

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, JUNE 15, 2022 - 4:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3RD FLOOR

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

CALL TO ORDER – Chairperson Sylvia Hinojosa

1. MINUTES:

- a) Minutes for the special meeting held on May 25, 2022
- b) Minutes for the meeting held on June 1, 2022

2. PUBLIC HEARINGS:

- a) Request of Daniel Rosas for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 13 feet into the 20 feet front yard setback and 5 feet into the 6 feet west side yard setback for a proposed metal carport measuring 9 feet by 64 feet, at Lot 6, Block 15, Hammond's Addition To The Town of McAllen, Hidalgo County, Texas; 2021 Ebony Avenue. **(ZBA2022-0022) (TABLED: 06/01/2022)**
- b) Request of Ray Mandes II for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 8 feet into the 10 feet rear yard setback for an existing carport measuring 21 feet by 28 feet, at Lot 1, Block 14, North McAllen Subdivision, Hidalgo County, Texas; 621 North 12th Street. **(ZBA2022-0029)**
- c) Request of Juanita Lozano for the following Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 4.75 feet into the 6 feet side yard setback along the north side for an existing wooden storage measuring 8 feet by 10 feet, Lot 163A, Trinity Oaks Subdivision Phase 1A, Hidalgo County, Texas; 10701 North 30th Street. **(ZBA2022-0026)**
- d) Request of Timothy J. Motes for the following Special Exception to the City of McAllen Zoning Ordinance: to allow an encroachment of 19 feet into the 25-foot front yard setback for an existing metal carport measuring 18 feet by 19 feet, at Lot 176, Plantation Gap Subdivision Phase 2, Hidalgo County, Texas; 4717 Pelican Avenue. **(ZBA2022-0030)**
- e) Request of George Boghs on behalf of Benchmark Construction for the following Special Exception to the City of McAllen Zoning Ordinance: to allow an encroachment of 5.5 feet into the 10-foot north side yard setback for a proposed metal carport measuring approximately 53.2 feet by 40 feet, at 1.48 acres being all of Lots 1, 2, and 3, Block 56, North McAllen Subdivision and an abandoned tract of right-of-way, Hidalgo County, Texas; 100 North Bicentennial Boulevard. **(ZBA2022-0031)**

3. FUTURE AGENDA ITEMS

- a) 321 North Main Street
- b) 4237 Tyler Avenue
- c) 2924 Providence Avenue
- d) 301 East Trenton Road

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 ZONING BOARD OF ADJUSTMENTS AND APPEALS 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 Special Meeting on Wednesday, May 25, 2022 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	Sylvia Hinojosa	Chairperson
	Jose Gutierrez	Vice-Chairperson
	Hugo Avila	Member
	Rebecca Millan	Alternate
	Juan Mujica	Alternate
Absent:	Ann Tafel	Member
	Rogelio Rodriguez	Member
	Mark Talbot	Alternate
	Sam Saldivar	Alternate
Staff Present:	Issac Tawil	City Attorney
	Iris Dominguez	Deputy City Attorney
	Austin Stevenson	Assistant City Attorney
	Michelle Rivera	Assistant City Manager
	Edgar Garcia	Planning Director
	Rodrigo Sanchez	Senior Planner
	Marco Rivera	Planner I
	Bilkis Olazaran Martinez	Development Engineer
	Porfirio Hernandez	Planning Technician II
Carmen White	Administrative Assistant	

CALL TO ORDER –Chairperson Sylvia Hinojosa

1. PUBLIC HEARINGS:

- a) Request of Elizabeth L. Garza for the following Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 4 feet into the 10 feet South side yard setback for an existing single family home, at Lot 124, Vendome Subdivision Phase II, Hidalgo County, Texas; 13818 North 33rd Lane. **(ZBA2022-0024)**

At the meeting of Zoning Board of Adjustments on May 18, 2022, the item was tabled by staff to discuss more details provided with applicant in regards of new information provided. Item will be heard at the special meeting on May 25, 2022.

Vice-Chairperson Jose Gutierrez **moved** to remove the item from the table. Mr. Juan Mujica seconded the motion. The Board voted to remove the item from the table with four members present and voting.

Mr. Edgar Garcia, Planning Director stated the applicant was requesting to allow an existing single-family residential structure with an encroachment of 4 feet into the 10 feet south side yard setback to remain.

Vendome Subdivision Phase II was recorded on April 21, 2021. The original building permit application for the residential home was for Lot 126 however, a final survey of the construction revealed that the house was built on Lot 124 with an encroachment on the South side yard setback. A 10 feet drainage easement runs concurrently with the setback. According Engineering Department plans, a 24-inch drain line runs through the middle of the 10 feet drainage easement. Any damage to the line may impact the structured integrity of the home and stability of its foundation. The actual construction of the home is approximately 1.2 feet from the drain line. A Certificate of Occupancy was issued April 28, 2022 for a single family home.

Engineering Department staff has provided a recommendation of disapproval for the request and in the event the request is approved, they have requested a liability stipulation (see attached) be included with any document of approval to the property owner.

Staff has not received any phone calls or e-mails in regards to the variance requests.

Staff recommended disapproval of the variance request since the situation was not caused by any special circumstances with the land and a single family home could still be developed without any encroachments.

Vice-Chairperson Gutierrez asked staff if both lots had the same measurements. Mr. Garcia stated yes. Gutierrez asked if they had built it on the other lot, would it have encroached. Mr. Garcia stated no because Lot 124 had a 10 foot side yard setback and drainage easement. Lot 126 only had 6-foot side yard setback.

Board member Avila asked if during the permit process it was not addressed. Mr. Garcia stated what was received, reviewed and approved was the survey that showed 6-foot side yard setback for Lot 126. Lot 126 within the recorded plat did have a 6-foot side yard setback. Mr. Garcia stated this was before the Board to see if a variance would be allowed an encroachment of 4 feet into a 10-foot utility easement and side yard setback.

Chairperson Hinojosa asked if the drainage could be moved further out. Mr. Garcia stated the plans would have to be reviewed and Engineering would have to approve it.

Mr. Avila asked if the house was, 80% constructed. Mr. Garcia stated it had received a Certificate of Occupancy. When the new building permit application was received with the correct address and lot number the home was about 80% constructed at that point.

Vice-Chairperson Gutierrez asked to have the item tabled again. Mr. Garcia stated the applicant was on a deadline with their bank for closing.

Board member Mujica asked counsel if the City had any liability if this was allowed and something happens to the house because of the utility line. Mr. Issac Tawil, City Attorney stated he was not at liberty to discuss in an open session but the Board could recess to an Executive Session.

Ms. Elizabeth L. Garza, the applicant stated they were initially informed of the error in lot number and address by Sharyland Water Supply. Ms. Garza then went to the developer to inquire on the issue. The developer advised her to not stop building and they would

switch lot numbers; by March, the paperwork had switched over. She stated the builder had to obtain new permits and that the 10-foot easement concern did not come up until they were going to sign the last paperwork when the bank noticed it on the survey.

Mirelle Acuna, 13811 N. 33rd Lane. She was the neighbor across from the applicant. She stated she knew other lots had experienced discrepancies in Lot numbers as well.

Mr. Felix Hernandez, the builder of the applicant's house, stated the applicants looked at the plat and liked the location of the lot and reiterated how Sharyland Water Supply had initially informed them of the wrong Lot. Mr. Hernandez stated he had signed an affidavit that the City engineer would not have any liability and he would do any repairs on the house should anything happen.

Mr. Eliezer Louzada, 2717 Thunderbird Avenue father of Elizabeth Garza stated he looked at the plat the developer provided which was not the final plat. The developer was selling lots before the final plat. The location, which was currently Lot 124, was indeed Lot 126. His concern was who was going to take responsibility for this error.

Board member Hugo Avila made a motion to adjourn to Executive Session at 5:00 p.m. Vice-Chairperson Jose Gutierrez seconded the motion. The Board voted with five members present and voting.

The Board reconvened from Executive Session at 5:12 p.m.

Mr. Eliezar Louzada, father of the applicant asked if the City had any information of how often this drainage infrastructure leaks. He had concerns that his daughter would have to move out after living there for some time.

The applicant stated her belief that the drainage infrastructure could be moved or rerouted since no one lived next door to them and the lot was still owned by the developer.

Board member Avila explained to the applicants that this Board could not enforce or recommend the City to move the drainage. The item before the Board was if the variance was warranted.

Sonia Venecia, 1803 N. Bryan Road, Mission stated she was the aunt to Elizabeth Garza. She asked the Board if the applicant could remain in their house until the issue got resolved.

Mr. Issac Tawil, City Attorney clarified to the Board conditional variances in Texas are unconstitutional. To condition granting a variance was not an option for the Board.

Vice-Chairperson Gutierrez asked counsel if variance was granted, applicants decide to sell their home and something happens with the drainage line, what happens. Mr. Tawil stated if the drainage line was damaged because of the existence of the house, it would be sorted out in the courts.

Following discussion, Mr. Hugo Avila **moved** to approve the variance request as requested. Mr. Juan Mujica seconded the motion. The Board voted to approve the variance request with three members voting aye and two members voting nay, Vice-

Chairperson Jose Gutierrez and Rebecca Millan. The variance request was disapproved since a supermajority of votes in favor was not met.

ADJOURNMENT

There being no further business to come before the Zoning Board of Adjustment and Appeal, Chairperson Sylvia Hinojosa **moved** to adjourn the meeting.

Chairperson Sylvia Hinojosa

Carmen White, Administrative Assistant

**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 1, 2022 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	Sylvia Hinojosa	Chairperson
	Jose Gutierrez	Vice-Chairperson
	Ann Tafel	Member
	Hugo Avila	Member
	Rebecca Millan	Alternate
	Sam Saldivar	Alternate
	Juan Mujica	Alternate
Absent:	Rogelio Rodriguez	Member
	Mark Talbot	Alternate
Staff Present:	Austin Stevenson	Assistant City Attorney
	Edgar Garcia	Planning Director
	Rodrigo Sanchez	Senior Planner
	Omar Sotelo	Senior Planner
	Marco Rivera	Planner I
	Porfirio Hernandez	Planning Technician II
	Julian Hernandez	Planning Technician I
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Sylvia Hinojosa

1. MINUTES:

- a) Minutes for the special meeting held on May 18, 2022.

The minutes for the meeting held on May 18, 2022 were approved. The motion to approve the minutes was made by Mr. Hugo Avila. Vice-Chairperson Jose Gutierrez seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a) Request of Julio C. Perez for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 30 feet front yard setback for a proposed metal carport measuring 20 feet by 20 feet, at Lot 17, Block 3, Fern Heights Subdivision, Hidalgo County, Texas; 712 Daffodil Avenue. **(ZBA2022-0019)(TABLED: 05/18/2022)**

Vice-Chairperson Jose Gutierrez moved to remove the item from the table. Ms. Rebecca Millan seconded the motion. The Board voted with five members present and voting.

Mr. Rivera stated the applicant is requesting a special exception for an encroachment into the front yard setback in order to construct a metal carport with a size of 400 square feet having dimensions of 20 feet x 20 feet. According to the applicant, the carport is for protection from the weather elements for a family member with medical conditions.

The subject property was located along the North side of Daffodil Avenue, 252 feet east of North 8th Street. The lot has 84 feet of frontage along Daffodil Avenue and a depth of 130 feet for a lot size of 10,920 square feet. The property is zoned R-1 (single family residential) District and a single family residence is located on the property. The surrounding land uses are single-family residences

Fern Heights was recorded on October 4, 1960. The front yard setback is 30 feet as per plat. An application for a Special Exception request was submitted to the Planning Department on April 14, 2022. An application for a building permit has not been submitted.

The request was for a special exception to allow an encroachment of 20 feet into the 30 feet front yard setback for a proposed metal carport measuring 20 feet by 20 feet to be constructed over an existing concrete driveway. There is an existing two-car "carport", but due to medical conditions of one of the occupants of the residence, more covered space is needed for wheel chair access in and out of the vehicles.

The front yard setbacks are important in establishing the character of a single-family neighborhood by providing landscaping to enhance the residence and curb appeal of the street view. Approval of the request allowing a carport within the front yard may encourage future carports to be constructed in the front yard.

Measurements provided are without the benefit of a survey.

A review of Planning Department records did not reveal any variances approved for Blocks 2 and 3 of Fern Height Subdivision.

There have been no calls or emails received in opposition of the Special Exception request

Special exceptions are issued to an individual and recorded, however a change of ownership requires the new owner to apply for their own Special Exception.

Staff recommended disapproval of the Special Exception request since there is an existing two-car "carport" that provides protection from the weather elements. However, if the Board approves the request it should be limited to the encroachment shown in the submitted site plan.

At the Zoning Board of Adjustments, meeting of on May 18, 2022 the item was tabled due to concerns regarding the size of the carport. Julio C. Perez, the applicant, stated addition to the existing "carport" was needed for access in and out of the family vehicle for a family member with a medical condition. It would also provide protection during inclement weather. Board member Mujica stated that the proposed carport size was excessive. Board member Tafel stated that the proposed construction would not go to the property line and that makes a difference. A resident speaking in favor of the request stated that cutting the carport would not look good. Subsequent to the meeting, the applicant submitted a revised site plan modifying the request from a length of 20 feet to 14 feet – a

6 feet encroachment reduction to the original request. The Board unanimously voted to table the Special Exception request.

Mr. Julio C. Perez, the applicant stated he revised the site plan from 20 feet by 20 feet to 16 feet by 20 feet. The house had an overhang of 5 feet.

Chairperson Sylvia Hinojosa asked if there was anyone present in favor of the special exception. There was no one else in favor of the special exception.

Chairperson Sylvia Hinojosa asked if there was anyone present in opposition of the special exception. There was no one in opposition of the special exception.

Mr. Hugo Avila **moved** to approve the special exception based on the revised dimensions. Ms. Ann Tafel seconded the motion. The Board voted to approve the special exception with five members present and voting.

- b) Request of Daniel Rosas for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 13 feet into the 20 feet front yard setback and 5 feet into the 6 feet west side yard setback for a proposed metal carport measuring 9 feet by 64 feet, at Lot 6, Block 15, Hammond's Addition To The Town of McAllen, Hidalgo County, Texas; 2021 Ebony Avenue. (ZBA2022-0022)**

Mr. Rivera stated the applicant was requesting a special exception for an encroachment into the front yard and side yard setbacks for a proposed metal carport measuring 9 feet by 64 feet. According to the applicant, the purpose of the carport is to protect his vehicles from the weather elements and provide parking area at the front of his property.

The subject property was located along the South side of Ebony Avenue between 20th Street and 21st Street. The property has 50 feet of frontage along Ebony Avenue with a depth of 140 feet for a total area of 7,000 square feet. There is a single-family residence on the subject property. The property is zoned R-2 (duplex-fourplex residential) District. Adjacent zoning was R-2 District in all directions.

