

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, FEBRUARY 7, 2024 - 4:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3RD FLOOR

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

CALL TO ORDER – Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for the meeting held on January 25, 2024

2. PUBLIC HEARINGS:

- a) Request of Martin Lopez for the following Special Exception and Variance to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 10 feet into the 10-foot rear yard setback and an encroachment of 2.5 feet into the 10-foot south side setback for an existing carport measuring 26.5 ft by 10 ft and, **2)** an encroachment of 9 feet into the 10-foot rear yard setback and an encroachment of 2.5 feet into the 6-foot north side setback for a storage building measuring 12 feet by 8 feet at Lot 56, Idela Park Unit No. 1 Subdivision, Hidalgo County, Texas; 4813 South 29th Street. **(ZBA2024-0003)**
- b) Request of Alfredo Alaniz to allow the following Variances to the City of McAllen Zoning Ordinance: **1)** a front yard setback of 15 feet instead of 20 feet, **2)** a lot area of 3,500 square feet instead of the required 5,600 square feet for a single family residence at the South ½ of Lot 24, Block 3, West Addition to McAllen Subdivision, Hidalgo County, Texas; 2200 Fresno Avenue. **(ZBA2024-0001)**
- c) Request of Isidro Rodriguez for the following Variance to the City of McAllen Zoning Ordinance to allow a lot area of 4,912.8 square feet instead of the required 5,600 square feet for a Duplex, for Lot 2, Block 3, and Lot 13, Block 5, La Paloma Addition Subdivision, Hidalgo County, Texas; 1023 South Bicentennial Boulevard. **(ZBA2024-0004)**
- d) Request of Gilberto R. Ramirez for a Variance to the City of McAllen Zoning Ordinance to allow a lot area of 5,530 square feet instead of the required 5,600 square feet for a duplex at Lot 12, Block 8, D. Guerra's Addition to McAllen Subdivision, Hidalgo County, Texas; 2004 Galveston Avenue. **(ZBA2024-0002)**
- e) Request of Martin Ramirez for a Special Exception to the City Of McAllen Zoning Ordinance to allow and encroachment of 15 feet into the 20-foot front yard setback for an existing carport measuring 20 feet by 22 feet at Lot 2, The Rocks Subdivision, Hidalgo County, Texas; 8214 North 23rd Lane. **(ZBA2023-0123) (TABLED: 01/25/2024)**

ADJOURNMENT:

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

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

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Thursday, January 25, 2024 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	Jose Gutierrez	Chairperson
	Ann Tafel	Vice-Chairperson
	Hugo Avila	Member
	Rogelio Rodriguez	Member
	Hiram A. Gutierrez	Member
	Juan Mujica	Alternate
	Alex Lamela	Alternate

Absent:	Pablo Garcia	Alternate
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Staff Present:	Benito Alonzo	Assistant City Attorney I
	Rodrigo Sanchez	Senior Planner
	Adriana Solis	Planner II
	Samantha Trevino	Planner I
	Jessica Puga	Technician I
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for the meeting held on January 11, 2024.

The minutes for the meeting held on January 11, 2024 were approved. The motion to approve the minutes were made by Vice-Chairperson Ann Tafel. Mr. Hiram Gutierrez seconded the motion, which carried unanimously with five members present and voting.

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

2. PUBLIC HEARINGS:

- a) Request of Jose M. Escobedo, for a Special Exception to the City Of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 20 foot front yard setback for a proposed carport measuring 20 feet by 12 feet at Lot 1, Block 18, College Heights Subdivision, Hidalgo County, Texas; 2001 Newport Avenue. **(ZBA2023-0121)**
- b) Request of Abel Montilla for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 7 feet into the 60-foot front yard setback for a proposed open canopy measuring 51 feet by 18 feet at Lot 1, Montilla Subdivision, Hidalgo County, Texas; 2600 Trenton Road. **(ZBA2023-0125)**
- c) Request of Allen Gray on behalf of Amanda Wright, for a Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 4 feet into the 25-foot front yard setback for a bedroom addition at Lot 1, Red Leaf Estates Subdivision, Hidalgo County, Texas; 1701 Wisteria Avenue. **(ZBA2023-0122)**

- d) Request of Scott Meyer on behalf of ScottsDale Properties, LTD for a Variance to the City of McAllen Zoning Ordinance to allow an encroachment up to .63 feet into the 10 feet side yard setback along South 31st Street for an existing commercial building at Lot 1, McAllen/Mission Work Force Subdivision, Hidalgo County, Texas; 3201 Highway 83. **(ZBA2023-0124)**

Chairperson Jose Gutierrez asked if there was anyone else present in opposition or in favor of the special exceptions or variance requests. There was no one in opposition or in favor of the special exceptions or variance requests.

Mr. Hugo Avila **moved** to approve Items 2a through 2d as per staff's recommendations. Mr. Hiram Gutierrez seconded the motion. The Board voted to approve Items 2a through 2d with five members present and voting.

- e) Request of Martin Ramirez for a Special Exception to the City Of McAllen Zoning Ordinance to allow and encroachment of 15 feet into the 20-foot front yard setback for an existing carport measuring 20 feet by 22 feet at Lot 2, The Rocks Subdivision, Hidalgo County, Texas; 8214 North 23rd Lane. **(ZBA2023-0123)**

Ms. Trevino stated the applicant had requested to table the item until the next meeting.

Vice-Chairperson Ann Tafel **moved** to table the Special Exception until the next meeting. Mr. Hugo Avila seconded the motion. The Board voted to table the Special Exception with five members present and voting.

3. FUTURE AGENDA ITEMS:

- a) 522 South 22nd Street
- b) 2004 Galveston Avenue
- c) 4813 South 29th Street
- d) 1023 South Bicentennial Boulevard

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

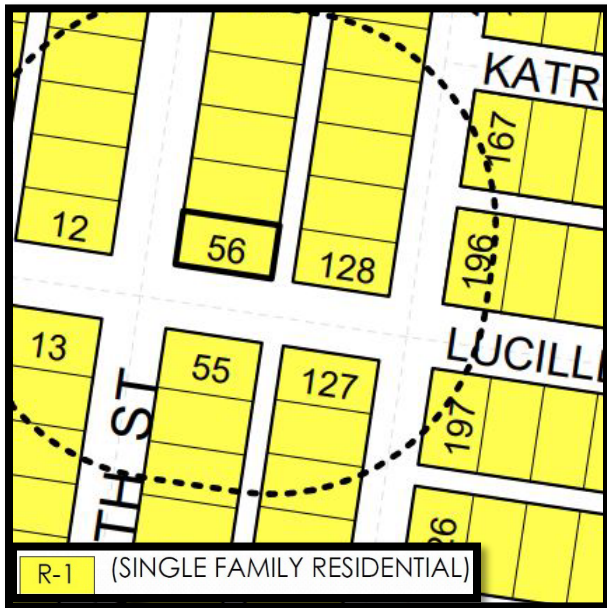
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: January 30, 2024

SUBJECT: REQUEST OF MARTIN LOPEZ FOR THE FOLLOWING SPECIAL EXCEPTION AND VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) AN ENCROACHMENT OF 10 FEET INTO THE 10 FOOT REAR YARD SETBACK AND AN ENCROACHMENT OF 2.5 FEET INTO THE 10 FOOT SOUTH SIDE SETBACK FOR AN EXISTING CARPORT MEASURING 26.5 FT BY 10 FT AND, 2) AN ENCROACHMENT OF 9 FEET INTO THE 10 FOOT REAR YARD SETBACK AND AN ENCROACHMENT OF 2.5 FEET INTO THE 6 FOOT NORTH SIDE SETBACK FOR A STORAGE BUILDING MEASURING 12 FEET BY 8 FEET AT LOT 56, IDELA PARK UNIT NO.1 SUBDIVISION, HIDALGO COUNTY, TEXAS; 4813 SOUTH 29TH STREET. (ZBA2024-0003)

REASON FOR APPEAL: The applicant is requesting to encroach 10 feet into the 10 foot rear yard setback, 2.5 feet into the 10 foot south side setback for an existing carport and 9 feet into the 10 foot rear yard setback and 2.5 feet into the 6 foot north side setback for an existing storage building. The existing carport will serve for protection of a family member with medical conditions from inclement weather conditions. It will also serve to protect the family vehicles.



PROPERTY LOCATION AND VICINITY: The subject property is located at the northeast corner of Lucille Avenue and South 29th Street. The property is zoned R-1 (single family residential) District. There is R-1 District in all directions.

BACKGROUND AND HISTORY: Idela Park Unit No. 1 was recorded on February 13, 1978. The plat shows there is a 10 foot setback and utility easement running concurrently at the rear of the property. A non-

compliance order was issued on October 5, 2022 for a carport built without a permit. A request to abandon a 10 foot utility easement adjacent to the rear property line of Lot 56, Idela Park Subdivision, Unit 1 was approved by the City Commission on November 13, 2023. An application for a Special Exception request was submitted on January 8, 2024.

ANALYSIS: The Special Exception and Variance requests involve encroachments into the rear and side yard setbacks. The applicant states he uses the carport to protect a family member with a medical condition as well as the family vehicles from inclement weather. The applicant also stated that the storage building is used to store lawn maintenance equipment and household items.

The resident contains a one car garage that according to the applicant is used for one of his vehicles.

The property has a 10 foot utility easement at the rear of the property that runs concurrently with the 10 foot rear yard setback, however the utility easement encroachments have been resolved through the abandonment process.

During a site visit of the area by staff, numerous other different types of encroachments were observed.

At the Zoning Board of Adjustments and Appeals meeting of July 27, 2023 the Board unanimously voted to approve a special exception for an encroachment of 15 feet into the 25 foot front yard setback for an existing metal carport measuring 28 feet by 13 feet at Lot 107, Idela Park Unit No. 1 Subdivision.

At the Zoning Board of Adjustments and Appeals meeting of March 8, 2023 the Board unanimously voted to approve a special exception for an encroachment of 20.42 feet into the 25 foot front yard setback for an existing metal carport measuring 19 feet by 21 feet at Lot 186, Idela Park Unit No.1 Subdivision.

At the Zoning Board of Adjustments and Appeals meeting of January 05, 2023 the Board unanimously voted to approve a special exception for an encroachment of 16 feet into the 25 foot south side yard setback for an existing metal carport measuring 11.16 feet by 15.66 feet at Lot 111, Idela Park Unit 1 Subdivision.

Measurements provided are without benefit of a survey.

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

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

RECOMMENDATION: Staff recommends approval of the request since there have been other similar requests approved within the subdivision and the request to abandon the 10 foot utility easement at the rear of the property was successful.

