AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, JULY 7, 2021 - 4:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3RD FLOOR

Web: https://zoom.us/join or phone: (346) 248-7799

Meeting ID: 672 423 1883

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

CALL TO ORDER - Chairperson Erick Diaz

1. MINUTES:

a) Minutes for the meeting held on June 17, 2021.

2. PUBLIC HEARINGS:

- a) Request of Yolanda Zapata for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 18.42 ft. into the 25 ft. front yard setback for an existing metal carport measuring 19 ft. by 16 ft., at Lot 204, Idela Park Unit 2 Subdivision, Hidalgo County, Texas; 3000 Melba Avenue. (ZBA2021-0021)
- b) Request of Melinda Garza on behalf of MDG Investment Group LLC for the following variance to the City of McAllen Zoning Ordinance to allow an encroachment of 10 ft. into the 25 ft. rear yard setback for a proposed single family residence at Lot 4, The Embers Subdivision (Gated Community), Hidalgo County, Texas; 413 Cornell Avenue. (ZBA2021-0023)
- c) Request of Edwin R. Rodriguez for the following variances to the City of McAllen Zoning Ordinance to allow: 1) to encroach 7 ft. into the 10 ft. rear yard setback for a proposed wooden storage building measuring 10 ft. by 12 ft., and 2) to encroach 4 ft. into the 10 ft. rear yard setback for a proposed porch measuring 10 ft. by 11 ft., at Lot 74, Parkwood Manor Subdivision Phases 1, 2, & 3, Hidalgo County, Texas; 7108 North 23rd Lane. (ZBA2021-0024)
- **d)** Request of Clint Hernandez for the following variance to the City of McAllen Zoning Ordinance to allow an encroachment of 10.67 ft. into the 25 ft. rear yard setback for a proposed swimming pool measuring 24.33 ft. by 36.33 ft., at Lot 8, Northgate Crossing Subdivision Phase II, Hidalgo County, Texas; 8915 North 22nd Lane. **(ZBA2021-0025)**
- e) Request of Riverside Development Service, LLC for the following variance to the City of McAllen Zoning Ordinance to allow a lot width less than 50 ft. with a minimum width of 29.66 ft. for lot 90 of proposed Campo de Sueños Phase II, 41.18 ft. to 49.98 ft. for Lots 58-64,66-68,71,73-79,88,91-97,101-103 of proposed Campo de Sueños Phase II, 24.65 ft. for Lot 139 of proposed Campo de Sueños Phase III, 34.12 ft. to 38.82 ft. for Lots 124,125,137,140,143-146,148 of proposed Campo de Sueños Phase III, 40.22 ft. to 49.49 ft. for Lots 106,111-113,123,126,127,130-136,141,147,149,151-160,168-172 of proposed Campo de Sueños Phase III, For a 26.663 acre tract of land out of Lot 45 and 52, La Lomita Irrigation and Construction Company's Subdivision, Hidalgo County, Texas; 8300 North Ware Road. (ZBA2020-0087)

3. FUTURE AGENDA ITEMS

- a) 2232 Nyssa Avenue
- **b)** 9500 North 17th Street
- c) 2201 South 31st Street
- d) 8100 North 3rd Street

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 PLANNING & ZONING COMMISSION MAY TAKE VARIOUS ACTIONS, INCLUDING BUT NOT LIMITED TO RESCHEDULING AN ITEM IN ITS ENTIRETY FOR PARTICULAR ACTION AT A FUTURE DATE.

STATE OF TEXAS COUNTY OF HIDALGO CITY OF MCALLEN

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Thursday, June 17, 2021 at 4:30 p.m. in the City Commission Meeting Room with the following present:

Present: Erick Diaz Chairperson

John Millin Vice-Chairperson (Zoom)

Sylvia Hinojosa Member (Zoom)

Jose Gutierrez Member Ann Tafel Alternate

Hugo Avila Alternate (Zoom)
Rogelio Rodriguez Alternate (Zoom)
Rebecca Millan Alternate (Zoom)

Absent: Juan F. Jimenez Member

Staff Present: Issac Tawil City Attorney

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

Hebert Camacho Planner I

Porfirio Hernandez Planning Technician II Jacob Salazar Planning Technician

Carmen White Secretary

CALL TO ORDER –Chairperson Erick Diaz

1. MINUTES:

a) Minutes for the meeting held on June 2, 2021.

The minutes for the meeting held on June 2, 2021 were approved. The motion to approve the minutes was made by Ms. Sylvia Hinojosa. Mr. Jose Gutierrez seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

a) Request of Riverside Development Service, LLC for the following variances to the City of McAllen Zoning Ordinance 1) to allow a lot width less than 50 ft. with a minimum width of 29.66 ft. for Lot 103 of proposed Campo de Sueños Phase II, 39 ft. to 44.5 ft. for Lots 61,67,68,72,73,77-80,82-86,92,104,105 of proposed Campo de Sueños Phase II, 45 ft. to 49.6 ft. for Lots 56-60,62,64-66,69,70,71,81,87,89-91,101 of proposed Campo de Sueños Phase II, 23.17 ft. for Lot 137 of proposed Campo de Sueños Phase III, 29 ft. to 34.5 ft. for Lots 135,144,145 of proposed Campo de Sueños Phase III, 34.51 ft. to 39 ft. for Lots 124,125,130,131,136,138,139,143,158 of proposed Campo de Sueños Phase III, 40 ft. to 45.5 ft. for Lots 111,112,123,126,129,132-134,140-142,146,148,150-

152,155-157,163-166 of proposed Campo de Sueños Phase III, and 46 ft. to 50 ft. for Lots 113,147,153,154,159 of proposed Campo de Sueños Phase III, **2)** to allow a lot size of less than 5,000 sq. ft. with a minimum lot size of 4,512.31 for Lot 56 and 4,725.36 sq. ft. for Lot 57 of proposed Campo de Sueños Phase II, For a 26.663 acre tract of land out of Lot 45 and 52, La Lomita Irrigation and Construction Company's Subdivision Hidalgo County, Texas; 8300 North Ware Road. **(ZBA2020-0087) WITHDRAWN**

b) Request of Jose G. Vela for the following Special Exception to the City of McAllen Zoning Ordinance to allow: an encroachment of 20.83 ft. into the 25 ft. front yard setback for an existing metal carport measuring 20 ft. by 20 ft., at Lot 87, Olivarez Subdivision No. 5, Hidalgo County, Texas; 3004 Upas Avenue. (ZBA2021-0017) (TABLED: 06/02/2021)

Ms. Sylvia Hinojosa <u>moved</u> to remove item from the table. Ms. Ann Tafel seconded the motion with five members present and voting.

Mr. Camacho stated the applicant was requesting a special exception to encroach 20.83 ft. into the 25 ft. front yard setback an existing metal carport that measures 20 ft. by 20 ft. The applicant is requesting to allow the carport at the proposed location, since it protect him, his truck and cover the ramp to access the residence from inclement weather.

The subject property was located on the north side of Upas Avenue, approximately 180 ft. east of North 31st Street. The property has 61 ft. of frontage along Upas Avenue and a depth of 124.8 ft. with a lot size of 7,612.8 square feet. The property and adjacent zoning is R-1 (single family residential) District in all directions. Surrounding land use include single-family residential.

Olivarez Subdivision No.5 was recorded on February 1, 1972. The plat specified a 25 ft. front yard setback. A stop work order was issued by Building and Inspections Department staff on April 19, 2021 for the installation of a carport without a permit. An application for a building permit for a carport was submitted to the Building Permits & Inspections Department on April 22, 2021. An application for special exception request for encroachment of an existing carport was submitted to the Planning Department on April 30, 2021.

The special exception request was to allow an encroachment of 20.83 ft. into the 25 ft. front yard setback for an existing metal carport that measures 20 ft. by 20 ft. The plat for the subdivision specifies a 25 ft. front yard setback. The applicant is proposing to relocate the entire carport 8 ft. to the east to avoid encroachment into the side setback (5 ft. as per pattern). This location would have the carport to be align with the existing house.

There were no variance requests on file for carports encroaching into the setbacks for this subdivision; however, a site inspection confirmed that there are existing carports (approximately 7) built around the neighborhood without a permit. There are other structures around the area that seemed to be encroaching into rear and side setbacks.

Approval of the request will allow the existing carport to be relocated as depicted on the site plan.

Zoning Board of Adjustment & Appeals June 17, 2021 Page 3

Staff had not received any phone calls or concerns in regards to the special exception request.

Staff recommended approval of the special exception since reasons of appeal are health related and it complies with Section 138-371 (b) (1) of the Zoning Ordinance. If the Board chooses to approve the request, the approval should be limited to the proposed location shown on the site plan.

Chairperson Diaz asked if there was anyone present or on Zoom in favor of the variance request. There was no one else in favor of the variance request.

Chairperson Diaz asked if there was anyone present or on Zoom in opposition of the variance request. There was no one in opposition of the variance request.

Mr. Jose Gutierrez asked staff and legal if the applicant needed to give information for medical situations in order to approve or disapprove. Legal counsel Mr. Tawil stated it should not weigh in the veracity of the medical excuse. The City's recommendation was to approve it.

Mr. Jose Gutierrez **moved** to approve the special exception. Ms. Ann Tafel seconded the motion. The Board voted to approve the special exception with five members present and voting.

c) Request of Antonio & Martina Ramos, for the following Special Exception to the City of McAllen Zoning Ordinance to allow: an encroachment of 21.75 ft. into the 25 ft. front yard setback for an existing metal carport measuring 18.42 ft. by 23.33 ft., at Lot 67, Casa Bonita Subdivision, Hidalgo County, Texas; 512 North 26th Street. (ZBA2021-0019)

Mr. Camacho stated the applicant was requesting a special exception to encroach 21.75 ft. into the 25 ft. front yard setback for an existing metal frame/ nylon roof carport that measures 18.42 ft. by 23.33 ft. The applicants are requesting to allow the carport at this location, since it has been helpful to them, the carport helped the applicants by providing shade and be able to walk around the immediate area of their property instead of being confined inside the house during this pandemic. One of the applicants has some medical conditions, which benefits the applicant from consistent walking and the carport helps them by proving shade.

The subject property was located on the east side of North 26th Street, approximately 210 ft. north of Ebony Avenue. The property has 50 ft. of frontage along North 26th Street and a depth of 110 ft. with a lot size of 5,500 square feet. The property and adjacent zoning is R-1 (single family residential) District in all directions, R-2 (duplex-fourplex) District to the north and I-1 (light industrial) District to the south. Surrounding land use include single-family residential houses, Iglesia Bautista Emmanuel and International Paper Plant.

Casa Bonita was recorded on February 14, 1967. The plat specifies a 25 ft. front yard setback. A building permit was submitted in November 2012 for a detached carport, the building permit was disapproved by all corresponding departments, no construction was

done at the time and the permit was destroyed. In October 2015, a second building permit was submitted for a gable carport, however, the applicant applied for a variance in November 2015, the variance was disapproved at the ZBOA meeting of November 18, 2015, in consequence, the departments a second time rejected the building permit, there was no construction at the time and the permit was destroyed. Building and Inspections Department staff issued a stop work order on April 29, 2021 for the installation of a carport without a permit. An application for a building permit for a carport was submitted to the Building Permits & Inspections Department on May 5, 2021. An application for special exception request for encroachment of an existing carport was submitted to the Planning Department on May 12, 2021.

The special exception request was to allow an encroachment of 21.75 ft. into the 25 ft. front yard setback for an existing metal carport with a nylon roof that measures 18.42 ft. by 23.33 ft. The plat for the subdivision specifies a 25 ft. front yard setback.

There was one variance request on file for a carport encroaching into the side and rear setbacks for this subdivision (2401 Fir Ave.), the variance was approved at the ZBOA meeting of August 22, 1979. A site inspection confirmed that, there are variety of existing structures around the neighborhood without any variances that seem to be encroaching into the setbacks. This carport would be the second one encroaching into the front yard setback in the immediate area. Carports are common in neighboring streets.

Approval of the request will allow the existing carport to remain as depicted on the site plan.

Staff had not received any phone calls or concerns in regards to the special exception request.

All measurements were without the benefit of a survey.

Staff recommended approval of the special exception since reasons of appeal are health related. If the Board chooses to approve the request, the approval should be limited to the proposed location shown on the site plan.

Chairperson Diaz asked if there was anyone present or on Zoom in favor of the special exception. There was no one else in favor of the special exception.

Chairperson Diaz asked if there was anyone present or on Zoom in opposition of the special exception. There was no one in opposition of the special exception.

Ms. Sylvia Hinojosa <u>moved</u> to approve the special exception. Mr. Jose Gutierrez seconded the motion. The Board voted to approve the special exception with five members present and voting.

d) Request of Alicia G. Duarte for the following variances to the City of McAllen Zoning Ordinance to allow: 1) to not require a 5 ft. separation for an accessory building to the main building for an existing storage building measuring 12.91 ft. by 18.08 ft.,2) an encroachment of 7 ft. into the 7 ft. side yard setback for an existing chimney measuring 13.04 ft. by 2.77 ft. 3) an encroachment of 7 ft. into

the 7 ft. south side yard setback for a proposed carport measuring 19.92 ft. by 20 ft., and 4) an encroachment of 10 ft. into the 10 ft. rear yard setback for a proposed carport measuring 19.92 ft. by 20 ft., at Lot 24, Block 3, Retama Terrace Subdivision, Hidalgo County, Texas; 1020 North 27th ½ Street. (ZBA2021-0018)

Mr. Camacho stated the applicant was requesting the variances to allow an existing storage building and chimney to remain at its current location, and to be able to build a proposed carport in order to protect their vehicles from inclement weather and because the current garage cannot fit both of the vehicles.

The subject property was located on the southwest corner of Kendlewood Avenue and North 27th ½ Street. The property had 55 ft. of frontage along North 27th ½ Street and a depth of 130 ft. with a lot size of 7,150 sq. ft. The adjacent zoning was R-1 (single-family) District in all directions. Surrounding land use include single-family residences.

Retama Terrace Subdivision was recorded on February 28, 1956. The original building permit for the house was issued on 2013. A second building permit for the construction of a storage building was approved in 2014. An application for a building permit for a proposed carport has not been submitted. The application to request the variances was submitted on May 5, 2021.

Variance #1:

As per Building permit records, a building permit was submitted and approved for the addition of a storage in 2014 (RES2014-04120), however, this permit was not routed to the Planning Department for review. Zoning ordinance 138-369 states that no accessory building shall be closer than 5 ft. from the main building except where a firewall is provided. There is no firewall detail stipulated on the building permit and the distance from the main structure to the storage is 4 ft. 4 inches. The building permit was never finalized.

Variance #2:

Is to allow an existing chimney to remain at its current location with an encroachment of 7 ft. into the 7 ft. side yard setback along the south property line. The chimney has a measurement of 13.04 ft. by 2.77 ft. and sits along the brick fence. Additionally, the chimney has an elevated concrete slab that serves a counter with a sink on it. There is no building permit on file for this construction.

Variance #3 & #4

These variances are to allow the construction a proposed metal carport on the southeast corner of the lot. The proposed measurement for the carport is 19.92 ft. by 20 ft.

Approval of the variance requests will allow the following:

- 1. Storage shed to remain at its current location
- 2. Chimney to remain at its current location
- 3. For a proposed metal carport to be built encroaching into side and rear setbacks

During the site visit, staff noticed that there are other existing structures in the area that

appear to be encroaching into the side and rear yard setbacks. There is only two approved variances in the area for carports and storages encroaching into the front yard setback and side yard and rear setbacks respectively. Variances were approved in 2017.

Staff had not received any phone calls in opposition to the request.

Staff recommended approval of variance #1, and disapproval of the variance request #2, #3 and #4. If the Board chooses to approve the requests, the approval should be limited to the encroachments shown on the submitted site plan.

Mr. Jose Gutierrez asked staff what was the basis for approving variance request #1. Mr. Camacho stated the permit was originally submitted to the City and reviewed by other departments but was not routed to the Planning Department to be reviewed for the 5 ft. separation. The other departments had approved the building permit. Chairperson stated the storage building was in good standing it was too close to the main house. The chimney was encroaching into the side yard setback. The proposed carport would be in the side and rear setback. Mr. Camacho stated that was correct.

Mr. Rogelio Rodriguez asked staff it met the actual green area of this particular location. The landscaping requirement was for the front and all of the variances were being for the rear of the property.

Ms. Alicia Duarte, the applicant stated she wanted to put a carport to protect her vehicles from the inclement weather. She was aware that she was building the proposed carport over the encroachment setbacks.

Mr. Jose Gutierrez translated to the applicant explaining what the variance she was requesting entailed. As far as the type of construction of her carport. That it ran with the land and not with the applicant. Ms. Duarte stated the reason of the size of the was to fit two vehicles. That it was difficult to open the doors inside the garage.

Mr. Gutierrez asked the applicant who built the chimney. She stated her son-in-law had built it about two years ago. Chairperson Diaz asked if it could be moved. Ms. Duarte stated it would be costly. She was not aware of obtaining a permit for the chimney.

Chairperson Diaz asked the applicant regarding the rear yard if she could construct for only one vehicle. Ms. Duarte stated if that was the only option but she would still have to park two vehicles in that area. She did not want the carport in the front of her house.

Mr. Edgar Garcia, Planning Director stated the carport will be considered a special exception whether it was in the rear or the side. The chimney would be a variance.

Mr. Gutierrez explained to the applicant that the variance for the carport would be considered a special exception that it would be only for her only and with the land. In the interim she should sell the house then the new owner would have to reapply for the special exception if they chose to keep the carport.

Zoning Board of Adjustment & Appeals June 17, 2021 Page 7

Ms. Duarte stated yes and agreed to the change from variance to special exception for the proposed carport.

Mr. Garcia mentioned to the applicant that she would have to pay for the recording fee should it be approved.

Chairperson Diaz asked if there was anyone present or on Zoom in favor of the variance request. There was no one else in favor of the variance request.

Chairperson Diaz asked if there was anyone present or on Zoom in opposition of the variance request. There was no one in opposition of the variance request.

Mr. Jose Gutierrez <u>moved</u> to approve request #1, disapprove request #2 and approve requests #3 and #4 as special exceptions. Mr. Hugo Avila seconded the motion. The Board voted to approve the requests with five members present and voting.

3. FUTURE AGENDA ITEMS:

- a) 8300 North Ware Road
- b) 3000 Melba Avenue
- c) 2232 Nyssa Avenue
- d) 413 Cornell Avenue
- e) 7108 North 23rd Lane
- f) 8915 North 22nd Lane

Mr. Garcia mentioned to the Board that they had not had the carport workshop with the City Commission but it was scheduled to go the next meeting of June 28th and will keep the Board updated.

ADJOURNMENT

There being no further business to come before the Zoning Board of Adjustment and Appeal, Ms. Sylvia Hinojosa <u>moved</u> to adjourn the meeting. Mr. Jose Gutierrez seconded the motion, which carried unanimously with five members present and voting.

	Chairperson Erick Diaz
Carmen White, Secretary	

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: June 29, 2021

SUBJECT: REQUEST OF YOLANDA ZAPATA FOR THE FOLLOWING SPECIAL EXCEPTION TO

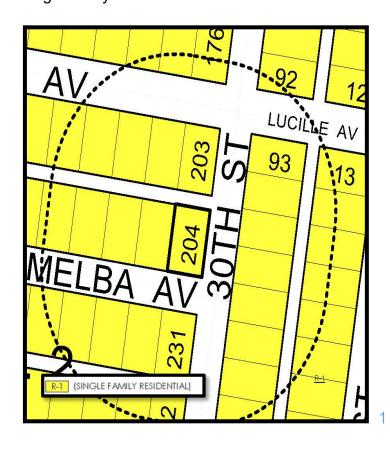
THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 18.42 FT. INTO THE 25 FT. FRONT YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 19 FT. BY 16 FT., AT LOT 204, IDELA PARK UNIT 2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 3000 MELBA AVENUE. (ZBA2021-0021)

REASON FOR APPEAL:

Yolanda Zapata is requesting the following special exception to allow an encroachment of 18.42 ft. into the 25 ft. front yard setback for an for an existing metal carport structure measuring 19 ft. by 16 ft. The existing carport is used to protect the applicant and her belongings from inclement weather. In addition, the applicant stated that the carport is used for health related purposes related to her daughter and father.

PROPERTY LOCATION AND VICINITY:

The subject property has 56 ft. of frontage on Melba Avenue and a depth of 90 ft. for an area of 5040 sq. ft. The property is zoned R-1 (single family residential) District. The surrounding land uses are single-family residences.





BACKGROUND AND HISTORY:

Idela Park Unit 2 Subdivision was recorded on July 25, 1978. A stop work order for building without a permit was issued on April 20, 2021. The applicant submitted an application for a building permit on May 27, 2021. The variance request was submitted on May 28, 2021.

In November 19, 2008, the Board approved a variance for an existing carport at 3017 Melba Avenue (Lot 227) for an 11.5 ft. encroachment into the 25 ft. front yard setback.

In March 03, 2010, the Board approved a variance for an existing carport at 3005 Melba Avenue (Lot 230) for a 23.8 ft. encroachment into the 25 ft. front yard setback.

In March 03, 2010, the Board approved a variance for an existing carport at 3029 Melba Avenue (Lot 224) for a 22 ft. encroachment into the 25 ft. front yard setback.

ANALYSIS:

The variance request is to allow an encroachment of 18.42 ft. into the 25 ft. front yard setback. There is no utility easement near the front property line. The existing carport does not encroach into a utility easement. 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 of properties in a subdivision.

The Planning Department conducted an inspection and revealed several encroachments of carports in the front yard setback.

Accessory buildings are customarily located in the rear yard.

Staff has received one phone call in opposition to the request.

RECOMMENDATION:

Staff recommends approval of the special exception request.

City of McAllen

Planning Department APPEAL TO ZONING BOARD OF

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

311 North 15th Street

ADJUSTMENT TO MCALLEN ZONING ORDINANCE				
-	Legal Description Idela Park Unit 2 Lot 204			
Project	Subdivision Name Street Address Number of lots Number of lots Existing Zoning Residuatia Reason for Appeal (please use other side if necessary) Number of lots Existing Land Use Residuatia Reason for Appeal (please use other side if necessary) Protection de Carres, Alergias Lini hija aire fresco en la tarda \$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 Yolanda Zajata Phone 920.566.9814 Address 3000 Melba St E-mail Yolizapa yahoo.com City MCAllen State TX Zip 78503			
Owner	Name			
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 Date Owner Authorized Agent			
Office	Accepted by Hc. Payment received by Pate MAY 2 8 2021			

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: Linea de construcción de la Co Reason for Appeal Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the hua tiene aleigias y necesita salil a temal aire fresco 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: de a lado suficiente espacio para con su ansied Describe special conditions that are unique to this applicant or property: un paro de depresión y tiene un goto y perro que le ayudan **Board Action** Chairman, Board of Adjustment Date Signature Rev. 9/20

