AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING
AUGUST 5, 2015 - 5:30 PM
MCALLEN MUNICIPAL BUILDING - 1300 HOUSTON AVENUE
CITY COMMISSION CHAMBERS, 3RD FLOOR

CALL TO ORDER – ROBERT MOREHEAD, CHAIRPERSON

1. MINUTES:

a) Minutes for regular meeting held on July 15, 2015

2. PUBLIC HEARINGS:

a) Request of Andres Padilla-Oviedo for variance requests to the City of McAllen Zoning Ordinance to allow: **1)** a rear yard setback of 1 foot instead of 10 feet for a storage building measuring 7 feet by 11 feet, **2)** a side yard setback of 2 feet instead of 6 feet for a storage building measuring 7 feet by 11 feet, for Lot 4, Derby Downs Subdivision, Hidalgo County, Texas; 2212 North 48th Street. **(ZBA2015-0034)**

b) Request of Victoria Moncayo for variances to the City of McAllen Zoning Ordinance to allow: **1)** a side yard setback along the east property line of 3 feet instead of 6 feet for a storage building measuring 10.08 feet by 10.41 feet, **2)** a side yard setback along the east property line of 3 feet instead of 6 feet for a porch measuring 18.66 feet by 39 feet, for Lot 59, Morris Subdivision Unit 3, Hidalgo County, Texas; 2641 Quebec Avenue. **(ZBA2015-0030)**

c) Request of J.M. Moffitt Construction for variances to the City of McAllen Zoning Ordinance to allow: **1)** a side yard setback of 1 foot along the south property line instead of 4 feet for a duplex for Lot 13, **2)** a minimum lot width of 40 feet instead of 50 feet for Lot 13, **3)** a rear yard setback of 0 feet instead of 10 feet for a carport for Lots 12 and 13, **4)** a side yard setback of 0 feet instead of 4 feet along the south property line for a carport for Lot 13, **5)** a side yard setback of 0 feet instead of 5 feet along the north property line for a carport for Lot 12, Clegg Addition, Hidalgo County, Texas; 1121 Redwood Avenue and 1718 North 12th Street. **(ZBA2015-0033)**

d) Request of Marco Leal for variances to the City of McAllen Zoning Ordinance to allow: **1)** a rear yard setback of 0 feet instead of 10 feet for a carport measuring 22 feet by 22 feet, **2)** a side yard setback along the south property line of 2 feet instead of 7 feet for a carport measuring 22 feet by 22 feet, **3)** a side yard setback along the north property line of 3 feet instead of 5 feet for a gazebo measuring 10 feet by 10 feet, **4)** a rear yard setback of 1 feet instead of 10 feet for a gazebo measuring 10 feet by 10 feet, for Lot 4, Block 24, North McAllen Addition, Hidalgo County, Texas; 507 North 17th Street. **(ZBOA2015-0027)**

e) Request of Antonia Mendoza for a variance request to the City of McAllen Zoning Ordinance to allow: a front yard setback of 5 feet instead of 25 feet for an existing carport measuring 18 feet by 20 feet, for Lot 110, Idela Park Unit 2 Subdivision, Hidalgo County, Texas; 3032 Norma Avenue. **(ZBA2015-0031)**

f) Request of Yvonne Stewart to allow a special exception to the City of McAllen Zoning Ordinance to not provide 1 parking space beyond the front yard setback for Lot 20, Saddle Creek Unit 1, Hidalgo County, Texas; 3204 Northwestern Avenue. **(ZBA2015-0026) (TABLED: 7/15/2015 UNTIL 8/19/2015)**

g) Request of Fidel and Magdalena Perez for a variance request to the City of McAllen Zoning Ordinance to allow: 1) a rear yard setback of 4.67 feet instead of 10 feet for a proposed swimming pool measuring 14.0 feet by 30.0 feet, for Lot 27, T.H.E. Enterprise Subdivision Unit 2, Hidalgo County, Texas; 1301 Xanthisma Avenue. **(ZBA2015-0029) (TABLED: 7/15/2015)**

h) Request of Olga Ruiz for variance requests to the City of McAllen Zoning Ordinance to allow: **1)** a rear yard setback of 14 feet instead of 20 feet for a covered patio measuring 12 feet by 10 feet, **2)** a rear yard setback of 10.9 feet instead of 20 feet for a chimney, for Lot 58, Saddle Creek Unit 3 Subdivision, Hidalgo County, Texas; 3112 Rutgers Avenue. **(ZBA2015-0020) (TABLED: 6/17/2015) (REMAIN TABLED: 7/1/2015) (TABLED: 7/15/2015)**

i) Request of Yasminia Barbosa to allow the following special exception to the City of McAllen Off-street Parking and Loading Ordinance: to allow 4 parking spaces instead of the required 11 parking spaces for a daycare center, for 1.17 acres out of Lot 287, John H. Shary Subdivision, Hidalgo County, Texas; 2916 North Taylor Road. **(ZBA2015-0023) (TABLED: 7/1/2015) (TABLED: 7/15/2015)**

j) Request of Jose Luis Galindo to allow the following variance requests to the City of McAllen Zoning Ordinance: **1)** side yard setback of 2.25 feet instead of 5 feet for a carport measuring 24.16 feet by 25.25 feet, **2)** front yard setback of 2.41 feet instead of 25 feet for a carport measuring 24.16 feet by 25.25, for Lot 18, Block 3, McAllen Heights Subdivision, Hidalgo County, Texas; 1009 South 27th Street. **(ZBA2014-0026) (TABLED: 11/19/2014 UNTIL MEETING OF 1/21/2015) (TABLED UNTIL JULY 15, 2015) (TABLED: 7/15/2015)**

k) Request of Daniel R. Valdez to allow the following variance requests to the City of McAllen Zoning Ordinance: **1)** a front yard setback of .5 feet instead of 20 feet for a carport measuring 19.75 feet by 19.66 feet, **2)** a side yard setback of 0 feet instead of 6 feet for a storage building measuring 10 feet by 12.83 feet, **3)** a side yard setback of 0 feet instead of 6 feet for a pool pump storage building measuring 7 feet by 4.16 feet, **4)** a rear yard setback of 0 feet instead of 15 feet for a water fountain measuring 4 feet by 4.41 feet, for Lot 94, Oak Terrace Subdivision, Hidalgo County, Texas; 1924 North 34th Street.**(ZBA2014-0041) (TABLED: UNTIL JANUARY 7, 2015) (ITEM #1: TABLED: 1/7/2015 UNTIL JULY 15, 2015) (TABLED: 7/15/2015 UNTIL 9/17/2015)**

3. **DISCUSSION:**

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

ADJOURNMENT

IF ANY ACCOMMODATION FOR A DISABILITY IS REQUIRED, NOTIFY THE PLANNING DEPARTMENT AT (956) 681-1250 SEVENTY-TWO (72) HOURS PRIOR TO THE MEETING DATE. WITH REGARD TO ANY ITEM, THE ZONING BOARD OF ADJUSTMENT AND APPEALS MAY TAKE VARIOUS ACTIONS INCLUDING BUT NOT LIMITED TO RESCHEDULING AN ITEM IN ITS ENTIRETY FOR A FUTURE DATE OR TIME.

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF McAllen

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, July 15, 2015 at 6:00 p.m. in the City Commission Meeting Room with the following present:

Present:	**Rolando Ayala**	**Member**
	Jorge Salinas	**Member**
	Terry L. Perez	**Alternate**
Absent:	**Robert Morehead**	**Chairperson**
	Mike Hovar	**Vice-Chairperson**
	Mike Harms	**Member**
	Jose R. Gutierrez	**Alternate**
	Shavi Mahtani	**Alternate**
	Sylvia Hinojosa	**Alternate**
Staff Present:	**Victor Flores**	**Assistant City Attorney**
	Edgar Taylor	**Senior Planner**
	Rodrigo Sanchez	**Planner II**
	Carmen White	**Secretary**

CALL TO ORDER – Jorge Salinas, Acting Chairperson

1. MINUTES:

a) Minutes for Regular Meeting held on July 1, 2015.

The minutes for the meeting held on July 1, 2015 were approved. The motion to approve the minutes was made by Ms. Terry Perez. Mr. Rolando Ayala seconded the motion which carried unanimously with three members present and voting.

Legal counsel, Victor Flores informed board members they do have a quorum but to act on these on these items to vote hey need four board members since there are only three board members. Mr. Flores stated the board could vote only on the first two items on staff's recommendation for approval.

2) PUBLIC HEARINGS:

a) Request of Yvonne Stewart to allow a special exception to the City of McAllen Zoning Ordinance to not provide 1 parking space beyond the front yard setback for Lot 20, Saddle Creek Unit 1, Hidalgo County, Texas; 3204 Northwestern Avenue. **(ZBA2015-0026)**

Mr. Sanchez stated the applicant requested a special exception to the parking requirement of one off-street parking space for single-family uses beyond the front yard setback as required by Section 138-394. The applicant indicated that a one car open carport is proposed to be enclosed into a bedroom to accommodate living space for her elderly father who due to medical reasons will need to move in with the family. The property was located along the north side of Northwestern Avenue and North 32nd Street. The property has 50 feet of frontage along Northwestern Avenue and a depth of 106.57 feet for a tract size of 5,328 square feet. The property was zoned R-1 (single family residential) District. The adjacent zoning was R-1 (single family residential) District in all directions. Surrounding land use is single family residential. Saddle Creek Unit 1 Subdivision was recorded on September 11, 2001. The Board of Commissioners amended the Zoning Ordinance in 1999 to require one parking space beyond the front yard setback in order to enhance the appearance of single family residential areas. The subject property and subdivision was subject to compliance with the zoning requirement of one parking space beyond the front yard setback line. A building permit application has not been submitted. An application for the special exception request was submitted on June 05, 2015 and included a site plan showing an existing 9.5 foot by 21.5 foot carport area that will be enclosed to one bedroom. The intent for the requirement of locating one parking space beyond the front yard setback line was to improve the street yard appearance of single family residential areas by eliminating the number of cars parked along the street and within the front yard. In 1999 the City Commission amended the ordinances in order to improve the streetscape of neighborhoods. Amendments included 1) parking requirement of 2 parking spaces beyond the front yard setback (later reduced to one parking space beyond the front yard setback), 2) front yard setbacks were increased from 20 feet to 25 feet, 3) 50% landscaping requirement for the front yard, 4) landscape area required for side yards in the front yard, 5) 1 tree for the first 50 feet of lot width and 1 additional tree for every additional 25 feet of lot width, and 6) sidewalks were required. The bedroom addition could be added to the rear of the house. Approval of the request may encourage other property owners with carports or garages to enclose their carport or garage. Also, the enclosed carport may encourage a variance for a carport within the front yard. The Board had approved a similar requests with the conditions: **1)** to maintain the outside garage door that faces the street with a garage door appearance and **2)** that the interior wall was to remain until the house on the property was sold. The Board could apply similar conditions to the special exception case to revert the improvements back to a garage at the time of sale of the residence.

Staff recommended disapproval of the special exception request.

Mr. Sanchez stated he briefly spoke with the applicant with a suggestion. Original recommendation was disapproval but if applicant was willing to go with the similar arrangement then staff would be willing to go with recommendation for an approval.

Ms. Yvonne Stewart stated they have a small two bedroom and one bath house with an open carport garage. Their purpose to enclose it would be for his wife's elderly father to reside there with them. Upon staff's suggestion the applicant would be willing to revert

the carport back to its original form.

Acting Chairperson Jorge Salinas inquired if there was anyone else present to speak for or in favor of the variance request.

Mr. Adrian Ortiz, 3108 Northwestern Avenue, stated to the board that he is in favor of the variance request.

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

Ms. Terry Perez **moved** to table the item until the meeting of August 19, 2015. Mr. Rolando Ayala seconded the motion. The board voted unanimously to table the variance request with three members present and voting.

b) Request of Fidel and Magdalena Perez for a variance request to the City of McAllen Zoning Ordinance to allow: **1)** a rear yard setback of 4.67 feet instead of 10 feet for a proposed swimming pool measuring 14.0 feet by 30.0 feet, for Lot 27, T.H.E. Enterprise Subdivision Unit 2, Hidalgo County, Texas; 1301 Xanthisma Avenue. **(ZBA2015-0029)**

Mr. Sanchez stated the applicant requested a variance to allow a swimming pool with a rear yard setback of 4.67 feet instead of 10 feet. The applicant was requesting the variance in order to construct the proposed swimming pool which will replace an existing swimming pool at the same location. The property was located along the south side of Xanthisma Avenue 175 feet east of North Main Street. The lot had 90 feet of frontage along Xanthisma Avenue with a depth of 110 feet. The property is zoned R-1 (single family residential) District. The surrounding land use was single family residential. There was an existing single family residence on the subject property. T.H.E. Enterprise Subdivision Unit No. 2 was recorded on June 20, 1972. The Zoning Ordinance in effect prior to 1979 permitted accessory structures to be at 3 feet from the rear property line. The zoning ordinance was changed in 1979 to a 10 foot rear yard setback requirement in the R-1 (single family residential) District. A swimming pool permit application has not been submitted to the Building Permits and Inspections Department. The proposed site plan shows the proposed swimming pool to encroach 5.33 feet into the 10 foot rear yard setback. The existing swimming pool was constructed with a setback of 3 feet, as an encroachment of 7 feet into the 10 foot rear yard setback. The proposed pool has a rear yard setback of 4.7 feet, or an encroachment of 5.3 feet. The proposed pool decreases the encroachment by 1.7 feet. The proposed pool could be moved further away from the lot line to provide additional setback.

Staff recommended disapproval of the variance request.
Mr. Fidel Perez, stated they bought the house 16 years ago and came with the pool. They wanted to replace the old pool with a new one.

The board stated to the applicant they could not vote on the item but inquired if they could return for the next meeting date of August 5, 2015. They responded yes.

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

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

Ms. Terry Perez **moved** to table the item until next meeting of August 5, 2015. Mr. Rolando Ayala seconded the motion. The board voted unanimously with three members present and voting.

c) Request of Victoria and Eloy Moncayo for a variance request to the City of McAllen Zoning Ordinance to allow: a side yard setback of 3 feet instead of 6 feet for a storage room measuring 10 feet by 10.16 feet for Lot 59, Morris Subdivision Unit 3, Hidalgo County, Texas; 2641 Quebec Avenue. **(ZBA2015-0030)**

CANCELLED

d) Request of Patricia Hernandez for a variance request to the City of McAllen Zoning Ordinance to allow: **1)** a rear yard setback of 0 feet instead of 10 feet for a covered patio measuring 50.0 feet by 10.0 feet, **2)** a side yard setback along the east property line of 0 feet instead of 6 feet for a covered patio measuring 10 feet by 6 feet, **3)** a side yard setback along the west property line of 0 feet instead of 6 feet for a covered patio measuring 10 feet by 6 feet for Lot 8 Idela Park Subdivision Unit 4, Hidalgo County, Texas; 2429 Lucille Avenue. **(ZBA2015-0028)**

CANCELLED

e) Request of Yasminia Barbosa to allow the following special exception to the City of McAllen Off-street Parking and Loading Ordinance: to allow 4 parking spaces instead of the required 11 parking spaces for a daycare center, for 1.17 acres out of Lot 287, John H. Shary Subdivision, Hidalgo County, Texas; 2916 North Taylor Road. **(ZBA2015-0023) (TABLED: 7/1/2015)**

Mr. Sanchez stated Ms. Yasmina Barbosa, the applicant, could not make the last meeting due to a delay at crossing of the border from Monterrey not knowing the meeting lasted longer. But the applicant was present at this meeting.

Ms. Terry Perez made a motion to remove the item from the table. Mr. Rolando Ayala seconded the motion. The board voted unanimously with three members present and voting.

Ms. Yasmina Barbosa, the applicant, stated her request for a special exception for parking spaces for a daycare center. The board informed the applicant of tabling the

special exception to the next meeting date of August 5, 2015. She agreed.

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

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

Ms. Terry Perez **moved** to table the item until the meeting of August 5, 2015. Mr. Rolando Ayala seconded the motion. The board voted unanimously to tabling the special exception request with three members present and voting.

f) Request of Olga Ruiz for variance requests to the City of McAllen Zoning Ordinance to allow: **1)** a rear yard setback of 14 feet instead of 20 feet for a covered patio measuring 12 feet by 10 feet, **2)** a rear yard setback of 11.9 feet instead of 20 feet for a chimney, for Lot 58, Saddle Creek Unit 3 Subdivision, Hidalgo County, Texas; 3112 Rutgers Avenue. **(ZBA2015-0020) (TABLED UNTIL 7/1/2015) (REMAINED TABLED UNTIL 7/15/2015)**

Mr. Sanchez stated the applicant requested variances to encroach into the 20 foot rear yard setback to permit an existing covered patio and chimney. The applicant indicated that they hired a contractor who insured them that a building permit was not required. The applicant wished to keep the improvement in its constructed position. The property was a double fronting lot located on the north side of Rutgers Avenue and approximately 154 feet west of North 31st Street. The property was zoned R-1 (single family residential) District. The surrounding land use is single family residential. There was an existing single family residence on the subject property. Saddle Creek Unit 3 Subdivision was recorded on March 30, 2007. The plat specified a rear yard building setback of 20 feet. The subject property is a double fronting lot with frontage on Rutgers Avenue and Freddy Gonzalez Drive. The applicant had constructed a covered patio that encroaches 6 feet into the 20 foot rear yard setback and 1 foot into the 15 foot utility easement. There was also a chimney attached to the covered patio that encroaches 8.1 feet into the 20 foot rear yard setback and 4.1 feet into the 15 foot utility easement. Building Inspection staff issued a citation (#20159) on February 25, 2015 for building without a permit. The applicant submitted a building permit application on March 13, 2015 for the covered patio but it has not been issued. The covered patio could be relocated to the south and be attached to the house to reach compliance with setback requirements. Chimneys were a permitted encroachment in the required yard for a distance not to exceed five feet. Section 138-366 (d) of the Zoning Ordinance states that such structures are to be placed as to not obstruct light and ventilation. While the chimney does exceed the five feet requirement it does not obstruct light and ventilation or prove to be a safety concern. Variances should not merely serve as a convenience to the applicant. Setbacks shown on the subdivision plat can only be changed by a "vacate and replat" process approved by the Planning and Zoning Commission.

Staff recommended disapproval of the variance requests.

Ms. Terry Perez **moved** to remove item from the table. Mr. Rolando Ayala seconded the motion. The board voted with three members present and voting.

Ms. Olga Ruiz stated name and address. The board informed the applicant the meeting will be rescheduled until August 5, 2015. The applicant agreed.

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

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

Ms. Terry Perez moved to table the item until the next meeting of August 5, 2015. Mr. Rolando Ayala seconded the motion. The board voted unanimously with three members present and voting.

g) Request of Jose Luis Galindo to allow the following variance requests to the City of McAllen Zoning Ordinance: **1)** side yard setback of 2.25 feet instead of 5 feet for a carport measuring 24.16 feet by 25.25 feet, **2)** front yard setback of 2.41 feet instead of 25 feet for a carport measuring 24.16 feet by 25.25, for Lot 18, Block 3, McAllen Heights Subdivision, Hidalgo County, Texas; 1009 South 27th Street. **(ZBA2014-0026) (TABLED: UNTIL 1/21/2015) (TABLED UNTIL JULY 15, 2015)**

Ms. Terry Perez moved to remove item from the table. Mr. Rolando Ayala seconded the motion. The board voted unanimously with three members present and voting.

Mr. Sanchez stated this item had been tabled in the earlier part of this year until July 15, 2015 with the purpose of possibly allowing the City Commission to come up with a policy to include medical needs as a criteria and possible approval of a carport. Information was provided to City Commission and until then this item will remain tabled.

Legal counsel, Victor Flores, stated this item was given a period of six months to give City Commission time but due to changes in the City Commissioners and other projects have not had time.

The applicant, Mr. Jose Galindo, addressed the board in which the board informed the applicant tabling the item until the next meeting of August 5, 2015.

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

Acting Chairperson, Jorge Salinas inquired if there was anyone else present to speak

against the variance request. There was no one else to speak against the variance requests.

Ms. Terry Perez **moved** to table this item until the meeting of August 5, 2015. Mr. Rolando Ayala seconded the motion. The board voted unanimously with three members present and voting.

h) Request of Daniel R. Valdez to allow the following variance requests to the City of McAllen Zoning Ordinance: **1)** a front yard setback of .5 feet instead of 20 feet for a carport measuring 19.75 feet by 19.66 feet, **2)** a side yard setback of 0 feet instead of 6 feet for a storage building measuring 10 feet by 12.83 feet, **3)** a side yard setback of 0 feet instead of 6 feet for a pool pump storage building measuring 7 feet by 4.16 feet, **4)** a rear yard setback of 0 feet instead of 15 feet for a water fountain measuring 4 feet by 4.41 feet, for Lot 94, Oak Terrace Subdivision, Hidalgo County, Texas; 1924 North 34th Street. **(ZBA2014-0041) (TABLED: 12/3/2014) (ITEM #1 TABLED: 1/7/2015 UNTIL JULY 15, 2015)**

Ms. Terry Perez moved to remove the item from table. Mr. Rolando Ayala seconded the motion. The board voted with three members present and voting.

Mr. Sanchez stated this item was similar to the previous item it would be tabled until the next meeting.

The applicant, Daniel R. Valdez, addressed the board and inquired of jeopardizing tabling the item until the meeting of September 17, 2015.

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

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

Ms. Terry Perez **moved** to table this item until the meeting of September 17, 2015. Mr. Rolando Ayala seconded the motion. The board voted unanimously with three members present and voting.

DISCUSSION:

ADJOURNMENT

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

The meeting was adjourned at 6:35 p.m.

Acting Chairperson
Jorge Salinas

Carmen White, Secretary

Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: July 31, 2015

SUBJECT: **REQUEST OF ANDRES PADILLA-OVIEDO FOR VARIANCE REQUESTS TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) A REAR YARD SETBACK OF 1 FOOT INSTEAD OF 10 FEET FOR A STORAGE BUILDING MEASURING 7 FEET BY 11 FEET, 2) A SIDE YARD SETBACK OF 2 FEET INSTEAD OF 6 FEET FOR A STORAGE BUILDING MEASURING 7 FEET BY 11 FEET, FOR LOT 4, DERBY DOWNS SUBDIVISION, HIDALGO COUNTY, TEXAS; 2212 NORTH 48TH STREET.** (ZBA2015-0034)

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

REASON FOR APPEAL
The applicant requests variances to encroach into the 10 foot rear yard setback and the 6 foot side yard setback for an existing storage building measuring 7 feet by 11 feet and constructed of block material on a concrete slab.

PROPERTY LOCATION AND VICINITY:
The property is located along the east side of North 48th Street north of Vine Avenue. The property is zoned R-1 (single family residential) District. The surrounding land use is single family residential. There is an existing single family residence on the subject property.

BACKGROUND AND HISTORY:
Derby Downs Subdivision was recorded in October 2004. The plat specifies a rear yard building setback of 10 feet and a side yard setback of 6 feet. A 5 foot utility easement runs concurrently with the 10 foot rear yard setback from the property line to the interior of the property. An application for request of utility abandonment was submitted on

October 7, 2014 but was not approved by AT&T and AEP but the applicant was able to secure "consent to encroach" letters from AT&T and AEP. A stop work order and citation (#19710) were issued on in October 2014 for encroachment into the rear and side yard setbacks.

ANALYSIS:
The storage building could be relocated out of the rear setback. There is no alley separating the rear yard of Lots 4 & 11. The storage building encroaches 9 feet into the 10 foot rear yard setback and encroaches 4 feet in to the 6 foot side yard setback. Variances should not merely serve as a convenience to the applicant.

RECOMMENDATION:
Staff recommends disapproval of the variance request.

ZBOA Mtg. 8/5/14

ZBA2015-0034

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 Lot 4

Subdivision Name Derby Downs

Street Address 2212 N 48th ST

Number of lots 1 Gross acres

Existing Zoning R1 Existing Land Use Residence

Reason for Appeal (please use other side if necessary) storage room at one foot instead of ten feet rear yard set back. Two feet instead of six feet rear yard set back.

☑ $300.00 non-refundable filing fee

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

Applicant

Name Andres Padilla-Oviedo Phone (956) 457-7332

Address 2212 N 48th ST E-mail apadillao@utpa.edu

City McAllen State Texas Zip 78501

R S

Owner

Name Andres Padilla-Oviedo Phone (956) 457-7332

Address 2212 N 48th ST E-mail apadillao@utpa.edu

City McAllen State Texas Zip 78501

Authorization

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

☐ Yes ☒ No

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

Signature AP Date 7/6/2015

Print Name Andres Padilla-Oviedo ☑ Owner ☐ Authorized Agent

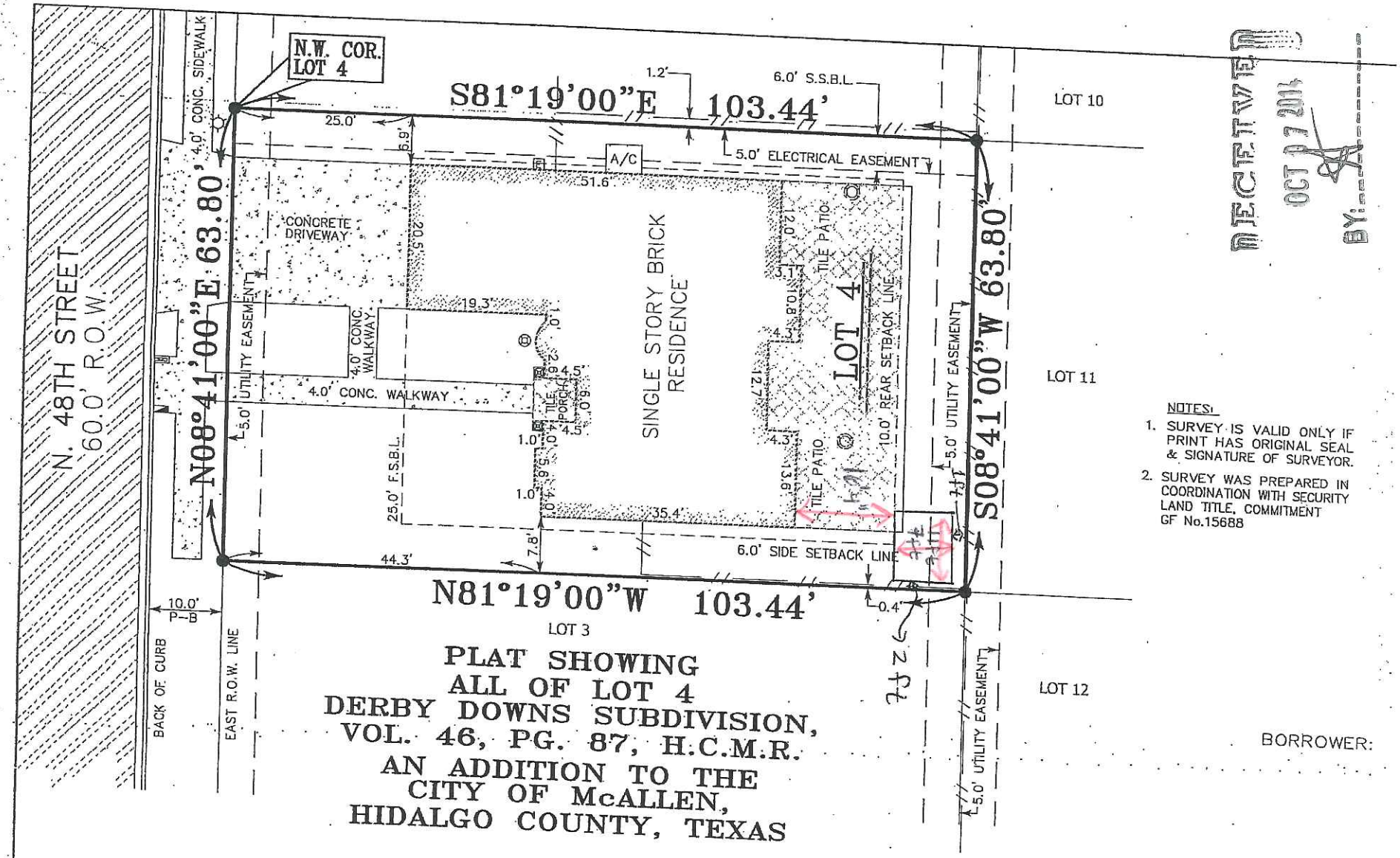
Office

Accepted by JC Payment received by Date

RECEIVED JUL 09 2015 BY: JC

REVISED 9/11

11/14



NOTES:

1. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL & SIGNATURE OF SURVEYOR.
2. SURVEY WAS PREPARED IN COORDINATION WITH SECURITY LAND TITLE, COMMITMENT GF No.15688

BORROWER:

PLAT SHOWING ALL OF LOT 4 DERBY DOWNS SUBDIVISION, VOL. 46, PG. 87, H.C.M.R. AN ADDITION TO THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS

FLOOD ZONE

ZONE "C"

AREAS OF MINIMAL FLOODING.
COMMUNITY-PANEL NUMBER: 480334 0400 C
MAP REVISED: NOVEMBER 16, 1982

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS SURVEY AS DESCRIBED HEREON, WAS MADE ON THE GROUND ON 10/04/07 UNDER MY DIRECTION, THAT THE ONLY IMPROVEMENTS ON THE GROUND ARE AS SHOWN, THAT THERE ARE NO VISIBLE ENCROACHMENTS, VISIBLE OVERLAPPING, APPARENT CONFLICTS, OR VISIBLE EASEMENTS, EXCEPT AS SHOWN HEREON.

WILLIAM A. MANGUM, RPLS No. 4353 DATE 10-9-07

RECEIVED OCT 17 2007 BY:

JUL 08 2015

BOOK
DATE
JOB
FILE
DRAW

CITY OF McALLEN

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

BUILDING PERMIT APPLICATION

REV. 11/2013

PERMIT APPLICATION REFERENCE NUMBER PRES2014-06522

APPLICANT

NAME Andres Padilla-Oviedo PHONE 956 - 457 - 7332
ADDRESS 2212 N 48th ST
CITY McAllen STATE TX ZIP 78501
CONTACT: NAME: Andres Padilla-Oviedo PHONE 956 457 7332

☒ OWNER ☐ CONTRACTOR ☐ TENANT ☐ OTHER

OWNER

NAME Andres Padilla-Oviedo PHONE 956 457 7332
ADDRESS 2212 N 48th ST
CITY McAllen STATE TX ZIP 78501

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

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

EXISTING USE OF LOT Casa NEW USE cuartito atras IMPROVEMENT VALUE $ 3000 .00

SCOPE OF WORK TO BE DONE Ca

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
☒ CONCRETE SLAB	☐ MASONRY VENEER	☐ WOOD SHINGLE	☐ FIRE SPRINKLER SYSTEM
☐ CONCRETE PIER	☐ MASONRY SOLID	☐ COMPOSITION	☐ FIRE ALARM SYSTEM
☐ CONCRETE BLOCK	☐ METAL SIDING	☒ METAL	☐ TYPE OF CONSTRUCTION _____
☐ CONCRETE BEAM	☐ COMPOSITION	☐ BUILD UP	☐ ASBESTOS SURVEY
☐ WOOD POSTS	☐ WOOD		☐ EABPRJA/B#: _____
☐ _____	☐ Block	☐ _____	☐ CONDEMNED STRUCTURE

LOT _____ BLOCK _____ SUBDIVISION _____

SITE ADDRESS ST. NO. 2212 N ST. NAME 48 ST

CITY USE ONLY

ZONING _____ PERMIT FEE $ 40.00 DOUBLE FEE $ 40.00 REC'D BY EGL

PERMIT REVIEW FEE $ 80.00 DATE 9.30.14

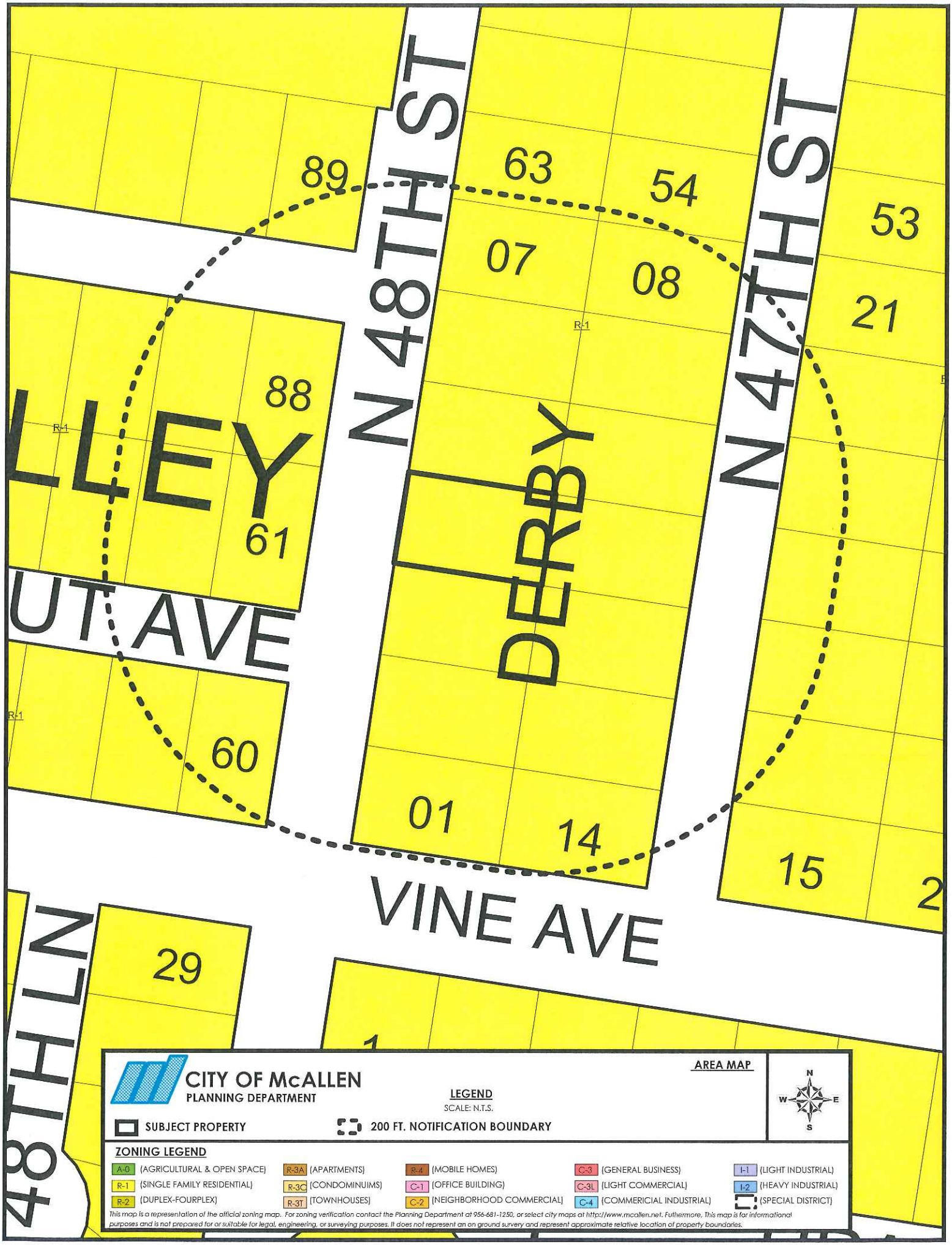
PARK DEV. ☐ TOTAL PERMIT FEE $ _____ TIME 4:40

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 herby 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.

