

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, FEBRUARY 19, 2025 - 4:30 PM MCALLEN DEVELOPMENT CENTER, 311 NORTH 15TH STREET EXECUTIVE CONFERENCE ROOM

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

CALL TO ORDER -

1. MINUTES:

- a) Minutes for the meeting held on January 22, 2025

2. PUBLIC HEARINGS:

- a) Request of Gerardo Martinez Calvillo on behalf of Juan Flores 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 measuring 20 feet by 12 feet at Lot 1, Block 8, Colonia Hermosa Unit No. 2 Subdivision, Hidalgo County, Texas; 2045 Diaz Avenue. **(ZBA2025-0002)**
- b) Request of Orange Made Architecture on behalf of Christopher James Larson for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 5 feet into the 10-foot rear yard setback for a proposed 2-car garage at Lot 3, Block 3, Second Amended Map of Bonita Heights Subdivision, Hidalgo County, Texas; 1613 W. Esperanza Avenue. **(ZBA2025-0001)**

3. FUTURE AGENDA ITEMS

- a) 700 East Sundown Avenue

ADJOURNMENT:

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

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

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, January 22, 2025 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	Jose Gutierrez	Chairperson
	Hugo Avila	Member
	Hiram A. Gutierrez	Member
	Daniel Santos	Member
	Ivan Garcia	Member
	Juan Mujica	Alternate
	Alex Lamela	Alternate
Absent:	Pablo Garcia	Alternate
Staff Present:	Martin Canales	Assistant City Attorney III
	Luis Mora	Deputy Planning Director
	Rodrigo Sanchez	Senior Planner
	Samuel Nunez	Senior Planner
	Porfirio Hernandez	Planner I
	Alexis Martinez	Planner I
	Jessica Puga	Planning Technician II
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for the meeting held on January 8, 2024

The minutes for the meeting held on January 8, 2024. The motion to approve the minutes were made by Mr. Hugo Avila. Mr. Hiram Gutierrez seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

Mr. Alex Lamela made a motion to remove the item from the table. Mr. Hiram Gutierrez seconded the motion. The Board voted unanimously with five members present and voting.

- a) Request of Carlos Jimenez for a variance to the City of McAllen Zoning Ordinance to allow the following encroachments: **1)** 2.4 feet into the 5-foot North side yard setback, for an existing garage, **2)** 2.6 feet into the 5-foot North side yard setback for an existing covered patio, and **3)** 2.6 feet into the 5-foot North side yard setback for an existing storage room, at Lot 5 Block 1, Redwood Park Addition Subdivision, Hidalgo County, Texas; 1616 North 8th Street. **(ZBA2024-0049) (TABLED: 12/18/2024) (REMAIN TABLED: 01/08/2025)**

Ms. Martinez stated the applicant is requesting a variance to allow the following

encroachments of **1)** 2.4 feet into the 5-foot North side yard setback, for an existing garage, **2)** 2.6 feet into the 5-foot North side yard setback for an existing covered patio, and **3)** 2.6 feet into the 5-foot North side yard setback for an existing storage room. The applicant states that they purchased the house not knowing that the construction had been done without a building permit. They wish to keep the structure so that they will not need to park on the street and do not wish to deal with a financial burden of having to cover the cost of structural removal.

The subject property was located along the east side and North 8th Street between Redwood Avenue and Pecan Boulevard. The Lot has 69 feet of frontage and a depth of 135 feet for a total Lot size of 9,315 square feet. The subject property is zoned R-1 (single family residential) District. The adjacent zoning is R-1 District on the north and east, C-3 District to the west across North 8th Street and C-1 District to the south.

The plat for Redwood Park Addition Subdivision was recorded on September 14, 1949. According to the Hidalgo County Appraisal Records, the home was constructed in 1983. The additions that compose the variance request were made in 2016. The application for the variance request was submitted on November 12, 2024. An application for a building permit has not been submitted.

The applicant was requesting a variance to allow the following encroachments of 1) 2.4 feet into the 5-foot North side yard setback, for an existing garage, 2) 2.6 feet into the 5-foot North side yard setback for an existing covered patio, and 3) 2.6 feet into the 5-foot North side yard setback for an existing storage room. The applicant would like the structures to remain with the encroachments.

Although there were other lots in the subdivision that appeared to have similar property building encroachments, a review of Planning Department records did not reveal any approved permits or variances in the immediate area.

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 request.

Staff recommended disapproval since the structures could be modified to comply with rear and side setbacks.

The board members suggested that the item be tabled until the next meeting and this would allow staff to do further research as to obtain permits from filed records that would happen to have a permit for the mentioned lot that would consist of the three structures in the variance request. Subsequently to the meeting, staff did have a meeting with Building Department about obtaining records that date back to 1950 when the house was believed to have been officially built at least with the garage located on the north side of the residence. Building Department responded by telling staff that records dating before 1980's were no longer an option to locate in the filed records for building permits, this leaves staff without an option to determine exactly when the additional structures on the side setback were built in recent years at least with a permit.

Chairperson Gutierrez asked staff if the applicant was present. Staff stated he could not be present due to weather conditions but did have a representative on his behalf, the

realtor that is aware of the property.

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

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

Board member Mujica stated from the last meeting the question was the garage constructed through the permitting process when the house was built. In addition, a building towards the back of the house was connected like a roof covering of an outdoor area. He suggested that since there were various variances it would be better to vote on each one separately. Board member Avila agreed.

