

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, JANUARY 8, 2025 - 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 -

1. MINUTES:

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

2. PUBLIC HEARINGS:

- 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)**
- 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)**
- 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)**

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, December 18, 2024 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

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

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for the meeting held on December 4, 2024

The minutes for the meeting held on December 4, 2024. The motion to approve the minutes were made by Mr. Hugo Avila. Mr. Daniel Santos seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a) Request of RSVP MCALLEN OWNER LLC for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 19 feet into the 50-foot front yard setback for an existing carport at Lot 1, Premier Storage Subdivision, Hidalgo County, Texas; 301 East Trenton Road. **(ZBA2024-0054)**

Ms. Martinez stated the applicant was requesting a special exception for an encroachment of 19 feet into the 50 feet front yard setback for a proposed metal (carport) measuring 21.51 feet by 44.24 feet. The new property owner for this lot is applying to obtain a new special exception for the existing carport on the property, which would be an amenity for the storage clients while they are unloading items from vehicles, especially during inclement weather.

Premier Storage Subdivision was recorded on May 17, 2022. The front yard setback is 50 feet as per plat. An application for a building permit for construction of a three-story building was submitted to the Building Permits and Inspections Department on December 20, 2022. An application for a Special Exception request by the previous property owner

was submitted to the Planning Department on June 02, 2022. The Special Exception request was approved at the Zoning Board of Adjustment & Appeals at the meeting of July 7, 2022. The current property owner submitted an application for a Special Exception request on November 25, 2024.

The request is for a special exception to allow an encroachment of 19 feet into the 50 feet front yard setback for a proposed metal (carport) measuring 21.51 feet by 44.24 feet. The applicant is applying for a special exception request to obtain new ownership for the existing carport on the property to provide a protection and convenient amenity while their clients from the storage facility load/unload items from their vehicles. No modifications have been made to the existing carport on site since a special exception was last approved.

The City of McAllen Zoning Ordinance Sec. 138-356 11(b) (3) requires a minimum of 15 feet for the front yard setback on commercial properties. However, the plat requires a 50 feet front yard setback.

There have been no calls or emails received in opposition of the Special Exception request.

Special exceptions are issued to an individual and recorded, however a change of ownership requires the new owner to apply for their own Special Exception.

Staff recommended approval of the Special Exception request since the city ordinance only requires a minimum of 15 feet for front yard setbacks on commercial properties and the request is due to a change of ownership.

Chairperson Gutierrez asked staff if there was a representative for the RSVP Owner, LLC. Staff stated they were not be able to attend the meeting but gave permission for staff to present the case.

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. Hugo Avila **moved** to approve the Special Exception as recommended by staff. Mr. Daniel Santos seconded the motion. The Board voted to approve the Special Exception with five members present and voting.

- b) Request of Juan C. Ramos to allow the following special exception and variance to the City of McAllen Zoning Ordinance: 1) A special exception to allow an encroachment of 20 feet into the 25-foot front yard setback for a proposed metal carport measuring 20 feet by 20 feet, 2) A variance to allow an encroachment of 14.5 feet into the 25-foot front yard setback for a proposed metal porch measuring 14.5 feet by 43 feet at Lot 16, Block 13, Balboa Acres Subdivision, Hidalgo County, Texas; 2808 Helena Avenue. (ZBA2024-0052)**

Mr. Hernandez stated the applicant was requesting a special exception to allow an encroachment of 20 feet into the 25-foot front yard setback for a proposed metal carport

and a variance to allow an encroachment of 14.5 feet into the 25-foot front yard setback for a proposed metal porch. Both carport and porch are to be used to ensure safe and accessible entry to his vehicle from adverse weather conditions.

The subject property is located along the north side of Helena Avenue approximately 90 feet east of South 29th Street. The lot has 90.0 feet of frontage and 107.5 feet of depth for a total of 9,675 square feet. The property is zoned R-1 (Single-Family Residential) District. The adjacent zoning is R-1 (Single-Family Residential) District in all directions.

Balboa Acres Subdivision was recorded on December 27, 1962 and indicates a 25-foot front yard setback. An application for a building permit for a “ramp cover and driveway cover” was submitted on November 13, 2024. An application for a special exception and variance for the carport and porch over ramp was submitted on November 20, 2024

The applicant is requesting a special exception to allow an encroachment of 20 feet into the 25-foot front yard setback for a proposed metal carport measuring 20 feet x 20 feet. The carport will be used to provide protection for the applicant from severe weather conditions when accessing his vehicles. The applicant needs the protection due to physical limitations from medical conditions.

The applicant is requesting a variance to allow an encroachment of 14.5 feet into the 25-foot front yard setback for a proposed metal porch to cover an existing aluminum modular ramp. The ramp was installed to assist the applicant to safely and easily enter and exit his home. The applicant in the near future may need the use of a wheelchair due to mobility issues.

Following a site visit, staff observed other carports within the neighborhood and records indicate variances/ special exceptions for carports have been approved.

No utility easements will be impacted by the encroachment.

Staff had a nearby resident come in and are in favor of the special exception and variance request.