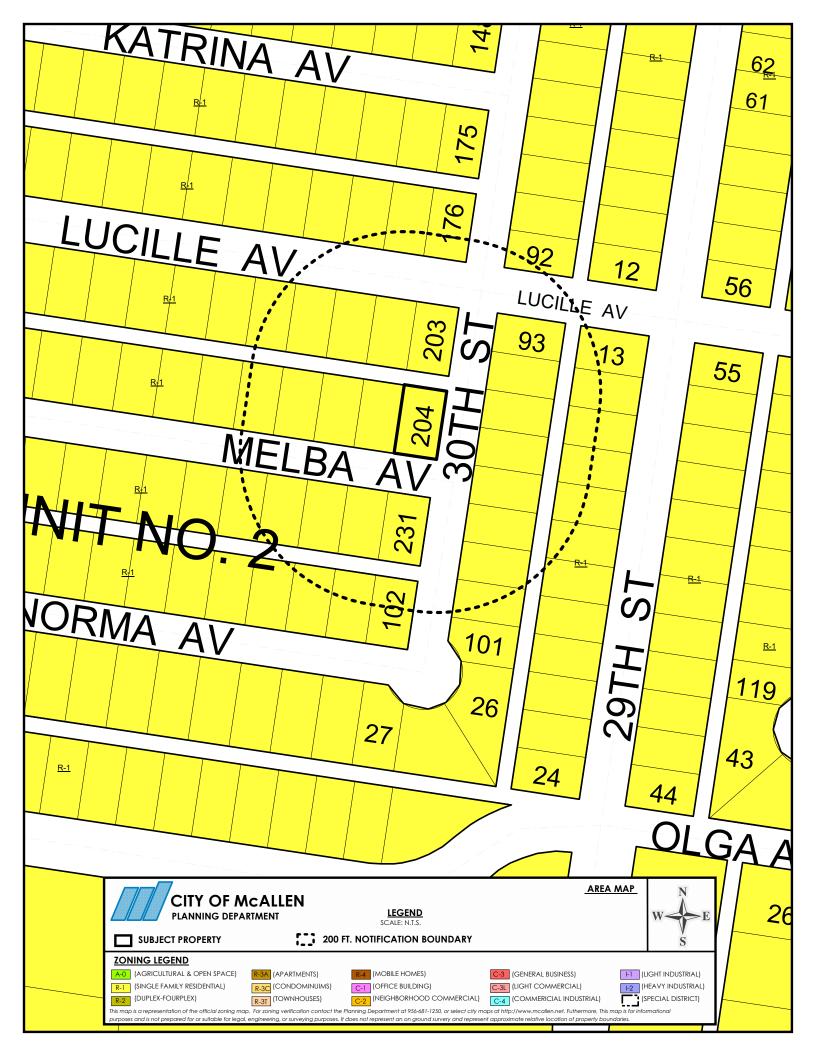
RESIDENTIAL PERMIT APPLICATION

REV. 3/2021

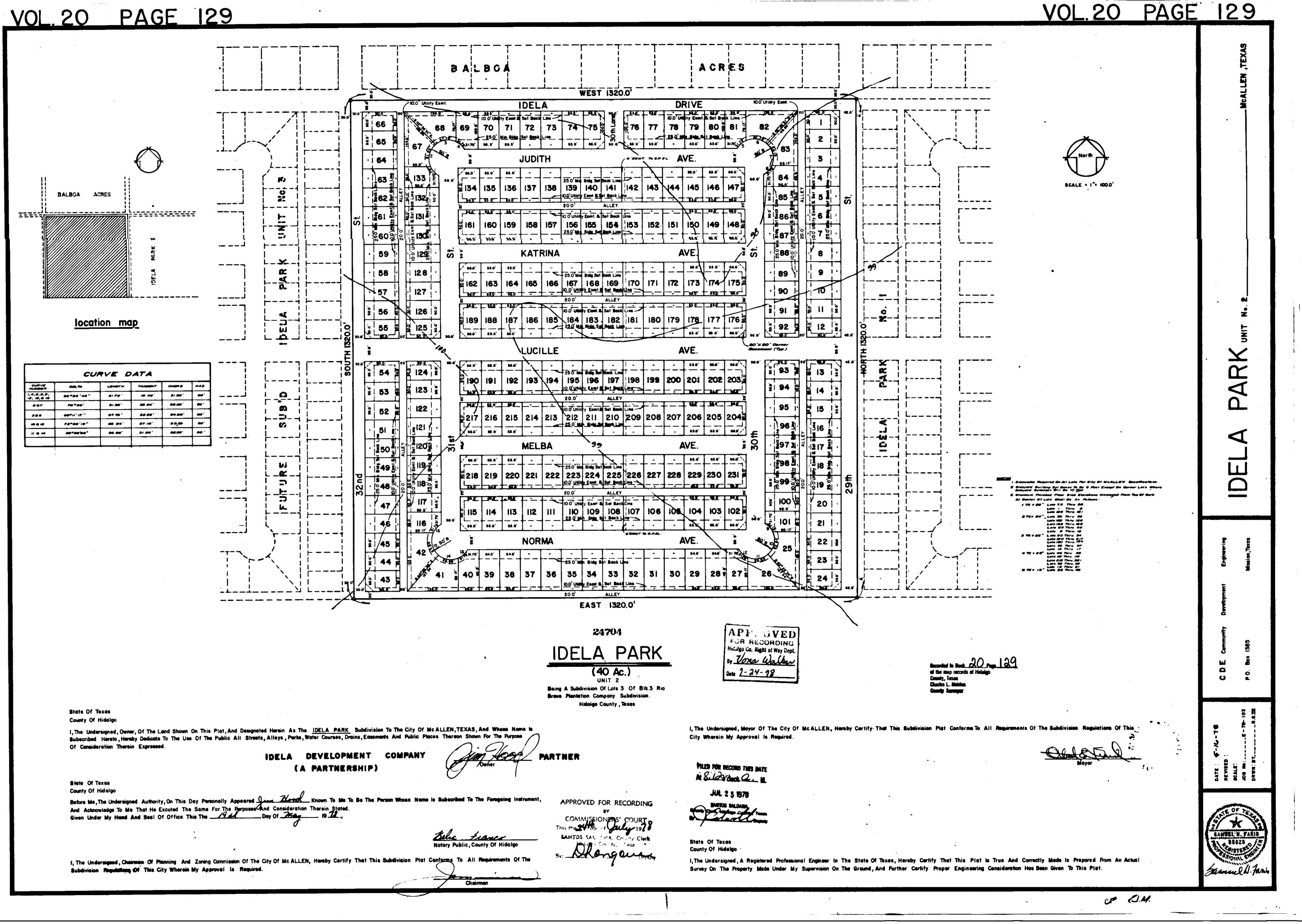
PERMIT APPLICATION REFERENCE NUMBER P.O. BOX 220 McALLEN, TEXAS 78505-0220 APPLICATION MUST BE COMPLETE GC NUMBER (Please type or print in black or blue ink) NAME APPLICANT ADDRESS CITY CONTACT: NAME: PHONE OWNER CONTRACTOR TENANT OTHER Sanze NAME PHONE OWNER **ADDRESS** *EMAIL REQ'D STATE *OWNER INFORMATION NOT PROVDIED, INITIAL: REMODELING REPAIR MOVE REMOVE BLDG. HGT. NO. OF FLOORS NEW NO. PARKING LOT FLOOR EL BLDG FRONT ABOVE CURB SPACES SQ. FT LOT **EXISTING USE** NEW OF LOT USE SCOPE OF WORK TO BE DONE SQ. FT SQ. FT RESIDENTIAL NO. OF NO. NO BDRMS BATHRMS NON-LIVING NEW UNITS PROJECT **FOUNDATION EXT WALL** ROOF UPGRADES/OTHER ☐ WOOD SHINGLE ☐ GRANITE COUNTERTOPS ☐ CONCRETE SLAB ☐ MASONRY VENEER ☐ MARBLE TUBS/FLOORS ☐ CONCRETE PIER ☐ MASONRY SOLID ☐ COMPOSITION ☐ METAL ☐ CUSTOM WINDOWS ☐ CONCRETE BLOCK ☐ METAL SIDING ☐ POLYURETHANE INSULATION ☐ COMPOSITION ☐ BUILD UP ☐ CONCRETE BEAM ☐ CLAY OR CONCRETE TILE ☐ OTHER UPGRADES ☐ WOOD POSTS ☐ WOOD ☐ SEPTIC TANK EXISTING OR PROPOSED ☐ YES ☐ NO SUBDIVISION LOT SITE ADDRESS Permit Fee \$ CITY USE ONLY Construction Cost Double Fee \$ Value \$ Time Total Fee \$ Zoning Park Development Fee \$ _ Park Zone The foregoing is a true and correct description of the improvement proposed by the undersigned applicant and the applicant states that he will have full authority over construction of

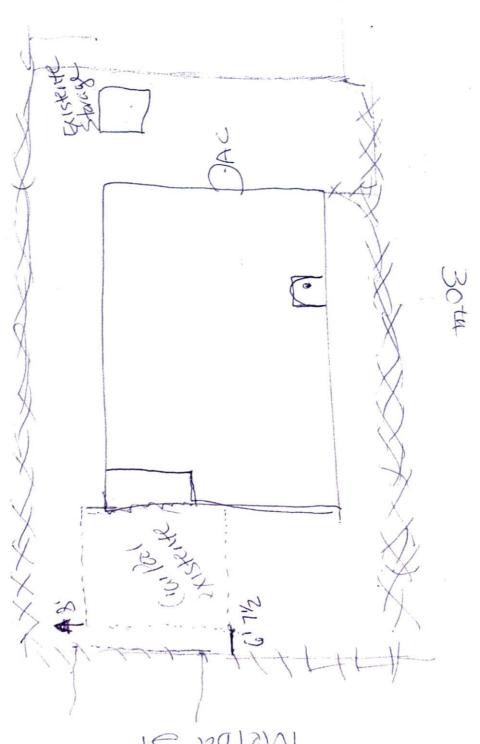
same. The building permit shall not be held to permit or be an approval of the violation or modification of any provisions of City ordinances, codes, subdivision restrictions of State law or be a waiver by the City of such violation. Alteration changes or deviations from the plans authorized by this permit is unlawful without written authorization from the Building Inspection Department. The applicant herby agrees to comply with all City ordinances, codes, subdivision, restrictions and State laws and assume all responsibility for such compliance. It is understood that the improvements shall not be occupied until a Certificate of Occupancy has been issued. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance or if the work authorized by such permit is suspended or abandoned for six months after the time of work is commenced. This permit is good for one year only.

PRINT (AUTHORIZED AGENT/OWNER)





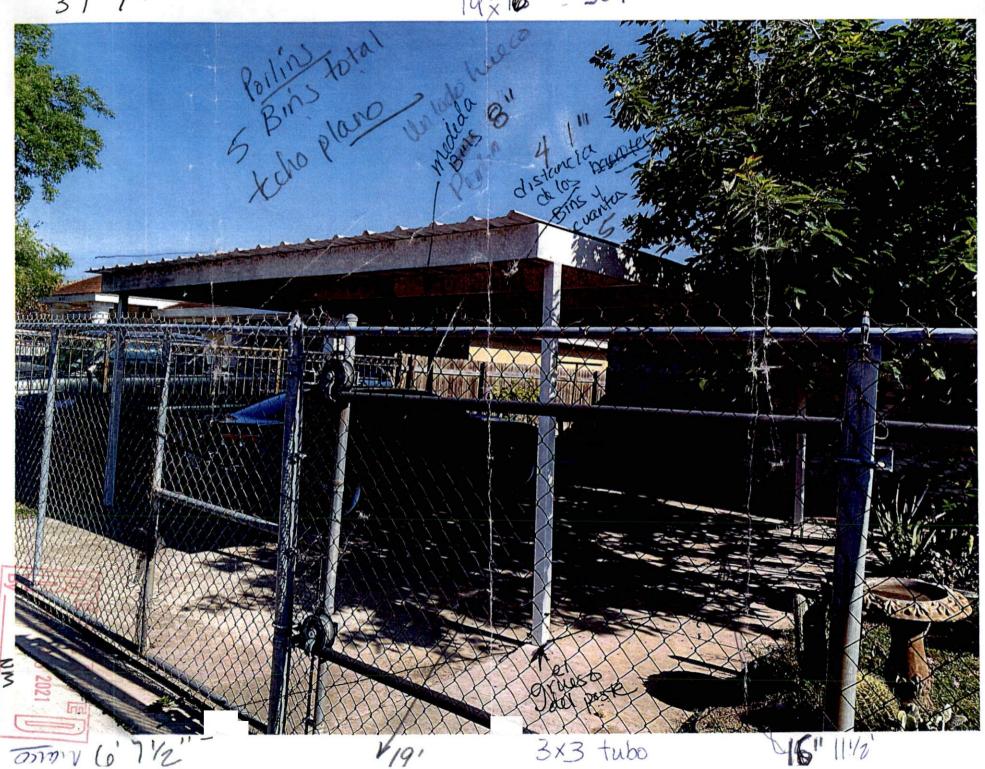




42 pd/s/V



19×16" = 304"







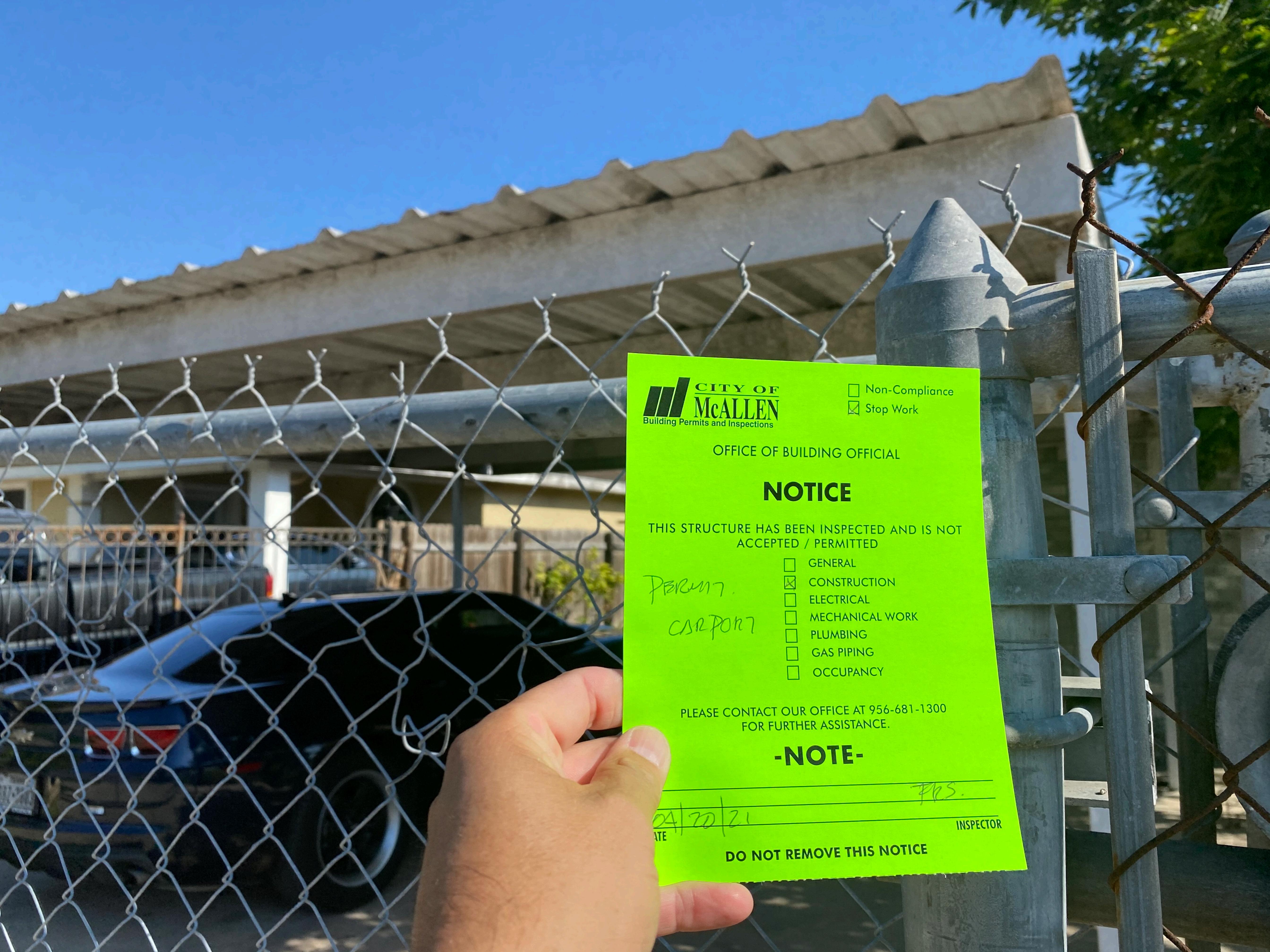












Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: June 28, 2021

SUBJECT: REQUEST OF MELINDA GARZA ON BEHALF OF MDG INVESTMENT GROUP

LLC FOR THE FOLLOWING VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 10 FT. INTO THE 25 FT. REAR YARD SETBACK FOR A PROPOSED SINGLE FAMILY RESIDENCE AT LOT 4, THE EMBERS SUBDIVISION (GATED COMMUNITY), HIDALGO

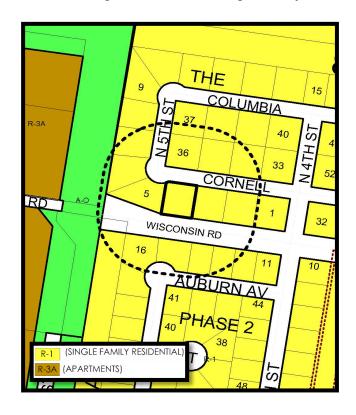
COUNTY, TEXAS; 413 CORNELL AVENUE. (ZBA2021-0023)

REASON FOR APPEAL

The applicant requests a variance to encroach 10 ft. into the 25 ft. front yard setback for the construction of a single-family residence.

PROPERTY LOCATION AND VICINITY:

The subject property is located along the south side of Cornell Avenue. The irregular tract has 90 ft. of frontage along Cornell Avenue and a depth of 112.5 ft. with a tract size of approximately 11,004 sq. ft. The property is zoned R-1 (single family residential) District and is currently vacant. Surrounding land uses are single-family residences, and vacant land.





BACKGROUND AND HISTORY:

The Embers Subdivision was recorded on June 06, 2016. The applicant is proposing a new residential house on the property. An application for building permit has not been submitted. An application for a variance request was submitted on June 1, 2021.

ANALYSIS:

The variance request is for a proposed single family residence that will encroach 10 ft. into the 25 ft. rear yard setback on a double frontage lot. There is a 15 ft. utility easement adjacent to rear yard setback that will not be impacted by the construction. The 15 ft. utility easement runs concurrently with the 25 ft. rear yard setback and the buildable area at the rear of the property is reduced by the 25 ft. setback requirement.

The standard rear yard setback for lots in the R-1 District is 10 ft.

The Zoning Ordinance requires the rear yard setback to be the same as the front yard setback lots for lots with double frontage. The purpose of the additional setback of the rear yard is to separate the main building from the traffic and noise from roadways.

In the past, the Board has approved variances for accessory uses, but not for living areas.

On November 06, 2019, the Board voted to approve an encroachment of 10 ft. into the 25 ft. rear yard setback for a spa and 2 ft. into the 25 ft. rear yard setback for a swimming pool at 317 Cornell Avenue (lot 31).

On July 03, 2019, the Board voted to approve an encroachment of 6.58 ft. into the 25 ft. rear yard setback for a porch and 15 ft. into the 25 ft. rear yard setback for a swimming pool at 301 Cornell Avenue (lot 27).

Staff has not received any phone calls in opposition to this variance request.

RECOMMENDATION:

Staff recommends disapproval of the variance request.

1009

City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

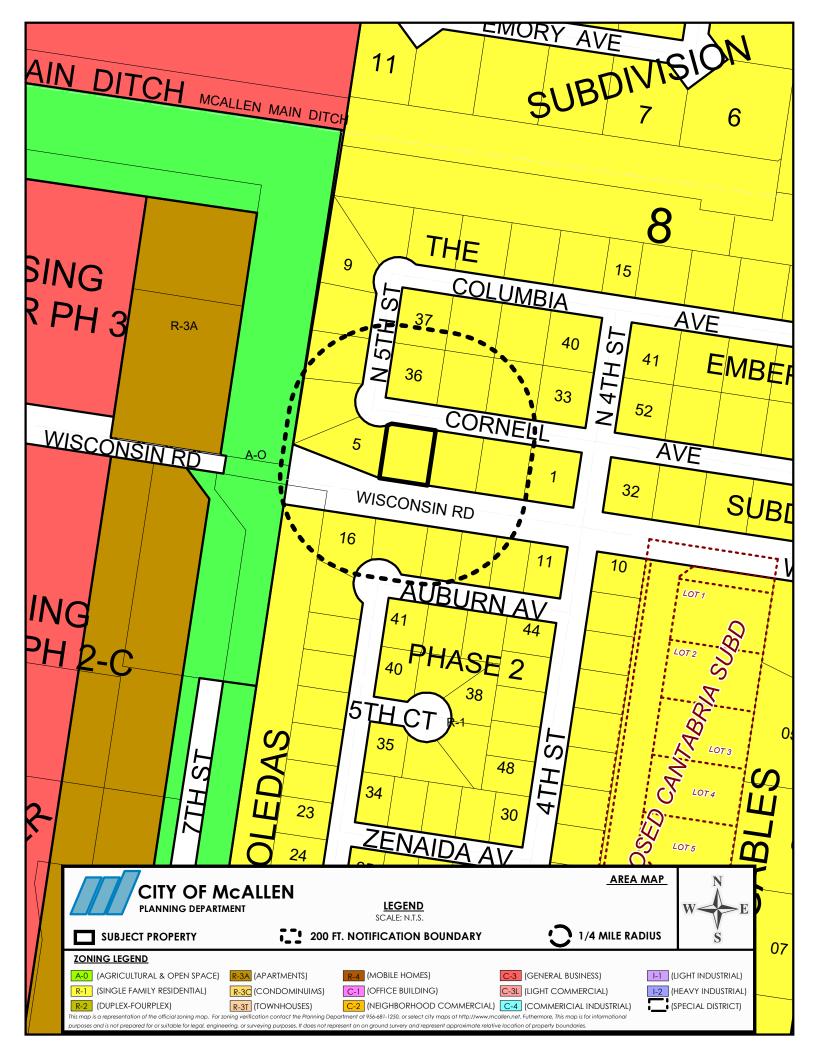
311 North 15th Street McAllen, TX 78501 P. O. Box 220 McAllen, TX 78505-0220 (956) 681-1250 (956) 681-1279 (fax)

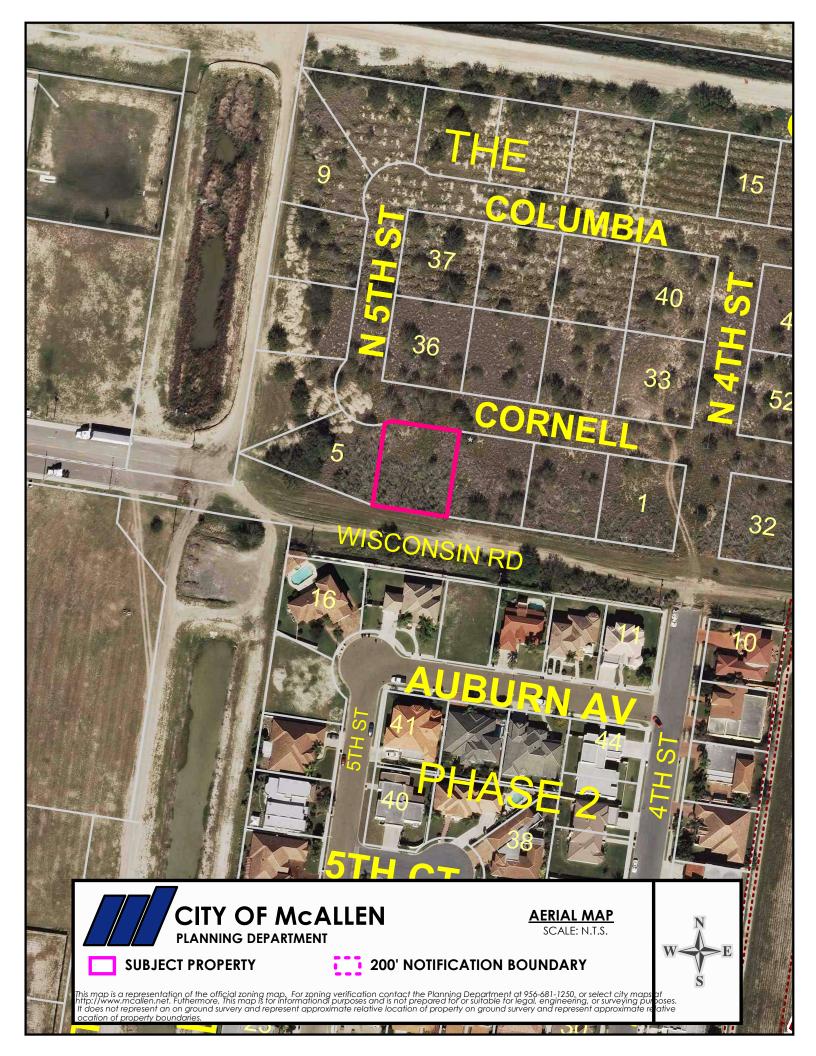
ADJUSTMENT TO MCALLEN ZONING ORDINANCE

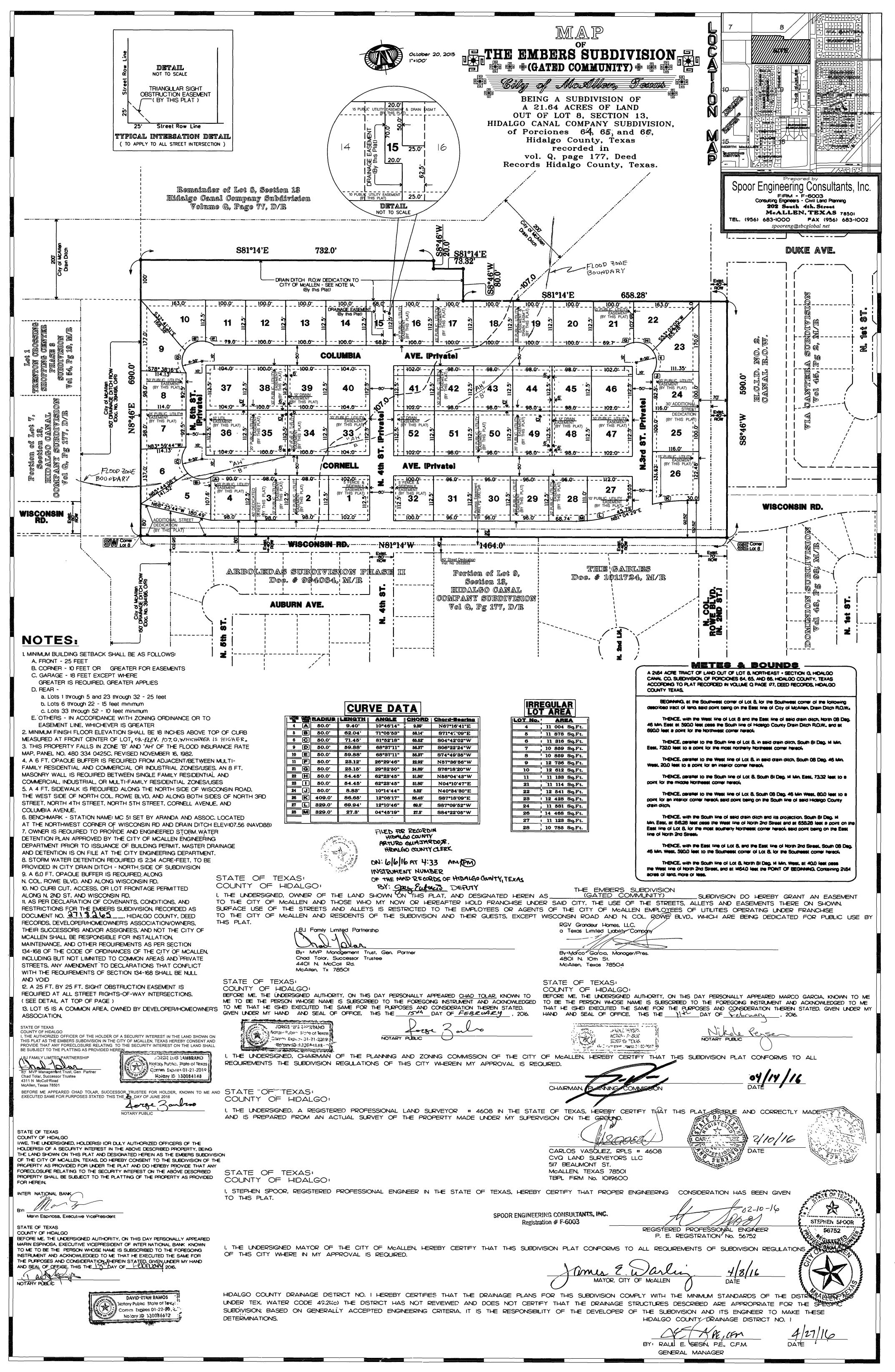
ADJUSTMENT TO MICALLEN ZUNING UNDINANCE				
	Legal Description Lot 4 Embers			
Project	Subdivision Name Street Address Street Address Subdivision His Comell Ave Number of lots 1 Gross acres 11,004 59 ft Existing Zoning R1 Existing Land Use Cesidential			
	Reason for Appeal (please use other side if necessary) Existing Land Use Reduse Red			
	To encroach 10ft into the 25ft rear yard setback			
d 100 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	☐ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required			
Applicant	Name MDG Investment Group Phone 956-566 3370 Address 4801 N. 10th St. E-mail illuminations rgv@yahoo.co City McHlln State TX Zip 78504			
Owner	Name KEN Grandeur Homes Phone 966-566-3370 Address 4801 N. 10th St. E-mail Illuminations 190 yahroo on City McAllen State TX Zip 78504			
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? Yes No I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization. Signature Date Owner Authorized Agent			
Office	Accepted by Payment received by Date 0 1 2021 Rev 10/18			

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

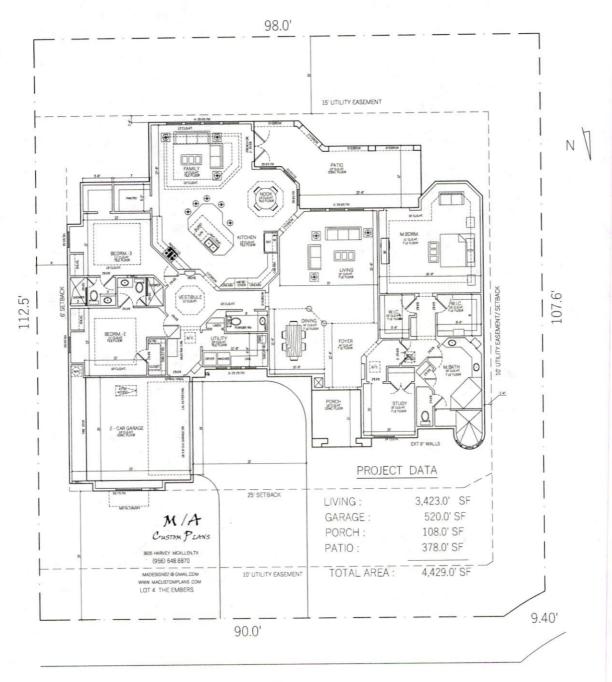
Neason for Appear	economic gain or loss. In order to make a finding of hardship and grant the variance, the Zonin Adjustment will consider any combination of the following: (Please use an additional page if necessary responses) "Information provided here by the applicant does not guarantee that the Board will grant a variance. "Applicant should include all information they determine is relevant, but it is not required to provide to all sections listed below. 1. Describe the special circumstance or condition affecting the land involved such that the strict applic provisions required would deprive the applicant of the reasonable use of the land: There is currently a 25ft rear setback trat does not allow the floor plan to fit. I am requesting it be reduced to list setback. 2. Describe how the variance is necessary for the preservation and enjoyment of the legal property owner: We are reglicating the floor plan of another home in this same subdivision but that lots has only a 10ft rear set back. 3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious rights other property owners enjoy in the area: Most other lots in this same subdivision have a 10ft set back. Already. I'm just requesting this lot have same instead of 25ft. 4. Describe special conditions that are unique to this applicant or property:	responses cation of the wy a rights of the legal or 1544
Board Action	Chairman, Board of Adjustment Date Signature Rev. 9/20	







WISCONSIN RD.



