

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, JULY 15, 2020 - 4:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3RD FLOOR

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

CALL TO ORDER – CHAIRPERSON DAVID SALINAS

1. MINUTES:

- a) Minutes for the meeting held on July 1, 2020

2. PUBLIC HEARINGS:

- a) Request of Roosevelt Martin, Jr. for the following variance to the City of McAllen Zoning Ordinance to allow an encroachment of 10 ft. into the 25 ft. rear yard setback on a double fronting lot for a proposed covered patio measuring 12 ft. by 15 ft. at Lot 1, Vendome Subdivision, Hidalgo County, Texas; 3501 Vendome Drive. **(ZBA2020-0032)**
- b) Request of Isidoro Arjona Allison for the following variances to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 15 ft. into the 25 ft. rear yard setback on a double fronting lot for a proposed irregular shaped covered porch with clay tile roof construction, and **2)** an encroachment of 15 ft. into the 25 ft. rear yard setback on a double fronting lot for a proposed pergola of wooden construction measuring 15.6 ft. by 30.1 ft. at Lot 34, Cardona at Bentsen Lakes Phase IV Subdivision, Hidalgo County, Texas; 4912 Vermont Avenue. **(ZBA2020-0033)**
- c) Request of Sofia Garza for the following variances to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 20 ft. into the 20 ft. front yard setback for an existing single family residence and an existing porch measuring 6 ft. by 22.4 ft., and **2)** an encroachment of up to 3.5 ft. into the 3.5 ft. side yard setback for an existing porch area measuring 11.7 ft. by 6.2 ft., at Lot 5, Block 3, Colonia Guadalupe Subdivision, Hidalgo County, Texas; 1709 Oakland Avenue. **(ZBA2020-0012) (TABLED: 07/01/2020)**
- d) Request of Jose Alfredo Vargas on behalf of Maria Romana Vargas for the following variances to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 15.75 ft. into the 25 ft. front yard setback for an existing treehouse structure measuring 12 ft. by 11.83 ft., and **2)** an encroachment of 3.25 ft. into the 5 ft. side yard setback along the west property line for an existing treehouse structure measuring 12 ft. by 11.83 ft., at Lot 18, Block 3, Metz Subdivision, Hidalgo County, Texas; 2229 Ivy Avenue. **(ZBA2020-0029) (TABLED: 07/01/2020)**
- e) Request of Maria Isabel Avendano for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 4 ft. into the 6 ft. side yard setback for an irregularly shaped existing carport at Lot 5A, Block 8, Trenton Park Estates Subdivision Phase 1 Amended, Hidalgo County, Texas; 2013 V-W Court. **(ZBA2020-0031) (TABLED: 07/01/2020)**

- f) Request of Richard A. Arciniegas for the following variances to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 15 ft. into the 30 ft. front yard setback for a proposed porch measuring 13 ft. by 14.33 ft., **2)** an encroachment of 26.17 ft. into the 30 ft. front yard setback for a brick barbeque pit measuring 2.66 ft. by 7.25 ft. and **3)** an encroachment of 5.5 ft. into the 7 ft. side yard setback along the south property line for a proposed porch measuring 6 ft. by 33 ft., at Lot 12, Siebring Addition, Hidalgo County, Texas; 821 North 27th ½ Street. **(ZBA2020-0030)**

- g) Request of U.S. Rags, Inc. for a special exception to the City of McAllen Off-Street Parking and Loading Ordinance and a variance to the City of McAllen Zoning Ordinance to allow: **1)** 22 parking spaces instead of the required 36 parking spaces for a proposed commercial building measuring 13,000 sq. ft. and **2)** an encroachment of 10 ft. into the 15 ft. side yard setback along the north and south property lines for a proposed commercial building measuring 13,000 sq. ft. at 0.99 acre tract of land out of Lot 18, Block 3, C.E. Hammond's Subdivision, Hidalgo County, Texas; 2621 South 23rd Street. **(ZBA2020-0013) (TABLED: 04/01/2020) (REMAIN TABLED: 04/15/2020, 5/20/2020, 06/03/2020) (TABLED: 06/17/2020) (REMAIN TABLED: 07/01/2020)**

3. FUTURE AGENDA ITEMS

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, July 1, 2020 at 4:473p.m. in the City Commission Meeting Room with the following present:

Present:	David Salinas	Chairperson
	Erick Diaz	Vice-Chairperson
	John Millin	Member
	Jose Gutierrez	Alternate (via teleconference)

Absent:	Sylvia Hinojosa	Member
	Sonia Falcon	Member
	Juan F. Jimenez	Alternate

Staff Present:	Austin Stevenson	Assistant City Attorney
	Edgar Garcia	Planning Director
	Rodrigo Sanchez	Senior Planner
	Jose H. De la Garza	Planner III
	Omar Sotelo	Planner II
	Kaveh Forghanparast	Planner II
	Carlos Garza	Planner I
	Juan Martinez	Development Coordinator
	Porfirio Hernandez	GIS Technician II
Carmen White	Secretary	

CALL TO ORDER – Vice-Chairperson, Erick Diaz

1. MINUTES:

- a) Minutes for Regular Meeting held on June 17, 2020.

The minutes for the meeting held on June 17, 2020 were approved. The motion to approve the minutes was made by Vice-Chairperson Erick Diaz. Mr. John Millin seconded the motion, which carried unanimously with four members present and voting.

2. PUBLIC HEARINGS:

- a) Request of Sofia Garza for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 16.5 ft. into the 20 ft. front yard setback for an existing single family residence with a porch, at Lot 5, Block 3, Colonia Guadalupe Subdivision, Hidalgo County, Texas; 1709 Oakland Avenue. **(ZBA2020-0012)**

Mr. Garza stated the applicant was requesting a variance to allow encroachments of 20 ft. into the 20 ft. front yard and 3.5 ft. into the 3.5 side yard setback for an existing wooden porch. The applicant stated that the basis for the request is that she wants to provide shade for her 81-year-old grandmother and they were unaware of the need to obtain a building permit or the need to observe setbacks.

The property is located along the south side of Oakland Avenue. The lot has 30 ft. of frontage along Oakland Avenue with a depth of 80 ft. for a lot size of 2,400 square feet. The property

is zoned R-2 (duplex-fourplex residential) District. Adjacent zonings is R-2 District to the north, east, and west. There is R-3A (multifamily residential apartments) District at the northeast corner of Bicentennial Boulevard and U.S. Expressway 83. Surrounding land uses include single-family homes and an apartment complex.

Amended Map of Colonia Guadalupe Subdivision was recorded on July 28, 1944. The plat does not indicate plat notes. The City of McAllen Zoning Ordinance, Section 138-368. - Side yards (f) states that where a lot of record at the time of the effective date of the ordinance from which this chapter is derived is less than 50 feet in width, the required side yard may be reduced to ten percent of the width of the lot, provided that no side yard shall be less than 3½ feet. Building Inspection Department records show that a stop work order was issued for construction without a permit in July 2018. A building permit application was submitted on July 2018 to build a wooden porch. A variance request was submitted on March 04, 2020. The Hidalgo County Appraisal District shows that a canopy was built in 2017. A contractor performed the work and the applicant was unaware that a building permit had not been obtained for the work.

Variance #1 the applicant is requesting an encroachment of 20 ft. in the 20 ft. front yard setback for the wooden porch. The variance request is for an existing wooden porch measuring 6 ft. by 22.4 ft. that is encroaching into the 20 ft. front yard setback. There are no utility and irrigation easements shown on the plat.

Variance #2 the applicant is requesting an encroachment of 3.5 ft. into the 3.5 ft. side yard setback for the wooden porch. The variance request is for an existing wooden porch portion measuring 6.2 ft. by 11.7 ft. that is encroaching 3.5 ft. There are no utility and irrigation easements shown on the plat.

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 the variance request will not change the character of the neighborhood because the neighborhood shows several front and side yard encroachments around the area.

During the inspection of the site, it was noticed that the fence along the front property line appears to extend to the sidewalk, which may be inside of the Oakland Avenue 45 ft. right-of-way.

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

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

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

Staff recommended disapproval of the variance requests.

At this time, Chairperson Salinas informed all the applicants that there were four board members present. In order to be approved, there need to be five board members present. He stated it would be up to the applicant if they preferred to move forward with their request or wait for a full board.

Ms. Sofia Garza, the applicant, stated she wanted to keep the porch for her elderly mother. Her mother goes out and sits under the porch for protection from the sun.

Mr. John Millin inquired if the house had any remodeling done. The applicant stated the house had been there about 28 years and the porch was built a year ago.

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

Chairperson David Salinas inquired if there was anyone present to speak in opposition of the variance request. There was one person present in opposition of the variance request.

Mr. Hector Sanchez, 601 Westway, stated he was in opposition of the porch. His vacant lot was next to the applicant's house. He stated the lots were small and her porch was almost to the edge of the City sidewalk and built the other porch on the east side. Mr. Sanchez stated he was going to be putting up a fence on his property in the front.

Vice-Chairperson Erick Diaz **moved** to table the variance request to allow the applicant an opportunity to have a full board. Mr. Jose Gutierrez seconded the motion. The board voted unanimously to table the variance request with four members present and voting.

- b)** Request of Jose Alfredo Vargas on behalf of Maria Romana Vargas for the following variances to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 15.75 ft. into the 25 ft. front yard setback for an existing treehouse structure measuring 12 ft. by 11.83 ft., and **2)** an encroachment of 3.25 ft. into the 5 ft. side yard setback along the west property line for an existing treehouse structure measuring 12 ft. by 11.83 ft., at Lot 18, Block 3, Metz Subdivision, Hidalgo County, Texas; 2229 Ivy Avenue. **(ZBA2020-0029)**

Mr. Garza stated the subject property had frontage on Ivy Avenue and is approximately 230 ft. away from 23rd street. The lot has 64.1 ft. of frontage on Ivy Avenue and a depth of 115 ft. The property is zoned R-1 (single family residential) District. The surrounding land uses are single-family residences.

Metz Subdivision No's 1, 2, & 3 was recorded on February 12, 1962. A citation for remodeling without a permit was issued on August 22, 2019. The applicant submitted an application for a building permit on August 22, 2019. The variance request was submitted on May 22, 2020.

Variance request # 1 is to allow an encroachment of 15.7 ft. into the 25 ft. front yard setback. There is no utility and irrigation easement shown on the plat. The front yard setbacks are important in establishing the character of a single-family neighborhood by providing landscaping to enhance the residence and curb appeal of the street view of properties in a subdivision. The standard setback for the front yard for a lot in the R-1 District is 25 ft.

Variance request # 2 is to allow an encroachment of 3.25 ft. into the 5 ft. side yard setback for an accessory building that is a treehouse that is built around an existing tree. The standard setback for the side yard for a lot in the R-1 zone is 6 ft.

Accessory buildings are customarily located in the rear yard. Staff had not received any phone calls in opposition to the request.

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

Mr. Jose Alfredo Vargas, the applicant's husband, stated a 10 by 10 foot structure would be a 100 square feet. The treehouse was around the tree internally was 98.7 square feet. The tree itself was almost three stories tall. The treehouse was built two years ago. Mr. Vargas stated it would only be a temporary structure and eventually the wood wear out and would need to be removed.

Vice-Chairperson Erick Diaz mentioned to Mr. Vargas that he could not build houses or structures outside the setback lines. Mr. Vargas stated his gray area was his air rights. Vice-Chairperson Diaz stated that if approved he could build an enclosed structure underneath it. Mr. Vargas stated no because there would no plumbing, electrical or no walls. Mr. Vargas asked how much of an encroachment is he allowed. Chairperson Salinas stated whatever portion of the structure that he built which was the treehouse was encroaching into a setback it would be limited to the encroachment of that structure.

Chairperson David Salinas inquired if there was anyone present to speak in favor of the variance request. There was one person in favor of the variance request.

Ms. Aisis Vargas, the applicant's daughter, stated she liked having the treehouse where she can have free space to spend by herself or with friends. She felt safe.

Vice-Chairperson Diaz mentioned to Mr. Vargas that the issue was if they sold the house, the next owner could enclose it and build a room because it was a buildable area.

Mr. Vargas asked if one he applied for a permit for a temporary structure to be modified, i.e. treehouse, would it have to go a Board.

Mr. Austin Stevenson, legal counsel, stated it does not go before the Board. It goes before the Building Review. If one meets the building codes, then they would be able to build in that area. He recommended as legal counsel to the Board, a special exception that was for carports in which a permit that goes to that person for a specific item. The only issue is that it had to be in our Ordinances and it is not yet. Mr. Stevenson asked the applicant if he did not mind waiting 6 weeks to get it up to City Commission to review it.

Mr. John Millin **moved** to table the variance request until City Commission reviews the Ordinance for a treehouse. Vice-Chairperson Erick Diaz seconded the motion. The board voted unanimously to table the variance request with four members present and voting.

- c) Request of Maria Isabel Avendano for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 4 ft. into the 6 ft. side yard setback for an irregularly shaped existing carport at Lot 5A, Block 8, Trenton Park Estates Subdivision Phase 1 Amended, Hidalgo County, Texas; 2013 V-W Court. **(ZBA2020-0031)**

Mr. Forghanparast stated the subject property was located on the south side of V-W Court at a cul-de-sac, approximately 150 ft. east of North 21st Street. The property had 59.47 ft. of frontage along V-W Court, with a lot size of 7,730 sq. ft. The surrounding land use was residential.

Trenton Park Estates Subdivision Phase 1 Amended was recorded on March 25, 1992. The Appraisal District records showed that the residential home was built in 1993. The carport was built in 2016, according to Google Earth aerial maps. The applicant had received a notice of non-compliance from the Building Department inspector on April 28, 2020, followed by a citation on May 12, 2020, for construction without a building permit. An application for a building permit was submitted on May 12, 2020.

The request was to allow an encroachment of 4 ft. into the 6 ft. side yard setback for an irregularly shaped existing metal carport built in 2016. The setback for the side yard was 6 ft., according to the recorded plat. During the inspection, staff had noticed that the driveway and parking space are not paved. The carport seemed to be slightly sloped towards the adjacent property on the west. However, it did not have an overhang, and as per the site plan, there was a 2 ft. distance between the carport and the property line.

If the request was approved, it might encourage other property owners to apply for a special exception to encroach into the setbacks. The approval of this special exception request was necessary to continue the workflow of the requested building permit.

Staff had received opposition from one neighboring property owner who wished to remain anonymous.

Staff recommended disapproval of the special exception request. However, if the Board chose to approve it, the paving of the driveway and the parking space would be required.

Mr. John Millin inquired staff looked at the surrounding houses in the neighborhood and if the carport be in conformance with the character of the neighborhood. Staff stated there was a carport but it did not encroach into the setbacks.

Vice-Chairperson Diaz mentioned the carport faced the alley and that car that showed on the image coming in from the alley. Staff stated yes that was the only way to enter and exit.

Chairperson Salinas inquired if from 21st Street going down the alley and continue around back up to Warbler Street if those houses were the only entrance or exit from the rear. Staff stated yes.

Ms. Maria Isabel Avendano, the applicant, stated she had the carport built to shade the wall to the bedroom in order to have it cooler. She stated the contractor did not put insulation in the house. In addition, the carport would be to put vehicles underneath. Ms. Avendano stated she had the ground made of caliche and had put concrete squares towards the end of the gate of the alley. The porch was built about 3 years ago. She had lived at that location for 15 years.

Vice-Chairperson Diaz asked the applicant if she could reduce the porch. Ms. Avendano stated no otherwise she would remove it all together. She indicated whether she reduced the porch or removed she did not have the money to do either one.

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

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

Ms. Cynthia R. Gallegos, 2012 Verdin Avenue, stated she had lived there for 33 years and was one of three patio homes on the other side of the alley. She stated that when they backed up into the corner of her fence where there was an electrical box that was in the ground with a cover over it. About three feet over, she had her cable tower, which had been knocked down three or four times. She stated it was a very bad turn into that area. Ms. Gallegos stated the applicant had a cul-de-sac in front, a long carport, two-car garage in front then to make this carport area, which her husband's work vehicle parked there with a portable building. She was against the special exception.

Vice-Chairperson Diaz mentioned to Ms. Gallegos the special exception was for only four feet that encroaches into the side yard setback. If the applicant were to relocate those columns four feet in, then it would not have come before the Board.

Chairperson Salinas stated the property line was in an angle with the rear line. The house was at an angle but not the property line.

Mr. John Millin inquired if the applicant was to remove the carport would they still be able to park a car. Legal counsel stated they would still be able to park there. Mr. Millin inquired if they parked a car there would they have to pave it. Legal counsel stated not if it is in the rear.

Chairperson Salinas mentioned to the applicant that there were only four members present and suggested for her to wait until the next meeting to have a full board. She agreed to wait for a full board.

Vice-Chairperson Erick Diaz moved to table the special exception to allow the applicant an opportunity to have a full board. Mr. John Millin seconded the motion. The board voted unanimously to table the special exception with four members present and voting.

- d) Request of Isaura Vasquez Castillo for the following variances to the City of McAllen Zoning Ordinance: 1) to allow an encroachment of 20 ft. into the 20 ft. front yard setback for a carport measuring 20 ft. by 30 ft.; and 2) to allow an encroachment of 2 ft. into the 6 ft. side yard setback for a carport measuring 20 ft. by 30 ft. at Lot 141, Shadow Brook Subdivision Unit 1, Hidalgo County, Texas; 2024 Hawk Avenue. (ZBA2020-0027)**

Mr. Sotelo stated the subject property was located on the north side of Hawk Avenue approximately 50 ft. east of North 21st Street. The property has 50 ft. of frontage along Hawk Avenue, with a lot size of 5,000 square feet. Surrounding land use are single-family residential.

Shadow Brook Subdivision Unit 1 was recorded on February 25, 1980. The residential home was built in 1984. An application for a building permit and application for the special exception was submitted on May 20, 2020. The adjacent neighbor to the west did apply for

the same variance in February 5, 2014 and the Board disapproved the request, but the carport was never removed.

Request #1 is to allow an encroachment of 18 ft. into the 20 ft. front yard setback, for a proposed carport measuring 18 ft. by 25 ft. The standard setback for the front yard for a lot in the R-1 zone is 20 ft.

Request #2 is to allow an encroachment of 2 ft. into the 6 ft. side yard setback, for a carport measuring 18 ft. by 25 ft. The standard setback for the side yard for a lot in the R-1 zone is 6 ft.

If the requests are approved, this may encourage other property owners in applying for special exceptions to encroach into the front and side yard setbacks. Approval of the special exception request will allow the proposed construction as depicted on the site plan.

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

Staff recommends disapproval of the special exception request.

At the Zoning Board of Adjustment and Appeal's meeting of June 17, 2020, no one appeared in opposition of the special exception request. The applicant was not present. Following discussion the board voted to table the special exception request to allow the applicant time to consider a reduction in the proposed encroachments. There were five members present and voting.

Subsequent to the meeting, the applicant submitted a revised site plan reducing the carport measurements from 20 ft. by 30 ft. to 18 ft. by 25 ft. The revised site plan encroachments are 18 ft. into the 20 ft. front yard setback and 1.67 ft. into the side yard setback along the west property line.

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

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

Mr. Salvador Castillo, the applicant's husband, stated he wanted to build the carport to protect their vehicles from inclement weather. He recently had hail damage to one of his new vehicles. Mr. Castillo stated he was making modifications per staff recommendations. The poles will be at 18 feet, 2 feet away from the property line. The roof would be metal shingles. He would like to do 20 by 20 feet but would like to go an extra five feet in order to go up to the front door for protection of rain. The porch already existed.

Chairperson Salinas asked Mr. Castillo if he knew the distinction between a variance and a special exception. Mr. Castillo did understand the difference. Chairperson Salinas asked him if he wanted to proceed with four members present. Mr. Castillo stated yes.

Vice-Chairperson Diaz asked the applicant if he knew what type of material he wanted to use to build the carport. Mr. Castillo stated out of steel and will be welded 2 feet under with 4 or 6 poles. Vice-Chairperson asked if it was flat. Mr. Castillo stated it would be 9

feet in height.

Mrs. Isaura Castillo, the applicant, stated she had noticed other people built things without obtaining a permit but they wanted to do it the correct way.

Mr. John Millin asked staff if they evaluated the surrounding houses in the neighborhood to be consisted in having a carport. Staff stated there were some that had received variances for carport and porches.

Vice-Chairperson Erick Diaz **moved** to approve the special exceptions #1 and #2. Mr. Jose Gutierrez seconded the motion. The board voted unanimously to approve the special exception with four members present and voting

- e) Request of U.S. Rags, Inc. for a special exception to the City of McAllen Off-Street Parking and Loading Ordinance and a variance to the City of McAllen Zoning Ordinance to allow: **1)** 22 parking spaces instead of the required 36 parking spaces for a proposed commercial building measuring 13,000 sq. ft. and **2)** an encroachment of 10 ft. into the 15 ft. side yard setback along the north and south property lines for a proposed commercial building measuring 13,000 sq. ft. at 0.99 acre tract of land out of Lot 18, Block 3, C.E. Hammond's Subdivision, Hidalgo County, Texas; 2621 South 23rd Street. **(ZBA2020-0013) (TABLED: 04/15/2020, 05/20/2020, 06/03/2020) (TABLED: 06/17/2020)**

Staff stated this item would remain tabled.

FUTURE AGENDA ITEMS:

- a) 3501 Vendome Drive
- b) 4912 Vermont Avenue
- c) 821 North 27th ½ Street

ADJOURNMENT

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

Chairperson
David Salinas

Carmen White, Secretary

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: July 9, 2020

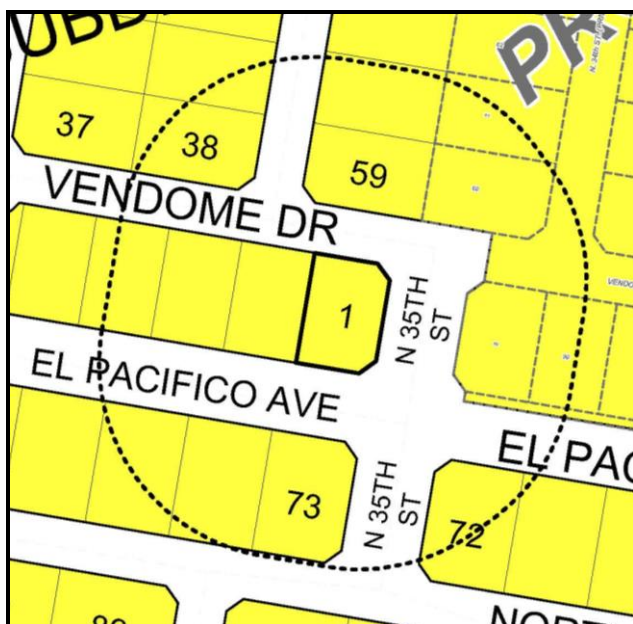
SUBJECT: REQUEST OF ROOSEVELT MARTIN, JR. FOR THE FOLLOWING VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 10 FT. INTO THE 25 FT. REAR YARD SETBACK ON A DOUBLE FRONTING LOT FOR A PROPOSED COVERED PATIO MEASURING 12 FT. BY 15 FT. AT LOT 1, VENDOME SUBDIVISION, HIDALGO COUNTY, TEXAS; 3501 VENDOME DRIVE. (ZBA2020-0032)

REASON FOR APPEAL

The applicant is requesting to encroach 10 ft. into the 25 ft. rear yard setback for a proposed covered patio measuring 12 ft. by 15 ft., since the double front yard requirement limits the area for placement of accessory uses.

PROPERTY LOCATION AND VICINITY:

The subject property is located on the south west corner of N. 35 Street and Vendome Dr. The tract has 65 ft. of frontage along Vendome Dr. and 83.45 ft. of frontage along North 35th Lane with lot size of 8,851 square feet. Surrounding land use are single-family residences.



BACKGROUND AND HISTORY:

Vendome Subdivision was recorded on November 17, 2017. The residential home was completed November 25, 2019. An application for building permit was submitted on June 2, 2020 and a variance application was submitted on June 5, 2020.

ANALYSIS:

Buildings are not permitted to be located within the rear yard. The Zoning Ordinance requires the rear yard setback to be the same as the front yard setback lots for lots with double frontage. The purpose of the additional setback of the rear yard is to separate the main building from the traffic and noise from roadways.

The variance request is to allow an encroachment of 10 ft. into the 25 ft. rear yard setback, there is a 15 ft. Utility Easement along the rear of the property that runs concurrently with the rear yard setback. The proposed covered patio construction will not encroach into the 15 ft. Utility easement. The standard rear yard setback for lots in the R-1 District is 10 ft.

There two location along El Pacifico Avenue that were granted variances to build at 18 ft. and 15 ft. from rear property line, which were approved by the Zoning Board of Adjustment at the meetings of December 7, 2016 and November 15, 2017 respectfully.

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

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

RECOMMENDATION:

Staff recommends approval of the variance request since the proposed covered patio is considered an accessory use and not a living area.

ZBA2020-0032

ZBDA
7.15.20

City of McAllen Planning Department APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project

Legal Description Vendome LOT 1

Subdivision Name Vendome

Street Address 3501 vendome Dr.

Number of lots 1 Gross acres _____

Existing Zoning R1 Existing Land Use Residential

Reason for Appeal (please use other side if necessary) requesting a rear set back of 15ft instead of require 25ft

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

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

Applicant

Name Roosevelt Martin Jr. Phone 956 313-8515

Address 3501 vendome Dr. E-mail anabelmartin2323@yahoo.com

City McAllen State Tx. Zip 78504

Owner

Name Roosevelt Martin Jr. Phone 956 313-8515

Address 3501 vendome Dr. E-mail anabelmartin2323@yahoo.com

City McAllen State Tx. Zip 78504

Authorization

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

Yes No

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

Signature Roosevelt Martin Jr. Date 6-5-20

Print Name Roosevelt Martin Jr. Owner Authorized Agent

Office

Accepted by [Signature] Payment received by _____

Rev 10/18

RECEIVED

Date JUN 05 2020

By CA

City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

I want to construct the patio 12x15 in rear of property. The 25' setback does not allow to do this that why I am requesting a 15' rear

Board Action

Chairman, Board of Adjustment
Signature

Date

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

PERMIT APPLICATION REFERENCE NUMBER RES2020-03753

GL 104011 APPLICANT

NAME Roosevelt Martin Jr. PHONE 936 - 313 - 8515
 ADDRESS 3501 vendome Dr.
 CITY McAllen STATE TX ZIP 78504
 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. 180 NO. PARKING SPACES _____ SQ. FT. LOT _____ LOT FRONT _____ FLOOR EL ABOVE CURB _____
 EXISTING USE OF LOT house NEW USE _____
 SCOPE OF WORK TO BE DONE Patio

PROJECT

RESIDENTIAL NEW _____ NO. OF UNITS _____ NO. BDRMS _____ NO. BATHRMS _____ SQ. FT. NON-LIVING _____ SQ. FT. LIVING _____
 FOUNDATION CONCRETE SLAB CONCRETE PIER CONCRETE BLOCK CONCRETE BEAM WOOD POSTS _____
 EXT WALL MASONRY VENEER MASONRY SOLID METAL SIDING COMPOSITION WOOD _____
 ROOF WOOD SHINGLE COMPOSITION METAL BUILD UP CLAY OR CONCRETE TILE _____
 UPGRADES/OTHER GRANITE COUNTERTOPS MARBLE TUBS/FLOORS CUSTOM WINDOWS POLYURETHANE INSULATION OTHER UPGRADES _____
 SEPTIC TANK EXISTING OR PROPOSED YES NO

LOT _____ BLOCK _____ SUBDIVISION _____
 SITE ADDRESS ST. NO. 3501 ST. NAME Vendome Ave.

CITY USE ONLY

Construction Cost _____ Permit Fee \$ 48.00 Rec'd by [Signature]
 Value \$ _____ Double Fee \$ _____ Date 6/2/20
 Zoning _____ Total Fee \$ _____ Time 11:26
 Park Development Fee \$ _____ Park Zone _____

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

Roosevelt Martin Jr. [Signature] anabelmartin2323@yahoo.com 6/2/20
 PRINT (AUTHORIZED AGENT/OWNER) SIGNATURE EMAIL ADDRESS (required) DATE

PEÑA ENGINEERING

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



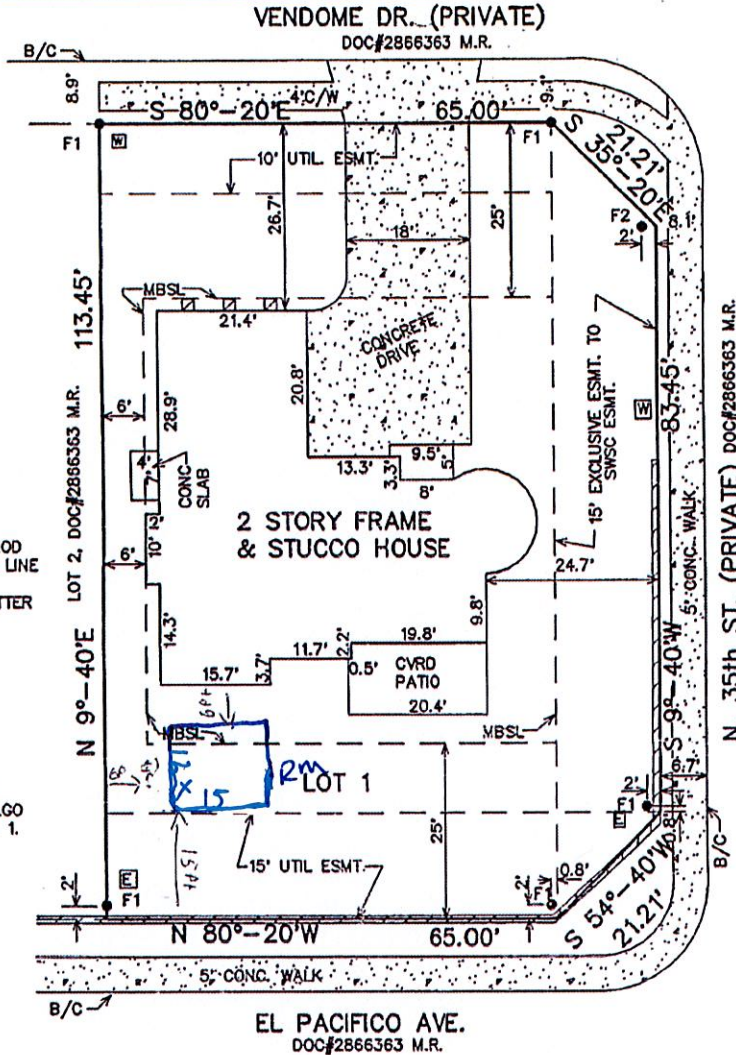
SCALE: 1"=20'
 CAD: VENDOME-1L/E-L
 JOB No. 67507

NOTE: BASIS OF BEARING
 THE WEST LINE OF LOT
 1, VENDOME SUBDIVISION
 (PRIVATE SUBDIVISION)
 DOC#2866363 M.R.