Staff recommended disapproval of the special exception request since there is access from a rear yard alley and an existing carport/bbq area. Staff recommends disapproval of the variance request since variances run with the land and remain as a condition for future owners and new constructions.

Chairperson Gutierrez asked staff if they had discussed with the applicant about the special exception in which, there was a rear yard alley that could serve for the purpose they are requesting. Staff responded yes however, the ramp was installed in the front.

Board member Avila asked staff if they took pictures of the rear alley. Staff stated they only had the aerial image that you could see the rear covered area.

Mr. Juan Ramos, the applicant, 2808 Helena Avenue. He stated he was requesting to cover the ramp rails due to the hot weather. In addition, he needed the cover to protect him from the rain that would affect his medical condition.

Chairperson Gutierrez explained to Mr. Ramos the difference between the special exception and the variance request. Mr. Ramos stated he understood the difference but he was more interested in the approval of the ramp cover.

Chairperson Jose Gutierrez asked if there was anyone present to speak in favor of the Special Exception/Variance request. There was one to speak in favor of the Variance request.

Ms. Marisela Ramos, 2900 Helena Avenue. She stated Mr. Ramos was her brother. She stated he needed the ramp cover to protect him from the inclement weather when he is doing errands in which it takes him a long time to get into the house.

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

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

Board member Garcia asked staff if the carport on the porch part of the same structure or was it separate one attached to the house and the other self-standing. Staff stated the applicant was proposing to have them right up against each other, two separate structures.

Following discussion, Mr. Hugo Avila moved to approve the carport as well as the porch ramp cover as presented. Mr. Daniel Santos seconded the motion. The Board voted to approve the Special Exception/Variance request with five members present and voting.

- 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)**

This item was to remain tabled until the next meeting.

- d) 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)**

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 29th Lane and North 29th Street. The lot along North 29th 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 was 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 might 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.

Mr. Christopher Sebastian, 3506 North 29th Lane. He stated he tried to install solar panels on their house but did not know anything about the existing carport if it had a permit. They bought the house last July 31st. They had called the previous owners to see if they had paperwork for the carport and they stated they did not. At this time, Mr. Sebastian showed the Board members a picture of the carport.

Board member Mujica stated that before them they had a survey dated July 12, 2023 and the carport in place with dimensions of 20.2 feet by 23 feet, which was an excess of the 400 square feet ordinance.

Mr. Sebastian stated at the time they purchased the house they did not know about needing a permit for the carport. He stated they have three vehicles and it would be good for protection.

Board member Avila asked staff if the applicant was willing to reduce the carport. Staff stated yes but have not received with type of proposed dimensions but did discuss it with the applicant.

Board member Avila mentioned to give the applicant in writing and an opportunity to put a plan with the new dimensions and present it at the next meeting.

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.

Chairperson Gutierrez asked the applicant if he would be willing to table the item return with the new dimensions given by City's staff in order to comply with the ordinance. Mr. Sebastian agreed to table the item.

Following discussion, Mr. Hiram Gutierrez **moved** to table the Special Exception. Mr. Ivan Garcia seconded the motion. The Board voted to table the item with five members present and voting.

- e) Request of Matthew Akin 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 metal carport at Lot 118, Vine Terrace Unit No. 4 Subdivision, Hidalgo County, Texas; 2417 North 28th Street. **(ZBA2024-0053)**

Mr. Hernandez 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 metal carport being used for protection of his vehicles from adverse weather elements and to provide shade for the family.

The subject property is located along the west side of North 28th Street approximately 203 feet north of La Vista Avenue. The lot has 50.0 feet of frontage and 90.0 feet of depth for a total of 4,500 square feet. The property is zoned R-1 (Single-Family Residential) District. The adjacent zoning is R-1 (Single-Family Residential) District in all directions.

Vine Terrace Unit No. 4 was recorded on November 13, 1989 and indicates a 20-foot front yard setback. This home and like several homes within this subdivision were built with a single car garage. A stop work order was issued on October 22, 2024 for "construction of carport without a permit". On November 18, 2024, a second stop work order was issued. An application for a special exception for the carport was submitted on November 20, 2024. An application for a building permit has not been submitted at this time.

The applicant is requesting the special exception for an existing metal carport with an encroachment into the front yard setback. The carport was built for protection of their

vehicles and to provide shade for family gatherings. The carport currently measures 20.33 ft. x 19.5 ft. having a total of 396 sq. ft. The applicant is proposing to reduce the carport to 20.33 ft. x 13.5 ft. The reduction brings the carport into compliance with the required six-foot side yard setback and reduces the carport size to 274 sq. ft. The applicant states that the existing single car garage does not provide sufficient space even for a small car and with the approval of the special exception: the homeowner will be able to store his vehicles in a proper and secure manner.

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

Following a site visit, staff observed several carports within the neighborhood and records indicate that a special exception for one of these carports had previously been approved.

No utility easements will be impacted by the encroachment.

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

Staff recommended disapproval of the special exception request since approval of this request might encourage other property owners in this subdivision to build their own carports, altering the existing character of the subdivision.

