

## AGENDA

### ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, JANUARY 15, 2020 - 5:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3<sup>RD</sup> FLOOR

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

#### CALL TO ORDER – CHAIRPERSON DAVID SALINAS

##### 1. MINUTES:

- a) Minutes for Regular Meeting held on December 18, 2019

##### 2. PUBLIC HEARINGS:

- a) Request of Juan Solano for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 ft. into the 25 ft. front yard setback for a metal carport measuring 12 ft. by 21 ft., at Lot 48, Tejas Subdivision Unit No. 2, Hidalgo County, Texas; 2737 Fir Avenue. **(ZBA2019-0056) (TABLED: 11/20/2019) (TABLED: 12/4/2019) (TABLED: 12/18/2019)**
- b) Request of Juan A. Ruiz on behalf of San Juanita Ruiz for the following special exception and variances to the City of McAllen Zoning Ordinance: **1)** to allow an encroachment of 7.5 ft. into the 10 ft. rear yard setback for an existing carport measuring 17 ft. by 31 ft., **2)** to allow an encroachment of 5 ft. into the 10 ft. rear yard setback for an existing storage building measuring 10 ft. by 12 ft., and **3)** to allow an encroachment of 3 ft. into the 6 ft. north side yard setback for an existing storage building measuring 10 ft. by 12 ft., at Lot 2, Block 1, El Rancho Santa Cruz Subdivision Phase IV, Hidalgo County, Texas; 3113 South McColl Road. **(ZBA2019-0060)**
- c) Request of Ruben H. Laurel for the following variances to the City of McAllen Zoning Ordinance: **1)** to allow an encroachment of 6 ft. into the 6 ft. side yard setback for an existing wooden storage room measuring 9 ft. by 16 ft., and **2)** to allow an encroachment of 4.58 ft. into the 10.0 ft. rear yard setback for an existing covered patio measuring 26.25 ft. by 13.83 ft. at Lot 30, Parkwood Manor Subdivision, Phases 1, 2 & 3, Hidalgo County, Texas; 2508 Swallow Avenue. **(ZBA2019-0058)**
- d) Request of Oralia Rodriguez for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 25 ft. into the 25 ft. front yard setback for a wooden carport with decorative columns measuring 25.0 ft. by 20.0 ft., at Lot 131, Plantation Gap Subdivision Phase 1, Hidalgo County, Texas; 4400 Sandpiper Avenue **(ZBA2019-0057)**
- e) Request of Ramon I. Pecina, III on behalf of Armando Contreras for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of up to 2.5 ft. into the north 6 ft. side yard setback for an existing residence, at Lot 158, Saddle Creek Unit 2 Subdivision, Hidalgo County, Texas; 9315 North 34th Lane. **(ZBA2019-0063)**

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

- a) 3421 Ozark Avenue
- b) 8414 North 18th Lane
- c) 7903 North 25th Lane
- d) 1929 Duke Avenue
- e) 9215 North 28th Lane
- f) 316 Byron Nelson Drive
- g) 404 Grayson Avenue

#### **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 18, 2019 at 5:30 p.m. in the City Commission Meeting Room with the following present:

<b>Present:</b>	<b>David Salinas</b>	<b>Chairperson</b>
	<b>Erick Diaz</b>	<b>Vice-Chairperson</b>
	<b>Sylvia Hinojosa</b>	<b>Member</b>
	<b>Sonia Falcon</b>	<b>Member</b>
	<b>Jose Gutierrez</b>	<b>Alternate</b>
<b>Absent:</b>	<b>John Millin</b>	<b>Member</b>
	<b>Juan F. Jimenez</b>	<b>Alternate</b>
<b>Staff Present:</b>	<b>Austin Stevenson</b>	<b>Assistant City Attorney</b>
	<b>Kimberly Guajardo</b>	<b>Senior Planner – Long Range</b>
	<b>Rodrigo Sanchez</b>	<b>Senior Planner</b>
	<b>Jose H. De la Garza</b>	<b>Planner II</b>
	<b>Oscar Ortiz</b>	<b>Planner I</b>
	<b>Carlos Garza</b>	<b>Planner I</b>
	<b>Juan Martinez</b>	<b>Development Coordinator</b>
	<b>Yvette Barrera</b>	<b>Engineering Director</b>
	<b>Ryan Cortes</b>	<b>Engineering</b>
	<b>Porfirio Hernandez</b>	<b>Technician II</b>
<b>Carmen White</b>	<b>Secretary</b>	

**CALL TO ORDER – Chairperson, David Salinas**

**1. MINUTES:**

- a) Minutes for Regular Meeting held on December 4, 2019.

The minutes for the meeting held on December 4, 2019 were approved. The motion to approve the minutes was made by Ms. Sonia Falcon. Mr. Jose Gutierrez seconded the motion, which carried unanimously with four members present and voting.

**At this time, Ms. Sylvia Hinojosa arrived during the meeting.**

**2. PUBLIC HEARINGS:**

- a) Request of Yildirim Durak for the following variances to the City of McAllen Vegetation Ordinance: **1)** to provide the required minimum 10% landscaped area with synthetic grass instead of natural grass, **2)** to provide the required minimum 50% landscaped area within the required front yard of synthetic grass instead of natural grass, **3)** to provide the required 150 square feet of landscaped area in the east side yard located within the front yard setback with synthetic grass instead of natural grass, and **4)** to provide the required 150 square feet of landscaped area in the west side yard located within the front yard setback with synthetic grass instead of natural grass at Lot 3, The Estates at Orangewood North Subdivision, Hidalgo County, Texas; 300 Frontera Road. **(ZBA2019-0062)**

Mr. De la Garza stated the property owner was requesting the different variances to the Vegetation Ordinance to reduce the cost of maintaining natural grass, to give the landscape better appearance year around, and to reduce the usage of water and chemicals.

The property was located on the north side of Frontera Road, approximately 320 ft. west of North 2<sup>nd</sup> Street. The property dimensions are 153.55 ft. by 288.55 ft. for a total area of 44,306.4 sq. ft. The subject property was zoned R-1 (single family residential) District. The adjacent zoning was R-1 District in all directions. Surrounding land uses include single-family residences and vacant land.

A building permit was issued on April 4, 2019 for the 8,608 sq. ft. single-family residence. An application for the variance requests was received on November 14, 2019.

The applicant submitted a landscape plan that indicated that artificial grass was proposed to be used for the subject property to comply with the landscape requirements. Section 110-56 (f) of the Vegetation Ordinance states that synthetic or artificial lawns or plants shall not be used in lieu of plant requirements.

Variance request #1 was to provide the required minimum 10% landscaped area with synthetic grass instead of natural grass. Sec. 110-48 indicates that a minimum of ten percent of the area of any lot or parcel shall be devoted to landscape material. The lot area for the subject property is 44,306.4 sq. ft.; therefore, the required landscaped area for this property was 4,430.6 sq. ft. (10%). The submitted landscape plan shows a proposed total landscaped area of 16,076 sq. ft. The applicant was proposing to landscape approximately 37% of the entire lot area (16,076 sq. ft.) with synthetic grass.

Variance request #2 was to provide the required minimum 50% landscaped area within the required front yard of synthetic grass instead of natural grass. Sec. 110-48 indicates that a minimum of 50 percent of the area within the required front yard of any residential parcel shall be devoted to landscape material. The applicant was proposing to landscape approximately 79% of the area within the required front yard (3,043 sq. ft.) with synthetic grass.

Variance request #3 was to provide the required 150 square feet of landscape with synthetic grass instead of natural grass on the east side yard located within the front yard setback.

Variance request #4 was to provide the required 150 square feet of landscape with synthetic grass instead of natural grass on the west side yard located within the front yard setback

Advertising for this product indicated that this type of synthetic grass provides superior drainage to natural grass. It also indicated that this product was designed to respond like natural grass, and in most conditions, the surface temperatures will be similar. However, Section 110-56 (f) of the Vegetation Ordinance states that synthetic or artificial lawns or plants shall not be used in lieu of plant requirements.

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

Staff recommended disapproval of the variance requests.

Ms. Falcon inquired to staff if they had a Homeowners Association. Mr. De la Garza stated yes they do have a Homeowners Association but not heard.

Vice-Chairperson Diaz asked why they did not accept synthetic grass. Mr. De la Garza stated it was in the Vegetation Ordinance mainly because of the drainage issues that synthetic grass could create.

Chairperson Salinas inquired if they were deficient on any square footages or percentages of landscaping requirements. Mr. De la Garza stated the percentages were enough to suffice the requirements.

Mr. Gutierrez inquired any kind of construction could be built on that if the request was granted. Chairperson Salinas stated the applicant was asking a variance to the landscape ordinance that required natural grass versus synthetic grass.

Mr. Yildirim Durak, the applicant, stated that by looking at the synthetic grass from a distance you could not tell it was real grass or not. They would not using any water or chemicals. Concerning drainage, there were some holes under the plastic so it would drain. He stated they would put two inches of gravel and sand mix before putting the synthetic grass. It would drain through the grass.

Chairperson Salinas inquired to the applicant if he had discussed the issue of drainage to staff. Mr. Durak stated drainage wise he presented the specs to staff today. He stated this company had been doing synthetic grass for 15 years.

Chairperson Salinas inquired if staff showed the Engineering Department the site plans on whether it would drain like normal grass. Mr. De la Garza stated the original building permit had been issued back in April. After the permit was issued, the applicant came to staff and stated he wanted to do the artificial grass. The permit would have to be reviewed by the Engineering Department for drainage requirements.

Chairperson Salinas inquired if staff was to get with the Engineering Department and conclude that it would drain as regular grass would it the recommendation change. Mr. De la Garza stated they just received the specs staff did not have a chance to get with the Engineering Department. Mr. Sanchez stated the recommendation was based on the ordinance and did not permit artificial grass.

Vice-Chairperson Diaz inquired if there was a problem with decomposed granite concerning drainage. Mr. Durak stated he did not think that there was a problem with drainage when he had the same type of grass at his home.

Ms. Yvette Barrera, Engineering Director, stated she did not have a chance to review it. She did a brief review of the drain statement and there were certain detention requirements that were required to be met. In determining those detention numbers, it was based on generalization on how the land was going to be developed in the future. If the sea value remained the same, which shows how much water was running off the property, it would not be an issue. If it did not remain the same, the sea value increases and would cause a runoff that would be an issue.

Ms. Sonia Falcon mentioned that City's Ordinances could be a little outdated and if applicant was able to meet the drainage requirements the request should be approved.

Ms. Sonia Falcon **moved** to approve the variances #1 through #4. Vic-Chairperson Erick Diaz seconded the motion. The board voted unanimously to approve the variances with five members present and voting.

- b) Request of Ruben H. Laurel for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 5 ft. into the 6 ft. side yard setback for a wooden storage room measuring 9 ft. by 16 ft. at Lot 30, Parkwood Manor Subdivision Phases 1, 2 & 3, Hidalgo County, Texas; 2508 Swallow Avenue. **(ZBA2019-0058) (TABLED: 12/4/2019) WITHDRAWN**

Mr. Ortiz stated this item had been withdrawn by the applicant.

- c) Request of Diana Rodriguez on behalf of Arturo Rosel for the following variances to the City of McAllen Zoning Ordinance: **1)** to allow an encroachment of 30 ft. into the 60 ft. front yard setback for a proposed patio measuring 55 ft. by 74 ft., and **2)** to allow an encroachment of 10.4 ft. into the 60 ft. front yard setback for restrooms measuring 40 ft. by 12 ft., at Lot 1, Ware Road Place Subdivision, Hidalgo County, Texas; 620 South Ware Road. **(ZBA2019-0059) (TABLED: 12/4/2019) (TABLED: 12/4/2019)**

Ms. Sylvia Hinojosa **moved** to remove the item from the table. Vice-Chairperson Diaz seconded the motion. The board voted unanimously with five members present and voting.

Mr. Ortiz stated that the applicant, Ms. Rodriguez was requesting the above referenced variances in order to construct a patio within the front yard setback along South Ware Road for outdoor seating and dining.

The property was located on the west side of South Ware Road, approximately 1,920 ft. south of U.S. Business Highway 83. The property has 180 ft. of frontage along South Ware Road and a depth of 761.03 ft. at its deepest point for a tract size of 117,292 sq. ft. The property was zoned C-3 (general business) District. Adjacent zoning was R-3A (multi-family residential apartments) District and C-3 District to the north, C-3 to the east and south, and A-O (agricultural & open space) District to the west.

Ware Road Place Subdivision was recorded on July 18, 1996. The plat specified a front yard building setback of 60 ft. or in line with existing buildings, or according to approved site plan whichever was greater. A variance application for the proposed patio was received on October 1, 2019. An application for a building permit was submitted on November 29, 2019 to the Building Permits & Inspections Department.

The proposed patio will be for outdoor dining at Los Asados restaurant. The patio measured 55 ft. by 74 ft. (4,070 sq. ft.) with a height of 18 ft. The restroom area measured 40 ft. by 12 ft. (480 sq. ft.) with a height of 18 ft. The required landscaping and trees must be maintained. North side yard setback was 10 ft. and south side yard setback was 0 ft. lot line with a rated firewall or half the building height without it. The bathroom addition had a south side yard setback of 10 ft. 6 inch.

Variance request # 1 was to allow the construction of a patio that will have a 30 ft. encroachment into the 60 ft. front yard setback.

Variance request # 2 was to allow the construction of restrooms that will have a 10.4 ft. encroachment into the 60 ft. front yard setback.

According to the approved site plan, 120 parking spaces are required including the patio addition and 163 parking spaces were provided. Also, the property met the landscape requirements.

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

Staff recommended disapproval of the variance requests since the front yard setback alignment should be maintained in the commercial area.

At the Zoning Board of Adjustment & Appeals Meeting of December 4, 2019, the item was tabled as requested by the applicant to allow for an opportunity be heard by a full board. Four members were present and voting.

Chairperson Salinas inquired if the restrooms that were being proposed by the patio was a building code requirement. Mr. Ortiz stated that was something the owners wanted to provide the customers.

Ms. Diana Rodriguez, on behalf of Arturo Rosel, stated they wanted to build a section for an outside patio to accommodate more customers and to install restrooms for the convenience of the customers.

Chairperson David Salinas inquired if there was anyone else present to speak in favor of the variance requests.

Mr. Tony De La Tejera stated if the restrooms were an issue with the encroachment, he could relocate them further back of the patio.

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

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

Ms. Sonia Falcon **moved** to the approve the variance requests. Ms. Sylvia Hinojosa seconded the motion. The board voted unanimously to approve with five members present and voting.

- d) Request of Juan Solano for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 ft. into the 25 ft. front yard setback for a metal carport measuring 12 ft. by 21 ft., at Lot 48, Tejas Subdivision Unit No. 2, Hidalgo County, Texas; 2737 Fir Avenue. (ZBA2019-0056) (TABLED: 11/20/2019) (TABLED: 12/4/2019)**

Ms. Sylvia Hinojosa **moved** to remove the item from the table. Ms. Sonia Falcon seconded the motion. The board voted unanimously with five members present and voting.

Mr. Garza stated the applicant requested a special exception to allow a proposed metal carport measuring 12 ft. by 21 ft. with an encroachment of 20 ft. into the 25 ft. front yard setback. The carport will serve to protect the family vehicles against inclement weather.

The property was located on the south side of Fir Avenue, 450 ft. east of North 29<sup>th</sup> Street. The lot has 50 ft. of frontage along Fir Avenue and a depth of 125 ft. for a lot size of 6,250 sq. ft. The property is zoned R-1 (single-family residential) District and a single-family residence is located on the property. The surrounding land uses are single-family residences in all directions.

Tejas Subdivision Unit No. 2 was recorded on March 2, 1965 and the subdivision plat indicated a front yard setback of 25 feet. An application for a building permit was submitted on October 15, 2019, and was undergoing the review process. The applicant applied for the special exception on October 15, 2019. A revised site plan was submitted by the applicant on November 18, 2019 with modified measurements for the carport.

The subdivision plat indicated that there are no utility easements along the front of the property.

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

The submitted site plan showed the proposed carport to be 5 ft. behind the property line; however, measurements provided are without the benefit of a survey.

There are three existing carports on the same block that were approved by the Zoning Board of Adjustment and Appeals:

- 1) In April 03, 2019, the Board approved a special exception request for an existing carport at 2820 Fir Avenue (Lot 37) for a 18 ft. encroachment into the 25 ft. front yard setback and an encroachment of 4.75 ft. into the 5 ft. west side yard setback.
- 2) In October 17, 2018, the Board approved a variance request for an existing carport at 2717 Fir Avenue (Lots 53 and 54) for a 25 ft. encroachment into the 25 ft. front yard setback and an encroachment of 5 ft. into the 5ft side yard setback.
- 3) In November 21, 2018, the Board approved a variance request for an existing carport at 2801 Fir Avenue (Lot 45) for a 15 ft. encroachment into the 25 ft. front yard setback and an encroachment of 2.5 ft into the 5 ft. west side yard setback.

The house does not have a garage for car storage.

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

Staff recommended disapproval of the special exception request since the request is not due to special conditions nor is the plight of the owner unique. However, if the board chooses to approve the request it should be limited to the encroachment show in the submitted site plan.

At the Zoning Board of Adjustment and Appeals, meeting of December 04, 2019 the item was tabled at the request of the applicant in order for the request to be heard by a full board at a future meeting. The board unanimously voted to table the request. There were four members present and voting.

Vice-Chairperson Diaz inquired if the front was all-concrete and asked how did that meet the curb cut. Mr. Garza stated the concrete in the front did not meet the landscaping requirements. Staff spoke to engineering so they could speak with the applicant about it. There was usually a drainage fee for not having any landscaping.

Mr. Juan Solano, the applicant stated he wanted to put a carport to protect his vehicles. He stated the dimensions of the carport was 12 feet wide by 21 feet in length.

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

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

Ms. Hinojosa inquired if there were other properties on the same side or the same have this situation where it is all paved. Mr. Garza stated there was one property that actually ran through a variance for a carport back in 2018 and that the front yard was all paved. They also had to pay for additional drainage fees.

Ms. Yvette Barrera, Engineering Director stated the City had a landscape ordinance in place but the landscape ordinance was adopted over several years and was not retroactive. There were some areas in the older parts of town that determined which part of that landscape requirement they fall in. Some did not have any requirement in the front yard or the side yard setbacks. In some of the older parts of town, they do allow them to keep those driveways because there was not a requirement for the landscaping.

Chairperson Salinas inquired of the applicant if there was previously a garage. Mr. Solano stated no. There was a porch.

Ms. Hinojosa inquired if there was an alley. Mr. Solano stated yes but there no easy access due to items put in the alley.

Mr. Austin Stevenson, legal counsel, stated if the board would like to table the item one more time in order to get staff with the homeowner and clarify for the landscape requirements or a special exception.

Chairperson Salinas inquired of staff if they recommend tabling the item in order to discuss further the landscaping issues. Mr. Sanchez stated if the landscaping issue should be addressed, staff would have to re-notify to include it.

Ms. Sylvia Hinojosa **moved** to table the item until the next meeting in order to clarify landscaping issues. Mr. Jose Gutierrez seconded the motion. The board voted unanimously with five members present and voting.

- e) Request of Juan A. Ruiz on behalf of San Juanita Ruiz for the following special exception and variances to the City of McAllen Zoning Ordinance: **1)** to allow an

encroachment of 5 ft. into the 10 ft. rear yard setback for an existing carport measuring 17 ft. by 31 ft., **2)** to allow an encroachment of 5 ft. into the 10 ft. rear yard setback for an existing storage building measuring 10 ft. by 12 ft., and **3)** to allow an encroachment of 3 ft. into the 6 ft. north side yard setback for an existing storage building measuring 10 ft. by 12 ft., at Lot 2, Block 1, El Rancho Santa Cruz Subdivision Phase IV, Hidalgo County, Texas; 3113 South McColl Road. **(ZBA2019-0060) (TABLED: 12/4/2019) (TABLED: 12/4/2019)**

Mr. Garza stated staff recommended the item was to be withdrawn.

**3. FUTURE AGENDA ITEMS:**

- a) 4400 Sandpiper Avenue
- b) 2508 Swallow Avenue

**ADJOURNMENT**

There being no further business to come before the Zoning Board of Adjustment and Appeal, Ms. Sonia Falcon **moved** to adjourn the meeting. Vice-Chairperson Erick Diaz seconded the motion, which carried unanimously with five members present and voting.