LEGEND

- F1 - FOUND 1/2" DIAMETER IRON
- F2 - FOUND 5/8" DIAMETER IRON ROD
- MBSL - MINIMUM BUILDING SETBACK LINE
- R.O.W. - RIGHT OF WAY
- B/C - BACK OF CONC. CURB & GUTTER
- WM - WATER METER
- EP - ELEC. PEDESTAL
- ▨ - 6' BLOCK FENCE

NOTE:
 1.) EASEMENTS, RIGHTS, RULES AND
 REGULATIONS IN FAVOR OF HIDALGO
 COUNTY IRRIGATION DISTRICT NO. 1.



BUYER'S NAME: ROOSEVELT MARTIN JR. *Roosevelt Martin Jr.*

FLOOD ZONE: By GRAPHICAL PLOTTING COMMUNITY PANEL NO. 480334 0325 D
 MAP REVISED: JUNE 6, 2000

- Zone "A" - This is to certify that this property is in a flood prone area.
- Zone "X" - 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 "C" - 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: 3501 VENDOME DRIVE MCALLEN, TEXAS 78504

LEGAL DESCRIPTION: LOT 1, VENDOME SUBDIVISION (PRIVATE SUBDIVISION), AN ADDITION TO THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS

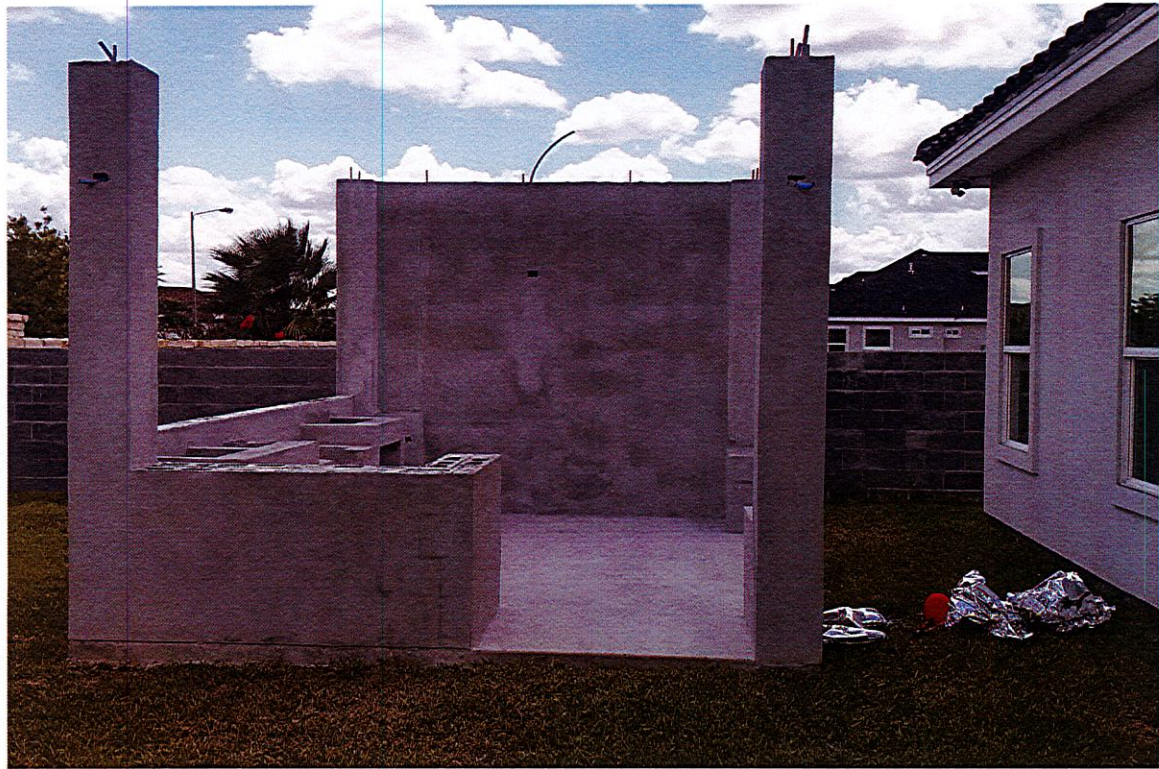
ACCORDING TO THE MAP RECORDED IN DOCUMENT NO. 2866363
 OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS.

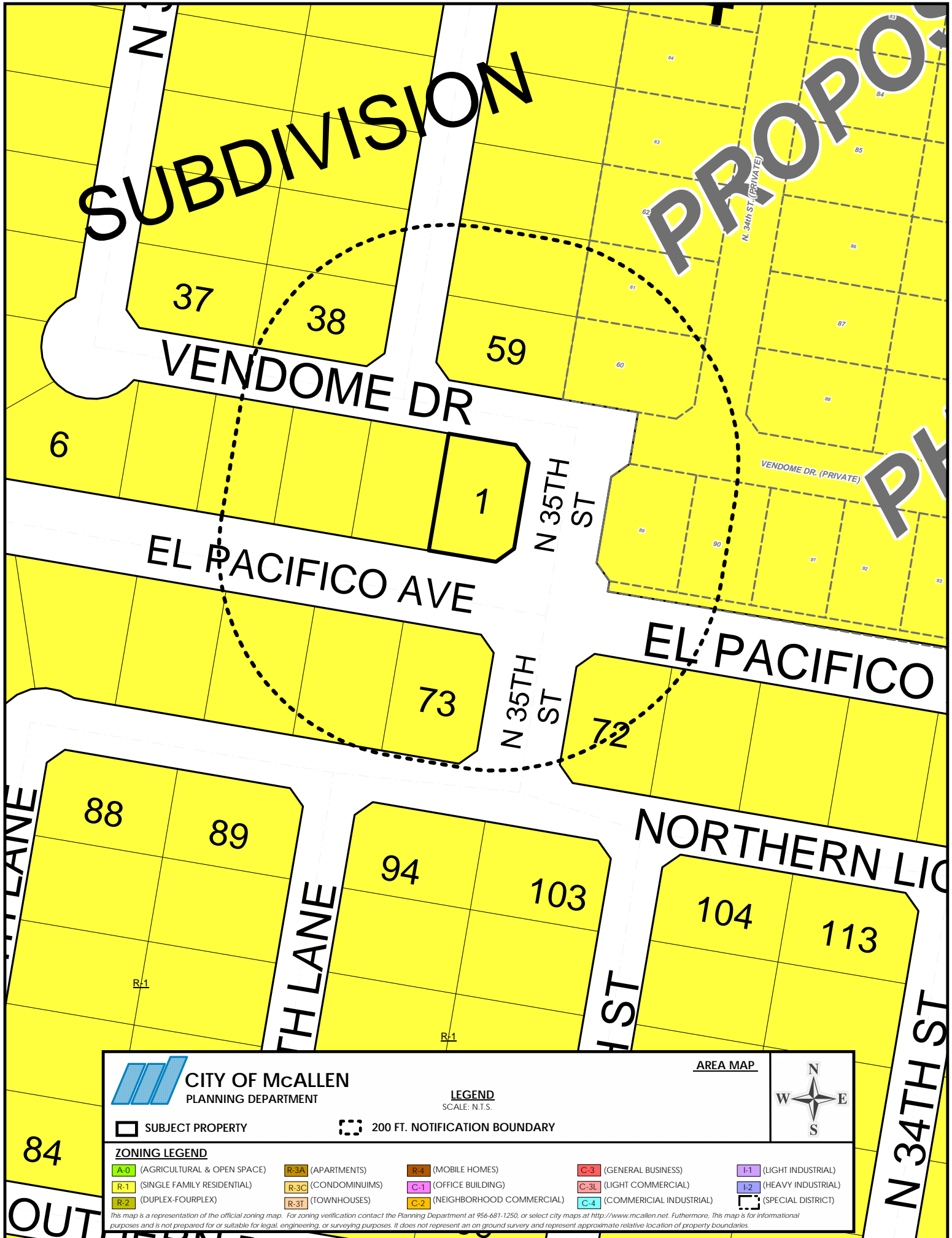
Pablo Peña III

9-30-2019
 DATE

PABLO PEÑA III
 REG. PROFESSIONAL LAND SURVEYOR No. 5242







CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.

AREA MAP



SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

ZONING LEGEND

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

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

SUBDIVISION

PROPOSED

VENDOME DR

EL PACIFICO AVE

EL PACIFICO

NORTHERN LIC

16TH LANE

TH ST

N 34TH ST



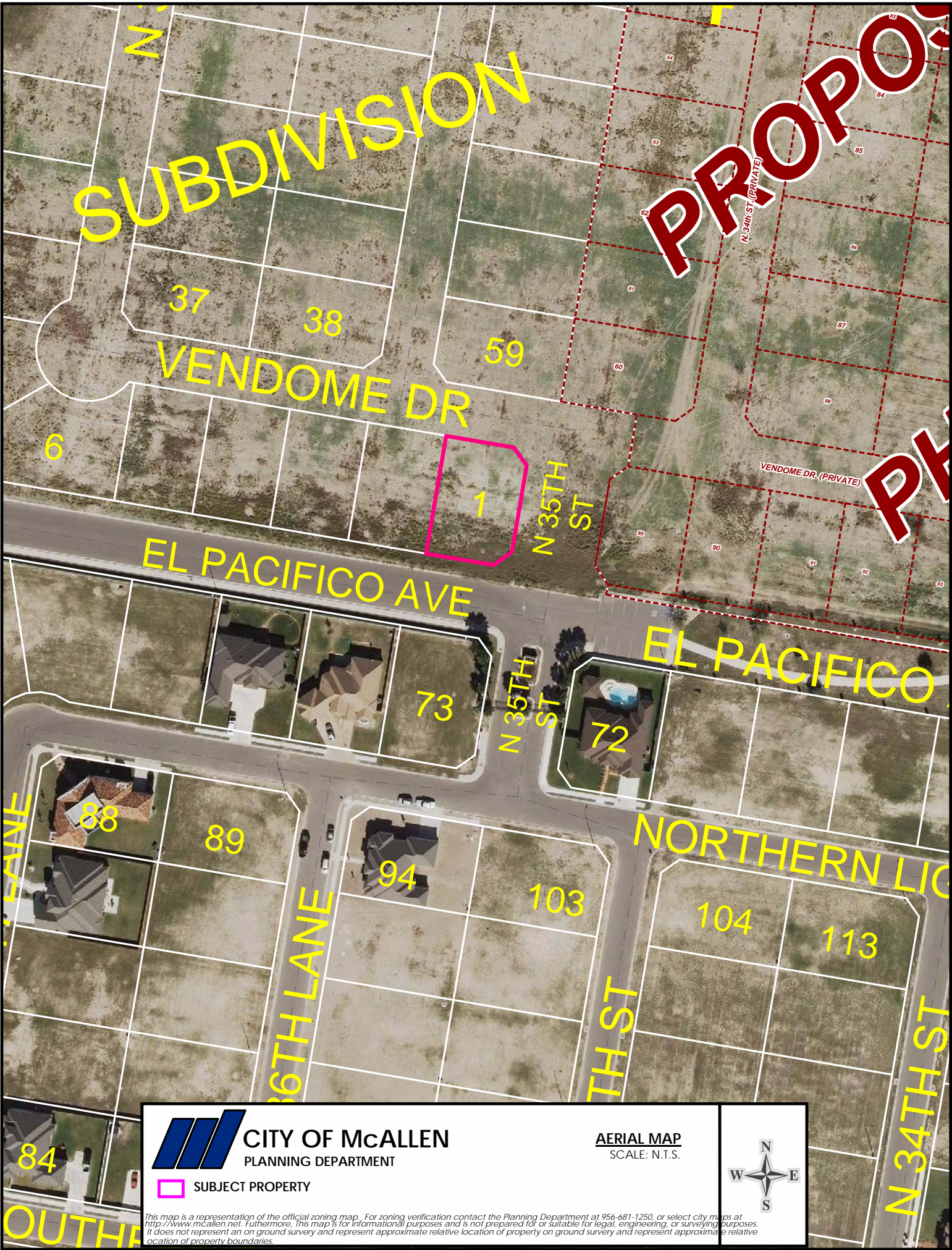
CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

 SUBJECT PROPERTY



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





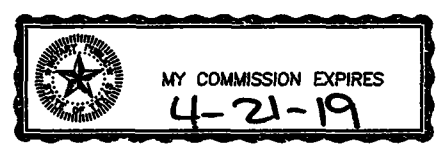


3501

NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2020-0032

STATE OF TEXAS
COUNTY OF HIDALGO
OWNER'S DEDICATION, CERTIFICATION, AND ATTESTATION
WE, AMY JOHNSON AND KENNETH JOHNSON, MANAGERS OF WARE ROAD 94, L.L.C., A TEXAS LIMITED LIABILITY COMPANY, GENERAL PARTNER OF WARE 94, L.L.C., A TEXAS LIMITED PARTNERSHIP THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS VENDOME SUBDIVISION DO HEREBY GRANT AN ACCESS AND UTILITY EASEMENTS TO THE CITY OF McALLEN AND THOSE WHO MAY NOW OR HEREAFTER HOLD FRANCHISE UNDER SAID CITY, THE USE OF STREET(S), AND EASEMENTS THEREON SHOWN, SURFACE USE OF THE STREET(S) AND ALLEY(S) IS RESTRICTED TO THE EMPLOYEES OR AGENTS OF THE CITY OF McALLEN, TO THE EMPLOYEES OF UTILITIES OPERATING UNDER FRANCHISE TO THE CITY OF McALLEN AND RESIDENTS OF THE SUBDIVISION AND THEIR GUESTS.
EL PACIFICO AVE. RIGHT-OF-WAY IS DEDICATED TO THE PUBLIC BY THIS PLAT.

STATE OF TEXAS
COUNTY OF HIDALGO
BEFORE ME, the undersigned notary public, on this day personally appeared AMY JOHNSON proved to me through her Texas Department of Public Safety Driver License to be the person whose name is subscribed to the foregoing instrument, who, being by me first duly sworn, declared that the statements therein are true and correct and acknowledged that she executed the same for the purposes and consideration thereby expressed.
Given under my hand and seal of office this 25th day of October, 2017.



Amy Johnson
NOTARY PUBLIC - STATE OF TEXAS
My Commission Expires April 21, 2019

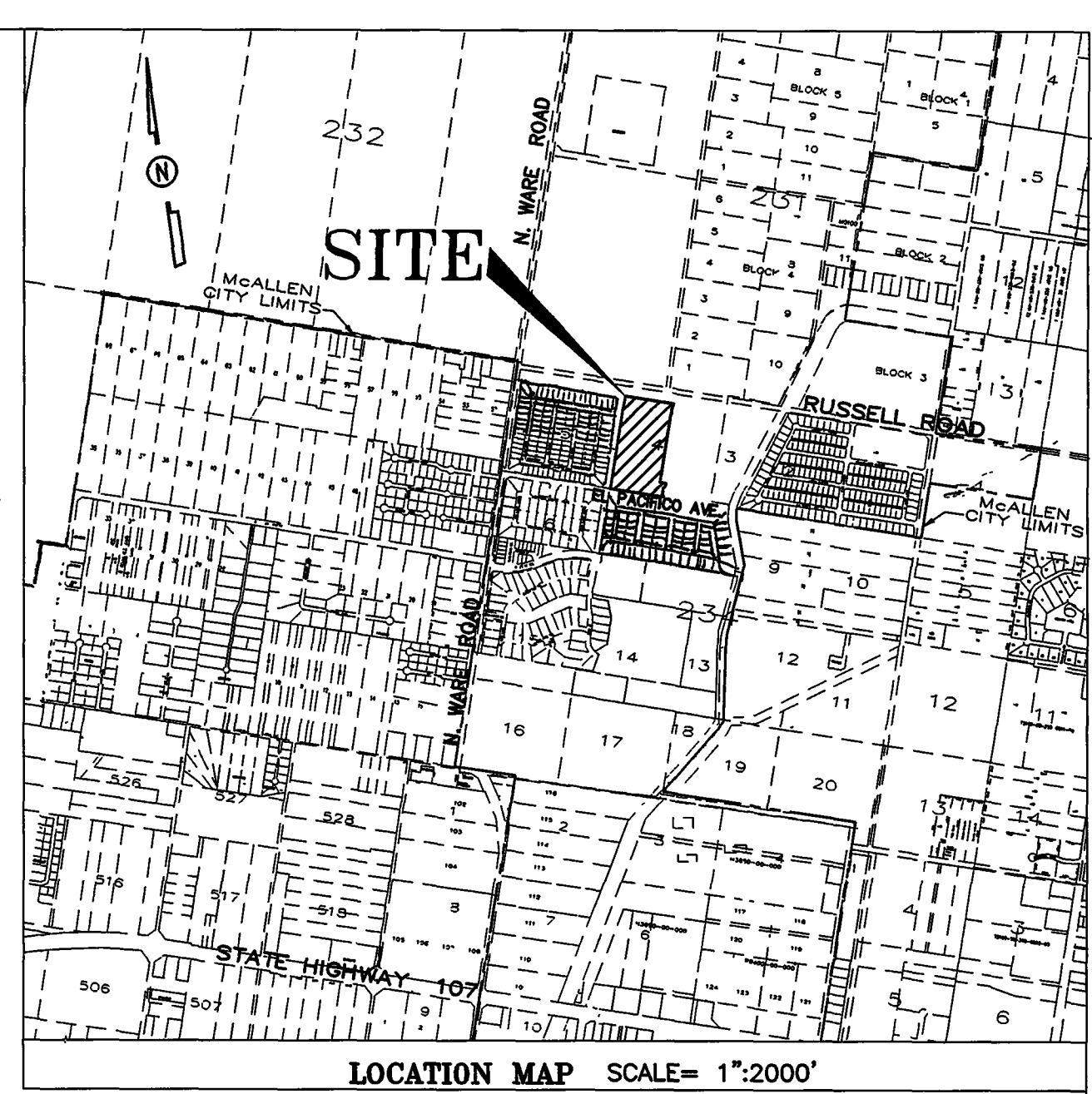
**SUBDIVISION PLAT OF
VENDOME SUBDIVISION
(PRIVATE SUBDIVISION)**

BEING A PRIVATE SUBDIVISION OF 16.387 TRACT OF LAND OUT OF LOT 4, SECTION 234, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, HIDALGO COUNTY, TEXAS, AS RECORDED IN VOLUME 3, PAGE 14, MAP RECORDS, HIDALGO COUNTY, TEXAS.

METES AND BOUNDS:
A 16.387 ACRE TRACT OF LAND OUT OF LOT 4, SECTION 234, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 3, PAGE 14, MAP RECORDS, HIDALGO COUNTY, TEXAS, AND ACCORDING TO CORRECTION ASSUMPTION WARRANTY DEED RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 1439719, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS, REFERENCE TO WHICH IS MADE FOR ALL PURPOSES AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
BEGINNING AT A 1/2" IRON ROD WITH CAP STAMPED RPLS 4856 SET ON THE SOUTH LINE OF LOT 4 FOR THE SOUTHEAST CORNER OF COUNTRY MEADOWS SUBDIVISION PHASE I (RECORDED IN VOLUME 50, PAGE 14, MAP RECORDS, HIDALGO COUNTY, TEXAS), THE NORTHEAST CORNER OF EL PACIFICO SUBDIVISION PHASE I (RECORDED IN VOLUME 47, PAGE 1, MAP RECORDS, HIDALGO COUNTY, TEXAS), THE NORTHWEST CORNER OF EL PACIFICO SUBDIVISION PHASE II (RECORDED IN VOLUME 53, PAGE 8, MAP RECORDS, HIDALGO COUNTY, TEXAS), AND THE SOUTHWEST CORNER OF THIS TRACT, SAID ROD BEARS S 80°20' E, 48.84 FEET FROM THE SOUTHWEST CORNER OF LOT 4.
THENCE N 09°40' E, ALONG THE EAST LINE OF COUNTRY MEADOWS SUBDIVISION PHASE I AND THE EAST LINE OF COUNTRY MEADOWS SUBDIVISION PHASE II (RECORDED IN VOLUME 52, PAGE 95, MAP RECORDS, HIDALGO COUNTY, TEXAS), A DISTANCE OF 1,169.85 FEET TO A 1/2" IRON ROD WITH CAP STAMPED RPLS 4856 SET ON THE SOUTH LINE OF LOT 4 FOR THE SOUTHEAST CORNER OF THIS TRACT. THENCE S 19°22'36" W, A DISTANCE OF 30.25 FEET TO A 1/2" IRON ROD WITH CAP STAMPED RPLS 4856 SET FOR AN INTERIOR CORNER OF THIS TRACT.
THENCE S 80°20' E, ALONG THE SOUTH LINE OF SAID 150.00 FOOT RIGHT OF WAY DEDICATION TO HIDALGO COUNTY DRAINAGE DISTRICT No. 1, A DISTANCE OF 608.00 FEET TO A 1/2" IRON ROD WITH CAP STAMPED RPLS 4856 SET FOR THE NORTHEAST CORNER OF THIS TRACT. THENCE S 09°40' W, A DISTANCE OF 120.40 FEET TO A 1/2" IRON ROD WITH CAP STAMPED RPLS 4856 SET FOR AN EXTERIOR CORNER OF THIS TRACT. THENCE S 15°22'38" W, A DISTANCE OF 50.25 FEET TO A 1/2" IRON ROD WITH CAP STAMPED RPLS 4856 SET FOR AN INTERIOR CORNER OF THIS TRACT.
THENCE S 09°40' W, A DISTANCE OF 828.00 FEET TO A 1/2" IRON ROD WITH CAP STAMPED RPLS 4856 SET FOR AN INTERIOR CORNER OF THIS TRACT. THENCE S 80°20' E, A DISTANCE OF 73.00 FEET TO A 1/2" IRON ROD WITH CAP STAMPED RPLS 4856 SET FOR AN EXTERIOR CORNER OF THIS TRACT.
THENCE S 09°40' W, A DISTANCE OF 50.00 FEET TO A 1/2" IRON ROD WITH CAP STAMPED RPLS 4856 SET FOR AN EXTERIOR CORNER OF THIS TRACT. THENCE S 54°40' W, A DISTANCE OF 21.21 FEET TO A 1/2" IRON ROD WITH CAP STAMPED RPLS 4856 SET FOR AN INTERIOR CORNER OF THIS TRACT.
THENCE S 09°40' W, A DISTANCE OF 83.45 FEET TO A 1/2" IRON ROD WITH CAP STAMPED RPLS 4856 SET FOR AN INTERIOR CORNER OF THIS TRACT. THENCE S 35°20' E, A DISTANCE OF 21.21 FEET TO A 1/2" IRON ROD WITH CAP STAMPED RPLS 4856 SET FOR AN EXTERIOR CORNER OF THIS TRACT.
THENCE S 09°40' W, A DISTANCE OF 10.00 FEET TO A "X" MARK ON CONCRETE MADE ON THE SOUTH LINE OF LOT 4, AND ON THE NORTH LINE OF EL PACIFICO SUBDIVISION PHASE II FOR THE SOUTHEAST CORNER OF THIS TRACT.
THENCE S 80°20' E, ALONG THE SOUTH LINE OF LOT 4, AND THE NORTH LINE OF EL PACIFICO SUBDIVISION PHASE II, A DISTANCE OF 673.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 16.387 ACRES OF LAND MORE OR LESS BEARINGS ARE IN ACCORDANCE WITH COUNTRY MEADOWS SUBDIVISION PHASE I, RECORDED IN VOLUME 50, PAGE 14, MAP RECORDS, HIDALGO COUNTY, TEXAS.

PLAT NOTES AND RESTRICTIONS:

- FLOOD ZONE DESIGNATION: ZONE "X" AREAS OF MINIMAL FLOODING. COMMUNITY-PANEL NUMBER: 480334-00250-D. REVISED DATE: JUNE 6, 2000.
- GENERAL NOTE FOR SINGLE FAMILY RESIDENCES: NO MORE THAN ONE SINGLE FAMILY DETACHED DWELLING SHALL BE LOCATED ON EACH LOT. APPLICATIONS FOR CONSTRUCTION ARE REQUIRED PRIOR TO OCCUPYING THE LOT. NO COMMERCIAL USE SHALL BE ALLOWED ON ALL INTERNAL LOTS 1 - 59.
- MINIMUM FINISH FLOOR NOTE: MINIMUM FINISH FLOOR ELEVATION SHALL BE 18" ABOVE TOP OF CURB MEASURED AT FRONT CENTER OF EACH LOT OR 18" ABOVE NATURAL GROUND, WHICHEVER IS GREATER. ELEVATION CERTIFICATE SHALL BE REQUIRED FOR LOTS LOCATED OUTSIDE A DESIGNATED FLOOD ZONE AT THE TIME FOR APPLICATION FOR CONSTRUCTION TO VERIFY PRE AND POST CONSTRUCTION FINISH FLOOR ELEVATIONS. AN ELEVATION CERTIFICATE SHALL BE REQUIRED FOR ALL LOTS WITHIN A DESIGNATED FLOOD ZONE AT THE TIME FOR A DEVELOPMENT PERMIT APPLICATION.
- LEGEND: ● DENOTES 1/2" IRON ROD SET UNLESS OTHERWISE NOTED.
- THERE ARE NO WATER WELLS WITHIN 150 FEET FROM THE BOUNDARIES OF THIS SUBDIVISION.
- MINIMUM BUILDING SETBACK LINES:
FRONT 25.00'
REAR 10.00' EXCEPT 25.00' FOR DOUBLE FRONTING LOTS 1 THRU 18 OR 15.00' FOR EASEMENTS.
SIDE 6.00' OR GREATER FOR EASEMENTS.
CORNER 10.00'
GARAGE 18.00' EXCEPT WHERE GREATER SETBACK IS REQUIRED, THE GREATER SETBACK APPLIES.
- A 4 FOOT SIDEWALK IS REQUIRED ON EL PACIFICO AVE., NORTH 38TH STREET AND BOTH SIDES OF INTERIOR STREETS.
- A 8 FT. MASONRY WALL REQUIRED BETWEEN SINGLE FAMILY, MULTI-FAMILY RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL ZONE/USES, AND N. 38TH STREET.
- A 6 FT BUFFER REQUIRED FROM ADJACENT/BETWEEN SINGLE FAMILY, MULTI-FAMILY RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL ZONE/USES, AND ALONG EL PACIFICO AVE. AND N. 38TH STREET.
- NO CURB CUT, ACCESS, OR LOT FRONTAGE PERMITTED ON EL PACIFICO AVE. AND N. 38TH STREET.
- NO MORE THAN ONE SINGLE-FAMILY DWELLING PER LOT.
- ALL LOT CORNERS SET HALF INCH (1/2") IRON RODS OR AS NOTED.
- ALL COMMON AREAS AND PRIVATE STREETS MUST BE MAINTAINED BY HOMEOWNER'S ASSOCIATION/LOT OWNERS, NOT BY THE CITY OF McALLEN.
- THE HIKE & BIKE TRAIL AND DETENTION DITCH FACILITIES PROVIDED WITHIN LOTS 3 & 8 SECTION 234 TEXAS-MEXICAN RAILWAY COMPANY SURVEYS, HIDALGO COUNTY, TEXAS, FOR PUBLIC USE, SHALL BE MAINTAINED BY THE VENDOME HOMEOWNER'S ASSOCIATION.
- BENCHMARK NOTE: CITY OF McALLEN No. MC 33, EAST SIDE OF WARE ROAD BY THE WATER TREATMENT PLANT. ELEVATION 118.60.
- DRAINAGE: ONSITE DETENTION REQUIRED FOR THIS SUBDIVISION IS 41,572 CUBIC FEET (0.954 ACRE FEET) OF STORM WATER RUNOFF. DETENTION IS PROVIDED ON THE DEDICATION OF DRAINAGE ROW AND DRAIN DITCH EXCAVATION FOR THE "GREEN BELT" DRAIN DITCH.
- NO STRUCTURE SHALL BE PERMITTED OVER ANY EASEMENT. EASEMENTS SHALL BE KEPT CLEAR OF FENCES, BUILDINGS, SHEDS, SHRUBS TREES, AND OTHER PLANTINGS (EXCEPT LOW, LESS THAN 18 INCHES MATURE HEIGHT, GRASS COVER, GRASS, OR FLOWERS) AND OTHER OBSTRUCTIONS THAT WOULD INTERFERE WITH THE OPERATIONS AND MAINTENANCE OF THE EASEMENT.
- ALL IRRIGATION EASEMENTS ARE EXCLUSIVE TO HIDALGO IRRIGATION DISTRICT NO. 1, AND THE DISTRICT ALLOWS NO OTHER UTILITIES OR USE WITHOUT ITS EXPRESS WRITTEN APPROVAL.
- THE RESIDENTIAL LOTS SHOULD REFLECT SERVICE BY A 3/4" METER.
- AN ENGINEERED DETENTION PLAN APPROVED BY ENGINEERING DEPT IS REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMIT.
- DEVELOPER/HOMEOWNERS ASSOCIATION/OWNER, THEIR SUCCESSORS AND ASSIGNEES, AND NOT THE CITY OF McALLEN SHALL BE RESPONSIBLE FOR COMPLIANCE FOR INSTALLATION AND MAINTENANCE AND OTHER REQUIREMENTS PER SECTION 134-168 OF THE SUBDIVISION ORDINANCE, INCLUDING BUT NOT LIMITED TO COMMON AREAS AND ITS PRIVATE STREETS.
- AS PER DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR VENDOME SUBDIVISION RECORDED AS DOCUMENT NUMBER 28663-23, HIDALGO COUNTY, DEED RECORDS, DEVELOPER/HOMEOWNER'S ASSOCIATION/OWNERS, THE SUCCESSORS AND/OR ASSIGNEES, AND NOT THE CITY OF McALLEN SHALL BE RESPONSIBLE FOR INSTALLATION, MAINTENANCE AND OTHER REQUIREMENTS AS PER SECTION 134-168 OF THE CODE OF ORDINANCE OF THE CITY OF McALLEN, INCLUDING BUT NOT LIMITED TO COMMON AREAS AND PRIVATE STREETS. ANY AMENDMENT TO DECLARATIONS THAT CONFLICT WITH THE REQUIREMENTS OF SECTION 134-168 SHALL BE NULL AND VOID.
- EASEMENTS SHOWN ON THIS PLAT ARE DEDICATED BY THIS PLAT.
- THE HIKE & BIKE TRAIL PROVIDED WITHIN LOT 3, SECTION 234, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEYS, HIDALGO COUNTY, TEXAS, FOR PUBLIC USE AND SHALL BE MAINTAINED WITH PARTICIPATION OF THE VENDOME SUBDIVISION HOMEOWNERS ASSOCIATION.



