AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, AUGUST 9, 2023 - 4:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3RD FLOOR

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

CALL TO ORDER – Chairperson Jose Gutierrez

1. MINUTES:

a) Minutes for the meeting held on July 27, 2023

2. PUBLIC HEARINGS:

- a) Request of Duncan Architects, LLC on behalf of Wendy Hovorka for variances to the City of McAllen Zoning Ordinance to allow: 1) an encroachment of 12 feet into the north 30 feet minimum building setback along East Jasmine Avenue for a proposed modular medical office building measuring 14 feet by 70 feet, and 2) an encroachment of 20 feet into the north 30 feet minimum building setback along East Jasmine Avenue for a proposed metal canopy measuring 8 feet by 12.5 feet at Lot 6A, Block 2, Market Center Subdivision, Hidalgo County, Texas; 909 North Jackson Road. (ZBA2023-0072)
- b) Request of Sergio Linares for a special exception to the City of McAllen Zoning Ordinance to allow: 1) An encroachment of 20 feet into the 30 feet front yard setback and 2) an encroachment of 1 feet into the 6 feet west side yard setback for a proposed carport measuring 10 feet by 20 feet, at Lot 40, Olivarez Subdivision Unit No.1, Hidalgo County, Texas; 2520 Pecan Avenue. (ZBA2023-0068)
- c) Request of Adan Longoria for a variance to the City of McAllen Zoning Ordinance to not provide one parking space beyond the front yard setback line for a garage enclosure, at Lot 23, Las Villas Del Rio Subdivision, Hidalgo County, Texas; 1903 South 48th Lane. (ZBA2023-0069)
- d) Request of Mario & Diana Alejos for a special exception to the City of McAllen Zoning Ordinance to allow: 1) An encroachment of 20 feet into the 20 feet front yard setback and 2) an encroachment of 6 feet into the 6 feet south side yard setback for a detached proposed carport measuring 20 feet by 20 feet, at Lot 54, Montebello Subdivision Unit No. 2, Hidalgo County, Texas; 1808 North 32nd Street. (ZBA2023-0070)
- e) Request of Daniel Rosas for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 6 feet into the 6 feet west side yard setback for a proposed carport measuring 10 feet by 48.67 feet, at Lot 6, Block 15, Hammond Addition Subdivision, Hidalgo County, Texas; 2021 Ebony Avenue. (ZBA2023-0071)

3. FUTURE AGENDA ITEMS

- a) 2001 Hibiscus Avenue
- b) 213 East Vine Avenue
- c) 5416 North 35th Street
- d) 325 Bluebird Avenue
- e) 2504 Fir Avenue
- f) 3013 Ursula Avenue

ADJOURNMENT:

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

STATE OF TEXAS COUNTY OF HIDALGO CITY OF MCALLEN

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Thursday, July 27, 2023 at 4:30 p.m. in the McAllen Development Center, 311 North 15th Street, Executive Conference Room with the following present:

Present: Jose Gutierrez Chairperson

Ann Tafel Vice-Chairperson

Rogelio Rodriguez Member Hiram A. Gutierrez Member

Absent: Hugo Avila Member

Sam Saldivar Alternate Juan Mujica Alternate

Benito Alonzo Assistant City Attorney I

Edgar Garcia Planning Director Omar Sotelo Senior Planner

Adriana Solis Planner II
Eduardo Garza Planner II
Samantha Trevino Planner I
Natalie Moreno Planner I

Carmen White Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

a) Minutes for the meeting held on July 13, 2023.

The minutes for the meeting held on July 13, 2023 were approved. The motion to approve the minutes were made by Vice-Chairperson Ann Tafel. Mr. Hiram Gutierrez seconded the motion, which carried unanimously with four members present and voting.

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

2. PUBLIC HEARINGS:

- a) Request of Jose De Leon for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 15 feet into the 25-foot front yard setback for an existing metal carport measuring 28 feet by 13 feet at Lot 107, Idela Park Subdivision Unit No 1, Hidalgo County, Texas; 2712 Norma Avenue. (ZBA2023-0062)
- b) Request of Jose G. Vela for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 25 feet front yard setback for an existing metal carport measuring 22 feet by 20 feet at Lot 1 and the West 22.5 feet of Lot 2, Block 3, Westway Heights Subdivision, Unit No. 1, Hidalgo County, Texas; 2021 Highland Avenue. (ZBA2023-0063)

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- c) Request of Juan Trujillo for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 15 feet into the 25 feet front yard setback for an existing metal carport measuring 20 feet by 22 feet at the East 47.5 feet of Lot 2 & West 45 feet of Lot 3, Block 3, Westway Heights Subdivision Unit No. 1, Hidalgo County, Texas; 2017 Highland Avenue. (ZBA2023-0064)
- d) Request of Rogelio Lopez for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 20 feet front yard setback for an existing metal carport measuring 20 feet by 20 feet at Lot 11, Block 4, Colonia McAllen Unit No. 7 Subdivision, Hidalgo County, Texas; 1940 South 33rd Street. (ZBA2023-0065)
- e) Request of Wilberth Broca for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 20 feet front yard setback for an existing metal carport measuring 20 feet by 18 feet at Lot 10, Block 4, Colonia McAllen Unit No. 7 Subdivision, Hidalgo County, Texas; 1936 South 33rd Street. (ZBA2023-0066)
- f) Request of Eduardo Gamba for the following variances to the City of McAllen Zoning Ordinance to allow: 1) an encroachment of 5 feet into the 15 feet rear yard setback for a proposed bedroom addition measuring 17.90 feet by 18.50 feet, and 2) an encroachment of 5 feet into the 15 feet rear yard setback for a proposed swimming pool measuring 11 feet by 12.90 feet at Lot 49, Green Meadows Subdivision, Hidalgo County, Texas; 1905 Robin Avenue. (ZBA2023-0067)

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

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

Mr. Hiram Gutierrez <u>moved</u> to approve the previously outlined special exceptions listed on the agenda as 2a, 2b, 2c, 2d and 2f as per staff's recommendation, limited to the submitted plans corresponding to each item. Vice-Chairperson Ann Tafel seconded the motion. The Board voted to approve with four members present and voting.

i) Request of Donaciano Gomez for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 23 feet into the 25 front yard setback and an encroachment of 5 feet into the 6 feet side yard setback for a metal carport measuring 20 feet by 20 feet, at Lot 1, Lincoln Terrace No. 8, Hidalgo County, Texas; 2721 Upas Avenue. (ZBA2023-0051) (TABLED: 07/13/2023)

Vice-Chairperson Ann Tafel <u>moved</u> to remove the item from the table. Mr. Hiram Gutierrez seconded the motion. The Board voted unanimously to remove the item from the table with four members present and voting.

Ms. Solis stated the applicant was requesting a special exception in order to allow an encroachment of 23 feet into the 25 front yard setback and 5 feet into the 6 feet side yard setback for a metal carport measuring 20 by 20 feet. The applicant stated they have multiple vehicles and protect vehicles from weather conditions.

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The subject property was located south of Upas Avenue and west of North 27th Street. The subject property was zoned R-1 (single-family) District. The adjacent properties are zoned R-1 District as well. Surrounding land uses include single-family dwellings.

The plat for Lincoln Terrace No. 8 Subdivision was recorded on October 16, 1998. The plat states a 25 feet front yard setback and 6 feet side yard setback, with a 5 feet utility easement. A citation was issued May 22, 2023. An application for a building permit for a carport was submitted on May 22, 20234. An application for the special exception request was submitted on May 23, 2023.

Approval of the special exception request would allow an encroachment of 23 feet into the 25 feet front yard setback and 5 feet into the 6 feet side yard setback. The applicant stated a carport in the backyard was not feasible as there was no room to construct a carport. The residency consists of a one-car garage; the applicants have three vehicles. The request was submitted due to weather conditions such as the recent hailstorm, which the applicant stated.

The west side of the property does have a 5 feet utility easement according to the plat. The 5 feet into the 6 feet, side yard setback does encroach into the 5 feet utility easement.

Planning Department records reveals one approved special exceptions within the subdivision.

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

Staff recommended disapproval of the variance request due to the encroachment into the 5 feet utility easement.

The board moved to table the item on July 13, 2023 with discussion. The applicant initial requested an encroachment of 23 feet into the 25 feet yard setback and 5 feet into the 6 feet side yard setback. The side yard does have a 5 feet utility easement. The applicant discussed with the board to relocate the carport out of the side yard setback, only encroaching 23 feet into the 25 feet front yard setback. The carport remains 20 feet by 20 feet.