Board member Lamela asked staff if there any existing carports in the area. Staff stated yes. Chairperson Gutierrez asked how many. Staff stated there were several more than three. There was a record that one Special Exception was approved.

Board member Mujica asked staff if between the two stop work orders was there work performed in that time. Staff stated the carport already existed.

Mr. Matthew Akin, 2417 North 28th Street. He stated he purchased the house three years ago. At that time, he decided to have a carport for the protection of his vehicle and his small child. He contacted a local company to build one like the others in the neighborhood. He gave them a layout within the property line. They built it and three years later, he received a citation. Board member Santos asked the applicant how much did he pay for carport. Mr. Akin stated at the time he paid about \$1500.00.

Board member Mujica asked staff if they had in writing from the applicant that the carport will be reduced by 6 feet. Staff stated yes, there was a revised site plan that the applicant submitted.

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. Ivan Garcia moved to approve the Special Exception. Mr. Hugo Avila seconded the motion. The Board voted to approve the Special Exception with five members present and voting.

- f) Request of Rafael Ayala for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 25-foot front yard setback for an existing carport at Lot 14, Schuster Acres Subdivision, Hidalgo County, Texas; 404 North 9th Street. **(ZBA2024-0051)**

Ms. Martinez the applicant was requesting a Special Exception to allow an encroachment of 20 feet into the 25-foot front yard setback for an existing carport measuring 20 feet by 20 feet measuring a total of 400 square feet in size. The carport was proposed to provide weather protection for the applicant's vehicle.

The subject property is located along the east side of North 9th Street approximately 63 feet north of Date Palm Avenue. The lot has 60 feet of frontage along North 9th Street and 107 feet of depth for a total of 6,420 square feet. The subject property is zoned R-1 (single-family residential) District. The adjacent zoning is R-1 District in all directions.

Schuster Acres Subdivision was recorded on August 29, 2005. The plat requires a 25-foot front yard setback. According to the Hidalgo County Appraisal District, the house was built with a two-car garage in 2014. On November 12, 2024, Building and Inspections Department issued a stop work order for no permit on file for a carport on the property. On November 14, 2024, the applicant applied for a Special Exception to allow an encroachment of 20 feet into the 25-foot front yard setback. An application for a building permit has not been submitted.

The applicant is requesting a Special Exception to allow an encroachment of 20 feet into the 25-foot front yard setback for an existing metal carport measuring 20 feet by 20 feet for a total of 400 square feet in size.

The applicant states the reason for the carport is to provide vehicle protection from severe weather conditions.

The 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.

The applicant currently does not have access to an alley to have the carport relocated at the rear of the property.

Carports being granted a Special Exception shall not exceed 400 square feet in size.

A review of Planning Department records showed no previous special exception requests granted along North 9th Street within Schuster Acres subdivision.

Special Exceptions are issued to and recorded for the present owner only. New property owners would need to apply for a new Special Exception request.

Staff had not received any phone calls or emails with concerns in regards to the Special Exception request.

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

Mr. Rafael Ayala, 404 North 9th Street. Chairperson Gutierrez asked the applicant when the carport was built. Mr. Ayala stated about a month ago. He stated he went to the City of Donna and purchased it from a carport dealership. They had sent someone to come to his house and install it. He was not aware about obtaining a permit for the carport. He stated at one of the places where he lived before 2010 he asked his neighbors because many neighbors had carports. Mr. Ayala asked what was required. His neighbor stated nothing, just buy it and install it. The following week the City came out and cited him. Mr. Ayala then came to the Planning Department and was informed that they needed a building permit. Mr. Gutierrez asked the applicant if at the carport dealership mentioned anything about needing to obtain a permit. He stated no.

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 one to speak in opposition of the Special Exception.

Ms. Manuela Flores, 500 North 9th Street. She stated she was opposing the request. It was a new neighborhood and stated it looked out of ordinance.

Chairperson Jose Gutierrez asked if there was anyone else present to speak in opposition of the Special Exception. There was anyone else to speak in opposition of the Special Exception.

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

- g)** 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)**

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

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

The plat for Redwood Park Addition Subdivision was recorded on September 14, 1949. According to the Hidalgo Country Appraisal Records, the home was constructed in 1983.

The additions that compose the variance request were made in 2016. The application for the variance request was submitted on November 12, 2024. An application for a building permit has not been submitted.

The applicant 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 the structures to remain with the encroachments.

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

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

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

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

Mr. Carlos Jimenez, 8424 Alison Avenue, College Station, TX. He stated back in 2020-2021 he inherited half of the house located at 1616 North 8th Street from a dear friend. He paid his share of the house to the owner. He had no idea of the variances that were in place. He stated the house was actually built in 1950. At this time, he showed a picture of the house to the Board members. The house is a three-bedroom one-bath house. He had a record where the owner wanted a permit to build a second bathroom. The garage and the casita in the back those were fully built into the house now. Mr. Jimenez asked a construction company for the value of a demolition. The demolition of the garage and casita in the back would cost him \$50,000.00.

Board member Mujica asked Mr. Jimenez when the garage was built. Mr. Jimenez stated it was built back in the 1950s.