CORNELL AVE.





Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: June 29, 2021

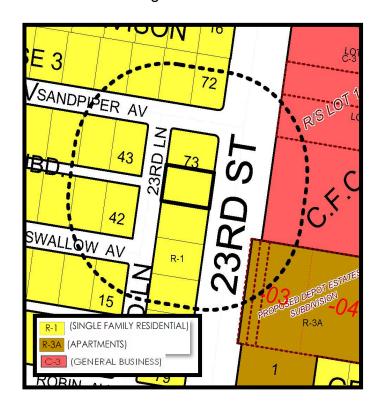
SUBJECT: REQUEST OF EDWIN R. RODRIGUEZ FOR THE FOLLOWING VARIANCES TO THE

CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) TO ENCROACH 7 FT. INTO THE 10 FT. REAR YARD SETBACK FOR A PROPOSED WOODEN STORAGE BUILDING MEASURING 10 FT. BY 12 FT., AND 2) TO ENCROACH 4 FT. INTO THE 10 FT. REAR YARD SETBACK FOR A PROPOSED PORCH MEASURING 10 FT. BY 11 FT., AT LOT 74, PARKWOOD MANOR SUBDIVISION PHASES 1, 2, & 3,

HIDALGO COUNTY, TEXAS; 7108 NORTH 23RD LANE. (ZBA2021-0024)

REASON FOR APPEAL:

Edwin R. Rodriguez is requesting the following variances to allow an encroachment of 7 ft. into the 10 ft. rear yard setback for a proposed wooden storage building and to encroach 4 ft. into the 10 ft. rear yard setback for a proposed porch. The applicant stated that the basis for the request is that he wants to store household goods.





PROPERTY LOCATION AND VICINITY:

The property is located at the east side of 23rd Lane. The lot has 72 ft. of frontage on 23rd Lane with a depth of 104 ft. for a lot size of 7,488 square feet. The property is zoned R-1 (single family residential) District. The adjacent zoning is R-1 District to the north, south, and west, C-3 (general business) District to the east, and R-3A (multifamily residential apartments) District to the southeast. Surrounding land uses include single-family residences, multifamily apartments, and Affordable Attic Self Storage.

BACKGROUND AND HISTORY:

Parkwood Manor Subdivision Phases 1, 2, & 3 was recorded on September 21, 1982, a resubdivision plat for Parkwood Manor Subdivision Phases 1, 2, & 3 was recorded on July 25, 1983. A general note on the subdivision plat indicates a rear yard setback of 10 ft. and 3 ft. fence easement. The applicant submitted an application for a building permit on June 01, 2021. The variance request was submitted on June 01, 2021.

ANALYSIS:

The variance request is for a wooden storage building measuring 10 ft. by 12 ft. that is encroaching 7 ft. into the 10 ft. rear yard setback along the east property line and a proposed porch measuring 10 ft. by 11 ft. that is encroaching 4 ft. into the 10 ft. rear yard setback. There is a 3 ft. fence easement that runs along the rear yard setback that will not impact the proposed storage building and porch encroachment. Storage buildings that are 200 square feet or less in size do not require a building permit, but must respect the zoning district setbacks and easements in which they are located.

Storage buildings used as an accessory to the residential use and not for living quarters are permitted in an R-1 District.

There are existing storage building that are encroaching in the rear yard setback. The applicant will be removing the existing storage buildings. The Planning Department did not find any records for approved variances along 23rd lane. An inspection around the subdivision revealed other properties with encroachments in the rear yard setback.

The Planning Department has not received any calls in opposition to the request.

RECOMMENDATION:

Staff recommends disapproval of the variance requests.



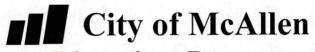
ZBA 7/7/21 City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

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

	ADJUSTIMENT TO MICALLEN ZUNING URDINANCE
	Legal Description Single Family Residence
Project	Subdivision Name Parkwood Marror #2
Applicant	Name Edwin R. Rodriguez Phone 956-279-1349 Address 7/08 N 23rd Lane E-mail gauchowin & yahoo. Com City McAllen State 7exas Zip 78504
Owner	Name
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 Date Tune 202/ Print Name Edwin R. R. driguez Owner Authorized Agent
Office	Accepted by Payment received by Date



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: Replacement of 2 old metal storage sheds with a vew portable wood shed. Our recipher hard has problems swith a vew portable wood shed. Our recipher had the problems swith a value of the legal property rights of the owner. Redeats many of which live under the old metal sheds. 2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner. Rodeats have made hades in the sides of the old metal (shads. The replacement shed as a few wood and I want of the legal rights other property owners enjoy in the area: Shed as a way for stronger of a year too Is and BBQ equipment. 4. Describe special conditions that are unique to this applicant or property: The new shed is 10'x 13'. Tastelling would require Descreachment to our south side exceeds and Survey and survey as the side exceeds an
ion	
Board Action	Chairman, Board of Adjustment Signature Rev. 9/20



RESIDENTIAL PERMIT APPLICATION

REV. 3/2021 1ES2021-C

P.O. BOX 220 McALLEN, TEXAS 78505-0220

PERMIT APPLICATION REFERENCE NUMBER

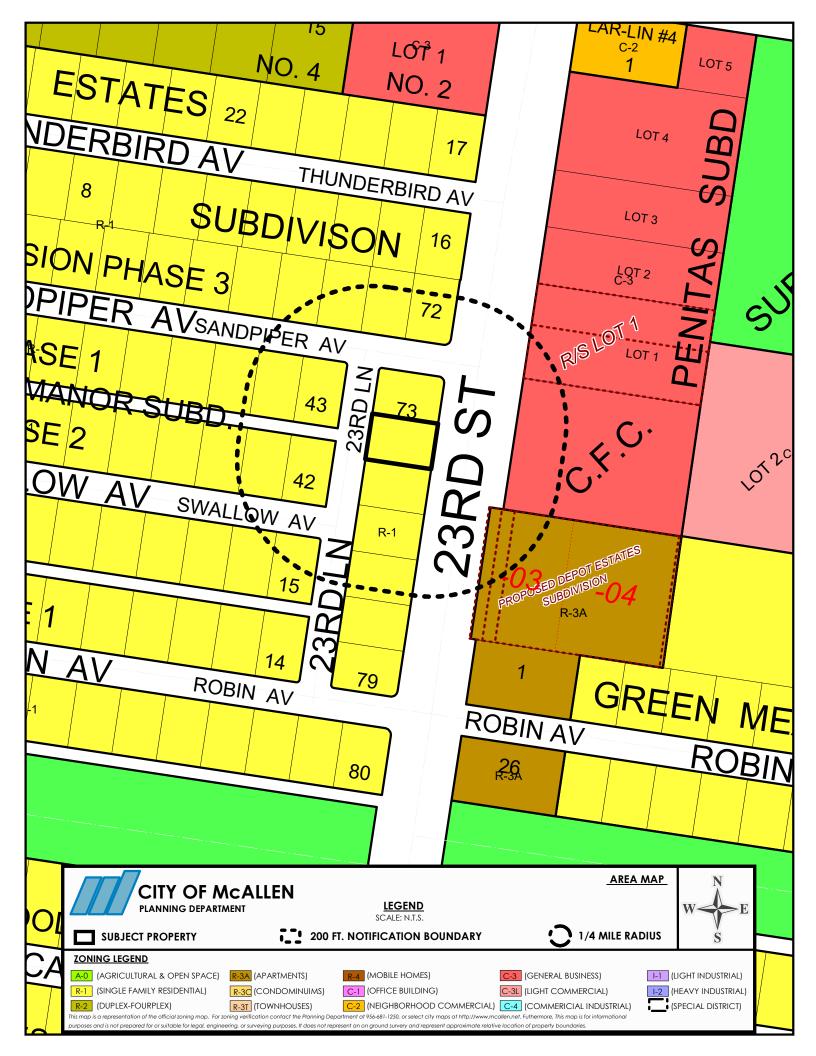
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APPLICANT	СПҮ					TX ZIP 28	50V
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OWNER	ADDRESS				*EMA		
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	EXISTING USE OF LOT	toraq	ρ	NE'			
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ECT	RESIDENTIAL NEW	NO. OF UNITS	NO.	NO.	SQ. F		Q. FT VING
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CITY	Zoning						Time
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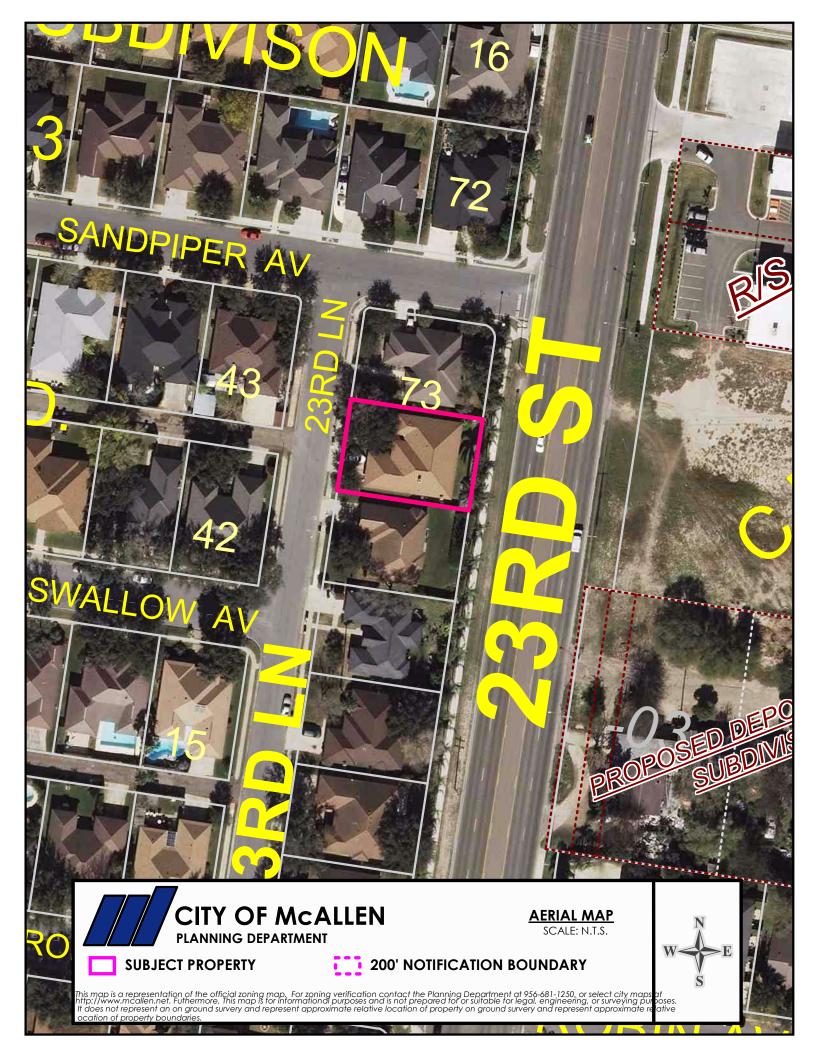
The foregoing is a true and correct description of the improvement proposed by the undersigned applicant and the applicant states that he will have full authority over construction of same. The building permit shall not be held to permit or be an approval of the violation or modification of any provisions of City ordinances, codes, subdivision restrictions of State law same. The bulloting permit shall not be need to permit or be an approval of the violation of modification of any provisions of city ordinances, codes, subdivision restrictions or or cate law or be a waiver by the City of such violation. Alteration changes or deviations from the plans authorized by this permit is unlawful without written authorization from the Building Inspection Department. The applicant herby agrees to comply with all City ordinances, codes, subdivision, restrictions and State laws and assume all responsibility for such compliance. It is understood that the improvements shall not be occupied until a Certificate of Occupancy has been issued. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance or if the work authorized by such permit is suspended or abandoned for six months after the time of work is commenced. This permit is good for one year only.

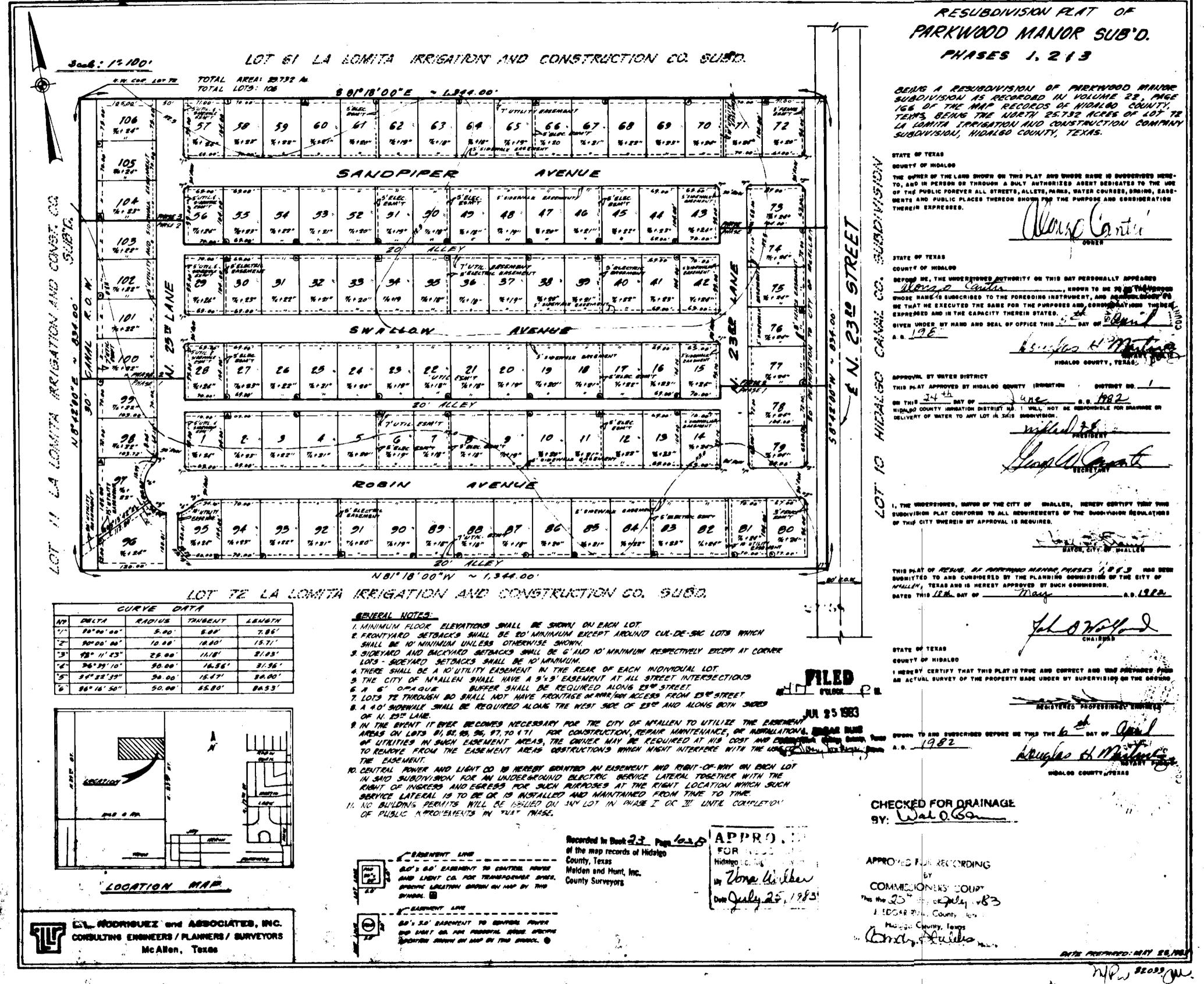
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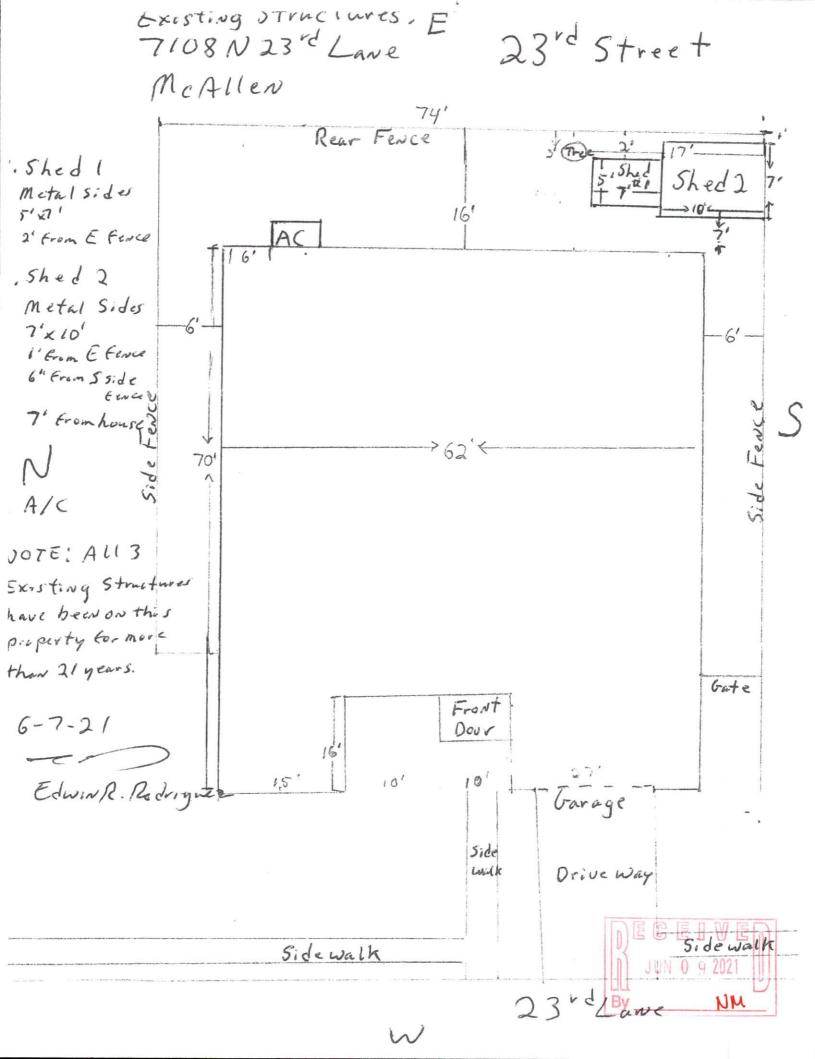
Park Zone







Proposed Projects E # 1- Portable Wood Shed (10x23)23rd Street #2. Extend Roof (10'x11') attacked to roof Rear Fence Rear of Residence Gate Front DOUV 101 10' Garage 7108 N 23 d Lane Side wilk Drive way McAllen Sidewalk Sidewalk







MEMO

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: June 25, 2021

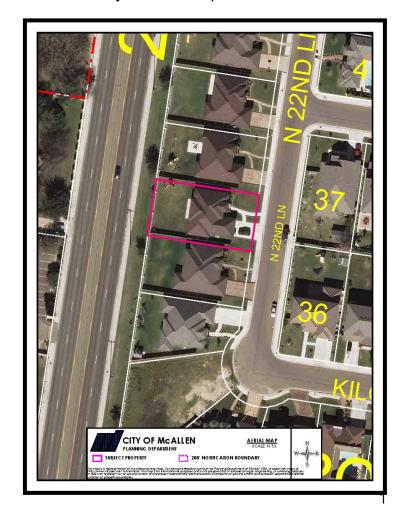
SUBJECT: REQUEST OF CLINT HERNANDEZ FOR THE FOLLOWING VARIANCE TO THE CITY

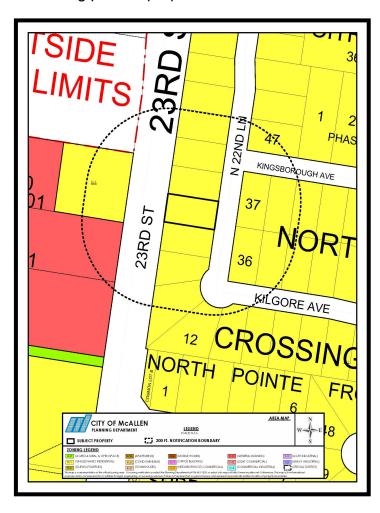
OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 10.67 FT. INTO THE 25 FT. REAR YARD SETBACK FOR A PROPOSED SWIMMING POOL MEASURING 24.33 FT. BY 36.33 FT., AT LOT 8, NORTHGATE CROSSING SUBDIVISION PHASE II, HIDALGO COUNTY, TEXAS; 8915 NORTH 22ND LANE.

(ZBA2021-0025)

REASON FOR APPEAL:

Clint Hernandez, is requesting a variance to allow an encroachment of 10.67 ft. into the 25 ft. rear yard setback for a proposed rectangular swimming pool measuring 24.33 ft. by 36.33 ft. Compliance with the rear yard setback prevents construction of the swimming pool as proposed.





PROPERTY LOCATION AND VICINITY:

The property is located on the Westside of North 22nd Lane, approximately 480 feet south of Northgate Avenue. The property has 67 feet of frontage along North 22nd Lane with a depth of approximately 124.6 feet for a tract size of 8,348 square feet. The property is zoned R-1 (single family residential) District. The adjacent zoning is R-1 District in all directions. The subject property contains a single family residence. Surrounding land use is single family residential.

BACKGROUND AND HISTORY:

Northgate Crossing Subdivision Phase II was recorded April 11, 2006. As per plat note, Lot 8 has a 25 ft. front yard setback, a 6 ft. side yard setback, and a 25 ft. rear yard setback. The lot is a double fronting lot with frontage on North 22nd Lane and North 23rd Street. According to Hidalgo County Appraisal District records, the residential home property was built and purchased by the applicant in 2011. An application for a swimming pool permit has not yet been submitted. An application for the variance request was submitted on June 2, 2021.

ANALYSIS:

The variance request is for a proposed swimming pool, which is considered an accessory structure. In the past, swimming pools were allowed to be built within setbacks; however, a subsequent determination by the City's Legal Department included swimming pools as structures which require compliance with setbacks.

The submitted site plan shows a proposed swimming pool encroaching 10.67 ft. into the 25 ft. rear yard setback. The zoning ordinance requires the rear yard to be the same as the front yard for double fronting lots. The rear yard setback for a standard lot in the R-1 District is 10 feet. The purpose of the additional setback for the rear yard is to separate the main building from the traffic and noise from roadways. The property is also separated from North 23rd street by a concrete wall.

