

## AGENDA

### ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, JANUARY 22, 2025 - 4:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3<sup>RD</sup> FLOOR

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

#### CALL TO ORDER -

#### 1. MINUTES:

- a) Minutes for the meeting held on January 8, 2025

#### 2. PUBLIC HEARINGS:

- a) Request of Carlos Jimenez for a variance to the City of McAllen Zoning Ordinance to allow the following encroachments: **1)** 2.4 feet into the 5-foot North side yard setback, for an existing garage, **2)** 2.6 feet into the 5-foot North side yard setback for an existing covered patio, and **3)** 2.6 feet into the 5-foot North side yard setback for an existing storage room, at Lot 5 Block 1, Redwood Park Addition Subdivision, Hidalgo County, Texas; 1616 North 8th Street. **(ZBA2024-0049) (TABLED: 12/18/2024) (REMAIN TABLED: 01/08/2025)**
- b) Request of Francisco Pons Ballesteros for a Variance to the City of McAllen Zoning Ordinance to not provide a masonry screen eight feet in height and instead provide a six-foot cedar fence with columns for the proposed Georgetown Park Subdivision at 9.1 Acres out of Lot 1, Block 17, Steele & Pershing Subdivision and Lot 1, Block 9, A.J. McColl Subdivision, Hidalgo County, Texas; 1100 East El Rancho Road. **(ZBA2024-0048) (TABLED: 12/04/2024) (REMAIN TABLED: 12/18/2024, 01/08/2025)**

#### 3. FUTURE AGENDA ITEMS

- a) NONE

#### ADJOURNMENT:

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

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

**The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, January 8, 2025 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:**

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

**CALL TO ORDER –Chairperson Jose Gutierrez**

**1. MINUTES:**

- a) Minutes for the meeting held on December 18, 2024

The minutes for the meeting held on December 18, 2024. The motion to approve the minutes were made by Mr. Alex Lamela. Mr. Hiram Gutierrez seconded the motion, which carried unanimously with five members present and voting.

**2. PUBLIC HEARINGS:**

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

- a) Request of Christopher Sebastian for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 20-foot front yard setback for an existing carport measuring 20.2 feet by 23 feet at Lot 2, Ponderosa Park Phase 1 Subdivision, Hidalgo County, Texas; 3506 North 29th Lane. **(ZBA2024-0050) (TABLED: 12/18/2024)**

Ms. Martinez stated the applicant was requesting a special exception to allow an encroachment of 20 feet into the 20-foot front yard setback for an existing carport measuring 20.2 feet by 23 feet. The applicant was unaware that a building permit was never obtained by the previous owner at the time of purchasing the home in July 2023. The applicant would like the structure to remain because the existing carport provides shade and protection during inclement weather for their multiple vehicles.

The subject property is located north of Iris Avenue between North 29<sup>th</sup> Lane and North 29<sup>th</sup> Street. The lot along North 29<sup>th</sup> Lane has 60 feet of frontage and a depth of 102 feet with a tract size of 6,120 square feet. The property is zoned R-1 (single family residential) District. Surrounding land uses are single-family residences in all directions.

The subdivision plat for Ponderosa Park Phase I Subdivision was recorded on July 29, 1997. As per plat, the front yard setback shall be 20 feet. According to Hidalgo County Appraisal District records, the residential home was built in 1998. A stop work order was issued by Buildings and Inspections Department staff on November 11, 2024 for the construction of a carport without a building permit. An application for a building permit for a carport was submitted to the Building Permits & Inspections Department on November 12, 2024. An application for a special exception request was submitted to the Planning Department on November 13, 2024 for the existing metal carport.

The special exception request is for an existing metal carport measuring 20.2 feet by 23 feet for an area of 464.6 square feet in size. The submitted site plan shows a carport encroaching 20 feet into the 20-foot front yard setback. A survey of this property shows the carport with an encroachment of 0.9' into the street right-of-way. The survey also appears to show a slight carport encroachment into the 6-foot setback along the north property line; however, distance is not specified. The applicant proposes reduction to the size of the carport, which may resolve the depicted right-of-way encroachment and encroachment (if any) along the north side yard setback. A site plan showing proposed reductions is pending. Consideration of Special Exception requests are confined to within property line boundaries and do not include encroachments into the right of way.

