

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, MAY 20, 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 April 15, 2020.

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)**
- 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)**
- 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) (REMAINED TABLED: 04/15/2020)**
- 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 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)**

- 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, 04/01/2020, 04/15/2020)**

3. FUTURE AGENDA ITEMS

- a) 2152 Kennedy Circle
- b) 3209 Kilgore Avenue
- c) 905 North Main Street
- d) 2217 North 47th Street
- e) 2212 South 6th Street
- f) 3116 North 33rd 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, April 15, 2020 at 4:39 p.m. in the City Commission Meeting Room with the following present:

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

CALL TO ORDER – Chairperson, David Salinas

1. MINUTES:

- a) Minutes for Regular Meeting held on April 1, 2020.

The minutes for the meeting held on April 1, 2020 were approved. The motion to approve the minutes was made by Mr. John Millin. Mr. Jose Gutierrez seconded the motion, which carried unanimously with four members present and voting.

2. PUBLIC HEARINGS:

- a) 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)**

Mr. John Millin **moved** to table the special exception until the next meeting. Vice-Chairperson Erick Diaz seconded the motion. The board voted unanimously to table the item with four members present and voting.

Mr. Garza stated the item was withdrawn.

- b) Request of Steve Barajas on behalf of Rodrigo Martinez Rodriguez for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 1.08 ft. into the 25 ft. front yard setback for a proposed single family residence at Lot 46,

Idela Park Unit 2 Subdivision, Hidalgo County, Texas; 5017 South 33rd Street.
(ZBA2020-0008) (TABLED: 4/1/2020)

Mr. John Millin **moved** to remove the item from the table. Mr. Jose Gutierrez seconded the motion. The board voted unanimously to remove from the table with four members present and voting.

The applicant has withdrawn this item.

Mr. John Millin **moved** to table the variance request to revise the site plan. Vice-Chairperson Erick Diaz seconded the motion. The board voted unanimously to table with five members present and voting.

- c) Request of Randy Cleveland on behalf of Tae and Kyong Pyun for a special exception to the City of McAllen Off-Street Parking and Loading Ordinance and variances to the City of McAllen Zoning Ordinance to allow: **1)** 29 parking spaces instead of the required 42 parking spaces, **2)** a front yard setback of 0 ft. instead of the required 32.5 ft. front yard setback for an existing commercial building, **3)** a front yard setback of 0 ft. instead of the required 32.5 ft. front yard setback for a proposed building expansion measuring 9.85 ft. by 6.1 ft., **4)** Issuance of a building permit in excess of 10% replacement value for non-conforming use, **5)** a variance to the 10% landscaping requirement, and **6)** to not provide 50% of the required landscaped area to be visible from the street fronting the property, at all of Lots 1, 2, & 3, Block 55, North McAllen Townsite and that part of Ash Avenue lying between Lot 3, Block 55, North McAllen Townsite and the right-of-way of the St. Louis, Brownsville and Mexico Railway Company, Hidalgo County, Texas; 101 North 16th Street. **(ZBA2020-0014)**

Mr. Garza stated the applicant was requesting the above referenced special exception with the purpose of reducing the number of required parking spaces from 42 to 29. The applicant stated that the basis for the request was that he had insufficient space to add additional parking. The applicant was also requesting variances to allow a front yard setback of 0 ft. for an existing commercial building, to allow a front yard setback of 0 ft. for a proposed building expansion measuring 9.85 ft. by 6.1 ft., to allow issuance of a building permit in excess of 10% replacement value for a non-conforming use, to allow a variance to the landscaping requirement of 10% because he does not have sufficient space to accommodate landscaping, and to allow a variance to not provide 50 % of landscaping area to be visible from the street fronting.

The property was located on the corner of Beech Avenue and North 16th Street. The lot had 237.47 ft. of frontage on 16th Street with a depth of 140 ft. for a lot size of .75 acres. The property was zoned C-4 (commercial industrial) District. Adjacent zonings are C-3 (general business) to the north and east, and C-4 District to the south and west.

The building was previously the site for Mid Valley Ice Inc. a business for selling and distributing ice. The building is now vacant. A building permit application was submitted on March 09, 2020 for the remodeling of a building at the 32,200 sq. ft. on the commercial property. An application for the proposed variance was submitted on March 18, 2020.

Special Exception #1: The special exception request was to provide 29 parking spaces instead of the required 42 parking spaces. The applicant had 32,670 sq. ft. A retail use

in a commercial building requires 42 parking spaces for compliance. There is insufficient space to provide the required parking.

Variance #2: The variance request is for a front yard setback of 0 ft. instead of the required 32.5 ft. setback for an existing commercial building. The front yard setback for a commercial building is half of the street R.O.W that the property fronts. North 16th Street has R.O.W. of 65 ft. Compliance with required setback would necessitate demolition of the existing building to the required setback line.

Variance #3: The variance request was for a front yard setback of 0 ft. instead of the required 32.5 ft. setback for a proposed building expansion of 9.85 ft. by 6.1 ft. The front yard setback for a commercial building is half of the street R.O.W. that the property fronts. North 16th Street has R.O.W. of 65 ft. Compliance with required setback would necessitate reduction of the existing building to the required setback line.

Variance #4: The variance request is for the issuance of a building permit in excess of 10 % replacement value for a non-conforming use. The applicant was proposing to make \$300,000 worth of improvements. The buildings value according to the appraisal district is \$189,332 for a difference of \$110,668.

Variance #5: The variance request was for the required 10% of the landscape requirement. The applicant was needing a total of 3,267 sq. ft. of landscaping to be in compliance. The applicant was proposing to put 1,740.75 sq. ft. of landscaping. All new development, construction or reconstruction shall be in full compliance with provisions of the vegetation ordinance.

Variance #6: The variance request was to not provide 50 % of the required landscape area to be visible from the street fronting the property. The building was built in 1931 under a zoning district that allowed a 0 ft. front yard setback and is unable to comply with current Vegetation Ordinance requirements, unless the building was demolished.

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

Staff recommended approval of the special exception and variance requests.

Chairperson David Salinas inquired if there was anyone present to speak in favor of the special exception and variances. The applicant Randy Cleveland was present.

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

Mr. John Millin mentioned by looking at the site plan that it was going to be a retail establishment.

Mr. Randy Cleveland, the applicant, stated it would be a retail merchandise store. The ultimate construction would be to beautify this lot and add landscaping. The property value would increase and would an asset to the City.

Mr. Millin inquired it appeared on the overhead view that there would be parking lot that would be shared by the green property to the right. Were those parking spaces included

with what the City was stating or can the applicant get a parking agreement. Mr. Garza stated on the site plan that showed they had the variance for the 29 parking spaces instead of the 42. Staff did speak with the applicant about a future parking agreement with his neighbors in order to get more parking. Mr. Cleveland stated it was a possibility but currently this was all they had.

Chairperson David Salinas inquired if the applicant attempted to secure the stability of acquiring parking from his commercial property owners or should the board make that request or if staff was comfortable for the board to proceed to approve the request as requested by Mr. Cleveland. Mr. Cleveland stated they had attempted from the nearby neighbors thus far, have not found any neighbors that have available parking that they could allocate with a lease form to get additional parking.

Mr. Millin inquired the contemplated parking the applicant was acquiring and the entrance to the building was going to be facing Beech Avenue and not Business 83. Mr. Cleveland stated the parking lot would be facing Beech Avenue but the major entrance was on 16th Street, which would be the front of the building, which was the actual address of the building, and need to be retained. There would be an entrance by the parking lot on Beech Avenue.

Mr. Millin stated there were proposed site pictures that showed graphic renditions of what the property may look like a retail establishment. If the parking lot was on Beech Avenue and the front of the building faces Beech Avenue then on Business 83 would someone be looking north and see the back of a building. Mr. Cleveland stated the address was on 16th Street so when passing by towards to the west from the east you would see the actual entrance of the building on 16th Street, which would bear traffic in and out. There will also be an entrance on Beech Avenue, which would be on the side of the parking lot. The section of wall along Business 83 will have a door but will not be used for customers just an in house personnel door.

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

- d) 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 stated the applicant requested the item to remain tabled.

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

Staff recommended the requests remain tabled.

- f) Request of Oralía Rodríguez 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

ADJOURNMENT

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

Chairperson
David Salinas

Carmen White, Secretary

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: May 11, 2020

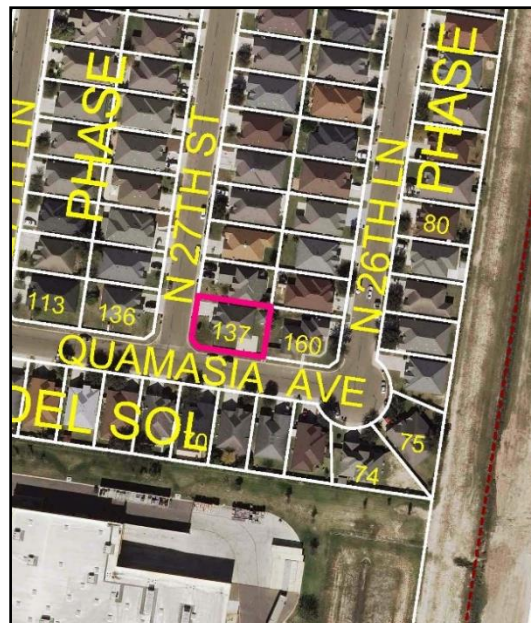
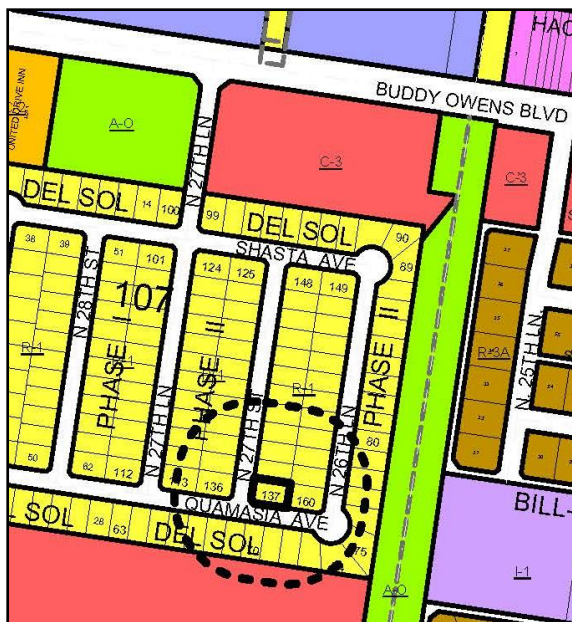
SUBJECT: REQUEST OF RAUDEL GARCIA FOR THE FOLLOWING VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE: 1) TO ALLOW AN ENCROACHMENT OF 5 FT. INTO THE 10 FT. REAR YARD SETBACK FOR AN EXISTING STORAGE BUILDING MEASURING 12.2 FT. BY 12.2 FT.; AND 2) TO ALLOW AN ENCROACHMENT OF 5 FT. INTO THE 10 FT. CORNER 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)

REASON FOR APPEAL:

The applicant is 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.

PROPERTY LOCATION AND VICINITY:

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.



BACKGROUND AND HISTORY:

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 is not required but must comply with setbacks. A building permit for the proposed swimming pool is required; however, the building permit has 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.

ANALYSIS:

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

RECOMMENDATION:

Staff recommends 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.

ZBA 2020-0015

ZBOA
4/2/2020



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

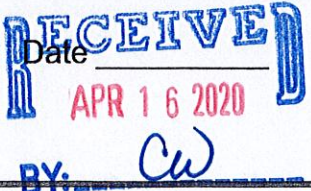
311 North 15th Street
McAllen, TX 78501
P. O. Box 220
McAllen, TX 78505-0220
(956) 681-1250
(956) 681-1279 (fax)

Project	Legal Description	<u>Del Sol PH 2 Lot 137</u>
	Subdivision Name	<u>Del Sol</u>
	Street Address	<u>4300 N. 27th St.</u>
	Number of lots	<u>1</u> Gross acres <u>1</u>
	Existing Zoning	<u>R-1</u> Existing Land Use <u>Residential</u>
	Reason for Appeal (please use other side if necessary)	<u>Building inground swimming pool 12' x 22', need a side yard</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>Raudel Garcia</u>	Phone	<u>956-703-0270</u>
	Address	<u>4300 N. 27th St.</u>	E-mail	<u>rawdelpools78@yahoo.com</u>
	City	<u>McAllen</u>	State	<u>Tx.</u> Zip <u>78504</u>

Owner	Name	<u>Raudel Garcia</u>	Phone	<u>956-703-0270</u>
	Address	<u>4300 N. 27th St.</u>	E-mail	<u>rawdelpools78@yahoo.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 checked="" type="checkbox"/> No	
	I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.	
	Signature	<u>[Signature]</u> Date <u>4-14-20</u>
	Print Name	<u>Raudel Garcia</u> <input type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent

Office	Accepted by <u>[Signature]</u> Payment received by _____
	Rev 10/18 <div style="text-align: right;">  </div>



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

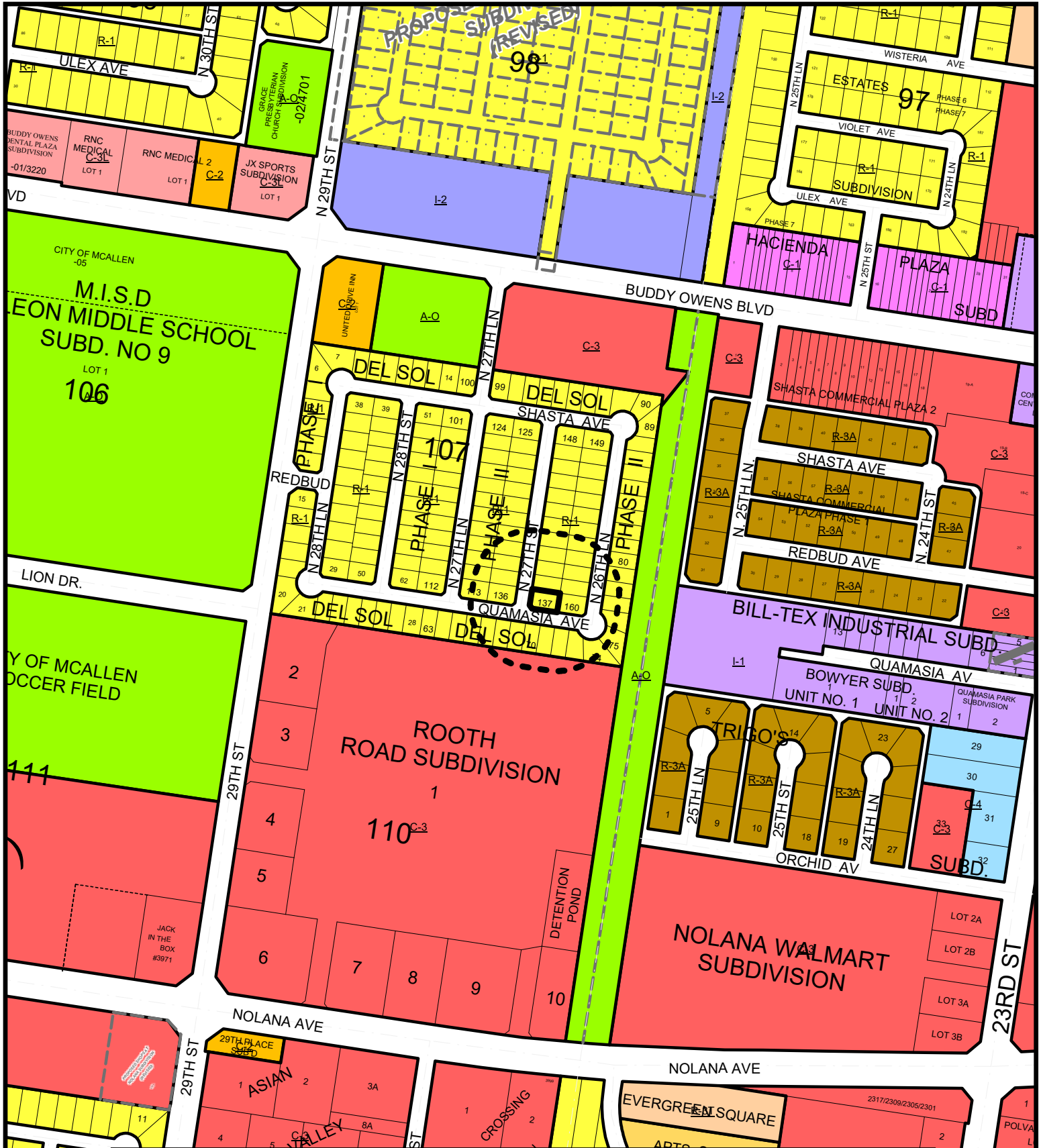
Reason for Appeal

variance of 5ft. encroachment into the
10 feet. corner side yard setback, will
respect 5 feet easement, reason for
appeal is on backyard there is not
enough space to built we also
need variance of 5 feet for shed
and will be cutting off concrete
slab of 5ft.

Board Action

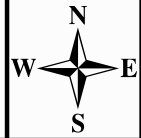
Chairman, Board of Adjustment
Signature

Date



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.



