

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, APRIL 5, 2023 - 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 held on March 22, 2023

2. PUBLIC HEARINGS:

- a) Request of Norma Elizondo for the following Special Exceptions to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 10 feet into the 10 feet rear yard setback for an existing metal carport measuring 16.5 feet by 19 feet, and **2)** to allow an encroachment of 4 feet into the 6 feet west side yard setback for an existing metal carport measuring 16.5 feet by 19 feet, at Lot 43, Northpark Estates Subdivision, Hidalgo County, Texas; 1501 Falcon Avenue. **(ZBA2023-0022)**
- b) Request of Oscar Flores for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 25 feet into the 25 feet front yard setback for an existing carport with a canvas roof measuring 18 feet by 20 feet on Lot 21, Cielo Vista Subdivision Phase I, Hidalgo County, Texas; 3101 Tanya Avenue. **(ZBA2023-0020)**
- c) Request of Jorge Herrera on behalf of Surprise Ron & Estela for a special exception to the City of McAllen's Off-Street Parking and Loading Ordinance to allow 8 parking spaces instead of the required 9 parking spaces for a 6-unit multi-family apartment development at Lot 4, Block 54, North McAllen Addition, Hidalgo County, Texas; 608 South 15th Street. **(ZBA2023-0024)**
- d) Request of Ma. Del Carmen Castro for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 25-foot front yard setback for an existing metal carport measuring 36 feet by 25 feet, at Lot 16, Block 14, Balboa Acres Subdivision, Hidalgo County, Texas; 2808 Idela Avenue. **(ZBA2023-0021)**
- e) Request of Andrew LeBaron for the following: **1)** Special Exception request to the City of McAllen Off-Street Parking and Loading Ordinance to allow 32 parking spaces instead of the 44 parking spaces for proposed apartment use and **2)** a Variance request to the City of McAllen Zoning Ordinance to be exempted from the 8-foot CMU buffer requirement along the west side of the subject property located at Lot 1, Wilson Subdivision No. 3, Hidalgo County, Texas; 120 South 4th Street. **(ZBA2023-0012) (TABLED: 03/08/2023) (REMAIN TABLED: 03/22/2023)**

3. FUTURE AGENDA ITEMS

- a) 2309 Sandpiper Avenue
- b) 1500 Fern Avenue
- c) 2400 Sandpiper Avenue
- d) 4915 North 46th Lane
- e) 2921 North 40th Street
- f) 3420 Queta 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, March 22, 2023 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	Jose Gutierrez	Chairperson
	Sylvia Hinojosa	Vice-Chairperson
	Ann Tafel	Member
	Rogelio Rodriguez	Member
	Hugo Avila	Member
	Juan Mujica	Alternate
	Sam Saldivar	Alternate
 Staff Present:	 Austin Stevenson	 Assistant City Attorney
	Michelle Rivera	Assistant City Manager
	Edgar Garcia	Planning Director
	Rodrigo Sanchez	Senior Planner
	Omar Sotelo	Senior Planner
	Adriana Solis	Planner II
	Samantha Trevino	Planner I
	Porfirio Hernandez	Planning Technician II
	Julian Hernandez	Planning Technician I
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a)** Minutes for the meeting held on February 22, 2023.

The minutes for the meeting held on February 22, 2023 were approved. The motion to approve the minutes were made by Ms. Ann Tafel. Vice-Chairperson Sylvia Hinojosa seconded the motion, which carried unanimously with five members present and voting.

- b)** Minutes for the meeting held on March 8, 2023.

The minutes for the meeting held on March 8, 2023 were approved. The motion to approve the minutes were made by Vice-Chairperson Sylvia Hinojosa. Mr. Rogelio Rodriguez seconded the motion, which carried unanimously with five members present and voting.

As per Chairperson Jose Gutierrez’s suggestion, the following items had been recommended for approval by staff. They are as follows:

2. PUBLIC HEARINGS:

- a)** Request of Reyna G. Martinez for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 10 feet side yard setback adjacent to North 21st Street for an existing metal carport measuring 39 feet by 17 feet at Lot 33, Redbud Subdivision No. 2, Hidalgo County, Texas; 2101 Oriole Avenue. **(ZBA2023-0017)**

- b) Request of Jose Luis Elizondo for the following Special Exception to the City of McAllen Off-Street Parking and Loading Ordinance to not provide one parking space beyond the front yard setback, at Lot 92, Saddle Creek UT 1, Hidalgo County, Texas; 9214 North 32nd Lane. **(ZBA2023-0018)**

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

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

Vice-Chairperson Sylvia Hinojosa **moved** to approve the previously outlined special exceptions as per staff's recommendation, limited to the submitted plans correspondent to each item. Mr. Hugo Avila seconded the motion. The Board voted to approve with five members present and voting.

- c) Request of Kevin Jaime on behalf of Jaime & Mendoza Rentals, LLC (owner) for the following Variance request to the City of McAllen Vegetation Ordinance to allow the required landscaped area to be synthetic grass instead of natural grass at Lot 1, Block 16, North McAllen Subdivision, Hidalgo County, Texas; 621 North 10th Street. **(ZBA2023-0015)**

Ms. Trevino stated the property owner was requesting a variance to the Vegetation Ordinance to allow the existing landscape to be synthetic grass instead of natural grass in order to reduce the cost of maintaining natural grass, to give the landscape better appearance year around, and to reduce the usage of water and chemicals.

The subject property was located at the southwest corner of North 10th Street and Gumwood Avenue. The subject property is zoned C-3 (general business) District.

The application for the variance request was submitted February 16, 2023

The applicant had submitted a survey page that is color coded to identify the areas of landscaping proposed to be covered with synthetic grass instead of natural grass. Section 110-56(f) of the Vegetation Ordinance states that synthetic or artificial lawns or plants shall not be used in lieu of plant requirements. The applicant is requesting to not provide 378 square feet of existing landscaping area in the form of natural grass but instead replace it with synthetic grass as shown in the submitted site plan.

In allowing the placement of synthetic grass instead of the required natural grass, the ordinance requirement is not being met.

The Planning Director reviewed landscaping codes for various cities across Texas, including Austin, Dallas, San Antonio, and El Paso, and none allowed synthetic materials to be used for compliance with landscaping requirements.

Staff had not received any phone calls in opposition of the request.

Staff recommended disapproval of the variance request as the ordinance does not allow synthetic grass in lieu of requirements. Approval of the variance request may encourage other property owners to pursue similar requests.

Mr. Kevin Jaime, the applicant, stated the reasons staff provided for the variance were the cost of maintaining natural grass, giving landscaping a better appearance and reduce the usage of water and chemicals were incorrect. He stated his father built the building in 1971. They purchased the building in 2016. (Pictures shown) Their first plan was to plant natural sod and vegetation. The installers told them that they did not need a backflow valve nor a permit. He stated they went to the water department to ask if they did need a permit for a backflow and they said yes. They also asked if they could have an alternate option to have a drip water to connect to the spigot to let drip out everywhere they were told no because if the City had a negative water pressure it would absorb in all the pesticides and chemicals in the water system. Their water meter was located in the alleyway. The location where they proposed to put the backflow they would have to break through 180 feet of concrete. That would propose a hardship. They recently redid their parking lot. They tried other options such as mulch and zero scape (tiny pebbles). However, rain run-off and vandalism did not make for good options.

Vice-Chairperson Hinojosa asked staff how this case came before the Board. Ms. Trevino stated they came to apply before doing the project.

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

At this time, Board member Rodriguez and other members gave their intake on this proposed variance request.

Mr. Edgar Garcia, Planning Director mentioned to the Board, even though they chose to approve it would have to go through the Engineering Department to make sure they meet all permeability.

Board member Ann Tafel abstained from this item.

Following discussion, Mr. Hugo Avila **moved** to approve the variance request. Vice-Chairperson Sylvia Hinojosa seconded the motion. The Board voted to approve the variance request with three members voting aye and two voting nay, Mr. Rogelio Rodriguez and Mr. Sam Saldivar. The variance request was disapproved.

- d) Request of Mauricia Castillo for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet in to the 10 feet rear yard setback for an existing wooden carport measuring 31 feet by 17 feet at Lot 81, Los Encinos subdivision, Hidalgo County, Texas; 3420 Raquel Avenue. (ZBA2023-0016)**

Ms. Trevino stated the applicant was requesting a special exception for an encroachment into the rear yard setback for an existing metal carport. The applicant states the carport was built during Covid for her elderly husband who would use it to sit outside and enjoy the outdoors comfortably. The carport was to provide protection for the family vehicles from inclement weather events and for shade for her husband.

The subject property was located on the corner of Raquel Avenue and South 35th street. The Lot has 45 feet of frontage along Raquel Avenue and a depth of 92.50 feet for a Lot size of 4,162.5 square feet. The property is zoned R-1 (single-family residential) District

and a single-family residence is located on the property. The adjacent zoning is R-1 District in all directions. The surrounding land use is single family residential.

Los Encinos Subdivision was recorded on July 5, 1994. The required rear yard setback as per plat is 10 feet. A Stop Work order was posted by Building Permits and Inspections Department on August 31st, 2022 for construction without a building permit. An application for a building permit was submitted to Building Permits and Inspections Department on November 17, 2022 and an application for a Special Exception request was submitted to the Planning Department on February 16, 2022.

This request was for an existing metal carport to be allowed to remain at its current location with an encroachment of 10 feet into the 10 foot rear yard setback. The carport measures 31 feet by 17 feet. The carport is used for the protection of the family vehicles from inclement weather events and for the applicant's elderly husband to enjoy the outdoors in the shade.

The carport also encroaches into a 6 feet utility easement for which the process of abandonment of the utility easement would need to be undertaken. The applicant has not submitted an application for the abandonment process.

There have been no calls or emails received in opposition to the requests.

Measurements provided are without the benefit of a survey.

Special Exception: Staff recommends **disapproval** of the Special Exception request since buildings are not allowed to be constructed in the setbacks and the utility easement encroachment needs to be resolved through the utility easement abandonment process.

Ms. Mauricio Castillo, the applicant stated (through a translator) Mr. Jerry Salazar they were currently going through an Abandonment process. The companies did go out and the markings were within the distance away from the structure. He stated they were waiting for the letter of detail from the companies. The structure was built for her elderly husband during Covid.