ZBOA-2/7/24



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE ZBA 2024-JUDE

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

Project	<p>Legal Description <u>IDELA PARK Lot 56 Unit 1</u> <u>Unit No 1</u></p> <p>Subdivision Name <u>IDELA PARK Unit # 1</u></p> <p>Street Address <u>4813 S. 29TH ST. McAllen, TX 78503</u></p> <p>Number of lots <u>ONE</u> Gross acres <u>0.1033</u></p> <p>Existing Zoning <u>R one</u> Existing Land Use <u>Home</u></p> <p>Reason for Appeal (please use other side if necessary) <u>Encroaching 10 FT into the 10 FT' Rear yard Setback, Encroaching 2.5 FT into the 10 FT' Side CARPORT ST YARD</u></p> <p><input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input checked="" type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport)</p> <p><input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required</p>	
	Applicant	<p>Name <u>MARTIN Lopez</u> Phone <u>956 618-7751</u></p> <p>Address <u>4813 S. 29</u> E-mail <u>MARTINLOPEZ1028@GMAIL.COM</u></p> <p>City <u>McAllen, TX</u> State <u>TX</u> Zip <u>78503</u></p>
Owner	<p>Name <u>MARTIN Lopez</u> Phone <u>956-618-77-51</u></p> <p>Address <u>4813 S. 29th ST</u> E-mail <u>martinl</u></p> <p>City <u>McAllen</u> State <u>TX</u> Zip <u>78503</u></p>	
Authorization	<p>To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.</p> <p>Signature <u>[Signature]</u> Date <u>12-21-22</u></p> <p>Print Name <u>MARTIN Lopez</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent</p>	
Office	<p>Accepted by <u>P.H.</u> Payment received by _____ Date _____</p> <p><u>[Signature]</u> Rev 10/18</p> <p style="text-align: right;">RECEIVED JAN 08 2024 by <u>[Signature]</u></p>	



City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

15/11/15-40045

*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:

Se requirio hacer la ESTRUCTURA en la parte trasera de la Propiedad, antes del Callejon, ya que en la parte de enfrente no, para que no se viera mal el Techo. al Frente.

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

Para DISFRUTAR mejor de la Propiedad

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:

Esta estructura no AFECTA a Vecinos. esta ABIENTA, NO EXISTE Riesgo Alguno por ser de METAL y no de Madera, Incluso existe un Callejon en seguida de la Propiedad por Ahí pasan los Líneas de UTILIDADES

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

EXISTE UNA SITUACION ESPECIAL de prescripción médica. para Proteger a mi esposa, de cuando hay necesidad de llevarla con el Doctor. por motivo de su enfermedad. Protegerla de la lluvia, etc..

Board Action

Chairman, Board of Adjustment
Signature

Date

Rev. 9/20

Gerardo Sanchez
Guillermo Sanchez
S. C. A. A. A.

Hoy a ADN

— Verificar en que parte estan 3 v...

ENCROACHING 10 FT' INTO THE 10 FT REAR YARD.

SETBACK.

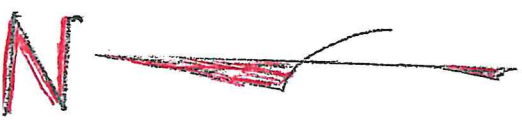
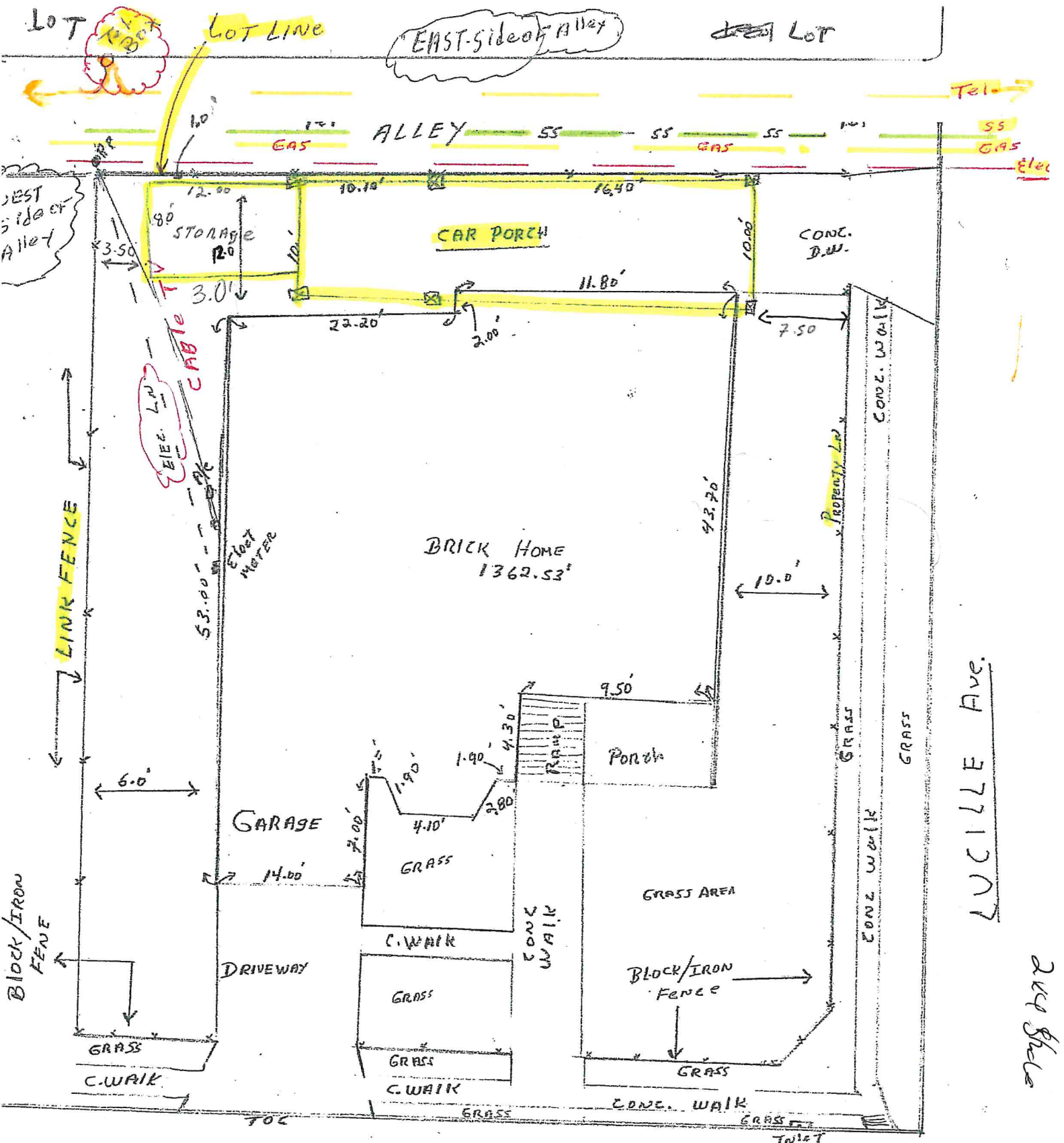
AND 2.5 FT INTO THE SIDE YARD SETBACK.

WITH A 5 FOOT SEPARATION FOR A STORAGE

ENERO 19-2024

EL TECHO Y EL STORAGE SE AGREGARAN A LA CASA CON EL
MATERIAL QUE ME INDICUEN

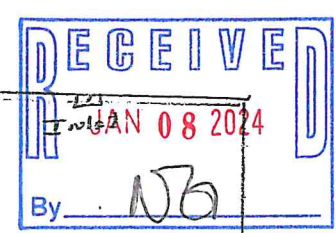
M/L MARTIN LÓPEZ



29TH ST

MARTIN LOPEZ
4813 S. 29TH ST.

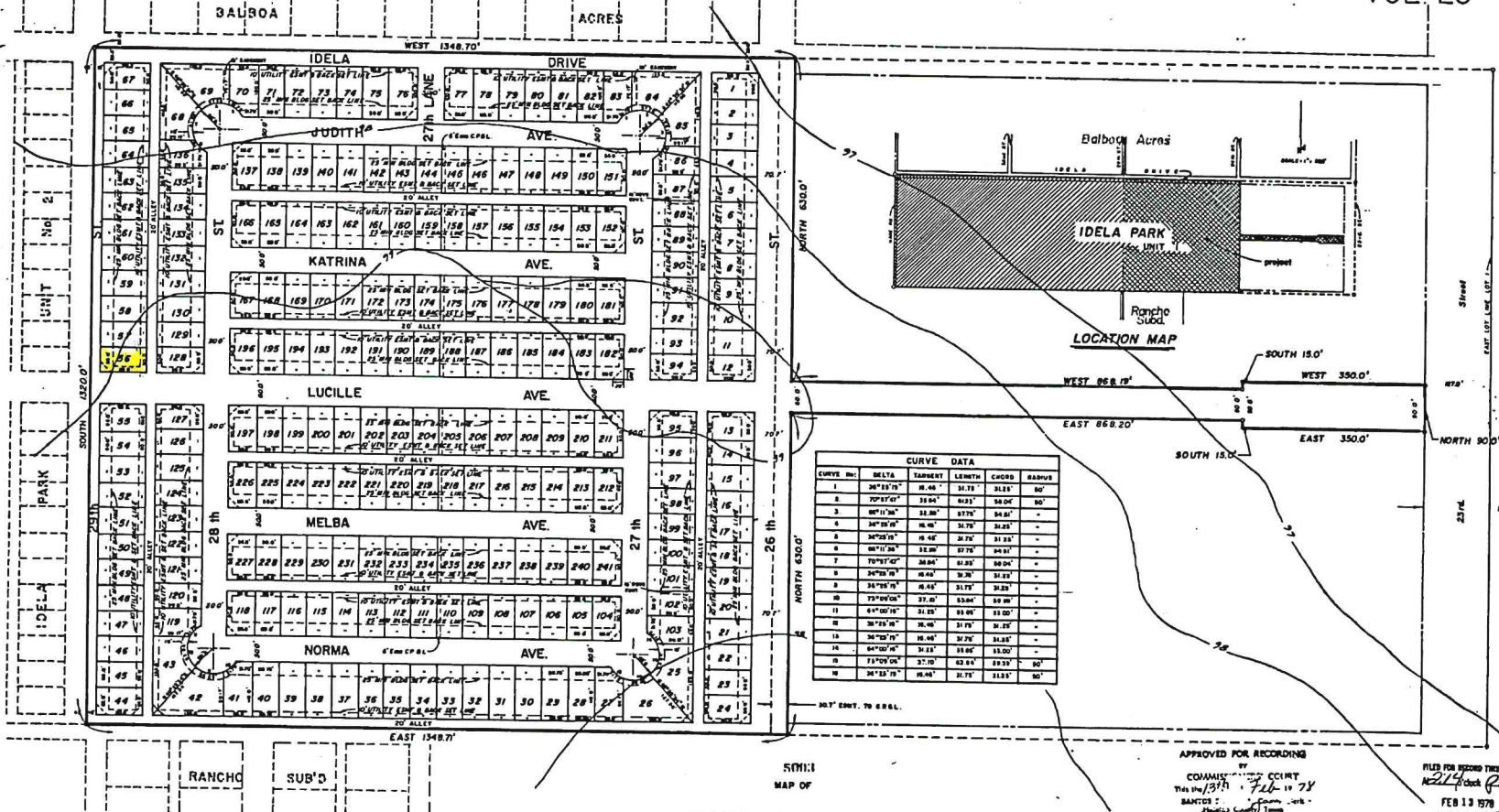
Revised site plan
01-18-24



244 Shale







STATE OF TEXAS
COUNTY OF HIDALGO

I, THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNED HEREIN AS THE "IDELA PARK" SUBDIVISION TO CITY OF McALLEN, TEXAS AND WHOSE NAME IS SUBSCRIBED HEREIN HERETO, HEREBY DEDICATE TO THE USE OF PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR PURPOSES OF CONSIDERATION THEREIN EXPRESSED.