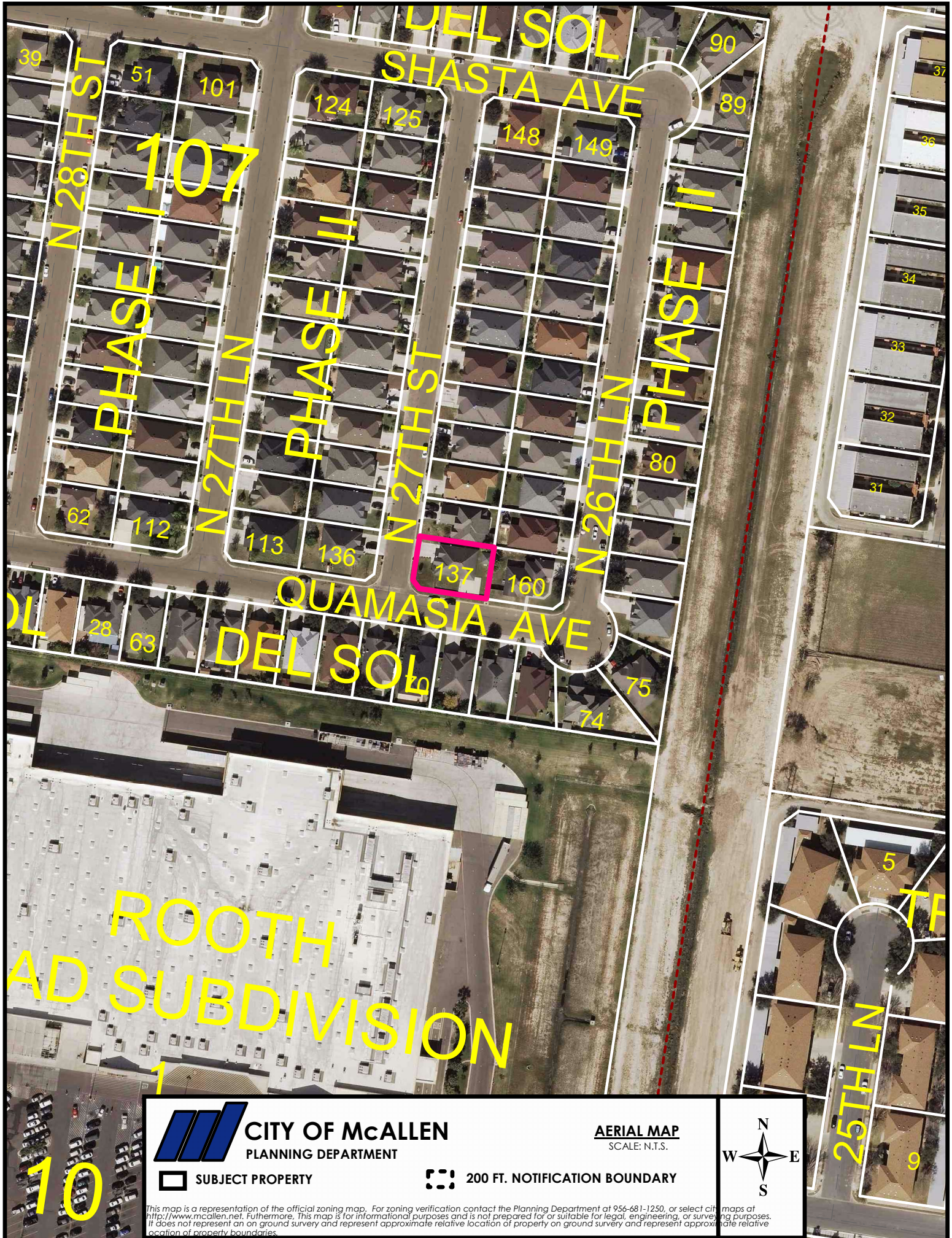
SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

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-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.



PHASE I

PHASE II

PHASE II

ROOTH AD SUBDIVISION

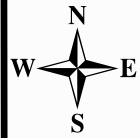


CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

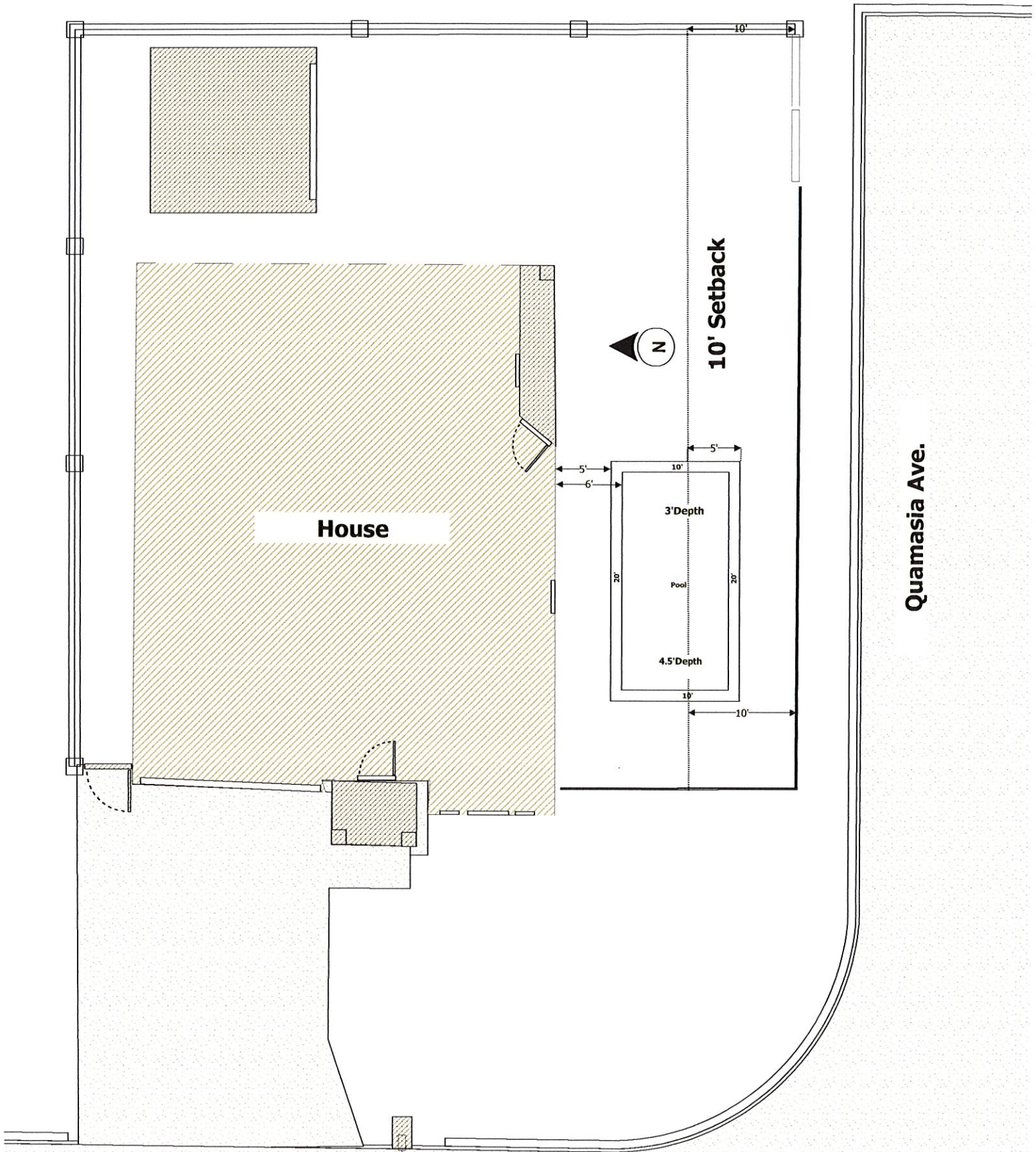
 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY



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10



27th street

RECEIVED
APR 16 2020
BY: *CW*

0.09 in. = 1 ft



ART SALINAS ENGINEERING & SURVEYING

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



NORTH 27th STREET
(VOL. 37, PG. 22, H.C.M.R.)

NORTH 56.25'

LOT 138

EAST

96.00'

SOUTH 66.25'

LOT 137
(6,310 S.F.)

WEST
14.14'
N45°00'00" W

86.00'

QUAMASIA AVENUE
(VOL. 37, PG. 22, H.C.M.R.)

B.O.C.

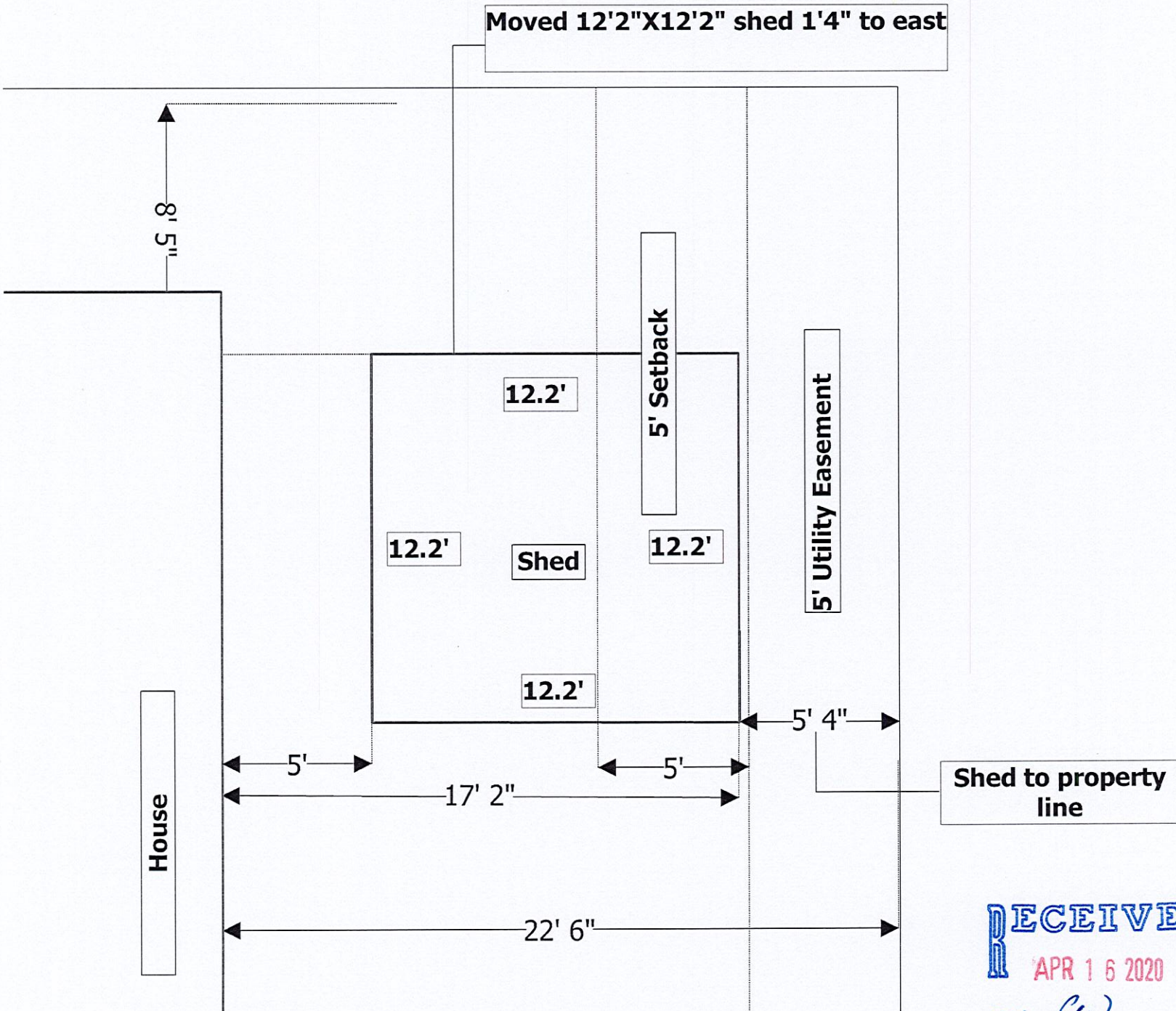
B.O.C.

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. 480343-0005-C dated 11-02-82.

PLAT NOTES:

- There are no discrepancies, conflict or shortages in area or boundary lines, any encroachments, or any overlapping of improvements except as shown or noted hereon.
- This survey plat is prepared in connection with Title Policy G.F. # 3135263 and does not guarantee title. The survey is for the exclusive use of the client named hereon and may not be copied or transferred to another party without the express consent to the surveyor.
- This survey must contain an original seal and signature to be valid as per Section 661.46 and Section 663.19 of the "The Professional Land Surveying Practices Act."
- This is a standard survey and does not include the location of underground utility or gas lines.
- Agreement dated October 13, 2000 between Central Power and Light Company and Northstar Homes Corp. filed for record in the Office of the County Clerk of Hidalgo County, Texas, on January 11, 2001, under Clerk's File No. 935172, and amendment thereof dated June 19, 2001 filed for record in the Office of the County Clerk of Hidalgo County, Texas, on August 22, 2001, under Clerk's File No. 1000802. (Blanket)
- Easements, rights, rules and regulations in favor of Hidalgo County Irrigation District No. 1. (Blanket)
- Subject to any gas, oil and mineral lease of record.
- Repartition Basis: "DEL SOL PHASE II SUBDIVISION"

RECEIVED
APR 18 2020
BY: CW



RECEIVED
 APR 16 2020
 BY: *cu*

0.23 in. = 1 ft

MAP OF DEL SOL PHASE II SUBDIVISION

McAlLEN, TEXAS

BEING A 15.72 AC. TRACT OF LAND OUT OF LOT 107 LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION REC. IN VOL. 24, PG. 67, MAP RECORDS HIDALGO COUNTY, TEXAS PORCION No. 63

DATE OF PREPARATION: SEPTEMBER, 2000

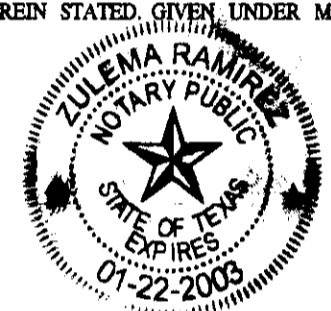
STATE OF TEXAS: COUNTY OF HIDALGO:

WE, THE UNDERSIGNED OWNERS OF THE LAND SHOWN ON THIS PLAN AND DESIGNATED HEREIN AS DEL SOL PHASE II SUBDIVISION TO THE CITY OF McALLEN, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC (SUBJECT TO THE RESERVATION OF RIGHTS NOTED ON THIS PLAN) ALL STREETS, ALLEYS, PARKS, DRAINAGE RIGHT-OF-WAYS, EASEMENTS, AND PUBLIC PLACES SHOWN ON THIS PLAN AS DEDICATED OR WHICH WE WILL CAUSE TO BE DEDICATED TO THE USE OF THE PUBLIC PURSUANT TO THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF McALLEN, ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED. THE DEDICATIONS CREATED HEREBY ARE MADE SUBJECT TO ALL MATTERS EXISTING OF PUBLIC RECORD AS OF THE DATE OF THE RECORDATION OF THIS PLAN.

Ricardo Carrillo
OWNER-NORTHTAR HOMES CORP.
RICARDO CARRILLO - PRESIDENT
ADDRESS: 337 N. McCOLL ROAD SUITE 103
McALLEN, TEXAS 78501

STATE OF TEXAS: COUNTY OF HIDALGO:

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED *Ricardo Carrillo* KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 16 DAY OF December, 2000.



Zulenna Ramirez
NOTARY PUBLIC

I, THE UNDERSIGNED, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF McALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAN CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED, GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 4 DAY OF January, 2001.

D. Bonifacio
CHAIRMAN, PLANNING COMMISSION

I, THE UNDERSIGNED MAYOR OF THE CITY OF McALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAN CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED, GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 31 DAY OF January, 2001.

Leticia M. Vazquez
ATTESTED: SECRETARY, CITY OF McALLEN

Sec. M. Nishita
MAYOR, CITY OF McALLEN

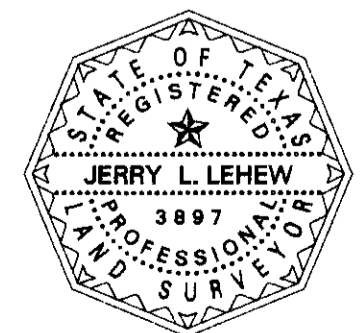
HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEXAS WATER CODE §202(C). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR 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.

BY: *[Signature]*
DATE: 1/10/01

HIDALGO COUNTY IRRIGATION DISTRICT NO. ONE WILL NOT BE RESPONSIBLE FOR DRAINAGE OR DELIVERY OF WATER TO ANY LOT IN THIS SUBDIVISION ALSO THERE WILL NOT BE ANY PERMANENT STRUCTURES ON THE DISTRICT RIGHT-OF-WAYS AND/OR EASEMENTS.

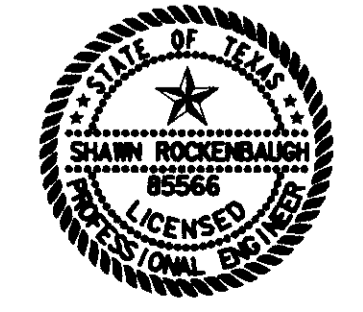
HIDALGO COUNTY IRRIGATION DISTRICT NO. 1
BY: *[Signature]*
DATE: September 30, 2000

STATE OF TEXAS: COUNTY OF TARRANT:
JERRY L. LEHEW, A REGISTERED PROFESSIONAL LAND SURVEYOR #3897 IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAN WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

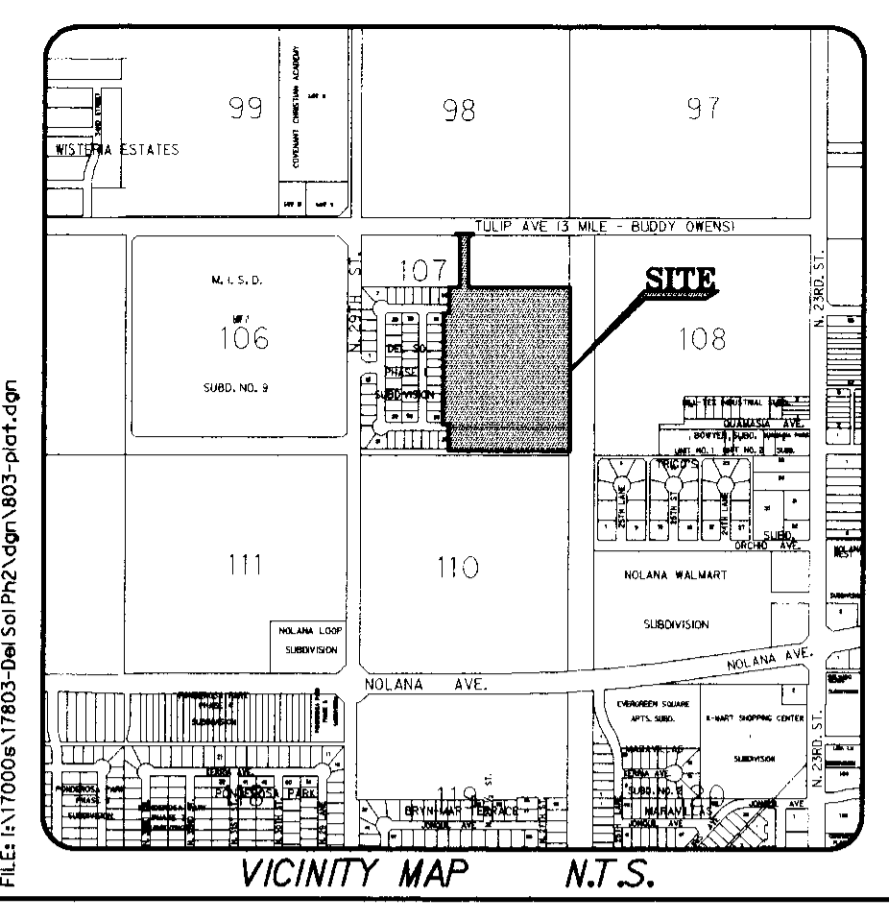


Jerry L. Leheew
JERRY L. LEHEW
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS NO. 3897

STATE OF TEXAS: COUNTY OF HIDALGO:
I, SHAWN ROCKENBAUGH, REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAN.



