

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

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, March 18, 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:	Austin Stevenson	City Attorney
	Norma Borrego	Assistant City Attorney I
	Omar Sotelo	Planning Director
	Even Gonzalez	Development Engineer
	Porfirio Hernandez	Planner II
	Nicolas Lopez	Planner II
	Jessica Puga	Technician II
	Arlene Vasquez	Administrative Assistant
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for meeting held on March 4, 2026.

The minutes for the meeting held on March 4, 2026. The motion to approve the minutes were made by Vice-Chairperson Hugo Avila. Mr. Erick Diaz seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a) Request of Martha S. Maldonado for a special exception, to allow an encroachment of 20 feet into the 20-foot front yard setback for an existing carport, at Lot 83, Colonia McAllen Unit No. 6 Subdivision, Hidalgo County, Texas; 2301 South 30th Street. (ZBA2026-0007)

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

The subject property was located on the east side of South 30th Street, north of Yuma Avenue and is zoned R-1 (Low-Density Residential-UDC) District.

Colonia McAllen Unit No. 6 Subdivision was recorded on August 2, 1976. A building permit for

the existing carport was submitted on January 5, 2026, which was rejected due to the encroachment into the setbacks. A special exception request was submitted on January 30, 2026.

The plat notes require a 20-foot front yard setback and a 6-foot side yard setback. The applicant is requesting a special exception to allow the existing carport to remain. The applicant states the carport was built to provide protection for their vehicles from the extreme heat and weather conditions and a safe and accessible entry and exit from their vehicles and home due to their medical conditions. They added that the carport is necessary to provide a continuous covered pathway from the property line to the residence, reducing risks associated with limited mobility and exposure to extreme heat, heavy rain, hail, and other hazardous weather conditions that could otherwise endanger their health and safety.

The existing carport was larger than 400 square feet and encroaches into the front and side yard setbacks. The applicant proposes to reduce the carport's size to 22 feet by 18 feet, ensuring compliance with the 6-foot side yard setback on the north side and the maximum 400 sq. ft. allowable carport size for a special exception.

As per our records, three special exception requests have been granted for a carport within this subdivision.

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

Staff recommended approval of the special exception request since it conforms to the existing neighborhood characteristics.

Chairperson Gutierrez asked staff if there was a signed documentation stating to reduce the square footage. Staff stated yes.

Board member Mujica mentioned to staff that it showed one side of the carport was close to the property line it will go in towards the property side. Staff stated yes, that was the side where they will reduce to stay free of the 6-foot side setback.

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.

Following discussion, Mr. Hiram Gutierrez moved to approve the Special Exception. Vice-Chairperson Hugo Avila seconded the motion. The Board voted to approve the Special Exception with five members present and voting.

- b) Request of Ala Qubbaj for a variance, to allow an encroachment of 9.5 feet into the 10-foot rear yard setback for an existing swimming pool and proposed expansion of the house, at Lot 21, Shady Oaks Subdivision Unit II, Hidalgo County, Texas; 6213 North 8th Street. **(ZBA2026-0010)**

Mr. Hernandez stated the applicant was requesting a variance to allow an encroachment of 9.5 feet into the 10-foot rear yard setback for an existing swimming pool and proposed house expansion.

The subject property was located on the west side of North 8th Street, north of Jay Avenue and is zoned R-1 (Single-Family Residential-OC) District.

Shady Oaks Subdivision Unit II was recorded on May 19, 1993. The home was built in 2004. A building permit for construction of a swimming pool was approved on June 23, 2009, and the pool was built later that same year. An application to abandon the 10-foot utility easement at the rear side of the property was submitted on January 15, 2025. A license agreement was recorded on March 11, 2026 to allow the encroachment of the existing swimming pool and the proposed expansion.

The recorded plat required a 10-foot rear yard setback. The applicant states that the irregular shape of the lot limits the ability to expand the home without requesting a variance. They added that the current kitchen is too small to adequately serve a family of six and needs to be expanded and remodeled to meet the household's needs. The applicant also states that there are no neighboring homes directly adjacent to the lot, and the proposed expansion will not adversely affect surrounding properties.

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

Staff recommended approval of the variance request since the irregular shaped lot could be considered a hardship and that there is no other adjacent property to the subject property.

Board member Mujica mentioned to staff that he saw two utility easements, a 10-foot and a second one. Staff stated it was a 10-foot utility easement in the rear. Mujica stated they were requesting to encroach 3 feet onto that 10-foot easement. Staff stated it was to encroach 9 ½ feet into the 10 foot rear utility easement. There was an abandon an electric utility line.

Mr. Ala Qubbaj, 6213 North 8th Street. He stated given the shape of the lot his wife wanted to expand on the kitchen. He stated he had letters from the neighbors and they were in favor of the request. All the utility companies came out and they were fine with the easements. The electric lines were far away from the 10-foot easement.

