

## AGENDA

**ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING  
WEDNESDAY, JULY 6, 2016 - 5:30 PM  
MCALLEN MUNICIPAL BUILDING, 1300 HOUSTON AVENUE  
CITY COMMISSION CHAMBERS, 3<sup>RD</sup> FLOOR**

### CALL TO ORDER - JORGE SALINAS, CHAIRPERSON

#### 1. MINUTES:

- a) Minutes for Regular Meeting held on June 15, 2016

#### 2. PUBLIC HEARINGS:

- a) Request of Melden & Hunt, Inc. for the following variance to the City of McAllen Vegetation Ordinance: To not provide a buffer where a nonresidential use has a side or rear property line in common with any residential use or zone, for all units 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 6A, 6B, 7A, 7B, 9A, 9B, 10A, 10B, 11A, 11B, 12A, 12B, Lakes Condominium Association of Owners situated out of Block 3, Lakes Business Park Phase 2, Hidalgo County, Texas; 901 East Redbud Avenue. **(ZBA2016-0031)**
- b) Request of Randy Ibarra to allow the following special exception to the City of McAllen Off-street Parking and Loading Ordinance: to allow 37 parking spaces instead of the required 47 parking spaces for a mixed commercial development, Lot 1, Rooth Crossing Subdivision, Hidalgo County, Texas; 2825 Pecan Boulevard. **(ZBA2016-0032)**
- c) Request of Clint Schroff to allow a special exception to the City of McAllen Off-Street Parking and Loading Ordinance to provide 0 parking spaces instead of the required 6 parking spaces for a Beauty Supply Store for a lease space of 1,189 square feet out of Lot 1, Jackson Triangle Subdivision, Hidalgo County, Texas; 1400 East Expressway 83, Suite 130. **(ZBA2016-0030) (TABLED: 6/15/2016 UNTIL JULY 20, 2016)**

#### 3. DISCUSSION:

#### 4. INFORMATION ONLY:

- a) Workshop on Wednesday, July 13, 2016 @ 12 noon, Development Center, 311 N. 15th Street, Main Conference Room
- b) Advisory Board Appreciation Luncheon & Program on Thursday, July 14, 2016 @ 11:30 a.m. at the McAllen Convention Center Ballroom  
**(RSVP with the City Secretary's Department (956) 681-1020 by July 11, 2016)**

#### 5. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY)

**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, June 15, 2016 at 5:32 p.m. in the City Commission Meeting Room with the following present:

<b>Present:</b>	<b>Jorge Salinas</b>	<b>Chairperson</b>
	<b>Mike Harms</b>	<b>Vice-Chairperson</b>
	<b>Rolando Ayala</b>	<b>Member</b>
	<b>Erick Diaz</b>	<b>Member</b>
	<b>Terry Perez</b>	<b>Member</b>
	<b>Shavi Mahtani</b>	<b>Alternate</b>
	<b>Jose R. Gutierrez</b>	<b>Alternate</b>
	<b>Sylvia Hinojosa</b>	<b>Alternate</b>
<b>Absent:</b>	<b>Shavi Mahtani</b>	<b>Alternate</b>
<b>Staff Present:</b>	<b>Austin Stevenson</b>	<b>Assistant City Attorney</b>
	<b>Julianne Rankin</b>	<b>Director of Planning</b>
	<b>Ed Taylor</b>	<b>Senior Planner</b>
	<b>Rodrigo Sanchez</b>	<b>Planner II</b>
	<b>Allan Garces</b>	<b>Planner I</b>
	<b>Carmen White</b>	<b>Secretary</b>

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

**1) MINUTES:**

- a) Minutes for Regular Meeting held on June 1, 2016.

The minutes for the meeting held on June 1, 2016 were approved. The motion to approve the minutes was made by Ms. Terry Perez. Mr. Erick Diaz seconded the motion which carried unanimously with five members present and voting.

**2) PUBLIC HEARINGS:**

- a) Request of Isaac Kim for a variance to the City of McAllen Vegetation Ordinance to not provide a masonry screen 8 feet in height where a commercial use has a side property line in common with a single family zone for Lot 1, Sky Sports, Hidalgo County, Texas; 4801 Colbath Road. **(ZBA2016-0028)**

Mr. Sanchez stated the applicant requested to not provide a masonry screen eight feet in height along the east property line in common with a single family zone since it would

be too confining and could hinder repair of a water and sewer line. The property was located along the south side of Colbath Road approximately 927 feet east of Taylor Road. The property had 352 feet of frontage along Colbath Road and a depth of 207 feet for a tract size of 73,026 square feet. The property was zoned C-3 (general business) District. The surrounding land uses are single family residential, vacant land, and Shary Gateway Subdivision which is the site for commercial uses such as Koko's, Mambo's Restaurant, Fire House Subs, Blue Onion Restaurant, China Seafood Buffett, The Aquatics, and Hawthorn Hotel. Building Permit CMM2015-04653 was issued August 21, 2015 for Sky Park, a trampoline business, with a condition for a masonry wall 8 feet in height. Sky Sports Subdivision was recorded on August 26, 2015. The subject property was zoned to C-3 (general business) District and annexed into the City of McAllen on June 22, 2015. An application for a variance request to not provide a masonry screen was submitted on May 12, 2016. The submitted site plan indicated a measurement of the side property line of 207.20 feet and was the same distance for the variance to not provide the masonry fence. A 10 foot public utilities easement was located along the east property line. The eight foot masonry screen placement in the 10 foot public utilities easement may impede the maintenance of any lines within the utility easement. A drain ditch 280 feet in width, was located along the east property line and separated commercial from the existing residences.

Staff recommended approvals of the variance request since a 280 foot drainage ditch buffers existing residence and any future residence on the drainage ditch was unlikely.

Mr. Issac Kim, the applicant, stated when they started the project last year there was a waterline placed on their property to connect to the future 93 townhomes were being built to the south. The water department had concerns for having a masonry wall along their property line because it would be three and half feet away from the waterline. Because of the heaviness of the wall they would need a 42 inch foundation which would be close to the waterline fence. Mr. Kim stated there was a 185 foot drainage buffer between them and the adjoining residential existing houses to the east which has a masonry wall about 113 feet and the rest was a wood fence.

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

Chairperson Jorge Salinas inquired if there was anyone present to speak against the variance request. There was no one to speak against the variance request.

Ms. Terry Perez moved to approve the variance request. Vice-Chairperson Mike Harms seconded the motion. The board voted unanimously to approve the variance request with five members present and voting.

- b) Request of James L. Williams for a variance to the City of McAllen Zoning Ordinance to allow a side yard setback for a corner lot of 28 feet instead of 50 feet for a proposed carport measuring 20 feet by 26 feet for Lot 1, Williams

Acres Subdivision, Hidalgo County, Texas; 11213 North Glasscock Road.  
(ZBA2016-0029)

Mr. Garces stated the applicant requested a variance to construct a carport that will encroach 28 feet within the side yard corner setback over existing slab. The applicant indicated that the carport will be approximately 45 feet within his fence line. The property was located at the southwest corner of State Highway 107 and North Glasscock Road. The property had 130 feet of frontage along State Highway 107 and 285 feet of frontage along North Glasscock Road for a tract size of 1.22 acres. The property was zoned C-3 (general business) District. A single family residence with a home occupation known as Flame-Out Fire Extinguishers was located on the subject property. The surrounding land uses are single family residences and commercial business. Williams Acres Subdivision was recorded on September 16, 1997. As noted in plat note #3, the side yard setback is 35 feet and 50 feet for a building that fronts on North Glasscock Road. A building permit application for a carport was submitted on May 2, 2016 and variance application was submitted on May 12, 2016. Section 138-1 Yard states that the front yard for corner lots shall be considered as parallel to the street upon which the lot had the least dimension. Lot dimension for State Highway 107 was 130 feet and the dimension for Glasscock Road is 285 feet. State Highway 107 had the least dimension and was the front. Glasscock Road had the greater dimension and was the side. According to Section 138-368, side yard setbacks on corner lots shall not be less than 10 feet provided that the buildable width of such a lot of record shall not be reduced to less than 38 feet. The subject property was a corner lot and therefore required a setback of 10 feet by ordinance. Section 138-366 indicated that the Planning and Zoning Commission had the authority to approve setbacks not in compliance with the Zoning Ordinance. Section 138-356 footnote #8 indicated that the Board of Commissioners has the power to pass an ordinance establishing a setback line greater than the Zoning Ordinance where exceptional conditions so required. The setback noted in the plat was 50 feet. The proposed carport would be set back at 28 feet which was in compliance with the Zoning Ordinance at 10 feet.

Staff recommended approval of the variance requested as shown in the site plan.

Mr. James L. Williams, the applicant, stated he lived at the location for 15 years. He wanted to build a carport on the side of his house. When he applied for a building permit he found out he had to have a 50 foot easement from his property line. The carport was going to be about 28 feet within the property line and needed permission from the City to be able to proceed any further.

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

Chairperson Jorge Salinas inquired if there was anyone present to speak against the variance request. There was no one to speak against the variance request.

Ms. Terry Perez moved to approve the variance request. Mr. Erick Diaz seconded the

motion. The board voted unanimously to approve the variance request with five members present and voting.

- c) Request of Sergio Guerra Solla for a variance to the City of McAllen Zoning Ordinance to allow a front yard setback of 15 feet instead of 25 feet for Lots 1A, 7A, 8A, 9A and 10A, San Angel Country Subdivision, Hidalgo County, Texas; 2500, 2604, 2608, 2609 and 2605 South C Street. **(ZBA2016-0027)**

Mr. Garces stated the applicant was requesting a variance for a front yard setback of 15 feet instead of 25 feet for five lots within San Angel Country Subdivision in order to construct single family residences. The subject properties were located along the west and east side of South C Street. Lot 1A was 5, 546.47 square feet, Lot 7A was 5,678.98 square feet, 8A is 6,515.28 square feet, 9A was 5,544.96 square feet, and 10A was 5,905.71 square feet. All lots sizes comply with the zoning ordinance. The property was zoned R-1 (single family residential) District. Adjacent zoning was R-1 District to the north, south and west, and C-3L (light commercial) District to the east. The lots were currently vacant. Surrounding land uses are single family residences, Castelo Apartments, Alfredo Gonzalez Texas State Veterans Home, and vacant lots. San Angel Country Subdivision was recorded on June 24, 2015. The plat for this subdivision indicated a front yard setback of 25 feet or greater for easements. A variance application was submitted May 9, 2016. Section 138-356 of McAllen Code of Ordinance states that front yard setbacks for R-1 (single family residential) District are 25 feet. Section 138-366 indicates that the Planning and Zoning Commission had the authority to approve setbacks not in compliance with the Zoning Ordinance. Lot 1A was fronting an area of South C Street that curves which creates an irregularly shaped lot. Lots 7A – 10A were located on a 50 foot radius cul-de-sac creating an irregular lots as well. The current front yard setback requirements establish a buildable area of approximately 2,064 square feet for Lot 1A, 2,801 square feet for Lot 7A, 3,246 square feet for Lot 8A, 2,482 square feet for Lot 9A, and 3,068 square feet for Lot 10A. The proposed front yard setbacks create a buildable area of approximately 2,864 square feet for Lot 1A, 3,394 square feet for lot 7A, 3,855 square feet for lot 8A, 3,086 square feet for lot 9A, and 3,518 square feet for lot 10A. The purpose of the front yard setback along South C Street of 25 feet was to maintain the same front yard requirement within San Angel Country Subdivision. The proposed 15 feet setback did not alter the character of the R-1 District or the intent of the ordinance. The subdivision plat note #10 indicated that the subdivision will be gated. South C Street was a private street with a cul-de-sac and not open to the public with through traffic. A request for a 15 feet front yard setback could have been requested during the subdivision process and approved by the Planning and Zoning Commission.

