

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

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, July 8, 2026, 2026 at 4:31 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	Jose Gutierrez	Chairperson
	Hugo Avila	Vice-Chairperson
	Hiram Gutierrez	Member
	Daniel Santos	Member
	Ivan Garcia	Member
	Juan Mujica	Alternate
	Alex Lamela	Alternate
	Francisco Davila	Alternate
Absent:	Erick Diaz	Alternate
Staff Present:	Norma Borrego	Assistant City Attorney I
	Omar Sotelo	Planning Director
	Kaveh Forghanparast	Senior Planner
	Mia Fuentes	Planner I
	Jessica Puga	Technician II
	Valerie Ramos	Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for meeting held on June 17, 2026.

The minutes for the meeting held on June 17, 2026. The motion to approve the minutes were made by Mr. Alex Lamela. Vice-Chairperson Hugo Avila seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a) Request of Ernest and Patrice Ochoa for a special exception to allow an encroachment of 25 feet into the 30-foot front setback for a carport at Lot 29, Lincoln Terrace Subdivision, Hidalgo County, Texas; 2704 Redwood Avenue. (ZBA2026-0027)

Mr. Lopez stated the applicant was requesting a special exception to allow an encroachment of 20 feet into the 25-foot front setback for a proposed carport.

The subject property was located along the north side of Redwood Avenue, west of North 27th Street and is zoned R-1 (Single-Family Residential-OC) District.

Lincoln Terrace Subdivision was recorded on April 30, 1968. The applicant submitted a building permit application for the carport on May 18, 2026, which was rejected by staff due

to the encroachment. An application for the variance request was submitted on May 19, 2026.

The recorded plat requires 30-foot front setback. The proposed carport would measure 21 feet by 19 feet. The applicant stated that the carport would help protect himself and his family from the weather elements. Multiple carports in the front setback in this subdivision were approved by the Zoning Board of Adjustments in the past, including one request along Redwood Avenue on November 4, 2009.

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

Staff recommended approval of the special exception request.

Mr. Ernest and Patrice Ochoa, 2704 Redwood Avenue. He stated he wanted to protect his vehicles. There were other carports along the neighborhood. He stated he had a large pickup truck that will not fit in the garage. Chairperson Gutierrez asked staff if they noticed any other carports in the area that had before this Board to be approved or illegally. Staff stated there was one that approved in 2009 on Redwood Avenue. There were 5 or 6 carports in that subdivision that have come before the Board and were approved.

Chairperson Jose Gutierrez asked if there was anyone present to speak in favor of the Variance request. There was one 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.

Vice-Chairperson Avila asked staff about the dimensions of the carport. Staff stated it was 19 feet by 21 feet. He observed 25 feet into the 30 feet. He asked if it was to the back of curb or utility easement. Staff stated it was 25 feet from the property line.

Mr. Alex Lamela moved to go with staff's recommendation and approve the Special Exception. Vice-Chairman Hugo Avila seconded the motion. The Board voted to approve the Variance request with five members present and voting.

- b) Request of Ricardo Daniel Martinez on behalf of Habitat Development Group, for a variance to allow 3-foot side setbacks on the west, for Lots 3, 7, 12, 17, 32, and 36, Habitat at Ware Phase I Subdivision, Hidalgo County, Texas; 3709, 3717, 3807, 3819, 4009, and 4017 Jay Avenue. (ZBA2026-0024) (TABLED: 06/17/2026) (REMAIN TABLED: 07/08/2026)**

This item to remain table.

- c) Request of Rio Delta Engineering on behalf of Hollywood Development & Construction, LLC, for a variance to allow a lot width of 42.50 feet instead of the minimum 45 feet required for proposed Lot 2 of Imperio Estates Phase II Subdivision, at a 8.86-acre tract of land out of Lot 47, La Lomita Irrigation & Construction Company's Subdivision, Hidalgo County, Texas; 8600 North 29th Street. (ZBA2026-0025)**

Mr. Juan Mujica made a motion to remove the item from the table. Vice-Chairperson Hugo Avila seconded the motion. The Board voted unanimously with five members and present.