Ms. Tracie Nicks, 6709 North 14th Lane, McAllen. She stated the storage was only less than 2 inches. Board member Mujica ask the realtor if she knew when the covered area was built. She stated she did not know but that it was constructed before Mr. Jimenez bought the house. She stated the area has a mixed use with a lot of commercial on that street. All the houses were built budding the fence on the north side.

Following discussion, Mr. Hugo Avila **moved** to approve the Variance request #1 as recommended by staff. Mr. Ivan Garcia seconded the motion. The Board voted to approve with five members present and voting.

Mr. Hugo Avila **moved** to disapprove Variance request #2. Mr. Hiram Gutierrez seconded the motion. The Board voted to disapprove with four members voting aye and one nay, Mr. Ivan Garcia.

Mr. Ivan Garcia **moved** to approve Variance request #3. Mr. Hiram Gutierrez seconded the motion. The Board voted to approve with four members voting aye and one nay, Mr. Hugo Avila.

- c) 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) (TABLED: 12/04/2024) (REMAIN TABLED: 12/18/2024, 01/08/2025)**

Mr. Nunez stated this item had been tabled three times. Staff attempted to make contact the applicant the day before the meeting, however, he did not answer. At the last meeting of December 7, 2024, the applicant did not give an indication to continue tabling this item though he stated he would be present. Staff stated the case does need to be presented since it was not officially heard.

Mr. Hugo Avila made a motion to remove the item from the table. Mr. Juan Mujica seconded the motion. The Board voted unanimously with five members present and voting.

Mr. Nunez stated that the applicant was 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.

The subject property was 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.

This property was 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.

This request was 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 had not received any emails or phone calls in opposition of the variance request.

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

At the meeting of December 4, 2024, the applicant requested the item to be tabled until the following meeting due to being ill.

At the meeting of December 18, 2024, the applicant requested the item to be tabled once again until the following meeting due to being ill.

At the meeting of January 7, 2024, the item remained tabled.

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 Gutierrez asked staff what was the difference between the screen and the fence if it would be a difference in cost. Staff stated they had meetings with the applicant where providing the masonry screen as opposed to a cedar plank fence would be more financially burdensome on his part. The applicant was proposing instead of providing an 8-foot masonry wall to provide a 6-foot cedar fence.

Board member Mujica asked about the adjoining property. Staff stated the adjoining to the west was a single-family home district.

Following discussion, Mr. Juan Mujica **moved** to disapprove the Variance request as

recommended by staff. Mr. Hugo Avila seconded the motion. The Board voted to disapprove the Variance request with five members present and voting.

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

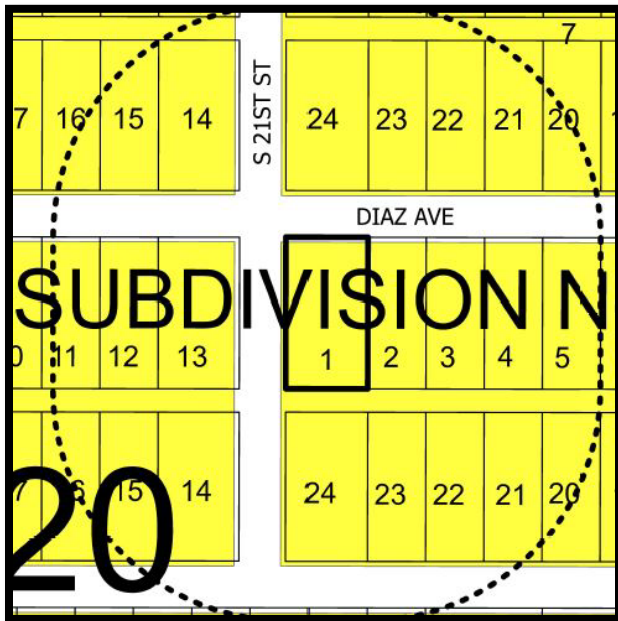
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: February 5, 2025

SUBJECT: REQUEST OF GERARDO MARTINEZ CALVILLO ON BEHALF OF JUAN FLORES 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 MEASURING 20 FEET BY 12 FEET AT LOT 1, BLOCK 8, COLONIA HERMOSA SUBDIVISION, UNIT NO. 2, HIDALGO COUNTY, TEXAS; 2045 DIAZ AVENUE. (ZBA2025-0002)

REASON FOR APPEAL: The applicant is requesting to encroach 20 feet into the 20 foot front yard setback for a proposed carport that will be used to protect his vehicles from inclement weather and will provide the same protection to the applicant while getting in and out of his car.



PROPERTY LOCATION AND VICINITY: The subject property is located at the intersection of South 21st Street and Diaz Avenue. The subject property is zoned R-1 (single family residential) District.

BACKGROUND AND HISTORY: Colonia Hermosa No. 2 Subdivision was recorded on July 8th, 1948. An application for a building permit for a proposed carport was submitted on January 20, 2025 and an application for a special exception request was submitted on January 24, 2025.

ANALYSIS: The applicant is requesting to encroach 20 feet into the 20 foot front yard setback for a proposed carport that will be used to protect his vehicles and family from inclement weather conditions. The home currently has a one car garage. The applicant stated that he has multiple vehicles and the one car garage that is currently there is not enough space.