Vice-Chairperson Tafel asked staff if there was front yard easement. Ms. Solis stated there was none.

Mr. Donaciano Gomez, the applicant stated on the picture where it showed he was encroaching into the utility easement, he was moving it and leaving it at 6 feet so to not encroach.

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

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

Mr. Gomez stated he was waiting to get the permit to get in contact with the person who built the frame so that he move it over. He wanted to move it into the grass part of the yard the five feet.

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Board member Rodriguez asked staff if they had a new recommendation in lieu of the disapproval recommendation. Chairperson Gutierrez stated there was actually no new recommendation. Ms. Solis stated the recommendation would stay the same. Chairperson Gutierrez asked why. Ms. Solis stated it was still encroaching into the front yard setback. However, they were relocating it at the side yard setback.

Vice-Chairperson Tafel stated not only it would not only be moved sideways but also moved towards the house because it was still encroaching in the front 23 feet into the 25 foot.

Board member Rodriguez asked staff if the disapproval because it was encroaching into the actual front yard setback as close to the sidewalk. Planning Director Garcia stated that neighborhood has one other approved special exception so it was not characteristic of the neighborhood at this point.

Chairperson Gutierrez asked applicant if there was just one carport in the vicinity. Mr. Gomez stated there were more in the neighborhood. He stated he had taken pictures around the neighborhood but did not have them with him. Chairperson Gutierrez asked staff how many carports had staff noticed in the vicinity. Ms. Solis stated based on the records shown there were only one legal carport.

Vice-Chairperson Tafel asked staff did a garage exist. Ms. Solis stated it was a one-car garage. She stated they had discussed about moving it closer to the home. There was a pavement there but there was a reason behind it why he would not be able to move it forward.

Mr. Gomez stated the problem was the side yard setback in which he drew a new site plan to show the new measurements. He stated that staff asked him if could move it forward towards the house in which he responded he wouldn't want to bring it closer to the house because there was a sidewalk there that he wanted to use. Mr. Gomez stated if staff had said the encroachment was two feet from house and would be better, he would have drawn it on the site plan and dealt with the sidewalk himself.

Ms. Solis stated they discussed about moving it forward. She stated Mr. Gomez said it was about 8 feet and mentioned he did not want to move it forward. This was based solely on their request and could not make accommodations on their request.

Mr. Austin Stevenson, Legal stated it was not staff's responsibility to explain setbacks or to inform property owner of all the legal rights and responsibilities. They are set by ordinance and by the plat.

Chairperson Gutierrez asked legal if the applicant was willing to move the frame structure back towards the house, could the Board vote based on his amended request. Mr. Stevenson stated the request would have to be amended by the applicant to revise the request to be 14.5 feet encroachment into the 25-foot front yard setback.

Mr. Gomez stated he would be willing to move the frame structure forward the house 8.5 feet.

Board member Hiram Gutierrez asked if there was any calls or emails in opposition. Ms. Solis there was one at the last meeting but she was neither for nor against the case.

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Chairperson Gutierrez informed the applicant that there were four board members present. He asked if the applicant would like the Board to take action now or wait for the next meeting when there would be a full board. Mr. Gomez stated he would like the Board to vote now.

Following discussion, Mr. Rogelio Rodriguez **moved** to approve the special exception to reduce by 8.5 feet to make it a 14.5 feet encroachment into the 25 front yard setback as per the applicant. Mr. Hiram Gutierrez seconded the motion. The Board voted to table the item with four members present and voting.

h) Request of Mario Ferron for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 20 feet front yard setback for an existing metal carport with canvas cover measuring 18 feet by 20 feet, at Lot 43, Ponderosa Park Phase 6 Subdivision, Hidalgo County, Texas; 3409 Gardenia Avenue. (ZBA2023-0045) (TABLED: 06/21/2023) (TABLED: 07/13/2023)

Vice-Chairperson Ann Tafel <u>moved</u> to remove the item from the table. Mr. Hiram Gutierrez seconded the motion. The Board voted unanimously to remove the item from the table with four members present and voting.

Ms. Trevino recapped it was tabled at the last meeting because the carport was currently located over a utility easement. The applicant had proposed to move it back 3 feet but more than likely need a full five feet. He did provide a survey. Staff had not receive the letter and was not present. Ms. Trevino asked if the Board would want to take action now or retable it for the next meeting.

Chairperson Gutierrez asked staff if they had any contact with the applicant. Ms. Trevino stated she had not received any correspondence.

Board member Gutierrez asked if the Board approve a special exception over an easement. Staff stated no, as long as they have the intent to cut if back.

Mr. Stevenson, legal stated technically they could approve it but strongly caution against it in case the utility companies came and destroy properties in case of an emergency the Board or City would be brought into litigation.

Ms. Trevino stated the applicant was requesting the special exception to encroach 20 feet into the 20 feet front yard setback for an existing metal carport to provide protection for an individual with health concerns.

The subject property was located along the south side of Gardenia Avenue between North 34th and North 36th Streets. The Lot has 63.50 feet of frontage and a depth of 102.00 feet for a total square footage of 6,477 feet. The property is zoned R-1 (single-family residential) District. The surrounding land use is R-1 District in all directions.

Ponderosa Park Phase 6 Subdivision was recorded March 12, 2001. The plat states a 20 feet front yard setback. A stop work order was posted August 17, 2022. A building permit application was submitted October 10, 2022. A special exception application was submitted May 15, 2023. The applicant stated the carport was built by a contractor but without a building permit.

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The applicant was requesting a special exception to encroach 20 feet into the 20 feet front yard setback for an existing metal carport. The carport was to provide protection from the sun exposure for a person with health concerns.

The front yard setback was 20 feet along Gardenia Avenue. Front yard setbacks help to keep the character of single-family residential areas by maintaining the street yard and curb appeal of properties in a subdivision.

The plat for this subdivision indicated a 5 feet utility easement adjacent to the front property line and runs concurrently with the front yard setback. The carport appears to be encroaching into the utility easement. The utility easement abandonment process would need to be undertaken in order to attempt to resolve the 5 feet carport encroachment into the utility easement.

At the Zoning Board and Adjustment and Appeals meeting of June 7, 2023 a request for an encroachment of 15 feet into the 20 feet front yard setback for an existing metal carport with canvas cover was approved for Lot 74, Ponderosa Park Phase 6 Subdivision.

At the Zoning Board of Adjustments and Appeals meeting of August 17, 2022 a request for an encroachment of 15 feet into the 20 feet front yard setback for a proposed metal carport that was approved at Lot 12, Ponderosa Park Phase 6 Subdivision.

At the Zoning Board of Adjustments and Appeals meeting of June 3, 2020, a request for an encroachment of 20 feet into the 20 feet, front yard setback for a proposed carport was approved for Lot 90, Ponderosa Park Phase 6 Subdivision.

There was an existing two-car garage that is part of the home that is used for storage of vehicles and other items.

Measurements provided are without benefit of a survey.

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

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

Staff recommended disapproval of the request since the carport also appears to encroach into a 5 feet utility easement adjacent to the property line.

At the Zoning Board of Adjustment and Appeals meeting of July 13, 2023 Mr. Mario Ferron, the applicant, stated that 3 years ago his wife acquired a medical condition that does not allow her to be exposed to sunlight. She uses the garage to be able to have time with her grandchild without being in the sun. The Board voted to table the special exception request to allow the applicant time to acquire a survey and consider reductions to the encroachment.

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

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

Following discussion, Vice-Chairperson Ann Tafel **moved** to disapprove the special exception. Mr. Hiram Gutierrez seconded the motion. The Board voted to disapprove the special exception with four members present and voting.