CITY OF McALLEN
CERTIFICATE OF APPROVAL
I, THE UNDERSIGNED MAYOR OF THE CITY OF McALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.
James E. Darling 11/9/17
MAYOR, CITY OF McALLEN DATE
Elle Lara 11/10/17
CITY SECRETARY DATE

PLANNING & ZONING COMMISSION
ACKNOWLEDGMENT
I, THE UNDERSIGNED, CHAIR OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF McALLEN HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY. ~~WHICH IS A PREREQUISITE REQUIRED~~
John A. Williams 11/8/17
CHAIRMAN DATE

STATE OF TEXAS
COUNTY OF HIDALGO
I, THE UNDERSIGNED, A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PROPER ENGINEERING CONSIDERATIONS HAVE BEEN GIVEN TO THIS PLAT.

Gilberto A. Gracia 10-25-17
GILBERTO A. GRACIA
REGISTERED PROFESSIONAL ENGINEER NO. 62477
IZAGUIRRE ENGINEERING GROUP, L.L.C.
7413 N. LA HOMA
MISSION, TEXAS 78574

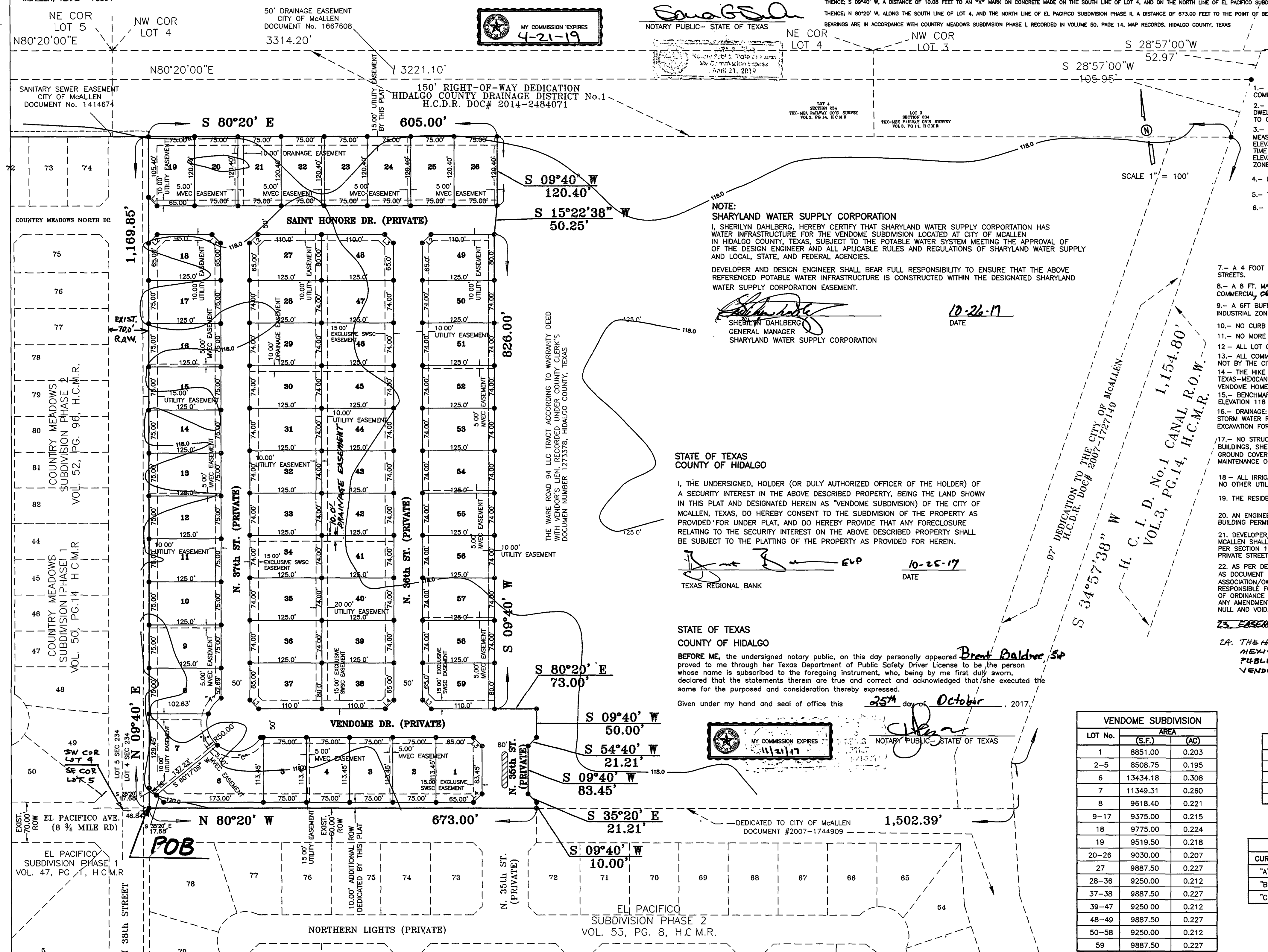
STATE OF TEXAS
COUNTY OF HIDALGO
I, ALFONSO QUINTANILLA, A REGISTERED PROFESSIONAL LAND SURVEYOR IN TEXAS, HEREBY CERTIFY THAT THE ABOVE PLAT AND DESCRIPTION OF THE VENDOME SUBDIVISION, WAS PREPARED FROM A SURVEY OF THE PROPERTY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION ON 10-24-17

Alfonso Quintanilla 10-24-17
ALFONSO QUINTANILLA
R.P.L.S. No. 4856

HIDALGO COUNTY DRAINAGE DISTRICT No. 1
HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEXAS WATER CODE NO. 49.211(C). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.
FILED FOR RECORD IN HIDALGO COUNTY CLERK'S OFFICE ON 11-17-17 AT 2:59 AM (M)
INSTRUMENT NUMBER 28663-23
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS
By: *Arturo Guajardo* DEPUTY
HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

Raul Sesin 11/16/17
RAUL SESIN P.E. C.F.M.
GENERAL MANAGER DATE

PROPERTY OWNER:
WARE ROAD 94, L.L.C., A TEXAS LIMITED PARTNERSHIP
BY: WARE RD 94, L.L.C., A TEXAS LIMITED LIABILITY COMPANY, ITS GENERAL PARTNER
BY: *Amy Johnson* 10/25/17
AMY JOHNSON, MANAGER DATE
10602 N 10TH STREET
McALLEN, TEXAS 78504
BY: *Kenneth Johnson* 10/25/17
KENNETH JOHNSON, MANAGER DATE
10602 N 10TH STREET
McALLEN, TEXAS 78504



NOTE:
SHARYLAND WATER SUPPLY CORPORATION
I, SHERILYN DAHLBERG, HEREBY CERTIFY THAT SHARYLAND WATER SUPPLY CORPORATION HAS WATER INFRASTRUCTURE FOR THE VENDOME SUBDIVISION LOCATED AT CITY OF McALLEN IN HIDALGO COUNTY, TEXAS, SUBJECT TO THE POTABLE WATER SYSTEM MEETING THE APPROVAL OF THE DESIGN ENGINEER AND ALL APPLICABLE RULES AND REGULATIONS OF SHARYLAND WATER SUPPLY AND LOCAL, STATE, AND FEDERAL AGENCIES.
DEVELOPER AND DESIGN ENGINEER SHALL BEAR FULL RESPONSIBILITY TO ENSURE THAT THE ABOVE REFERENCED POTABLE WATER INFRASTRUCTURE IS CONSTRUCTED WITHIN THE DESIGNATED SHARYLAND WATER SUPPLY CORPORATION EASEMENT.
Sherilyn Dahlberg 10-26-17
GENERAL MANAGER DATE
SHARYLAND WATER SUPPLY CORPORATION

STATE OF TEXAS
COUNTY OF HIDALGO
I, THE UNDERSIGNED, HOLDER (OR DULY AUTHORIZED OFFICER OF THE HOLDER) OF A SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY, BEING THE LAND SHOWN IN THIS PLAT AND DESIGNATED HEREIN AS "VENDOME SUBDIVISION) OF THE CITY OF McALLEN, TEXAS, DO HEREBY CONSENT TO THE SUBDIVISION OF THE PROPERTY AS PROVIDED FOR UNDER PLAT, AND DO HEREBY PROVIDE THAT ANY FORECLOSURE RELATING TO THE SECURITY INTEREST ON THE ABOVE DESCRIBED PROPERTY SHALL BE SUBJECT TO THE PLATTING OF THE PROPERTY AS PROVIDED FOR HEREIN.
John Bank 10-25-17
DATE
TEXAS REGIONAL BANK

STATE OF TEXAS
COUNTY OF HIDALGO
BEFORE ME, the undersigned notary public, on this day personally appeared *Brent Balderes* proved to me through her Texas Department of Public Safety Driver License to be the person whose name is subscribed to the foregoing instrument, who, being by me first duly sworn, declared that the statements therein are true and correct and acknowledged that she executed the same for the purposes and consideration thereby expressed.
Given under my hand and seal of office this 25th day of October, 2017.



Brent Balderes
NOTARY PUBLIC - STATE OF TEXAS
My Commission Expires 11/11/17

VENDOME SUBDIVISION

LOT No.	(S.F.)	(AC)
1	8851.00	0.203
2-5	8508.75	0.195
6	13434.18	0.308
7	11349.31	0.260
8	9618.40	0.221
9-17	9375.00	0.215
18	9775.00	0.224
19	9519.50	0.218
20-26	9030.00	0.207
27	9887.50	0.227
28-36	9250.00	0.212
37-38	9887.50	0.227
39-47	9250.00	0.212
48-49	9887.50	0.227
50-58	9250.00	0.212
59	9887.50	0.227

LINE DATA TABLE

DATA	BEARING	LENGTH
L1	N 35°20'00" W	21.21'
L2	N 54°40'00" E	21.21'
L3	S 35°20'00" E	21.21'
L4	S 54°40'00" W	21.21'

CURVE DATA TABLE

CURVE	DELTA	RADIUS	LENGTH
"A"	41°20'13"	50.00'	36.07'
"B"	69°42'45"	50.00'	60.84'
"C"	98°57'02"	50.00'	86.35'

PRINCIPAL CONTACTS:
Name Address City & Zip Phone Fax
OWNER: KENNETH JOHNSON 10602 N 10TH STREET McALLEN, TEXAS 78504 (956)584-0554 (956)584-0190
ENGINEER: GILBERTO A. GRACIA 7413 N. LA HOMA MISSION, TEXAS 78574 (956)584-0554 (956)584-0190
SURVEYOR: ALFONSO QUINTANILLA 124 E. STUBBS EDINBURG, TEXAS 78539 (956)381-6480 (956)381-0527

IZAGUIRRE ENGINEERING GROUP, L.L.C.

7413 N. LA HOMA CONSULTING ENGINEERS TEL. (956) 584-0554
MISSION TX, 78574 F-10214 FAX. (956) 584-0554

NO.	SHEET	REVISION	DATE	APPROVED

FILED IN: K3 PROJECT SUBDIVISIONS/VENDOME SUBDIVISION PLAT
DATE PREPARED: JUN 14, 2018 CHECKED BY: G.A.G. APPROVED BY: G.A.G.
DATE REVISION: 10-25-17 CHECKED BY: G.A.G. APPROVED BY: G.A.G.

Memo

TO: Zoning Board of Adjustment & Appeals

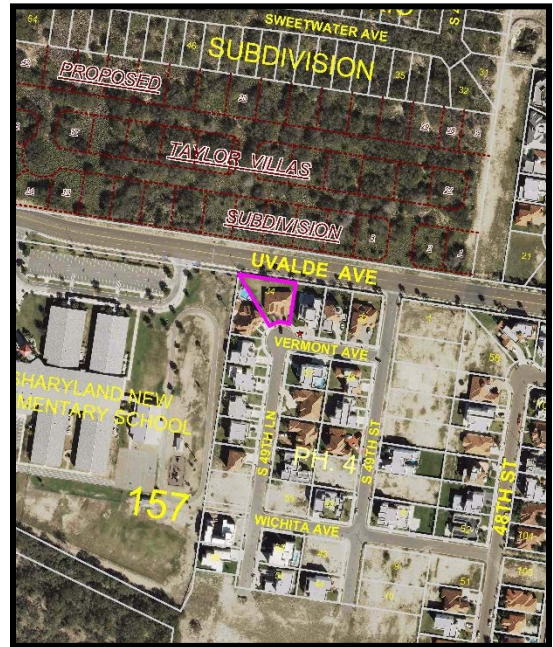
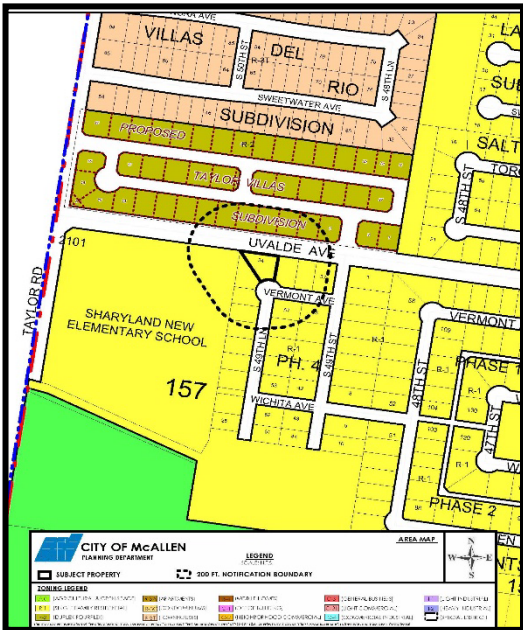
FROM: Planning Staff

DATE: July 10, 2020

SUBJECT: REQUEST OF ISIDORO ARJONA ALLISON FOR THE FOLLOWING VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) AN ENCROACHMENT OF 15 FT. INTO THE 25 FT. REAR YARD SETBACK ON A DOUBLE FRONTING LOT FOR A PROPOSED IRREGULAR SHAPED COVERED PORCH WITH CLAY TILE ROOF CONSTRUCTION, AND 2) AN ENCROACHMENT OF 15 FT. INTO THE 25 FT. REAR YARD SETBACK ON A DOUBLE FRONTING LOT FOR A PROPOSED PERGOLA OF WOODEN CONSTRUCTION MEASURING 15.6 FT. BY 30.1 FT. AT LOT 34, CARDONA AT BENTSEN LAKES PHASE IV SUBDIVISION, HIDALGO COUNTY, TEXAS; 4912 VERMONT AVENUE. (ZBA2020-0033)

REASON FOR APPEAL:

The applicant is requesting a variance 1) to allow an encroachment of 15 ft. into the 25 ft. rear yard setback for a proposed irregular shaped covered porch, and 2) to allow an encroachment of 15 ft. into the 25 ft. rear yard setback for a proposed pergola measuring 15.6 ft. by 30.1 ft. The applicant is requesting these variances because the 25 ft. rear yard setbacks seem too restrictive and they are very limited in space for their proposed project.



PROPERTY LOCATION AND VICINITY:

The property is located on a cul-de-sac at South 49th Lane and Vermont Avenue. The lot is a double fronting lot with a frontage of 50 ft. on Vermont Avenue and 150 ft. Uvalde Avenue Street. The lot size is of 11,079 square feet. The property is zoned R-1 (single family residential) District. Surrounding land uses are single family residential to the west, east, and south and vacant land to the north.

BACKGROUND AND HISTORY:

Cardona at Bentsen Lakes Phase 4 was recorded on January 20, 2006. A general note on the subdivision plat indicates a rear yard setback of 25 ft. An application for a variance was submitted on June 18, 2020.

ANALYSIS:

Buildings are not permitted to be located within the rear yard. The Zoning Ordinance requires the rear yard setback to be the same as the front yard setback lots for lots with double frontage. The purpose of the additional setback of the rear yard is to separate the main building from the traffic and noise from roadways.

Variance request #1 is to allow an encroachment of 15 ft. into the 25 ft. rear yard setback. There is an abandoned irrigation line shown on the plat on the north side of the property. There is a 15 ft. utility easement shown in the front yard of the property. The proposed irregular shaped porch will not encroach into the easement.

Variance request #2 is to allow an encroachment of 15 ft. into the 25 ft. rear yard setback. There is an abandoned irrigation line shown on the plat on the north side of the property. There is a 15 ft. utility easement shown in the front yard of the property. The proposed 15.6 ft. by 30.1 ft. pergola will not encroach into the easement.

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

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

RECOMMENDATION:

Staff recommends approval of the variance requests since the proposed covered patio is considered an accessory use and not a living area.

ZBA 2020. 0033

ZBA
7/15/2020



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

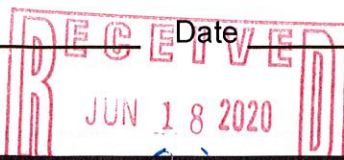
311 North 15th Street
McAllen, TX 78501
P. O. Box 220
McAllen, TX 78505-0220
(956) 681-1250
(956) 681-1279 (fax)

Project	Legal Description	<u>LOT 34, CARDONA AT BENTSEN LAKES</u>	
		<u>PHASE IV, McALLEN, HIDALGO COUNTY, TEXAS</u>	
	Subdivision Name	<u>CARDONA AT BENTSEN LAKES, PHASE IV</u>	
	Street Address	<u>4912 VERMONT AVENUE, McALLEN, TX 78503</u>	
		Number of lots <u>1</u>	Gross acres <u>11,079 FT² (0.25-ACRE)</u>
	Existing Zoning	<u>RESIDENTIAL</u>	Existing Land Use <u>RESIDENTIAL</u>
Reason for Appeal (please use other side if necessary)	<u>MY WIFE ANA AND I WOULD LIKE TO BUILD A PATIO ON OUR BACKYARD. THE (BACK)</u>		
	<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input checked="" type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport)		
	<input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required		

Applicant	Name	<u>ISIDORO ARJONA ALLISON</u>	Phone	<u>(956) 239-2022</u>
	Address	<u>4912 VERMONT AVENUE</u>	E-mail	<u>iarjona@kci.com</u>
	City	<u>McALLEN</u>	State	<u>TX</u>
			Zip	<u>78503</u>

Owner	Name	<u>ISIDORO ARJONA ALLISON</u>	Phone	<u>(956) 239-2022</u>
	Address	<u>4912 VERMONT AVENUE</u>	E-mail	<u>iarjona@kci.com</u>
	City	<u>McALLEN</u>	State	<u>TX</u>
			Zip	<u>78503</u>

Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?	
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.	
	Signature	<u>[Signature]</u>
	Date	<u>06/16/20</u>
Print Name	<u>ISIDORO ARJONA ALLISON</u>	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent

Office	Accepted by	<u>[Signature]</u>	Payment received by	<u>[Signature]</u>	Date	<u>06/18/2020</u>
	Rev 10/18					

City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

CURRENT SETBACK RESTRICTIONS WOULD NOT PERMIT IMPLEMENTATION OF OUR PROPOSED PROJECT. THE VARIANCE WE ARE REQUESTING FROM THE CURRENT 25-FT REAR SETBACK WOULD MAINTAIN A MINIMUM 10-FT UTILITY REAR SETBACK. WE BELIEVE OUR REQUEST IS REASONABLE AND IS CONSISTENT WITH EXISTING CONSTRUCTION AT OTHER RESIDENCES WITHIN OUR SUBDIVISION THAT SHARE A SIMILAR REAR SETBACK. THE LENGTH OF CONSTRUCTION ALONG THE REAR OF THE PROPERTY WILL BE $\approx 689.3'$

Board Action

Chairman, Board of Adjustment
Signature

Date



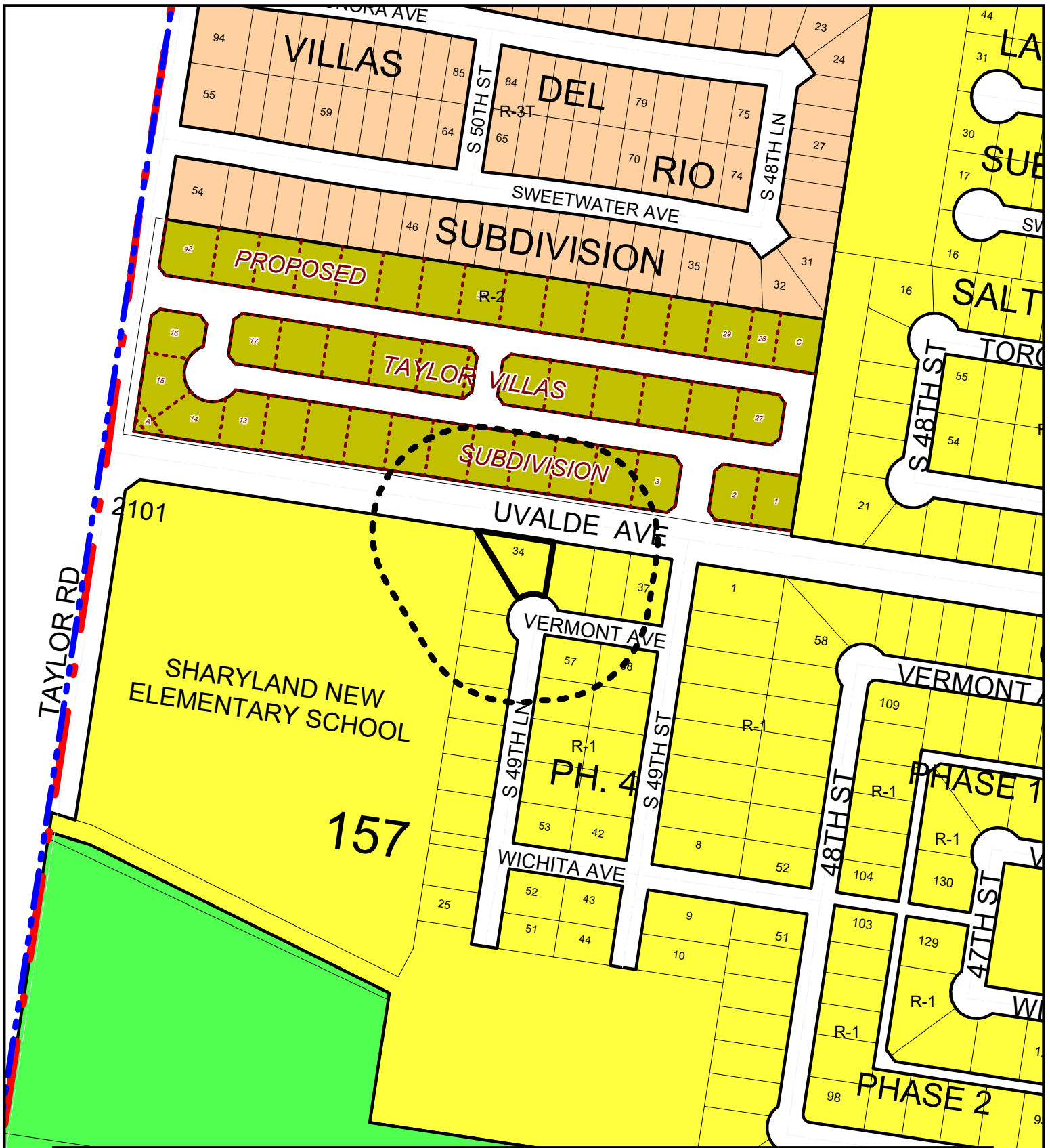
CITY OF McALLEN
 PLANNING DEPARTMENT

 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.



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

LEGEND
SCALE: N.T.S.



SUBJECT PROPERTY

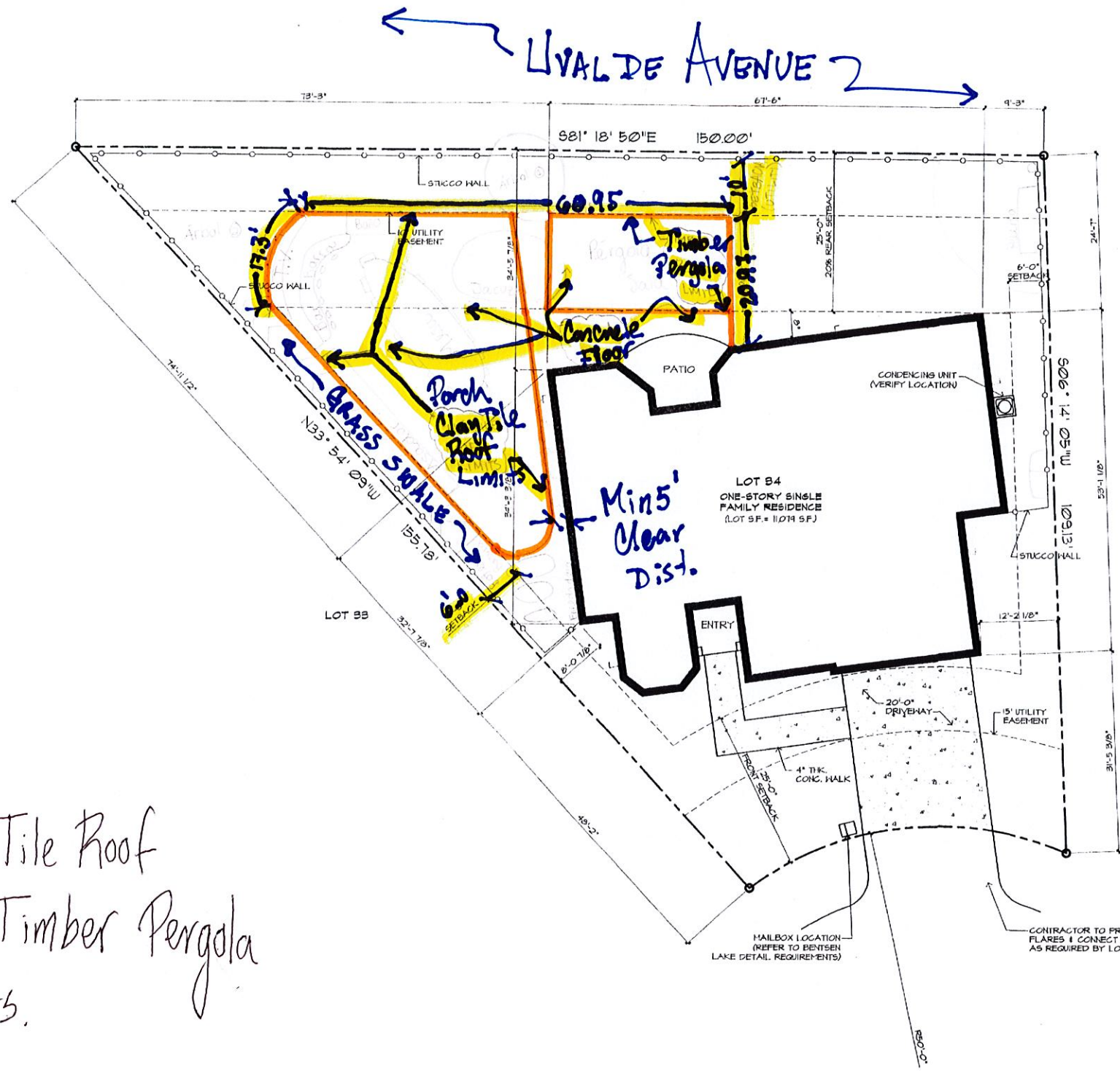
200 FT. NOTIFICATION BOUNDARY


ZONING LEGEND

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

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 936-681-1250, 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.

ARJONA RESIDENCE
MISSION, Texas



 = Clay Tile Roof and Timber Pergola Limits.

GENERAL NOTES:

- BUILDING TO BE LAID OUT BY SURVEYOR REGISTERED IN THE STATE OF TEXAS.
- CONTRACTOR TO PROVIDE CONCRETE DRIVE, FLARES, & SIDEWALKS TO MEET ALL GOVERNING CODES & RESTRICTIONS OR AS REQUIRED BY OWNER.
- CONTRACTOR TO PROVIDE EXPANSION & CONTROL JOINTS AT CONCRETE AREAS PER STANDARD CONSTRUCTION PRACTICES.
- LOT BEARINGS & DIMENSIONS TO BE VERIFIED BY OWNER & CONTRACTOR
- LANDSCAPE, IRRIGATION & HARDSCAPE (SIDEWALK) BY OTHERS, CONTRACTOR TO PROVIDE ALLOWANCE

LEGAL DESCRIPTION:

LOT B4, GARDONA AT BENTSEN LAKE PHASE IV, MISSION, HIDALGO COUNTY, TEXAS.

