

AGENDA

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

All interested citizens are invited to appear and be heard via teleconference due to COVID-19:

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

Meeting ID: [508-755-3077](https://zoom.us/join) Meeting Password: [878576](https://zoom.us/join)

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

CALL TO ORDER - CHAIRPERSON DAVID SALINAS

1. MINUTES:

- a) Minutes for Regular Meeting held on May 20, 2020

2. PUBLIC HEARINGS:

- a) Request of Alejandro Guzman for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 ft. into the 20 ft. front yard setback for a proposed metal carport measuring 18 ft. by 28 ft. at Lot 14, Block 11, College Heights Subdivision, Hidalgo County, Texas; 2152 Kennedy Circle. **(ZBA2020-0016)**
- b) Request of Marcelo Lopez for the following variance to the City of McAllen Zoning Ordinance to allow an encroachment of 5 ft. into the 10 ft. corner yard setback for a proposed townhouse at Lot 16, Fairway Development Corporation Subdivision Unit No. 2, Hidalgo County, Texas; 2212 South 6th Street. **(ZBA2020-0020)**
- c) Request of Jaime Muriel for the following variance to the City of McAllen Zoning Ordinance to allow an encroachment of 13.6 ft. into the 37.5 ft. front yard setback for a proposed metal porch measuring 11.7 ft. by 35 ft. at South 25' of Lot 3 and All of Lot 4, Ewing's Addition, Hidalgo County, Texas; 905 North Main Street. **(ZBA2020-0018)**
- d) Request of Elsa Villegas for the following variance to the City of McAllen Zoning Ordinance to allow an encroachment of 5 ft. into the 10 ft. rear yard setback for a proposed swimming pool measuring 20 ft. by 8 ft. at Lot 10, Derby Downs Subdivision, Hidalgo County, Texas; 2217 North 47th Street. **(ZBA2020-0019)**
- e) Request of Mayra Gomez for the following variances to the City of McAllen Zoning Ordinance: **1)** to allow an encroachment of 5 ft. into the 10 ft. corner yard setback for a proposed wooden storage building measuring 8 ft. by 10 ft. and **2)** to allow a building separation from the main building of 3 ft. instead of the required 5 ft., at Lot 126, Los Encinos Del Norte Subdivision, Hidalgo County, Texas; 3209 Kilgore Avenue. **(ZBA2020-0017)**
- f) Request of Jorge Almazan for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 ft. into the 20 ft. front yard setback for a proposed carport measuring 20 ft. by 18 ft. at Lot 90, Ponderosa Park Phase 6 Subdivision, Hidalgo County, Texas; 3316 North 33rd Street. **(ZBA2020-0021)**

- g) Request of Sofia Garza for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 16.5 ft. into the 20 ft. front yard setback for an existing single family residence with a porch, at Lot 5, Block 3, Colonia Guadalupe Subdivision, Hidalgo County, Texas; 1709 Oakland Avenue. **(ZBA2020-0012) (TABLED: 04/01/2020) (REMAIN TABLED: 04/15/2020, 05/20/2020)**
- h) Request of Juan A. Ruiz on behalf of San Juanita Ruiz for the following special exception and variances to the City of McAllen Zoning Ordinance: **1)** to allow an encroachment of 7.5 ft. into the 10 ft. rear yard setback for an existing carport measuring 17 ft. by 31 ft., **2)** to allow an encroachment of 5 ft. into the 10 ft. rear yard setback for an existing storage building measuring 10 ft. by 12 ft., and **3)** to allow an encroachment of 3 ft. into the 6 ft. north side yard setback for an existing storage building measuring 10 ft. by 12 ft., at Lot 2, Block 1, El Rancho Santa Cruz Subdivision Phase IV, Hidalgo County, Texas; 3113 South McColl Road. **(ZBA2019-0060) (TABLED: 01/15/2020) (REMAIN TABLED: 02/05/2020, 03/04/2020, 04/01/2020, 04/15/2020, 05/20/2020) WITHDRAWN**
- i) Request of U.S. Rags, Inc. for a special exception to the City of McAllen Off-Street Parking and Loading Ordinance and a variance to the City of McAllen Zoning Ordinance to allow: **1)** 22 parking spaces instead of the required 36 parking spaces for a proposed commercial building measuring 13,000 sq. ft. and **2)** an encroachment of 10 ft. into the 15 ft. side yard setback along the north and south property lines for a proposed commercial building measuring 13,000 sq. ft. at 0.99 acre tract of land out of Lot 18, Block 3, C.E. Hammond's Subdivision, Hidalgo County, Texas; 2621 South 23rd Street. **(ZBA2020-0013) (TABLED: 04/01/2020) (REMAIN TABLED: 04/15/2020, 05/20/2020)**
- j) Request of Oralia Rodriguez for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 25 ft. into the 25 ft. front yard setback for a wooden carport with decorative columns measuring 25.0 ft. by 20.0 ft., at Lot 131, Plantation Gap Subdivision Phase 1, Hidalgo County, Texas; 4400 Sandpiper Avenue **(ZBA2019-0057) (TABLED: 01/15/2020) (REMAIN TABLED: 02/05/2020, 03/04/2020, 04/01/2020, 04/15/2020, 05/20/2020)**

3. FUTURE AGENDA ITEMS

- a) 509 North 34th Street
- b) 806 East Ithaca Avenue
- c) 1417 Vine Avenue
- d) 701 South H Street
- e) 4605 Swallow Avenue
- f) 2024 Hawk Avenue
- g) 4310 North 10th Street

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, May 20, 2020 at 4:47 p.m. in the City Commission Meeting Room with the following present:

Present:	David Salinas	Chairperson
	John Millin	Member
	Jose Gutierrez	Alternate
	Juan F. Jimenez	Alternate
Absent:	Erick Diaz	Vice-Chairperson
	Sylvia Hinojosa	Member
	Sonia Falcon	Member
Staff Present:	Austin Stevenson	Assistant City Attorney
	Michelle Rivera	Assistant City Manager
	Edgar Garcia	Planning Director
	Rodrigo Sanchez	Senior Planner
	Omar Sotelo	Planner II
	Juan Martinez	Development Coordinator
	Porfirio Hernandez	GIS Technician II
	Mario Escamilla, Jr.	Planning Technician
	Carmen White	Secretary

CALL TO ORDER – Chairperson, David Salinas

1. MINUTES:

- a) Minutes for Regular Meeting held on April 15, 2020.

The minutes for the meeting held on April 15, 2020 were approved. The motion to approve the minutes was made by Mr. John Millin. Mr. Juan Jimenez seconded the motion, which carried unanimously with four members present and voting.

2. PUBLIC HEARINGS:

- a) Request of Raudel Garcia for the following variances to the City of McAllen Zoning Ordinance: 1) to allow an encroachment of 5 ft. into the 10 ft. rear yard setback for an existing storage building measuring 12.2 ft. by 12.2 ft.; and 2) to allow an encroachment of 5 ft. into the 10 ft. corner side yard setback for a swimming pool measuring 10 ft. by 20 ft. at Lot 137, Del Sol Phase II Subdivision, Hidalgo County, Texas; 4300 N. 27th Street. **(ZBA2020-0015)**

Mr. Sotelo stated the applicant was requesting the following variances: 1) to encroach 5 ft. into the 10 ft. rear yard setback for an existing storage building measuring 12.2 ft. by 12.2 ft., and 2) to allow an encroachment of 5 ft. into the 10 ft. corner setback for a swimming pool measuring 10 ft. by 20 ft. The applicant has indicated that the basis for the requests is that the rear yard is limited on space and are requesting to use the side yard.

The subject property is located at the northeast corner of N. 27th Street and Quamasia Ave. The property has 56.25 ft. of frontage along North 27th Street and a depth of 96 ft. with a lot

size of 6,310 square feet. Surrounding land use are single-family residences.

The property is located in Del Sol Phase II Subdivision, which was recorded on January 10, 2001. The residential home was built in 2001. An application for building permit for the storage room was not required but must comply with setbacks. A building permit for the proposed swimming pool is required; however, the building permit had not been submitted. The application for the variances was submitted on April 16, 2020.

On November 2, 2011, the Board approved a similar variance located at 2636 Shasta Avenue (Lot 99) for a storage room encroaching into the side yard setback.

Variance request # 1 is to allow an encroachment of 5 ft. into the 10 ft. rear yard setback. The 5 ft. utility easement runs concurrently with the 10 ft. rear yard setback and will not affect the 5 ft. utility easement. The applicant has stated that he will remove the structure out of the utility easement. The standard setback for the rear yard for a lot in the R-1 zone is 10 ft.

Variance request # 2 is to allow and encroachment of 5 ft. into the 10 ft. side yard setback. The 5 ft. utility easement runs concurrently with the 10 ft. side yard setback and will not affect the 5 ft. utility easement. The standard setback for the corner side yard for a lot in the R-1 zone is 10 ft.

Should the requests be approved, it may encourage other property owners on corner lots to request a variance to encroach into the corner setback. Approval of the variance request will allow the proposed construction as depicted on the site plan.

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

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

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

Mr. Raudel Garcia, the applicant, stated he had moved the storage unit within the utility easement. He stated he was requesting the 5-foot setback on the south side of the property for the proposed pool. Mr. Garcia stated before he obtained the permit he wanted to make sure he was approved for the 5-foot setback, which he would be away from the utility easement.

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

Mr. Jose Gutierrez indicated to the Chairperson that there were four board members present. Chairperson Salinas mentioned to the applicant that a full board consisted of five board members and that there were only four present. In order for the variances to be approved you would have to get four out the five approved. If one board does not vote in favor, the variance would be disapproved.

Mr. John Millin stated he was not sensing a lot of opposition from the board unless there was more information needed, and if the board could take action now due to the amount of tabled items already on agenda.

Chairperson Salinas agreed with Mr. Millin. He asked the rest of the board members what their intake was for this item. Mr. Juan Jimenez he agreed with the applicant complied with the utility easement requirements. Mr. Jose Gutierrez also agreed with Mr. Millin.

Chairperson Salinas asked the applicant if he was fine with the board proceeding with the voting. Mr. Garcia stated yes.

Mr. John Millin **moved** to approve the variance requests subject to the footprint of the encroachment. Mr. Juan Jimenez seconded the motion. The board voted unanimously to approve the variance requests with four members present and voting.

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

Staff recommended this item to remain tabled.

- c) Request of Sofia Garza for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 16.5 ft. into the 20 ft. front yard setback for an existing single family residence with a porch, at Lot 5, Block 3, Colonia Guadalupe Subdivision, Hidalgo County, Texas; 1709 Oakland Avenue. **(ZBA2020-0012) (TABLED: 04/01/2020) (REMAIN TABLED: 04/15/2020)**

Staff recommended this item to remain tabled.

- d) Request of Juan A. Ruiz on behalf of San Juanita Ruiz for the following special exception and variances to the City of McAllen Zoning Ordinance: **1)** to allow an encroachment of 5 ft. into the 10 ft. rear yard setback for an existing carport measuring 17 ft. by 31 ft., **2)** to allow an encroachment of 5 ft. into the 10 ft. rear yard setback for an existing storage building measuring 10 ft. by 12 ft., and **3)** to allow an encroachment of 3 ft. into the 6 ft. north side yard setback for an existing storage building measuring 10 ft. by 12 ft., at Lot 2, Block 1, El Rancho Santa Cruz Subdivision Phase IV, Hidalgo County, Texas; 3113 South McColl Road. **(ZBA2019-0060) (TABLED: 01/15/2020) (TABLED: 02/05/2020, 03/04/2020)**

Staff recommended the requests remain tabled.

- e) Request of Oralia Rodriguez for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 25 ft. into the 25 ft. front yard setback for a wooden carport with decorative columns measuring 25.0 ft. by 20.0 ft., at Lot 131, Plantation Gap Subdivision Phase 1, Hidalgo County, Texas; 4400

Sandpiper Avenue (**ZBA2019-0057**) (**TABLED: 01/15/2020**) (**TABLED:
02/05/2020, 03/04/2020**)

Staff recommended this item was to remain tabled as requested by the applicant.

FUTURE AGENDA ITEMS: NONE

Mr. Edgar Garcia, Planning Director, stated the next ZBOA meeting in June would be in person and maintain the 6 feet in distance. In terms of the room, it would be 25% of the occupants. The link would still be available for those who wish not attend the meeting.

ADJOURNMENT

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

Chairperson
David Salinas

Carmen White, Secretary

Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

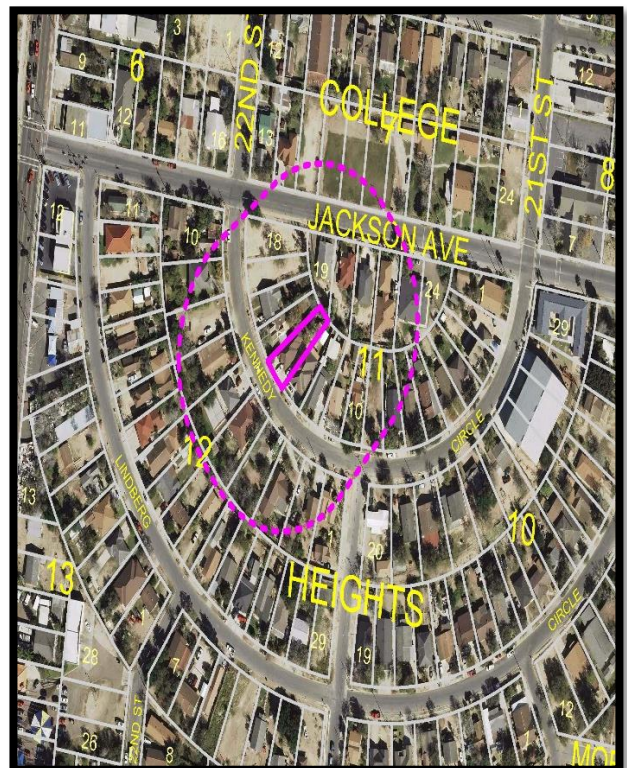
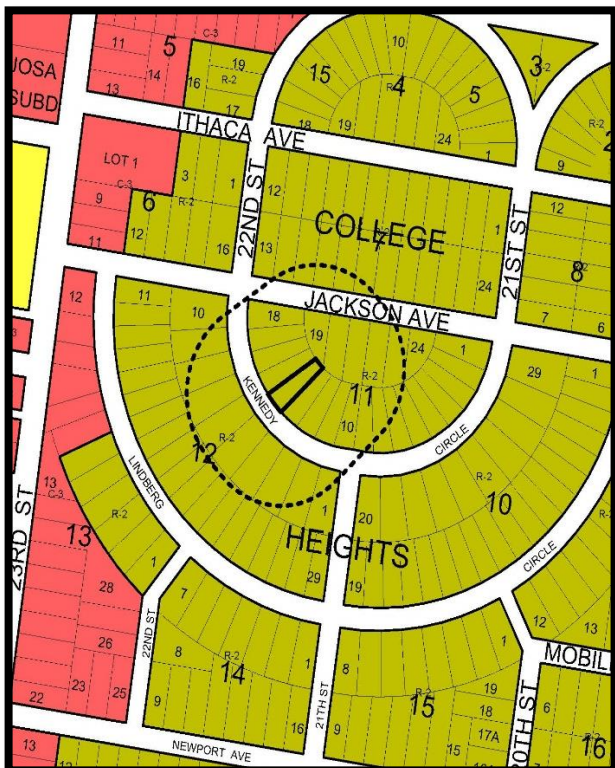
FROM: Planning Staff

DATE: May 29, 2020

SUBJECT: REQUEST OF ALEJANDRO GUZMAN FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 20 FT. INTO THE 20 FT FRONT. YARD SETBACK FOR A PROPOSED METAL CARPOT MEASURING 18 FT. BY 28 FT. AT LOT 14, BLOCK 11, COLLEGE HEIGHTS SUBDIVISION, HIDALGO COUNTY, TEXAS, 2152 KENNEDY CIRCLE. (ZBA2020-0016)

REASON FOR APPEAL:

The applicant is requesting a variance to allow an encroachment of 20 ft. into the 20 ft. front yard setback for a proposed metal carport measuring 18 ft. by 28 ft. The applicant stated that the basis for the request is that he and his wife are the primary caregivers of his 92-year-old mother and due to the inclement weather, they are unable to transport her mother in a wheel chair to their vehicle and this causes her to miss her appointments. In addition, applicant stated that it would protect their vehicles from bad weather conditions.



PROPERTY LOCATION AND VICINITY:

The subject property is located on the north side of Kennedy Circle, approximately 170 ft. west of the intersection with South 21st Street. The property has 50 ft. of frontage along Kennedy Circle and a depth of 140 ft. with a lot size of 5,250 square feet. The property is zoned R-2 (duplex-fourplex residential) District. Surrounding land use are single-family residences.

BACKGROUND AND HISTORY:

College Heights Subdivision was recorded on December 29, 1926. The plat does not indicate setbacks. The subdivision was recorded prior to 1979 and the applicable setbacks were subject to the 1945 Zoning Ordinance. The front yard setback is 20 ft. or average with existing structures as per ordinance.

On July 6, 2017, the Board approved a similar variance located at 2140 Kennedy Circle (Lot 11) for a front yard setback of 0 ft. for a carport and the board alternatively voted for 5 ft. instead of 0 ft. Additionally, another similar variance was approved at 2128 Kennedy circle (Lot 8) in 1981.

Some surrounding properties have existing carports; however, there are no permits on file.

ANALYSIS:

The submitted site plan indicates the proposed carport to be along the front property line; however, measurements provided are without the benefit of a survey. Approval of the variance request will allow the proposed construction as depicted on the site plan.

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

The approval of the special exception would not intervene with the character and value of the neighborhood since carports are common in the area, whether the carports were permitted or not.

RECOMMENDATION:

Staff recommends approval of the special exception, based on the conditions under Ordinance No. 2018-70, Section 138-371(b) - (1) & (2). If the Board chooses to approve the variances, the approval should be limited to the footprint as shown on the site plan.

ZBCA

Revised application → 4/29/2020 ZBA 2020-0016

4/3/2020



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project

Legal Description COLLEGE HEIGHTS LOT 14 Block 11

Subdivision Name COLLEGE HEIGHTS

Street Address 2152 KENNEDY Circle

Number of lots 1 Gross acres 0.1205

Existing Zoning RESIDENTIAL Existing Land Use HOME

Reason for Appeal (please use other side if necessary) We are requesting the approval of carport because my wife and I are the primary →

\$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 ALEJANDRO P. GUZMAN Phone 956-537-7062

Address 2152 KENNEDY Circle E-mail ESTELLA ^{EVA} ~~GUZMAN~~@AOL.COM

City Mc ALLEN TX. State TEXAS Zip 78501

Owner

Name ALEJANDRO P. GUZMAN Phone 956-537-7062

Address 2152 KENNEDY Circle E-mail ESTELLA ^{EVA} ~~GUZMAN~~@AOL.COM

City Mc ALLEN TX. State TEXAS Zip 78501

Authorization

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

Yes No

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

Signature Alejandro P. Guzman Date 04/17/2020

Print Name ALEJANDRO P. GUZMAN Owner Authorized Agent

Office

Accepted by [Signature] Payment received by _____ Date _____

Rev 10/18

uploaded: Accela/L.F. CW Rct# 712336

City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

Caregivers of my 92 year old mother. Where there is incimate weather it makes it very difficult to transport my mother in her wheel chair. There has been time when rain, hail and other weather conditions has been unable to ~~take~~ her to her appointments. The Carport would also help to protect our personal vehicles from damage due to bad weather conditions. Thank you for your consideration to our request.

Board Action

Chairman, Board of Adjustment
Signature

Date

ZBOA
4/3/2020

ZBA 2020-0016



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 COLLEGE HEIGHTS LOT 14 Block 11

Subdivision Name COLLEGE HEIGHTS

Street Address 2152 KENNEDY Circle

Number of lots 1 Gross acres 0.1205

Existing Zoning RESIDENTIAL Existing Land Use HOME

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

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

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

Applicant

Name ALEJANDRO R. GUZMAN Phone 956-537-7062

Address 2152 KENNEDY Circle E-mail ESTELIA V GUZMAN@AOL.COM

City Mc ALLEN TX. State TEXAS Zip 78501

Owner

Name ALEJANDRO R. GUZMAN Phone 956-537-7062

Address 2152 KENNEDY Circle E-mail ESTELIA V GUZMAN@AOL.COM

City Mc ALLEN TX. State TEXAS Zip 78501

Authorization

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

Yes No

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

Signature Alejandro R. Guzman Date 04/17/2020

Print Name ALEJANDRO R. GUZMAN Owner Authorized Agent

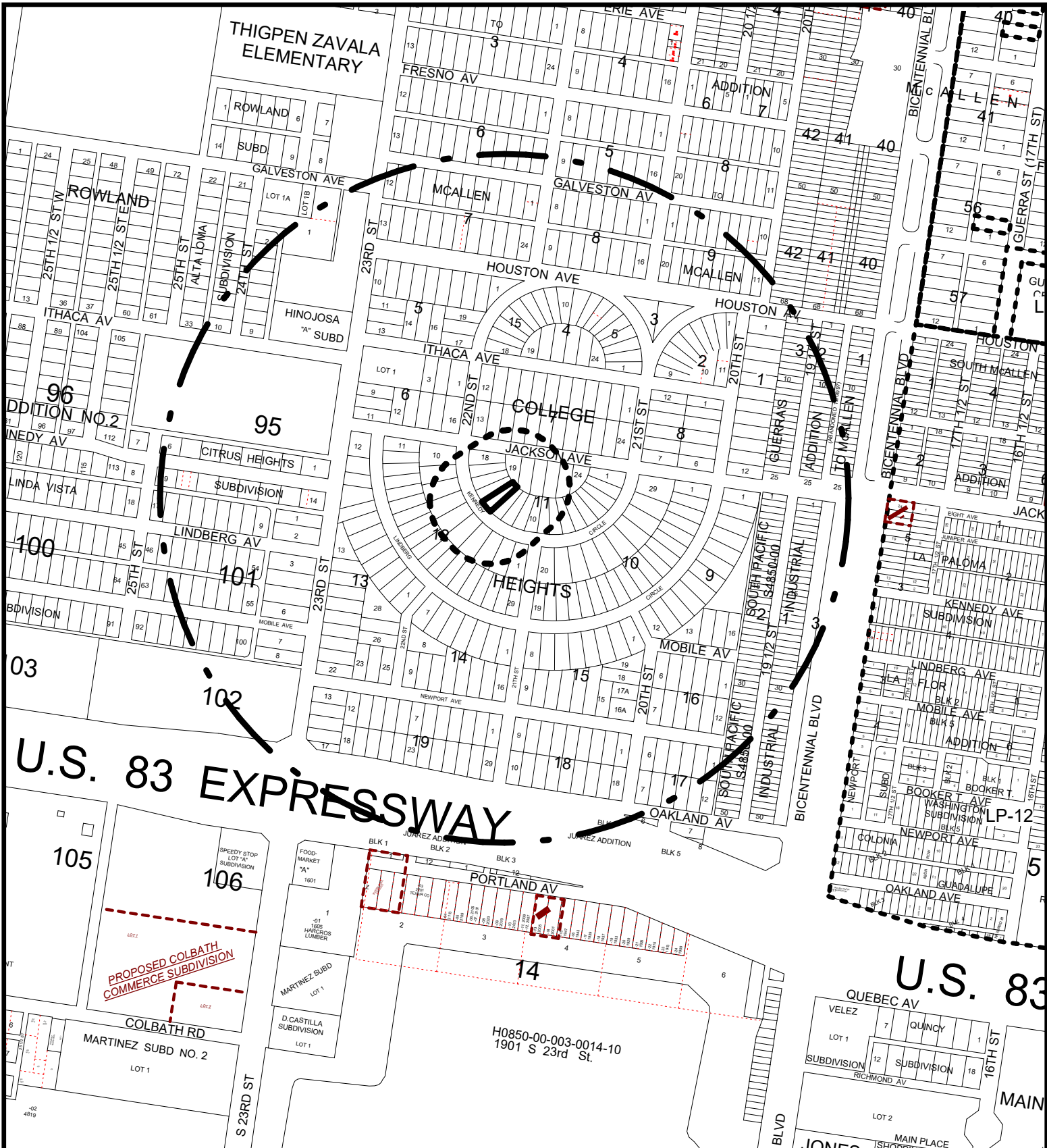
Office


Accepted by [Signature] Payment received by _____ Date _____

Rev 10/18

uploaded: Accela/L.F. @

Act# 712336






CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.

AREA MAP



□ SUBJECT PROPERTY

⊞ 200 FT. NOTIFICATION BOUNDARY

⊞ 1/4 MILE RADIUS

ZONING LEGEND

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

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

169

12

16TH ST

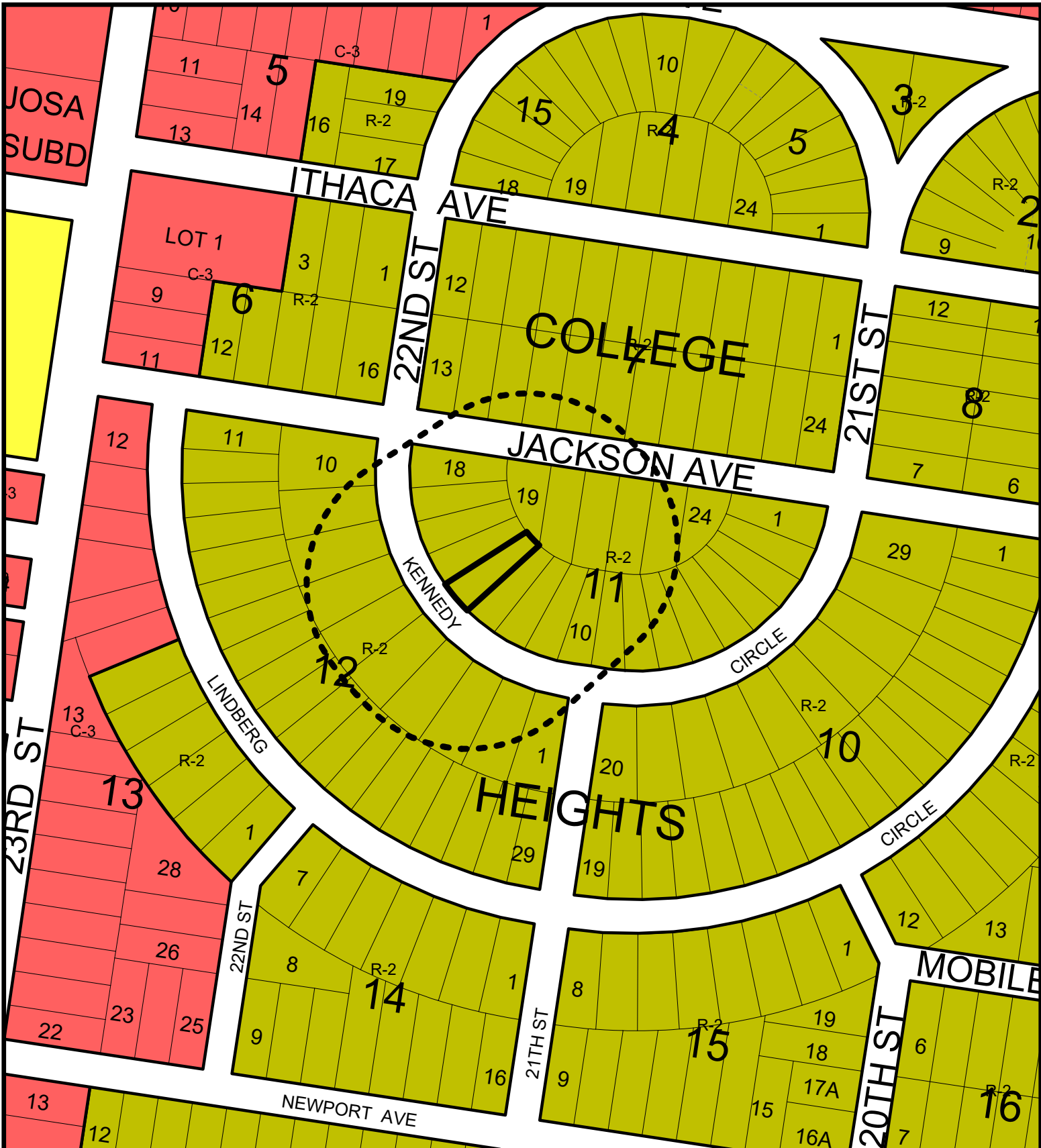
13

14

SUBDI

MAIN STREET

DIVISION



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.

AREA MAP



SUBJECT PROPERTY

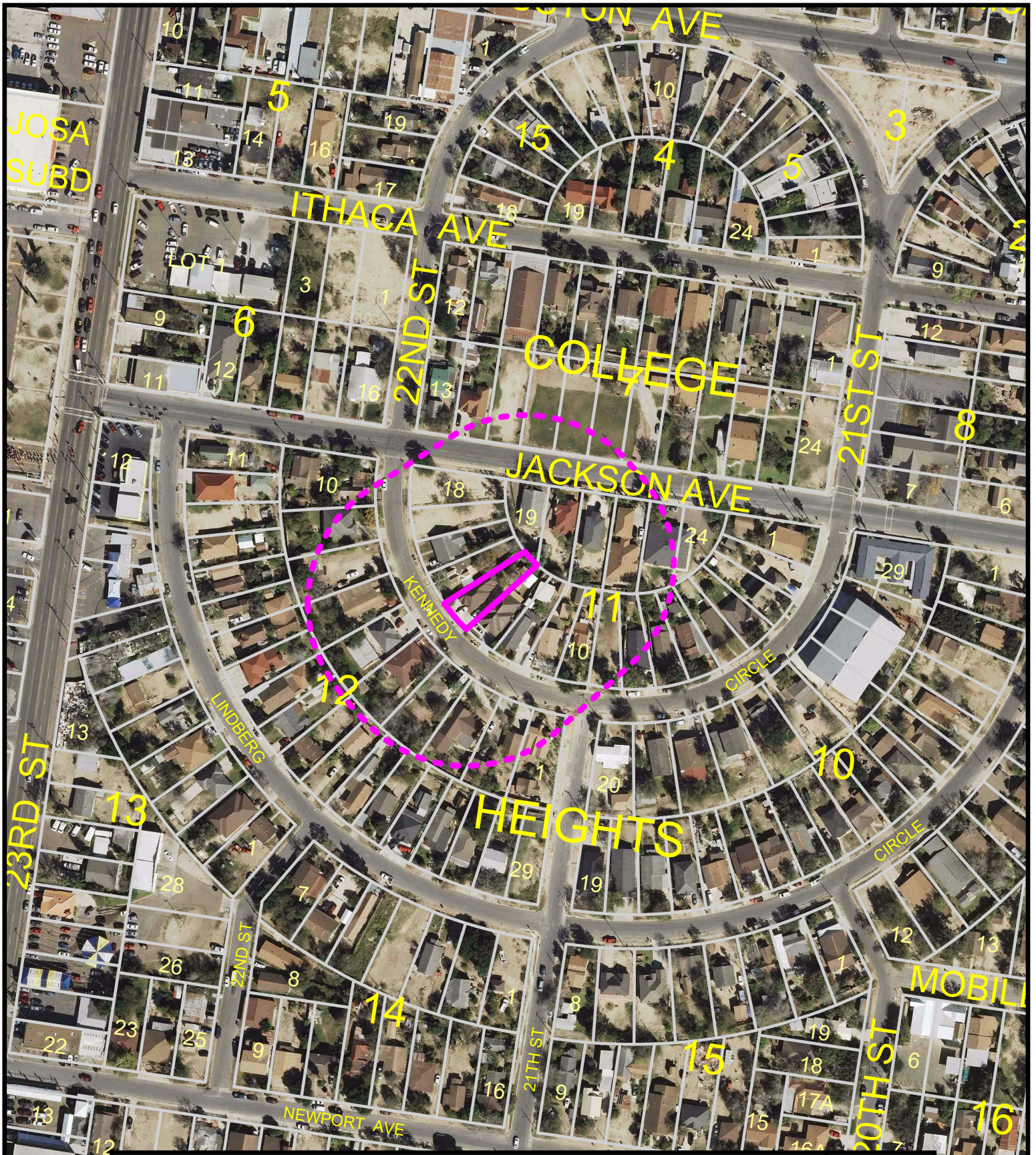
200 FT. NOTIFICATION BOUNDARY

ZONING LEGEND

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

17



CITY OF McALLEN
PLANNING DEPARTMENT

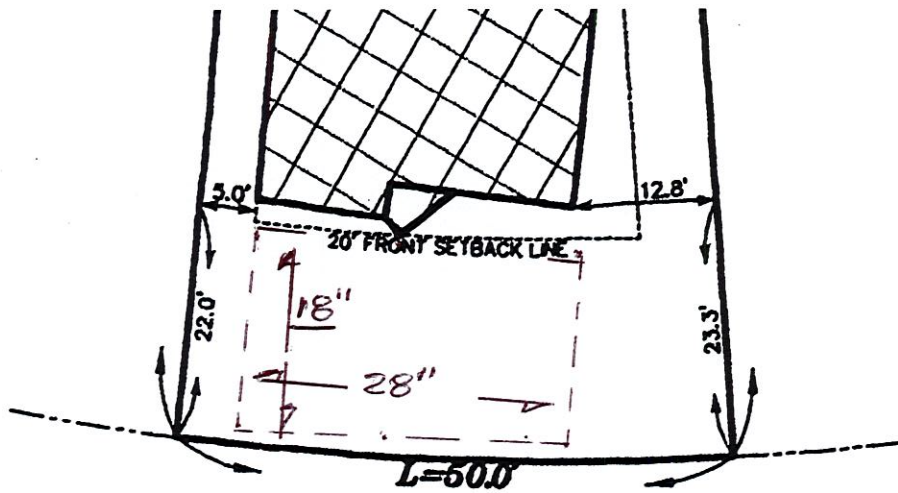
AERIAL MAP
SCALE: N.T.S.

 SUBJECT PROPERTY

 200' NOTIFICATION BOUNDARY

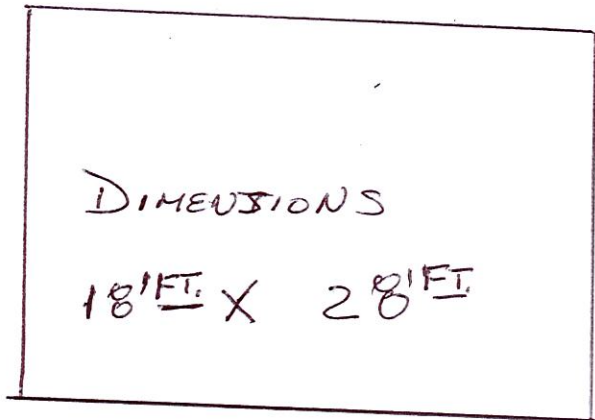


This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, This map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying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



KENNEDY ~~2152~~ CIRCLE

SITE PLAN
OF LOT 14, BLOCK
HEIGHTS SUBI



DIMENSIONS

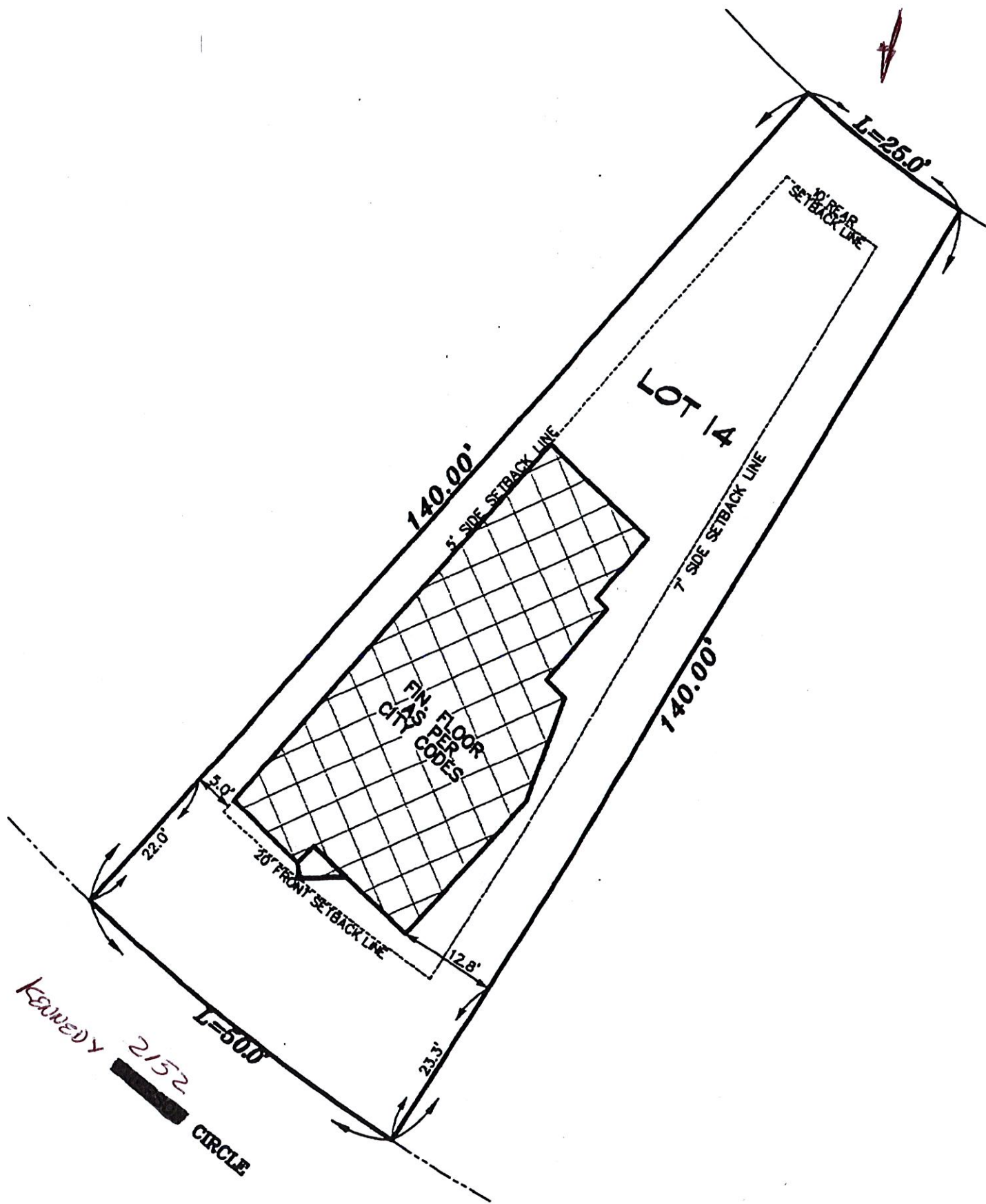
18' FT. X 28' FT.