At the Zoning Board of Adjustments and Appeals meeting on April 20, 2022 the Board approved a special exception request to allow an encroachment of 13 feet into the 20 feet front yard setback for a metal carport measuring 20 feet by 25 feet. A second request for an encroachment of 6 feet into the 6 feet side yard setback for a proposed carport measuring 10 feet by 64 feet was disapproved. An application and site plan for a special exception request for an encroachment of 5 feet into the 6 feet side yard setback for a proposed metal carport measuring 9 feet by 64 feet has been submitted and involves a reduction of the encroachment into the side yard setback from the original request.

The request was for a special exception to allow an encroachment of 13 feet into the 20 feet front yard setback and for an encroachment of 5 feet into the 6 feet side yard setback for a proposed metal carport measuring 9 feet by 64 feet. The proposed carport will replace an existing 10 feet by 20 feet carport.

According to the applicant reducing the side yard encroachment less than 5 feet would

not be practical since the reduced width would not accommodate a car. The proposed length of the structure remains at 64 feet.

Approval of the request will allow the proposed carport construction to be squared off with the proposed construction to be undertaken with the encroachment previously approved by the Board on April 20, 2022.

During the site visit, staff noticed other similar encroachments in the area.

Special exceptions are issued to an individual and recorded, however a change in ownership of the property will require a special exception request by the new owner.

Staff recommended disapproval of the special exception request of the proposed carport, due to the excessive size in length of the structure. However, if the Board approves the request it should be limited to the encroachments shown on the submitted site plan.

Board member Mujica asked staff if the carport was going to be sloping towards the other property. Mr. Rivera stated it would be one foot in and will be flat with no overhang. The issue was the 64 feet in length.

Board member Avila had concerns with the electrical line hanging over the extended carport.

Mr. Daniel Rosas, the applicant stated it was a long carport but there were two houses on the one property. He had four vehicles. Regarding the electrical wire, it would not affect the carport. By moving the one-foot encroachment inside, it would have an overhang but with the gutter system and will be an issue with the Mujeres Unidas.

Board member Avila asked the applicant which house he resided. He stated the rear house.

Chairperson Hinojosa asked if there was an alley. He stated there was an alley but no entry. The house he bought was 4 feet from the fence line so he could not create a driveway. One side does not fit and an air conditioner on the other side.

Board member Saldivar had an issue with the 64-foot carport and the electrical wire. Mr. Rosas stated he would be willing to make any adjustments if needed.

Mr. Edgar Garcia, Planning Director stated from the site plan submitted the carport needed to cross the electrical line. In order not to have a repeat from a previous meeting, he recommended having the item tabled in order to explain to the applicant what the Board's concerns were.

Vice-Chairperson Gutierrez asked staff since Mujeres Unidas occupy two lots; it could change in the future. Mr. Rivera stated if it did, it would have to be rezoned from R-2 to R-1.

Chairperson Sylvia Hinojosa asked if there was anyone present in favor of the special exception. There was no one else in favor of the special exception.

Chairperson Sylvia Hinojosa asked if there was anyone present in opposition of the special exception. There was no one in opposition of the special exception.

Following discussion, Mr. Sam Saldivar moved to table special exception. Vice-Chairperson Jose Gutierrez seconded the motion. The Board voted to table the special exception with five members present and voting.

- c) Request of AAA Residential Construction on behalf of Gisela Valdez and Jerry Valdez (owners) for the following Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 25 feet rear yard setback for a proposed pavilion measuring 14 feet by 14 feet, at Lot 40, El Pacifico Subdivision Phase II, Hidalgo County, Texas; 13405 North 37th Lane. **(ZBA2022-0025)**

Mr. Rivera stated the applicant was requesting a variance to the rear yard setback on a double fronting lot for a proposed pavilion measuring 14 feet by 14 feet. As per the applicant, the irregular shape of the lot and compliance with the 25 feet rear yard setback makes it “impossible” to build the pavilion.

The subject property was located at the elbow intersection of North 37th Lane and Southern Breeze Street. The property has an irregular shape and has an area of 13,145 square footage. The zoning of the property and adjacent zoning is R-1 (single family residential) District. The surrounding land use is single-family residential.

El Pacifico Subdivision Phase II was recorded on April 16, 2007. An application for a variance request for an encroachment of 10 feet into the 25 feet rear yard setback for a proposed pavilion was submitted to the Planning Department on May 4, 2022. An application for a building permit has not been submitted.

Lot 40 in El Pacifico Subdivision Phase II has double frontage along North 38th Street and a 25 feet rear yard setback as per plat note.

The variance request was to allow an encroachment of 10 feet into the 25 feet rear yard setback for a proposed pavilion measuring 14 feet by 14 feet. The city of McAllen zoning ordinance states “where lots have double frontage... a required front yard shall be provided on one street only.” The proposed site plan shows that the front yard setback along North 37th Street will be 25 feet. Since the setback plat notes require a 25 feet rear yard setback, a variance is needed to resolve the plat note requirement.

There was an existing swimming pool at the rear of the property that prevents relocation of the proposed pavilion out of the 25 feet rear yard setback.

A review of Planning Department records did not reveal any variances approved for El Pacifico Subdivisions Phase II.

A 15 feet utility easement adjacent to the rear property line of lot 40 runs concurrently with the 25 feet rear yard setback and will not be impacted by the proposed setback encroachment.

Staff had not received any phone calls or e-mails in regards to the variance requests.

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

Staff recommended approval of the variance request since double frontage as per ordinance, requires the front yard setback to be provided on one street only. The required 25 feet front yard setback has been provided along North 37th Lane.

Chairperson Sylvia Hinojosa asked if there was anyone present in favor of the variance request. There was no one else in favor of the variance request.

Chairperson Sylvia Hinojosa asked if there was anyone present in opposition of the variance request. There was no one in opposition of the variance request.

Vice-Chairperson Jose Gutierrez **moved** to approve the variance request. Mr. Juan Mujica seconded the motion. The Board voted to approve the variance request with five members present and voting.

- d) Request of Abasto Corporation for the following variance request to the City of McAllen Zoning Ordinance to not provide a buffer along the property street frontage at Warehouse Kingdom Subdivision Phase II, Hidalgo County, Texas; 6101 South 23rd Street. **(ZBA2022-0023)**

Mr. Rivera stated the applicant was requesting a variance to not provide a buffer along the property street frontage. According to the applicant, the buffer will “infringe” on the aesthetic view of the building from 23rd Street.

The subject property was located along the east side of South 23th Street just north of FM 1016. The property is zoned I-1 (light industrial) District. The adjacent zoning is I-1 District to the North, East, and South. The adjacent zoning is C-4 (commercial-industrial) District to the West. Surrounding land uses are light industrial businesses and vacant land.

Warehouse Kingdom Subdivision Phase II was recorded on January 4, 2022. An application for a building permit was submitted on June 15, 2021 for the construction of new warehouse shell which is nearing final inspection. An application for a variance request to provide a buffer was submitted on May 2, 2022.

This request was to not provide a buffer along the property street frontage to screen loading dock areas and the section 110-49(f) Vegetation Ordinance requires a buffer to be provided to screen refuse areas(including refuse dumpsters, compactors and contained compactors), outdoor storage areas and loading docks from public streets. The vegetation ordinance describes a buffer as a screen constructed of wood, concrete block, masonry or landscape material with a chain link fence in such a manner that the property is visually screened. The buffer shall be a minimum of six feet in height unless additional height will more adequately screen. The main purpose of the buffer for this property is to screen loading docks and the commercial activity associated with this from a public street.

Loading docks are usually constructed at the rear of a building. In this case, the loading docks are proposed to be constructed facing 23rd Street.

The Planning Department had not received any emails or phone calls in opposition of the

variance request.

Staff recommended disapproval of the variance request since compliance with the ordinance would not create unnecessary hardship that is, preventing the owner from using the property for a permitted purpose and compliance with the ordinance may not be unnecessarily burdensome since the buffer can be at a minimum landscaping material with a chain link fence.

Vice- Chairperson Gutierrez asked staff if they had discussed this situation of the chain link fence with the owner. Mr. Rivera stated yes.

Chairperson Hinojosa had concerns was from 23rd Street you would still see the warehouses and there was a bridge. She did not know how the fence would cover this area.

Mr. Elio J. Botello, 2501 S. Cynthia Street, the applicant stated he was requesting a variance as to not have a chain-link fence. They started putting trees and a detention pond. For the green area, they put in hydro mulch. He wanted to make it look appealing and at the same time creating new jobs.

Chairperson Sylvia Hinojosa asked if there was anyone present in favor of the variance request. There was no one else in favor of the variance request.

Chairperson Sylvia Hinojosa asked if there was anyone present in opposition of the variance request. There was no one in opposition of the variance request.

Following discussion, Ms. Ann Tafel **moved** to disapprove the variance request as recommended by staff. Vice-Chairperson Jose Gutierrez seconded the motion. The Board voted disapprove the variance request with five members present and voting.

- e) Request of Tomas Gutierrez, on Behalf of MDM Land Company, for the following Variance and Special Exception to the City of McAllen Zoning Ordinance: **1)** to allow an encroachment of 4.9 feet into the 17.75 feet rear yard setback for a proposed multifamily apartment buildings and **2)** to allow 243 parking spaces instead of the requited 245 parking spaces, at the South 302.35 ft. out of Lot 149, La Lomita (HOIT) Subdivision,(Proposed The Grove Subdivision, Lot 2), Hidalgo County, Texas; 500 South Ware Road. **(ZBA2022-0027)**

The applicant withdrew this item.

4. FUTURE AGENDA ITEMS:

- a) 10701 North 30th Street
- b) 621 North 12th Street
- c) 4717 Pelican Avenue
- d) 100 North Bicentennial Boulevard

ADJOURNMENT

There being no further business to come before the Zoning Board of Adjustment and Appeal, Chairperson Sylvia Hinojosa **moved** to adjourn the meeting.

Chairperson Sylvia Hinojosa

Carmen White, Administrative Assistant

Memo

TO: Zoning Board of Adjustment & Appeals

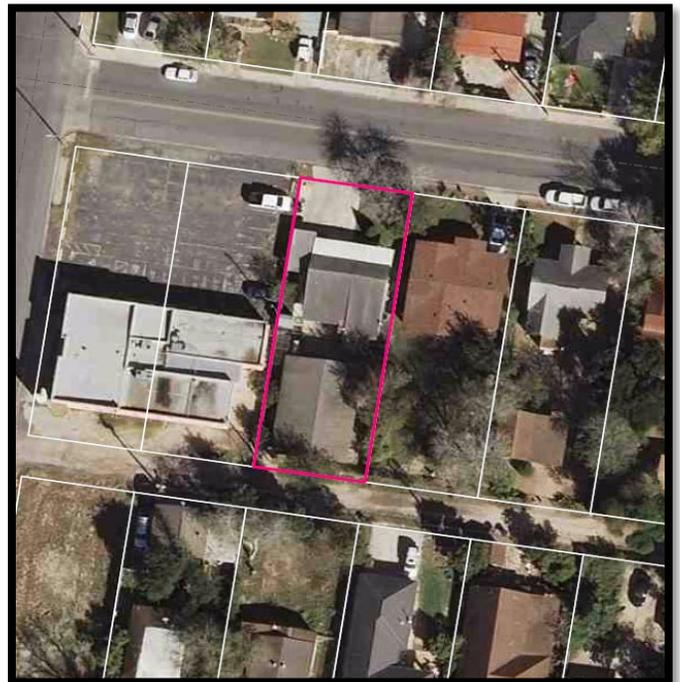
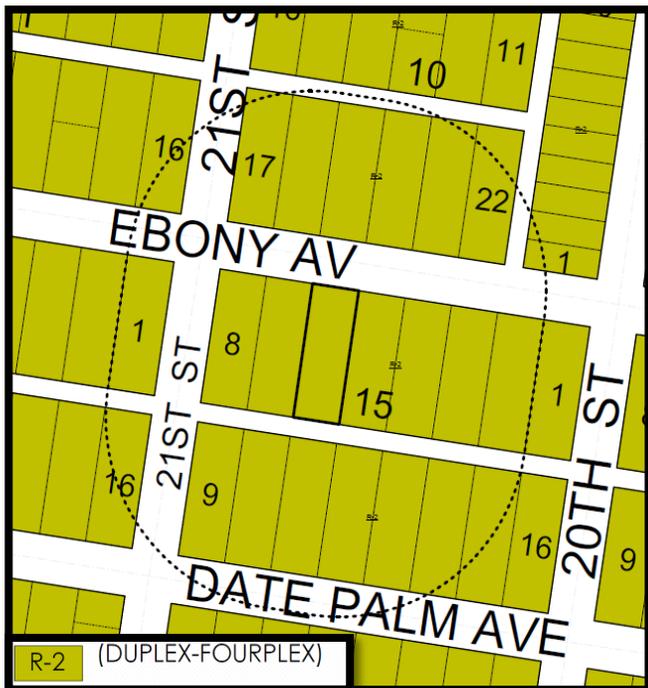
FROM: Planning Staff

DATE: June 08, 2022

SUBJECT: REQUEST OF DANIEL ROSAS FOR THE FOLLOWING SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 13 FEET INTO THE 20 FEET FRONT YARD SETBACK AND 5 FEET INTO THE 6 FEET WEST SIDE YARD SETBACK FOR A PROPOSED METAL CARPORT MEASURING 9 FEET BY 64 FEET, AT THE LOT 6, BLOCK 15, HAMMOND'S ADDITION TO THE TOWN OF MCALLEN, HIDALGO COUNTY, TEXAS; 2021 EBONY AVENUE (ZBA2022-0022) (Table 06/01/2022)

REASON FOR APPEAL:

The applicant is requesting a special exception for an encroachment into the front yard and side yard setbacks for a proposed metal carport measuring 9 feet by 64 feet. According to the applicant, the purpose of the carport is to protect his vehicles from the weather elements and provide parking area at the front of his property.



PROPERTY LOCATION AND VICINITY:

The subject property is located along the South side of Ebony Avenue between 20th Street and 21st Street. The property has 50 feet of frontage along Ebony Avenue with a depth of 140 feet for a total area of 7,000 square feet. There is a single-family residence on the subject property. The property is zoned R-2 (duplex-fourplex residential) District. Adjacent zoning is R-2 District in all directions.

BACKGROUND AND HISTORY:

At the Zoning Board of Adjustments and Appeals meeting on April 20, 2022 the Board approved a special exception request to allow an encroachment of 13 feet into the 20 feet front yard setback for a metal carport measuring 20 feet by 25 feet. A second request for an encroachment of 6 feet into the 6 feet side yard setback for a proposed carport measuring 10 feet by 64 feet was disapproved. An application and site plan for a special exception request for an encroachment of 5 feet into the 6 feet side yard setback for a proposed metal carport measuring 9 feet by 64 feet has been submitted and involves a reduction of the encroachment into the side yard setback from the original request.

ANALYSIS:

The request is for a special exception to allow an encroachment of 13 feet into the 20 feet front yard setback and for an encroachment of 5 feet into the 6 feet side yard setback for a proposed metal carport measuring 9 feet by 64 feet. The proposed carport will replace an existing 10 feet by 20 feet carport.