Board member Rodriguez asked the applicant if the companies were able to identify the utilities that were there. Mr. Salazar stated yes.

Board member Tafel asked staff was the Stop Work Order issued August 2022. Ms. Trevino stated yes. Ms. Tafel asked if the work continued afterwards. Ms. Trevino stated it had been completed by that time.

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

Chairperson Jose Gutierrez asked if there was anyone present in opposition of the special exception. There was someone in opposition of the special exception.

Following discussion, Ms. Ann Tafel **moved** to disapprove the special exception as per staff's recommendation. Mr. Rogelio Rodriguez seconded the motion. The Board voted unanimously to disapprove the special exception with five members present and voting.

- e) Request of Victor Meza (Meza Homes Inc.) for the following Variance request to the City of McAllen Zoning Ordinance to allow an encroachment of 30 feet into the 75

feet front yard setback for the construction of a commercial building, at Lot 1, T-Rey Subdivision, Hidalgo County, Texas; 3612 State Highway 107. **(ZBA2023-0019)**

Ms. Solis stated the applicant was requesting a variance to allow an encroachment of 30 feet into the 75 feet front yard setback to accommodate construction of a proposed commercial plaza as it is an irregular lot.

The subject property was located north of state highway 107. The property is 1,200 feet east of Ware Road, for a lot size of approximately 405,543.40 square feet. The surrounding land use is A-O (agricultural & open space) District, C-3 (general business) District to the southeast and R-1 (single-family residential) District to the southwest.

The plat for T-Rey Subdivision was recorded July 14, 2010. A building permit application for the proposed commercial plaza has not yet been submitted. A site plan review is in process. The applicant submitted the variance request on February 21, 2023.

Approval of the variance request would allow an encroachment of 30 feet into the 75 feet front yard setback for the construction of a commercial building. The submitted site plan shows two commercial & restaurant buildings (25,425 sq. ft.) as well as twenty self-storage units & storage office (73,601.9 sq. ft.) are to be built on the property. The applicant states the variance is solely for the building fronting State Highway 107, as it blocks the visibility of the second proposed building alongside it. The applicant would like more exposure for the potential businesses in the second building. If the variance request is approved, the applicant must comply with all other building and zoning ordinance requirement.

A review of Planning Department records did not reveal any approved special exceptions or variances in the immediate area.

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

Staff recommended disapproval of the variance request as the plat for the neighboring property to the west also states the front yard setback pertaining to State Highway 107 is 75 feet minimum.

Mr. Victor Meza, the applicant stated he was working on a large storage project in the area and has a commercial property in front. He wants to move the large building away from the small building in the back to give it exposure.

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

Chairperson Jose Gutierrez asked if there was anyone present in opposition of the special exception. There was someone in opposition of the special exception.

Following discussion, Vice-Chairperson Sylvia Hinojosa **moved** to approve the variance request. No one seconded the motion, motion died. Mr. Rogelio Rodriguez **moved** to disapprove the variance request. Mr. Hugo Avila seconded the motion. The Board voted to disapprove the variance request with four members voting aye and Vice-Chairperson Sylvia Hinojosa voting nay.

f) Request of Andrew LeBaron for the following: 1) Special Exception request to the

City of McAllen Off-Street Parking and Loading Ordinance to allow 32 parking spaces instead of the 44 parking spaces for proposed apartment use and **2)** a Variance request to the City of McAllen Zoning Ordinance to be exempted from the 8-foot CMU buffer requirement along the west side of the subject property located at Lot 1, Wilson Subdivision No. 3, Hidalgo County, Texas; 120 South 4th Street. **(ZBA2023-0012) (TABLED: 03/08/2023)**

This item was to remain tabled until the next meeting.

3. FUTURE AGENDA ITEMS:

- a) 909 North Jackson Road
- b) 3101 Tanya Avenue
- c) 2808 Idela Avenue
- d) 1501 Falcon Avenue
- e) 108 East Fresno Avenue
- f) 1013 Highway 83

ADJOURNMENT

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

Chairperson Jose Gutierrez

Carmen White, Administrative Assistant

Memo

TO: Zoning Board of Adjustment & Appeals

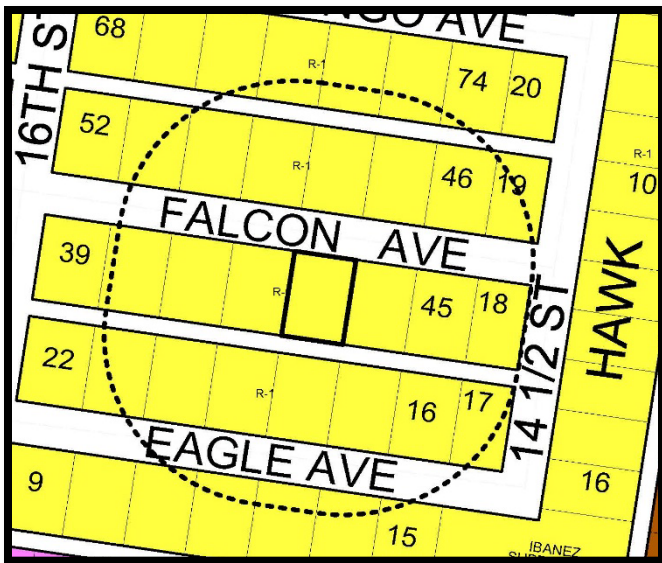
FROM: Planning Staff

DATE: March 29, 2023

SUBJECT: REQUEST OF NORMA ELIZONDO FOR THE FOLLOWING SPECIAL EXCEPTIONS TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) AN ENCROACHMENT OF 10 FEET INTO THE 10 FEET REAR YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 16.5 FEET BY 19 FEET, AND 2) TO ALLOW AN ENCROACHMENT OF 4 FEET INTO THE 6 FEET WEST SIDE YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 16.5 FEET BY 19 FEET, AT LOT 43, NORTHPARK ESTATES SUBDIVISION, HIDALGO COUNTY, TEXAS; 1501 FALCON AVENUE. (ZBA2023-0022)

REASON FOR APPEAL:

The applicant is requesting a special exception for an existing metal carport with an encroachment into the 10 foot rear yard setback and 6 ft side yard setbacks. The applicant states a contractor was hired to construct the metal carport but did not obtain a building permit. The carport is to provide protection for the applicants elderly mother from inclement weather and reduces the walking distance from the car to the entrance of the residence.



PROPERTY LOCATION AND VICINITY:

The subject property is located along the south side of Falcon Avenue, 200 feet west of North 14th 1/2 Street. The Lot has 70 feet of frontage along Falcon Avenue and a depth of 100 feet for a Lot size of 7,000 square feet. The property is zoned R-1 (single-family residential) District and a single family residence is located on the property. The adjacent zoning is R-1 District in all directions. The surrounding land use is single family residential.

BACKGROUND AND HISTORY:

A notice of non-compliance was posted by Building Permits and Inspections Department on September 10, 2022 for no permit on file for construction of a carport at the rear of the property. An application for a building permit was submitted to Building Permits and Inspections Department on November 29, 2022 and an application for a Special Exception request was submitted to the Planning Department on March 08, 2023.

ANALYSIS:

Special Exception #1: The request is for a special exception to allow an encroachment of 10 feet into the 10 feet rear yard setback for an existing metal carport measuring 16.5 feet by 19 feet. There is a paved alley at the rear of the property that allows the vehicles access to the carport. There is a cedar fence that surrounds the rear of the property that helps to partially screen the carport.

Locating carports and having access from the alley at the rear of the property helps to maintain curb appeal along the front yard.

The adjacent 20 feet alley helps to provide a buffer with adjacent properties to the south.

Special Exception #2: To allow an encroachment of 4 feet into the 6 feet west side yard setback for an existing metal carport measuring 16.5 feet by 19 feet constructed over an existing concrete driveway. The property has a cedar fence that surrounds the rear and side of the property that helps to partially screen the carport.

The adjacent property to the east does not have accessory structures to into the rear yard that helps to lessen concerns regarding building separation distance.

A windshield survey of the Block revealed other similar encroachments into the rear yard setback within this Block. A review of Planning Department records did not reveal any Variances or Special Exceptions approved for properties along this alley within this Block.

There have been no calls or emails received in opposition of the Special Exception or Variance requests.

Special exceptions are issued to a property owner and recorded, however a change of ownership requires the new owner to apply for their own Special Exception.

RECOMMENDATION:

Staff recommends **approval** of the Special Exception requests **#1 & #2**, since carports located at the rear yard help to maintain curb appeal along the front yard. The existing 20 feet alley also provides a separation to other properties across the alley.



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)

2BA
4.5.23

Project

Legal Description

Northpark Estates Lot 43

Subdivision Name

Northpark Estates

Street Address

1501 Falcon Ave. McAllen, Texas 78504

Number of lots

Gross acres

Existing Zoning

R1

Existing Land Use

Residential

Reason for Appeal (please use other side if necessary)

Seeking Variance for Record. Encroaching 10 feet in the rear + 4 ft into left set back
for existing metal carport. 19 x 10.5

☒ \$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

Norma Elizondo

Phone

956-533-2249

Address

1501 Falcon Ave.

E-mail

City

McAllen

State

Texas

Zip

78504

Owner

Name

Norma Elizondo

Phone

956-533-2249

Address

1501 Falcon Ave.

E-mail

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

Norma Elizondo

Date

3/7/23

Print Name

NORMA ELIZONDO

☒ Owner

☐ Authorized Agent

Office

Accepted by

Payment received by

Date

ENTERED

MAR 08 2023

Rev 10/18

Initial:

NM.



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:

There is not.

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

The carport was built within the property line and no opposition was expressed by any neighboring residences. The structure is aesthetically pleasing and is not a blemish to the neighborhood.

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:

The carport will not be detrimental to anyone's health, safety, welfare or injurious in any way as it was built with traditional construction materials using 4x4 square tubing, six m. parking ^{car} metal panels.

