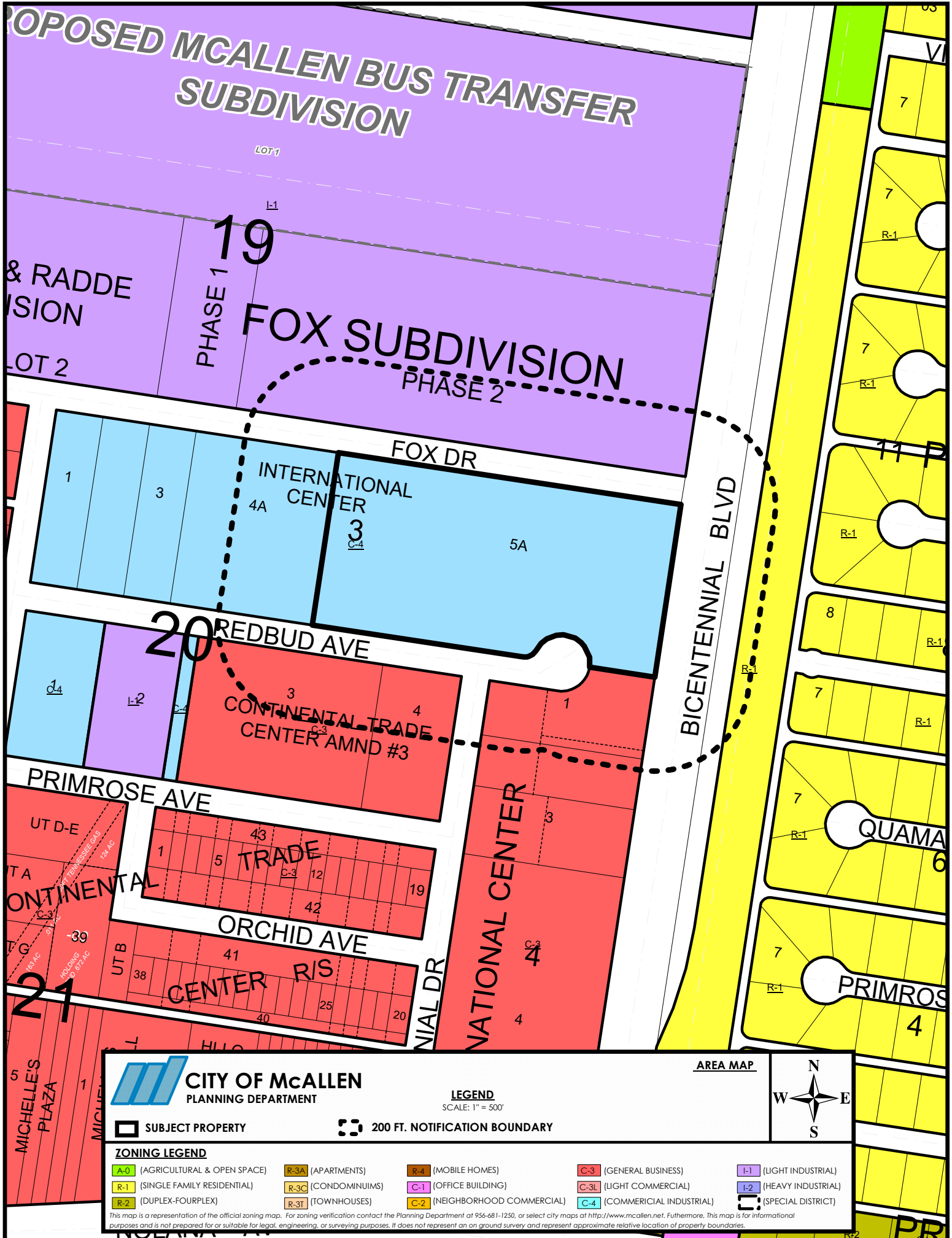
Owner	Name	<u>Glazer Real Estate</u>	Phone	<u>972-392-8110</u>
	Address	<u>14911 Quorum Dr, Suite 200</u>		
	City	<u>Dallas</u>	State	<u>TX</u>
		Zip	<u>75254</u>	
	E-mail <u>angela.lilly@glazersbeer.com</u>			

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?	
	Building Setback	<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>[Signature]</u>
	Date	<u>2-17-2020</u>
	Print Name	<u>Jake Beasley</u>
	<input type="checkbox"/> Owner	<input checked="" type="checkbox"/> Authorized Agent

Office	Accepted by	<u>[Signature]</u>	Payment received by	_____	Date	_____
	Rev 10/18					

RECEIVED
FEB 20 2020

BY: [Signature]



PROPOSED MCALLEN BUS TRANSFER SUBDIVISION

PHASE 1 19 FOX SUBDIVISION PHASE 2

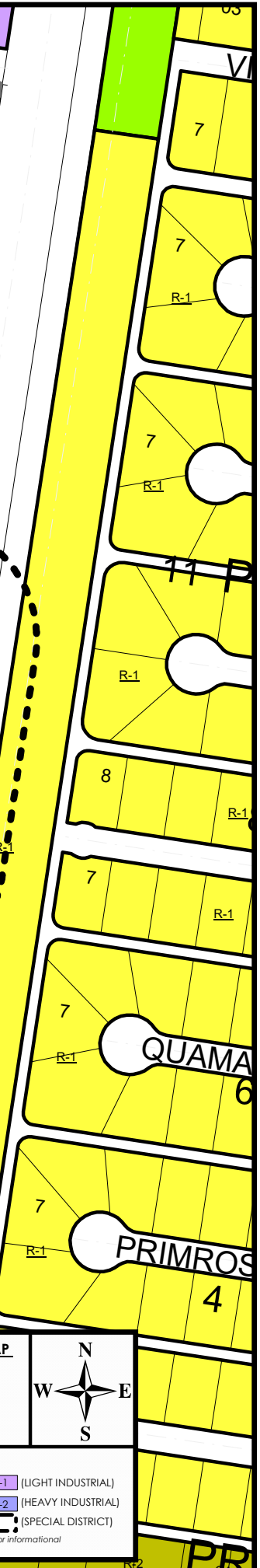
INTERNATIONAL CENTER FOX DR


20 REDBUD AVE

CONTINENTAL TRADE CENTER AMND #3 PRIMROSE AVE

ORCHID AVE NATIONAL CENTER

21 MICHELLE'S PLAZA






CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: 1" = 500'

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 (DUPLIX-FOURPLEX)	R-3I (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.

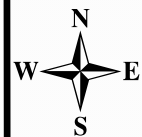


CITY OF McALLEN
PLANNING DEPARTMENT



SUBJECT PROPERTY

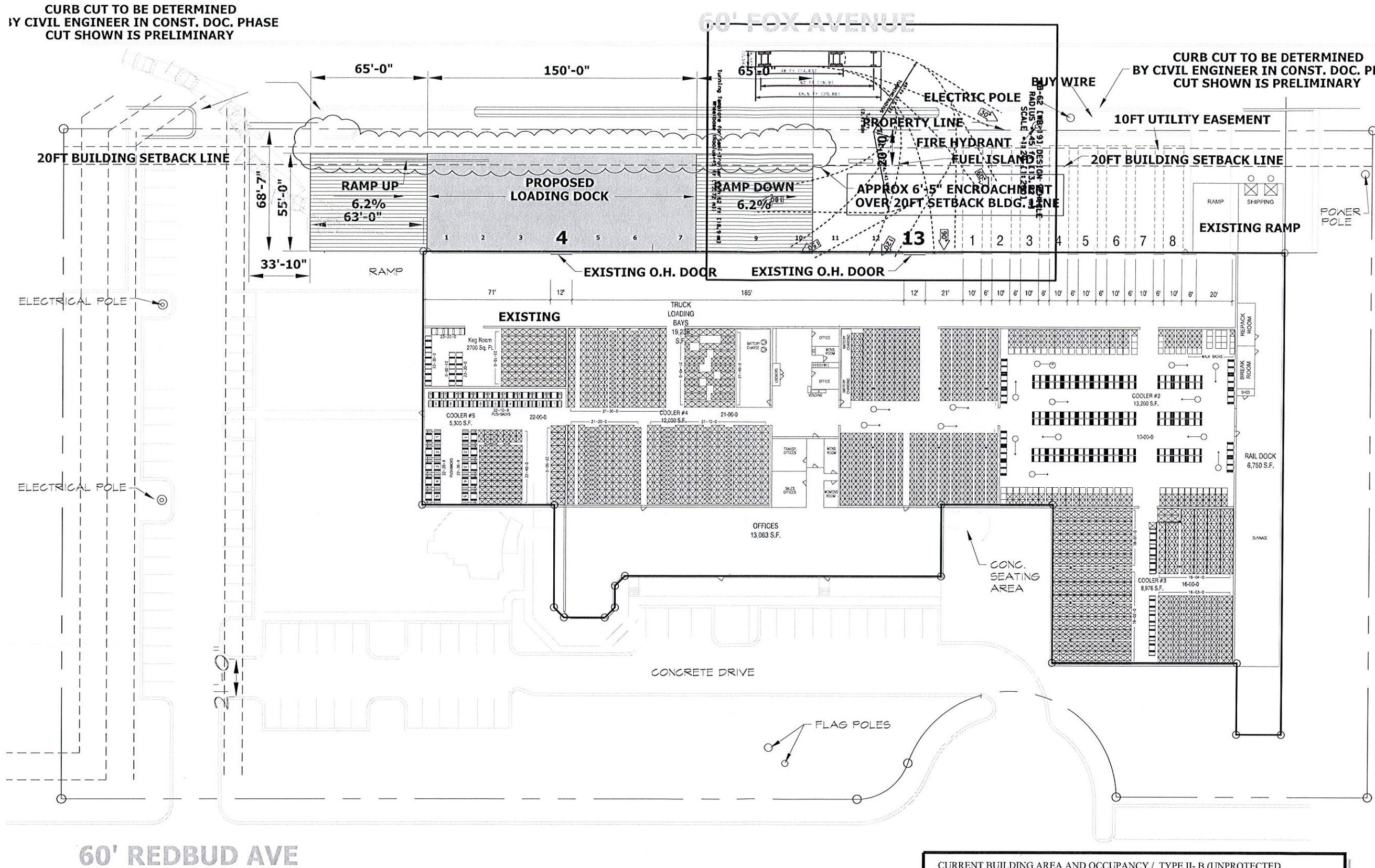
AERIAL MAP
SCALE: N.T.S.



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.

CURB CUT TO BE DETERMINED BY CIVIL ENGINEER IN CONST. DOC. PHASE CUT SHOWN IS PRELIMINARY

CURB CUT TO BE DETERMINED BY CIVIL ENGINEER IN CONST. DOC. PHASE CUT SHOWN IS PRELIMINARY



01 SITE PLAN - CODE ANALYSIS
SCALE 1:20'



CURRENT BUILDING AREA AND OCCUPANCY / TYPE II-B (UNPROTECTED)
 OFFICE / BUSINESS OCCUPANCY: 9,350 SQ. FT / MAX AREA 23,000 SQ. FT
 WAREHOUSE / S2 OCCUPANCY: / MAX AREA 26,000 SQ. FT
 NON SEPARATED USE WITH OPEN YARD ALLOWANCE: = 39,675 SQ. FT (23,000 X 1.725)
 TOTAL CURRENT AREA: 89,185 SQ. FT
 PROPOSED DOCK W/ RAMPS COVERED AREA= 15,400 SQ. FT (55' X 280')
 TOTAL PROPOSED WITH ADDITION: 104,585 SQ. FT

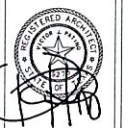
Glazer's Beer & Beverage
Contact: Matt Swilling ph. 972-392-8161

Distribution Center Addition
2000 Redbud Ave, McAllen TX 78504

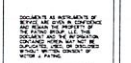


THE PATINO GROUP, LLC

THE PATINO GROUP, LLC
PO BOX 1531
UVALDE, TEXAS 78701
PH: 214-493-2443
victor@thepatingroup.com



02.11.20

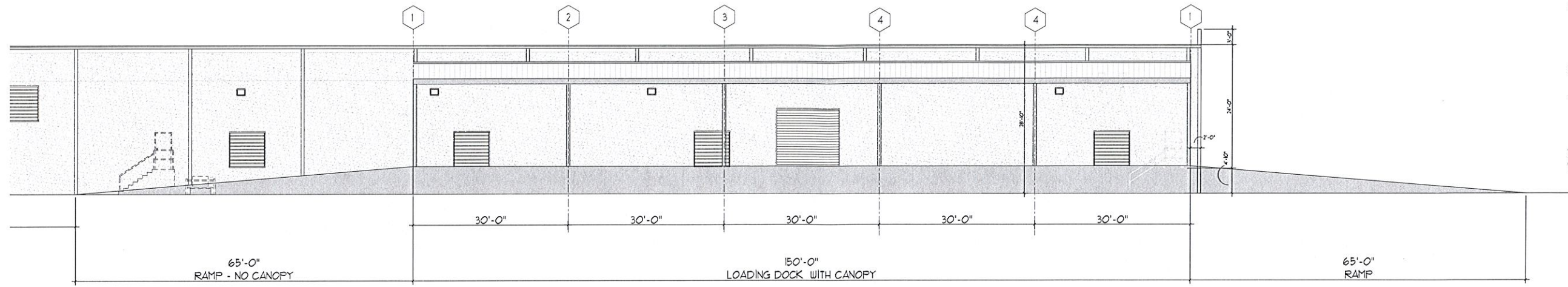


A0.1
SITE PLAN

10-03-19

RECEIVED
FEB 20 2020
BY: CW

02/11/2020



02 PROPOSED ELEVATION
SCALE 1/16"

RECEIVED
FEB 21 2020
BY: *CW*

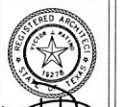
02/11/2020

Glazer's Beer & Beverage
Contact: Matt Swilling ph. 972-392-8161
Distribution Center Addition
2000 Redbud Ave, McAllen TX 78504



THE PATINO GROUP, LLC

THE PATINO GROUP, LLC
PO BOX 1631
UVALDE, TEXAS 79701
PH: 214-493-2443
vic.or@thepatingroup.com



[Signature]
02.11.20

02/11/2020

A0.2
EXISTING / PROPOSED
ELEVATION

FOX SUBDIVISION

NWC LOT 4 BLOCK 3
MAP OF INTERNATIONAL CENTER
PHASE II VOL 19 PG 133

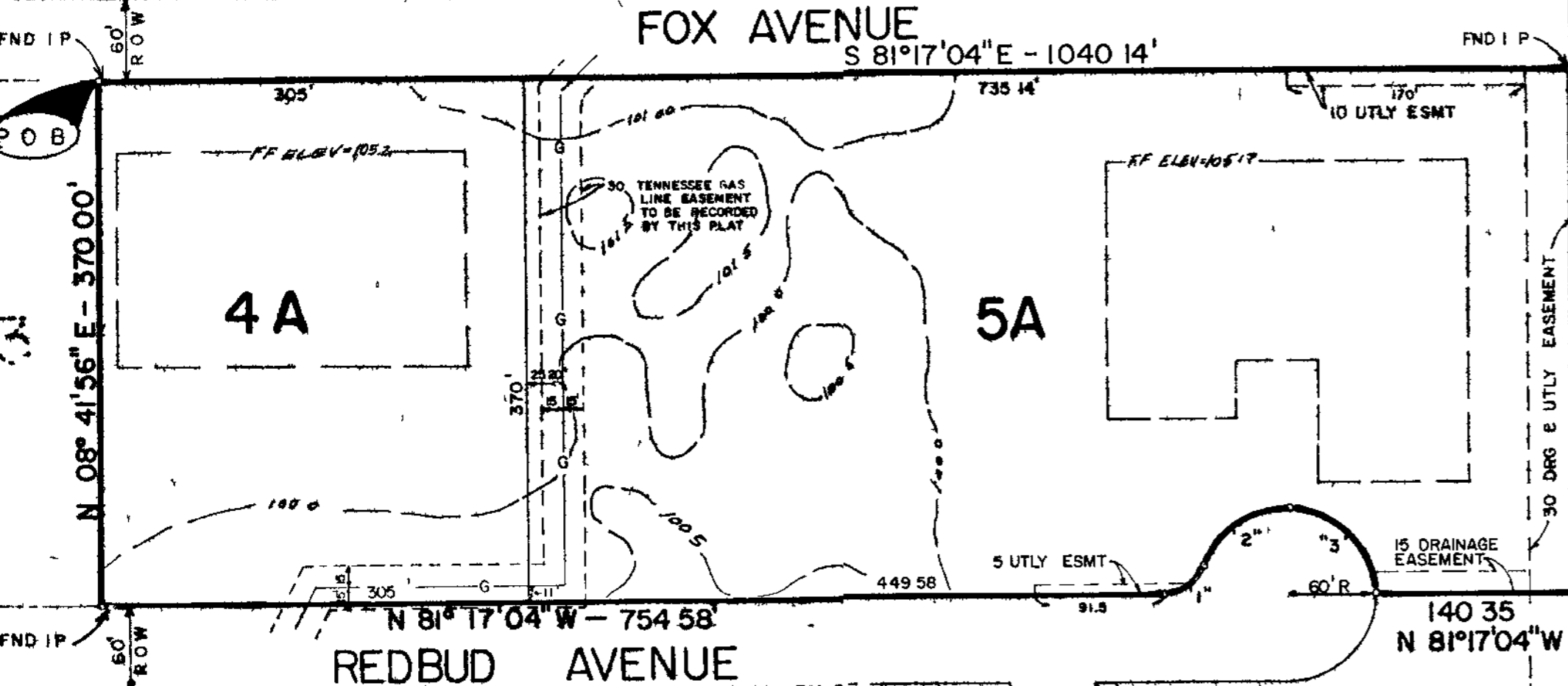
RESUBDIVISION PLAT OF LOTS 4,5,6 and 7 MAP OF INTERNATIONAL CENTER BLOCK 3 PHASE II

9.704 ACRES OF LAND BEING ALL OF LOTS 4,5,6 & 7 OUT OF THE MAP OF
INTERNATIONAL CENTER BLOCKS 3 & 4 PHASE II AS RECORDED IN
VOLUME 19 PAGE 133. MAP RECORDS HIDALGO COUNTY, TEXAS

SCALE 1"=100'



FOX AVENUE
S 81°17'04"E - 1040 14'



REDBUD AVENUE
N 81°17'04"W - 754 58'

SOUTHERN PACIFIC R R Co MAIN TRACKS
S 08°45'13"E - 370 00'

BICENT BLVD
60' R.O.W.

CONTINENTAL TRADE CENTER UNIT NO 3

MAP OF INTERNATIONAL
CENTER BLOCK 4

CURVE DATA			
No	DELTA	RADIUS	TANGENT LENGTH
1	70°30'51"	30 00'	21 21' 36 92'
2	70°34'08"	60 00'	42 46' 73 91'
3	89°57'44"	60 00'	59 96' 94 21'

- GENERAL NOTES**
- 1 MINIMUM FINISHED FLOOR ELEVATION SHALL BE T/C + 18'
 - 2 A 60 00' SET BACK REQUIRED ON REDBUD AVENUE
 - 3 A 20 00' SET BACK REQUIRED ON FOX AVENUE
 - 4 THIS SUBDIVISION IS IN ZONE "B" ON A FLOOD INSURANCE RATE MAP COMMUNITY FANREL No 480343 0005C REVISED NOVEMBER 2, 1982
 - 5 A TOTAL OF 0.79 ACRE FEET OF DETENTION IS REQUIRED FOR THIS SUBDIVISION AN ENGINEERING DETENTION PLAN WILL BE SUBMITTED PRIOR TO BUILDING PERMIT
 - 6 ALL OTHER SETBACKS TO BE IN ACCORDANCE WITH ZONING ORDINANCE

STATE OF TEXAS
COUNTY OF HIDALGO

I (WE) THE UNDERSIGNED OWNER (S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE LOTS 4,5,6 & 7 MAP OF INTERNATIONAL CENTER Bk 3 Phase II TO THE CITY OF McALLEN TEXAS AND WHOSE NAME (S) IS (ARE) SUBSCRIBED HERETO HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS ALLEYS PARKS SEWER LINES WATER COURSES, 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

F. Neal Rannels
OWNER
F NEAL RANNELS
PO BOX 3264
McALLEN, TX 78501

Kenneth Fox
OWNER
KENNETH FOX
2200 FOX AVE
McALLEN TX 78501

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED *F. Neal Rannels & Kenneth Fox* KNOWN TO ME TO BE THE PERSON (S) WHOSE NAME (S) IS (ARE) SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE (THEY) EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED GIVEN UNDER MY HAND AND SEAL OF OFFICE

THIS THE 17th DAY OF November A D 91

Quinn Elaine Trevino
NOTARY PUBLIC TEXAS
EXPIRATION DATE.

