

## AGENDA

### ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING THURSDAY, DECEMBER 17, 2020 - 4:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3<sup>RD</sup> FLOOR

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

Meeting ID: 672 423 1883

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

#### CALL TO ORDER - CHAIRPERSON ERICK DIAZ

##### 1. MINUTES:

- a) Minutes for the meeting held on December 2, 2020.

##### 2. PUBLIC HEARINGS:

- a) Request of Maricela Galvan for the following variances to the City of McAllen Zoning Ordinance to allow: **1)** accessory uses without a primary use for a proposed swimming pool measuring 10 ft. by 20 ft., an existing storage building measuring 12 ft. by 22 ft., and an existing pergola measuring 10 ft. by 10 ft. and, **2)** an encroachment of 2 ft. into the 6 ft. east side yard setback for an existing pergola measuring 10 ft. by 10 ft. at Lot 2, Oxford Heights Subdivision, Hidalgo County, Texas; 3504 Kilgore Avenue. **(ZBA2020-0074)**
- b) Request of Jose A. Carrasco for the following variances to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 17 ft. into the 20 ft. front yard setback for an existing metal carport measuring 20 ft. by 16.5 ft. and, **2)** an encroachment of 5.5 ft. into the 6 ft. north side yard setback for an existing metal carport measuring 20 ft. by 16.5 ft. at Lot 140, Colonia McAllen Unit No. 6 Subdivision, Hidalgo County, Texas; 2208 South 30th ½ Street. **(ZBA2020-0078)**
- c) Request of Alejandro Reyes Jr., for the following variances to the City of McAllen Zoning Ordinance: **1)** to not provide one required parking space beyond the front yard setback line and **2)** to allow an encroachment of 6 ft. into the 6 ft. side setback for an existing metal canopy measuring 6 ft. by 10 ft. at Lot 88, Los Encinos III Subdivision, Hidalgo County, Texas; 2716 Ursula Avenue. **(ZBA2020-0079)**
- d) Request of Adriana Salazar, on behalf of Servikon, LLC, INC for the following variance to the City of McAllen Zoning Ordinance to allow a 4 ft. landscaping strip along South Bentsen Road instead of the required 10 ft. at a 1.55-acre tract of land out of lot 178, John H. Shary Subdivision, Hidalgo County, Texas; 1820 South Bentsen Road. **(ZBA2020-0080)**
- e) Request of Ismael Gonzalez for the following variance to the City of McAllen Zoning Ordinance to allow an encroachment of 5 ft. into the 10 ft. rear yard setback for an existing wooden storage building measuring 20 ft. by 10 ft. at Lot 123, Eagle's Crossing Subdivision, Hidalgo County, Texas; 2717 York Avenue. **(ZBA2020-0081)**

- f) Request of Jorge Herrera for the following variance to the City of McAllen Off-Street Parking and Loading Ordinance to allow 8 parking spaces instead of the required 9 parking spaces at Lot 3, Block 54, McAllen Addition Subdivision, Hidalgo County, Texas; 612 South 15th Street. **(ZBA2020-0083)**

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

- a) 800 East Pineridge Avenue
- b) 2502 South 43rd Lane

#### **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, December 2, 2020 at 4:30 p.m. in the City Commission Meeting Room with the following present:**

<b>Present:</b>	<b>Erick Diaz</b>	<b>Chairperson</b>
	<b>John Millin</b>	<b>Vice- Chairperson</b>
	<b>Sylvia Hinojosa</b>	<b>Member</b>
	<b>Juan F. Jimenez</b>	<b>Member</b>
	<b>Jose Gutierrez</b>	<b>Alternate</b>
	<b>Rebecca Millan</b>	<b>Alternate</b>
	<b>Hugo Avila</b>	<b>Alternate</b>
	<b>Rogelio Rodriguez</b>	<b>Alternate (Zoom)</b>
<b>Staff Present:</b>	<b>Victor Flores</b>	<b>Assistant City</b>
	<b>Michelle Rivera</b>	<b>Assistant City Manager</b>
	<b>Edgar Garcia</b>	<b>Planning Director</b>
	<b>Rodrigo Sanchez</b>	<b>Senior Planner</b>
	<b>Omar Sotelo</b>	<b>Senior Planner</b>
	<b>Kaveh Forghanparast</b>	<b>Planner II</b>
	<b>Carlos Garza</b>	<b>Planner II</b>
	<b>Liliana Garza</b>	<b>Planner II</b>
	<b>Mario Escamilla</b>	<b>Planner I</b>
	<b>Juan Martinez</b>	<b>Development Coordinator</b>
	<b>Jose Ortega</b>	<b>GIS Technician III</b>
	<b>Carmen White</b>	<b>Secretary</b>

**CALL TO ORDER – Chairperson Erick Diaz**

**1. MINUTES:**

- a)** Minutes for the meeting held on November 4, 2020 and November 18, 2020.

The minutes for the meeting held on November 4, 2020 were approved. The motion to approve the minutes was made by Mr. John Millin. Ms. Sylvia Hinojosa seconded the motion, which carried unanimously with five members present and voting.

The minutes for the meeting held on November 18, 2020 were approved. The motion to approve the minutes was made by Mr. John Millin. Mr. Jose Gutierrez seconded the motion, which carried unanimously with five members present and voting.

**2. PUBLIC HEARINGS:**

- a)** Request of Carlos Cantu and Gary R. Miller, for the following variances to the City of McAllen Zoning Ordinance **1)** to allow an encroachment of 15 ft. into the 25 ft. rear yard setback for a proposed pool house measuring 10 ft. by 16 ft., and **2)** to allow an encroachment of 13 ft. into the 25 ft. rear yard setback for an existing pool measuring 12 ft. by 22 ft. at Lot 2., La Floresta Subdivision, Hidalgo County, Texas; 9505 N 22nd Lane. **(ZBA2020-0075)**

Ms. Garza stated the applicants were requesting variances to allow a proposed pool house and existing pool encroaching onto the rear yard setback.

The property was located on the west side of North 22<sup>nd</sup> Lane and is double fronting along North 23<sup>rd</sup> Street as per plat note. The property has a total area of 7,220 sq. ft. and is zoned R-1 (single-family residential) District. The surrounding land uses include single family residential and vacant land west of N. 23<sup>rd</sup> Street.

La Floresta Subdivision Phase I was recorded on September 05, 2008. A note on the second page of the plat indicates that the rear yard setback requirement for the double fronting lots 1-4 is 25 ft. The plat for the subdivision shows there is a 10 ft. utility easement that runs concurrently with the rear yard setback. In August 17, 2020 the applicant applied for a pool permit and was approved by staff. Staff looked at the first page of the Plat and compared it with the survey that stated the 10 ft. utility easement was also the setback not realizing there was a second page to the plat that noted that the lot was a double fronting and the rear setback should be 25 ft. As per plat there is an additional 20 ft. of ROW between N. 23<sup>rd</sup> Street and the rear property line where utility poles are located. A variance request application for the proposed pool house and existing swimming pool was submitted on November 2, 2020.

Variance #1: To allow an encroachment of up to 15 ft. into the 25 ft. rear yard setback for a proposed pool house measuring 10 ft. by 16 ft. The pool house is an accessory structure and not a primary building.

Variance #2: To allow an encroachment of up to 13 feet into the 25 ft. rear yard setback for an existing swimming pool measuring 12 ft. by 22 ft. The pool is an accessory structure and not a primary building. The site plan submitted shows the distance from the rear property line to the outside wall of the swimming pool at approximately 12 ft.

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

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

Mr. Billy Bruce Bush, 2601 Oxford Avenue, stated he received a letter that mentioned an encroachment and that his property was south of the outlined to the subject property. He wanted to know if it would affect him in anyway. Chairperson Diaz stated no, they were talking about the property at 9505 North 2<sup>nd</sup> Lane and they're wanting to put a pool house in back yard. And because it was a double fronting lot they had a setback in the back yard that was larger than most. Mr. Bush stated he was not in opposition he just wanted to see if it affected his property.

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

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

Vice-Chairperson Millin **moved** to approve the variance request limited to the footprint of the encroachment. Ms. Sylvia Hinojosa seconded the motion. The board voted unanimously to approve the variance with five members present and voting.

- b) Request of Irma I. Rios for the following variance to the City of McAllen Zoning Ordinance to allow an encroachment of 10 ft. into the 10 ft. rear yard setback for an existing wooden porch canopy measuring 25.33 ft. by 14 ft., at Lot 87, Forest Valley Subdivision, Hidalgo County, Texas; 5812 North 39th Street. **(ZBA2020-0076)**

Mr. Forghanparast stated the applicant was requesting a variance to allow an encroachment of 10 ft. into the 10 ft. rear yard setback for an existing wooden porch canopy. The applicant stated the family used it as a recreational space to relieve stress, especially during the pandemic, and that they did not know it was built on the rear yard setback. Ms. Rios also mentioned that since the property was a corner lot, they could not build it outside the setbacks and that none of the neighbors had ever complained about the canopy.

The subject property was located on the southeast corner of North 39<sup>th</sup> Street and Flamingo Avenue. The lot had 54 ft. of frontage along North 39<sup>th</sup> Street with a depth of 100 ft., for a lot size of 5,400 sq. ft. The surrounding land use was single-family residences.

Forest Valley Subdivision was recorded on June 7, 2001. According to Hidalgo County Appraisal District records, the residential home was built in 2001 and Irma Rios, the applicant, and Oscar Rios purchased the subject property in 2003. According to Google Earth aerial images, it seemed that the canopy existed since February 2009. An application for a building permit for the existing porch canopy and the enclosed garage was submitted on February 24, 2020, which was disapproved during the building permit review process due to the encroachment into the rear yard easement and setback. A right-of-way permit to widen the existing driveway to accommodate two parking spaces was issued on February 24, 2020. A request to abandon an easement that ran concurrently with the rear yard setback was approved by the City Commission on October 26, 2020. A variance application to allow an encroachment of 10 ft. into the 10 ft. rear yard setback for an existing wooden porch canopy was submitted on November 2, 2020.

The plat for the subdivision showed a 10 ft. utility easement, which was later abandoned by the City Commission, and setback along the rear side of the subject property. The variance request was to allow an encroachment of 10 ft. into the 10 ft. rear yard setback for an existing wooden porch canopy measuring 25.33 ft. by 14 ft. The porch canopy was an accessory building which seemed to be built prior to February 2009, according to Google Earth aerial images. Structures were not allowed on rear yard setbacks.

Approval of the variance request would allow the porch canopy to remain.

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

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

Chairperson Diaz asked staff if the applicant had applied for the abandonment of the easement. Mr. Forghanparast stated yes, the abandonment had already been done. It was approved by the City Commission and was ready to be recorded.

Vice-Chairperson Millin asked staff the porch was on the side of the street. Mr. Forghanparast stated it was on the rear side of the property and did not come into side yard setback.

Mr. Juan Jimenez asked staff if it was back ended into another neighbor. Mr. Forghanparast stated it went almost up to the property line. Mr. Jimenez asked if there was an overhang. Mr. Forghanparast stated there was an overhang but goes up to the property line.

Chairperson Diaz asked staff where do the columns sit. Mr. Forghanparast stated on the site plan it showed a one-foot separation which was where the posts sat.

Ms. Irma I. Rios, the applicant stated they had built the porch a few years ago. She stated that it was too small at the time so they decided to make it larger. She stated she did not know about obtaining a permit.

Mr. Jose Gutierrez asked the applicant if she knew about when the porch was built. She stated it might have been about 2008 or 2009.

Chairperson Diaz asked if it was attached to the house. Ms. Rios stated yes.

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

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

Vice-Chairperson Millin asked if there had been any complaints from the neighbor to the rear. Mr. Forghanparast stated staff had not received any complaints.

Ms. Sylvia Hinojosa asked this was brought to their attention because they requested a permit for an enclosed garage. Mr. Forghanparast stated yes. During the review process they noticed they had built the porch on the setback and the easement.

Mr. Hugo Avila asked if the permit was for the canopy. Mr. Forghanparast stated yes and also for the enclosed garage.

Chairperson Diaz stated to the applicant that their concern was that if it was approved she could enclose it in the future. But if it was disapproved she could reduce the porch to 4 feet and she would be in compliance.

Chairperson Diaz mentioned to the applicant that if this request was approved their concern was that she could be enclosed in the future. Being that it was close to the property fence line that it could endanger the neighbor. Chairperson Diaz also mentioned that if denied she could cut back on the porch to give enough shade and be in compliance.

Ms. Hinojosa asked staff if the posts were actually 2 feet from the fence or 4 feet. Mr. Forghanparast stated the posts now are at one foot from the fence.

Mr. Jose Gutierrez **moved** to disapprove the variance request. Mr. Juan Jimenez seconded the motion. The board voted unanimously to disapprove the variance request with five members present and voting.

- c) Request of Brendan Roth for the following variance to the City of McAllen Zoning Ordinance to allow an encroachment of 3 ft. into the 15 ft. rear yard setback for an existing pool measuring 21.8 ft. by 9 ft., at Lot 30, Brisas Del Norte Subdivision, Hidalgo County, Texas; 2600 Notre Dame Avenue. **(ZBA2020-0077)**

Mr. Forghanparast stated the applicant was requesting a variance to allow an encroachment of 3 ft. into the rear yard setback for an existing swimming pool built in 2006 by the previous property owner, Oscar Honeycutt. Mr. Honeycutt originally applied for a variance request in November 2017, which was not processed in order to resolve an abandonment request for an easement that runs concurrently with the rear yard setback. Since then, the property ownership has changed and the current property owner wished to resolve the variance and abandonment requests, in order to sell the property.

The subject property was located on the north side of Notre Dame Avenue at a cul-de-sac, 195 ft. east of North 26<sup>th</sup> Lane. The irregularly shaped lot had 83.55 ft. of frontage along Notre Dame Avenue with a depth of 150.44 ft. at its deepest point, for a lot size of 7,591 sq. ft. The surrounding land use was single-family residences and drain ditch R.O.W.

Brisas del Norte Subdivision was recorded on January 26, 2005. The residential home was built in 2005 and an application for a swimming pool permit was approved in 2006. Oscar Honeycutt, the previous owner of the property, applied for a variance request on November 2, 2017, which was not processed at the time, in order to resolve the abandonment application first, which was not finalized yet. Staff had received eight letters of approval and one letter of disapproval from utility companies in response to the abandonment request. One letter was still pending.

Mr. Honeycutt stated on the variance application that he was not aware that the pool was built encroaching into the rear yard setback. Then he subsequently sold the subject property to Brendan Roth, who was attempting to resolve the cases and finish the process in order to sell the subject property. As a result, Mr. Roth submitted a variance request application on July 29, 2020, as a change of applicant.

The plat for the subdivision showed a 15 ft. utility easement and setback along the rear side of the subject property. The variance request was to allow an encroachment of 3

ft. into the 15 ft. rear yard setback for an existing swimming pool measured 21.8 ft. by 9 ft. The swimming pool was an accessory building which was constructed in 2006. The pool permit was issued on January 23, 2006, but was never finalized. Structures were not allowed on rear yard setbacks.

Approval of the variance request will allow the swimming pool to remain.

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

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

Mr. Juan Jimenez asked staff there was one disapprove letter from the utility company, does it automatically not give them the abandonment. Mr. Forghanparast stated it is not automatic. The applicant could get an agreement with the utility company so if they need to come and destroy the pool it would be alright with the applicant but that process had not been done yet.

Mr. Brendan Roth, the applicant stated he did receive a finalized permit from the City in the fall of 2017 after issuing a permit to the owner back in 2006 which was never finalized. When Mr. Roth brought to the Planning Department back in December 2017 they did finalize the permit. He did have a permit for the pool. The issue was that the original owners applied for this variance and Mr. Roth was trying to finalize it for three years.

Mr. Forghanparast stated the final permit will be pending the final inspection. And because the pool was encroaching into the setback that could not be done.

Mr. Roth stated he had utility companies come out and draw the line on the fence. They were nowhere near the pool and nowhere near or under running underneath or next to the pool. It was within a foot from the fence perimeter. He tried to clarify with the one company that did not approve the abandonment request verifying that they were aware the lines ran that far away from the pool.

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

Chairperson Diaz asked if there was anyone present or on Zoom in opposition of the variance request. There was one present in opposition of the variance request.

Mr. Bush asked if the applicant was to keep the pool in the same location. Chairperson Diaz explained the pool encroached 3 feet into the rear easement and into the building setback but nothing changes.

Mr. Forghanparast stated he just checked the record and the applicant received the final for the pool. But was not sure if the Title company would clear it out.

Mr. Roth stated when he bought the pool he brought it up before closing and it was not



an issue with selling the property. It was just him doing his due diligence from three years so he would not have problem selling the property.

Vice-Chairperson John Millin **moved** to approve the variance request limited to the footprint of the site plan. Ms. Sylvia Hinojosa seconded the motion. The board voted unanimously to approve the variance request with five members present and voting.

- d) Request of Stephanie Ramirez, on behalf of Jaime Muriel for the following variance to the City of McAllen Zoning Ordinance to allow an encroachment of 11.7 ft. into the 11.7 ft. front yard setback for an existing extension of the metal porch measuring 11.7 ft. by 34 ft. at South 25' of Lot 3 and All of Lot 4, Block 17, Ewing's Addition Subdivision, Hidalgo County, Texas; 901 & 905 North Main Street. **(ZBA2020-0082)**

Ms. Garza stated the applicant was requesting the following variance to allow an encroachment of 11.7 ft. into the 11.7 ft. front yard setback for an existing extension of the metal porch measuring 11.7 ft. by 34 ft. The applicant has indicated that the basis for the request is to use the existing expansion of structure as shade for front outdoor seating area of the restaurant, "Mikhuna Japanese- Peruvian Cuisine".

The property was located on the west side of North Main Street, approximately 350 ft. north of Hackberry Avenue, and is zoned C-3 (general business) District. Adjacent zoning is zoned R-1 (single family residential) District to the west, and C-3 to the north, south and east. Surrounding land uses are restaurants, retail, and single family residential.

The property was located in Ewing's Addition, which was recorded on February 2, 1920. The previous owner applied for a variance request on October 13, 1983 to build the existing building 13.6 ft. back from the front property line instead of the 27.5 ft. setback required. At the Zoning Board of Adjustment and Appeal meeting of November 16, 1983 there was no one present in opposition and the board made the motion to approve the variance as long as the continuity of the front building setback remained the same with the surrounding building.

A building permit application for a metal porch measuring 11.7 ft. by 35 ft. on the north side of the property was submitted on November 25, 2019 and on May 6, 2020 the applicant applied for a variance for the proposed metal porch encroaching into the front yard setback. A building permit was issued for the construction of the metal porch on May 20, 2020, with the applicant's understanding that if the variance request is denied, he will have to come back and revised the site plan to not have the proposed metal structure in the front of the restaurant. At the Zoning Board of Adjustment & Appeal meeting of June 3, 2020, there was someone in opposition to the request; however, after discussion, the Board voted unanimously to approve the variance request subject to the footprint as shown on the site plan.

The applicant received a Stop Work Order Notice on November 12, 2020 because the south extension porch was built without a building permit; nonetheless, the porch is completely built. They applied for a Building Permit on November 13, 2020 and after reviewing permit on November 16, 2020 Planning Staff let the applicant know that they had let the previous agent know that if they wanted to expand the porch to the south side, they needed to apply

for a new variance request. The applicant applied for a variance request for the new expansion to the south on November 16, 2020.

The extension of the metal porch to the south will be used for outdoor dining at the restaurant. The new extension of the porch to the south measured 11.7 ft. by 34 ft. for (397.8 sq. ft.) with a height of 8 ft. The material of the extension of the porch to the south was identical to the north portion that was approved by the Board on June 3, 2020; it has a metal roof with metal posts in concrete. The porch extended from the wall of the existing building toward the front property line as per survey and site plan submitted. The zoning ordinance stated that the front setback for a C-3 (general business) property shall be equal to one-half of the width of the street right-of-way which it faces or in line with majority setback of existing structures on the block face, whichever is greater. As per Ewing's Addition Subdivision plat, the street right-of-way was 75 ft.; however, as per Professional Center subdivision plat on the east side of Main Street shows the street ROW to be 60 ft.

The extension of the porch to the south was adding 397.8 sq. ft. of dining area to the restaurant; therefore, 4 additional parking spaces are required.

There was one call received in opposition.

Staff recommended disapproval of the variance request. If the Board chooses to grant the variance, it should be limited to the foot print as shown on the site plan and must provide the 4 additional parking spaces required based on the additional 397.8 sq. ft. of dining area.

**Vice-Chairperson John Millin abstained from this item.**

Mr. Jose Gutierrez asked staff if the applicant had enough parking spaces. Ms. Garza stated the applicant did submit a parking agreement from Leo Montalvo, Attorney granted access to the restaurant to use five parking spaces during the following hours of operation Monday through Friday, 5 p.m. to 11 p.m. and Saturday, 2 p.m. to 10 p.m. with conditions.

Chairperson Diaz asked if they built the expansion without a building permit. Ms. Garza stated yes.

Mr. Juan Jimenez if there was opposition. Ms. Garza stated there was opposition for the first variance on the porch and there was one now for this expansion.

Ms. Stephanie Ramirez, the applicant stated she was requesting a variance for their restaurant establishment. She stated they were facing a hardship as a business. They had to close down their restaurant due to the pandemic. Ms. Ramirez stated having the extended porch would allow them to have added seating for their guests since no one can eat inside within the close proximity. She stated there was a miscommunication between the Planning Department and their business with the first porch and this extension.

Ms. Garza stated the previous north side porch, the previous applicant, Ms. Clementina called a couple of weeks ago or a month ago asking if she could expand the porch to the

south side. Ms. Garza informed that she could not expand because she would have to go through the same variance process. She said Ms. Clementine said that was fine and did not hear from her again. The building permit was reviewed November 16 and she called Ms. Ramirez to let her know about the variance process. Ms. Garza stated that Ms. Ramirez had said she had called the Planning Department; however, when asked what the extension was Ms. Ramirez stated extension 1300 in which Ms. Garza mentioned to her that was the Building Department.

Ms. Hinojosa asked staff if there was an internal expansion. Ms. Garza stated the north part of the dining area was already included. They came in May to add to the expansion of the porch. In this case, they were not only adding a porch but adding dining area and that is why they needed four additional parking spaces.

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

Chairperson Diaz asked if there was anyone present or on Zoom in opposition of the variance request. There was someone present in opposition of the variance request.

Mr. Jack Edwards, 1321 Jasmine Avenue, had concerns with the on-site parking. He also stated he did see a variance sign posted in the front of the property. He stated he spoke with the church next door and they did not know there was a meeting today. Mr. Edwards commented that both these structures were built without a variance. He continued to state his other concerns.

Ms. Ramirez stated their goal was not to change but to add character to the neighborhood. There were over 8 outdoor patios on Main Street from Business 83 to Pecan Boulevard. The hardship they were having was that other porches were larger than theirs and was not going to make a huge difference. They did not have a liquor license but a beer and wine license. It was a family establishment.

Ms. Sylvia Hinojosa **moved** to approve the variance request. Mr. Hugo Avila seconded the motion. The board voted to approve with four members voting aye and one voting nay, Mr. Jose Gutierrez.

- e) Request of Derrick Munoz, for the following variances to the City of McAllen Zoning Ordinance: **1)** to allow an entrance of 5 ft. to a garage instead of the required 18 ft. for an existing garage structure measuring 20 ft. by 25 ft., and **2)** to allow an encroachment of 5 ft. into the 10 ft. west side yard setback for a proposed room addition measuring 19.67 ft. by 25 ft., on Lot 4, Block 20, Camellia Terrace Subdivision, Hidalgo County, Texas; 722 Harvey Drive. **(ZBA2020-0009) (TABLED: 11/18/2020) (WITHDRAWN)**
- f) Request of Derrick Munoz, for the following variances to the City of McAllen Zoning Ordinance: **1)** to allow an entrance of 4 ft. to a garage instead of the required 18 ft. for an existing garage structure measuring 20 ft. by 25 ft., **2)** to allow an encroachment of 5 ft. into the 10 ft. corner side yard setback for a proposed room addition measuring 19.67 ft. by 25 ft., and **3)** to allow an encroachment of 4.5 ft.

into the 10 ft. corner side yard setback for an existing single family home at Lot 4, Block 20, Camellia Terrace Subdivision, Hidalgo County, Texas; 722 Harvey Drive. **(ZBA2020-0009)**

Mr. Garza stated Mr. Derrick Munoz, owner and applicant requested the following variances: 1) to allow an encroachment of 4 ft. to an entrance to a garage instead of the required 18 ft. for an existing garage structure measuring 20 ft. by 25 ft. 2) to allow an encroachment of 5 ft. into the 10 ft. west side yard setback for a proposed room addition measuring 19.67 ft. by 25 ft., and 3) to allow an encroachment of 4.5 ft. into the 10 ft. corner side yard setback for an existing single family home. The applicant indicated that he was requesting the above variance #1 to allow the existing garage structure to remain since a previously existing garage was enclosed. The applicant would also like to add an addition to their existing home, this being the reason for variance #2. The applicant requests variance #3 for an existing nonconforming single-family residence.

The property was located at the northeast corner of Harvey Drive and North 8<sup>th</sup> street. The property had 84 ft. of frontage along Harvey Drive and a depth of 125 ft. for a tract size of 10,500 sq. ft. The property is zoned R-1 (single family residential) District. The adjacent zoning is R-1 District to the north, east, and south, and R-2 (duplex-fourplex residential) District to the west.

Camellia Terrace Subdivision was recorded on January 27, 1959. A variance application for an existing garage structure and addition to a room was received in March 2020. The Planning Department had this application on hold in order to allow the applicant time to submit a revised site plan and due to the applicants concerns with COVID-19.

The first variance request was to allow an encroachment of 4 ft. instead of the 18 ft. entrance to a garage requirement for an existing garage structure. The wooden "garage" canopy has a composition shingle roof and metal supports. The structure is open on all sides. A site plan submitted shows an existing covered carport that has been modified by enclosing, the street side opening with a garage door essentially turning a covered carport into a "garage". The site plan further indicates that the garage door encroaches 14 ft. into the required 18 ft. entrance. The garage door was installed for security purposes. A building permit has not been applied for. No accessory building shall encroach into the required yard along any street. The zoning ordinance states that entrances to a garage or enclosed carport shall be a minimum of 18 ft. from streets or alleys. The purpose of the entrance to a garage of 18 ft. is to allow visibility to maneuvering into and out of the garage and additional parking for a garages used as storage.

The second variance request was to allow an encroachment of 5 ft. into the 10 ft. side yard setback for an addition to the existing home. Section 138-368(a) of the zoning ordinance states that the width of the side yard along the street shall not be less than ten feet on a corner lot in all districts, provided that the building width of such a lot of record shall not be reduced to less than 38 ft. The proposed encroachment into the corner side yard is 5 ft. by 19.67 ft. or 98.35 ft.

The third variance request was to allow an encroachment of 4.5 ft. into the 10 ft. corner side yard setback for an existing single family home that was built in 1978 under the 1945 zoning

setbacks. Section 138-87 of the zoning ordinance stated that no such nonconforming structure may be enlarged or altered in a way which increases its structural nonconformity. The proposed expansion will alter the existing nonconforming structure.

There was a shed and a metal roof that are encroaching into the side yard setback, but they will be removed for the proposed addition (variance #2) to the existing home.

There are no utility easements inside the property.

Planning Department had not received any calls in opposition to the requests.

Staff recommended disapproval of the variance requests #1 and #2, and approval of variance request #3.

Chairperson Diaz asked staff to explain variance request #3. Mr. Garza stated because they were proposing to expand a nonconforming structure it needed to apply for a variance for the expansion of a nonconforming structure. The structure was built in 1978 under the 1945 zoning setbacks. In the current ordinance it would be encroaching but because it was built back then it falls under their setbacks.

Chairperson Diaz asked staff about variance request #2. Ms. Hinojosa asked if it was an open garage. Mr. Garza stated yes. Because the garage was on the side it would be a variance but it was also a garage and not a carport. It was requiring the 18-foot variance instead of into the encroachments.

Mr. Derrick Munoz, the applicant stated he had his home crashed into back in 2016 and wanted to move the garage to the other side. The other room was a garage and later had it enclosed to make it into a storage room then later into a study room for his daughters after Covid. The carport that was attached to the house measured 20 by 20 feet. It originally had three walls then later put up another wall enclosing it. He also installed a door and two windows. The construction he was doing was behind his house.

Chairperson Diaz mentioned to the applicant one of their concerns was if they grant the variance that he might enclose or the next owner to enclose it into a room.

His intentions were to make another storage room for household goods in between the house and the carport.

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

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

Ms. Sylvia Hinojosa **moved** to approve variance requests #1, #2 and #3 to the existing footprint of the site plan. Mr. Jose Gutierrez seconded the motion. The board voted unanimously to the variance requests with five members present and voting.

**g)** Request of Alonzo Cantu for a variance to the City of McAllen Zoning Ordinance

to allow a lot size of less than 2,000 sq. ft. with a minimum lot size of 1,580 sq. ft. for Lots 2-12, 1,705 sq. ft. for Lots 15-21, and 1,924.54 sq. ft. for Lot 13, for a 1.23-acre tract of land out of Lot 1, Section 11, Hidalgo Canal Company Subdivision (proposed 2<sup>nd</sup> and Dove Subdivision), Hidalgo County, Texas; 201 Dove Avenue.  
**(ZBA2020-0073) (TABLED: 11/18/2020)**

Mr. Garza stated Mr. Alonzo Cantu was requesting the following variance to allow a lot size of less than 2,000 sq. ft. with a minimum lot size of 1,580 sq. ft. for lots 2-12, 1,705 sq. ft. for lots 15-21, and 1,924.54 sq. ft. for lot 13. The proposed request was in order to establish a 21- lot townhouse subdivision.

The subject property was located at the southeast corner of Dove Avenue and 2<sup>nd</sup> Street. The lot had 277 ft. of frontage on Dove Avenue and 174.58 ft. along 2<sup>nd</sup> Street. The property was zoned R-3T (multifamily residential townhouse) District. The adjacent zoning was R-1 (single family residential) District to the north, south, and west, and A-O (agriculture and open space) District to the east. The subject property was vacant.

On August 10, 2020 the subject property was rezoned from R-1 District to R-3T District. 2<sup>nd</sup> and Dove (Proposed) Subdivision has been submitted and was currently under review. The variance request application was submitted on October 16, 2020.

The variance request was to allow a lot size of less than 2,000 sq. ft. The minimum lot area includes internal sidewalks, recreation areas, floor space, parking area, open space and utility easements, but did not include any public right of way street easements or alley easements. Section 138-356 of the zoning ordinance shows the required lot size for lots in the R-3T District was 2,000 sq. ft. The lot size requirements are established to conserve and enhance the environment and character of a given use district, and to protect the health, safety and general welfare of the residents of that district.

A proposed subdivision plat showed Lots 2-12 are proposed to be at 1,580 sq. ft. or 420 sq. ft. less than the required 2,000 sq. ft. lot size, Lots 15-21 are proposed to be at 1,705 sq. ft. or 295 sq. ft. less than the required 2,000 sq. ft. lot size, and Lot 13 was proposed to be at 1,924.54 sq. ft. or 76 sq. ft. less than the required 2,000 sq. ft. lot size. The proposed subdivision 2<sup>nd</sup> and Dove was currently in the review process. They were proposing 21 lots (Lots 1 and 14) and 2 of those lots will be in compliance with the minimum lot size requirements.

The plight of the owner in regards to meet the lot size was not unique since a reduction in the number of proposed lots may enable the property to achieve compliance.

Staff had received one phone call in opposition to the request.

At the Zoning Board of Adjustment and Appeals meeting of November 18, 2020, no one appeared in opposition to the variance request. The applicant was not present. The Board unanimously voted to table the variance request in order allow the applicant time to submit more information to staff. There were five members present and voting. Staff recommended disapproval of the variance request. Vice-Chairperson Millin asked staff about any calls in opposition. Mr. Garza stated they

had not received any oppositions only calls with questions about the request.

Chairperson Diaz asked staff when it was going before the Planning and Zoning Board. Mr. Garza stated the variance request had to be heard first before they can continue the Planning and Zoning process.

Mr. Edgar Garcia, Planning Director stated that received preliminary was received with the conditions they got all the variances.

Ms. Hinojosa asked staff if it was private gated property. Mr. Garza stated the proposed picture showed that it will be gated but the applicant would be able to discuss more about the subdivision.

Mr. Alonzo Cantu, the applicant stated the property was not gated but had not thought about it. There was a gate in the rendering which was the solution they had with the Fire Department for emergencies. On the west side there was an entrance but not gate. He had received some complaints from the neighbors and modified it to make less lots and do more green areas. It was a good area close to medical community and hospital.

Chairperson Diaz asked Mr. Cantu as to why he could not meet the minimal standards. Mr. Cantu stated because they had to make a turning lane on Dove Avenue and the also the width. The lot was not wide enough to get the 2,000 feet. They met all requirements including the detention area and landscaping. They will have a solid fence for noise reduction and no windows overlooking the neighbor's backyards. They will redo the alley to make it wider. The entrance to the neighborhood will be from Dove Avenue on the west side.

Mr. Cloromiro Hinojosa, 701 South 15<sup>th</sup> Street is the Civil Engineer for the project. He stated in speaking with City staff it had been 15 years since they had not updated their City ordinances. Lot sizes will be one of the items to be looked at.