Shawn Rockenbaugh
SHAWN ROCKENBAUGH
REGISTERED PROFESSIONAL ENGINEER
P.E. REGISTRATION NO. 8556



CURVE DATA

CURVE	RADIUS	LENGTH	Δ DELTA	TANGENT
C1	50.00'	29.56'	33°52'51"	15.22'
C2	50.00'	54.97'	62°59'36"	30.63'
C3	50.00'	53.32'	61°06'26"	29.51'
C4	50.00'	45.29'	51°53'56"	24.33'
C5	50.00'	28.07'	32°10'09"	14.41'
C6	50.00'	47.79'	54°46'06"	25.30'
C7	50.00'	43.37'	49°41'56"	23.15'
C8	50.00'	70.39'	80°40'14"	42.45'

IRREGULAR LOTS

LOT No.	SO. FEET	LOT No.	SO. FEET
73	5,281	101	6,310
74	7,445	112	6,310
75	6,926	113	6,310
76	5,704	124	6,310
88	4,679	125	6,310
89	6,166	136	6,310
90	6,416	137	6,310
91	6,294	148	6,310
99	6,200	149	6,310
100	6,200	160	6,310

LINE DATA TABLE

LINE	BEARING	DISTANCE
L1	S45°00'00"E	14.14'
L2	N45°00'00"E	14.14'
L3	S45°00'00"W	14.14'
L4	N45°00'00"W	14.14'

GENERAL NOTES

- BY GRAPHICAL PLOTTING, THIS AREA'S FLOOD ZONE DESIGNATION: FIRM MAP McALLEN, TEXAS, PANEL 5 OF 10 COMM-PANEL #80343 005 C NOV. 16, 1991 ZONE "1" ARE LOCATED BETWEEN LOTS 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.
- MINIMUM FINISH FLOOR ELEVATION 18 INCHES ABOVE CENTERLINE OF STREET
- MINIMUM BUILDING SETBACK LINES SHALL BE:
FRONT: 20 FT
REAR: 10 FT
INTERIOR SIDE: 6 FT
GARAGE: 18 FT EXCEPT WHERE GREATER SETBACKS ARE REQUIRED
CUL-DE-SAC FRONT: 15 FT
CORNER SIDE: 10 FT
- STORM WATER DETENTION REQUIRED FOR THIS DEVELOPMENT IS 0.86 AC-FT, OR APPROXIMATELY 576 CF PER LOT.
- BENCHMARK INFORMATION:
BM1: [] TOP OF CURB NORTH SIDE OF QUAMASIA AVE +/- 85' EAST OF NORTH 28TH STREET ELEV=120.55
BM2: [] TOP OF CURB SOUTH SIDE OF SHASTA AVE +/- 180' EAST OF NORTH 28TH STREET ELEV=120.94
- ALL LOT CORNERS, CURBS, & PITS SHALL BE MOUNTED WITH 1/2" IRON ROD WITH 4" CAP STAMPED "HALFF ASSOC., INC." UNLESS NOTED OTHERWISE.
- 6 FT HIGH BUFFER REQUIRED FROM COMMERCIAL ZONE/USE.
- DEVELOPER TO PROVIDE ENGINEER DETENTION PLAN, APPROVED BY THE ENGINEERING DEPT., PRIOR TO PERMITS APPLICATION.
- 4 FT SIDEWALK REQUIRED ALONG BOTH SIDES OF 27TH LANE.
- BASIS OF BEARING BEING DUE NORTH ALONG THE EAST LINE OF DEL SOL PHASE I AS RECORDED IN VOL. 33, PG. 173, M.R.H.C.T.

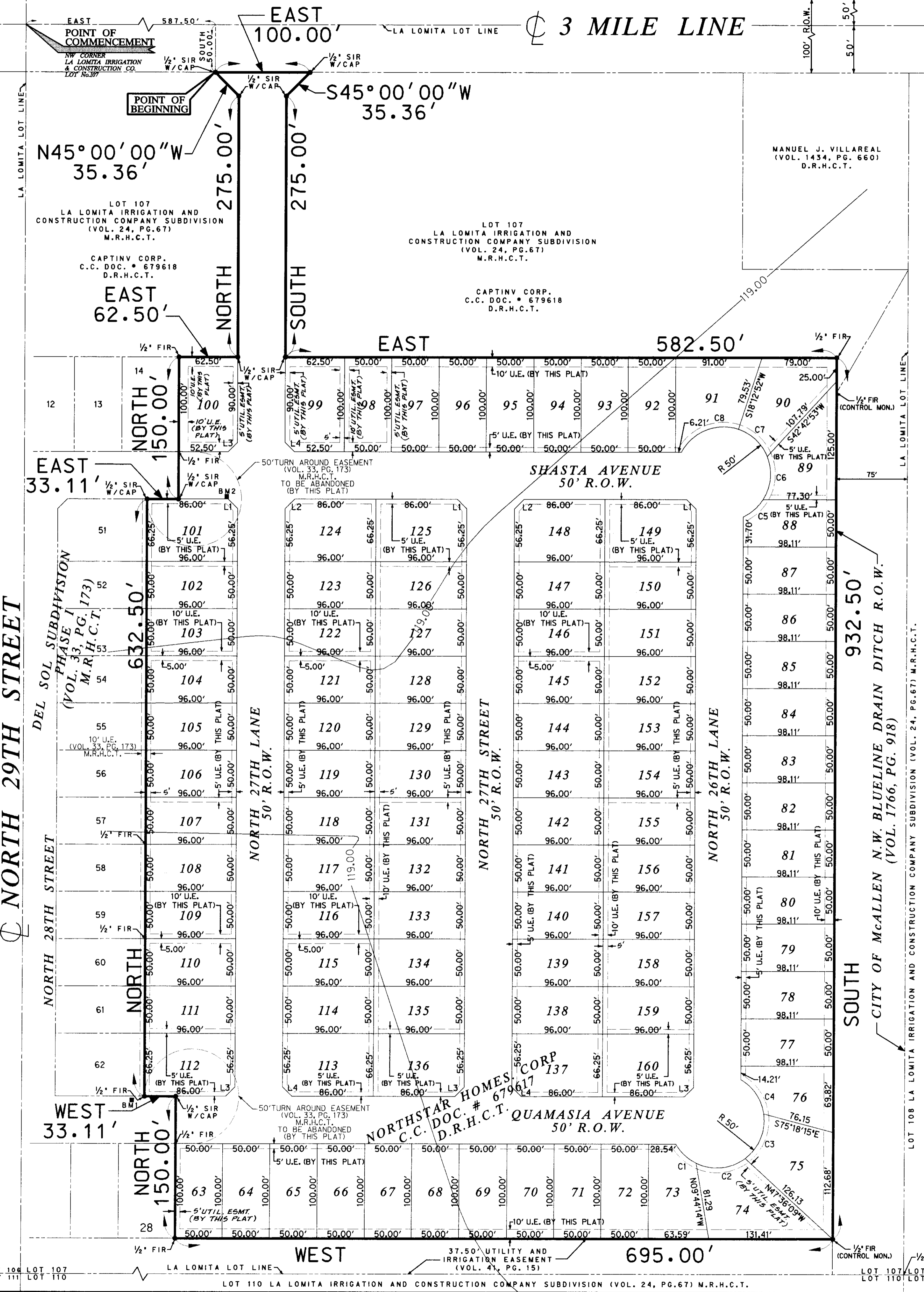
Recorded in Volume **37** Page **22**
of the map records of Hidalgo County, Texas
Welden and Hunt, Inc.

FILED FOR RECORD IN:
HIDALGO COUNTY
BY J.D. SALINAS, III
COUNTY CLERK
ON: 1-10-01 AT 2:16 AM (PM)
AS A RECORDING NUMBER 734697
BY: *[Signature]* DEPUTY

LEGAL DESCRIPTION

BEING A 15.72 acre tract of land situated in Parcel No. 63, Hidalgo County, Texas, said tract being a part of Lot 107, La Lomita Irrigation and Construction Company Subdivision, as recorded in Volume 24, Page 67, Map Records Hidalgo County, Texas (M.R.H.C.T.), said tract also being a part of a tract of land described in deed to Northtar Homes, Corp., as recorded in County Clerk's No. 679617, Deed Records Hidalgo County, Texas (D.R.H.C.T.), said tract being more particularly described as follows:
COMMENCING at the northwest corner of said Lot 107;
THENCE East, along the north line of said Lot 107, a distance of 587.50 feet to a point for corner;
THENCE South, departing said north line, a distance of 50.00 feet to a 1/2-inch set iron rod with a plastic cap stamped "HALFF ASSOC., INC." (hereinafter referred to as "with cap") for the POINT OF BEGINNING, said point being on the south right-of-way line of 3 Mile Road;
THENCE East, along said south right-of-way line, a distance of 100.00 feet to a 1/2-inch set iron rod with cap for corner on the west line of a tract (East Lot) of land described in deed to Captiv Corp., as recorded in County Clerk's No. 679618;
THENCE South 45 degrees 00 minutes 00 seconds West, departing said south right-of-way line and along said west line, a distance of 35.36 feet to a 1/2-inch set iron rod with cap for corner;
THENCE South, continuing along said west line, a distance of 275.00 feet to a 1/2-inch set iron rod with cap for corner on the south line of said Captiv Corp. tract;
THENCE East, along said south line, a distance of 582.50 feet to a 1/2-inch found iron rod for corner;
THENCE South, passing at a distance 36.80 feet a 1/2-inch found iron rod for the northwest corner of a tract of land described in deed to the City of McAllen, Texas, as recorded in Volume 1766, Page 918, D.R.H.C.T., continuing along the west line of said City of McAllen tract, a total distance of 932.50 feet to a 1/2-inch found iron rod for the southwest corner of said City of McAllen tract, said corner being on the north line of a tract (Twelfth Tract) of land described in deed to La Lomita Irrigation and Construction Company, as recorded in Volume 41, Page 15, D.R.H.C.T.;
THENCE West, along said north line, a distance of 695.00 feet to a 1/2-inch found iron rod for the most southerly southeast corner of Del Sol Phase I Subdivision, as recorded in Volume 33, Page 173, M.R.H.C.T.;
THENCE North, departing said north line and along the east line of said Del Sol Phase I, a distance of 150.00 feet to a 1/2-inch set iron rod with cap for corner;
THENCE West, continuing along said east line, a distance of 33.11 feet to a 1/2-inch found iron rod for corner;
THENCE North, continuing along said east line, a distance of 632.50 feet to a 1/2-inch set iron rod with cap for corner;
THENCE East, continuing along said east line, a distance of 33.11 feet to a 1/2-inch set iron rod with cap for corner;
THENCE North, continuing along said east line, a distance of 150.00 feet to a 1/2-inch found iron rod for the northeast corner of said Del Sol Phase I, said corner also being on the south line of a tract (West Lot) of land described in deed to Captiv Corp., as recorded in County Clerk's No. 679618, D.R.H.C.T.;
THENCE East, along said south line, a distance of 62.50 feet to a 1/2-inch set iron rod with cap for the southeast corner of said Captiv Corp. tract;
THENCE North, along the east line of said Captiv Corp. tract, a distance of 275.00 feet to a 1/2-inch set iron rod with cap for corner;
THENCE North 45 degrees 00 minutes 00 seconds West, continuing along said east line, a distance of 35.36 feet to the POINT OF BEGINNING AND CONTAINING 684,655 square feet or 15.72 acres of land more or less.

Halff Associates
ENGINEERS • SCIENTISTS • SURVEYORS • PLANNERS
4600 W. MILITARY, SUITE 700 • McALLEN, TX. • 78503 • (956)664-0286
AVO - 17803





Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: April 9, 2020

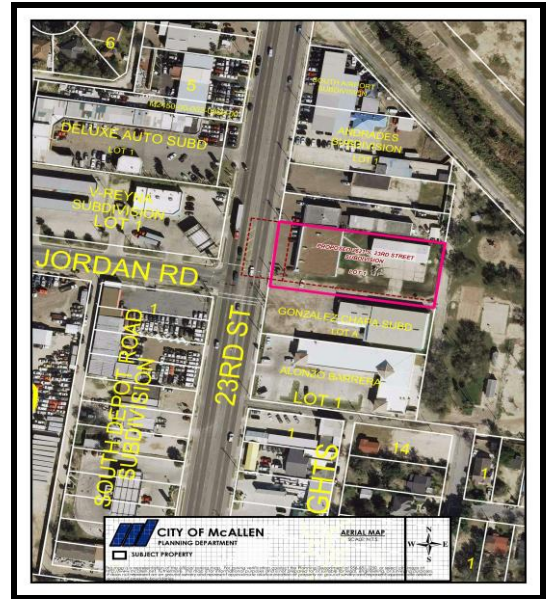
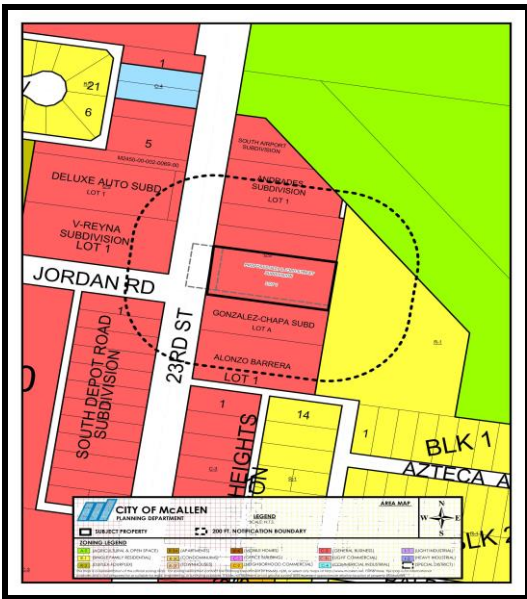
SUBJECT: REQUEST OF U.S. RAGS, INC. FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN OFF-STREET PARKING AND LOADING ORDINANCE AND A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) 22 PARKING SPACES INSTEAD OF THE REQUIRED 36 PARKING SPACES FOR A PROPOSED COMMERCIAL BUILDING MEASURING 13,000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

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

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

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

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



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

No calls or emails have been received in opposition.

RECOMMENDATION:

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

ZBA2020.0013

ZBOA
4-15-20



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

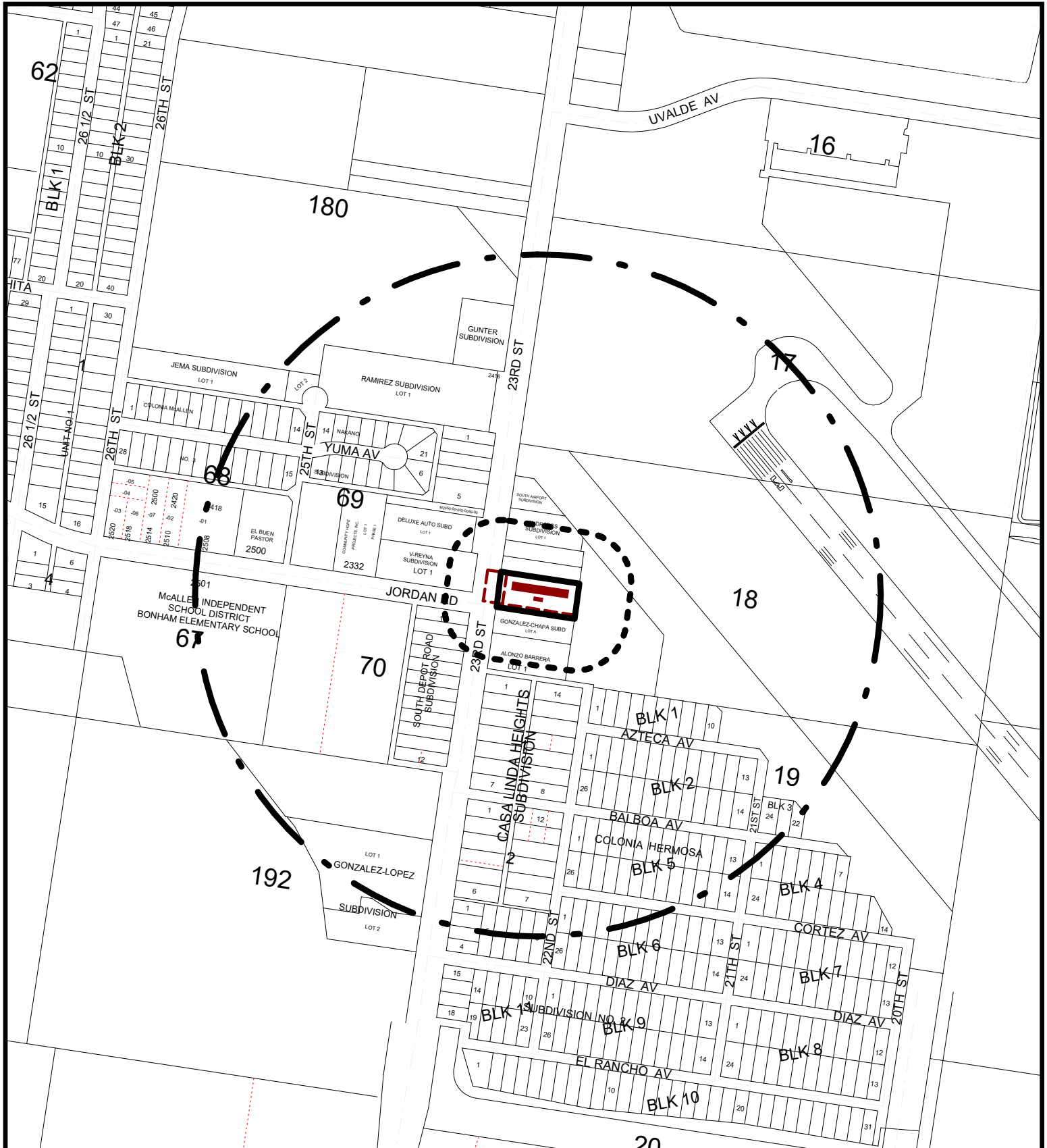
ADJUSTMENT TO MCALLEN ZONING ORDINANCE


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

Project	Legal Description <u>0.99 AC 6/0 LOT 18, BIK. 3,</u> <u>C.R. HAMMOND'S SUBD., H.C.T.</u>	
	Subdivision Name <u>2621 S. 23RD ST. SUBD.</u>	
Applicant	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 NEEDED / INCREASED SETBACK REDUCES PARKING REQ.</u>	
<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport) <input checked="" type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required <u>SITE PLAN (EXHIBIT "B")</u>		
Owner	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>	
Authorization	Name <u>SAME AS APPLICANT</u> Phone _____	
	Address _____ E-mail _____	
Office	City _____ State _____ Zip _____	
	<p>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?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>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.</p>	
	Signature <u>[Signature]</u> Date <u>3/9/20</u>	
Print Name <u>DAVID O. SALINAS</u> <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Authorized Agent		
Office	Accepted by _____ Payment received by _____	
	Rev 10/18 <u>Cb</u> <div style="float: right; border: 1px solid black; padding: 5px; text-align: center;"> RECEIVED MAR 11 2020 BY: <u>[Signature]</u> </div>	