APPROVAL BY WATER DISTRICT

THIS PLAT APPROVED BY HIDALGO COUNTY IRRIGATION DISTRICT NO 1
ON THIS THE 31st DAY OF October A D 1991

Walter J. ... PRESIDENT
George J. ... SECRETARY

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

Jo Lyndert
MAYOR, CITY OF McALLEN

THIS SUBDIVISION PLAT OF LOTS 4,5,6 & 7 MAP OF INTERNATIONAL CENTER BLOCK 3 PHASE II HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY OF McALLEN TEXAS AND IS HEREBY APPROVED BY SUCH COMMISSION

DATED THIS 15th DAY OF October A D 1991

... CHAIRMAN

STATE OF TEXAS
COUNTY OF HIDALGO

I THE UNDERSIGNED REGISTERED PROFESSIONAL ENGINEER AND PUBLIC SURVEYOR IN THE STATE OF TEXAS HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND AND FURTHER CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT

REGISTERED PROFESSIONAL ENGINEER # 34928
REGISTERED PROFESSIONAL LAND SURVEYOR # 2448

SWORN TO AND SUBSCRIBED BEFORE ME
THIS THE 7th DAY OF January A D 1992

W. J. ...
NOTARY PUBLIC TEXAS
EXPIRATION DATE 10/10/95

APPROVED FOR RECORDING
BY
COMMISSIONERS COURT
This the 3rd day of March 1992
WILLIAM "BILLY" LEO, County Clerk
Hidalgo County, Texas
By *...* Deputy

METES AND BOUNDS DESCRIPTION

9.704 acres of land being all of Lots 4,5,6,& 7 out of the Map of International Center Block 3 & 4 Phase II as recorded in Volume 19, Page 133, map records Hidalgo County, Texas and being more specifically described by Metes and Bounds as follows

Beginning at the northwest corner of Lot 4, Block 3, Map of International Center Phase II said point also being on the South R O W line of Fox Avenue and the northwest corner of this tract,

THENCE S 81° 17' 04" E, along said south R O W line 1040 14 feet to a point being the northeast corner of this tract and the northeast corner of Lot 7 Block 3 Map of International Center Phase II,

THENCE S 08° 45' 13" W, along east line of said Lot 7, 370 00 feet to a point for the southeast corner of this tract said point also being the southeast corner of said Lot 7,

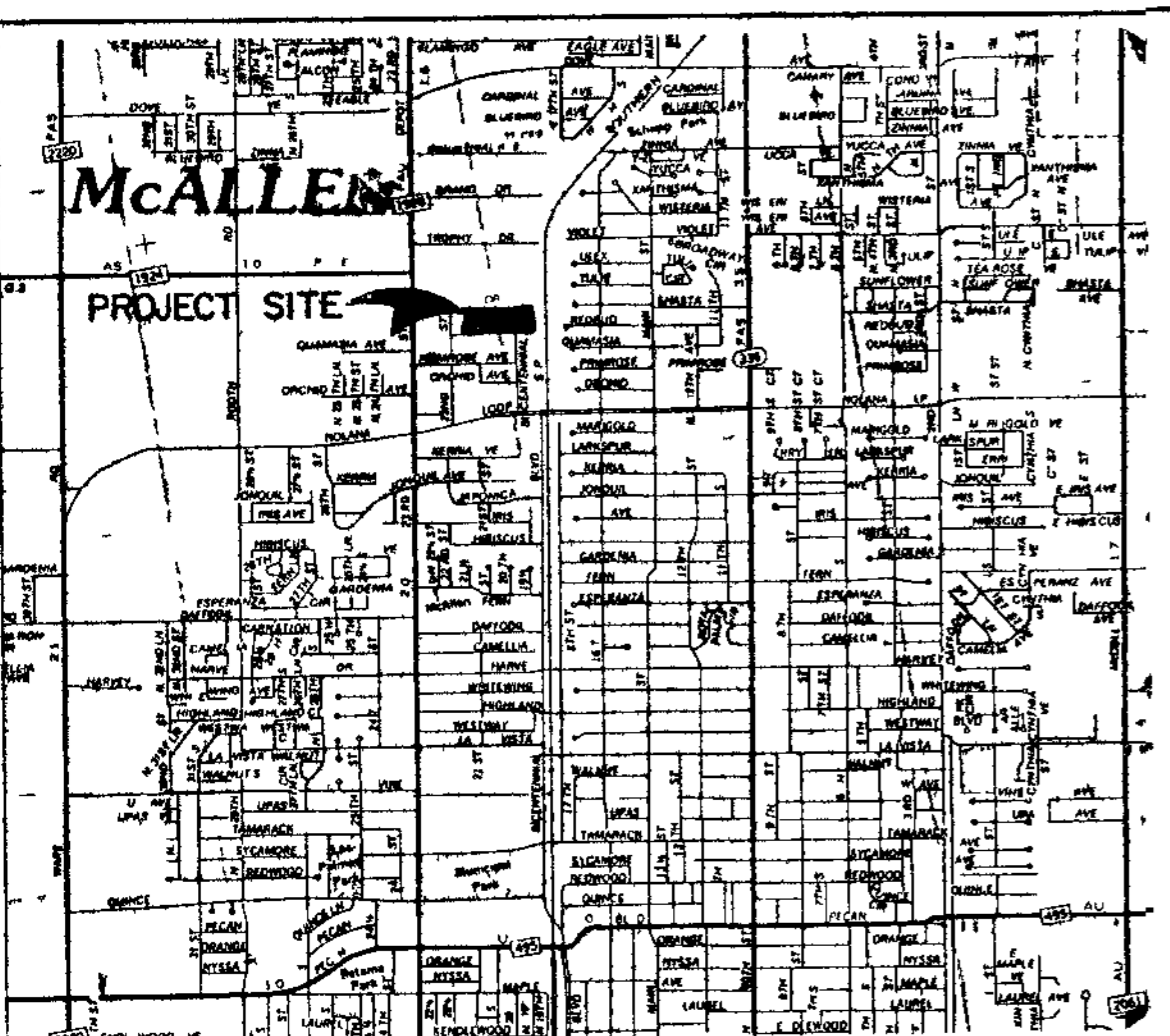
THENCE N 81° 17' 04" W, 140.35 feet to a point for an exterior corner of this tract said corner also being a point of curvature for a curve to the left having a central angle of 160° 31' 52", a radius of 60 00 feet a chord bearing of N 7° 32' 57" W and a chord of 118 28 feet;

THENCE along said curve to the left, 168 11 feet to a point of curvature for a curve to the right having a central angle 70° 30' 51" and a radius of 30 00 feet,

THENCE in a southwesterly direction along said curve to the right 36.92 feet to a point being on the north R.O.W. of Redbud Avenue,

THENCE N 81° 17' 04" W along said R O W 754 58 feet to a point for the southwest corner of this tract,

THENCE N 08° 41' 56" E, along said west line 370 00 feet to the POINT of BEGINNING and containing 9.704 acres of land, more or less



L. L. RODRIGUEZ and ASSOCIATES, INC.
CONSULTING ENGINEERS / PLANNERS / SURVEYORS
702 FIRST CITY BANK McAllen, Texas

DATE OF PREPARATION
8-3-91

Recorded in Book ...
County records of Hidalgo County Texas
Held and Maint. by ...
Survey ...

APPROVED FOR RECORDING
BY
COUNTY CLERK
HIDALGO COUNTY TEXAS
MAR - 4 1992

VOL 19 PG 133



NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2020-0010

Memo

TO: Zoning Board of Adjustment & Appeals

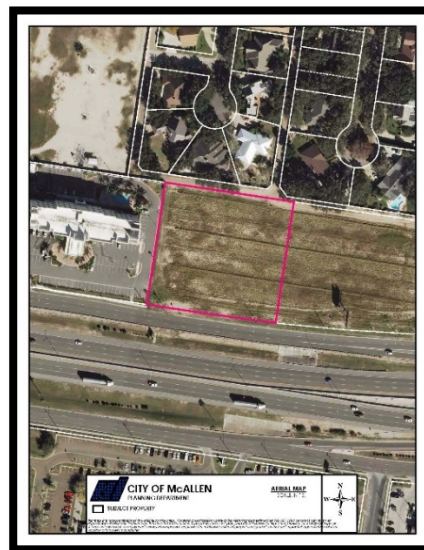
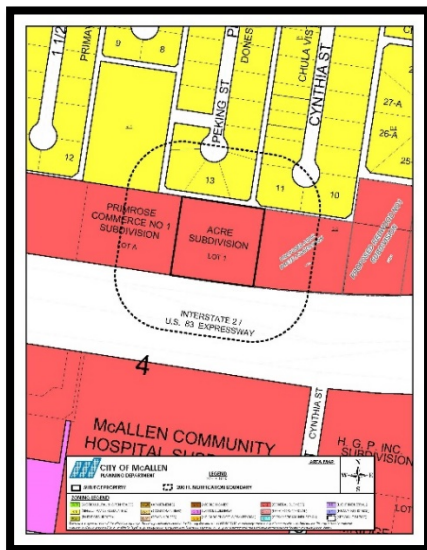
FROM: Planning Staff

DATE: March 26, 2020

SUBJECT: REQUEST OF JAVIER ALDAPE ON BEHALF OF ACRE CONSTRUCTION, LLC TO ALLOW THE FOLLOWING SPECIAL EXCEPTION TO THE CITY OF MCALLEN OFF-STREET PARKING AND LOADING ORDINANCE: TO ALLOW 140 PARKING SPACES INSTEAD OF THE REQUIRED 152 PARKING SPACES, AT LOT 1, ACRE SUBDIVISION, HIDALGO COUNTY, TEXAS, 101 EAST EXPRESSWAY 83. (ZBA2020-0011)

LOCATION: The property is located on the north side of Expressway 83, approximately 790 ft. east of South 2nd Street, and is zoned C-3 (general business) District. Adjacent zoning is zoned R-1 (single family residential) District to the north, and C-3 (general business) to the east, and west. Surrounding land uses are a hotel, single family residential, and vacant land.

PROPOSAL: The applicant is requesting the above referenced special exception to allow 140 parking spaces instead of the required 152 parking spaces. The applicant stated that it is getting difficult to get retail business into commercial spaces and is looking to lease to tenants for office use.



BACKGROUND AND HISTORY: Acre Subdivision consists of one lot and was recorded on September 26, 2018. There is a multi-tenant commercial shopping center by the name of Premier Plaza on the property that was constructed in June of 2018. A building permit for the plaza was issued on December 21, 2018 for 5,800 sq. ft. of restaurant space and 19,176 sq. ft. of retail area, which required 129 spaces

and as per site plan submitted, 143 parking spaces were being provided. The applicant is proposing to accommodate a dental office and a business corporate office in the 4, 250 sq. ft. of available lease space.

ANALYSIS: As per section 138-395, the ordinance states four parking spaces are required for the first 200 square feet of floor area plus one parking space for each additional 200 square feet of floor area are required for office use. The proposed dental office is 2,800 sq. ft. and requires 14 spaces. The proposed corporate business office 1,450 sq. ft. and requires 8 parking spaces. Based on 4,250 sq. ft. of office use, 22 parking spaces are required. The proposed use of a dental office is primarily through appointment. The parking for the business office is primarily for office staff members. Actual parking demand will vary by the type, peak hour, season and success of the business. Parking shortage may impact adjacent available parking areas and may discourage customers to seek other less crowded comparable businesses. The existing and proposed uses of commercial plaza will consist of 7,466.01 sq. ft. of restaurant (75 parking spaces), 12,866.58 sq. ft. of offices (68 parking spaces), and 2,380.89 sq. ft. retail (9 parking spaces). Based on the building square footage, 152 parking spaces are required; and 140 parking spaces are provided on site plan for a deficiency of 12 parking spaces.

A site visit by Planning Staff confirmed 140 parking spaces are being provided; however, they are not in compliance with the required 5 accessible parking spaces. The accessible parking space shown on the site plan is not on the ground; however, there is a parking space in the front of the parking lot area that is being occupied by a donation box. Relocation of the donation box and possibly converting that extra parking space into a loading/unloading aisle will comply with the 5 accessible parking spaces required.

No calls have been received in opposition.

RECOMMENDATION:

Staff recommends disapproval of the special exception request. If the Board chooses to grant the special exception, it should be limited to the foot print of the site/floor plan submitted showing the proposed office use.

ZBA 2020-0011

ZBA
4/1/2020



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)

Mario A. Salinas (956) 537-1311

Project	Legal Description	<u>Acre Subdivision Lot. 1</u>	
	Subdivision Name	<u>Acre Subdivision</u>	
	Street Address	<u>101 E. Expressway 83, McAllen TX 78501</u>	
	Number of lots	<u>1</u>	Gross acres <u>2</u>
	Existing Zoning	<u>C-3</u>	Existing Land Use <u>Commercial Building</u>
	Reason for Appeal (please use other side if necessary)	_____	

- \$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	<u>Acre Constr/Javier Aldape</u>		Phone	<u>(956) 802-4785</u>
	Address	<u>101 E. Expressway 83</u>		E-mail	<u>acre.construction@outlook.com</u>
	City	<u>McAllen</u>	State	<u>TX</u>	Zip <u>78501</u>

Owner	Name	<u>Javier Aldape</u>		Phone	_____
	Address	<u>4508 Tyler Avenue</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 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>[Signature]</u> Date <u>2/21/20</u>
Print Name	<u>Javier Aldape</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent	

Office	Accepted by <u>LC.</u> Payment received by _____	Date _____
	Rev 10/18	RECEIVED FEB 21 2020

Rct# 699118

BY: CW

City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

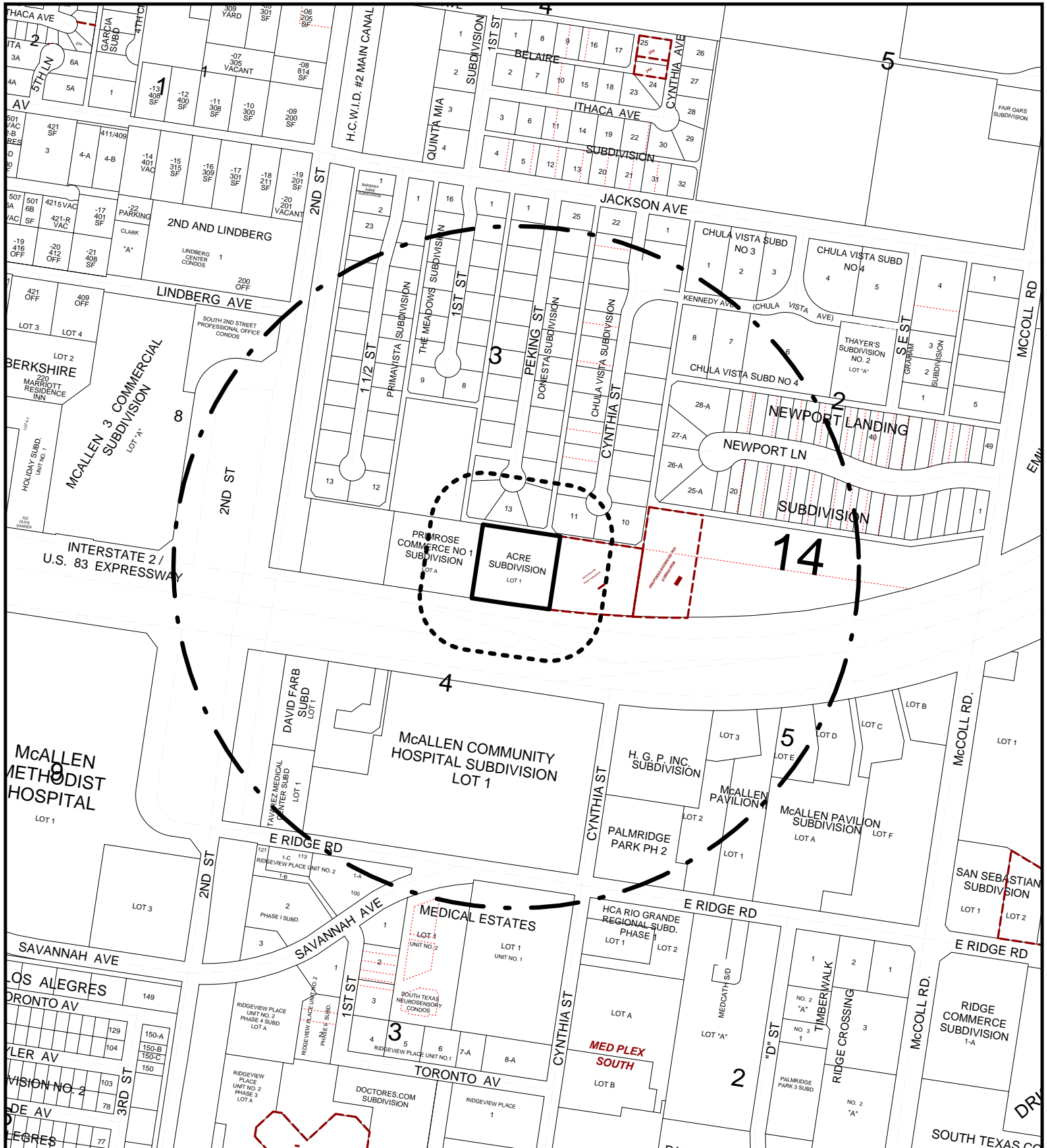
Premier Plaza was completed in June of 2018, but we started promoting it long before that. During this time, we have noticed how online shopping is killing traditional brick and mortar retailers all over the country and world. It's getting harder and harder to get retail business into commercial spaces even at discounted prices. In order to survive these changes, we need to look at new industries such as medical and corporate offices, clinics, and entertainment. For this reason we would like to politely ask for a reduction of 12 parking spaces that is required

Board Action

by the city so that we can accommodate a dentist and a corporate office in the last 4,250 sq. ft. available at the plaza. At the moment, we only have enough parking for retail businesses. We have seen how restaurants and offices coexist perfectly because corporate offices have the highest traffic in the morning when restaurants are closed. Then, the offices close before dinner when restaurants are busier. The same goes for medical offices. They also tend to get busy between 3:00 and 7:00 p.m. which is when the restaurants usually have their lowest traffic.

Chairman, Board of Adjustment
Signature

Date



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

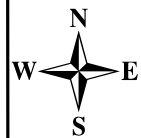
LEGEND

SCALE: 1" = 500'

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

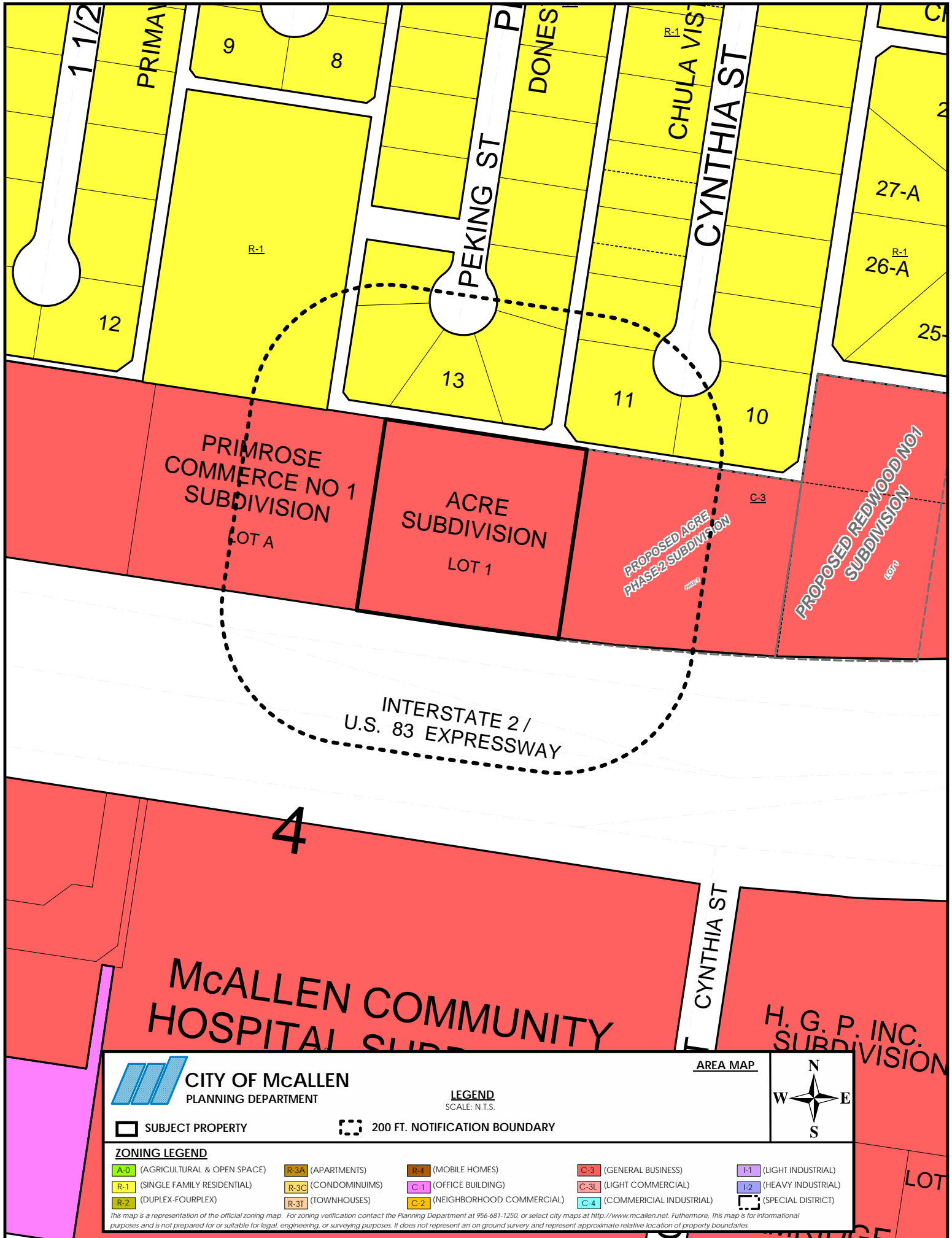
1/4 MILE RADIUS



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.