PLOT PLAN

SCALE: 1" = 20'-0"

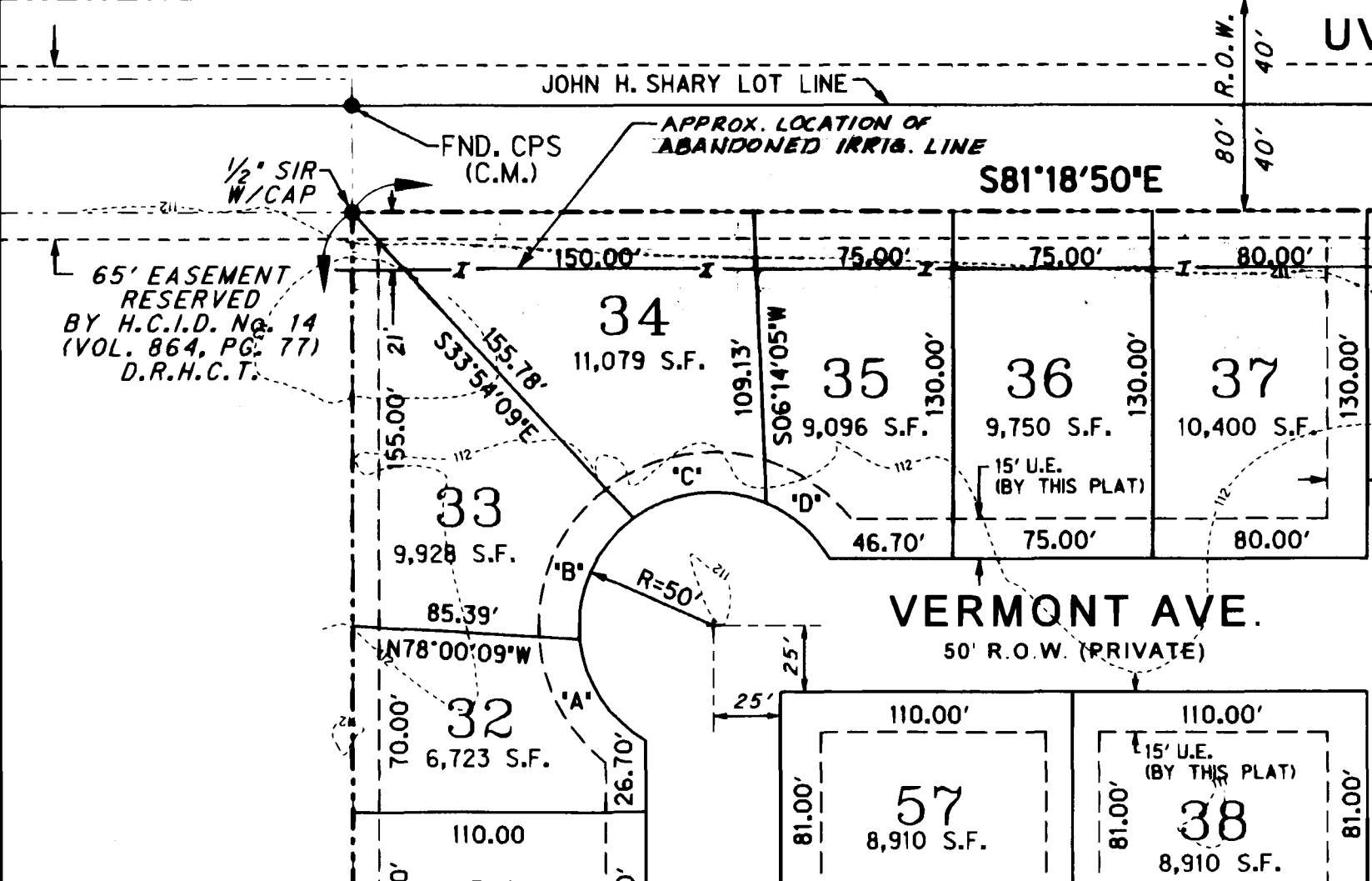
THIS DRAWING IS THE PROPERTY OF TRITIUM BUILDING & DESIGN, INC. IT IS UNLAWFUL TO REPRODUCE OR TRANSMIT IN ANY MANNER, OR TO COPY, REPRODUCE OR IN ANY OTHER MANNER, WITHOUT THE WRITTEN CONSENT OF TRITIUM BUILDING & DESIGN, INC.

TRITIUM BUILDING & DESIGN, INC.
 200 S. Texas Blvd., Suite D, Westaco, TX 75396
 P.O. Box 33, Mercedes, TX 78570
 Phone: (866) 378-8888 - (956) 338-0000 - Fax: (956) 447-1371

JOB NO.	07-101
DRAWN BY:	Mg
CHECKED BY:	JS
DATE:	APRIL 17, 2007

RECEIVED
 JUN 18 2020
 By CW

A-1



JOHN H. SHARY LOT LINE

FND. CPS (C.M.)

APPROX. LOCATION OF ABANDONED IRRIG. LINE

1/2° SIR W/CAP

S81°18'50"E

80' R.O.W.
40'

65' EASEMENT RESERVED BY H.C.I.D. No. 14 (VOL. 864, PG. 77) D.R.H.C.T.

34
11,079 S.F.

35
9,096 S.F.

36
9,750 S.F.

37
10,400 S.F.

33
9,928 S.F.

VERMONT AVE.
50' R.O.W. (PRIVATE)

32
6,723 S.F.

57
8,910 S.F.

38
8,910 S.F.

150.00' 75.00' 75.00' 80.00'

109.13' 506°14'05"W 130.00' 130.00' 130.00'

155.78' S33°54'09"E

155.00' 21'

85.39' N78°00'09"W

70.00'

26.70'

25' 25'

R=50'

15' U.E. (BY THIS PLAT)

15' U.E. (BY THIS PLAT)

0'

110.00

81.00'

81.00'



6800

NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2020-0033

MEMO

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: July 9, 2020

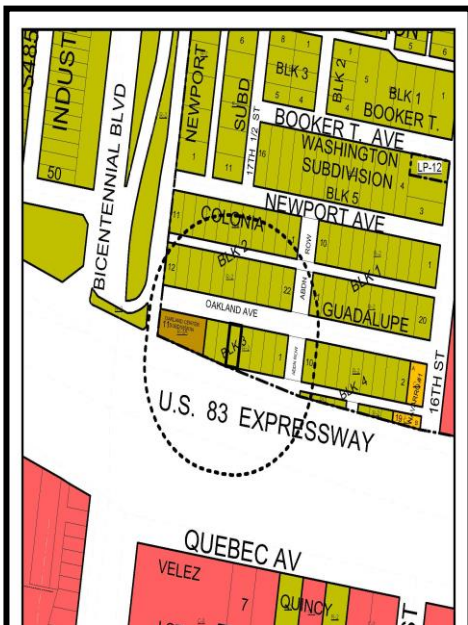
SUBJECT: REQUEST OF SOFIA GARZA FOR THE FOLLOWING VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) AN ENCROACHMENT OF 20 FT. INTO THE 20 FT. FRONT YARD SETBACK FOR AN EXISTING SINGLE FAMILY RESIDENCE AND AN EXISTING PORCH MEASURING 6 FT. BY 22.4 FT., AND 2) AN ENCROACHMENT OF UP TO 3.5 FT. INTO THE 3.5 FT. SIDE YARD SETBACK FOR AN EXISTING PORCH AREA MEASURING 11.7 FT. BY 6.2 FT., AT LOT 5, BLOCK 3, COLONIA GUADALUPE SUBDIVISION, HIDALGO COUNTY, TEXAS; 1709 OAKLAND AVENUE. (ZBA2020-0012)

REASON FOR APPEAL:

The applicant is requesting a variance to allow encroachments of 20 ft. into the 20 ft. front yard and 3.5 ft. into the 3.5 side yard setback for an existing wooden porch. The applicant stated that the basis for the request is that she wants to provide shade for her 81-year-old grandmother and they were unaware of the need to obtain a building permit or the need to observe setbacks.

PROPERTY LOCATION AND VICINITY:

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



BACKGROUND AND HISTORY:

Amended Map of Colonia Guadalupe Subdivision was recorded on July 28, 1944. The plat does not indicate plat notes. The City of McAllen Zoning Ordinance, Section 138-368. - Side yards (f) states that where a lot of record at the time of the effective date of the ordinance from which this chapter is derived is less than 50 feet in width, the required side yard may be reduced to ten percent of the width of the lot, provided that no side yard shall be less than 3½ feet. Building Inspection Department records show that a stop work order was issued for construction without a permit in July 2018. A building permit application was submitted in July 2018 to build a wooden porch. A variance request was submitted on March 04, 2020. The Hidalgo County Appraisal District shows that a canopy was built in 2017. The applicant states that a contractor performed the work. The applicant was unaware that a building permit was required for the construction and that setbacks had to be observed.

ANALYSIS:

Variance #1 the applicant is requesting an encroachment of 20 ft. in the 20 ft. front yard setback for the wooden porch. The variance request is for an existing wooden porch measuring 6 ft. by 22.4 ft. that is encroaching into the 20 ft. front yard setback. There are no utility and irrigation easements shown on the plat.

Variance #2 the applicant is requesting an encroachment of 3.5 ft. into the 3.5 ft. side yard setback for the wooden porch. The variance request is for an existing wooden porch portion measuring 6.2 ft. by 11.7 ft. that is encroaching 3.5 ft. There are no utility and irrigation easements shown on the plat.

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. During a site visit by staff other front and side yard encroachments were observed in the subdivision.

The fence along the front property line appears to extend to the sidewalk, which may be within the Oakland Avenue 45 ft. right-of-way.

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

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

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


RECOMMENDATION:

Staff recommends disapproval of the variance requests.

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING OF JULY 01, 2020:

At the Zoning Board of Adjustment and Appeals meeting of July 01, 2020, the applicant was present, and there was one person in opposition. At the request of the applicant, the Board unanimously voted to table the variance requests in order to allow the request by the applicant to be heard by a full Board of five members. There were four members present and voting.

ZBOA
4-1-20



City of McAllen
Planning Department
APPEAL TO ZONING BOARD OF
ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project

Legal Description Col. Guadalupe lot 5 block k 3

Subdivision Name Col Guadalupe

Street Address 1709 OAKLAND AVE

Number of lots 1 Gross acres _____

Existing Zoning R2 Existing Land Use Residencia

Reason for Appeal (please use other side if necessary) _____

La razón que pasó un señor y le ofrecio a hacerlo

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

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

Applicant

Name SOFIA GARZA Phone 956 (616-3440)

Address 1709 OAKLAND AVE E-mail limit W. A

City McAllen State TX Zip 78501

Owner

Name S A M E Phone _____

Address _____ E-mail _____

City _____ State _____ Zip _____

Authorization

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

Yes No

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

Signature SOFIA GARZA Date 03-04-20

Print Name SOFIA GARZA Owner Authorized Agent

Office

Accepted by L.G. Payment received by _____ Date _____

Rev 10/18

RECEIVED
 MAR 04 2020
 BY: CM



City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

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

Board Action

Chairman, Board of Adjustment
Signature

Date

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

APPLICATION MUST BE COMPLETE

(Please type or print in black or blue ink)

102586
 PERMIT APPLICATION REFERENCE NUMBER RES2018-04491

APPLICANT

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

OWNER

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

*OWNER INFORMATION NOT PROVIDED, INITIAL:

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

BLDG SQ. FT. 115 NO. PARKING SPACES _____ SQ. FT. LOT _____ LOT FRONT _____ FLOOR EL ABOVE CURB _____

EXISTING USE OF LOT _____ NEW USE _____ IMPROVEMENT VALUE \$ 400⁰⁰ 1.00 *

SCOPE OF WORK TO BE DONE Front Carport

PROJECT

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

- | | | | |
|---|---|---------------------------------------|---|
| FOUNDATION | EXT WALL | ROOF | SPECIAL CONDITIONS |
| <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 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"/> EABPRJAV#: _____ |
| <input type="checkbox"/> _____ | <input type="checkbox"/> _____ | <input type="checkbox"/> _____ | <input type="checkbox"/> CONDEMNED STRUCTURE |

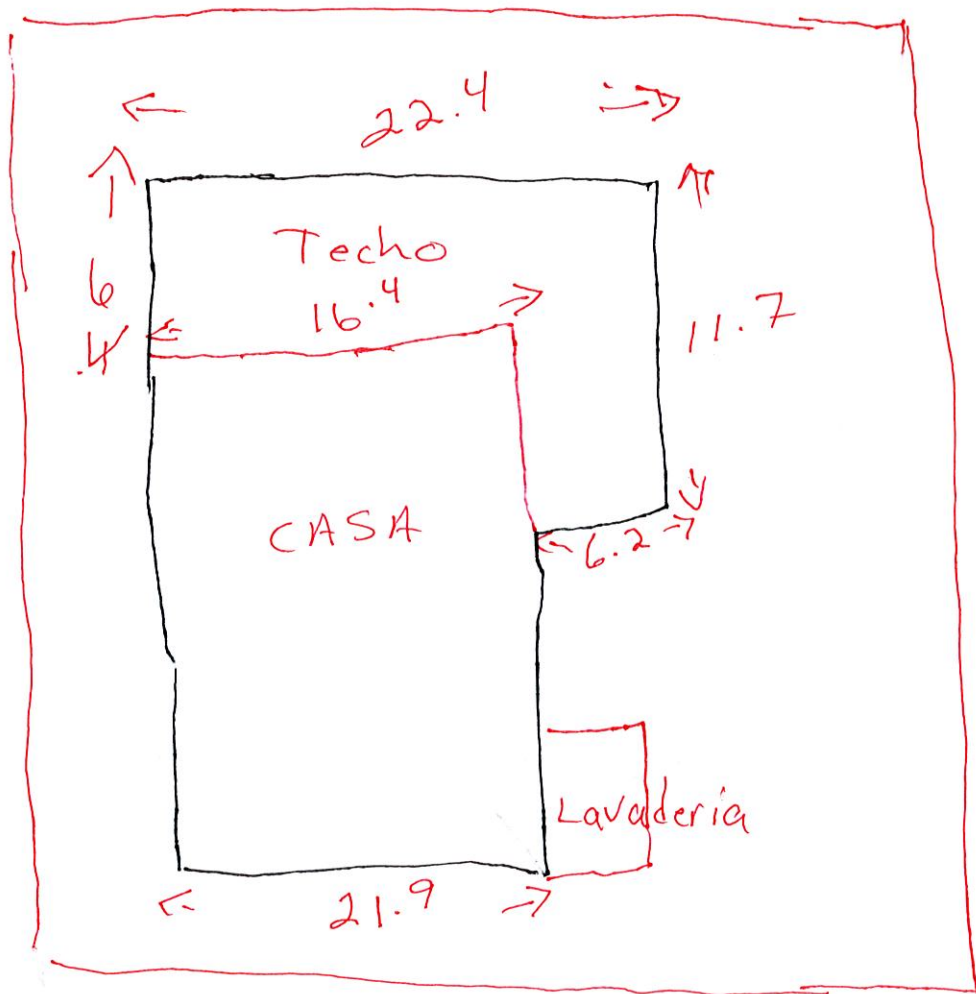
LOT _____ BLOCK _____ SUBDIVISION _____
 SITE ADDRESS ST. NO. 1709 ST. NAME Oakland

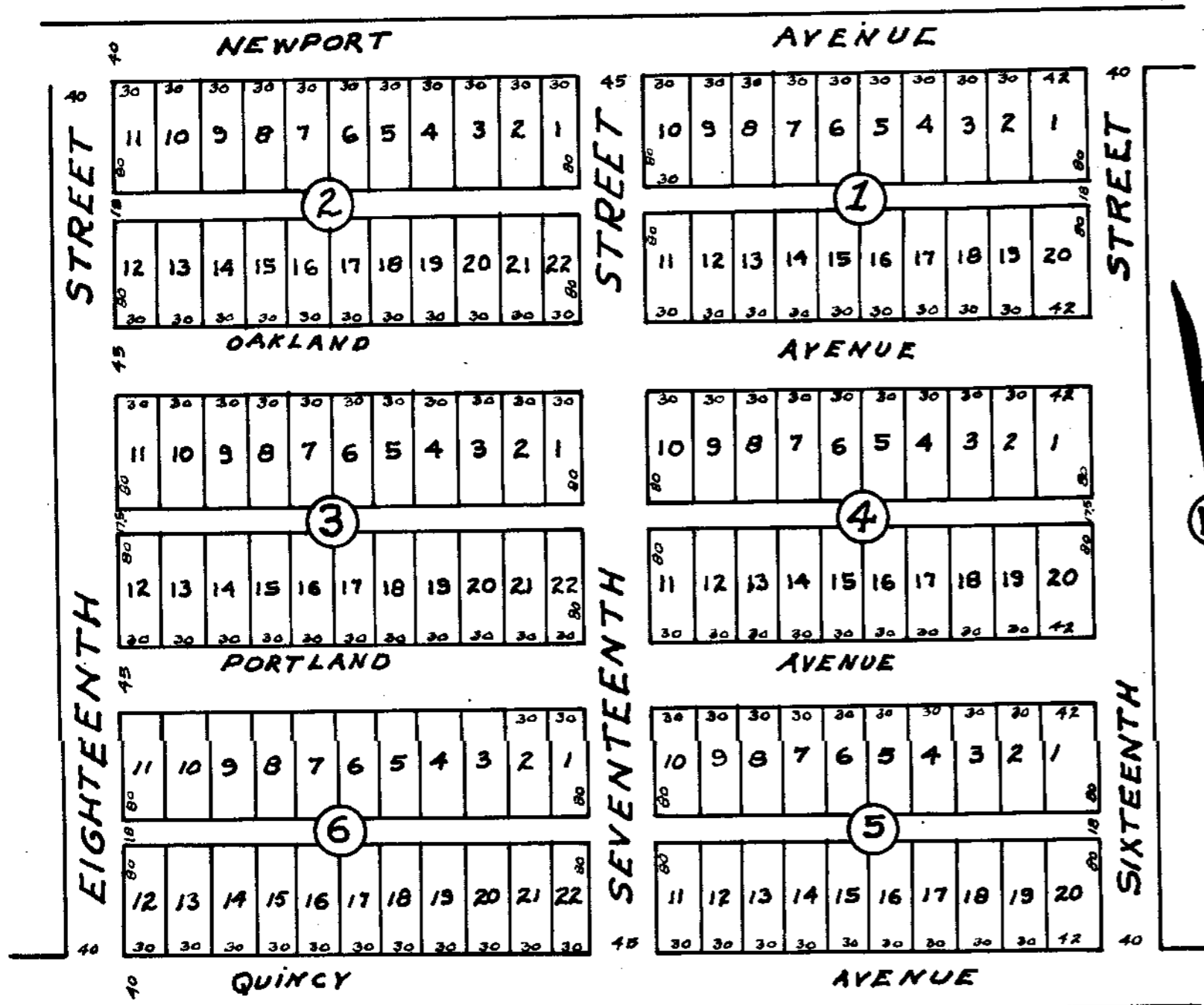
CITY USE ONLY

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

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

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





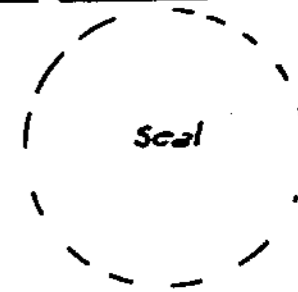
AMENDED
MAP
 OF
COLONIA GUADALUPE
 BEING A SUBDIVISION
 OF
 LOT 13 N.W. 1/4 SECTION 7
 HIDALGO CANAL COMPANY'S SUBDIVISION
 OF
 - PORCIONES 64-65 & 66 -
 HIDALGO COUNTY TEXAS
 Scale 1"=100ft

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

E. M. Card
 SURVEYOR.

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

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



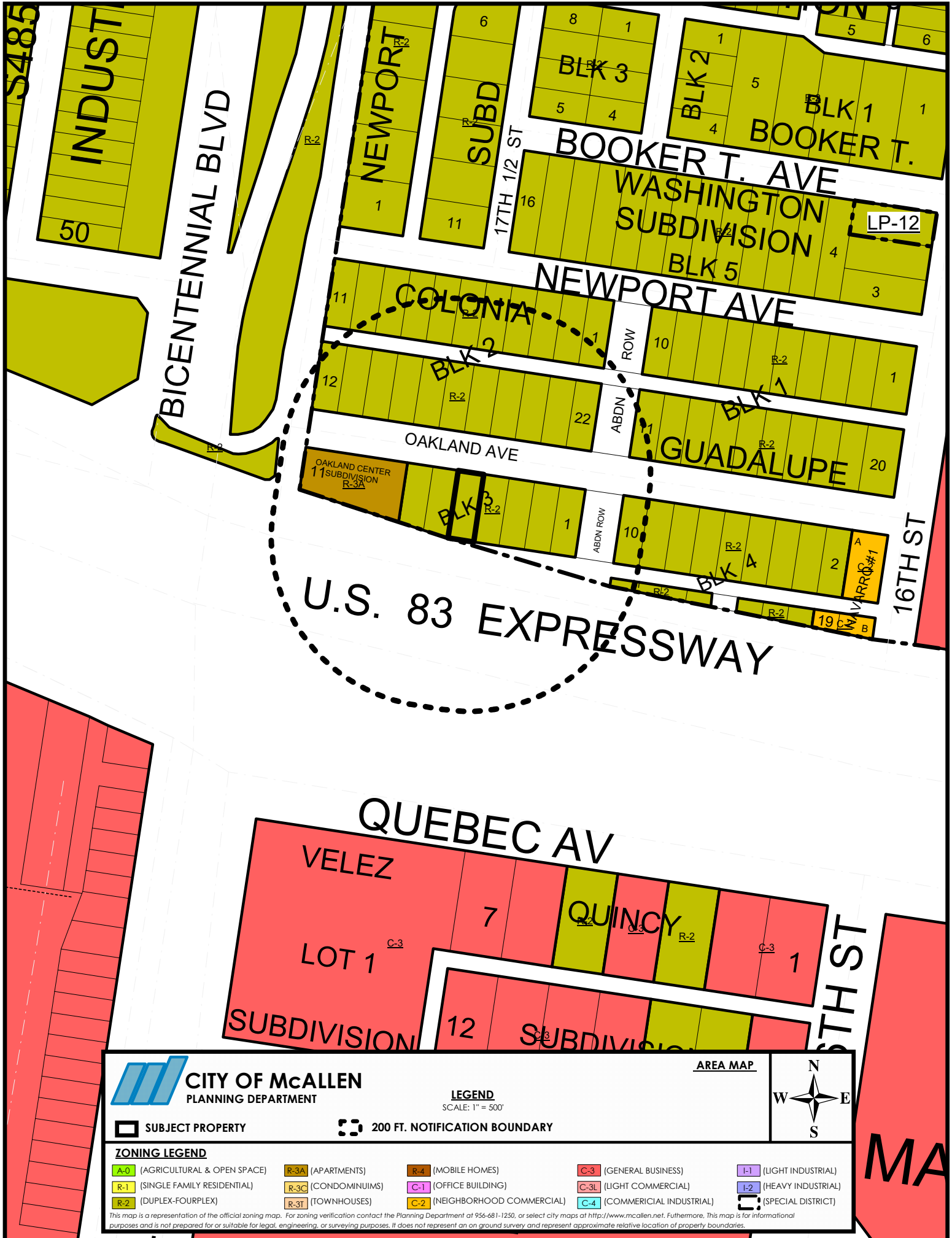
We, the undersigned Mayor & City Secretary, respectively of the City of McAllen Texas, do hereby Certify that at a meeting of the Board of Commissioners of Mc Allen, Texas, held on the 5th day of April, 1944, the above and foregoing map, or Plat, of Colonia Guadalupe an addition to and within the City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

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

Man Drosal
 City Secretary

Lorace Etchison
 Mayor

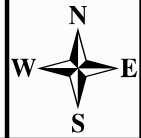
Filed July 28, 1944 at 11:00 A.M



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

LEGEND
SCALE: 1" = 500'



SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

ZONING LEGEND

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

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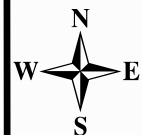


CITY OF McALLEN
PLANNING DEPARTMENT

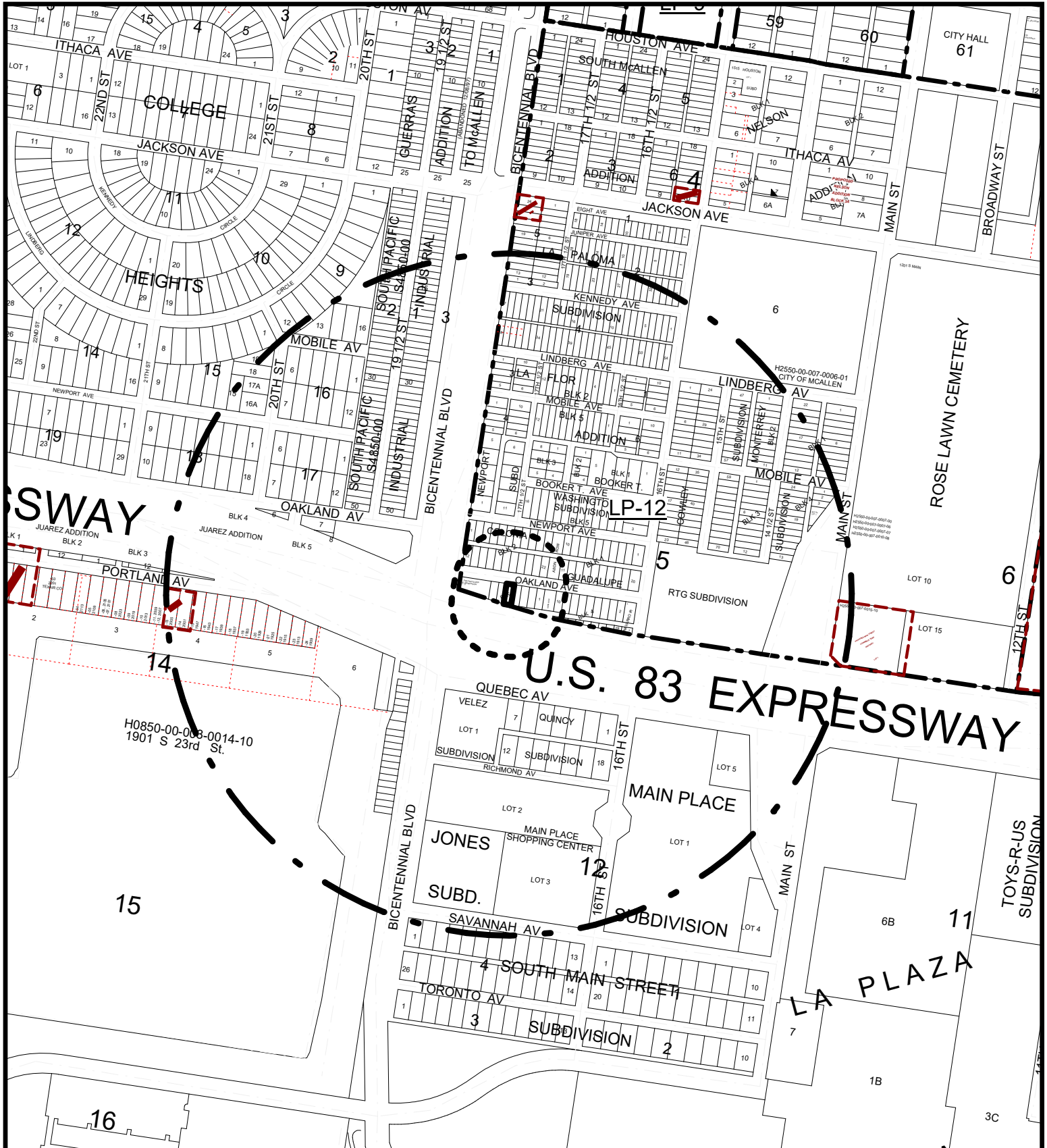



SUBJECT PROPERTY

AERIAL MAP
SCALE: N.T.S.



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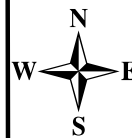






CITY OF McALLEN
PLANNING DEPARTMENT


LEGEND
SCALE: 1" = 500'

AREA MAP




SUBJECT PROPERTY 

200 FT. NOTIFICATION BOUNDARY 

1/4 MILE RADIUS 

ZONING LEGEND

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

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NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2020-0012

1709

**AT THE REQUEST
OF LEGAL
COUNSEL, THIS
ITEM WILL REMAIN
TABLED FOR 6
WEEKS**

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: July 10, 2020

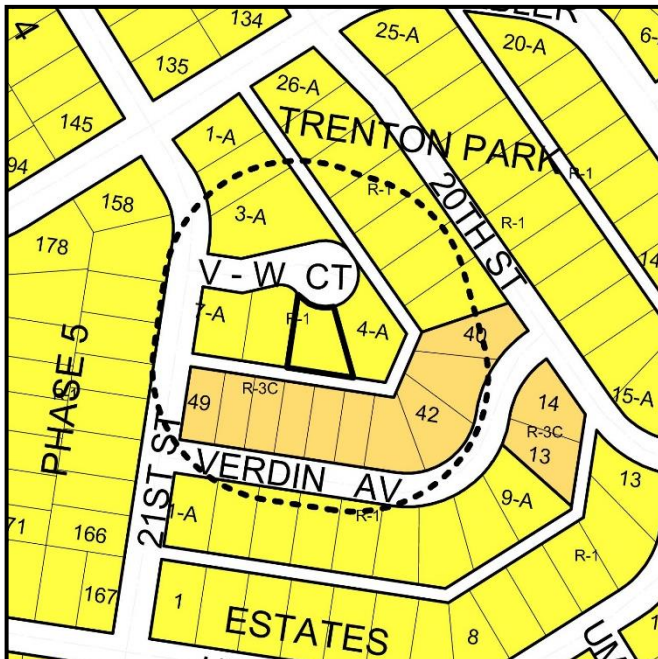
SUBJECT: REQUEST OF MARIA ISABEL AVENDANO FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 4 FT. INTO THE 6 FT. SIDE YARD SETBACK FOR AN IRREGULARLY SHAPED EXISTING CARPORT AT LOT 5A, BLOCK 8, TRENTON PARK ESTATES SUBDIVISION PHASE 1 AMENDED, HIDALGO COUNTY, TEXAS; 2013 V-W COURT. (ZBA2020-0031)

REASON FOR APPEAL

The special exception request is to allow an existing irregularly shaped metal carport that encroaches 4 ft. into the 6 ft. side yard setback along the west property line. The applicant stated that it was constructed in order to shade the bedroom and bathroom side of the house.

