

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, JULY 9, 2025 - 4:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3RD FLOOR

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

CALL TO ORDER -

1. MINUTES:

- a) Minutes for the meeting held on June 4, 2025
- b) Minutes for the meeting held on June 18, 2025, will be submitted at the next meeting.

2. PUBLIC HEARINGS:

- a) Request of Hector & Cindy Solis for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 19 feet into the 20 foot front yard setback for a proposed carport at Lot 155, Gardenia Terrace No. 7 Subdivision, Hidalgo County, Texas; 6608 North 15th Lane. **(ZBA2025-0032)**
- b) Request of Jorge E. Vallina on behalf of Faith Developments and Leasing for a Variance to the City of McAllen Zoning Ordinance to allow an encroachment of: **1)** 4 feet into the 10-foot corner side yard setback and **2)** An encroachment of 6 feet into the 18-foot rear yard setback feet for a proposed single family home at Lot 4A, Block 23, Ewing's Additions Subdivision, Hidalgo County, Texas; 801 North 15th Street. **(ZBA2025-0029) (TABLED: 06/18/2025)**
- c) Request of Briana Martinez for a Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 6 feet into the 6-foot side yard setback and 10 feet into the 10-foot rear yard setback for an existing patio measuring 20 feet by 20 feet and an existing shed measuring 6 feet by 20 feet at Lot 8, Block 3, Primrose Terrace UT No. 1 Subdivision, Hidalgo County, Texas; 1406 Orchid Avenue. **(ZBA2025-0027) (TABLED: 06/18/2025)**
- d) Request of Humberto Salinas for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 20-foot front yard setback for an existing carport at Lot 13, Block 1, McAllen Heights Subdivision, Hidalgo County, Texas; 821 South 26th ½ Street. **(ZBA2025-0017) (TABLED: 06/04/2025) (REMAIN TABLED: 06/18/2025)**
- e) Request of Gerardo Morales for a variance request to the City of McAllen Zoning Ordinance to allow an encroachment of 18 feet into the 18-foot rear yard setback for a hot tub with a pergola at Lot 65, Spanish Oaks @ Frontera Subdivision, Hidalgo County, Texas; 705 Grambling Avenue. **(ZBA2025-0021) (TABLED: 06/04/2025) (REMAIN TABLED: 06/18/2025)**

3. FUTURE AGENDA ITEMS

- a) 813 Ivy Avenue
- b) 4612 Buddy Owens Boulevard
- c) 9301 North 22nd Street
- d) 4001 Whetstone Avenue

ADJOURNMENT:

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

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

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

Present:	Jose Gutierrez	Chairperson
	Hugo Avila	Vice-Chairperson
	Daniel Santos	Member
	Alex Lamela	Alternate
	Erick Diaz	Alternate
Absent:	Hiram Gutierrez	Member
	Ivan Garcia	Member
	Juan Mujica	Alternate
	Nancy Valenzuela	Alternate
Staff Present:	Norma Borrego	Assistant City Attorney I
	Omar Sotelo	Planning Director
	Samantha Trevino	Planner I
	Porfirio Hernandez	Planner I
	Nicolas Martinez	Planner II
	Jessica Puga	Technician II
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for the meeting held on May 21, 2025.**

The minutes for the meeting held on May 21, 2025. The motion to approve the minutes were made by Mr. Alex Lamela. Vice-Chairperson Hugo Avila seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a) Request of Humberto Salinas for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 20-foot front yard setback for an existing carport at Lot 13, Block 1, McAllen Heights Subdivision, Hidalgo County, Texas; 821 South 26th ½ Street. (ZBA2025-0017) (TABLED: 06/04/2025)**

Mr. Hernandez stated the applicant is requesting a special exception to allow an encroachment of 20 feet into the 20-foot front yard setback for an existing metal carport used for protection of their vehicles from severe weather.

The subject property was located at the northeast corner of Ithaca Avenue and South 26 ½ Street. The subject property has an area of 4,500 square feet. The property is zoned R-1 (Single-Family Residential-OC) District. The adjacent zoning is R-1 (Single-Family Residential-OC) District in all directions.