General note #10 of the subdivision plat restricts curb cuts, access or lot frontages along North 23rd street for this subdivision.

The proposed swimming pool does not encroach into a 10 ft. utility easement that runs concurrently with the rear setback along the rear property line.

On December 03, 2014 the Board approved a variance request at 8903 North 22nd Lane (Lot 11) on an irregular shaped double fronting lot for a 20 ft. rear yard setback instead of the required 25 ft. to allow a rear yard encroachment of up to 3.91 feet for the construction of a one story residence.

On April 17, 2013 the board approved a variance request at 9006 North 22nd Lane (Lot 48) to allow an encroachment of 0.5 feet into the 6-foot side yard setback for an enclosed bathroom

In the past, the Zoning Board of Adjustments and Appeals has approved variance requests for accessory uses, but not for living areas in rear yard setbacks for standard double fronting lots.

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

RECOMMENDATION:

Staff recommends disapproval of the variance request. If the Board grants approval of the request it should be limited to the footprint of the swimming pool as shown on the submitted site plan.

ZBA2021-0025

28h 1/1/2

City of McAllen

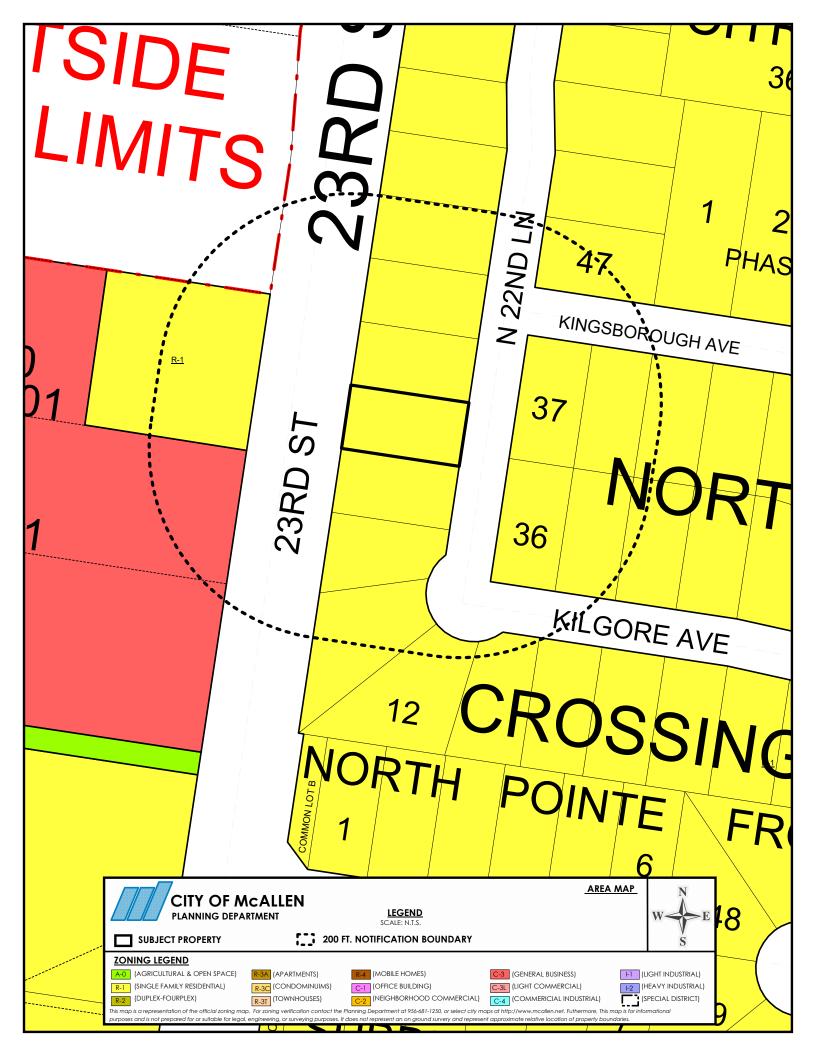
Planning Department APPEAL TO ZONING BOARD OF

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

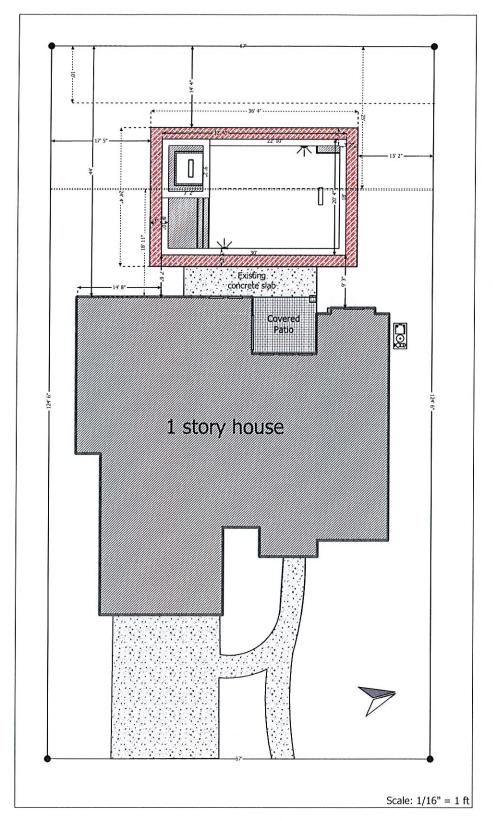
ADJUSTMENT TO MCALLEN ZONING ORDINANCE

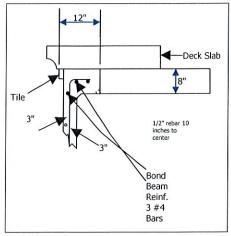
	ADJUSTMENT TO MICALLER ZUNING UNDINANGE
a)	Legal Description Nov-thgate Crossing PHD Lot 8
+	Subdivision Name Northgate Crossing Street Address 8915 N-22nd LN
Project	Number of lots Gross acres Existing Zoning Residential Existing Land Use Residence
landara .	Reason for Appeal (please use other side if necessary) anner would like to add
	□ \$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 Clint Hernandez Phone 956) 975-4242 Address 8915 N. 22nd LN E-mail Clint_hernandez a) hotmail.c City McAller State TX Zip 78504
Owner	Name Clint Hernandez Phone (956) 975-4242 Address 8915 N. 22 nd LN E-mail clint hernandez 2 hotmail.com City MUAllen State TX Zip 78504
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? Yes 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.
Aut	Signature Mark Zachman Date 6/2/2021 Print Name Mark Zachman Downer Authorized Agent
Office	Accepted by H.C. Payment received by Date
6	JUN 0 2 2021

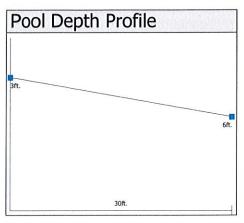
ason tor Appeal	Available will not be seem to loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: (<i>Please use an additional page if necessary to complete responses</i>) **Information provided here by the applicant does not guarantee that the Board will grant a variance. ***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below. 1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land: The existing variance does not allow for normal use of the land since building using the existing variance would cause an abnormal obstruction to the rest of the property. This would cause an irregular residential use of the property. 2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner: The existing variance inhibits the enjoyment of the legal property rights since the existing variance diminishes the ability to legally sell the property. This is because the new owner will not be able to fully enjoy their property due to the limitation of construction as a direct result of the existing 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: The variance will not alter the essential character of the neighborhood. Other homes in the neighborhood have similar structures. The variance submitted is for private property and not intended for public use,
	which will not be detrimental to the public health, safety, and welfare. 4. Describe special conditions that are unique to this applicant or property:
	T. Describe special conditions that are anique to the approach of property.
	The existing variance does not allow for normal use of the land since building using the existing variance would cause an abnormal
	obstruction to the rest of the property. Other homes in the neighborhood and surrounding neighborhoods have similar structures. Keeping
AND AND DESCRIPTION	the existing variance would result in a unreasonable reduction in the return of residential use of the property.
tion	
Board Action	Chairman, Board of Adjustment Date Signature
Ď	Rev. 9/20



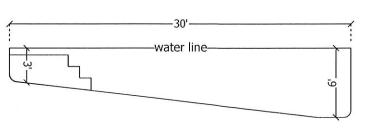


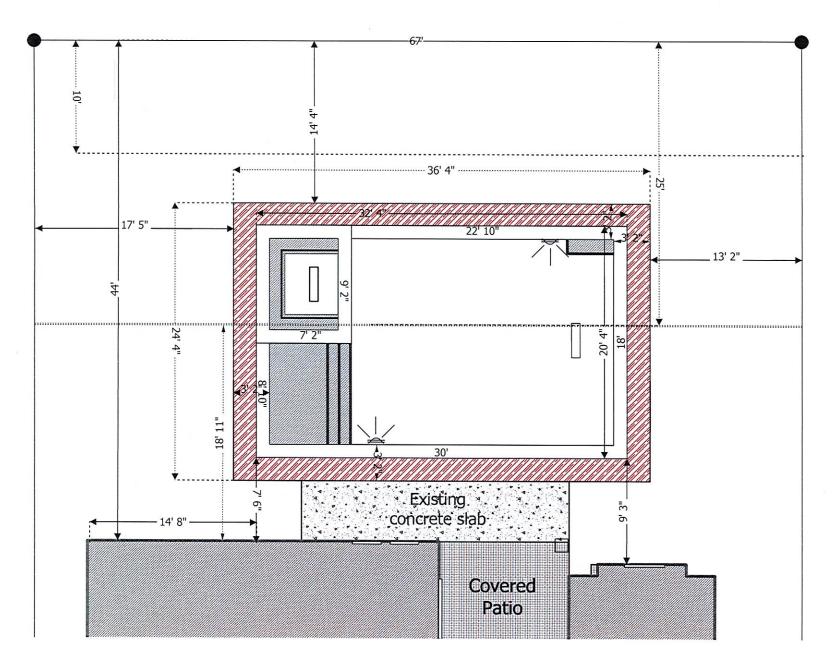














Scale: 1/8" = 1 ft







40 40 EBONY HEIGHTS CITRUS GROVES UNIT No. 2, VOL. 6, PG. 44, MR W (580° 45' 00°E S80° 44'59"E NORTHGATE LANE S80' 44'59'E 304.89'

15' ADDITIONAL RO-W | 50 |

18' HISP' AT | 10246

20' L 2 | 50 | 50 |

20' L 2 | 50 | 50 |

20' L 2 | 50 10' UTILITY EASEMENT EXIST. 80 R-0-W 86 CH8 의 등 를 50 **활** GHTS UNIT 2 E≻ S80*45 E 유표없 13.39 10' UTIL EASEMENT 49 3 1 10'6LEC CSMT. TOR SUBDIVISION O UTILITY EASEMENT 4 5 47 S80* 59'34"E 158.02' S60.84, 90'7' S80.84, 9 878 15'x15' S.O.E. 10' UTILITY EASEMENT (457.10') 457.44' SE COR S80° 45'00"E 6 50' KINGSBOROUGH AVE. 124.56 26 10. UTILITY EASEMENT 32:33 64 64 54 52.99 32:33 64 64 53 52.99 535:500 E LOT 37 TION & CONSTR VOL. 24, PG. 68, D 18.96 124.15 25 SELVEN 39 40 124.62 42 2 43 g 44 46 ≅ STATE PARTY OF THE r13.9° No. 1926) 1156, P.G. EASTERLY 15.0 FT. OF LOT 37 EBONY HEIGHTS CITRUS GROVES UNIT NO. 2 67.99 SED SED SE EASEMEN Z 5 7 5 124.15 N. 23rd St. (F.M. 1140, PG. 290 & VOL. 9 27 🕏 124.55' N80*45'00'W 27.62' 35 🖁 34 8 33 8 30 % 28 8 32 🖁 29 % 31 🖁 | 20, 23 % -5.39 FIGURIK. ESAT. 5.0E 10 "A"/ 47.63 ₹ 68 22 23 22 N80* 45'00"3 110.11' (110.0') ↑N80° 45'00° W 124.10' (123.95' IO IRRIG E 12 UTILITY FASEMENT 21 SW COR-13 8 4 18 19 12 L-4.8' CH-N08° 38'56"E/ N80° 44'16"W ORIGINAL LOT LINE PART OF LOT 38
EBONY HEIGHTS CITRUS GROVES UNIT No. 2,
VOL. 6, P.G. 44, M/R

> MINIMUM FINISHED FLOOR ELEVATION SHALL BE 18 INCHES ABOVE TOP OF CURB MEASURED AT

GARAGE - 18' OR GREATER WHERE GREATER SETBACK IS REQUIRED
A 4.0 FT SIDEWALK IS REQUIRED ALONG EAST SIDE

OF N. 23rd STREET, SOUTH SIDE OF NORTHGATE LANE & BOTH SIDES OF ALL INTERIOR STREETS.

DRAINAGE DETENTION REQUIRED FOR THIS PROPERTY IS 1,094 A-614.
AN ENGINEERED DETENTION PLAN APPROVED BY CITY'S ENGINEERING DEFT IS REQUIRED PRIOR TO APPLICATION FOR BUILDING PERMIT.
THIS PROPERTY FALLS IN ZONE "B" OF THE FLOOD INSURANCE RATE MAP. COMMUNITY PANEL NO. 480343 0005 C. REVISED NOVEMBER 2. 1982.

BENCHMARK - MC NO, 49 - ARANDA & ASSOC. - S.W. COR. HILL S and N. 230 ST. ELEV. 110, 82 (MAYO 88). 6'BUFFER IS REQUIRED FROM ANY ADJACENT COMMERCIAL ZONE OR USE, AND ALONG N. 23' + and NORTHEATE LANG.

NO CURB CUT.ACCESS DR LOT FRONTAGE IS PERMITTED ALDNG N. 23rd STREET (F.M. No. 1926), DR ALDNG NORTHGATE LANE.

REAR SETBACK SHALL BE 10 H., GYCEPT 25 H FOR LOTS

I THROUGH II, AND 25 H. ON THE WEST REAR PORTION OF LOT 12

13. SIDE SETBACK SHALL BE 6 H, EXCEPT 10 H ON WEST SIDE OF LOT 19,

S.O.E. - DENOTES SIGHT OBSTRUCTION EASEMENT.

FRONT CENTER OF LOT.
MINIMUM BUILDING SETBACK LINES SHALL BE

DRAINAGE DETENTION REQUIRED FOR THIS

AS FOLLOWS: FRONT - 25.0 FT.,

REAR - SEE NOTE 12, SIDE - SEE NOTE 13,

NOT USED.

ADJACENT TO N. 23 5+.

I/WE. THE UNDERSIDED HOLDERISI ION DILY XUTHORIZED OFFICERS OF THE WAY THE PROPERTY OF THE WAY THE STATE OF THE WAY THE

TEXAS STATE BANK, MCALLEN

ensount LINCOLN TALBERT

TITLE V. PRESIDENT

STATE OF TEXAS.

COUNTY OF HOALGO
COUNTY
COUNT

NOTAR PUBLIC DELIN CARMEN SOLIS Notary Public STATE OF TEXAS by Comm Exp. 113-28-200

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEX. WATER CODE 49.211(c) THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION. BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

A tract of land containing 13.375 acres, situated in Hidalgo County, Texas, and also being a part or partion of LOTS 36, 37, and 38, EBONY HEIGHTS CITRUS CRIVES UNIT No. 2, map reference: Volume 6, Page 44, N.C.W.R., and soid 13.75 acres of land also being a part or portion of a tract of land decade to James W. Mofflit, recorded in Document No. 1150717, N.C.O.R., and soid 13.375 acres of land also being more particularly described as follows:

BEGINNING on the Northwest corner of said Lat 36 and the Intersection of 23rd Street (F.M. 1926) and Northgate Lane, for the northwest corner of this tract;

THENCE S 80° 44′ 59″ E (S 80° 45′ 00″ E) along the North Line of said Lot 36 and the Center line of said Northapate Lane. at a distance of 10.00 feet pass the East right-of-way line of said 22rd Street (F.M. 1925) recorded to Volume 1149, Page 290, and Volume 1150, Page 693, N.C.O.R. continuing a total distance of 304.89 feet 1305.00 feet) to the Northwest corner of a tract of land deeded to Jerry W. Ries for the northern most northaest corner of this tracts:

THEMEE S 09* 09* 53* W (5.09* 15' 90* W) along the Meet line of said Ries Tract. at a distance of 20.00 feet pass a 1/2 'iron rod found on the South right-of-way line of said Northgate Lane. continuing a total distance of 165.69 feet (165.00 feet) to a 1/2" iron rod found on the Southwest corner of said Ries Tract. for an inside corner of this tract!

THENCE S 09° 09′ 53″ W (S 09° 15′ 00″ W) a distance of 217.00 feet to a 1/2″ iron rod with plastic cap stamped "CVO LS" set, for an inside corner of this tract:

THENCE S 60° 42′ 16″ E (S 60° 46′ 40″ E) a distance of 84.83 feet (84.90 feet) to a 1/2″ iron rod found on the common line of said Lots 36 and 37, and the Southwest corner of Tor Subdivision recorded in Volume 29, Page 142—B. H.C.M.R., for an inside corner of this tract:

THENCE S 80° 45′ 00″ E along the common line of said Lots 36 and 37, and the South line of said Tor Subdivision, a distance of 457.44 feet (457.10 feet) to a 1/2″ iron rod with a plastic cap stamped "CVU LS" set, for the eastern most northeast corner of this tract:

THENCE S 09° 15′ 00″ W a distance of 324.98 feet (324.80 feet) to a 1/2″ iron rod with a plastic cap stamped "CVO LS" set, for an outside corner of this tract:

THENCE N 80° 45′ 00″ W. a distance of 124.10 feet (123.95 feet) to a 1/2″ iron rod with a plastic cap stamped "CVO LS" set, for a point of curvature of this tract:

THENCE said curve to the right, with a radius of 228.78 feet, an interior angle of 01° 12′ 08″, an arc length of 4.80 feet, a tangent of 2.40 feet and a chord that bears N 08° 38′ 56′ E. a distance of 4.80 feet to a 1/2° iron rod with a plastic cap stamped "YOU LS" set, for a point of tangency of

THENCE N 80° 45′ 00″ W. a distance of 110.11 feet (110.00 feet) to a 1/2″ iron rod with a plastic cap stamped "CVO LS" set, for an inside corner of this tract:

THENCE S 09° 15′ 00″ w at a distance of 90.80 feet pass the common line of said Lots 37 and 38 and the on the northwest corner of Frontero Estates, recorded in Volume 46. Page 15. H.C.M.R., and caprilling a total distance of 147.00 feet to a 172° iron root with a plastic cap stamped CVO.LS° set on the Northeast corner of a tract of land deeded to James M. Moffilt racordad in Document No. 1059581. H.C.D.R.. for the southeast corner of this tract:

TRENCE N BY 44 15" N IN 80" 45' 00" N) along the North line of said Moffitt Tract, at a distance of \$60,25' feet pass the a 1/2 [ron rod found on the common corner of said Moffitt Tract of the corner of the common corner of said Agrange of the corner of the corner of the corner of this tract!

TREMER N. 93 - 13' 0.0' E plong the West time of said Lots 55 through 36, 37; odistance of 56.01 feet pass the common corner of said of 18.00 feet pass the common corner of said Lots 36 and 37; continuing a total distance of 876,04 feet (878,00' feet) to the PDINT OF BCIONINNISC, containing 13.373 cares of land, more or less.

Bearing basis as per N 09° 13′ 00″ E along the West line of Lots 36 through 38. EBONY HEIGHTS CITRUS GROVES UNIT No. 2, recorded in Volume 6. page 44. H.C.M.R.

FILED FOR RECORD IN HIDALGO COUNTY Umulda Loa BEPUTY

turno 50 Page 71

LOCATION MAP

Bearing basis as per N 09* 13* 00° E along the West Line of Lots 36 through 38. EBONY MEIGHTS CITRUS CROVES UNIT No. 2. recorded in Volume 6. page 44. H.C.M.R.

MAP

NORTHGATE CROSSING SUBDIVISION PHASE

MCALLEN.

BEING A SUBDIVISION OF A 13.375 Ac. TRACT OF LAND, OUT OF LOTS 36, 37 AND 38, EBONY HEIGHTS CITRUS GROVES UNIT No. 2, HIDALGO COUNTY, TEXAS, AS RECORDED IN VOI. 6, PG. 44, M/R, HIDALGO COUNTY, TEXAS

CURVE DAT

No Co	RADIUS	LENGHT	ANGLE	CHORD
10	50.0	30.93	35° 26' 51"'	S 37° 05' 57' W 30.44'
11 E	50.0	50.00	57" 18' 00"	59" 16' 28" E 47.95"
12 C	50.0	50.00	57 18 00"	5 66°34'28"E 47.95"
13 C	50.0	27.14"	31° 05' 55 "	N69'13' 35'E 26.81"
26 E	50.0	78.54	90° 00 ′02"	N35° 45 '01"W-70.71'

PREPARED BY: SPOOR ENGINEERING CONSULTANTS, INC.

TEL. 202 S. 4th ST. FAX 9561683-1000 NGALLEN, TEXAS 78501 (956)683-1002

NORTHGATE CROSSING

STATE OF TEXAS: COUNTY OF HIDALGO:

I. (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED AS THE SUBDIVISION NO. 2 SUBDIVISION TO THE CITY OF MCALLEN, TEXAS, AND WHOSE NAME(S) IS (ARE) SUBSCRIBED MERETO, MERREY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, WATER CLINES, SEWER LINES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH I (WE), WILL CAUSE TO BE INSTALLED THEREON SHOWN OR NOT SHOWN IF REQUIRED OTHERWISE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF MCALLEN, ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF MOALLEN



STATE OF TEXAS: COUNTY OF HIDALGO:

JAMES .M. MOFFITT BEFORE ME. THE UNDERSIGNED AUTHORITY. ON THIS DAY PERSONALLY APPEARED FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE. THIS THE THE DAY OF SUBMERS . 2006 .

I. THE UNDERSIGNED. CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF MGALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

THE STATE OF TEXAS. HEREBY CERTIFY THAT THIS PLAT IS TRUE AND PORRECTLY MADE AND IS PREPARED

STATE OF TEXAS: COUNTY OF HIDALGO:

CARLOS VASQUEZ, RPLS 4608 CVO LAND SURVEYOR 517 BEAUMONT MCALLEN, Texas 78501 1. STEPHEN SPOOR, REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

02-14-06 HEGISTERES PROFESSIONAL ENGINEER P. E. REGISTRATION NO. 56752

HOLEHENE TO OF SUBDIVISION REGULATIONS OF THIS CITY 1. THE UNDERSIGNED MAYOR OF THE CITY OF MCALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL

Keelmel Con BEL

armen Dalin

CHAIRMAN, PLANNING COMMISSION

180002 02/15/06

Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: June 15, 2021

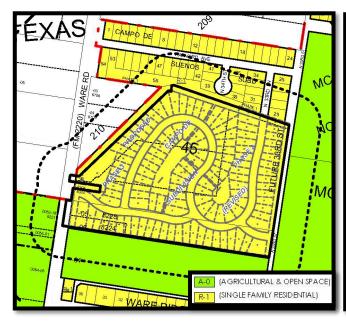
SUBJECT: Request of Riverside Development Service, LLC for the following variance to

the City of McAllen Zoning Ordinance to allow a lot width less than 50 ft. with a minimum width of 29.66 ft. for lot 90 of proposed Campo de Sueños Phase II, 41.18 ft. to 49.98 ft. for Lots 58-64,66-68,71, 73-79,88,91-97,101-103 of proposed Campo de Sueños Phase II, 24.65 ft. for Lot 139 of proposed Campo de Sueños Phase III, 26.89 ft. for Lot 138 of proposed Campo de Sueños Phase III, 34.12 ft. to 38.82 ft. for Lots 124,125,137,140,143-146,148 of proposed Campo de Sueños Phase III, 40.22 ft. to 49.49 ft. for Lots 106,111-113,123,126,127,130-136,141,147,149,151-160,168-172 of proposed Campo de Sueños Phase III, For a 26.663 acre tract of land out of Lot 45 and 52, La Lomita Irrigation and Construction Company's Subdivision, Hidalgo County, Texas; 8300 North

Ware Road.(ZBA2020-0087)

REASON FOR APPEAL:

The applicant is requesting a variance requests to not comply with the 50 ft. minimum width of frontage for proposed Campo de Sueños Phase II subdivision and proposed Campo de Sueños Phase III subdivision lots to accommodate the coving design of the proposed subdivisions.





PROPERTY LOCATION AND VICINITY:

The subject property is located on the east side of North Ware Road, approximately 1,250 ft. north of Auburn Avenue. The irregularly-shaped tract in question is described by metes and bound for a lot size of 26.663 acres and is being subdivided into two proposed subdivisions under the names of Campo de Sueños Phase II and Campo de Sueños Phase III. The property zoning is R-1 (single family residential) District. The adjacent zoning is A-O (agricultural-open space) District to the south, east and west, R-1 District to the north, and ETJ (Extra-Territorial Jurisdiction) to the west. Surrounding land use include single-family residential, Texas Ranch Apartments, baseball field, elementary school and vacant land.

BACKGROUND AND HISTORY:

The Planning and Zoning Commission Board voted to approve the proposed subdivisions in revised preliminary form subject to staff recommendations and variances with conditions noted on January 19, 2021. A variance request to the block length requirement at Campo de Sueños Phase II was approved by City Commission on February 22, 2021. Annexation and initial zoning to R-1 District for the portion of the tract that was outside City limits was approved by City Commission on May 24, 2021.

