

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, October 23, 2024 at 4:32 p.m. in the McAllen Development Center, 311 North 15th Street with the following present:

Present:	Jose Gutierrez	Chairperson
	Hugo Avila	Member
	Hiram A. Gutierrez	Member
	Juan Mujica	Alternate
	Alex Lamela	Alternate
	Daniel Santos	Alternate
Absent:	Pablo Garcia	Alternate
Staff Present:	Austin Stevenson	Interim Deputy City Attorney
	Luis Mora	Deputy Planning Director
	Rodrigo Sanchez	Senior Planner
	Samuel Nunez	Senior Planner
	Samantha Trevino	Planner I
	Porfirio Hernandez	Planner I
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for the meeting held on October 9, 2024

The minutes for the meeting held on October 9, 2024. The motion to approve the minutes were made by Mr. Alex Lamela. Mr. Hugo Avila seconded the motion, which carried unanimously with four members present and voting.

At this time, Board member Hiram Gutierrez arrived at 4:36 p.m.

2. PUBLIC HEARINGS:

- a) Request of Julio Mercado for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 25-foot front yard setback for a proposed metal carport measuring 20 feet by 20 feet at Lot 80, Idela Park Unit No. 1 Subdivision, Hidalgo County, Texas; 2712 Judith Avenue. (ZBA2024-0041)

Ms. Trevino stated the applicant was requesting to encroach 20 feet into the 25-foot front yard setback for a proposed carport that will be used to protect his vehicles from inclement weather and will provide the same protection to the applicant while getting in and out of his car.

The subject property was located along the north side of Judith Avenue between Idela Avenue and Judith Avenue. The subject property was zoned R-1 (single family

residential) District.

Idela Park Unit No. 1 Subdivision was recorded on February 13, 1978. The plat states a 25-foot front yard setback. An application for a building permit and a special exception request were submitted on September 24, 2024.

The applicant is requesting to encroach 20 feet into the 25-foot front yard setback for a proposed carport that will be used to protect his vehicles from inclement weather conditions. The home was constructed without a garage in 2018 since one parking space beyond the front yard setback was not required at the time of subdivision recordation.

In the past, there have been other variances and special exceptions in Idela Park Unit No. 1 Subdivision for encroachments into the front yard setbacks.

Measurements are provided without the benefit of a survey.

Special exceptions are issued to and recorded for the present applicant/owner only. New property owners would need to apply for a new special exception request.

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

Staff recommended approval of the special exception request since the approval was granted solely to the present owner and will not alter the essential character of Idela Park No. 1 Subdivision.

Ms. Trevino stated the applicant was present.

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.

Being no discussion, Mr. Hugo Avila **moved** to approve the Special Exception as recommended by staff. Mr. Alex Lamela seconded the motion. The Board voted to approve the Special Exception with five members present and voting.

- b) Request of Eugenio Garcia to allow a Variance to the City of McAllen Zoning Ordinance: Accessory use(s) without a primary use for a proposed covered terrace, swimming pool with jacuzzi and a guesthouse at Lot 48, The Embers Subdivision, Hidalgo County, Texas; 304 Cornell Avenue. **(ZBA2024-0038)**
(TABLED: 10/09/2024)

Mr. Hiram Gutierrez **moved** to remove item from the table. Mr. Juan Mujica seconded the motion. The Board voted unanimously with five Board members present and voting.

Mr. Hernandez stated the applicant was requesting a variance to build a covered terrace, a swimming pool with jacuzzi and a guest house as accessory uses but without a primary residence on Lot 48. The main use, a single-family residence is located on the adjacent

Lot 49. Both lots are owned by the same property owner.

The subject property is vacant and located along the north side of Cornell Avenue, 102 feet west of North 3rd Street. The Lot has 98 feet of frontage along Cornell Avenue and 112.5 feet of depth for a total Lot size of 11,025 square feet. The property is zoned R-1 (single family residential) District. The adjacent zoning is R-1 District in all directions.

The Embers Subdivision was recorded in June 2016. An application for a variance request was submitted on September 9, 2024.

The applicant is requesting a variance to build a covered terrace, a swimming pool with jacuzzi and a guest house as accessory uses but without a primary residence on Lot 48. The main use, a single-family residence is located on the adjacent Lot 49. Both lots are owned by the same property owner. A 12-foot drain easement runs concurrently with the six-foot setback adjacent to the east and west property line of Lot 49 and 48, respectively. This drain easement prevents continuous building of the Lot with the main use to Lot 48. The applicant states due to an easement, the main house could not span both lots, leaving one lot vacant for this purpose.

An accessory building means a subordinate building, located on the same lot as the main building, the use of which is clearly incidental to and customarily found in connection with the main building or principle use of the property. Accessory uses of buildings are located on a lot occupied by the main use conforming to setback and other regulations concerning location.

The submitted site plan illustrates that the proposed structures will not impact the utility easement and will comply with the required setbacks.

A block wall surrounds both lots and makes for one buildable area.

City Engineering department staff had stated that approval for abandoning the drainage easement is unlikely, as it contains an active drain line.

Measurements provided are without benefit of a survey.

Staff recommended approval of the variance request since the drainage easement prevents the property owner from building across the Lot lines.

Mr. Hernandez stated Gustavo Acediz was present on behalf of Eugenio Garcia.

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.

Being no discussion, Mr. Hiram Gutierrez moved to approve the Variance request as recommended by staff. Mr. Alex Lamela 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)

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