According to the applicant reducing the side yard encroachment less than 5 feet would not be practical since the reduced width would not accommodate a car. The proposed length of the structure remains at 64 feet.

Approval of the request will allow the proposed carport construction to be squared off with the proposed construction to be undertaken with the encroachment previously approved by the Board on April 20, 2022.

During the site visit, staff noticed other similar encroachments in the area.

Special exceptions are issued to an individual and recorded, however a change in ownership of the property will require a special exception request by the new owner.

RECOMMENDATION:

Staff recommends disapproval of the special exception request of the proposed carport, due to the excessive size in length of the structure. However, if the Board approves the request it should be limited to the encroachments shown on the submitted site plan.

ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING ON JUNE 01, 2022

At the Zoning Board of Adjustments and Appeals, meeting of June 01, 2022 no one appeared in opposition of the Special Exception request. Board member Avila expressed a concern in regards to the carport roof covering the meter and utility personnel having to climb onto the roof of the carport to access connections. The Board unanimously voted to table the Special Exception request to allow the applicant time to address the concern of accessibility to the electric meter and its connections.

Subsequent to the meeting the applicant provided a revised site plan showing the relocation of the weatherhead to the rear of the house. The applicant also proposes a reduction of the carport length from 64 feet to 62 feet in order to reduce the length of the structure and the side yard encroachment.

ZBA2022-0022

ZBDA. 5/1/22



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project	Legal Description	<u>HAMMOND ADDITION LOT 6 BLK 15</u>	
	Subdivision Name	<u>HAMMOND ADDITION</u>	
	Street Address	<u>2021 EBONY AVE MCALLEN, TX 78501</u>	
	Number of lots	<u>1</u>	Gross acres _____
	Existing Zoning	<u>R2</u>	Existing Land Use <u>RESIDENTIAL</u>
Reason for Appeal (please use other side if necessary) _____ <u>CAR PORT MEASURING 9' X 64' INTO SIDE SETBACK OF 6' ENROACHING FIVE</u>			
<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input checked="" type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport)			
<input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required			

Applicant	Name	<u>DANIEL ROSAS</u>	Phone	<u>(956) 923-1269</u>
	Address	<u>2021 EBONY AVE</u>	E-mail	<u>ROSAS82.DR@GMAIL.COM</u>
	City	<u>MCALLEN</u>	State	<u>TX</u>
			Zip	<u>78501</u>

Owner	Name	<u>DANIEL ROSAS</u>	Phone	<u>(956) 923-1269</u>
	Address	<u>2021 EBONY AVE</u>	E-mail	<u>ROSAS82.DR@GMAIL.COM</u>
	City	<u>MCALLEN</u>	State	<u>TX</u>
			Zip	<u>78501</u>

Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?	
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.	
	Signature	<u>[Signature]</u> Date <u>APRIL 22, 2022</u>
Print Name	<u>DANIEL</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent	

Office	Accepted by _____	Payment received by _____	Date _____
	Rev 10/18	ENTERED APR 22 2022 Initial: <u>DR</u>	

J.L.F.



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

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

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

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

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

REQUESTING ENCROACHMENT OF 5' INTO THE 6' SETBACK FOR A FIRE-RATED FREE STANDING CARPORT ABUTTED TO THE CURRENT RESIDENCE

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

VARIANCE IS NECESSARY FOR THE PRESERVATION AND ENJOYMENT OF MY VEHICLES AND PROPERTY ACTIVITIES

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

THE CARPORT WILL NOT INTERFERE WITH FLOW OF TRAFFIC.

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

THIS CARPORT WILL NOT BE USED FOR BUSINESS. SOLELY FOR LEISURE AND PROTECTION OF VEHICLES.

Reason for Appeal

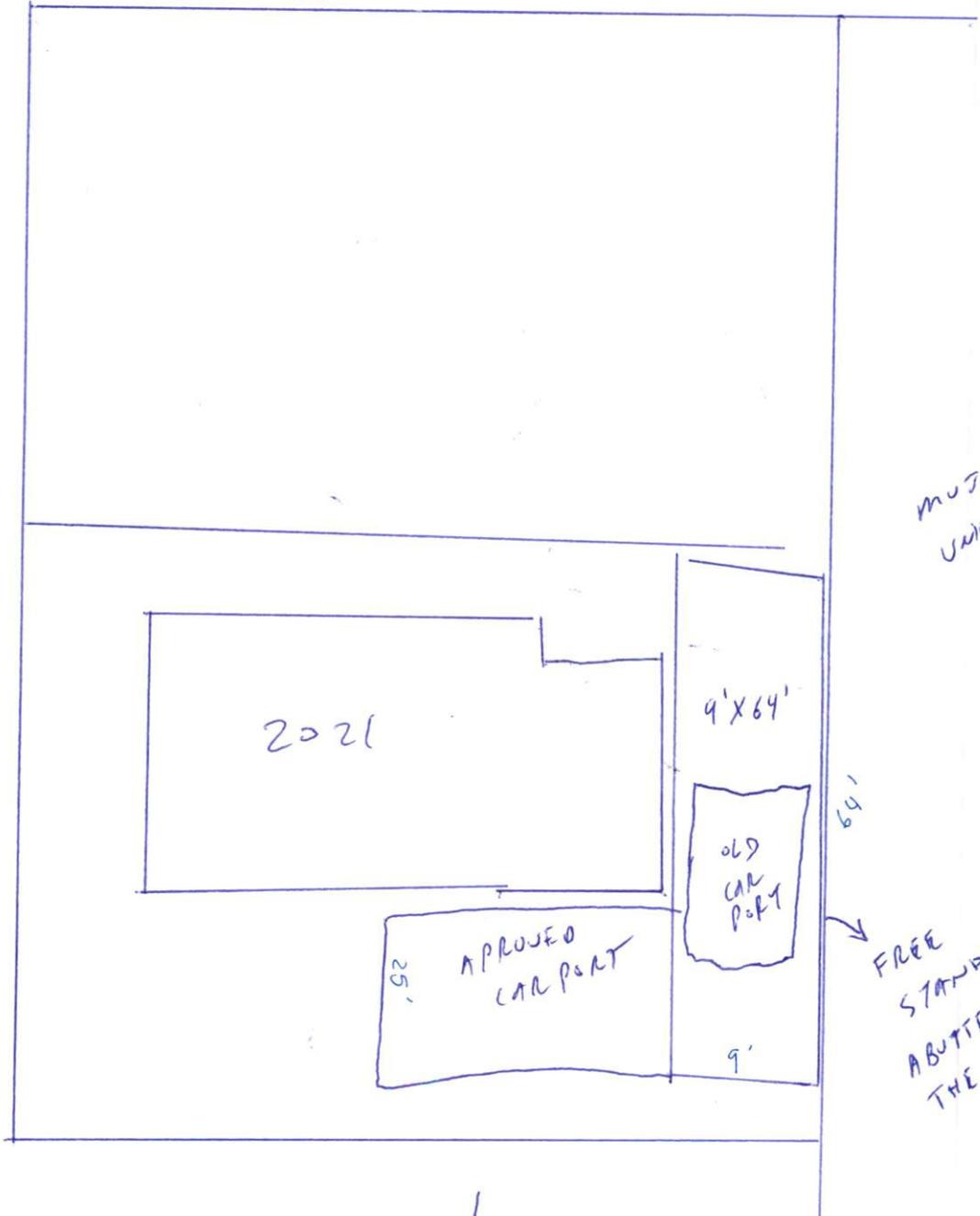
Board Action

Chairman, Board of Adjustment
Signature

Date



ALLEY



MUJERRES UNIDAS

215
57

FREE STANDING ABUTTED TO THE HOUSE

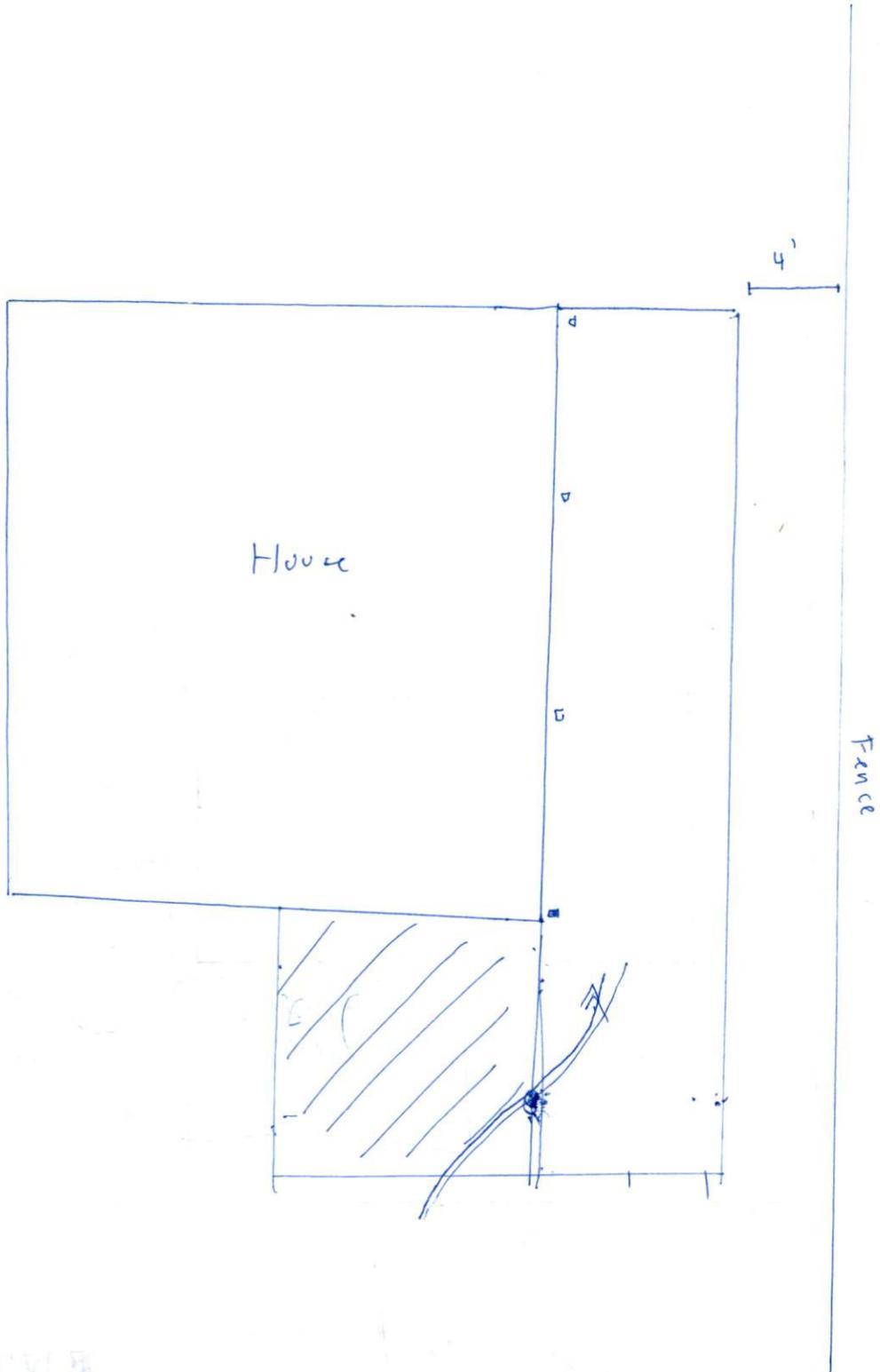
EBONY AVE

N

ENTERED

APR 22 2022

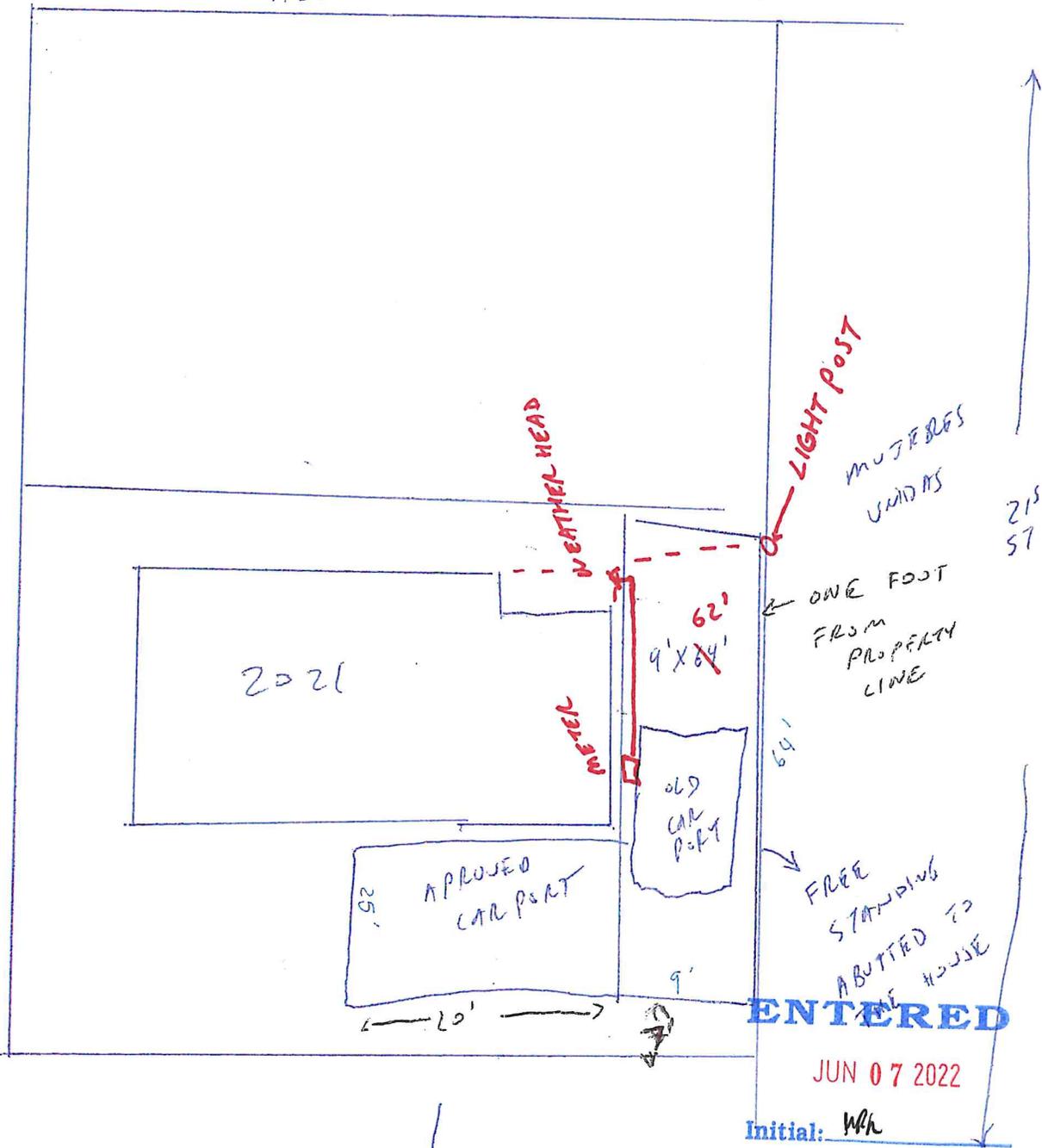
Initial: CUR



M.A.T. 1971



ALLEY



D.M.
6/7/22

ENTERED

JUN 07 2022

Initial: *WH*

EBONY AVE

ENTERED

APR 22 2022

2021 EBONY AVE CARPORT SETBACK APPEAL

Decision Making Panel,

Hello my name is, Daniel Rosas, the owner of the Hammond lot on 2021 Ebony Ave. I respectfully would like to appeal the setbacks stipulated with McAllen building permit policy for the aforementioned lot. I have depicted the desired carport proposal on an attachment. When I purchased this property in 2016 the lot had/has a preexisting car port. This carport is not only old and brittle but also has seepage issues that cause water stains on any vehicle parked underneath. I have a total of 4 cars. Currently I am paying storage fees to protect 2 of my vehicles. It is a fact that Mother Nature elements of water, sun, and dirt are a deteriorating factor in a vehicles exterior condition. As a professional which specializes in the automotive industry; I experience the effects of those elements day to day on the vehicles I service on a weekly basis. Because a garage is not feasible option I would to remedy this by being authorized to create a carport where I will be able to provide the protection to my vehicles and preserve their condition. The carport will be completely fire-rated proof because it will be manufactured of galvanized steel along with a gutter system which would allow water to flow away from any neighbors. I have taken the liberty to address the proposal with the neighboring Non-profit organization, *Mujeres Unidas*, and they have no objection to the carport. As a veteran of the U.S. Army and law-abiding citizen I will be truly grateful for an approval to this carport. Thank you for your careful consideration.