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

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

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

- h) Request of Maricela Galvan, for the following variances to the City of McAllen Zoning Ordinance: 1) allow an accessory use without a primary use for a proposed swimming pool, 2) to allow an encroachment of 4 ft. into the 6 ft. east side yard setback for an existing pergola measuring 10 ft. 10 ft. on Lots 2 & 3, Oxford Heights Subdivision, Hidalgo County, Texas; 3504 and 3500 Kilgore Avenue. (ZBA2020-0074) (TABLED: 11/18/2020) (WITHDRAWN)**

**3. FUTURE AGENDA ITEMS:**

- a) 2208 South 30<sup>th</sup> ½ Street
- b) 2717 York Avenue
- c) 1820 South Bentsen Road
- d) 2716 Ursula Avenue
- e) 612 South 15<sup>th</sup> Street

**ADJOURNMENT**

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

---

Chairperson Erick Diaz

---

Carmen White, Secretary



**Memo**

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

**FROM:** Planning Staff

**DATE:** November 12, 2020

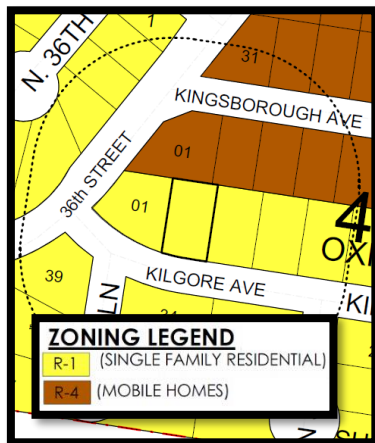
**SUBJECT: REQUEST OF MARICELA GALVAN FOR THE FOLLOWING VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) ACCESSORY USES WITHOUT A PRIMARY USE FOR A PROPOSED SWIMMING POOL MEASURING 10 FT. BY 20 FT., AN EXISTING STORAGE BUILDING MEASURING 12 FT. BY 22 FT., AND AN EXISTING PERGOLA MEASURING 10 FT. BY 10 FT. AND, 2) AN ENCROACHMENT OF 2 FT. INTO THE 6 FT. EAST SIDE YARD SETBACK FOR AN EXISTING PERGOLA MEASURING 10 FT. BY 10 FT. AT LOT 2, OXFORD HEIGHTS SUBDIVISION, HIDALGO COUNTY, TEXAS; 3504 KILGORE AVENUE. (ZBA2020-0074)**

**REASON FOR APPEAL:**

The applicant is requesting the following variances: to allow an accessory use without a primary use for a proposed swimming pool, existing storage building and an existing pergola and to allow an encroachment of 2 ft. into the 6 ft. east side yard setback for a pergola measuring 10 ft. by 10 ft. The main use, a single family residence is located on the adjacent lot 3, both lots are owned by the applicant.

**PROPERTY LOCATION AND VICINITY:**

The property is located on the north side of Kilgore Avenue, approximately 70 ft. east of 36<sup>th</sup> Street. The lot has approximately 65.14 ft. of frontage along Kilgore Avenue and approximately 110.03 ft. of depth for a lot size of 7,120 sq. ft. The property is zoned R-1 (single-family residential) District. The adjacent zoning is R-4 (Mobile Home and Modular Home) District to the north, and R-1 (Single Family Residential) to the east, west, and south. The subject property does not have a main building and only has accessory structures. The surrounding land uses include single-family residences.



**BACKGROUND AND HISTORY:**

Oxford Heights Subdivision was recorded on January 11, 2005. An application for a swimming pool permit was submitted on October 21, 2020. The proposed swimming pool will be an accessory use on the vacant lot. A separate application for a building permit was submitted on October 21, 2020 for an existing pergola and storage shed on the vacant lot. The existing storage shed will be relocated out of the rear yard setbacks. The existing pergola is encroaching on the east side yard setback. The storage shed and pergola are accessory buildings; an accessory building is allowed on the same lot as the main building. The applicant was informed that she would require a variance for the pergola encroachment and the accessory buildings.

**ANALYSIS:**

The variance request is for a proposed swimming pool, an existing storage building, and existing pergola which are accessory structures and not a primary building. In addition, a variance request was submitted for the pergola encroaching on the east side yard setback.

An 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 uses of buildings are located on a lot occupied by the main use conforming with setback and other regulations concerning the location.

The site plan shows a proposed rectangular swimming pool measuring 10 ft. by 20 ft. on the west side of the rear side of the property. In addition, the site plan shows a storage shed measuring 12 ft. by 22 ft. on the rear yard of the property. The pergola is encroaching 2 ft. into the 6 ft. east side yard setback. There is a fence that encircles lots 2 and 3 making the tract one property.

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

**RECOMMENDATION:**

Staff recommends disapproval of the variance request. If the Board chooses to grant the variance, it should be limited to the footprint of the submitted site plan and the uses shown on the proposed site plan.

ZBA 2020-0074

ZBA 11/18/20



# City of McAllen

## Planning Department

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

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

<b>Project</b>	Legal Description	<u>Lot Two (2) Lot Three (3)</u>	
	Subdivision Name	<u>Oxford Heights</u>	
	Street Address	<u>3504 Kilgore Ave / 3500 Kilgore Ave</u>	
	Number of lots	<u>2</u>	Gross acres _____
	Existing Zoning	_____	Existing Land Use _____
	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

<b>Applicant</b>	Name	<u>Maricela Galvan</u>	Phone	<u>956-588-1200</u>
	Address	<u>3500 Kilgore Ave</u>	E-mail	<u>maricga85@yahoo.com</u>
	City	<u>McAllen</u>	State	<u>TX</u>
			Zip	<u>78504</u>

<b>Owner</b>	Name	<u>Maricela Galvan</u>	Phone	<u>956-588-1200</u>
	Address	<u>3500 Kilgore Ave</u>	E-mail	<u>maricga85@yahoo.com</u>
	City	<u>McAllen</u>	State	<u>TX</u>
			Zip	<u>78504</u>

<b>Authorization</b>	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?	
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.	
	Signature	<u>Maricela Galvan</u> Date <u>10-21-2020</u>
Print Name	<u>Maricela Galvan</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent	

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



# City of McAllen

## Planning Department

### REASON FOR APPEAL & BOARD ACTION

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

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

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

Reason for Appeal

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

Me & my husband own our home at 3500 Kilgore Ave. which is lot 3 in the Oxford Heights subdivision in McAllen. Because the backyard of our home did not seem to be big enough to allow us to pursue our enjoyment of garden and planting. I purchased the adjoining lot which is lot 2 at 3500 Kilgore Ave. My vision was to continue to plant my trees and vegetation and ultimately put a swimming pool in for our enjoyment.

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

By allowing me to build that swimming pool I would be able to provide a place for my grandchildren to enjoy themselves while visiting and provide my husband and I a resource for exercise and therapy as we grow ~~older~~ older.

3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:

I believe that by maintaining the required specifications set by the city we would not impact the adjoining residences and neighbors.

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

We've made additions to our home to provide us with a comfortable life style and we just would like to have the opportunity to enjoy the outdoors of our properties as we grow older. I am 56 and my husband is 74 yrs old. Thank you.

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)

PERMIT APPLICATION REFERENCE NUMBER Swma200-07750

APPLICANT

NAME Maricela Galvan and Frank Ortiz PHONE 956 . 588 . 1200  
 ADDRESS 3504 Kilgore Ave  
 CITY McAllen STATE Tx. ZIP 78504  
 CONTACT NAME: Maricela Galvan PHONE 956 588 1200  
 OWNER  CONTRACTOR  TENANT  OTHER

OWNER

NAME Maricela Galvan PHONE 956 588 1200  
 ADDRESS 3500 Kilgore Ave. \*EMAIL: maricga 85 @ yahoo . com  
 CITY McAllen STATE Tx. ZIP 78504

\*OWNER INFORMATION NOT PROVIDED, INITIAL:

NEW  REMODELING  REPAIR  
 SQ. FT. 200 NO. OF GALLONS \_\_\_\_\_ SQ. FT. LOT \_\_\_\_\_ STRUCTURE VALUE \$ 20,000.00  
 EXISTING USE OF LOT No a Residential NEW USE \_\_\_\_\_  
 PLUMBING CONTRACTOR \_\_\_\_\_ ELECTRICAL CONTRACTOR \_\_\_\_\_

PROJECT

ENCLOSURE/ BARRIER NEW \_\_\_\_\_ EXISTING \_\_\_\_\_ MATERIAL \_\_\_\_\_ HEIGHT \_\_\_\_\_  

<b>POOL</b> <input checked="" type="checkbox"/> IN-GROUND <input type="checkbox"/> ABOVE-GROUND <input type="checkbox"/> HOT TUB/SPA <input type="checkbox"/> OTHER <input type="checkbox"/> _____	<b>DECKING</b> <input type="checkbox"/> COOL DECK <input type="checkbox"/> PAVERS <input type="checkbox"/> WOOD <input type="checkbox"/> CONCRETE <input type="checkbox"/> OTHER <input type="checkbox"/> _____	<b>ADDITIONAL FEATURES</b> <input type="checkbox"/> SLIDE <input checked="" type="checkbox"/> WATER FALL <input type="checkbox"/> POOL FIRE BOWL <input type="checkbox"/> HEATING SYSTEM <input type="checkbox"/> OTHER <input type="checkbox"/> _____
---	---	--

LOT 243 BLOCK \_\_\_\_\_ SUBDIVISION Oxford Heights  
 SITE ADDRESS: ADDRESS NUMBER 3504 STREET NAME Kilgore

CITY USE ONLY

ZONING \_\_\_\_\_ Permit Fee \$ 55.86 Rec'd by [Signature]  
 Double Fee \$ \_\_\_\_\_ Date 10/21/20  
 Total Fee \$ \_\_\_\_\_ Time 4:45

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.

Maricela Galvan PRINT (AUTHORIZED AGENT/OWNER) Maricela Galvan SIGNATURE maricga 85 @ yahoo . com EMAIL ADDRESS (required) 10-21-2020 DATE



CITY OF McALLEN RESIDENTIAL PERMIT APPLICATION

REV. 3/2020

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

APPLICATION MUST BE COMPLETE

PERMIT APPLICATION REFERENCE NUMBER

RES 2020-07749

(Please type or print in black or blue ink)

GC103099 APPLICANT

NAME: Maricela Galvan, ADDRESS: 3500 Kilgore Ave., CITY: McAllen, STATE: Tx, ZIP: 78504, PHONE: 956-588-1200. Includes checkboxes for OWNER, CONTRACTOR, TENANT, OTHER.

OWNER

OWNER INFORMATION fields: NAME, ADDRESS, CITY, PHONE, \*EMAIL: REQ'D, STATE, ZIP.

\*OWNER INFORMATION NOT PROVIDED, INITIAL:

Project type checkboxes: NEW, ADDITION, REMODELING, REPAIR, MOVE, REMOVE. Includes fields for BLDG. SQ. FT., NO. OF FLOORS, NO. OF PARKING SPACES, LOT FRONT, FLOOR EL ABOVE CURB, EXISTING USE OF LOT, NEW USE.

SCOPE OF WORK TO BE DONE: storage and Pergola for green area (264 sqft), (100 sqft)

PROJECT

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

FOUNDATION, EXT WALL, ROOF, UPGRADES/OTHER checkboxes: CONCRETE SLAB, MASONRY VENEER, WOOD SHINGLE, GRANITE COUNTERTOPS, etc.

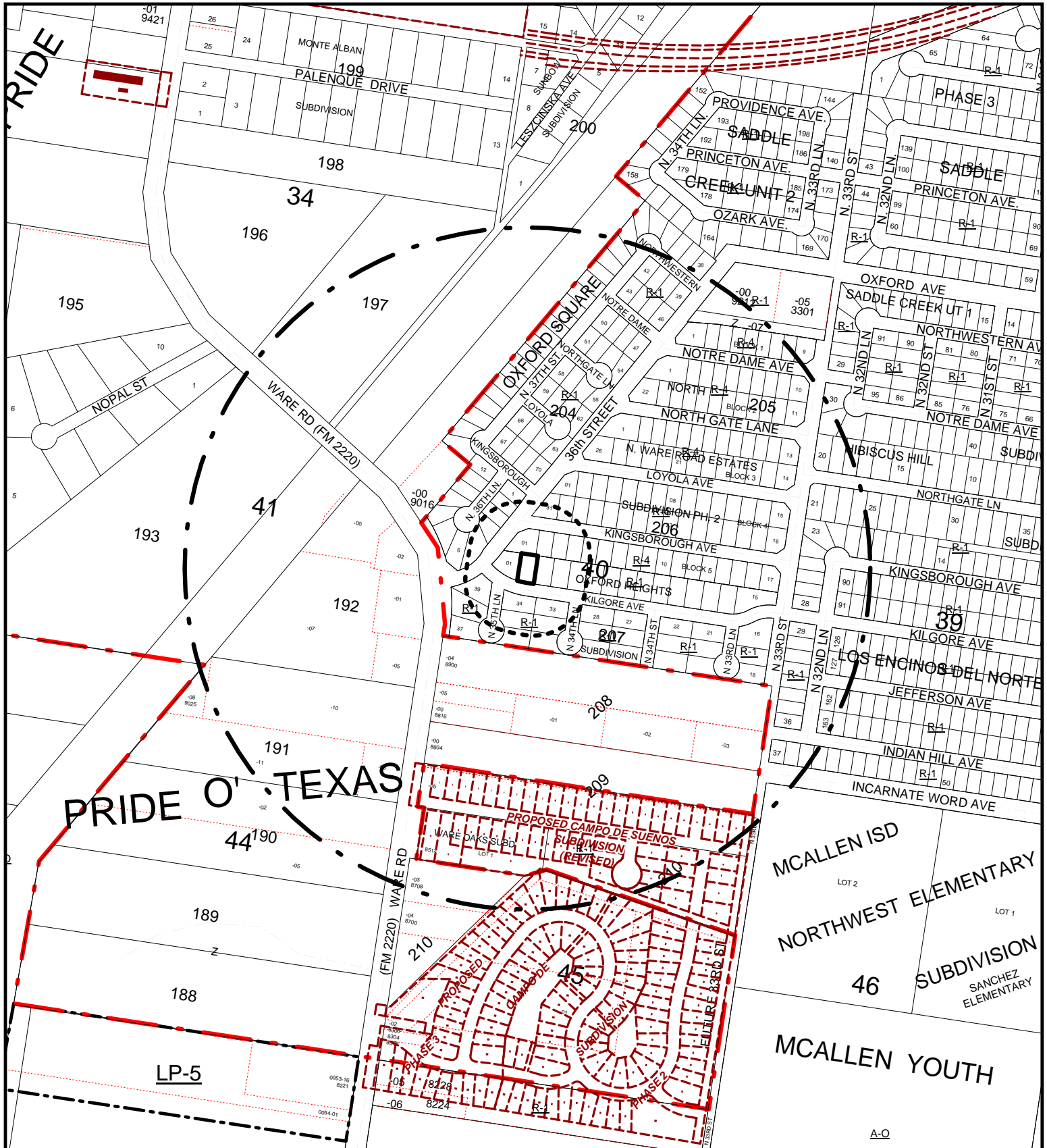
LOT 243 BLOCK, SUBDIVISION Oxford Heights, SITE ADDRESS ST. NO. 3504 ST. NAME Kilgore Ave. McAllen, Tx 78504


CITY USE ONLY

Construction Cost 14,560, Permit Fee \$ 58.24, Value \$, Double Fee \$, Zoning, Total Fee \$, Park Development Fee \$, Park Zone. Includes Rec'd by, Date 10/21/20, Time 4:45.

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.

Maricela Galvan (PRINT), Maricela Galvan (SIGNATURE), maricga85@yahoo.com (EMAIL ADDRESS), 10-21-2020 (DATE)








**CITY OF McALLEN**  
PLANNING DEPARTMENT


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

**AREA MAP**




**SUBJECT PROPERTY** 

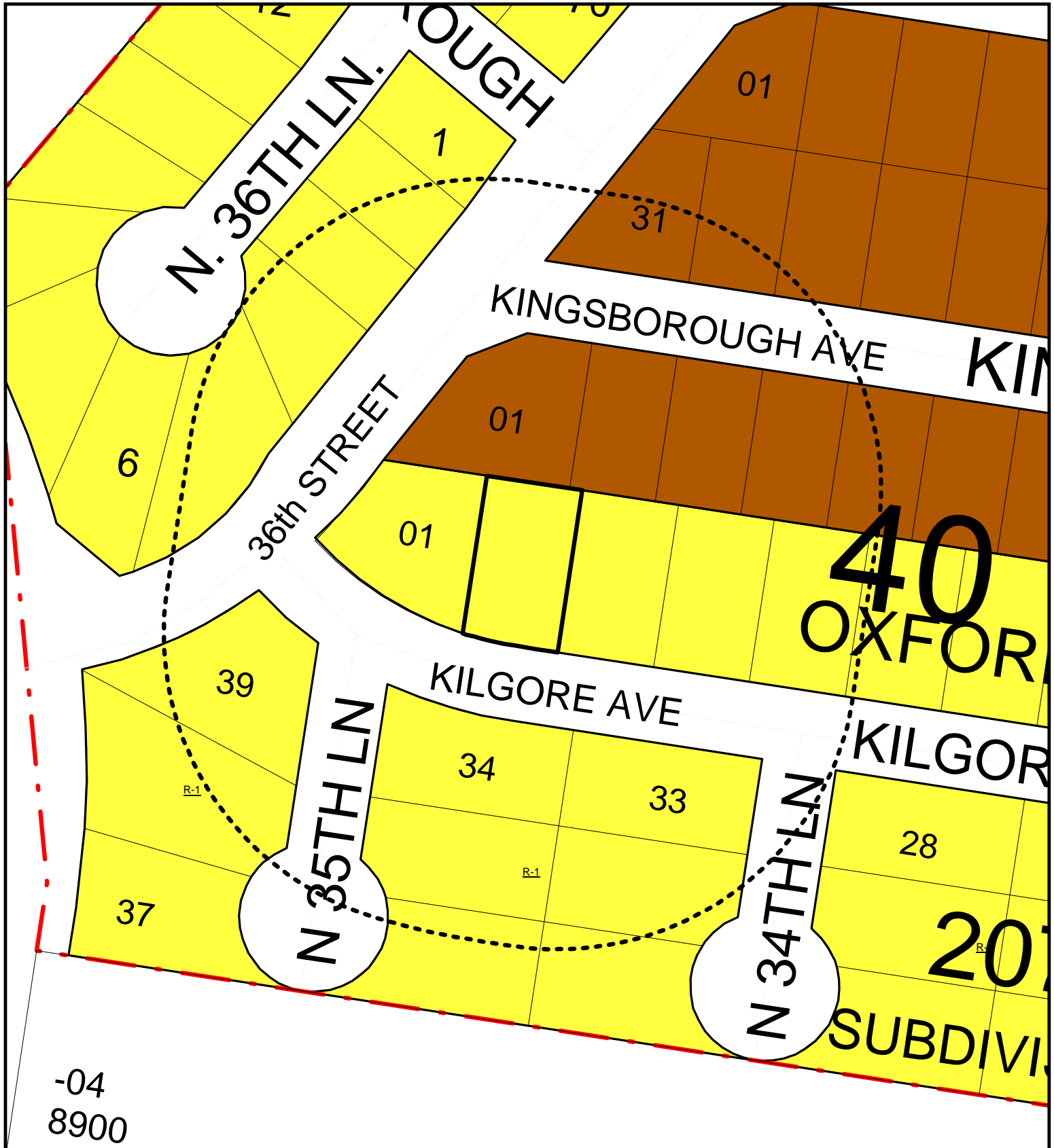
**200 FT. NOTIFICATION BOUNDARY** 

**1/4 MILE RADIUS** 

**ZONING LEGEND**


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

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



-04  
8900


-05



**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

**AREA MAP**



**□** SUBJECT PROPERTY

**⋮** 200 FT. NOTIFICATION BOUNDARY

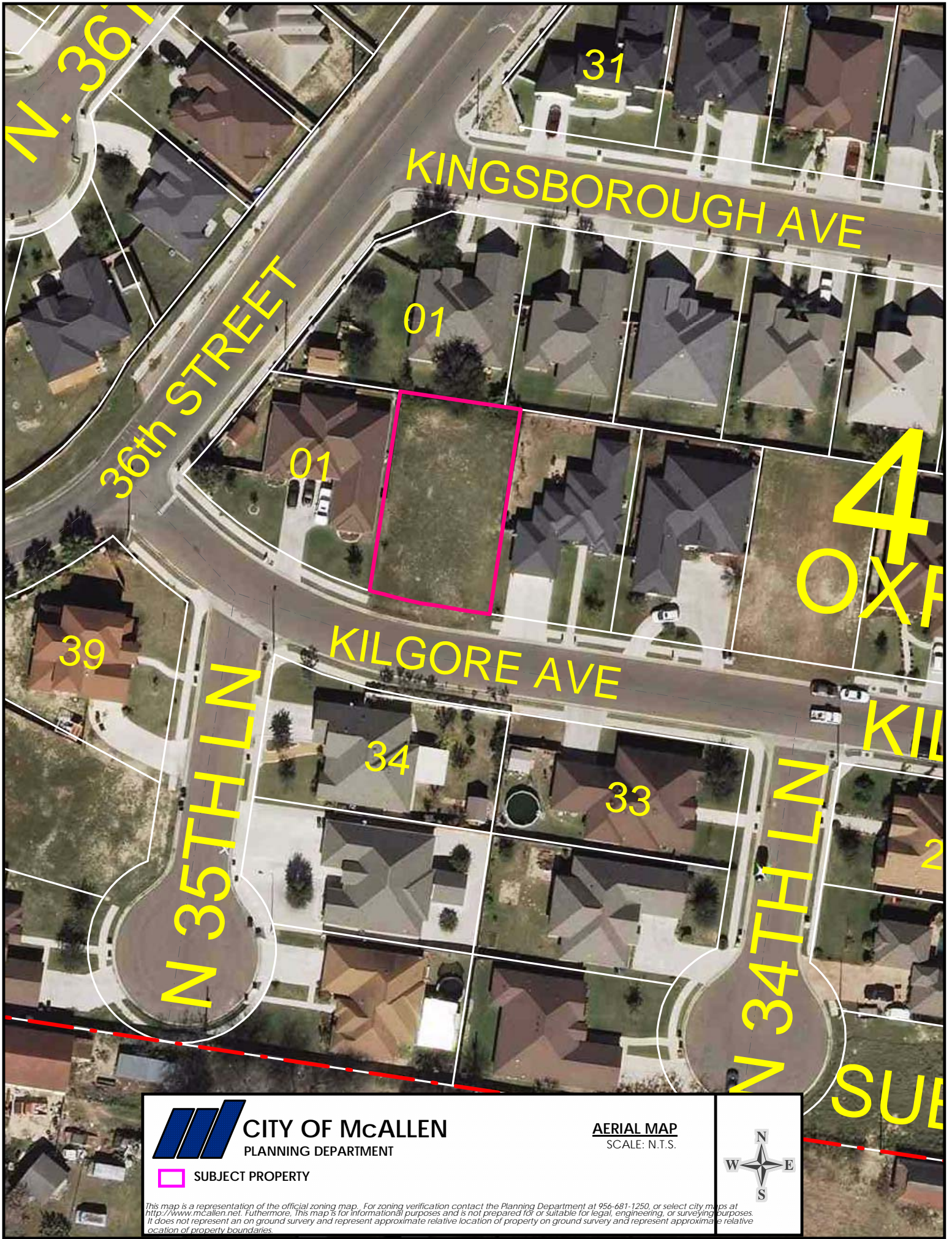
**ZONING LEGEND**

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

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.

88





**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

 **SUBJECT PROPERTY**



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.





Pergola



Pergola – Side yard





# MAP

OF

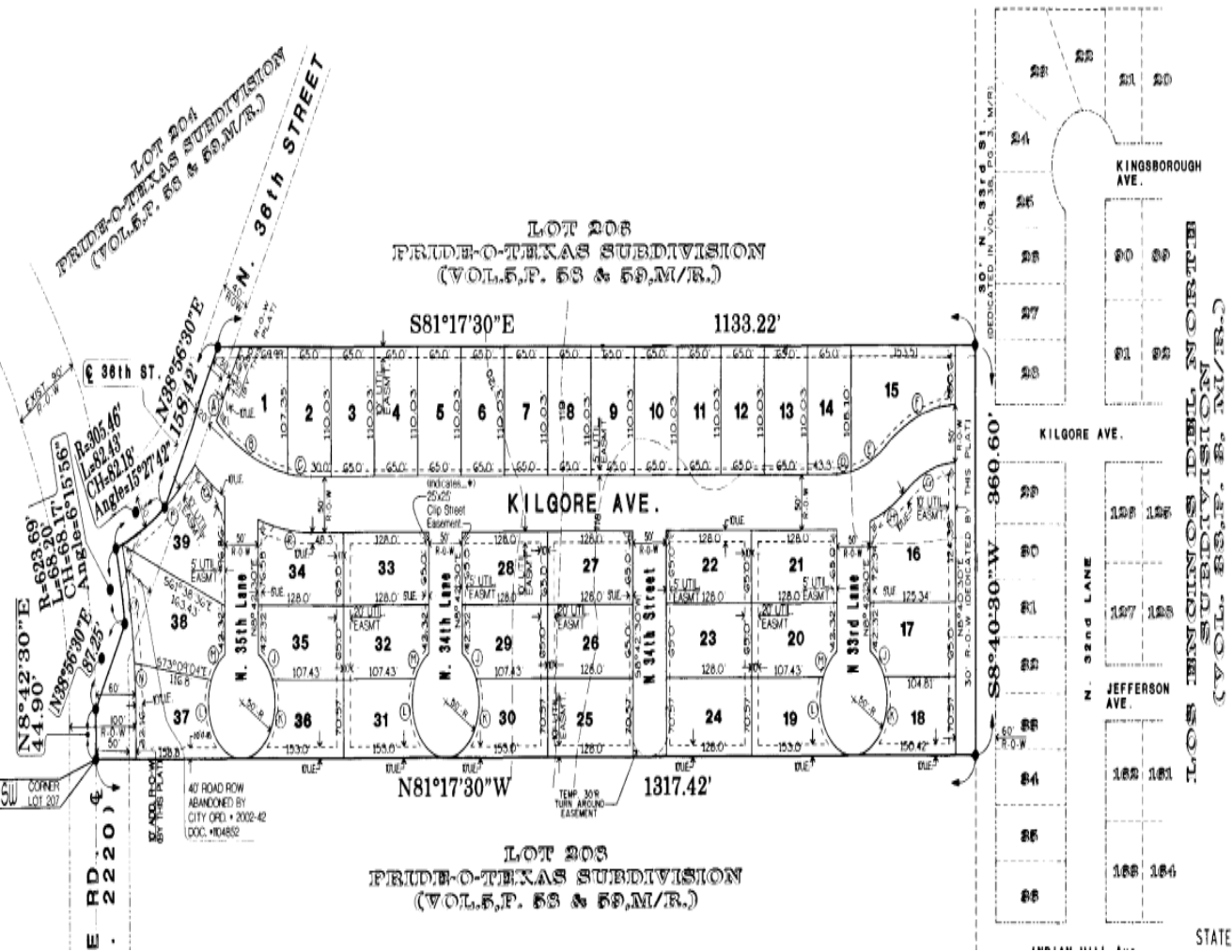
# OXFORD HEIGHTS



BEING A SUBDIVISION OF ALL LOT 207,  
AND THE SOUTH 10.0 FT. OF LOT 206,  
AND 0.10 Ac. TRIANGULAR SHAPED  
TRACT OF LOT 204,  
PRIDE-O-TEXAS SUBDIVISION,  
Hidalgo County, Texas.  
recorded in vol. 5, page 58 & 59, M/R.  
Hidalgo County, Texas  
CONTAINING 10.30 ACRES OF LAND MORE OR L

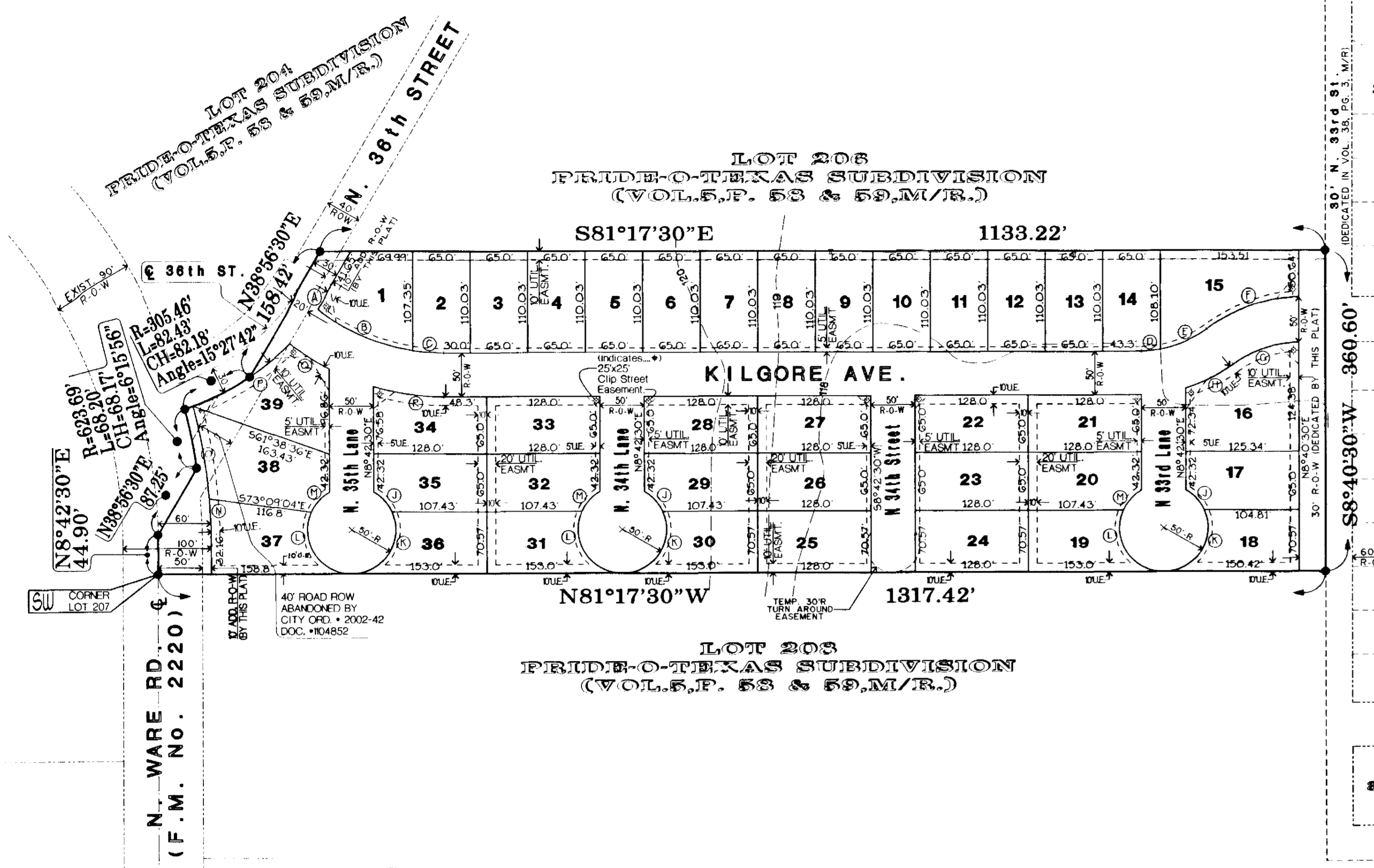


**Speer Engineering SEC Consultants, Inc.**  
TEL 201 501 4111 STREET, McALLEN, TEXAS FAX  
(361) 883-1000 (361) 883-1001  
SCALE 1" = 100' DATE 3/14/83



STATE OF TEXAS:

LOT 192  
PRIDE-O-TEXAS SUBDIVISION  
(VOL. 5, P. 58 & 59, M/R.)



**CURVE DATA**

LINE	BEARING	RADIUS	LENGHT	ANGLE	CHORD
1	A	305.46	29.70	5° 34' 15"	N41° 18' 35" E - 29.69'
2	B	230.0	117.86	29° 21' 36"	N57° 51' 31" E - 116.57'
3	C	230.0	35.14	8° 45' 11"	N76° 54' 54" E - 35.10'
4	D	123.20	21.81	10° 08' 42"	N86° 22' 27" W - 21.79'
5	E	123.20	57.55	26° 45' 55"	N75° 10' 10" W - 57.03'
6	F	173.20	108.81	35° 59' 43"	S79° 47' 38" W - 107.03'
7	G	123.20	76.63	35° 38' 15"	S79° 36' 52" W - 75.40'
8	H	173.20	60.93	20° 09' 26"	N71° 51' 58" E - 60.82'
9	I	50.0	31.07	35° 36' 05"	N33° 23' 06" W - 30.57'
10	J	50.0	99.74	114° 17' 36"	N41° 33' 44" E - 84.01'
11	K	50.0	99.82	114° 23' 16"	S24° 11' 33" E - 84.05'
12	L	50.0	31.16	35° 42' 14"	S50° 51' 09" W - 30.66'
13	M	633.69	55.03	4° 58' 31"	N6° 13' 18" E - 55.01'
14	N	633.69	105.04	9° 29' 50"	N1° 00' 55" W - 104.92'
15	O	305.46	131.36	24° 38' 22"	N65° 48' 25" E - 130.35'
16	P	280.0	53.12	10° 52' 11"	S48° 15' 47" E - 53.04'
17	Q	280.0	80.81	16° 32' 11"	S73° 01' 24" E - 80.53'

**METES AND BOUNDS**

ALL OF LOT 207, THE SOUTH 10.0 FEET OF LOT 206 AND 0.10 ACRE TRIANGULAR TRACT OF LOT 204, PRIDE-O-TEXAS SUBDIVISION, HIDALGO COUNTY, TEXAS, AS RECORDED IN VOL. 5, PAGE 58 AND 59, MAP RECORDS.

