

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, AUGUST 18, 2021 - 4:30 PM MCALLEN DEVELOPMENT CENTER, 311 NORTH 15TH STREET EXECUTIVE CONFERENCE ROOM

Web: <https://zoom.us/join> or phone: (346) 248-7799

Meeting ID: 672 423 1883

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 Erick Diaz

1. MINUTES:

- a) Minutes for the meeting held on August 4, 2021.

2. PUBLIC HEARINGS:

- a) Request of Zoila V. Ramirez, for the following Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 20 feet front yard setback for a proposed swimming pool measuring 14 feet by 25 feet, at Lot 1, Block 3, Colonia McAllen Unit No. 4, Hidalgo County, Texas; 2604 Toronto Avenue. **(ZBA2021-0033)**
- b) Request of Mark Jasso, for the following Variance to the City Of McAllen Zoning Ordinance to allow an increase of a non-conforming use, at Lot 8 out of the South part of 10.31 net acres, of the northeast ¼ of Block 8, Hidalgo Canal Company-McAllen, Hidalgo County, Texas; 401A & 401B North 2nd Street. **(ZBA2021-0034)**
- c) Request of Bethel Balbontin for the following variances to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 7.75 ft. into the 25 ft. rear yard setback for a proposed house, and **2)** an encroachment of 9.75 ft. into the 25 ft. rear yard setback for a proposed swimming pool measuring 25 ft. by 12 ft. at Lot 2, The Embers Subdivision, Hidalgo County, Texas; 405 Cornell Avenue. **(ZBA2021-0035)**
- d) Request of Erick M. Chavez for the following variances to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 1 ft. into the 6 ft. side yard setback for an existing structure, and **2)** not to provide the 6 ft. side yard landscape requirement along the west property line, at Lot 23, Jackson Meadows Subdivision, Hidalgo County, Texas; 1325 East Keeton Avenue. **(ZBA2021-0036)**
- e) Request of Rafael de la Fuente for the following special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 24.5 ft. into the 25 ft. front yard setback for an existing canvas carport measuring 22.9 ft. by 19.8 ft., at Lot 83, Ponderosa Park Phase 7 Subdivision, Hidalgo County, Texas; 3416 Esperanza Avenue. **(ZBA2021-0030) (TABLED: 08/04/2021)**
- f) Request of Ignacio Guerra III for the following special exception and variances to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 10 ft. into the 10 ft. rear yard setback for a proposed irregular shaped metal carport, **2)** to not require a 5 ft. separation for an accessory building to the main building for a proposed irregular shaped metal carport, **3)** to allow an encroachment of 10 ft. into the 10 ft. corner side yard setback along the west property line for an existing jacuzzi, and **4)** to allow an encroachment of 10 ft. into the 10 ft. corner side yard setback along the west property line for a proposed porch canopy measuring 17 ft. by 34 ft., at Lot 82, Las Villas Subdivision Unit No. 2, Hidalgo County, Texas; 101 East Marigold Avenue. **(ZBA2021-0032) (TABLED: 08/04/2021)**

3. FUTURE AGENDA ITEMS:

- 1) 3608 Upas Avenue
- 2) 8909 North 10th Street
- 3) 1207 North 8th 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 PLANNING & ZONING COMMISSION 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, August 4, 2021 at 4:30 p.m. in the McAllen Development Center, Executive Conference Room with the following present:

Present:	Erick Diaz	Chairperson
	John Millin	Vice-Chairperson
	Sylvia Hinojosa	Member (Zoom)
	Juan F. Jimenez	Member (Zoom)
	Jose Gutierrez	Member
	Ann Tafel	Alternate
	Hugo Avila	Alternate
	Rogelio Rodriguez	Alternate (Zoom)
	Rebecca Millan	Alternate
Staff Present:	Evaristo Garcia	Assistant City Attorney
	Omar Sotelo	Senior Planner
	Mario Escamilla	Planner I
	Porfirio Hernandez	Planning Technician II
	Carmen White	Secretary

CALL TO ORDER –Chairperson Erick Diaz

1. MINUTES:

- a)** Minutes for the meeting held on July 21, 2021.

The minutes for the meeting held on July 21, 2021 were approved. The motion to approve the minutes was made by Vice-Chairperson John Millin. Ms. Sylvia Hinojosa seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a)** Request of Maria Garcia for the following special exception to the City of McAllen Zoning Ordinance to allow an encroachment of up to 8 ft. into the 20 ft. front yard setback for an existing carport measuring 20 ft. by 20 ft., at Lot 12, Ponderosa Park Phase I Subdivision, Hidalgo County, Texas; 2904 Kerria Avenue. **(ZBA2021-0029)**

Mr. Escamilla stated Maria Garcia is requesting a special exception to allow an encroachment of up to 8 ft. into the 20 ft. front yard setback for an existing carport measuring 20 ft. by 20 ft. The applicant was unaware that a building permit was never

obtained by the builder at the time of construction. The applicant would like the structure to remain because the existing carport provides shade and protection during inclement weather for her medical conditions.

Maria Garcia is requesting a special exception to allow an encroachment of up to 8 ft. into the 20 ft. front yard setback for an existing carport measuring 20 ft. by 20 ft. The applicant was unaware that a building permit was never obtained by the builder at the time of construction. The applicant would like the structure to remain because the existing carport provides shade and protection during inclement weather for her medical conditions.

The subject property is located on a cul-de-sac along Kerria Avenue and North 29th Lane. The irregular tract has 73.93 ft. of frontage along the Kerria Avenue with a tract size of 7,376.77 sq. ft. The property is zoned R-1 (single family residential) District. Surrounding land uses are single-family residences, and vacant land.

The subdivision plat for Ponderosa Park Phase I Subdivision was recorded on July 29, 1997. As per plat, the front yard setback shall be 20 ft., the side yard setback shall be 6 ft., and the rear yard setback shall be 10 ft. According to Hidalgo County Appraisal District records, the residential home was built in 1998. A stop work order was issued by Buildings and Inspections Department staff on April 21, 2021 for the construction of a carport without a building permit. An application for a building permit for a carport was submitted to the Building Permits & Inspections Department on April 27, 2021. An application for a special exception request was submitted to the Planning Department on June 22, 2021 for the existing carport.

The special exception request was for an existing metal carport measuring 20 ft. by 20 ft. over an existing driveway. The existing carport is open all sides. The submitted site plan shows a carport encroaching up to 8 ft. into the 20 ft.

The property was located along a Cul-de-sac making the property have an irregular shape varying the encroachments at the shortest point to two feet. There is no alley at the rear of the property where a carport could be alternatively built.

During a site visit of the area, staff noticed similar encroachments in the area.

Staff had not received any phone calls or emails in opposition to this variance request.

Staff recommended approval of the special exception request limited to the footprint shown on the submitted site plan.

Vice-Chairperson Millin asked staff on how the Board was distinguishing this as approval recommendation from the rest of the special exceptions. Mr. Escamilla stated with the recommendation they take into consideration the character of the neighborhood, the front curb appeal, and the existing encroachments in the area. Every case is different. Chairperson Diaz asked if there was anyone present or on Zoom in favor of the special exception. There was no one else in favor of the special exception.

Mr. Van Hutchins, representative for Ms. Garcia stated he was in favor of the special exceptions.

Chairperson Diaz asked if there was anyone present or on Zoom in opposition of the special exception. There was no one in opposition of the special exception.

Vice-Chairperson John Millin **moved** to approve the special exception limited to the footprint of the encroachment. Ms. Sylvia Hinojosa seconded the motion. The Board voted to approve the special exception with five members present and voting.

- b) Request of Rafael de la Fuente for the following special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 24.5 ft. into the 25 ft. front yard setback for an existing canvas carport measuring 22.9 ft. by 19.8 ft., at Lot 83, Ponderosa Park Phase 7 Subdivision, Hidalgo County, Texas; 3416 Esperanza Avenue. (ZBA2021-0030)**

Mr. Escamilla stated Rafael de la Fuente was requesting the following special exception to the City of McAllen Zoning Ordinance to allow an encroachment of up to 24.5 ft. into the 25 ft. front yard setback for an existing canvas carport measuring 22.9 ft. by 19.8 ft. The applicant would like the structure to remain because the existing carport provides shade and protection for his vehicles during inclement weather.

The property was located along the north side of Esperanza Avenue, 69 ft. west of North 36th Street. The tract has 64 feet of frontage along Esperanza Avenue with a depth of 102 feet, for a tract size of 6,528 sq. ft. The property is zoned R-1 (single family residential) District. The surrounding land use is single family residential. There is an existing single-family residence on the subject property.

Ponderosa Park Phase 7 Subdivision was recorded in January 6, 2003. As per plat, the front yard setback shall be 25 ft., the side yard setback shall be 6 ft., and the rear yard setback shall be 10 ft. According to Hidalgo County Appraisal District records, the residential home was built in 2006 and acquired by the applicant in 2009. Three stop work orders were issued by the Buildings and Inspections Department staff between 2014 and 2016 for the construction of a carport without a permit. A fourth stop work order was issued on June 14, 2021. An application for a building permit for a carport submitted to the Building Permits & Inspections Department on September 3, 2014. An application for a special exception request was submitted to the Planning Department on June 24, 2021 for an existing carport.

The special exception request was for an existing carport of canvas cover construction measuring 22.9 ft. by 19.8 ft. over an existing driveway. The existing carport is open all sides and visibility is not a concern. The submitted site plan shows a carport encroaching 24.5 ft. into the 25 ft. front yard setback. Front yard setbacks are important to help to keep the character of single-family residential areas by maintaining the street yard and curb appeal of properties in a subdivision.

There was an existing garage that was used for recreational activities.

During a site visit, staff noticed two other carports in the area; one of the carports was granted a special exception for an encroachment of 20 ft. into the 20 ft. front yard setback at the Zoning Board of Adjustments and Appeals meeting of June 03, 2020. The approved carport is located in Lot 90, Ponderosa Park Phase 6 Subdivision.

Staff had not received any phone calls or emails in opposition to this variance request.

Staff recommended disapproval of the special exception requests. However, if the Board chooses to approve the requests, the approval should be limited to the footprint shown on the submitted site plan.

Vice-Chairperson Millin asked staff what was the difference between this special exceptions the and the previous case. Mr. Escamilla stated that along this block there was no other carports. They had to go farther out in the area. The nearest carport was in the next subdivision Phase 6, it was about three blocks away to the northwest.

Vice Chairperson Millin asked staff if there was anything about the appearance of the carport that gave staff concern on how it matched the rest of the neighborhood aesthetically. Mr. Escamilla stated it their decision came from no other carports in the neighborhood along that block.

Chairperson Diaz asked staff if a carport was seen on the block and had not gone through this variance process would it have been up for approval or disapproval. Mr. Escamilla stated it would take more than one carport and a variety of encroachments in the area of carports it would consider those into account.

Board member Jose Gutierrez asked staff what was the carport made of. Mr. Escamilla stated it was made of metal with canvas construction. The supports and framing were metal and the covering was canvas.

Mr. Rafael de la Fuente, the applicant stated the reason for building the carport was to protect the vehicles. The house was built with a garage but was very difficult to fit two vehicles inside the garage. He passed around exhibits that showed six other properties within maybe not the subdivision Phase 7 but the same neighborhood that had carports built. Mr. de la Fuente had mentioned on a comment from the Board the size of the carport, which went to 24.5 feet. It would be difficult and costly to cut the metal entire frame for a less encroachment being 20, 19 or 18 feet as well as removing the carport. He stated he kept the encroachment within his property line. He stated he was not aware he needed a building permit as long as it was not attached to the property he did not need a permit.

Chairperson Diaz asked the applicant if he had someone go and see how much it would cost to reduce the carport. Mr. de la Fuente stated he had not gone through that process.

He stated carport that size would cost about \$3000-\$4000 dollars. Adding to that cost would be the removal of it.

Mr. de la Fuente asked the Board if the structure still encroached, even it was 1 foot or 24 feet what was the harm of encroaching 10, 15, 18, 20, 22, 23 or 24 feet. Chairperson Diaz stated the applicant would be able to go up to the property line. Property lines and setbacks exists because there is the green space to preserve and keep buildings away from the street as much as possible. The more buffer one gives the more they are respecting that setback.

Edgar Garcia, Planning Director stated he would add visibility. The more being a vehicle or a structure encroaches into the front yard setback that means cars driving on the street have a hard time seeing.

Chairperson Diaz asked if there was anyone present or on Zoom in favor of the special exception. There was no one else in favor of the special exception.

Chairperson Diaz asked if there was anyone present or on Zoom in opposition of the special exception. There was no one in opposition of the special exception

Ms. Sylvia Hinojosa **moved** to table the special exception until the next meeting. Mr. Jose Gutierrez seconded the motion. The Board voted to table the special exception with five members present and voting.

- c) Request of Sonia Abigail De Leon for the following special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 22.4 ft. into the 25 ft. front yard setback for a proposed carport measuring 20 ft. by 21.5 ft., at Lot 81, Saddle Creek Unit 1 Subdivision, Hidalgo County, Texas; 9216 North 32nd Street. **(ZBA2021-0031)**

Mr. Escamilla stated Sonia Abigail De Leon was requesting a special exception to allow an encroachment of 22.4 ft. into the 25 ft. front yard setback for a proposed carport measuring 20 ft. by 21.5 ft. The applicant is requesting the carport to aide her during inclement weather in the transportation (unloading and loading) of her mother which utilizes a wheel chair.

The subject property was located on the southeast corner of the intersection of North 32nd Street and Northwestern Avenue. The corner lot had 58 ft. of frontage along North 32nd Street and a depth of 100 ft. for a tract size of 5,800 sq. ft. The property was zoned R-1 (single family residential) District. Surrounding land uses are single-family residences.

The subdivision plat for Saddle Creek Unit I Subdivision was recorded on September 11, 2001. The plat specifies a 25 ft. front yard setback, 6 ft. side yard setbacks except for corner lots, which shall be 10 ft., and a 10 ft. rear yard setback. According to Hidalgo County Appraisal District records, a residential home was built and acquired by the applicant in 2002. An application for a building permit for a carport submitted to the

Building Permits & Inspections Department on June 29, 2021. An application for a special exception request was submitted to the Planning Department on July 6, 2021 for a proposed carport. From 2010-2011 the Board voted to approve three special exception request to not provide one off street parking space for a single family use located beyond the front yard setback, at Lots 34, 83, and 87, Saddle Creek Unit 1 Subdivision.

The special exception request is for a proposed carport measuring 20 ft. by 21.5 ft. to be built over an existing driveway. The submitted site plan shows a proposed carport encroaching 22.4 ft. into the 25 ft. front yard setback.

Currently there is an existing carport that is part of the house; however the applicant would like additional space to maneuver in and out of the family vehicle.

Front yard setbacks are important to help to keep the character of single-family residential areas by maintaining the street yard and curb appeal of properties in a subdivision.

Approval of the special exception request may encourage other property owners to build similar structures in the front yard. Buildings are not permitted to be located within the front yard setbacks.

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

Staff recommends disapproval of the special exception requests. However, if the Board chooses to approve the requests, the approval should be limited to the footprint shown on the submitted site plan.

Sonia De Leon, the applicant stated her mother had fallen last year, injured her back and now needed assistance. She stated she wanted to build a carport to protect their vehicles from inclement weather. Chairperson Diaz asked the applicant as to why she could not use her existing carport. Ms. De Leon stated they could use it but has it closed because of her two large dogs. Board member Ann Tafel asked if she had a backyard and why she does not have the dogs in the backyard. Ms. De Leon stated she does have a backyard but because of the way, the kitchen door was positioned to where the dogs would through and going towards the fence the dogs would get out. Chairperson Diaz asked the applicant was requesting a 22-foot long carport. She stated it was 21.5 to cover the vehicles. Mr. Escamilla stated with the overhang of the house. Chairperson Diaz asked the applicant if she could reduce the measurement from 20 feet to 18 feet. Ms. De Leon stated she could build the carport from 20 feet to 18 feet.

Vice-Chairperson Millin asked staff what was their process of evaluating the factor on the conforming to the character of the neighborhood. Mr. Escamilla stated there were no the carports in the area of the 200 foot radius. He stated there were some special exceptions granted but it was for the enclosing of that porch area. There were requested not to require one parking space past the front yard setback.

Chairperson Diaz asked the applicant what type of materials for the carport. Ms. De Leon

stated it was going to be metal sheets and a little bit slanted so that the water will runoff towards the street.

Chairperson Diaz asked if there was anyone present or on Zoom in favor of the special exception. There was no one else in favor of the special exception.

Chairperson Diaz asked if there was anyone present or on Zoom in opposition of the special exception. There was no one in opposition of the special exception

Mr. Juan Jimenez **moved** to approve the special exception 18 feet by 21.5. Ms. Sylvia Hinojosa seconded the motion. The Board voted to approve the variance request with five members present and voting.

- d) Requests of Arnulfo and Maria Segovia for the following special exception and variance to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of up to 19.1 ft. into the 25 ft. front yard setback for a existing metal carport measuring 20 ft. by 18 ft., **2)** an encroachment of up to 4.33 ft. into the 5 ft. side yard setback along the west property line for an existing metal carport measuring 20 ft. by 18 ft., and **3)** an encroachment of 1.7 ft. into the 10 ft. rear yard setback for an existing storage building measuring 12 ft. by 12 ft. at Lot 83, Olivarez Subdivision No. 5, Hidalgo County, Texas; 2908 Upas Avenue. **(ZBA2021-0020)**

Mr. Escamilla stated the applicants are requesting the special exception in order to allow an existing carport to encroach into the front and side yard setbacks and a variance for an existing storage building to encroach into the rear yard setback. The applicants at time of change of ownership were unaware of the encroachments and construction done without a building permit, since the construction was done under previous property ownership. The applicants would like the existing storage building to remain in its current location. Their request to keep the carport is due to medical conditions.

The property is located on the Northside of Upas Avenue, approximately 123 ft. west of North 29th street. The lot has 61.4 ft. of frontage along Upas Avenue and a depth of 124.5 ft. for a lot size of 7,644.3 sq. ft. The property is zoned R-1 (single-family residential) District. The adjacent zoning is R-1 District in all directions. The surrounding land uses include single-family residences.

The Olivarez Subdivision No.5 was recorded on February 01, 1972. The plat specifies a front yard setback of 25 ft. front but does not indicate other setbacks. The subdivision was recorded prior to 1979 and the applicable setbacks were subject to the 1945 Zoning Ordinance. The side yard setback along the East side is 7 feet and 5 feet along the West side. The rear yard setback under the 1945 Zoning Ordinance was 3 feet for accessory buildings however, the rear yard setback requirement changed to 10 feet under the 1979 zoning ordinance. According to Hidalgo County Appraisal District records the residential home was built in 1978, the existing storage building in 2006, and the existing carport in 2013, and acquired by the applicants on August 8, 2020. A stop work order was issued by Buildings and Inspections Department staff on April 20, 2021 for the construction of a carport

without a permit. An application for a building permit was submitted on May 4, 2021 and an application for a special exception and variance request was submitted on May 18, 2021.

The special exception request is for an existing carport, which is of aluminum construction measuring 20 ft. by 18 ft. and was secured by bolts to an existing concrete driveway. The existing carport is open all sides. The submitted site plan shows a carport encroaching 19.1 ft. into the 25 ft. front yard setback and up to 4.33 ft. into the 5 ft. side yard setback.

On June 17, 2021, the Board voted to approve a special exception request for an encroachment of 20.83 ft. into the 25 ft. front yard setback for a carport, at lot 87, Olivarez Subdivision No.5.

Currently there was no garage on the subject property.

The variance request is for an encroachment of 1.7 ft. into the 10 ft. rear yard setback for an existing storage building measuring 12 ft. by 12 ft. The storage building could be moved to the interior of the property to be in compliance with the rear yard setback, however the storage building sits over an existing concrete foundation and relocation would involve a re-design of the foundation and possible reconstruction of the storage building. A 20 ft. alley is located at the rear of the property and provides additional building separation. The encroachment comprises of 20.4 sq. ft. or 0.03% of the required rear yard. Buildings that are less than 200 sq. ft. do not require a building permit but must comply with building setbacks for the zoning in which they are located.

During a site visit, staff noticed similar encroachments into the front and rear yard setbacks in this block.

The plat does not show any utility easements on the subject property.

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

Staff recommended approval of the special exception requests and variance, limited to the footprint shown on the submitted site plan.

Vice-Chairperson Millin asked staff that it appeared there was zero space that went to the lot line on the side. Mr. Escamilla stated it was roughly 8 inches. Vice-Chairperson Millin asked if that was in violation of the ordinance or was that pre-existing nonconforming use. Mr. Escamilla stated the landscaping came under the 1979 ordinance.

Ms. Tafel had concerns with the water runoff from the carport in to the neighbor's yard.

Mr. Escamilla stated it looked like it was close but was actually 8 inches away from the neighbor's yard.

Mr. Arnulfo Segovia, the applicant stated to address the water runoff concern it was 8

inches away from the neighbor's yard even though the picture showed closer. His wife's parents once owned the house. The carport had been there at least 10-11 years before they move there. Regarding the storage shed in the rear, it would be costly to relocate because it sat on a foundation.

Chairperson Diaz asked the applicant if he would be willing to put a gutter on the carport that was his neighbor's side. Mr. Segovia stated he would be able to put one if needed.

Chairperson Diaz asked if there was anyone present or on Zoom in favor of the variance request/special exception. There was no one else in favor of the variance request/special exception.

Mr. Jose M. Gutierrez stated he was in favor of the carport. He stated the house adjacent to Mr. Segovia was previously his mother's house since they moved there in 1976. He stated there were 3 or 4 carports around the area. The carport had been there for 11-12 years.

Chairperson Diaz asked if there was anyone present or on Zoom in opposition of the variance request/special exception. There was no one in opposition of the variance request/special exception

Vice-Chairperson John Millin **moved** to approve the variance request/special exception limited to the footprint. Mr. Juan Jimenez seconded the motion. The Board voted to approve the variance request/special exception with five members present and voting.

- e) Request of Ignacio Guerra III for the following special exception and variances to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 10 ft. into the 10 ft. rear yard setback for a proposed irregular shaped metal carport, **2)** to not require a 5 ft. separation for an accessory building to the main building for a proposed irregular shaped metal carport, **3)** to allow an encroachment of 10 ft. into the 10 ft. corner side yard setback along the west property line for an existing jacuzzi, and **4)** to allow an encroachment of 10 ft. into the 10 ft. corner side yard setback along the west property line for a proposed porch canopy measuring 17 ft. by 34 ft., at Lot 82, Las Villas Subdivision Unit No. 2, Hidalgo County, Texas; 101 East Marigold Avenue. **(ZBA2021-0032)**

Mr. Escamilla stated Ignacio Guerra III is requesting the following special exception and variances to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 10 ft. into the 10 ft. rear yard setback for a proposed irregular shaped metal carport, **2)** to not require a 5 ft. separation for an accessory building to the main building for a proposed irregular shaped metal carport, **3)** to allow an encroachment of 10 ft. into the 10 ft. corner side yard setback along the west property line for an existing jacuzzi, and **4)** to allow an encroachment of 10 ft. into the 10 ft. corner side yard setback along the west property line for a proposed porch canopy measuring 17 ft. by 34 ft. The applicant is requesting the special exception to provide shade for his vehicles during inclement weather. The variance requests are to provide shade for the family and a roof cover for the jacuzzi.

The subject property was located at the northeast corner of the intersection of North 1st Street and East Marigold Avenue. The corner lot has 90 ft. of frontage along East Marigold Avenue and a depth of 110 ft. for a tract size of 9,900 sq. ft. The property is zoned R-1 (single-family residential) District. The adjacent zoning is C-3 (commercial business) District to the north and R-1 (single-family residential) District to the east, south and west. Surrounding land uses are single-family residences and commercial plazas.

The Las Villas Subdivision Unit No.2 was recorded on January 18, 1983. The plat specifies a 20 ft. front yard setback, 6 ft. side yard setbacks except for corner lots, which shall be 10 ft., and a 10 ft. rear yard setback. According to Hidalgo County Appraisal District records, a residential home was built in 1990 and acquired by the applicant in 2003. An application for a special exception request and variances was submitted to the Planning Department on July 12, 2021.

Special exception request: The special exception request was for a proposed carport that is partially completed as a frame steel construction and is anchored to an existing concrete driveway. The submitted site plan shows a proposed carport encroaching 10 ft. into the 10 ft. rear yard setback. The plat indicates a 5 ft. utility easement that runs concurrently with the rear setback along the rear property line, for which an abandonment request had been submitted and is being processed.

Variance request #2: Variance request No. 2 was to not require a 5 ft. separation for an accessory building to the main building for a proposed irregular shaped metal carport. The supports of the structure sit approximately 1.16 ft. away from the single-family residence. Construction material is of steel, which is noncombustible.

Variance request #3: Variance request No. 3 was to allow an encroachment of 10 ft. into the 10 ft. corner side yard setback along the west property line for an existing Jacuzzi. The Jacuzzi is portable however; the applicant would like the Jacuzzi to remain in its current location. The Jacuzzi is mobile and can be re-located out of the setbacks.

Variance request #4: Variance request No. 4 was to allow an encroachment of 10 ft. into the 10 ft. corner side yard setback along the west property line for a proposed porch canopy measuring 17 ft. by 34 ft. Corner side yard setbacks are important in allowing for adequate building separation from roadways. Granting of a variance may allow a structure to be enclosed in the future.

There was an existing masonry fence that surrounds the subject property that serves as a buffer.

During a site visit, staff noticed similar encroachments into the side and rear yard setbacks in this block.

Staff had not received any phone calls or emails in opposition to this special exception and variance requests.

Staff recommended approval of the special exception request for the carport as a buffer had been provided, and variance request #2 not to require a 5 ft. separation for an accessory building to the main building.

Staff recommended disapproval of variance request #3 for an encroachment for a jacuzzi since the jacuzzi is mobile and variance request #4 an encroachment for a porch canopy since such structures maybe enclosed. However, if the Board chooses to approve the requests, the approval should be limited to the footprint shown on the submitted site plan.

Chairperson Diaz asked staff they are recommending approval for the special exception, which was the carport because there was a buffer. He did not understand that part. Mr. Escamilla stated there was a buffer at the rear of the property. A concrete wall surrounded the entire property. A lot of the structures along the subdivision most of these have rear entries to their garages.

Board member Hugo Avila asked staff if there was a Stop Work Order or a building permit. Mr. Escamilla stated no.

Chairperson Diaz asked how this request came before the Board. Mr. Escamilla stated Code Enforcement approached the applicant and told him about the process.

Mr. Ignacio Guerra, III the applicant, stated the 3:00 o'clock sun on the west side would get extremely hot. They had replaced the Jacuzzi cover three or four times. They had their vehicles refinished and painted.

Chairperson Diaz asked the applicant that since he was entering from the alley and all they wanted was to continue that coverage from the alley to the property. Mr. Guerra stated yes.

Mr. Guerra mentioned that the parking in front of the home along the curb there was a lot of high traffic in the area. Chairperson Diaz mentioned about the Jacuzzi that could be relocated. Mr. Guerra stated yes it was mobile and could be relocated. It had electrical wires that had been there since 2007. Chairperson Diaz asked the applicant if he had done the concrete slab or was it there when they purchased the home. Mr. Guerra stated the slab was done in 2003 when he purchased the home. The concrete block wall was done at the same time.

Vice-Chairperson Millin asked the applicant if that was where he wanted to porch canopy to be located. Mr. Guerra stated yes. Mrs. Guerra stated since they have been there 20 years they got inspired by their neighbors across from them. Since they got more vehicles, it was harder to park in the front.

Chairperson Diaz mentioned to the applicants that the variance versus a special exception is that it runs with the land. If it was approved a new owner could come along and enclose it and build it out into a family room.

Chairperson Diaz asked if there was anyone present or on Zoom in favor of the special exception/variance requests. There was no one else in favor of the special exception/variance requests.

Chairperson Diaz asked if there was anyone present or on Zoom in opposition of the special exception/variance requests. There was no one in opposition of the special exception/variance requests.

Vice-Chairperson John Millin **moved** to table the special exception/variance requests. Mr. Jose Gutierrez seconded the motion. The Board voted to table the variance request with five members present and voting.