Daniel Rosas

ENTERED

MAY 09 2022

Initial: MR







**NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0022**

 CITY OF MCALLEN PLANNING DEPT.
956-681-1250
WWW.MCALLEN.NET



Memo

TO: Zoning Board of Adjustment & Appeals

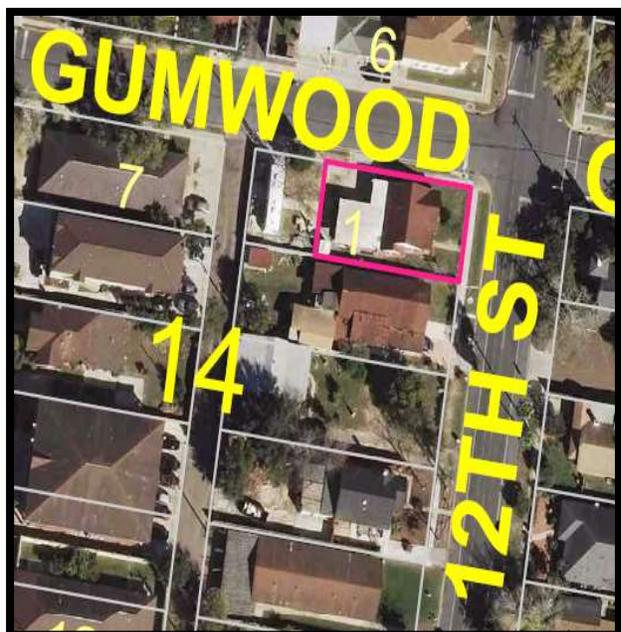
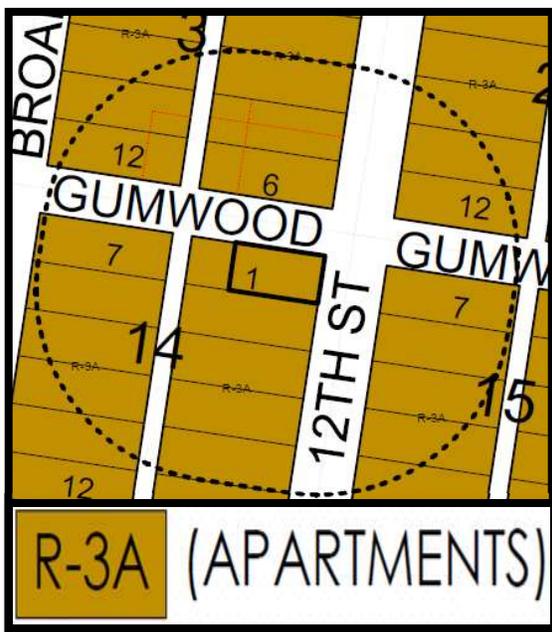
FROM: Planning Staff

DATE: June 7, 2022

SUBJECT: Request of Ray Mandes II for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 8 feet into the 10 foot rear yard setback for an existing carport measuring 21 feet by 28 feet, at Lot 1, Block 14, North McAllen Subdivision, Hidalgo County, Texas; 621 North 12th Street. (ZBA2022-0029)

REASON FOR APPEAL:

The applicant is requesting for an existing carport measuring 21 feet by 28 feet to remain in its current location encroaching into the rear yard setback of the subject property. As per the applicant the carport serves as shelter for an RV from inclement weather.



PROPERTY LOCATION:

The subject property is located on the west side of 12th Street, between Gumwood Avenue and Fir Avenue. The property has 50 feet of frontage along North 12th Street and a depth of 94.50 feet for a total lot size of 4,725 square feet. The zoning for the property and adjacent zoning is R-3A (multi-family apartment residential) District in all directions. Surrounding land uses include residential houses and Our Lady of Sorrows Catholic School.

BACKGROUND AND HISTORY:

An application for a variance request was submitted on May 16, 2022. According to the Hidalgo County Appraisal District, the property was acquired by the applicant in 1992. As per the applicant, the carport has been there for over five years.

ANALYSIS:

The variance request is to allow an encroachment of 8 feet into the 10 feet rear yard setback along the west side of the subject property. The carport is made of aluminum with steel posts and galvanized beams, the carport is not enclosed.

There is a 20 feet alley located at the rear of the subject property which serves as a buffer to the properties along the west side of the property.

Due to the property being located in an older subdivision, the lot is relatively smaller compared to newer lots, thus hindering the carport from relocating to another area of the property. The residence does not have a garage.

The property to the west of the subject property is approximately 45 feet away from the existing carport. The residence to the south of the subject property is approximately 25 feet away from the existing carport.

Although the residence is not the primary residence of the applicant, the applicant plans to reside on the property in the near future after renovations are made. If approved, the applicant has stated that the carport will continue to serve as a shelter for his RV from inclement weather, and will provide a shaded area for him to work on home projects. The applicant has also stated that if relocated, the existing carport will potentially eliminate green space in the backyard, where grass, plants, and a large shade tree are located.

During a site visit, staff noticed other similar encroachments along the rear side of properties within the area. The carport on the subject property is characteristic of construction along the area. There have been a two variances regarding setback encroachment within the area.

There are no known utility easements along the rear of the subject property. The measurements provided on the site plan are provided without benefit of a survey.

Special exceptions are issued to an individual and recorded, however if a new owner purchases the home they will have to apply as new owner.

Staff has not received any phone calls in opposition to the special exception request.

RECOMMENDATION:

Staff recommends approval of the special exception request since there are existing encroachments which are characteristic to the area, the existing shade tree located in the green space located in the rear yard prevents the relocation of the existing carport out of the setback, a 20 feet alley provides separation to the west, and financial cost of compliance may be greater than 50 percent of the value of the structure.

ZBA 2022-0029

ZBA - 6/15/22



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project	Legal Description	Geo ID N5400-00-014-0001-00
	Subdivision Name	Norm McAllen Lot 1 Less W 45.5
	Street Address	B/K 14 (North McAllen) 621 N. 12th. St. at Gumwood St.
	Existing Zoning	Number of lots _____ Gross acres _____
	Existing Land Use	_____
	Reason for Appeal (please use other side if necessary)	8' encroachment into 10' rear set-back
<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input checked="" type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport) <input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required		

Applicant	Name	Ray Mandes II	Phone	cell 956-607-4211
	Address	221 N. 16th. St. at Cedar St	E-mail	gasflats95@gmail.com
	City	McAllen	State	TX
	Zip	78501		

Owner	Name	same	Phone	_____
	Address	_____	E-mail	_____
	City	_____	State	_____
	Zip	_____		

Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?	
	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
	I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.	
	Signature	<u>Ray Mandes II</u> Date <u>5/16/2022</u>
Print Name	<u>Ray MANDES II</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent	

Office	Accepted by	<u>MR</u>	Payment received by	_____	Date	_____
	Rev 10/18				ENTERED MAY 16 2022 Initial: <u>AM</u>	

05

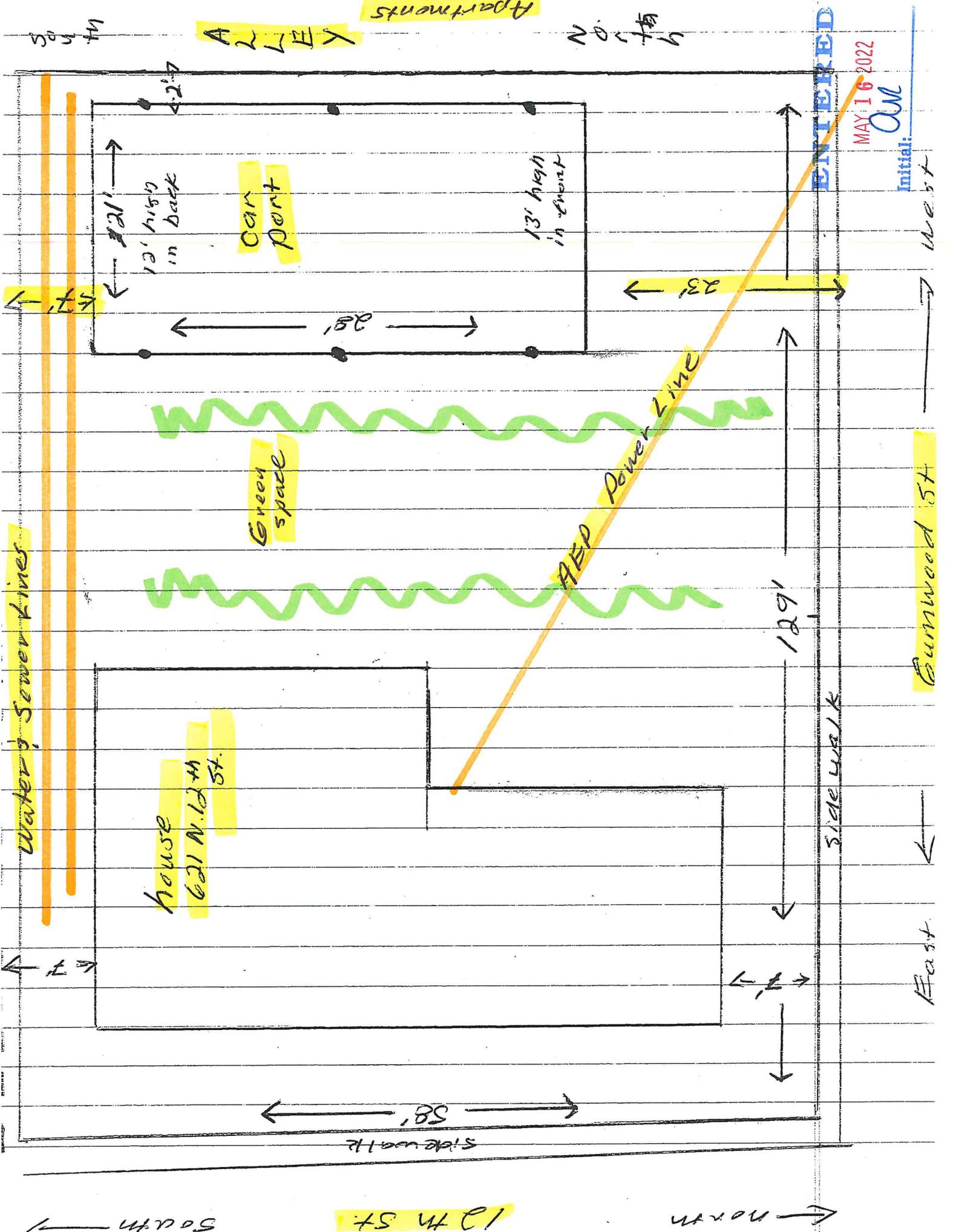


City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

Reason for Appeal	<p>*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: <i>(Please use an additional page if necessary to complete responses)</i></p> <p>**Information provided here by the applicant does not guarantee that the Board will grant a variance.</p> <p>***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.</p>
	<p>1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:</p> <p>The carport allows us to secure and store our RV, also serves as a much needed summer workspace (for projects) to beat the summer heat.</p>
	<p>2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:</p> <p>Allowing us to leave the carport (as-is) would leave the green-space (back-yard , between house and carport for carpet grass, plants and shade trees) intact.</p>
	<p>3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:</p> <p>The encroachment into setbacks is at the alley and commercial apartments.</p> <p>The carport does not intrude on AEP power line to house, city water or sewer lines.</p>
Board Action	<p>4. Describe special conditions that are unique to this applicant or property:</p> <p>Our plans are to down-size to the this property (after re-modeling & up-grades including new fences) We also plan on doing the same across at 701 N. 12th. St.</p> <p>I realize I would not be here, had I applied for the proper permits Thank you</p>
	<p style="text-align: center;">Chairman, Board of Adjustment Signature</p> <p style="text-align: center;">Date</p>
	<p style="text-align: center;">_____</p> <p style="text-align: center;">_____</p>
	<p>Rev. 9/20</p>



South →

12th St.

← North

Water & Sewer Lines

house
621 N. 12th St.