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Chairperson  
David Salinas

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Carmen White, Secretary



**MEMO**

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

**FROM:** Planning Staff

**DATE:** December 11, 2019

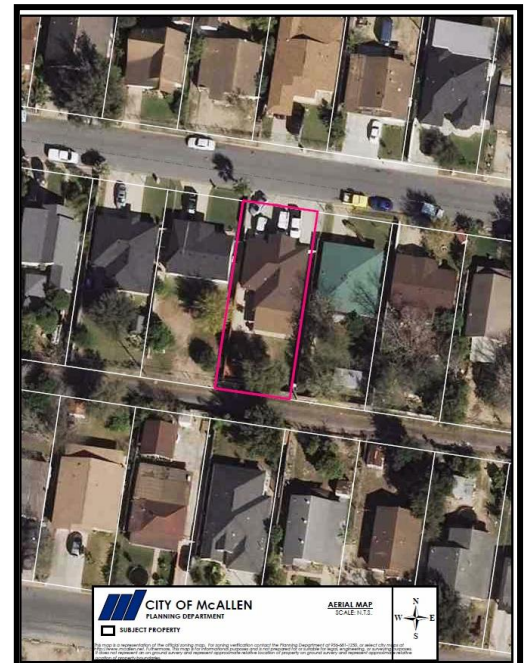
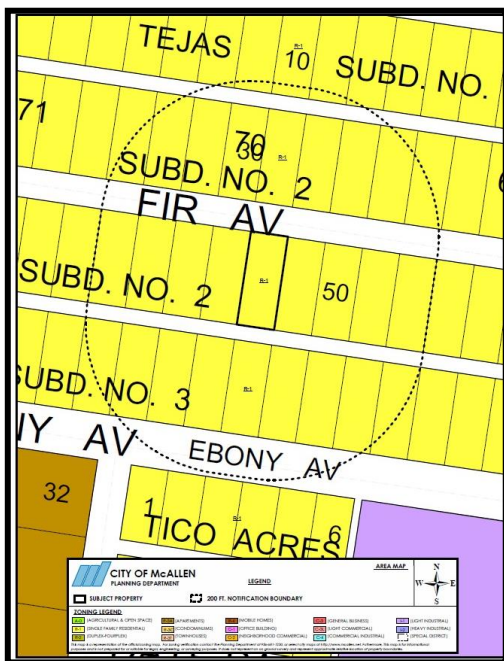
**SUBJECT: REQUEST OF JUAN SOLANO FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 20 FT. INTO THE 25 FT. FRONT YARD SETBACK FOR A METAL CARPORT MEASURING 12 FT. BY 21 FT., AT LOT 48, TEJAS SUBDIVISION UNIT NO. 2, HIDALGO COUNTY, TEXAS; 2737 FIR AVENUE (ZBA2019-0056).**

**REASON FOR APPEAL:**

The applicant requests a special exception to allow a proposed metal carport measuring 12 ft. by 21 ft. with an encroachment of 20 ft. into the 25 ft. front yard setback. The carport will serve to protect the family vehicles against inclement weather.

**PROPERTY LOCATION AND VICINITY:**

The property is located on the south side of Fir Avenue, 450 ft. east of North 29<sup>th</sup> Street. The lot has 50 ft. of frontage along Fir Avenue and a depth of 125 ft. for a lot size of 6,250 sq. ft. The property is zoned R-1 (single-family residential) District and a single-family residence is located on the property. The surrounding land uses are single-family residences in all directions.



**BACKGROUND AND HISTORY:**

Tejas Subdivision Unit No. 2 was recorded on March 2, 1965 and the subdivision plat indicates a front yard setback of 25 feet. An application for a building permit was submitted on October 15, 2019, and is undergoing the review process. The applicant applied for the special exception on October 15, 2019. A revised site plan was submitted by the applicant on November 18, 2019 with modified measurements for the carport.

**ANALYSIS:**

The subdivision plat indicates that there are no utility easements along the front of the property.

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

The submitted site plan shows the proposed carport to be 5 ft. behind the property line; however, measurements provided are without the benefit of a survey.

There are three existing carports on the same block that were approved by the Zoning Board of Adjustment and Appeals:

- 1) In April 03, 2019, the Board approved a special exception request for an existing carport at 2820 Fir Avenue (Lot 37) for a 18 ft. encroachment into the 25 ft. front yard setback and an encroachment of 4.75 ft. into the 5 ft. west side yard setback.
- 2) In October 17, 2018, the Board approved a variance request for an existing carport at 2717 Fir Avenue (Lots 53 and 54) for a 25 ft. encroachment into the 25 ft. front yard setback and an encroachment of 5 ft. into the 5ft side yard setback.
- 3) In November 21, 2018, the Board approved a variance request for an existing carport at 2801 Fir Avenue (Lot 45) for a 15 ft. encroachment into the 25 ft. front yard setback and an encroachment of 2.5 ft into the 5 ft. west side yard setback.

The house does not have a garage for car storage.

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

**RECOMMENDATION:**

Staff recommends disapproval of the special exception request since the request is not due to special conditions nor is the plight of the owner unique. However, if the board chooses to approve the request it should be limited to the encroachment show in the submitted site plan.

**ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING OF DECEMBER 04, 2019:**

At the Zoning Board of Adjustment and Appeals meeting of December 04, 2019 the item was tabled at the request of the applicant in order for the request to be heard by a full board at a future meeting. The board unanimously voted to table the request. There were four members present and voting.



ZBA2019-0056

ZBA  
11/20/19



# 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>TEJAS #2 LOT 48 UNIT 2</u>	
	Subdivision Name	_____	
	Street Address	<u>2737 FIR AVE MCALLEN, TX. 78501</u>	
	Number of lots	_____	Gross acres _____
	Existing Zoning	<u>R1</u>	Existing Land Use <u>HOUSE</u>
	Reason for Appeal (please use other side if necessary)	<u>CARPORT TO PROTECT OUR CARS FROM WEATHER.</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			

<b>Applicant</b>	Name	<u>JUAN SOLANO</u>	Phone	<u>956-5690004</u>
	Address	<u>2737 FIR AVE</u>	E-mail	<u>SOLANO226@EMAIL.COM</u>
	City	<u>MCALLEN</u>	State	<u>TX</u>
			Zip	<u>78501</u>

<b>Owner</b>	Name	<u>JUAN SOLANO</u>	Phone	<u>956-5690004</u>
	Address	<u>2737 FIR AVE.</u>	E-mail	<u>SOLANO226@EMAIL.COM</u>
	City	<u>MCALLEN</u>	State	<u>TX</u>
			Zip	<u>78501</u>


<b>Authorization</b>	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?	
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.	
	Signature	<u>Juan Solano</u>
Print Name	<u>JUAN SOLANO</u>	
Date	<u>10/15/2019</u>	
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent		

<b>Office</b>	Accepted by	<u>Beto</u>	Payment received by	_____	Date	<u>RECEIVED</u>
	Rev 10/18					<u>OCT 15 2019</u>

RCT# 4448862 pd \$300 BY: ew



2018/11/16



# City of McAllen

## Planning Department

### REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

FRONT SB ENCOURAGEMENT OF 20FT INTO 25FT FRONT  
SB

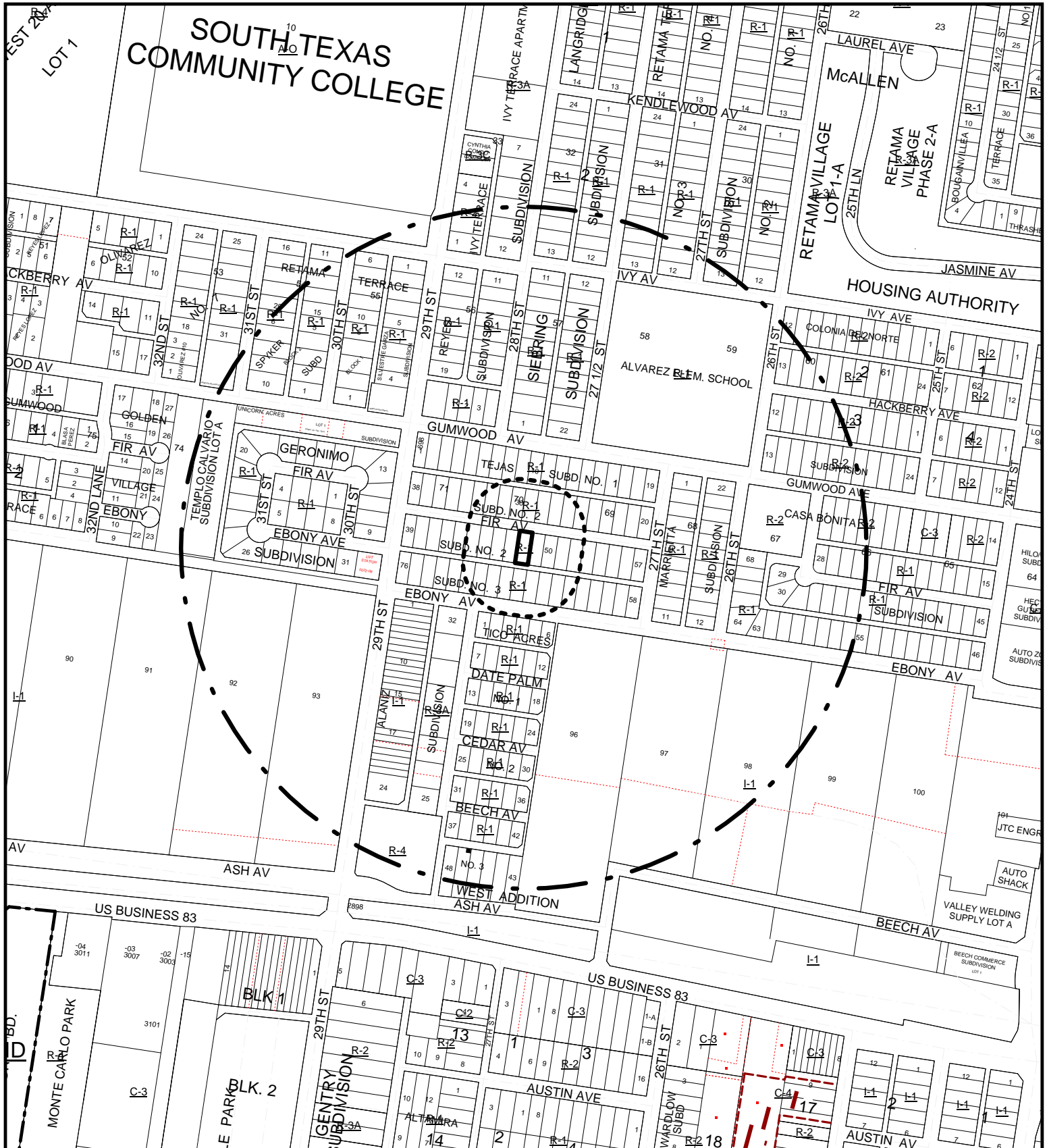
Board Action


Chairman, Board of Adjustment  
Signature

Date

\_\_\_\_\_

\_\_\_\_\_

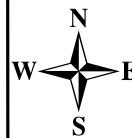





**CITY OF McALLEN**  
PLANNING DEPARTMENT


**LEGEND**  
SCALE: 1" = 500'


**AREA MAP**



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
 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.

13

MONTE CARLO PARK

BLK. 1

BLK. 2

US BUSINESS 83

29TH ST

26TH ST

AUSTIN AVE

ALVAREZ ELEM. SCHOOL

HOUSING AUTHORITY

VALLEY WELDING SUPPLY LOT A

BEECH AV

EBONY AV

GUMWOOD AV

HACKBERRY AV

COLONIA DEL NORTE

IVY AV

ALVAREZ ELEM. SCHOOL

27 1/2 ST

28TH ST

29TH ST

30TH ST

31ST ST

32ND ST

33RD ST

34TH ST

35TH ST

36TH ST

37TH ST

38TH ST

39TH ST

40TH ST

41ST ST

42ND ST

43RD ST

44TH ST

45TH ST

46TH ST

47TH ST

48TH ST

49TH ST

50TH ST

51ST ST

52ND ST

53RD ST

54TH ST

55TH ST

56TH ST

57TH ST

58TH ST

59TH ST

60TH ST

61ST ST

62ND ST

63RD ST

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68TH ST

69TH ST

70TH ST

71ST ST

72ND ST

73RD ST

74TH ST

75TH ST

76TH ST

77TH ST

78TH ST

79TH ST

80TH ST

81ST ST

82ND ST

83RD ST

84TH ST

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86TH ST

87TH ST

88TH ST

89TH ST

90TH ST

91ST ST

92ND ST

93RD ST

94TH ST

95TH ST

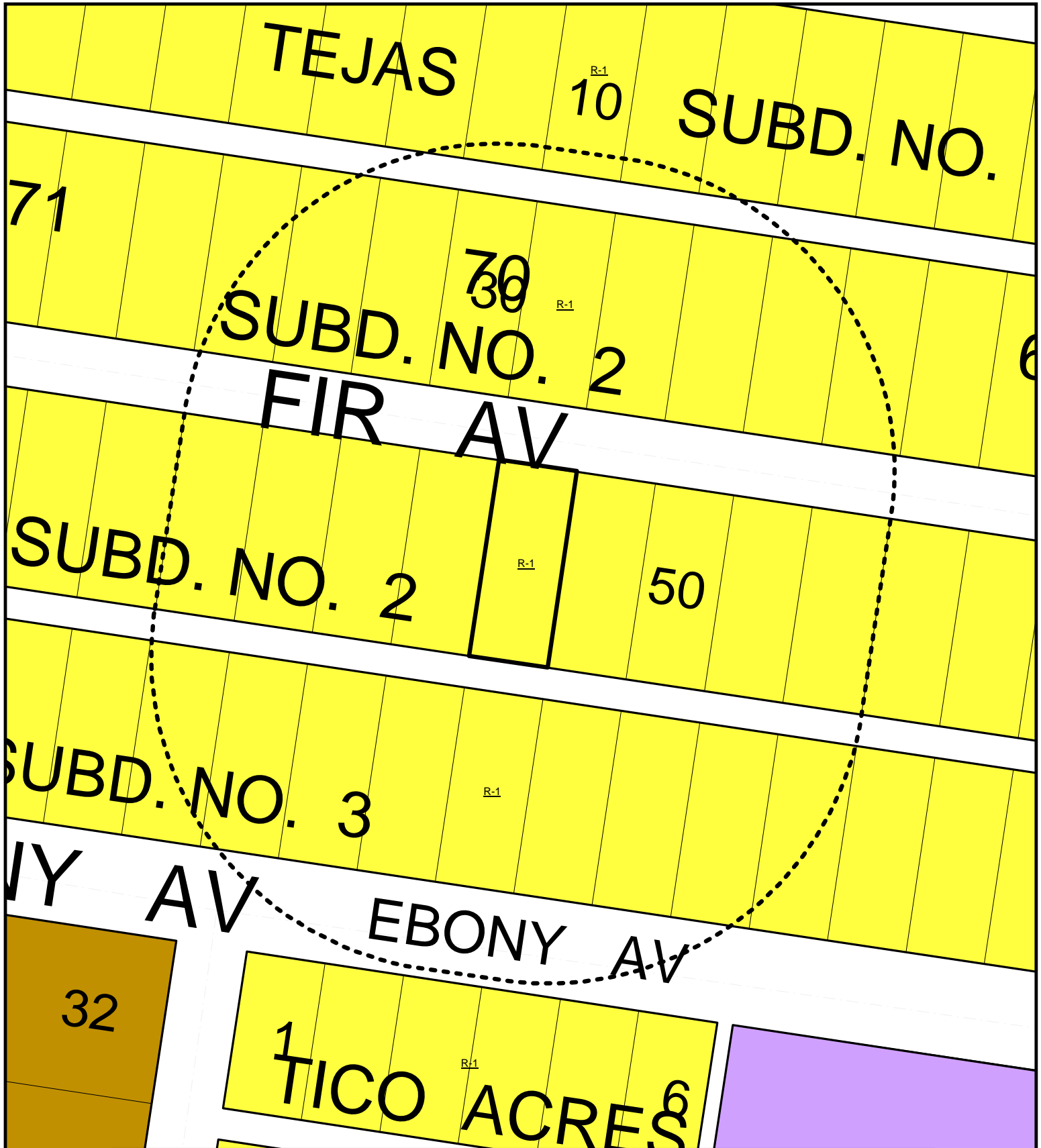
96TH ST


97TH ST

98TH ST

99TH ST

100TH ST








**CITY OF McALLEN**  
PLANNING DEPARTMENT

**LEGEND**
















AREA MAP



 SUBJECT PROPERTY

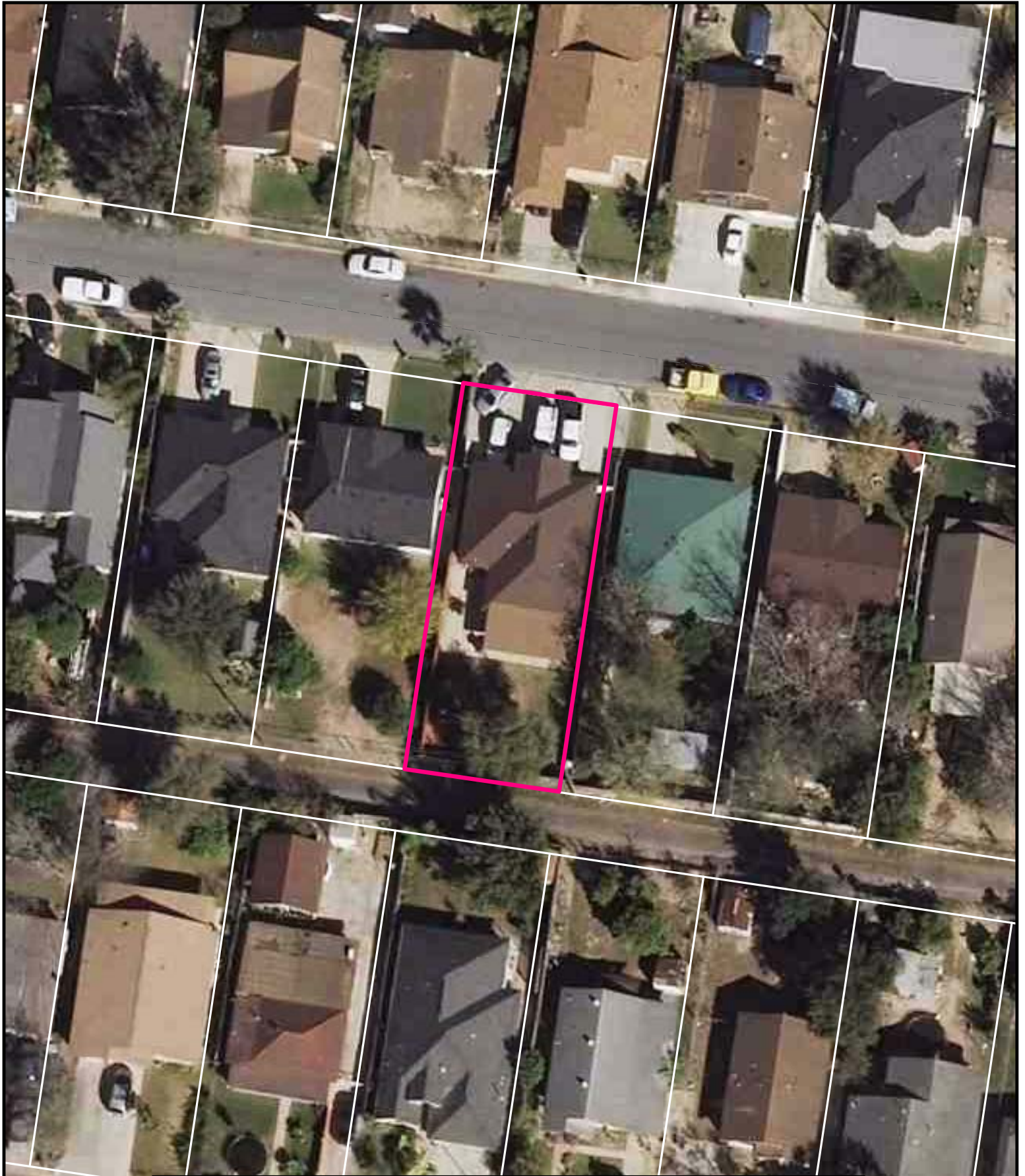
 200 FT. NOTIFICATION BOUNDARY

**ZONING LEGEND**

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

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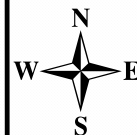


