

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, APRIL 17, 2024 - 4:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3RD FLOOR

At any time during the course of this meeting, the Zoning Board of Adjustment and Appeals may retire to Executive Session under Texas Government Code 551.071(2) to confer with its legal counsel on any subject matter on this agenda in which the duty of the attorney to the Zoning Board of Adjustment and Appeals under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. Further, at any time during the course of this meeting, the Zoning Board of Adjustment and Appeals may retire to Executive Session to deliberate on any subject slated for discussion at this meeting, as may be permitted under one or more of the exceptions to the Open Meetings Act set forth in Title 5, Subtitle A, Chapter 551, Subchapter D of the Texas Government Code.

CALL TO ORDER – Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for the meeting on April 3, 2024

2. PUBLIC HEARINGS:

- a) Request of Juan Roberto Moreno on behalf of Ricardo Rendon for the following variances to the City of McAllen Zoning Ordinance: **1)** to allow an encroachment of 7 feet into the 10 feet rear yard setback and **2)** 2 feet distance to the main building instead of the required 5 feet distance for a proposed palapa measuring 30 feet by 22 feet, at Lot 42, Candleflower Subdivision No. 2, Hidalgo County, Texas; 1925 Lark Avenue. **(ZBA2024-0009) (TABLED: 04/03/2024)**

3. FUTURE AGENDA ITEMS

- a) 720 North 6th Street
- b) 820 Redwood Avenue
- c) 7301 North 7th Street

ADJOURNMENT:

IF ANY ACCOMMODATIONS FOR A DISABILITY ARE REQUIRED, PLEASE NOTIFY THE PLANNING DEPARTMENT (681-1250) 72 HOURS BEFORE THE MEETING DATE. WITH REGARD TO ANY ITEM, THE ZONING BOARD OF ADJUSTMENTS AND APPEALS MAY TAKE VARIOUS ACTIONS, INCLUDING BUT NOT LIMITED TO RESCHEDULING AN ITEM IN ITS ENTIRETY FOR PARTICULAR ACTION AT A FUTURE DATE.

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

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, April 3, 2024 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	Jose Gutierrez	Chairperson
	Ann Tafel	Vice-Chairperson
	Rogelio Rodriguez	Member
	Hiram A. Gutierrez	Member
	Juan Mujica	Alternate
	Alex Lamela	Alternate

Absent:	Hugo Avila	Member
	Pablo Garcia	Alternate

Staff Present:	Benito Alonzo	Assistant City Attorney I
	Rodrigo Sanchez	Senior Planner
	Samuel Nunez	Senior Planner
	Hilda Tovar	Planner II
	Natalie Moreno	Planner I
	Jessica Puga	Technician I
	Victor Grey	Technician I
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for the meeting held on February 7, 2024.

The minutes for the meeting held on February 7, 2024 were approved. The motion to approve the minutes were made by Mr. Hiram Gutierrez. Vice-Chairperson Ann Tafel seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a) Request of Oscar Falcon on behalf of South Villa Hermosa LTD., for the following variances to the City of McAllen Zoning Ordinance: **1)** to allow a rear yard garage setback of 5 feet instead of the required 18 feet, and **2)** to allow a north side yard setback of 0 feet instead of the required 6 feet at Lot 54, Amended Map of Fairway Grande Village Unit No.1 Subdivision, Hidalgo County, Texas; 3213 South Casa Linda Street. **(ZBA2024-0007)**

Ms. Moreno stated the applicant was requesting variances to allow a rear yard setback of five feet instead of the required 18 feet for a garage and to allow a 0-foot north side yard setback instead of the required six feet side yard setback as required by the plat note in order to build a townhouse on the property.

The subject property was located at the northeast corner of South Casa Linda Street and St. George Avenue. The property has a frontage of 30 feet along Casa Linda Avenue and a depth of 70 feet along St. George Avenue for a tract size of 2,100 square feet. The property is zoned R-3T (multifamily residential townhouse) District. Surrounding land uses

are townhomes and single-family homes.

The plat for Amended Map of Fairway Grande Village Unit No.1 Subdivision was recorded on April 18, 1977. The plat for this subdivision indicates a six feet side yard setback. The zoning for Lots 1-22 and 27 to 57 is R-3T (multifamily residential townhouse) District and for lots 23 to 26 is R-1 (single family residential) District. The standard side yard setback for Lots in the R-1 (single family residential) District is 6 feet. The standard interior side yard setback for Lots in the R-3T (multifamily residential townhouse) District is 0 feet and 6 feet where a firewall is not constructed. The plat note does not distinguish between side yard setbacks for single-family residences and townhouses. Townhomes constructed in the R-3T (multifamily residential townhouse) District of Fairway Grande Village No. 1 have been constructed to the side property line with a variance granted by the Zoning Board of Adjustment.

The applicant is requesting variances to allow a rear yard setback of 5 feet instead of the required 18 feet for a garage and to allow a 0-foot setback on the north side of the property.

No rear yard or garage setbacks were required for Townhouse zoning district areas when the plat was amended in 1977. Comprehensive rezoning approved in 1979 required a garage setback to be 18 feet .There have been other variances for garage setbacks within the subdivision between 2003 and 2012 for Lots 31, 37, 38, 49 and 55 within this subdivision. The variance granted ranged from 10.67 feet to 15 feet instead of the required 18 feet. The width of Lot 54 is 30 feet and the side yard setback of 6 feet would reduce the building width to 14 feet (10 feet side yard setback is required for corner Lots adjacent to a street).

A single-family residence with a width of 14 feet is not in character with the townhouse development of the subdivision. The zoning ordinance states, “where a townhouse is not separated from an adjacent structure by a firewall, the setback from each side lot line shall be six feet each side”. Since the zoning ordinance allows for a side yard setback of 0 feet in an R-3T (multifamily residential townhouse) District with proper construction design, an approval of the request is consistent with the zoning ordinance requirement for townhouse and the development pattern of the subdivision. Between 2012 and 2017, the Board approved five variance requests for 0-side yard setback instead of 6 feet at Lots 32, 33, 39, 47 and 55.

Setbacks shown on the subdivision plat can only be changed by a “vacate and replat” process approved by the Planning and Zoning Commission.

There is a 20 feet alley in the rear of the property that provides access for the proposed garage.

Measurements provided are without benefit of a survey.

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

Staff recommended approval of the variance requests since other similar variances have been approved within the same subdivision.

Chairperson Gutierrez asked staff what were the years when the five variances were approved on Lots 32, 33, 39, 47 and 55. Staff stated they were between the years 2012

through 2017 but did have the exact dates.

Board member Rodriguez asked on Lot 54 on the 10 foot utility easement, was there going to be a sidewalk proposal. Mr. Sanchez, Senior Planner stated the 10 foot utility easement was a setback for a corner lot. The applicant voluntarily wanted to do it. Board member Rodriguez asked if the townhouses not allowed to be a 0 lot line. Staff stated because of the plat stated there was a 6 feet but it didn't indicate if it was for the townhouses on the south side or for the single family on the north side in the same subdivision.

Board member Mujica asked staff if the variance was approved they would still have to submit plans for permitting and need to construct a firewall separation. Staff responded yes.

Chairperson Jose Gutierrez asked if there was anyone else present in favor of the Variance request. There was no one in favor of the Variance request.

Chairperson Jose Gutierrez asked if there was anyone present in opposition of the Variance request. There was no one in opposition of the Variance request.

Mr. Alex Lamela **moved** to approve the Variance request as per staff's recommendations. Vice-Chairperson Ann Tafel seconded the motion. The Board voted to approve the Variance request with five members present and voting.

- b)** Request of Oscar Falcon on behalf of South Villa Hermosa LTD., for the following variances to the City of McAllen Zoning Ordinance: **1)** to allow a rear yard garage setback of 5 feet instead of the required 18 feet, **2)** to allow a north side yard setback of 0 feet instead of the required 6 feet, and **3)** to allow a south side yard setback of 0 feet instead of 6 feet at Lot 53, Amended Map of Fairway Grande Village Unit No.1 Subdivision, Hidalgo County, Texas; 3211 South Casa Linda Street. **(ZBA2024-0008)**

Ms. Moreno stated the applicant is requesting variances to allow a rear yard setback of five feet instead of the required 18 feet for a garage and to allow a 0 foot on the north and south side yard setback instead of the required six feet side yard setbacks as required by the plat note in order to build a townhouse on the property

The subject property was located at the northeast corner of South Casa Linda Street and St. George Avenue. The property has a frontage of 30 feet along Casa Linda Avenue and a depth of 70 feet along St. George Avenue for a tract size of 2,100 square feet. The property is zoned R-3T (multifamily residential townhouse) District. Surrounding land uses are townhomes and single-family homes.

