

AGENDA

**ZONING BOARD OF ADJUSTMENT AND APPEALS SPECIAL MEETING
FRIDAY, AUGUST 30, 2024 - 4:30 PM
MCALLEN DEVELOPMENT CENTER
311 NORTH 15TH STREET
EXECUTIVE CONFERENCE ROOM**

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

CALL TO ORDER – Chairperson Jose Gutierrez

1. PUBLIC HEARINGS:

- a) Request of Hollywood Development and Construction, for Variances to the City of McAllen Off-Street Parking and Loading Ordinance to not provide one parking space beyond the front yard setback at Lots 2,3,4,5,6,7,8,9,10,17,18,19,20,21,22,23,25,26,27, and 28, Imperio Estates Subdivision, Hidalgo County, Texas; 2813, 2809, 2805, 2801, 2721, 2717, 2713, 2709, 2705, 2704, 2708, 2712, 2716, 2720, 2800, 2804, 2812, 2816, 2820, and 2824 Indian Hill Avenue **(ZBA2024-0029)**

ADJOURNMENT:

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

Memo

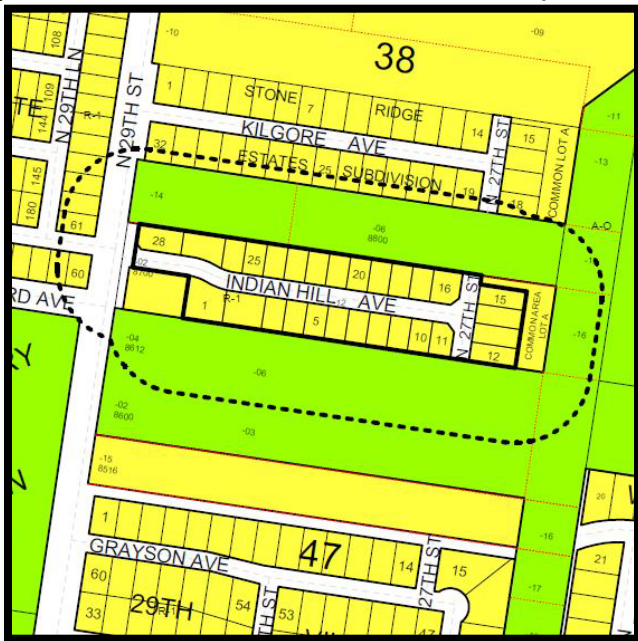
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: August 23, 2023

SUBJECT: REQUEST OF HOLLYWOOD DEVELOPMENT AND CONSTRUCTION, FOR VARIANCES TO THE CITY OF MCALLEN OFF-STREET PARKING AND LOADING ORDINANCE TO NOT PROVIDE ONE PARKING SPACE BEYOND THE FRONT YARD SETBACK AT LOTS 2, 3, 4, 5, 6, 7, 8, 9, 10, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, AND 28, IMPERIO ESTATES SUBDIVISION, HIDALGO COUNTY, TEXAS; 2813, 2809, 2805, 2801, 2721, 2717, 2713, 2709, 2705, 2704, 2708, 2712, 2716, 2720, 2800, 2804, 2812, 2816, 2820, AND 2824 Indian Hill Avenue (ZBA2024-0029)

REASON FOR APPEAL: The applicant is requesting to not provide one parking beyond the front yard setback for various Lots within Imperio Estates Subdivision.



PROPERTY LOCATION AND VICINITY: The subject properties are located on the east side of North 29th street within a two street subdivision. The properties are zoned R-1 (single-family residential) District. The surrounding land use is R-1 (single-family residential) District to the east and A-O (agricultural and open space) District to the north and south.

BACKGROUND AND HISTORY: Imperio Estates Subdivision was recorded on June 28, 2024. The variance application was submitted July 31st, 2024.

ANALYSIS: The applicant is requesting to not provide one parking space beyond the front yard setback. Section 138-394(1) states, "Single-family, mobile/modular home, townhouse and duplex: Two parking spaces per dwelling unit. One off-street parking for single-family uses shall be located beyond the front yard setback. Parking on landscape development areas required by section 110-48 is prohibited.." The applicants state that their request is based on unique dimensions of their lots (56x90.5). Although the Lot sizes meet the minimum requirement, the lot depths are more constrained compared to standard residential lots. The limitation of space requires modifications to the floor plans.

The proposed site plan for the mentioned lots show two-car driveways. The applicant states buyers will be able to choose between designs with built in garages as an integral part of the original house or homes without a garage. The request if granted, may encourage future special exception requests for front yard carports since no covered parking areas would be provided, as well as result in on-street parking for owners who may own more than two vehicles. Moreover, upon further review of the proposed site plan, staff believes that the lots are not being used to their maximum potential since the proposed dwellings are show to provide more distance than the required minimum side and rear yard setbacks. The applicant states that moving the house further back would significantly reduce the available patio space for homeowners.

