

## AGENDA

### ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, APRIL 22, 2026 - 4:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3<sup>RD</sup> 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 -

#### 1. MINUTES:

- a) Minutes for the meeting held on April 8, 2026

#### 2. PUBLIC HEARINGS:

- a) Request of Jose J. Rodriguez for a variance to allow an encroachment of 9 feet into the 20-foot front setback for an open pergola, at Lot 16, Trenton North Subdivision, Hidalgo County, Texas; 1608 Thunderbird Avenue. **(ZBA2026-0014)**
- b) Request of David S. Valdez, on behalf of LDF Investments, for a Variance to allow an encroachment of 9.5 feet into the 15-foot front yard setback and 9.33 feet into the 10-foot corner setback for an existing metal carport at Lot 7, Block 48, North McAllen Subdivision, Hidalgo County, Texas, 220 North 11th Street. **(ZBA2026-0008) (TABLED:03/18/26, REMAIN TABLED: 04/08/2026)**

#### 3. FUTURE AGENDA ITEMS

- a) 1008 North 28th Street
- b) 2105 Cortez Avenue
- c) 912 Grayson Avenue

#### 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 8, 2026 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:**

<b>Present:</b>	<b>Jose Gutierrez</b>	<b>Chairperson</b>
	<b>Hugo Avila</b>	<b>Vice-Chairperson</b>
	<b>Daniel Santos</b>	<b>Member</b>
	<b>Ivan Garcia</b>	<b>Member</b>
	<b>Alex Lamela</b>	<b>Alternate</b>
	<b>Erick Diaz</b>	<b>Alternate</b>
<b>Absent:</b>	<b>Hiram Gutierrez</b>	<b>Member</b>
	<b>Juan Mujica</b>	<b>Alternate</b>
	<b>Francisco Davila</b>	<b>Alternate</b>
<b>Staff Present:</b>	<b>Norma Borrego</b>	<b>Assistant City Attorney I</b>
	<b>Omar Sotelo</b>	<b>Planning Director</b>
	<b>Porfirio Hernandez</b>	<b>Planner II</b>
	<b>Nancy Cruz</b>	<b>Planner I</b>
	<b>Jonathan Gutierrez</b>	<b>Technician II</b>
	<b>Carmen White</b>	<b>Administrative Assistant</b>

**CALL TO ORDER –Chairperson Jose Gutierrez**

**1. MINUTES:**

- a) Minutes for meeting held on March 18, 2026.

The minutes for the meeting held on March 18, 2026. 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 Pedro Ramirez Jr. for a variance to allow an encroachment of 5 feet into the 6-foot side yard setback for a metal patio, at Lot 20, Villa de Palmas Subdivision, Hidalgo County, Texas; 3337 North 42nd Street. **(ZBA2026-0013)**

Ms. Cruz stated the applicant was requesting a variance to allow an encroachment of 5 feet into the 6-foot side yard setback for an existing metal patio.

The subject property was located along North 42<sup>nd</sup> Street, south of Hibiscus Avenue and is zoned R-1 (Single-Family Residential-OC) District.

Villa de Palmas Subdivision was recorded on September 22, 1999. The home was built in 2000. A stop work order was issued on November 3, 2025 for building without a permit. A building permit for the metal structure was submitted by the applicant on February 2, 2026,

which was rejected due to an encroachment into the north side setback. An application for a variance was submitted on February 13, 2026.

The recorded plat requires a 6-foot side yard setback In accordance with Section 138-356 of the Zoning Ordinance The applicant states that the porch was constructed to provide weather protection and shade for his family and pets. The applicant also stated that he spoke to the neighbor in regards to the porch and indicated they were not affected by it.

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 meet the setback requirement.

Board member Diaz asked staff if they had a chance to speak with the applicant about relocating the metal patio. Staff stated yes and the applicant was present.

