AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING THURSDAY, JANUARY 11, 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 December 20, 2023

2. PUBLIC HEARINGS:

- a) Request of Elda Langoni for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 20 feet front yard setback for an existing metal carport measuring 20 feet by 12 feet, at Lot 37, La Lomita States Subdivision, Hidalgo County, Texas; 2913 La Vista. (ZBA2023-0116)
- b) Request of Maria Elena Garza for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 12 feet into the 20 feet front yard setback for a proposed metal carport measuring 20 feet by 20 feet, at Lot 28, Linda Vista Subdivision, Hidalgo County, Texas; 2538 Lindberg Avenue. (ZBA2023-0117)
- c) Request of Thirumurugan Gopalasamy, for a Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 9.75 feet into the 25 feet rear yard setback for a proposed covered patio at Lot 28, The Embers Subdivision, Hidalgo County, Texas; 305 Cornell Avenue. (ZBA2023-0120)
- d) Request of Dennis Steele, for Variances to the City of McAllen Zoning Ordinance to allow:
 1) an encroachment of 4.5 feet into the 10 feet rear yard setback and 5 feet into the 10 feet east side yard setback for an existing swimming pool, 2) an encroachment of up to 10 feet into the 10 feet east side yard setback for an existing covered patio and barbecue grill area, and 3) an encroachment of 4.8 feet into the 10 feet rear yard setback and 3.6 feet into the 6 feet west side yard setback for an existing shed at Lot 23, Brookwood Subdivision Unit 2, Hidalgo County, Texas; 4101 Zinnia Avenue. (ZBA2023-0119)
- e) Request of Ramiro Ramirez for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 20 feet front yard setback for an existing carport measuring 19 feet by 19 feet, at Lot 53, Arthur Terrace Subdivision, Hidalgo County, Texas; 6304 North 36th Street. (ZBA2023-0103) (TABLED: 12/20/2023)
- f) Request of Gerardo Morales, for a Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 17 feet into the 18 feet rear yard setback and 6 feet into the 6 feet east side yard setback for an existing pergola at Lot 65, Spanish Oaks @ Frontera Subdivision, Hidalgo County, Texas; 705 Grambling Avenue. (ZBA2023-0118)

3. FUTURE AGENDA ITEMS

- a) 2001 Newport Avenue
- b) 1701 Wisteria Avenue
- c) 8214 North 23rd Street
- **d)** 3101 Highway 83
- e) 2600 Trenton Road
- f) 12505 North 40th Street
- g) 3305 Whetstone Avenue
- h) 3500 Ventura Avenue
- i) 12509 North 40th Street
- j) 4012 Ventura Avenue
- k) 12500 North 40th Street
- I) 12606 North 33rd Lane
- m) 3300 Wolf Creek Avenue
- n) 3700 Ventura Avenue
- o) 3302 Wolf Creek Avenue
- p) 3300 Whetstone 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, December 20, 2023 at 4:33 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present: Jose Gutierrez Chairperson

Ann Tafel Vice-Chairperson

Hugo Avila Member Alex Lamela Alternate

Absent: Rogelio Rodriguez Member

Hiram A. Gutierrez Member Juan Mujica Alternate Pablo Garcia Alternate

Staff Present: Benito Alonzo Assistant City Attorney I

Michelle Rivera Assistant City Manager

Edgar Garcia Planning Director Rodrigo Sanchez Senior Planner Omar Sotelo Senior Planner

Natalie Moreno 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 November 1, 2023.
- b) Minutes for the meeting held on December 6, 2023

The minutes for the meeting held on November 1, 2023 and December 6, 2023 were approved. The motion to approve the minutes were made by Vice-Chairperson Ann Tafel. Mr. Hugo Avila seconded the motion, which carried unanimously with four members present and voting.

2. PUBLIC HEARINGS:

a) Request of Christian Leonardelli for the following Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 14 feet into the 25 feet rear yard setback for a proposed swimming pool measuring 29 feet by 13 feet, at Lot 29, Campo de Suenos Subdivision, Hidalgo County, Texas; 8508 North 33rd Lane. (ZBA2023-0102)

Ms. Moreno stated the applicant was requesting to allow the above-mentioned encroachment for a proposed rectangular shaped swimming pool measuring 29 feet by 13 feet with an encroachment of 14 feet into the 25 feet rear yard setback. The applicant states the required 25 feet rear yard setback leaves insufficient space for the construction and thus compels the encroachment.

The subject property was located along the east side of North 33rd Lane between North

33rd Lane and North 33rd Street. The irregular shaped Lot has 58.79 feet of frontage along North 33rd Lane and a depth of 112.84 feet at its deepest point for a total Lot size of 7,656 square feet. The property was zoned R-1 (single family residential) District. There was R-1 District in all directions except to the east across North 33rd Street; there was A-O (agricultural & open space) District.

Campo De Suenos Subdivision was recorded on January 20, 2021. The plat states the rear yard setback is 25 feet for double fronting lots. A special exception request application was submitted on November 10, 2023.

Lots 25-29 along this Block on Campo De Sueno Subdivision have double frontage along North 33rd Lane and North 33rd street, have a required 25 feet front, and rear yard setbacks.

The applicant stated that a contractor was hired to build an in ground swimming pool at the rear of the property. In April 2023, the contractor began excavation for the swimming pool but construction was never completed. The applicant hired a different contractor and subsequently learned that an application for a swimming pool permit had never been submitted and the excavation area encroached into the 25 feet rear yard setback.

City Ordinance Section 138-367 (b) states, "where lots have double frontage...a required front yard shall be provided on one street only." The submitted site plan shows the existing residence is in compliance with the 25 feet front yard setback along North 33rd Lane. However, an approved variance is still necessary to resolve the plat note setback requirement of 25 feet for the rear yard.

A 10 feet utility easement and 1-foot technology easement adjacent to the rear property line of Lot 29, run concurrently with the 25 feet rear yard setback but will not be impacted by the proposed encroachment.

A review of Planning Department records did not reveal any variances granted for swimming pools within this subdivision.

Measurements provided are without benefit of a survey.

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

Staff recommended approval of the variance request since the required front yard has 25 feet along North 33rd Lane and was in compliance with the City of McAllen Zoning Ordinance requirement for double fronting lots.

Vice-Chairperson Tafel asked staff if the fence in the back was within the property line and did it interfere with any utility lines. Ms. Moreno stated yes, the fence was within their property line and that it did not interfere with any utility lines.

Mr. Christian Leonardelli, the applicant stated his address as 8508 North 33rd Lane.

Chairperson Gutierrez asked the applicant when the first contractor he hired started the excavation, did he request a permit. Mr. Leonardelli stated when he signed the contract the contractor said he was going to take care of all the permits needed. He stated the contractor bailed out in the middle of the job along with most of his money. The second

contractor he hired gave him the bad news that the excavation was done over the boundary lines.

Chairperson Gutierrez mentioned to the applicant that were four members present and should be five. He asked the applicant if he wanted to proceed with his presentation. Being there were four Board members and if one votes against it, his case would not be approved. He gave the applicant a chance to table it until the next meeting when there would be five members present. Mr. Leonardelli stated he wanted to move forward with the process.

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

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

Following discussion, Vice-Chairperson Ann Tafel <u>moved</u> to approve the variance request per staff's recommendation. Mr. Hugo Avila seconded the motion. The Board voted to approve the variance request with four members present and voting.

b) Request of Ramiro Ramirez for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 20 feet front yard setback for an existing carport measuring 19 feet by 19 feet, at Lot 53, Arthur Terrace Subdivision, Hidalgo County, Texas; 6304 North 36th Street. (ZBA2023-0103)

Ms. Moreno stated the applicant was requesting to allow an encroachment of 20 feet into the 20 feet front yard setback for an existing carport. The applicant is requesting the carport to remain for protection of the family's vehicles from adverse weather elements.

The subject property was located along the east side of North 36th Street between North 35th Street and North 36th Street. The Lot had 68 feet of frontage along North 36th Street and a depth of 100 feet for a total Lot size of 6,800 square feet. The property is zoned R-1 (single family residential) District. There is R-1 District in all directions except to the west across North 36th Street there is C-2 (neighborhood commercial) District and is the site for El Rodeo Meat Market and El Rodeo Taco Express Restaurant.

Arthur Terrace Subdivision was recorded on June 22, 1982. The plat states a front yard setback of 20 feet. A stop work order was issued on June 10, 2023 for a carport built without a permit. A building permit application was submitted on September 22, 2023. A Special Exception request application was submitted on November 15, 2023.

The Special Exception request is for an existing metal carport that encroaches 20 feet into the 20 feet front yard setback. The applicant would like the carport to remain in order to provide protection from adverse weather conditions such as hail, rain and excessive sunlight, for the family's vehicles.