HEIGHT 8'6" - 8'0"

- 1: FRAME 3/16" STEEL SQUARE TUBING 3" X 6"
- 2: ROOF SHEET METAL
- 3: SELF TAPPING SCREWS
- BASE = CEMENT

ALEJANDRO R. GORMAN

NOTE: NO ALLEY



ALEJANDRO R. GUZMAN

SITE PLAN
OF LOT 14, BLOCK
HEIGHTS SUBI



NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2020-0016

221 24

TEXAS
NFD-4572

Memo

TO: Zoning Board of Adjustment & Appeals

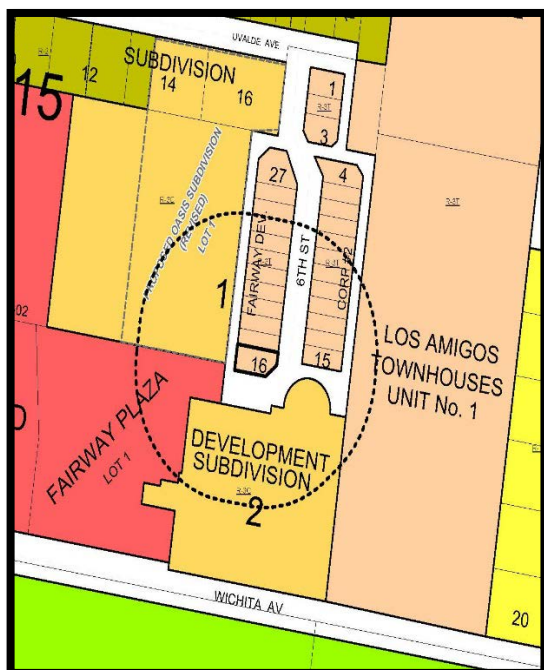
FROM: Planning Staff

DATE: May 29, 2020

SUBJECT: REQUEST OF MARCELO LOPEZ FOR THE FOLLOWING VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE, TO ALLOW AN ENCROACHMENT OF 5 FT. INTO THE 10 FT. CORNER YARD SETBACK FOR A PROPOSED TOWNHOUSE AT LOT 16, FAIRWAY DEVELOPMENT CORPORATION SUBDIVISION, HIDALGO COUNTY, TEXAS; 2212 SOUTH 6TH STREET. (ZBA2020-0020)

REASON FOR APPEAL:

The applicant is requesting a variance to encroach 5 ft. into the 10 ft. corner setback for a proposed townhouse at Lot 16 at Fairway Development Corporation Subdivision. The applicant has indicated that the basis for the request is that he would like to have more green area since the lots are too small. Additionally, he indicated that it would help him in the future so his children could have a safe area to play instead of being in the streets and being in a possible accident. Furthermore, it would give space for his dog to be outside instead of being inside the property.



PROPERTY LOCATION AND VICINITY:

The subject property is located on the west side of South 6th Street, approximately 320 ft. north of Wichita Avenue. The property has 20 ft. of frontage along South 6th Street and a depth of 83.16 ft. with a lot size of 3,126.4 square feet. Surrounding land use are single-family town houses, The Fairway Condominiums, Staybridge Suites hotel, Los Amigos townhouses and vacant land.

BACKGROUND AND HISTORY:

Fairway Development Corporation Subdivision Unit No. 2 was recorded on December 28, 1981. The lot is currently vacant. An application for building permit is required and must comply with setbacks; however, a building permit has not been submitted. The application for the variance was submitted on May 6, 2020.

There have not been any variances in the area.

ANALYSIS:

The request is to allow an encroachment of 5 ft. into the 10 ft. corner yard setback. The standard corner yard setback for the corner lots in a R3-T zone is 10 ft.

Should the request be approved, it may encourage other property owners on corner lots to request a variance to encroach into the corner setback. Approval of the variance request will allow the proposed construction as depicted on the site plan.

Staff received one phone call and a visit from a concerned citizen from surrounding property owners with questions in regards to the variance request. Both owners mentioned the HOA would not approve the request.

RECOMMENDATION:

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

ZBA 2020-0020

ZBOA
6/3/2020

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

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

Project	Legal Description	<u>Lot 16, Fairway Development Corp. Subdivision,</u> <u>Unit NO. 2</u>	
	Subdivision Name	<u>Fairway Development Corp. Subdivision unit NO. 2</u>	
	Street Address	<u>2212 S. 6th St., McAllen, Texas 78503</u>	
		Number of lots <u>1</u>	Gross acres <u>3,126.4 S.F.</u>
	Existing Zoning	<u>R3T</u>	Existing Land Use <u>vacant</u>
	Reason for Appeal (please use other side if necessary)	<u>I would like to have a</u> <u>little bit more green area (patio).</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>Marcelo Lopez</u>	Phone	<u>(956) 272-1010</u>
	Address	<u>2001 Flora Ave.</u>	E-mail	<u>Marcelo_L-R@hotmail.com</u>
	City	<u>Hidalgo</u>	State	<u>Tx.</u>
			Zip	<u>78557</u>

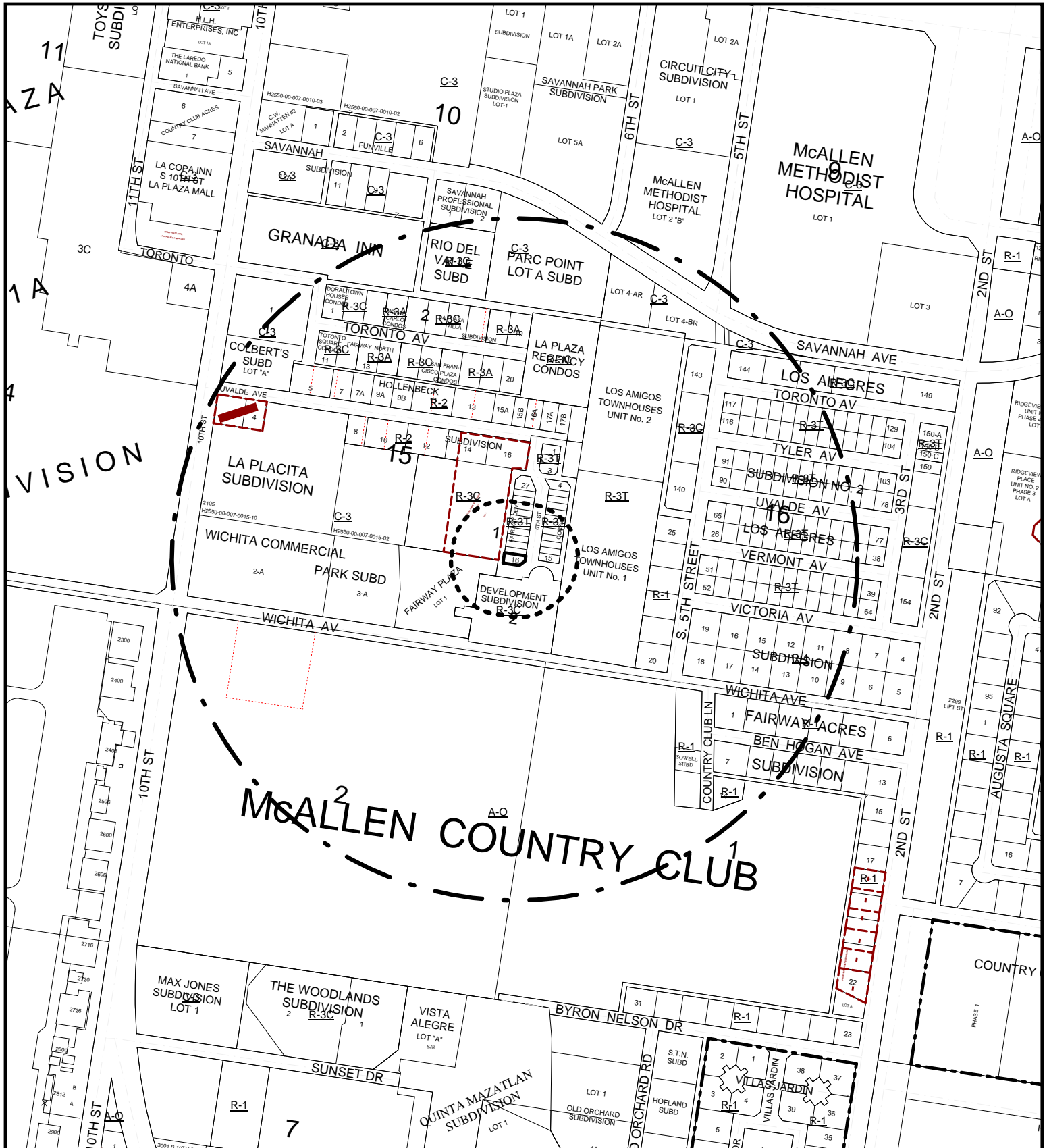
Owner	Name	<u>Marcelo Lopez</u>	Phone	<u>(956) 212-1010</u>
	Address	<u>2001 Flora Ave.</u>	E-mail	<u>marcelo_L-R@hotmail.com</u>
	City	<u>Hidalgo</u>	State	<u>Tx.</u>
			Zip	<u>78557</u>


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>Marcelo Lopez</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent	

Office	Accepted by <u>C.R.</u> Payment received by _____ Date _____
	Rev 10/18

RECEIVED
 MAY 06 2020
 By CW

Ret # 714 893








CITY OF McALLEN
PLANNING DEPARTMENT


LEGEND
SCALE: 1" = 500'

AREA MAP



 **SUBJECT PROPERTY**

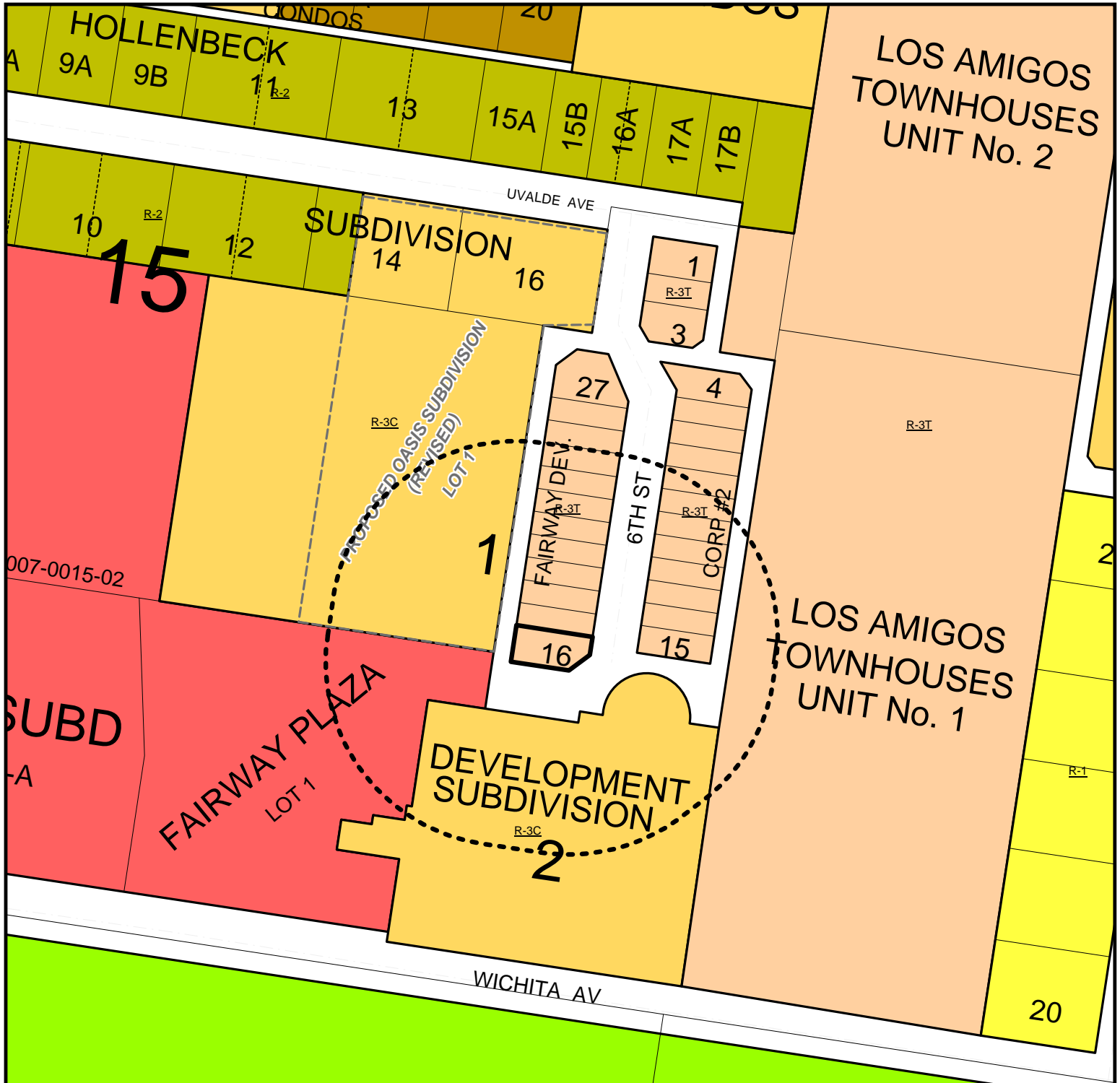
 **200 FT. NOTIFICATION BOUNDARY**


 **1/4 MILE RADIUS**

ZONING LEGEND

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

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






CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: 1" = 500'

AREA MAP

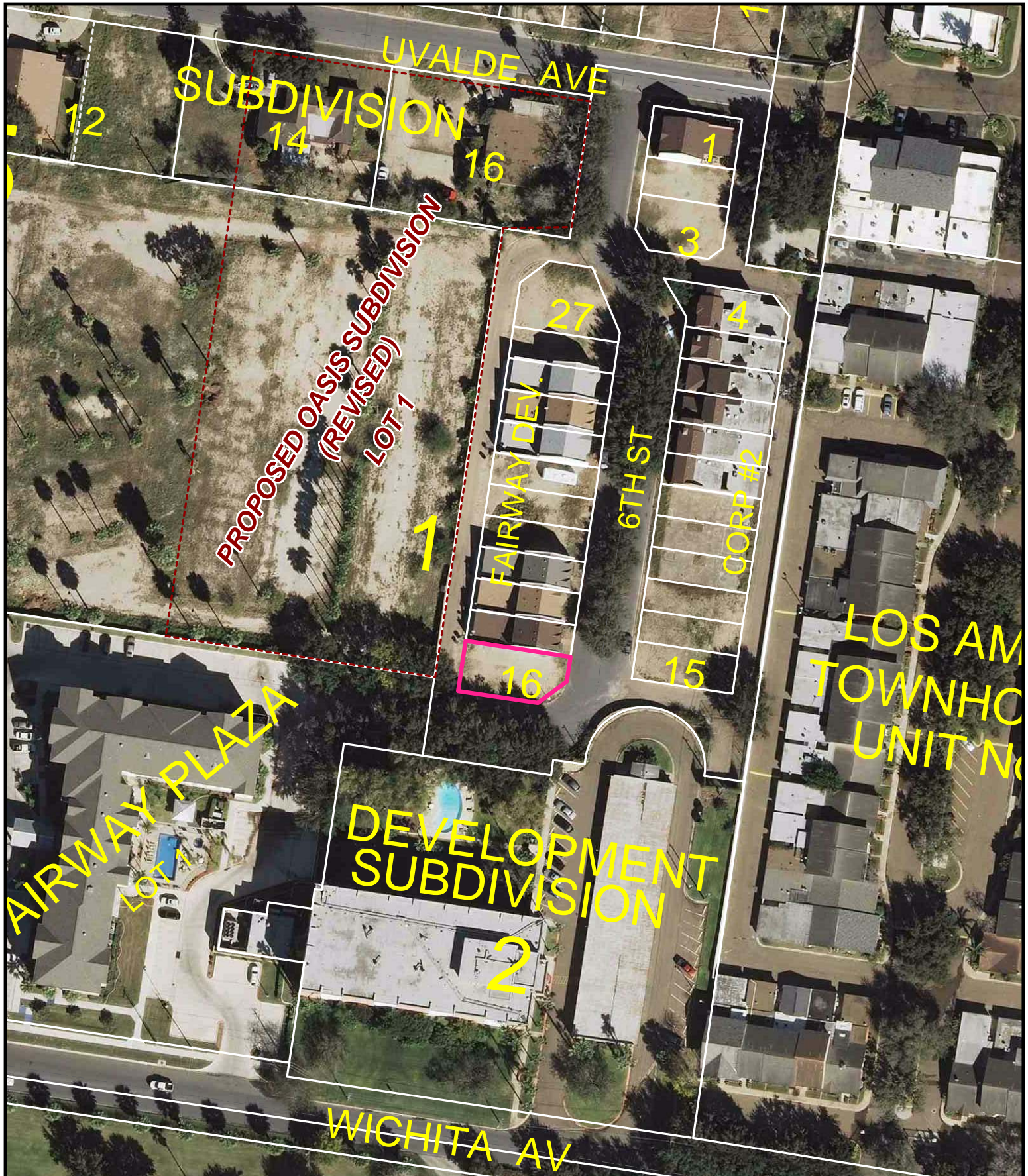


SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

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

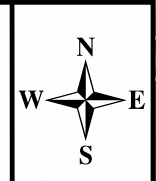
This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying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



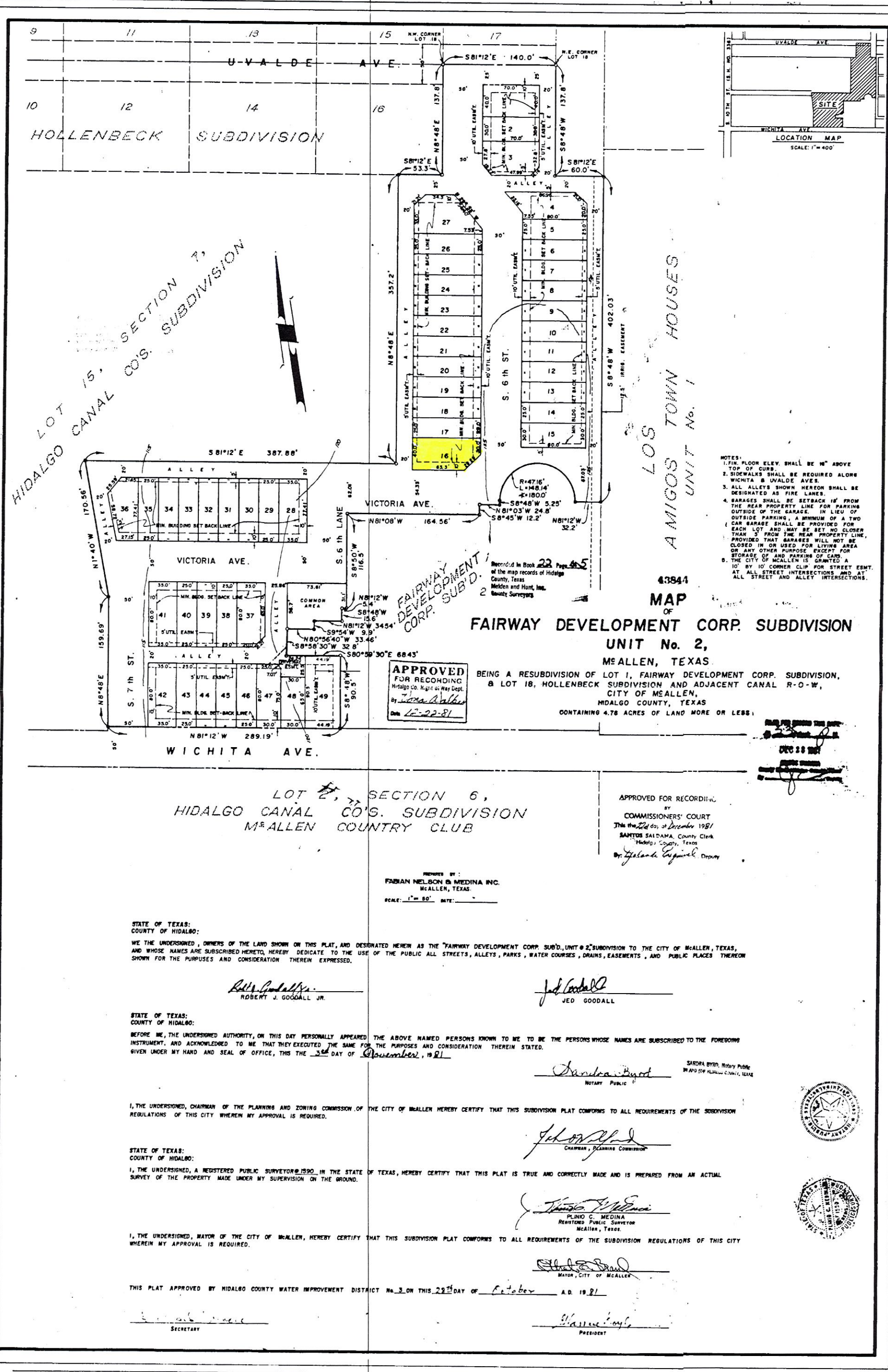
 **CITY OF McALLEN**
 PLANNING DEPARTMENT

 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.



- NOTES:
1. FIN. FLOOR ELEV. SHALL BE 1' ABOVE TOP OF CURB.
 2. SIDEWALKS SHALL BE REQUIRED ALONG WICHITA & UVALDE AVES.
 3. ALL ALLEYS SHOWN HEREON SHALL BE DESIGNATED AS FIRE LANES.
 4. GARAGES SHALL BE SETBACK 10' FROM THE REAR PROPERTY LINE FOR PARKING OUTSIDE OF THE GARAGE. IN LIEU OF OUTSIDE PARKING, A MINIMUM OF TWO CAR SPACES SHALL BE PROVIDED FOR EACH LOT AND MAY BE SET NO CLOSER THAN 5' FROM THE REAR PROPERTY LINE. PROVIDED THAT GARAGES WILL NOT BE CLOSED IN OR USED FOR LIVING AREA OR ANY OTHER PURPOSE EXCEPT FOR STORAGE OF AND PARKING OF CARS.
 5. THE CITY OF McALLEN IS GRANTED A 10' BY 10' CORNER CLIP FOR STREET ESMT. AT ALL STREET INTERSECTIONS AND AT ALL STREET AND ALLEY INTERSECTIONS.

FAIRWAY DEVELOPMENT CORP. SUBD. 2

Recorded in Book 22 Page 435 of the map records of Hidalgo County, Texas. Menden and Hunt, Inc. County Surveyors

APPROVED FOR RECORDING
Hidalgo Co. Right of Way Dept.
By *Teresa Walker*
Date 12-22-81

43844
MAP OF
FAIRWAY DEVELOPMENT CORP. SUBDIVISION
UNIT No. 2,
McALLEN, TEXAS.

BEING A RESUBDIVISION OF LOT 1, FAIRWAY DEVELOPMENT CORP. SUBDIVISION, & LOT 18, HOLLENBECK SUBDIVISION AND ADJACENT CANAL R-O-W, CITY OF McALLEN, HIDALGO COUNTY, TEXAS
CONTAINING 4.78 ACRES OF LAND MORE OR LESS.

LOT 2, SECTION 6,
HIDALGO CANAL CO'S. SUBDIVISION
McALLEN COUNTRY CLUB

APPROVED FOR RECORDING
BY
COMMISSIONERS' COURT
This the 22nd day of December 1981
SANTOS SALDAMA, County Clerk
Hidalgo County, Texas
By *J. Goodall*, Deputy

PREPARED BY:
FABIAN NELSON & MEDINA INC.
McALLEN, TEXAS
SCALE: 1" = 80' DATE: -

STATE OF TEXAS:
COUNTY OF HIDALGO:

WE THE UNDERSIGNED, OWNERS OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE FAIRWAY DEVELOPMENT CORP. SUBD. UNIT #2 SUBDIVISION TO THE CITY OF McALLEN, TEXAS, AND WHOSE NAMES ARE SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

Robert J. Goodall Jr.
ROBERT J. GOODALL JR.

Jed Goodall
JED GOODALL

STATE OF TEXAS:
COUNTY OF HIDALGO:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED THE ABOVE NAMED PERSONS 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 STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 22nd DAY OF November, 1981

Sandra Byrd
SANDRA BYRD, Notary Public
3840 29th McALLEN COUNTY, TEXAS
NOTARY PUBLIC

I, THE UNDERSIGNED, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

THE CITY OF McALLEN HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION

John ...
CHAIRMAN, PLANNING COMMISSION

STATE OF TEXAS:
COUNTY OF HIDALGO:

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

Plinio C. Medina
PLINIO C. MEDINA
REGISTERED PUBLIC SURVEYOR
McALLEN, TEXAS

I, THE UNDERSIGNED, MAYOR 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.

Charles ...
MAYOR, CITY OF McALLEN

THIS PLAT APPROVED BY HIDALGO COUNTY WATER IMPROVEMENT DISTRICT No. 3 ON THIS 22nd DAY OF October A.D. 1981

Secretary
SECRETARY

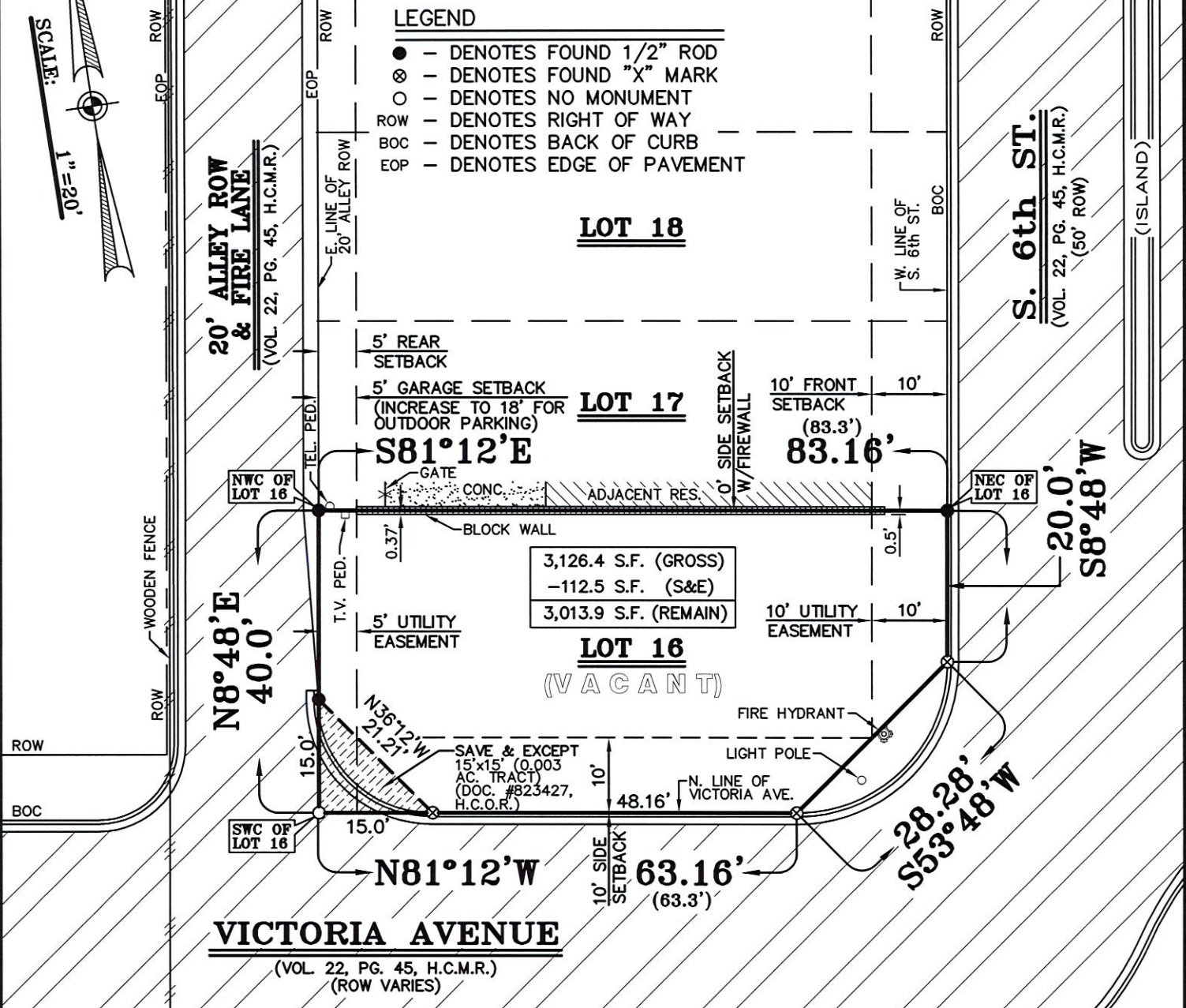
President
PRESIDENT

ART SALINAS

ENGINEERING & SURVEYING

1524 DOVE AVENUE, McALLEN, TEXAS 78504 PH: (956) 618-5565 FAX: (956) 618-5540

- LEGEND**
- - DENOTES FOUND 1/2" ROD
 - ⊗ - DENOTES FOUND "X" MARK
 - - DENOTES NO MONUMENT
 - ROW - DENOTES RIGHT OF WAY
 - BOC - DENOTES BACK OF CURB
 - EOP - DENOTES EDGE OF PAVEMENT



FLOOD ZONE CERTIFICATION: The property shown hereon lies in Zone "B". Zone "B" areas lie between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood as per F.E.M.A. Flood Insurance Rate Map Panel No. 480343-0010-C dated 11-02-82.

PLAT NOTES:

1. There are no discrepancies, conflicts, shortages in area or boundary lines, encroachments, overlapping of improvements or visible or apparent easements except as shown on this plat.
2. This survey plat is prepared in connection with Title Policy G.F. # 0000500414 and does not guarantee title. This survey is for the exclusive use of the client named hereon and may not be copied or transferred to another party without the express written consent of the surveyor.
3. This survey must contain an embossed seal and an original signature to be valid as per Section 661.46 and Section 663.19 of the "The Professional Land Surveying Practices Act".
4. This is a standard survey and does not include a subsurface utility or topographic investigation.
5. Easement for electric transmission granted to Central Power and Light Company, by Anna I. Bales, dated June 25, 1930, filed for record in the Office of the county Clerk of Hidalgo County, Texas in Volume 331, Page 253, Deed Records Hidalgo County, Texas. (Blanket)
6. Terms, covenants, conditions and provisions as set out in that certain Easement Agreement by and between Central Power and Light Company and Fairway Development Corporation, dated November 3, 1981, filed for record in the Office of the County Clerk of Hidalgo County, Texas in Volume 1792, Page 559, Deed Records Hidalgo County, Texas. (Blanket)
7. Easements, rights, rules and regulations in favor of Hidalgo County Water Control and Improvement District No. 3. (Blanket)
8. Subject to any oil, gas and mineral lease of record.
9. Bearing Basis: "W. line of Lot 16, Fairway Development Corp. Subdivision, Unit No. 2"

BORROWER(s): Marcelo Lopez

THIS IS TO CERTIFY THAT I HAVE, THIS DATE, PREPARED A SURVEY ON THE PROPERTY WHICH IS LOCATED AT 2212 S. 6th ST., in McALLEN, TEXAS, DESCRIBED AS FOLLOWS:

Lot 16, FAIRWAY DEVELOPMENT CORP. SUBDIVISION, UNIT NO. 2, an Addition to the City of McAllen, Hidalgo County, Texas, according to the Plat or Map thereof recorded in Volume 22, Page 45, Map Records of Hidalgo County, Texas;

SAVE AND EXCEPT that portion of said Lot 16 being more particularly described by metes and bounds in instrument dated November 15, 1999, to the City of McAllen, filed for record in the Office of the County Clerk of Hidalgo County, Texas, on November 16, 1999, under Clerk's File No. 823427 and further described by metes and bounds as follows:

BEGINNING at the Southwest corner of Lot 16, for the Southwest corner of the following described tract of land, said point being in the intersection of the North line of Victoria Avenue and the East line of a 20 foot Alley right of way and Fire lane;
 THENCE, with the West line of Lot 16 and the East line of said Alley and Fire lane, North 08 degrees 48 minutes East, 15.0 feet to a found 1/2 inch iron rod, for the Northwest corner hereof;
 THENCE, South 53 degrees 48 minutes East, 21.21 feet to a found "x" mark on a concrete curb and in the South line of Lot 16, for the Southeast corner hereof, said point also being in the North line of Victoria Avenue;
 THENCE, with the South line of Lot 16 and along the North line of Victoria Avenue, North 81 degrees 12 minutes West, 15.0 feet to the PLACE OF BEGINNING, containing 112.5 square feet of land, more or less.

19-56881
Job No.

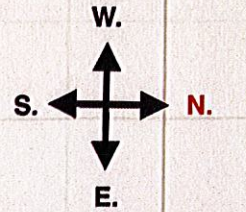
10-14-19
Date

© COPYRIGHT 2016 ART SALINAS ENGINEERING INC. THIS SURVEY WAS PROVIDED IN MULTIPLE ORIGINALS SOLELY FOR THE USE OF THE BORROWER NAMED HEREON. NO LICENSE HAS BEEN CREATED, EXPRESSED OR IMPLIED TO COPY THIS SURVEY.



Marcelo Lopez
(956)212-1010
2212 S. 6th St.
Mcallen Tx 78501

**20' Alley Row &
Fire Lane**



**Victoria
Avenue**

**LOT 16
(VACANT)**

**Proposed 5'
Side Setback**

**10' Original
Side Setback**

**Light
Pole**

**Fire
Hydrant**

Green Area

**5' Utility
Easment**

**Save &
Except**

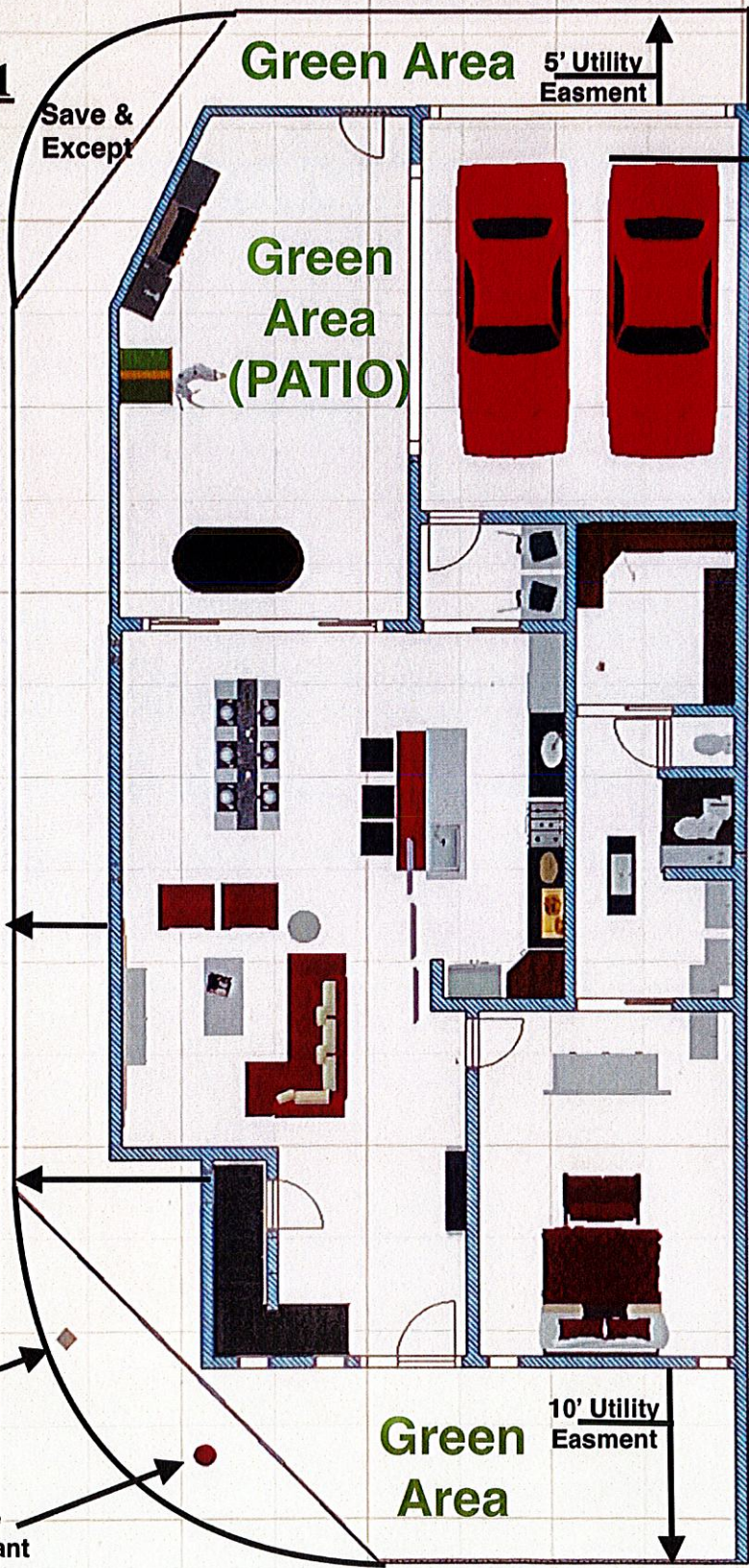
**Green
Area
(PATIO)**

Garage

**Green
Area**

**10' Utility
Easment**

S. 6th St.



NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2020-0020



Memo

TO: Zoning Board of Adjustment & Appeals

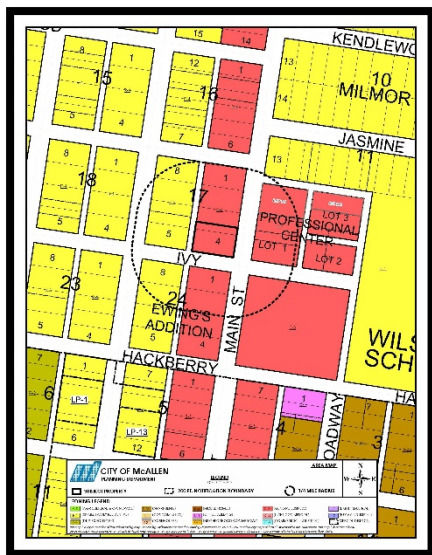
FROM: Planning Staff

DATE: May 29, 2020

SUBJECT: REQUEST OF JAIME MURIEL OR THE FOLLOWING VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 13.6 FT. INTO THE 37.5 FT. FRONT YARD SETBACK FOR A PROPOSED METAL PORCH MEASURING 11.7 FT. BY 35 FT. AT SOUTH 25 FT. OF LOT 3 AND ALL OF LOT 4, EWING'S ADDITION, HIDALGO COUNTY, TEXAS, 905 NORTH MAIN STREET (ZBA2020-0018)

REASON FOR APPEAL: The applicant is requesting the following variance to allow an encroachment of 13.6 ft. into the 37.5 ft. front yard setback for a proposed metal porch measuring 11.7 ft. by 35 ft. The applicant has indicated that the basis for the request is to use the proposed structure as shade for the existing front outdoor seating area of the restaurant, "Kocina Il Forno".