Mr. Pedro Ramirez, 3337 North 42<sup>nd</sup> Street, McAllen. He stated considering it was a metal structure with concrete, he doesn't see moving the beams the variance that was required. Chairperson Gutierrez explained to the applicant that a variance goes with the land and with the owner. He also noticed there was a fan so now there was an electrical appliance that could have a short and start a fi.

Vice-Chairperson Avila asked to show the picture of where the edge of the house was the structure should be aligned with the house. He explained about the separation being fire is the main one. It has to protect him and the neighbors in case of a fire.

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 in the event the applicant was to move the columns to the 6-foot mark he could have a two-foot overhang and still comply with the side setback requirements. Staff stated yes.

Following discussion, Vice-Chairperson Hugo Avila **moved** to disapprove the Variance request. Mr. Alex Lamela seconded the motion. The Board voted to table the Variance request with five members present and voting.

- b) Request of Joel M. Ramos for a variance, to allow an encroachment of 5 feet into the 10-foot rear yard setback for a proposed swimming pool, at Lot 80, La Floresta Subdivision Phase I, Hidalgo County, Texas; 1805 Rice Avenue. (ZBA2026-0006) (TABLED: 03/18/2026)**

Vice-Chairperson Hugo Avila made a motion to remove the item from the table. Mr. Erick Diaz seconded the motion. The Board voted unanimously with five member present and voting.

Mr. Hernandez stated the applicant was requesting a variance to allow an encroachment of 5 feet into the 10-foot rear yard setback for a proposed swimming pool.

The subject property was located on the south side of Rice Avenue, west of North 18<sup>th</sup> Street and is zoned R-1 (Single-Family Residential-OC) District.

La Floresta Subdivision Phase I was recorded on September 5, 2008. An abandonment application was submitted on September 12, 2024. However, no approval was granted for the abandonment. Instead, a license agreement was entered and recorded on December 5, 2025 to allow the property owner to build a swimming pool within the utility easement.

The recorded plat required a 10-foot rear yard setback and shows a 10-foot utility easement along the rear lot line. The applicant states that he would like to create a “summer oasis” in the backyard while fully respecting all applicable building regulations. He is requesting a variance for a proposed swimming pool measuring 10 ft. by 20 ft.

Section 138-356 of the Zoning Ordinance and Section 2.2.2 of the Unified Development Code require minimum 10 ft. rear yard setback.

Staff’s research did reveal six other variances for swimming pools granted within this subdivision for double fronting lots.

There had been one resident within the notification zone that is in opposition of the variance request.

Staff recommended disapproval of the variance request since it does not comply with the setback requirement.

Chairperson Gutierrez asked staff if the resident who was in opposition of the variance request who spoke with staff did he or she mention the basis for being against it. Staff stated the resident came into the office and told staff that he was against the request and they were in the 200-foot radius.

Board member asked staff who provides the License Agreement. Staff stated the legal department drafts up the License Agreement. It was for a utility easement.

Vice-Chairperson Avila asked staff if there was an alley. Staff stated no there was no alley.

Mr. Jose M. Ramos, 1805 Rice Avenue, McAllen, Texas. He stated on March 18, 2026 he received a call from Mr. Porfirio stating that it was disapproved so he tabled it so that he could be present. The pool was a fiberglass 10 x 20 the smallest pool you could put in the back yard. He stated he had been going through the process since March – April 2024. He stated if he was informed from the beginning of not encroaching on the setback he would have never gone through the process of obtaining a pool permit, license agreement and the cost of a variance request.

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.

Planning Director Sotelo the License Agreement was just for the pool only. If they wanted to build a structure over the pool, they would have to reapply for a License Agreement and that could be denied.

Vice-Chairperson Avila made motion to go into Executive Session at 4:53 p.m. Mr. Alex Lamela seconded the motion. The Board voted unanimously with five members present and voting.

The Board reconvened from Executive Session at 5:02 p.m.

