

## AGENDA

### ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, DECEMBER 4, 2024 - 4:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3<sup>RD</sup> FLOOR

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

#### CALL TO ORDER -

#### 1. MINUTES:

- a) Minutes for the meeting held on November 20, 2024

#### 2. PUBLIC HEARINGS:

- a) Request of Maria Garcia Del Paz for a Variance to the City of McAllen Zoning Ordinance to allow an encroachment of seven feet into the 10-foot rear yard setback for an existing storage shed at Lot 19, The Village North Subdivision Unit 4, Hidalgo County, Texas; 605 Water Lilly Avenue. **(ZBA2024-0047)**
- b) Request of Francisco Pons Ballesteros for a Variance to the City of McAllen Zoning Ordinance to not provide a masonry screen eight feet in height and instead provide a six-foot cedar fence with columns for the proposed Georgetown Park Subdivision at 9.1 Acres out of Lot 1, Block 17, Steele & Pershing Subdivision and Lot 1, Block 9, A.J. McColl Subdivision, Hidalgo County, Texas; 1100 East El Rancho Road. **(ZBA2024-0048)**
- c) Request of MCI Development, LLC for variances to the City of McAllen Zoning Ordinance to allow the following encroachments: **1)** a garage door setback of 18 feet instead of 25 feet and **2)** an encroachment of 10 feet into the 25-foot front yard setback, for a proposed single family residence at Lot 15, La Veranda Subdivision, Hidalgo County, Texas; 4709 Sweetwater Avenue. **(ZBA2024-0045) (TABLED: 11/20/2024)**

#### 3. FUTURE AGENDA ITEMS

- a) 3506 North 29th Street
- b) 404 North 9th Lane
- c) 2808 Helena Avenue
- d) 2417 North 28th Street
- e) 1616 North 8th Street
- f) 301 East Trenton Road

#### ADJOURNMENT:

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

**STATE OF TEXAS  
COUNTY OF HIDALGO  
CITY OF MCALLEN**

**The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, November 20, 2024 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:**

<b>Present:</b>	<b>Jose Gutierrez</b>	<b>Chairperson</b>
	<b>Hugo Avila</b>	<b>Member</b>
	<b>Hiram A. Gutierrez</b>	<b>Member</b>
	<b>Daniel Santos</b>	<b>Member</b>
	<b>Ivan Garcia</b>	<b>Member</b>
	<b>Alex Lamela</b>	<b>Alternate</b>
<b>Absent:</b>	<b>Juan Mujica</b>	<b>Alternate</b>
	<b>Pablo Garcia</b>	<b>Alternate</b>
<b>Staff Present:</b>	<b>Evaristo Garcia</b>	<b>Assistant City Attorney III</b>
	<b>Michelle Rivera</b>	<b>Assistant City Manager</b>
	<b>Luis Mora</b>	<b>Deputy Planning Director</b>
	<b>Samuel Nunez</b>	<b>Senior Planner</b>
	<b>Porfirio Hernandez</b>	<b>Planner I</b>
	<b>Victor Grey</b>	<b>Planning Technician I</b>
	<b>Carmen White</b>	<b>Administrative Assistant</b>

**CALL TO ORDER –Chairperson Jose Gutierrez**

**1. MINUTES:**

- a) Minutes for the meeting held on November 6, 2024

The minutes for the meeting held on November 6, 2024. The motion to approve the minutes were made by Mr. Hiram Gutierrez. Mr. Daniel Santos seconded the motion, which carried unanimously with five members present and voting.

**2. PUBLIC HEARINGS:**

- a) Request of MCI Development, LLC for variances to the City of McAllen Zoning Ordinance to allow the following encroachments: **1)** a garage door setback of 18 feet instead of 25 feet and **2)** an encroachment of 10 feet into the 25-foot front yard setback, for a proposed single family residence at Lot 15, La Veranda Subdivision, Hidalgo County, Texas; 4709 Sweetwater Avenue. **(ZBA2024-0045)**

Mr. Nunez stated the applicant was requesting variances to allow the above-mentioned encroachments for a proposed single-family residential home. Approval of the variances will allow for a patio area as well as allow a larger size for the home.

The subject property is located along the south side of Sweetwater Avenue approximately 400 feet west of South 46<sup>th</sup> Street. The vacant lot has 92.24 ft. of frontage along Sweetwater Avenue and a depth of 85.74 ft. at its deepest point for a tract size of 6,669 sq. ft. The property is zoned R-1 (single family residential) District. The adjacent

zoning is R-1 District in all directions. The surrounding land use is single-family residential and vacant properties.

La Veranda Subdivision was recorded on January 20, 2006. Submittal of an application for a building permit is pending determination of the variance request. An application for the variance requests was submitted on October 23, 2024.

Variance #1 is to allow a garage door setback of 18 ft. instead of 25 ft. The McAllen Code of Ordinances states in Section 138-356 (footnote 2) "entrances to a garage or enclosed carport shall be a minimum of 18 feet from streets or alleys in the A-O, R-1, R-2, R-3A, R-3C and R-3T Districts unless otherwise specified by the Planning and Zoning Commission". The plat specifies a front yard building setback of 25 ft. and states 18 ft. for a garage setback "except where greater setback is required – greater setback applies". In this case, the greater setback of 25 ft. will apply. The site plan shows the proposed distance from the front property line to the proposed garage door at 18 feet. It does not show the 25 ft. front yard setback with the proposed area of encroachment.

Variance #2 is to allow construction of a proposed single-family residence with an encroachment of 10 ft. into the 25-foot front yard setback. The site plan shows the proposed distance from the front property line to the residence at 15 ft. It also shows the 25 ft. front yard setback with the proposed encroachment area.

The plat for this subdivision indicates a five-foot utility easement adjacent to the front property line and a 10-foot utility easement adjacent to the rear property line.

The subject property has partial frontage on a cul-de-sac, which gives the property an element of an irregular shape.

If the variance request is approved the applicant must comply with all other building and zoning ordinance requirements.

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

Variance request #1: Staff recommended **disapproval** since the site plan can be modified for compliance.

Variance request #2: Staff recommended **approval** since the partial frontage on the cul-de-sac makes for an irregular shaped lot. A 10-foot utility easement adjacent to the rear property line reduces the buildable area for this property.

Chairperson Gutierrez asked staff if they had discussed with the applicant regarding Variance request #1 could be modified for compliance. Staff stated they had discussion with the applicant. They originally proposed a site plan that if they complied with the 25 foot on all sides it would restrain them or not allow them to build a home similar to their neighbors. There was an option to be able to comply as other developments had in that area to a have the garage at 25 feet instead of 18 feet.

Chairperson Gutierrez asked staff if the applicant was present. Staff stated the applicant was contacted to remind them of the meeting but were unable to attend.

Chairperson Jose Gutierrez asked if there was anyone present to speak in favor of the Variance request. There was no one to speak in favor of the Variance request.

Chairperson Jose Gutierrez asked if there was anyone present to speak in opposition of the Variance request. There was no one to speak in opposition of the Variance request.

Board member Avila suggested tabling the item to give the applicant an opportunity to present their request at the next meeting.

Board member Gutierrez asked staff if the applicant know the recommendations of City's staff. Staff stated at the time of the meeting they do contact the applicant and tell them the recommendations prior to the meeting to be prepared to answer any questions or objections.

Following discussion, Mr. Hugo Avila moved to table the Variance request until the next meeting. Mr. Hiram Gutierrez seconded the motion. The Board voted to table the Variance request with five members present and voting.

- b) Request of Juan Gomez for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 20-foot front yard setback for a proposed metal carport at Lot 87, Bentsen Heights Unit Two Subdivision, Hidalgo County, Texas; 4520 Maple Avenue. **(ZBA2024-0044)**

Mr. Hernandez stated the applicant was requesting a Special Exception to encroach 20 feet into the 20-foot front yard setback for a proposed metal carport measuring 20 feet by 20 feet for protection of vehicles from inclement weather.