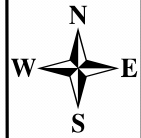
CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

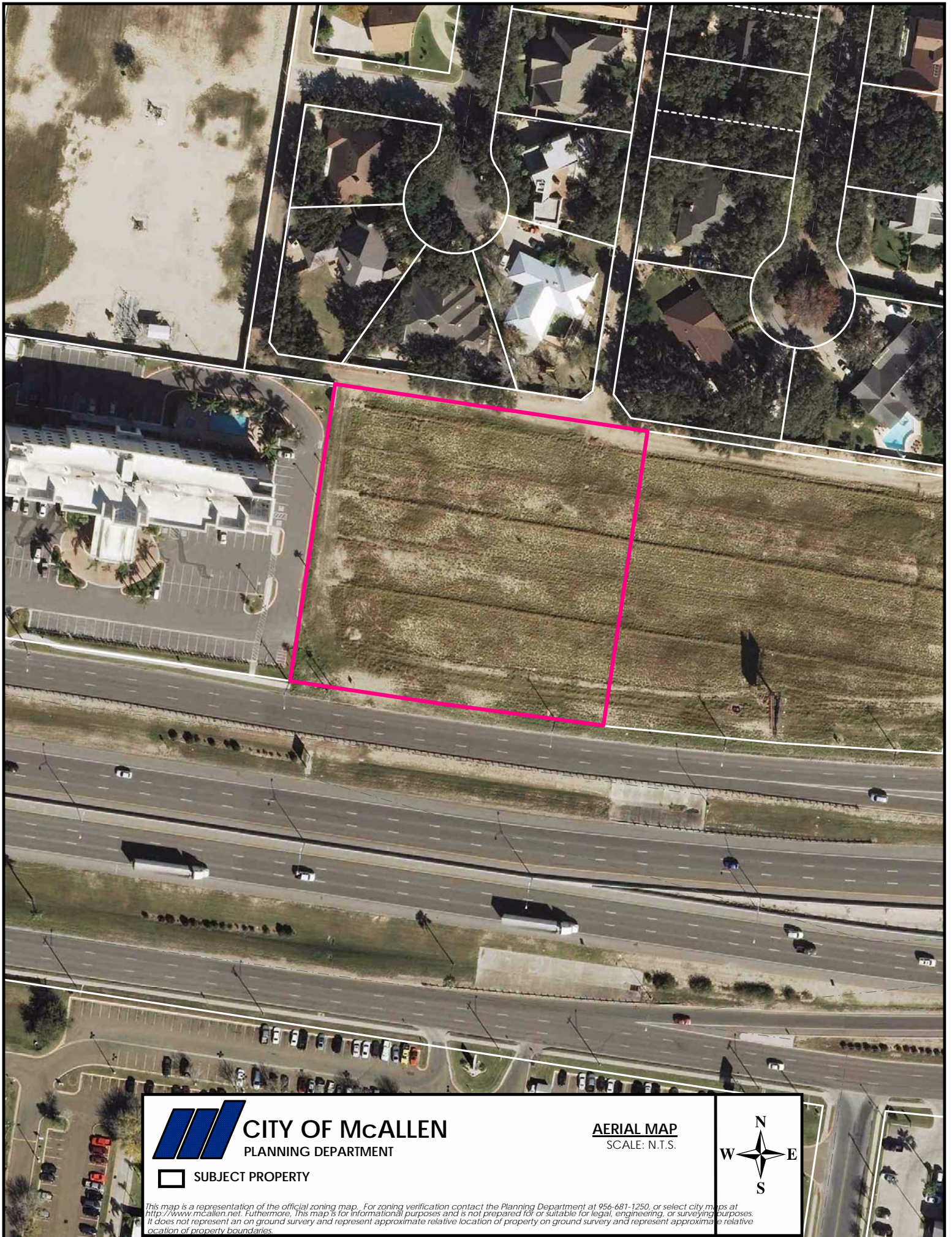
AREA MAP



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 (DUPLIX-FOURPLEX)	R-3I (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.

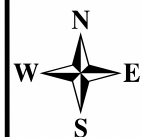


CITY OF McALLEN
PLANNING DEPARTMENT



SUBJECT PROPERTY

AERIAL MAP
SCALE: N.T.S.



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1st. FLOOR

SHECKO'S RESTAURANT #100+110

①	RESTROOMS & HALLWAYS AREA=	397.70 S.F.
②	KITCHEN AREA=	592.84 S.F.
③	SERVICE AREA=	211.24 S.F.
④	DINING AREA=	1,499.56 S.F.
⑤	RECEPTION AREA=	189.64 S.F.
TOTAL AREA=		2,891.00 S.F.

→ 2493.28

FLOWER STUDIO #145

①	DISPLAY AREA=	780.89 S.F.
②	RESTROOM AREA=	113.14 S.F.
③	STORAGE AREA=	147.64 S.F.
④	DISPLAY REFRIGERATED=	62.33 S.F.
TOTAL AREA=		1,104.00 S.F.

→ 780.89

HALLALGUYS RESTAURANT #190

①	PREP. & STORAGE AREA=	514.22 S.F.
②	KITCHEN AREA=	245.72 S.F.
③	RESTROOMS & HALLWAYS AREA=	211.28 S.F.
④	DINING AREA=	472.78 S.F.
TOTAL AREA=		1,444.00 S.F.

→ 1232.72 + 246.72 = 1479.44

OPUS CARE #200

①	RECEPTION AREA=	325.87 S.F.
②	OFFICE AREA=	1,208.48 S.F.
③	RESTROOMS AREA=	76.33 S.F.
④	KITCHEN AREA=	126.32 S.F.
TOTAL AREA=		1,737.00 S.F.

→ 1660.67

SOUTH TEXAS DEVELOPMENT & CONST. #220

①	RECEPTION AREA=	199.29 S.F.
②	OFFICE AREA=	838.90 S.F.
③	RESTROOMS AREA=	52.16 S.F.
④	KITCHEN AREA=	57.65 S.F.
TOTAL AREA=		1,148.00 S.F.

→ 1095.84

DF. JAVIER ALDAPE #260

①	OFFICE AREA=	994.80 S.F.
②	RESTROOM AREA=	75.09 S.F.
③	KITCHEN AREA=	42.48 S.F.
④	RECEPTION AREA=	55.63 S.F.
TOTAL AREA=		1,168.00 S.F.

→ 1092.91

NET LEASABLE AREA

1st. FLOOR		
SUITE 100	RESTAURANT	1,444.00 S.F.
SUITE 110	RESTAURANT	1,447.00 S.F.
SUITE 120	RETAIL office	1,400.00 S.F.
SUITE 130	RETAIL	1,400.00 S.F.
SUITE 140	RETAIL office	1,400.00 S.F.
SUITE 145	RETAIL	1,104.00 S.F.
SUITE 150	RETAIL	800.00 S.F.
SUITE 155	RETAIL office	2,000.00 S.F.
SUITE 160	RETAIL	800.00 S.F.
SUITE 170	RETAIL office	2,000.00 S.F.
SUITE 180	RETAIL office	1,447.00 S.F.
SUITE 190	RESTAURANT	1,444.00 S.F.
TOTAL=		16,686.00 S.F.

2nd. FLOOR

SUITE 200	OFFICES	1,737.00 S.F.
SUITE 220	OFFICES	1,148.00 S.F.
SUITE 240	OFFICES	932.00 S.F.
SUITE 260	OFFICES	1,168.00 S.F.
SUITE 280,290	RESTAURANT	2,870.00 S.F.
TOTAL=		7,855.00 S.F.
TOTAL=		24,541.00 S.F.

SERVICE AREA

1st. FLOOR		
LOBBY STAIR ELEVATOR	872.00 S.F.	
2nd. FLOOR		
LOBBY STAIR ELEVATOR	771.50 S.F.	
TOTAL=		1,643.50 S.F.

BUILDING GROSS AREA

1ST FLOOR GROSS AREA = 16,686.00 S.F.
 2ND FLOOR GROSS AREA = 7,855.00 S.F.
 TOTAL GROSS AREA = 24,541.00 S.F.

RESTAURANT, RETAIL & OFFICES

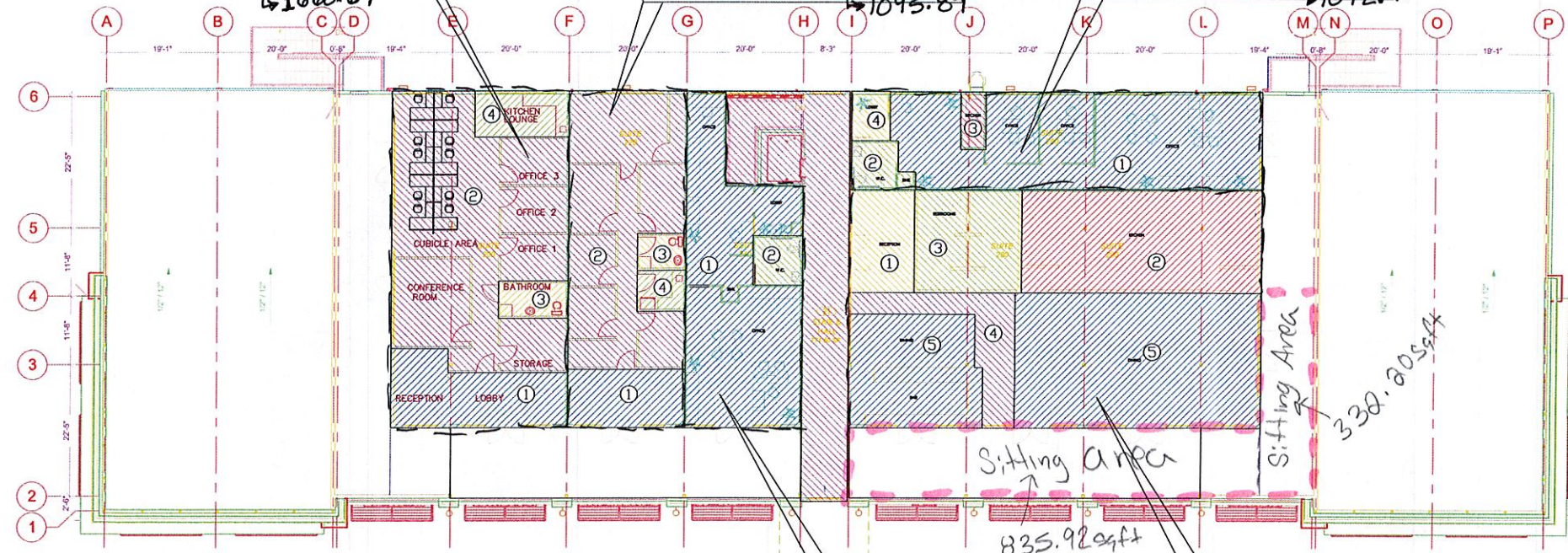
1ST FLOOR RESTAURANT SUITE 100,110,190 (4,335.00 S.F.) = 57.80 PS
 1ST FLOOR RETAIL SUITE 120,130,140,145 (12,351.00 SF) = 30.87 PS
 150,155,160,170,180
 2ND FLOOR RESTAURANT SUITE 280,290 (2,870 S.F.) = 38.26 PS
 2ND FLOOR OFFICES SUITE 200,220,240,260 (4,985.00 SF) = 24.92 PS

TOTAL REQUIRED = 152 PS + 3 PS = 155
 TOTAL PROVIDED = 140 PS

LEGEND

- INLET PROTECTION BARRIER
- HYDROMULCH SEEDING
- STABILIZED CONSTRUCTION EXIT WITH 2" ROCK
- FILTER FABRIC FENCE
- REINFORCED FILTER FABRIC BARRIER
- FOUND 1/2" IRON ROD
- FOUND IRON PIPE
- GAS CONNECTION
- GAS MARKER
- POWER POLE
- SANITARY SEWER MANHOLE
- SERVICE POLE
- SERVICE/LIGHT POLE
- TELEPHONE PEDESTAL (AT&T)
- TRAFFIC SIGN
- WATER METER
- WATER VALVE
- R.O.W. RIGHT OF WAY
- P-B PROPERTY LINE TO BACK OF CURB
- B-B BACK OF CURB TO BACK OF CURB
- H.C.M.R. HIDALGO COUNTY MAP RECORDS
- M.B.S.L. MINIMUM BUILDING SETBACK LINE

2nd.. FLOOR



OPUS CARE #200

①	RECEPTION AREA=	325.87 S.F.
②	OFFICE AREA=	1,208.48 S.F.
③	RESTROOMS AREA=	76.33 S.F.
④	KITCHEN AREA=	126.32 S.F.
TOTAL AREA=		1,737.00 S.F.

→ 1660.67

SOUTH TEXAS DEVELOPMENT & CONST. #220

①	RECEPTION AREA=	199.29 S.F.
②	OFFICE AREA=	838.90 S.F.
③	RESTROOMS AREA=	52.16 S.F.
④	KITCHEN AREA=	57.65 S.F.
TOTAL AREA=		1,148.00 S.F.

→ 1095.84

DF. JAVIER ALDAPE #260

①	OFFICE AREA=	994.80 S.F.
②	RESTROOM AREA=	75.09 S.F.
③	KITCHEN AREA=	42.48 S.F.
④	RECEPTION AREA=	55.63 S.F.
TOTAL AREA=		1,168.00 S.F.

→ 1092.91

DF. MAS ENGINEERING #240

①	OFFICE AREA=	860.20 S.F.
②	RESTROOM AREA=	71.80 S.F.
TOTAL AREA=		932.00 S.F.

→ 860.20

LA UNDO RESTAURANT #280+290

①	RECEPTION AREA=	196.24 S.F.
②	KITCHEN AREA=	723.88 S.F.
③	RESTROOMS AREA=	321.43 S.F.
④	HALLWAYS AREA=	223.41 S.F.
⑤	DINING AREA=	1,405.05 S.F.
TOTAL AREA=		2,870.00 S.F.

→ 2325.17 + 1108.12 (at door sitting) = 3493.29

Restaurant: 3493.29 = 34.93
 office: 4709.62 = 23.54

Rest: 35
 office: 24

Total of 2 levels:
 Rest: 75
 Retail: 6 + 3 → 9
 office: 65 + 3 → 68
 152

Providing: 140
 Required: 152
 variance for 12

MAS ENGINEERING LLC.
 CONSULTING ENGINEERING
 FIRM NO. F-15499

4037 W. EXP. 83, SUITE 150
 MCALLEN, TEXAS, 78501
 PH. (956) 537-1311
 E-MAIL: MSALINAS6973@ATT.NET

ACRE SUBDIVISION
 EXPRESSWAY 83
 MCALLEN, TEXAS 78501
 CLIENT INFORMATION:
 ACRE CONSTRUCTION, LLC

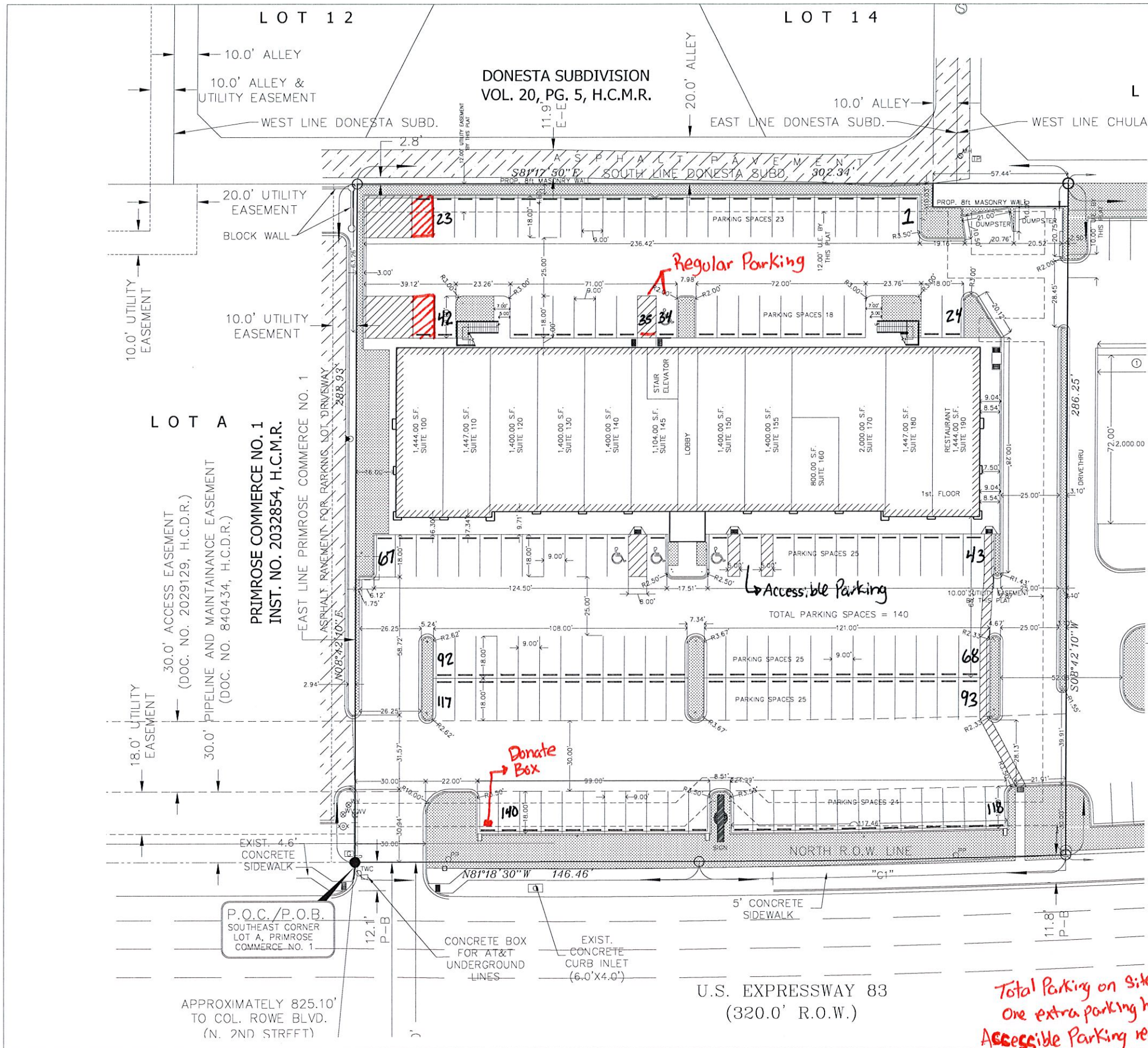
AS-BUILT

SHEET NAME:
SITE PLAN 2nd FLOOR

REVISION:	BY:	APPROVED BY:
1	AV	MAS

DATE PREPARED: 16-5-2018
 FEB 21 2020
 SHEET No. C-1

Site Visit Comments



NET LEASABLE AREA

1st. FLOOR		
SUITE 100	RESTAURANT	1,444.00 S.F.
SUITE 110	RETAIL	1,447.00 S.F.
SUITE 120	RETAIL	1,400.00 S.F.
SUITE 130	RETAIL	1,400.00 S.F.
SUITE 140	RETAIL	1,400.00 S.F.
SUITE 145	RETAIL	1,104.00 S.F.
SUITE 150	RETAIL	1,400.00 S.F.
SUITE 155	RETAIL	1,400.00 S.F.
SUITE 160	RETAIL	800.00 S.F.
SUITE 170	RETAIL	2,000.00 S.F.
SUITE 180	RETAIL	1,447.00 S.F.
SUITE 190	RESTAURANT	1,444.00 S.F.
TOTAL = 16,686.00 S.F.		
2nd. FLOOR		
SUITE 200	OFFICES	1,737.00 S.F.
SUITE 220	OFFICES	1,148.00 S.F.
SUITE 240	OFFICES	932.00 S.F.
SUITE 260	OFFICES	1,168.00 S.F.
SUITE 280,290	RESTAURANT	2,870.00 S.F.
TOTAL = 7,855.00 S.F.		
TOTAL = 24,541.00 S.F.		

SERVICE AREA

1st. FLOOR	
LOBBY	872.00 S.F.
STAIR ELEVATOR	
2nd. FLOOR	
LOBBY	771.50 S.F.
STAIR ELEVATOR	
TOTAL = 1,643.50 S.F.	

BUILDING GROSS AREA

1ST FLOOR GROSS AREA = 16,686.00 S.F.
2ND FLOOR GROSS AREA = 7,855.00 S.F.
TOTAL GROSS AREA = 24,541.00 S.F.

RESTAURANT, RETAIL & OFFICES

1ST FLOOR RESTAURANT SUITE 100,190 (2,888.00 S.F.) = 38.50 PS
 1ST FLOOR RETAIL SUITE 110,120,130,140,145 (13,798.00 SF) = 34.50 PS
 150,155,160,170,180

2ND FLOOR RESTAURANT SUITE 280,290 (2,870 S.F.) = 38.26 PS
 2ND FLOOR OFFICES SUITE 200,220,240,260 (4,985.00 SF) = 24.92 PS

TOTAL REQUIRED = 136.18 PS + 3 PS = 139
 TOTAL PROVIDED = 140 PS

LEGEND

[Symbol]	INLET PROTECTION BARRIER
[Symbol]	HYFOMULCH SEEDING
[Symbol]	STABILIZED CONSTRUCTION EXIT WITH 2" ROCK
[Symbol]	FILTER FABRIC FENCE
[Symbol]	REINFORCED FILTER FABRIC BARRIER
[Symbol]	FOUND 1/2" IRON ROD
[Symbol]	FOUND IRON PIPE
[Symbol]	GAS CONNECTION
[Symbol]	GAS MARKER
[Symbol]	POWER POLE
[Symbol]	SANITARY SEWER MANHOLE
[Symbol]	SERVICE POLE
[Symbol]	SERVICE/LIGHT POLE
[Symbol]	TELEPHONE PEDESTAL (AT&T)
[Symbol]	TRAFFIC SIGN
[Symbol]	WATER METER
[Symbol]	WATER VALVE
[Symbol]	R.O.W. RIGHT OF WAY
[Symbol]	P-B PROPERTY LINE TO BACK OF CURB
[Symbol]	B-B BACK OF CURB TO BACK OF CURB
[Symbol]	H.C.M.R. HIDALGO COUNTY MAP RECORDS
[Symbol]	M.B.S.L. MINIMUM BUILDING SETBACK LINE



PROJECT NAME:	ACRE SUBDIVISION
ADDRESS:	EXPRESSWAY 83 McALLEN, TEXAS 78501
CLIENT INFORMATION:	ACRE CONSTRUCTION, LLC

MAS ENGINEERING LLC.
 CONSULTING ENGINEERING
 FIRM NO. F-15499

PH. (956) 537-1311
 E-MAIL: MSALINAS6973@ATT.NET

4037 W. EXP.83, SUITE 150
 McALLEN, TEXAS. 78501

THIS IS THE PROPERTY OF THE PROFESSIONAL ENGINEER WHOSE SEAL APPEARS ON THIS DRAWING AND IT IS UNLAWFUL TO REUSE THIS DRAWING ON ANY OTHER PROJECT, OR TO COPY, TRACE OR IN ANY OTHER WAY REPRODUCE ANY OR ALL PARTS OF THIS DRAWING WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.

