

**.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 7, 2025 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	Jose Gutierrez	Chairperson
	Hugo Avila	Vice-Chairperson
	Daniel Santos	Member
	Ivan Garcia	Member
	Juan Mujica	Alternate
	Alex Lamela	Alternate
	Erick Diaz	Alternate

Absent:	Hiram Gutierrez	Member
	Nancy Valenzuela	Alternate

Staff Present:	Norma Borrego	Assistant City Attorney I
	Omar Sotelo	Planning Director
	Rodrigo Sanchez	Senior Planner
	Samantha Trevino	Planner I
	Alexis Martinez	Planner I
	Jessica Puga	Technician II
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for the meeting held on April 23, 2025.

The minutes for the meeting held on April 23, 2025. The motion to approve the minutes were made by Vice-Chairperson Hugo Avila. Mr. Alex Lamela seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a) Request of Raudel Garcia for a Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 4 feet into the 7-foot north side yard setback for a proposed irregular-shaped swimming pool with an area of approximately 352 square feet at Lot 25, Block 7, Milmor Addition Subdivision, Hidalgo County, Texas; 1214 North 16th Street. (ZBA2025-0010)

Ms. Trevino stated the applicant was requesting a variance to allow an encroachment of four feet into the seven-foot north side yard setback for a proposed irregular shaped pool.

The subject property was located along the east side of North 16th Street approximately 150.0 feet south of Maple Avenue. The subject property has an area of 7,625 square feet. The property is zoned R-1 (Single Family Residential O.C.) District. The adjacent zoning is R-1 District O.C. in all directions.

The Milmor Addition Subdivision was officially recorded on May 26, 1927. A variance request was submitted on April 1, 2025. A building permit for a pool has not been submitted at this time.

The variance request is for a proposed swimming pool, which is considered an accessory structure and requires compliance with setbacks. The applicant proposes to build a swimming pool to be used to enjoy outdoor activities.

The submitted site plan shows a proposed swimming pool encroaching four feet into the seven-foot side yard setback along the north property line and indicates that the proposed pool placement takes into account the existing walkways, positioning the pool in a way that appears to minimize their removal. The applicant acknowledged that some portions of the walkways would be removed for the construction of the proposed pool. There are no utility easements that would be impacted by the proposed encroachment.

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

Staff recommends disapproval of the variance request since unnecessary hardship had not been established. However, if the Board approves the request, it should be limited to the encroachment shown on the submitted site plan.

Mr. Raudel Garcia, 1214 North 16th Street. He stated they had a power line that ran across the property and they had to be at least 10 feet away from it horizontally. At vertically they had to be 22.5 feet away from the power line. Mr. Garcia showed pictures of the property and power line.

Ms. Yvonne Morales, owner of the home. She stated this was her childhood home. She stated she moved in about two years ago and wanted to put a pool. She stated that when they remodeled the home two years ago, the contractor they put the power line right in the center of house, which she was unaware of it.

Chairperson Gutierrez explained to the Ms. Morales the variance runs with the land and not the owner and that a new owner could build whatever they want there.

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.

Vice-Chairperson Avila asked staff if the setbacks were typically seven feet. Staff stated many of the subdivisions that are older for that do not have platted setbacks depending on the scheme they usually go 5 feet and 7 feet to keep that 12-foot separation or 6 feet and 6 feet.

Chairperson Gutierrez asked staff if there were any recent record of any approval of a variance. Staff stated there were two variances; one was for a storage shed and there other special exceptions that received approval for carports.

Mr. Garcia stated it was a pool quote and they let their customers know they have to be a certain distance from the power line.

He stated they were hoping AEP would have come out before the meeting to do the measurements.

Board member Mujica had concerns with safety issues by relocating the pole.

Following discussion, Mr. Alex Lamela moved to table the Variance request in order to give the applicant an opportunity to meet with AEP. Vice-Chairperson Hugo Avila seconded the motion. The Board voted to table the Variance request with five members present and voting.

- b) Request of Gilberto Gutierrez for a Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 5.5 feet into the 20-foot front yard setback for a proposed porch measuring 5.5 feet x 10 feet at Lot 3, Block 9, Colonia McAllen Unit No. 7 Subdivision, Hidalgo County, Texas; 1952 South 33rd Street. (ZBA2025-0009)

Ms. Trevino stated the applicant was requesting a variance to allow an encroachment of 5.5 feet into the 20-foot front yard setback for a proposed porch.