There was an existing two-car garage, which the applicant stated was used to park his daughter's vehicle(s).

The property owner stated that a contractor was hired for the construction of the carport, but subsequently learned that building permits had not been obtained.

Front yard setbacks help keep the character of single-family residential areas by maintaining the street yard and curb appeal of properties in a subdivision.

There is no alley at the rear of the property that would allow for relocation of the carport out of the front yard setback.

Special Exceptions are issued to and recorded for the present applicant/owner only. A change in ownership would require the new owner to apply for a Special Exception.

A photo of the carport suggests that the structure may be encroaching, even though slightly, into the right of way, but measurements provided are without the benefit of a survey.

During a site visit of Arthur Terrace Subdivision, Staff noticed there were 2 carports with possible encroachments along North 36th Lane at Lots 22 and 23. A review of Planning Department records did not reveal any application for building permits or Special Exceptions granted for these existing carports on these Lots.

Staff had received a letter signed by three residents in support of this Special Exception request.

Staff recommended disapproval of the Special Exception request since there are no other carports along North 36th Street between Lark and Gull Avenues. If the Board approves the request, approval should be limited to the encroachment shown on the submitted site plan.

Vice-Chairperson Tafel asked staff if there were other carports in the area. Ms. Moreno stated in the subdivision there were two but along that street, there were not any carports.

Mr. Ramiro Ramirez, 6304 North 36th Street. He stated he hired a builder that apparently obtained a permit. The contractor came to Mr. Ramirez and informed him that his father had passed away and asked for the money to prepare for his burial. He paid the builder the money never returning to finish the job. He only thing put the beams. Mr. Ramirez wanted the two-car carport for the inclement weather and family gatherings. He put marble around the posts to make it sturdier.

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

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

Board member Avila asked staff on the three people who signed in favor of the carport, were their addresses listed. Staff stated they were provided with only two addresses of the three people. Staff stated they were the two neighbors next to him. The third one was in a different subdivision with possibly a wrong address.

Following discussion, Vice-Chairperson Ann Tafel **moved** to disapprove the special exception. There was no second motion, the motion died.

Legal, Benito Alonzo stated as per the Code it was allowed for the Board to proceed

forward with four members with the meeting today. Moving forward against City staff's recommendation to approve it, would need a vote of a super majority of the Board and under State Law the voting power of the full five members of the Board. Even though four members are present, it does require a super majority to go against City staff's recommendation a concurrence of four members to approve it. The applicant can request to table the item to be heard by a full five member Board.

Chairperson Gutierrez asked the applicant if he would like to have the item tabled or proceed further with the four members present. The applicant requested the item to be tabled.

Following discussion, Mr. Hugo Avila <u>moved</u> to table the special request until the next meeting. Mr. Alex Lamela seconded the motion. The Board voted to table the special exception with four members present and voting.

3. FUTURE AGENDA ITEMS:

- a) 2913 La Vista Avenue
- b) 2538 Lindberg Avenue
- c) 705 Grambling Avenue
- d) 4101 Zinnia Avenue
- e) 305 Cornell Avenue
- f) 12505 North 40th Street
- g) 3305 Whetstone Avenue
- h) 3500 Ventura Avenue
- i) 12509 North 40th Street
- j) 4012 Ventura Avenue
- **k)** 12500 North 40th Street
- I) 12606 North 33rd Lane
- m) 3300 Wolf Creek Avenue
- n) 3700 Ventura Avenue
- o) 3302 Wolf Creek Avenue
- **p)** 3300 Whetstone Avenue

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

Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: December 28, 2023

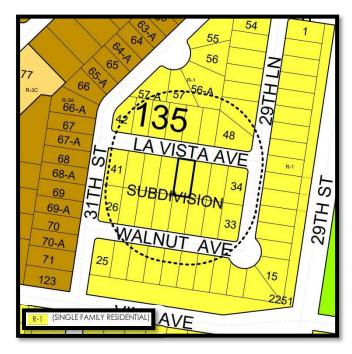
SUBJECT: REQUEST OF ELDA LANGONI FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN

ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 20 FEET INTO THE 20 FEET FRONT YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 20 FEET BY 12 FEET, AT LOT 37, LA LOMITA ESTATES SUBDIVISION, HIDALGO COUNTY, TEXAS; 2913

LA VISTA. (ZBA2023-0116)

REASON FOR APPEAL: The applicant is requesting a special exception to encroach 20 feet into the 20 feet front yard setback for an existing carport measuring 20 feet by 12 feet to protect their vehicles from inclement weather conditions.

PROPERTY LOCATION AND VICINITY: The subject property is located along the east side of La Vista Avenue and between North 31st Street and North 29th Lane. The property is zoned R-1 (single family residential) District. The adjacent zoning is R-1 District in all directions.





BACKGROUND AND HISTORY: La Lomita Estates Subdivision was recorded on July 20, 1982. The plat shows a 20-foot front yard setback for the subdivision. The house was built in 1991 without a car garage. A stop work order was issued on November 1, 2023 for building a carport without a building permit. On November 20, 2023 the applicant applied for a building permit to finish building the carport. However, the permit was disapproved because the existing carport was encroaching into the front yard setback. On November 20, 2023 a special exception application was submitted to resolve the encroachment of 20 foot into the 20-foot front yard setback.

ANALYSIS: The applicant has applied for a special exception to allow an encroachment of 20 foot into the 20-foot front yard setback for an existing carport measuring 20 feet by 12 feet. The applicant states that the carport is needed to protect their vehicles from inclement weather conditions.

The applicant states that the house was built without a car garage. The existing carport was originally built without a building permit. Site visit by staff revealed that carports in the subdivision are common.

A review of Planning Department records revealed that between October 2019 and November 2022 the Zoning Board of Adjustments and Appeals approved five similar special exception requests. The requests were for Lots 43, 44 and 45 which are located in the same block along the north side of La Vista Avenue. The other similar Special Exception requests approved for Lots 53 and 61-A of this same subdivision for encroachments of 20 feet and 14 feet into the front yard setback, respectively.

At the Zoning Board of Adjustment and Appeals meeting of March 3, 2022 the Board approved a special exception request to allow an encroachment of 20 feet into the 20 feet front yard setback for an existing carport at Lot 43.

At the Zoning Board of Adjustment and Appeals meeting of December 1, 2021 the Board approved a special exception request to allow an encroachment of 20 feet into the 20 feet front yard setback for an existing carport at Lot 44.

At the Zoning Board of Adjustment and Appeals meeting of January 5, 2022 the Board approved a special exception request to allow an encroachment of 19 feet into the 20-foot front yard setback for an existing metal carport at Lot 45.

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.

Measurements provided are without benefit of a survey.

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 in the past the Board has approved similar request within this subdivision.

City of McAllen Planning Department APPEAL TO ZONING BOARD OF

APPEAL TO ZONING BOARD OF (956) 6
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)

A TOTAL DE SELECTION OF THE SELECTION OF	_
Case Number: 7847013-0110 ZBOA Meeting: 1-11-24 Routed	
Receipt No:	
PROJECT	
Legal Description La Lomita States, Lot 37	
Subdivision Name La Lomita States	
Street Address 2913 La Vista	
Number of lotsGross acres	
Existing ZoningExisting Land Use	
Reason for Appeal (please use other side if necessary) encroothing 20	
into front yard set back for 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 <u>Fldu Junyogi</u> Phone 956 225 4242	
Address 2913 La Vista E-mail	
City McAlles State Zip	
OWNER	
NamePhone	
AddressE-mail	
CityStateZip	
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	1

Date 11-20-23

☐ Authorized Age

Owner

of such authoriza

Planning Department REASON FOR APPEAL & BOARD ACTION

Reason for Appeal	*A variance will not be granted to relieve a self-created or personal hardship, nor shall, it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: (Please use an additional page if necessary to complete responses) **Information provided here by the applicant does not guarantee that the Board will grant a variance. ***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below. 1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land: Sun profection, rain hail 2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner: We were fold that 20' from curb a Permit was not preded and this is why We need fo guilding the detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area: This is not in any way a neighbor's distributions.			
	Describe special conditions that are unique to this applicant or property:			
	Do not have a garage and, with heat in the Valley and rain this is very much needed. We are in our 70's and need			
Board Action	Chairman, Board of Adjustment Date Signature ————			
Ď	Rev. 9/20			







Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: December 27, 2023

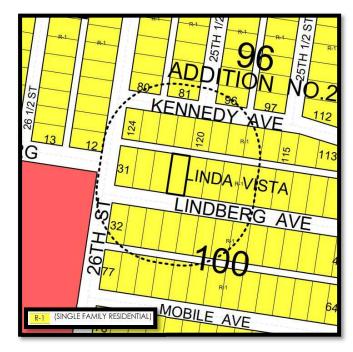
SUBJECT: REQUEST OF MARIA ELENA GARZA FOR A SPECIAL EXCEPTION TO THE CITY OF

MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 12 FEET INTO THE 20 FEET FRONT YARD SETBACK FOR A PROPOSED METAL CARPORT MEASURING 20 FEET BY 20 FEET, AT LOT 28, LINDA VISTA SUBDIVISION, HIDALGO COUNTY, TEXAS; 2538

LINDBERG AVENUE. (ZBA2023-0117)

REASON FOR APPEAL: The applicant is requesting a special exception to encroach 12 feet into the 20 feet front yard setback for a proposed metal carport measuring 20 feet by 20 feet to protect their vehicles from potential sun and hail damage.