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

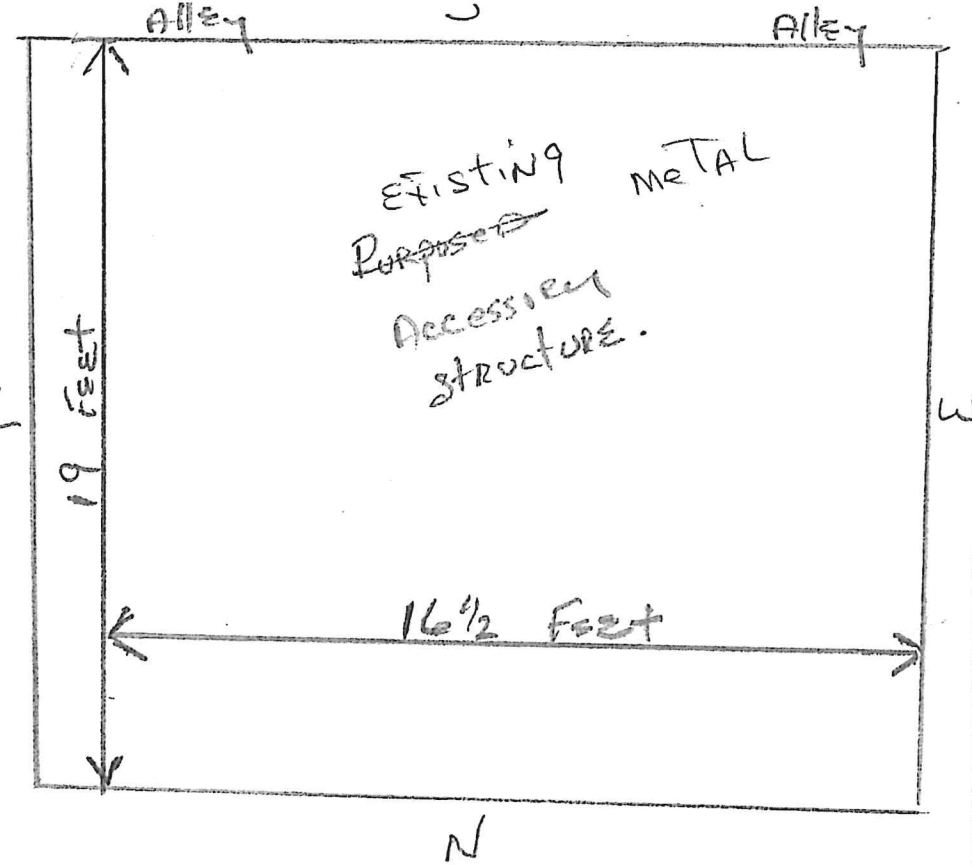
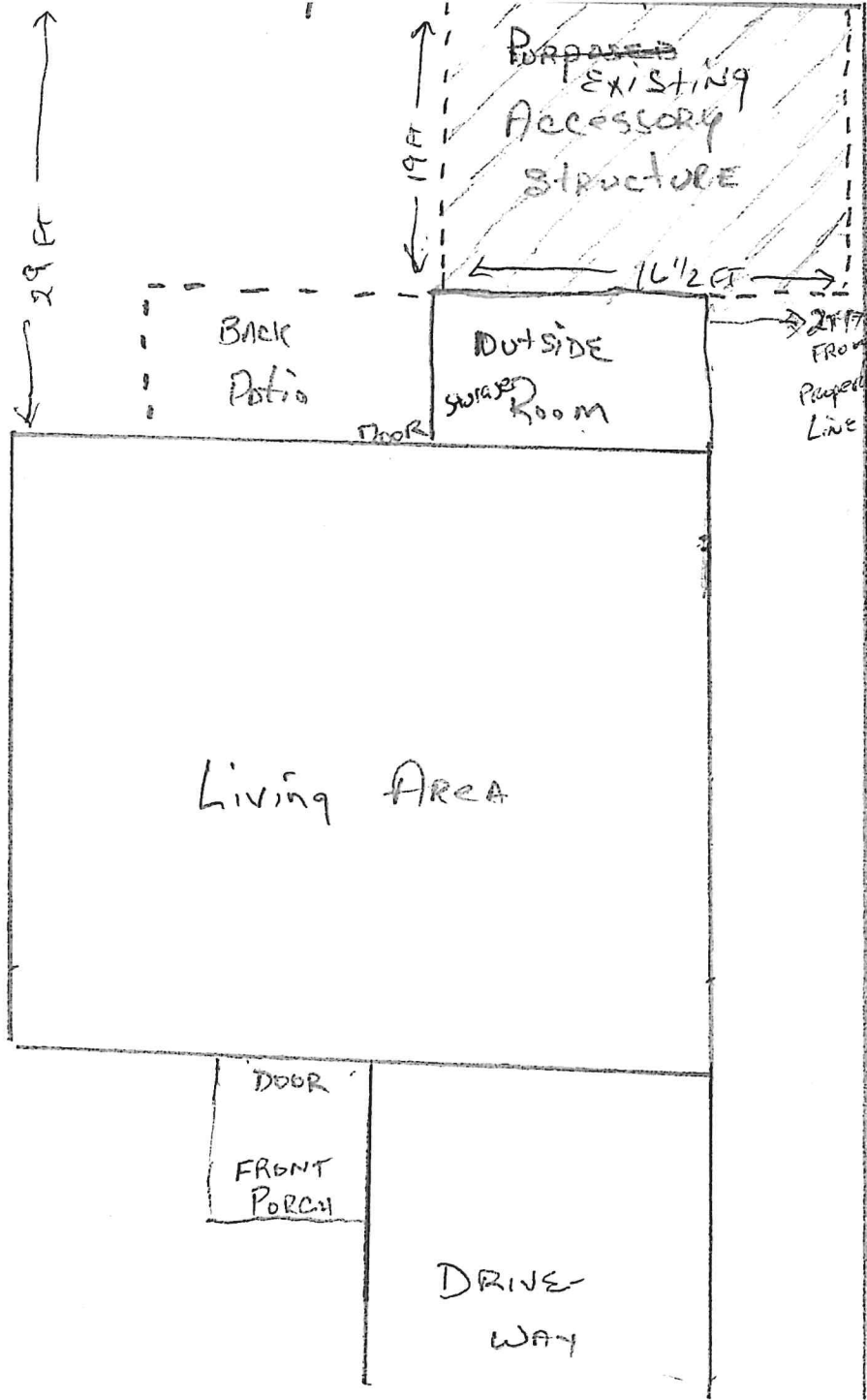
The carport is used by my elderly mother who resides at my residence. Because of the limited parking area, the intent was to create an off street parking, which is closer to the entrance of the residence.

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date



1501 Foland Ave.







NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA 2023-0022

Memo

TO: Zoning Board of Adjustment & Appeals

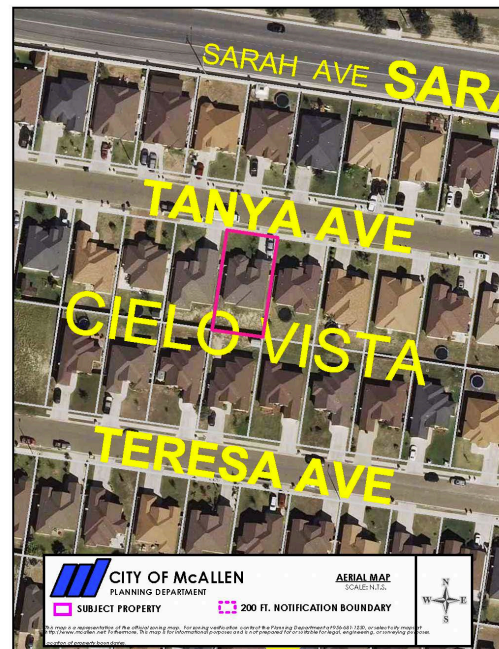
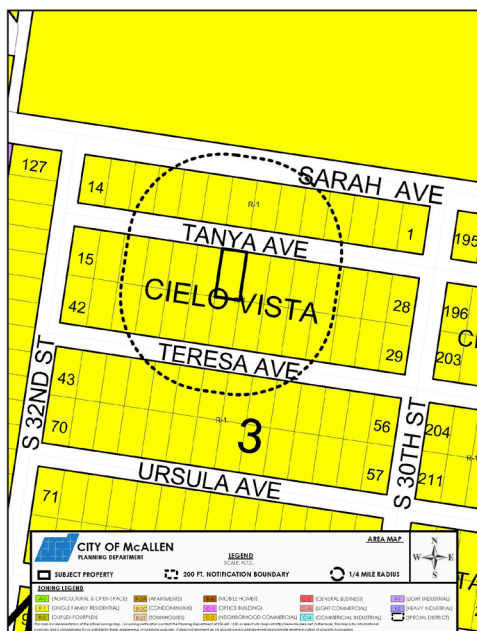
FROM: Planning Staff

DATE: March 27, 2023

SUBJECT: REQUEST OF OSCAR FLORES FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 25 FEET INTO THE 25 FEET FRONT YARD SETBACK FOR AN EXISTING CARPORT WITH A CANVAS ROOF MEASURING 18 FEET BY 20 FEET ON LOT 21, CIELO VISTA SUBDIVISION PHASE I, HIDALGO COUNTY, TEXAS; 3101 TANYA AVENUE. (ZBA2023-0020)

REASON FOR APPEAL:

The applicant is requesting a special exception in order to allow the abovementioned encroachment for an existing carport measuring 18 feet by 20 feet. The existing carport was constructed in order to protect his 2 vehicles since the garage that they currently have only accommodates one vehicle. The existing carport is also used for shade. The applicant states it provides protection for a family member with a disability.



PROPERTY LOCATION AND VICINITY:

The subject property is located along the south side of Tanya Avenue, between South 32nd and South 30th Street. The property has 52 feet of frontage along Tanya Avenue and a depth of 103 feet, for a Lot size of 5,356 square feet. The surrounding land use is single-family residential.

BACKGROUND AND HISTORY:

The applicant became the property owner in November of 2012. The Building Permits and Inspections Department issued a non-compliance notice on August 30, 2022 for a front yard carport built without a permit. A building permit application was submitted November 02, 2022. This special exception request was submitted on February 23, 2023.

ANALYSIS:

Approval of this request will allow an encroachment of 25 feet into the 25 feet front yard setback for the existing carport with a canvas roof. According to the subdivision plat, there are no utility easements on the front or side yards that are impacted by this construction. There is no alley adjacent to the rear property line that might allow for relocation of the existing carport to the rear yard and out of the front yard setback.

