

## AGENDA

### ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, APRIL 17, 2019 - 5:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3<sup>RD</sup> FLOOR

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

#### CALL TO ORDER - CHAIRPERSON, DAVID SALINAS

#### 1. MINUTES:

- a) Minutes for meeting held on April 3, 2019.

#### 2. PUBLIC HEARINGS:

- a) Request of John Scalise for the following variances to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 10 ft. into the 10 ft. rear yard setback for a proposed wooden storage building measuring 8 ft. by 14 ft. **2)** an encroachment of 6 ft. into the 6 ft. side yard setback along the west property line for an existing wooden pergola measuring 12 ft. by 20 ft., and **3)** an encroachment of 3 ft. into the 10 ft. rear yard setback for an irregular shaped swimming pool with jacuzzi, at Lot 2, Block 3, Larkspur Subdivision, Unit No. 1 & Larkspur Subdivision, Unit No. 2, Hidalgo County, Texas; 1707 Larkspur Avenue. **(ZBA2019-0016)**
- b) Request of Bertha V. Silva for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 4.17 ft. into the 6 ft. side yard setback along the north property line for an existing storage building measuring 9 ft. by 21 ft. at Lot 9, Vine Terrace Unit No. 2 Subdivision, Hidalgo County, Texas; 2412 North 26th Street. **(ZBA2019-0014)**
- c) Request of Lorena Rivera for the following variances to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 15 ft. into the 25 ft. rear yard setback for a proposed swimming pool with a size measuring 288 square ft., and **2)** an encroachment of 15 ft. into the 25 ft. rear yard setback for a proposed wooden pergola measuring 10 ft. by 10 ft. at Lot 61, La Floresta Subdivision Phase I, Hidalgo County, Texas; 9620 North 17th Street. **(ZBA2019-0015)**
- d) Request of Claudia Ramirez for a variance to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 6 ft. into the 6 ft. side yard setback and 10 ft. into the 10 ft. rear yard setback for an existing wooden gazebo measuring 25 ft. by 17 ft. and **2)** a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 8.84 ft. into the 10 ft. rear yard setback for an existing metal irregular-shaped carport, at Lot 22, Map of Bonham Subdivision Unit No. 1, Hidalgo County, Texas; 2733 S. 28th Street. **(ZBA2019-0008) (TABLED: 3/20/2019) (REMAIN TABLED: 4/3/2019)**

- e) Request of Ruben Lopez for the following variances to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 4 ft. into the 6 ft. side yard setback along the south property line for a circular aboveground swimming pool, **2)** an encroachment of 3.42 ft. into the 6 ft. side yard setback along the north property line for a storage building measuring 9.41 ft. by 10 ft., **3)** an encroachment of 7.5 ft. into the 10 ft. rear yard setback for a storage building measuring 9.41 ft. by 10 ft., **4)** an encroachment of 3 ft. into the 6 ft. side yard setback along the south property line for a storage building measuring 9.41 ft. by 10 ft., **5)** an encroachment of 6.75 ft. into the 10 ft. rear yard setback for a storage building measuring 9.41 ft. by 10 ft., and **6)** an encroachment of 7.84 ft. into the 10 ft. rear yard setback for a porch measuring 10 ft. by 20 ft., at Lot 19, Block 2, Milmor Addition, Hidalgo County, Texas; 1308 North 16th Street. **(ZBA2019-0007) (TABLED: 4/3/2019)**
- f) Request of Melden & Hunt, Inc. for a variance to the City of McAllen Zoning Ordinance: to allow an encroachment of 10 ft. into the 25 ft. rear yard setback for proposed single family homes at Lots 26-55, Villanueva Estates at Trinity Oaks Subdivision, Hidalgo County, Texas; 3100 - 3136 Arroyo Avenue and 10419 – 10303 North 32nd Lane. **(ZBA2019-0013) (TABLED: 4/3/2019)**
- g) Request of Benito Martinez for a variance to Section 110-49 Landscape Buffers of the McAllen Vegetation Ordinance to not provide a masonry screen eight feet in height where a multifamily or commercial use has a side or rear property line in common with a single family use or zone, for 1.07 acres out of Lot 9, Gray Subdivision, Hidalgo County, Texas; 4500 Pecan Boulevard. **(ZBA2019-0002) (TABLED: 2/20/2019) (REMAIN TABLED: 3/6/2019) (TABLED: 3/20/2019) (REMAIN TABLED: 4/3/2019)**
- h) Request of Rafaqut P. Sultan for a variance to Section 110-49 Landscape Buffers of the McAllen Vegetation Ordinance to not provide a masonry screen eight feet in height where a multifamily or commercial use has a side or rear property line in common with a single family use or zone, for 4.77 acres out of Lot 124, La Lomita Irrigation and Construction Company Subdivision, Hidalgo County, Texas; 3100 North Ware Road. **(ZBA2019-0005) (TABLED: 3/6/2019) (REMAIN TABLED: 3/20/2019, 4/3/2019)**

### 3. FUTURE AGENDA ITEMS

- a) 2820 Fullerton Avenue
- b) 9103 North 26th Lane
- c) 1707 Hibiscus Avenue

#### ADJOURNMENT:

IF ANY ACCOMMODATIONS FOR A DISABILITY ARE REQUIRED, PLEASE NOTIFY THE PLANNING DEPARTMENT (681-1250) 72 HOURS BEFORE THE MEETING DATE. WITH REGARD TO ANY ITEM, THE PLANNING & ZONING COMMISSION MAY TAKE VARIOUS ACTIONS, INCLUDING BUT NOT LIMITED TO RESCHEDULING AN ITEM IN ITS ENTIRETY FOR PARTICULAR ACTION AT A FUTURE DATE.

**NOTICE OF REGULAR MEETING TO BE HELD BY  
THE MCALLEN ZONING BOARD OF ADJUSTMENT AND APPEAL**

**DATE:** Wednesday, April 17, 2019

**TIME:** 5:30 PM

**PLACE:** McAllen City Hall  
1300 Houston Avenue  
Commissioners' Room – 3<sup>rd</sup> Floor  
McAllen, Texas 78501

***SUBJECT MATTERS: SEE FOREGOING AGENDA***

**C E R T I F I C A T I O N**

I, the undersigned authority, do hereby certify that the above agenda for the Meeting of the McAllen Zoning Board of Adjustment and Appeals Commission is a true and correct copy and that I posted a true and correct copy of said notice on the bulletin board in the municipal building, a place convenient and readily accessible to the general public at all times, and said notice was posted on the 12<sup>th</sup> day of April, 2019 at 3:00 p.m. and will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

Date this the 12<sup>th</sup> day of April, 2019.

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Iris Alvarado, Administrative Supervisor