Ms. Fuentes stated the applicant was requesting a variance to the minimum lot width requirement for Lot 2 in the proposed Imperio Estates Phase II Subdivision.

The subject property was located along the east side of North 29th Street, between Indian Hill Avenue and Grayson Avenue and was zoned R-1 (Low Density Residential-UDC) District.

Imperio Estates Phase II was approved in preliminary form on March 3, 2026 by the Planning and Zoning Commission subject to conditions. An application for the variance request was submitted on April 30, 2026.

Section 2.2.2. of the Unified Development Code requires a minimum width of 45 feet and lot area of 5,000 square feet. Lot 2 of proposed Imperio Estates Phase II is proposed to have a lot width of 42.5 feet and lot area of 5,937 square feet. The applicant stated that there are existing structures to the east that limits the ability of complying with the ordinance. If the number of lots is reduced by one, all lots would comply with minimum requirements.

Section 6.4.1 of the UDC states that the Zoning Board of Adjustment shall not approve a variance unless it finds that:

- a. The variance is not contrary to the public interest;
- b. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
- c. The spirit of the varied provision is observed and substantial justice is done.

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

Staff recommended disapproval of the variance request.

Board member Mujica asked staff why they were recommending disapprove. Staff stated they were able to comply with all the requirements if they were to remove one lot or adjust the plat a little bit more. There were houses on Lot 3, 35 and 37 that were to remain in the subdivision. Board member Avila stated they would have to go through replatting process.

Mr. Forghanparast stated it was currently in the platting process. Before they can get final approval on the plat, they need to get approval on the variance because they do not meet the minimum lot width for Lot 2. However, if they combine Lot 1 and 2 into one lot together then that would resolve the issue with the lot width requirements.

Mr. Ivan Garcia, Rio Delta Engineering, 921 South 10th Avenue, Edinburg, Texas. He stated on Lot 3 there was an existing house, which was being remodeled and bringing into compliance as part of the subdivision. The intent was to leave that into one lot. That lot meets the 45 minimum width and five-foot setbacks on each side. The issue was from that point going west towards 29th Street, they were short two feet from being able to provide two 45-foot wide lots. There was a site plan provided for the house. Hollywood Development would be the homebuilders for the complete subdivision and were not selling lots. He stated the house fits perfectly within the 42.5-foot lot meeting the 5-foot setbacks on both sides with no compromise about separation between structures. The minimum square footage of 5,000 had also exceeded because of the depth of the lot.

Chairperson Gutierrez asked the applicant what he would consider a hardship in his petition. Mr. Garcia stated there was an existing structure to the east of it and trying to leave it within one lot. Moreover, because of that, it did not allow for those two lots on the west to meet those requirements.

Mr. Forghanparast stated when they originally submitted the request, the plat that they submitted was showing 42.5 feet. They were missing 2.5 feet on the lot width.

Chairperson Gutierrez asked staff how much the 2.5 feet affected the front of the house or the land because they were recommending disapproval. Mr. Forghanparast stated it was not going to affect the subdivision. The recommendation was based on the density that was set up on the UDC code that required minimum lot width of 45 feet for single family. However, in townhomes that was a different zone with a higher density zone it required 20 feet.

Chairperson Jose Gutierrez asked if there was anyone present to speak in favor of the Variance request. There was one to speak in favor of the Variance request.

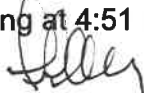
Chairperson Jose Gutierrez asked if there was anyone present to speak in opposition of the Variance request. There was no one to speak in opposition of the Variance request.

Following discussion, Mr. Juan Mujica moved to go against staff's recommendation and approve Variance request. Vice-Chairperson Hugo Avila seconded the motion. The Board voted to approve 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 at 4:51 p.m.


Carmen White, Administrative Assistant


Chairperson Jose Gutierrez