Chairperson Gutierrez suggested tabling the item in order to obtain more information from City staff regarding and the applicant.

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

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

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

ADJOURNMENT

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

Chairperson Jose Gutierrez

Carmen White, Administrative Assistant

Memo

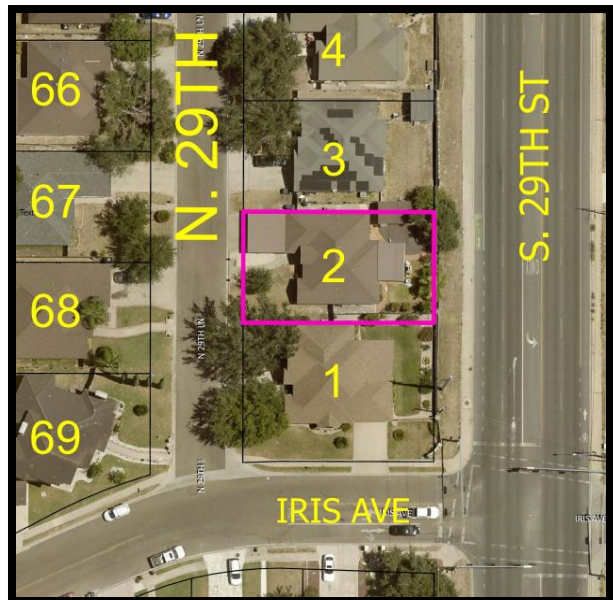
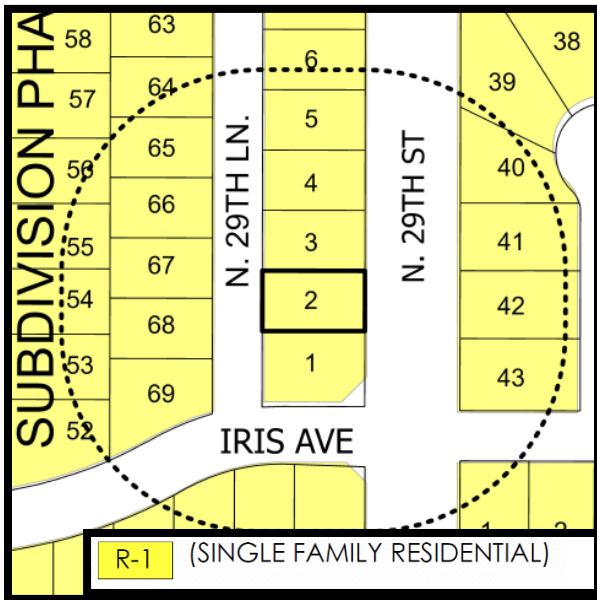
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: December 20, 2024

SUBJECT: 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)

REASON FOR APPEAL: The applicant is 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.



PROPERTY LOCATION AND VICINITY: The subject property is located north of Iris Avenue between North 29th Lane and North 29th Street. The lot along North 29th 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.

BACKGROUND AND HISTORY: 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.

ANALYSIS: 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 has not received any phone calls or emails in opposition to this variance request.

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

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, 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.

23A2624-0050

230A
12/18/24



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project

Legal Description PONDEROSA PARK PH I LOT 2

Subdivision Name PONDEROSA PARK

Street Address 3506 N 29th LANE MCALLEN TX-78501

Number of lots 1 Gross acres _____

Existing Zoning R-1 Existing Land Use RESIDENTIAL

Reason for Appeal (please use other side if necessary) Existing car port is encroaching 20ft into the 20ft front yard set back See next page

\$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 CHRISTOPHER SEBASTIAN Phone 956-655-5236
Address 3506 N 29th LANE E-mail leer47aries@gmail.com
City MCALLEN State TX Zip 78501

Owner

Name Same as above Phone _____
Address _____ E-mail _____
City _____ State _____ Zip _____

Authorization

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

Yes No

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

Signature [Signature] Date 11/13/24

Print Name Christopher Sebastian Owner Authorized Agent

Office

Accepted by [Signature] Payment received by _____

Rev 09/20



200-462845

2023-08-23



City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

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

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

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

Reason for Appeal

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

Car port was built over setbacks without permit prior to purchase of the home in July '23

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

Car port was built over setbacks without permit prior to purchase of the home in July '23

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:

Does not disturb neighbors or anyone

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

We need the carports for our multiple vehicles

Board Action

Chairman, Board of Adjustment
Signature

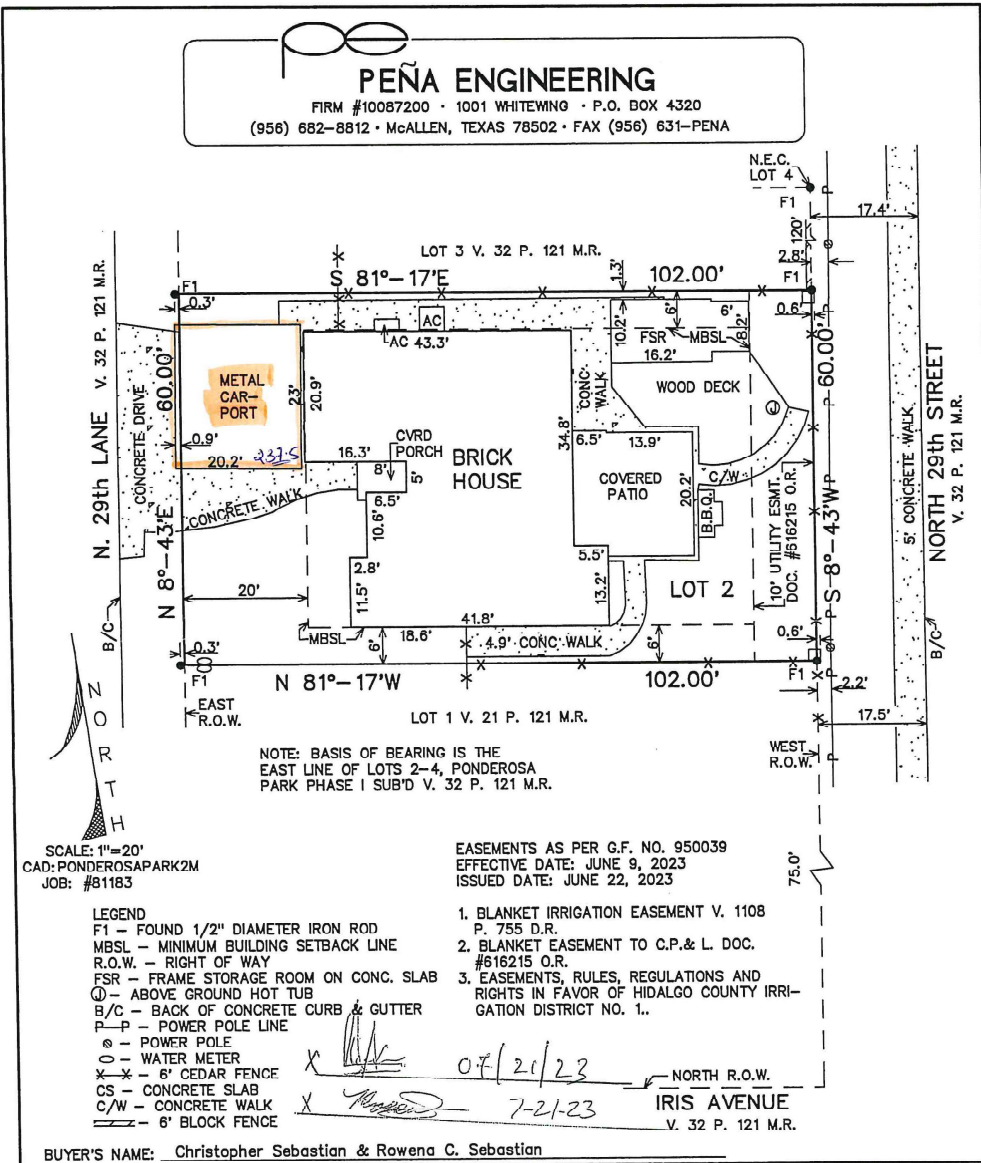
Date

Car port measures 20.2 inches by 23 ft for total
Square Footage of 464.6



RECEIVED
 NOV 13 2024
 DR
 BY

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



Back to R
 18'
 8.5'
 Roof
 Link from roof top
 1

FLOOD ZONE: By GRAPHICAL PLOTTING Community Panel No. 480343 0005 C
 Map Revised: November 2, 1982

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

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

ADDRESS: _____

LEGAL DESCRIPTION: Lot 2, PONDEROSA PARK PHASE I, an Addition to the City of McAllen, Hidalgo County, Texas,
 ACCORDING TO THE MAP RECORDED IN VOLUME 32 PAGE 121
 OF THE _____ MAP _____ RECORDS OF _____ HIDALGO COUNTY, TEXAS.

