

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

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, January 7, 2026 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	Jose Gutierrez	Chairperson
	Hugo Avila	Vice-Chairperson
	Hiram Gutierrez	Member
	Juan Mujica	Alternate
	Alex Lamela	Alternate
	Erick Diaz	Alternate
	Francisco Davila	Alternate

Absent:	Daniel Santos	Member
	Ivan Garcia	Member

Staff Present:	Norma Borrego	Assistant City Attorney I
	Omar Sotelo	Planning Director
	Kaveh Forghanparast	Senior Planner
	Samantha Trevino	Planner I
	Jessica Puga	Technician II
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for meeting held on December 17, 2025.

The minutes for the meeting held on December 17, 2025. The motion to approve the minutes were made by Vice-Chairperson Hugo Avila. Mr. Hiram Gutierrez seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a) Request of Amelia Rodriguez for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 6 feet into the 20 foot front yard setback for an existing porch at Lot 125, Los Encinos Subdivision, Hidalgo County, Texas; 3420 Queta Avenue. (ZBA2025-0066)

Ms. Trevino stated the applicant was requesting a variance to allow the existing porch to remain, as it helps reduce the risk of falls but slippery conditions and weather related factors.

The subject property was located on the northeast corner of Queta Avenue and South 35th Street and is zoned R-1 (Low-Density Residential-UDC) District. Adjacent zoning is R-1-(UDC) District in all directions. The surrounding land use is single-family residential.

Los Encinos Subdivision was recorded on July 5, 1994. The required front yard setback is 20 feet as per plat. A Stop Work Order was issued by the Building Department on

September 2, 2022, for a front patio that was being constructed without a permit. An application for a building permit was submitted on September 15, 2022 for the front porch patio. A variance application was submitted March 21, 2023 and was disapproved by the Zoning Board of Adjustments on April 19, 2023. A follow up inspection was conducted and a notice of violation was posted September 27, 2025. A second application for a variance for the existing porch was submitted on November 21, 2025.

This variance was to allow an encroachment of 6 feet into the 20 feet front yard setback for an existing porch patio. Based on the submitted site plan, the porch does not encroach into the 5 foot utility easement on the west side of the lot.

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

Staff recommended disapproval of the variance request.

Chairperson Mujica asked staff on his phone aerial view that there appeared to have another drive entrance from 35th Street. Staff stated yes. She does have two entrances and it is an R-2 single family home.

Amelia Rodriguez, 3420 Queta Avenue. She stated she had a very large tree in front of her house in which she had taken off a few branches that had been hanging over her roof. She had fallen three times due to the large seeds that drop from the tree. She had no idea that she had to obtain a permit the porch. She was told that she couldn't take down the tree. Chairperson Gutierrez explained to Ms. Rodriguez the requisites of obtaining permit for a variance since it runs with the land and not the owner.

Board member Lamela asked the applicant that she wanted to use the porch in order to protect her from falling with the large seeds from the tree and inclement weather. She stated the seeds fall towards the side of the garden when they hit the top of the patio. He asked staff if there was a way to consider this as a Special Exception instead of a Variance.

City Attorney Stevenson stated the Variances run with the land and Special Exceptions do not. Special Exceptions are limited to certain situations. In the City of McAllen without an ordinance change to allow for front porches to be a Special Exception we only have two. Those are carports and tree houses.

Board member Mujica suggested to table the item in order to give Ms. Rodriguez to be aware of her options and speak with staff. Mr. Stevenson stated the Planning Department will recommend disapproval for variances simply because it is a variance and it runs with the land. However, this Board takes into account the variety and totality circumstances before it which this is a six foot encroachment into a 20 foot setback. There are no utility easements in the ground that would be interfering. There are no health and safety major concerns. The staff highlighting of the other porches in the neighborhood was to highlight to this Board it would not be against the character of the neighborhood should this Board grant the variance.

Chairperson Jose Gutierrez asked if there was anyone present to speak in favor of the Variance request. There was no one else to speak in favor of the Variance request.

Maria de Jesus Soto, 3412 Raquel Avenue, McAllen. She stated she was in favor of the applicant's porch because there many elderly residents in the subdivision. She herself has lived there for over 30 years. She stated that the homes were done by Affordable Homes.

She went onto to state the foundation, the trees, drainage was bad due to floods. Chairperson Jose Gutierrez asked if there was anyone present to speak in opposition of the Variance request. There was no one to speak in opposition of the Variance request.

Following discussion, Mr. Hiram Gutierrez moved to go approve the Variance request. Mr. Alex Lamela seconded the motion. The Board voted to approve the Variance request with five members present and voting.

- b) Request of Ramiro Flores on behalf of R & N Properties LLC for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 2 feet into the 7 foot east side yard setback for a proposed triplex at Lot 5, Block 3, Bonnie View Subdivision, Hidalgo County, Texas; 2117 Hackberry Avenue. **(ZBA2025-0065)**

Mr. Del Bosque stated the applicant was requesting a variance to allow an encroachment of 2 feet into the 7 foot east side yard setback for a proposed multifamily residence.

The subject property was located along the south side of Hackberry Avenue, between North 21st and 22nd Street. The property was zoned R-2 (Duplex-Fourplex Residential -OC) District with adjacent properties being zoned R-1 (Single Family Residential – OC) District to the north and R-2 (Duplex-Fourplex Residential - OC) District to the east, west, and south. The property is currently vacant.

Bonnie View Subdivision was recorded on August 23, 1927. A demolition permit for a single-family home was submitted and issued on March 14, 2022. No other building permits have been submitted since then. A rezoning application to R-2 (Medium Density Residential - UDC) District was submitted October 6, 2025; however, it has been withdrawn.

The applicant was requesting a variance to encroach 2 feet into the 7 foot east side yard setback for a proposed triplex. Current setbacks are based on setback requirements prior to 1979. For residential neighborhoods with an established pattern of 7 foot side yard setback on the east/south side and 5 foot side yard setback on the west/north side, for 12 foot building separation, they City honors the established pattern. Staff's research did not reveal any variances for this subdivision.

The Unified Development Code (UDC) adopted by the City Commission on December 9, 2025, requires 5 foot side yard setback for residential lots, for 10 foot building separation.

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

Staff recommended approval of the variance request since it complies with UDC requirements.

Mr. Ramiro Flores, 1209 South Taylor Road, McAllen. He stated to allow an encroachment of 2 feet into the 7 foot east side yard setback for a proposed multifamily residence.

Chairperson Jose Gutierrez asked if there was anyone present to speak in favor of the Variance request. There was no one else to speak in favor of the Variance request.

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

Following discussion, Mr. Alex Lamela moved to approve the Variance request. Vice-Chairperson Hugo Avila seconded the motion. The Board voted to approve the Variance request 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