PROPERTY LOCATION AND VICINITY:

The subject property is located on the south side of V-W Court at a cul-de-sac, approximately 150 ft. east of North 21st Street. The property has 59.47 ft. of frontage along V-W Court, with a lot size of 7,730 sq. ft. The surrounding land use is residential.



BACKGROUND AND HISTORY:

Trenton Park Estates Subdivision Phase 1 Amended was recorded on March 25, 1992. The Appraisal District records show that the residential home was built in 1993. The carport was built in 2016, according to Google Earth aerial maps. The applicant received a notice of non-compliance from the Building Department inspector on April 28, 2020, followed by a citation on May 12, 2020, for construction without a building permit. An application for a building permit was submitted on May 12, 2020.

ANALYSIS:

The request is to allow an encroachment of 4 ft. into the 6 ft. side yard setback for an irregularly shaped existing metal carport built in 2016. The setback for the side yard is 6 ft., according to the recorded plat. During the inspection, staff noticed that the driveway and parking space are not paved. The carport seems to be slightly sloped towards the adjacent property on the west. However, it does not have an overhang, and as per the site plan, there is a 2 ft. distance between the carport and the property line.

If the request is approved, it may encourage other property owners to apply for a special exception to encroach into the setbacks. The approval of this special exception request is necessary to continue the workflow of the requested building permit.

Staff has received opposition from one neighboring property owner who wishes to remain anonymous.

RECOMMENDATION:

Staff recommends disapproval of the special exception request. However, if the Board chooses to approve the request, paving of the driveway and the parking space is required.

ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING OF JULY 1, 2020:

At the Zoning Board of Adjustments and Appeals meeting of July 1, 2020, one person appeared in opposition to the request. Ms. Cynthia R. Gallegos, 2012 Verdin Avenue, stated she had lived there for 33 years, and her house is one of the patio homes on the south side of the alley. She stated that the applicant had a garage along the V-W Court and may not need the carport. Her main concern was about the irregular shaped lot and the possibility of damaging the cable box on the alley while getting in and out of the entrance to the carport structure.

The applicant was present. Ms. Avendano stated she had the ground made of caliche and had put concrete squares (pavers) towards the end of the gate. She stated the porch structure was built about 3 years ago to shade the bedroom and bathroom side of the house. In addition, the structure would serve as a carport. Ms. Avendano stated that she had lived at that location for 15 years. She further stated that she did not have the money to reduce or remove the porch.

At the request of the applicant, the Board voted unanimously to table the special exception request in order for the request to be heard by a full Board. There were four members present and voting.

ZBA 2020-0031

City of McAllen Planning Department

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

ZBA
7.1.20

APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE

Project	Legal Description <u>Trenton Park Estates</u> <u>Phase 1 lot 5A B1K8</u>
	Subdivision Name _____ Street Address <u>2013 V-W CT McAllen TX 78504</u> Number of lots <u>1</u> Gross acres _____ Existing Zoning <u>R1</u> Existing Land Use <u>Single family Resident</u> Reason for Appeal (please use other side if necessary) <u>apelo los 6 pies quiero dejar</u> <u>2 pies del poste a los lineas de propiedad.</u>
<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input checked="" type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport) <input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required	
Applicant	Name <u>Maria Isabel Avendano</u> Phone <u>956-227-0039</u> Address <u>2013 V-W CT</u> E-mail <u>isavendano53@gmail.com</u> City <u>McAllen</u> State <u>TX</u> Zip <u>78504</u>
Owner	Name <u>Maria Isabel Avendano</u> Phone <u>956-227-0039</u> Address <u>2013 V-W CT</u> E-mail _____ City <u>McAllen</u> State <u>TX</u> Zip <u>78504</u>
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 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>Maria Isabel Avendano</u> Date <u>6/2/2020</u> Print Name <u>MARIA ISABEL AVENDANO</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent
Office	Accepted by <u>LG</u> Payment received by _____ Date _____ Rev 10/18

RECEIVED
JUN 02 2020
BY CM

pd. by c.a.

City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

Porque la pared de la casa es muy caliente le da el sol casi todo el dia y la Recamon y los 2 Baños son en barro y se echava a perder todo lo de los Lavavatos y pagaban mucha Ley

El Techo es de metal delgado y postes de madera no estamos protegidos del techo ni de la pared de la casa el piso es la Tierra

Board Action

Chairman, Board of Adjustment
Signature

Date

McALLEN

P.O. BOX 220 McALLEN, TEXAS 78605-0220

APPLICATION MUST BE COMPLETE

(Please type or print in black or blue ink)

PERMIT APPLICATION REFERENCE NUMBER RES2020-03728

GC 10/19/55

APPLICANT

NAME JOSE AVENDANO PHONE _____

ADDRESS 2013 VW CT.

CITY McAllen STATE TX ZIP 78504

CONTACT NAME: ISABEL AVENDANO PHONE (956) 227 0039

OWNER CONTRACTOR TENANT OTHER

OWNER

NAME SAME AS ABOVE PHONE SAME AS ABOVE

ADDRESS _____ *EMAIL: _____

CITY _____ REQD _____

STATE _____ ZIP _____

*OWNER INFORMATION NOT PROVIDED, INITIAL:

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

BLDG SQ. FT. 97.5 NO. PARKING SPACES _____ SQ. FT. LOT _____ LOT FRONT _____ FLOOR EL. ABOVE CURB _____

EXISTING USE OF LOT _____ NEW USE _____

SCOPE OF WORK TO BE DONE A CARPOT ON THE WEST SIDE

PROJECT

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

FOUNDATION CONCRETE SLAB CONCRETE PIER CONCRETE BLOCK CONCRETE BEAM WOOD POSTS DIRT (FLOOR)

EXT WALL MASONRY VENEER MASONRY SOLID METAL SIDING COMPOSITION WOOD NO WALLS

ROOF WOOD SHINGLE COMPOSITION METAL BUILD UP

SPECIAL CONDITIONS FIRE SPRINKLER SYSTEM TYPE OF CONSTRUCTION ASBESTOS SURVEY CONDEMNED STRUCTURE

LOT 5A BLOCK 8 SUBDIVISION TRENTON PARK ESTATE S

SITE ADDRESS ST. NO. 2013 ST. NAME VW CT

CITY USE ONLY

ZONING _____ PERMIT FEE \$ 48.00 DOUBLE FEE \$ _____ REC'D BY AA

PARK DEV. PERMIT REVIEW FEE \$ _____ DATE 5/12/20

ZONE # _____ TOTAL PERMIT FEE \$ _____ TIME 12:07

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.

JOSE AVENDANO
PRINT (AUTHORIZED AGENT/OWNER)
& MARIA ISABEL

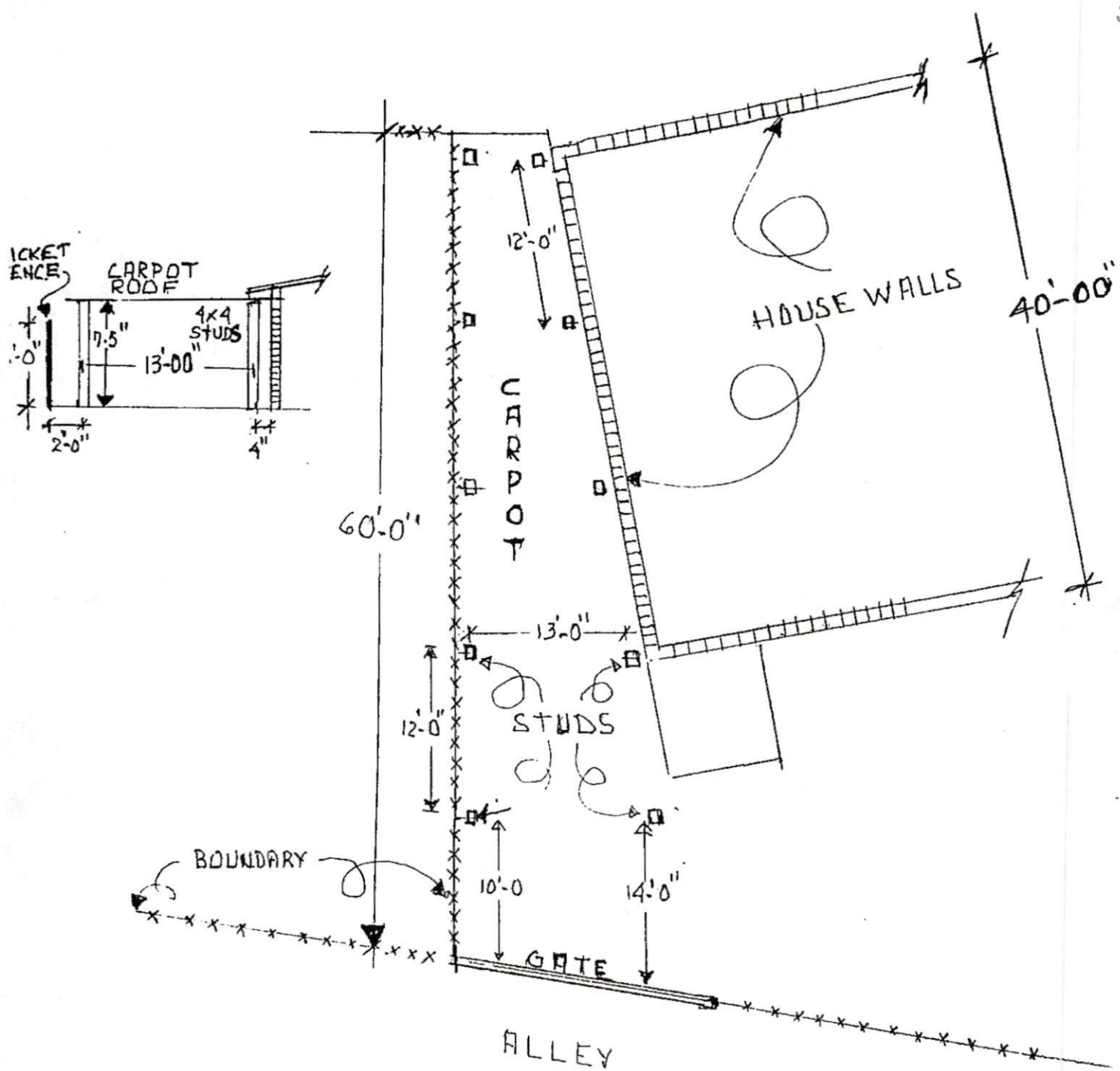
Jose Avendano
SIGNATURE

EMAIL ADDRESS (required)

5-4-20
DATE



→ 1
5



TOTAL CARPOT AREA CONSTRUCTION
565 SQF

NOTICE

THIS STRUCTURE HAS BEEN INSPECTED AND IS NOT
ACCEPTED / PERMITTED

- GENERAL
- CONSTRUCTION
- ELECTRICAL
- MECHANICAL WORK
- PLUMBING
- GAS PIPING
- OCCUPANCY

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

-NOTE-

2013 V-W ct.

Structure built on westside of
property without Permit. need to obtain

DATE permit 48 Hours

DO NOT REMOVE THIS NOTICE

INSPECTOR



4-28-2020

C CAZARES @ me.net

Hable con ella y mandanos el pag

5/12/20 9:00 AM.

Cuarenta y tres cuatros Trece

Director

\$48.00

OFI

681-1300

Planis

Liliana

Liliana Lopez Planisacion



- Non-Compliance
- Stop Work

OFFICE OF BUILDING OFFICIAL

NOTICE

THIS STRUCTURE HAS BEEN INSPECTED AND IS NOT ACCEPTED / PERMITTED

681-1300

- GENERAL
- CONSTRUCTION
- ELECTRICAL
- MECHANICAL WORK
- PLUMBING
- GAS PIPING
- OCCUPANCY

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

-NOTE-

2013 V-W
side porch built without a permit
need to obtain permit

DATE

5-12-2010

INSPECTOR

DO NOT REMOVE THIS NOTICE

[Signature]

OFFICIAL

NOTED AND IS NOT

CONSTRUCTION
 ELECTRICAL WORK
 MECHANICAL WORK
 PLUMBING
 GAS PIPING

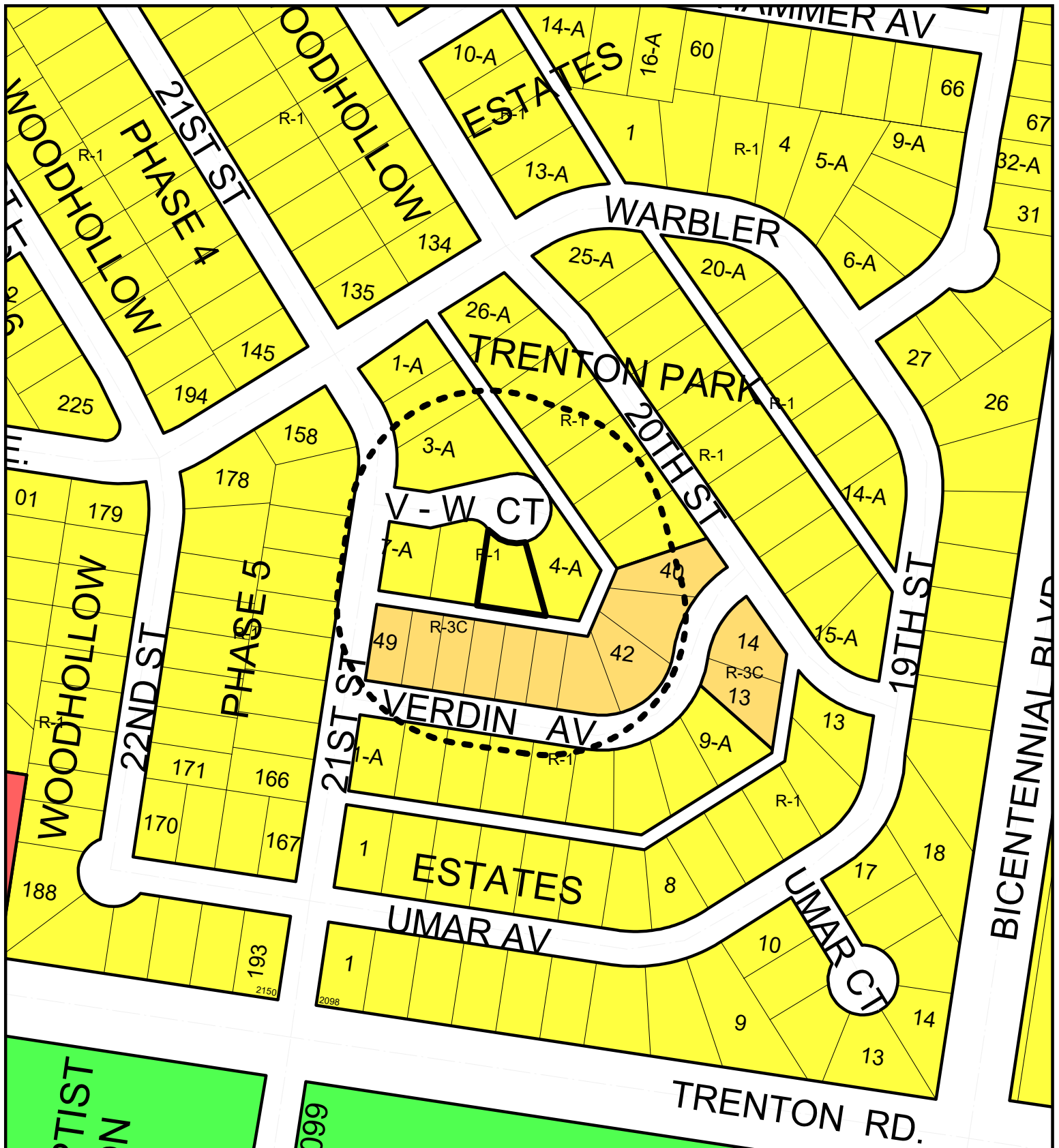
CALL 956-681-1300 FOR ASSISTANCE.

side of
need to obtain

INSPECTOR

NOTICE

[Signature]



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

LEGEND
SCALE: N.T.S.



SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

ZONING LEGEND

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

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CITY OF McALLEN
PLANNING DEPARTMENT

 SUBJECT PROPERTY

AERIAL MAP
SCALE: N.T.S.



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NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2020-0031

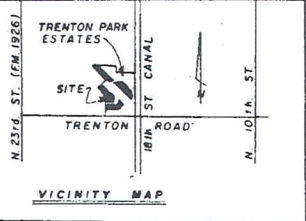
2013
YAW











MAP
OF
**LOTS 14 A THRU 20A BLOCK 4;
LOTS 1A THRU 9A BLOCK 5;
LOTS 1A THRU 7A BLOCK 8;
LOTS 6A THRU 13A BLOCK 9;**

**TRENTON PARK ESTATES SUBDIVISION
PHASE I, AMENDED**

MCALLEN TEXAS

BEING A RESUBDIVISION OF LOTS 14 THRU 21 INCLUSIVE,
BLOCK 4; LOTS 1 THRU 12 INCLUSIVE, BLOCK 5; LOTS 1
AND 2, BLOCK 8,
AND LOTS 5 THRU 10 INCLUSIVE, BLOCK 9; TRENTON
PARK ESTATES SUBDIVISION, PHASE I, AMENDED, MCALLEN,
TEXAS, AS RECORDED IN VOL. 24, PAGE 103, MAP RECORDS
HIDALGO COUNTY, TEXAS

CONTAINING 6.24 ACRES OF LAND MORE OR LESS.

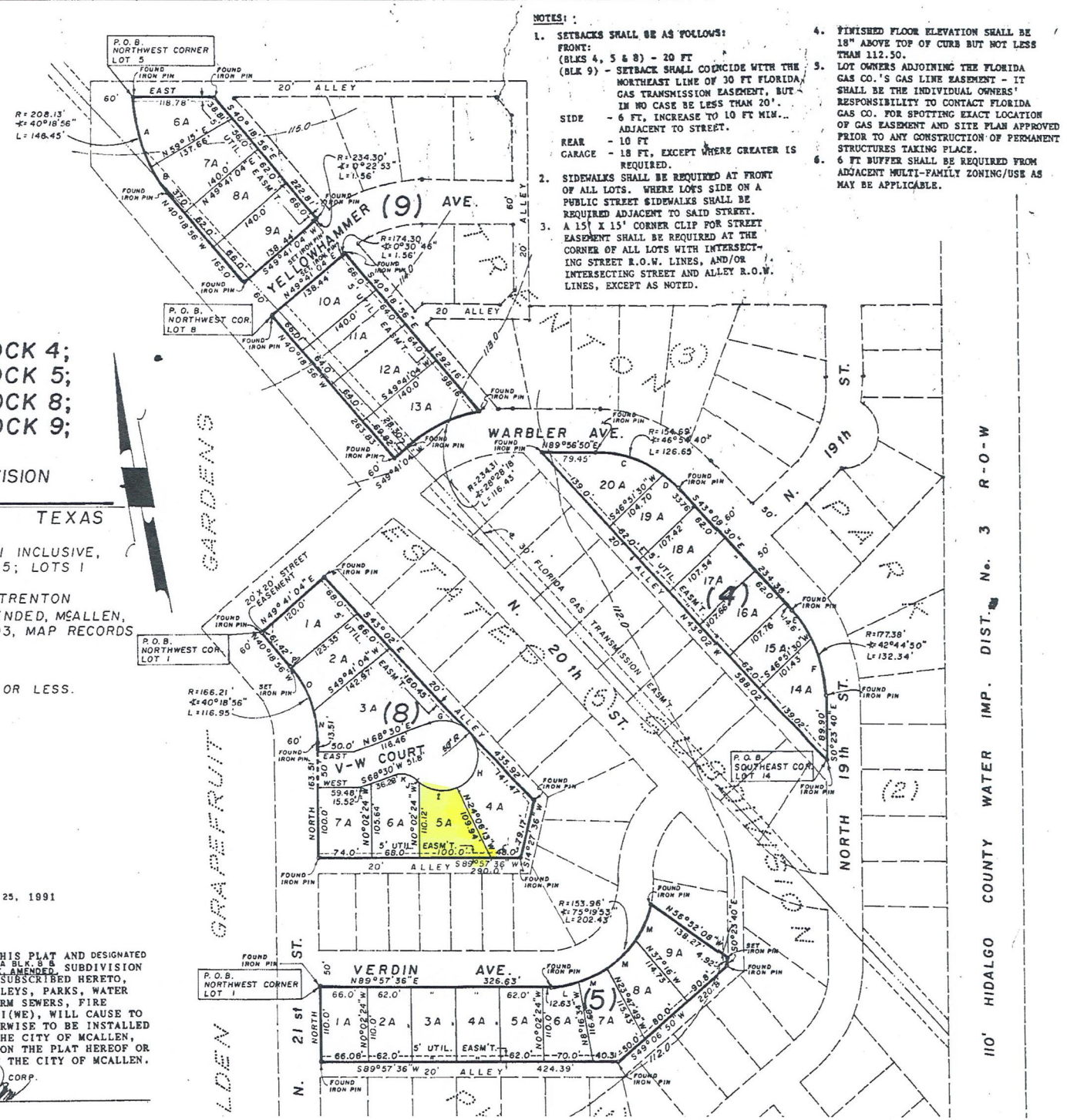
PREPARED
BY
FABIAN, NELSON & MEDINA, INC.
320 NORTH 15TH STREET
MCALLEN, TEXAS 78501

SCALE 1" = 100' DATE: SEPTEMBER 25, 1991

STATE OF TEXAS
COUNTY OF HIDALGO

I, (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED
HEREIN AS LOTS 14A THRU 20A BLK. 4, LOTS 1A THRU 9A BLK. 5, LOTS 1A THRU 7A BLK. 8 & SUBDIVISION
TO THE CITY OF MCALLEN, TEXAS AND WHOSE NAME(S) IS(ARE) SUBSCRIBED HERETO,
HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER
COURSES, DRAINS, EASEMENTS, WATERLINES, SEWER LINES, STORM SEWERS, FIRE
HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH I (WE), WILL CAUSE TO
BE INSTALLED THEREON SHOWN OR NOT SHOWN IF REQUIRED OTHERWISE TO BE INSTALLED
OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF MCALLEN,
ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED, EITHER ON THE PLAT HEREOF OR
ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF MCALLEN.

VALMOR SERVICE CORP.
PRESIDENT: *Mike James*
MIKE JAMES



- NOTES:**
1. SETBACKS SHALL BE AS FOLLOWS:
FRONT:
(BLKS 4, 5 & 8) - 20 FT
(BLK 9) - SETBACK SHALL COINCIDE WITH THE
NORTHEAST LINE OF 30 FT FLORIDA
GAS TRANSMISSION EASEMENT, BUT
IN NO CASE BE LESS THAN 20'
SIDE - 6 FT, INCREASE TO 10 FT MIN...
ADJACENT TO STREET.
REAR - 10 FT
GARAGE - 18 FT, EXCEPT WHERE GREATER IS
REQUIRED.
 2. SIDEWALKS SHALL BE REQUIRED AT FRONT
OF ALL LOTS. WHERE LOTS SIDE ON A
PUBLIC STREET SIDEWALKS SHALL BE
REQUIRED ADJACENT TO SAID STREET.
 3. A 15' X 15' CORNER CLIP FOR STREET
EASEMENT SHALL BE REQUIRED AT THE
CORNER OF ALL LOTS WITH INTERSECT-
ING STREET R.O.W. LINES, AND/OR
INTERSECTING STREET AND ALLEY R.O.W.
LINES, EXCEPT AS NOTED.
 4. FINISHED FLOOR ELEVATION SHALL BE
18" ABOVE TOP OF CURB BUT NOT LESS
THAN 112.50.
 5. LOT OWNERS ADJOINING THE FLORIDA
GAS CO.'S GAS LINE EASEMENT - IT
SHALL BE THE INDIVIDUAL OWNERS'
RESPONSIBILITY TO CONTACT FLORIDA
GAS CO. FOR SPOTTING EXACT LOCATION
OF GAS EASEMENT AND SITE PLAN APPROVED
PRIOR TO ANY CONSTRUCTION OF PERMANENT
STRUCTURES TAKING PLACE.
 6. 6 FT BUFFER SHALL BE REQUIRED FROM
ADJACENT MULTI-FAMILY ZONING/USE AS
MAY BE APPLICABLE.

110' HIDALGO COUNTY WATER IMP. DIST. No. 3 R-O-W

MEMO

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: July 10, 2020

SUBJECT: REQUEST OF RICHARD A. ARCINIEGAS FOR THE FOLLOWING VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) AN ENCROACHMENT OF 15 FT. INTO THE 30 FT. FRONT YARD SETBACK FOR AN EXISTING PORCH MEASURING 13 FT. BY 14.33 FT., 2) AN ENCROACHMENT OF 26.17 FT. INTO THE 30 FT. FRONT YARD SETBACK FOR A BRICK BARBEQUE PIT MEASURING 2.66 FT. BY 7.25 FT. AND 3) AN ENCROACHMENT OF 5.5 FT. INTO THE 7 FT. SIDE YARD SETBACK ALONG THE SOUTH PROPERTY LINE FOR AN EXISTING PORCH MEASURING 6 FT. BY 33 FT., AT LOT 12, SIEBRING ADDITION, HIDALGO COUNTY, TEXAS; 821 NORTH 27TH ½ STREET. (ZBA2020-0030)

REASON FOR APPEAL:

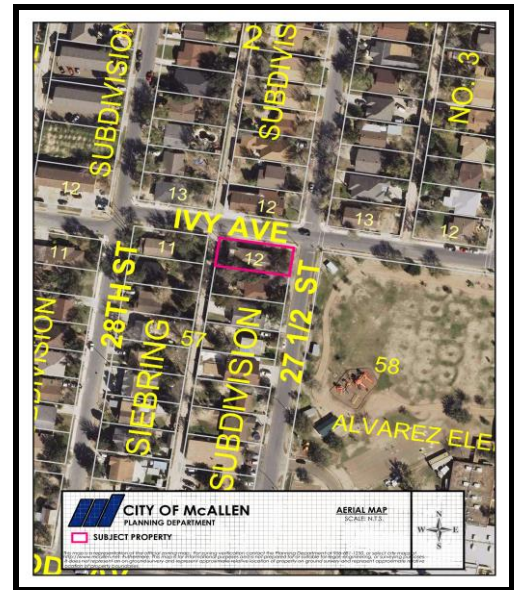
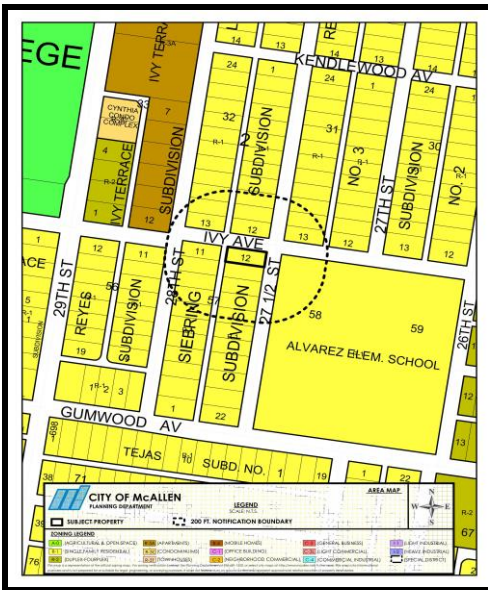
Mr. Richard A. Arciniegas, the property owner requests a variance to allow an encroachment of 15 ft. into the 30 ft. front yard setback for a proposed porch measuring 13 ft. by 14.33 ft., a variance to allow an encroachment of 26.17 ft. into the 30 ft. front yard setback for a brick barbeque pit measuring 2.66 ft. by 7.25 ft., and a variance to allow an encroachment of 5.5 ft. into the required 7 ft. side yard setback along the south property line for a proposed porch measuring 33 ft. by 6 ft. The applicant has indicated that the basis for the requests is for his wife to be able to be outside without being exposed to the sun rays since she was diagnosed with skin cancer.

PROPERTY LOCATION AND VICINITY:

The property is located at the southwest corner of North 27th ½ Street and Ivy Avenue. The lot has 54 ft. of width along North 27th ½ Street and a depth of 130 ft. for a lot size of 7, 020 sq. ft. The property is zoned R-1 (single-family residential) District and a single-family residence is located on the property. The existing residence faces Ivy Avenue instead of North 27th ½ Street, which is designated as the front of the lot in the subdivision plat. The surrounding land uses are Francisca Alvarez Elementary School and single-family residences.

BACKGROUND AND HISTORY:

Siebring Addition was recorded on October 6, 1959. A “stop work” order was issued on April 30, 2020 for construction without a permit. An application for a building permit was submitted on May 4, 2020 for construction of two porches and it is currently under review. The applicant submitted the variance requests on May 28, 2020. The existing brick barbeque pit was constructed in 2014.



ANALYSIS:

The subdivision plat indicates that there are no utility easements along south and east property line. The site plan shows that the porches will not encroach into any utility easements.

Variance request #1 is for an encroachment of 15 ft. into the 30 ft. front yard setback for a porch measuring 13 ft. by 14.33 ft. The subdivision plat indicates that there is a 30 ft. front setback along North 27th ½ Street. The submitted site plan shows the porch to be 15 ft. from the front property line.

Variance request #2 is for an encroachment of 26.17 ft. into the 30 ft. front yard setback for a brick barbeque pit measuring 2.66 ft. by 7.25 ft. The subdivision plat indicates that there is a 30 ft. front setback along North 27th ½ Street. The submitted site plan shows the brick barbeque pit to be 3.83 ft. from the front property line.

Variance request #3 is for an encroachment of 5.5 ft. into the 7 ft. side yard setback along the south property line for a porch measuring approximately 6 ft. by 33 ft. The site plan shows the distance from the south side property line to the porch at 1.5 ft.

The front yard setbacks are important in establishing the character of a single-family neighborhood by providing landscaping to enhance the residence and curb appeal of the properties in the subdivision. Approval of a variance allowing a porch within setbacks may encourage future structures to be constructed in the setbacks.

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

RECOMMENDATION:

Staff recommends disapproval of the variance requests.