BEGINNING at the Southwest corner of Lot 207, for the Southwest corner of the following described tract of land, said point being located in Ware Road (F.M. No. 2220) right-of-way,

THENCE, with the West line of Lot 207, North 8 Deg. 42 Min. 30 Sec. East, 44.9 feet to a point at an angle point in the West line of Lot 207, for the most Southerly Northwest corner hereof,

THENCE, with the Northwest line of Lot 207, in Ware Road (F.M. No. 2220), North 38 Deg. 56 Min. 30 Sec. East, 87.25 feet to the point of intersection with the East line of Ware Road right-of-way, for an interior corner hereof, said point being located on a 623.69 foot radius curve to the left,

THENCE, with the East right-of-way line of Ware Road (F.M. No. 2220) with said 623.69 foot curve to the left thru an arc of 6 Deg. 15 Min. 56 Sec. and distance of 68.20 feet to the point of intersection with the South line of existing county road right-of-way, for the middle Northwest corner hereof, said point being located on a 305.46 foot curve to the left,

THENCE, with the South line of said county road right-of-way, and 305.46 foot radius curve to the left thru an arc of 15 Deg. 27 Min. 42 Sec. and distance of 82.43 feet to a point at the intersection with the common line between Lot 207 and Lot 204, for an interior corner hereof,

THENCE, with the Northwest line of Lot 207 and 206 and the Southeast line of Lot 204, North 38 Deg. 56 Min. 30 Sec. East at 146.82 feet pass the common West corner between Lot 207 and Lot 206 and at 158.42 feet a point, for the most Northerly Northwest corner hereof,

THENCE, parallel to the South line of Lot 206, South 81 Deg. 17 Min. 30 Sec. East, at 231 feet pass the East line of a 40.0 foot road and at 1133.22 a point on the East line of Lot 206, for the Northeast corner hereof,

THENCE, with the East line of Lot 206 and Lot 207, South 8 Deg. 40 Min. 30 Sec. West, at 10.0 feet pass the common East corner between Lot 206 and Lot 207 at 360.60 feet a point at the Southeast corner of Lot 207, for the Southeast corner hereof,

THENCE, with the South line of Lot 207, North 81 Deg. 17 Min. 30 Sec. West, at 1267.23 feet pass the East line of Ware Road (F.M. No. 2220) and at 1317.42 feet the POINT OF BEGINNING. Containing 10.30 acres of land, more or less, of which 0.07 acre lies in Ware Road (F.M. No. 2220) and 0.15 acre lies in dedicated road.

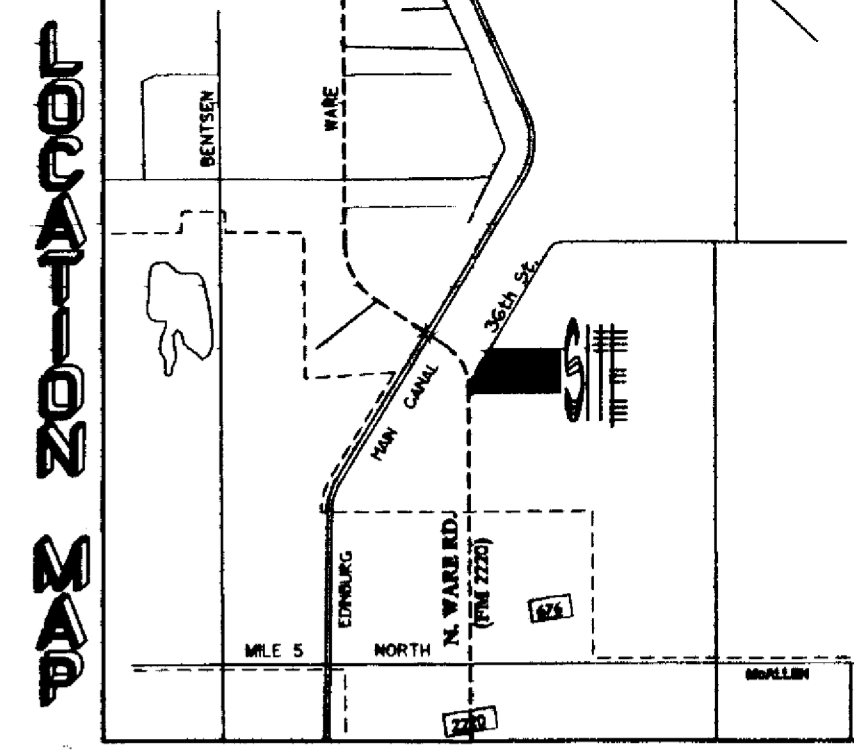
**KEYED NOTES**

- MINIMUM FLOOR ELEVATION SHALL BE 18 INCHES ABOVE CENTER LINE OF PAVEMENT MEASURED AT FRONT CENTER OF LOT
- MINIMUM BUILDING SETBACK SHALL BE AS FOLLOWS:  
FRONT - 25.0 FT.  
REAR - 10.0 FT.  
SIDE - 6.0 FT., EXCEPT 10.0 FT. ON SOUTH SIDE OF LOTS 18, 19, 24, 25, 30, 31, 36 AND 37; AND 10.0 FT. WHERE ADJACENT TO STREET.  
GARAGE - 18.0 FT. OR WHERE GREATER SET-BACK IS REQUIRED.
- 6 FT. BUFFER REQUIRED FROM ADJACENT MULTI-FAMILY RESIDENTIAL AND COMMERCIAL ZONE/USES, AND ALONG N. 33rd ST., N. WARE RD. (F.M. No. 2120) AND N. 36th ST.
- THIS SUBDIVISION FALLS IN ZONE "X" OF THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL No. 480334 0295 D. REVISED JUNE 6, 2000.
- STORM WATER DETENTION OF 102 AC. FT. IS REQUIRED FOR THIS SUBDIVISION.
- OWNER IS REQUIRED TO PROVIDE AN ENGINEERED DETENTION PLAN APPROVED BY THE ENGINEERING DEPARTMENT PRIOR TO APPLICATION FOR BUILDING PERMIT.
- NO CURB CUTS, ACCESS, OR LOT FRONTAGE PERMITTED ON N. WARE RD., N. 36TH ST., AND N. 33RD ST.
- 4 ft. SIDEWALKS REQUIRED ON N. 33rd STREET, N. 36th STREET, N. WARE RD (F.M. No. 2220), AND BOTH SIDES OF ALL INTERIOR STREETS.
- BENCHMARK - STATION NAME MC 48, SET BY ARANDA & ASSOCIATES, LOCATED ON THE SOUTHEAST CORNER OF WARE ROAD AND MILE 5 ROAD ELEVATION - 115.95.

MAP OF  
**OXFORD HEIGHTS**

BEING A SUBDIVISION OF ALL LOT 207, AND THE SOUTH 10.0 FT. OF LOT 206, AND 0.10 AC. TRIANGULAR SHAPED TRACT OF LOT 204, PRIDE-O-TEXAS SUBDIVISION, Hidalgo County, Texas, recorded in vol. 5, page 58 & 59, M/R. CONTAINING 10.30 ACRES OF LAND MORE OR LESS

**Speer Engineering SEC Consultants, Inc.**  
TEL. 202 So. 4th STREET, McALLEN, TEXAS FAX (956) 683-1000 (956) 683-1001  
SCALE 1" = 100' DATE 3-14-05



FILED FOR RECORD IN:  
HIDALGO COUNTY  
BY J.D. SALINAS, III  
COUNTY CLERK  
ON: 11-05 AT 4:23 AM  
AS A RECORDING NUMBER 142343  
BY [Signature] DEPUTY

Recorded in Volume 40 Page 199  
of the map records of Hidalgo County, Texas  
J.D. Salinas III  
County Clerk

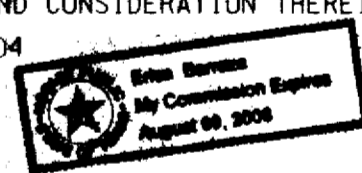
STATE OF TEXAS:  
COUNTY OF HIDALGO:

I, (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED AS THE "OXFORD HEIGHTS" SUBDIVISION 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, WATER COURSES, DRAINAGE, EASEMENTS, WATER LINES, SEWER LINES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH I (WE), WILL CAUSE TO BE INSTALLED THEREON SHOWN OR NOT SHOWN IF REQUIRED OTHERWISE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF McALLEN, ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF McALLEN.

BOBOL, LLC.  
[Signature]  
By: ROBERT GASTEL  
2005 LARK AVE.  
McALLEN, TEXAS 78504

STATE OF TEXAS:  
COUNTY OF HIDALGO:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED ROBERT GASTEL, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 13 DAY OF December, 2004



[Signature]  
NOTARY PUBLIC

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

STATE OF TEXAS:  
COUNTY OF HIDALGO:

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR # 4608 IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

[Signature]  
CHAIRMAN, PLANNING COMMISSION

STATE OF TEXAS:  
COUNTY OF HIDALGO:

I, STEPHEN SPOOR, REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

[Signature]  
REGISTERED PROFESSIONAL ENGINEER  
P. E. REGISTRATION No. 56752

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

[Signature]  
MAYOR, CITY OF McALLEN

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEX. WATER CODE 49.211(6) THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1  
By: [Signature] 1/10/05



# Hidalgo CAD

Property Search Results > 692323 GALVAN MARICELA Tax Year:   
 for Year 2020

## Property

### Account

Property ID:	692323	Legal Description:	OXFORD HEIGHTS LOT 2
Geographic ID:	O8415-00-000-0002-00	Zoning:	RS
Type:	Real	Agent Code:	
Property Use Code:			
Property Use Description:			

### Location

Address:	3504 KILGORE AVE MCALLEN, TX	Mapsc0:	
Neighborhood:	OXFORD HEIGHTS	Map ID:	CML VOL 46 PG 199
Neighborhood CD:	O841500		

### Owner

Name:	GALVAN MARICELA	Owner ID:	1021833
Mailing Address:	3500 KILGORE AVE MCALLEN, TX 78504-6250	% Ownership:	100.0000000000%

Exemptions:

## Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$1,865	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$38,092	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	<input type="text" value="\$0"/>
(+) Timber Market Valuation:	+	\$0	<input type="text" value="\$0"/>
-----			
(=) Market Value:	=	\$39,957	
(-) Ag or Timber Use Value Reduction:	-	\$0	
-----			
(=) Appraised Value:	=	\$39,957	
(-) HS Cap:	-	\$0	
-----			
(=) Assessed Value:	=	\$39,957	

## Taxing Jurisdiction

Owner: GALVAN MARICELA  
 % Ownership: 100.0000000000%  
 Total Value: \$39,957

--	--	--	--	--	--	--

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	APPRAISAL DISTRICT	0.000000	\$39,957	\$39,957	\$0.00
CML	CITY OF MCALLEN	0.495677	\$39,957	\$39,957	\$198.06
DR1	DRAINAGE DISTRICT #1	0.105100	\$39,957	\$39,957	\$41.99
GHD	HIDALGO COUNTY	0.575000	\$39,957	\$39,957	\$229.75
JCC	SOUTH TEXAS COLLEGE	0.173300	\$39,957	\$39,957	\$69.25
R12	ROAD DIST 12	0.000000	\$39,957	\$39,957	\$0.00
SML	MCALLEN ISD	1.152800	\$39,957	\$39,957	\$460.62
SST	SOUTH TEXAS SCHOOL	0.049200	\$39,957	\$39,957	\$19.66
Total Tax Rate:		2.551077			
Taxes w/Current Exemptions:					\$1,019.33
Taxes w/o Exemptions:					\$1,019.33

**Improvement / Building**

**Improvement #1: RESIDENTIAL State Code: A1 Living Area: sqft Value: \$1,865**

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
PRGLS	PERGOLAS	*		2000	80.0
STG	STORAGE	*		2000	288.0

**Land**

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	L	LOT	0.1635	7120.00	0.00	0.00	\$38,092	\$0

**Roll Value History**

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2021	N/A	N/A	N/A	N/A	N/A	N/A
2020	\$1,865	\$38,092	0	39,957	\$0	\$39,957
2019	\$1,865	\$42,364	0	44,229	\$0	\$44,229
2018	\$0	\$30,616	0	30,616	\$0	\$30,616
2017	\$0	\$30,616	0	30,616	\$0	\$30,616
2016	\$0	\$30,616	0	30,616	\$0	\$30,616
2015	\$0	\$28,480	0	28,480	\$0	\$28,480
2014	\$0	\$28,480	0	28,480	\$0	\$28,480
2013	\$0	\$28,480	0	28,480	\$0	\$28,480
2012	\$0	\$28,480	0	28,480	\$0	\$28,480
2011	\$0	\$28,480	0	28,480	\$0	\$28,480
2010	\$0	\$28,480	0	28,480	\$0	\$28,480
2009	\$0	\$28,480	0	28,480	\$0	\$28,480
2008	\$0	\$28,480	0	28,480	\$0	\$28,480
2007	\$0	\$28,480	0	28,480	\$0	\$28,480


**Deed History - (Last 3 Deed Transactions)**

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	1/21/2014	GWD	GEN. W/D					2479735

				SANTOS MARIA TERESA	GALVAN MARICELA	
2	1/9/2007	WDV	WARRANTY DEED/VENDORS LIEN	BOBOB L L C	SANTOS MARIA TERESA	1707702

**Tax Due**

Property Tax Information as of 10/27/2020

Amount Due if Paid on: 

Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Penalty & Interest	Attorney Fees	Amount Due
------	---------------------	---------------	----------	-----------------	--------------	-------------------------------	---------------	------------

NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

**Questions Please Call (956) 381-8466.**

# Hidalgo CAD

## Property Search Results > 692324 ORTIZ FRANK & MARICELA GALVAN for Year 2020

Tax Year:

### Property

#### Account

Property ID:	692324	Legal Description:	OXFORD HEIGHTS LOT 3
Geographic ID:	O8415-00-000-0003-00	Zoning:	RS
Type:	Real	Agent Code:	
Property Use Code:			
Property Use Description:			

#### Location

Address:	3500 KILGORE AVE MCALLEN, TX	Mapsco:	
Neighborhood:	OXFORD HEIGHTS	Map ID:	CML VOL 46 PG 199
Neighborhood CD:	O841500		

#### Owner

Name:	ORTIZ FRANK & MARICELA GALVAN	Owner ID:	1099952
Mailing Address:	CO-TENANT SURVIVING TO THE JOINT OWNER 3500 KILGORE AVE MCALLEN, TX 78504-6250	% Ownership:	100.0000000000%
		Exemptions:	HS, OTHER

### Values

(+) Improvement Homesite Value:	+	\$120,603	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$38,263	
(+) Land Non-Homesite Value:	+	\$0	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
-----			
(=) Market Value:	=	\$158,866	
(-) Ag or Timber Use Value Reduction:	-	\$0	
-----			
(=) Appraised Value:	=	\$158,866	
(-) HS Cap:	-	\$0	
-----			
(=) Assessed Value:	=	\$158,866	

### Taxing Jurisdiction

Owner: ORTIZ FRANK & MARICELA GALVAN  
 % Ownership: 100.0000000000%  
 Total Value: \$158,866

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax	Tax Ceiling
CAD	APPRAISAL DISTRICT	0.000000	\$158,866	\$158,866	\$0.00	
CML	CITY OF MCALLEN	0.495677	\$158,866	\$148,866	\$531.76	\$531.76

DR1	DRAINAGE DISTRICT #1	0.105100	\$158,866	\$158,866	\$166.97	
GHD	HIDALGO COUNTY	0.575000	\$158,866	\$143,866	\$774.98	\$774.98
JCC	SOUTH TEXAS COLLEGE	0.173300	\$158,866	\$158,866	\$274.94	\$274.94
R12	ROAD DIST 12	0.000000	\$158,866	\$158,866	\$0.00	
SML	MCALLEN ISD	1.152800	\$158,866	\$123,866	\$1,312.28	\$1,312.28
SST	SOUTH TEXAS SCHOOL	0.049200	\$158,866	\$158,866	\$78.16	
Total Tax Rate:		2.551077				
					Taxes w/Current Exemptions:	\$3,139.09
					Taxes w/o Exemptions:	\$4,052.79

### Improvement / Building

**Improvement #1: RESIDENTIAL State Code: A1 Living Area: 1819.0 sqft Value: \$120,603**

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	BRKAV - 7P	DBRK	2007	1481.0
GAR	GARAGE	*		2007	483.0
POR	PORCH (COVERED)	*		2007	39.0
ENC	ENCLOSED ADD	BRKAV - 7P	DBRK	2007	117.0
ADD	ADDITION	BRKAV - 7P	DBRK	2016	221.0

### Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	L	LOT	0.0000	7151.95	65.00	110.03	\$38,263	\$0

### Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2021	N/A	N/A	N/A	N/A	N/A	N/A
2020	\$120,603	\$38,263	0	158,866	\$0	\$158,866
2019	\$116,981	\$42,554	0	159,535	\$0	\$159,535
2018	\$118,142	\$30,753	0	148,895	\$0	\$148,895
2017	\$119,958	\$30,753	0	150,711	\$2,094	\$148,617
2016	\$104,353	\$30,753	0	135,106	\$0	\$135,106
2015	\$110,086	\$28,608	0	138,694	\$4,886	\$133,808
2014	\$93,036	\$28,608	0	121,644	\$0	\$121,644
2013	\$94,036	\$28,608	0	122,644	\$0	\$122,644
2012	\$95,036	\$28,608	0	123,644	\$0	\$123,644
2011	\$94,163	\$28,608	0	122,771	\$0	\$122,771
2010	\$95,144	\$28,608	0	123,752	\$0	\$123,752
2009	\$96,119	\$28,608	0	124,727	\$0	\$124,727
2008	\$97,098	\$28,608	0	125,706	\$0	\$125,706
2007	\$0	\$28,608	0	28,608	\$0	\$28,608

### Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	4/24/2017	WD	WARRANTY DEED	ORTIZ FRANK	ORTIZ FRANK & MARICELA GALVAN			2808156
2	7/30/2010	SVD	SPEC WD/VEN LIEN	FEDERAL NATIONAL	ORTIZ FRANK			2124421

				MORTGAGE ASSOCIATION		
3	3/29/2010	SWD	SPEC. W/D	NATIONSTAR MORTGAGE LLC	FEDERAL NATIONAL MORTGAGE ASSOCIATION	2087905

**Tax Due**

Property Tax Information as of 10/27/2020

Amount Due if Paid on: 

Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Penalty & Interest	Attorney Fees	Amount Due
------	---------------------	---------------	----------	-----------------	--------------	-------------------------------	---------------	------------

NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

**Questions Please Call (956) 381-8466.**

MEMO

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

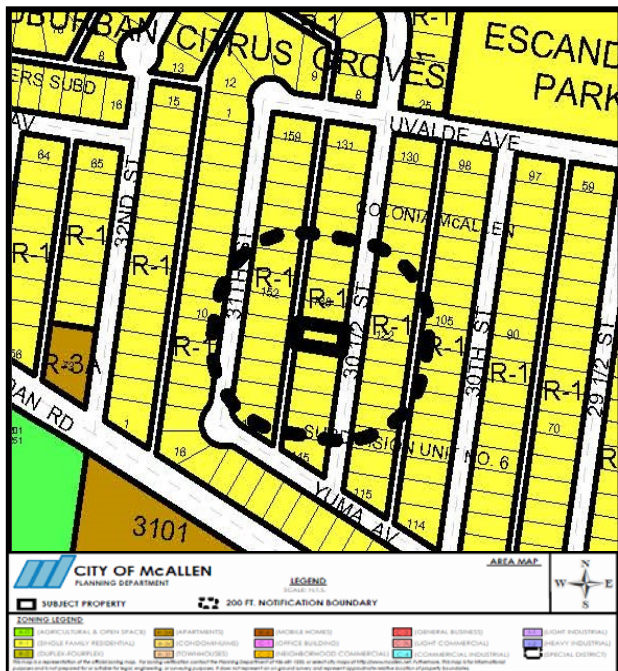
**FROM:** Planning Staff

**DATE:** December 7, 2020

**SUBJECT:** REQUEST OF JOSE A. CARRASCO FOR THE FOLLOWING VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) AN ENCROACHMENT OF 17 FT. INTO THE 20 FT. FRONT YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 20 FT. BY 16.5 FT. AND, 2) AN ENCROACHMENT OF 5.5 FT. INTO THE 6 FT. NORTH SIDE YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 20 FT. BY 16.5 FT. AT LOT 140, COLONIA MCALLEN UNIT NO. 6 SUBDIVISION, HIDALGO COUNTY, TEXAS; 2208 SOUTH 30TH 1/2 STREET. (ZBA2020-0078)

**REASON FOR APPEAL:**

The applicant is requesting the following variances to allow: 1) an encroachment of 17 ft. into the 20 ft. front yard setback for an existing metal carport measuring 20 ft. by 16.5 ft. and, 2) an encroachment of 5.5 ft. into the 6 ft. north side yard setback for an existing metal carport measuring 20 ft. by 16.5 ft. The applicant is requesting the variances in order to allow an existing carport to encroach into the front and side yard setbacks. The applicant was unaware that a building permit was required, nor was he informed by the builder at the time of construction. The applicant would like the structure to remain because the existing carport provides shade and protection for his vehicles, and also helps him with his health conditions.



**PROPERTY LOCATION AND VICINITY:**

The property is located on the west side of South 30<sup>th</sup> ½ Street approximately 288 ft. north of Yuma Avenue. The property has 50 ft. of frontage along South 30<sup>th</sup> ½ Street and a depth of 111 ft. for a tract size of 5,550 sq. ft. The property is zoned R-1 (single family residential) District. Adjacent zoning is R-1 District in all directions. The surrounding land use is single family residential.

**BACKGROUND AND HISTORY:**

Colonia McAllen Unit No. 6 Subdivision was recorded on August 2, 1976. The plat specifies a 20 ft. front yard setback, 6 ft. side yard setbacks, and a 3 ft. rear yard setback. According to Hidalgo County Appraisal District records, the residential home on the subject property was built in 1995 and purchased by the applicant Jose A. Carrasco in 2001. Hidalgo County Appraisal District records also indicate a carport was built in 2010, however the carport doesn't appear in Google Earth aerial images until 2013. An application for a variance request for an existing carport was submitted on November 10, 2020. An application for a building permit for the existing carport was submitted to the Building Permits & Inspections Department on November 11, 2020. A stop work order was issued by Buildings and Inspections Department staff on November 17, 2020.

**ANALYSIS:**

The construction of the 20 ft. by 16.5 ft. carport is of aluminum and steel tubing and is secured by bolts to an existing driveway.

Variance request #1 is to allow an encroachment of 17 ft. into the 20 ft. front yard setback. Front yard setbacks help to keep the character of single family residential areas by maintaining the street yard and curb appeal of properties in a subdivision.

Variance request #2 is to allow an encroachment of 5.5 ft. into the 6 ft. north side yard setback. Side yard setbacks are important in providing adequate separation of the building area of the lot from one residence to another. The carport and an existing concrete driveway extend into the side yard setback up to the north property line. The applicant can relocate the existing carport outside of the side yard setback to be in compliance and thus allowing the front yard variance request to be considered as a special exception. The applicant has been apprised of this option however; this option would involve partial demolition and reconstruction of the masonry wall that is located in the front yard, a re-design of the existing driveway, and a reduction of landscaping area in the front yard.

The area of the rear of the lot is enclosed by an 11 ft. masonry wall which restricts access from the alley.

Approval of the variances may encourage other similar structures to be constructed in the setbacks.

During a site visit, staff noticed three other existing carports along this street with similar encroachments. A review of Planning Department records did not reveal any variances granted along this street.

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

**RECOMMENDATION:**

Staff recommends disapproval of the variance requests.



ZBA 2020-0078



# City of McAllen

## Planning Department

### APPEAL TO ZONING BOARD OF

### ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

ZBA  
12/17/2020

Project	Legal Description <u>Colonia McAllen U + No. 6 Lot 140</u>
	Subdivision Name _____
Project	Street Address <u>2208 S. 30<sup>th</sup> 1/2 St. McAllen, TX 78503</u>
	Number of lots <u>1</u> Gross acres <u>0.1274</u>
	Existing Zoning <u>R-1</u> Existing Land Use <u>HS</u>
	Reason for Appeal (please use other side if necessary) <u>Carport</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>Jose A. Carrasco</u> Phone <u>956-309-7666</u> Address <u>2208 S. 30<sup>th</sup> 1/2 St.</u> E-mail <u>acarr1025@yahoo.com</u> City <u>McAllen</u> State <u>TX</u> Zip <u>78503</u>
Owner	Name <u>Jose A. Carrasco</u> Phone <u>956-309-7666</u> Address <u>2208 S. 30<sup>th</sup> 1/2 St.</u> E-mail <u>acarr1025@yahoo.com</u> 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>11/09/2020</u> Print Name <u>Jose A. Carrasco</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent
Office	Accepted by _____ Payment received by _____ Date _____ Rev 10/18

**RECEIVED**  
 NOV 10 2020  
 By CM

*[Handwritten initials]*



# City of McAllen

## Planning Department

### REASON FOR APPEAL & BOARD ACTION

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

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

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

Reason for Appeal

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

On 2012 when the 2nd wave of hail hit South McAllen it damaged my roof and vehicle. I was advise to install a professional carport. I was not aware a permit was needed.

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

To prevent future hail damages to my vehicle.

3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:

My carport is fenced inside my property line and was installed by a professional company.

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

No special conditions required. Due to my heart problem I do require to keep my car port to keep my car cool and not to let Durng Summer heat problems.

Board Action

Chairman, Board of Adjustment  
Signature

Date



**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

**AREA MAP**



SUBJECT PROPERTY

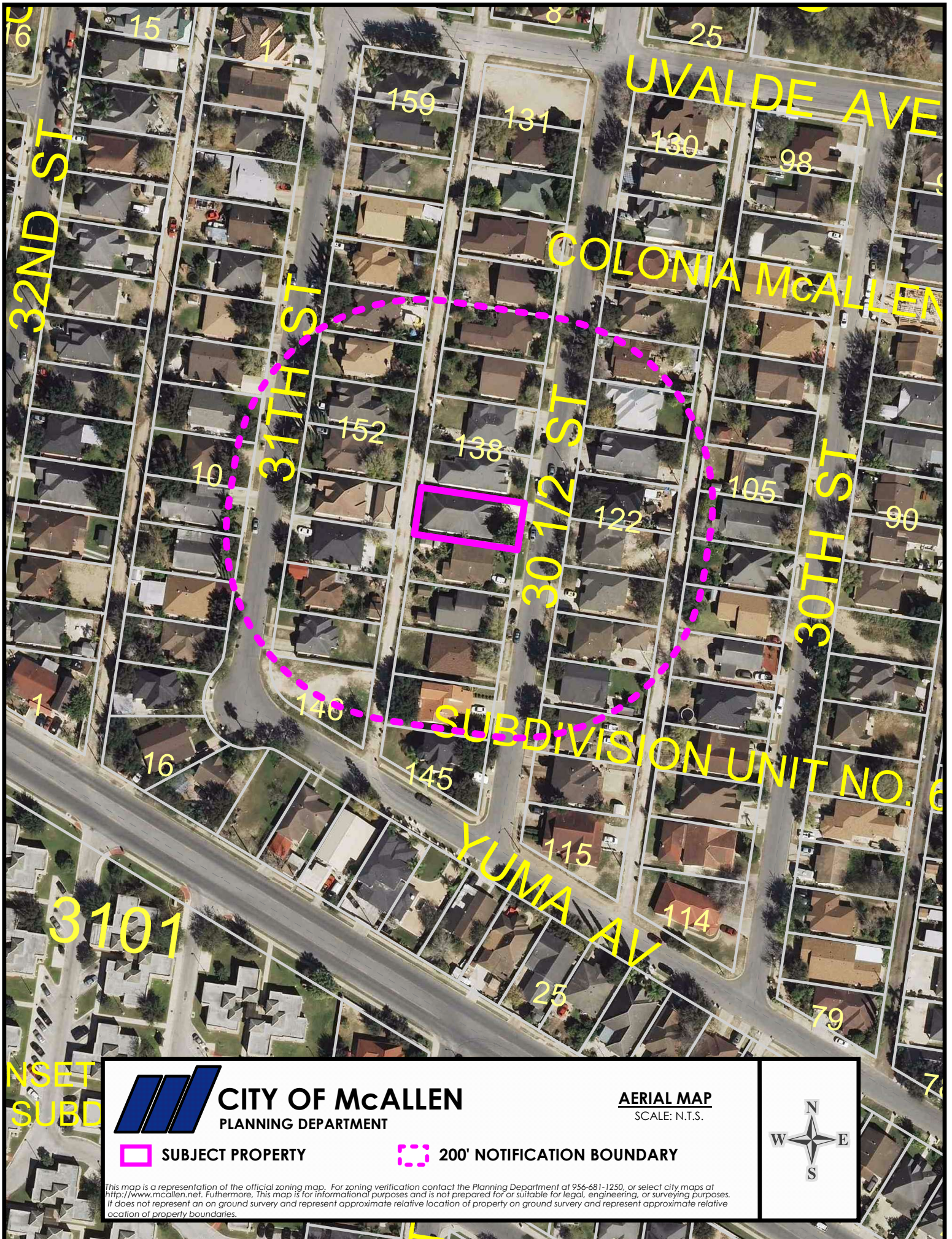
200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

**ZONING LEGEND**

(AGRICULTURAL & OPEN SPACE)	(APARTMENTS)	(MOBILE HOMES)	(GENERAL BUSINESS)	(LIGHT INDUSTRIAL)
(SINGLE FAMILY RESIDENTIAL)	(CONDOMINIUMS)	(OFFICE BUILDING)	(LIGHT COMMERCIAL)	(HEAVY INDUSTRIAL)
(DUPLIX-FOURPLEX)	(TOWNHOUSES)	(NEIGHBORHOOD COMMERCIAL)	(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

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

 **SUBJECT PROPERTY**

 **200' NOTIFICATION BOUNDARY**



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

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 REG2020-08335

60104431 APPLICANT

NAME Jose A. Carrasco PHONE 956 309 7666  
 ADDRESS 2208 S. 30 1/2 ST  
 CITY McAllen STATE TX ZIP 78503  
 CONTACT NAME: \_\_\_\_\_ PHONE \_\_\_\_\_

OWNER  CONTRACTOR  TENANT  OTHER

OWNER

NAME Jose A Carrasco PHONE 956 309 7666  
 ADDRESS 2208 S. 30 1/2 ST \*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. 321 NO. PARKING SPACES \_\_\_\_\_ SQ. FT. LOT \_\_\_\_\_ LOT FRONT \_\_\_\_\_ FLOOR EL ABOVE CURB \_\_\_\_\_  
 EXISTING USE OF LOT \_\_\_\_\_ NEW USE \_\_\_\_\_

SCOPE OF WORK TO BE DONE car port build w/ A permit.

PROJECT

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

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"/> CLAY OR CONCRETE TILE <input type="checkbox"/> _____	UPGRADES/OTHER <input type="checkbox"/> GRANITE COUNTERTOPS <input type="checkbox"/> MARBLE TUBS/FLOORS <input type="checkbox"/> CUSTOM WINDOWS <input type="checkbox"/> POLYURETHANE INSULATION <input type="checkbox"/> OTHER UPGRADES _____ <input type="checkbox"/> _____ <input type="checkbox"/> SEPTIC TANK EXISTING OR PROPOSED <input type="checkbox"/> YES <input type="checkbox"/> NO
--	---	---	--

LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ SUBDIVISION \_\_\_\_\_  
 SITE ADDRESS ST. NO. 2208 ST. NAME S. 30 1/2 ST  
2

CITY USE ONLY

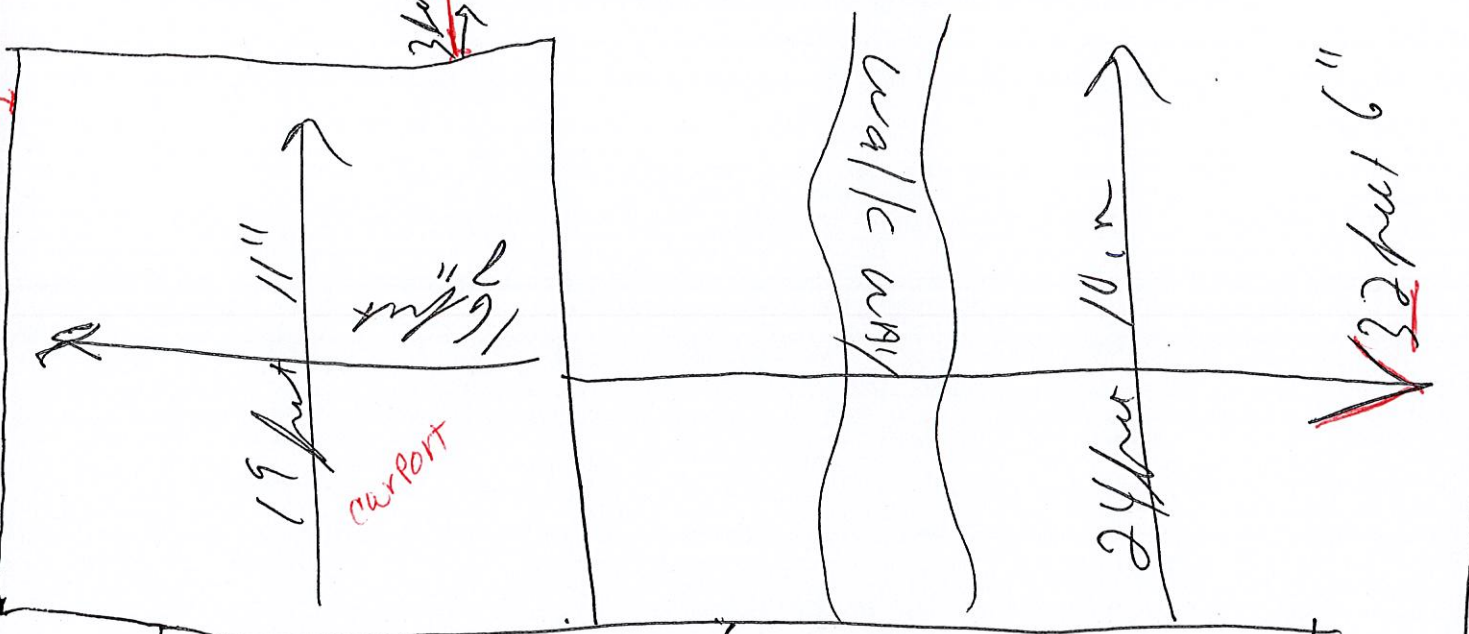
Construction Cost \_\_\_\_\_ Permit Fee \$ 51.30 Rec'd by [Signature]  
 Value \$ 960 Double Fee \$ 51.30 Date 11-10-20  
 Zoning \_\_\_\_\_ Total Fee \$ \_\_\_\_\_ Time 8:35  
 Park Development Fee \$ \_\_\_\_\_ Park Zone \_\_\_\_\_

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

Jose A Carrasco PRINT (AUTHORIZED AGENT/OWNER) [Signature] SIGNATURE jhernandez2016@yahoo.com EMAIL ADDRESS (required) 11-10-2020 DATE  
Jhernandez2016@yahoo.com

Built at the way to fence

2202 < 201/CT MCH/VV 70/102 > 8028

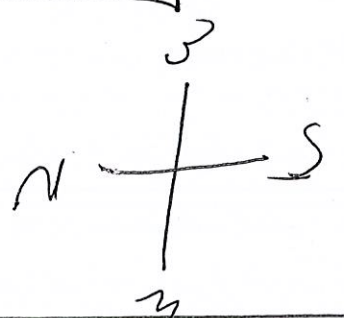


5 feet

House  
pieces  
east

75 feet

8 feet 7 inches



**CITY OF McALLEN**  
Building Permits and Inspections

Non-Compliance  
 Stop Work

OFFICE OF BUILDING OFFICIAL

**NOTICE**

THIS STRUCTURE HAS BEEN INSPECTED AND IS NOT ACCEPTED / PERMITTED

2208  
S. 30th St.

GENERAL  
 CONSTRUCTION  
 ELECTRICAL  
 MECHANICAL WORK  
 PLUMBING  
 GAS PIPING  
 OCCUPANCY

PLEASE CONTACT OUR OFFICE AT 956-681-1300 FOR FURTHER ASSISTANCE.

