

AGENDA

**ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING
SEPTEMBER 2, 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 August 19, 2015

2. PUBLIC HEARINGS:

- a) Request of Adriana Garcia for variance requests to the City of McAllen Zoning Ordinance to allow: **1)** a rear yard setback of 3 feet instead of 10 feet for an aluminum carport with steel supports measuring 46.99 feet by 22.33 feet, **2)** a side yard setback along the east property line of 1.5 feet instead of 15 feet for an aluminum carport with steel supports measuring 46.99 feet by 22.33 feet, for Lot 4, Kimberley Estates No. 3 Subdivision, Hidalgo County, Texas; 137 East Gardenia Avenue. **(ZBA2015-0036)**
- b) Request of Antonia Mendoza for variance requests to the City of McAllen Zoning Ordinance to allow: **1)** a front yard setback of 9.83 feet instead of 25 feet for an existing aluminum carport measuring 16.41 feet by 20 feet, **2)** a side yard setback along the west property line of 1.16 feet instead of 6 feet for an existing aluminum carport measuring 16.41 feet by 20 feet, for Lot 110, Idela Park Unit 2 Subdivision, Hidalgo County, Texas; 3032 Norma Avenue **(ZBA2015-0031)**
- c) 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) (TABLED: 8/5/2015) (TABLED: 8/19/2015 UNTIL 9/2/2015)**
- d) 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) (REMAIN TABLED UNTIL 9/2/2015)**
- e) Request of Gladys and Guadalupe Silva for variance requests to the City of McAllen Zoning Ordinance to allow: **1)** a front yard setback of 0 feet instead of 20 feet for a carport measuring 12.5 feet by 14.25 feet, **2)** a front yard setback of 16 feet instead of

20 feet for a porch measuring 5.75 feet by 5.83 feet, **3)** a side yard setback of 1 foot instead of 6 feet for an aluminum carport measuring 18 feet by 20 feet, **4)** a side yard setback of 4.08 feet instead of 6 feet for a storage building measuring 8.16 feet by 8.08 feet, for the east 57 feet and 7 ½ inches of the south 58 feet 3 inches of Lot 4, Block 2, Golden Acres Retirement Subdivision No. 1, Hidalgo County, Texas; 405 North 37th ½ Street. **(ZBA2015-0032) (TABLED: 8/19/2015 UNTIL 9/2/2015)**

- f) Request of Patricia Hernandez for variance requests 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 feet by 10 feet for Lot 8, **2)** a side yard setback along the east property line of 0 feet instead of 6 feet for a covered patio measuring 50 feet by 10 feet for Lot 8, **3)** a side yard setback along the west property line of 0 feet instead of 6 feet for a covered patio measuring 50 feet by 10 feet for Lot 8, **4)** A rear yard setback of 0 feet instead of 10 feet for a storage building measuring 6 feet by 6 feet for Lot 8, **5)** A side yard setback of 0 feet instead of 6 feet along the east lot line for a storage building measuring 6 feet by 6 feet for Lot 8, **6)** 1 foot instead of 12 feet building separation for an accessory structure to the main building for a covered patios on Lots 8 & 9, **7)** A rear yard setback of 0 feet instead of 10 feet for a covered patio measuring 44 feet by 10 feet, for Lot 9, **8)** A side yard setback along the east property line of 0 feet instead of 6 feet for a covered patio measuring 44 feet by 10 feet, for Lot 9, Idela Park Unit No. 4, Hidalgo County, Texas; 2429 & 2433 Lucille Avenue. **(ZBOA2015-0028) (TABLED: 8/19/2015 UNTIL 9/17/2015)**
- g) 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)**
- h) Request of Armando Sotelo for a variance request to the City of McAllen Zoning Ordinance to allow: **1)** a rear yard setback of 11.83 feet instead of 60 feet for a storage building measuring 8 feet by 40 feet, **2)** a special exception for 51 parking spaces instead of 56 parking spaces for Lot 2, Jackson Triangle Subdivision, Hidalgo County, Texas; 1409 East Expressway 83. **(ZBA2015-0035) (TABLED: 8/19/2015 UNTIL 10/21/2015)**

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, August 19, 2015 at 5:37 p.m. in the City Commission Meeting Room with the following present:

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

CALL TO ORDER – Robert Morehead, Chairperson

1. MINUTES:

a) Minutes for Regular Meeting held on August 5, 2015.

The minutes for the meeting held on August 5, 2015 were approved. The motion to approve the minutes was made by Mr. Mike Harms. Ms. Terry Perez seconded the motion which carried unanimously with four members present and voting.

2) PUBLIC HEARINGS:

- a) Request of Armando Sotelo for a variance request to the City of McAllen Zoning Ordinance to allow: **1)** a rear yard setback of 11.83 feet instead of 60 feet for a storage building measuring 8 feet by 40 feet, **2)** a special exception for 51 parking spaces instead of 56 parking spaces for Lot 2, Jackson Triangle Subdivision, Hidalgo County, Texas; 1409 East Expressway 83. **(ZBA2015-0035)**

Mr. Sanchez stated the applicant requested a variance to reduce the rear setback from 60 feet to 11.83 feet and a special exception to reduce the required parking spaces from

56 to 51 parking spaces for a deficiency of 5 parking spaces. The applicant requested the variance to allow the storage building for storing items such as paper cups, napkins, etc. for restaurant use and a special exception. The subject property was located along the east side of Expressway 83 Frontage Road and Jackson Road. The property was zoned C-3 (general business) District. The subject property was the site for Krispy Kreme Donuts. Jackson Triangle Subdivision was recorded on March 15, 2006. The permits and conditions page signed on July 13, 2013 shows 56 parking spaces are required. The plat for Jackson Triangle Subdivision indicated a 60 foot building setback along Jackson Road. A citation (#20308) was issued by Code Enforcement staff on June 15, 2015 for placement of storage container in the setback and for reduction in parking. A Conditional Use Permit (CUP) for a portable building in a commercial zone was required. These permits are usually for 1 year and can be renewed annually. A CUP not in compliance with ordinance requirements was disapproved by the Planning and Zoning Commission and may be appealed to the City Commission for a variance. A variance to the setback was permanent and runs with the land and would allow for permanent construction and not only a portable building. The setback shown on the plat was 60 feet along Jackson Road and portable buildings are not permitted in the setbacks. An area at the beginning of the drive-thru appears to be available that may require a grease trap to be relocated. The parking requirement for a restaurant was 1 parking space for each 75 square feet. Total parking requirement for this restaurant containing 4,174 square feet was 56 parking spaces. The storage building occupied 5 parking spaces reducing parking space to 51 or 91% compliance. The parking ordinance establishes minimum parking requirements. Actual parking demand will vary by the type, peak hour, season and success of the business. Parking shortages may impact adjacent available parking areas and may discourage customers to seek other less crowded comparable businesses.

Staff recommended the variance and special exception requests be tabled until a Conditional Use Permit (CUP) was approved by the City.

Chairperson Robert Morehead inquired of staff the proof of authorization for Mr. Sotelo, the applicant, to speak on behalf of the owner. Victor Flores, legal counsel, stated staff recommending tabling the item will allow applicant time to provide an authorization letter from the owner. Also, staff has recommended tabling the item since a Condition Use Permit was needed prior to hearing the variance request.

Mr. Armando Sotelo, the applicant, stated the property owner had intended to attend the meeting but decided there was no need to be present. The applicant was not adding to the building but it was only for a storage container to hold dry products.

Ms. Terry Perez **moved** to table the variance request until the meeting of October 21, 2015 in order to provide representation on behalf of the owner. Mr. Mike Harms seconded the motion. The board voted unanimously with five members present and voting.

- b) Request of Patricia Hernandez for variance requests 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 feet by 10 feet for Lot 8, **2)** a side yard setback along the east property line of 0 feet instead of 6 feet for a covered patio measuring 50 feet by 10 feet for Lot 8, **3)** a side yard setback along the west property line of 0 feet instead of 6 feet for a covered patio measuring 50 feet by 10 feet for Lot 8, **4)** A rear yard setback of 0 feet instead of 10 feet for a storage building measuring 6 feet by 6 feet for Lot 8, **5)** A side yard setback of 0 feet instead of 6 feet along the east lot line for a storage building measuring 6 feet by 6 feet for Lot 8, **6)** 1 foot instead of 12 feet building separation for an accessory structure to the main building for a covered patios on Lots 8 & 9, **7)** A rear yard setback of 0 feet instead of 10 feet for a covered patio measuring 44 feet by 10 feet, for Lot 9, **8)** A side yard setback along the east property line of 0 feet instead of 6 feet for a covered patio measuring 44 feet by 10 feet, for Lot 9, Idela Park Unit No. 4, Hidalgo County, Texas; 2429 & 2433 Lucille Avenue. **(ZBOA2015-0028)**

Mr. Sanchez stated the applicant was requesting variance requests in order allow covered patios on lots 8 and 9. The applicant indicated that the covered patio on Lot 8 was built in 2003 but was damaged by the hail storm and reconstructed in 2012 without a permit. The covered patio on Lot 9 was built in 2014 without a building permit. They did not know a permit was required. The porch structures served as an area for shade and security. The properties were located along the south side of Lucille Avenue between South 26th Street and South 24th Street. Each tract had 50 feet of frontage along Lucille Avenue with a depth of 90 feet for a tract size of 4,500 square feet each. The property was zoned R-1 (single family residential) District. The surrounding land use included single family residences. There was an existing single family residence on the subject properties. Idela Park Unit No. 4 Subdivision was recorded on February 25, 1980 with a rear setback of 10 feet and side yard setbacks of 6 feet. A citation (#17434) for construction of a covered patio without a building permit was issued on March 21, 2014. An application for abandonment of the 10 foot utility easement was submitted in March 2014. The abandonment was not approved by AT&T however they were granted an encroachment letter. The proposed covered patio encroached 10 feet into the rear yard setback for the entire length of Lot 8, as well as into the side yard setbacks. The porch on Lot 9 covers a width of the east 44 feet of the rear property line and the 6 feet into the east side yard setback. The structures also did not maintain the 12 foot building separation for an accessory building to the main structure but may be connected to the main building. The storage building at the southeast corner of Lot 8 may be relocated out of the east side yard setback and attached to the residence to provide a 4 foot rear yard setback.

Staff recommended disapproval of the variance requests.

Ms. Patricia Hernandez, the applicant, stated when they bought the house it was on Lot 8 and there was an existing porch. During the hailstorm of 2012 the porch was destroyed. They reconstructed the porch and enlarged the original size. She was unaware of a building permit because the contractor did not inform her. In April of 2014 she had built the same patio structure on Lot 9 for her elderly parents for shade due to

inclement weather and for safety issues. Board member Ms. Terry Perez inquired of the applicant how she came about to violate the utility easement. Ms. Hernandez stated the City inspector had cited her and explained how to her build in accordance with the ordinance.

Board inquired of the applicant if the brick fence was parallel to the alley or between the two properties. Ms. Hernandez stated it was along the alley and between the properties. Vice-Chairperson Mike Hovar inquired of the applicant if the covered patio was already enclosed when they bought the house on Lot 8. They needed a permit for the covered patio that was in the setback and the enclosed bedroom.

Chairperson Robert Morehead inquired if there was anyone else present to speak in favor to the variance requests. There was no one else to speak in favor of the variance requests.

Chairperson Robert Morehead inquired if there was anyone else present to speak against the variance requests. There was no one else to speak against the variance requests.

Ms. Hernandez inquired of the board if she could through translation state her reason for the variance requests. She indicated she also needed the variance for safety issues. In 2012 there was an incident which occurred at 3:00 a.m., three intruders attempted to enter the house. After the incident they decided to take extra precautionary measures to secure their property by building the porch and for the protection of their elderly parents.

Vice-Chairperson Mike Hovar **moved** to table variance requests until the meeting of September 17, 2015 in order for the applicant to get with staff and make any necessary changes. Mr. Mike Harms seconded the motion. The board voted unanimously with five members present and voting.

- c) Request of Gladys and Guadalupe Silva for variance requests to the City of McAllen Zoning Ordinance to allow: **1)** a front yard setback of 0 feet instead of 20 feet for a carport measuring 12.5 feet by 14.25 feet, **2)** a front yard setback of 16 feet instead of 20 feet for a porch measuring 5.75 feet by 5.83 feet, **3)** a side yard setback of 1 foot instead of 6 feet for an aluminum carport measuring 18 feet by 20 feet, **4)** a side yard setback of 4.08 feet instead of 6 feet for a storage building measuring 8.16 feet by 8.08 feet, for the east 57 feet and 7 ½ inches of the south 58 feet 3 inches of Lot 4, Block 2, Golden Acres Retirement Subdivision No. 1, Hidalgo County, Texas; 405 North 37th½ Street. **(ZBA2015-0032)**

Mr. Sanchez stated this item was to be tabled at the request of the applicants. They were needing more time in order to obtain letters of support.

Ms. Terry Perez **moved** to table the item until the next meeting of September 2, 2015. Ms. Sylvia Hinojosa seconded the motion. The board voted unanimously with five

members present and voting.

- 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) (TABLED: 8/5/2015)**

Vice-Chairperson Mike Hovar moved to remove item from the table. Mr. Mike Harms seconded the motion. The board voted unanimously with five members present and voting.

Mr. Sanchez stated the applicant requested 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 indicated that he was unaware that a permit was required for the carport and gazebo. The property was located along the west side of North 17th Street north of Ebony Avenue. The tract consisted 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 was zoned R-2 (duplex-fourplex residential) District. The surrounding land use was single family residential. The property contains three accessory structures that was a garage, a gazebo and a carport. 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. The existing carport gazebo encroached 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.

Staff recommended disapproval of the variance requests and alternatively approval of rear setback of 3 feet. At the meeting of August 5, 2015 no one appeared in opposition of the variance requests. The applicant indicated that there was no room in the rear yard to relocate the structures out of the setbacks. Chairman Robert Morehead recommended that the variance requests be tabled to allow the applicant time to provide photos of the structures. Board member Hovar agreed saying that he would like to see the structures and how they fit into the neighborhood. The Board then unanimously voted to table the variance requests until the next meeting in order for the applicant to provide photos of the structures. There were 5 members present and voting.

Mr. Marco Leal, the applicant stated he obtained pictures to show from his tablet. He stated he had no other place to put his carport to protect his vehicles from inclement

weather. He could not use his garage due to the lack of room to enter his vehicle. Mr. Leal showed the board a picture of the gazebo. The board requested from the applicant to get an accurate measurement from the face of the column to the rear property line for both the gazebo and carport.

Chairperson Robert Morehead inquired if there was anyone else present to speak in favor to the variance requests. There was no one else to speak in favor of the variance requests.

Chairperson Robert Morehead inquired if there was anyone else present to speak against the variance requests. There was no one else to speak against the variance requests.

Vice-Chairperson Mike Hovar **moved** to table the item until the applicant can provide more specific measurements. Ms. Sylvia Hinojosa seconded the motion. The board voted unanimously with five members present and voting.

- e) 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) (TABLED: 7/15/2015 UNTIL SEPTEMBER 2, 2015)**

This item remained tabled until September 2, 2015 in order to consider a reduction in the building setback encroachments.

- f) 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)**

This item is to remain tabled until the meeting of September 17, 2015 due to medical reasons.

DISCUSSION: The board had some concerns with viewing the packets on the electronic tablets. Mr. Ed Taylor stated he would look into it and get it resolved by the next meeting.

ADJOURNMENT

There being no further business to come before the Zoning Board of Adjustment and Appeal, Vice-Chairperson Mike Hovar **moved** to adjourn the meeting. Mr. Mike Harms seconded the motion which carried unanimously with five members present and voting.

The meeting was adjourned at 7:05 p.m.