Pablo Peña III
 PABLO PEÑA III
 REG. PROFESSIONAL LAND SURVEYOR No. 5242

07/12/2023
 DATE



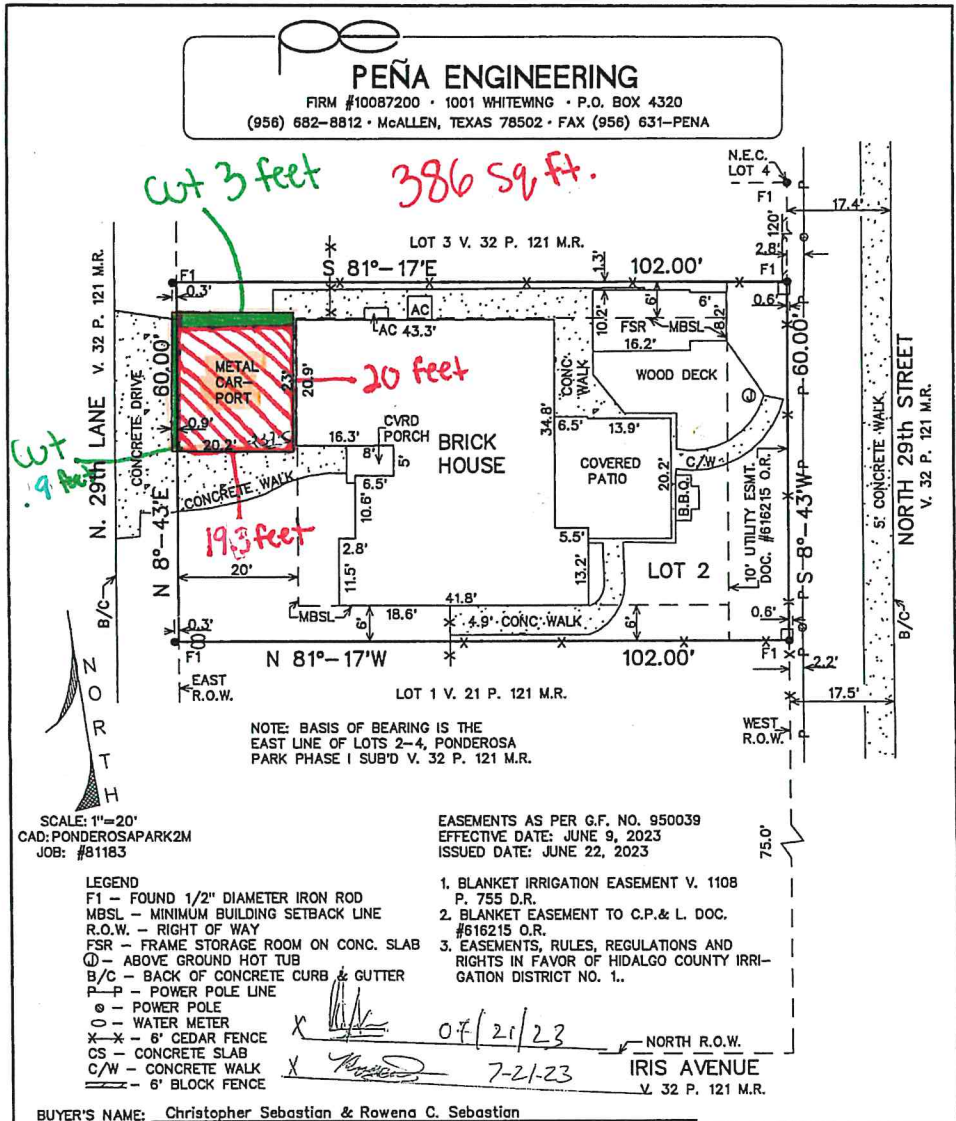


RECEIVED
 NOV 13 2024
 DR. M. R.
 BY:

C.S.
 12/20/24

Back to R
 191
 8' S
 Ref.
 1/2" Insp
 not top
 1

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





NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2024-0050

Memo

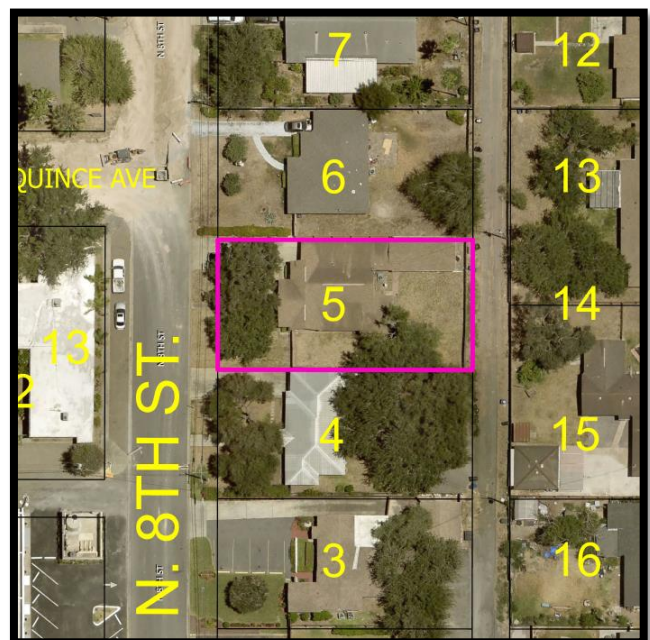
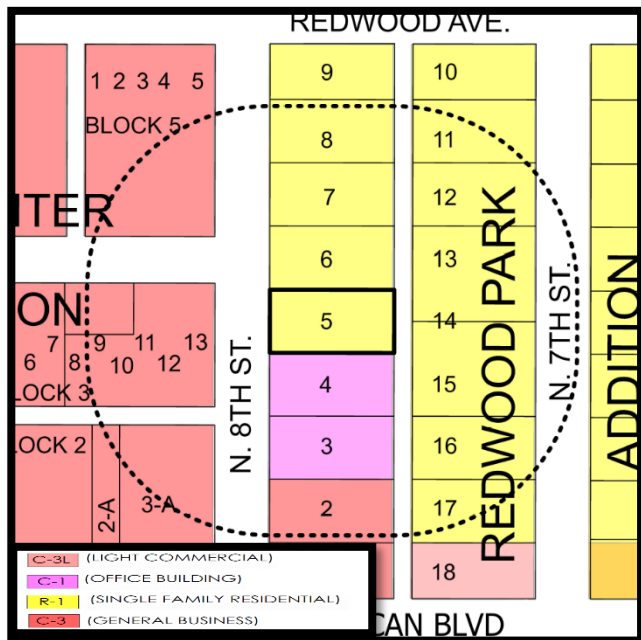
TO: Zoning Board of Adjustment & Appeals