ZBA 2020-0030

ZBA
7/1/2020



City of McAllen

Planning Department

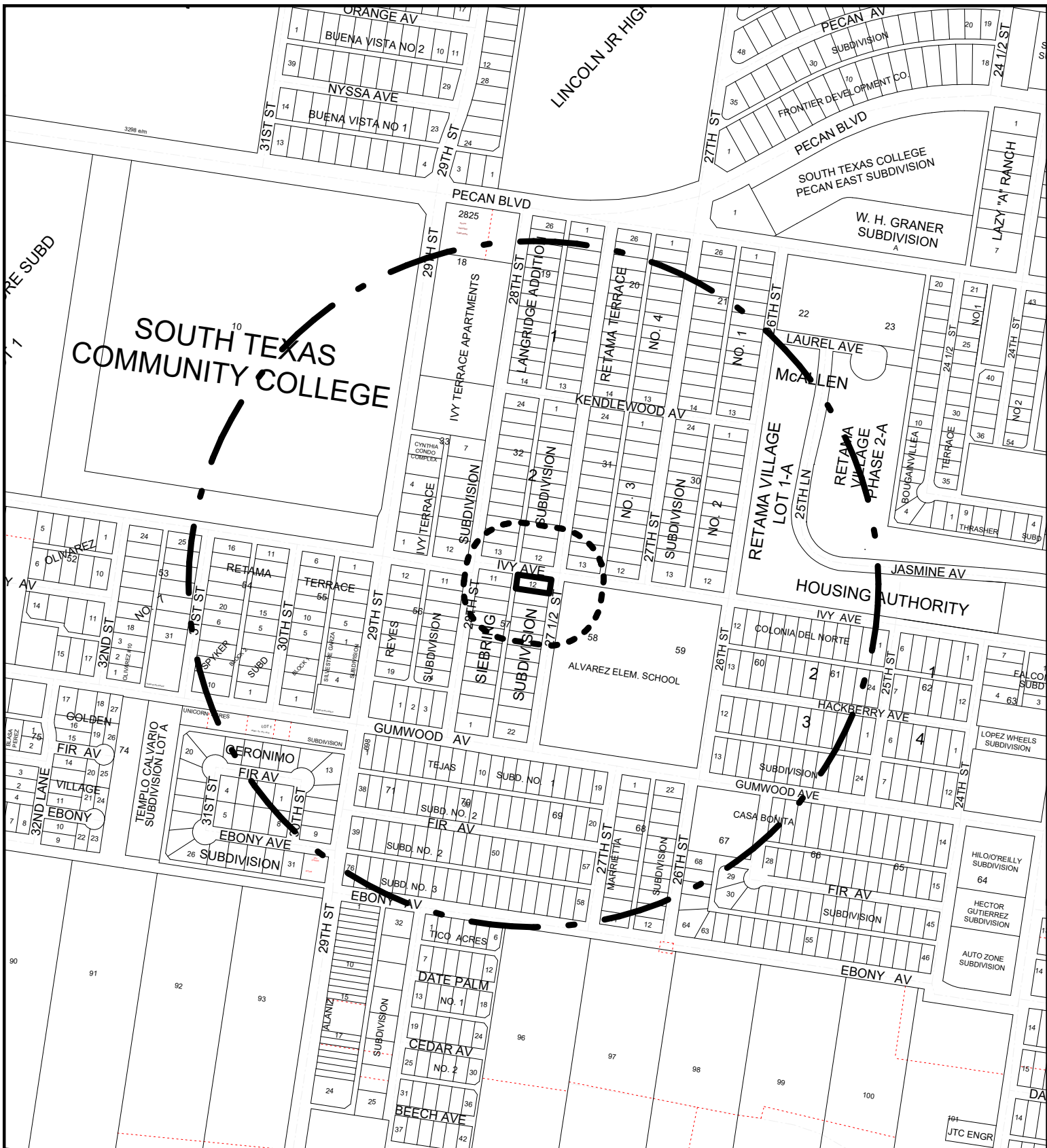
APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project	Legal Description <u>Siebring Addition Lot 12</u>
	Subdivision Name _____
Applicant	Street Address <u>821 N 27th 1/2 St. McAllen, TX 78501</u>
	Number of lots <u>1</u> Gross acres <u>0.16 acres (7,020 sq. ft)</u>
	Existing Zoning <u>Residential</u> Existing Land Use <u>Residential</u>
	Reason for Appeal (please use other side if necessary) <u>Health concerns.</u> <u>Cover patios (front 13'x14'4" and back 33'x6") are encroaching</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
Owner	Name <u>Richard A Arciniegas</u> Phone <u>956.309.5262</u>
	Address <u>821 N 27th 1/2 St.</u> E-mail <u>richard_arc@usa.com</u>
	City <u>McAllen</u> State <u>Texas</u> Zip <u>78501</u>
Authorization	Name <u>Richard & wife Gloria Arciniegas-Mendoza</u> Phone <u>956.309.5262 ; 956.601.3511</u>
	Address <u>821 N 27th 1/2 St</u> E-mail <u>richard_arc@usa.com</u>
	City <u>McAllen</u> State <u>Texas</u> Zip <u>78501</u>
Office	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>Richard A. Arciniegas</u> Date <u>5.28.2020</u> Print Name <u>Richard A Arciniegas</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent
Office	Accepted by <u>L.G.</u> Payment received by _____ Date _____
	Rev 10/18

pd. by C.C.

RECEIVED
MAY 28 2020
By cu



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP




LEGEND
SCALE: N.T.S.

 **SUBJECT PROPERTY**

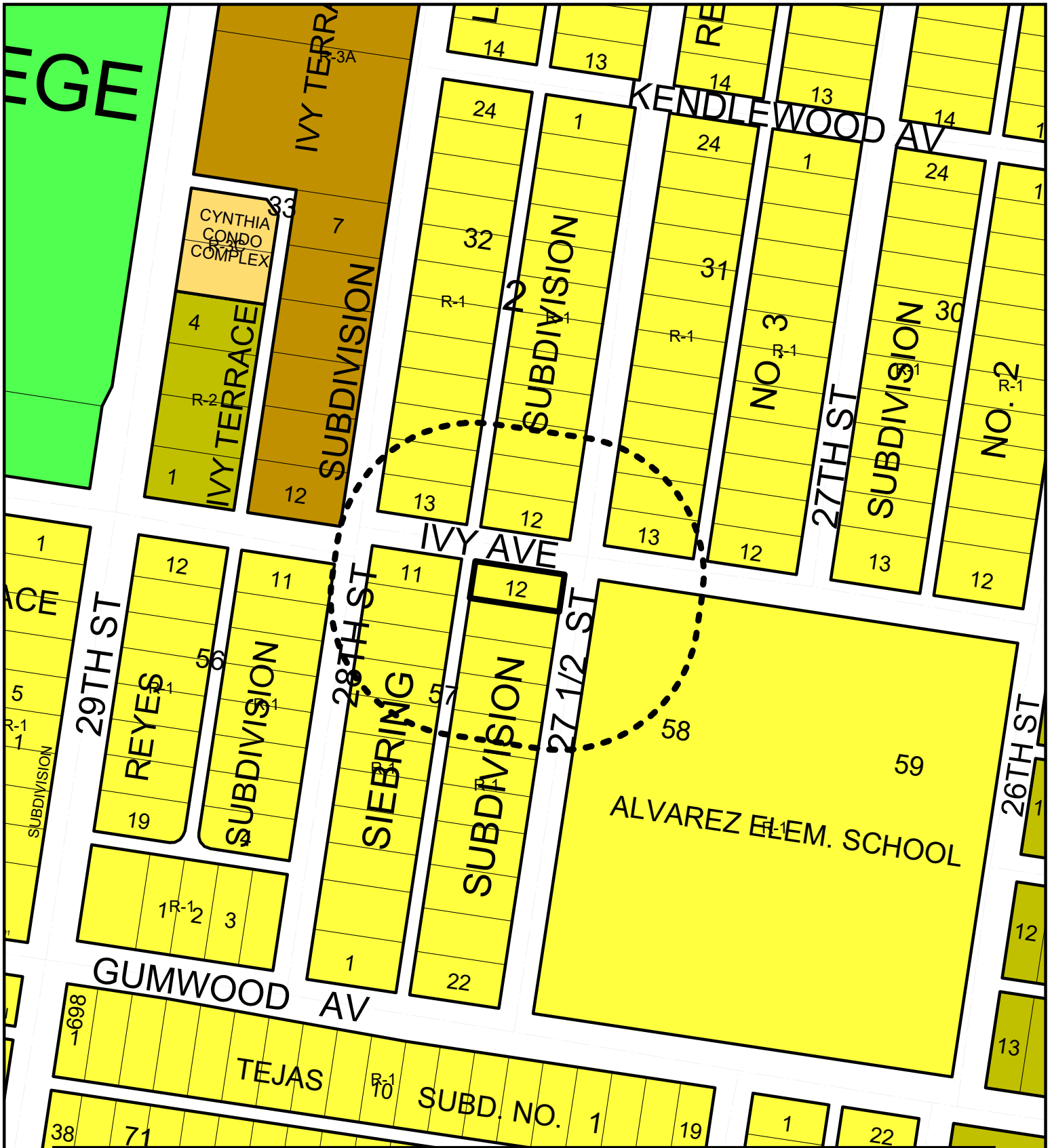
 **200 FT. NOTIFICATION BOUNDARY**

 **1/4 MILE RADIUS**

ZONING LEGEND

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

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CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

LEGEND
SCALE: N.T.S.



SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

ZONING LEGEND

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

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CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

 **SUBJECT PROPERTY**

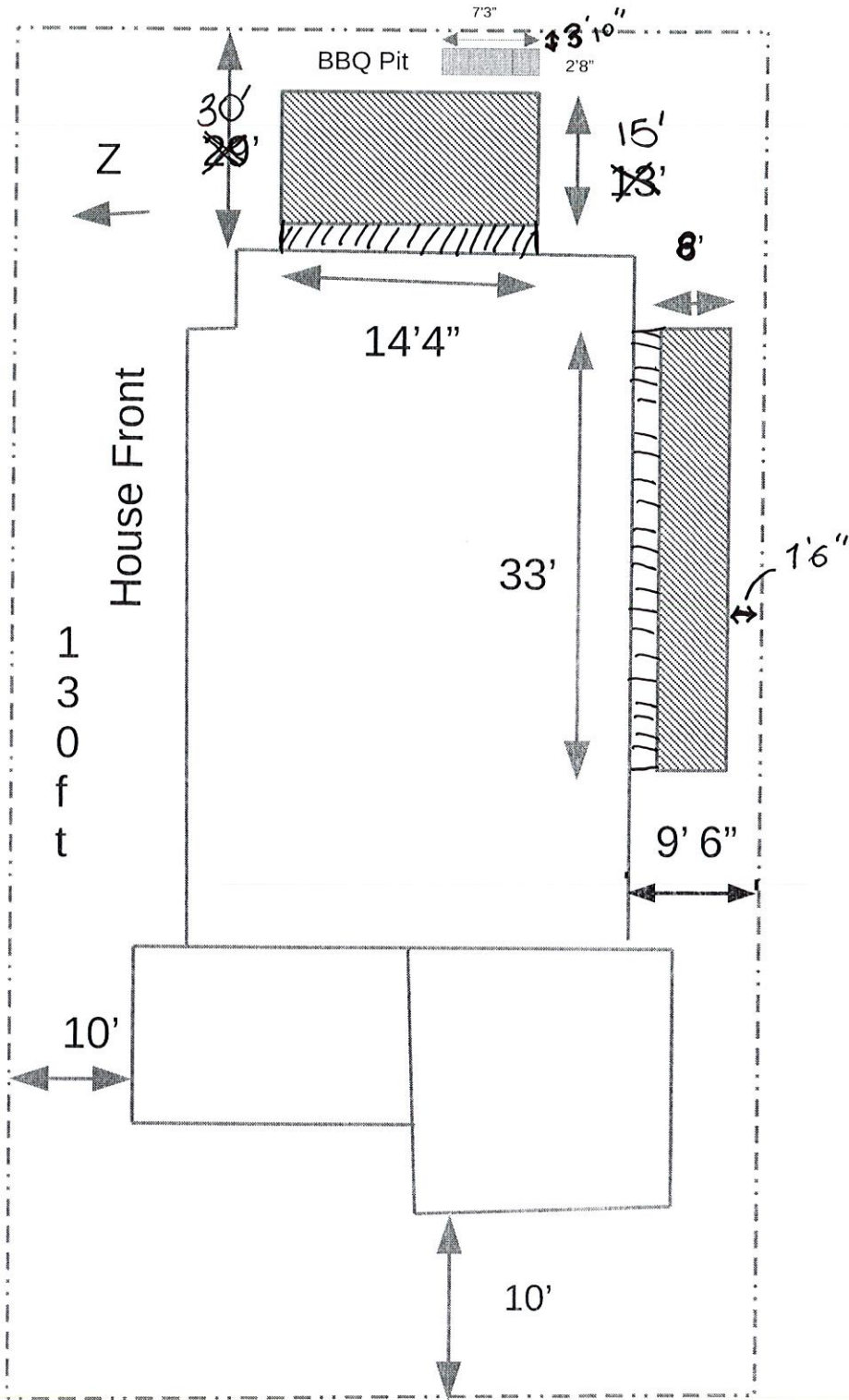


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27th 1/2 St

Site Plan

I
V
Y
A
v
e

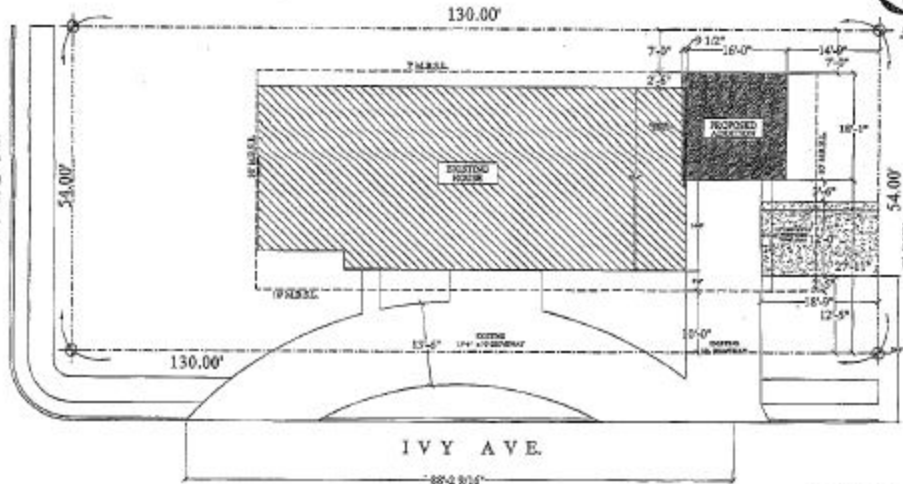


54 ft

Richard G. Ginnings
6.25.2020

RECEIVED
JUN 25 2020
BY: *[Signature]*

27 1/2 ST.



AREAS:	
NEW LOTING AREA	28 40.21
EXISTING TOTAL AREA	1,011 84.12
TOTAL TOTAL AREA	1,040 24.33

SITE PLAN
 SCALE: 3/32"=1'-0"

LOT 12
 SUGGESTED ADDITION
 SUBDIVISION
 821 N. 27 1/2 ST.
 McALLEN, TX

PREPARED BY: []
 CHECKED BY: []
 DATE: []
 SCALE: []
 SHEET NO.: []
 TOTAL SHEETS: []
 PROJECT NO.: []
 CLIENT: []
 ADDRESS: []
 CITY: []
 STATE: []
 ZIP: []
 PHONE: []
 FAX: []
 EMAIL: []
 WWW: []
 RAD
 12-11
 14-001



NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2020-0030

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

APPLICATION MUST BE COMPLETE

PERMIT APPLICATION REFERENCE NUMBER

RES2020-02959

(Please type or print in black or blue ink)

GC103918 APPLICANT

NAME Richard and Gloria Arciniegas PHONE 956 309 5262
 ADDRESS 821 N 27th 1/2 St
 CITY McAllen STATE TX ZIP 78501
 CONTACT NAME: Gloria Arciniegas-Mendoza PHONE 956 601 3511
 OWNER CONTRACTOR TENANT OTHER

OWNER

NAME Richard and Gloria Arciniegas PHONE 956 601 3511
 ADDRESS 821 N 27th 1/2 St *EMAIL: perladelosandes@hotmail.com
 CITY McAllen STATE TX ZIP 78501

*OWNER INFORMATION NOT PROVIDED, INITIAL:

NEW ADDITION REMODELING REPAIR MOVE REMOVE 10 ft BLDG. HGT. 1 NO. OF FLOORS
 BLDG SQ. FT. 1,200 NO. PARKING SPACES 5 SQ. FT. LOT 7,020 sq ft LOT FRONT 130 ft FLOOR EL ABOVE CURB 8 in
 EXISTING USE OF LOT _____ NEW USE _____

SCOPE OF WORK TO BE DONE Build a patio cover and a back of the house cover.

PROJECT

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

FOUNDATION <input type="checkbox"/> CONCRETE SLAB <input type="checkbox"/> CONCRETE PIER <input type="checkbox"/> CONCRETE BLOCK <input type="checkbox"/> CONCRETE BEAM <input type="checkbox"/> WOOD POSTS <input type="checkbox"/> _____	EXT WALL <input type="checkbox"/> MASONRY VENEER <input type="checkbox"/> MASONRY SOLID <input type="checkbox"/> METAL SIDING <input type="checkbox"/> COMPOSITION <input type="checkbox"/> WOOD <input type="checkbox"/> _____	ROOF <input type="checkbox"/> WOOD SHINGLE <input type="checkbox"/> COMPOSITION <input type="checkbox"/> METAL <input type="checkbox"/> BUILD UP <input type="checkbox"/> CLAY OR CONCRETE TILE <input type="checkbox"/> _____	SPECIAL CONDITIONS <input type="checkbox"/> FIRE SPRINKLER SYSTEM <input type="checkbox"/> FIRE ALARM SYSTEM <input type="checkbox"/> TYPE OF CONSTRUCTION _____ <input type="checkbox"/> ASBESTOS SURVEY <input type="checkbox"/> EABPRJA/B#: _____ <input type="checkbox"/> CONDEMNED STRUCTURE <input type="checkbox"/> SEPTIC TANK EXISTING OR PROPOSED <input type="checkbox"/> YES <input type="checkbox"/> NO
---	--	---	---

LOT 12 BLOCK 000 SUBDIVISION Siebring-SML

SITE ADDRESS ST. NO. 27th 1/2 ST. NAME Ivy Avenue

CITY USE ONLY

ZONING _____ PERMIT FEE \$ 192.00 DOUBLE FEE \$ _____
 PERMIT REVIEW FEE \$ _____
 TOTAL PERMIT FEE \$ _____
 PARK DEV. PARK DEVELOPMENT FEE \$ _____
 ZONE # _____

REQ'D BY [Signature]
 DATE 5/4/20
 TIME 8:00

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.

Gloria Arciniegas-Mendoza [Signature] perladelosandes@hotmail.com 05/02/2020
 PRINT (AUTHORIZED AGENT/OWNER) SIGNATURE EMAIL ADDRESS (required) DATE





Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: July 9, 2020

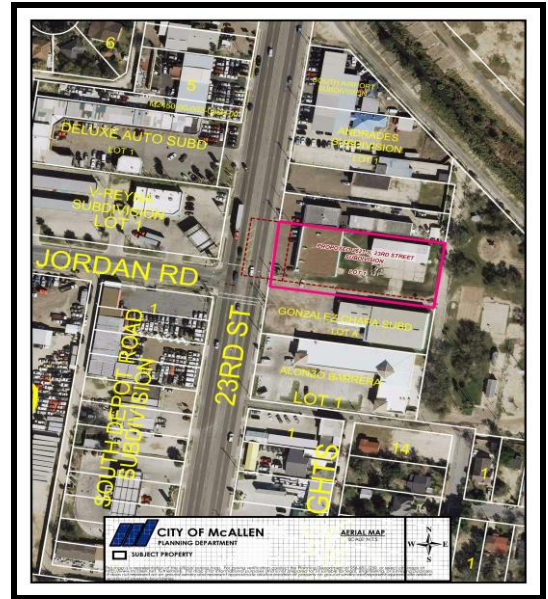
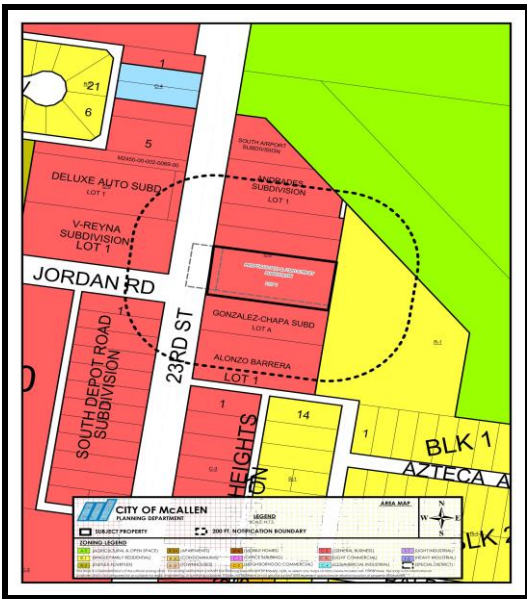
SUBJECT: REQUEST OF U.S. RAGS, INC. FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN OFF-STREET PARKING AND LOADING ORDINANCE AND A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) 22 PARKING SPACES INSTEAD OF THE REQUIRED 36 PARKING SPACES FOR A PROPOSED COMMERCIAL BUILDING MEASURING 13,000 SQ. FT., AND 2) AN ENCROACHMENT OF 10 FT. INTO THE 15 FT. SIDE YARD SETBACK ALONG THE NORTH AND SOUTH PROPERTY LINES FOR A PROPOSED COMMERCIAL BUILDING MEASURING 13,000 SQ. FT. AT 0.99 ACRE TRACT OF LAND OUT OF LOT 18, BLOCK 3, C.E. HAMMOND'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 2621 SOUTH 23RD STREET. (ZBA2020-0013).

REASON FOR APPEAL: The applicant is requesting a special exception from the City of McAllen Off-street Parking and Loading Ordinance to provide 22 parking spaces instead of the required 36 parking spaces for a commercial building. The applicant states the basis for this request is that at any given time only 3 or 4 parking spaces are used by customers and office personnel. The applicant is also requesting a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 10 ft. into the required side yard setback of 15 ft. on the north and south side of the property. The basis for the request to encroach into the side yard setbacks is that a 5 ft. utility easement prevents construction to the lot line as allowed by the Zoning Ordinance

PROPERTY LOCATION AND VICINITY: The property is located on the east side of South 23rd Street at the intersection with Jordan Road, and is zoned C-3 (general business) District. Surrounding areas are zoned C-3 District to the north, south and west, and R-1 (single family residential) District to the east.

BACKGROUND AND HISTORY: A subdivision plat for this property under the name of, "2621 South 23rd Street Subdivision" was approved in final form at the Planning and Zoning Board meeting of March 10, 2020.

ANALYSIS: The applicant is proposing to build a 13,000 sq. ft. commercial building for retail use on the subject property. As per Section 138-395, the ordinance states four parking spaces are required for the first 400 sq. ft. of floor area plus one parking space for each additional 400 sq. ft. of floor area for commercial use. Based on the square footage of the proposed commercial building, 36 parking spaces are required and 22 parking spaces are proposed. The shortage of parking spaces could create stacking issues on South 23rd Street, and also parking issues with customers using parking spaces from neighboring businesses.



The applicant is also requesting a variance to allow an encroachment of 10 ft. into the required 15 ft. side setback on the north and south side of the property. A general note on the proposed subdivision plat indicates that the proposed side yard setbacks will have be in accordance with the Zoning Ordinance or greater for easements. The proposed subdivision plat also indicates that there are 5 ft. utility easements along the north and south property lines. Section 138-356 (11) of the Zoning Ordinance indicates that side yard setbacks in commercial areas from all lot lines shall be one foot back for each two feet in height including corner lots, except a building may be built to a lot line when not adjacent to a residential zone and where a firewall is provided between uses. The proposed building will be 30 ft. in height; hence, required side setbacks will be 15 ft. The proposed 5 ft. utility easements along the side of the property prevent the proposed building from being constructed to the lot line. A letter submitted by the applicant indicates that he is willing to provide a firewall if the 5 ft. setback variance is approved. The utility easements will not be impacted by the proposed commercial building.

No calls or emails have been received in opposition.

ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING OF JUNE 17, 2020:

At the Zoning Board of Adjustments and Appeals meeting of June 17, 2020 no one appeared in opposition to the variance request. After a brief discussion, City Attorney’s Assistant recommended the Board to table the item. The Board voted to table the item with five members present and voting

RECOMMENDATION:

Staff recommends disapproval of the special exception, and approval of the variance request.

ZBA2020.0013

ZBOA
4-15-20



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

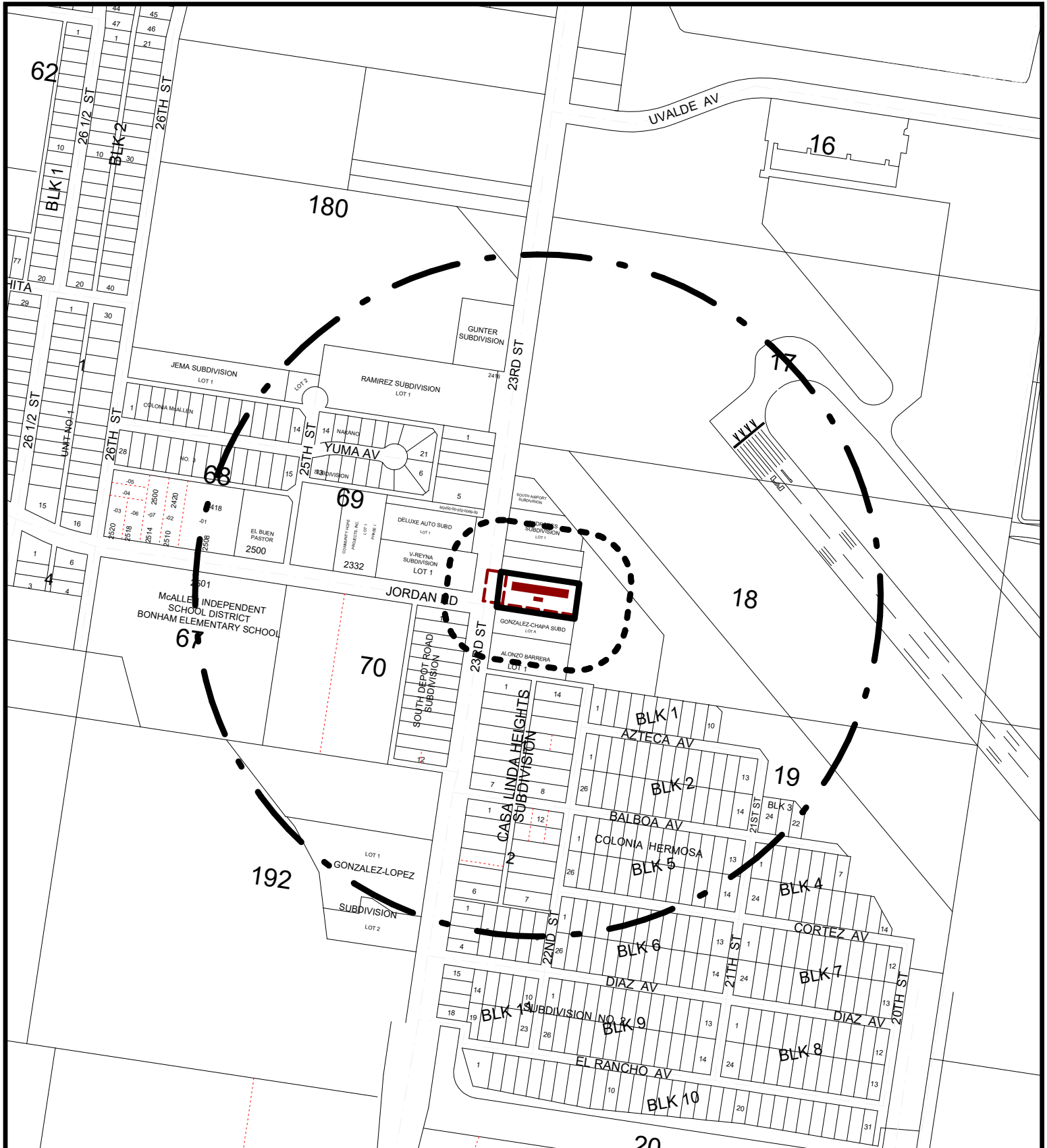
Project	Legal Description	<u>0.99 AC 6/0 LOT 18, BIK. 3,</u> <u>C.R. HAMMOND'S SUBD., H.C.T.</u>	
	Subdivision Name	<u>2621 S. 23RD ST. SUBD.</u>	
Project	Street Address	<u>2621 S. 23RD ST., McALLEN</u>	
	Number of lots	<u>1</u>	Gross acres <u>0.99</u>
	Existing Zoning	<u>C-3</u>	Existing Land Use <u>C-3</u>
	Reason for Appeal (please use other side if necessary)	<u>ALL PARKING REQ NOT</u> <u>NEEDED / INCREASED SETBACK REDUCES PARKING</u> <u>REQ.</u>	
Project	<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport)		
	<input checked="" type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required	<u>SITE PLAN (EXHIBIT "B")</u>	
Applicant	Name	<u>U.S. RAGS, INC.</u>	Phone <u>713-805-4546</u>
	Address	<u>303 S. 66TH ST.</u>	E-mail <u>MAIL@BIGSTARMCNT.COM</u>
	City	<u>HOUSTON</u>	State <u>TX</u> Zip <u>77011</u>
Owner	Name	<u>SAME AS APPLICANT</u>	
	Address	_____ E-mail _____	
	City	State	Zip
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?		
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
	I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.		
Authorization	Signature	<u>[Signature]</u> Date <u>3/9/20</u>	
	Print Name	<u>DAVID O. SALINAS</u>	<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Authorized Agent
Office	Accepted by	Payment received by	
	<u>Cb</u>		


RECEIVED
MAR 11 2020

BY: [Signature]