There is no alley at the rear of the property where a carport could be alternatively built.

Front yard setbacks are important in establishing the character of a single-family neighborhood by providing landscaping to enhance the residence and curb appeal of the street view. Carports being granted a Special Exception shall not exceed 400 square feet in size.

There is a garage that is part of the existing residence used to park family vehicles.

Staff had not received any phone calls or emails in opposition to this variance request.

Staff recommended disapproval since approval may encourage other property owners to build similar structures after the character of the neighborhood on this block. In addition, the carport exceeds the 400 square feet maximum size stated in the ordinance.

The board members suggested that the item be tabled until the next meeting, this would allow the applicant to take more time to think about having a size reduction proposed on the site plan in which would provide dimensions that comply within the zoning ordinance 400 square feet size maximum size requirement for special exception requests. Subsequently to the meeting, staff did have a meeting with the applicant in office to have

the applicant configure dimensions for the proposed carport size reduction. The applicant has agreed that they would reduce to the size of the carport to 386 square feet. This would result in reducing the north side down by 3 feet to total 20 feet and the west side being reduced by .9 feet to total 19.3 feet.

Chairperson Gutierrez asked staff if the applicant was present. Staff stated he was not but his wife was present to speak on his behalf.

Ms. Rowena Sebastian, 3506 North 29<sup>th</sup> Lane. She stated that if they reduced the sides of the carport they would comply with the 400 square footage. She stated that when they purchased the house they called the previous owners to get information about who built the carport. They could not get any information. Ms. Sebastian stated they did not know how much it would cost to remove the entire carport.

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

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

Following discussion, Mr. Juan Mujica **moved** to disapprove the Special Exception as recommended by staff. Mr. Hiram Gutierrez seconded the motion. The Board voted to disapprove the Special Exception with four members voting aye and one voting nay, Mr. Ivan Garcia.

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

The applicant requested the item to remain tabled until the next meeting.

**c) Request of Francisco Pons Ballesteros for a Variance to the City of McAllen Zoning Ordinance to not provide a masonry screen eight feet in height and instead provide a six-foot cedar fence with columns for the proposed Georgetown Park Subdivision at 9.1 Acres out of Lot 1, Block 17, Steele & Pershing Subdivision and Lot 1, Block 9, A.J. McColl Subdivision, Hidalgo County, Texas; 1100 East El Rancho Road (ZBA2024-0048) (TABLED: 12/04/2024) (REMAIN TABLED: 12/18/2024, 01/08/2025)**

The applicant requested the item to remain tabled until the next meeting.

Board member Samuel Nunez stated the City of McAllen had recently adopted a new Unified Development Code. New terms were coming in as to how staff was going to be referring as to the zones and other information that would apply and be coming before this Board. Mr. Garcia has requested that staff be prepared for a Workshop on the UDC in the upcoming meetings.



**ADJOURNMENT**

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

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Chairperson Jose Gutierrez

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Carmen White, Administrative Assistant