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



BACKGROUND AND HISTORY: The property is located in Ewing's Addition, which was recorded on February 2, 1920. The previous owner applied for a variance request on October 13, 1983 to build the

existing building 13.6 ft. back from the front property line instead of the 27.5 ft. setback required. At the Zoning Board of Adjustment and Appeal meeting of November 16, 1983 there was no one present in opposition and the board made the motion to approve the variance as long as the continuity of the front building setback remained the same with the surrounding building.

On October 17, 2019, the Board approved a similar variance located at 1409 North Main Street for a metal canopy encroaching into the front yard setback.

ANALYSIS: The proposed metal porch is for existing outdoor dining at the Kocina Il Forno restaurant. The porch measures 11.7 ft. by 35 ft. for (409.5 sq.ft.) with a height of 8 ft. The porch will have a metal roof with metal posts in concrete that will be placed over the portion of the existing dining area. The porch will extend from the wall of the existing building toward the front property line as per survey and site plan submitted. The zoning ordinance states that the front setback for a C-3 (general business) property shall be equal to one-half of the width of the street right-of-way which it faces or in line with majority setback of existing structures on the block face, whichever is greater. As per Ewing's Addition Subdivision plat, the street right-of-way is 75 ft.; therefore, the front setback required is 37.5 ft.

A building permit application for the metal porch was submitted on November 25, 2019. A building permit was issued for the construction of the metal porch on May 20, 2020, with the applicant's understanding that if the variance request is denied, he will have to come back and revised the site plan to not have the proposed metal structure in the front of the restaurant.

No calls have been received in opposition.

RECOMMENDATION:

Staff recommends disapproval of the variance request. If the Board chooses to grant the special exception, it should be limited to the foot print as shown on the site plan.

ZBA 2020-0018

ZBA
6/3/2020



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

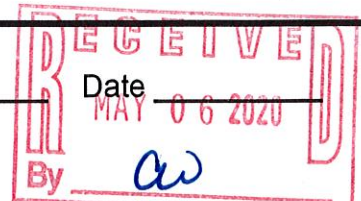
Project	Legal Description	<u>Kocina Il Forno LLC</u>	
		<u>5 25' Lot 3 and All Lot 4 Block 17</u>	
	Subdivision Name	<u>Ewing's Addition</u>	
	Street Address	<u>905 N. Main St.</u>	
		Number of lots _____	Gross acres _____
	Existing Zoning	<u>E3</u>	Existing Land Use <u>Restaurant</u>
Reason for Appeal (please use other side if necessary) _____			
<input type="checkbox"/> \$300.00 non-refundable filing fee + <input type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport)			
<input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required			

Applicant	Name	<u>Jaime Muviel</u>	Phone	<u>956-483-5234</u>
	Address	<u>1519 Woods St.</u>	E-mail	<u>jmuviel@isavela.com</u>
	City	<u>Mission</u>	State	<u>TX</u>
			Zip	<u>78572</u>

Owner	Name	<u>Pamm Properties LLC</u>	Phone	<u>956 776 0100 txro</u>
	Address	<u>813 N. Main St.</u>	E-mail	<u>antigrade.com@yahoo.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	Date <u>Dec 03 / 2019</u>
Print Name <u>JESUS FORTALAZA</u>	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent	

Office	Accepted by <u>LG.</u>	Payment received by _____
	Rev 10/18	Date <u>MAY 06 2020</u> By <u>aw</u>



Act# 714839



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

REQUEST FOR VARIANCE ON THE LIMITS
 OF THE CURRENT SET BACK FOR THE
 USE OF A METAL STRUCTURE USED AS
 SHADE ON ACTUAL FRONT OUTDOOR AREA
 IN USE FOR THE PAST TWO YEARS

Board Action

Chairman, Board of Adjustment
 Signature

Date



CITY OF McALLEN
PLANNING DEPARTMENT

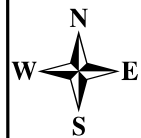
LEGEND

SCALE: 1" = 500'

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

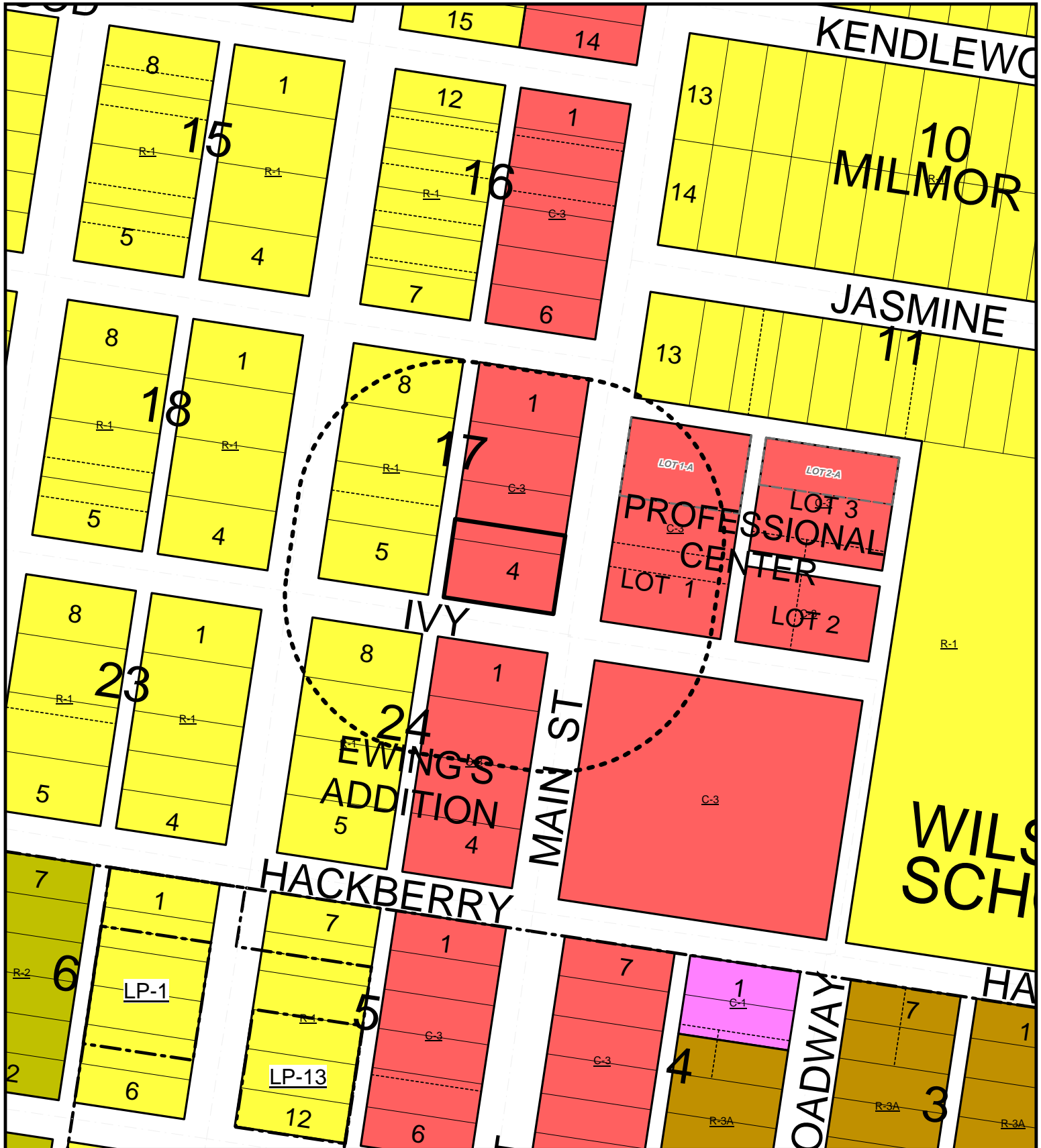
1/4 MILE RADIUS



ZONING LEGEND

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

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



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: 1" = 500'

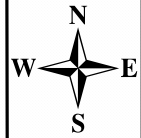
AREA MAP

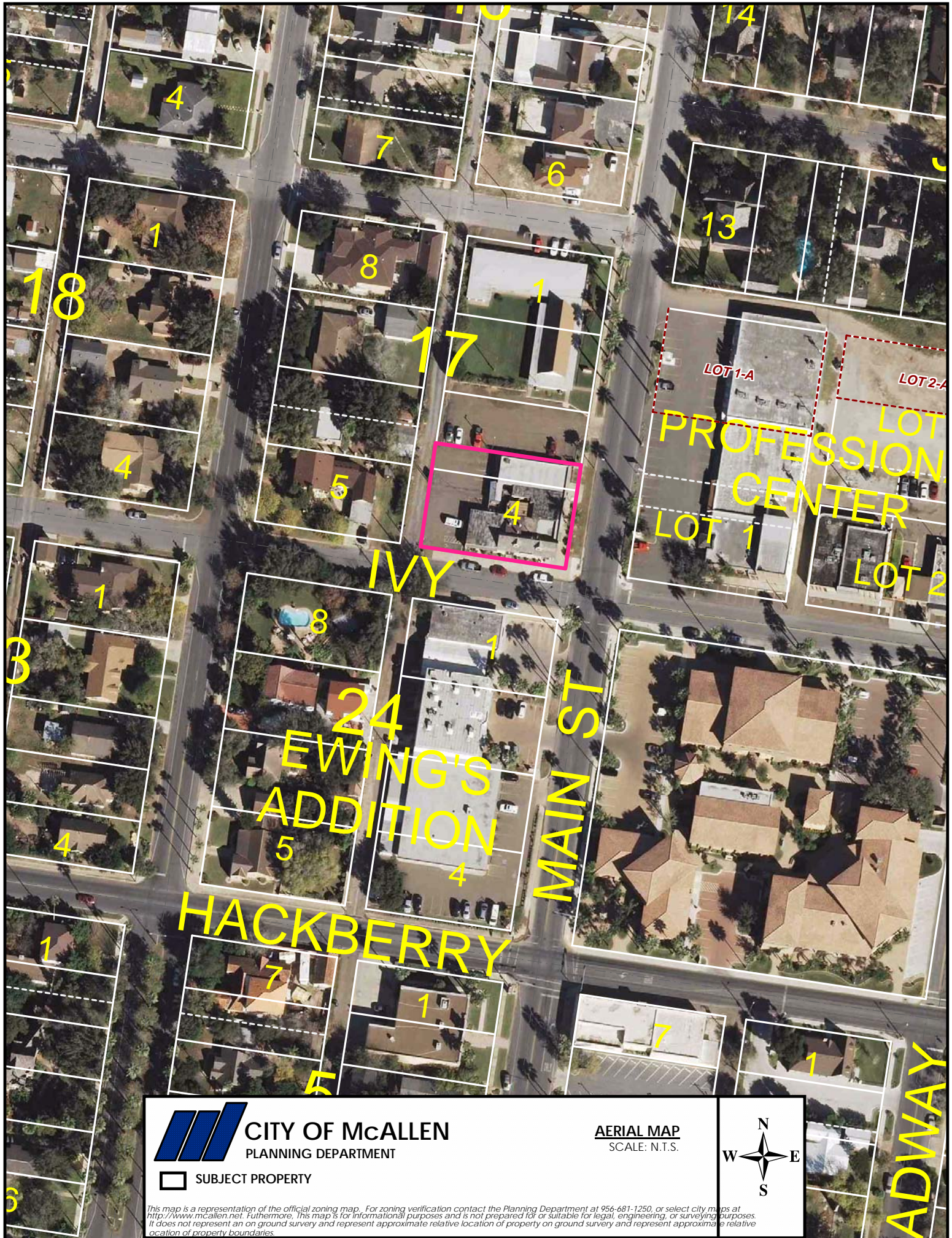
SUBJECT PROPERTY
 200 FT. NOTIFICATION BOUNDARY
 1/4 MILE RADIUS

ZONING LEGEND

A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLIX-FOURPLEX)	R-31 (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

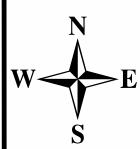
This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying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





 **CITY OF McALLEN**
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

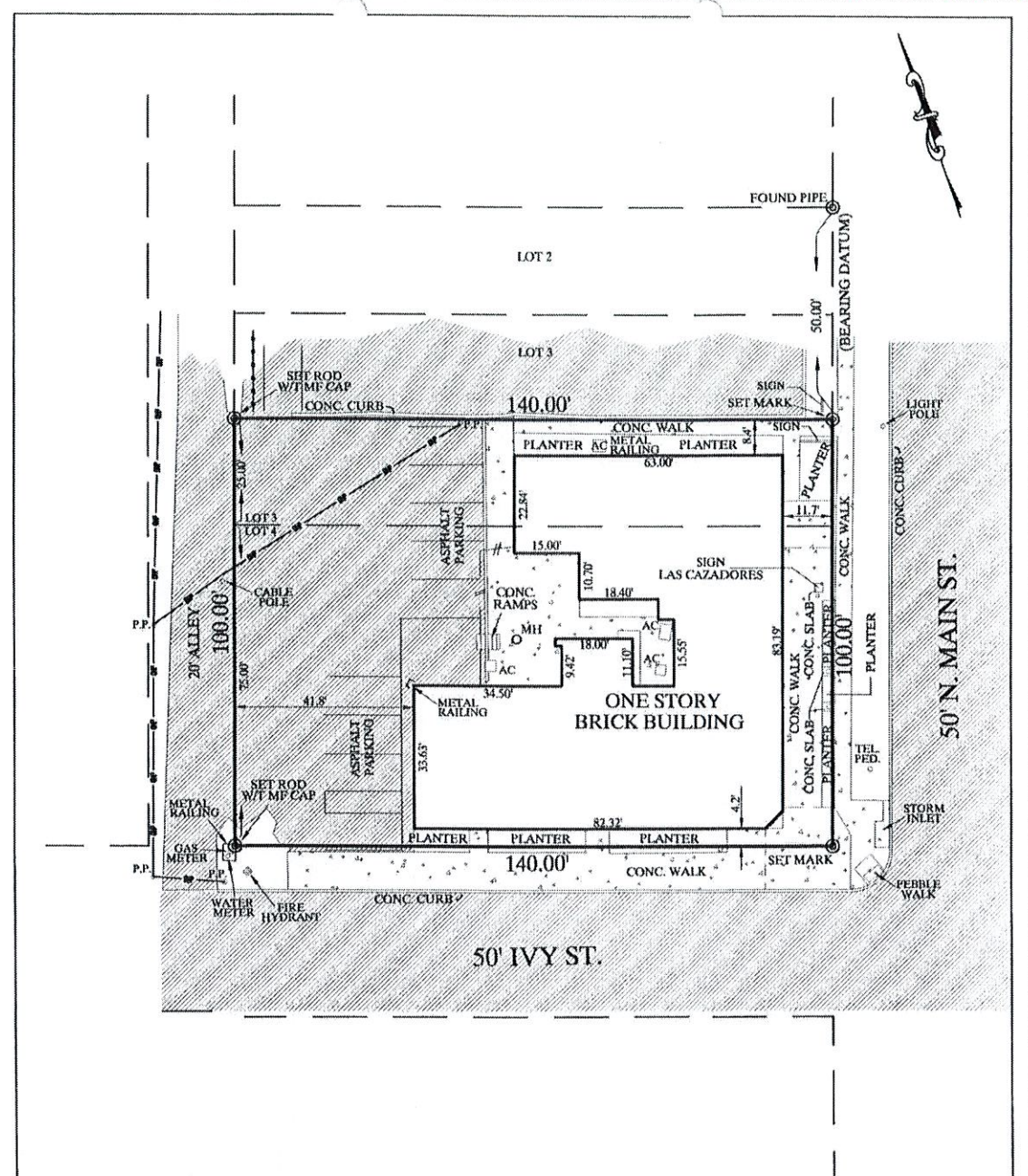


 **SUBJECT PROPERTY**

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.

ADWAY

905 N. Main St.



TITLE CO. : VALLEY LAND TITLE CO.
 G.F. # 149178
 ADDRESS: 901 N. MAIN STREET
 BORROWER: PAMM FAMILY PROPERTIES, LLC

MAP
 OF
 THE SOUTH 25' OF LOT 3
 AND ALL OF LOT 4, BLOCK 17,
 EWING'S ADDITION
 CITY OF McALLEN, TEXAS
 HIDALGO COUNTY, TEXAS
 RECORDED IN VOL. 2, PG. 4 M/R

I, MICHAEL FABIAN, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE FOREGOING MAP IS A REPRESENTATION OF SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THERE ARE NO VISIBLE DISCREPANCIES, CONFLICTS, OR SHORTAGES IN AREA OR BOUNDARY LINES, OR ANY ENCROACHMENTS OR OVERLAPPING OF IMPROVEMENTS EXCEPT AS SHOWN ON THIS PLAT. THIS PROPERTY FALLS IN ZONE "B" OF THE FLOOD INSURANCE RATE MAPS.

PREPARED BY
MICHAEL FABIAN SURVEYING, INC.
 1203 E. HACKBERRY AVE.
 McALLEN, TEXAS 78501
 TEL. (956) 630-1432 FAX. (956) 687-6660

Michael Fabian
 MICHAEL FABIAN
 REGISTERED PROFESSIONAL LAND SURVEYOR
 McALLEN, TEXAS.

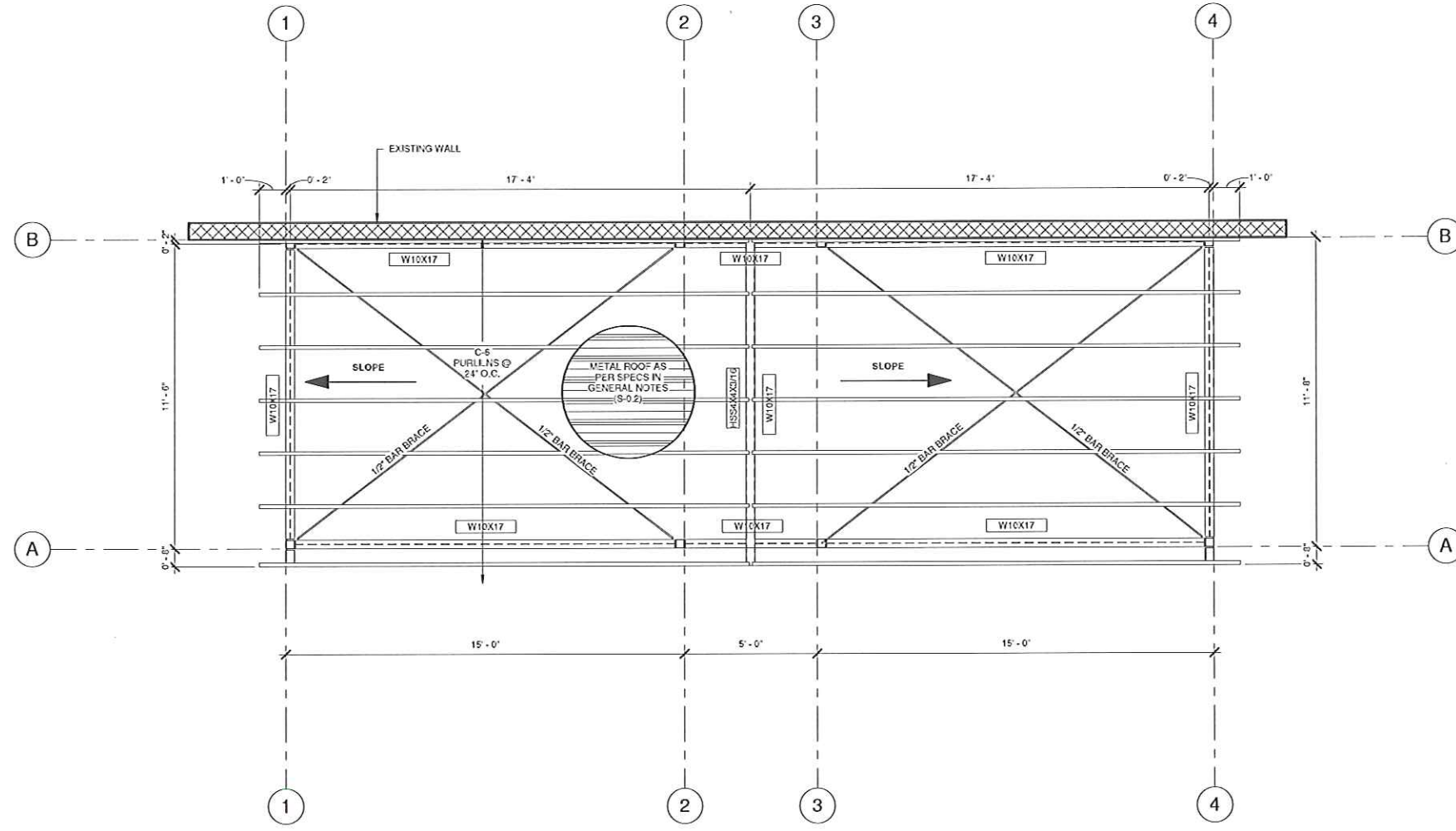
MICHAEL FABIAN
 REGISTERED PROFESSIONAL
 LAND SURVEYOR

COPYRIGHT MICHAEL FABIAN SURVEYING INC. 2017 NO LICENSE HAS BEEN CREATED. EXPRESS OR IMPLIED TO COPY THIS PLAT OF SURVEY. IF THIS PLAT OF SURVEY DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE IT IS INVALID PER SECTION 441.48 AND 441.19 OF THE PROFESSIONAL LAND SURVEYING PRACTICES ACT ENACTED UNDER ARTICLE 582 C, VERNORS TEXAS CIVIL STATUTES.

W0 #3130 PRINT SIZE: LEGAL
 SCALE: 1" = 30' DATE: 2/20/20
 EMAIL ADDRESS: SURVEY@MFIANSURVEYING.COM
 FIRM # 10193965

U:\MES\2016\W03130.dwg, 8/26/2016 4:35:36

RECEIVED
 APR 30 2020
 BY: *Mc 9:55am*



1 TOP OF STRUCTURE
3/8" = 1'-0"



m.a.s.
5/12/2020

GENERAL NOTES

- GENERAL CONDITIONS OF THE CONTRACTOR FOR CONSTRUCTION
- THE GENERAL CONTRACTOR AND SUBCONTRACTOR SHALL BE FAMILIAR WITH THE PROJECT AND THE ON-SITE CONDITIONS PRIOR TO BEGINNING WORK.
- ERRA IMMEDIATE TO THE DESIGNER ATTENTION IN ANY ERRORS, OMISSIONS OR DISCREPANCIES. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO CORRECT ANY DEFECTIVE WORK CAUSED BY PROCEEDING WITH WORK WHEN CLARIFICATIONS FROM THE DESIGNER WERE NOT SOUGHT.
- EXAMINE SPECIFIED PROCEDURES AND SUBMIT WRITTEN EXCEPTIONS, QUESTIONS OR SUBSTITUTIONS WITH ANALYSIS AND RECOMMENDATIONS PRIOR TO SUBMITTING BID COSTS OR COMMENCING WORK.
- THE RESPONSIBILITY OF THE ADEQUACY OF PROPOSED SUBSTITUTIONS FALLS ON THE GENERAL CONTRACTOR. SHOULD A SUBSTITUTION PRODUCE A FAILURE TO PERFORM WHERE THE ORIGINALLY SPECIFIED PRODUCT WOULD HAVE PERFORMED, THE GENERAL CONTRACTOR SHALL PERFORM ALL NECESSARY WORK TO RECONSTRUCT THE ORIGINAL PRODUCT AT NO ADDITIONAL COST.
- ALL MATERIAL AND WORKMANSHIP SHALL BE GUARANTEED AGAINST DEFECTS FOR A PERIOD OF AT LEAST (1) YEAR FROM APPROVAL FOR FINAL PAYMENT, UNLESS STIPULATED OTHERWISE.
- WHenever materials are stored at the jobsite, they shall be protected from damage, vandalism, fire and inclement weather. THE GENERAL CONTRACTOR SHALL PRODUCE EVIDENCE OF INSURANCE FOR MATERIALS STORED PRIOR TO PAYMENT FROM THE OWNER.
- THE WORD "PROVIDE" SHALL MEAN FURNISH AND INSTALL COMPLETE AND READY TO USE.
- PROVIDE ALL REQUIRED UTILITY STRUCTURAL COMMENTS AND OR CONNECTIONS FOR THE FUNCTIONAL USE OF ALL CONTRACTOR SUPPLIED EQUIPMENT OR APPLIANCES, REGARDLESS OF ANY OMISSIONS OR INCONSISTENCIES IN THE CONSTRUCTION DOCUMENTS.
- NO CHEMICAL BASED CLEANING COMPONENTS, ONLY WATER BASED CLEANING PROCESS IS ALLOWED.
- ALL STEEL NEED TO HAVE AN ANTI-CORROSIIVE COATING.
- STEEL COATING FINISH AS PER OWNER.

MAS ENGINEERING LLC.
CONSULTING ENGINEERING
FIRM NO. F-15499

3911 N. 10TH ST. SUITE H
MCALLEN, TEXAS, 78501
PH. (956) 537-1311
E-MAIL: MSALINAS6973@ATT.NET

THIS IS THE PROPERTY OF THE PROFESSIONAL ENGINEER WHOSE SEAL APPEARS ON THIS DRAWING AND IT IS UNLAWFUL TO REUSE THIS DRAWING OR ANY PART THEREOF OR IN ANY OTHER WAY, REPRODUCE ANY OR ALL PARTS OF THIS DRAWING WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.

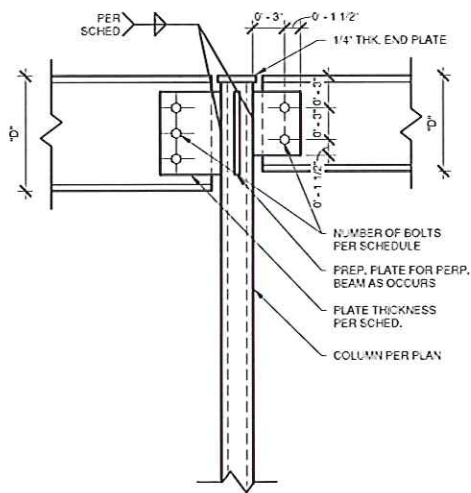
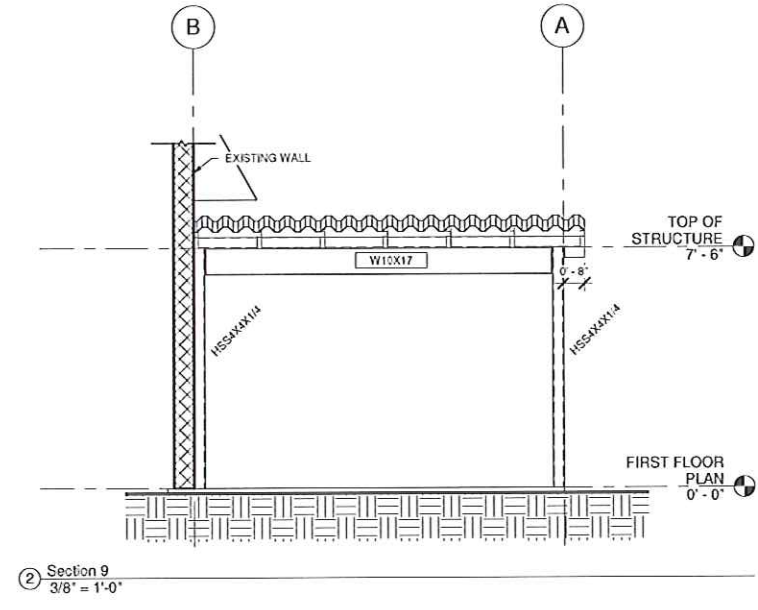
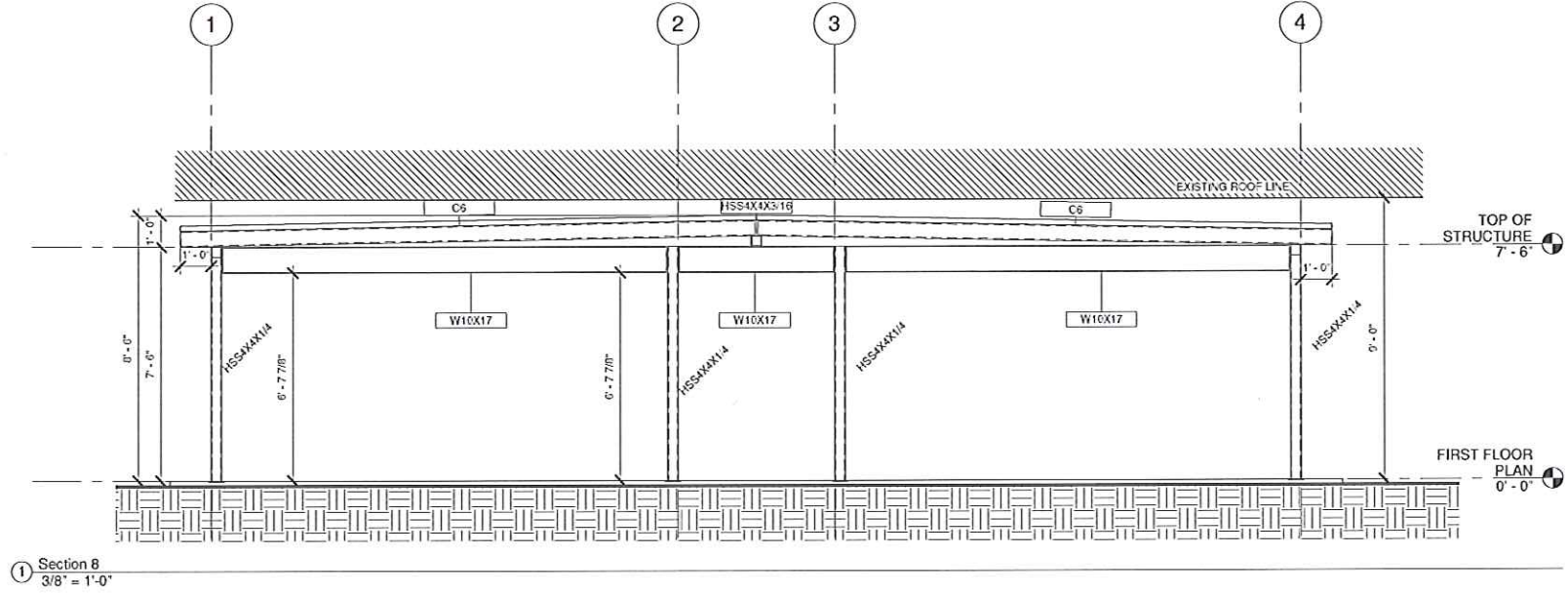
No.	Description	Date

ROOF PLAN

Project number _____ Project Number _____
 Date 12/10/2019
 Drawn by _____ Author _____
 Checked by _____ Checker _____
 Approved by _____ Approver _____

S-4.0

Scale As indicated

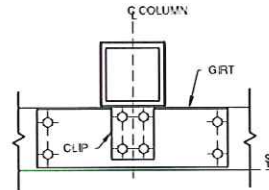


SIMPLE BEAM CONNECTION SCHEDULE			
BEAM DEPTH 'D'	SHEAR/STIFF PLATE	NO. & SIZE OF ASSEB BOLTS	WELD SIZE
8, 10	1.4	(2) 5/8" D/A	1/4"
12, 14	1.4	(3) 3/4" D/A	1/4"
16	3.8	(4) 3/4" D/A	3/8"
18	3.8	(5) 3/4" D/A	3/8"
21	1.2	(6) 3/4" D/A	3/8"
24	1.2	(7) 3/4" D/A	3/8"
27	1.2	(8) 3/4" D/A	3/8"

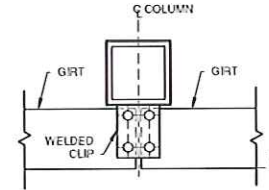
STEEL BEAM CONNECTION SCHEDULE

STEEL BEAM CONNECTION SCHEDULE
 1 1/2" = 1'-0"

STANDARD LAPPED DETAIL



OPTIONAL SIMPLE-SPAN DETAIL



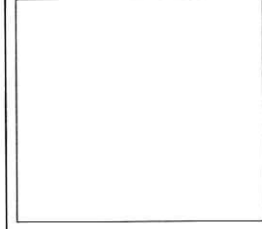
- NOTES**
 1) ALL WALL GRIT CONNECTIONS UTILIZE 1/2" DIAMETER BOLTS.
 2) BYPASS CONDITION IS STANDARD ON SIDEWALLS, OPTIONAL ON ENDWALLS.
 3) Z' GRTS ARE ECONOMICAL FOR SPANS UP TO 40 FEET.
 4) 8 AND 10 INCH 'C' SHAPED MEMBERS ARE AVAILABLE FOR WALL GRTS AS AN OPTION.

Z-PURLING LAPPING DETAILS



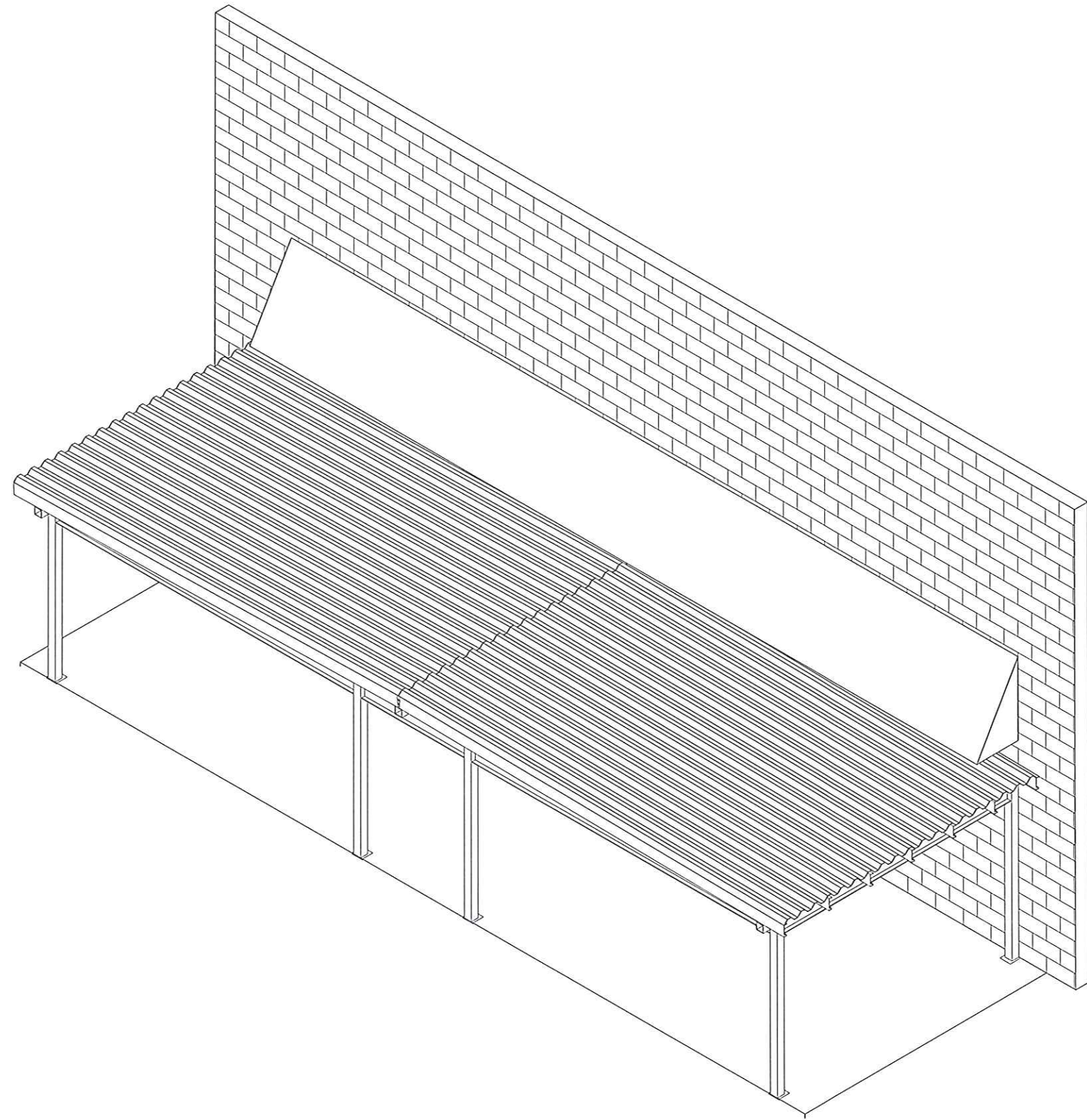
mas
 5/12/2020

No.	Description	Date



ELEVATIONS	
Project number	Project Number
Date	12/10/2019
Drawn by	Author
Checked by	Checker
Approved by	Approver

S-5.0
 Scale: As indicated



① [3D] Copy 1



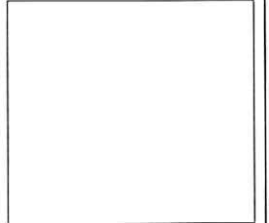
MAS ENGINEERING LLC.
 CONSULTING ENGINEERING
 FIRM NO. F-15499

3911 N. 10TH ST., SUITE H
 MCALLEN, TEXAS, 78501

PH. (956) 537-1311
 E-MAIL: MSALINAS6973@ATT.NET

THIS IS THE PROPERTY OF THE PROFESSIONAL ENGINEER WHOSE SEAL APPEARS ON THIS DRAWING AND IT IS UNLAWFUL TO REPRODUCE OR TRANSMIT IN ANY FORM OR BY ANY MEANS OR BY ANY OTHER WAY, REPRODUCE ANY OR ALL PARTS OF THIS DRAWING WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.

