

**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 5, 2025 at 4:31 p.m. in the McAllen Development Center, Executive Conference Room with the following present:

<b>Present:</b>	<b>Jose Gutierrez</b>	<b>Chairperson</b>
	<b>Hiram A. Gutierrez</b>	<b>Member</b>
	<b>Daniel Santos</b>	<b>Member</b>
	<b>Juan Mujica</b>	<b>Alternate</b>
	<b>Alex Lamela</b>	<b>Alternate</b>
	<b>Erick Diaz</b>	<b>Alternate</b>
<b>Absent:</b>	<b>Hugo Avila</b>	<b>Member</b>
	<b>Ivan Garcia</b>	<b>Member</b>
<b>Staff Present:</b>	<b>Rodrigo Sanchez</b>	<b>Senior Planner</b>
	<b>Samuel Nunez</b>	<b>Senior Planner</b>
	<b>Alexis Martinez</b>	<b>Planner I</b>
	<b>Carmen White</b>	<b>Administrative Assistant</b>

**CALL TO ORDER –Chairperson Jose Gutierrez**

**1. MINUTES:**

- a) Minutes for the meeting held on February 19, 2025

The minutes for the meeting held on February 19, 2025. The motion to approve the minutes were made by Mr. Alex Lamela. Mr. Juan Mujica seconded the motion, which carried unanimously with five members present and voting.

**2. PUBLIC HEARINGS:**

- a) Request of Ruzca/Julio Ruz for a Variance to the City Of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 20-foot rear yard setback for a proposed Guest House at Lot 4, Orangewood East Subdivision, Hidalgo County, Texas; 700 East Sundown Drive. **(ZBA2025-0003)**

Ms. Martinez stated the applicant was requesting to encroach 10 feet into the 20 foot rear yard setback for a proposed guest house, approximately 2,897 square feet of living area in size. It will contain a kitchen, bedroom, study room, spa, entertainment room, and gym. The reason for the variance request is to accommodate construction of the guesthouse.

The subject property was located along the north side of East Orangewood Drive and at the intersection with South "F" Street. The irregular shaped lot had 109.42 feet of frontage along East Sundown Drive with a depth of 239.88 feet. The subject property currently had a residential home. The subject property was zoned R-1 (single family residential) District. The adjacent zoning was R-1 District in all directions. The surrounding land uses include

single-family residences and vacant land.

Orangewood East Subdivision was recorded August 6, 1996. The plat showed a 10-foot utility easement adjacent to the rear property line that runs concurrently with the 20-foot rear yard setback for double fronting lots. The subject property was granted a Conditional Use Permit for a guesthouse for life of use in May 2023, however; no construction took place and the permit expired. A new CUP application was required and submission was pending outcome of the Variance request. A building permit application was submitted on January 8, 2025 to the Building Inspections and Permits Department for a guesthouse, but was disapproved due to the rear setback encroachment of 10 feet into the 20-foot rear yard setback. An application for a Variance request was submitted January 29, 2025.

The applicant was requesting to encroach 10 feet into the 20-foot rear yard setback for a proposed guesthouse as an accessory use that will contain a kitchen, bedroom, study room, spa, entertainment room, and gym. The owners of the lot are requesting the variance in order to accommodate the proposed guesthouse at the rear yard of the property.

The plat for this subdivision showed a 10-foot utility easement adjacent to the rear property line that runs concurrently with the 20-foot rear yard setback but the utility easement will not be impacted by the proposed encroachment.

The subject property was a double frontage lot. City Unified Development Code ordinance Section 5.3.5 (f) states, "A front yard building setback shall be provided along each side of the lot fronting onto a street in accordance with the zoning district."

An approved variance was necessary to resolve the proposed encroachment as well as plat note setback requirement of 20 feet for the rear yard. Furthermore, a plat note (#8) of the plat for this subdivision states, "No curb cuts permitted, or lots fronting on South McColl Road, East Orangewood Drive, and at the rear of lots 16-19 along future South "K" Center Street".

The standard rear yard setback in an R-1 District was 10 feet as per current Code of Ordinance.

A review of Planning Department records revealed one other variance request granted within Orangewood East Subdivision for an encroachment of 10 feet into the 20-foot rear yard setback for a single-family home at Lot 19.

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

Staff recommended approval of the variance request.

Mr. Julio Ruz, 517 S. 9<sup>th</sup> Street, the contractor stated that they wanted to build a guesthouse. The project was to be done at 20 feet but ultimately it was completed at 10 feet. There was an existing swimming pool. The permit had been approved by the other departments, Engineering and Building Permits and Inspections.

Board member Mujica asked staff that a permit was issued several years ago but nothing was constructed. Staff stated it was a Conditional Use Permit for a guesthouse but nothing was constructed during that six month period and the permit expired. Then they had applied for a building permit and it was disapproved and that is why they applied for a variance. It

was modified as per square footage and had increased in footage recently.

Board member Mujica asked the owner when the first Conditional Use Permit was approved why didn't they do the construction. Ms. Calderon stated she felt the recent construction was different than the original project.

Board member Santos asked staff what was the basis for recommending approval. Staff stated as per current code ordinance it would be 10 feet for all residential lots as well as the construction that was existing on the property. This request was to accommodate the structure.

Board member Mujica asked staff if there was an alley or a street. Staff stated it was a street. The street was in the interior subdivision.

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. Alex Lamela moved to approve the Variance request. Mr. Daniel Santos seconded the motion. The Board voted to approve 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 Assistan



Chairperson Jose Gutierrez