In the past there have been other variances and special exceptions granted in Colonia Hermosa No. 2 Subdivision for encroachments into the front yard setback for carports.

Measurements are provided without the 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 has not received any phone calls, emails, or letters in opposition to the special exception request.

RECOMMENDATION: Staff recommends approval of the special exception request since the approval is granted solely to the present owner and the existing character of the neighborhood and will not be adversely impacted.

LBAD25-0007



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: _____ ZBOA Meeting: _____
Receipt No: _____
Accepted by: P: SST S: gms Customer Acknowledgment (Int.): GMC

Routed
 Scanned

PROJECT

Legal Description Colonia Hermosa no 2. Lot 1 BLK 8

Subdivision Name colonia Hermosa

Street Address 2045 Diaz Ave mcallen Tx 78503

Number of lots 1 Gross acres _____

Existing Zoning R1 Existing Land Use Residencial

Reason for Appeal (please use other side if necessary) 30 ft adentao de Los. 25
Carport

\$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 Gerardo Martinez Calvillo Phone 956 560-2080
Address 2045 Diaz Ave E-mail Jerry Calvillo 73@gmail.com
City mcallen State Tx Zip 78503

OWNER

Name Juan Flores Phone 956-330-2987
Address 2045 Diaz E-mail Unidadjet@hotmail.com
City McAllen State Tx Zip 78503

AUTHORIZATION

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

Yes No

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

Signature [Signature]

Date 1-25-25

Print Name Juan Flores

Owner Authorized Agent

RECEIVED
JAN 24 2025
BY: MR



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:

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

The variance allows for added protection when it is raining. Making the use of the driveway safer and enjoyable for my kids (7 and 11)

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 be detrimental in anyway given that it does not call for alterations or any type of construction. It only requires a simple installation.

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

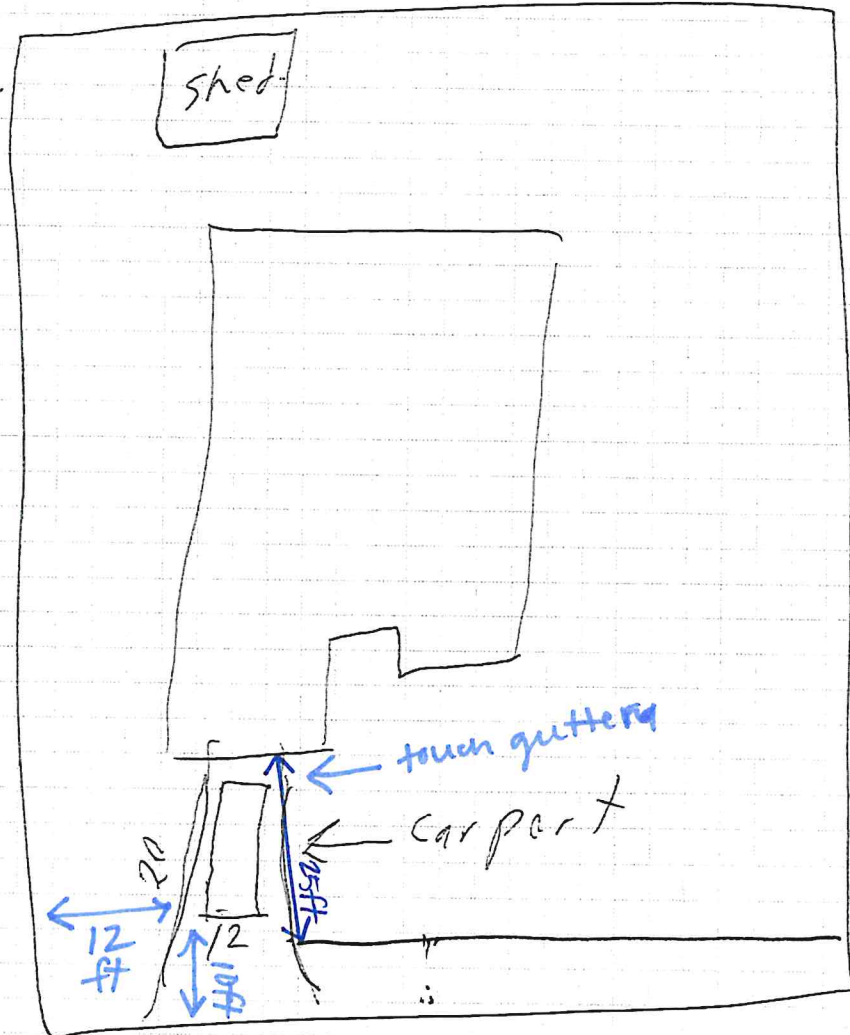
Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date

S



W.
21 54

RECEIVED

JAN 24 2025

N. Diaz Av BY: IMR

Wall Legend:

- Existing
- Proposed
- Demolition

Symbol Legend:

- Door
- Window
- Electrical Panel
- A/C Unit
- Toilet
- Sink

Application and documents can be submitted electronically to BLDGPERRMITS@MCALLEN.NET