**CITY OF McALLEN**  
PLANNING DEPARTMENT



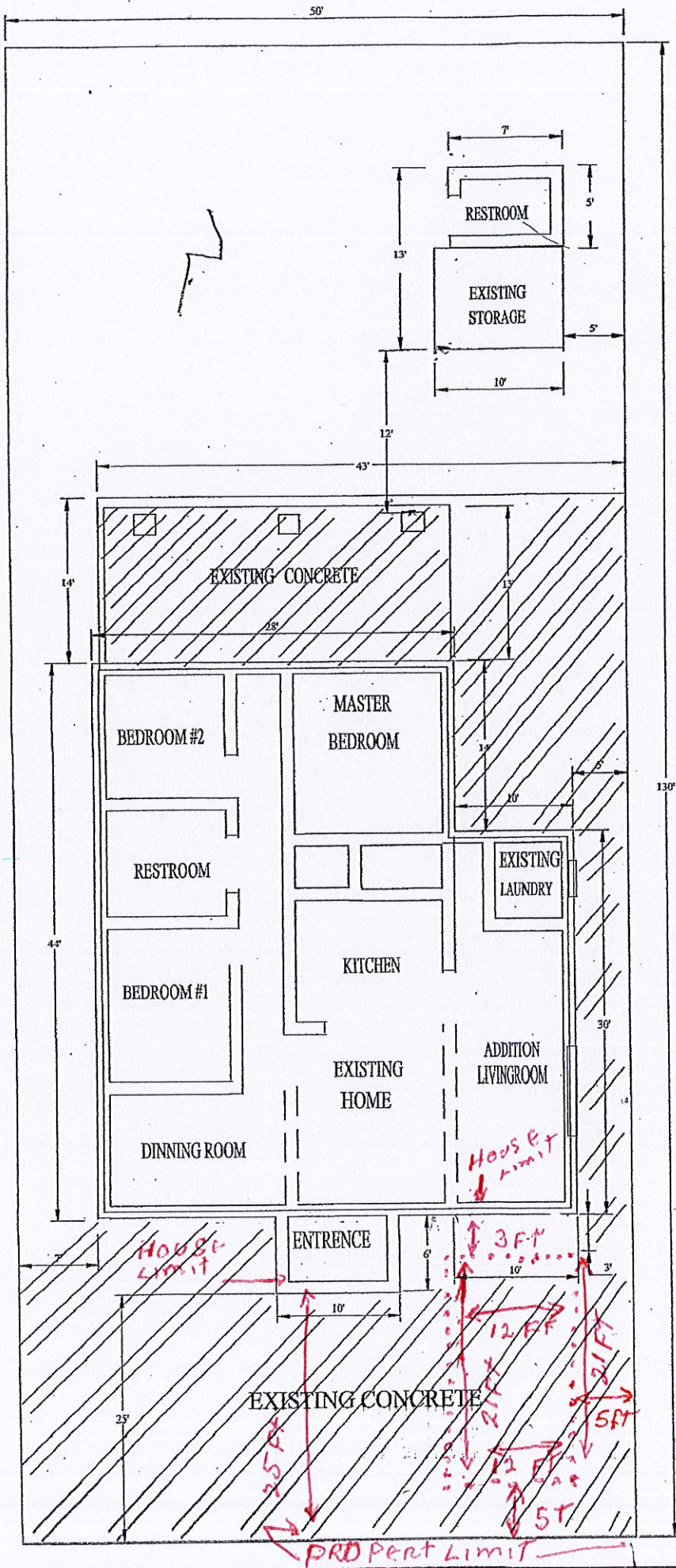
SUBJECT PROPERTY

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



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*Revised*

07-15-04\10:46 RCVD

RECEIVED  
 NOV 18 2019  
 BY: \_\_\_\_\_



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

APPLICATION MUST BE COMPLETE

PERMIT APPLICATION REFERENCE NUMBER

RES 2019-06986

(Please type or print in black or blue ink)

GC103 603 APPLICANT

**APPLICANT**

NAME JUAN SORANO PHONE 956-569-0004

ADDRESS 2737 FIR AVE

CITY McALLEN STATE TX ZIP 78501

CONTACT NAME: \_\_\_\_\_ PHONE \_\_\_\_\_

OWNER  CONTRACTOR  TENANT  OTHER \_\_\_\_\_

**OWNER**

NAME \_\_\_\_\_ PHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_ \*EMAIL: \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

\*OWNER INFORMATION NOT PROVIDED, INITIAL: \_\_\_\_\_

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

BLDG SQ. FT. 370 SQ FT NO. PARKING SPACES \_\_\_\_\_ SQ. FT. LOT \_\_\_\_\_ LOT FRONT \_\_\_\_\_ FLOOR EL ABOVE CURB \_\_\_\_\_

EXISTING USE OF LOT \_\_\_\_\_ NEW USE \_\_\_\_\_

SCOPE OF WORK TO BE DONE CARPORT

**PROJECT**

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

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

LOT 48 BLOCK \_\_\_\_\_ SUBDIVISION TOJAS #2 LOT 48, UNIT 2

SITE ADDRESS 2737 ST. NO. FIR AVE ST. NAME

**CITY USE ONLY**

ZONING \_\_\_\_\_ PERMIT FEE \$ 5920 DOUBLE FEE \$ \_\_\_\_\_ REC'D BY CC

PARK DEV.  PERMIT REVIEW FEE \$ \_\_\_\_\_ DATE 10/15/19

ZONE # \_\_\_\_\_ TOTAL PERMIT FEE \$ \_\_\_\_\_ TIME KLDS

PARK DEVELOPMENT FEE \$ \_\_\_\_\_

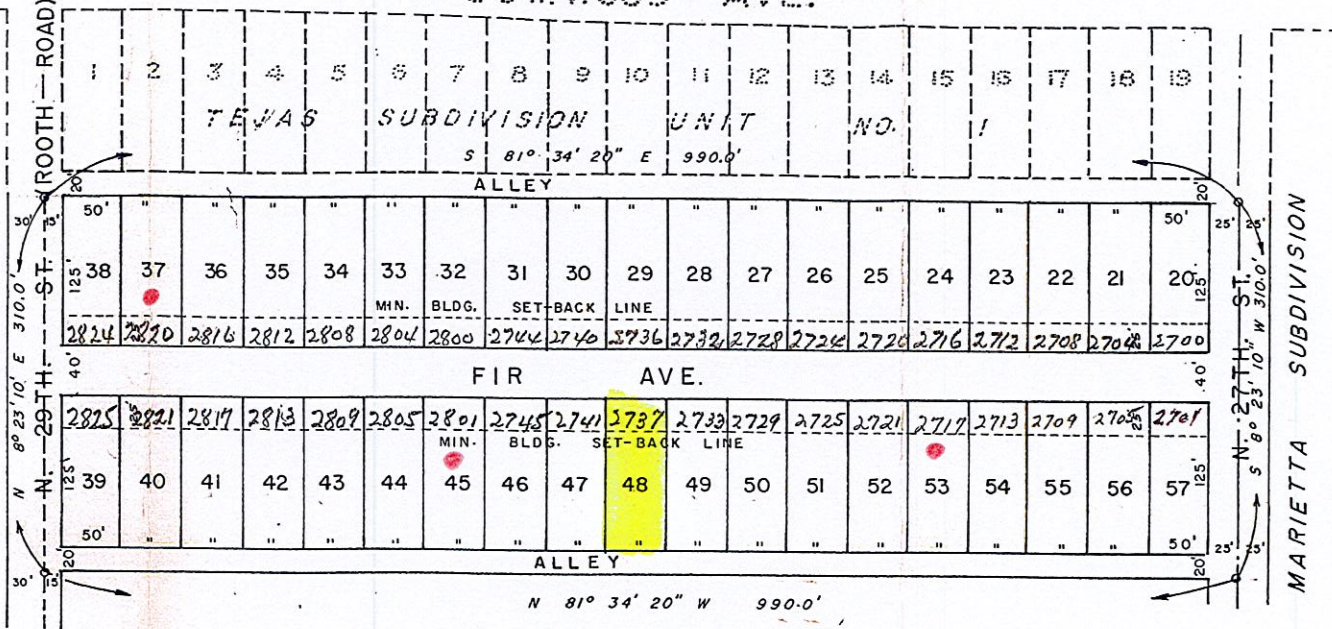
The foregoing is a true and correct description of the improvement proposed by the undersigned applicant and the applicant states that he will have full authority over construction of same. The building permit shall not be held to permit or be an approval of the violation or modification of any provisions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

JUAN SORANO PRINT (AUTHORIZED AGENT/OWNER) [Signature] SIGNATURE SOLHO226@gmail.com EMAIL ADDRESS (required) 10/15/2019 DATE



3793

# GUMWOOD AVE.



**NOTES:**  
 Map of "TEXAS Sub., Unit #1," recorded  
 in Vol. 15, p. 9, Map Records, Hidalgo  
 County, Texas.

**APPROVED**  
 FOR RECORDING  
 [Signature]  
 3-2-65

MAP  
 OF  
 TEXAS SUBDIVISION  
 UNIT NO. 2  
 M ALLEN, TEXAS

BEING A SUBDIVISION OF THE SOUTH 310 FEET OF  
 THE NORTH 475 FEET OF LOTS 69, 70, & 71, BLK.  
 2, C. E. HAMMOND'S SUBDIVISION OF PORCIONES  
 61, 62, 63, & 64, HIDALGO COUNTY, TEXAS.  
 CONTAINING 7.05 ACRES

By: [Signature] March, 1965  
 [Signature]

SCALE: 1" = 100'

DATE: 1-18-65

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

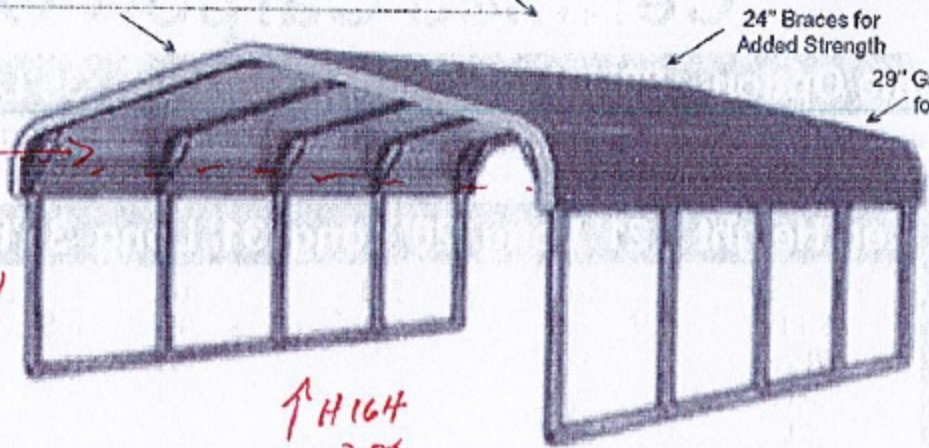
Peak Height Approx. 38in  
Pitch Approx. 3/12

Trim for Finished Appearance

24" Braces for Added Strength

29" Gauge S  
for Roof

ABLE  
DGC  
2 WIDE  
FRONT  
SLOPE  
ONLY



↑ HIGH  
10 FT





**NOTICE  
VARIANCE  
SPECIAL EXCEPTION  
FOR  
THIS PROPERTY  
ZBA2019-0056**  
CITY OF MCALLEN PLANNING DEPT.  
787-811130  
WWW.MCALLEN.NET

2737

2737

DODGE

MCV-6350



# Planning Department

## Memo

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

**FROM:** Planning Staff

**DATE:** January 9, 2020

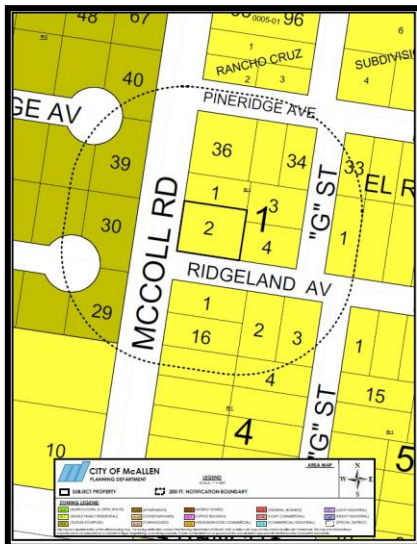
**SUBJECT:** REQUEST OF JUAN A. RUIZ ON BEHALF OF SAN JUANITA RUIZ FOR THE FOLLOWING SPECIAL EXCEPTION AND VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE 1) TO ALLOW AN ENCROACHMENT OF 7.5 FT. INTO THE 10 FT. REAR YARD SETBACK FOR AN EXISTING CARPORT MEASURING 17 FT. BY 31 FT., 2) TO ALLOW AN ENCROACHMENT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

### REASON FOR APPEAL:

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

### PROPERTY LOCATION AND VICINITY:

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



**BACKGROUND AND HISTORY:**

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

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

**ANALYSIS:**

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

Variance #2: The variance request is for a wooden storage building measuring 10 ft. by 12 ft. that is encroaching into the 10 ft. rear yard setback. A 5 ft. utility easement runs concurrently with the 10 ft. rear yard setback. The applicant is requesting a 5 ft. encroachment into the 10 ft. rear yard setback however; the site plan submitted shows a distance of 5 ft. from the storage building to the rear property line.

Variance #3: The variance request is for a wooden storage building measuring 10 ft. by 12 ft. that is encroaching 3 ft. into the 6 ft. side yard setback along the north property line. There are no utility easements within the side yard setback that impact the existing storage building encroachment.

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

**RECOMMENDATION:**

Staff recommends disapproval.

**ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING OF DECEMBER 04, 2019:**

At the Zoning Board of Adjustment and Appeals meeting of December 04, 2019 the Board unanimously voted to table the variance and special exception request to allow the applicant time for clarification of the submitted site plan. There were four members present and voting.

**ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING OF DECEMBER 18, 2019:**

At the Zoning Board of Adjustment and Appeals meeting of December 18, 2019 the Board unanimously voted to withdraw the variance and special exception request in order to re-notice the request since the encroachments on the ground were greater than what had been requested by the applicant. There were five members present and voting.

ZBA 2019-0060

ZBDA  
12/4/19



# City of McAllen

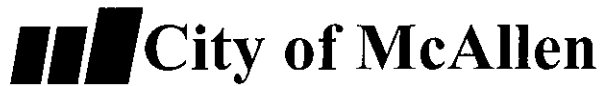
## Planning Department

### 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>El Rancho Santa Cruz PH4 Lot 2 BIK 1</u>
	Subdivision Name <u>El Rancho Santa Cruz</u>
<b>Applicant</b>	Street Address <u>3113 S. McColl Rd - McAllen, TX 78503</u>
	Number of lots <u>1</u> Gross acres <u>0.2034</u>
	Existing Zoning <u>R-1</u> Existing Land Use <u>Single Family Home</u>
	Reason for Appeal (please use other side if necessary) _____
	<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input checked="" type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport) <input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required
<b>Owner</b>	Name <u>Juan A. Ruiz</u> Phone <u>(956) 212-8689</u>
	Address <u>3113 S. McColl Rd.</u> E-mail <u>jar4778@yahoo.com</u>
	City <u>McAllen</u> State <u>Tx.</u> Zip <u>78503</u>
<b>Authorization</b>	Name <u>San Juanita Ruiz</u> Phone <u>(956) 225-6481</u> Address <u>3113 S. McColl Rd.</u> E-mail <u>sjruiz270@hotmail.com</u> City <u>McAllen</u> State <u>Tx.</u> Zip <u>78503</u>
	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.  Signature <u>[Signature]</u> Date <u>10-25-19</u> Print Name <u>Juan A. Ruiz</u> <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Authorized Agent
<b>Office</b>	Accepted by <u>[Signature]</u> Payment received by _____ Date _____
	Rev 10/18 <div style="text-align: right;">             BY: <u>CW</u> </div>



# City of McAllen Planning Department

REASON FOR APPEAL & BOARD ACTION

10-29-2019

5:17pm

J.R.

Carport Property

Wanting 5' Encroachment into  
the 10' rear Setback

+

3' Encroachment into the 6' Side

Setback.

Reason for Appeal

Board Action

Chairman, Board of Adjustment  
Signature

Date

\_\_\_\_\_

\_\_\_\_\_




October 28, 2019

TO WHOM IT MAY CONCERN:

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

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

Sincerely,



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

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

PERMIT APPLICATION REFERENCE NUMBER RES 2019-04947

06103436 APPLICANT

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

OWNER

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

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

PROJECT

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

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

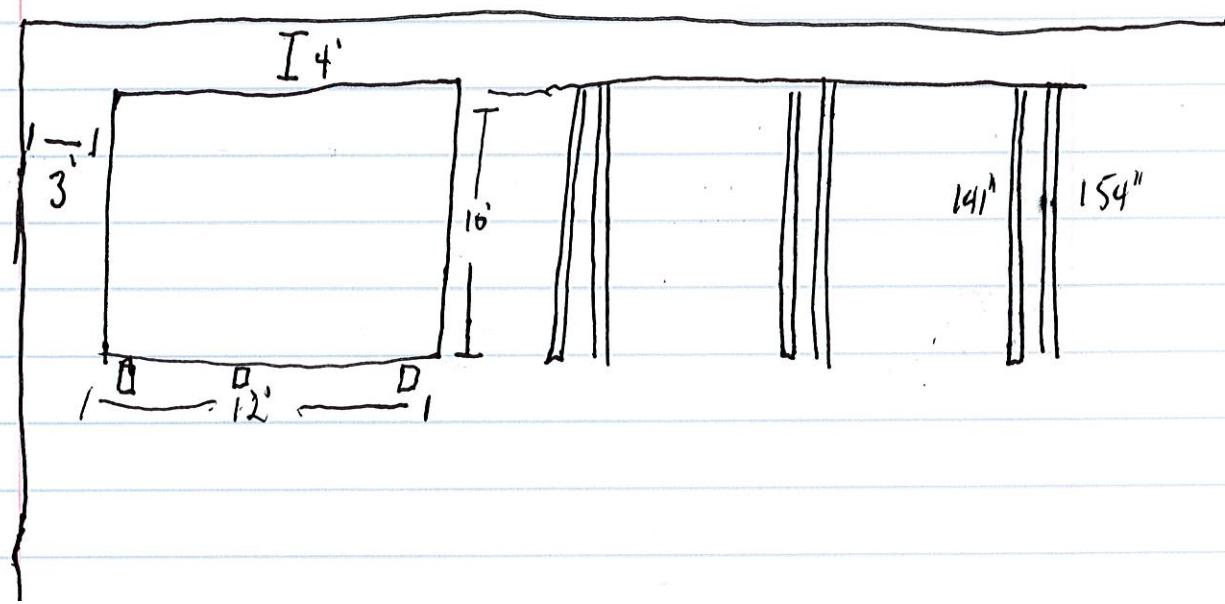
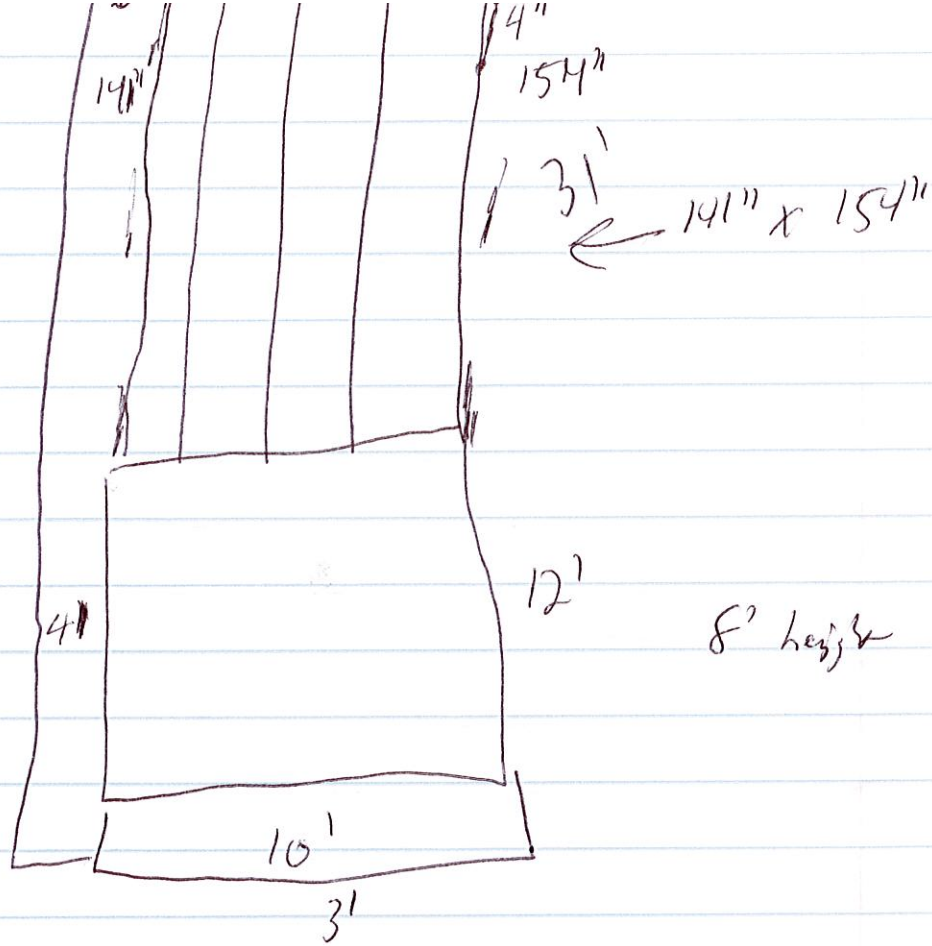
LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ SUBDIVISION \_\_\_\_\_  
 SITE ADDRESS ST. NO. 3113 ST. NAME S. McCOY RD