A review of Planning Department records did not reveal other variances granted within the subdivision since this is a new subdivision this would be the first request.

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

RECOMMENDATION: Staff recommends disapproval of the variance request since one parking space is required beyond the front yard setback as per the ordinance, and the site plans can be modified to meet that requirement. They currently have applied for and received 2 permits complying with this requirement. Further, no hardship exists since the plat can still be changed to accommodate requirement.

ZBA 2024-0029

ZBOA
9/12/2024



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 LA LOMITA (HOIT) S231'-W1170' EXC S114.50'-W201.17' LOT 38 5.68AC GR 5.57AC NET

Subdivision Name Imperio Estaes Subdivision 8700 N. 29th St.

Street Address N 29TH ST TX

Number of lots 28 Gross acres 5.68

Existing Zoning R-1 Existing Land Use Single Family Residential

Reason for Appeal (please use other side if necessary) see attached letter

\$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 Hollywood Development & Const. Phone 956-803-0341

Address 2201 W Dove Ave E-mail admin@imperiohomes.com

City McAllen State TX Zip 78504

Owner

Name Hollywood Development & Construction Phone 956-803-0341

Address 2017 Fair Oaks Dr E-mail admin@imperiohomes.com

City Mission State TX Zip 78572

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 [Signature] Date 7/31/24

Print Name Jorge Valdez Owner Authorized Agent

Office

Accepted by HT Payment received by _____ Date _____

Rev 10/18

JUL 31 2024

BY: CW



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:

City code 138-394 mandates that one parking space is required beyond the front set back for a single family. Our dimension of the lot are unique (56 x 90) Therefore in order to comply with the code we will be leaving little space towards the back of the house.

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

The owner will have more space on the back of the house (PATIO) so it will be more enjoyable for them.

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:

We are still complying with two parking spaces, so it won't affect the neighborhood

(see attached letter of explanation)

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

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date

Chapter 138. Zoning

ARTICLE VII. OFF-STREET PARKING AND LOADING

§ 138-394. Minimum requirements—No maneuvering space.

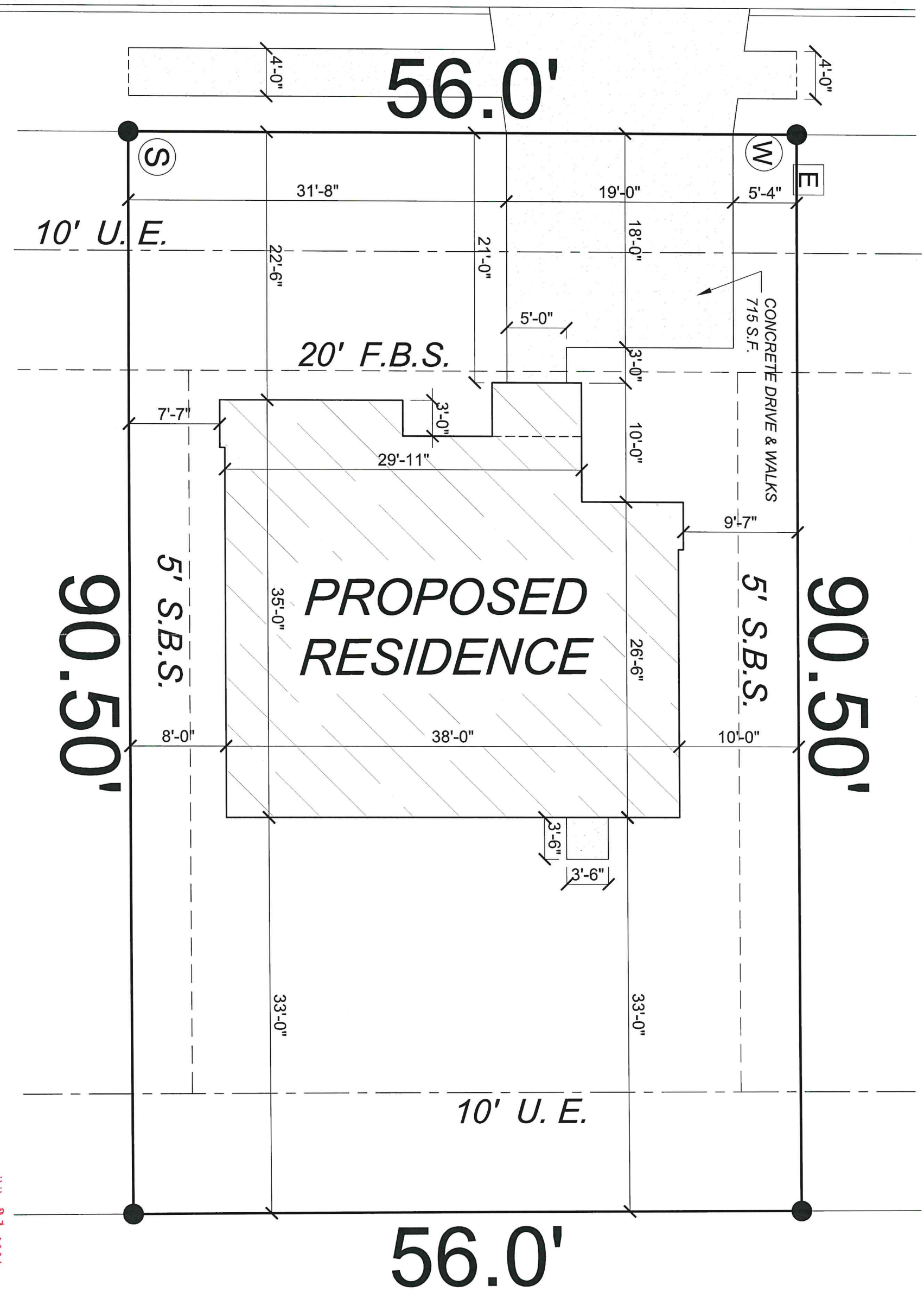
(a) Minimum requirements for off-street parking and loading spaces when no maneuvering space is required are as follows:

- (1) Single-family, mobile/modular home, townhouse and duplex: Two parking spaces per dwelling unit. One off-street parking for single-family uses shall be located beyond the front yard setback. Parking on landscape development areas required by section 110-48 is prohibited.
- (2) Recreational vehicle space: One parking space per approved recreational vehicle unit space or lot.
- (3) It shall be unlawful for any owner or occupant of a single-family residence to park or allow a third party:
 - a. To park a vehicle on any unpaved area in the front yard or sidewalk of such single-family residence;
 - b. To park a vehicle on the side yard of an interior lot; or
 - c. To park a vehicle in the side or rear yard of a corner lot; except on a parking space constructed or installed in accordance with city standards and specifications as promulgated by the planning director and city engineer jointly.
- (4) For purposes of subsection (3)a. above, continuous strips of pavement for the tires of a vehicle, otherwise known as Hollywood strips, are permissible. Further, nothing in this subsection shall be interpreted to prohibit the use of permeable pavers.

(b) This prohibition is applicable to any new or existing single-family residence notwithstanding subsection 138-86(1) regarding the date of the subdivision in which the residence is located, the date of annexation of the property on which the residence is located, or the fact that it was not unlawful to park or allow a vehicle to be parked in the front yard prior to the date this prohibition was adopted by the city commission. In the prosecution of any violation of this subsection there shall be a rebuttable presumption that the owner and/or occupant of the single-family residence either parked the vehicle or allowed the vehicle to be parked in the front yard.

(1966 Code, § 19½-3; Ordinance 1999-95, § 2, adopted 11/9/1999; Ordinance 2001-83, § 1, adopted 11/26/2001; Ordinance 2003-87, § 1, adopted 11/24/2003; Ordinance 2004-40, § 1, adopted 5/24/2004; Ordinance 2010-48, § I, adopted 8/9/2010; Ordinance 2020-60, § I, adopted 11/9/2020)

INDIAN HILL AVE.




Address : 2720 Indian Hill Ave.

ANY COPYING, REPRODUCTION OR USE OF THESE PLANS WITHOUT FIRST OBTAINING WRITTEN PERMISSION OR PROPER COMPENSATION TO "INNOVATIVE DESIGNS RGV" IS ILLEGAL AND HENCE BY LIABLE TO LEGAL ACTION.

BY: _____

JUL 31 2024

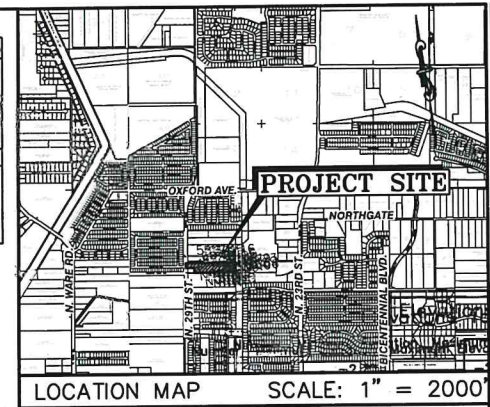
Sheet Name SITE Sheet Number C-1.0	Builder:	Legal: Lot 21, Imperio Estates Subd., City of McAllen, Texas	Innovative Designs RGV • Consulting • Planning • Design Jonathan Ramirez, PBD, BSCE 1001 S. 10th Street, Suite 203, McAllen, TX. 78501 (956) 467-6198 - innovativedesignsrgv@yahoo.com	 TEXAS INSTITUTE OF BUILDING DESIGN
	Date: 07-09-2024	Client: Spec Home		
	Drawing Scale: N.T.S.			