Order Date: 1-20-2025

Customer: Gerardo Martinez Install Address: 2045 Diaz Ave City: McAllen

State: TX Zip Code: 78503 County: _____ Inside City Limit: Yes No

AM Phone Number: (956) 560-2080 PM Phone Number: _____ Email: _____

Size:
(Tamaño)
Width: 12 Length 20 Height 8

Roof Style:
(1 Agua) (2 Aguas)
1 Slope 2 Slopes Custom
 1 2 Custom

Trim Color:
(Café) (Negro)
 Brown Black

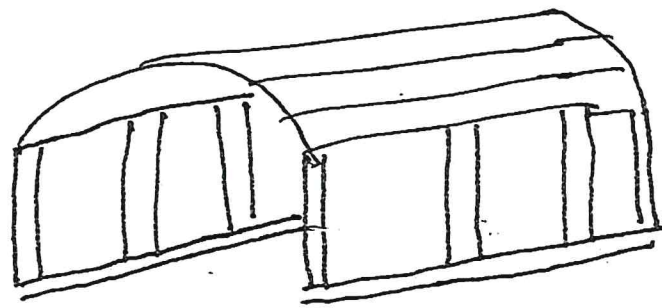
Note: _____

Install Picture Area: _____ Lot Not Levelled? _____

R Panel Color (Lamina Color) <u>Barn red / white</u>	Land Levelled: <u>Yes</u>	Ground <input type="checkbox"/> Installation Surface Concrete <input checked="" type="checkbox"/> Asphalt <input type="checkbox"/>
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Install Sketch:

Aluminio Regular
Barn red / white trim
12x20x8



Purchase agreement & terms: Spartan Welders & Construction reserves the right to correct any balance/pricing errors. SHEDS UP holds the right to repossess any building not paid in full upon installation. The customer is responsible for obtaining building permits, if required. The customer is also responsible for verifying there are no pipelines, gas lines, or water lines on the installation site. In addition, there should be no electrical wires less than 15 ft above the building site. The installers will charge the customer a labor fee for any additional labor such as cutting posts to level carports, building over objects (ex..RVs mobile homes, etc.)Or for leveling your land if any additions are made After the building is completed, there will be a return fee, plus the cost of addition. SHEDS UP is not responsible for changes in the scheduling due to weather, lack of permits, accidents or unexpected extended installation times from previous customers. Regular and Boxed Eave Units longer than 36" will not be covered by warranty. By signing this form, the customer agrees with all of the above specifications and Understands, that deposit on building is non-refundable in the events of cancellation after 72 hours upon order of building.

Notes:
1,150
Dep: 200.00
Balance: 950.00

Customer Signature: [Signature] Date: _____ Sales Signature: [Signature] Date: _____

RECEIVED

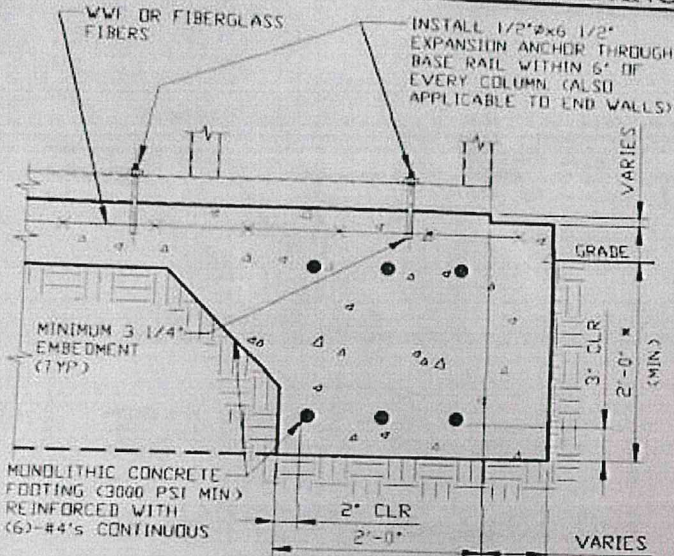
JAN 24 2025

BY: MR

doughnuts

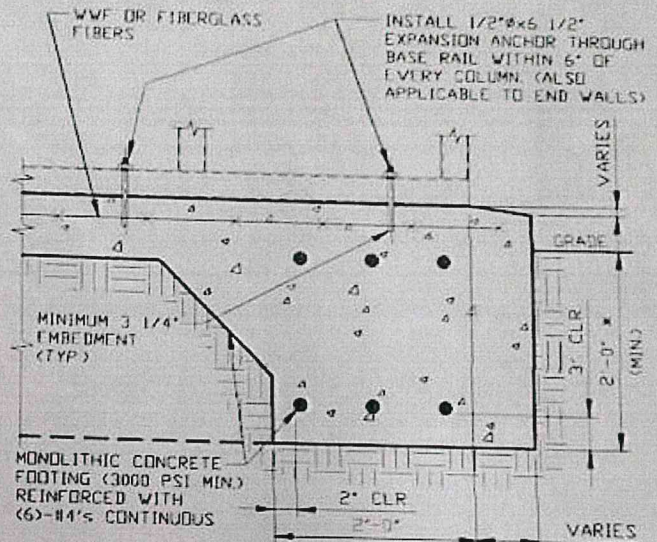
HNE BUILDINGS & CARPORTS

BASE RAIL ANCHORAGE OPTIONS



2 CONCRETE MONOLITHIC SLAB BASE RAIL ANCHORAGE

SCALE: NTS
 MINIMUM ANCHOR EDGE DISTANCE IS 4"
 * COORDINATE WITH LOCAL BUILDING CODE AND/OR D REGARDING MINIMUM FROST DEPTH (LENGTH).