3. FUTURE AGENDA ITEMS:

- a) 2604 Toronto Avenue
- b) 401A & 401B North 2nd Street
- c) 405 Cornell Avenue
- d) 1325 East Keeton Avenue
- e) 3608 Upas Avenue

ADJOURNMENT

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

Chairperson Erick Diaz

Carmen White, Secretary

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: August 10, 2021

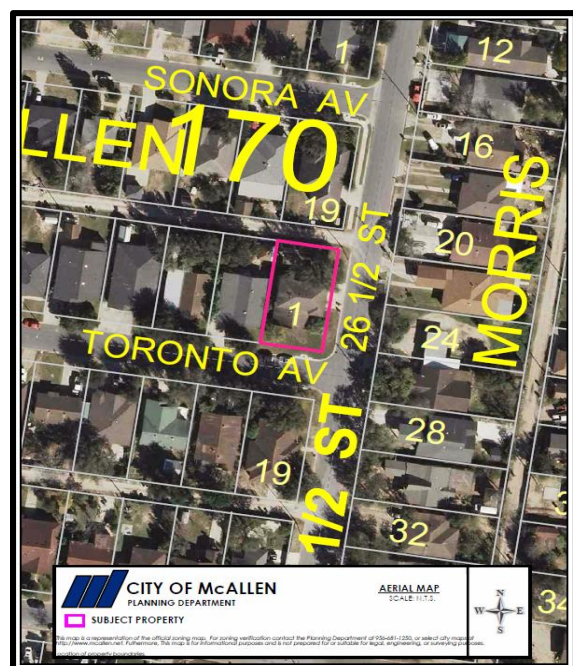
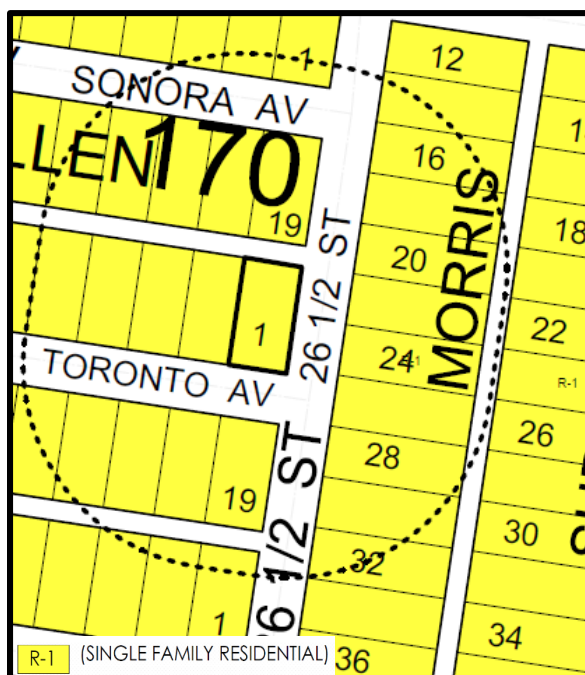
SUBJECT: Request of Zoila V. Ramirez, for the following Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 20 feet front yard setback for a proposed swimming pool measuring 14 feet by 25 feet, at Lot 1, Block 3, Colonia McAllen Unit No. 4 Subdivision, Hidalgo County, Texas; 2604 Toronto Avenue. (ZBA2021-0033)

REASON FOR APPEAL:

Zoila V. Ramirez is requesting the following variance to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 20 feet front yard setback for a proposed swimming pool measuring 14 feet by 25 feet. The applicant is requesting the variance to construct a swimming pool for medical reasons, a swimming pool was recommended by medical professionals.

PROPERTY LOCATION AND VICINITY:

The subject property is located at the northwest corner of the intersection of Toronto Avenue and North 26 ½ Street. The property is zoned R-1 (single-family residential) District. The adjacent zoning is R-1 (single-family residential) District in all directions. Surrounding land uses are single-family residences.



BACKGROUND AND HISTORY:

The plat for Colonia McAllen Subdivision Unit No. 4 was recorded on June 30, 1975. An application for a swimming pool permit was submitted on July 13, 2021. An application for a variance request was submitted to the Planning Department on July 20, 2021. A site plan submitted with the variance request application indicates an encroachment of 10 feet into the 20 feet front yard setback.

ANALYSIS:

The variance request is to allow an encroachment of 10 ft. into the 20 ft. front yard setback along Toronto Avenue for a proposed swimming pool measuring 14 ft. by 25 ft. Front yard setbacks are important in establishing the character of a single family neighborhood by providing landscaping to enhance the residence and curb appeal of the street view.

Approval of the variance request will allow the proposed construction as depicted on the site plan, but would be in conflict with the front yard setback requirement for this subdivision.

The house faces south 26 ½ Street and sides up to Toronto Avenue. The orientation of the house does not affect the setbacks of the plat. The orientation of the house makes the front yard setback essentially a side yard setback; the proposed swimming pool would be constructed within the front yard setback. A wooden fence surrounds the area in which the proposed swimming pool will be located.

The proposed swimming pool is not being located in the rear yard because of limited space due to an existing pergola and a tree there.

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

RECOMMENDATION:

Staff recommends approval of the variance request of the proposed swimming pool; approval should be limited to the footprint shown on the submitted site plan.

ZBOA 8/18/21

ZBA 2021-0033



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	<u>Colonia Mcallen #4 Lot 1 Block 3</u>		
	Subdivision Name	<u>Colonia Mcallen #4</u>		
	Street Address	<u>2604 Toronto Ave Mcallen TX. 78503</u>		
	Number of lots	<u>1</u>	Gross acres	<u>6,063 ft</u>
	Existing Zoning	<u>R1</u>	Existing Land Use	<u>Residential</u>
	Reason for Appeal (please use other side if necessary)	<u>Invasión en Restricción frontal (Setback)</u>		
	<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport) <input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required			
Applicant	Name	<u>Zoila Verónica Ramírez</u>	Phone	<u>(956) 878-6607</u>
	Address	<u>2604 Toronto Ave</u>	E-mail	<u>vaseve2k@gmail.com</u>
	City	<u>Mcallen</u>	State	<u>TX</u> Zip <u>78503</u>
Owner	Name	<u>Zoila Verónica Ramírez</u>	Phone	<u>(956) 878-6607</u>
	Address	<u>2604 Toronto Ave</u>	E-mail	<u>vaseve2k@gmail.com</u>
	City	<u>Mcallen</u>	State	<u>TX</u> Zip <u>78503</u>
Authorization	<p>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?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>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.</p> <p>Signature <u>[Signature]</u> Date <u>07/20/2021</u></p> <p>Print Name <u>Zoila Verónica Ramírez</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent</p>			
Office	<p>Accepted by _____ Payment received by _____ Date _____</p> <p>Rev 09/20</p>			

RECEIVED
JUL 20 2021
BY NM

25 H.C.



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:

Es una esquina, para mí es el lado de la casa el frente lo hicieron por 26 1/2 street., es un lugar que no tiene uso.

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

Lo necesito pues para darle uso a la propiedad y por salud, recomendación médica para mí y mi mamá por problemas de osteoartritis y problemas de varices profundas.

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:

No, va estar cercada y muy privada, no va a ver niños, ni escándalos, solo para salud, terapias acuáticas.

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

No va ser tanto para diversión si no para terapias en agua para mí y mi mamá por salud solamente.

Reason for Appeal

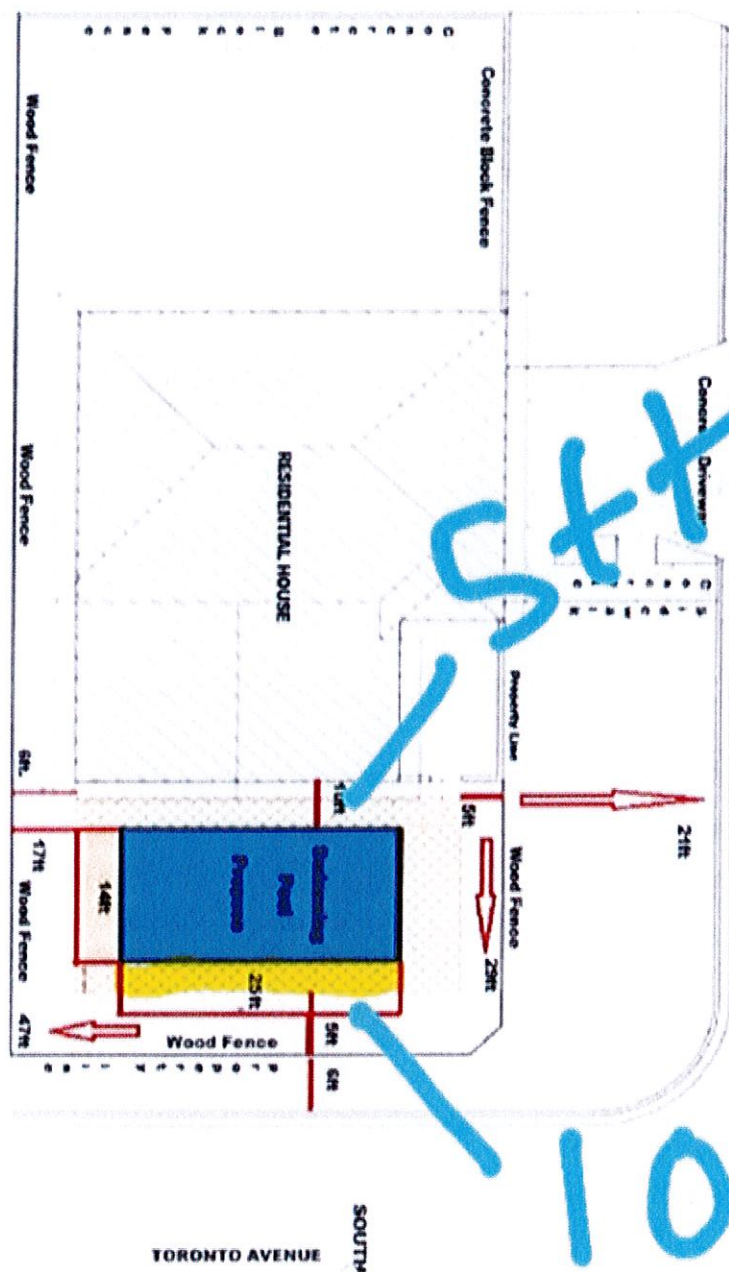
Board Action

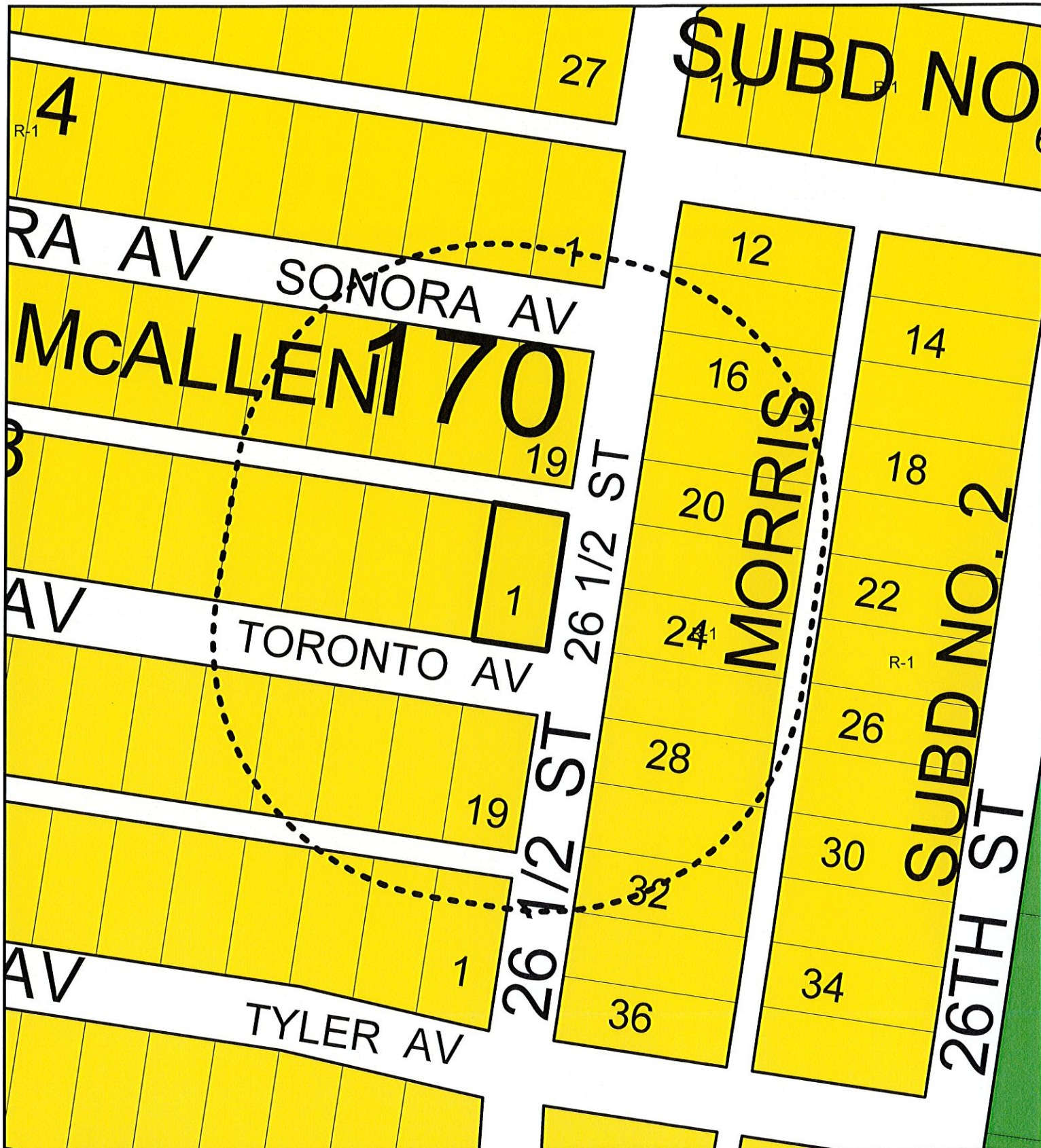
Chairman, Board of Adjustment
Signature

Date

Concave Diverging

1074





SUBD NO 1

SUBD NO. 2

MORRIS ST

26 1/2 ST

26TH ST

SONORA AV

TORONTO AV

TYLER AV

CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.

AREA MAP

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS



ZONING LEGEND

(AGRICULTURAL & OPEN SPACE)	(APARTMENTS)	(MOBILE HOMES)	(GENERAL BUSINESS)	(LIGHT INDUSTRIAL)
(SINGLE FAMILY RESIDENTIAL)	(CONDOMINIUMS)	(OFFICE BUILDING)	(LIGHT COMMERCIAL)	(HEAVY INDUSTRIAL)
(DUPLEX-FOURPLEX)	(TOWNHOUSES)	(NEIGHBORHOOD COMMERCIAL)	(COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1230, or select city maps at <http://www.mcalien.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.



CITY OF McALLEN
PLANNING DEPARTMENT



SUBJECT PROPERTY

AERIAL MAP
SCALE: N.T.S.



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NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2021-0033

2504



Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: August 11, 2021

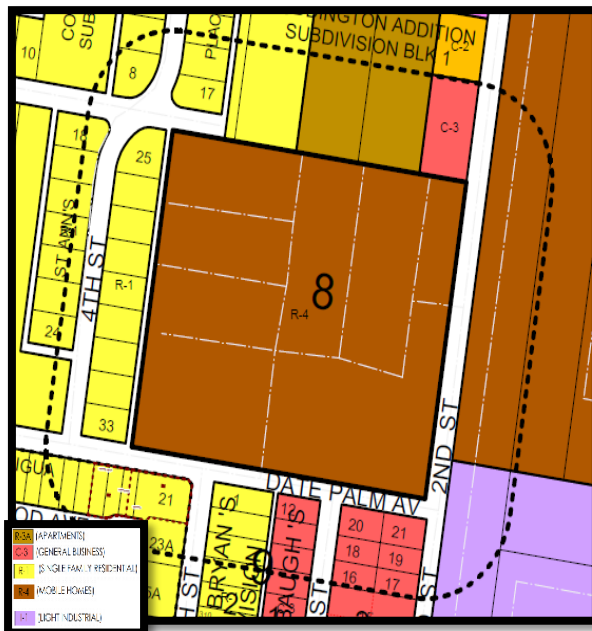
SUBJECT: Request of Mark Jasso, for the following Variance to the City Of McAllen Zoning Ordinance to allow an increase of a non-conforming use, at Lot 8 out of the South part of 10.31 net acres, of the northeast $\frac{1}{4}$ of Block 8, Hidalgo Canal Company-McAllen, Hidalgo County, Texas; 401A & 401B North 2nd Street. (ZBA2021-0034)

REASON FOR APPEAL:

Mark Jasso is requesting the following variance to the City of McAllen Zoning Ordinance to allow an increase of a non-conforming use. The applicant is requesting the variance to add an additional electric meter to an existing commercial building that previously shared meter usage with another commercial building; the two structures (mobile homes) sharing the single electric meter are the only ones in the mobile home park who do not have separate electric meters.

PROPERTY LOCATION AND VICINITY:

The subject property is located at the northwest corner of the intersection of Date Palm Avenue and North 2nd Street. The property is zoned R-4 (mobile home and modular home) District. The adjacent zoning is R-1 (single family residential) District to the north, south, and west. There is R-3A (multifamily residential apartment) District to the north, C-3 (general business) District to the north and south; there is R-4 (mobile home and modular home) and I-1 (light industrial) District to the east. Surrounding land uses are single-family residences, a windshield repair shop, and storage



spaces.

HISTORY:

The subject property has had other previous uses, eventually becoming Baldwin Mobile Home Park. The initial use of "Building 401A" and "Building 401B" served as an insurance firm and a mobile home park store (commercial use), which is now the proposed mobile home for residential use. Currently, there are 72 buildings on the subject property (including "Building 401A" and "Building 401B"), there are 71 electric meters on the property, and a proposed expansion for one additional electrical meter. The application to request of a variance to allow an increase in a non-conforming use was submitted on June 23, 2021.

ANALYSIS:

The variance request is to allow an increase of a non-conforming use with the conversion of a building previously used for commercial use and now proposed to be used as a mobile home for residential use which will increase the number of existing mobile homes. The subject property is on unsubdivided property, which according to Chapter 138-88(4) of the zoning ordinance, a nonconforming structure and land combination in which a nonconforming use is converted to a permitted use...the structure or structure and land combination shall not thereafter be used except in conformity with the regulations of the district in which it is located. Currently, buildings "401A" and "401 B" share the same electric meter. The proposed electric meter will provide service for building "401 B" which is proposed for residential use. The proposed use will bring the subject property closer to compliance with the zoning district in which it is located.

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

RECOMMENDATION:

Staff recommends approval of the variance request.

ZBA: 8/18/21



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 Current Use: Mobile Home Park (1 Parcel: 189552)
LEGAL DESC: HIDALGO CANAL CO-MC LOT 8 OUT OF S PART- -10.31 AC NET- BLK NE 1/4 8
 Subdivision Name Neighborhood: Hildago Canal CO-MC, Neighborhood CD: H255000
 Street Address ~~400 Darte Palm Ave, McAllen, TX 78504~~ 401A & 401B ColReeve Blvd McAllen, TX 78121
 Number of lots 100 Gross acres 10.31
 Existing Zoning "R-4" Mobile Home and Modular Home District Existing Land Use permissible/conforming mobile home park
 Reason for Appeal (please use other side if necessary) Pre-existing mobile home - needing separate electric meter. Existing structure in use since 1976. No change to infrastructure. Needs separate electric meter.
☒ \$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 Mark Jasso Phone 832-579-4591
 Address _____ E-mail newbraunfelsmhp@gmail.com
 City _____ State _____ Zip _____

Owner

Name Christen Edel Phone 512-426-6869
 Address PO Box 90044 E-mail christen@yourpark.com
 City Austin State TX Zip 78709

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

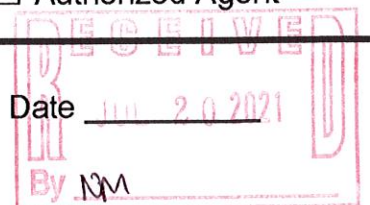
I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable)
 OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature Christen EdelDate 6/23/2021Print Name Christen Edel☒ Owner☐ Authorized Agent

Office

Accepted by _____

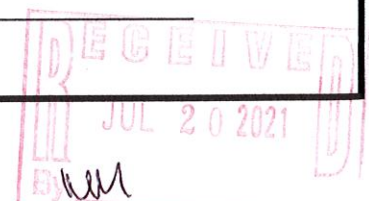
Payment received by _____

Date 10/20/2021



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

Reason for Appeal	<p>*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: <i>(Please use an additional page if necessary to complete responses)</i></p> <p>**Information provided here by the applicant does not guarantee that the Board will grant a variance.</p> <p>***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.</p>	
	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:	
	Ability to have separate electric billing on two pre-existing mobile homes -	
	Addresses: 401 A (double wide mobile home) & 401 B (double wide mobile home)	
	2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:	
	To monitor and conserve electrical usage for pre-existing homes. Electric for	
	these homes is and has historically been on one master bill. These are the only	
	two structures in the park that need their own electric meters.	
	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:	
	Pre-existing structures have used electric for decades. Each structure should	
Board Action	have separate electric billing for repair, usage management, and conservation.	
	4. Describe special conditions that are unique to this applicant or property:	
	Pre-existing structures. No change to infrastructure.	
Chairman, Board of Adjustment Signature		
Date		



Datepalm Ave

Correct
Elec
pole/
meter

401 A

401 B

* need new
elec
meter

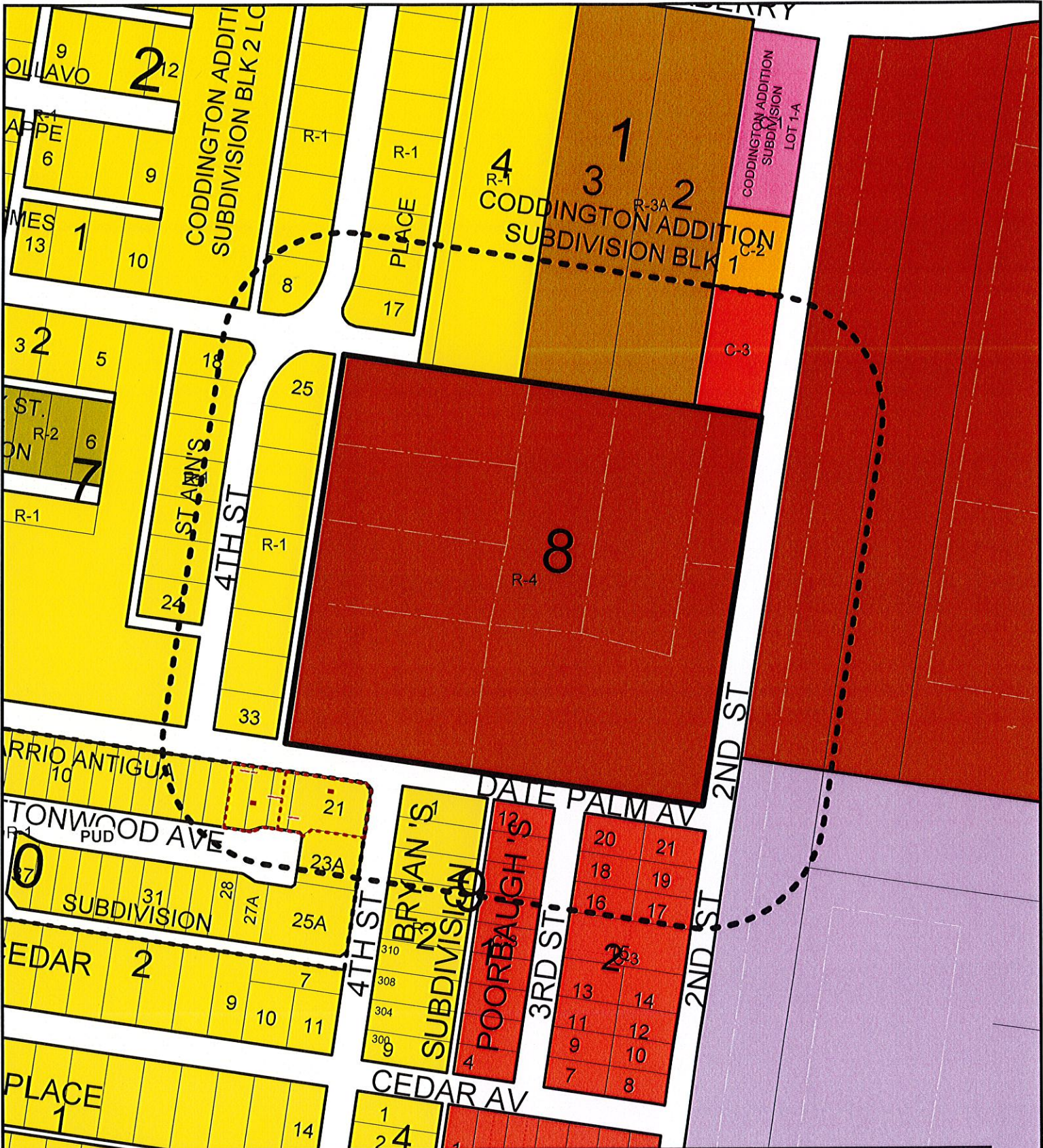
Changing 401 B
from Commercial to
Residential & need to
add a separate elec
meter.

currently Both
401A and 401B
are running on the
same one

Baldwin Insurance

COL ROWE BLVD
↓

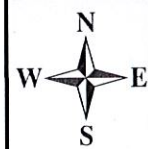
RECEIVED
JUL 20 2021
Baldwin Insurance



CITY OF McALLEN PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.

AREA MAP



SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

ZONING LEGEND

A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLEX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

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CITY OF McALLEN
PLANNING DEPARTMENT



SUBJECT PROPERTY

AERIAL MAP
SCALE: N.T.S.



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Location of property boundaries.





Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

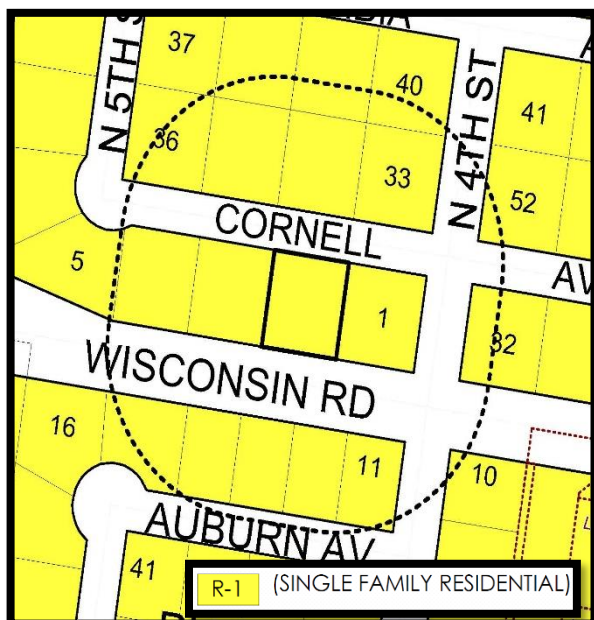
FROM: Planning Staff

DATE: August 11, 2021

SUBJECT: REQUEST OF BETHEL BALBONTIN FOR THE FOLLOWING VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1.) AN ENCROACHMENT OF 7.75 FT. INTO THE 25 FT. REAR YARD SETBACK FOR A PROPOSED HOUSE AND 2.) AN ENCROACHMENT OF 9.75 FT. INTO THE 25 FT. REAR YARD SETBACK FOR A PROPOSED SWIMMING POOL MEASURING 25 FT. BY 12 FT. AT LOT 2, THE EMBERS SUBDIVISION, HIDALGO COUNTY, TEXAS; 405 CORNELL AVENUE. (ZBA2021-0035)

REASON FOR APPEAL:

The applicant is requesting a variance to a double fronting lot for a proposed pool. The applicant is requesting to allow the swimming pool at the proposed location, since it will help the applicant's budget to keep the design as 1-story residence and she would be matching the character of the neighborhood. Variance request #1 has been withdrawn by applicant, the new proposed site plan of the residence is no longer encroaching into the rear setback.



PROPERTY LOCATION AND VICINITY:

The subject property is located on the north side of Cornell Avenue, approximately 100 ft. west of North 4th Street. The property has 98 ft. of frontage along Cornell Avenue and a depth of 112.5 ft. with a lot size of 11,025 square feet. The property and adjacent zoning is R-1 (single family residential) District in all directions. Surrounding land use include single-family residential houses and vacant land.

BACKGROUND AND HISTORY:

The Embers Subdivision was recorded on June 6, 2016. The plat specifies that double fronting lots (along Wisconsin Road) have a 25 ft. rear yard setback. An application for a variance request for encroachment for a proposed swimming pool was submitted to the Planning Department on July 20, 2021.

ANALYSIS:

The variance request is to allow an encroachment of 9.75 ft. into the 25 ft. rear yard setback for proposed swimming pool that measures 25 ft. by 12 ft. The plat for the subdivision specifies a 25 ft. rear yard setback for double fronting lots along Wisconsin Road. (lots 1-5 and 23-32). Standard rear yard setback in R-1 Districts is 10 ft. The development of the subdivision has built a masonry wall along the rear of the lots along Wisconsin Road. There is a 15 ft. Utility Easement at the rear of the lot and a 10 ft. Electrical Easement on the east side of the lot that will not be impacted by the proposed swimming pool.

There are two variance requests on file, similar to the variance request; encroachment for swimming pool and other structures into the rear yard setback that were approved in 2019, along the double fronting lots. A site inspection confirmed that there are existing structures that seemed to be encroaching into side setbacks around the neighborhood that are without a permit.

Staff has not received any phone calls or concerns in regards to the variance request.

RECOMMENDATION:

Staff recommends disapproval of the variance request. If the Board chooses to approve the request, the approval should be limited to the proposed location shown on the site plan.

ZBA 8/18/21



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

Embers Lot 2

Subdivision Name

The Embers

Street Address

405 Cornell Ave, McAllen, TX 78504

Number of lots

~~52~~ 1

Gross acres

~~21.64~~ .2531

Existing Zoning

R1 single family

Existing Land Use

Vacant

Reason for Appeal (please use other side if necessary)

rear setback of 25' to 15'

☒ \$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

Bethel Balbontin

Phone

(956) 207-2081

Address

4217 Colbath Ave, Apt 120B

E-mail

bontine1@gmail.com

City

McAllen

State

TX

Zip

78503

Owner

Name

Bethel Balbontin

Phone

(956) 207-2081

Address

4217 Colbath Ave, Apt 120B

E-mail

bontine1@gmail.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

07/20/21

Print Name

Bethel Balbontin

☒ Owner☐ Authorized Agent

Office

Accepted by _____

Payment received by _____

Date

Rev 09/20

RECEIVED
JUL 20 2021

BY: _____

L.G.