The subject property was located along the north side of Maple Avenue approximately 252.3 feet west of the intersection with North 45<sup>th</sup> Street. The lot has 60 feet of frontage along Maple Avenue and 105 feet of depth for a total size of 6,300 square feet. The property is zoned R-1 (Single Family Residential) District. The adjacent zoning includes R-1 (Single Family Residential) District to the south, east and west and R-3A (Multi-Family Residential Apartments) District to the north.

Bentsen Heights Unit Two Subdivision was recorded on January 8, 1997. The plat indicates a 20-foot front yard setback for this lot. A building permit application for the proposed metal carport has not been submitted and is awaiting the decision on this request. An application for a special exception request was submitted to the Planning Department on October 23, 2024.

The applicant is requesting a Special Exception to allow an encroachment of 20 feet into the 20-foot front yard setback for a proposed metal carport that will be used for protection of their vehicle from the sun and severe weather conditions. A submitted site plan shows that the carport will have a pitched roof and will include rain gutters. Rain gutters on a pitched roof should be able to handle the volume of water and debris that drains off the roof.

The front yard setbacks are important in keeping the character of a single-family neighborhood by maintaining the street yard and curb appeal of properties in a subdivision.

The home has a garage that is being used to park one of their vehicles.

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

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 has been one phone call in opposition of the Special Exception request with concerns regarding rainfall runoff.

Measurements provided are without the benefit of a survey.

Staff recommended disapproval of the Special Exception request since no special exceptions have been approved within this subdivision and it is not compatible with the character of the neighborhood.

Board member Avila asked staff if there were any carports that were built illegally in the neighborhood. Staff stated there were no other carports in the neighborhood.

Mr. Juan Gomez, 4520 Maple Avenue. He stated he purchased the house 13 years ago and the previous owners put two oaks trees, one on the west and east side. When they put the water meters it was side by side with the neighbor. Mr. Gomez stated the pipes had been breaking and he had been fixing them. Therefore, he cut the tree off. He stated the last hailstorm he had two deductibles, one for the house and his vehicle. He wanted to build a carport to protect his vehicles from inclement weather and it would match the house.

Chairperson Jose Gutierrez asked if there was anyone present to speak in favor of the Special Exception. There was no one to speak in favor of the Special Exception.

Mr. Williard Younger, 4600 W. Maple Avenue, was in favor of the Special Exception. He stated he was the neighbor. He stated he wanted to put a carport as well for protection of the inclement weather in the future. Chairperson Gutierrez asked if he had a two-car garage. Mr. Younger stated he believed most of the houses have two car garages. Chairperson Gutierrez also asked if most residences use one side of the driveway to park their vehicles. Mr. Younger stated that it was very common in the entire neighborhood. He stated he uses half of his garage for storage and workshop.

Chairperson Jose Gutierrez asked if there was anyone else present to speak in opposition of the Special Exception. There was no one else to speak in opposition of the Special Exception.

Chairperson Jose Gutierrez asked if there was anyone present to speak in favor of the Special Exception. There was no one to speak in favor of the Special Exception.

Board member Avila stated every case is unique. Hardships were taken into consideration. Neighborhood appearance was very important to the City and they do not set precedence.

Board member Lamela asked Chairperson Gutierrez if the applicant had a two-car garage why was he only using one side of the driveway. Chairperson Gutierrez asked the applicant what was the reason for using one side of the garage.

Mr. Juan Gomez stated he had a washer/dryer, food supplies and tools with a table. He stated it was difficult to open the vehicle doors while inside.

Chairperson Gutierrez asked staff if the person who was opposing was asked to be present. Staff stated yes but wanted just to be anonymously.

Following discussion, Mr. Hugo Avila moved to disapprove the Special Exception. Mr. Daniel Santos seconded the motion. The Board voted to disapprove the Special Exception with five members present and voting.

- c) Request of Oscar Cancino for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 5.5 feet into the seven-foot side yard setback along the south property line for an existing metal storage building at Lot 4, Block 7, North McAllen Subdivision, Hidalgo County, Texas; 709 North 16th Street. **(ZBA2024-0046)**

Mr. Nunez stated the applicant was requesting a variance for an existing metal storage building with an encroachment of 5.5 feet into the south side yard setback. The applicant states a contractor was hired to construct the building but did not obtain a building permit. The storage space is currently being used to store work equipment.

The subject property is located along the west side of North 16<sup>th</sup> Street, between Hackberry and Gumwood Avenues. The lot has 50 feet of frontage along North 16<sup>th</sup> Street and a depth of 140 feet for a lot size of 7,000 square feet. The property is zoned R-2 (duplex-fourplex residential) District. The adjacent zoning is R-2 District in all directions.

According to Hidalgo County Appraisal District records, the main residence was built in 1993. A Stop Work order was posted by Building Permits and Inspections Department on September 20, 2022 for construction work without a building permit. An application for a building permit was submitted to Building Permits and Inspections Department on November 03, 2022 and an application for a variance request was submitted to the Planning Department on January 09, 2023. The Zoning Board of Adjustments at their meeting of February 22, 2023 considered the requests and voted to approve the Special Exception request for an encroachment of 3.04 feet into the ten-foot rear yard setback for an existing metal carport measuring 23.66 feet by 24.66 feet. At the same meeting, the Board disapproved a variance request to allow an encroachment of 5.5 feet into the seven-foot south side yard setback for an existing metal storage building measuring approximately five feet by 19.2 feet. The applicant has submitted a new application for a variance request for the same existing storage building. The new application was submitted October 24, 2024.

The applicant was requesting a variance to allow an encroachment of 5.5 feet into the seven-foot south side yard setback for an existing metal storage building measuring approximately five feet by 19.2 feet. The property owner is a schoolteacher and the narrow storage space is used to store educational materials. The narrow storage building space is a component to a metal carport; however, it was constructed encroaching into

the south side yard setback.

The side yard setbacks for this property are seven feet on the south side and five feet on the north. The rear yard setback is ten feet.

The storage building had a carport component that was approved for a Special Exception on February 22, 2023. The storage building area that is the subject of the variance request is a narrow compartment that is part of a main storage area. It was disapproved as the same request at the meeting of February 22, 2023.

There have been 3 letters received in support of the variance request.

Staff recommended disapproval since variances run with the land and buildings are not permitted within setbacks. If the Board chooses to approve the request, approval should be limited to the encroachment shown on the submitted site plan.

Chairperson Gutierrez asked staff what was the reason for this Variance request coming before the Board again after being disapproved. Staff stated as mentioned before this request came last year the Special Exception was approved not the Variance that is here before the Board today. It was their understanding that their Municipal Court's staff recommended that the applicant tried once more before the Municipal Court takes more action.

Board member Gutierrez asked staff to elaborate if the Board chooses to approve the request approval should be limited to the encroachment shown on the submittal site plan. Staff stated it meant that if the Board decides to approve it, it would have limitations to the 5.5 feet that was being requested today.

Staff stated the Building Department usually do not require building permits for structures that are 200 square feet or less. However, if the structure is below 200 square feet it has to comply with the setbacks.

Ms. Marissa Cantu, 709 North 16<sup>th</sup> Street. She stated she was a schoolteacher for 24 years. She used the storage for her school supplies when the school year ends and begins again. Ms. Cantu stated when Hurricane Hannah hit they had a lot of water damage to their house and to the storage. Their insurance paid for the damage. Instead of repairing with it with plywood, they decided to use sheet metal. She stated she did not hear anything from the City but two years later, she received a letter stating there was a problem with it. She did not know about the size of the storage or obtaining a permit.

Board member Avila stated he had concerns was with fire hazard. He stated setbacks were there to protect their neighbors. The setbacks creates a buffer.

Board member Ivan Garcia asked staff on the site plan the survey of the lot is 7 feet, is it 7 feet on the opposite side of the neighbor as well. Staff stated it was 5 feet. Board member Garcia asked staff what was the minimum separation on the building code. Staff stated it was 12 feet. Board member Garcia asked if there were any type of consideration for different types of building materials, fire retardant to minimize it to 10 feet. His concerns was fire safety. Staff stated that would be up to the Building Department determine the types of materials.