Staff recommended approval of the variance as requested for Lot 1A and the curvature along the cul-de-sac for Lots 7A, 8A, 9A, and 10A.

Mr. Guillermo Arratia, engineer on behalf of the applicant, stated the subdivision was private and gated. The four lots were located towards the back on the south side of the cul-de-sac with a 50 foot radius. They were requesting a 15 foot front yard setback due to the cul-de-sac they have irregular shaped lots.

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

Chairperson Jorge Salinas inquired if there was anyone present to speak against the variance request. There was someone to speak against the variance request.

Mr. Elio J. Botello, 2501 S. Cynthia Street, McAllen, stated he owns a home west of the San Angel Country subdivision and has lived there for the past 20 years. He stated at the time when the subdivision was being built they did not oppose it because they had been in compliance. Mr. Botello stated now the contractor designed the size of the lots to be small and they needed to comply with the front yard setbacks of 25 feet like other subdivisions.

Mr. Alberto Ponce, 116 Cynthia Street, McAllen, stated they have four lots on the west side of the subdivision and wanted all the homes to have setbacks of 25 feet to be in compliance.

Board member Terry Perez inquired as to the request for the 15 feet front yard setback why was it not approved by the Planning & Zoning Board.

Mr. Guillermo Arratia stated at that time they were dealing with the lots and did not think they would have issues with the construction. He stated they were not increasing the lots but adding 10 feet in the cul-de-sac.

Mr. Garces stated at the time of applicant's request, Section 138-366 indicates that Planning and Zoning has the authority to approve to approve setbacks that were not in compliance with the zoning ordinance. If it had been presented then with 15 feet instead of the 25 foot Planning and Zoning would have reviewed and could have been approved.

Mr. Garces stated Planning and Zoning have approved similar cases.

Mr. Erick Diaz **moved** to disapprove the variance request. Ms. Terry Perez seconded the motion. The board voted unanimously to approve the variance request with five members present and voting.

- d) Request of Clint Schroff to allow a special exception to the City of McAllen Off-Street Parking and Loading Ordinance to provide 0 parking spaces instead of the required 6 parking spaces for a Beauty Supply Store for a lease space of 1,189 square feet out of Lot 1, Jackson Triangle Subdivision, Hidalgo County, Texas; 1400 East Expressway 83, Suite 130. **(ZBA2016-0030)**

This item was tabled until the meeting of July 20, 2016 at the request of the applicant.

- e) Request of Michael Ross to allow the following variance requests to the City of McAllen Zoning Ordinance: **1)** a rear yard setback of 0 feet instead of 10 feet for an outdoor bar measuring 19.25 feet by 16.5 feet, **2)** a side yard setback along the east property line of 5.25 feet instead of 8 feet for a covered patio measuring 12.75 feet by 12.5 feet, **3)** 2 feet instead of 12 feet distance to the main building for an accessory outdoor bar measuring 19.25 feet by 16.5 feet and a kitchen area measuring 10.25 feet by 10.58, **4)** a 7.7 feet side yard setback along the east property line instead of 8 feet for an outdoor bar building measuring 19.25 feet by 16.5 feet and a kitchen area measuring 10.25 feet by 10.58 feet, for Lot 284 except the west 3 feet and the west half of Lot 285, Las Villas at Meadowood Subdivision, Hidalgo County, Texas; 205 East Yarrow Avenue. **(ZBA2016-0025) (TABLED: 6/1/2016)**

Ms. Terry Perez made a motion to remove item from the table. Vice-Chairperson Mike Harms seconded the motion. The board voted unanimously with five members present and voting.

Mr. Sanchez stated the applicant was requesting a variance in order to allow 1) an outdoor bar to encroached 10 feet into the rear yard setback, 2) a covered patio to encroach 2.75 feet into the east side yard setback of 8 feet, 3) a separation of 2 feet instead of 12 feet between the outdoor bar and the main building, and 4) an outdoor bar and kitchen to encroach 2.3 feet into the east side yard setback of 8 feet. The applicant stated that they wish to keep the structures as constructed for weather protection and maintenance reasons. The property was located along the north side of East Yarrow Avenue approximately 153 feet west of North Cynthia Avenue. The tract had 60 feet of frontage along East Yarrow Avenue with a depth of 108 feet for a tract size of 6,480 square feet. The property was zoned R-3T (multifamily residential townhouse) District. There was an existing townhouse on the subject property. The surrounding land uses townhouses. Las Villas at Meadowood Subdivision was recorded on November 23, 1995. The plat indicated a rear yard setback of 10 feet and an east side yard setback of 8 feet. Tax records showed that the applicant purchased the residence in 2014 and construction of the outdoor bar was started in 2014. A Stop Work Order and citation for construction without a permit of an outdoor bar measuring 19.25 feet by 16.5 feet was issued by the Building Inspections and Permits Department. A wood frame storage building was located in the area of construction of the outdoor bar. An application for a building permit was submitted on December 11, 2014. The outdoor bar encroached 10 feet into the rear yard setback. The rear yard setback of 10 feet runs concurrently with a utility easement measuring 10 feet. The applicant submitted an easement abandonment application on January 13, 2015 and AT&T has indicated they will provide an encroachment agreement. AEP will require the owner to relocate the existing lines from the easement into the alley at the property owner's expense. Variance #1 was the construction of the outdoor bar where a storage building was previously constructed. The outdoor bar had an overhang of approximately one foot that extends into the alley that required a license agreement approved by the Board of Commissioners. The utility companies, AEP and AT &T, have approved an encroachment agreement into the easement provided the applicant relocates the existing lines from the easement. Field

check indicated that 3 other properties along this alley have similar encroachments into the easement and rear yard setback. The minimum rear yard setback for the R-3T District is 0 feet. Variance #2 and #4 are the covered patio encroachment of 2.75 feet into the side yard setback and the covered outdoor bar encroachment of 2.3 feet into the side yard setback of 8 feet as required by plat. The minimum required separation of a townhouse not attached to another townhouse was 6 feet. The covered patio encroaches .75 feet and the outdoor bar encroached .3 feet into the minimum ordinance required setback. The townhouse to the east provided a firewall along the property line providing fire protection. Rainfall runoff from the cover outdoor bar and covered patio do not shed water onto the adjacent property. The support structures for the cover outdoor bar and covered patio are integrated into the outdoor kitchen and the patio features of the waterfall, outdoor seating and planter areas. The support structures for the covered outdoor bar and covered patio are masonry and would require a considerable reconstruction to comply with side yard setback of 8 feet. The support structures encroachment into the side yard setback of 6 feet by ordinance was less than 1 foot. Variance #3 was the separation of the accessory building, covered outdoor bar, from the primary structure in the rear yard of 2 feet instead the of the required 12 feet. The covered outdoor kitchen could be connected to the primary structure. The Las Villas at Meadowood Homeowner's Association president had indicated that the architectural committee had not reviewed or approved the covered outdoor bar or covered patio. Ms. Virginia Heath of 205 Yarrow Avenue called the Planning Department on May 23, 2016 in support of the variance indicating that they did not affect the appearance of the townhouses from the street or alley. She said the outdoor structures were of quality construction and were an improvement for the property. She mentioned another similar outdoor construction in the subdivision. She was the property owner of 4 lots in the Meadowood Townhouse Subdivision.

**RECOMMENDATION:**

Variance request # 1: Staff recommended approval of the rear yard setback of 0 feet since the utility companies have approved an encroachment agreement and the minimum rear yard setback by ordinance is 0 feet for the R-3T District.

Variance requests #2 & #4: Staff recommended approval of the variance request limited to the footprint of the submitted site plan since the variance is less than 1 foot from the ordinance minimum setback and is in substantial compliance.

Variance request #3: Staff recommended disapproval since the covered outdoor bar is separated by only 2 feet and could be connected to the primary structure.

At the Zoning Board of Adjustment and Appeals meeting of June 1, 2016 the Board unanimously voted with five members present and voting to table the variance requests. The variance requests were tabled in order to allow the applicant time to present the proposed construction plans to the Homeowner's Association architect review committee for review and consideration and for the applicant to consult with the property owner to see if the proposed outdoor bar can be connected by proper construction to the main building in order to resolve the distance to the main building lack of the

required 12 foot distance. Peter Kirkam, 124 East Yarrow, a member of the architect committee for the subdivision, stated that they had not received plans for review regarding the proposed construction.

Mr. Michael Ross, the applicant, stated he spoke with George Gomez who was the owner of the house and was willing to attach the bar to the house.

Chairperson Jorge Salinas inquired to legal counsel if the applicant would be willing to withdraw request variance #3. Legal counsel stated it didn't either way.

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

Mr. Peter Kirkam, 124 East Yarrow Avenue, member of the architect committee, stated they had reviewed all the plans from Mr. Ross and have accepted it.

Chairperson Jorge Salinas inquired if there was anyone present to speak against the variance request. There was no one to speak against the variance request.

Ms. Terry Perez moved to disapprove the variance request #3. Mr. Erick Diaz seconded the motion. The board voted unanimously to disapprove the variance request with five members present and voting.

Ms. Terry Perez moved to approve variance requests #1, #2 and #4 limited to the footprint of the site plan. Mr. Rolando Ayala seconded the motion. The board unanimously voted to approve the variance requests #1, #2 and #4 with five members present and voting.

**3. DISCUSSION: NONE**

**4. INFORMATION ONLY:** Workshop – June 8, 2016 at 12 noon in the New Development Center, 311 N. 15<sup>th</sup> Street.

Ms. Julianne Rankin stated the schedule Workshop of June 8, 2016 had been cancelled due to not posting the agenda prior to the meeting. The board voted to reschedule the Workshop for Wednesday, July 13, 2016. Ms. Rankin also mentioned the Advisory Board Appreciation Luncheon, Thursday, July 14, 2016 at the McAllen Convention Center.

**ADJOURNMENT**

There being no further business to come before the Zoning Board of Adjustment and Appeal, Mr. Erick Diaz moved to adjourn the meeting. Mr. Rolando Ayala seconded the motion which carried unanimously with five members present and voting.

Zoning Board of Adjustment & Appeals  
June 15, 2016  
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The meeting was adjourned at 6:24 p.m.

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Chairperson  
Jorge Salinas

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Carmen White, Secretary

**Memo**

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

**FROM:** Planning Staff

**DATE:** June 27, 2016

**SUBJECT: REQUEST OF MELDEN & HUNT, INC. FOR THE FOLLOWING VARIANCE TO THE CITY OF MCALLEN VEGETATION ORDINANCE: TO NOT PROVIDE A BUFFER WHERE A NONRESIDENTIAL USE HAS A SIDE OR REAR PROPERTY LINE IN COMMON WITH ANY RESIDENTIAL USE OR ZONE, FOR ALL UNITS 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 6A, 6B, 7A, 7B, 9A, 9B, 10A, 10B, 11A, 11B, 12A, 12B, LAKES CONDOMINIUM ASSOCIATION OF OWNERS SITUATED OUT OF BLOCK 3A, LAKES BUSINESS PARK PHASE 2, HIDALGO COUNTY, TEXAS; 901 EAST REDBUD AVENUE. (ZBA2016-0031)**

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**GOAL:**

The Board shall have the power to authorize upon appeal in specific cases such variances from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done. McAllen Code of Ordinances Section 138-43(4).