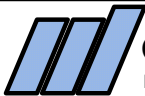
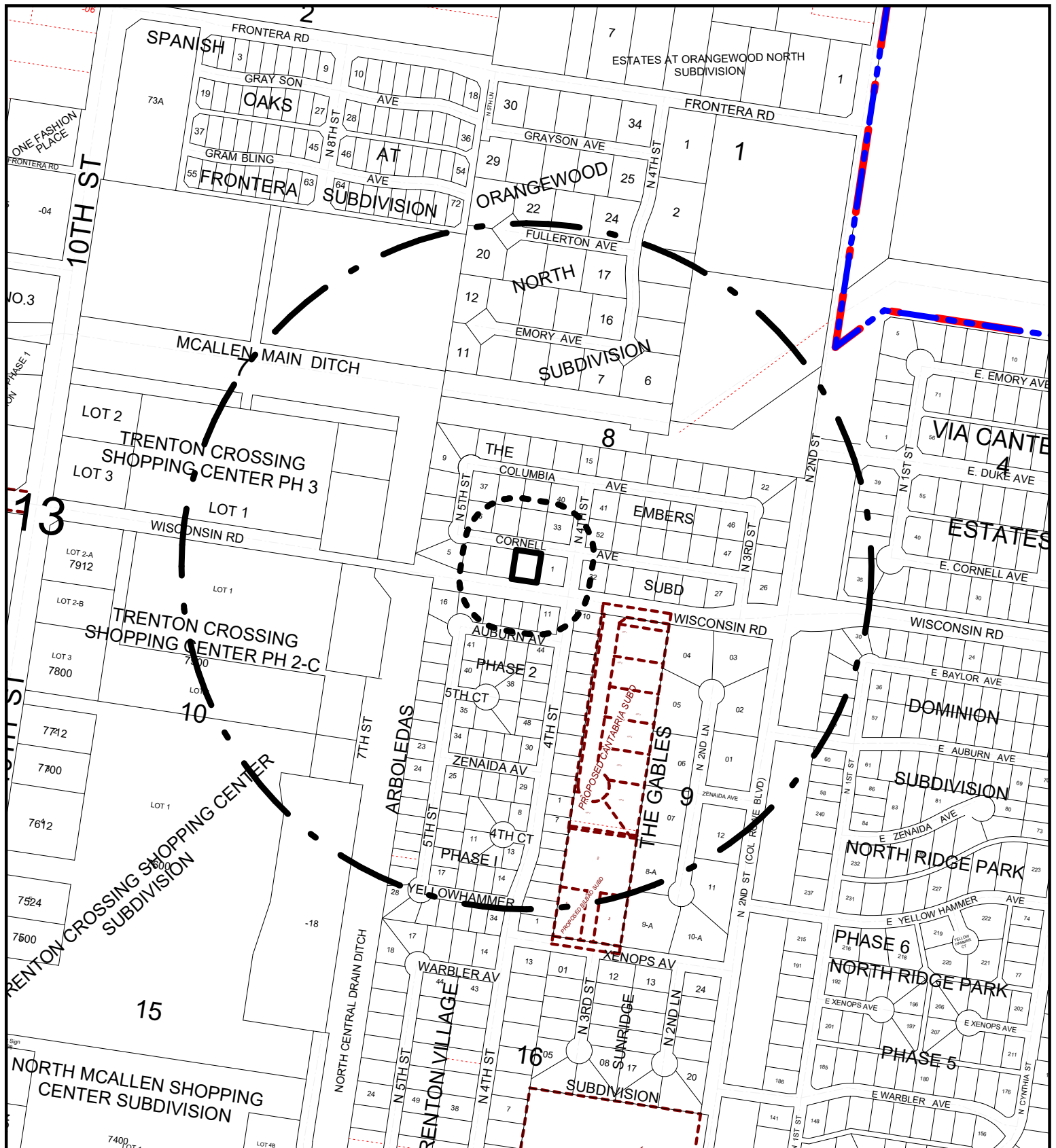
B.B. 08/09/21

B.B. 08/09/21.



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

Reason for Appeal	<p>*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)</p> <p>**Information provided here by the applicant does not guarantee that the Board will grant a variance.</p> <p>***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.</p> <p>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:</p> <p>We would like to get permission to build a pool on the rear setback. Because the easements on my property limit the buildable area. IF the variance</p> <p>2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:</p> <p>is granted it will not affect the uniformity of the subdivision, two of my neighbors have already been granted this variance. Thank you.</p> <p>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:</p> <p>Please see attached site plan.</p> <p>4. Describe special conditions that are unique to this applicant or property:</p> <p>I would like the house to be a one story because I am pregnant and it is safer for me and the kids.</p>
Board Action	<p>Chairman, Board of Adjustment Signature _____</p> <p>Date _____</p>
	<p>Rev. 9/20</p>



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.

AREA MAP



SUBJECT PROPERTY

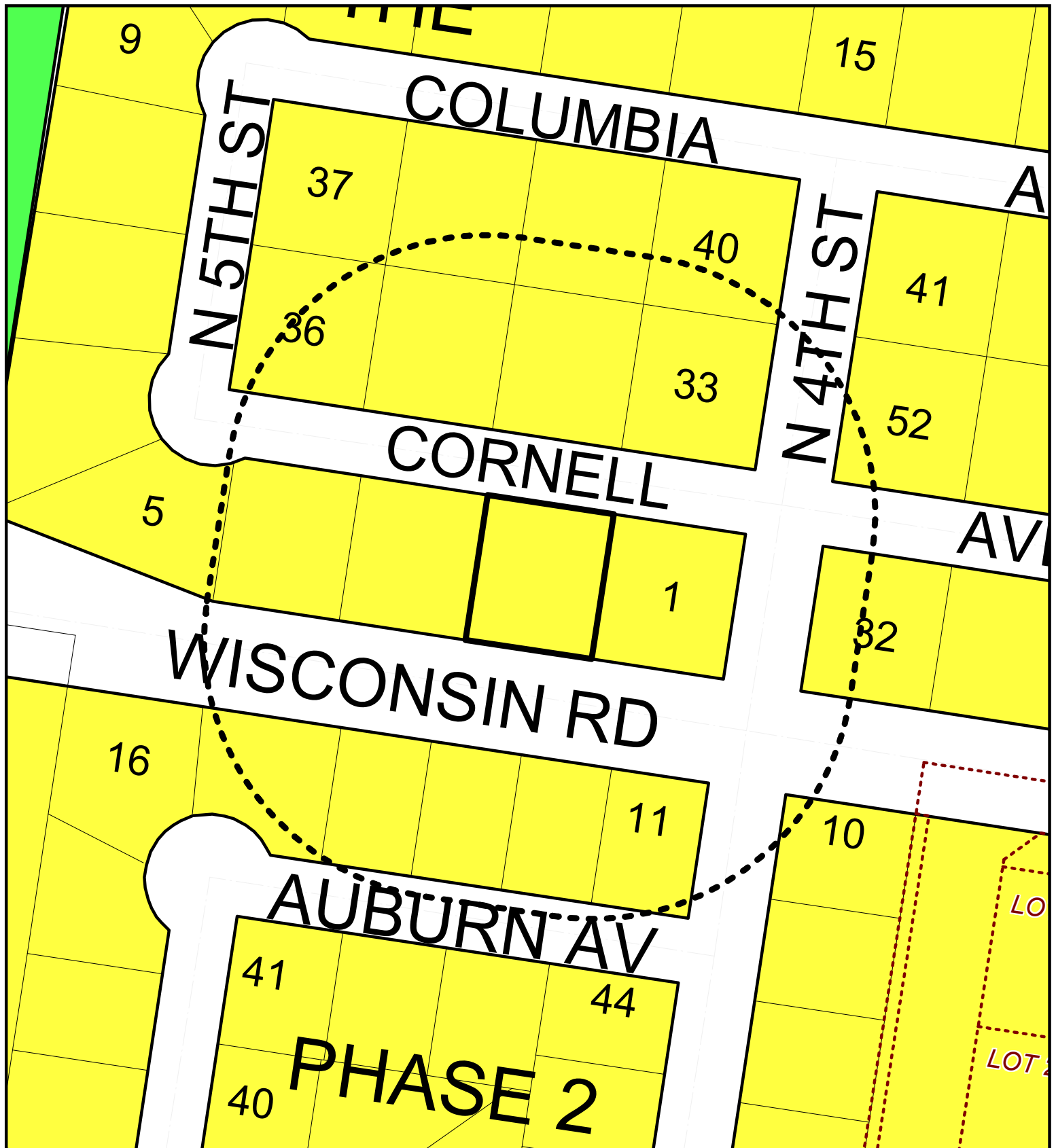
200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

ZONING LEGEND

A-O (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLEX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcalLEN.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.

AREA MAP


















 **SUBJECT PROPERTY**

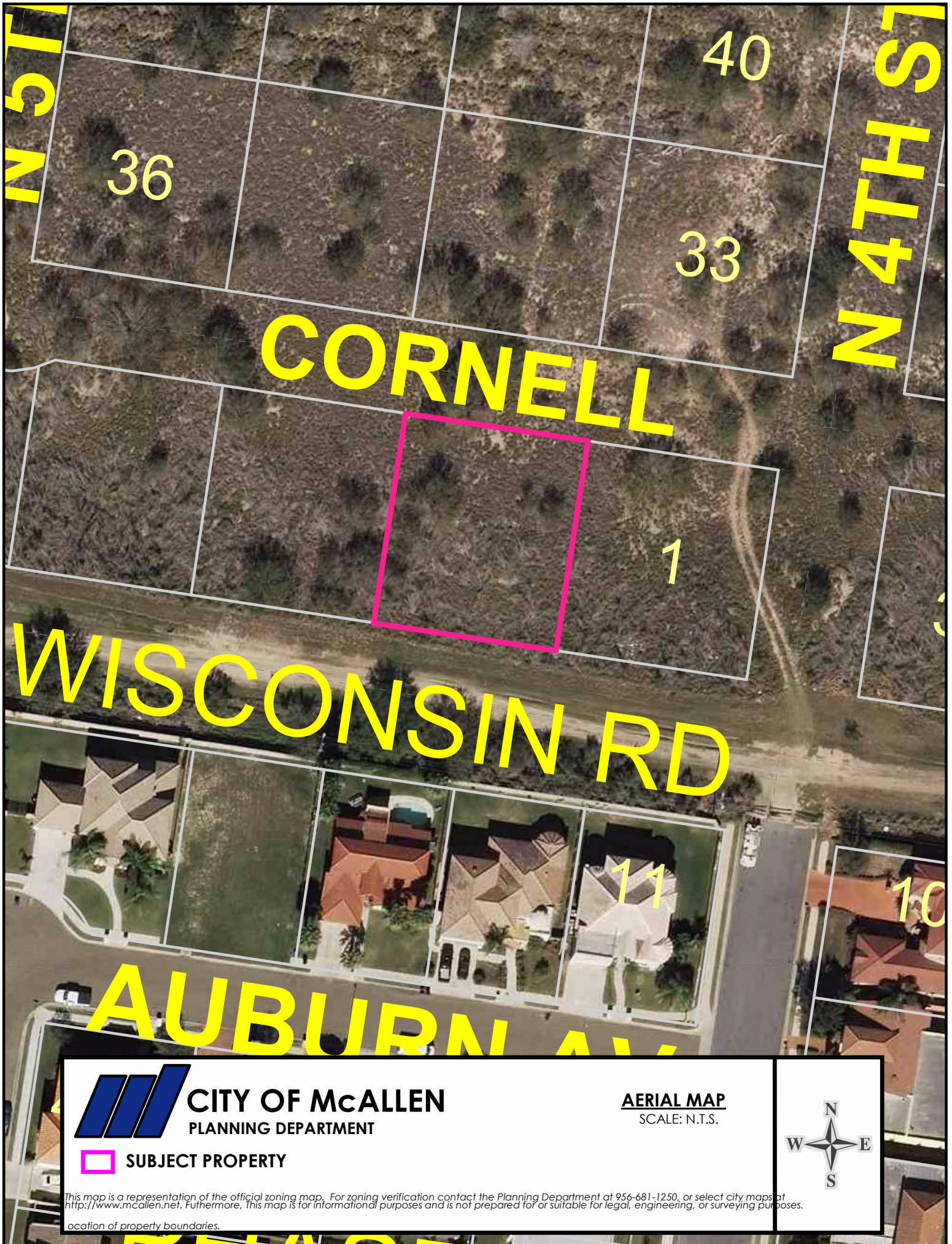
 **200 FT. NOTIFICATION BOUNDARY**

 **1/4 MILE RADIUS**

ZONING LEGEND

 A-0 (AGRICULTURAL & OPEN SPACE)	 R-3A (APARTMENTS)	 R-4 (MOBILE HOMES)	 C-3 (GENERAL BUSINESS)	 I-1 (LIGHT INDUSTRIAL)
 R-1 (SINGLE FAMILY RESIDENTIAL)	 R-3C (CONDOMINIUMS)	 C-1 (OFFICE BUILDING)	 C-3L (LIGHT COMMERCIAL)	 I-2 (HEAVY INDUSTRIAL)
 R-2 (DUPLEX-FOURPLEX)	 R-3T (TOWNHOUSES)	 C-2 (NEIGHBORHOOD COMMERCIAL)	 C-4 (COMMERCIAL INDUSTRIAL)	 (SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.



CITY OF McALLEN
PLANNING DEPARTMENT



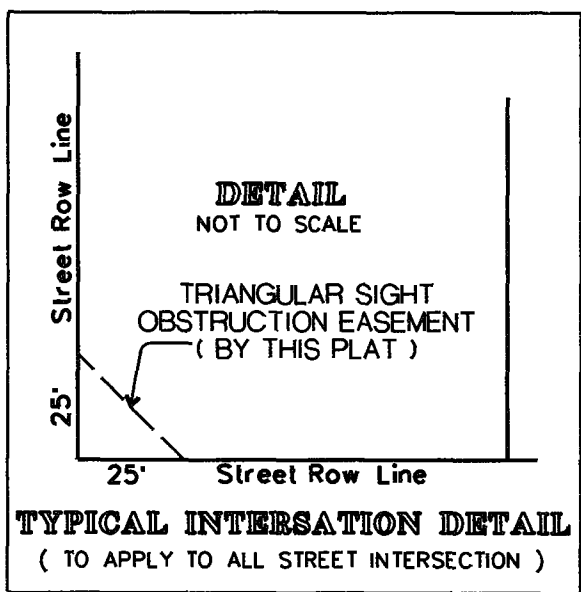
SUBJECT PROPERTY

AERIAL MAP

SCALE: N.T.S.



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ocation of property boundaries.



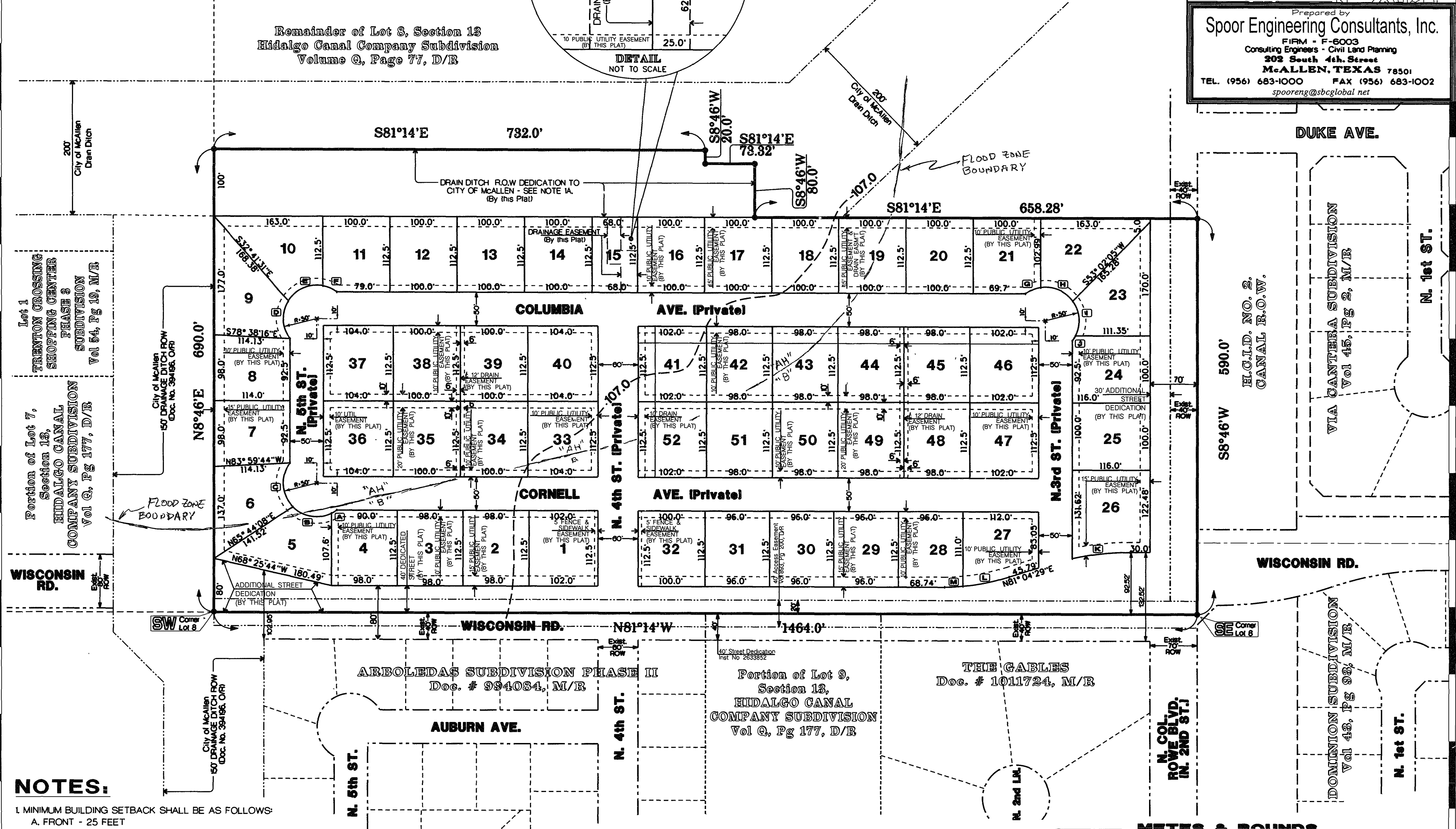
October 20, 2015
1"=100'

MAP OF THE EMBERS SUBDIVISION (GATED COMMUNITY)

City of McAllen, Texas

BEING A SUBDIVISION OF A 21.64 ACRES OF LAND OUT OF LOT 8, SECTION 13, HIDALGO CANAL COMPANY SUBDIVISION, of Porciones 64, 65, and 66, Hidalgo County, Texas recorded in vol. Q, page 177, Deed Records Hidalgo County, Texas.

Prepared by
Spoor Engineering Consultants, Inc.
FIRM # F-6003
Consulting Engineers - Civil Land Planning
302 South 4th Street
McAllen, TEXAS 78501
TEL. (956) 683-1000 FAX (956) 683-1002
spooring@sbcglobal.net



- ### NOTES:
- MINIMUM BUILDING SETBACK SHALL BE AS FOLLOWS:
 - FRONT - 25 FEET
 - CORNER - 10 FEET OR GREATER FOR EASEMENTS
 - GARAGE - 18 FEET EXCEPT WHERE GREATER IS REQUIRED, GREATER APPLIES
 - REAR -
 - Lots 1 through 5 and 23 through 32 - 25 feet
 - Lots 6 through 22 - 15 feet minimum
 - Lots 33 through 52 - 10 feet minimum
 - OTHERS - IN ACCORDANCE WITH ZONING ORDINANCE OR TO EASEMENT LINE, WHICHEVER IS GREATER
 - MINIMUM FINISH FLOOR ELEVATION SHALL BE 18 INCHES ABOVE TOP OF CURB MEASURED AT FRONT CENTER OF LOT, OR ELEV. 107.0, WHICHEVER IS HIGHER.
 - THIS PROPERTY FALLS IN ZONE "B" AND "AH" OF THE FLOOD INSURANCE RATE MAP, PANEL NO. 480 334 0425C, REVISED NOVEMBER 16, 1982.
 - A 6 FT. OPAQUE BUFFER IS REQUIRED FROM ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL OR INDUSTRIAL ZONEUSES, AN 8 FT. MASONRY WALL IS REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL, OR MULTI-FAMILY RESIDENTIAL ZONEUSES
 - A 4 FT. SIDEWALK IS REQUIRED ALONG THE NORTH SIDE OF WISCONSIN ROAD. THE WEST SIDE OF NORTH COL. ROWE BLVD. AND ALONG BOTH SIDES OF NORTH 3RD STREET, NORTH 4TH STREET, NORTH 5TH STREET, CORNELL AVENUE, AND COLUMBIA AVENUE.
 - BENCHMARK - STATION NAME: MC 51 SET BY ARANDA AND ASSOC. LOCATED AT THE NORTHWEST CORNER OF WISCONSIN RD AND DRAIN DITCH ELEV:107.56 (NAVD83)
 - OWNER IS REQUIRED TO PROVIDE AND ENGINEERED STORM WATER DETENTION PLAN APPROVED BY THE CITY OF McALLEN ENGINEERING DEPARTMENT PRIOR TO ISSUANCE OF BUILDING PERMIT. MASTER DRAINAGE AND DETENTION IS ON FILE AT THE CITY ENGINEERING DEPARTMENT.
 - STORM WATER DETENTION REQUIRED IS 2.34 ACRE-Feet, TO BE PROVIDED IN CITY DRAIN DITCH - NORTH SIDE OF SUBDIVISION
 - A 6.0 FT. OPAQUE BUFFER IS REQUIRED ALONG N. COL. ROWE BLVD. AND WISCONSIN RD.
 - NO CURB CUT, ACCESS, OR LOT FRONTAGE PERMITTED ALONG N. 2ND ST. AND WISCONSIN RD.
 - AS PER DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR THE EMBERS SUBDIVISION, RECORDED AS DOCUMENT NO. 271,326,5, HIDALGO COUNTY, DEED RECORDS, DEVELOPER/HOMEOWNERS ASSOCIATION/OWNERS, THEIR SUCCESSORS AND/OR ASSIGNEES, AND NOT THE CITY OF McALLEN SHALL BE RESPONSIBLE FOR INSTALLATION, MAINTENANCE, AND OTHER REQUIREMENTS AS PER SECTION 134-168 OF THE CODE OF ORDINANCES OF THE CITY OF McALLEN, INCLUDING BUT NOT LIMITED TO COMMON AREAS AND PRIVATE STREETS. ANY AMENDMENT TO DECLARATIONS THAT CONFLICT WITH THE REQUIREMENTS OF SECTION 134-168 SHALL BE NULL AND VOID
 - A 25 FT. BY 25 FT. SIGHT OBSTRUCTION EASEMENT IS REQUIRED AT ALL STREET RIGHTS-OF-WAY INTERSECTIONS. (SEE DETAIL AT TOP OF PAGE)
 - LOT 15 IS A COMMON AREA, OWNED BY DEVELOPER/HOMEOWNERS ASSOCIATION.

CURVE DATA					
LINE	NO.	RADIUS	LENGTH	ANGLE	CHORD
1	A	50.0'	9.40'	10°46'14"	9.89'
2	B	50.0'	62.04'	71°05'58"	68.14'
3	C	50.0'	71.45'	81°52'18"	65.82'
4	D	50.0'	59.58'	68°27'11"	56.87'
5	E	50.0'	59.58'	68°27'11"	56.87'
6	F	50.0'	28.12'	26°29'46"	22.92'
7	G	50.0'	28.12'	26°29'46"	22.92'
8	H	50.0'	54.45'	62°28'45"	51.80'
9	I	50.0'	54.45'	62°28'45"	51.80'
10	J	50.0'	8.88'	10°14'44"	8.82'
11	K	409.0'	86.65'	12°08'17"	86.48'
12	L	329.0'	69.94'	12°10'46"	69.8'
13	M	329.0'	27.8'	04°46'19"	27.8'

IRREGULAR LOT AREA	
LOT NO.	AREA
4	11,004 Sq.Ft.
5	11,878 Sq.Ft.
6	11,816 Sq.Ft.
7	10,859 Sq.Ft.
8	10,859 Sq.Ft.
9	12,796 Sq.Ft.
10	12,612 Sq.Ft.
11	11,188 Sq.Ft.
21	11,114 Sq.Ft.
22	12,541 Sq.Ft.
23	12,439 Sq.Ft.
24	11,581 Sq.Ft.
26	14,468 Sq.Ft.
27	11,128 Sq.Ft.
28	10,785 Sq.Ft.

METES & BOUNDS

A 21.64 ACRE TRACT OF LAND OUT OF LOT 8, NORTH-EAST 1/4 SECTION 13, HIDALGO CANAL COMPANY SUBDIVISION OF PORCIONES 64, 65, AND 66, HIDALGO COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN VOLUME Q, PAGE 177, DEED RECORDS, HIDALGO COUNTY, TEXAS.

BEGINNING at the Southwest corner of Lot 8, for the Southwest corner of the following described tract of land, said point being on the East line of City of McAllen, Drain Ditch R.O.W.,

THENCE, with the West line of Lot 8 and the East line of said drain ditch, North 08 Deg. 46 Min. East, at 590.0 feet pass the South line of Hidalgo County Drain Ditch R.O.W. and at 690.0 feet a point for the Northwest corner hereof,

THENCE, parallel to the South line of Lot 8, in said drain ditch, South 81 Deg. 14 Min. East, 732.0 feet to a point for the most northerly Northeast corner hereof,

THENCE, parallel to the West line of Lot 8, in said drain ditch, South 08 Deg. 46 Min. West, 200 feet to a point for an interior corner hereof,

THENCE, parallel to the South line of Lot 8, South 81 Deg. 14 Min. East, 733.2 feet to a point for the middle Northeast corner hereof,

THENCE, parallel to the West line of Lot 8, South 08 Deg. 46 Min. West, 800 feet to a point for an interior corner hereof, said point being on the South line of said Hidalgo County drain ditch,

THENCE, with the South line of said drain ditch and its projection, South 81 Deg. 14 Min. East, at 682.28 feet pass the West line of North 2nd Street and at 658.28 feet a point on the East line of Lot 8, for the most southerly Northeast corner hereof, said point being on the East line of North 2nd Street,

THENCE, with the East line of Lot 8, and the East line of North 2nd Street, South 08 Deg. 46 Min. West, 590.0 feet to the Southeast corner of Lot 8, for the Southeast corner hereof,

THENCE, with the South line of Lot 8, North 81 Deg. 14 Min. West, at 40.0 feet pass the West line of North 2nd Street, and at 1464.0 feet the POINT OF BEGINNING, Containing 21.64 acres of land, more or less.

STATE OF TEXAS
COUNTY OF HIDALGO
I, THE UNDERSIGNED, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF McALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

George Luis Ambrano
Notary Public, State of Texas
Commission Expires 01-21-2019
Notary ID: 130084148

STATE OF TEXAS:
COUNTY OF HIDALGO:
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED CHAD TOLAR, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE (SHE) EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 15th DAY OF FEBRUARY, 2016.

George Luis Ambrano
NOTARY PUBLIC

STATE OF TEXAS:
COUNTY OF HIDALGO:
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MARCO GARCIA, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE (SHE) EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 14th DAY OF February, 2016.

Nikola Poyser
NOTARY PUBLIC

STATE OF TEXAS
COUNTY OF HIDALGO
I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR # 4608 IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

Stephen Spoor
REGISTERED PROFESSIONAL LAND SURVEYOR

STATE OF TEXAS:
COUNTY OF HIDALGO:
I, STEPHEN SPOOR, REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

Stephen Spoor
REGISTERED PROFESSIONAL ENGINEER

STATE OF TEXAS:
COUNTY OF HIDALGO:
I, THE UNDERSIGNED MAYOR OF THE CITY OF McALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

James E. Darling
MAYOR, CITY OF McALLEN

STATE OF TEXAS
COUNTY OF HIDALGO
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MARIN ESPINOSA, EXECUTIVE VICEPRESIDENT OF INTER NATIONAL BANK, 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 CONSIDERATION THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 15th DAY OF FEBRUARY, 2016.

Marin Espinosa
EXECUTIVE VICEPRESIDENT

STATE OF TEXAS:
COUNTY OF HIDALGO:
HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT. UNDER TEX. WATER CODE 49.21(c) THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

David Ryan Ramos
Notary Public, State of Texas
Commission Expires 01-22-2020
Notary ID: 130086572

STATE OF TEXAS:
COUNTY OF HIDALGO:
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED RAUL E. SESN, P.E., CFM, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE (SHE) EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 15th DAY OF FEBRUARY, 2016.

Raul E. Sesn
GENERAL MANAGER

STATE OF TEXAS
COUNTY OF HIDALGO
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MARIN ESPINOSA, EXECUTIVE VICEPRESIDENT OF INTER NATIONAL BANK, 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 CONSIDERATION THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 15th DAY OF FEBRUARY, 2016.

Marin Espinosa
EXECUTIVE VICEPRESIDENT

STATE OF TEXAS:
COUNTY OF HIDALGO:
HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT. UNDER TEX. WATER CODE 49.21(c) THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

David Ryan Ramos
Notary Public, State of Texas
Commission Expires 01-22-2020
Notary ID: 130086572

STATE OF TEXAS:
COUNTY OF HIDALGO:
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED RAUL E. SESN, P.E., CFM, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE (SHE) EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 15th DAY OF FEBRUARY, 2016.

Raul E. Sesn
GENERAL MANAGER

B.B. 08/09/21.