2A CONCRETE SLAB BASE RAIL ANCHORAGE

SCALE: NTS
 MINIMUM ANCHOR EDGE DISTANCE IS 4"
 * COORDINATE WITH LOCAL BUILDING CODE AND/OR D REGARDING MINIMUM FROST DEPTH (LENGTH).

GENERAL NOTES

NOTE: CONCRETE MONOLITHIC SLAB DESIGN BASED ON MINIMUM SOIL BEARING CAPACITY OF 1,500 PSF.

CONCRETE:

CONCRETE SHALL HAVE A MINIMUM SPECIFIED COMPRESSIVE STRENGTH OF 3,000 PSI AT 28 DAYS

COVER OVER REINFORCING STEEL:

FOR FOUNDATIONS, MINIMUM CONCRETE COVER OVER REINFORCING BARS SHALL BE PER ACI-318:

3" IN FOUNDATIONS WHERE THE CONCRETE IS CAST AGAINST AND PERMANENTLY IN CONTACT WITH THE EARTH OR EXPOSED TO THE EARTH OR WEATHER, AND 1 1/2" ELSEWHERE

REINFORCING STEEL:

THE TURNDOWN REINFORCING STEEL SHALL BE ASTM A615 GRADE 60. THE SLAB REINFORCEMENT SHALL BE WELDED WIRE FABRIC MEETING ASTM A185 OR FIBERGLASS FIBER REINFORCEMENT

REINFORCEMENT MAY BE BENT IN THE SHOP OR THE FIELD PROVIDED:

1. REINFORCEMENT IS BENT COLD.
2. THE DIAMETER OF THE BEND, MEASURED ON THE INSIDE OF THE BAR, IS NOT LESS THAN SIX-BAR DIAMETERS.
3. REINFORCEMENT PARTIALLY EMBEDDED IN CONCRETE SHALL NOT BE FIELD BENT.

HELIX ANCHOR NOTES:

1. FOR VERY DENSE AND/OR CEMENTED SANDS, COARSE GRAVEL AND COBBLES, CALICHE, PRELOADED SILTS AND CLAYS, USE MINIMUM (2) 4" HELICES WITH MINIMUM 30" EMBEDMENT OR SINGLE 6" HELIX WITH MINIMUM 50" EMBEDMENT
2. FOR CORAL USE MINIMUM (2) 4" HELICES WITH MINIMUM 30" EMBEDMENT OR SINGLE 6" HELIX WITH MINIMUM 50" EMBEDMENT
3. FOR MEDIUM DENSE COARSE SANDS, SANDY GRAVELS, VERY STIFF SILTS, AND CLAYS USE MINIMUM (2) 4" HELICES WITH MINIMUM 30 INCH EMBEDMENT OR SINGLE 6" HELIX WITH MINIMUM 50" EMBEDMENT
4. FOR LOOSE TO MEDIUM DENSE SANDS, FIRM TO STIFF CLAYS AND SILTS ALLUVIAL FILL, USE MINIMUM (2) 6" HELICES WITH MINIMUM 50" EMBEDMENT
5. FOR VERY LOSE TO MEDIUM DENSE SANDS, FIRM TO STIFFER CLAYS AND SILTS, ALLUVIAL FILL, USE MINIMUM (2) 8" HELICES WITH MINIMUM 60" EMBEDMENT

RECEIVED

JAN 24 2025

BY: MR



NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2025-0002

Memo

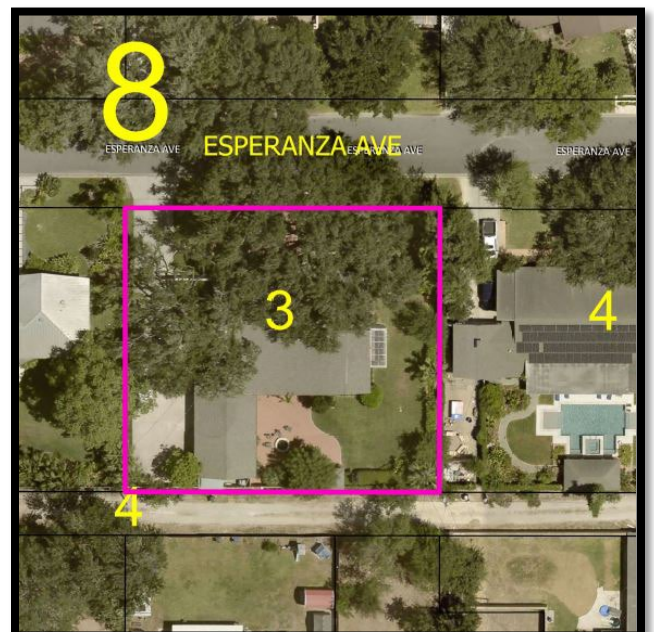
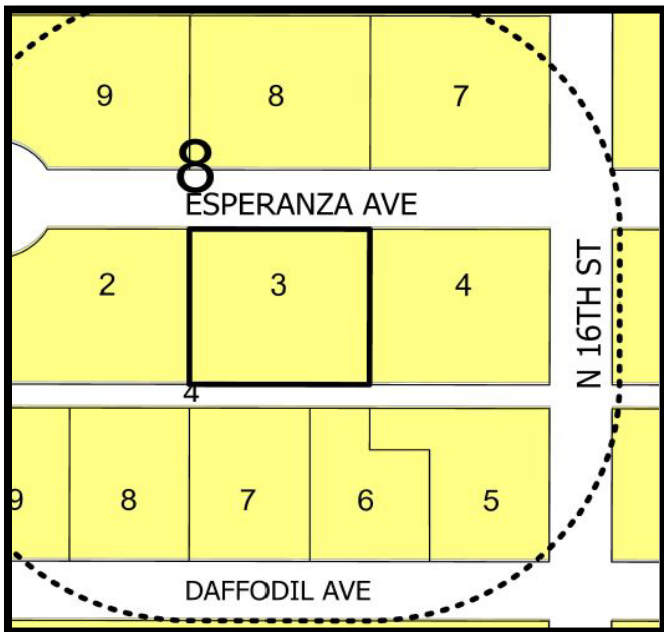
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: February 5, 2025