3. FUTURE AGENDA ITEMS:

- a) 2520 Pecan Avenue
- b) 1903 South 48th Lane
- c) 1808 North 32nd Street
- d) 2021 Ebony Avenue
- e) 909 North Jackson Road

ADJOURNMENT

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

	Chairperson Jose Gutierrez
Carmen White, Administrative Assistant	

Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

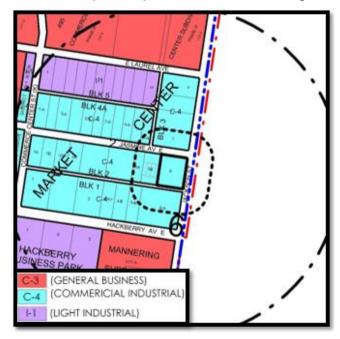
FROM: Planning Staff

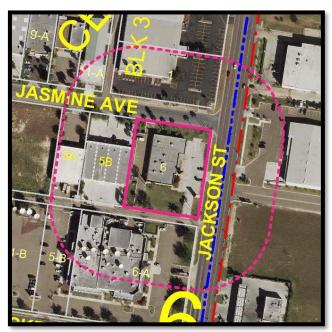
DATE: August 1, 2023

SUBJECT: REQUEST OF DUNCAN ARCHITECTS, LLC ON BEHALF OF WENDY HOVORKA

FOR VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) AN ENCROACHMENT OF 12 FEET INTO THE NORTH 30 FEET MINIMUM BUILDING SETBACK ALONG EAST JASMINE AVENUE FOR A PROPOSED MODULAR MEDICAL OFFICE BUILDING MEASURING 14 FEET BY 70 FEET, AND 2) AN ENCROACHMENT OF 20 FEET INTO THE NORTH 30 FEET MINIMUM BUILDING SETBACK ALONG EAST JASMINE AVENUE FOR A PROPOSED METAL CANOPY MEASURING 8 FEET BY 12.5 FEET AT LOT 6A, BLOCK 2, MARKET CENTER SUBDIVISION, HIDALGO COUNTY, TEXAS; 909 NORTH JACKSON ROAD. (ZBA2023-0072)

REASON FOR APPEAL: The applicant is requesting a variance to allow an encroachment into the north 30 feet building setback for a proposed modular medical office building and a metal canopy. The recorded plat requires a 30 feet building setback.





PROPERTY LOCATION AND VICINITY: The subject property is located on the southwest corner East Jasmine Avenue and North Jackson Road. The property has an approximate lot size of 51,073 square feet. The property is zoned C-4 (commercial industrial) District. The adjacent zoning is C-4 to the north, south, and west. Surrounding land uses include Entravision Communications, El Bingo Grande, and other commercial businesses.

BACKGROUND AND HISTORY: Lot 6A, Block 2 Market Center Subdivision was recorded on September 09, 1997. The plat indicates a north 30 feet minimum building setback. The applicant is proposing a modular medical office building and a metal canopy for the subject property. An application for the variance request was submitted to the Planning Department on July 13, 2023.

ANALYSIS: Approval of the variance request would allow an encroachment of 12 feet into the north 30 feet building setback for a proposed modular medical office building (hyperbaric oxygen therapy) and 20 feet for a proposed metal canopy (medical gas yard). The applicant states the modular medical office building needs to be located near the existing clinic to meet regulatory requirements for "direct supervision" as an "incident to" service. The variance to encroach 12 feet for the modular medical building would prevent the demolition of the existing metal storage room and generator. The variance would also allow the gas yard to be further away from the adjacent neighboring building. The south side of the building is currently being rented out by another tenant and would interfere with the regulartory requirement of being near the existing clinic for "direct supervision".

The City of McAllen Zoning Ordiance requires a minimum 10 feet side yard setback to be required on corner lots on commercial properties. However, the plat requires a 30 feet front yard setback along East Jasmine Avenue. The proposed site plan shows the modular medical office building 18 feet away from the property line and metal canopy (medical gas yard) 10 feet away from the property line. The encroachment will still be in compliance with the Zoning Ordinace for the minimum 10 feet side yard setback required on corner lots on commercial properties.

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

Staff did not receive any phone calls, letters, or emails in opposition to the request.

RECOMMENDATION: Staff recommends approval of the variance request as the Zoning Ordinance requires a minimum of 10 feet for the side yard setback.

City of McAllen

Planning D

City of McAllen

City of McAllen

McAllen, TX 78501

Planning Department P. O. Box 220
McAllen, TX 78505-0220
(956) 681-1250

(956) 681-1279 (fax)

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

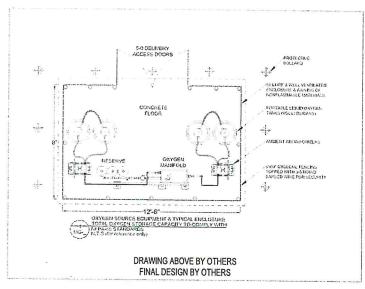
	ADOCOTI	
	Legal Description	LOT 6A, BLOCK 2, MARKET CENTER SUBDIVISION, AN ADDITION TO THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP RECORDED IN VOLUME 32 PAGE 155-A OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS.
	Subdivision Name	Market Center Subdivision
	Street Address	909 N. Jackson Road, McAllen, Texas 78501
ec		Number of lots _1 Gross acres _1.17
Project	Existing Zoning C-4 Reason for Appeal to their existing clinic via building is required to be within a setback is the or	Clinic and Ambulatory Care Facility (please use other side if necessary) The owner would like to add hyperbaric oxygen therapy capabilities the addition of a modular building. Due to licensing requirements and medical adjacencies, the modular located on the north side of the site, near existing public building entrance. Locating the modular building ly viable placement option that is not a detriment to the current operation of the clinic. Please see next page. Solution and Ambulatory Care Facility Clinic and Ambulatory Care Facility
	☐ Current Survey a portion of a	and Metes and Bounds (if the legal description of the tract is a lot) is required
ant		rchitects, LLC Contact: Ryan Duncan Phone 956-443-3755
Applicant	Address1714	
Αb	City Mission	State Zip
Owner	Name WWW Address \\ \(\)City \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\	Phone (512)981-8220 E-mail Whoverla 6 Issray (1914) State TX Zip 78504
Authorization	etc. which wou I certify that I a application is I OR I am autho	your knowledge are there any deed restrictions, restrictive covenants, ald prevent the utilization of the property in the manner indicated? Yes No The manner indicated in the manner indicated in the actual owner of the property described above and this being submitted with my consent (include corporate name if applicable) orized by the actual owner to submit this application and have an evidence of such authorization. Date Owner Authorized Agent
Office	Accepted by _	Payment received by Date JUL 1 3 2023

Reason for Appeal

Board Action

Rev. 9/20

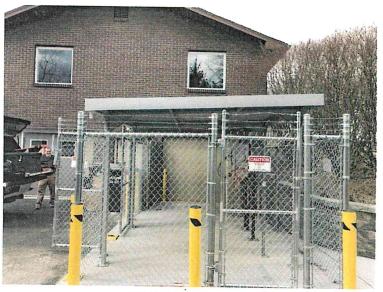
REASON FOR APPEAL & BOARD ACTION
*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: (<i>Please use an additional page if necessary to complete responses</i>) **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.
 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:
The existing wound care clinic and owner's practice are on the north side of the building, with 1 public entrance to the east (front) and 1 public entrance at the northwest corner. The hyberbaric oxygen therapy unit needs to be located near the existing clinic and entrances to meet the regulatory requirement for "direct supervision" as an "incident to" service. As a result, we have produced 2 options. The not-preferred 2nd option does not require a variance, however, it requires the elimination of necessary on-site storage facilities, elimination of 8 parking spaces, and the relocation of the generator. The storage facility houses the clean/dirty component of the office-based lab which is required by AAASF licensing for the State of Texas. As shown on the existing floor plan, there is not ample space to relocate this facility within the building. Additionally, the relocation of the generator would limit the building's operation for a prolonged length of time.
Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:
Locating the Hyperbaric Unit on the north side of the building, as shown in the preferred 1st option, does not disrupt the operation of the current clinic and ambulatory care center. A variance for a 12'-0" encroachment is requested to avoid demolishing necessary storage facilities and back-up life-safety systems.
 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:
Typically on corner lots of commercially zoned properties, the side yard setback is 10'-0". Even with the variance, the project will maintain a 18'-0" side yard and the 50'-0" front yard setback. No structures are located within either setback at the northeast corner, maintaining clear visibility to N. Jackson. Additionally, with the variance, the gas yard is located further away from the neighboring building. All adjacent properties are zoned commercial and all properties on Jasmine are zoned commercial or general business. Although not required, the owner is voluntarily adding several parking spaces on the property to reduce on-street parking demand. The variance will allow the clinic to maintain operations, benefiting public heath, and serving the community as outlined below.
4. Describe special conditions that are unique to this applicant or property: The owner's business, Valley Laser Surgical Solutions, focuses on limb salvage for patients with vascular disease and wound care for diabetic wounds. Hyperbarics provide a vital and urgent service to the community of McAllen, whose population has a 52% diabetes rate per capita. Rio Grande Regional Medical Center opened hyperbaric oxygen therapy in about 1990. McAllen Medical Center soon followed suit. In the mid-2000s Rio Grande Regional closed their program. In November 2019 McAllen Medical Center closed their program temporarily for maintenance although due to COVID was not able to reopen and has since decided not to resume the service line. As a result, there is no wound care center in McAllen Texas offering hyperbaric oxygen therapy and no other plans for the first time since about 1990. Medically necessary treatments are not being performed as there is a lack of service. This void of services has caused patients to have negative outcomes including wound healing as well as other negative consequences that Hyperbaric oxygen therapy may be used for. Our mission is to provide Hyperbarics again to the community and continue to prevent amputation.
Chairman, Board of Adjustment Date Signature