**-NOTE-**  
*Please call inspector permit required for contract*

DATE: 11-17-20  
INSPECTOR: [Signature]

**DO NOT REMOVE THIS NOTICE**

**CITY OF McALLEN**  
Building Permits & Inspections Department

**DIEGO BUITRON**  
BUILDING INSPECTOR

P.O. BOX 200, 78105-0200  
311 N. 35TH STREET  
McALLEN, TEXAS 78101

OFFICE: (956) 681-1300  
RECORDED: (956) 681-1308  
FAX: (956) 681-1279  
dbuitron@mcallen.net









CENTRAL  
MANAGEMENT INC  
714-750-1000 800-40-7000

STUDENT  
IDENT

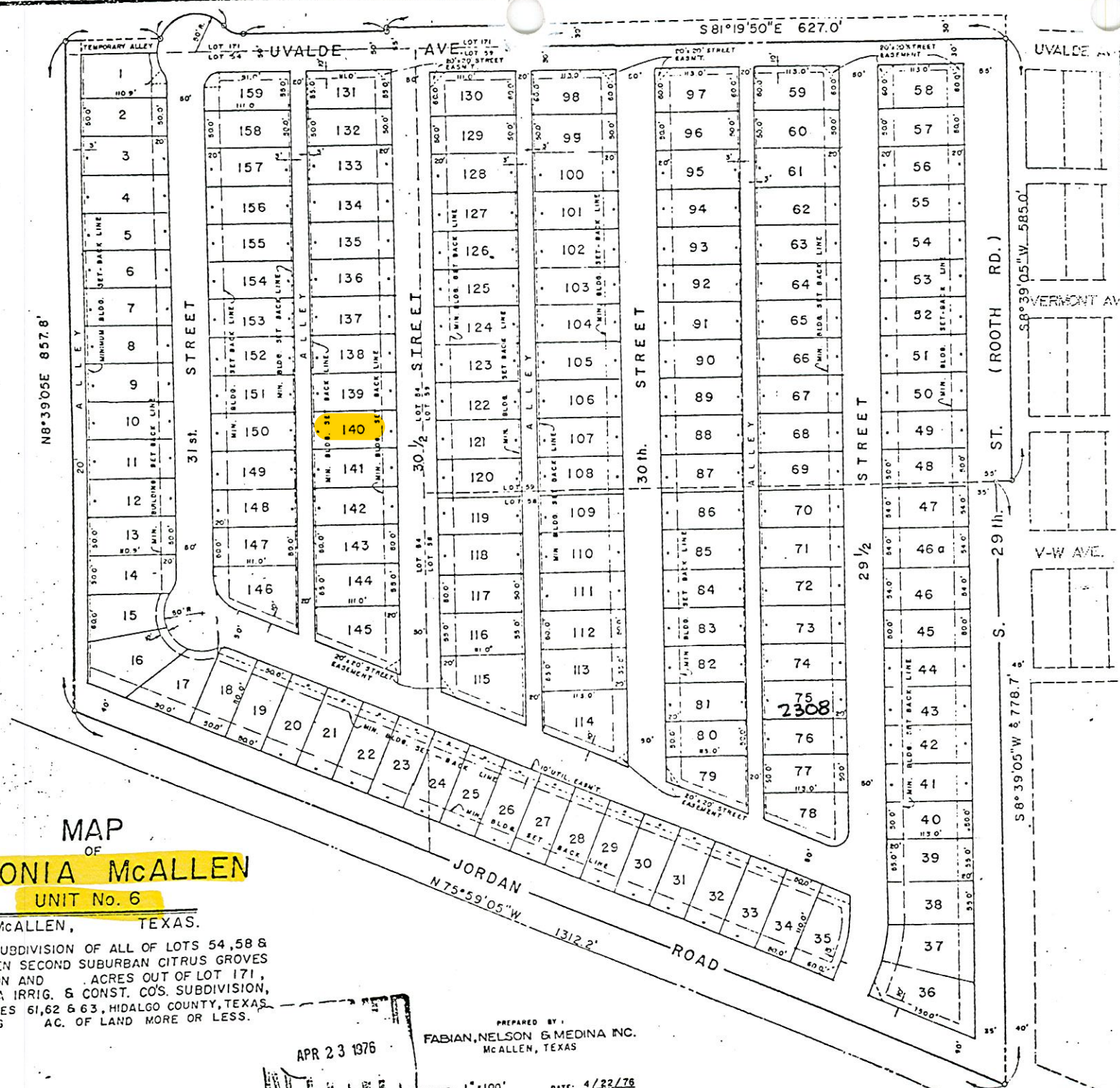


NOTICE  
VARIANCE  
FOR  
THIS PROPERTY  
ZBA2020-0078

BIEN  
BIEN

2208

2208 5 317



MAP  
OF  
**COLONIA McALLEN**  
UNIT No. 6

McALLEN, TEXAS.

BEING A SUBDIVISION OF ALL OF LOTS 54, 58 & 59, McALLEN SECOND SUBURBAN CITRUS GROVES SUBDIVISION AND . . . ACRES OUT OF LOT 171, LA LOMITA IRRIG. & CONST. CO'S. SUBDIVISION, OF PORCIONES 61, 62 & 63, HIDALGO COUNTY, TEXAS, CONTAINING . . . AC. OF LAND MORE OR LESS.

APR 23 1976

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

SCALE: 1" = 100' DATE: 4/22/76

# Hidalgo CAD

## Property Search Results > 152789 CARRASCO JOSE ANTONIO for Year 2020

Tax Year:

### Property

#### Account

Property ID:	152789	Legal Description:	COLONIA MCALLEN UT NO. 6 LOT 140
Geographic ID:	C7500-06-000-0140-00	Zoning:	RS
Type:	Real	Agent Code:	
Property Use Code:			
Property Use Description:			

#### Location

Address:	2208 S 30TH 1/2 ST	Mapsco:	
Neighborhood:	COL MCALLEN PH 1 THRU PH 7	Map ID:	CML VOL 19 PG 131
Neighborhood CD:	C750001		

#### Owner

Name:	CARRASCO JOSE ANTONIO	Owner ID:	466690
Mailing Address:	2208 S 30 1/2 ST MCALLEN, TX 78503-8037	% Ownership:	100.0000000000%
		Exemptions:	HS

### Values

(+) Improvement Homesite Value:	+	\$96,471	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$26,363	
(+) Land Non-Homesite Value:	+	\$0	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
-----			
(=) Market Value:	=	\$122,834	
(-) Ag or Timber Use Value Reduction:	-	\$0	
-----			
(=) Appraised Value:	=	\$122,834	
(-) HS Cap:	-	\$215	
-----			
(=) Assessed Value:	=	\$122,619	

### Taxing Jurisdiction

Owner: CARRASCO JOSE ANTONIO  
 % Ownership: 100.0000000000%  
 Total Value: \$122,834

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	APPRAISAL DISTRICT	0.000000	\$122,834	\$122,619	\$0.00
CML	CITY OF MCALLEN	0.495600	\$122,834	\$122,619	\$607.70
DR1	DRAINAGE DISTRICT #1	0.102600	\$122,834	\$122,619	\$125.81
GHD	HIDALGO COUNTY	0.575000	\$122,834	\$122,619	\$705.06
JCC	SOUTH TEXAS COLLEGE	0.171800	\$122,834	\$122,619	\$210.66
R12	ROAD DIST 12	0.000000	\$122,834	\$122,619	\$0.00
SML	MCALLEN ISD	1.138600	\$122,834	\$97,619	\$1,111.49
SST	SOUTH TEXAS SCHOOL	0.049200	\$122,834	\$122,619	\$60.33
Total Tax Rate:		2.532800			
Taxes w/Current Exemptions:					\$2,821.05
Taxes w/o Exemptions:					\$3,111.14

Improvement / Building

<b>Improvement #1:</b>	RESIDENTIAL	State Code:	A1	Living Area:	1806.0 sqft	Value: \$96,471
------------------------	-------------	-------------	----	--------------	-------------	-----------------

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	STUAV - 5P	DSTU	1995	1546.0
ENC	ENCLOSED ADD	STUAV - 5P	DSTU	2005	260.0
POR	PORCH (COVERED)	*		1995	50.0
PAT	PATIO	*		1995	48.0
STG	STORAGE	*		1995	240.0
PAT	PATIO	*		1995	672.0
CAN	CANOPY	*		2010	320.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	L	LOT	0.1274	5550.00	50.00	111.00	\$26,363	\$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2021	N/A	N/A	N/A	N/A	N/A	N/A
2020	\$96,471	\$26,363	0	122,834	\$215	\$122,619
2019	\$86,909	\$26,363	0	113,272	\$1,800	\$111,472
2018	\$79,138	\$22,200	0	101,338	\$0	\$101,338
2017	\$81,107	\$22,200	0	103,307	\$0	\$103,307
2016	\$82,090	\$22,200	0	104,290	\$557	\$103,733
2015	\$74,878	\$19,425	0	94,303	\$0	\$94,303
2014	\$69,988	\$19,425	0	89,413	\$0	\$89,413
2013	\$71,705	\$19,425	0	91,130	\$0	\$91,130
2012	\$71,464	\$19,425	0	90,889	\$0	\$90,889
2011	\$67,236	\$19,425	0	86,661	\$0	\$86,661
2010	\$68,814	\$19,425	0	88,239	\$0	\$88,239
2009	\$70,394	\$19,425	0	89,819	\$0	\$89,819
2008	\$75,972	\$19,425	0	95,397	\$0	\$95,397

2007	\$90,191	\$19,425	0	109,616	\$4,004	\$105,612
------	----------	----------	---	---------	---------	-----------

### Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	8/1/2001	GVL	GENERAL WD/VENDOR'S LIEN	CAVAZOS OLGA	CARRASCO JOSE ANTONIO			994217
2	10/12/1999	WDV	WARRANTY DEED/VENDORS LIEN	TREVINO RODOLFO	CAVAZOS OLGA			813914
3	8/10/1999	CSD	CASH W/D	GUARDIOLA RUX S & DANIEL	TREVINO RODOLFO			797398

### Tax Due

Property Tax Information as of 11/25/2020

Amount Due if Paid on:  ↓

Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Penalty & Interest	Attorney Fees	Amount Due

NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

**Questions Please Call (956) 381-8466.**

# Planning Department

## Memo

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

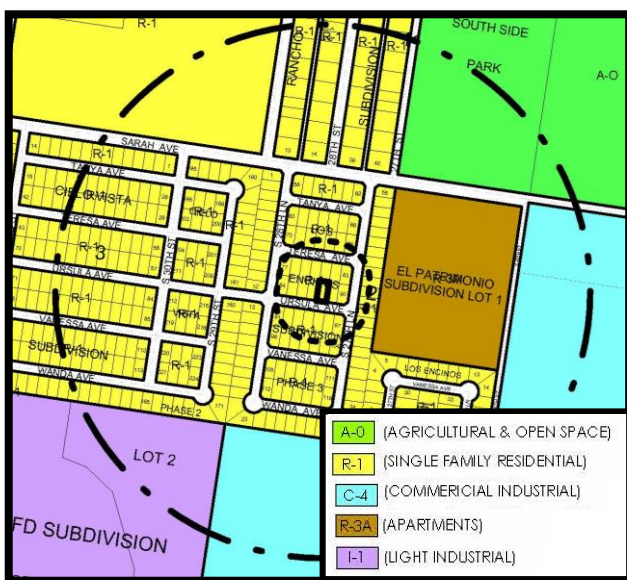
**FROM:** Planning Staff

**DATE:** December 8, 2020

**SUBJECT: REQUEST OF ALEJANDRO REYES JR., FOR THE FOLLOWING VARAINCE TO THE CITY OF MCALLEN ZONING ORDINANCE: 1) TO NOT PROVIDE ONE REQUIRED PARKING SPACE BEYOND THE FRONT YARD SETBACK LINE AN 2) TO ALLOW AN ENCROACHMENT OF 6 FT. INTO THE 6 FT. SIDE SETBACK FOR AN EXISTING METAL CANOPY MEASURING 6 FT, BY 10 FT. AT LOT 88, LOS ENCINOS III SUBDIVISION, HIDALGO COUNTY, TEXAS; 2716 URSULA AVENUE. (ZBA2020-0079)**

### REASON FOR APPEAL:

The applicant is requesting a variance request to the parking requirement of one off-street parking space for single family uses beyond the front yard setback; as required by section 138-394(1) of the zoning ordinance. The applicant enclosed the garage to make an additional bedroom for one of his four children since the house only has four bedrooms. The bedrooms in his home are too small and enclosing the garage will help with additional space so that his son can have his own room. The applicant enclosed a single car garage and by doing so eliminated the one parking space beyond the front yard setback line. The applicant is also requesting an encroachment of 6 ft. into the 6 ft. east side setback for an existing metal canopy.





**PROPERTY LOCATION AND VICINITY:**

The subject property is located on the north side of Ursula Avenue, approximately 105 ft. west of South 27<sup>th</sup> Lane. The property has 50 ft. of frontage along Ursula Avenue and a depth of 100 ft. with a lot size of 5,000 square feet. The adjacent zoning is R-1 (single family residential) District in all directions. Surrounding land use include single-family residential.

**BACKGROUND AND HISTORY:**

Los Encinos III Subdivision was recorded on December 4, 2006. The Board of Commissioners amended the zoning ordinance in 1999 to require 1 parking space beyond the front yard setback in order to enhance the appearance of single family residential areas. The subject property and subdivision is subject to compliance with the zoning ordinance requirement of the one parking space beyond the front yard setback line. The application for the variance request was submitted on November 12, 2020 after building Inspection staff noticed the enclosed garage during an inspection for a different building permit for subject property.

**ANALYSIS:**

The variance request #1 is to not provide a parking space beyond the front yard setback by enclosing the garage measuring 11 ft. by 18 ft. The submitted site plan shows a driveway measuring 21 ft. by 20 ft. accommodating the number of two required parking spaces. The intent for the requirement of locating one parking space beyond the front yard setback line is to improve the street yard appearance of single-family residence areas by reducing the number of cars parked along the street and within the front yard.

There are no variance requests on file for garage enclosures in the subdivision; a site inspection confirmed that there are two visible garage enclosures on the same street and three more visible garage enclosures around the neighborhood (one on S 27<sup>th</sup> Ln. and two on Wanda Ave.)

- There was a Building Permit for a garage enclosure at 2701 Ursula Ave and was approved by the Planning Department on June 29, 2017 with the condition that a driveway be built in the back of the property along S. 27<sup>th</sup> Street to comply with the one vehicle beyond the front yard setback requirement.
- The rest of the visible garage enclosures in the neighborhood do not have any building permits on file.

Should the request be approved, it may encourage other property owners to request a variance to enclose their garage. Approval of the request will allow the proposed construction to remain as depicted on the site plan.

The variance request #2 is to allow an encroach of 6 ft. into the 6 ft. side yard setback along the east property line for an existing metal canopy measuring 6 ft. by 10 ft. The standard side yard setback for a lot in R-1 (single family residential) district is 6 ft. A site inspection indicated that the existing canopy extends all the way to the east property line. As per City's ordinance no structures are allowed to be built on any setbacks.

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

**RECOMMENDATION:**

Staff recommends disapproval of the variance request.

ZBA 2020-0079



# City of McAllen

## Planning Department

### APPEAL TO ZONING BOARD OF

### ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

ZBA  
12-17-20

**Project**

Legal Description Los Encinos #III Lote 88

Subdivision Name Los Encinos III

Street Address 2716 UTSUB AV. McAllen, TX. 78503

Number of lots ~~88~~ Gross acres \_\_\_\_\_

Existing Zoning R1 Existing Land Use Residencial Unifamiliar

Reason for Appeal (please use other side if necessary) Estoy Apelando la Seccion 178-394 (1) de la ordenanza de la ciudad.

\$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 Alexandro Reyes Jr. Phone 956-659-1944

Address 2716 UTSUB AV. E-mail alex.r4570@gmail.com

City McAllen State TX Zip 78503

**Owner**

Name Alexandro Reyes Jr. Phone 956-659-1944

Address 2716 UTSUB AV. E-mail alex.r4570@gmail.com

City McAllen State Texas Zip 78503

**Authorization**

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

Yes  No

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

Signature [Signature] Date 11-12-20

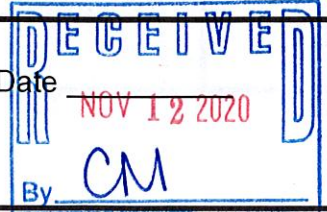
Print Name Alexandro Reyes Jr  Owner  Authorized Agent

**Office**

Accepted by L.G. Payment received by \_\_\_\_\_ Date NOV 12 2020

Rev 10/18

By CM



05 Rct# 748620



# City of McAllen

## Planning Department

### REASON FOR APPEAL & BOARD ACTION

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

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

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

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

My house has 4 bedrooms, but I have 4 kids. Seeing that my family has baby room to accommodate us, I made a bed room so my son doesn't have to sleep in the sofa anymore.

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

It's necessary because my son needs a room, & a garage isn't as necessary. It will not affect my neighbors nor expand the original plan. If the room isn't made, it may affect my son's health.

3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:

It cannot affect anyone because it would be inside the garage, which was already in the plan of the house.

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

It is just an extra room where my son has somewhere to sleep in, nothing more.

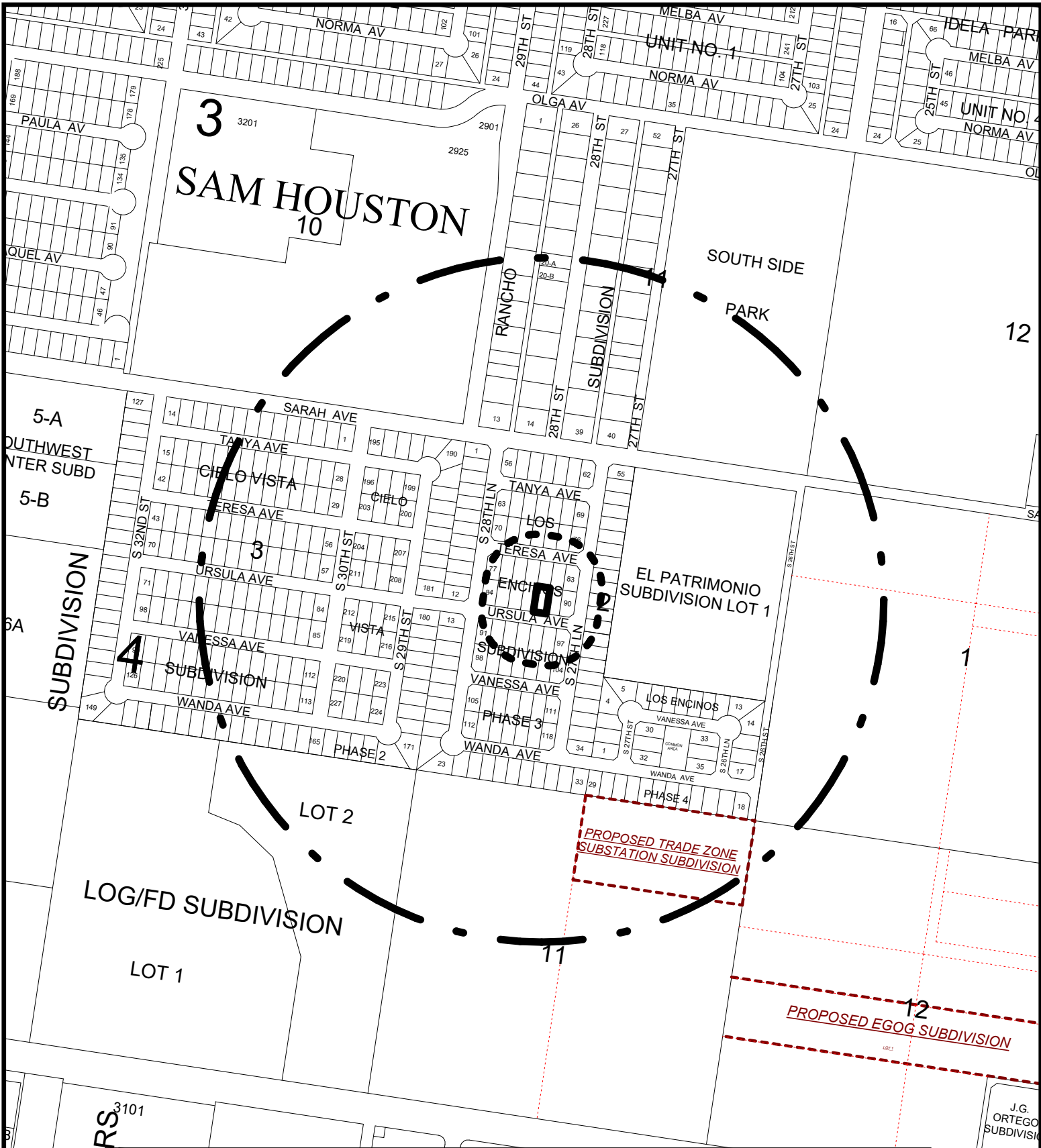
Reason for Appeal

Board Action

Chairman, Board of Adjustment  
Signature

Date

11-12-2020



**CITY OF McALLEN**  
PLANNING DEPARTMENT

AREA MAP

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



SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

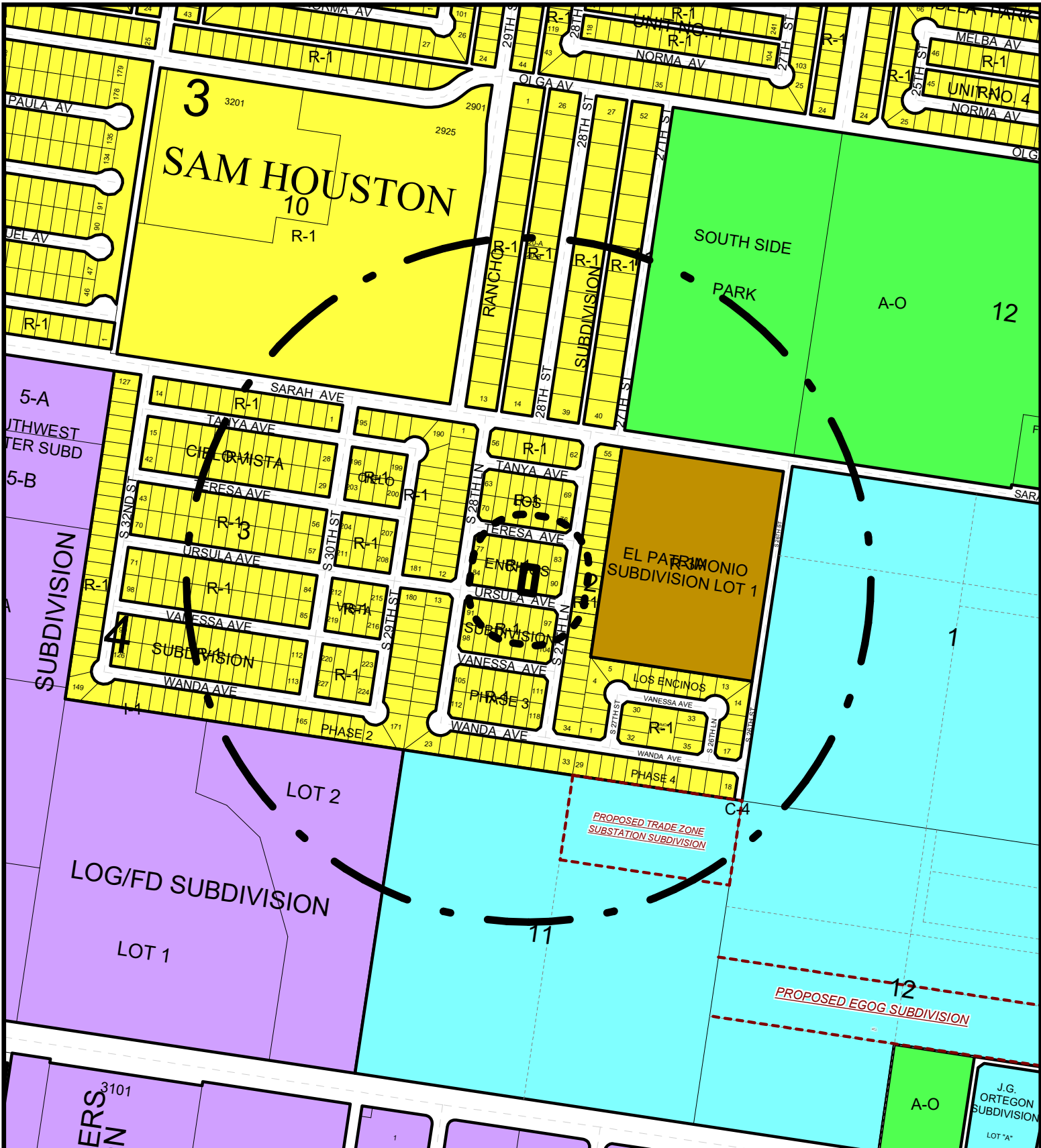
**ZONING LEGEND**

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

U.S.A. CARRIERS

J.G. ORTEGO SUBDIVISION LOT "A"  
HIGHWAY  
5-A 6450  
5-B 6400  
5-C 6420  
7



**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AREA MAP**

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



SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

**ZONING LEGEND**

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

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



**SUBJECT PROPERTY**



**200' NOTIFICATION BOUNDARY**



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

STATE OF TEXAS  
COUNTY OF HIDALGO  
OWNER'S DEDICATION, CERTIFICATION, AND ATTESTATION

I, PAUL SCHWAB, AS THE BOARD PRESIDENT OF THE MCALEN AFFORDABLE HOMES, INC. AND AS THE ACTING OWNER OF THE 20.00 ACRE OF LAND ENCOMPASSED WITHIN THE PROPOSED LOS ENCINOS III SUBDIVISION SUBDIVIDES THE LAND AS DEPICTED IN THIS SUBDIVISION PLAT AND DEDICATE TO PUBLIC USE THE STREET, PARK, AND EASEMENTS SHOWN HEREIN.

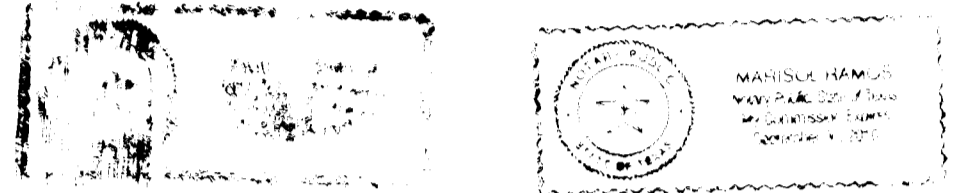
- CERTIFY THAT I HAVE COMPLIED WITH THE REQUIREMENTS OF TEXAS LOCAL GOVERNMENT CODE § 232.032 AND THAT
- (A) THE WATER QUALITY AND CONNECTIONS TO THE LOTS MEET, OR WILL MEET, THE MINIMUM STATE STANDARDS;
  - (B) SEWER CONNECTIONS TO THE LOTS OR SEPTIC TANKS MEET, OR WILL MEET, THE MINIMUM REQUIREMENTS OF STATE STANDARDS;
  - (C) ELECTRICAL CONNECTIONS PROVIDED TO THE LOTS MEET, OR WILL MEET, THE MINIMUM STATE STANDARDS; AND
  - (D) GAS CONNECTIONS, PROVIDED TO THE LOTS MEET, OR WILL MEET, THE MINIMUM STATE STANDARDS.
- I ATTEST THAT THE MATTERS ASSERTED IN THIS PLAT ARE TRUE AND COMPLETE.

*Paul Schwab*  
PAUL SCHWAB  
MCALEN AFFORDABLE HOMES, INC.  
BOARD PRESIDENT  
1420 ERIE AVE  
MCALEN, TEXAS 78501  
DATE: 10/3/06

STATE OF TEXAS  
COUNTY OF HIDALGO

BEFORE ME THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED PAUL SCHWAB KNOWN TO ME TO BE THE PERSON WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGE TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 3<sup>rd</sup> DAY OF October, A.D. 2006.

*M. Flores*  
NOTARY PUBLIC COUNTY OF HIDALGO, TEXAS



CITY OF MCALEN

I, THE UNDERSIGNED MAYOR OF THE CITY OF MCALEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 17<sup>th</sup> DAY OF October, A.D. 2006.

*Paul Schwab*  
Mayor of the City of MCALEN  
*Annita Villalobos*  
Secretary of the City of MCALEN

CITY OF MCALEN - PLANNING DEPARTMENT

I, THE UNDERSIGNED CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF MCALEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY WHEREIN MY APPROVAL IS REQUIRED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 17<sup>th</sup> DAY OF October, A.D. 2006.

*Paul Schwab*  
CHAIRMAN, PLANNING COMMISSION

NOTE: HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEXAS WATER CODE NO. 49.211(c). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

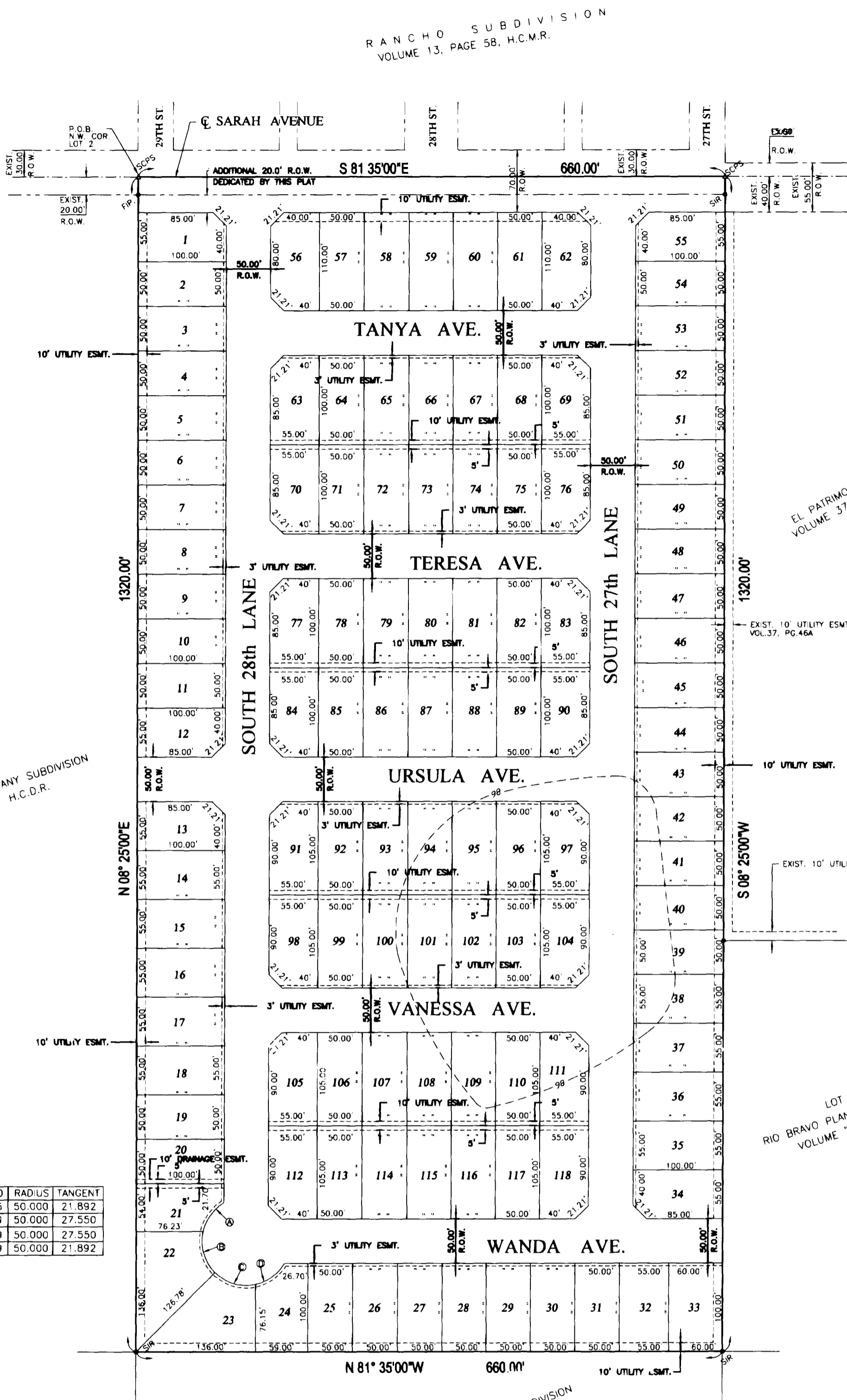
COUNTY CLERK'S RECORDING CERTIFICATE

I, \_\_\_\_\_, COUNTY CLERK OF HIDALGO COUNTY, CERTIFY THAT THE PLAT BEARING THIS CERTIFICATE WAS FILED FOR RECORD AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. ON \_\_\_\_\_ AND WAS RECORDED IN BOOK \_\_\_\_\_ SHEET(S) \_\_\_\_\_ THE PLAT RECORDS OF HIDALGO COUNTY AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. ON \_\_\_\_\_

\_\_\_\_\_, HIDALGO COUNTY CLERK

PRINCIPAL CONTACTS:

Name	Address	City & Zip	Phone	Fax
OWNER: PAUL SCHWAB	1420 ERIE AVE.	McAlLEN, TX 78501	(956) 687-6263	(956) 682-9751
ENGINEER: ROLANDO CRUZ	600 E. Violet Ave.	McAllen, Tx. 78504	(956) 682-5022	(956) 682-5089
SURVEYOR: REY ROBLES	P.O. Box 476	Weslaco, Texas 78596	(956) 968-2422	(956) 969-2011



LOT 3 BLOCK 4  
RIO BRAVO PLANTATION COMPANY SUBDIVISION  
VOLUME "W" PAGE 197 H.C.D.R.