**REASON FOR APPEAL**

The applicant requests to not provide a buffer where a nonresidential use has a side or rear property line in common with any residential use or zone since the fence would limit access to community property.

**PROPERTY LOCATION AND VICINITY:**

The property is located along the north side of East Redbud Avenue approximately 270 feet east of North McColl Road. The property has 212.5 feet of frontage along East Redbud Avenue and a depth of 341 feet at its deepest point for a tract size of 4.038 acres. The property is zoned R-3C (multifamily residential condominium) District. The surrounding land uses are commercial uses and commercial office condominiums.

**BACKGROUND AND HISTORY:**

Blocks 3A, 4A, and 5A, Lakes Business Park Phase 2 Subdivision was recorded on January 6, 2003. The subject property was rezoned to R-3C (multifamily residential condominium) District on June 13, 2016. An application for a building permit was submitted April 1, 2016 for the construction of 48 condominium units, with a condition for a masonry wall 8 feet in height where nonresidential use is adjacent to residential use. An application for a variance request to not provide a masonry screen was submitted on June 1, 2016.

**ANALYSIS:**

The submitted site plan indicates a mixed use development with the required buffer wall

proposed to screen the existing commercial condominium use from the proposed residential condominium use. Section 110-49(a) of the Vegetation ordinance states "A buffer shall be provided where a nonresidential use has a side or rear property line in common with any residential use or zone." If the required buffer is constructed it would disrupt access for three common driveways and common parking areas. Furthermore, the placement of a buffer would make the current parking noncompliant with parking requirements and driveways with no access from East Redbud Avenue to the subject property.

**RECOMMENDATION:**

Staff recommends approval of the variance request.

7/16/16

ZBA2016-0031



# City of McAllen Planning Department

## APPEAL TO ZONING BOARD OF

### ADJUSTMENT TO MCALLEN ZONING ORDINANCE

311 N. 15TH ST.  
1300 Houston Avenue  
McAllen, TX 78501  
P. O. Box 220  
McAllen, TX 78505-0220  
(956) 681-1250  
(956) 681-1279 (fax)

#### Project

Legal Description 4.038 acres out of Block 3A, Lakes Business Park Phase 2 Subdivision

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

Street Address 901 E. Redbud Ave. - McAllen, TX

Number of lots \_\_\_\_\_ Gross acres 4.038

Existing Zoning R-3C Existing Land Use vacant

Reason for Appeal (please use other side if necessary) Requesting variance to the required buffer fence between residential & commercial properties

\$300.00 non-refundable filing fee

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

#### Applicant

Name Melden & Hunt, Inc Phone (956) 381-0981

Address 115 W. McIntyre St.

City Edinburg State TX Zip 78541

#### Owner

Name Jose Garcia, Jr. Phone (956) 1038-2363

Address P.O. Box 2731

City McAllen State TX Zip 78502

#### 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 Robert Tamez

Date 05/31/16

Print Name Robert Tamez

Owner  Authorized Agent

#### Office

Accepted by \_\_\_\_\_

Payment received by \_\_\_\_\_

Date \_\_\_\_\_

RECEIVED  
JUN 15 2016 9/11

BY: GC@lido  
AV LV am



# City of McAllen

## Planning Department

### REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

As stated in the attached letter, the variance is due because the dwelling units that will be constructed, will be occupying a condominium space determined by condominium regime.

The space around the unit is communal property.

By placing a fence the access to community property would be limited.

Board Action

Chairman, Board of Adjustment  
Signature

Date

COPY

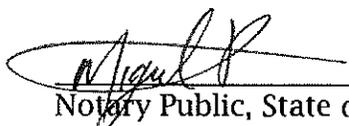
We, AEQUUS, INC. hereby authorize Fred Kurth, P.E., R.P.L.S., President and Robert Tamez, R.P.L.S. of Melden and Hunt, Inc. to sign all subdivision applications and related paperwork for a 4.910-acre tract of land out of Block 3A, of BLOCKS 3A, 4A, 5A, LAKES BUSINESS PARK PHASE 2 SUBDIVISION as per map or plat recorded in Volume 41, Page 107, Hidalgo County Map Records, Texas

  
\_\_\_\_\_  
Jose Garcia, Jr., Director  
AEQUUS, INC.  
1013 Fresno  
McAllen, TX 78501

STATE OF TEXAS           §  
  
COUNTY OF HIDALGO   §

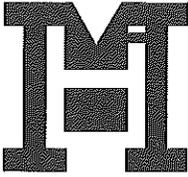
Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_ known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purpose and consideration herein stated.

Given under my hand and seal of office, this the 17 day of April, 2015.

  
\_\_\_\_\_  
Notary Public, State of Texas



RECEIVED  
JUN 01 2016  
BY: ELO@11:06 AM



TBPE Firm # F-1435  
TBPLS # 10096900

# MELDEN & HUNT INC.

CONSULTANTS • ENGINEERS • SURVEYORS  
FRED L. KURTH • ALLAN F. BOOE • KELLEY A. HELLER-VELA • ROBERTO N. TAMEZ • MARIO REYNA

May 25, 2016

City of McAllen Planning Department  
ATTN: Miguel Martinez  
311 N. 15th  
McAllen, TX 78503

Re: Lakes Business Park Buffer Fence

Mr. Fuentes:

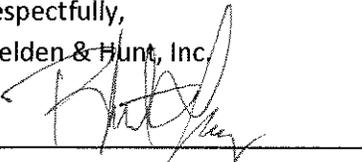
On behalf of the developer and in reference to Block 3A out of Blocks 3A, 4A, and 5A Lakes Business Park Phase 2 Subdivision, we respectfully request a variance for the following item:

1. A variance to buffer fence requirement between residential and commercial properties.

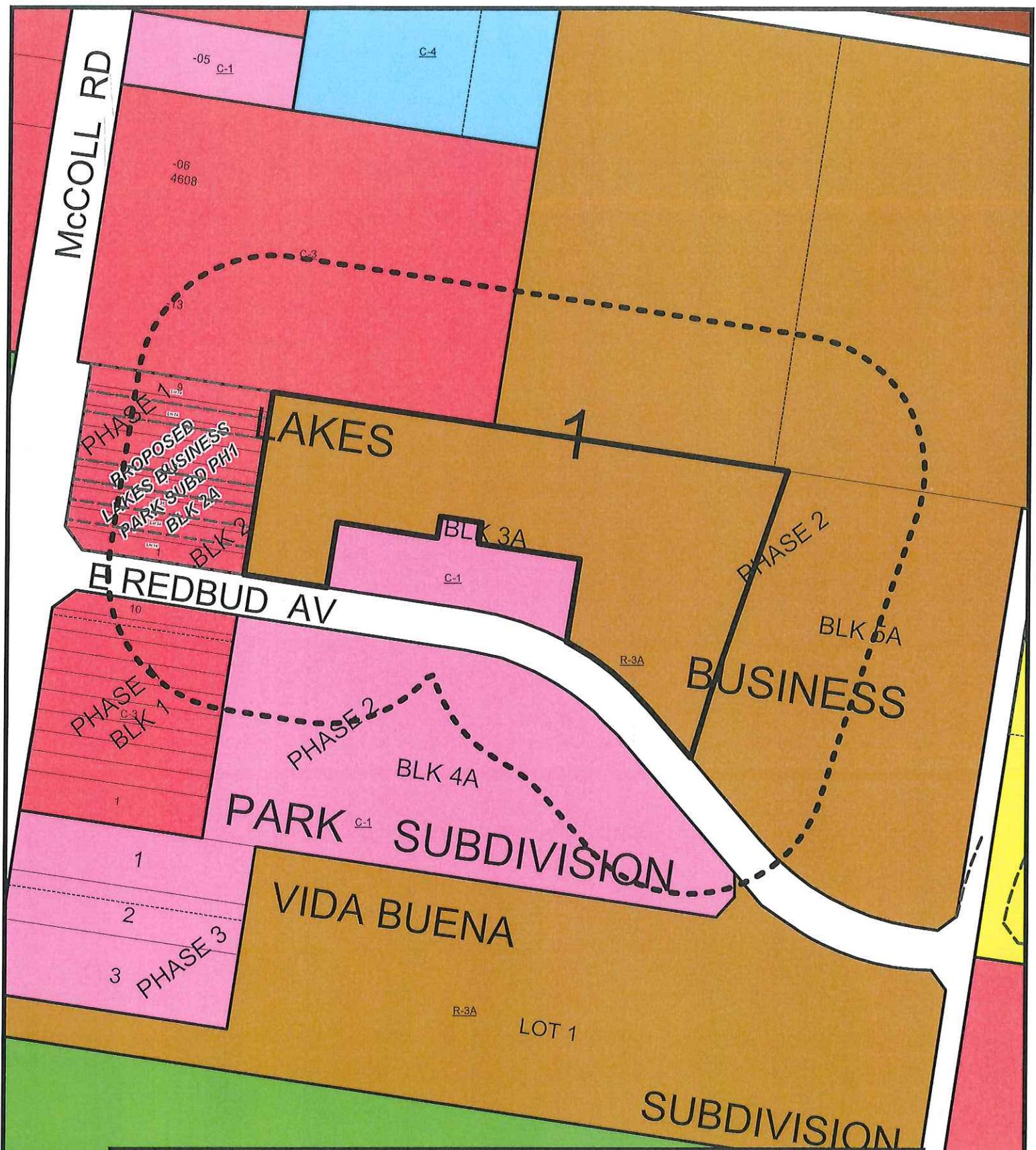
We ask for the variance because the dwelling units that will be constructed will be occupying a condominium space determined by the condominium regime. The space around the unit is communal property and belongs to both the owners that have commercial building units as well as those that have been designated by the owner's association to be residential. By placing a fence the access to community property would be limited and we request the not have this requirement necessary.

Please consider this request and advise us as soon as possible on your decision. If you have any questions or comments, please contact our office. Thank you.

Respectfully,  
Melden & Hunt, Inc.