ANALYSIS:

The variance request #1 is to allow a lot width less than 50 ft. for proposed Campo de Sueños Phase II subdivision and proposed Campo de Sueños Phase III subdivision. Section 138-356 of the zoning ordinance shows the required minimum lot width for lots in the R-1 District is 50 ft. The lot width requirements are established to conserve and enhance the environment and character of a given use district, and to protect the health, safety, and general welfare of the residents of that district. The lot width enables residential parcels to devote a minimum 50 percent of landscape area within the front yard setback and between the property line and the extension of side yard setback line as required under Section 110-48. The applicant is requesting to allow:

- 29.66 ft. for lot 90 of proposed Campo de Sueños Phase II
- 41.18 ft. to 49.98 ft. for Lots 58-64,66-68,71,73-79,88,91-97,101-103 of proposed Campo de Sueños Phase II
- 24.65 ft. for Lot 139 of proposed Campo de Sueños Phase III
- 26.89 ft. for Lot 138 of proposed Campo de Sueños Phase III
- 34.12 ft. to 38.82 ft. for Lots 124,125,137,140,143-146,148 of proposed Campo de Sueños Phase III
- 40.22 ft. to 49.49 ft. for Lots 106,111-113,123,126,127,130-136,141,147,149,151-160,168-172 of proposed Campo de Sueños Phase III

If variance is approved, on-street parking may cause hazards and increase risk to road users; such as collision with other vehicles while darting out between two parked cars. On-street parking may also affect maneuvering areas for fire truck and public works waste truck. Both subdivisions are proposing streets to be at 32 ft. of pavement back to back; therefore, if vehicles are parked on both sides of street, there will only be 14 ft. for traffic flow.

The plight of the owner in regards to meet the 50 ft. minimum width of frontage is not unique since a reduction in the number of proposed lots may enable the property to achieve compliance.

Staff has not received any phone calls or concerns in regards to the variances requests.

RECOMMENDATION:

Staff recommends disapproval of the variance requests subject to compliance with Zoning Ordinance Section 138-356.

City of McAllen

Planning Department APPEAL TO ZONING BOARD OF

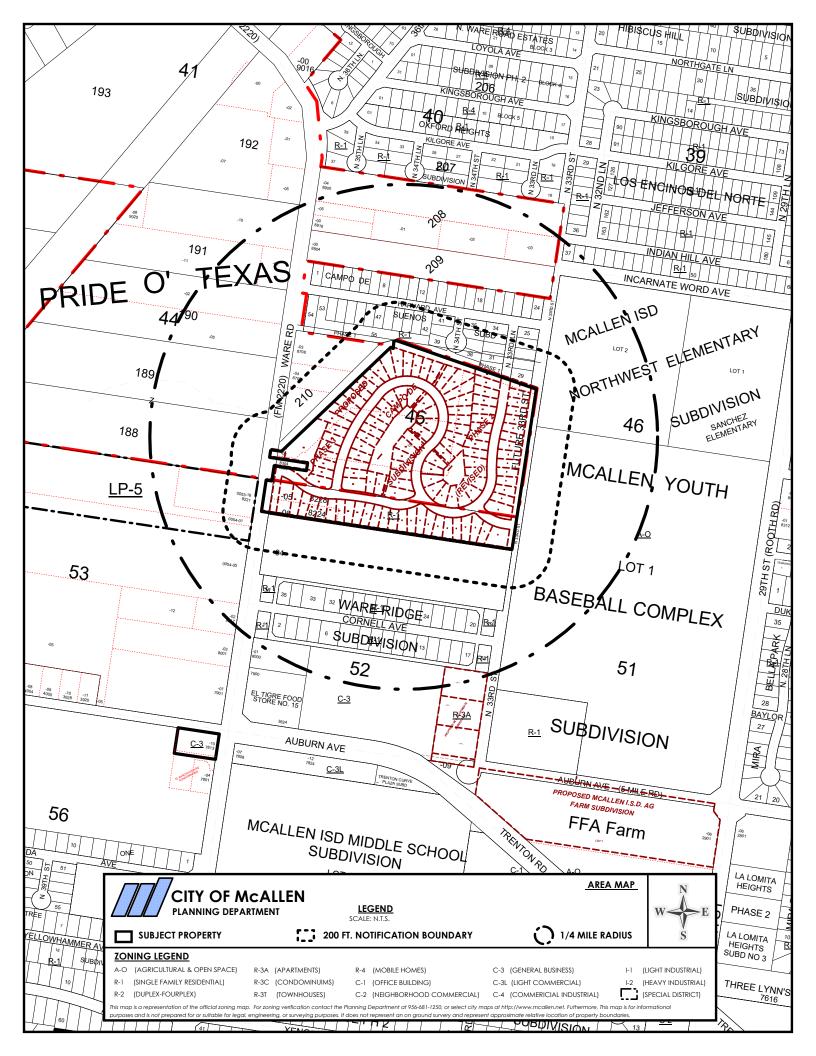
311 North 15th Street McAllen, TX 78501 P. O. Box 220 McAllen, TX 78505-0220 (956) 681-1250 (956) 681-1279 (fax)

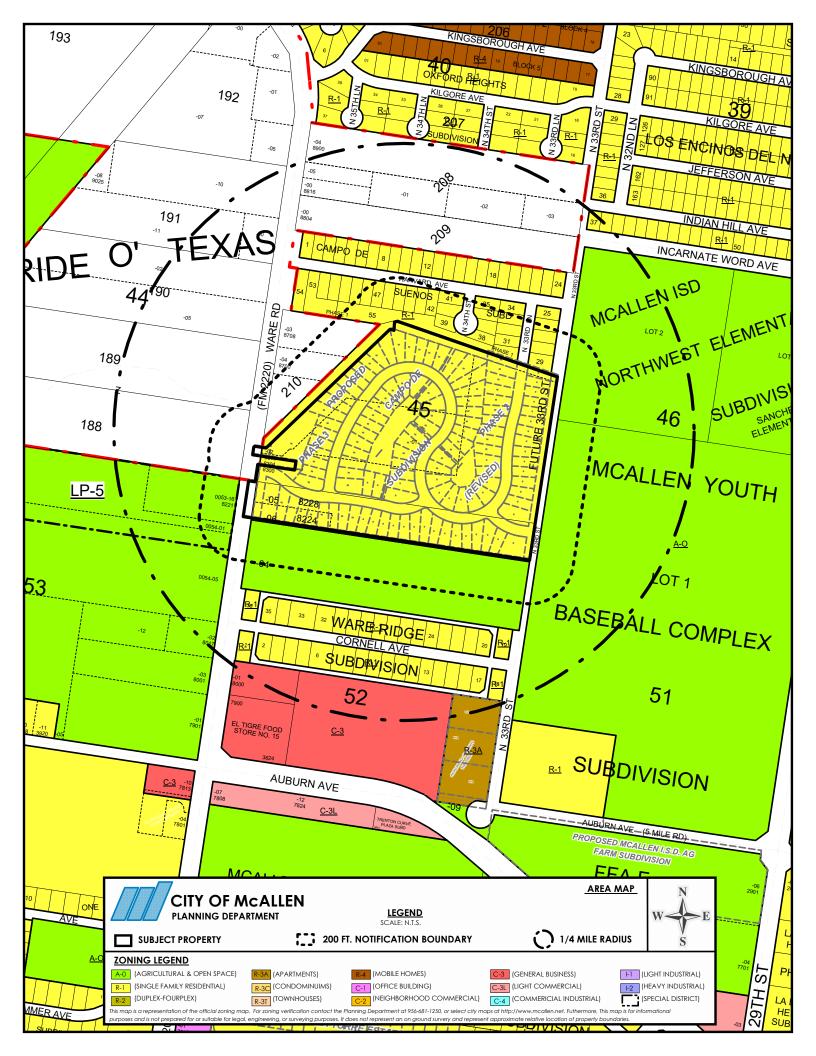
	ADJUSTMENT TO MCALLEN ZONING ORDINANCE
Project	Legal Description Appril 23.13 Avris 10 145 45 52 Limital Trigging 9 (MSV. Co. Subdivision Name Physical Amps 9. Survivs II & III) Street Address Number of lots 113 Gross acres 23.13 Existing Zoning NIW. at this time, Existing Land Use Vacant Reason for Appeal (please use other side if necessary) to accommodate, the COVING OFSIGN Street Address Number of lots 113 Gross acres 23.13 Existing Zoning NIW. at this time, Existing Land Use Vacant Reason for Appeal (please use other side if necessary) to accommodate, the Coving Street Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required
Applicant	Name Riverside Development Sentices, LLC (970) 207-1047 Address 2606 Zinnia Ave. E-mail tagni yre consulting@me City McAllen State Tx zip 78504
Owner	Name Sewices, L.C. Phone 976 207-1047 Address 2606 Zinnia Ale. E-mail taguire CWS whing a me. City McAllen State Tx zip 18504
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 Date Authorized Agent Owner Authorized Agent
Office	Accepted by Payment received by Date Rev 10/18 Payment received by Date DECEIVE DECEIVE

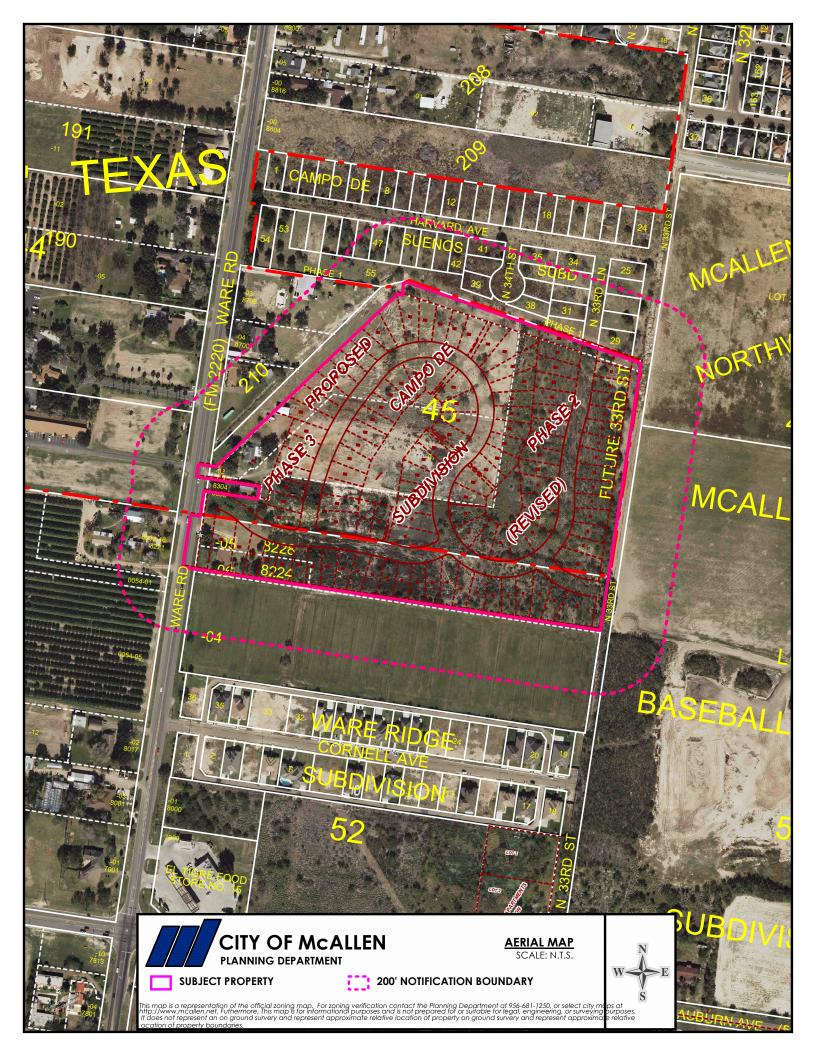
City of McAllen

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. ***Tapplicant 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: MADE TO ACCOMMODATE THE COVING- OFSIGN 2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner: NACCOMMODATE THE COVING- OFSIGN 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: NONE 4. Describe special conditions that are unique to this applicant or property: MADE TO ACCOMMODATE THE COVING- OFSIGNI
tion	
Board Action	Chairman, Board of Adjustment Date Signature
0	







March 29, 2021

METES AND BOUNDS 23.663 ACRES OUT OF LOT 45 AND 52, LA LOMITA IRRIGATION & CONSTRUCTION Co. SUBDIVISION HIDALGO COUNTY, TEXAS

A tract of land containing 23.663 acres situated in the County of Hidalgo, Texas, being a part or portion out of Lots 45 and 52, La Lomita Irrigation and Construction Company's Subdivision, according to the plat thereof recorded in Volume 24, Pages 67-68, Hidalgo County Deed Records, said 23.663 acres were conveyed to Riverside Development Services, LLC., by virtue of a Warranty Deed with Vendor's Lien recorded under Document Number 3135302 and 3135352, a Special Warranty Deed with Vendor's Lien recorded under Document Number 3158972, and by a Deed without Warranty recorded under Document Number 3205186, Hidalgo County Official Records, said 23.663 acres also being more particularly described as follows:

BEGINNING at a Nail set at the Southwest Corner of said Lot 45;

- 1. THENCE, S 81° 22' 09" E along the South line of said Lot 45 and the North line of said Lot 52, a distance of 30.00 feet to a No. 4 rebar set for an inside corner of this tract;
- 2. THENCE, N 08° 37' 51" E a distance of 80.00 feet to a No. 4 rebar set for an outside corner of this tract;
- 3. THENCE, S 81° 22' 09" E at a distance of 10.00 feet pass a No. 4 rebar set on the existing East right-of-way line of N. Ware Road (F.M. 2220), continuing a total distance of 170.00 feet to a No. 4 rebar set for an inside corner of this tract;
- 4. THENCE, N 08° 37' 51" E a distance of 40.00 feet to a No. 4 rebar set for an inside corner of this tract:
- 5. THENCE, N 81° 22' 09" W at a distance of 160.00 feet pass a No. 4 rebar set on the East right-of-way line of N. Ware Road (F.M. 2220), continuing a total distance of 200.00 feet to a Nail set for an outside corner of this tract;
- 6. THENCE, N 08° 37' 51" E along the West line of said Lot 45 and within the existing right-of-way of N. Ware Road (F.M. 2220), a distance of 35.60 feet to a No. 4 rebar set for the Southernmost Northwest corner of this tract;
- 7. THENCE, N 45° 56' 21" E along an East line of Lot 210, Pride O' Texas Subdivision, according to the plat thereof recorded in Volume 5, Pages 58 and 59, Hidalgo County Map Records, a distance of 5.53 feet to a No. 4 rebar set for an outside corner of this tract;

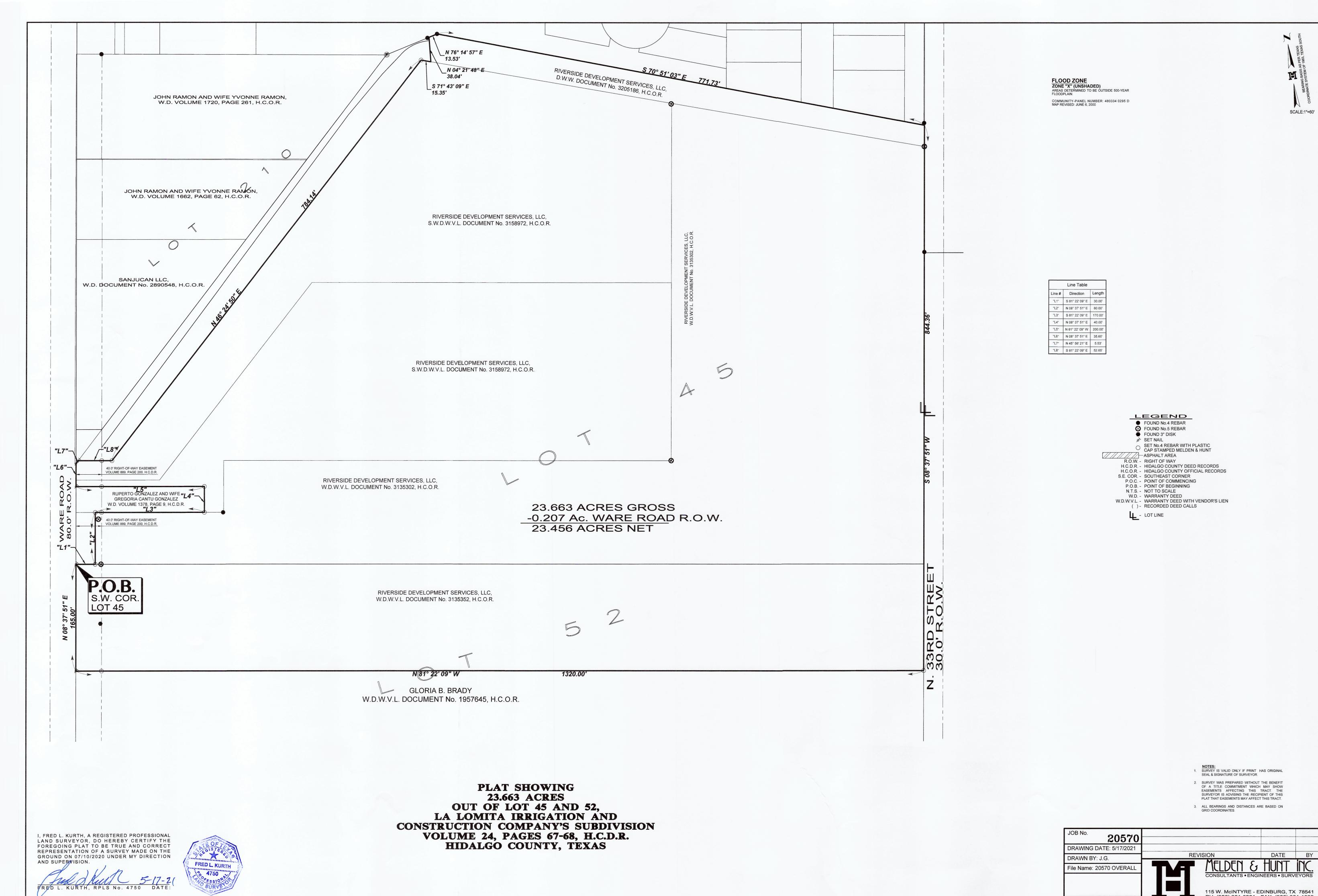
- 8. THENCE, S 81° 22' 09" E a distance of 52.65 feet to a No. 4 rebar set for an inside corner of this tract;
- 9. THENCE, N 46° 24' 50" E a distance of 784.14 feet to a No. 4 rebar set for an outside corner of this tract;
- 10. THENCE, S 71° 43' 09" E a distance of 15.35 feet to a No. 4 rebar set for an inside corner of this tract;
- 11. THENCE, N 04° 21' 48" E a distance of 38.04 feet to a No. 4 rebar set for an outside corner of this tract;
- 12. THENCE, N 76° 14' 57" E a distance 13.53 feet to a No. 4 rebar found for an outside corner of this tract;
- 13. THENCE, S 70° 51' 03" E a distance of 771.73 feet to a No. 4 rebar set for the Northeast corner of this tract;
- 14. THENCE, S 08° 37' 51" W at a distance of 679.36 feet pass a No. 4 rebar set on the Southeast corner of said Lot 45 and the Northeast corner of said Lot 52, continuing a total distance of 844.36 for the Southeast corner of this tract;
- 15. THENCE, N 81° 22' 09" W at a distance of 1,280.00 feet pass a No. 4 rebar set on the existing East right-of-way line of N. Ware Road (F.M. 2220), continuing a total distance of 1,320.00 feet to the Southwest corner of this tract;
- 16. THENCE, N 08° 37' 51" E a distance of 165.00 feet to the POINT OF BEGINNING and containing 23.663 acres, of which 0.207 of one acre lies within the existing right-of-way line of N. Ware Road (F.M. 2220), leaving a net of 23.456 acres of land, more or less

I, FRED L. KURTH, A REGISTERED PROFESSIONAL LAND SURVEYOR DO HEREBY AFFIRM THAT THIS METES AND BOUNDS DESCRIPTION REPRESENTS THE RESULTS OF A SURVEY MADE ON THE GROUND ON 07/10/2020 UNDER MY

DIRECTION AND SUPERVISION.

RED L. KURTH, R.P.L.S. #4750

DATE:



115 W. McINTYRE - EDINBURG, TX 78541 PH: (956) 381-0981 - FAX: (956) 381-1839 ESTABLISHED 1947 - www.meldenandhunt.com

FINAL CHECK _

ESTABLISHED 1947 - www.meldenandhunt.com

SHEET 1 OF 2

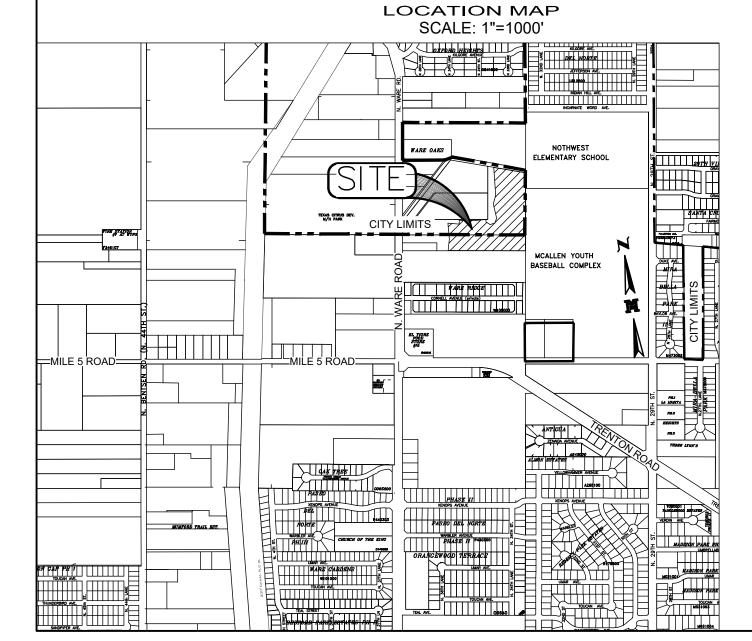
Во	oundary Line T	able
Line #	Direction	Length
"L1"	N 15° 00' 00" E	122.66'
"L2"	N 02° 12' 35" W	51.14'
"L3"	N 05° 00' 00" E	114.52'
"L4"	S 77° 00' 00" E	119.00'
"L5"	N 08° 00' 00" E	37.16'
"L6"	S 82° 00' 00" E	109.84'
"L7"	S 78° 46' 21" E	50.46'
"L8"	S 86° 00' 00" E	116.95'
"L9"	S 03° 00' 00" W	25.16'
"L10"	S 51° 00' 00" E	50.41'
"L11"	N 80° 00' 00" E	52.47'
"L12"	N 28° 00' 00" E	52.56'
"L13"	N 04° 52' 53" W	152.25'
"L14"	N 16° 02' 45" E	158.15'

			Curve	e Table		
Curve #	Length	Radius	Delta	Chord Direction	Chord Length	Tangen
C1	29.78'	625.00'	002° 43' 47"	N9° 59' 44"E'	29.77'	14.89
C2	44.40'	625.00'	004° 04' 13"	N13° 23' 44"E'	44.39'	22.21
C3	6.70'	625.00'	000° 36′ 50"	N15° 44' 16"E'	6.70'	3.35
C4	36.78'	875.00'	002° 24' 30"	S14° 50' 26"W'	36.78'	18.39
C5	43.01'	875.00'	002° 48′ 58"	S12° 13' 42"W'	43.00'	21.51
C6	44.43'	875.00'	002° 54' 32"	S9° 21' 56"W'	44.42'	22.22
C7	48.50'	875.00'	003° 10' 33"	S6° 19' 24"W'	48.49'	24.26
C8	49.98'	875.00'	003° 16′ 21"	S3° 05' 57"W'	49.97'	25.00
C9	42.12'	875.00'	002° 45′ 29"	S0° 05' 02"W'	42.11'	21.06
C10	9.08'	222.00'	002° 20′ 39"	N0° 07' 23"W'	9.08'	4.54
C11	42.95'	222.00'	011° 05′ 04"	N6° 35' 29"E'	42.88'	21.54
C12	42.52'	222.00'	010° 58′ 30"	N17° 37' 17"E'	42.46'	21.33
C13	45.12'	222.00'	011° 38′ 46"	N28° 55' 55"E'	45.05'	22.64
C14	31.53'	222.00'	008° 08' 16"	N38° 49' 26"E'	31.50'	15.79
C15	31.34'	20.00'	089° 46′ 23"	S1° 59' 37"E'	28.23'	19.92
C16	117.38'	195.00'	034° 29′ 21"	S64° 07' 29"E'	115.62'	60.53
C17	162.99'	245.00'	038° 06′ 59"	S62° 18' 40"E'	160.00'	84.64
C18	25.19'	20.00'	072° 10' 25"	N79° 20' 23"W'	23.56'	14.58
C19	59.50'	222.00'	015° 21' 20"	N72° 15' 04"E'	59.32'	29.93
C20	45.20'	222.00'	011° 39' 58"	N85° 45' 42"E'	45.12'	22.68