PROPERTY LOCATION AND VICINITY: The subject property is located along the west side of Lindberg Avenue between South 25th and South 26th Streets. The property is zoned R-1 (Single Family Residential) District. The adjacent zoning include R-1 district in all directions.





BACKGROUND AND HISTORY: Linda Vista Subdivision was recorded on December 16, 1957. The plat shows a 20-foot front yard setback for the subdivision. The house was built in 1980 without a car garage. A building permit application was submitted on October 5, 2023 to build a carport. However, the permit application was not approved since the submitted site plan showed the carport encroaching into the 20 feet front yard setback. On November 21, 2023 a special exception application was submitted to resolve the encroachment of 12 feet into the 20-foot front yard setback.

ANALYSIS: The applicant is requesting a special exception to encroach 12 feet into the 20 feet front yard setback for a proposed metal carport measuring 20 feet by 20 feet to protect their vehicles from potential sun and hail damage.

The applicant states that the property was built without car garage. As mentioned by the applicant, the special exception request is necessary because the carport will protectant their vehicles from sun damage.

According to the site plan submitted, the proposed carport will comply with the maximum square footage allowed for a carport and it will only encroach 12 feet into the 20 feet front yard setback. No other Special Exceptions has been approved within this block range in Linda Vista Subdivision, however, there may be other carports throughout this subdivision since this is an older residential neighborhood area.

At the Zoning Board of Adjustment and Appeals meeting of July 5, 2018 the Board approved a variance request to allow an existing carport encroachment of 15 feet into the 20-foot front yard setback at Lot 62, Linda Vista Subdivision.

During a site visit, staff noticed other encroachments along the front and rear within Linda Vista Subdivision.

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

Measurements provided are without benefit of a survey.

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 since there are existing encroachments which are characteristic of the area.

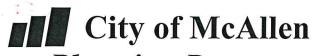
ZBA 1.11.24

City of McAllen

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

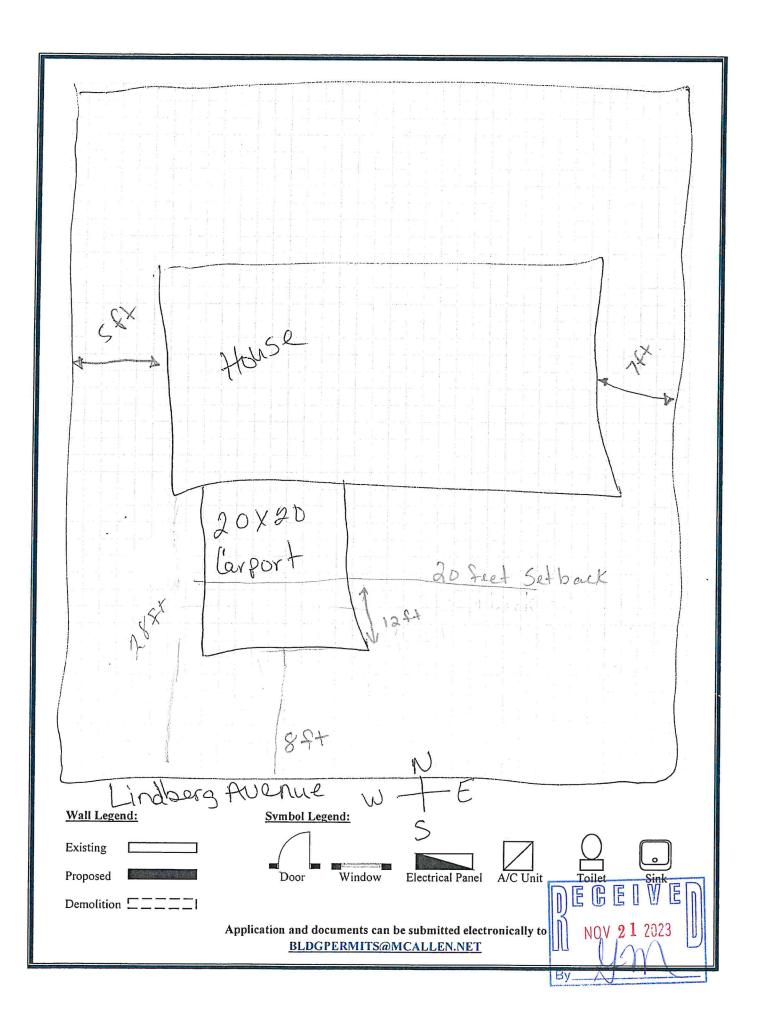
Planning Department APPEAL TO ZONING BOARD OF

	ADJUSTMENT TO MCALLEN ZONING ORDINANCE
	Legal Description Linda Vista Lot 28
Project	Street Address Street Address Number of lots Existing Zoning Existing Land Use Exist
Applicant	Name Maria Elena Garza Phone 956-457-2438 Address 3538 Lindberg Aue E-mail garza 28@ jahon. Com City MCAllen State TR zip 1850
Owner	Name (Same) Phone
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? Yes I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization. Signature Date Date
∢	Print Name Maria Elena Garza Downer Douthoffzed Agente



Planning Department REASON FOR APPEAL & BOARD ACTION

Reason for Appeal	"A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: (Please use an additional page if necessary to complete responses) "Information provided here by the applicant does not guarantee that the Board will grant a variance. "Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below." 1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land: A for profection from Sun and houl in garage in 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: Rapical to build a Carpert with this process. 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: No it will not affect any Property Carpert 4. Describe special conditions that are upique to this applicant or property: 1. Describe special conditions that are upique to this applicant or property: 1. Describe special conditions that are upique to this applicant or property: 1. Describe special conditions that are upique to this applicant or property: 1. Describe special conditions that are upique to this applicant or property: 1. Describe special conditions that are upique to this applicant or property: 1. Describe special conditions that are upique to this applicant or property: 1. Describe special conditions that are upique to this applicant or property: 1. Describe special conditions that are upique to this applicant or property:
Action	8
Board Action	Chairman, Board of Adjustment Date Signature
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Planning Department

Memo

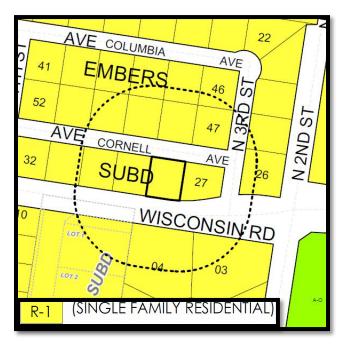
TO: Zoning Board of Adjustment & Appeals

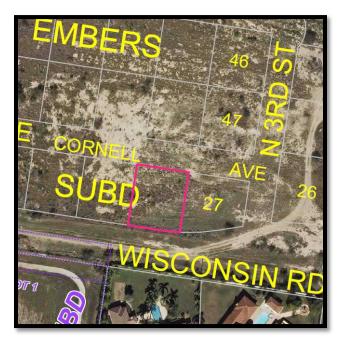
FROM: Planning Staff

DATE: December 26, 2023

SUBJECT: REQUEST OF THIRUMURUGAN GOPALASAMY, FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 9.75 FEET INTO THE 25 FEET REAR YARD SETBACK FOR A PROPOSED COVERED PATIO AT LOT 28, THE EMBERS SUBDIVISION, HIDALGO COUNTY, TEXAS; 305 CORNELL AVENUE. (ZBA2023-0120)

REASON FOR APPEAL: The applicant is requesting to encroach 9.75 feet into the 25 feet rear yard setback for a proposed covered patio that will be used for the enjoyment of the pool and outdoor area.





PROPERTY LOCATION AND VICINITY: The subject property is located between Cornell Avenue and Wisconsin Road. The property is zoned R-1 (single family residential) District. There is R-1 District in all directions.

BACKGROUND AND HISTORY: The Embers Subdivision was recorded June 6, 2016. The plat notes state a 25 foot rear yard setback for Lots 1-5 and 23-32. The plat shows a 15 foot utility easement adjacent to the rear property line. A building permit application was submitted November 9, 2023. An application for a Variance request was submitted December 14, 2023.