Chairperson
Robert Morehead

Carmen White, Secretary

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: August 28, 2015

SUBJECT: REQUEST OF ADRIANA GARCIA FOR VARIANCE REQUESTS TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) A REAR YARD SETBACK OF 3 FEET INSTEAD OF 10 FEET FOR AN ALUMINUM CARPORT WITH STEEL SUPPORTS MEASURING 46.99 FEET BY 22.33 FEET, 2) A SIDE YARD SETBACK ALONG THE EAST PROPERTY LINE OF 1.5 FEET INSTEAD OF 15 FEET FOR AN ALUMINUM CARPORT WITH STEEL SUPPORTS MEASURING 46.99 FEET BY 22.33 FEET, FOR LOT 4, KIMBERLEY ESTATES NO. 3 SUBDIVISION, HIDALGO COUNTY, TEXAS; 137 EAST GARDENIA AVENUE (ZBA2015-0036)

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 requested a variance for an existing carport built 20 years ago encroaching into the rear and side yard setbacks. The applicant wishes to keep the structure at the location constructed.

PROPERTY LOCATION AND VICINITY:

The property is located along the northwest corner of North Cynthia Street and Gardenia Avenue. The tract has approximately 80 feet of frontage along Gardenia Avenue with a depth of 130 feet at its deepest point. 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:

Kimberley Estates No. 3 Subdivision was recorded in October 1981. The plat indicates a 15 foot corner side yard setback, and a 10 foot rear yard setback. According to the tax records the applicant obtained the residence in 1989. A building permit application has not been submitted at this time. The metal carport encroaches 7 feet into the rear yard setback with the posts located 3 feet from the property line with an overhang of 6 inches. There is a 20 foot

alley at the rear of the property. There are two wooden storage units encroaching 6 feet into the side yard setbacks, one used for household objects and the other houses the pool pump. An application for the enclosing of an existing garage for a game room and patio for a utility room was submitted in July 2015 but the carport was not included.

ANALYSIS:

Variance #1: The metal carport is currently encroaching into the rear yard setback. The carport could be reduced by 7 feet to clear the encroachment into the 10 foot rear yard setback although the steel posts on concrete would need to be relocated.

Variance #2: The metal carport building encroaches 13.5 feet into the corner side yard setback. The metal carport could be reduced in size to reduce or eliminate the corner side yard encroachment. Standard corner side yard setbacks are 10 feet.

RECOMMENDATION:

Staff recommends disapproval of the variance requests.

ZBA-2015-0036

ZBA
9/2/2015

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)

Florencia Flores Jr - 607-8513

Project

Legal Description Lot 4

Subdivision Name KIMBERLY ESTATES 3

Street Address 137 E. GARDENIA

Number of lots ~~2~~ 1 Gross acres _____

Existing Zoning R-1 Existing Land Use Residence

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

\$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 Adriana Garcia Phone (956) 607-8513

Address 137 E. Gardenia E-mail jr@daneliace.com

City McAllen State TX Zip 78501

Owner

Name Adriana Garcia Phone 956 607-8513

Address 137 E. GARDENIA E-mail jr@daneliace.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 Adriana Garcia Date 7-29-2015

Print Name Adriana Garcia Owner Authorized Agent

Office

Accepted by _____ Payment received by _____ Date _____

RECEIVED
JUL 29 2015

BY: _____

RC # 146966 Pd CC



City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

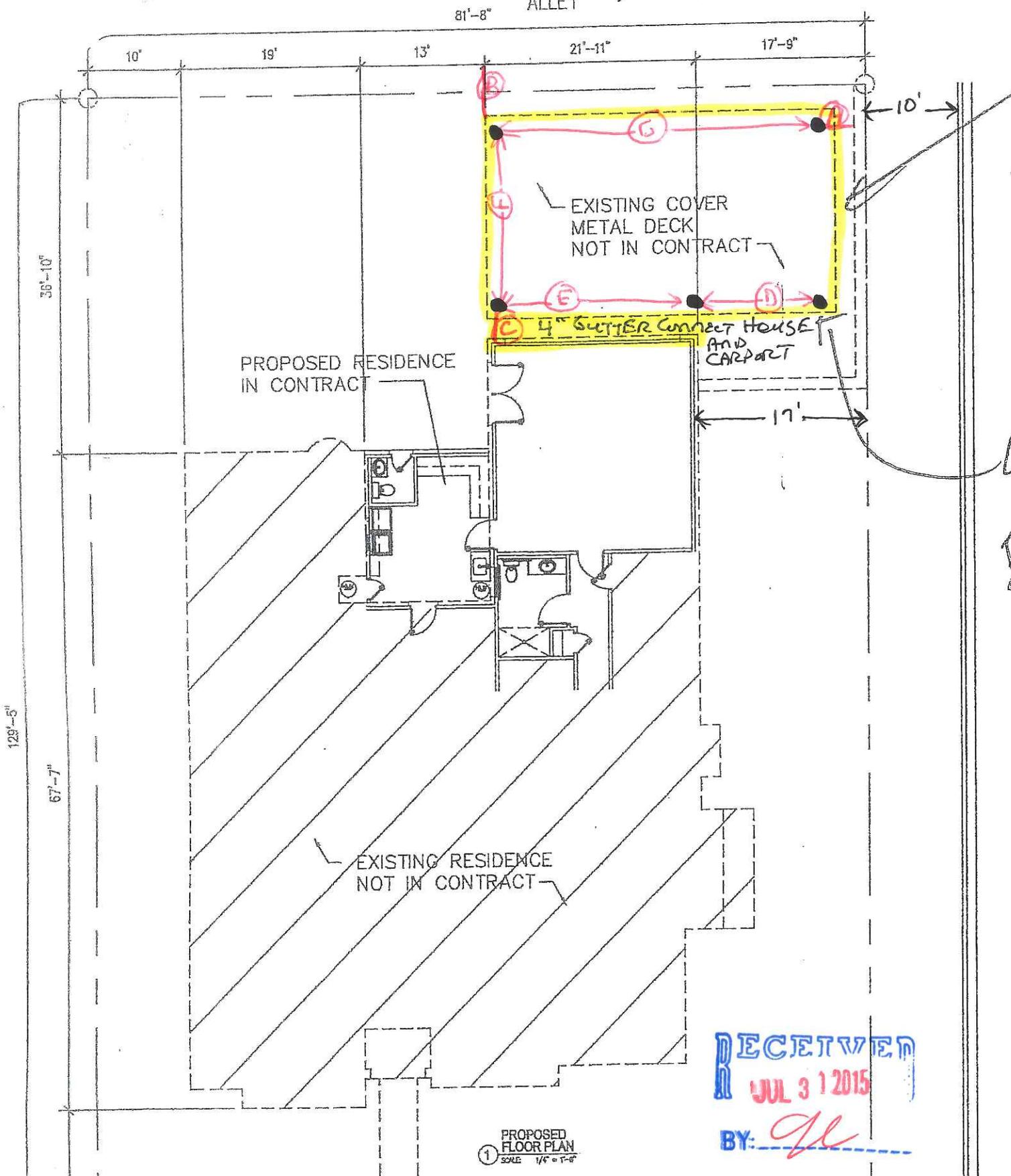
EXISTING CARPORT WHICH WAS BUILT APPROX 20 YEARS AGO. IT IS NOT ATTACHED TO EXISTING HOME. THE CARPORT'S ROOF IS APPROX 10 INCHES ABOVE EXISTING ROOF OF GARAGE. WE HIRED A CONTRACTOR AND NEVER REALIZED THERE WAS A PROBLEM.

Board Action

Chairman, Board of Adjustment
Signature

Date

- A. EAST SIDE CARPORT: PIPE TO FENCE = 6"
- B. REAR PROPERTY LINE: PIPE TO FENCE LINE = 36"
- C. CARPORT TO HOUSE GARAGE ROOF: ROOF OVERLAP 6" AND 2" BETWEEN RAFTS
- D. EAST STEEL PIPE TO MIDDLE STEEL PIPE BY GARAGE OPENING: 16'3"
- E. MIDDLE PIPE TO CORNER PIPE (GARAGE OPENING) = 24'
- F. CORNER PIPE TO BACK PIPE (BY ALLEY) = 26'3"
- G. BACK PIPE TO EAST BACK PIPE (ALLEY) = 36'6"

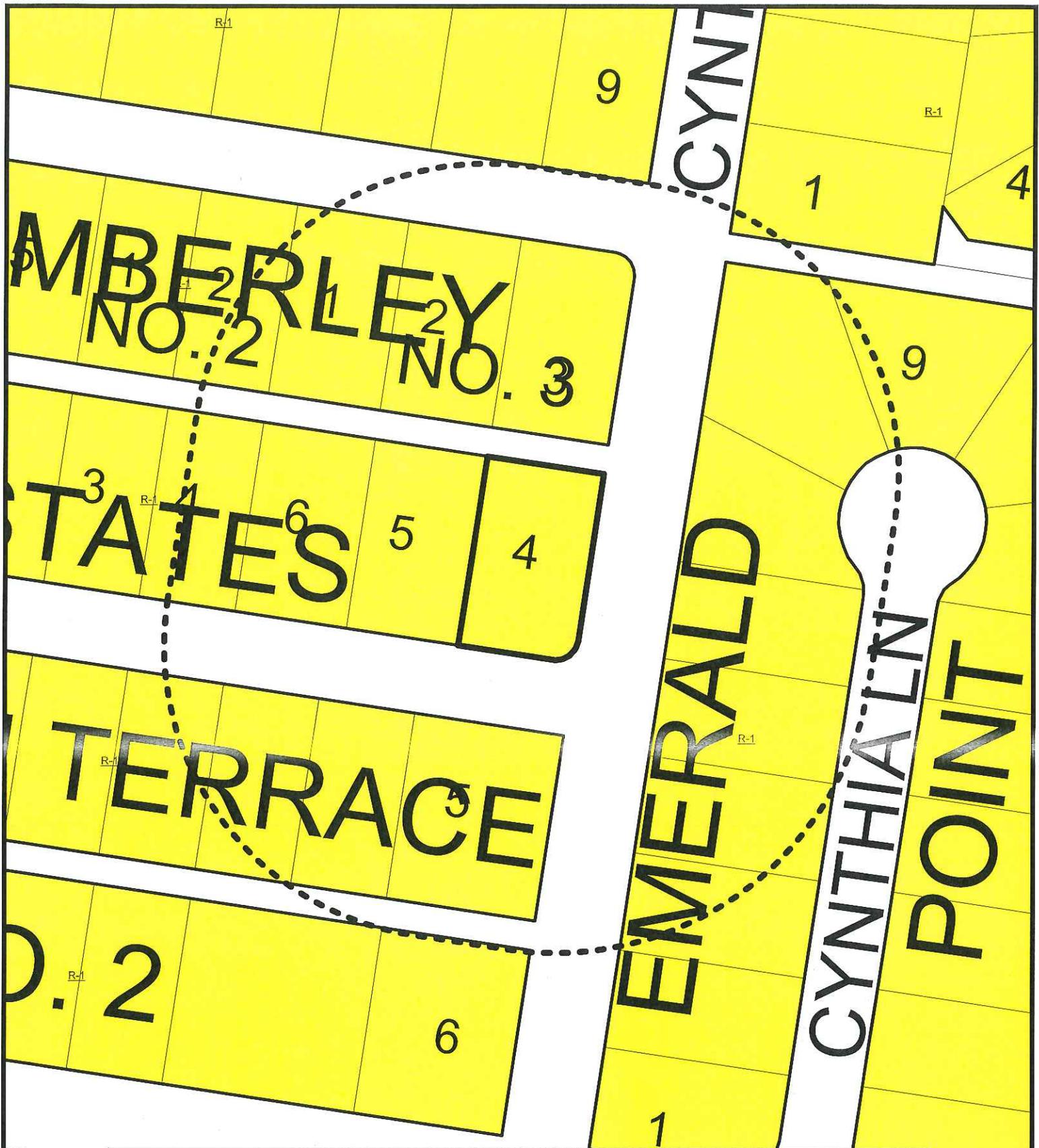


1 PROPOSED FLOOR PLAN
SCALE 1/8" = 1'-0"

RECEIVED
JUL 31 2015
BY: *[Signature]*







CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

LEGEND
SCALE: 1" = 500'



SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

ZONING LEGEND

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

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



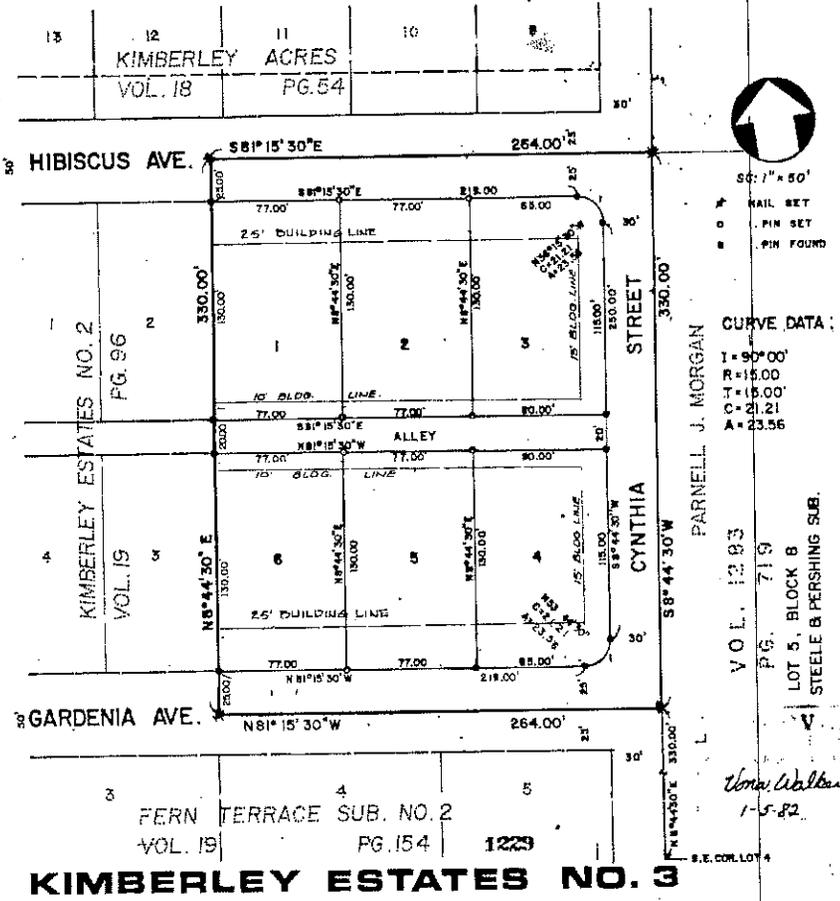
CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

 **SUBJECT PROPERTY**

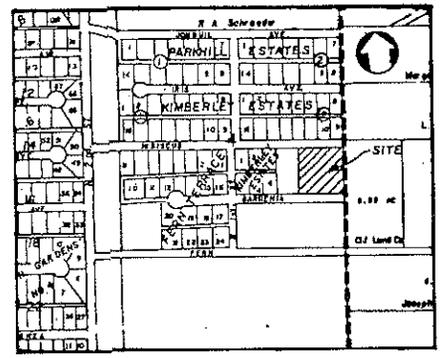


on ground survey and represent approximate relative location of property boundaries.



FINISH FLOOR NOTE:
 FINISH FLOOR ELEVATION SHALL NOT BE LESS THAN 116.5 (U.S.G.S. DATUM) OR 24" ABOVE THE TOP OF THE HIGHEST ADJACENT CURB, WHICHEVER IS HIGHER.

EXISTING GROUND ELEVATIONS WITHIN THIS SUBDIVISION RANGE BETWEEN 113.0 AND 114.0 ABOVE M.S.L.