Ret#703923

BY: [Signature]

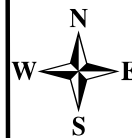






CITY OF McALLEN
PLANNING DEPARTMENT


LEGEND
SCALE: 1" = 500'

AREA MAP




 **SUBJECT PROPERTY**

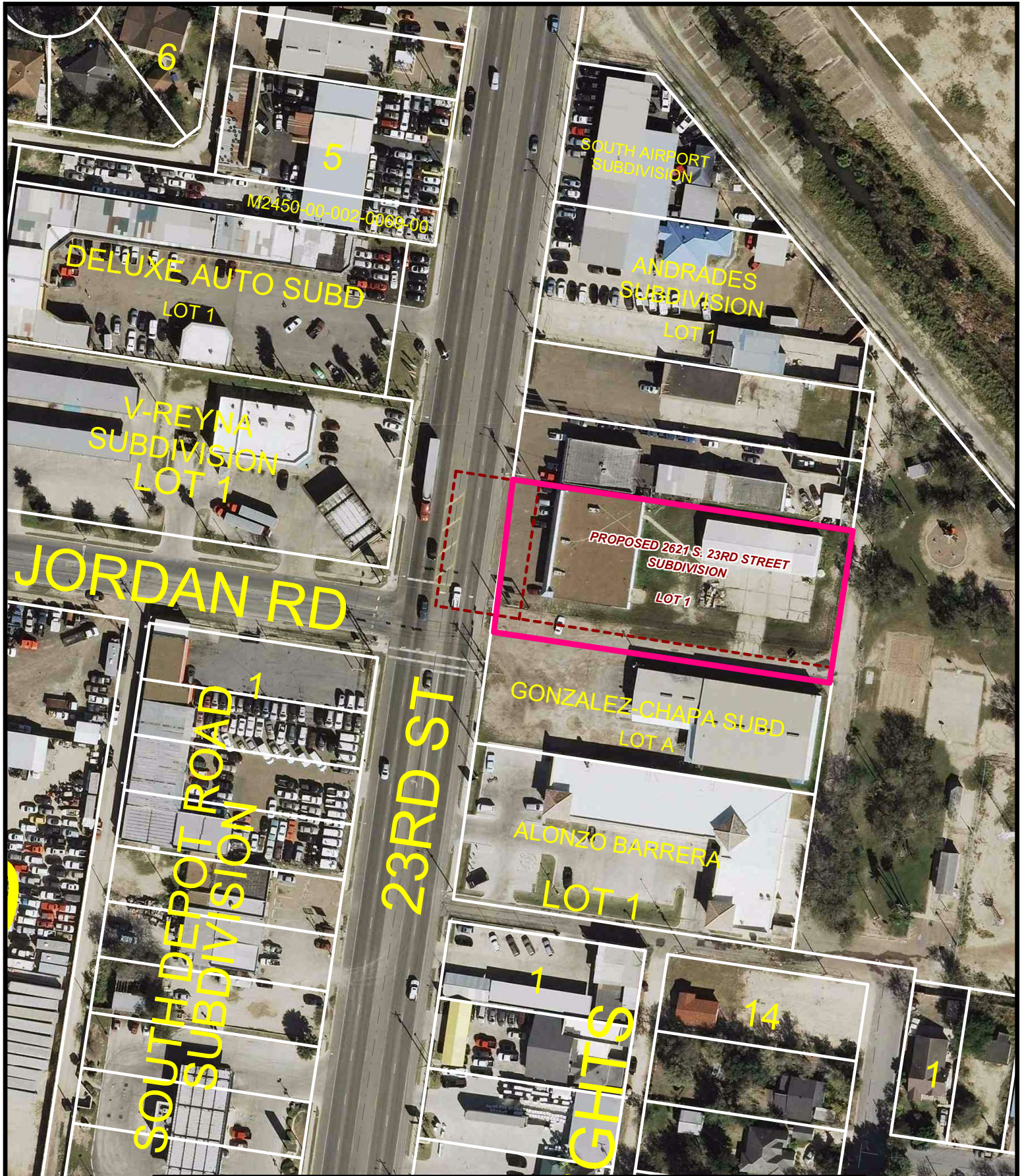
 **200 FT. NOTIFICATION BOUNDARY**

 **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.





CITY OF McALLEN
PLANNING DEPARTMENT

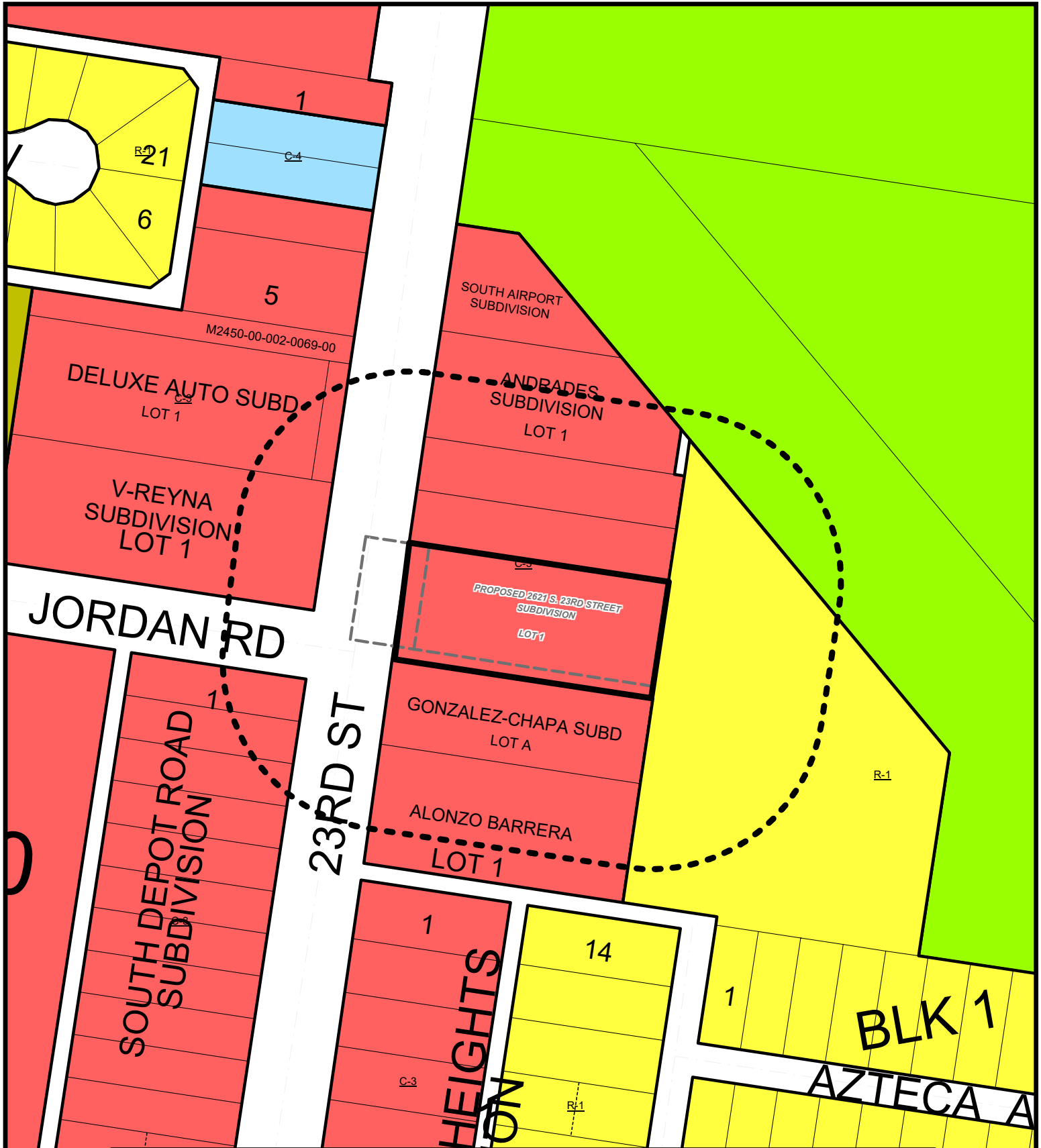
SUBJECT PROPERTY


AERIAL MAP
SCALE: N.T.S.



N
W E
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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 (DUPLEX-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.D. (SPECIAL DISTRICT)</p>
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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;

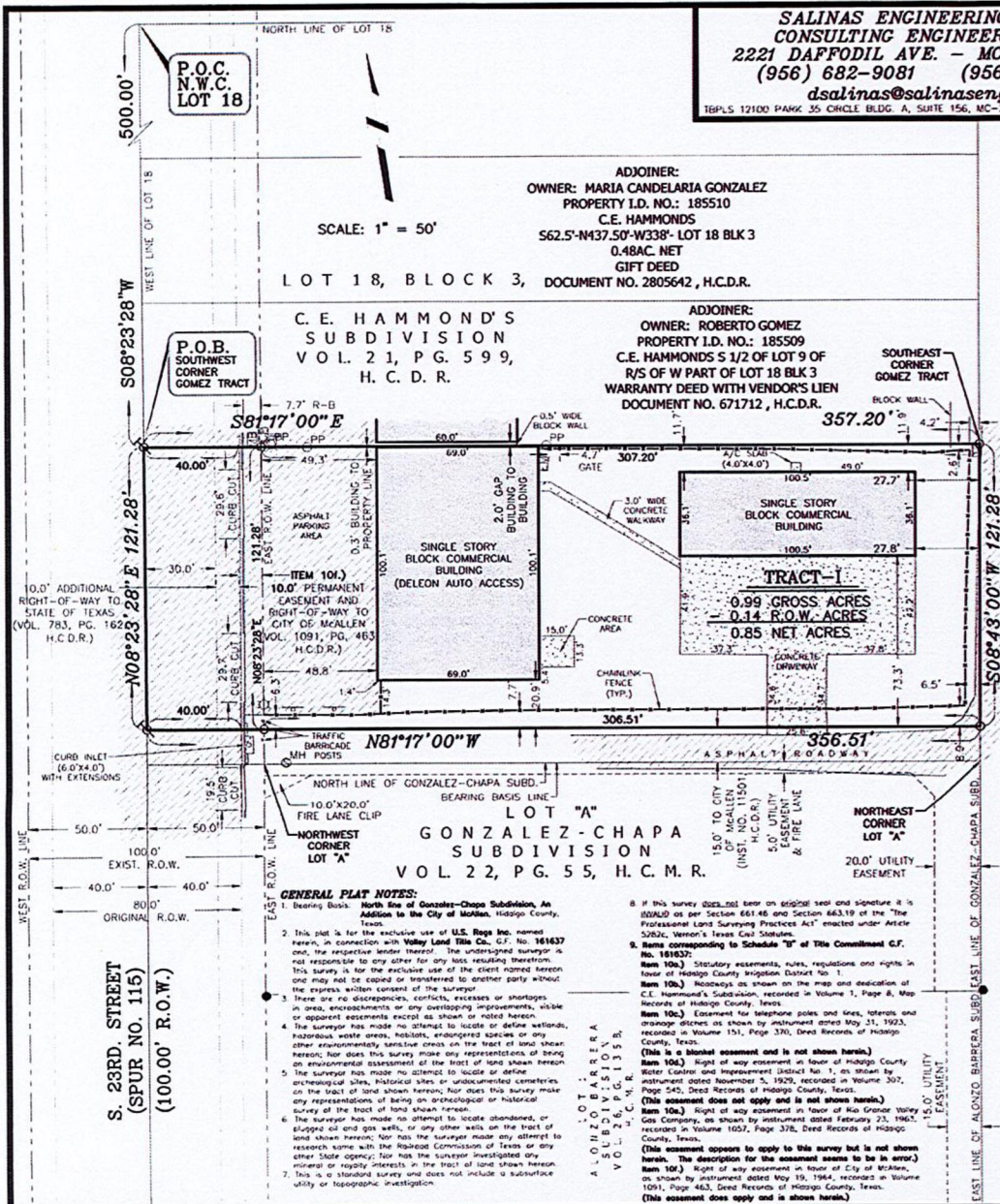
(3) THENCE, NORTH 81 DEGREES 17 MINUTES 00 SECONDS WEST, COINCIDENT WITH THE NORTH LINE OF SAID 15.0' STRIP, A DISTANCE OF 306.51 FEET PASS A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET ON THE EXISTING EAST RIGHT-OF-WAY LINE OF SAID SOUTH 23RD. STREET SAME BEING THE EAST LINE OF 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
— P-B POINT OF BEGINNING
— P.C.C. POINT OF COMMENCEMENT
— P.O.B. POINT OF BEGINNING
— H.C.D.R. HIDALGO COUNTY DEED RECORDS
— H.C.M.R. HIDALGO COUNTY MAP RECORDS

ADJOINER:
OWNER: CITY OF MCALLEN
PROPERTY I.D. NO.: 185503
C.E. HAMMOND
P.O.B. SOUTHWEST CORNER GOMEZ TRACT
WARRANTY DEED
DOCUMENT NO. UNDETERMINED, H.C.D.R.
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, encumbrances or shortages in area, encumbrances or any overlapping improvements, visible or apparent encumbrances 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

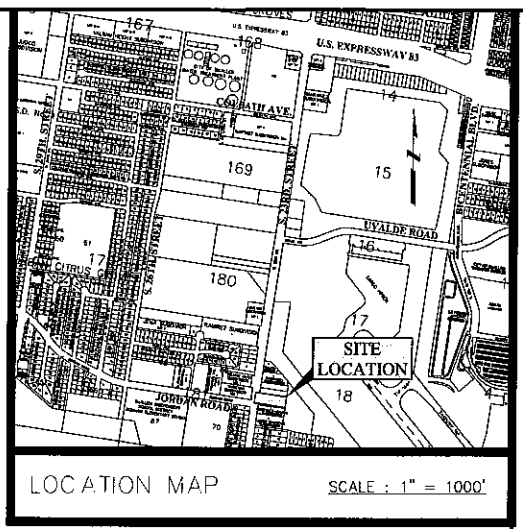
P.O.C. N.W.C. LOT 18

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) 682-8081 (956) 686-1466 (FAX)
1905 DIBB PARK 38 ONEILE BLDG. 4, SUITE 104, MC-238, AUSTIN, TEXAS 78751 (512) 291-0881