Board member Avila explained to the applicants that a Variance runs with land. It does not go with the owner. The next owner could build whatever they want.

Board member Santos spoke about the hardships on the owner. He asked the applicant what was spent on the storage. Mr. Javier Cantu, 709 North 16<sup>th</sup> Street, (husband). He stated it was \$21,000-\$22,000 of value into the garage after the check received from the insurance company from the hurricane damage. He stated the contractor recommended using sheet metal. He stated it would be a hardship if they had to tear it down.

Mr. Oscar Cancino, 5111 N. 10<sup>th</sup> Street, #366, McAllen. He stated he was hired initially as a consultant for the carport which they had received a citation. When they submitted the application, the storage area was brought up to their attention. His task was to certify the building as requested by the City. Mr. Cancino brought packets for the Board to view. He stated Exhibit 1; it showed an entrance in the rear alley facing east showing a number of utilities. On the original plat, with no additions or amendments, it did not state any easements or right of ways. There were no setbacks only the ones that were set in the current Ordinance. Exhibit 2; on the plat it showed a picture of back of the entry and the utilities which is in the middle of the property entrance. Exhibit 3; has the location map. Location 1 (picture) showed the property line the structure goes up what is encroaching the north 5 feet. Location 2 (picture) showed encroaching on the lot line on the existing structures. Location 3 and Location 4; showed the neighbor's carport to the south side. Location 1; showed the front of the metal carport.

Board member Gutierrez asked staff to explain the Municipal court's process of how the Variance came before the Board to reconsider. Mr. Austin Stevenson, City Attorney stated when they went to court the announcement was made as to go and apply for a Variance. The contract prosecutor was aware that this property already went through the Variance process. Financial hardship are now something legally the Board could consider.

Board member Gutierrez asked legal if the hardship was for the removing or the amount spent on the structure. Mr. Stevenson stated the phrase was cost of compliance. What it is the cost of compliance substantial when compare to the value of the structure.

Board member Santos asked the applicant about the next-door neighbor's position. Ms. Cantu stated she was an older woman, about 79 years old. She stated she is one of the persons that signed the letter in favor. She stated the house belonged to her grandmother and aunt and bought it from her.

Chairperson Jose Gutierrez asked if there was anyone else present to speak in opposition of the Variance request. There was no one else to speak in opposition of the Variance request.

Chairperson Jose Gutierrez asked if there was anyone present to speak in favor of the Variance request. There was no one to speak in favor of the Variance request.

Following discussion, Mr. Hiram Gutierrez **moved** to approve the Variance request limited to the encroachment shown on the submitted site plan. Mr. Ivan Garcia seconded the motion. The Board voted to approve the Variance request with four members voting aye and one voting nay, Mr. Hugo Avila.



- d) Request of Anita Moon on behalf of Greater McAllen Association of Realtors for the following variance to the City of McAllen Zoning Ordinance to allow an accessory building with a one-foot separation to the main building instead of the required five feet for rear yard structures at Lot B1, Aim Media Subdivision, Hidalgo County, Texas; 1324 East Nolana Avenue. **(ZBA2024-0036) (TABLED: 10/09/2024) (REMAIN TABLED: 10/23/2024) WITHDRAWN**

#### **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

**Memo**

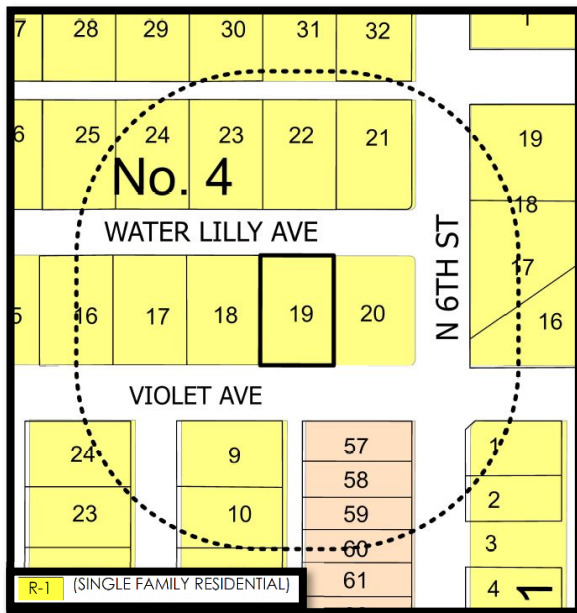
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** November 26, 2024

**SUBJECT: REQUEST OF MARIA GARCIA DEL PAZ FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF SEVEN FEET INTO THE 10 FOOT REAR YARD SETBACK FOR AN EXISTING STORAGE SHED AT LOT 19, THE VILLAGE NORTH SUBDIVISION UNIT 4, HIDALGO COUNTY, TEXAS; 605 WATER LILLY AVENUE. (ZBA2024-0047)**

**REASON FOR APPEAL:** The applicant is requesting a variance to encroach seven feet into the 10 foot rear yard setback for an existing wooden shed measuring 11 feet by 18 feet used for storing home and yard supplies.



**PROPERTY LOCATION AND VICINITY:** The subject property is located along the south side of Water Lilly Avenue approximately 80 feet west of North 6<sup>th</sup> Street. The lot has 80.0 feet of frontage and 119.22 feet of depth for a total of 9,538 square feet. The property is zoned R-1 (Single Family Residential) District. The adjacent zoning is R-1 (Single Family Residential) District in all directions. There is R-3T (Multifamily Residential Townhouse) District to the south across Violet Avenue.

**BACKGROUND AND HISTORY:** The Village North Subdivision Unit 4 was recorded on September 1, 1981. The plat indicates a 10 foot rear yard setback for the subdivision. A stop work order was issued on October 22, 2024 for “no building permit for a rear patio”. On October 24, 2024 a second stop work order was issued for no building permit for “no permit for rear patio” and “rear room in backyard”. Improvements to the storage shed include insulation and air conditioning and require a review through

an application for a building permit. On October 24, 2024, the applicant submitted an application for a building permit for the patio addition and on the 30<sup>th</sup> of October for the rear storage shed. A variance application for the storage shed was submitted on November 6, 2024.

**ANALYSIS:** The applicant is requesting a variance to allow an encroachment of seven feet into the 10 foot rear yard setback for an existing wooden storage shed measuring 11 feet by 18 feet to be used for storing pool equipment, household items and garden tools. A picture of the structure in the rear yard shows a large shade tree that prevents relocation towards the interior of the property and out of the rear yard setback. The structure appears to be built on a concrete foundation.

No utility easements will be impacted by the encroachment into the rear yard setback.

The submitted site plan shows an existing swimming pool that appears to have been constructed with encroachments into the rear and west side yard setback. In the past swimming pools were allowed to be built within setbacks; however, a subsequent determination by the city's legal department included swimming pools as structures which require compliance with setbacks. According to Hidalgo County Appraisal District records, the pool was built in 1994. The swimming pool may be considered a non conforming structure.

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

Measurements provided are without the benefit of a survey.

**RECOMMENDATION:** Staff recommends approval of the variance request since strict adherence to the rear yard setback may require a significant portion of the shed to be demolished. There is also an existing tree that the property owner would like to keep.



# 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)

Case Number: ZBA 2024-0047 ZBOA Meeting: 12/4/24  Routed  
Receipt No: \_\_\_\_\_  Scanned  
Accepted by: P: PH S: SEA Customer Acknowledgment (Int.): [Signature]

#### PROJECT

Legal Description The Village North Ut 4 Lot 19  
605 Water Lilly Ave  
Subdivision Name Village North Subdivision  
Street Address 605 Water Lilly Ave  
Number of lots 1 Gross acres \_\_\_\_\_  
Existing Zoning \_\_\_\_\_ Existing Land Use \_\_\_\_\_  
Reason for Appeal (please use other side if necessary) Construction of Shed  
in backyard by the existing pool 7 FT INTO REAR  
YARD SETBACK 10'  
 \$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 Maria Garcia Del Paz Phone 956-867-9698  
Address 605 Water Lilly Ave. E-mail marygdelpaz@gmail.com  
City McAllen State Tx Zip 78504

#### OWNER

Name Maria Garcia Del Paz Phone 956-867-9698  
Address 605 Water Lilly Ave. E-mail \_\_\_\_\_  
City McAllen State Tx Zip 78504

#### AUTHORIZATION

To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?