AS-BUILT

SHEET NAME: **SITE PLAN**

REVISION:	BY:	APPROVED BY:
1	AV	MAS

DATE PREPARED: 16-5-2018

PROJECT No:	SHEET No:
	C-1

Total Parking on site: 140
 One extra parking has Donate Box
 Accessible Parking required: 5
 Accessible Parking on site: 4

APPROXIMATELY 825.10'
 TO COL. ROWE BLVD.
 (N. 2ND STRFT)



PREMIER
PLAZA

SOUTH TEXAS
ARIES-HORSES

ALL CREATURES
FAMILY VET HOSPITAL

Flower Studio

LAUNO

EASY SOLUTIONS

VALLEY MED
URGENT CARE

NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2020-0011

MEMO

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: March 25, 2020

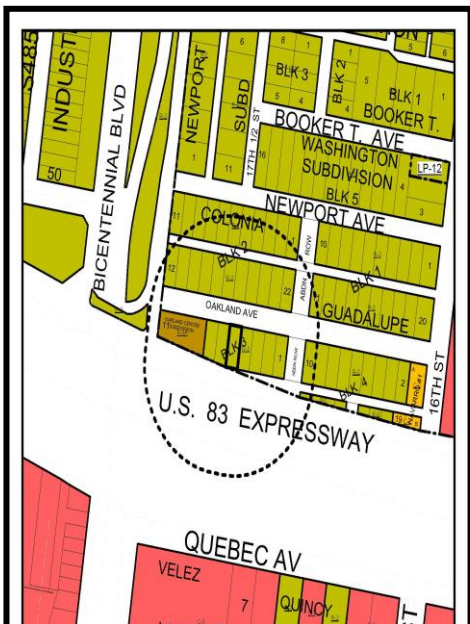
SUBJECT: REQUEST OF SOFIA GARZA FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 16.5 FT. INTO THE 20 FT. FRONT YARD SETBACK FOR AN EXISTING SINGLE FAMILY RESIDENCE WITH A PORCH, AT LOT 5, BLOCK 3, AMENDED MAP OF COLONIA GUADALUPE SUBDIVISION, HIDALGO COUNTY, TEXAS; 1709 OAKLAND AVENUE. (ZBA2020-0012)

REASON FOR APPEAL:

The applicant is requesting a variance to allow an encroachment of 16.5 ft. into the 20 ft. front yard setback for an existing wooden porch measuring 5 ft. by 22ft. The applicant stated that the basis for the request is that she wants to provide shade for her 81-year-old grandmother and they were unaware of the need to obtain a building permit or the need to observe setbacks. The Hidalgo County Appraisal District shows that a canopy was built in 2017. A contractor performed the work and the applicant was unaware that a building permit had not been obtained for the work.

PROPERTY LOCATION AND VICINITY:

The property is located along the south side of Oakland Avenue. The lot has 30 ft. of frontage along Oakland Avenue with a depth of 80 ft. for a lot size of 2,400 square feet. The property is zoned R-2 (duplex-fourplex residential) District. Adjacent zonings is R-2 District to the north, east, and west. R-3A (multifamily residential) District at the north east corner of Bicentennial and U.S. Expressway 83. Surrounding land uses include single-family homes and an apartment complex.



BACKGROUND AND HISTORY:

Amended Map of Colonia Guadalupe Subdivision was recorded on July 28, 1944. The plat does not indicate plat notes. The subdivision was recorded prior to 1979 and the applicable setbacks were subject to the 1945 Zoning Ordinance. Building Inspection Department records show that staff issued a stop work order on July 2018. A building permit application was submitted on July 2018 to build a wooden porch. A variance request was submitted on March 04, 2020.

ANALYSIS:

The variance request is for an existing wooden porch measuring 5 ft. by 22 ft. that is encroaching into the 20 ft. front yard setback. There is no utility and irrigation easement shown on the plat. The applicant is requesting an encroachment of 16.5 ft. in the 20 ft. front yard setback for the wooden porch.

Measurements shown on the site plan are without the benefit of a survey.

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

RECOMMENDATION:

Staff recommends the request be tabled in order to allow the applicant time to submit a revised site plan.

ZBOA
4-1-20

City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE

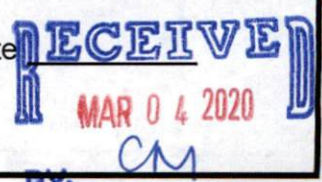
311 North 15th Street
McAllen, TX 78501
P. O. Box 220
McAllen, TX 78505-0220
(956) 681-1250
(956) 681-1279 (fax)

Project	Legal Description	<u>Col. Guadalupe lot 5 block k 3</u>	
	Subdivision Name	<u>Col. Guadalupe</u>	
	Street Address	<u>1709 OAKLAND AVE</u>	
	Number of lots	<u>1</u>	Gross acres _____
	Existing Zoning	<u>R2</u>	Existing Land Use <u>Residencia</u>
Reason for Appeal (please use other side if necessary) _____ <u>La razón que pasó un señor y le ofrecio a hacerlo</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			

Applicant	Name	<u>SOFIA GARZA</u>	Phone	<u>956 (616-3440)</u>
	Address	<u>1709 OAKLAND AVE</u>	E-mail	<u>limit W. A</u>
	City	<u>McAllen</u>	State	<u>TX</u> Zip <u>78501</u>

Owner	Name	<u>S A M E</u>	Phone	_____
	Address	_____	E-mail	_____
	City	_____	State	_____ Zip _____

Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?	
	<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>SOFIA GARZA</u> Date <u>03-04-20</u>
Print Name	<u>SOFIA GARZA</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					



City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

mi mama que tiene 81 años hacer el porche y mi mamá no sabía que se tenía que sacar un permiso y como ella le gusta estar afuera para tener sombra y no sabía que tenía que dejar 20 pies de la línea propiedad enfrente en donde está el porche y por eso dejó el espacio de 3.5 pies

Board Action

Chairman, Board of Adjustment
Signature

Date

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

APPLICATION MUST BE COMPLETE

(Please type or print in black or blue ink)

102586
 PERMIT APPLICATION REFERENCE NUMBER RES2018-04491

APPLICANT

NAME SOFIA GARTA PHONE 956-616-3440
 ADDRESS 1709 OAKLAND
 CITY McAllen STATE TX ZIP 78501
 CONTACT NAME: _____ PHONE _____
 OWNER CONTRACTOR TENANT OTHER

OWNER

NAME SOFIA GARTA PHONE 956 616 3440
 ADDRESS 1709 OAKLAND *EMAIL: _____
 CITY McAllen REQ'D _____
 STATE TX ZIP 78501

*OWNER INFORMATION NOT PROVIDED, INITIAL:

NEW ADDITION REMODELING REPAIR MOVE REMOVE _____ BLDG. HGT. _____ NO. OF FLOORS _____

BLDG SQ. FT. 115 NO. PARKING SPACES _____ SQ. FT. LOT _____ LOT FRONT _____ FLOOR EL ABOVE CURB _____
 EXISTING USE OF LOT _____ NEW USE _____ IMPROVEMENT VALUE \$ 400⁰⁰ 1.00 *

SCOPE OF WORK TO BE DONE Front Carport

PROJECT

FOR RESIDENTIAL USE ONLY NO. OF UNITS _____ NO BDRMS _____ NO BATHRMS _____ SQ. FT. NON-LIVING _____ SQ. FT. LIVING _____

- | | | | |
|--|---|--|--|
| FOUNDATION
<input type="checkbox"/> CONCRETE SLAB
<input type="checkbox"/> CONCRETE PIER
<input type="checkbox"/> CONCRETE BLOCK
<input type="checkbox"/> CONCRETE BEAM
<input type="checkbox"/> WOOD POSTS
<input type="checkbox"/> _____ | EXT WALL
<input type="checkbox"/> MASONRY VENEER
<input type="checkbox"/> MASONRY SOLID
<input type="checkbox"/> METAL SIDING
<input type="checkbox"/> COMPOSITION
<input type="checkbox"/> WOOD
<input type="checkbox"/> _____ | ROOF
<input type="checkbox"/> WOOD SHINGLE
<input type="checkbox"/> COMPOSITION
<input type="checkbox"/> METAL
<input type="checkbox"/> BUILD UP
<input type="checkbox"/> _____ | SPECIAL CONDITIONS
<input type="checkbox"/> FIRE SPRINKLER SYSTEM
<input type="checkbox"/> FIRE ALARM SYSTEM
<input type="checkbox"/> TYPE OF CONSTRUCTION _____
<input type="checkbox"/> ASBESTOS SURVEY
<input type="checkbox"/> EABPRJAV#: _____
<input type="checkbox"/> CONDEMNED STRUCTURE |
|--|---|--|--|

LOT _____ BLOCK _____ SUBDIVISION _____
 SITE ADDRESS ST. NO. 1709 ST. NAME Oakland

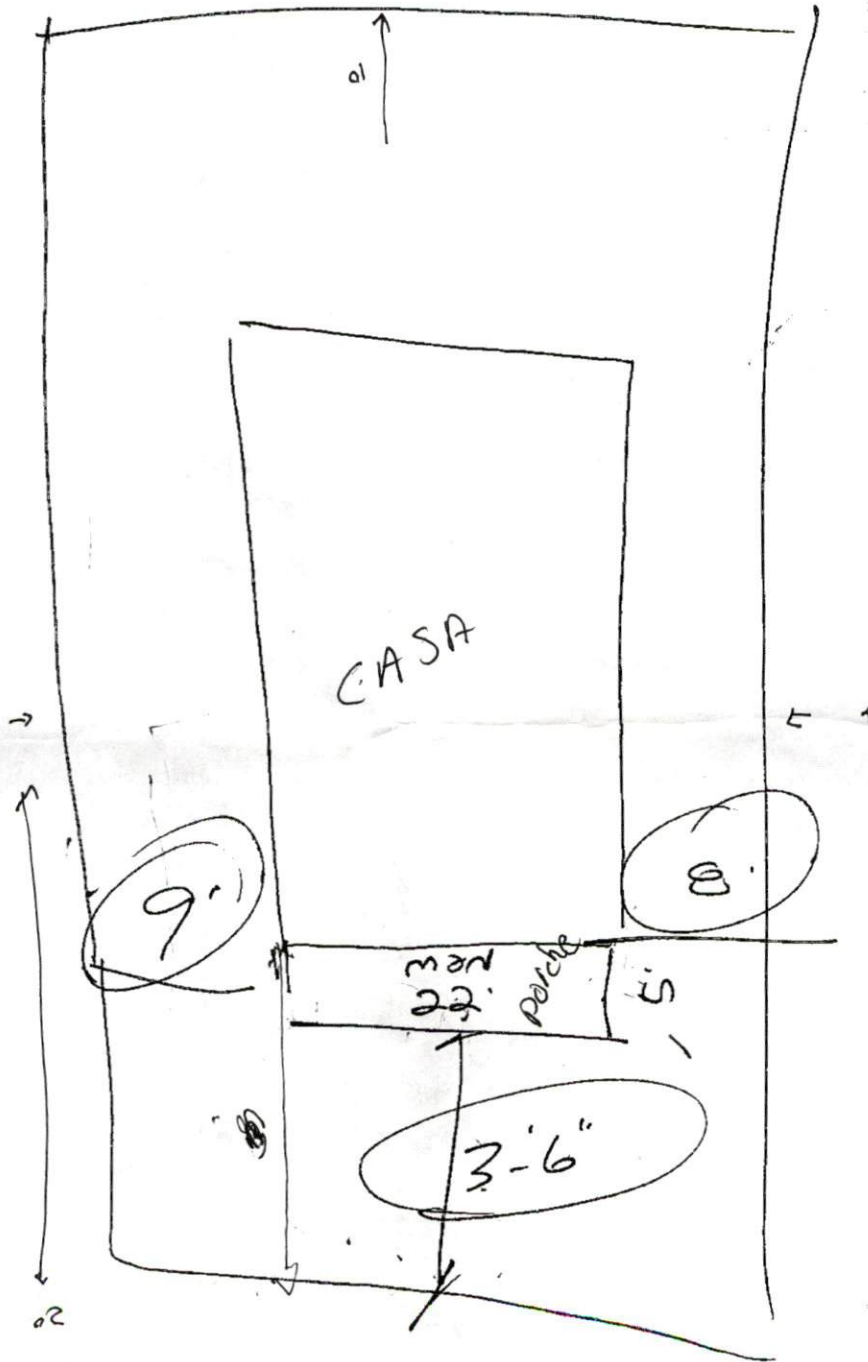
CITY USE ONLY

ZONING _____ PERMIT FEE \$ 48⁰⁰ DOUBLE FEE \$ 0 REC'D BY [Signature]
 PERMIT REVIEW FEE \$ _____ DATE 7-18-18
 PARK DEV. TOTAL PERMIT FEE \$ 9⁰⁰ TIME _____
 ZONE # _____ PARK DEVELOPMENT FEE \$ _____

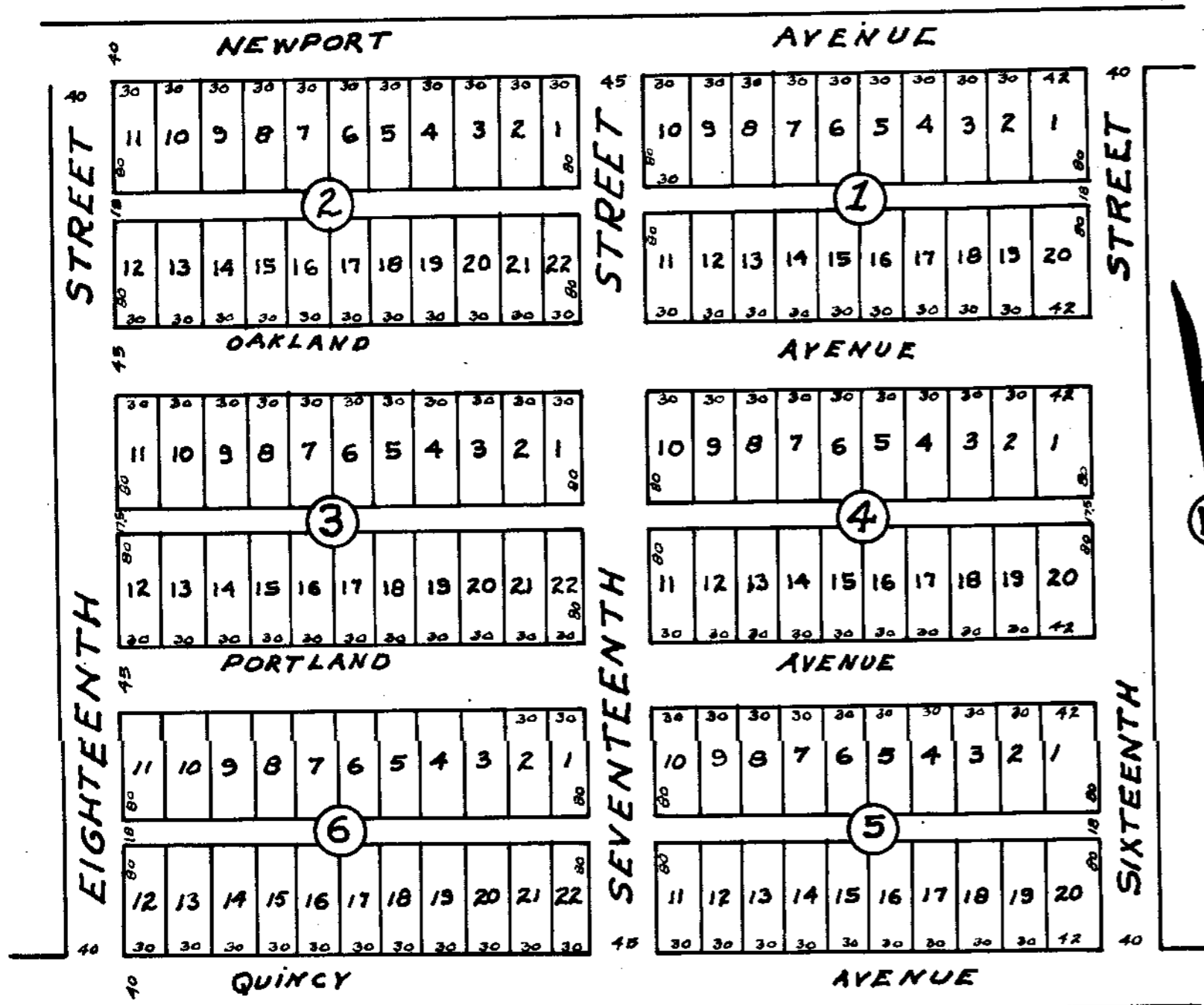
The foregoing is a true and correct description of the improvement proposed by the undersigned applicant and the applicant states that he will have full authority over construction of same. The building permit shall not be held to permit or be an approval of the violation or modification of any provisions 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.

SOFIA GARTA PRINT (AUTHORIZED AGENT/OWNER) SIGNATURE 07-16-18 DATE
 EMAIL ADDRESS (required) _____

X Sofia Garza
07-17-18



DAKLAND AVENUE
SOFIA GARZA
03-04-20



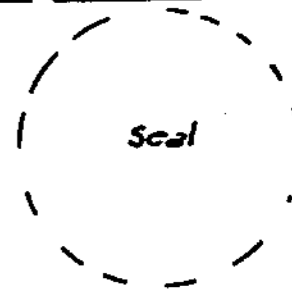
AMENDED
MAP
 OF
COLONIA GUADALUPE
 BEING A SUBDIVISION
 OF
 LOT 13 N.W. 1/4 SECTION 7
 HIDALGO CANAL COMPANY'S SUBDIVISION
 OF
 - PORCIONES 64-65 & 66 -
 HIDALGO COUNTY TEXAS
 Scale 1"=100ft

I, E. M. Card, a Surveyor do hereby Certify that the foregoing Map of Colonia Guadalupe Being a Subdivision of Lot 13 N.W. 1/4 Section 7 Hidalgo Canal Company's Subdivision of Porciones 64, 65 & 66 Hidalgo County, Texas is a true and Correct Plat of said lands as Surveyed and Subdivided by me this 28th day of February 1944

E. M. Card
 SURVEYOR.

Subscribed and Sworn to before me this 29th day of March, 1944

C. D. Martin
 C. D. MARTIN
 Notary Public in and for Hidalgo County, Texas



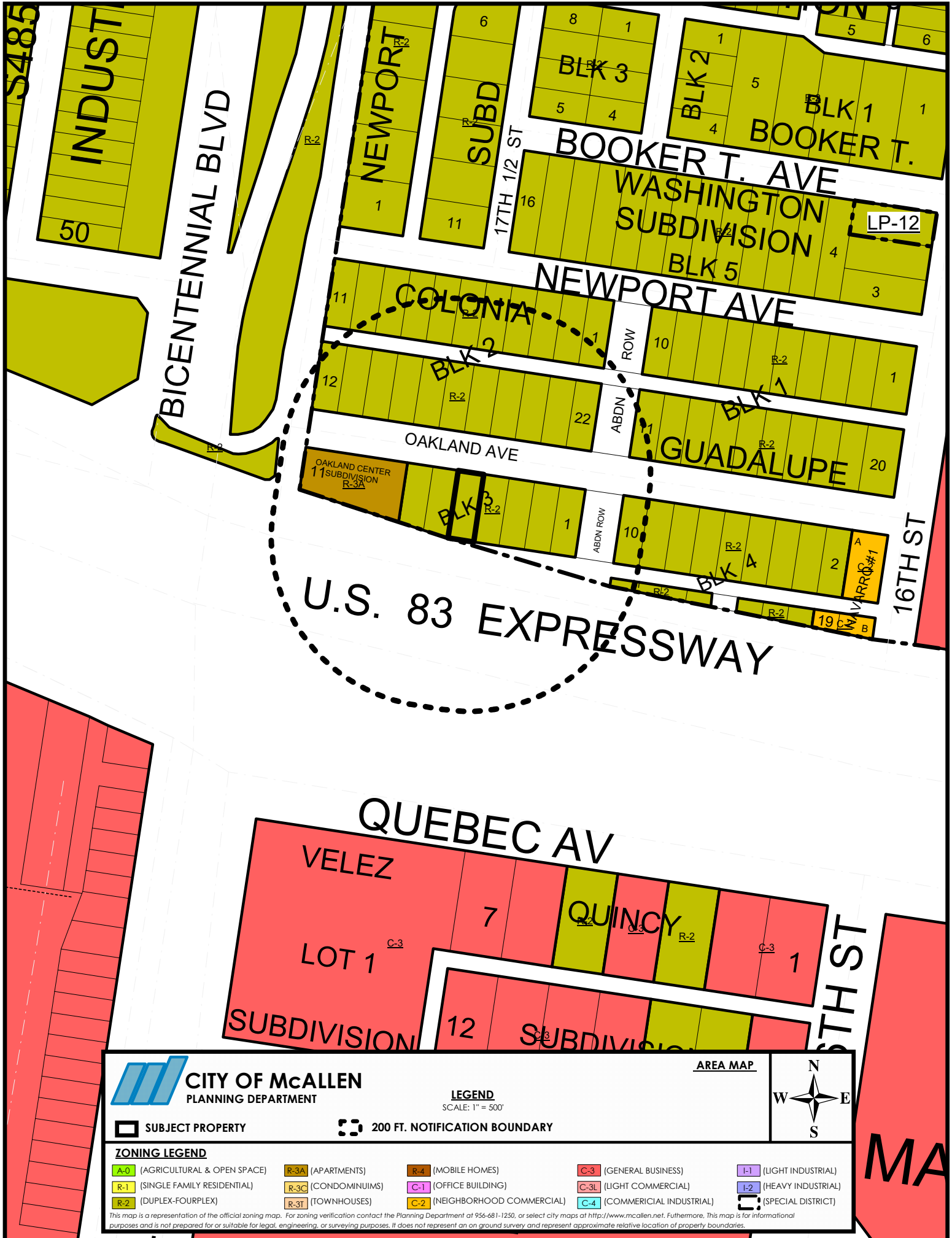
We, the undersigned Mayor & City Secretary, respectively of the City of McAllen Texas, do hereby Certify that at a meeting of the Board of Commissioners of Mc Allen, Texas, held on the 5th day of April, 1944, the above and foregoing map, or Plat, of Colonia Guadalupe an addition to and within the City of McAllen, was duly approved by the Commissioners of said City and ordained that same may be recorded in the Map Records of Hidalgo County Texas

Witness our hands and Seal of City this 5th day of April 1944

Man Drosal
 City Secretary

Lorace Etchison
 Mayor

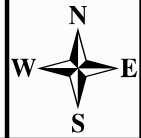
Filed July 28, 1944 at 11:00 A.M



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

LEGEND
SCALE: 1" = 500'



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-3I (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.