			Curve	Table			Curve Table						
Curve #	Length	Radius	Delta	Chord Direction	Chord Length	Tangent	Curve #	Length	Radius	Delta	Chord Direction	Chord Length	Tanger
C21	42.08'	222.00'	010° 51' 41"	S82° 58' 28"E'	42.02'	21.11	C41	76.27'	172.00'	025° 24' 24"	S10° 16′ 08"E'	75.65'	38.77
C22	44.30'	222.00'	011° 25' 58"	S71° 49' 39"E'	44.22'	22.22	C42	82.15'	172.00'	027° 21' 56"	S36° 39′ 18″E′	81.37'	41.87
C23	56.64'	222.00'	014° 37' 05"	S58° 48' 08"E'	56.49'	28.47	C43	72.24'	172.00'	024° 03' 54"	S62° 22' 12"E'	71.71'	36.66
C24	26.13'	222.00'	006° 44' 35"	S48° 07' 18"E'	26.11'	13.08	C44	72.07'	172.00'	024° 00' 30"	S86° 24' 25"E'	71.55'	36.57
C25	27.69'	21.00'	075° 32' 46"	N82° 31' 24"W'	25.73'	16.27	C45	78.13'	172.00'	026° 01' 37"	N68° 34' 32"E'	77.46'	39.75
C26	8.94'	195.00'	002° 37' 38"	N61° 01' 02"E'	8.94'	4.47	C46	78.07'	172.00'	026° 00' 21"	N42° 33' 33"E'	77.40'	39.72
C27	56.14'	195.00'	016° 29' 38"	N70° 34' 40"E'	55.94'	28.26	C47	74.72'	172.00'	024° 53' 24"	N17° 06' 40"E'	74.13'	37.96
C28	42.36'	195.00'	012° 26' 50"	N85° 02' 54"E'	42.28'	21.27	C48	17.90'	172.00'	005° 57' 41"	N1° 41' 08"E'	17.89'	8.96
C29	43.61'	195.00'	012° 48′ 53"	S82° 19' 15"E'	43.52'	21.90	C49	37.82'	925.00'	002° 20' 34"	S0° 07' 26"E'	37.82'	18.91
C30	7.60'	195.00'	002° 14' 02"	S74° 47' 47"E'	7.60'	3.80	C50	42.94'	925.00'	002° 39' 35"	S2° 22' 39"W'	42.94'	21.47
231	35.33'	1,175.00'	001° 43' 23"	N74° 32' 28"W'	35.33'	17.67	C51	42.16'	925.00'	002° 36' 42"	S5° 37' 57"W'	42.16'	21.09
32	42.64'	1,175.00'	002° 04' 44"	N76° 26' 31"W'	42.63'	21.32	C52	42.91'	925.00'	002° 39' 28"	S8° 16' 03"W'	42.91'	21.46
233	48.35'	1,175.00'	002° 21' 28"	N78° 39' 37"W'	48.35'	24.18	C53	41.18'	925.00'	002° 33' 02"	S10° 52′ 18"W'	41.18'	20.59
C34	42.67'	1,225.00'	001° 59' 44"	N79° 21' 14"W'	42.66'	21.34	C54	46.65'	925.00'	002° 53' 23"	S13° 35′ 31″W′	46.65'	23.33
C35	42.50'	1,225.00'	001° 59′ 15"	N77° 21' 44"W'	42.49'	21.25	C55	16.27'	925.00'	001° 00' 28"	S15° 32' 27"W'	16.27'	8.13
C36	42.49'	1,225.00'	001° 59' 14"	N74° 40' 23"W'	42.49'	21.25	C56	28.76'	575.00'	002° 51' 56"	N14° 36' 43"E'	28.75'	14.38
C37	112.44'	145.00'	044° 25' 48"	N84° 06' 20"E'	109.64'	59.22	C57	45.65'	575.00'	004° 32' 54"	N10° 54' 18"E'	45.63'	22.83
C38	29.66'	20.00'	084° 57' 40"	N19° 24' 36"E'	27.01'	18.31							
C39	60.84'	222.00'	015° 42' 04"	S15° 13' 12"E'	60.65'	30.61							
C40	45.70'	222.00'	011° 47' 43"	S1° 28' 19"E'	45.62'	22.93							

	Center Line Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length	Tangent
"C60"	77.64'	600.00'	007° 24' 50"	N12° 20' 16"E'	77.58'	38.87
"C61"	272.37'	900.00'	017° 20' 23"	S7° 22' 29"W'	271.33'	137.24
"C62"	191.60'	197.00'	055° 43' 28"	N26° 34' 02"E'	184.14'	104.14
"C63"	175.85'	220.00'	045° 47' 55"	S58° 28' 12"E'	171.21'	92.93
"C64"	315.04'	197.00'	091° 37' 39"	S79° 45' 25"E'	282.53'	202.68
"C66"	149.13'	170.00'	050° 15′ 49"	N81° 11' 19"E'	144.40'	79.75
"C67"	134.49'	1,196.19'	006° 26′ 30"	N76° 53' 43"W'	134.42'	67.31
"C125"	147.85'	197.82'	042° 49' 24"	S25° 03' 09"W'	144.43'	77.57

Centerline Lot Line Table				
Line #	Length	Direction		
"L15"	160.54'	N08° 37' 51"E		
"L22"	60.02'	N81° 22' 09"W		
"L23"	5.79'	N35° 34' 14"W		
"L24"	27.95'	S56° 03' 25"W		





DRAWN BY: CESAR/ DAVID CHAVEZ DATE 03-30-20 SURVEYED, CHECKED _____ DATE _ FINAL CHECK __ __ DATE ___

STATE OF TEXAS COUNTY OF HIDALGO:

I, THE UNDERSIGNED, MARIO A. REYNA, A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

> MELDEN & HUNT, INC. TEXAS REGISTRATION F-1435

MARIO A. REYNA, P.E. # 117368 DATE PREPARED: 04-07-2021 ENGINEERING JOB No. 18207.00



STATE OF TEXAS COUNTY OF HIDALGO:

I, THE UNDERSIGNED, FRED L. KURTH, A REGISTERED PROFESSIONAL LAND SURVEYOR, IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE HEREIN PRESENTED PLAT AND DESCRIPTION OF <u>CAMPO DE SUEÑOS SUBDIVISION PHASE II & III</u>, WERE PREPARED FROM A SURVEY OF THE PROPERTY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION ON <u>11-27-17</u>, AND THAT IT IS A TRUE AND ACCURATE REPRESENTATION OF THE SUBDIVISION OF THE LANDS HEREON DESCRIBED.

FRED L. KURTH, R.P.L.S. # 4750 DATE SURVEYED: 11-27-18 T- 1047, PAGE 67 SURVEY JOB No. 18207.08



FILED FOR RECORD IN HIDALGO COUNTY ARTURO GUAJARDO, JR. HIDALGO COUNTY CLERK

INSTRUMENT NUMBER_____ OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS

_____ DEPUTY

SHEET 2 OF 2

MUMPORD TRAIL EST.

TOUCAN AVE.

WARBLER AVENUE P480300

UMAR AVE

TOUCAN AVE.



SUBDIVISION MAP OF

CAMPO DE SUEÑOS SUBDIVISION PHASE III

BEING A SUBDIVISION OF 13.908 ACRES SITUATED IN THE COUNTY OF HIDALGO, TEXAS, BEING A PART OR PORTION OUT OF LOTS 45 AND 52, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 24, PAGES 67-68, HIDALGO COUNTY DEED RECORDS

METES AND BOUNDS DESCRIPTION

CAMPO DE SUEÑOS SUBDIVISION PHASE III BEING A SUBDIVISION OF A TRACT OF LAND CONTAINING 13.908 ACRES SITUATED IN THE COUNTY OF HIDALGO, TEXAS, BEING A PART OR PORTION OUT OF LOTS 45 AND 52, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 24, PAGES 67-68, HIDALGO COUNTY DEED RECORDS, WHICH SAID 13.908 ACRES WERE CONVEYED TO RIVERSIDE DEVELOPMENT SERVICES, BY VIRTUE OF A WARRANTY DEED WITH VENDOR'S LIEN RECORDED UNDER DOCUMENT NUMBER 3135302 AND DOCUMENT NUMBER 3135352, A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN RECORDED UNDER DOCUMENT NUMBER 3158972, AND BY A DEED WITHOUT WARRANTY RECORDED UNDER DOCUMENT NUMBER 3205186, HIDALGO COUNTY OFFICIAL RECORDS, SAID 13.908 ACRES ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A NAIL SET AT THE SOUTHWEST CORNER OF SAID LOT 45 AND WITHIN THE EXISTING RIGHT-OF-WAY OF WARE ROAD, FOR AN OUTSIDE CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE, S 81° 22' 09" E ALONG THE SOUTH LINE OF SAID LOT 45 AND THE NORTH LINE OF SAID LOT 52, A DISTANCE OF 30.00 FEET TO A NO. 4 REBAR SET FOR AN INSIDE CORNER OF THIS TRACT:

THENCE, N 08° 37' 51" E A DISTANCE OF 80.00 FEET TO A NO. 4 REBAR SET FOR AN OUTSIDE CORNER OF THIS TRACT;

THENCE, S 81° 22' 09" E AT A DISTANCE OF 10.00 FEET PASS A NO. 4 REBAR SET ON THE EXISTING EAST RIGHT-OF-WAY LINE OF WARE ROAD, CONTINUING A TOTAL DISTANCE OF 170.00 FEET TO A NO. 4 REBAR SET FOR AN INSIDE CORNER OF THIS TRACT;

THENCE, N 81° 22' 09" W AT A DISTANCE OF 160.00 FEET PASS A NO. 4 REBAR SET ON THE EAST RIGHT-OF-WAY LINE OF WARE ROAD, CONTINUING A TOTAL DISTANCE OF 200.00 FEET TO A NAIL SET FOR AN OUTSIDE CORNER OF THIS TRACT;

THENCE, N 08° 37' 51" E A DISTANCE OF 40.00 FEET TO A NO. 4 REBAR SET FOR AN INSIDE CORNER OF THIS TRACT;

DISTANCE OF 35.60 FEET TO A NO. 4 REBAR SET FOR THE SOUTHERNMOST NORTHWEST CORNER OF THIS TRACT;

THENCE, N 45° 56' 21" E ALONG AN EAST LINE OF LOT 210, PRIDE O' TEXAS SUBDIVISION, ACCORDING TO THE PLAT THEREOF

THENCE, N 08° 37' 51" E ALONG THE WEST LINE OF SAID LOT 45 AND WITHIN THE EXISTING RIGHT-OF-WAY OF WARE ROAD, A

RECORDED IN VOLUME 5, PAGES 58 AND 59, HIDALGO COUNTY MAP RECORDS, A DISTANCE OF 5.53 FEET TO A NO. 4 REBAR SET FOR AN OUTSIDE CORNER OF THIS TRACT;

THENCE, S 81° 22' 09" E A DISTANCE OF 52.65 FEET TO A NO. 4 REBAR SET FOR AN INSIDE CORNER OF THIS TRACT;

THENCE, N 46° 24' 51" E A DISTANCE OF 784.14 FEET TO A NO. 4 REBAR SET FOR THE NORTHERNMOST NORTHWEST CORNER OF THIS TRACT:

THENCE, S 71° 43' 09" E A DISTANCE OF 15.35 FEET TO A NO. 4 REBAR SET FOR AN INSIDE CORNER OF THIS TRACT;

THENCE, N 04° 21' 48" E A DISTANCE OF 38.04 FEET TO A NO. 4 REBAR SET FOR AN OUTSIDE CORNER OF THIS TRACT;

THENCE, N 76° 14' 57" E A DISTANCE 13.53 FEET TO A NO. 4 REBAR FOUND FOR AN OUTSIDE CORNER OF THIS TRACT;

THENCE, S 70° 51' 03" E A DISTANCE OF 433.80 FEET TO A NO. 4 REBAR SET FOR THE NORTHEAST CORNER OF THIS TRACT THENCE, S 05° 00' 00" W A DISTANCE OF 330.54 FEET TO A NO. 4 REBAR SET FOR AN OUTSIDE CORNER OF THIS TRACT;

THENCE, S 24° 03' 41" W A DISTANCE OF 92.78 FEET TO A NO. 4 REBAR SET FOR AN INSIDE CORNER OF THIS TRACT;

THENCE, S 04° 52' 53" W A DISTANCE OF 152.25 FEET TO A NO. 4 REBAR SET FOR AN OUTSIDE CORNER OF THIS TRACT

THENCE, S 28° 00' 00" W A DISTANCE OF 52.56 FEET TO A NO. 4 REBAR SET FOR AN OUTSIDE CORNER OF THIS TRACT;

THENCE, S 80° 00' 00" W A DISTANCE OF 52.47 FEET TO A NO. 4 REBAR SET FOR AN OUTSIDE CORNER OF THIS TRACT;
THENCE, N 51° 00' 00" W A DISTANCE OF 50.41 FEET TO A NO. 4 REBAR SET FOR AN OUTSIDE CORNER OF THIS TRACT;

THENCE, N 03° 00' 00" E A DISTANCE OF 25.16 FEET TO A NO. 4 REBAR SET FOR AN INSIDE CORNER OF THIS TRACT;
THENCE, N 86° 00' 00" W A DISTANCE OF 116.95 FEET TO A NO. 4 REBAR SET FOR AN ANGLE POINT OF THIS TRACT;

THENCE, N 78° 46' 21" W A DISTANCE OF 50.46 FEET TO A NO. 4 REBAR SET FOR AN ANGLE POINT OF THIS TRACT;

THENCE, N 82° 00' 00" W A DISTANCE OF 109.84 FEET TO A NO. 4 REBAR SET FOR AN INSIDE CORNER OF THIS TRACT;

THENCE, S 08° 00' 00" W A DISTANCE OF 37.16 FEET TO A NO. 4 REBAR SET FOR AN OUTSIDE CORNER OF THIS TRACT;

THENCE, N 77° 00' 00" W A DISTANCE OF 119.00 FEET TO A NO. 4 REBAR SET FOR AN INSIDE CORNER OF THIS TRACT;

THENCE, S 05° 00' 00" W A DISTANCE OF 114.52 FEET TO A NO. 4 REBAR SET FOR AN INSIDE CORNER OF THIS TRACT;
THENCE, S 02° 12' 35" E A DISTANCE OF 51.14 FEET TO A NO. 4 REBAR SET FOR AN OUTSIDE CORNER OF THIS TRACT;

THENCE, S 15° 00' 00" W A DISTANCE OF 122.66 FEET TO A NO. 4 REBAR SET FOR THE SOUTHEAST CORNER OF THIS TRACT;

THENCE, N 81° 22' 09" W AT A DISTANCE OF 474.66 FEET PASS A NO. 4 REBAR SET ON THE EXISTING EAST RIGHT-OF-WAY LINE OF WARE ROAD, CONTINUING A TOTAL DISTANCE OF 514.66 FEET TO A NAIL SET FOR THE SOUTHWEST CORNER OF THIS TRACT

THENCE, N 08° 37' 51" E ALONG THE WEST LINE OF SAID LOT 52 AND WITHIN THE EXISTING RIGHT-OF-WAY OF WARE ROAD, A DISTANCE OF 165.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 13.908 ACRES, OF WHICH 0.207 OF ONE ACRE LIES WITHIN THE EXISTING RIGHT-OF-WAY OF WARE ROAD, LEAVING A NET OF 13.701 ACRES OF LAND, MORE OR LESS.

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

MAYOR, CITY OF McALLEN	DATE
CITY SECRETARY	

I, THE UNDERSIGNED, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF McALLEN HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS

CHAIRMAN, PLANNING COMMISSION

THE STATE OF TEXAS COUNTY OF HIDALGO

WE, THE UNDERSIGNED, OWNERS OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE <u>CAMPO DE SUEÑOS SUBDIVISION PHASE III</u> TO THE CITY OF MCALLEN, TEXAS, AND WHOSE NAMES ARE SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, WATER LINES, SEWER LINES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH WE WILL CAUSE TO BE INSTALLED THEREON, SHOWN OR NOT SHOWN, IF REQUIRED OTHERWISE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF MCALLEN, ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED, EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF MCALLEN.

ANTONIO M. AGUIRRE, JR. MAN. 2606 ZINNIA AVE. McALLEN, TX. 78504	OLIV			
STATE OF TEXAS COUNTY OF HIDALGO				
BEFORE ME, THE UNDERSIGNE TO ME TO BE THE PERSON WHO THAT HE EXECUTED THE SAME	SE NAME IS SUBSCRIBE	D TO THE FOREGOING	SINSTRUMENT, AND AC	
SEAL OF OFFICE, THIS THE	DAY OF	_ , 20		
NOTARY PUBLIC, FOR THE STA' MY COMMISSION EXPIRES:	E OF TEXAS			
STATE OF TEXAS COUNTY OF HIDALGO				
THE UNDERSIGNED, LIENHOLDI THIS PLAT AND DESIGNATED AS CONSENT TO THE SUBDIVISION THAT ANY FORECLOSURE RELA SUBJECT TO THE PLATTING OF	TAYLOR VALLEY ESTAT OF THE REAL PROPERT' TING TO THE SECUTIRY	ES SUBDIVISION OF TI Y AS PROVIDED FOR L INTEREST ON THE ABO	HE CITY OF MCALLEN, ⁻ NDER THE PLAT, AND I	TEXAS, DO HEREI DO HEREBY PROV
ADRIAN VILLARREAL-TRUSTEE	150.05	_	DATE	
INTERNATIONAL BANK OF COMI ONE SOUTH BROADWAY MCALLEN, TX 78505	MERCE			
STATE OF TEXAS COUNTY OF HIDALGO				
	IS SUBSCRIBED TO THE I PURPOSE AND CONSIDE	FOREGOING INSTRUM	ENT, AND ACKNOWLED	GED TO ME THAT
COUNTY OF HIDALGO BEFORE ME, THE UNDERSIGNE BE THE PERSON WHOSE NAME EXECUTED THE SAME FOR THE THE DAY OF	IS SUBSCRIBED TO THE I PURPOSE AND CONSIDE , 2020.	FOREGOING INSTRUM	ENT, AND ACKNOWLED	GED TO ME THAT
BEFORE ME, THE UNDERSIGNE BE THE PERSON WHOSE NAME EXECUTED THE SAME FOR THE THE DAY OF NOTARY PUBLIC, STATE OF TEX MY NOTARY EXPIRES:	IS SUBSCRIBED TO THE I PURPOSE AND CONSIDE, 2020 AS	FOREGOING INSTRUM	ENT, AND ACKNOWLED	GED TO ME THAT
BEFORE ME, THE UNDERSIGNE BE THE PERSON WHOSE NAME EXECUTED THE SAME FOR THE THE DAY OF NOTARY PUBLIC, STATE OF TEX MY NOTARY EXPIRES: APPROVED BY DRAINAGE DISTE HIDALGO COUNTY DRAINAGE COMPLY WITH THE MINIMUM DISTRICT HAS NOT REVIEWED FOR THE SPECIFIC SUBDIVISIO	IS SUBSCRIBED TO THE I PURPOSE AND CONSIDE	FOREGOING INSTRUM RATION THEREIN GIVE CERTIFIES THAT THE STRICT ADOPTED UNTITAL THAT THE DRAINAGE ACCEPTED ENGINEE	ENT, AND ACKNOWLED EN UNDER MY HAND AN HE DRAINAGE PLANS IDER TEXAS WATER (STRUCTURES DESCR	FOR THIS SUBCODE §49.211 (IBED ARE APPRO
BEFORE ME, THE UNDERSIGNE BE THE PERSON WHOSE NAME EXECUTED THE SAME FOR THE THE DAY OF NOTARY PUBLIC, STATE OF TEX MY NOTARY EXPIRES: APPROVED BY DRAINAGE DISTE HIDALGO COUNTY DRAINAGE COMPLY WITH THE MINIMUM DISTRICT HAS NOT REVIEWED FOR THE SPECIFIC SUBDIVISIO	RICT: DISTRICT NO.1 HEREBY STANDARDS OF THE DIAND DOES NOT CERTIFY NEER TO MAKE THESE D	FOREGOING INSTRUM RATION THEREIN GIVE CERTIFIES THAT THE STRICT ADOPTED UNTITAL THAT THE DRAINAGE ACCEPTED ENGINEE	ENT, AND ACKNOWLED EN UNDER MY HAND AN HE DRAINAGE PLANS IDER TEXAS WATER (STRUCTURES DESCR	FOR THIS SUBCODE §49.211 (IBED ARE APPRO
BEFORE ME, THE UNDERSIGNE BE THE PERSON WHOSE NAME EXECUTED THE SAME FOR THE THE DAY OF NOTARY PUBLIC, STATE OF TEX MY NOTARY EXPIRES: APPROVED BY DRAINAGE DISTE HIDALGO COUNTY DRAINAGE COMPLY WITH THE MINIMUM DISTRICT HAS NOT REVIEWED. FOR THE SPECIFIC SUBDIVISIO THE DEVELOPER AND HIS ENG HIDALGO COUNTY DRAINAGE D	RICT: DISTRICT NO.1 HEREBY STANDARDS OF THE DIAND DOES NOT CERTIFY NEER TO MAKE THESE D	FOREGOING INSTRUM RATION THEREIN GIVE CERTIFIES THAT THE STRICT ADOPTED UNTITAL THAT THE DRAINAGE ACCEPTED ENGINEE	ENT, AND ACKNOWLED EN UNDER MY HAND AN HE DRAINAGE PLANS IDER TEXAS WATER (STRUCTURES DESCR	FOR THIS SUBCODE §49.211 (IBED ARE APPRO
BEFORE ME, THE UNDERSIGNE BE THE PERSON WHOSE NAME EXECUTED THE SAME FOR THE THE DAY OF	IS SUBSCRIBED TO THE I PURPOSE AND CONSIDE	CERTIFIES THAT THE STRICT ADOPTED UNTIL THE DRAINAGE ACCEPTED ENGINEE ETERMINATIONS. DATE TION DISTRICT No. 1 C	ENT, AND ACKNOWLED IN UNDER MY HAND AN IN UNDER MY HAND AN IN	FOR THIS SUBCODE §49.211 (IBED ARE APPRO
BEFORE ME, THE UNDERSIGNE BE THE PERSON WHOSE NAME EXECUTED THE SAME FOR THE THE DAY OF	IS SUBSCRIBED TO THE I PURPOSE AND CONSIDE	CERTIFIES THAT THE STRICT ADOPTED UNTHAT THE DRAINAGE ACCEPTED ENGINEE ETERMINATIONS. DATE TION DISTRICT No. 1 COURTS ACCEPTED ENGINEER ETERMINATIONS.	ENT, AND ACKNOWLED EN UNDER MY HAND AN HE DRAINAGE PLANS IDER TEXAS WATER (STRUCTURES DESCR RING CRITERIA. IT IS ON THIS 20 CRITERIA. IT IS REPORTED TO THE STRUCTURES OF THE STRUCTURES OF THE STRUCTURES OF THE STRUCTURES OF THE STRUCTURE O	FOR THIS SUBE CODE §49.211 (IBED ARE APPRO THE RESPONSIBI
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HIDALGO COUNTY
ARTURO GUAJARDO, JR.
HIDALGO COUNTY CLERK

ON: _____AT____ AM/PM

INSTRUMENT NUMBER___
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS

_____ DEF

BA:

SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPREQUIRED.	'ROV

ESTABLISHED 1947 - www.meldenandhunt.com

			Curve	e Table						Curve	e Table		
Curve #	Length	Radius	Delta	Chord Direction	Chord Length	Tangent	Curve #	Length	Radius	Delta	Chord Direction	Chord Length	Tang
C58	104.96'	1,225.00'	004° 54' 33"	N82° 48' 23"W'	104.93'	52.51	C78	10.06'	275.00'	002° 05' 46"	N7° 51' 48"E'	10.06'	5.03
C59	31.64'	20.00'	090° 39' 15"	S39° 56' 02"E'	28.45'	20.23	C79	75.94'	275.00'	015° 49' 20"	N16° 49' 21"E'	75.70'	38.21
C60	40.53'	675.00'	003° 26' 25"	S7° 06' 48"W'	40.52'	20.27	C80	63.81'	275.00'	013° 17' 39"	N31° 22' 50"E'	63.66'	32.05
C61	46.85'	675.00'	003° 58' 36"	S10° 49' 18"W'	46.84'	23.43	C81	41.00'	275.00'	008° 32' 34"	N42° 17' 56"E'	40.96'	20.54
C62	54.83'	675.00'	004° 39' 13"	S15° 08' 13"W'	54.81'	27.43	C82	8.49'	222.00'	002° 11' 25"	S45° 28' 30"W'	8.49'	4.24
C63	56.92'	675.00'	004° 49' 52"	S19° 52' 46"W'	56.90'	28.48	C83	36.13'	222.00'	009° 19' 28"	S39° 43' 04"W'	36.09'	18.10
C64	12.89'	675.00'	001° 05' 40"	S22° 50' 32"W'	12.89'	6.45	C84	34.69'	222.00'	008° 57' 07"	S30° 34' 47"W'	34.65'	17.38
C65	39.31'	975.00'	002° 18' 36"	S24° 32' 40"W'	39.31'	19.66	C85	41.03'	222.00'	010° 35' 20"	S20° 48' 33"W'	40.97'	20.57
C66	50.70'	975.00'	002° 58' 47"	S27° 11' 21"W'	50.70'	25.36	C86	42.97'	222.00'	011° 05' 21"	S9° 58′ 13″W′	42.90'	21.55
C67	49.27'	975.00'	002° 53' 44"	S30° 07' 37"W'	49.27'	24.64	C87	70.93'	172.00'	023° 37' 36"	S14° 14' 53"W'	70.43'	35.97
C68	47.85'	975.00'	002° 48' 43"	S32° 58' 50"W'	47.85'	23.93	C88	61.57'	172.00'	020° 30' 32"	S36° 18' 57"W'	61.24'	31.12
C69	49.25'	975.00'	002° 53' 39"	S35° 50' 01"W'	49.24'	24.63	C89	7.01'	325.00'	001° 14' 11"	N45° 57' 07"E'	7.01'	3.51
C70	50.63'	975.00'	002° 58' 30"	S38° 46' 06"W'	50.62'	25.32	C90	40.22'	325.00'	007° 05' 28"	N40° 01' 31"E'	40.20'	20.14
C71	50.65'	975.00'	002° 58' 36"	S41° 44' 39"W'	50.65'	25.33	C91	41.48'	325.00'	007° 18' 45"	N32° 49' 24"E'	41.45'	20.77
C72	33.46'	975.00'	001° 57' 59"	S44° 12' 56"W'	33.46'	16.73	C92	43.50'	325.00'	007° 40' 08"	N25° 19' 58"E'	43.47'	21.78
C73	20.11'	150.00'	007° 40' 46"	S49° 02' 18"W'	20.09'	10.07	C93	42.58'	325.00'	007° 30' 24"	N17° 44' 42"E'	42.55'	21.32
C74	96.19'	150.00'	036° 44' 37"	S75° 04' 30"W'	94.55'	49.82	C94	40.71'	325.00'	007° 10' 35"	N10° 24' 12"E'	40.68'	20.38
C75	84.61'	150.00'	032° 19' 09"	N70° 23' 37"W'	83.49'	43.46	C95	41.31'	200.00'	011° 50' 07"	N0° 53' 51"E'	41.24'	20.73
C76	84.80'	150.00'	032° 23' 33"	N38° 02' 15"W'	83.68'	43.57	C96	45.10'	200.00'	012° 55' 08"	N11° 28' 47"W'	45.00'	22.64
C77	75.02'	150.00'	028° 39' 23"	N7° 30′ 47"W'	74.24'	38.31	C97	34.83'	200.00'	009° 58' 41"	N22° 55' 41"W'	34.79'	17.46