ANALYSIS: The applicant is requesting to encroach 9.75 feet into the 25 feet rear yard setback for a proposed covered patio measuring 17 feet by 21.66 feet that is part of a proposed single family residence. The subject property has double frontage along Cornell Avenue and Wisconsin Road. City

Ordinance Section 138-367(b) states "when lots have double frontage... a required front yard shall be provided on one street only. The submitted site plan shows the proposed construction will be in compliance with the 25 feet front yard setback along Cornell Avenue.

At the Zoning Board of Adjustment and Appeals meeting of May 17, 2023, the Board approved a variance request for the subject property to allow an encroachment of 5 feet 7 inches into the 25 feet rear yard setback for a swimming pool.

A 15 foot utility easement adjacent to the rear property line of Lot 28, runs concurrently with the 25 foot rear yard setback but will not be impacted by the proposed construction.

RECOMMENDATION: Staff is recommends approval of the Variance request since the required front yard has 25 feet and is in compliance with the City of McAllen Zoning Ordinance requirements for double fronting Lots.

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: ZBA2013-O170 ZBOA Meeting:
PROJECT
Legal Description 20+ 28, the Embes Subdivision
Subdivision Name The Enbers Subdivision
Street Address 305 COYNEII AVE
Number of lots Gross acres Existing Zoning Single Family Overlage Existing Land Use Single Family Overlage Family Over
Name Throngran bopalsony Phone 956-792-3064 Address 401 Daning Ave, Apt #4 E-mail thing 77 a gnal.com City Ednows State Tx Zip 72539
<u>OWNER</u>
Name Thursday box box box Phone 956 - 792 - 3064 Address 401 Powny the April 4 E-mail thing 178 gns. 1. com City Edusia. State Tx Zip 725 39
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
Print Name THRUMURUGAN GOPALDSAMY DOwner DAuthorized Agent

APPLICATION

ON MY BEHALF.

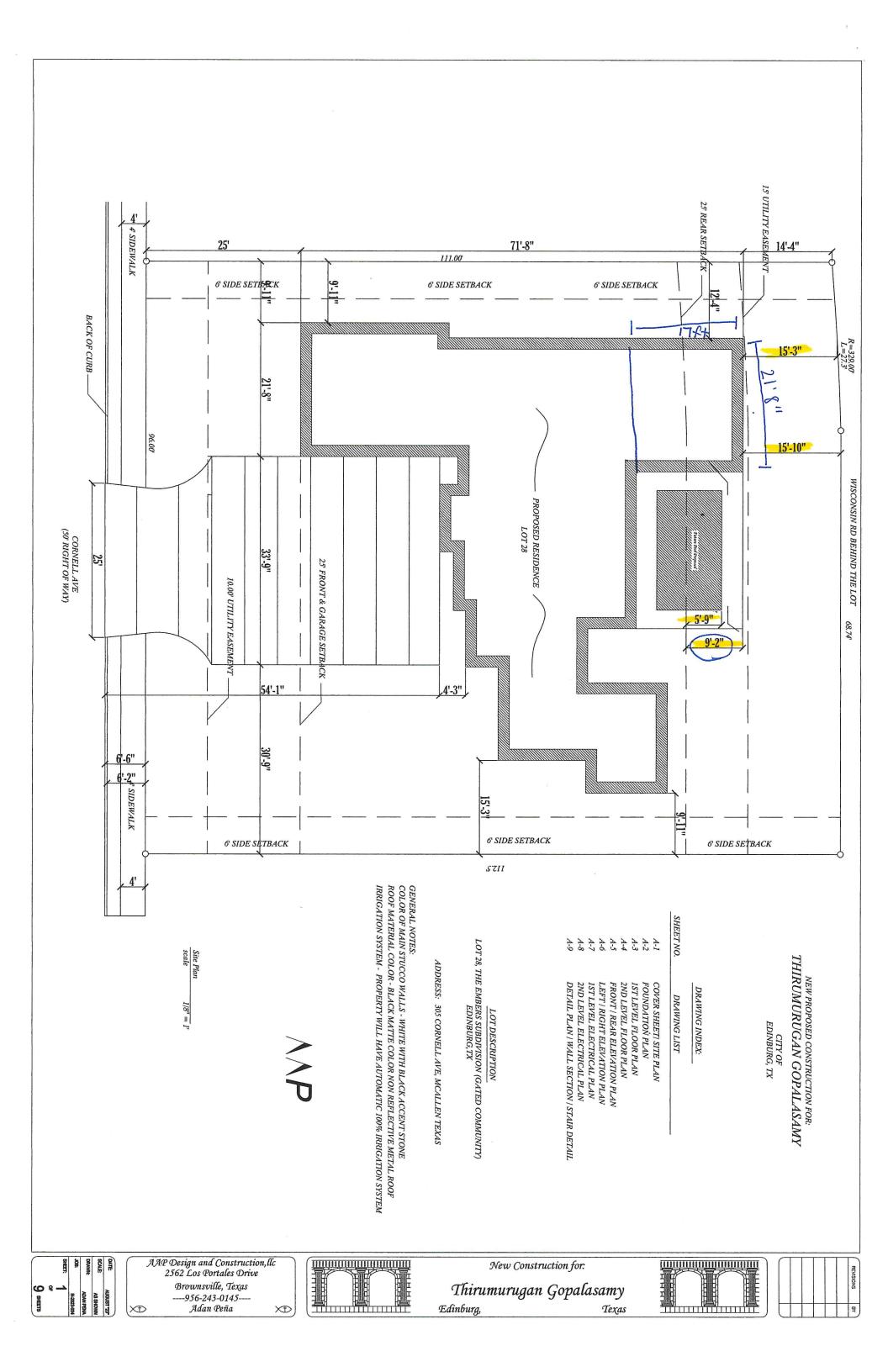
☐ Authorized Agent

TO SUBMIT THE

City of McAllen

Planning Department REASON FOR APPEAL & BOARD ACTION

oeal	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: To add a patto in the Year Sethack, and to
Reason for Appea	2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner: 3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:
	4. Describe special conditions that are unique to this applicant or property:
	Hes a 25' setback in Front and the back also has a 25' setback. We will not encroach writing essement
Board Action	Chairman, Board of Adjustment Date Signature Rev. 9/20







Planning Department

Memo

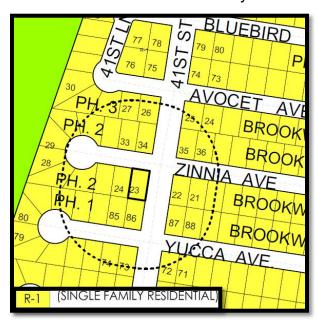
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: December 28, 2023

SUBJECT: REQUEST OF DENNIS STEELE, FOR VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) AN ENCROACHMENT OF 4.5 FEET INTO THE 10 FEET REAR YARD SETBACK AND 5 FEET INTO THE 10 FEET EAST SIDE YARD SETBACK FOR AN EXISTING SWIMMING POOL, 2) AN ENCROACHMENT OF UP TO 10 FEET INTO THE 10 FEET EAST SIDE YARD SETBACK FOR AN EXISTING COVERED PATIO AND BARBECUE GRILL AREA, AND 3) AN ENCROACHMENT OF 4.8 FEET INTO THE 10 FEET REAR YARD SETBACK AND 3.6 FEET INTO THE 6 FEET WEST SIDE YARD SETBACK FOR AN EXISTING SHED AT LOT 23, BROOKWOOD SUBDIVISION UNIT 2, HIDALGO COUNTY, TEXAS; 4101 ZINNIA AVENUE. (ZBA2023-0119)

REASON FOR APPEAL: The applicant is requesting to encroach 4.5 feet into the 10 feet rear yard setback and 5 feet into the 10 feet east side yard setback for an existing swimming pool, 2) an encroachment of up to 10 feet into the 10 feet east side yard setback for an existing covered patio and barbecue grill area, and 3) an encroachment of 4.8 feet into the 10 feet rear yard setback and 3.6 feet into the 6 feet west side yard setback for an existing shed.





PROPERTY LOCATION AND VICINITY: The subject property is located at the southwest corner of Zinnia Avenue and North 41st Street, and is Zoned R-1 (single family residential) District. There is R-1 District in all directions.

BACKGROUND AND HISTORY: Brookwood Subdivision Unit 2 was recorded November 24, 1998. The plat notes show a 10 foot minimum building setback line. The plat also shows a 10 foot utility easement adjacent to the rear property line that runs concurrently with the rear yard setback. A stop

work order was issued May 31st, 2023. A citation was issued June 2nd, 2023. A building permit for the swimming pool was submitted November 28th, 2023 but was not approved. An abandonment of a 10 foot utility easement was submitted August 8, 2023, but did not receive approval by AEP Texas. An application for a Variance request was submitted December 6,2023.