  
Roberto N. Tamez, RPLS, EIT  
Vice-President

RECEIVED  
JUN 01 2016  
BY: \_\_\_\_\_



**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)	S (SPECIAL DISTRICT)

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



**CITY OF McALLEN**  
PLANNING DEPARTMENT

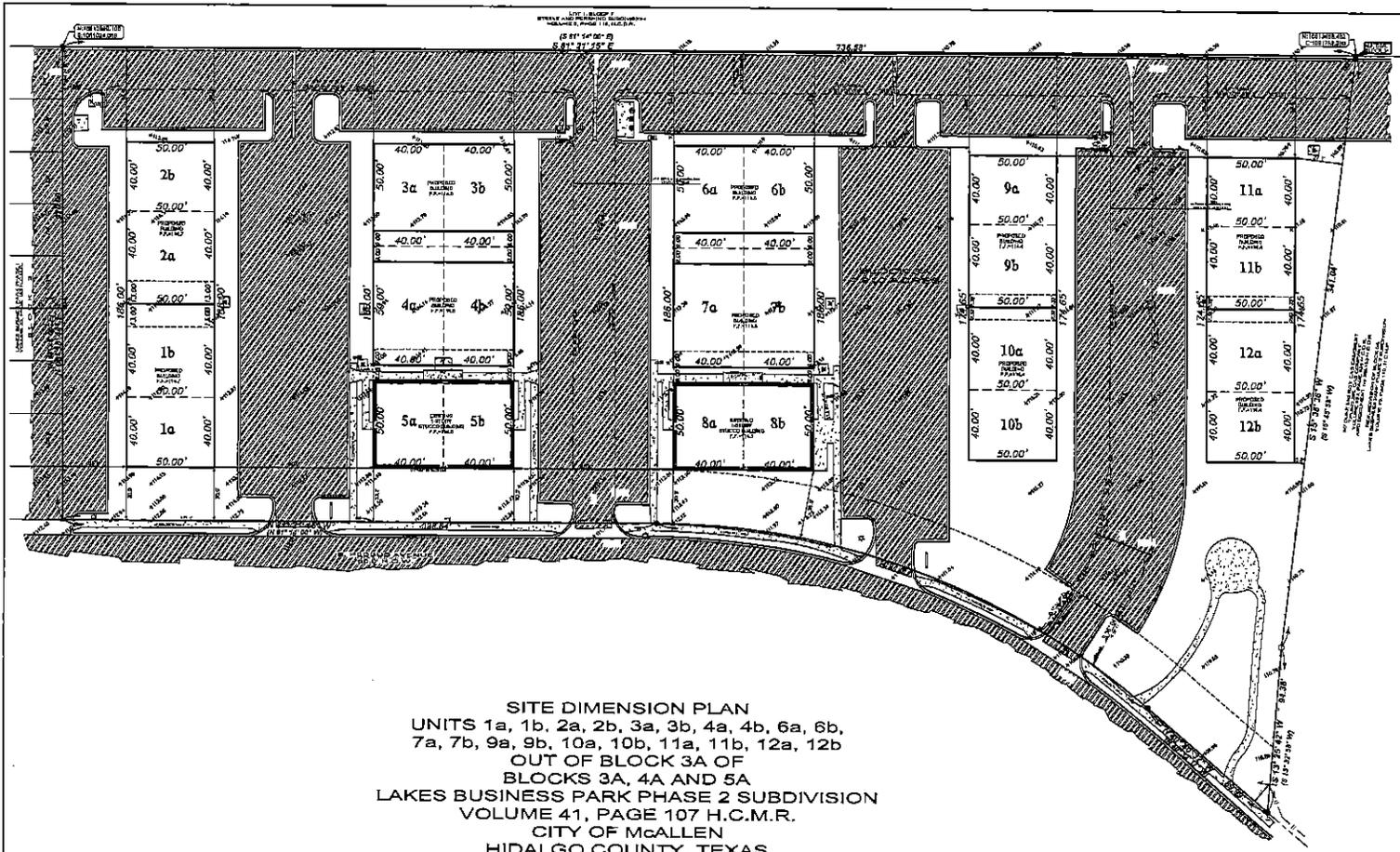


**SUBJECT PROPERTY**

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



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**SITE DIMENSION PLAN**  
**UNITS 1a, 1b, 2a, 2b, 3a, 3b, 4a, 4b, 6a, 6b,**  
**7a, 7b, 9a, 9b, 10a, 10b, 11a, 11b, 12a, 12b**  
**OUT OF BLOCK 3A OF**  
**BLOCKS 3A, 4A AND 5A**  
**LAKES BUSINESS PARK PHASE 2 SUBDIVISION**  
**VOLUME 41, PAGE 107 H.C.M.R.**  
**CITY OF McALLEN**  
**HIDALGO COUNTY, TEXAS**



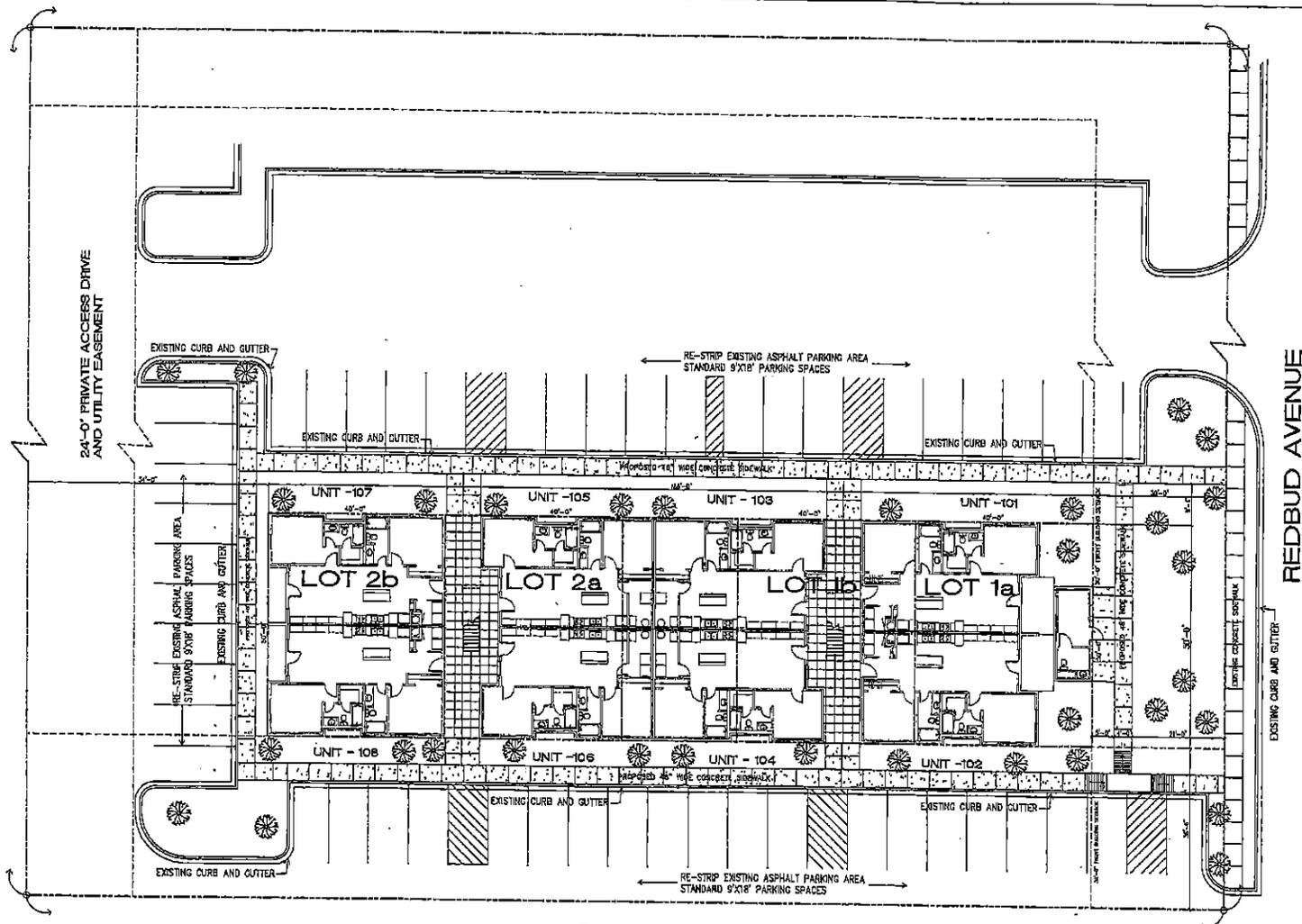
- LEGEND**
- 1 FOUNDATION FINDER
  - 2 FOUNDATION FINDER BRIDGE
  - 3 SECTION FINDER WITH PLASTER CAP STAMPED MEASUREMENT
  - 4 OFF SQUARE CUT
  - 5 LIGHT POLE
  - 6 CHALK PEDestal
  - 7 UNDEGROUND CABLE MARKER
  - 8 SIGN
  - 9 MANHOLE SIGN
  - 10 TREE PROTRAY
  - 11 WALKER METEOR
  - 12 WATER SERVICE
  - 13 WATER METER
  - 14 BANTARY COVER MANHOLE
  - 15 STORM SEWER MANHOLE
  - 16 TYPE "A" INLET
  - 17 BRATE INLET
  - 18 ELECTRIC SIGN
  - 19 ELECTRIC PEDestal
  - 20 GROUND POLE
  - 21 WOOD FENCE
  - 22 SP STORM SEWER LINE
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  - 200 SP STORM SEWER LINE

**NOTES:**  
 1. ELEVATION DATUM PER NAVD 83 (GEOID 83).  
 2. REAR & SIDE SETBACKS NOT SHOWN ON RECORDED MAP OF BLOCKS 3A, 4A, AND 5A LAKES BUSINESS PARK PHASE 2 SUBDIVISION RECORDED IN VOLUME 41, PAGE 107, H.C.M.R., SETBACKS AS PER CITY OF McALLEN ORDINANCE.  
 3. A 10 FOOT EASEMENT UPON THE LOCATION OF THE UNDERGROUND AND OVERGROUND PRIMARY ELECTRICAL CABLES AND ASSOCIATED FACILITIES AND/OR A FIVE FOOT EASEMENT FOR THE SECONDARY UNDERGROUND ELECTRICAL CABLES AND ASSOCIATED FACILITIES FOR CENTRAL POWER AND LOW VOLTAGE UPON THE SOUTH HALF OF LOT 1, BLOCK 3, STEEL AND CO. FINDING SUBDIVISION AS RECORDED IN VOLUME 6, PAGE 116, H.C.M.R.  
 4. ALL RECORDS EASEMENTS FOUND FOR ANY EXISTING UTILITIES FOUND OUTSIDE OF RECORDED EASEMENTS SHOWN ON RECORDED MAP OF BLOCKS 3A, 4A, AND 5A LAKES BUSINESS PARK PHASE 2 SUBDIVISION RECORDED IN VOLUME 41, PAGE 107, H.C.M.R., IS PART OR PORTION OF LOT 1, BLOCK 7, STEEL AND CO. FINDING SUBDIVISION.  
 5. NO INFORMATION EASEMENTS SHOWN FOR SUBJECT TRACT ON RECORDED MAP OF BLOCKS 3A, 4A, AND 5A LAKES BUSINESS PARK PHASE 2 SUBDIVISION RECORDED IN VOLUME 41, PAGE 107, H.C.M.R.

Curve Table				
Curve #	Delta	Radius	Length	Chord Length
101	64° 47' 43"	400.00'	358.29'	189.37'
102	64° 47' 43"	400.00'	358.29'	189.37'

**FLOOD ZONE**  
 Zone 1  
 Flood Hazard Information for the project is provided in the attached Flood Hazard Map. The Flood Hazard Map is provided for informational purposes only and does not constitute a flood hazard determination. The Flood Hazard Map is provided for informational purposes only and does not constitute a flood hazard determination. The Flood Hazard Map is provided for informational purposes only and does not constitute a flood hazard determination.