IMPERIO ESTATES SUBDIVISION

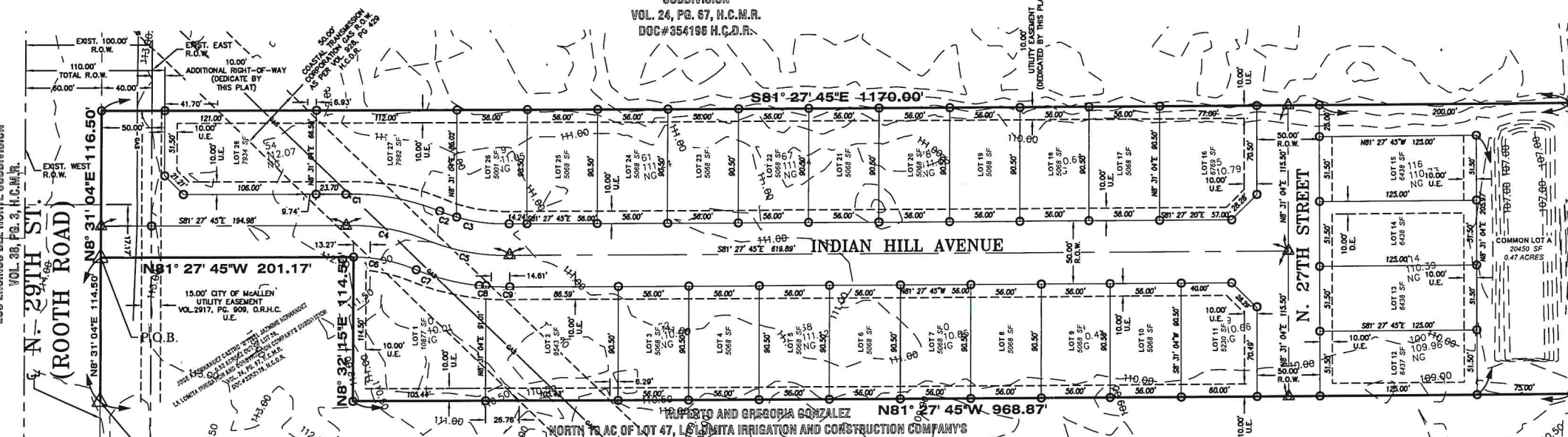
BEING A 5.68 ACRE TRACT OF LAND OUT OF LOT 38, LA LOMITA IRRIGATION & CONSTRUCTION COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 24, PAGE 68, MAP RECORDS OF HIDALGO COUNTY, TEXAS

ABBREVIATION LEGEND	
R.O.W.	RIGHT-OF-WAY
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
N.E.C.	NORTHWEST CORNER
F.T.C.	FARM TRACT
F.M.C.	FARM-TO-MARKET
U.E.	UTILITY EASEMENT
C.L.	CENTER LINE
L.O.L.	LOT LINE
D.E.	DRAINAGE EASEMENT

LEGEND	
○	CAPPED 1/2" IRON ROD SET
○	1/2" IRON ROD FOUND
●	CALCULATED POINT
△	COTTON PICKER SPINDLE SET
X	"X" MARK SET IN CONCRETE



CLAUDIA CONTRERAS
1.075 AC, OUT OF LOT 38, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION
VOL. 24, PG. 67, H.C.M.R.
DOC#354198 H.C.D.R.



Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	76.65	188.16	23.34	N71° 04' 59"W	76.12
C2	14.27	132.58	6.17	N61° 45' 58"W	14.27
C3	42.30	132.58	18.28	N73° 59' 23"W	42.12
C4	66.59	163.16	23.38	N71° 09' 24"W	66.13
C5	66.69	157.58	24.25	N70° 52' 04"W	66.19
C6	51.33	137.34	21.42	N69° 54' 36"W	51.03
C7	51.78	182.58	16.25	N67° 08' 16"W	51.60
C8	5.43	182.58	1.70	N76° 07' 15"W	5.43
C9	18.85	182.82	5.91	S79° 55' 20"E	18.85

HIDALGO COUNTY IRRIGATION DISTRICT NO. 1
THIS PLAT IS HEREBY APPROVED BY THE HIDALGO COUNTY IRRIGATION DISTRICT NO. 1 ON THIS _____ DAY OF _____ 20____, SUBJECT TO THE FOLLOWING _____