**Memo**

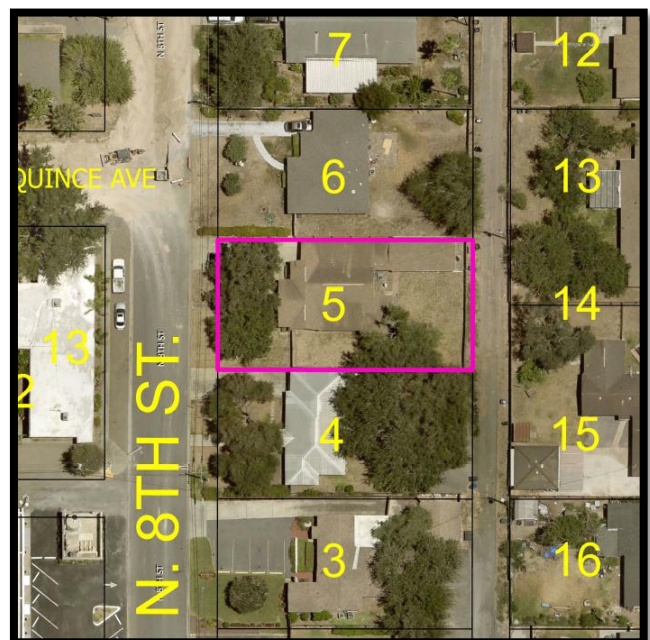
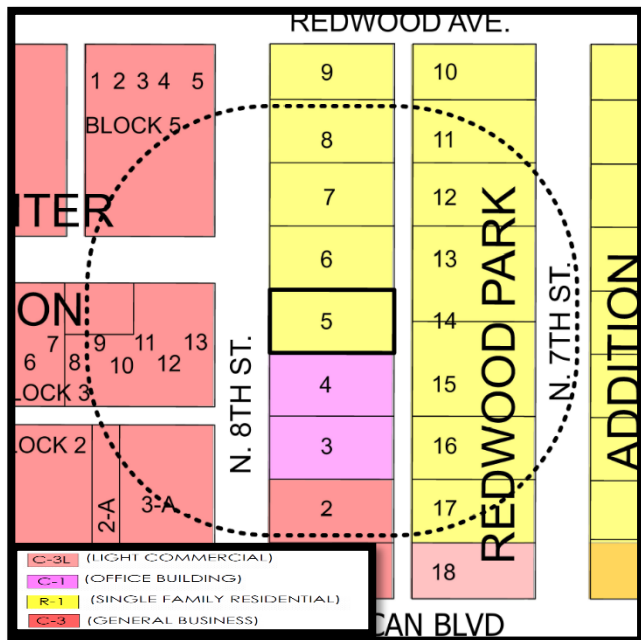
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** January 3, 2025

**SUBJECT: REQUEST OF CARLOS JIMENEZ FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW THE FOLLOWING ENCROACHMENTS: 1) 2.4 FEET INTO THE 5 FOOT NORTH SIDE YARD SETBACK, FOR AN EXISTING GARAGE, 2) 2.6 FEET INTO THE 5 FOOT NORTH SIDE YARD SETBACK FOR AN EXISTING COVERED PATIO, AND 3) 2.6 FEET INTO THE 5 FOOT NORTH SIDE YARD SETBACK FOR AN EXISTING STORAGE ROOM, AT LOT 5 BLOCK 1, REDWOOD PARK ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS; 1616 NORTH 8TH STREET. (ZBA2024-0049)**

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



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

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

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

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

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

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

**RECOMMENDATION:** Staff recommends disapproval since the structures can be modified to comply with rear and side setbacks.

**AT THE ZONING BOARD OF ADJUSTMENTAS AND APPEALS MEETING OF DECEMBER 18, 2024:** The board members suggested that the item be tabled until the next meeting and this would allow staff to do further research as to obtain permits from filed records that would happen to have a permit for the mentioned lot that would consist of the three structures in the variance request. Subsequently to the meeting, staff did have a meeting with Building Department about obtaining records that date back to 1950 when the house was believed to have been officially built at least with the garage located on the north side of the residence. Building Department responded by telling staff that records dating before 1980's where no longer an option to locate in the filed records for building permits, this leaves staff without an option to determine exactly when the additional structures on the side setback were built in recent years at least with a permit.



# 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: ZBA2024-0049 ZBOA Meeting: 12/18/24  Routed  
Receipt No: 347458  Scanned  
Accepted by: P: NM S: SEN Customer Acknowledgment (Int.): CW

#### PROJECT

Legal Description Redwood Park ADDN Lot 5 Blk 1  
Subdivision Name (R155000) Redwood Park  
Street Address 1616 N. 8th St.  
Number of lots 1 Gross acres .21  
Existing Zoning RS Existing Land Use Residential  
Reason for Appeal (please use other side if necessary) Encroaching 2.6 into the 5 ft side yard setback (on the north), for a garage, patio & storage.  
 \$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 Carlos Jimenez Phone 815-671-0977  
Address 8424 Alison Avenue E-mail cjimenez123@hotmail.com  
City College Station State Tx Zip 77845