Ret#703923

Rev 10/18

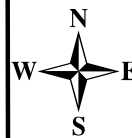






CITY OF McALLEN
PLANNING DEPARTMENT


LEGEND
SCALE: 1" = 500'

AREA MAP




 **SUBJECT PROPERTY**

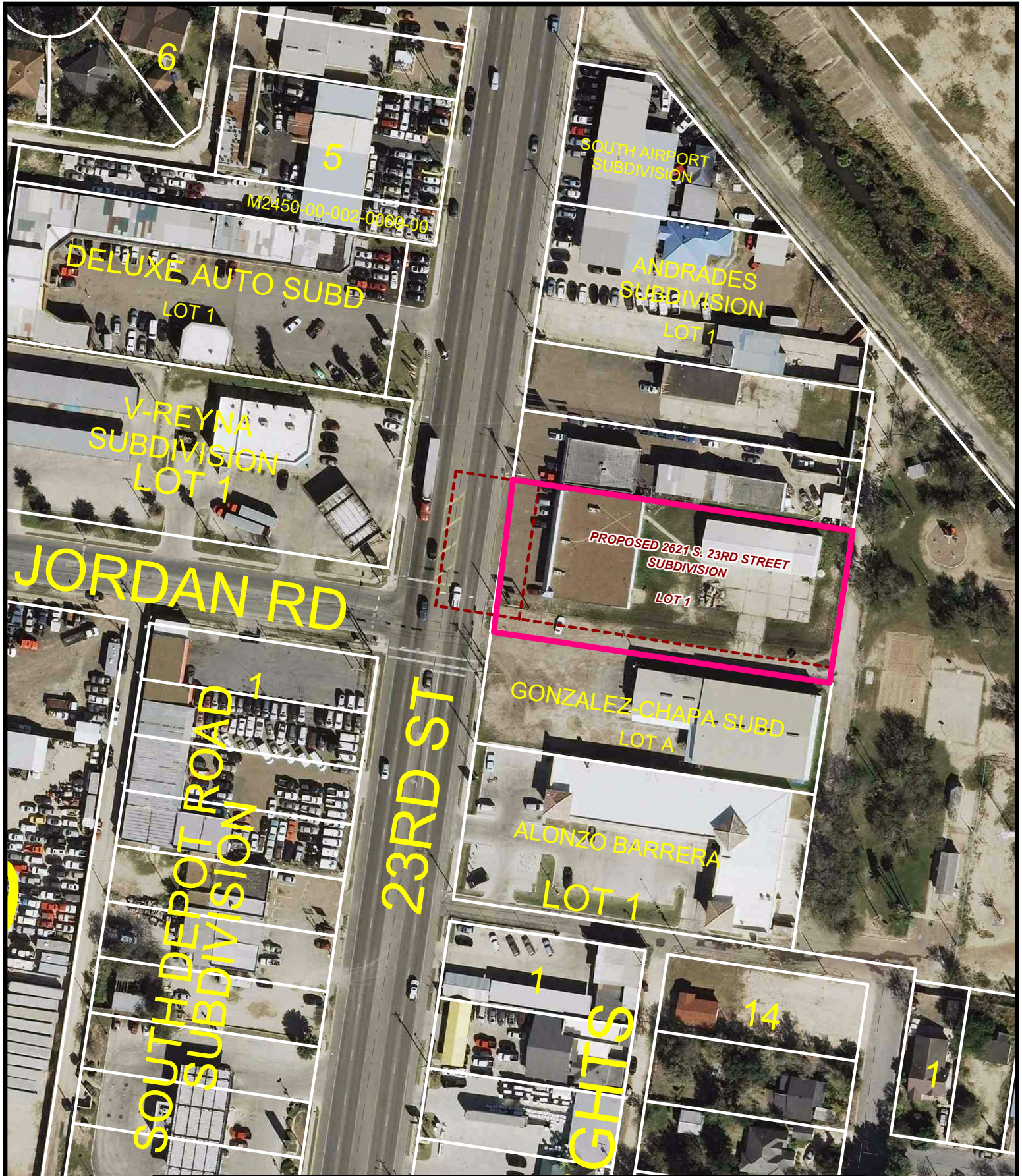
 **200 FT. NOTIFICATION BOUNDARY**

 **1/4 MILE RADIUS**

ZONING LEGEND

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

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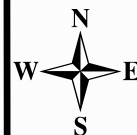


CITY OF McALLEN
PLANNING DEPARTMENT

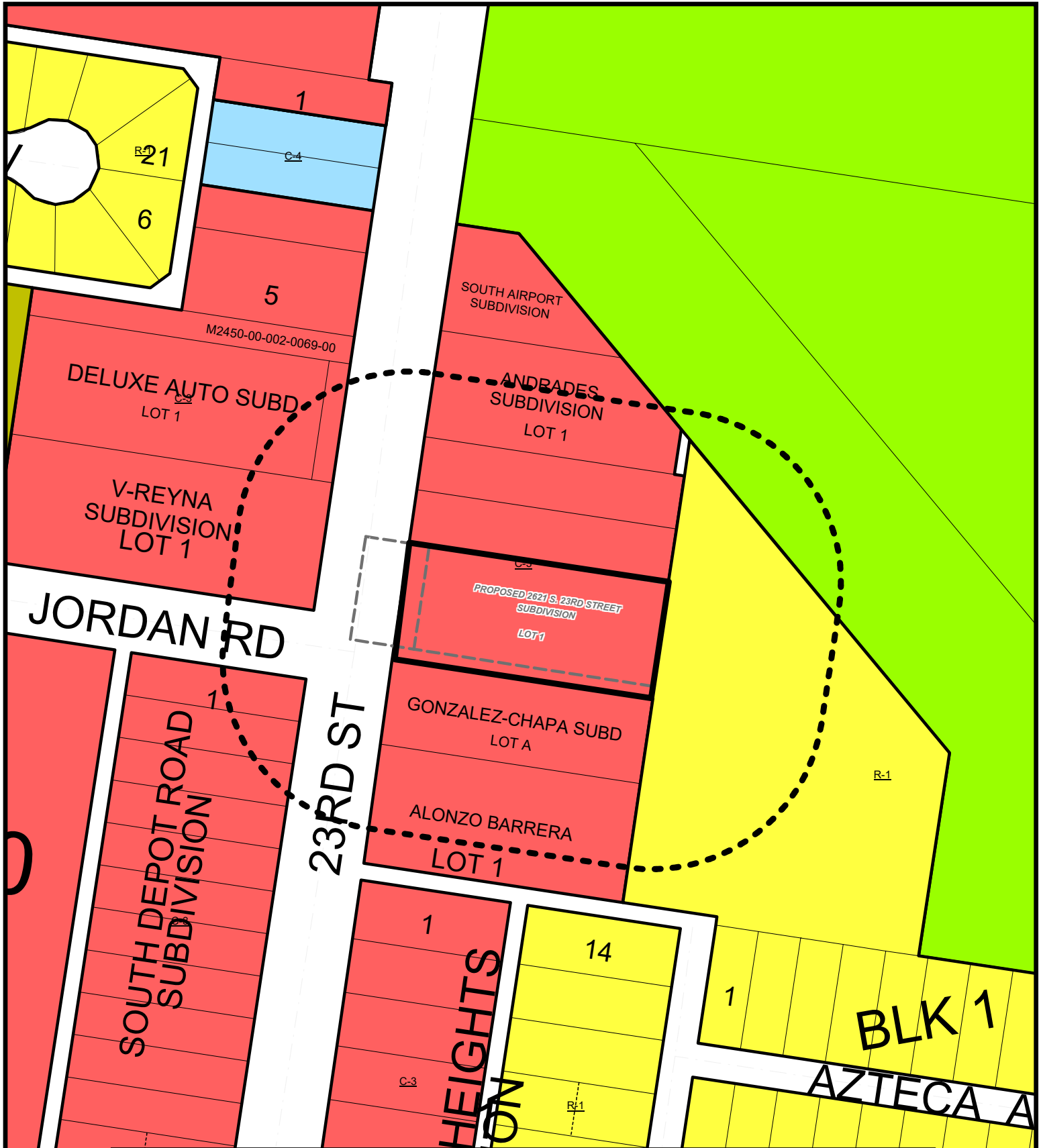



SUBJECT PROPERTY

AERIAL MAP
SCALE: N.T.S.



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CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.

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)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)
R-2 (DUPLIX-FOURPLEX)	R-3I (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)
			I-1 (LIGHT INDUSTRIAL)
			I-2 (HEAVY INDUSTRIAL)
			SD (SPECIAL DISTRICT)

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2221 S. 23rd Street

SALINAS ENGINEERING & ASSOCIATES
CONSULTING ENGINEERS & SURVEYORS
2221 DAFFODIL AVE. - MCALLEN, TEXAS 78501
(956) 682-9081 (956) 686-1489 (FAX)
dsalinas@salinasengineering.com
TPLS 12100 PARK 35 ORACLE BLDG. A, SUITE 156, MC-230, AUSTIN, TEXAS 78573 (512) 239-5263

METES AND BOUNDS DESCRIPTION

BEING A 0.99 GROSS ACRE TRACT OF LAND, MORE OR LESS, AS FOUND ON THE GROUND, OUT OF AND FORMING A PART OF LOT 18, BLOCK 3, C.E. HAMMOND'S SUBDIVISION, HIDALGO COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 21, PAGE 599, DEED RECORDS OF HIDALGO COUNTY, TEXAS; SAID 0.99 ACRE TRACT OF LAND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 18 LOCATED INSIDE THE RIGHT-OF-WAY OF SOUTH 23RD. STREET; THENCE, AS FOLLOWS:

SOUTH 08 DEGREES 23 MINUTES 28 SECONDS WEST, COINCIDENT WITH THE WEST LINE OF SAID LOT 18, A DISTANCE OF 500.0 FEET TO A NAIL SET ON THE SOUTHWEST CORNER OF THAT CERTAIN 0.97 (DEED) TRACT OF LAND CONVEYED FROM ELIZABETH GOMEZ VEGA UNTO ROBERTO GOMEZ, DATED APRIL 09, 1998, FILED IN INSTRUMENT NO. 671712, H.C.D.R., FOR THE NORTHWEST CORNER AND POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT:

(1) THENCE, SOUTH 81 DEGREES 17 MINUTES 00 SECONDS EAST, COINCIDENT WITH THE SOUTH LINE OF SAID GOMEZ TRACT, A DISTANCE OF 40.0 FEET (X/DOT ROW MAP) PASSING THE OLD EAST RIGHT-OF-WAY LINE OF SOUTH 23RD. STREET, AND BEING THE WEST LINE OF THAT CERTAIN EASEMENT AND RIGHT-OF-WAY CONVEYED UNTO THE CITY OF MCALLEN (VOL. 1091, PG. 463, H.C.D.R.), AT A DISTANCE OF 50.0 FEET PASSING A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET IN ASPHALT ON THE EXISTING EAST RIGHT-OF-WAY OF SAID SOUTH 23RD. STREET SAME BEING ON THE EAST LINE OF SAID 100 FOOT PERMANENT EASEMENT AND RIGHT-OF-WAY CONVEYED TO THE CITY OF MCALLEN, AT A DISTANCE OF 357.20 FEET IN ALL TO A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET ON THE SOUTHEAST CORNER OF SAID GOMEZ TRACT FOR THE NORTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;

(2) THENCE, SOUTH 08 DEGREES 43 MINUTES 00 SECONDS WEST, ALONG THE SOUTHERLY PROJECTED EAST LINE OF SAID GOMEZ TRACT, A DISTANCE OF 121.28 FEET TO A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET ON THE NORTHEAST CORNER OF A 15.0 FOOT STRIP OF LAND CONVEYED TO THE CITY OF MCALLEN BY INSTRUMENT NUMBER 11501, DEED RECORDS OF HIDALGO COUNTY, TEXAS, BEING 15.0 FEET NORTH OF THE NORTH LINE OF LOT A, GONZALEZ-CHAPA SUBDIVISION, MCALLEN, HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 22, PAGE 55, MAP RECORDS OF HIDALGO COUNTY, TEXAS, FOR THE SOUTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;

(3) THENCE, NORTH 81 DEGREES 17 MINUTES 00 SECONDS WEST, COINCIDENT WITH THE NORTH LINE OF SAID 15.0' STRIP, A DISTANCE OF 306.51 FEET PASS A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET ON THE EXISTING EAST RIGHT-OF-WAY LINE OF SAID SOUTH 23RD. STREET SAME BEING THE EAST LINE OF SAID EASEMENT AND RIGHT-OF-WAY CONVEYED UNTO THE CITY OF MCALLEN AT A DISTANCE OF 316.51 FEET PASSING THE ORIGINAL EAST RIGHT-OF-WAY LINE OF SAID SOUTH 23RD. STREET SAME BEING THE WEST LINE OF SAID EASEMENT AND RIGHT-OF-WAY CONVEYED UNTO THE CITY OF MCALLEN, AT A DISTANCE OF 356.51 FEET IN ALL TO A NAIL SET IN ASPHALT WITHIN SOUTH 23RD. STREET ON INTERSECTION WITH THE WEST LINE OF SAID LOT 18 FOR THE SOUTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;

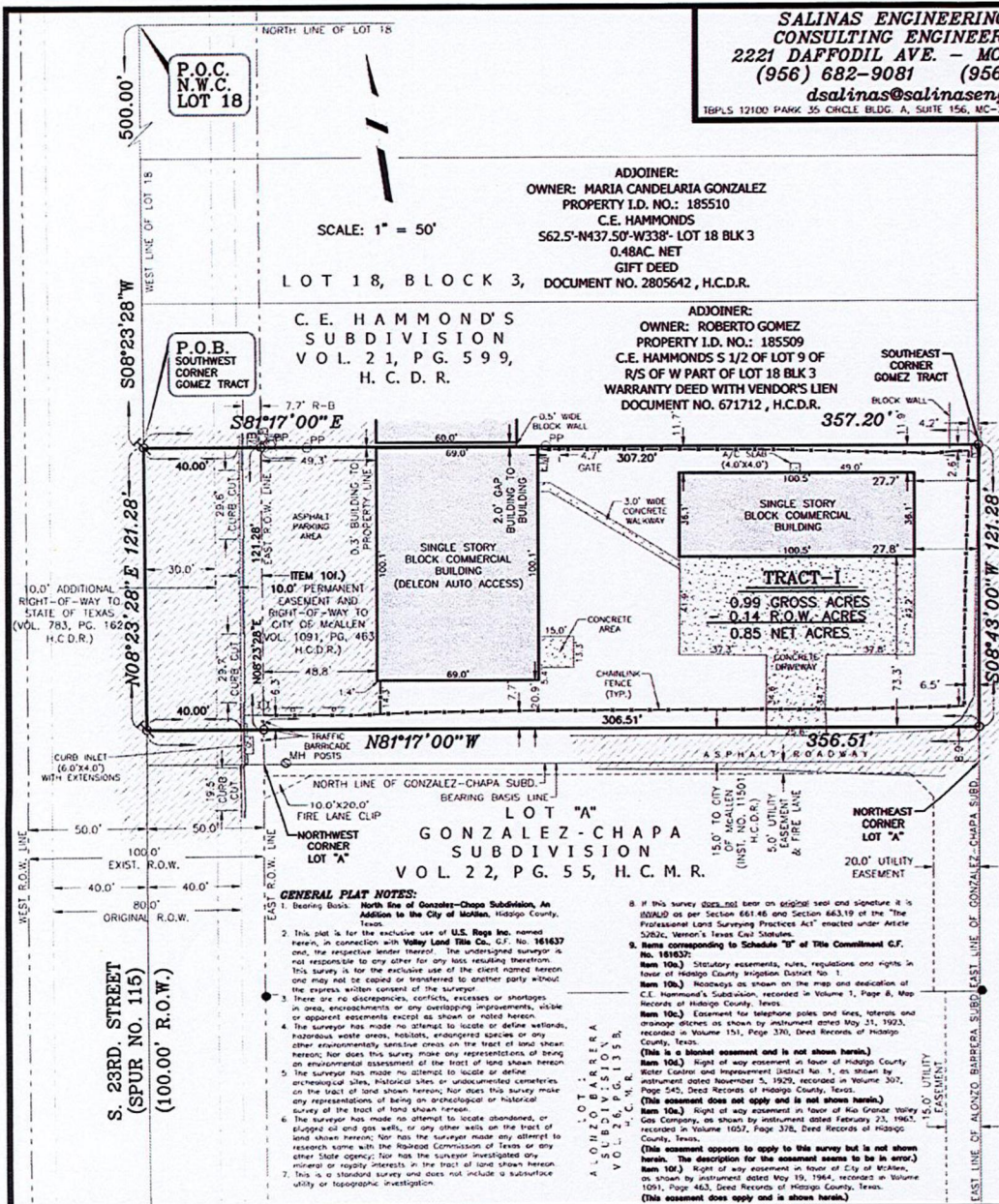
(4) THENCE, NORTH 08 DEGREES 23 MINUTES 28 SECONDS EAST, COINCIDENT WITH THE WEST LINE OF SAID LOT 18, A DISTANCE OF 121.28 FEET TO THE POINT OF BEGINNING, CONTAINING 0.99 GROSS ACRES OF LAND, MORE OR LESS, OF WHICH THE WEST 50.0 FEET, OR 0.14 ACRES, MORE OR LESS, ARE LOCATED WITHIN THE RIGHT-OF-WAY OF SAID SOUTH 23RD. STREET, LEAVING 0.85 NET ACRES OF LAND, MORE OR LESS.

BEARING BASIS: NORTH LINE OF SAID GONZALEZ-CHAPA SUBDIVISION.
N&M&B:2019N.12.060319

LEGEND

- FOUND 1/2" IRON ROD
- SET 1/2" IRON ROD WITH YELLOW CAP MARKED "SEA 5782"
- SET NAIL
- CABLE PEDESTAL
- ELECTRIC METER
- FIRE HYDRANT
- CURB BUMP
- MAIL BOX
- POWER POLE
- SAUNTRY SENSER MANHOLE
- SINGLE POLE SIGN
- TELEPHONE PEDESTAL
- TRAFFIC SIGNAL POLE
- WATER VALVE
- RIGHT OF WAY
- P-C LINE
- PROPERTY LINE TO BACK OF CURB
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- H.C.D.R. HIDALGO COUNTY DEED RECORDS
- H.C.M.R. HIDALGO COUNTY MAP RECORDS

ADJOINER:
CITY OF MCALLEN
PROPERTY I.D. NO.: 185503
C.E. HAMMOND
PALM CURE OUT OF S. PART OF LOT 18 BLK 3
WARRANTY DEED
DOCUMENT NO. UNDETERMINED, H.C.D.R.



ADJOINER:
OWNER: MARIA CANDELARIA GONZALEZ
PROPERTY I.D. NO.: 185510
C.E. HAMMONDS
562.5-N437.50-W338'- LOT 18 BLK 3
0.48AC. NET
GIFT DEED
DOCUMENT NO. 2805642, H.C.D.R.

ADJOINER:
OWNER: ROBERTO GOMEZ
PROPERTY I.D. NO.: 185509
C.E. HAMMONDS S 1/2 OF LOT 9 OF
R/S OF W PART OF LOT 18 BLK 3
WARRANTY DEED WITH VENDOR'S LIEN
DOCUMENT NO. 671712, H.C.D.R.

GENERAL PLAT NOTES:
1. Bearing Basis: North Line of Gonzalez-Chapa Subdivision, An Addition to the City of McAllen, Hidalgo County, Texas.
2. This plat is for the exclusive use of U.S. Regs Inc. named herein, in connection with Valley Land Title Co., C.F. No. 161637 and, the respective lender thereof. The undersigned surveyor is not responsible to any other for any loss resulting therefrom. This survey is for the exclusive use of the client named herein and may not be copied or transmitted to another party without the express written consent of the surveyor.
3. There are no discrepancies, conflicts, encroachments, easements or appurtenant easements except as shown or noted hereon.
4. The surveyor has made no attempt to locate or define wetlands, hazardous waste areas, habitats, endangered species or any other environmentally sensitive areas on the tract of land shown hereon. Nor does this survey make any representations of being an environmental assessment of the tract of land shown hereon.
5. The surveyor has made no attempt to locate or define archaeological sites, historical sites or undocumented cemeteries on the tract of land shown hereon; nor does this survey make any representations of being an archaeological or historical survey of the tract of land shown hereon.
6. The surveyor has made no attempt to locate abandoned, plugged oil and gas wells, or any other wells on the tract of land shown hereon; nor does the surveyor make any attempt to research same with the Railroad Commission of Texas or any other State agency; nor has the surveyor investigated any mineral or royalty interests in the tract of land shown hereon.
7. This is a standard survey and does not include a subsurface utility or topographic investigation.

8. If this survey does not bear an original seal and signature it is INVALID as per Section 661.46 and Section 663.19 of the "The Professional Land Surveying Practices Act" enacted under Article 2022c, Vernon's Texas Civil Statutes.
9. Name corresponding to Schedule "B" of this Commitment C.F. No. 181837:
Item 10(a). Statutory easements, rules, regulations and rights in favor of Hidalgo County Irrigation District No. 1.
Item 10(b). Easements as shown on the map and dedication of C.E. Hammond's Subdivision, recorded in Volume 1, Page 8, Map Records of Hidalgo County, Texas.
Item 10(c). Easement for telephone poles and lines, telegrams and message wires as shown by instrument dated May 31, 1923, recorded in Volume 151, Page 370, Deed Records of Hidalgo County, Texas.
(This is a blanket easement and is not shown hereon.)
Item 10(d). Right of way easement in favor of Hidalgo County Water Control and Improvement District No. 1, as shown by instrument dated November 5, 1929, recorded in Volume 307, Page 242, Deed Records of Hidalgo County, Texas.
(This easement does not apply and is not shown hereon.)
Item 10(e). Right of way easement in favor of Rio Grande Valley Gas Company, as shown by instrument dated February 23, 1967, recorded in Volume 1057, Page 378, Deed Records of Hidalgo County, Texas.
(This easement appears to apply to this survey but is not shown hereon. The description for the easement seems to be in error.)
Item 10(f). Right of way easement in favor of City of McAllen, as shown by instrument dated May 19, 1984, recorded in Volume 1091, Page 463, Deed Records of Hidalgo County, Texas.
(This easement does apply and is shown hereon.)

This is to certify that I have, this date, made a careful and accurate standard land survey on the ground of property which is located at 2621 S. 23RD. ST. in McALLEN, Texas, described as follows: BEING A 0.99 GROSS ACRE TRACT OF LAND, MORE OR LESS, AS FOUND ON THE GROUND, OUT OF AND FORMING A PART OF

(SEE METES AND BOUNDS DESCRIPTION)
Lot 18, Block 3, of C.E. HAMMOND'S SUBDIVISION, HIDALGO CO., Texas, according to the plat recorded in Volume 21, Page 599, of the DEED Records of Hidalgo County, Texas. I further certify that this property lies in Zone B as per FIRM (Flood Insurance Rate Map) dated NOV. 2, 1982 Community Panel No. 480343 0010 C.

A.E.
DRN. BY
JUNE 03, 2019 DATE
JUNE 14, 2019 UPDATED
S-19-24128 JOB NO.

REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5782
BY: *David Omar Salinas*

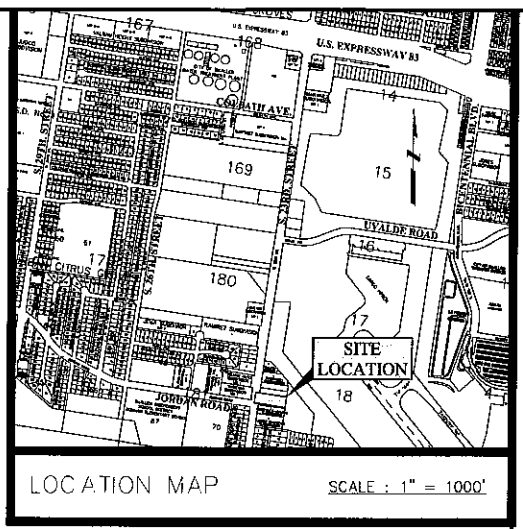
P.O.C. N.W.C. LOT 18

EXHIBIT "B"

DISCLAIMER: THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW BY THE CITY OF McALLEN ONLY & BY NO OTHERS UNDER THE AUTHORITY OF DAVID OMAR SALINAS, P.E., TX. REG. NO. 71973 ON MARCH 09, 2020. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.

ADJOINER:
OWNER: MARIA CANDELARIA GONZALEZ
PROPERTY I.D. NO.: 185510
C.E. HAMMONDS
S62.5'-N437.50'-W338'- LOT 18 BLK 3
0.48AC. NET
GIFT DEED
DOCUMENT NO. 2805642 , H.C.D.R.

ADJOINER:
OWNER: ROBERTO GOMEZ
PROPERTY I.D. NO.: 185509
C.E. HAMMONDS S 1/2 OF LOT 9 OF
R/S OF W PART OF LOT 18 BLK 3
WARRANTY DEED WITH VENDOR'S LIEN
DOCUMENT NO. 671712 , H.C.D.R.



SEA
SALINAS ENGINEERING & ASSOCIATES
(P.E. 6875) (1008700)
CONSULTING ENGINEERS & SURVEYORS
2821 DAFFODIL - McALLEN, TEXAS 78501
(956) 682-9081 (956) 686-1466 (FAX)
1905 DIBB PARK 30 ONE BLOCK A, SUITE 104, MCALLEN, TEXAS 78123 (281) 239-0883

SITEPLAN

LOT 18, BLOCK 3, DOCUMENT NO. 2805642 , H.C.D.R.

C.E. HAMMOND'S
SUBDIVISION
VOL. 21, PG. 599,
H.C.D.R.

LOT 1
34,182.75 SQ.FT.
0.78 ACRES

LOT "A"
GONZALEZ-CHAPA
SUBDIVISION
VOL. 22, PG. 55, H.C.M.R.