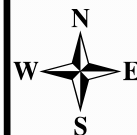


CITY OF McALLEN
PLANNING DEPARTMENT

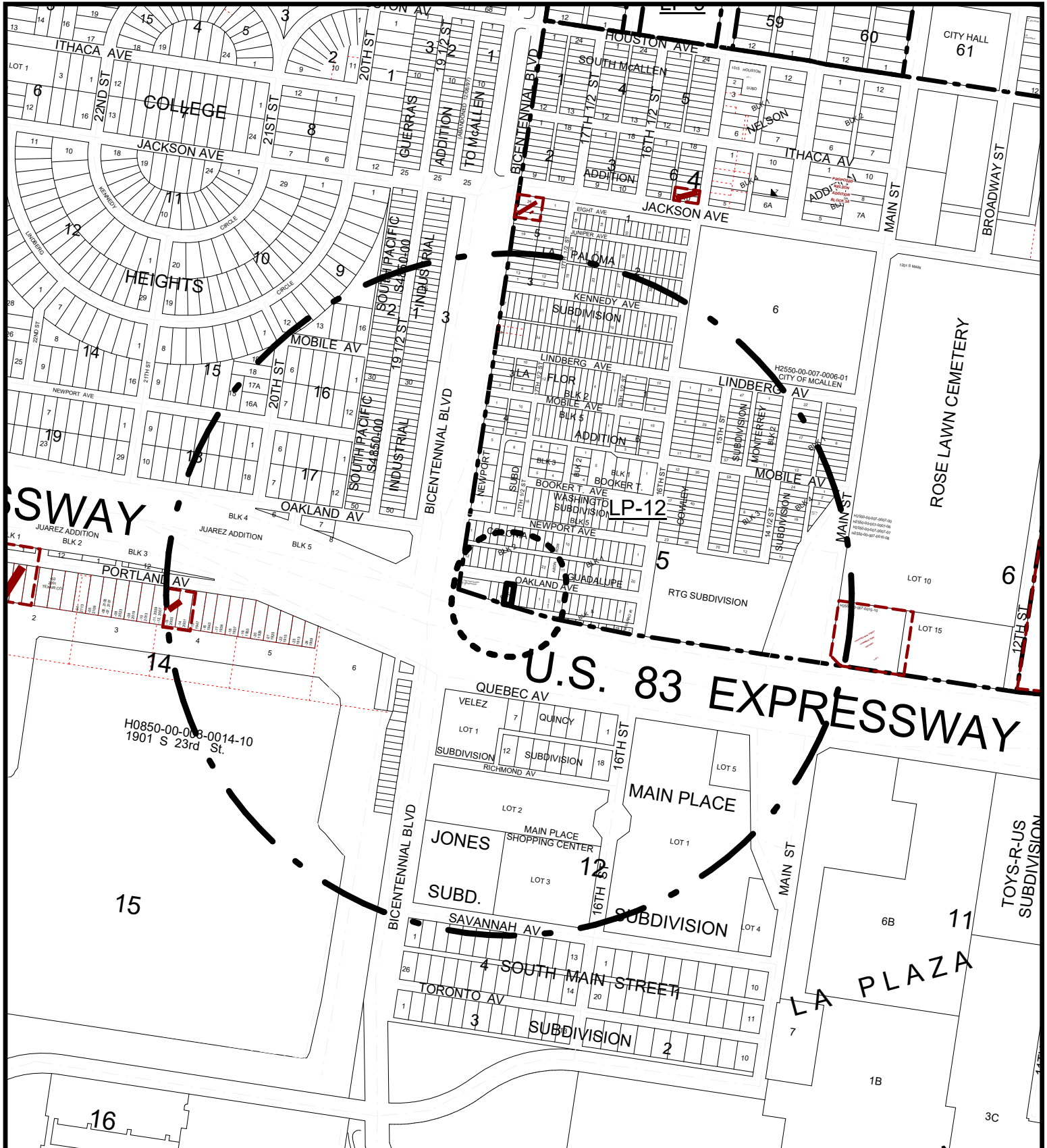



SUBJECT PROPERTY

AERIAL MAP
SCALE: N.T.S.



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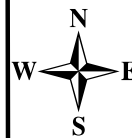






CITY OF McALLEN
PLANNING DEPARTMENT


LEGEND
SCALE: 1" = 500'

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 (DUPLIX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	SD (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.



NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2020-0012

1709

Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: March 26, 2020

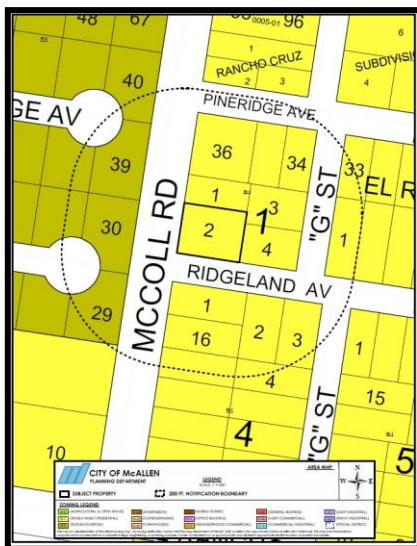
SUBJECT: REQUEST OF JUAN A. RUIZ ON BEHALF OF SAN JUANITA RUIZ FOR THE FOLLOWING SPECIAL EXCEPTION AND VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE 1) TO ALLOW AN ENCROACHMENT OF 7.5 FT. INTO THE 10 FT. REAR YARD SETBACK FOR AN EXISTING CARPORT MEASURING 17 FT. BY 31 FT., 2) TO ALLOW AN ENCROACHMENT OF 5 FT. INTO THE 10 FT. REAR YARD SETBACK FOR AN EXISTING STORAGE BUILDING MEASURING 10 FT. BY 12 FT., AND 3) TO ALLOW AN ENCROACHMENT OF 3 FT. INTO THE 6 FT. NORTH SIDE YARD SETBACK FOR AN EXISTING STORAGE BUILDING MEASURING 10 FT. BY 12 FT., AT LOT 2, BLOCK 1, EL RANCHO SANTA CRUZ SUBDIVISION PHASE IV, HIDALGO COUNTY, TEXAS; 3113 SOUTH MCCOLL ROAD. (ZBA2019-0060)

REASON FOR APPEAL:

The applicant is requesting a special exception to allow an encroachment into 10 ft. rear yard setback for an existing metal carport. The applicant stated that the basis for the request is that he wants to protect his vehicles. The applicant also request variances for encroachments into the rear yard and side yard setbacks for a storage building.

PROPERTY LOCATION AND VICINITY:

The property is located at the northeast corner of South McColl Road and Ridgeland Avenue. The lot has 88.60 ft. of frontage on South McColl Road with a depth of 110.00 ft. for a lot size of 9,746 square feet. The property is zoned R-1 (single family residential) District. Surrounding land uses are single family residential and duplex-fourplex.



1



BACKGROUND AND HISTORY:

El Rancho Santa Cruz Subdivision Phase IV was recorded on December 17, 1984. A general note on the subdivision plat indicates a side yard setback of 6 ft., and rear yard setback of 10 ft. Building Inspection Department records show that a stop work order was issued by staff on July 30, 2019 for the construction of the metal carport without a building permit. Subsequently, an application for a building permit for a carport was submitted on July 31, 2019. The application for the special exception and variance request was submitted on October 28, 2019.

A variance request to allow a side yard setback of 0 ft. instead of the required 6 ft. for an existing carport/storage structure for Lot 1, 3109 South McColl Road was approved on January 21, 2009.

ANALYSIS:

Variance #1: The special exception is for a metal carport measuring 17 ft. by 31 ft. that is encroaching into the 10 ft. rear yard setback. A 5 ft. utility easement runs concurrently with the 10 ft. rear yard setback. The applicant is requesting an encroachment of 7.5 ft. into the rear yard setback however; the site plan submitted shows a distance of 4 ft. from the carport to the rear property line. Based on the encroachment amount, the carport encroaches into the 5 ft. utility easement.

Variance #2: The variance request is for a wooden storage building measuring 10 ft. by 12 ft. that is encroaching into the 10 ft. rear yard setback. A 5 ft. utility easement runs concurrently with the 10 ft. rear yard setback. The applicant is requesting a 5 ft. encroachment into the 10 ft. rear yard setback however; the site plan submitted shows a distance of 4 ft. from the storage building to the rear property line. Storage buildings that are 200 square feet or less in size do not require a building permit, but must respect the zoning district setbacks in which they are located.

Variance #3: The variance request is for a wooden storage building measuring 10 ft. by 12 ft. that is encroaching 3 ft. into the 6 ft. side yard setback along the north property line. There are no utility easements within the side yard setback that impact the existing storage building encroachment. Storage buildings that are 200 square feet or less in size do not require a building permit, but must respect the zoning district setbacks in which they are located.

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

RECOMMENDATION:

Staff recommends the requests remain tabled.

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING OF JANUARY 15, 2020:

At the Zoning Board of Adjustment and Appeals meeting of January 15, 2020 the Board unanimously voted to table the variance and special exception requests in order to allow the applicant time for clarification of the abandonment process. There were five members present and voting.

ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING OF FEBRUARY 05, 2020:

At the Zoning Board of Adjustment and Appeals meeting of February 05, 2020 the Board unanimously voted to table the variance and special exception requests in order to allow the applicant time for clarification of the abandonment process. There were six members present and voting.

ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING OF MARCH 04, 2020:

At the Zoning Board of Adjustments and Appeals meeting of March 04, 2020 no one appeared in opposition to the variance request. Staff recommended the item to remain tabled. After no discussion, the Board voted to table the variance request with six members present and voting.

Subsequent to the Zoning Board of Adjustment and Appeals meeting of March 04, 2020, the applicant submitted the application to request abandonment of the 5ft. utility easement at the rear of Lot 2. Staff is pending written responses from various entities to the abandonment request.

ZBA 2019-0060

ZBDA
12/4/19



City of McAllen

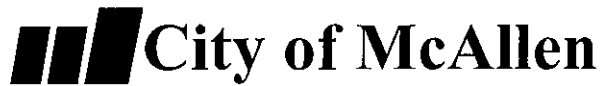
Planning Department

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>El Rancho Santa Cruz PH4 Lot 2 BIK 1</u>
	Subdivision Name <u>El Rancho Santa Cruz</u>
Applicant	Street Address <u>3113 S. McColl Rd - McAllen, TX 78503</u>
	Number of lots <u>1</u> Gross acres <u>0.2034</u>
	Existing Zoning <u>R-1</u> Existing Land Use <u>Single Family Home</u>
	Reason for Appeal (please use other side if necessary) _____
	<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
Owner	Name <u>Juan A. Ruiz</u> Phone <u>(956) 212-8689</u>
	Address <u>3113 S. McColl Rd.</u> E-mail <u>jar4778@yahoo.com</u>
	City <u>McAllen</u> State <u>Tx.</u> Zip <u>78503</u>
Authorization	Name <u>San Juanita Ruiz</u> Phone <u>(956) 225-6481</u> Address <u>3113 S. McColl Rd.</u> E-mail <u>sjruiz270@hotmail.com</u> City <u>McAllen</u> State <u>Tx.</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>[Signature]</u> Date <u>10-25-19</u> Print Name <u>Juan A. Ruiz</u> <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Authorized Agent
Office	Accepted by <u>[Signature]</u> Payment received by _____ Date _____
	Rev 10/18 <div style="text-align: right;"> BY: <u>CW</u> </div>



City of McAllen Planning Department

REASON FOR APPEAL & BOARD ACTION

10-29-2019

5:17pm

J.R.

Carport Property

Wanting 5' Encroachment into
the 10' rear Setback

+

3' Encroachment into the 6' Side

Setback.

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date


October 28, 2019

TO WHOM IT MAY CONCERN:

I San Juanita Ruiz do hereby give Juan A. Ruiz authorization to speak and make decisions on my behalf.

If you have any questions or concerns I can be reached at (956) 678-7199 or (956) 225-6481.

Sincerely,



A handwritten signature in cursive script, appearing to read "J. Ruiz", is written over a horizontal line.

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 RES 2019-04947

06103436 APPLICANT

NAME Juan Ruiz PHONE 956-212-8689
 ADDRESS 3113 S. McCOY RD
 CITY McALLEN TX STATE TX ZIP 78503
 CONTACT NAME: _____ PHONE _____
 OWNER CONTRACTOR TENANT OTHER _____

OWNER

NAME San Juanita Ruiz PHONE 956 225 6481
 ADDRESS 3113 S. McCOY RD *EMAIL: _____
 CITY McALLEN STATE TX ZIP 78503
 *OWNER INFORMATION NOT PROVIDED, INITIAL: _____

NEW ADDITION REMODELING REPAIR MOVE REMOVE BLDG. HGT. _____ NO. OF FLOORS _____
 BLDG SQ. FT. 595 NO. PARKING SPACES _____ SQ. FT. LOT _____ LOT FRONT _____ FLOOR EL ABOVE CURB _____
 EXISTING USE House NEW USE House IMPROVEMENT VALUE \$ 2,700.00
 SCOPE OF WORK TO BE DONE Add car port

PROJECT

FOR RESIDENTIAL USE ONLY NO. OF UNITS _____ NO BDRMS _____ NO BATHRMS _____ SQ. FT. NON-LIVING _____ SQ. FT. LIVING _____

FOUNDATION <input type="checkbox"/> CONCRETE SLAB <input type="checkbox"/> CONCRETE PIER <input type="checkbox"/> CONCRETE BLOCK <input type="checkbox"/> CONCRETE BEAM <input type="checkbox"/> WOOD POSTS <input type="checkbox"/> _____	EXT WALL <input type="checkbox"/> MASONRY VENEER <input type="checkbox"/> MASONRY SOLID <input type="checkbox"/> METAL SIDING <input type="checkbox"/> COMPOSITION <input type="checkbox"/> WOOD <input type="checkbox"/> _____	ROOF <input type="checkbox"/> WOOD SHINGLE <input type="checkbox"/> COMPOSITION <input checked="" type="checkbox"/> METAL <input type="checkbox"/> BUILD UP <input type="checkbox"/> _____	SPECIAL CONDITIONS <input type="checkbox"/> FIRE SPRINKLER SYSTEM <input type="checkbox"/> FIRE ALARM SYSTEM <input type="checkbox"/> TYPE OF CONSTRUCTION _____ <input type="checkbox"/> ASBESTOS SURVEY <input type="checkbox"/> EABPRJAB#: _____ <input type="checkbox"/> CONDEMNED STRUCTURE
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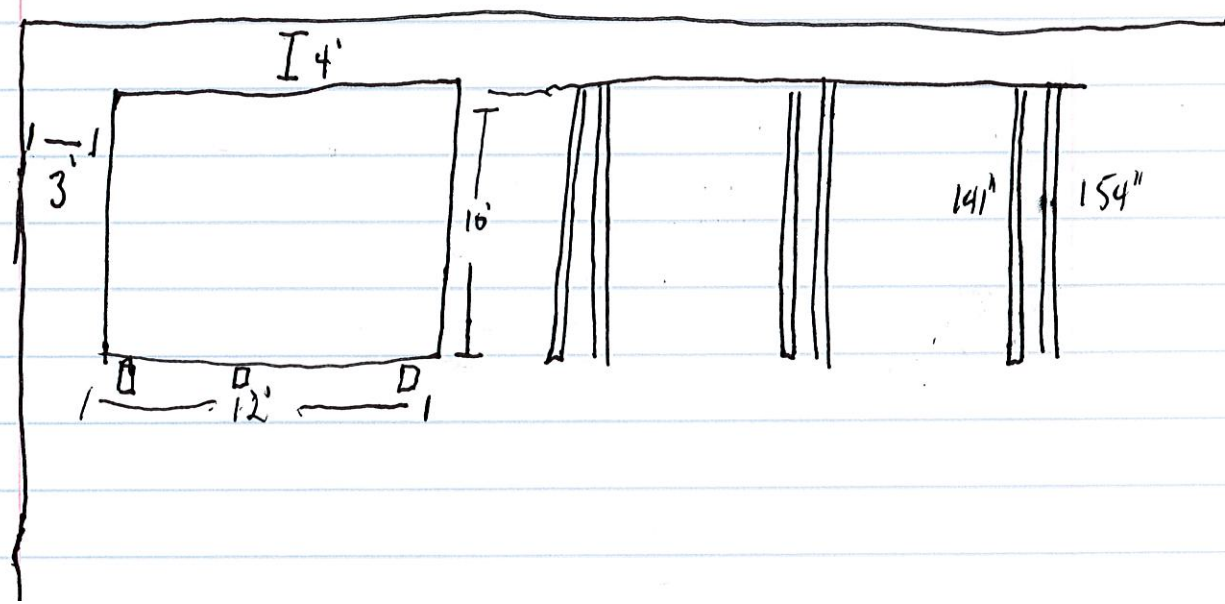
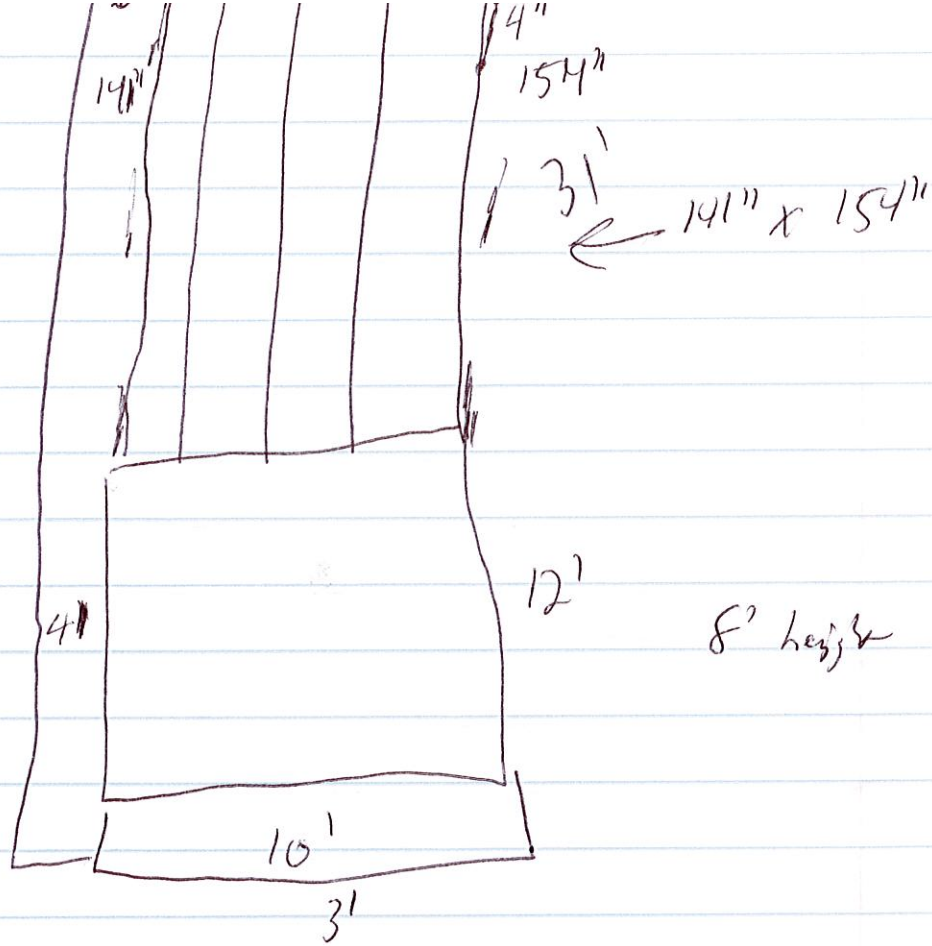
LOT _____ BLOCK _____ SUBDIVISION _____
 SITE ADDRESS ST. NO. 3113 ST. NAME S. McCOY RD