IDELA DEVELOPMENT COMPANY
(A PARTNERSHIP)

John G. Gentry
PARTNER
OWNER

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Timothy known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for purposes and consideration therein stated. GIVEN UNDER MY HAND SEAL OF OFFICE, THE 17th DAY OF January, 1978.

Melissa Hallford
NOTARY PUBLIC

IDELA PARK

UNIT No. 1

BEING A SUBDIVISION OF LOTS 1 AND 2 OF BLOCK 3 MID BRIND PLANTATION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS

Recorded in Vol. 20, Page 71
of the Public Records of
County of Hidalgo,
Texas.
Certified to be a true and correct copy.
County Clerk

STATE OF TEXAS
COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE FROM AN ACTUAL SURVEY ON THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND AND FURTHER CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

Samuel H. Faria
PROFESSIONAL ENGINEER

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

Richard
MAYOR

NOTES:
A. Allotments Reserved by All Lots For City Of McAllen, Texas.
B. Allotments Reserved For City Of McAllen, Texas.
C. Allotments Reserved For City Of McAllen, Texas.
D. Allotments Reserved For City Of McAllen, Texas.
E. Allotments Reserved For City Of McAllen, Texas.
F. Allotments Reserved For City Of McAllen, Texas.
G. Allotments Reserved For City Of McAllen, Texas.
H. Allotments Reserved For City Of McAllen, Texas.
I. Allotments Reserved For City Of McAllen, Texas.
J. Allotments Reserved For City Of McAllen, Texas.
K. Allotments Reserved For City Of McAllen, Texas.
L. Allotments Reserved For City Of McAllen, Texas.
M. Allotments Reserved For City Of McAllen, Texas.
N. Allotments Reserved For City Of McAllen, Texas.
O. Allotments Reserved For City Of McAllen, Texas.
P. Allotments Reserved For City Of McAllen, Texas.
Q. Allotments Reserved For City Of McAllen, Texas.
R. Allotments Reserved For City Of McAllen, Texas.
S. Allotments Reserved For City Of McAllen, Texas.
T. Allotments Reserved For City Of McAllen, Texas.
U. Allotments Reserved For City Of McAllen, Texas.
V. Allotments Reserved For City Of McAllen, Texas.
W. Allotments Reserved For City Of McAllen, Texas.
X. Allotments Reserved For City Of McAllen, Texas.
Y. Allotments Reserved For City Of McAllen, Texas.
Z. Allotments Reserved For City Of McAllen, Texas.

APPROVED FOR RECORDING
By *Samuel H. Faria*
DATE: 2-10-78



Presented by:
CDE Community Development Engineering
P. O. Box 1308 McAllen, Texas 78501

IDELA PARK
McALLEN, TEXAS

RECEIVED
JAN. 08 2024
By *DB*



NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2024-0003

Memo

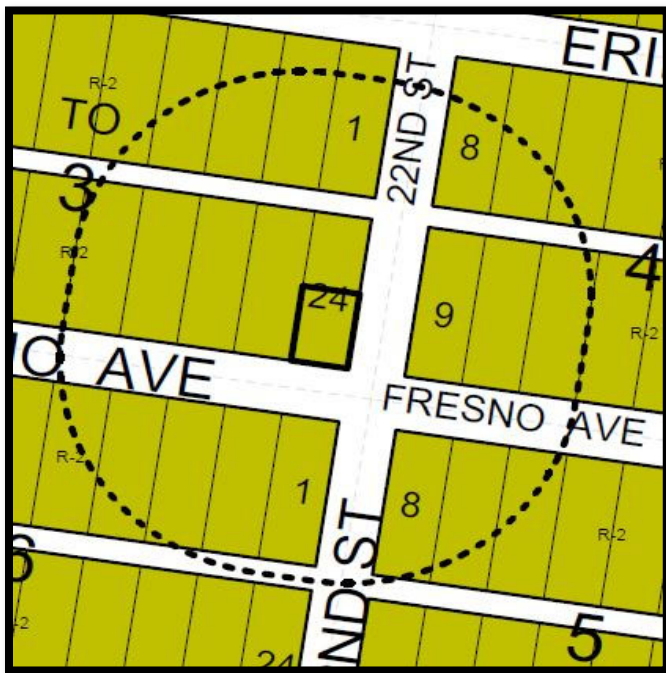
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: January 31, 2024

SUBJECT: REQUEST OF ALFREDO ALANIZ TO ALLOW THE FOLLOWING VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE: 1) A FRONT YARD SETBACK OF 15 FEET INSTEAD OF 20 FEET, 2) A LOT AREA OF 3,500 SQUARE FEET INSTEAD OF THE REQUIRED 5,600 SQUARE FEET FOR A SINGLE FAMILY RESIDENCE AT THE SOUTH ½ OF LOT 24, BLOCK 3, WEST ADDITION TO MCALLEN SUBDIVISION, HIDALGO COUNTY, TEXAS; 2200 FRESNO AVENUE. (ZBA2024-0001)

REASON FOR APPEAL: The applicant is requesting variances to the required Lot size and front yard setback in order to accommodate a residential house on the subject property.



PROPERTY LOCATION AND VICINITY: The subject property is vacant and located at the northwest corner of Fresno Avenue and South 22nd Street. The property dimensions are 50 ft. in width and 70 ft. of depth and is zoned R-2 (duplex-fourplex residential) District. The adjacent zoning is R-2 District in all directions.

BACKGROUND AND HISTORY: West Addition to McAllen was recorded on March 9, 1929. The application for the variance requests was submitted on January 2, 2024. A warranty deed from 1962 reflects the subject property as a split from the original lot with its current configuration. The remaining original lot area to the north is vacant and under different ownership. An application for a building permit has not been submitted.

ANALYSIS: Variance request #1 is to allow a 15 foot front yard setback instead of the required 20 feet. The structure that is to be relocated onto the property is 45 feet in depth. Required setbacks are 20 feet for the front yard and 10 feet for the rear yard. Available space for these two setbacks is 25 feet and is five feet short of compliance. The applicant is requesting a five foot encroachment into the front yard in order to allow more space at the rear of the property for parking of the family vehicle. Front yard setback encroachment may affect the aesthetics of the property. Rear yard setbacks are less visible and can provide more privacy.

Variance request #2 is to allow a 3,500 square foot Lot instead of the required minimum 5,600 square foot. The applicant acquired the property in October 2019 and intends to relocate an approximately 1,035 square foot single family home onto the subject property. However, the property is a split lot and does not meet the area requirement of the R-2 District. A variance to the minimum lot size of 5,600 square feet is required as per section 138-356 of the City of Mcallen Zoning Ordinance. The tract was split from the original lot in 1962.

At the Zoning Board of Adjustments and appeals meeting on September 18, 2019 the Board voted to approve variance requests to allow a 3,000 square foot Lot instead of the required 5,600 square foot and to allow an encroachment of 12 feet into the 20 feet front yard setback for an 8 foot x 8 foot porch at Lot 1, Block 4, West Addition to McAllen Subdivision.

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

RECOMMENDATION:

Variance request #1: Staff recommends approval of the variance request since the house to be moved onto the Lot is already built with current dimensions and the variance represents the minimum variance that will make possible to accommodate the proposed residential structure on the south half of Lot 24.

Variance request #2: Staff recommends approval of the variance request since the warranty deed shows the lot split occurred before the current subdivision ordinance.



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 2024-0001 ZBOA Meeting: 2/7/2024 ☐ Routed
Receipt No: 323839 ☐ Scanned
Accepted by: P: EDG S: gr Customer Acknowledgment (Int.): AAL

PROJECT

Legal Description West Addition To Mcallen Lot 512 OF 24 BLK 3

Subdivision Name West Addition To Mcallen

Street Address 522 - Svr 22 ND H

Number of lots _____ Gross acres _____

Existing Zoning R2 Existing Land Use Vacio

Reason for Appeal (please use other side if necessary) _____

Permito Para Nueva Casa y Permito Por Dimensiones Frontales del terreno

☒ \$300.00 non-refundable filing fee + ☐ \$50.00 Recording Fee for Special Exception (carport 5 Pies en la travesía de 20 Pies de frente)
☐ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required Tomar el mínimo lote

APPLICANT

Name Alfredo Alaniz L Phone 956-624-28-73
Address 3900 S Wrd Apt 526 Mcallen TX E-mail Alfredo Alaniz L 67@gmail.com
City Mcallen State TX Zip 78503

OWNER

Name igual Phone _____
Address _____ E-mail _____
City _____ State _____ Zip _____

AUTHORIZATION

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

☐ Yes ☒ 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 Alfredo Alaniz L Date 01-02-2024

Print Name Alfredo Alaniz L ☒ Owner ☐ Authorized Agent

JAN 02 2024

BY: CW



City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider **any combination of** the following: (Please use an additional page if necessary to complete responses)

**Information provided here by the applicant does not guarantee that the Board will grant a variance.

***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.

1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:

Necesito Mover una casa y el terreno es Pequeño

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

el terreno es Pequeño Pero necesito mover una casa

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:

mi pequena casa y terreno no afecta a los vecinos

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

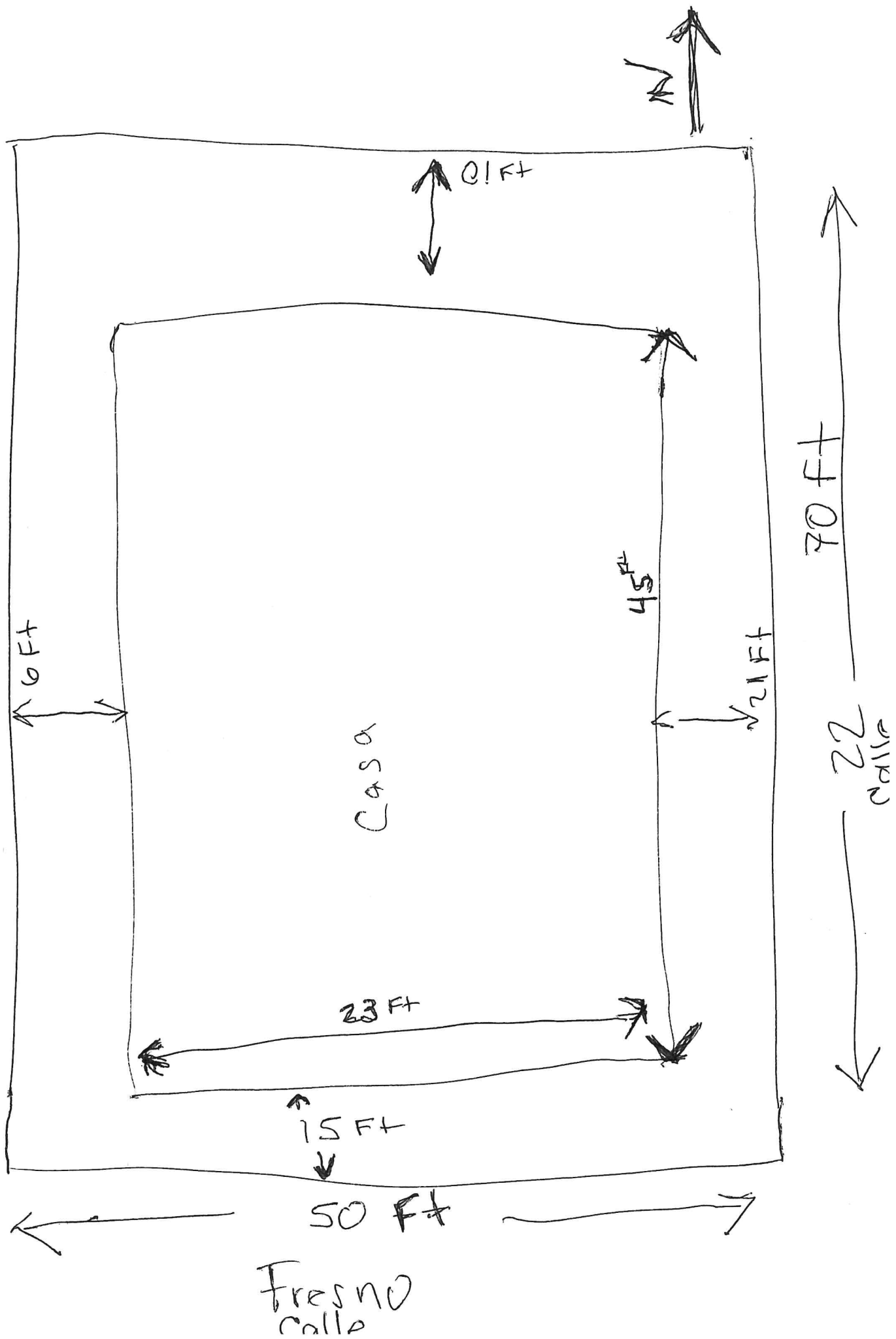
la Propiedades Pequeña 1/2 lote me Ayudo a lo que
diga la Ciudad Para mover mi casa

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date



Yo Alfredo Alaniz

Autorizo a mi hija y pareja -

Para Representarme en mi Ausencia

Roxana Alaniz Alicia Gutierrez C.
hija pareja

01-02-2024

~





NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2024 - 0001

2204

Memo

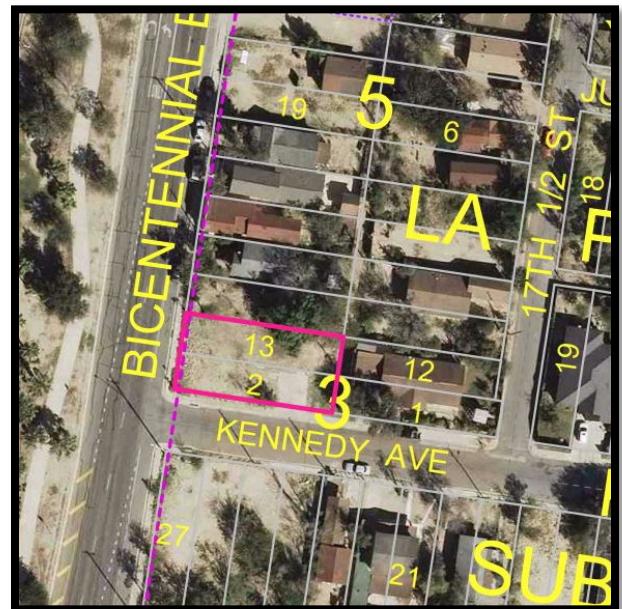
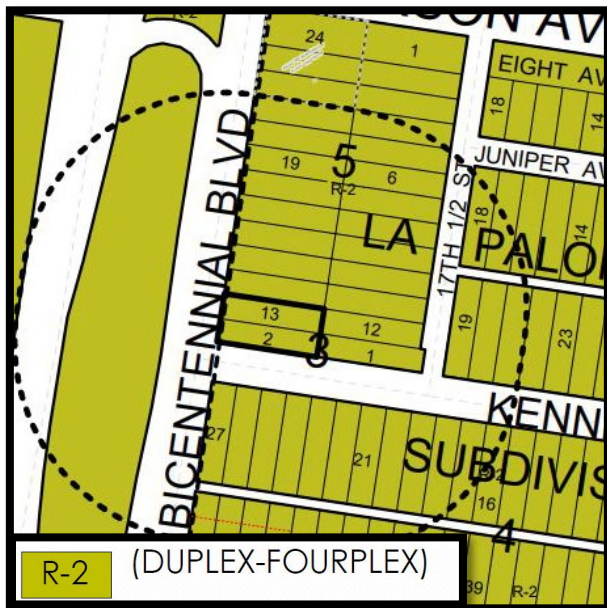
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: January 29, 2024

SUBJECT: REQUEST OF ISIDRO RODRIGUEZ FOR THE FOLLOWING VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW A LOT AREA OF 4,912.8 SQUARE FEET INSTEAD OF THE REQUIRED 5,600 SQUARE FEET FOR A DUPLEX, FOR LOT 2, BLOCK 3 AND LOT 13, BLOCK 5, LA PALOMA ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS; 1023 SOUTH BICENTENNIAL BOULEVARD. (ZBA2024-0004)

REASON FOR APPEAL: The applicant is requesting a variance to allow a Lot area of 4,912.8 square feet instead of the minimum required Lot area of 5,600 square feet for construction of a duplex.



PROPERTY LOCATION AND VICINITY: The subject property is located at the northeast corner of South Bicentennial Boulevard and Kennedy Avenue. The property has a frontage of 48.2 feet along South Bicentennial Boulevard and a depth of 100 feet for Lot 13 and 104 feet for Lot 2 for a tract size of 4, 912.8 feet. The property is zoned R-2 (duplex-fourplex residential) District. There is R-2 District in all directions.

BACKGROUND AND HISTORY: La Paloma Addition Subdivision was recorded on December 4, 1926. The front yard setback is 20 feet as per the R-2 Zoning District. The application for the Variance request was submitted on January 10, 2024.

ANALYSIS: The applicant submitted a feasibility plan that shows the layout of the proposed duplex with Lot area of 4, 912.8 square feet. The two lots that comprise the subject property are Lots of record that were originally zoned Residential C District C Area District restricted to a single family use. The 1979 Zoning Ordinance allowed a duplex on 5,600 square feet with the R-2 District. The applicant has not submitted an application for a building permit with site plan for formal review.

The variance request is to allow a 4,912.8 square feet Lot instead of the 5,600 square feet as required per Section 138-356 of the Zoning Ordinance. The minimum area for a Lot in the R-2 (duplex-fourplex residential) District is 5,600 square feet.

The development trend in the South Mcallen and La Paloma neighborhood area in the past, has been to allow single family residential on one and two Lots but not duplex uses. Section 138-370 Lot area per family states "Where a Lot of record... has less area or width than required... in the district in which it is located, and the owner of such Lot does not own any other parcel or tract adjacent thereto, such Lot may nonetheless be used for a one-family dwelling...". The practice by the city has been consistent with this section of the ordinance.

At the Zoning Board of Adjustment and Appeals meeting of March 16, 2016, the Board approved a variance request for a Lot area of 4,750 square feet instead of the required 5,600 square feet for a duplex at Lots 8 & 9, Block 2, South Mcallen Addition.

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

RECOMMENDATION: Staff recommends disapproval of the variance request since the construction of single-family residential on one or two Lots is consistent with the development trend of the area.



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: 2BA2024-0004

ZBOA Meeting: 2/7/24

Receipt No: 1002320

☐ Routed
☒ Scanned

Accepted by: P: SEN S: SEN

Customer Acknowledgment (Int.): IR

PROJECT

Legal Description

Lot 13 Blk 5

Lot 2 Blk 3

Subdivision Name

La Paloma Addn.

Street Address

1023 S Bicentennial

Number of lots

2

Gross acres

Existing Zoning

R2

Existing Land Use

Empty Lot

Reason for Appeal (please use other side if necessary)

due to lot size

☒ \$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

Isidro Rodriguez

Phone

956 457 5877

Address

1000 E. Vermont Ave Apts 205

E-mail

rod_151@yahoo.com

City

McAllen

State

TX

Zip

78503

OWNER

Name

Isidro Rodriguez

Phone

956 457 5877

Address

1000 E. Vermont Ave Apts 205

E-mail

rod_151@yahoo.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

1/10/24

Print Name

☐ Owner

☐ Authorized Agent

JAN 10 2024

BY: CW



City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: (Please use an additional page if necessary to complete responses)

**Information provided here by the applicant does not guarantee that the Board will grant a variance.

***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.

1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:

Bought it as R-2 to build duplex, areas around it have same scenario as examples provided

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

We want to preserve the current zoning of R-2 I currently don't have a home and in desperate need to build my duplex, I'll be living in one unit

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:

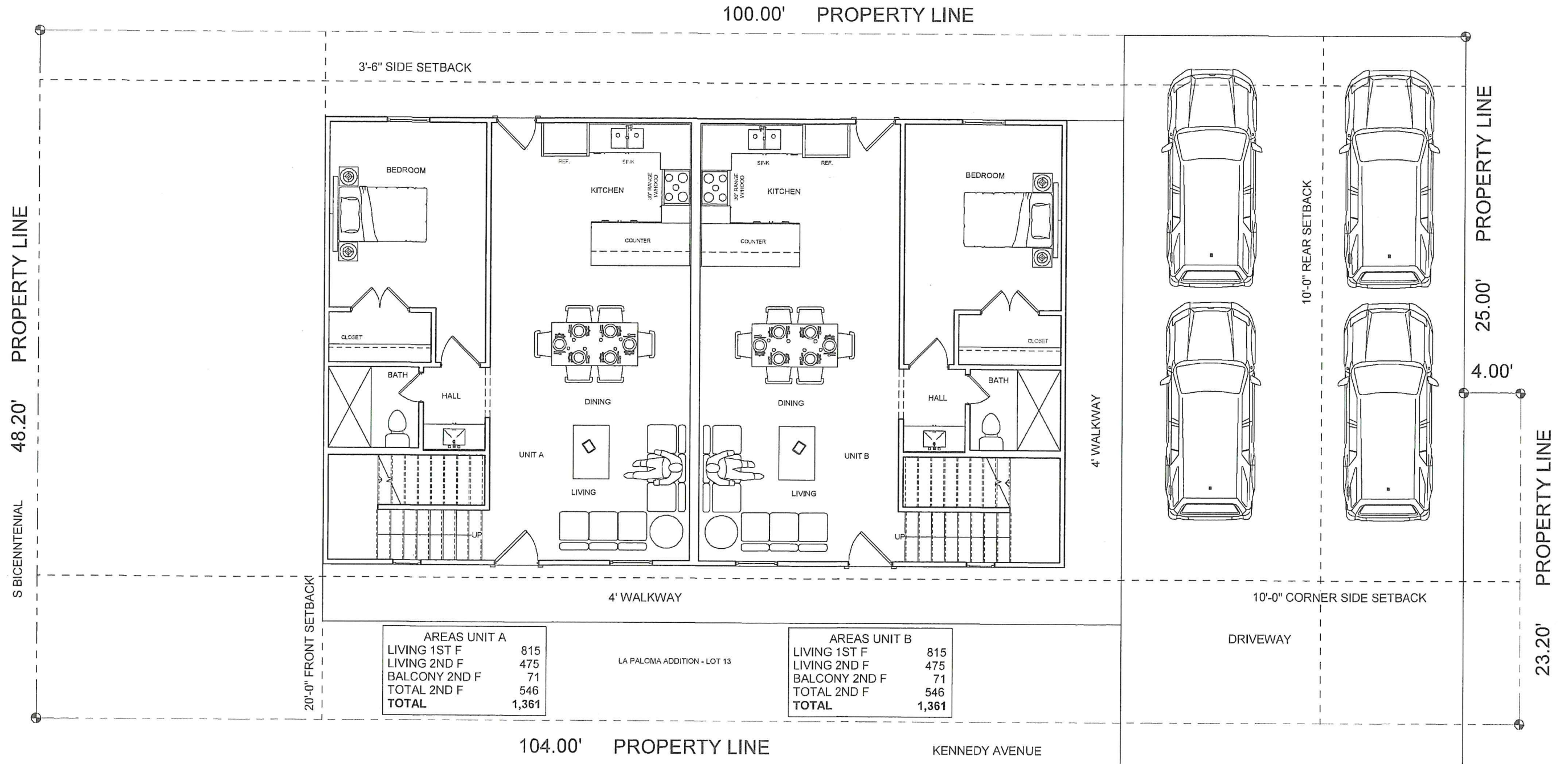
There are other properties in the with a similar situation and the desired outcome, everything else from the plan project conforms city code and standards

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

The unique situation is, the property was purchased under the pretense that a duplex would be build due to its current zoning and similar properties around the area.

Chairman, Board of Adjustment
Signature

Date





PEÑA ENGINEERING

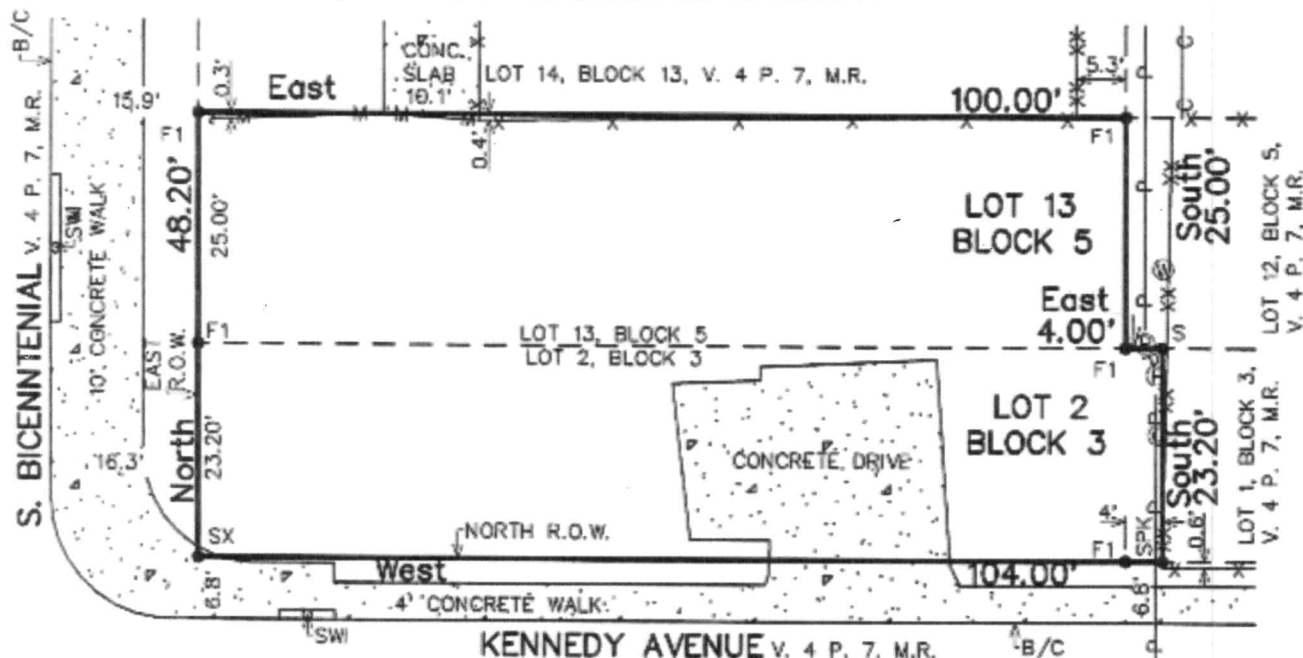
FIRM #10087200 • 1001 WHITEWING • P.O. BOX 4320
(956) 682-8812 • McALLEN, TEXAS 78502 • FAX (956) 631-PENA

NOTE:
BASIS OF BEARING IS THE SOUTH LINE OF LOT 13, BLOCK 5,
LA PALOMA ADDITION, V. 3 P. 49, MAP RECORDS

LEGEND:
F1 - FOUND 1/2" DIAMETER IRON ROD
S - SET 1/2" DIAMETER IRON ROD W/CAP
STAMPED "PENA 5242"
SX - SET "X" CUT IN CONCRETE
SPK - SET PK NAIL ON TOP OF FENCE
B/C - BACK OF CONCRETE CURB & GUTTER
R.O.W. - RIGHT OF WAY
SWI - STORM WATER INLET
⊙ - GAS METER
⊕ - WATER METER
⊖ - POWER POLE
P - P - POWER POLE LINE
*-X - 6' CEDAR FENCE
XX-XX - 8' CEDAR FENCE
⊖ - 4' CHAIN LINK FENCE
M - M - 6' METAL FENCE

EASEMENTS AS PER GF NO. 232447403
EFFECTIVE DATE: OCTOBER 15, 2023
ISSUED DATE: OCTOBER 23, 2023

- 1.) STATUTORY RIGHTS, RULES, REGULATIONS, EASEMENTS, & LIENS IN FAVOR OF HIDALGO COUNTY IRRIGATION DISTRICT NO. 3, PURSUANT TO APPLICABLE SECTIONS OF THE TEXAS WATER CODE
- 2.) RIGHTS OR CLAIMS BY HIDALGO COUNTY IRRIGATION DISTRICT NO. 3 TO ANY PORTION OF PROPERTY LYING WITHIN CANAL AND/OR DRAIN DITCH EASEMENTS AND/OR RIGHTS OF WAY LOCATED ON THE PROPERTY



BUYER'S NAME: ISIDRO RODRIGUEZ

FLOOD ZONE: By GRAPHICAL PLOTTING COMMUNITY PANEL NO. 480343 0010 C
MAP REVISED: NOVEMBER 2, 1982

- ☐ Zone "A" - This is to certify that this property is in a flood prone area.
- ☐ Zone "B" - This is to certify that this property is not in a flood prone area. However limits between the 100 year and 500 year flood are subject to flooding with average depths less than one foot.
- ☒ Zone "C" - This is to certify that this property is not in a flood prone area.

I certify that this plat represents the facts found on the ground at the time of survey and that there are no visible or apparent easements, discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments, or overlapping of improvements or visible easements except as shown on this plat. No subsurface utilities or service connections are shown, © copyright 2023 PENA ENGINEERING this survey was provided in multiple originals solely for the borrower named hereon, in conjunction with the original transaction which shall take place within 6 months after the survey was provided. No license has been created or implied to copy this Survey. Survey valid only if print has original seal and signature.

ADDRESS: 1023 S. BICENTENNIAL McALLEN, TEXAS 78501

LEGAL DESCRIPTION: LOT 2, BLOCK 3 & LOT 13 BLOCK 5, LA PALOMA ADDITION,
AN ADDITION TO THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS,

ACCORDING TO THE MAP RECORDED IN VOLUME 4 PAGE 7
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS.

Pablo Peña III

10/30/2023
DATE

PABLO PEÑA III
REG. PROFESSIONAL LAND SURVEYOR No. 5242





NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2024-0004
CITY OF HOUSTON PLANNING DEPT.
800.488.7263
WWW.CITYOFHOUSTON.TX

Memo

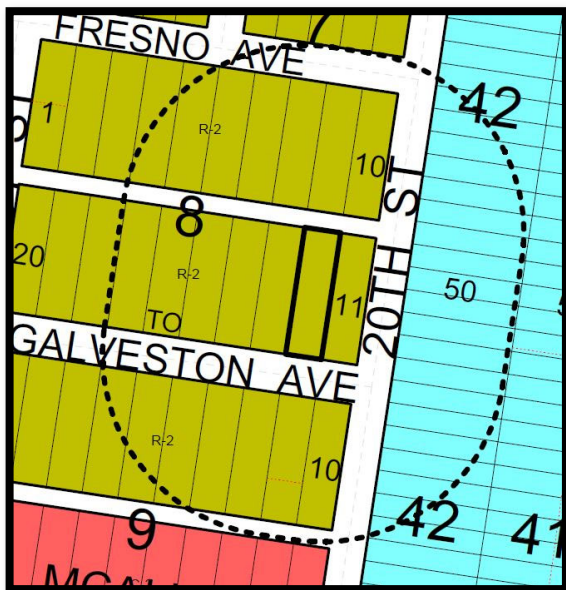
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: January 30, 2024

SUBJECT: REQUEST OF GILBERTO R. RAMIREZ FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW A LOT AREA OF 5,530 SQUARE FEET INSTEAD OF THE REQUIRED 5,600 SQUARE FEET FOR A DUPLEX AT LOT 12, BLOCK 8, D. GUERRA'S ADDITION TO MCALLEN SUBDIVISION, HIDALGO COUNTY, TEXAS; 2004 GALVESTON AVENUE. (ZBA2024-0002)

REASON FOR APPEAL: The applicant is requesting a variance to the minimum lot size requirement in order to build a duplex on the subject property.