SCALE: 1" = 80'
 * NAIL SET
 ○ PIN SET
 ■ PIN FOUND

CURVE DATA:
 1 = 90°00'
 R = 15.00'
 Δ = 15.00'
 C = 21.21
 A = 23.56

GIVEN under my hand seal of office, this the 2ND Day of OCTOBER A.D. 1981

Bela Binigosa
 Notary Public
 County of Hidalgo

APPROVAL RECOMMENDED
 I, the undersigned, Chairman of the Planning and Zoning Commission of the City of McAllen hereby certify that this subdivision plat conforms to all requirements of the Subdivision Regulations of this City wherein my approval is required.

J. O. ...
 Chairman Planning Commission

APPROVED - CITY OF McALLEN
 I, the undersigned, Mayor of the City of McAllen, hereby certify that this subdivision plat conforms to all requirements of the Subdivision Regulations of the City wherein my approval is required.

[Signature]
 Mayor, City of McAllen

APPROVED WATER DISTRICT
 This Plat approved by Hidalgo County Water Improvement District No. 2 on this 14 Day of October A.D. 1981.
 Secretary Burt Fortmiller President Leon E. Wurdick

STATE OF TEXAS
COUNTY OF HIDALGO
 I, the undersigned, a Registered Public Surveyor No. 2885 in the State of Texas, hereby certify that this plat is true and correctly made and is prepared from an actual survey on the property made under my supervision on the ground, and further certify that proper engineering. Consideration has been given to this plat.

Jorge D. Perez
 Jorge D. Perez, P.E.
 Registered Public Surveyor.
 Date 7-21-81



A SUBDIVISION OF 2.00 ACRES BEING ALL OF THE EAST 264.00 FEET OF THE NORTH 330.00 FEET OF THE SOUTH 660.00 FEET OF LOT 4, BLOCK 8, STEELE AND PERSHING SUBDIVISION, HIDALGO CO. TEXAS.

STATE OF TEXAS
 COUNTY OF HIDALGO
 KNOW ALL MEN BY THESE PRESENTS:
 I, the undersigned, owner of the Land shown on this Plat, and designated herein as the KIMBERLEY ESTATES No. 3 Subdivision to the City of McAllen, Texas, and whose name is Subscribed hereto, hereby dedicate to the use of the Public all Streets, Alleys, Water Courses, Drains, Easements and Public Places thereon shown for the purpose of consideration therein expressed.

WITNESS my hand on 2ND Day of OCTOBER A.D. 1981

[Signature]
 Notary Public

Hidalgo CAD

Property Search Results > 204440 GARCIA SAMUEL JR & ADRIANA for Year 2015

Property

Account

Property ID: 204440 Legal Description: KIMBERLEY ESTATES #3 LOT 4 & 5
 Geographic ID: K4500-03-000-0004-00 Agent Code:
 Type: Real
 Property Use Code:
 Property Use Description:

Location

Address: 137 E GARDENIA AVE Mapsco:
 MCALLEN, TX
 Neighborhood: KIMBERLY ESTATES #1, 2, & 3 Map ID:
 Neighborhood CD: K450001

Owner

Name: GARCIA SAMUEL JR & ADRIANA Owner ID: 178991
 Mailing Address: 137 E GARDENIA AVE % Ownership: 100.000000000000%
 MCALLEN, TX 78501-9436
 Exemptions: HS

Values

(+) Improvement Homesite Value:	+	\$112,832	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$65,210	
(+) Land Non-Homesite Value:	+	\$0	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$178,042	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$178,042	
(-) HS Cap:	-	\$13,418	
<hr/>			
(=) Assessed Value:	=	\$164,624	

Taxing Jurisdiction

Owner: GARCIA SAMUEL JR & ADRIANA
 % Ownership: 100.000000000000%
 Total Value: \$178,042

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	APPRAISAL DISTRICT	0.000000	\$178,042	\$164,624	\$0.00
CML	CITY OF MCALLEN	0.476300	\$178,042	\$164,624	\$784.10
DR1	DRAINAGE DISTRICT #1	0.095700	\$178,042	\$164,624	\$157.55
GHD	HIDALGO COUNTY	0.590000	\$178,042	\$164,624	\$971.28
JCC	SOUTH TEXAS COLLEGE	0.185000	\$178,042	\$164,624	\$304.55
R12	ROAD DIST 12	0.000000	\$178,042	\$164,624	\$0.00
SML	MCALLEN ISD	1.165000	\$178,042	\$139,624	\$1,626.62
SST	SOUTH TEXAS SCHOOL	0.049200	\$178,042	\$164,624	\$81.00

Total Tax Rate:	2.561200		
		Taxes w/Current Exemptions:	\$3,925.10
		Taxes w/o Exemptions:	\$4,216.35

Improvement / Building

Improvement #1: RESIDENTIAL State Code: A1 Living Area: 2484.0 sqft Value: \$112,832

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	BRKAV	DBRK	1990	2484.0
POR	PORCH (COVERED)	*		1990	35.0
POR	PORCH (COVERED)	*		1990	108.0
GAR	GARAGE	*		1990	484.0
PAT	PATIO	*		1990	282.0
CPT	CARPORT	*		2006	990.0
STG	STORAGE	*		2006	192.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	L	LOT	0.4685	20410.00	80.00	130.00	\$65,210	\$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2016	N/A	N/A	N/A	N/A	N/A	N/A
2015	\$112,832	\$65,210	0	178,042	\$13,418	\$164,624
2014	\$84,448	\$65,210	0	149,658	\$0	\$149,658
2013	\$87,492	\$65,210	0	152,702	\$0	\$152,702

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	10/20/1989 12:00:00 AM	CONV	CONVERSION	GARCIA EUGENIA	GARCIA SAMUEL J	2824	443	
2		CONV	CONVERSION	GARZA IRENE TER	GARCIA EUGENIA			

Tax Due

Property Tax Information as of 08/11/2015

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

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: August 28, 2015

SUBJECT: REQUEST OF ANTONIA MENDOZA FOR VARIANCE REQUESTS TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) A FRONT YARD SETBACK OF 9.83 FEET INSTEAD OF 25 FEET FOR AN EXISTING ALUMINUM CARPORT MEASURING 16.41 FEET BY 20 FEET, 2) A SIDE YARD SETBACK ALONG THE WEST PROPERTY LINE OF 1.16 FEET INSTEAD OF 6 FEET FOR AN EXISTING ALUMINUM CARPORT MEASURING 16.41 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 into the front and side 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 setbacks. An application for a building permit was submitted on February 4, 2015 but the permit is pending a variance to the setbacks. An existing wood storage building is located at the rear of the property but the applicant decided not to include in the request.

ANALYSIS:

Variance #1: 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 closer in compliance. An existing one car garage is used for storage. This request does not meet the criteria for granting of a variance.

Variance #2: The side yard setback is 6 feet for the common side property line. A block wall separates the driveway from the neighboring property.

RECOMMENDATION:

Staff recommends disapproval of the variance request.

8/5/15

2015-0031

City of McAllen Planning Department

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

APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE

Project	Legal Description <u>Lot 110 - Unit 2</u>
	Subdivision Name <u>Idela Park unit 2</u>
	Street Address <u>3032 Norma Ave.</u>
	Number of lots <u>1</u> Gross acres _____
	Existing Zoning <u>R 1</u> Existing Land Use <u>Casa</u>
	Reason for Appeal (please use other side if necessary) <u>Proteccion Para Las Camionetas</u>

\$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

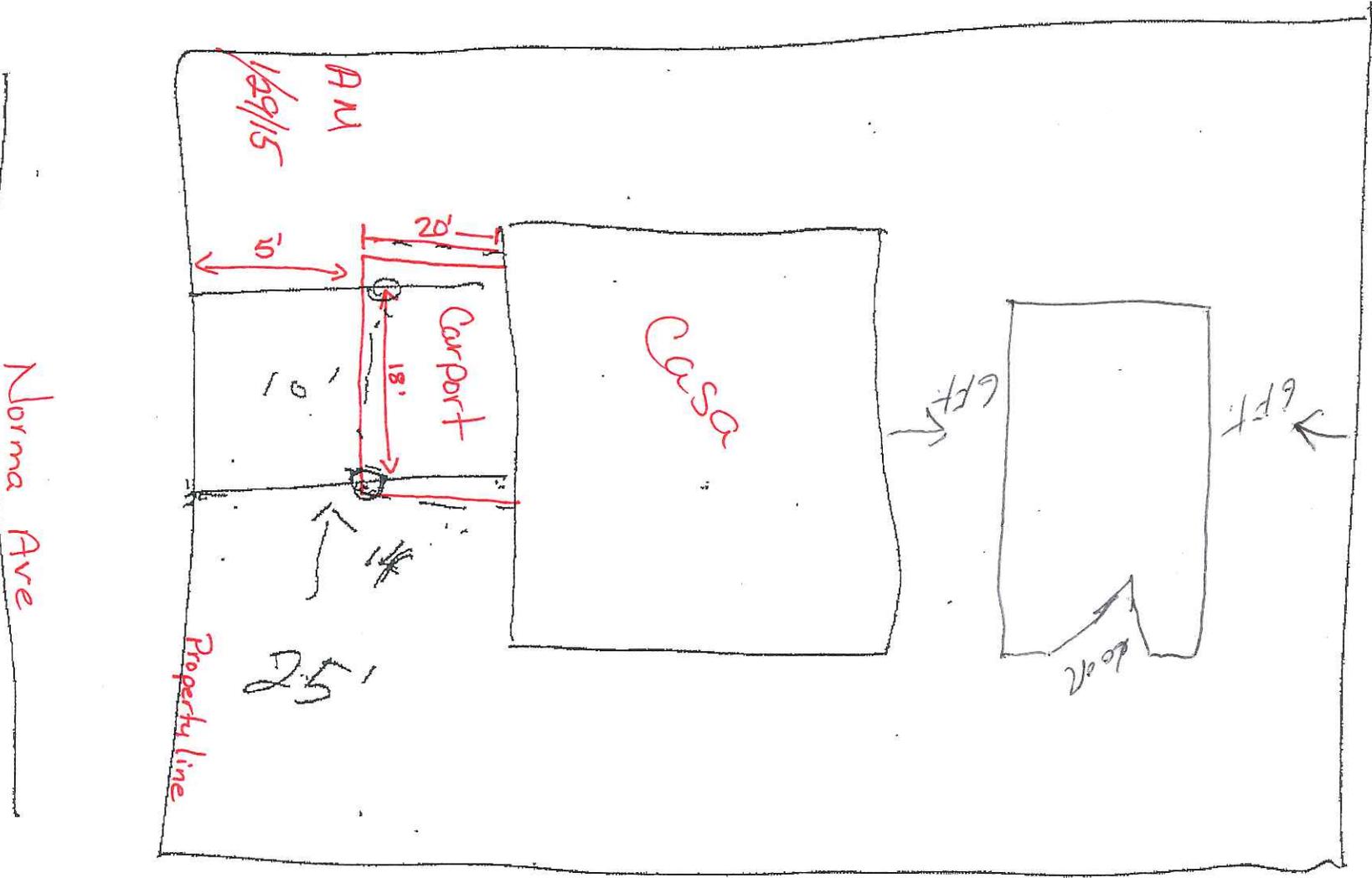
Applicant	Name <u>Antonia Mendoza</u> Phone <u>212-5923</u>
	Address <u>3032 Norma Ave.</u> E-mail _____
	City <u>McAllen,</u> State <u>TX</u> Zip <u>78503</u>

Owner	Name <u>Antonia Mendoza</u> Phone <u>212-5923</u>
	Address <u>3032 Norma Ave.</u> E-mail _____
	City <u>McAllen</u> State <u>TX</u> Zip <u>78503</u>

Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.
	Signature <u>Antonia Mendoza</u> Date <u>2/4/15</u>
	Print Name <u>Antonia Mendoza</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent

Office	Accepted by <u>[Signature]</u> Payment received by _____ Date _____
	REVISÉD 9/11

REC
JUN 22 2015
BY: [Signature]



Res 2014-01941



CITY OF McALLEN PERMIT APPLICATION

REV. 10/2011

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

APPLICATION MUST BE COMPLETE

PERMIT APPLICATION REFERENCE NUMBER

(Please type or print in black or blue ink)

APPLICANT

NAME Antonia Mendoza PHONE 956.212.5923
ADDRESS 3032 Norma Ave.
CITY McAllen STATE TX ZIP 78508
CONTACT: NAME:
[checked] OWNER [] CONTRACTOR [] TENANT [] OTHER

OWNER

NAME Antonia Mendoza PHONE 956 212 5923
ADDRESS 3032 Norma Ave. E-MAIL:
CITY McAllen STATE TX ZIP 78503

[] 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

PROJECT

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

Antonia Mendoza Antonia Mendoza
PRINT (AUTHORIZED AGENT/OWNER) SIGNATURE EMAIL ADDRESS (required) DATE 2/4/05



- 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--

car
Front porch added no permit on file.
3032 NORMA AVE
1-28-15

Date

P. Rodriguez

Inspector

DO NOT REMOVE THIS NOTICE

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

Warning

Ticket #
20154

Date: 1-16-15	Time: 3:35	Issuer: A. Rodriguez II	ID # 12212
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Location/Block/Street: 3032 Norma Ave	License Plate:
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Permits	Health	Zoning
<input checked="" type="checkbox"/> Building	<input type="checkbox"/> Weedy Lot	<input type="checkbox"/> Sign Placed in ROW
<input type="checkbox"/> Plumbing	<input type="checkbox"/> Accumulation of trash	<input type="checkbox"/> Signs w/o Permit
<input type="checkbox"/> Electrical	<input type="checkbox"/> Stagnant Water	<input type="checkbox"/> Erecting Signs w/o Permit
<input type="checkbox"/> Mechanical	<input type="checkbox"/> Illegal Dumping	<input type="checkbox"/> Proh. Portable Signs
Work w/o Inspection	<input type="checkbox"/> Gross Unsanitary Cond.s	<input type="checkbox"/> Front Yard Parking
<input type="checkbox"/> Plumbing	<input type="checkbox"/> Deposit of Wastes	<input type="checkbox"/> Fail to Obtain C.U.P.
<input type="checkbox"/> Electrical	Food/Retail	<input type="checkbox"/> Expired C.U.P.
<input type="checkbox"/> Mechanical	<input type="checkbox"/> No Certified Manager	<input type="checkbox"/> Violation of C.U.P. Cond.
<input type="checkbox"/> Construction (com./res)	<input type="checkbox"/> No Food Handling Cert.	Animal
Performing Work w/o Lic.	<input type="checkbox"/> Hazardous Foods	<input type="checkbox"/> Leash Law
<input type="checkbox"/> Plumbing	<input type="checkbox"/> Selling Food w/o Permit	<input type="checkbox"/> No Vaccinations
<input type="checkbox"/> Electrical	<input type="checkbox"/> Business on Sidewalks	Fire
<input type="checkbox"/> Mechanical	<input type="checkbox"/> Display/Sale on St/Sidewalk	<input type="checkbox"/> Exceed Occupancy
	<input type="checkbox"/> Proh. Outdoor Display/Sale of Merch.	<input type="checkbox"/> Blocked Exits
	<input type="checkbox"/> No Garage Sale Permit	<input type="checkbox"/> Fail to Maintain Fire Alarm

NOTE: Front car park Encroachment
 Violation/Offense:

Violation/Offense:

Last Name: Villarreal	First Name: Antonia	Middle: de Mendoza
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Street Address: 3032 Norma Ave	City: McAllen	State: TX	Zip: 78502
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Res. Phone: 956-212-5923	Sex: F	DOB: 8-25-86	Age: 61	D.L.#: 04398644	State: TX
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Occupation:	Employer:	Phone:
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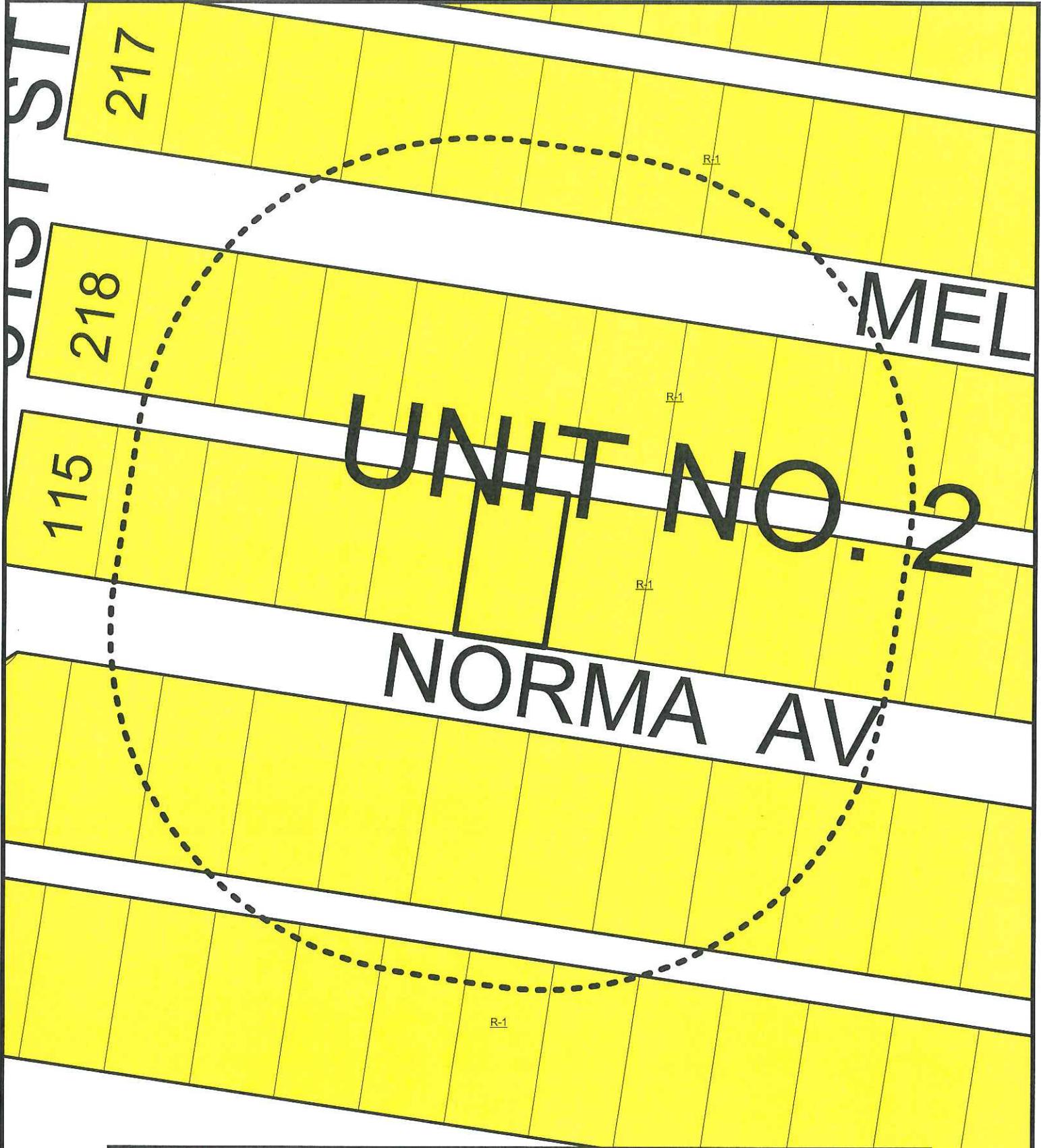
Business Address:	City:	State:	Zip:
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I HEREBY PROMISE TO APPEAR BEFORE THE MUNICIPAL COURT ON OR BEFORE:

January, 07, 2015

Signature: Antonia de Mendoza

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
PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.

AREA MAP



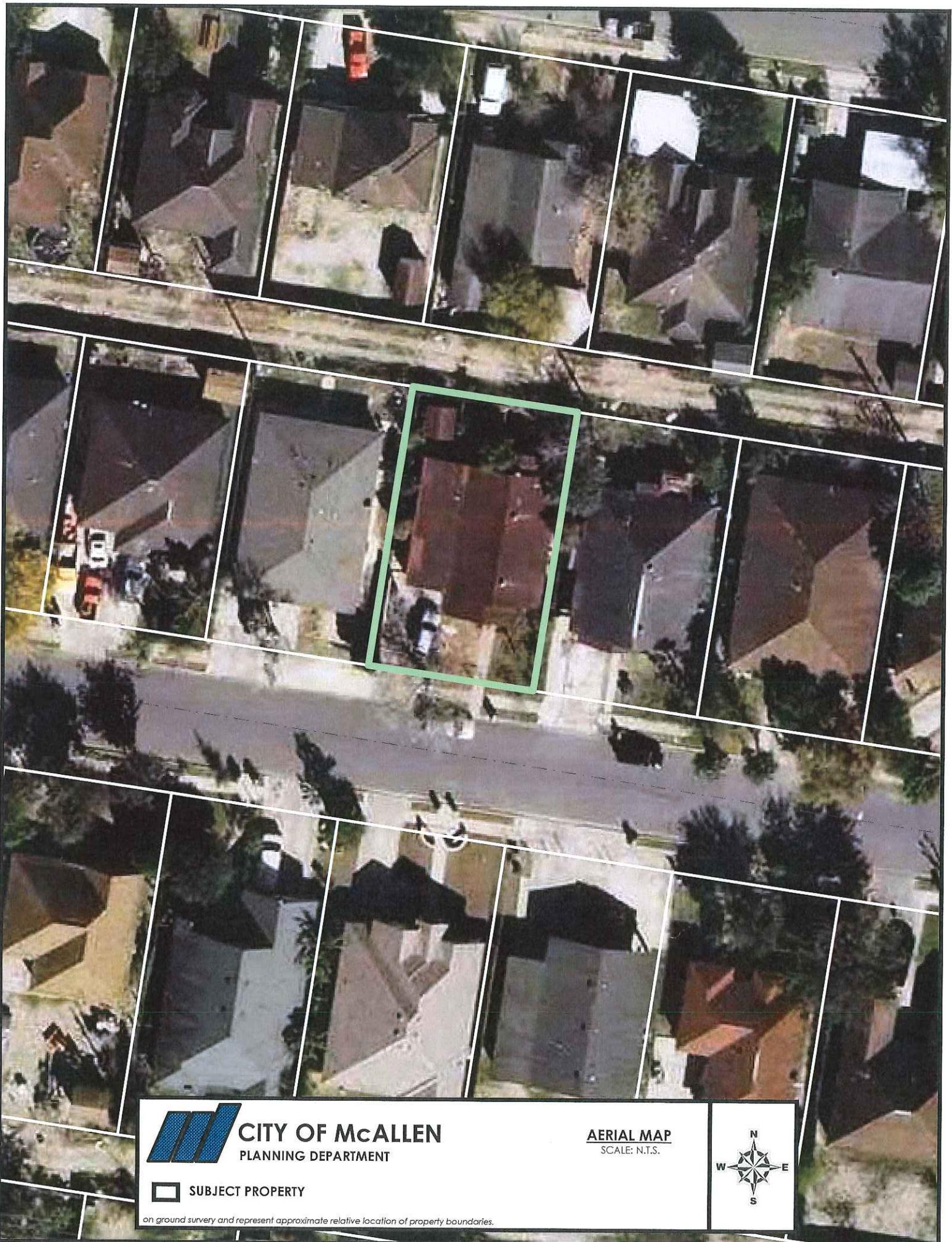
 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY

ZONING LEGEND

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

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-481-1250, or select city maps at <http://www.mcalLEN.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.



CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.



 SUBJECT PROPERTY

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





Hidalgo CAD

Property Search Results > 196320 MENDOZA JOSE for Year 2015

Property

Account

Property ID: 196320 Legal Description: IDELA PARK #2 LOT 110 - UNIT 2
 Geographic ID: I2000-02-000-0110-00 Agent Code:
 Type: Real
 Property Use Code:
 Property Use Description:

Location

Address: 3032 NORMA AVE Mapsco:
 Neighborhood: IDELIA PARK PH 1, 2, 3 & 4 Map ID:
 Neighborhood CD: I200001

Owner

Name: MENDOZA JOSE Owner ID: 340622
 Mailing Address: C/O ANTONIA MENDOZA % Ownership: 100.0000000000%
 3032 NORMA AVE
 MCALLEN, TX 78503-8626

Exemptions: HS, OV65

Values

(+) Improvement Homesite Value:	+	\$26,376	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$16,695	
(+) Land Non-Homesite Value:	+	\$0	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$43,071	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$43,071	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$43,071	

Taxing Jurisdiction

Owner: MENDOZA JOSE
 % Ownership: 100.0000000000%
 Total Value: \$43,071

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	APPRAISAL DISTRICT	0.000000	\$43,071	\$43,071	\$0.00
CML	CITY OF MCALLEN	0.476300	\$43,071	\$33,071	\$157.52
DR1	DRAINAGE DISTRICT #1	0.095700	\$43,071	\$43,071	\$41.22
GHD	HIDALGO COUNTY	0.590000	\$43,071	\$28,071	\$165.62
JCC	SOUTH TEXAS COLLEGE	0.185000	\$43,071	\$43,071	\$79.68
R12	ROAD DIST 12	0.000000	\$43,071	\$43,071	\$0.00
SML	MCALLEN ISD	1.165000	\$43,071	\$8,071	\$94.03
SST	SOUTH TEXAS SCHOOL	0.049200	\$43,071	\$43,071	\$21.19

Total Tax Rate:	2.561200		
		Taxes w/Current Exemptions:	\$559.26
		Taxes w/o Exemptions:	\$1,103.13

Improvement / Building

Improvement #1:	RESIDENTIAL	State Code:	A1	Living Area:	1440.0 sqft	Value:	\$26,376
Type	Description	Class CD	Exterior Wall	Year Built	SQFT		
MA	MAIN AREA	BRKFA	DBRK	1989	1120.0		
ADD	ADDITION	BRKFA		0	320.0		
GAR	GARAGE	BRKFA		0	320.0		
POR	PORCH (COVERED)	BRKFA		0	100.0		
STG	STORAGE	*		2000	48.0		

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	L	LOT	0.1095	4770.00	53.00	90.00	\$16,695	\$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2015	\$26,376	\$16,695	0	43,071	\$0	\$43,071
2014	\$34,212	\$16,695	0	50,907	\$0	\$50,907
2013	\$35,410	\$16,695	0	52,105	\$0	\$52,105
2012	\$37,017	\$16,695	0	53,712	\$0	\$53,712

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	9/30/1972 12:00:00 AM	CONV	CONVERSION	MENDOZA JOSE	MENDOZA JOSE			
2		CONV	CONVERSION	Unknown	MENDOZA JOSE			

Tax Due

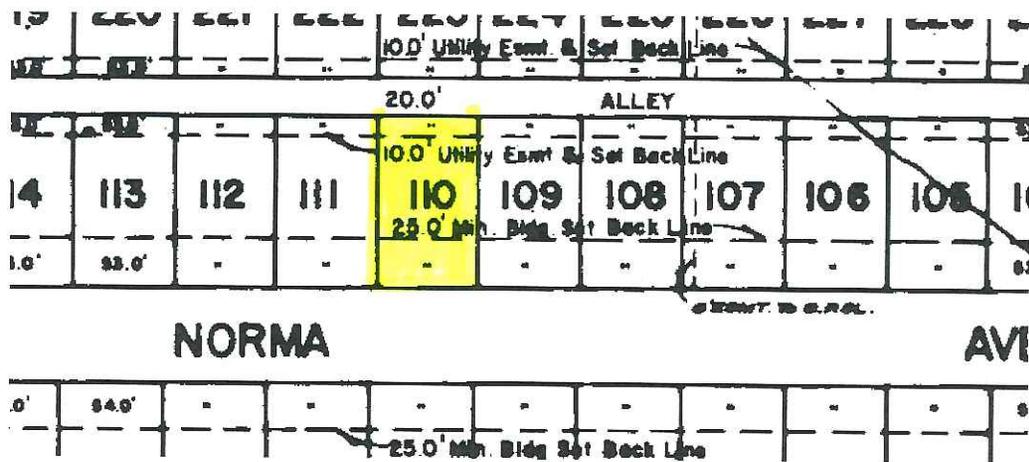
Property Tax Information as of 07/09/2015

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 *ts*

DATE: August 14, 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 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. (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. At the meeting of August 5, 2015 no one appeared in opposition of the variance requests. The applicant indicated that there is no room in the rear yard to relocate the structures out of the setbacks. Chairman Robert Morehead recommended that the variance requests be tabled to allow the applicant time to provide photos of the structures. Board member Hovar agreed saying that he would like to see the structures and how they fit into the neighborhood. The Board then unanimously voted to table the variance requests until the next meeting in order for the applicant to provide photos of the structures. There were 5 members present and voting.

ZB002
8/5/15 per customer's request

ZBA 2015-0027

City of McAllen Planning Department

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

APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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 MARCO78501@msa.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 [Signature] Date 6-1-15

Print Name Marco Leal Owner Authorized Agent

Office

Accepted by [Signature] Payment received by _____ Date _____

REVISÉ 9/11

uploaded:
Accede
L.F. —

pd. by C.C.

JUN 05 2015
BY: cw



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 _____

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 _____

NEW ADDITION REMODELING REPAIR MOVE REMOVE BLDG. HGT. _____ NO. OF FLOORS _____
BLDG 22x22 Carport NO. PARKING _____ SQ. FT. LOT _____ FLOOR EL. ABOVE CURB _____
SQ. FT. 10x10 Gazebo SPACES _____ LOT _____ FRONT _____
EXISTING USE _____ NEW IMPROVEMENT VALUE \$ 1500 OF LOT HOOD USE _____ VALUE \$ _____