CANTU
CONSTRUCTION COMPANY

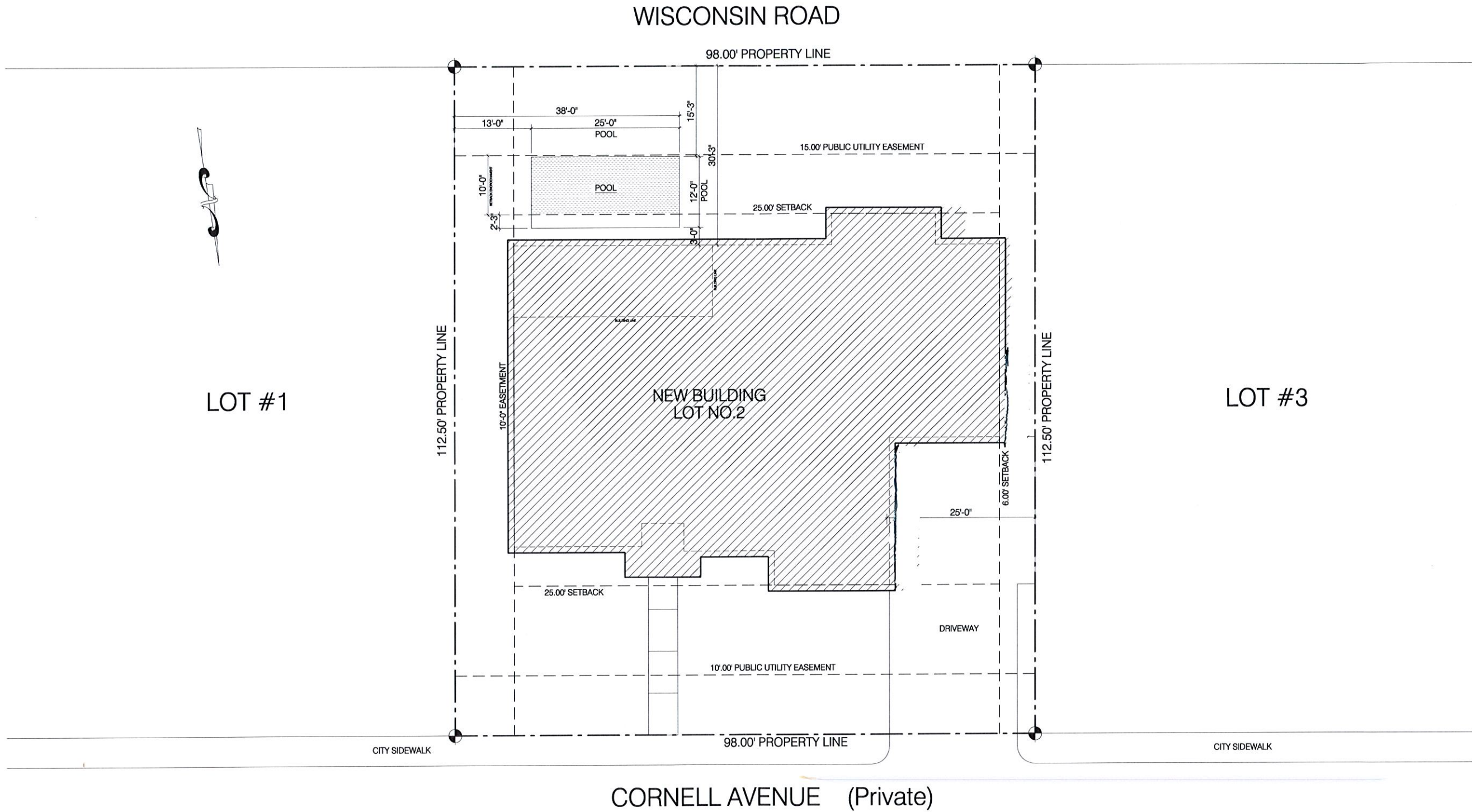
P.O. Box 2673
5221 N. McColl Rd.
McAllen, Texas 78504
Office: (956) 631-1273
Fax: (956) 631-7866

REVISIONS	BY

TITLE: SITE PLAN

PROJECT: Balbontin Residence
405 CORNELL AVENUE
MCALLEN, TEXAS
HIDALGO COUNTY, TEXAS

DRAWN BY: KN
CHECKED BY: LF
DATE: 08.05.2021
SCALE: 1/8" = 1'-0"
DWG. NO.: 21-066
SHEET





70 2015 02639721

Hidalgo County
Arturo Guajardo Jr.
County Clerk
Edinburg, TX 78540

Instrument Number: 2015-2639721

Recorded On: August 21, 2015

As
Recording

Parties:

To

Billable Pages: 5

Number of Pages: 6

Comment: EASEMENT

**** Examined and Charged as Follows: ****

Recording	42.00
Total Recording:	42.00

***** THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2015-2639721
Receipt Number: 1544215
Recorded Date/Time: August 21, 2015 01:20P

Record and Return To:

JOHN E SANCHEZ DIST.
RETURNED ORIGINAL TO CUSTOMER
TX

User / Station: P Diaz - Cash Superstation 08



STATE OF TEXAS
COUNTY OF HIDALGO

I hereby certify that this instrument was FILED in the File Number sequence on the date/time
printed hereon, and was duly RECORDED in the Official Records of Hidalgo County, Texas

Arturo Guajardo Jr.
County Clerk
Hidalgo County, TX

(TRUSTEE)CP 460-OH/UG REV. 05/12

Town: McAllen Description: 0.51 Ac. - The Embers Subdivision - (HOA) - 2nd St & Wiscosin Ave
County: Hidalgo W.R. # 55364440 Submitted by: fg Date: 5/21/2015

EASEMENT AND RIGHT OF WAY

RGV GRANDEOR HOMES, LLC ("Grantor"), for and in consideration of Ten & 00/100 Dollars (\$10.00), and other good and valuable consideration to Grantor in hand paid by **AEP TEXAS CENTRAL COMPANY**, a Texas corporation, whose address is P.O. Box 2121, Corpus Christi, Texas 78403 ("Grantee") the receipt and sufficiency of which is hereby acknowledged and confessed, has GRANTED, SOLD, and CONVEYED, and by these presents does GRANT, SELL, and CONVEY unto Grantee, its successors and assigns, a perpetual easement and right of way for electric distribution lines, consisting of poles made of wood, metal, or other materials, crossarms, static wires, guys, wire circuits, underground cables and conduits, communication circuits, metering equipment and all necessary or desirable appurtenances (including, but not limited to, transformers, meters, vaults, and service pedestals) over, under, across, and upon the following described land located in Hidalgo County, Texas, to wit:

See Exhibit "A & B", attached and made a part hereof and incorporated herein (the "Easement Area");

Together with the right of ingress and egress over, under, across and upon the Easement Area and Grantor's adjacent land for the purpose of constructing, operating, reconstructing on poles or burying and replacing underground cables and conduits (including necessary ditching and backfilling), enlarging, inspecting, patrolling, repairing, maintaining, upgrading and removing said lines, circuits, underground cables and conduits, poles, wires and appurtenances; the right to relocate along the same general direction of said lines, cables, and conduits; and the right to remove from the Easement Area all structures, obstructions, and trees and parts thereof, using generally accepted vegetation management practices, (whether from the Easement Area or that could grow into the Easement Area) which may, in the reasonable judgment of Grantee, endanger or interfere with the safe and efficient operation and/or maintenance of said lines, cables, conduits or appurtenances or ingress and egress to, from or along the Easement Area.

Grantor reserves the right to use the Easement Area subject to said Easement and Right of Way in any way that will not interfere with Grantee's exercise of the rights hereby granted. However, Grantor shall not construct or permit to be constructed any house or other aboveground structure on or within the Easement Area containing Grantee's improvements without the express written consent of Grantee.

TO HAVE AND TO HOLD the above described easement and rights unto the Grantee, its successors and assigns forever. Grantor binds itself, assigns, and legal representatives to warrant and forever defend all and singular the above described easement and rights unto the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

[the rest of this page intentionally left blank, signature page follows]

EXECUTED this 21ST day of MAY, 2015.

For: RGV GRANDEOR HOMES, LLC

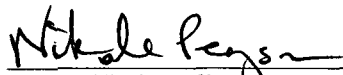
By: 

Marco Garcia, Manager/Pres.

ACKNOWLEDGMENT

STATE OF TEXAS §
COUNTY OF HIDALGO §

This instrument was acknowledged before me on this 21ST day of May, 2015 by Marco Garcia, Manager/Pres. for RGV GRANDEOR HOMES, LLC.



Notary Public, State of Texas

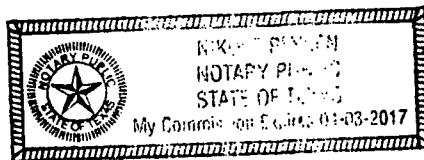
Nikole Pensen

(Printed Name)

Commission Expires: 4/3/2017

AFTER RECORDING, PLEASE RETURN TO:

AEP
% Distribution Right-Of-Way Agent
P.O. Box 2121
Corpus Christi, Texas 78403



A 0.51 ACRE TRACT OF LAND, BEING A 10.0 FOOT WIDE, IRREGULARLY SHAPED, TRACT OUT OF A CERTAIN 9.33 ACRE TRACT OUT OF LOT 8, SECTION 13, HIDALGO COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN VOLUME Q, PAGE 177, DEED RECORDS, HIDALGO COUNTY, TEXAS; SAID 9.33 ACRE TRACT DESCRIBED IN SPECIAL WARRANTY DEED WITH VENDOR'S LIEN, RECORDED IN INSTRUMENT NUMBER 2414000, OFFICIAL RECORDS.

BEGINNING at a point on the West line of Lot 8, North 08 Deg. 46 Min. East, 20.0 feet from the Southwest corner of Lot 8, for the most southerly Southwest corner of the following described tract of land; said point being the Southwest corner of said 9.33 acre tract;

THENCE, with the West line of Lot 8, and the West line of said 9.33 acre tract, North 08 Deg. 46 Min. East, 570.0 feet to the most southerly Northwest corner of said 9.33 acre tract, for the Northwest corner hereof; said point being on the South line of City of McAllen drain ditch Right of Way;

THENCE, with the south line of said drain ditch R.O.W., South 81 Deg. 14 Min. East, 595.95 feet to a point on the East line of said 9.33 acre tract for the most northerly Northeast corner hereof;

THENCE, with the East line of said 9.33 acre tract, South 08 Deg. 46 Min. West, 10.0 feet to a point for the most northerly Southeast corner hereof;

THENCE, parallel to and 10.0 feet southerly from the South line of said drain ditch R.O.W., North 81 Deg. 14 Min. West, 585.95 feet to a point for an interior corner hereof;

THENCE, parallel to and 10.0 feet easterly from the West line of Lot 8, South 08 Deg. 46 Min. West, 265.0 feet to a point for an interior corner hereof;

THENCE, parallel to the south line of Lot 8, South 81 Deg. 14 Min. East, 458.0 feet to a point for the middle Northeast corner hereof;

THENCE, parallel to the West line of Lot 8, South 08 Deg. 46 Min. West, 112.5 feet to an angle point on the middle East line hereof;

THENCE South 06 Deg. 28 Min. 34 Sec. West, 50.04 feet to an angle point on the middle East line hereof;

THENCE, parallel to the West line of Lot 8, South 08 Deg. 46 Min. West, 102.50 feet to a point for an interior corner hereof;

THENCE, parallel to the South line of Lot 8, South 81 Deg. 14 Min. East, 125.95 feet to a point on the East line of said 9.33 Acre tract for the most southerly Northeast corner hereof;

THENCE, with the East line of said 9.33 Acre Tract, South 08 Deg. 46 Min. West, 10.0 feet to a point on the future North line of Wisconsin Road, for the most southerly Southeast corner hereof;

THENCE, with the future North line of Wisconsin Road, North 81 Deg. 14 Min. West, 321.95 feet to a point for the most northerly Southwest corner hereof;

THENCE, parallel to the West line of Lot 8, North 08 Deg. 46 Min. East, 10.0 feet to a point for the most southerly Northwest corner hereof;

THENCE, parallel to and 10.0 feet northerly from the future North line of Wisconsin Road, South 81 Deg. 14 Min. East, 186.0 feet to a point for an interior corner hereof;

THENCE, parallel to the West line of Lot 8, North 08 Deg. 46 Min. East, 102.5 feet to an angle point on the most easterly West line hereof;

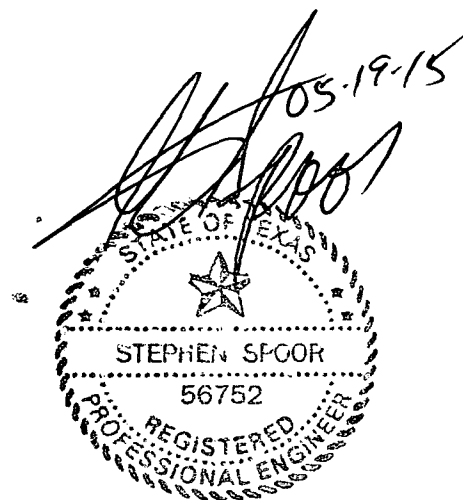
THENCE, North 06 Deg. 28 Min. 34 Sec. East, 50.04 feet to an angle point on the most easterly West line hereof;

THENCE, parallel to the West line of Lot 8, North 08 Deg. 46 Min. East, 102.5 feet to a point for an interior corner hereof;

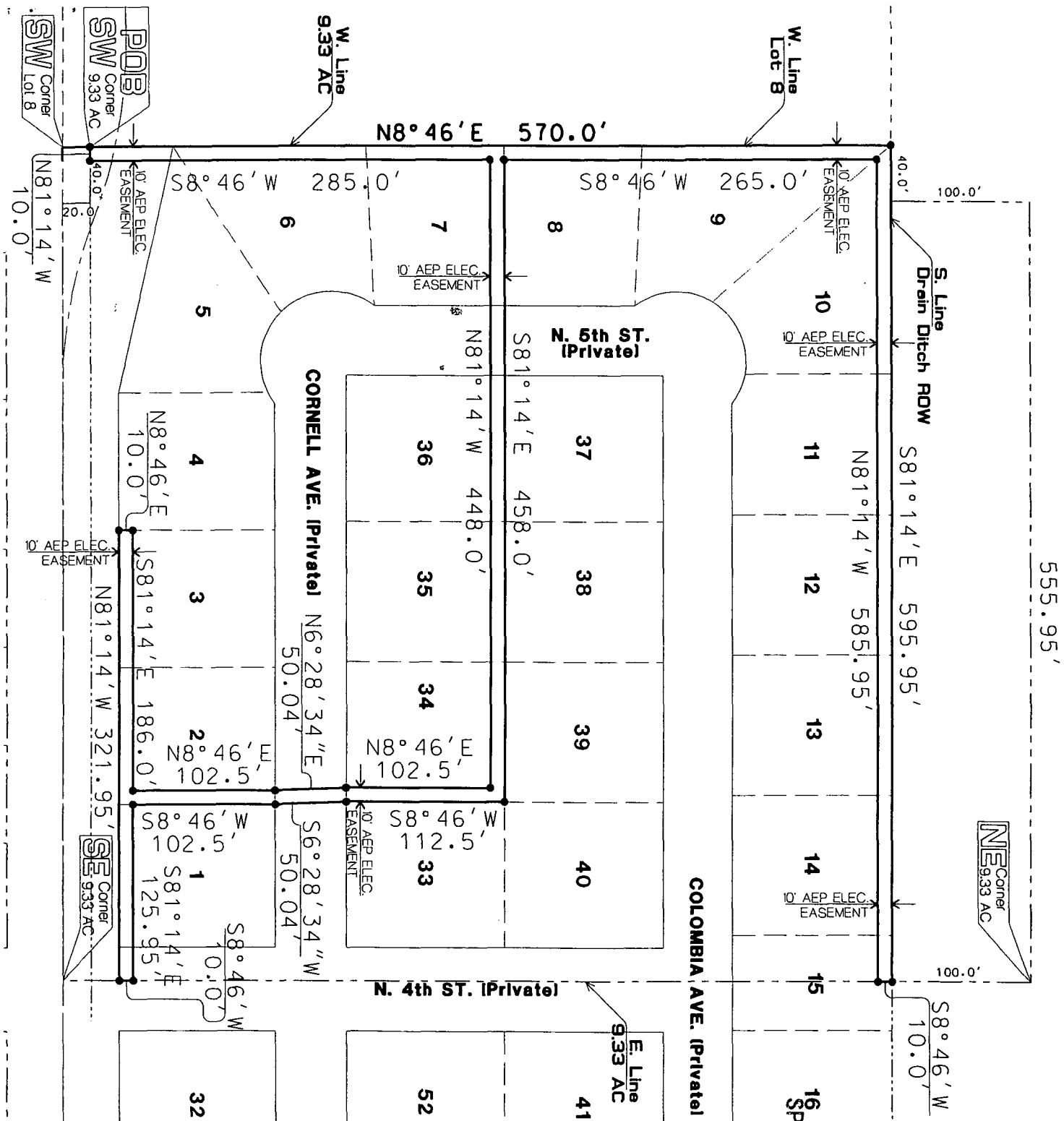
THENCE, parallel to the South line of Lot 8, North 81 Deg. 14 Min. West, 448.0 feet to a point for an interior corner hereof;

THENCE, parallel to and 10.0 feet easterly from the West line of Lot 8, South 08 Deg. 46 Min. West, 285.0 feet to a point, for the most southerly Southeast corner hereof;

THENCE, parallel to the South line of Lot 8, North 81 Deg. 14 Min. West, 10.0 feet to the POINT OF BEGINNING. Containing 0.51 acres of land, more or less.



SPOOR ENGINEERING CONSULTANTS, INC.
Registration # F-6003



05-19-15

REGISTERED PROFESSIONAL ENGINEER
STEPHEN SPOOR
56752

16
SPOOR ENGINEERING CONSULTANTS, INC
Registration # F-6003



20-FEB-2015
1"=100'

MAP

A 0.51 ACRE TRACT OF LAND
OUT OF LOT 8, SECTION 13,
HIDALGO CANAL COMPANY
SUBDIVISION, HIDALGO COUNTY,
TEXAS, ACCORDING TO PLAT
RECORDED IN VOLUME Q, PAGE
177, MAP RECORDS, HIDALGO
COUNTY, TEXAS

EXHIBIT B

Prepared by:
Spoor Engineering Consultants, Inc.
FIRM - F-6003
Consulting Engineers - Civil Land Planning
202 South 4th Street
McALLEN, TEXAS 78501
TEL. (956) 683-1000 FAX (956) 683-1002
spooring@bcglobal.net



NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2021-0035

Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

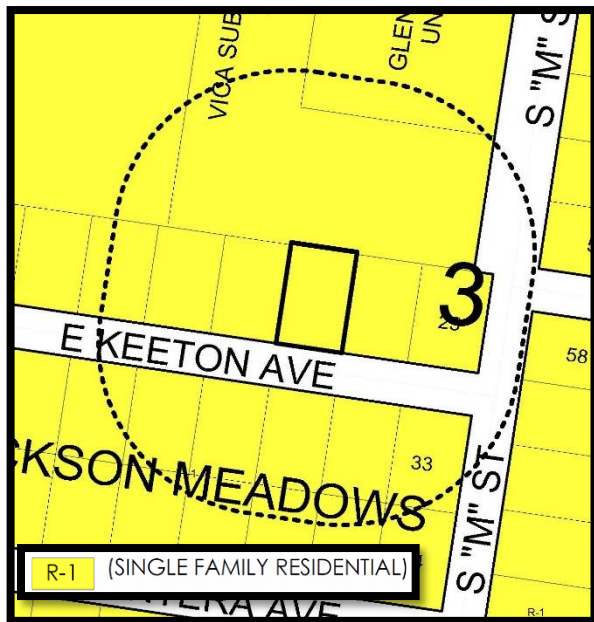
FROM: Planning Staff

DATE: August 5, 2021

SUBJECT: REQUEST OF ERICK M. CHAVEZ, FOR THE FOLLOWING VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) AN ENCROACHMENT OF 1 FT. INTO THE 6 FT. SIDE YARD SETBACK FOR AN EXISTING STRUCTURE AND 2) NOT TO PROVIDE THE 6 FT. SIDE YARD LANDSCAPE REQUIREMENT ALONG THE WEST PROPERTY LINE, AT LOT 23, JACKSON MEADOWS SUBDIVISION, HIDALGO COUNTY, TEXAS; 1325 EAST KEETON AVENUE. (ZBA2021-0036)

REASON FOR APPEAL:

The applicant is requesting the variance requests allow the existing structure to remain at its current location. The new owners bought the property at its current state and the disapproval of the request will make them tear down 1 ft. of the existing structure.



PROPERTY LOCATION AND VICINITY:

The subject property is located on the north side of East Keeton Avenue, approximately 160 ft. west of South "M" Street. The property has 75 ft. of frontage along E. Keeton Avenue and a depth of 115.60 ft. with a lot size of 8,670 square feet. The property and adjacent zoning is R-1 (single family residential) District in all directions. Surrounding land use include single-family residential houses.

BACKGROUND AND HISTORY:

Jackson Meadows Subdivision was recorded on March 29, 2007. The plat specifies a 6 ft. side yard setback and a 10 ft. electrical easement between Lots 22 & 23. An abandonment application was submitted to the Planning Department on September 21, 2012, the abandonment was disapproved by objection of AEP. The applicant, at the time, was proposing to relocate the easement to the west side of Lot 23; however no records of being recorded are on file. A survey will confirm if the easement was relocated. An application for a building permit to build a garage with a TV room over Lots 22 & 23 was submitted to the Building Permits & Inspections Department on February 13, 2013, the permit was approved; however, it was not routed to the Planning Department. An application for variance request for encroachment of an existing structure was submitted to the Planning Department on July 21, 2021.

ANALYSIS:

Variance #1:

The variance request is to allow an encroachment of 1 ft. into the 6 ft. side yard setback an existing structure that measures approximately 64 ft. by 27 ft. the construction its existent and there is a permit to turn the garage into a house, because of the encroachment, the Planning Department has not approved the permit.

Variance #2:

The variance is to not provide the 6 ft. landscape requirement on the side yard setback. There is an existing 38 ft. driveway that extends a foot into the 6 ft. side yard setback, providing only 5 ft. of landscape along the west property line.

A site inspection confirmed that there are existing structures built around the neighborhood without a permit and some with accessory buildings that seemed to be in different lots without a primary structure. There are other structures around the area that seemed to be encroaching into the rear setback.

Staff received one phone calls in concern in regards to the variance request.

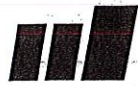
All measurements are without the benefit of a survey.

RECOMMENDATION:

Staff recommends disapproval of the variances. If the Board chooses to approve the request, the approval should be limited to the footprint shown on the site plan.

ZBA 2021-0036

ZBA 0110/21



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

Jackson Meadows Lot 23
Jackson Meadows

Subdivision Name

Street Address

1325 E. Keeton Ave

Number of lots

Gross acres

Existing Zoning

R1

Existing Land Use

Residential

Reason for Appeal (please use other side if necessary)

Side encroachmentlandscape req. 1 foot encroachment onto left set back
☒ \$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

Erick M. Chavez

Phone

956 359-0202

Address

1325 E. Keeton Ave

E-mail

Mars Wayde Wjmail.com

City

McAllen

State

TX

Zip

78503

Owner

Name

Erick M. Chavez

Phone

956 359-0202

Address

1325 E. Keeton Ave

E-mail

Mars Wayde Wjmail.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

Erick M. Chavez

Date

7-21-21

Print Name

Erick M. Chavez
☒ Owner

☐ Authorized Agent

Office

Accepted by

LG

Payment received by

Date

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:

bought property already build and dont
want to demolish

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

it necessary the house already built

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:

it not going to affect its in our side of
property

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

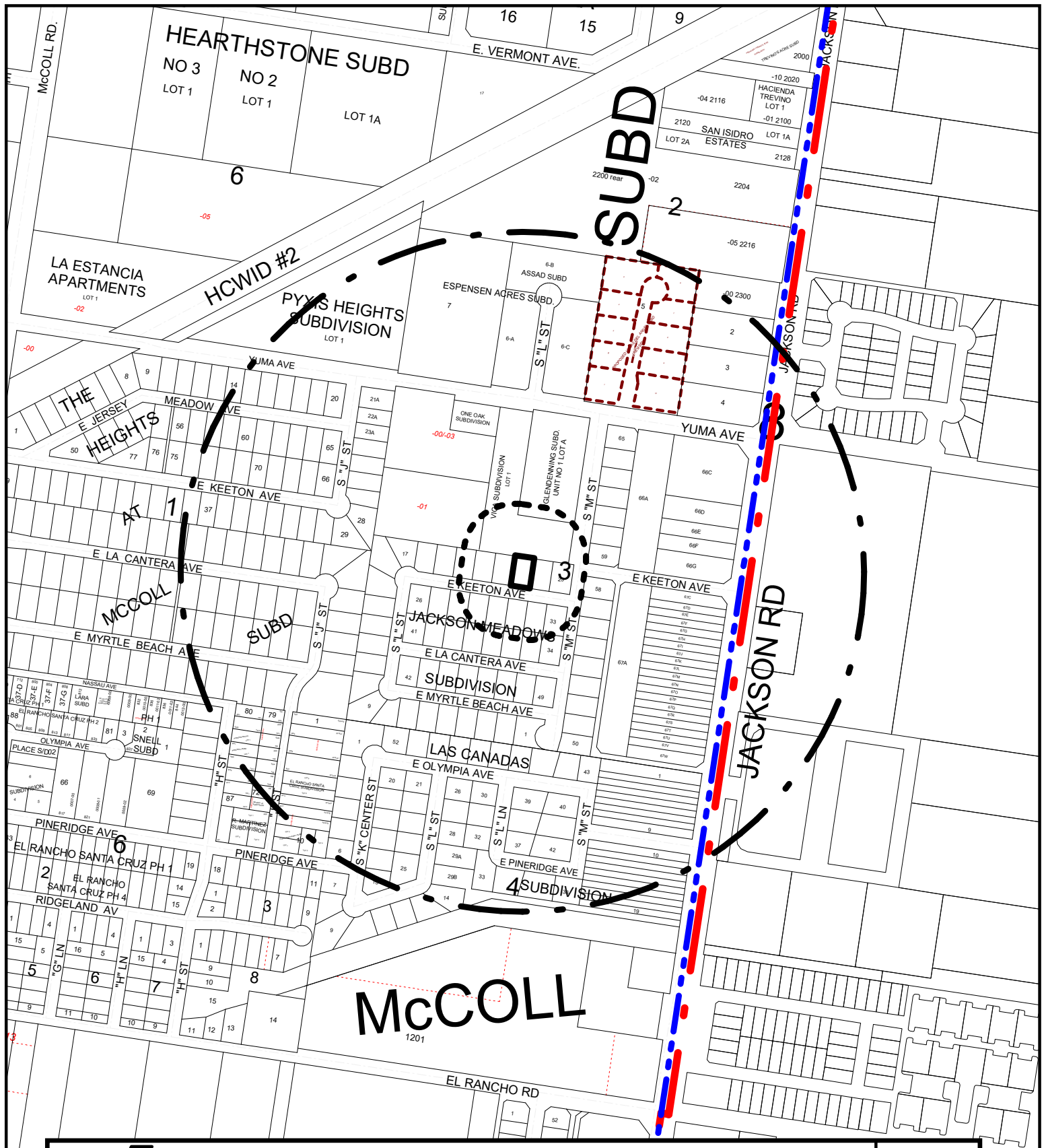
it was already built prior to buying
the property. ~~without~~ with out variance
we will have to demolish 1 foot of house

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP




 **SUBJECT PROPERTY**

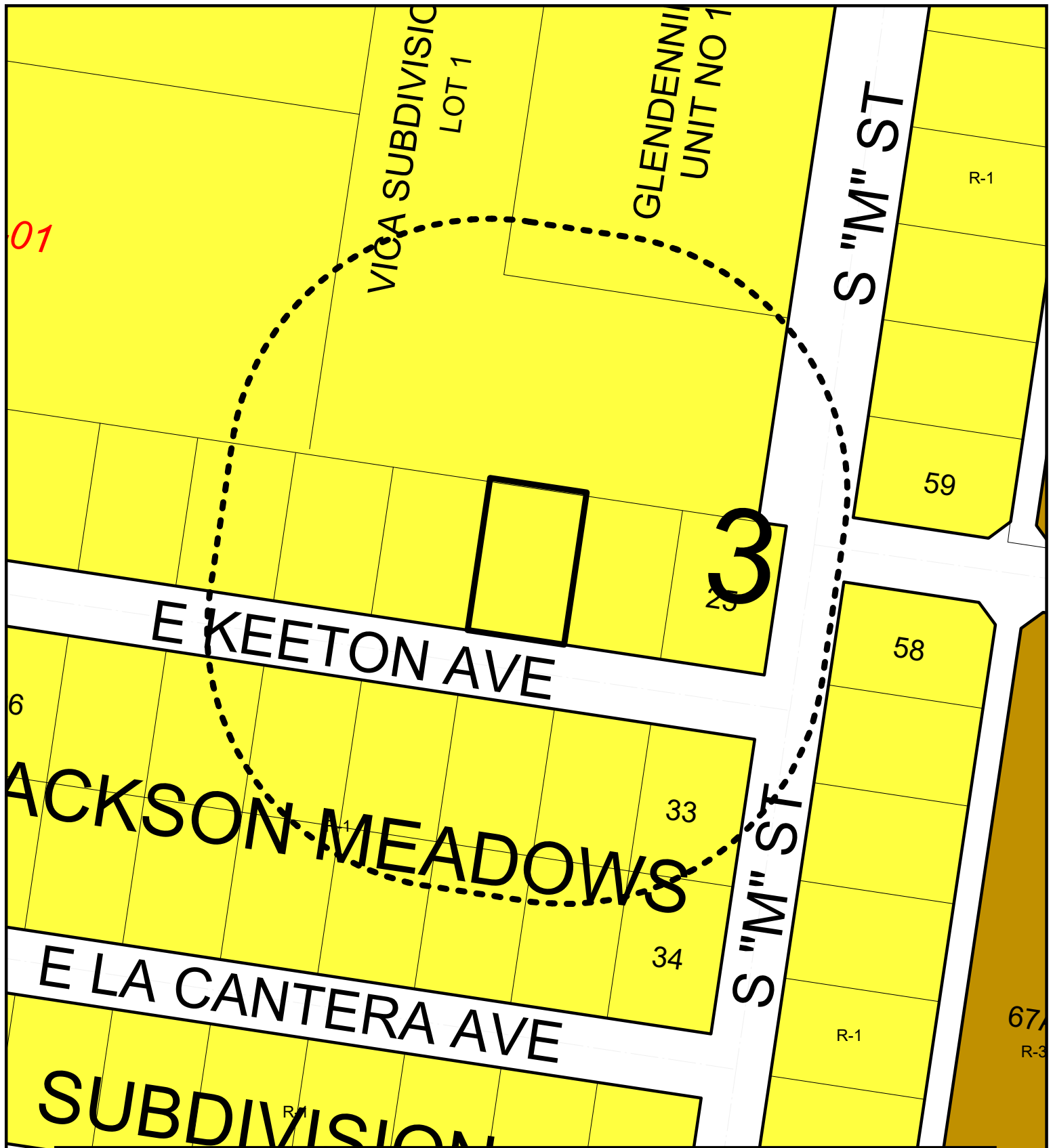
 **200 FT. NOTIFICATION BOUNDARY**


 **1/4 MILE RADIUS**

ZONING LEGEND

A-O (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLEX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	 (SPECIAL DISTRICT)


This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.