Andres Padilla-Oviedo AP apadillaoviedo@yahoo.com 9/30/14

PRINT (AUTHORIZED AGENT/OWNER) SIGNATURE EMAIL ADDRESS (required) DATE


N 48TH ST
N 47TH ST
DERBY
VINE AVE
UT AVE
LLEY
48TH LN
89
63
54
53
07
08
21
88
61
60
01
14
15
29
R-1
CITY OF McALLEN
PLANNING DEPARTMENT
AREA MAP
LEGEND
SCALE: N.T.S.
SUBJECT PROPERTY
200 FT. NOTIFICATION BOUNDARY
N
W
E
S
ZONING LEGEND
A-0 (AGRICULTURAL & OPEN SPACE)
R-1 (SINGLE FAMILY RESIDENTIAL)
R-2 (DUPLEX-FOURPLEX)
R-3A (APARTMENTS)
R-3C (CONDOMINUIMS)
R-3T (TOWNHOUSES)
R-4 (MOBILE HOMES)
C-1 (OFFICE BUILDING)
C-2 (NEIGHBORHOOD COMMERCIAL)
C-3 (GENERAL BUSINESS)
C-3L (LIGHT COMMERCIAL)
C-4 (COMMERICIAL INDUSTRIAL)
I-1 (LIGHT INDUSTRIAL)
I-2 (HEAVY INDUSTRIAL)
(SPECIAL DISTRICT)
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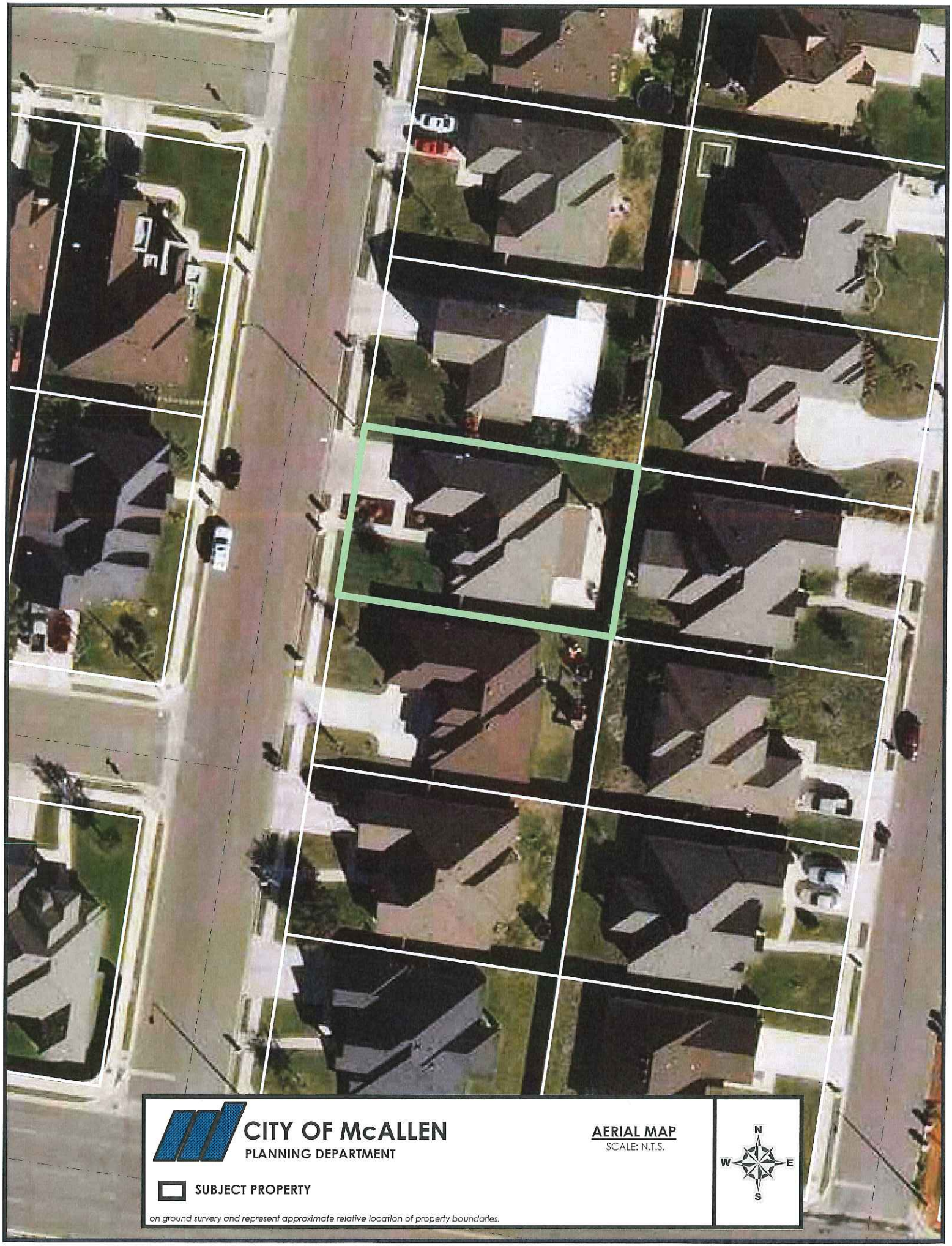
CITY OF McALLEN
PLANNING DEPARTMENT
AERIAL MAP
SCALE: N.T.S.
N
W
E
S
SUBJECT PROPERTY
on ground survery and represent approximate relative location of property boundaries.

Hidalgo CAD

Property Search Results > 684626 PADILLA-OVIEDO ANDRES for Year 2015

Property

Account

Property ID:	684626	Legal Description:	DERBY DOWNS LOT 4
Geographic ID:	D4055-00-000-0004-00	Agent Code:	
Type:	Real		
Property Use Code:			
Property Use Description:			

Location

Address:	2212 N 48TH ST MCALLEN, TX	Mapsco:	
Neighborhood:	DERBY DOWNS	Map ID:	CML VOL 46 PG 87
Neighborhood CD:	D405500		

Owner

Name:	PADILLA-OVIEDO ANDRES	Owner ID:	952003
Mailing Address:	2212 N 48TH ST MCALLEN, TX 78501-3661	% Ownership:	100.0000000000%
		Exemptions:	HS

Values

(+) Improvement Homesite Value:	+	$123,753		
(+) Improvement Non-Homesite Value:	+	$0		
(+) Land Homesite Value:	+	$33,657		
(+) Land Non-Homesite Value:	+	$0	Ag / Timber Use Value	
(+) Agricultural Market Valuation:	+	$0		$0
(+) Timber Market Valuation:	+	$0		$0
(=) Market Value:	=	$157,410		
(–) Ag or Timber Use Value Reduction:	–	$0		
(=) Appraised Value:	=	$157,410		
(–) HS Cap:	–	$4,165		
(=) Assessed Value:	=	$153,245		

Taxing Jurisdiction

Owner: PADILLA-OVIEDO ANDRES
% Ownership: 100.0000000000%
Total Value: $157,410

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	APPRAISAL DISTRICT	0.000000	$157,410	$153,245	$0.00
CML	CITY OF MCALLEN	0.476300	$157,410	$153,245	$729.91
DR1	DRAINAGE DISTRICT #1	0.095700	$157,410	$153,245	$146.66
GHD	HIDALGO COUNTY	0.590000	$157,410	$153,245	$904.15
JCC	SOUTH TEXAS COLLEGE	0.185000	$157,410	$153,245	$283.50
R12	ROAD DIST 12	0.000000	$157,410	$153,245	$0.00
SSL	SHARYLAND ISD	1.335500	$157,410	$128,245	$1,712.71
SST	SOUTH TEXAS SCHOOL	0.049200	$157,410	$153,245	$75.40
W14	UNITED IRR WTR DIST	0.000000	$157,410	$153,245	$0.00
	Total Tax Rate:	2.731700			
				Taxes w/Current Exemptions:	$3,852.33
				Taxes w/o Exemptions:	$4,186.19

Improvement / Building

Improvement #1:	RESIDENTIAL	State Code:	A1	Living Area:	1595.0 sqft	Value:	$123,753

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	BRKAV	DBRK	2007	1595.0
GAR	GARAGE	BRKAV		2007	462.0
PAT	PATIO	BRKAV		2007	288.0
POR	PORCH (COVERED)	BRKAV		2007	38.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	L	LOT	0.0000	6599.47	63.80	103.44	$33,657	$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2015	$123,753	$33,657	0	157,410	$4,165	$153,245
2014	$105,657	$33,657	0	139,314	$0	$139,314
2013	$106,794	$33,657	0	140,451	$0	$140,451
2012	$107,930	$33,657	0	141,587	$0	$141,587

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	2/2/2011 12:00:00 AM	DIV	DIVORCE DECREE	OVIEDO ANDRES F	PADILLA-OVIEDO A			2176098
2	10/10/2007 12:00:00 AM	WDV	WARRANTY DEED/VENDORS LIEN	GRIMALDO PABLO	OVIEDO ANDRES F			1814408
3	4/27/2005 12:00:00 AM	WD	WARRANTY DEED	GRANDE VALLEY H	GRIMALDO PABLO			1464122

Tax Due

Property Tax Information as of 07/15/2015

Amount Due if Paid on:

Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Penalty & Interest	Attorney Fees	Amount Due

NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

Questions Please Call (956) 381-8466

Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: July 31, 2015

SUBJECT: **REQUEST OF VICTORIA MONCAYO FOR VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) A SIDE YARD SETBACK ALONG THE EAST PROPERTY LINE OF 3 FEET INSTEAD OF 6 FEET FOR A STORAGE BUILDING MEASURING 10.08 FEET BY 10.41 FEET, 2) A SIDE YARD SETBACK ALONG THE EAST PROPERTY LINE OF 3 FEET INSTEAD OF 6 FEET FOR A PORCH MEASURING 18.66 FEET BY 39 FEET, FOR LOT 59, MORRIS SUBDIVISION UNIT 3, HIDALGO COUNTY, TEXAS; 2641 QUEBEC AVENUE.** (ZBA2015-0030)

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

REASON FOR VARIANCE REQUEST
The applicant requests a variance to allow a side yard setback of 3 feet instead of 6 feet for an existing storage room and a covered patio. The applicant indicates that the roof of the storage unit was done as part of the covered patio.

PROPERTY LOCATION AND VICINITY:
The property is located at the southeast corner of South 27th Street and Quebec Avenue. The tract has 51.72 feet of frontage along Quebec Avenue and a depth of 106 feet for a tract size of 5,482 square feet. The property is zoned R-1 (single family residential) District. The surrounding land use is single family residential. There is a single family residence on the subject property.

BACKGROUND AND HISTORY:
Morris Subdivision Unit No. 3 was recorded on July 12, 1976. The side yard setback is 6 feet by plat note. An existing storage building is located at the southeast corner of the property at 3 feet from the side property line. A building permit application was submitted on May 5,

2013. A renewal building permit application with changes was submitted May 5, 2015 and is pending the variance request.

ANALYSIS:

The storage building measures 10 feet by 10.16 feet and was re-roofed as part of the covered patio measuring 18.66 feet by 39 feet. The storage building and covered patio encroaches 3 feet into the side yard setback. The construction of the covered patio is pitched roof with plywood, shingles, and 4" by 4" supports. Compliance with the side yard setbacks would require the wall of the storage building and covered patio support beam to be relocated 3 additional feet from the side property line. The roof of the covered patio would be required to be set back 4 feet from the side property line. The applicant did not construct the patio roof in compliance with the setback requirements.

RECOMMENDATION:

Staff recommends disapproval of the variance request.

ZBA 2015-030

ZBA 7/15/15.

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 Morris #3 LOT 59 Unit 3

Subdivision Name Morris #3

Street Address 2641 Quebec Ave

Number of lots 1 Gross acres 0.1247

Existing Zoning R1 Existing Land Use residential

Reason for Appeal (please use other side if necessary) See back

☒ $300.00 non-refundable filing fee

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

Applicant

Name Victoria Moncayo Phone (956) 2120365

Address 2641 Quebec Ave E-mail V.moncayo@yahoo.com

City McAllen State TX Zip 78503

Owner

Name Victoria Moncayo Elay Moncayo Phone (956) 2120365

Address 2641 Quebec Ave E-mail V.moncayo@yahoo.com

City McAllen State TX Zip 78503

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 Victoria Moncayo Date 6/15/15

Print Name Victoria Moncayo ☑ Owner ☐ Authorized Agent

Office

Accepted by _____ Payment received by (N) Date _____

REVISED 9/11

RECEIVED
JUN 15 2015
BY: @ 4:12

11/14

RCT #297378

Yuri Moncayo (956) 451-3285

City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

Dear City of McAllen,

The reason for our appeal is constructed out of many reasons. I've recently had a back porch build in my backyard, to which we failed to realize the length it had surpassed, which came out to 3 feet. As a resident of my home for more than 20 years, I have invested greatly in it, money and time wise. We dont have the resources to tear the entire roof off and have it reconstructed. Aside from resources the outlook of the backporch will leave the project looking unpleasant and unfinished, therefore I greatly believe tearing half the project down for 3feet is greatly unnecessary and a waste of time and effort. It is needed for shade.

CITY OF McALLEN

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

PERMIT APPLICATION

REV. 10/2011

PERMIT APPLICATION REFERENCE NUMBER RES2013-03276

APPLICANT

NAME Eloy Moncayo, Victoria PHONE 956 451 7832
ADDRESS 2644 Quebec Ave
CITY McAllen STATE TX ZIP 78503
CONTACT: NAME: Victoria Moncayo PHONE 956 451 7832
☑ OWNER ☐ CONTRACTOR ☐ TENANT ☐ OTHER

OWNER

NAME PHONE
ADDRESS E-MAIL:
CITY STATE ZIP

PROJECT

☐ BLDG NEW ☐ BLDG ADDITION ☐ BLDG REMODELING ☐ CHANGE OF USE ☐ SIGN ☐ MOVE ☐ DEMO ☐ SWM POOL ____ BLDG HGT ____ NO. OF FLOOR

BLDG/SPACE/SIGN SQ. FT 47 NO. PARKING SPACES SQ. FT LOT LOT FRONT FLOOR EL ABOVE CURB

EXISTING USE OF LOT/BLDG Residencia NEW USE OF LOT/BLDG IMPROVEMENT VALUE $ 4,300 .00 Addition

SCOPE OF WORK TO BE DONE - Un techo para porche y Ventanas 260.00 Remodeling

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

FOR SIGN USE ONLY TYPE OF SIGN ____ MIN. WIND LOAD 105 MPH HEIGHT O.A. ____ FT ☐ ILLUMINATED SIGN ☐ NON-ILLUMINATED SIGN

FOUNDATION
☐ CONCRETE SLAB
☐ CONCRETE PIER
☐ CONCRETE BLOCK
☐ CONCRETE BEAM
☐ WOOD POSTS
☐ ____

EXT WALL
☐ MASONRY VENEER
☐ MASONRY SOLID
☐ METAL SIDING
☐ COMPOSITION
☐ WOOD
☐ ____

ROOF
☐ WOOD SHINGLE
☐ COMPOSITION
☐ METAL
☐ BUILD UP
☐ ____

SPECIAL CONDITIONS
☐ FIRE SPRINKLER SYSTEM
☐ FIRE ALARM SYSTEM
☐ TYPE OF CONSTRUCTION ____
☐ ASBESTOS SURVEY
☐ EABPRJA/B#: ____
☐ CONDEMNED ____

LOT 39 BLOCK ____ SUBDIVISION Morris Subdivision Unit No. 3
SITE ADDRESS ST. NO. 2641 ST. NAME Quebec

CITY USE ONLY

ZONING ____ PARK DEV. ZONE # ☐

PERMIT FEE $ 41.30
PERMIT REVIEW FEE $ ____
PARK DEVELOPMENT FEE $ ____

RECEIVED BY ____
DATE 5/20/13
TIME 3:12

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 herby 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.

Victoria Moncayo — PRINT (AUTHORIZED AGENT/OWNER) | SIGNATURE | EMAIL ADDRESS (required) | 5/20/13 DATE

CITY OF McALLEN

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

BUILDING PERMIT APPLICATION

Renewal w/ changes

PERMIT APPLICATION REFERENCE NUMBER Res 2013-03278

REV. 11/2013

APPLICANT

NAME ELOY MONCAYO Victoria Moncayo PHONE 956-250-0960

ADDRESS 2641 QUEBEC AVENUE

CITY MCALLEN STATE TX ZIP 78503

CONTACT: NAME: VICTORIA MONCAYO PHONE 956 250 0960

☒ OWNER ☐ CONTRACTOR ☐ TENANT ☐ OTHER

OWNER

NAME ELOY MONCAYO PHONE 956 250 0960

ADDRESS 2641 QUEBEC AVENUE

CITY MCALLEN STATE TX ZIP 78503

PROJECT

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

BLDG SQ. FT 589 NO. PARKING SPACES _____ SQ. FT LOT _____ LOT FRONT _____ FLOOR EL ABOVE CURB _____

EXISTING USE OF LOT Residencial NEW USE _____ IMPROVEMENT VALUE $ $1600.00

SCOPE OF WORK TO BE DONE Renovando permiso y agregar un techo (patio) atras de la casa VM 5/5/15

FOR RESIDENTIAL USE ONLY: NO. OF UNITS _____ NO BDRMS _____ NO BATHRMS _____ SQ. FT. NON-LIVING 589 SQ. FT. LIVING _____

FOUNDATION
☐ CONCRETE SLAB
☐ CONCRETE PIER
☐ CONCRETE BLOCK
☐ CONCRETE BEAM
☒ WOOD POSTS
☐ _____

EXT WALL
☐ MASONRY VENEER
☐ MASONRY SOLID
☐ METAL SIDING
☐ COMPOSITION
☐ WOOD
☐ _____

ROOF
☒ WOOD SHINGLE
☐ COMPOSITION
☐ METAL
☐ BUILD UP
☐ _____

SPECIAL CONDITIONS
☐ FIRE SPRINKLER SYSTEM
☐ FIRE ALARM SYSTEM
☐ TYPE OF CONSTRUCTION _____
☐ ASBESTOS SURVEY
☐ EABPRJA/B#: _____
☐ CONDEMNED STRUCTURE

LOT _____ BLOCK _____ SUBDIVISION _____

SITE ADDRESS ST. NO. 2641 ST. NAME Quebec

CITY USE ONLY

ZONING _____ PERMIT FEE $ 70.50 DOUBLE FEE $ _____ REC'D BY [illegible]

PERMIT REVIEW FEE $ _____ DATE 5/5/15

PARK DEV. ☐ TOTAL PERMIT FEE $ _____ TIME 4:27

ZONE # PARK DEVELOPMENT FEE $ _____

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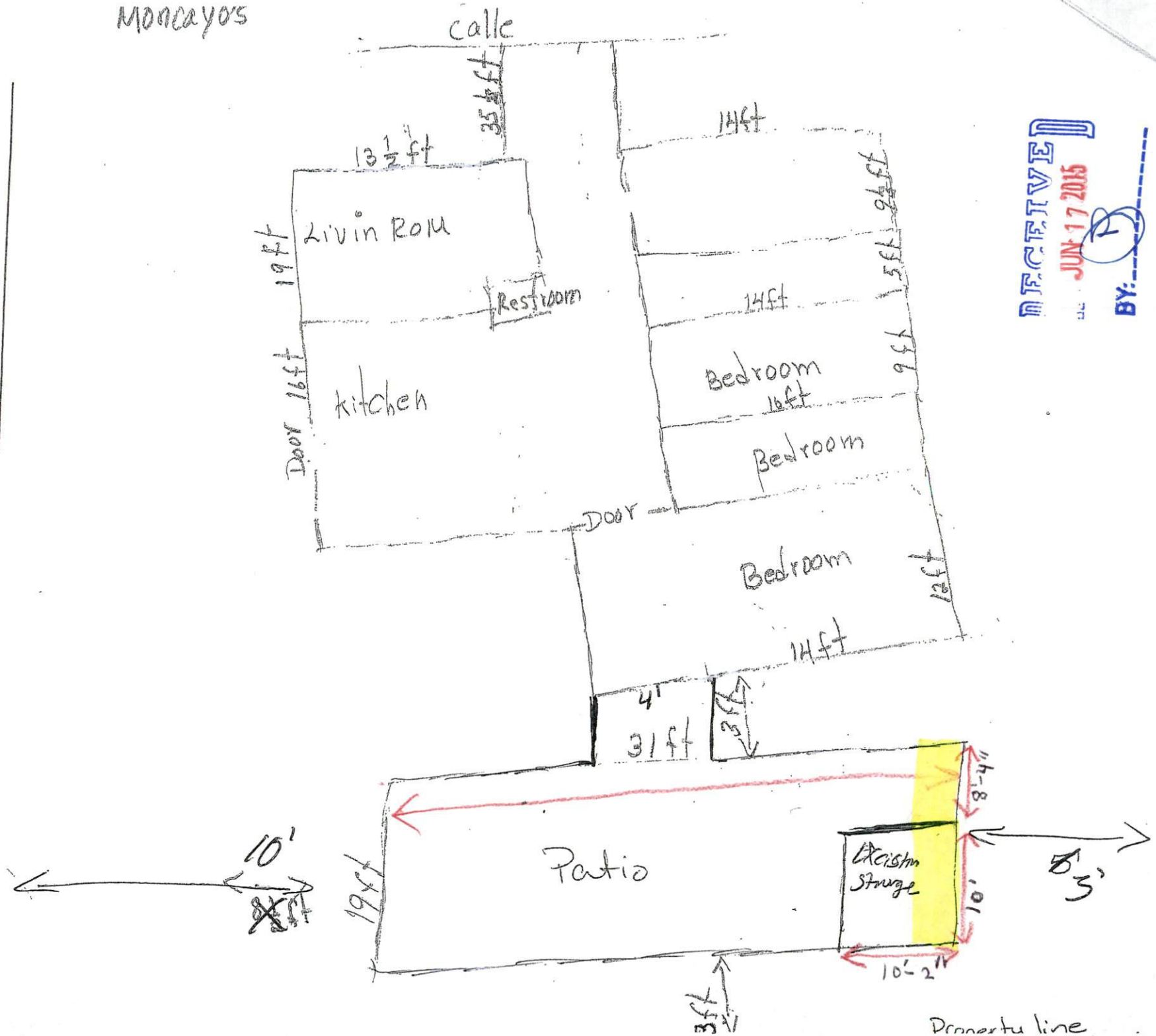
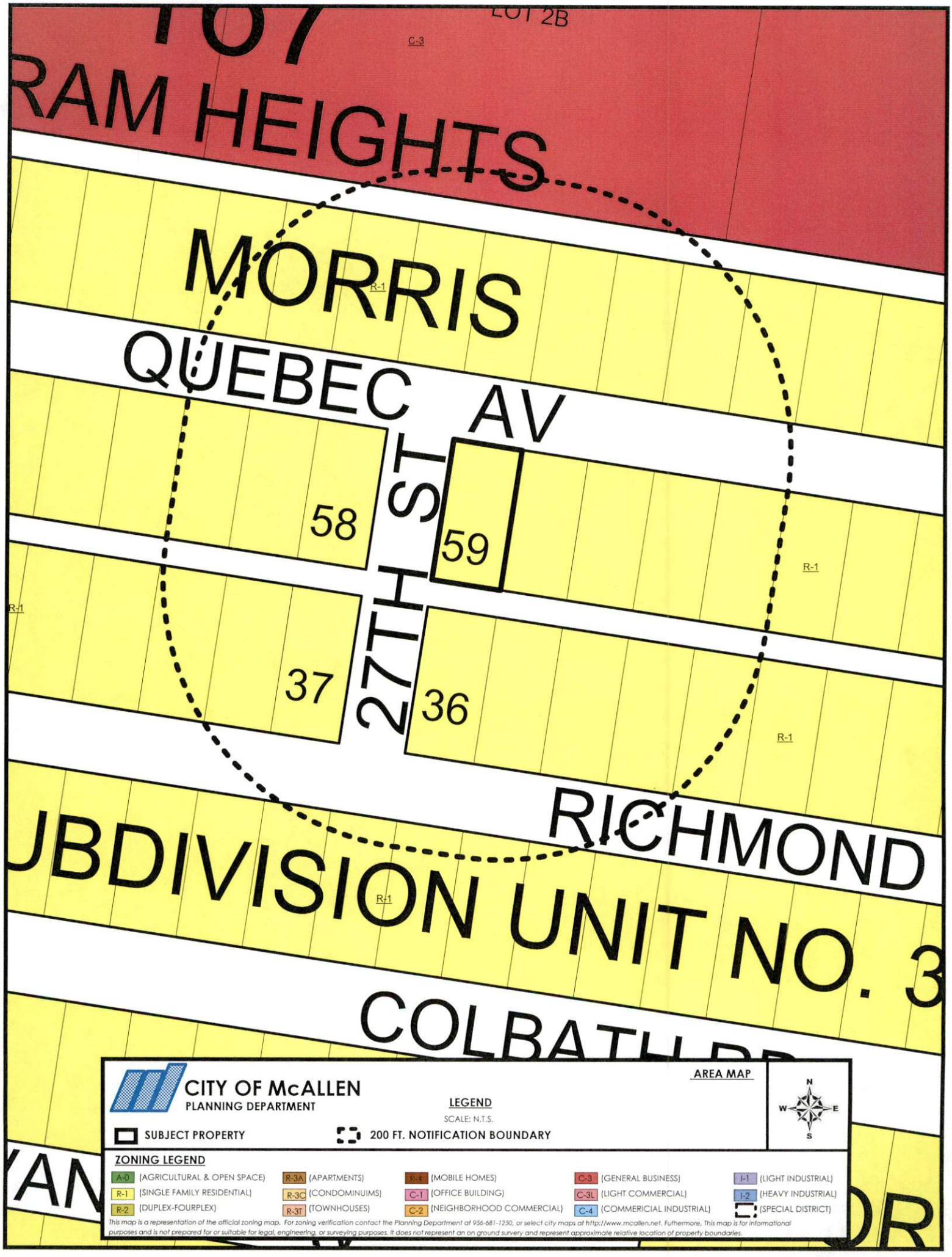
Victoria Moncayo — PRINT (AUTHORIZED AGENT/OWNER) | SIGNATURE | EMAIL ADDRESS (required) | 5/5/15 DATE

Moncayos



RECEIVED
JUN 17 2015
BY:


LOT 2B
C-3
RAM HEIGHTS
MORRIS
R-1
QUEBEC AV
27TH ST
58
59
37
36
R-1
R-1
R-1
R-1
RICHMOND
UBDIVISION UNIT NO. 3
COLBATH
CITY OF McALLEN
PLANNING DEPARTMENT
AREA MAP
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SCALE: N.T.S.
SUBJECT PROPERTY
200 FT. NOTIFICATION BOUNDARY
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C-1 (OFFICE BUILDING)
C-2 (NEIGHBORHOOD COMMERCIAL)
C-3 (GENERAL BUSINESS)
C-3L (LIGHT COMMERCIAL)
C-4 (COMMERICIAL INDUSTRIAL)
I-1 (LIGHT INDUSTRIAL)
I-2 (HEAVY INDUSTRIAL)
(SPECIAL DISTRICT)
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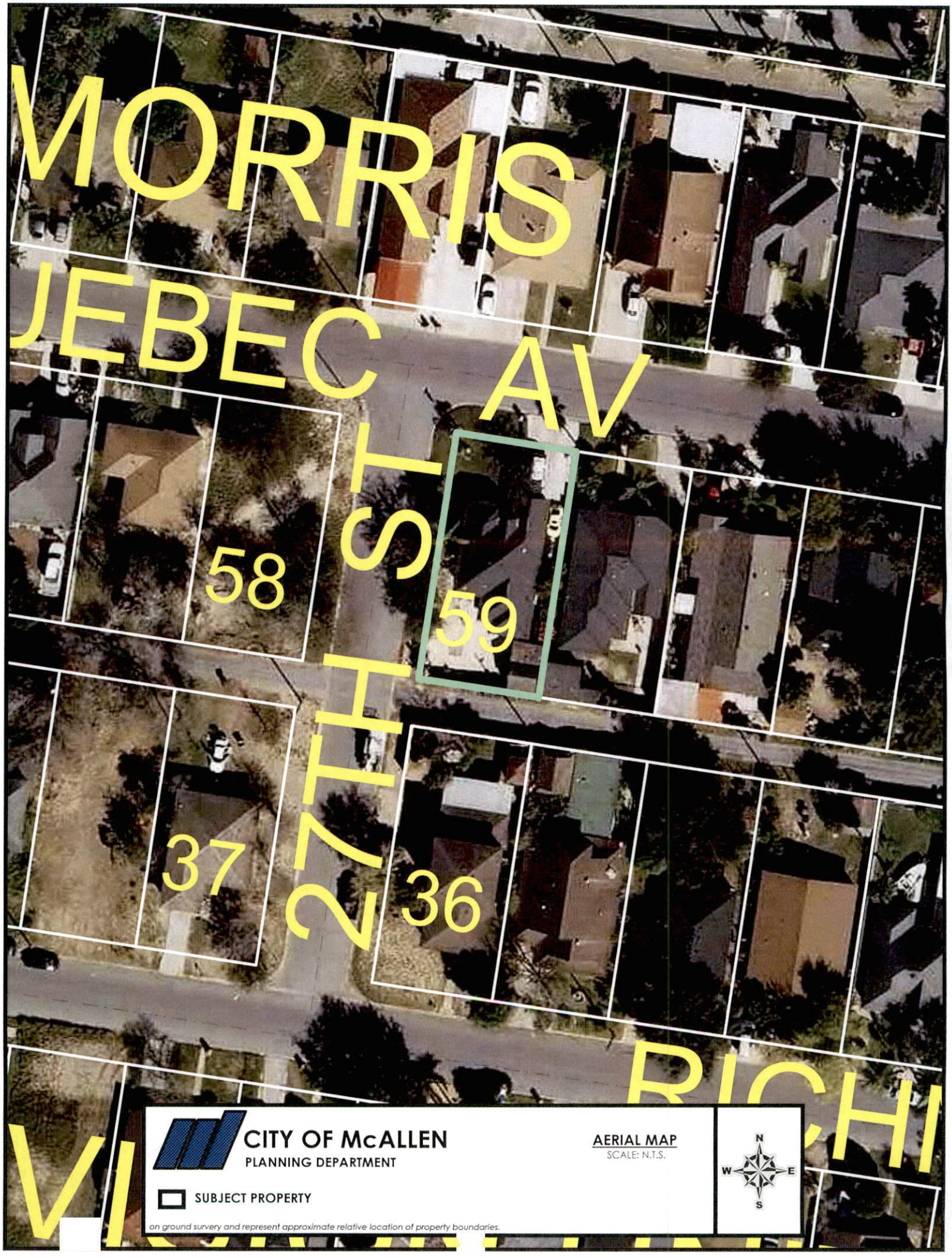

MORRIS
JEBEC AV
27TH ST
58
59
37
36
CITY OF McALLEN
PLANNING DEPARTMENT
AERIAL MAP
SCALE: N.T.S.
SUBJECT PROPERTY
on ground survery and represent approximate relative location of property boundaries.
N
W
E
S

Hidalgo CAD

Property Search Results > 244156 MONCAYO ELOY & VICTORIA for Year 2015

Property

Account

Property ID:	244156	Legal Description:	MORRIS #3 LOT 59 - UNIT 3
Geographic ID:	M6900-03-000-0059-00	Agent Code:	
Type:	Real		
Property Use Code:			
Property Use Description:			

Location

Address:	2641 QUEBEC AVE MCALLEN, TX	Mapsco:	
Neighborhood:	MORRIS #1-3	Map ID:	CML
Neighborhood CD:	M690001		

Owner

Name:	MONCAYO ELOY & VICTORIA	Owner ID:	248347
Mailing Address:	2641 QUEBEC AVE MCALLEN, TX 78503-7961	% Ownership:	100.0000000000%
		Exemptions:	HS

Values

(+) Improvement Homesite Value:	+	$51,206	
(+) Improvement Non-Homesite Value:	+	$0	
(+) Land Homesite Value:	+	$19,007	
(+) Land Non-Homesite Value:	+	$0	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	$0	$0
(+) Timber Market Valuation:	+	$0	$0
(=) Market Value:	=	$70,213	
(–) Ag or Timber Use Value Reduction:	–	$0	
(=) Appraised Value:	=	$70,213	
(–) HS Cap:	–	$823	
(=) Assessed Value:	=	$69,390	

Taxing Jurisdiction

Owner: MONCAYO ELOY & VICTORIA
% Ownership: 100.0000000000%
Total Value: $70,213

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	APPRAISAL DISTRICT	0.000000	$70,213	$69,390	$0.00
CML	CITY OF MCALLEN	0.476300	$70,213	$69,390	$330.50
DR1	DRAINAGE DISTRICT #1	0.095700	$70,213	$69,390	$66.41
GHD	HIDALGO COUNTY	0.590000	$70,213	$69,390	$409.40
JCC	SOUTH TEXAS COLLEGE	0.185000	$70,213	$69,390	$128.37
R12	ROAD DIST 12	0.000000	$70,213	$69,390	$0.00
SML	MCALLEN ISD	1.165000	$70,213	$44,390	$517.14
SST	SOUTH TEXAS SCHOOL	0.049200	$70,213	$69,390	$34.14

Total Tax Rate:	2.561200		
		Taxes w/Current Exemptions:	$1,485.96
		Taxes w/o Exemptions:	$1,777.22

Improvement / Building

Improvement #1: RESIDENTIAL **State Code:** A1 **Living Area:** 1196.0 sqft **Value:** $51,206

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	BRKFA	DBRK	1993	1196.0
CPT	CARPORT	BRKFA		1993	168.0
PAT	PATIO	BRKFA		1993	83.0
POR	PORCH (COVERED)	BRKFA		1993	20.0
STG	STORAGE	*		2006	100.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	L	LOT	0.1247	5430.60	51.72	105.00	$19,007	$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2015	$51,206	$19,007	0	70,213	$823	$69,390
2014	$44,075	$19,007	0	63,082	$0	$63,082
2013	$45,329	$19,007	0	64,336	$0	$64,336
2012	$45,937	$19,007	0	64,944	$0	$64,944

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	11/8/1990 12:00:00 AM	CONV	CONVERSION	QUESADA EUSEBI	MONCAYO ELOY &	2991	933	
2		CONV	CONVERSION	MORRIS VAL P	QUESADA EUSEBI			

Tax Due

Property Tax Information as of 06/23/2015

Amount Due if Paid on:

Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Penalty & Interest	Attorney Fees	Amount Due

NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: July 31, 2015

SUBJECT: **REQUEST OF J.M. MOFFITT CONSTRUCTION FOR VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) A SIDE YARD SETBACK OF 1 FOOT ALONG THE SOUTH PROPERTY LINE INSTEAD OF 4 FEET FOR A DUPLEX FOR LOT 13, 2) A MINIMUM LOT WIDTH OF 40 FEET INSTEAD OF 50 FEET FOR LOT 13, 3) A REAR YARD SETBACK OF 0 FEET INSTEAD OF 10 FEET FOR A CARPORT FOR LOTS 12 AND 13, 4) A SIDE YARD SETBACK OF 0 FEET INSTEAD OF 4 FEET ALONG THE SOUTH PROPERTY LINE FOR A CARPORT FOR LOT 13, 5) A SIDE YARD SETBACK OF 0 FEET INSTEAD OF 5 FEET ALONG THE NORTH PROPERTY LINE FOR A CARPORT FOR LOT 12, CLEGG ADDITION, HIDALGO COUNTY, TEXAS; 1121 REDWOOD AVENUE AND 1718 NORTH 12TH STREET.** (ZBA2015-0033)

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

REASON FOR VARIANCE REQUEST
The applicant requests a variance to allow a side yard setback of 1 foot instead of 4 feet for Lot 13, a minimum lot width of 40 feet instead of 50 feet for Lot 13, a rear yard setback of 0 feet instead of 10 feet for a carport for Lots 12 and 13, 4) a side yard setback of 0 feet instead of 4 feet along the south property line for a carport for Lot 13, 5) a side yard setback of 0 feet instead of 5 feet along the north property line for a carport for Lot 12.