SUBJECT: REQUEST OF ORANGE MADE ARCHITECTURE ON BEHALF OF CHRISTOPHER JAMES LARSON FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 5 FEET INTO THE 10 FOOT REAR YARD SETBACK FOR A PROPOSED 2 CAR GARAGE AT LOT 3, BLOCK 3, SECOND AMENDED MAP OF BONITA HEIGHTS SUBDIVISION, HIDALGO COUNTY, TEXAS; 1613 W. ESPERANZA AVENUE. (ZBA2025-0001)

REASON FOR APPEAL: The applicant is requesting to encroach 5 feet into the 10 foot rear yard setback for a proposed 2 car garage. The applicant states that the request if approved, will allow for more functionality and practicality to be achieved as part of the proposed remodeling and construction.



PROPERTY LOCATION AND VICINITY: The subject property is located along the south side of Esperanza Avenue, 143.6 feet west of North 16th Street. The subject property is zoned R-1 (single family residential) District.

BACKGROUND AND HISTORY: The Second Amended Map of Bonita Heights Subdivision was recorded on October 13, 1958. As per the Zoning Ordinance the rear yard setback is 10 feet. At the

Zoning Board of Adjustments and Appeals meeting of June 18, 2018 the Board unanimously voted to approve a variance request for an encroachment of 5 feet into the 30 foot front yard setback for a proposed porch canopy measuring 5 feet by 28 feet for the subject property, An application for a variance request to the rear yard setback was submitted on January 21, 2025.

ANALYSIS: The applicant is requesting to encroach 5 feet into the 10 foot rear yard setback for a proposed 2 car garage. According to the Hidalgo County Appraisal District records the home was constructed with a garage in 1985. The scope of work involves enclosing the existing garage and converting it into a bedroom and family room area. A new 2 car garage is proposed to be constructed as shown on the submitted site plan. The proposed garage construction involves a 5 foot encroachment into the rear yard setback in order to align the new construction with the existing home. The garage relocation is necessary since the existing foundation is prone to flooding issues. The existing garage foundation will be elevated to resolve flooding issues and make suitable for living area use. The garage relocation involves a 5 foot encroachment into the 10 foot rear yard setback that will allow for alignment with the existing structure, allow more maneuvering space for vehicles using the driveway, and allow for more wall space to install window for the proposed family room. There will be no driveway access from the alley.

The submitted site plan shows an existing bedroom that appears to be encroaching not the 10 foot rear yard setback. A review of Planning Department records did not reveal variances for this structure.

In the past there have been other variances and special exceptions in Seconded Amended Map of Bonita Heights Subdivision for encroachments into the front and rear yard setbacks.

The variance request if approved, will help to allow practicality and functionality.

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

RECOMMENDATION: Staff recommends disapproval of the variance request.



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 2025-0001

ZBOA Meeting: 2/19/25

Routed

Receipt No: _____

Scanned

Accepted by: P: EL S: JM

Customer Acknowledgment (Int.): [Signature]

PROJECT

Legal Description BEING ALL OF LOT3, BLOCK 3, SECOND AMENDED MAP OF BONITA
HEIGHT SUBDIVISION, AS RECORDED IN VOL 12, PG 47, MAP RECORDS, HIDALGO COUNTY TX
Subdivision Name BONITA HEIGHTS SUBDIVISION
Street Address 1613 WESPERANZA AVE - MCALLEN, TX 78501
Number of lots 1 Gross acres 0.42
Existing Zoning R-1 Existing Land Use RESIDENTIAL
Reason for Appeal (please use other side if necessary) ADDITION OF A 2 CAR GARAGE AT THE REAR SIDE.