			Curve	Table						Curve	Table		
Curve #	Length	Radius	Delta	Chord Direction	Chord Length	Tangent	Curve #	Length	Radius	Delta	Chord Direction	Chord Length	Tange
C98	26.89'	200.00'	007° 42' 16"	N31° 46' 09"W'	26.87'	13.47	C118	0.58'	1,025.00'	000° 01' 57"	S23° 24' 20"W'	0.58'	0.29
C99	24.65'	200.00'	007° 03' 46"	N39° 09' 10"W'	24.64'	12.34	C119	43.66'	725.00'	003° 27' 00"	S21° 39' 52"W'	43.65'	21.83
C100	34.12'	200.00'	009° 46' 31"	N47° 34' 19"W'	34.08'	17.10	C120	43.83'	725.00'	003° 27' 50"	S18° 12' 26"W'	43.83'	21.92
C101	40.89'	200.00'	011° 42' 48"	N58° 18' 58"W'	40.82'	20.52	C121	44.24'	725.00'	003° 29' 46"	S14° 43' 38"W'	44.23'	22.13
C102	52.95'	200.00'	015° 10' 12"	N71° 45' 28"W'	52.80'	26.63	C122	44.22'	725.00'	003° 29' 41"	S11° 13' 55"W'	44.21'	22.12
C103	37.71'	200.00'	010° 48' 10"	N84° 44' 40"W'	37.65'	18.91	C123	55.79'	725.00'	004° 24' 32"	S7° 16' 48"W'	55.78'	27.91
C104	38.73'	200.00'	011° 05' 38"	S84° 18' 26"W'	38.66'	19.42	C124	30.28'	20.00'	086° 45' 10"	N48° 27' 07"E'	27.47'	18.90
C105	34.97'	200.00'	010° 01' 05"	S73° 45' 04"W'	34.93'	17.53	C125	95.53'	1,475.00'	003° 42' 38"	S86° 18' 59"E'	95.51'	47.78
C106	34.26'	200.00'	009° 48' 50"	S63° 50' 07"W'	34.21'	17.17	C126	60.04'	1,475.00'	002° 19' 56"	S83° 17' 42"E'	60.03'	30.02
C107	41.36'	200.00'	011° 50' 54"	S53° 00' 15"W'	41.28'	20.75	C127	19.56'	1,475.00'	000° 45' 35"	S81° 44' 57"E'	19.56'	9.78
C108	6.57'	200.00'	001° 52' 53"	S46° 08' 22"W'	6.57'	3.28	C128	40.38'	1,525.00'	001° 31' 02"	S82° 07' 40"E'	40.38'	20.19
C109	32.25'	1,025.00'	001° 48' 11"	S44° 17' 50"W'	32.25'	16.13	C129	47.68'	1,525.00'	001° 47' 29"	S83° 46' 56"E'	47.68'	23.84
C110	43.19'	1,025.00'	002° 24' 52"	S42° 11' 19"W'	43.19'	21.60	C130	46.32'	1,525.00'	001° 44' 25"	S85° 32' 53"E'	46.32'	23.16
C111	51.03'	1,025.00'	002° 51' 08"	S39° 33' 19"W'	51.02'	25.52	C131	47.43'	1,525.00'	001° 46' 56"	S87° 18' 33"E'	47.43'	23.72
C112	49.42'	1,025.00'	002° 45' 44"	S36° 44' 52"W'	49.41'	24.71	C132	14.40'	1,525.00'	000° 32' 28"	S88° 28' 15"E'	14.40'	7.20
C113	42.76'	1,025.00'	002° 23' 24"	S34° 10' 18"W'	42.75'	21.38	C133	29.85'	1,175.00'	001° 27' 21"	N88° 00' 49"W'	29.85'	14.93
C114	41.72'	1,025.00'	002° 19' 55"	S31° 48' 39"W'	41.72'	20.86	C134	45.01'	1,175.00'	002° 11' 41"	N86° 11' 18"W'	45.00'	22.51
C115	40.97'	1,025.00'	002° 17' 25"	S29° 29' 59"W'	40.97'	20.49	C135	53.61'	1,175.00'	002° 36' 52"	N83° 47' 02"W'	53.61'	26.81
C116	45.12'	1,025.00'	002° 31' 19"	S27° 05' 37"W'	45.12'	22.56	C136	54.09'	1,175.00'	002° 38' 15"	N81° 09' 29"W'	54.08'	27.05
C117	43.13'	1,025.00'	002° 24' 39"	S24° 37' 38"W'	43.12'	21.57	L 0.00	1 31.00	.,	1 332 33 10	00 20 77	2	1 -7.00

Centerline Lot Line Table Line # Length Direction

"L49" 12.61' N02° 37' 58"E

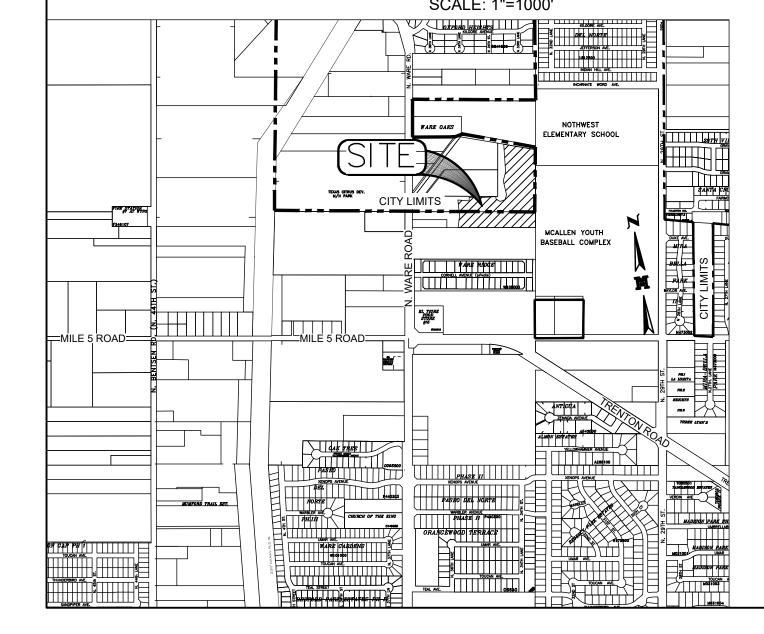
"L50" 150.44' S81° 22' 09"E

Во	undary L	ine Table				
Line #	Length	Direction				
"L25"	165.00'	N08° 37' 51"E				
"L26"	30.00'	S81° 22' 09"E				
"L27"	80.00'	N08° 37' 51"E				
"L28"	170.00'	S81° 22' 09"E				
"L29"	40.00'	N08° 37' 51"E				
"L30"	200.00'	N81° 22' 09"W				
"L31"	35.60'	N08° 37' 51"E				
"L32"	5.53'	N45° 56' 21"E				
"L33"	52.65'	S81° 22' 09"E				
"L34"	158.15'	S16° 02' 45"W				
"L35"	152.25'	S04° 52' 53"E				
"L36"	52.56'	S28° 00' 00"W				
"L37"	52.47'	S80° 00' 00"W				
"L38"	50.41'	N51° 00' 00"W				
"L39"	25.16'	N03° 00' 00"E				
"L40"	116.95'	N86° 00' 00"W				
"L41"	50.46'	N78° 46' 21"W				
"L42"	109.84'	N82° 00' 00"W				
"L43"	37.16'	S08° 00' 00"W				
"L44"	119.00'	N77° 00' 00"W				

Во	undary L	ine Table
Line #	Length	Direction
"L45"	114.52'	S05° 00' 00"W
"L46"	51.14'	S02° 12' 35"E
"L47"	122.66'	S15° 00' 00"W
		•

			Center Line	Curve Table		
Curve #	Length	Radius	Delta	Chord Direction	Chord Length	Tangent
"C125"	147.85'	197.82'	042° 49' 24"	S25° 03' 09"W'	144.43'	77.57
"C127"	193.01'	1,500.00'	007° 22' 20"	S85° 03' 19"E'	192.87'	96.64
"C146"	253.59'	700.00'	020° 45' 24"	S13° 00' 40"W'	252.21'	128.20
"C148"	180.97'	1,200.00'	008° 38' 26"	N84° 25' 16"W'	180.80'	90.66

LOCATION MAP SCALE: 1"=1000'





DRAWN BY: CESAR/ DAVID CHAVEZ DATE 03-30-20 SURVEYED, CHECKED ____ FINAL CHECK __

STATE OF TEXAS COUNTY OF HIDALGO:

I, THE UNDERSIGNED, MARIO A. REYNA, A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

> MELDEN & HUNT, INC. TEXAS REGISTRATION F-1435

MARIO A. REYNA, P.E. # 117368 DATE PREPARED: 03-30-2020 ENGINEERING JOB No. 18207.00

STATE OF TEXAS COUNTY OF HIDALGO:

I, THE UNDERSIGNED, FRED L. KURTH, A REGISTERED PROFESSIONAL LAND SURVEYOR, IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE HEREIN PRESENTED PLAT AND DESCRIPTION OF CAMPO DE SUEÑOS SUBDIVISION PHASE III , WERE PREPARED FROM A SURVEY OF THE PROPERTY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION ON 11-27-17, AND THAT IT IS A TRUE AND ACCURATE REPRESENTATION OF THE SUBDIVISION OF THE LANDS HEREON

FRED L. KURTH, R.P.L.S. # 4750 DATE SURVEYED: 11-27-18 T- 1047, PAGE 67 SURVEY JOB No. 18207.08



FILED FOR RECORD IN HIDALGO COUNTY
ARTURO GUAJARDO, JR.
HIDALGO COUNTY CLERK

INSTRUMENT NUMBER____ OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS

SHEET 2 OF 2



2021 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

	01/06/21	01/20/21	02/03/21	02/17/21	03/03/21	03/17/21	04/07/21	04/21/21	05/05/21	05/19/21	06/02/21	06/17/21	07/07/21	07/21/21	08/04/21	08/18/21	09/01/21	09/15/21	10/06/21	10/20/21	11/03/21	11/17/21	12/01/21	
ERICK DIAZ- CHAIRPERSON	Р	Р	Р	Р	Р	Р	Α	Р	Α	Р	Р	Р												
JOHN MILLIN-VICECHAIRPERSON	Р	Α	Р	Р	Ь	Р	Р	Р	Р	Р	Α	Р												
SYLVIA HINOJOSA	Р	Р	Р	Α	Р	Р	Р	Р	Р	Р	Р	Р												
JOSE GUTIERREZ	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р												
JUAN F. JIMENEZ	Р	Α	Р	Р	Р	Α	Р	Р	Р	Р	Α	Α												
ANN TAFEL (ALT 1)	Р	Р	Р	Р	Р	Р	Р	Р	Р	Α	Α	Р												
HUGO AVILA (ALT 2)	Р	Р	Р	Р	Р	Α	Р	Р	Р	Α	Р	Р												
REBECCA MILLAN (ALT 3)	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р			·	•								
ROGELIO RODRIGUEZ (ALT 4)	Α	Р	Р	Р	Р	Р	Α	Р	Р	Р	Р	Р												

P - PRESENT

A - ABSENT

NEW APPOINTMENT

MC - MEETING CANCELLED

NRM - NO MEETING

LOQ - LACK OF QUORUM

RS - RESIGNATION



Meetings:

PLANNING DEPARTMENT



Deadlines:

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

2021 CALENDAR

A Pu	ity Commisublic Utility I	Board			oning Boar of Adjustmer		D- Zoning/CUP Application N - Public Notification * Holiday - Office is closed							
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23	24	25	26 HPC	27	28	29	27	28	29	30				
30 Deadlin	es and Meeting	'I ng Dates are	subject to cha	inge at any	A-6/16 & 6/17 time. Please	contact th	ne Plannin	I g Departmen	t at (956) 681	1 1-1250 if you h	l ave any que	estions.		



PLANNING DEPARTMENT



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

2021 CALENDAR

			Meetings:							Deadlines:				
C	ity Commis			Planning	& Zoning	Board	D- Zor	ning/CUP A	pplication	Bhelq (T)	N - Public	Notification	on	
A Pu	ıblic Utility E	3oard		Zoning Bo	oard of Adju	stment								
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	A-PZ 12/7		N-PZ 12/7	HOLIDAY	1			A- 1/4 & 1/5		N- 1/4 & 1/5	HOLIDAY	HOLIDAY		
28	A-PZ 12// 29	30	14-12-121	A B			26		28	29	30	31		
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Deadlin	A-ZBA 12/15 es and Meetin	g Dates are	subject to cha	nge at any ti	me Please	Contact th	e Plannin	g Department	at (956) 681	1-1250 if you b	lave any que			
Jeadiiii	OS AND WICELII	y Daies are	Subject to one	go at any ti		20.1.000		3 - 5 - 5 - 5 - 6 - 6 - 6 - 6 - 6 - 6 - 6	(555) 55		any quo			

CRITERIA FOR ZBOA DETERMINATIONS

APPEALS

- 1. ZBOA may hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of Chapter 138 of the Code of Ordinances ("Zoning").
- 2. In conformity with the provisions of V.T.C.A., Local Government Code § 211.009 et seq. and Chapter 138 of the Code of Ordinances, the **ZBOA may reverse or affirm, wholly or partly, or may modify** the order, requirement, decision or determination appealed from.

SPECIAL EXCEPTIONS

Authorized under Ord. Sec. 138-43 ("Powers") in the following instances:

- 1. Where the **street layout** actually on the ground varies from the street layout as shown on such maps.
- 2. To permit the **reconstruction of a nonconforming building** which has been damaged to the extent of more than 50 percent of its replacement cost.
- 3. To waive or reduce the parking and loading requirements whenever:
 - a. The character or use of the building is such as to make unnecessary the full provisions of parking or loading facilities, OR
 - b. Where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
- 4. To allow a change from an existing nonconforming use to another nonconforming use of a structure, or a structure and premises in combination, if:
 - a. No structural alterations are made, AND
 - b. The Board finds that the proposed nonconforming use is not more nonconforming in the district as the existing nonconforming use.

Ord. Sec. 138-86. - GENERAL POLICY.

The general public, the board of commissioners, and the planning board are directed to take note that nonconformities in the use and development of land and buildings are to be avoided, or eliminated where now existing, wherever and whenever possible, except:

- (1) When necessary to preserve property rights established prior to the date the ordinance from which this article is derived became effective as to the property in question, and
- (2) When necessary to promote the general welfare and to protect the character of the surrounding property.

VARIANCES

Authorized only when ALL of the following applies:

- 1. Owing to special conditions, a literal enforcement of Zoning Ordinance provisions would result in **unnecessary hardship**.
- 2. Applicant proves to the Board the following:
 - a. Land in question cannot yield a reasonable return if used only for a purpose allowed in that zone,
 - b. Plight is unique and not shared in general by others in the neighborhood, and
 - c. Variance will not alter the essential character of the locality.
- 3. Variance would not merely serve as a convenience to the applicant.
- 4. Variance must be in harmony with purpose and intent of Zoning Ordinance.
- 5. Variance would not be contrary to the public interest.
- 6. Surrounding property is be properly protected.
- 7. The spirit of this Zoning Ordinance is observed and substantial justice done.

Definitions

Table of Contents

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Chapter 138-Zoning

Sec. 138-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building means a subordinate building, located on the same lot as the main building, the use of which is clearly incidental to and customarily found in connection with the main building or principal use of the property.

Accessory use means a use which is clearly incidental to and customarily found in connection with the principal use of the premises and which is located on the same lot as the principal use.

Accessory use of building means a subordinate use or structure customarily incident to and located on the lot occupied by the main use or structure and conforming with setback and other regulations concerning location.

Alley means a minor public right-of-way which is used primarily for vehicular and utility service access to the backs or sides of properties otherwise abutting on a public street.

Apartment means a room or suite of rooms located in a building with other such rooms or suites arranged, designed, or to be occupied as a residence by a family. (See Dwelling unit.)

Associated recreation means recreational uses which are an integral part of a common ownership or associated or high density residential development (example: homeowners' association with a private club or facility).

Authorized agent means an architect, builder, developer or other person empowered to act on behalf of such persons.

Base station. As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below, except for new base stations that are not eligible for Section 6409, need not be existing at the time of the application, nor does subsection 138-1.A(a)1.c. apply to a new base station.

Boardinghouse means a building other than a hotel where lodging and meals are provided for compensation.

Building means any structure designed to be built for the support, enclosure, shelter or protection of persons, animals, chattel or property of any kind. The word "building" includes the word "structure."

Carrier on wheels or cell on wheels ("COW"). A portable self-contained mobile facility moved to a location and set up to provide wireless services on a temporary or emergency basis.

Concealed or stealth design elements. A design elements of any tower, base station or transmission equipment that allows it to be integrated as an architectural feature of a tower or base station or so that it is not readily apparent to a casual observer. It may be screened, disguised, concealed or otherwise camouflaged as a natural structure, structure or part of a structure so that it is not easily recognizable from other natural structures.

Conditional use means a use which may be suitable in certain locations in a zoning district if developed and operated under specific conditions and/or for a limited period of time.

Depth of lot means the mean horizontal distance between the front and rear lot lines. (See definitions of Front and Rear lot lines.)

District means a section of the city for which the regulations governing the areas, heights or uses of buildings are uniform.

Dwelling unit means any building or portion thereof which is designed for or used primarily for residential occupancy, but not including hotels, boardinghouses or mobile homes.

(1) Single-family means a building designed for and/or occupied exclusively by one family as a separate dwelling unit.

- (2) Duplex means a building designed for and/or occupied exclusively by two families living independently of each other.
- (3) *Triplex* means a building designed for and/or occupied exclusively by three families living independently of each other.
- (4) Fourplex means a building designed for and/or occupied exclusively by four families living independently of each other.
- (5) *Multiple* means a building designed for and/or occupied exclusively by five or more families living independently of each other.

The determination of whether one family is living independent of another is based on one or more of the following criteria: separate sanitary facilities; separate kitchen facilities; separate entrances; or separate utilities.

Eligible facilities request. As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

Eligible support structure. As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

Existing. As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

Family means one or more persons living together as a single housekeeping unit with common sanitary and kitchen facilities.

Garage, commercial means a building or premises used for storage, repair, rental or servicing of motor vehicles.

Garage, private means an accessory building, attached or detached, designed or used for the storage of motor-driven vehicles owned and used only by the occupants of the building to which it is accessory.

Guesthouse means an accessory building designed for the temporary occupancy of guests of the primary dwelling for which there is no remuneration. "Maids' quarters" means a portion of a dwelling unit, within the same enclosure and not a separate accessory building attached to the primary building, that may contain separate sanitary and/or kitchen facilities which is designed for or used for residential occupancy by an employee of the primary residence.

Height means, for a building or portion of a building, the vertical distance from grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, and the mean height level between eaves and ridge for hip, gable or gambrel roofs. In measuring the height of a building, the following structures shall be excluded: chimneys, cooling towers, elevator bulkheads, mechanical rooms, tanks, water towers, radio towers, television antennas, ornamental cupolas, domes or spires, and parapet walls not exceeding four feet in height. Heights authorized in this chapter are subordinate to the airport zoning ordinance, appendix A.

Loading space means a space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks and having a minimum dimension of 12 by 35 feet and a vertical clearance of at least 14 feet.

Lot means an undivided tract or parcel of land having frontage on a public street, and which is, or in the future may be, offered for sale, conveyance, transfer or improvement, which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record. The word "lot" includes the word "plot."

- (1) Corner lot means a lot abutting upon two or more public streets at their intersection.
- (2) Building coverage means percentage of the lot that is occupied by the ground area of a building and its accessory buildings.
- (3) Lot, double frontage means a lot abutting on two nonintersecting public streets as distinguished from a corner lot.

- (4) Lot lines means the lines bounding a lot as defined in this section.
 - a. Front lot line means the property line between the front yard and the contiguous street rightof-way boundary.
 - b. Rear lot line means the property line between the rear yard and the adjacent property or right-of-way, and contiguous with the legal boundary of such use.
 - c. Side lot line means the property between two adjacent lots or between the side yard and the contiguous street right-of-way boundary on corner lots.

Lot of record means a parcel of land which is part of a subdivision, the map or plat of which has been recorded in the office of the county clerk; or a tract of land not a part of an urban or town lot subdivision, the deed of which has been recorded in the office of the county clerk prior to October 15, 1973, which has not been divided since recording.

Maneuvering space means the space entirely on private property required for maneuvering vehicles in such a manner as to preclude the backing of any vehicle into any street right-of-way.

Mobile home means a movable or portable dwelling originally constructed to be towed, on its own chassis, by a motor vehicle over public roads.

Mobile home and modular home park means a unified development of five acres or more for mobile homes arranged on a tract of land owned by an individual or a single business entity for the purpose of renting or leasing lots, and meeting the requirements of chapter 122, article II of this Code.

Mobile home and modular home subdivision means a unified development of five acres or more for mobile homes arranged on a tract of land in such a manner as to provide an individual lot (see definition of Lot) for each of the mobile homes.

Modular home means a dwelling unit in which more than 50 percent of the structure is constructed at other than the construction site, brought to the site in modules, and set on a permanent foundation.

Ornamental feature means an addition to a structure designed to enhance the appearance of the structure, in compliance with all of the following criteria:

- (1) Any space occupied by or enclosed by the ornamental feature should not be included in or made a part of the air conditioned, heated, or enclosed portion of the structure;
- (2) The feature should serve no purpose or function for the structure other than ornamentation. The building should be equally functional without the feature as with the feature; and
- (3) The feature shall extend no further than 24 inches into a required yard.

Parking area means a space used exclusively for the parking of vehicles and where no other business is conducted.

Parking space means an area, not closer than six feet from the back edge of the curb, the width and length of which shall exceed by a minimum of two feet the dimensions of the type of vehicle normally to be parked in the space, and connected with a street or alley by a driveway affording satisfactory ingress and egress. The minimum dimension of a parking space shall be in accordance with the city off-street parking requirements in article VII of this chapter.

Planned unit development (PUD) means and includes a combination of different dwelling types and/or a variety of land uses which creatively complement each other and harmonize with existing and proposed land uses in the vicinity, and which comply with the Planned Unit Development provisions of chapter 134, article IV of this Code.

Portable building means a temporary building that does not have a foundation and is transportable.

Recreational vehicle or travel trailer means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified as a travel trailer by the manufacturer of the trailer and, when factory-equipped for the road, it shall have a body width not exceeding eight feet and a body length not exceeding state maximums.

Residential storage building means any building, either portable or constructed onsite, utilized for storage purposes and not requiring plumbing and electrical wiring, and not used for living quarters.

Restaurant means a building or portion of a building where the primary business is the on-premises sale of prepared food, with adequate kitchen facilities for the preparation of the food to be sold, the adequacy of such kitchen facilities to be based upon the seating capacity of the restaurant and the type of menu offered, and where alcoholic beverages may be sold under the following conditions:

- (1) At least 51 percent of the gross income shall be derived from the sale of prepared food.
- (2) Any outside entrances, outside separate identification, outside signs or other separate advertising for lounge or bar areas shall be permitted only as an accessory or secondary feature of the restaurant.
- (3) Live entertainment may be permitted.
- (4) Whenever the director of planning on the basis of a sworn complaint from any person determines that a violation of this section exists, he may require any person serving alcoholic beverages as an incidental use to provide the city, within 30 days of notification, a verified audit for each quarter of the calendar year, showing the gross income derived from the sale of food.

Retail means the sale of goods directly to a consumer; engaged in, pertaining to or relating to the sale of merchandise at retail; or selling by individual items, or by the piece, directly to a consumer.

Right-of-way line means a dividing line between a lot, tract or parcel of land and the public right-of-way.

Street means a public or private thoroughfare which affords the principal means of access to abutting property, excluding alleys.

Structural alteration means any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Structure means anything constructed, erected or artificially built up; or composed of parts and joined together in a permanent manner.

Substantial change. As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

Tower. As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below, except for new towers that are not eligible for Section 6409, they need not be existing at the time of the application.

Townhouse means a single-family dwelling unit constructed in a series or a group of units having common walls, each on a separate lot.

Transmission equipment. As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

Yard means an open space between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in the definitions of "yard" set out in this section. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

the minimum horizontal distance between the right-of-way line and wall of the main building or any projections thereof other than projections of the usual uncovered steps, uncovered balconies or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension, except where corner lots may be square in dimension and/or have double frontage, in which case the front yard shall correspond to the lot's side adjacent to the longest block face in which it occurs and to which the majority of the existing structures front.

- (2) Rear yard means a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than projections of uncovered steps, uncovered balconies or uncovered porches. On all lots, the rear yard shall be in the rear of the front yard.
- (3) Side yard means a yard between the main building and the side line of the lot, and being the minimum horizontal distance between a side lot line and the sides of the main buildings or any projections thereof.

(Code 1966, § 32-2; Ord. No. 1996-8, § I, 1-22-96; Ord. No. 1996-70, § I, 11-18-96; Ord. No. 1998-68, § 1, 2-27-98; Ord. No. 1999-69, § 1, 8-9-99; Ord. No. 2004-15, § 5, 2-9-04; Ord. No. 2015-38, § II, 5-11-15)

Cross reference— Definitions and rules of construction generally, § 1-2.