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. 135 B,



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

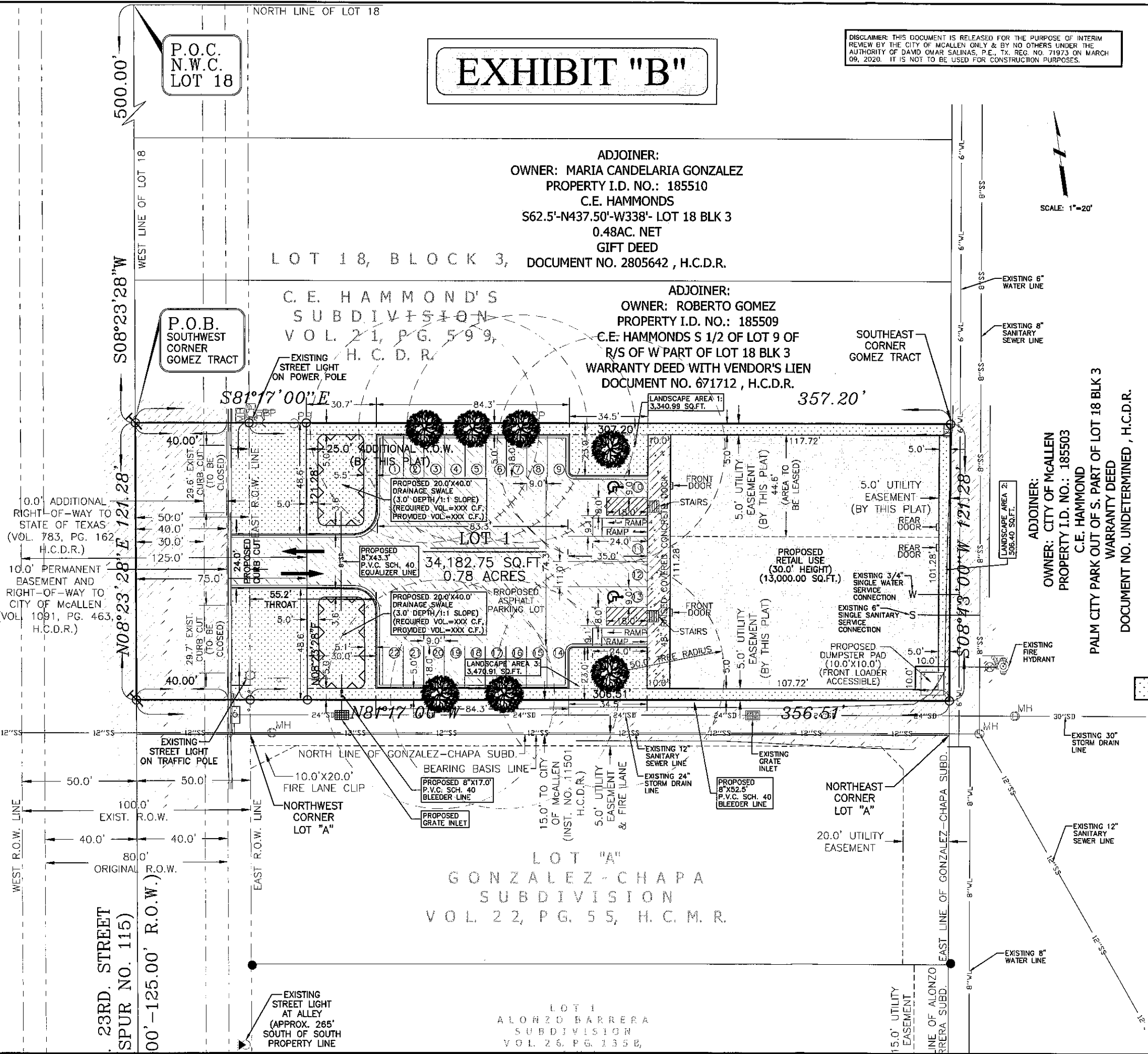
CITY REQUIREMENTS

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

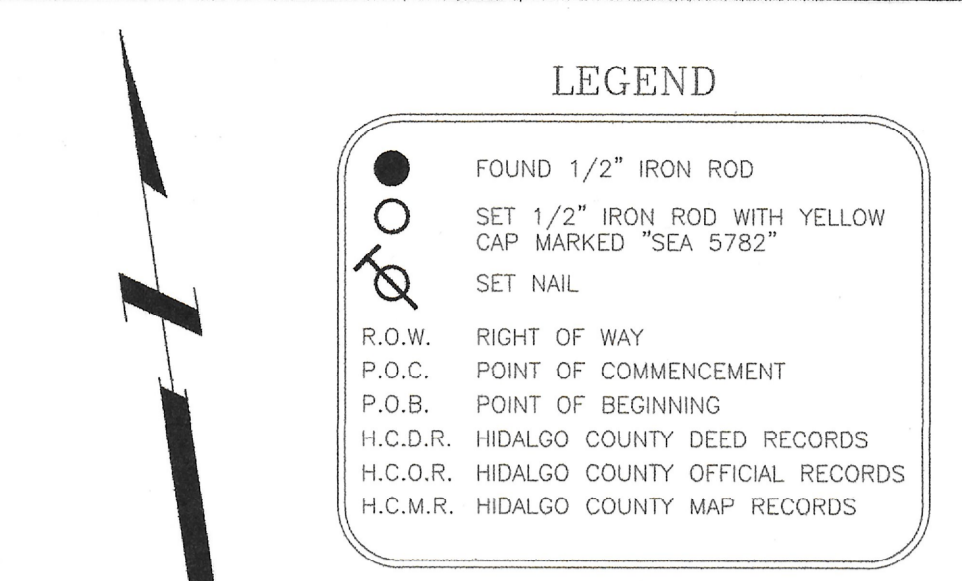
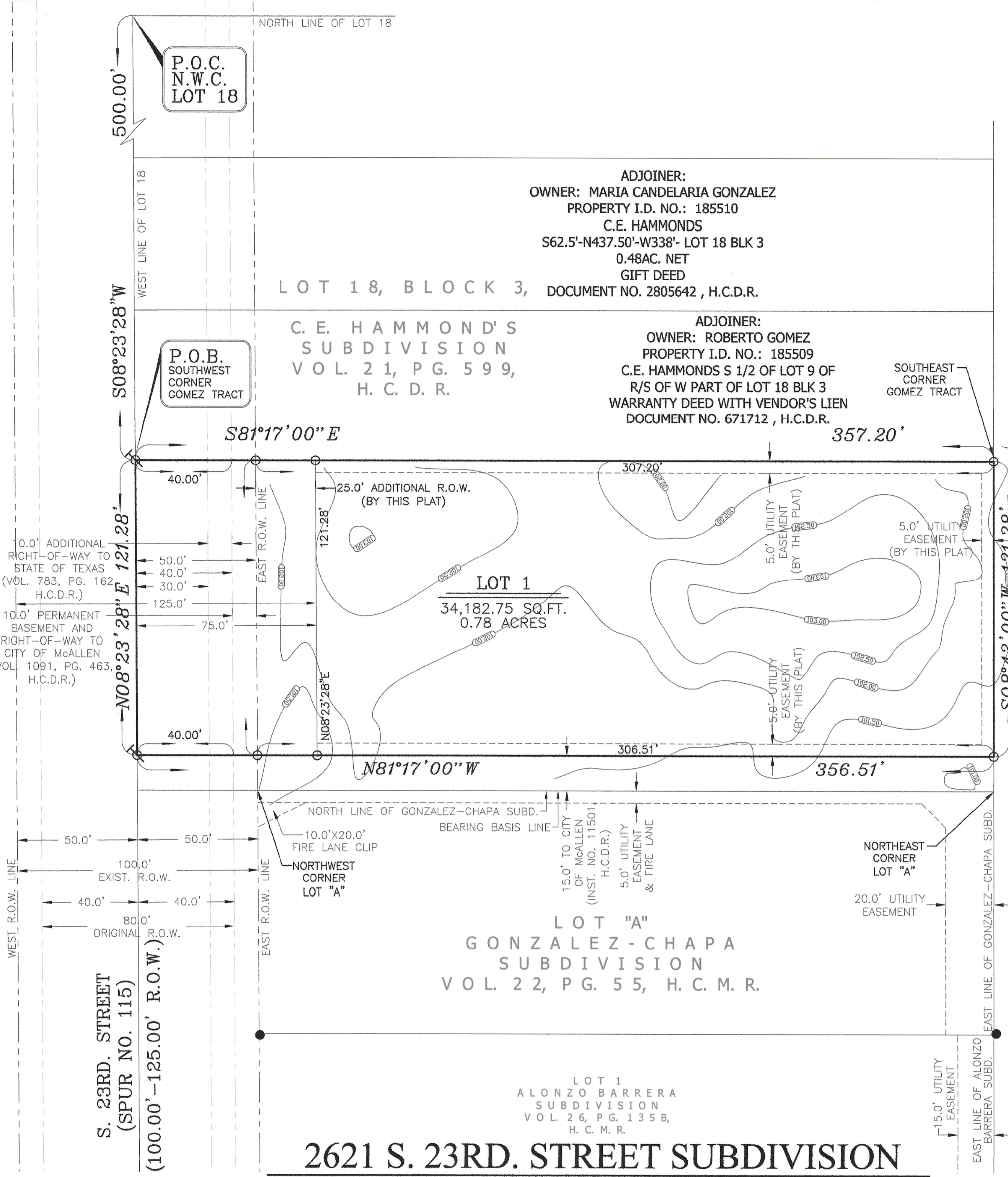
Project: 2621 S. 23RD. STREET SUBDIVISION

David Omar Salinas
Registered Professional Engineer # 71973
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: CITY OF McALLEN
 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:

1. 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.
2. 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)
3. 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).
4. MINIMUM 5 FT. WIDE SIDEWALK IS REQUIRED ON S. 23RD. STREET (SPUR NO. 115).
5. 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.
6. THE CONSTRUCTION OF ANY STRUCTURES ON OR WITHIN ANY EASEMENTS SHALL BE PROHIBITED.
7. 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.
8. AN ENGINEERED DRAINAGE DETENTION PLAN, APPROVED BY THE ENGINEERING DEPARTMENT, IS REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMITS.
9. 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.
10. THE DEVELOPER SHALL BE RESPONSIBLE FOR DETAINING AND ACCOMMODATING MORE THAN THE DETAINED VOLUME SHOWN ON THIS PLAT IF IT IS DETERMINED, AT THE PERMIT STAGE, THAT THE DETENTION REQUIREMENTS ARE GREATER THAN STATED ON THIS PLAT, DUE TO THE IMPERVIOUS AREA BEING GREATER THAN THE PLAT ENGINEER CONSIDERED IN THE HYDRAULIC CALCULATIONS FOR THIS SUBDIVISION.

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

STATE OF TEXAS
COUNTY OF HIDALGO

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

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

STATE OF TEXAS
COUNTY OF HIDALGO

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

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

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

STATE OF TEXAS
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.

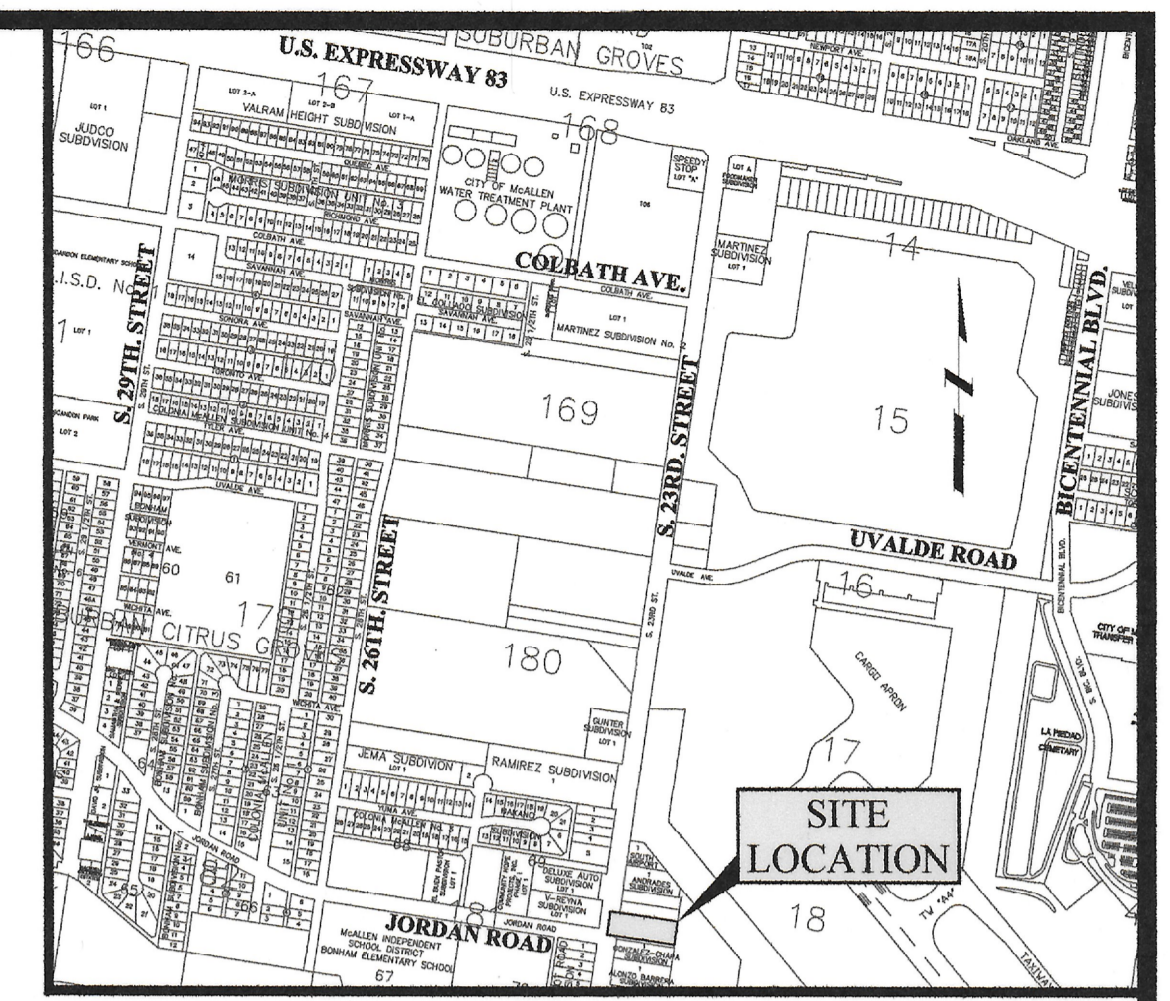
DAVID O. SALINAS, R.P.L.S.
REG. PROFESSIONAL LAND SURVEYOR #5782 DATE _____

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:

- (1) THENCE, SOUTH 08 DEGREES 23 MINUTES 28 SECONDS WEST, COINCIDENT WITH THE SOUTH LINE OF SAID GOMEZ TRACT, 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;
- (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.20191.12.060319

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

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: March 25, 2020

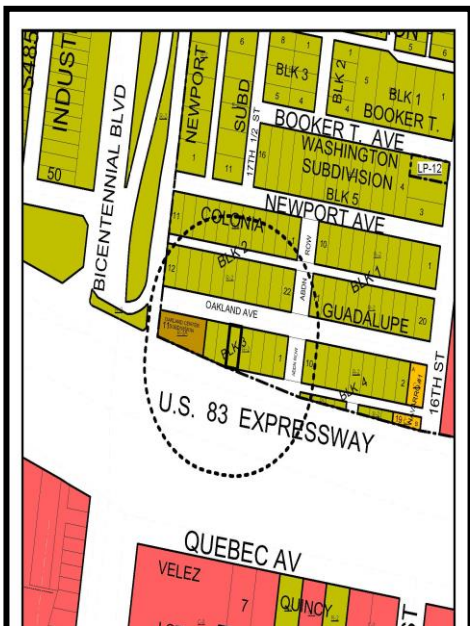
SUBJECT: REQUEST OF SOFIA GARZA FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 16.5 FT. INTO THE 20 FT. FRONT YARD SETBACK FOR AN EXISTING SINGLE FAMILY RESIDENCE WITH A PORCH, AT LOT 5, BLOCK 3, AMENDED MAP OF COLONIA GUADALUPE SUBDIVISION, HIDALGO COUNTY, TEXAS;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

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

OWNER

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

*OWNER INFORMATION NOT PROVIDED, INITIAL:

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

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

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

SCOPE OF WORK TO BE DONE Front Carport

PROJECT

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

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

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

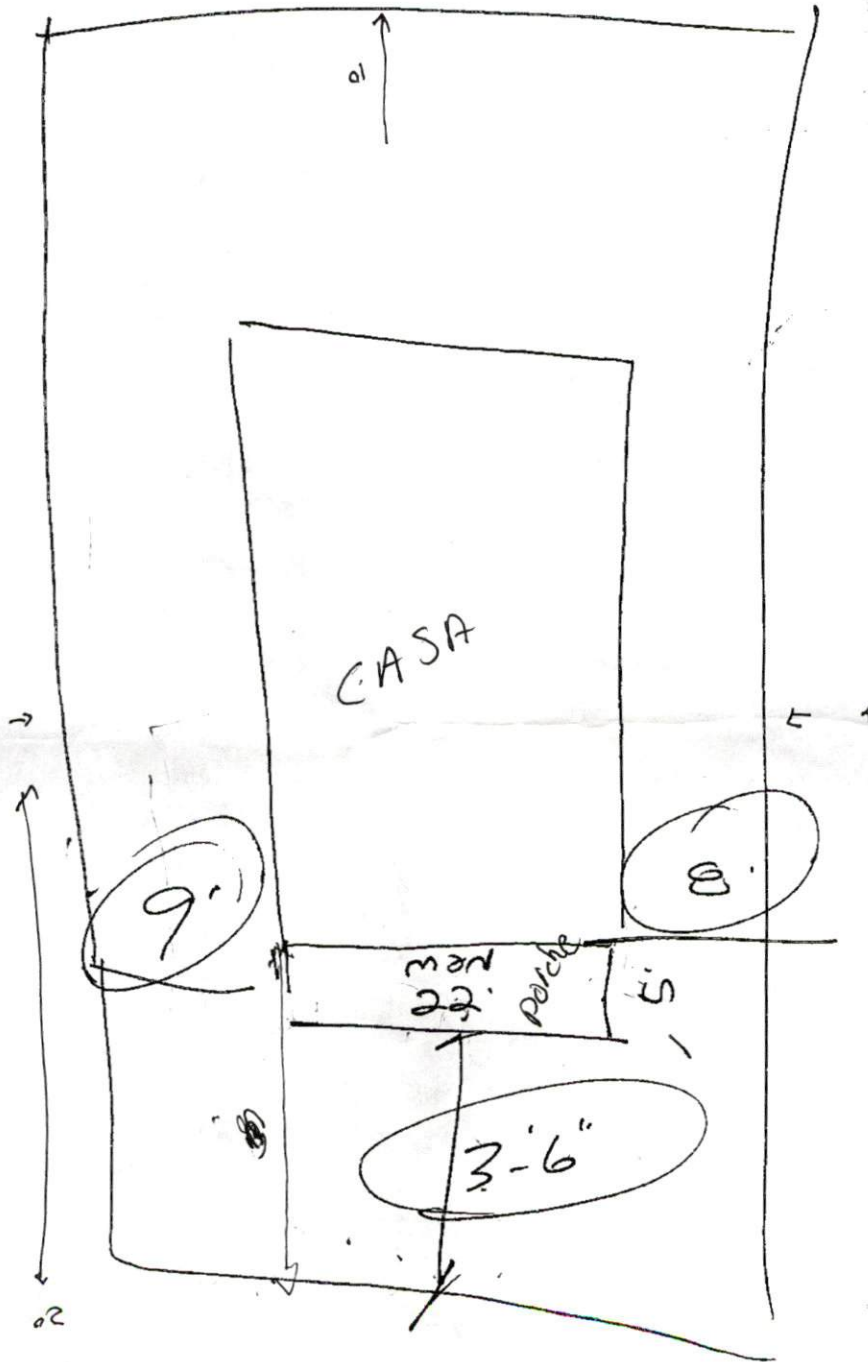
CITY USE ONLY

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

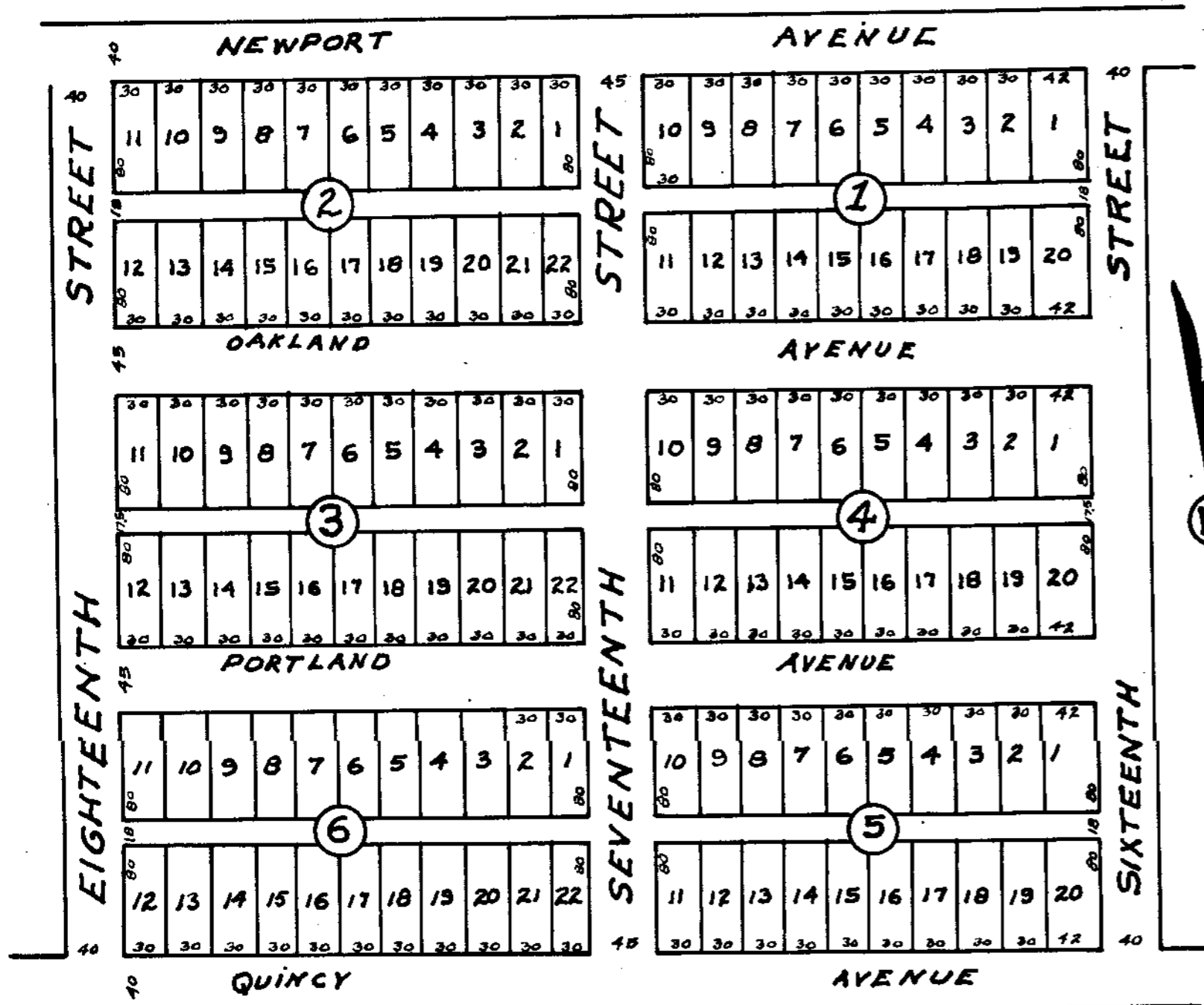
The foregoing is a true and correct description of the improvement proposed by the undersigned applicant and the applicant states that he will have full authority over construction of same. The building permit shall not be held to permit or be an approval of the violation or modification of any provisions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

SOFIA GARTA 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



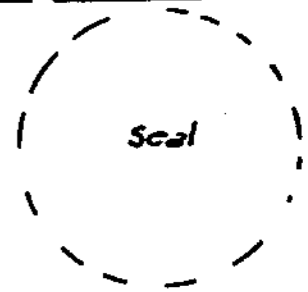
AMENDED
MAP
 OF
COLONIA GUADALUPE
 BEING A SUBDIVISION
 OF
 LOT 13 N.W. 1/4 SECTION 7
 HIDALGO CANAL COMPANYS SUBDIVISION
 OF
 - PORCIONES 64-65 & 66 -
 HIDALGO COUNTY TEXAS
 Scale 1"=100ft

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 Companys 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



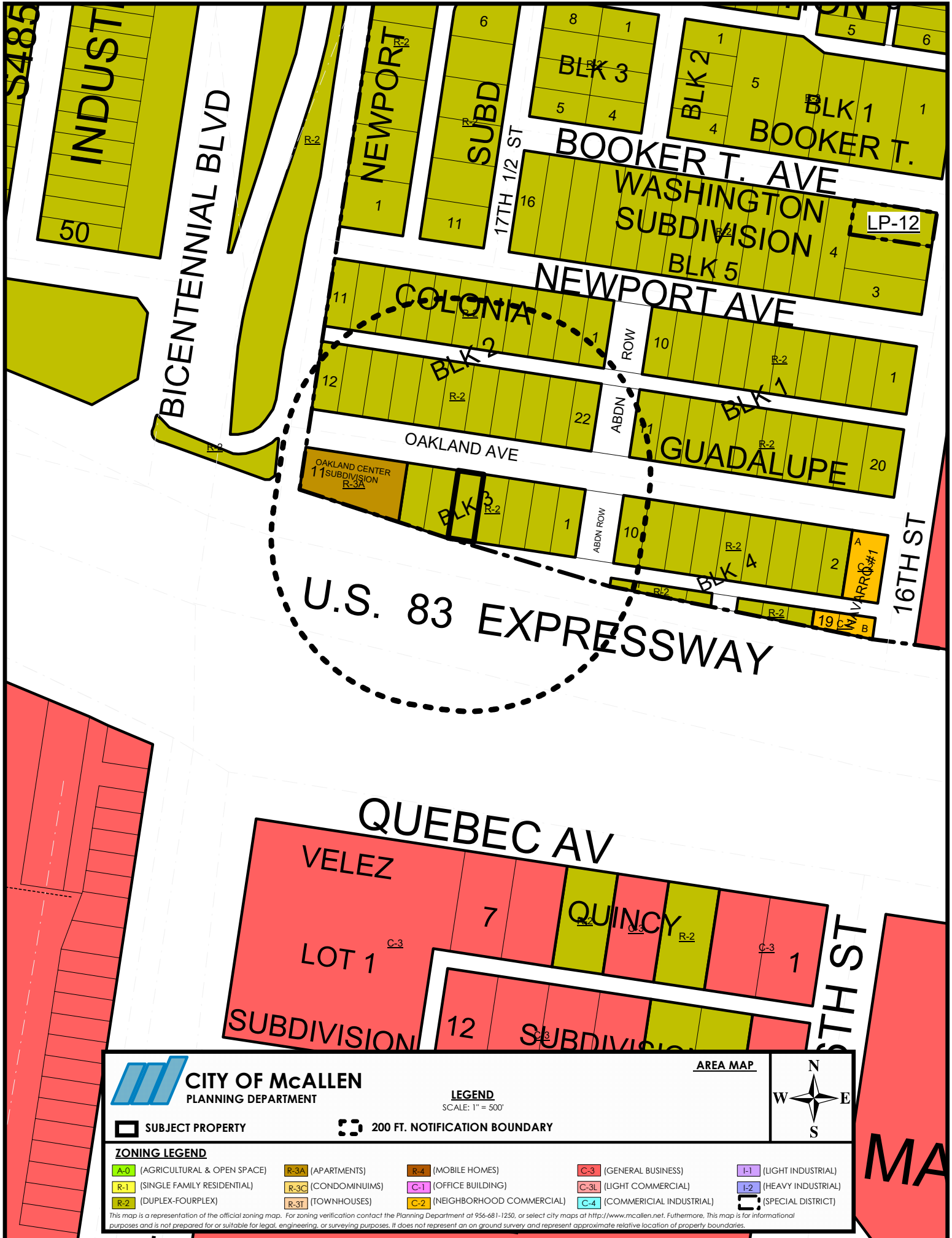
We, the undersigned Mayor & City Secretary, respectively of the City of McAllen Texas, do hereby Certify that at a meeting of the Board of Commissioners of Mc Allen, Texas, hold on the 5th day of April, 1944, the above and foregoing map, or Plat, of Colonia Guadalupe an addition to and within the City 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

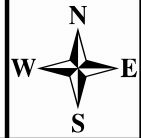
Filed July 28, 1944 at 11:00 A.M



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.

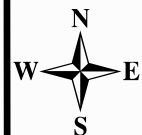


CITY OF McALLEN
PLANNING DEPARTMENT

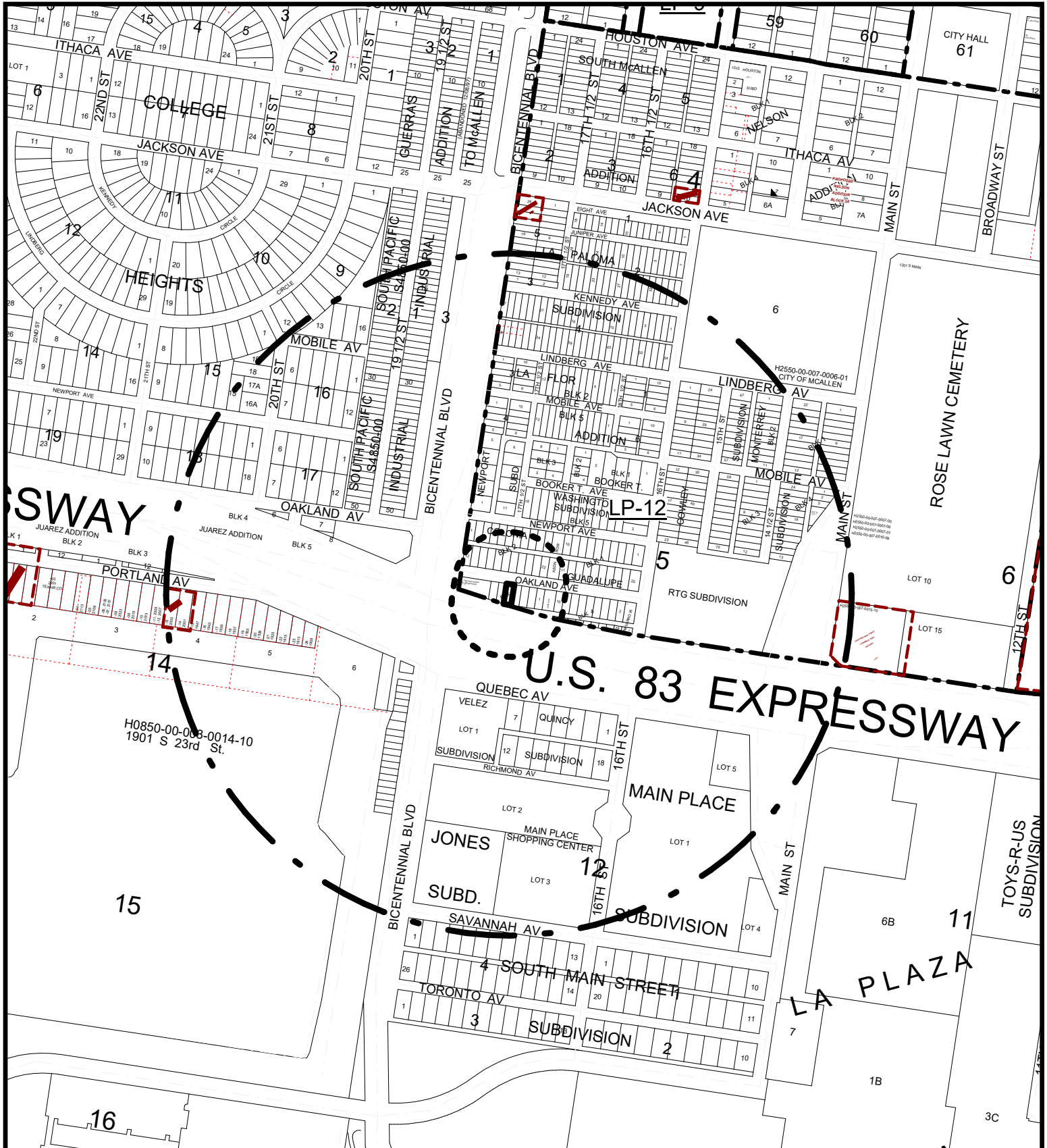



SUBJECT PROPERTY

AERIAL MAP
SCALE: N.T.S.



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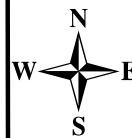






CITY OF McALLEN
PLANNING DEPARTMENT


LEGEND
SCALE: 1" = 500'

AREA MAP



 **SUBJECT PROPERTY**

 **200 FT. NOTIFICATION BOUNDARY**

 **1/4 MILE RADIUS**

ZONING LEGEND

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

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NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2020-0012

1709

Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: March 26, 2020

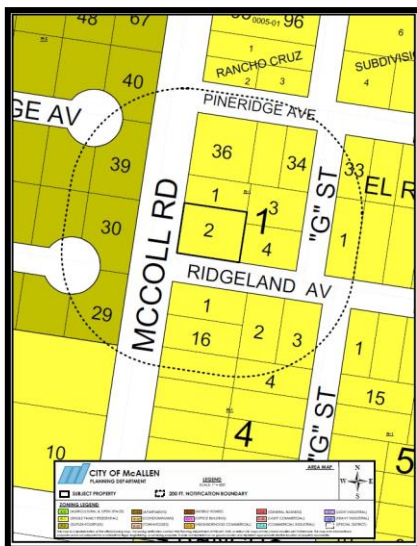
SUBJECT: REQUEST OF JUAN A. RUIZ ON BEHALF OF SAN JUANITA RUIZ FOR THE FOLLOWING SPECIAL EXCEPTION AND VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE 1) TO ALLOW AN ENCROACHMENT OF 7.5 FT. INTO THE 10 FT. REAR YARD SETBACK FOR AN EXISTING CARPORT MEASURING 17 FT. BY 31 FT., 2) TO ALLOW AN ENCROACHMENT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

REASON FOR APPEAL:

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

PROPERTY LOCATION AND VICINITY:

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



1



BACKGROUND AND HISTORY:

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

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

ANALYSIS:

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

Variance #2: The variance request is for a wooden storage building measuring 10 ft. by 12 ft. that is encroaching into the 10 ft. rear yard setback. A 5 ft. utility easement runs concurrently with the 10 ft. rear yard setback. The applicant is requesting a 5 ft. encroachment into the 10 ft. rear yard setback however; the site plan submitted shows a distance of 4 ft. from the storage building to the rear property line. 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 #3: The variance request is for a wooden storage building measuring 10 ft. by 12 ft. that is encroaching 3 ft. into the 6 ft. side yard setback along the north property line. There are no utility easements within the side yard setback that impact the existing storage building encroachment. 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.

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

RECOMMENDATION:

Staff recommends the requests remain tabled.

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

At the Zoning Board of Adjustment and Appeals meeting of January 15, 2020 the Board unanimously voted to table the variance and special exception requests in order to allow the applicant time for clarification of the abandonment process. There were five members present and voting.

ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING OF FEBRUARY 05, 2020:

At the Zoning Board of Adjustment and Appeals meeting of February 05, 2020 the Board unanimously voted to table the variance and special exception requests in order to allow the applicant time for clarification of the abandonment process. There were six members present and voting.

ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING OF MARCH 04, 2020:

At the Zoning Board of Adjustments and Appeals meeting of March 04, 2020 no one appeared in opposition to the variance request. Staff recommended the item to remain tabled. After no discussion, the Board voted to table the variance request with six members present and voting.

Subsequent to the Zoning Board of Adjustment and Appeals meeting of March 04, 2020, the applicant submitted the application to request abandonment of the 5ft. utility easement at the rear of Lot 2. Staff is pending written responses from various entities to the abandonment request.

ZBA 2019-0060

ZBDA
12/4/19



City of McAllen

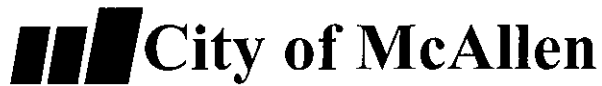
Planning Department

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



City of McAllen Planning Department

REASON FOR APPEAL & BOARD ACTION

10-29-2019

5:17pm

J.R.

Carport Property

Wanting 5' Encroachment into
the 10' rear Setback

+

3' Encroachment into the 6' Side

Setback.