PROPERTY LOCATION AND VICINITY: The subject property is vacant and is located along the north side of Galveston Avenue and west of South 20th Street. The property is 39.5 feet wide by 140 feet deep for a total Lot size of 5,530 square feet. The property is zoned R-2 (duplex-fourplex residential) District. The adjacent zoning is R-2 District in all directions.

BACKGROUND AND HISTORY: D. Guerra's Addition to McAllen was recorded on November 19, 1926. An application for a building permit was submitted on December 14, 2023. An application for the variance request was submitted on December 29, 2023.

ANALYSIS: Hidalgo County Appraisal District (HCAD) records show the current property owner acquired the property in June 2022. The applicant intends to construct a duplex approximately 1,824 square feet in size on the property. However, the property does not meet the Lot area requirement (for a duplex) of the R-2 District. In order for the property owner to be able to obtain a building permit to

build the proposed duplex on the subject property, a variance to the minimum lot size requirement of 5,600 square feet is required. A feasibility plan showing the proposed construction has been submitted and is attached.

In the City of McAllen Zoning Ordinance, Section 138-370 Lot Area per family states “Where a Lot of record...has less area or width than required...in the district in which it is located, and the owner of such Lot does not own any other parcel or tract adjacent thereto, such Lot may nonetheless be used for a one-family dwelling...”.

The existing Lot area of the subject property is 70 square feet short of meeting the requirement of 5,600 square feet and is the minimum variance that will make possible the proposed duplex.

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

RECOMMENDATION: Staff recommends disapproval of the variance request since there remains a reasonable use of the property by constructing a single family use .



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: ZBA2024-0002

ZBOA Meeting: 02/07/2024

☐ Routed

Receipt No: 999654

☐ Scanned

Accepted by: P: [Signature] S: OS

Customer Acknowledgment (Int.): _____

PROJECT

Legal Description

LOT 12 BLOCK 8

Subdivision Name

EVERRA ADDITION

Street Address

2004 GALVESTON

Number of lots

1

Gross acres

Existing Zoning

R-2

Existing Land Use

VACANTE

Reason for Appeal (please use other side if necessary)

NOT MEETING the LOT SIZE by 70 ft.

☒ \$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

Gilbert R Ramirez

Phone

956-655-8422

Address

10024 N. GLASSCOCK

E-mail

a.gramirez@yahoo.com

City

MISSION

State

TX

Zip

78573

OWNER

Name

SAME

Phone

Address

E-mail

City

State

Zip

AUTHORIZATION

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

☐ Yes

☐ 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

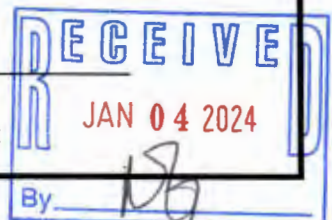
12-29-23

Print Name

Gilbert R Ramirez

☒ 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:

the lot is 5530 FT² and for a Duplex
require 5,600 FT²

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

IT'S NECESSARY TO BUILT A Duplex

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:

There is no health issues and
is NOT BUTTER the neighbors.

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

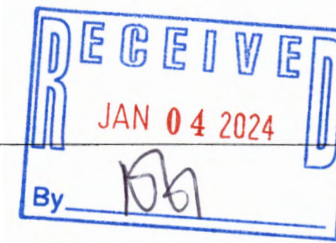
The size of the lot is NOT regular size
is 39.50 FT INSTEAD OF 40-50 FT AS regular size
So thats why I'm missing 70 FT total.

Reason for Appeal

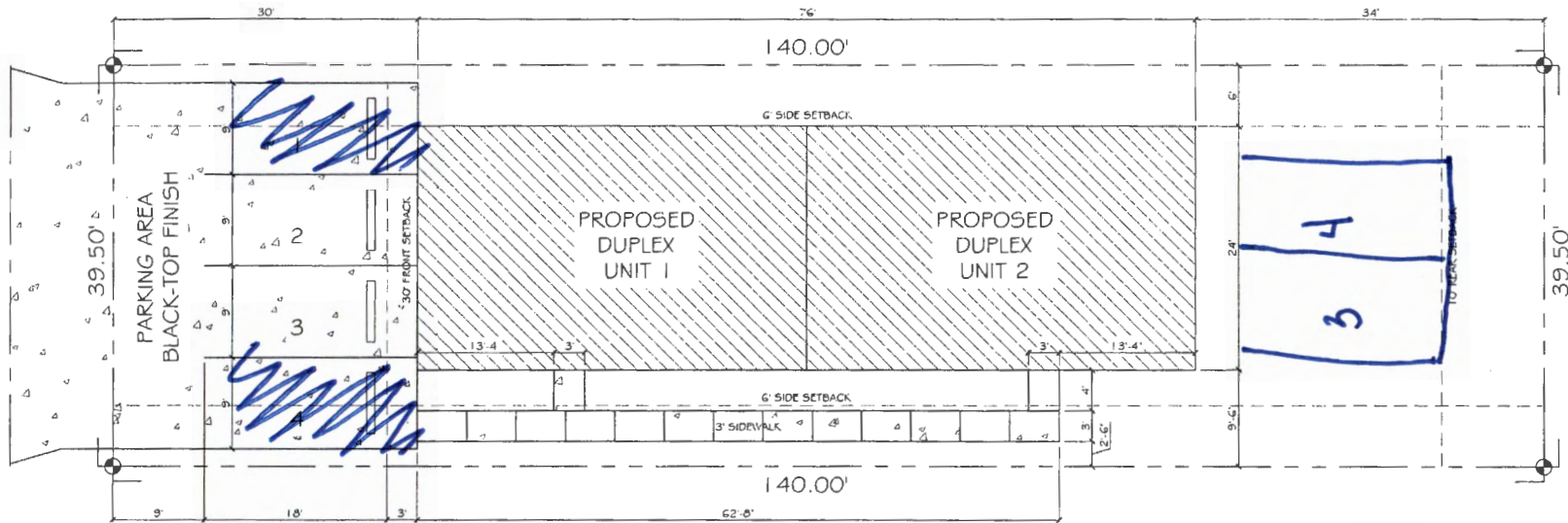
Board Action

Chairman, Board of Adjustment
Signature

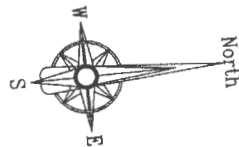
Date



2004 GALVESTON AVE



IMPERVIOUS AREA PERCENTAGE CALCULATIONS	
	PROPOSED SQ. FT.
BUILDING	1,824.00 SQFT
PAVING	1,292.00 SQFT
TOTALS	3,116.00 SQFT
TOTAL AREA OF LOT: 5,530 SQFT	
$(3,116.00 \text{ SQFT} / 5,530 \text{ SQFT}) \times 100 = 56.35\%$	




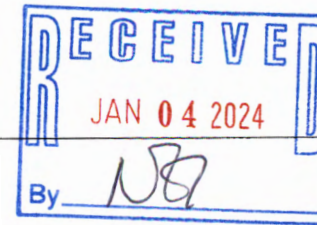
LEGAL DESCRIPTION
2004 GALVESTON AVE
MCALLEN, TEXAS

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

[Handwritten signature]
1/4/24

IMPORTANT DESIGNER NOTES:
THESE PLANS ARE INTENDED TO PROVIDE THE BASIC CONSTRUCTION INFORMATION NECESSARY TO CONSTRUCT THIS STRUCTURE. THIS MEANS THAT THESE PLANS MUST BE FIELD VERIFIED AND CHECKED COMPLETELY BY THE GENERAL CONTRACTOR OR SUBCONTRACTOR IN AUTHORITY FOR THE JOB. ANY DISCREPANCY, ERROR, AND/OR OMISSION IF FOUND IS TO BE BROUGHT IMMEDIATELY TO THE ATTENTION OF DESIGNER PRIOR TO COMMENCING CONSTRUCTION. DIMENSIONS SHOWN ON THE FLOOR PLANS ARE "NOMINAL" SLIGHT FIELD ADJUSTMENTS MAY BE NECESSARY TO ALLOW FOR ACTUAL MATERIAL SIZES AND PRACTICALITY OF CONVENTIONAL CONSTRUCTION METHODS. DETAILS AND NOTES NOT PROVIDED WITH THESE DRAWINGS SHOULD BE PROVIDED BY THE MFG., SUPPLIER, OR INSTALLATION CONTRACTOR SPECIFICALLY RELATED TO THAT PARTICULAR PHASE OF CONSTRUCTION.

		GONZALEZ STUDIO Right The First Time	
Drawn By: Mano A. Gonzalez	Builder:	Project Title: PROPOSED DUPLEX	Drawing Scale: 3/16" = 1'-0"
Owner:	Date Drawn: 1/27/2023	GONZALEZ STUDIO 956-533-2559	
Revised By:			
Sheet Number		AS 1.0	



GONZALEZ STUDIO
Right The First Time

Drawing Scale:
1/4" = 1'-0"

Project Title:
PROPOSED DUPLEX

Builder: ----

Drawn By: Mario A. Gonzalez

Owner: ----

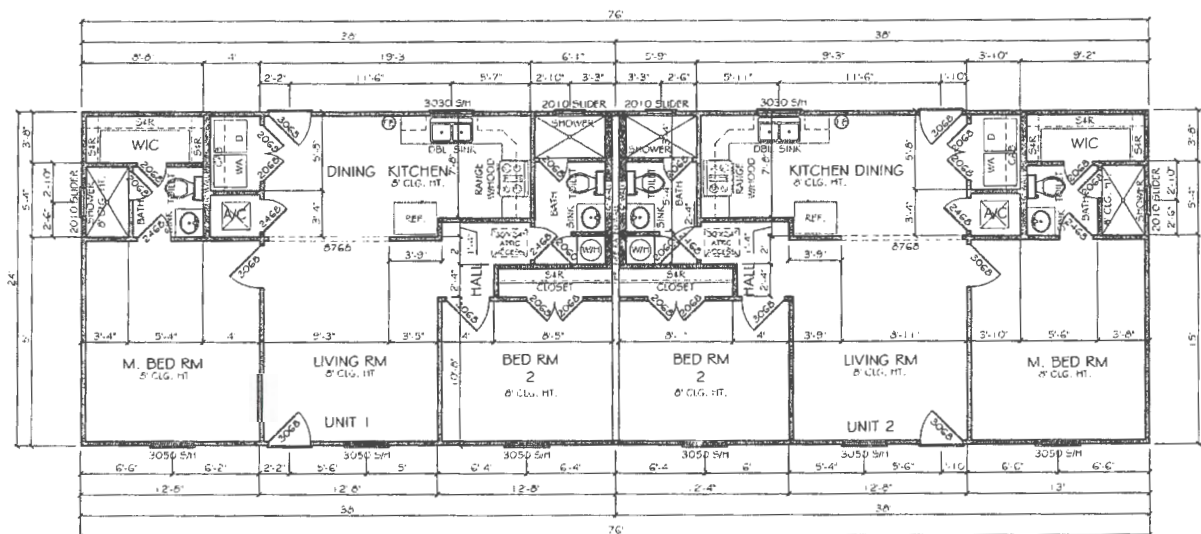
Date Drawn: 12/7/2023

GONZALEZ STUDIO 956-533-2559

Revised By:

Sheet Number

A1.0



LEGEND:
① 5LB 11PZ EXTINGUISHER

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

NOTES:
IRC 607.1 ATTIC ACCESS
AN ATTIC ACCESS SHALL BE PROVIDED WITH AN OPENING NOT LESS THAN 22 INCHES X 30 INCHES, LOCATED IN A HALLWAY OR OTHER READILY LOCATION. ATTIC SPACE SHALL BE 20 INCHES AT SOME POINT ABOVE THE ACCESS MEASURED VERTICALLY.
IRC 308.4.5 GLAZING IN WET AREAS
SAFETY GLAZING SHALL BE PROVIDED IN SHOWER AREAS
IRC 606.1 VENTILATION REQUIRED
ENCLOSED ATTICS AND ENCLOSED RAFTER SPACES FURNISHED WHERE CEILINGS ARE APPLIED DIRECTLY TO THE UNDERSIDE OF ROOF RATTERS SHALL HAVE CROSS VENTILATION FOR EACH SEPARATE SPACE BY VENTILATING OPENINGS PROTECTED AGAINST THE ENTRANCE OF RAIN OR SNOW.
IRC 310.2 EMERGENCY ESCAPE AND RESCUE OPENINGS SHALL HAVE MINIMUM DIMENSIONS AS SPECIFIED IN SECTION.
IRC 310.2.1 MINIMUM OPENING AREA
EMERGENCY AND ESCAPE RESCUE OPENINGS SHALL HAVE A NET CLEAR OPENING OF NOT LESS THAN 5.7 SQUARE FEET (530 SQ IN). THE NET CLEAR OPENING DIMENSIONS REQUIRED BY THIS SECTION SHALL BE OBTAINED BY THE NORMAL OPERATION OF THE EMERGENCY ESCAPE AND RESCUE OPENING FROM THE INSIDE. THE NET CLEAR HEIGHT OF THE OPENING SHALL BE NOT LESS THAN 24 INCHES (610 MM) AND THE NET CLEAR WIDTH SHALL BE NOT LESS THAN 20 INCHES (509 MM).

IMPORTANT DESIGNER NOTES:

THESE PLANS ARE INTENDED TO PROVIDE THE BASIC CONSTRUCTION INFORMATION NECESSARY TO CONSTRUCT THIS STRUCTURE. THIS MEANS THAT THESE PLANS MUST BE FIELD VERIFIED AND CHECKED COMPLYMENT BY THE GENERAL CONTRACTOR OR SUBCONTRACTOR IN AUTHORITY FOR THE JOB. ANY DISCREPANCY, ERROR, AND/OR OMISSION IF FOUND IS TO BE BROUGHT IMMEDIATELY TO THE ATTENTION OF DESIGNER PRIOR TO COMMENCING CONSTRUCTION. DIMENSIONS SHOWN ON THE FLOOR PLANS ARE NOMINAL. SIGHT FIELD ADJUSTMENTS MAY BE NECESSARY TO ALLOW FOR ACTUAL MATERIAL SIZES AND PRACTICABILITY OF CONVENTIONAL CONSTRUCTION METHODS, DETAILS AND NOTES NOT PROVIDED WITH THESE DRAWINGS SHOULD BE PROVIDED BY THE MFG., SUPPLIER, OR INSTALLATION CONTRACTOR SPECIFICALLY RELATED TO THAT PARTICULAR PHASE OF CONSTRUCTION.





NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2024-0002

Memo

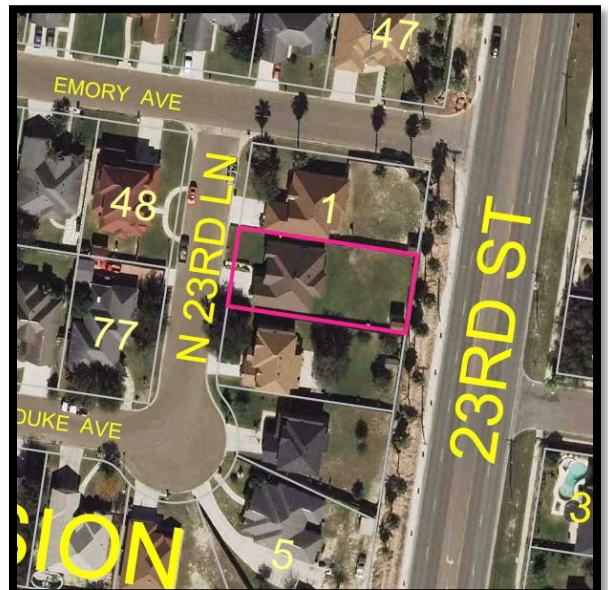
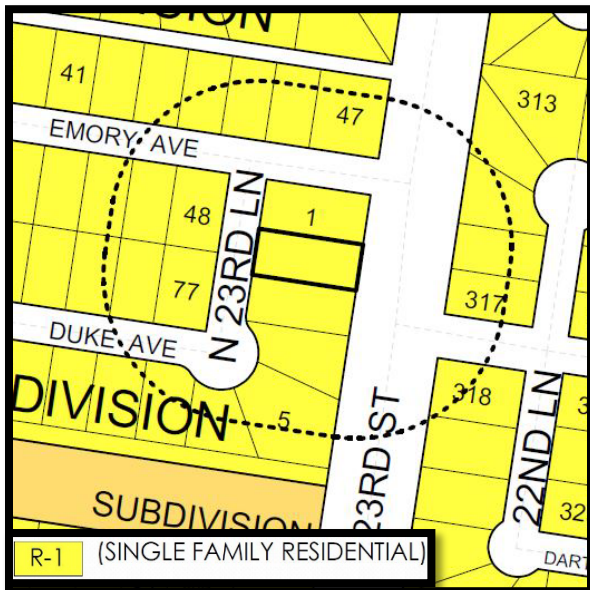
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: January 12, 2024

SUBJECT: REQUEST OF MARTIN RAMIREZ FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 15 FEET INTO THE 20 FOOT FRONT YARD SETBACK FOR AN EXISTING CARPORT MEASURING 20 FEET BY 22 FEET AT LOT 2, THE ROCKS SUBDIVISION, HIDALGO COUNTY, TEXAS; 8214 NORTH 23RD LANE. (ZBA2023-0123)

REASON FOR APPEAL: The applicant is requesting to encroach 15 feet into the 20 foot front yard setback for an existing carport that is being used for the protection of his family vehicles from the weather elements.



PROPERTY LOCATION AND VICINITY: The subject property is located along the east side of North 23rd Lane. The property is zoned R-1 (single family residential) District.

BACKGROUND AND HISTORY: The Rocks Subdivision was recorded May 26, 1998. The plat shows a 20 foot front yard setback and a 5 foot utility easement that runs concurrently along the front property line. An application for a building permit was submitted November 8, 2022. An abandonment application to abandon the 5 foot utility easement was submitted December 7, 2022, but was not approved by the City of McAllen. A non compliance notice was issued on May 6, 2023 for a carport structure built without a permit. The Special Exception application was submitted December 20, 2023.

ANALYSIS: The applicant is requesting to encroach 15 feet into the 20 foot front yard setback for an existing carport that is being used for the protection of the family vehicles from the weather elements. The applicant has five vehicles, and states that his garage is not sufficient to protect the multiple vehicles.

At the Zoning Board of Adjustments and Appeals meeting of November 15, 2023 the Board unanimously voted to approve a special exception for an encroachment of 14 feet into the 20 foot front yard setback for an existing carport measuring 15 feet by 20 feet at Lot 1, The Rocks Subdivision. The applicant proposed a reduction in the size of the carport for an encroachment of 14 feet into the 20 foot front yard setback.

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 disapproval of the Special Exception request since the house has an existing two car garage.

ZBA 2023-0123

ZBA-1/25/24



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project

Legal Description The Rocks Subdivision Lot 2

Subdivision Name The Rocks

Street Address 8214 N. 23rd Lane

Number of lots 1 Gross acres 0

Existing Zoning Residential Existing Land Use Residential

Reason for Appeal (please use other side if necessary) Please refer to the back of this form. Encroachment of 14.5' into 20' front yard setback.

☒ \$300.00 non-refundable filing fee + ☒ \$50.00 Recording Fee for Special Exception (carport)

☒ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

Applicant

Name Martin Ramirez Phone (956) 648-5664

Address 8214 N. 23rd Lane E-mail mangel.1969@hotmail.com

City McAllen State TX Zip 78504

Owner

Name Martin Ramirez Phone (956) 648-5664

Address 8214 N. 23rd Lane E-mail mangel.1969@hotmail.com

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.

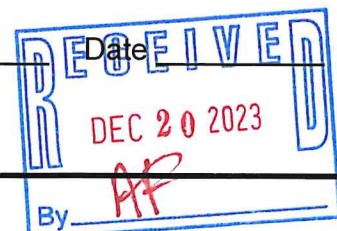
Signature Martin RamirezDate 12-19-2023Print Name Martin Ramirez☒ Owner ☐ Authorized Agent

Office

Accepted by Sgt

Payment received by _____

Rev 10/18



8810-8208-A-75



City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

18/02/1-ACOLS

Reason for Appeal

*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: (Please use an additional page if necessary to complete responses)

**Information provided here by the applicant does not guarantee that the Board will grant a variance.

***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.

1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:

We have multiple vehicles, two car garage is not enough to protect us from elements.

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

We have a 2 car garage, but we own 5 vehicles and we need the carport to shield us from the elements; extreme heat, hail, rain, etc. The last hail storm back in April our vehicles were not damaged because they were under the carport.

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 proposed open carport does not have any walls so it will not create an obstruction for our neighbors or anyone driving/walking in the subdivision.

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

Multiple vehicles, two car garage not enough.

Board Action

Chairman, Board of Adjustment
Signature

Date

Rev. 9/20



Planning department

Reason for appeal and Board Action

Reason for appeal:

To allow an encroachment of 14.5 feet into the 20 feet front yard setback for an existing metal carport. Right now, the carport measures 20 feet by 22 feet, invading the 5 feet utility easement. If the encroachment is approved, I will modify the carport to measure 14 feet by 22 feet staying off the 5 feet of utility easement.



ART SALINAS

ENGINEERING & SURVEYING

1524 DOVE AVENUE,

McALLEN, TEXAS 78504

PH: (956) 618-5565

FAX: (956) 618-5540

N. 23RD STREET
(F.M. 1926)

SCALE: 1"=20'

S8°42'30"W
62.5'

POWER POLE

OVERHEAD POWER LINE

POWER POLE

BLOCK WALL

GAS LINE

LOT 2
(9,062.5 S.F.)

TRANSFORMER

TELE. PED.