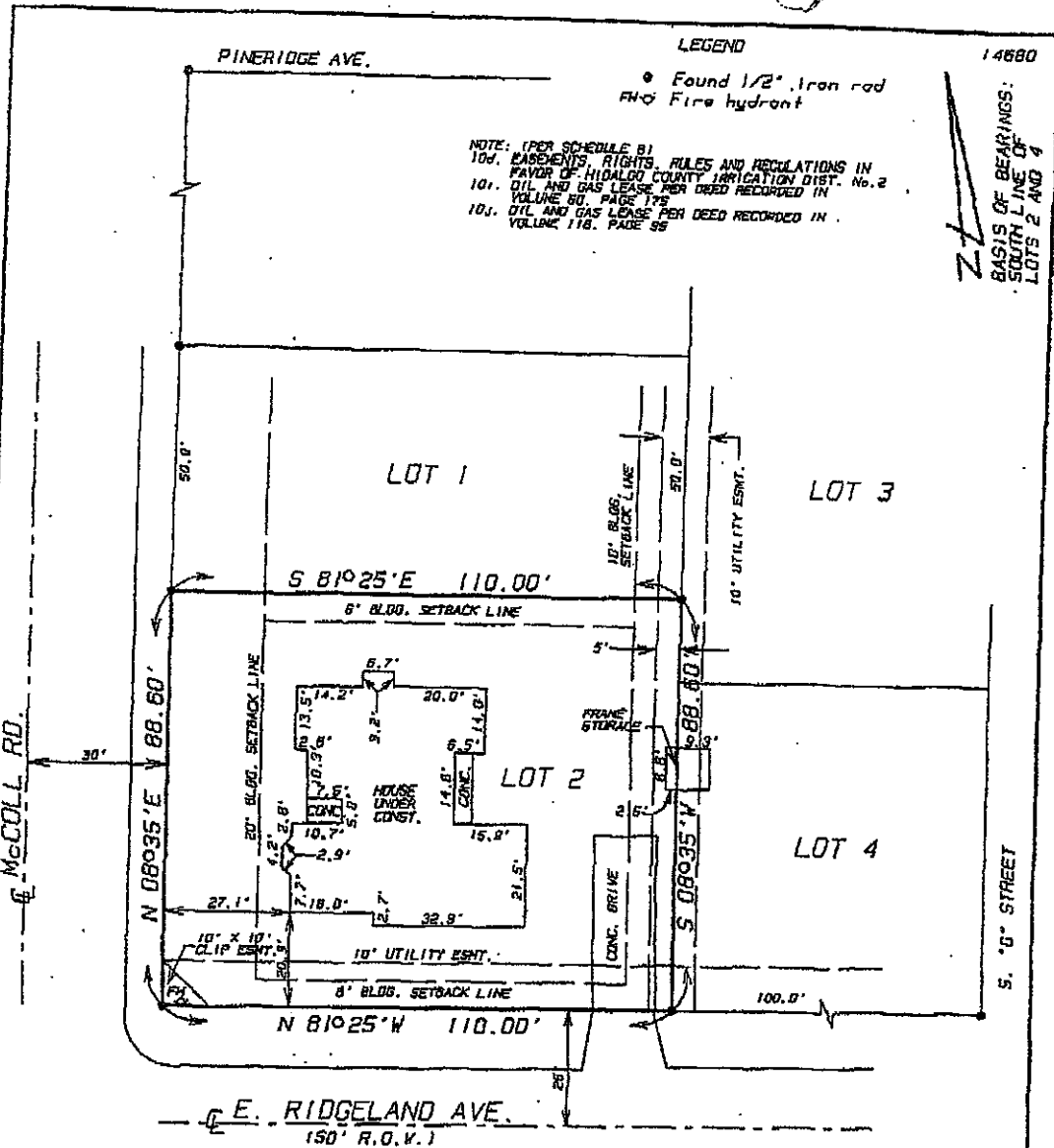
CITY USE ONLY

ZONING _____ PERMIT FEE \$ 95.20 **DOUBLE FEE \$** 95.20 REC'D BY [Signature]
 PERMIT REVIEW FEE \$ _____ DATE 7-31-19
 PARK DEV. TOTAL PERMIT FEE \$ 190.40 TIME 5:40 PM
 ZONE # _____ PARK DEVELOPMENT FEE \$ _____

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.

Juan Ruiz PRINT (AUTHORIZED AGENT/OWNER) [Signature] SIGNATURE 7/31/19 DATE
 EMAIL ADDRESS (required) _____





SURVEY PLAT OF
 LOT 2, BLOCK 1
 EL RANCHO SANTA CRUZ SUBDIVISION PHASE IV
 AN ADDITION TO THE CITY OF McALLEN
 HIDALGO COUNTY, TEXAS
 PER MAP RECORDED IN VOLUME 24, PAGE 78, H.C.M.R.

PROPERTY ADDRESS: 3113 S. McCOLL RD.
 McALLEN, TX, 78501

PREPARED FOR: AMPARO RUIZ AND
 SAN JUANITA RUIZ

RRA R. ROBLES &
 ASSOCIATES, PLLC
 PROFESSIONAL LAND SURVEYORS

P.O. BOX 478
 107 W. HULDADE ST.
 MESLADO, TEXAS 78569
 PHONE (361) 868-2422
 FAX (361) 868-2011

SURVEYED: 03-02-05 DRAWN BY: VL/03-07-05

SCALE: 1"=30' JOB No. 14680

TITLE COMMITMENT No. REVISED:

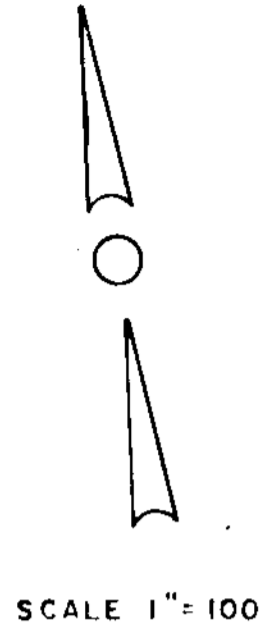
SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL
 EMBOSSED SEAL OF SURVEYOR OF RECORD.

THIS SURVEY WAS PREPARED WITH THE USE OF A TOTAL STATION PROVIDED BY BRUNNER, NUNO & ASSOCIATES, NOR
 THE SURVEYOR OF RECORD. NO CORRECTIONS OR CHANGES WERE MADE TO THIS SURVEY.

Reynaldo Robles
 REYNALDO ROBLES, R.P.L.S. 44032

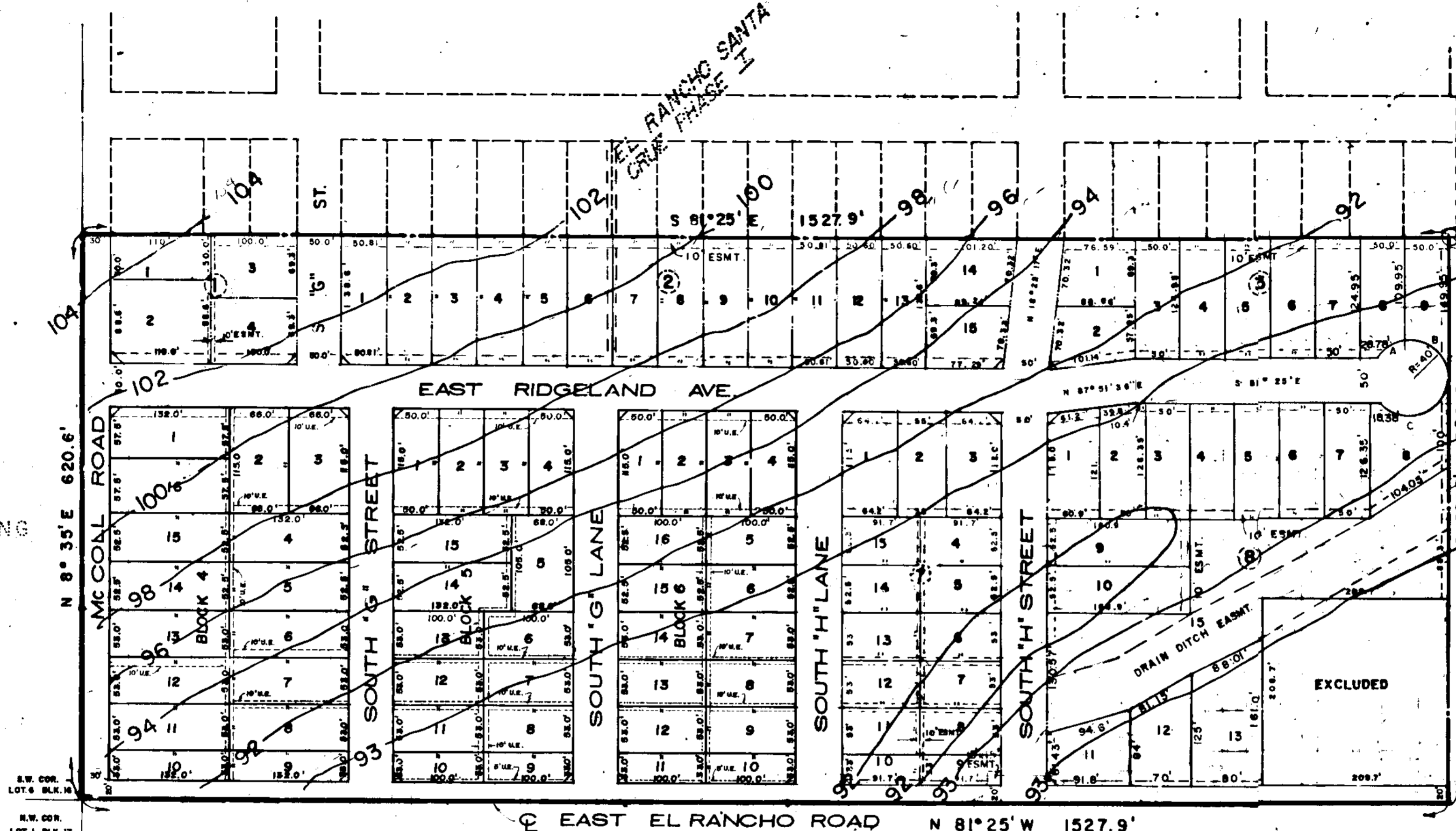
J Ruiz

COPYRIGHT 2005
 ©



SCALE 1" = 100'

LOT 5 BLK. 16
STEELE & PERSHING
SUBDIVISION



CURVE DATA
 A - R = 40'
 A = $31^{\circ}19'04''$
 L = 35.82
 B - R = 40'
 A = $104^{\circ}26'39''$
 L = 72.94'
 C - R = 40'
 A = $155^{\circ}19'04''$
 L = 108.76'

LOT 4 BLK. 8
A. J. McCOLL SUBD.

S.W. COR.
LOT 6 BLK. 16
N.W. COR.
LOT 1 BLK. 17

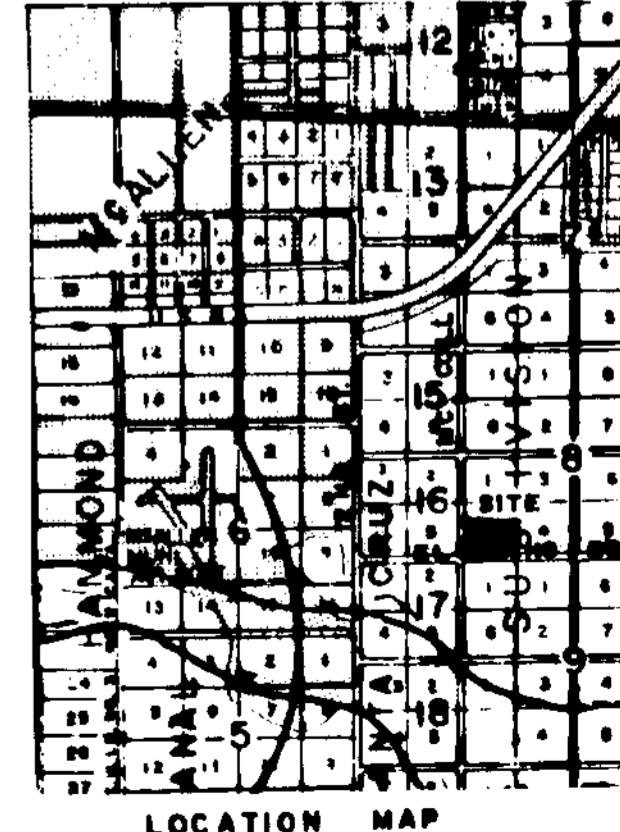
EL RANCHO SANTA CRUZ
PHASE III

Recorded in Book 24 Page 78
of the map records of Hidalgo
County, Texas
Whelan and Hunt, Inc.
County Surveyors

MAP SHOWING
**EL RANCHO SANTA CRUZ SUBD.
 PHASE IV**

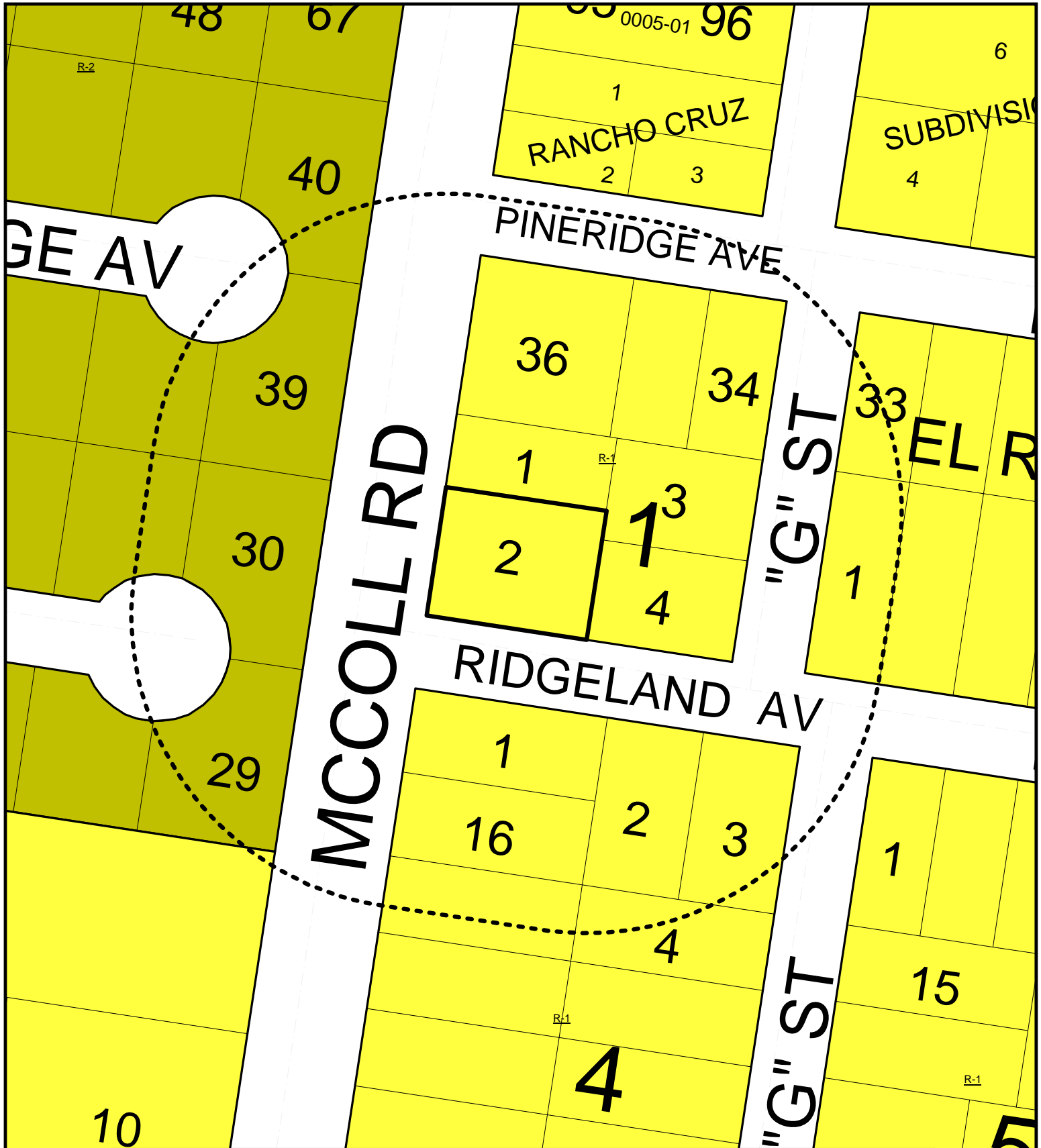
Being A Resubdivision Of 20.76 Acres Of The South 620.6 FT OF The West 1527.9 FT. OUT. Of Lot 6 Block 16
Steele and Pershing Subdivision out of Porciones 66 and 67 of
Hidalgo County, Texas.


96011



LOCATION MAP

NOTE






CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: 1" = 500'

AREA MAP

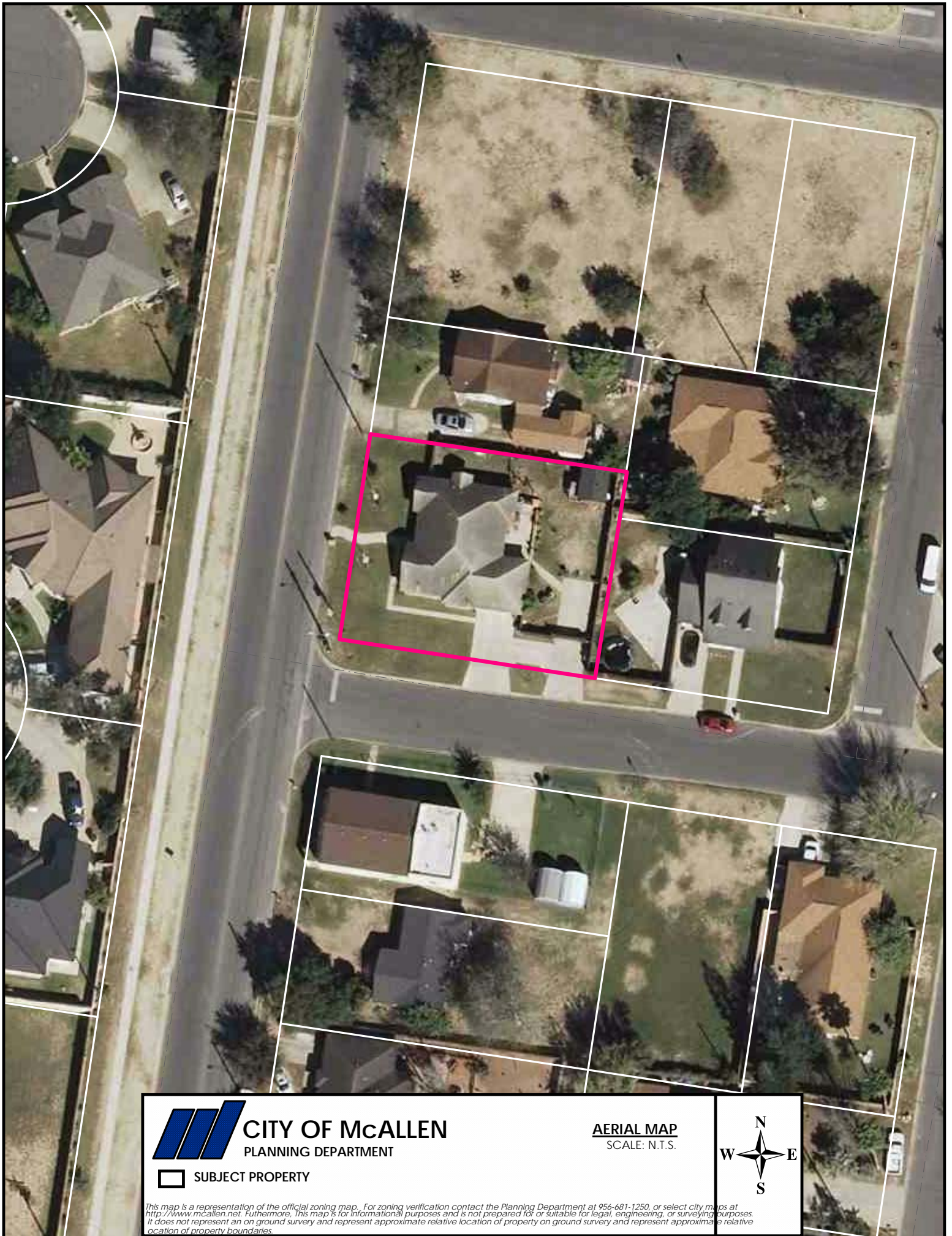


■ SUBJECT PROPERTY

⋯ 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 (DUPLIX-FOURPLEX)	R-3I (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	⋯ (SPECIAL DISTRICT)

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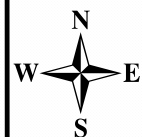


CITY OF McALLEN
PLANNING DEPARTMENT



SUBJECT PROPERTY

AERIAL MAP
SCALE: N.T.S.