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date


October 28, 2019

TO WHOM IT MAY CONCERN:

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

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

Sincerely,



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

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

PERMIT APPLICATION REFERENCE NUMBER

RES 2019-04947

06103436 APPLICANT

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

OWNER

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

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

PROJECT

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

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

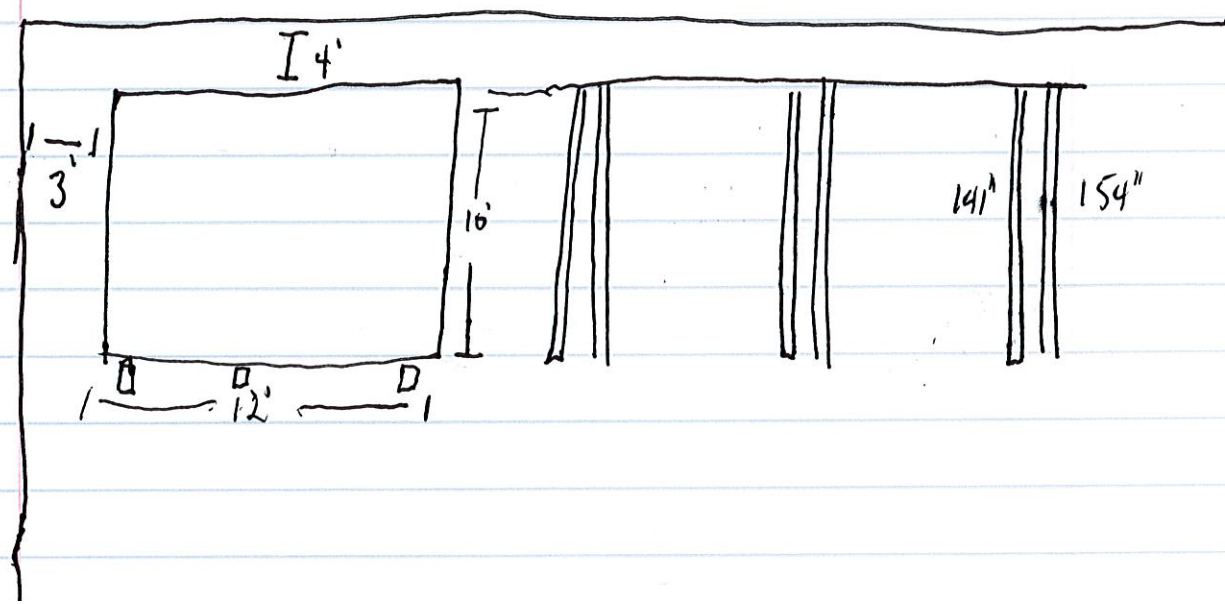
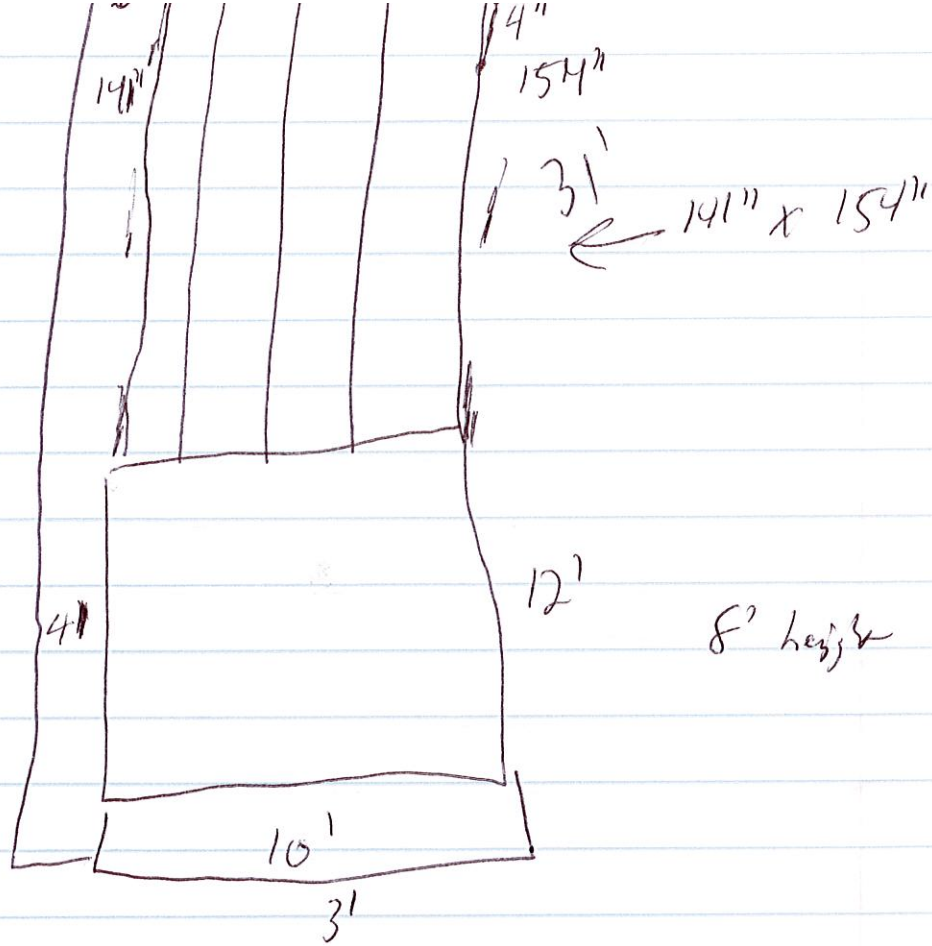
LOT _____ BLOCK _____ SUBDIVISION _____
 SITE ADDRESS ST. NO. 3113 ST. NAME S. McCOY RD

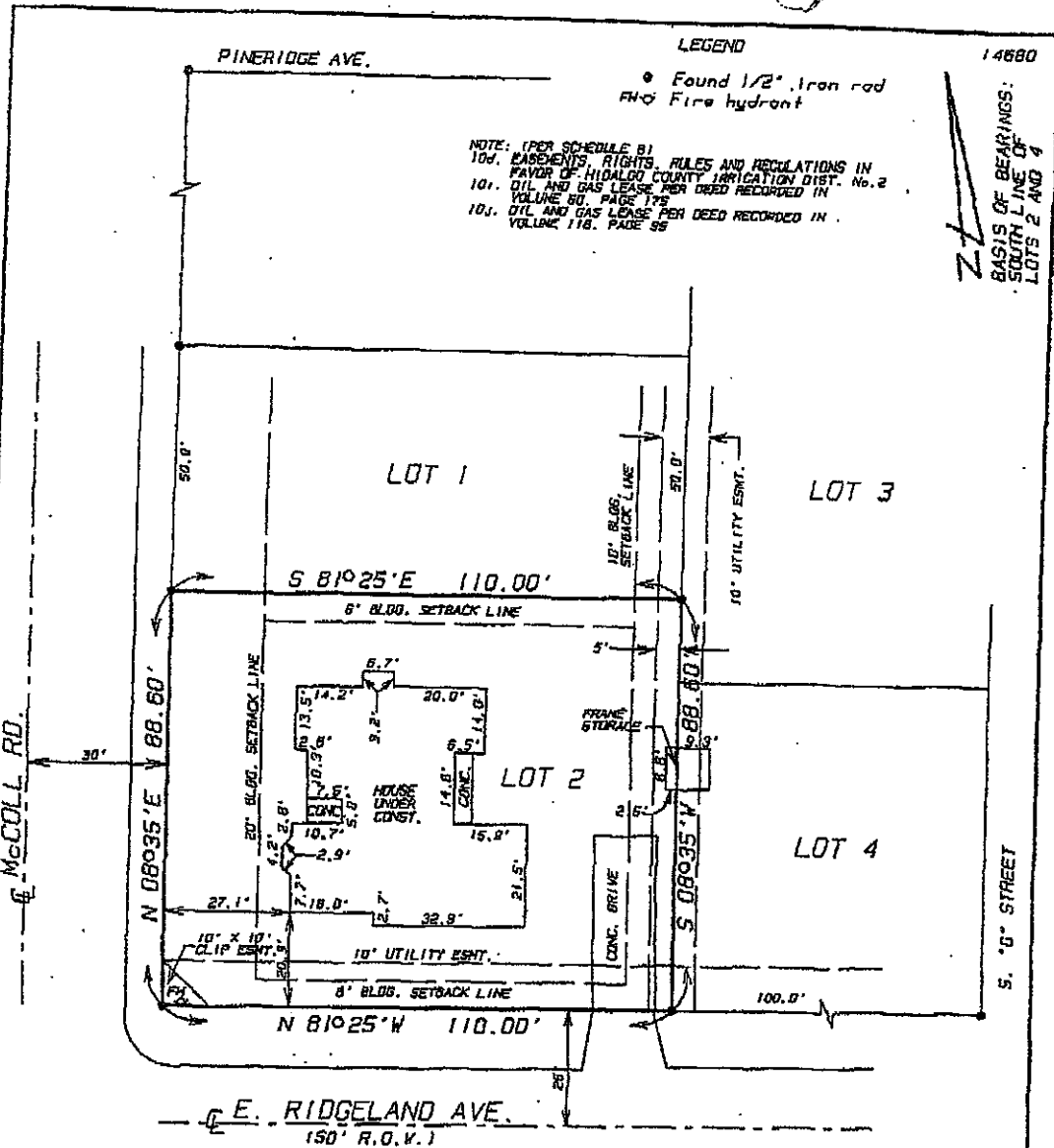
CITY USE ONLY

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

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

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





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

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

PREPARED FOR: AMPARO RUIZ AND
SAN JUANITA RUIZ

RRA R. ROBLES &
ASSOCIATES, PLLC
PROFESSIONAL LAND SURVEYORS

P.O. BOX 478
107 W. HULDADE ST.
MEXIA, TEXAS 78566
PHONE (361) 868-2422
FAX (361) 868-2011

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

SCALE: 1"=30' JOB No. 14580

TITLE COMMITMENT No. REVISED:

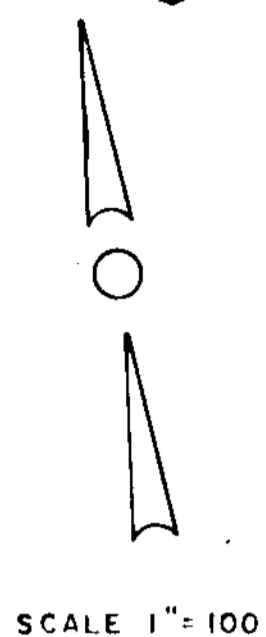
SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL
EMBOSSED SEAL OF SURVEYOR OF RECORD.

THIS SURVEY WAS PREPARED WITH THE USE OF A TOTAL STATION PROVIDED BY BRUNNER, NUNO & ASSOCIATES, NOR
 THE SURVEYOR OF RECORD OR ASSOCIATED WITH THE RESULT OF ANY TITLE BY THE ABOVE PROPERTY.

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

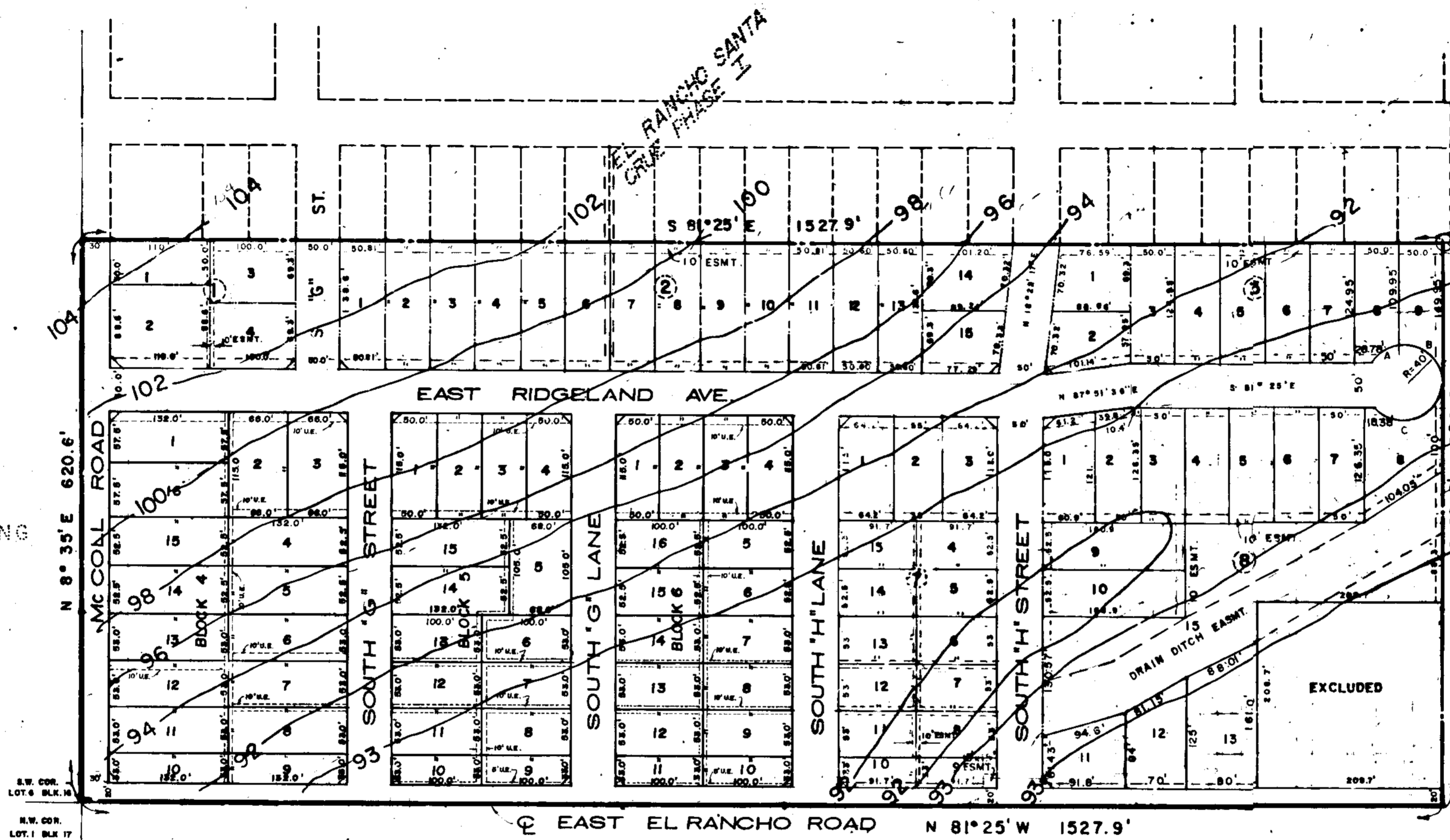
COPYRIGHT 2005
 ©

J Ruiz



SCALE 1" = 100'

LOT 5 BLK. 16
STEELE & PERSHING
SUBDIVISION



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

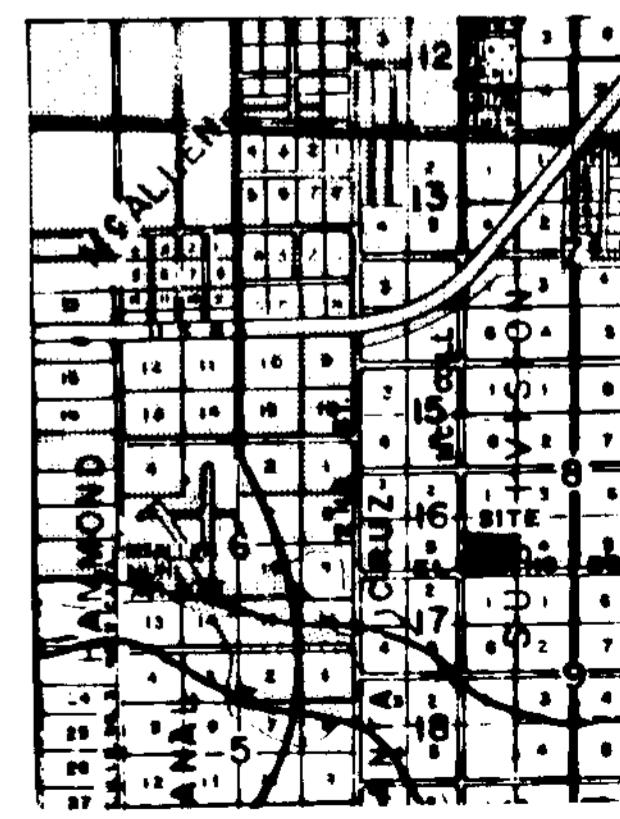
EL RANCHO SANTA CRUZ
PHASE III

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

MAP SHOWING EL RANCHO SANTA CRUZ SUBD. PHASE IV

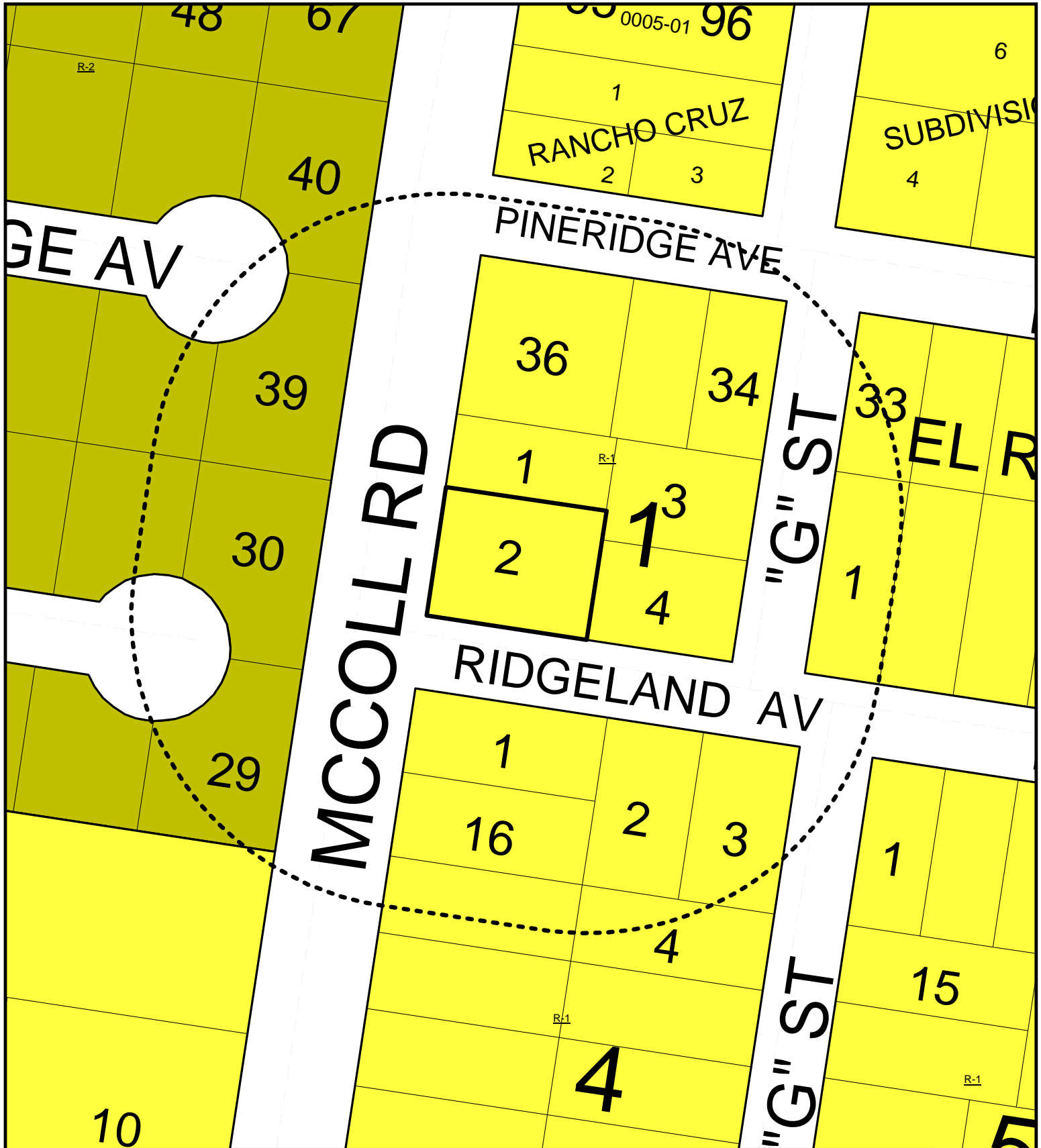
Being A Resubdivision Of 20.76 Acres Of The South 620.6 FT OF The West 1527.9 FT. OUT. Of Lot 6 Block 16
Steele and Pershing Subdivision out of Porciones 66 and 67 of
Hidalgo County, Texas.

