

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

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, June 3, 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
	Daniel Santos	Member
	Juan Mujica	Alternate
	Francisco Davila	Alternate

Absent:	Ivan Garcia	Member
	Alex Lamela	Alternate
	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 May 20, 2026.

The minutes for the meeting held on May 20, 2026. 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 A1 Skylite Signs, LLC, on behalf of Freedom Bank, for a variance to allow a pole sign with a sign area of 485.29 square feet instead of 300 square feet maximum sign area allowed, at Lot 1, Freedom South McAllen Subdivision, Hidalgo County, Texas; 100 U.S. Expressway 83. **(ZBA2026-0021)**

Ms. Fuentes stated the applicant was requesting a variance to allow a sign with a total area of 485.29 square feet instead of the 300 square feet maximum sign area allowed.

The subject property was located at the northeast corner of U.S. Expressway 83 and South 2nd Street and was zoned C-2 (Regional Commercial-UDC) District.

Freedom South McAllen Subdivision was recorded on December 5, 2025. Building permits for the bank and commercial plaza were approved on December 2, 2025 and is currently

under construction. The sign permit was submitted on April 2, 2026, which was rejected by staff due to the proposed sign exceeding the maximum sign area allowed. A variance request for the sign was submitted on April 16, 2026.

The applicant was requesting a variance for a pole sign with a total area of 485.29 square feet. Section 4.9.8 of the McAllen Unified Development Code states that pole signs in a C-2 District may not exceed 300 square feet in area. An additional sign is permitted on a premise for each additional 150 linear feet of frontage with a maximum sign area of 300 square feet. Based on 350 linear feet of frontage along U.S. Expressway 83, the property was eligible for two signs; however, the applicant had proposed only one sign for the subject property.

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

Staff recommended approval of the variance request due to only one pole sign being proposed for a property with 350 feet of frontage along U.S. Expressway 83.

Vice-Chairperson Avila asked staff if they are approved could they return and get a second sign at 300 square feet. Director Sotelo stated they could but they stated that in the application they only wanted one sign. Vice-Chairperson Avila asked if they change owners they could go up to whatever the previous variance allows them to go. Director Sotelo stated yes. He clarified that usually this particular request go before the City Commission. However, since they modified the new UDC it will now come before the Zoning Board Adjustment and Appeals Board. He stated there had been multiple other sign variances that had been approved, Nolana and North 29th Street and along Trenton Road and 10th Street. Along Trenton Road, there are multi tenants that advertise onto one sign.

Chairperson Gutierrez asked staff the reason for the City to establish a limit of 300 square feet in that particular area. Director Sotelo confirmed if you do not put the square footage requirement, they would go excessive. They were trying to keep the visibility of everything uniformed.

Board member Mujica asked staff looking at the site plan it appeared to be 18 feet from the property line. Director Sotelo stated it was within the property line. They have an agreement with McAllen Public Utilities because they had water running along the frontage so they were allowed overhang into the easement but the pole was out of the utility easement.

Mr. Roger Molina with A1 Skylite Signs located in Pharr, Texas. He stated the overpass represents a clutter of signs coming from the west. Having one sign reduces the clutter. In addition, the sign being electronically allowed them the flexibility to change the ads and be more visible for businesses there to grow and gives better exposure for individuals that they have. If they had to have two signs, they would have to make smaller signs and would not be visible from the west side.

Board member Mujica stated that he had concerns with the size and digital brightness. When coming off the Expressway onto the frontage at 2nd Street there was a lot of high traffic and could be distracting.

Mr. Molina stated that by having the digital they had the flexibility to switching across the tenants. They had the screens that had a photo sensor that changes the lighting according to the sun. If it is overcast, it changes the brightness. In addition, at night, it can be

programmed to do so.

Director Sotelo stated they had a set of conditions as far as the brightness and the time set and no videos. They have no colors such as red, yellow or green, which were not allowed.

Chairperson Jose Gutierrez asked if there was anyone present to speak in favor of the Variance request. There was no 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 the discussion Vice-Chairperson Hugo Avila moved to approve the Variance request per staff's recommendation. Mr. Daniel Santos seconded the motion. The Board voted to approve the Variance request with five members present and voting.

- b) Request of Jose Refugio Flores for a special exception to allow an encroachment of 13 feet into the 20-foot front setback for a proposed carport, at Lot 92, Montebello Subdivision Unit No. 3, Hidalgo County, Texas; 3205 Upas Avenue. **(ZBA2026-0020)**

Ms. Fuentes stated the applicant was requesting a special exception to allow an encroachment of 13 feet into the 20-foot front setback for a proposed carport.

The subject property was located along the south side of Upas Avenue, west of North 32nd Street and was zoned R-1 (Single-Family Residential-OC) District.

Montebello Subdivision Unit No. 3 was recorded on October 20, 1981. The applicant submitted a building permit application for the carport on April 1, 2026, which was rejected by staff due to the encroachment. An application for the special exception request was submitted on April 13, 2026.

The recorded plat required a 20-foot front yard setback. The proposed carport would measure 10 feet by 20 feet. The applicant stated that the carport would help protect himself and his family from the weather elements. Staff's research did not reveal any previously approved special exception requests in the subdivision.

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

Staff recommended disapproval of the special exception request.

Board member Mujica asked staff if there were other carports in the neighborhood. Staff stated there not been any that were approved the Board however, there were some existing ones. He asked if they had a garage. Staff stated they had enclosed it about 15-20 years ago

Mr. Jose Refugio Flores, 3205 Upas Avenue. He stated he wanted a carport for the reason his wife had slipped and injured her leg. Having the carport would help with inclement weather entering the vehicle and for protection for his truck. Chairperson Gutierrez asked about the two entrances in the house. The applicant explained at the time he had enclosed the garage to make it like a bedroom for his two sons and brother-in-law. As of now, they are no longer living there. He stated they would have the carport built professionally to fit with the design of the house.

Chairperson Gutierrez asked if there was any possible blockage in sight on this particular location. Director Sotelo stated the front setback was going to be 20 feet. It was going to be 13 feet into the 20-foot setback so you still have your R.O.W. of 10 feet.

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 one person to speak in opposition of the Special Exception.

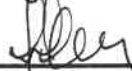
Mr. Daniel Santos moved to go against staff's recommendation and approve the Special Exception. Mr. Juan Mujica seconded the motion. The Board voted to approve the Special Exception with five members present and voting.

ADJOURNMENT

There being no further business to come before the Zoning Board of Adjustment and Appeal, Chairperson Jose Gutierrez moved to adjourn the meeting at 5:54 p.m.



Carmen White, Administrative Assistant



Chairperson Jose Gutierrez

ZONING BOARD OF ADJUSTMENTS & APPEALS
ATTENDANCE SHEET

6/3/26

PRINT NAME

PHONE #

ADDRESS:

PRINT NAME	PHONE #	ADDRESS:
JOSE REFUSIO FLORES	956-607-1628	3205 UPAS AVE,
Santas Flores	956-369-0604	3205 UPAS AVE
Audy Vasquez	956-588-4000	100 IH-2
Roger Molina	" " "	" "