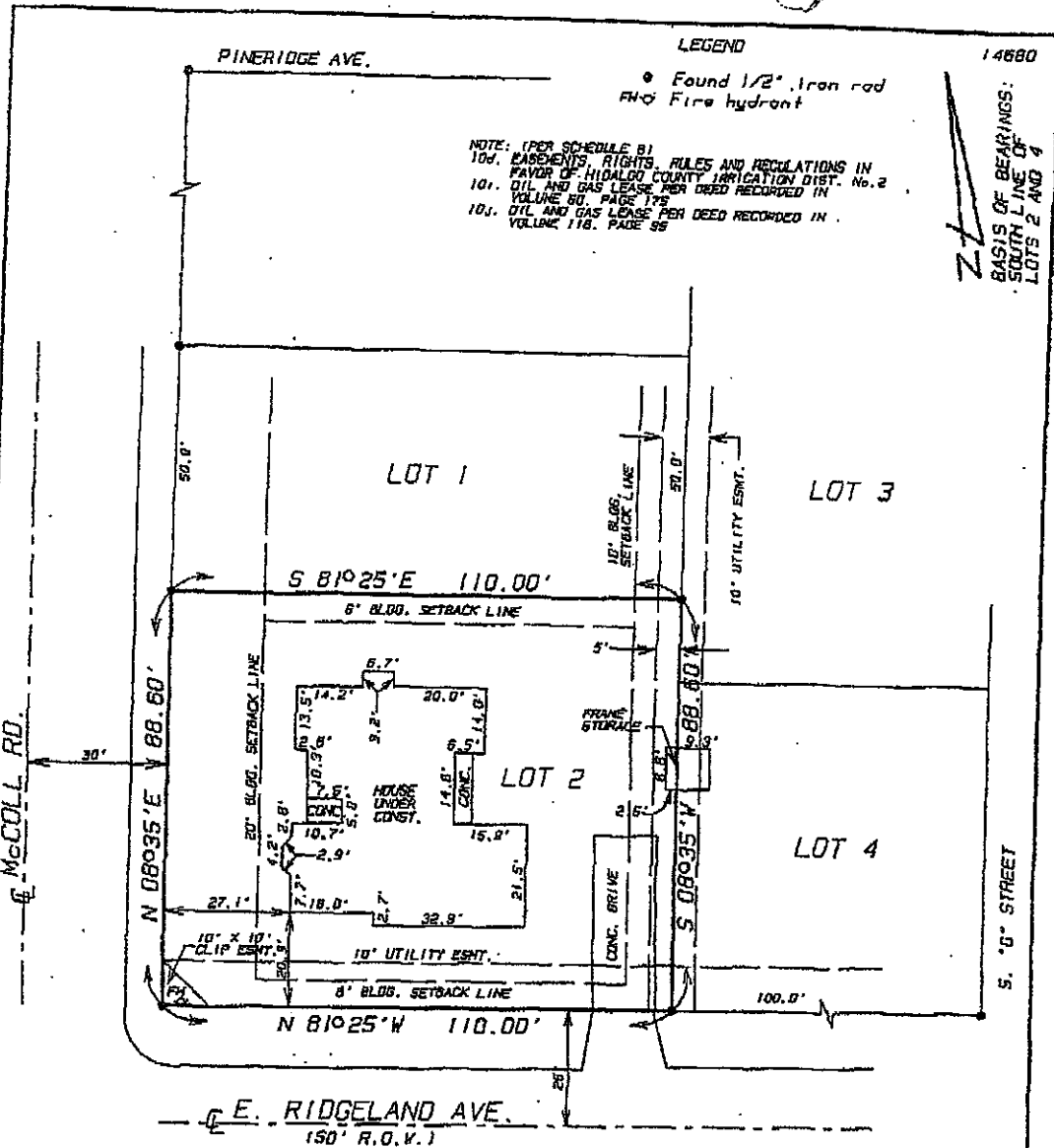
CITY USE ONLY

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

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

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





LEGEND  
 • Found 1/2" Iron rod  
 FH Fire hydrant

NOTE: (PER SCHEDULE B)  
 10. EASEMENTS, RIGHTS, RULES AND REGULATIONS IN FAVOR OF HIDALGO COUNTY IRRIGATION DIST. No. 2  
 10. OIL AND GAS LEASE PER DEED RECORDED IN VOLUME 80, PAGE 175  
 10. OIL AND GAS LEASE PER DEED RECORDED IN VOLUME 118, PAGE 55

14680  
 BASIS OF BEARINGS:  
 SOUTH LINE OF LOTS 2 AND 4

THIS SURVEY WAS PREPARED WITH THE USE OF A TOTAL STATION PROVIDED BY BRUNNEN & ASSOCIATES, AND THE SURVEYOR OF RECORD ASSUMES NO LIABILITY FOR THE ABOVE PROPERTY.

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

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

PREPARED FOR: AMPARO RUIZ AND  
 SAN JUANITA RUIZ

**RRA** R. ROBLES &  
 ASSOCIATES, PLLC  
 PROFESSIONAL LAND SURVEYORS

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

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

SCALE: 1"=30' JOB No. 14680

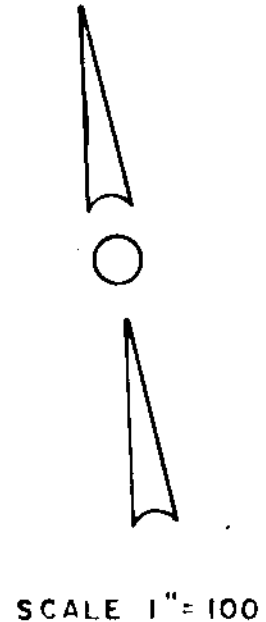
TITLE COMMITMENT No. REVISED:

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

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

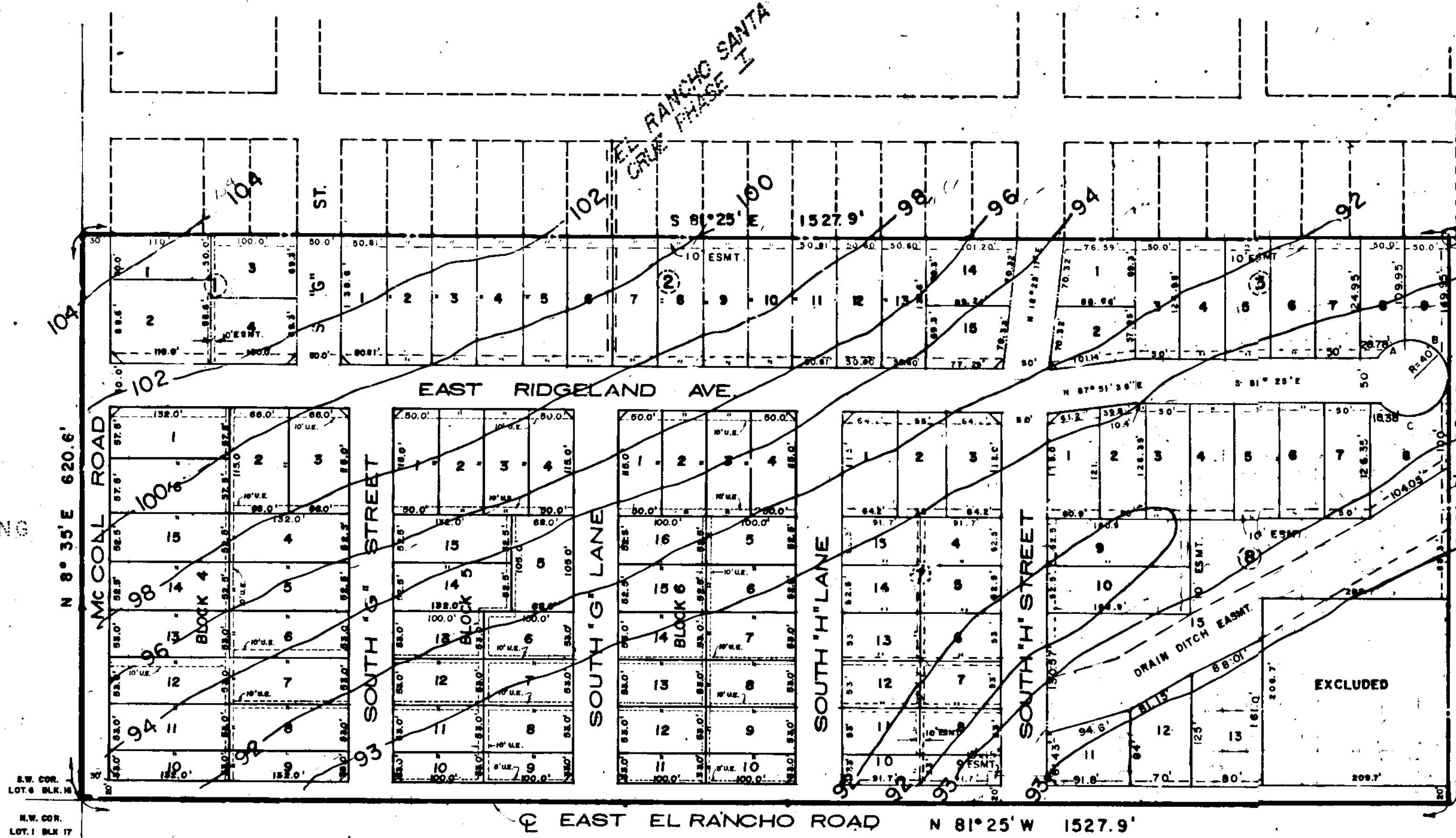
*J Ruiz*

COPYRIGHT 2005



SCALE 1" = 100'

LOT 5 BLK. 16  
STEELE & PERSHING  
SUBDIVISION



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

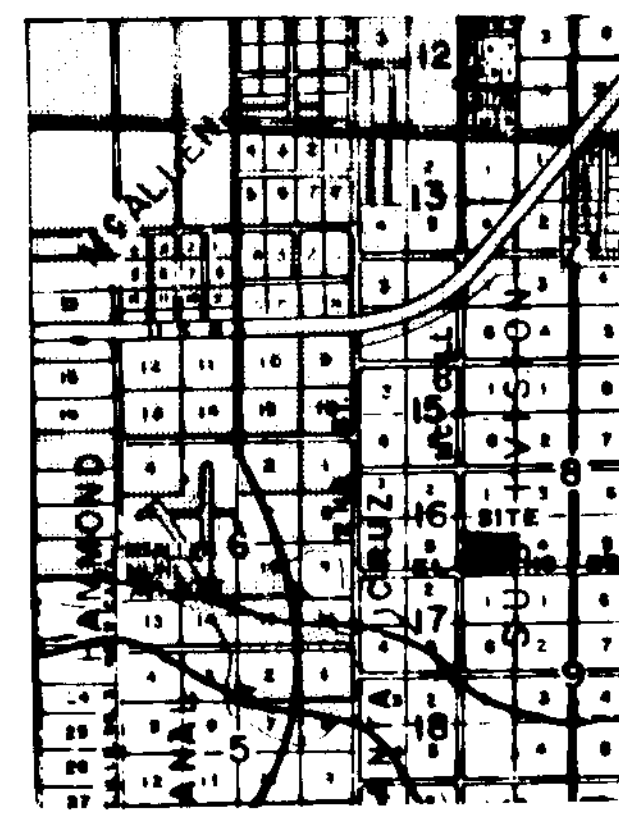
EL RANCHO SANTA CRUZ  
PHASE III

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

# MAP SHOWING EL RANCHO SANTA CRUZ SUBD. PHASE IV

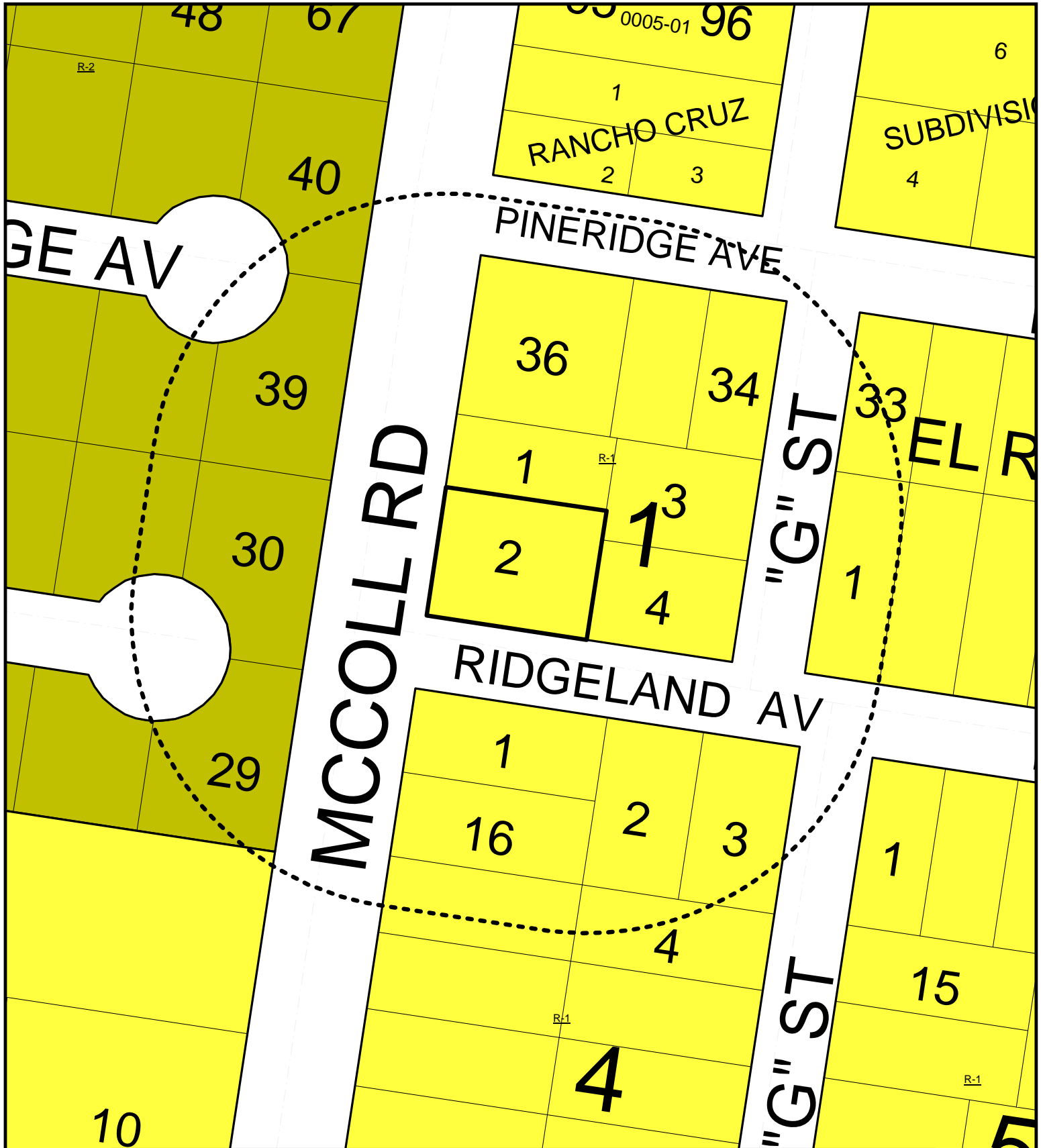
Being A Resubdivision Of 20.76 Acres Of The South 620.6 FT OF The West 1527.9 FT. OUT. Of Lot 6 Block 16  
Steele and Pershing Subdivision out of Porciones 66 and 67 of  
Hidalgo County, Texas.