The plat for Amended Map of Fairway Grande Village Unit No.1 Subdivision was recorded on April 18, 1977. The plat for this subdivision indicates a six feet side yard setback. The zoning for Lots 1-22 and 27 to 57 is R-3T (multifamily residential townhouse) District and for Lots 23 to 26 is R-1 (single family residential) District. The standard side yard setback for lots in the R-1 (single family residential) District is 6 feet. The standard interior side yard setback for Lots in the R-3T (multifamily residential townhouse) District is 0 feet and 6 feet where a firewall is not constructed. The plat note does not distinguish between side yard setbacks for single-family residences and townhouses. Townhomes constructed in the R-3T (multifamily residential townhouse) District of Fairway Grande Village No. 1 have been constructed to the side property line with a variance granted by the Zoning Board of

Adjustment.

The applicant was requesting variances to allow a rear yard setback of 5 feet instead of the required 18 feet for a garage and to allow 0-foot setback on the north and south side of the property.

No rear yard or garage setbacks were required for Townhouse zoning district areas when the plat was amended in 1977. Comprehensive rezoning approved in 1979 required a garage setback to be 18 feet. There have been other variances for garage setbacks within the subdivision between 2003 and 2012 for Lots 31, 37, 38, 49 and 55 within this subdivision. The variance granted ranged from 10.67 feet to 15 feet instead of the required 18 feet. The width of Lot 53 is 30 feet and the side yard setbacks of 6 feet would reduce the building width to 18 feet.

A single-family residence with a width of 18 feet is not in character with the townhouse development of the subdivision. The zoning ordinance states, "where a townhouse is not separated from an adjacent structure by a firewall, the setback from each side lot line shall be six feet each side". Since the zoning ordinance allows for a side yard setback of 0 feet in an R-3T (multifamily residential townhouse) District with proper construction design, an approval of the request is consistent with the zoning ordinance requirement for townhouse and the development pattern of the subdivision. Between 2012 and 2017, the Board approved five variance requests for 0-side yard setback instead of 6 feet at Lots 32, 33, 39, 47 and 55.

Setbacks shown on the subdivision plat can only be changed by a "vacate and replat" process approved by the Planning and Zoning Commission.

There was a 20 feet alley in the rear of the property that provides access for the proposed garage.

Measurements provided are without benefit of a survey.

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

Staff recommended approval of the variance requests since the similar variances have been approved within the same subdivision.

Vice-Chairperson Tafel asked staff if this would put Lot 53 equal to Lot 54 as far as setbacks and lining up with firewall separation. Staff responded yes.

Chairperson Jose Gutierrez asked if there was anyone else present in favor of the Variance request. There was no one in favor of the Variance request.

Chairperson Jose Gutierrez asked if there was anyone present in opposition of the Variance request. There was no one in opposition of the Variance request.

Mr. Juan Mujica **moved** to approve the Variance request as per staff's recommendations. Mr. Hiram Gutierrez seconded the motion. The Board voted to approve the Variance request with five members present and voting.

- c) Request of Juan Roberto Moreno on behalf of Ricardo Rendon for the following variances to the City of McAllen Zoning Ordinance: **1)** to allow an encroachment of 7 feet into the 10 feet rear yard setback and **2)** 2 feet distance to the main building instead of the required 5 feet distance for a proposed palapa measuring 30 feet by 22 feet, at Lot 42, Candleflower Subdivision No. 2, Hidalgo County, Texas; 1925 Lark Avenue. **(ZBA2024-0009)**

Ms. Tovar stated the applicant was requesting two variances to allow an encroachment of 7 feet into the 10 feet rear yard setback and 2 feet distance to the main building instead of the required 5 feet distance for a proposed palapa measuring 30 feet by 22 feet.

Candleflower Subdivision No.2 was recorded on April 12, 1982. The plat indicates a 10 feet rear yard setback and 6 feet side yard setback on both sides for the subdivision. The house was built in 1990. A building permit application was submitted on December 2023, for the proposed palapa and approved on January 2024. However, the project was not built to comply with permit conditions and failed inspections by the Building Department. On March 6, 2024, a variance application was submitted to resolve the encroachment of 7 feet into the 10 feet rear yard setback.

The applicant is requesting a variance to allow an encroachment of 7 feet into the 10 feet rear yard setback and 2 feet distance to the main building instead of the required 5 feet distance for a proposed palapa measuring 30 feet by 22 feet.

Applicant stated that the palapa was approved with a building permit application. According to the site plan submitted, the proposed structure size is a total of 660 square feet. The palapa will be made out of concrete and it will include a kitchen, a restroom and a chimney. Initially, the site plan submitted for the building permit application did not show an encroachment into the setbacks. However, the rear yard setback was measured from the curb instead of the property line. In addition, site visit revealed that there is no distance between the main structure and the proposed patio.

During the site visit, staff did not notice any other encroachments or similar structures along the front or rear yards within Candleflower Subdivision No.2. In addition, a review of the Planning Department records did not reveal any other similar variances or special exceptions approved in this area.

Variances are issued to the property and remain as a condition for future owners and new constructions.

Measurements provided are without benefit of a survey.

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

Staff recommended disapproval of the variance requests.

Board member Rodriguez asked staff if the building permit was approved previously. Staff stated the applicant started construction but was still considered proposed because it has not been completed. Viewing the site picture, the request was for a 7 foot encroachment into the 10 foot rear yard setback. The site plan showed , it was only 3 feet to the property line. Between the main structure and the proposed palapa there was no distance in between

which was also approved on the building permit that there was going to be a two foot distance. Ms. Tovar clarified with the applicant, and he stated instead of landscaping it would be a concrete walkway.

Chairperson Gutierrez asked staff when was it noticed that there may have been an error in approving the permit. Mr. Nunez, Senior Planner stated the construction was not built according to the conditions of the permit. Planning approved the conditions with a 10 foot rear yard setback however; upon inspections it was discovered the contractor did not build it the way he had intended. Mr. Nunez stated it was one of the conditions for the permit that it would have at least a distance of two feet. However, as seen on the site plan it would appear little to no distance between the primary structure and the proposed palapa.

Chairperson Gutierrez asked staff if they noticed this during inspections. Staff stated it was the Building Department which they cited the Fire Department and saw the requirement for fire hazard to have the five foot separation between the main structure and the proposed palapa.

Board member Mujica had concerns making a decision without viewing the conditions that had been stipulated in approvals and were not upheld. Mr. Nunez stated as per Ordinance stated a required minimum distance of five foot distance between the rear yard structure and the primary structure. Mr. Nunez stated the Board could make a motion to table the item and the Planning Department could provide the actual building conditions that were given to the contractor. Once the application is reviewed by the Planning Department, they provide the conditions for the setbacks that the applicant needs to comply. Then the inspector goes out to check for the applicant requests a final inspection.

Board member Rodriguez had concerns with the actual two feet that were approved. Also, the City has an ordinance where a permit could be revoked if the applicants do not comply. Mr. Nunez stated at this point the Certificate of Occupancy would not be issued until the final inspection was passed. Staff indicated the applicants were present.

Chairperson Jose Gutierrez asked if there was anyone else present in favor of the Variance request. There was no one in favor of the Variance request.

Chairperson Jose Gutierrez asked if there was anyone present in opposition of the Variance request. There was no one in opposition of the Variance request.

Mr. Rogelio Rodriguez **moved** to table the Variance request to obtain more information from the Building Department. Mr. Alex Lamela seconded the motion. The Board voted to table the Variance request with five members present and voting.

- d) Request of Jorge Vanegas on behalf of Mirna Rivas for the following variances to the City of McAllen Zoning Ordinance: 1) to allow side yard setbacks of 0 feet instead of the required 6 feet, and 2) to allow a rear garage setback of 10.66 feet instead of the required 18 feet for Lot 31, Amended map of Fairway Grande Village Unit No. 1 Subdivision, Hidalgo County, Texas; 3015 South Casa Linda Street. (ZBA2024-0010) **WITHDRAWN****

Staff stated the applicant requested this item to be withdrawn.

ADJOURNMENT

There being no further business to come before the Zoning Board of Adjustment and Appeal, Chairperson Jose Gutierrez **moved** to adjourn the meeting.