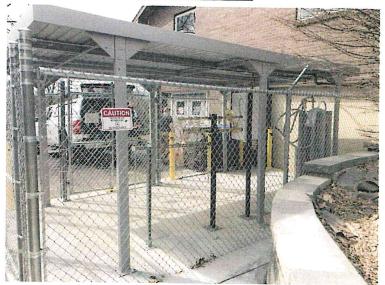
EXAMPLE PLAN LAYOUT OF GAS YARD



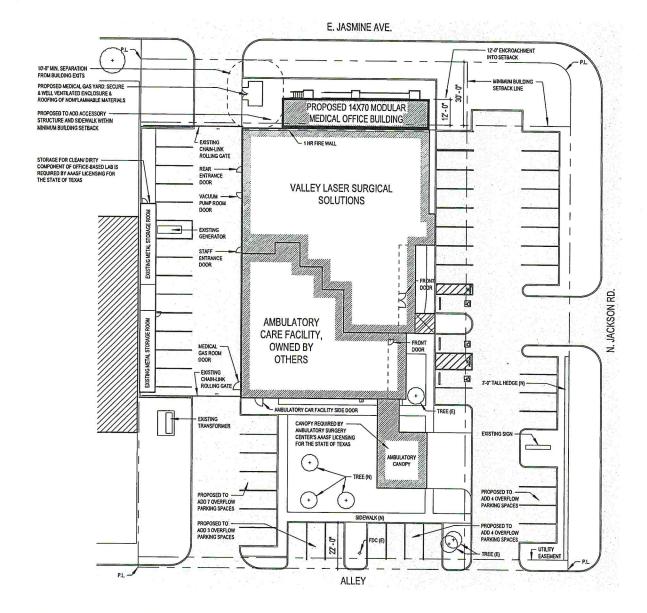
EXAMPLE PICTURE OF GAS YARD



EXAMPLE PICTURE OF GAS YARD



EXAMPLE PICTURE OF GAS YARD





NOTE: THIS SCHEME INCLUDES A REQUEST FOR A VARIANCE. SEE LETTER FROM OWNER.

LANDSCAPING SITE AREA = 51,073 SF

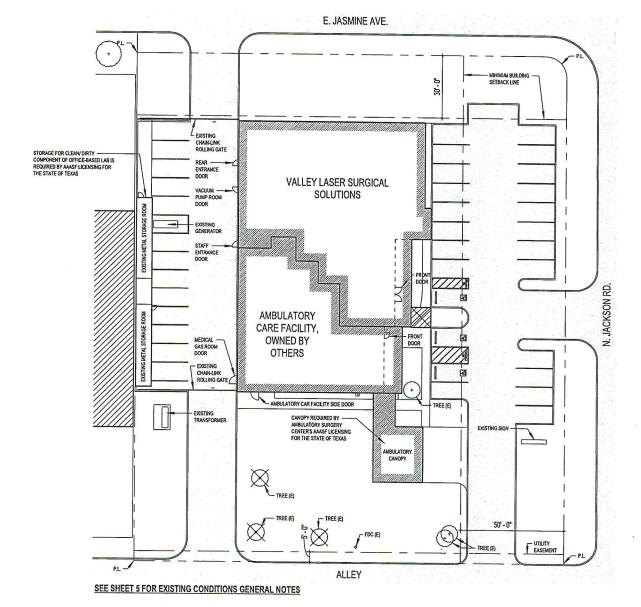
10% REQUIRED LANDSCAPING = 5,107 SF PROPOSED LANDSCAPING = 10,648 SF

5% STREET VISIBLE LANDSCAPING = 2,554 SF PROPOSED STREET VISIBLE LANDSCAPING = 4,355 SF

37 REMAINING PARKING SPACES 18 NEW PARKING SPACES 55 TOTAL PARKING SPACES



1" = 30'-0"





3D VIEW OF EXISTING CONDITIONS FROM CORNER OF E. JASMINE AND N. JACKSON



HYPERBARIC OXYGEN THERAPY MODULAR BUILDING ADDITION

- PROPOSED TO ADD MODULAR BUILDING ON EXISTING SITE TO SUPPLEMENT SERVICES PROVIDED BY EXISTING MEDICAL BUILDING
- SEE PROPOSED SITE PLAN FOR PROPOSED LOCATION
- SEE LETTER FROM OWNER DESCRIBING PROJECT
- MODULAR BUILDING IS DESIGNED BY OTHERS
- OVERALL DIMENSIONS = 71'-4" X 13'-11" (L X W)

SITE AREA = 51.073 SF

10% REQUIRED LANDSCAPING = 5,107 SF EXISTING LANDSCAPING = 17,768 SF

5% STREET VISIBLE LANDSCAPING = 2,554 SF EXISTING STREET VISIBLE LANDSCAPING = 8,031 SF

37 TOTAL EXISTING PARKING SPACES

 \bigoplus N

1" = 30'-0"





Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

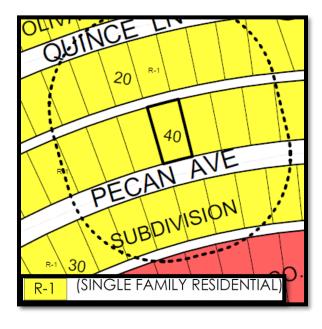
FROM: Planning Staff

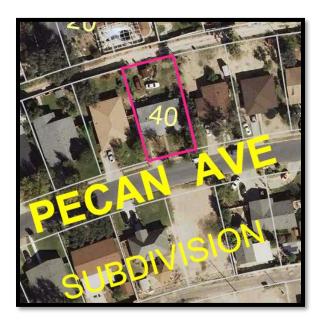
DATE: July 31st, 2023

SUBJECT: REQUEST OF SERGIO LINARES FOR A SPECIAL EXCEPTION TO THE CITY OF

MCALLEN ZONING ORDINANCE TO ALLOW: 1.) AN ENCROACHMENT OF 20 FEET INTO THE 30 FEET FRONT YARD SETBACK AND 2.) AN ENCROACHMENT OF 1 FEET INTO THE 6 FEET WEST SIDE YARD SETBACK FOR A PROPOSED CARPORT MEASURING 10 FEET BY 20 FEET, AT LOT 40, OLIVAREZ SUBDIVISION UNIT NO.1, HIDALGO COUNTY, TEXAS; 2520 PECAN AVENUE. (ZBA2023-0068)

REASON FOR APPEAL: The applicant is requesting a special exception to allow an encroachment of 20 feet into the 30 feet front yard setback and an encroachment of 1 feet into the 6 foot side yard setback for a proposed carport to protect the applicants vehicles from the weather elements. The applicant has a one car garage, but needs more space for the other vehicles.





PROPERTY LOCATION AND VICINITY: The subject property is located north of Pecan Avenue between North 24th ½ Street and North 27th street. The property is zoned R-1 (single-family residential) District. There is R-1 District in all directions.

BACKGROUND AND HISTORY: Olivarez subdivision Unit No. 1 was recorded October 10th, 1964. A building permit application has not been submitted since the project is being proposed. The special exception application was submitted July 6, 2023.

ANALYSIS: The applicant is requesting the special exception in order to build a carport to protect their vehicles from the weather elements.

There are no utility easements along the front of the property.

Measurements provided are without benefit of a survey.

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

A review of Planning Department records did not reveal other special exceptions granted within the subdivision.

Site visit by staff revealed no other carport encroachments within the subdivision.

Relocation of the carport to the rear of the property may not be feasible since water runs through the rear of the property.

At the meeting of June 26th, 2023 City Commission approved Ordinance 138-371(g) in reference to the maximum square footage of 400 square feet allowed for a carport.

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

RECOMMENDATION: Staff is recommending disapproval of the request since it is not characteristic of the neighborhood.