Green space

Car Port

ALLEY

Apartment

AEP Power Line

side walk

← East

Cumwood St

Initial: Owl

MAY 16 2022

ENTERED

← North

← North

10' high in back

13' high in front

28'

23'

129'

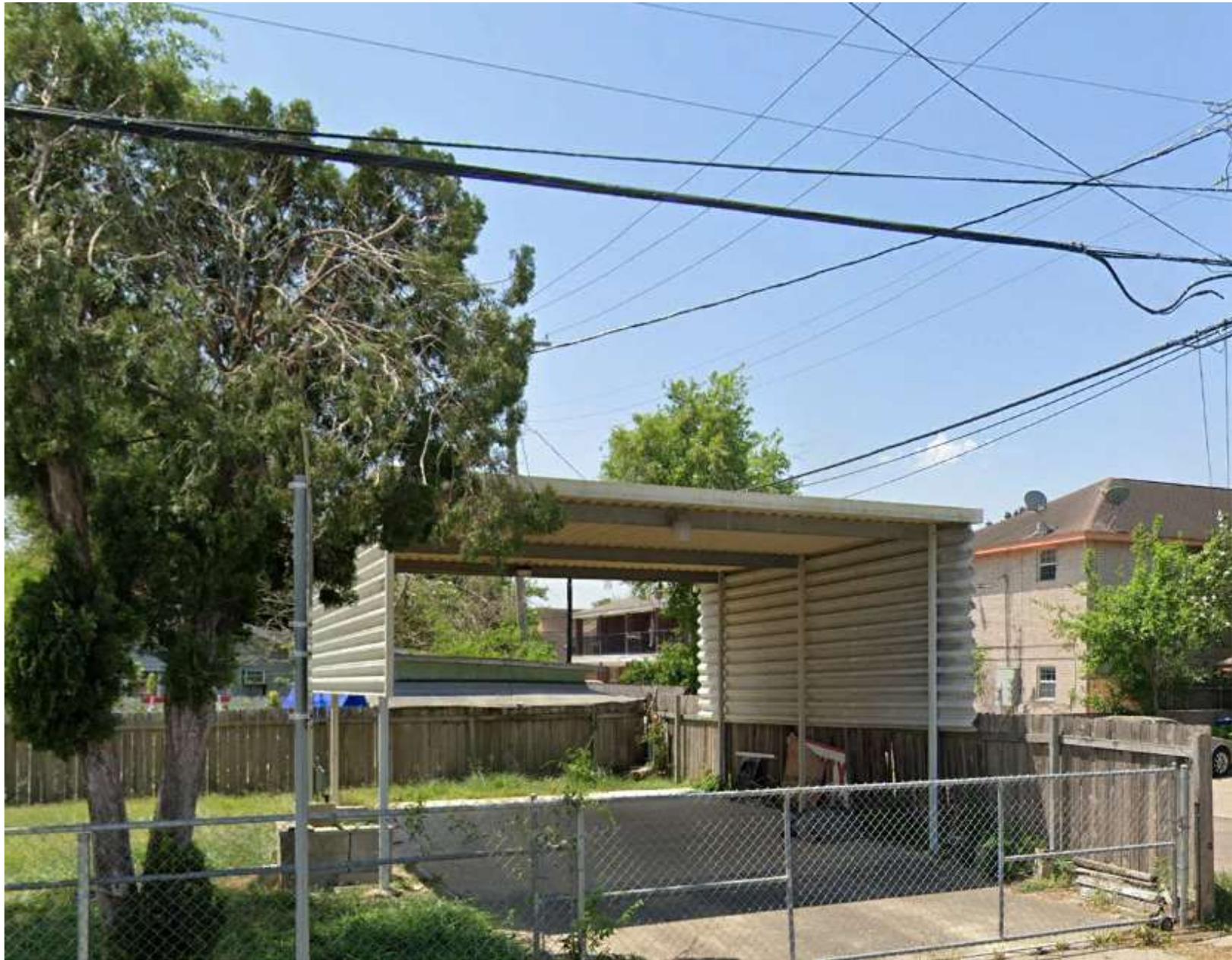
21'

2.2'

5.7'

7.7'

58'





NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0029

Memo

TO: Zoning Board of Adjustment & Appeals

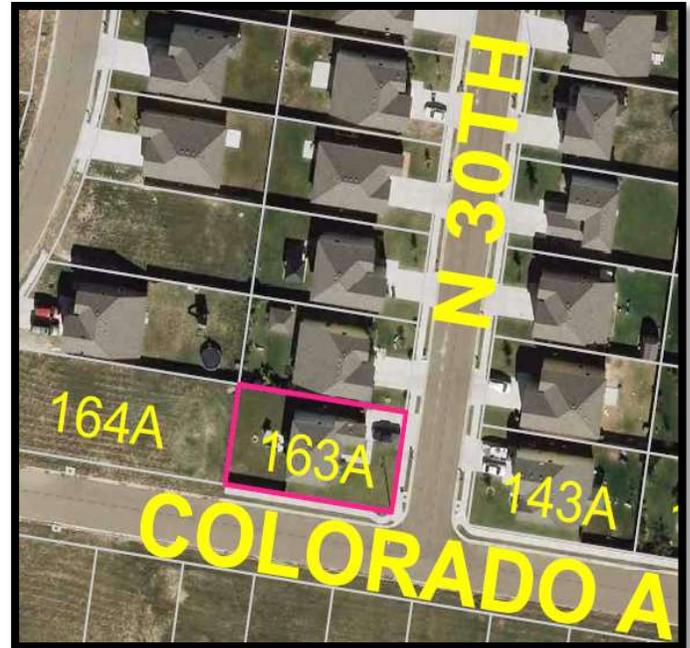
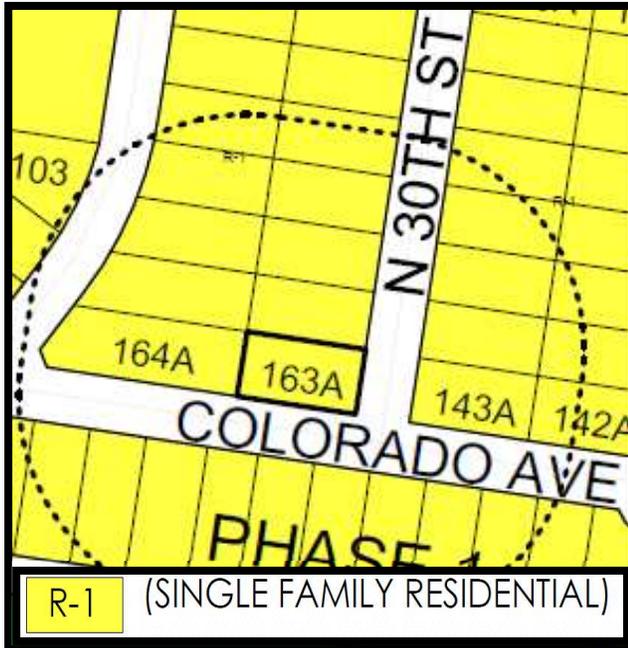
FROM: Planning Staff

DATE: June 1, 2022

SUBJECT: Request of Juanita Lozano for the following Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 4.75 feet into the 6 feet side yard setback along the north side for an existing wooden storage measuring 8 feet by 10 feet, Lot 163A, Trinity Oaks Subdivision Phase 1A, Hidalgo County, Texas; 10701 North 30th Street. (ZBA2022-0026)

REASON FOR APPEAL:

The applicant is requesting for an existing wooden storage measuring 8 feet by 10 feet to remain in its current location encroaching into the side yard setback of the subject property. As per the applicant, the existing wooden storage is used to store tools and household items.



PROPERTY LOCATION:

The subject property is located on the north side of Colorado Avenue between North 30th and 31st Streets. The property has 60.20 feet of frontage along North 30th Street and a depth of 110 feet for a total lot size of 6,622 square feet. The zoning for the property and adjacent zoning is R-1 (single-family residential) District in all directions. Surrounding land uses include residential houses.

BACKGROUND AND HISTORY:

Trinity Oaks Subdivision Phase 1A was recorded on October 15, 2009. An application for a variance request was submitted on May 09, 2022. The applicant has resided in the residence for two years and as per the applicant, the wooden storage was already constructed on site.

ANALYSIS:

The variance request is to allow an encroachment of 4.75 feet into the 6 feet side yard setback along the north side of the subject property. The existing wooden storage measures 8 feet by 10 feet for a total area of 80 square feet. The property to the north of the subject property is approximately 9 feet away from the existing wooden storage. A cedar fence obscures and buffers the view of the structure.

As per the applicant, there is no room to relocate the existing wooden storage as there is an existing covered patio covering most of the backyard area. There is also a 10 feet utility easement along the south side of the subject property which hinders the relocation of the existing storage. The existing storage is used to store tools, household items such as storage boxes and cleaning supplies.

During a site visit, staff noticed other encroachments along the front and side yards within Trinity Oaks Subdivision Phase 1A. A review of Planning Department records did not reveal any approved variance in the area.

There are no utility easements along the north side of the subject property.

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

RECOMMENDATION:

Staff recommends disapproval of the variance requests since there are no approved variances in the area and the existing structure does not comply with the setback requirement. However, if the Board approves the request it should be limited to the encroachment shown in the submitted site plan.

ZBA 2022-0024

ZBDA
6/15/2022



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project	Legal Description <u>TRINITY OAKS PH 1A LOT 163 A01 106</u> Subdivision Name <u>TRINITY OAKS PH 1A</u> Street Address <u>10701 N 30th St. McAllen Tx 78504</u> Number of lots <u>1</u> Gross-acres _____ Existing Zoning <u>R-1</u> Existing Land Use <u>Casa</u> Reason for Appeal (please use other side if necessary) <u>Allow existing storage (8'x10') at side of house to encroach 4.75 into 6' side setback. el storage es de madera</u> <input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport) <input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required
Applicant	Name <u>Juanita Lozano</u> Phone <u>956-207-4397</u> Address <u>10701 N 30th St.</u> E-mail <u>juanyvillareal@hotmail.com</u> City <u>McAllen</u> State <u>TX</u> Zip <u>78504</u>
Owner	Name <u>Jennifer Lozano</u> Phone <u>956-732-4951</u> Address <u>10701 N 30th St</u> E-mail <u>jeeny_lozano93@gmail.com</u> City <u>McAllen</u> State <u>TX</u> Zip <u>78504</u>
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? <input type="checkbox"/> Yes <input type="checkbox"/> No I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization. Signature <u>Jennifer Lo</u> Date <u>5-8-22</u> Print Name <u>Jennifer Lozano</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent
Office	Accepted by _____ Payment received by _____ Date _____ Rev 09/20

MAY 09 2022

BY: CW

01



City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

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

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

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

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

el storage no se puede mover a otro lugar, no hay otro lugar donde ponerlo porque la propiedad esta en una esquina

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

el storage es necesario para almacenar diferentes cosas y herramientas necesarias para mantener la propiedad limpia. Guimicos insectos, para cortar el cesped, pala.

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

el storage esta en el area del garage por lo cual no hay ninguna puerta o ventana y la propiedad con la que colinda tambien es el garage que yo sepa no hay

4. Describe special conditions that are unique to this applicant or property:
ningun problema con vecinos por el storage.

Mi propiedad esta en una esquina y no hay callejon tenemos como 2 años viviendo en esta propiedad y el storage ya estaba instalado.

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date



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

ON: 10/16/09 AT 3:15 AM
INSTRUMENT NUMBER 2043905
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS
BY: *Smilda Feal* DEPUTY

LOT 14
LA LOMITA IRRIG. & CONST. CO. SUB'D.
(VOL.24, PAGE 68, D/R)

LOT 19
LA LOMITA IRRIG. & CONST. CO. SUB'D.
(VOL.24, PAGE 68, D/R)

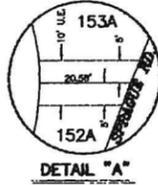
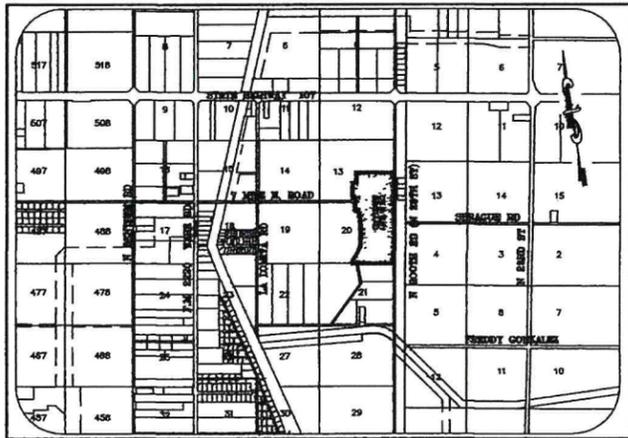
LOT 14
LA LOMITA IRRIG. & CONST. CO. SUB'D.
(VOL.24, PAGE 68, D/R)

SCALE: 1" = 100'

BASIS OF BEARING:
TEXAS STATE PLANE
COORDINATE SYSTEM
NAD, 83 SOUTH ZONE

TRINITY OAKS SUBDIVISION PHASE IA

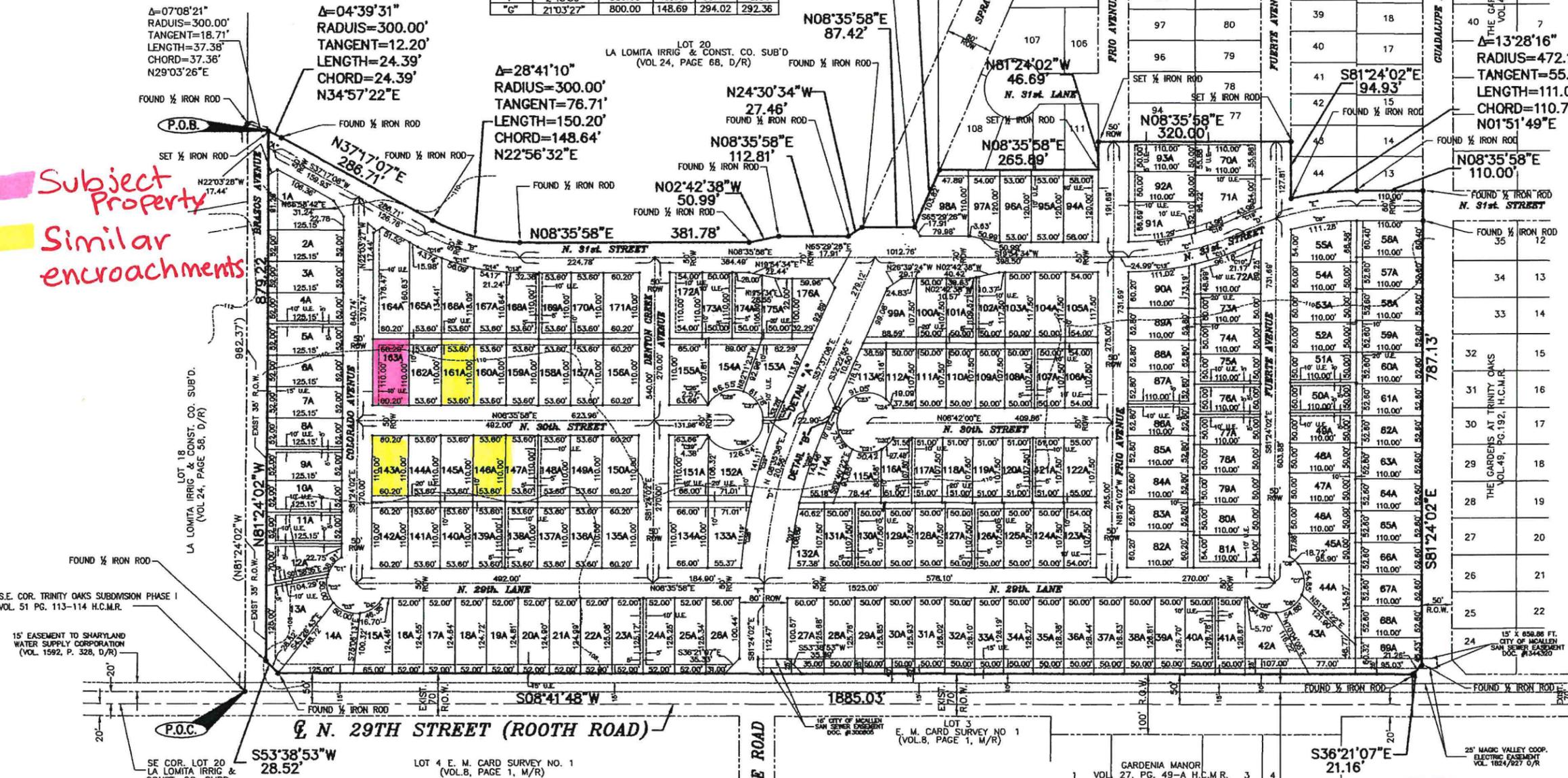
A TRACT OF LAND CONTAINING 34.82 ACRES, SITUATED IN THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS AND SAID 34.82 ACRES BEING A RE-SUBDIVISION OF LOTS 1-12, 45-76, 86-93, AND 112-202, TRINITY OAKS SUBDIVISION PHASE I, MAP REFERENCE: VOLUME 51, PAGES 113-114, HIDALGO COUNTY MAP RECORD