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

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





1616

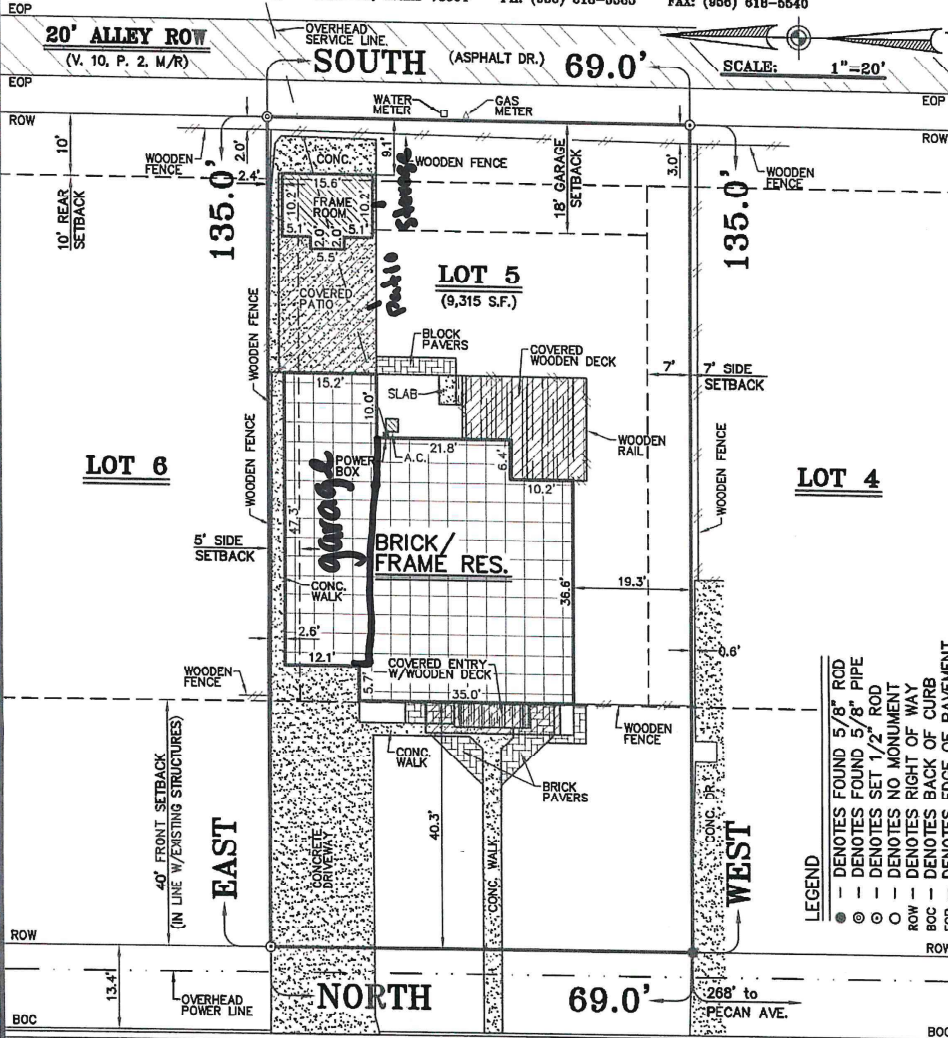
T.B.P.E. FIRM No.: F-5154

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



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 as per F.E.M.A. Flood Insurance Rate Map Panel No. 480343-0005-C dated 11-02-82.

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.
 - 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".
 - This is a standard survey and does not include the location or subsurface investigation of underground utility, irrigation and/or gas lines.
 - 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

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

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



Registered Professional Land Surveyor No. 4802

NOV 12 2024

BY:

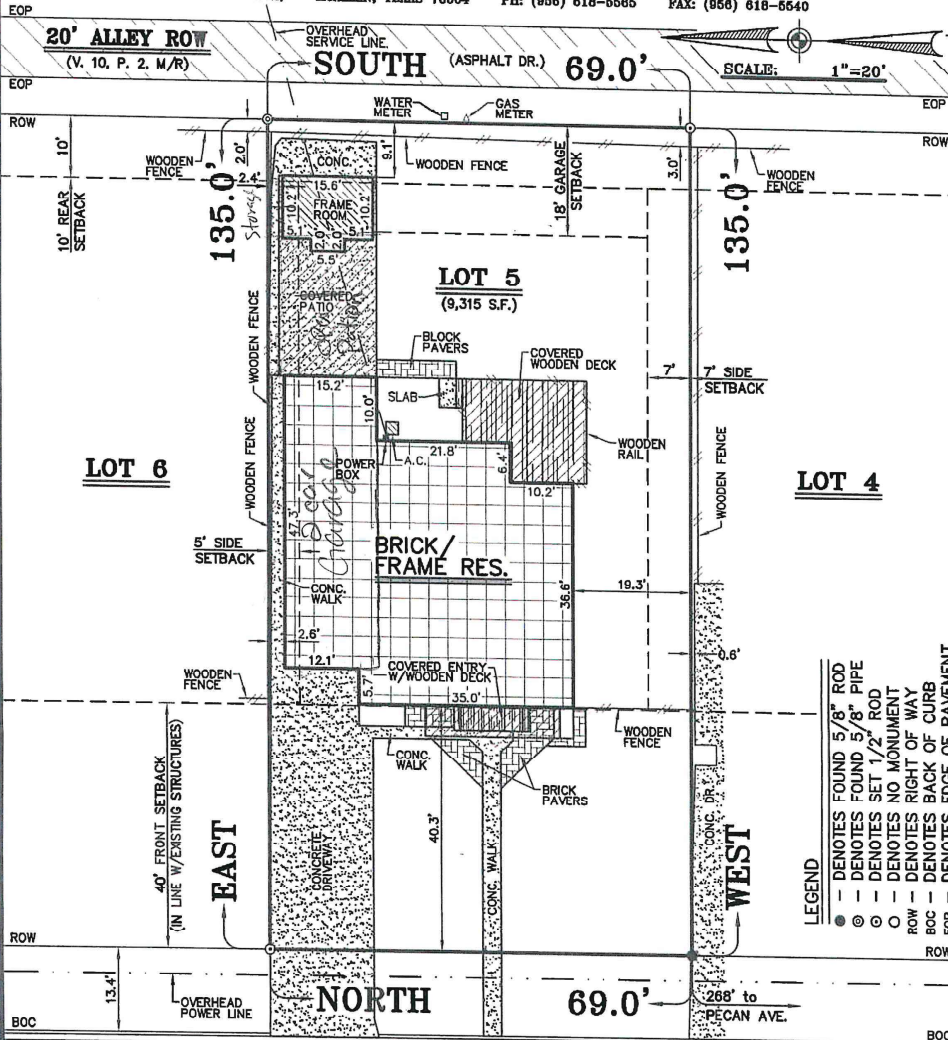
T.B.P.E. FIRM No.: F-5154



ART SALINAS ENGINEERING & SURVEYING

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

1624 DOVE AVENUE, McALLEN, TEXAS 78504 PH: (956) 618-5665 FAX: (956) 618-6640



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.
 - 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".
 - This is a standard survey and does not include the location or subsurface investigation of underground utility, irrigation and/or gas lines.
 - 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

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 Job No. 11-07-24 Date

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



Registered Professional Land Surveyor No. 4802

NOV 12 2024

BY: *Arturo Salinas*



8109

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

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

Memo

TO: Zoning Board of Adjustment & Appeals

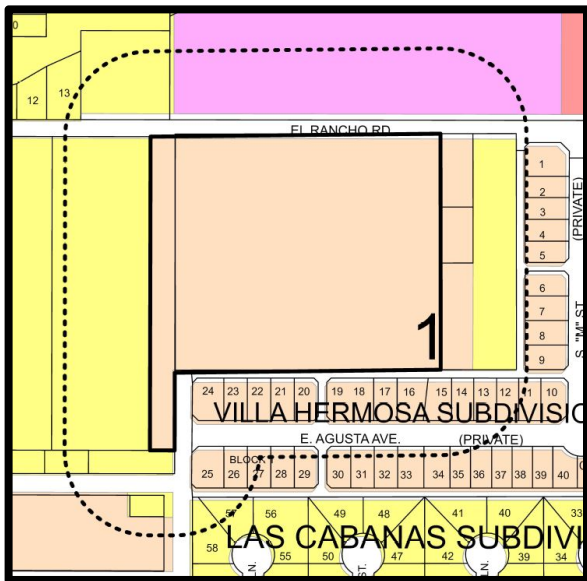
FROM: Planning Staff

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.

ZBA2024-0048

ZBOA
12/4/2024



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project	Legal Description	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)	b/c cedar w/ columns 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

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

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

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

Signature _____ Date 11/08/2024

Print Name Francisco Pons B. Owner Authorized Agent

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



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

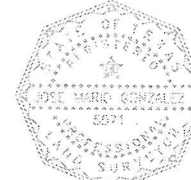
ADDRESS: E EL RANCHO ROAD
McALLEN, TEXAS

SURVEYED: JULY 18, 2023

REQUESTED BY:

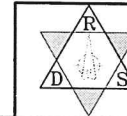
FLOOD ZONE DESIGNATION: ZONE "B"
COMMUNITY-PANEL NUMBER: 480334 0425 C
MAP REVISED: NOVEMBER 16, 1982

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

© COPYRIGHT 2023 RIO DELTA SURVEYING THIS SURVEY WAS
PREPARED BY MAXIMUM ORIGINAL SIZE FOR THE USE OF THE
BORROWER NAMES HEREON, NO LICENSE HAS BEEN CREATED,
EXPRESSED OR IMPLIED TO COPY THIS SURVEY.



NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2024-0048