LOT 2 BLOCK 4  
RIO BRAVO PLANTATION COMPANY SUBDIVISION  
VOLUME "W" PAGE 197 H.C.D.R.

LOT 11 BLOCK 4  
RIO BRAVO PLANTATION COMPANY SUBDIVISION  
VOLUME "W" PAGE 197 H.C.D.R.

LOT	ARC	CHORD	RADIUS	TANGENT
A	41.269	40.105	50.000	21.892
B	50.361	48.259	50.000	27.550
C	50.361	48.259	50.000	27.550
D	41.269	40.109	50.000	21.892

- NOTES:
- MINIMUM FRONT SETBACK LINE 25 FEET  
MINIMUM CORNER LOTS SIDE SETBACK ADJACENT TO STREET 10 FEET  
MINIMUM SIDE SET BACK LINE 6 FEET ALONG PROPERTY LINE OR EASEMENT LINE, WHICHEVER REQUIRES GREATEST SETBACK.  
MINIMUM REAR SETBACK -10' EXCEPT 25' FOR LOTS 56-62 ALONG SARAH AVE. OR GREATER FOR EASEMENTS.
  - THIS SUBDIVISION IS IN ZONE "B" AS PER F.E.M.A.'S COMMUNITY No. 480343 FLOOD INSURANCE RATE MAP PANEL 480334 0400 C, NOVEMBER 16, 1982.
  - MINIMUM FINISH FLOOR ELEVATION SHALL BE 99.80 OR 18" ABOVE TOP OF CURB AT CENTER OF LOT WHICHEVER IS GREATER AS PER CLOMRF.
  - ELEVATION CERTIFICATE MAY BE REQUIRED FOR LOTS LOCATED OUTSIDE A DESIGNATED FLOOD ZONE AT THE TIME FOR APPLICATION FOR CONSTRUCTION TO VERIFY PRE AND POST CONSTRUCTION FINISH FLOOR ELEVATIONS. AN ELEVATION CERTIFICATE SHALL BE REQUIRED FOR ALL LOTS WITHIN A DESIGNATED FLOOD ZONE AT THE TIME FOR A DEVELOPMENT PERMIT APPLICATION.
  - ONE SINGLE FAMILY RESIDENTIAL DWELLING PER LOT.
  - THIS SUBDIVISION IS REQUIRED TO DETAIN 2.52 AC-FT. THE DETENTION WILL BE 298 CU.FT. OR 0.18 AC-FT. PER LOT.
  - A 6' BUFFER IS REQUIRED FROM ADJACENT MULTI-FAMILY AND COMMERCIAL ZONE/USE AND ALONG SARAH AVENUE.
  - 4' SIDEWALK IS REQUIRED ON SARAH AVENUE & BOTH SIDES OF ALL INTERIOR STREETS.

- BENCH MARK:  
COTTON PICKER SPINDLE FOUND ON THE CENTERLINE OF SARAH AVENUE LOCATED 20 FEET WEST OF THE NORTHEAST CORNER OF THIS SURVEY.  
ELEVATION= 99.96  
HICKLEY2 USGS TRIANGULATION MONUMENT LOCATED ON TOP OF LEVEE ABOUT 50 FEET EAST OF SOUTH WARE ROAD.  
ELEVATION= 112.22
- THE DEVELOPER WILL PROVIDE AN ENGINEERED DETENTION PLAN APPROVED BY THE ENGINEERING DEPARTMENT PRIOR TO APPLICATION FOR A BUILDING PERMIT.
- NO CURB CUT, ACCESS, OR LOT FRONTAGE PERMITTED ON SARAH AVE. FOR LOTS 1, 56-62 AND 55.

FILED FOR RECORD IN:  
HIDALGO COUNTY  
BY \_\_\_\_\_  
COUNTY CLERK  
ON \_\_\_\_\_  
AS A RECORDING NUMBER \_\_\_\_\_  
\_\_\_\_\_  
DEPUTY

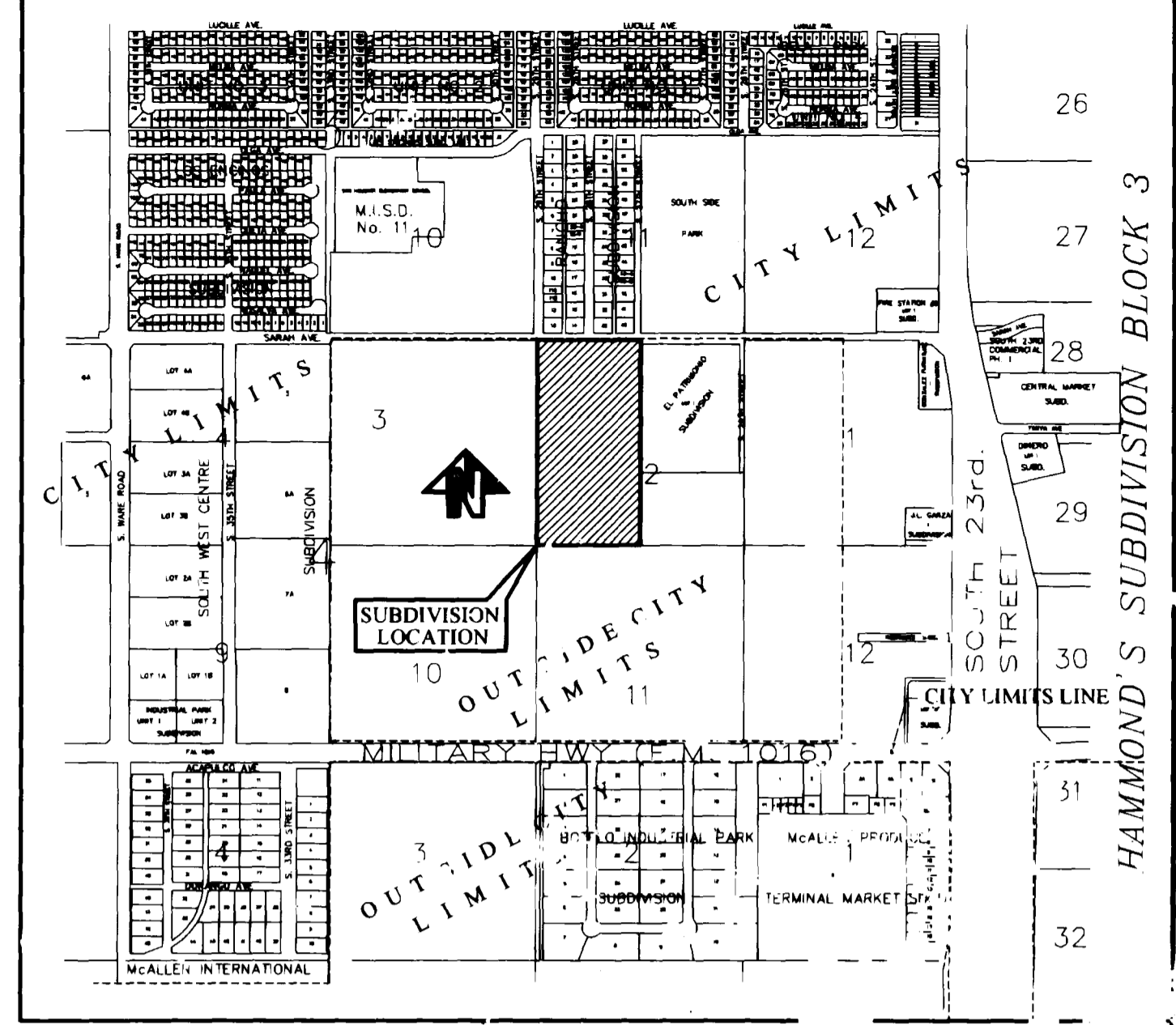


SCALE: 1" = 100'

- LEGEND
- △ SCPS Set cotton picker spindle
  - FIP Found 1" iron pipe
  - SIR Set 1/2" iron rod with a plastic cap stamped "RRA"

SUBDIVISION PLAT  
OF  
**LOS ENCINOS III**

BEING A 20.00 ACRE TRACT OF LAND OUT OF THE WEST ONE HALF OF LOT 2, BLOCK 4, RIO BRAVO PLANTATION COMPANY'S SUBDIVISION HIDALGO COUNTY, TEXAS PER MAP RECORDED IN VOLUME W, PAGE 197, H.C.D.R.



SCALE 1" = 1000'  
METES AND BOUNDS DESCRIPTION:

DESCRIPTION OF 20.00 ACRES OF LAND OUT OF LOT 2, BLOCK 4, RIO BRAVO PLANTATION COMPANY'S SUBDIVISION HIDALGO COUNTY, TEXAS

Being 20.00 acres of land situated in Hidalgo County, Texas, and being the west one half of Lot 2, Block 4, Rio Bravo Plantation Company's subdivision as per map recorded in Volume W, Page 197 of the Hidalgo County Deed Records, and said 20.00 acre tract being more particularly described by metes and bounds as follows: BEGINNING at a cotton picker spindle set for the northwest corner of said Lot 2 and the northwest corner of said tract herein described:

THENCE, South 81° 35'00" East, 660.00 feet, with the north line of said Lot 2 to a cotton spindle set for the northeast corner of said tract herein described;

THENCE, South 08° 25' 00" West, with a line that is parallel to the west of said Lot 2 and with the west line of El Patrimonio Subdivision as per map recorded in Volume 37, page 46A of the Hidalgo County Map Records, at a distance of 20.00 feet pass a 1/2-inch rod with a plastic cap stamped "RRA" set for reference on the south right of way line of Sarah Avenue, at a distance of 858.00 feet pass the southwest corner of said El Patrimonio Subdivision and continuing for a total distance of 1320.00 feet to a 1/2-inch iron rod with a plastic cap stamped "RRA" set for the southeast corner of said tract herein described;

THENCE, South 81° 35'00" East, 660.00 feet, with the north line of said Lot 2 to a 1/2-inch iron rod with a stamped "RRA" set for the southwest corner of said tract herein described;

THENCE, North 08° 35' 00" East, with the west line of said Lot 2, distance of 1300.00 feet pass a 1/2-inch iron pipe found for reference on the south right of way line of said Sarah Avenue and continuing for a total distance of 1320.00 feet to the Point of Beginning and containing 20.00 acres of land more or less.

STATE OF TEXAS  
COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY DIRECTION ON THE GROUND.

*Reynaldo Robles*  
REYNALDO ROBLES  
REGISTERED PROFESSIONAL LAND SURVEYOR  
NO. 4032  
WESLACO, TEXAS 78796

STATE OF TEXAS  
COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT AND THAT ALL ASPECTS OF IT ARE IN ACCORDANCE WITH THE STATUS GOVERNING ENGINEERING.

*Rolando Cruz*  
ROLANDO CRUZ  
REGISTERED PROFESSIONAL ENGINEER  
NO. 55459  
MCALEN, TEXAS 78504

**LOS ENCINOS III**  
MCALEN AFFORDABLE HOMES  
REVISED: October 2, 2006

**CRUZ-HOGAN Consultants, Inc.**  
Engineers • Planners • Consultants

**Harlingen** • **McAllen**  
1221 E. Tyle, Suite A Harlingen Tx 78550 office 425-8968 fax 423-5083  
605 E. Violet Ave. Suite 5 McAllen Tx 78504 office 682-5022 fax 682-5089

side plan.

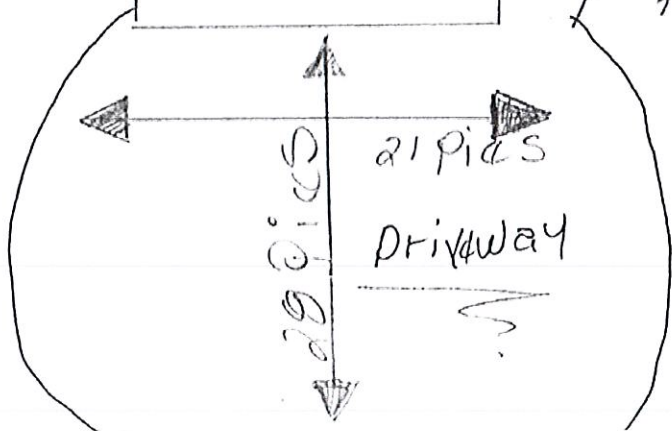


6' Pies.

A horizontal line with arrowheads at both ends, labeled '6' Pies.'

Garage

The word 'Garage' is written in a cursive style above a rectangular area on the left side of the plan.



Front Entrance

The words 'Front Entrance' are written in a cursive style above a rectangular area at the bottom center of the plan.

32 Pies

A vertical line with arrowheads at both ends, labeled '32 Pies'.

6'

A horizontal line with arrowheads at both ends, labeled '6''.





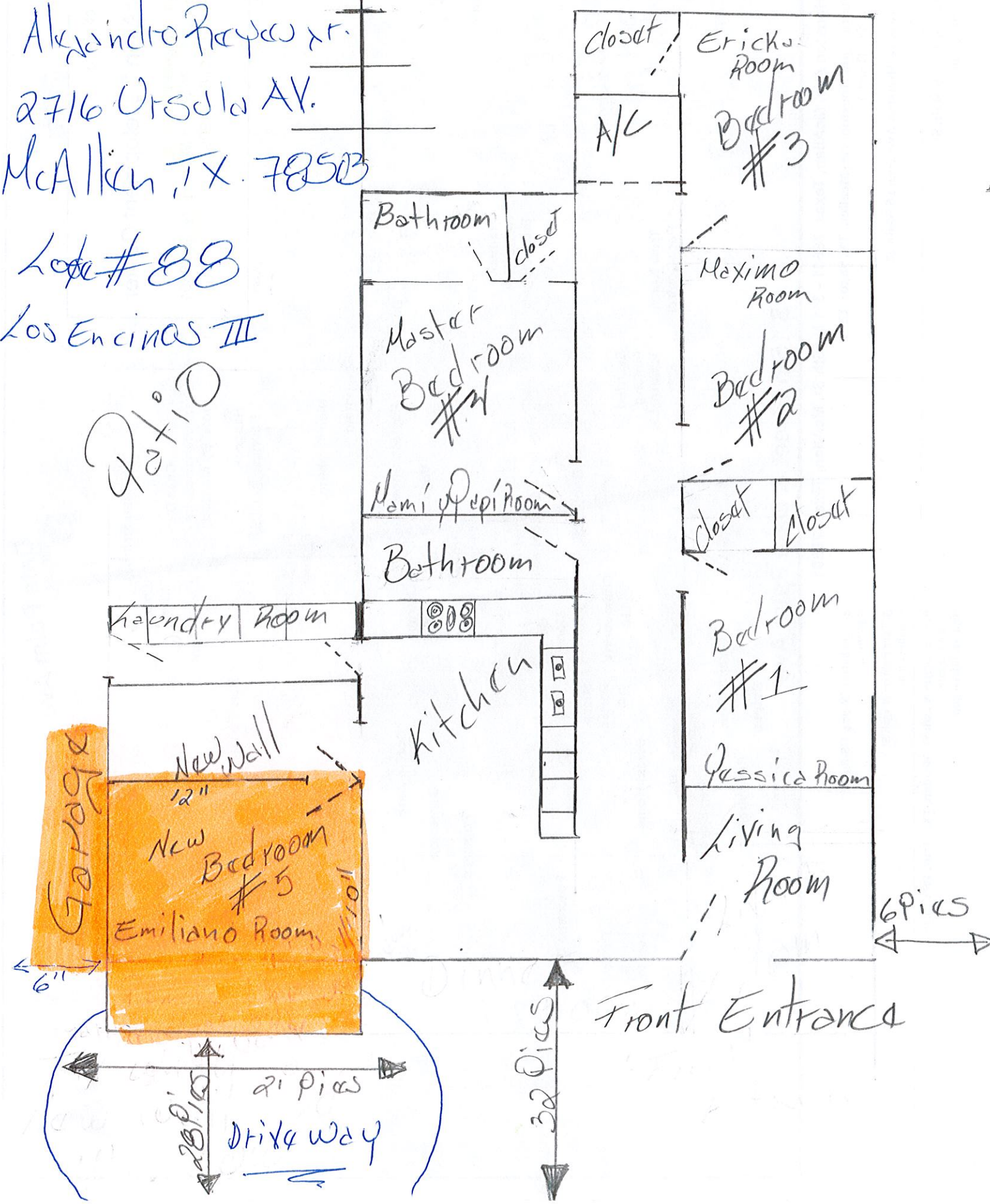
Back Yard.

▲ N

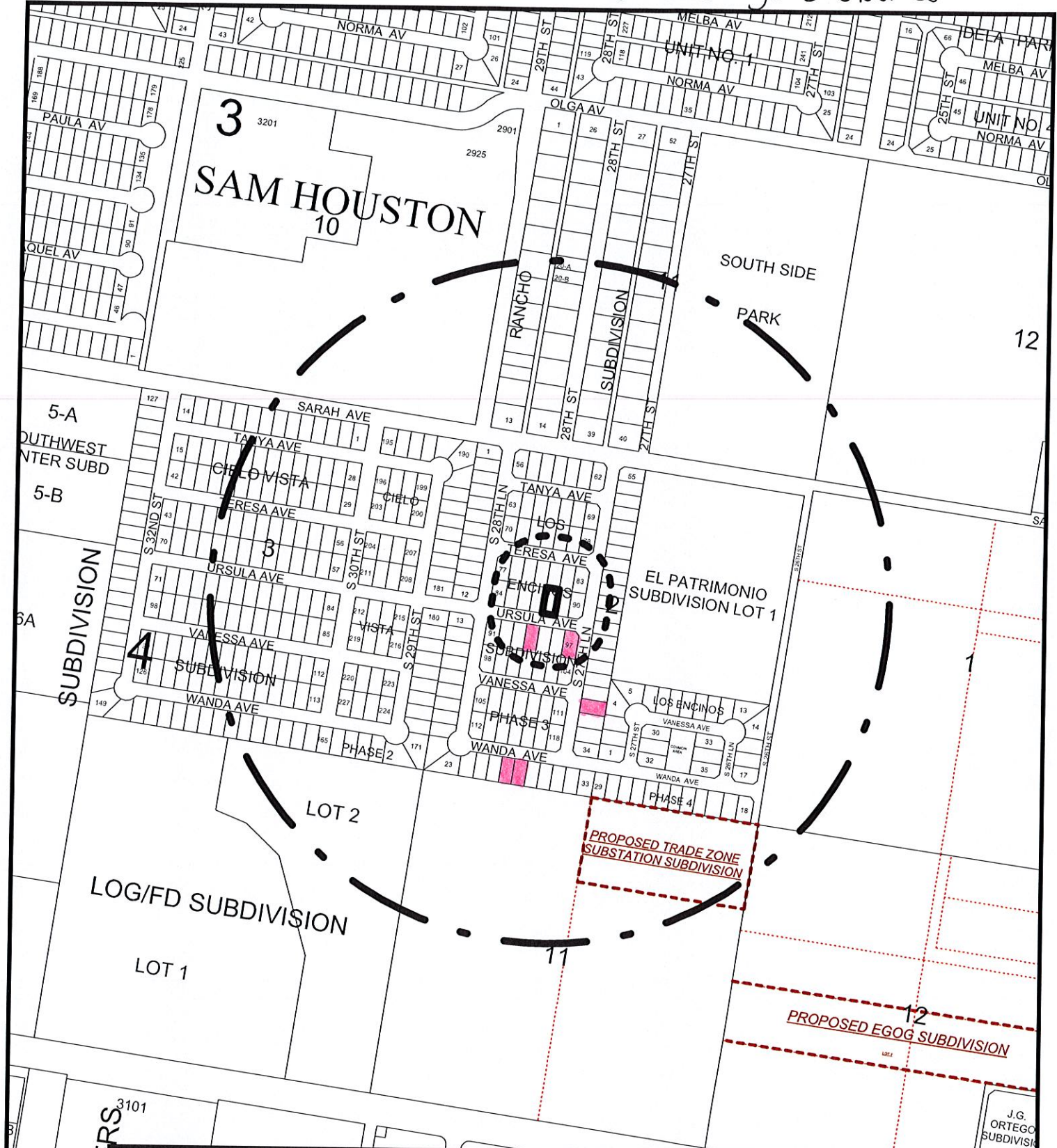
Alexandro Reyes Jr.  
2716 Ursula Av.  
McAllen, TX. 78503

Lot # 88  
Los Encinos III

Q 210



Visible Garage Enclosures \*



**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS



**ZONING LEGEND**

A-O (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLX-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.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.









EXISTING GARAGE



PROPOSED GARAGE





NOTICE  
VARIANCE  
FOR  
THIS PROPERTY  
ZBA2020-0079  
CITY OF MCKINNEY PLANNING DEPT  
936.561.1339  
WWW.MCKINNEY.TX

Memo

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

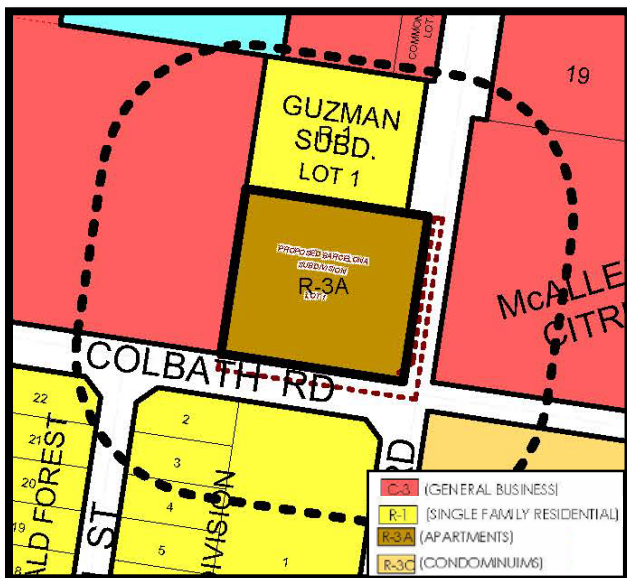
**FROM:** Planning Staff

**DATE:** December 8, 2020

**SUBJECT:** REQUEST OF ADRIANA SALAZAR, ON BEHALF OF SERVIKON, LLC, INC FOR THE FOLLOWING VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW A 4 FT. LANDSCAPING STRIP ALONG SOUTH BENTSEN ROAD INSTEAD OF THE REQUIRED 10FT. AT A 1.55-ACRE TRACT OF LAND OUT OF LOT 178, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 1820 SOUTH BENTSEN ROAD. (ZBA2020-0080)

**REASON FOR APPEAL:** The applicant is requesting variances to not comply with the 10 ft. landscape strip along South Bentsen Road.

**PROPERTY LOCATION AND VICINITY:** The property is located on the northwest corner of South Bentsen Road and Colbath Road. The tract has 246.2 feet of frontage along South Bentsen Road and depth of 275 feet front fronting Colbath Road for a total area of 1.55 acres and is zoned R-3A (multifamily residential apartments) District. The adjacent zoning is R-1 (single family residential) District to the north and south, and C-3 (general business) District to the east and west. Surrounding land uses are single family residences, commercial uses, church, and vacant land.



**BACKGROUND AND HISTORY:** The applicant had originally applied for a variances request on September 2, 2020 to not comply with the 12 ft. separation between buildings, to not comply with 10 ft. landscape strip, and for the proposed apartments to encroaching into the into the 10 ft. rear setback of the property. However, the applicant withdrew the application until the Subdivision Plat for Barcelona received



final approval in preliminary form to determine if Planning and Zoning committee would grant a variance of 6 ft. instead of 10 ft. for the rear setback on the Plat. At the Planning and Zoning meeting of October 20, 2020 after much discussion, the Board moved to approve the Barcelona Subdivision Plat in revised preliminary with a disapproval of the variance request. Therefore; the applicant went back and revised the site plan to comply with setbacks and building separation; however, the site plan is still not meeting the 10 ft. landscaping strip along South Bentsen Road.

**ANALYSIS:**

Variance request to allow a 4 ft. landscaping strip along South Bentsen Road instead of the required 10 ft. In order to accommodate the necessary setbacks and separation between buildings, and parking for the proposed development, the applicant encroached 6 ft. into the required 10 ft. wide landscaping strip along Bentsen Road. If parking area is reduced, then parking requirement will not be met. As per Section 110-49(a) of the City's ordinance, a landscape strip area with a minimum width of ten feet shall be provided along and within the property lines of all nonresidential and multifamily uses contiguous to a public street, excluding driveway entrances and exits. For properties having a lot depth of less than 200 feet, the landscaped strip may be reduced to a minimum width of five feet with a landscape hedge not exceeding three feet in height.

**RECOMMENDATION:**

Staff recommends disapproval of the variance request because a landscape strip area with a minimum width of ten feet is required along property lines of all nonresidential uses. If the Board chooses to grant the variances, it should be limited to the foot print as shown on the site plan and with the condition that they add a three-foot hedge to the landscaping strip along South Benston Road.

ZBA 2020-0080

ZBA  
12/17/2020



# City of McAllen

## Planning Department

### APPEAL TO ZONING BOARD OF

### ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project	Legal Description	<u>A 1.55 acre tract of land out of Lot 178,</u>		
	Subdivision Name	<u>JOHN SHARK SUBDIVISION</u>		
Project	Street Address	<u>Barcelona Subdivision</u>		
	Street Address	<u>1820 S. Bentsen Rd.</u>		
Project	Number of lots	<u>1</u>	Gross acres	<u>1.55</u>
	Existing Zoning	<u>R-3A</u>	Existing Land Use	<u>Vacant</u>
Project	Reason for Appeal (please use other side if necessary)	<u>Landscaping strip along</u>		
		<u>Bentsen Rd of 4 feet instead of 10 feet</u>		
Project	<input 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>Servikon, LLC</u>	Phone	<u>(956) 483-4372</u>
	Address	<u>101 N. McColl Rd Ste 8</u>	E-mail	<u>adriangsalazar68@hotmail.com</u>
Applicant	City	<u>McAllen</u>	State	<u>TX</u>
			Zip	<u>78501</u>
Owner	Name	<u>New Millennium L Investments, LLC</u>	Phone	<u>(956) 483-4372</u>
	Address	<u>711 W. Nonala Ave. Ste. 102B</u>	E-mail	
Owner	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 checked="" type="checkbox"/> No			
Authorization	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>11/13/2020</u>
Authorization	Print Name	<u>Laura E. Aragon-Dominguez</u>	<input type="checkbox"/> Owner	<input type="checkbox"/> Authorized Agent
	Accepted by	<u>LG.</u>	Payment	<u>Paid from Previous ZBA case</u>
Office	Rev 10/18	<u>ZBA 2020-0058</u>		Date  BY: <u>CW</u>



# City of McAllen

## Planning Department

### REASON FOR APPEAL & BOARD ACTION

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

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

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

Reason for Appeal

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

- Due to being a corner lot the setbacks are considerable more stringent; therefore, the land available to develop is limited.

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

- Property is in a prime location and due to its size is hard and challenging to accommodate improvements to make the property feasible.

3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:

-The landscaping encroachment is in private property and it will be covered by an asphalt parking lot

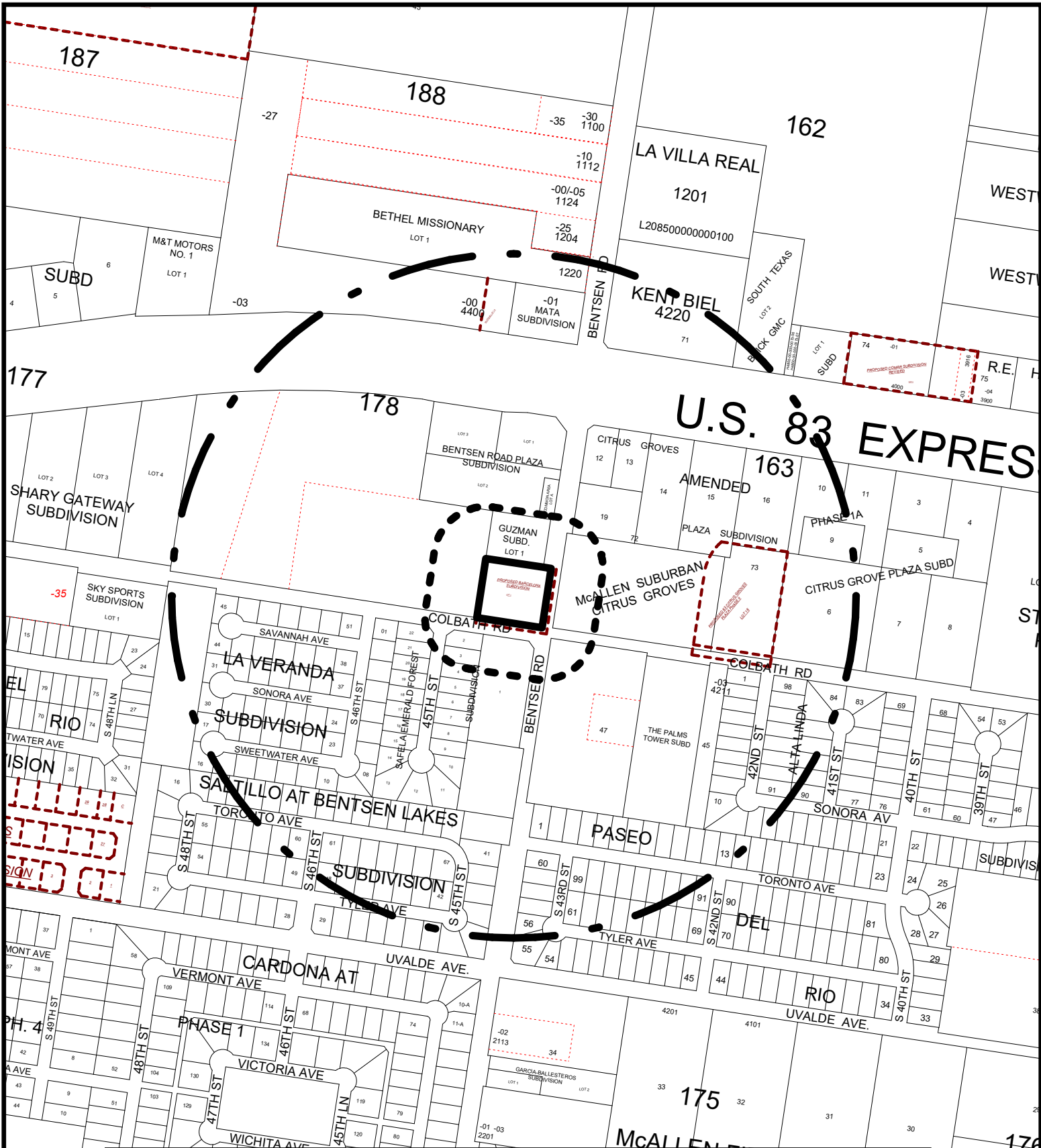
4. Describe special conditions that are unique to this applicant or property:

- Being a corner lot the setbacks account for a major portion of land making it challenge to accommodate proposed improvements.