CURVE	DELTA	RADIUS	TANG	LENGTH	CHORD
"A"	02°18'52"	275.00	5.56	11.11	11.11
"B"	28°41'10"	325.00	83.10	162.72	161.02
"C"	25°08'31"	447.19	99.72	196.23	194.66
"D"	7°34'22"	447.19	29.60	59.10	59.06
"E"	17°34'15"	447.19	69.11	137.14	136.60
"F"	2°43'30"	800.00	19.03	38.05	38.04
"G"	21°03'27"	800.00	148.69	294.02	292.36

LOT #	SQ. FT.	ACRES	LOT #	SQ. FT.	ACRES
1A	9,019	0.21	44A	8,239	0.19
12A	8,948	0.18	45A	5,404	0.12
13A	11,383	0.26	46A	5,500	0.13
14A	9,458	0.22	48A	6,534	0.15
15A	8,448	0.16	72A	7,364	0.17
16A	8,479	0.15	90A	7,096	0.16
17A	6,483	0.15	91A	6,904	0.16
18A	6,488	0.15	97A	6,194	0.14
20A	6,493	0.15	98A	7,811	0.18
21A	6,497	0.15	99A	6,939	0.16
22A	6,502	0.15	101A	5,386	0.12
23A	6,506	0.15	102A	5,718	0.13
24A	6,511	0.15	112A	5,274	0.12
25A	6,516	0.15	113A	5,292	0.12
26A	6,521	0.15	114A	6,867	0.16
27A	7,225	0.17	115A	5,422	0.12
28A	6,286	0.14	116A	5,264	0.12
29A	6,290	0.14	132A	5,409	0.12
30A	6,294	0.14	133A	6,815	0.16
31A	6,299	0.14	134A	7,260	0.17
32A	6,303	0.14	152A	6,291	0.15
33A	6,307	0.14	153A	8,731	0.20
34A	6,311	0.14	154A	6,605	0.15
35A	6,316	0.14	155A	7,149	0.16
36A	6,320	0.15	184A	10,533	0.24
37A	6,324	0.15	165A	7,865	0.18
38A	6,328	0.15	166A	6,725	0.15
39A	6,333	0.15	167A	6,092	0.14
40A	6,337	0.15	168A	5,901	0.14
41A	6,341	0.15	174A	5,452	0.13
42A	8,536	0.20	175A	5,078	0.12
43A	9,997	0.23	176A	5,309	0.12

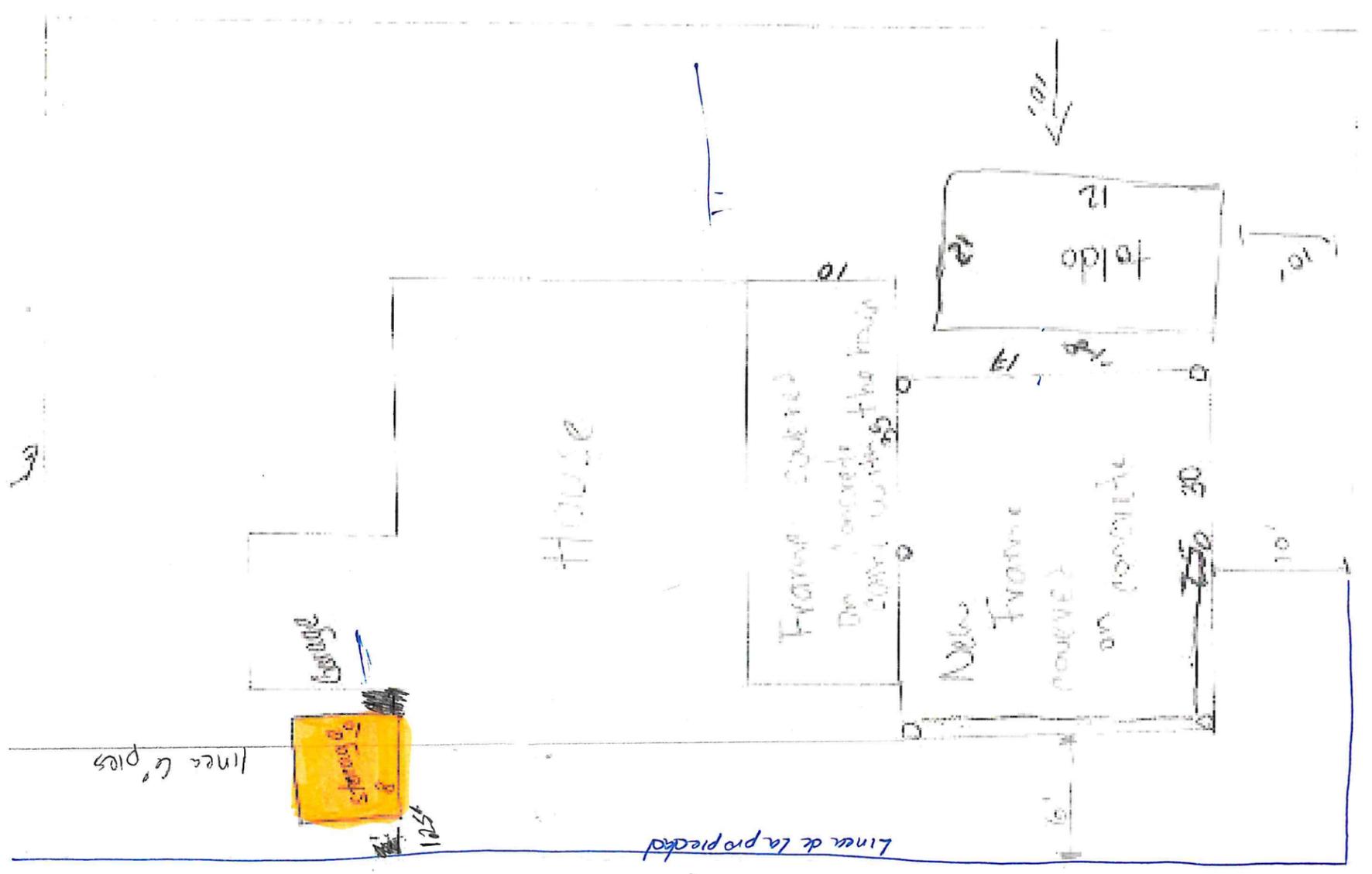
Subject Property
Similar encroachments



Colorado Ave.

S

30TH ST



Casa del vecino

Linea de la propiedad

lines 6' dia

Frame covered
Do concrete the main
every 10'

New Frame
on concrete

to do

House

sewer

12'

10'

12'

10'

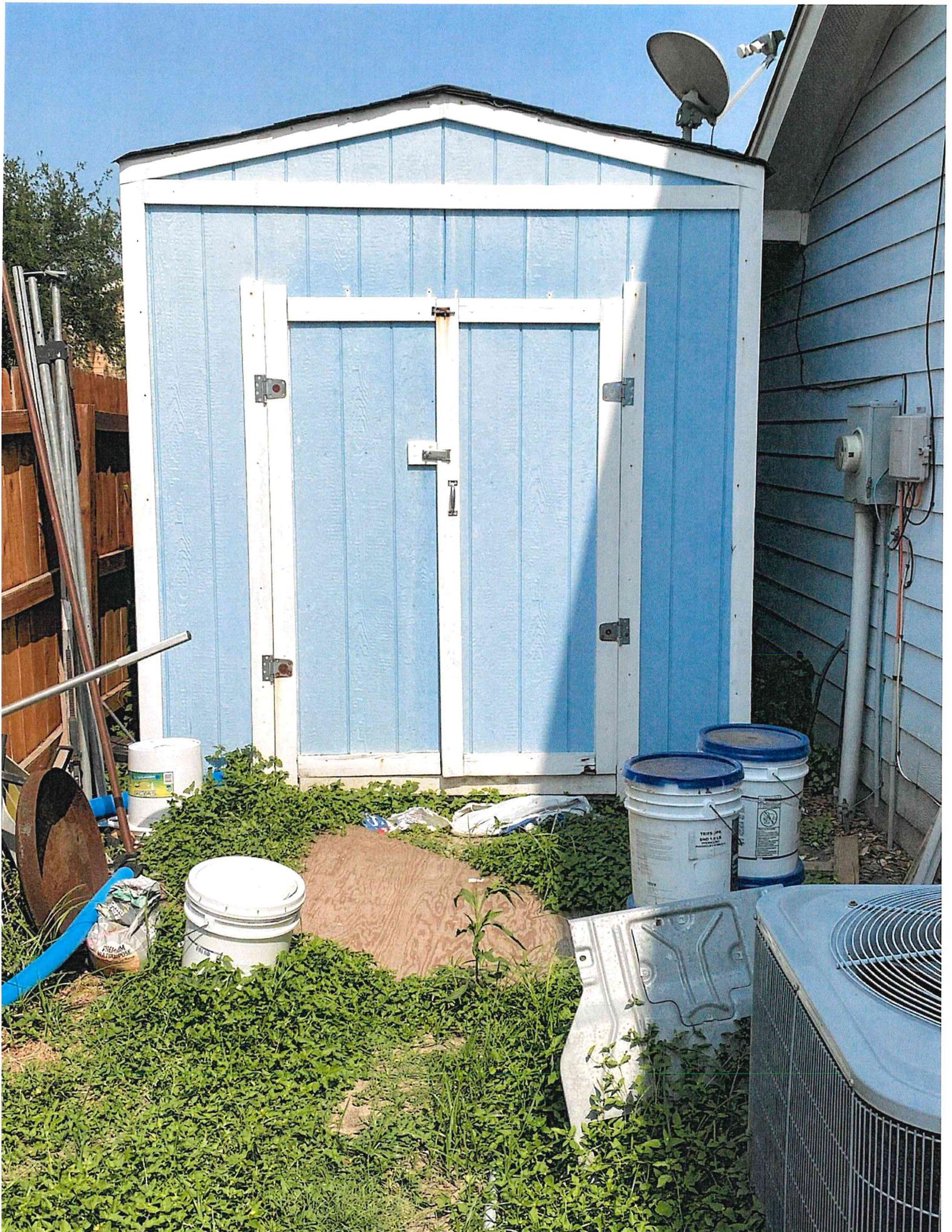
10'

30'

10'

10'

N





NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2022-0026

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: June 9, 2022

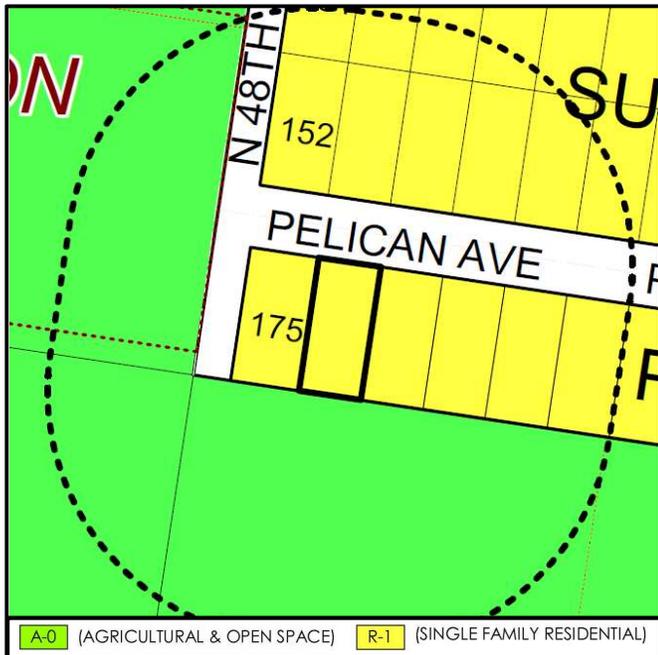
SUBJECT: REQUEST OF TIMOTHY J. MOTES FOR THE FOLLOWING SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 19 FEET INTO THE 25-FOOT FRONT YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 18 FEET BY 19 FEET, AT LOT 176, PLANTATION GAP SUBDIVISION PHASE 2, HIDALGO COUNTY, TEXAS; 4717 PELICAN AVENUE. (ZBA2022-0030)

REASON FOR APPEAL:

The applicant is requesting a special exception for 19 ft. encroachment into the 25 ft. front yard setback for an existing metal carport measuring 18 feet by 19 feet. The applicant stated that they need the carport for medical reasons.

PROPERTY LOCATION AND VICINITY:

The subject property is located on the south side of Pelican Avenue, 55 ft. east of North 48th Street. The property has 50 ft. of frontage along Pelican Avenue and a depth of 107.42 ft. for a lot size of 5,371 sq. ft. The property is zoned R-1 (single-family residential) District and there is a house on the subject property. Surrounding land uses include single-family residences and vacant land.



BACKGROUND AND HISTORY:

Plantation Gap Subdivision Phase 2 was recorded on October 25, 2006. The Hidalgo County Appraisal District records show that the existing house was built in 2015. The applicant purchased the subject property and built the existing metal carport in 2020. A non-compliance notice for construction of a carport without a permit was issued on April 28, 2022. An application for a building permit for the existing carport was submitted on May 11, 2022, which was disapproved by the Planning Department for encroachment into the front yard setback. An application for a special exception request was submitted on May 16, 2022.

A special exception for an encroachment of 15 ft. into the 25 ft. front yard setback for a metal carport was approved by the Zoning Board of adjustment for Lot 130, Plantation Gap Subdivision Phase 2, 4405 Quail Avenue, on October 17, 2018.

ANALYSIS:

The request is for a special exception to allow an encroachment of 19 feet into the 25 ft. front yard setback for an existing unenclosed metal carport measuring 18 feet by 19 feet for medical reasons. The submitted site plan shows that the carport is not encroaching into the 5 ft. Utility Easement. Measurements provided are without the benefit of a survey. The carport serves as an amenity for the existing house on the property.

During the site visit staff noticed that there are some other carports built within the front yard setback of some other lots in this subdivision; therefore, the carport has not changed the character of the neighborhood. Staff also notified the applicant that there are some other structure in the rear yard of the property which seem to be encroaching into the rear and side yard setback. The applicant indicated that they will either remove or apply for a variance for those structures.