No.	Description	Date



 VIEWS

Project number	Project Number
Date	12/10/2019
Drawn by	Author
Checked by	Checker
Approved by	Approver

S-6.0
 Scale

McALLEN

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

APPLICATION MUST BE COMPLETE
(Please type or print in black or blue ink)

PERMIT APPLICATION REFERENCE NUMBER

CMM2019-07968

GC103678
APPLICANT

NAME Clementina Maldonado PHONE 956-651-1791
 ADDRESS 4201 San Reynaldo
 CITY Mission STATE TX ZIP 78572
 CONTACT NAME: Clementina Maldonado PHONE 956 651 1791
 OWNER CONTRACTOR TENANT OTHER

OWNER

NAME Jarne A Muriel PHONE 956 983 5234
 ADDRESS 1519 Woods St *EMAIL: jmuriel@savella.com
 CITY Mission STATE TX ZIP 78572
 *OWNER INFORMATION NOT PROVIDED, INITIAL:

NEW ADDITION REMODELING REPAIR MOVE REMOVE BLDG. HGT. _____ NO. OF FLOORS _____
 BLDG SQ. FT. 385 NO. PARKING SPACES _____ SQ. FT. LOT _____ LOT FRONT _____ FLOOR EL ABOVE CURB _____
 EXISTING USE OF LOT Restaurant NEW USE Restaurant IMPROVEMENT VALUE \$ 4500 |.00
 SCOPE OF WORK TO BE DONE Construir un porche en el frente del Restaurant

PROJECT

FOR RESIDENTIAL USE ONLY NO. OF UNITS _____ NO BDRMS _____ NO BATHRMS _____ SQ. FT. NON-LIVING _____ SQ. FT. LIVING _____
 FOUNDATION
 CONCRETE SLAB MASONRY VENEER WOOD SHINGLE
 CONCRETE PIER MASONRY SOLID COMPOSITION
 CONCRETE BLOCK METAL SIDING METAL
 CONCRETE BEAM COMPOSITION BUILD UP
 WOOD POSTS WOOD _____
 _____ _____ _____
 SPECIAL CONDITIONS
 FIRE SPRINKLER SYSTEM
 FIRE ALARM SYSTEM
 TYPE OF CONSTRUCTION _____
 ASBESTOS SURVEY
 EABPRJA/B#: _____
 CONDEMNED STRUCTURE

LOT 0003 BLOCK 0017 SUBDIVISION Ewing-Sm I
 SITE ADDRESS ST. NO. 905N ST. NAME Main
NO BP

CITY USE ONLY

ZONING _____ PERMIT FEE \$ 61.60 DOUBLE FEE \$ _____ REC'D BY CO
 PERMIT REVIEW FEE \$ 11.09 DATE 11/25/19
 PARK DEV. TOTAL PERMIT FEE \$ _____ TIME 11:29
 ZONE # _____ PARK DEVELOPMENT FEE \$ _____

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

PRINT (AUTHORIZED AGENT/OWNER) _____ SIGNATURE [Signature] EMAIL ADDRESS (required) jmuriel@savella.com DATE 11/25/19



CITY OF MCALLEN
Planning Department

Variance Request

LEGAL DESCRIPTION: Kocina Il Forno LLC

PROPERTY ADDRESS: 905 N Main

CASE NUMBER: CMM2019-07968

HOLD HARMLESS AGREEMENT

MUST BE SIGNED BY THE PROPERTY OWNER

TO THE FULLEST EXTENT PERMITTED BY LAW, THE UNDERSIGNED APPLICANT AGREES TO INDEMNIFY, DEFEND AND SAVE HARMLESS THE CITY OF MCALLEN AND ITS COMMISSIONERS, OFFICERS, AGENTS AND EMPLOYEES FROM AND AGAINST ANY AND ALL CLAIMS, SUITS, ACTIONS, LOSSES, DAMAGES, EXPENSES, COSTS, INJURIES AND LIABILITIES OF ANY NATURE (INCLUDING BUT NOT LIMITED TO CLAIMS FOR BODILY INJURY, DEATH, BUSINESS INTERRUPTION AND/OR PROPERTY DAMAGE) RELATING TO, ARISING OUT OF OR RESULTING FROM THE GRANTING AND/OR IMPLEMENTATION OF THE VARIANCE REQUESTED HEREIN.

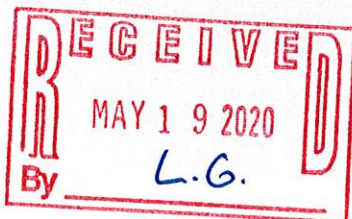
Applicant's Signature _____

Print Name JESUS F GONZALEZ

Address 813 N MAIN ST

MCALLEN TX

Phone 776 01 00 e-mail JGONZALEZ@PAMM PROPERTIES .COM



Liliana Garza

From: Jaime Muriel <jmuriel@isavela.com>
Sent: Monday, May 18, 2020 5:05 PM
To: Liliana Garza
Cc: Edgar Garcia
Subject: Re: 905 N Main Street

Thank you Liliana.

I will drop off the letter tomorrow.

Thank you,

Jaime

On May 18, 2020, at 4:18 PM, Liliana Garza <lgarza@mcallen.net> wrote:

Good afternoon Mr. Muriel,

I am attaching the Hold Harmless letter, if you could sign it and bring it or mail it to the office. When signing the Hold Harmless letter you understand that you wish to be issued a building permit for the construction of a shade structure at 905 N. Main Street prior to the issuance of a required variance request for the encroachment into the front yard setback. You understand that if the variance request is denied, you will have to come back and revise the site plan to not have the proposed metal structure in the front of the restaurant.

Just a friendly reminder the Zoning Board of Adjustment & Appeal meeting will be at McAllen City Hall Commission Room, 3rd Floor, 1300 Houston Avenue, McAllen, Texas on June 3, 2020 at 4:30 p.m.

Sincerely,

Liliana Garza
Planner II
City of McAllen Planning Department
311 N. 15th Street
lgarza@mcallen.net
Phone: (956) 681-1250



NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2020-0018

905

COCINA
IL FORNO

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: May 29, 2020

SUBJECT: REQUEST OF ELSA VILLEGAS FOR THE FOLLOWING VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 5 FT. INTO THE 10 FT. REAR YARD SETBACK FOR A PROPOSED SWIMMING POOL MEASURING 20 FT. BY 8 FT. AT LOT 10, DERBY DOWNS SUBDIVISION, HIDALGO COUNTY, TEXAS, 2217 NORTH 47TH STREET (ZBA2020-0019)

REASON FOR APPEAL:

Elsa Villegas is requesting the following variance to allow an encroachment of 5 ft. into the 10 ft. rear yard setback for a proposed pool measuring 20 ft. by 8 ft.

PROPERTY LOCATION AND VICINITY:

The property is located on the west side of North 47th Street, approximately 260 ft. north of Vine Avenue. The lot has 63.80 ft. of frontage along North 47th Street and 103.44 ft. of depth for a lot size of 6,599.47 sq. ft. The property is zoned R-1 (single family residential) District. The surrounding land uses include single family residences in all directions.



BACKGROUND AND HISTORY:

Derby Downs Subdivision was recorded on October 29, 2004. A note on the plat indicates that the rear yard setback requirement for the lots is 10 ft. and from the rear property line there is a 5 ft. utility easement within the 10 ft. A variance application for the proposed swimming pool was submitted on May 6, 2020. The site plan submitted shows the proposed distance from the rear property line to the outside wall of the swimming pool at 5 ft.

ANALYSIS:

The variance request is for a proposed swimming pool, which is an accessory structure and not a primary building. The standard rear yard setback for a standard lot in the R-1 (single family residential) district is 10 ft. In the past, the Board has approved variances for accessory buildings.

The site plan shows a proposed rectangular pool encroaching 5 ft. into the 10 ft. rear yard setback. There is a 5 ft. utility easement inside the property boundary along the rear property line. In the past, swimming pools were allowed to be built within setbacks; however, a subsequent determination by the City's Legal Department included swimming pools as structures which require compliance with setbacks.

Staff has not received any phone calls from the surrounding property owners in opposition to these variance requests.

RECOMMENDATION:

Staff recommends disapproval of the variance request. If the Board chooses to grant the variance, it should be limited to the footprint of the pool plan as submitted.

ZBA2020-0019

5' ft. front house
lot pool
engineer for 3 ft.

ZBA
4/3/2020



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE

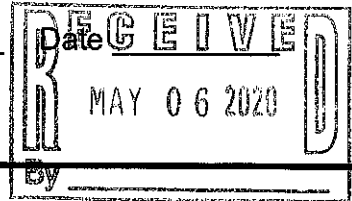
Project	Legal Description	<u>Lot 10 Derby Downs</u>	
	Subdivision Name	<u>Derby Downs Subdivision</u>	
	Street Address	<u>2217 N. 47th ST</u>	
	Number of lots	_____	Gross acres _____
	Existing Zoning	_____	Existing Land Use _____
	Reason for Appeal (please use other side if necessary)	<u>Need rear set back from lot to 4ft (swimming pool)</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>Elsa Villegas</u>	Phone	<u>(956) 522 7679</u>
	Address	<u>2217 N. 47th ST</u>	E-mail	_____
	City	<u>McAllen</u>	State	<u>Tx</u>
	Zip	<u>78501</u>	_____	

Owner	Name	<u>Elsa Villegas</u>	Phone	<u>(956) 522 7679</u>
	Address	<u>2217 N. 47th ST</u>	E-mail	<u>christianhandy2@yahoo.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 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><i>E. Villegas</i></u> Date <u>5-6-20</u>
	Print Name	<u>Elsa Villegas</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent

Office	Accepted by <u>L.G.</u> Payment received by _____
	<u>5-6-20</u>
Rev 10/18	



Ret 714838



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

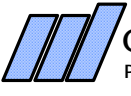
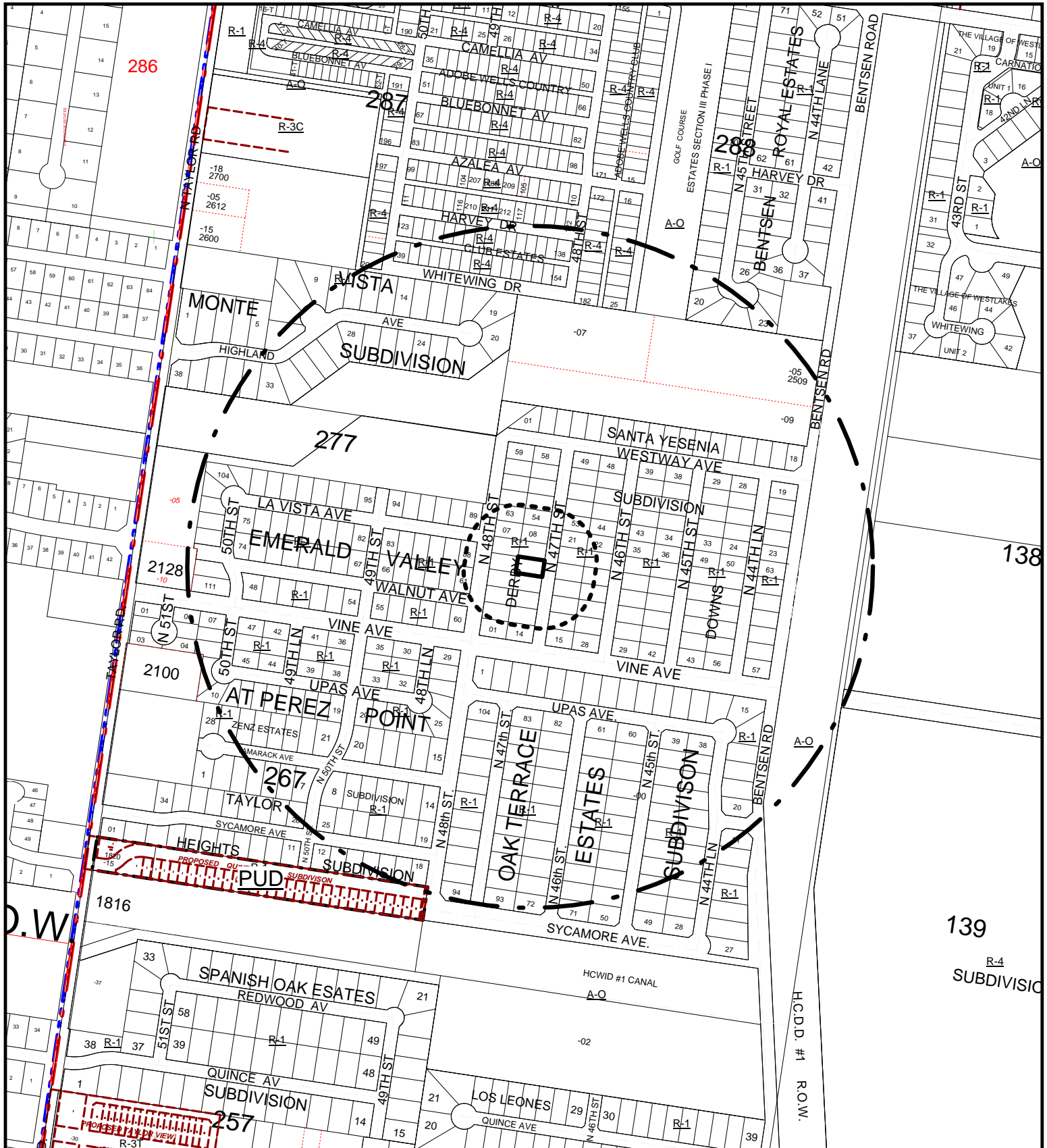
Reason for Appeal

Need variance for rear set back
to go from 10ft to ~~10ft~~ 5ft²

Board Action

Chairman, Board of Adjustment
Signature

Date



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

LEGEND

SCALE: 1" = 500'

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS



ZONING LEGEND

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

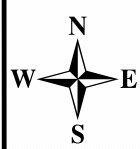
This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying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



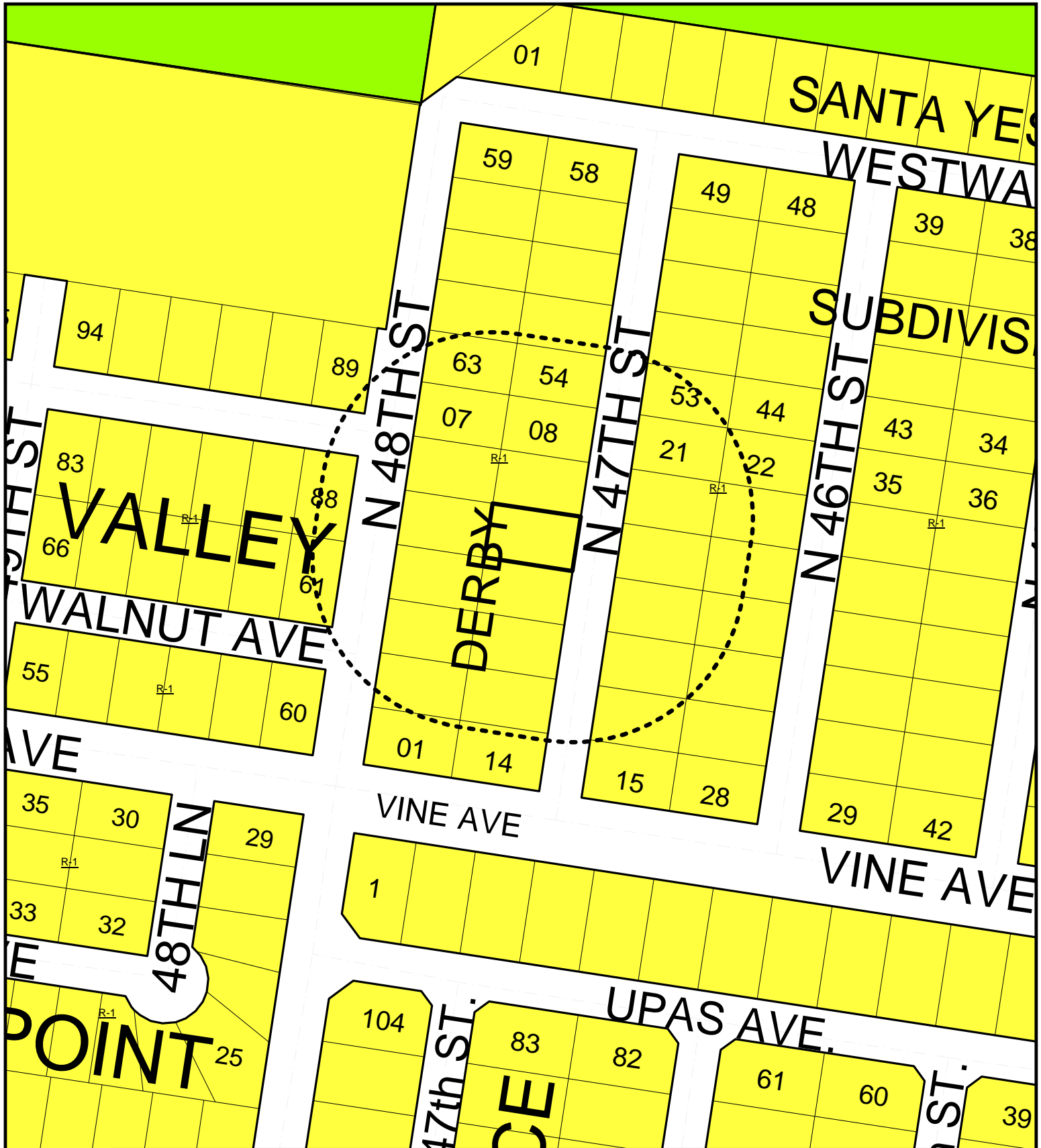
CITY OF McALLEN
 PLANNING DEPARTMENT


 SUBJECT PROPERTY

AERIAL MAP
 SCALE: N.T.S.



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






CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: 1" = 500'

AREA MAP



SUBJECT PROPERTY

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

200 FT. NOTIFICATION BOUNDARY

ZONING LEGEND

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

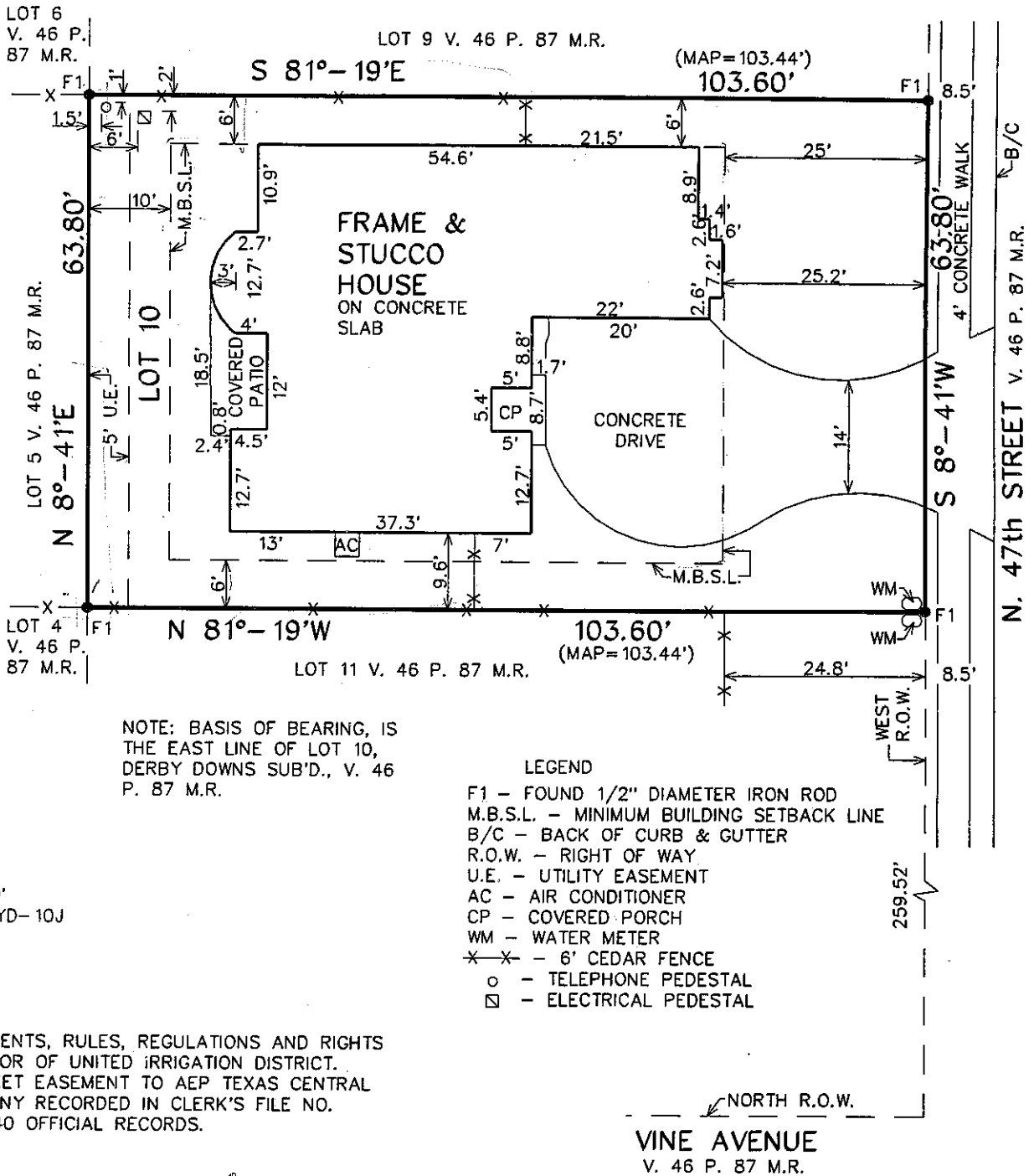
This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying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



PEÑA ENGINEERING

1001 WHITEWING · P.O. BOX 4320

(956) 682-8812 · McALLEN, TEXAS 78502 · FAX (956) 631-PENA



[Handwritten Signature]

BUYER'S NAME: ELSA VILLEGAS

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.
- Zone "C" - This is to certify that this property is not in a flood prone area.

I certify that this plat represents the facts found on the ground at the time of survey and that there are no visible discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments, or overlapping of improvements except as shown on this plat. © copyright 2013 PENA ENGINEERING this survey was provided in multiple originals solely for the borrower named hereon, in conjunction with the original transaction which shall take place within 6 months after the survey was provided. No license has been created or implied to copy this survey. Survey valid only if print has original seal and signature.

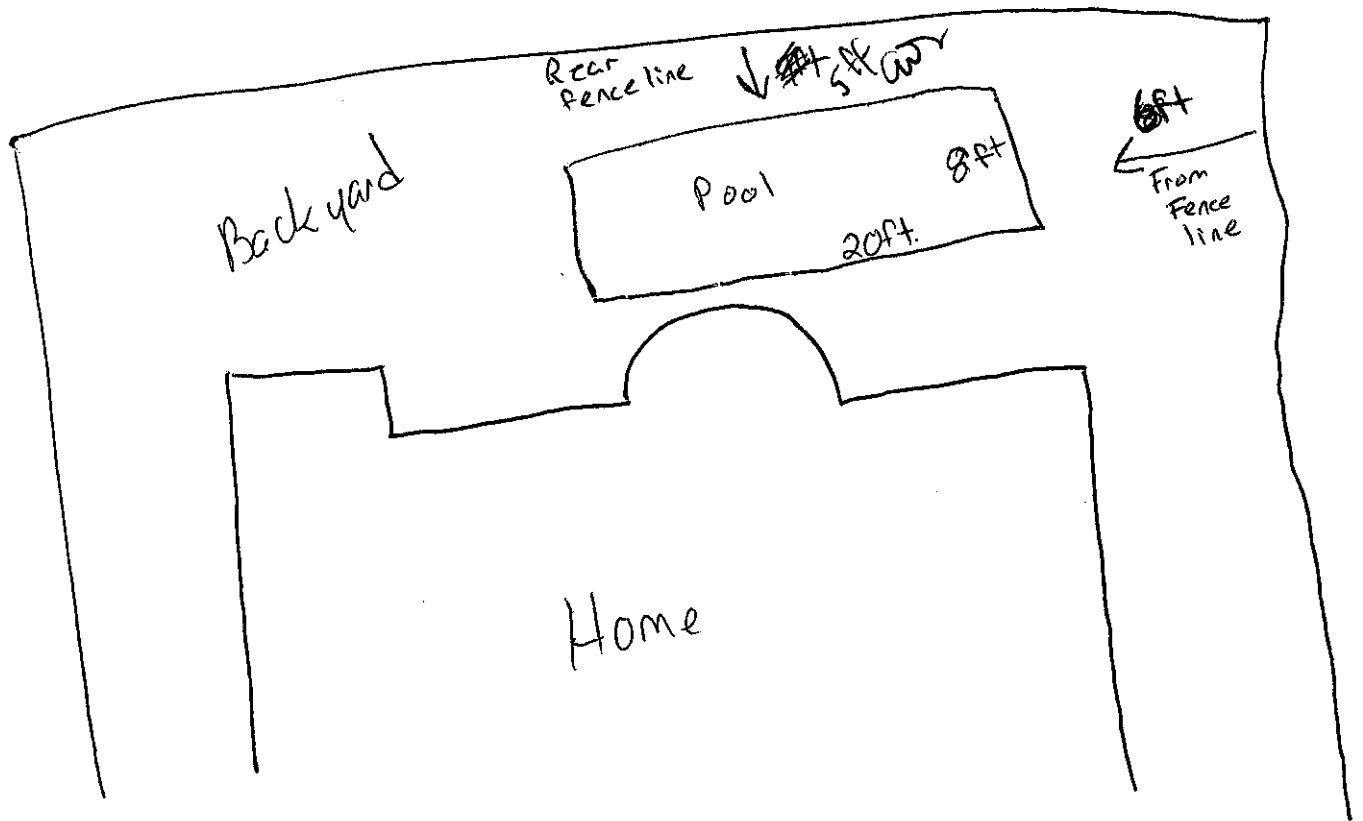
ADDRESS: 2217 N. 47th STREET McALLEN, TX 78501
LEGAL DESCRIPTION: LOT TEN (10), DERBY DOWNS SUBDIVISION, AN ADDITION TO THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS

ACCORDING TO THE MAP RECORDED IN VOLUME 46 PAGE 87
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS.

1/10/13
DATE

[Handwritten Signature]
PABLO PEÑA III
REG. PROFESSIONAL LAND SURVEYOR No. 5242







NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2020-0019
CITY OF HOUSTON PLANNING DEPT.
308-861-1100
WWW.HOUSTON.TX

2217

MEMO

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: May 28, 2020

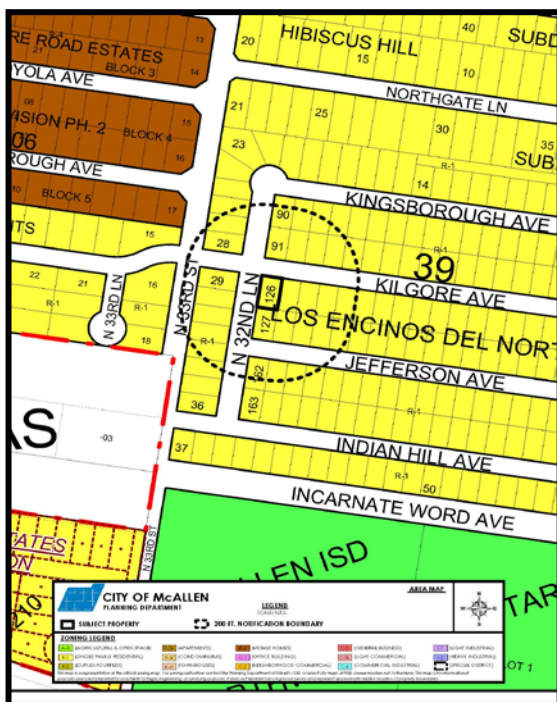
SUBJECT: REQUEST OF MAYRA GOMEZ FOR THE FOLLOWING VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE: 1) TO ALLOW AN ENCROACHMENT OF 5 FT. INTO THE 10 FT. CORNER YARD SETBACK FOR A PROPOSED WOODEN STORAGE BUILDING MEASURING 8 FT. BY 10 FT. AND 2) TO ALLOW A BUILDING SEPARATION FROM THE MAIN BUILDING OF 3 FT. INSTEAD OF THE REQUIRED 5 FT., AT LOT 126, LOS ENCINOS DEL NORTE SUBDIVISION, HIDALGO COUNTY, TEXAS; 3209 KILGORE AVENUE. (ZBA2020-0017)

REASON FOR APPEAL

Mayra Gomez, owner and applicant requests the following variances: to allow an encroachment of 5 ft. into the 10 ft. corner yard setback for a proposed wooden storage room measuring 8 ft. by 10 ft., and to allow a building separation of 3 ft. instead of the required 5 ft. The applicant indicated that she is requesting the above variances to store household items and she would like space to park her vehicle in her garage.

PROPERTY LOCATION AND VICINITY:

The property is located on the corner of North 32nd Lane and Kilgore Avenue. The property has 55 ft. of frontage along Kilgore Avenue and a depth of 90 ft. for a tract size of 7,700 sq. ft. The property is zoned R-1 (single family residential) District. The surrounding zoning is R-1 in all directions.



BACKGROUND AND HISTORY:

Los Encinos Subdivision was recorded on June 21, 2001. The plat specifies a front yard-building setback of 20 ft., 6 ft. side yard setbacks, 10 ft. side corner setbacks, and a 10 ft. rear yard setback. A variance application for the proposed wooden storage room was received on April 27, 2020. An application for a building permit is pending.

ANALYSIS:

Variance #1: The variance request is for the encroachment 5 ft. into the 10 ft. side yard setback for a wooden storage building. The standard setback for the side yard for a lot in the R-1 zone is 6 ft. Storage buildings that are 200 square feet or less in size do not require a building permit, but must respect the zoning district setbacks in which they are located.

Variance #2: The variance is to allow a building separation of 3 ft. instead of the required 5 ft. from the existing residence for a proposed wooden storage building measuring 8 ft. by 10 ft. Any attempt to relocate for building separation compliance will create an encroachment into the 10 ft. rear utility easement and the 5 ft. side yard electrical easement. In addition, it will create an encroachment into the rear yard setback of 10 ft.

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

There are no records of applications for variances for wooden storage buildings around the subject property.

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

RECOMMENDATION:

Staff recommends disapproval of the variance requests. However, if the Board chooses to approve the variances as requested, it should be limited to the proposed encroachments as shown on the submitted site plan.

ZBOA
4/3/2020

ZBOA 2020-0017



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>Los Encinos del Norte Lot 126</u>
	Subdivision Name <u>Los Encinos del Norte</u> Street Address <u>3209 Kilgore Ave</u> Number of lots <u>1</u> Gross acres <u>4,950 Sq Ft</u> Existing Zoning <u>R-1</u> Existing Land Use <u>Residential</u> Reason for Appeal (please use other side if necessary) _____
	<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport) <input checked="" type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required
Applicant	Name <u>Mayra I. Gomez</u> Phone <u>956-739-3855</u> Address <u>3209 Kilgore Ave</u> E-mail <u>mayita0930@gmail.com</u> City <u>McAllen</u> State <u>Tx</u> Zip <u>78504</u>
Owner	Name <u>SAME</u> 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 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>Mayra I Gomez</u> Date <u>4-22-2020</u> Print Name <u>Mayra I Gomez</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent
Office	Accepted by <u>[Signature]</u> Payment received by _____ Rev 10/18

RECEIVED
 Date _____
 APR 27 2020
 BY CW

Ref # 713300

City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

Encroaching 5ft into the 10ft side yard setback for a 8X10 wood storage building. TO allow a building separation of 3ft instead of the required 5ft from existing residence.

I really need this storage because there are so many things in my garage that I would like to have space to put my vehicle in.

Board Action

Chairman, Board of Adjustment
Signature

Date

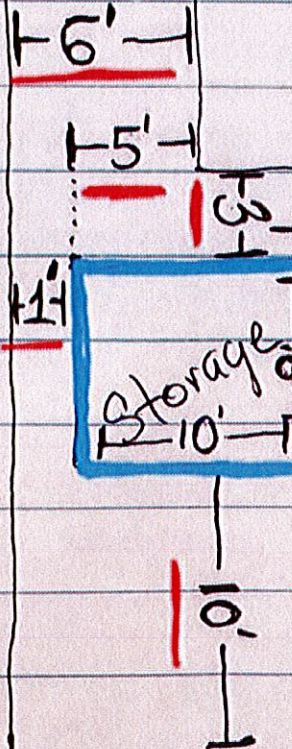
North Side street

House

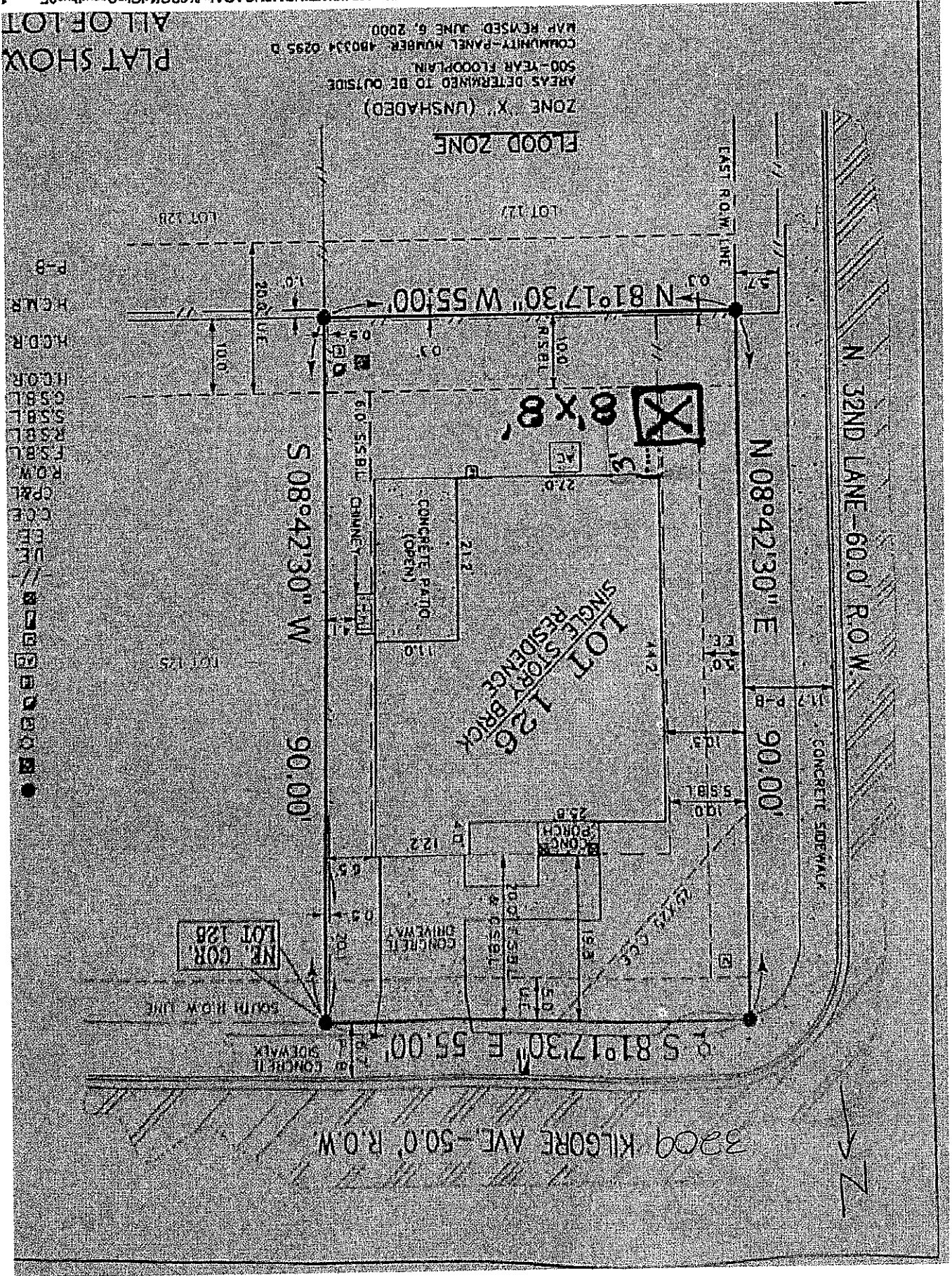
Fence east side

Fence West Side

West side Street



Fence South Side



SUBDIVISION PLAT OF LOS ENCINOS DEL NORTE

BEING A 30.0 ACRE TRACT LAND OUT OF LOT 39,
LA LOMITA IRRIGATION AND CONSTRUCTION CO.'S
SUBDIVISION OF PORCIONES 61, 62, & 63, HIDALGO COUNTY, TEXAS

PREPARED BY: K K ENGINEERING CONSULTANT
DATE: FEB. 07, 1997
OWNER: McALLEN AFFORDABLE HOMES INC.
600 S. 11TH STREET
McALLEN, TEXAS 78501

SCALE: 1" = 100'

LEGEND:

- 3/4" I.P. FND
- FND. 1/2" IRON ROD
- SET 1/2" IRON ROD

STATE OF TEXAS
COUNTY OF HIDALGO

I (WE), THE UNDERSIGNED, OWNER (S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE LOS ENCINOS DEL NORTE TO THE CITY OF McALLEN, TEXAS, AND WHOSE NAME (S) IS (ARE) SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, SEWER LINES, WATER COURSES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH I (WE) WILL CAUSE TO BE INSTALLED THEREON SHOWN OR NOT SHOWN IF REQUIRED OTHERWISE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF McALLEN ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED, EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF McALLEN.