Yes  No

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

Signature Maria DelPaz Date 11/5/24

Print Name Maria DelPaz  Owner  Authorized Agent





# 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:

A storage room is necessary to house equipment, supplies, and other items needed to maintain home and yard and existing pool.

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

The storage shed is necessary to house equipment, supplies, and other items needed to maintain home and yard and existing pool and eliminates the need to pay \$300<sup>a month</sup> in storage charges in public storage room.

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 storage shed is a small size and built to match the style of the house built to blend in and not obstruct views. Other neighboring homes have structures in their backyard for storage, protect vehicles, and gazebos.

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

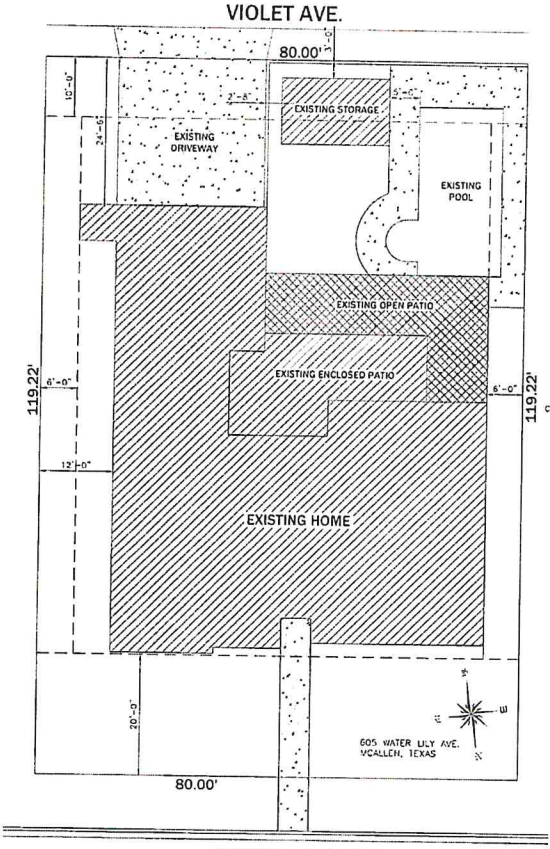
The property has a pool which already existed when I purchased the property in 2022 and a storage was needed to store equipment and supplies for the pool and yard.

Reason for Appeal

Board Action

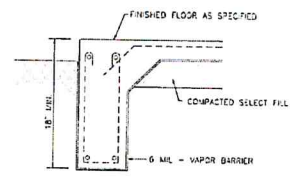
Chairman, Board of Adjustment  
Signature

Date

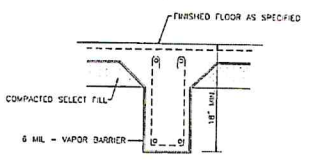


**E SITE PLAN**  
NOT TO SCALE

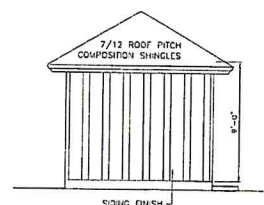
NOTE:  
THE GENERAL CONTRACTOR NEEDS TO REVIEW ALL PLANS, DIMENSIONS AND NOTES PRIOR TO COMMENCING ANY WORK.



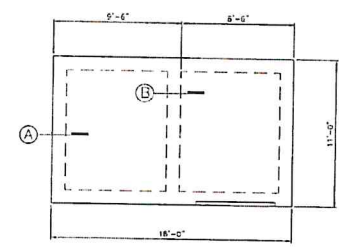
**EXTERIOR FOOTING DETAIL "A"**  
EXTERIOR BEAMS TO BE 12" X 18" WITH 4 - #5 BARS CONT. TOP & BOTTOM WITH #3 STIRRUPS AT 24" O.C. AND A MINIMUM OF 12" IN DEPTH TO UNDISTURBED SOIL.



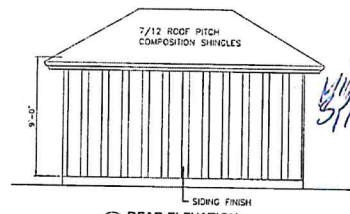
**INTERIOR FOOTING DETAIL "B"**  
INTERIOR BEAMS TO BE 12" X 18" WITH 4 - #5 BARS CONT. TOP & BOTTOM WITH #3 STIRRUPS AT 24" O.C. AND A MINIMUM OF 12" IN DEPTH TO UNDISTURBED SOIL.



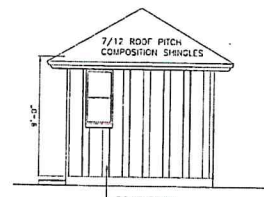
**D SIDE ELEVATION**  
SCALE: 1/4" = 1'-0"



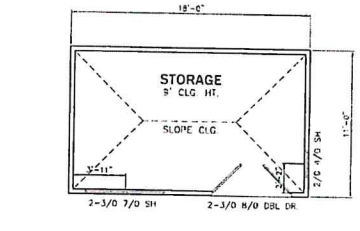
**B FOUNDATION PLAN**  
SCALE: 1/4" = 1'-0"



**D REAR ELEVATION**  
SCALE: 1/4" = 1'-0"



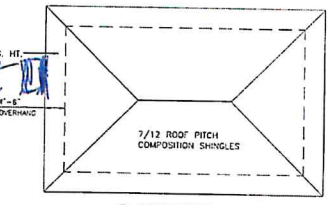
**D SIDE ELEVATION**  
SCALE: 1/4" = 1'-0"



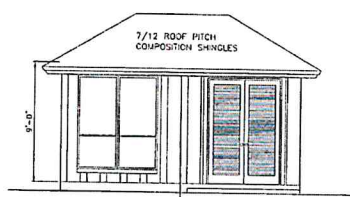
PROPOSED 2X4 FRAME WALL

AREAS  
COVERED PATIO 198.0 S.F.

**A FLOOR PLAN**  
SCALE: 1/4" = 1'-0"



**C ROOF PLAN**  
SCALE: 1/4" = 1'-0"



**D FRONT ELEVATION**  
SCALE: 1/4" = 1'-0"



project no.  
**24-101**

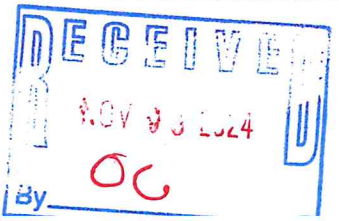
GENERAL NOTE  
THESE PLANS ARE THE PROPERTY OF ESCALA DESIGNS AND ANY USE OR REUSE, IN WHOLE OR IN PART, WITHOUT THE WRITTEN CONSENT OF ESCALA DESIGNS IS PROHIBITED.