Being no discussion, Mr. Alex Lamela **moved** to go against staff's recommendation and approve the variance request with conditions pre-established. Vice-Chairperson Hugo Avila seconded the motion. The Board voted to approve the Variance request with four members voting aye and one nay, Chairperson Jose Gutierrez.

- c) Request of David S. Valdez, on behalf of LOF Investments, for a variance, to allow an encroachment of 9.5 feet into the 15-foot front yard setback and 9.33 feet into the 10-foot corner setback for an existing metal carport at Lot 7, Block 48, North McAllen Subdivision, Hidalgo County, Texas; 220 North 11th Street. **(ZBA2026-0008) (TABLED: 03/18/2026) (REMAIN TABLED: 04/08/2026)**

**This item was to 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 at 5:03 p.m.

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Chairperson Jose Gutierrez

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Carmen White, Administrative Assistant

# Memo

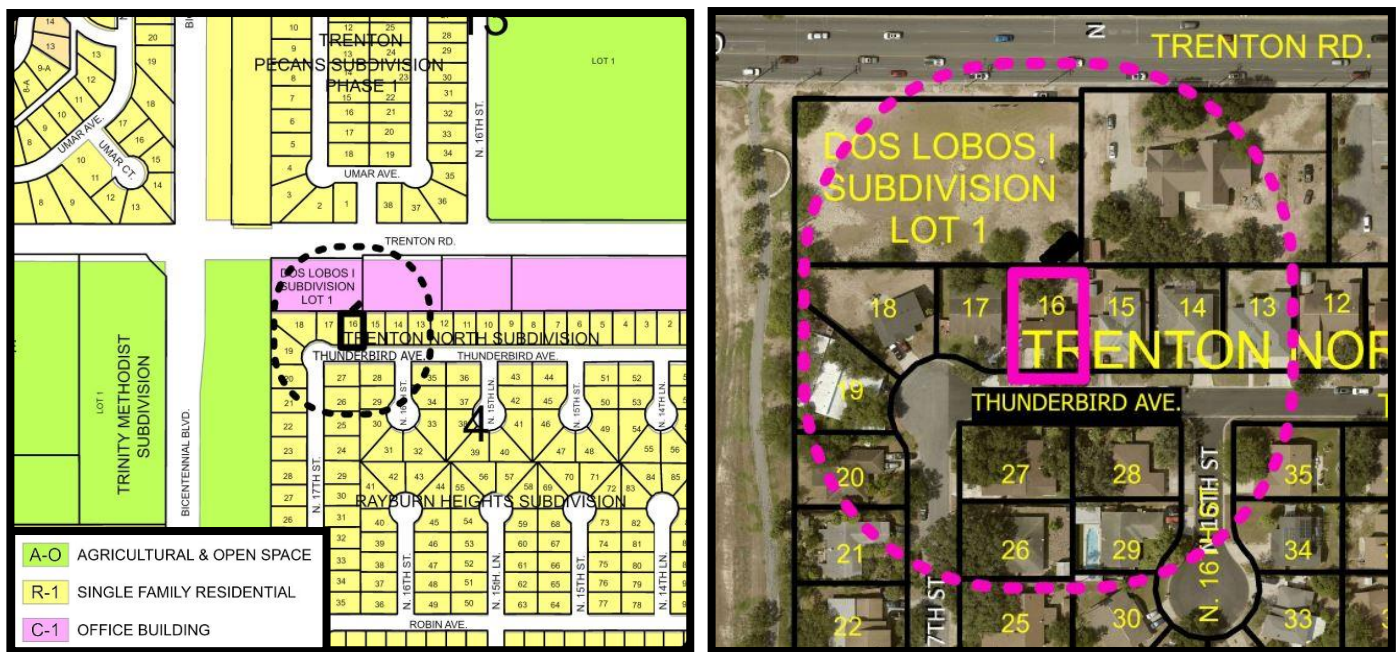
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** April 22, 2026

**SUBJECT: REQUEST OF JOSE J. RODRIGUEZ FOR A VARIANCE TO ALLOW AN ENCROACHMENT OF 9 FEET INTO THE 20-FOOT FRONT SETBACK FOR AN OPEN PERGOLA, AT LOT 16, TRENTON NORTH SUBDIVISION, HIDALGO COUNTY, TEXAS; 1608 THUNDERBIRD AVENUE. (ZBA2026-0014)**

**REASON FOR APPEAL:** The applicant is requesting a variance to allow an encroachment of 9 feet into the 20-foot front yard setback for a proposed pergola with a concrete base.