Board Action

Chairman, Board of Adjustment  
Signature

Date



**CITY OF McALLEN**  
PLANNING DEPARTMENT

AREA MAP

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



SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

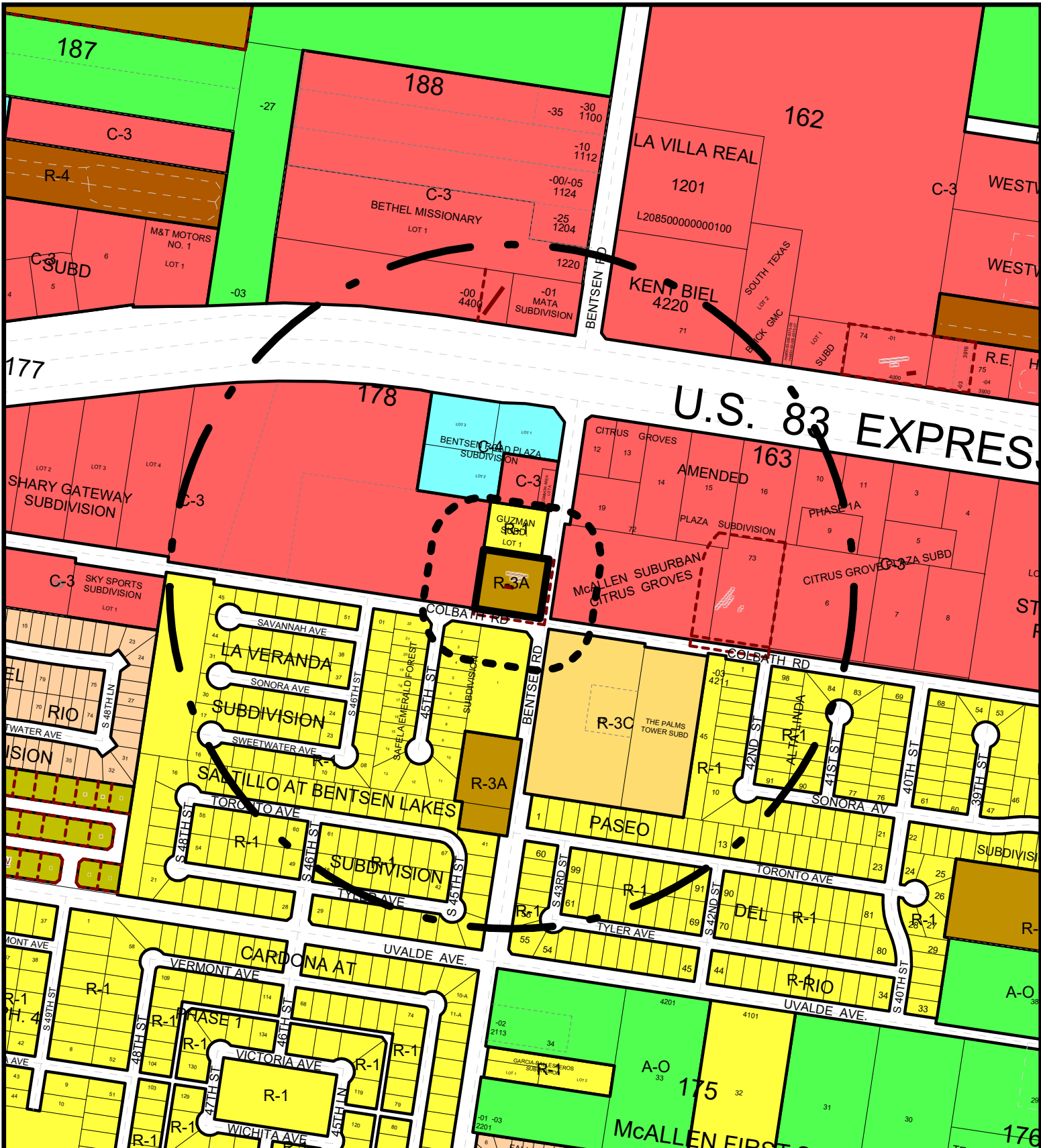
1/4 MILE RADIUS

**ZONING LEGEND**

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

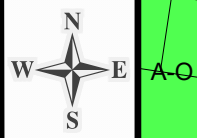
DEPENDENT &  
SUBDIVISION  
LOTA



**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

**AREA MAP**



SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

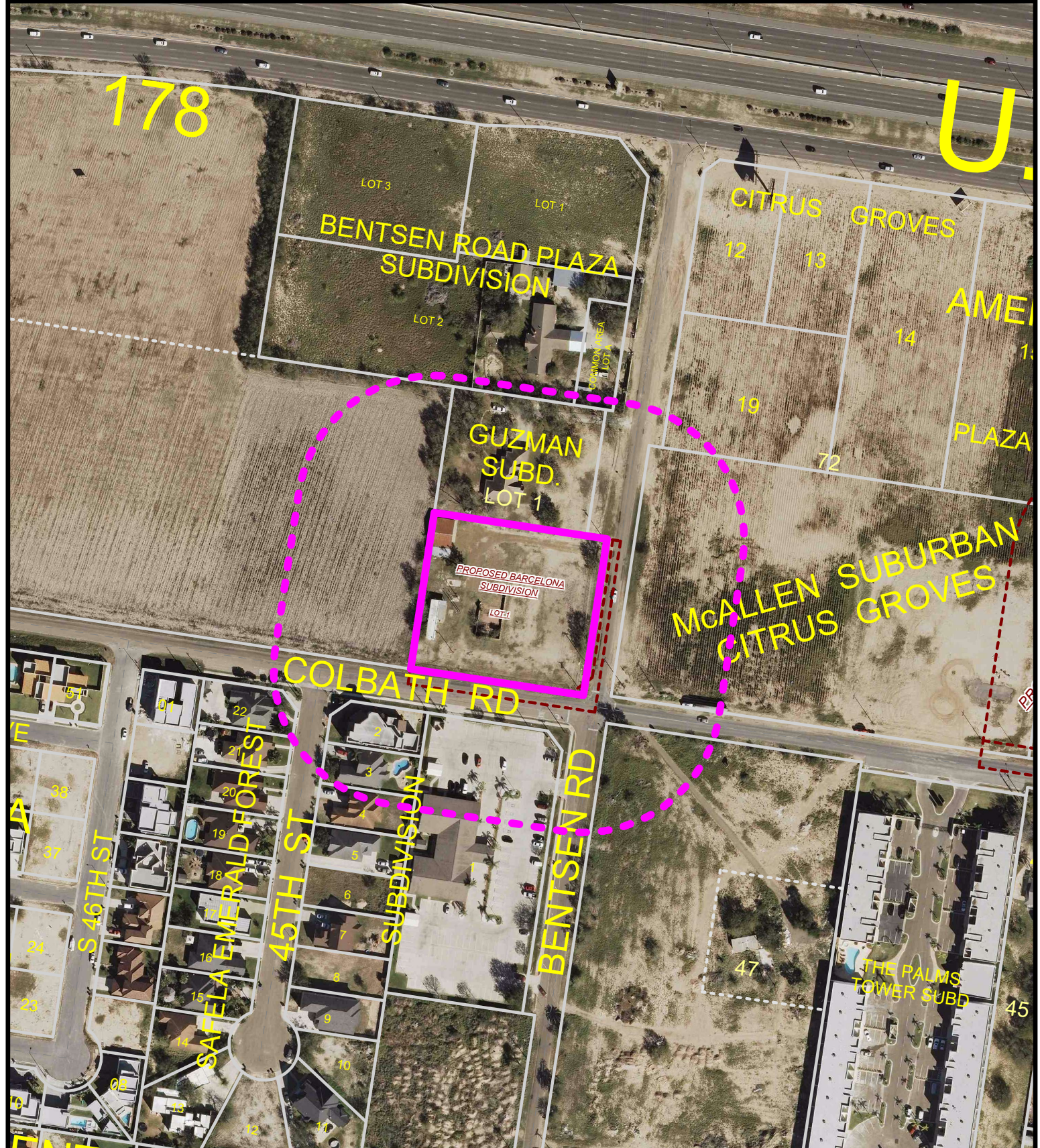
**ZONING LEGEND**

A-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-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	S (SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.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.

178

U



**CITY OF McALLEN**  
 PLANNING DEPARTMENT

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

 SUBJECT PROPERTY

 200' NOTIFICATION BOUNDARY



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

New Millennium L. Investment, INC  
Laura Elena Aragon Dominguez  
711 W Nolana Ave, McAllen TX  
78504 Suite 102-B

**Re: Barcelona Apartments at 1820S. Bentsen Rd. McAllen, TX 78501**

To Whom It May Concern:

New Millennium L. Investment, INC hereby authorizes Servikon LLC and Adriana Salazar address 101 N. McColl Rd. Unite 8 Ste 1968 McAllen, TX 78501 with phone number 956-483-4372 to discuss and make all decisions relating to the above mentioned subdivision such as rezoning, site plan, construction permits, to represent me in all meetings, or anything else relating to this project. You can also contact Adriana Salazar via email at [adrianasalazar68@hotmail.com](mailto:adrianasalazar68@hotmail.com).

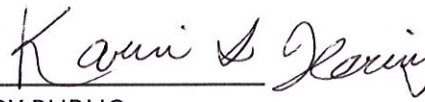
Respectfully,

Laura Elena Aragon Dominguez  
President/CEO

DATED this 1<sup>st</sup> of September 2020.

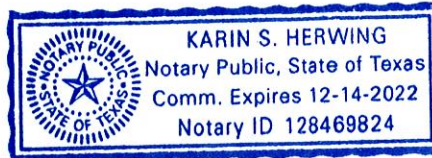
  
Signature

SWORN to subscribe before me, this 1<sup>st</sup> day of September 2020.

  
NOTARY PUBLIC

My Commission Expires:

12-14-2022



Barcelona

CIVIL, STRUCTURAL  
AND  
LAND SURVEYING

# PEÑA ENGINEERING

P.O. BOX 4320  
McALLEN, TEXAS 78502  
(956) 682-8812 • FAX 631-PEÑA  
FIRM#10087200

**Legal Description:**

A 1.55 acre tract of land out of Lot 178, JOHN H. SHARY SUBDIVISION, Hidalgo County, Texas, as per map thereof recorded in Volume 1 Page 17 of the Map Records of said County, said tract being more particularly described by metes and bounds as follows:

Beginning at the Southeast corner of said Lot for the Southeast corner hereof;

Thence with the South line of said Lot, the centerline of Colbath Road, North  $81^{\circ}18'50''$  West 275.00 feet to the Southwest corner hereof;

Thence with the East line of Casa Corsica LTD's tract as described in Document Number 494270 of the Official Records of said County, North  $08^{\circ}41'10''$  East, at 21.50 feet found a three-quarter (3/4) inch diameter iron pipe at the apparent North Right of Way of said Road, at 246.20 feet in all (Deed: 245.00 feet) in all to the Northwest corner hereof; whence a found three-quarter (3/4) inch diameter iron pipe bears North  $81^{\circ}18'50''$  West 0.30 feet;

Thence with the North possession line of Jerry L. Bridgewater's tract as described in Document Number 1255255 of the Official Records of said County, South  $81^{\circ}18'50''$  East, at 245.00 feet found a one-half (1/2) inch diameter iron rod with cap stamped "CVQ" at the apparent West Right of Way of Bentsen Road (S. 44<sup>th</sup> St.), at 275.00 feet in all to the Northeast corner hereof;

Thence with the East line of said Lot, the centerline of Bentsen Road, South  $08^{\circ}41'10''$  West 246.20 feet (Deed: 245.00 feet) to the PLACE OF BEGINNING, containing One and fifty-five hundredths (1.55) acres, more or less.



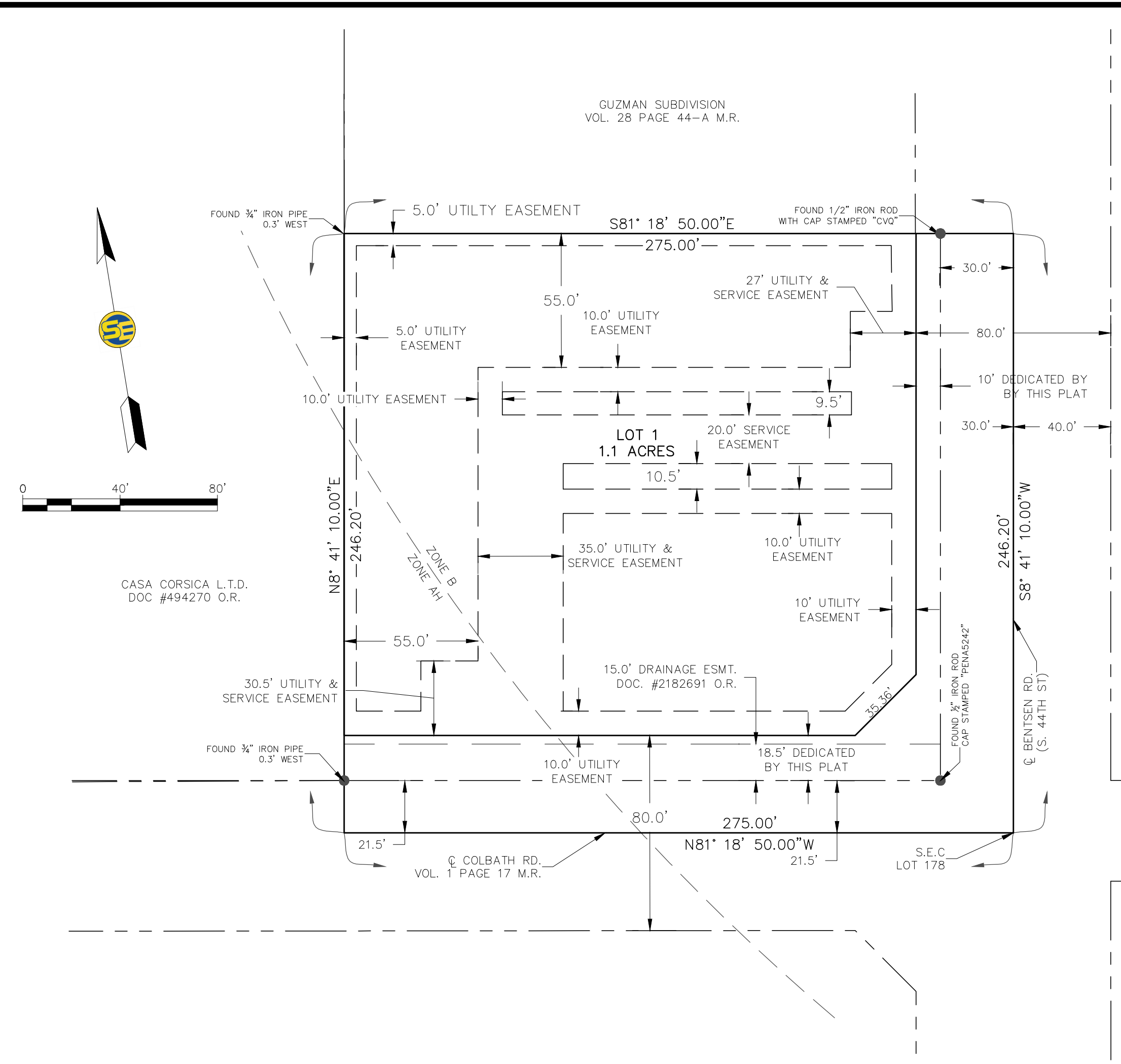
Pablo Peña III  
R.P.L.S. No. 5242  
Date: 11-26-2019

RECEIVED

MAY 16 2020

BY: 





**METES AND BOUNDS**  
 A 1.55 ACRE TRACT OF LAND OUT OF LOT 178, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS, AS PER MAP THEREOF RECORDED IN VOLUME 1 PAGE 17 OF THE MAP RECORDS OF SAID COUNTY, SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:  
 BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT FOR THE SOUTHWEST CORNER HEREOF;

THENCE WITH THE SOUTH LINE OF SAID LOT, THE CENTERLINE OF COLBATH ROAD, NORTH 81°18'50" WEST 275.00 FEET TO THE SOUTHWEST CORNER HEREOF;  
 THENCE WITH THE EAST LINE OF CASA CORSICA LTD'S TRACT AS DESCRIBED IN DOCUMENT NUMBER 494270 OF THE OFFICIAL RECORDS OF SAID COUNTY, NORTH 08°41'10" EAST, AT 21.50 FEET FOUND A THREE-QUARTER (3/4) INCH DIAMETER IRON PIPE AT THE APPARENT NORTH RIGHT OF WAY OF SAID ROAD, AT 246.20 FEET IN ALL (DEED: 245.00 FEET) IN ALL TO THE NORTHWEST CORNER HEREOF; WHENCE A FOUND THREE-QUARTER (3/4) INCH DIAMETER IRON PIPE BEARS NORTH 81°18'50" WEST 0.30 FEET;  
 THENCE WITH THE NORTH POSSESSION LINE OF JERRY L. BRIDGEWATER'S TRACT AS DESCRIBED IN DOCUMENT NUMBER 1255255 OF THE OFFICIAL RECORDS OF SAID COUNTY, SOUTH 81°18'50" EAST, AT 245.00 FEET FOUND A ONE-HALF (1/2) INCH DIAMETER IRON ROD WITH CAP STAMPED "CVO" AT THE APPARENT WEST RIGHT OF WAY OF BENTSEN ROAD (S. 44 TH ST.), AT 275.00 FEET IN ALL TO THE NORTHEAST CORNER HEREOF;  
 THENCE WITH THE EAST LINE OF SAID LOT, THE CENTERLINE OF BENTSEN ROAD, SOUTH 08°41'10" WEST 246.20 FEET (DEED: 245.00 FEET) TO THE PLACE OF BEGINNING, CONTAINING ONE AND FIFTY-FIVE HUNDREDTHS (1.55) ACRES, MORE OR LESS.

**THE STATE OF TEXAS**  
**COUNTY OF HIDALGO**  
 I (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE BARCELONA SUBDIVISION, TO THE CITY OF MCALEN, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, WATER LINES, SEWER LINES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH I (WE) WILL CAUSE TO BE INSTALLED THEREON, SHOWN OR NOT SHOWN, IF REQUIRED OTHERWISE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF MCALEN, 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 MCALEN.

NEW MILLENNIUM L INVESTMENTS, LLC \_\_\_\_\_ DATE \_\_\_\_\_

**STATE OF TEXAS**  
**COUNTY OF HIDALGO**  
 BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED \_\_\_\_\_ KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_\_

NOTARY PUBLIC FOR THE STATE OF TEXAS \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_

PRINCIPAL CONTACTS			
NAME	ADDRESS	CITY, STATE & ZIP CODE	PHONE
OWNER:	NEW MILLENNIUM L INVESTMENTS, INC	711 W. NOLANA AVE. STE. 102B MCALEN, TEXAS 78504	(956)483-4372
ENGINEER:	OMAR CANO, P.E.	410 S. JACKSON RD #2780 EDINBURG, TEXAS 78539	(956)272-2246
SURVEYOR:	PABLO PENA III, R.P.L.S.	1001 WHITEWING AVE MCALEN, TEXAS 78501	(956)682-8812

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

CHAIRMAN, PLANNING AND ZONING COMMISSION \_\_\_\_\_ DATE \_\_\_\_\_

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

MAYOR, CITY OF MCALEN \_\_\_\_\_ DATE \_\_\_\_\_

ATTEST: CITY SECRETARY \_\_\_\_\_ DATE \_\_\_\_\_

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

OMAR CANO, P.E.  
 LICENSE PROFESSIONAL ENGINEER No. 120081 \_\_\_\_\_ DATE \_\_\_\_\_



**THE STATE OF TEXAS**  
**COUNTY OF HIDALGO**  
 I, THE UNDERSIGNED, A (REGISTERED PROFESSIONAL ENGINEER AND/OR REGISTERED PROFESSIONAL LAND SURVEYOR) IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY ON THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

PABLO PENA III, R.P.L.S.  
 REGISTERED PROFESSIONAL LAND SURVEYOR No. 5242  
 SURVEY FIRM No. 10087200 \_\_\_\_\_ DATE \_\_\_\_\_



**APPROVED BY UNITED IRRIGATION DISTRICT**  
 THIS PLAT IS HEREBY APPROVED BY THE UNITED IRRIGATION DISTRICT ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_\_

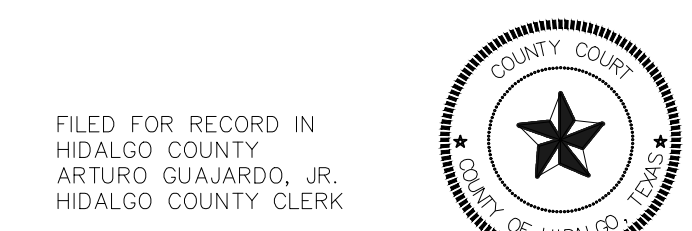
NO IMPROVEMENTS OF ANY KIND (INCLUDING WITHOUT LIMITATION TREES, FENCES AND BUILDINGS) SHALL PLACED UPON UNITED IRRIGATION DISTRICT RIGHT OF WAYS OR EASEMENTS. APPROVAL OF THIS PLAT DOES NOT RELEASE ANY RIGHTS THAT THE DISTRICT MAY HAVE WHETHER SHOWN OR NOT.

\_\_\_\_\_  
 PRESIDENT \_\_\_\_\_ SECRETARY \_\_\_\_\_

**APPROVED BY DRAINAGE DISTRICT**  
 HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER THE TEXAS WATER CODE 49.211( C ). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER AND HIS ENGINEER TO MAKE THEIR DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

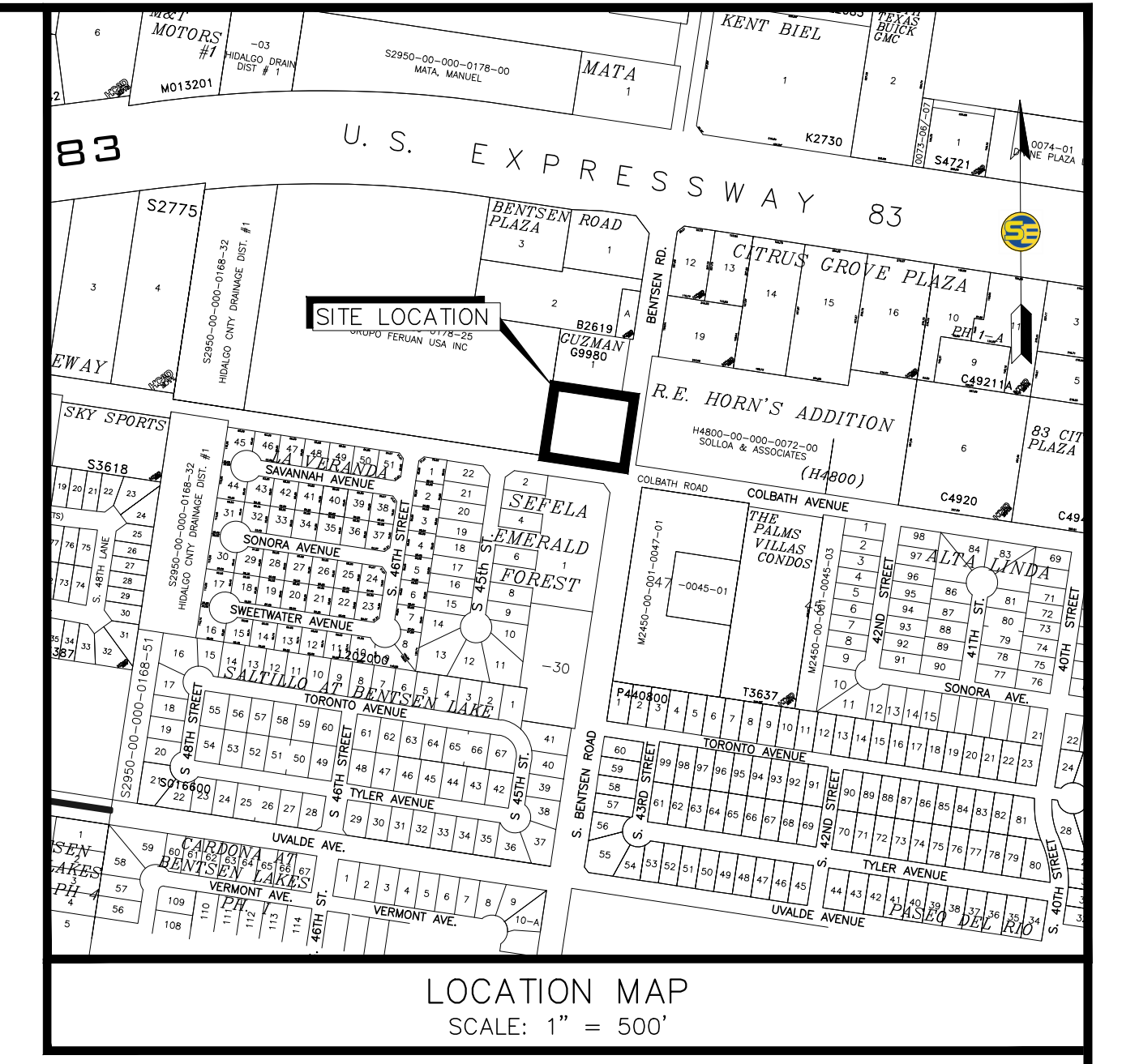
RAUL SESIN, P.E., C.F.M.  
 GENERAL MANAGER \_\_\_\_\_ DATE \_\_\_\_\_



FILED FOR RECORD IN  
 HIDALGO COUNTY  
 ARTURO GUAJARDO, JR.  
 HIDALGO COUNTY CLERK

ON: \_\_\_\_\_ AT \_\_\_\_\_ AM/PM  
 INSTRUMENT NUMBER \_\_\_\_\_  
 OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS

BY: \_\_\_\_\_ DEPUTY



**GENERAL NOTES**

- FLOOD ZONE STATEMENT:  
 ACCORDING TO COMMUNITY-PANEL NO. 480343 0010 C, REVISED NOVEMBER 2, 1982. REVISED TO REFLECT LETTER OF MAP REVISION CASE NO. 05-06-1607P.  
 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 THEN ONE (1) FOOT OR WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN ONE SQUARE MILE; OR AREAS PROTECTED BY LEVEES FROM THE BASE FLOOD (MEDIUM SHADING)  
 FLOOD ZONE DESIGNATION: ZONE "AH" -  
 BASE FLOOD ELEVATION = 103.00 FEET  
 AREAS OF 100-YEAR SHALLOW FLOODING WHERE DEPTHS ARE BETWEEN ONE (1) AND THREE (3) FEET; BASE FLOOD ELEVATIONS ARE SHOWN, BUT NO FLOOD HAZARDS FACTORS ARE DETERMINED.
- MINIMUM FINISHED FLOOR ELEVATION SHALL BE 18" ABOVE THE TOP OF CURB OF THE STREET AT MID POINT OF LOT.
- MINIMUM BUILDING SETBACK LINES:  
 SOUTH BENTSEN RD. --- 40 FT OR GREATER FOR APPROVED SITE PLAN OR EASEMENTS.  
 COLBATH RD. ----- 40 FT OR GREATER FOR APPROVED SITE PLAN OR EASEMENTS.  
 REAR ----- 10 FT OR GREATER FOR APPROVED SITE PLAN OR EASEMENTS.  
 INTERIOR SIDES ----- IN ACCORDANCE WITH THE ZONING ORDINANCE OR GREATER FOR APPROVED SITE PLAN OR EASEMENTS.  
 CORNER ----- SEE SETBACKS FOR NORTH BENTSEN ROAD AND COLBATH ROAD.  
 GARAGE----- 18 FT OR GREATER FOR APPROVED SITE PLAN OR EASEMENTS.
- LOT 1 ZONE R3A FOR MULTIFAMILY USE.
- IN ACCORDANCE WITH THE HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 AND HIDALGO COUNTY REQUIREMENTS, THIS DEVELOPMENT WILL BE REQUIRED TO DETAIN A TOTAL OF 4,984 CUBIC- FEET OR 0.114 ACRE-FEET OF STORM WATER RUNOFF. RUNOFF WILL BE DETAINED IN DETENTION GREEN AREAS IN THE LOT.
- NO STRUCTURE SHALL BE PERMITTED OVER ANY EASEMENT, EASEMENT AND OTHER OBSTRUCTIONS THAT WOULD INTERFERE WITH THE OPERATIONS AND MAINTENANCE OF THE EASEMENT.
- LOT OWNER SHALL MAINTAIN THE DETENTION PONDS AND GREEN AREAS.
- 4 FT. WIDE MINIMUM SIDEWALK REQUIRED ON SOUTH BENTSEN ROAD AND COLBATH ROAD.
- AN ENGINEERED DRAINAGE DETENTION PLAN, APPROVED BY THE ENGINEERING DEPARTMENT, WILL BE REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMITS.
- 6.0 FT. MASONRY WALL REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL, OR MULTI-FAMILY RESIDENTIAL ZONES/USES AND ALONG NORTH SIDE PROPERTY.
- ALL SUBDIVISION REQUIREMENTS SHALL COMPLY WITH STORM WATER POLLUTION PREVENTION PLAN (SW3P) REQUIREMENTS.
- ALL COMMON ACCESS, PARKING LOT AND LANDSCAPING AREAS WILL BE MAINTAINED BY THE LOT OWNER.
- FIRE HYDRANT IF REQUIRED SHALL BE INSTALLED AT THE BUILDING PERMIT STAGE.
- STORM SEWER DETENTION AND DRAINAGE IMPROVEMENTS SHALL BE INSTALLED DURING BUILDING PERMIT.
- LANDSCAPING AS PER CITY OF MCALEN ORDINANCE.
- A 6.0 FOOT OPAQUE BUFFER IS REQUIRED FROM ADJACENT/BETWEEN MULTIFAMILY RESIDENTIAL AND COMMERCIAL, AND INDUSTRIAL ZONES/USES, AND ALONG COLBATH RD.
- ALLEY/SERVICE EASEMENTS AND COMMON AREAS SUCH AS BUT NOT LIMITED TO PARKING, ACCESS, SETBACKS AND LANDSCAPING AMONG OTHERS, SHALL BE MAINTAINED BY THE PROPERTY OWNERS OR HOA AND NOT BY THE CITY OF MCALEN.
- UNITED IRRIGATION DISTRICT NOTES:  
 A. ALL IRRIGATION EASEMENTS ARE EXCLUSIVE TO UNITED IRRIGATION DISTRICT, AND THE DISTRICT ALLOWS NO OTHER UTILITIES OR OUTSIDE USE WITHOUT ITS EXPRESS WRITTEN APPROVAL.  
 B. NO UTILITY COMPANY, PUBLIC ENTITY, PARTY OR PERSON IS ALLOWED TO CROSS ABOVE OR BELOW GROUND ANY IRRIGATION DISTRICT EASEMENT OR RIGHT OF WAY WITH LINES, POLES, OPEN DITCHES OR OTHER USE WITHOUT FIRST OBTAINING A CROSSING PERMIT FROM UNITED IRRIGATION DISTRICT.  
 C. NO PERMANENT STRUCTURE, UTILITY POLE, HOLE, WALL, FENCE, DRIVEWAY, OR ROAD WILL BE ALLOWED TO BE CONSTRUCTED OR EXIST ON ANY DISTRICT EASEMENT OR RIGHT OF WAY WITHOUT WRITTEN APPROVAL BY IRRIGATION DISTRICT. ANY UNAUTHORIZED STRUCTURE WITHIN THE EASEMENT BOUNDARY IS SUBJECT TO IMMEDIATE REMOVAL AT VIOLATOR'S EXPENSE.  
 D. NO UTILITY COMPANY, PUBLIC ENTITY, PARTY OR PERSON IS ALLOWED TO CONNECT TO ANY DISTRICT FACILITY WITHOUT FIRST OBTAINING A PERMIT FROM IRRIGATION DISTRICT. ANY CONNECTION NOT AUTHORIZED BY THE DISTRICT IS SUBJECT TO IMMEDIATE REMOVAL AT VIOLATOR'S EXPENSE.



**SUPREME ENGINEERING, PLLC**  
**CONSULTING ENGINEERS**  
 ENGINEERING FIRM F-21135  
 410 S. JACKSON RD. #2780 - EDINBURG, TX 78539  
 (956) 272-2246

# PLAT OF BARCELONA SUBDIVISION

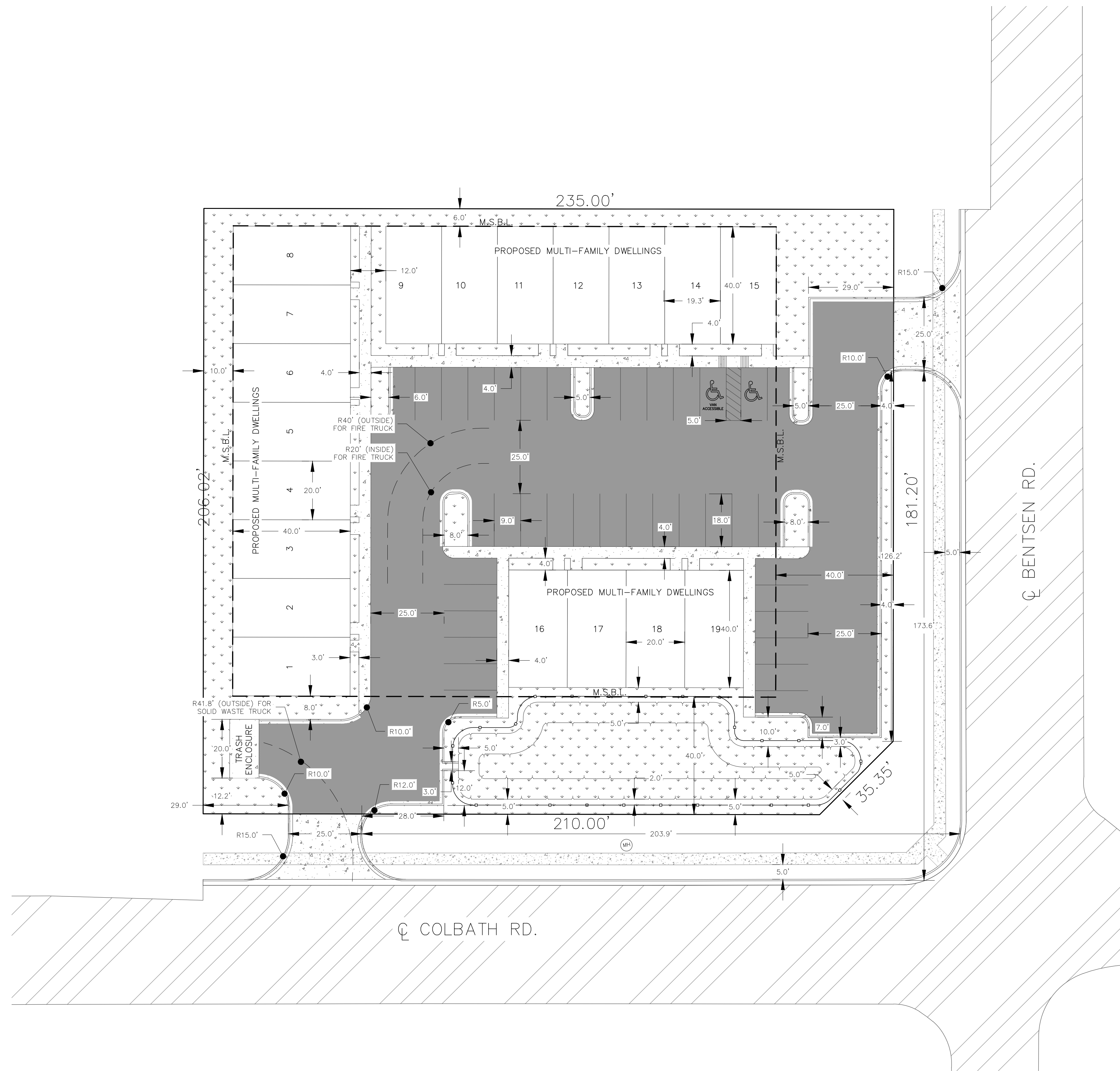
A 1.55 ACRE TRACT OF LAND OUT OF LOT 178, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS, AS PER MAP THEREOF RECORDED IN VOLUME 1 PAGE 17 OF THE MAP RECORDS OF SAID COUNTY WITHIN THE CITY OF MCALEN TEXAS.