McAllen Heights Subdivision was officially recorded on January 23, 1959. The applicant received a notice of violation related to electrical work performed on the existing carport. Subsequently, the permit for the electrical work was properly obtained and approved, the review process revealed that the carport had been constructed without a permit and encroaches into the front yard setback. A building permit for the existing metal carport was submitted on February 11, 2025. The applicant applied on April 30, 2025 for a special exception to address the encroachment.

The applicant was requesting the special exception for an existing metal carport measuring 14.2 feet x 41.6 feet with a total of 591 square feet, which exceeds the 400 square foot size not allowed by ordinance. The carport currently encroaches 20.0 feet into the front yard setback and upon conducting a site inspection, staff identified that the carport extends covering nearly the entire required five-foot setback along the north side. The applicant is not proposing to reduce the square footage of the carport to comply with the size requirement established by ordinance. Applicant states the structure provides necessary shade and protection for his vehicles from severe weather conditions.

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

Staff recommended disapproval of the special exception request.

Mr. Humberto Salinas, South 26th ½ Street. The applicant stated he had it built for protection of his three vehicles and for access for a wheelchair for himself and his wife. He had it built 13 years ago and never had a problem. Chairperson Gutierrez asked who built it. He had it subcontracted from friends who had a metal roofing company. Chairperson Gutierrez asked the applicant if he knew of the ordinance that the carport could not be larger than 400 square feet. Mr. Salinas stated he was not aware.

Board member Santos asked the applicant if there was no other garage. Mr. Salinas stated it was an open area. His vehicles were damaged from the hail.

Board member asked the applicant if there was a garage on this house. Mr. Salinas stated the house had an inside one car garage. As their family grew, they enclosed the garage for an extra room.

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

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

Board member Diaz asked staff that the existing curb cut was more than 24 feet, which would be part of the yard; how did the City respond to it. Staff stated the Engineering Department looks into the curb cuts and the maximum was 24 feet.

Chairperson Gutierrez asked the applicant if he would be willing to table the item until the next meeting so that he could get with staff to discuss options in reducing the carport.

Following discussion, Mr. Alex Lamela **moved** to table the Special Exception until he next meeting. Vice-Chairperson Hugo Avila seconded the motion. The Board voted to table the Special Exception with five members present and voting.

- b) Request of Jorge Guerra for a Variance to the City of McAllen Zoning Ordinance to not provide a masonry screen eight feet in height and instead provide an eight-foot cedar fence for the proposed Los Encinos on Taylor Subdivision at 20.01 Acres out of Lots 297 & 298, John H. Shary Subdivision, Hidalgo County, Texas; 3320 North Taylor Road. **(ZBA2025-0018)**

Mr. Hernandez stated the applicant was requesting a variance to not provide an eight-foot masonry screen along the property adjacent to R-1 (Single Family Residential-OC) District and instead provide an eight-foot cedar fence.

The subject property was located along the east side of North Taylor Road mid-block between Nolana Avenue and Daffodil Avenue. The property is zoned R-3A (Multifamily Residential Apartments-OC) District. The adjacent zoning is R-1 (Single Family Residential-OC) District to the east and southeast, R-4 (Mobile Home & Modular Home-OC) District to the south and A-O (Agricultural & Open Space-OC) District to the north. Surrounding land uses are single-family residences, vacant land and mobile homes.

A subdivision plat under the name of Los Encinos on Taylor Subdivision has been submitted to the Planning Department and approval in preliminary form was granted by the Planning and Zoning commission on December 17, 2024. An application for this variance request was submitted on May 1, 2025.

This request is to not provide an eight-foot buffer adjacent to an R-1 (single family residential) District. Section 110-49(a) - Landscape Buffers states a masonry screen eight feet in height shall be required where a commercial, industrial or multifamily use has a side or rear property line in common with a single-family use or zone. Where such use has 200 feet or less in common with any residential use or zone, the buffer shall be eight feet in height but may be cedar planks. This does not apply since the length adjacent to single family use is approximately 841 linear feet. Alternately, the applicant proposes an eight-foot cedar fence.