#### OWNER

Name CTRC Properties LLC Phone 815-671-0977  
Address 8424 Alison Avenue E-mail cjimenez123@hotmail.com  
City College Station State Tx Zip 77845

#### 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 11-1-2024 NOV 12 2024  
Print Name Carlos Jimenez  Owner  Authorized Agent 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:

If I have to remove the garage due to variance, it would create two issues:

1. Decrease property value and increase my financial burden.

2. I would have to park on the street due to no room for garage.

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

I would like to sell the property to a married couple but unable due to the variance.

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:

It will not be detrimental to health or safety in any way as long as I do not have to disturb it current condition. Removal of encroachment would entail contractors and noise in the area for months.

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

I inherited the property without knowledge of encroachment.

Back variance is a storage area.

North variance is a garage.

Reason for Appeal

Board Action

Chairman, Board of Adjustment  
Signature

Date











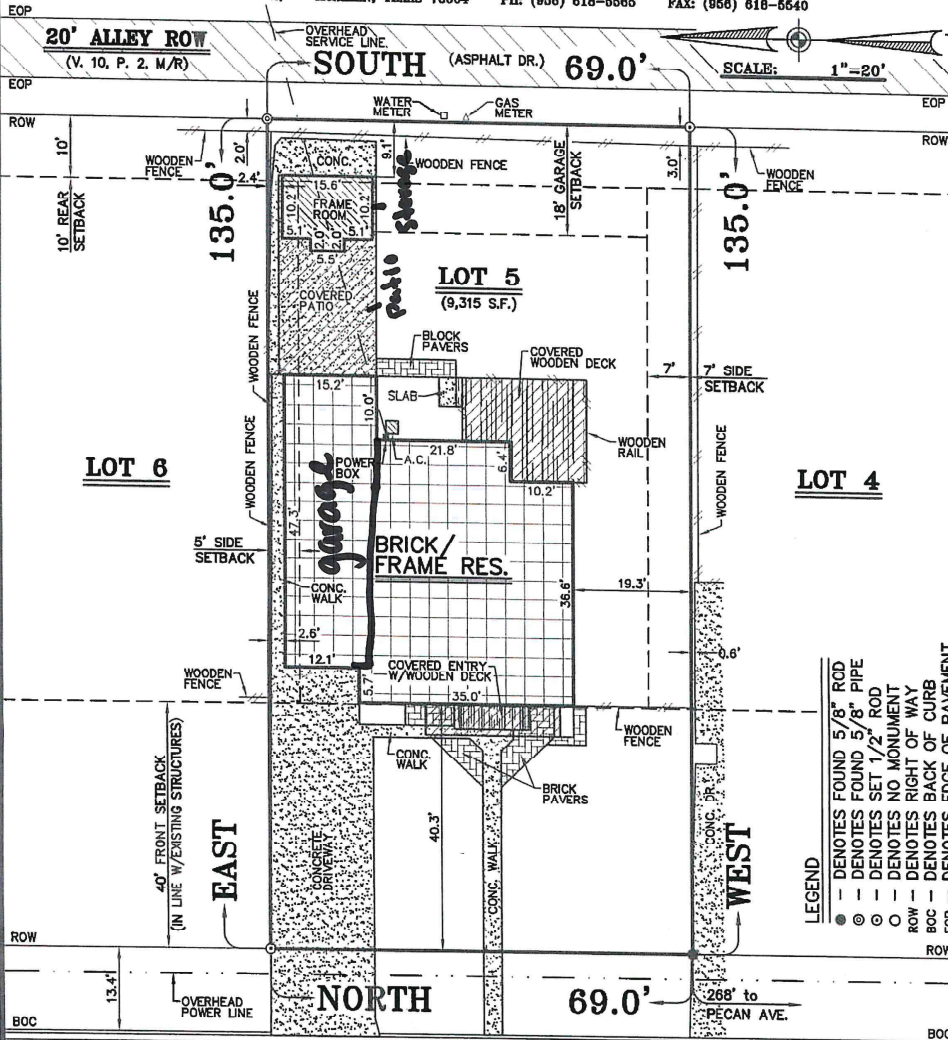
T.B.P.E. FIRM No.: F-5154

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



# ART SALINAS ENGINEERING & SURVEYING

1624 DOVE AVENUE, McALLEN, TEXAS 78504 PH: (956) 618-5665 FAX: (956) 618-5640



- LEGEND**
- DENOTES FOUND 5/8" ROD
  - DENOTES FOUND 5/8" PIPE
  - DENOTES SET 1/2" ROD
  - DENOTES NO MONUMENT
  - DENOTES RIGHT OF WAY
  - BOC DENOTES BACK OF CURB
  - EOP DENOTES EDGE OF PAVEMENT