**REMODELING**  
605 Water Lily Ave.  
MCALLEN, TEXAS

PROJECT DATE: OCT. 30, 2024  
PROJECT DESCRIPTION: RESIDENTIAL  
LOCATION: 7050 W. 24th St. MCALLEN, TX

SITE PLAN  
ROOF PLAN  
FLOOR PLAN  
EXTERIOR ELEVATIONS  
SCALE: AS SHOWN

SH 2





SPEED  
LIMIT  
30



22 Oct 2024 15:39:52





NOTICE  
VARIANCE  
FOR  
THIS PROPERTY  
ZBA2024-0047

605

**Memo**

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

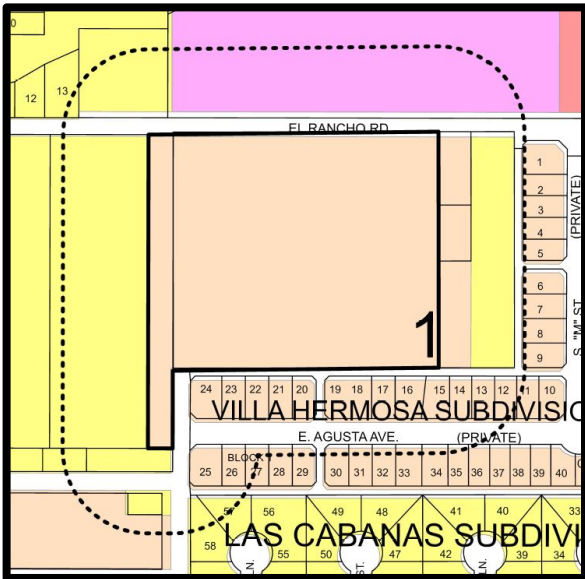
**FROM:** Planning Staff

**DATE:** November 26, 2024

**SUBJECT: REQUEST OF FRANCISCO PONS BALLESTEROS FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO NOT PROVIDE A MASONRY SCREEN EIGHT FEET IN HEIGHT AND INSTEAD PROVIDE A SIX-FOOT CEDAR FENCE WITH COLUMNS FOR THE PROPOSED GEORGETOWN PARK SUBDIVISION AT 9.1 ACRES OUT OF LOT 1, BLOCK 17, STEELE & PERSHING SUBDIVISION AND LOT 1, BLOCK 9, A.J. MCCOLL SUBDIVISION, HIDALGO COUNTY, TEXAS; 1100 EAST EL RANCHO ROAD. (ZBA2024-0048)**

**REASON FOR APPEAL:**

The applicant is requesting a variance to not provide an eight foot masonry screen along the property adjacent to an R-1 (Single Family Residential) District street frontage and instead provide a six-foot cedar fence with columns.



**PROPERTY LOCATION AND VICINITY:**

The subject property is located along the south side of East El Rancho Road approximately 300 feet west of South “M” Street. The property is zoned R-3T (Multifamily Residential Townhouse) District. The adjacent zoning is R-1 (Single Family Residential) District to the west and southwest, R-3T (Multifamily Residential Townhouse) District to the east and south and C-1 (Office Building) District to the north across East El Rancho Road. Surrounding land uses are single family residences and vacant land.

**BACKGROUND AND HISTORY:**

This property is currently undergoing the subdivision process with the name of Georgetown Park Subdivision and received final approval on November 21, 2023. An application for this variance request was submitted on November 8, 2024.

**ANALYSIS:**

This request is to not provide an eight foot buffer adjacent to an R-1(single family residential) District. Section 110-49(a) - Landscape Buffers states a masonry screen eight feet in height shall be required where a commercial, industrial or multifamily use has a side or rear property line in common with a single family use or zone. Where such use has 200 feet or less in common with any residential use or zone, the buffer shall be eight feet in height but may be cedar planks. This does not apply since the length adjacent to single family use is approximately 814 linear feet. Alternately, the applicant proposes a six foot cedar fence with columns.

The Planning Department has not received any emails or phone calls in opposition of the variance request.

**RECOMMENDATION:**

Staff recommends disapproval of the variance request since compliance with the ordinance would not create an unnecessary hardship.

ZBA2024-0048

ZBOA  
12/4/2024



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

<b>Project</b>	Legal Description	9.18 AC. O/O LOT 1, BLK 17, STEELE & PERSHING SUBDIVISION (H.C.M.R. V 8 PGS 114-115) AND LOT 1, BLK 9, A.J. MCCOLL SUBDIVISION (H.C.M.R. V 21 PG 598)			
	Subdivision Name	GEORGETOWN PARK			
	Street Address	1100 E. EL RANCHO ROAD			
		Number of lots	82	Gross acres	9.18
	Existing Zoning	R-3T	Existing Land Use	VACANT	
	Reason for Appeal (please use other side if necessary)	To allow recording of subdivision plat without the installation of an 8 foot masonry wall buffer.			

\$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

<b>Applicant</b>	Name	FRANCISCO PONS BALLESTEROS		Phone	(956) 620-2981	
	Address	501 W. NOLANA AVE.		E-mail	FRANCISGOPONS@SEDELPRADO.COM	
	City	McALLEN	State	TEXAS	Zip	78504

<b>Owner</b>	Name	BONA FIDE RE, LLC		Phone	(956) 620-2981
	Address	501 W. NOLANA AVE.		E-mail	FRANCISGOPONS@SEDELPRADO.COM
	City	McALLEN	State	TEXAS	Zip

<b>Authorization</b>	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?				
			<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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	11/08/2024

Print Name Francisco Pons B.  Owner  Authorized Agent

<b>Office</b>	Accepted by <u></u>	Payment received by _____	Date _____
	Rev 10/18		

NOV 08 2024

RY:



# 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:

Under the current ordinance, R-3T is considered as Multi-Family use.

Once the new UDC is approved, R-3T will be considered as Single-Family use.

Landscape Ordinance: Section 110-149 will not be applicable for R3-T, deeming the requirement of an 8 foot masonry wall obsolete.

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

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:

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

Reason for Appeal

Board Action

Chairman, Board of Adjustment  
Signature

Date

LOT 6, BLOCK 16  
STEELE AND PERSHING SUBDIVISION  
VOL. 8, PGS. 114-115  
D.R.H.C.T.

LOT 4, BLOCK 8  
A.J. McCOLL SUBDIVISION  
VOL. 21, PG. 598  
D.R.H.C.T.