JOB NO. <b>15057.07</b> DRAWING DATE: 12/29/10 DRAWN BY: J.C.P.H.L.L.C. TITLE: 15057.07 SCALE: 1"=20'-0"	<table border="1"> <tr> <th>REVISION</th> <th>DATE</th> <th>BY</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	REVISION	DATE	BY			
REVISION	DATE	BY					
	MALDEN & HUNT INC. CONSULTANTS & ENGINEERS 115 W. MCINTYRE AUSTIN, TX 78741 PH: (512) 261-4551 FAX: (512) 261-1139 WWW.MALDENHUNT.COM						



**PROPOSED SITE PLAN**

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

TWO STORY BUILDING  
 16 TWO BEDROOM APARTMENTS  
 49 PARKING SPACES PROVIDED

**LEGAL DESCRIPTION:**

UNITS 1a, 1b, 2a AND 2b  
 OUT OF BLOCK 3A OF BLOCKS 3A, 4A AND 5A  
 LAKES BUSINESS PARK PHASE 2 SUBDIVISION  
 VOLUME 41, PAGE 107 H.C.M.R.  
 CITY OF McALLEN  
 HIDALGO COUNTY, TEXAS

901 E Redbud Ave

**GUERRERO**  
**and ASSOCIATES**  
 ARCHITECTURAL GROUP  
 AMERICAN INSTITUTE OF ARCHITECTS  
 TEXAS SOCIETY OF ARCHITECTS  
 340 E. 10th Street, Suite 200, McAllen, Texas 78501 (361) 278-5434



THIS DRAWING IS THE PROPERTY OF THE ARCHITECTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECTS.

PROPOSED APARTMENTS COMPLEX FOR:  
**America's Real Estate Group**  
 McALLEN, TEXAS

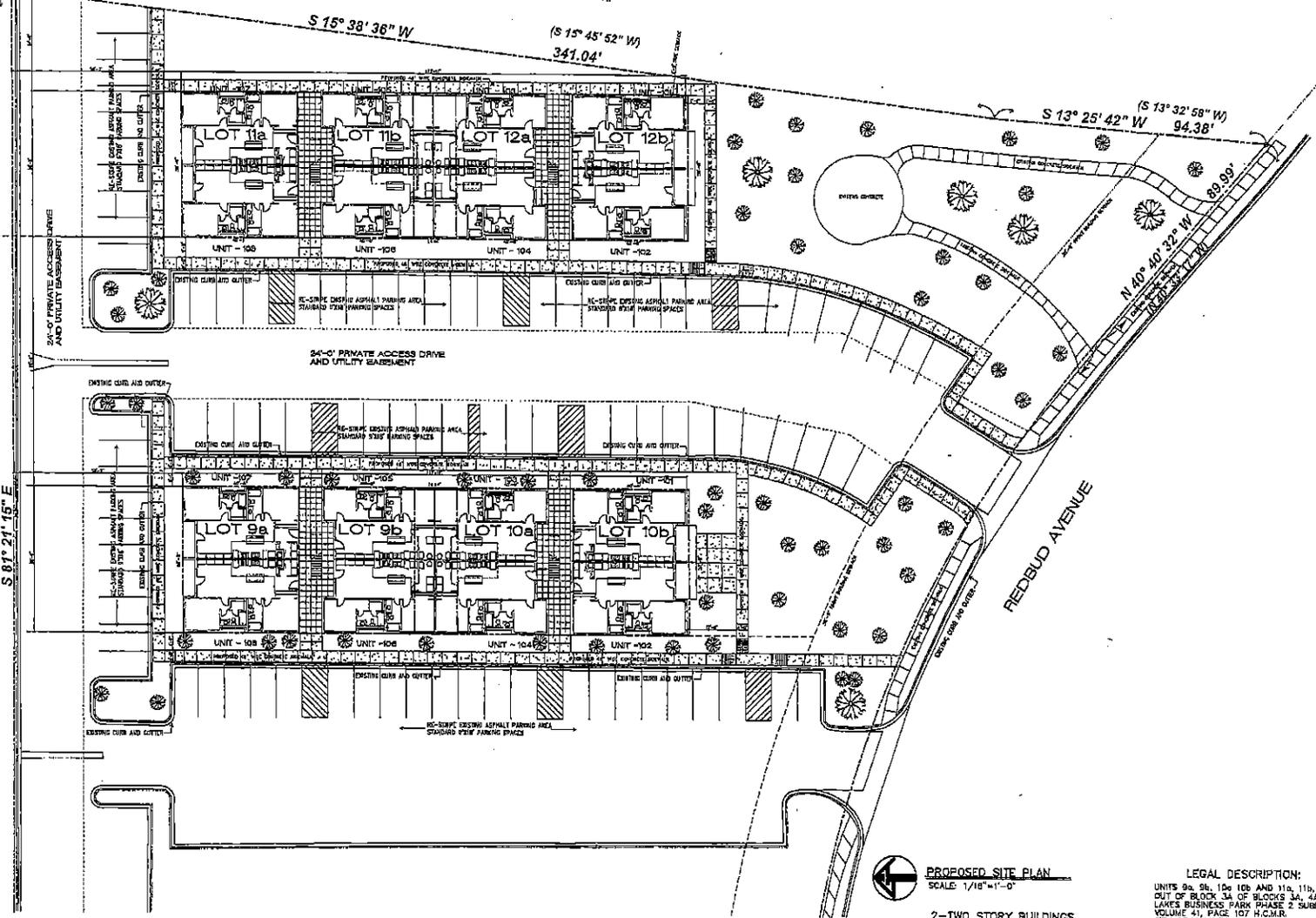
DATE: 2-14-14  
 DRAWN BY: JAC  
 REVISIONS:

SHEET NO.  
**SP.1**  
 OF 1

LOT 7, BLOCK 7  
STEELES AND PERRYMAN SUBDIVISION  
VOLUME 6, PAGE 115, H.C.M.R.  
(S 81° 14' 00" E)

S 81° 21' 15" E

80' DUNE ENERGY GAS AGREEMENT  
TRUNTING GAS COMPANY  
VOLUME 683, PAGE 659 H.C.M.R.  
AND DOCUMENT NO. 388102 H.C.O.R.  
RESUBDIVISION OF BLOCK 6A  
LAKES BUSINESS PARK PHASE 2 SUBDIVISION  
VOLUME 49, PAGE 110, H.C.M.R.



**PROPOSED SITE PLAN**  
SCALE: 1/16"=1'-0"

2-TWO STORY BUILDINGS  
2-16 TWO BEDROOM APARTMENTS  
52 PARKING SPACES PROVIDED

LEGAL DESCRIPTION:  
UNITS 9a, 9b, 10a, 10b AND 11a, 11b, 12a, 12b  
OUT OF BLOCK 3a OF BLOCKS 3a, 4a AND 5a  
LAKES BUSINESS PARK PHASE 2 SUBDIVISION  
VOLUME 41, PAGE 107 H.C.M.R.  
CITY OF McALLEN  
HIDALGO COUNTY, TEXAS

**GUERRERO and ASSOCIATES**  
ARCHITECTURAL GROUP  
AMERICAN INSTITUTE OF ARCHITECTS  
TEXAS SOCIETY OF ARCHITECTS  
208 S. 10th Street, Suite 202 • McAllen, Texas 78501 • 361-291-5841

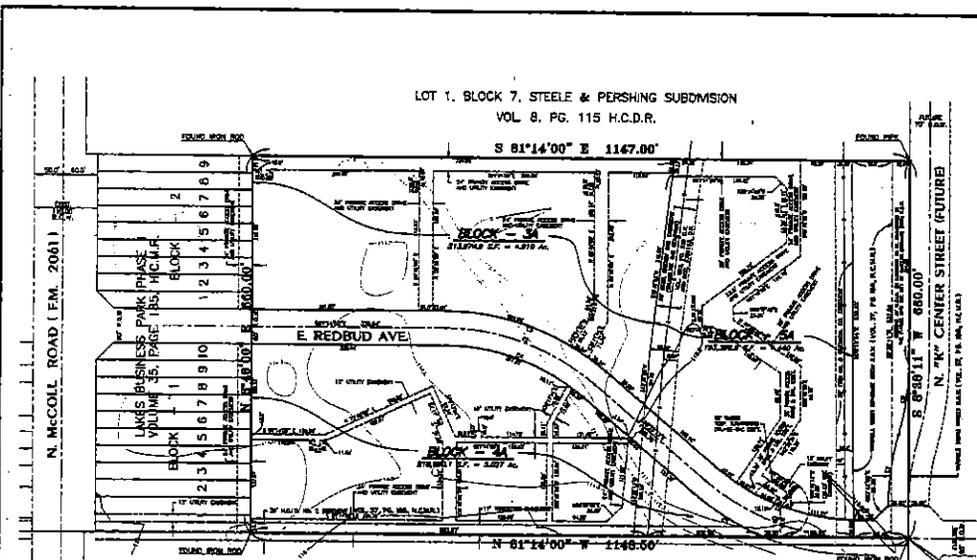


THIS DRAWING IS THE PROPERTY OF G&A ARCHITECTS. IT IS UNLAWFUL TO REPRODUCE OR TO BE USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF G&A ARCHITECTS.

PROPOSED APARTMENT COMPLEX FOR 2 ADDITIONAL LOTS:  
**America's Real Estate Group**  
McALLEN, TEXAS

JOB # 081103-A  
DATE 3-13-08  
DRAWN BY: [Signature]  
CHECKED BY: [Signature]

SHEET NO. **SP.1**  
OF 12



LOT 1, SECTION 3, A.J. MCCOLL SUBDIVISION  
VOL. 21, PG. 998 H.C.D.R.

**BLOCKS 3A, 4A AND 5A  
LAKES BUSINESS PARK  
PHASE 2 SUBDIVISION**  
17,390 AC. BEING A RESUBDIVISION OF  
BLOCKS 3, 4 AND 5  
LAKES BUSINESS PARK PHASE 2  
AS RECORDED IN VOLUME 37, PAGE 168  
HIDALGO COUNTY MAP RECORDS  
CITY OF McALLEN  
HIDALGO COUNTY, TEXAS

- GENERAL PLAT NOTES:**
1. ANY BUILDING STRUCTURE OR FENCE OR ANY OTHER OBJECT ON THE PLAT OF BLOCK 3, SECTION 3, MUST BE REMOVED OR RELOCATED TO THE PLAT.
  2. UNLESS SPECIALLY NOTED OTHERWISE, ALL LOTS SHALL BE 120 FEET WIDE BY 300 FEET DEEP.
  3. BLOCK 4 AND 5A: BEING A RESUBDIVISION OF THE SOUTHWEST CORNER OF THE SECTION OF McALL ROAD AND THE CITY AND 20 FEET WEST FROM THE BACK OF CURB OF McALL ROAD AND 40 FEET EAST FROM THE BACK OF CURB OF McALL ROAD.
  4. THE DISTRICTS ARE LAYED OUT WITH THE PLANS BEING A PART OF THE CONVEYANCE FROM THE ORIGINAL OWNER TO THE CITY OF McALLEN.
  5. THE DISTRICTS SHALL BE SUBJECT TO THE CITY OF McALLEN'S ZONING AND PLANNING DEPARTMENT'S REVIEW AND APPROVAL.
  6. A 100 FOOT BUREAU SHALL BE MAINTAINED ALONG THE EAST SIDE OF 5. REDBUD AVENUE AND ALONG THE WEST SIDE OF 4. CENTER STREET.
  7. AN ENGINEER'S DESIGN PLAN APPROVED BY THE CITY OF McALLEN ENGINEERING DEPARTMENT IS REQUIRED PRIOR TO RECORDATION.
  8. THE CITY COMMISSION OF McALLEN, BY ORDINANCE NO. 200-000, GRANTED A PRIVATE ACCESS DRIVE AND UTILITY EASEMENT IN BLOCK 5A WHICH IS REPLACED BY THE EASEMENTS SHOWN ABOVE.