PROPERTY LOCATION AND VICINITY:
The property is located at the southeast corner of North 12th Street and Redwood Avenue. The tract consists of two lots, with 90 feet of frontage along North 12th Street, and a depth of 140 feet for a tract size of 12,600 square feet. The property was zoned R-2 (duplex-fourplex residential) District on July 13, 2015. The surrounding land use is single family residential. Lot 12 is vacant and Lot 13 contains a single family residence and a storage building which are to

be demolished.

BACKGROUND AND HISTORY:
Clegg Addition was recorded on May 25, 1927. The side yard setback for Lot 13 is 4 feet as per zoning ordinance or 10% of the lot width of 40 feet. An existing single family residence and storage building are located on Lot 13 which are to be demolished for a future duplex development (see attachment).

ANALYSIS:
The submitted site plan indicates a proposed duplex for Lot 13 and the proposed side yard setback along the south side is 1 foot and a 10 corner setback. Minimum lot width for a duplex lot is 50 feet as per zoning ordinance and the current lot width is 40 feet. A proposed carport with a setback of 0 feet is to be located at the rear of the properties along the alley. A side yard setback of 0 feet instead of 4 feet is being proposed along the south property line of Lot 13 for the carports.

Variance #1: The proposed site plan indicates that the applicant will provide a corner setback of 10 feet along the north side of Lot 13 instead of 4 feet. The side yard is proposed to be at 1 foot along the south property line however the applicant shows on the site plan his intention to keep a 12 foot building separation between the two proposed structures. An 11 foot easement is needed along the north side of Lot 12 in order to maintain the 12 foot separation.

Variance #2: Lot 13 has a 40 foot width instead of 50 feet however it is a lot of record which was recorded in 1927. The requirement for a 50 foot lot width in an R-2 District was instituted with the current zoning ordinance in 1979.

Variances #3, #4, and #5: The proposed rear yard for carports for Lots 12 & 13 is 0 feet. Carports are allowed with a rear setback of 0 feet along alleys in the R-3A (multifamily residential apartments) District. Variance # 4 allows a carport adjacent to the property line. Variance #5 can be withdrawn as per the site plan submitted.

RECOMMENDATION:
Staff recommends approval of the variance requests.

ZBOA May 8 | 05 | 15

ZBA2015-0033

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 LOT. # 13 AND 12 / BLK 1

Subdivision Name CLEGG ~~SUBDIVISION~~ ADDITION

Street Address 1121 REDWOOD / 1718 N. 12TH ST.

Number of lots 2 Gross acres _____

Existing Zoning R-1 Existing Land Use RESIDENTIAL/VACANT.

Reason for Appeal (please use other side if necessary) 2- CARPORT AT 0' REAR YARD
2- LOT. 13 SIDE YARD TO 1' INSTALED @ 4'

☒ $300.00 non-refundable filing fee

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

Applicant

Name J.M. MOFFITT CONSTRUCTION Phone 956 686 83 74 / CEL 2756582

Address 1128 PECAN BLVD E-mail architectsanchez@live.com

City McALLEN State TX Zip 78501

Owner

Name J.M. MOFFITT CONSTRUCTION Phone 956 686 8374

Address 1128 PECAN BLVD E-mail architectsanchez@live.com

City McALLEN State TX Zip 78501

Authorization

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

☐ Yes ☐ No

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

Signature _____ Date 07-06-15

Print Name _____ ☐ Owner ☐ Authorized Agent

RECEIVED
JUL 06 2015
BY: _____

Office

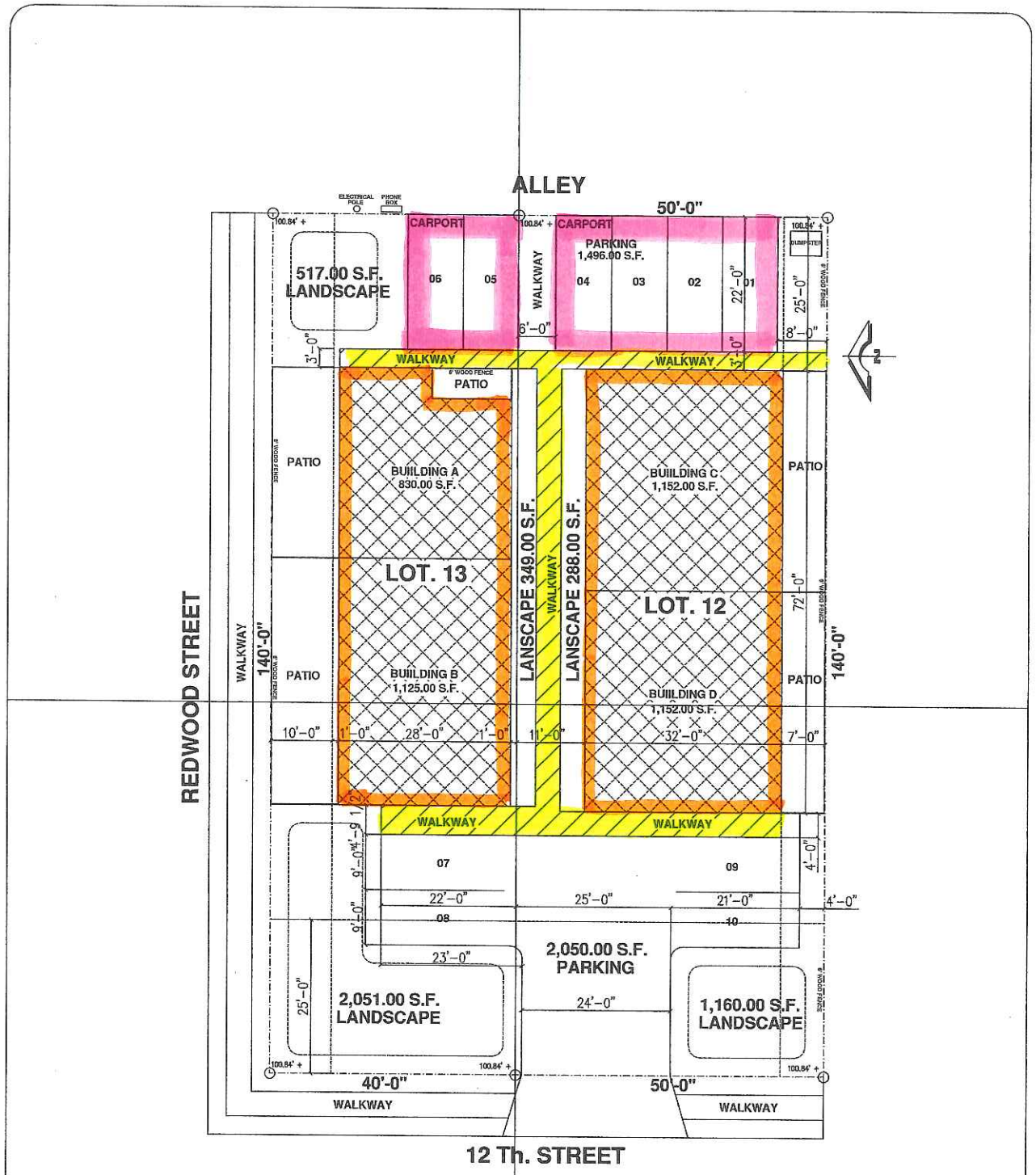
Accepted by _____ Payment received by _____ Date _____

REVISED 9/11

Since 1925

J.M. MOFFITT

REAL ESTATE · GENERAL CONTRACTOR



CAR-PORT

BUILDING

SIDEWALK

SHEET NO. 5-5	SITE PLAN SCALE: 1/8" = 1'-0"	DRAWN BY: O.C. / CHECKED BY: / COMPUTER: / REVISED DATE: JUL-01-2015	PROJECT NAME: Proposed Apartments for LEGAL DESCRIPT. 1121 REDWOOD CITY OF McALLEN, HIDALGO COUNTY OF TEXAS	J.M MOFFITT CONSTRUCTION 1128 PECAN BLVD. 78501 PHONE 956 6868374 CITY OF McALLEN, HIDALGO COUNTY OF TEXAS	PROJECT NO. 070115

RECEIVED
JUL 22 2015
BY:

CITY OF McALLEN
PLANNING DEPARTMENT
AERIAL MAP
SCALE: N.T.S.
N
W
E
S
SUBJECT PROPERTY
on ground survery and represent approximate relative location of property boundaries.

Hidalgo CAD

Property Search Results > 138324 JIM & MARY KAY MOFFITT FAMILY LTD for Year 2015

Property

Account

Property ID:	138324	Legal Description:	CLEGG LOT 12 BLK 1
Geographic ID:	C5650-00-001-0012-00	Agent Code:	
Type:	Real		
Property Use Code:			
Property Use Description:			

Location

Address:	1718 N 12TH ST MCALLEN, TX	Mapsco:	
Neighborhood:	CLEGG	Map ID:	CML
Neighborhood CD:	C565000		

Owner

Name:	JIM & MARY KAY MOFFITT FAMILY LTD	Owner ID:	1003618
Mailing Address:	1129 PECAN BLVD MCALLEN, TX 78501	% Ownership:	100.0000000000%
		Exemptions:	

Values

(+) Improvement Homesite Value:	+	$0	
(+) Improvement Non-Homesite Value:	+	$0	
(+) Land Homesite Value:	+	$0	
(+) Land Non-Homesite Value:	+	$24,500	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	$0	$0
(+) Timber Market Valuation:	+	$0	$0
(=) Market Value:	=	$24,500	
(–) Ag or Timber Use Value Reduction:	–	$0	
(=) Appraised Value:	=	$24,500	
(–) HS Cap:	–	$0	
(=) Assessed Value:	=	$24,500	

Taxing Jurisdiction

Owner: JIM & MARY KAY MOFFITT FAMILY LTD
% Ownership: 100.0000000000%
Total Value: $24,500

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	APPRAISAL DISTRICT	0.000000	$24,500	$24,500	$0.00
CML	CITY OF MCALLEN	0.476300	$24,500	$24,500	$116.69
DR1	DRAINAGE DISTRICT #1	0.095700	$24,500	$24,500	$23.45
GHD	HIDALGO COUNTY	0.590000	$24,500	$24,500	$144.55
JCC	SOUTH TEXAS COLLEGE	0.185000	$24,500	$24,500	$45.33
R12	ROAD DIST 12	0.000000	$24,500	$24,500	$0.00
SML	MCALLEN ISD	1.165000	$24,500	$24,500	$285.43
SST	SOUTH TEXAS SCHOOL	0.049200	$24,500	$24,500	$12.05

Total Tax Rate:	2.561200		
		Taxes w/Current Exemptions:	$627.50
		Taxes w/o Exemptions:	$627.49

Improvement / Building

No improvements exist for this property.

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	L	LOT	0.1607	7000.00	50.00	140.00	$24,500	$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2015	$0	$24,500	0	24,500	$0	$24,500
2014	$0	$24,500	0	24,500	$0	$24,500
2013	$0	$24,500	0	24,500	$0	$24,500
2012	$0	$24,500	0	24,500	$0	$24,500

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	10/2/2013 12:00:00 AM	CWD	CRTN WD	JIM & MARY KAY M	JIM & MARY KAY M			2452939
2	4/10/2013 12:00:00 AM	WD	WARRANTY DEED	MOFFITT JM TRUS	JIM & MARY KAY M			2400734
3	4/20/2001 12:00:00 AM	WD	WARRANTY DEED	TISDALE NANCY E	MOFFITT JM TRUS			962638

Tax Due

Property Tax Information as of 07/08/2015

Amount Due if Paid on:

Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Penalty & Interest	Attorney Fees	Amount Due

NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

Hidalgo CAD

Property Search Results > 138325 JIM & MARY KAY MOFFITT FAMILY LTD for Year 2015

Property

Account

Property ID:	138325	Legal Description:	CLEGG LOT 13 BLK 1
Geographic ID:	C5650-00-001-0013-00	Agent Code:	
Type:	Real		
Property Use Code:			
Property Use Description:			

Location

Address:	1121 REDWOOD AVE	Mapsco:	
Neighborhood:	CLEGG	Map ID:	
Neighborhood CD:	C565000		

Owner

Name:	JIM & MARY KAY MOFFITT FAMILY LTD	Owner ID:	1003618
Mailing Address:	1129 PECAN BLVD MCALLEN, TX 78501	% Ownership:	100.0000000000%
		Exemptions:	

Values

(+) Improvement Homesite Value:	+	$0	
(+) Improvement Non-Homesite Value:	+	$13,397	
(+) Land Homesite Value:	+	$0	
(+) Land Non-Homesite Value:	+	$19,600	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	$0	$0
(+) Timber Market Valuation:	+	$0	$0
(=) Market Value:	=	$32,997	
(–) Ag or Timber Use Value Reduction:	–	$0	
(=) Appraised Value:	=	$32,997	
(–) HS Cap:	–	$0	
(=) Assessed Value:	=	$32,997	

Taxing Jurisdiction

Owner: JIM & MARY KAY MOFFITT FAMILY LTD
% Ownership: 100.0000000000%
Total Value: $32,997

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	APPRAISAL DISTRICT	0.000000	$32,997	$32,997	$0.00
CML	CITY OF MCALLEN	0.476300	$32,997	$32,997	$157.16
DR1	DRAINAGE DISTRICT #1	0.095700	$32,997	$32,997	$31.58
GHD	HIDALGO COUNTY	0.590000	$32,997	$32,997	$194.68
JCC	SOUTH TEXAS COLLEGE	0.185000	$32,997	$32,997	$61.04
R12	ROAD DIST 12	0.000000	$32,997	$32,997	$0.00
SML	MCALLEN ISD	1.165000	$32,997	$32,997	$384.42
SST	SOUTH TEXAS SCHOOL	0.049200	$32,997	$32,997	$16.23

Total Tax Rate:	2.561200		
		Taxes w/Current Exemptions:	$845.11
		Taxes w/o Exemptions:	$845.12

Improvement / Building

Improvement #1: RESIDENTIAL **State Code:** A1 **Living Area:** 755.0 sqft **Value:** $13,397

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	BRKLW	DBRK	1982	755.0
CPT	CARPORT	BRKLW		1982	216.0
GAR	GARAGE	*		1982	440.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	L	LOT	0.1286	5600.00	40.00	140.00	$19,600	$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2015	$13,397	$19,600	0	32,997	$0	$32,997
2014	$12,401	$19,600	0	32,001	$0	$32,001
2013	$12,615	$19,600	0	32,215	$0	$32,215
2012	$12,830	$19,600	0	32,430	$0	$32,430

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	10/2/2013 12:00:00 AM	CWD	CRTN WD	JIM & MARY KAY M	JIM & MARY KAY M			2452939
2	4/10/2013 12:00:00 AM	WD	WARRANTY DEED	MOFFITT JAMES M	JIM & MARY KAY M			2400734
3	12/24/2002 12:00:00 AM	WD	WARRANTY DEED	MOFFITT J M TRUS	MOFFITT JAMES M			1151670

Tax Due

Property Tax Information as of 07/08/2015

Amount Due if Paid on:

Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Penalty & Interest	Attorney Fees	Amount Due

NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: July 31, 2015

SUBJECT: **REQUEST OF MARCO LEAL FOR VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) A REAR YARD SETBACK OF 0 FEET INSTEAD OF 10 FEET FOR A CARPORT MEASURING 22 FEET BY 22 FEET, 2) A SIDE YARD SETBACK ALONG THE SOUTH PROPERTY LINE OF 2 FEET INSTEAD OF 7 FEET FOR A CARPORT MEASURING 22 FEET BY 22 FEET, 3) A SIDE YARD SETBACK ALONG THE NORTH PROPERTY LINE OF 3 FEET INSTEAD OF 5 FEET FOR A GAZEBO MEASURING 1O FEET BY 10 FEET, 4) A REAR YARD SETBACK OF 1 FEET INSTEAD OF 10 FEET FOR A GAZEBO MEASURING 10 FEET BY 10 FEET, FOR LOT 4, BLOCK 24, NORTH MCALLEN ADDITION, HIDALGO COUNTY, TEXAS; 507 NORTH 17TH STREET.** (ZBA2015-0027)

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

REASON FOR VARIANCE REQUEST
The applicant requests a variance to allow a rear yard setback of 0 foot instead of 10 feet and a side yard setback of 2 feet instead of 7 feet for a carport; a side yard setback of 3 feet instead of 5 feet, and a rear yard setback of 1 feet instead of 10 feet for a gazebo. The applicant indicates that he was unaware that a permit was required for the carport and gazebo.

PROPERTY LOCATION AND VICINITY:
The property is located along the west side of North 17th Street north of Ebony Avenue. The tract consists of one lot, with 55 feet of frontage along North 12th Street, and a depth of 140 feet for a tract size of 7,700 square feet. The property is zoned R-2 (duplex-fourplex residential) District. The surrounding land use is single family residential. The property contains three accessory structures that is a garage, a gazebo and a carport.

BACKGROUND AND HISTORY:
North McAllen Addition was recorded in 1907 prior to the 1945 zoning ordinance. A stop work order was issued on April 24, 2015. Accessory buildings were allowed a rear setback of 3 feet under the 1945 zoning ordinance. The rear yard setback of 10 feet for R-2 District was adjusted in 1979 without any provisions for accessory buildings

ANALYSIS:
The existing carport gazebo encroaches 2 feet into the rear setback based upon the 1945 zoning ordinance. The nonconforming commercial building to the south has a rear setback of 0 feet.

RECOMMENDATION:
Staff recommends disapproval of the variance requests and alternatively approval of rear setback of 3 feet.

ZBOA 8/5/15 per customer's request

ZBA2015-0027

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 Lot 4 Block 24

Subdivision Name North McAllen

Street Address 507 N. 17th ST

Number of lots 1 Gross acres _____

Existing Zoning R1 Existing Land Use _____

Reason for Appeal (please use other side if necessary) @ See Back

☑ $300.00 non-refundable filing fee

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

Applicant

Name MARCO LEAL Phone 956-502-0005

Address 507 N. 17th ST E-mail _____

City McAllen, TX State _____ Zip 78501

Owner

Name MARCO LEAL Phone 956-502-0005

Address 507 N. 17th ST E-mail MARC78501@msn.com

City McAllen State TX Zip 78501

Authorization

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

☐ Yes ☑ No

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

Signature _____ Date 6-1-15

Print Name Marco Leal ☑ Owner ☐ Authorized Agent

Office

Accepted by AR Payment received by _____ Date _____

REVISED 9/11

11/14

Uploaded: Acala L.F.

RECEIVED
JUN 05 2015
BY: CW

Pd. by C.C.

City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

In 2012, I applied for a Concrete Driveway Permit. A City Inspector came to my home a few times during the course of the project. During one of his site visits, I mentioned to the Inspector of my plan to install a carport over the driveway and asked if an additional action was required from me to erect the carport. The inspector informed that no permit was required, however, he indicated that I needed to ensure that the roofline of the carport facing the alley did not extend past my neighbor's roofline. I further informed the Inspector of another project I was considering which was to replace the existing garage with a new one. He informed me that if I demolished the existing garage, I would not be allowed to build a new one. With this information, I proceeded with the carport installation project only. As far as I knew, I was within the City's requirements as I made sure that the installation was done based on the city official's information. Additionally, some time after, I installed a store purchased gazebo; it has been brought to my attention that it is out of compliance. I was unaware that store purchased gazebos required permits. I'm hopping that you're board takes this into consideration as I do not want to alter or remove my carport, as it is essential to my quality of life and provides shelter to my vehicles and dogs in an event of inclement weather. The carport is well built and aesthetically pleasing generally enhancing the neighborhood.

Thank You

CITY OF McALLEN

BUILDING PERMIT APPLICATION

COPY

REV. 11/2013

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 _____

APPLICANT

NAME Marco Leal PHONE 956. 502. 0005

ADDRESS 517 N. 17th ST

CITY McAllen, TX STATE TX ZIP 78501

CONTACT: NAME: Marco PHONE _____

☒ OWNER ☐ CONTRACTOR ☐ TENANT ☐ OTHER _____

OWNER

NAME _____ PHONE _____

ADDRESS SAME

CITY _____ STATE _____ ZIP _____

PROJECT

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

BLDG SQ. FT 22x22 Carport 10x10 Gazebo NO. PARKING SPACES _____ SQ. FT LOT _____ LOT FRONT _____ FLOOR EL ABOVE CURB _____

EXISTING USE OF LOT Houses NEW USE _____ IMPROVEMENT VALUE $ 1500 .00

SCOPE OF WORK TO BE DONE Carport & Gazebo

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

FOUNDATION	EXT WALL	ROOF	SPECIAL CONDITIONS
☐ CONCRETE SLAB	☐ MASONRY VENEER	☐ WOOD SHINGLE	☐ FIRE SPRINKLER SYSTEM
☒ CONCRETE PIER	☐ MASONRY SOLID	☐ COMPOSITION	☐ FIRE ALARM SYSTEM
☐ CONCRETE BLOCK	☐ METAL SIDING	☒ METAL	☐ TYPE OF CONSTRUCTION _____
☒ CONCRETE BEAM	☐ COMPOSITION	☐ BUILD UP	☐ ASBESTOS SURVEY
☐ WOOD POSTS	☐ WOOD		☐ EABPRJA/B#: _____
☐ _____	☐ _____	☐ _____	☐ CONDEMNED STRUCTURE

LOT _____ BLOCK _____ SUBDIVISION _____

SITE ADDRESS ST. NO. 507 ST. NAME N 17th St

CITY USE ONLY

ZONING _____ PERMIT FEE $ _____ DOUBLE FEE $ _____ REC'D BY _____

PERMIT REVIEW FEE $ _____ DATE _____

PARK DEV. ☐ TOTAL PERMIT FEE $ _____ TIME _____

ZONE # PARK DEVELOPMENT FEE $ _____

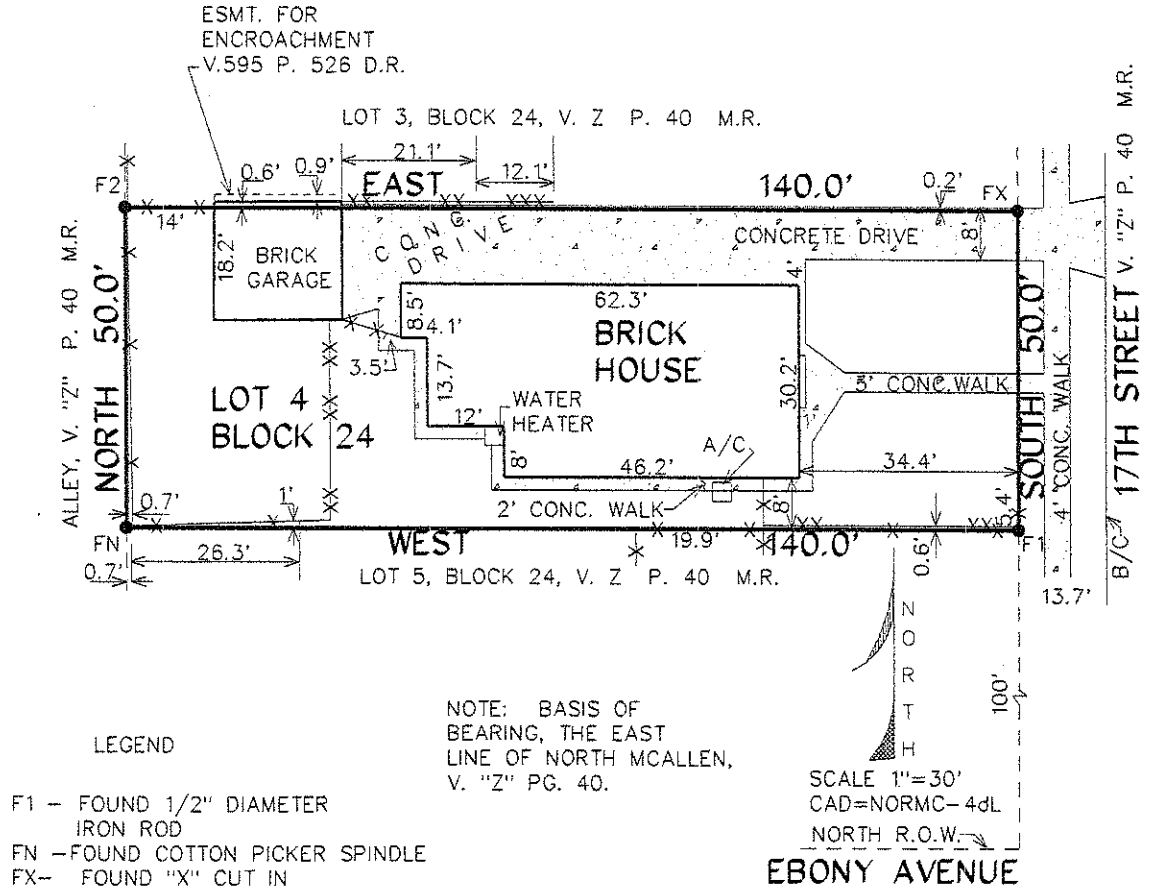
The foregoing is a true and correct description of the improvement proposed by the undersigned applicant and the applicant states that he will have full authority over construction of same. The building permit shall not be held to permit or be an approval of the violation or modification of any provisions of City ordinances, codes, subdivision restrictions of State law or be a waiver by the City of such violation. Alteration changes or deviations from the plans authorized by this permit is unlawful without written authorization from the Building Inspection Department. The applicant herby 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.

Marco Leal	Marc	MARC78501@msn.com	4-29-15
PRINT (AUTHORIZED AGENT/OWNER)	SIGNATURE	EMAIL ADDRESS (required)	DATE

PEÑA ENGINEERING

1000 WHITEWING · P.O. BOX 4320

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



NOTE: BASIS OF BEARING, THE EAST LINE OF NORTH MCALLEN, V. "Z" PG. 40.

LEGEND

F1 – FOUND 1/2" DIAMETER IRON ROD
FN – FOUND COTTON PICKER SPINDLE
FX – FOUND "X" CUT IN CONCRETE
F2 – FOUND 3/4" DIAMETER IRON PIPE
X——X – 4' CHAINLINK FENCE
XX-XX– 6' CEDAR FENCE
XXX– 3' CEDAR FENCE

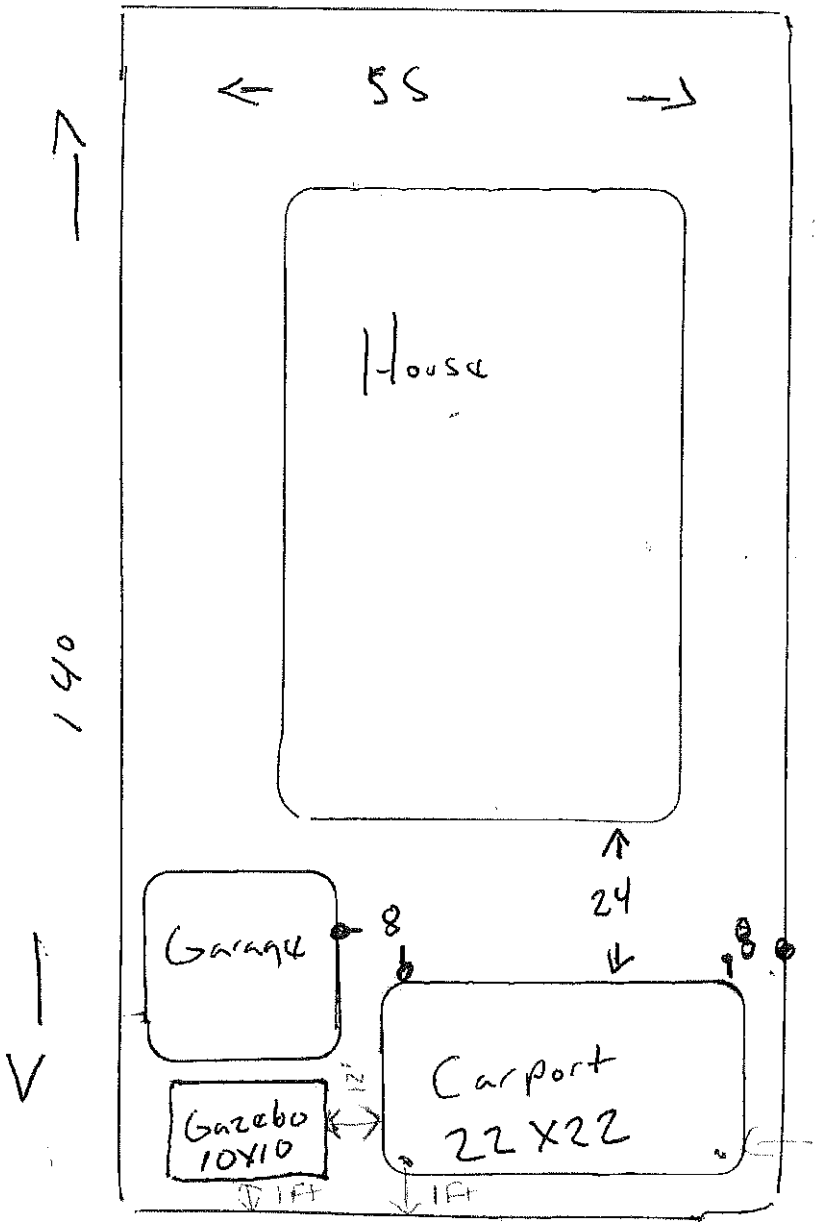
BUYER'S NAME: MARCO ANTONIO LEAL

FLOOD ZONE: By GRAPHICAL PLOTTING Community Panel No. 480343 0005 C
Map Rev: Nov. 2, 1982

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

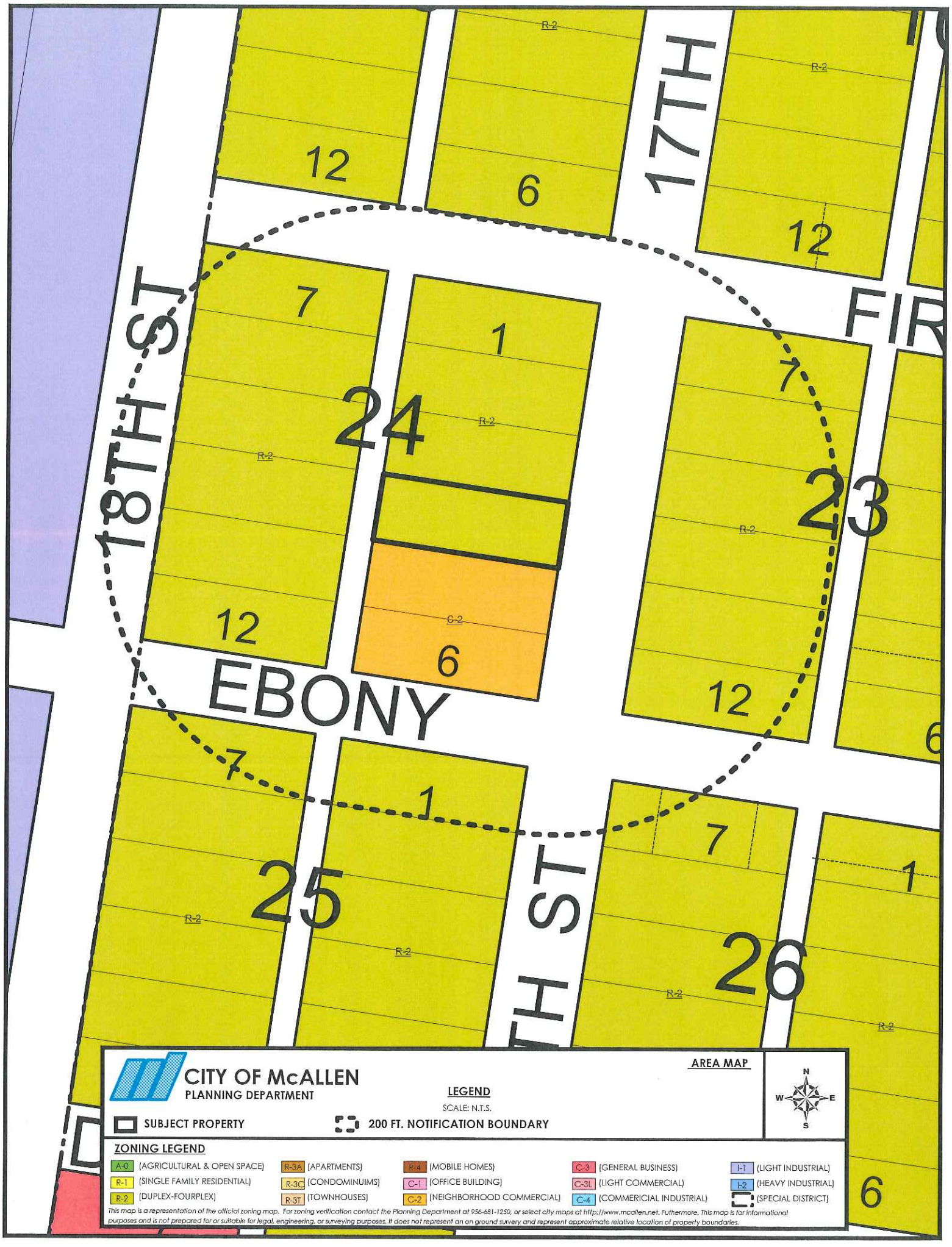
<2

17th ST



Alley

All dimensions are approx.



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

LEGEND

SCALE: N.T.S.

SUBJECT PROPERTY

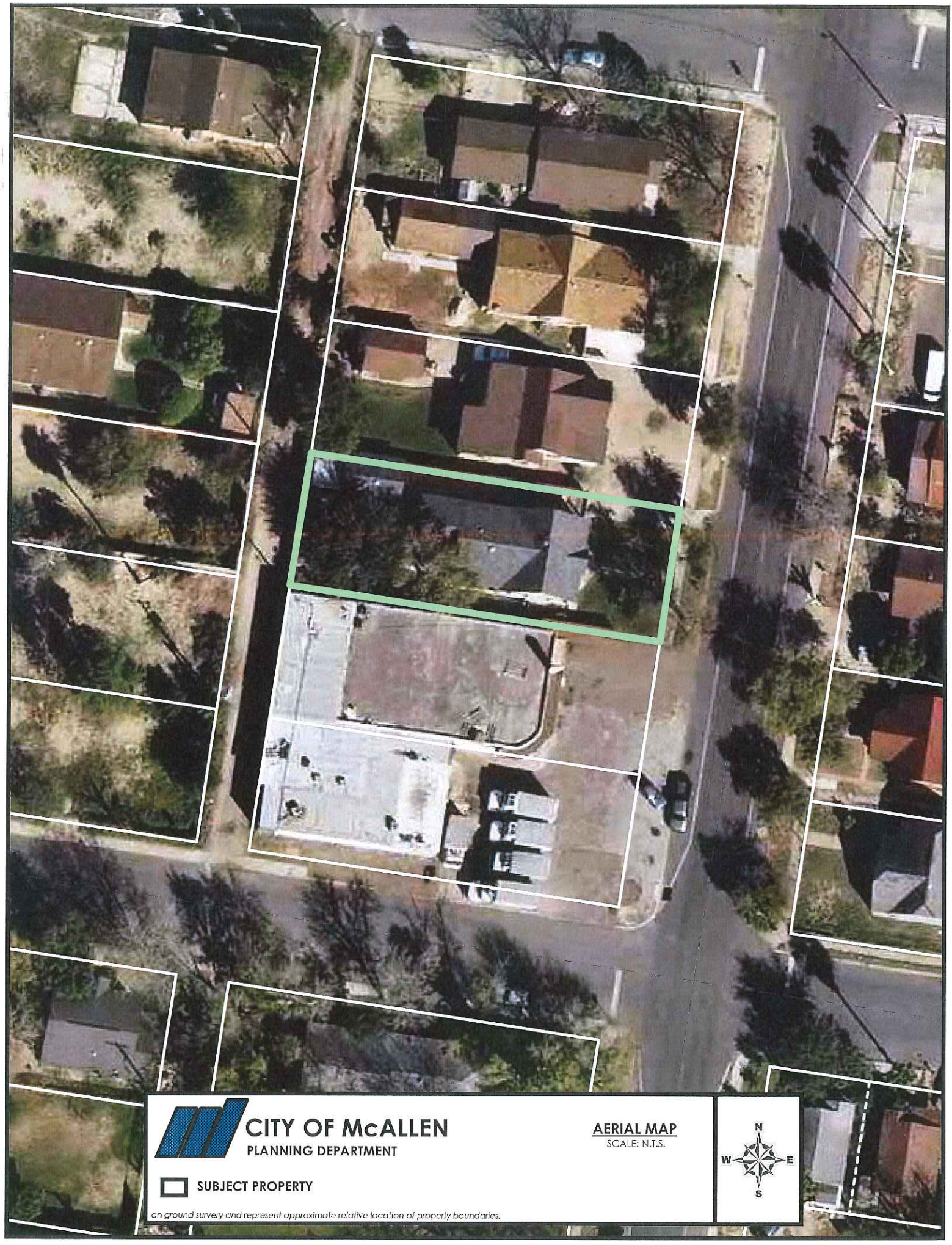
200 FT. NOTIFICATION BOUNDARY

N W E S

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 (CONDOMINUIMS)	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 (COMMERICIAL 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. Futhermore, 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 survery and represent approximate relative location of property boundaries.