Chairperson Jose Gutierrez

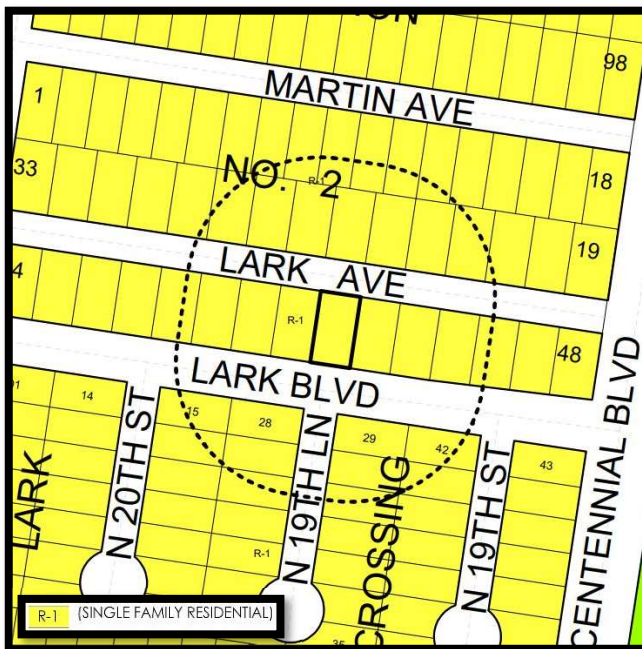
Carmen White, Administrative Assistant

Memo

TO: Zoning Board of Adjustment & Appeals
FROM: Planning Staff
DATE: April 11, 2024

SUBJECT: REQUEST OF JUAN ROBERTO MORENO ON BEHALF OF RICARDO RENDON FOR THE FOLLOWING VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE 1) TO ALLOW AN ENCROACHMENT OF 7 FEET INTO THE 10 FEET REAR YARD SETBACK AND 2) 2 FEET DISTANCE TO THE MAIN BUILDING INSTEAD OF THE REQUIRED 5 FEET DISTANCE FOR A PROPOSED PALAPA MEASURING 30 FEET BY 22 FEET, AT LOT 42, CANDLEFLOWER SUBDIVISION NO. 2, HIDALGO COUNTY, TEXAS; 1925 LARK AVENUE. (ZBA2024-0009)

REASON FOR APPEAL: The applicant is requesting two variances to allow an encroachment of 7 feet into the 10 feet rear yard setback and 2 feet distance to the main building instead of the required 5 feet distance for a proposed palapa measuring 30 feet by 22 feet.



PROPERTY LOCATION AND VICINITY: The subject property is located on the south side of Lark Avenue in between Lark Boulevard and Martin Avenue. Property has a frontage of 60 feet along Lark Avenue and a depth of 107 feet. The property is zoned R-1 (single family residential) District. There are single family residences in all directions.

BACKGROUND AND HISTORY: Candleflower Subdivision No.2 was recorded on April 12, 1982. The plat indicates a 10 feet rear yard setback and 6 feet side yard setback on both sides for the

subdivision. The house was built in 1990. A building permit application was submitted on December 2023, for the proposed palapa and approved on January 2024. However, the project was not built to comply with permit conditions and failed inspections by the Building Department. On March 6, 2024 a variance application was submitted to resolve the encroachment of 7 feet into the 10 feet rear yard setback.

ANALYSIS: The applicant is requesting a variance to allow an encroachment of 7 feet into the 10 feet rear yard setback and 2 feet distance to the main building instead of the required 5 feet distance for a proposed palapa measuring 30 feet by 22 feet.

Applicant states that the palapa was approved with a building permit application. According to the site plan submitted, the proposed structure size is a total of 660 square feet. The palapa will be made out of concrete and it will include a kitchen, a restroom and a chimney. Initially, the site plan submitted for the building permit application did not show an encroachment into the setbacks. However, the rear yard setback was measured from the curb instead of the property line. Also, site visit revealed that there is no distance between the main structure and the proposed patio.

During the site visit, staff did not notice any other encroachments or similar structures along the front or rear yards within Candleflower Subdivision No.2. Also, a review of the Planning Department records did not reveal any other similar variances or special exceptions approved in this area.

Variances are issued to the property and remain as a condition for future owners and new constructions.

Measurements provided are without benefit of a survey.

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

MEETING OF APRIL 3, 2024: At the last meeting on April 3rd, the item was tabled by the board.

The building permit conditions and construction plans that previously approved by staff were requested by the board in order to further discuss the variance requests. The applicant would also have the opportunity to provide additional pictures of the proposed palapa.

RECOMMENDATION: Staff recommends disapproval of the variance requests.



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

311 North 15th Street
McAllen, TX 78501
P. O. Box 220
McAllen, TX 78505-0220
(956) 681-1250
(956) 681-1279 (fax)

Case Number: ZBA2024-0009 ZBOA Meeting: 04/03/24
Receipt No: _____
Accepted by: P: NM S: g Customer Acknowledgment (Int.): RM

Routed
 Scanned

PROJECT

Legal Description Lot 42

Subdivision Name CANDLEFLOWER sub. #2

Street Address 1925 LARK AVE.

Number of lots 01 Gross acres 6,450 S.F.

Existing Zoning residential. Existing Land Use residential

Reason for Appeal (please use other side if necessary) Encroaching 7' into 10' rear yard setback and also 2' of the 5' required separation from Home.

\$300.00 non-refundable filing fee + \$50.00 Recording Fee for Special Exception (carport)
 Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

APPLICANT

Name Juan Roberto Moreno Phone 956-324-1627
Address 1925 Lark Ave E-mail ro.moreno76@gmail.com
City McAllen State TX Zip 78504

OWNER

Name Ricardo Rendon Phone (956) 457-8436
Address 1925 LARK AVE. E-mail ricardorendon@ymail.com
City McAllen State TEXAS Zip 78504

AUTHORIZATION

To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?

Yes No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable)

OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

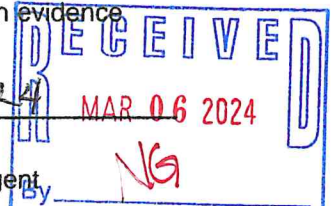
Signature Ricardo Rendon

Date 03/06/2024

Print Name Ricardo Rendon

Owner

Authorized Agent





City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider **any combination of** the following: (Please use an additional page if necessary to complete responses)

**Information provided here by the applicant does not guarantee that the Board will grant a variance.

***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.

1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:

Where my property sits there is already a street and side walk behind our property line and do not see any foreseeable construction.

2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:

In order to build a zone 1 for being zone 2 for eating and entertainment and zone 3 for cooking I would need an additional 4 feet

3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:

Palapa is away from public market from the house and will be built to meet all codes or inspections where only immediate family will visit

4. Describe special conditions that are unique to this applicant or property:

~~There~~ Our property is located where we only have ^{no} neighbors behind us only to the sides

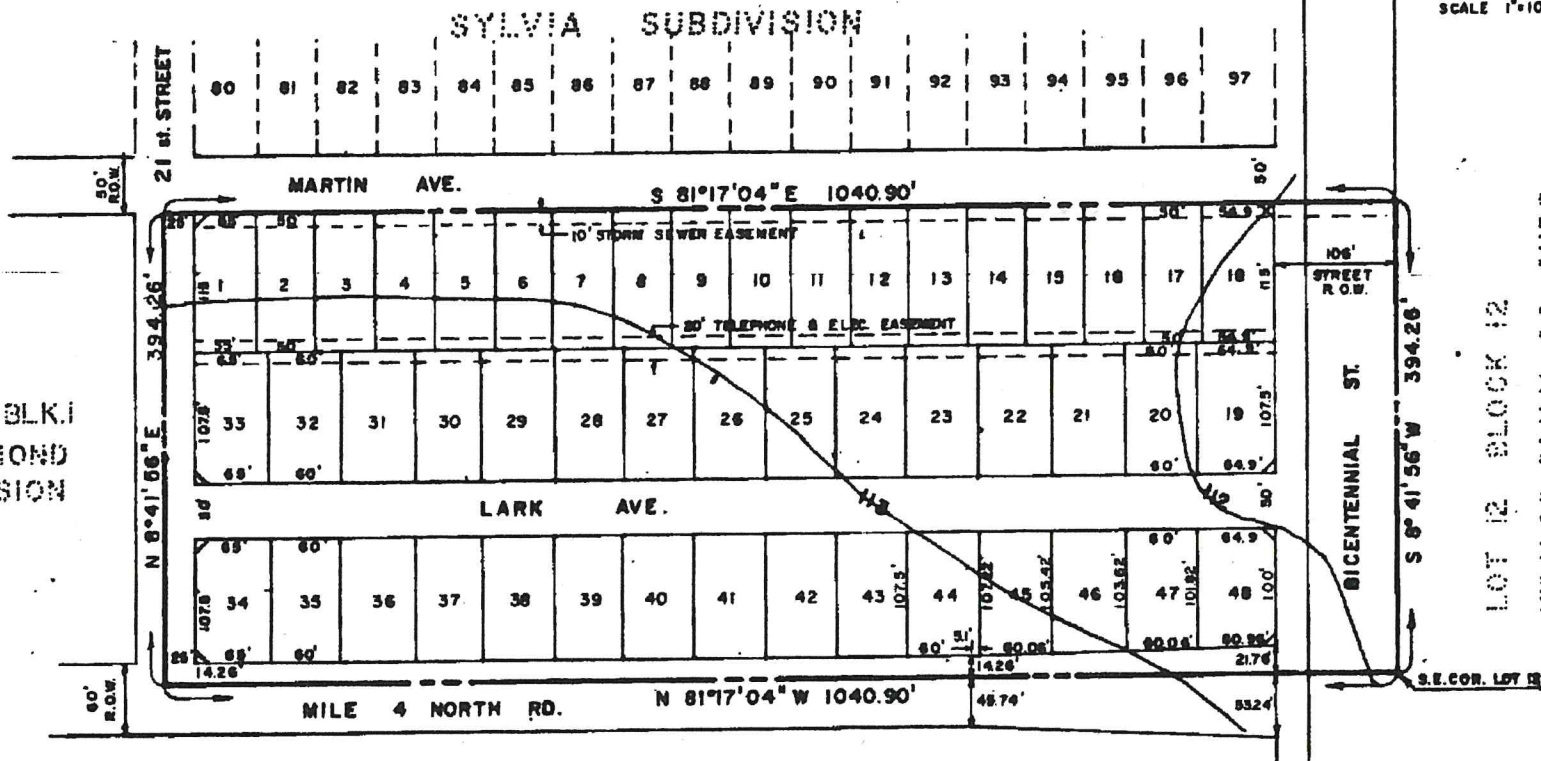
Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date

