

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The Building Board of Adjustments and Appeals of the City of McAllen, Texas met in regular session April 9, 2025 at 8:30 A.M. in the City Commission Room with the following present:

VERIFICATION OF QUORUM:

Members Present:

Michael D. Hovar	Chair
Marc Millis	Co-Chair
Luis Figueroa	Member
George Mendoza	Member
Cesar Gomez	Member
Francisco Meza	Member
Jose Pena	Member

Others Present:

Nancy Treviño	Director of Health, Code & Animal Care
Arcelia Canales	Asst. Director Health & Code Compliance
Michelle Rivera	Assistant City Manager
Martin Canales	Assistant City Attorney
John Gutierrez	Plans Examiner Supervisor
Rebecca Grimes	Tax Assessor
Cynthia Reyna	Administrative Supervisor
Cynthia Soto	Supervisor; Code Enforcement
Kelly Rivera-Salazar	Linebarger, Goggan, Blair & Sampson, LLP

Homeowners:

Carlos Gonzalez	2554 Erie Ave.
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Meeting called to order by Chairman, Mr. Hovar at 8:32 A.M.

1. Approval of Minutes for Meeting on January 22, 2025.

Mr. Hovar calls for approval of minutes.

Mr. Millis motions to make correction on minutes for November, to state, "Mr. Hovar calls for motion for approval of minutes" not himself.

Motion by Mr. Meza to approve with correction.

Motion second by Mr. Pena.

All board members in favor - motion carried unanimously at 8:32 a.m.

2. CONSIDERATION AND POSSIBLE ACTION UP TO AND INCLUDING ORDER OF DEMOLITION OF VACANT SUBSTANDARD VACANT STRUCTURE AT 2122 CEDAR AVE.

Ms. Trevino provides the Board with owner information; zoning dynamics, taxes owed, and history for property provided as well. Confirms that Staff is asking the Building Board of Adjustments to affirm consideration and possible action up to and including an order of demolition by the owner or the company, most appropriate if the owner fails to do so. Property owner, Herlinda Hinojosa and her son, Eric, met with us in person at the office on March 6, in regards to the Order of Demolition posted. March 10, contact made again by telephone with property owner's son, Jaime Hinojosa, additional information in regards to the demolition provided. On March 14, contact with Ms. Hinojosa and her son, Jaime, via telephone, and an agreement was made to have the City do the demolition.

Mr. Hovar confirms homeowners agreeance asking to have City do the demolition, can we have a motion. Is there anyone else present that wishes to speak on behalf of the property? For the record, no one present.

Motion to move forward by Mr. Figueroa

Motion second by Mr. Meza.

All board members in favor - motion carried unanimously.

3. CONSIDERATION AND POSSIBLE ACTION UP TO AND INCLUDING ORDER OF DEMOLITION OF VACANT SUBSTANDARD VACANT STRUCTURE AT 305 BEN HOGAN DR.

Property owner information given to the Board; owner information; zoning dynamics, history for property of original violations. Staff is asking that the Building Board of Adjustments affirm consideration and possible action up to and including an order of demolition by the owner or the company most appropriate if the owner fails to do so. Residential alteration permit was previously approved on 10/16/2024 with 180-days set to expire on 4/16/2025. No inspections have been called in. On 12/20/2024, a roll-off container final pick-up order submitted to Public Works when property owner advised there would be no activity for 3-4 weeks. 1/21/2025, I quote Mr. Richard Wilson "a survey of property was completed for \$400.00, removal of old roof and peak was removed as opposed to repairing it and updates to the front elevation are currently underway" (via email). Mr. Wilson then stated on 4/1/2025 a roll-off container was needed, therefore issued. April 2, 2025 a meeting with legal counsel, Assistant City Manager, Richard Wilson and Lance Kirby met in regards to plans with this property. On 4/8/2025 an onsite inspection with Legal, Building Department, and Code was conducted (refers Board to photos taken of the roof from on-site inspection). Confirming also that Mr. Wilson was on site, and concerns about pool covered with tarp were brought to homeowner's attention. Mr. Wilson at that time confirmed that he had not treated pool with dunks but stated that he would in fact be turning on the pumps to try to circulate the water to try to prevent any larva from becoming mosquitos.

Mr. Hovar asks for anyone present to speak on behalf of property.