CITY OF McALLEN
PLANNING DEPARTMENT
AERIAL MAP
SCALE: N.T.S.
N
W
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SUBJECT PROPERTY
an ground survery and represent approximate relative location of property boundaries.

MAIN CANAL OF THE HIDALGO IRRIGATION COMPANY

MAIN CANAL

St Louis, Brownsville & Mexico Railway

FIRST STREET

SECOND STREET

THIRD STREET

FOURTH STREET

FIFTH STREET

SIXTH STREET

SEVENTH STREET

NINETH

EIGHTH

SEVENTH

SIXTH

FIFTH AVENUE

FOURTH AVENUE

THIRD AVENUE

SECOND AVENUE

FIRST AVENUE

BOULDER

TEXAS

LOUISIANA

MISSOURI

WISCONSIN

MICHIGAN

COLORADO

OKLAHOMA

PARK

PUBLIC SCHOOL

County Road

J. R. Box 8.82 Acres

R.H. Osborn 1.38 Ac.

J.A. Campbell 1.64 A.

F.E. Osborn 1.64 A.

Dew & Osborn 6.97 Acres

W.C. Grifting 3.61 Acres

I.M. Cronk 3.52 Acres

Wm. Harker 1.62 Acres

E.D. Billinghurst 7.4 Acres

Carroll Osborn 4.4 Acres

Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: July 31, 2015

SUBJECT: **REQUEST OF ANTONIA MENDOZA FOR A VARIANCE REQUEST TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: A FRONT YARD SETBACK OF 5 FEET INSTEAD OF 25 FEET FOR AN EXISTING CARPORT MEASURING 18 FEET BY 20 FEET, FOR LOT 110, IDELA PARK UNIT 2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 3032 NORMA AVENUE (ZBA2015-0031)**

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

REASON FOR VARIANCE REQUEST
The applicant is requesting a variance in order to allow an existing aluminum carport to encroach 20 feet into the 25 foot front yard setback. The applicant states that she needs the carport to protect her vehicles.

PROPERTY LOCATION AND VICINITY:
The property is located along the north side of Norma Avenue between 30th Street and 31st Street. The property is zoned R-1 (single family residential) District. The surrounding land uses include single family residences. There is an existing single family residence on the subject property.

BACKGROUND AND HISTORY:
Idela Park Subdivision was recorded in July 1978. The front yard setback is 25 feet as per plat. A citation (#20154) was issued for building without a permit and encroachment into the setback. An application for a building permit was submitted on February 4, 2015 but the permit is pending a variance to the setback. An existing wood storage building is located at the rear of the property but the applicant decided not to include in the request.

ANALYSIS:
The front yard setback is 25 feet along Norma Avenue. Front yard setbacks help to keep the character of single family residential areas by maintaining the street yard and curb appeal of

properties in a subdivision. The carport could be located on the rear of the property and accessed through the alley to maintain curb appeal and be in compliance. This request does not meet the criteria for granting of a variance.

RECOMMENDATION:
Staff recommends disapproval of the variance request.

8/5/15

2015-0031

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 Lot 110 - ~~Unit 2~~

Subdivision Name Idela Park Unit 2

Street Address 3032 Norma Ave.

Number of lots 1 Gross acres _____

Existing Zoning R 1 Existing Land Use Casa

Reason for Appeal (please use other side if necessary) Proteccion Para Las Camionetas

☑ $300.00 non-refundable filing fee

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

Applicant

Name Antonia Mendoza Phone 212-5923

Address 3032 Norma Ave. E-mail _____

City McAllen, State TX Zip 78503

Owner

Name Antonia Mendoza Phone 212-5923

Address 3032 Norma Ave. E-mail _____

City McAllen State TX Zip 78503

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 Antonia Mendoza Date 2/4/15

Print Name Antonia Mendoza ☑ Owner ☐ Authorized Agent

Office

Accepted by _____ Payment received by _____ Date _____

REVISED 9/11

RECEIVED JAN 22 2015 BY: _____

11/14

Res 2014-01941

CITY OF McALLEN

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

PERMIT APPLICATION

REV. 10/2011

PERMIT APPLICATION REFERENCE NUMBER _____

APPLICANT

NAME Antonia Mendoza PHONE 956 . 212 . 5923

ADDRESS 3032 Norma Ave.

CITY McAllen STATE TX ZIP 78508

CONTACT: NAME: _____ PHONE _____

☑ OWNER ☐ CONTRACTOR ☐ TENANT ☐ OTHER _____

OWNER

NAME Antonia Mendoza PHONE 956 212 5923

ADDRESS 3032 Norma Ave. E-MAIL: _____

CITY McAllen STATE TX ZIP 78503

PROJECT

☐ BLDG NEW ☐ BLDG ADDITION ☐ BLDG REMODELING ☐ CHANGE OF USE ☐ SIGN ☐ MOVE ☐ DEMO ☐ SWM POOL _____ BLDG HGT _____ NO. OF FLOOR

BLDG/SPACE/SIGN SQ. FT _____ NO. PARKING SPACES _____ SQ. FT LOT _____ LOT FRONT _____ FLOOR EL ABOVE CURB _____

EXISTING USE OF LOT/BLDG Casa NEW USE OF LOT/BLDG Carport IMPROVEMENT VALUE $ 830.00

SCOPE OF WORK TO BE DONE _____

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

FOR SIGN USE ONLY TYPE OF SIGN _____ MIN. WIND LOAD 105 MPH HEIGHT O.A. _____ FT ☐ ILLUMINATED SIGN ☐ NON-ILLUMINATED SIGN

FOUNDATION
- ☐ CONCRETE SLAB
- ☐ CONCRETE PIER
- ☐ CONCRETE BLOCK
- ☐ CONCRETE BEAM
- ☐ WOOD POSTS
- ☐ _____

EXT WALL
- ☐ MASONRY VENEER
- ☐ MASONRY SOLID
- ☐ METAL SIDING
- ☐ COMPOSITION
- ☐ WOOD
- ☐ _____

ROOF
- ☐ WOOD SHINGLE
- ☐ COMPOSITION
- ☐ METAL
- ☐ BUILD UP
- ☐ _____

SPECIAL CONDITIONS
- ☐ FIRE SPRINKLER SYSTEM
- ☐ FIRE ALARM SYSTEM
- ☐ TYPE OF CONSTRUCTION _____
- ☐ ASBESTOS SURVEY
- ☐ EABPRJA/B#: _____
- ☐ CONDEMNED _____

LOT _____ BLOCK _____ SUBDIVISION _____

SITE ADDRESS ST. NO. 3032 ST. NAME Norma Ave

CITY USE ONLY

ZONING _____ PARK DEV. ZONE # ☐ PERMIT I _____ REC'D BY _____

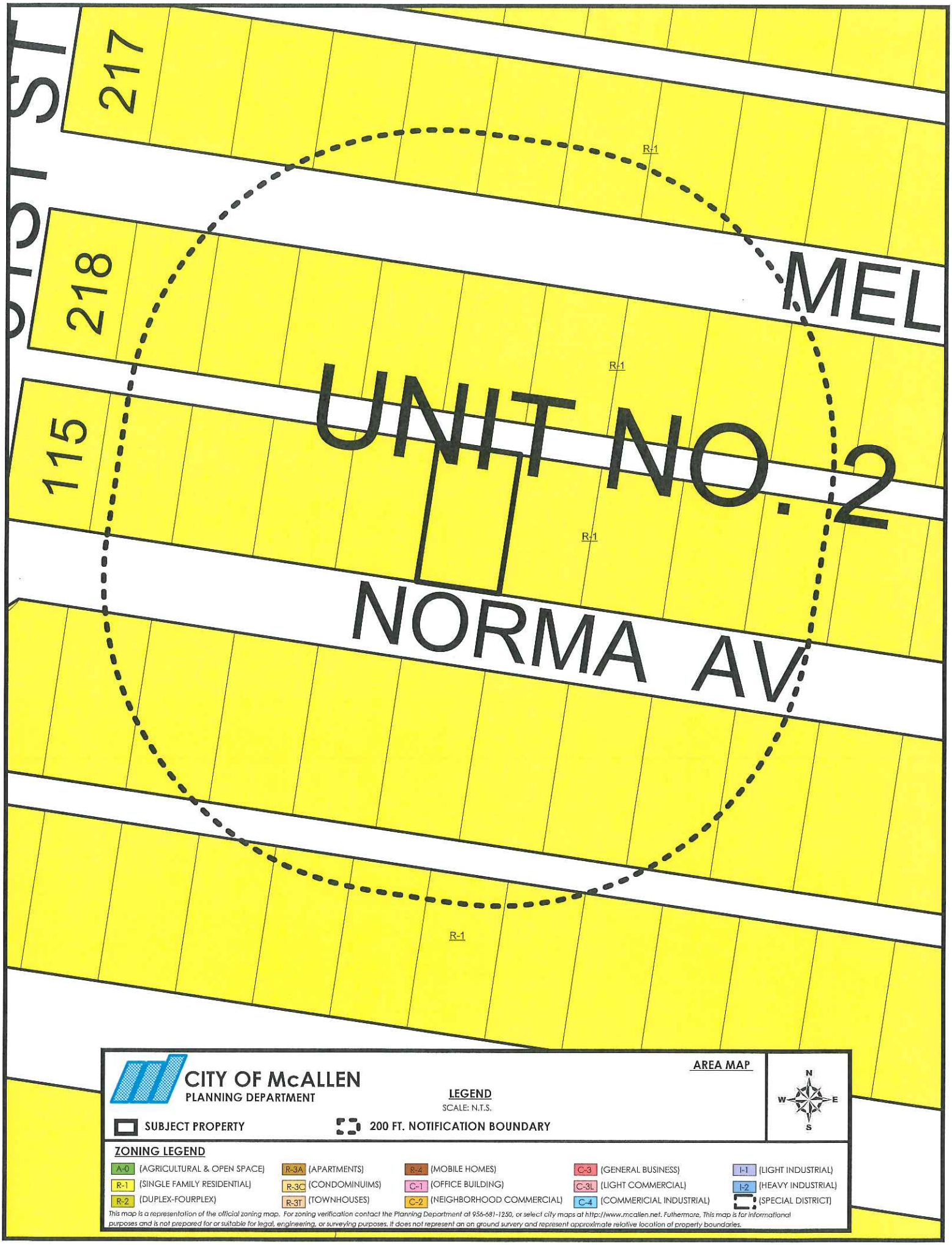
PERMIT I / FEE $ _____ DATE _____

PARK DEV...IENT FEE $ _____ TIME _____

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 herby 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.

Antonia Mendoza Antonia Mendoza 2/4/05

PRINT (AUTHORIZED AGENT/OWNER) SIGNATURE EMAIL ADDRESS (required) DATE



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

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W E
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LEGEND
SCALE: N.T.S.

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

ZONING LEGEND

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R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINUIMS)	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 (COMMERICIAL INDUSTRIAL)	(SPECIAL DISTRICT)

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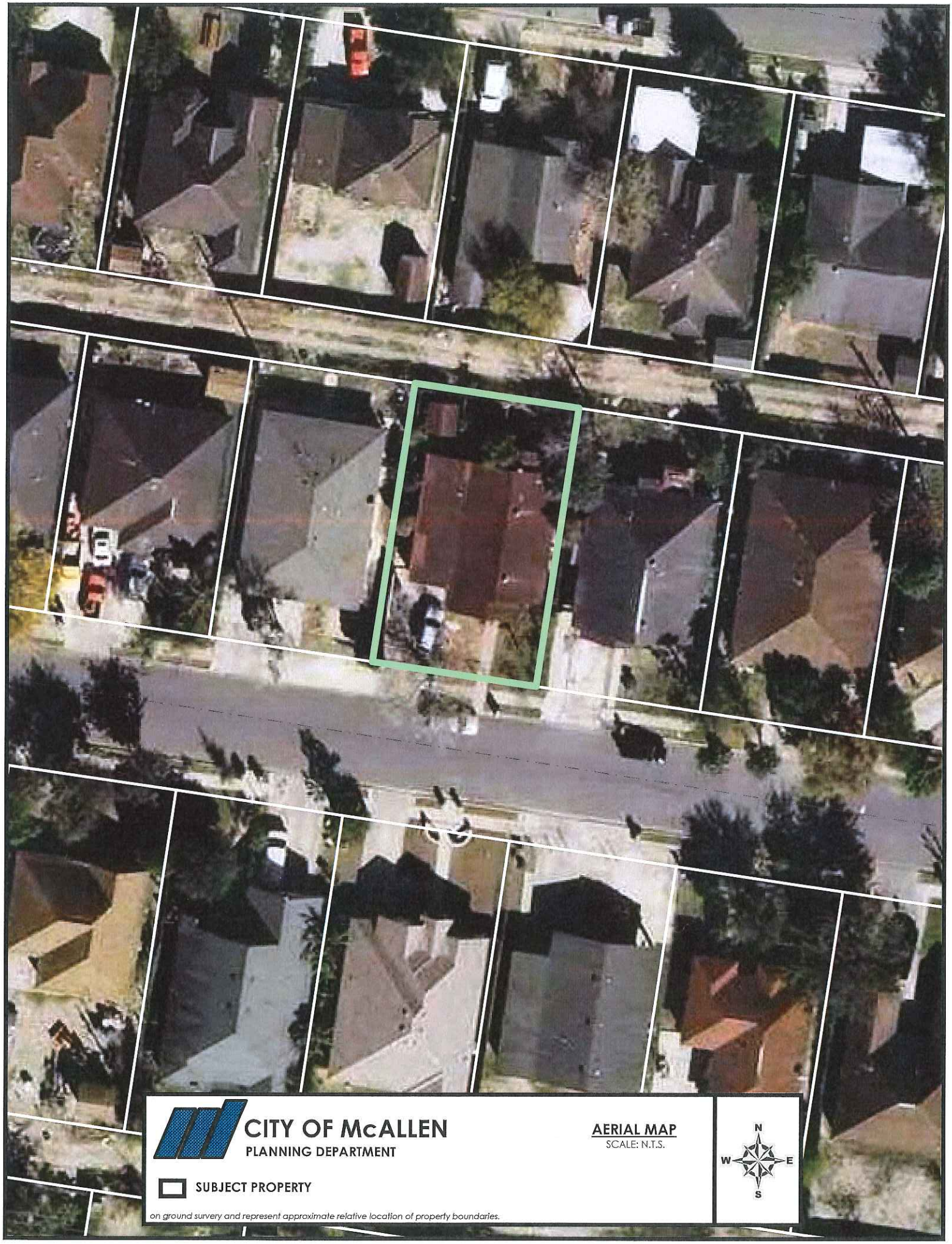

CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

N
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SUBJECT PROPERTY

on ground survery and represent approximate relative location of property boundaries.

CITY OF McALLEN
Building Permits and Inspections

☑ Non-Compliance
☐ Stop Work

OFFICE OF BUILDING OFFICIAL

NOTICE

THIS STRUCTURE HAS BEEN INSPECTED AND IS NOT ACCEPTED / PERMITTED:

- ☑ General
- ☑ Construction
- ☐ Electrical
- ☐ Mechanical Work
- ☐ Plumbing
- ☐ Gas Piping
- ☐ Occupancy

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

--NOTE--

Front porch added (car) no permit on file.
3032 NORMA AVE
1-28-15 R. Rodriguez II

Date Inspector

DO NOT REMOVE THIS NOTICE

TEXAS

McAllen Municipal Court
1601 N. Bicentennial Blvd.
McAllen, TX 78501
(956) 681-2900

☐ Warning

Ticket # 20154

Date:	Time:	Issuer:	ID #
1-26-15	3:38	A. Rodriguez	12212

Location/Block/Street: 2032 Norma Ave

License Plate:

Permits
- ✓ Building
- ____ Plumbing
- ____ Electrical
- ____ Mechanical

Work w/o Inspection
- ____ Plumbing
- ____ Electrical
- ____ Mechanical
- ____ Construction (com./res)

Performing Work w/o Lic.
- ____ Plumbing
- ____ Electrical
- ____ Mechanical

Health
- ____ Weedy Lot
- ____ Accumulation of trash
- ____ Stagnant Water
- ____ Illegal Dumping
- ____ Gross Unsanitary Cond.s
- ____ Deposit of Wastes

Food/Retail
- ____ No Certified Manager
- ____ No Food Handling Cert.
- ____ Hazardous Foods
- ____ Selling Food w/o Permit
- ____ Business on Sidewalks
- ____ Display/Sale on St/Sidewalk
- ____ Proh. Outdoor Display/Sale of Merch.
- ____ No Garage Sale Permit

Zoning
- ____ Sign Placed in ROW
- ____ Signs w/o Permit
- ____ Erecting Signs w/o Permit
- ____ Proh. Portable Signs
- ____ Front Yard Parking
- ____ Fail to Obtain C.U.P.
- ____ Expired C.U.P.
- ____ Violation of C.U.P. Cond.

Animal
- ____ Leash Law
- ____ No Vaccinations

Fire
- ____ Exceed Occupancy
- ____ Blocked Exits
- ____ Fail to Maintain Fire Alarm

No Permit for porch Enclosing

Violation/Offense:

Violation/Offense:

Last Name:	First Name:	Middle:
Villarreal	Antonia	de Medoza

Street Address:	City:	State:	Zip:
2032 Norma Ave	McAllen	TX	78502

Res. Phone:	Sex:	DOB:	Age:	D.L.#	State:
956-212-5023	F	2-28-53	61	04398044	TX

Occupation: Employer: Phone:

Business Address: City: State: Zip:

I HEREBY PROMISE TO APPEAR BEFORE THE MUNICIPAL COURT ON OR BEFORE:

February, 07, 20 15

Signature: Antonia Medoza

YOUR FAILURE TO APPEAR MAY CAUSE A CRIMINAL COMPLAINT TO BE FILED AGAINST YOU AND A WARRANT FOR YOUR ARREST WILL BE ISSUED.

City of McAllen
Building Inspections

INSPECTIONS REQUEST FOR SERVICE

RFS NUMBER
BLD2015-00287

DATE
04/24/2015

ADDRESS OF RFS
507 N 17th St

CODE ENFORCEMENT VIOLATION
carport and patio w out a permit -gm

INVESTIGATION/INSPECTION RESULTS

Insp. Date	Ins. Type	Request Comments	Result Comments	Result	Inspector
04/27/2015	Investigate	patio and carport w out a permit	Spoke to Marco Leal 221-0497, carport and patio in rear no premit on file.	Posted SWO	Robert Rodriguez

SIGNATURE OF INSPECTOR

Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: July 30, 2015
TO
SUBJECT: **REQUEST OF YVONNE STEWART TO ALLOW A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO NOT PROVIDE ONE PARKING SPACE BEYOND THE FRONT YARD SETBACK FOR LOT 20, SADDLE CREEK UNIT 1 SUBDIVISION, HIDALGO COUNTY, TEXAS; 3204 NORTHWESTERN AVENUE.** (ZBA2015-0026)

GOAL:
The Board may grant a special exception to waive or reduce parking and loading requirements whenever the character and use of the building is such as to make unnecessary the full provisions of parking or loading, or where such regulations would impose an unreasonable hardship upon the use of the lot. McAllen Code of Ordinances Section 138-43(2)(c).

REASON FOR APPEAL
The applicant requests a special exception to the parking requirement of one off-street parking space for single-family uses beyond the front yard setback as required by Section 138-394. The applicant indicates that a one car open carport is proposed to be enclosed into a bedroom to accommodate living space for her elderly father who due to medical reasons will need to move in with the family.

PROPERTY LOCATION AND VICINITY:
The property is located along the north side of Northwestern Avenue and North 32nd Street. The property has 50 feet of frontage along Northwestern Avenue and a depth of 106.57 feet for a tract size of 5,328 square feet. The property is zoned R-1 (single family residential) District. The adjacent zoning is R-1 (single family residential) District in all directions. Surrounding land use is single family residential.

BACKGROUND AND HISTORY:
Saddle Creek Unit 1 Subdivision was recorded on September 11, 2001. The Board of Commissioners amended the Zoning Ordinance in 1999 to require one parking space beyond the front yard setback in order to enhance the appearance of single family residential areas. The subject property and subdivision is subject to compliance with the zoning requirement of one parking space beyond the front yard setback line. A building permit application has not been submitted. An application for the special exception request was submitted on June 05, 2015 and included a site plan showing an existing 9.5 foot by 21.5 foot carport area that will be enclosed to one bedroom.

ANALYSIS:
The intent for the requirement of locating one parking space beyond the front yard setback line is to improve the street yard appearance of single family residential areas by eliminating the number of cars parked along the street and within the front yard. In 1999 the City Commission amended the ordinances in order to improve the streetscape of neighborhoods. Amendments

included 1) parking requirement of 2 parking spaces beyond the front yard setback (later reduced to one parking space beyond the front yard setback), 2) front yard setbacks were increased from 20 feet to 25 feet, 3) 50% landscaping requirement for the front yard, 4) landscape area required for side yards in the front yard, 5) 1 tree for the first 50 feet of lot width and 1 additional tree for every additional 25 feet of lot width, and 6) sidewalks were required. The bedroom addition could be added to the rear of the house. Approval of the request may encourage other property owners with carports or garages to enclose their carport or garage. Also, the enclosed carport may encourage a variance for a carport within the front yard. The Board has approved a similar requests with the conditions: 1) to maintain the outside garage door that faces the street with a garage door appearance and 2) that the interior wall was to remain until the house on the property is sold. The Board could apply similar conditions to the special exception case to revert the improvements back to a garage at the time of sale of the residence.

RECOMMENDATION:

Staff recommends disapproval of the special exception request. At the Zoning Board of Adjustment & Appeals meeting of July 15, 2015 no one appeared in opposition of the special exception request. The Board unanimously voted to table the special exception request until the meeting of August 19, 2015 in order for the request to be heard by a full Board. There were three members present and voting.

ZBA 7/15/15

ZBA2015-0026

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 Lot 20

Subdivision Name Saddle Creek Unit 1

Street Address 3204 Northwestern Ave

Number of lots 1 Gross acres ____

Existing Zoning R-1 Existing Land Use R House

Reason for Appeal (please use other side if necessary) See Back

☑ $300.00 non-refundable filing fee

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

Applicant

Name Yvonne S. Stewart Phone (956) 537-4025

Address 3204 Northwestern Ave E-mail Y.delgado@att.net

City McAllen State TX Zip 78504

Owner

Name Yvonne S. Stewart Phone (956) 537-4025

Address 3204 Northwestern Ave E-mail Y.delgado@att.net

City McAllen State TX Zip 78504

Authorization

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

☐ Yes ☑ No

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

Signature Yvonne S Stewart Date 6/4/2015

Print Name Yvonne S. Stewart ☑ Owner ☐ Authorized Agent

uploaded Acadia L.F.

Office

Accepted by ____ Payment received by ____ Date ____

REVISED 9/11

RECEIVED JUN 05 2015 BY: CW

11/14

Rct #395,091

City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

Currently have a one car open carport. Would like to close the carport to make a single room living space for my elderly Father to use as a residence. Due to medical reason my Father can not live alone and can not financially afford a home.

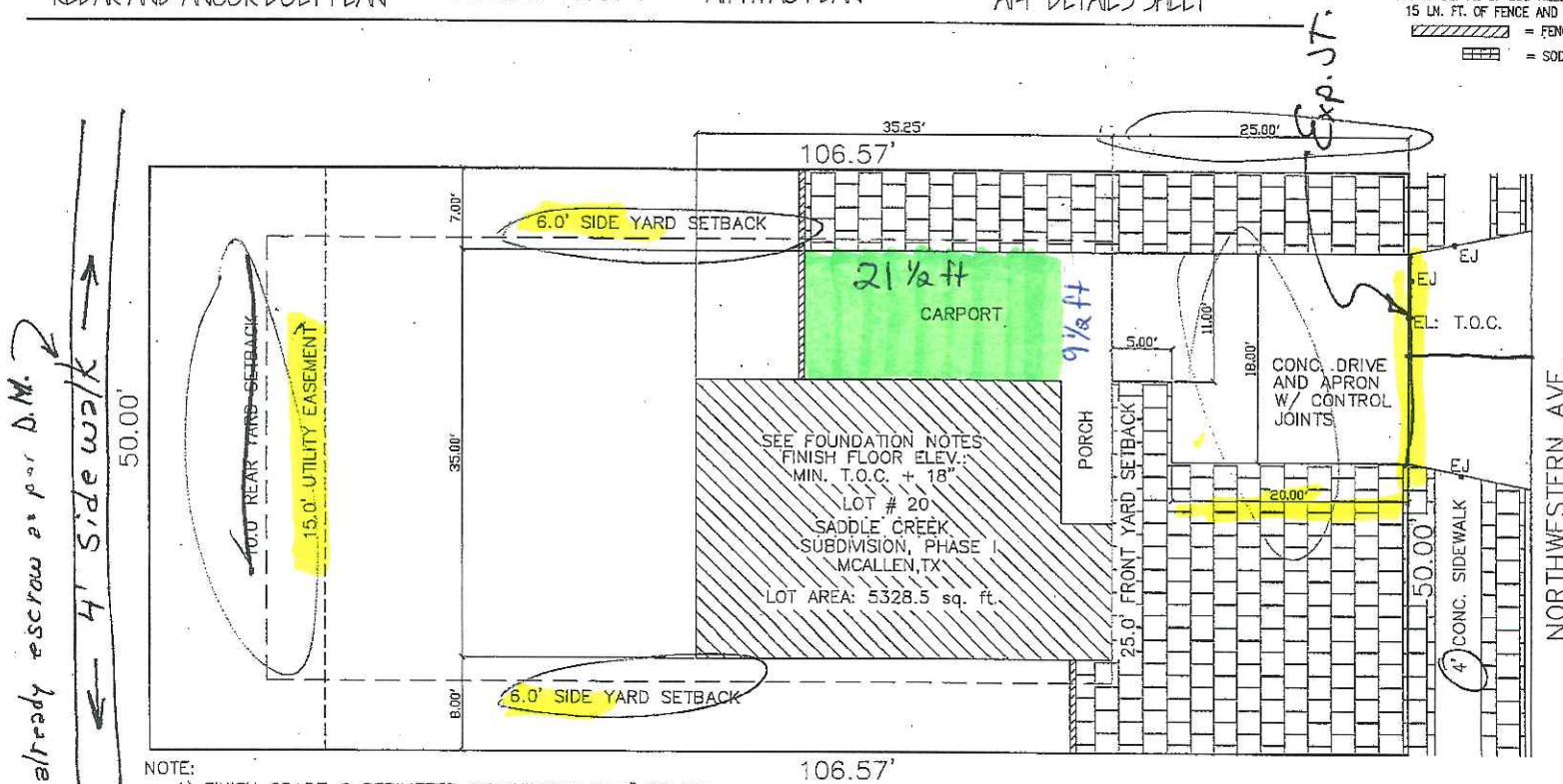
Thank you,
Yvonne Stewart

DRAWING INDEX

A1 SITE PLAN
A2 FOUNDATION
A3 FOUNDATION DETAILS/ REBAR AND ANCOR BOLT PLAN
A4 FLOOR PLAN
A5 STUD PLAN
A6 JOIST PLAN
A7 ROOF PLAN
A8 RAFTER PLAN
A9 ELEVATION PLAN
A10 ELECTRICAL PLAN
A11 HVAC PLAN
A12 KITCHEN AND BATH ELEVATIONS
A13 TYPICAL WALL SECTION
A14 DETAILS SHEET

ACTIVITY 31000– CONCRETE		
ITEM	SIZE/AREA	QUAN.
CONC. SIDEWALK	120.4 SQ.FT.	1.5 CU. YARDS
CONC. DRIVE	630.0 SQ. FT.	7.8 CU. YARDS

1340.0 SQ. FT. OF SOD NEED 3.0 PALLETS
15 LN. FT. OF FENCE AND ONE LATCH
= FENCE
= SOD



NOTE:
1) FINISH GRADE @ PERIMETER OF BUILDING IS 8" BELOW FINISH FLOOR AND IS SLOPED AWAY FROM THE BUILDING TO DRAIN TO THE STREET.
2) EJ = EXPANSION JOINT, SEE DETAILS & FOUNDATION NOTES
3) CONTROL JOINTS @ EVERY 5' ALONG SIDEWALK, EXPANSION JOINTS @ EVERY 25'.

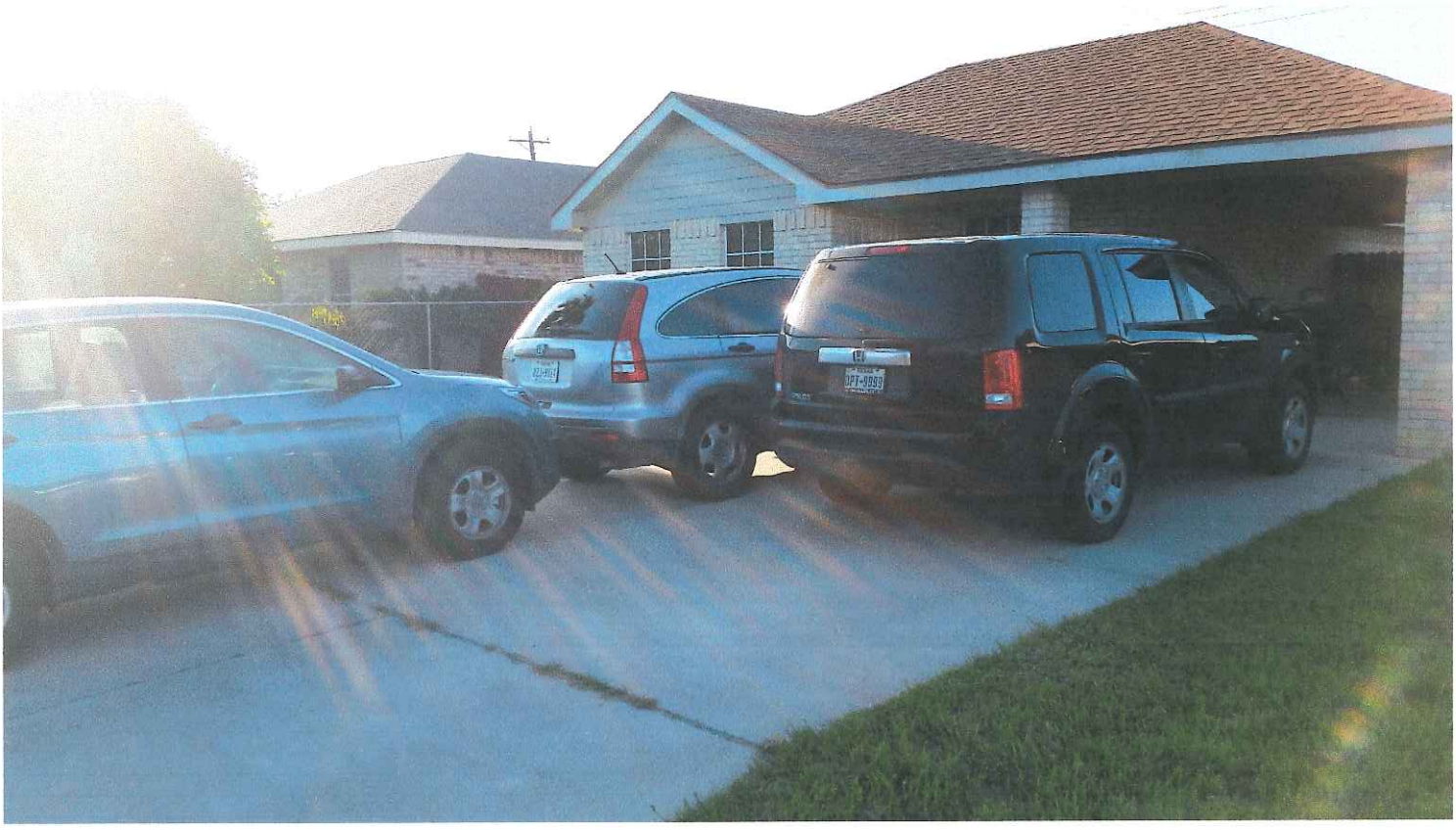
SCALE: 1" = 10'–0"

DATE: 12/04/01

MODEL: BROOKWOOD 2-1 "B" RIGHT
SADDLE CREEK SUBDIVISION
LOT 20
MCALLEN, TEXAS

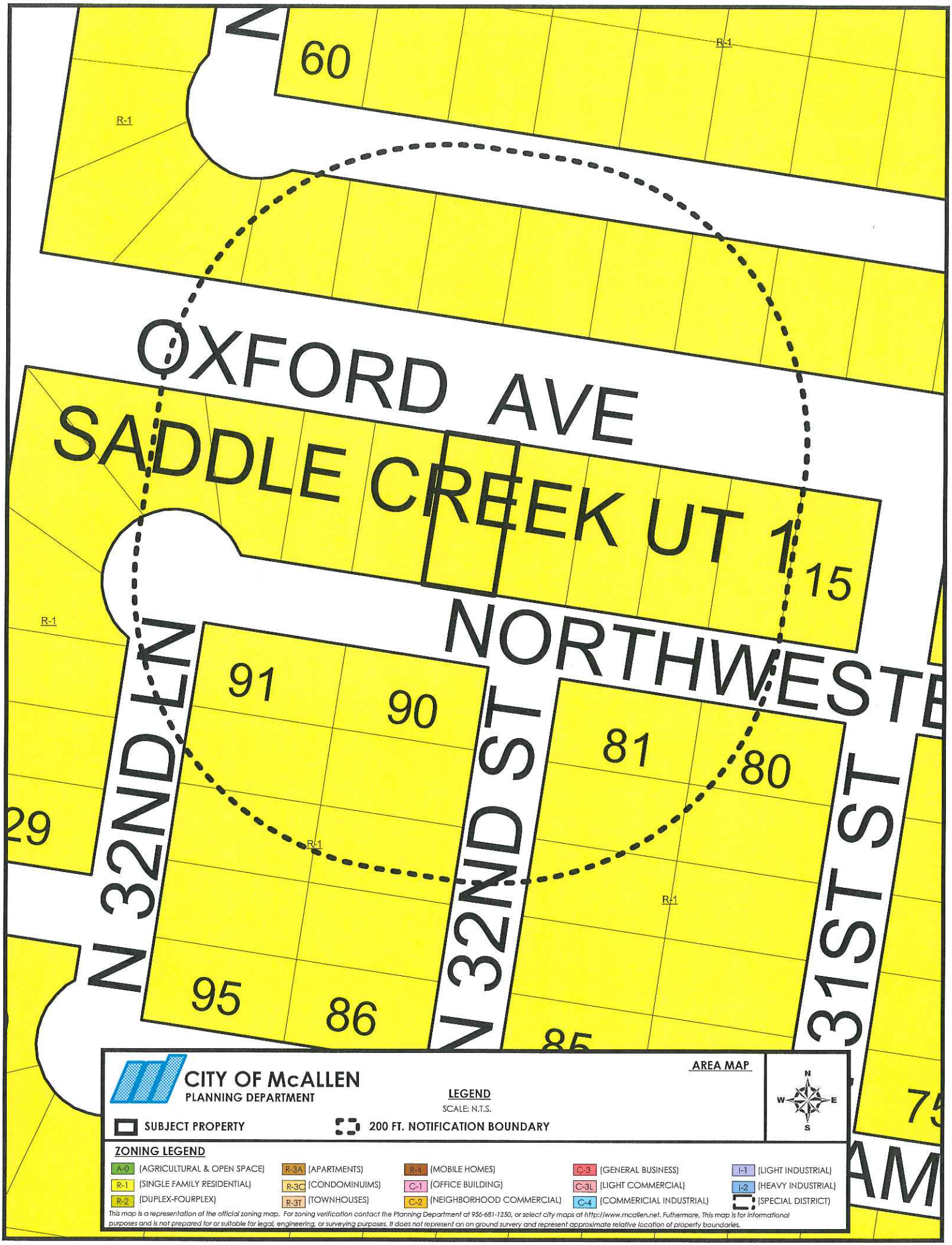
ObrA Homes
Si Se Puede / Yes It Can Be Done

SHEET: A1
OF:



Four cars fit comfortably without the carport.