ANALYSIS: The applicant stated that the contractor that was hired (Flamingo Pools) told them that they would get all of the necessary permits for the swimming pool. The contractor applied for the permit but it was not approved since the proposed pool was going to encroach into the rear and side yard setback. The contractor disregarded and continued to build the pool anyways without the permit.

A review of Planning Department records revealed one other variance request granted within the subdivision.

At the Zoning Board of Adjustments and Appeals meeting of June 18, 2014 the Board unanimously voted to approve a variance for a front yard setback of 10.8 feet instead of 20 feet for a single family home, and a rear yard setback of 2 feet instead of 10 feet for a storage building at Lot 29.

There is a 10 foot utility easement that runs through the rear of the property.

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

RECOMMENDATION: Staff recommends approval of the requested variances since the financial cost of compliance may be greater than 50% of the appraised value of the structures and this may result in an unecessary hardship.

City of McAllen

Planning Department APPEAL TO ZONING BOARD OF

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

311 North 15th Street

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

Case Number: 46420		Meeting: 1-11-2029	_ Routed
Receipt No: 36 Accepted by: P:	S: Customer	Acknowledgment (Int.):	☐ Scanned
	_ S Customer	reknowledgment (mt.).	
PROJECT Legal Description	Brookwood o	unit 2 Lot 23	. ·
Subdivision Name	Brookwood		
Street Address	4/101 Linna	Hu.	
Number of lots	Gross acres	sting Land UseRes	
Reason for Appeal (please	use other side if necessary)		
\$300.00 non-refundable	e filing fee +□ \$50.00 Recordii	ng Fee for Special Exception (carport	t)
☐ Current Survey and Me	tes and Bounds (if the legal de	escription of the tract is a portion of a	lot) is required
APPLICANT Name <u>Venna</u> Address <u>4/0/</u> City <u>MoRa</u>	Visiona Ave Um State 7	Phone 814 - 218 - E-mail <u>Jenrstee</u> TX Zip <u>7850</u>	
Name Nennis + Address 4101 City My Aller	Evangelina Steck Zinna Ave State I	Phone <u>814-218-1747</u> E-mail <u>Nenssteele B</u> Zip <u>78504</u>) 814-218 7724 Dg Mail-Com
AUTHORIZATION			
utilization of the prope I certify that I am the a consent (include corpo	erty in the manner indicated? Yes actual owner of the property de orate name if applicable)	estrictions, restrictive covenants, etc. No escribed above and this application is application and have attached write	s being submitted with my
Print Name Den.	nis Steele	□-Owner □ Authorized	Agent DEC 0 6 2023

City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

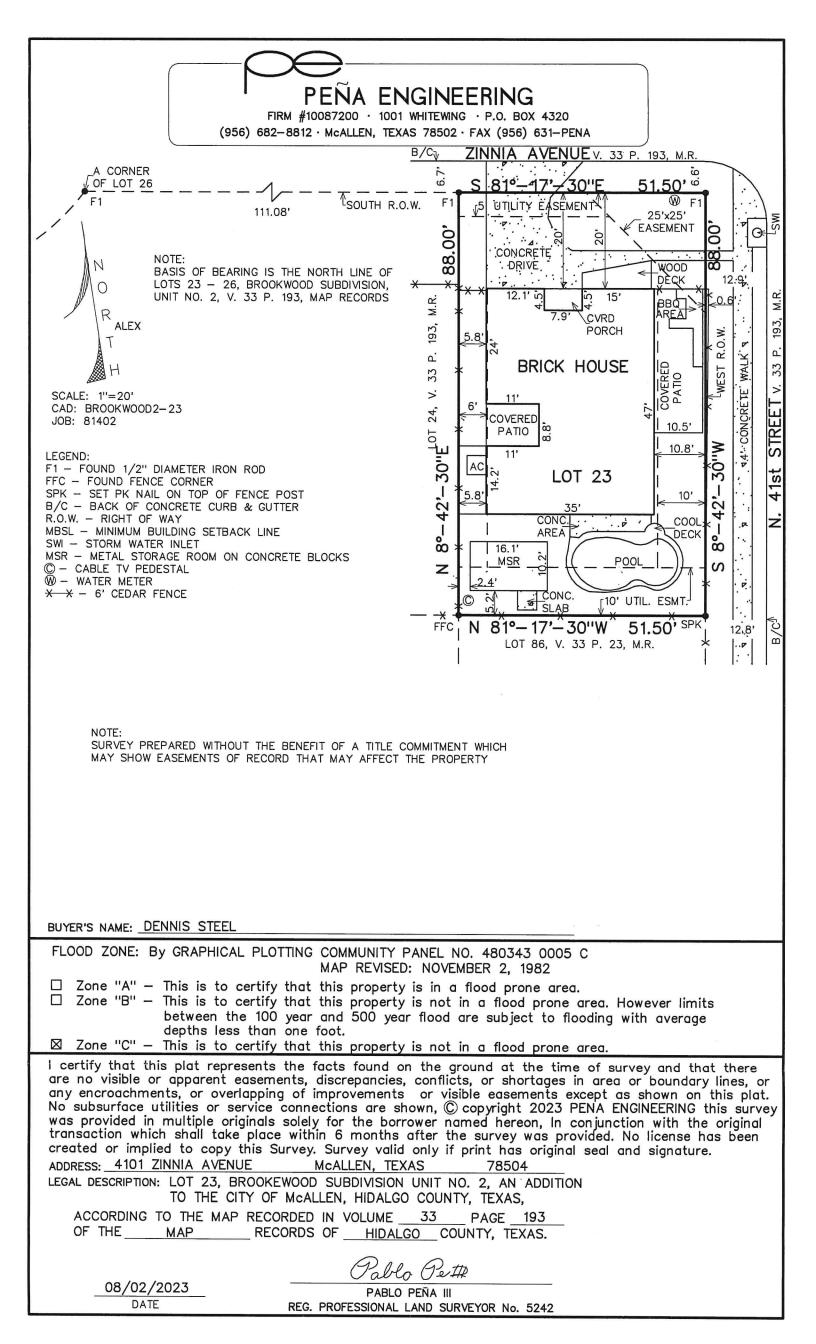
*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of

Reason for Appeal	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: Other Internation provided here by the applicant of the reasonable use of the land: Other Internation of the provisions required would deprive the applicant of the reasonable use of the land: Other International Communication of the provisions required would deprive the applicant of the reasonable use of the land: Other International Communication of the provisions required to provide responses to all the stress of the provisions required to provide responses to all the stress of the land: Other Internation of the provision of the provisions required to provide responses to all the stress of the provisions required to provide responses to all the stress of the stress of the land. Other Internation of the provision of the provisions required to provide responses to the legal rights other property owners enjoy in the area: It pool is fenced all over and no access is created to mediate any or and stress of the pool is marked to mediate the pool faces than 10 current for the provisions required to the provisions required to property; The pool is precised conditions that are unique to this applicant or property; We don't have the mans to certain the pool of the will cause hadship and of the provision to the legal rights other provisions. The pool of the provision of the provis
Board Action	Chairman, Board of Adjustment Date Signature

Pool encroachment into the 10' var your lethely esment and 10' side your set back.

Shed encrowking into 10' utilities esment and 6' side your set back.

Covered patio encrocking into 10' side yourd set back.













Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

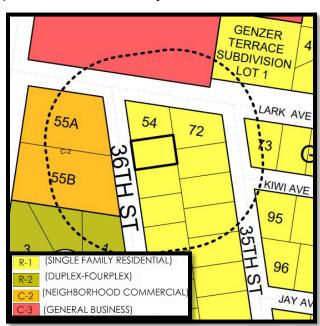
DATE: January 3, 2024

SUBJECT: REQUEST OF RAMIRO RAMIREZ FOR THE FOLLOWING SPECIAL EXCEPTION TO

THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 20 FEET INTO THE 20 FEET FRONT YARD SETBACK FOR AN EXISTNG CARPORT MEASURING 19 FEET BY 19 FEET, AT LOT 53, ARTHUR TERRACE SUBDIVISION, HIDALGO COUNTY, TEXAS; 6304 NORTH 36TH STREET. (ZBA2023-

0103)

REASON FOR APPEAL: The applicant is requesting to allow an encroachment of 20 feet into the 20 feet front yard setback for an existing carport. The applicant is requesting for the carport to remain for protection of the family's vehicles from adverse weather elements.





PROPERTY LOCATION AND VICINITY: The subject property is located along the east side of North 36th Street between North 35th Street and North 36th Street. The Lot has 68 feet of frontage along North 36th Street and a depth of 100 feet for a total Lot size of 6,800 square feet. The property is zoned R-1 (single family residential) District. There is R-1 District in all directions except to the west across North 36th Street there is C-2 (neighborhood commercial) District and is the site for El Rodeo Meat Market and El Rodeo Taco Express Restaurant.