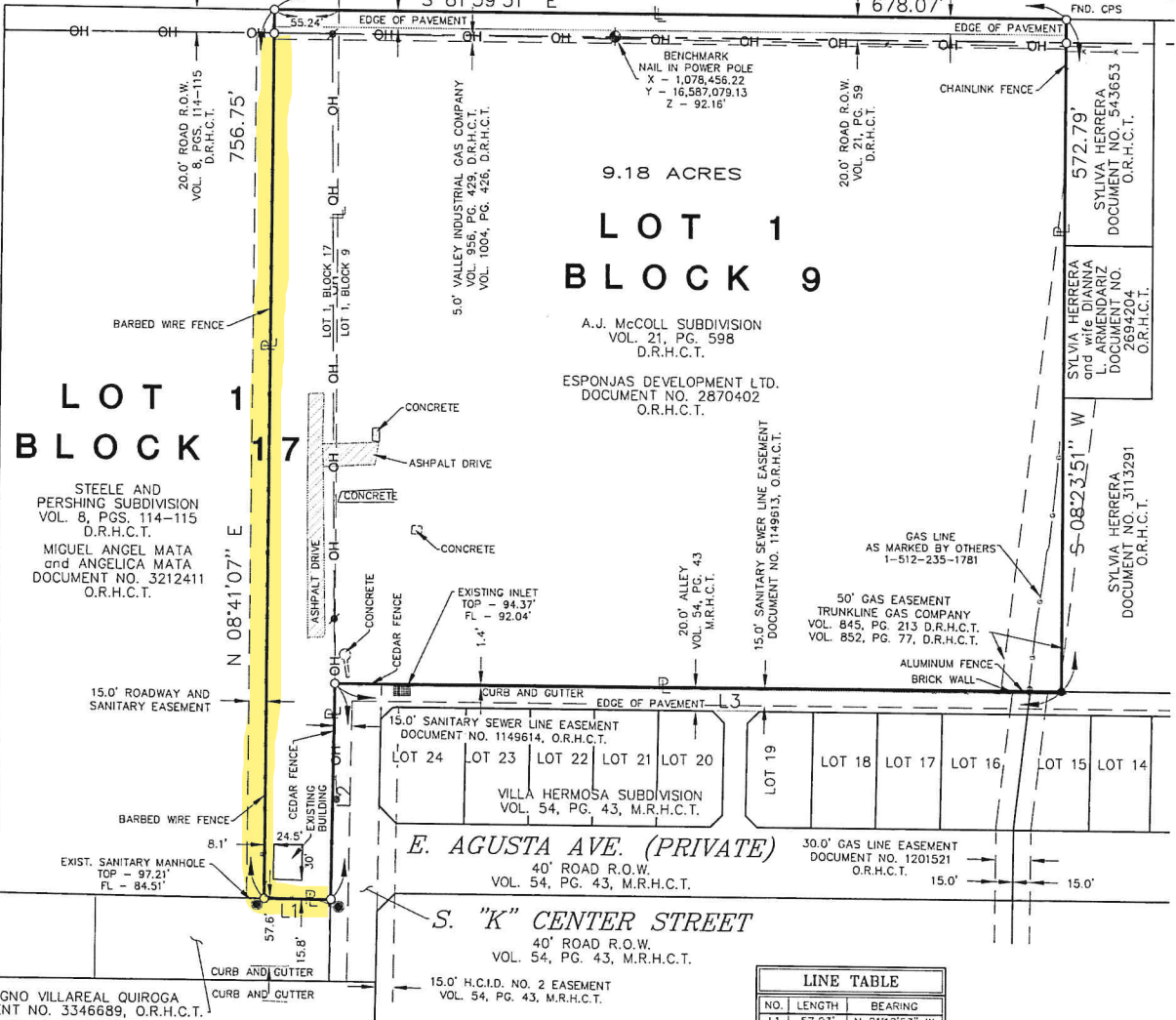
*EL RANCHO ROAD*

**LEGEND**

- - SET 1/2 INCH IRON ROD W/ A RED CAP STAMPED "RIO DELTA SURVEYING"
- - FD. 1/2 INCH IRON ROD
- X- - FENCE
- O-E- - POWER LINE
- G- - GAS LINE
- ⊕ - BENCHMARK
- ⊕ - INLET
- ⊕ - MANHOLE
- ⊕ - POWER POLE
- ⊕ - GAS MARKER
- ⊕ - LOT LINE
- ⊕ - PROPERTY LINE
- M.R.H.C.T. - MAP RECORDS HIDALGO COUNTY, TEXAS
- D.R.H.C.T. - DEED RECORDS HIDALGO COUNTY, TEXAS
- O.R.H.C.T. - OFFICIAL RECORDS HIDALGO COUNTY, TEXAS
- VOL. - VOLUME
- PGS. - PAGES
- R.O.W. - RIGHT OF WAY



SCALE: 1" = 100'



**PLAT SHOWING**

BEING 9.18 ACRES OUT OF A PART OR PORTION OUT OF LOT 1, BLOCK 9, A.J. McCOLL SUBDIVISION, HIDALGO COUNTY, TEXAS, AS PER MAP RECORDED IN VOLUME 21, PAGE 598, DEED RECORDS OF HIDALGO COUNTY, TEXAS AND A PART OR PORTION OUT OF LOT 1, BLOCK 17, STEELE AND PERSHING SUBDIVISION, HIDALGO COUNTY, TEXAS, AS PER MAP RECORDED IN VOLUME 8, PAGES 114-115, DEED RECORDS OF HIDALGO COUNTY, TEXAS

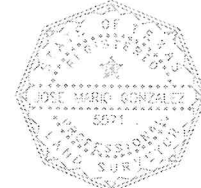
ADDRESS: E EL RANCHO ROAD  
McALLEN, TEXAS

SURVEYED: JULY 18, 2023

REQUESTED BY:

FLOOD ZONE DESIGNATION: ZONE "B"  
COMMUNITY-PANEL NUMBER: 480334 0425 C  
MAP REVISED: NOVEMBER 16, 1982

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



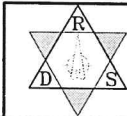
*[Signature]*

07-20-23

REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5571

**LINE TABLE**

NO.	LENGTH	BEARING
L1	57.03'	N 81°18'53" W
L2	184.31'	S 09°11'35" W
L3	622.27'	N 81°39'31" E



**RIO DELTA SURVEYING**

24593 FM 88, MONTE ALTO, TX 78538  
(TEL) 956-380-5154 (FAX) 956-380-5156  
EMAIL: MARIO@RIODELTASURVEYING.COM  
T.B.P.E.L.S. FIRM # 10013900

BENIGNO VILLAREAL QUIROGA  
DOCUMENT NO. 3346689, O.R.H.C.T.

JOB NUMBER  
**RIO 23 203**

© COPYRIGHT 2023 RIO DELTA SURVEYING THIS SURVEY WAS PROVIDED IN MAP FORM ORIGINAL SIZES FOR THE USE OF THE SURVEYOR. NAMES HEREON, NO LICENSE HAS BEEN CREATED, EXPRESSED OR IMPLIED TO COPY THIS SURVEY.



NOTICE  
VARIANCE  
FOR  
THIS PROPERTY  
ZBA 2024-0048





**Memo**

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

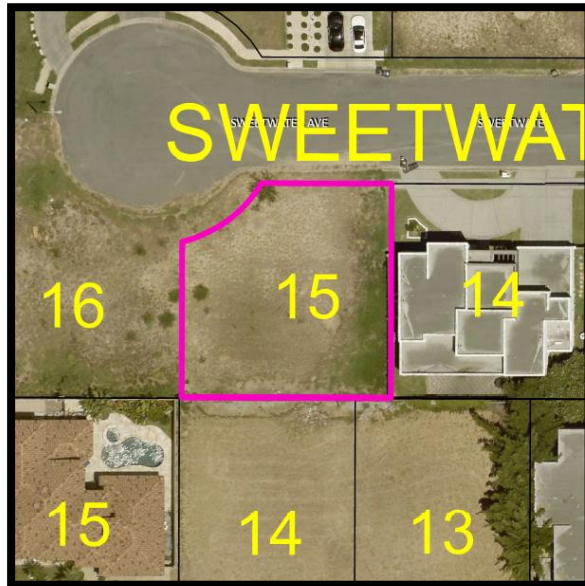
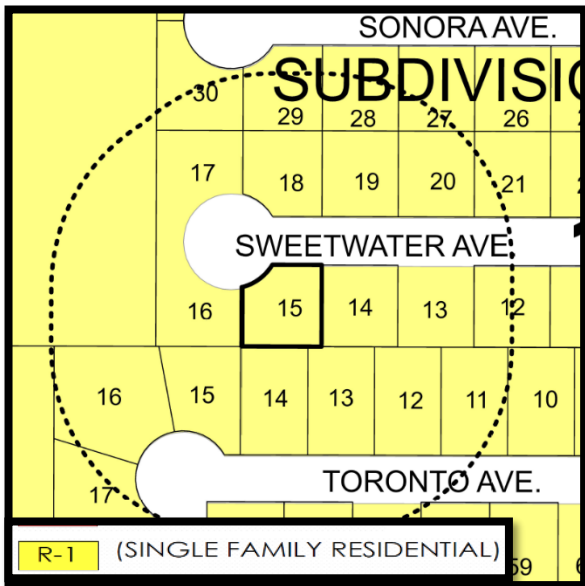
**FROM:** Planning Staff

**DATE** November 13, 2024

**SUBJECT: REQUEST OF MCI DEVELOPMENT, LLC FOR VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW THE FOLLOWING ENCROACHMENTS: 1) A GARAGE DOOR SETBACK OF 18 FEET INSTEAD OF 25 FEET AND 2) AN ENCROACHMENT OF 10 FEET INTO THE 25 FOOT FRONT YARD SETBACK, FOR A PROPOSED SINGLE FAMILY RESIDENCE AT LOT 15, LA VERANDA SUBDIVISION, HIDALGO COUNTY, TEXAS; 4709 SWEETWATER AVENUE. (ZBA2024-0045)**

**REASON FOR APPEAL:** The applicant is requesting variances to allow the above-mentioned encroachments for a proposed single-family residential home. Approval of the variances will allow for a patio area as well as allow a larger size for the home.

**PROPERTY LOCATION AND VICINITY:** The subject property is located along the south side of Sweetwater Avenue approximately 400 feet west of South 46<sup>th</sup> Street. The vacant lot has 92.24 ft. of frontage along Sweetwater Avenue and a depth of 85.74 ft. at its deepest point for a tract size of 6,669 sq. ft. The property is zoned R-1 (single family residential) District. The adjacent zoning is R-1 District in all directions. The surrounding land use is single-family residential and vacant properties.