Yvonne Stewart


60
R-1
OXFORD AVE
SADDLE CREEK UT 1
15
NORTHWESTE
N 32ND LN
N 32ND ST
31ST ST
91
90
81
80
29
95
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AM
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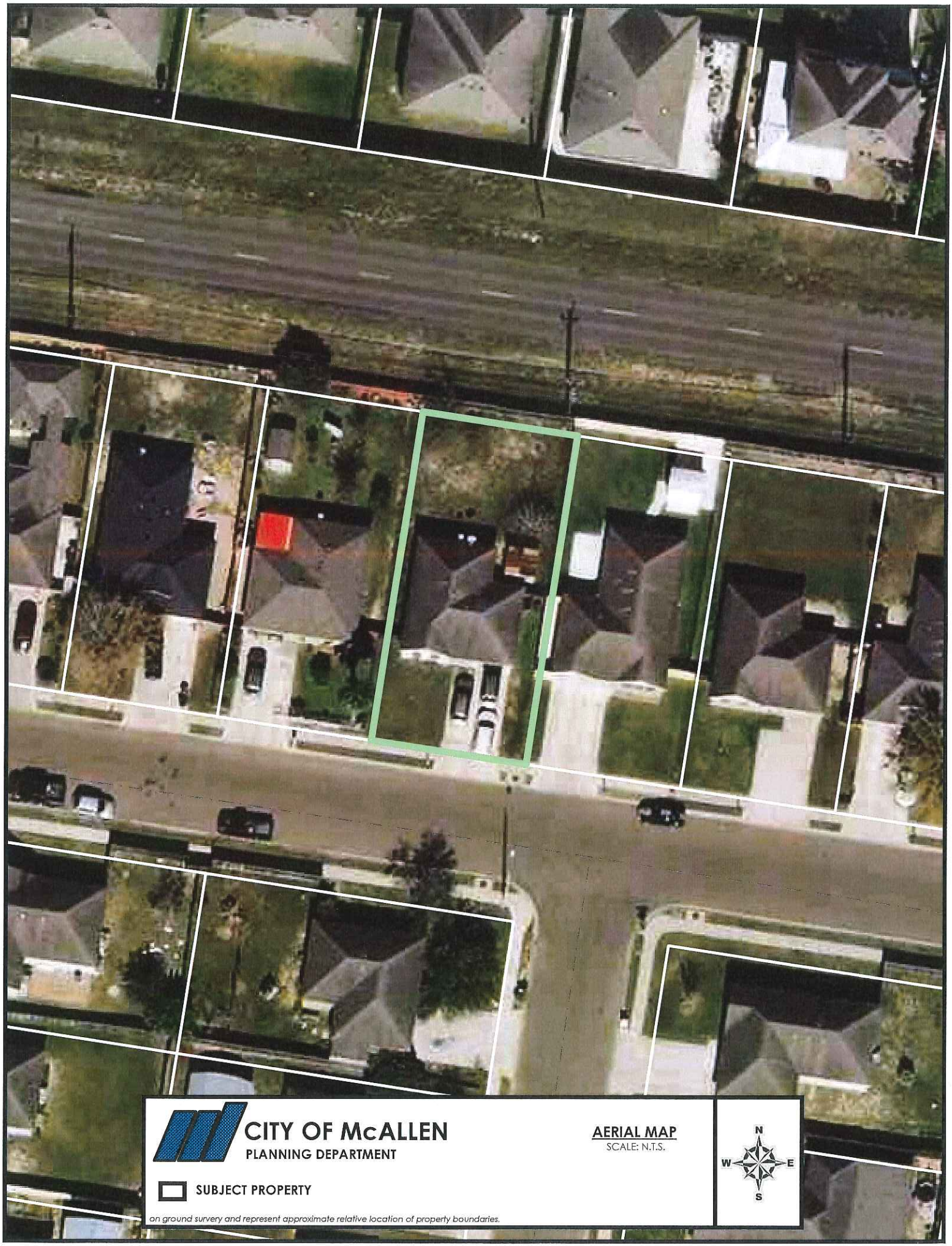

CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

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SUBJECT PROPERTY

on ground survery and represent approximate relative location of property boundaries.

Hidalgo CAD

Property Search Results > 632790 DELGADO YVONNE S for Year 2015

Property

Account

Property ID:	632790	Legal Description:	SADDLE CREEK UT 1 LOT 20
Geographic ID:	S0017-01-000-0020-00	Agent Code:	
Type:	Real		
Property Use Code:			
Property Use Description:			

Location

Address:	3204 NORTHWESTERN AVE MCALLEN, TX	Mapsco:	
Neighborhood:	SADDLE CREEK UT 1	Map ID:	CML VOL 38 PG 88
Neighborhood CD:	S001701		

Owner

Name:	DELGADO YVONNE S	Owner ID:	484339
Mailing Address:	3204 NORTHWESTERN AVE MCALLEN, TX 78504-5973	% Ownership:	100.0000000000%
		Exemptions:	HS

Values

(+) Improvement Homesite Value:	+	$36,444		
(+) Improvement Non-Homesite Value:	+	$0		
(+) Land Homesite Value:	+	$22,910		
(+) Land Non-Homesite Value:	+	$0	Ag / Timber Use Value	
(+) Agricultural Market Valuation:	+	$0	$0	
(+) Timber Market Valuation:	+	$0	$0	
(=) Market Value:	=	$59,354		
(–) Ag or Timber Use Value Reduction:	–	$0		
(=) Appraised Value:	=	$59,354		
(–) HS Cap:	–	$0		
(=) Assessed Value:	=	$59,354		

Taxing Jurisdiction

Owner: DELGADO YVONNE S
% Ownership: 100.0000000000%
Total Value: $59,354

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	APPRAISAL DISTRICT	0.000000	$59,354	$59,354	$0.00
CML	CITY OF MCALLEN	0.476300	$59,354	$59,354	$282.70
DR1	DRAINAGE DISTRICT #1	0.095700	$59,354	$59,354	$56.80
GHD	HIDALGO COUNTY	0.590000	$59,354	$59,354	$350.19
JCC	SOUTH TEXAS COLLEGE	0.185000	$59,354	$59,354	$109.80
R12	ROAD DIST 12	0.000000	$59,354	$59,354	$0.00
SML	MCALLEN ISD	1.165000	$59,354	$44,354	$516.72
SST	SOUTH TEXAS SCHOOL	0.049200	$59,354	$59,354	$29.20
	Total Tax Rate:	2.561200			
				Taxes w/Current Exemptions:	$1,345.41
				Taxes w/o Exemptions:	$1,520.17

Improvement / Building

Improvement #1:	RESIDENTIAL	State Code:	A1	Living Area:	804.0 sqft	Value:	$36,444

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	BRKFA	DBRK	2002	804.0
CPT	CARPORT	BRKFA		2002	264.0
POR	PORCH (COVERED)	BRKFA		2002	36.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	L	LOT	0.1223	5328.00	50.00	106.57	$22,910	$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2015	$36,444	$22,910	0	59,354	$0	$59,354
2014	$31,972	$22,910	0	54,882	$0	$54,882
2013	$30,924	$22,910	0	53,834	$0	$53,834
2012	$33,530	$22,910	0	56,440	$0	$56,440

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	2/25/2002 12:00:00 AM	WDV	WARRANTY DEED/VENDORS LIEN	OBRA HOMES INC	DELGADO YVONNI			1054879
2		CONV	CONVERSION	UNKNOWN OWNEI	OBRA HOMES INC			

Tax Due

Property Tax Information as of 06/05/2015

Amount Due if Paid on:

Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Penalty & Interest	Attorney Fees	Amount Due

NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

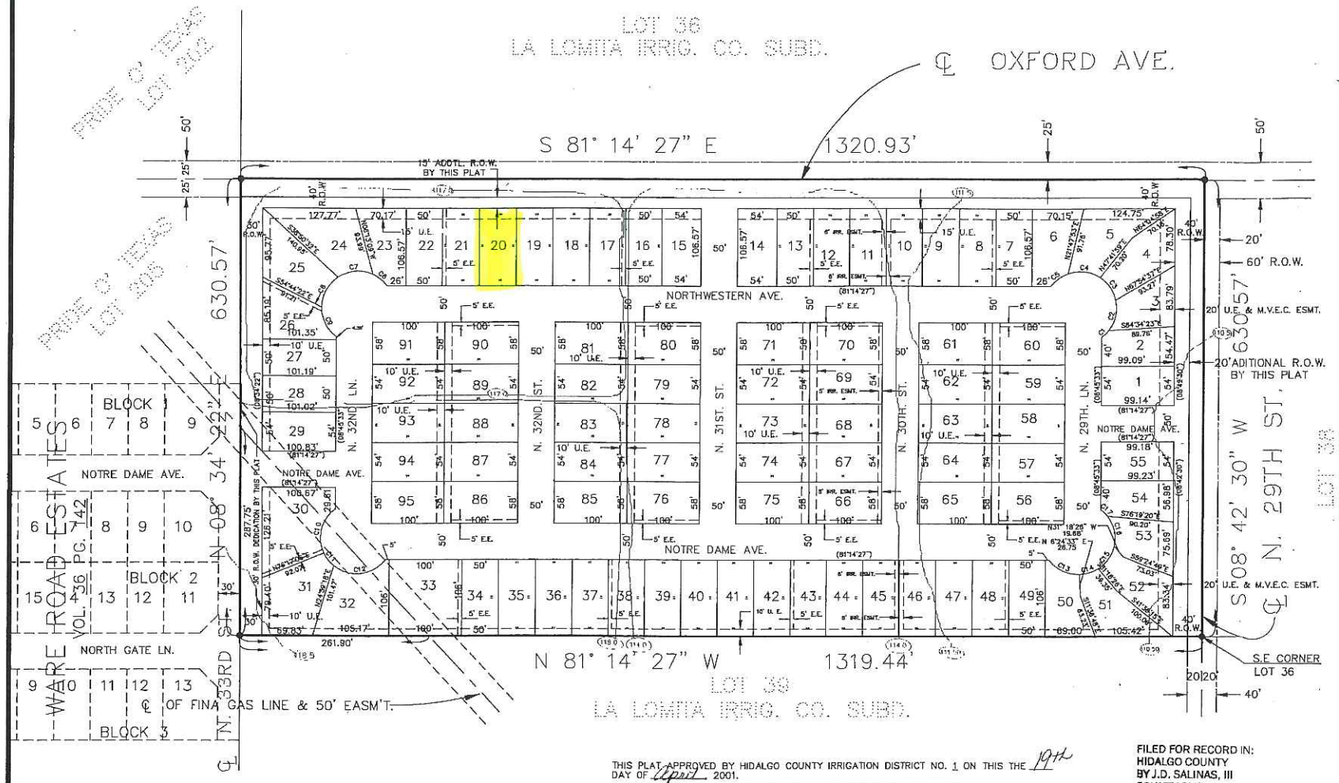
Questions Please Call (956) 381-8466

SUBDIVISION PLAT OF
SADDLE CREEK UNIT 1
(APPROVED AS OBRA SUBDIVISION)

BEING A 19.11 ACRE TRACT LAND OUT OF LOT 36,
LA LOMITA IRRIGATION AND CONSTRUCTION CO.'S
SUBDIVISION OF PORCIONES 61, 62, & 63, HIDALGO COUNTY, TEXAS

PREPARED BY: K. K. ENGINEERING CONSULTANT
DATE: AUG. 18, 2000

OWNER: OBRA HOMES, INC.
3900 N. 10TH STREET SUITE 850
McALLEN, TEXAS 78501



SCALE: 1" = 100'

AREA (SQ. FT.) OF IRREGULAR LOTS	
LOT NO.	NET AREA (SQ. FT.)
1	5,352
2	5,066
3	5,043
4	6,373
5	7,053
6	5,951
23	5,807
24	8,100
25	6,925
26	5,609
27	5,063
28	5,055
29	5,450
30	9,694
31	8,262
32	8,443
50	5,019
51	6,043
52	5,910
53	5,063
54	5,188
55	5,357

CURVE (℄)	LENGHT	RADIUS	CHORD	DELTA
1	13.26'	50.00'	13.22'	15° 11' 49"
2	43.62'	50.00'	42.25'	49° 59' 24"
3	39.42'	50.00'	38.41'	45° 10' 15"
4	45.47'	50.00'	43.82'	52° 06' 07"
5	29.50'	50.00'	29.07'	33° 47' 59"
6	25.65'	50.00'	25.37'	29° 23' 40"
7	50.25'	50.00'	48.16'	57° 34' 48"
8	48.91'	50.00'	46.98'	56° 02' 34"
9	46.46'	50.00'	44.81'	53° 14' 33"
10	68.48'	50.00'	63.25'	78° 28' 21"
11	21.94'	50.00'	21.77'	25° 08' 44"
12	80.84'	50.00'	72.32'	92° 36' 31"
13	47.25'	50.00'	45.52'	54° 08' 57"
14	27.68'	50.00'	27.33	31° 43' 09"
15	39.44'	50.00'	38.42	45° 11' 35"
16	43.82'	50.00'	42.39'	50° 02' 22"
17	13.23'	50.00'	13.19'	15° 09' 28"

STATE OF TEXAS
COUNTY OF HIDALGO

I (WE), THE UNDERSIGNED, OWNER (S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE SADDLE CREEK UNIT 1SUBDIVISION TO THE CITY ON McALLEN, TEXAS, AND WHOSE NAME (S) IS (ARE) SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, SEWER LINES, WATER COURSES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH I (WE) WILL CAUSE TO BE INSTALLED THEREON SHOWN OR NOT SHOWN IF REQUIRED OTHERWISE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF McALLEN ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED, EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF McALLEN.

OWNER: OBRA HOMES, INC.
DAVID O. ROGERS III, PRESIDENT

STATE OF TEXAS
COUNTY OF HIDALGO
BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED DAVID O. ROGERS III KNOWN TO ME TO BE THE PERSON (S) WHOSE NAME (S) IS (ARE) SUBSCRIBED TO THE FOREGOING INSTRUMENT. AND ACKNOWLEDGED TO ME THAT HE (THEY) EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 9th DAY OF May 2001.

VERONICA M. MOLINA
Notary Public
State of Texas
My Commission Expires 9/14/2004

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
MY COMMISSION EXPIRES 9/14/04

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

DR. LEO MONTALVO
MAYOR, CITY OF McALLEN, TEXAS.

STATE OF TEXAS
COUNTY OF HIDALGO
THIS SUBDIVISION PLAT OF SADDLE CREEK UNIT 1 SUBDIVISION HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF McALLEN, TEXAS AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS 6 DAY OF September 2001 A. D.

CHAIRMAN

HIDALGO COUNTY DRAINAGE DISTRICT No. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEX. WATER CODE §49,211(C). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT No. 1
BY: _____
9/10/01

STATE OF TEXAS
COUNTY OF HIDALGO

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

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

STATE OF TEXAS
KAMBIZ S. KHADEMI
57767
REGISTERED
PROFESSIONAL ENGINEER

STATE OF TEXAS
COUNTY OF HIDALGO

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

REYNALDO ROBLES
REGISTERED PROFESSIONAL LAND SURVEYOR No. 4032
P.O. BOX 476
WESLACO, TEXAS 78599

STATE OF TEXAS
REGISTERED
REYNALDO ROBLES
4032
PROFESSIONAL
LAND SURVEYOR

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

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

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

SECRETARY

PRESIDENT

FILED FOR RECORD IN:
HIDALGO COUNTY
BY J.D. SALINAS, III
COUNTY CLERK
ON: 09-11-01 AT 2:26 AM/PM
AS A RECORDING NUMBER 7006627
BY: _____, DEPUTY

Recorded in Volume 38 Page 88
of the map records of Hidalgo
County, Texas
Melden and Hunt, Inc.

METES AND BOUNDS DESCRIPTION

BEING 19.11 ACRES OF LAND SITUATED IN HIDALGO COUNTY, TEXAS *AND BEING THE SOUTH 19.11 ACRES OF LOT 36, LA LOMITA IRRIGATION* COMPANY'S SUBDIVISION AS PER MAP RECORDED IN VOLUME 24, PAGE 68 OF THE HIDALGO COUNTY DEED RECORDS. AND SAID 19.11 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID LOT 36 AND THE SOUTHEAST CORNER OF SAID TRACT HEREIN DESCRIBED;

THENCE, NORTH 81° 14'27" WEST, WITH THE SOUTH LINE OF SAID LOT 36, AT A DISTANCE OF 20.00 FEET PASS A 1/2-INCH IRON ROD FOUND FOR REFERENCE ON THE EXISTING WEST RIGHT-OF-WAY LINE OF NORTH 29TH STREET (ROOTH ROAD) AND CONTINUING FOR A TOTAL DISTANCE OF 1,319.44 FEET TO A 1/2-INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID TRACT HEREIN DESCRIBED;

THENCE, NORTH 08° 34' 22" EAST, 630.57 FEET, WITH THE EAST LINE OF WARE ROAD ESTATES SUBD. VOL. 36, PG. 142 TO A 3/4-INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID TRACT HEREIN DESCRIBED;

THENCE, SOUTH 81° 14'27" EAST, 1320.93 FEET TO A 1/2-INCH IRON ROD SET FOR THE NORTHEAST CORNER OF SAID TRACT HEREIN DESCRIBED;

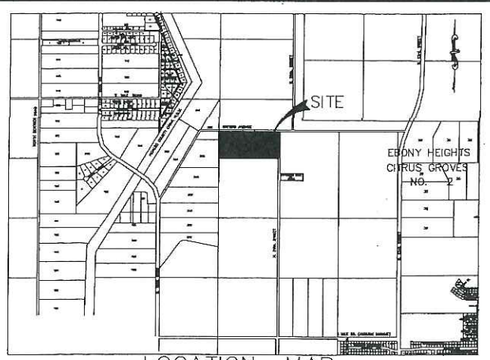
THENCE, SOUTH 8° 42'30" WEST, 630.57 FEET, WITH THE EAST LINE OF SAID LOT 36 AND WITH THE CENTERLINE OF SAID NORTH 29TH STREET TO THE POINT OF BEGINNING AND CONTAINING 19.11 ACRES OF LAND MORE OR LESS.

GENERAL PLAT NOTES:

1. MINIMUM FLOOR ELEVATION SHALL BE T/C + 18" FOR EACH LOT.
2. THE SUBDIVISION IS IN ZONE "X" (AREAS OUTSIDE 500-YR. FLOOD PLAIN) ON A FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 480334-0325 AND 0295 D REVISED JUNE 6, 2000
3. MINIMUM BUILDING SETBACK SHALL BE AS FOLLOWS:
   FRONT: 25.0' OR GREATER FOR EASEMENTS.
   REAR: 10.00' EXCEPT 15' AT REAR OF LOTS 5 THRU 24 AND 20' AT REAR OF LOTS 52 THRU 55 AND LOTS 1-4.
   SIDE: 6.0'
   SIDE CORNER LOT: 10.00 FEET OR GREATER FOR EASEMENTS.
   CUL-DE-SAC: 10.00 FEET OR GREATER FOR EASEMENTS.
   GARAGE SETBACK 18' EXCEPT WHERE GREATER SETBACK REQUIRED.
4. CENTRAL POWER AND LIGHT CO. HEREBY GRANTED AN EASEMENT AND RIGHT-OF-WAY ON EACH LOT IN SAID SUBDIVISION FOR AN UNDERGROUND ELECTRIC SERVICE LATERAL TOGETHER WITH THE LOCATION WHERE SUCH SERVICE LATERAL IS TO BE OR IS INSTALLED AND MAINTAINED FROM TIME TO TIME.

   PAD — 3' X 3' EASEMENT TO CPL FOR PEDESTAL SPACE SPECIFIC LOCATION SHOWN ON MAP BY THIS SYMBOL. SO

   PAD 5'x5' — 6' X 8' EASEMENT TO CPL FOR TRANSFORMER SPACE SPECIFIC LOCATION SHOWN ON MAP BY THIS SYMBOL. A
5. A TOTAL OF 1.32 ACRE FEET OF DETENTION IS REQUIRED FOR THIS SUBDIVISION AN ENGINEERED DETENTION PLAN WILL BE SUBMITTED AND APPROVED BY THE ENGINEERING DEPT. PRIOR TO ISSUANCE OF BUILDING PERMIT.
6. THE CITY OF MCALLEN TO HAVE A 25'X25' CORNER CLIP EASEMENT AT STREET INTERSECTIONS, MEASURED FROM THE CURB.
7. 4' SIDEWALK REQUIRED ON OXFORD AVE., 29th. STREET, N. 33rd. STREET AND ON BOTH SIDE OF ALL INTERIOR STREETS.
8. 6' BUFFER REQUIRED ALONG OXFORD AVE., 29th. ST. AND N. 33rd. STREET AND FROM ANY ADJACENT COMMERCIAL ZONE/USE.
9. NO LOT FRONTAGE OR ACCESS FROM OXFORD AVE., 29th. ST. AND N. 33rd. STREET
10. ONCE THE 10 AC. TO THE SOUTH IS DEVELOPED THE IRRIGATION LINE AND EASEMENT ON LOTS 10, 11, 65 – 70, 45, AND 46 WILL BE AUTOMATICALLY ABANDONED.
11. NO BUILDINGS ALLOWED OVER ANY EASEMENTS.



LOCATION MAP

K K Engineering Consultant
GENERAL PROFESSIONAL CIVIL ENGINEERING SERVICES

(410 E. DOVE)
P.O. BOX 3422
McALLEN, TEXAS 78502
(956) 630 2125
FAX (956) 630 2219

Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: July 30, 2015

SUBJECT: **REQUEST OF FIDEL AND MAGDALENA PEREZ FOR A VARIANCE REQUEST TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) A REAR YARD SETBACK OF 4.67 FEET INSTEAD OF 10 FEET FOR A PROPOSED SWIMMING POOL MEASURING 14.0 FEET BY 30.0 FEET, FOR LOT 27, T.H.E. ENTERPRISE SUBDIVISION UNIT 2, HIDALGO COUNTY, TEXAS; 1301 XANTHISMA AVENUE (ZBA2015-0029)**

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

REASON FOR VARIANCE REQUEST
The applicant requests a variance to allow a swimming pool with a rear yard setback of 4.67 feet instead of 10 feet. The applicant is requesting the variance in order to construct the proposed swimming pool which will replace an existing swimming pool at the same location.

PROPERTY LOCATION AND VICINITY:
The property is located along the south side of Xanthisma Avenue 175 feet east of North Main Street. The lot has 90 feet of frontage along Xanthisma Avenue with a depth of 110 feet. The property is zoned R-1 (single family residential) District. The surrounding land use is single family residential. There is an existing single family residence on the subject property.

BACKGROUND AND HISTORY:
T.H.E. Enterprise Subdivision Unit No. 2 was recorded on June 20, 1972. The Zoning Ordinance in effect prior to 1979 permitted accessory structures to be at 3 feet from the rear property line. The zoning ordinance was changed in 1979 to a 10 foot rear yard setback requirement in the R-1 (single family residential) District. A swimming pool permit application has not been submitted to the Building Permits and Inspections Department. The proposed

site plan shows the proposed swimming pool to encroach 5.33 feet into the 10 foot rear yard setback.

ANALYSIS:
The existing swimming pool was constructed with a setback of 3 feet, as an encroachment of 7 feet into the 10 foot rear yard setback. The proposed pool has a rear yard setback of 4.7 feet, or an encroachment of 5.3 feet. The proposed pool decreases the encroachment by 1.7 feet. The proposed pool could be moved further away from the lot line to provide additional setback.

RECOMMENDATION:
Staff recommends disapproval of the variance request. At the Zoning Board of Adjustment & Appeals meeting of July 15, 2015 no one appeared in opposition of the variance request. The Board voted to table the variance request until the meeting of August 5, 2015 in order for the request to be heard by a full Board. The Board unanimously voted to table the variance request with three members present and voting.

ZBA 2015-0029

ZBA 7/15/15

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 LOT 27 Enterprise Subdivision T.H.E.

Subdivision Name Enterprise Subdivision Unit #2

Street Address 1301 XANthisma

Number of lots 1 Gross acres

Existing Zoning R1 Existing Land Use Home

Reason for Appeal (please use other side if necessary) TO REMOVE old pool AND REPLACE with NEW pool in same location.

☒ $300.00 non-refundable filing fee

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

Applicant

Name Fidel Perez III Phone (956) 331-9464

Address 1301 XANthisma E-mail

City McAllen State TEXAS Zip 78504

Owner

Name Fidel + Magdalena Perez Phone 331-9464 / 655-2936

Address 1301 XANthisma E-mail

City McAllen State TEXAS Zip 78504

Authorization

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

☐ Yes ☒ No

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

Signature Fidel Perez III Date 6-12-15

Print Name Fidel Perez III ☒ Owner ☐ Authorized Agent

Office

Accepted by [signature] Payment received by [signature] Date

REVISED 9/11

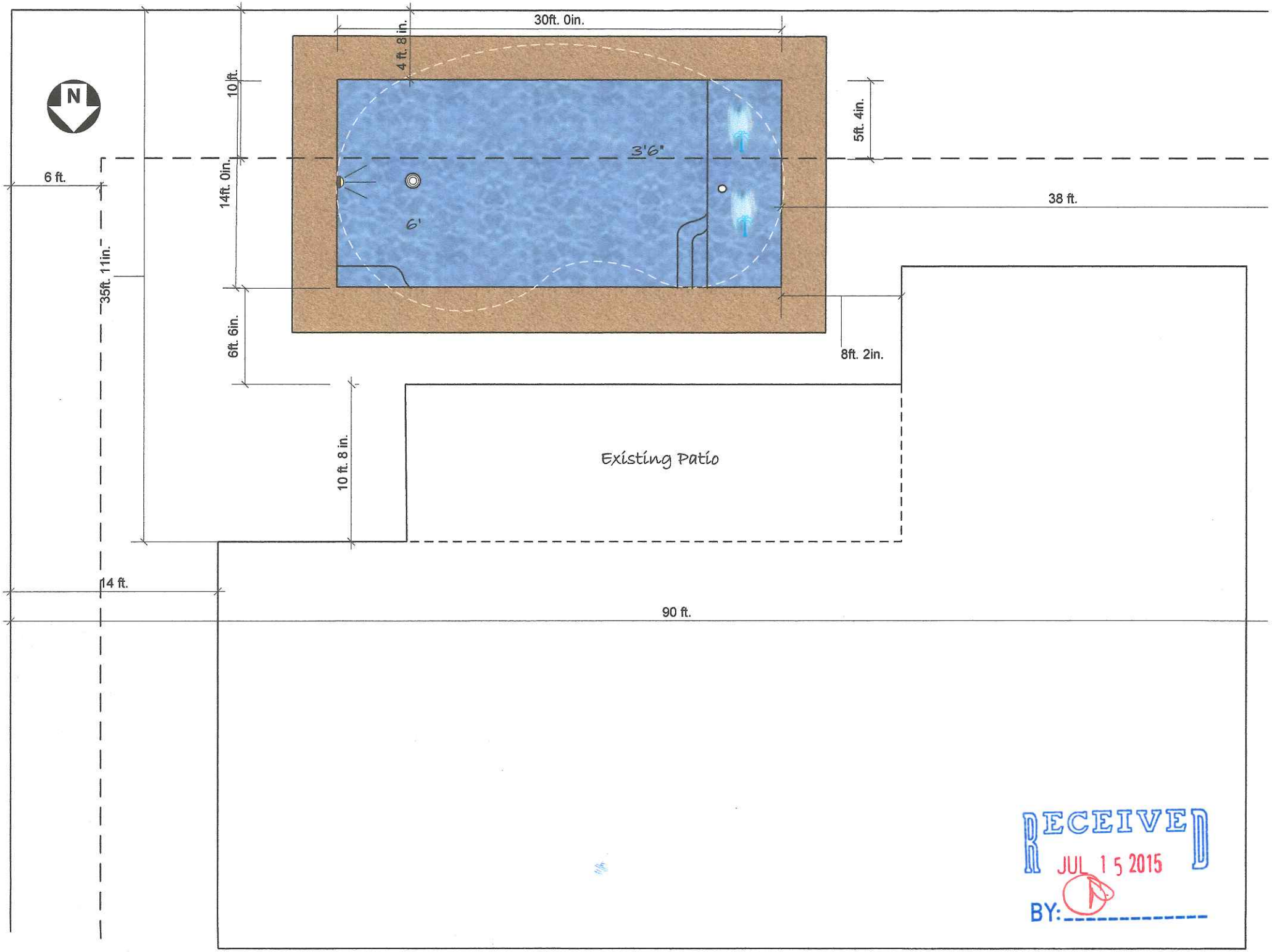
RECEIVED JUN 12 2015 BY: [signature]

Mark 638-6778 M+L Pools

uploaded: Accela L.F.

11/14

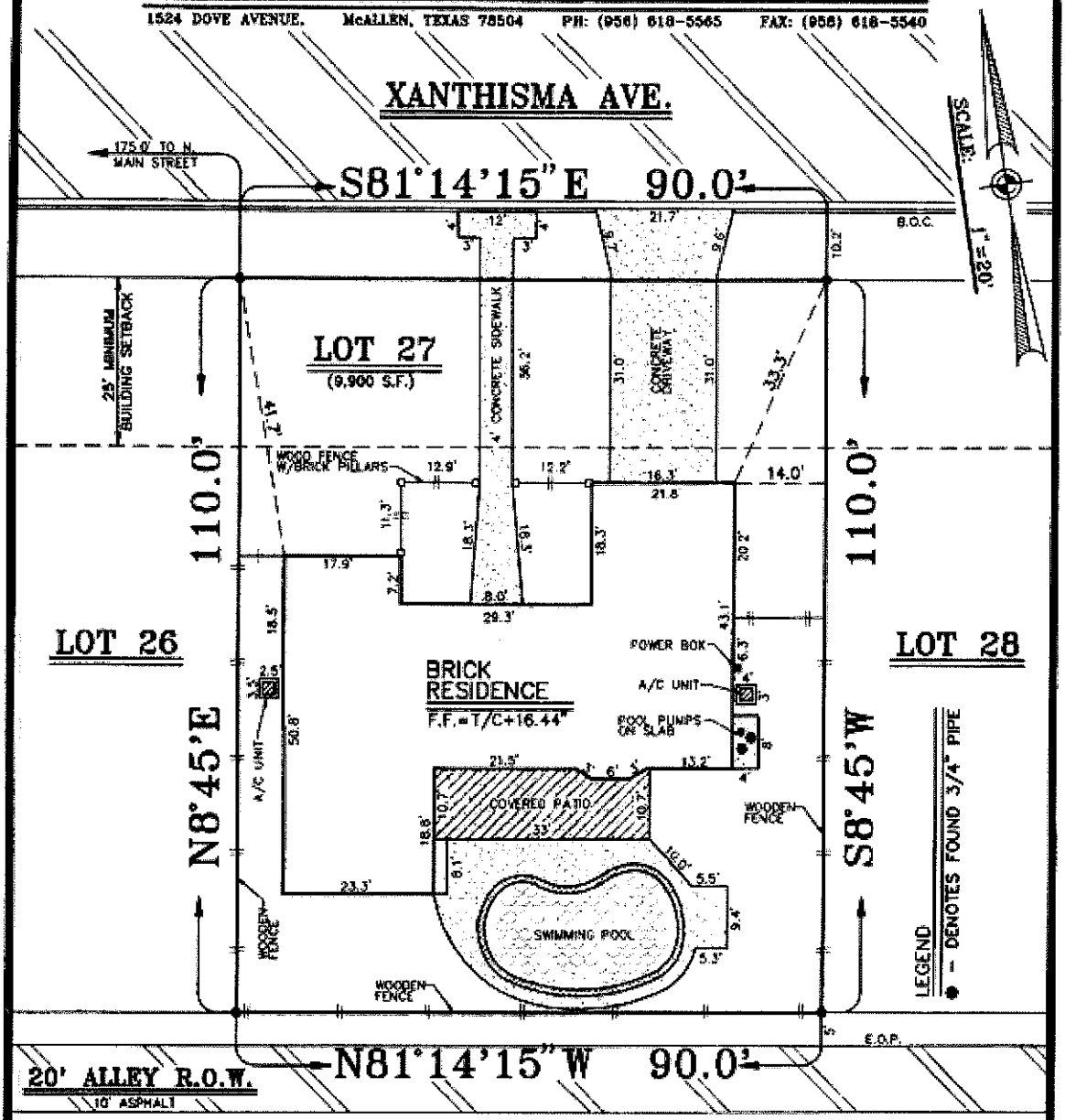
Rct#296809



RECEIVED
JUL 15 2015
BY:

ART SALINAS
ENGINEERING & SURVEYING

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



FLOOD 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 that 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:

1. There are no discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments, or any overlapping of improvements except as shown on this plat.
2. Easement agreement between CENTRAL POWER & LIGHT COMPANY and JIMMIE J. THOMAS, dated May 25, 1972, recorded in Volume 1324, Page 209, Deed Records, Hidalgo County, Texas to furnish, maintain and operate underground electric cables and other facilities as may appear upon the map attached thereto. (Blanket)
3. Easements, Rules, Regulations and Rights in favor of Hidalgo County Water Improvement District No. 3. (Blanket)
4. This plat is for the exclusive use of the party named hereon, the title company in connection with G.F.# 704127 and the respective lender thereof. The undersigned surveyor is not responsible to any others for any loss resulting therefrom.
5. Bearing Basis: "T.H.E. ENTERPRISES SUBDIVISION, UNIT NO. 2"

BORROWERS: FIDEL PEREZ III and MAGDALENA PEREZ

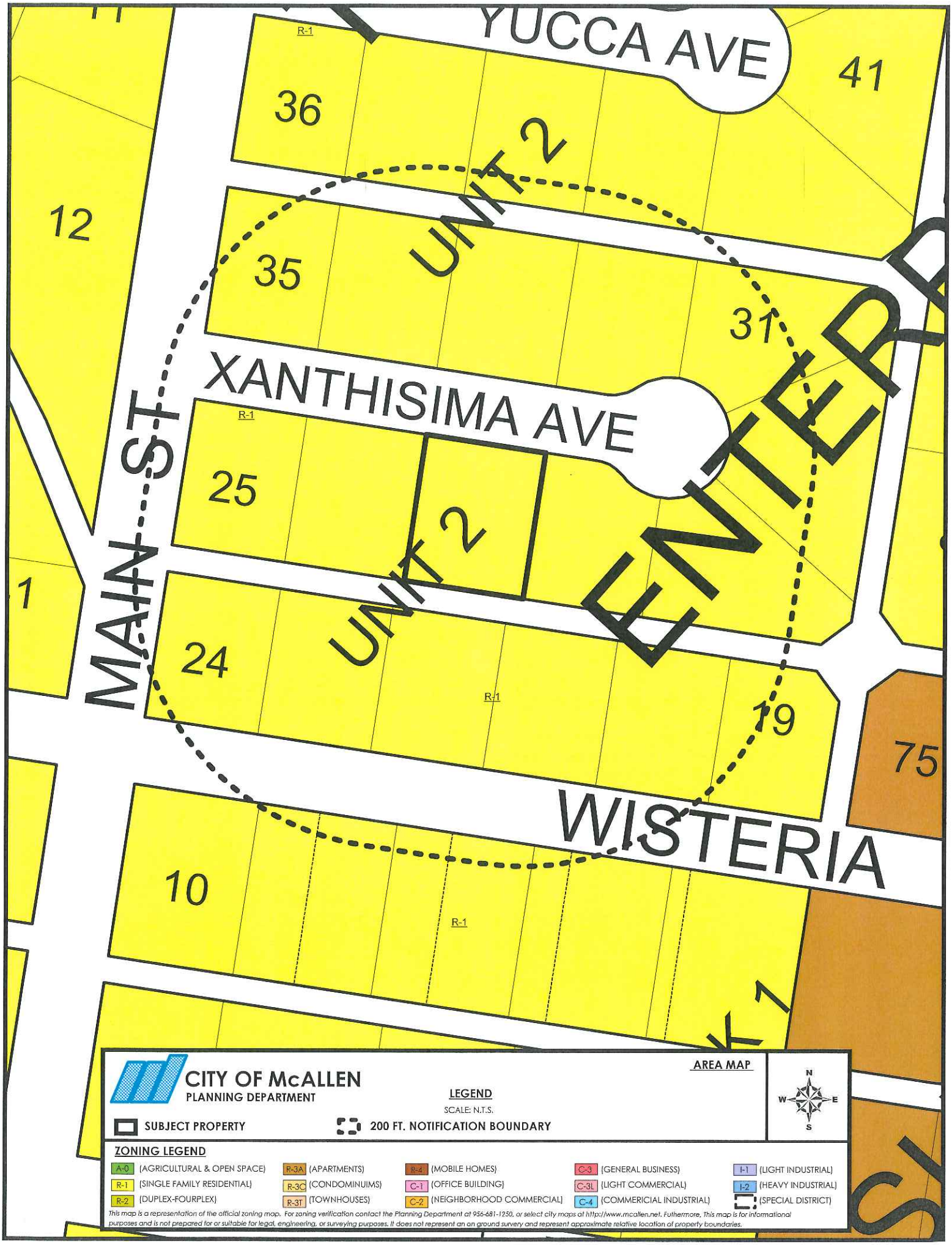
THIS IS TO CERTIFY TO THAT I HAVE, THIS DATE, MADE A CAREFUL AND ACCURATE STANDARD LAND SURVEY ON THE GROUND OF PROPERTY WHICH IS LOCATED AT 1301 XANTHISMA AVE. , In McALLEN, TEXAS, DESCRIBED AS FOLLOWS: LOT TWENTY-SEVEN (27), T.H.E. ENTERPRISE SUBDIVISION, UNIT NO. 2, AN ADDITION TO THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 18, PAGE 16, MAP RECORDS, HIDALGO COUNTY, TEXAS.