BACKGROUND AND HISTORY: Arthur Terrace Subdivision was recorded on June 22, 1982. The plat states a front yard setback of 20 feet. A stop work order was issued on June 10, 2023 for a carport built without a permit. A building permit application was submitted on September 22, 2023. A Special

Exception request application was submitted on November 15, 2023.

ANALYSIS: The Special Exception request is for an existing metal carport that encroaches 20 feet into the 20 feet front yard setback. The applicant would like for the carport to remain in order to provide protection from adverse weather conditions such as hail, rain and excessive sunlight, for the family's vehicles.

There is an existing two car garage which the applicant stated is used to park his daughters vehicle(s).

The property owner states that a contractor was hired for the construction of the carport, but subsequently learned that building permits had not been obtained.

Front yard setbacks help keep the character of single family residential areas by maintaining the street yard and curb appeal of properties in a subdivision.

There is no alley at the rear of the property that would allow for relocation of the carport out of the front yard setback.

Special Exceptions are issued to and recorded for the present applicant/owner only. A change in ownership would require the new owner to apply for a Special Exception.

During a site visit of Arthur Terrace Subdivision, Staff noticed there were 2 carports with possible encroachments along North 36th Lane at Lots 22 and 23. A review of Planning Department records did not reveal any application for building permits or Special Exceptions granted for these existing carports on these Lots.

Staff has received a letter signed by three residents in support of this Special Exception request.

ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING OF DECEMBER 20, 2023: At the Zoning Board of Adjustments and Appeals meeting of December 20, 2023, no one appeared in opposition of the Special Exception request. Mr. Ramiro Ramirez, the applicant stated that a builder had been hired but resulted in an unfinished carport and he finished the construction himself. He stated the family uses the carport for shade. Board member Tafel stated that carports don't add to property values. Chairman Gutierrez reminded the applicant that since the recommendation from staff was "disapproval" a super majority of votes is required in order for the Board to grant approvals. The applicant was informed that the request could be tabled if he so chose the opportunity so the request can be heard by a full (five member) Board since there were only four members present. The applicant opted for the request to be tabled in order to be heard by a full Board. The Board members voted to table the request until it can be heard by a full Board. The vote was three members in favor of the motion to table the request with one Board member voting nay. Board member Tafel voted nay.

RECOMMENDATION: Staff recommends disapproval of the Special Exception request since there are no other carports along North 36th Street between Lark and Gull Avenues. If the Board approves the request, approval should be limited to the encroachment shown on the submitted site plan.

ZbA2023-0103 City of McAllen

Planning Department APPEAL TO ZONING BOARD OF

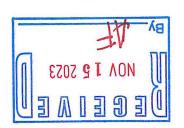
311 North 15th Street McAllen, TX 78501 P. O. Box 220 McAllen, TX 78505-0220 (956) 681-1250 (956) 681-1279 (fax)

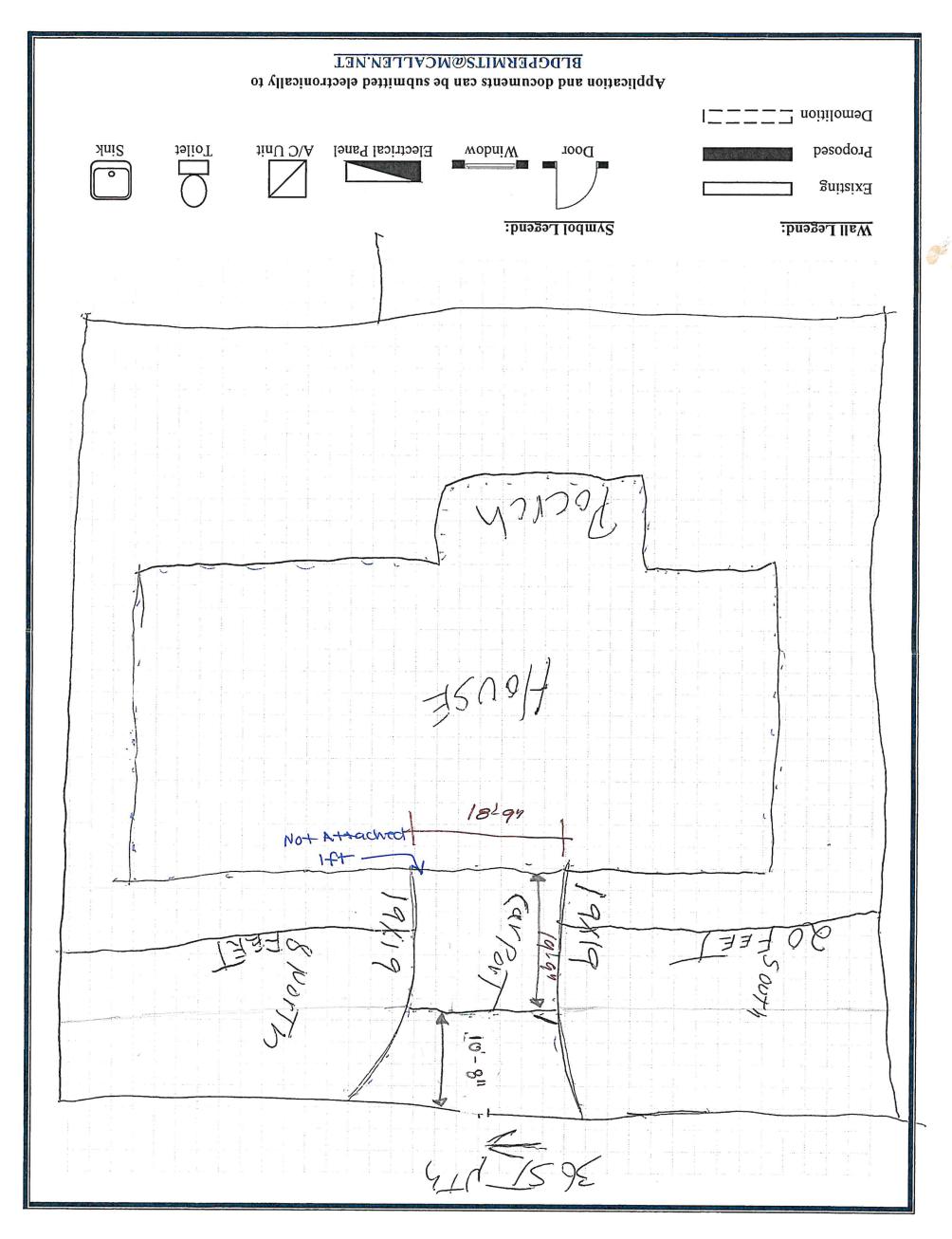
ZBOA	ADJUSTMENT TO MCALLEN ZONING ORDINANCE
	Legal Description ARTHUR TETRACE LOT 53
Project	Subdivision Name ARTHUT TETTACE LOTS Street Address ARTHUT TETTACE LOTS Street Address 6304 NT1 365T Number of lots Gross acres Existing Zoning R- Existing Land Use R- Reason for Appeal (please use other side if necessary) Carport Is Encroaching 20 FET INTO 20" FORNT yard SET back Street Address Street Address Carport Street Address C
Applicant	Name Ramieo Ramieez Phone 956-379-0938 Address 6304 N. 3674 ST E-mail Leal Raminez 1983 • gmail .com City Meallen State 77. Zip 78504
Owner	Name Ramile Ramilez Phone 956-379-0938 Address 6304 N. 36 St., E-mail Leal Ramilez 1983 egmail.com City MCALLEN State Th. 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 Print Name Ramilo Ramilez Owner Authorized Agent
Office	Accepted by Payment received by NOV 1 5 2023

City of McAllen

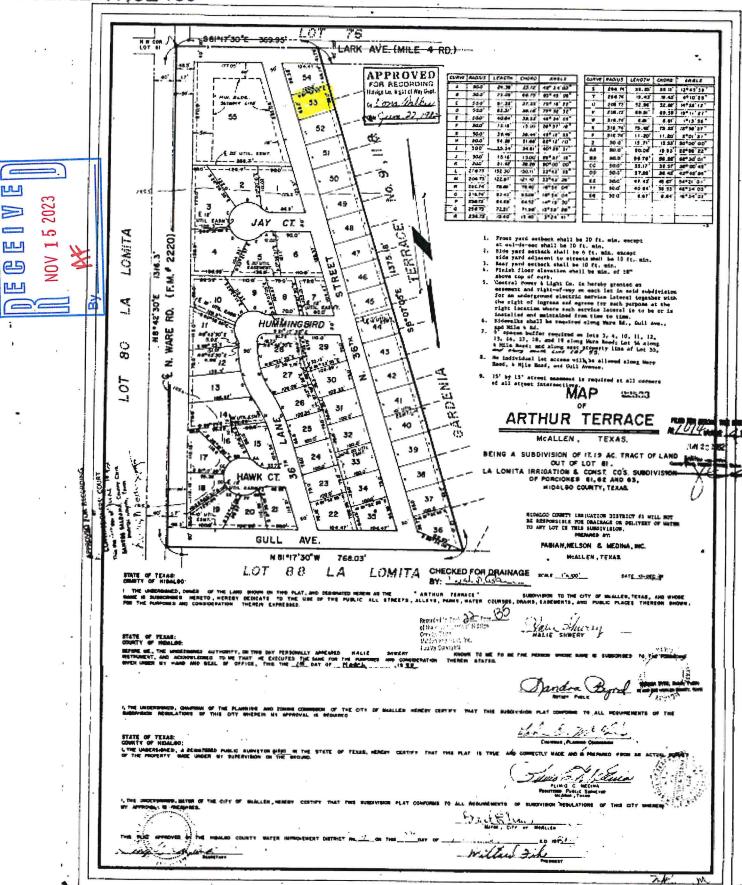
Planning Department REASON FOR APPEAL & BOARD ACTION