**BACKGROUND AND HISTORY:** La Veranda Subdivision was recorded on January 20, 2006. Submittal of an application for a building permit is pending determination of the variance request. An application for the variance requests was submitted on October 23, 2024.

**ANALYSIS:**

Variance #1 is to allow a garage door setback of 18 ft. instead of 25 ft. The McAllen Code of Ordinances states in Section 138-356 (footnote 2) “entrances to a garage or enclosed carport shall be a minimum of 18 feet from streets or alleys in the A-O, R-1, R-2, R-3A, R-3C and R-3T Districts unless otherwise specified by the Planning and Zoning Commission”. The plat specifies a front yard building setback of 25 ft. and states 18 ft. for a garage setback “except where greater setback is required – greater setback applies”. In this case, the greater setback of 25 ft. will apply. The site plan shows the proposed distance from the front property line to the proposed garage door at 18 feet. It does not show the 25 ft. front yard setback with the proposed area of encroachment.

Variance #2 is to allow construction of a proposed single-family residence with an encroachment of 10 ft. into the 25-foot front yard setback. The site plan shows the proposed distance from the front property line to the residence at 15 ft. It also shows the 25 ft. front yard setback with the proposed encroachment area.

The plat for this subdivision indicates a five-foot utility easement adjacent to the front property line and a 10-foot utility easement adjacent to the rear property line.

The subject property has partial frontage on a cul-de-sac, which gives the property an element of an irregular shape.

If the variance request is approved the applicant must comply with all other building and zoning ordinance requirements.

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

**RECOMMENDATION:**

Variance request #1: Staff recommends **disapproval** since the site plan can be modified for compliance.

Variance request #2: Staff recommends **approval** since the partial frontage on the cul-de-sac makes for an irregular shaped lot. A 10-foot utility easement adjacent to the rear property line reduces the buildable area for this property.

**AT THE ZONING BOARD OF ADJUSTMENTS MEETING ON NOVEMBER 20, 2024:** No one appeared in opposition of the request. The Board made a motion to table the item, to allow the applicant to speak on their behalf or answer further questions that the Board would have. Staff has conferred with the applicant through email and phone requesting their presence at the upcoming meeting of December 4, 2024.

ZBA2024-0045

ZB5A:  
11/20/24



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF  
ADJUSTMENT TO MCALLEN ZONING ORDINANCE

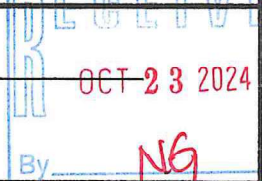
311 North 15<sup>th</sup> Street  
McAllen, TX 78501  
P. O. Box 220  
McAllen, TX 78505-0220  
(956) 681-1250  
(956) 681-1279 (fax)

<b>Project</b>	Legal Description	<u>Lot 15 4709 Sweetwater Avenue</u>	
	Subdivision Name	<u>La Veranda Subdivision</u>	
	Street Address	<u>Sweetwater Ave.</u>	
	Number of lots	<u>1</u>	Gross acres _____
	Existing Zoning	<u>B</u>	Existing Land Use <u>Vacant</u>
	Reason for Appeal (please use other side if necessary)	_____	
<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport) <input checked="" type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required			

<b>Applicant</b>	Name	<u>MCI DEVELOPMENT, LLC</u>	Phone	<u>(956)627-6016</u>
	Address	<u>2807 Santa Lydia St.</u>	E-mail	<u>mcidevelopment958@gmail.com</u>
	City	<u>Mission,</u>	State	<u>Tx.</u> Zip <u>78572</u>

<b>Owner</b>	Name	<u>Jabavi Investments LLC</u>	Phone	<u>(956) 624-3015</u>
	Address	<u>2112 S. Shary RD. Ste 24</u>	E-mail	<u>pasallo@gmail.com</u>
	City	<u>Mission</u>	State	<u>Tx.</u> Zip <u>78572</u>

<b>Authorization</b>	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?	
	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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	<u>[Signature]</u> Date <u>10/22/2024</u>
Print Name	<u>Javier Barragan Pasallo</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent	

<b>Office</b>	Accepted by	Payment received by	Date
	<u>SEN EZ</u>	_____	<u>OCT 23 2024</u>
Rev 10/18			



# 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.

Reason for Appeal

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:

Por el terreno que esta muy pequeño  
Quedaría muy poco espacio para patio

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

Me daría un poco mas espacio para  
el patio

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:

El espacio que estamos pidiendo es necesario  
para la vista que tienen las otras casas

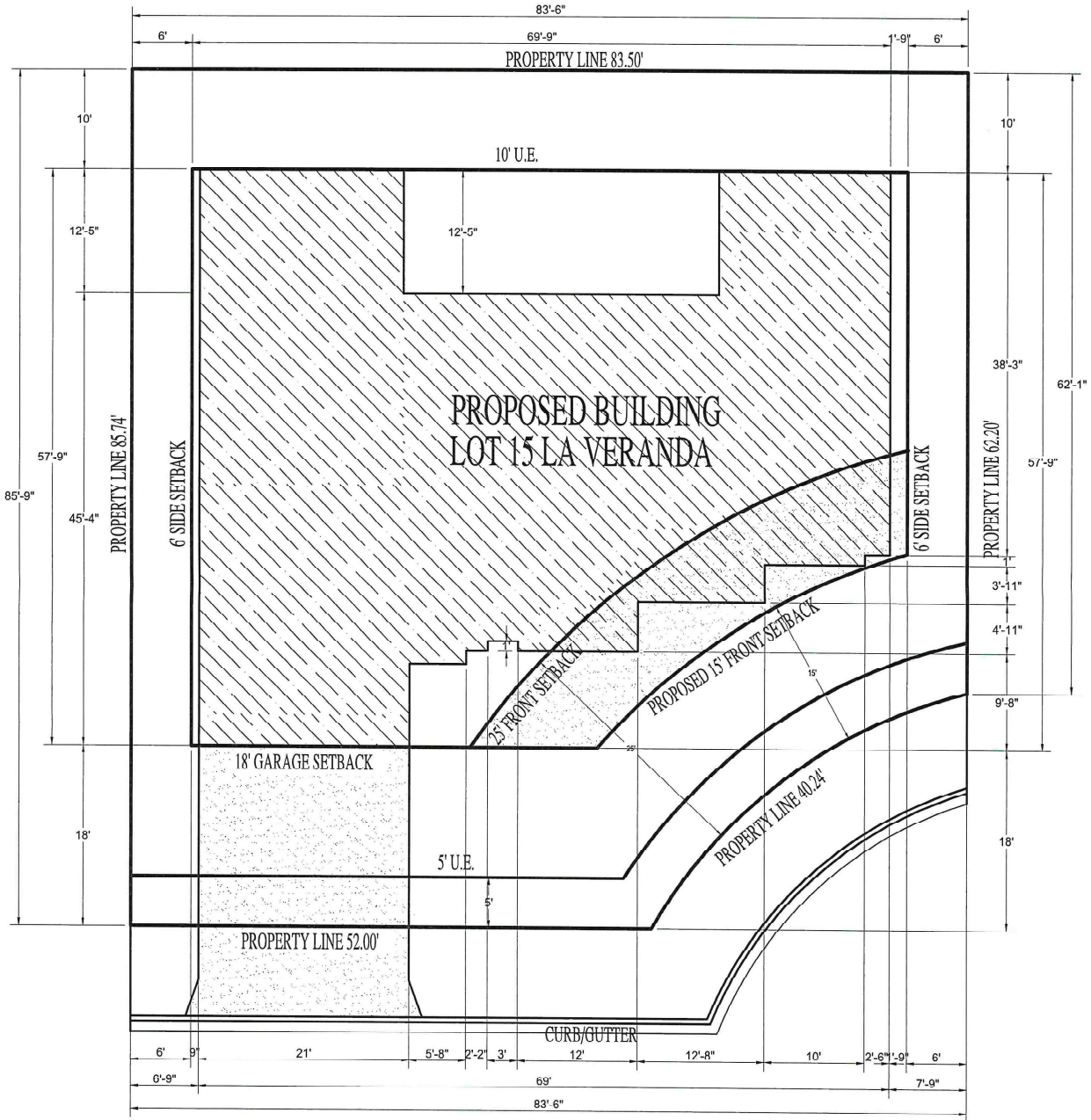
4. Describe special conditions that are unique to this applicant or property:

We require consideration of reducing the front side setback to 15' for the house  
and 18' where the garage side setback would be,  
given that a previous request for lot 17 was already approved.