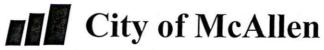
2804.899123 City of McAllen Planning Donartmon

3H North 15th Street McAllen, TX 78501 P. O. Box 220 McAllen, TX 78505-0220 (956) 681-1250

(956) 681-1279 (fax)

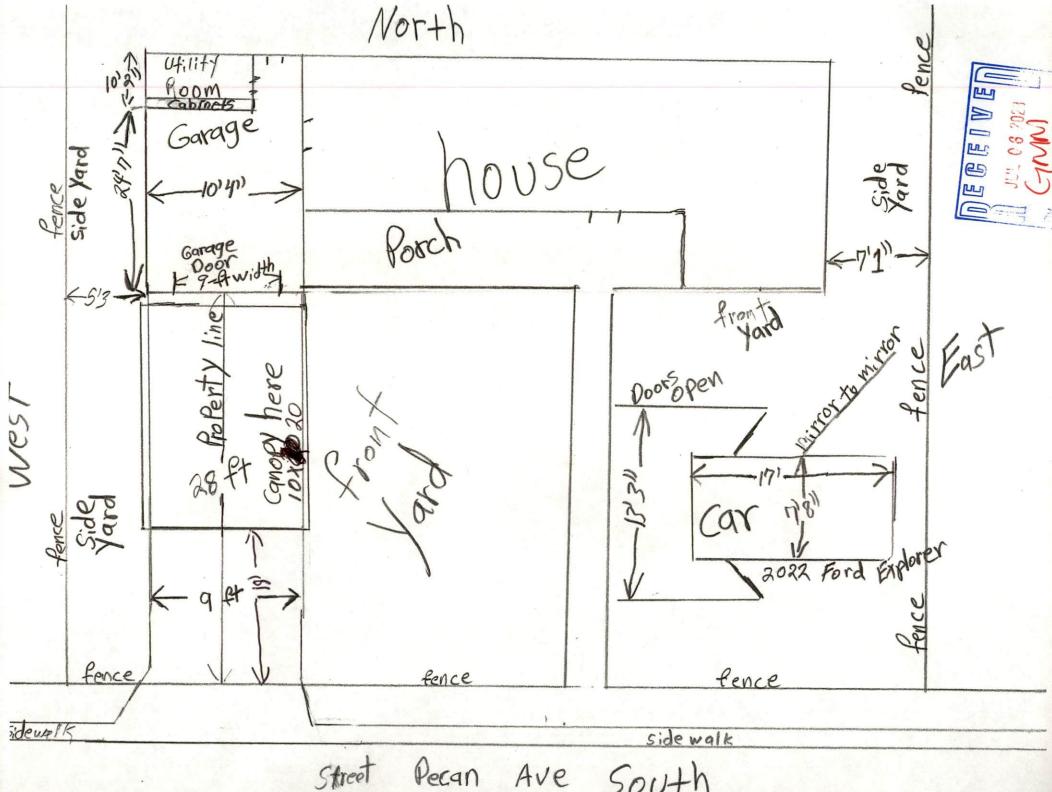
Planning Department
APPEAL TO ZONING BOARD OF

	ADJUSTMENT TO MCALLEN ZONING ORDINANCE
	Legal Description Dlivarez Unit No.1 Lot 40
#	Subdivision Name Dlivarez Unit No. 7 Street Address 2520 Pecan Ave
Project	Number of lots Gross acres Existing Zoning Existing Land Use Existing Land Use Single family home Reason for Appeal (please use other side if necessary) ENC (COACH) no 30' into the 30' Fronty and Set back And I' into the Li' Sideward 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 Sergio Lingres Phone 956-330-3404 Address 2520 Pecan Ave E-mail trucker serg 954 equail.con City Meallen State TX Zip 78501
Owner	Name Sergio Lingres Phone 954-330-3404 Address 2520 Pecan Are E-mail taukinserg 954 egmail.com City Meallen State TX Zip 78501
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? Yes No I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization. Signature Date Owner Authorized Agent
Office	Accepted by Payment received by Date Payment received by By 1MM



Planning Department REASON FOR APPEAL & BOARD ACTION

Reason for Appeal	**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: The vehicle dues not fit in the garage to protect it faom the weather elements has we are now getting hail, strong beat and Rain. 2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner. Protection for the vehicle from the storms: hail, sun full property owners enjoy in the area: Not detrimental to public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area: Not detrimental to public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area: Not detrimental to public health garage. 4. Describe special conditions that are unique to this applicant or property: Small Garage.
Lion	
Board Action	Chairman, Board of Adjustment Date Signature



Ave South





Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

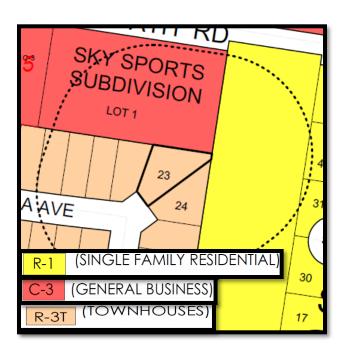
DATE: August 4, 2023

SUBJECT: REQUEST OF ADAN LONGORIA FOR A VARIANCE TO THE CITY OF MCALLEN

ZONING ORDINANCE TO NOT PROVIDE ONE PARKING SPACE BEYOND THE FRONT YARD SETBACK LINE FOR A GARAGE ENCLOSURE, AT LOT 23, LAS VILLAS DEL RIO SUBDIVISION, HIDALGO COUNTY, TEXAS; 1903 SOUTH 48TH

LANE. (ZBA2023-0069)

REASON FOR APPEAL: The applicant is requesting to enclose their garage and turn it into an extra room for their growing family.





PROPERTY LOCATION AND VICINITY: The subject property is located on a Cul-De-Sac off of Sonora Avenue and South 48th Lane. The property is zoned R3-T (townhomes) District. The surrounding zones include R3-T (townhomes) to the west and south, C-3 (general business) in the rear and R-1 (single-family residential) to East.

BACKGROUND AND HISTORY: Las Villas del Rio Subdivision was recorded April 12th, 2016. A stop work order was issued May 20, 2023 for plubming and remodeling work being done in the garage. A Building permit application was submitted May 22, 2023. The special exception application was submitted July 10th, 2023.

ANALYSIS: The applicant is requesting to enclose their garage and turn it into a bedroom for their growing family. The request is to not provide one required garage space beyond the frontyard setback line. According to the site plan submitted, the enclosed area is going to be converted into a bedroom area. As per Sec. 138-394 (1) one off-street parking for single family uses shall be located beyond the frontyard setback.

A review of Planning Department records did not reveal other variances granted within the subdivision.

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

RECOMMENDATION: Staff is recommending disapproval of the request since it is not characteristic of the neighborhood and hardship is not specified to the lot.

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City of McAllen 28

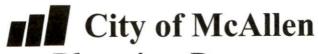
McAllen, TX 78501
P. O. Box 220
McAllen, TX 78505-0220
(956) 681-1250
(956) 681-1279 (fax)