	REASON FOR APPEAL & BOARD ACTION \ (18/2) AVERT
	*A variance will not be granted to relieve a self-created or personal hardship, nor shall to be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: (<i>Please use an additional page if necessary to complete responses</i>)
	Information provided here by the applicant does not guarantee that the Board will grant a variance. *Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.
	Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:
	The carport serves as a necessary shelter for my vehicles, protecting them From the elements such as rain, Hail, and excessive sunlight. This is really
	IMPORTANT IN THE AREA WE LIVE IN, WHELE THE EXTREME WEATHER CONDITIONS CAN CAUSE DAMAGE TO DUE VEHICLES OVER TIME. THE CARPORT ENHANCES THE OVERALL ASSTHETIC APPEAL OF MY PROPERTY. THIS NOT ONLY ADDS VALUE TO MY PROPERTY BUT ALSO CONTRIBUTES TO THE OVERALL VISUAL APPEAL OF THE NEIGHBORHOD
	2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner: WITHOUT THE CAPPORT, I WOULD BE UNABLE TO ADEQUATELY
	PROTECT MY VEHICLES FROM THE ELEMENTS. AS MENTIONED BEFORE, THE AREA WE LIVE IN EXPERIENCES EXTREME WEATHER CONDITIONS THAT DAN CAUSE
	DAMAGE TO VEHICLES OVER TIME. BY PROVIDING A SHELTERED SPACE FOR MY VEHICLES, THE CARPORT HELPS TO PRESERVE THEIR CONDITION AND VALUE.
	THIS IS CRUCIAL FOR ME AS A PROPERTY OWNER, AS IT ALLOWS ME TO MAINTAIN THE VALUE OF MY ASSETS 4 PROCTECT MY INVESTMENTS.
101	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 CONSTRUCTION OF THE CAPPORT DOES NOT VIOLATE ANY EASEMENT OR PROPERT
~	BOUNDARIES. It has BEEN BUILT ENTIRELY WITHIN THE CONFINES OF MY Property AND NO ENCROACHMENTS OR INFRINGEMENTS ON NEIGHBORING PROPERTIES
	HAVE OCCURED. IT DOES NOT OBSTRUCT VIEWS OF ACCESS, IS COMPATIBLE WITH SURLOUNDING STRUCTURES, WILL NOT NEGATIVELY IMPACT PROPERTY VALUES.
	THE CAPPORT HAS BEEN STRATEGICALLY PLACED ON MY PROPERTY IN A WAY THAT DOES NOT DESTRUCT. 4. Describe special conditions that are unique to this applicant or property: VIEWS OR ACCESS OF NEIGHBORING
	PROPERTIES. SAFETY & SECURITY. THE CARPORT ENHANCES THE SAFETY & SECURITY OF MY PROPERTY. BY PROVIDING A COVERED PARKING SPACE, IT REDUCES THE RISK OF
	THEFT VANOALISM AND DAMAGE TO VEHICLES. GRANTING THE VARIANCE WOULD
	CONTRIBUTE TO OVERALL SAFETY + SECULITY OF MY PROPERTY. THE CARPORT ALSO PROVIDES A NECESSARY SHELTER TO SHIELD MY VEHICLES FROM THE HARSH ELEMENTS, AND THAT WOULD ENSURE THEIR LONGE VITY + MINIMIZING MAINTENANCE COS
	Chairman, Board of Adjustment Signature









A.

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11-14-2023

City of McAllenPlanning Department

To whom it may concern;

This letter is to notify the City of McAllen board members or appeals department that the carport on our neighbor's property Ramiro Ramirez does not bother us in any type of way. It does not obstruct our view nor does the construction surpass into our property. Should you have any questions you can individually contact us.

Barbari ki ezekire musu gazak giri zi a elektrik **aktorik gerek**araria erreka elektrik elektrik eta erreka eta err

Warm regards,

Juan Moreno

Mechael Clifford

Michael Clifford

Dawin Clifford

Thining Clifford

6800 N. 36 th 5t.

Mc pilen, Tx. 78504

Dene Dune

6308 N. 36th 57

Meanhor, Toggory





Planning Department

Memo

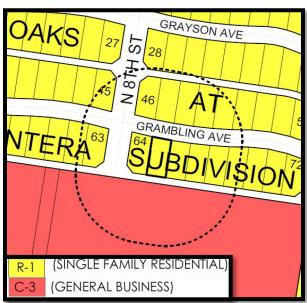
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: December 28, 2023

SUBJECT: REQUEST OF GERARDO MORALES, FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 17 FEET INTO THE 18 FEET REAR YARD SETBACK AND 6 FEET INTO THE 6 FEET EAST SIDE YARD SETBACK FOR AN EXISTING PERGOLA AT LOT 65, SPANISH OAKS @ FRONTERA SUBDIVISION, HIDALGO COUNTY, TEXAS; 705 GRAMBLING AVENUE. (ZBA2023-0118)

REASON FOR APPEAL: The request is to allow encroachments of 17 feet into the 18 foot rear yard setback, and 6 feet into the 6 foot east side yard setback for an existing pergola.





PROPERTY LOCATION AND VICINITY: The subject property is located along the south side of Grambling Avenue approximately 59.25 feet east of North 8th Street. The property is zoned R-1 (single-family residential) District. There is R-1 District in all directions, except to the south there is C-3 (general business) District.

BACKGROUND AND HISTORY: Spanish Oaks @ Frontera Subdivision was recorded May 8th, 2018. The plat shows an 18 foot rear building setback line and a 6 foot interior side yard setback. A stop work order was issued July 28th, 2023 for contruction without a permit. An application for a building permit was submitted on August 3, 2023. A citation was issued September 28, 2023. The variance request application was submitted November 10, 2023.

ANALYSIS: Furthermore, the applicant is requesting that the pergola with its encroachments be allowed to remain. The applicant states that the pergola will help to provide shade for a proposed hot tub that will be used for therapy purposes for a family member.

According to the dimensions and distances shown on the submitted site plan at the rear yard area, there is insufficient space to accommodate placement of the pergola in its current form without encroaching into the rear yard setback. At best, relocation would minimize the rear yard setback encroachment, however the encroachment along the interior east side yard could be eliminated. The structure was built on a concrete foundation. There is a concrete wall at the rear of the property that screens the pergola from the alleyway.

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

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

RECOMMENDATION: Staff is recommending disapproval of the variance request since reduction in size and relocation may achieve compliance.

