

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

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, May 6, 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
	Ivan Garcia	Member
	Juan Mujica	Alternate
	Alex Lamela	Alternate
	Erick Diaz	Alternate
	Francisco Davila	Alternate

Staff Present:	Norma Borrego	Assistant City Attorney I
	Omar Sotelo	Planning Director
	Kaveh Forghanparast	Senior Planner
	Mia Fuentes	Planner I
	Jonathan Gutierrez	Technician I
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for meeting held on April 22, 2026.

The minutes for the meeting held on April 22, 2026. The motion to approve the minutes were made by Mr. Hiram Gutierrez. Mr. Ivan Garcia seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a) Request of Miguel de la Cruz for a special exception to allow an encroachment of 16.5 feet into the 30-foot front setback for a carport, at Lot 21, Block 2, Langridge Addition Subdivision, Hidalgo County, Texas; 1008 North 28th Street. (ZBA2026-0015)

Ms. Fuentes stated the applicant was requesting a variance to allow an encroachment of 16.5 feet into the 30-foot front yard setback for a carport.

The subject property was located along the east side of North 28th Street, south of Kendlewood Avenue and was zoned R-1 (Single-Family Residential-OC) District.

Langridge Addition Subdivision was recorded on March 28, 1967. A building permit was submitted by the applicant on July 28, 2021 for a carport. The permit was rejected by staff pending approval from the Zoning Board of Adjustments. A stop work order was posted on

February 25, 2026 for the carport encroachment. The applicant renewed the original building permit on March 6, 2026. The permit was reviewed by staff and rejected due to the encroachment into the front setback. An application for a special exception was submitted on March 10, 2026.

The recorded plat required a 30-foot front yard setback. The existing carport measures 28 feet by 20 feet, however, the applicant has agreed to shorten the carport to 28 feet by 14 feet for a total area of 392 square feet. The applicant stated the carport was built to help protect family members, with medical conditions, from the weather. There are two 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 approval of the special exception due to it aligning with the characteristic of the neighborhood.

Ms. Mauricia Lopez and Mr. Miguel de la Cruz, 1008 North 28th Street. She stated she wanted to keep it the way it was because she had two elderly handicapped people. They needed it for the weather conditions when they come out with the use of their walkers.

Board member Gutierrez asked the applicant if staff had mentioned to them about reducing it to the 400 square footage. The applicant stated yes, the length.

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 the discussion, Mr. Hiram Gutierrez moved to go with staff's recommendation and approve the Special Exception with the conditions it will not be more than 400 square feet. Mr. Ivan Garcia seconded the motion. The Board voted to approve the Special Exception with five members present and voting.

- b) Request of Jorge Ancer, on behalf of Lidza Kalifa, for a variance to allow an encroachment of 7 feet into the 10-foot side setback for a swimming pool, at Lot 1, Spanish Oaks @ Frontera Subdivision, Hidalgo County, Texas; 912 Grayson Avenue. **(ZBA2026-0016)**

Ms. Fuentes stated the applicant was requesting a variance to allow an encroachment of 7 feet into the 10-foot side yard setback for a proposed pool.

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

Spanish Oaks @ Frontera Subdivision was recorded on May 8, 2018. A building permit for the main residence was submitted on December 2, 2025. The permit was issued on December 17, 2025. The applicant submitted the variance request on March 13, 2026 for the proposed pool.

The recorded plat required a 10-foot corner side yard setback on the west side of this lot. The required interior side setbacks are 2 feet on the west sides and 6 feet on the east sides for a total of 8 feet between buildings. The corner side of the lot is adjacent to the 26-foot alley and fire access with no adjacent lots to the north, south, or west. The applicant stated the large setbacks and small lot size limit the amount of space available for use. There have been three approved variance requests for a pool encroaching into the rear setback.

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 the minimum corner side setback requirement.

Ms. Erica de la Garza Lopez, 2608 South 2nd Street. She stated she was the project manager for this home that they are building for her sister, Lidza Kalifa. She stated she submitted to staff for additional information on the pool distance from the pool to the fence and the fence to the alley. In addition, pictures of the masonry block fence, which was 8 inches. Given the irregular size of the lot and dimensions, it was a little more difficult to put the pool in the rear of the property. She stated there would be a natural fence like an oleander and bushes to give it a more welcoming feel on the inside of the property instead of looking at just a brick wall. Chairperson Gutierrez explained to the applicant about how the Variances go with the land and anything could be built there in the future. They had concerns for her elderly parents coming out onto the patio and falling into the pool.

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.

Board member Garcia asked if it was encroaching into the setbacks there were no utilities. Staff responded no.

Planning Director Sotelo stated the memo shows a storage complex to the west side. They also have the outer perimeter drive and a CMU wall, which makes it well protected from fire.

Following the discussion, Mr. Daniel Santos moved to approve the Variance request. Mr. Hiram Gutierrez seconded the motion. The Board voted to approve the Variance request with five members present and voting.

- c) Request of Sergio Alaniz for a special exception to allow an encroachment of 7 feet into the 20-foot front setback and 1 foot into the 6-foot side setback for a carport, at Lot 12, Block 6, Colonia Hermosa No. 2 Subdivision, Hidalgo County, Texas; 2105 Cortez Avenue. (ZBA2026-0017)

Ms. Fuentes stated the applicant was requesting a special exception to allow an encroachment of 7 feet into the 20-foot front yard setback and 1 foot into the 6-foot side yard setback for an existing carport.

The subject property was located along the south side of Cortez Avenue, west of South 21st Street and is zoned R-1 (Single-Family Residential-OC) District.

Colonia Hermosa No. 2 Subdivision was recorded in 1947. A building permit for the carport

was submitted on July 14, 2021. The permit was rejected by staff due to the encroachment into the front setback, and the permit was never issued. A stop work order was issued on March 2, 2026 for the carport. The applicant renewed the original building permit on March 18, 2026, and a variance request was submitted on March 19, 2026 for the encroachment.

According to Section §138-356 of the Zoning Ordinance, there is a required 20-foot front yard setback and a 6-foot side yard setback. The applicant states the carport provides protection from the weather. There have been six 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 due to non-compliance with Section §138-356 of the Zoning Ordinance.

Chairperson Gutierrez asked staff if that the new ordinance stated 20 feet for the front yard setback and five feet for the side. Staff stated yes. He asked if this particular request complied with the new ordinance. Senior Planner Forghanparast stated that on this plat they had a 20-foot front yard setback so they were encroaching seven feet into the 20 feet so there was still an encroachment.

Board member Gutierrez asked staff if there were any other Special Exceptions granted in the neighborhood. Staff stated there were six Special Exceptions that were granted.

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 the discussion, Vice-Chairperson Hugo Avila moved to go against staff's recommendation and approve the Special Exception as noted. Mr. Ivan Garcia 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 4:46 p.m.



Carmen White, Administrative Assistant



Chairperson Jose Gutierrez