96014



LOCATION MAP

NOTE






**CITY OF McALLEN**  
PLANNING DEPARTMENT

**LEGEND**  
SCALE: 1" = 500'

**AREA MAP**



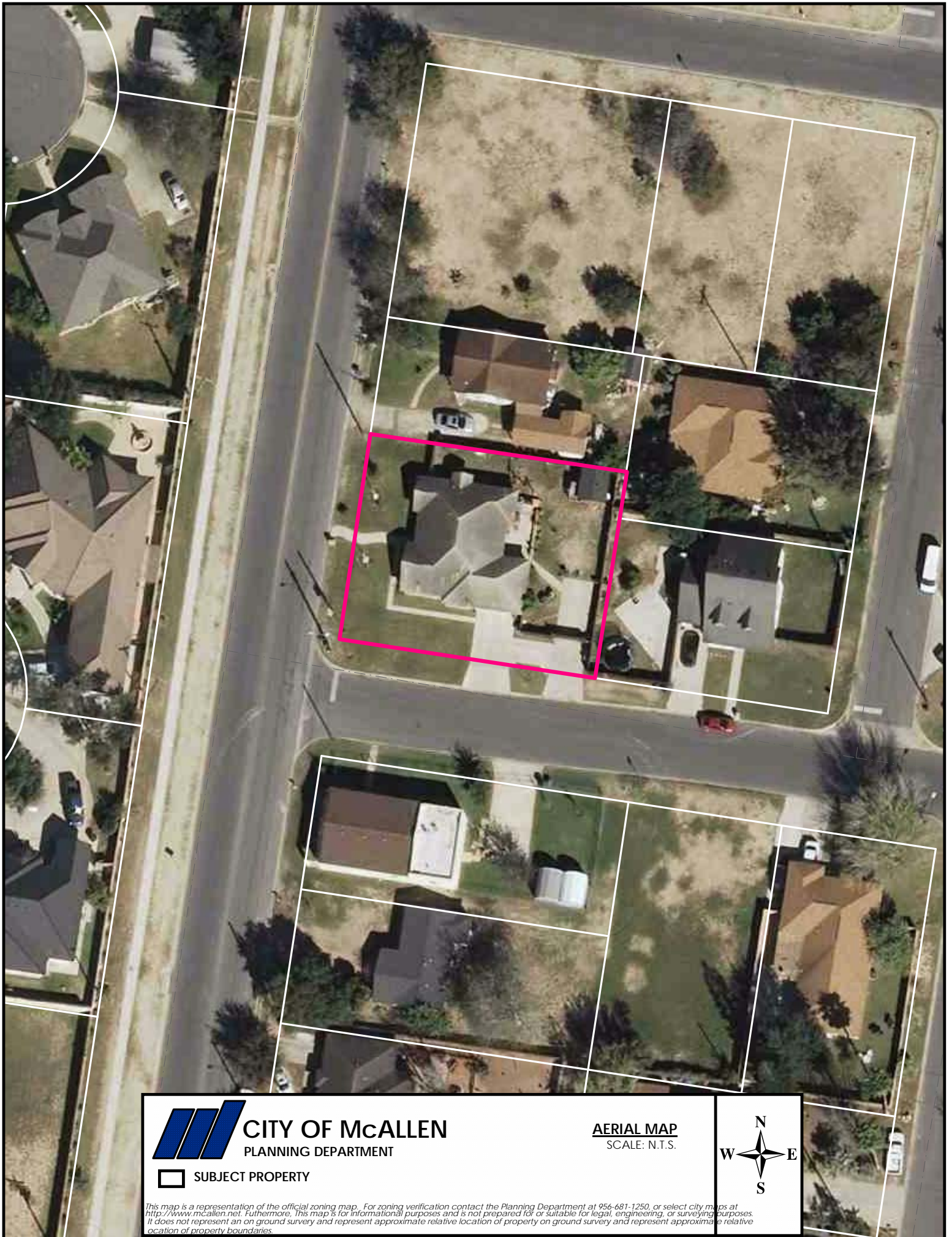
**□** SUBJECT PROPERTY

**⋯** 200 FT. NOTIFICATION BOUNDARY

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



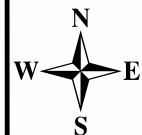


**CITY OF McALLEN**  
PLANNING DEPARTMENT



**SUBJECT PROPERTY**

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



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NOTICE  
VARIANCE  
SPECIAL EXCEPTION  
FOR  
THIS PROPERTY  
ZBA2019-0060

3113







## MEMO

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

**FROM:** Planning Staff

**DATE:** January 10, 2020

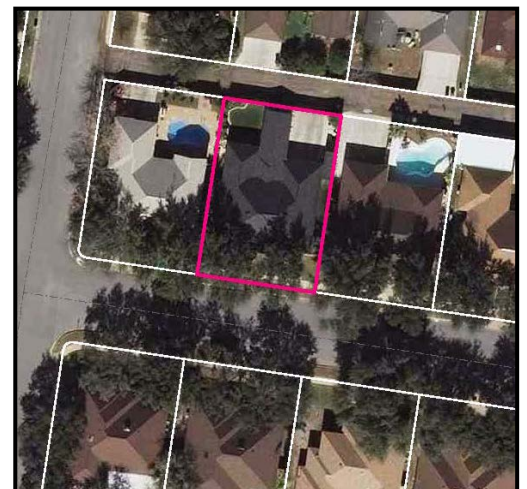
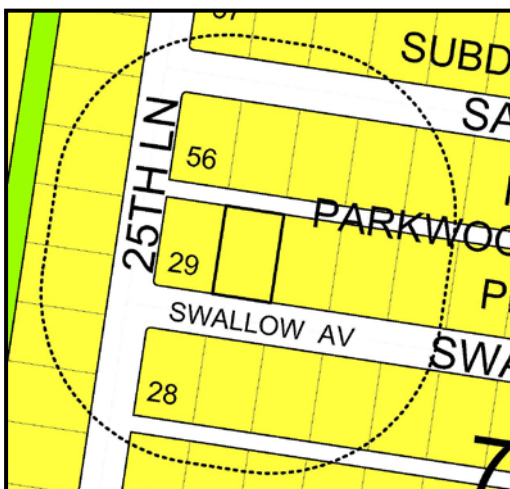
**SUBJECT: REQUEST OF RUBEN H. LAUREL FOR THE FOLLOWING VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE: 1) TO ALLOW AN ENCROACHMENT OF 6 FT. INTO THE 6 FT. SIDE YARD SETBACK FOR AN EXISTING WOODEN STORAGE ROOM MEASURING 9 FT. BY 16 FT., AND 2) TO ALLOW AN ENCROACHMENT OF 4.58 FT. INTO THE 10 FT. REAR YARD SETBACK FOR AN EXISTING COVERED PATIO MEASURING 26.25 FT. BY 13.83 FT. AT LOT 30, PARKWOOD MANOR SUBDIVISION, PHASES 1, 2 & 3, HIDALGO COUNTY, TEXAS; 2508 SWALLOW AVENUE. (ZBA2019-0058)**

### REASON FOR APPEAL

Mr. Ruben H. Laurel, owner and applicant requests the following variances: 1) to allow an encroachment of 6 ft. into the 6 ft. side yard setback for an existing wooden storage room measuring 9 ft. by 16 ft., and 2) to allow an encroachment of 4.58 ft. into the 10 ft. rear yard setback for an existing covered patio measuring 26.25 ft. by 13.83 ft. on the subject property. The applicant indicated that he is requesting the above variances to store household items, and have a gathering place for his family respectively.

### PROPERTY LOCATION AND VICINITY:

The property is located on the north side of Swallow Avenue, approximately 69 ft. east of North 25<sup>th</sup> Lane. The property has 69 ft. of frontage along Swallow Avenue and a depth of 104 ft. for a tract size of 7,176 sq. ft. The property is zoned R-1 (single family residential) District. The surrounding zoning is R-1 in all directions.



**BACKGROUND AND HISTORY:**

Parkwood Manor Subdivision Phases 1, 2 & 3 was recorded on July 25, 1983. The plat specifies a front yard building setback of 20 ft.; 6 ft. side yard setbacks and a 10 ft. rear yard setback. The Environmental Health and Code Enforcement Department issued a Notice of Violation on October 15, 2019 based on the storage room encroaching into the side yard setback. A variance application for the existing wooden storage room was received on October 18, 2019. An application for a building permit was submitted to the Building Permits & Inspections Department on October 16, 2019 for an existing wooden storage room. Subsequently, on January 6, 2020 an application for a building permit was submitted to the Building Permits & Inspections Department for an existing covered patio.

**ANALYSIS:**

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

Variance request # 2 is to allow an encroachment of 4.58 ft. into the 10 ft. rear yard setback for an existing covered patio. The standard setback for the rear yard for a lot in the R-1 zone is 10 ft.

On June 19, 1984, the board approved a variance for 2505 Swallow Avenue (lot 26), which requested an encroachment of 4 in. into the 6 ft. side yard setback for an existing residence.

On August 6, 2009, the board approved a variance for 2421 Swallow Avenue (lot 24), which requested an encroachment of 4 ft. into the 10 ft. rear yard setback for an existing carport.

There are no utility easements inside the property.

Staff has not received any phone calls in opposition from surrounding property owners regarding this variance request.

**RECOMMENDATION:**

Staff recommends disapproval of the variance requests since this may encourage additional structures encroaching into the building setbacks. In addition, the storage building is not on a foundation and can be relocated to meet the building setback requirements. However, if the Board chooses to approve the variances as requested, it should be limited to the proposed encroachments as shown on the submitted site plan.



ZBA 2019-0058

ZBOA  
12/4/19

# 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 30</u>
	Subdivision Name	<u>PARKWOOD MANOR SUB'D.</u>
	Street Address	<u>2508 SWALLOW AVE., McALLEN, TX 78504</u>
	Number of lots	<u>1</u> Gross acres _____
	Existing Zoning	_____ Existing Land Use <u>House</u>
	Reason for Appeal (please use other side if necessary)	<u>excavating into 6th side yard set back. in order to provide clear of driveway to garage</u>
<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport) <input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required		

<b>Applicant</b>	Name	<u>RUBEN H. LAUREL</u>	Phone	<u>956-450-0111</u>
	Address	<u>2508 SWALLOW AVE.</u>	E-mail	<u>RUBENHLAUREL1948@GMAIL.COM</u>
	City	<u>McALLEN</u>	State	<u>TX</u> Zip <u>78504</u>

<b>Owner</b>	Name	<u>RUBEN H. LAUREL</u>	Phone	<u>956-450-0111</u>
	Address	<u>2508 SWALLOW AVE.</u>	E-mail	<u>RUBENHLAUREL1948@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 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>Ruben H. Laurel</u> Date <u>10/18/19</u>
Print Name	<u>RUBEN H. LAUREL</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent	

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

RECEIVED

OCT 18 2019

BY: [Signature] 5:25pm





**City of McAllen**  
***Planning Department***  
**REASON FOR APPEAL & BOARD ACTION**

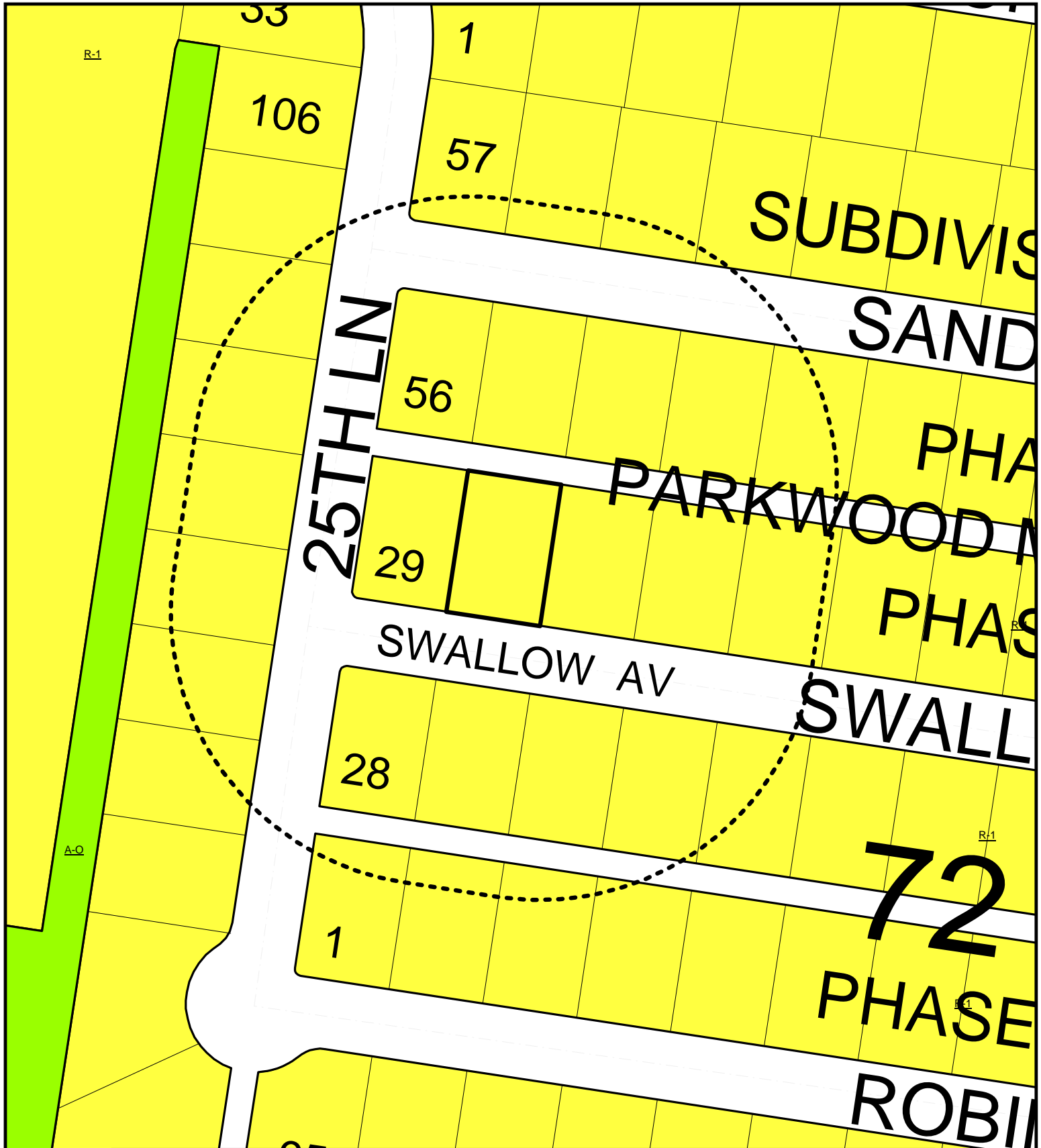
Reason for Appeal

For my <sup>wood frame</sup> tool room 9x16

Board Action

Chairman, Board of Adjustment  
Signature

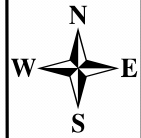
Date



**CITY OF McALLEN**  
PLANNING DEPARTMENT

AREA MAP

**LEGEND**  
SCALE: 1" = 500'



**SUBJECT PROPERTY**

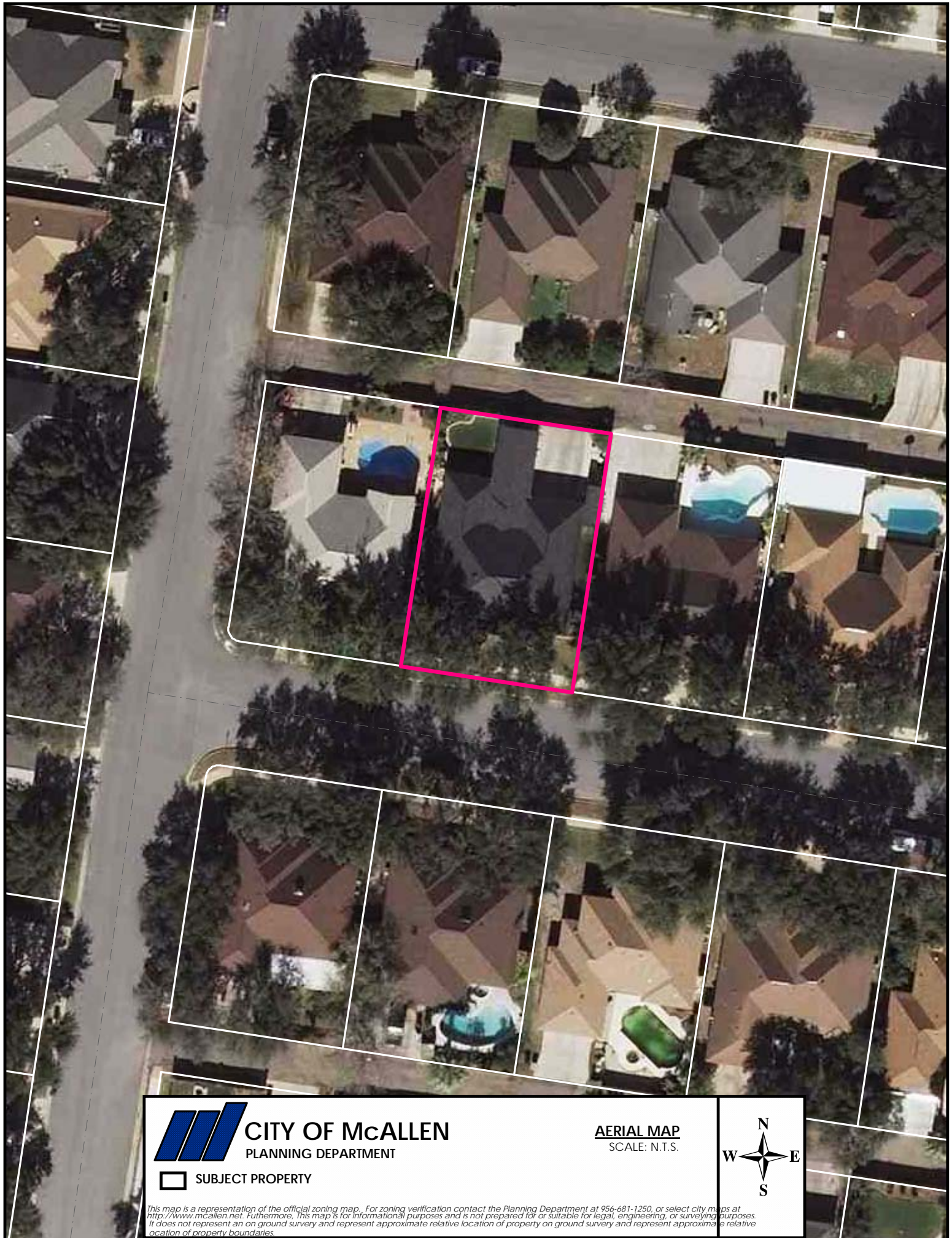
**200 FT. NOTIFICATION BOUNDARY**

**ZONING LEGEND**

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

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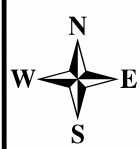




**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

 **SUBJECT PROPERTY**



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2  
↑

Alley

Spine Wall

AKI 10/25/20

10

~~7"~~

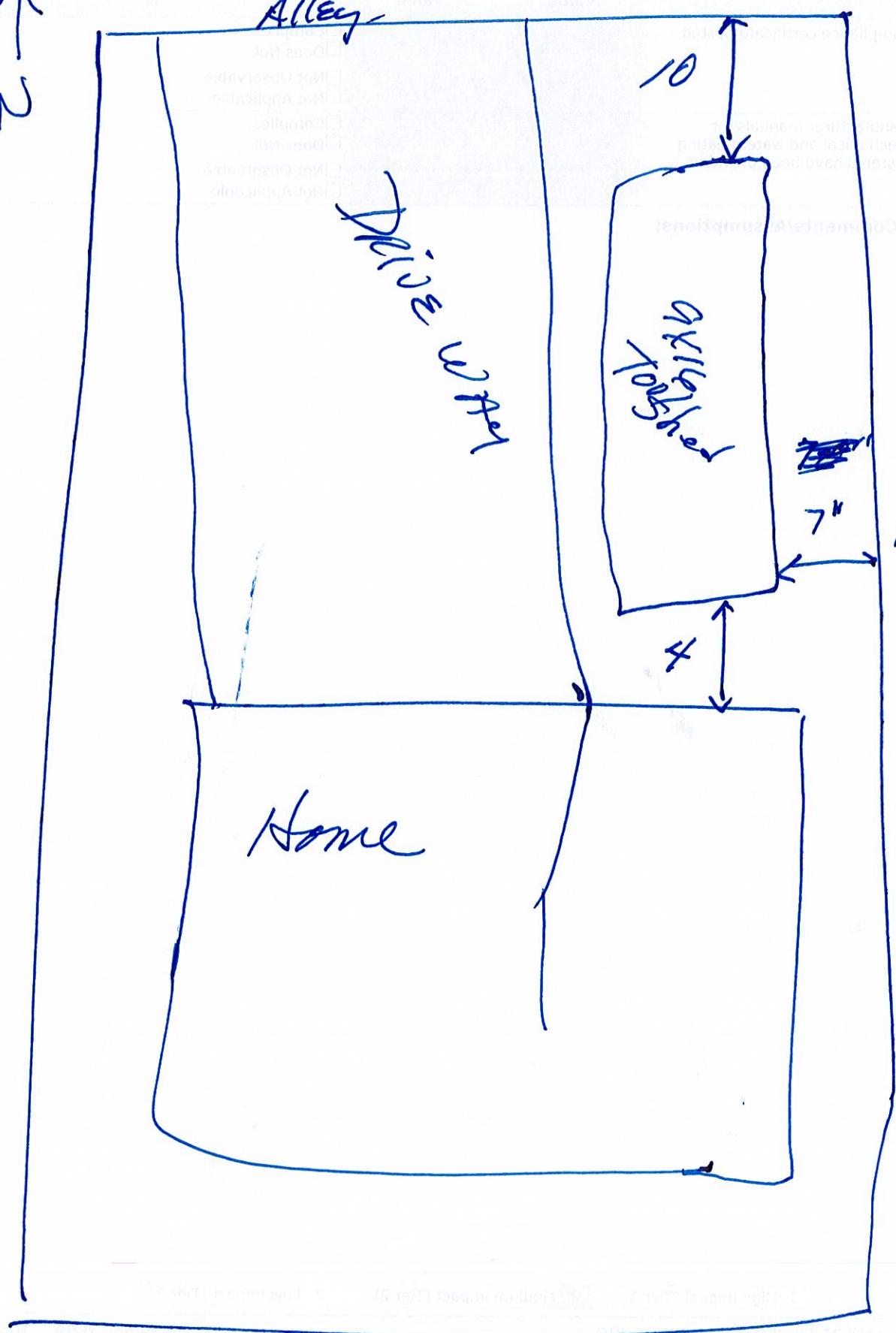
7"