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 discussion, Vice-Chairperson Hugo Avila moved approve the Variance request as presented. Mr. Hiram Gutierrez seconded the motion. The Board voted to approve the Variance request with five members present and voting.

- c) Request of Joel M. Ramos for a variance, to allow an encroachment of 5 feet into the 10-foot rear yard setback for a proposed swimming pool, at Lot 80, La Floresta Subdivision Phase I, Hidalgo County, Texas; 1805 Rice Avenue. **(ZBA2026-0006)**

The applicant requested the item to be tabled until the next meeting.

Being no discussion, Mr. Juan Mujica moved to table the Variance request. Mr. Erick Diaz seconded the motion. The Board voted to table the Variance request with five members present and voting.

- d) Request of David S. Valdez, on behalf of LOF Investments, for a variance, to allow an encroachment of 9.5 feet into the 15-foot front yard setback and 9.33 feet into the 10-foot corner setback for an existing metal carport at Lot 7, Block 48, North McAllen Subdivision, Hidalgo County, Texas; 220 North 11th Street. **(ZBA2026-0008)**

Mr. Lopez stated the applicant was requesting a variance to allow an encroachment of 9.5 feet into the 15-foot front yard setback and 9.33 into the corner setback for an existing metal carport measuring 882 square feet.

The subject property was located on the east side of North 11th Street and south of Cedar Avenue. The property is zoned C-3 (General Business-OC) District.

Hidalgo County Appraisal District records show that the current building was built in 1998. On January 26, 2026, a stop work order was issued for this property for a carport without a permit. A variance request was submitted on February 1, 2026.

The applicant stated that he maintains 11 company vehicles on the property and that the vehicles are exposed to bird droppings and other outdoor conditions overnight. He indicates that this requires staff to clean the vehicles each morning before they can be placed into service, resulting in added time and operational expense. To improve efficiency and provide covered parking for the fleet, the applicant requests this variance to keep the existing carport, capable of accommodating all company vehicles.

The existing metal carport encroaches into the front and side yard setback and measures 49 ft. by 18 ft. for a total size of 882 square feet. Since the carport is larger than 400 square feet, the request is submitted as a variance. If the applicant proposes to reduce the carport size to 400 square feet, it could be considered as a special exception.

Section 138-356 of the Zoning Ordinance requires a minimum 15 ft. front yard setback and 10 ft. side yard setback in C-3 (General Business-OC) District.

Staff's research did not reveal an approved variance into the front or side yard setback in vicinity of the subject property.

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

Staff recommended disapproval of the variance request since it does not comply with minimum setback requirements.

Board member Mujica asked what was adjacent to the property, was all C-3 commercial. Staff stated yes.

Staff stated the applicant had 11 vehicles that he sends out on service calls for copy machines. The vehicles were parked trees where birds leave their droppings on them and that was his concern.

Planning Director Sotelo stated that prior to the meeting they met with the applicant and advised him that if they moved the carport abutting the building they could keep it. They might have to get with traffic to open up the curb cut on the 11th Street versus Cedar Avenue. Moving the carport to abut the building, they could comply with the setbacks and they would not have to reduce anything.

David Valdez, 220 North 11th Street, the owner of the property. He stated he would consider entering through 11th Street providing there were no utility lines. In addition, if the trees will not obstruct from entering there as well.

Board member Mujica mentioned to Mr. Valdez by removing the carport to abut the building; was there anything there that would hinder him moving it. Mr. Valdez stated he could remove the carport because it was bolted down with plates.

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 discussion, Mr. Juan Mujica **moved** to table the Variance request. Mr. Hiram Gutierrez seconded the motion. The Board voted to table the Variance request with five present and voting.

- e) Request of Christian Canseco for a special exception, to allow and encroachment of 15 feet into the 20-foot front yard setback and 1.9 feet into the 6-foot side yard setback for an existing metal carport located at Lot 61, Hackberry Creek Unit 2 Subdivision, Hidalgo County, Texas; 1905 Fairmont Avenue. **(ZBA2026-0009)**

Mr. Hernandez stated the applicant was requesting a special exception to allow an encroachment of 15 feet into the 20-foot front yard setback and 1.9 feet into the 6-foot side yard setback for an existing metal carport.

The subject property was located on the south side of Fairmont Avenue, west of North 18th Lane and is zoned R-1 (Single-Family Residential-OC) District.

Hackberry Creek Unit 2 Subdivision was recorded on September 18, 2000. The house was built in 2001 as per Hidalgo County Appraisal District records. The initial building permit for the existing carport was submitted on April 12, 2024, which was rejected due to the encroachment into the setbacks. A stop work order was issued on January 21, 2026 for the 180-day follow up due to no permit issued for the carport. A special exception request was submitted on February 4, 2026.