96014



LOCATION MAP

NOTE



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: 1" = 500'

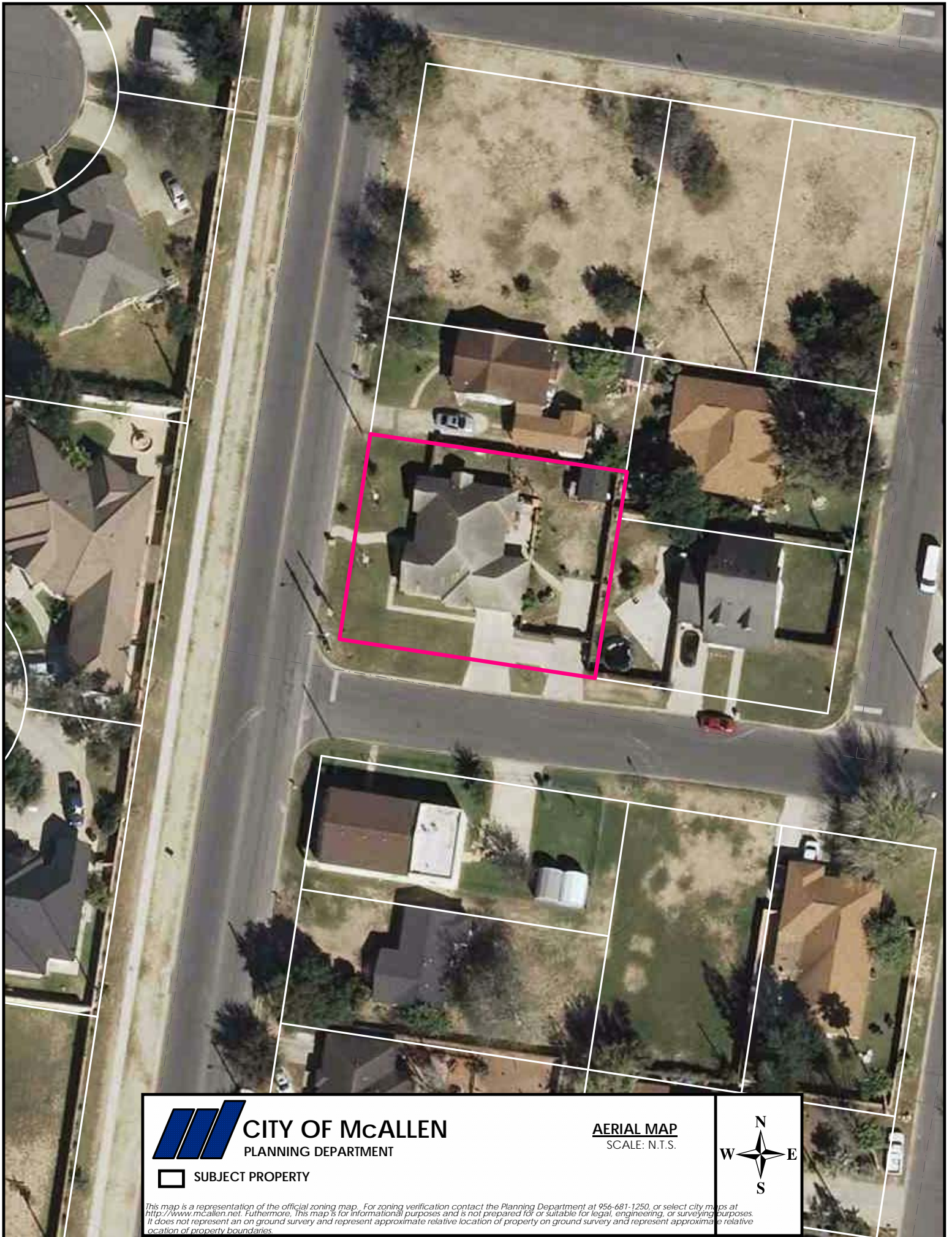
SUBJECT PROPERTY 200 FT. NOTIFICATION BOUNDARY

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.

AREA MAP

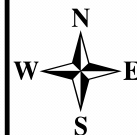


CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.



SUBJECT PROPERTY



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NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2019-0060

3113



MEMO

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: April 7, 2020

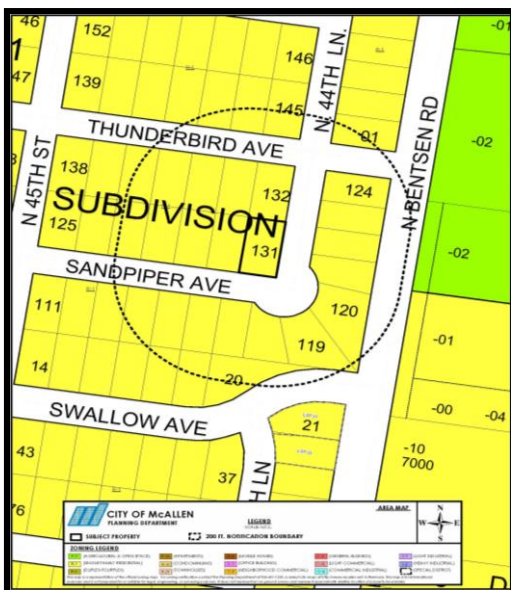
SUBJECT: REQUEST OF ORALIA RODRIGUEZ FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 25 FT. INTO THE 25 FT. FRONT YARD SETBACK FOR A WOODEN CARPORT WITH DECORATIVE COLUMNS MEASURING 25.0 FT. BY 20.0 FT., AT LOT 131, PLANTATION GAP SUBDIVISION PHASE 1, HIDALGO 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>orlavirodriguez@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.

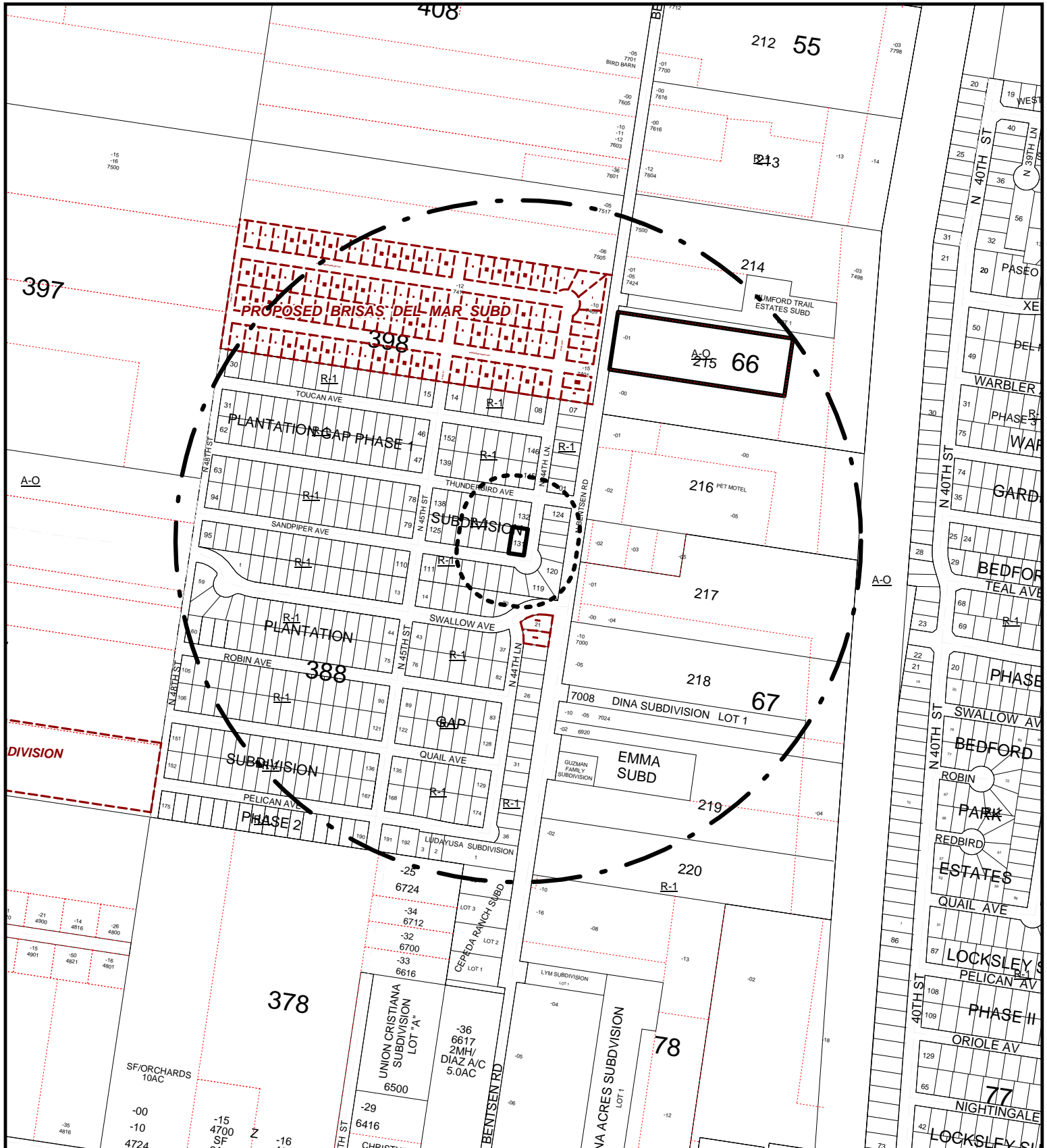
De antemano, muchas gracias por atencion a mi solicitud.

Rufo Rodriguez

Board Action

Chairman, Board of Adjustment
Signature

Date



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

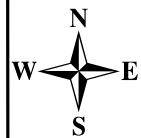
LEGEND

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) |

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CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.

AREA MAP



SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

ZONING LEGEND

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

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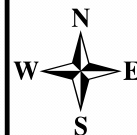


CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

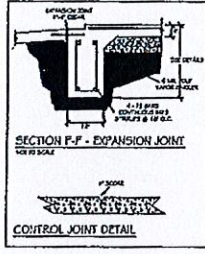
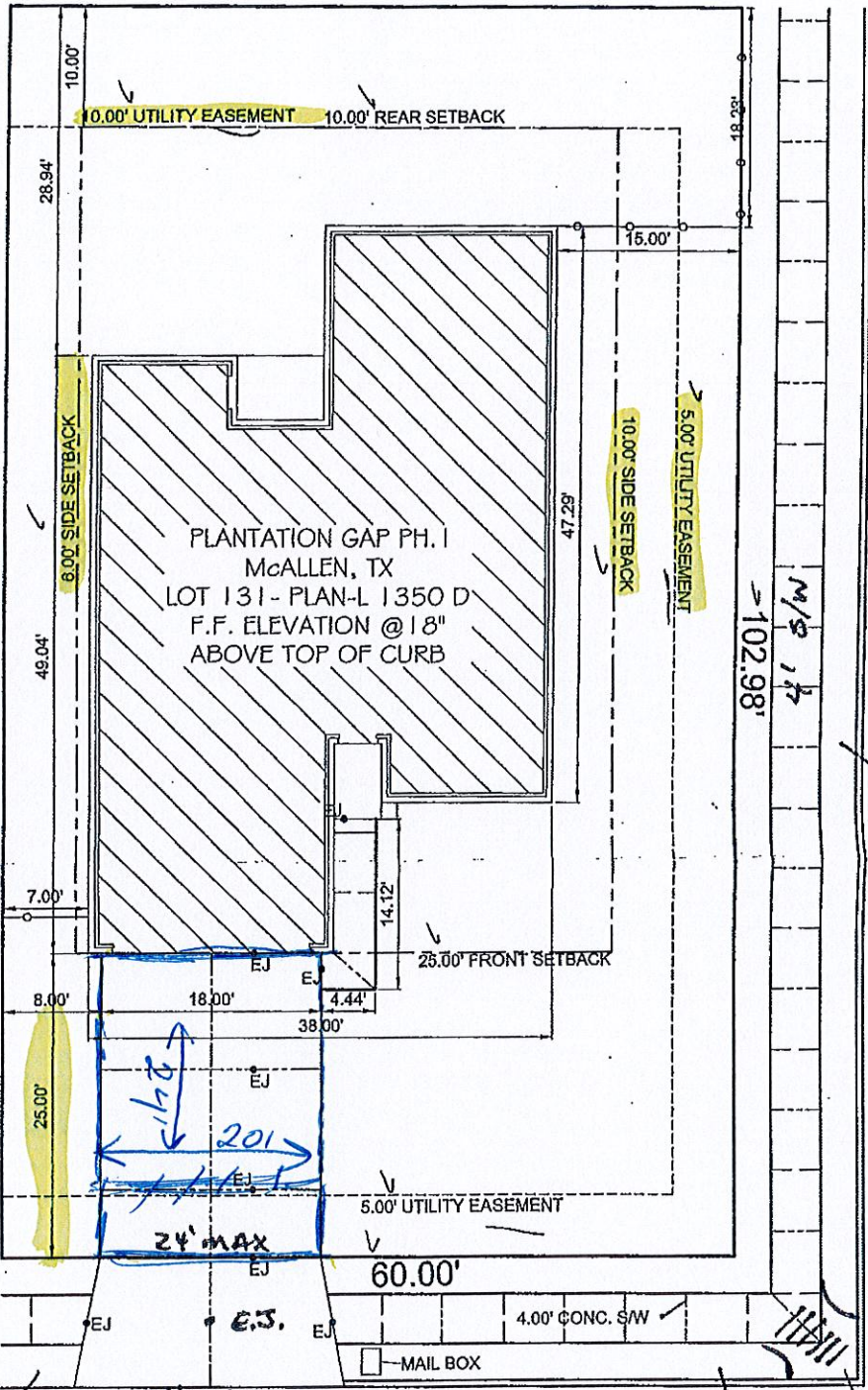


SUBJECT PROPERTY



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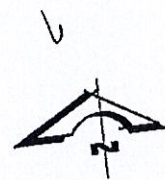
60.00



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

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

RECEIVED
 OCT 16 2019
 BY: L.G.

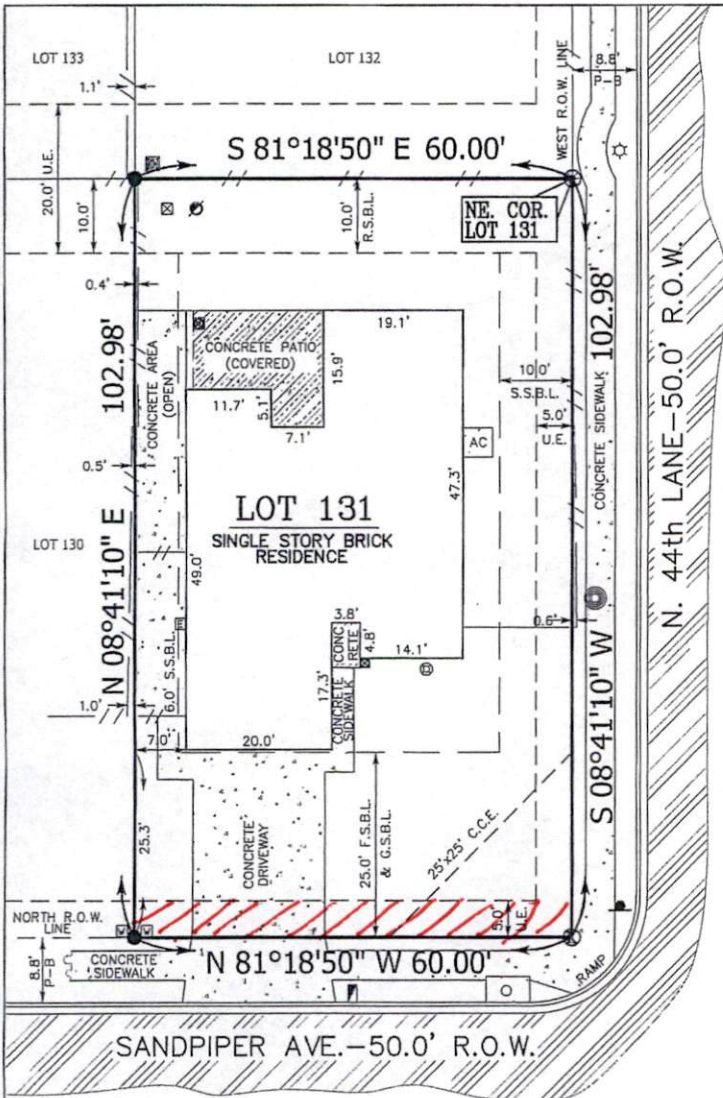


3' B.O.C. SANDPIPER AVENUE 3' B.O.C.

SITE PLAN
 SCALE: 1"=10'

ADA
 RR
 RAMP

SHEET: 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:

ALFREDO RODRIGUEZ

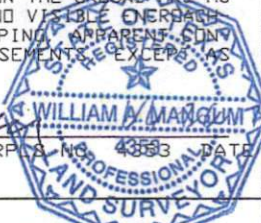
BORROWER:

ORALIA RODRIGUEZ

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

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

WILLIAM A. MANGUM, R.P.A. NO. 4353 DATE



W & L MANGUM SURVEYING

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

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

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

© COPYRIGHT 2017 W & L MANGUM SURVEYING ALL RIGHTS RESERVED



4400

NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2019-0057

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







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

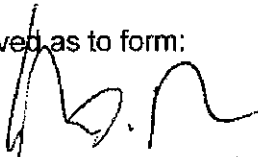
John Ingram, City Commissioner

Attest:



Perla Lara, TRMC/CMC, CPM
City Secretary

Approved as to form:



Austin W. Stevenson, Assistant City Attorney



Definitions

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Chapter 138-Zoning

Sec. 138-1. - Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Footnotes:

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

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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



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	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	7 HOLIDAY	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	8	9 N-1/5 & 1/6	10	11	12
13	14	15	16 D-1/19 & 1/20	17	18	19
20	21	22	23 N-1/19 & 1/20	24 HOLIDAY	25 HOLIDAY	26
27	28	29	30	31		

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																
SYLVIA HINOJOSA	P	P	NM	P	NM	A	A	NM																
DAVID SALINAS- CHAIRPERSON	P	P	NM	P	NM	P	P	NM																
JOHN MILLIN, III	A	A	NM	P	NM	P	P	NM																
SONIA FALCON	A	P	NM	A	NM	A	A	NM																
JOSE R. GUTIERREZ (ALT. 1)	P	P	NM	P	NM	P	P	NM																
JUAN F. JIMENEZ (ALT. 2)	P	P	NM	P	NM	P	A	NM																
(ALTERNATE 3)																								
(ALTERNATE 4)																								

P - PRESENT

A - ABSENT

NEW APPOINTMENT

MC - MEETING CANCELLED

NRM - NO MEETING

LOQ - LACK OF QUORUM

RS - RESIGNATION