- \$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 ORANGE MADE ARCHITECTURE Phone 956-800-4384
Address 910 REDWOOD AVE, STE 10 E-mail hello@orange-made.com
City MCALLEN State TEXAS Zip 78501

OWNER

CHRISTOPHER JAMES LARSON

Name CHRIS LARSON Phone 956-929-4384
Address 4800 N 4TH STREET E-mail chris@riofresh.com
City MCALLEN State TEXAS Zip 78504

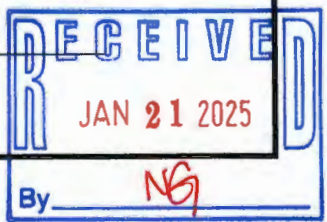
AUTHORIZATION

To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?
 Yes No

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

Signature [Signature]
Print Name CAROLINA CIVAROLO

Date 01.21.2025
 Owner Authorized Agent





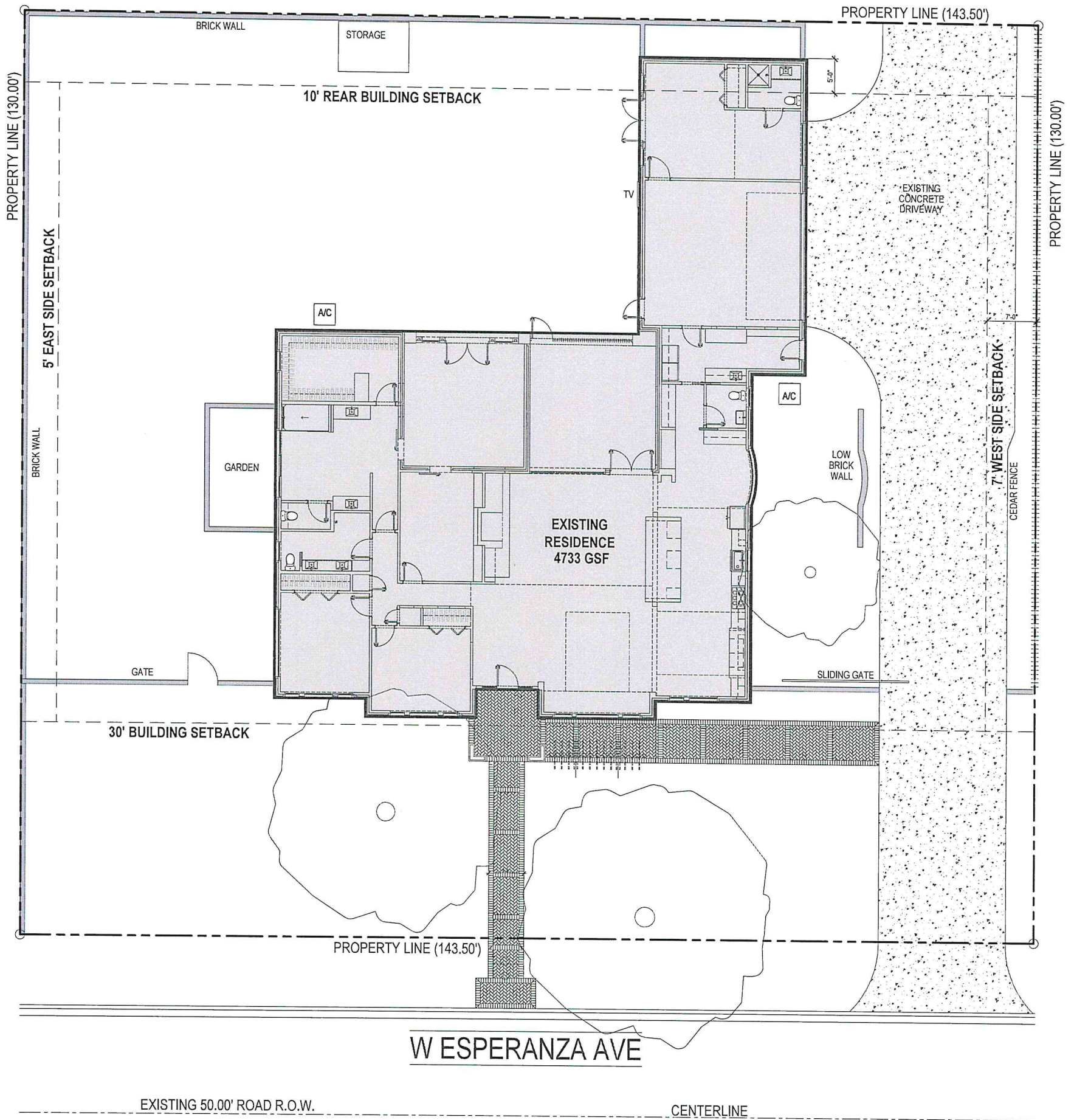
City of McAllen

Planning Department

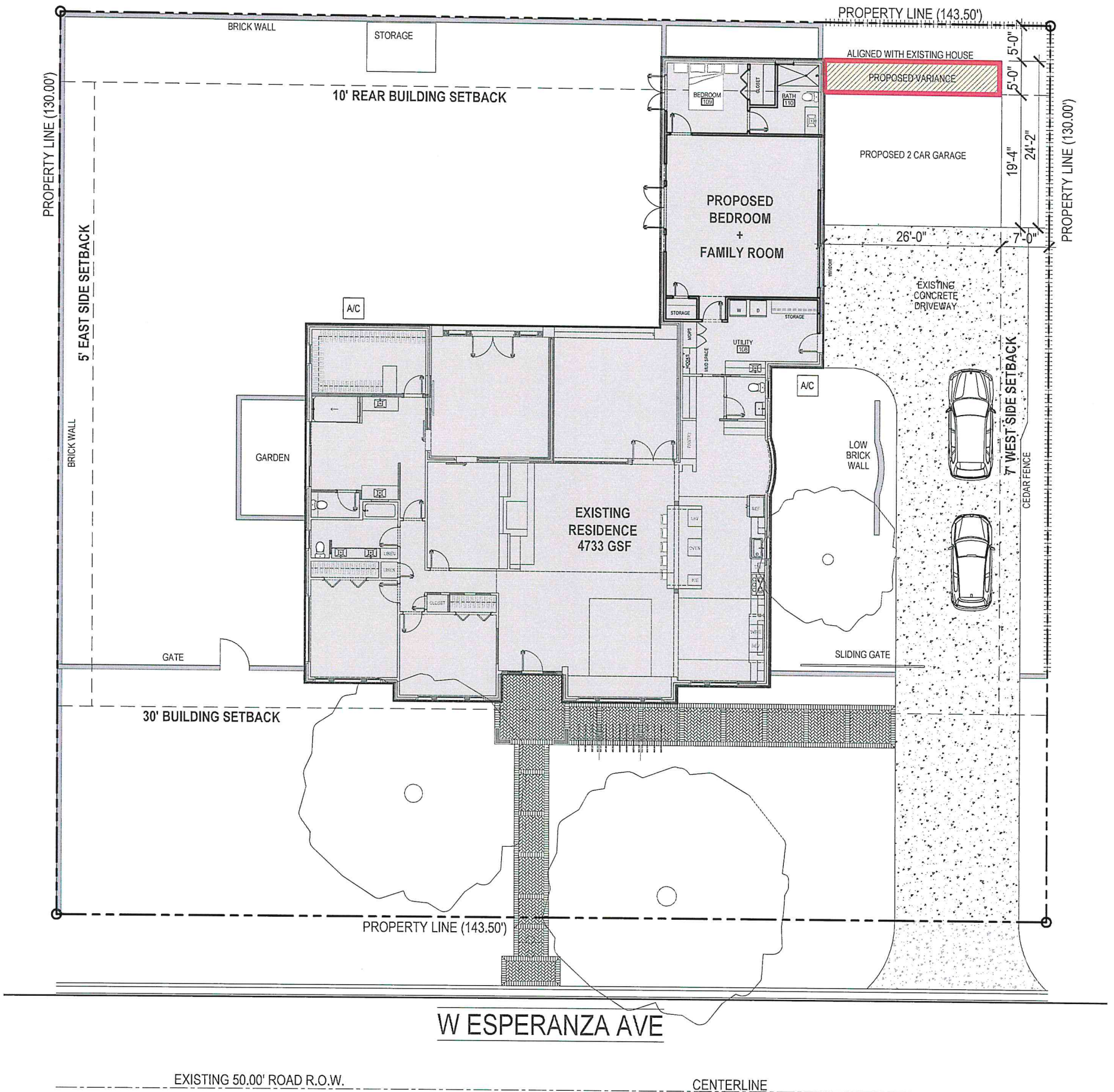
REASON FOR APPEAL & BOARD ACTION

Reason for Appeal	<p>*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: <i>(Please use an additional page if necessary to complete responses)</i></p> <p>**Information provided here by the applicant does not guarantee that the Board will grant a variance.</p> <p>***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.</p>
	<p>1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:</p>
	<p>The strict application of the current setback requirements creates unique challenges that would significantly impact the reasonable use of the property. It would reduce the driveway's length, limiting its functionality for parking and maneuvering vehicles. Additionally, the setback restrictions would restrict the placement of windows in the Family Room overlooking the driveway, reducing natural light and the visual connection to this heavily used area. These constraints would diminish both the practicality and enjoyment of the property for the owners. <i>We would like to request a 5 foot encroachment into 10' rear setback.</i></p>
	<p>2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:</p>