PREPARED FOR:  
 SERVIKON, LLC  
 101 N. MCCOLL RD. STE. 8  
 MCALEN, TX 78501  
 DATE: NOVEMBER, 2020

###

SITE PLAN.DWG

PLOTTED 11/12/2020



GENERAL UTILITIES NOTES:

- CONTRACTOR TO CONTACT ALL UTILITIES COMPANIES IN THE AREA FOR FIELD VERIFICATION OF EXISTING FACILITIES. UTILITY COMPANY'S SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING:
  - CITY OF McALLEN 956-972-7600
  - CENTRAL POWER & LIGHT CO. 800-274-2611
  - SOUTHERN UNION GAS CO. 800-743-2945
  - AT&T 800-288-3020
  - U.S. SPRINT CO. 956-948-3100
  - TX TIME WARNER CABLE 800-222-5355
  - EXCAVATION SAFETY SYSTEM 800-344-8377
- CONTRACTOR TO EXPOSE ANY EXISTING FACILITY THAT MAY BE IN CONFLICT PRIOR TO START OF CONSTRUCTION.
- ALL EXISTING CITY UTILITIES (WATER/SEWER) SHOWN ARE FROM BEST INFORMATION AVAILABLE. NEITHER THE ENGINEER NOR THE CITY IS RESPONSIBLE FOR THE ACCURACY OF LOCATION.
- CONTRACTOR SHALL AT ALL TIMES ALLOW ACCESS TO EXISTING DRIVEWAYS OR PROVIDE MAINTAIN ALTERNATIVE ALL WEATHER ROUTES.
- ALL TRAFFIC CONTROL DEVICES SHALL BE IN CONFORMANCE WITH TEXAS MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITION.
- CONTRACTOR SHALL BE RESPONSIBLE TO FOLLOW OSHA SAFETY REQUIREMENTS FOR TRENCH AND EXCAVATIONS AT ALL TIMES. CONTRACTOR SHALL USE TRENCH PROTECTION FOR DEPTHS OF 4 FT OR DEEPER OR AS REQUIRE BY OSHA LATEST REQUIREMENTS.
- TRENCHES OR EXCAVATIONS MAY NOT BE LEFT OPEN OVERNIGHT UNLESS AUTHORIZED IN WRITING BY THE ENGINEERING DEPARTMENT. IN SUCH CASES, THE CONTRACTOR MUST PROVIDE 1/2" STEEL PLATES OVER PLATES WITH ANCHORING AS PER SPECIFICATIONS TO BE PROVIDED BY THE CITY OF McALLEN.
- ANY DAMAGE TO FENCES, WALKS, OR PRIVATE PROPERTY SHALL BE REPAIRED BY THE CONTRACTOR AT HIS EXPENSE.
- IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO REMOVE ALL EXCAVATED MATERIAL AND DEBRIS FROM THE SITE AT NO ADDITIONAL EXPENSE TO THE OWNER.
- THE CONTRACTOR IS RESPONSIBLE FOR SCHEDULING CONSTRUCTION MATERIALS TESTING THROUGH THE CITY'S DESIGNATED FIELD REPRESENTATIVE 24 HOURS PRIOR TO TESTING. CONTRACTOR IS RESPONSIBLE FOR ADHERING CLOSELY TO TESTING SCHEDULE AND AVOID ANY DELAYS IN THE FIELD.

LEGEND:

- PROPOSED PAVEMENT IMPROVEMENTS
- EXISTING PAVEMENT
- WATER LINE
- SANITARY SEWER
- STORM DRAIN
- GAS LINE
- STORM LINE
- OVERHEAD ELECTRICAL LINE
- RIGHT OF WAY LINE
- EASEMENT LINE
- SEWER CLEANOUT
- SEWER SERVICE
- FIRE HYDRANT

**SUPREME ENGINEERING**  
 TBPELS FIRM No. F-21135  
 SUPREME ENGINEERING, PLLC  
 410 S. JACKSON RD. #2780  
 EDINBURG, TX 78539  
 PH: (956) 272-2246

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY OMAR CANO, P.E. ON 11/12/2020. ALTERATION OF A SEALED DOCUMENT WITHOUT PROPER NOTIFICATION TO THE ENGINEER IS AN OFFENSE UNDER THE TEXAS ENGINEERING PRACTICE ACT.

PROJECT No. ##	REVISIONS:	DATE:	APPROVED BY:
PROJECT TEAM			
DESIGN BY: ##			
DRAWN BY: ##			
CHECKED BY: ##			
APPROVED BY: ##			

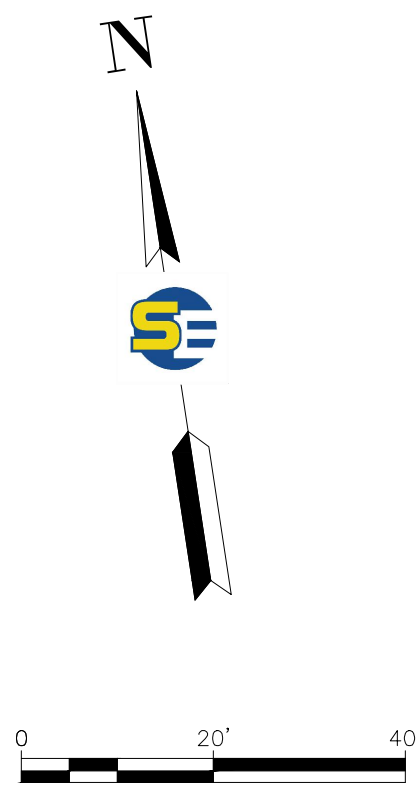
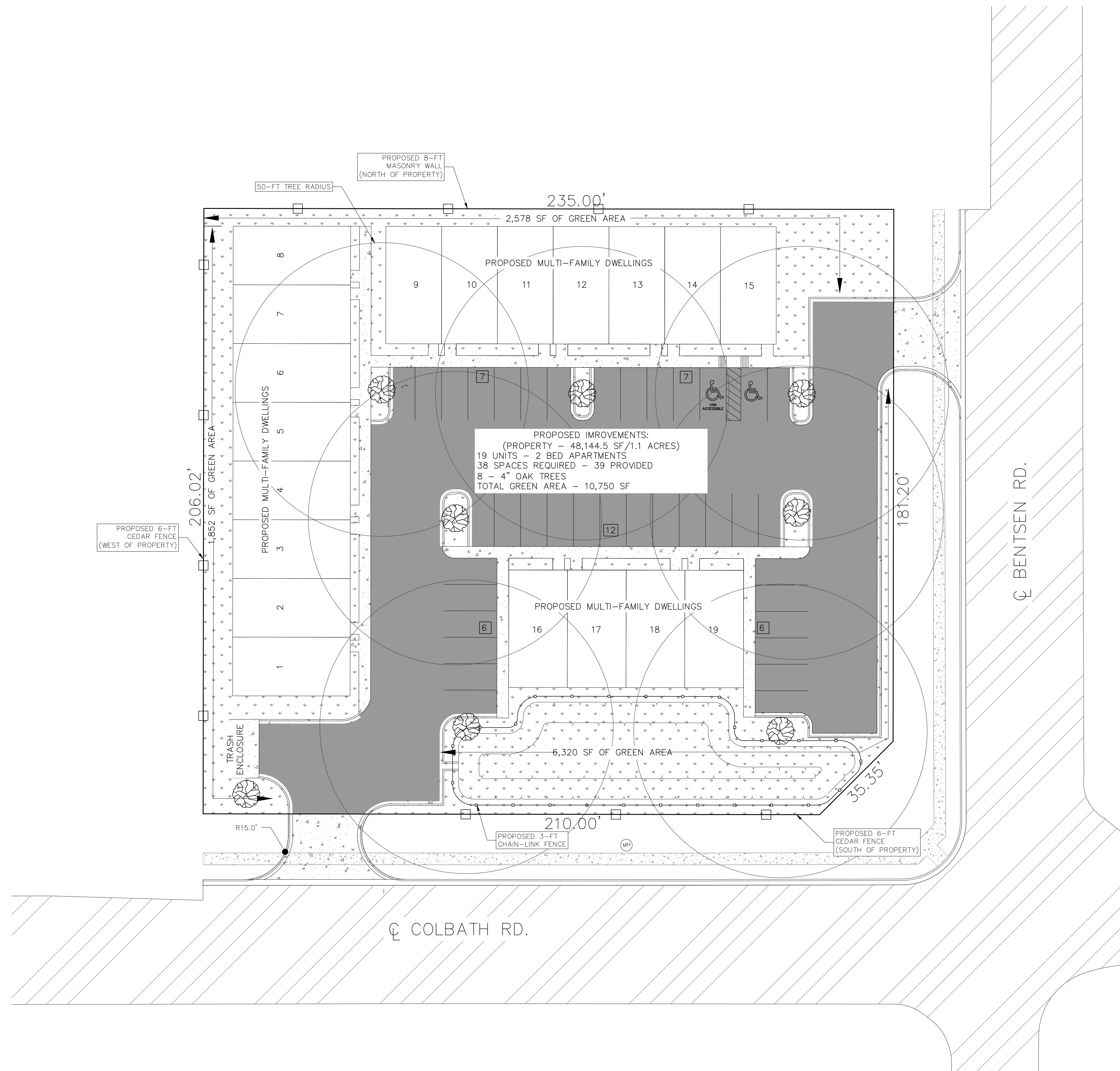
PREPARED FOR:  
 SERVIKON, LLC  
 101. N MCCOLL RD SUITE 8  
 McALLEN, TX 78501

**BARCELONA APARTMENTS  
 HORIZONTAL LAYOUT**

###

SITE PLAN.DWG

PLOTTED 11/12/2020



- GENERAL UTILITIES NOTES:
- CONTRACTOR TO CONTACT ALL UTILITIES COMPANIES IN THE AREA FOR FIELD VERIFICATION OF EXISTING FACILITIES. UTILITY COMPANY'S SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING:
    - CITY OF McALLEN 956-972-7600
    - CENTRAL POWER & LIGHT CO. 800-274-2611
    - SOUTHERN UNION GAS CO. 800-743-2945
    - AT&T 800-288-2020
    - U.S. SPRINT CO. 956-948-3100
    - TX TIME WARNER CABLE 800-222-5355
    - EXCAVATION SAFETY SYSTEM 800-344-8377
  - CONTRACTOR TO EXPOSE ANY EXISTING FACILITY THAT MAY BE IN CONFLICT PRIOR TO START OF CONSTRUCTION.
  - ALL EXISTING CITY UTILITIES (WATER/SEWER) SHOWN ARE FROM BEST INFORMATION AVAILABLE. NEITHER THE ENGINEER NOR THE CITY IS RESPONSIBLE FOR THE ACCURACY OF LOCATION.
  - CONTRACTOR SHALL AT ALL TIMES ALLOW ACCESS TO EXISTING DRIVEWAYS OR PROVIDE MAINTAIN ALTERNATIVE ALL WEATHER ROUTES.
  - ALL TRAFFIC CONTROL DEVICES SHALL BE IN CONFORMANCE WITH TEXAS MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITION.
  - CONTRACTOR SHALL BE RESPONSIBLE TO FOLLOW OSHA SAFETY REQUIREMENTS FOR TRENCH AND EXCAVATIONS AT ALL TIMES. CONTRACTOR SHALL USE TRENCH PROTECTION FOR DEPTHS OF 4 FT OR DEEPER OR AS REQUIRE BY OSHA LATEST REQUIREMENTS.
  - TRENCHES OR EXCAVATIONS MAY NOT BE LEFT OPEN OVERNIGHT UNLESS AUTHORIZED IN WRITING BY THE ENGINEERING DEPARTMENT. IN SUCH CASES, THE CONTRACTOR MUST PROVIDE 1/2" STEEL PLATES OVER PLATES WITH ANCHORING AS PER SPECIFICATIONS TO BE PROVIDED BY THE CITY OF McALLEN.
  - ANY DAMAGE TO FENCES, WALKS, OR PRIVATE PROPERTY SHALL BE REPAIRED BY THE CONTRACTOR AT HIS EXPENSE.
  - IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO REMOVE ALL EXCAVATED MATERIAL AND DEBRIS FROM THE SITE AT NO ADDITIONAL EXPENSE TO THE OWNER.
  - THE CONTRACTOR IS RESPONSIBLE FOR SCHEDULING CONSTRUCTION MATERIALS TESTING THROUGH THE CITY'S DESIGNATED FIELD REPRESENTATIVE 24 HOURS PRIOR TO TESTING. CONTRACTOR IS RESPONSIBLE FOR ADHERING CLOSELY TO TESTING SCHEDULE AND AVOID ANY DELAYS IN THE FIELD.
  - ALL LANDSCAPING AREAS WILL HAVE IRRIGATION SYSTEM AND RIGHT-OF-WAY WILL HAVE DRIP IRRIGATION

LEGEND:

- PROPOSED PAVEMENT IMPROVEMENTS
- EXISTING PAVEMENT
- WATER LINE
- SANITARY SEWER
- STORM DRAIN
- GAS LINE
- STORM LINE
- OVERHEAD ELECTRICAL LINE
- RIGHT OF WAY LINE
- EASEMENT LINE
- SEWER CLEANOUT
- SEWER SERVICE
- FIRE HYDRANT
- OAK TREE

**SUPREME ENGINEERING**  
 TBEPLS FIRM No. F-21135  
 SUPREME ENGINEERING, PLLC  
 410 S. JACKSON RD. #2780  
 EDINBURG, TX 78539  
 PH: (956) 272-2246

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY **OMAR CANO, P.E.** ON 11/12/2020 ALTERATION OF A SEALED DOCUMENT WITHOUT PROPER NOTIFICATION TO THE ENGINEER IS AN OFFENSE UNDER THE TEXAS ENGINEERING PRACTICE ACT.

PROJECT No. ##	PROJECT TEAM	DESIGN BY: ##	DRAWN BY: ##	CHECKED BY: ##	APPROVED BY: ##	REV	DESCRIPTION	DATE	APPROVED BY:

PREPARED FOR:  
 SERVIKON, LLC  
 101. N MCCOLL RD SUITE 8  
 McALLEN, TX 78501

**BARCELONA APARTMENTS  
 PARKING & LANDSCAPING PLAN**



NOTICE  
VARIANCE  
FOR  
THIS PROPERTY  
ZBA2020-0080

30

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: December 9, 2020

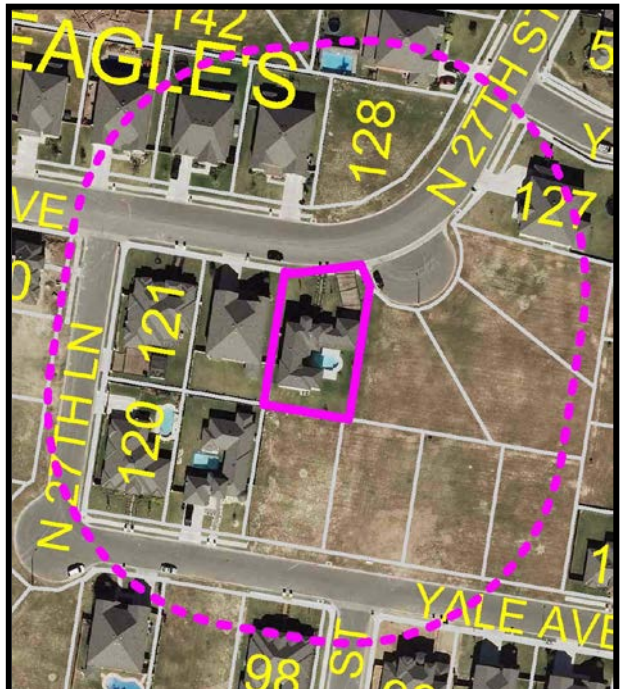
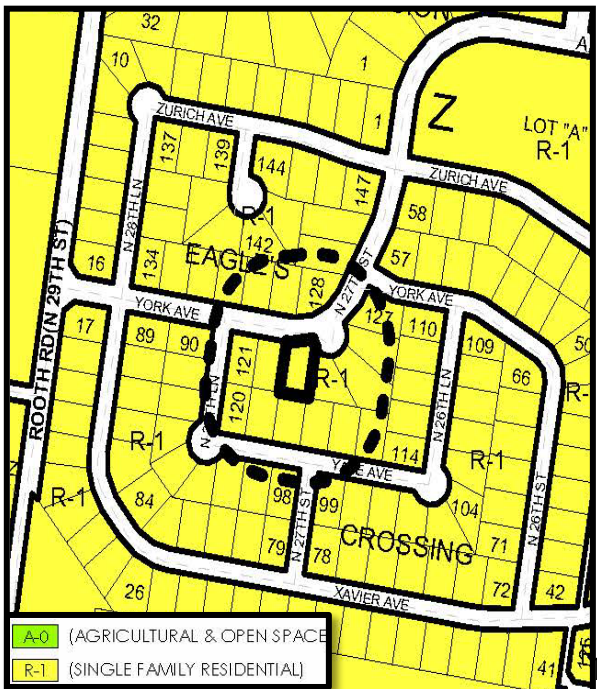
SUBJECT: REQUEST OF ISMAEL GONZALEZ FOR THE FOLLOWING VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 5 FT. INTO THE 10 FT. REAR YARD SETBACK FOR AN EXISTING WOODEN STORAGE BUILDING MEASURING 20 FT. BY 10 FT. AT LOT 123, EAGLE'S CROSSING SUBDIVISION, HIDALGO COUNTY, TEXAS; 2717 YORK AVENUE. (ZBA2020-0081)

REASON FOR APPEAL:

Ismael Gonzalez is requesting a variance to allow an encroachment into the 10 ft. side yard setback for an existing wooden storage building. The applicant stated that the basis for the request is that he wants to store household goods and to allow space for the safety and enjoyment of the applicant's children.

PROPERTY LOCATION AND VICINITY:

The property is located at the south side of York Avenue. The lot has 81.84 ft. of frontage on York Avenue with a depth of 120 ft. for a lot size of 9,735.61 square feet. The property is zoned R-1 (single family residential) District. Surrounding land uses are single family residential.



**BACKGROUND AND HISTORY:**

Eagle’s Crossing Subdivision was recorded on June 29, 2007. A general note on the subdivision plat indicates a rear yard setback of 10 ft. and 10 ft. utility and electrical easement. Building Inspection Department records show that a stop work order was issued by staff on November 09, 2020 for the construction of the storage building without a building permit. The application for the variance request and abandonment were submitted on November 16, 2020.

**ANALYSIS:**

The variance request is for a wooden storage building measuring 10 ft. by 20 ft. that is encroaching 5 ft. into the 10 ft. rear yard setback along the south property line. There is a 10 ft. utility and electrical easement that runs along the rear yard setback that impacts the existing storage building encroachment. On November 16, 2020, the applicant applied to abandon the 10 ft. utility and electrical easement. The application is currently in process and requires the approval of utility companies and city departments. Storage buildings that are 200 square feet or less in size do not require a building permit, but must respect the zoning district setbacks and easements in which they are located.

Storage buildings used as an accessory to the residential use and not for living quarters are permitted in an R-1 District.

An approved abandonment by City Commission is required prior to building permit issuance.

The Planning Department has received one call in opposition to the request.

**RECOMMENDATION:**

Staff recommends disapproval of the variance request.

2BA2020-0081

ZBDA  
12/17/2020



# City of McAllen

## Planning Department

### APPEAL TO ZONING BOARD OF

### ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

<b>Project</b>	Legal Description <u>Eagle's Crossing Lot 123</u> Subdivision Name <u>Eagle's Crossing</u> Street Address <u>2717 York Ave. McAllen TX 78504</u> Number of lots <u>1</u> Gross acres <u>0.223 Acres</u> Existing Zoning <u>Residential</u> Existing Land Use <u>Single Family Home</u> Reason for Appeal (please use other side if necessary) <u>Storage Building built on utility easement area.</u>
	<input type="checkbox"/> \$300.00 non-refundable filing fee + <input type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport) <input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required
<b>Applicant</b>	Name <u>Ismael Gonzalez</u> Phone <u>(254)466-0223</u> Address <u>2717 York Ave.</u> E-mail <u>Spec4Gonzalez@gmail.com</u> City <u>McAllen</u> State <u>TX</u> Zip <u>78504</u>
<b>Owner</b>	Name <u>Ismael Gonzalez</u> Phone <u>(254)466-0223</u> Address <u>2717 York Ave.</u> E-mail <u>Spec4Gonzalez@gmail.com</u> City <u>McAllen</u> State <u>TX</u> Zip <u>78504</u>
<b>Authorization</b>	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? <input type="checkbox"/> Yes <input 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>11/16/2020</u> Print Name <u>Ismael Gonzalez</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent
<b>Office</b>	Accepted by _____ Payment received by _____ Rev 10/18



# City of McAllen

## Planning Department

### REASON FOR APPEAL & BOARD ACTION

2/28/21  
4/20/21

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

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

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

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

Limited space for the building to be placed.

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

The variance will allow for a safe play area for my children and get to enjoy the property.

3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:

The variance will be in the back of the lot and will not cause any hazards. It is out of sight from the street and away from all fence lines

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

The home built on this property is pushed close to the rear of the property making space for storage building limited.

Reason for Appeal

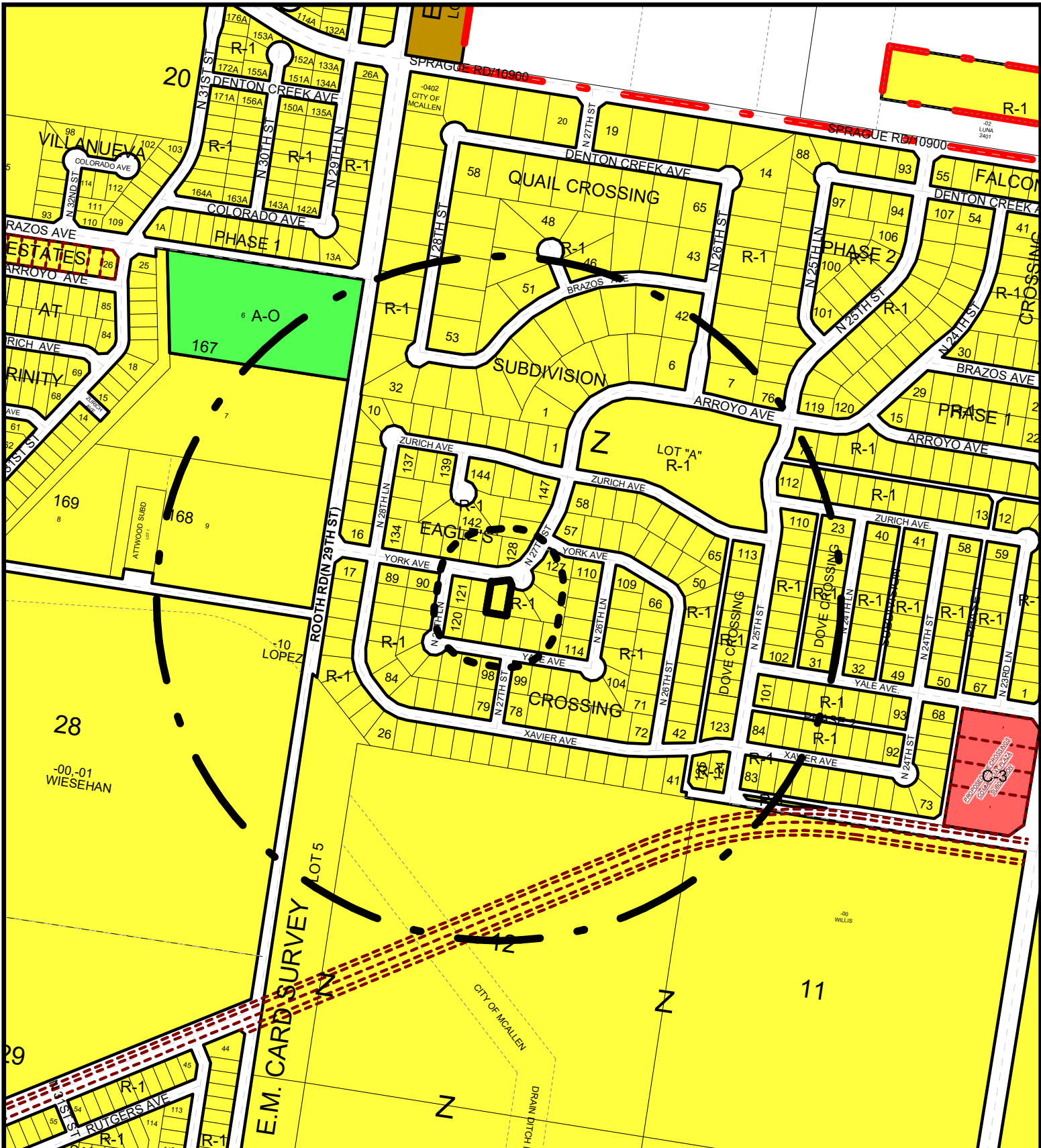
Board Action

Chairman, Board of Adjustment  
Signature

Date

2/28/21  
4/20/21





**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

**AREA MAP**



**SUBJECT PROPERTY**

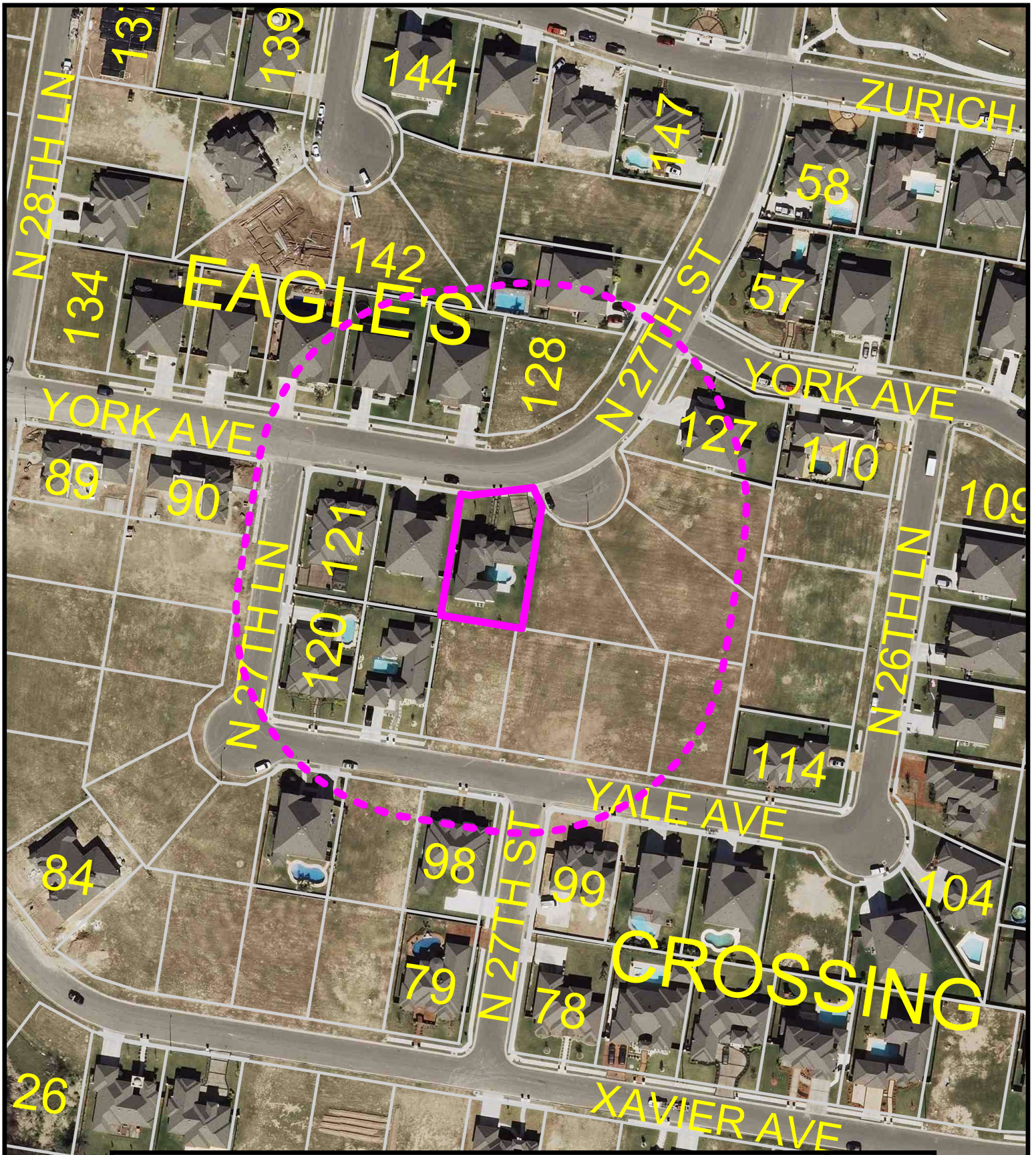
**200 FT. NOTIFICATION BOUNDARY**

**1/4 MILE RADIUS**

**ZONING LEGEND**

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

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



**SUBJECT PROPERTY**

**200' NOTIFICATION BOUNDARY**

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

# ART SALINAS

## ENGINEERING & SURVEYING

1524 DOVE AVENUE, McALLEN, TEXAS 78504 PH: (956) 618-5585 FAX: (956) 618-5540

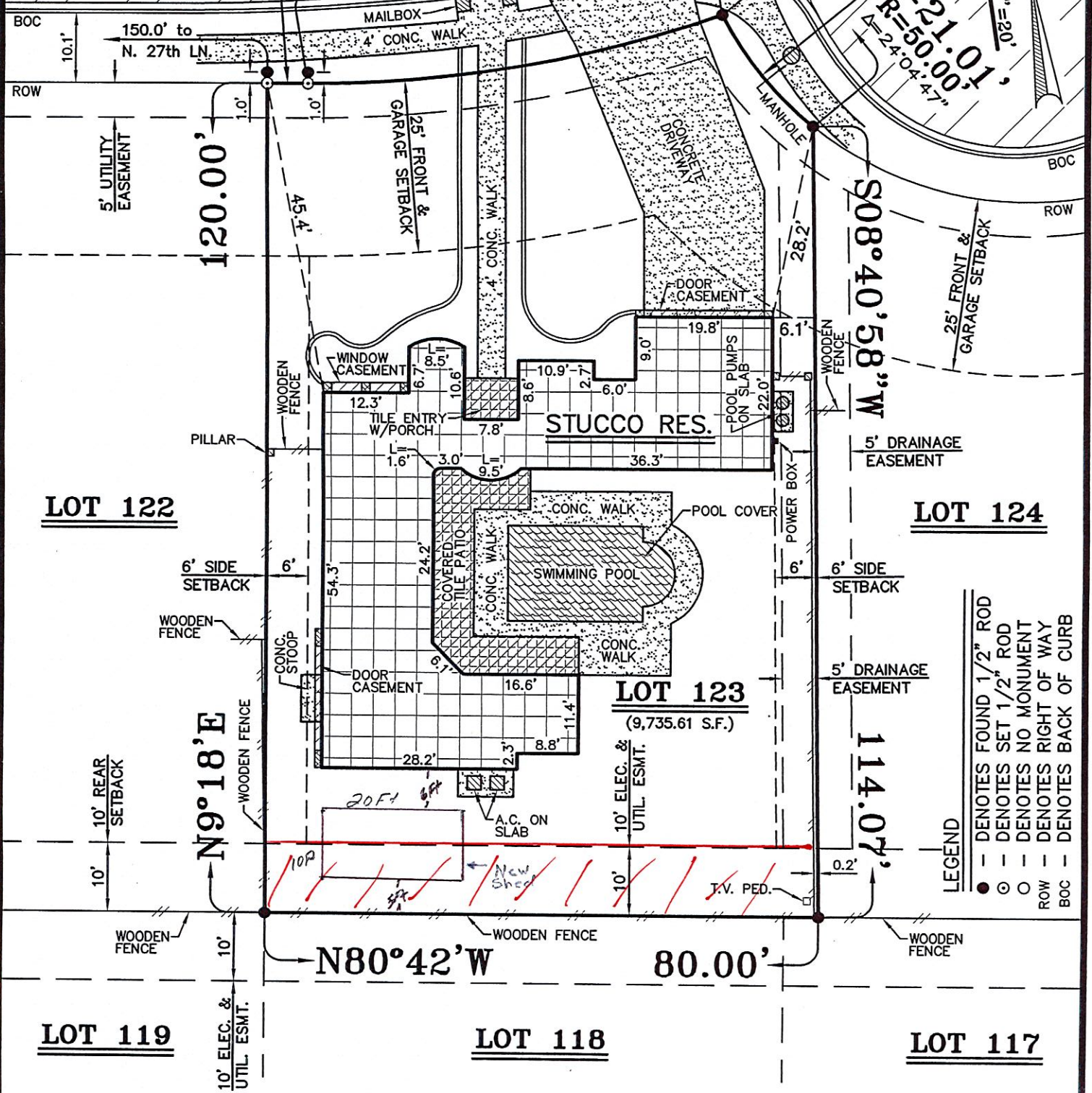
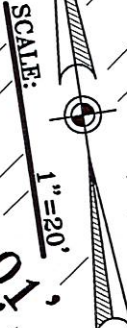
**YORK AVE.**

(60' ROW-V. 53, P. 116, M/R)

**S80°42'E  
5.85'**

**L=60.83'  
R=180.00'  
Δ=19°21'50"**

**L=21.01'  
R=50.00'  
Δ=24°04'47"**



- LEGEND**
- DENOTES FOUND 1/2" ROD
  - DENOTES SET 1/2" ROD
  - DENOTES NO MONUMENT
  - DENOTES RIGHT OF WAY
  - DENOTES BACK OF CURB
- ● ○ ROW BOC

**FLOOD ZONE CERTIFICATION:** The property shown hereon lies in Zone "X". Zone "X" areas are areas determined to be outside 500-year flood plain as per F.E.M.A. Flood Insurance Rate Map No. 480334-0325-D dated 06-06-00.