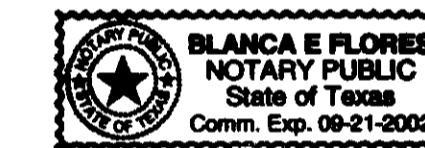
OWNER: McALLEN AFFORDABLE HOMES INC.
JOHN SHROCK JR., PRESIDENT

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED JOHN SHROCK JR. KNOWN TO ME TO BE THE PERSON (S) WHOSE NAME (S) IS (ARE) SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE (THEY) EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

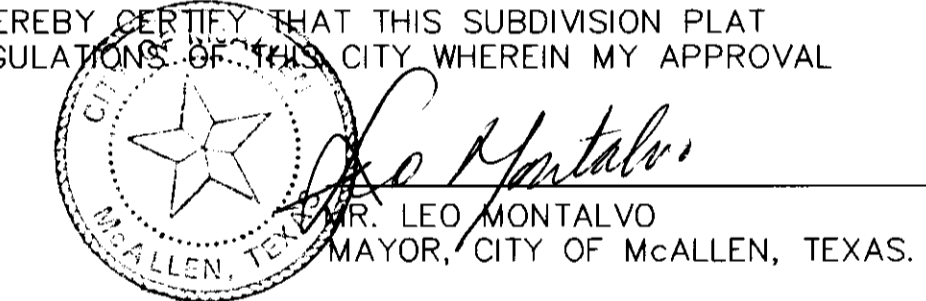
GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 25th DAY OF April, 2001.

Blanca E. Flores



NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES 01-21-2002

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



STATE OF TEXAS
COUNTY OF HIDALGO

THIS SUBDIVISION PLAT OF LOS ENCINOS DEL NORTE HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF McALLEN, TEXAS AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS 12th DAY OF JUNE 2001 A.D.

Danny Boultinghouse
DANNY BOULTINGHOUSE
CHAIRMAN

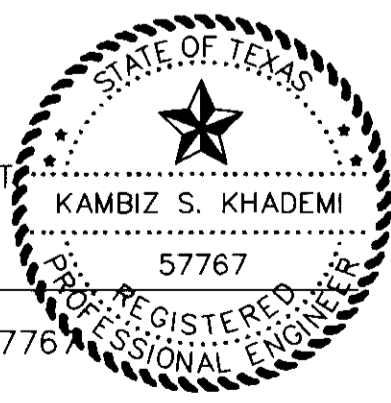
HIDALGO COUNTY DRAINAGE DISTRICT No. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEX. WATER CODE 49B.21(C). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT No. 1
BY: *[Signature]*
6/16/01

STATE OF TEXAS
COUNTY OF HIDALGO

I, KAMBIZ S. KHADEMI, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

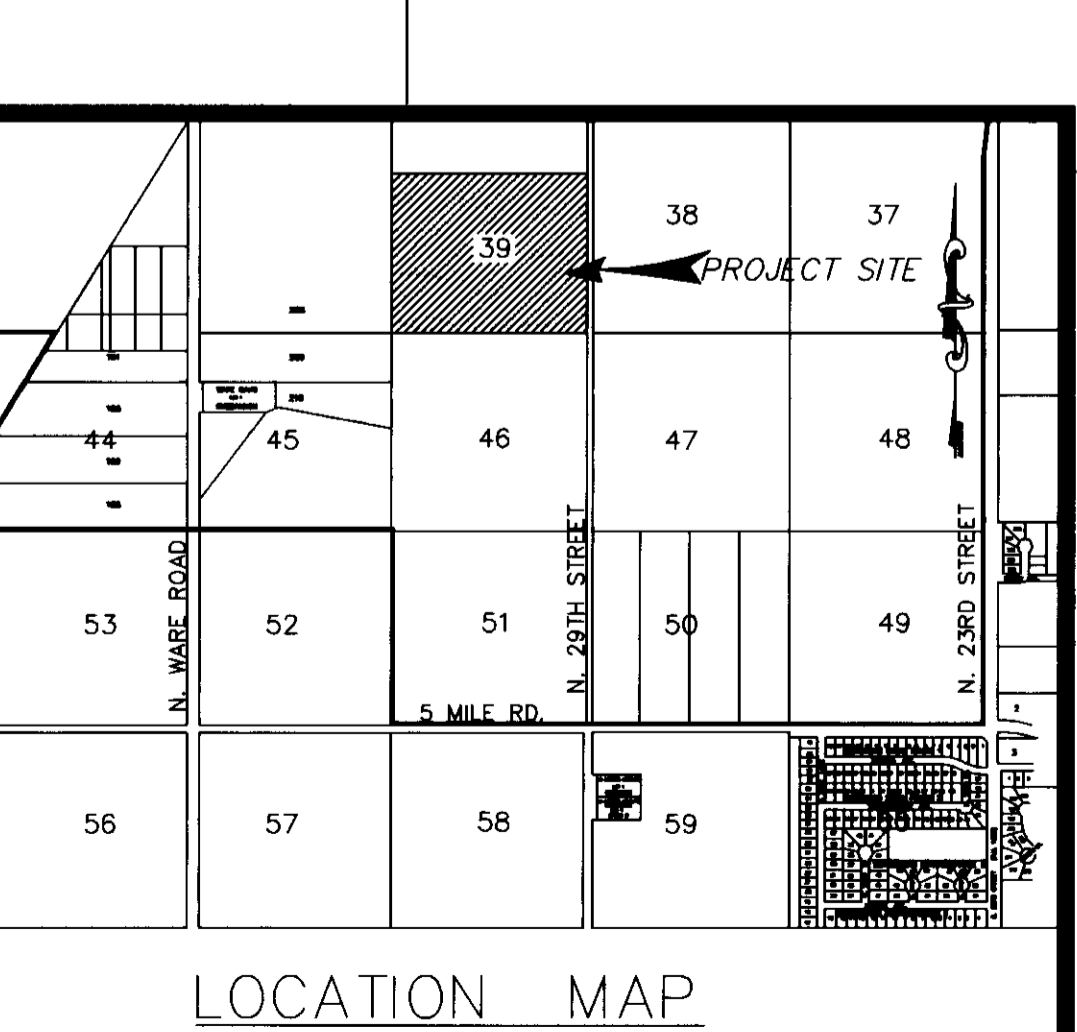
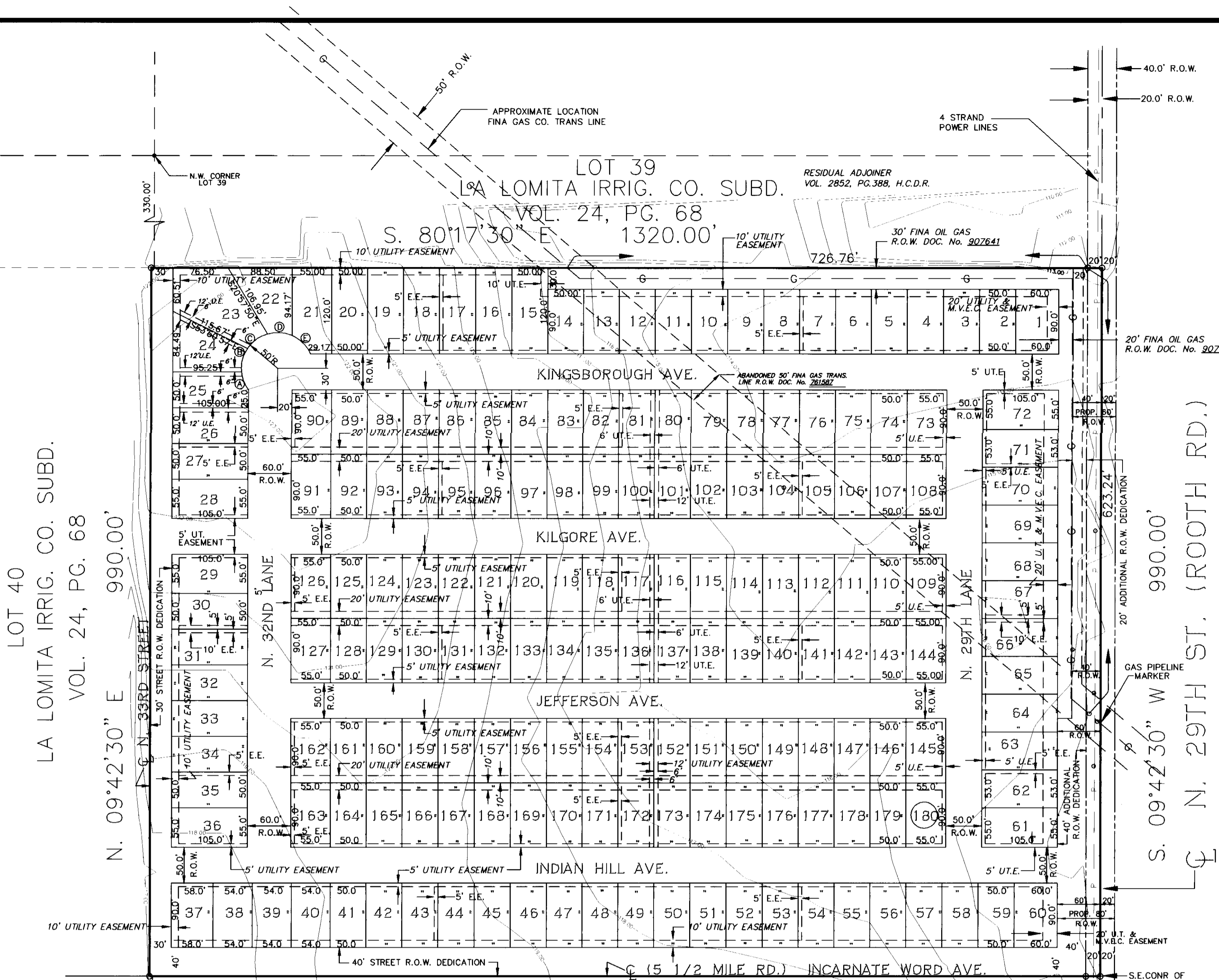
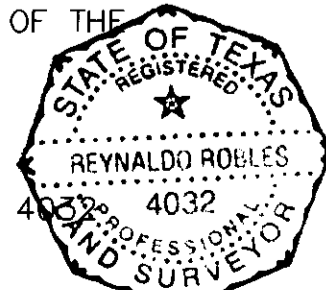
Kambiz S. Khademi
KAMBIZ S. KHADEMI, P.E.
REG. PROFESSIONAL ENGINEER No. 57767



STATE OF TEXAS
COUNTY OF HIDALGO

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

Reynaldo Robles
REYNALDO ROBLES
REGISTERED PROFESSIONAL LAND SURVEYOR No. 4032
P.O. BOX 476
WESLACO, TEXAS 78759



KK Engineering Consultant
GENERAL PROFESSIONAL CIVIL ENGINEERING SERVICES
410 E. DOVE AVE. McALLEN, TEXAS 78502 (956) 630 2125 FAX (956) 630 2219

METES AND BOUNDS DESCRIPTION
BEING 30.00 ACRES OF LAND SITUATED IN HIDALGO COUNTY, TEXAS AND BEING THE SOUTH 30.00 ACRES OF LOT 39, LA LOMITA IRRIGATION COMPANY'S SUBDIVISION AS PER MAP RECORDED IN VOLUME 24, PAGE 68 OF THE HIDALGO COUNTY DEED RECORDS. AND SAID 30.00 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
BEGINNING AT A 1/2-INCH IRON ROD SET FOR THE SOUTHEAST CORNER OF SAID LOT 39 AND THE SOUTHEAST CORNER OF SAID TRACT HEREIN DESCRIBED;
THENCE, NORTH 80°17'30" WEST, WITH THE SOUTH LINE OF SAID LOT 39, AT A DISTANCE OF 20.00 FEET PASS A 1/2-INCH IRON ROD SET FOR REFERENCE ON THE EXISTING WEST RIGHT-OF-WAY LINE OF NORTH 29TH STREET (ROOTH ROAD) AND CONTINUING FOR A TOTAL DISTANCE OF 1320.00 FEET TO A 1/2-INCH IRON ROD SET FOR THE SOUTHWEST CORNER OF SAID TRACT HEREIN DESCRIBED;
THENCE, NORTH 9°42'30" EAST, 990.00 FEET, WITH THE WEST LINE OF SAID LOT 39 TO A 1/2-INCH IRON ROD SET FOR THE NORTHWEST CORNER OF SAID TRACT HEREIN DESCRIBED;
THENCE, SOUTH 80°17'30" EAST, AT A DISTANCE OF 1300.00 FEET PASS A 1/2-INCH IRON ROD SET FOR REFERENCE ON THE EXISTING WEST RIGHT-OF-WAY LINE OF SAID NORTH 29TH STREET FOR A TOTAL DISTANCE OF 1320.00 FEET TO A 1/2-INCH IRON ROD SET FOR THE NORTHEAST CORNER OF SAID TRACT HEREIN DESCRIBED;
THENCE, SOUTH 9°42'30" WEST, 990.00 FEET, WITH THE EAST LINE OF SAID LOT 39 AND WITH THE CENTERLINE OF SAID NORTH 29TH STREET TO THE POINT OF BEGINNING AND CONTAINING 30.00 ACRES OF LAND MORE OR LESS.

GENERAL PLAT NOTES:

- MINIMUM FLOOR ELEVATION SHALL BE T/C + 18" FOR EACH LOT.
- THE SUBDIVISION IS IN ZONE "C" ON A FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 480334-0325-C REVISED NOVEMBER 16, 1982.
- MINIMUM BUILDING SETBACK SHALL BE AS FOLLOWS:
FRONT: 20.0'
REAR: 10.0' EXCEPT 20' AT REAR OF LOTS 61-72
SIDE: 6.0'
SIDE CORNER LOT: 10.00 FEET EXCEPT 20' ON EAST SIDE OF LOTS 1 AND 60
18.0' GARAGE EXCEPT WHERE GREATER SETBACKS REQUIRED SET BACKS MAY INCREASE FOR EASEMENTS.
- CENTRAL POWER AND LIGHT CO. HEREBY GRANTED AN EASEMENT AND RIGHT-OF-WAY ON EACH LOT IN SAID SUBDIVISION FOR AN UNDERGROUND ELECTRIC SERVICE LATERAL TOGETHER WITH THE LOCATION WHERE SUCH SERVICE LATERAL IS TO BE OR IS INSTALLED AND MAINTAINED FROM TIME TO TIME.
- A TOTAL OF 1.85 ACRE FEET OF DETENTION IS REQUIRED FOR THIS SUBDIVISION AND AN ENGINEERED DRAINAGE DETENTION PLAN APPROVED BY THE ENGINEERING DEPARTMENT IS REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMIT.
- THE CITY OF McALLEN TO HAVE A 25'X25' CORNER CLIP EASEMENT AT STREET INTERSECTIONS MEASURED FROM STREET CURB INTERSECTION.
- 4' SIDEWALK REQUIRED ON: N. 29TH ST., N. 33RD ST., INCARNATE WORD AVE. AND BOTH SIDES OF ALL INTERIOR STREETS.
- 6' BUFFER REQUIRED ALONG N. 29TH ST., N. 33RD ST., AND INCARNATE WORD AVE, AND FROM ANY ADJACENT COMMERCIAL ZONE USE.

AREAS (SQ. FT.) OF IRREGULAR LOTS:

LOT No.	NET AREA (SQ. FT.)
21	6,182
22	5,601
23	9,161
24	5,878
25	5,095

CURVE DATA

CURVE	RADIUS	LENGTH	CHORD	DELTA
A	50.00'	27.17'	26.83'	31°07'51"
B	-	34.71'	34.02'	39°46'21"
C	-	34.71'	34.02'	39°46'21"
D	-	34.71'	34.02'	39°46'21"
E	50.00'	37.39'	36.52'	42°50'37"

THIS PLAT APPROVED BY HIDALGO COUNTY IRRIGATION DISTRICT NO. 1 ON THIS THE DAY OF April 19, 2001.

HIDALGO COUNTY IRRIGATION DISTRICT NO. 1 WILL NOT BE RESPONSIBLE FOR DRAINAGE OR DELIVERY OF WATER TO ANY LOT IN THIS SUBDIVISION. IF DESIRED, THIS WILL NOT BE AT DISTRICT EXPENSE.

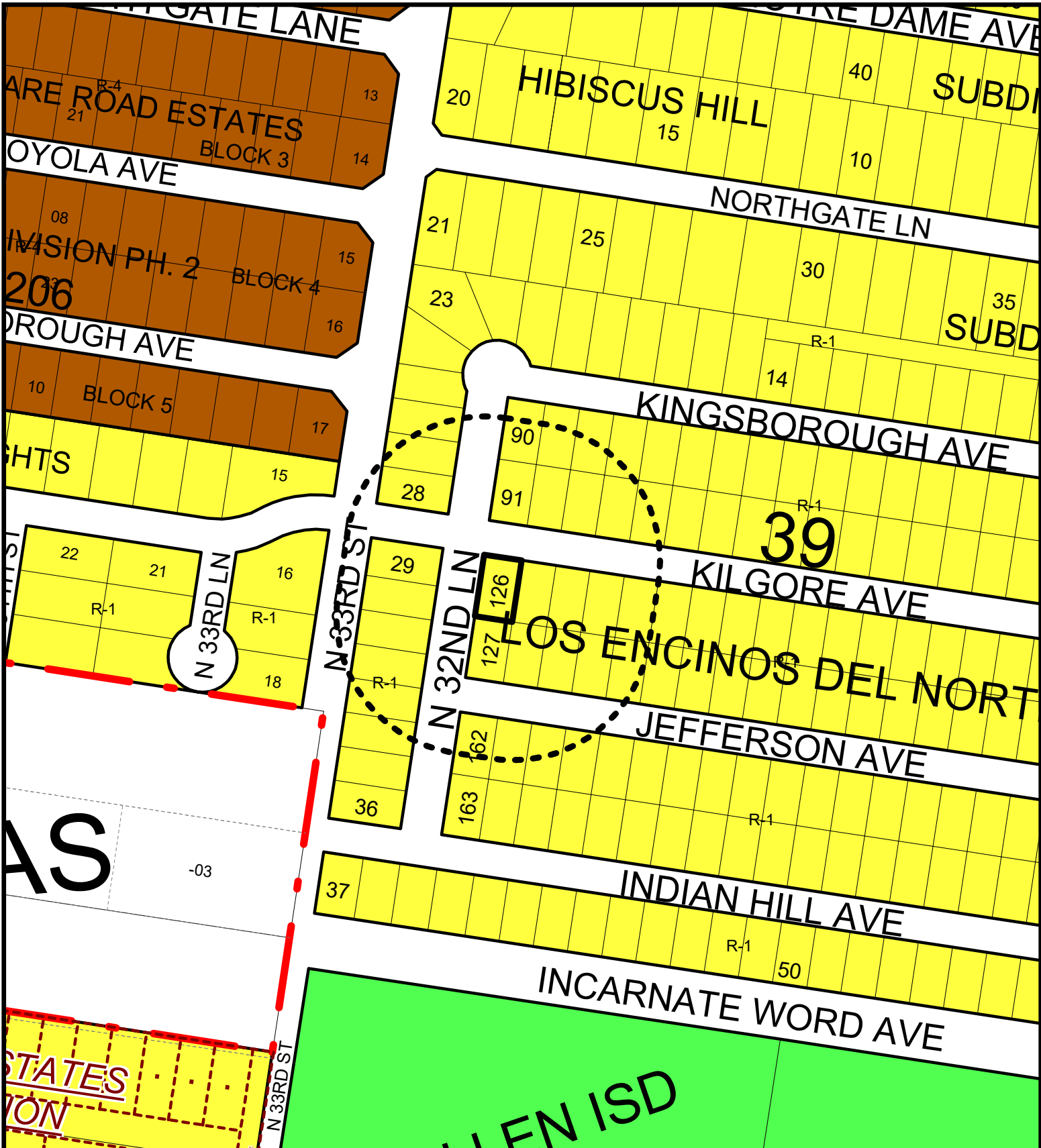
NO IMPROVEMENTS OF ANY KIND SHALL BE PLACED UPON H.C.I.D. NO. 1 RIGHT-OF-WAY OR EASEMENTS WITHOUT THE EXPRESSED WRITTEN PERMISSION OF THE H.C.I.D. NO. 1 DISTRICT MANAGER.

[Signature] SECRETARY
[Signature] PRESIDENT

9. NO CURB CUT OR LOT FRONTAGE PERMITTED ON 29TH ST., NORTH 33RD ST., AND INCARNATE WORD AVE.

Recorded in Volume 38 Page 3 of the map records of Hidalgo County, Texas Melden and Hunt, Inc.

FILED FOR RECORD IN: HIDALGO COUNTY BY J.D. SALINAS, III COUNTY CLERK ON: 06-21-2001 11:54 AM/PM AS A RECORDING NUMBER 481657 BY: *[Signature]* DEPUTY



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

LEGEND
SCALE: N.T.S.



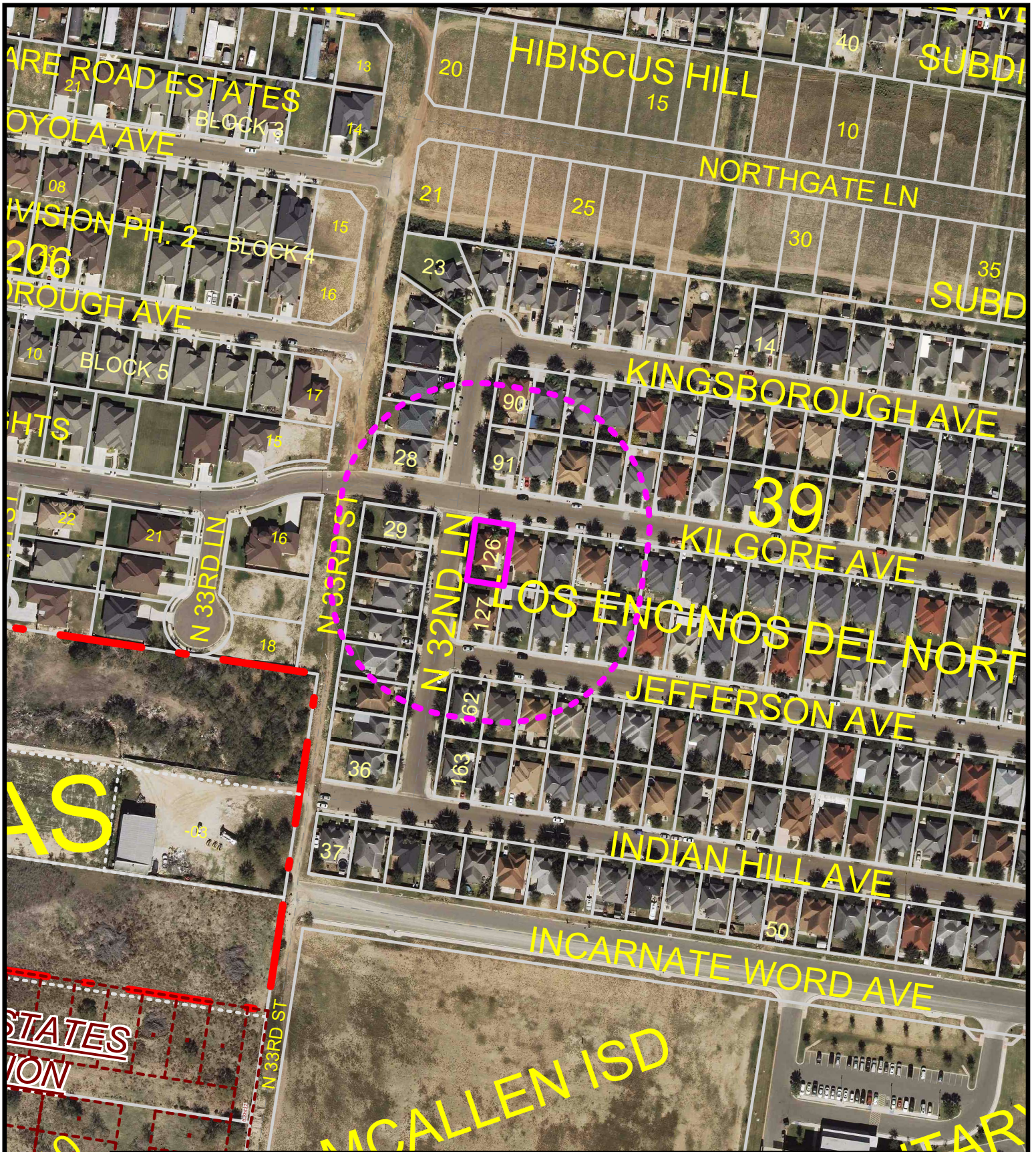
SUBJECT PROPERTY

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 (DUPLIX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	S (SPECIAL DISTRICT)

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



CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

 SUBJECT PROPERTY

 200' NOTIFICATION BOUNDARY



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





MEMO

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: May 28, 2020

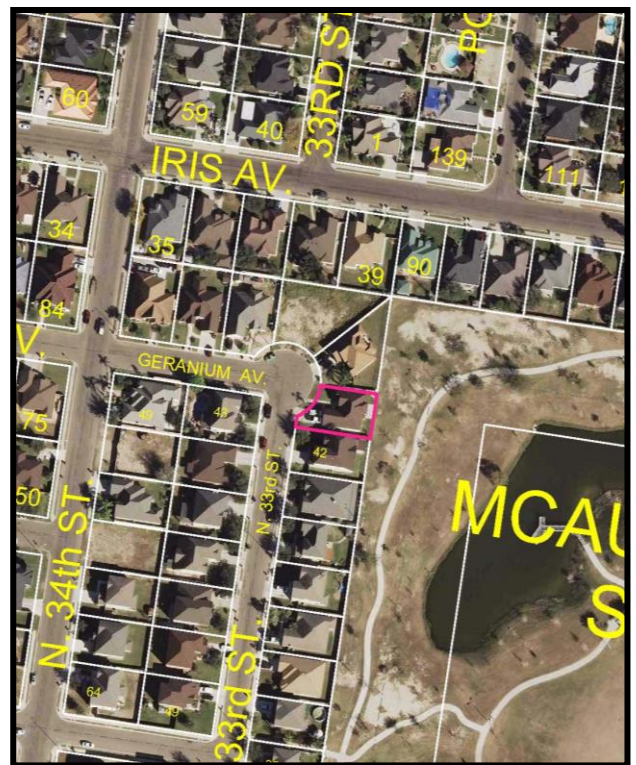
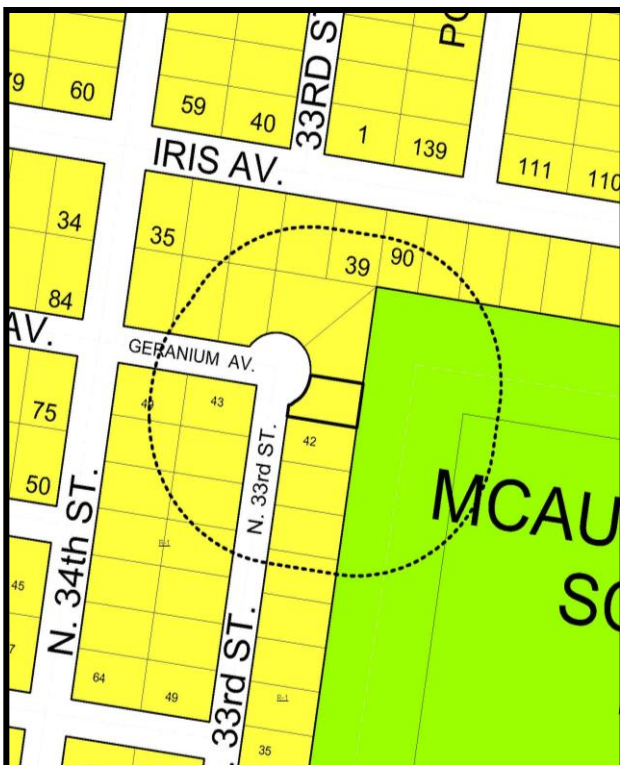
SUBJECT: REQUEST OF JORGE ALMAZAN FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 20 FT. INTO THE 20 FT. FRONT YARD SETBACK FOR A PROPOSED CARPORT MEASURING 20 FT. BY 18 FT. AT LOT 90, PONDEROSA PARK PHASE 6 SUBDIVISION, HIDALGO COUNTY, TEXAS; 3316 NORTH 33RD STREET. (ZBA2020-0021)

REASON FOR APPEAL:

The applicant requests a special exception to allow a proposed carport measuring 20 ft. by 18 ft. with an encroachment of 20 ft. into the 20 ft. front yard setback. The carport will serve to protect the family vehicles against inclement weather.

PROPERTY LOCATION AND VICINITY:

The property is located on the intersection of north side of North 33rd Street and Geranium Avenue. The irregular lot has 50 ft. of frontage along North 33rd Street with a total area of 5,052 sq. ft. The property is zoned R-1 (single-family residential) District and a single-family residence is located on the property. The surrounding land uses are single-family residences to the north, south, and west and McAuliffe Park to the east.



BACKGROUND AND HISTORY:

Ponderosa Park Phase 6 was recorded on March 3, 2001 and the subdivision plat indicates a front yard setback of 20 feet. An application for a building permit was submitted on April 13, 2020, and is undergoing the review process. The applicant applied for the special exception on May 06, 2020.

ANALYSIS:

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

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

The submitted site plan shows the proposed carport to be 10 ft. behind the property line on the east side; however, measurements provided are without the benefit of a survey.

The submitted site plan shows the proposed carport to be encroaching 20 ft. into the 20 ft. front yard setback on the west side of the driveway.

There are no records of applications for special exceptions for carports around the subject property.

The house does not have a garage for car storage.

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

RECOMMENDATION:

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

ZBA 2020-0021

ZBOA
4/3/2020



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project

Legal Description Lote 90

Subdivision Name Ponderosa ~~State~~ Park face 6

Street Address 3316 n. 33 st

Number of lots _____ Gross acres _____

Existing Zoning R-2 Existing Land Use Residential

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

- \$300.00 non-refundable filing fee + \$50.00 Recording Fee for Special Exception (carport)
- Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

Applicant

Name Jorge A. Almazan Phone (956) 522-5962

Address 3316 n. 33 st E-mail _____

City McAllen State tx Zip 78501

Owner

Name Jorge A. Almazan Phone (956) 522-5962

Address 3316 n. 33 st E-mail _____

City McAllen State TX Zip 78501

Authorization

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

Yes No

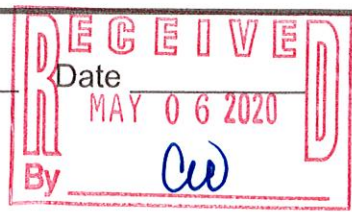
I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature J.A. Almazan Date 5-6-20

Print Name Jorge A. Almazan Owner Authorized Agent

Office

Accepted by L.G. Payment received by _____
5-6-20



Ret # 714894



City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

- Proteger Propiedad Caros, en 2012 por Granizo Perdimos una Camioneta, Seguro no dio el valor de la Perdida.

- Se vera mejor con un perche bien Hecho y no uno portatil de Aluminio o plastico

- Sera una Mejor Vista la Casa y Colonia Con una buena Constraccion del mismo material de la Casa.

- Tenemos un tercer Carro Para nuestra Hija Que cumple 16

Board Action

Chairman, Board of Adjustment
Signature

Date



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

APPLICATION MUST BE COMPLETE

PERMIT APPLICATION REFERENCE NUMBER

Peres2020-02877

(Please type or print in black or blue ink)

GC103908

APPLICANT

NAME Jorge A. Almazán PHONE 956 522 5962
 ADDRESS 3316 N 33 st
 CITY McAllen STATE TX ZIP 78501
 CONTACT: NAME: Jorge A. Almazán PHONE 956 522 5962
 OWNER CONTRACTOR TENANT OTHER

OWNER

NAME Jorge A. y Martha Almazán PHONE 956 522 5962
 ADDRESS 3316 N 33 st *EMAIL: almazanarmando@yahoo.com
 CITY McAllen TX STATE TX ZIP 78501
 *OWNER INFORMATION NOT PROVIDED, INITIAL:

NEW ADDITION REMODELING REPAIR MOVE REMOVE BLDG. HGT. _____ NO. OF FLOORS _____
 BLDG SQ. FT. 3,160 NO. PARKING SPACES _____ SQ. FT. LOT FRONT _____ FLOOR EL ABOVE CURB _____
 EXISTING USE OF LOT Residential NEW USE _____

SCOPE OF WORK TO BE DONE 2 weeks Carport

PROJECT

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

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

LOT _____ BLOCK _____ SUBDIVISION _____
 SITE ADDRESS ST. NO. 3316 ST. NAME N 33rd St

CITY USE ONLY

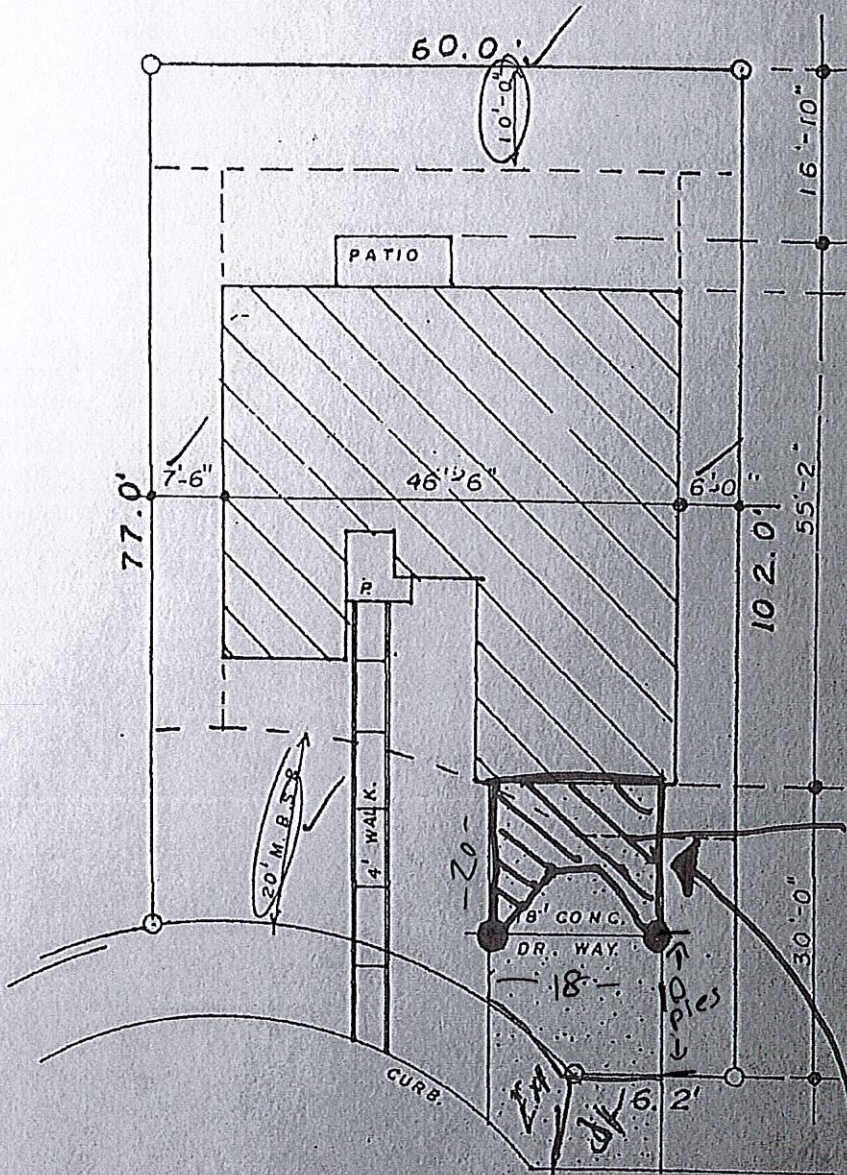
ZONING _____ PERMIT FEE \$ 57.60 DOUBLE FEE \$ _____ REC'D BY [Signature]
 PERMIT REVIEW FEE \$ _____ DATE 4/29/20
 PARK DEV. TOTAL PERMIT FEE \$ _____ TIME _____
 ZONE # _____ PARK DEVELOPMENT FEE \$ _____

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

Jorge A Almazán Jorge Almazán almazanarmando@yahoo.com 4/13/20

AA

5-06-2020



ADD

LOT. 90
 PONDEROSA PARK
 VI
 CITY OF Mc ALLEN, TX
 HIDALGO. COUNTY.