	<p>The requested variance is essential to preserving and enhancing the owner's enjoyment of their property. It allows for the optimal use of the driveway, a vital area frequently utilized by the owners. Placing the new garage in this location enables the conversion of the existing garage into much-needed family and guest living spaces. Additionally, the existing garage foundation is prone to water issues and sits at a low elevation, making it unsuitable for comfortable indoor use. Relocating the garage to the proposed area not only resolves these challenges but also maximizes functionality by situating it</p>
	<p>conveniently near the mudroom, kitchen, and existing driveway. This thoughtful reconfiguration significantly improves the property's usability and livability, ensuring it meets the owners' current and future needs.</p>
	<p>3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:</p>
	<p>Granting the variance will not pose any detriment to public health, safety, or welfare, as the rear of the property borders a low-traffic alley with no immediate neighboring structures. The proposed encroachment into the rear setback is minimal and does not obstruct access or infringe upon the rights of neighboring property owners. This ensures that the variance upholds the harmonious use of the area while respecting the rights and enjoyment of other properties.</p>
	<p>4. Describe special conditions that are unique to this applicant or property:</p>
	<p>The property's unique dimensions and the placement of existing structures present challenges that make a variance necessary to achieve reasonable and functional improvements. The home was originally designed and built in this location. These conditions now limit the options for locating a new garage while maintaining a cohesive connection to the existing architecture and ensuring a practical flow into the residence. No alternative location on the other side of the property provides a viable solution for the garage without compromising usability.</p>
Board Action	<p>Chairman, Board of Adjustment Signature</p> <p>_____</p>
	<p>Date</p> <p>_____</p>

EXISTING 20.00' ALLEY



EXISTING 20.00' ALLEY





NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2025-0001

1613
ESPERANZA AVE