**FLOOD ZONE DESIGNATION:** The property shown hereon lies in Zone "B". Zone "B" areas lie between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood as per F.E.M.A. Flood Insurance Rate Map Panel No. 480343-0005-C dated 11-02-02.

- PLAT NOTES:**
1. There are no discrepancies, conflicts, shortages in area or boundary lines, encroachments, overlapping of improvements or visible or apparent easements, except as shown on this plat.
  2. This survey was prepared without the benefit of a Title Report or Commitment. Easement research is not within the scope of this survey.
  3. This survey must contain an embossed seal and an original signature to be valid as per Section 661.46 and Section 663.19 of the "The Professional Land Surveying Practices Act".
  4. This is a standard survey and does not include the location or subsurface investigation of underground utility, irrigation and/or gas lines.
  5. Building setback lines as per City zoning ordinance.
  6. Subject to any oil, gas and mineral lease of record.
  7. Bearing Basis: "w. line of Lot 5, Block 1, Redwood Park"
- Client(s): CTRC Properties, LLC

THIS IS TO CERTIFY THAT I HAVE, THIS DATE, PREPARED A SURVEY ON THE GROUND WHICH IS LOCATED AT 1616 N. 8th ST., in McALLEN, TEXAS, DESCRIBED AS FOLLOWS:  
 ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND LYING AND SITUATED IN HIDALGO COUNTY, TEXAS, BEING LOT FIVE (5), BLOCK ONE (1), REDWOOD PARK, AN ADDITION TO THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 10, PAGE 2, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS.

24-68395 11-07-24  
 Job No. Date

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Registered Professional Land Surveyor No. 4802

NOV 12 2024

BY:



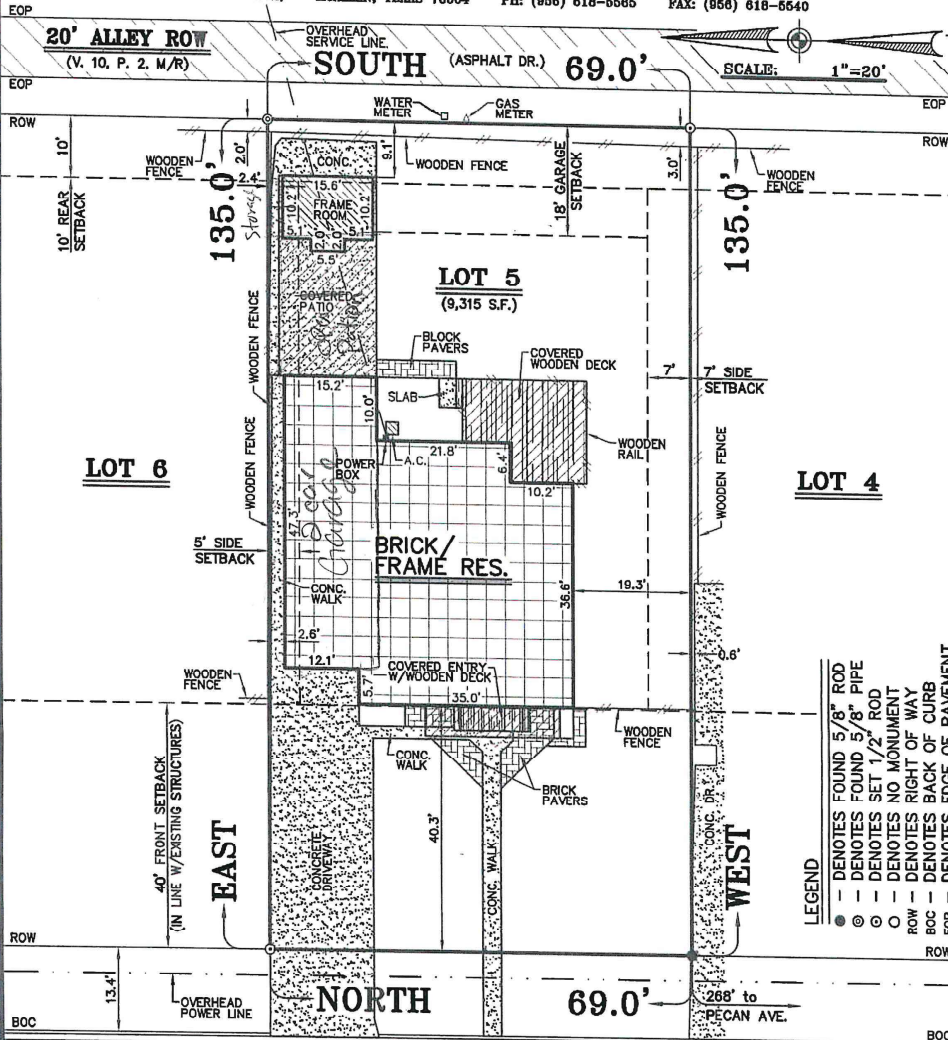
T.B.P.E. FIRM No.: F-5154



# ART SALINAS ENGINEERING & SURVEYING

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

1624 DOVE AVENUE, McALLEN, TEXAS 78504 PH: (956) 618-5565 FAX: (956) 618-5640



**N. 8th ST.**  
(60' ROW-VOL 9, PG. 36, M/R)

**FLOOD ZONE DESIGNATION:** The property shown hereon lies in Zone "B". Zone "B" areas lie between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood PLAT NOTES:

- There are no discrepancies, conflicts, shortages in area or boundary lines, encroachments, overlapping of improvements or visible or apparent easements, except as shown on this plat.
  - This survey was prepared without the benefit of a Title Report or Commitment. Easement research is not within the scope of this survey.
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  - Building setback lines as per City zoning ordinance.
  - Subject to any oil, gas and mineral lease of record.
  - Bearing Basis: "w. line of Lot 5, Block 1, Redwood Park"
- Client(s): CTRC Properties, LLC

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24-68395 Job No. 11-07-24 Date

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Registered Professional Land Surveyor No. 4802

NOV 12 2024

BY:





**NOTICE  
GUEST HOUSE  
FOR  
THIS PROPERTY  
CUP2024-0136**

CITY OF McALLEN PLANNING DEPT.  
PHONE: 361-770  
WWW.MCALLEN.NET



8109



**Memo**

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

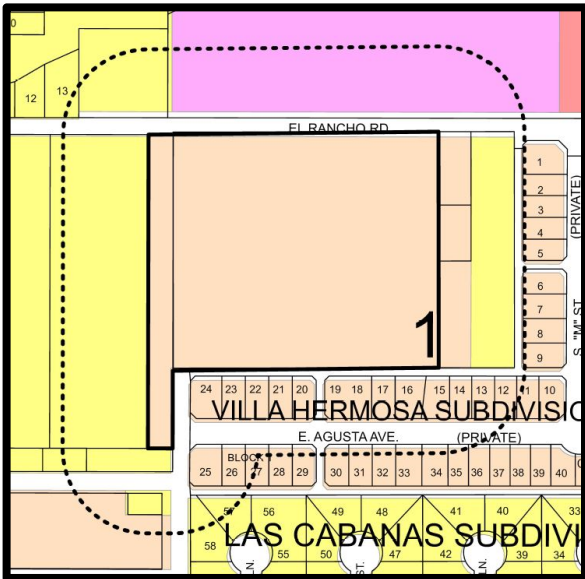
**FROM:** Planning Staff

**DATE:** November 26, 2024

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

**REASON FOR APPEAL:**

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



**PROPERTY LOCATION AND VICINITY:**

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

**BACKGROUND AND HISTORY:**

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

**ANALYSIS:**

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

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

**RECOMMENDATION:**

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

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

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

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

ZBA2024-0048

ZBOA  
12/4/2024



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

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

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

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

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

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

|                      |                                                                                                                                                                                                                                                                                                 |  |                              |                                        |            |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------|----------------------------------------|------------|
| <b>Authorization</b> | To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?                                                                                                                         |  |                              |                                        |            |
|                      |                                                                                                                                                                                                                                                                                                 |  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |            |
|                      | I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization. |  |                              |                                        |            |
|                      | Signature                                                                                                                                                                                                                                                                                       |  |                              | Date                                   | 11/08/2024 |

Print Name Francisco Pons B.  Owner  Authorized Agent

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

NOV 08 2024

RY:



# City of McAllen

## Planning Department

### REASON FOR APPEAL & BOARD ACTION

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:

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

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

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

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

3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:

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

Board Action

Chairman, Board of Adjustment  
Signature

Date



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

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

*EL RANCHO ROAD*

9.18 ACRES

**LOT 1  
BLOCK 9**

A.J. McCOLL SUBDIVISION  
VOL. 21, PG. 598  
D.R.H.C.T.

ESPONJAS DEVELOPMENT LTD.  
DOCUMENT NO. 2870402  
O.R.H.C.T.

**LOT 1  
BLOCK 17**

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

MIGUEL ANGEL MATA  
and ANGELICA MATA  
DOCUMENT NO. 3212411  
O.R.H.C.T.

15.0' ROADWAY AND  
SANITARY EASEMENT

EXIST. SANITARY MANHOLE  
TOP - 97.21'  
FL - 84.51'

5.0' VALLEY INDUSTRIAL GAS COMPANY  
VOL. 956, PG. 429, D.R.H.C.T.  
VOL. 1004, PG. 426, D.R.H.C.T.

20.0' ALLEY  
VOL. 54, PG. 43  
M.R.H.C.T.

15.0' SANITARY SEWER LINE EASEMENT  
DOCUMENT NO. 1149613, O.R.H.C.T.

50' GAS EASEMENT  
TRUNKLINE GAS COMPANY  
VOL. 845, PG. 213 D.R.H.C.T.  
VOL. 852, PG. 77, D.R.H.C.T.

30.0' GAS LINE EASEMENT  
DOCUMENT NO. 1201521  
O.R.H.C.T.

*E. AGUSTA AVE. (PRIVATE)*

40' ROAD R.O.W.  
VOL. 54, PG. 43, M.R.H.C.T.

*S. "K" CENTER STREET*

40' ROAD R.O.W.  
VOL. 54, PG. 43, M.R.H.C.T.

15.0' H.C.I.D. NO. 2 EASEMENT  
VOL. 54, PG. 43, M.R.H.C.T.

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

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



**PLAT SHOWING**

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

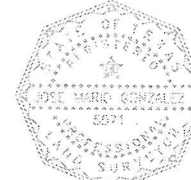
ADDRESS: E EL RANCHO ROAD  
McALLEN, TEXAS

SURVEYED: JULY 18, 2023

REQUESTED BY:

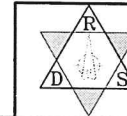
FLOOD ZONE DESIGNATION: ZONE "B"  
COMMUNITY-PANEL NUMBER: 480334 0425 C  
MAP REVISED: NOVEMBER 16, 1982

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



07-20-23

REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5571



**RIO DELTA SURVEYING**

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

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

JOB NUMBER  
**RIO 23 203**

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NOTICE  
VARIANCE  
FOR  
THIS PROPERTY  
ZBA2024-0048