HIDALGO COUNTY IRRIGATION DISTRICT NO. 1

THIS PLAT IS HEREBY APPROVED BY THE HIDALGO COUNTY IRRIGATION DISTRICT NO. 1 ON THIS _____ DAY OF _____ 20____, SUBJECT TO THE FOLLOWING _____

NO IMPROVEMENTS OF ANY KIND (INCLUDING WITHOUT LIMITATION, TREES, FENCES, AND BUILDINGS) SHALL BE PLACED ON HIDALGO COUNTY IRRIGATION DISTRICT NO. 1 RIGHT OF WAYS EASEMENTS WITH OUT THE EXPRESSED WRITTEN _____

SECRETARY _____ PRESIDENT _____

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 CERTIFICATE

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 TEXAS WATER CODE NO. 49.211(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
DATE _____

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES _____

FILED FOR RECORD IN HIDALGO COUNTY RECORDS OF HIDALGO COUNTY, TEXAS
BY: _____ AT _____ AM/PM
INSTRUMENT NUMBER _____

IVAN GARCIA P.E., R.P.L.S.
REG. PROFESSIONAL ENGINEER No. 115662

METES AND BOUNDS DESCRIPTION:

BEING A 5.68 ACRE TRACT OF LAND OUT OF LOT 38, LA LOMITA IRRIGATION & CONSTRUCTION COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 24, PAGE 68, MAP RECORDS OF HIDALGO COUNTY, TEXAS, AND SAID 5.68 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
COMMENCING AT A COTTON PICKER SPINDLE SET AT THE SOUTHWEST CORNER OF THE SAID LOT 38, SAME BEING A POINT ON THE CENTERLINE OF N. 29TH STREET; THENCE N 81°10'4" E ALONG THE WEST LINE OF THE SAID LOT 38, SAME BEING ALONG THE CENTERLINE OF N. 29TH STREET, A DISTANCE OF 114.50 FEET TO A COTTON PICKER SPINDLE SET, FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT AND THE POINT OF BEGINNING;
THENCE N 81°10'4" E ALONG THE WEST LINE OF THE SAID LOT 38, SAME BEING ALONG THE CENTERLINE OF N. 29TH STREET, A DISTANCE OF 116.50 FEET TO A COTTON PICKER SPINDLE SET, FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;
THENCE S 81°27'45" E ACROSS THE SAID LOT 38, SAME BEING PARALLEL TO THE SOUTH BOUNDARY LINE OF THE SAID LOT 38, TO A POINT ON THE WEST LINE OF A CALLED 150.00 FEET NORTHWEST BLUELINE DRAIN DITCH RIGHT-OF-WAY AS PER DOC #54634, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS, PASSING AT 40.00 FEET A CAPPED 1/2-INCH IRON ROD SET ON THE EXISTING EAST RIGHT-OF-WAY LINE OF N. 29TH STREET, AND CONTINUING FOR A TOTAL DISTANCE OF 1170.00 FEET TO A CAPPED 1/2-INCH IRON ROD SET, FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;
THENCE S 81°10'4" W ACROSS THE SAID LOT 38, SAME BEING ALONG THE WEST LINE OF THE SAID 150.00 FEET NORTHWEST BLUELINE DRAIN DITCH RIGHT-OF-WAY, TO A POINT ON THE SOUTH LINE OF THE SAID LOT 38, A DISTANCE OF 231.00 FEET TO A CAPPED 1/2-INCH IRON ROD SET, FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;
THENCE N 81°27'45" W ALONG THE SOUTH LINE OF THE SAID LOT 38, A TOTAL OF 968.87 FEET TO A CAPPED 1/2-INCH IRON ROD SET, FOR A CORNER OF THE HEREIN DESCRIBED TRACT;
THENCE N 81°32'15" E ACROSS THE SAID LOT 38, A DISTANCE OF 114.50 FEET TO A CAPPED 1/2-INCH IRON ROD SET, FOR A CORNER OF THE HEREIN DESCRIBED TRACT;
THENCE N 81°27'45" W ACROSS THE SAID LOT 38, SAME BEING PARALLEL TO THE SOUTH BOUNDARY LINE OF THE SAID LOT 38, PASSING AT 161.17 FEET A CAPPED 1/2-INCH IRON ROD SET ON THE EXISTING RIGHT-OF-WAY OF N. 29TH STREET, AND CONTINUING FOR A TOTAL DISTANCE OF 201.17 FEET TO THE POINT AND PLACE OF BEGINNING, SAID TRACT CONTAINING 5.68 ACRES OF LAND, MORE OR LESS, OUT OF WHICH THE WEST 49.00 FEET (0.11 ACRES) LIES WITHIN THE EXISTING RIGHT-OF-WAY OF N. 29TH STREET (100.00 FOOT EXISTING ROAD RIGHT-OF-WAY).