Planning Department

APPEAL TO ZONING BOARD OF

(956) 681

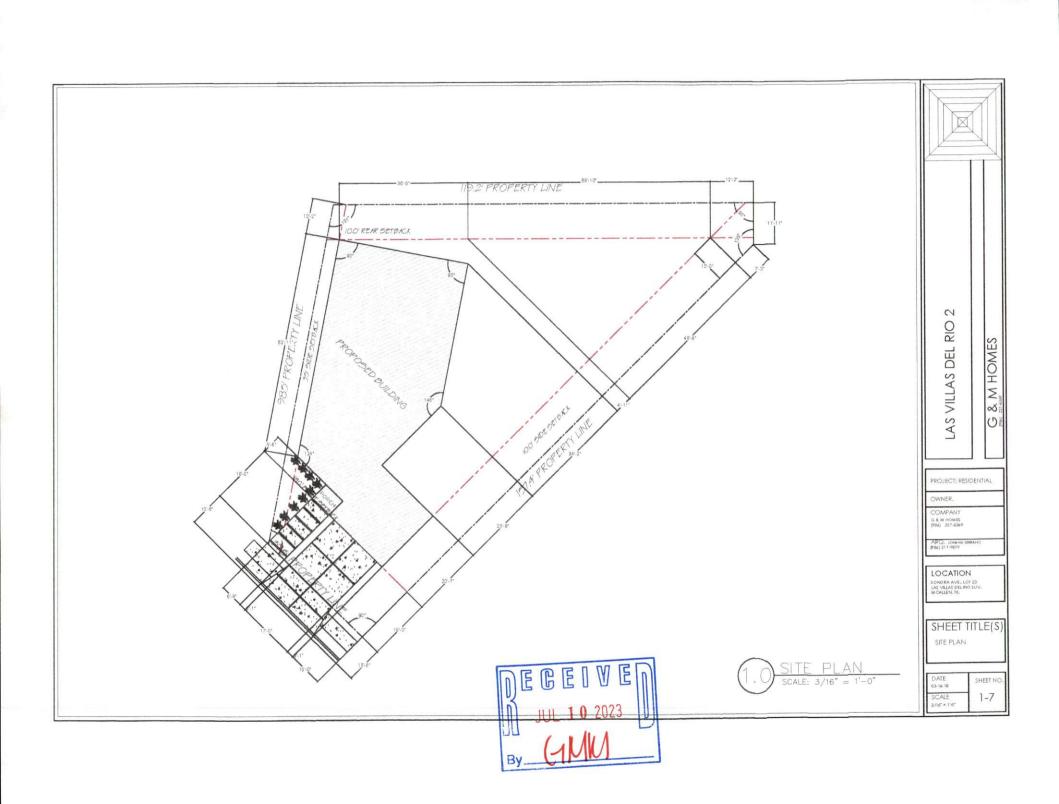
	ADJUSTMENT TO MICALLEN ZONING ORDINANCE
	Legal Description Lot #23 Las Villas del Rio
Project	Subdivision Name Las Vill25 de Rio
Applicant	Name Adan Longoria Phone 956 222 8257 Address 1903 S. 48th Ln E-mail adan-longoria 1 Photmail. City McAllen State Tx Zip 78503
Owner	Name Adam Longoria Phone 956 222 8257 Address 1903 S. 48th Ln E-mail adam-longoria 1 Chotmail.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 Owner Authorized Agent Owner
Office	Accepted by Payment received by Date JUL 10 2023

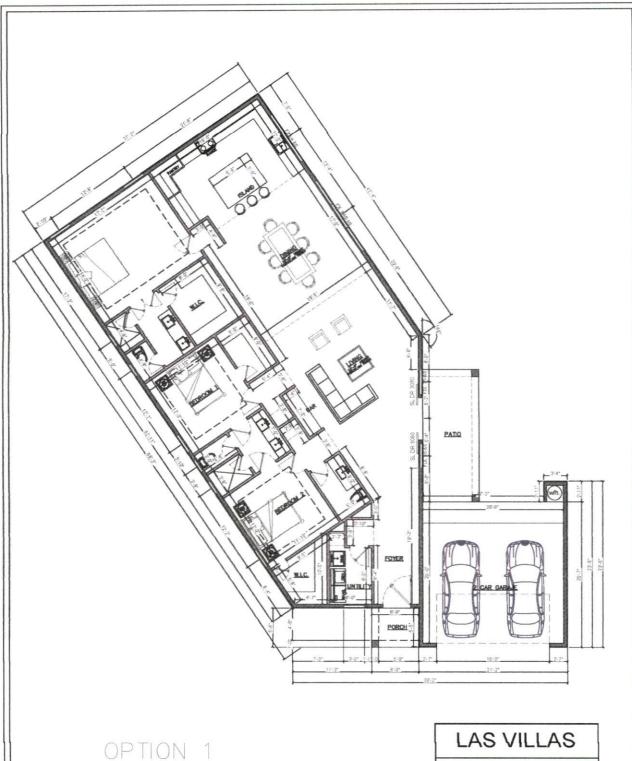


Planning Department REASON FOR APPEAL & BOARD ACTION

*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on

Reason for Appeal	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: The proposal is to enclose the existing two car garage and add one bothroom one closel and one betroom for our children. The land went be affected by this modification. 2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner: The variance is necessary because we had twin children and cant afford a new home with more bedrooms and one more bedroom is needed to accomplate 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: The variance will not affect the public or any other resident of the Subdivision, the square footage will not be increased and aresternically the home will look as if the garage was still there. (refer to plans) 4. Describe special conditions that are unique to this applicant or property:
	quality of life for the kids. We only have 2 rehicles and they
noi	will be purked on our driveway and not on the street.
Board Action	Chairman, Board of Adjustment Date Signature
ă	Rev. 9/20







LIVING AREA:	2,297SQ.FT.
GARAGE:	436 SQ.FT.
PATIO:	150 SQ.FT.
PORCH:	37 SQ.FT.
TOTAL:	2,920 SQ.FT.

6 m 4	1/4" = 1.0	SCALE	03-07-17	DATE
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SHEET NO.

LOCATION

SONOBA AVELOT 23

LAS VILLAE DEL RIO SUBDIA/SION

MICALLERI, TX.

PROJECT: RESIDENTIAL
COWNER:
COMPANY
6.4 is record
194, 221-225
194, 221-225
194, 211-227
194, 311-227
194, 311-227

LAS VILLAS DEL RIO 3

G & M HOMES







Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

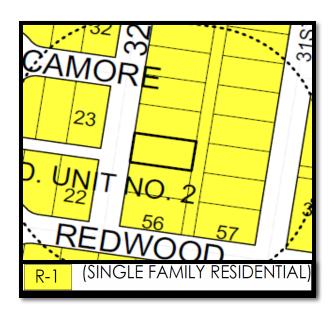
DATE: August 4, 2023

SUBJECT: REQUEST OF MARIO & DIANA ALEJOS FOR A SPECIAL EXCEPTION TO THE CITY

OF MCALLEN ZONING ORDINANCE TO ALLOW 1.) AN ENCROACHMENT OF 20 FEET INTO THE 20 FEET FRONT YARD SETBACK AND 2.) AN ENCROACHMENT OF 6 FEET INTO THE 6 FEET SOUTH SIDE YARD SETBACK FOR A DETACHED PROPOSED CARPORT MEASURING 20 FEET BY 20 FEET, AT LOT 54, MONTEBELLO SUBDIVISION UNIT NO. 2, HIDALGO COUNTY, TEXAS; 1808

NORTH 32ND STREET. (ZBA2023-0070)

REASON FOR APPEAL: The applicant is requesting to encroach 20 feet into the 20 foot front yard setback and 6 feet into the 6 foot side yard setback for a proposed carport measuring 20 feet by 20 feet that will be used to protect his vehicles from the harsh weather elements.





PROPERTY LOCATION AND VICINITY: The property is located on the East side of North 32nd Street, and North of Redwood Avenue. The property is zoned R-1 (single-family residential) District. There is R-1 District in all directions.

BACKGROUND AND HISTORY: A building permit has not been submitted. The special exception application was submitted July 11th, 2023.

ANALYSIS: The applicant is requesting to encroach 20 feet into the 20 foot front yard setback and 6 feet into the 6 foot side yard setback for a proposed carport that will be used to protect his vehicles from harsh weather. The applicant does not have a garage.

Site visit by staff revealed a two other carports in the area, but no building permits or special exceptions were found.

Measurements provided are without benefit of a survey.

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

At the meeting of June 26th, 2023 City Commission approved Ordinance 138-371(g) in reference to the maximum square footage of 400 square feet allowed for a carport.

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

RECOMMENDATION: Staff is recommending disapproval of the special exception request since there have been no other approved carports in the subdivision, nor is it characteristic of the neighborhood.

71502003-0070

218A 83

City of McAllen

Planning Department

McAllen, TX 78501 P. O. Box 220 McAllen, TX 78505-0220 (956) 681-1250 (956) 681-1279 (fax)