**METES AND BOUNDS DESCRIPTION**

A TRACT OF LAND CONTAINING 17,390 ACRES, SITUATED IN THE CITY OF McALLEN, TEXAS, BEING ALL OF LAKES BUSINESS PARK PHASE 2, AS RECORDED IN VOLUME 37, PAGE 168, HIDALGO COUNTY MAP RECORDS, ALSO BEING A PART OF SECTION OF LOT 1, BLOCK 7, STEELE AND PERSHING SUBDIVISION, ACCORDING TO THE PLAT THEREIN RECORDED IN VOLUME 8, PAGE 115, HIDALGO COUNTY DEED RECORDS, SAID 17,390 ACRES ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 7, STEEL AND PERSHING SUBDIVISION, FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE N 81°14'00" W ALONG THE SOUTH LINE OF SAID LOT 1, BLOCK 7, A DISTANCE OF 1148.50 FEET TO THE SOUTHWEST CORNER OF THIS TRACT;

THENCE N 08°48'00" E ALONG THE E LINE OF LAKES BUSINESS PARK PH 1, AS PER VOLUME 35, PAGE 168, HIDALGO COUNTY MAP RECORDS, A DISTANCE OF 840.00 FEET TO THE NORTHEAST CORNER OF THIS TRACT;

THENCE S 81°14'00" E A DISTANCE OF 1147.00 FEET TO THE NORTHEAST CORNER OF THIS TRACT;

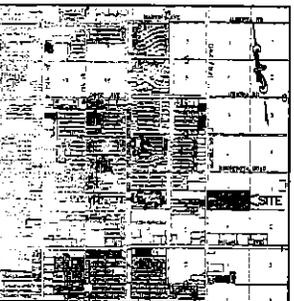
THENCE S 08°38'11" W ALONG THE EAST LINE OF SAID LOT 1, BLOCK 7, AND THE WEST LINE OF LOT 1, SECTION 3, A.J. MCCOLL SUBDIVISION, A DISTANCE OF 860.00 FEET TO THE POINT OF BEGINNING, CONTAINING 17,390 ACRES OF LAND, MORE OR LESS.

FILED FOR RECORD IN:  
HIDALGO COUNTY  
BY J.D. SALAZAR, CLERK  
COUNTY CLERK  
DATE: 07/12/2016  
BY: [Signature]  
DEPUTY

Recorded in Volume 411 Page 97  
of the map records of Hidalgo  
County, Texas  
J.D. Salazar, Clerk  
County Clerk

**CURVE TABLE**

CHORD	BEARS	ARC	TANGENT	CHORD	OF DIRECTION	CHORD	ARC LENGTH
C1	42°47'47"	202.00	149.28	589°31'30"	218.09	202.00	283.92
C2	42°47'47"	400.00	298.56	589°31'30"	436.18	400.00	567.84
C3	42°47'47"	600.00	447.84	589°31'30"	654.27	600.00	851.76
C4	42°47'47"	800.00	597.12	589°31'30"	872.36	800.00	1145.68
C5	42°47'47"	1000.00	746.40	589°31'30"	1090.45	1000.00	1439.60
C6	42°47'47"	1200.00	895.68	589°31'30"	1308.54	1200.00	1733.52
C7	42°47'47"	1400.00	1044.96	589°31'30"	1526.63	1400.00	2027.44
C8	42°47'47"	1600.00	1194.24	589°31'30"	1744.72	1600.00	2321.36
C9	42°47'47"	1800.00	1343.52	589°31'30"	1962.81	1800.00	2615.28
C10	42°47'47"	2000.00	1492.80	589°31'30"	2180.90	2000.00	2909.20
C11	42°47'47"	2200.00	1642.08	589°31'30"	2399.00	2200.00	3203.12
C12	42°47'47"	2400.00	1791.36	589°31'30"	2617.09	2400.00	3497.04
C13	42°47'47"	2600.00	1940.64	589°31'30"	2835.18	2600.00	3790.96
C14	42°47'47"	2800.00	2089.92	589°31'30"	3053.27	2800.00	4084.88
C15	42°47'47"	3000.00	2239.20	589°31'30"	3271.36	3000.00	4378.80
C16	42°47'47"	3200.00	2388.48	589°31'30"	3489.45	3200.00	4672.72
C17	42°47'47"	3400.00	2537.76	589°31'30"	3707.54	3400.00	4966.64
C18	42°47'47"	3600.00	2687.04	589°31'30"	3925.63	3600.00	5260.56
C19	42°47'47"	3800.00	2836.32	589°31'30"	4143.72	3800.00	5554.48
C20	42°47'47"	4000.00	2985.60	589°31'30"	4361.81	4000.00	5848.40



**M HELDEN & HUNT INC.**  
CONSULTANTS - ENGINEERS - SURVEYORS  
18 S. MOORE  
McALLEN, TX 79501  
Phone: 361-2211  
Fax: 361-2212  
Email: info@helden-hunt.com  
www.helden-hunt.com

STATE OF TEXAS  
COUNTY OF HIDALGO

I, J.A. THE UNDERSIGNED, HOLDER OF OR FULLY AUTHORIZED OFFICER OF THE HOLDERS OF A SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY, BEING THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS "BLOCKS 3A, 4A, AND 5A, LAKES BUSINESS PARK PHASE 2" OF THE CITY OF McALLEN, TEXAS, DO HEREBY CONSENT TO THE SUBDIVISION OF THE PROPERTY AS PROVIDED FOR UNDER THE PLAT AND DO HEREBY PROVIDE THAT ANY FUTURE ACQUISITION OF THE SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY SHALL BE SUBJECT TO THE PLATTING OF THE PROPERTY AS PROVIDED FOR HEREIN.

PAUL HOLLEY, PRESIDENT  
TEXAS STATE BANK

STATE OF TEXAS  
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED PAUL HOLLEY, 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 CONSIDERATION THEREIN GIVEN UNDER MY HAND AND SEAL OF

OFFICE, THIS THE 17th DAY OF Sept 20 2016

*Robert Rodriguez*  
NOTARY PUBLIC, HIDALGO COUNTY, TEXAS  
MY COMMISSION EXPIRES: 8-24-08

THIS PLAT HAS BEEN EXCLUDED BY HIDALGO COUNTY IRRIGATION DISTRICT NO. 2

NO IMPROVEMENTS OF ANY KIND SHALL BE PLACED UPON H.C.E.D. NO. 2 RIGHTS-OF-WAY OR EASEMENTS WITHOUT THE EXPRESSED WRITTEN PERMISSION OF THE H.C.E.D. NO. 2

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER THE WATER CODE, CHAPTER 46, SUBCHAPTER 46C. THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1  
BY: *[Signature]*

STATE OF TEXAS  
COUNTY OF HIDALGO

I, THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS "BLOCKS 3A, 4A AND 5A, LAKES BUSINESS PARK PHASE 2" TO THE CITY OF McALLEN, TEXAS, AND WHOSE NAME IS SUBSCRIBED HEREIN, HEREBY TESTIFY TO THE USE OF THE PUBLIC LANDS, ALLEYS, PARKS, WATER COURSES, DRAINAGE EASEMENTS, AND PUBLIC PLACES THEREON KNOWN FOR THE PURPOSE OF CONSIDERATION THEREIN EXPRESSED.

*Robert Rodriguez*  
EVENING SHADE LTD.  
ROBERT RODRIGUEZ  
4415 N. MCCOLL  
McALLEN, TEXAS 76804

STATE OF TEXAS  
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED ROBERT RODRIGUEZ, 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 CONSIDERATION THEREIN GIVEN UNDER MY HAND AND SEAL OF

OFFICE, THIS THE 17th DAY OF Sept 20 2016

*Robert Rodriguez*  
NOTARY PUBLIC, HIDALGO COUNTY, TEXAS  
MY COMMISSION EXPIRES: 8-24-08

STATE OF TEXAS  
COUNTY OF HIDALGO

I, THE UNDERSIGNED, FRED L. KURTH, A REGISTERED PROFESSIONAL ENGINEER AND REGISTERED PUBLIC LAND SURVEYOR, IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT AND IS A TRUE AND ACCURATE REPRESENTATION OF THE SUBDIVISION OF THE LANDS HEREIN DESCRIBED.

*Fred Kurth* 9-18  
FRED L. KURTH, P.E. & S.L.S. R.P.L.S. & L.S.  
DATE SURVEYED: 03-31-99  
DATE PREPARED: 07/12/2016 (Update)  
T-560, PG. 28-29 JOB NO. 02074.00

"I, THE UNDERSIGNED, HAYOR 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."

ATTESTED BY:  
*[Signature]*  
CITY SECRETARY  
DATE: 10-9-2016

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.

*[Signature]* 10/9/2016  
CHAIRMAN, PLANNING COMMISSION  
DATE:

**RECEIVED**  
JUN 01 2016  
BY: *[Signature]*  
am

**Memo**

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

**FROM:** Planning Staff

**DATE:** June 29, 2016

**SUBJECT: REQUEST OF RANDY IBARRA TO ALLOW THE FOLLOWING SPECIAL EXCEPTION TO THE CITY OF MCALLEN OFF-STREET PARKING AND LOADING ORDINANCE: TO ALLOW THE 37 PARKING SPACES INSTEAD OF THE REQUIRED 47 PARKING SPACES FOR A MIXED COMMERCIAL DEVELOPMENT, LOT 1, Rooth Crossing Subdivision, HIDALGO COUNTY, TEXAS; 2825 PECAN BOULEVARD (ZBA2016-0032).**

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**GOAL:**

The Board may grant a 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. McAllen Code of Ordinances Section 138-43(2) (c).

**REASON FOR APPEAL:**

The applicant requests a special exception to reduce the required parking spaces from 47 to 37 parking spaces in order to establish a restaurant at 2825 Pecan Boulevard Suite D which will go by the name of Victoria's Coffeehouse.

**PROPERTY LOCATION AND VICINITY:**

The subject property is located at the southeast corner of Pecan Boulevard and North 29<sup>th</sup> Street. The lot has 155 feet of frontage on Pecan Boulevard and a depth of 190 feet for a total size of 29,450 square feet or .67 acres. The property is currently zoned C-3L (light commercial) District. Businesses within the property are Blimpie Subs and Salads, Del Sol Salon Spa, and UTRGV Transfer. Two suites listed as D and E are currently vacant. Surrounding land uses are South Texas College, South Texas College parking lot, single family residential, and Ivy Terrace Apartments.

**BACKGROUND AND HISTORY:**

Rooth Crossing Subdivision was recorded on August 6, 2007. A revised site plan was approved on June 19, 2007 for a restaurant and retail uses requiring 35 parking spaces. An application for a building permit was submitted on May 23, 2016 with a site plan showing 1,104 square feet for a proposed coffeehouse.

An application for a special exception was submitted on May 27, 2016 to allow the existing 37 parking spaces instead of the required 47 parking spaces.