INCHES

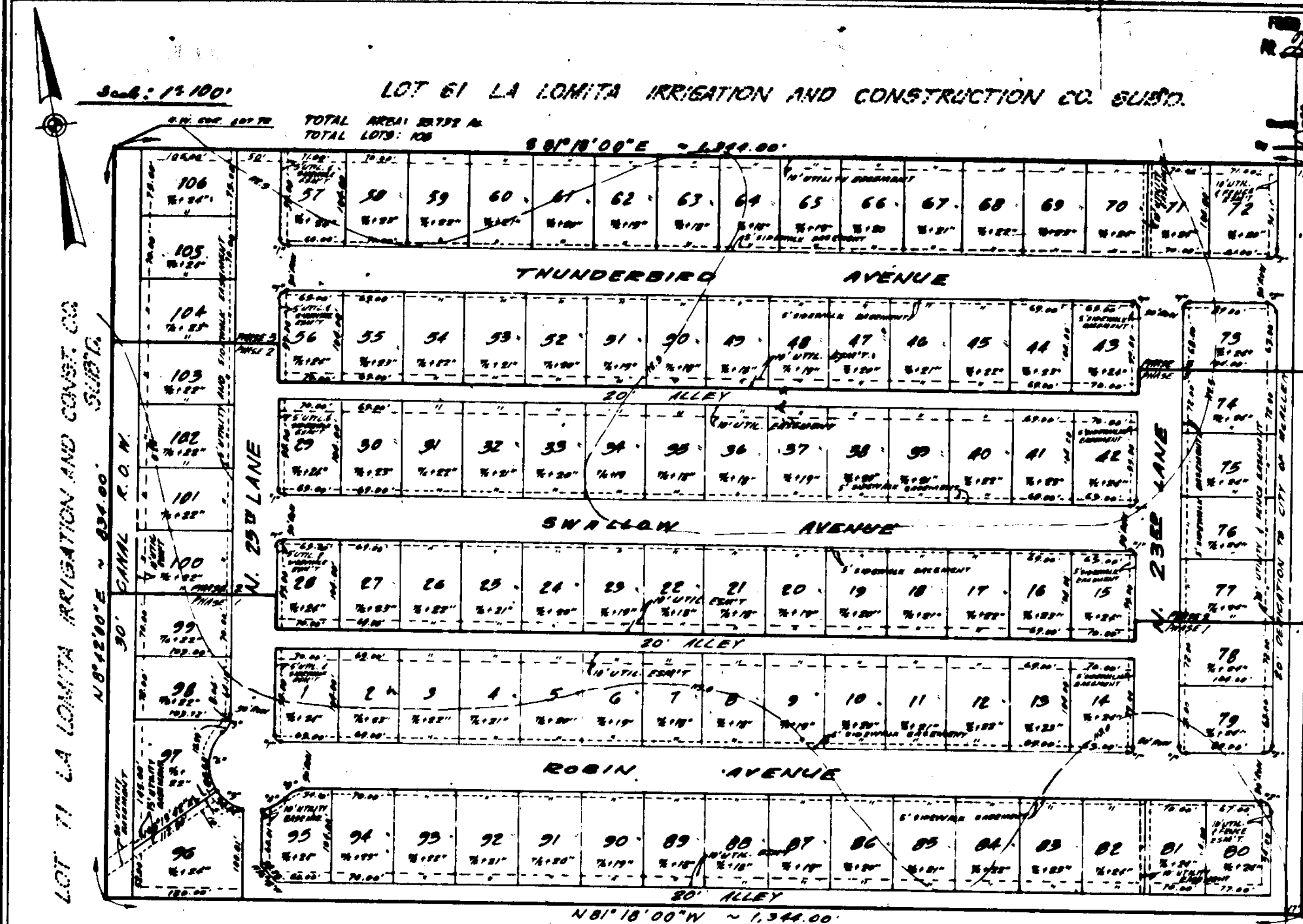
4

Home

SWALLOW AVE

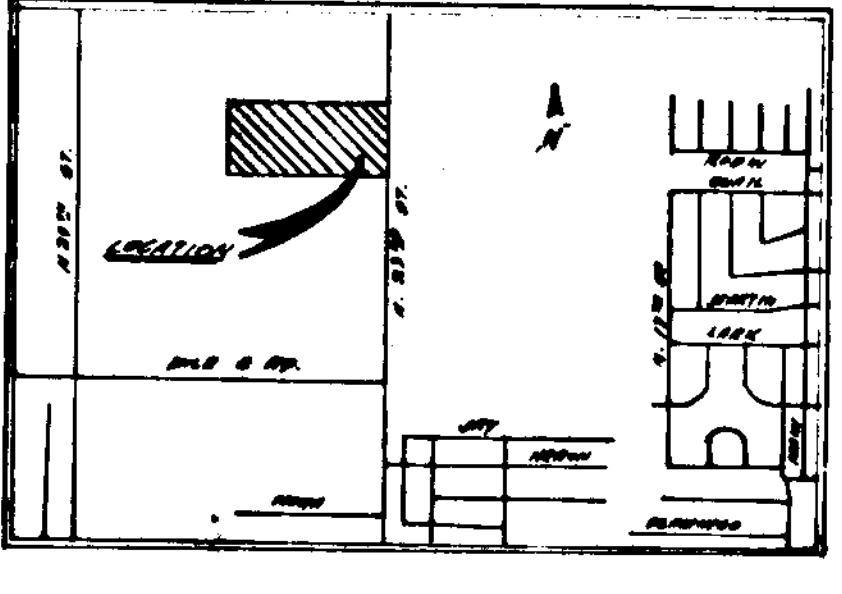






**CURVE DATA**

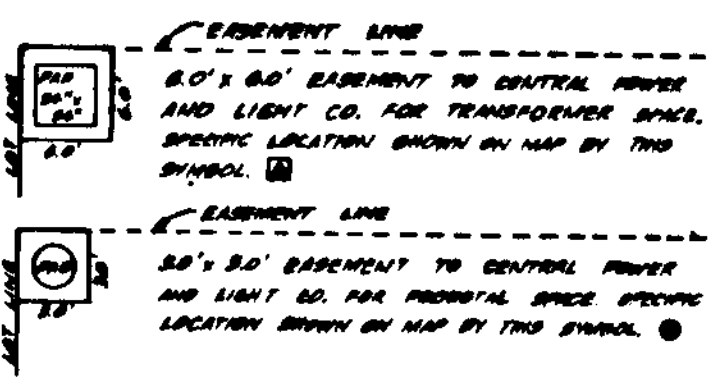
NO.	DELTA	RADIUS	TANGENT	LENGTH
1	20°00'00"	5.00'	8.66'	7.85'
2	20°00'00"	10.00'	17.32'	15.71'
3	78°11'23"	25.00'	47.93'	41.83'
4	78°11'23"	50.00'	95.86'	83.66'
5	54°33'39"	50.00'	76.60'	66.90'
6	54°33'39"	50.00'	76.60'	66.90'



**L.L. RODRIGUEZ and ASSOCIATES, INC.**  
CONSULTING ENGINEERS/PLANNERS/SURVEYORS  
McAllen, Texas

**GENERAL NOTES**

- MINIMUM FLOOR ELEVATIONS SHALL BE SHOWN ON EACH LOT.
- FRONTIARD SETBACKS SHALL BE 20' MINIMUM EXCEPT AROUND CUL-DE-SAC LOTS WHICH SHALL BE 10' MINIMUM UNLESS OTHERWISE SHOWN.
- SIDEYARD AND BACKYARD SETBACKS SHALL BE 6' AND 10' MINIMUM RESPECTIVELY EXCEPT AT CORNER LOTS - SIDEYARD SETBACKS SHALL BE 10' MINIMUM.
- THERE SHALL BE A 10' UTILITY EASEMENT IN THE REAR OF EACH INDIVIDUAL LOT.
- THE CITY OF McALLEN SHALL HAVE A 5' EASEMENT AT ALL STREET INTERSECTIONS.
- A 6' SIDEWALK BUFFER SHALL BE REQUIRED ALONG 23RD STREET.
- LOTS 72 THROUGH 80 SHALL NOT HAVE FRONTAGE OR SIDEWALK ACCESS FROM 23RD STREET.
- A 40' SIDEWALK SHALL BE REQUIRED ALONG THE WEST SIDE OF 23RD AND ALONG BOTH SIDES OF N. 29TH LANE.
- IN THE EVENT IT EVER BECOMES NECESSARY FOR THE CITY OF McALLEN TO UTILIZE THE EASEMENT AREAS ON LOTS 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 FOR CONSTRUCTION, REPAIR, MAINTENANCE, OR INSTALLATION OF UTILITIES IN SUCH EASEMENT AREAS, THE OWNER MAY BE REQUIRED AT HIS COST AND EXPENSE TO REMOVE FROM THE EASEMENT AREAS OBSTRUCTIONS WHICH MIGHT INTERFERE WITH THE USE OF THE EASEMENT.
- CENTRAL POWER AND LIGHT CO. IS HEREBY GRANTED AN EASEMENT AND RIGHT-OF-WAY ON EACH LOT IN SAID SUBDIVISION FOR AN UNDERGROUND ELECTRIC SERVICE LATERAL TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH PURPOSES AT THE RIGHT LOCATION WHICH SUCH SERVICE LATERAL IS TO BE OR IS INSTALLED AND MAINTAINED FROM TIME TO TIME.
- NO BUILDING PERMITS WILL BE ISSUED ON ANY LOT IN PHASE I OR II UNTIL COMPLETION OF PUBLIC IMPROVEMENTS IN THIS PHASE.



**APPROVED**  
Teresa Walker  
Date: Sept. 21, 1982

**SUBDIVISION FLAT OF PARKWOOD MANOR PHASES 1, 2 & 3**

25.72 ACRES OF LAND, BEING THE NORTH 25.72 ACRES OF LOT 72, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS.

STATE OF TEXAS  
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED Teresa Walker 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 EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 21st DAY OF September A.D. 1982.

APPROVED BY DISTRICT CLERK  
THIS FLAT APPROVED BY HIDALGO COUNTY (PHASE I) DISTRICT NO. 1  
ON THIS 24th DAY OF April A.D. 1982  
HIDALGO COUNTY CLERK (PHASE I) DISTRICT NO. 1 WILL NOT BE RESPONSIBLE FOR DRAINAGE OR DELIVERY OF WATER TO ANY LOT IN THIS SUBDIVISION.

APPROVED BY DISTRICT CLERK  
THIS FLAT APPROVED BY HIDALGO COUNTY (PHASE II) DISTRICT NO. 1  
ON THIS 24th DAY OF April A.D. 1982  
HIDALGO COUNTY CLERK (PHASE II) DISTRICT NO. 1 WILL NOT BE RESPONSIBLE FOR DRAINAGE OR DELIVERY OF WATER TO ANY LOT IN THIS SUBDIVISION.

1. THE UNDERSIGNED, MAYOR OF THE CITY OF McALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION FLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN BY APPROVAL IS REQUIRED.

THIS FLAT OF PARKWOOD MANOR PHASES 1, 2 & 3 HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY OF McALLEN, TEXAS AND IS HEREBY APPROVED BY SUCH COMMISSION. DATED THIS 12th DAY OF May A.D. 1982.

STATE OF TEXAS  
COUNTY OF HIDALGO

I HEREBY CERTIFY THAT THIS FLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

REGISTERED PROFESSIONAL ENGINEER  
John H. Martin  
HIDALGO COUNTY, TEXAS

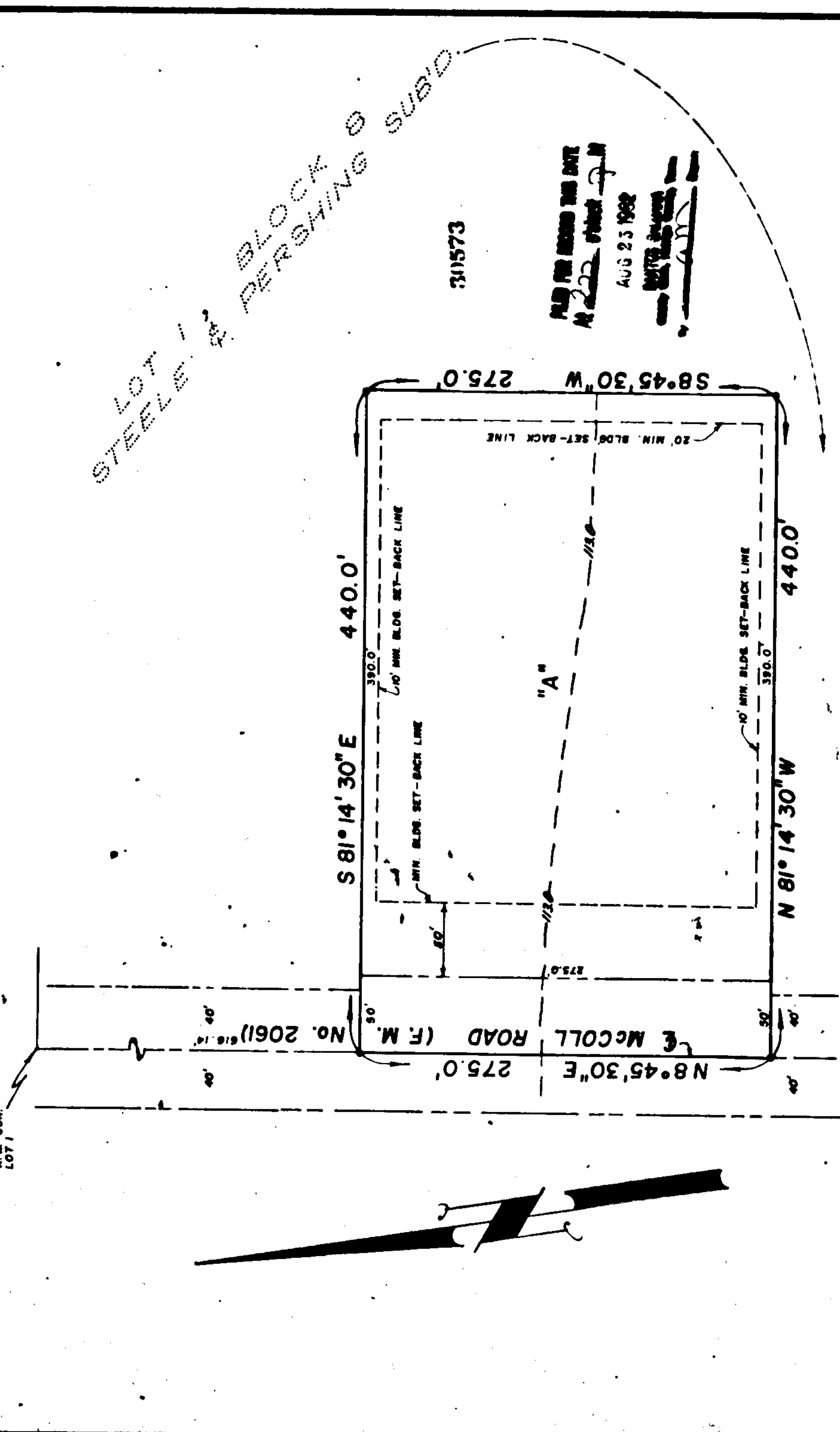
SWORN TO AND SUBSCRIBED BEFORE ME THIS 24th DAY OF April A.D. 1982  
John H. Martin  
HIDALGO COUNTY, TEXAS

CHECKED FOR DRAINAGE BY: Waldo

APPROVED FOR RECORDING BY: Waldo

COMMISSIONER'S COURT  
Date: 21st Sept. 1982  
SANTOS SALAZAR, County Clerk  
Hidalgo County, Texas

Recorded in Book 22 Page 166  
of the map records of Hidalgo County, Texas.  
Madden and Hunt, Inc.  
County Surveyors



**APPROVED**  
FOR RECORDING  
Teresa Walker  
Date: Aug. 23, 1982

**LOS ARBOLES, SUBDIVISION**  
McALLEN, TEXAS  
A 280 ACRE TRACT OF LAND OUT OF THE NORTH 89.14' OF LOT 1, BLOCK 8, STEELE & PERSHING SUBDIVISION, OF PORCIONES 66 & 67 HIDALGO COUNTY, TEXAS

APPROVED BY: Waldo

CHECKED FOR DRAINAGE BY: Waldo

APPROVED BY: Waldo

COMMISSIONER'S COURT  
Date: 21st Sept. 1982  
SANTOS SALAZAR, County Clerk  
Hidalgo County, Texas

Recorded in Book 22 Page 166  
of the map records of Hidalgo County, Texas.  
Madden and Hunt, Inc.  
County Surveyors

STATE OF TEXAS  
COUNTY OF HIDALGO

I, THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAN, AND DESIGNATED HEREIN AS THE "LOS ARBOLES SUBDIVISION, PHASE I," SUBMITTER TO THE CITY OF McALLEN, TEXAS, AND WHOMSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PAWS, WATER COURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN, FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

STATE OF TEXAS  
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED JOE LA MARTA JR. 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 21st DAY OF September A.D. 1982.

APPROVED BY DISTRICT CLERK  
THIS SUBDIVISION FLAT CONFORMS TO ALL REQUIREMENTS OF THE CITY OF McALLEN WHEREIN BY APPROVAL IS REQUIRED.

STATE OF TEXAS  
COUNTY OF HIDALGO

I HEREBY CERTIFY THAT THIS FLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

REGISTERED PROFESSIONAL ENGINEER  
John H. Martin  
HIDALGO COUNTY, TEXAS

SWORN TO AND SUBSCRIBED BEFORE ME THIS 21st DAY OF September A.D. 1982  
John H. Martin  
HIDALGO COUNTY, TEXAS

THIS FLAT APPROVED BY THE HIDALGO COUNTY WATER IMPROVEMENT DISTRICT NO. 1 ON THIS 24th DAY OF April A.D. 1982  
Bill Follis  
SECRETARY









OAKRIDGE  
OAKRIDGE  
OAKRIDGE  
OAKRIDGE  
OAKRIDGE  
OAKRIDGE

















NOTICE  
VARIANCE  
FOR  
THIS PROPERTY  
ZBA2019-0058

CITY OF HOUSTON PLANNING DEPT.  
300.661.1300  
WWW.HOUSTON.MEY

2508

ADT

ADT



**MEMO**

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

**FROM:** Planning Staff

**DATE:** January 9, 2020

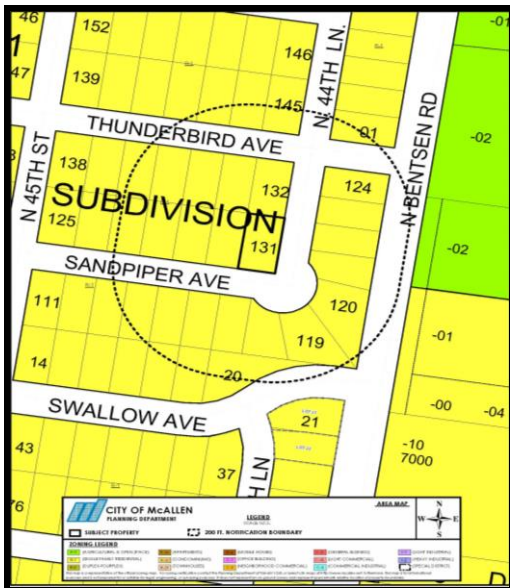
**SUBJECT: REQUEST OF ORALIA RODRIGUEZ FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 25 FT. INTO THE 25 FT. FRONT YARD SETBACK FOR A WOODEN CARPORT WITH DECORATIVE COLUMNS MEASURING 25.0 FT. BY 20.0 FT., AT LOT 131, PLANTATION GAP SUBDIVISION PHASE 1, HIDALGO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

**REASON FOR APPEAL:**

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

**PROPERTY LOCATION AND VICINITY:**

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





**BACKGROUND AND HISTORY:**

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

**ANALYSIS:**

The subdivision plat indicates there is a 5 ft. utility easement that runs along the front property line. The front yard setbacks are important in establishing the character of a single-family neighborhood by providing landscaping to enhance the residence and curb appeal of the street view. Approval of a variance allowing a carport within the front yard may encourage future carports to be constructed in the front yard

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

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

**RECOMMENDATION:**

Staff recommends disapproval of the special exception since the request is not due to special conditions nor the plight of the owner unique.