311 North 15th Street

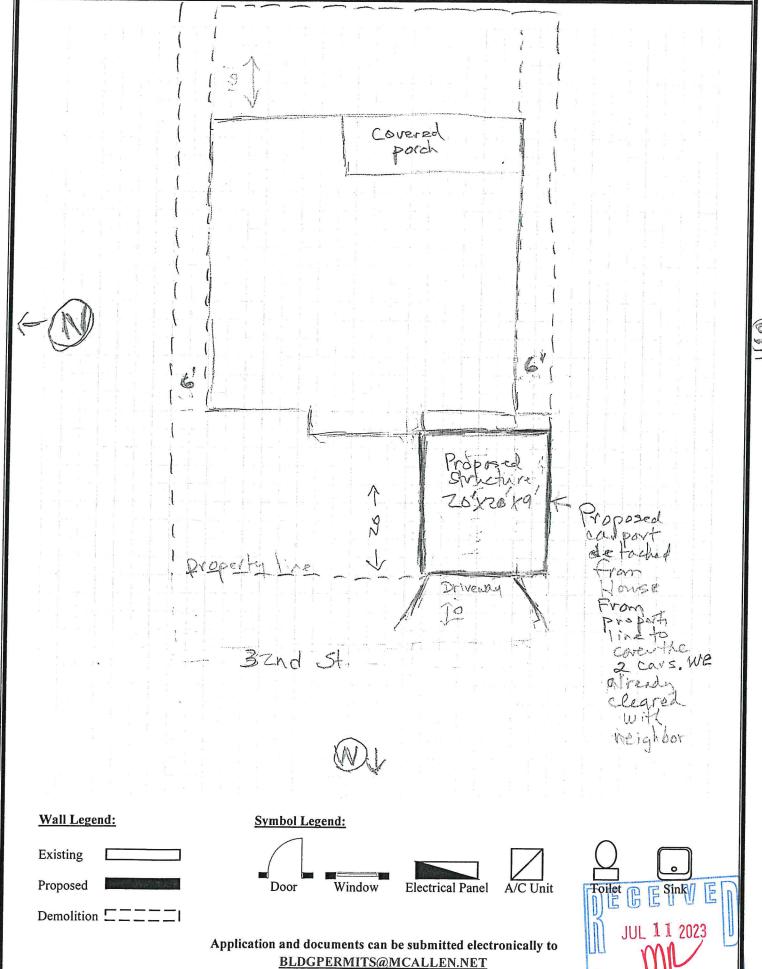
APPEAL TO ZONING BOARD OF 95

	ADJUSTMENT TO MCALLEN ZONING ORDINANCE
	Legal Description Montchello Unit#2 Lot 54
Project	Street Address Street Address Stree
Applicant	Name Maris C & Diana Algios Phone (956) 225-5107 Address 1808 N. 32 d St. E-mail dianadejos 1957 agrail a City McAllen State TX Zip 7850 1
Owner	Name Some as aboute Phone Address E-mail City State Zip
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 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 Owner Authorized Agent
Office	Accepted by Payment received by Date Rev 09/20 Payment received by By War Payment received by Date



Planning Department **REASON FOR APPEAL & BOARD ACTION**

Reason for Appeal	"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: We do not have a grange. We have a drive-via only. The last had storm we had damaged my car and the sum have that they provide the provisions required would deprive the applicant of the reasonable use of the land: We do not have a grange. We have a drive-via only. The last had storm we had damaged my car and the sum have the variance is recessary for the preservation and provide to the legal groperty rights of the owner: The weather changes are causing damage to come vehicles, more so the manner and I had to have my car repaired this vicility of the owner. The weather changes are causing damage to come vehicles, more so the legal rights other property owners enjoy in the area: To my knowledge the carport with hat cause any injuries to anyone of their property. 4. Describe special conditions that are unique to this applicant or property: 10 have the response of the response of the property owners enjoy in the area: To my knowledge the carport with have a serious weather along the following the legal rights other property owners enjoy in the area: 10 have a conditions that are unique to this applicant or property: 11 be have the conditions that are unique to this applicant or property: 12 conditions that are unique to this a
ction	worth to avoid any further is sues.
Board Action	Chairman, Board of Adjustment Date Signature ————————————————————————————————————
ш	Rev. 9/20







Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

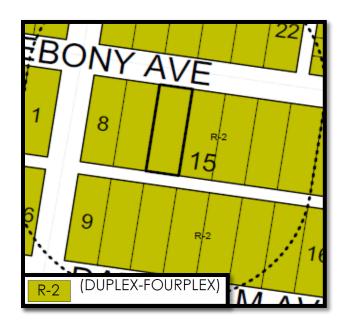
DATE: August 1, 2023

SUBJECT: REQUEST OF DANIEL ROSAS FOR A SPECIAL EXCEPTION TO THE CITY OF

MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 6 FEET INTO THE 6 FEET SIDE YARD SETBACK FOR A PROPOSED CARPORT MEASURING 10 FEET BY 48 FEET 8 INCHES, AT LOT 6, BLOCK 15, HAMMOND ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS; 2021 EBONY AVENUE.

(ZBA2023-0071)

REASON FOR APPEAL: The applicant is requesting a special exception for an encroachment of 6 feet into the 6 foot west side yard setback for a proposed carport that will allow vehicle protection from the natural weather elements.





PROPERTY LOCATION AND VICINITY: The subject property is located along the South side of Ebony Avenue between 20th Street and 21st Street. The property has 50 feet of frontage along Ebony Avenue with a depth of 140 feet for a total area of 7,000 square feet. There is a single-family residence on the subject property as well as a rear living unit. The property is zoned R-2 (duplex-fourplex residential) District. Adjacent zoning is R-2 District in all directions

BACKGROUND AND HISTORY: At the Zoning Board of Adjustments and Appeals meeting on April 20, 2022 the Board considered two requests. Approval was granted for a special exception request to allow an encroachment of 13 feet into the 20 foot front yard setback for a metal carport measuring 20 feet by 25 feet. A second request for an encroachment of 6 feet into the 6 foot side yard setback for a proposed carport measuring 10 feet by 64 feet was disapproved. A second

application and site plan for a special exception request for an encroachment of 5 feet into the 6 foot side yard setback for a proposed metal carport measuring 9 feet by 64 feet was submitted one month later and involved a reduction of the encroachment into the side yard setback from the original first request; This request was also denied. The most recent special exception request was submitted July 11, 2023. A building permit has not been submitted.

ANALYSIS: The applicant is requesting a special exception for an encroachment of 6 feet into the 6 foot side yard setback for a carport that is measuring 10 feet by 48 feet 8 inches. The applicant stated that the carport has a gutter that will flow into their property and will not affect their neighbors.

The applicant also stated it is a unique situation due to having two living units in front of each other. Recloation of the carport is not feasible due to the second living area in the rear. Therefore the carport would be facilitating both the front and the rear tenants vehicles.

Measurements provided are without benefit of a survey.

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

There are no utility easements located on the property.

At the meeting of June 26th, 2023 City Commission approved Ordinance 138-371(g) in reference to the maximum square footage of 400 square feet allowed for a carport.

A review of Planning Department records did not reveal other variances granted within the subdivision.

Site visit by staff revealed several similar encroachments within the subdivision with no building permits on file.

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

RECOMMENDATION: Staff recommends disapproval of the special exception request of the proposed carport, due to the excessive size in length of the structure. However, if the Board approves the request it should be limited to the encroachments shown on the submitted site plan, and in compliance with 400 square foot maximum.