Footnotes:

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Note—47 U.S.C. § 332(c)(7)(C) Definitions. For purposes of this paragraph—(i) the term "personal wireless services" means commercial mobile services [cellular service], unlicensed wireless services, and common carrier wireless exchange access services..."; 47 U.S.C. § 332(d)(1) the term "commercial mobile service" means any mobile service (as defined in section 153 of this title) that is provided for profit and makes interconnected service available (A) to the public or (B) to such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by regulation by the Commission;..."

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Note— 47 U.S.C. § 332(c)(7)(C) Definitions for purposes of this paragraph... (ii) the term "personal wireless service facilities" means facilities for the provision of personal wireless services..."

Chapter 110-Vegetation

Sec. 110-26. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Buffer means a screen constructed of wood, concrete block, masonry, a combination of wood and masonry, or landscape material with a chain link fence in such a manner that adjacent property is visually screened, and so that noise, solid waste or other objectionable influences will be avoided. Such buffer shall be perpendicular to the ground, a minimum of six feet in height, continuous and uninterrupted, and 100 percent opaque except where extraordinary circumstances exist where additional height will more adequately accomplish the desired end.

Caliper means the diameter of a tree measured 12 inches above the ground for trees up to and including eight inches in diameter and four and one-half feet above the ground for trees having a diameter of more the eight inches. The diameter of a multi-stem tree shall be measured at the point below branching or the sum of the two largest stems measured at four and one-half feet above the ground which ever is greater.

Contiguous means adjacent property whose property lines are shared, or are separated by only a street, alley, easement or right-of-way.

Developed property means that portion of a lot or parcel upon which a building, structure, pavement, or other improvements have been or are proposed to be placed.

Diameter-at-breast-height (DBH) means the tree trunk diameter measured in inches at a height of four and one-half feet (54 inches) above natural grade or the DBH measurement according to the latest edition of the Guide for Plant Appraisal as published by the Council of Tree and Landscape Appraisers, when the tree trunk branches out at a point lower than four and one-half feet.

Frontage means lineal distance measured along abutting street rights-of-way.

Ground cover means low growing plants planted in such a manner as to form a continuous cover over the ground, typical horizontal growth form with a maximum height of 24 inches, such as liriope, low growing varieties of honeysuckle, confederate jasmine, English ivy or others.

Landscape material means trees, shrubs, ground cover, vines or grass installed in planting areas, including but not limited to those installed for the purpose of fulfilling the requirements of this article.

Landscape strip area means a planting area within the property lines of specified width and parallel to a public street, excluding driveways for ingress and egress.

Paved ground surface area (also referred to in this article as paved area or paved ground area) means any paved ground surface area (excepting public rights-of-way) used for the purpose of driving, parking, storing or displaying of vehicles, boats, trailers and mobile homes, including new and used car lots and other open lot uses. Parking structures, covered drive-in parking areas to the drip line of the covering or garages shall not be considered as paved ground surface areas.

Planting area means an area intended or used for landscaping that has a minimum of 40 square feet of actual plantable area and an inside dimension on any side of at least 36 inches.

Reconstruction means rehabilitation or replacement of structures on nonresidential or multifamily property to an extent exceeding 50 percent of the assessed valuation of such structures as shown on the most recent tax roll of the city.

Shrub means any woody plant of relatively low height, having several stems arising from the base and lacking a single trunk.

Stormwater detention facility means an impoundment on a lot or parcel reserved for detaining and controlling the release of stormwater runoff as required by City of McAllen Drainage Policy.

Street line means that line separating the right-of-way from any adjacent property.

Tree means any self-supporting woody plant of a single trunk and of a species which normally grows to an overall mature height of a minimum of 15 feet in the lower Rio Grande Valley of the state.

Vine means any of a group of woody or herbaceous plants which may climb by twining, by means of aerial rootlets or tendrils, or which may simply sprawl over the ground or other plants.

Xeriscape means landscape methods which conserve water through the use of drought-tolerant plants and planting techniques.

(Code 1966, § 17 3/8 -4; Ord. No. 1993-88, § I, 12-13-93; Ord. No. 2006-118, § 1, 11-13-06; Ord. No. 2007-28, § 1, 3-26-07)

Cross reference— Definitions and rules of construction generally, § 1-2.

Exceptions Cited within the Zoning Ordinance

Exceptions pertaining to front yard setbacks:

- 1. Balconies opening upon fire towers not to exceed 5 feet (Section 138-366 (d))
- 2. Balconies, uncovered (Section 138-1, Yard (1))
- 3. Chimneys not to exceed 5 feet (Section 138-366 (d))
- 4. Cornices up to 2 feet (Section 138-366 (c))
- 5. Eaves up to 2 feet (Section 138-366 (c))
- 6. Fence not to exceed 3 feet within 25 feet of a curb intersection in residential zones (Section 138-367 (c))
- 7. Fire escapes, open or lattice-enclosed not to exceed 5 feet (Section 138-366 (d))
- 8. Flues not to exceed 5 feet (Section 138-366 (d))
- 9. Ornamental features up to 2 feet (Section 138-366 (c))
- 10. Planting not to exceed 3 feet within 25 feet of a curb intersection in residential zones (Section 138-367 (c))
- 11. Porches, uncovered (Section 138-1, Yard (1))
- 12. Projections up to 2 feet (Section 138-366 (c))
- 13. Pumps, filling station not less than 13 feet from the property line or 18 feet from the curb, whichever greater (Section 138-367(d))
- 14. Pumps, gas and canopies not less than 9 feet from the property line or 10 feet from the curb, whichever greater (Section 138-259)
- 15. Pumps, islands not less than 13 feet from the property line or 18 feet from the curb, whichever greater (Section 138-367(d))
- 16. Sills up to 2 feet (Section 138-366 (c))
- 17. Stairways, outside not to exceed 5 feet (Section 138-366 (d))
- 18. Steps, uncovered (Section 138-1, Yard (1))
- 19. Structure not to exceed 3 feet within 25 feet of a curb intersection in residential zones (Section 138-367 (c))

Exceptions pertaining to rear yard setbacks:

- 1. Balconies opening upon fire towers not to exceed 5 feet (Section 138-366 (d))
- 2. Balconies, uncovered (Section 138-1, Yard (1))
- 3. Buildings, accessory may occupy no more than 30% (Section 138-369)
- 4. Carports, unenclosed abutting an alley may be built up to the rear property line within the R-3A and R-3C Districts (Section 138-356, Footnote 5)
- 5. Chimneys not to exceed 5 feet (Section 138-366 (d))
- 6. Cornices up to 2 feet (Section 138-366 (c))
- 7. Eaves up to 2 feet (Section 138-366 (c))
- 8. Fire escapes, open or lattice-enclosed not to exceed 5 feet (Section 138-366 (d))
- 9. Flues not to exceed 5 feet (Section 138-366 (d))
- 10. Ornamental features up to 2 feet (Section 138-366 (c))
- 11. Parking, unenclosed may occupy no more than 90% (Section 138-369)
- 12. Porches, uncovered (Section 138-1, Yard (1))
- 13. Projections up to 2 feet (Section 138-366 (c))
- 14. Sills up to 2 feet (Section 138-366 (c))
- 15. Stairways, outside not to exceed 5 feet (Section 138-366 (d))
- 16. Steps, uncovered (Section 138-1, Yard (1))

Exceptions pertaining to side yard setbacks:

- 1. Balconies opening upon fire towers not to exceed 5 feet (Section 138-366 (d))
- 2. Canopy, unenclosed and not less than 4 feet from the side lot line or 8 feet from a corner lot line (Section 138-368 (d))
- 3. Chimneys not to exceed 5 feet (Section 138-366 (d))
- 4. Cornices up to 2 feet (Section 138-366 (c))
- 5. Eaves up to 2 feet (Section 138-366 (c))
- 6. Fire escapes, open or lattice-enclosed not to exceed 5 feet (Section 138-366 (d))
- 7. Flues not to exceed 5 feet (Section 138-366 (d))
- 8. Ornamental features up to 2 feet (Section 138-366 (c))
- 9. Porte-cochere, unenclosed and not less than 4 feet from the side lot line or 8 feet from a corner lot line (Section 138-368 (d))
- 10. Projections up to 2 feet (Section 138-366 (c))
- 11. Side yards can be reduced to 10% of the lot width provided the lot has a width less than 50 feet. However, no side yard shall be less than 3.5 feet (Section 138-368 (f))
- 12. Sills up to 2 feet (Section 138-366 (c))
- 13. Stairways, outside not to exceed 5 feet (Section 138-366 (d))
- 14. Townhouses can be built up to the side property line with a firewall (Section 138-356, Footnote 10)

Exceptions pertaining to height measurements (Section 138-1, Height):

- 1. Chimneys
- 2. Cooling towers
- 3. Domes
- 4. Elevator bulkheads
- 5. Mechanical rooms
- 6. Ornamental cupolas
- 7. Parapet walls not exceeding four feet in height
- 8. Radio towers
- 9. Spires
- 10. Tanks
- 11. Television antennas
- 12. Water towers

Exceptions as per Planning Department Policy

By policy the following are permitted:

- 1. AC Units
- 2. Clothes lines
- 3. Concrete slabs
- 4. Fire pits
- 5. Pergolas, arbors, and trellises as a landscape feature (legal opinion, 2009)
- 6. Playground equipment
- 7. Pool decks
- 8. Pool pumps
- 9. Portable grills
- 10. Sports equipment i.e. basketball hoop
- 11. Swimming pools prior to 2009 (legal opinion)
- 12. Umbrellas and patio furniture
- 13. Water features and fountains

Legal opinions:

- 1. In 2009 Assistant City Attorney Ignacio Perez made an interpretation to allow arbors, pergolas, and trellises within the required setbacks. The definition of landscape material is stated as trees, shrubs, ground cover, vines or grass installed in planting areas in Section 110-26 of the Vegetation Ordinance. The legal interpretation was if vines were allowed by code as a planting area and they cover vertical planes such as walls then the same logic could be applied to arbors, pergolas, and trellises as a planting area. Mr. Perez also cited Section 110-56 (g) of the Vegetation Ordinance stating architectural planters may be permitted to fulfill landscape requirements.
- 2. Prior to 2009 swimming pools were not considered a structure due to the fact they were constructed underground and the Zoning Ordinance defines a structure as anything constructed, erected or artificially built up or composed of parts and joined together in a permanent manner. However, an interpretation was made in 2009 to consider swimming pools as a structure to abide by setback requirements.

ZONING BOARD OF ADJUSTMENT AND APPEALS

RULES AND PROCEDURES

CITY OF MCALLEN

The McAllen Zoning Board of Adjustment and Appeals adopts the following Rules and Procedures (hereinafter "Rules") to govern the substance of all board matters.

I. ORGANIZATION AND OFFICERS

A. Members

The McAllen City Commission created the Zoning Board of Adjustment and Appeals (hereinafter referred to as "Board") pursuant to Chapter 211 of the Texas Local Government Code and Chapter 138, Article II, Division 3 of the City of McAllen, Texas Code of Ordinances (the "City Code"). The Commission appoints the members for that Board under Section 211.008 of the Texas Local Government Code (the "Code").

The Commission composed the Board to sit five (5) members. Each member serves a two-year term. The Commission may renew a member's term for a maximum of three total consecutive terms. The Commission also appoints four (4) alternate members to serve in the absence of a regular board member. Alternate members serve just as regular members and are subject to the same rules as regular members, unless otherwise provided in these Rules, but do not vote except in the absence of a regular member.

B. Officers

The Board shall elect a Chair and a Vice Chair from its own regular members by majority vote. The Chair and Vice Chair each serve one year. The Board shall accept an Executive Secretary appointed by the McAllen Planning Department. The Board shall adopt an attorney advisor appointed by the McAllen Legal Department. The Board shall only accept the appointment of personnel under the condition each person remains the employee and charge of the City of McAllen, with no employment relationship to the Board.

C. Duties and Officers

The Chair shall preside over the Board, hold meetings of the Board, decide points of order, and dispense the business of the Board. The Chair may administer oaths, compel the attendance of witnesses, and issue subpoenas as per Section 211.008 of the Code. The Chair shall sign the minutes of board meeting after the minutes have been approved by the Board.

In the absence of the Chair, the Vice Chair, or in both their absences the most senior member, according to the member's appointment date, shall dispense the duties of the Chair.

II. POWERS OF THE BOARD

A. General Powers

The Board has those powers specified in Section 211.009 and 241.033 of the Code, and those powers granted by the City Commission under Chapter 138 (Zoning Ordinance) and Chapter 110 (Vegetation Ordinance) of the City Code, and those powers granted to the Board by ordinance.

B. Specified Powers

As per city ordinance and state statute, the Board has those powers described in Section 211.009 of the Code and Section 138-43 of the City Code. Those powers described in Section 138-43 are:

- 1. Hear and decide appeals that allege an error in any order, requirement, decision or determination made by an administrative official or agency in the enforcement of applicable provisions of the Local Government Code, the City Ordinance;
- 2. Authorize variances to specific cases from the terms of the City Code as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of City Ordinance will result in unnecessary hardship, and so that the spirit of ordinances shall be observed and substantial justice done;
- 3. Grant special exception to waive or reduce parking and loading requirements whenever the character and use of the building is such as to make unnecessary the full provisions of parking or loading, or where such regulations would impose an unreasonable hardship upon the use of the lot; and
- 4. Hear and decide any other matters authorized by the City Commission through ordinance.

III. DUTIES OF BOARD MEMBERS

A. General Duties of Members

- 1. All members of the Board should attempt to inspect the premises of each case which is under consideration at each meeting and become generally familiar with each case prior to Board meetings.
- 2. All members shall attend all meetings, provided, however, the member must provide 72 hours prior notice to the Executive Secretary in the event the member cannot attend.
- 3. All members of the Board shall arrive at a logical and fair decision on each case, except where a conflict may preclude a vote on the case.

B. Disqualification/Conflict of Interest

All members of the Board of Adjustment are subject to the City of McAllen Ethics Ordinance (Chapter 2 of the City Code).

In all cases before the Board where a member of the Board has a conflict as described in the Ethics Ordinance, the member shall refrain from any discussion, deliberation or vote. When applicable, the member shall complete and submit a City Conflict of Interest form, but in all cases alert the Executive Secretary at least 72 hours prior to the meeting on which the conflict is at issue. The Executive Secretary shall submit all notices of conflict to the City's attorney.

IV. <u>A BASIS FOR ACTION</u>

The Board shall decide each case based on the following:

- 1. Facts filed with application.
- 2. Testimony presented at the public hearing on the appeal.
- 3. The Planning Department's technical report on the appeal.
- 4. The Board's findings in its field inspection of the property may question all witnesses to assist the Board in arriving at a correct, logical and fair decision.
- 5. The applicable standards of review described in Section 138-43 of the City Code and Sections II.A., II.B. and VI. of these Rules.
- 6. All decisions shall be made on the Basis for Action. Neither the Board nor the individual members may use personal, first hand knowledge of any facts to make a determination, if such information has not been entered into the record or made available at the public hearing.

V. <u>APPLICANTS</u>

A. Legally Vested Interest

The Board shall not consider an application from any applicant who does not have a vested legal or equitable interest in the property in question. Applicants may appear on their own behalf or may be represented by counsel or agent. Any representation by someone other than an applicant must be accompanied with a written designation by the applicant for the agent to act on behalf of the applicant. (For example, the representative may produce a letter from the applicant to the Planning Department to authorize the representative to speak on behalf of the applicant; or, the representative may submit an application on behalf of a verifiable power of attorney.)

B. Applications

All applications for consideration by the Board must be on the prescribed form approved by the Planning Department and acceptable to the Board. The Board shall not consider applications for a variance or a special exception or any other Board action, if the application is not on a designated form. The Board shall approve the official application and the Chair shall implement it.

All applications for variances and special exceptions to commercial properties must be submitted with a current, valid "on the ground" survey. An applicant must submit a pauper form with their application if

they cannot proffer a valid survey; provided, however, the applicant illustrates their property with setbacks and encroachments as a survey would.

C. Meetings

Applicants have the right to be heard at all meetings where their applications are considered for a dispositive vote. Applicants not able to be present at the scheduled meeting to consider their application may submit to the Planning Department a written request for the Board to table the application. The Board will decide whether or not to grant the applicant's request to table. No application may be tabled at the request of applicant for more than two meetings prior to being considered for a dispositive vote. However, if the applicant requests for his/her application to be tabled because there are only four (4) board members present, such request shall not be counted against applicant's two (2) opportunities to table his/her request. Board action may proceed on any application despite the request of any applicant to table the application. The Board shall note on the record the reason(s) for the tabling of an agenda item. The reason(s) for each tabling, as well as the number of times an agenda item has been tabled, shall be reflected in an activity log in the meeting minutes at the end of each agenda item.

D. Evidence

Applicants should be prepared to present evidence necessary to prove their application. The burden of persuasion on seeking a remedy from the Board remains with the applicant at all times.

VI. HARDSHIP

- A. For an "unnecessary hardship" to apply to a variance, it must relate to the very property for which the variance is sought and be a condition unique, oppressive, and uncommon to other properties. An unnecessary hardship may not be self-created, or be solely financial.
- B. "Hardship" must be based on hardship resulting from sharp changes in topography or unusual terrain features. The applicant may prove the topography with a plot plan which includes topographic information related to known base points or surveys, and profiles or particular problems involved, including relationships to topographic features of adjoining properties.
- C. There is no unnecessary hardship if the property is suitable and useable for the uses permitted in the district in which it lies, although there will be a loss of profit or other economic disadvantage on account of such use.

VII. <u>MEETINGS</u>

A. Texas Public Information Act and Open Meetings Act.

Except as permitted under the advice of the Board's attorney, all meetings of the Board are subject to the Texas Public Information Act and shall be open to the public. The minutes of the Board's meetings and records of its examination or other official actions are public records, unless excepted under law.

B. Quorum

A quorum consists of seventy-five percent (75%) of the full complement of members. For a full complement of five (5) members, therefore, four (4) members present constitute a quorum. The Chair may declare a quorum does not exist fifteen (15) minutes following a posted meeting time, having found at least four (4) members and alternate members are not present; provided however, the Chair may not declare a quorum thirty (30) minutes from the posted time, should at least members and alternate members not be present.

C. Regular Meetings

Regular meetings shall be held every first and third Wednesday at 5:30 P.M., or at other times as determined by the Board, in the City Commission Chambers. The Board by majority vote may change the place, day, and hour of the meetings; provided that, notice complies with the Texas Open Meetings Act (Chapter 511 of the Texas Government Code).

D. Special Meetings

The Chair may call a special meeting. A special meeting shall have a lawful purpose and members and public shall be given at least seventy-two (72) hours notice prior to the meeting.

E. Order of Business

The usual order of business shall be:

- 1. Call to Order
- 2. Approval of Minutes
- 3. Open Public Hearing
- 4. Other Statements
- 5. Introduction: New Information Recommendation
 - a) Presentation of recommendation by City Staff.
 - b) The Chair shall call the applicant or his representative(s) to present the case and answers any questions. If the applicant or representative is not present when called, the Chair may move a case to the end of the agenda.
 - c) The Chair shall then inquire if there are others who wish to address the Board in support of the case.
 - d) The Chair shall then inquire if there are those present who wish to address the Board who are opposed to the case.
 - e) The applicant or his representative may then give a rebuttal to any opposition.
 - f) If new facts are presented during this rebuttal, opposition shall be given the opportunity for rebuttal
 - g) Staff shall then have an opportunity to provide additional information, clarification or address questions from the Board.
 - h) Board discussion.
 - i) The Chair shall then declare that the discussion of the case is closed.

- j) In order to achieve an unambiguous decision, motions should be made in affirmative manner when possible.
- k) Any motion by a member shall require a second. After a motion has been made and duly seconded, discussion of the motion may be held for a reasonable time. Discussion shall terminate whenever a member shall call for a vote upon the question or whenever the Chair shall so rule.
- 1) Vote on a motion.
- 6. The Chair may move a case out of regular agenda order.
- 7. Staff Report
- 8. Other Business posted on the Agenda
- 9. Adjournment

F. Staff Recommendations

City staff shall provide recommendations on each case before the Board.

G. Action by the Board

The super-majority concurring vote of seventy-five percent of the full board compliment, i.e., four affirming members of the Board, shall be necessary to reverse an order, requirement, decision or determination of an administrative official or agency; to decide in favor of an applicant on a matter upon which the Board is required to pass under any such ordinance or regulation; to authorize a variation; or to recommend to the Director of Planning to uphold or modify the interpretation of the City Code. All other matters shall be decided by a majority vote, unless otherwise specified in the City Code. The Board on its own motion may table an application when an applicant does not appear; provided however, in no case may the board table an application, for failure of the applicant to appear, more than twice without taking a dispositive vote.

H. Minutes of the Board

The Board, through its designated appointee, shall keep minutes of all meetings that indicate the vote of each member on every question on which it is required to act, or the fact that a member is absent or fails to vote. The minutes shall be filed in the office of the Planning Department and are public record.

VIII. DECISIONS OF THE BOARD

A. Precedent

There is not precedent. Any one case does not set a precedent for any future case. Each case shall be decided on its own merits and upon the circumstances of the case.

B. Public Statements

No Board member shall release any official statement to the public or the press. Only the Director of the Planning Department or her designated representative may make official statements on behalf of the Board.

B. Parliamentary Procedure

Any question regarding parliamentary procedure not covered by these rules shall be decided according to the latest edition of Robert's Rules of Order.

IX. WITHDRAWAL OF APPEAL

Any appeal or application may be withdrawn by the applicant upon written notice to the Director of Planning.

X. <u>ATTENDANCE</u>

Excessive absences cannot be tolerated, as the Board depends on a super majority of attendance in order to exercise decisions on applications for a variance. Three absences or more in a six-month period are excessive. If a Board member is excessively absent from regularly scheduled meetings, the Board may recommend to City Commission, by majority vote, that the Commission appoint an immediate replacement.

XI. AMENDEMENT PROCEDURE

Amendment to these rules and procedures may be made by the Board at any meeting, upon the affirmative vote of five (5) members, provided any such amendment is proposed at a preceding meeting and entered into the minutes of such meeting. However, board members may adopt through unanimous consent of all members an amendment at the meeting at which it was introduced; provided, however, the amendment shall not become effective until the next regular meeting.

Adopted this	day of		2014 as	affirmed	by	the
designated Executive Se	ecretary assigned by the Plan	ning Department of the C	ity of McA	Ilen.		
						,
TT						
Executive Secretary						

ORDINANCE NO. 2018-70

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCALLEN AT CHAPTER 138 ("ZONING"), ARTICLE VI ("SUPPLEMENTARY DISTRICT REGULATIONS"), DIVISION 3 ("LOTS AND YARDS"), BY ADDING PROVISIONS REGULATING CARPORTS AND GRANTING THE ZONING BOARD OF ADJUSTMENTS TO GRANT SPECIAL EXCPEPTIONS THERETO; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY, AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, the City of McAllen desires to establish rules and regulations relating to the construction and maintenance of carports within the City,

WHEREAS, the City Commission finds that it is in the public interest to delegate the authority to regulate carports to the Zoning Board of Adjustments,

WHEREAS, the City of McAllen seeks to protect the value of property located within the corporal limits of the City,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS
OF THE CITY OF MCALLEN, TEXAS, THAT:

SECTION I: The Code of Ordinances, City of McAllen, Chapter 138 ("Zoning"), Article VI ("Supplementary District Regulations"), Division 3 ("Lots and Yards") is hereby amended to read as follows:

Sec. 138-371. - Special Exception for carports.

- (a) The Zoning Board of Adjustment may grant a special exception to the minimum setback requirements for a carport when, in the opinion of the board:
 - (1) there is no adequate vehicular access to an area behind the required front building line that would accommodate a parking space; and

- (2) the carport will not have a detrimental impact on surrounding properties.
- (b) In determining whether to grant this special exception, the board shall consider the following factors:
 - (1) Whether the requested special exception is compatible with the character of the neighborhood.
 - (2) Whether the value of surrounding properties will be adversely affected.
 - (3) The suitability of the size and location of the carport
 - (4) The materials to be used in construction of the carport
- (c) Storage of items other than motor vehicles is prohibited in a carport for which a special exception has been granted under this subsection.
- (d) If the Zoning Board of Adjustment Grants a special exception as provided in this section, the site plan and the minutes of the Zoning Board of Adjustment meeting shall be officially recorded with Hidalgo County.
- (e) Any special exception granted under this chapter is granted solely to the applicant and may not be transferred, sold, inherited, bequeathed, or devised.
- (f) A new special exception shall be required upon any change or transfer in ownership of the underlying tract; a special exception granted to a previous applicant does not confer any right to any other individual or corporation to maintain the carport without approval from the Zoning Board of Adjustment.

SECTION II: The City Secretary of the City of McAllen is hereby authorized and directed to cause the caption of this ordinance to be published in a newspaper having general circulation in McAllen, Hidalgo County, Texas in accordance with the Code of Ordinances of the City of McAllen, Section 2-56. Publication of ordinances.

SECTION III: The City Secretary of the City of McAllen is hereby authorized and directed to cause the language in Chapter 38, Article VI, Division 3, the McAllen Code of Ordinances, as amended by Section I, hereinabove, to be published in the appropriate location in the said Code of Ordinances.

SECTION IV: This Ordinance shall be and remain in full force and effect from and

after its passage by the Board of Commissioners, and execution by the Mayor.

SECTION V: If any part or parts of this Ordinance are found to be invalid or unconstitutional by a court having competent jurisdiction, then such invalidity or unconstitutionality shall not affect the remaining parts hereof and such remaining parts shall remain in full force and effect, and to that extent this Ordinance is considered severable.

CONSIDERED, PASSED and APPROVED this 8th day of October, 2018, at a regular meeting of the Board of Commissioners of the City of McAllen, Texas at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this 9th day October, 2018.

CITY OF MCALLEN

John Ingram, dity Commissioner

Attest:

Perla Lara, TRMC/CMC, CPM

City Secretary

Approved as to form:

Austin W. Stevenson, Assistant City Attorney