

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

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, November 6, 2024 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	Jose Gutierrez	Chairperson
	Hugo Avila	Member
	Hiram A. Gutierrez	Member
	Daniel Santos	Member
	Ivan Garcia	Member
	Juan Mujica	Alternate
	Alex Lamela	Alternate
Absent:	Pablo Garcia	Alternate
Staff Present:	Evaristo Garcia	Assistant City Attorney III
	Michelle Rivera	Assistant City Manager
	Luis Mora	Deputy Planning Director
	Rodrigo Sanchez	Senior Planner
	Samuel Nunez	Senior Planner
	Porfirio Hernandez	Planner I
	Jessica Puga	Planning Technician II
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for the meeting held on October 23, 2024

The minutes for the meeting held on October 23, 2024. The motion to approve the minutes were made by Mr. Hiram Gutierrez. Mr. Daniel Santos seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a) Request of Guadalupe Hernandez and Raquel Hinojosa for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 8 feet into the 10-foot rear yard setback for an existing metal carport at Lot 6, Block 4, Highland Park Subdivision, Hidalgo County, Texas; 901 Sycamore Avenue. (ZBA2024-0043)

Mr. Hernandez stated the applicant was requesting a special exception to allow an encroachment of eight feet into the ten-foot rear yard setback for an existing metal carport being used for protection of their cars from adverse weather elements and to provide shade for the family.

The subject property was located along the south side of Sycamore Avenue approximately 285 feet east of North 10th Street. The subject property has an area of

8,450 square feet. The property was zoned R-1 (Single Family Residential) District. The adjacent zoning was R-1 District to the North, East and West and R-2 (Duplex-Fourplex Residential) District to the South.

Highland Park Subdivision was recorded on March 10, 1950. A stop work order was issued for no building permit on September 10, 2024. An application for a building permit was submitted on September 13, 2024. An application for the variance request was submitted on October 7, 2024.

The applicant is requesting the encroachment into the rear yard setback for an existing metal carport for protection of their vehicles; provide shade for family gatherings and ongoing home and art projects from inclement weather. The carport currently measures 26 ft. x 18 ft. and exceeds the 400 sq. ft. size not allowed by ordinance. The applicant is proposing to reduce the carport size to 22 ft. x 18 ft., which brings the carport into compliance with the required five-foot side yard setback, and concurrently reducing the total square footage to 396 sq. ft.

No utility easements will be impacted by the encroachment.

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

Staff recommended approval of the special exception request as its location in the rear of the property would help to maintain the neighborhood's front yard aesthetic character.

Chairperson Gutierrez asked staff if they had in writing for the size of the carport. Staff responded yes.

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.

Ms. Raquel Hinojosa and Mr. Guadalupe Hernandez, 901 Sycamore Avenue. Chairperson Gutierrez asked the applicants when the carport was built. Ms. Hinojosa stated in 2022. Chairperson Gutierrez asked did someone report this. Ms. Hinojosa responded yes.

Following discussion, Mr. Hugo Avila moved to approve the Special Exception as recommended by staff. Mr. Hiram Gutierrez seconded the motion. The Board voted to approve the Special Exception with five members present and voting.

- b) Request of Martin Villanueva for a Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 5 feet into the 25-foot front yard setback for a proposed single family residence at Lot 62, Villanueva Estates at Trinity Oaks Subdivision, Hidalgo County, Texas; 10321 North 31st Street. (ZBA2024-0042)

Mr. Hernandez stated the applicant was requesting a variance to encroach five feet into the 25-foot front yard setback for the proposed construction of a single-family residence.

The subject property was vacant and is located along the west side of North 31st Street approximately 54 feet south of York Avenue. The irregular shaped lot has 188.81 feet of frontage along North 31st Street and a depth of 114.19 feet at its deepest point for a total lot size of 9,898 square feet. The property is zoned R-1 (Single Family Residential) District. The adjacent zoning is R-1 District in all directions.

Villanueva Estates at Trinity Oaks was recorded on August 6, 2018. An application for the variance request was submitted on October 3, 2024.

The applicant was proposing to construct a single family home on the property. However, due to the irregular shape of the lot and the required minimum building setbacks of the property, the house cannot be constructed in a manner that allows for construction of the home with a front porch and enhanced space for the backyard. Approval of a five-foot encroachment will accommodate the property owner's proposed concept for construction. The owner's situation is unique and not commonly experienced by others in the neighborhood. Additionally, the proposed use to be authorized by the variance will not change the fundamental character of the area.

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

Staff recommended approval of the variance request since the irregular shape of the Lot in essence might represent a unique plight of the owner.

Mr. Martin Villanueva, owner of Villanueva Construction Company, 1013 E. Alberta Road, Edinburg. He stated he wanted to build a larger house for his former spouse and grandchildren. Chairperson Gutierrez asked Mr. Villanueva on the design of the proposed family home if he had considered changing the drawing to accommodate instead of encroaching into the front yard setback. Mr. Villanueva stated after they had designed it, his former wife wanted to have the porch extended out more towards the front.

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. Hiram Gutierrez moved to approve the Variance request as recommended by staff. Mr. Ivan Garcia seconded the motion. The Board voted to approve the Variance request with five members present and voting.

- c) Request of Anita Moon on behalf of Greater McAllen Association of Realtors for the following variance to the City of McAllen Zoning Ordinance to allow an accessory building with a one-foot separation to the main building instead of the required five feet for rear yard structures at Lot B1, Aim Media Subdivision, Hidalgo County, Texas; 1324 East Nolana Avenue. (ZBA2024-0036) (TABLED: 10/09/2024) (REMAIN TABLED: 10/23/2024)

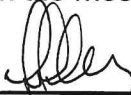
This item will remain tabled per the applicant.

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 Assistant



Chairperson Jose Gutierrez