LOT 12 BLK. I
C.E. HAMMOND
SUBDIVISION



SCALE 1"=100'

STATE OF TEXAS
COUNTY OF HIDALGO

THE OWNER OF THE LAND SHOWN ON THIS PLAN AND WHOSE NAME IS SUBSCRIBED HEREIN, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT DESIGNATED TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PASSES, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

Rodolfo Vela
OWNER

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED RODOLFO VELA, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 15th DAY OF December, A.D. 1982

Yolanda Chaves
COUNTY CLERK
HIDALGO COUNTY, TEXAS

APPROVAL BY WATER DISTRICT

THIS PLAN APPROVED BY HIDALGO COUNTY IRRIGATION DISTRICT NO. 1 ON THIS 4th DAY OF February, A.D. 1982

Richard J. ...
Raymond ...

I, THE UNDERSIGNED,Mayor of the CITY OF HALLADO, HEREBY CERTIFY THAT THIS SUBDIVISION PLAN CONFORMS TO ALL REQUIREMENTS OF THE GOVERNING REGULATIONS OF THIS CITY WHEREBY BY APPROVAL IS REQUIRED.

...
MAYOR, CITY OF HALLADO

THIS PLAN OF CANDLEFLOWER NO. 2 SUBDIVISION HAS BEEN SUBMITTED TO AND APPROVED BY THE PLANNING COMMISSION OF THE CITY OF MC ALLEN, TEXAS AND IS HEREBY APPROVED BY SUCH COMMISSION.
DATED THIS 18th DAY OF August, A.D. 1981

...
CHAIRMAN

STATE OF TEXAS
COUNTY OF HIDALGO

I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Joe Hernandez
REGISTERED PROFESSIONAL ENGINEER

SWORN TO AND SUBSCRIBED BEFORE ME THIS 15th DAY OF December, A.D. 1982

Yolanda Chaves
COUNTY CLERK
HIDALGO COUNTY, TEXAS

13672-

**CANDLEFLOWER SUBDIVISION
NO. 2**

BEING A SUBDIVISION OF 9.42 ACRES OUT OF THE SOUTH HALF OF LOT 12, BLOCK 1, C.E. HAMMOND SUBDIVISION OUT OF PORCIONES 61, 62, 63 AND 64; HIDALGO COUNTY, TEXAS

**APPROVED
FOR RECORDING**
Hidalgo Co. Right of Way Dept.
By *Vonal Walker*
Date April 12 1982

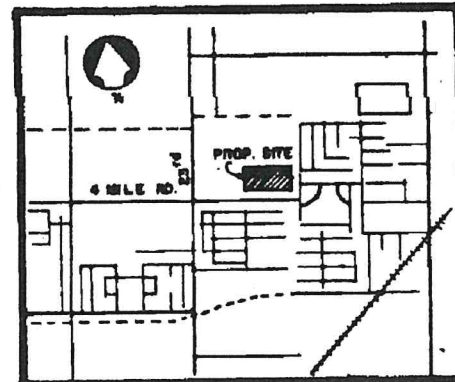
Recorded in Book 22 Page 93
of the map records of Hidalgo County, Texas
Hadden and Hudd, Inc.
County Surveyors

LOT 13 BLK. I C.E. HAMMOND SUBDIVISION

NOTE

1. SETBACK FRONT 20' MIN.
2. SETBACK REAR 10' MIN.
3. SETBACK SIDE 4' MIN.
4. SETBACK GARAGE DOOR 10' MIN.
5. SETBACK ALL SIDEYARD CORNER LOT 10' MIN.
6. CORNER LOTS 10'x10' CLIPS ESMT.
7. HIDALGO COUNTY IRRIGATION DISTRICT NO. 1 WILL NOT BE RESPONSIBLE FOR DRAINAGE OR DELIVERY OF WATER TO ANY LOT IN THIS SUBDIVISION. IF DESIRED, THIS WILL NOT BE AT DISTRICT EXPENSE.
8. NO DRIVEWAY/GARAGE ENTRY ALONG MILE 4 ROAD & BICENTENNIAL ST.
9. MINIMUM FLOOR ELEVATION 10" ABOVE CURB

APPROVED FOR RECORDING
BY
COMMISSIONER OF
COUNTY COURT
This on the 12th day of April 1982
COUNTY CLERK
Hidalgo County, Texas
By *Ludy Rodriguez*



LOCATION MAP

RECEIVED
MAR 06 2024
By *NG*















NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2024-0009

1925



CITY OF McALLEN RESIDENTIAL PERMIT APPLICATION

REV. 07/2023

P.O. BOX 220 McALLEN, TEXAS 78505-0220

PERMIT APPLICATION REFERENCE NUMBER

Res 2023-09574

APPLICATION MUST BE COMPLETE

(Please type or print in black or blue ink)

GC NUMBER 2014

APPLICANT

NAME FELIPE HERNANDEZ PHONE 956-867-3700
ADDRESS 4509 E LOPEZ DR
CITY EDINBURG TX 78542
CONTACT: NAME: PHONE:
OWNER CONTRACTOR TENANT OTHER

OWNER

NAME ROBERTO MORENO PHONE
ADDRESS 1925 LARK AVE *EMAIL:
CITY McALLEN TX 78504 STATE ZIP
*OWNER INFORMATION NOT PROVIDED, INITIAL:

NEW IMAGINE TOMMORROW REMODELING REPAIR MOVE ADDITION REMOVE BLDG. HGT. NO. OF FLOORS

BLDG SQ. FT 660 FT NO. PARKING SPACES
LOT SQ. FT FRONT
FLOOR EL ABOVE CURB
EXISTING USE OF LOT NEW USE

SCOPE OF WORK TO BE DONE Palapa con concreto chimenea cocina Baño
STRUCTURE BUILT BEFORE 1978 YES NO PLEASE SELECT PLUMBING ELECTRICAL MECHANICAL

PROJECT

RESIDENTIAL NEW NO. OF UNITS NO. BDRMS NO. BATHRMS SQ. FT NON-LIVING SQ. FT LIVING

FOUNDATION CONCRETE SLAB CONCRETE PIER CONCRETE BLOCK CONCRETE BEAM WOOD POSTS
EXT WALL MASONRY VENEER MASONRY SOLID METAL SIDING COMPOSITION WOOD
ROOF WOOD SHINGLE COMPOSITION METAL BUILD UP CLAY OR CONCRETE TILE
UPGRADES/OTHER GRANITE COUNTERTOPS MARBLE TUBS/FLOORS CUSTOM WINDOWS POLYURETHANE INSULATION OTHER UPGRADES SEPTIC TANK EXISTING OR PROPOSED