SITE PLAN

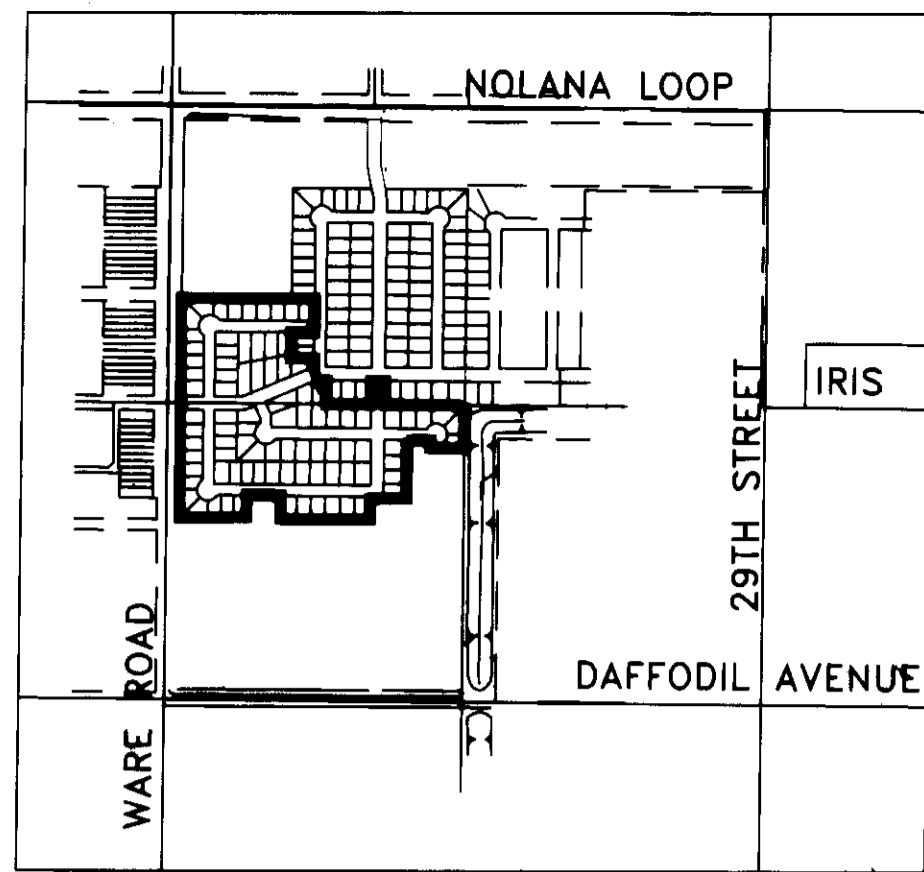
1" = 20' SCALE.

53.36
 16.2

 69.56



RECEIVED
 MAY 06 2020
 By LG



VICINITY MAP
N.T.S.

LINE TABLE

LINE	LENGTH	BEARING
L1	10.23	S81°17'0"E
L2	23.27	N79°30'51"E
L3	10.23	S81°17'0"E
L4	20.10	N79°30'51"E
L5	9.51	N79°30'51"E
L6	27.84	N81°17'0"E
L7	0.98	N81°17'0"E
L8	22.35	S81°17'0"E
L9	14.70	N81°17'0"E
L10	14.90	S81°17'0"E
L11	14.30	N81°17'0"W

CURVE TABLE

CURVE	RADIUS	CEN. ANG.	LENGTH	CHORD
A	50.00	40°51'08"	35.85	35.30
B	50.00	63°40'01"	55.58	52.74
C	50.00	63°40'01"	55.58	52.74
D	50.00	41°18'59"	36.07	35.30
E	70.00	23°12'17"	28.35	28.15
F	130.00	11°01'22"	25.01	24.97
G	130.00	11°01'22"	25.01	24.97
H	70.00	23°12'17"	28.35	28.15
I	50.00	23°12'17"	20.25	20.11
J	50.00	71°10'22"	62.11	58.19
K	50.00	33°37'18"	29.34	28.92
L	50.00	49°12'22"	36.45	36.43
M	50.00	80°00'00"	52.36	50.00
N	50.00	80°00'00"	52.36	50.00
O	50.00	44°57'58"	36.24	36.24
P	50.00	45°02'04"	36.30	36.29
Q	50.00	80°00'00"	52.36	50.82
R	50.00	34°57'01"	30.50	30.23
S	50.00	88°37'02"	58.88	58.38
T	50.00	44°01'33"	38.42	37.57
U	50.00	82°17'31"	54.36	51.72

GENERAL NOTES

- ONLY ONE SINGLE FAMILY PER LOT PERMITTED
- NO STRUCTURES PERMITTED OVER ANY EASEMENTS
- 1/2" IRON ROD SET FOR EACH LOT CORNER
- SET BACKS: FRONT-20' REAR-10' SIDES-8' GARAGE SETBACK -18' EXCEPT WHERE GREATER SETBACKS APPLY
- FLOOD INSURANCE RATING: FLOOD ZONE "B" AREAS BETWEEN LIMITS OF THE 100-YEAR FLOOD AND 500-YEAR FLOOD; OR CERTAIN AREAS SUBJECT TO 100-YEAR FLOODING WITH AVERAGE DEPTHS LESS THAN ONE (1) FOOT OR WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN ONE SQUARE MILE; OR AREAS PROTECTED BY LEVEES FROM THE BASE FLOOD. (MEDIUM SHADING) COMMUNITY-PANEL NUMBER: 480343 0005 C MAP REVISED: NOVEMBER 2, 1982
- MINIMUM FINISH FLOOR ELEVATION SHALL BE 18 INCHES ABOVE TOP OF STREET CURB WHEN MEASURED ACROSS THE CENTER OF THE LOT.
- NO CURB CUTS OR FRONTAGE PERMITTED onto WARE ROAD FROM ANY LOT.
- 4 FOOT WIDE SIDEWALK REQUIRED ALONG 34TH STREET, IRIS AVENUE, HIBISCUS AND ALONG WARE ROAD TO BE INCLUDED IN THE BUILDING PERMIT REQUIREMENTS AT THE TIME OF BUILDING CONSTRUCTION.
- A 25 FT. BY 25 FT. CORNER CLIP EASEMENT IS REQUIRED AT ALL STREET INTERSECTIONS FOR SIGHT CLEARANCE.
- A STORM RUNOFF DETENTION VOLUME OF 466 CF IS REQUIRED ON EVERY LOT. THIS VOLUME SHALL BE PROVIDED IN LANDSCAPE AREAS OR OPEN GRASS AREAS.

ADDITIONAL NOTES

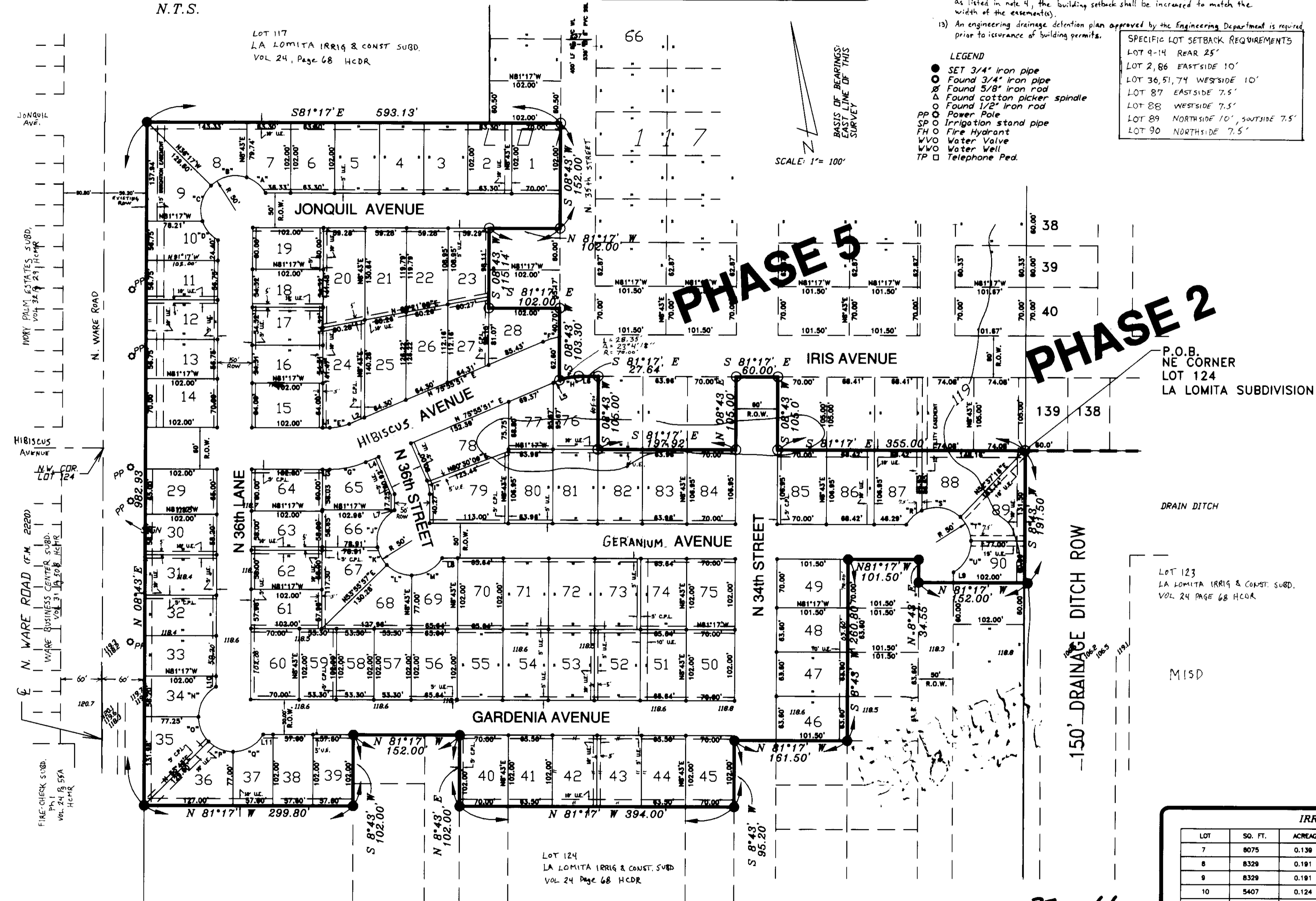
- 6 ft Buffer fence is required along the rear of all lots adjacent to Ware Road and lot adjacent Commercial Zone use property.
- Where easement exist and are greater than the building setback requirements as listed in note 4, the building setback shall be increased to match the width of the easement(s).
- An engineering drainage detention plan approved by the Engineering Department is required prior to issuance of building permits.

LEGEND

- SET 3/4" Iron pipe
- Found 3/4" iron pipe
- Found 5/8" iron rod
- Found cotton picker spindle
- Found 1/2" iron rod
- PP Power Pole
- SP Irrigation stand pipe
- FW Fire Hydrant
- WV Water Valve
- WV Water Well
- TP Telephone Ped.

SPECIFIC LOT SETBACK REQUIREMENTS

- LOT 9-14 REAR 25'
- LOT 2, 86 EASTSIDE 10'
- LOT 30, 51, 74 WESTSIDE 10'
- LOT 87 EASTSIDE 7.5'
- LOT 88 WESTSIDE 7.5'
- LOT 89 NORTHSIDE 10', SOUTHWEST 7.5'
- LOT 90 NORTHSIDE 7.5'



METES & BOUNDS

DESCRIPTION OF 18.590 ACRES OF LAND

Being 18,590 acres of land situated in Hidalgo County, Texas, and being out of lots 117 and 124, La Lomita Irrigation and Construction Company's Subdivision of Porciones 61, 62, and 83, as per map recorded in volume 24, Page 68 of the Hidalgo County Deed Records, and said 18,590 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron rod found for the northeast corner of said Lot 124 and the most easterly northeast corner of said tract herein described;

THENCE, South 8°43' West, 191.50 feet, with the east line of said Lot 124 to a 1/2-inch iron rod set for corner;

THENCE, North 81°17' West, 152.00 feet to a 1/2-inch iron rod set for corner;

THENCE, North 8°43' East, 34.55 feet to a 1/2-inch iron rod set for an inner corner;

THENCE, North 81°17' West, 101.50 feet to a 1/2-inch iron rod set for an inner corner;

THENCE, South 8°43' West, 260.80 feet to a 1/2-inch iron rod set for a corner;

THENCE, North 81°17' West, 161.50 feet to a 1/2-inch iron rod set for a corner;

THENCE, South 8°43' West, 95.20 feet to a 1/2-inch iron rod set for a corner;

THENCE, North 81°17' West, 394.00 feet to a 1/2-inch iron rod set for a corner;

THENCE, North 8°43' East, 102.00 feet to a 1/2-inch iron rod set for an inner corner;

THENCE, North 81°17' West, 152.00 feet to a 1/2-inch iron rod set for an inner corner;

THENCE, South 8°43' West, 102.00 feet to a 1/2-inch iron rod set for a corner;

THENCE, North 81°17' West, 299.80 feet to a 1/2-inch iron rod set for the most westerly southwest corner of said tract herein described;

THENCE, North 8°43' East, 982.93 feet, with the east right of way line of Ware Road to a 1/2-inch iron rod set for the northwest corner of said tract herein described;

THENCE, South 81°17' East, 593.13 feet to a 1/2-inch iron rod found for a corner;

THENCE, South 8°43' West, 152.00 feet to a 1/2-inch iron rod found for a corner;

THENCE, North 81°17' West, 102.00 feet to a 1/2-inch iron rod found for an inner corner;

THENCE, South 8°43' West, 115.14 feet to a 1/2-inch iron rod found for an inner corner;

THENCE, South 81°17' East, 102.00 feet to a 1/2-inch iron rod found for a corner;

THENCE, South 8°43' West, 103.30 feet to a 1/2-inch iron rod found for corner on the point of curvature of a curve whose radius point bears South 23°12'17" East 70.00 feet;

THENCE, in a northeasterly direction, with the line of said curve having a central angle of 23°12'17", a radius of 70 feet for a curve length of 28.35 feet to a 1/2-inch iron rod found for the point of tangency;

THENCE, South 81°17' East, 27.64 feet to a 1/2-inch iron rod found for a corner;

THENCE, South 8°43' West, 105.00 feet to a 1/2-inch iron rod found for an interior corner on the south line of said Lot 117;

THENCE, South 81°17' East, 197.92 feet, with the common line of said Lots 117 and 124 to a 1/2-inch iron rod found for an interior corner;

THENCE, North 8°43' East, 105.00 feet to a 1/2-inch iron rod found for a corner;

THENCE, South 81°17' East, 60.00 feet to a 1/2-inch iron rod found for a corner;

THENCE, South 8°43' West, 105.00 feet to a 1/2-inch iron rod found for an interior corner;

THENCE, South 81°17' East, 355.00 feet, with the south line of said Lot 117 to the POINT OF BEGINNING and containing 18,590 acres of land more or less.

STATE OF TEXAS
COUNTY OF HIDALGO

I, (WE) THE UNDERSIGNED OWNER(S) OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS PONDEROSA PARK PHASE 6 SUBDIVISION, AN ADDITION TO THE CITY OF MCALLEN, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES AND SUCH OTHER USES AS THE CITY DESIRES TO MAKE OF SAID PROPERTY THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

GEORGE L. GUTIERREZ by and through his attorney in fact Oscar Vega

MARGARITA GUTIERREZ by and through her attorney in fact Laura M. Gonzalez

GMGC, LTD
2716 N. CONWAY
MISSION, TEXAS 78572

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED OSCAR VEGA & LAURA M. GONZALEZ 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 PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 11th DAY OF February, 2000.

NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS
COUNTY OF HIDALGO

I, THE UNDERSIGNED HOLDER OF SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY, BEING THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS PONDEROSA PARK PHASE V SUBDIVISION 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 FORECLOSURE RELATING TO THE SECURITY INTEREST ON THE ABOVE DESCRIBED PROPERTY SHALL BE SUBJECT TO THE PLATTING OF THE PROPERTY AS PROVIDED FOR HEREIN.

CARLOS I. GARZA
INTERNATIONAL BANK
SECURITY INTEREST HOLDER

DATE 11-20-00

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED CARLOS I. GARZA KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 11th DAY OF February, 2000.

NOTARY PUBLIC, STATE OF TEXAS

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

CHAIRMAN, PLANNING COMMISSION

DATE 3-1-01

I, THE UNDERSIGNED, MAYOR 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.

MAYOR CITY OF MCALLEN

DATE 3-1-01

THIS PLAT IS HEREBY APPROVED BY THE HIDALGO COUNTY IRRIGATION DISTRICT NO. 1 DATED THIS THE 30th DAY OF February, A.D., 2000

SECRETARY

PRESIDENT

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEX. WATER CODES 49.21(C). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

GODFREY GARZA
MANAGER
HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

DATE 3/1/01

I, THE UNDERSIGNED, ARMANDO GUTIERREZ JR., A PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THE PLAT, AND THAT ALL ASPECTS OF IT ARE IN ACCORDANCE WITH THE CITY OF MCALLEN SUBDIVISION ORDINANCES.

ARMANDO GUTIERREZ JR.
P.E. NO. 64027

DATE 11-20-2000

I, THE UNDERSIGNED, SURVEYOR IN THE STATE OF TEXAS HEREBY CERTIFY THAT THIS PLAT REPRESENTS THE FACTS FOUND ON THE GROUND AT THE TIME OF SURVEY.

REYNALDO ROBLES
P.E. NO. 4032

DATE 12-01-2000

FILED FOR RECORD IN:
HIDALGO COUNTY
BY J.D. SALINAS, III
COUNTY CLERK
ON 3-22-01 AT 4:29 AM/PM
AS A RECORDING NUMBER 250523
BY: Deputy

DATE OF PREPARATION - MARCH 20, 1999

IRREGULAR LOT SIZES

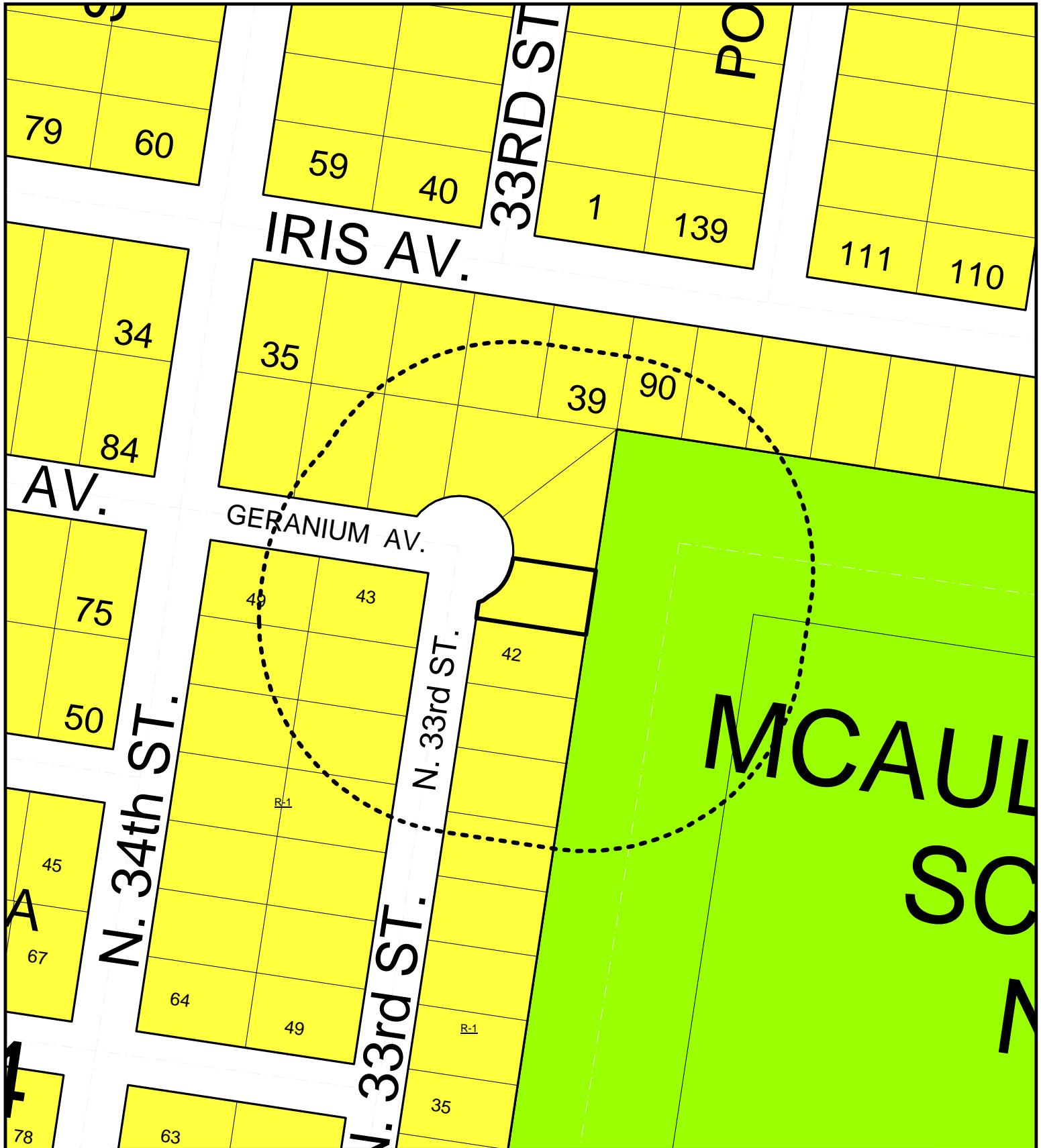
LOT	SQ. FT.	ACREAGE	LOT	SQ. FT.	ACREAGE	LOT	SQ. FT.	ACREAGE
7	8075	0.138	36	7081	0.182	77	5241	0.120
8	8329	0.191	37	5107	0.117	78	8775	0.201
9	8329	0.191	85	8223	0.142	79	9192	0.211
10	5407	0.124	86	4514	0.103	87	7047	0.181
24	8581	0.197	87	8386	0.146	88	9099	0.208
28	8144	0.141	88	7135	0.163	89	7239	0.186
34	5198	0.118	89	5829	0.136	90	5052	0.115
35	7074	0.182	78	8605	0.151			


A. Gutierrez Engineering, PLLC
Subdivisions, Septic Tank Designs, Building Plans

901 West Expressway 83
Post Office Box 8351
Weslaco, Texas 78599
(956) 968-8175
FAX (956) 973-9759

PONDEROSA PARK PHASE 6
A Resubdivision of a 18.590 Acre Tract out of Lot 117&124
LA LOMITA IRRIGATION & CONSTRUCTION COMPANY'S SUBDIVISION,
of Porciones 61, 62 and 63, Hidalgo County, Texas, as recorded in
Volume 24, Page 68, Deed Records of Hidalgo County, Texas

Recorded in Volume 24 Page 68
City of McAllen, Texas
Weldon and Hunt, Inc.






CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: 1" = 500'

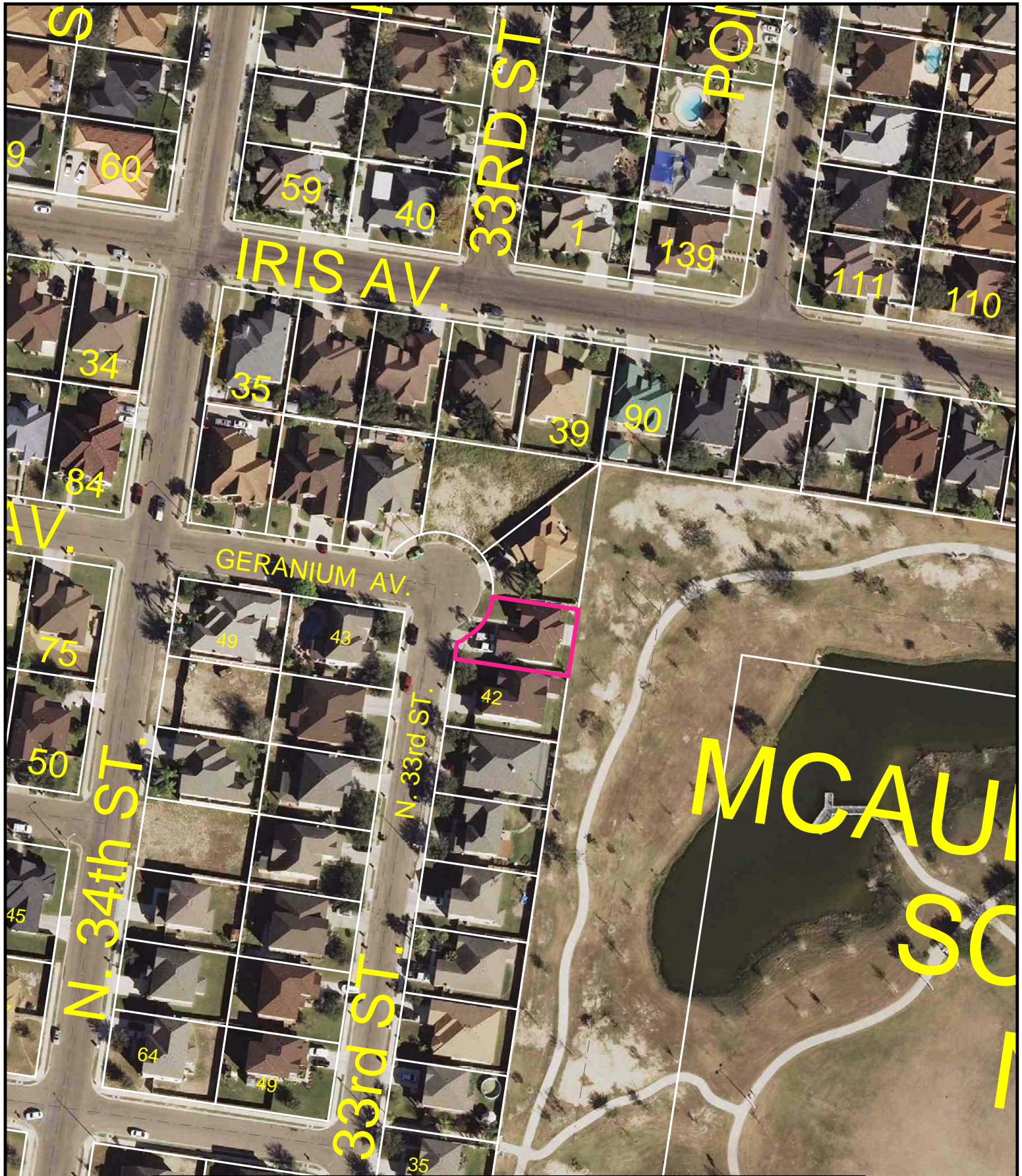
AREA MAP



□ SUBJECT PROPERTY **⋯** 200 FT. NOTIFICATION BOUNDARY

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

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.

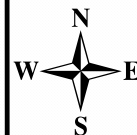


CITY OF McALLEN
PLANNING DEPARTMENT



SUBJECT PROPERTY

AERIAL MAP
SCALE: N.T.S.



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.



NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2020-0021

CP1-X818

★ 3316 ★

MEMO

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: May 28, 2020

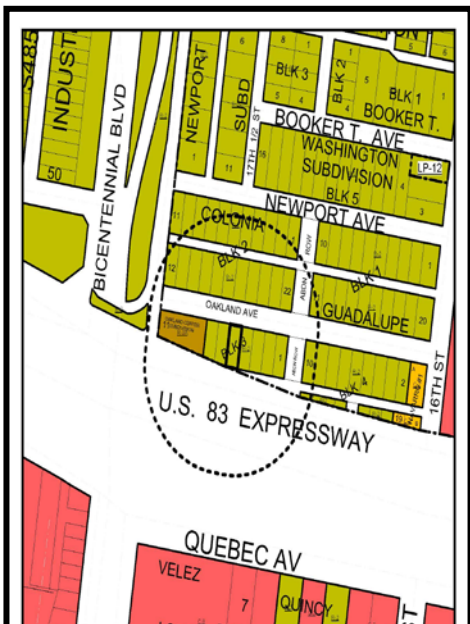
SUBJECT: REQUEST OF SOFIA GARZA FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 16.5 FT. INTO THE 20 FT. FRONT YARD SETBACK FOR AN EXISTING SINGLE FAMILY RESIDENCE WITH A PORCH, AT LOT 5, BLOCK 3, AMENDED MAP OF COLONIA GUADALUPE SUBDIVISION, HIDALGO COUNTY, TEXAS; 1709 OAKLAND AVENUE. (ZBA2020-0012)(TABLED 05/06/20)

REASON FOR APPEAL:

The applicant is requesting a variance to allow an encroachment of 16.5 ft. into the 20 ft. front yard setback for an existing wooden porch measuring 5 ft. by 22ft. The applicant stated that the basis for the request is that she wants to provide shade for her 81-year-old grandmother and they were unaware of the need to obtain a building permit or the need to observe setbacks. The Hidalgo County Appraisal District shows that a canopy was built in 2017. A contractor performed the work and the applicant was unaware that a building permit had not been obtained for the work.

PROPERTY LOCATION AND VICINITY:

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



BACKGROUND AND HISTORY:

Amended Map of Colonia Guadalupe Subdivision was recorded on July 28, 1944. The plat does not indicate plat notes. The subdivision was recorded prior to 1979 and the applicable setbacks were subject to the 1945 Zoning Ordinance. Building Inspection Department records show that staff issued a stop work order on July 2018. A building permit application was submitted on July 2018 to build a wooden porch. A variance request was submitted on March 04, 2020.

ANALYSIS:

The variance request is for an existing wooden porch measuring 5 ft. by 22 ft. that is encroaching into the 20 ft. front yard setback. There is no utility and irrigation easement shown on the plat. The applicant is requesting an encroachment of 16.5 ft. in the 20 ft. front yard setback for the wooden porch.


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

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

RECOMMENDATION:

Staff recommends the request be tabled in order to allow the applicant time to submit a revised site plan.

ZBOA
4-1-20



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

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

Project

Legal Description Col. Guadalupe lot 5 block k 3

Subdivision Name Col Guadalupe

Street Address 1709 OAKLAND AVE

Number of lots 1 Gross acres _____

Existing Zoning R2 Existing Land Use Residencia

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

La razón que pasó un señor y le ofrecio a hacerlo

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

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

Applicant

Name SOFIA GARZA Phone 956 (616-3440)

Address 1709 OAKLAND AVE E-mail limit W. A

City McAllen State TX Zip 78501

Owner

Name S A M E Phone _____

Address _____ E-mail _____

City _____ State _____ Zip _____

Authorization

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

Yes No

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

Signature SOFIA GARZA Date 03-04-20

Print Name SOFIA GARZA Owner Authorized Agent

Office

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

Rev 10/18

RECEIVED
 MAR 04 2020
 BY: CM



City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

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

Board Action

Chairman, Board of Adjustment
Signature

Date

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

APPLICATION MUST BE COMPLETE

(Please type or print in black or blue ink)

102586
 PERMIT APPLICATION REFERENCE NUMBER RES2018-04491

APPLICANT

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

OWNER

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

*OWNER INFORMATION NOT PROVIDED, INITIAL:

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

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

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

SCOPE OF WORK TO BE DONE Front Carport

PROJECT

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

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

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

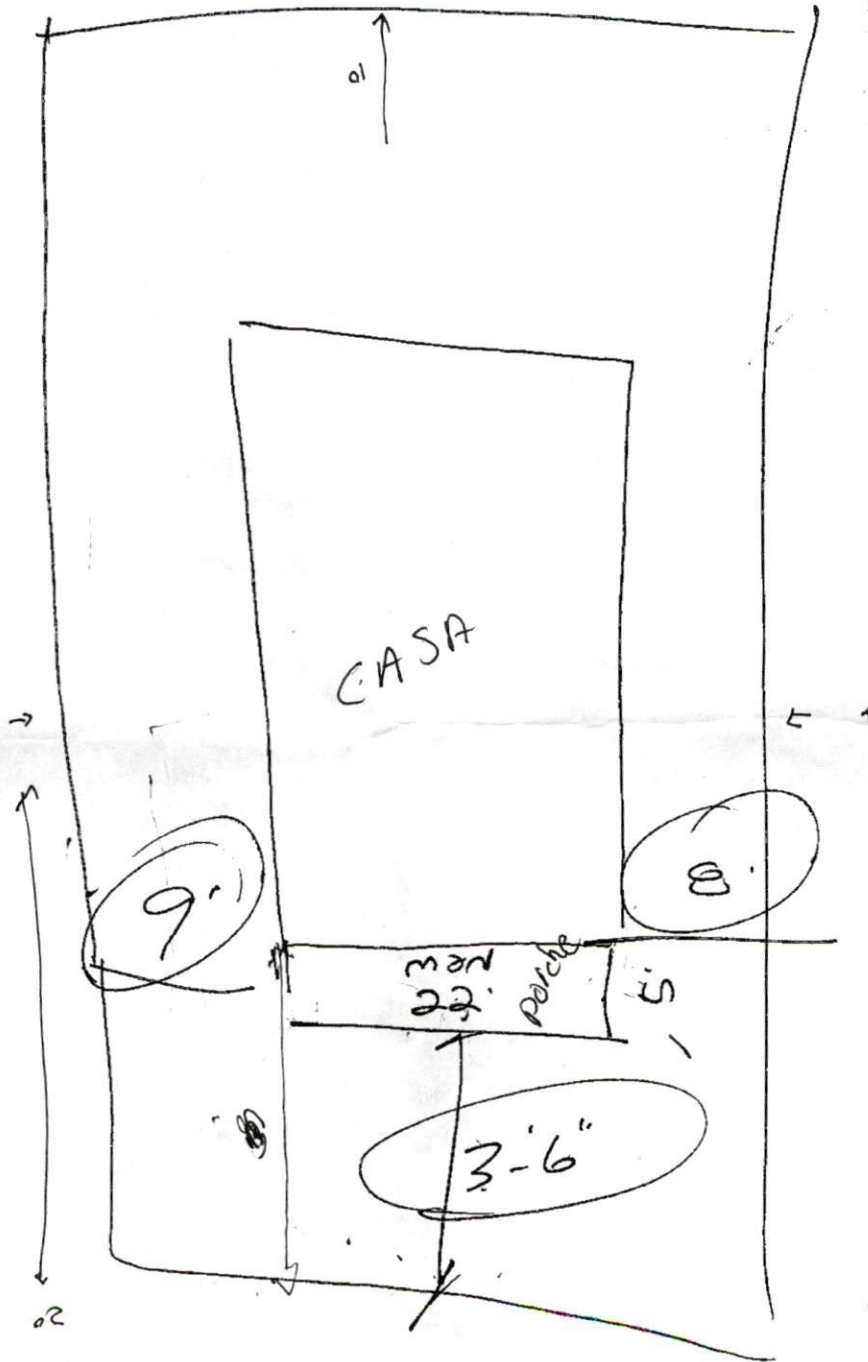
CITY USE ONLY

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

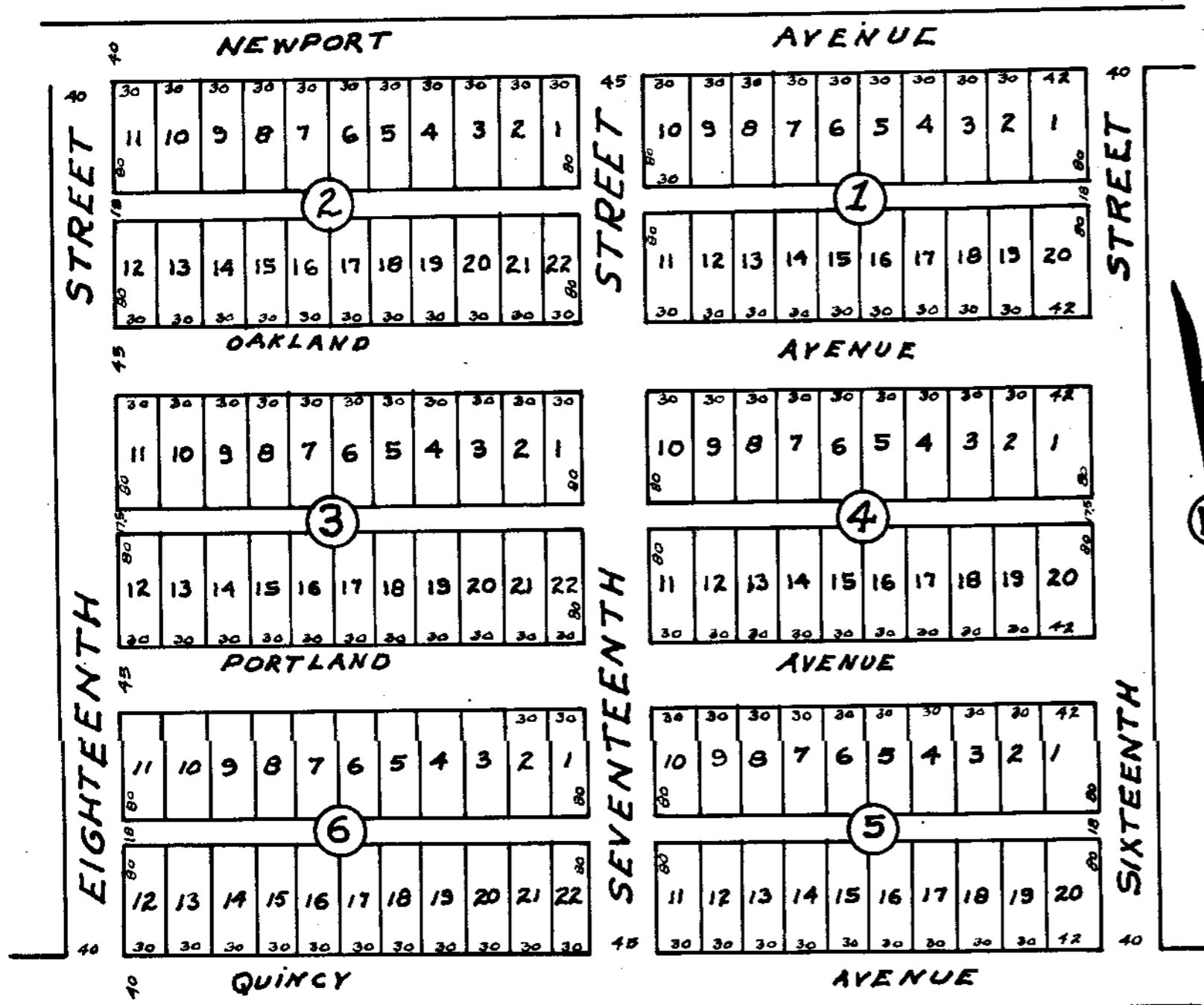
The foregoing is a true and correct description of the improvement proposed by the undersigned applicant and the applicant states that he will have full authority over construction of same. The building permit shall not be held to permit or be an approval of the violation or modification of any provisions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