City of McAllen

Planning Department

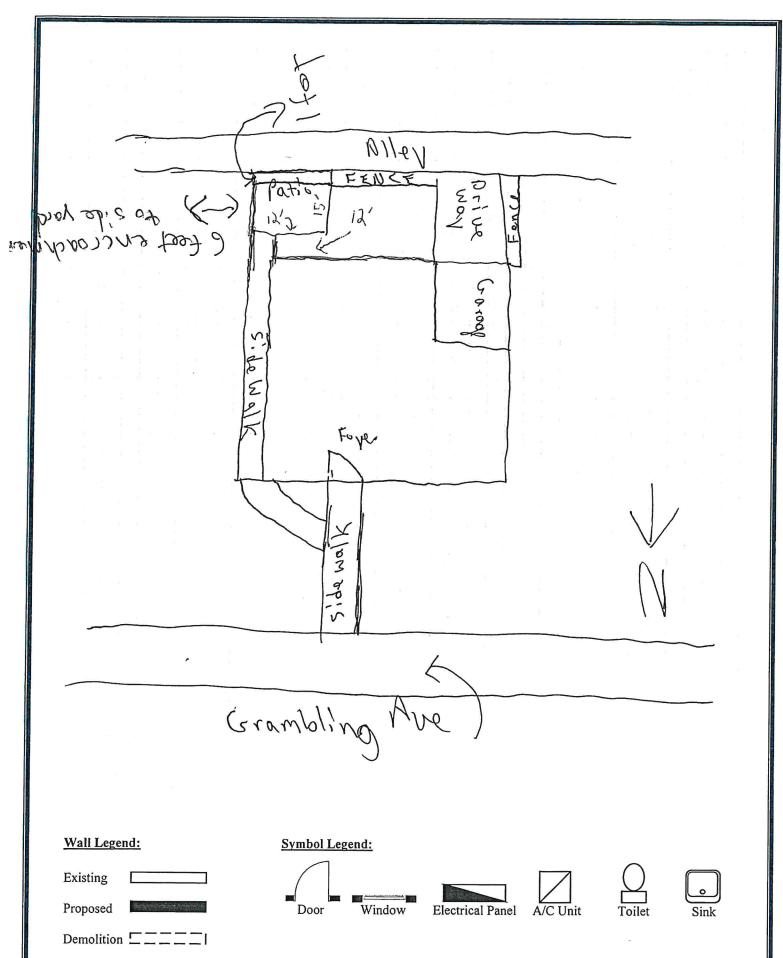
APPEAL TO ZONING BOARD OF McAllen, TX 78501 P. O. Box 220 McAllen, TX 78505-0220 (956) 681-1250 (956) 681-1279 (fax) ADJUSTMENT TO MCALLEN ZONING ORDINANCE

311 North 15th Street

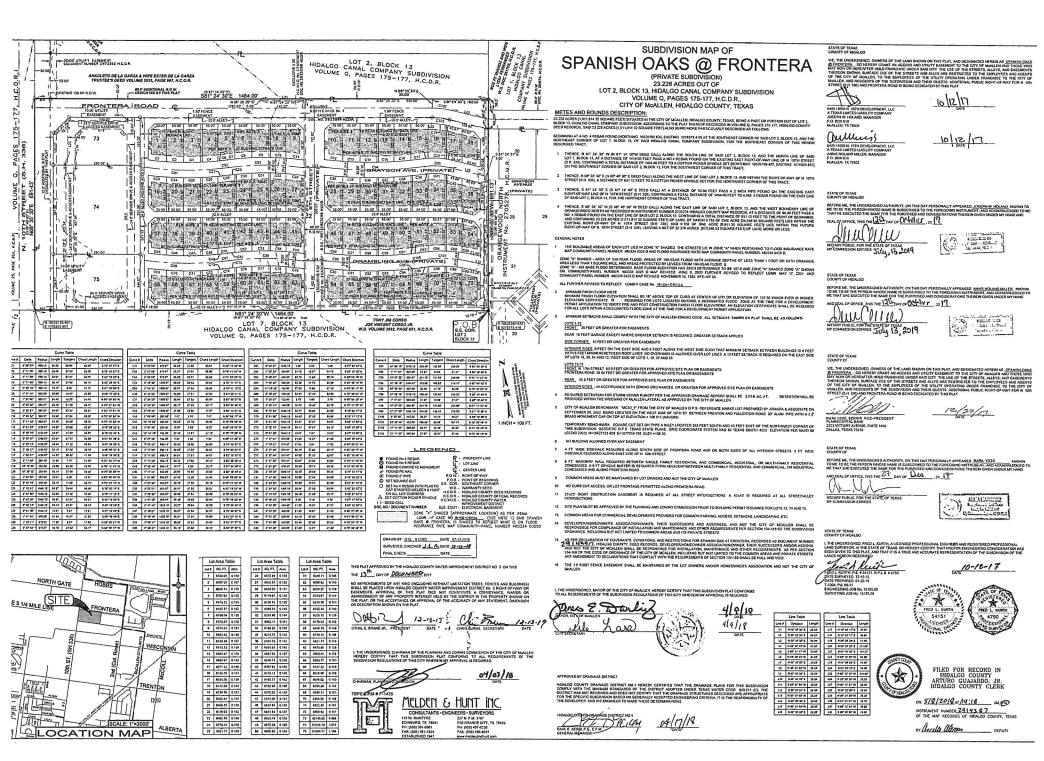
Case Number: ZBA 2023-018 ZBOA Meeting: \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	
PROJECT	
Legal Description Spanish Oaks @ Frontera Lot #65	>
Subdivision Name Spanish Oaks Tob Grambling Mye	
Number of lots Gross acres Existing Zoning Reason for Appeal (please use other side if necessary) Encroach 17	K
Name Caraso Mosols Phone 156-929-0330 Address 5000 E-mail 5000 1000 1000 1000 1000 1000 1000 100) 50 , COM
OWNER	
Name Same as about Phone	
AddressE-mail	
CityStateZip	
AUTHORIZATION To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prever utilization of the property in the manner indicated?	it the
☐ Yes ☒ No I certify that I am the actual owner of the property described above and this application is being submitted wit 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.	h my
Signature	

Planning Department
REASON FOR APPEAL & BOARD ACTION

Reason for Appeal	*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: (Please use an additional page in 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: **Pergula to cover bot fifth for through bady 2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner: **Pergula to cover bot to for the year for body 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: **To my knowledge is not for the property: **Pergula to cover bot to be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area: **To my knowledge is not for the property: **Pergula to cover bot to be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area: **To my knowledge is not safe to be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area: **To my knowledge is not safe to be added in the property owners enjoy in the area: **To my knowledge is not safe to be added in the property owners enjoy in the area: **To my knowledge is not safe to be added in the property owners enjoy in the area: **To my knowledge is not safe to be added in the
Board Action	Chairman, Board of Adjustment Date Signature



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







2023 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

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

P - PRESENT

A - ABSENT

NEW APPOINTMENT

MC - MEETING CANCELLED

NRM - NO MEETING

LOQ - LACK OF QUORUM

RS - RESIGNATION



PLANNING DEPARTMENT



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

2024 CALENDAR

	City Commis		leetings: Plannir	ng & Zoning	Deadlines: D- Zoning/CUP Application N - Public Notification											
_	Public Utility I		_	Board of	_											
HPC	- Historic Pres			, 20010 01 1	* Holiday - Office is closed											
		JANU	JARY 202	4	FEBRUARY 2024											
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat			
	HOLIDAY	2	3	4	5	6					1	2	3			
7	8	9	10	11	12	13	4	5	6	7	8	9	10			
	A-1/24 & 1/25		D- 2/6 & 2/7 N-1/24 & 1/25					A-2/20 & 2/21		D- 3/5 & 3/6 N-2/20 & 2/21						
14	15	16	17	18	19	20	11	12	13	14	15	16	17			
21	22	23	24 D-2/20 & 2/21	25	26	27	18	19	20	21 D-3/19 & 3/20	22	23	24			
	A-2/6 2/7		N- 2/6 & 2/7					A-3/5 & 3/6		N- 3/5 & 3/6						
28	29	30	31				25	26 •	27	28	29					
			HPC							HPC						
Sun	Mon	MAR Tue	CH 2024 Wed	Thu	Fri	Sun	Mon	Tue	L 2024 Wed	Thu	Fri	Sat				
Sun	WIOII	Tuc	Wed	TIM	1	2	Sun	1	2	3	4	5	6			
								A-4/16 & 4/17		D-5/7 & 5/8 N-4/16 & 4/17						
3	4	5	6 D-4/2 & 4/3	7	8	9	7	8	9	10	11	12	13			
10	A-3/19 & 3/20	12	N-3/19 & 3/20	14	15	16	14	15	16	17	18	19	20			
	11									D-5/21 & 5/22						
17	18	19	20 D- 4/16 & 4/17	21	22	23	21	22	23	24 HPC	25	26	27			
	A-4/2 & 4/3 25	26	N-4/2 & 4/3 27	28	29	30	28	A-5/7 & 5/8 29	30	N-5/7 & 5/8						
31			HPC		HOLIDAY											
		MA	Y 2024						JUNI	E 2024						
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat			
			1	2	3	4							1			
5	6	7	8 D-6/4 & 6/5	9	10	11	2	3	4	5	6	7	8			
	A-5/21 & 5/22		N 5/64 & 5/22					A-6/18 & 6/19		D-7/10 & 714 N-6/18 & C 9						
12	13	14	15	16	17	18	9	10		12	13	14	15			
	20 A-6/4 & 6/5	21	2 0-6/18 &6/19 N-6-4 & 6/5	22	24	25	16	17	18	9 5-1/24 & 7/25		21	22			
26	HOLIDAY	28	29	30	31		23	24	25	²⁶ HPC	27	28	29			
**			HPC				30	A-7/10 & 7/11		N-7/10 & 7/11						
*Dead	lines & meeting da	ates are subje	ct to change base	ed on staff"s	availability	Conta	act the I	Planning Dept. (95	6) 681-1250 if	you have any que	stions.					