184.8 | 9 | 123 City of McAllen

Planning Department

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

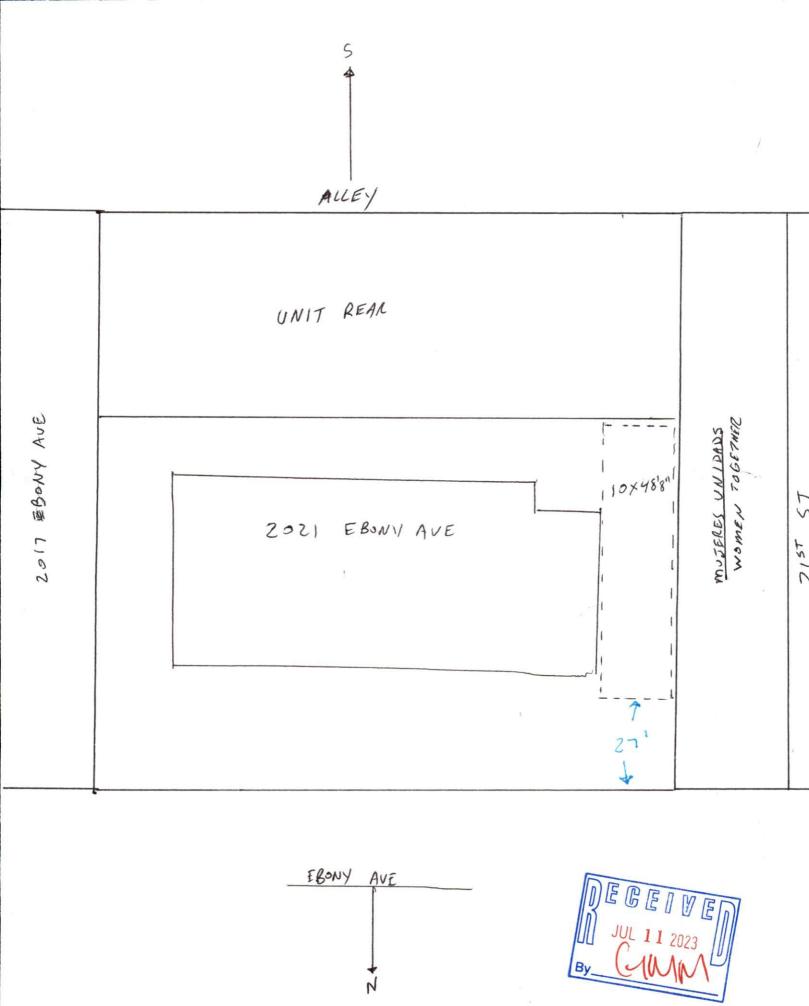
APPEAL TO ZONING BOARD OF

	ADJUSTMENT TO MCALLEN ZONING ORDINANCE										
	Legal Description HAMMOND ANDITION LOT 6 BLK \$5										
Project	Subdivision Name HAMMOND ADDITION Street Address 702 EBONY AVE MCALLEN, TX 7850 Number of lots 1 Gross acres Existing Zoning R2 Existing Land Use RESIDENTIAL Reason for Appeal (please use other side if necessary)										
	CARPORT MEASURING 10' × 48'8" INTO SIDE SETBACK OF 6' / ENCROACH MENT SIDE										
	\$300.00 non-refundable filing fee + \$\sumsymbol{\substack} \\$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 DANIEL RISAS Phone 956-923-1269 Address 2021 EBONY AVE E-mail ROZAY82. DRO GMAIL (**) City MACCEN State 7X Zip 7850										
Owner	Name DANIEC ROSAS Phone 956-923-1669 Address 2021 EBONY AUE E-mail ROZAY 82. PRE GMAK CAN City MIALLEN State TX Zip 78501										
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? Yes No I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization. Signature Date Date Date Authorized Agent										
Office	Accepted by Payment received by Date Date Date Rev 09/20										

City of McAllen

Planning Department REASON FOR APPEAL & BOARD ACTION

Reason for Appeal	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: Currently there is a hardship for the vear unit occupants. The carpert will allow vehicle protection from the vear unit occupants. The lements. 2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner: The carport will facilitate a preservation of the vehicle's outer and inner composition of the detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area: The variance approval will Not affect in no-may the neighboring facility Museus units are unique to this applicant of property. A Describe special conditions that are unique to this applicant of property. This a unique situation due to the public health, alley to park personal transfer of the park personal.
ction	
Board Action	Chairman, Board of Adjustment Signature Rev. 9/20 Date









2023 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

	01/05/23	01/18/23	02/08/23	02/22/23	03/08/23	03/22/23	04/05/23	04/19/23	05/03/23	05/17/23	06/07/23	06/21/23	07/13/23	07/27/23	08/09/23	08/17/23	09/07/23	09/20/23	10/04/23	10/18/23	11/01/23	11/15/23	12/06/23	12/20/23
SYLVIA HINOJOSA-VICE-CHAIR	Р	Р	Р	Р	Р	Р	Р	Р	Α	Р														
JOSE GUTIERREZ- CHAIRPERSON	Р	Р	Ρ	Р	Ρ	Р	Ρ	Р	Ρ	Ρ	Р	Р	Р	Р										
ANN TAFEL	Р	Р	Р	Р	Α	Р	Ρ	Р	Ρ	Р	Р	Р	Р	Р										
HUGO AVILA	Р	Р	Ρ	Α	Ρ	Р	Р	Р	Р	Р	Ρ	Р	Р	A										
ROGELIO RODRIGUEZ	Α	Р	Α	Р	Р	Р	Р	Α	Р	Р	Α	Р	Р	P										
HIRAM A. GUTIERREZ											Р	Α	Р	P										
REBECCA MILLAN (ALT 1)	Р																							
MARK TALBOT (ATL 2)	Α																							
SAM SALDIVAR (ALT 3)	Р	Р	Р	Р	Р	Р	Α	Р	Р	Α	Р	Р	Р	A										
JUAN MUJICA (ALT 4)	Р	Р	Α	Р	Р	Р	Α	Р	Р	Р	Р	Р	Р	A										

P - PRESENT

A - ABSENT

NEW APPOINTMENT

MC - MEETING CANCELLED

NRM - NO MEETING

LOQ - LACK OF QUORUM

RS - RESIGNATION



PLANNING DEPARTMENT



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

2023 CALENDAR

			Meetings:			Deadlines:										
_	ity Commis			nning & Zo	-		D- Zoning/CUP Application N - Public Notification									
·——·	ublic Utility		Zoni	ng Board o	f Adjustmei	nt	* Holiday Office is closed									
HPC - His	storic Preservati		UARY 2	000			* Holiday - Office is closed FEBRUARY 2023									
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat			
5 GIII		3 THE	4	1 HU	F P1	Sat	Sun	MOH	1 ue	1	2	3	Sat 4			
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15	16	17	18	19	20	21	12	13	14			17	18			
	A-2/7 & 2/8		N-2/7 & 2/8 D-2/121 & 2/22													
22	23	24	25	26 HPC	27	28	19	20	21	22	23 HPC	24	25			
								A-3/2 & 3/3		N-3/7 & 3/8 D-3/21 & 3/22						
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28	HOLIDAY	30	31				25	26	27	28	29 HPC	30				
Doodling		a Dates are	subject to abo	ngo at any t	mo Bloose	contact th	Dlannin	A-7/12 & 713	at (956) 681-1	N-7/12 & 7/13	0.000/00045	ons	<u> </u>			
Deadiii)(o and Meetin	y Dales ale	อนมา ย น เป นที่ส	nge at ally th	e. riease (บบาเสปไ เกิด	= riaiiiiin	y Department	at (300) 001-1.	ZJU II YUU NAV	e any questi	U113.				



PLANNING DEPARTMENT



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

2023 CALENDAR

A Pu	ity Commis iblic Utility I Historic Pre	ssion Board	Meetings:	•	& Zoning oard of Adju	Deadlines: D- Zoning/CUP Application * Holiday - Office is closed										
			ILY 202	3			AUGUST 2023									
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat			
						1			1	2	3	4	5			
2	3	HOLIDAY	5	6	7	8	6	7 A- 8/22 & 8/23	8	9 N- 8/22 & 8/23 D-9/6 & 9/7	10	11	12			
9	10 A-7/26 & 7/27	11	12 N-7/26 & 7/27 D-8/8 & 8/9	13	14	15	13	14	15	16	17	18	19			
16	17	18	19	20	21	22	20	21 A- 9/6 & 9/7	22	23 N- 9/6 & 9/7 D-9/19 & 9/20	24 HPC	25	26			
	24 A-8/8 & 8/9	25	26 N-8/8 & 8/9 D-8/22 & 8/23	27 HPC	28	29	27	28	29	30	31					
		SEPTI	EMBER	2023					осто	BER 20)23					
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat			
					1 A-9/19 & 9/20	2	1	2 A-10/17 & 10/18	3	4 N-10/17 & 10/18 D-11/1 - 11/7	5	6	7			
3	HOLIDAY	5	6 N-9/19 & 9/20 D-10/3 & 10/4	7	8	9	8	9	10	11	12	13	14			
10	11	12	13	14	15	16	15	16 A-11/1 ZBA	17	18 N- 11/1 ZBA D-11/15 & 11/21	19	20	21			
17	18 A-10/3 & 10/4	19	20 D-10/18 & 10/19 N-10/3 & 10/4	21	22	23	22	23 A- 11/7 PZ	24	25 N- 11/7 PZ	26 HPC	27	28			
24	25	26	27	28 HPC	29	30	29	30 A- 11/15 ZBA	31							
			MBER				DECEMBER 2023									
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat			
			1 N- 11/15 ZBA D-12/5 & 12/6	2	3	4						1	2			
	6 A-11/21 PZ	7	8 N- 11/21 PZ	9	10	11	3	4 A-12/19 & 12/20	5	6 HPC D-TBA N-12/19 & 12/20	7	8	9			
12	13	14	15 D-12/19 & 12/20	16	17	18	10	11	12	13	14	15	16			
19	20 A-12/5&12/6	21	22 N-12/5 & 12/6	23 HOLIDAY	24	25	17	18 A- TBA	19	20 D- TBA N- TBA	21	22	23			
26	27	28	29	30			24 31	HOLIDAY	HO ^{LIDAY}	27	28	29	30			
Deadline	es and Meeting	g Dates are s	subject to cha	nge at any ti	me. Please o	contact the	e Plannin	g Department	at (956) 681-12	250 if you hav	e any questi	ons.				