10' UTILITY
EASEMENT

6'x6' ESM'T. TO C.P. & L.
FOR TRANSFORMER SPACE

LOT 1

6' SIDE
SETBACK

LOT 3

6' SIDE
SETBACK

5' UTILITY
EASEMENT

LEGEND

- DENOTES FOUND 5/8" ROD
- DENOTES NO MONUMENT

S81°17'30"E

BRICK
RESIDENCE
F.F.=T/C+18.0"

COVERED
PORCH

POWER
BOX

N81°17'30"W

FIRE HYDRANT

18' GARAGE
SETBACK

B.O.C.

CONC. SLAB

62.5'
N8°42'30"E

N. 23RD LANE
(VOL. 33, PG. 85B, H.C.M.R.)

FLOOD CERTIFICATION: The property shown hereon lies in Zone C. Zone C areas are areas of "minimal flooding" and are not designated flood prone areas as per F.E.M.A. Flood Insurance Rate Map Panel Number 480334-0425-C dated 11-16-82.

PLAT NOTES:

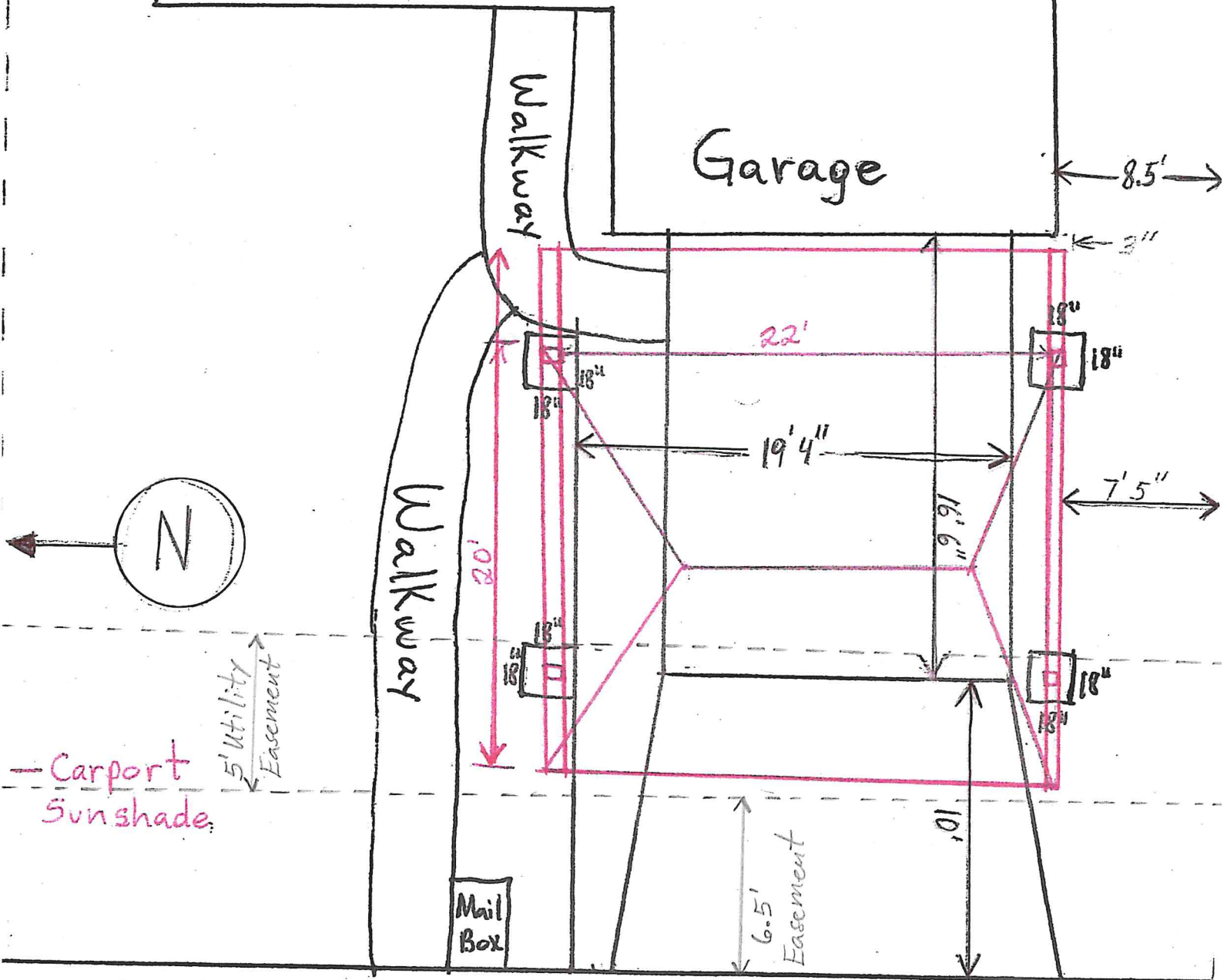
- There are no discrepancies, conflict or shortages in area or boundaries in area or boundary lines, any encroachments, or any overlapping of improvements except as shown or noted hereon.
- Blanket easements, rules, regulations and rights in favor of Hidalgo County Irrigation District No. 1.
- Blanket easement and Agreement in favor of Central Power and Light Company, dated March 12, 1938, filed June 19, 1938 under Document Number 887170 in the Official Records, Hidalgo County, Texas, to furnish, maintain and operate underground electric cables and other facilities as may appear upon the map attached thereto.
- Pipeline easement in favor of Coastal Transmission Corporation as shown by instrument dated July 3, 1957, recorded in Volume 893, Page 13, Dead Records of Hidalgo County, Texas. (Blanket)
- This plat is for the exclusive use of the client named hereon, the title company in connection with G.F.# 71,938 and the respective lender thereof. The undersigned surveyor is not responsible to any others for any loss resulting therefrom.
- Beating Basis: "THE ROCKS SUBDIVISION"

BORROWERS: MARTIN RAMIREZ and wife, DIANA RAMIREZ

This is the actual carport

1 Story Residence

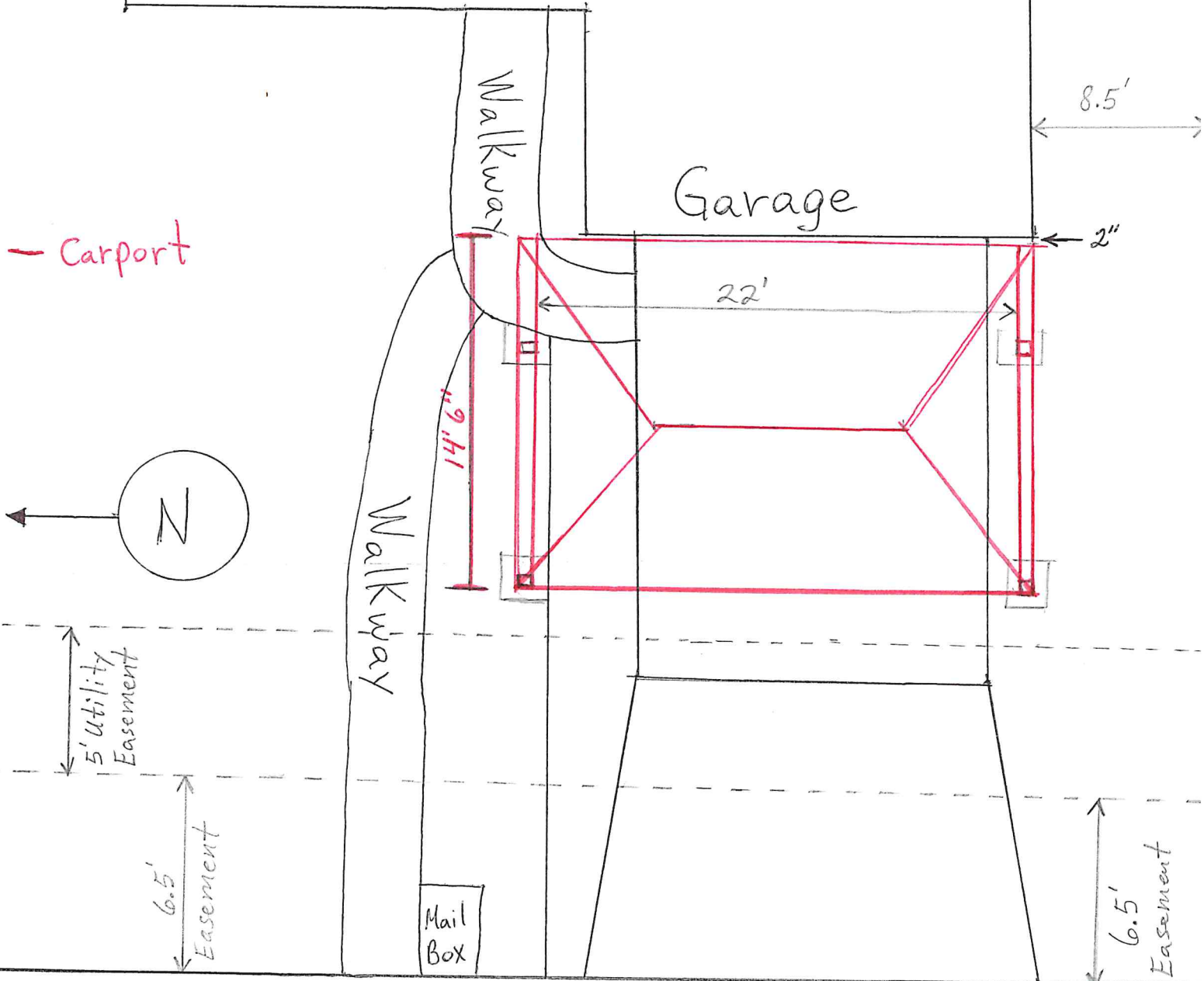
1 Story Residence



N. 23rd Lane

New proposed carport; staying
off of the utility easement.

1 Story Residence



N. 23rd Lane



NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2023-0123

8214

2024 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

	01/11/24	01/25/24	02/07/24	02/21/24	03/06/24	03/20/24	04/03/24	04/17/24	05/08/24	05/22/24	06/05/24	06/19/24	07/10/24	07/24/24	08/07/24	08/21/24	09/12/24	09/26/24	10/09/24	10/23/24	11/05/24	11/20/24	12/04/24	12/18/24
JOSE GUTIERREZ- CHAIRPERSON	A	P																						
ANN TAFEL- VICE-CHAIRPERSON	P	P																						
HUGO AVILA	P	P																						
ROGELIO RODRIGUEZ	A	P																						
HIRAM A. GUTIERREZ	P	P																						
JUAN MUJICA (ALT 4)	P	P																						
PABLO D. GARCIA (ALT 2)	P	A																						
ALEX A. LAMELA (ALT 3)	A	P																						

P - PRESENT

A - ABSENT

 **NEW APPOINTMENT**

MC - MEETING CANCELLED

NRM - NO MEETING

LOQ - LACK OF QUORUM

RS - RESIGNATION