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

X Sofia Garza
07-17-18



DAKLAND AVENUE
SOFIA GARZA
03-04-20



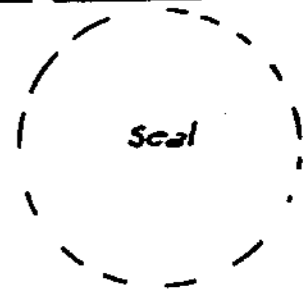
AMENDED
MAP
 OF
COLONIA GUADALUPE
 BEING A SUBDIVISION
 OF
 LOT 13 N.W. 1/4 SECTION 7
 HIDALGO CANAL COMPANY'S SUBDIVISION
 OF
 - PORCIONES 64-65 & 66 -
 HIDALGO COUNTY TEXAS
 Scale 1"=100ft

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

E. M. Card
 SURVEYOR.

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

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



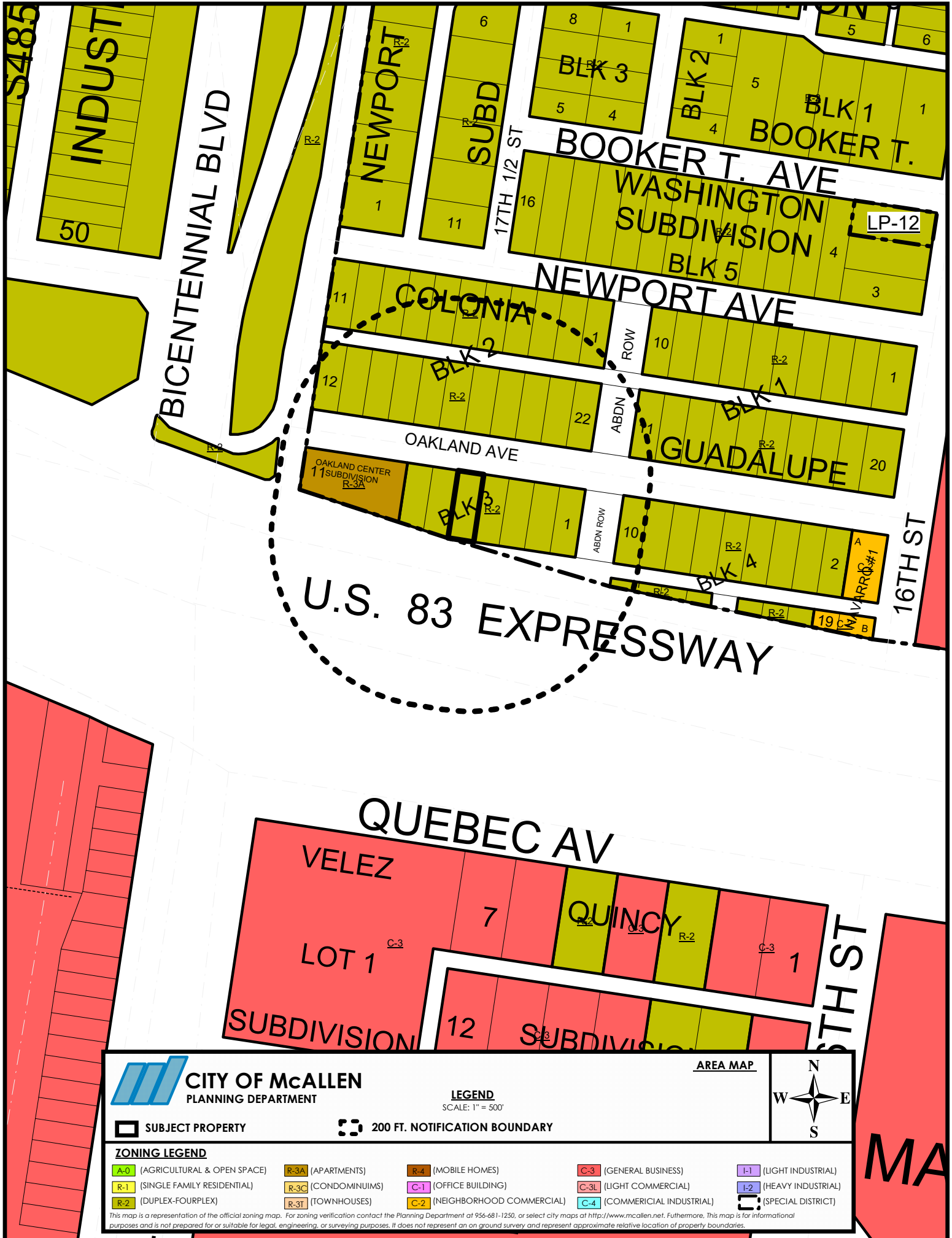
We, the undersigned Mayor & City Secretary, respectively of the City of McAllen Texas, do hereby Certify that at a meeting of the Board of Commissioners of Mc Allen, Texas, held on the 5th day of April, 1944, the above and foregoing map, or Plat, of Colonia Guadalupe an addition to and within the City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

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

Man Drosal
 City Secretary

Lorace Etchison
 Mayor

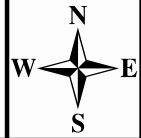
Filed July 28, 1944 at 11:00 A.M



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

LEGEND
SCALE: 1" = 500'



SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

ZONING LEGEND

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

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.

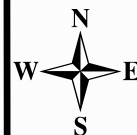


CITY OF McALLEN
PLANNING DEPARTMENT

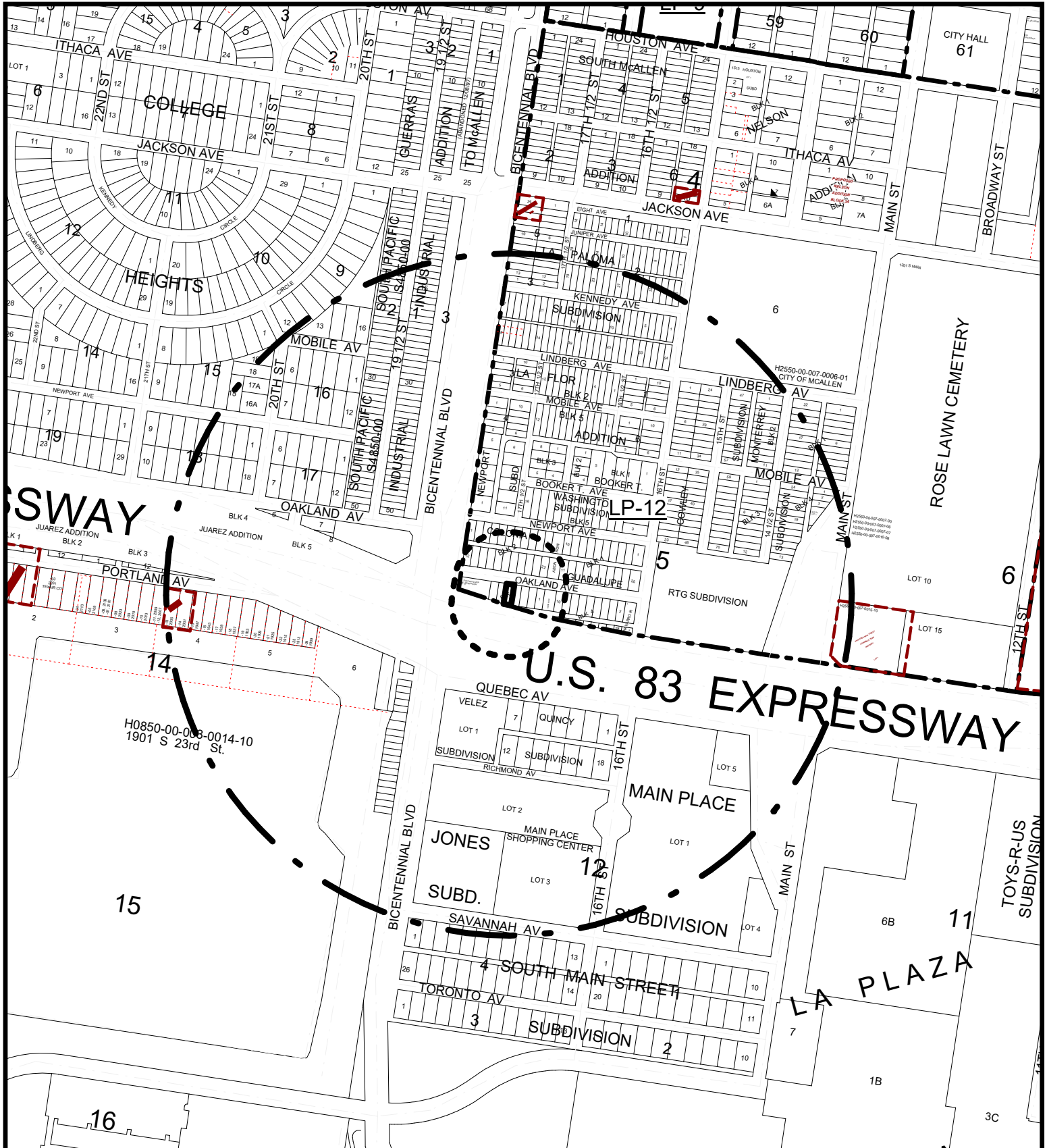



SUBJECT PROPERTY

AERIAL MAP
SCALE: N.T.S.



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

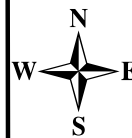






CITY OF McALLEN
PLANNING DEPARTMENT


LEGEND
SCALE: 1" = 500'

AREA MAP



 **SUBJECT PROPERTY**

 **200 FT. NOTIFICATION BOUNDARY**

 **1/4 MILE RADIUS**

ZONING LEGEND

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



NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2020-0012

1709

Withdrawn

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: May 29, 2020

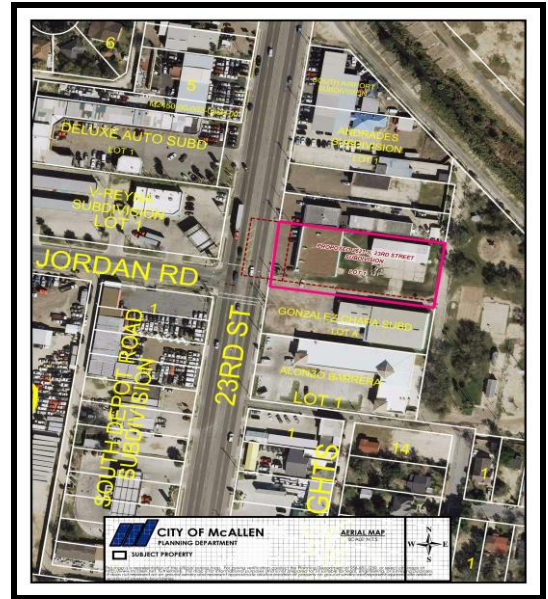
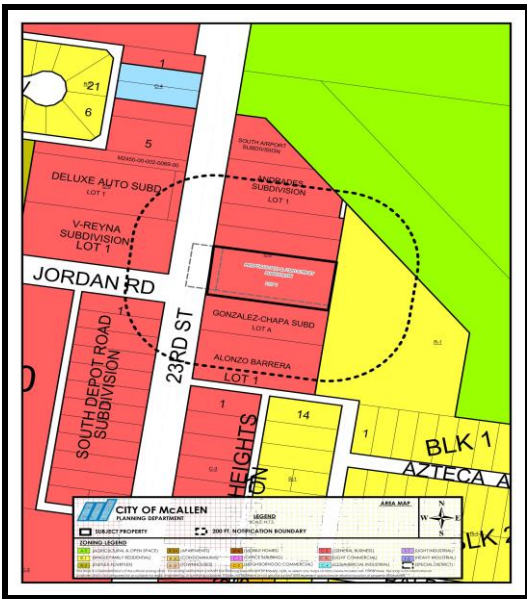
SUBJECT: REQUEST OF U.S. RAGS, INC. FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN OFF-STREET PARKING AND LOADING ORDINANCE AND A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) 22 PARKING SPACES INSTEAD OF THE REQUIRED 36 PARKING SPACES FOR A PROPOSED COMMERCIAL BUILDING MEASURING 13,000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

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

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

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

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



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

No calls or emails have been received in opposition.

RECOMMENDATION:

Staff recommends to keep item tabled as requested by the applicant.

ZBA2020.0013

ZBOA
4-15-20



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project	Legal Description	<u>0.99 AC o/o LOT 18, BIK. 3,</u> <u>C.R. HAMMOND'S SUBD., H.C.T</u>	
	Subdivision Name	<u>2621 S. 23RD ST. SUBD.</u>	
	Street Address	<u>2621 S. 23RD ST., McALLEN</u>	
		Number of lots <u>1</u>	Gross acres <u>0.99</u>
	Existing Zoning	<u>C-3</u>	Existing Land Use <u>C-3</u>
	Reason for Appeal (please use other side if necessary)	<u>ALL PARKING REQ NOT</u> <u>NEEDED / INCREASED SETBACK REDUCES PARKING</u> <u>REQ.</u>	

\$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 SITE PLAN (EXHIBIT "B")

Applicant	Name	<u>U.S. RAGS, INC.</u>	Phone	<u>713-805-4546</u>
	Address	<u>303 S. 66TH ST.</u>	E-mail	<u>MAIL@BIGSTARMCNT.COM</u>
	City	<u>HOUSTON</u>	State	<u>TX</u> Zip <u>77011</u>

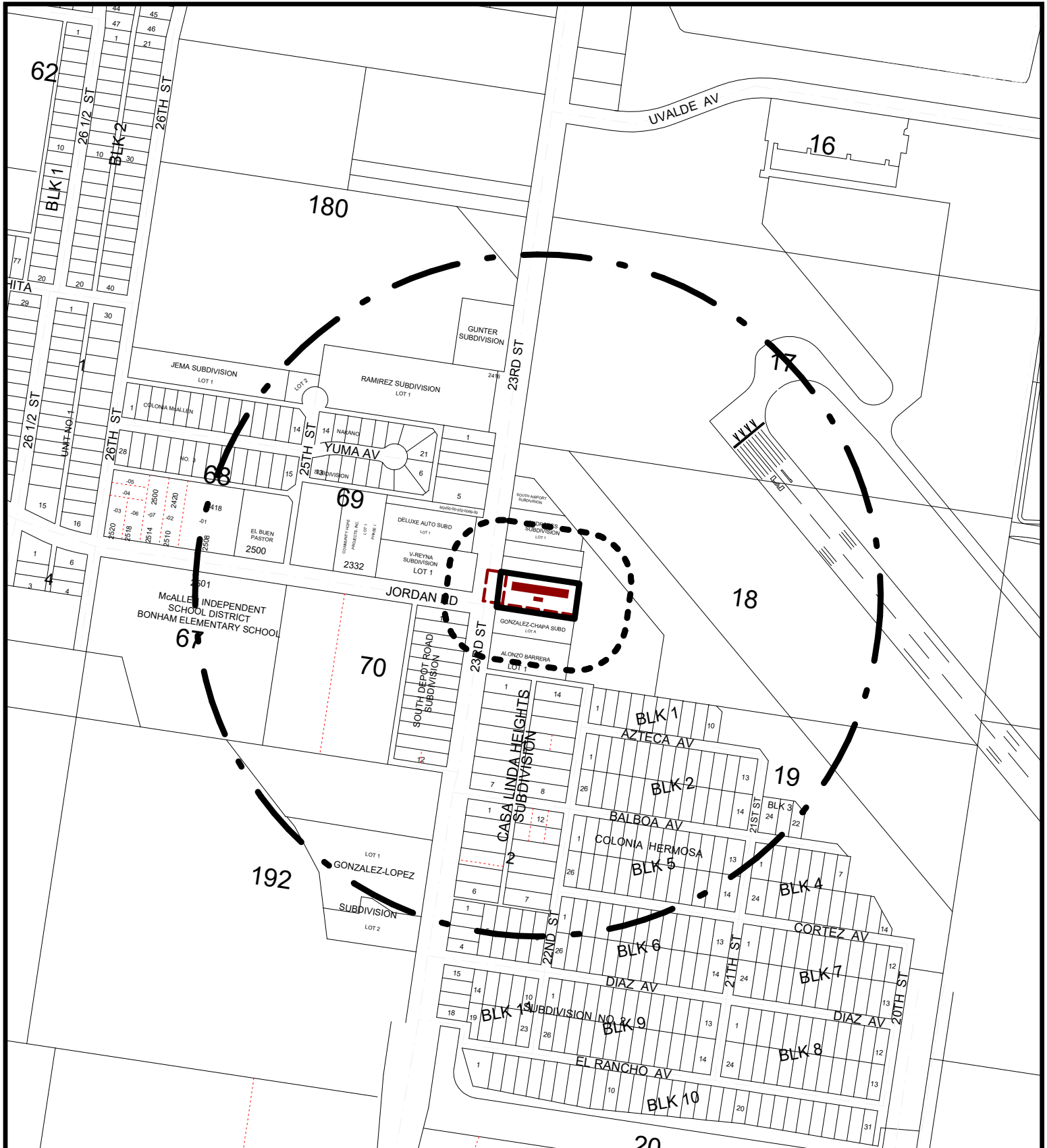
Owner	Name	<u>SAME AS APPLICANT</u>		
	Address	_____ E-mail _____		
	City	State	Zip	


Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?	
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.	
	Signature	Date <u>3/9/20</u>

Print Name DAVID O. SALINAS Owner Authorized Agent

Office	Accepted by _____	Payment received by _____
	Rev 10/18 <u>Cb</u>	 BY: _____

Ret#703923

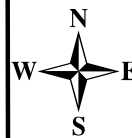






CITY OF McALLEN
PLANNING DEPARTMENT


LEGEND
SCALE: 1" = 500'

AREA MAP




 **SUBJECT PROPERTY**

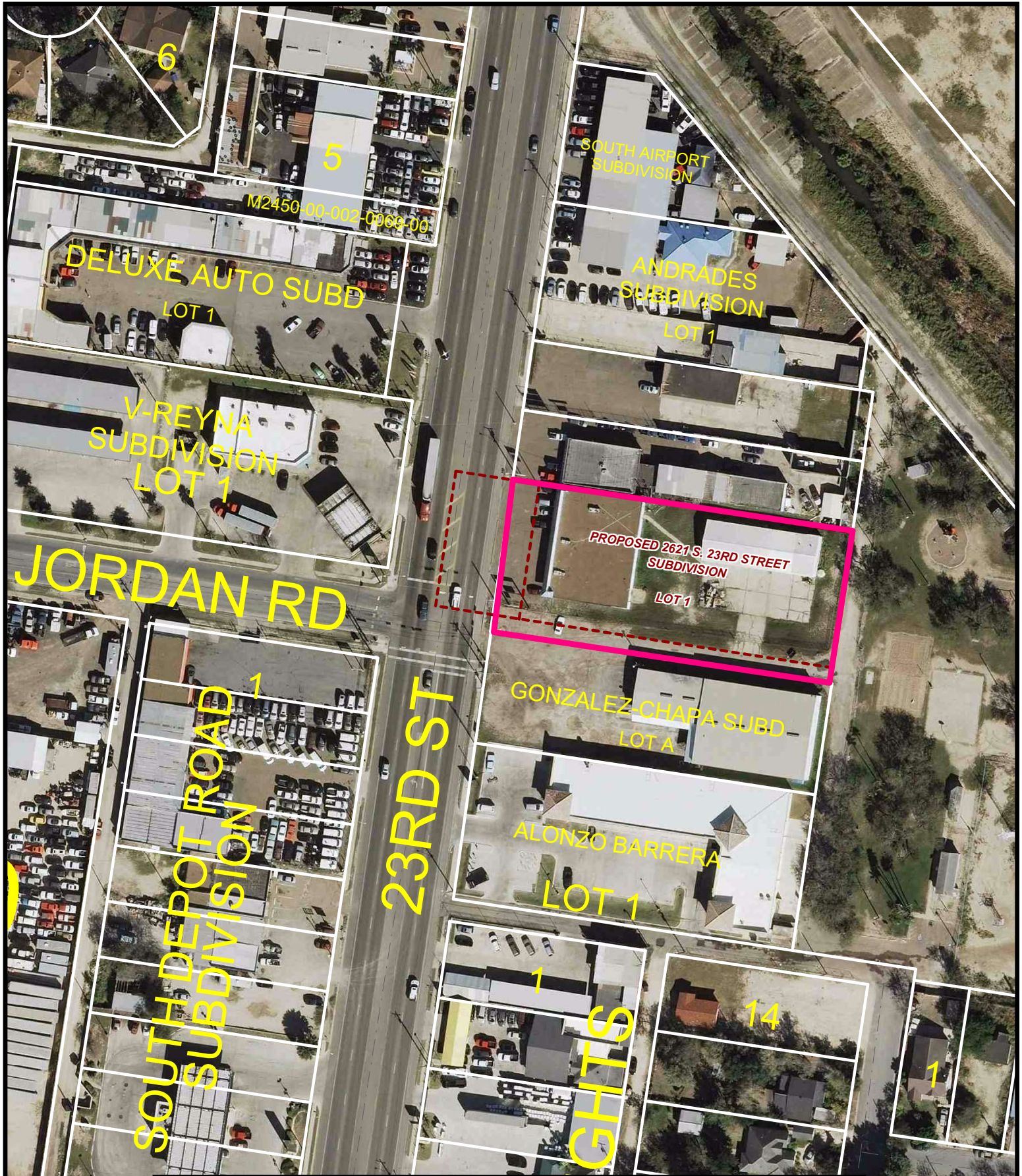
 **200 FT. NOTIFICATION BOUNDARY**

 **1/4 MILE RADIUS**

ZONING LEGEND

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

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.mcalten.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.



DELUXE AUTO SUBD
LOT 1

V-REYNA
SUBDIVISION
LOT 1

JORDAN RD

SOUTH DEPOT ROAD
SUBDIVISION 1

23RD ST

GHITS

SOUTH AIRPORT
SUBDIVISION

ANDRADES
SUBDIVISION
LOT 1

PROPOSED 2621 S. 23RD STREET
SUBDIVISION
LOT 1

GONZALEZ-CHAPA SUBD
LOTA

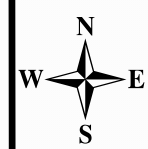
ALONZO BARRERA
LOT 1



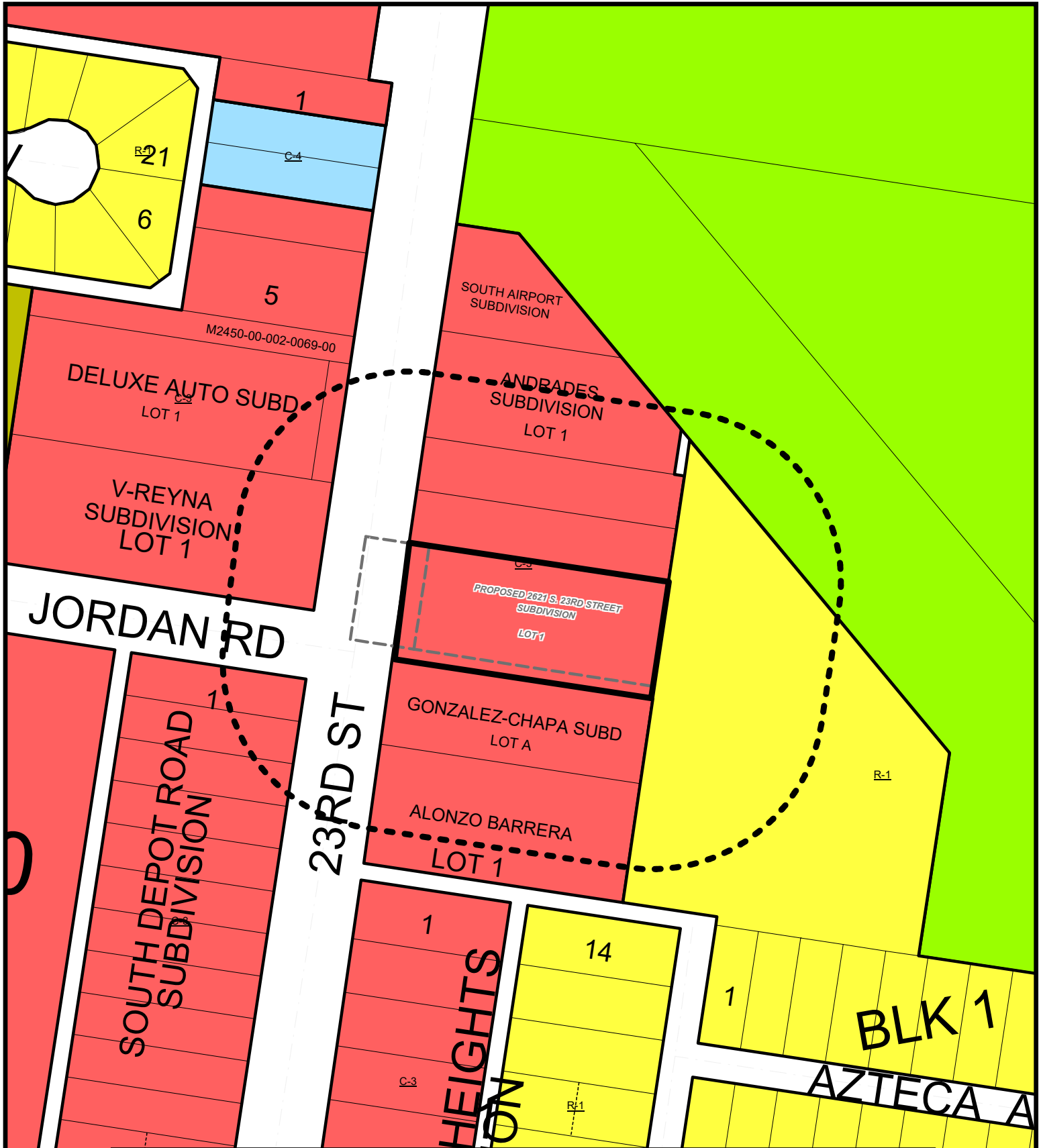
CITY OF McALLEN
PLANNING DEPARTMENT


 SUBJECT PROPERTY

AERIAL MAP
SCALE: N.T.S.



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






CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.

AREA MAP



SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

ZONING LEGEND

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

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

C-3

R-1

R-1

R-1

2221 S. 23rd Street

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

METES AND BOUNDS DESCRIPTION

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

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

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

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

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

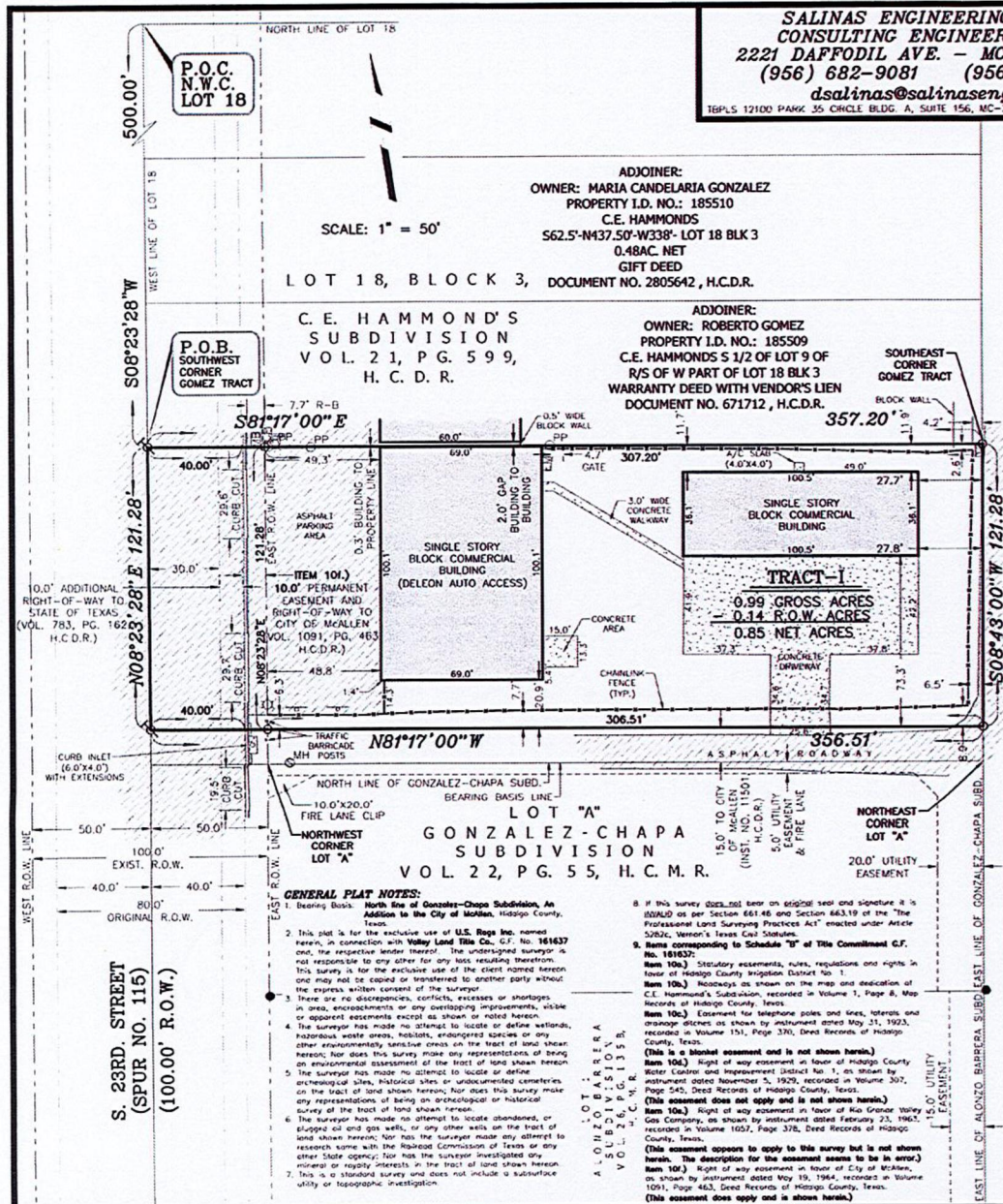
(3) THENCE, NORTH 81 DEGREES 17 MINUTES 00 SECONDS WEST, COINCIDENT WITH THE NORTH LINE OF SAID 15.0' STRIP, A DISTANCE OF 306.51 FEET PASS A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET ON THE EXISTING EAST RIGHT-OF-WAY LINE OF SAID SOUTH 23RD. STREET SAME BEING THE EAST LINE OF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

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

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

LEGEND
● FOUND 1/2" IRON ROD
○ SET 1/2" IRON ROD WITH YELLOW CAP MARKED "SEA 5782"
— SET NAIL
— CABLE PEDESTAL
— ELECTRIC METER
— FIRE HYDRANT
— CURB BUMP
— MAIL BOX
— POWER POLE
— SANITARY SEWER MANHOLE
— SINGLE POLE SIGN
— TELEPHONE PEDESTAL
— TRAFFIC SIGNAL POLE
— WATER VALVE
— RIGHT OF WAY
— POINT OF COMMENCEMENT
— POINT OF BEGINNING
— H.C.D.R. HIDALGO COUNTY DEED RECORDS
— H.C.D.R. HIDALGO COUNTY OFFICIAL RECORDS
— H.C.M.R. HIDALGO COUNTY MAP RECORDS

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



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

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

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

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

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

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

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

REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5782
BY: *David Omar Salinas*
RECEIVED SEP 19 2019
STATE OF TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR 5782 DAVID OMAR SALINAS

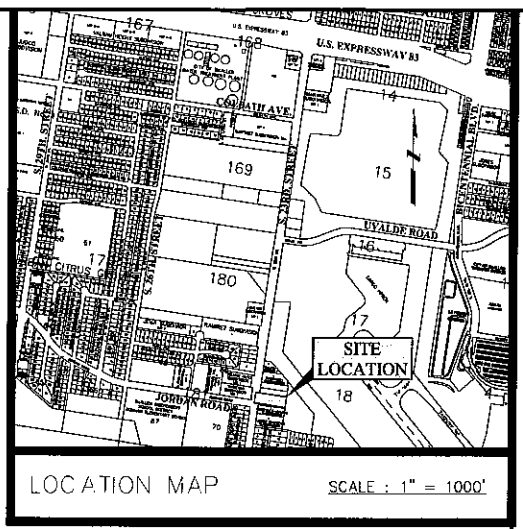
P.O.C. N.W.C. LOT 18

EXHIBIT "B"

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

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

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



SEA
SALINAS ENGINEERING & ASSOCIATES
(P.E. 6875) (1008700)
CONSULTING ENGINEERS & SURVEYORS
2821 DAFFODIL - McALLEN, TEXAS 78501
(956) 682-9081 (956) 686-1466 (FAX)
1905 DIBB PARK 30 ORLEANS BLVD. 4, SUITE 104, MCALLEN, TEXAS 78123 (214) 239-0883

SITEPLAN

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

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

LOT 1
34,182.75 SQ.FT.
0.78 ACRES

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

LOT 1
ALONZO BARRERA
SUBDIVISION
VOL. 26, PG. 1358

SCALE: 1"=20'

LEGEND

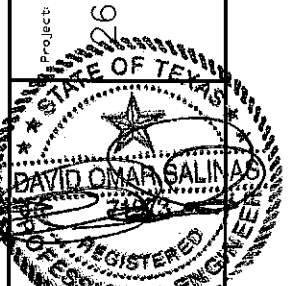
- FOUND 1/2" IRON ROD
- SET 1/2" IRON ROD WITH YELLOW CAP MARKED "SEA 5782"
- SET NAIL
- CABLE PEDESTAL
- ELECTRIC METER
- FIRE HYDRANT
- GUY WIRE
- MAIL BOX
- PP POWER POLE
- MH SANITARY SEWER MANHOLE
- MH STORM DRAIN MANHOLE
- SINGLE POLE SIGN
- TELEPHONE PEDESTAL
- TRAFFIC SIGNAL POLE
- WV WATER VALVE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