CITY OF McALLEN
PLANNING DEPARTMENT


LEGEND
SCALE: N.T.S.

 SUBJECT PROPERTY
















 200 FT. NOTIFICATION BOUNDARY

 1/4 MILE RADIUS

AREA MAP



ZONING LEGEND

 (AGRICULTURAL & OPEN SPACE)	 (APARTMENTS)	 (MOBILE HOMES)	 (GENERAL BUSINESS)	 (LIGHT INDUSTRIAL)
 (SINGLE FAMILY RESIDENTIAL)	 (CONDOMINIUMS)	 (OFFICE BUILDING)	 (LIGHT COMMERCIAL)	 (HEAVY INDUSTRIAL)
 (DUPLEX-FOURPLEX)	 (TOWNHOUSES)	 (NEIGHBORHOOD COMMERCIAL)	 (COMMERCIAL INDUSTRIAL)	 (SPECIAL DISTRICT)

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CITY OF McALLEN
PLANNING DEPARTMENT



SUBJECT PROPERTY

AERIAL MAP
SCALE: N.T.S.



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ocation of property boundaries.

LOT 2 BLOCK 8
A.J. McCOLL SUBDIVISION
VOL. 21, PAGE 598, DEED RECORDS

SCALE 1" = 100'

LOT 1 BLOCK 16
STEEL AND PERSHING SUBDIVISION

P.O.B.
S.W.C.
LOT 3, BLK 8
FD 1/2" ROD

LOCATION
MAP

K K Engineering Consultant
GENERAL PROFESSIONAL CIVIL ENGINEERING SERVICES
410 E. DOWE AVE.
P.O. BOX 5425
MCALLEN, TEXAS 78502
(956) 830-2125
FAX (956) 830-2219

CURVE TABLE					
CURVE	LENGTH	RADIUS	TANGENT	CHORD	DELTA
C1	20.32'	50.00'	10.30'	20.18'	23°17'22"
C2	51.00'	50.00'	27.97'	48.82'	58°26'19"
C3	53.80'	50.00'	29.83'	51.24'	61°38'44"
C4	33.01'	50.00'	17.13'	32.41'	37°49'21"
C5	56.85'	50.00'	31.94'	53.84'	65°08'35"
C6	52.89'	50.00'	29.22'	50.46'	60°36'26"
C7	48.30'	50.00'	26.22'	46.44'	55°20'45"
C8	136.45'	50.00'	238.88'	97.88'	156°21'22"

E. YUMA AVE.

(DEED S 81°25' E)
S 81°18'47" E

696.30'

N.E.C.
LOT 3, BLK 8

MOORE RD.

587.41'

(DEED N 08°32' E)
N 08°32'57" E

FD 1/2" ROD

FD 1/2" ROD

FD 1/2" ROD

FD 1/2" ROD

FD 1/2" ROD

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ESPENSEN ACRES
VOL. 19, PG 84 MAP RECORDS

VIZCAYA ESTATES PHASE 1
VOL. 26, PG 748 MAP RECORDS

N.E.C.
LOT 3, BLK 8

MOORE RD.

80.0' R.O.W.
VOL. 1004, PG 29 D.R.

(DELHI-TAYLOR OIL CORP. ET AL)
300' GAS EASEMENT
& RIGHT-OF-WAY
VOL. 1004, PG 54 D.R.

FD 1/2" PIPE

(DELHI-TAYLOR OIL CORP. ET AL)
300' GAS EASEMENT
& RIGHT-OF-WAY
VOL. 1004, PG 54 D.R.

S.E.C.
LOT 3, BLK 8

METES & BOUNDS

A 33.75 ACRE TRACT OF LAND OUT OF LOT 3, BLOCK 8, A.J. McCOLL SUBDIVISION, HIDALGO COUNTY, TEXAS AS PER MAP RECORDED IN VOLUME 21, PAGE 598, DEED RECORDS OF HIDALGO COUNTY, TEXAS, SAID 33.75 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2" ROD FOUND AT THE SOUTHWEST CORNER OF LOT 3 FOR THE SOUTHWEST CORNER OF THIS TRACT OF LAND AND THE POINT OF BEGINNING:

THENCE NORTH 08°32'00" EAST, WITH THE WEST LINE OF SAID LOT 3, A DISTANCE OF 722.59 FEET TO A 1/2" PIPE FOUND AT THE SOUTHWEST CORNER OF THE BERNARD WATSON TRACT RECORDED IN DOCUMENT NO. 129597 OFFICIAL RECORDS, FOR A CORNER OF THIS TRACT OF LAND;

THENCE SOUTH 81°30'32" EAST (DEED 81°25' E), A DISTANCE OF 761.85 FEET TO A 1/2" ROD FOUND AT THE SOUTHEAST CORNER OF THE VICA ENTERPRISES TRACT RECORDED IN VOLUME 1232272 OFFICIAL RECORDS FOR A CORNER OF THIS TRACT OF LAND;

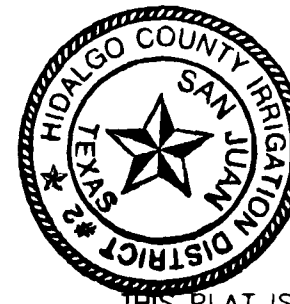
THENCE NORTH 08°32'57" EAST, AT 577.46 FEET PASS A 1/2" PIPE FOUND AT THE SOUTH RIGHT-OF-WAY LINE OF YUMA STREET, AT 587.41 FEET IN ALL TO THE NORTH LINE OF SAID LOT 3 FOR THE NORTHWEST CORNER OF THIS TRACT OF LAND;

THENCE SOUTH 81°18'47" EAST (DEED S 81°25' E), WITH SAID NORTH LINE A DISTANCE OF 696.30 FEET TO THE NORTH EAST CORNER OF SAID LOT 3 FOR THE NORTHEAST CORNER OF THIS TRACT OF LAND;

THENCE SOUTH 08°32'00" WEST, WITH THE EAST LINE OF SAID LOT 3, A DISTANCE OF 1320.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3, FOR THE SOUTHEAST CORNER OF THIS TRACT OF LAND;

THENCE NORTH 81°25'00" WEST, AT 45.7 FEET PASS A 1/2" PIPE FOUND AT THE WEST RIGHT-OF-WAY LINE OF JACKSON ROAD, AT 1458.30 FEET IN ALL TO THE POINT OF BEGINNING, CONTAINING 33.75 ACRES OF LAND MORE OR LESS.

LOT AREAS			
LOT NO.	AREA	LOT NO.	AREA
1	11,113 S.F.	35	8,587 S.F.
2	8,702 S.F.	36	8,587 S.F.
3	8,702 S.F.	37	8,587 S.F.
4	8,702 S.F.	38	8,702 S.F.
5	8,702 S.F.	39	8,702 S.F.
6	8,702 S.F.	40	8,702 S.F.
7	8,702 S.F.	41	9,160 S.F.
8	7,944 S.F.	42	9,160 S.F.
9	11,871 S.F.	43	8,702 S.F.
10	10,333 S.F.	44	8,702 S.F.
11	9,000 S.F.	45	8,702 S.F.
12	9,000 S.F.	46	8,587 S.F.
13	9,000 S.F.	47	8,587 S.F.
14	9,000 S.F.	48	8,587 S.F.
15	10,839 S.F.	49	9,231 S.F.
16	12,457 S.F.	50	9,376 S.F.
17	9,315 S.F.	51	9,120 S.F.
18	8,626 S.F.	52	9,120 S.F.
19	8,702 S.F.	53	9,120 S.F.
20	8,753 S.F.	54	9,120 S.F.
21	8,762 S.F.	55	9,120 S.F.
22	8,656 S.F.	56	9,120 S.F.
23	8,665 S.F.	57	9,120 S.F.
24	8,674 S.F.	58	9,487 S.F.
25	9,335 S.F.	59	9,367 S.F.
26	9,160 S.F.	60	9,000 S.F.
27	8,702 S.F.	61	9,000 S.F.
28	8,702 S.F.	62	9,000 S.F.
29	8,702 S.F.	63	9,000 S.F.
30	8,587 S.F.	64	9,000 S.F.
31	8,587 S.F.	65	10,569 S.F.
32	8,587 S.F.	66	225,255 S.F.
33	9,231 S.F.	67	278,850 S.F.
34	9,231 S.F.		



THIS PLAT IS HEREBY APPROVED BY THE HIDALGO COUNTY IRRIGATION DISTRICT #2 ON THIS, THE 15th DAY OF June, 2006.

NO IMPROVEMENTS OF ANY KIND (INCLUDING WITHOUT LIMITATION, TREES, FENCES AND BUILDINGS) SHALL BE PLACED UPON HIDALGO COUNTY IRRIGATION DISTRICT #2 RIGHTS-OF-WAYS OR EASEMENTS.

PRESIDENT: *[Signature]* SECRETARY: *[Signature]*

FILED FOR RECORD IN
HIDALGO COUNTY
BY ANTONIO GUERRERO, JR.
COUNTY CLERK
ON 3-24-07 AT 1:24 PM
AS A RECORDING NUMBER 173498
BY *[Signature]* DEPUTY

Recorded in Volume 52 Page 184
of the map records of Hidalgo
County, Texas
Antony Guerrero, Jr.
County Clerk

GENERAL PLAT NOTES:

- MINIMUM FINISH FLOOR ELEVATION SHALL BE 18" ABOVE TOP OF CURB MEASURED AT FRONT CENTER OF EACH LOT.
- THE SUBDIVISION IS IN ZONE "B" OF THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 480343-0010 C DATED NOVEMBER 2, 1982.
- MINIMUM BUILDING SETBACK SHALL BE AS FOLLOWS:
A) FOR THE RESIDENTIAL LOTS:
FRONT: 25' OR GREATER FOR EASEMENTS. (FOR LOTS 59-65, 32-5) AND 30' FOR LOTS 50-58.
REAR: 10.00' OR GREATER FOR EASEMENTS. (FOR LOTS 10-15 = 10' AND 20' FOR WEST REAR OF LOTS 9 & 16.
SIDE: 6.0' EXCEPT WHERE ADJACENT TO STREET SHALL BE 10' OR GREATER FOR EASEMENTS.
GARAGE: 18' EXCEPT WHERE GREATER SETBACK REQUIRED.
B) FOR THE COMMERCIAL LOTS (LOTS 66 & 67):
S. JACKSON RD.: 60' OR GREATER FOR APPROVED SITE PLAN.
E. YUMA AVE.: 40' OR GREATER FOR APPROVED SITE PLAN.
REAR: 10' OR GREATER FOR APPROVED SITE PLAN.
SOUTH SIDE OF LOT 67: 10' OR GREATER FOR APPROVED SITE PLAN.
- A TOTAL OF 2.63 ACRE FEET (115,565 S.F.) OF DETENTION IS REQUIRED FOR THIS SUBDIVISION WHICH SHALL BE ACCOMPLISHED BY: A) RESIDENTIAL 600 C.F. PER LOT AND B) COMMERCIAL 76,565 C.F. OR 5,809 C.F. PER ACRE. AN ENGINEERED DRAINAGE DETENTION PLAN APPROVED BY THE ENGINEERING DEPT. IS REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMIT.
- THE CITY OF MCALLEN TO HAVE A 25'X25' CORNER CLIP EASEMENT AT STREET INTERSECTIONS, MEASURED FROM THE CURB.
- 4' SIDEWALK IS REQUIRED ON S. JACKSON ROAD, E. YUMA AVE., AND BOTH SIDES OF S. "M" STREET AND ALL INTERIOR STREETS.
- 6' BUFFER IS REQUIRED ALONG E. YUMA AVE. AND FROM/BETWEEN RESIDENTIAL AND COMMERCIAL ZONES/USES.
- NO CURB CUTS, ACCESS, OR LOT FRONTAGE PERMITTED ALONG E. YUMA AVE. FOR LOT 65.
- LOT OWNERS ARE RESPONSIBLE FOR MAINTENANCE OF THE PRIVATE SIDEWALKS, WALKWAYS, STREETS, ALL COMMON AREAS, AND NOT THE CITY OF MCALLEN.
- BENCHMARK: (MCALLEN CODE MC90 - ELEV. 96.41) AT THE WEST BOUND OF S. JACKSON RD., 87 FT. WEST FROM THE E.O.P. OF S. JACKSON RD. AND 692 FT. NORTH OF CL. OF E. EL RANCHO RD.
- ALL BUFFERS MUST BE ON PRIVATE PROPERTY AND MAINTAINED BY THE LOT OWNERS ADJACENT TO BUFFER/FENCE.
- LOT OWNERS OR BUILDERS SHOULD CONTACT THE GAS COMPANY FOR EXACT LOCATION OF THE LINE BEFORE THE CONSTRUCTION OF THE HOUSE.
- SITE PLAN MUST BE APPROVED BY PLANNING & ZONING COMMISSION PRIOR TO ISSUANCE OF BUILDING PERMITS FOR LOTS 66 AND 67.
- NO REAR DRIVEWAY, ACCESS, PERMITTED ALONG 20' ALLEY FOR LOTS 50-65.
- COMMON AREAS, PRIVATE STREETS, ETC. TO BE MAINTAINED BY LOT OWNERS, NOT THE CITY OF MCALLEN.
- HOMES ON LOTS 42-49 SHALL BE ADDRESSED AND FRONT E. LA CANTERA AVE. ONLY.

PLAT of JACKSON MEADOWS SUBDIVISION

A 33.75 ACRE TRACT OF LAND OUT OF LOT 3, BLOCK 8, A.J. McCOLL SUBDIVISION, HIDALGO COUNTY, TEXAS AS PER MAP RECORDED IN VOLUME 21, PAGE 598, DEED RECORDS OF HIDALGO COUNTY, TEXAS

PREPARED BY: K. K. ENGINEERING CONSULTANT
DATE: SEPTEMBER, 2005

STATE OF TEXAS
COUNTY OF HIDALGO
THE OWNER OF THE LAND ON THIS PLAT AND DESIGNATED HEREIN AS JACKSON MEADOWS SUBDIVISION
AN ADDITION TO THE CITY OF MCALLEN AND WHOSE NAME IS SUBSCRIBED HERETO DO HEREBY GRANT AN EASEMENT TO SAID CITY AND THOSE WHO MAY NOW OR HEREAFTER HOLD FRANCHISE UNDER SAID CITY, THE USE OF THE STREET IS RESTRICTED TO THE EMPLOYEES AND AGENTS OF THE CITY OF MCALLEN EMPLOYEES OF UTILITIES UNDER FRANCHISE TO SAID CITY AND RESIDENTS OF THE SUBDIVISION AND THEIRS GUEST. THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC THE PORTIONS OF E. YUMA AVE. AND S. JACKSON ROAD AND THE COMMERCIAL PROTION OF E. KEETON AVE. AND ALLEYS FOR USE AS RIGHTS OF WAYS DEDICATED TO THE CITY OF MCALLEN.

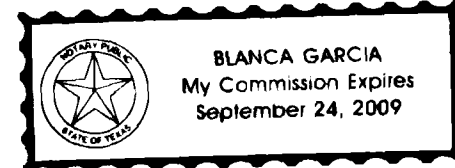
OWNER:
ESPONJAS DEVELOPMENT, LTD.
EDUARDO CANTU, MANAGING MEMBER
810 W. FERGUSON
PHARR, TX. 78577

STATE OF TEXAS
COUNTY OF HIDALGO
I (WE), THE UNDERSIGNED, HOLDER(S) (OR DULY AUTHORIZED OFFICERS OF THE HOLDER(S)) OF A SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY, BEING THE LAND SHOWN ON THIS PLAT AND DESIGNATE HEREIN AS THE JACKSON MEADOWS SUBDIVISION OF THE CITY OF MCALLEN, TEXAS DO HEREBY CONSENT TO THE SUBDIVISION OF THE PROPERTY AS PROVIDED FOR UNDER THE PLAT AND DO HEREBY PROVIDE THE ANY FORECLOSURES RELATING TO THE SECURITY INTEREST ON THE ABOVE DESCRIBED PROPERTY SHALL BE SUBJECT TO THE PLATTING OF THE PROPERTY AS PROVIDED HEREIN.

SECURITY INTEREST HOLDER: LONESTAR NATIONAL BANK
OSCAR RODRIGUEZ, V.P.

STATE OF TEXAS
COUNTY OF HIDALGO
BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED EDUARDO CANTU & OSCAR RODRIGUEZ, KNOWN TO ME TO BE THE PERSON (S) WHOSE NAME (S) IS (ARE) SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE (THEY) 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 THE 27th DAY OF June, 2006.



NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
MY COMMISSION EXPIRES 9/24/09

I, THE UNDERSIGNED, MAYOR OF THE CITY OF MCALLEN HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

Mayor, City of McAllen, Texas.

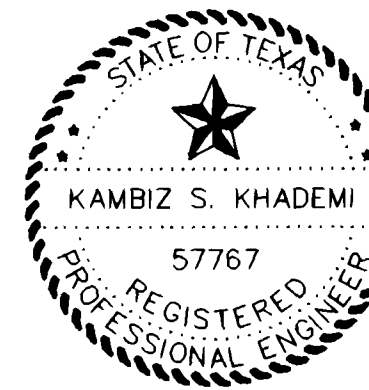
STATE OF TEXAS
COUNTY OF HIDALGO
THIS SUBDIVISION PLAT OF JACKSON MEADOWS SUBDIVISION HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF MCALLEN, TEXAS AND IS HEREBY APPROVED BY SUCH COMMISSION.
DATED THIS 26th DAY OF March 2007 A.D.
Chairman

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEX. WATER CODE §49.21(c). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1
BY: *[Signature]* 3/26/07

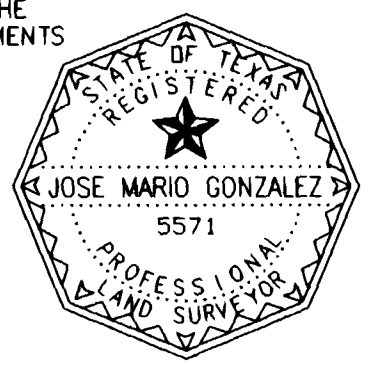
STATE OF TEXAS
COUNTY OF HIDALGO
I, KAMBIZ S. KHADEMI, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

KAMBIZ S. KHADEMI, P.E.
REG. PROFESSIONAL ENGINEER No. 57767

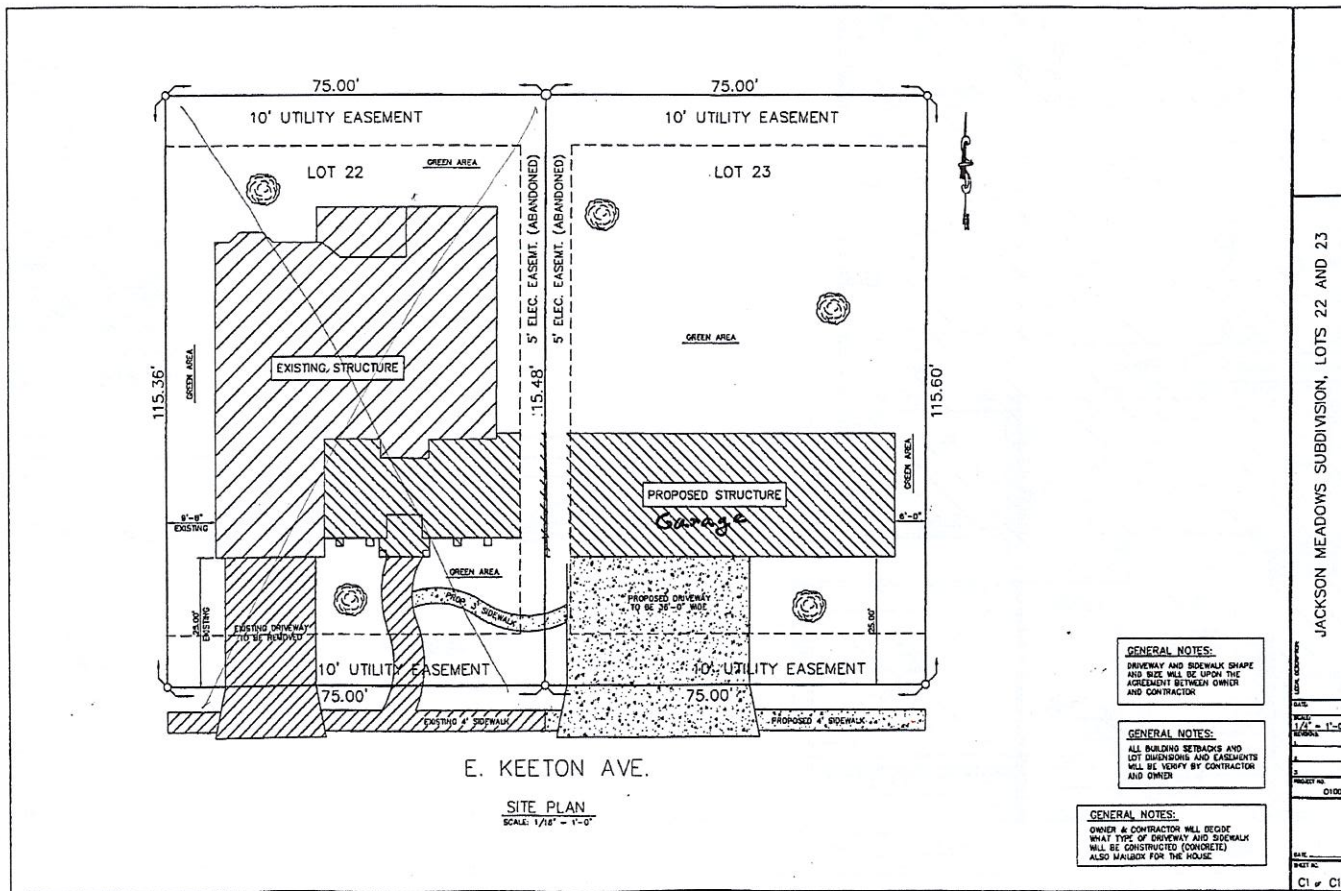


STATE OF TEXAS
COUNTY OF HIDALGO
I, JOSE MARIO GONZALEZ, CERTIFY THAT THE ABOVE PLAT IS AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN AND THAT ALL CORNERS HAVE BEEN LOCATED AS INDICATED.

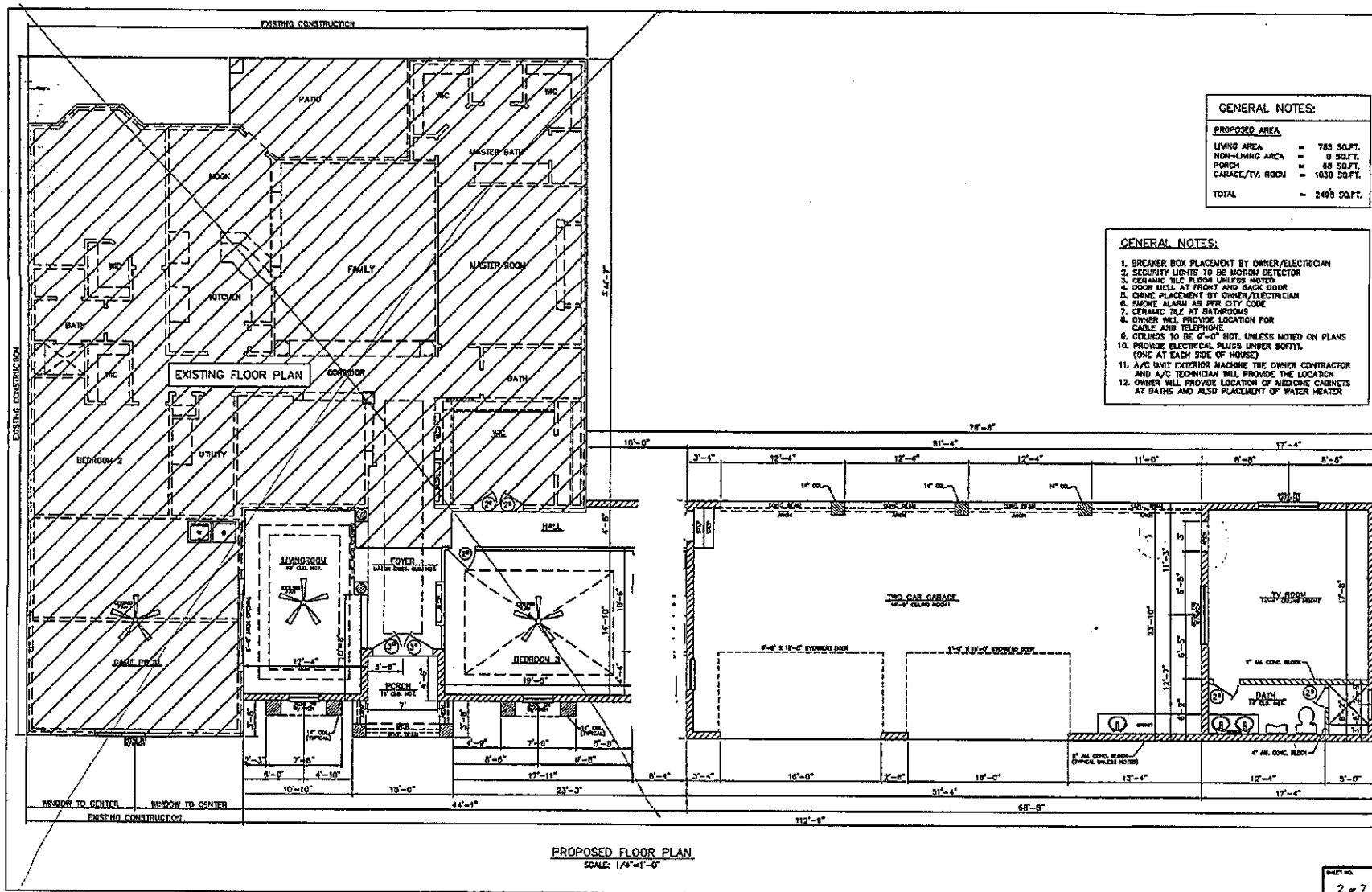
JOSE MARIO GONZALEZ
REGISTERED PROFESSIONAL LAND SURVEYOR No. 5571
3225 W. CANO
EDINBURG, TEXAS 78539



RECEIVED
JUL 21 2021
By *m*



meadows



PLAT of JACKSON MEADOWS SUBDIVISION

A 33.75 ACRE TRACT OF LAND OUT OF LOT 3,
BLOCK A, A.J. MCCALL SUBDIVISION, HIDALGO
COUNTY, TEXAS, AS PER MAP RECORDED IN
VOLUME 21, PAGE 598, DEED RECORDS OF
HIDALGO COUNTY, TEXAS.

PREPARED BY: K. K. ENGINEERING CONSULTANT
DATE: SEPTEMBER, 2005

STATE OF TEXAS
COUNTY OF HIDALGO
THE OWNER OF THE LAND ON THIS PLAT AND DESIGNATED HEREIN AS "JACKSON MEADOWS SUBDIVISION"
AN ADDITION TO THE CITY OF McALLEN AND WHOSE NAME IS SUBSCRIBED HERETO DO HEREBY GRANT AN EASEMENT
TO SAID CITY AND THOSE WHO MAY NOW OR HEREAFTER HOLD FRANCHISE UNDER SAID CITY, THE USE OF THE STREET
IS RESTRICTED TO THE EMPLOYEES AND AGENTS OF THE CITY OF McALLEN EMPLOYEES OF UTILITIES UNDER FRANCHISE
TO SAID CITY AND RESIDENTS OF THE SUBDIVISION AND THEIR GUESTS. THE OWNER DOES HEREBY DEDICATE TO
THE PUBLIC THE PORTIONS OF E. YUMA AVE. AND S. JACKSON ROAD AND THE COMMERCIAL PORTION OF E. KEETON AVE.
AND ALLEYS FOR USE AS RIGHTS OF WAYS DEDICATED TO THE CITY OF McALLEN.

OWNER:
ESPONSA DEVELOPMENT, LTD.
EDUARDO CANTIL, MANAGING MEMBER
810 W. FERGUSON
PHARM, TX. 78577

STATE OF TEXAS
COUNTY OF HIDALGO
I (WE), THE UNDERSIGNED, HOLDER(S) (OR DULY AUTHORIZED OFFICERS OF THE HOLDER(S)) OF A SECURITY
INTEREST IN THE ABOVE DESCRIBED PROPERTY, BEING THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN
AS THE "JACKSON MEADOWS SUBDIVISION" OF THE CITY OF McALLEN, TEXAS DO HEREBY CONSENT TO THE
SUBDIVISION OF THE PROPERTY AS PROVIDED FOR UNDER THE PLAT AND DO HEREBY PROVIDE THE ANY FORECLOSURES
RELATING TO THE SECURITY INTEREST ON THE ABOVE DESCRIBED PROPERTY SHALL BE SUBJECT TO THE PLATING OF THE
PROPERTY AS PROVIDED HEREIN.

SECURITY INTEREST HOLDER: FORESTAR NATIONAL BANK
OSCAR RODRIGUEZ, V.P.