Mr. Lance Kirby; Attorney, Weslaco, TX. Representing Mr. Wilson confirms homeowner's intentions to refurbish this property, although moving very slowly due to home sitting for so long. In a general matter, he fully intends to refurbish this structure; he has already spent a substantial amount of money, but because the home has been sitting for so long other issues have come up that were not planned for. People are out there already doing work. His plan and hope is to have it done by end of the year, if no other issues come up. On the legal end, we do have a building permit, which does provide us with rights, and we have one year. Secondly, a signed agreement with Imagine Tomorrow gives us two years; October 2026, to complete this construction with hopes that it does not take the fulltime of 2 years. He (Mr. Wilson) is committed to finish this project and we believe that an order for demolition should never have been brought to the Board with consideration that he has been taking action and of our time that we have allowed through our permits. In regards to the inspections that have not been called in, when certain aspects are done, that is when you ask for an inspection to get done. We did have a meeting (4/8/2025), photos showing a lot of roof work being done. We want to finish it, and have the legal right to complete it. Mr. Wilson wants to get this project done.

Mr. Mendoza asks when work will begin.

Mr. Kirby states that the intention was to get the work started before the meeting; we did get the roll off put out there about a week ago. There is a current mitigation is being done in regards to flood damage. There was no timeline, but within the next month according to his contractors (due to delay from flooding and work being done elsewhere).

Mr. Hovar questions the Attorney in regards to changes being made in the plans. Were those given to the City due to it altering the original plans and for the permit conditions?

Mr. Kirby confirms that updated plans (hand drawn) were given to the City and are prepared to apply for and pay for any change in permitting needed. There is some modifications, but they cannot tell us if anything else is needed as of this time, or if we will need another permit.

Mr. Hovar questions the architect (stamp visible on the plans).

Mr. Kirby states he does not know who the architect is and provides no stamp was visible on hand-drawn plans.

(Conversation held between Mr. Hovar and Attorney over validity and legality of Architect and possibility of plans being done by a Draftsman)

Mr. Figueroa questions verification of architect, referral to a structural engineer for review of the foundation and framing.

Mr. Hovar states that he, himself, like Mr. Figueroa, are architects, but someone like Mr. Mendoza who is a structural engineer would make sure best interests are taken care of.

Mr. Meza questions the timelines of one year and now 180-days for the City. What is the appropriate timeline?

Mr. Hovar asks Mr. Kirby for any further questions, and confirms opportunity to review the Building permits

Mr. Kirby states he knows there is a two-year limit on the paperwork.

Mr. Meza states (to Mr. Kirby) you stated the timeline of a year, the clock began in July of last year (2024; coming up to one year) when the property came to the Board and affects tax payers and has been on the radar for a while. There are some health concerns at hand.

Mr. Kirby confirms they understand and further provides it does not change the rights that we have. We do understand one issue is the pool full of water, and currently covered. He has been running the pumps daily (with the algae water) which according to him (Richard Wilson) if the pumps are running, it does help to mitigate the mosquitos. The reason it is covered is the due to the construction being done and debris getting in there, but he intends to fully refurbish the pool.

Mr. Mendoza asks Mr. Kirby when he believes the one-year period began.

Mr. Kirby replies as of the date the building permit was submitted; October 16 (2024), but with the Imagine Tomorrow, he has until October (16) 2026. It is not the intention of the homeowner to take the full timeline given. If no unforeseen issues arise, he would like to finish this year.

Mr. Hovar, the time is 8:58 am; asks for anyone else present to speak.

Mr. Joseph Thomas Jr, next-door neighbor to the West. States concerns over the home; roof blew off into his yard previously. Mosquitos are a problem and states home is going to continue to sit there.

Mr. Hovar calls for motion to enter into executive session at 9:01am.

Motion by Mr. Millis.

Motion second by Mr. Pena.

All board members in favor - motion carried unanimously.

(Executive Session off record)

Mr. Hovar comes back on record at 9:23 am from executive session. Stating the Board looks at public health and the mitigation of nuisance; this property has the high potential to fall under both of those in its current state. We would like to bring this item back to the Board in 30 days to see progress made.

Mr. Millis questions Mr. Kirby and his client's intent to move forward, based on fact that with the current permit there is some pending modification and revisions needing to be made. Based on your clients intent to move forward, is it possible to get the issued resolved to submit plans or revise the permit within the next 30 days so we can move this issue off the table. If a peak has

been removed, it is safe to say that modifications and revisions need to be made to the original plans.

Mr. Hovar states that revisions to the extra scope of work and the costs, and structural integrity, should require an amendment to the original plans.

Mr. Millis confirms Boards desire to help homeowner. If a modified plan is required, do you think that can be submitted within the next 30-days? Submitted to the City.

Mr. Kirby I would imagine so.

Mr. Meza questions if a licensed architect would be needed or change aspect of anything to cause a delay.

Mr. Figueroa confirms signature needed on documents for licensed architect.

Mr. Hovar states that the level of scope would be viewed by the City and they will tell the applicant what they would need based off scope of work.

Mr. Kirby states they are waiting on the City to give an answer based off hand drawn documents that were submitted.

