

**STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN**

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, April 2, 2025 at 4:30 p.m. in the McAllen Development Center, Executive Conference Room with the following present:

Present:	Jose Gutierrez	Chairperson
	Hiram A. Gutierrez	Member
	Hugo Avila	Member
	Daniel Santos	Member
	Juan Mujica	Alternate
	Alex Lamela	Alternate
	Erick Diaz	Alternate
Absent:	Ivan Garcia	Member
Staff Present:	Norma Borrego	Assistant City Attorney I
	Omar Sotelo	Planning Director
	Rodrigo Sanchez	Senior Planner
	Samantha Trevino	Planner I
	Noah Del Bosque	Technician I
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for the meeting held on March 19, 2025

The minutes for the meeting held on March 19, 2025. The motion to approve the minutes were made by Mr. Alex Lamela. Mr. Hugo Avila seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a) Request of Adrian Hinojosa for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 15 feet into the 20 foot front yard setback for an existing carport measuring 15 feet by 25 feet at Lot 133, Colonia McAllen Subdivision, UT No. 6, Hidalgo County, Texas; 2108 South 30th ½ Street. (ZBA2025-0006)

Ms. Trevino stated the applicant was requesting to encroach 15 feet into the 20-foot front yard setback for an existing carport that was proposed to be modified to comply with square footage size requirement and to be located out of the utility easement. The carport will be used to protect his vehicles from inclement weather and will provide protection for an elderly family member that lives with him.

The subject property was located along the west side of South 30th ½ Street and south of Uvalde Avenue. The subject property is currently zoned R-1 (single-family residential-OC) District.

Colonia McAllen Unit No. 6 Subdivision was recorded on August 02, 1976. The original permit for a carport was submitted February 5, 2018. The permit was withdrawn for the carport (reason unknown) and only the concrete slab and curb cut extension were done. A stop work order was issued June 18th, 2024 for construction without a permit. An application for a building permit for a proposed carport was submitted on July 10, 2024 and a special exception was submitted July 11, 2024. A special exception was disapproved for an encroachment of 20 feet into the 20-foot front yard setback with a measurement of 26 feet by 17.25 feet since the carport exceeded the 500-foot maximum and relocation was an option. A new application for a special exception request was submitted on February 28, 2025.

The applicant was requesting to encroach 15 feet into the 20-foot front yard setback for a proposed modification of an existing carport that will be used to protect his vehicles from inclement weather and will provide protection for an elderly family member that lives with him. The home had a garage that is now enclosed.

In the past, there have been other variances and special exceptions granted in Colonia McAllen Unit No. 6 Subdivision for encroachments into the front yard setback for carports.

Measurements are provided without the benefit of a survey.

Special exceptions are issued to and recorded for the present applicant/owner only. New property owners would need to apply for a new special exception request.

Staff had not received any phone calls, emails, or letters in opposition to the special exception request.

Staff recommended disapproval of the special exception request since the applicant has access to a traversable rear yard alley where a carport can be relocated out of the setbacks.

Mr. Adrian Hinojosa, 2108 South 30 ½ Street. He stated the contractor who build the carport informed him that he would take care of everything. After about three weeks, the City came by to give him a citation. He wanted to keep the carport for inclement weather and for his elderly mother. Chairperson Gutierrez asked Mr. Hinojosa that staff had mentioned he could put the carport in the rear. Mr. Hinojosa stated he had trees in the back yard and the size of the carport would not fit.

Board member Avila asked the applicant if they had a garage and if they used it for the vehicle. Mr. Hinojosa stated yes but they used it for storage of household items.

Chairperson Jose Gutierrez asked if there was anyone present to speak in favor of the Special Exception. There was no one to speak in favor of the Special Exception.

Chairperson Jose Gutierrez asked if there was anyone present to speak in opposition of the Special Exception. There was no one to speak in opposition of the Special Exception.

Board member Avila asked staff if there other carports in the vicinity. Staff stated there were others in the subdivision but along that street there was probably one other carport.

Chairperson Gutierrez asked what was it based on the disapproval. Staff stated even though the applicant were recommending minimizing the carport they still have the space to be completely out of the setbacks for the process to be necessary. The alley is traversable and was paved as well.

Board member Lamela asked the applicant's mother if the distance for access to the vehicle was easier from the rear yard or the front. She stated the front would be easier on her for access to the vehicle.

Following discussion, Mr. Hugo Avila moved to approve the Special Exception with modifications as noted. Mr. Alex Lamela seconded the motion. The Board voted to approve Special Exception with five members present and voting.

ADJOURNMENT

There being no further business to come before the Zoning Board of Adjustment and Appeal, Chairperson Jose Gutierrez moved to adjourn the meeting.



Carmen White, Administrative Assistant



Chairperson Jose Gutierrez