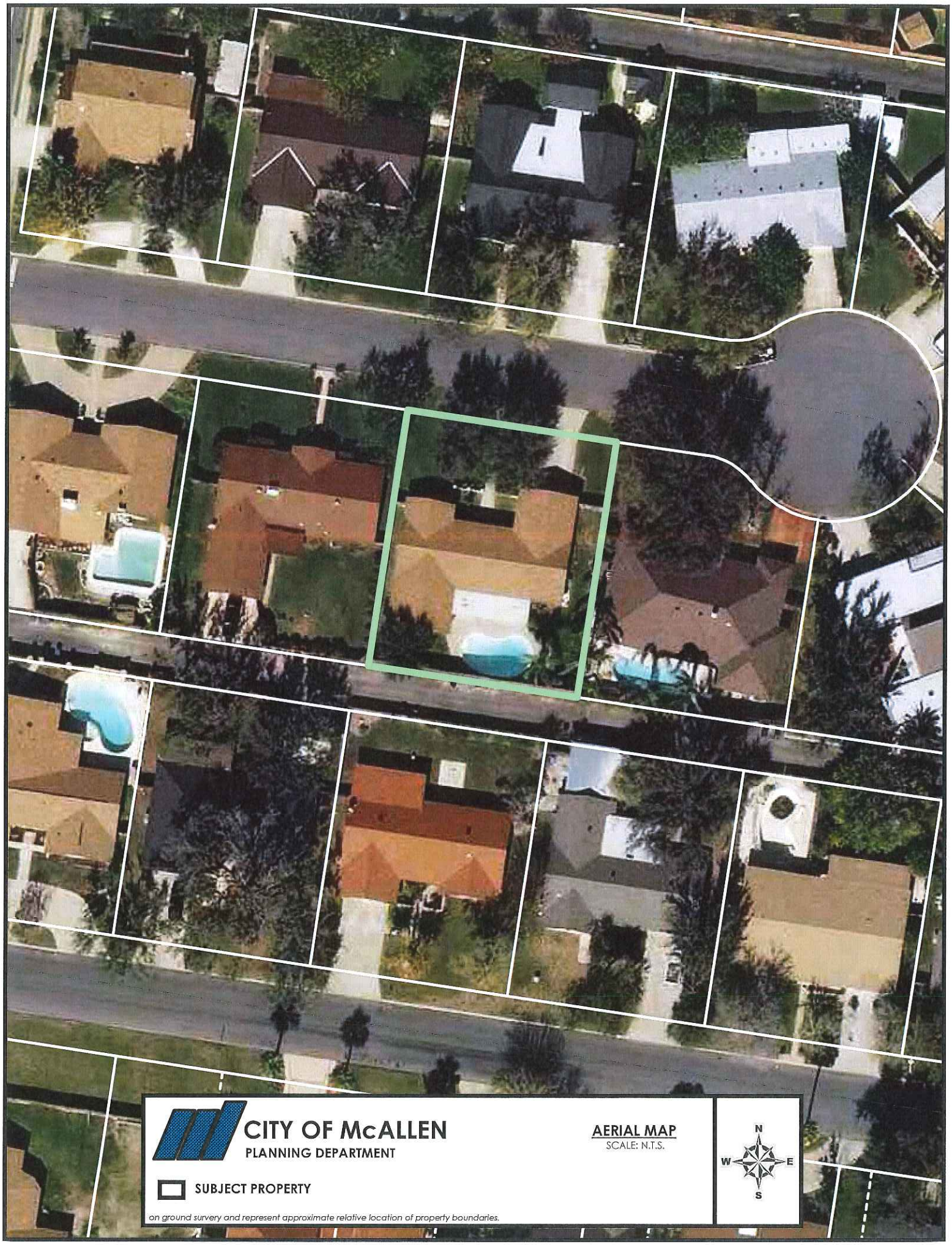
00-14340
Job No.

07-24-00
Date

STATE OF TEXAS
REGISTERED
ARTURO A. SALINAS
4802
PROFESSIONAL
LAND SURVEYOR

Registered Professional Land Surveyor No. 4802


YUCCA AVE
XANTHISIMA AVE
WISTERIA
MAIN ST
UNIT 2
UNIT 2
ENTER
R-1
36
41
12
35
31
25
24
19
75
10
1
CITY OF McALLEN
PLANNING DEPARTMENT
AREA MAP
LEGEND
SCALE: N.T.S.
SUBJECT PROPERTY
200 FT. NOTIFICATION BOUNDARY
N
W
E
S
ZONING LEGEND
A-0 (AGRICULTURAL & OPEN SPACE)
R-1 (SINGLE FAMILY RESIDENTIAL)
R-2 (DUPLEX-FOURPLEX)
R-3A (APARTMENTS)
R-3C (CONDOMINUIMS)
R-3T (TOWNHOUSES)
R-4 (MOBILE HOMES)
C-1 (OFFICE BUILDING)
C-2 (NEIGHBORHOOD COMMERCIAL)
C-3 (GENERAL BUSINESS)
C-3L (LIGHT COMMERCIAL)
C-4 (COMMERICIAL INDUSTRIAL)
I-1 (LIGHT INDUSTRIAL)
I-2 (HEAVY INDUSTRIAL)
(SPECIAL DISTRICT)
This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at http://www.mcallen.net. Futhermore, 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 survery and represent approximate relative location of property boundaries.


CITY OF McALLEN
PLANNING DEPARTMENT
AERIAL MAP
SCALE: N.T.S.
N
W
E
S
SUBJECT PROPERTY
on ground survery and represent approximate relative location of property boundaries.

Hidalgo CAD

Property Search Results > 293657 PEREZ FIDEL III & MAGDALENA for Year 2015

Property

Account

Property ID:	293657	Legal Description:	THE ENTERPRISE #2 LOT 27 - UNIT 2
Geographic ID:	T0100-02-000-0027-00	Agent Code:	
Type:	Real		
Property Use Code:	23.01e		
Property Use Description:	ARB METHOD ONE YEAR		

Location

Address:	1301 XANTHISMA AVE MCALLEN, TX	Mapsco:	
Neighborhood:	THE ENTERPRISE #2	Map ID:	CML VOL 18 PG 16
Neighborhood CD:	T010002		

Owner

Name:	PEREZ FIDEL III & MAGDALENA	Owner ID:	440559
Mailing Address:	1301 XANTHISMA AVE MCALLEN, TX 78504-3547	% Ownership:	100.0000000000%
		Exemptions:	HS

Values

(+) Improvement Homesite Value:	+	$126,001		
(+) Improvement Non-Homesite Value:	+	$0		
(+) Land Homesite Value:	+	$40,095		
(+) Land Non-Homesite Value:	+	$0	Ag / Timber Use Value	
(+) Agricultural Market Valuation:	+	$0	$0	
(+) Timber Market Valuation:	+	$0	$0	
(=) Market Value:	=	$166,096		
(–) Ag or Timber Use Value Reduction:	–	$0		
(=) Appraised Value:	=	$166,096		
(–) HS Cap:	–	$26,937		
(=) Assessed Value:	=	$139,159		

Taxing Jurisdiction

Owner: PEREZ FIDEL III & MAGDALENA
% Ownership: 100.0000000000%
Total Value: $166,096

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	APPRAISAL DISTRICT	0.000000	$166,096	$139,159	$0.00
CML	CITY OF MCALLEN	0.476300	$166,096	$139,159	$662.81
DR1	DRAINAGE DISTRICT #1	0.095700	$166,096	$139,159	$133.18
GHD	HIDALGO COUNTY	0.590000	$166,096	$139,159	$821.04
JCC	SOUTH TEXAS COLLEGE	0.185000	$166,096	$139,159	$257.44
R12	ROAD DIST 12	0.000000	$166,096	$139,159	$0.00
SML	MCALLEN ISD	1.165000	$166,096	$114,159	$1,329.95
SST	SOUTH TEXAS SCHOOL	0.049200	$166,096	$139,159	$68.47
	Total Tax Rate:	2.561200			
				Taxes w/Current Exemptions:	$3,272.89
				Taxes w/o Exemptions:	$3,564.14

Improvement / Building

Improvement #1: RESIDENTIAL **State Code:** A1 **Living Area:** 2134.0 sqft **Value:** $126,001

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	BRKGD	DBRK	1984	2134.0
GAR	GARAGE	BRKGD		1984	550.0
PAT	PATIO	BRKGD		1984	363.0
SWPG6-7	SWP GOOD CL 6M-7P	BRKGD		1984	80.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	L	LOT	0.2273	9900.00	90.00	110.00	$40,095	$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2015	$126,001	$40,095	0	166,096	$26,937	$139,159
2014	$86,413	$40,095	0	126,508	$0	$126,508
2013	$102,211	$40,095	0	142,306	$5,035	$137,271
2012	$85,192	$39,600	0	124,792	$0	$124,792

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	8/10/2000 12:00:00 AM	GVL	GENERAL WD/VENDOR'S LIEN	DOWNING ANDRE\	PEREZ FIDEL III & I			895855
2	1/30/1996 12:00:00 AM	CONV	CONVERSION	JENSEN DENNIS	DOWNING ANDRE\			500506
3	11/1/1994 12:00:00 AM	CONV	CONVERSION	GARCIA GILBERT &	JENSEN DENNIS			417789

Tax Due

Property Tax Information as of 06/23/2015

Amount Due if Paid on:

Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Penalty & Interest	Attorney Fees	Amount Due

NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: July 31, 2015

SUBJECT: **REQUEST OF OLGA RUIZ FOR VARIANCE REQUESTS TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) A REAR YARD SETBACK OF 14 FEET INSTEAD OF 20 FEET FOR A COVERED PATIO MEASURING 12 FEET BY 10 FEET, 2) A REAR YARD SETBACK OF 10.9 FEET INSTEAD OF 20 FEET FOR A CHIMNEY, FOR LOT 58, SADDLE CREEK UNIT 3 SUBDIVISION, HIDALGO COUNTY, TEXAS; 3112 RUTGERS AVENUE.** (ZBA2015-0020)

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

REASON FOR APPEAL
The applicant requests variances to encroach into the 20 foot rear yard setback to permit an existing covered patio and chimney. The applicant indicates that they hired a contractor who insured them that a building permit was not required. The applicant wishes to keep the improvement in its constructed position.

PROPERTY LOCATION AND VICINITY:
The property is a double fronting lot located on the north side of Rutgers Avenue and approximately 154 feet west of North 31st Street. The property is zoned R-1 (single family residential) District. The surrounding land use is single family residential. There is an existing single family residence on the subject property.

BACKGROUND AND HISTORY:
Saddle Creek Unit 3 Subdivision was recorded on March 30, 2007. The plat specifies a rear yard building setback of 20 feet. The subject property is a double fronting lot with frontage on Rutgers Avenue and Freddy Gonzalez Drive. The applicant has constructed a covered patio that encroaches 6 feet into the 20 foot rear yard setback and 1 foot into

the 15 foot utility easement. There is also a chimney attached to the covered patio that encroaches 8.1 feet into the 20 foot rear yard setback and 4.1 feet into the 15 foot utility easement. Building Inspection staff issued a citation (#20159) on February 25, 2015 for building without a permit. The applicant submitted a building permit application on March 13, 2015 for the covered patio but it has not been issued.

ANALYSIS:

The covered patio could be relocated to the south and be attached to the house to reach compliance with setback requirements. Chimneys are a permitted encroachment in the required yard for a distance not to exceed five feet. Section 138-366 (d) of the Zoning Ordinance states that such structures are to be placed as to not obstruct light and ventilation. While the chimney does exceed the five feet requirement it does not obstruct light and ventilation or prove to be a safety concern. Variances should not merely serve as a convenience to the applicant. Setbacks shown on the subdivision plat can only be changed by a "vacate and replat" process approved by the Planning and Zoning Commission.

RECOMMENDATION:

Staff recommends disapproval of the variance requests. At the Zoning Board of Adjustment and Appeals meeting of July 15, 2015 no one appeared in opposition of the variance requests. The Board voted to table the variance requests in order for the requests to be heard by a full Board. There were three members present and voting.

P&Z
6-17-15

ZBA2015-0020

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 Saddlecreek unit 3 lot 58

Subdivision Name Saddlecreek unit 3

Street Address 3112 Rutgers AVE.

Number of lots 1 Gross acres 0.13

Existing Zoning R1 Existing Land Use Single Family

Reason for Appeal (please use other side if necessary) We were told by the constructor that there was no need to for =>

☑ $300.00 non-refundable filing fee

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

Applicant

Name Olga Ruiz Phone (956) 6816900

Address 3112 Rutgers E-mail —

City McAllen State TX. Zip 78504

Owner

Name Olga Ruiz Phone (956) 681690

Address 3112 Rutgers E-mail —

City McAllen State TX Zip 78504

Authorization

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

☐ Yes ☑ No

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

Signature Olga R. Date 5/15/15

Print Name Olga Ruiz ☑ Owner ☐ Authorized Agent

Office

Accepted by HS Payment received by _____ Date _____

REVISED 9/11

11/14

uploaded: ✓
Accela ✓
L.F. ✓

RECEIVED
MAY 15 2015
BY: CW

Rct # 290,113

City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

a permit because the roof patio and chiminey were 6 feet away from the backyard gate. We trusted him and proceeded with the construction. Also they recamed them and because they charged shiper then the rest. We didn't know how hish the chiminey needed to be. The person who made the chiminey ~~ad~~said that he had made lots of chiminey like that. Thats what happend we you trust some body words. Know we now not trust nobody words for know on.

CITY OF McALLEN
Building Permits and Inspections

☑ Non-Compliance
☐ Stop Work

OFFICE OF BUILDING OFFICIAL

NOTICE

THIS STRUCTURE HAS BEEN INSPECTED AND IS NOT ACCEPTED / PERMITTED:

- ☑ General
- ☑ Construction
- ☐ Electrical
- ☐ Mechanical Work
- ☐ Plumbing
- ☐ Gas Piping
- ☐ Occupancy

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

--NOTE--

2-25-2015

Gazebo no permit on file encroaching
3/12 Rutgers R. Rodriguez II

Date **Inspector**

DO NOT REMOVE THIS NOTICE

CITY OF McALLEN

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

BUILDING PERMIT APPLICATION

REV. 11/2013

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

PERMIT APPLICATION REFERENCE NUMBER RES2015-01589

APPLICANT

NAME CIRILO N. ARGUELLES PHONE 956 907 7308

ADDRESS 3112 RUTGERS

CITY McALLEN STATE TX. ZIP 78504

CONTACT: NAME: _____ PHONE _____

☒ OWNER ☐ CONTRACTOR ☐ TENANT ☐ OTHER _____

OWNER

NAME CIRILO N. ARGUELLES PHONE 956 907 7308

ADDRESS 3112 RUTGERS

CITY McALLEN STATE TX. ZIP 78504

PROJECT

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

BLDG SQ FT 10X12 NO. PARKING SPACES _____ SQ. FT LOT _____ LOT FRONT _____ FLOOR EL ABOVE CURB _____

EXISTING USE OF LOT _____ NEW USE _____ IMPROVEMENT VALUE $ 1200.00 .00

SCOPE OF WORK TO BE DONE PALAPA

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

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

LOT _____ BLOCK _____ SUBDIVISION _____

SITE ADDRESS ST. NO. 3112 ST. NAME RUTGERS

CITY USE ONLY

ZONING _____ PERMIT FEE $ 60.50 DOUBLE FEE $ _____ REC'D BY MTZ

PERMIT REVIEW FEE $ _____ DATE 5/4/15

PARK DEV. ☐ TOTAL PERMIT FEE $ _____ TIME 2:35

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 herby 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.

CIRILO N. ARGUELLES Cirilo N. Arguelles

PRINT (AUTHORIZED AGENT/OWNER) SIGNATURE EMAIL ADDRESS (required) DATE

McAllen Municipal Court
1601 N. Bicentennial Blvd.
McAllen, TX 78501
(956) 681-2900

☐ Warning

Ticket # 20159

Date:	Time:	Issuer:	ID #
2-25-15	10:10	R. Rodriguez II	

Location/Block/Street:	License Plate:
3112 Rutgers	

Permits
- ✓ Building
- ___ Plumbing
- ___ Electrical
- ___ Mechanical

Work w/o Inspection
- ___ Plumbing
- ___ Electrical
- ___ Mechanical
- ___ Construction (com./res)

Performing Work w/o Lic.
- ___ Plumbing
- ___ Electrical
- ___ Mechanical

Health
- ___ Weedy Lot
- ___ Accumulation of trash
- ___ Stagnant Water
- ___ Illegal Dumping
- ___ Gross Unsanitary Cond.s
- ___ Deposit of Wastes

Food/Retail
- ___ No Certified Manager
- ___ No Food Handling Cert.
- ___ Hazardous Foods
- ___ Selling Food w/o Permit
- ___ Business on Sidewalks
- ___ Display/Sale on St/Sidewalk
- ___ Proh. Outdoor Display/Sale of Merch.
- ___ No Garage Sale Permit

Zoning
- ___ Sign Placed in ROW
- ___ Signs w/o Permit
- ___ Erecting Signs w/o Permit
- ___ Proh. Portable Signs
- ___ Front Yard Parking
- ___ Fail to Obtain C.U.P.
- ___ Expired C.U.P.
- ___ Violation of C.U.P. Cond.

Animal
- ___ Leash Law
- ___ No Vaccinations

Fire
- ___ Exceed Occupancy
- ___ Blocked Exits
- ___ Fail to Maintain Fire Alarm

NOTE: Gazebo encroaching

Violation/Offense:

Violation/Offense:

Last Name:	First Name:	Middle:
Lidia	Ruiz	Olga

Street Address:	City:	State:	Zip:
2501 S 20 12 Apt 2	McAllen	TX	78503

Res. Phone:	Sex:	DOB:	Age:	D.L. #	State:
681-6900	F	8-14-74		15155346	TX

Occupation:	Employer:	Phone:

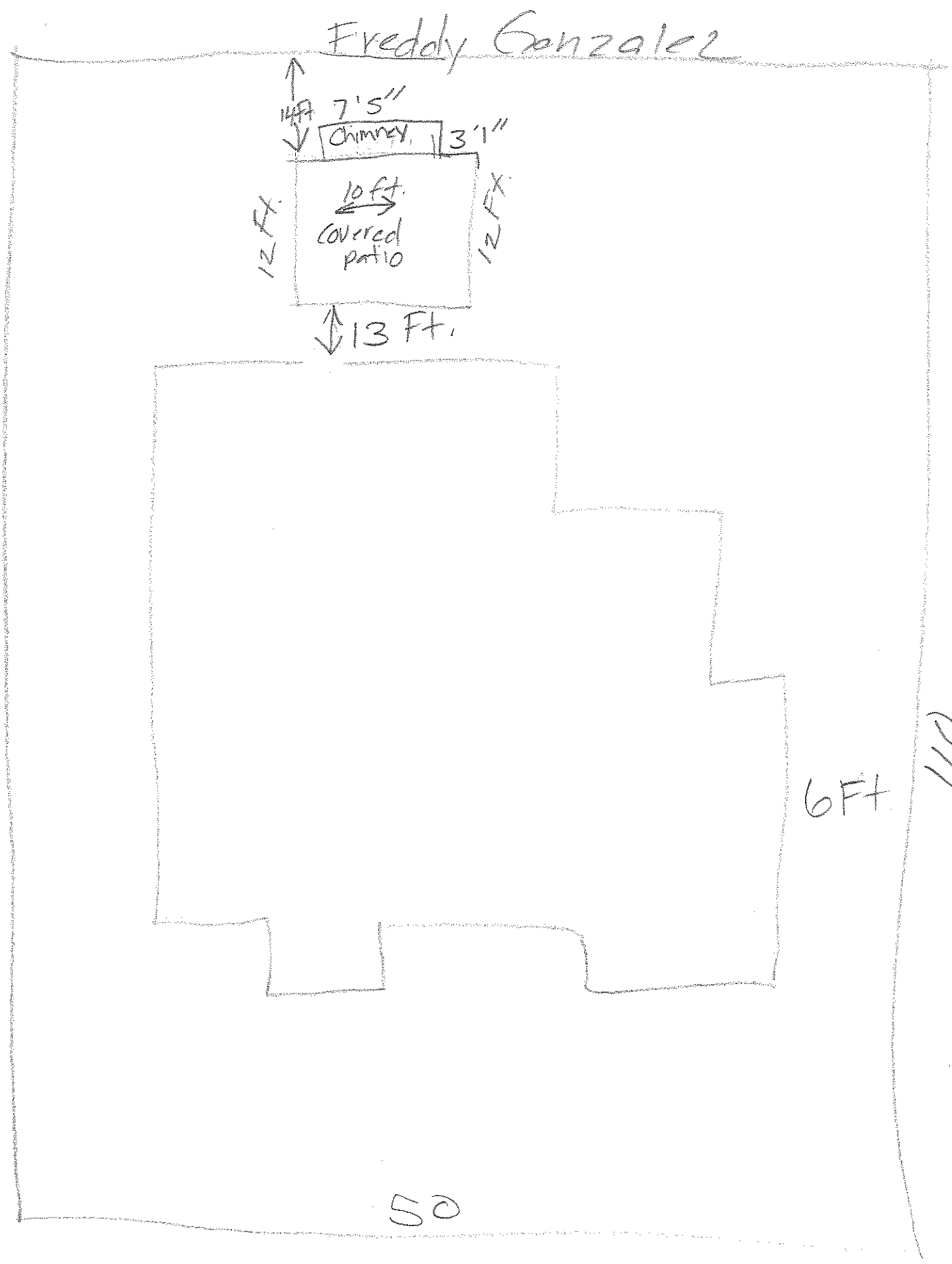
Business Address:	City:	State:	Zip:

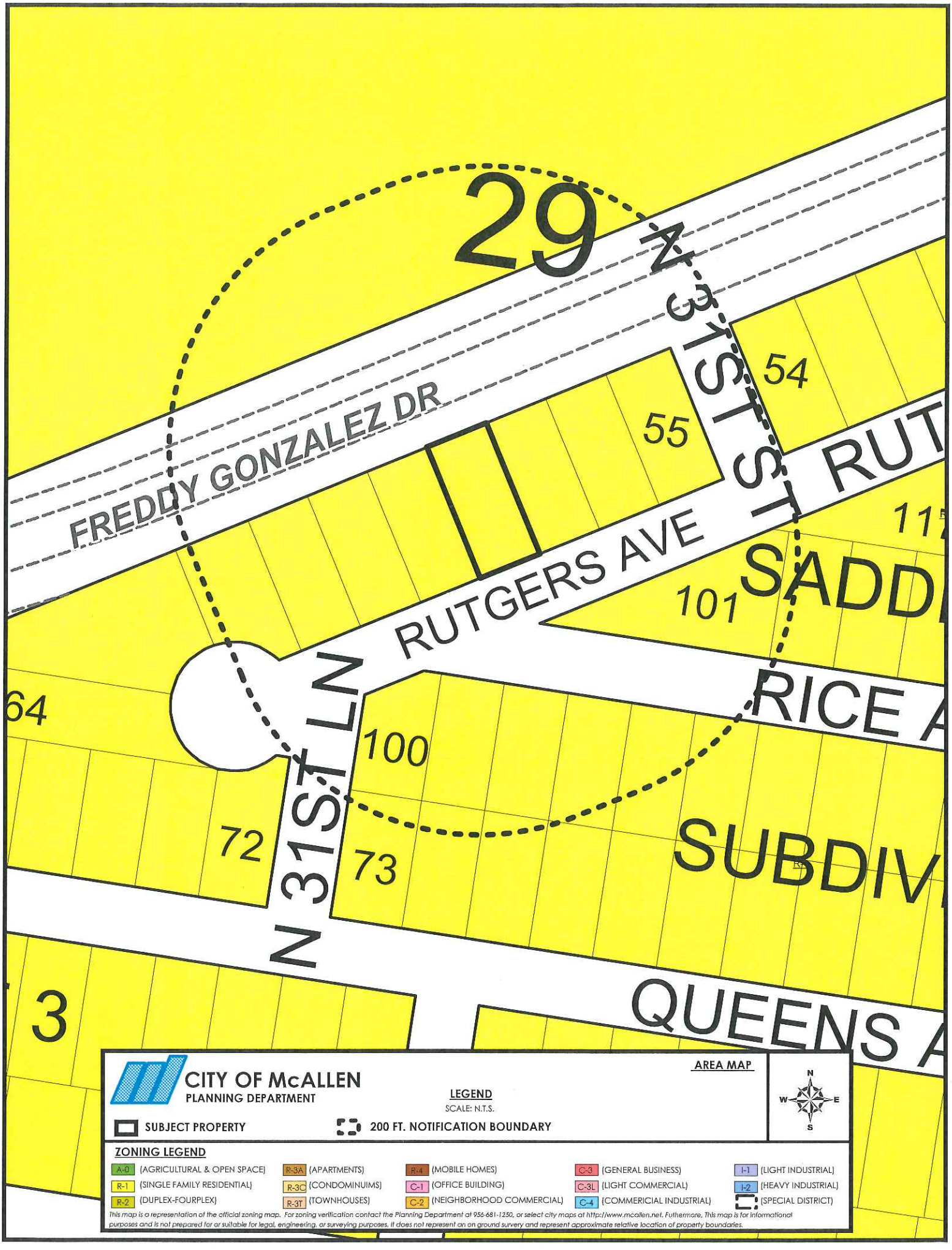
I HEREBY PROMISE TO APPEAR BEFORE THE MUNICIPAL COURT ON OR BEFORE:

March, 7, 20 15

Signature: Olga L. Ruiz

YOUR FAILURE TO APPEAR MAY CAUSE A CRIMINAL COMPLAINT TO BE FILED AGAINST YOU AND A WARRANT FOR YOUR ARREST WILL BE ISSUED.

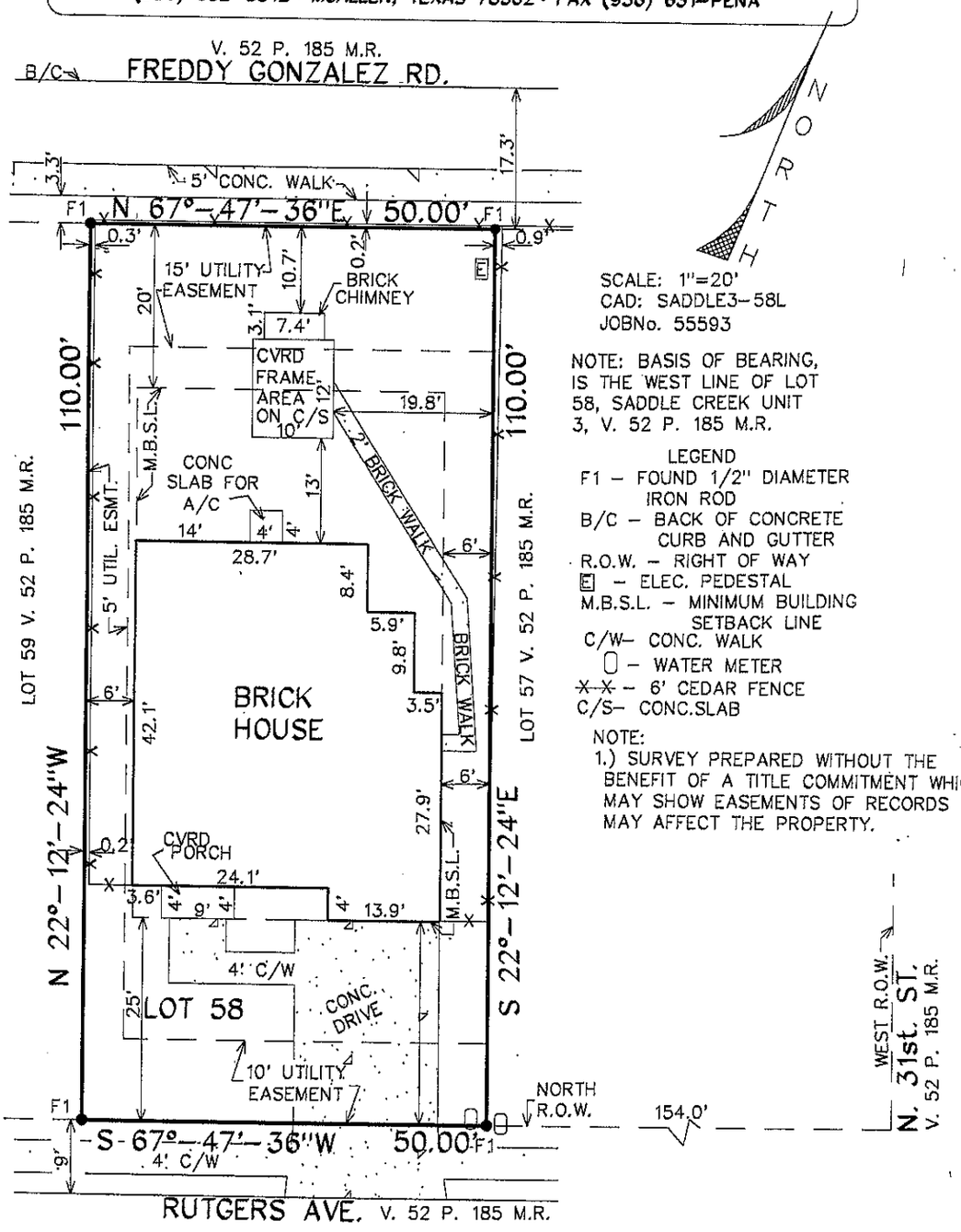

Freddy Gonzalez
14Ft
7'5"
Chimney
3'1"
10 ft.
Covered patio
14 Ft.
14 Ft.
13 Ft.
6Ft
110
50
Rutgers


29
N 31ST ST
FREDDY GONZALEZ DR
54
55
RUT
RUTGERS AVE
SADD
101
RICE A
64
100
N 31ST LN
72
73
SUBDIV
3
QUEENS A
CITY OF McALLEN
PLANNING DEPARTMENT
AREA MAP
LEGEND
SCALE: N.T.S.
SUBJECT PROPERTY
200 FT. NOTIFICATION BOUNDARY
N
W
E
S
ZONING LEGEND
A-0 (AGRICULTURAL & OPEN SPACE)
R-1 (SINGLE FAMILY RESIDENTIAL)
R-2 (DUPLEX-FOURPLEX)
R-3A (APARTMENTS)
R-3C (CONDOMINUIMS)
R-3T (TOWNHOUSES)
R-4 (MOBILE HOMES)
C-1 (OFFICE BUILDING)
C-2 (NEIGHBORHOOD COMMERCIAL)
C-3 (GENERAL BUSINESS)
C-3L (LIGHT COMMERCIAL)
C-4 (COMMERICIAL INDUSTRIAL)
I-1 (LIGHT INDUSTRIAL)
I-2 (HEAVY INDUSTRIAL)
(SPECIAL DISTRICT)
This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at http://www.mcallen.net. Futhermore, 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 survery and represent approximate relative location of property boundaries.

CITY OF McALLEN
PLANNING DEPARTMENT
AERIAL MAP
SCALE: N.T.S.
N
W
E
S
SUBJECT PROPERTY
on ground survery and represent approximate relative location of property boundaries.

PEÑA ENGINEERING

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



SCALE: 1"=20'
CAD: SADDLE3-58L
JOBNo. 55593

NOTE: BASIS OF BEARING, IS THE WEST LINE OF LOT 58, SADDLE CREEK UNIT 3, V. 52 P. 185 M.R.

LEGEND
F1 – FOUND 1/2" DIAMETER IRON ROD
B/C – BACK OF CONCRETE CURB AND GUTTER
R.O.W. – RIGHT OF WAY
E – ELEC. PEDESTAL
M.B.S.L. – MINIMUM BUILDING SETBACK LINE
C/W– CONC. WALK
W – WATER METER
X-X – 6' CEDAR FENCE
C/S– CONC.SLAB

NOTE:
1.) SURVEY PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT WHICH MAY SHOW EASEMENTS OF RECORDS THAT MAY AFFECT THE PROPERTY.

BUYER'S NAME: OLGA LIDIA RUIZ

FLOOD ZONE: By GRAPHICAL PLOTTING Community Panel Number 480334 0325 & 0295 D
Map Revised: June 6, 2000

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

I certify that this plat represents the facts found on the ground at the time of survey and that there are no visible discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments, or overlapping of improvements except as shown on this plat. © copyright 2015 PENA ENGINEERING this survey was provided in multiple originals solely for the borrower named hereon, in conjunction with the original transaction which shall take place within 6 months after the survey was provided. No license has been created or implied to copy this survey. Survey valid only if print has original seal and signature. **This certification is made to the herein named client, it is not transferable nor certified to any future owner or future lending institution, This plat is not certified for any future real estate transaction.**

ADDRESS: 3112 RUTGERS AVE. MCALLEN, TEXAS

LEGAL DESCRIPTION: Lot 58, SADDLE CREEK, UNIT 3, an addition to the City of McAllen, Hidalgo County, Texas,

ACCORDING TO THE MAP RECORDED IN VOLUME 52 PAGE 185 OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS.