Mr. Pena presents assistance from Buildings department to help answer questions.

Mr. Gutierrez confirms with Board information regarding sketches and what would be looked at and could be required of/from homeowner as soon as drawings are submitted.

Mr. Millis questions whether drawing or actual sketches need to be submitted or have already been submitted.

Ms. Rivera confirms information on sketches.

Mr. Meza states to Mr. Kirby that they are trying to assist and verify with City how to move forward and work with the client (homeowner).

Mr. Kirby continues that his client is trying to cooperate and being amicable in attempting to work this out without having to go to court.

Mr. Hovar, for the benefit of everyone that is affected by this we are trying to assist client.

Mr. Kirby responds to be in compliance, and wishes that he not had to appear every 30 days. Homeowner will continue to be in contact with Ms. Rivera and Nancy and leave communication open with the City.

Mr. Hovar confirms that we will continue to have on our agenda so that we know progress is being made whether you (Mr. Kirby) plans to attend or not.

Mr. Kirby states that it is one thing to be in compliance and another to post notices in my client's yard telling him his house is going to be demolished.

Mr. Millis speaks on one more request from the homeowner; to have the pool serviced. Putting a tarp, and running a pump with larvae infested pool does not mitigate mosquitos. As a good faith effort from your client, getting the pool serviced. Asks if motion can be made to formerly schedule 305 Ben Hogan as an update item only, not an agenda item for the next meeting.

Mr. Meza asks Mr. Millis to clarify the requirements for the update with the pool.

Mr. Millis states no actual requirements it is just a request.

Mr. Kirby requests to confirm if the next meeting will state "consideration and possible action up to and including an order of demolition" or will it just state consideration and update"

Mr. Millis confirms that next meeting will be an update only.

Mr. Hovar confirms request for motion made by Mr. Millis.

Motion second by Mr. Pena.

All board members in favor - motion carried unanimously.

(Mr. Figueroa excuses himself from the meeting)

4. UPDATES ON ACTIONS FROM PREVIOUS AGENDAS

➤ 4900 Buddy Owens Blvd.

The owner has completed the demolition.

Mr. Millis confirms address from previous meetings.

➤ 1620 Maple Ave.

Ms. Trevino advises demolition by City completed.

➤ 1301 Orange Ave.

Ms. Trevino advises demolition by the City completed.

➤ 2554 Erie Ave.

There have been no permit inspections; permit was for 180 days. New roof as per the updated pictures, updates on permits submitted. Mr. Gonzalez is present today.

Mr. Gonzalez, resides at 1116 N 15th St., confirms address of property: 2554 Erie. Pictures presented to Board with updates given; house leveling, roof, interior, the flooring and walls to be insulated, etc.

Mr. Millis asks what next step is.

Mr. Gonzalez states permit for working inside; flooring and insulation inside.

Mr. Millis asks status of the windows that are boarded up.

Mr. Gonzalez confirms that they will be replaced but they are very expensive.

Mr. Meza confirms with homeowner if structure is secure.

Mr. Mendoza asks about the siding and outside of the home and other work to pending for exterior aside from the windows.

Mr. Meza asks for an estimated timeframe to complete.

Mr. Gonzalez advises possible 6 months' timeframe.

Mr. Gutierrez states homeowner previously renewed the permit but with no changes. There was some leveling and permit needed to be modified, moving forward we will need a drawing for the work on leveling

Mr. Hovar confirms that no inspections have been done, but if ready to have an inspection done to request one.

Mr. Pena questions roof inspection, or overall framing or electrical inspection with Mr. Gutierrez.

Mr. Meza motion to homeowner, for modified permit and follow-up with City.

Second motion by Mr. Gomez.

All board members in favor - motion carried unanimously.

5. Adjournment

Mr. Hovar asks Ms. Trevino for information on 716 N. 9th St.

Ms. Trevino confirms the address stating home that had previously burned. The property we requested sealed bids, and received them. Home was sold at that time to Mr. Albert Garza; he was provided information for Imagine Tomorrow. The property is being cleaned up and plans are for a full demolition.

Mr. Millis confirms plans on full demolition.

Mr. Hovar calls motion for adjournment.

Motion by Mr. Millis.

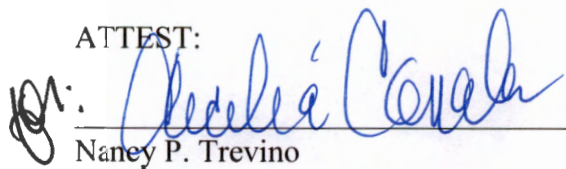
Motion second by Mr. Meza.

All in favor, motion carries.



Michael Hovar
Chairman

ATTEST:



Naney P. Trevino
Director of Health, Code and Animal Care