During a site visit, staff noticed similar front yard encroachments in the subdivision. A review of Planning Department records revealed 4 approved special exception requests for carports at Lots 20, 75, 72, and 78 between December 2022 and January 2023.

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

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

RECOMMENDATION:

Staff recommends approval of the special exception request since there have been similar carport encroachments approved in the subdivision. The applicant cannot relocate the existing carport to the rear of the property and out of the front yard setback since there is no alley.

ZBA2023-0020

ZBA
4/5/23

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)

Project

Legal Description

Cielo Vista Phase 1 Lot 21

Subdivision Name

Cielo Vista Subdivision

Street Address

3101 Tanya Ave

Number of lots

1

Gross acres

Existing Zoning

R-1

Existing Land Use

Residence

Reason for Appeal (please use other side if necessary)

An encroachment of 24ft into the 25 ft FYSB for a carport 18x20ft (existing)

☒ \$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

Oscar Flores

Phone

(956) 592-2981

Address

3101 Tanya Ave

E-mail

Floresoscar@hotmail.com

City

McAllen

State

Tx

Zip

78503

Owner

Name

Oscar Flores

Phone

(956) 592-2981

Address

3101 Tanya Ave

E-mail

Floresoscar@hotmail.com

City

McAllen

State

Tx

Zip

78503

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

Oscar Flores

Date

2/23/23

Print Name

Oscar Flores

☒ Owner☐ Authorized Agent

Office

Accepted by

Payment received by

Magsal

Date

FEB 23 2023

Rev 09/20



425 / SEU



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

1005
03/21/14

*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:

An encroachment of 24 ft into the 25 ft F.Y.S.D. for a carport of 18x20 ft. carport roof is made of mesh structure is made of metal. mesh/canvas

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

Main reason is protection of 2 vehicles our garage is for one car and does not have enough space for large vehicles.

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:

Pillars of the structure are at least 3 ft deep with filled with concrete anchored to the bottom of the concrete slab.

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

We have one 1 1/2 year old daughter with a disability the shade provides advantage for us on high temperatures during the summer.

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date



FAX: (958) 818-5540

VOL. 52, PG. 117, H.C.M.R.)

S81°22'00"E
52.00'

SCALE:



This survey plat is prepared in connection with Title Policy G.F. # 11-00038795A2 and does not guarantee title. This plat is prepared in accordance with the provisions of the California Civil Code, Section 11631, and the California Surveying Act, Chapter 10, Section 10000, et seq.







3101

NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2023-0020
CITY OF McALLEN PLANNING DEPT.
1000 W. 10TH
WWW.MCALLE.NET

Memo

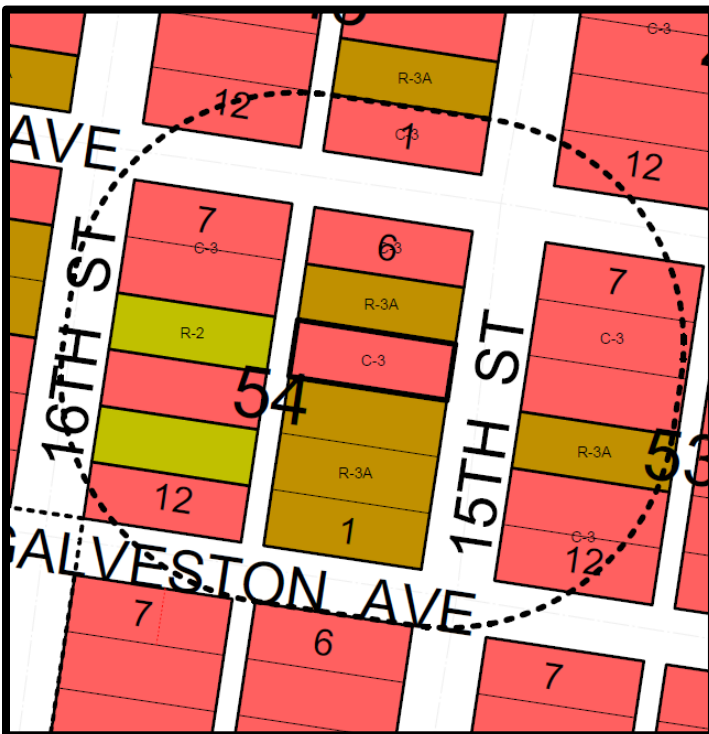
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: March 23, 2023

SUBJECT: REQUEST OF JORGE HERRERA ON BEHALF OF SURPRISE RON & ESTELA FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN'S OFF-STREET PARKING AND LOADING ORDINANCE TO ALLOW 8 PARKING SPACES INSTEAD OF THE REQUIRED 9 PARKING SPACES FOR A 6-UNIT MULTI-FAMILY APARTMENT DEVELOPMENT AT LOT 4, BLOCK 54, NORTH MCALLEN ADDITION, HIDALGO COUNTY, TEXAS; 608 SOUTH 15TH STREET. (ZBA2023-0024)

REASON FOR APPEAL: The applicant is requesting a special exception for the above mentioned encroachment for a proposed 6-unit multi-family apartment development. The applicant has stated they would have limited space to comply with the required parking areas. Moreover, the applicant has stated that this special exception would help him comply with the dumpster location required by Public Works.



PROPERTY LOCATION AND VICINITY: The subject property is located along the west side of South 15th Street, approximately 100 feet south of Fresno Avenue. The property has 50 feet of frontage along South 15th Street and a depth of 140 feet, for a lot size of 7,000 square feet. The property is currently vacant. The surrounding land uses are multi-family apartments and commercial uses.

BACKGROUND AND HISTORY: A demolition permit was issued on February 21, 2023 for the demolition of a vacant commercial building/plaza on site. An application for a rezoning to R-3A (multi-family residential apartment) District has been submitted, and is scheduled to be heard at the Planning and Zoning Commission meeting of April 4, 2023. The rezoning has been requested for a proposed multi-family apartment development that will include 6 one-bedroom units.

A site plan review application was submitted for this proposed development on March 3, 2023. The site plan review is still underway and will need to receive approval from the Development Team prior to the issuance of any building or sign permits. This special exception request was submitted on March 8, 2023.

ANALYSIS: Approval of the special exception request would allow 8 parking spaces (instead of 9) to be provided for the proposed apartment development. According to the submitted site plan, 4 parking spaces will be provided along the front property line, and 4 parking spaces along the rear yard property line. There is a 20-foot wide ally at the rear of the property.

As per the Off-Street Parking and Loading Ordinance, Section 138-395 (1) (a.), the minimum parking requirement for apartment buildings with five or more units is calculated at 1.5 parking spaces for each one-bedroom living unit. The proposed development is for a two-story apartment building that will have three one-bedroom living units per floor. Based on the total number of one-bedroom living units for the apartment building (6), 9 parking spaces will be required.

As per the Off-Street Parking and Loading Ordinance, Section 138-399 (a), 90-degree angle parking spaces must have a width of 9 feet and a length of 18 feet, with 24 feet of maneuvering space. Given the lot dimensions, the required dumpster location, and the proposed floor area of the two-story apartment building, the property would appear to have limited space to accommodate the 9 parking spaces with their required dimensions and maneuvering space.

Similar variances have been granted in the past in the vicinity for Lot 10, Block 53; and Lots 3 and 5 of Block 54. In all of these instances, dumpster locations along the paved alley seemed to prevent the placement of the required 9th parking space on site.

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

RECOMMENDATION:

Staff recommends approval of the special exception request.

ZBA2023-0024

ZBOA
4/5/23

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)

Project

Legal Description

LOT 4 BLK 54

Subdivision Name

MCALLEN ADDITION SUBDIVISION

Street Address

608 S 15th ST MCALLEN TX

Number of lots

1

Gross acres

7000 SQ. FT

Existing Zoning

R-3

Existing Land Use

VACANT

Reason for Appeal (please use other side if necessary)

 WE HAVE REQUESTING
 TO HAVE 8-PARKING SPACE INSIDE OF THE REQUIRED
 4-SPACE PARKING

☒ \$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

JORGE HERRERA

Phone

956-624-1065

Address

6701 NGTH SE APT D

E-mail

jorgeherra4712@gmail.com

City

MCALLEN

State

TX

Zip

78504

Owner

Name

MR. RON SUPRISE

Phone

956-682-4488

Address

211 SBROADWAY ST.

E-mail

City

MCALLEN

State

TX

Zip

78501

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

Date

03/03/23

Print Name

RON SURPRISE

☒ Owner

☐ Authorized Agent

Office

Accepted by

KS

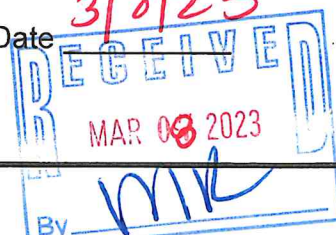
Payment received by

MK

Date

3/8/23

Rev 09/20





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:

LOT SIZE IS 50' x 140'

WE HAVE LIMITED SPACE FOR THE REQUIRED PARKING SPACE
6-UNITS - 1 BEDROOM APARTMENT

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

WE HAVE 4-PARKING SPACES IN FRONT

WE HAVE 4-PARKING SPACES IN BACK (ALLEY)

I'M ALSO ENABLE TO PLACE 9 PARKING SPACE BECAUSE I WANT TO BE IN COMPLIANCE W/ DUMSTER LOCATION REQUIREMENT

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:

TO MY KNOWLEDGE SURROUNDING AREAS

WON'T HAVE ISSUES WITH THE REQUEST

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

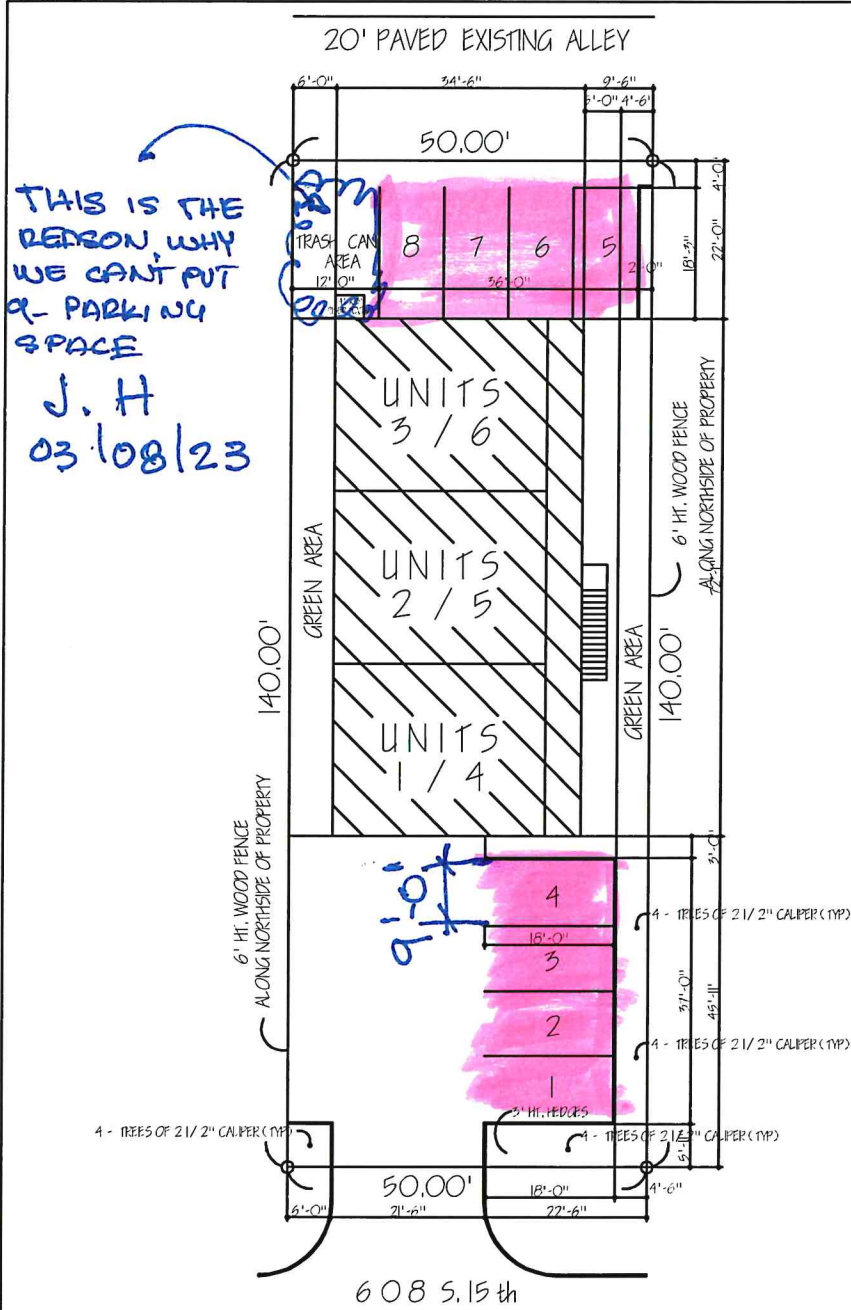
LOT SIZE IS 50' x ~~175~~ 140'

I WOULD BE IN COMPLIANCE BUT NOT ENOUGH
LOT SIZE SPACE I'M ALSO ENABLE TO PLACE

9 PARKING SPACE BECAUSE BECAUSE I WANT TO BE IN
COMPLIANCE W/ DUMSTER LOCATION REQUIREMENT

Chairman, Board of Adjustment
Signature

Date



LEGEND

TWO STORY APARTMENT BUILDING - 18' HEIGHT
TOTAL BUILDING AREA = 4,974.0 SQ. FT.
SIX (6) UNITS
EIGHT (8) PARKING SPACES
1,163 SQ. FT. APROX OF GREEN AREA
ALL LANDSAPE WILL HAVE IRRIGATION SYSTEM
AND ROW WILL HAVE DRIP IRRIGATION
ONLY 1 - WATER METER FOR THE BUILDING

LEGAL DESCRIPTION

LOT 4
BLOCK 54
McALLEN ADDITION SUBDIVISION
CITY OF McALLEN, HIDALGO COUNTY, TEXAS

ANY COPYING, REPRODUCTION OR USE OF THESE PLANS WITHOUT FIRST OBTAINING WRITTEN PERMISSION FROM "TODAY'S HOMES" IS ILLEGAL.

TODAY'S HOMES
(956) 624-1065
6211 N 42nd Ln. McAllen, Texas 78504

Client: MR. RON SUPRISE	Drawn by: J. A. H.
Project: APARTMENTS PROJECT	Scale: 1/8" = 1'-0"
Title: SITE PLAN	Date: 02/20/23











HAWK
SEWAGE SERVICES
800.992.0496

402



NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA 2023-0024

TEXAS
119-0167

Memo

TO: Zoning Board of Adjustment & Appeals

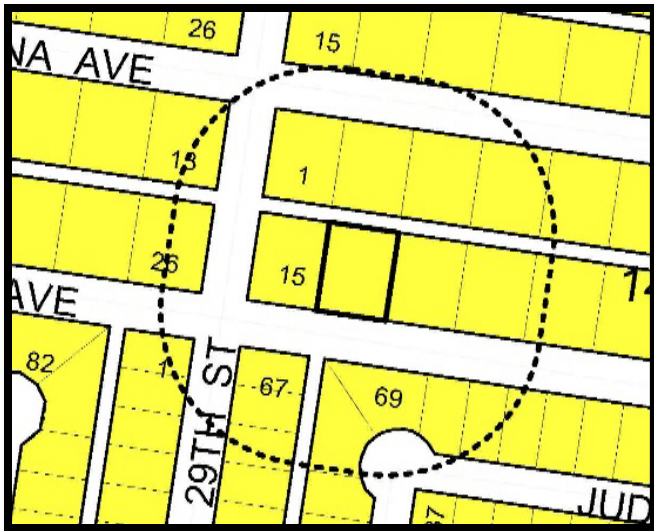
FROM: Planning Staff

DATE: March 29, 2023

SUBJECT: REQUEST OF MA. DEL CARMEN CASTRO FOR THE FOLLOWING SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 20 FEET INTO THE 25 FEET FRONT YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 36 FEET BY 25 FEET, AT LOT 16, BLOCK 14, BALBOA ACRES SUBDIVISION, HIDALGO COUNTY, TEXAS; 2808 IDELA AVENUE. (ZBA2023-0021)

REASON FOR APPEAL:

The applicant is requesting a special exception for an encroachment of 25 feet into the 25 feet front yard setback for an existing metal carport measuring 36 feet by 25 feet. The applicant has verbally stated that a contractor was hired to construct the carport but did not obtain the required building permit. The carport is to provide protection for the family cars from the weather elements since the house does not have a garage.



PROPERTY LOCATION AND VICINITY:

The subject property is located along the north side of Idela Avenue, 90 feet east of South 29th Street. The Lot has 90 feet of frontage along Idela Avenue and a depth of 115 feet for a Lot size of 10,350 square feet. The property is zoned R-1 (single-family residential) District and a single family residence is located on the property. The adjacent zoning is R-1 District in all directions. The surrounding land use is single family residential.

BACKGROUND AND HISTORY:

Balboa Acres Subdivision was recorded in December 1962. The required front yard setback as per plat is 25 feet. A notice of non-compliance was issued by the Building Permits and Inspections

Department in November 2022 for “no permit on file” for construction of the carport. An application for a building permit was submitted to Building Permits and Inspections Department on November 30, 2022, and an application for a Special Exception request was submitted to the Planning Department on February 27, 2023.

ANALYSIS:

The request is for a special exception to allow an encroachment of 25 feet into the 25 feet front yard setback for a carport measuring 36 feet by 25 feet. As per the applicant, the structure was built in December 2022 over an existing concrete driveway. The property does not have a garage. The applicant states the existing carport helps to protect the vehicles from the weather elements and from water damage to the walls of the home.

The carport was constructed over an area that consists of a concrete driveway and an unpaved surface. The applicant proposes to pave the unpaved portion thereby enlarging the carport foundation. The unpaved area is approximately 12 feet by 25 feet (300 square feet).

There is an existing alley at the rear of the property with a dirt surface that may not be traversable during rainy weather events.

During a site visit, staff noticed one carport with encroachment into the front yard along the north side of this Block of Idela Avenue. A review of Planning Department records did not reveal any Special Exceptions granted in this Block. Building Department records did not reveal building permits granted for carports within the front yard along this Block.

The front yard setbacks are important in establishing the character of a single family neighborhood by maintaining the street yard and curb appeal of the properties in a subdivision. Approval of the request to allow the carport within the front yard may encourage other property owners to construct carports within the front yard setback.

There have been no calls or emails received in opposition of the Special Exception request.

Measurements provided are without the benefit of a survey.

Special exceptions are issued to the property owner and recorded, however a change of ownership requires the new owner to apply for their own Special Exception.

RECOMMENDATION:

Staff recommends **disapproval** of the Special Exception request since approval of the request to allow the carport within the front yard may encourage other property owners to construct carports within the front yard setback. If the Board chooses to approve the request, it should be limited to the encroachment shown on the submitted site plan.

ZBA 2023-0021

ZBA
4-5-23

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)

Project

Legal Description

Balboa Acres lot 16 BLK 14

Subdivision Name

B030000

Street Address

2808 Idela Ave. McAllen TX 78503

Number of lots

1

Gross acres

-

Existing Zoning

R-1

Existing Land Use

R-1

Reason for Appeal (please use other side if necessary)

 Necesito sombra para mis autos
 y para proteger mis paredes de la lluvia. No tengo garage

☒ \$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 Ma. del Carmen Castro

Phone

956 5690747

Address 2808 Idela Av.

E-mail castrokarmed@icloud.com

City McAllen

State

TX

Zip

78503

Owner

Name Ma. del Carmen Castro

Phone

956

Address 2808 Idela Av.