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NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2019-0060

3113



MEMO

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: March 25, 2020

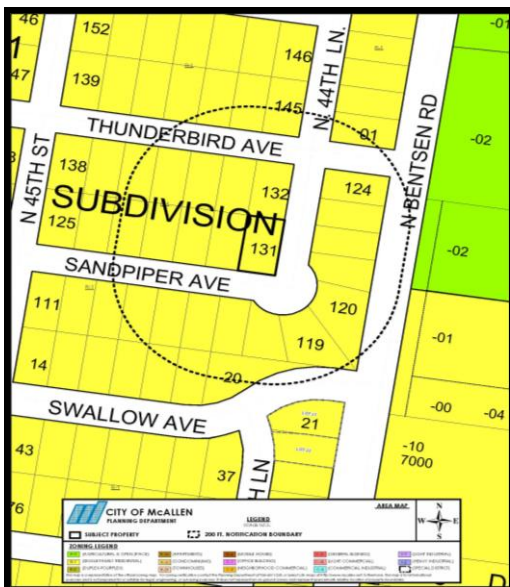
SUBJECT: REQUEST OF ORALIA RODRIGUEZ FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 25 FT. INTO THE 25 FT. FRONT YARD SETBACK FOR A WOODEN CARPORT WITH DECORATIVE COLUMNS MEASURING 25.0 FT. BY 20.0 FT., AT LOT 131, PLANTATION GAP SUBDIVISION PHASE 1, HIDALGO COUNTY, TEXAS; 4400 SANDPIPER AVENUE (ZBA2019-0057).

REASON FOR APPEAL:

Mrs. Oralia Rodriguez, the property owner requests a special exception to allow an encroachment of 25 ft. into the 25 ft. front yard setback for a wooden carport with decorative columns measuring 25.0 ft. by 20.0 ft. The applicant has indicated that the basis for the request is allow the existing structure to remain.

PROPERTY LOCATION AND VICINITY:

The property is located on the northwest corner of Sandpiper Avenue and North 44th Lane. The lot has 60 ft. of frontage along Sandpiper Avenue and a depth of 102.98 ft. for a lot size of 6,178.8 sq. ft. The property is zoned R-1 (single-family residential) District and a single-family residence is located on the property. The surrounding land uses are single-family residences in all directions.



BACKGROUND AND HISTORY:

Plantation Gap Subdivision Phase 1 was recorded on December 20, 2004. A general note on the subdivision plat indicates a front yard setback of 25 feet. A citation for doing work without a permit was issued on October 17, 2019. The applicant applied for the special exception on October 16, 2019. An application for a building permit was submitted on October 16, 2019, and it is under review by city departments.

ANALYSIS:

The subdivision plat indicates there is a 5 ft. utility easement that runs along the front property line. 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. Approval of a variance allowing a carport within the front yard may encourage future carports to be constructed in the front yard

The submitted site plan indicates the proposed carport to be along the front property line; however, measurements provided are without the benefit of a survey. The applicant also submitted an application for an abandonment of the 5 ft. utility easement that runs along the front property line on October 24, 2019 and it is being reviewed by various city departments.

No phone calls have been received in opposition to the special exception request.

ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING OF JANUARY 15, 2020:

At the Zoning Board of Adjustments and Appeals meeting of January 15, 2020 no one appeared in opposition to the variance request. The applicant was present. Staff recommended to table the variance request to until the City departments review the abandonment request. After a brief discussion, the Board voted to table the variance request with five members present and voting.

ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING OF FEBRUARY 5, 2020:

At the Zoning Board of Adjustments and Appeals meeting of February 5, 2020 no one appeared in opposition to the variance request. Staff recommended the item to remain tabled until the City departments review the abandonment request. After no discussion, the Board voted to table the variance request with six members present and voting.

ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING OF MARCH 4, 2020:

At the Zoning Board of Adjustments and Appeals meeting of March 4, 2020 no one appeared in opposition to the variance request. Staff recommended the item to remain tabled until the City departments review the abandonment request. After no discussion, the Board voted to table the variance request with six members present and voting.

RECOMMENDATION:

Staff recommends to table item as requested by the applicant.

ZBA 2019-0007

ZBA
11/20/19.



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>Plantation Gap PH 1 lots 131</u>
	Subdivision Name <u>Plantation Gap PH 1</u>
Applicant	Street Address <u>4400 Sand piper Ave McAllen tx 78504</u>
	Number of lots <u>131</u> Gross acres _____
	Existing Zoning <u>R 1 Single Family</u> Existing Land Use <u>Residential</u>
	Reason for Appeal (please use other side if necessary) <u>Estoy haciendo este tramite por no haber sacado permiso para construir antes de hacerlo</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
Owner	Name <u>Oralia Rodriguez</u> Phone <u>915 867 0305</u>
	Address <u>4400 Sandpiper Ave.</u> E-mail <u>orlavirodriguez@hotmail.com</u>
	City <u>McAllen</u> State <u>Tx.</u> Zip <u>78504</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 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>Oralia Rodriguez</u> Date <u>10/16/2019</u> Print Name <u>ORALIA RODRIGUEZ</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent
Office	Accepted by <u>L.G.</u> Payment received by _____
	Rev 10/18

RECEIVED
Date OCT 16 2019
BY: SC 4:27pm

Ret # 226701 Pd \$350



City of McAllen Planning Department

REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

Yo necesite este carport para proteger mis carros de tormentas de granizo, lluvias fuertes y el tremendo sol del verano, agrego el daño a la pintura por el calentamiento del sol.

Ya esta construido, solo pido que me permitan conservarlo por las razones antes mencionadas.

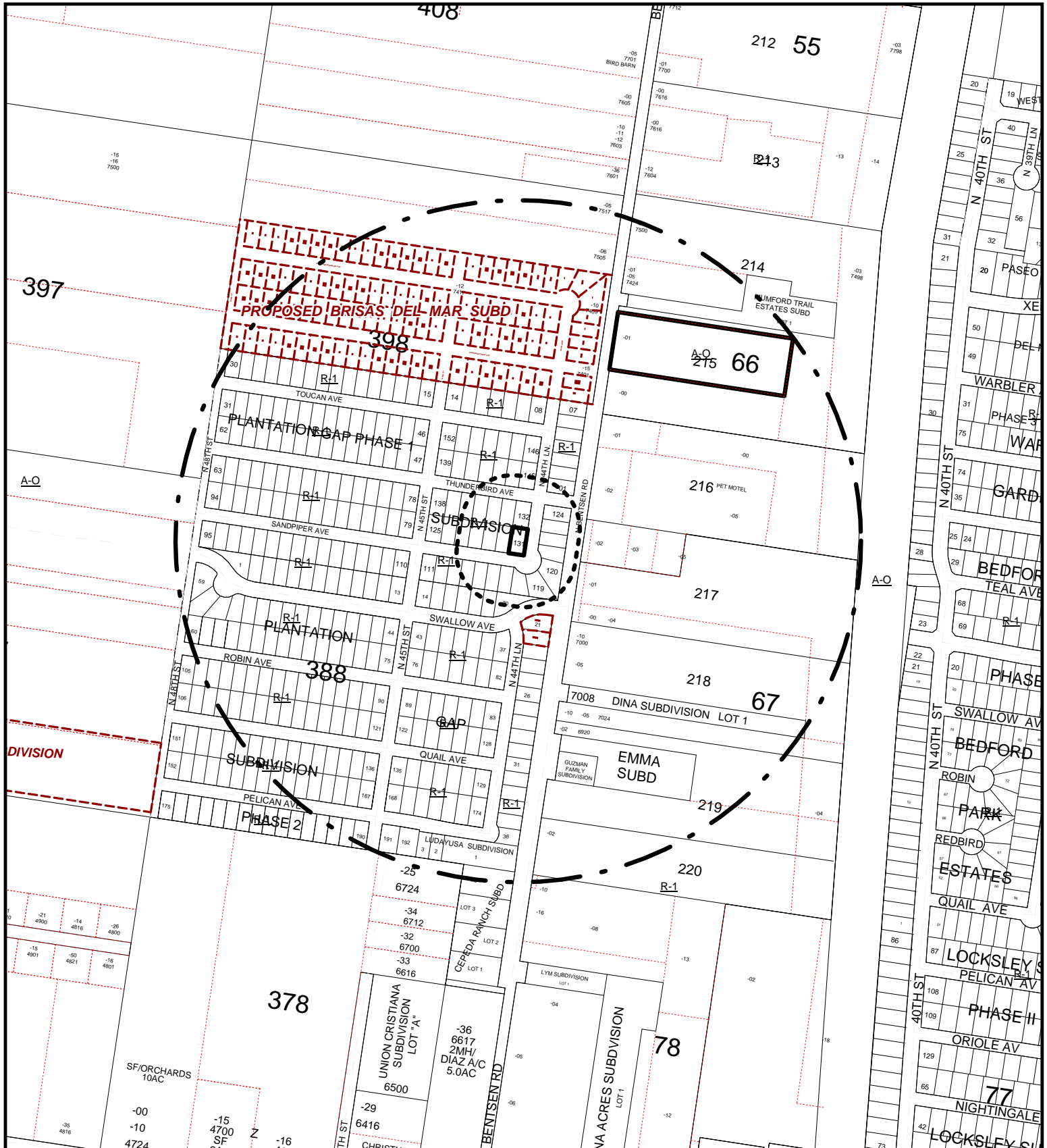
De antemano, muchas gracias por atencion a mi solicitud.

Rufo Rodriguez

Board Action

Chairman, Board of Adjustment
Signature

Date



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

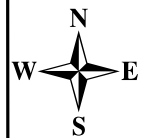
LEGEND

SCALE: 1" = 500'

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

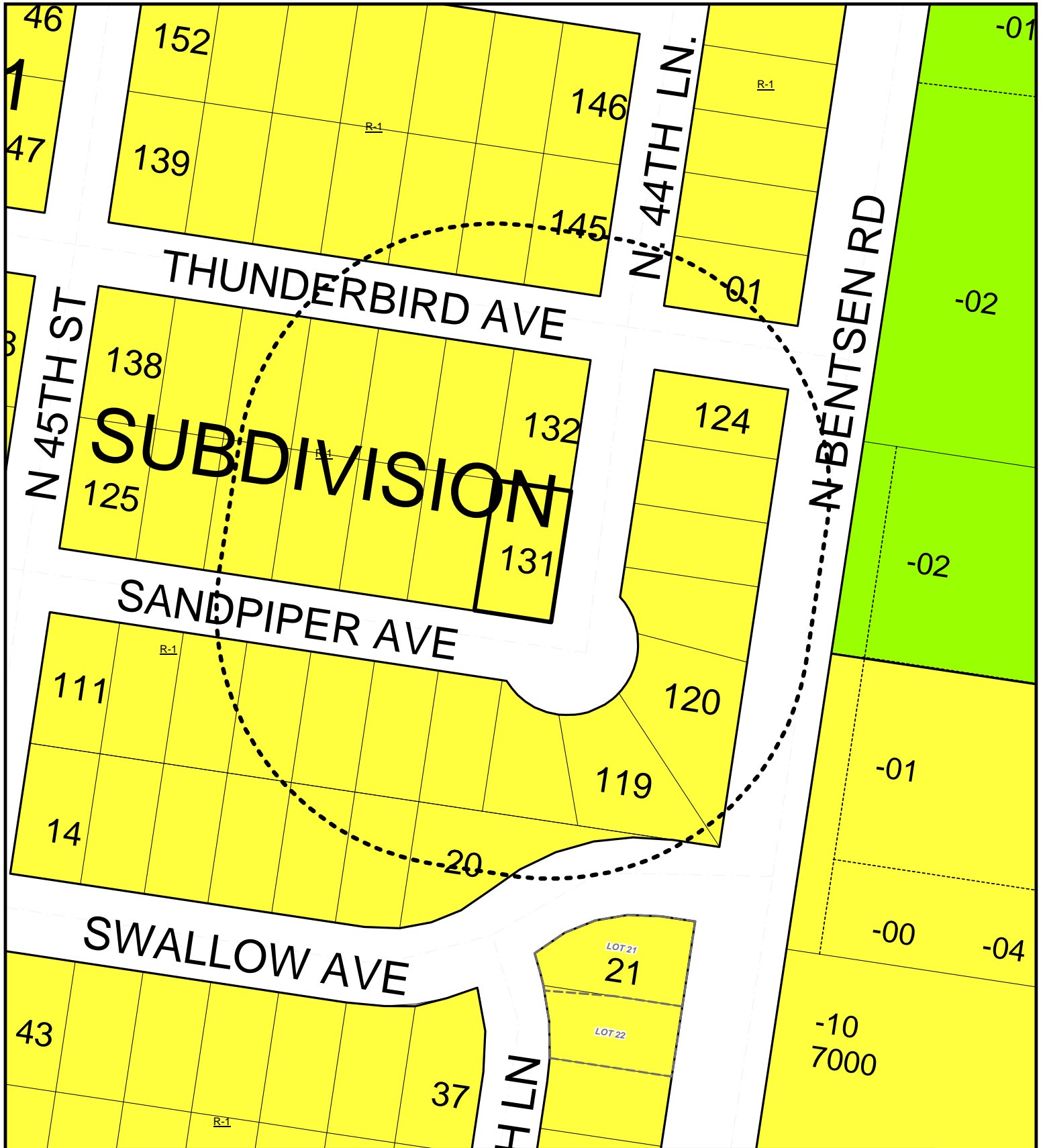
1/4 MILE RADIUS




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.

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 (DUPLIX-FOURPLEX)</p>	<p> R-3A (APARTMENTS)</p> <p> R-3C (CONDOMINIUMS)</p> <p> R-3I (TOWNHOUSES)</p>	<p> R-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> (SPECIAL DISTRICT)</p>
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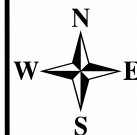


CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

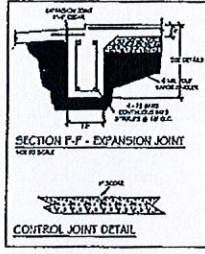
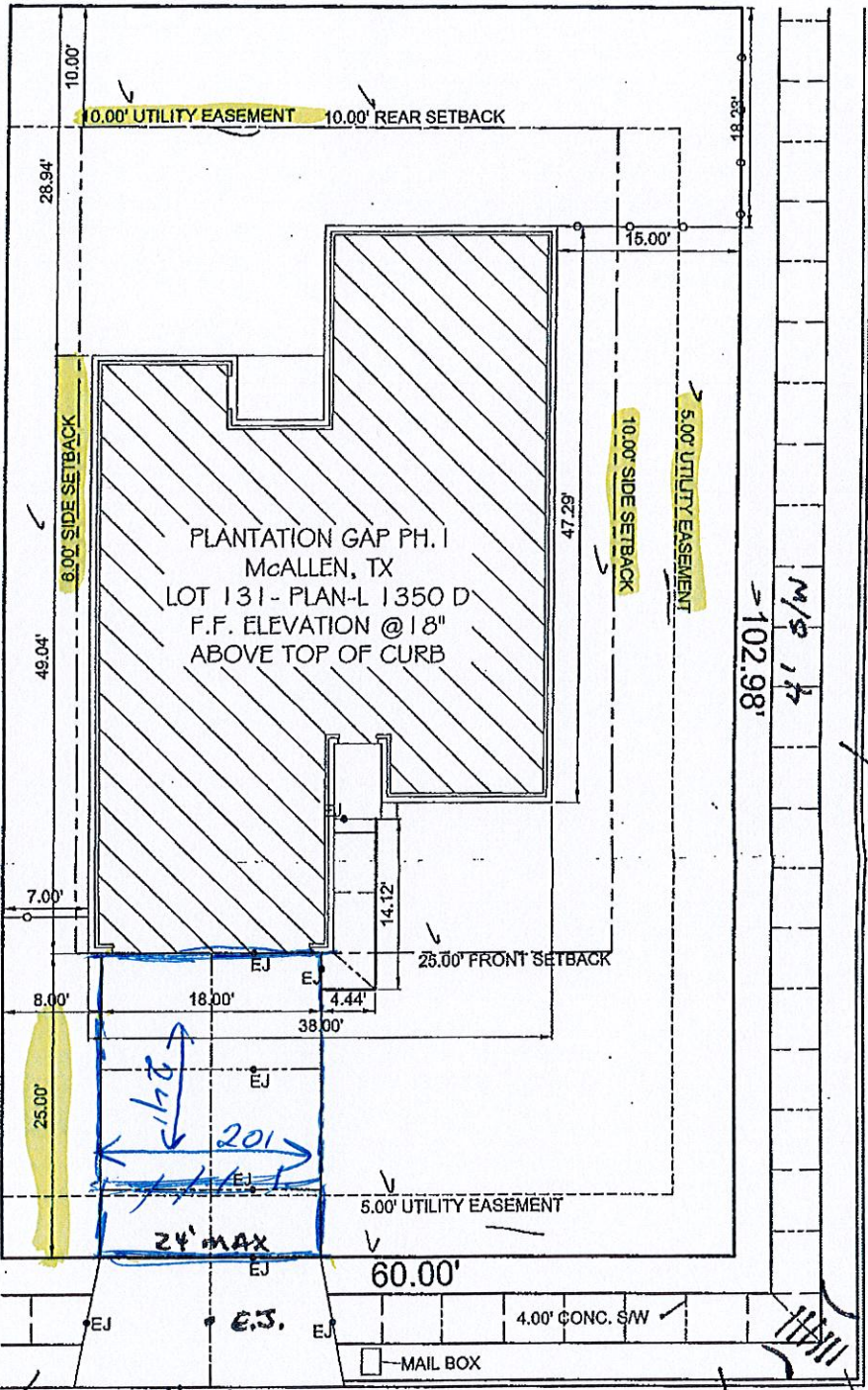


SUBJECT PROPERTY



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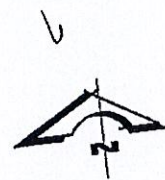
60.00



- LEGEND/NOTES**
- LOT LINE
 - - - SETBACK/EASEMENT
 - - - C.J.-CONTROL JOINT
 - FENCE
 - - - E.J.-EXPANSION JOINT
 - CONTROL JOINTS EVERY 5' ON SIDEWALK
 - EXPANSION JOINTS EVERY 10' ON SIDEWALK

- DRIVEWAY: 660 sq.ft. = 0.1 cu.yds.
 SIDEWALKS: 664 sq.ft. = 0.2 cu.yds.
 AC SLAB: 12.5 sq.ft. = 0.2 cu.yds.
 TOTAL CONCRETE = 16.5 cu.yds.
 FENCES: 41 lin.ft.
 GRASS: 3054 sq.ft. = 5.0 pallets
 CEDAR 1x4 10'-0" = 22 PIECES

RECEIVED
 OCT 16 2019
 BY: L.G.

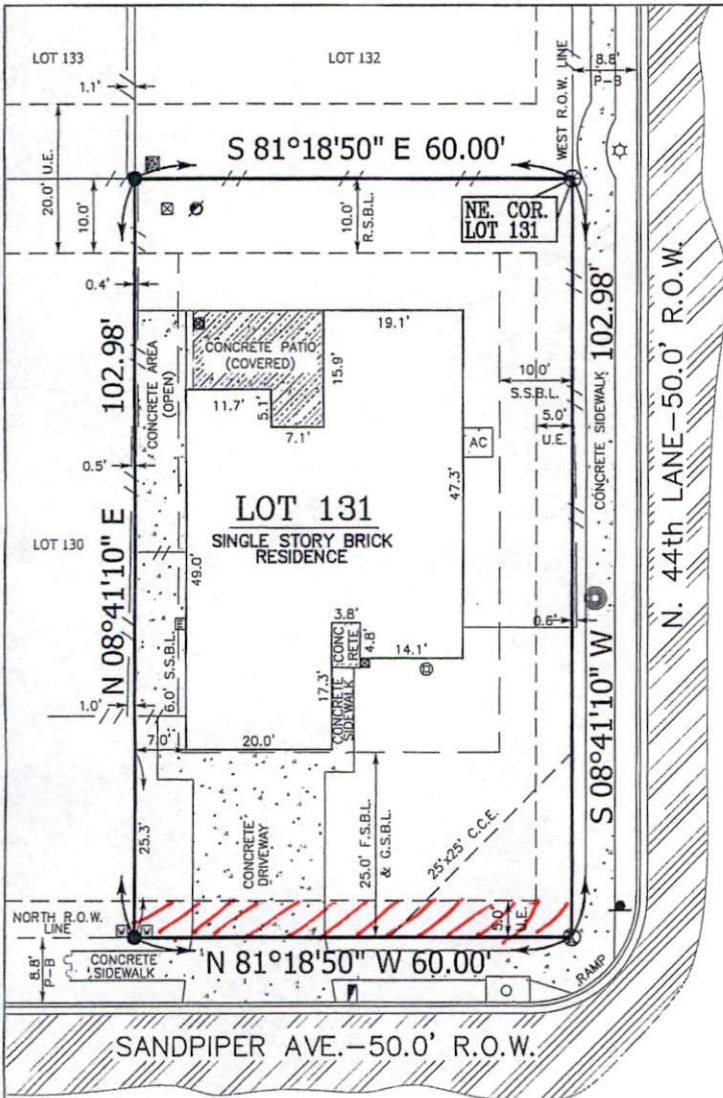


3' B.O.C. SANDPIPER AVENUE 3' B.O.C.

SITE PLAN
 SCALE: 1"=10'

ADA
 RR
 RAMP

SHEET: Site Plan		Subdivision: PLANTATION GAP PHASE 1 PLAN ID# L-1350D ELEV: D 4 SIDE BRICK LEFT DRIVE	DRAWN BY:	DATE:
			AUDITED BY:	
			REVISED BY:	
			APPROVED BY:	
			APPROVED BY:	



BEARING BASIS
 BEARING OF LOT 131,
 SOLUTION GAP SUBDIVISION
 PLANTATION PHASE I, H.C.M.R.
 VOL. 46, PG. 181.