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

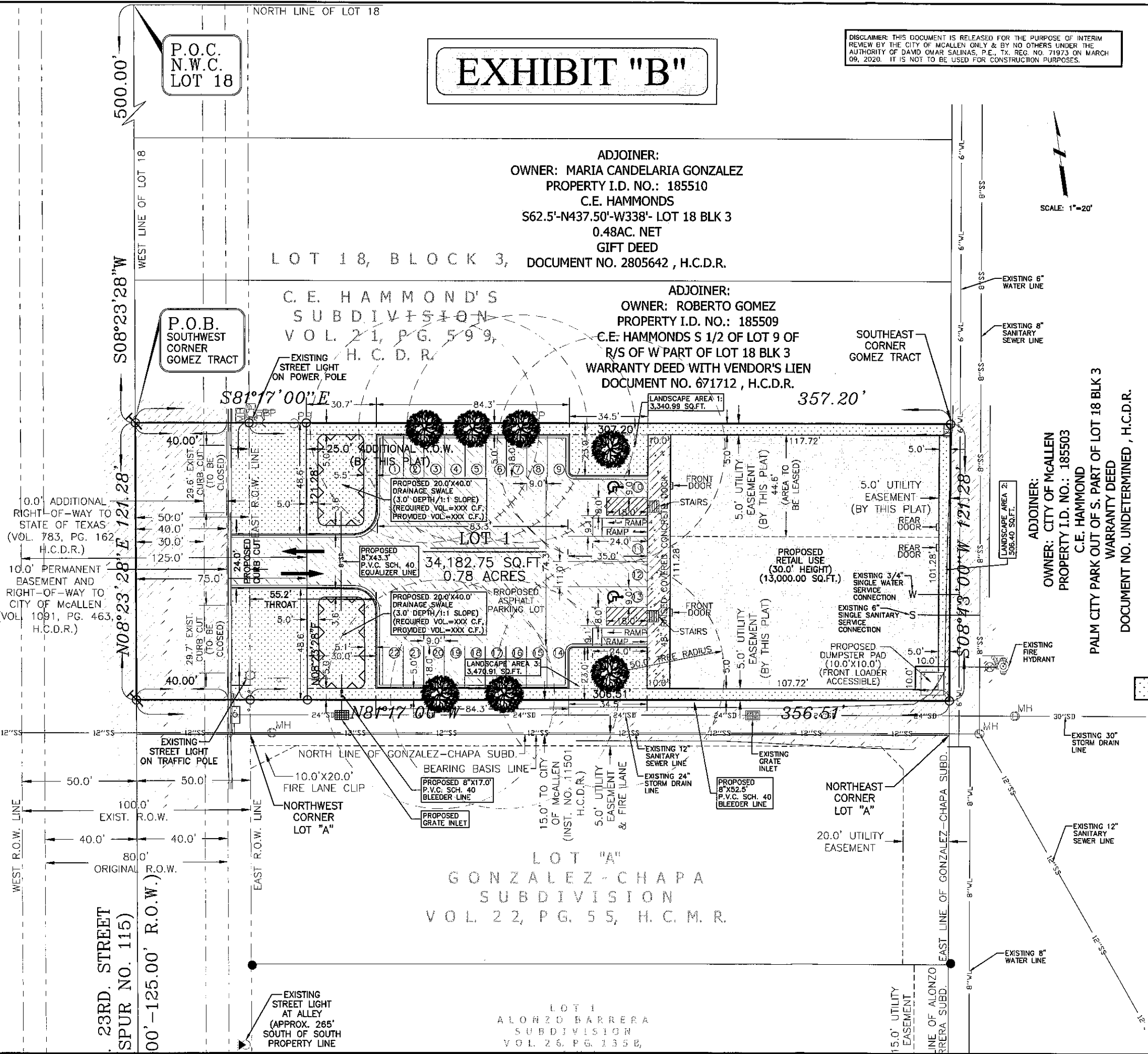
CITY REQUIREMENTS

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

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

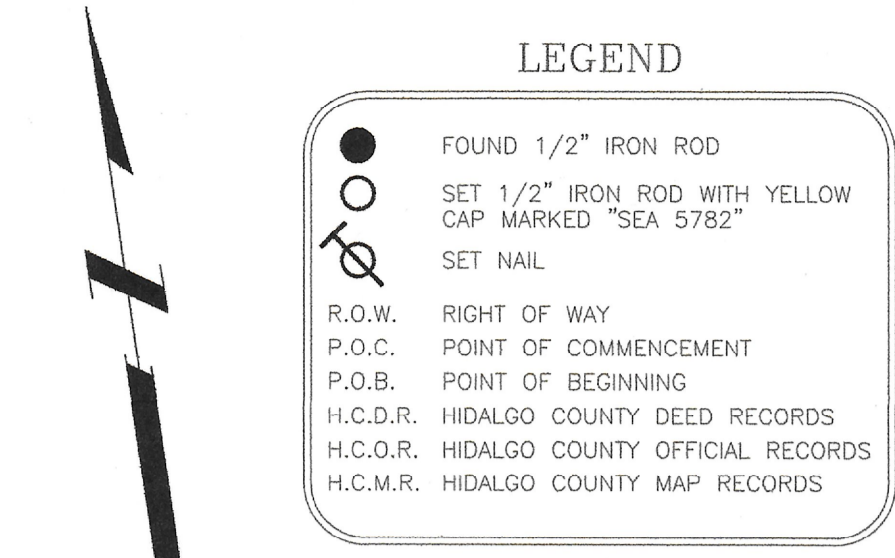
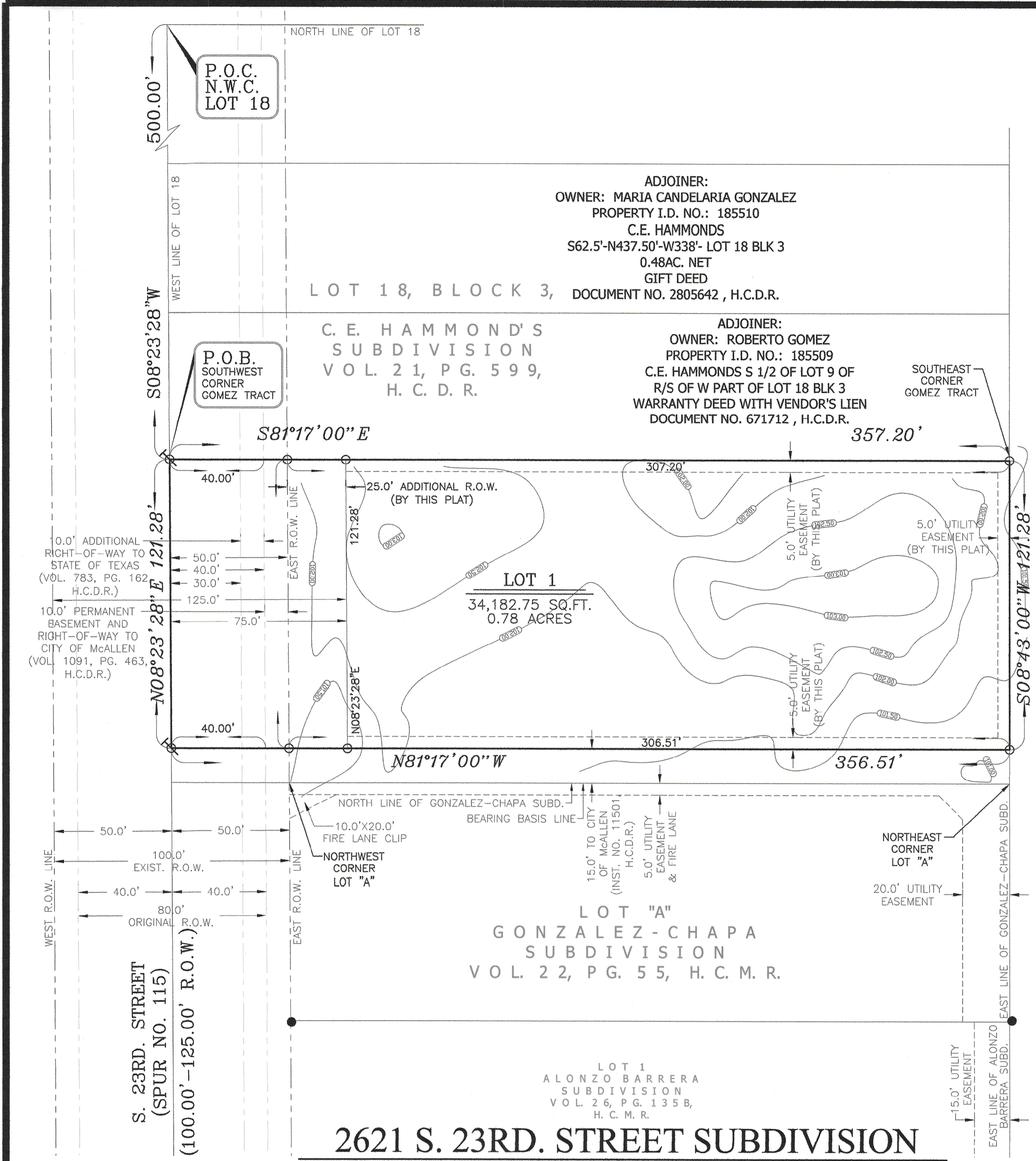


Project: 19-24164
Date: 03/09/20
Scale: 1"=20'
Designed By: D.D.S.
Drawn By: A.E.
Checked By: D.D.S.
Approved By: D.D.S.
Project No: SP-19-24164
Drawing No: SP-19-24164
Sheet 1 of 1





NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2020-0013



SCALE: 1" = 30'

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

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

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

BY: _____ DEPUTY

2621 S. 23RD. STREET SUBDIVISION

AN ADDITION TO THE CITY OF McALLEN,
HIDALGO COUNTY, TEXAS

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

GENERAL PLAT NOTES:

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

PRINCIPAL CONTACTS

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

STATE OF TEXAS
COUNTY OF HIDALGO

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

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

STATE OF TEXAS
COUNTY OF HIDALGO

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

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

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

STATE OF TEXAS
CITY OF McALLEN

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

MAYOR _____ DATE _____

STATE OF TEXAS
CITY OF McALLEN

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

CHAIRMAN,
PLANNING AND ZONING COMMISSION
DATE _____

STATE OF TEXAS
COUNTY OF HIDALGO

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

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

STATE OF TEXAS
COUNTY OF HIDALGO

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

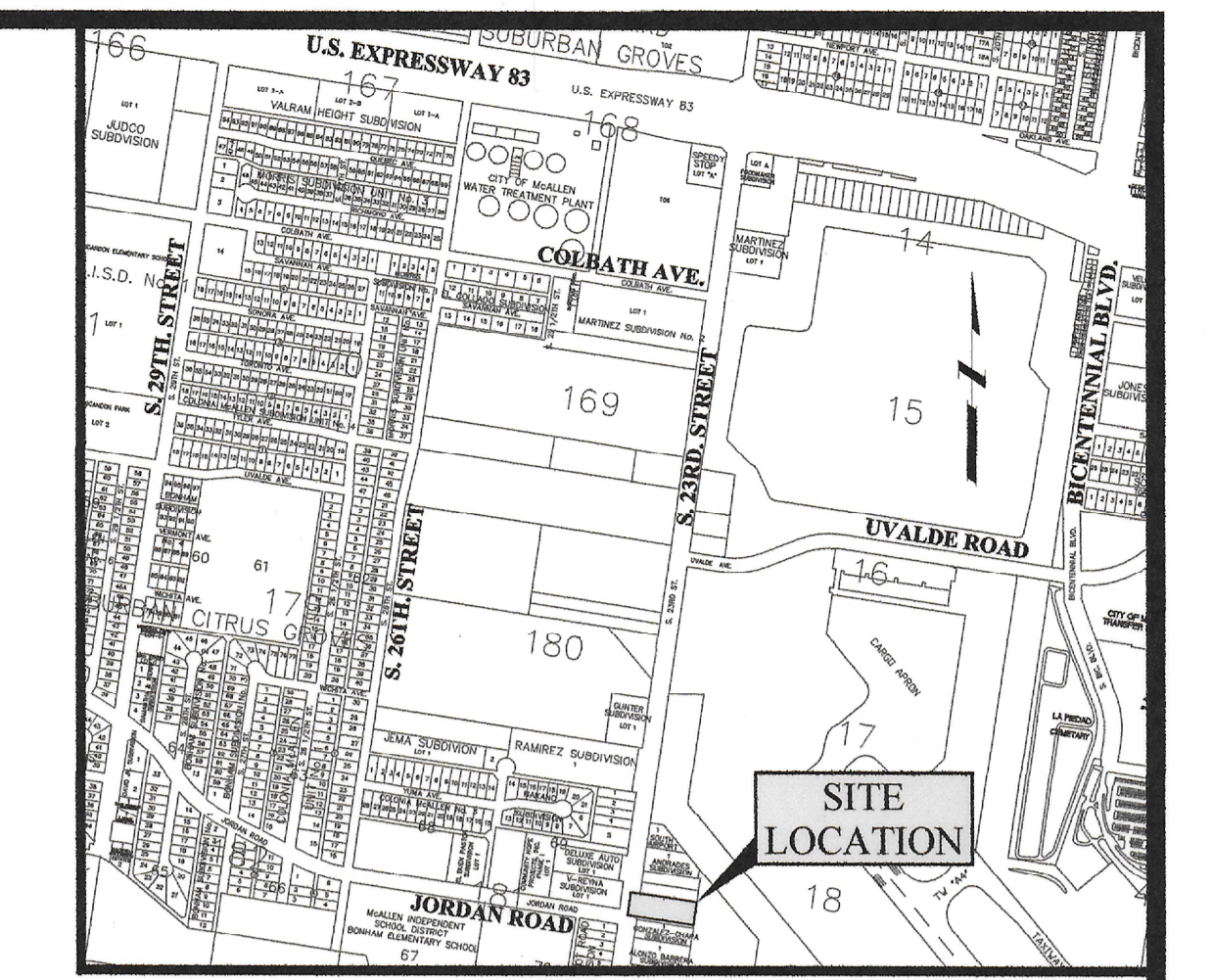
DAVID O. SALINAS, R.P.L.S.
REG. PROFESSIONAL LAND SURVEYOR #5782
DATE _____

APPROVED BY DRAINAGE DISTRICT:

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

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

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



LOCATION MAP SCALE: 1" = 1000'

METES AND BOUNDS DESCRIPTION

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

- COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 18 LOCATED INSIDE THE RIGHT-OF-WAY OF SOUTH 23RD. STREET; THENCE, AS FOLLOWS:
- SOUTH 08 DEGREES 23 MINUTES 28 SECONDS WEST, COINCIDENT WITH THE WEST LINE OF SAID LOT 18, A DISTANCE OF 500.0 FEET TO A NAIL SET ON THE SOUTHWEST CORNER OF THAT CERTAIN 0.97 (DEED) TRACT OF LAND CONVEYED FROM ELIZABETH GOMEZ VEGA UNTO ROBERTO GOMEZ, DATED APRIL 09, 1998, FILED IN INSTRUMENT NO. 671712, H.C.D.R., FOR THE NORTHWEST CORNER AND POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT;
 - THENCE, SOUTH 81 DEGREES 17 MINUTES 00 SECONDS EAST, COINCIDENT WITH THE SOUTH LINE OF SAID GOMEZ TRACT, A DISTANCE OF 40.0 FEET (TXDOT ROW MAP) PASSING THE OLD EAST RIGHT-OF-WAY LINE OF SOUTH 23RD. STREET, AND, SAME BEING THE WEST LINE OF THAT CERTAIN EASEMENT AND RIGHT-OF-WAY CONVEYED UNTO THE CITY OF McALLEN (VOL. 1091, PG. 463, H.C.D.R.), AT A DISTANCE OF 50.0 FEET PASSING A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET IN ASPHALT ON THE EXISTING EAST RIGHT-OF-WAY OF SAID SOUTH 23RD. STREET SAME BEING ON THE EAST LINE OF SAID 10.0 FOOT PERMANENT EASEMENT AND RIGHT-OF-WAY CONVEYED TO THE CITY OF McALLEN, AT A DISTANCE OF 357.20 FEET IN ALL TO A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET ON THE SOUTHEAST CORNER OF SAID GOMEZ TRACT FOR THE NORTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;
 - THENCE, SOUTH 08 DEGREES 43 MINUTES 00 SECONDS WEST, ALONG THE SOUTHERLY PROJECTED EAST LINE OF SAID GOMEZ TRACT, A DISTANCE OF 121.28 FEET TO A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET ON THE NORTHEAST CORNER OF A 15.0' FOOT STRIP OF LAND CONVEYED TO THE CITY OF McALLEN BY INSTRUMENT NUMBER 11501, DEED RECORDS OF HIDALGO COUNTY, TEXAS, BEING 15.0 FEET NORTH OF THE NORTH LINE OF LOT "A", GONZALEZ-CHAPA SUBDIVISION, McALLEN, HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 22, PAGE 55, MAP RECORDS OF HIDALGO COUNTY, TEXAS, FOR THE SOUTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;
 - THENCE, NORTH 81 DEGREES 17 MINUTES 00 SECONDS WEST, COINCIDENT WITH THE NORTH LINE OF SAID 15.0' STRIP, A DISTANCE OF 306.51 FEET PASS A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET ON THE EXISTING EAST RIGHT-OF-WAY LINE OF SAID SOUTH 23RD. STREET SAME BEING THE EAST LINE OF SAID EASEMENT AND RIGHT-OF-WAY CONVEYED UNTO THE CITY OF McALLEN, AT A DISTANCE OF 316.51 FEET PASSING THE ORIGINAL EAST RIGHT-OF-WAY LINE OF SAID SOUTH 23RD. STREET SAME BEING THE WEST LINE OF SAID EASEMENT AND RIGHT-OF-WAY CONVEYED UNTO THE CITY OF McALLEN, AT A DISTANCE OF 356.51 FEET IN ALL TO A NAIL SET IN ASPHALT WITHIN SOUTH 23RD. STREET ON INTERSECTION WITH THE WEST LINE OF SAID LOT 18 FOR THE SOUTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;
 - THENCE, NORTH 08 DEGREES 23 MINUTES 28 SECONDS EAST, COINCIDENT WITH THE WEST LINE OF SAID LOT 18, A DISTANCE OF 121.28 FEET TO THE POINT OF BEGINNING, CONTAINING 0.99 GROSS ACRES OF LAND, MORE OR LESS, OF WHICH THE WEST 50.0 FEET, OR 0.14 ACRES, MORE OR LESS, ARE LOCATED WITHIN THE RIGHT-OF-WAY OF SAID SOUTH 23RD. STREET, LEAVING 0.85 NET ACRES OF LAND, MORE OR LESS.

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

2621 S. 23RD. STREET SUBDIVISION

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

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

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

MEMO

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: May 29, 2020

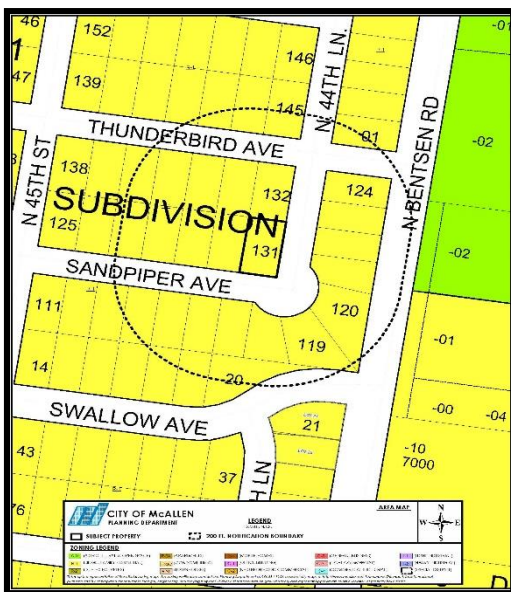
SUBJECT: REQUEST OF ORALIA RODRIGUEZ FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 25 FT. INTO THE 25 FT. FRONT YARD SETBACK FOR A WOODEN CARPORT WITH DECORATIVE COLUMNS MEASURING 25.0 FT. BY 20.0 FT., AT LOT 131, PLANTATION GAP SUBDIVISION PHASE 1, HIDALGO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

REASON FOR APPEAL:

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

PROPERTY LOCATION AND VICINITY:

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



BACKGROUND AND HISTORY:

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

ANALYSIS:

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

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

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

ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING OF JANUARY 15, 2020:

At the Zoning Board of Adjustments and Appeals meeting of January 15, 2020 no one appeared in opposition to the variance request. The applicant was present. Staff recommended to table the variance request to until the City departments review the abandonment request. After a brief discussion, the Board voted to table the variance request with five members present and voting.

ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING OF FEBRUARY 5, 2020:

At the Zoning Board of Adjustments and Appeals meeting of February 5, 2020 no one appeared in opposition to the variance request. Staff recommended the item to remain tabled until the City departments review the abandonment request. After no discussion, the Board voted to table the variance request with six members present and voting.

ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING OF MARCH 4, 2020:

At the Zoning Board of Adjustments and Appeals meeting of March 4, 2020 no one appeared in opposition to the variance request. Staff recommended the item to remain tabled until the City departments review the abandonment request. After no discussion, the Board voted to table the variance request with six members present and voting.

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

At the Zoning Board of Adjustments and Appeals meeting of April 1, 2020 no one appeared in opposition to the variance request. Staff recommended the item to remain tabled until the City departments review the abandonment request. After no discussion, the Board voted to table the variance request with five members present and voting.

RECOMMENDATION:

Staff recommends to table item as requested by the applicant.

ZBA 2019-0007

ZBA
11/20/19.



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

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

Ret # 226701 Pd \$350



City of McAllen Planning Department

REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

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

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

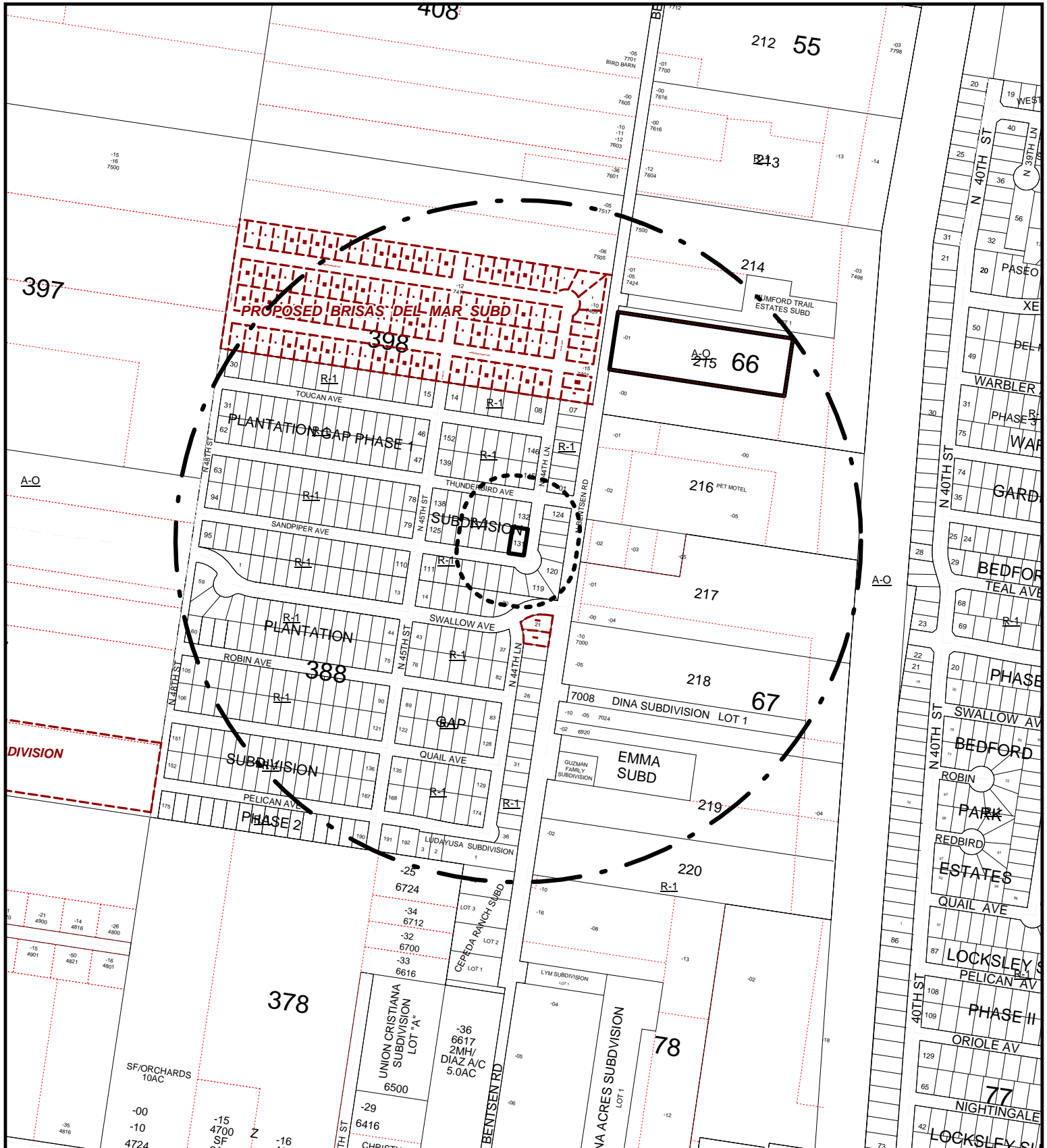
De antemano, muchas gracias por atencion a mi solicitud.


Rufo Rodriguez

Board Action

Chairman, Board of Adjustment
Signature

Date






CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: 1" = 500'

AREA MAP



SUBJECT PROPERTY

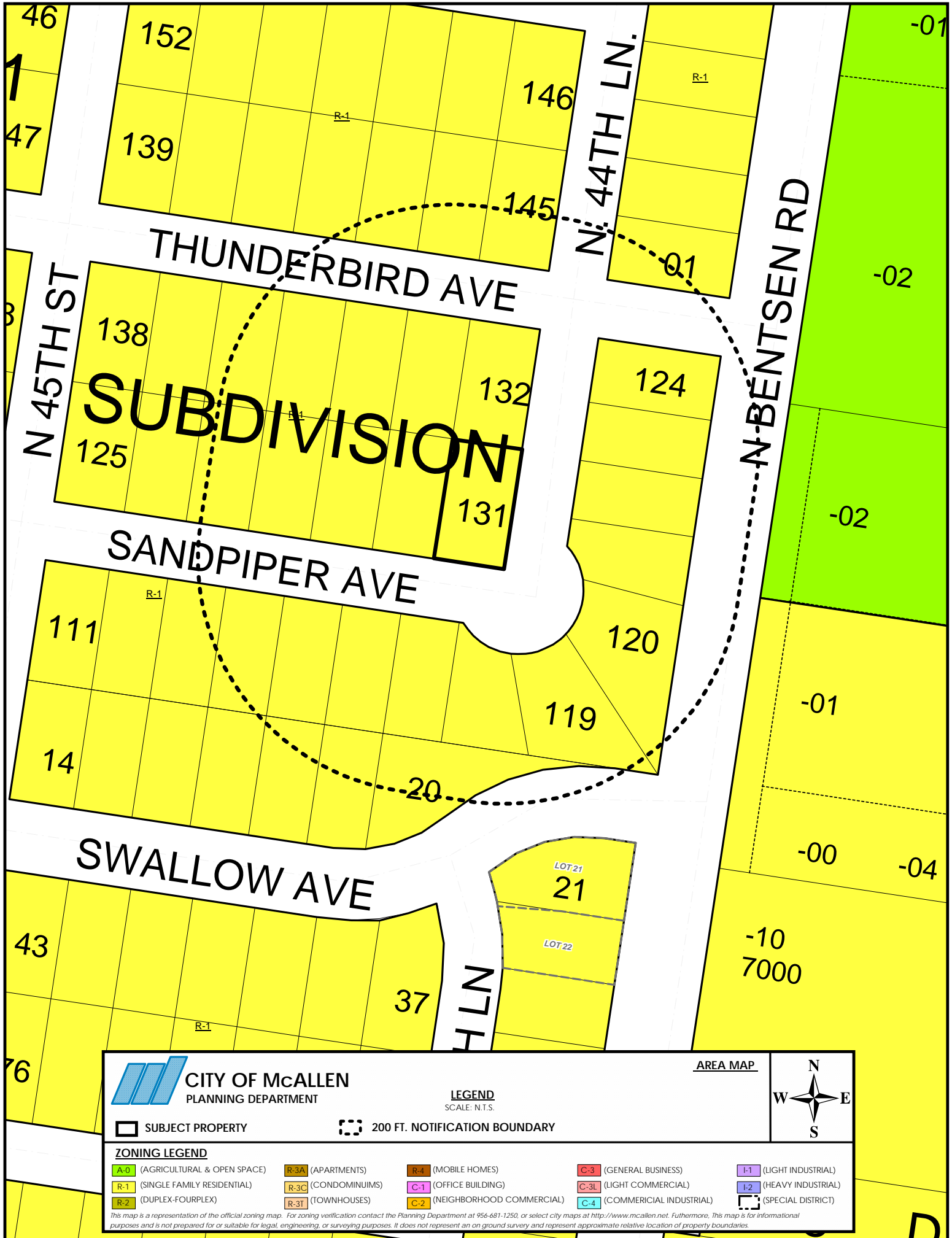
200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

ZONING LEGEND

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

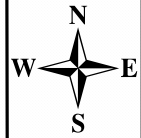
This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying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



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.

AREA MAP



SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

ZONING LEGEND

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 (DUPEX-FOURPLEX)	R-31 (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

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

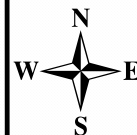


CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

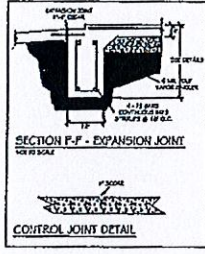
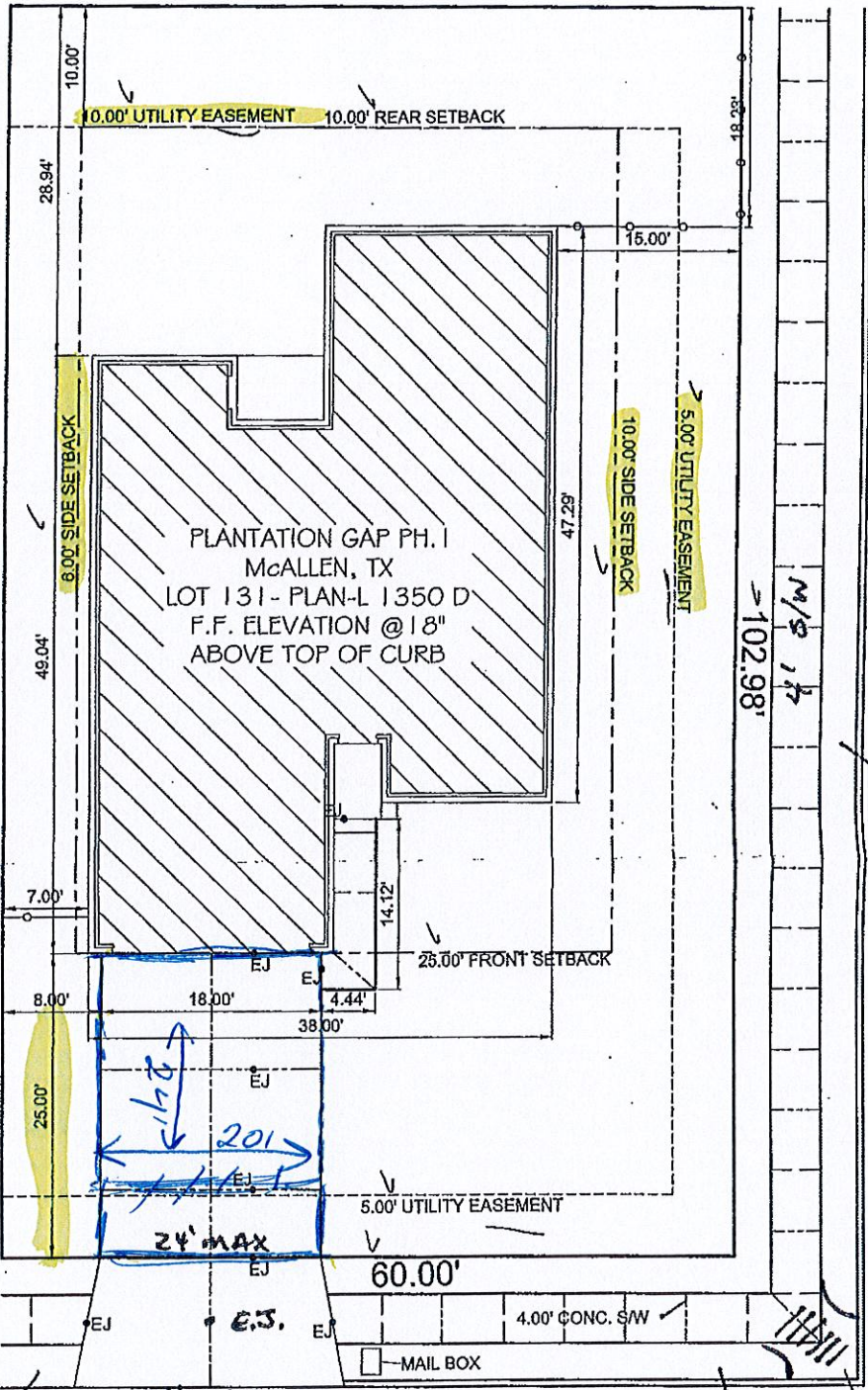


SUBJECT PROPERTY



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.

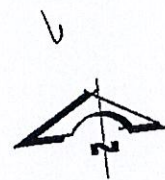
60.00



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

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

RECEIVED
 OCT 16 2019
 BY: L.G.

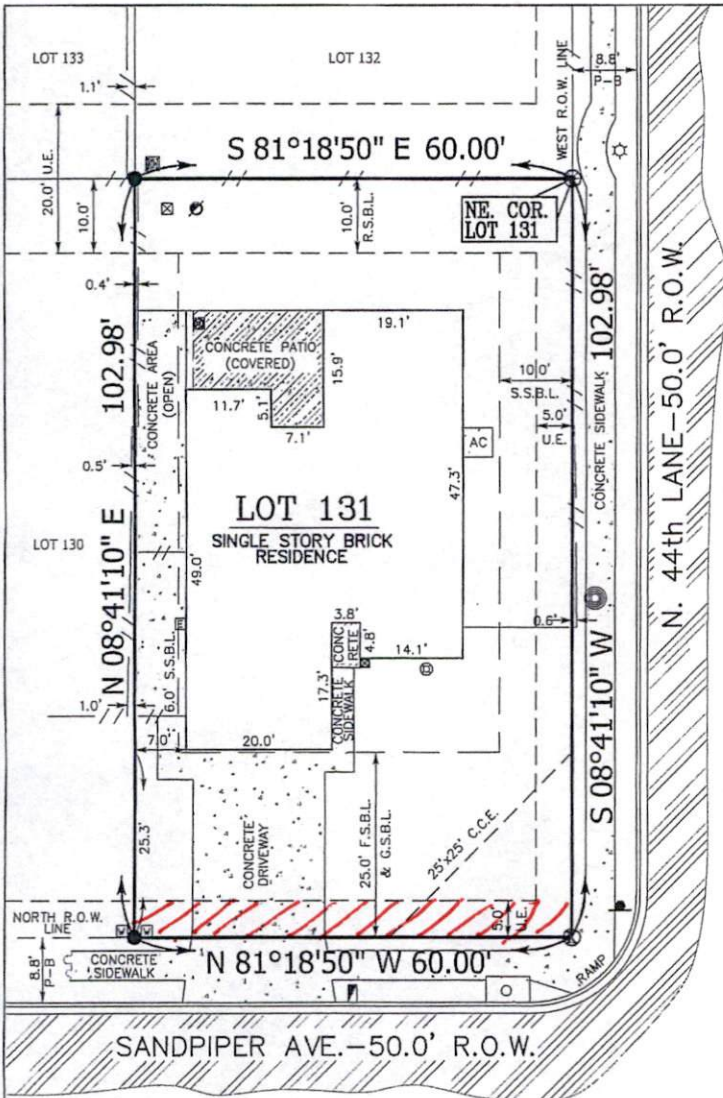


3' B.O.C. SANDPIPER AVENUE 3' B.O.C.

SITE PLAN
 SCALE: 1"=10'

ADA
 RR
 RAMP

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



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

SCALE: 1"=20'

LEGEND

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

FLOOD ZONE

ZONE "C"

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

NOTES:

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

ADDRESS: 4400 SANDPIPER AVE.
 McALLEN, TEXAS 78504

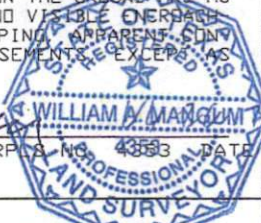
BORROWER: *[Signature]*
 ALFREDO RODRIGUEZ

BORROWER: *[Signature]*
 ORALIA RODRIGUEZ

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

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

[Signature]
 WILLIAM A. MANGUM, R.P.A. No. 4353 DATE



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

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

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

© COPYRIGHT 2017 W & L MANGUM SURVEYING ALL RIGHTS RESERVED



4400

NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2019-0057

CITY OF DALLAS PLANNING DEPT.
1000 MARSHALL ST.
DALLAS, TX 75201





Definitions

Table of Contents

Chapter 138-Zoning	1
Section 138-1 Definitions	1
Chapter 110-Vegetation	6
Section 110-26 Definitions	6

Chapter 138-Zoning

Sec. 138-1. - Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Footnotes:

--- () ---

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

--- () ---

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

Chapter 110-Vegetation

Sec. 110-26. - Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CRITERIA FOR ZBOA DETERMINATIONS

APPEALS

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

SPECIAL EXCEPTIONS

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

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

Ord. Sec. 138-86. – GENERAL POLICY.

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

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

VARIANCES

Authorized only when ALL of the following applies:

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

Exceptions Cited within the Zoning Ordinance

Exceptions pertaining to front yard setbacks:

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

Exceptions pertaining to rear yard setbacks:

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

Exceptions pertaining to side yard setbacks:

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

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

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

Exceptions as per Planning Department Policy

By policy the following are permitted:

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

Legal opinions:

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

ZONING BOARD OF ADJUSTMENT AND APPEALS

RULES AND PROCEDURES

CITY OF MCALLEN

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

I. ORGANIZATION AND OFFICERS

A. Members

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

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

B. Officers

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

C. Duties and Officers

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

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

II. POWERS OF THE BOARD

A. General Powers

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

B. Specified Powers

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

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

III. DUTIES OF BOARD MEMBERS

A. General Duties of Members

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

B. Disqualification/Conflict of Interest

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

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

IV. A BASIS FOR ACTION

The Board shall decide each case based on the following:

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

V. APPLICANTS

A. Legally Vested Interest

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

B. Applications

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

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

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

C. Meetings

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

D. Evidence

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

VI. HARDSHIP

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

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

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

VII. MEETINGS

A. Texas Public Information Act and Open Meetings Act.

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

B. Quorum

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

C. Regular Meetings

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

D. Special Meetings

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

E. Order of Business

The usual order of business shall be:

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

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

F. Staff Recommendations

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

G. Action by the Board

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

H. Minutes of the Board

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

VIII. DECISIONS OF THE BOARD

A. Precedent

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

B. Public Statements

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

B. Parliamentary Procedure

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

IX. WITHDRAWAL OF APPEAL

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

X. ATTENDANCE

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

XI. AMENDEMENT PROCEDURE

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

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

Executive Secretary

ORDINANCE NO. 2018- 70

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SIGNED this 9th day October, 2018.

CITY OF McALLEN

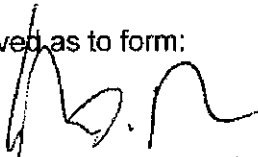
John Ingram, City Commissioner

Attest:



Perla Lara, TRMC/CMC, CPM
City Secretary

Approved as to form:



Austin W. Stevenson, Assistant City Attorney



2020 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

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

P - PRESENT

A - ABSENT

NEW APPOINTMENT

MC - MEETING CANCELLED

NRM - NO MEETING

LOQ - LACK OF QUORUM

RS - RESIGNATION



PLANNING DEPARTMENT



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

2020 CALENDAR

Meetings:

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

Deadlines:

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

JANUARY 2020

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

FEBRUARY 2020

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

MARCH 2020

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

APRIL 2020

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

MAY 2020

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





JUNE 2020

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

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

2020 CALENDAR

Meetings:

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

Deadlines:

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

JULY 2020

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

AUGUST 2020

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

SEPTEMBER 2020

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

OCTOBER 2020

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

NOVEMBER 2020

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

DECEMBER 2020

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