LOT 42 BLOCK SUBDIVISION Candleflower NO 2
SITE ADDRESS ST. NO. 1925 ST. NAME LARK AVE

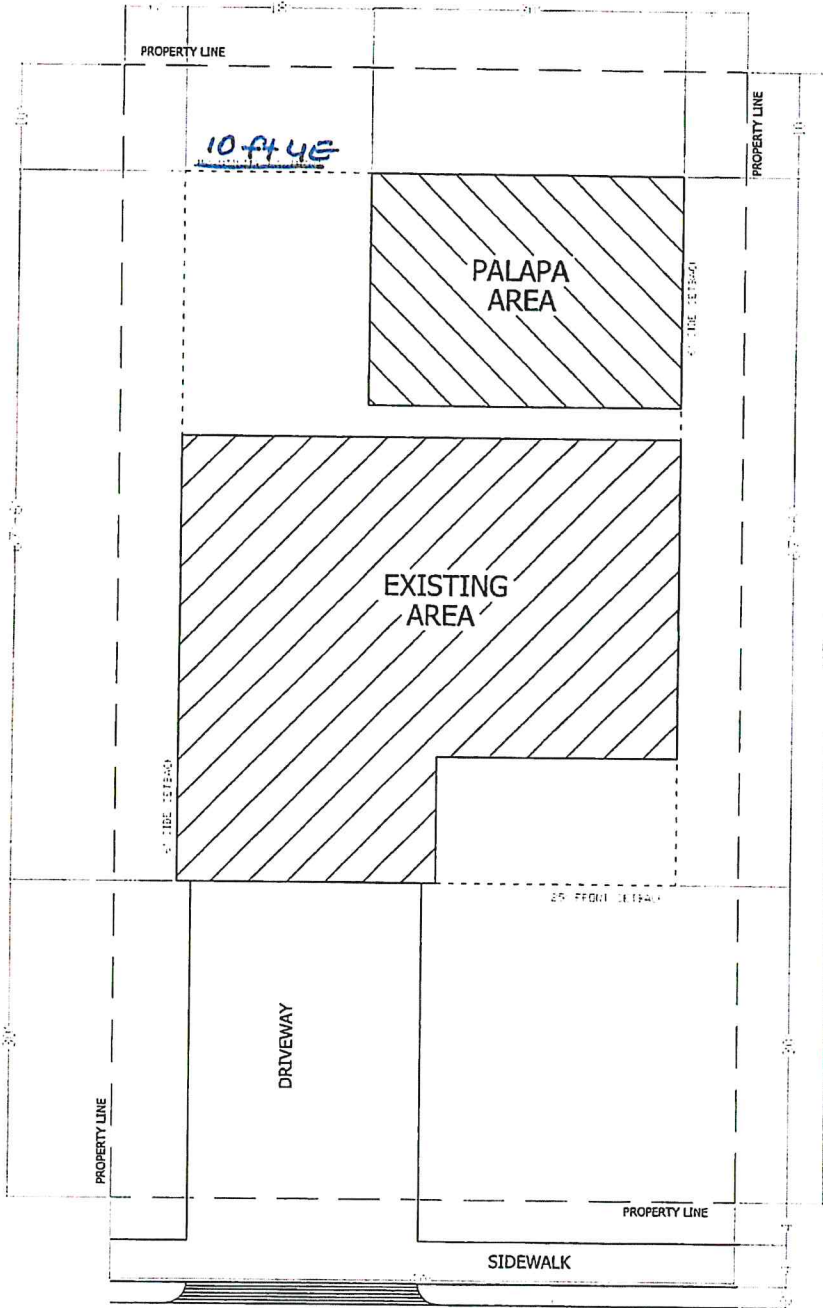
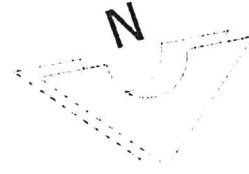
CITY USE ONLY

Construction Cost Value \$ 23000 Permit Fee \$ 105.60 Rec'd by
Double Fee \$ Date 12/26/23
Zoning R-1 Park Zone Park Development Fee \$ Time 3:34
Total Fee \$

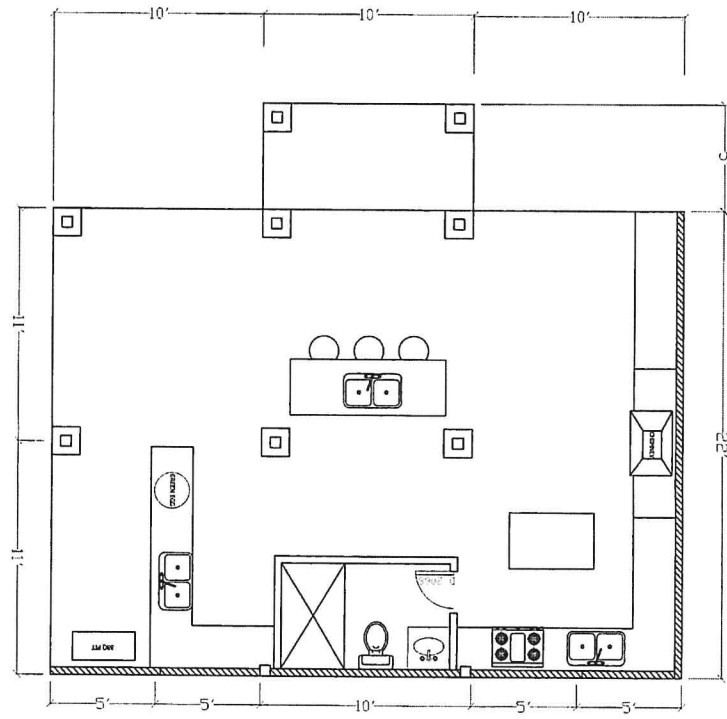
The foregoing is a true and correct description of the improvement proposed by the undersigned applicant and the applicant states that he will have full authority over construction of same. Every building application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued or a permit has been issued.

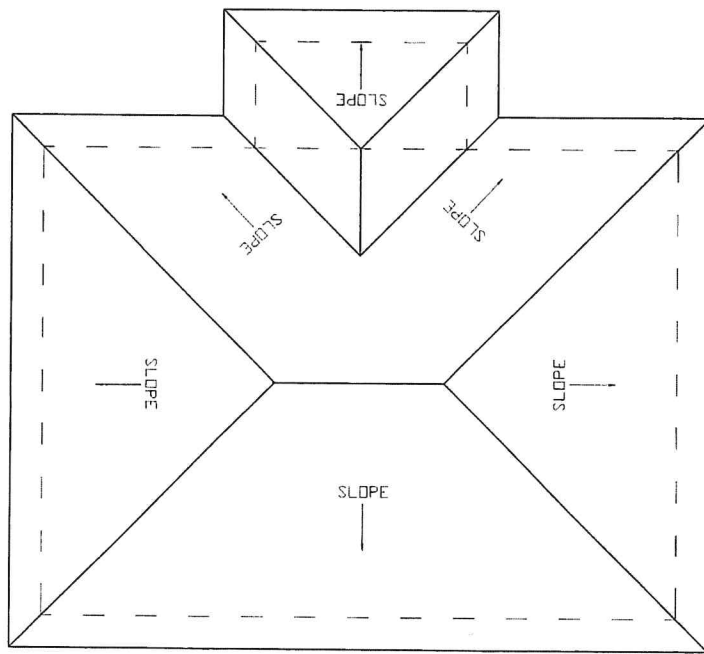
Felipe Hernandez SIGNATURE Felipehdz26@icloud.com EMAIL ADDRESS (required) 12-26-23 DATE

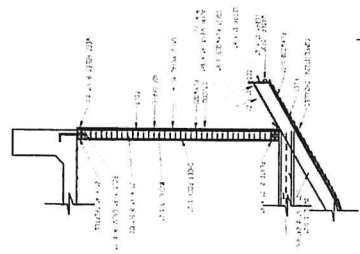
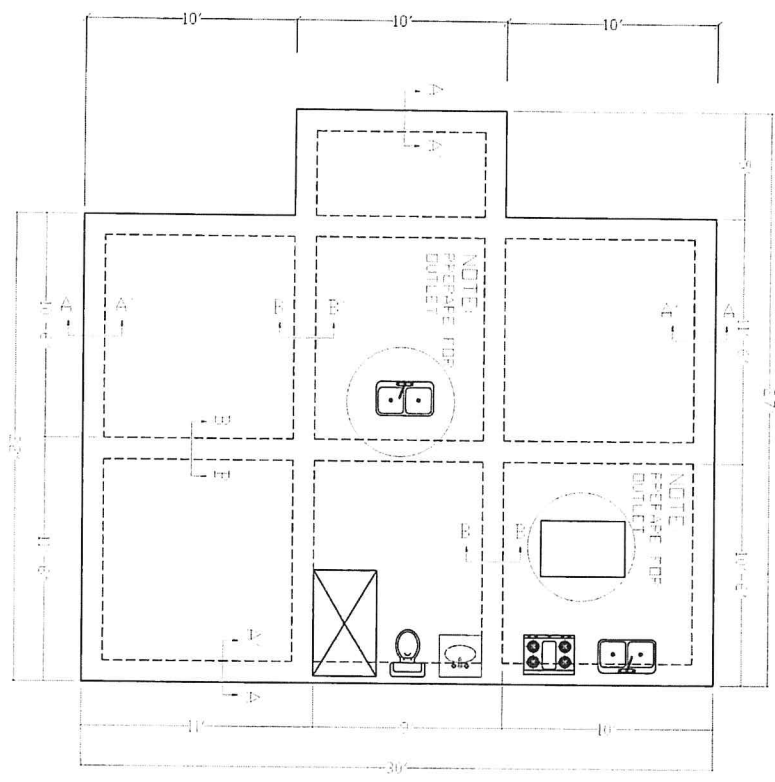
1925 LARK AVE.
MCALLEN, TX. 78504