**ANALYSIS:**

The parking requirement for a restaurant is one parking space for each 75 square feet of floor area or one parking space for three seats, whichever is greater. Suite D comprises 1,104 square feet or 15

parking spaces based upon square footage. The floor plan shows 16 seats and a carryout area for 6 parking spaces. The greater requirement is 15 parking spaces. The approved site plan provided 37 parking spaces that allowed a mixture of restaurant and retail use. Additional restaurant uses exceeds the capacity of the parking lot.

Pictures of Rooth Crossing retail parking lot taken on June 29, 2016 during lunch showed approximately 23 empty parking spaces. Currently the summer session for South Texas College is underway and is not the peak enrollment. Foot traffic from South Texas College to the restaurant in the Rooth Crossing Plaza may be a factor in the restaurant customers.

All parking and maneuvering space shall be provided on private property unless otherwise stated in Article VII - Off-street Parking and Loading. When, in the opinion of the city, the provisions of this article are not adequate, such additional requirements as may be necessary and desirable may be required.

The existing 37 parking spaces is 78 percent of the 47 required parking spaces for the commercial plaza.

**RECOMMENDATION:**

Staff recommends disapproval of the special exception. If the Board considers approving the special exception, the special exception should be limited to the floor plan as submitted with the building permit. The special exception expires upon the closing of the business.



# City of McAllen

## Planning Department

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

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

<b>Project</b>	Legal Description <u>See attached</u>
	Subdivision Name <u>Rooth Crossing</u>
	Street Address <u>2825 Pecan Bl. McAllen, TX</u>
	Number of lots <u>1</u> Gross acres <u>.72 acres</u>
	Existing Zoning <u>Comm</u> Existing Land Use <u>Shopping Ctr</u>
Reason for Appeal (please use other side if necessary) <u>Parking Variance</u>	
<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee <input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required	

<b>Applicant</b>	Name <u>Randy Ibara</u> Phone <u>(323) 646-9079</u>
	Address <u>1168 San Gabriel Blvd</u> E-mail <u>randy.ibara@sbglobal.net</u>
	City <u>ROSEMead</u> State <u>CA</u> Zip <u>91770</u>

<b>Owner</b>	Name <u>57th Street Partners, LLC</u> Phone <u>(323) 721-7312</u>
	Address <u>1168 San Gabriel Bl Ste m</u> E-mail _____
	City <u>Rosemead</u> State <u>CA</u> Zip <u>91770</u>

<b>Authorization</b>	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?	
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.	
	Signature <u>[Signature]</u> Date <u>5/27/16</u>	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent
Print Name <u>Randy Ibara</u>		

<b>Office</b>	Accepted by _____ Payment received by _____ Date _____
	REVISID 9/11

June 2, 2016

Rod Sanchez  
City of McAllen  
McAllen, Texas

RE: Right of representation

Rod,

Please allow our tenant, Isasias Rodriquez, to represent us on our behalf for the parking variance application at 2825 Pecan Ave, McAllen, TX.

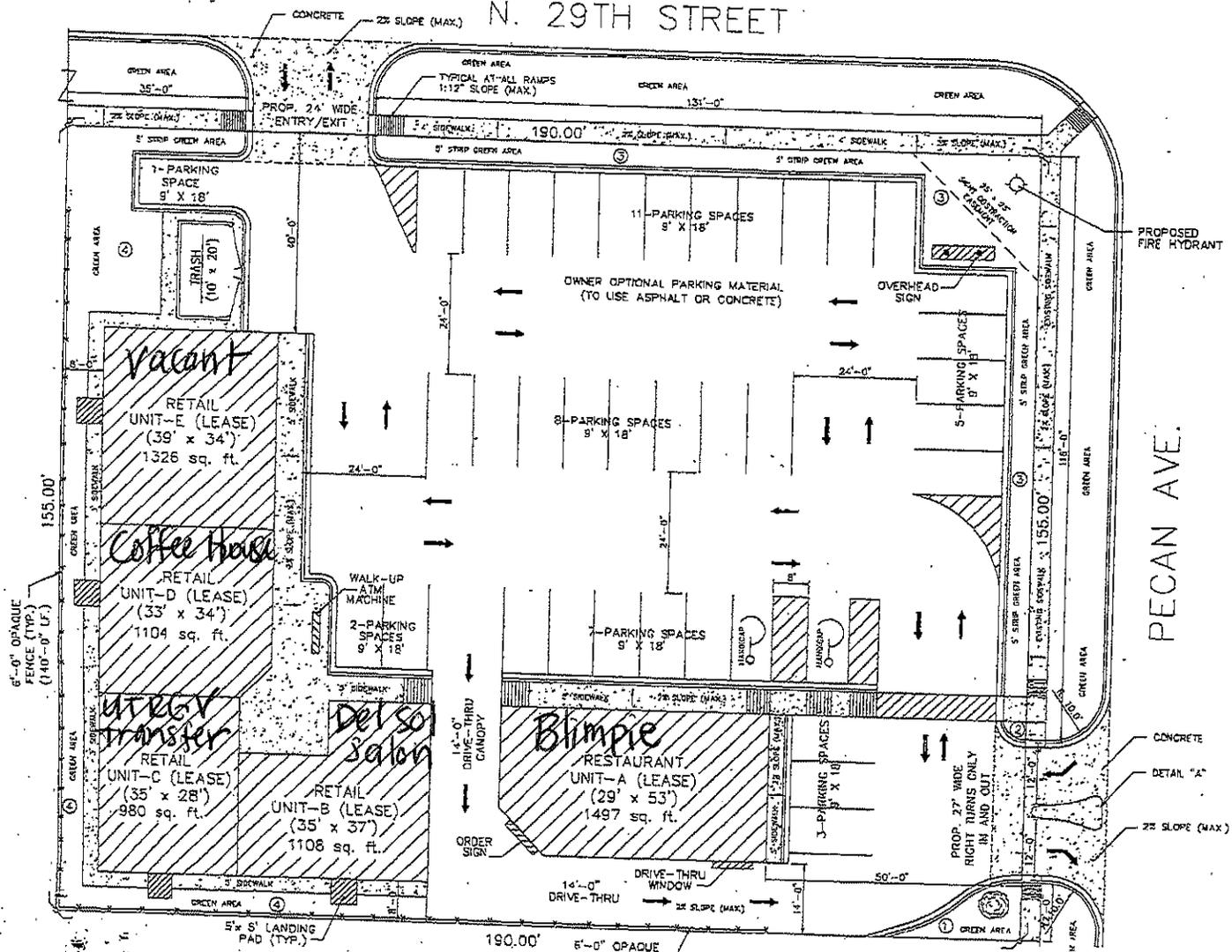
Sincerely,



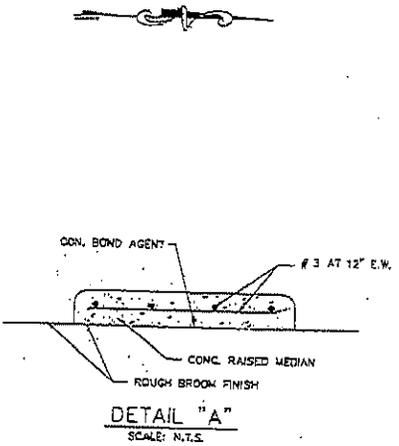
Dan Damon

RECEIVED  
JUN 02 2016  
BY: 

N. 29TH STREET



**SITE PLAN**  
SCALE: 1" = 10'-0"



**GENERAL NOTES:**  
ALL BUILDING SETBACKS AND LOT DIMENSIONS WILL BE VERIFY BY CONTRACTOR AND OWNER.

**GENERAL NOTES:**

UNIT-A (RESTAURANT)	= 1497 SQ.FT.
UNIT-B (RETAIL)	= 1108 SQ.FT.
UNIT-C (RETAIL)	= 980 SQ.FT.
UNIT-D (RETAIL)	= 1104 SQ.FT.
UNIT-E (RETAIL)	= 1326 SQ.FT.
<b>TOTAL</b>	<b>= 6015 SQ.FT.</b>

**GENERAL NOTES:**

LOT (180'-0" x 155'-0")	= 28,450 SQ.FT.
LANDSCAPE REQUIRED (10%)	= 2,845 SQ.FT.
LANDSCAPE PROVIDED	= 3,046 SQ.FT.
FRONTYARD L. S. PROVIDED	= 1,898 SQ.FT.
PARKING SPACES REQUIRED	= 35 SPACES
PARKING SPACES PROVIDED	= 37 SPACES

PROJECT NO. 0214  
DATE 5-28-07  
SHEET NO. C1 OF C1

ROOTH CROSSING SUBDIVISION  
S.E. CORNER OF 29TH STREET/PECAN AVE.

OWNER: RAMON AND CYNTHIA PONCE

**PARKING VARIANCE  
AT 2825 Pecan Blvd.  
Suite D  
McAllen, TX**

This is a request for a parking variance for Suites D at Rooth Crossing Plaza in McAllen, TX.

The shopping center has a total of 37 existing parking spaces.

Suite D is leased to a Coffee Shop User with very limited packaged food items (there is food restrictions and exclusives with Blimpie Sandwiches & Salads Lease).

The Coffee Shop is 8 parking spaces short of parking spaces currently exist. The Landlord and Tenant is requesting a waiver for those 8 parking spaces.

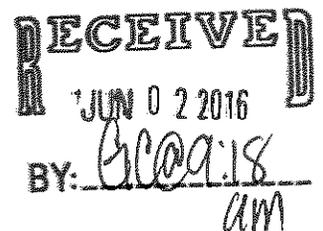
Other tenant's in the center consist of a Beauty Salon, UTRGV Academic Office and a vacancy.

Any questions please feel free to call me 323 646-9079.

Thank you.

Randy Ibara Mgr Member  
57<sup>th</sup> Street Partners, LLC

6/1/16





CITY OF McALLEN BUILDING PERMIT APPLICATION

REV. 11/2013

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

APPLICATION MUST BE COMPLETE

PERMIT APPLICATION REFERENCE NUMBER

CMM2016-03140

(Please type or print in black or blue ink)

APPLICANT

NAME: Isaias C. Rodriguez, ADDRESS: 1508 Doherty Avenue, CITY: Mission, STATE: TX, ZIP: 78512, CONTACT NAME: Isaias C. Rodriguez, PHONE: 956 279 5284

OWNER, CONTRACTOR, TENANT, OTHER checkboxes

OWNER

NAME: Dan Damon, ADDRESS: 1168 San Gabriel Blvd Suite M, CITY: Rosemead, STATE: CA, ZIP: 91770, PHONE: 323 821 4737

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

BLDG SQ. FT: 1,100, NO. PARKING SPACES, SQ. FT LOT, LOT FRONT, FLOOR EL ABOVE CURB, EXISTING USE OF LOT, NEW USE, IMPROVEMENT VALUE \$: 2,000.00