ZBA 2019-0007

ZBA  
11/20/19.



# City of McAllen

## Planning Department

### APPEAL TO ZONING BOARD OF

### ADJUSTMENT TO MCALLEN ZONING ORDINANCE

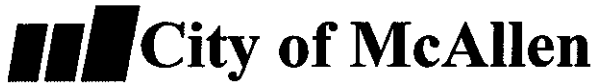
311 North 15<sup>th</sup> Street  
McAllen, TX 78501  
P. O. Box 220  
McAllen, TX 78505-0220  
(956) 681-1250  
(956) 681-1279 (fax)

<b>Project</b>	Legal Description <u>Plantation Gap PH 1 lots 131</u>
	Subdivision Name <u>Plantation Gap PH 1</u>
<b>Applicant</b>	Street Address <u>4400 Sand piper Ave McAllen tx 78504</u>
	Number of lots <u>131</u> Gross acres _____
	Existing Zoning <u>R 1 Single Family</u> Existing Land Use <u>Residential</u>
	Reason for Appeal (please use other side if necessary) <u>Estoy haciendo este tramite por no haber sacado permiso para construir antes de hacerlo</u>
	<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input checked="" type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport) <input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required
<b>Owner</b>	Name <u>Oralia Rodriguez</u> Phone <u>915 867 0305</u>
	Address <u>4400 Sandpiper Ave.</u> E-mail <u>oraliarodriguez@hotmail.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>Oralia Rodriguez</u> Date <u>10/16/2019</u> Print Name <u>ORALIA RODRIGUEZ</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent
<b>Office</b>	Accepted by <u>L.G.</u> Payment received by _____
	Rev 10/18

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

Ret # 226701 Pd \$350





# City of McAllen Planning Department

## REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

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

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

De antemano, muchas gracias por atencion a mi solicitud.

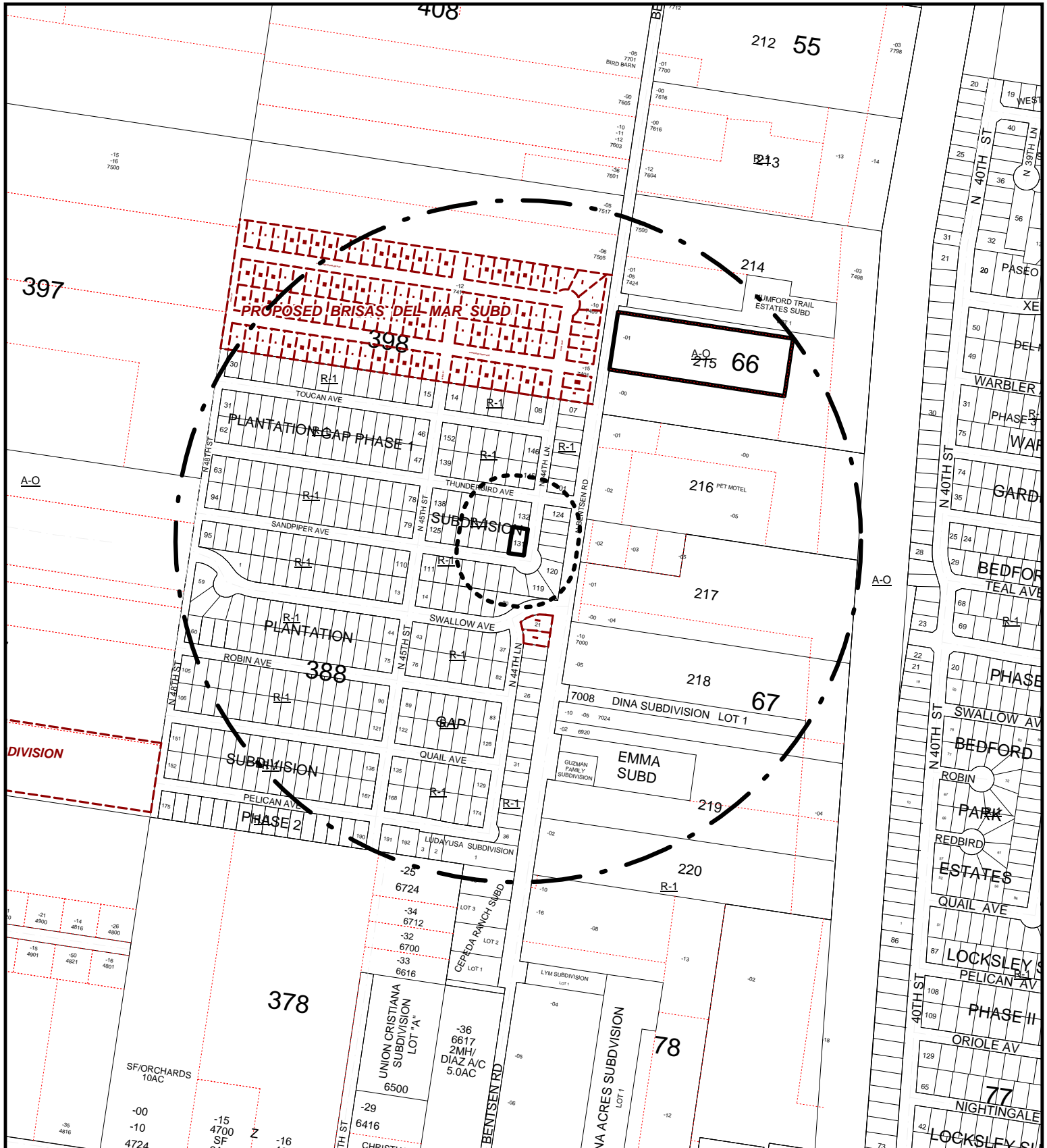
Ruaha Rodriguez

Board Action

Chairman, Board of Adjustment  
Signature

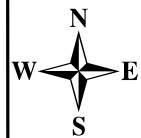
Date





**CITY OF McALLEN**  
PLANNING DEPARTMENT

AREA MAP



**LEGEND**

SCALE: 1" = 500'

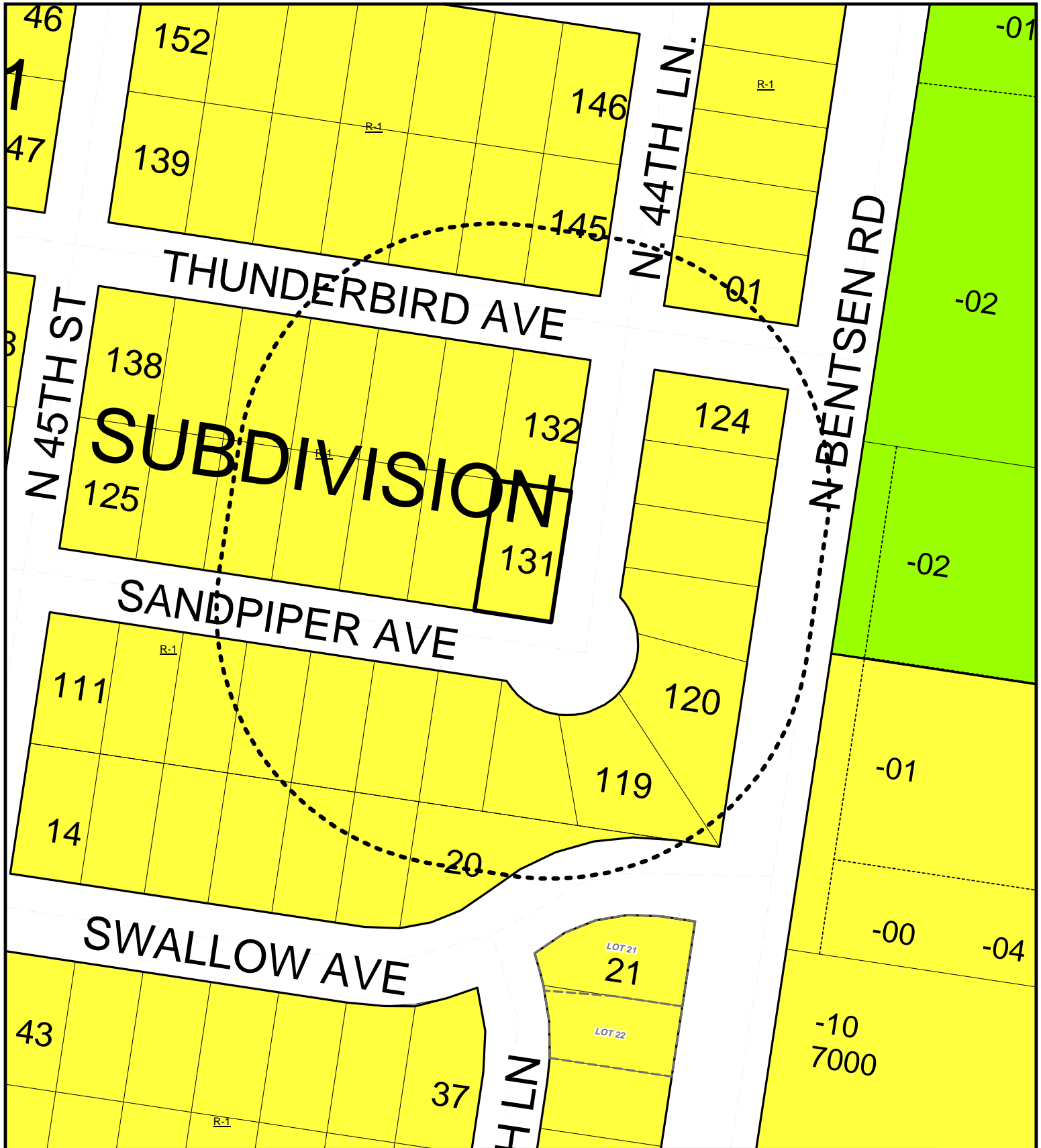
- SUBJECT PROPERTY
- 200 FT. NOTIFICATION BOUNDARY
- 1/4 MILE RADIUS


**ZONING LEGEND**

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

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










**CITY OF McALLEN**  
PLANNING DEPARTMENT

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
















**AREA MAP**



 **SUBJECT PROPERTY**

 **200 FT. NOTIFICATION BOUNDARY**

**ZONING LEGEND**

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

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.



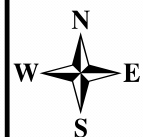


**CITY OF McALLEN**  
PLANNING DEPARTMENT

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



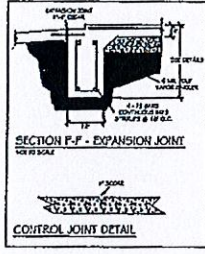
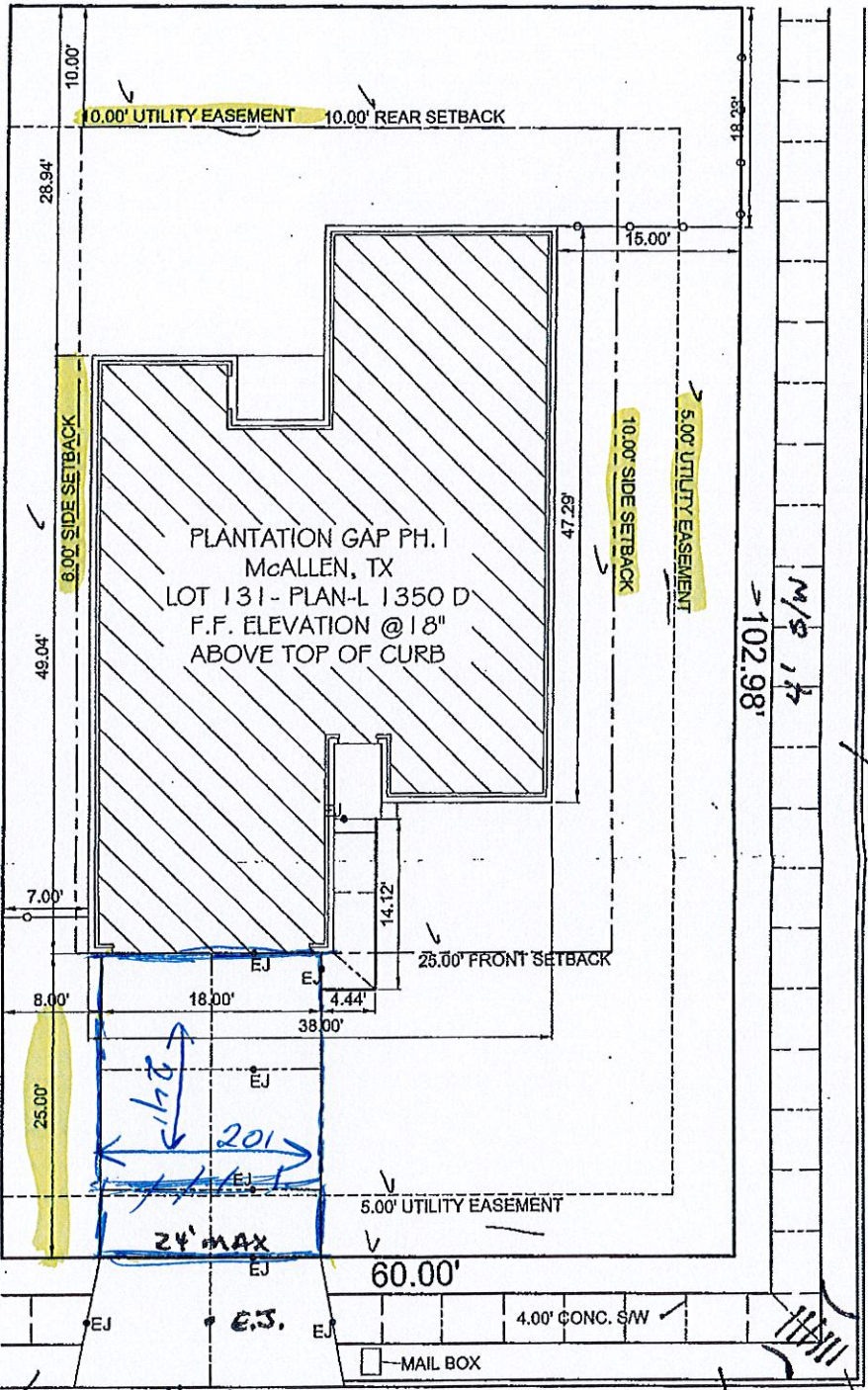
**SUBJECT PROPERTY**



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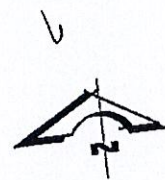
60.00



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

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

**RECEIVED**  
 OCT 16 2019  
 BY: L.G.



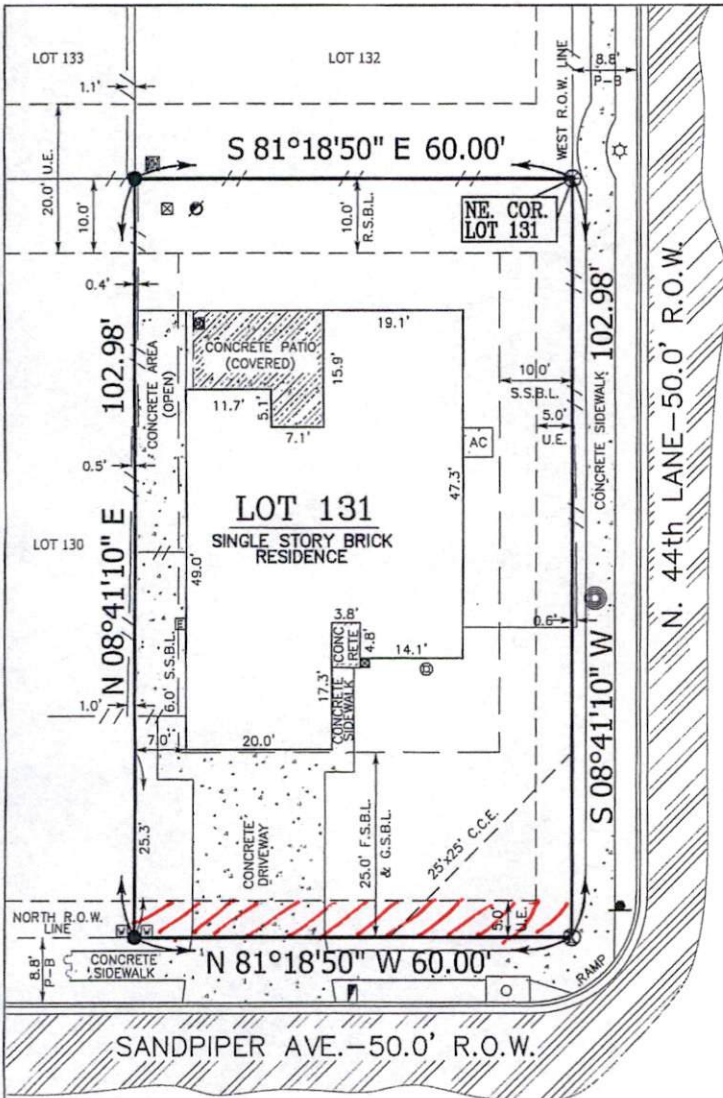
3' B.O.C. SANDPIPER AVENUE 3' B.O.C.

**SITE PLAN**  
 SCALE: 1"=10'

ADA  
 RR  
 RAMP

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





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

SCALE: 1"=20'

**LEGEND**

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

**FLOOD ZONE**

ZONE "C"

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

**NOTES:**

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

ADDRESS: 4400 SANDPIPER AVE.  
 McALLEN, TEXAS 78504

BORROWER:

ALFREDO RODRIGUEZ

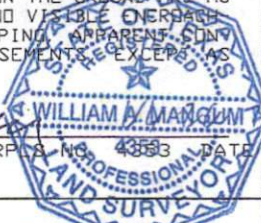
BORROWER:

ORALIA RODRIGUEZ

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

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

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



**W & L MANGUM SURVEYING**

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

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

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

© COPYRIGHT 2017 W & L MANGUM SURVEYING ALL RIGHTS RESERVED





4400

NOTICE  
VARIANCE  
SPECIAL EXCEPTION  
FOR  
THIS PROPERTY  
ZBA2019-0057

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













**Memo**

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

**FROM:** Planning Staff

**DATE:** January 9, 2020

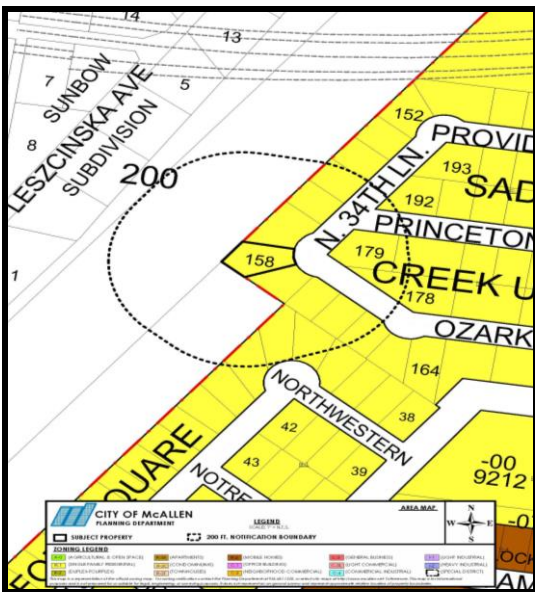
**SUBJECT: REQUEST OF RAMON I. PECINA III ON BEHALF OF ARMANDO CONTRERAS FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF UP TO 2.5 FT. INTO THE NORTH 6 FT. SIDE YARD SETBACK FOR AN EXISTING RESIDENCE, AT LOT 158, SADDLE CREEK UNIT 2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 9315 NORTH 34TH LANE. (ZBA2019-0063)**

**REASON FOR APPEAL:**

Ramon I. Pecina on behalf of Armando Contreras, property owner, has requested a variance to the City Of McAllen Zoning Ordinance to allow an encroachment of up to 2.5 ft. into the north 6 ft. side yard setback. The applicant has indicated that the basis for this request is to allow the existing encroachment to remain.

**PROPERTY LOCATION AND VICINITY:**

The property is located at the intersection of North 34<sup>th</sup> Lane and Ozark Avenue. It is zoned R-1 (single family residential) District. The subject property has a frontage of 38.82 ft. along North 34<sup>th</sup> Lane with a total lot area of 6,643 sq. ft. Surrounding areas are zoned R-1 to the north, west and south and property to the west is outside city limits.