E-mail

castrokarmed@icloud.com

City McAllen

State

TX

Zip

78503

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

Date

02/27/23

Print Name

Ma. del Carmen Castro

☒ Owner

☐ Authorized Agent

Office

Accepted by

Payment received by

Date

ENTERED

Rev 09/20

FEB 27 2023

Initial:

DM

925



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:

Necesito sombra para mis autos

No tengo garajes

Protege mi pared de la lluvia

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

No sale para la banquetta

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:

Esta bien pegado y resistente

No llega hasta la cerca

Protege mis plantas

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

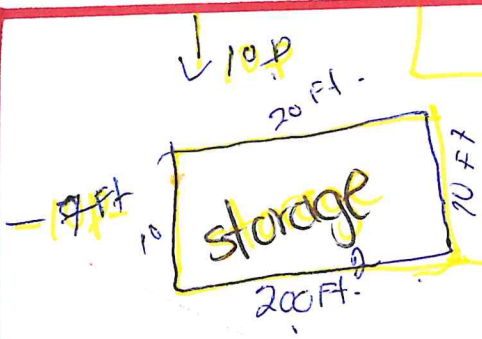
Reason for Appeal

Board Action

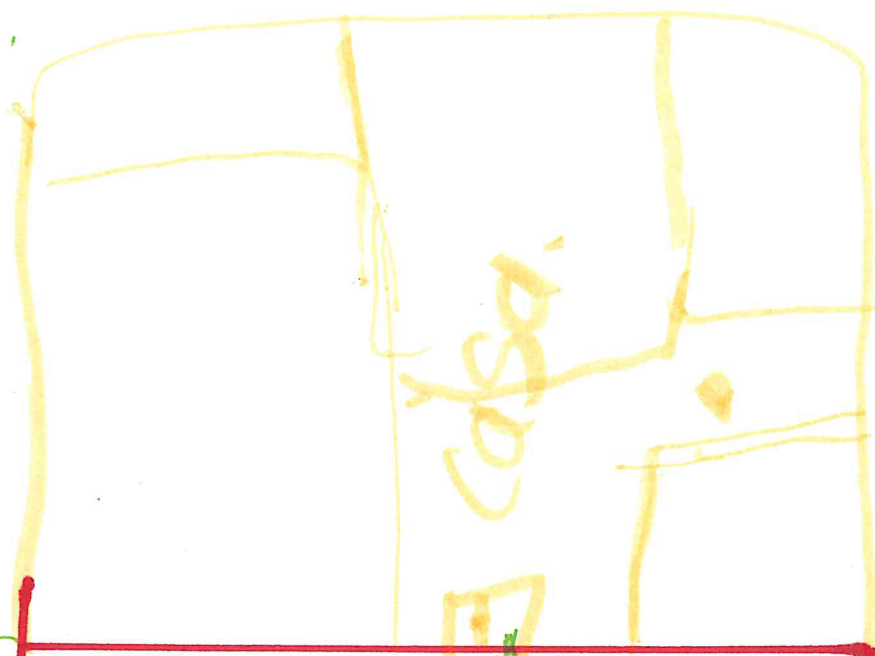
Chairman, Board of Adjustment
Signature

Date

calley 90 - calleyon



63 P.



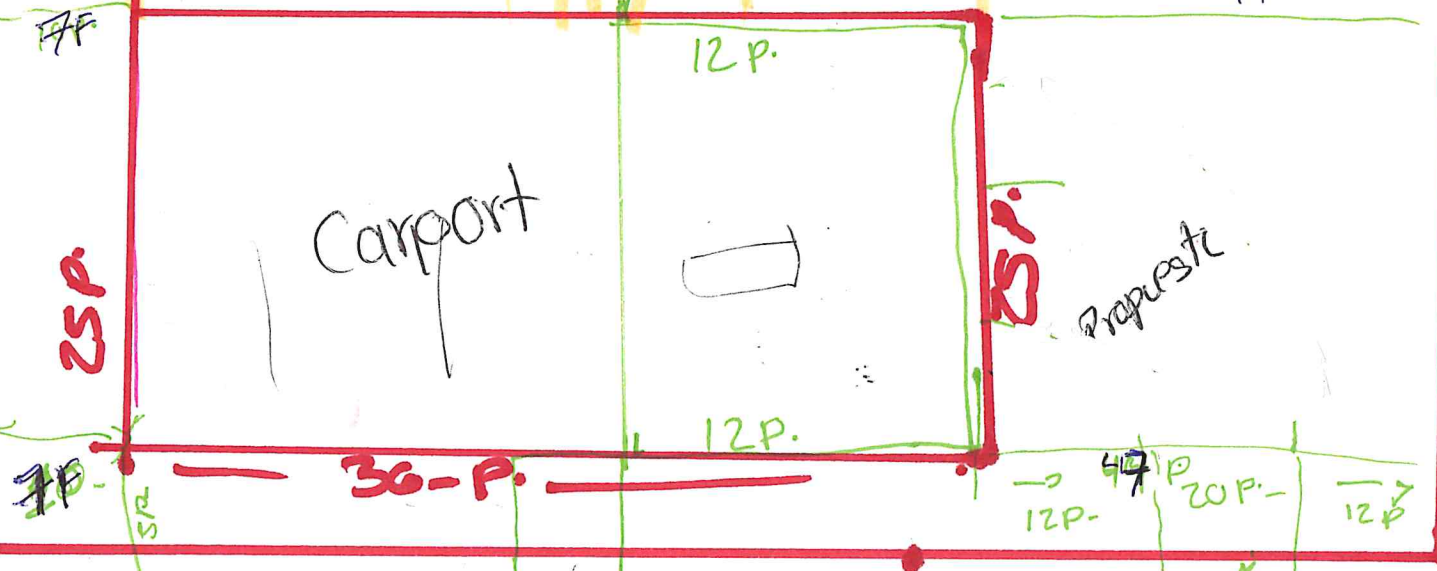
ENTERED

MAR 20 2023

Initial: ma

90

90



Entrada 90 X

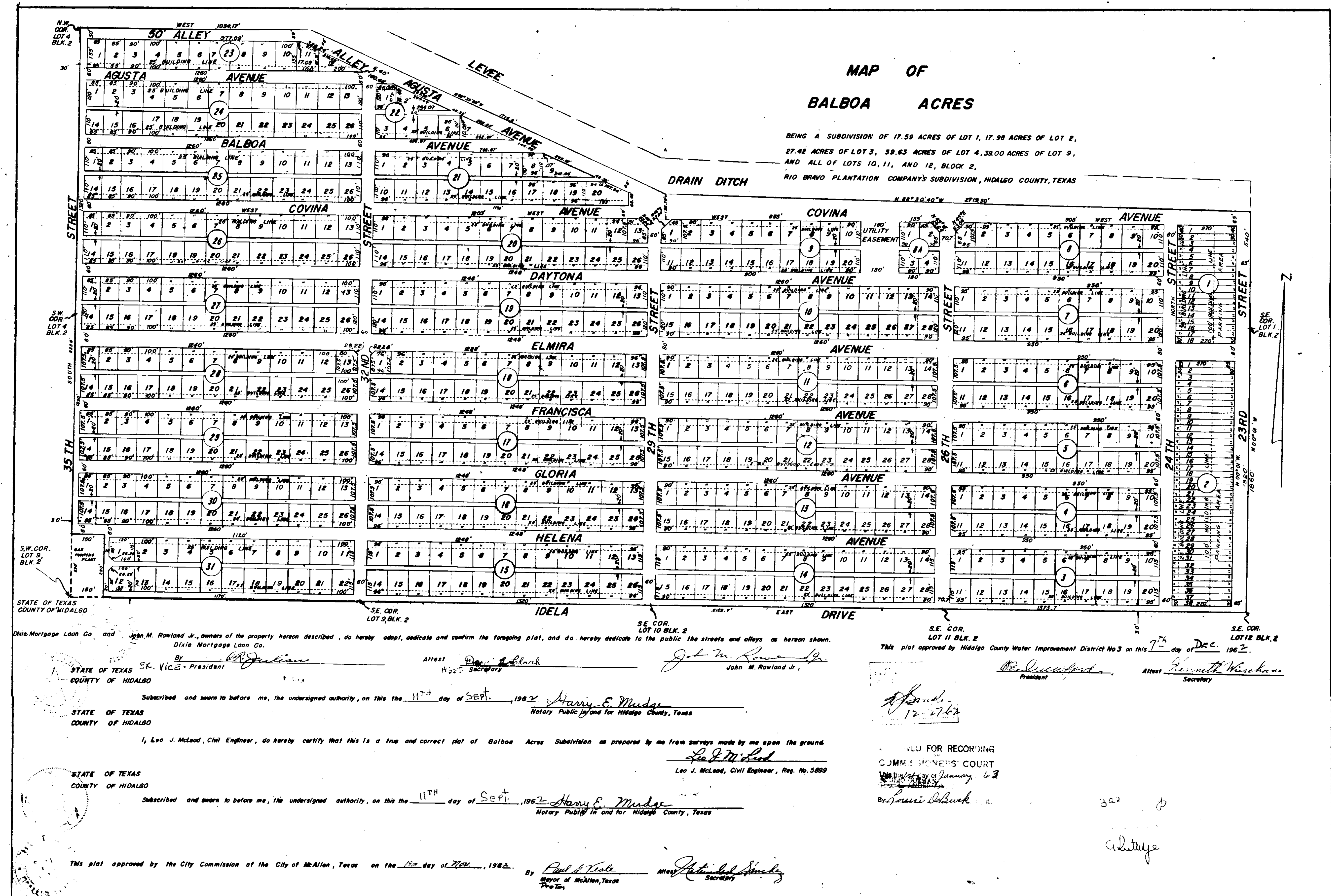
CMM







NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA 2023-0021



Memo

TO: Zoning Board of Adjustment & Appeals

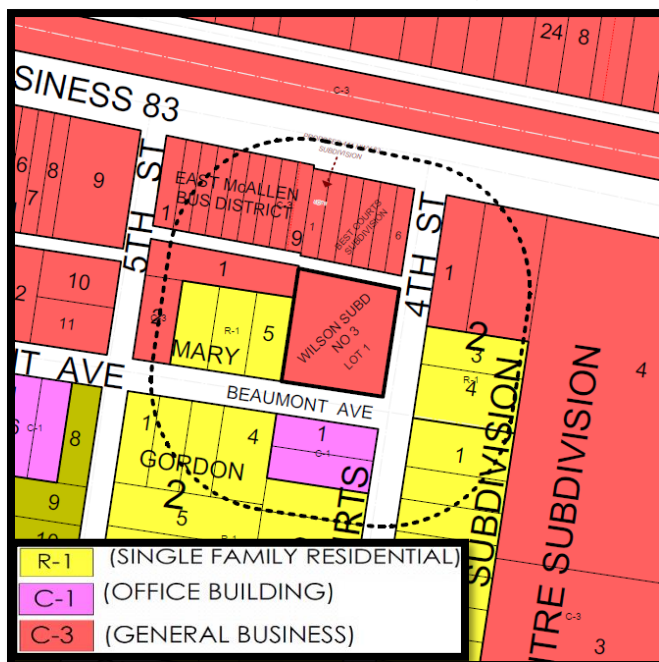
FROM: Planning Staff

DATE: February 23, 2023

SUBJECT: Request of Andrew LeBaron for the following: 1) Special Exception request to the City of McAllen Off-Street Parking and Loading Ordinance to allow 32 parking spaces instead of the 44 parking spaces for proposed apartment use and 2) a Variance request to the City of McAllen Zoning Ordinance to be exempted from the 8-foot CMU buffer requirement along the west side of the subject property located at Lot 1, Wilson Subdivision No. 3, Hidalgo County, Texas; 120 South 4th Street. **(ZBA2023-0012)**

REASON FOR APPEAL: The applicant request the following special exception to allow 32 parking spaces instead of the required 44 parking spaces for apartment use. The applicant is requesting to use the existing parking spaces on the subject property, the previous use was that of commercial (motel) use, therefore did not require as many parking spaces. The applicant is also requesting a variance from the 8-foot CMU buffer requirement along the west side of the subject property since the expense was not in the applicants' budget for the proposed development project.