**PROPERTY LOCATION AND VICINITY:** The subject property is located along Thunderbird Avenue, east of North 17<sup>th</sup> Street and is zoned R-1 (Single-Family Residential-OC) District.

**BACKGROUND AND HISTORY:** Trenton North Subdivision was recorded on December 22, 1981. An application for a variance was submitted on March 09, 2026. This is the first variance application submitted for both this property and subdivision.

**ANALYSIS:** The recorded plat requires a 20-foot front yard setback. The applicant stated the pergola would help to beautify the neighborhood and allow the family to better enjoy the front yard.

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

**RECOMMENDATION:** Staff recommends disapproval of the variance request since it does not comply with the minimum setback requirement.



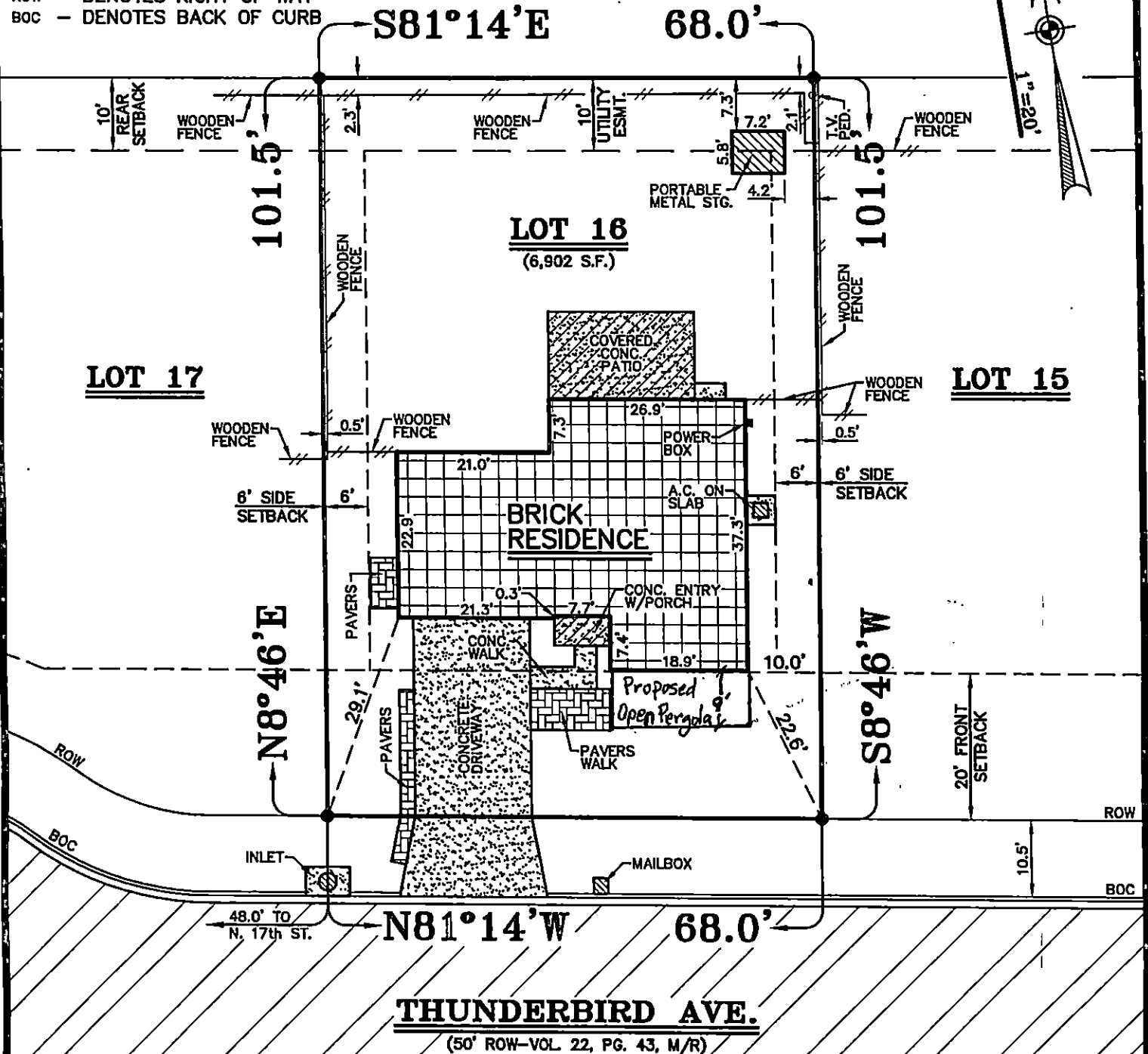
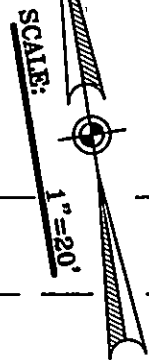
# ART SALINAS