STATE OF TEXAS COUNTY OF HIDALGO MAYOR'S CERTIFICATE

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 _____ DATE _____

STATE OF TEXAS COUNTY OF HIDALGO PLANNING AND ZONING COMMISSION CHAIR CERTIFICATE

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 OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

CHAIRMAN, PLANNING AND ZONING COMMISSION _____ DATE _____

STATE OF TEXAS - COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PROPER ENGINEERING CONSIDERATIONS HAVE BEEN GIVEN TO THIS PLAT.

IVAN GARCIA P.E., R.P.L.S.
REG. PROFESSIONAL ENGINEER No. 115662



- THE BUILDABLE AREAS OF EACH LOT LIE IN ZONE "X" (SHADED) WHEN PERTAINING TO FLOOD INSURANCE RATE MAP COMMUNITY PANEL AREA# 0325 D MAP REVISED JUNE 8, 2006.
 - ZONE "X" (SHADED) - AREAS OF 500-YEAR FLOOD, AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVES FROM 100-YEAR FLOOD, ACCORDING TO THE FEMA'S FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 480333 0325 D MAP REVISED: JUNE 8, 2006. REVISED TO REFLECT LEVY DATED MAY 17, 2001.
 - MINIMUM FRESH FLOOR NOTE: MINIMUM FRESH FLOOR ELEVATION SHALL BE 107.30 (NAOD 1829) OR 107.15 (NAOD 85) OR 15" ABOVE TOP OF CURB IN FRONT OF THE CENTER-POINT OF THE LOT.
 - MINIMUM BUILDING SETBACKS SHALL COMPLY WITH THE CITY OF MCALLEN ZONING CODE.
- FRONT: 20 FT. OR GREATER FOR EASEMENTS.
REAR: 10 FT. OR GREATER FOR EASEMENTS.
INTERIOR SIDES: 5 FT. OR GREATER FOR EASEMENTS.
CORNER: 10 FT. OR GREATER FOR EASEMENTS.
GARAGE: 18 FT. EXCEPT WHERE GREATER SETBACK IS REQUIRED, GREATER SETBACK APPLIES.
- A DRAINAGE DETENTION OF 60% OF OR LESS ACRES FEET IS REQUIRED FOR THIS SUBDIVISION. CURRENT RUNOFF WILL BE DETAINED IN COMMON LOT "A" WHICH WILL BE DESIGNATED FOR DETENTION PURPOSES ONLY. DETENTION SHALL COMPLY WITH MASTER DRAINAGE PLAN. THE CITY OF MCALLEN WILL NOT MAINTAIN DETENTION AREA.
 - ENGINEERED DRAINAGE DETENTION PLAN, APPROVED BY THE ENGINEERING DEPARTMENT, PRIOR TO ISSUANCE OF BUILDING PERMIT. GRADING MUST COMPLY WITH MASTER PLAN.
 - EASEMENTS SHALL BE KEPT CLEAR OF FENCES, BUILDINGS, SHEDS, SHRUBS, TREES, AND OTHER PLANTINGS (EXCEPT FLOOD GRADING COVER, GRASS OR FLOWERS) AND OTHER OBSTRUCTIONS TO THE OPERATIONS AND MAINTENANCE OF THE EASEMENT.
 - THE CITY OF MCALLEN TO HAVE A 15X15" CORNER CLIP EASEMENT AT STREET INTERSECTIONS MEASURED FROM STREET CURB INTERSECTION.
 - 4 FT. WIDE MINIMUM SIDEWALK REQUIRED ON N. 29TH STREET (ROOTH ROAD) AND BOTH SIDES OF ALL INTERIOR STREETS.
 - CITY OF MCALLEN BENCHMARK (MCA5) SET BY J.A. CARZA ASSOCIATES L.L.C. A 3" ALUMINUM PIPE WITH A 3-1/4" BRASS MONUMENT CAP ON 102.00' AT THE NORTHWEST CORNER OF THE INTERSECTION OF 23RD AND OUTFORD AVENUE. NORTHING=10620296.33742 EASTING= 1072459.20393 ELEV.= 1072.589 NAOD83, NAOD 88.
 - 6 FT. OPaque BUFFER REQUIRED FROM ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL OR INDUSTRIAL ZONES/USES AND ALONG N. 29TH STREET.
 - 6 FT. MASONRY WALL REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL, OR MULTI-FAMILY RESIDENTIAL ZONES/USES.
 - ALL UTILITY AND DRAINAGE EASEMENTS TO BE DEDICATED BY THIS PLAT, UNLESS STATED OTHERWISE.
 - COMMON AREAS, PRIVATE STREETS/DRIVES, GATES AREAS, ETC. MUST BE MAINTAINED BY THE LOT OWNERS AND NOT THE CITY OF MCALLEN.
 - NO CURB OUT, ACCESS, OR LOT FRONTAGE PERMITTED ALONG N.29TH STREET (ROOTH ROAD).
 - A 25' X 25' SIGN OBSTRUCTION EASEMENT REQUIRED AT ALL STREET INTERSECTIONS.
 - AS PER DECLARATIONS OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR IMPERIO ESTATES SUBDIVISION, DEVELOPER AS DOCUMENT NUMBER _____ HIDALGO COUNTY, DEED RECORDS, DEVELOPER/HOMEOWNER'S ASSOCIATION/OWNER, UPON CONVEYANCE OF TITLE TO THE SAME, THEIR SUCCESSORS AND ASSIGNS, AND NOT BY THE CITY OF MCALLEN, NO BUILDINGS OR OTHER STRUCTURES SHALL BE ERRECTED IN COMMON LOT A, WHICH SHALL BE USED EXCLUSIVELY AS DETENTION AREA, AFTER COMMON LOT A'S TRANSFER OF TITLE TO THE IMPERIO ESTATES SUBDIVISION HOMEOWNER'S ASSOCIATION THE SUBDIVISION LOT OWNER'S PRO RATA SHARES OF THE COST OF MAINTENANCE SHALL BE DETERMINED BY THE IMPERIO ESTATES SUBDIVISION HOMEOWNER'S ASSOCIATION. FAILING IN SUCH MAINTENANCE OBLIGATIONS, THE CITY OF MCALLEN MAY, BUT SHALL NOT BE REQUIRED TO MAINTAIN THE SAME AT THE LOT OWNER'S COST, WHICH COST MAY BECOME A LIEN AGAINST THEIR PROPERTIES. PRIOR TO THE IMPOSITION OF ANY LIEN, THE CITY SHALL FIRST COMPLY WITH NOTICE REQUIREMENTS SIMILAR TO THOSE UNDER EXISTING ORDINANCE SECTION 134-186(6), AS THE SAME MAY BE AMENDED. THE SPECIFIC AND EXCLUSIVE USE OF COMMON LOT A, THE OWNER'S MAINTENANCE OBLIGATION AND THE CONSEQUENCES OF FAILURE TO MAINTAIN SHALL BE INCORPORATED INTO ANY DEED OR INSTRUMENT ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF MCALLEN AND HIDALGO COUNTY, TEXAS.