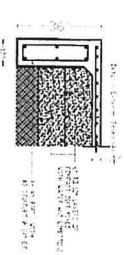
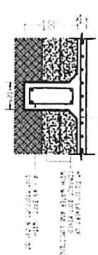
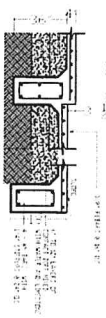
1	SITE PLAN	660 SQFT TOTAL	RAAB DESIGN	(956) 530 3031
PROJECT	LARK AVE			
SITE DESIGN				

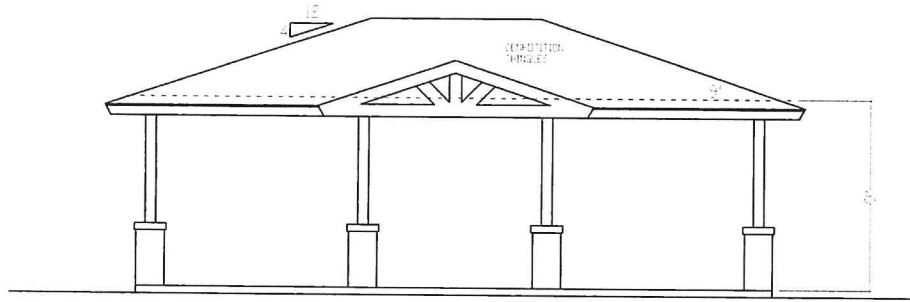




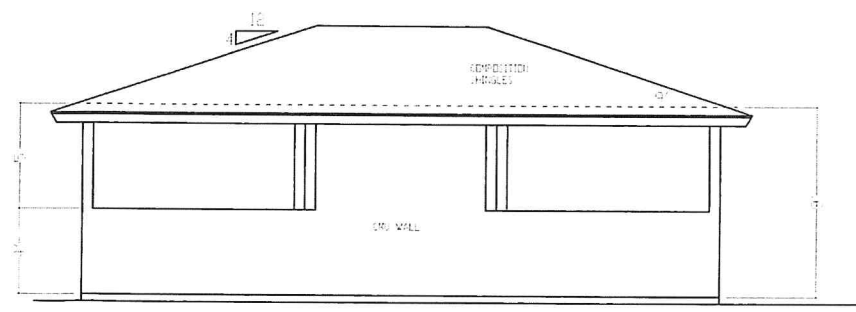


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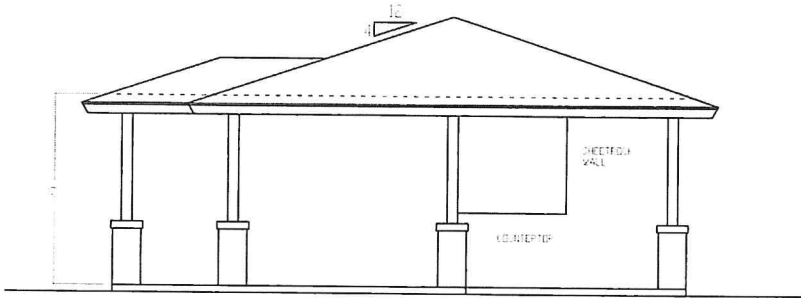