## ENGINEERING & SURVEYING

1524 DOVE AVENUE, McALLEN, TEXAS 78504 PH: (956) 618-5565 FAX: (956) 618-5540

### LEGEND

- - DENOTES FOUND 1/2" ROD
- - DENOTES NO MONUMENT
- ROW - DENOTES RIGHT OF WAY
- BOC - DENOTES BACK OF CURB



NON-APPLICABLE ESMTS.	
10g	V. 724, P. 242, D/R
10h	V. 926, P. 616, D/R
10i	V. 1425, P. 731, D/R
10j	V. 1720, P. 1-3, D/R

**FLOOD ZONE DESIGNATION:** The property shown hereon lies in Zone "B". Zone "B" areas lie between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood as per F.E.M.A. Flood Insurance Rate Map Panel No. 480343-0005-C dated 11-02-82.

**PLAT NOTES:**

1. There are no discrepancies, conflicts, shortages in area or boundary lines, encroachments, overlapping of improvements or visible or apparent easements except as shown on this plat.
2. This survey plat is prepared in connection with Title Policy G.F. # 28-308435-ED and does not guarantee title. This survey is for the exclusive use of the client named hereon and may not be copied or transferred to another party without the express written consent of the surveyor.



1608

ZBA2026-0014  
NOTICE  
VARIANCE  
FOR THIS  
PROPERTY

CITY OF McALLEN PLANNING DEPT.  
956-681-1250  
WWW.MCALLEN.NET

1608

**Memo**

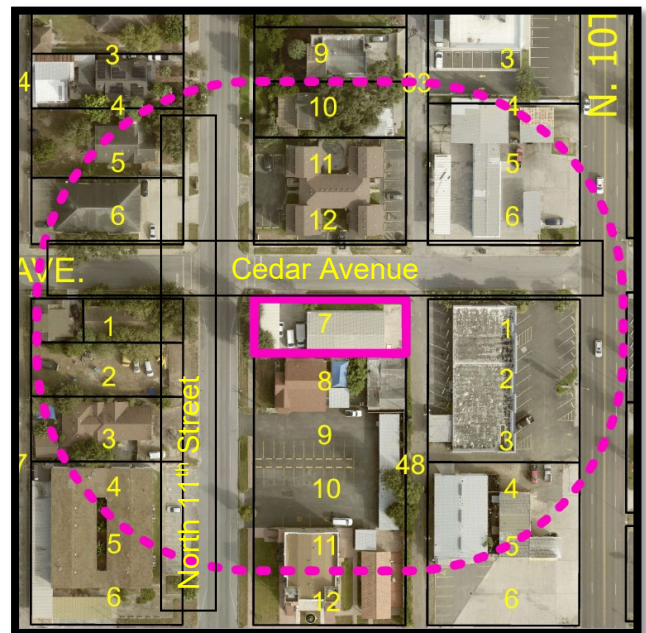
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** April 8, 2026