STATE OF TEXAS
COUNTY OF HIDALGO
BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY KNOWN TO ME TO BE THE PERSON (S) WHOSE NAME (S) IS (ARE) SUBSCRIBED TO THE FOREGOING INSTRUMENT
AND ACKNOWLEDGED TO ME THAT HE (SHE) EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS
THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
MY COMMISSION EXPIRES 9/24/09



I, THE UNDERSIGNED, MAYOR OF THE CITY OF McALLEN HEREBY CERTIFY THAT THIS SUBDIVISION PLAT
CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL
IS REQUIRED.

MAYOR, CITY OF McALLEN, TEXAS

STATE OF TEXAS
COUNTY OF HIDALGO
THIS SUBDIVISION PLAT OF JACKSON MEADOWS SUBDIVISION
HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF
McALLEN, TEXAS AND IS HEREBY APPROVED BY SUCH COMMISSION
DATED THIS 26th DAY OF March 2007, A.D.
CHAIRMAN

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION
CONFORM WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEX. WATER CODE §48.21(c).
THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE
APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS
THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE
DETERMINATIONS.
HIDALGO COUNTY DRAINAGE DISTRICT NO. 1
BY: [Signature] 9/24/09

STATE OF TEXAS
COUNTY OF HIDALGO
HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.
KAMBI'S ENGINEERING P.C.
REGISTERED PROFESSIONAL ENGINEER No. 5757



STATE OF TEXAS
COUNTY OF HIDALGO
I, JOSE MARIO GONZALEZ, CERTIFY THAT THE ABOVE PLAT IS AN ACTUAL SURVEY MADE ON THE
GROUND UNDER MY SUPERVISION AND THAT THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS
EXCEPT AS SHOWN AND THAT ALL CORNERS HAVE BEEN LOCATED AS INDICATED.
JOSE MARIO GONZALEZ
REGISTERED PROFESSIONAL LAND SURVEYOR No. 5571
321 W. CAMO
EDINBURG, TEXAS 78539



LOT NO.	AREA	LOT NO.	AREA
1	11,113 S.F.	35	8,587 S.F.
2	8,702 S.F.	36	8,587 S.F.
3	8,702 S.F.	37	8,587 S.F.
4	8,702 S.F.	38	8,587 S.F.
5	8,702 S.F.	39	8,587 S.F.
6	8,702 S.F.	40	8,587 S.F.
7	8,702 S.F.	41	8,587 S.F.
8	8,702 S.F.	42	8,587 S.F.
9	8,702 S.F.	43	8,587 S.F.
10	8,702 S.F.	44	8,587 S.F.
11	8,702 S.F.	45	8,587 S.F.
12	8,702 S.F.	46	8,587 S.F.
13	8,702 S.F.	47	8,587 S.F.
14	8,702 S.F.	48	8,587 S.F.
15	8,702 S.F.	49	8,587 S.F.
16	8,702 S.F.	50	8,587 S.F.
17	8,702 S.F.	51	8,587 S.F.
18	8,702 S.F.	52	8,587 S.F.
19	8,702 S.F.	53	8,587 S.F.
20	8,702 S.F.	54	8,587 S.F.
21	8,702 S.F.	55	8,587 S.F.
22	8,702 S.F.	56	8,587 S.F.
23	8,702 S.F.	57	8,587 S.F.
24	8,702 S.F.	58	8,587 S.F.
25	8,702 S.F.	59	8,587 S.F.
26	8,702 S.F.	60	8,587 S.F.
27	8,702 S.F.	61	8,587 S.F.
28	8,702 S.F.	62	8,587 S.F.
29	8,702 S.F.	63	8,587 S.F.
30	8,702 S.F.	64	8,587 S.F.
31	8,702 S.F.	65	8,587 S.F.
32	8,702 S.F.	66	8,587 S.F.
33	8,702 S.F.	67	8,587 S.F.
34	8,702 S.F.	68	8,587 S.F.
35	8,702 S.F.	69	8,587 S.F.
36	8,702 S.F.	70	8,587 S.F.
37	8,702 S.F.	71	8,587 S.F.
38	8,702 S.F.	72	8,587 S.F.
39	8,702 S.F.	73	8,587 S.F.
40	8,702 S.F.	74	8,587 S.F.
41	8,702 S.F.	75	8,587 S.F.
42	8,702 S.F.	76	8,587 S.F.
43	8,702 S.F.	77	8,587 S.F.
44	8,702 S.F.	78	8,587 S.F.
45	8,702 S.F.	79	8,587 S.F.
46	8,702 S.F.	80	8,587 S.F.
47	8,702 S.F.	81	8,587 S.F.
48	8,702 S.F.	82	8,587 S.F.
49	8,702 S.F.	83	8,587 S.F.
50	8,702 S.F.	84	8,587 S.F.
51	8,702 S.F.	85	8,587 S.F.
52	8,702 S.F.	86	8,587 S.F.
53	8,702 S.F.	87	8,587 S.F.
54	8,702 S.F.	88	8,587 S.F.
55	8,702 S.F.	89	8,587 S.F.
56	8,702 S.F.	90	8,587 S.F.
57	8,702 S.F.	91	8,587 S.F.
58	8,702 S.F.	92	8,587 S.F.
59	8,702 S.F.	93	8,587 S.F.
60	8,702 S.F.	94	8,587 S.F.
61	8,702 S.F.	95	8,587 S.F.
62	8,702 S.F.	96	8,587 S.F.
63	8,702 S.F.	97	8,587 S.F.
64	8,702 S.F.	98	8,587 S.F.
65	8,702 S.F.	99	8,587 S.F.
66	8,702 S.F.	100	8,587 S.F.



FILED FOR RECORD IN
HIDALGO COUNTY
BY ANTONIO BALBUENA, JR.
COUNTY CLERK
ON SEPTEMBER 1, 2007
AS A PUBLIC RECORD
[Signature]

RECORDED IN VOLUME 52 PAGE 184
OF THE BOOK RECORDS OF HIDALGO
COUNTY, TEXAS
DATE OF RECORDING: SEPTEMBER 1, 2007
COUNTY CLERK

GENERAL PLAT NOTES:

- MINIMUM FINISH FLOOR ELEVATION SHALL BE 18" ABOVE TOP OF CURB MEASURED AT FRONT CENTER OF EACH LOT.
- THE SUBDIVISION IS IN ZONE "B" OF THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 480343-0010 C DATED NOVEMBER 2, 1982.
- MINIMUM BUILDING SETBACK SHALL BE AS FOLLOWS:
FRONT: 25' OR GREATER FOR EASEMENTS (FOR LOTS 54-55, 56-57, 58-59, 60-61, 62-63, 64-65, 66-67, 68-69, 70-71, 72-73, 74-75, 76-77, 78-79, 80-81, 82-83, 84-85, 86-87, 88-89, 90-91, 92-93, 94-95, 96-97, 98-99, 100-101, 102-103, 104-105, 106-107, 108-109, 110-111, 112-113, 114-115, 116-117, 118-119, 120-121, 122-123, 124-125, 126-127, 128-129, 130-131, 132-133, 134-135, 136-137, 138-139, 140-141, 142-143, 144-145, 146-147, 148-149, 150-151, 152-153, 154-155, 156-157, 158-159, 160-161, 162-163, 164-165, 166-167, 168-169, 170-171, 172-173, 174-175, 176-177, 178-179, 180-181, 182-183, 184-185, 186-187, 188-189, 190-191, 192-193, 194-195, 196-197, 198-199, 200-201, 202-203, 204-205, 206-207, 208-209, 210-211, 212-213, 214-215, 216-217, 218-219, 220-221, 222-223, 224-225, 226-227, 228-229, 230-231, 232-233, 234-235, 236-237, 238-239, 240-241, 242-243, 244-245, 246-247, 248-249, 250-251, 252-253, 254-255, 256-257, 258-259, 260-261, 262-263, 264-265, 266-267, 268-269, 270-271, 272-273, 274-275, 276-277, 278-279, 280-281, 282-283, 284-285, 286-287, 288-289, 290-291, 292-293, 294-295, 296-297, 298-299, 300-301, 302-303, 304-305, 306-307, 308-309, 310-311, 312-313, 314-315, 316-317, 318-319, 320-321, 322-323, 324-325, 326-327, 328-329, 330-331, 332-333, 334-335, 336-337, 338-339, 340-341, 342-343, 344-345, 346-347, 348-349, 350-351, 352-353, 354-355, 356-357, 358-359, 360-361, 362-363, 364-365, 366-367, 368-369, 370-371, 372-373, 374-375, 376-377, 378-379, 380-381, 382-383, 384-385, 386-387, 388-389, 390-391, 392-393, 394-395, 396-397, 398-399, 400-401, 402-403, 404-405, 406-407, 408-409, 410-411, 412-413, 414-415, 416-417, 418-419, 420-421, 422-423, 424-425, 426-427, 428-429, 430-431, 432-433, 434-435, 436-437, 438-439, 440-441, 442-443, 444-445, 446-447, 448-449, 450-451, 452-453, 454-455, 456-457, 458-459, 460-461, 462-463, 464-465, 466-467, 468-469, 470-471, 472-473, 474-475, 476-477, 478-479, 480-481, 482-483, 484-485, 486-487, 488-489, 490-491, 492-493, 494-495, 496-497, 498-499, 500-501, 502-503, 504-505, 506-507, 508-509, 510-511, 512-513, 514-515, 516-517, 518-519, 520-521, 522-523, 524-525, 526-527, 528-529, 530-531, 532-533, 534-535, 536-537, 538-539, 540-541, 542-543, 544-545, 546-547, 548-549, 550-551, 552-553, 554-555, 556-557, 558-559, 560-561, 562-563, 564-565, 566-567, 568-569, 570-571, 572-573, 574-575, 576-577, 578-579, 580-581, 582-583, 584-585, 586-587, 588-589, 590-591, 592-593, 594-595, 596-597, 598-599, 600-601, 602-603, 604-605, 606-607, 608-609, 610-611, 612-613, 614-615, 616-617, 618-619, 620-621, 622-623, 624-625, 626-627, 628-629, 630-631, 632-633, 634-635, 636-637, 638-639, 640-641, 642-643, 644-645, 646-647, 648-649, 650-651, 652-653, 654-655, 656-657, 658-659, 660-661, 662-663, 664-665, 666-667, 668-669, 670-671, 672-673, 674-675, 676-677, 678-679, 680-681, 682-683, 684-685, 686-687, 688-689, 690-691, 692-693, 694-695, 696-697, 698-699, 700-701, 702-703, 704-705, 706-707, 708-709, 710-711, 712-713, 714-715, 716-717, 718-719, 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1498-1499, 1500-1501, 1502-1503, 1504-1505, 1506-1507, 1508-1509, 15

July 21, 21

I Erick M. Chavez give
Michelle R. Cuellar authorization
on my behalf

Erick M. Chavez





NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2021-0036

Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

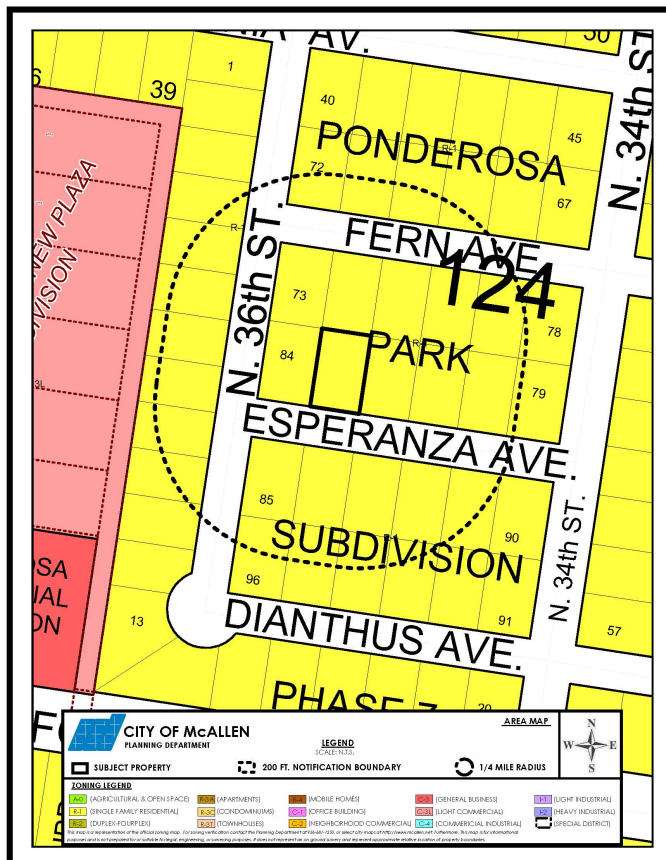
FROM: Planning Staff

DATE: August 11, 2021

SUBJECT: REQUEST OF RAFAEL DE LA FUENTE FOR THE FOLLOWING SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 24.5 FT. INTO THE 25 FT. FRONT YARD SETBACK FOR AN EXISTING CANVAS CARPORT MEASURING 22.9 FT. BY 19.8 FT., AT LOT 83, PONDEROSA PARK PHASE 7 SUBDIVISION, HIDALGO COUNTY, TEXAS; 3416 ESPERANZA AVENUE. (ZBA2021-0030)

REASON FOR APPEAL:

Rafael de la Fuente is requesting the following special exception to the City of McAllen Zoning Ordinance to allow an encroachment of up to 24.5 ft. into the 25 ft. front yard setback for an existing canvas carport measuring 22.9 ft. by 19.8 ft. The applicant would like the structure to remain because the existing carport provides shade and protection for his vehicles during inclement weather.



PROPERTY LOCATION AND VICINITY:

The property is located along the north side of Esperanza Avenue, 69 ft. west of North 36th Street. The tract has 64 feet of frontage along Esperanza Avenue with a depth of 102 feet, for a tract size of 6,528 sq. ft. The property is zoned R-1 (single family residential) District. The surrounding land use is single family residential. There is an existing single family residence on the subject property.

BACKGROUND AND HISTORY:

Ponderosa Park Phase 7 Subdivision was recorded in January 6, 2003. As per plat, the front yard setback shall be 25 ft., the side yard setback shall be 6 ft., and the rear yard setback shall be 10 ft. According to Hidalgo County Appraisal District records the residential home was built in 2006 and acquired by the applicant in 2009. Three stop work orders were issued by the Buildings and Inspections Department staff between 2014 and 2016 for the construction of a carport without a permit. A fourth stop work order was issued on June 14, 2021. An application for a building permit for a carport submitted to the Building Permits & Inspections Department on September 3, 2014. An application for a special exception request was submitted to the Planning Department on June 24, 2021 for an existing carport.

ANALYSIS:

The special exception request is for an existing carport of canvas cover construction measuring 22.9 ft. by 19.8 ft. over an existing driveway. The existing carport is open all sides and visibility is not a concern. The submitted site plan shows a carport encroaching 24.5 ft. into the 25 ft. front yard setback. Front yard setbacks are important to help to keep the character of single family residential areas by maintaining the street yard and curb appeal of properties in a subdivision.

There is an existing garage that is used for recreational activities.

During a site visit staff noticed two other carports in the area; one of the carports was granted a special exception for an encroachment of 20 ft. into the 20 ft. front yard setback at the Zoning Board of Adjustments and Appeals meeting of June 03, 2020. The approved carport is located in Lot 90, Ponderosa Park Phase 6 Subdivision.

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

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING OF AUGUST 04, 2021:

At the Zoning Board of Adjustment and Appeals meeting of August 04, 2021 no one appeared in opposition of the special exception request. Mr. Rafael De La Fuente, the applicant, spoke in favor of the request to remain at its current location. The Board expressed to the applicant the concern over the extent of the encroachment, since the carport was so close to the property line. Following further discussion, the Board voted to table the special exception request, to allow the applicant time to consider a reduction of the encroachment.

ZBOA
8-4-21

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 83 Ponderosa Park Phase 7 Subdivision

Subdivision Name Ponderosa Park Phase 7

Street Address 3416 Esperanza Ave

Number of lots 1 Gross acres _____

Existing Zoning Residential Existing Land Use _____

Reason for Appeal (please use other side if necessary) encroachment into the front setback

☒ \$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 Rafael de la Fuente Phone 956-342-4506

Address 3416 Esperanza Ave E-mail rafadelafuente@yahoo.com

City McAllen State Tx Zip 78501

Owner

Name Rafael de la Fuente Phone 956-342-4506

Address 3416 Esperanza Ave E-mail rafadelafuente@yahoo.com

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.

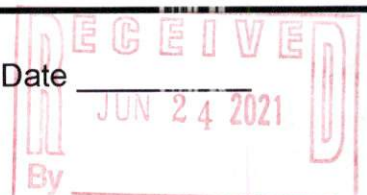
Signature Rafael de la FuenteDate June 23, 2021Print Name Rafael de la Fuente☒ Owner☐ Authorized Agent

Office

Accepted by _____

Payment received by _____

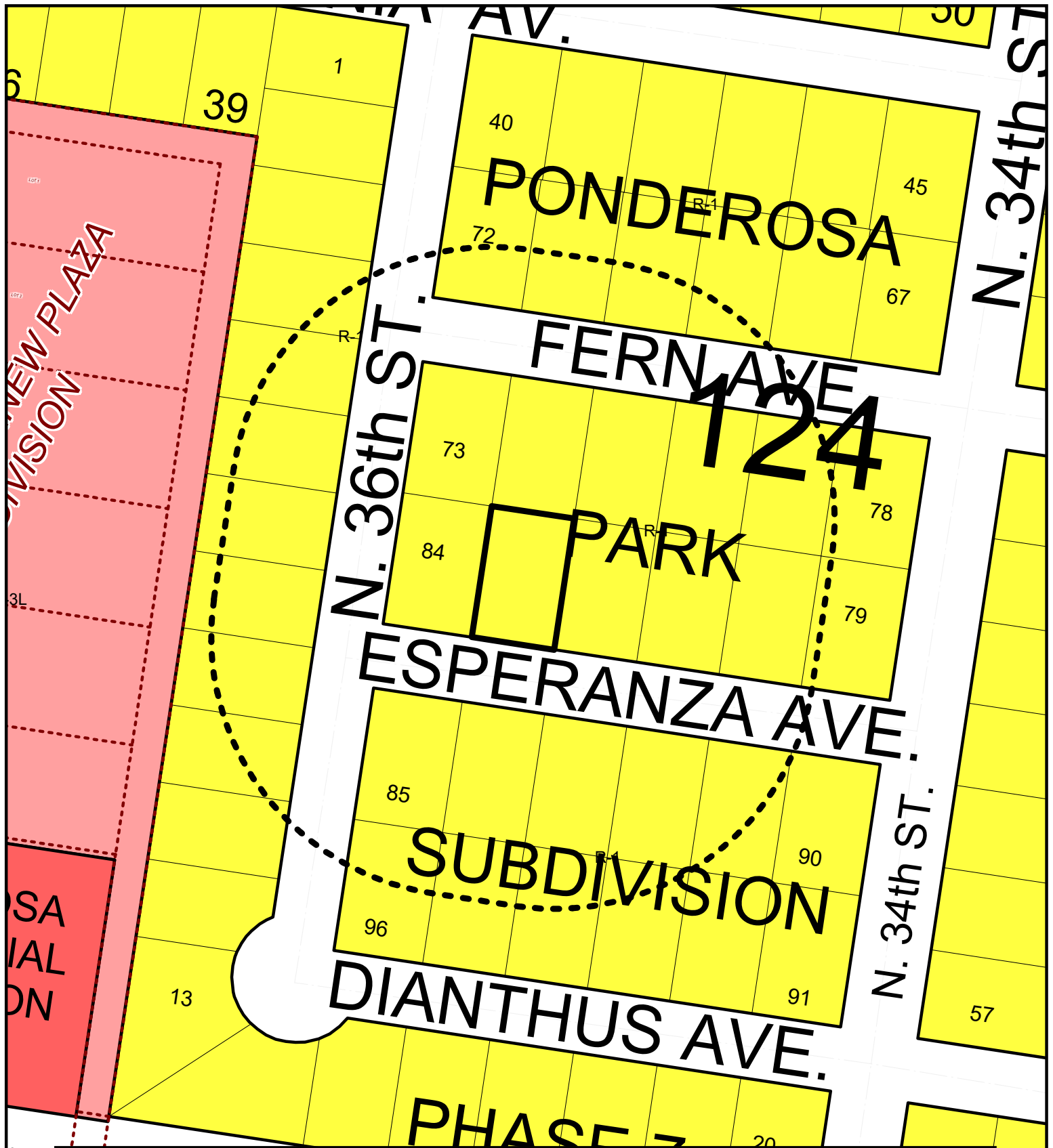
Date _____






City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

Reason for Appeal	<p>*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: <i>(Please use an additional page if necessary to complete responses)</i></p> <p>**Information provided here by the applicant does not guarantee that the Board will grant a variance.</p> <p>***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.</p>	
	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:	
	2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:	
	<p>The city of McAllen has had a history of storms that has resulted in a destruction of property</p> <p>Due to hail storms, the. Installation of the canopy on the driveway, will prevent any</p>	
	<p>Damages to my vehicles in the event of a hail storm or any other climate occurrences.</p>	
	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:	
Board Action		
	Chairman, Board of Adjustment Signature	Date
	_____	_____








CITY OF McALLEN
PLANNING DEPARTMENT


LEGEND
SCALE: N.T.S.

AREA MAP



 **SUBJECT PROPERTY**

 **200 FT. NOTIFICATION BOUNDARY**

 **1/4 MILE RADIUS**

ZONING LEGEND

<div style="display: flex; justify-content: space-between;"> <div> <div style="background-color: #90EE90; border: 1px solid black; width: 20px; height: 10px; display: inline-block;"></div> A-0 (AGRICULTURAL & OPEN SPACE)</div> <div> <div style="background-color: #FFDAB9; border: 1px solid black; width: 20px; height: 10px; display: inline-block;"></div> R-3A (APARTMENTS)</div> <div> <div style="background-color: #FFA07A; border: 1px solid black; width: 20px; height: 10px; display: inline-block;"></div> R-4 (MOBILE HOMES) </div> </div> <div style="display: flex; justify-content: space-between;"> <div> <div style="background-color: #FFB6C1; border: 1px solid black; width: 20px; height: 10px; display: inline-block;"></div> R-1 (SINGLE FAMILY RESIDENTIAL)</div> <div> <div style="background-color: #FFDAB9; border: 1px solid black; width: 20px; height: 10px; display: inline-block;"></div> R-3C (CONDOMINIUMS)</div> <div> <div style="background-color: #FFA07A; border: 1px solid black; width: 20px; height: 10px; display: inline-block;"></div> C-1 (OFFICE BUILDING) </div> </div> <div style="display: flex; justify-content: space-between;"> <div> <div style="background-color: #FFDAB9; border: 1px solid black; width: 20px; height: 10px; display: inline-block;"></div> R-2 (DUPLEX-FOURPLEX)</div> <div> <div style="background-color: #FFA07A; border: 1px solid black; width: 20px; height: 10px; display: inline-block;"></div> R-3T (TOWNHOUSES)</div> <div> <div style="background-color: #FFDAB9; border: 1px solid black; width: 20px; height: 10px; display: inline-block;"></div> C-2 (NEIGHBORHOOD COMMERCIAL) </div> </div>
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C-3 (GENERAL BUSINESS)

C-3L (LIGHT COMMERCIAL)

C-4 (COMMERCIAL INDUSTRIAL)

I-1 (LIGHT INDUSTRIAL)

I-2 (HEAVY INDUSTRIAL)

SPECIAL DISTRICT

N. 36th ST.
FERNAY
PARK
ESPERANZA
SUBDIVISION

73

84

85

9

91



CITY OF McALLEN
PLANNING DEPARTMENT



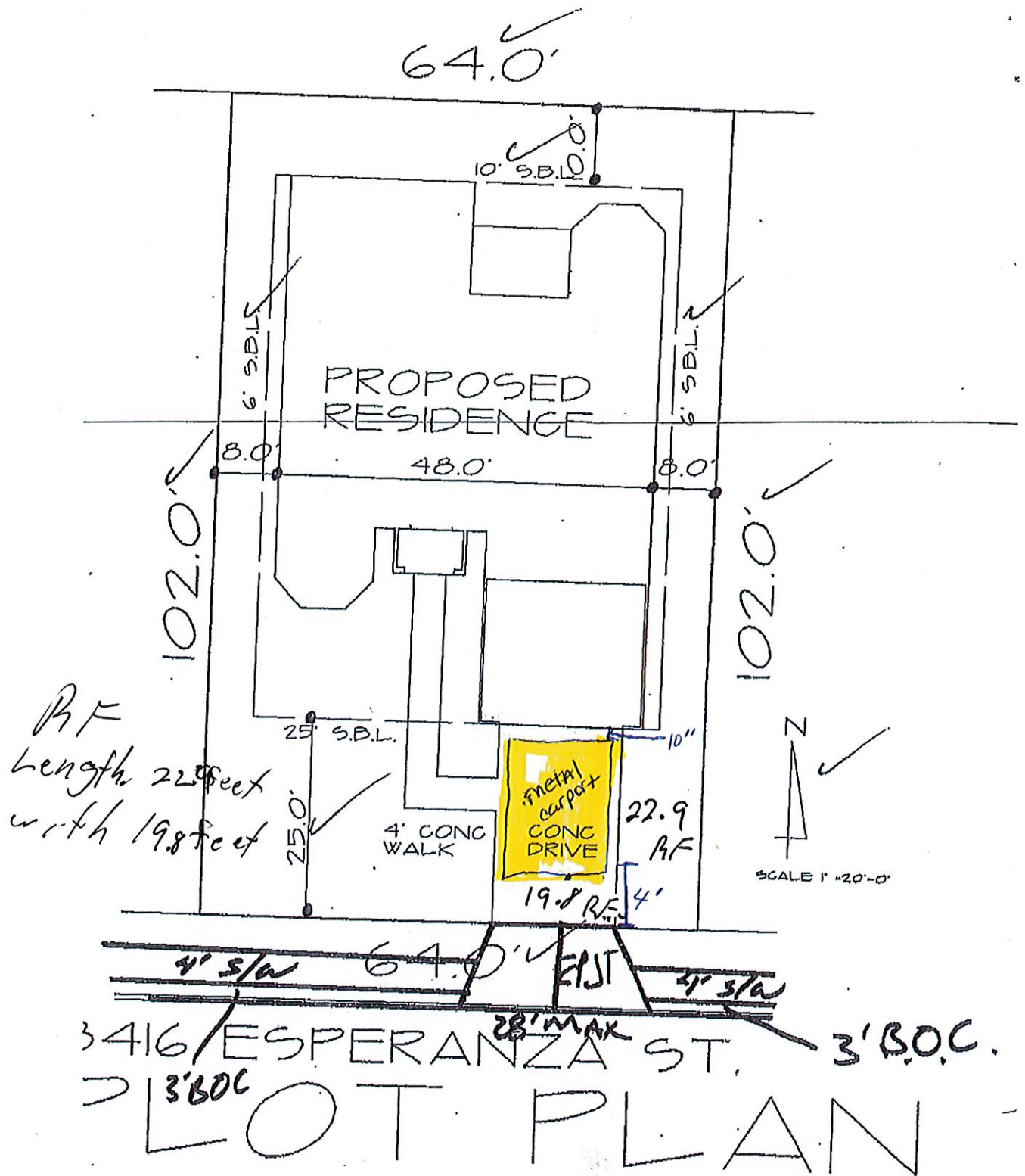
SUBJECT PROPERTY

AERIAL MAP

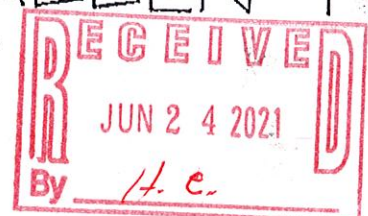
SCALE: N.T.S.



This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes.
ocation of property boundaries.



T 83, PONDEROSA PARK
E VII CITY OF MCALLEN TX.







NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2021-0030

3416

SALINAS ENGINEERING & ASSOCIATES
CONSULTING ENGINEERS & SURVEYORS
2221 DAFFODIL AVE. - MCALLEN, TEXAS
(956) 682-9081 (956) 686-1489 (FAX)
dsalinas.sea@sbcglobal.net

PONDEROSA PARK PHASE 7 SUBDIVISION
VOL. 41, P. 108, H.C.M.R.