FRONT ELEVATION

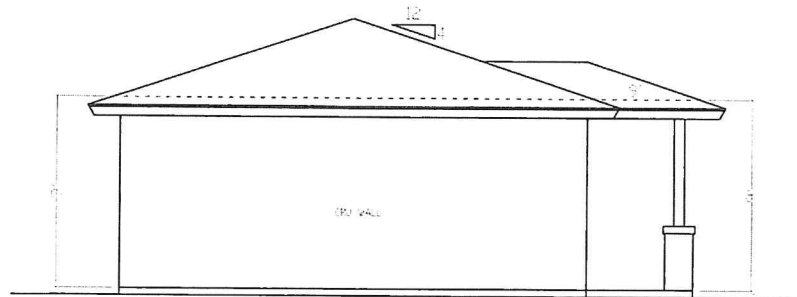


REAR ELEVATION

(956) 530 3031	
RAAB DESIGN	
660 SQFT TOTAL	
ELEVATIONS	
DATE: 12/11/13	
PROJECT: LARK AVE.	
SCALE: HTS. 5	

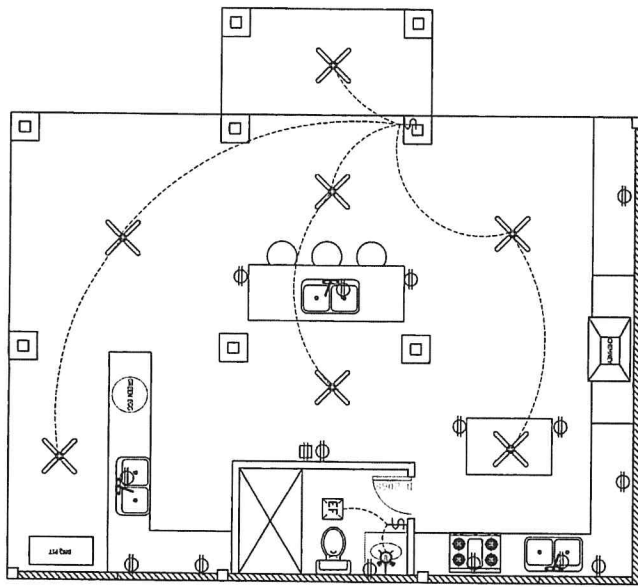


RIGHT ELEVATION

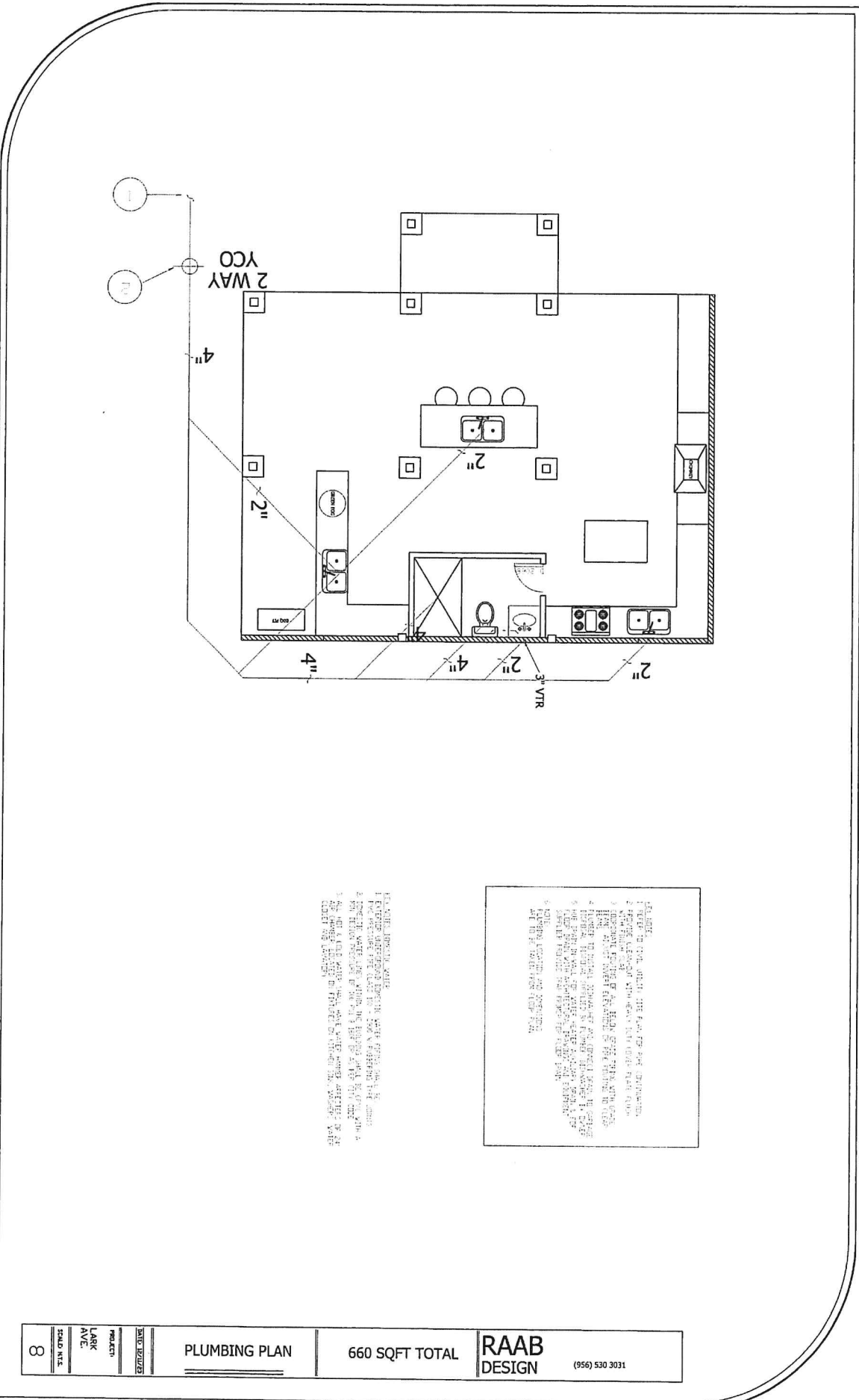


LEFT ELEVATION

RAAB DESIGN (956) 930-3031	
660 SQFT TOTAL	ELEVATIONS
DATE: 12/17/23	
PROJECT: LARK AVE.	
SCALE: N.T.S.	
6	



- ☐ Fluorescent light
- Ⓜ Television outlet
- Ⓜ Telephone outlet
- Ⓜ Three way switch
- Ⓜ Two way switch
- Ⓜ Wall switch
- Ⓜ Weatherproof outlet
- Ⓜ 220/240v outlet
- Ⓜ 110/220v Duplex outlet
- Ⓜ Door bell chimes
- Ⓜ Junction box
- Ⓜ Exhaust fan and light
- Ⓜ Garden light (weather proof)
- Ⓜ Fan and light
- Ⓜ Chandelier
- Ⓜ Scenea light
- Ⓜ Spot light
- Ⓜ Smoke Detector
- Ⓜ Fire Extinguisher



1. REFER TO THE ARCHITECTURAL PLAN FOR THE LOCATION OF ALL FIXTURES AND EQUIPMENT.
 2. ALL PIPING SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF CHICAGO PLUMBING CODE.
 3. THE PLUMBING SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF CHICAGO PLUMBING CODE.
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City of McAllen

P.O. BOX 220 - McALLEN, TEXAS 78505-0220

BUILDING PERMIT

PERMIT NO. RES2023-09577 DATE ISSUED 01/10/2024

GENERAL CONTRACTOR Felipe Hernandez 4509 E Lopez Dr Edinburg, TX 78542 PHONE 956 867 3700

TYPE OF CONSTRUCTION Addition BLDG HGT 0 NO OF FLOORS 1
BLDG SQ FT 660 NO. PARKING SPACES SQ FT LOT 0 LOT FRONT 0 TOC ELEV 0
EXISTING USE OF LOT R-3 Residential - Single and Duplex NEW USE OF LOT R-3 Residential - Single and Duplex

Type of Construction Ed. Building Code 2018 Fire Sprinkler Sys. Occupancy #
FOUNDATION EXT WALL ROOF
Concrete Slab Masonry Solid Composition

FOR RESIDENTIAL USE ONLY NO OF UNITS NO BDRMS NO BATHRMS SQ FT CARPORT SQ FT LIVING
OWNER RICARDO & EMMA RENDON 1925 LARK AVE MCALLEN TX 78504-3852 IMPROVEMENT VALUE 23000 PHONE

LOT 0042 BLOCK 000 SUBDIVISION CANDLEFLOWER #2
SITE ADDRESS 1925 LARK Ave
ZONING R-1 Single-Family Residential District L.U. CODE Building/Residential

The foregoing is a true and correct description of the improvements proposed by the undersigned applicant, and the applicant certifies that he will have full authority over construction of same.
The permit shall not be held to permit, or be an approval of the violation, or modification of any provisions of City ordinances, codes, subdivision restrictions or State law, or be a waiver by the City of such violation.
Alterations, changes, or deviations from the plans authorized by this permit is unlawful without written authorization from the Building Inspection Department.
The applicant hereby agrees to comply with all City ordinances, codes, subdivision restrictions and State laws and assumes all responsibility for such compliance.
It is understood that the improvements shall not be occupied until a Certificate of Occupancy has been issued, or otherwise approved by the Building Inspection Department.
Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for six months after the time work is commenced. Otherwise, permit is good for one year only.

Authorized Agent/Owner [Signature] Date 1-10-24

City of McAllen

P.O. BOX 220 - McALLEN, TEXAS 78505-0220

PERMIT CONDITIONS

PERMIT NO: RES2023-09577 PERMIT TYPE: Residential / New or Addition

ADDRESS: 1925 LARK Ave

LOT: 0042 BLOCK: 000 SUBDIVISION: CANDLEFLOWER #2

#	CONDITION DESCRIPTION
Other Permit Conditions	
1	<p>Need to identify job site (address).</p> <p>Toilet facilities shall be provided for workers during construction and be maintained in a sanitary condition as per Sec. 311, IPC.</p> <p>All building and construction debris must be contained and detained with a temporary enclosure and disposed of properly during construction and prior to final.</p> <p>**ALL CONSTRUCTION AS PER THE 2018 INTERNATIONAL RESIDENTIAL CODE (IRC).</p> <p>**OTHER CODE AND CITY ORDINANCES MAY APPLY.</p> <p>**MEXICO BLOCK SHALL NOT BE USED UNLESS APPROVED BY THE BUILDING OFFICIAL.</p> <p>No occupancy is allowed until a final inspection is made and certificate of occupancy issued. (This means no furniture, fixtures, merchandise, etc.).</p>
2	<p>Minimum Setback: Front: 25ft Rear:10ft Sides:6ft</p>
3	<p>Proposed structure should be properly anchored and supported by foundation.</p>
Building Inspections Permit Conditions	
4	<p>Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance or after commencement of work if more than 180 days pass between inspections. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extensions shall be requested in writing and justifiable cause demonstrated.</p>
5	<p>ELECTRICAL TO CITY CODE AND ORDINANCE. (2017 NEC) INITIAL FH ARCH FAULTS THROUGHOUT RESIDENCE AND TAMPER PROOF RECEPTICALS.</p>
6	<p>Plumbing to City Code and Ordinance. (2018 IPC)</p>
7	<p>Lining required at on-site built-up shower receptors as per Sec. P2709, 2018 IRC.</p>
8	<p>Each pane of glazing installed in hazardous locations shall be safety glazing and shall be provided with a manufacture's designation visible in the final installation.</p>
9	<p>Sec. P2503.5.1 Rough Plumbing - The International Residential Code no longer permits air testing of plastic piping in the Drain-Waste-Vent system. (Exception allowed only during inclement weather.)</p>

City of McAllen

P.O. BOX 220 - McALLEN, TEXAS 78505-0220

PERMIT CONDITIONS

#	CONDITION DESCRIPTION
10	<p>Slab Reinforcement</p> <p>Slab on ground foundation minimum reinforcement shall be #3 rebar 12" o.c. or 6" gauge wire mesh supported at no more than four feet (4') apart.</p> <p>Beam Spacing</p> <p>Maximum beam spacing shall not be more than fifteen feet (15').</p> <p>Beam Width</p> <p>Minimum beam width for one story shall be twelve inches (12") and nineteen inches (19") for two stories.</p> <p>Beam Reinforcement</p> <p>Minimum beam reinforcement shall be two #5 rebar placed at top and bottom of beam with #3 stirrups placed and supported at twenty four inches on center. All exterior corners beams shall have corner bars, two on top and two on the bottom. Interior beams which dead end into exterior beams shall have corner bars, two on top.</p> <p>Perimeter Elevation</p> <p>Entire perimeter beam of living area should be same elevation. Enclosure of carport, patio, porch, etc. requires perimeter beam or floor area to have same elevation as existing finished floor elevation.</p> <p>Minimum exterior beam depth shall be twelve inches (12") of undisturbed soil plus the required elevation as per building permit.</p> <p>Minimum lap splice length shall be 40 times the diameter or multiply bar grade times five (5) and the minimum concrete cover from the bottom of the beam to the reinforcement steel shall be three inches (3").</p>
11	Vented heating required; living area, bath.
12	Bathroom ventilation air shall be exhausted directly to the outside.
13	It is the responsibility of the contractor to follow soil report recommendations to avoid soil movement and to verify soil compaction of the construction site: Initial: <u>FH</u>

NO OCCUPANCY IS ALLOWED UNTIL A FINAL INSPECTION IS MADE AND APPROVED.