Board Action

Chairman, Board of Adjustment  
Signature

Date



SITE PLAN  
SCALE: 3/16"=1'-0"

SWEETWATER AVE.





T.B.P.E. FIRM No.: F-5154

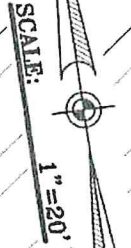


# ART SALINAS ENGINEERING & SURVEYING

T.B.P.L.S. FIRM No.: 10004000

1624 DOVE AVENUE, McALLEN, TEXAS 78504 PH: (956) 618-5565 FAX: (956) 618-5540

BOC



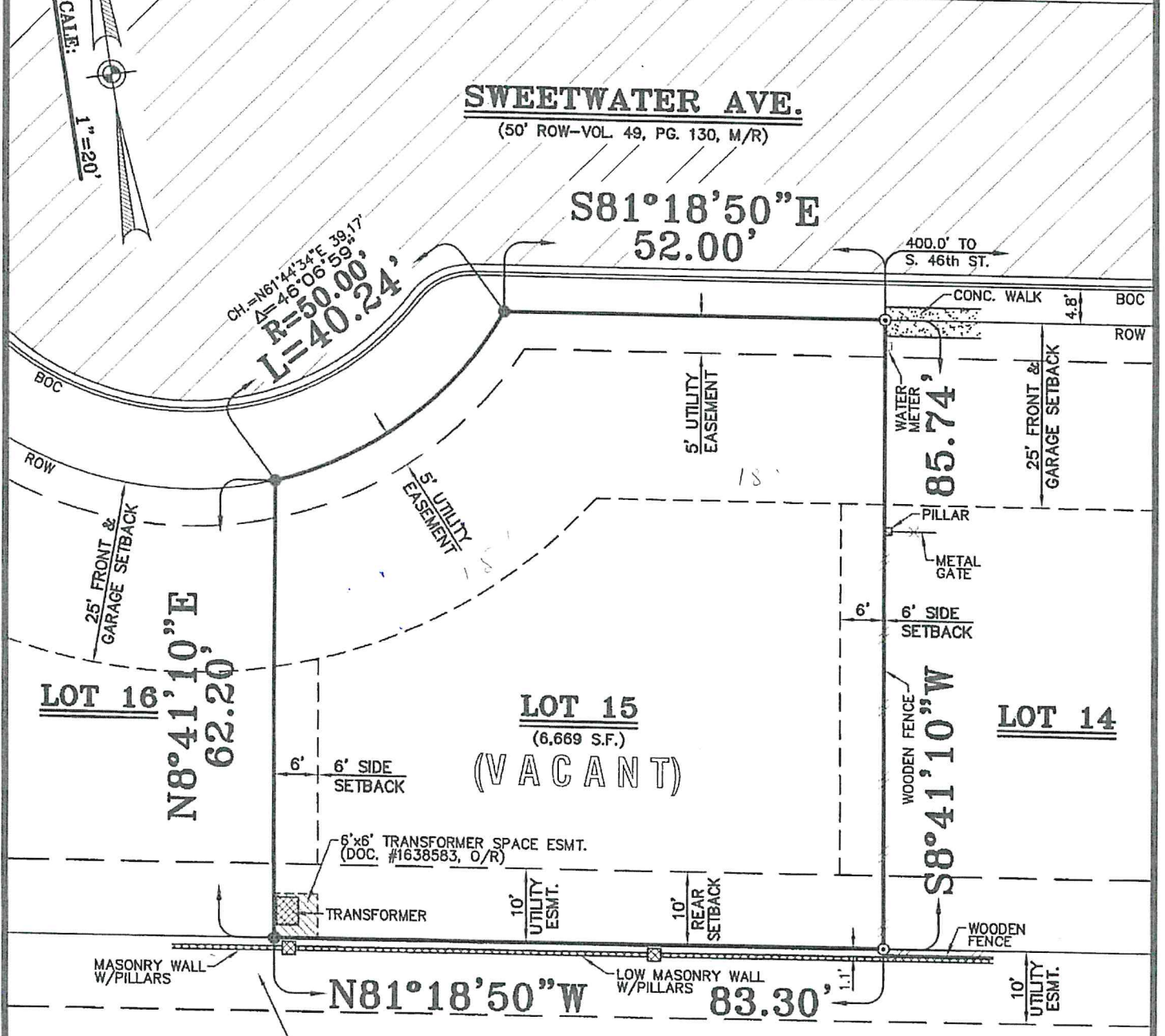
## SWEETWATER AVE.

(50' ROW-VOL. 49, PG. 130, M/R)

S81°18'50"E  
52.00'

400.0' TO  
S. 46th ST.

CH. = N61°44'34"E 39.17'  
Δ = 46°06'59"  
R = 50.00'  
L = 40.24'



**LOT 16**  
N8°41'10"E  
62.20'

**LOT 15**  
(6,669 S.F.)  
**(VACANT)**

**LOT 14**

### LEGEND

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

**FLOOD ZONE DESIGNATION:** The property shown hereon lies in Zone "B". Zone "B" areas lie between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood as per F.E.M.A. Flood Insurance Rate Map Panel No. 480334-0400-C dated 11-16-82 and amended by FEMA LOMR Case No. 05-06-1444A on 09-08-05.

### PLAT NOTES:

1. There are no discrepancies, conflicts, shortages in area or boundary lines, encroachments, overlapping of improvements or visible or apparent easements, except as shown on this plat.
  2. This survey was prepared without the benefit of a Title Report or Commitment. Easement research is not within the scope of this survey.
  3. This survey must contain an embossed seal and an original signature to be valid as per Section 661.46 and Section 663.19 of the "The Professional Land Surveying Practices Act".
  4. This is a standard survey and does not include the location or subsurface investigation of underground utility, irrigation, and/or gas lines.
  5. Statutory rights, rules, regulations, easements and liens in favor of United Irrigation District, pursuant to applicable sections of the Texas Water Code. (Blanket)
  6. Contract, Easement and Use Restriction dated June 8, 2006, by and between AEP Texas Central Company, a Texas corporation and RGV Horizon Developers, Ltd., recorded under Clerk's File No. 1638583, Official Records, Hidalgo County, Texas. (Blanket)
  7. Zoning and building ordinances in favor of the City of McAllen
  8. Subject to any oil, gas and mineral lease of record.
  9. Bearing Basis: "N. line of Lot 15, La Veranda Subdivision"
- Client(s): Javier Barragan

THIS IS TO CERTIFY THAT I HAVE, THIS DATE, PREPARED A SURVEY ON THE GROUND WHICH IS LOCATED AT 4709 SWEETWATER AVE. in McALLEN, TEXAS, DESCRIBED AS FOLLOWS:  
LOT 15, LA VERANDA SUBDIVISION, AN ADDITION TO THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 49, PAGE 130, MAP RECORDS, HIDALGO COUNTY, TEXAS.

24-68144 Job No. 09-23-24 Date

© COPYRIGHT 2024 ART SALINAS ENGINEERING INC. THIS SURVEY WAS PROVIDED IN MULTIPLE ORIGINALS SOLELY FOR THE USE OF THE BORROWER NAMED HEREON. NO LICENSE HAS BEEN CREATED, EXPRESSED OR IMPLIED TO COPY THIS SURVEY.



Registered Professional Land Surveyor No. 4802

By NS

**NOTICE  
VARIANCE  
FOR  
THIS PROPERTY  
ZBA2024-0045**

CITY OF MCALLEN PLANNING DEPT.  
956.681-1230  
WWW.MCALLEN.TX.NET