SCOPE OF WORK TO BE DONE: Coffee House; Plumbing work

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 checkboxes

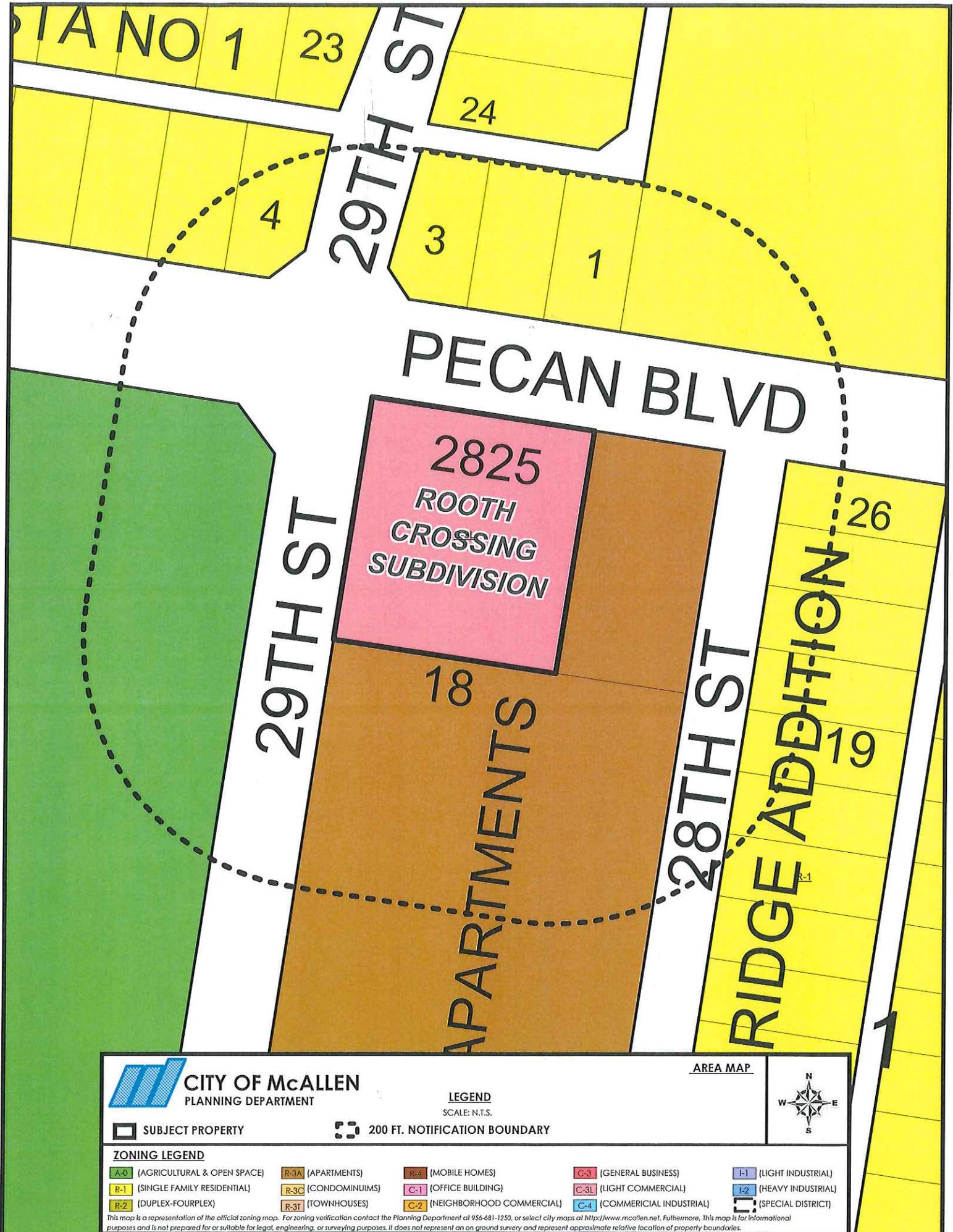
LOT, BLOCK, SUBDIVISION: 2825 Pecan Blvd Suite D, SITE ADDRESS, ST. NO., ST. NAME: McAllen, TX 78501

CITY USE ONLY

ZONING, PERMIT FEE \$: 40.00, DOUBLE FEE \$, PERMIT REVIEW FEE \$: 6.00, TOTAL PERMIT FEE \$, PARK DEV. checkbox, ZONE #, PARK DEVELOPMENT FEE \$, RECD BY, DATE: 6/23/16, TIME: 4:00

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.

Isaias C Rodriguez (PRINT AUTHORIZED AGENT/OWNER), Signature, dr.isaiascrodriguez@yahoo.com (EMAIL ADDRESS), DATE





**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

AREA MAP



 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY

**ZONING LEGEND**

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

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



**CITY OF McALLEN**  
PLANNING DEPARTMENT

 **SUBJECT PROPERTY**

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



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



2825  
Suite D

2825  
Suite E

POETS CORNER  
BOOKSTORE  
BUY/SELL COLLEGE BOOKS

NOW LEAS  
(323) 821-4  
(323) 646-9





Simple

Simple  
DRIVE THRU

TEXAS  
FFB-0938

2825  
ROOTH CROSS

**Glimpie**

Del Sol SA

**Now Leasing**

**323-646-9079**

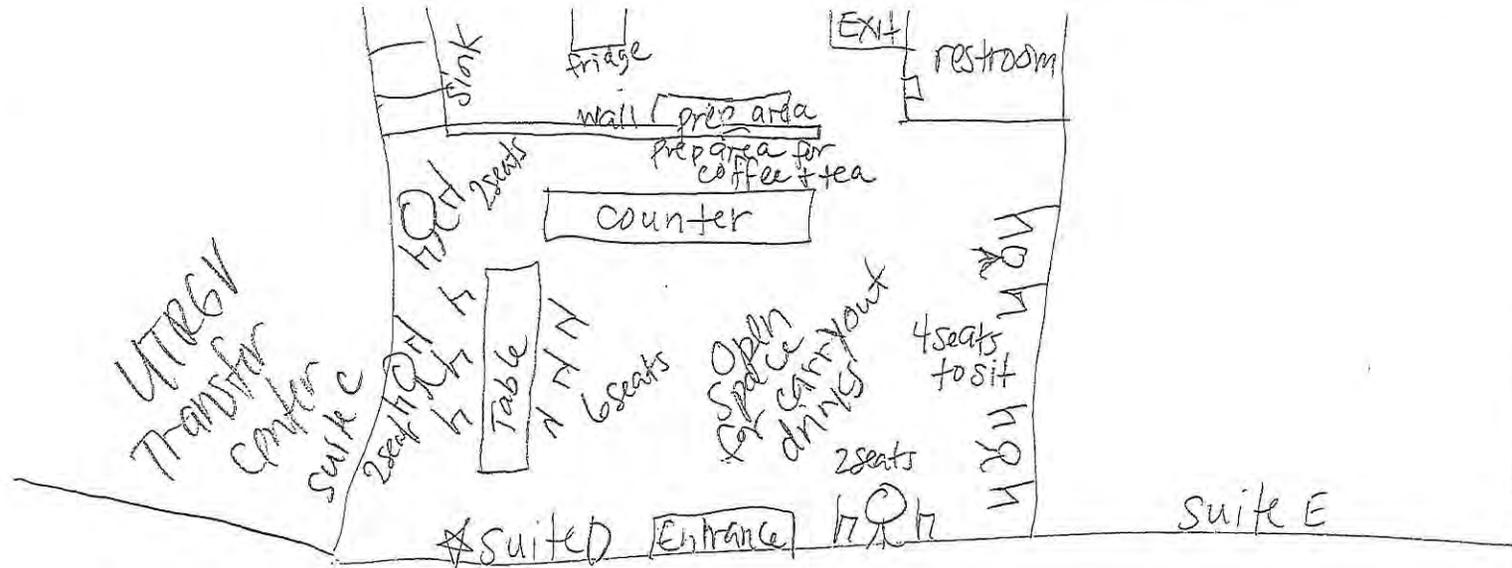
**UTPA  
TRANSFER CENTER**

**Glimpie**  
**NOW OPEN  
SATURDAY  
11 - 4**

**Glimpie**  
**← DRIVE THRU**





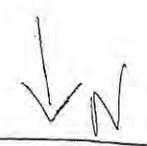


UTREG  
 Transfer  
 Center  
 Suite C

Hair  
 Salon  
 Suite B

Drive thru

Blimpie  
 Suite A



Parking Lot

Suite E

495 / Pecan Blvd

29th St

**2c) 1400 EAST EXPRESSWAY 83,  
Suite 130  
(ZBA2016-0030)**

**Tabled until July 20, 2016**

**a) Workshop on Wednesday, July 13, 2016 @  
12 noon, Development Center, 311 N. 15<sup>th</sup>  
Street, Main Conference Room**



City of McAllen

PO Box 220

McAllen, TX 78505-0220

.....

# HIKING TOWARDS SUCCESS

.....



Mayor Jim Darling & City Commissioners  
cordially invite you to the



**ADVISORY BOARD APPRECIATION  
LUNCHEON & PROGRAM**



 **JULY 14, 2016**   
at 11:30 AM

McAllen Convention Center Ballroom  
700 Convention Center Blvd.  
( Ware Rd. & Exp. 83 )  
McAllen, TX 78501

---

RSVP with the City Secretary's Department  
**956-681-1020**  
by JULY 11, 2016

## 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**

## 2016 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

	01/06/16	01/20/16	02/03/16	02/17/16	03/02/16	03/16/16	04/06/16	04/20/16	05/04/16	05/18/16	06/01/16	06/15/16	07/06/16	07/20/16	08/03/16	08/17/16	09/07/16	09/21/16	10/05/16	10/19/16	11/02/16	11/17/16	12/07/16	12/21/16
ROBERT MOREHEAD	A	P	A																					
MIKE HOVAR	A																							
MIKE HARMS - VICE-CHAIRPERSON	A	A	P	P	P	A	P	A	P	LOQ	A	P												
ROLANDO AYALA	P	P	P	P	P	A	P	P	P	LOQ	P	P												
JORGE SALINAS - CHAIRPERSON	P	A	P	P	P	P	P	P	P	LOQ	P	P												
ERICK DIAZ			P	P	P	P	P	A	P	LOQ	P	P												
TERRY PEREZ	P	P	P	P	A	P	P	P	A	LOQ	P	P												
SYLVIA HINOJOSA (ALTERNATE 3)	A	P	P	P	A	P	P	A	A	LOQ	A	P												
JOSE R. GUTIERREZ (ALTERNATE 1)	P	P	P	P	P	P	P	P	P	LOQ	P	P												
SHAVI MAHTANI (ALTERNATE 2)	A	A	P	P	A	A	A	A	A	LOQ	P	A												
(ALTERNATE 4)																								

P - PRESENT

A - ABSENT

■ NEW APPOINTMENT

MC - MEETING CANCELLED

NRM - NO REGULAR MEETING

LOQ - LACK OF QUORUM

RS - RESIGNATION

## 2016 CALENDAR

<b>Meetings:</b>  City Commission  Public Utility Board  Planning & Zoning Board  Zoning Board of Adjustment HPC - Historical Preservation Council				<b>Deadlines:</b> D- Zoning/CUP Application N - Public Notification * <b>Holiday</b> - Office is closed			
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### JANUARY 2016

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

### FEBRUARY 2016

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

### MARCH 2016

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

### APRIL 2016

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

### MAY 2016

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

### JUNE 2016

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

## 2016 CALENDAR

**Meetings:**

- City Commission
- ▲ Public Utility Board
- Planning & Zoning Board
- Zoning Board of Adjustment
- HPC - Historical Preservation Council

**Deadlines:**

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

**JULY 2016**

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

**AUGUST 2016**

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

**SEPTEMBER 2016**

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

**OCTOBER 2016**

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

**NOVEMBER 2016**

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

**DECEMBER 2016**

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

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