The applicant stated that the contractor did not inform them that a building permit would be required for a carport. He also indicated that cost of removing the carport is \$2,800 while it cost \$4,000 to construct the carport; thus, the cost of bringing the property into compliance is more than 50% of the construction cost.

Staff has not received any phone calls or emails in opposition to the special exception request.

Special exceptions are issued to an individual and recorded, however a change of ownership requires the new owner to apply for their own special exception.

RECOMMENDATION:

Staff recommends approval of the special exception request limited to the encroachment shown on the submitted site plan since the unenclosed carport does not change the neighborhood's character, there has been at least one other carport approved within the subdivision, and strict application of the Zoning Ordinance may create a possible hardship for the owner. If the Board chooses to approve the request it should be limited to the encroachment shown on the submitted site plan.

ZBA 2022-0030

ZBOA- 6/15/22
@ 4:30



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project	Legal Description	<u>Plantation gap phase 2 LOT 181</u>		
	Subdivision Name	<u>Plantation gap Phase 2</u>		
	Street Address	<u>4717 Pelican Avenue</u>		
		Number of lots	<u>1</u>	Gross acres
	Existing Zoning	<u>Residential</u>	Existing Land Use	<u>residence</u> <small>CARPORIT</small>
	Reason for Appeal (please use other side if necessary)	<u>carport sets 19 feet inside the 25 foot front yard set back</u>		
	<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input checked="" type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport) <input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required			

Applicant	Name	<u>Timothy J Motes</u>	Phone	
	Address	<u>4717 Pelican Ave</u>	E-mail	
	City	<u>McAllen</u>	State	<u>TX</u>
			Zip	<u>78504</u>

Owner	Name	<u>Timothy J Motes</u>	Phone	
	Address	<u>4717 Pelican Ave.</u>	E-mail	
	City	<u>McAllen</u>	State	<u>TX</u>
			Zip	<u>78504</u>

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

Office	Accepted by	<u>[Signature]</u>	Payment received by	_____	Date	<u>MAY 16 2022</u>
	Rev 10/18				Initial:	<u>AM</u>

ENTERED

05



City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

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

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

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

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

Due to my medical conditions of obesity and severe arthritis (in my knees) it is often difficult or not possible for me to get in and out of my car in a closed space (garage)

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

I built the carport to protect my vehicle and myself from the weather as the driveway is the only location I can safely get in or out of my vehicle

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

Carport does not block neighbors view. Carport is of sturdy construction and will withstand inclement weather. Further, it will directly benefit the public health by allowing me to work an RV

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

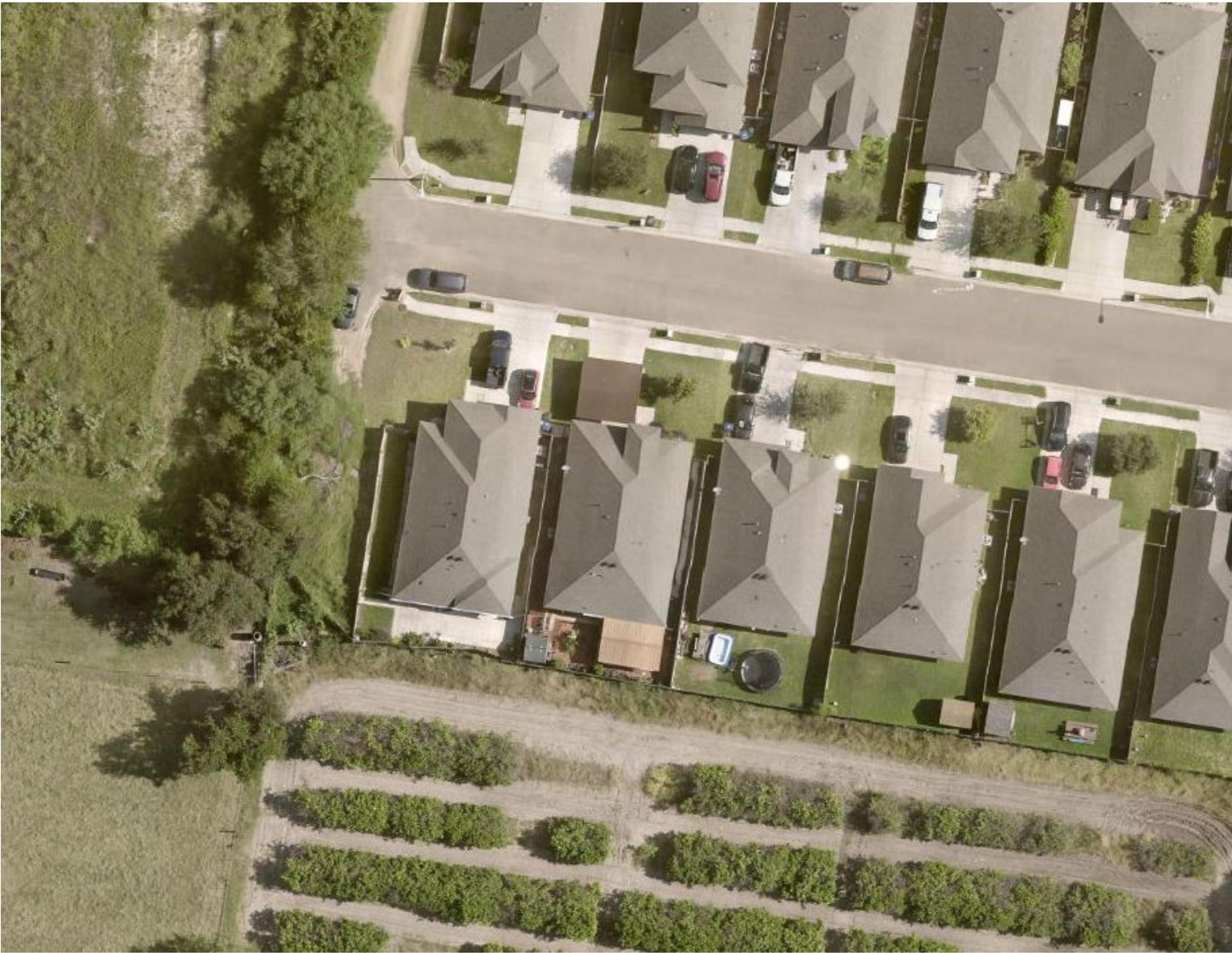
As an RV, I use my garage as an ante room to disrobe from my work clothes and disinfect before entering my home.

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

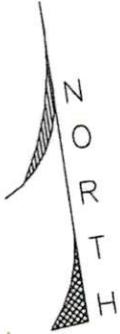
Date





PEÑA ENGINEERING

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

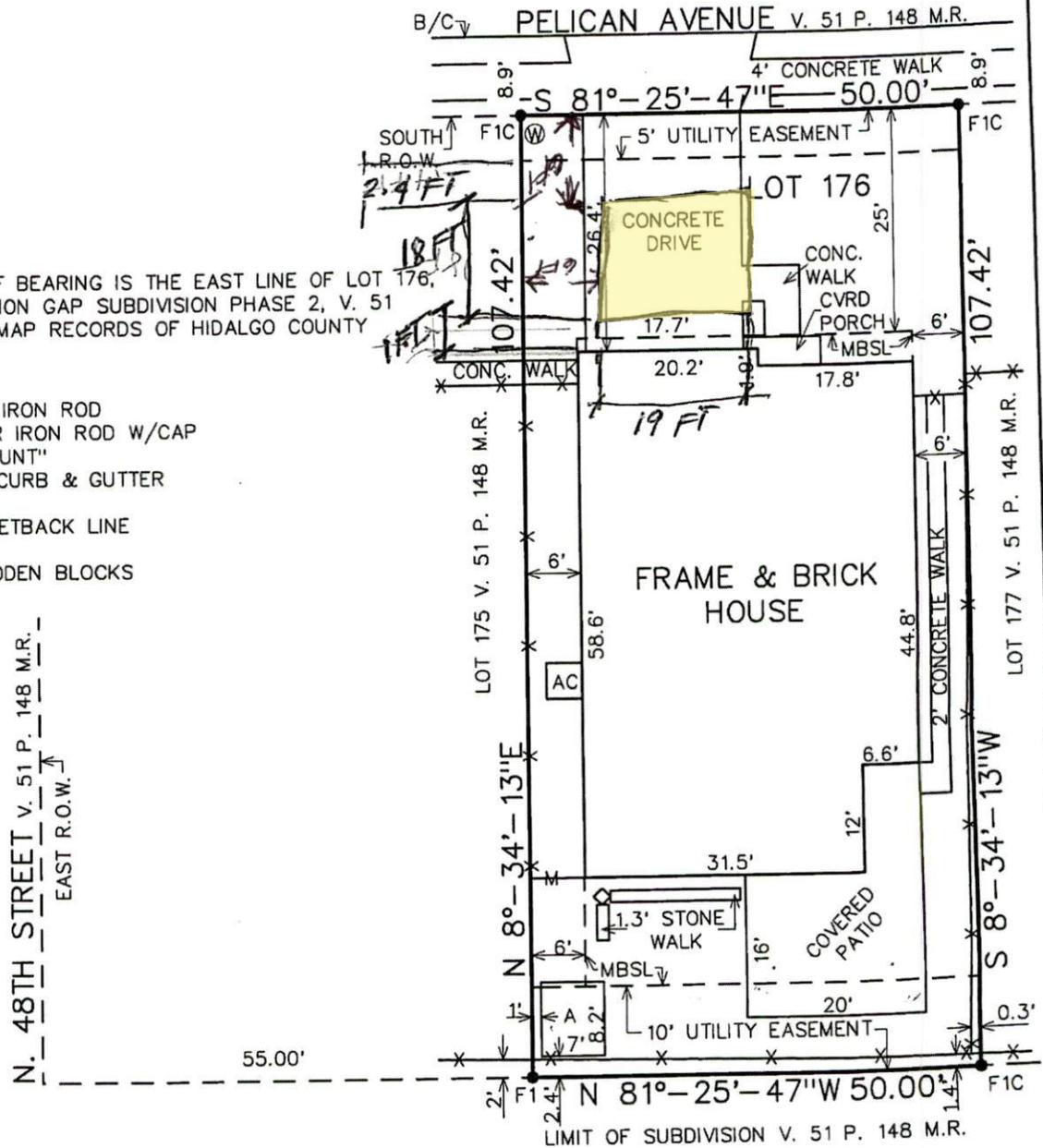


SCALE: 1"=20'
CAD: PLANTATIONGAP2-176A
JOB: 70027

NOTE: BASIS OF BEARING IS THE EAST LINE OF LOT
PLANTATION GAP SUBDIVISION PHASE 2, V. 51
P. 148, MAP RECORDS OF HIDALGO COUNTY

LEGEND:

- F1 - FOUND 1/2" DIAMETER IRON ROD
- F1C - FOUND 1/2" DIAMETER IRON ROD W/CAP
STAMPED "MELDEN & HUNT"
- B/C - BACK OF CONCRETE CURB & GUTTER
- R.O.W. - RIGHT OF WAY
- MBSL - MINIMUM BUILDING SETBACK LINE
- ⊗ - WATER METER
- A - VINYL STORAGE ON WOODEN BLOCKS
- * - * - 6' CEDAR FENCE
- M - M - 3' METAL FENCE



NOTES:

- 1.) BLANKET EASEMENT TO SOUTHWESTERN BELL V. 1896 P. 5, O.R.
- 2.) EASEMENTS, RIGHTS, RULES, AND REGULATIONS IN FAVOR OF UNITED IRRIGATION DISTRICT

ENTERED

MAY 16 2022

Initial: *all*

BUYER'S NAME: TIMOTHY J. MOTES & LYN MOTES

FLOOD ZONE: By GRAPHICAL PLOTTING COMMUNITY PANEL NO. 480334 0400 C
MAP REVISED: NOVEMBER 16, 1982

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



NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0030



Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: June 9, 2022

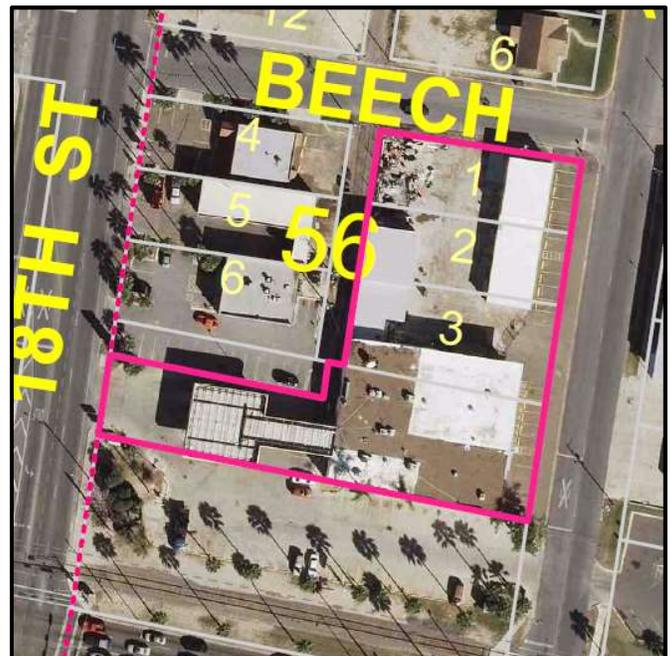
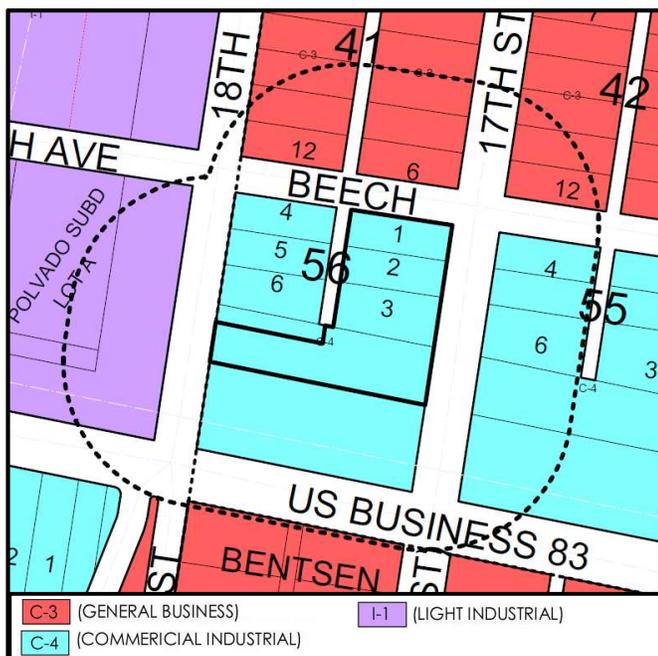
SUBJECT: REQUEST OF GEORGE BOGHS ON BEHALF OF BENCHMARK CONSTRUCTION FOR THE FOLLOWING SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 5.5 FEET INTO THE 10-FOOT NORTH SIDE YARD SETBACK FOR A PROPOSED METAL CARPORT MEASURING APPROXIMATELY 53.2 FEET BY 40 FEET, AT 1.48 ACRES BEING ALL OF LOTS 1, 2, AND 3, BLOCK 56, NORTH MCALLEN SUBDIVISION AND AN ABANDONED TRACT OF RIGHT-OF-WAY, HIDALGO COUNTY, TEXAS; 100 NORTH BICENTENNIAL BOULEVARD. (ZBA2022-0031)

REASON FOR APPEAL:

The applicant is requesting a special exception for 5.5 ft. encroachment into the north side yard setback in order to construct a metal carport measuring approximately 53.2 feet by 40 feet. The applicant stated that they need the carport for protecting the company’s vehicles from the weather elements.