**BACKGROUND AND HISTORY:**



Saddle Creek Unit 2 Subdivision was recorded on February 10, 2003. The applicant applied for the variance on December 11, 2019. A certificate of occupancy was issued by the Building Department on July 29, 2003. A survey done in November 2019 shows the residence encroaching up to 2.5 ft. into the north 6 ft. side yard setback.

**ANALYSIS:**

The subdivision plat indicates that there is a 5 ft. utility easement that runs along the north side of the single family structure concurrently with a 6 ft. side yard setback. The applicant submitted a survey that shows an encroachment of up to 2.5 ft. into the north side yard setback. The applicant submitted an application for an abandonment on December 11, 2019 and it is under review.

The encroachment in question does not appear to be intentional but rather an error on the ground due to improper marking of lot corners, lot lines, or improper setting of string lines. This property may be considered an irregular shaped lot as it is on a partial cul-de-sac making it more difficult to pinpoint property lines and having higher propensity for error in this. A site plan submitted with the building permit was approved showing compliance with the 6 ft. side yard setback. Subsequently, a certificate of occupancy was issued on April 2003. The owner is attempting to clear the title in order to sell the property. The variance request is unique and would not alter the character of the neighborhood. Approval of the variance would clear the title as required for some mortgage companies.

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

**RECOMMENDATION:**

Staff recommends approval of the variance request.



ZBOA  
1/12/2020

ZBA 2019-0063



# City of McAllen Planning Department

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)

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

<b>Project</b>	Legal Description	<u>Lot 158</u>
	Subdivision Name	<u>SADDLE CREEK UNIT 2</u>
	Street Address	<u>9315 N. 34<sup>th</sup> LN.</u>
	Number of lots	<u>1</u> Gross acres <u>0.1525</u>
	Existing Zoning	<u>RES.</u> Existing Land Use <u>RES.</u>
	Reason for Appeal (please use other side if necessary)	<u>NORTH SIDE OF HOME PARTIALLY OVER LAPS 10 TO (5') UTILITY EASEMENT</u>

\$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>RAMON J. PECINA III</u>	Phone	<u>956.844.3870</u>
	Address	<u>1316 QUAIL AVE.</u>	E-mail	<u>RPECINA2011@gmail.com</u>
	City	<u>MCALLEN</u>	State	<u>TX</u> Zip <u>78504</u>

<b>Owner</b>	Name	<u>ANDRADO CONTRERAS</u>	Phone	<u>956.</u>
	Address	<u>9315 N. 34<sup>th</sup> LN.</u>	E-mail	<u>MCS2677@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 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>12/11/19</u>
Print Name	<u>RAMON PECINA III</u> <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Authorized Agent	

<b>Office</b>	Accepted by	<u>[Signature]</u>	Payment received by	_____	Date	<u>RECEIVED</u> <u>DEC 11 2019</u>
	Rev 10/18					<u>CU</u>



600-9106413

10/18/18



# City of McAllen

## Planning Department

### REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

AND INTO THE (6') SIDE YARD SETBACK UP TO (2.5') ENCROACHMENT.

Board Action

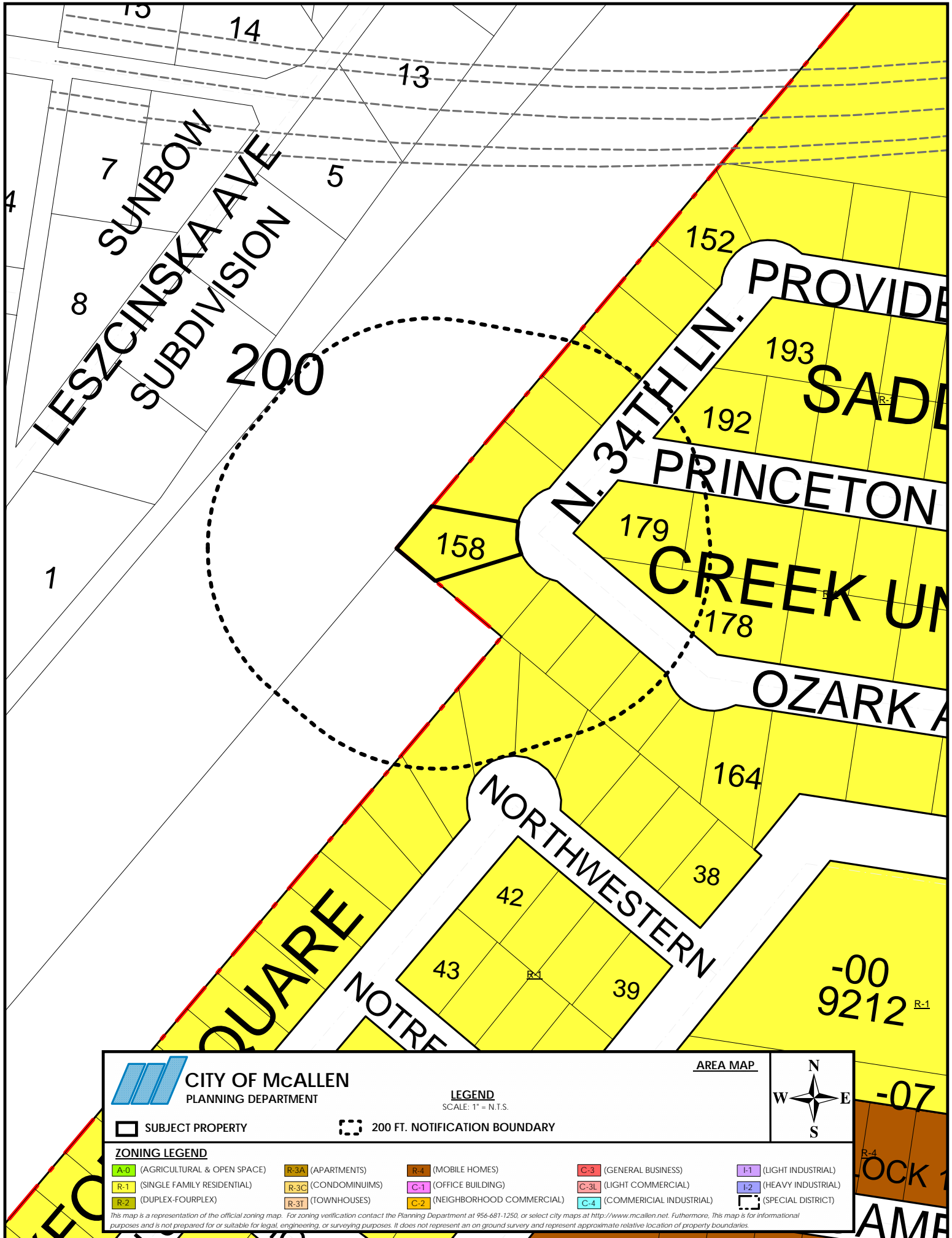
Chairman, Board of Adjustment  
Signature

Date

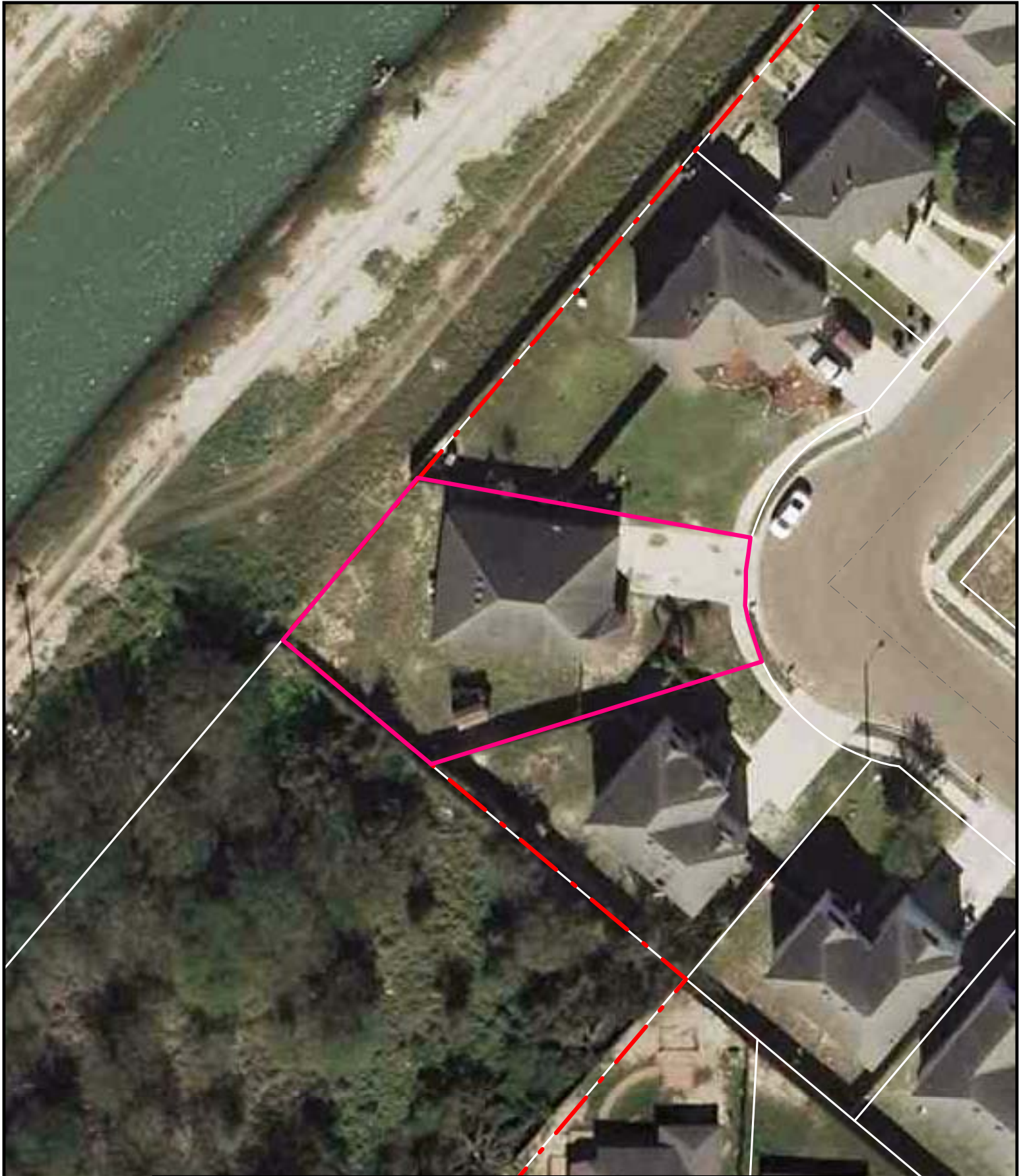
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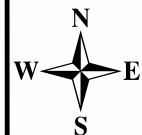


**CITY OF McALLEN**  
PLANNING DEPARTMENT



SUBJECT PROPERTY

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



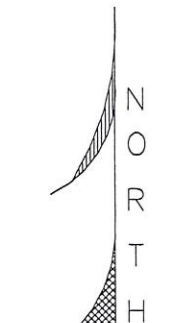
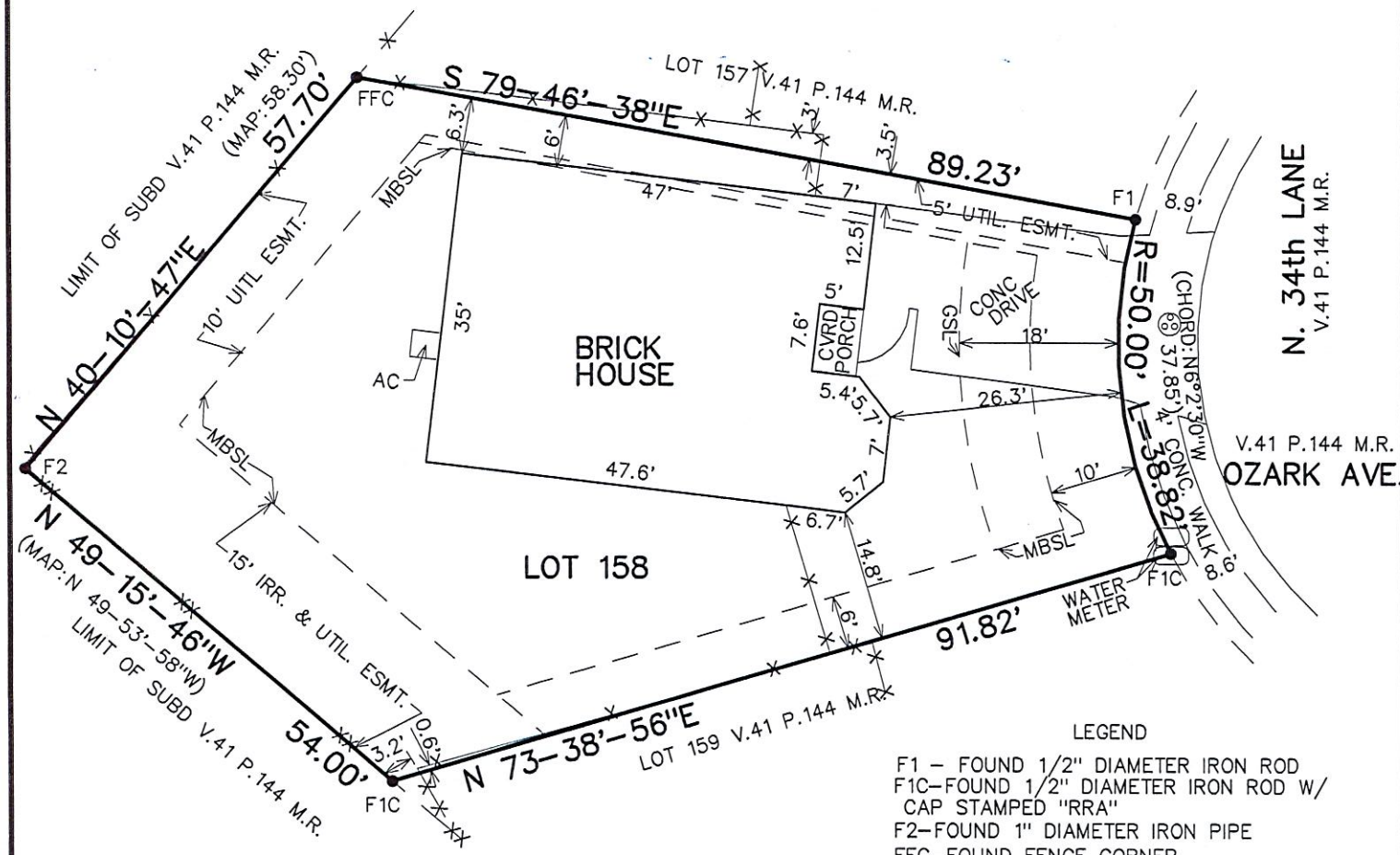
This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying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





# PENA ENGINEERING

FIRM #10087200 · 1001 WHITEWING · P.O. BOX 4320  
(956) 682-8812 · McALLEN, TEXAS 78502 · FAX (956) 631-PENA



SCALE: 1"=20'  
CAD: SADDLE2-158L  
JOB No. 67994

NOTE: BASIS OF BEARING IS THE SOUTH LINE OF LOT 158, SADDLE CREEK UNIT 2 V. 41 P. 144 M.R.

### NOTES:

- 1.) STATUTORY RIGHTS, RULES, REGULATIONS, EASEMENTS AND LIENS IN FAVOR OF HIDALGO COUNTY IRRIGATION DISTRICT NO. 1, PURSUANT TO APPLICABLE SECTIONS OF THE TEXAS WATER CODE. (BLANKET)
- 2.) BLANKET EASEMENT TO MAGIC VALLEY ELECTRIC COOPERATIVE V. 1827 P. 813, V. 1827 P. 817 BOTH DEED RECORDS.

BUYER'S NAME: R&R BUILDERS LLC

FLOOD ZONE: By GRAPHICAL PLOTTING Community Panel No. 480334 0295 D  
Map Revised: June 6, 2000

- Zone "A" - This is to certify that this property is in a flood prone area.
- Zone "B" - This is to certify that this property is not in a flood prone area. However limits between the 100 year and 500 year flood are subject to flooding with average depths less than one foot.
- Zone "X" - This is to certify that this property is not in a flood prone area.

I certify that this plat represents the facts found on the ground at the time of survey and that there are no visible or apparent easements, discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments, or overlapping of improvements or visible easements except as shown on this plat. No subsurface utilities or service connections are shown, © copyright 2019 PENA ENGINEERING this survey was provided in multiple originals solely for the borrower named hereon, In conjunction with the original transaction which shall take place within 6 months after the survey was provided. No license has been created or implied copy this Survey. Survey valid only if print has original seal and signature.

ADDRESS: 9315 N. 34th LN. MCALLEN, TEXAS

LEGAL DESCRIPTION: Lot One Hundred Fifty Eight (158), SADDLE CREEK UNIT 2,  
 City of McAllen, Hidalgo County, Texas,  
 ACCORDING TO THE MAP RECORDED IN VOLUME 41 PAGE 144  
 OF THE Map RECORDS OF Hidalgo COUNTY, TEXAS.

*Pablo Peña III*

11-27-2019  
DATE

PABLO PEÑA III  
REG. PROFESSIONAL LAND SURVEYOR No. 5242









NOTICE  
VARIANCE  
FOR  
THIS PROPERTY  
ZBA2019-0063



**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**

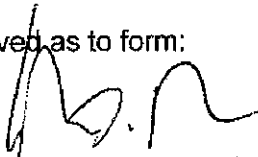
\_\_\_\_\_  
John Ingram, City Commissioner

Attest:



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

Approved as to form:



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





## CRITERIA FOR ZBOA DETERMINATIONS

### APPEALS

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

### SPECIAL EXCEPTIONS

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

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

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

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

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



## VARIANCES

Authorized only when ALL of the following applies:

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



# Definitions

## Table of Contents

<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:

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

--- () ---

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

## Chapter 110-Vegetation

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## Exceptions Cited within the Zoning Ordinance

### Exceptions pertaining to front yard setbacks:

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

### Exceptions pertaining to rear yard setbacks:

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



Exceptions pertaining to side yard setbacks:

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

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

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



## Exceptions as per Planning Department Policy

By policy the following are permitted:

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

Legal opinions:

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



**ZONING BOARD OF ADJUSTMENT AND APPEALS**

**RULES AND PROCEDURES**

**CITY OF MCALLEN**

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

**I. ORGANIZATION AND OFFICERS**

**A. Members**

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

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

**B. Officers**

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

**C. Duties and Officers**

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

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



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

### **A. General Powers**

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

### **B. Specified Powers**

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

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

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

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

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

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

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



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

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

The Board shall decide each case based on the following:

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

#### **V. APPLICANTS**

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

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

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

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

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



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

**C. Meetings**

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

**D. Evidence**

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

**VI. HARDSHIP**

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

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

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

**VII. MEETINGS**

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

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



**B. Quorum**

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

**C. Regular Meetings**

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

**D. Special Meetings**

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

**E. Order of Business**

The usual order of business shall be:

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



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

**F. Staff Recommendations**

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

**G. Action by the Board**

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

**H. Minutes of the Board**

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

**VIII. DECISIONS OF THE BOARD**

**A. Precedent**

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

**B. Public Statements**

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



**B. Parliamentary Procedure**

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

**IX. WITHDRAWAL OF APPEAL**

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

**X. ATTENDANCE**

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

**XI. 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**



## 2019 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

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

P - PRESENT

A - ABSENT

NEW APPOINTMENT

MC - MEETING CANCELLED

NRM - NO REGULAR MEETING

LOQ - LACK OF QUORUM

RS - RESIGNATION





# PLANNING DEPARTMENT

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



## 2020 CALENDAR

### Meetings:

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

### Deadlines:

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

\* Holiday - Office is closed

### JANUARY 2020

### FEBRUARY 2020

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

### MARCH 2020

### APRIL 2020

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

### MAY 2020

### JUNE 2020

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

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



## 2020 CALENDAR

### Meetings:

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

### Deadlines:

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

\* **Holiday** - Office is closed

### JULY 2020

### AUGUST 2020

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

### SEPTEMBER 2020

### OCTOBER 2020

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

### NOVEMBER 2020

### DECEMBER 2020

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

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