The subject property was located along the west side of South 33rd Street approximately 110.0 feet south of Sonora Avenue. The subject property has an area of 5,500 square feet. The property is zoned R-1 (Single Family Residential O.C.) District. The adjacent zoning is R-1 District O.C. in all directions.

The Colonia McAllen Unit No. 7 Subdivision was officially recorded on April 4, 1977. A variance request was submitted on March 27, 2025. A building permit for the addition has not been submitted at this time.

The variance request is for a proposed 5.5 ft x 10 ft wood porch in front of the house to relocate the home entrance.

The applicant states safety concerns, as the current side-door entry limits visibility of the street and may pose a security risk. The proposed porch would allow for a front-facing entry consistent with neighboring homes, thereby aligning the property with the prevailing neighborhood character. The applicant states that this addition not only improves personal safety but will also contribute to the neighborhood's overall appearance.

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

Staff recommended disapproval of the variance request since unnecessary hardship had not been established. However, if the Board approves the request, it should be limited to the encroachment shown on the submitted site plan

Mr. Gilberto Gutierrez, 1952 South 33rd Street. He stated the house was sitting on concrete blocks. By looking on the south side, inside the pillars there are steel pipes into the driveway. It would be impossible to move it back. He wanted to build a small porch in front to move the door, which was on the side of the house. This way he could see the street from the front when he moves the door. He stated he obtained a building permit and planned to enclose part of where his vehicle was parked and make it into a living area.

Board member Mujica mentioned that with a variance, the applicant or the next new owner

runs with the land and anyone could build anything and enclose it.

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. Erick Diaz moved to approve the Variance request 5.5 feet by 10 feet as presented by staff. Vice-Chairperson Hugo Avila seconded the motion. The Board voted to approve Variance request with five members present and voting.

- c) Request of Tomas Rios Jr. for a Variance to the City of McAllen Zoning Ordinance to allow a lot frontage width of 39.67 feet instead of the 50-foot minimum requirement along the west front property line for a proposed single family dwelling at a 0.19 Acre Tract of Land, More or Less, Out of Lot 6, Block 16, Steele And Pershing Subdivision (Proposed Lot 1, De Rios Subdivision), Hidalgo County, Texas; 3021 South "J" Street. (ZBA2025-0011)

Ms. Martinez stated the applicant was requesting to provide a 39.67 feet frontage width instead of the 50 foot required minimum lot width along the front of the property for a proposed family residential dwelling.

The subject property was located north of East Pineridge Avenue and east of South "J" Street. The subject property was currently Zoned R-1 (single-family residential-OC) District and is vacant. The property was currently vacant.

An application for a Variance request was submitted on April 3, 2025. Steele and Pershing Subdivision was the initial subdivision for the subject property, however, there was an application for a Subdivision Plat Review (De Rios Subdivision) submitted on March 28, 2025 and was approved with conditions, one being a lot frontage variance, by the Planning and Zoning Commission on the meeting of April 22, 2025.

The applicant was requesting to provide a 39.67 feet frontage width instead of the 50 foot required minimum lot width along the front of the property for a proposed family residential dwelling.

According to the current McAllen Zoning Ordinance Section 138-179 (c) states "Any use of property that does not meet the required minimum lot size; front, side and rear yard dimensions; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required in section 138-356" which states in the Table of Height and Yard Requirements for a "Minimum Lot Width Along Front located in an R-1 Single Family Residential District is 50 feet.

In the past there have been residential building permits issued along South "J" Street, some lots in which contained the same hardship of not meeting the 50-foot minimum lot width along the front of a property. One recorded plat north of the subject property, "El Rancho Santa Cruz Subdivision Phase I", Lot 6, shows that it was platted containing a lot frontage of 39.67 feet which is similar in size to this current request and was permitted a single family dwelling onto that property.

Should the Zoning Board of Adjustment & Appeals grant approval of the request, the applicant would be subject to comply with any further Building and Developmental Code Regulations to proceed with the single family dwelling construction.

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

Staff recommended disapproval of the Variance request since it does not meet the minimum lot width along the front of the property according to the Zoning Ordinance requirement.

Chairperson Gutierrez asked staff if the applicant was present. Staff stated they were not able to attend the meeting.

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.

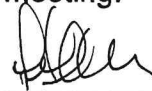
Following discussion, Mr. Hugo Avila moved to approve the Variance request as presented on the site plan against staff's recommendation. Mr. Juan Mujica seconded the motion. The Board voted to approve Variance request with five members present and voting.

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 Assista



Chairperson Jose Gutierrez