RECEIVED
JUL 08 2015
BY:

7-7-2015
DATE

PABLO PEÑA III
REG. PROFESSIONAL LAND SURVEYOR No. 5242

LEGEND
● FOUND 1/2" IR
○ SET 1/2" IR

SCALE: 1"=100'

SUBDIVISION PLAT OF
SADDLE CREEK UNIT 3

BEING A 25.99 ACRE TRACT LAND OUT OF LOT 29,
LA LOMITA IRRIGATION AND CONSTRUCTION CO.'S
SUBDIVISION OF PORCIONES 61, 62, & 63, HIDALGO COUNTY, TEXAS

PREPARED BY: K. K. ENGINEERING CONSULTANT
DATE: DECEMBER, 2005

METES & BOUNDS

Being 25.99 acres of land situated in Hidalgo County, Texas, and being out of Lot 29, La Lomita Irrigation and Construction Company Subdivision as per map recorded in Volume 24, Page 68 of the Hidalgo County Deed Records, and said 25.99 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a cotton picker spindle set for the southeast corner of said Lot 29 and the southeast corner of said tract herein described;

THENCE, North 81°14'27" West, with the south line of said Lot 29 and with the north line of Saddle Creek Subdivision Unit 2, as per map recorded in Volume 41, Page 144 of the Hidalgo County Map Records, at a distance of 20.00 feet pass a ½-inch iron rod found for reference on the west right of way line of North 29th Street and continuing for a total distance of 1615.73 feet to a ½-inch iron rod with a plastic cap stamped "RRA" set for the southwest corner of said tract herein described;

THENCE, North 08°34'22" East, 220.50 feet, with the west line of said Lot 29 to a ½-inch iron rod with a plastic cap stamped "RRA" set for the northwest corner of said tract herein described;

THENCE, with the line of a curve to the left having a central angle of 04°38'00", a radius of 1450.00 feet for a curve length of 117.26 feet to a ½-inch iron rod with a plastic cap stamped "RRA" set for the point of tangency;

THENCE, North 67°47'36" East, at a distance of 1743.13 feet pass a ½-inch iron rod with a plastic cap stamped "RRA" set for reference on the west right of way line of said North 29th Street and continuing for a total distance of 1766.47 feet to a cotton picker spindle set for the northeast corner of said tract herein described;

THENCE, South 08°48'50" West, 1185.60 feet, with the east line of said Lot 29 and with the centerline of said North 29th Street to the POINT OF BEGINNING and containing 25.99 acres of land more or less.

GENERAL PLAT NOTES:

1. MINIMUM FLOOR ELEVATION SHALL BE T/C + 18" FOR EACH LOT.
2. THE SUBDIVISION IS IN ZONE "X" (AREAS OUTSIDE 500-YR. FLOOD PLAIN) ON A FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 480334-0325 AND 0295 D REVISED JUNE 6, 2000
3. MINIMUM BUILDING SETBACK SHALL BE AS FOLLOWS:
   FRONT: 25.0'
   REAR: 10.00' EXCEPT 25' ALONG WEST REAR PORTION OF LOT 1 ALONG N. 33rd STREET, 25' ON LOTS 2-28 AND SOUTH REAR PORTION OF LOT 1, 27' FOR LOTS 29-44 ALONG N. 29th STREET, AND 20' FOR LOTS 45-64.
   SIDE: 6.0' OR GREATER FOR EASEMENT.
   CORNER: 10' EXCEPT 15' ON LOT 44; 27' ON LOT 28 AND 15' ON NORTH SIDE OF LOT 1 ALONG FREDDY GONZALEZ ROAD AND NORTH SIDE OF LOT 65 ALONG FREDDY GONZALEZ ROAD.
   SIDE CORNER LOT: 10.00 FEET OR GREATER FOR EASEMENT.
   LOT 72 MUST FRONT TO THE SOUTH (QUEENS AVE.)
   GARAGE SETBACK 18' EXCEPT WHERE GREATER SETBACK REQUIRED.
4. A TOTAL OF 1.822 ACRE FEET OF DETENTION IS REQUIRED (716 C.F. PER LOT) FOR THIS SUBDIVISION AND AN ENGINEERED DRAINAGE DETENTION PLAN APPROVED BY THE ENGINEERING DEPT. IS REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMIT.
5. THE CITY OF MCALLEN TO HAVE A 25'X25' CORNER CLIP EASEMENT AT STREET INTERSECTIONS, MEASURED FROM THE CURB.
6. 4' SIDEWALK REQUIRED ON FREDDY GONZALEZ RD., N. 29th. STREET, N. 33rd. ST. AND BOTH SIDES OF ALL INTERIOR STREETS.
7. 6' BUFFER IS REQUIRED ALONG FREDDY GONZALEZ RD., N. 29th. ST. AND N. 33rd. STREET, AND FROM ADJACENT COMMERCIAL ZONE / USE.
8. NO CURB CUT, ACCESS, OR LOT FRONTAGE PERMITTED ALONG FREDDY GONZALEZ ROAD, N. 29th. ST. AND N. 33rd. STREET.
9. ONCE THE IRRIGATED LANDS DEVELOP, THEN THE IRRIGATION LINE AND IRR. EASEMENT WILL AUTOMATICALLY BE ABANDONED.
10. NO BUILDINGS ALLOWED OVER ANY EASEMENTS.
11. BENCHMARK: MC45, ELEV. 111.58, LOCATED AT THE N.W. COR. OF OXFORD AVE. AND 23rd ST.

THIS PLAT APPROVED BY HIDALGO COUNTY IRRIGATION DISTRICT NO. 1 ON THIS THE [illegible] DAY OF [illegible], 2007.

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

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

SECRETARY PRESIDENT

STATE OF TEXAS
COUNTY OF HIDALGO
I (WE), THE UNDERSIGNED, OWNER (S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE SADDLE CREEK UNIT 3 SUBDIVISION TO THE CITY ON McALLEN, TEXAS, AND WHOSE NAME (S) IS (ARE) SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, SEWER LINES, WATER COURSES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH I (WE) WILL CAUSE TO BE INSTALLED THEREON SHOWN OR NOT SHOWN IF REQUIRED OTHERWISE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF McALLEN ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED, EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF McALLEN.

OWNER: OBRA HOMES, INC., A TEXAS CORPORATION
DAVID O. ROGERS, III, PRESIDENT
3900 N. 10th ST., SUITE 850
McALLEN, TX 78501

STATE OF TEXAS
COUNTY OF HIDALGO
I (WE), THE UNDERSIGNED, HOLDER(S) (OR DULY AUTHORIZED OFFICERS OF THE HOLDER(S)) OF A SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY, BEING THE LAND SHOWN ON THIS PLAT AND DESIGNATE HEREIN AS THE SADDLE CREEK UNIT 3 SUBDIVISION OF THE CITY OF McALLEN, TEXAS DO HEREBY CONSENT TO THE SUBDIVISION OF THE PROPERTY AS PROVIDED FOR UNDER THE PLAT AND DO HEREBY PROVIDE THE ANY FORECLOSURES RELATING TO THE SECURITY INTEREST ON THE ABOVE DESCRIBED PROPERTY SHALL BE SUBJECT TO THE PLATTING OF THE PROPERTY AS PROVIDED HEREIN.

SECURITY INTEREST HOLDER: TEXAS STATE BANK
PAUL S. MOXLEY, PRESIDENT AND SECRETARY OF THE BOARD

STATE OF TEXAS
COUNTY OF HIDALGO
BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED DAVID O. ROGERS, III AND PAUL S. MOXLEY KNOWN TO ME TO BE THE PERSON (S) WHOSE NAME (S) IS (ARE) SUBSCRIBED TO THE FOREGOING INSTRUMENT. AND ACKNOWLEDGED TO ME THAT HE (THEY) EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 12 DAY OF March 2007

CAROLINA F. AGUIRRE
Notary Public, State of Texas
My Commission Expires
July 26, 2010

Carolina F. Aguirre
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES

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

MAYOR, CITY OF McALLEN, TEXAS.

STATE OF TEXAS
COUNTY OF HIDALGO
THIS SUBDIVISION PLAT OF SADDLE CREEK UNIT 3 SUBDIVISION HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF McALLEN, TEXAS AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS 26th DAY OF March 2007 A. D.

CHAIRMAN

HIDALGO COUNTY DRAINAGE DISTRICT No. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEX. WATER CODE §49,211(C). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT No. 1
BY: 3/26/07

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

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

STATE OF TEXAS
KAMBIZ S. KHADEMI
57767
REGISTERED PROFESSIONAL ENGINEER

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

REYNALDO ROBLES
REGISTERED PROFESSIONAL LAND SURVEYOR No. 4032
P.O. BOX 476
WESLACO, TEXAS 78599

STATE OF TEXAS
REGISTERED
REYNALDO ROBLES
4032
PROFESSIONAL LAND SURVEYOR

LOCATION MAP

K K Engineering Consultant
GENERAL PROFESSIONAL CIVIL ENGINEERING SERVICES
410 E. DOVE AVE.
P.O. BOX 3422
McALLEN, TEXAS 78502
(956) 630-2125
FAX (956) 630-2219

LOT AREAS			
LOT NO.	AREA	LOT NO.	AREA
1	12,534 S.F.	45	6,183 S.F.
2	6,920 S.F.	46-53	5,500 S.F.
3	5,180 S.F.	54-55	5,940 S.F.
4-13	5,500 S.F.	56-61	5,500 S.F.
14-15	5,940 S.F.	62	5,827 S.F.
16-26	5,720 S.F.	63	12,648 S.F.
27	5,500 S.F.	64	13,128 S.F.
28	7,824 S.F.	65	8,365 S.F.
29	6,047 S.F.	66-71	5,000 S.F.
30	5,602 S.F.	72	5,799 S.F.
31	5,604 S.F.	73	5,600 S.F.
32	5,607 S.F.	74-85	5,000 S.F.
33	5,609 S.F.	86-87	5,400 S.F.
34	5,611 S.F.	88-99	5,000 S.F.
35	5,614 S.F.	100	5,061 S.F.
36	5,616 S.F.	101	9,697 S.F.
37	5,619 S.F.	102-108	5,000 S.F.
38	5,621 S.F.	109	5,400 S.F.
39	5,623 S.F.	110-112	5,000 S.F.
40	5,626 S.F.	113	7,000 S.F.
41	5,628 S.F.	114	10,1?5 S.F.
42	5,630 S.F.	115	6,421 S.F.
43	5,767 S.F.	116	5,858 S.F.
44	12,234 S.F.	117	8,029 S.F.

CURVE TABLE					
CURVE	LENGTH	RADIUS	TANGENT	CHORD	DELTA
C1	39.94'	50.00'	21.11'	38.89'	45°46'18"
C2	53.64'	50.00'	29.73'	51.10'	61°28'03"
C3	71.72'	50.00'	43.61'	65.73'	82°11'09"
C4	93.53'	50.00'	67.79'	80.48'	107°10'35"
C5	47.97'	50.00'	26.01'	46.15'	54°58'01"
C6	76.31'	50.00'	47.82'	69.12'	87°26'58"
C7	53.01'	50.00'	29.30'	50.56'	60°44'44"
C8	54.28'	50.00'	30.16'	51.65'	62°11'47"
C9	105.88'	1550.00'	52.96'	105.86'	3°54'50"

FILED FOR RECORD IN HIDALGO COUNTY BY ARTURO GUAJARDO, JR. COUNTY CLERK ON 3-30-07 AT 8:22 AS A DOCUMENT NUMBER 1714029 BY DEPUTY

Recorded in Volume 52 Page 185 of the map records of Hidalgo County, Texas Arturo Guajardo, Jr. County Clerk

Property Search Results > 717680 ARGUELLES CIRILO N & OLGA L RUIZ for Year 2014

Property

Account

Property ID:	717680	Legal Description:	SADDLE CREEK UT 3 LOT 58
Geographic ID:	S0017-03-000-0058-00	Agent Code:	
Type:	Real		
Property Use Code:			
Property Use Description:			

Location

Address:	3112 RUTGERS AVE MCALLEN, TX	Mapsco:	
Neighborhood:	REPO IMP 90	Map ID:	CML VOL 52 PG 185
Neighborhood CD:	REPOI90		

Owner

Name:	ARGUELLES CIRILO N & OLGA L RUIZ	Owner ID:	1019699
Mailing Address:	3112 RUTGERS AVE MCALLEN, TX 78504-2299	% Ownership:	100.0000000000%
		Exemptions:	HS

Values

(+) Improvement Homesite Value:	+	$61,667	
(+) Improvement Non-Homesite Value:	+	$0	
(+) Land Homesite Value:	+	$21,500	
(+) Land Non-Homesite Value:	+	$0	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	$0	$0
(+) Timber Market Valuation:	+	$0	$0
(=) Market Value:	=	$83,167	
(–) Ag or Timber Use Value Reduction:	–	$0	
(=) Appraised Value:	=	$83,167	
(–) HS Cap:	–	$0	
(=) Assessed Value:	=	$83,167	

Taxing Jurisdiction

Owner: ARGUELLES CIRILO N & OLGA L RUIZ
% Ownership: 100.0000000000%
Total Value: $83,167

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	APPRAISAL DISTRICT	0.000000	$83,167	$83,167	$0.00
CML	CITY OF MCALLEN	0.431300	$83,167	$83,167	$358.70
DR1	DRAINAGE DISTRICT #1	0.095700	$83,167	$83,167	$79.59
GHD	HIDALGO COUNTY	0.590000	$83,167	$83,167	$490.69
JCC	SOUTH TEXAS COLLEGE	0.150000	$83,167	$83,167	$124.75
R15	ROAD DIST 15	0.000000	$83,167	$83,167	$0.00
SSL	SHARYLAND ISD	1.285500	$83,167	$68,167	$876.29
SST	SOUTH TEXAS SCHOOL	0.049200	$83,167	$83,167	$40.92
	Total Tax Rate:	2.601700			
				Taxes w/Current Exemptions:	$1,970.94
				Taxes w/o Exemptions:	$2,163.76

Improvement / Building

Improvement #1: RESIDENTIAL **State Code:** A1 **Living Area:** 1158.0 sqft **Value:** $61,667

Type	Description	Class CD	Exterior Wall	Year Built	SQFT

MA	MAIN AREA	BRKAV	DBRK	2012	1158.0
UTY	UTILITY ROOM	BRKAV		2012	112.0
GAR	GARAGE	BRKAV		2012	280.0
POR	PORCH (COVERED)	BRKAV		2012	32.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	L	LOT	0.0000	5000.00	50.00	100.00	$21,500	$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2015	$80,886	$21,500	0	102,386	$10,902	$91,484
2014	$61,667	$21,500	0	83,167	$0	$83,167
2013	$62,298	$21,500	0	83,798	$0	$83,798
2012	$0	$21,500	0	21,500	$0	$21,500

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	12/10/2013 12:00:00 AM	WDV	WARRANTY DEED/VENDORS LIEN	AFFORDABLE HOM	ARGUELLES CIRIL			2470737
2	7/9/2010 12:00:00 AM	SVD	SPEC WD/VEN LIEN	P I HOLDINGS NO	AFFORDABLE HOM			2118288
3	4/30/2008 12:00:00 AM	GLF	GENERAL WDIN LIEU OF FORECLOSURE	OBRA HOMES INC	P I HOLDINGS NO			1884684

Tax Due

Property Tax Information as of 05/21/2015

Amount Due if Paid on:

Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Penalty & Interest	Attorney Fees	Amount Due

NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: July 31, 2015

SUBJECT: **REQUEST OF YASMINIA BARBOSA TO ALLOW THE FOLLOWING SPECIAL EXCEPTION TO THE CITY OF MCALLEN OFF-STREET PARKING AND LOADING ORDINANCE: TO ALLOW 4 PARKING SPACES INSTEAD OF THE REQUIRED 11 PARKING SPACES FOR A DAYCARE CENTER, FOR LOTS 1.17 ACRES OUT OF LOT 287, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 2916 NORTH TAYLOR ROAD.** (ZBA2015-0023)

GOAL:
The Board may grant a special exception to waive or reduce parking and loading requirements whenever the character and use of the building is such as to make unnecessary the full provisions of parking or loading, or where such regulations would impose an unreasonable hardship upon the use of the lot. McAllen Code of Ordinances Section 138-43(2)(c).

REASON FOR APPEAL
The applicant requests a special exception to reduce the required parking spaces for a proposed daycare from 11 to 4 parking spaces for a deficiency of 7 parking spaces. The applicant indicates that the proposed future widening of Daffodil Avenue and Taylor Road prevents them from providing the required parking.

PROPERTY LOCATION AND VICINITY:
The subject property is located at the southeast corner of North Taylor Road and Daffodil Avenue. A single family residence is located on the subject property. The property was zoned C-3L (light commercial) District on January 14, 2013. The property is a .86 acre tract of a larger 4.47 acre tract that was subdivided into townhouses located to the east. Las Villas de Camila Subdivision was recorded on August 25, 2014. The subject property was not included in the Subdivision. Surrounding land uses are single family residential townhouses and Adobe Wells Mobile Home Park.

BACKGROUND AND HISTORY:
A double fee was assessed by Building Permits and Inspections for enclosing a garage without a permit on February 14, 2014. An application for a building permit was submitted to convert the single family residence into a commercial daycare on June 19, 2014 with a site plan showing parking located south of the building. The building permit was issued on September 14, 2014 with a revised site plan showing 11 parking spaces within future right-of-way and landscape strip

areas. A final inspection on December 12, 2014 failed since required parking had not been constructed.

ANALYSIS:
Parking requirement for a daycare commercial development is 4 parking spaces for the first each 400 square feet of floor area and 1 space for each additional 400 square feet. The required parking spaces are based on 3,092 square feet of floor area is 11 parking spaces.

RECOMMENDATION:
Staff recommends disapproval of the special exception request since the applicant agreed to the building permit conditions providing 11 parking spaces. At the Zoning Board of Adjustment and Appeals meeting of July 15, 2015 no one appeared in opposition of the special exception request. The Board voted to table the special exception request in order to be heard by a full Board.

ZBA
7/1/15

ZBA2015-0023

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 1.17 Acre of the south 5 Acres of North 10 Acres, west 20 Acres of lot 287

Subdivision Name John H Shary

Street Address 2916 N Taylor

Number of lots 1 Gross acres _____

Existing Zoning C3L Existing Land Use House

Reason for Appeal (please use other side if necessary) See back

☑ $300.00 non-refundable filing fee

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

Applicant

Name Yasminia Barbosa Phone 956 984 9628

Address 5117 W Hackberry Av. E-mail Marioly68@att.net

City McAllen State TX Zip 78501

Owner

Name Esponias Development Phone 956-800-1333

Address 2912 S. Jackson E-mail _____

City McAllen State TX Zip 78503

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 [signature] Date _____

Print Name _____ ☐ Owner ☐ Authorized Agent

Office

Accepted by _____ Payment received by _____ Date _____

REVISED 9/11

Olimpia Garza 956 984 9628

Uploaded: Accelo L.F.

RECEIVED MAY 27 2015 BY: [initials]

11/14

Rct # 293,310

City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

En el lugar donde tenemos asignado como estacionamiento si caben los 11 cajones que la ciudad de McAllen nos exige pero; con la ampliacion futura de Daffodil Ave y Taylor Rd. se nos limita el espacio a solo nueve (9) cajones solamente. Podemos simular los 11 mientras amplian las calles.

CITY OF McALLEN

BUILDING PERMIT APPLICATION

REV. 11/2013

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 CMM2014-04088

APPLICANT

NAME Olimpia M Garza PHONE 956-984-9628
ADDRESS 2030 Gumwood Av
CITY McAllen STATE TX ZIP 78501
CONTACT: NAME: PHONE
☐ OWNER ☐ CONTRACTOR ☐ TENANT ☒ OTHER

BC 9449

OWNER

NAME Yamina Barbosa PHONE 956 618 3561 or 984-9628
ADDRESS 5117 W Hackberry
CITY McAllen STATE TX ZIP 78501

☑ NEW ☐ ADDITION ☐ REMODELING ☐ REPAIR ☐ MOVE ☐ REMOVE ____ BLDG. HGT. 1 NO. OF FLOORS

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

EXISTING USE OF LOT residential NEW USE Child daycare center IMPROVEMENT VALUE $ 15,000 .00

SCOPE OF WORK TO BE DONE

PROJECT

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

FOUNDATION
☐ CONCRETE SLAB
☐ CONCRETE PIER
☐ CONCRETE BLOCK
☐ CONCRETE BEAM
☐ WOOD POSTS
☐ ____

EXT WALL
☐ MASONRY VENEER
☐ MASONRY SOLID
☐ METAL SIDING
☐ COMPOSITION
☐ WOOD
☐ ____

ROOF
☐ WOOD SHINGLE
☐ COMPOSITION
☐ METAL
☐ BUILD UP
☐ ____

SPECIAL CONDITIONS
☐ FIRE SPRINKLER SYSTEM
☐ FIRE ALARM SYSTEM
☐ TYPE OF CONSTRUCTION ____
☐ ASBESTOS SURVEY
☐ EABPRJA/B#: ____
☐ CONDEMNED STRUCTURE

LOT ____ BLOCK ✓ SUBDIVISION ____

SITE ADDRESS ST. NO. ____ ST. NAME ____

2916 N Taylor Rd McAllen

CITY USE ONLY

ZONING ____ PERMIT FEE $ 75.00 DOUBLE FEE $ ____ REC'D BY [signature]

PERMIT REVIEW FEE $ 11.25 SWD 2/28/14 DATE 6/9/14

PARK DEV. ☐ TOTAL PERMIT FEE $ ____ TIME 11:02

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 herby 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.

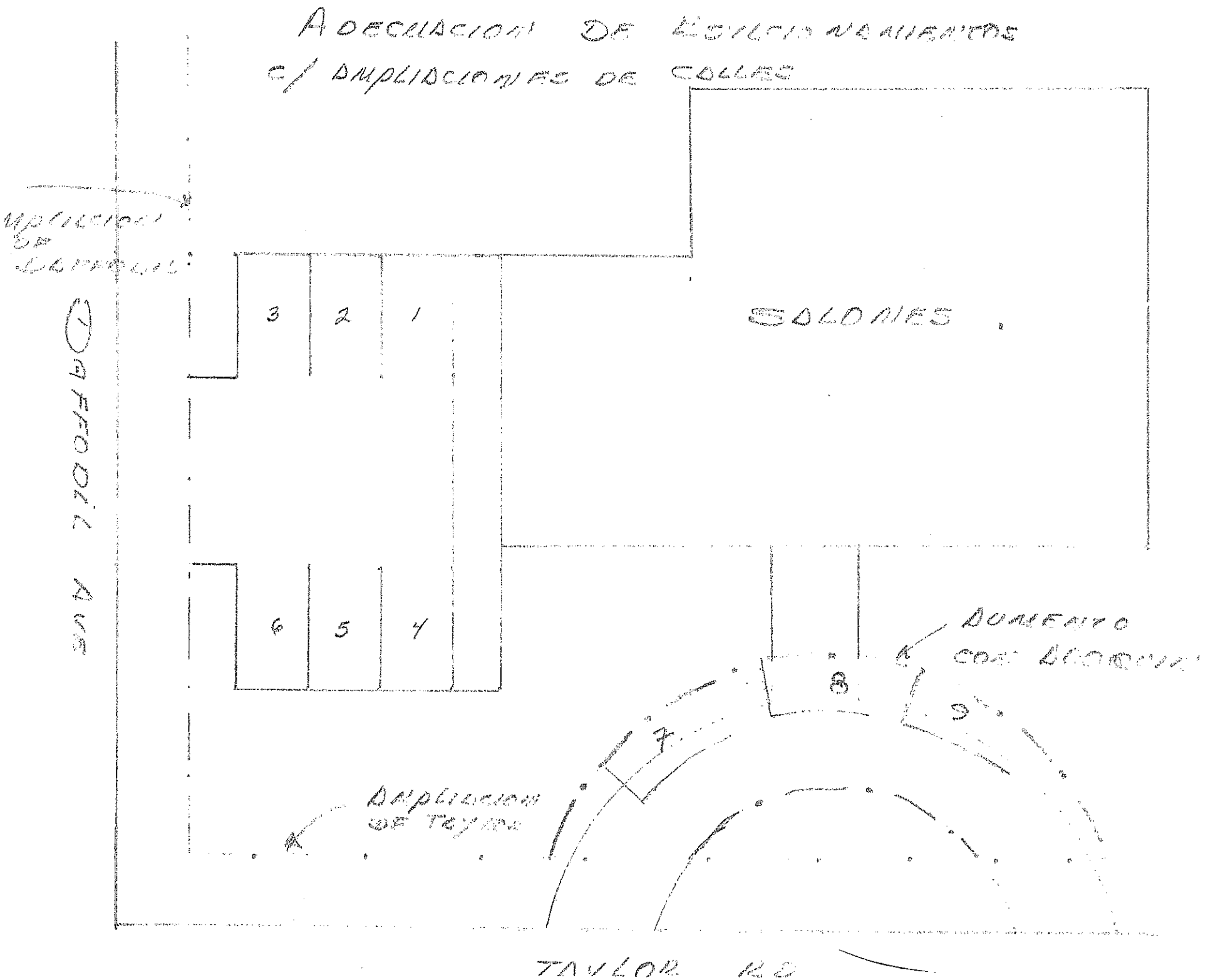
Mariolv68@att.net

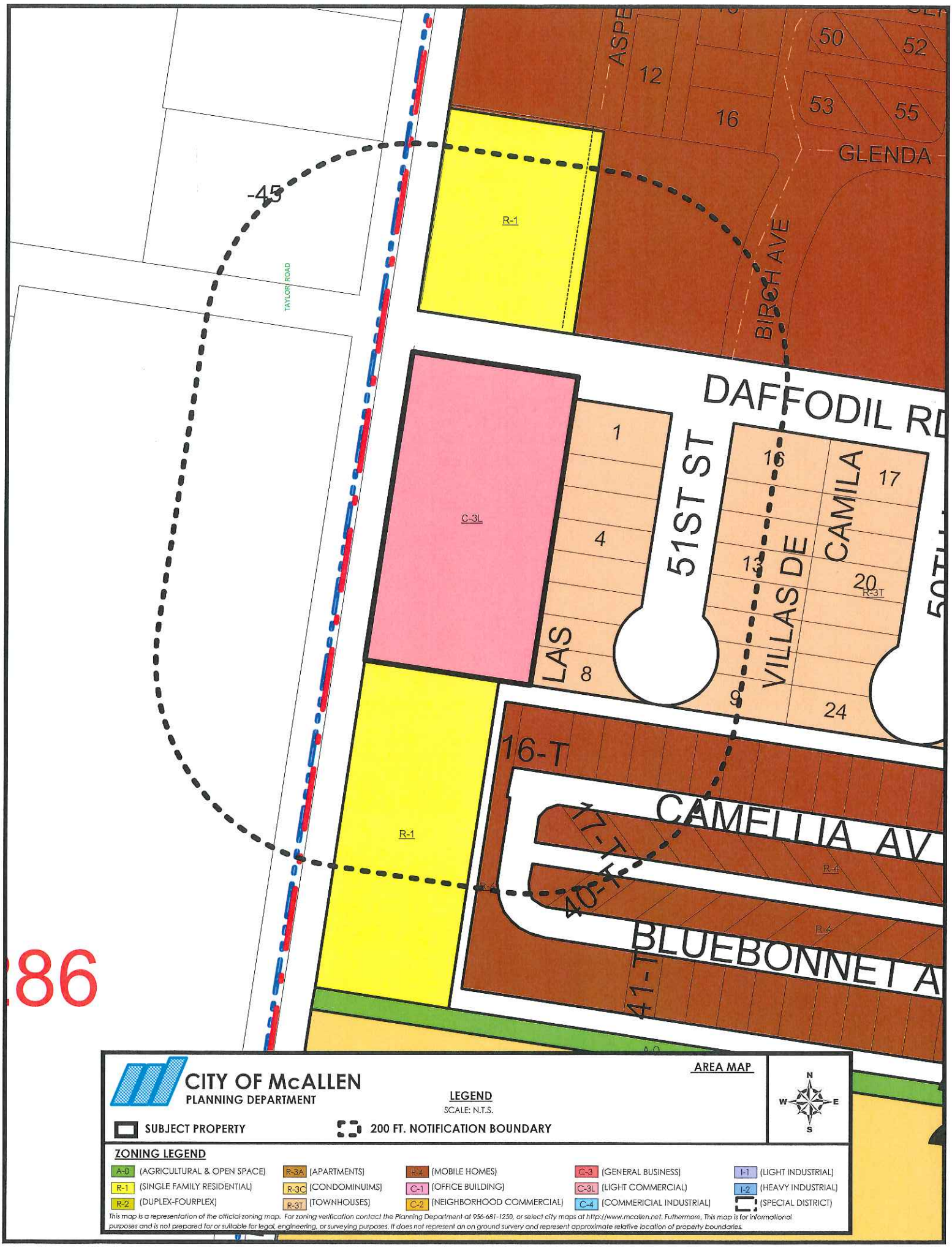
X [signature] PRINT (AUTHORIZED AGENT/OWNER) X [signature] SIGNATURE EMAIL ADDRESS (required) 6/9/14 DATE

Olimpia M Garza

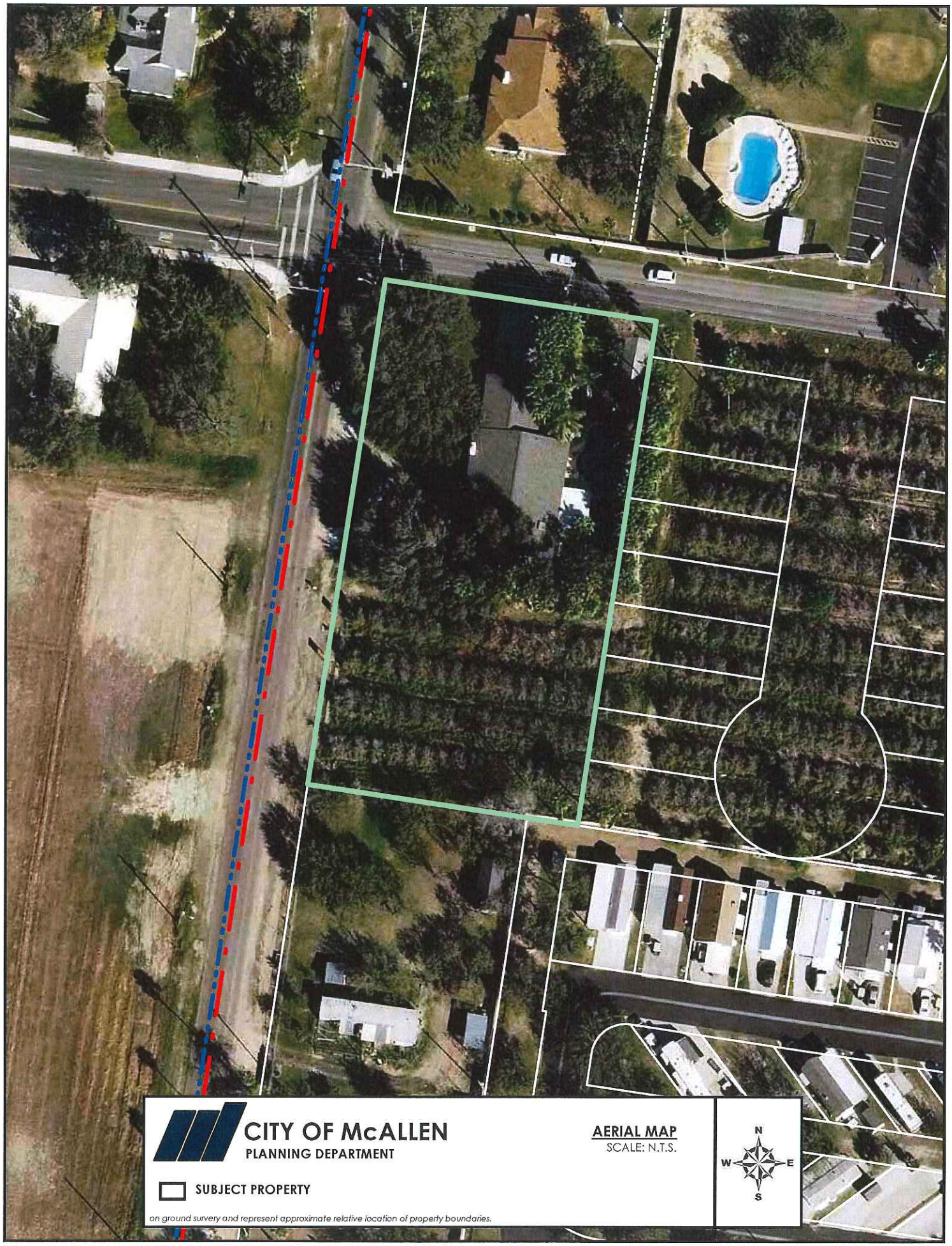
TAYLOR RD.
Parking Area
DAFFODIL Rd.
160'
298'
175'
11 cajones = largo 99'
ancho 86'
9'x18'
cajon

ADECUACION DE ESTACIONAMIENTOS
C/ AMPLIACIONES DE CALLES





ASPE
12
16
50
52
53
55
GLENDA
-45
R-1
TAYLOR ROAD
BIRCH AVE
DAFFODIL RD
1
4
8
51ST ST
16
17
CAMILA
13
VILLAS DE
20
R-3T
9
24
C-3L
LAS
16-T
CAMELLIA AV
17-T
R-4
40-T
BLUEBONNET A
41-T
R-1
86
CITY OF McALLEN
PLANNING DEPARTMENT
AREA MAP
LEGEND
SCALE: N.T.S.
SUBJECT PROPERTY
200 FT. NOTIFICATION BOUNDARY
N
W
E
S
ZONING LEGEND
A-0 (AGRICULTURAL & OPEN SPACE)
R-1 (SINGLE FAMILY RESIDENTIAL)
R-2 (DUPLEX-FOURPLEX)
R-3A (APARTMENTS)
R-3C (CONDOMINUIMS)
R-3T (TOWNHOUSES)
R-4 (MOBILE HOMES)
C-1 (OFFICE BUILDING)
C-2 (NEIGHBORHOOD COMMERCIAL)
C-3 (GENERAL BUSINESS)
C-3L (LIGHT COMMERCIAL)
C-4 (COMMERICIAL INDUSTRIAL)
I-1 (LIGHT INDUSTRIAL)
I-2 (HEAVY INDUSTRIAL)
(SPECIAL DISTRICT)
This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at http://www.mcallen.net. Futhermore, 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 survery and represent approximate relative location of property boundaries.


CITY OF McALLEN
PLANNING DEPARTMENT
AERIAL MAP
SCALE: N.T.S.
N
W
E
S
SUBJECT PROPERTY
on ground survery and represent approximate relative location of property boundaries.