PROPERTY LOCATION AND VICINITY: The property is located at the northwest corner of Beaumont Avenue and South 4th Street. The tract has an approximate lot size of 27,675.34 square feet. The subject property is zoned as C-3 (general business) District, there is also C-3 District to the north, east, and west. The contiguous zoning is R-1 (single-family residential) District to the east and west, it is also C-1 (office building) District to the south of the subject property.



BACKGROUND AND HISTORY: A subdivision plat for a one lot subdivision under the name of Wilson Subdivision No. 3 was recorded on October 13, 1980. The applicant submitted the variance application and the site plan to the Planning Department on February 01, 2023.

ANALYSIS: Request #1: The applicant is requesting the variance to allow 32 parking spaces instead of the required 44 parking spaces in order to comply with the apartment use parking space requirement. Currently the lot has two existing buildings that were for commercial (motel) use, “La Casita Motel of McAllen”, and an existing parking lot. Based on the number of bedrooms the applicant is required to provide 44 parking spaces. Section 138-395 requires for an apartment/condominium building with five or more units to provide 1.5 parking spaces for each efficiency, studio apartment, and one bedroom living unit.

Section 138-395 requires one parking space for each sleeping room or suite plus one space for each 200 square feet of commercial floor area contained therein, therefore the required parking space requirement is not being met because the previous use did not require as many parking spaces.

Request #2: The applicant is requesting a variance to the 8-foot CMU screen requirement along the west side of the subject property since the expense is not part of the project budget for apartments. As per Section 110-49 Landscape and buffer plan approval, an 8-foot masonry wall is required where a commercial, industrial, or multi-family use has a side or rear property line in common with a single family use of zone. During a site visit by staff, the adjacent property located west of the subject property is zoned R-1 District and has a single-family residence.

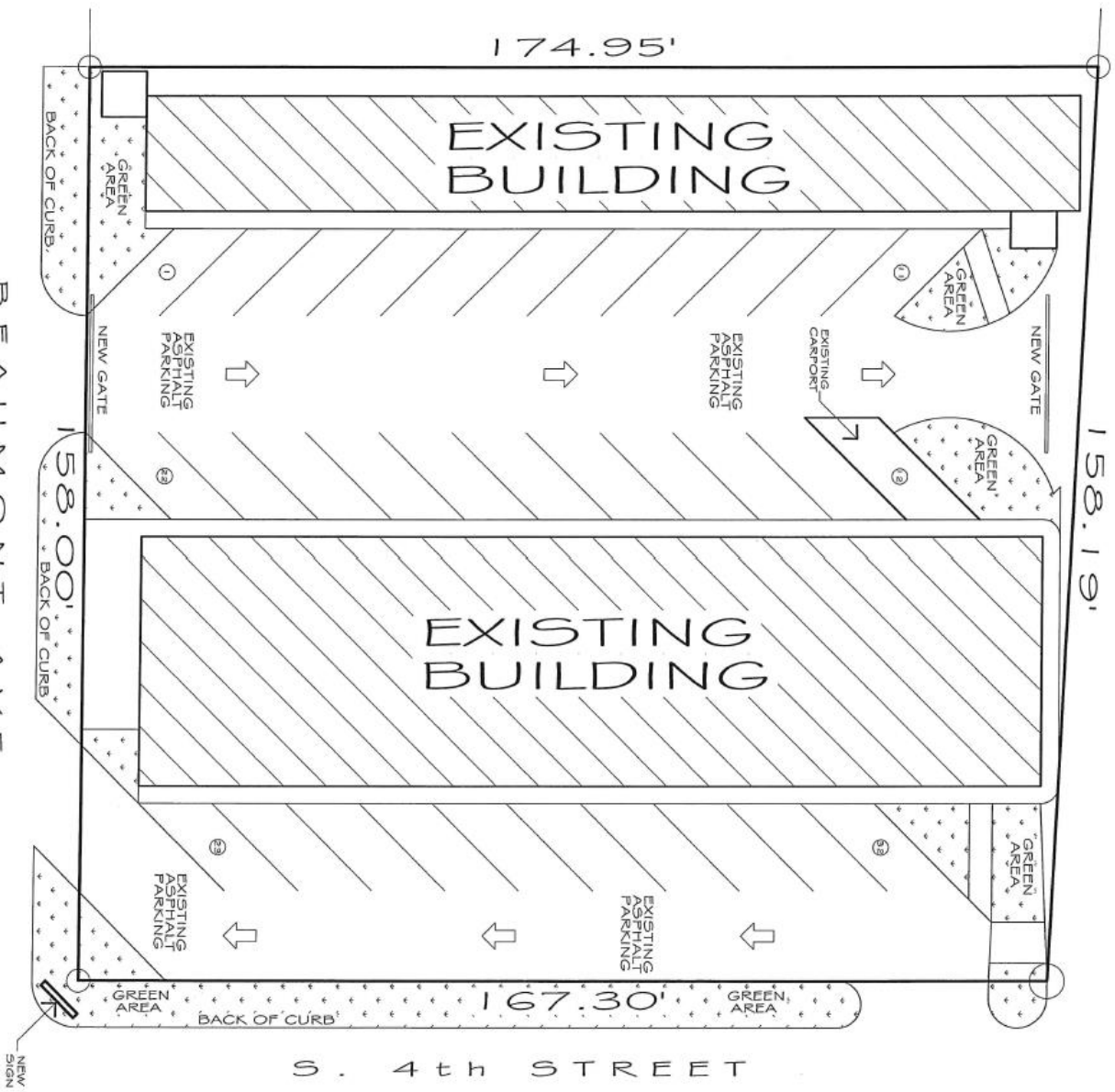
The purpose of the buffer is used in such a manner that the adjacent property is visually screened, and so that noise, solid waste, or other objectionable influences will be avoided.

Staff has received neighborhood opposition of the special exception and variance request. The citizens expressed concerns of potential traffic and blocking of roadways by potential vehicles.

RECOMMENDATION: Request #1: Staff recommends disapproval of the special exception request since there may be insufficient number of parking spaces for tenants of the proposed apartment complex.

Request #2: Staff recommends disapproval of the variance request since the property to the west is R-1 zone and is used as a single-family residence. The buffer would visually screen and alleviate the level of noise extended to the adjacent property.

20' ALLEY



SITE PLAN

LOT 1, WILSON SUBDIVISION, NO. 3
120 S. 4th STREET, McALLEN, TEXAS



PEÑA ENGINEERING

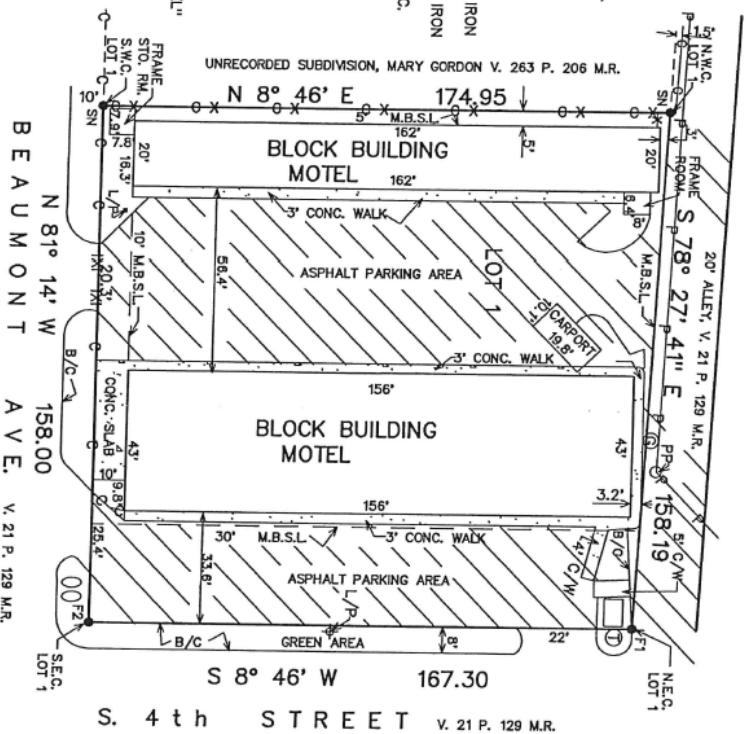
FIRM #10087200 • 1001 WHITEMING • P.O. BOX 4320
(956) 682-8812 • McALLEN, TEXAS 78502 • FAX (956) 631-PENA



SCALE: 1"=40'
CAD: WILSON3-1
JOB: #78909

NOTE: BASIS OF BEARING
IS THE EAST LINE OF LOT
1, WILSON SUBDIVISION,
No. 3, V. 21 P. 129 M.R.