SCOPE OF WORK TO BE DONE Carport & Gazebo

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

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

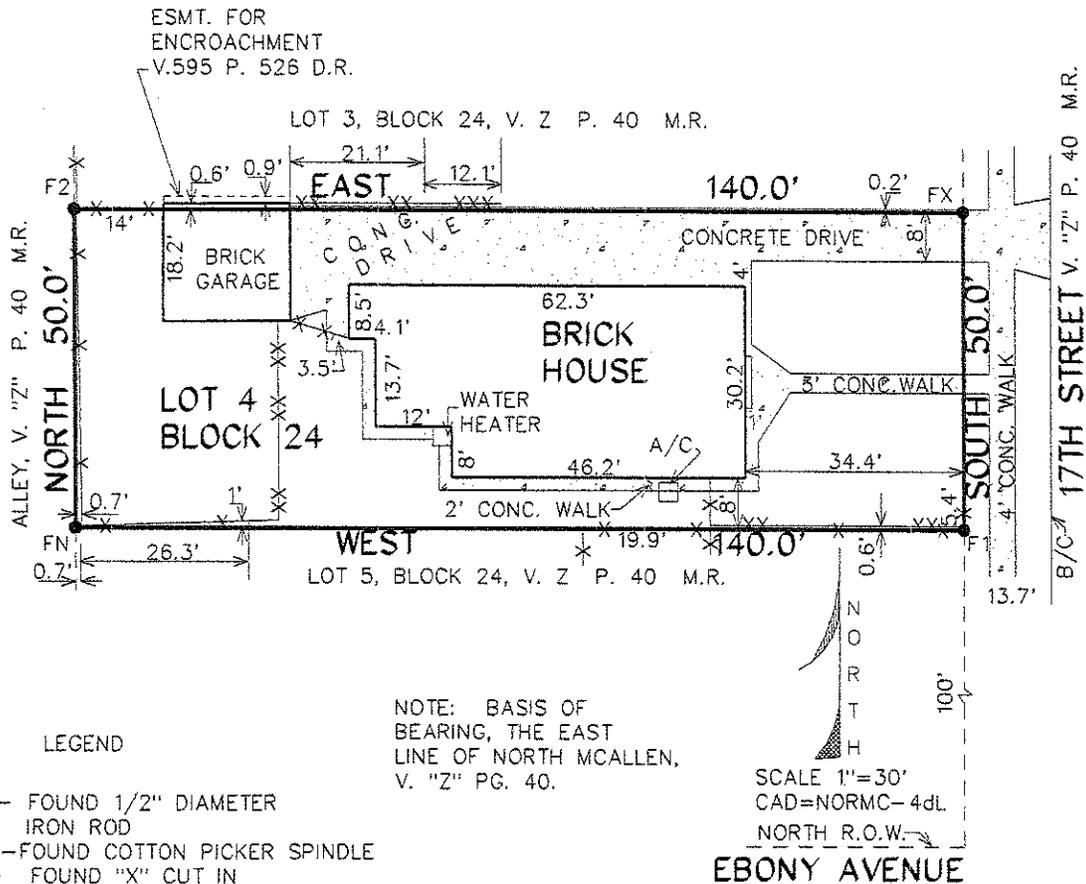
COPY



PEÑA ENGINEERING

1000 WHITEWING · P.O. BOX 4320

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



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

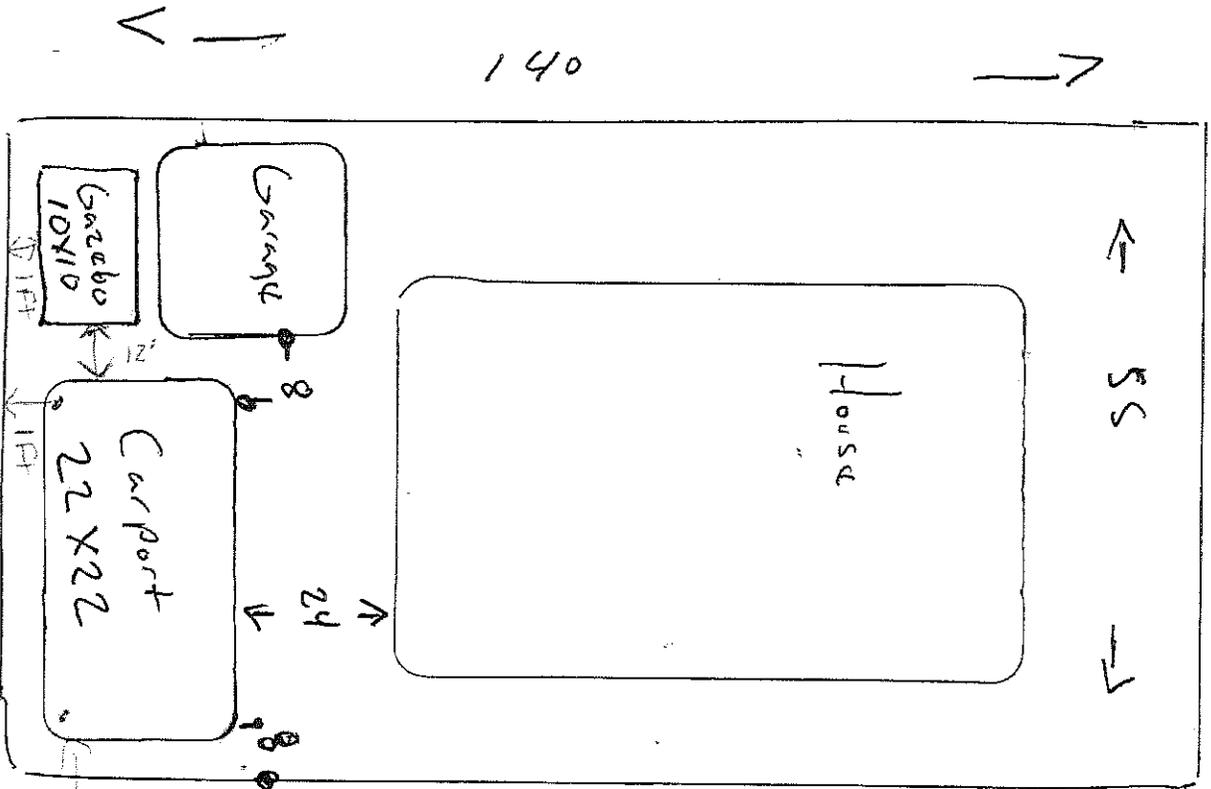
BUYER'S NAME: MARCO ANTONIO LEAL

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



Allergy

poops are
also being used
for gate

All dimensions are approx.

MAIN CANAL OF THE FIDALGO IRRIGATION COMPANY

MAIN CANAL



J. R. Box
8.82 Acres

R. H. Osborn
1.88 Acs.
J. Campbell
1.64 Acs.
E. E. Osborn
1.64 Acs.

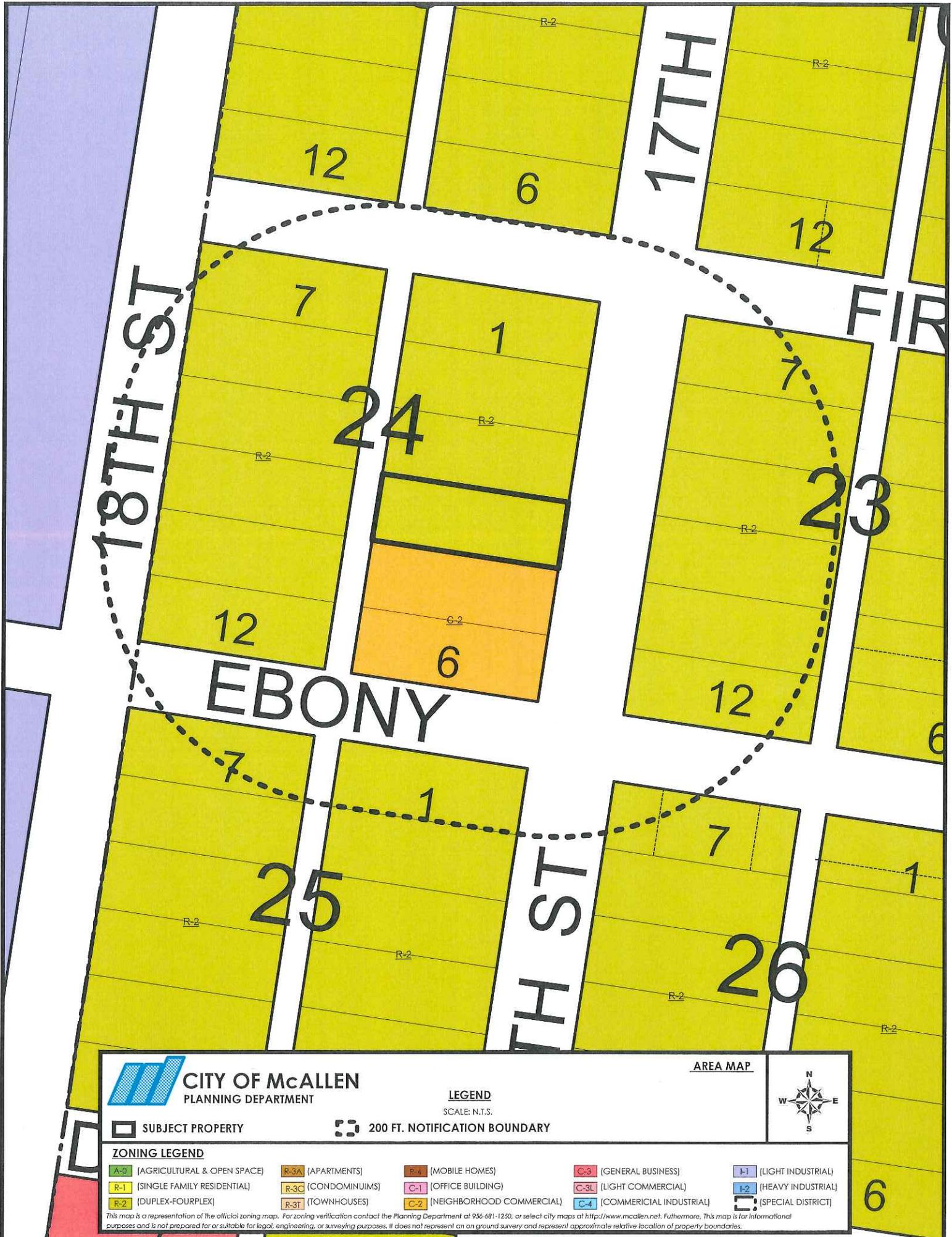
Dewey & Osborn
6.97 Acres

W. C. Griffing
3.61 Acres

I. M. Cronk
3.52 Acres

E. D. Billingham
7.4 Acres

Carrell Osborn
4.4 Acres





CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.

AREA MAP

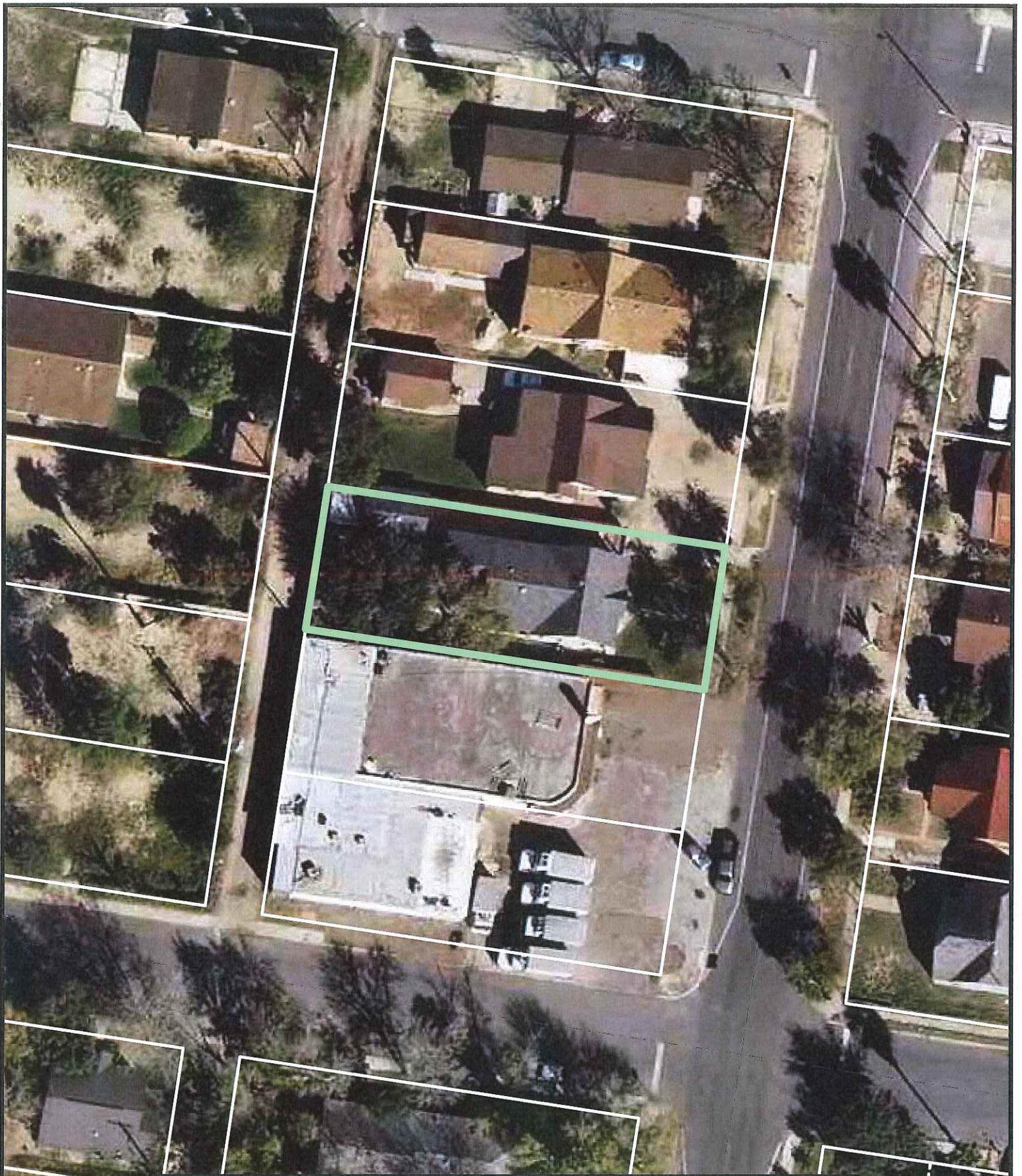


ZONING LEGEND

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

200 FT. NOTIFICATION BOUNDARY

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



CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.



SUBJECT PROPERTY



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









Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: August 14, 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. At the meeting of August 5, 2015 no one appeared to speak in opposition of the variance request. The Board unanimously voted to table the variance requests in order to allow the applicant time to consider a reduction in the building setback encroachments. There were five members present and voting.

ZBA 2014-0026

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 BIK3

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

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 6-6-14

Print Name Jose Luis Galindo Owner Authorized Agent

Office

Accepted by [Signature] Payment received by _____ Date _____

Scanned + approved

RECEIVED
JUL 18 2014
BY: dw

Rct # 218, 588 ✓



City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

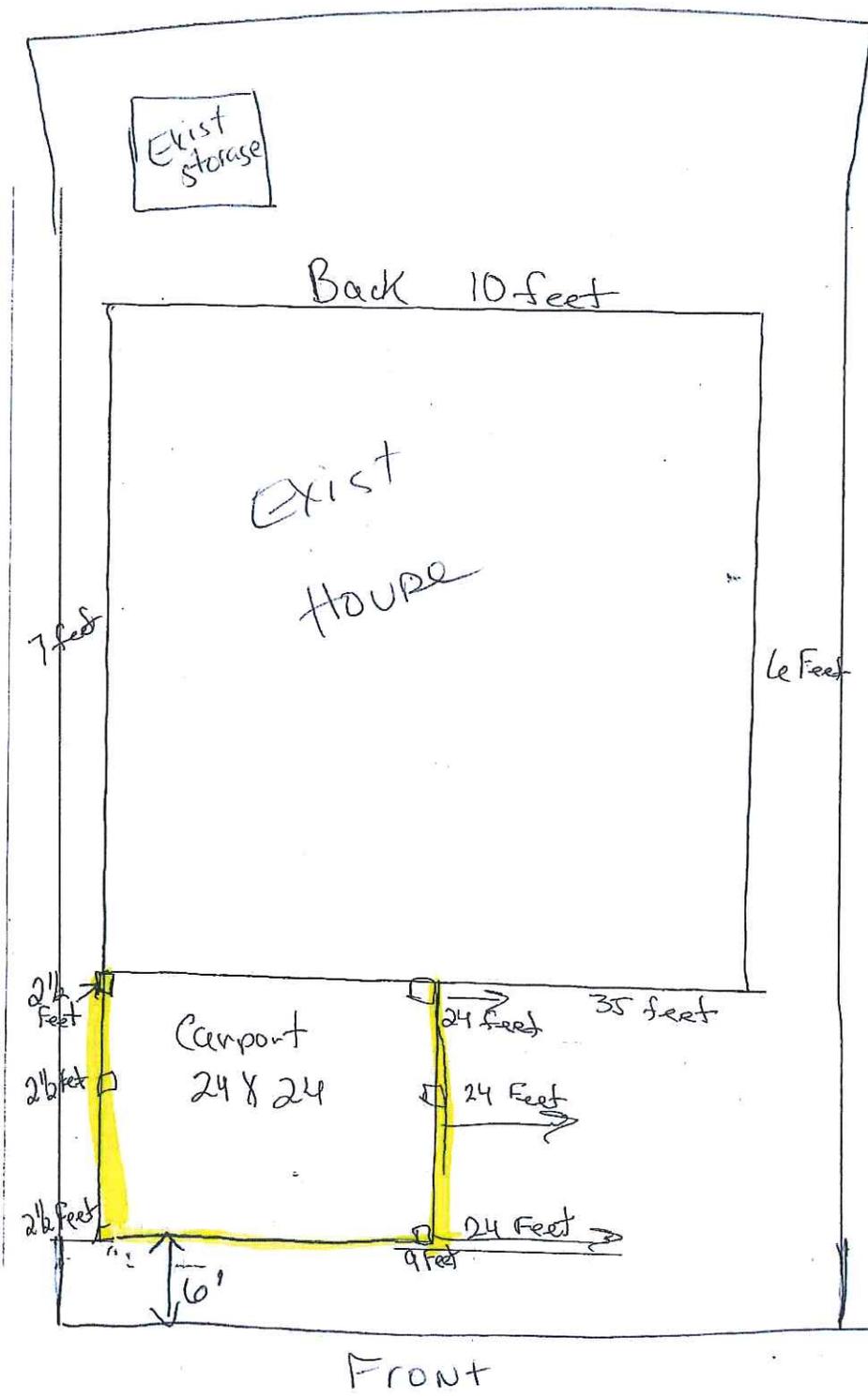
Reason for Appeal

Front yard, ~~feet~~ of set back of 3 feet
in steal of 20 feet

Board Action

Chairman, Board of Adjustment
Signature

Date



9-4

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

Warning

Ticket #
12727

Date: Nov 30/14 Time: 10:09 Issuer: Jose Daniel Gonzalez ID #: 9099
Location/Block/Street: 1009 S. 27th License Plate:

<input checked="" type="checkbox"/> Permits	<input type="checkbox"/> Health	<input type="checkbox"/> Zoning
<input type="checkbox"/> Building	<input type="checkbox"/> Weedy Lot	<input type="checkbox"/> Sign Placed in ROW
<input type="checkbox"/> Plumbing	<input type="checkbox"/> Accumulation of trash	<input type="checkbox"/> Signs w/o Permit
<input checked="" type="checkbox"/> Electrical	<input type="checkbox"/> Stagnant Water	<input type="checkbox"/> Erecting Signs w/o Permit
<input type="checkbox"/> Mechanical	<input type="checkbox"/> Illegal Dumping	<input type="checkbox"/> Proh. Portable Signs
<input type="checkbox"/> Work w/o Inspection	<input type="checkbox"/> Gross Unsanitary Cond.s	<input type="checkbox"/> Front Yard Parking
<input type="checkbox"/> Plumbing	<input type="checkbox"/> Deposit of Wastes	<input type="checkbox"/> Fail to Obtain C.U.P.
<input type="checkbox"/> Electrical	<input type="checkbox"/> Food/Retail	<input type="checkbox"/> Expired C.U.P.
<input type="checkbox"/> Mechanical	<input type="checkbox"/> No Certified Manager	<input type="checkbox"/> Violation of C.U.P. Cond.
<input type="checkbox"/> Construction (com./res)	<input type="checkbox"/> No Food Handling Cert.	<input type="checkbox"/> Animal
<input type="checkbox"/> Performing Work w/o Lic.	<input type="checkbox"/> Hazardous Foods	<input type="checkbox"/> Leash Law
<input type="checkbox"/> Plumbing	<input type="checkbox"/> Selling Food w/o Permit	<input type="checkbox"/> No Vaccinations
<input type="checkbox"/> Electrical	<input type="checkbox"/> Business on Sidewalks	<input type="checkbox"/> Fire
<input type="checkbox"/> Mechanical	<input type="checkbox"/> Display/Sale on St/Sidewalk	<input type="checkbox"/> Exceed Occupancy
	<input type="checkbox"/> Proh. Outdoor Display/Sale of Merch.	<input type="checkbox"/> Blocked Exits
	<input type="checkbox"/> No Garage Sale Permit	<input type="checkbox"/> Fail to Maintain Fire Alarm

Violation/Offense: Construction of Cartport

Violation/Offense:
Last Name: Galindo First Name: Jose Middle: Luis
Street Address: 1009 S. 27th City: McAllen TX State: TX Zip: 78501
Res. Phone: Sex: M DOB: 8/14/57 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, 2014

Signature: [Handwritten Signature]

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



BUILDING PERMIT APPLICATION

REV. 11/2013

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

APPLICATION MUST BE COMPLETE

PERMIT APPLICATION REFERENCE NUMBER

RES201403593

(Please type or print in black or blue ink)

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

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

BLDG SQ. FT. 2424 NO. PARKING SPACES _____ SQ. FT. LOT _____ LOT FRONT _____ FLOOR EL. ABOVE CURB _____
 EXISTING USE House NEW USE _____ IMPROVEMENT VALUE \$ 3,000 1.00

SCOPE OF WORK TO BE DONE Carport

PROJECT

FOR RESIDENTIAL USE ONLY NO. OF UNITS 1 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# _____ 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 CEK
 PERMIT REVIEW FEE \$ _____ DATE 6/2/14
 PARK DEV. TOTAL PERMIT FEE \$ 149.76 TIME 8:55
 ZONE # _____ PARK DEVELOPMENT FEE \$ _____

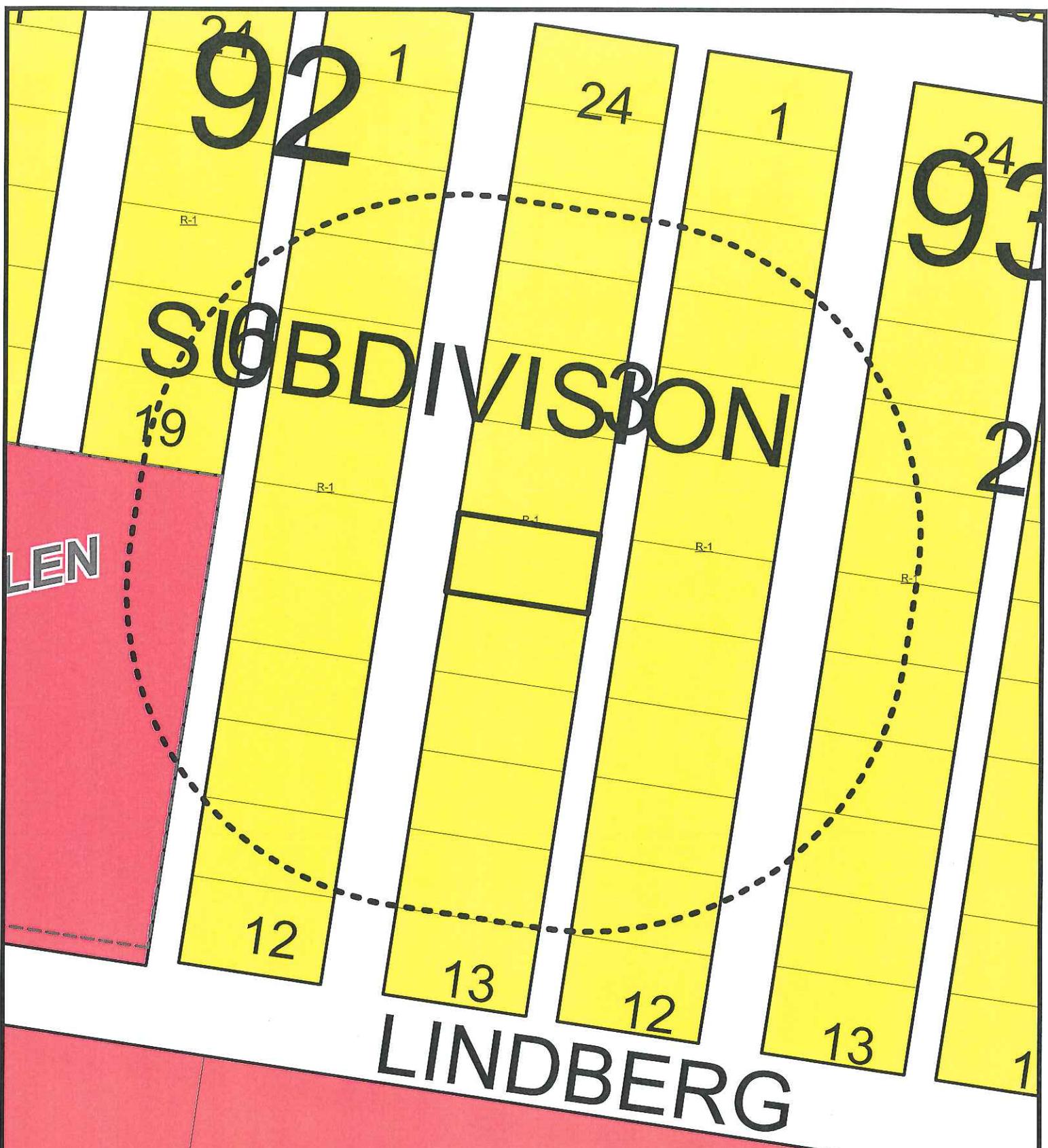
The foregoing is a true and correct description of the improvement proposed by the undersigned applicant and the applicant states that he will have full authority over construction of same. The building permit shall not be held to permit or be an approval of the violation or modification of any provisions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

[Signature]
PRINT (AUTHORIZED AGENT/OWNER)

Jose L. Galindo
SIGNATURE

jalgalindo715e
EMAIL ADDRESS (required)
sjgalpal.net

6/2/14
DATE



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

LEGEND

SCALE: N.T.S.



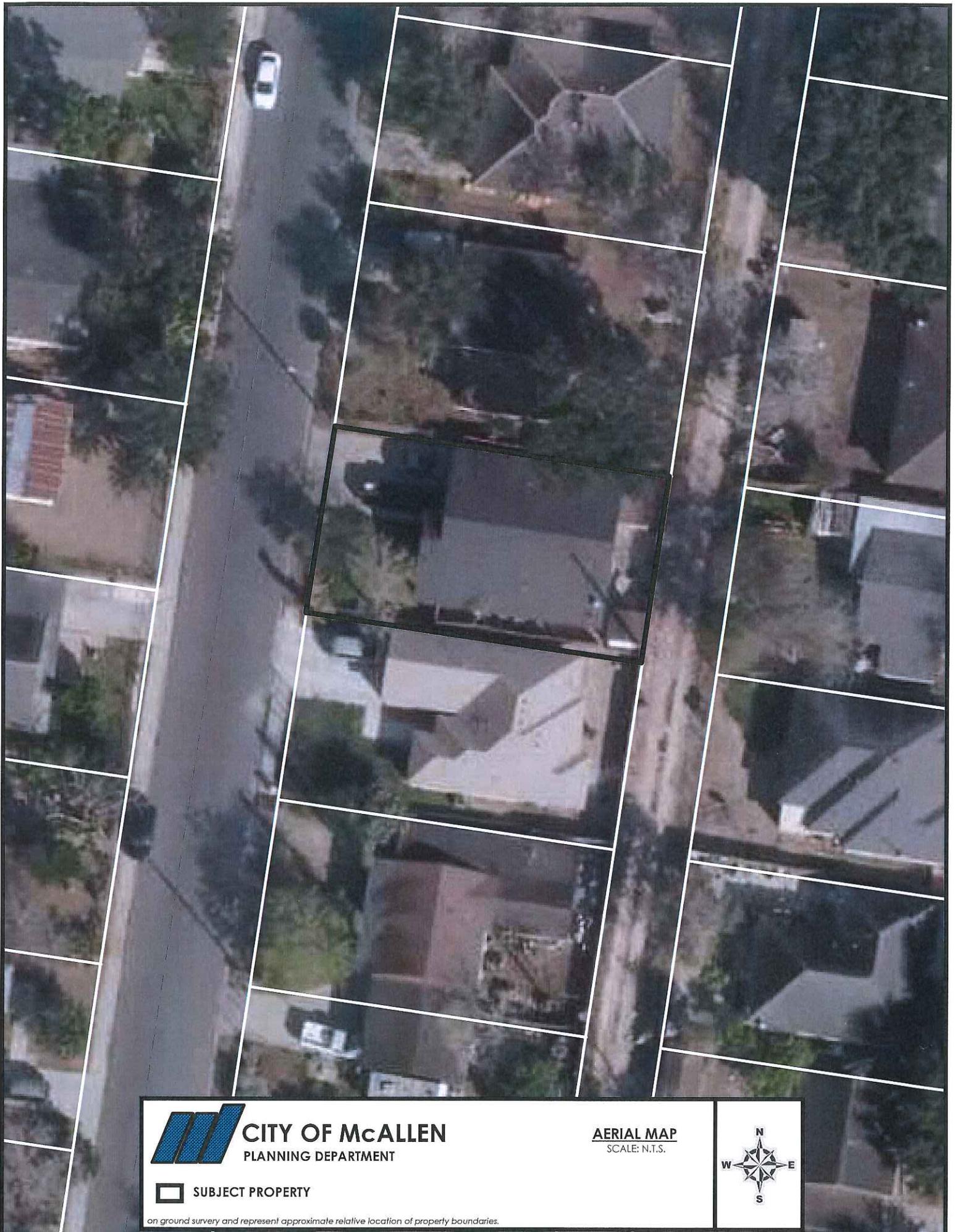
SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

ZONING LEGEND

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

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CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.



SUBJECT PROPERTY



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





1009

W

Chrysler



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 Mapsco:
 MCALLEN, TX
 Neighborhood: MCALLEN HEIGHTS Map ID:
 Neighborhood CD: M215000

Owner

Name: GALINDO JOSE LUIS & GLORIA Owner ID: 139070
 Mailing Address: 1009 S 27TH ST % Ownership: 100.000000000000%
 MCALLEN, TX 78501-8322
 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: 100.000000000000%
 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.

Questions Please Call (956) 381-8466

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: August 28, 2015

SUBJECT: REQUEST OF GLADYS AND GUADALUPE SILVA FOR VARIANCE REQUESTS TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) A FRONT YARD SETBACK OF 0 FEET INSTEAD OF 20 FEET FOR A CARPORT MEASURING 12.5 FEET BY 14.25 FEET, 2) A FRONT YARD SETBACK OF 16 FEET INSTEAD OF 20 FEET FOR A PORCH MEASURING 5.75 FEET BY 5.83 FEET, 3) A SIDE YARD SETBACK OF 1 FOOT INSTEAD OF 6 FEET FOR AN ALUMINUM CARPORT MEASURING 18 FEET BY 20 FEET, 4) A SIDE YARD SETBACK OF 4.08 FEET INSTEAD OF 6 FEET FOR A STORAGE BUILDING MEASURING 8.16 FEET BY 8.08 FEET, FOR THE EAST 57 FEET AND 7 ½ INCHES OF THE SOUTH 58 FEET 3 INCHES OF LOT 4, BLOCK 2, GOLDEN ACRES RETIREMENT SUBDIVISION NO. 1, HIDALGO COUNTY, TEXAS; 405 NORTH 37TH ½ STREET. (ZBA2015-0032)

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 variance requests in order allow a carport, and porch to encroach into the front yard setback. The request is also to allow an aluminum carport and storage building to encroach into the side yard setback. The applicant would like to keep the carport and porch structures to serve as an area for shade for family member with a medical situation.

PROPERTY LOCATION AND VICINITY:

The property is located along the west side of North 37 1/2 Street west of Ware Road. Each tract has 57.63 feet of frontage along North 37 ½ Street with a depth of 58.25 feet for a tract size of 3,356.9 square feet each. The property is zoned R-2 (duplex-fourplex residential) District. The surrounding land use includes fourplexes that have been sold as single unit "townhouse" and duplexes. There is an existing "townhouse" on the subject property.

BACKGROUND AND HISTORY:

Golden Acres Retirement Subdivision No. 1 was recorded on March 7, 1981 with a shared 5 foot

utility easement along the south side of Lot 4 and setbacks as per zoning ordinance are 20 foot front yard and 6 foot side yard. A citation (#20175) for construction of a carport without a building permit and encroachment was issued on June 3, 2015. Carport shown on the survey had been previously enclosed. An application for abandonment of the 2 ½ foot utility easement has not been submitted.

ANALYSIS:

This is a property which was bought as a split property and is not a complete lot.