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N 08°43'00" E 102.00'

S 08°43'00" E 102.00'

N 81°17'00" E 64.00'

3415 ESPERANZA AVENUE

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Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: August 11, 2021

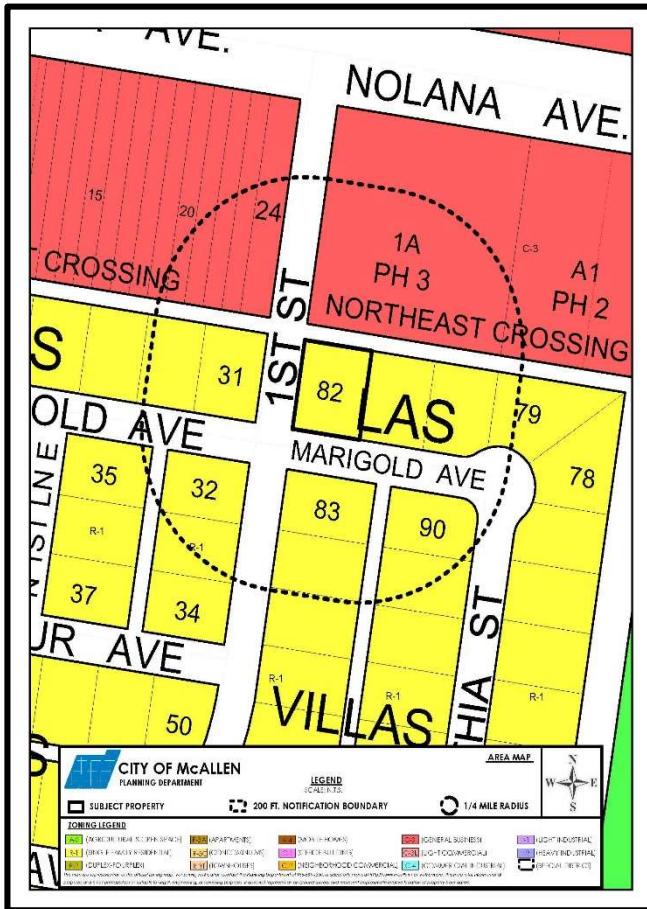
SUBJECT: REQUEST OF IGNACIO GUERRA III FOR THE FOLLOWING SPECIAL EXCEPTION AND VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) AN ENCROACHMENT OF 10 FT. INTO THE 10 FT. REAR YARD SETBACK FOR A PROPOSED IRREGULAR SHAPED METAL CARPORT, 2) TO NOT REQUIRE A 5 FT. SEPARATION FOR AN ACCESSORY BUILDING TO THE MAIN BUILDING FOR A PROPOSED IRREGULAR SHAPED METAL CARPORT, 3) TO ALLOW AN ENCROACHMENT OF 10 FT. INTO THE 10 FT. CORNER SIDE YARD SETBACK ALONG THE WEST PROPERTY LINE FOR AN EXISTING JACUZZI, AND 4) TO ALLOW AN ENCROACHMENT OF 10 FT. INTO THE 10 FT. CORNER SIDE YARD SETBACK ALONG THE WEST PROPERTY LINE FOR A PROPOSED PORCH CANOPY MEASURING 17 FT. BY 34 FT., AT LOT 82, LAS VILLAS SUBDIVISION UNIT NO. 2, HIDALGO COUNTY, TEXAS; 101 EAST MARIGOLD AVENUE. (ZBA2021-0032)

REASON FOR APPEAL:

Ignacio Guerra III is requesting the following special exception and variances to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 10 ft. into the 10 ft. rear yard setback for a proposed irregular shaped metal carport, **2)** to not require a 5 ft. separation for an accessory building to the main building for a proposed irregular shaped metal carport, **3)** to allow an encroachment of 10 ft. into the 10 ft. corner side yard setback along the west property line for an existing jacuzzi, and **4)** to allow an encroachment of 10 ft. into the 10 ft. corner side yard setback along the west property line for a proposed porch canopy measuring 17 ft. by 34 ft. The applicant is requesting the special exception to provide shade for his vehicles during inclement weather. The variance requests are to provide shade for the family and a roof cover for the jacuzzi.

PROPERTY LOCATION AND VICINITY:

The subject property is located at the northeast corner of the intersection of North 1st Street and East Marigold Avenue. The corner lot has 90 ft. of frontage along East Marigold Avenue and a depth of 110 ft. for a tract size of 9,900 sq. ft. The property is zoned R-1 (single-family residential) District. The adjacent zoning is C-3 (commercial business) District to the north and R-1 (single-family residential) District to the east, south and west. Surrounding land uses are single-family residences and commercial plazas.



BACKGROUND AND HISTORY:

The Las Villas Subdivision Unit No.2 was recorded on January 18, 1983. The plat specifies a 20 ft. front yard setback, 6 ft. side yard setbacks except for corner lots which shall be 10 ft., and a 10 ft. rear yard setback. According to Hidalgo County Appraisal District records a residential home was built in 1990 and acquired by the applicant in 2003. An application for a special exception request and variances was submitted to the Planning Department on July 12, 2021.

ANALYSIS:

Special exception request: The special exception request is for a proposed carport that is partially completed as a frame steel construction and is anchored to an existing concrete driveway. The submitted site plan shows a proposed carport encroaching 10 ft. into the 10 ft. rear yard setback. The plat indicates a 5 ft. utility easement that runs concurrently with the rear setback along the rear property line, for which an abandonment request has been submitted and is being processed.

Variance request #2: Variance request No. 2 is to not require a 5 ft. separation for an accessory building to the main building for a proposed irregular shaped metal carport. The supports of the structure sit approximately 1.16 ft. away from the single-family residence. Construction material is of steel which is noncombustible.

Variance request #3: Variance request No. 3 is to allow an encroachment of 10 ft. into the 10 ft. corner side yard setback along the west property line for an existing Jacuzzi. The Jacuzzi is portable however, the applicant would like for the Jacuzzi to remain in its current location. The Jacuzzi is mobile and can be re-located out of the setbacks.

Variance request #4: Variance request No. 4 is to allow an encroachment of 10 ft. into the 10 ft. corner side yard setback along the west property line for a proposed porch canopy measuring 17 ft. by 34 ft. Corner side yard setbacks are important in allowing for adequate building separation from roadways. Granting of a variance may allow a structure to be enclosed in the future.

There is an existing masonry fence that surrounds the subject property that serves as a buffer.

During a site visit, staff noticed similar encroachments into the side and rear yard setbacks in this block.

Staff has not received any phone calls or emails in opposition to this special exception and variance requests.

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING OF AUGUST 04, 2021:

At the Zoning Board of Adjustment and Appeals meeting of August 04, 2021 no one appeared in opposition of the special exception and variance requests. Mr. Ignacio Guerra III, the applicant, stated that he was looking to construct a carport at the rear of the property to provide shade for his vehicles. Mr. Guerra went on to state that the proposed porch canopy will provide shade from the hot sun along the west side of the home and protection for the family while the jacuzzi is in use. The Board expressed to the applicant the concern that the canopy could be enclosed if the variance was approved. Following further discussion, the Board voted to table the item to allow time for the applicant to reduce the proposed encroachment for the proposed porch canopy along the west property line.

ZBOA
3/4/2021

ZBA 2021 0032



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 #82

Subdivision Name

Las Villas #2

Street Address

101 E. Marigold Ave. McAllen, TX 78501

Number of lots

(1)

Gross acres

Existing Zoning

Existing Land Use

Reason for Appeal (please use other side if necessary)

"Beid to a rear property line."
Simple Carport not
"enough existing space in planned D-Way". Had to go to the back yard over →

☒ \$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

Ignacio Guerra II

Phone

956-655-0998

Address

101 E. Marigold Ave.

E-mail

ignacioguerra3@yahoo.com

City

McAllen

State

TX

Zip

78501

Owner

Name

Ignacio Guerra II

Phone

956-655-0998

Address

101 E. Marigold Ave.

E-mail

ignacioguerra3@yahoo.com

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

Ignacio Guerra II

Date

July 12, 2021

Print Name

Ignacio Guerra II

☒ Owner

☐ Authorized Agent

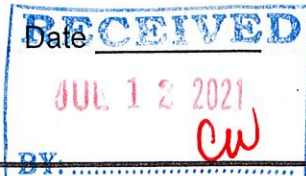
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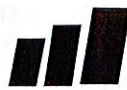
Accepted by

[Signature]

Payment received by

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:

I have no problem utilizing my property as per boundary ^{its} lines are in place identifying my lot ownership and possession rights. (Simple construction of a carport is my goal.)

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

I am at a reduced driveway distance from "alley," so much so a Full size vehicle will not fit in - pre-existing driveway. Rear of vehicle protrudes into alley. I've had to "occupy my yard!"

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:

No Encroaching. All will be properly constructed and built with structural integrity and will in no way obstruct or ~~impede~~ ^{impede} / clearances needed by travel through alley!

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

The planning during the mid-1980s was not practical due in part to the ever evolving growth of ^{and expansion of} structures / homes etc. ^{in area} "30 years later." "Expansion (utilization) of my yard is needed!"

So that I can safely maintain the quality of live thus Removing Harmful UV Rays From the "Sun's" Ozone.

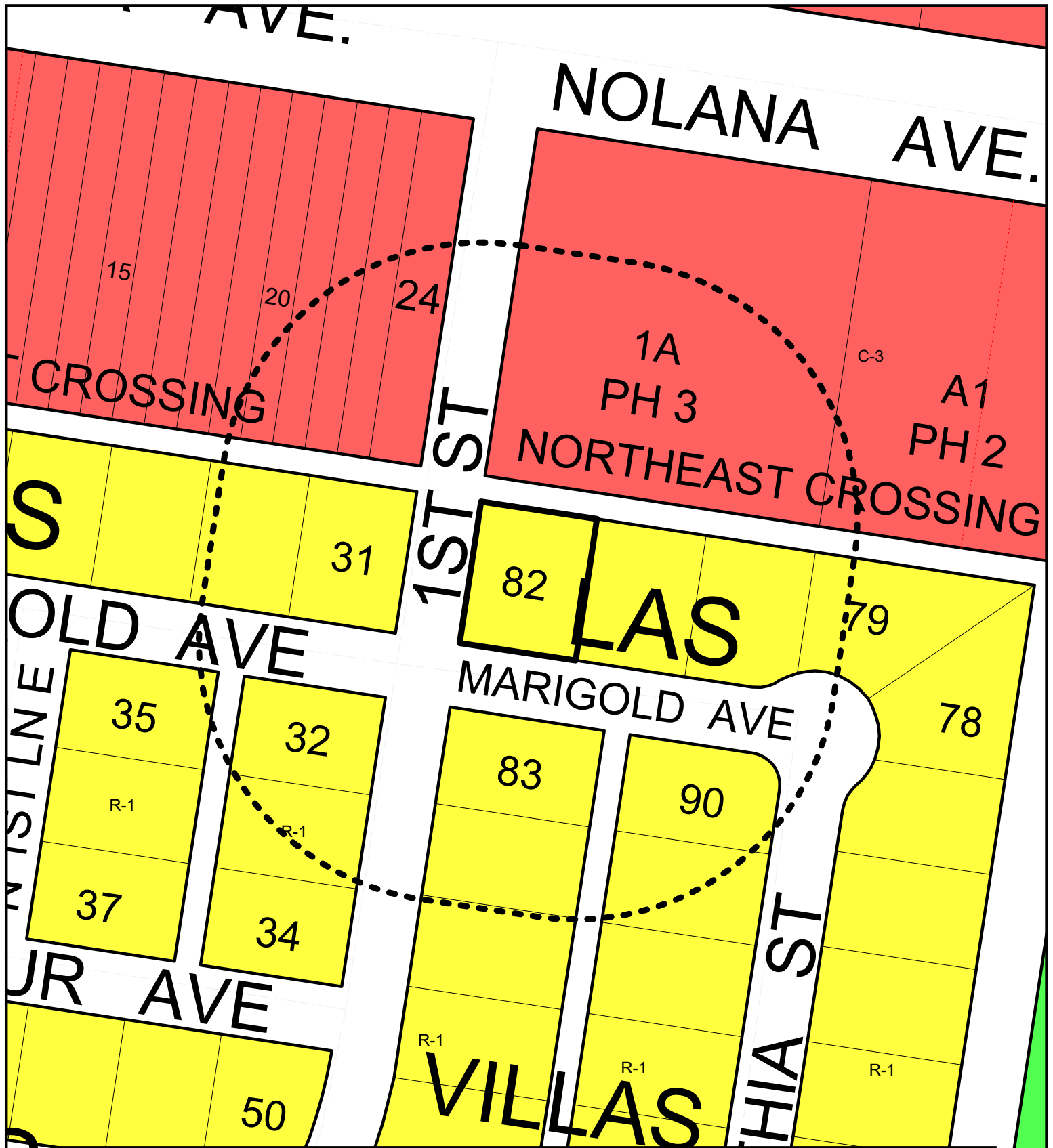
Chairman, Board of Adjustment
Signature


→ Depletion! Date
→ Depletion!

I seek coverage for my family while
UV Rays / Harmful
Outdoors in my yard / Depletion
Reason for Appeal
Trying to minimize my yard, cars, and family from the
extreme harsh / climate by providing a carport to block out
UV Rays / extreme weather elements

Board Action




obtained
obtained
↑





















CITY OF McALLEN
 PLANNING DEPARTMENT

LEGEND
 SCALE: N.T.S.

 **SUBJECT PROPERTY**
 **200 FT. NOTIFICATION BOUNDARY**
 **1/4 MILE RADIUS**

AREA MAP


ZONING LEGEND

 A-0 (AGRICULTURAL & OPEN SPACE)	 R-3A (APARTMENTS)	 R-4 (MOBILE HOMES)	 C-3 (GENERAL BUSINESS)	 I-1 (LIGHT INDUSTRIAL)
 R-1 (SINGLE FAMILY RESIDENTIAL)	 R-3C (CONDOMINIUMS)	 C-1 (OFFICE BUILDING)	 C-3L (LIGHT COMMERCIAL)	 I-2 (HEAVY INDUSTRIAL)
 R-2 (DUPLEX-FOURPLEX)	 R-3T (TOWNHOUSES)	 C-2 (NEIGHBORHOOD COMMERCIAL)	 C-4 (COMMERCIAL INDUSTRIAL)	 (SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcalien.net>. Furthermore, This map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.



CITY OF McALLEN
PLANNING DEPARTMENT



SUBJECT PROPERTY

AERIAL MAP
SCALE: N.T.S.



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location of property boundaries.

Canal

Cynthia

Alley →

Alley →

→

→

→

→

→

→

→

→

→

→

→

Carport

Garage

House

Side walk

17' x 24' 17' x 34'

Side walk

1st

RECEIVED

JUL 12 2021

RECEIVED
JUL 16 2021
By



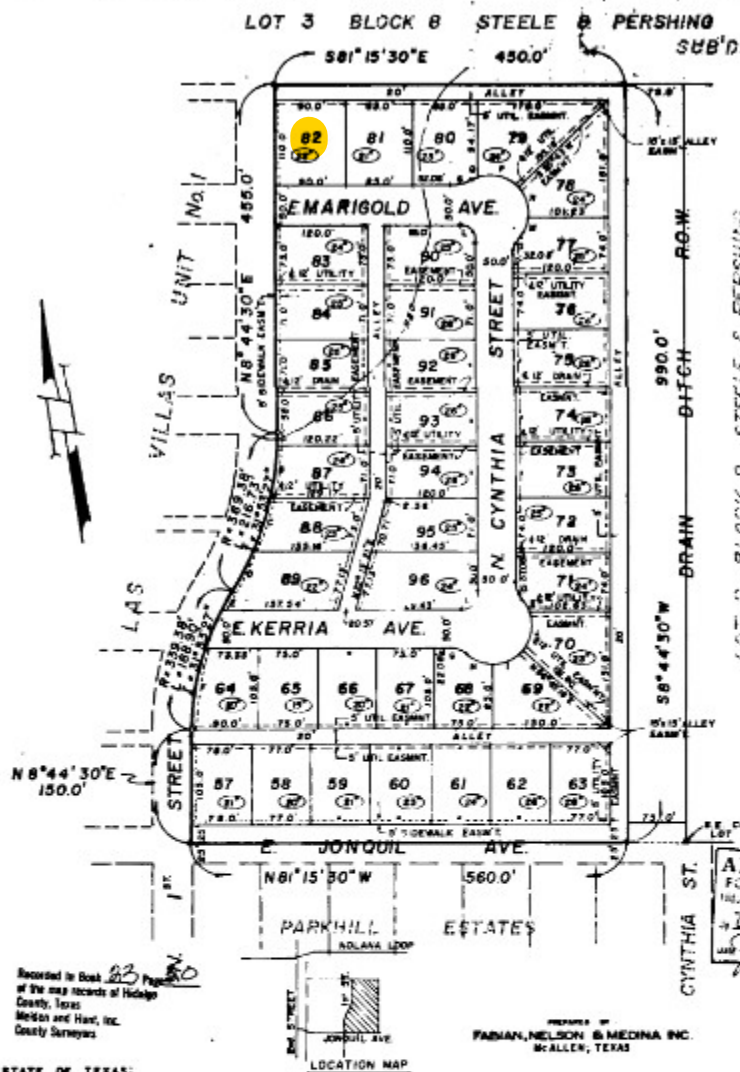








NOTICE
VARIANCE
SPECIAL EXCEPTION
THIS PROPERTY
ZBA2021-0032



1. Front yard setback shall be 20 ft. minimum, except for lots fronting on Jewell Avenue. Front setback shall be 25 ft. minimum.
2. Sideyard setback shall be 8 ft. minimum except when adjacent lot is zoned R-1 or R-2, in which case minimum setback to be 10 ft.
3. Rear yard setback shall be 10.0 ft. minimum except for lots at rear of blocks adjacent to 19 ft.
4. Minimum front setback shall be the corner of Adams above top of curb measured at front corner as shown on each lot.
5. A 15 ft. by 15 ft. corner alley for access easement is required at the corners of all lots which have abutting street right-of-way lines.
6. General Power & Light Co. is hereby granted an easement and right-of-way on each lot in said subdivision for an underground electric service line. Together with it, the right of ingress and egress for such purposes at the right location where such service lateral is to be as is installed.
7. Side alleys required on both ... 1st Street and on the north side of Jewell Avenue.
8. A 10 ft. by 10 ft. corner alley for access easement is required at the corners of all lots which have abutting street right-of-way and alley right-of-way lines.

CURVE DATA				
CURVE	DATE	LENGTH	CURVE	AVG. S
A	2-29-59	15.00	13.20	15.20
B	2-29-59	17.20	17.00	18.20
C	3-6-59	74.70	74.80	100.50
D	3-6-59	17.15	27.75	27.75
E	3-6-59	17.20	27.75	28.00
F	2-28-59	108.75	108.30	100.00
G	30-05	11.80	21.20	20.00
H	30-05	24.40	30.50	34.20
I	30-05	41.90	40.80	40.00
J	30-05	56.95	50.40	47.00
K	30-05	72.70	70.75	70.00
L	28-05	99.77	86.50	86.00
M	30-05	105.00	94.75	94.00
N	28-05	148.80	146.30	140.00
P	30-05	161.20	171.70	170.00
Q	30-05	18.24	18.00	17.00

LAS VILLAS SUB'D.
UNIT No.2

Mc ALLEN, TEXAS

BEING A SUBDIVISION OF 10.80 AC
OUT OF LOT 3, BLOCK 8, STEELE
PERSHING SUBDIVISION OF
PORCIONES 66 & 67
HIDALGO COUNTY, TEXAS

CHECKED FOR DRAINAGE
BY: W. O. Wagon

STATE OF TEXAS:
COUNTY OF MIDLAND:

PROPERTY OF: MOBILE MAP: 11-100 DATE: 11-1-78
 PREPARED BY: LOCAL PURPOSE: THAT GRANTAS A QUIRYANA, INC., A TEXAS CORPORATION, THE OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED LAS VILLAS
SUBDIVISION UNIT NO. 1, IN THE CITY OF MOBILE, TEXAS, (HEREINAFTER) DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINAGE
RIGHTS, AND PUBLIC PLACES THEREIN SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

IN TESTIMONY WHEREOF, GRAJALES & GUYARA, INC. HAS CAUSED THESE PRESENTS TO BE EXECUTED THE

STATE OF TEXAS;
COUNTY OF HALLAM

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED THE ABOVE NAMED PERSONS
INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION
GIVEN UNDER MY NAME AND SEAL OF OFFICE, THIS THE 10th DAY OF September, 1952

KNOWN TO ME
THEY/HI STATED

I, THE UNDERSIGNED, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF MAJALGA HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

STATE OF TEXAS:
COUNTY OF HENDERO

I, THE UNDERSIGNED, A REGISTERED PUBLIC SURVEYOR ^{NO} 1290 IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

I, THE UNDERSIGNED, MAYOR OF THE CITY OF SMALLER, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF SUBDIVISION REGULATIONS OF THIS CITY WHEREAS MY APPROVAL IS REQUIRED.

THIS PLAN APPROVED BY THE KIDALSO COUNTY

DISTRICT
APPROVED FOR RECORDING

COMMISSIONERS' COURT

1. ECGA 8.12 Costs Ctd

Michigan County, Tenn

U. J. - The New York Times

CRITERIA FOR ZBOA DETERMINATIONS

APPEALS

1. ZBOA may hear and decide appeals **where it is alleged there is error** in any order, requirement, decision or determination made by an administrative official **in the enforcement of Chapter 138** of the Code of Ordinances ("Zoning").
2. In conformity with the provisions of V.T.C.A., Local Government Code § 211.009 et seq. and Chapter 138 of the Code of Ordinances, the **ZBOA may reverse or affirm, wholly or partly, or may modify** the order, requirement, decision or determination appealed from.

SPECIAL EXCEPTIONS

Authorized under Ord. Sec. 138-43 ("Powers") in the following instances:

1. Where the **street layout** actually on the ground varies from the street layout as shown on such maps.
2. To permit the **reconstruction of a nonconforming building** which has been damaged to the extent of more than 50 percent of its replacement cost.
3. To **waive or reduce the parking and loading requirements** whenever:
 - a. The character or use of the building is such as to make unnecessary the full provisions of parking or loading facilities, OR
 - b. Where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
4. To allow a change **from an existing nonconforming use to another nonconforming use** of a structure, or a structure and premises in combination, if:
 - a. No structural alterations are made, AND
 - b. The Board finds that the proposed nonconforming use is not more nonconforming in the district as the existing nonconforming use.

Ord. Sec. 138-86. – GENERAL POLICY.

The general public, the board of commissioners, and the planning board are directed to take note that nonconformities in the use and development of land and buildings are to be avoided, or eliminated where now existing, wherever and whenever possible, except:

- (1) When necessary to preserve property rights established prior to the date the ordinance from which this article is derived became effective as to the property in question, and
- (2) When necessary to promote the general welfare and to protect the character of the surrounding property.

VARIANCES

Authorized only when ALL of the following applies:

1. Owing to special conditions, a literal enforcement of Zoning Ordinance provisions would result in **unnecessary hardship**.
2. **Applicant proves** to the Board the following:
 - a. Land in question cannot yield a reasonable return if used only for a purpose allowed in that zone,
 - b. **Plight is unique** and not shared in general by others in the neighborhood, and
 - c. Variance will **not alter the essential character of the locality**.
3. Variance would **not merely serve as a convenience** to the applicant.
4. Variance must be in **harmony with purpose and intent of Zoning Ordinance**.
5. Variance would **not be contrary to the public interest**.
6. **Surrounding property is be properly protected**.
7. **The spirit of this Zoning Ordinance is observed and substantial justice done**.

Definitions

Table of Contents

Chapter 138-Zoning1

 Section 138-1 Definitions1

Chapter 110-Vegetation6

 Section 110-26 Definitions6

Chapter 138-Zoning

Sec. 138-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building means a subordinate building, located on the same lot as the main building, the use of which is clearly incidental to and customarily found in connection with the main building or principal use of the property.

Accessory use means a use which is clearly incidental to and customarily found in connection with the principal use of the premises and which is located on the same lot as the principal use.

Accessory use of building means a subordinate use or structure customarily incident to and located on the lot occupied by the main use or structure and conforming with setback and other regulations concerning location.

Alley means a minor public right-of-way which is used primarily for vehicular and utility service access to the backs or sides of properties otherwise abutting on a public street.

Apartment means a room or suite of rooms located in a building with other such rooms or suites arranged, designed, or to be occupied as a residence by a family. (See Dwelling unit.)

Associated recreation means recreational uses which are an integral part of a common ownership or associated or high density residential development (example: homeowners' association with a private club or facility).

Authorized agent means an architect, builder, developer or other person empowered to act on behalf of such persons.

Base station. As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below, except for new base stations that are not eligible for Section 6409, need not be existing at the time of the application, nor does subsection 138-1.A(a)1.c. apply to a new base station.

Boardinghouse means a building other than a hotel where lodging and meals are provided for compensation.

Building means any structure designed to be built for the support, enclosure, shelter or protection of persons, animals, chattel or property of any kind. The word "building" includes the word "structure."

Carrier on wheels or cell on wheels ("COW"). A portable self-contained mobile facility moved to a location and set up to provide wireless services on a temporary or emergency basis.

Concealed or stealth design elements. A design elements of any tower, base station or transmission equipment that allows it to be integrated as an architectural feature of a tower or base station or so that it is not readily apparent to a casual observer. It may be screened, disguised, concealed or otherwise camouflaged as a natural structure, structure or part of a structure so that it is not easily recognizable from other natural structures.

Conditional use means a use which may be suitable in certain locations in a zoning district if developed and operated under specific conditions and/or for a limited period of time.

Depth of lot means the mean horizontal distance between the front and rear lot lines. (See definitions of Front and Rear lot lines.)

District means a section of the city for which the regulations governing the areas, heights or uses of buildings are uniform.

Dwelling unit means any building or portion thereof which is designed for or used primarily for residential occupancy, but not including hotels, boardinghouses or mobile homes.

- (1) *Single-family* means a building designed for and/or occupied exclusively by one family as a separate dwelling unit.

- (2) *Duplex* means a building designed for and/or occupied exclusively by two families living independently of each other.
- (3) *Triplex* means a building designed for and/or occupied exclusively by three families living independently of each other.
- (4) *Fourplex* means a building designed for and/or occupied exclusively by four families living independently of each other.
- (5) *Multiple* means a building designed for and/or occupied exclusively by five or more families living independently of each other.

The determination of whether one family is living independent of another is based on one or more of the following criteria: separate sanitary facilities; separate kitchen facilities; separate entrances; or separate utilities.

Eligible facilities request. As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

Eligible support structure. As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

Existing. As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

Family means one or more persons living together as a single housekeeping unit with common sanitary and kitchen facilities.

Garage, commercial means a building or premises used for storage, repair, rental or servicing of motor vehicles.

Garage, private means an accessory building, attached or detached, designed or used for the storage of motor-driven vehicles owned and used only by the occupants of the building to which it is accessory.

Guesthouse means an accessory building designed for the temporary occupancy of guests of the primary dwelling for which there is no remuneration. "Maids' quarters" means a portion of a dwelling unit, within the same enclosure and not a separate accessory building attached to the primary building, that may contain separate sanitary and/or kitchen facilities which is designed for or used for residential occupancy by an employee of the primary residence.

Height means, for a building or portion of a building, the vertical distance from grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, and the mean height level between eaves and ridge for hip, gable or gambrel roofs. In measuring the height of a building, the following structures shall be excluded: chimneys, cooling towers, elevator bulkheads, mechanical rooms, tanks, water towers, radio towers, television antennas, ornamental cupolas, domes or spires, and parapet walls not exceeding four feet in height. Heights authorized in this chapter are subordinate to the airport zoning ordinance, appendix A.

Loading space means a space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks and having a minimum dimension of 12 by 35 feet and a vertical clearance of at least 14 feet.

Lot means an undivided tract or parcel of land having frontage on a public street, and which is, or in the future may be, offered for sale, conveyance, transfer or improvement, which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record. The word "lot" includes the word "plot."

- (1) *Corner lot* means a lot abutting upon two or more public streets at their intersection.
- (2) *Building coverage* means percentage of the lot that is occupied by the ground area of a building and its accessory buildings.
- (3) *Lot, double frontage* means a lot abutting on two nonintersecting public streets as distinguished from a corner lot.

- (4) *Lot lines* means the lines bounding a lot as defined in this section.
- a. *Front lot line* means the property line between the front yard and the contiguous street right-of-way boundary.
 - b. *Rear lot line* means the property line between the rear yard and the adjacent property or right-of-way, and contiguous with the legal boundary of such use.
 - c. *Side lot line* means the property between two adjacent lots or between the side yard and the contiguous street right-of-way boundary on corner lots.

Lot of record means a parcel of land which is part of a subdivision, the map or plat of which has been recorded in the office of the county clerk; or a tract of land not a part of an urban or town lot subdivision, the deed of which has been recorded in the office of the county clerk prior to October 15, 1973, which has not been divided since recording.

Maneuvering space means the space entirely on private property required for maneuvering vehicles in such a manner as to preclude the backing of any vehicle into any street right-of-way.

Mobile home means a movable or portable dwelling originally constructed to be towed, on its own chassis, by a motor vehicle over public roads.

Mobile home and modular home park means a unified development of five acres or more for mobile homes arranged on a tract of land owned by an individual or a single business entity for the purpose of renting or leasing lots, and meeting the requirements of chapter 122, article II of this Code.

Mobile home and modular home subdivision means a unified development of five acres or more for mobile homes arranged on a tract of land in such a manner as to provide an individual lot (see definition of Lot) for each of the mobile homes.

Modular home means a dwelling unit in which more than 50 percent of the structure is constructed at other than the construction site, brought to the site in modules, and set on a permanent foundation.

Ornamental feature means an addition to a structure designed to enhance the appearance of the structure, in compliance with all of the following criteria:

- (1) Any space occupied by or enclosed by the ornamental feature should not be included in or made a part of the air conditioned, heated, or enclosed portion of the structure;
- (2) The feature should serve no purpose or function for the structure other than ornamentation. The building should be equally functional without the feature as with the feature; and
- (3) The feature shall extend no further than 24 inches into a required yard.

Parking area means a space used exclusively for the parking of vehicles and where no other business is conducted.

Parking space means an area, not closer than six feet from the back edge of the curb, the width and length of which shall exceed by a minimum of two feet the dimensions of the type of vehicle normally to be parked in the space, and connected with a street or alley by a driveway affording satisfactory ingress and egress. The minimum dimension of a parking space shall be in accordance with the city off-street parking requirements in article VII of this chapter.

Planned unit development (PUD) means and includes a combination of different dwelling types and/or a variety of land uses which creatively complement each other and harmonize with existing and proposed land uses in the vicinity, and which comply with the Planned Unit Development provisions of chapter 134, article IV of this Code.

Portable building means a temporary building that does not have a foundation and is transportable.

Recreational vehicle or travel trailer means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified as a travel trailer by the manufacturer of the trailer and, when factory-equipped for the road, it shall have a body width not exceeding eight feet and a body length not exceeding state maximums.

Residential storage building means any building, either portable or constructed onsite, utilized for storage purposes and not requiring plumbing and electrical wiring, and not used for living quarters.