- LEGEND
- F1 - FOUND 1/2" DIAMETER IRON ROD
 - F2 - FOUND 1/2" DIAMETER IRON PIPE
 - SN - SET "PK" NAIL IN CONC.
 - B/C - BACK IF CONC. CURB & GUTTER
 - 6'-6" CHAIN LINK FENCE
 - 6'-6" CEDAR FENCE
 - IR - IRON GATE
 - PP - POWER POLE
 - LP - LIGHT POLE
 - W - WATER METER
 - G - GAS METER
 - C/W - CONCRETE WALK
 - T - TELEPHONE PEDESTAL
 - S - SIGN "LA CASITA MOTEL"



EASEMENTS AS PER G.F. NO. 944348
EFFECTIVE DATE: JUNE 1, 2022
ISSUED DATE: MAY 20, 2022
1.) EASEMENTS, RULES, REGULATIONS, AND RIGHTS IN FAVOR OF HIDALGO COUNTY
WATER IMPROVEMENT DISTRICT NO. 3.

BUTYRS NAME: IRON TORO CAPITAL LLC

FLOOD ZONE: BY GRAPHICAL PLOTTING COMMUNITY PANEL No. 480343 0005 C

MAP REVISED: NOVEMBER 2, 1982

- ☐ Zone "A" - This is to certify that this property is in a flood prone area.
- ☒ Zone "B" - This is to certify that this property is not in a flood prone area. However limits between the 100 year and 500 year flood are subject to flooding with overage depths less than one foot.
- ☐ Zone "C" - This is to certify that this property is not in a flood prone area.

I certify that this plat represents the facts found on the ground at the time of survey and that there are no visible or apparent easements, discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments, or overlapping of improvements, or visible easements except as shown on this plat. No subsurface utilities or service connections are shown. © copyright 2022 PENNA ENGINEERING this survey was provided in multiple originals solely for the borrower named hereon. In conjunction with the original transaction which shall take place within 6 months after the survey was provided. No license has been created or implied to copy this Survey. Survey valid only if print has original seal and signature.

ADDRESS: 120 S. 4th St.

McALLEN, TX

LEGAL DESCRIPTION: LOT 1, WILSON SUBDIVISION, No. 3, AN ADDITION TO THE

CITY OF McALLEN, HIDALGO COUNTY, TEXAS.

ACCORDING TO THE MAP RECORDED IN VOLUME 21 PAGE 129

OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS.

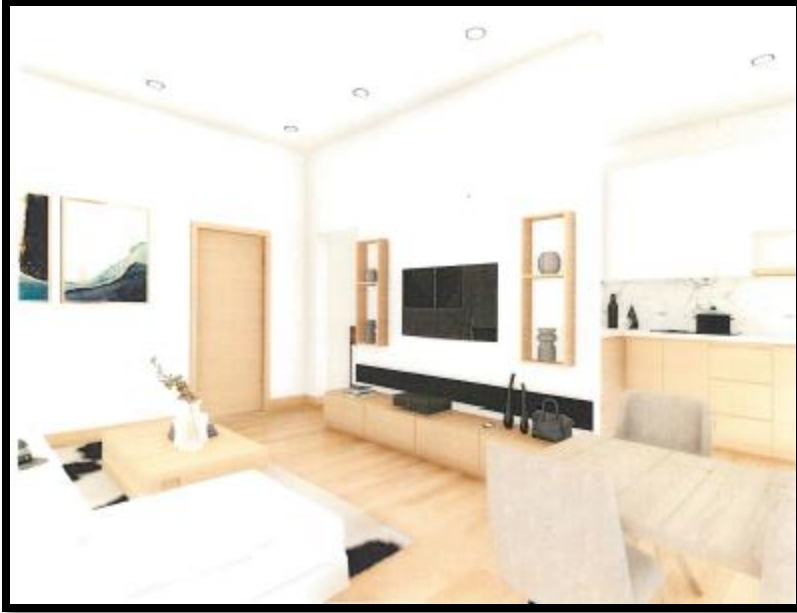
Pablo Peña III

10-28-2022
DATE

PABLO PEÑA III
REG. PROFESSIONAL LAND SURVEYOR No. 5242









2023 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

	01/05/23	01/18/23	02/08/23	02/22/23	03/08/23	03/22/23	04/05/23	04/20/23	05/03/23	05/17/23	06/07/23	06/21/23	07/13/23	07/27/23	08/09/23	08/17/23	09/07/23	09/20/23	10/04/23	10/18/23	11/01/23	11/15/23	12/06/23	12/20/23
SYLVIA HINOJOSA-CHAIRPERSON	P	P	P	P	P	P																		
JOSE GUTIERREZ-VICE-CHAIR	P	P	P	P	P	P																		
ANN TAFEL	P	P	P	P	A	P																		
HUGO AVILA	P	P	P	A	P	P																		
ROGELIO RODRIGUEZ	A	P	A	P	P	P																		
REBECCA MILLAN (ALT 1)	P																							
MARK TALBOT (ATL 2)	A																							
SAM SALDIVAR (ALT 3)	P	P	P	P	P	P																		
JUAN MUJICA (ALT 4)	P	P	A	P	P	P																		

P - PRESENT

A - ABSENT

 NEW APPOINTMENT

MC - MEETING CANCELLED

NRM - NO MEETING

LOQ - LACK OF QUORUM

RS - RESIGNATION







PLANNING DEPARTMENT

311 N 15th Street McAllen, TX 78501
Phone: 956-681-1250 Fax: 956-681-1279



2023 CALENDAR

Meetings:





-  City Commission
 -  Public Utility Board
 -  Planning & Zoning Board
 -  Zoning Board of Adjustment
- HPC - Historic Preservation Council

Deadlines:





D- Zoning/CUP Application N - Public Notification

* **Holiday** - Office is closed





JANUARY 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2 HOLIDAY	3	4	5 N-1/17& 1/18 D-2/7 & 2/8	6	7
8	9 	10 	11	12	13	14
15	16 A-2/7 & 2/8	17	18 N-2/7 & 2/8 D-2/21 & 2/22	19	20	21
22	23 	24 	25	26 HPC	27	28
29	30	31				





FEBRUARY 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6 A-2/21 & 2/22	7	8 N- 2/21& 2/22 D- 3/7 & 3/8	9	10	11
12	13 	14 			17	18
19	20 A-3/2 & 3/3	21	22 N-3/7 & 3/8 D-3/21 & 3/22	23 HPC	24	25
26	27 	28 				





MARCH 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6 A-3/15 & 3/16	7	8 N-3/15 & 3/16 D-4/4 & 4/5	9	10	11
12	13 	14 			17	18
19	20 A-4/4 & 4/5	21	22 N-4/4 & 4/5 D-4/18 & 4/19	23	24	25
26	27 	28 	29 HPC	30	31	





APRIL 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3 A-4/18 & 4/19	4	5 N-4/18 & 4/19 D-5/2 & 5/3	6	7 HOLIDAY	8
9	10 	11 	12	13	14	15
16	17 A- 5/2 & 5/3	18	19 N- 5/2 & 5/3 D-5/16 & 5/17	20	21	22
23	24 	25 	26	27 HPC	28	29
30						

MAY 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1 A- 5/16 & 5/17	2	3 D: 6/6 & 6/7 N-5/16 & 5/17	4	5	6
7	8 	9 	10	11	12	13
14	15	16	17 D-6/20 & 6/21		19	20
21	22 	23 	24 N-6/6 & 6/7	25 HPC	26	27
28	29 HOLIDAY	30	31			



JUNE 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5 A-6/20 & 6/21	6	7 D-7/12 & 7/13 N-6/20 & 6/21	8	9	10
11	12 	13 	14	15	16	17
18	19	20	21 D-7/26 & 7/27	22	23	24
25	26 	27 	28 N-7/12 & 7/13	29 HPC	30	

Deadlines and Meeting Dates are subject to change at any time. Please contact the Planning Department at (956) 681-1250 if you have any questions.

2023 CALENDAR








Meetings:

-  City Commission
-  Public Utility Board
-  Planning & Zoning Board
-  Zoning Board of Adjustment
- HPC - Historic Pres Council









Deadlines:

- D- Zoning/CUP Application
- N - Public Notification
- * **Holiday** - Office is closed









JULY 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4 HOLIDAY	5	6	7	8
9	10  A-7/26 & 7/27	11 	12  N-7/26 & 7/27 D-8/8 & 8/9	13 	14	15
16	17	18	19	20	21	22
23	24  A-8/8 & 8/9	25 	26  N-8/8 & 8/9 D-8/22 & 8/23	27 HPC	28	29
30	31					









AUGUST 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7 A- 8/22 & 8/23	8 	9  N- 8/22 & 8/23 D-9/6 & 9/7	10	11	12
13	14 	15 	16	17	18	19
20	21 A- 9/6 & 9/7	22 	23  N- 9/6 & 9/7 D-9/19 & 9/20	24 HPC	25	26
27	28 	29 	30	31		










SEPTEMBER 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
					A-9/19 & 9/20	
3	4 HOLIDAY	5	6  N-9/19 & 9/20 D-10/3 & 10/4	7 	8	9
10	11 	12 	13	14	15	16
17	18 A-10/3 & 10/4	19 	20  D-10/18 & 10/19 N-10/3 & 10/4	21	22	23
24	25 	26 	27	28 HPC	29	30






OCTOBER 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3 	4  N-10/17 & 10/18 D-11/1 - 11/7	5	6	7
8	9 	10 	11	12	13	14
15	16 A-11/1 ZBA	17 	18  N- 11/1 ZBA D-11/15 & 11/21	19	20	21
22	23 	24 	25	26 HPC	27	28
29	30 A- 11/15 ZBA	31				

NOVEMBER 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1  N- 11/15 ZBA D-12/5 & 12/6	2	3	4
5	6 A-11/21 PZ	7 	8  N- 11/21 PZ	9	10	11
12	13 	14 	15  D-12/19 & 12/20	16	17	18
19	20 A-12/5&12/6	21 	22	23 HOLIDAY	24	25
26	27 	28 	29	30		

DECEMBER 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5 	6 HPC D-TBA N-12/19 & 12/20	7	8	9
10	11 	12 	13	14	15	16
17	18 A- TBA	19 	20  D- TBA N- TBA	21	22	23
24	25 HOLIDAY	26 HOLIDAY	27	28	29	30
31						