SCALE: 1"=20'

LEGEND

- FOUND 1/2" IRON ROD
- ⊗ FOUND "X" MARK
- ⊕ FOUND SPINDLE
- ⊙ TELEPHONE PEDESTAL
- ☆ LIGHT POLE
- ⊠ ELECTRIC BOX
- ⊞ CABLE T.V. PEDESTAL
- ⊡ ELECTRIC METER
- ⊞ CONC. (A/C UNIT) SLAB
- ⊞ WATER METER
- ⊙ CLEANOUT
- ⊞ CURB INLET
- ⊙ MANHOLE
- ⊞ STOP SIGN
- ⊞ MAILBOX
- ⊞ COLUMN
- /- WOODEN FENCE
- U.E. UTILITY EASEMENT
- C.C.E. CORNER CLIP EASEMENT
- F.S.B.L. FRONT SETBACK LINE
- R.S.B.L. REAR SETBACK LINE
- S.S.B.L. SIDE SETBACK LINE
- G.S.B.L. GARAGE SETBACK LINE
- R.O.W. RIGHT OF WAY
- P-B PROPERTY LINE TO BACK OF CURB
- H.C.M.R. HIDALGO COUNTY MAP RECORDS
- H.C.D.R. HIDALGO COUNTY DEED RECORDS
- H.C.O.R. HIDALGO COUNTY OFFICIAL RECORDS

FLOOD ZONE

ZONE "C"

AREAS DETERMINED TO BE OUTSIDE
 500-YEAR FLOODPLAIN.
 COMMUNITY-PANEL NUMBER: 480334 0400 C
 MAP REVISED: NOVEMBER 15, 1982.

NOTES:

1. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.
2. SURVEY WAS PREPARED IN COORDINATION WITH VALLEY LAND TITLE CO., COMMITMENT OF No. 152373
 EFFECTIVE DATE: MAY 2, 2017
 ISSUED DATE: JUNE 5, 2017
- 10.b. STATUTORY EASEMENTS, RULES, REGULATIONS AND RIGHTS IN FAVOR OF UNITED IRRIGATION DISTRICT. (BLANKET)
- 10.d. R.O.W. EASEMENT REC. IN VOL. 942, PG. 567 AND VOL. 946, PG. 354, BOTH IN H.C.D.R. (NOT APPLICABLE)
- 10.l. EASEMENT AND R.O.W. REC. IN DOC. NO. 550950, H.C.O.R. (BLANKET)
- 10.g. EASEMENT AND AGREEMENT REC. IN DOC. NO. 1290579, H.C.O.R. (BLANKET)
3. MINIMUM FLOOR ELEVATIONS, SETBACK LINES, EASEMENTS AND RESTRICTION AS SHOWN ON THE MAP OF PLANTATION GAP PHASE I, REC. IN VOL. 46, PG. 181, H.C.M.R.
4. W & L MANGUM SURVEYING NOR THE SURVEYOR OF RECORD RESEARCHED OR PREPARED A TITLE REPORT OR ABSTRACT OF TITLE ON THE ABOVE PROPERTY.

ADDRESS: 4400 SANDPIPER AVE.
 McALLEN, TEXAS 78504

BORROWER:

ALFREDO RODRIGUEZ

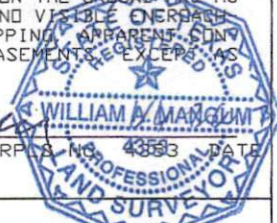
BORROWER:

ORALIA RODRIGUEZ

PLAT SHOWING
 ALL OF LOT 131,
 PLANTATION GAP
 SUBDIVISION PHASE I,
 AN ADDITION TO
 THE CITY OF McALLEN,
 HIDALGO COUNTY, TEXAS,
 VOL. 46, PG. 181, H.C.M.R.

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS SURVEY AS DESCRIBED HEREON, WAS MADE ON THE GROUND ON 06/26/17 UNDER MY DIRECTION, THAT THE ONLY IMPROVEMENTS ON THE GROUND ARE AS SHOWN, THAT THERE ARE NO VISIBLE OVERLAPMENTS, VISIBLE OVERLAPPING APPARENT SURVEY FLICTS, OR VISIBLE EASEMENTS EXCEPT AS

William A. Mangum
 WILLIAM A. MANGUM, R.P.A. No. 4353 DATE



W & L MANGUM SURVEYING

817 N. WARE ROAD SUITE 19
 McALLEN, TEXAS 78501
 PHONE (956) 821-7026
 FIRM NUMBER 10113300
 wlmangumsurveying@gmail.com

DATE: 06-26-17 JOB No. 2017.06.37 BOOK: 113L, PG. 46

T.B.P.L.S. PHONE NO. 512-239-5263

© COPYRIGHT 2017 W & L MANGUM SURVEYING ALL RIGHTS RESERVED



4400

NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2019-0057

CITY OF DALLAS PLANNING DEPT.
100 MARSHALL ST.
DALLAS, TX 75201
WWW.DALLAS.GOV







CITY OF McALLEN

JAMES E. DARLING, Mayor
VERONICA WHITACRE, Mayor Pro Tem & Commissioner District 6
JAVIER VILLALOBOS, Commissioner District 1
JOAQUIN J. ZAMORA, Commissioner District 2
J. OMAR QUINTANILLA, Commissioner District 3
TANIA RAMIREZ, Commissioner District 4
VICTOR "SEBY" HADDAD, Commissioner District 5

ROEL "ROY" RODRIGUEZ, P.E., City Manager

LEGAL NOTICE

You are hereby notified that there will be a public hearing before the Zoning Board of Adjustment and Appeals, created under the McAllen Zoning Ordinance (Chapter 138 of the McAllen Code of Ordinances) to be held at McAllen City Hall Commission Room, 3rd Floor, 1300 Houston Avenue, McAllen, Texas on **April 15, 2020 at 4:30 p.m.** to consider the following:

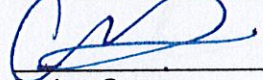
Request of U.S. Rags, Inc. for a special exception to the City of McAllen Off-Street Parking and Loading Ordinance and a variance to the City of McAllen Zoning Ordinance to allow: **1)** 22 parking spaces instead of the required 36 parking spaces for a proposed commercial building measuring 13,000 sq. ft. and **2)** an encroachment of 10 ft. into the 15 ft. side yard setback along the north and south property lines for a proposed commercial building measuring 13,000 sq. ft. at 0.99 acre tract of land out of Lot 18, Block 3, C.E. Hammond's Subdivision, Hidalgo County, Texas; 2621 South 23rd Street. **(ZBA2020-0013)**

All interested citizens are invited to appear and be heard. If any accommodations for disability are required, please notify the Planning Department at (956) 681-1250 prior to the date of the meeting.

WITNESS MY HAND this 25th day of March, 2020.



PLANNING DEPARTMENT



Carlos Garza
Planner I

AVISO LEGAL

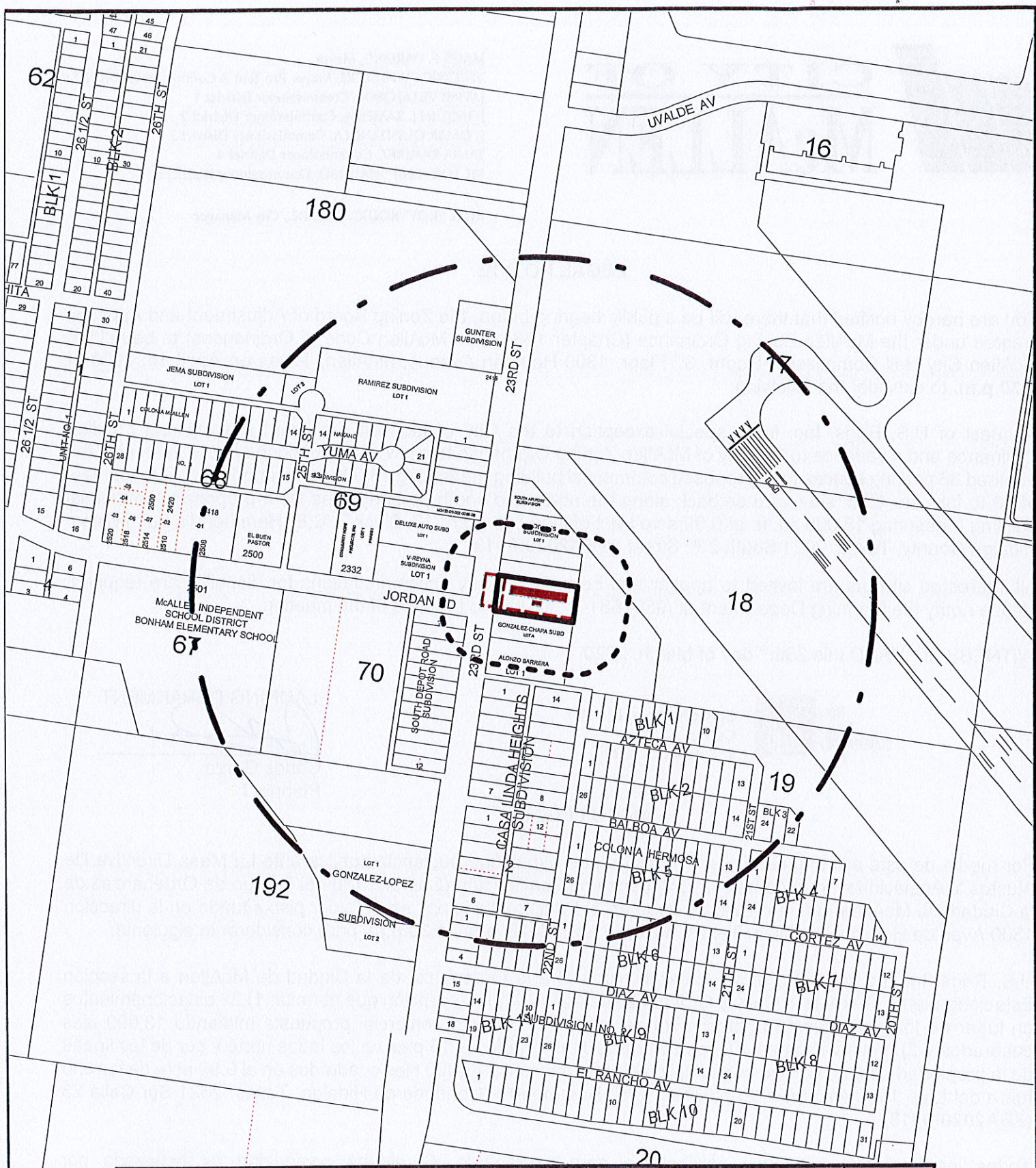
Por medio de este aviso queda usted notificado que habrá una audiencia publica ante La Mesa Directiva De Ajustes Y Apelaciones, creado bajo la Ordenanza de Zonificación (Capítulo 138 del Código de Ordenanzas de la Ciudad De McAllen) que se llevará a cabo en el Palacio Municipal, en el tercer piso situado en la dirección 1300 Avenida Houston, McAllen, Texas, el **15 de abril 2020**, a las **4:30 p.m.** para considerar lo siguiente:

U.S. Rags, Inc. ha solicitado una excepción especial a la Ordenanza de la Ciudad de McAllen a la sección Estacionamiento Fuera de la Calle y Ordenanza de Carga y una excepción que permita: **1)** 22 estacionamientos en lugar de los requeridos 36 estacionamientos para un edificio comercial propuesta midiendo 13,000 pies cuadrados y **2)** una invasión de 10 pies dentro del límite fijado de 15 pies en los lados norte y sur de las líneas de la propiedad para un edificio comercial propuesto midiendo 13,000 pies cuadrados en el 0.99 acre de terreno fuera del Lote 18, Manzana 3, Subdivisión C.E. Hammond's, Condado de Hidalgo, Texas; 2621 Sur Calle 23 **(ZBA2020-0013)**

Todos los interesados pueden presentarse para expresarse. Si alguna comodidad es necesaria por discapacidad favor de notificar al departamento de Planeación antes del día de la junta al (956) 681-1250.

DOY FE FIRMANDO POR MI PUÑO Y LETRA este día 25 de marzo, 2020.





CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

LEGEND

SCALE: 1" = 500'

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

JAMES E. DARLING, Mayor
VERONICA WHITACRE, Mayor Pro Tem & Commissioner District 6
JAVIER VILLALOBOS, Commissioner District 1
JOAQUIN J. ZAMORA, Commissioner District 2
J. OMAR QUINTANILLA, Commissioner District 3
TANIA RAMIREZ, Commissioner District 4
VICTOR "SEBY" HADDAD, Commissioner District 5

ROEL "ROY" RODRIGUEZ, P.E., City Manager

LEGAL NOTICE

You are hereby notified that there will be a public hearing before the Zoning Board of Adjustment and Appeals, created under the McAllen Zoning Ordinance (Chapter 138 of the McAllen Code of Ordinances) to be held at McAllen City Hall Commission Room, 3rd Floor, 1300 Houston Avenue, McAllen, Texas on **April 15, 2020 at 4:30 p.m.** to consider the following:

Request of Randy Cleveland on behalf of Tae and Kyong Pyun for a special exception to the City of McAllen Off-Street Parking and Loading Ordinance and variances to the City of McAllen Zoning Ordinance to allow: **1)** 29 parking spaces instead of the required 42 parking spaces, **2)** a front yard setback of 0 ft. instead of the required 32.5 ft. front yard setback for an existing commercial building, **3)** a front yard setback of 0 ft. instead of the required 32.5 ft. front yard setback for a proposed building expansion measuring 9.85 ft. by 6.1 ft., **4)** Issuance of a building permit in excess of 10% replacement value for non-conforming use, **5)** a variance to the 10% landscaping requirement, and **6)** to not provide 50% of the required landscaped area to be visible from the street fronting the property, at all of Lots 1, 2, & 3, Block 55, North McAllen Townsite and that part of Ash Avenue lying between Lot 3, Block 55, North McAllen Townsite and the right-of-way of the St. Louis, Brownsville and Mexico Railway Company, Hidalgo County, Texas; 101 North 16th Street. (ZBA2020-0014)

All interested citizens are invited to appear and be heard. If any accommodations for disability are required, please notify the Planning Department at (956) 681-1250 prior to the date of the meeting.

WITNESS MY HAND this 25th day of March, 2020.

Shape
your future
START HERE >



Be Counted on
Census Day
April 1, 2020

PLANNING DEPARTMENT

Carlos Garza
Planner I

AVISO LEGAL

Por medio de este aviso queda usted notificado que habrá una audiencia pública ante La Mesa Directiva De Ajustes Y Apelaciones, creado bajo la Ordenanza de Zonificación (Capítulo 138 del Código de Ordenanzas de la Ciudad De McAllen) que se llevará a cabo en el Palacio Municipal, en el tercer piso situado en la dirección 1300 Avenida Houston, McAllen, Texas, el **15 de abril 2020**, a las **4:30 p.m.** para considerar lo siguiente:

Randy Cleveland, a nombre de Tae and Kyong Pyun ha solicitado una excepción especial a la Ordenanza de la Ciudad de McAllen a la sección Estacionamiento Fuera de la Calle y Ordenanza de Carga y excepciones a la Ordenanza de Zonificación de la Ciudad de McAllen que permita: **1)** 29 estacionamientos en lugar de los requeridos 42 estacionamientos, **2)** un límite fijado de 0 pies de enfrente de la propiedad en lugar de los requeridos 32.5 pies límite fijado para un edificio comercial propuesto, **3)** un límite fijado de 0 pies de enfrente de la propiedad en lugar de los requeridos 32.5 pies de límite fijado para un expansión de edificio propuesto midiendo 9.85 pies por 6.1 pies **4)** emisión de un permiso de construcción que exceda el 10% del valor de reemplazo para uso no en conformidad **5)** una varianza al requisito de 10% de área verde, y **6)** no proveer 50% de área verde requerido ser visible de la calle a la propiedad, Lotes 1, 2 y 3, Manzana 55, Subdivisión North McAllen Townsite y la parte de avenida Ash situada entre lote 3, manzana 55 pueblo Norte McAllen y derecho de vía público del St. Louis, Brownsville and Mexico Railway Company, Condado de Hidalgo, Texas; 101 Norte Calle 16 (ZBA2020-0014)

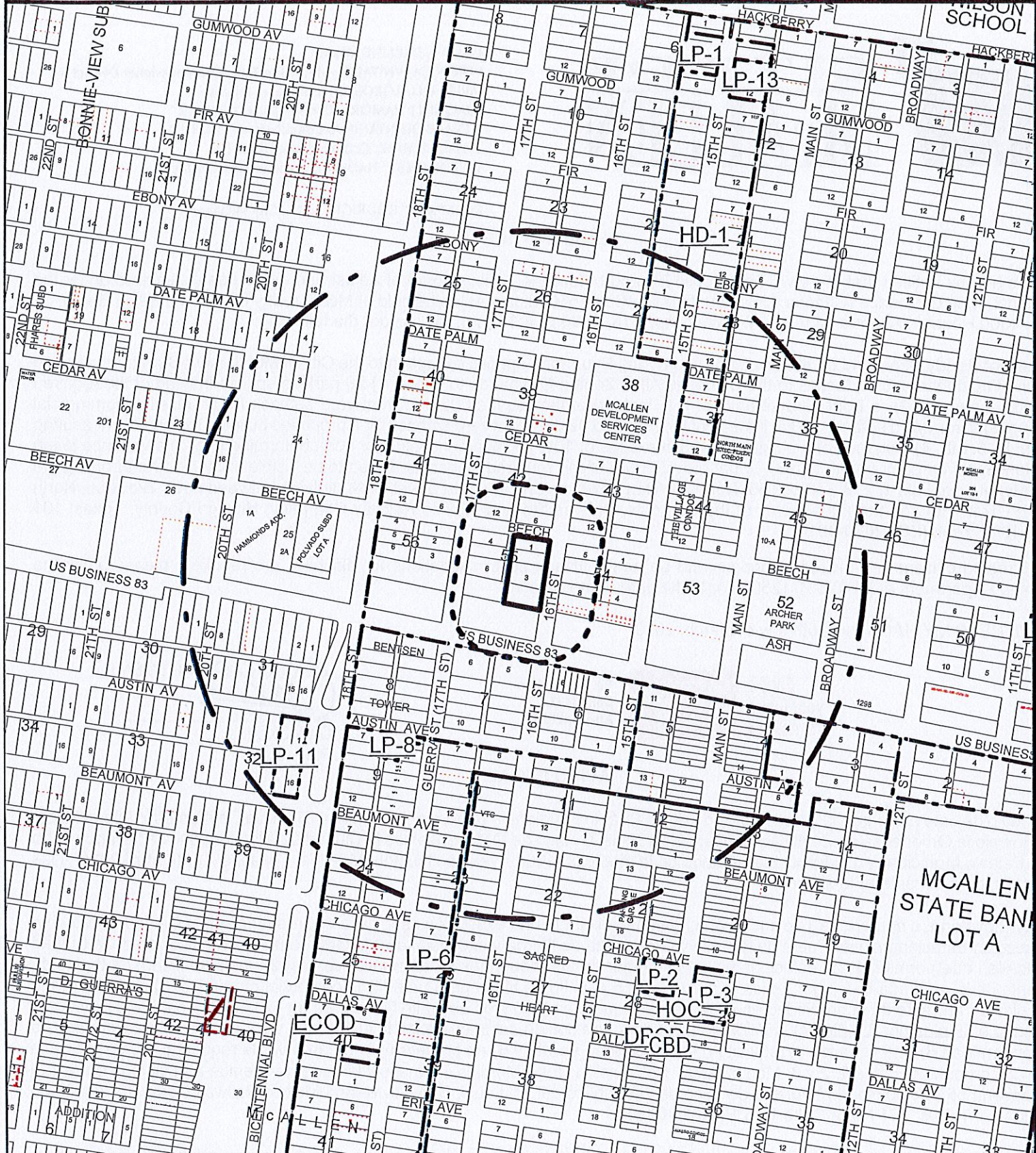
Todos los interesados pueden presentarse para expresarse. Si alguna comodidad es necesaria por discapacidad favor de notificar al departamento de Planeación antes del día de la junta al (956) 681-1250.

DOY FE FIRMANDO POR MI PUÑO Y LETRA este día 25 de marzo, 2020.

Forma
tu futuro
COMIENZA AQUÍ >



Se Contado el Día Del Censo
1^{ro} de Abril 2020



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: 1" = 500'

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 (DUPLIX-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.

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

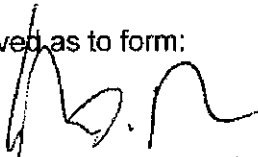
John Ingram, City Commissioner

Attest:



Perla Lara, TRMC/CMC, CPM
City Secretary

Approved as to form:



Austin W. Stevenson, Assistant City Attorney



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 lirioppe, low growing varieties of honeysuckle, confederate jasmine, English ivy or others.

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

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

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

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

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

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

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

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

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

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

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

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

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

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)*)

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

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.



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
- HPC - Historic Preservation Council
- Planning & Zoning Board
- Zoning Board of Adjustment
- CENSUS**

Deadlines:

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

* Holiday - Office is closed

JANUARY 2020

FEBRUARY 2020

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

MARCH 2020

APRIL 2020

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

MAY 2020

JUNE 2020

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

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

Deadlines:

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

* **Holiday** - Office is closed

JULY 2020

AUGUST 2020

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

SEPTEMBER 2020

OCTOBER 2020

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

NOVEMBER 2020

DECEMBER 2020

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

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 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-CHAIPERSON	P	P	NM	P	NM																		
SYLVIA HINOJOSA	P	P	NM	P	NM																		
DAVID SALINAS- CHAIRPERSON	P	P	NM	P	NM																		
JOHN MILLIN, III	A	A	NM	P	NM																		
SONIA FALCON	A	P	NM	A	NM																		
JOSE R. GUTIERREZ (ALT. 1)	P	P	NM	P	NM																		
JUAN F. JIMENEZ (ALT. 2)	P	P	NM	P	NM																		
(ALTERNATE 3)																							
(ALTERNATE 4)																							

P - PRESENT

A - ABSENT

NEW APPOINTMENT

MC - MEETING CANCELLED

NRM - NO REGULAR MEETING

LOQ - LACK OF QUORUM

RS - RESIGNATION