**SUBJECT: REQUEST OF DAVID S. VALDEZ, ON BEHALF OF LDF INVESTMENTS, FOR A VARIANCE TO ALLOW AN ENCROACHMENT OF 9.5 FEET INTO THE 15-FOOT FRONT YARD SETBACK AND 9.33 FEET INTO THE 10 FOOT CORNER SETBACK FOR AN EXISTING METAL CARPORT AT LOT 7, BLOCK 48, NORTH MCALLEN SUBDIVISION, HIDALGO COUNTY, TEXAS, 220 NORTH 11TH STREET. (ZBA2026-0008)**

**REASON FOR APPEAL:** The applicant is requesting a variance to allow an encroachment of 9.5 feet into the 15-foot front yard setback and 9.33 into the corner setback for an existing metal carport measuring 882 square feet.



**PROPERTY LOCATION AND VICINITY:** The subject property is located on the east side of North 11<sup>th</sup> Street and south of Cedar Avenue. The property is zoned C-3 (General Business-OC) District.

**BACKGROUND AND HISTORY:** Hidalgo County Appraisal District records show that the current building was built in 1998. On January 26, 2026, a stop work order was issued for this property for a carport without a permit. A variance request was submitted on February 1, 2026.

**ANALYSIS:** The applicant states that he maintains 11 company vehicles on the property and that the vehicles are exposed to bird droppings and other outdoor conditions overnight. He indicates that this requires staff to clean the vehicles each morning before they can be placed into service, resulting in added time and operational expense. To improve efficiency and provide covered parking for the fleet, the applicant requests this variance to keep the existing carport, capable of accommodating all company vehicles.

The existing metal carport encroaches into the front and side yard setback and measures 49 ft. by 18 ft. for a total size of 882 square feet. Since the carport is larger than 400 square feet, the request is submitted as a variance. If the applicant proposes to reduce the carport size to 400 square feet, it could be considered as a special exception.

Section 138-356 of the Zoning Ordinance requires a minimum 15 ft. front yard setback and 10 ft. side yard setback in C-3 (General Business-OC) District.

Staff's research did not reveal an approved variance into the front or side yard setback in vicinity of the subject property.

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

**RECOMMENDATION:** Staff recommends disapproval of the variance request since it does not comply with minimum setback requirements.

11th St.