Variance #1: The existing carport encroaches into the front yard setback. Front yard setbacks help keep the character of single family residential areas by maintaining the street yard and curb appeal of properties in a subdivision. The carport would have to be demolished in order to be in compliance with the required front setback.

Variance #2: The porch encroaches 4 feet into the 20 foot front yard setback. This lot resembles a townhouse residential lot in size and which have a 10 foot front yard setback. To reduce the setback, the structure would have to be modified by cutting back 4 feet.

Variances #3 & #4: The applicant has indicated that they are willing to move the storage building and aluminum carport to be in compliance with the required setback.

RECOMMENDATION:

Staff recommends disapproval of the variance requests.

18000
8/5/15

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 GOLDEN ACRES RETIREMENT
S 58.3' - E 57' 7 1/2" LOT 4 BIK 2

Subdivision Name GOLDEN ACRES RETIREMENT

Street Address 405 N 37TH 1/2 ST

Number of lots 1 Gross acres 0.758

Existing Zoning _____ Existing Land Use RESIDENTIAL

Reason for Appeal (please use other side if necessary) _____
CARPORT & STORAGE ROOM.

\$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 OWNER Phone _____

Address _____ E-mail _____

City _____ State _____ Zip _____

Owner

Name GLADYS AND GUADALUPE SILVA Phone (956) 994-1607

Address 405 N. 37th 1/2 ST E-mail _____

City McAllen State TX Zip 78501

Authorization

To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?
 Yes No

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

Signature Gladys Silva Date 6-18-15

Print Name Gladys Silva Owner Authorized Agent

Office

Accepted by TS Payment received by _____ Date _____

RECEIVED
JUN 23 2015
BY: aw



City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

Car. Port 8 pies en lugar de 20 pies

ADD Patio 1 Pies en lugar de los 6 Pies

Storage ADD 5 Pies en lugar de los 6 Pies

Board Action

Chairman, Board of Adjustment
Signature

Date

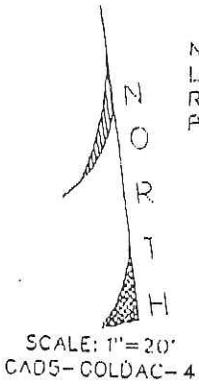
PEÑA ENGINEERING

1001 WHITEWING · P.O. BOX 4320
 (958) 882-8812 · McALLEN, TEXAS 78502 · FAX (958) 631-PENA

6828817

NOTE. BASIS OF BEARING IS THE EAST LINE OF LOT 4, BLOCK 2, GOLDEN ACRES RETIREMENT SUBDIVISION, NO. 1, V.13, P. 49, M.R.

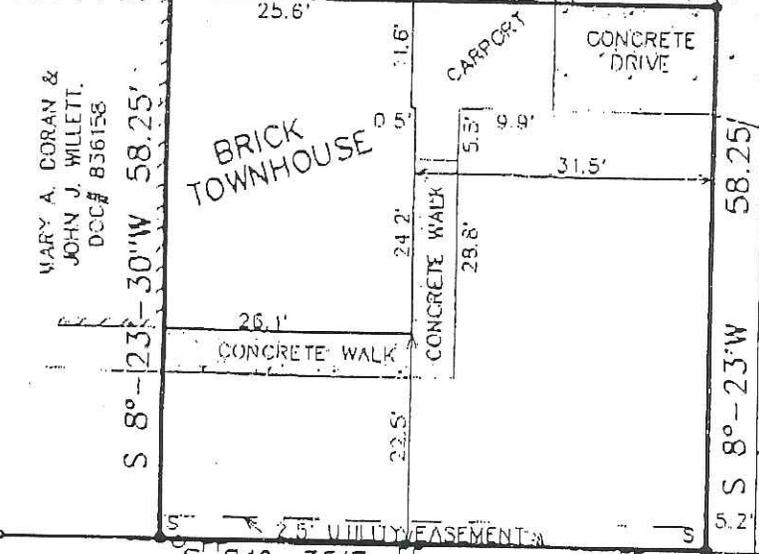
NOTES:
 1.) EASEMENTS, RIGHTS, RULES AND REGULATIONS IN FAVOR OF HIDALGO COUNTY IRRIGATION DISTRICT NO. 1.



MARIA A. SALAZAR

FELIPE GARCIA & LUCRECIA GARCIA, DOC# 415333R

S 81°-35'E 57.63' SX 5.2'



MARY A. CORAN & JOHN J. WILLET, DOC# 836158

BRICK TOWNHOUSE

CONCRETE DRIVE

N. 37th STREET
 V.13, P. 49, M.R.

S 81°-35'E 57.63'

LOT 3, BLOCK 2, V.13, P. 49, M.R. S.F.C. LOT 4 BLK. 2

LEGEND

- F1 - FOUND 1/2" DIAMETER IRON ROD
- SX - SET "X" CUT IN CONC.
- S - SET 1/2" DIAMETER IRON ROD
- B/C - BACK OF CONCRETE CURB & CUTTER
- C.W. - CONCRETE WALK
- PP-PP - POWER POLE LINE
- - POWER POLE

BUYER'S NAME: FELIPE GARCIA

FLOOD ZONE: By GRAPHICAL PLOTTING Community Panel No. 480343 0005 C
 Map Revised: 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.
- Zone "C" - This is to certify that this property is not in a flood prone area.

I certify that this plat represents the facts found on the ground at the time of survey and that there are no visible discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments, or overlapping of improvements except as shown on this plat. © copyright 2003 PEÑA ENGINEERING this survey was provided in multiple originals solely for the borrower named hereon. In conjunction with the original transaction which shall take place within 6 months after the survey was provided. No license has been created or implied to copy this survey. Survey valid only if print has original seal and signature.

ADDRESS: _____

LEGAL DESCRIPTION: The EAST 57 feet and 7-1/2 inches of the SOUTH 58 feet 3 inches, of Lot FOUR (4), BLOCK TWO (2), GOLDEN ACRES RETIREMENT SUB'D., NO. 1, an addition to the City of McAllen, Hidalgo County, Texas

ACCORDING TO THE MAP RECORDED IN VOLUME 13 PAGE 49 OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS.

AUG/05/2003

DATE

Pablo Peña

REG. PROFESSIONAL LAND SURVEYOR

JUL 14 2015

aw

56312 FILED FOR RECORD THIS DATE
APR 1 1961
GEO. L. ANDERSON
COUNTY CLERK, HIDALGO COUNTY, TEXAS
By *W. Hensley, Deputy*

**MAP OF
SOUTHWEST HEIGHTS SUBDIVISION NO. 2
Mc ALLEN, TEXAS**

BEING A SUBDIVISION OF LOT 69, Mc ALLEN THIRD SUBURBAN CITRUS GROVES
SUBDIVISION, A RESUBDIVISION OF LOTS AND PARTS OF LOTS 154, 155, 156, 157,
158, 159, LA LOMITA IRRIGATION & CONSTRUCTION CO.'S SUBDIVISION, OF
PORCIONES 61, 62, 63, HIDALGO COUNTY, TEXAS.

SCALE: 1" = 100' DATE: 8-2-60

APPROVED FOR RECORDING
BY
COMMISSIONERS' COURT
This the 28 day of March, 1961
GEO. L. ANDERSON, County Clerk
By *Wesley B. Bush, Deputy*

1, C. L. FABIAN, A REGISTERED PUBLIC SURVEYOR, DO HEREBY CERTIFY THE FOREGOING
MAP TO BE A TRUE AND CORRECT REPRESENTATION OF THE LANDS HEREON DESCRIBED AS
PLATTED BY ME FROM SURVEY OF THE OUTSIDE BOUNDARIES OF SAME.

**APPROVED
FOR RECORDING**
Hidalgo Co. Right of Way Dept.
3-28-61

C. L. Fabian
C. L. FABIAN
REGISTERED PUBLIC SURVEYOR
Mc ALLEN, TEXAS

STATE OF TEXAS:
COUNTY OF HIDALGO:

KNOW ALL MEN BY THESE PRESENTS:
THAT I, BOMAR MOORE, OWNER OF THE PROPERTY HEREON DESCRIBED, DO HEREBY ADOPT,
DEDICATE AND CONFIRM THE FOREGOING MAP AND DO HEREBY DEDICATE TO THE PUBLIC
THE USE OF THE STREETS AND ALLEYS THEREON SHOWN.

Bomar Moore
BOMAR MOORE

STATE OF TEXAS:
COUNTY OF HIDALGO:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED BOMAR MOORE,
OWNER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING
INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CON-
SIDERATIONS THEREIN EXPRESSED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE
25th DAY OF August A.D. 1960.

Karolene A. Kruger
NOTARY PUBLIC IN AND FOR
HIDALGO COUNTY, TEXAS

THIS PLAT APPROVED BY THE Mc ALLEN ZONING AND PLANNING BOARD ON THIS THE 13 DAY
OF Sept A.D. 1960.

Mc ALLEN ZONING AND PLANNING BOARD
By *V. E. Cook, Jr.*
V. E. COOK, JR., CHAIRMAN

THIS PLAT APPROVED BY THE CITY COMMISSION OF THE CITY OF Mc ALLEN, TEXAS, ON THIS
THE 14 DAY OF Oct A.D. 1960.

Phillip Boeye
PHILLIP BOEYE, MAYOR

H. Hensley
H. HENSLEY, CITY SECRETARY

4103
S 91° 35' E 660'
EBONY AVE.
N 81° 35' W 660'
CEDAR AVE.
N 81° 35' W 660'

**MAP OF
GOLDEN ACRES RETIREMENT
SUBDIVISION No. 1
Mc ALLEN, TEXAS**

BEING A SUBDIVISION OF LOTS 647, EUREKA PARK;
A SUBDIVISION OF LOTS 14, 78, 79, 80, 81, 87, BLOCK 2,
HAMMOND SUBDIVISION OF PARCELS 61, 62, 63,
HIDALGO COUNTY, TEXAS.

SCALE: 1" = 100' DATE: 1-8-61

APPROVED FOR RECORDING
COMMISSIONERS' COURT
This the 17 day of March, 1961
GEO. L. ANDERSON, County Clerk
By *Wesley B. Bush, Deputy*

FILED FOR RECORD THIS DATE
MAR 7 - 1961
GEO. L. ANDERSON
COUNTY CLERK, HIDALGO COUNTY, TEXAS
By *Wesley B. Bush, Deputy*

1, C. L. FABIAN, A REGISTERED PUBLIC SURVEYOR, DO HEREBY CERTIFY THE FOREGOING MAP TO
BE A TRUE AND CORRECT REPRESENTATION OF THE LANDS HEREON DESCRIBED AS PLATTED BY ME
FROM SURVEY OF THE OUTSIDE BOUNDARIES OF SAME.

C. L. Fabian
C. L. FABIAN
REGISTERED PUBLIC SURVEYOR
Mc ALLEN, TEXAS

STATE OF TEXAS:
COUNTY OF HIDALGO:

KNOW ALL MEN BY THESE PRESENTS:
THAT I, C. A. WISEMAN, OWNER OF THE PROPERTY HEREON DESCRIBED, DO HEREBY ADOPT, DEDICATE
AND CONFIRM THE FOREGOING MAP AND DO HEREBY DEDICATE TO THE PUBLIC THE SURFACE USE OF
THE STREETS, ALLEYS AND EASEMENTS THEREON SHOWN.

C. A. Wiseman
C. A. WISEMAN

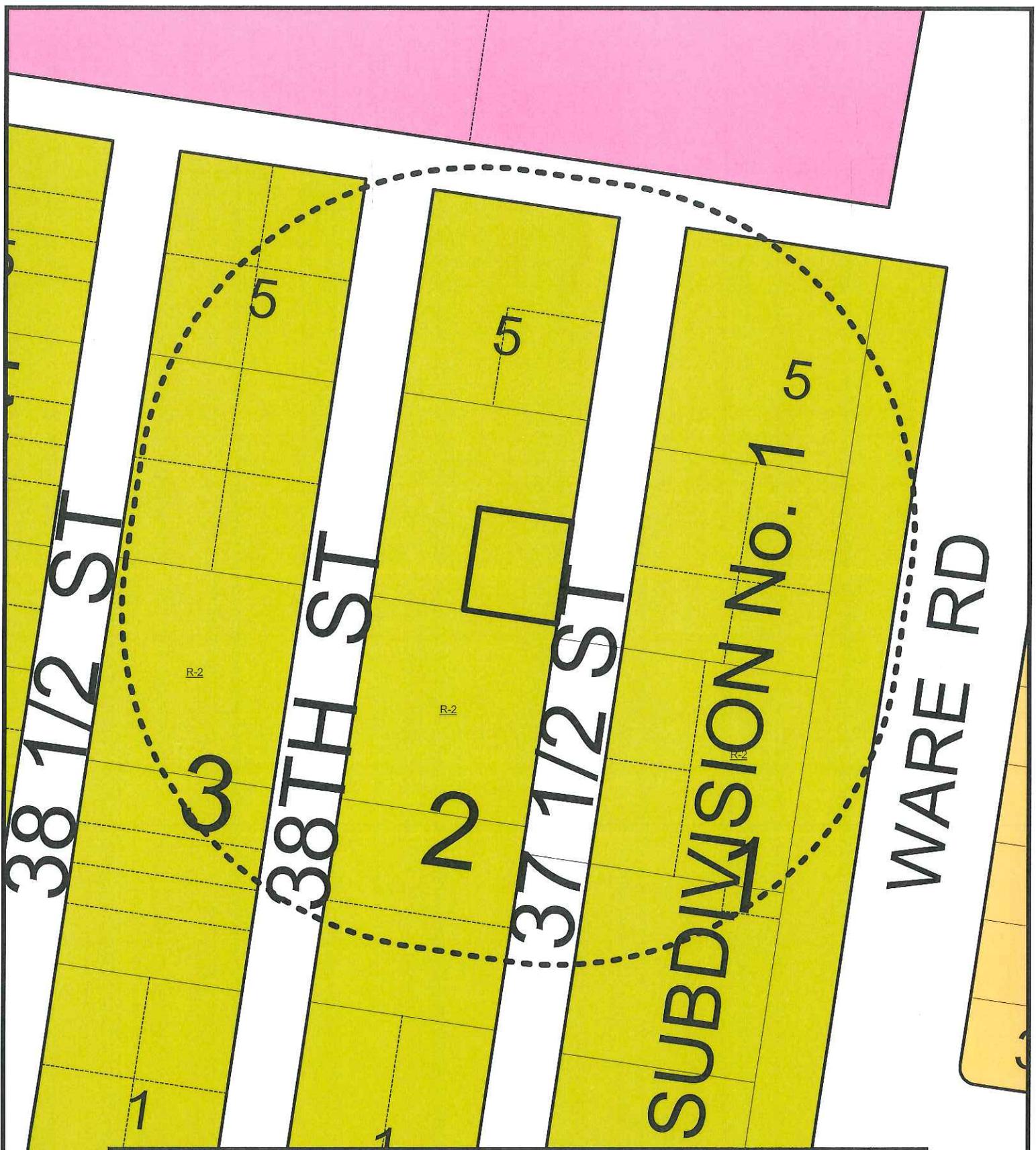
STATE OF TEXAS:
COUNTY OF HIDALGO:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED C. A. WISEMAN,
KNOWN TO ME TO BE THE PARTY WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND
ACKNOWLEDGED THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 7th DAY OF January A.D. 1961.

John R. Johnson
NOTARY PUBLIC IN AND FOR
HIDALGO COUNTY, TEXAS

THIS PLAT APPROVED BY THE Mc ALLEN ZONING AND PLANNING BOARD ON THIS THE 19 DAY OF
January A.D. 1961.

Mc ALLEN ZONING AND PLANNING BOARD
By *V. E. Cook, Jr.*
V. E. COOK, JR., CHAIRMAN





CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.