**PLAT NOTES:**

- There are no discrepancies, conflicts, shortages in area or boundary lines, encroachments, overlapping of improvements or visible or apparent easements except as shown on this plat.
- This survey plat is prepared in connection with Title Policy G.F. # 924702 and does not guarantee title. This survey is for the exclusive use of the client named hereon and may not be copied or transferred to another party without the express written consent of the surveyor.
- This survey must contain an embossed seal and an original signature to be valid as per Section 661.46 and Section 663.19 of the "The Professional Land Surveying Practices Act".
- This is a standard survey and does not include a subsurface utility line location or topographic investigation.
- Easements, rules, regulations and rights in favor of HIDALGO COUNTY IRRIGATION DISTRICT NO. 1. (Blanket)
- Subject to any oil, gas and mineral lease of record.
- Bearing Basis: "S. line of Lot 123, Eagle's Crossing Subdivision"

**BORROWER(s):** Ismael Gonzalez and Johanna Amaya

*[Signature]* 10/24/2019 *[Signature]* 10/24/2019

THIS IS TO CERTIFY THAT I HAVE, THIS DATE, PREPARED A SURVEY ON THE PROPERTY WHICH IS LOCATED AT 2717 YORK AVE., in McALLEN, TEXAS, DESCRIBED AS FOLLOWS:  
 LOT 123, EAGLE'S CROSSING SUBDIVISION, AN ADDITION TO THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 53, PAGE 116, MAP RECORDS, HIDALGO COUNTY, TEXAS.

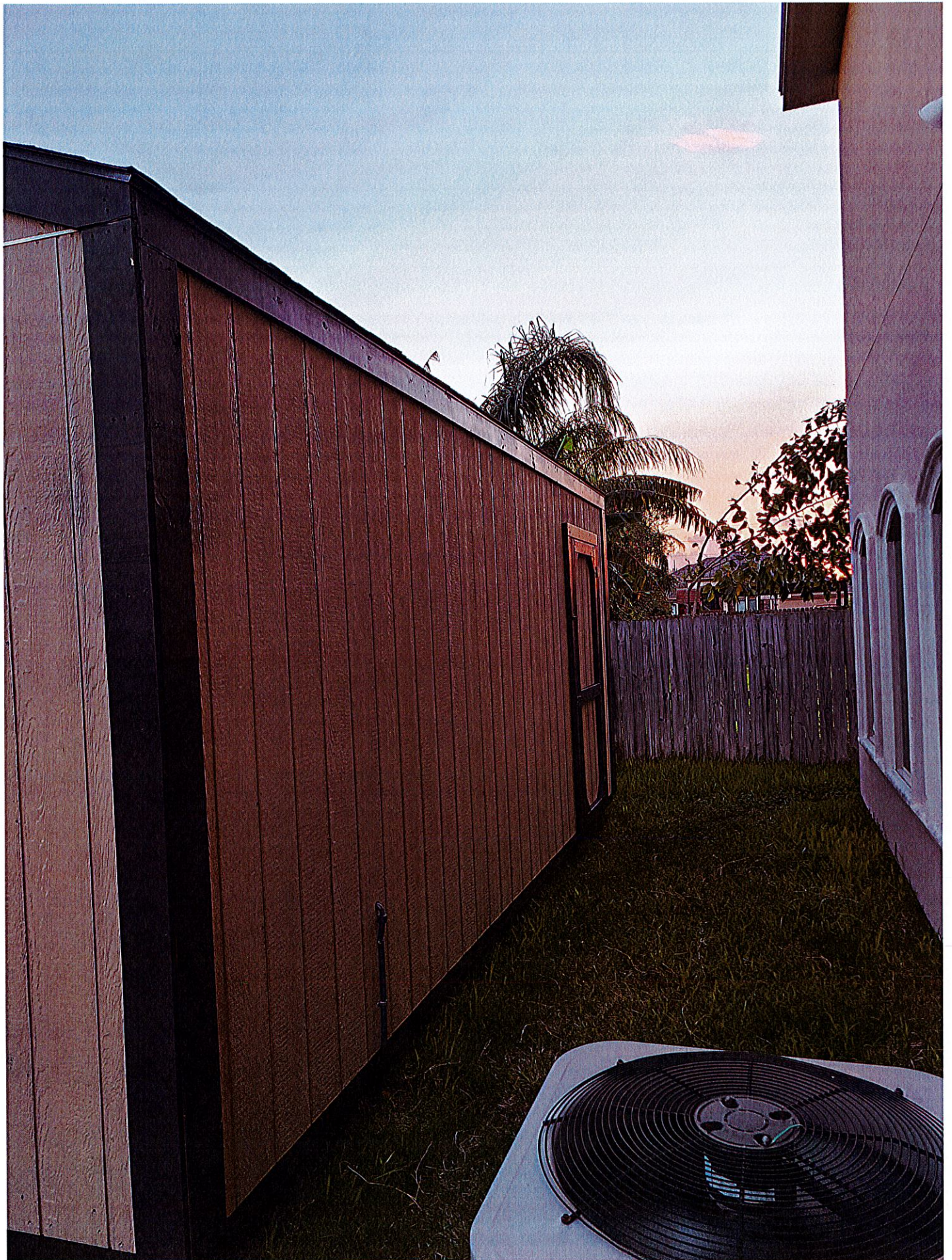
19-56718  
Job No.

09-24-19  
Date

*[Signature]*

© COPYRIGHT 2019 ART SALINAS ENGINEERING INC. THIS SURVEY WAS PROVIDED IN MULTIPLE ORIGINALS SOLELY FOR THE USE OF THE BORROWER NAMED HEREON. NO LICENSE HAS BEEN CREATED, EXPRESSED OR IMPLIED TO COPY THIS SURVEY.













NOTICE  
VARIANCE  
FOR  
THIS PROPERTY  
ZBA2020-0081

2757



Memo

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

**FROM:** Planning Staff

**DATE:** December 08, 2020

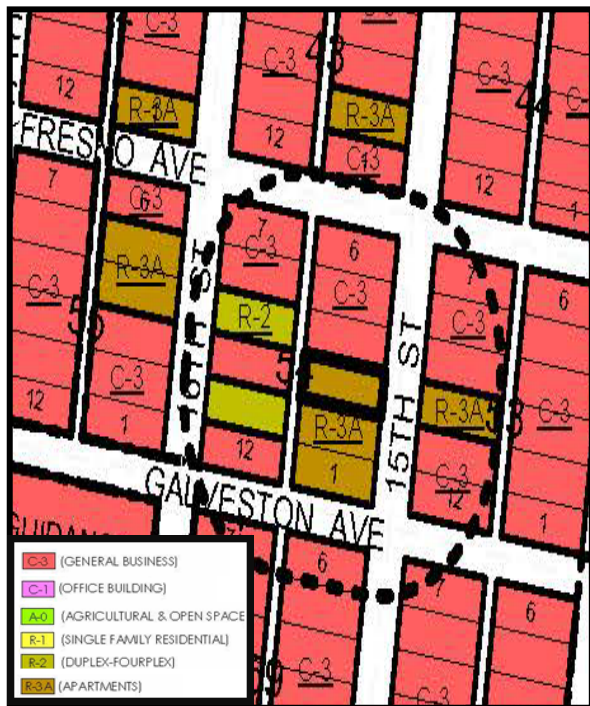
**SUBJECT: REQUEST OF JORGE HERRERA FOR THE FOLLOWING VARIANCE TO THE CITY OF MCALLEN OFF-STREET PARKING AND LOADING ORDINANCE TO ALLOW 8 PARKING SPACES INSTEAD OF THE REQUIRED 9 PARKING SPACES AT LOT 3, BLOCK 54, MCALLEN ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS; 612 SOUTH 15TH STREET. (ZBA2020-0083)**

**REASON FOR APPEAL**

Jorge Herrera on behalf of Ron Surprise, requests the following variance to allow 8 parking spaces instead of the required 9 parking spaces. The applicant indicated that he is requesting the above variance in order to comply with the city ordinance dumpster requirement.

**PROPERTY LOCATION AND VICINITY:**

The property is located on the west side of South 15<sup>th</sup> Street, 100 ft. north of Galveston Avenue. The property has 50 ft. of frontage along South 15<sup>th</sup> Street and 140 ft. of depth for a tract size of 7,000 sq. ft. The property is zoned R-3A (multifamily residential apartments) District. The adjacent zoning is C-3 (general business) District to the north and west, R-3A District to the east and south, and R-2 (duplex-fourplex residential) District to the northwest and southwest. The property is currently vacant.



**BACKGROUND AND HISTORY:** The recorded map is McAllen Addition Subdivision. A variance application for the proposed 8 parking spaces instead of the required 9 was received on November 18, 2020.

On April 9, 2003, the Zoning Board of Adjustments & Appeals voted to grant a variance to allow 8 parking spaces instead of the required 9 parking spaces at Lot 10, Block 53, 613 South 15<sup>th</sup> Street in order to be used for trash pickup purposes.

**ANALYSIS:**

The variance request is to allow 8 parking spaces instead of the required 9 spaces. Currently the lot is vacant, the owner is planning to build a six one-bedroom unit apartment complex on the lot. Based on the number of bedrooms the applicant is required to provide 9 parking spaces. Section 138-395 requires for an apartment/condominium building with five or more unites to provide 1.5 parking spaces for each efficiency, studio apartment, and on bedroom living unit.

The required parking is not being met because there is a dumpster occupying one of the parking spaces. Section 110-49 requires a buffer to be provided to screen refuse areas (including refuse dumpsters, compactors and contained compactors) from public streets. The trash pickup is along the alley. In order to accommodate this arrangement, the applicant is proposing to occupy 1 parking space.

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

**RECOMMENDATION:**

Staff recommends approval of the variance request.

ZBA 2020-0083

ZBA-12/17/20



# City of McAllen

## Planning Department

### APPEAL TO ZONING BOARD OF

### ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

**Project**

Legal Description LOT 3 BLOCK 54  
MCALLEN ADDITION SUBDIVISION

Subdivision Name \_\_\_\_\_

Street Address 612 S 15th St

Number of lots 1 Gross acres 7000 SQ. FT

Existing Zoning R3 A Existing Land Use PROPOSED APARTMENTS

Reason for Appeal (please use other side if necessary) \_\_\_\_\_  
APPEAL FOR PARKING SPACE REQUIREMENTS  
9 SPACES REQUIRED - APPEAL FOR ISPACE

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

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

**Applicant**

Name JORGE HERRERA Phone 956-624-1065

Address 6701 N 8th ST Apt. D E-mail jorgeherrera4712@gmail.com

City MCALLEN State TX Zip 78504-4712

**Owner**

Name RON SURPRISE Phone 956-682-4488

Address 211 S BROADWAY St E-mail \_\_\_\_\_

City MCALLEN State TX Zip 78501

**Authorization**

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

Yes  No

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

Signature [Signature] Date 11/17/20

Print Name JORGE HERRERA  Owner  Authorized Agent

**Office**

Accepted by L.G. Payment received by \_\_\_\_\_ Date \_\_\_\_\_

Rev 10/18

RECEIVED  
NOV 18 2020

BY: [Signature]

OS



# City of McAllen

## Planning Department

### REASON FOR APPEAL & BOARD ACTION

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

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

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

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

THIS PROJECT IS 6-UNITS - 1 BEDROOM  
9- PARKING SPACE REQUIRED - APPEL FOR 1 SPACE  
THE AREA FOR THE 9 SPACE IS USED FOR TRASH CAN AREA

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

THE REASON FOR APPEAL (VARIANCE)  
WE DON'T HAVE ENOUGH AREA TO  
PROVIDE FOR THE # 9 PARKING SPACE

3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:

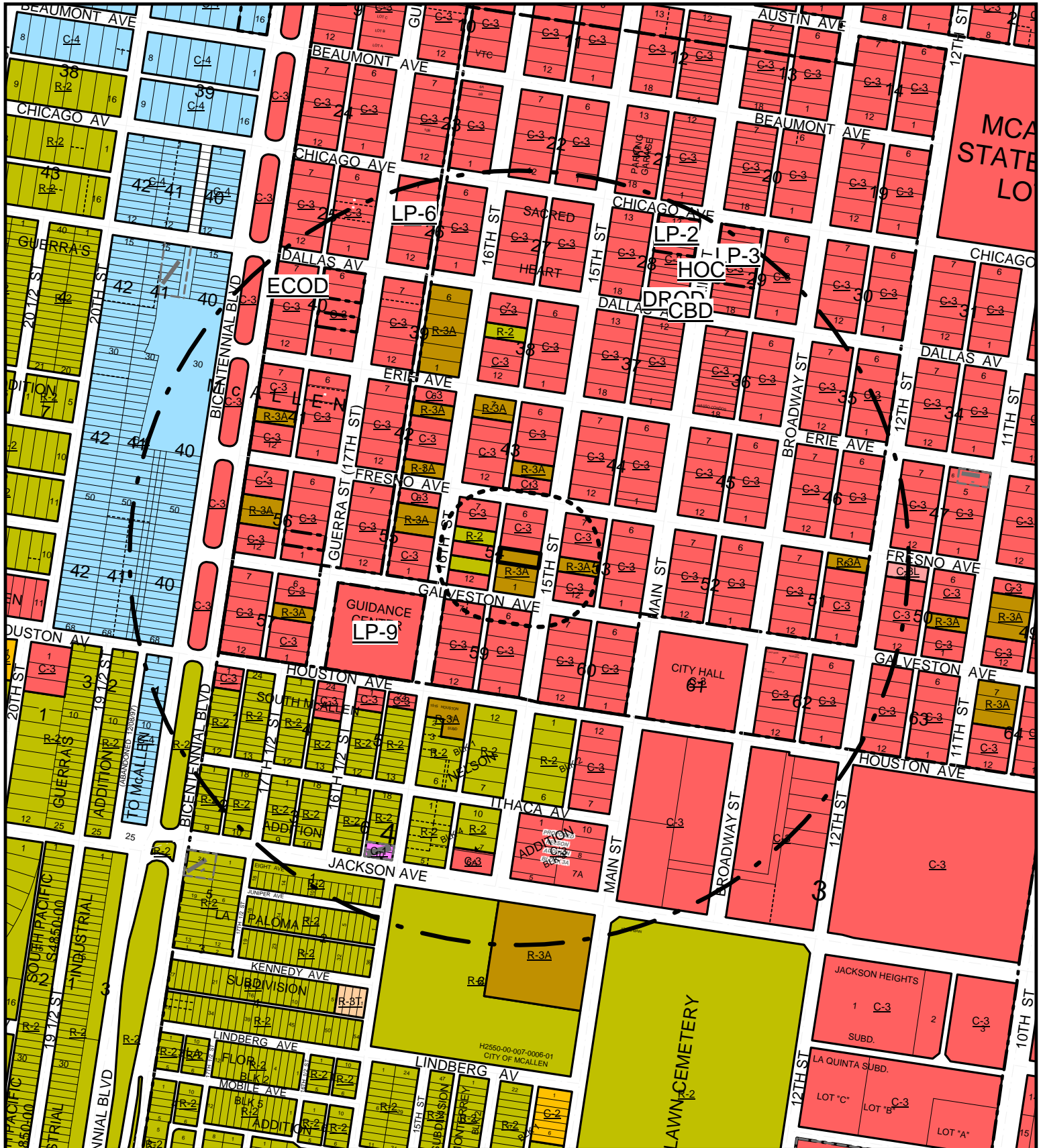
4. Describe special conditions that are unique to this applicant or property:

Reason for Appeal

Board Action

Chairman, Board of Adjustment  
Signature

Date



**CITY OF McALLEN**  
PLANNING DEPARTMENT

LEGEND  
SCALE: N.T.S.

AREA MAP



SUBJECT PROPERTY

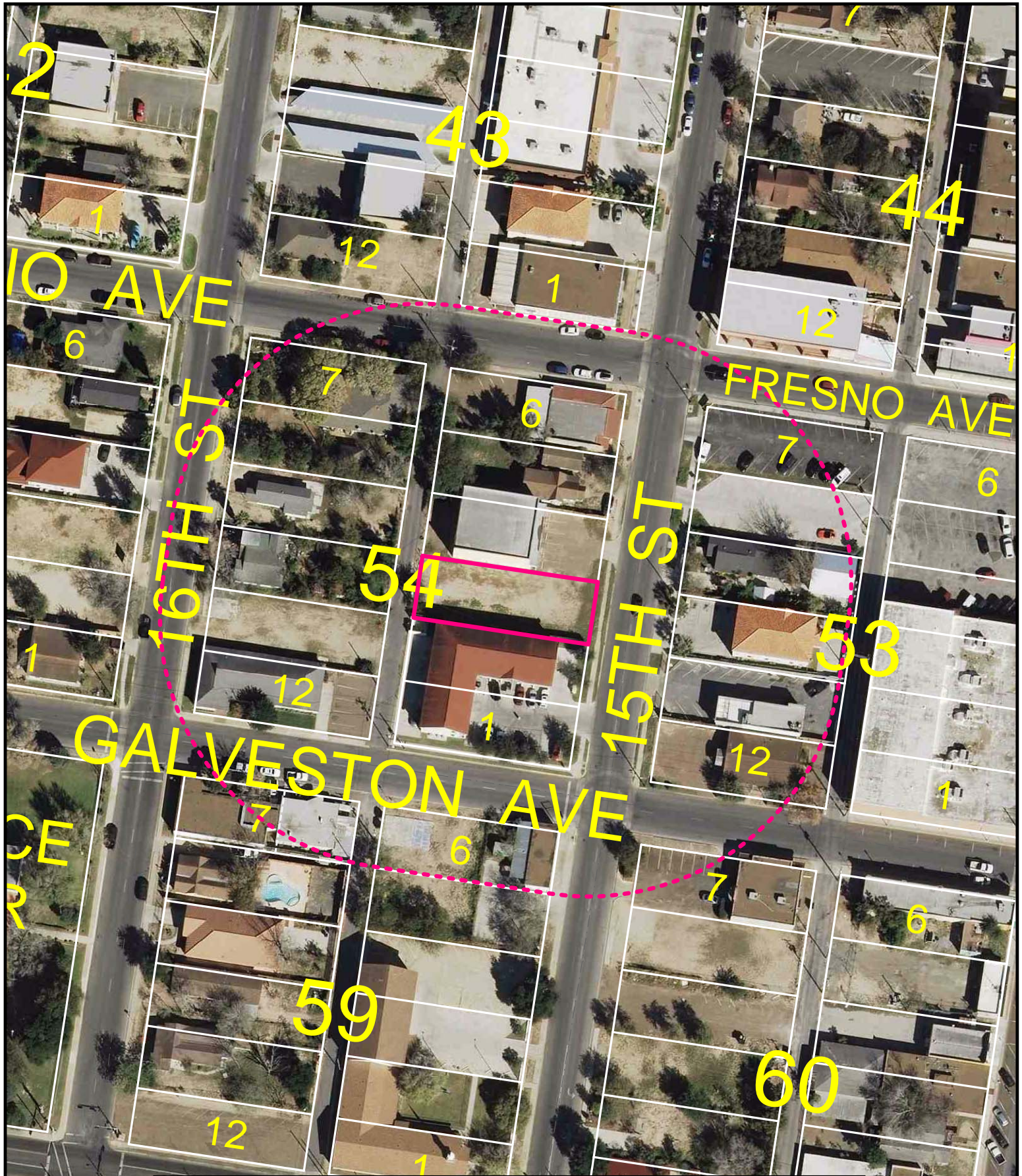
200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

**ZONING LEGEND**

A-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-31 (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

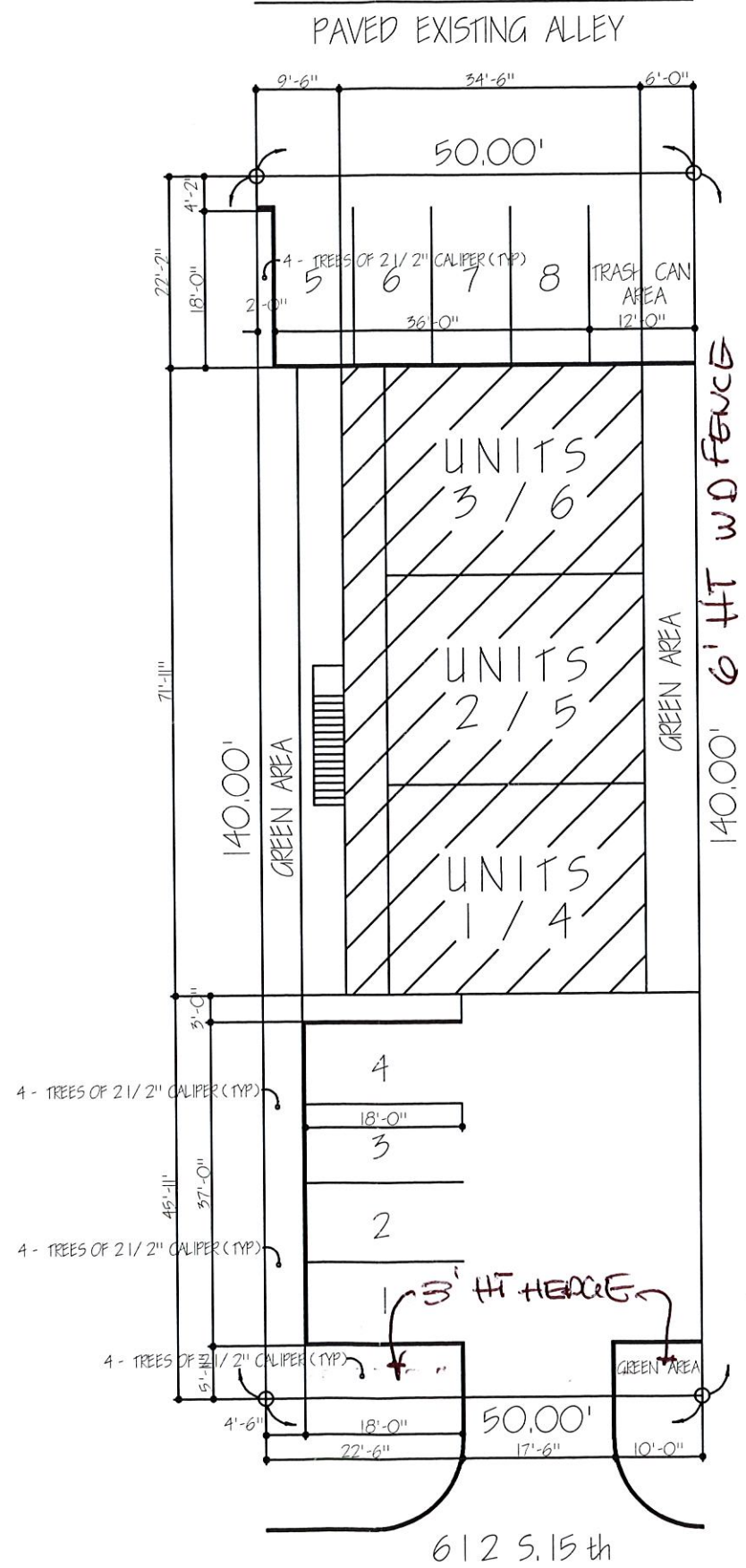
**AERIAL MAP**  
SCALE: N.T.S.

 SUBJECT PROPERTY

 200' NOTIFICATION BOUNDARY



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



LEGEND

TWO STORY APARTMENT BUILDING - 18' HEIGHT  
 TOTAL BUILDING AREA = 4,962.0 SQ. FT.  
 SIX (6) UNITS  
 EIGHT (8) PARKING SPACES  
 1,163 SQ. FT. APPROX OF GREEN AREA  
 ALL LANDSCAPE WILL HAVE IRRIGATION SYSTEM  
 AND ROW WILL HAVE DRIP IRRIGATION

LEGAL DESCRIPTION

LOT 3  
 BLOCK 54  
 McALLEN ADDITION SUBDIVISION  
 CITY OF McALLEN, HIDALGO COUNTY, TEXAS

ANY COPYING, REPRODUCTION OR USE OF THESE PLANS WITHOUT FIRST OBTAINING WRITTEN PERMISSION FROM "TODAY'S HOMES" IS ILLEGAL.

**TODAY'S HOMES**  
 (956) 664-2111  
 6211 N 42nd Ln. McAllen, Texas 78504

Client: <b>MR. RON SURPRISE</b>	Drawn by: J. A. H.	Checked by: J. A. H.
Project: <b>APARTMENTS PROJECT</b>	Scale: 1/8" = 1'-0"	Proj. No.: 0520 - APT
Title: <b>SITE PLAN</b>	Date: 10/28/20	

**RECEIVED**  
 NOV 18 2020  
 BY: *[Signature]*



NOTICE  
VARIANCE  
FOR  
THIS PROPERTY  
(28A2020-0061)

FOR SALE



## 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- <b>VICE-CHAIRPERSON</b>	P	P	NM	P	NM	P	P	NM	A	P	P	P	P	P	P	loq	P	P	A	P	P	P	
SYLVIA HINOJOSA	P	P	NM	P	NM	A	A	NM	A	P	P	A	P	A	P	loq	P	P	P	P	P	P	
DAVID SALINAS- <b>CHAIRPERSON</b>	P	P	NM	P	NM	P	P	NM	P	P	P	P	P	P	P								
JOHN MILLIN, III	A	A	NM	P	NM	P	P	NM	P	A	P	P	P	P	P	loq	P	P	P	P	P	P	
SONIA FALCON	A	P	NM	A	NM	A	A	NM	A	P	A	A	P	P	A	loq	P						
JOSE R. GUTIERREZ	P	P	NM	P	NM	P	P	NM	P	P	P	P	P	P	P	loq	P	P	P	P	P	P	
JUAN F. JIMENEZ	P	P	NM	P	NM	P	A	NM	P	A	P	A	P	A	P	loq	A	P	P	P	P	P	
HUGO AVILA (ALT 1)																	P	P	P	P	P	P	
ROGELIO RODRIGUEZ(ALT 2)																	P	P	P	P	A	P	
REBECCA MILLAN (ALT 3)																	P	P	P	P	P	P	

P - PRESENT

A - ABSENT

     NEW APPOINTMENT





MC - MEETING CANCELLED

NRM - NO MEETING

LOQ - LACK OF QUORUM

RS - RESIGNATION

## 2021 CALENDAR

<b>Meetings:</b>  City Commission  Public Utility Board  Planning & Zoning Board  Zoning Board of Adjustment <small>HPC - Historic Preservation Council</small>				<b>Deadlines:</b> D- Zoning/CUP Application N - Public Notification * <b>Holiday</b> - Office is closed			
--	--	--	--	--	--	--	--

JANUARY 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1 HOLIDAY	2
3	4	5 Planning & Zoning Board	6 D-2/2 & 2/3	7	8	9
10	11 City Commission	12 Public Utility Board	13	14	15	16
17	18 A-2/2 & 2/3	19 Planning & Zoning Board	20 HPC N-2/2 & 2/3 D-2/16 & 2/17	21	22	23
24	25 City Commission	26 Public Utility Board	27	28	29	30
31						

FEBRUARY 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2 Planning & Zoning Board	3 N- 2/16 & 2/17 D- 3/2 & 3/3	4	5	6
7	8 A- 2/16 & 2/17	9 Public Utility Board	10	11	12	13
14	15 A-3/2 & 3/3	16 Planning & Zoning Board	17 N-3/2 & 3/3 D-3/16 & 3/17	18	19	20
21	22 City Commission	23 Public Utility Board	24 HPC	25	26	27
28	29	30				

MARCH 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1 A-3/16 & 3/17	2 Planning & Zoning Board	3 N-3/16 & 3/17 D-4/6 & 4/7	4	5	6
7	8 City Commission	9 Public Utility Board	10	11	12	13
14	15	16 Planning & Zoning Board	17 D-4/20 & 4/21	18	19	20
21	22 A-4/6 & 4/7	23 Public Utility Board	24 HPC N-4/6 & 4/7	25	26	27
28	29	30	31			

APRIL 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2 HOLIDAY	3
4	5	6 Planning & Zoning Board	7 N-4/20 & 4/21 D-5/5 & 5/6	8	9	10
11	12 A-4/20 & 4/21	13 Public Utility Board	14	15	16	17
18	19 A- 5/5 & 5/6	20 Planning & Zoning Board	21 HPC N- 5/5 & 5/6 D-5/18 & 5/19	22	23	24
25	26 City Commission	27 Public Utility Board	28	29	30	

MAY 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3 A- 5/18 & 5/19	4 Planning & Zoning Board	5 N-5/18 & 5/19	6	7	8
9	10 City Commission	11 Public Utility Board	12	13	14	15
16	17 A-6/1 & 6/2	18 Planning & Zoning Board	19 N-6/1 & 6/2 D-6/16 & 6/17	20	21	22
23	24 City Commission	25 Public Utility Board	26 HPC	27	28	29
30	31 HOLIDAY					

JUNE 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 Planning & Zoning Board	2 N-6/16 & 6/17 D-7/1 & 7/7	3	4	5
6	7	8	9	10	11	12
13	14 City Commission	15 Public Utility Board	16 Planning & Zoning Board D-7/15 & 7/21	17	18	19
20	21 A-7/1 & 7/7	22	23 HPC N-7/1 & 7/7	24	25	26
27	28 City Commission	29 Public Utility Board	30			

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

## 2021 CALENDAR

### Meetings:

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

### Deadlines:

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

### JULY 2021

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

### AUGUST 2021

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

### SEPTEMBER 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
			N-ZBA 9/15 D-10/5 & 10/6		A-PZ 9/21	
5	<b>HOLIDAY</b>		N-PZ 9/21	9	10	11
12	●	▲	D-10/19 & 10/20	16	17	18
19	A-10/5 & 10/6		HPC N-10/5 & 10/6	23	24	25
26	●	▲		30		

### OCTOBER 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4		N-10/19 & 10/20 D-11/2 & 11/3	7	8	9
10	11	●	▲	14	15	16
17	A- 11/2 & 11/3		N- 11/2 & 11/3 D-11/16 & 11/17	21	22	23
24	●	▲	HPC	28	29	30
31						

### NOVEMBER 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
	A-11/16 & 11/17		N-11/16 & 11/17 D-12/1 & 12/7			
7	●	▲		11	12	13
14	A-ZBA 12/1		N-ZBA 12/1 D-PZ-12/21	18	19	20
21	●	▲	N-PZ 12/7	<b>HOLIDAY</b>	26	27
28	A-ZBA 12/15					

### DECEMBER 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			HPC N-ZBA 12/15 D-1/4 & 1/5	2	3	4
5	6		N- PZ 12/21	9	10	11
12	A-PZ 12/21		N- PZ 12/21	16	17	18
19	A- 1/4 & 1/5	▲	D-1/18 & 1/19	23	24	25
26			N- 1/4 & 1/5	<b>HOLIDAY</b>	<b>HOLIDAY</b>	31
28						<b>HOLIDAY</b>

# Definitions

## Table of Contents

<b>Chapter 138-Zoning .....</b>	<b>1</b>
Section 138-1 Definitions .....	1
<b>Chapter 110-Vegetation .....</b>	<b>6</b>
Section 110-26 Definitions .....	6

## Chapter 138-Zoning

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

Footnotes:

--- () ---

**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;..."

--- () ---

**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)*)

Exceptions pertaining to side yard setbacks:

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

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

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

## Exceptions as per Planning Department Policy

By policy the following are permitted:

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

Legal opinions:

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

**ZONING BOARD OF ADJUSTMENT AND APPEALS**

**RULES AND PROCEDURES**

**CITY OF MCALLEN**

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

**I. ORGANIZATION AND OFFICERS**

**A. Members**

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

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

**B. Officers**

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

**C. Duties and Officers**

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

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



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

### **A. General Powers**

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

### **B. Specified Powers**

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

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

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

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

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

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

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

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

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

The Board shall decide each case based on the following:

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

#### **V. APPLICANTS**

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

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

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

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

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

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

**C. Meetings**

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

**D. Evidence**

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

**VI. HARDSHIP**

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

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

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

**VII. MEETINGS**

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

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

## **B. Quorum**

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

## **C. Regular Meetings**

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

## **D. Special Meetings**

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

## **E. Order of Business**

The usual order of business shall be:

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

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

**F. Staff Recommendations**

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

**G. Action by the Board**

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

**H. Minutes of the Board**

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

**VIII. DECISIONS OF THE BOARD**

**A. Precedent**

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

**B. Public Statements**

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

**B. Parliamentary Procedure**

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

**IX. WITHDRAWAL OF APPEAL**

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

**X. ATTENDANCE**

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

**XI. AMENDEMENT PROCEDURE**

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

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

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

**ORDINANCE NO. 2018- 70**

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

**CITY OF McALLEN**

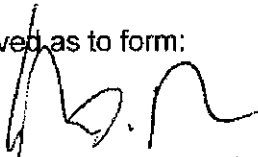
\_\_\_\_\_  
John Ingram, City Commissioner

Attest:



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

Approved as to form:



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