Restaurant means a building or portion of a building where the primary business is the on-premises sale of prepared food, with adequate kitchen facilities for the preparation of the food to be sold, the adequacy of such kitchen facilities to be based upon the seating capacity of the restaurant and the type of menu offered, and where alcoholic beverages may be sold under the following conditions:

- (1) At least 51 percent of the gross income shall be derived from the sale of prepared food.
- (2) Any outside entrances, outside separate identification, outside signs or other separate advertising for lounge or bar areas shall be permitted only as an accessory or secondary feature of the restaurant.
- (3) Live entertainment may be permitted.
- (4) Whenever the director of planning on the basis of a sworn complaint from any person determines that a violation of this section exists, he may require any person serving alcoholic beverages as an incidental use to provide the city, within 30 days of notification, a verified audit for each quarter of the calendar year, showing the gross income derived from the sale of food.

Retail means the sale of goods directly to a consumer; engaged in, pertaining to or relating to the sale of merchandise at retail; or selling by individual items, or by the piece, directly to a consumer.

Right-of-way line means a dividing line between a lot, tract or parcel of land and the public right-of-way.

Street means a public or private thoroughfare which affords the principal means of access to abutting property, excluding alleys.

Structural alteration means any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Structure means anything constructed, erected or artificially built up; or composed of parts and joined together in a permanent manner.

Substantial change. As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

Tower. As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below, except for new towers that are not eligible for Section 6409, they need not be existing at the time of the application.

Townhouse means a single-family dwelling unit constructed in a series or a group of units having common walls, each on a separate lot.

Transmission equipment. As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

Yard means an open space between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in the definitions of "yard" set out in this section. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

- (1) *Front yard* means a yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the right-of-way line and wall of the main building or any projections thereof other than projections of the usual uncovered steps, uncovered balconies or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension, except where corner lots may be square in dimension and/or have double frontage, in which case the front yard shall correspond to the lot's side adjacent to the longest block face in which it occurs and to which the majority of the existing structures front.

- (2) *Rear yard* means a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than projections of uncovered steps, uncovered balconies or uncovered porches. On all lots, the rear yard shall be in the rear of the front yard.
- (3) *Side yard* means a yard between the main building and the side line of the lot, and being the minimum horizontal distance between a side lot line and the sides of the main buildings or any projections thereof.

(Code 1966, § 32-2; Ord. No. 1996-8, § I, 1-22-96; Ord. No. 1996-70, § I, 11-18-96; Ord. No. 1998-68, § 1, 2-27-98; Ord. No. 1999-69, § 1, 8-9-99; Ord. No. 2004-15, § 5, 2-9-04; Ord. No. 2015-38, § II, 5-11-15)

Cross reference— Definitions and rules of construction generally, § 1-2.

Footnotes:

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Note— 47 U.S.C. § 332(c)(7)(C) Definitions. For purposes of this paragraph—(i) the term "personal wireless services" means commercial mobile services [cellular service], unlicensed wireless services, and common carrier wireless exchange access services..."; 47 U.S.C. § 332(d)(1) the term "commercial mobile service" means any mobile service (as defined in section 153 of this title) that is provided for profit and makes interconnected service available (A) to the public or (B) to such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by regulation by the Commission;..."

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Note— 47 U.S.C. § 332(c)(7)(C) Definitions for purposes of this paragraph... (ii) the term "personal wireless service facilities" means facilities for the provision of personal wireless services..."

Chapter 110-Vegetation

Sec. 110-26. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Buffer means a screen constructed of wood, concrete block, masonry, a combination of wood and masonry, or landscape material with a chain link fence in such a manner that adjacent property is visually screened, and so that noise, solid waste or other objectionable influences will be avoided. Such buffer shall be perpendicular to the ground, a minimum of six feet in height, continuous and uninterrupted, and 100 percent opaque except where extraordinary circumstances exist where additional height will more adequately accomplish the desired end.

Caliper means the diameter of a tree measured 12 inches above the ground for trees up to and including eight inches in diameter and four and one-half feet above the ground for trees having a diameter of more the eight inches. The diameter of a multi-stem tree shall be measured at the point below branching or the sum of the two largest stems measured at four and one-half feet above the ground which ever is greater.

Contiguous means adjacent property whose property lines are shared, or are separated by only a street, alley, easement or right-of-way.

Developed property means that portion of a lot or parcel upon which a building, structure, pavement, or other improvements have been or are proposed to be placed.

Diameter-at-breast-height (DBH) means the tree trunk diameter measured in inches at a height of four and one-half feet (54 inches) above natural grade or the DBH measurement according to the latest edition of the Guide for Plant Appraisal as published by the Council of Tree and Landscape Appraisers, when the tree trunk branches out at a point lower than four and one-half feet.

Frontage means lineal distance measured along abutting street rights-of-way.

Ground cover means low growing plants planted in such a manner as to form a continuous cover over the ground, typical horizontal growth form with a maximum height of 24 inches, such as liriopse, low growing varieties of honeysuckle, confederate jasmine, English ivy or others.

Landscape material means trees, shrubs, ground cover, vines or grass installed in planting areas, including but not limited to those installed for the purpose of fulfilling the requirements of this article.

Landscape strip area means a planting area within the property lines of specified width and parallel to a public street, excluding driveways for ingress and egress.

Paved ground surface area (also referred to in this article as paved area or paved ground area) means any paved ground surface area (excepting public rights-of-way) used for the purpose of driving, parking, storing or displaying of vehicles, boats, trailers and mobile homes, including new and used car lots and other open lot uses. Parking structures, covered drive-in parking areas to the drip line of the covering or garages shall not be considered as paved ground surface areas.

Planting area means an area intended or used for landscaping that has a minimum of 40 square feet of actual plantable area and an inside dimension on any side of at least 36 inches.

Reconstruction means rehabilitation or replacement of structures on nonresidential or multifamily property to an extent exceeding 50 percent of the assessed valuation of such structures as shown on the most recent tax roll of the city.

Shrub means any woody plant of relatively low height, having several stems arising from the base and lacking a single trunk.

Stormwater detention facility means an impoundment on a lot or parcel reserved for detaining and controlling the release of stormwater runoff as required by City of McAllen Drainage Policy.

Street line means that line separating the right-of-way from any adjacent property.

Tree means any self-supporting woody plant of a single trunk and of a species which normally grows to an overall mature height of a minimum of 15 feet in the lower Rio Grande Valley of the state.

Vine means any of a group of woody or herbaceous plants which may climb by twining, by means of aerial rootlets or tendrils, or which may simply sprawl over the ground or other plants.

Xeriscape means landscape methods which conserve water through the use of drought-tolerant plants and planting techniques.

(Code 1966, § 17 3/8 -4; Ord. No. 1993-88, § I, 12-13-93; Ord. No. 2006-118, § 1, 11-13-06; Ord. No. 2007-28, § 1, 3-26-07)

Cross reference— Definitions and rules of construction generally, § 1-2.

Exceptions Cited within the Zoning Ordinance

Exceptions pertaining to front yard setbacks:

1. Balconies opening upon fire towers not to exceed 5 feet (*Section 138-366 (d)*)
2. Balconies, uncovered (*Section 138-1, Yard (1)*)
3. Chimneys not to exceed 5 feet (*Section 138-366 (d)*)
4. Cornices up to 2 feet (*Section 138-366 (c)*)
5. Eaves up to 2 feet (*Section 138-366 (c)*)
6. Fence not to exceed 3 feet within 25 feet of a curb intersection in residential zones (*Section 138-367 (c)*)
7. Fire escapes, open or lattice-enclosed not to exceed 5 feet (*Section 138-366 (d)*)
8. Flues not to exceed 5 feet (*Section 138-366 (d)*)
9. Ornamental features up to 2 feet (*Section 138-366 (c)*)
10. Planting not to exceed 3 feet within 25 feet of a curb intersection in residential zones (*Section 138-367 (c)*)
11. Porches, uncovered (*Section 138-1, Yard (1)*)
12. Projections up to 2 feet (*Section 138-366 (c)*)
13. Pumps, filling station not less than 13 feet from the property line or 18 feet from the curb, whichever greater (*Section 138-367(d)*)
14. Pumps, gas and canopies not less than 9 feet from the property line or 10 feet from the curb, whichever greater (*Section 138-259*)
15. Pumps, islands not less than 13 feet from the property line or 18 feet from the curb, whichever greater (*Section 138-367(d)*)
16. Sills up to 2 feet (*Section 138-366 (c)*)
17. Stairways, outside not to exceed 5 feet (*Section 138-366 (d)*)
18. Steps, uncovered (*Section 138-1, Yard (1)*)
19. Structure not to exceed 3 feet within 25 feet of a curb intersection in residential zones (*Section 138-367 (c)*)

Exceptions pertaining to rear yard setbacks:

1. Balconies opening upon fire towers not to exceed 5 feet (*Section 138-366 (d)*)
2. Balconies, uncovered (*Section 138-1, Yard (1)*)
3. Buildings, accessory may occupy no more than 30% (*Section 138-369*)
4. Carports, unenclosed abutting an alley may be built up to the rear property line within the R-3A and R-3C Districts (*Section 138-356, Footnote 5*)
5. Chimneys not to exceed 5 feet (*Section 138-366 (d)*)
6. Cornices up to 2 feet (*Section 138-366 (c)*)
7. Eaves up to 2 feet (*Section 138-366 (c)*)
8. Fire escapes, open or lattice-enclosed not to exceed 5 feet (*Section 138-366 (d)*)
9. Flues not to exceed 5 feet (*Section 138-366 (d)*)
10. Ornamental features up to 2 feet (*Section 138-366 (c)*)
11. Parking, unenclosed may occupy no more than 90% (*Section 138-369*)
12. Porches, uncovered (*Section 138-1, Yard (1)*)
13. Projections up to 2 feet (*Section 138-366 (c)*)
14. Sills up to 2 feet (*Section 138-366 (c)*)
15. Stairways, outside not to exceed 5 feet (*Section 138-366 (d)*)
16. Steps, uncovered (*Section 138-1, Yard (1)*)

ZONING BOARD OF ADJUSTMENT AND APPEALS

RULES AND PROCEDURES

CITY OF MCALLEN

The McAllen Zoning Board of Adjustment and Appeals adopts the following Rules and Procedures (hereinafter “Rules”) to govern the substance of all board matters.

I. ORGANIZATION AND OFFICERS

A. Members

The McAllen City Commission created the Zoning Board of Adjustment and Appeals (hereinafter referred to as “Board”) pursuant to Chapter 211 of the Texas Local Government Code and Chapter 138, Article II, Division 3 of the City of McAllen, Texas Code of Ordinances (the “City Code”). The Commission appoints the members for that Board under Section 211.008 of the Texas Local Government Code (the “Code”).

The Commission composed the Board to sit five (5) members. Each member serves a two-year term. The Commission may renew a member’s term for a maximum of three total consecutive terms. The Commission also appoints four (4) alternate members to serve in the absence of a regular board member. Alternate members serve just as regular members and are subject to the same rules as regular members, unless otherwise provided in these Rules, but do not vote except in the absence of a regular member.

B. Officers

The Board shall elect a Chair and a Vice Chair from its own regular members by majority vote. The Chair and Vice Chair each serve one year. The Board shall accept an Executive Secretary appointed by the McAllen Planning Department. The Board shall adopt an attorney advisor appointed by the McAllen Legal Department. The Board shall only accept the appointment of personnel under the condition each person remains the employee and charge of the City of McAllen, with no employment relationship to the Board.

C. Duties and Officers

The Chair shall preside over the Board, hold meetings of the Board, decide points of order, and dispense the business of the Board. The Chair may administer oaths, compel the attendance of witnesses, and issue subpoenas as per Section 211.008 of the Code. The Chair shall sign the minutes of board meeting after the minutes have been approved by the Board.

In the absence of the Chair, the Vice Chair, or in both their absences the most senior member, according to the member’s appointment date, shall dispense the duties of the Chair.

II. POWERS OF THE BOARD

A. General Powers

The Board has those powers specified in Section 211.009 and 241.033 of the Code, and those powers granted by the City Commission under Chapter 138 (Zoning Ordinance) and Chapter 110 (Vegetation Ordinance) of the City Code, and those powers granted to the Board by ordinance.

B. Specified Powers

As per city ordinance and state statute, the Board has those powers described in Section 211.009 of the Code and Section 138-43 of the City Code. Those powers described in Section 138-43 are:

1. Hear and decide appeals that allege an error in any order, requirement, decision or determination made by an administrative official or agency in the enforcement of applicable provisions of the Local Government Code, the City Ordinance;
2. Authorize variances to specific cases from the terms of the City Code as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of City Ordinance will result in unnecessary hardship, and so that the spirit of ordinances shall be observed and substantial justice done;
3. Grant special exception to waive or reduce parking and loading requirements whenever the character and use of the building is such as to make unnecessary the full provisions of parking or loading, or where such regulations would impose an unreasonable hardship upon the use of the lot; and
4. Hear and decide any other matters authorized by the City Commission through ordinance.

III. DUTIES OF BOARD MEMBERS

A. General Duties of Members

1. All members of the Board should attempt to inspect the premises of each case which is under consideration at each meeting and become generally familiar with each case prior to Board meetings.
2. All members shall attend all meetings, provided, however, the member must provide 72 hours prior notice to the Executive Secretary in the event the member cannot attend.
3. All members of the Board shall arrive at a logical and fair decision on each case, except where a conflict may preclude a vote on the case.

B. Disqualification/Conflict of Interest

All members of the Board of Adjustment are subject to the City of McAllen Ethics Ordinance (Chapter 2 of the City Code).

In all cases before the Board where a member of the Board has a conflict as described in the Ethics Ordinance, the member shall refrain from any discussion, deliberation or vote. When applicable, the member shall complete and submit a City Conflict of Interest form, but in all cases alert the Executive Secretary at least 72 hours prior to the meeting on which the conflict is at issue. The Executive Secretary shall submit all notices of conflict to the City's attorney.

IV. A BASIS FOR ACTION

The Board shall decide each case based on the following:

1. Facts filed with application.
2. Testimony presented at the public hearing on the appeal.
3. The Planning Department's technical report on the appeal.
4. The Board's findings in its field inspection of the property may question all witnesses to assist the Board in arriving at a correct, logical and fair decision.
5. The applicable standards of review described in Section 138-43 of the City Code and Sections II.A., II.B. and VI. of these Rules.
6. All decisions shall be made on the Basis for Action. Neither the Board nor the individual members may use personal, first hand knowledge of any facts to make a determination, if such information has not been entered into the record or made available at the public hearing.

V. APPLICANTS

A. Legally Vested Interest

The Board shall not consider an application from any applicant who does not have a vested legal or equitable interest in the property in question. Applicants may appear on their own behalf or may be represented by counsel or agent. Any representation by someone other than an applicant must be accompanied with a written designation by the applicant for the agent to act on behalf of the applicant. (For example, the representative may produce a letter from the applicant to the Planning Department to authorize the representative to speak on behalf of the applicant; or, the representative may submit an application on behalf of a verifiable power of attorney.)

B. Applications

All applications for consideration by the Board must be on the prescribed form approved by the Planning Department and acceptable to the Board. The Board shall not consider applications for a variance or a special exception or any other Board action, if the application is not on a designated form. The Board shall approve the official application and the Chair shall implement it.

All applications for variances and special exceptions to commercial properties must be submitted with a current, valid "on the ground" survey. An applicant must submit a pauper form with their application if

they cannot proffer a valid survey; provided, however, the applicant illustrates their property with setbacks and encroachments as a survey would.

C. Meetings

Applicants have the right to be heard at all meetings where their applications are considered for a dispositive vote. Applicants not able to be present at the scheduled meeting to consider their application may submit to the Planning Department a written request for the Board to table the application. The Board will decide whether or not to grant the applicant's request to table. No application may be tabled at the request of applicant for more than two meetings prior to being considered for a dispositive vote. However, if the applicant requests for his/her application to be tabled because there are only four (4) board members present, such request shall not be counted against applicant's two (2) opportunities to table his/her request. Board action may proceed on any application despite the request of any applicant to table the application. The Board shall note on the record the reason(s) for the tabling of an agenda item. The reason(s) for each tabling, as well as the number of times an agenda item has been tabled, shall be reflected in an activity log in the meeting minutes at the end of each agenda item.

D. Evidence

Applicants should be prepared to present evidence necessary to prove their application. The burden of persuasion on seeking a remedy from the Board remains with the applicant at all times.

VI. HARDSHIP

A. For an "unnecessary hardship" to apply to a variance, it must relate to the very property for which the variance is sought and be a condition unique, oppressive, and uncommon to other properties. An unnecessary hardship may not be self-created, or be solely financial.

B. "Hardship" must be based on hardship resulting from sharp changes in topography or unusual terrain features. The applicant may prove the topography with a plot plan which includes topographic information related to known base points or surveys, and profiles or particular problems involved, including relationships to topographic features of adjoining properties.

C. There is no unnecessary hardship if the property is suitable and useable for the uses permitted in the district in which it lies, although there will be a loss of profit or other economic disadvantage on account of such use.

VII. MEETINGS

A. Texas Public Information Act and Open Meetings Act.

Except as permitted under the advice of the Board's attorney, all meetings of the Board are subject to the Texas Public Information Act and shall be open to the public. The minutes of the Board's meetings and records of its examination or other official actions are public records, unless excepted under law.

B. Quorum

A quorum consists of seventy-five percent (75%) of the full complement of members. For a full complement of five (5) members, therefore, four (4) members present constitute a quorum. The Chair may declare a quorum does not exist fifteen (15) minutes following a posted meeting time, having found at least four (4) members and alternate members are not present; provided however, the Chair may not declare a quorum thirty (30) minutes from the posted time, should at least members and alternate members not be present.

C. Regular Meetings

Regular meetings shall be held every first and third Wednesday at 5:30 P.M., or at other times as determined by the Board, in the City Commission Chambers. The Board by majority vote may change the place, day, and hour of the meetings; provided that, notice complies with the Texas Open Meetings Act (Chapter 511 of the Texas Government Code).

D. Special Meetings

The Chair may call a special meeting. A special meeting shall have a lawful purpose and members and public shall be given at least seventy-two (72) hours notice prior to the meeting.

E. Order of Business

The usual order of business shall be:

1. Call to Order
2. Approval of Minutes
3. Open Public Hearing
4. Other Statements
5. Introduction: New Information Recommendation
 - a) Presentation of recommendation by City Staff.
 - b) The Chair shall call the applicant or his representative(s) to present the case and answers any questions. If the applicant or representative is not present when called, the Chair may move a case to the end of the agenda.
 - c) The Chair shall then inquire if there are others who wish to address the Board in support of the case.
 - d) The Chair shall then inquire if there are those present who wish to address the Board who are opposed to the case.
 - e) The applicant or his representative may then give a rebuttal to any opposition.
 - f) If new facts are presented during this rebuttal, opposition shall be given the opportunity for rebuttal
 - g) Staff shall then have an opportunity to provide additional information, clarification or address questions from the Board.
 - h) Board discussion.
 - i) The Chair shall then declare that the discussion of the case is closed.

- j) In order to achieve an unambiguous decision, motions should be made in affirmative manner when possible.
- k) Any motion by a member shall require a second. After a motion has been made and duly seconded, discussion of the motion may be held for a reasonable time. Discussion shall terminate whenever a member shall call for a vote upon the question or whenever the Chair shall so rule.
- l) Vote on a motion.
- 6. The Chair may move a case out of regular agenda order.
- 7. Staff Report
- 8. Other Business posted on the Agenda
- 9. Adjournment

F. Staff Recommendations

City staff shall provide recommendations on each case before the Board.

G. Action by the Board

The super-majority concurring vote of seventy-five percent of the full board compliment, i.e., four affirming members of the Board, shall be necessary to reverse an order, requirement, decision or determination of an administrative official or agency; to decide in favor of an applicant on a matter upon which the Board is required to pass under any such ordinance or regulation; to authorize a variation; or to recommend to the Director of Planning to uphold or modify the interpretation of the City Code. All other matters shall be decided by a majority vote, unless otherwise specified in the City Code. The Board on its own motion may table an application when an applicant does not appear; provided however, in no case may the board table an application, for failure of the applicant to appear, more than twice without taking a dispositive vote.

H. Minutes of the Board

The Board, through its designated appointee, shall keep minutes of all meetings that indicate the vote of each member on every question on which it is required to act, or the fact that a member is absent or fails to vote. The minutes shall be filed in the office of the Planning Department and are public record.

VIII. DECISIONS OF THE BOARD

A. Precedent

There is not precedent. Any one case does not set a precedent for any future case. Each case shall be decided on its own merits and upon the circumstances of the case.

B. Public Statements

No Board member shall release any official statement to the public or the press. Only the Director of the Planning Department or her designated representative may make official statements on behalf of the Board.

B. Parliamentary Procedure

Any question regarding parliamentary procedure not covered by these rules shall be decided according to the latest edition of Robert's Rules of Order.

IX. WITHDRAWAL OF APPEAL

Any appeal or application may be withdrawn by the applicant upon written notice to the Director of Planning.

X. ATTENDANCE

Excessive absences cannot be tolerated, as the Board depends on a super majority of attendance in order to exercise decisions on applications for a variance. Three absences or more in a six-month period are excessive. If a Board member is excessively absent from regularly scheduled meetings, the Board may recommend to City Commission, by majority vote, that the Commission appoint an immediate replacement.

XI. AMENDEMENT PROCEDURE

Amendment to these rules and procedures may be made by the Board at any meeting, upon the affirmative vote of five (5) members, provided any such amendment is proposed at a preceding meeting and entered into the minutes of such meeting. However, board members may adopt through unanimous consent of all members an amendment at the meeting at which it was introduced; provided, however, the amendment shall not become effective until the next regular meeting.

Adopted this _____ day of _____, 2014 as affirmed by the designated Executive Secretary assigned by the Planning Department of the City of McAllen.

Executive Secretary

Exceptions pertaining to side yard setbacks:

1. Balconies opening upon fire towers not to exceed 5 feet (*Section 138-366 (d)*)
2. Canopy, unenclosed and not less than 4 feet from the side lot line or 8 feet from a corner lot line (*Section 138-368 (d)*)
3. Chimneys not to exceed 5 feet (*Section 138-366 (d)*)
4. Cornices up to 2 feet (*Section 138-366 (c)*)
5. Eaves up to 2 feet (*Section 138-366 (c)*)
6. Fire escapes, open or lattice-enclosed not to exceed 5 feet (*Section 138-366 (d)*)
7. Flues not to exceed 5 feet (*Section 138-366 (d)*)
8. Ornamental features up to 2 feet (*Section 138-366 (c)*)
9. Porte-cochere, unenclosed and not less than 4 feet from the side lot line or 8 feet from a corner lot line (*Section 138-368 (d)*)
10. Projections up to 2 feet (*Section 138-366 (c)*)
11. Side yards can be reduced to 10% of the lot width provided the lot has a width less than 50 feet. However, no side yard shall be less than 3.5 feet (*Section 138-368 (f)*)
12. Sills up to 2 feet (*Section 138-366 (c)*)
13. Stairways, outside not to exceed 5 feet (*Section 138-366 (d)*)
14. Townhouses can be built up to the side property line with a firewall (*Section 138-356, Footnote 10*)

Exceptions pertaining to height measurements (*Section 138-1, Height*):

1. Chimneys
2. Cooling towers
3. Domes
4. Elevator bulkheads
5. Mechanical rooms
6. Ornamental cupolas
7. Parapet walls not exceeding four feet in height
8. Radio towers
9. Spires
10. Tanks
11. Television antennas
12. Water towers

Exceptions as per Planning Department Policy

By policy the following are permitted:

1. AC Units
2. Clothes lines
3. Concrete slabs
4. Fire pits
5. Pergolas, arbors, and trellises as a landscape feature (legal opinion, 2009)
6. Playground equipment
7. Pool decks
8. Pool pumps
9. Portable grills
10. Sports equipment i.e. basketball hoop
11. Swimming pools prior to 2009 (legal opinion)
12. Umbrellas and patio furniture
13. Water features and fountains

Legal opinions:

1. In 2009 Assistant City Attorney Ignacio Perez made an interpretation to allow arbors, pergolas, and trellises within the required setbacks. The definition of landscape material is stated as trees, shrubs, ground cover, vines or grass installed in planting areas in Section 110-26 of the Vegetation Ordinance. The legal interpretation was if vines were allowed by code as a planting area and they cover vertical planes such as walls then the same logic could be applied to arbors, pergolas, and trellises as a planting area. Mr. Perez also cited Section 110-56 (g) of the Vegetation Ordinance stating architectural planters may be permitted to fulfill landscape requirements.
2. Prior to 2009 swimming pools were not considered a structure due to the fact they were constructed underground and the Zoning Ordinance defines a structure as anything constructed, erected or artificially built up or composed of parts and joined together in a permanent manner. However, an interpretation was made in 2009 to consider swimming pools as a structure to abide by setback requirements.

ORDINANCE NO. 2018- 70

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCALLEN AT CHAPTER 138 ("ZONING"), ARTICLE VI ("SUPPLEMENTARY DISTRICT REGULATIONS"), DIVISION 3 ("LOTS AND YARDS"), BY ADDING PROVISIONS REGULATING CARPORTS AND GRANTING THE ZONING BOARD OF ADJUSTMENTS TO GRANT SPECIAL EXCEPTIONS THERETO; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY, AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, the City of McAllen desires to establish rules and regulations relating to the construction and maintenance of carports within the City,

WHEREAS, the City Commission finds that it is in the public interest to delegate the authority to regulate carports to the Zoning Board of Adjustments,

WHEREAS, the City of McAllen seeks to protect the value of property located within the corporal limits of the City,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MCALLEN, TEXAS, THAT:

SECTION I: The Code of Ordinances, City of McAllen, Chapter 138 ("Zoning"), Article VI ("Supplementary District Regulations"), Division 3 ("Lots and Yards") is hereby amended to read as follows:

Sec. 138-371. – Special Exception for carports.

- (a) The Zoning Board of Adjustment may grant a special exception to the minimum setback requirements for a carport when, in the opinion of the board:
 - (1) there is no adequate vehicular access to an area behind the required front building line that would accommodate a parking space; and

- (2) the carport will not have a detrimental impact on surrounding properties.
- (b) In determining whether to grant this special exception, the board shall consider the following factors:
 - (1) Whether the requested special exception is compatible with the character of the neighborhood.
 - (2) Whether the value of surrounding properties will be adversely affected.
 - (3) The suitability of the size and location of the carport
 - (4) The materials to be used in construction of the carport
- (c) Storage of items other than motor vehicles is prohibited in a carport for which a special exception has been granted under this subsection.
- (d) If the Zoning Board of Adjustmnet Grants a special exception as provided in this section, the site plan and the minutes of the Zoning Board of Adjustment meeting shall be officially recorded with Hidalgo County.
- (e) Any special exception granted under this chapter is granted solely to the applicant and may not be transferred, sold, inherited, bequeathed, or devised.
- (f) A new special exception shall be required upon any change or transfer in ownership of the underlying tract; a special exception granted to a previous applicant does not confer any right to any other individual or corporation to maintain the carport without approval from the Zoning Board of Adjustment.

SECTION II: The City Secretary of the City of McAllen is hereby authorized and directed to cause the caption of this ordinance to be published in a newspaper having general circulation in McAllen, Hidalgo County, Texas in accordance with the Code of Ordinances of the City of McAllen, Section 2-56. Publication of ordinances.

SECTION III: The City Secretary of the City of McAllen is hereby authorized and directed to cause the language in Chapter 38, Article VI, Division 3, the McAllen Code of Ordinances, as amended by Section I, hereinabove, to be published in the appropriate location in the said Code of Ordinances.

SECTION IV: This Ordinance shall be and remain in full force and effect from and

after its passage by the Board of Commissioners, and execution by the Mayor.

SECTION V: If any part or parts of this Ordinance are found to be invalid or unconstitutional by a court having competent jurisdiction, then such invalidity or unconstitutionality shall not affect the remaining parts hereof and such remaining parts shall remain in full force and effect, and to that extent this Ordinance is considered severable.

CONSIDERED, PASSED and APPROVED this 8th day of October, 2018, at a regular meeting of the Board of Commissioners of the City of McAllen, Texas at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this 9th day October, 2018.

CITY OF McALLEN

John Ingram, City Commissioner

Attest:

Perla Lara

Perla Lara, TRMC/CMC, CPM
City Secretary

Approved as to form:

Austin W. Stevenson

Austin W. Stevenson, Assistant City Attorney



2021 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

	01/06/21	01/20/21	02/03/21	02/17/21	03/03/21	03/17/21	04/07/21	04/21/21	05/05/21	05/19/21	06/02/21	06/17/21	07/07/21	07/21/21	08/04/21	08/18/21	09/01/21	09/15/21	10/06/21	10/20/21	11/03/21	11/17/21	12/01/21	
ERICK DIAZ- CHAIRPERSON	P	P	P	P	P	P	A	P	A	P	P	P	P	P	P									
JOHN MILLIN- VICECHAIRPERSON	P	A	P	P	P	P	P	P	P	P	A	P	P	A	P									
SYLVIA HINOJOSA	P	P	P	A	P	P	P	P	P	P	P	P	P	P	P									
JOSE GUTIERREZ	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P									
JUAN F. JIMENEZ	P	A	P	P	P	A	P	P	P	P	A	A	P	A	P									
ANN TAFEL (ALT 1)	P	P	P	P	P	P	P	P	P	A	A	P	P	P	P									
HUGO AVILA (ALT 2)	P	P	P	P	P	A	P	P	P	A	P	P	A	P	P									
REBECCA MILLAN (ALT 3)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P									
ROGELIO RODRIGUEZ (ALT 4)	A	P	P	P	P	P	A	P	P	P	P	P	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



2021 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 2021

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

FEBRUARY 2021

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

MARCH 2021

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

APRIL 2021

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

MAY 2021

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

JUNE 2021

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



PLANNING DEPARTMENT

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



2021 CALENDAR

Meetings:

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

Deadlines:

- D- Zoning/CUP Application
- N - Public Notification

* **Holiday** - Office is closed

JULY 2021

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

AUGUST 2021

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

SEPTEMBER 2021

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

OCTOBER 2021

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

NOVEMBER 2021

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

DECEMBER 2021

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

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