PROPERTY LOCATION AND VICINITY:

The subject property is an irregularly shaped tract located on the southwest corner of Beech Avenue and North 17th Street and consists of 1.48 acres according to the submitted survey. The property is zoned C-4 (commercial-industrial) District and there are offices and warehouse on the subject property. Surrounding land uses include offices, restaurants, retail stores, and single-family residences.



BACKGROUND AND HISTORY:

An application for a building permit for a metal roof structure for a special exception request was submitted on April 14, 2022, which was disapproved by the Planning Department for encroachment into the side yard setback. An application for a special exception request was submitted on May 18, 2022.

ANALYSIS:

The side yard setback for corner lots is 10 feet according to Section 138-368 of the Zoning Ordinance. The request is for a special exception to allow an encroachment of 5.5 feet into the 10 ft. north side yard setback for a proposed metal carport measuring approximately 53.2 feet by 40 feet. There is an existing non-conforming metal office building on site which is located 4.6 ft. from the property line to the north, hence encroaching 5.4 feet into the side yard setback as per the submitted survey. The carport will be an amenity to the offices on site and will not be enclosed according to the applicant.

The side yard setbacks for corner lots are set for street visibility; however, the proposed carport will not be enclosed and will be 5 ft. from the dead-end alley with minimum traffic. The applicant is using the north and east side of the property to access the parking lot and since there is a chain link fence on the alley side, no access to the carport is proposed from the alley.

The applicant stated that the existing metal posts on site are the remains of a metal canopy existed on the subject property where they have proposed the new carport. The metal canopy had been removed between 2009 and 2010 according to Google Aerial images.

Section 94-89 of McAllen Code of Ordinances prohibits construction of any wall, fence, or other structure in a corner clip. The corner clip for the intersection of an alley with a street is a 10 ft. by 10 ft. triangle. The applicant confirmed on the application that the carport will be in compliance with the corner clip requirement.

Staff has received no phone calls or emails in opposition to the special exception request.

Special exceptions are issued to an individual and recorded, however a change of ownership requires the new owner to apply for their own special exception.

RECOMMENDATION:

Staff recommends approval of the special exception request since the carport will not be enclosed, will be an amenity to the existing office, will not be accessed from the alley, and will be out of the corner clip. If the Board chooses to approve the request it should be limited to the encroachment shown on the submitted site plan subject to be out of the 10 ft. by 10 ft. corner clip.

ZBA2022-0031

ZBA - 6/15/22



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project	Legal Description	<u>North McAllen Lots 1-2-3 & E 1/2 of Ash Ave, S 1/2 of W 1/2 of Ash Ave. & 30x100 S of Ash Ave. BL 56</u>	
	Subdivision Name	<u>North McAllen</u>	
	Street Address	<u>100 N. Bicentennial Blvd. (119 N. 17th St.)</u>	
	Existing Zoning	<u>C-4</u>	Existing Land Use <u>Business Suites</u>
	Reason for Appeal (please use other side if necessary)	<u>Adding a steel structure (canopy) in line with existing building. 1 Carport</u>	
		Number of lots _____	Gross acres <u>.98</u>

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

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

Applicant	Name	<u>Benchmark Construction</u>	Phone	
	Address	<u>119 N 17th St.</u>	E-mail	
	City	<u>McAllen</u>	State	<u>TX</u>
			Zip	<u>78501</u>

Owner	Name	<u>Palm Valley Dist.</u>	Phone	
	Address	<u>1722 Pecan Blvd.</u>	E-mail	
	City	<u>McAllen</u>	State	<u>TX</u>
			Zip	<u>78501</u>

Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?	
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.	
	Signature	<u>[Signature]</u> Date <u>5/18/22</u>
Print Name	<u>George Boggs</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent <u>on behalf of Benchmark Construction</u>	

Office	Accepted by	<u>KF</u>	Payment received by	_____	Date	ENTERED
	Rev 09/20					MAY 18 2022

98

Initial: AM



City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

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

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

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

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

The 30x100 Building that exists has been on premises for many years. We are asking to build this carport/ canopy in line with existing structures.

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

The existing 30x100 metal building is in the same line along Beech St. as the proposed Car Port / canopy.

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

This project is within the property lines of the property and meets the setbacks of the existing structures. I will comply with the 10x10' corner clip if does not

4. Describe special conditions that are unique to this applicant or property: ^{comply} This property was

home to the original Pearl Beer Dist. Co. Canopies were once erected in this exact space for their beer trucks.

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date

P.O.B.
 FND. IRON PIPE,
 X:1070152.2919
 Y:16600305.9880
 NORTHEAST CORNER
 OF BLOCK 56,
 NORTH McALLEN,
 VOL. 0, PG. 33, H.C.M.R.

**BEECH AVENUE
 (50.0' R.O.W.)**

NORTH McALLEN LOT 4 BLOCK 56,
 NORTH McALLEN,
 VOL. 0, PG. 33,
 H.C.M.R.,
 OWNER NAME: LEAL JAVIER AND
 MARIA D.,
 DOCUMENT NUMBER: 1328649,
 H.C.D.R.

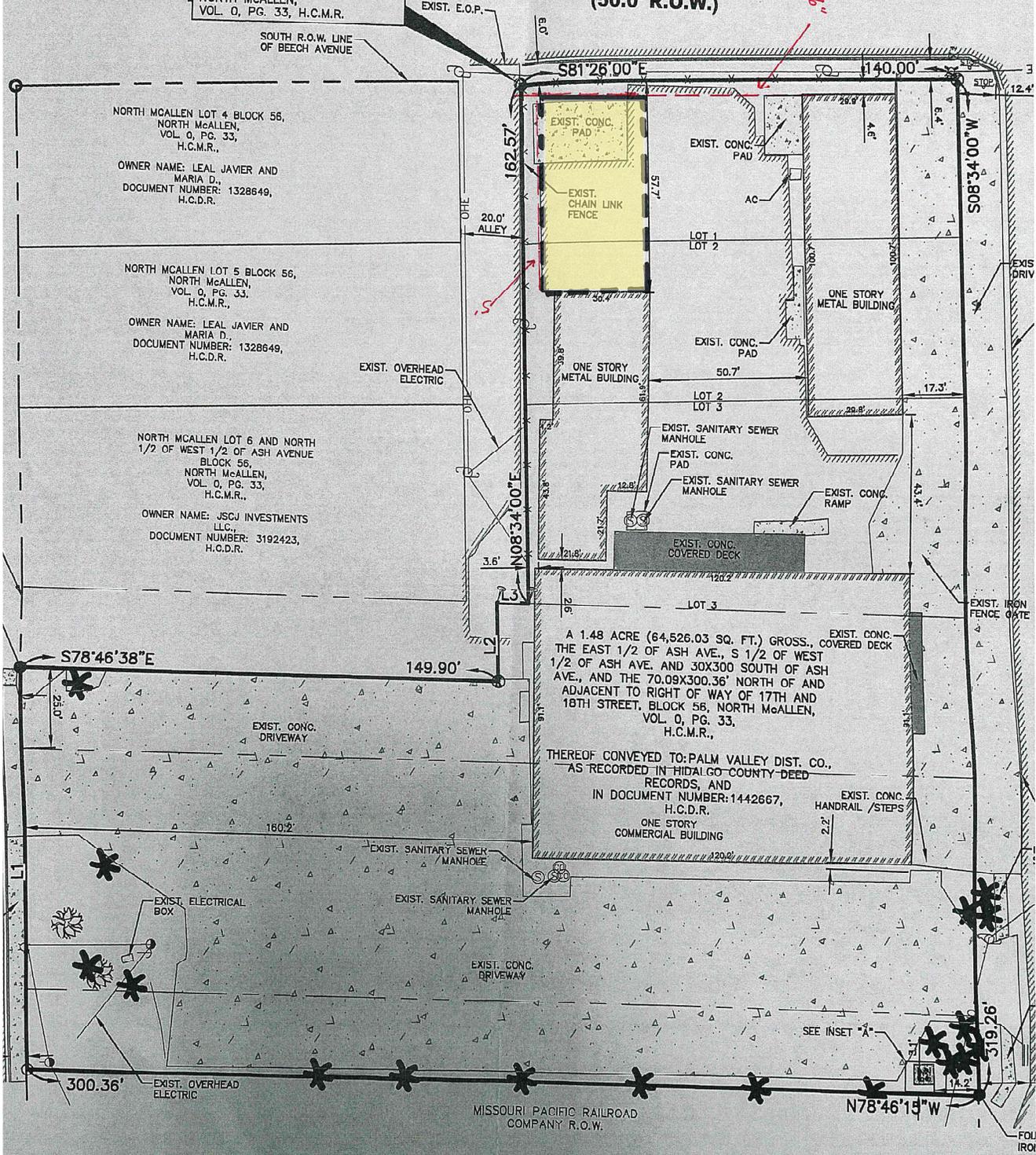
NORTH McALLEN LOT 5 BLOCK 56,
 NORTH McALLEN,
 VOL. 0, PG. 33,
 H.C.M.R.,
 OWNER NAME: LEAL JAVIER AND
 MARIA D.,
 DOCUMENT NUMBER: 1328649,
 H.C.D.R.

NORTH McALLEN LOT 6 AND NORTH
 1/2 OF WEST 1/2 OF ASH AVENUE
 BLOCK 56,
 NORTH McALLEN,
 VOL. 0, PG. 33,
 H.C.M.R.,
 OWNER NAME: JSCJ INVESTMENTS
 LLC.,
 DOCUMENT NUMBER: 3192423,
 H.C.D.R.

A 1.48 ACRE (64,526.03 SQ. FT.) GROSS, COVERED DECK
 THE EAST 1/2 OF ASH AVE., S 1/2 OF WEST
 1/2 OF ASH AVE. AND 30X300 SOUTH OF ASH
 AVE., AND THE 70.09X300.36' NORTH OF AND
 ADJACENT TO RIGHT OF WAY OF 17TH AND
 18TH STREET, BLOCK 56, NORTH McALLEN,
 VOL. 0, PG. 33,
 H.C.M.R.,

THEREOF CONVEYED TO: PALM VALLEY DIST. CO.,
 AS RECORDED IN HIDALGO COUNTY DEED
 RECORDS, AND
 IN DOCUMENT NUMBER: 1442667,
 H.C.D.R.
 ONE STORY
 COMMERCIAL BUILDING

MISSOURI PACIFIC RAILROAD
 COMPANY R.O.W.



ENTERED

MAY 18 2022

Initial: *an*

**NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0031**



CITY OF MCALLEN PLANNING DEPT.
956-681-1250
WWW.MCALLEN.NET







2022 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

	01/05/22	01/19/22	02/02/22	02/17/22	03/03/22	03/17/22	04/06/22	04/20/22	05/04/22	05/18/22	06/01/22	05/25/22	06/15/22	07/07/22	07/20/22	08/03/22	08/17/22	09/08/22	09/21/22	10/05/22	10/19/22	11/02/22	11/16/22	12/07/22	12/21/22
ERICK DIAZ- CHAIRPERSON	P																								
SYLVIA HINOJOSA-CHAIRPERSON	P	P	P	P	A	A	P	P	P	P	P	P													
JOSE GUTIERREZ-VICE-CHAIR	P	P	P	P	P	P	P	P	P	P	P	P													
ANN TAFEL	A	P	P	P	P	P	P	P	P	P	P	A													
HUGO AVILA	P	P	P	P	P	P	P	P	A	P	P	P													
ROGELIO RODRIGUEZ	P	P	P	P	P	P	A	P	P	P	A	A													
REBECCA MILLAN (ALT 1)	P	P	P	P	P	P	P	A	P	P	P	P													
MARK TALBOT (ATL 2)				P	P	A	P	P	P	A	A	A													
SAM SALDIVAR (ALT 3)				P	P	A	P	P	P	A	P	A													
JUAN MUJICA (ALT 4)				P	P	P	P	P	P	P	P	P													

P - PRESENT

A - ABSENT

 NEW APPOINTMENT

MC - MEETING CANCELLED

NRM - NO MEETING

LOQ - LACK OF QUORUM

RS - RESIGNATION



PLANNING DEPARTMENT



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

2022 CALENDAR

Meetings:

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

Deadlines:

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

JANUARY 2022

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

FEBRUARY 2022

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

MARCH 2022

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

APRIL 2022

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

MAY 2022

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

JUNE 2022

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

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.

2022 CALENDAR

Meetings:

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

Deadlines:

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

JULY 2022

AUGUST 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
					A-7/19 & 7/20	
3	HOLIDAY		6 N-7/19 & 7/20 D-8/2 & 8/3	7	8	9
10	●	▲				
17	A-8/2 & 8/3	19	20 N-8/2 & 8/3 D-8/16 & 8/17			
24	●	▲	27 HPC			
31						

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3 N- 8/16 & 8/17 D-9/7 & 9/8	4	5	6
	A- 8/16 & 8/17					
7	8 style="color: orange;">●	▲				
14		16	17 D-9/20 & 9/21	18	19	20
21	●	▲		25 HPC	26	27
28	A- 9/7 & 9/8		N-9/7 & 9/8			
31						

SEPTEMBER 2022

OCTOBER 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
					A-10/20 & 10/21	
4	HOLIDAY		7 N-9/20 & 9/21 D-10/4 & 10/5	8	9	10
11	●	▲				
18	A-10/4 & 10/5	20	21 D-10/18 & 10/19 N-10/4 & 10/5			
25	●	▲	28 HPC			

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5 N-10/18 & 10/19 D-11/1 & 11/2	6	7	8
	A-10/18 & 10/19					
9	10 style="color: orange;">●	▲				
16	A- 11/1 & 11/2	18	19 N- 11/1 & 11/2 D-11/16 & 11/17	20	21	22
23	24 style="color: orange;">●	▲	26 HPC			
30	31 style="color: red;">A-11/16 & 11/17					

NOVEMBER 2022

DECEMBER 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2 N-11/16 & 11/17 D-12/6 & 12/7	3	4	5
6						
13	●	▲	16 D-12/20 & 12/21	17	18	19
20	A-12/6&12/7		N-12/6 & 12/7	HOLIDAY	25	26
27	●	▲				

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7 HPC D-1/3 & 1/4 N- 12/20& 12/21	8	9	10
	A-12/20 & 12/21					
11	12 style="color: orange;">●	▲				
18	19	20	21 D-1/17 & 1/18 N- 1/3 & 1/4	22	23	24
	A- 1/3 & 1/4					
25	HOLIDAY					
31						