STATE OF TEXAS - COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE FROM AN ACTUAL SURVEY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON AND THAT THERE ARE NO APPARENT DISCREPANCIES, CONFLICTS, OR OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN ON THE ACCOMPANYING PLAT, AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF MCALLEN AND HIDALGO COUNTY, TEXAS.

IVAN GARCIA P.E., R.P.L.S.
REG. PROFESSIONAL LAND SURVEYOR No. 6496
SURVEY FIRM No. 10194027



OWNER'S ACKNOWLEDGMENT
STATE OF TEXAS
COUNTY OF HIDALGO
I (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS IMPERIO ESTATES SUBDIVISION, TO THE CITY OF MCALLEN, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, WATER LINES, SEWER LINES, STORM SEWERS, FIRE HYDRANTS, AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH I (WE) WILL CAUSE TO BE INSTALLED THEREON, SHOWN OR NOT SHOWN, IF REQUIRED OTHERWISE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF MCALLEN, ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED, EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF MCALLEN.

JORGE VALDEZ - PRESIDENT/CEO
HOLLYWOOD DEVELOPMENT & CONSTRUCTION LLC
2516 BUDDY OWENS
MCALLEN, TEXAS 78504

STATE OF TEXAS
COUNTY OF HIDALGO
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JORGE VALDEZ, 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 PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____ 2024.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES _____

HOMEOWNERS' ASSOCIATION ACKNOWLEDGMENT
STATE OF TEXAS
COUNTY OF HIDALGO
I, JORGE VALDEZ, PRESIDENT OF IMPERIO ESTATES SUBDIVISION, HOMEOWNERS' ASSOCIATION, (DOCUMENT NUMBER _____, HIDALGO COUNTY DEED RECORDS), AGREE TO THE CONDITIONS STATED IN NOTE #22 OF THE PLAT NOTES.