AREA MAP



 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY

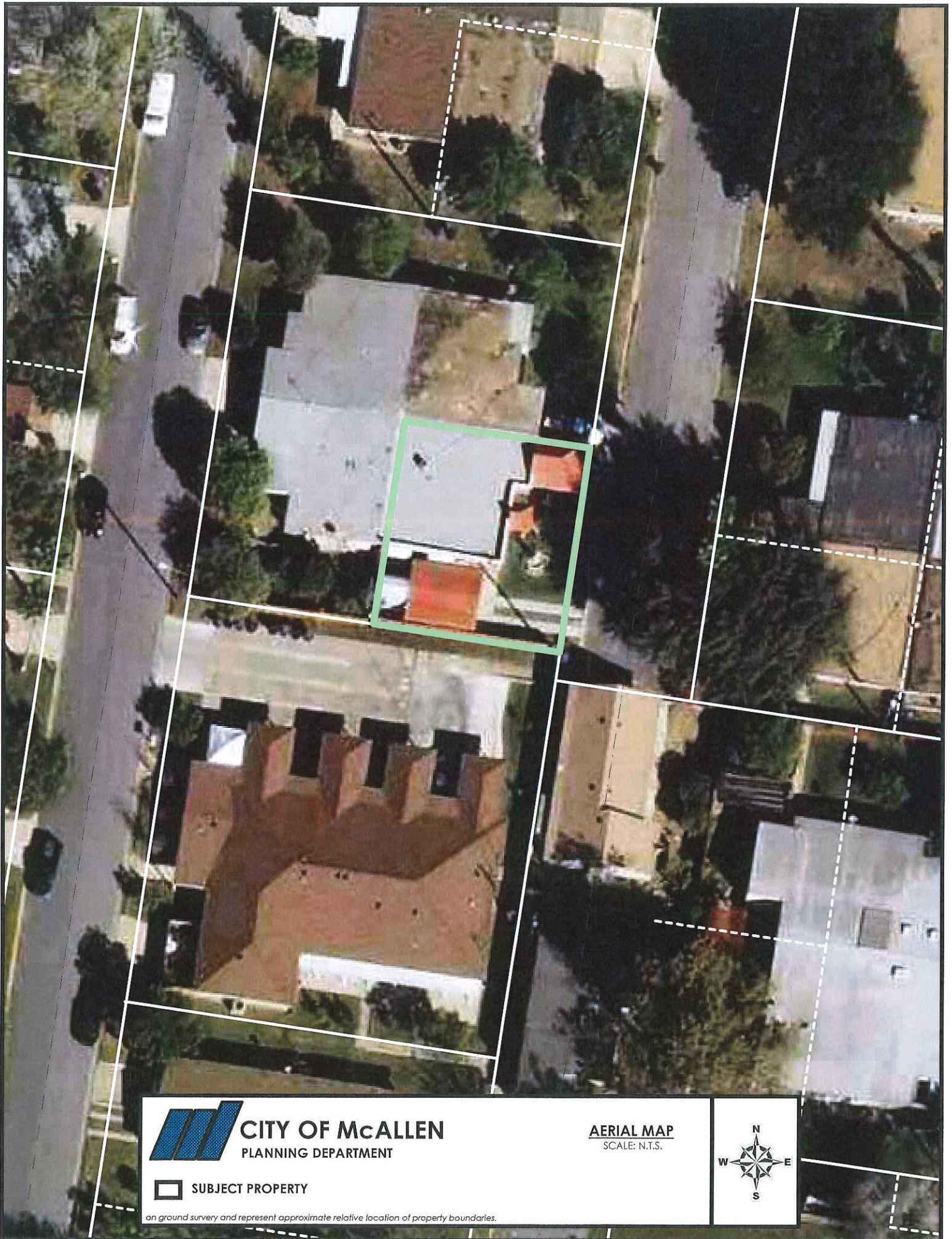
ZONING LEGEND

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

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 955-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.

11

36



CITY OF McALLEN
PLANNING DEPARTMENT

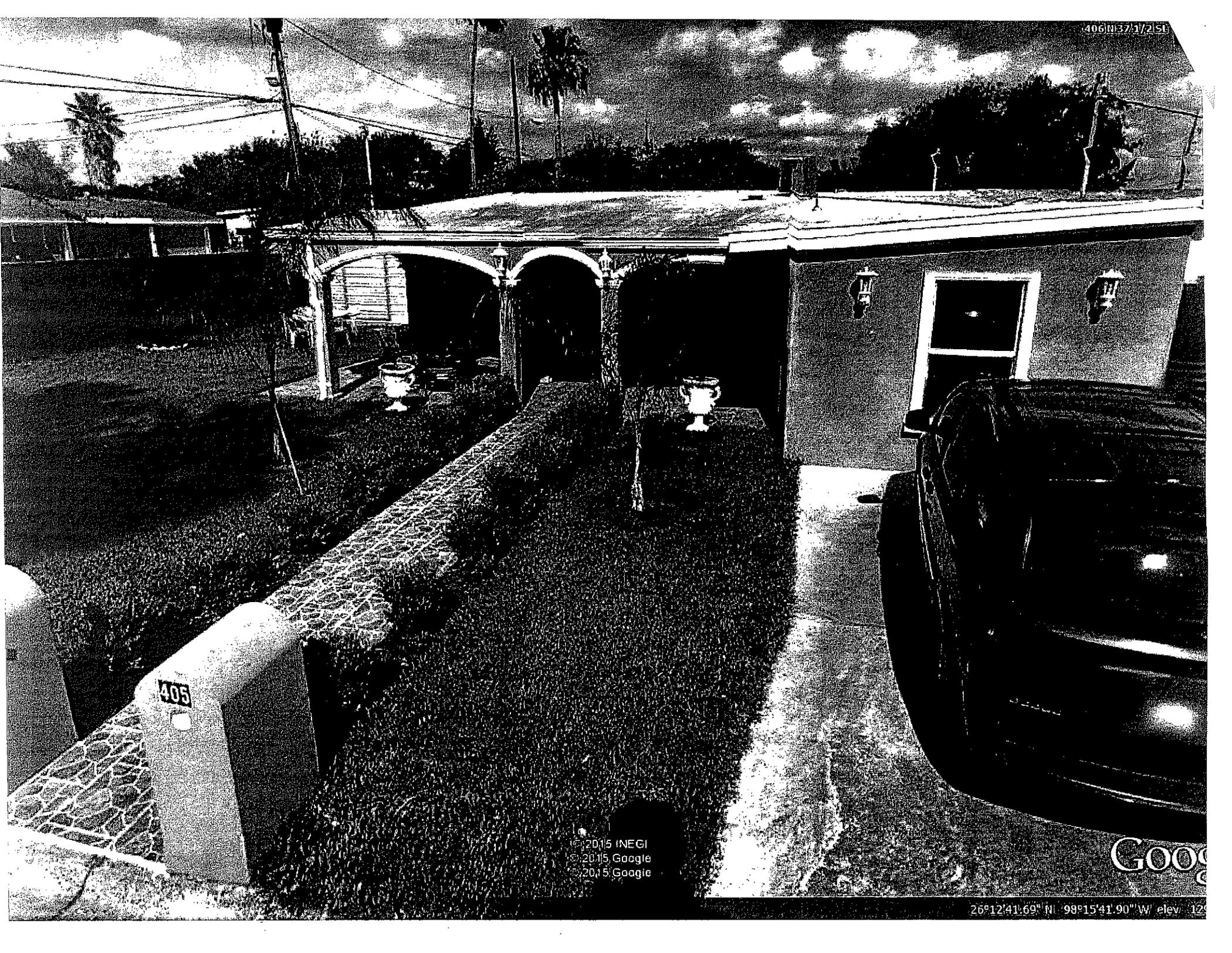


SUBJECT PROPERTY

AERIAL MAP
SCALE: N.T.S.



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



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© 2015 Google
© 2015 Google

Google







Hidalgo CAD

Property Search Results > 179863 SILVA GUADALUPE & GLADYS for Year 2015

Property

Account

Property ID: 179863 Legal Description: GOLDEN ACRES RETIREMENT S58.3'-E57' 7 1/2" LOT 4 BLK 2
 Geographic ID: G4800-00-002-0004-01 Agent Code:
 Type: Real
 Property Use Code:
 Property Use Description:

Location

Address: 405 N 37TH 1/2 ST Mapsco:
 MCALLEN, TX
 Neighborhood: GOLDEN ACRES RETIREMENT, #2, & #5 Map ID: CMLVOL13 PG49
 Neighborhood CD: G480000

Owner

Name: SILVA GUADALUPE & GLADYS Owner ID: 663772
 Mailing Address: 405 N 37 1/2 ST % Ownership: 100.000000000000%
 MCALLEN, TX 78501-8102
 Exemptions: HS

Values

(+) Improvement Homesite Value: + \$40,700
 (+) Improvement Non-Homesite Value: + \$0
 (+) Land Homesite Value: + \$10,725
 (+) Land Non-Homesite Value: + \$0 Ag / Timber Use Value
 (+) Agricultural Market Valuation: + \$0 \$0
 (+) Timber Market Valuation: + \$0 \$0

 (=) Market Value: = \$51,425
 (-) Ag or Timber Use Value Reduction: - \$0

 (=) Appraised Value: = \$51,425
 (-) HS Cap: - \$0

 (=) Assessed Value: = \$51,425

Taxing Jurisdiction

Owner: SILVA GUADALUPE & GLADYS
 % Ownership: 100.000000000000%
 Total Value: \$51,425

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	APPRAISAL DISTRICT	0.000000	\$51,425	\$51,425	\$0.00
CML	CITY OF MCALLEN	0.476300	\$51,425	\$51,425	\$244.94
DR1	DRAINAGE DISTRICT #1	0.095700	\$51,425	\$51,425	\$49.21
GHD	HIDALGO COUNTY	0.590000	\$51,425	\$51,425	\$303.41
JCC	SOUTH TEXAS COLLEGE	0.185000	\$51,425	\$51,425	\$95.14
R12	ROAD DIST 12	0.000000	\$51,425	\$51,425	\$0.00
SML	MCALLEN ISD	1.165000	\$51,425	\$26,425	\$307.85
SST	SOUTH TEXAS SCHOOL	0.049200	\$51,425	\$51,425	\$25.30
Total Tax Rate:		2.561200			
Taxes w/Current Exemptions:					\$1,025.85
Taxes w/o Exemptions:					\$1,317.10

Improvement / Building

Improvement #1:	RESIDENTIAL	State Code:	A1	Living Area:	1116.0 sqft	Value:	\$40,700
Type	Description	Class CD	Exterior Wall	Year Built	SQFT		
MA	MAIN AREA	12M	DBRK	1969	840.0		
POR	PORCH (COVERED)	12M		1969	36.0		

ENC	ENCLOSED ADD	12M	1969	180.0
ENC	ENCLOSED ADD	12M	1969	96.0
CPT	CARPORT	12M	2012	55.4
POR	PORCH (COVERED)	12M	2012	9.0
CAN	CANOPY	*	2012	378.0
STG	STORAGE	*	2012	64.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	L	LOT	0.0758	3300.00	60.00	55.00	\$10,725	\$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2015	\$40,700	\$10,725	0	51,425	\$0	\$51,425
2014	\$39,597	\$10,725	0	50,322	\$0	\$50,322
2013	\$39,597	\$10,725	0	50,322	\$622	\$49,700
2012	\$32,053	\$9,900	0	41,953	\$0	\$41,953

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	2/15/2008 12:00:00 AM	CWV	CRTN WD/VEND LIEN	SILVA GUADALUPE	SILVA GUADALUPE			1857141
2	7/30/2007 12:00:00 AM	WDV	WARRANTY DEED/VENDORS LIEN	GARCIA FELIPE & I	SILVA GUADALUPE			1788414
3	9/8/2003 12:00:00 AM	WDV	WARRANTY DEED/VENDORS LIEN	YOUNG BULA M	GARCIA FELIPE & I			1240910

Tax Due

Property Tax Information as of 07/09/2015

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

**2f) 2429 & 2433 Lucille Avenue
(ZBA2015-0028)**

TABLED UNTIL SEPTEMBER 17, 2015

**2g) 1924 NORTH 34TH STREET
(ZBA2014-0041)**

TABLED UNTIL SEPTEMBER 17, 2015

**2h) 1409 EAST EXPRESSWAY 83
(ZBA2015-0035)**

TABLED UNTIL OCTOBER 21, 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	P	P								
MIKE HOVAR	P	A	P	P	P	A	P	P	A	P	P	P	P	A	P	P								
MIKE HARMS	P	P	A	P	P	A	P	A	P	A	P	P	P	A	P	P								
ROLANDO AYALA	P	P	A	A	P	P	A	A	P	A	P	A	A	P	P	P								
JORGE SALINAS						P	P	P	P	P	P	A	P	P	P	A								
SYLVIA HINOJOSA (ALTERNATE 3)	P	P	P	P	P	P	P	P	A	A	A	P	A	A	P	P								
JOSE R. GUTIERREZ (ALTERNATE 1)	P	P	P	P	P	P	P	P	P	P	P	P	A	A	P	P								
SHAVI MAHTANI (ALTERNATE 2)	A	P	A	P	P	A	A	A	A	A	A	P	P	A	P	A								
TERRY L. PEREZ (ALTERNATE 4)	A	P	P	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

2015 CALENDAR

Meetings: ● City Commission ■ Planning & Zoning Board ▲ Public Utility Board ■ Zoning Board of Adjustment HPC - Historical Preservation Council							Deadlines: D- Zoning/CUP Application N - Public Notification						
JULY 2015							AUGUST 2015						
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1 ■ N - 7/21 P&Z	2	3 HOLIDAY	4							1
5	6	7 ■	8 D - 8/4 & 8/5	9	10	11	2	3	4 ■	5 ■ D - 9/1 & 9/2	6	7	8
12	13	14 ●	15 ▲ N - 8/4 & 8/5	16	17	18	9	10	11 ●	12 ▲ N - 9/1 & 9/2	13	14	15
19	20	21 ■	22 HPC D - 8/18 & 8/19	23	24	25	16	17	18 ■	19 ■ D - 9/15 & 9/17	20	21	22
26	27	28 ●	29 ▲ N - 8/18 & 8/19	30	31		23	24 AD - 9/16 & 9/17	25 ▲	26 HP	27	28	29
							30	31		N - 9/16 & 9/17			
SEPTEMBER 2015							OCTOBER 2015						
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 ■	2 ■ D - 10/6 & 10/7	3	4 AD 10/6 & 10/7	5					1	2	3
5	7 HOLIDAY	8	9 N - 10/6 & 10/7	10	11	12	4	5	6 ■	7 ■ D - 11/3 & 11/4	8	9	10
13	14 ●	15 ▲	16 ■ D 10/20&10/21	17 ■	18	19	11	12	13 ●	14 ▲ N 11/3&11/4	15	16	17
20	21 AD 10/20&10/21	22	23 HPC N 10/20&10/21	24	25	26	18	19	20 ■	21 ■ D - 11/17&11/18	22	23	24
27	28 ●	29 ▲	30				25	26	27 ●	28 ▲ HP	29	30	31
									AD 11/17 & 11/18	N 11/17 & 11/18			
NOVEMBER 2015							DECEMBER 2015						
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3 ■	4 ■ D 12/1 & 12/2	5	6	7			1 ■	2 ■ HP	3	4	5
8	9	10 ●	11 ▲ N 12/1 & 12/2	12	13	14	6	7	8	9 AD - 1/5 & 1/6	10	11	12
15	16	17 ■	18 ■ D 12/16 & 12/17	19	20	21	13	14	15 ●	16 ▲ D 1/19 & 1/20	17 ■	18	19
22	23	24 ●	25 ▲ N 12/16 & 12/17	26 HOLIDAY	27	28	20	21	22	23	24	25 HOLIDAY	26 HOLIDAY
29	30						27	28	29	30	31		
									AD 1/19&1/20	N - 1/19 & 1/20			

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.