

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Thursday, July 11, 2024 at 4:30 p.m. in the McAllen Development Center, 311 North 15th Street, Executive Conference Room with the following present:

Present:	Jose Gutierrez	Chairperson
	Ann Tafel	Vice-Chairperson
	Hugo Avila	Member
	Hiram A. Gutierrez	Member
	Juan Mujica	Alternate
	Alex Lamela	Alternate
Absent:	Rogelio Rodriguez	Member
	Pablo Garcia	Alternate
	Daniel Santos	Alternate
Staff Present:	Benito Alonzo	Assistant City Attorney I
	Edgar Garcia	Planning Director
	Samuel Nunez	Senior Planner
	Hilda Tovar	Planner II
	Alexis Martinez	Planner I
	Jessica Puga	Technician I
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for the meeting held on June 19, 2024

The minutes for the meeting held on June 19, 2024 were approved. The motion to approve the minutes were made by Mr. Hugo Avila. Mr. Hiram Gutierrez seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a) Request of Gonzalez Adan C. and Norma H. for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 25 feet front yard setback for a proposed carport measuring 19 feet 6 inches by 18 feet at Lot 75, Los Encinos III Subdivision, Hidalgo County, Texas; 2708 Teresa Avenue. (ZBA2024-0022)

Ms. Tovar stated the applicant was requesting an encroachment of 20 feet into the 25 feet front yard setback for a proposed carport measuring 19 feet 6 inches by 18 feet.

The subject property was located on the north side of Teresa Avenue in between South 28th Lane and South 27th Lane. Property has a frontage of 50 feet along Teresa Avenue and a depth of 100 feet. The property is zoned R-1 (single family residential) District.

There are single-family residences in all directions.

Los Encinos III Subdivision was recorded on April 12, 1982. The plat indicates a 25 feet front yard setback and 6 feet side yard setback on both sides for the subdivision. The house was built in 2007 with a garage. A building permit application for the proposed carport has not been submitted.

The applicant is requesting an encroachment of 20 feet into the 25 feet front yard setback for a proposed carport measuring 19 feet 6 inches by 18 feet.

According to the site plan submitted, the proposed structure size is a total of 351 square feet. The proposed structure will be constructed of metal and canvas and the main purpose for building the carport is to protect vehicles from rain and hail damage.

During the site visit, staff did not notice any other encroachments or similar structures along the front or rear yards within Los Encinos III Subdivision. In addition, a review of the Planning Department records did not reveal any other similar variances or special exceptions approved in this area.

Measurements provided are without benefit of a survey.

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

Staff recommended disapproval of the special exception request since it does not present any undue hardship and the proposed carport will not align with the current character of the subdivision.

Mr. Adan Gonzalez, 2708 Teresa Avenue. The applicant stated he wanted to build a carport to protect his vehicles. Chairperson Gutierrez asked the applicant if they had a garage. Mr. Gonzalez stated yes they did. They used it to store household and miscellaneous items. Chairperson Gutierrez asked how many vehicles did they have. He stated they had three vehicles.

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

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

Vice-Chairperson Tafel asked staff if they had any problems with utility lines in front or easements. Staff stated not for the proposed carport. There was an easement in front of the property but the proposed carport was not encroaching to the easements.

Vice-Chairperson Tafel asked if there was an alley to this property. Staff stated no.

Chairperson Gutierrez asked staff if there were other properties that had carports. Staff stated they saw carports but did not find any records of building permits based on the staff's site visit.

Vice-Chairperson Tafel asked if there were any calls in favor or opposed from neighbors.

Staff stated no.

Chairperson Gutierrez why was staff recommending disapproval for a special exception. Planning Director, Mr. Garcia stated the reason staff is recommending disapproval was that those carports were illegal and the City of McAllen was a complaint-based City. Chairperson Gutierrez asked hypothetically if one resident with built a carport came before this Board with good arguments, would staff recommend disapproval would it unfair to this applicant to disapprove in the chance of approving another special exception. Mr. Garcia stated they take each on as a separate case as come in. Should anything change in the future, they can return and reapply again.


Following discussion, Vice-Chairperson Ann Tafel moved to disapprove the Special Exception. Mr. Hiram Gutierrez seconded the motion. The Board voted to disapprove the Special Exception with four members voting aye and one member-voting nay, Mr. Alex Lamela.

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