20ft from curb to post

SIDEWALK

5.5ft from fence to roof top

**Carport 49x18**

5" from fence to post roof top

**Existing Concrete**

**Pad**

10ft from curb to post

**Cedar**



SIDEWALK

**Copy Graphics  
Warehouse**

Existing Concrete

**Alley**

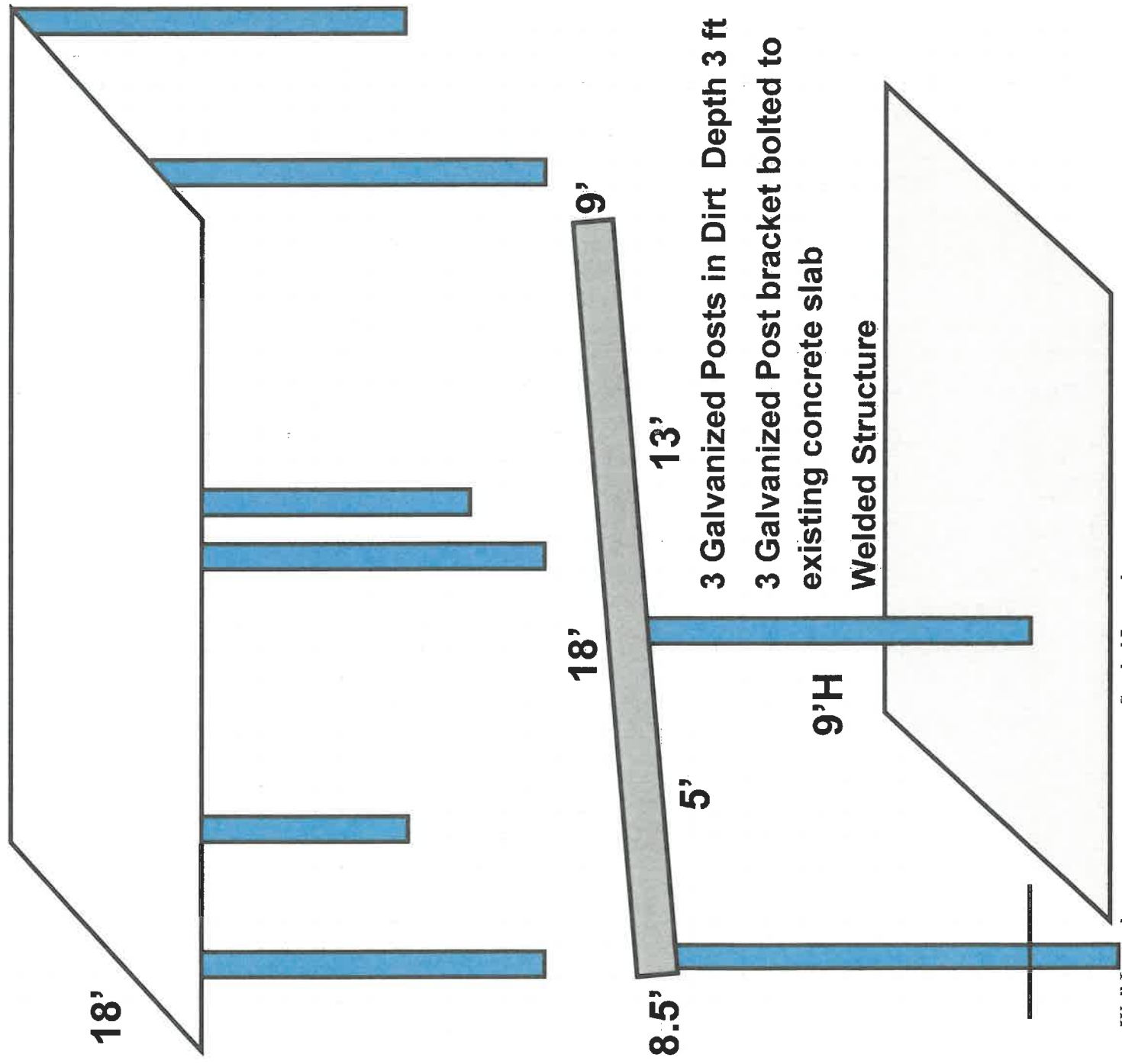
RECEIVED

FEB 04 2026

BY: AV

# Carport 49'x18'

18'



3 Galvanized Posts in Dirt Depth 3 ft  
3 Galvanized Post bracket bolted to existing concrete slab

Welded Structure

### Wall Legend:

- Existing [white line]
- Proposed [black line]
- Demolition [dashed line]

### Symbol Legend:

- Door [door symbol]
- Window [window symbol]
- Electrical Panel [electrical panel symbol]
- A/C Unit [A/C unit symbol]
- Toilet [toilet symbol]
- Sink [sink symbol]

Application and documents can be submitted electronically to [BLDGPERMITS@MCALLEN.NET](mailto:BLDGPERMITS@MCALLEN.NET)

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FEB 04 2026

BY: AR



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