By signing and dating this form, I acknowledge that I have carefully read and fully understand the foregoing conditions of this Permit.

Felipe Hernandez
NAME (PRINT)

[Signature]
SIGNATURE

1-10-24
DATE

- OWNER
- APPLICANT
- CONTRACTOR

✓ Gilbert's Court neighbors of
Juan R. Moreno, Jr. and would
support and are in favor of
him building on the property R/S
1925 Lark Ave. lot 42.

Question can be reached
at 956-212-2256.
at 1920 LARK AVE. Lot 24.
candle flow sub division,

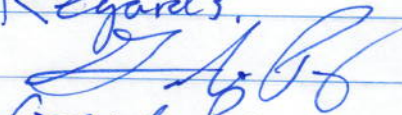
Gilbert's Court.

4-10-24

I Gerardo Perez ~~see~~ agree
with Juan R. Moras Jr Request
for Veneance in backyard. He is
an outstady citizen and wants to
do things the right way.

If you have any question or
require further information from me
please contact me at 956-533-2227.

Regards,


Gerardo Perez

2009 Lark Ave

McAllen, TX

Lot 39 Candleflower Subdivision

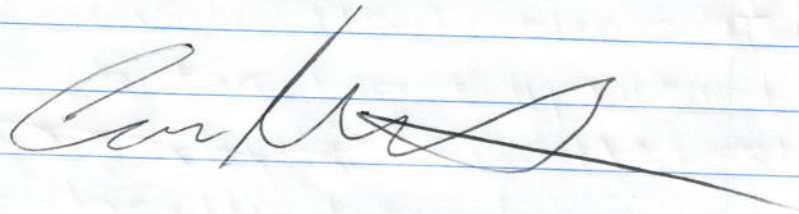
4/10/2024

I, Nelda Oliva am writing this letter in support of Roberto Moreno on behalf of the Rendon family. I reside at 1921 Lark Ave, McAllen, TX; Lot 43 and have known this family for twenty five plus years. They have been wonderful neighbors with me I know them as a very family oriented. Therefore, I am very happy about the project that they are in the process of completing. I have no objections to the construction of the palapa. Feel free to contact me if you have any questions (956-874-4421)

Sincerely
Nelda Oliva
1921 Lark Ave
Lot 43
Condellones Subdivision

I Eric Martinez resident
of 1912 Clark Ave. am in
favor of Juan R. Moreno Jr.
on behalf of Ricardo Rendon & Emma
Rendon to build improvement on there
property.

If any questions please contact
1912 Clark Ave. lot 27



I AM A NEIGHBOR OF JUAN R. MORENO
JR. AND WOULD LIKE TO SUPPORT MY
NEIGHBOR AND AM IN FAVOR OF HIM BUILDING
ON THE PROPERTY AT 1925 LARK AVE.
LOT #2,

QUESTIONS OR CONCERNS WILL BE FREE TO
CONTACT ME, AT 1924 LARK AVE.

Fulvia Lalo REYNA
361-249-0214
LOT #25
1924 LARK AVE

Hilda Tovar

From: ROBERT MORENO <ro.moreno76@gmail.com>
Sent: Wednesday, April 10, 2024 2:21 PM
To: Hilda Tovar
Cc: Carmen White; Samuel Nunez; Rodrigo Sanchez
Subject: Re: 1925 Lark Avenue - patio structure - ZBA2024-0009

Follow Up Flag: Follow up
Flag Status: Completed

To whom it may concern,

We are respectfully writing this letter to request a variance on the property at 1925 LARK AVE. LOT 42. As the world has descended into a pandemic and the growth of the family or need for an additional structure on the property grew. due to my mother in law Emma Rendon immune system compromised due to a bad liver and various health problems a liver transplant is desperately needed and over the past few years her health has deteriorated and is desperate need of a liver transplant and after these years trying to avoid covid a she got it and a had put her in the hospital for two weeks back in late 2023. Because of other health conditions and covid she has had to have her lungs drained twice this year in 2024 of fluid build up in her lungs has had to have 3.5 liters drained in jan. 2024 and 3 liters in March of 2024. yet her insurance has denied her a transplant as her doctor described for lack of better word her health has not deteriorated enough to get approved yet. Ricardo Rendon is a retired chief senior patrol and instructor with US border patrol and has spent his career protecting our borders, and has been retired since 2012. and has spent the majority of his retirement in care of his mother Dominga Rendon which is 96 years young and suffers from dementia arthritis and has had a recent stroke in 2023 which doctors claim that at her age it is unheard of for a patient to survive that which she has. Mr. Rendons siblings currently live out of town and he's the sole caretaker of both Emma and Dominga Rendon. all while he himself has had problems with his blood pressure and problems with his prostate creating stress and anxiety.

Due to our families particular health concerns we currently are not going out to restaurants and avoid large public gatherings in fear of exposing ourselves to different viruses and germs we have decided it's best to just stay home. and only leave for work and groceries when needed. As we adjust to our new normal lifestyle we understand that many properties have either attached or a part that provide the kinda space we are looking for. As we drive the neighborhoods we have seen many properties around town with similar structures in back of the homes around us. the placement of this structure is ideal because it maintains property aesthetics it is not obstructive nor does it break up the yard it's a space that is seldom used currently and there is no property behind and there is already a 3 lane street with a sidewalk and a bike trail in place already there is no easements and all utilities run thru the front of the property

Our reason for needing the square footage is to accommodate a 3 Zone structure which consist of a chimney area for therapeutic reasons on zone 1 is for the psychological and health benefits of a fireplace where recent studies by the university of alabama have reported results of up to a 5% drop in blood pressure and being near a open flame connects us with nature and will have more long term effects in reducing anxiety and stress. The heat from the flame also increases blood flow providing anti-inflammatory effects and generally contributes to a feeling of warmth and comfort both physically and emotionally. Zone 2 is the bathroom area. which is much needed as for my mother in law Emma has shortness of breath and gets tired walking long distances and with Ricardo's mother Dominga has problems walking and getting around generally we are scared she might have an accident just trying to walk to the restroom. as for the one indoor would be too far away. If we were to have company it would be troublesome having to escort visits in and out of the house. Zone 3 will be for grilling and cooking meals perfect for outdoor celebrations creating opportunities to spend quality time together and strengthening relationships in a friendly atmosphere and a neighborly environment where we can all come together and enjoy some good bbq and enjoy the outdoors.

I would like to thank this board for the opportunity to be here and humbly ask that you consider the request for a variance which will not create any burden on any neighbors residence and will be an improvement the neighborhood and result in overall increase in the property value and tax based created by improvement to the property and beautifying the neighborhood.

Sincerely,
Juan Roberto Moreno Jr.
1925 Lark ave.
Lot 42 Candleflower subdivision #2

On Tue, Apr 9, 2024 at 4:23 PM Hilda Tovar <HTovar@mcallen.net> wrote:

Good afternoon Mr. Moreno,

Just as a friendly reminder, we will need the pictures or any other documents that you would like us to include in the presentation for the following meeting no later than tomorrow.

If you have any other questions, let us know.

Thank you,

Hilda A. Tovar

Planner II

City of McAllen – Planning Department

311 N 15th Street

McAllen, TX 78501 (Development Center)

(956) 681-1250



2024 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

	01/11/24	01/25/24	02/07/24	02/21/24	03/06/24	03/20/24	04/03/24	04/17/24	05/08/24	05/22/24	06/05/24	06/19/24	07/10/24	07/24/24	08/07/24	08/21/24	09/12/24	09/26/24	10/09/24	10/23/24	11/05/24	11/20/24	12/04/24	12/18/24
JOSE GUTIERREZ- CHAIRPERSON	A	P	P	NM	NM	NM	P																	
ANN TAFEL- VICE-CHAIRPERSON	P	P	P	NM	NM	NM	P																	
HUGO AVILA	P	P	A	NM	NM	NM	A																	
ROGELIO RODRIGUEZ	A	P	P	NM	NM	NM	P																	
HIRAM A. GUTIERREZ	P	P	A	NM	NM	NM	P																	
JUAN MUJICA (ALT 1)	P	P	P	NM	NM	NM	P																	
PABLO D. GARCIA (ALT 3)	P	A	A	NM	NM	NM	A																	
ALEX A. LAMELA (ALT 2)	A	P	P	NM	NM	NM	P																	
DANIEL R. SANTOS (ATL 4)																								

- P - PRESENT
- MC - MEETING CANCELLED
- NM - NO MEETING
- LOQ - LACK OF QUORUM
- RS - RESIGNATION
- NA - NEW APPOINTMENT