LOT 1
ALONZO BARRERA
SUBDIVISION
VOL. 26, PG. 135B

SCALE: 1"=20'

LEGEND

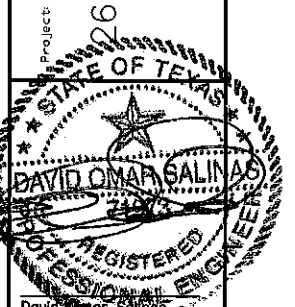
- FOUND 1/2" IRON ROD
- SET 1/2" IRON ROD WITH YELLOW CAP MARKED "SEA 5782"
- SET NAIL
- CABLE PEDESTAL
- ELECTRIC METER
- FIRE HYDRANT
- GUY WIRE
- MAIL BOX
- PP POWER POLE
- MH SANITARY SEWER MANHOLE
- MH STORM DRAIN MANHOLE
- SINGLE POLE SIGN
- TELEPHONE PEDESTAL
- TRAFFIC SIGNAL POLE
- WV WATER VALVE
- R.O.W. RIGHT OF WAY
- P-B PROPERTY LINE TO BACK OF CURB
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- H.C.D.R. HIDALGO COUNTY DEED RECORDS
- H.C.O.R. HIDALGO COUNTY OFFICIAL RECORDS
- H.C.M.R. HIDALGO COUNTY MAP RECORDS

- DENOTES PROPOSED LANDSCAPE AREA
- ♿ DENOTES PROPOSED HANDICAP SPACE
- 🌳 DENOTES PROPOSED 4" CALIPER OAK TREE
- 🔥 DENOTES EXISTING FIRE HYDRANT

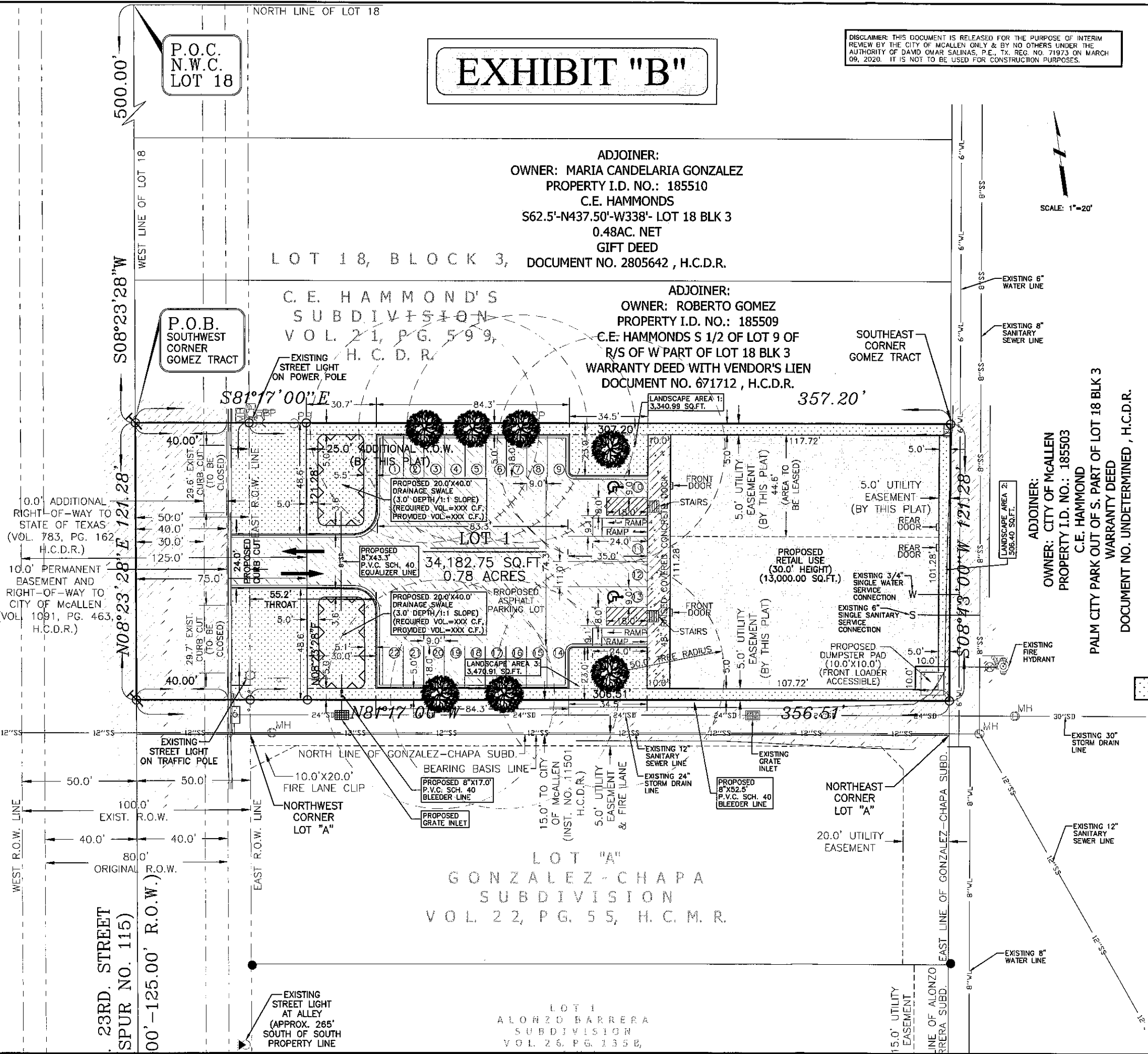
CITY REQUIREMENTS

PARKING REQUIREMENTS:
RETAIL - FOUR PARKING SPACES FOR UP TO 400 SQUARE FEET OF FLOOR AREA PLUS ONE PARKING SPACE FOR EACH ADDITIONAL 400 SQUARE FEET OF FLOOR AREA.
13,000 S.F. - 400 S.F. (4 PARKING SPACES) = 12,600 S.F.
12,600 S.F. / 400 S.F. = 32 PARKING SPACES
TOTAL PARKING REQUIRED: 4 + 32 = 36 PARKING SPACES
TOTAL PARKING PROVIDED: 22 PARKING SPACES
TOTAL ACCESSIBLE PARKING REQUIRED: 2 SPACES
TOTAL ACCESSIBLE PARKING PROVIDED: 2 SPACES
PARKING SPACE DEFICIENCY: 14 PARKING SPACES

DEVELOPED SQUARE FOOTAGE = 34,182.75 S.F.
LANDSCAPE REQUIRED: 34,182.75 S.F. X 10% = 3,418.28 S.F.
LANDSCAPE PROVIDED = 7,318.30 S.F.
FRONT LANDSCAPE REQUIRED: 3,418.28 S.F. X 50% = 1,709.14 S.F.
FRONT LANDSCAPE PROVIDED = 3,434.88 S.F.
TREE REQUIREMENTS: 2,001 S.F. TO 10,000 S.F. OF LANDSCAPE AREA = 10 TREES FOR FIRST 2,000 S.F. AND ONE TREE FOR EVERY 500 S.F. OVER 2,000 S.F.
3,418.28 S.F. - 2,000 S.F. (10 TREES) = 1,418.28 S.F.
1,418.28 S.F. / 500 S.F. = 3 TREES
TREE CREDITS REQUIRED: 10 + 3 = 13 TREE CREDITS
(1" - 4" CALIPER TREE = 2 TREE CREDITS)
TREE CREDITS PROVIDED: 14 TREE CREDITS (7 - 4" CALIPER TREES)
FIRE HYDRANTS = 1 EXISTING HYDRANT

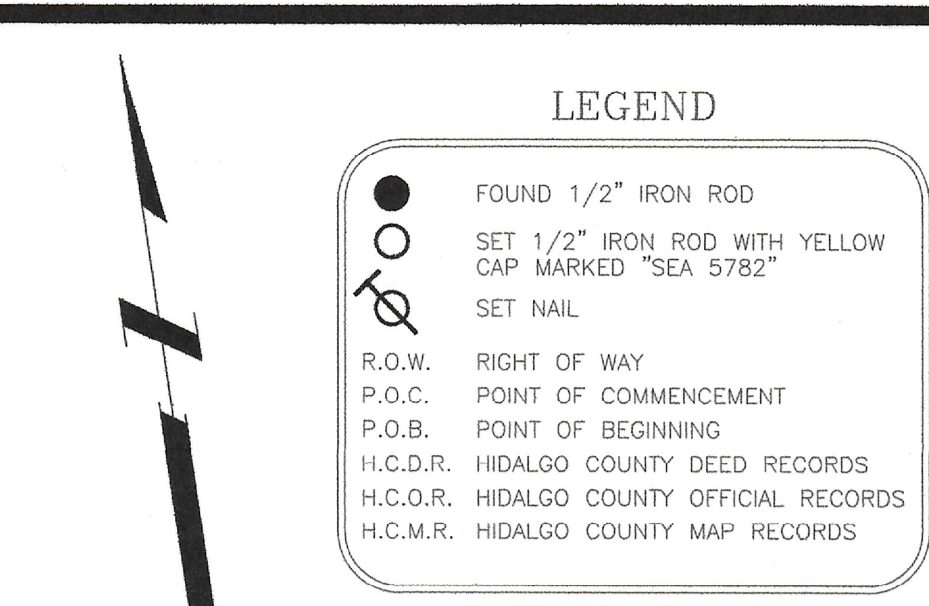
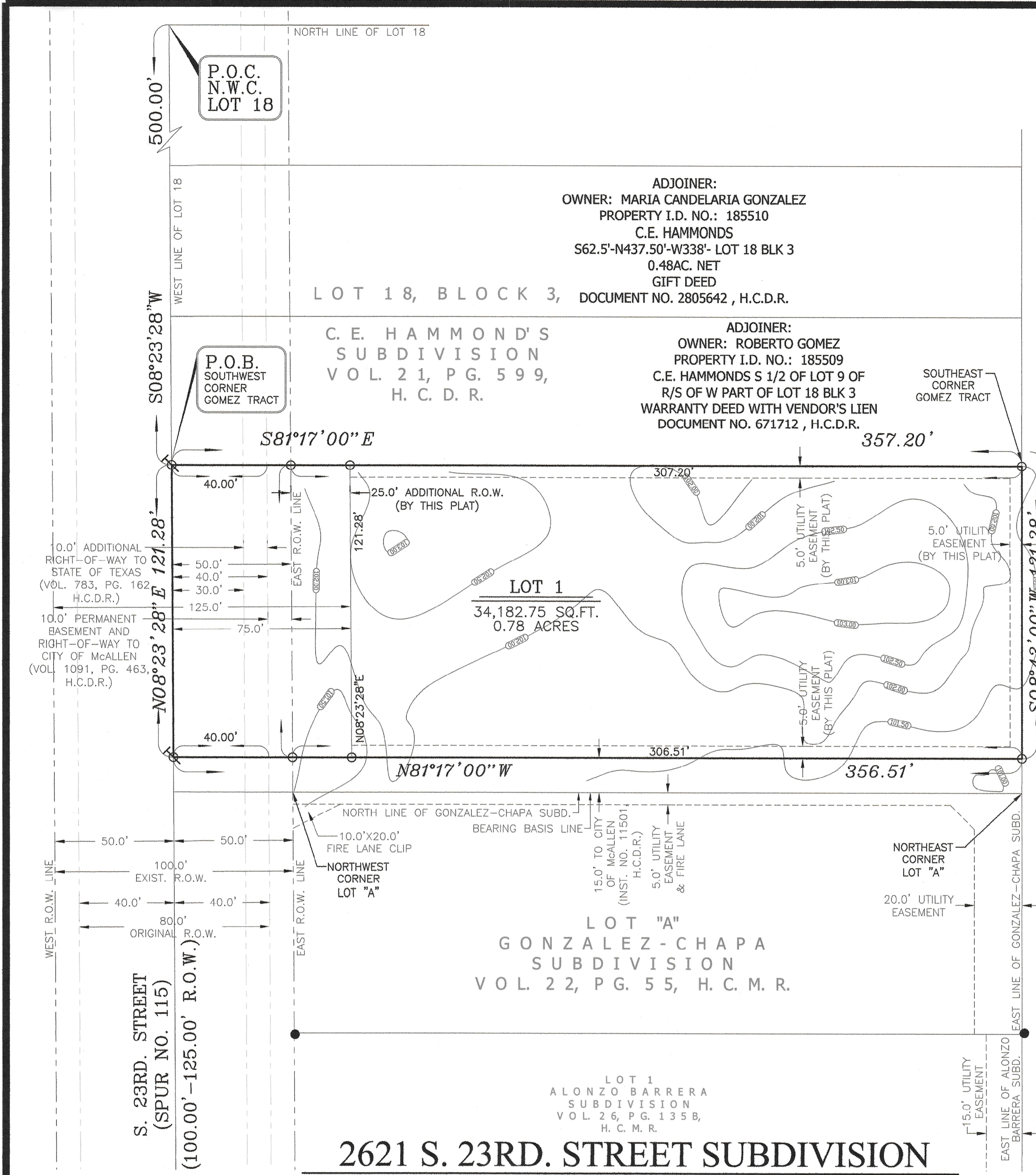


Project: 19-24164
Date: 03/09/20
Scale: 1"=20'
Designed By: D.D.S.
Drawn By: A.E.
Checked By: D.D.S.
Approved By: D.D.S.
Project No: SP-19-24164
Drawing No: SP-19-24164
Sheet 1 of 1





NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2020-0013



SCALE: 1" = 30'

ADJOINER:
OWNER: MARIA CANDELARIA GONZALEZ
PROPERTY I.D. NO.: 185510
C.E. HAMMONDS
S62.5'-N437.50'-W338'- LOT 18 BLK 3
0.48AC. NET
GIFT DEED
DOCUMENT NO. 2805642, H.C.D.R.

ADJOINER:
OWNER: ROBERTO GOMEZ
PROPERTY I.D. NO.: 185509
C.E. HAMMONDS S 1/2 OF LOT 9 OF
R/S OF W PART OF LOT 18 BLK 3
WARRANTY DEED WITH VENDOR'S LIEN
DOCUMENT NO. 671712, H.C.D.R.

ADJOINER:
OWNER: CITY OF McALLEN
PROPERTY I.D. NO.: 185503
C.E. HAMMOND
PALM CITY PARK OUT OF S. PART OF LOT 18 BLK 3
WARRANTY DEED
DOCUMENT NO. UNDETERMINED, H.C.D.R.

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

ON: _____ AT _____ AM/PM
INSTRUMENT NUMBER _____
OF MAP RECORDS OF HIDALGO COUNTY, TEXAS

BY: _____ DEPUTY

STATE OF TEXAS
COUNTY OF HIDALGO

I, DAVID OMAR SALINAS, P.E., A REGISTERED PROFESSIONAL ENGINEER LICENSED TO PRACTICE IN THE STATE OF TEXAS, REGISTRATION NUMBER TX. 71973, DO HEREBY CERTIFY THAT THIS PLAT HAS BEEN GIVEN PROPER AND ADEQUATE ENGINEERING CONSIDERATION.

DAVID OMAR SALINAS, P.E. DATE
REG. PROFESSIONAL ENGINEER #71973

STATE OF TEXAS
COUNTY OF HIDALGO

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

DAVID O. SALINAS, R.P.L.S. DATE
REG. PROFESSIONAL LAND SURVEYOR #5782

DISCLAIMER: THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW BY THE CITY OF McALLEN ONLY & BY NO OTHERS UNDER THE AUTHORITY OF DAVID OMAR SALINAS, P.E., TX. REG. NO. 71973 ON MARCH 11, 2020. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.

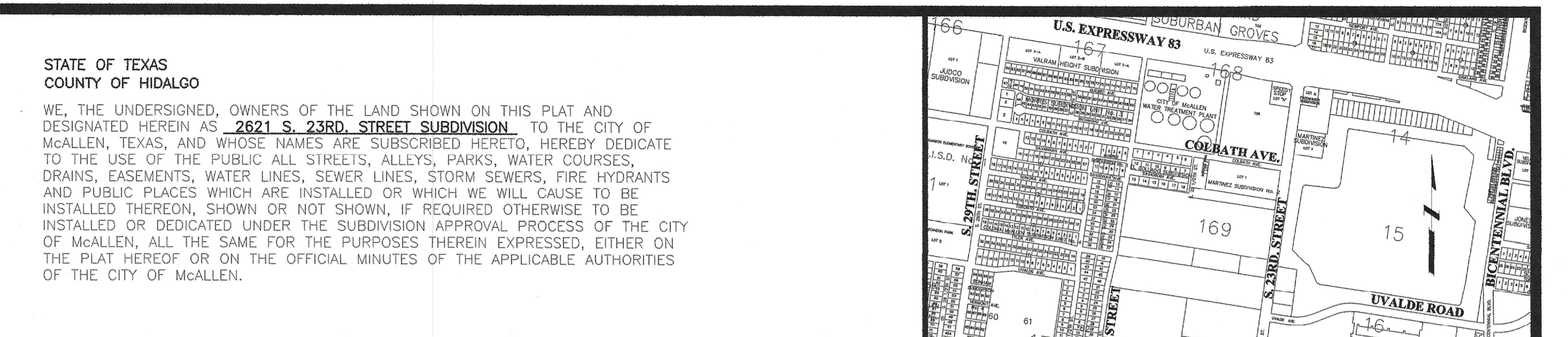
2621 S. 23RD. STREET SUBDIVISION
AN ADDITION TO THE CITY OF McALLEN,
HIDALGO COUNTY, TEXAS

BEING A 0.99 GROSS ACRE TRACT OF LAND, MORE OR LESS, AS FOUND ON THE GROUND, OUT OF AND FORMING A PART OF LOT 18, BLOCK 3, C.E. HAMMOND'S SUBDIVISION, HIDALGO COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 21, PAGE 599, DEED RECORDS OF HIDALGO COUNTY, TEXAS.

- GENERAL PLAT NOTES:**
- MINIMUM SETBACK LINES = FRONT: 50.0 FT. OR GREATER FOR EASEMENTS.
SIDE: IN ACCORDANCE WITH THE ZONING ORDINANCE, OR GREATER FOR EASEMENTS.
REAR: IN ACCORDANCE WITH THE ZONING ORDINANCE, OR GREATER FOR EASEMENTS.
GARAGE: 18.0 FT. EXCEPT WHERE GREATER SETBACK IS REQUIRED; GREATER SETBACK APPLIES.
 - LANDS CONTAINED WITHIN THIS SUBDIVISION LIE IN ZONE "B" ACCORDING TO THE FIRM (FLOOD INSURANCE RATE MAP) DATED 11/02/82, COMMUNITY PANEL NO. 480343 0010 C. ZONE "B" DEFINED AS AREAS BETWEEN LIMITS OF THE 100-YEAR FLOOD AND 500-YEAR FLOOD; OR CERTAIN AREAS SUBJECT TO 100-YEAR FLOODING WITH AVERAGE DEPTHS LESS THAN ONE (1) FOOT OR WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN ONE SQUARE MILE; OR AREAS PROTECTED BY LEVEES FROM THE BASE FLOOD. (MEDIUM SHADING)
 - MINIMUM FINISHED FLOOR ELEVATION ON ALL NEW CONSTRUCTION SHALL BE A MINIMUM OF 18.0 INCHES ABOVE THE TOP OF THE ROAD AS MEASURED FROM THE CENTER OF THIS LOT ALONG S. 23RD. STREET (SPUR NO. 115).
 - MINIMUM 5 FT. WIDE SIDEWALK IS REQUIRED ON S. 23RD. STREET (SPUR NO. 115).
 - THIS SUBDIVISION PLAT SHALL BE REQUIRED TO DETAIN A TOTAL OF 5,721.00 CUBIC FEET, OR, 0.13 ACRE-FEET OF DRAINAGE RUNOFF VOLUME.
 - THE CONSTRUCTION OF ANY STRUCTURES ON OR WITHIN ANY EASEMENTS SHALL BE PROHIBITED.
 - A 6' OPAQUE BUFFER IS REQUIRED FROM ANY ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL OR INDUSTRIAL ZONE/USE. AN 8' MASONRY WALL IS REQUIRED BETWEEN SINGLE-FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL OR MULTI-FAMILY RESIDENTIAL ZONE/USE.
 - AN ENGINEERED DRAINAGE DETENTION PLAN, APPROVED BY THE ENGINEERING DEPARTMENT, IS REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMITS.
 - BENCHMARK: McALLEN SURVEY CONTROL POINT NO. 87, LOCATED INSIDE PALM CITY PARK WHICH IS ON THE WEST SIDE OF MILLER INTERNATIONAL AIRPORT. THE MONUMENT IS 8 FEET WEST FROM A CHAINLINK FENCE AND 396 FEET NORTHEAST FROM THE BACK OF CURB OF AZTEC STREET. ELEV. = 100.12.
 - THE DEVELOPER SHALL BE RESPONSIBLE FOR DETAINING AND ACCOMMODATING MORE THAN THE DETAINED VOLUME SHOWN ON THIS PLAT IF IT IS DETERMINED, AT THE PERMIT STAGE, THAT THE DETENTION REQUIREMENTS ARE GREATER THAN STATED ON THIS PLAT, DUE TO THE IMPERVIOUS AREA BEING GREATER THAN THE PLAT ENGINEER CONSIDERED IN THE HYDRAULIC CALCULATIONS FOR THIS SUBDIVISION.

PRINCIPAL CONTACTS

NAME	ADDRESS	CITY & ZIP	PHONE	FAX
OWNER: U.S. RAGS INC.	303 S. 66TH. ST., STE. 105	HOUSTON, TEXAS 77011	(713) 923-6786	NONE
MUHAMMAD SALIM, PRESIDENT				
ENGINEER: DAVID O. SALINAS	2221 DAFFODIL AVE.	McALLEN, TEXAS 78501	(956) 682-9081	(956) 686-1489
SURVEYOR: DAVID O. SALINAS	2221 DAFFODIL AVE.	McALLEN, TEXAS 78501	(956) 682-9081	(956) 686-1489



STATE OF TEXAS
COUNTY OF HIDALGO

WE, THE UNDERSIGNED, OWNERS OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS **2621 S. 23RD. STREET SUBDIVISION**, TO THE CITY OF McALLEN, TEXAS, AND WHOSE NAMES ARE SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, WATER LINES, SEWER LINES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH WE WILL CAUSE TO BE INSTALLED THEREON, SHOWN OR NOT SHOWN, IF REQUIRED OTHERWISE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF McALLEN, ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED, EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF McALLEN.

OWNER: U.S. RAGS INC., A TEXAS CORPORATION
MUHAMMAD SALIM, PRESIDENT
303 S. 66TH. STREET, SUITE #105
HOUSTON, TEXAS 77011

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED MUHAMMAD SALIM, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY
OF _____, 2020.

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
MY COMMISSION EXPIRES: _____

STATE OF TEXAS
COUNTY OF HIDALGO

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

MAYOR _____ DATE _____

STATE OF TEXAS
COUNTY OF HIDALGO

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

CHAIRMAN, PLANNING AND ZONING COMMISSION
DATE _____

STATE OF TEXAS
COUNTY OF HIDALGO

I, DAVID OMAR SALINAS, P.E., A REGISTERED PROFESSIONAL ENGINEER LICENSED TO PRACTICE IN THE STATE OF TEXAS, REGISTRATION NUMBER TX. 71973, DO HEREBY CERTIFY THAT THIS PLAT HAS BEEN GIVEN PROPER AND ADEQUATE ENGINEERING CONSIDERATION.

DAVID OMAR SALINAS, P.E. DATE
REG. PROFESSIONAL ENGINEER #71973

STATE OF TEXAS
COUNTY OF HIDALGO

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

DAVID O. SALINAS, R.P.L.S. DATE
REG. PROFESSIONAL LAND SURVEYOR #5782

METES AND BOUNDS DESCRIPTION

BEING A 0.99 GROSS ACRE TRACT OF LAND, MORE OR LESS, AS FOUND ON THE GROUND, OUT OF AND FORMING A PART OF LOT 18, BLOCK 3, C.E. HAMMOND'S SUBDIVISION, HIDALGO COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 21, PAGE 599, DEED RECORDS OF HIDALGO COUNTY, TEXAS; SAID 0.99 ACRE TRACT OF LAND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 18 LOCATED INSIDE THE RIGHT-OF-WAY OF SOUTH 23RD. STREET; THENCE, AS FOLLOWS:

SOUTH 08 DEGREES 23 MINUTES 28 SECONDS WEST, COINCIDENT WITH THE WEST LINE OF SAID LOT 18, A DISTANCE OF 500.0 FEET TO A NAIL SET ON THE SOUTHWEST CORNER OF THAT CERTAIN 0.97 (DEED) TRACT OF LAND CONVEYED FROM ELIZABETH GOMEZ VEGA UNTO ROBERTO GOMEZ, DATED APRIL 09, 1998, FILED IN INSTRUMENT NO. 671712, H.C.D.R., FOR THE NORTHWEST CORNER AND POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT;

- THENCE, SOUTH 81 DEGREES 17 MINUTES 00 SECONDS EAST, COINCIDENT WITH THE SOUTH LINE OF SAID GOMEZ TRACT, A DISTANCE OF 40.0 FEET (TXDOT ROW MAP) PASSING THE OLD EAST RIGHT-OF-WAY LINE OF SOUTH 23RD. STREET, AND, SAME BEING THE WEST LINE OF THAT CERTAIN EASEMENT AND RIGHT-OF-WAY CONVEYED UNTO THE CITY OF McALLEN (VOL. 1091, PG. 463, H.C.D.R.), AT A DISTANCE OF 50.0 FEET PASSING A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET IN ASPHALT ON THE EXISTING EAST RIGHT-OF-WAY OF SAID SOUTH 23RD. STREET SAME BEING ON THE EAST LINE OF SAID 10.0 FOOT PERMANENT EASEMENT AND RIGHT-OF-WAY CONVEYED TO THE CITY OF McALLEN, AT A DISTANCE OF 357.20 FEET IN ALL TO A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET ON THE SOUTHEAST CORNER OF SAID GOMEZ TRACT FOR THE NORTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;
- THENCE, SOUTH 08 DEGREES 43 MINUTES 00 SECONDS WEST, ALONG THE SOUTHERLY PROJECTED EAST LINE OF SAID GOMEZ TRACT, A DISTANCE OF 121.28 FEET TO A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET ON THE NORTHEAST CORNER OF A 15.0 FOOT STRIP OF LAND CONVEYED TO THE CITY OF McALLEN BY INSTRUMENT NUMBER 11501, DEED RECORDS OF HIDALGO COUNTY, TEXAS, BEING 15.0 FEET NORTH OF THE NORTH LINE OF LOT "A", GONZALEZ-CHAPA SUBDIVISION, McALLEN, HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 22, PAGE 55, MAP RECORDS OF HIDALGO COUNTY, TEXAS, FOR THE SOUTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;
- THENCE, NORTH 81 DEGREES 17 MINUTES 00 SECONDS WEST, COINCIDENT WITH THE NORTH LINE OF SAID 15.0' STRIP, A DISTANCE OF 306.51 FEET PASS A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET ON THE EXISTING EAST RIGHT-OF-WAY LINE OF SAID SOUTH 23RD. STREET SAME BEING THE EAST LINE OF SAID EASEMENT AND RIGHT-OF-WAY CONVEYED UNTO THE CITY OF McALLEN, AT A DISTANCE OF 316.51 FEET PASSING THE ORIGINAL EAST RIGHT-OF-WAY LINE OF SAID SOUTH 23RD. STREET SAME BEING THE WEST LINE OF SAID EASEMENT AND RIGHT-OF-WAY CONVEYED UNTO THE CITY OF McALLEN, AT A DISTANCE OF 356.51 FEET IN ALL TO A NAIL SET IN ASPHALT WITHIN SOUTH 23RD. STREET ON INTERSECTION WITH THE WEST LINE OF SAID LOT 18 FOR THE SOUTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;
- THENCE, NORTH 08 DEGREES 23 MINUTES 28 SECONDS EAST, COINCIDENT WITH THE WEST LINE OF SAID LOT 18, A DISTANCE OF 121.28 FEET TO THE POINT OF BEGINNING, CONTAINING 0.99 GROSS ACRES OF LAND, MORE OR LESS, OF WHICH THE WEST 50.0 FEET, OR 0.14 ACRES, MORE OR LESS, ARE LOCATED WITHIN THE RIGHT-OF-WAY OF SAID SOUTH 23RD. STREET, LEAVING 0.85 NET ACRES OF LAND, MORE OR LESS.

BEARING BASIS: NORTH LINE OF SAID GONZALEZ-CHAPA SUBDIVISION.
N&M&B.201911.12.060319

2621 S. 23RD. STREET SUBDIVISION

PREPARED BY: SALINAS ENGINEERING & ASSOC.
DATE OF PREPARATION: MARCH 11, 2020
JOB NUMBER: SP-19-24164

OWNER: U.S. RAGS INC., A TEXAS CORPORATION
MUHAMMAD SALIM, PRESIDENT
303 S. 66TH. STREET, SUITE #105
HOUSTON, TEXAS 77011

SEA
SALINAS ENGINEERING & ASSOC.
(P-6675) (TBPLS-10065700)
CONSULTING ENGINEERS & SURVEYORS
2221 DAFFODIL AVE. McALLEN, TEXAS 78501
(956) 682-9081 (956) 686-1489 (FAX)
TBPLS 12100 PARK 35 CIRCLE BLDG. A, SUITE 156, MC-230, AUSTIN, TEXAS 78737 (512) 232-5263

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

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

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



SCALE: 1"=20'

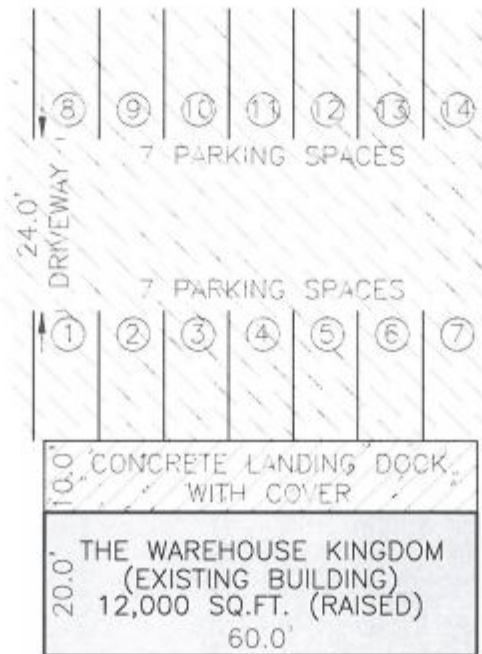


EXHIBIT "A"
EXISTING SITE PLAN AT
"THE WAREHOUSE KINGDOM"

David O. Salinas, P.E., R.P.L.S.
Licensed Professional Engineer
Texas Engineer License No. 71973
Texas Land Surveyor License No. 5782



JOB NUMBER: DP-19-24164
DATE: JUNE 10, 2020

SEA
SALINAS ENGINEERING & ASSOCIATES
(P: 8875) (10085700)
CONSULTING ENGINEERS & SURVEYORS
2221 DAFFODIL - McALLEN, TEXAS 78501
(956) 682-9081 (956) 686-1489 (FAX)
SMILE - 3700 MARK 25 OFFICE BLDG. 4, SUITE 106, MC-250, AUSTIN, TEXAS 78717 (512) 239-5263

2020 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

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

P - PRESENT

A - ABSENT

NEW APPOINTMENT

MC - MEETING CANCELLED

NRM - NO MEETING

LOQ - LACK OF QUORUM

RS - RESIGNATION



PLANNING DEPARTMENT



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

2020 CALENDAR

Meetings:

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

Deadlines:

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

JANUARY 2020

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

FEBRUARY 2020

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

MARCH 2020

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

APRIL 2020

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

MAY 2020

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





JUNE 2020

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

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

2020 CALENDAR

Meetings:

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

Deadlines:

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

JULY 2020

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

AUGUST 2020

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

SEPTEMBER 2020

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

OCTOBER 2020

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

NOVEMBER 2020

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

DECEMBER 2020

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

Definitions

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Chapter 138-Zoning

Sec. 138-1. - Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Footnotes:

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

--- () ---

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

Chapter 110-Vegetation

Sec. 110-26. - Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CRITERIA FOR ZBOA DETERMINATIONS

APPEALS

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

SPECIAL EXCEPTIONS

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

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

Ord. Sec. 138-86. – GENERAL POLICY.

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

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

VARIANCES

Authorized only when ALL of the following applies:

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

Exceptions Cited within the Zoning Ordinance

Exceptions pertaining to front yard setbacks:

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

Exceptions pertaining to rear yard setbacks:

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

Exceptions pertaining to side yard setbacks:

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

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

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

Exceptions as per Planning Department Policy

By policy the following are permitted:

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

Legal opinions:

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

ZONING BOARD OF ADJUSTMENT AND APPEALS

RULES AND PROCEDURES

CITY OF MCALLEN

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

I. ORGANIZATION AND OFFICERS

A. Members

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

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

B. Officers

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

C. Duties and Officers

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

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

II. POWERS OF THE BOARD

A. General Powers

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

B. Specified Powers

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

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

III. DUTIES OF BOARD MEMBERS

A. General Duties of Members

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

B. Disqualification/Conflict of Interest

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

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

IV. A BASIS FOR ACTION

The Board shall decide each case based on the following:

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

V. APPLICANTS

A. Legally Vested Interest

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

B. Applications

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

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

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

C. Meetings

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

D. Evidence

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

VI. HARDSHIP

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

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

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

VII. MEETINGS

A. Texas Public Information Act and Open Meetings Act.

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

B. Quorum

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

C. Regular Meetings

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

D. Special Meetings

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

E. Order of Business

The usual order of business shall be:

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

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

F. Staff Recommendations

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

G. Action by the Board

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

H. Minutes of the Board

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

VIII. DECISIONS OF THE BOARD

A. Precedent

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

B. Public Statements

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

B. Parliamentary Procedure

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

IX. WITHDRAWAL OF APPEAL

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

X. ATTENDANCE

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

XI. AMENDEMENT PROCEDURE

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

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

Executive Secretary

ORDINANCE NO. 2018- 70

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SIGNED this 9th day October, 2018.

CITY OF McALLEN

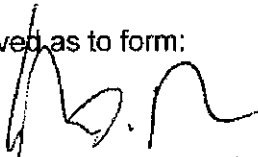
John Ingram, City Commissioner

Attest:



Perla Lara, TRMC/CMC, CPM
City Secretary

Approved as to form:



Austin W. Stevenson, Assistant City Attorney