According to the plat, the property included a 5-foot utility easement along the front, a 20-foot front yard setback, and a 6-foot side yard setback. The applicant is requesting a special exception to allow the existing carport to remain. The applicant states that the carport was built to provide protection from hail and rain for the residents and their vehicles, and that the structure does not negatively impact neighboring properties or the public street. He further explains that the carport assists with safely transferring his mother into and out of vehicles using a wheelchair, while protecting her from inclement weather.

Applicant also notes that he had begun the process of applying for the required permit; however, due to an unexpected medical condition, he was unable to complete the application process. The applicant proposes to reduce the carport's size to 20 feet by 15 feet, respecting the 5-foot utility easement in front of the lot.

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

Staff recommended disapproval of the special exception request since it does not meet the setback requirement.

Board member Diaz asked staff if the picture that was shown of the carport has it been moved. Staff stated no. He is proposing to reduce it to get it out of the utility easement.

Mr. Christian Canseco, 1900 Fairmont Avenue. Mr. Hugo Canseco, applicant's son stated he was in favor as well as the other neighbors who came in with the letter. Due to the disability of his grandmother, his father went through a widow maker, which operates 50% of his heart is gone. They built the carport to protect the vehicles from inclement weather.

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.

Ms. Lisa Pena, 1909 Fullerton Avenue. She stated they had carport built and were going through the same process for building permit. She stated her mother was also disabled in which she used a walker. They recently obtained her with a motorized wheelchair.

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, Vice-Chairperson Hugo Avila **moved** to go against staff's recommendation and approve the Special Exception contingent on the size to comply with the utility easement encroachment. Mr. Erick Diaz seconded the motion. The Board voted to approve the Special Exception with five members present and voting

- f) Request of Hamlin Pools, on behalf of Jesus Garza III, for a variance, to allow an encroachment of 2 feet and 6 inches into the 10-foot rear yard setback for a proposed swimming pool at Lot 7, Block 1, Nerea Estates Subdivision, Hidalgo County, Texas; 5704 North 3rd Street. **(ZBA2026-0011)**

Mr. Lopez stated the applicant was requesting a variance to allow an encroachment of 2 feet, and 6 inches into the 10-foot rear yard setback for a proposed pool measuring 445 square feet.

The subject property was located on the north side of Dove Avenue, between North 2nd Street (North Col. Row Boulevard) and North 3rd Street and was zoned R-1 (Single-Family Residential-OC) District.

Nerea Estates Subdivision was officially recorded on October 7, 2005. A residential home was approved and built on the property in 2007. The variance request for the proposed pool was submitted on February 5, 2026.

Section 138-356, "Table of height and yard requirements" of the Zoning Ordinance specified that rear setback in properties zoned R-1 was 10 feet.

The client had expressed a desire to install a swimming pool to enhance the recreational aspects of the home and improve the overall quality of the property for himself and future owners. To maximize usability and functionality, the applicant seeks permission for the pool to encroach upon the setback area. The proposed pool will encroach 2 feet, 6 inch into the 10 feet rear yard setback, avoiding the 7-foot, 6-inch utility easement. The plat notes a 10-foot rear yard setback and depicts a 7 foot, 6 inch-utility easement along the rear side of the property.

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

Just a note that there was no encroachment on the easement. In addition, there was an 8-foot concrete masonry (CMU) wall between the street and where the proposed pool would be built. There was also an 8-foot landscape barrier on the other side of the CMU wall.

Staff recommended disapproval of the variance request since it does not comply with minimum setback requirements.

Mr. Andrew Edson, 2609 Pelican Avenue of Hamlin Pools representing Mr. Jesus Garza, 5704 North 3rd Street. He stated they would like to be able to encroach on the portion of the setback

by 2-½ feet and bud up to the utility easement.

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.

Ms. Lauren Christy, 5704 North 3rd Street, owner of the property. She stated behind the house there was a wall and behind there was an alley another wall before the street. She stated she wanted to build the pool for her children.

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, Vice-Chairperson Hugo Avila moved to go against staff's recommendation and approve the Variance request as presented. Mr. Erick Diaz seconded the motion. The Board voted to approve the Variance request with five members present and voting.

- g) Request of Mario A. Reyna, on behalf of Urban City Developers, LLC, for a variance to the landscape requirements at Lots 1-78, Enclave on Jackson Subdivision, Hidalgo County, Texas; 1200-1417 East Whitewing Avenue. **(ZBA2026-0012)**

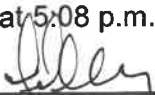
The applicant requested the item to be withdrawn.

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 5:08 p.m.



Carmen White, Administrative Assistant



Chairperson Jose Gutierrez