Hidalgo CAD

Property Search Results > 281503 ESPONJAS DEVELOPMENT LTD for Year 2014

Property

Account

Property ID:	281503	Legal Description:	JOHN H SHARY N316.31'-W686.56' LOT 287 5.00 AC GR 4.47 AC NET
Geographic ID:	S2950-00-000-0287-00	Agent Code:	
Type:	Real		
Property Use Code:			
Property Use Description:			

Location

Address:	2916 N TAYLOR RD MCALLEN, TX	Mapsco:	
Neighborhood:	JOHN H SHARY	Map ID:	
Neighborhood CD:	S295000		

Owner

Name:	ESPONJAS DEVELOPMENT LTD	Owner ID:	593969
Mailing Address:	2912 S JACKSON RD MCALLEN, TX 78503-1870	% Ownership:	100.0000000000%
		Exemptions:	

Values

(+) Improvement Homesite Value:	+	$0		
(+) Improvement Non-Homesite Value:	+	$165,209		
(+) Land Homesite Value:	+	$0		
(+) Land Non-Homesite Value:	+	$250,964	Ag / Timber Use Value	
(+) Agricultural Market Valuation:	+	$0	$0	
(+) Timber Market Valuation:	+	$0	$0	
(=) Market Value:	=	$416,173		
(–) Ag or Timber Use Value Reduction:	–	$0		
(=) Appraised Value:	=	$416,173		
(–) HS Cap:	–	$0		
(=) Assessed Value:	=	$416,173		

Taxing Jurisdiction

Owner: ESPONJAS DEVELOPMENT LTD
% Ownership: 100.0000000000%
Total Value: $416,173

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	APPRAISAL DISTRICT	0.000000	$416,173	$416,173	$0.00
CML	CITY OF MCALLEN	0.431300	$416,173	$416,173	$1,794.95
DR1	DRAINAGE DISTRICT #1	0.095700	$416,173	$416,173	$398.28
GHD	HIDALGO COUNTY	0.590000	$416,173	$416,173	$2,455.42
JCC	SOUTH TEXAS COLLEGE	0.150000	$416,173	$416,173	$624.26
R12	ROAD DIST 12	0.000000	$416,173	$416,173	$0.00
SSL	SHARYLAND ISD	1.285500	$416,173	$416,173	$5,349.90
SST	SOUTH TEXAS SCHOOL	0.049200	$416,173	$416,173	$204.76
W14	UNITED IRR WTR DIST	0.000000	$416,173	$416,173	$0.00
	Total Tax Rate:	2.601700			
				Taxes w/Current Exemptions:	$10,827.57
				Taxes w/o Exemptions:	$10,827.57

Improvement / Building

Improvement #1: RESIDENTIAL **State Code:** A1 **Living Area:** 4242.0 sqft **Value:** $165,209

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	BRKAV	DBRK	1970	2428.0

ADD	ADDITION	BRKAV		1970	320.0
POR	PORCH (COVERED)	BRKAV		1970	108.0
ENC	ENCLOSED ADD	BRKAV		1996	518.0
ENC	ENCLOSED ADD	BRKAV		1996	416.0
PAT	PATIO	BRKAV		1970	320.0
ADD	ADDITION	BRKAV		1996	560.0
GAR	GARAGE	BRKAV		1996	960.0
STG	STORAGE	*		1970	528.0
SWPA6-7	SWP AVG CL 6M-7P	BRKAV		1996	112.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	AC	ACREAGE	4.4700	194713.20	0.00	0.00	$250,964	$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2015	$199,765	$48,284	0	248,049	$0	$248,049
2014	$165,209	$250,964	0	416,173	$0	$416,173
2013	$170,108	$250,964	0	421,072	$0	$421,072
2012	$169,412	$250,964	2,248	198,048	$0	$198,048

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	2/19/2013 12:00:00 AM	WD	WARRANTY DEED	MARSH MARLIN	ESPONJAS DEVEL			2383263
2		CONV	CONVERSION	Unknown	MARSH MARLIN			

Tax Due

Property Tax Information as of 06/25/2015

Amount Due if Paid on:

Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Penalty & Interest	Attorney Fees	Amount Due

NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

Property Search Results > 281503 ESPONJAS DEVELOPMENT LTD for Year 2015

Property

Account

Property ID:	281503	Legal Description:	JOHN H SHARY N317.56'-W190.56' LOT 287 1.39AC GR .86AC NET
Geographic ID:	S2950-00-000-0287-00	Agent Code:	
Type:	Real		
Property Use Code:			
Property Use Description:			

Location

Address:	2916 N TAYLOR RD MCALLEN, TX	Mapsco:	
Neighborhood:	JOHN H SHARY	Map ID:	
Neighborhood CD:	S295000		

Owner

Name:	ESPONJAS DEVELOPMENT LTD	Owner ID:	593969
Mailing Address:	2912 S JACKSON RD MCALLEN, TX 78503-1870	% Ownership:	100.0000000000%
		Exemptions:	

Values

(+) Improvement Homesite Value:	+	$0	
(+) Improvement Non-Homesite Value:	+	$199,765	
(+) Land Homesite Value:	+	$0	
(+) Land Non-Homesite Value:	+	$48,284	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	$0	$0
(+) Timber Market Valuation:	+	$0	$0
(=) Market Value:	=	$248,049	
(–) Ag or Timber Use Value Reduction:	–	$0	
(=) Appraised Value:	=	$248,049	
(–) HS Cap:	–	$0	
(=) Assessed Value:	=	$248,049	

Taxing Jurisdiction

Owner: ESPONJAS DEVELOPMENT LTD
% Ownership: 100.0000000000%
Total Value: $248,049

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	APPRAISAL DISTRICT	0.000000	$248,049	$248,049	$0.00
CML	CITY OF MCALLEN	0.476300	$248,049	$248,049	$1,181.46
DR1	DRAINAGE DISTRICT #1	0.095700	$248,049	$248,049	$237.38
GHD	HIDALGO COUNTY	0.590000	$248,049	$248,049	$1,463.49
JCC	SOUTH TEXAS COLLEGE	0.185000	$248,049	$248,049	$458.89
R12	ROAD DIST 12	0.000000	$248,049	$248,049	$0.00
SSL	SHARYLAND ISD	1.335500	$248,049	$248,049	$3,312.69
SST	SOUTH TEXAS SCHOOL	0.049200	$248,049	$248,049	$122.04
W14	UNITED IRR WTR DIST	0.000000	$248,049	$248,049	$0.00
	Total Tax Rate:	2.731700			
				Taxes w/Current Exemptions:	$6,775.95
				Taxes w/o Exemptions:	$6,775.95

Improvement / Building

Improvement #1:	RESIDENTIAL	State Code:	A1	Living Area:	4542.0 sqft	Value:	$199,765

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	BRKAV	DBRK	1970	1768.0
ADD	ADDITION	BRKAV	DBRK	1970	320.0
POR	PORCH (COVERED)	*		1970	108.0
ENC	ENCLOSED ADD	BRKAV	DBRK	1996	518.0
ENC	ENCLOSED ADD	BRKAV	DBRK	1996	416.0
PAT	PATIO	*		1970	320.0
ADD	ADDITION	BRKAV	DBRK	1996	560.0
ENC	ENCLOSED ADD	BRKAV	DBRK	1996	960.0
STG	STORAGE	*		1970	528.0
SWPA6-7	SWP AVG CL 6M-7P	BRKAV		1996	112.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	AC	ACREAGE	0.8600	37461.60	0.00	0.00	$48,284	$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2015	$199,765	$48,284	0	248,049	$0	$248,049
2014	$165,209	$250,964	0	416,173	$0	$416,173
2013	$170,108	$250,964	0	421,072	$0	$421,072
2012	$169,412	$250,964	2,248	198,048	$0	$198,048

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	2/19/2013 12:00:00 AM	WD	WARRANTY DEED	MARSH MARLIN	ESPONJAS DEVEL			2383263
2		CONV	CONVERSION	Unknown	MARSH MARLIN			

Tax Due

Property Tax Information as of 06/01/2015

Amount Due if Paid on:

Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Penalty & Interest	Attorney Fees	Amount Due

NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: July 9, 2015

SUBJECT: **REQUEST OF JOSE LUIS GALINDO TO ALLOW THE FOLLOWING VARIANCE REQUESTS TO THE CITY OF MCALLEN ZONING ORDINANCE: 1) SIDE YARD SETBACK OF 2.25 FEET INSTEAD OF 5 FEET FOR A CARPORT MEASURING 24.16 FEET BY 25.25 FEET, 2) FRONT YARD SETBACK OF 2.41 FEET INSTEAD OF 25 FEET FOR A CARPORT MEASURING 24.16 FEET BY 25.25 FEET, FOR LOT 18, BLOCK 3, MCALLEN HEIGHTS SUBDIVISION, HIDALGO COUNTY, TEXAS; 1009 SOUTH 27TH STREET.** (ZBA2014-0026)

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

REASON FOR APPEAL
The applicant requests a variance to allow a side yard setback of 2.25 feet instead of 5 feet for a metal carport measuring 24.16 feet by 25.25 feet and a front yard setback of 2.41 feet instead of 25 feet for a carport measuring 24.16 feet by 25.25 feet. The property owner has built the 610 square foot carport in front of the residence.

PROPERTY LOCATION AND VICINITY:
The property is located along the east side of South 27th Street 255 feet north of Lindberg Avenue. The property is zoned R-1 (single family residential) District. The surrounding land use is single family residences. There is an existing single family residence on the subject property.

BACKGROUND AND HISTORY:
McAllen Heights Subdivision was recorded on January 28, 1959. The front yard setback is 20 feet or in line with existing structures as per ordinance. An existing carport is built 2.5 feet from the front property line. The applicant indicates that the carport was built

in May 2014. The applicant built the carport himself. The construction was noticed by Building Permit and Inspections staff while in the area. The applicant received a stop work order and a citation (#12727) for construction without a permit on May 30, 2014 from the Building Permit and Inspections Department. A building permit application was submitted June 2, 2014 and is pending the variance request.

ANALYSIS:

The purpose of the front yard setback is to keep the character of single family residential areas by maintaining the street yard and curb appeal of properties within the subdivision.

Variance #1 is a side yard setback of 2.25 feet. The roof has a pitch that will cause rainfall runoff to spill into the neighboring property.

Variance #2 is the front yard setback of 2.41 feet. The carport is of metal construction unlike the house. The size and height of the carport is not compatible with the single family construction along the street.

The variance request is not due to special conditions nor is the plight of the owner unique. The request does not meet the criteria for approval.

RECOMMENDATION:

Staff recommends disapproval of the variance request. At the Zoning Board of Adjustment and Appeals meeting of November 19, 2014 no one appeared in opposition of the variance requests. Jose Luis Galindo, the applicant, stated that during the hailstorm of 2012 his vehicles had been damaged and this was one of the reasons for constructing his carport. The applicant stated that the carport remains unfinished. Ms. Gloria Galindo stated that the carport had also been constructed for her since she needed the protection from inclement weather due to medical reasons. The applicant presented pictures of other carport structures in the area. Chairman Jose Gonzalez left the meeting at approximately 6 PM and board member Rolando Ayala stated that he would have to abstain from the consideration of this case. The number of members remaining would not constitute a full board. The Board unanimously voted with 5 members present and voting, to table the variance requests until the meeting of January 21, 2015 so that the requests may be heard by a full Board and to provide additional information with regards to the applicant's medical need for the carport. At the Zoning Board of Adjustments and Appeals meeting of January 21, 2015 the Board voted to table the variance requests until the meeting of July 15, 2015 in order to allow the City Commission to consider a medical reason as a special exception. At the Zoning Board of Adjustment and Appeals meeting of July 15, 2015 no one appeared in opposition of the variance requests. The Board voted to table the variance requests until the meeting of August 5, 2015 in order for the requests to be heard by a full Board. There were three members present and voting.

ZBA2014-0026

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

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

Project

Legal Description Carport 24 X 24
Lot 18 BLK 3
Subdivision Name McAllen Heights
Street Address 1009 S. 27th St.
Number of lots 1 Gross acres _____
Existing Zoning R1 Existing Land Use House
Reason for Appeal (please use other side if necessary) Carport already Build. cost $3000 due to damage to cars during hail storm.

☑ $300.00 non-refundable filing fee
☑ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

Applicant

Name Jose Luis Galindo Phone 956-537-9254
Address 1009 S. 27th St
City McAllen State TX Zip 78501

Owner

Name Jose Luis & Gloria Galindo Phone 537.9254
Address 1009 S. 27th St
City McAllen State TX Zip 78501

Scanned + uploaded

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 _____ Date 6-6-14
Print Name Jose Luis Galindo ☑ Owner ☐ Authorized Agent

Office

Accepted by _____ Payment received by _____ Date _____

REVISED 9/11

RECEIVED
JUL 18 2014
BY: CW

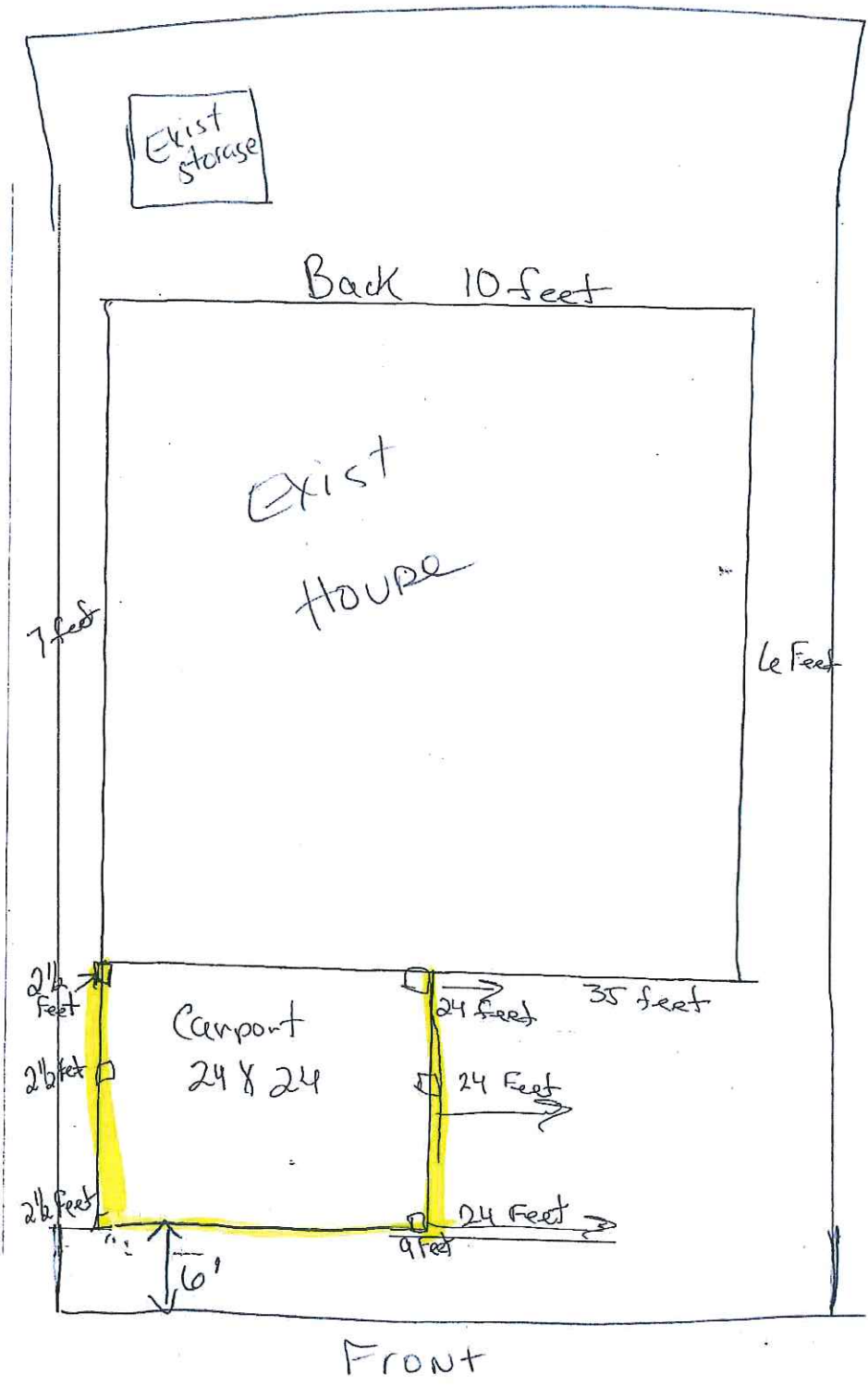
Rct #218,588 ✓

City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

Reason for Appeal	
	Front yard ~~feet~~ ~~of~~ set back of 3 feet in stead of 20 feet


Exist storage
Back 10 feet
Exist Houpe
7 feet
le Feet
2½ Feet
2½ feet
2½ feet
Carport 24 & 24
24 Feet
35 feet
24 Feet
24 Feet
9 Feet
6'
Front

McAllen Municipal Court

1601 N. Bicentennial Blvd.
McAllen, TX 78501
(956) 681-2900

☐ Warning

Ticket # 12727

Date: May 30/14 | Time: 10:09 | Issuer: Jose Daniel Gonzalez | ID # 9099

Location/Block/Street: 1009 S. 27th | License Plate:

Permits
- ____ Building
- ____ Plumbing
- ✓ Electrical
- ____ Mechanical

Work w/o Inspection
- ____ Plumbing
- ____ Electrical
- ____ Mechanical
- ____ Construction (com./res)

Performing Work w/o Lic.
- ____ Plumbing
- ____ Electrical
- ____ Mechanical

Health
- ____ Weedy Lot
- ____ Accumulation of trash
- ____ Stagnant Water
- ____ Illegal Dumping
- ____ Gross Unsanitary Cond.s
- ____ Deposit of Wastes

Food/Retail
- ____ No Certified Manager
- ____ No Food Handling Cert.
- ____ Hazardous Foods
- ____ Selling Food w/o Permit
- ____ Business on Sidewalks
- ____ Display/Sale on St/Sidewalk
- ____ Proh. Outdoor Display/Sale of Merch.
- ____ No Garage Sale Permit

Zoning
- ____ Sign Placed in ROW
- ____ Signs w/o Permit
- ____ Erecting Signs w/o Permit
- ____ Proh. Portable Signs
- ____ Front Yard Parking
- ____ Fail to Obtain C.U.P.
- ____ Expired C.U.P.
- ____ Violation of C.U.P. Cond.

Animal
- ____ Leash Law
- ____ No Vaccinations

Fire
- ____ Exceed Occupancy
- ____ Blocked Exits
- ____ Fail to Maintain Fire Alarm

Violation/Offense: Construction of Carport

Violation/Offense:

Last Name: Galindo | First Name: Jose | Middle: Luis

Street Address: 1009 S. 27th | City: McAllen | State: TX | Zip: 78501

Res. Phone: | Sex: M | DOB: 8/24/59 | Age: | D.L. #: 09487493 | State: TX

Occupation: Self | Employer: | Phone:

Business Address: | City: | State: | Zip:

I HEREBY PROMISE TO APPEAR BEFORE THE MUNICIPAL COURT ON OR BEFORE:

10th June, 20 14

Signature: [signature]

YOUR FAILURE TO APPEAR MAY CAUSE A CRIMINAL COMPLAINT TO BE FILED AGAINST YOU AND A WARRANT FOR YOUR ARREST WILL BE ISSUED.

CITY OF McALLEN

BUILDING PERMIT APPLICATION

REV. 11/2013

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 RES2014-03593

APPLICANT

NAME Jose Luis Galindo PHONE 956 537 9254
ADDRESS 1009 S. 27th St
CITY McAllen STATE TX ZIP 78501
CONTACT: NAME Jose Luis Galindo PHONE 956 227 6177
☑ OWNER ☐ CONTRACTOR ☐ TENANT ☐ OTHER

OWNER

NAME Joseluis & Gloria Galindo PHONE 956 537 9254
ADDRESS 1009 S. 27th St
CITY McAllen STATE TX ZIP 78501

PROJECT

☐ NEW ☑ ADDITION ☐ REMODELING ☐ REPAIR ☐ MOVE ☐ REMOVE ____ BLDG. HGT. ____ NO. OF FLOORS

BLDG SQ. FT 24X24 | NO. PARKING SPACES ____ | SQ. FT LOT ____ | LOT FRONT ____ | FLOOR EL ABOVE CURB ____

EXISTING USE OF LOT Houpe | NEW USE ____ | IMPROVEMENT VALUE $ 3,000 .00

SCOPE OF WORK TO BE DONE Carport

FOR RESIDENTIAL USE ONLY: NO. OF UNITS 1 | NO BDRMS ____ | NO BATHRMS ____ | SQ. FT. NON-LIVING ____ | SQ. FT. LIVING ____

FOUNDATION	EXT WALL	ROOF	SPECIAL CONDITIONS
☑ CONCRETE SLAB	☐ MASONRY VENEER	☐ WOOD SHINGLE	☐ FIRE SPRINKLER SYSTEM
☐ CONCRETE PIER	☐ MASONRY SOLID	☐ COMPOSITION	☐ FIRE ALARM SYSTEM
☐ CONCRETE BLOCK	☐ METAL SIDING	☑ METAL	☐ TYPE OF CONSTRUCTION ____
☐ CONCRETE BEAM	☐ COMPOSITION	☐ BUILD UP	☐ ASBESTOS SURVEY
☐ WOOD POSTS	☐ WOOD		☐ EABPRJA/B#: ____
☐ ____	☐ ____	☐ ____	☐ CONDEMNED STRUCTURE

Carport

LOT 18 BLOCK 5 SUBDIVISION McAllen Heights

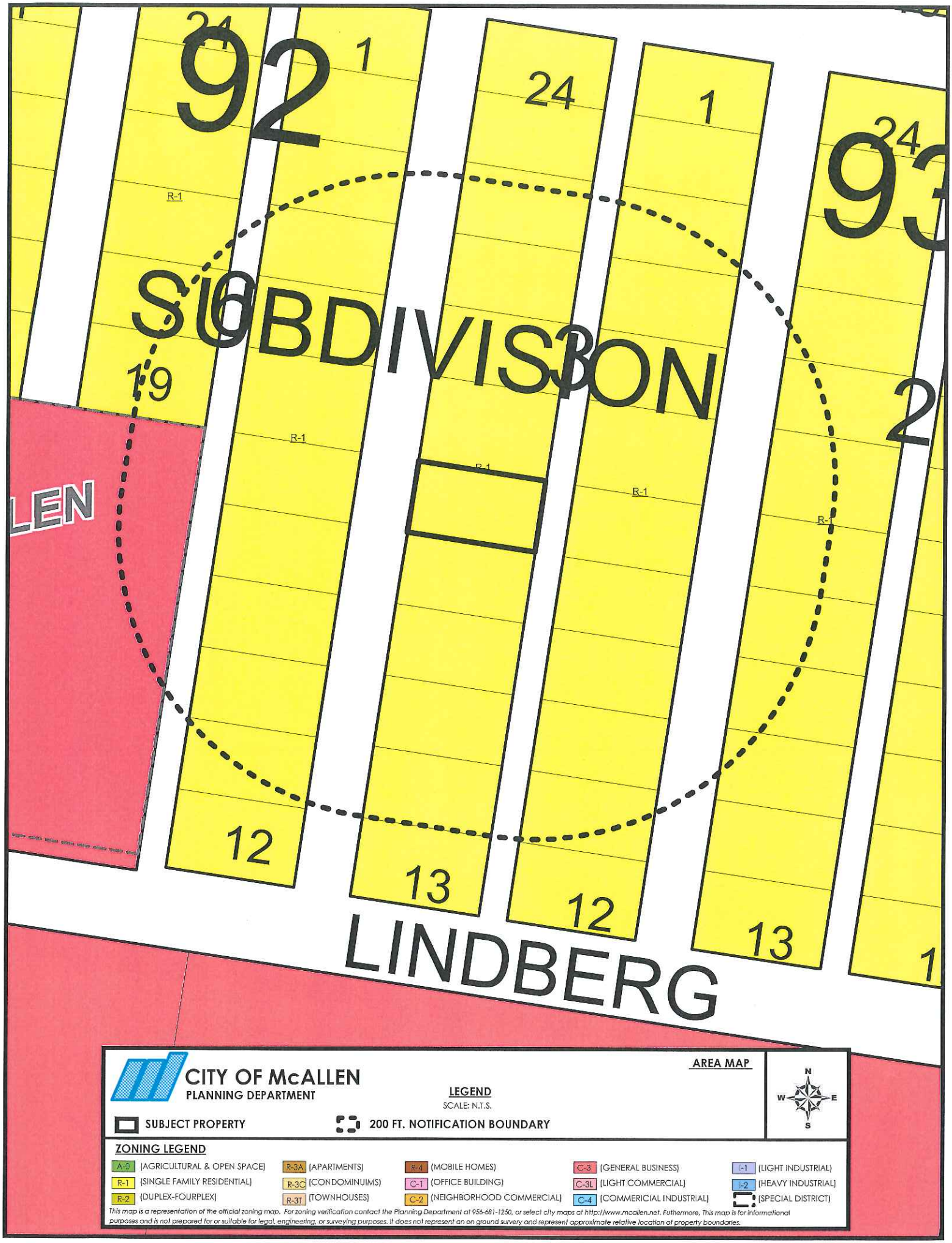
SITE ADDRESS ST. NO. 27th ST. NAME 27th St.
1009 S.

CITY USE ONLY

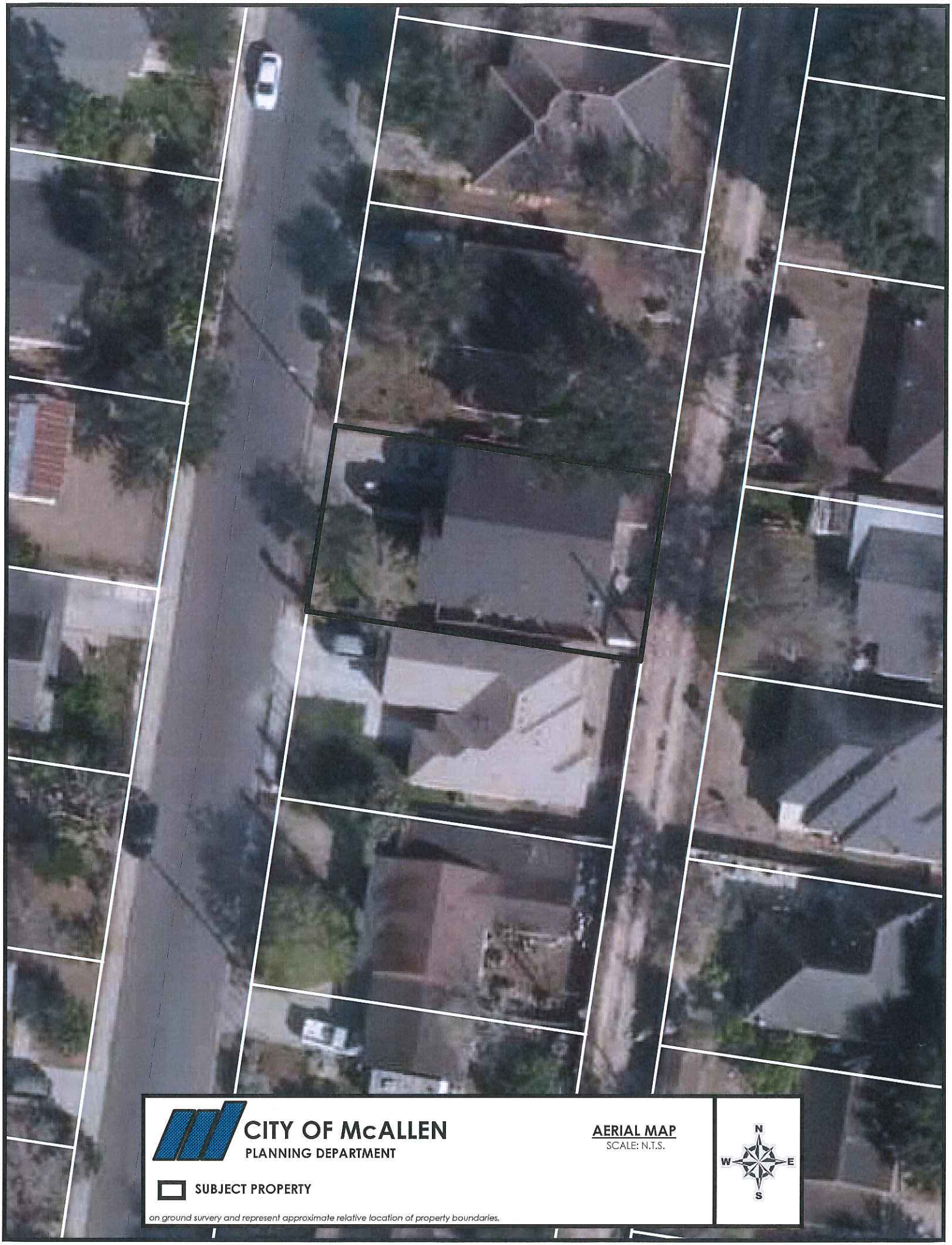
ZONING ____ PERMIT FEE $ 74.88 DOUBLE FEE $ 74-88 REC'D BY EE
PERMIT REVIEW FEE $ ____ DATE 6/2/14
PARK DEV. ☐ TOTAL PERMIT FEE $ 149.76 TIME 1:00
ZONE # ____ PARK DEVELOPMENT FEE $ ____

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 herby agrees to comply with all City ordinances, codes, subdivision, restrictions and State laws and assume all responsibility for such compliance. It is understood that the improvements shall not be occupied until a Certificate of Occupancy has been issued. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance or if the work authorized by such permit is suspended or abandoned for six months after the time of work is commenced. This permit is good for one year only.

PRINT (AUTHORIZED AGENT/OWNER) | Jose h. Galindo SIGNATURE | gloriagalindo715@sbcglobal.net EMAIL ADDRESS (required) | 6/2/14 DATE



92
93
SUBDIVISION
LINDBERG
LEN
R-1
24
1
19
12
13
CITY OF McALLEN
PLANNING DEPARTMENT
AREA MAP
LEGEND
SCALE: N.T.S.
SUBJECT PROPERTY
200 FT. NOTIFICATION BOUNDARY
N
W
E
S
ZONING LEGEND
A-0 (AGRICULTURAL & OPEN SPACE)
R-1 (SINGLE FAMILY RESIDENTIAL)
R-2 (DUPLEX-FOURPLEX)
R-3A (APARTMENTS)
R-3C (CONDOMINUIMS)
R-3T (TOWNHOUSES)
R-4 (MOBILE HOMES)
C-1 (OFFICE BUILDING)
C-2 (NEIGHBORHOOD COMMERCIAL)
C-3 (GENERAL BUSINESS)
C-3L (LIGHT COMMERCIAL)
C-4 (COMMERICIAL INDUSTRIAL)
I-1 (LIGHT INDUSTRIAL)
I-2 (HEAVY INDUSTRIAL)
(SPECIAL DISTRICT)
This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at http://www.mcallen.net. Futhermore, 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 survery and represent approximate relative location of property boundaries.


CITY OF McALLEN
PLANNING DEPARTMENT
AERIAL MAP
SCALE: N.T.S.
N
W
E
S
SUBJECT PROPERTY
on ground survery and represent approximate relative location of property boundaries.

Hidalgo CAD

Property Search Results > 230316 GALINDO JOSE LUIS & GLORIA for Year 2014

Property

Account

Property ID:	230316	Legal Description:	MCALLEN HEIGHTS LOT 18 BLK 3
Geographic ID:	M2150-00-003-0018-00	Agent Code:	
Type:	Real		
Property Use Code:			
Property Use Description:			

Location

Address:	1009 S 27TH ST MCALLEN, TX	Mapsco:	
Neighborhood:	MCALLEN HEIGHTS	Map ID:	
Neighborhood CD:	M215000		

Owner

Name:	GALINDO JOSE LUIS & GLORIA	Owner ID:	139070
Mailing Address:	1009 S 27TH ST MCALLEN, TX 78501-8322	% Ownership:	100.0000000000%
		Exemptions:	DP, HS

Values

(+) Improvement Homesite Value:	+	$35,820		
(+) Improvement Non-Homesite Value:	+	$0		
(+) Land Homesite Value:	+	$13,500		
(+) Land Non-Homesite Value:	+	$0	Ag / Timber Use Value	
(+) Agricultural Market Valuation:	+	$0	$0	
(+) Timber Market Valuation:	+	$0	$0	
(=) Market Value:	=	$49,320		
(–) Ag or Timber Use Value Reduction:	–	$0		
(=) Appraised Value:	=	$49,320		
(–) HS Cap:	–	$0		
(=) Assessed Value:	=	$49,320		

Taxing Jurisdiction

Owner: GALINDO JOSE LUIS & GLORIA
% Ownership: 100.0000000000%
Total Value: $49,320

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax	Tax Ceiling
CAD	APPRAISAL DISTRICT	0.000000	$49,320	$49,320	$0.00	
CML	CITY OF MCALLEN	0.431300	$49,320	$39,320	$125.52	$125.52
DR1	DRAINAGE DISTRICT #1	0.095700	$49,320	$49,320	$47.20	
GHD	HIDALGO COUNTY	0.590000	$49,320	$49,320	$234.78	$234.78
JCC	SOUTH TEXAS COLLEGE	0.150000	$49,320	$49,320	$59.33	$59.33
R12	ROAD DIST 12	0.000000	$49,320	$49,320	$0.00	
SML	MCALLEN ISD	1.165000	$49,320	$24,320	$172.34	$172.34
SST	SOUTH TEXAS SCHOOL	0.049200	$49,320	$49,320	$24.27	

Total Tax Rate:	2.481200		
		Taxes w/Current Exemptions:	$663.44
		Taxes w/o Exemptions:	$1,223.73

Improvement / Building

Improvement #1: RESIDENTIAL **State Code:** A1 **Living Area:** 1666.0 sqft **Value:** $35,820

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	BRKFA	DBRK	1960	1468.0
POR	PORCH (COVERED)	BRKFA		1960	112.0
ENC	ENCLOSED ADD	BRKFA		1960	198.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	L	LOT	0.1033	4500.00	50.00	90.00	$13,500	$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2015	N/A	N/A	N/A	N/A	N/A	N/A
2014	$35,820	$13,500	0	49,320	$0	$49,320
2013	$35,820	$13,500	0	49,320	$0	$49,320
2012	$37,235	$13,500	0	50,735	$0	$50,735
2011	$37,235	$13,500	0	50,735	$2,586	$48,149
2010	$37,235	$13,500	0	50,735	$6,963	$43,772
2009	$37,234	$13,500	0	50,734	$10,941	$39,793
2008	$37,234	$13,500	0	50,734	$14,559	$36,175
2007	$41,055	$13,500	0	54,555	$21,669	$32,886
2006	$22,021	$7,875	0	29,896	$0	$29,896
2005	$22,820	$7,875	0	30,695	$0	$30,695
2004	$25,400	$7,875	0	33,275	$0	$33,275
2003	$24,366	$7,875	0	32,241	$0	$32,241

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	6/8/1979 12:00:00 AM	WD	WARRANTY DEED	GALINDO JOSE LU	GALINDO JOSE LU			18452
2		CONV	CONVERSION	Unknown	GALINDO JOSE LU			

Tax Due

Property Tax Information as of 08/12/2014

Amount Due if Paid on:

Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Penalty & Interest	Attorney Fees	Amount Due

NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

2k) 1924 NORTH 34TH STREET

TABLED UNTIL SEPTEMBER 17, 2015

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.

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.**

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

2015 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

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

P - PRESENT
A - ABSENT
■ NEW APPOINTMENT
MC - MEETING CANCELLED
NRM - NO REGULAR MEETING
LOQ - LACK OF QUORUM
RS - RESIGNATION

CITY OF McAllen

PLANNING DEPARTMENT

1300 W. Houston Avenue McAllen, TX 78501
Phone: 956-681-1250 Fax: 956-681-1279

Build McAllen

2015 CALENDAR

Meetings:

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

Deadlines:

D- Zoning/CUP Application
N - Public Notification

JULY 2015

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

AUGUST 2015

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

SEPTEMBER 2015

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2 D - 10/6 & 10/7	3	4 AD 10/6 & 10/7	5
5	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 AD 10/20&10/21	22	23 N 10/20&10/21	24	25	26
27	28	29	30			

OCTOBER 2015

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

NOVEMBER 2015

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

DECEMBER 2015

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

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.