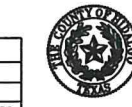
JORGE VALDEZ - PRESIDENT/CEO
HOLLYWOOD DEVELOPMENT & CONSTRUCTION LLC
2516 BUDDY OWENS
MCALLEN, TEXAS 78504

STATE OF TEXAS
COUNTY OF HIDALGO
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JORGE VALDEZ, 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 PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____ 2024.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES _____

NAME	ADDRESS	PHONE & FAX
OWNER(S): HOLLYWOOD DEVELOPMENT & CONSTRUCTION LLC	2516 BUDDY OWENS	McAlLEN TX. 78504
SURVEYOR: IVAN GARCIA	P.E. R.P.L.S. 921 S. 10TH AVENUE	EDINBURG, TX. 78539 (956) 803-0341
ENGINEER: IVAN GARCIA	P.E. R.P.L.S. 921 S. 10TH AVENUE	EDINBURG, TX. 78539 (956) 380-5152 (956) 380-5083



FILED FOR RECORD IN HIDALGO COUNTY RECORDS OF HIDALGO COUNTY, TEXAS
BY: _____ AT _____ AM/PM
INSTRUMENT NUMBER _____

IVAN GARCIA P.E., R.P.L.S.
REG. PROFESSIONAL ENGINEER No. 115662

RIO DELTA ENGINEERING
FIRM REGISTRATION No. F-7628
SURVEY FIRM No. 10194027
921 S. 10TH AVENUE EDINBURG, TEXAS 78539
(TEL) 956-380-5152 (FAX) 956-380-5083



ISSUED FOR FINAL

PLAT SHEET
IMPERIO ESTATES SUBDIVISION
CITY OF MCALLEN
HIDALGO COUNTY, TEXAS

DRAWN: IVAN GARCIA P.E. R.P.L.S.
SURVEYOR: IVAN GARCIA P.E. R.P.L.S.
CHECKED: IVAN GARCIA P.E. R.P.L.S.
SCALE: EP/FC/SC
DATE: APRIL 24, 2024
PROJECT: SUB 20 054
REVISIONS:
PAGE NO: 1-OF-1

JUL 31 2024

BY:

August 15, 2024

To: Board of Adjustments & Appeals
City of McAllen

RE: Variance Request - Imperio Estates Subdivision

Dear Members of the Board,

I would like to provide additional context for our variance request.

We are seeking approval to be exempt from the requirement to provide one parking space beyond the front setback. Although we will adhere to the requirement for two parking spaces, the unique dimensions of our lots—each measuring 90 feet in depth—necessitate this request. Moving the house further back to meet the ordinance would significantly reduce the available patio space for homeowners.

Additionally, as the developers, landowners, and builders for this subdivision, we aim to offer greater flexibility and improved service to our clients. We have various floor plans available, some with garages and some without. The plans featuring garages will comply with the city ordinance regarding one parking space beyond the setback. However, the final mix of floor plans will depend on our clients' choices, and we currently cannot predict the exact number of each type of plan that will be built.

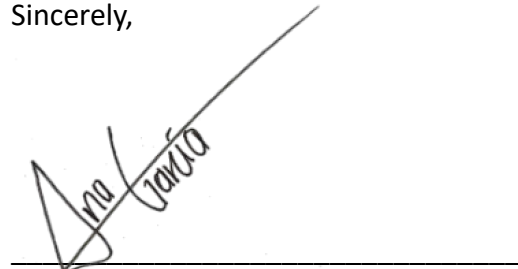
Initially, we requested a variance for 28 lots but have since reduced our request to 20 lots. This reduction is due to the different measurements of the 8 lots, which allow us to effectively accommodate the parking space requirements without needing a variance. Below is the list of the 8 lots that should be excluded from this request.

1. 2817 Indian Hill Ave (LOT 1) – Model home, wide lot
2. 2701 Indian Hill Ave (LOT 11) – Corner lot
3. 8700 N. 27th St. (LOT 12) – Back lot, depth of 125ft
4. 8704 N. 27th St. (LOT 13) – Back lot, depth of 125ft
5. 8708 N. 27th St (LOT 14) – Back lot, depth of 125ft
6. 8712 N. 27th St (LOT 15) – Back lot, depth of 125ft
7. 2700 Indian Hill Ave (LOT 16) – Corner lot
8. 2808 Indian Hill Ave (LOT 24) – Building house with garage.

For the remaining 20 lots, while not all will necessarily require the variance, we propose applying for the variance for all of them. This approach will streamline the process and better serve our clients as they select their preferred floor plans and lots.

Thank you for considering our request. We believe this flexibility will significantly enhance the quality of our project and benefit our future homeowners.

Sincerely,

A handwritten signature in black ink, written diagonally. The signature appears to be "Ana Cecilia Garcia".

Ana Cecilia Garcia
HOLLYWOOD DEVELOPMENT & CONSTRUCTION





NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2024-0029