The applicant stated the proposed alternative ensures adequate screening, privacy, and separation from adjacent single-family homes through the use of an 8-foot cedar fence. This material offers a durable and visually appealing alternative to masonry, blending naturally with the residential surroundings while providing long-term resistance to warping, rot, and insect damage.

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

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

Mr. Jose Baustista with BR Engineering and Jorge Guerra, 2507 South 41st Lane. Mr. Baustista stated they were proposing instead of an 8-foot high masonry wall with an 8-foot cedar fence. It will not have any conflict the privacy of the adjacent neighbors. The houses were not at the property line, they were about 50 feet from the property line. Beyond the southwest, there was a two acre lot there were proposing a road that would be part of the access for the subdivision. The road would be 40 foot wide and do not foresee any conflict

when it came to privacy with the neighbors.

Vice-Chairperson Avila asked the applicant when they sealed the drawings had they have the masonry wall. Mr. Bautista stated no and they had not sealed the drawings yet.

Board member Diaz asked the reason for not providing a masonry wall. Mr. Bautista stated the reason was for the cost.

Staff stated for the record when they have an R-3A and 4-A it does not require a masonry wall just a cedar fence but does require a 6 foot buffer.

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

Chairperson Jose Gutierrez asked if there was anyone present to speak in opposition of the Variance request. There was one to speak in opposition of the Variance request.

Mr. Ole Garcia, 3117 North 46th Street, representing the residents who reside on the east side. The east side that required the masonry fence. He stated the cedar fence did not look aesthetically pleasing and would not last longer than 10 years. The masonry wall would shield the residents who reside on the east side from car lights, blocks more noise from HVAC units, trash bins or traffic.

Chairperson Jose Gutierrez asked if there was anyone present to speak in opposition of the Variance request. There were others to speak in opposition of the Variance request.

Mr. Ron Seeger, 4905 Carnation Avenue representing the residents as a Board member Director for Adobe Wells which was everything to the south. He stated he had pictures of fences around their area, which he presented to the Board. He stated on the southwest corner of Adobe Wells they put up a masonry wall and looked great.

Mr. Armando Diaz, 3617 North Bentsen Road. He stated they had 15 acres that was for ranch land. A wooden fence brought more trash flowing into the property and had to keep it away from the animals so they would not eat it. A masonry wall would be much better for them.

David Estes, 4901 Daffodil Avenue, was a resident of Adobe Wells. He stated he had two questions regarding the zoning ordinance. He stated on the new UDC it had the previous zoning districts and the new applicable zoning would be. Adobe Wells on the district map was zoned as R-4 but not on the new UDC. The second question was for the qualifications for design requirements for multifamily and materials used. Planning Director Sotelo responded that the new UDC did leave out the R-4 District however, now it will be an A-O zoned. For the 8-foot masonry that would be when it is an R-1 and the apartments.

Jorge Guerra, the applicant stated that they were going to provide Adobe Wells with a service of drainage. They would connect the one they have now with theirs at no cost to the Adobe Wells residents. Jose Bautista stated he was aware that Adobe Wells had problems with their lift stations (sanitary sewer) part of the process for them to develop was to construct a new sanitary sewer line.

Ms. Borrego, Legal, suggested that the Board table the request regarding the notice that was given to the surrounding residents concerning what the variance was actually about in

order to give better notice to the neighbors as far as what the Board was voting on. She stated the residents were under the impression that the entire subdivision called for a masonry wall. They attended the meeting in opposition that the entire subdivision be granted the variance of being able to have the cedar fence.

Chairperson Gutierrez stated that it was the equivalent of rewording the request that was currently being heard of as of today. Those that were opposing for the entire perimeter of the subdivision and not certain sections of the subdivision.

Following discussion, Mr. Daniel Santos **moved** to disapprove the Variance request until he next meeting. Mr. Alex Lamela seconded the motion. The Board voted to disapprove the Variance request with five members present and voting.

At this time, Board member Daniel Santos left the meeting.

- c) Request of Michael I. Phelps for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 20 foot front yard setback for an existing carport at Lot 4 & North 4ft of Lot 3, Block 2, Harvey Terrace Subdivision, Hidalgo County, Texas; 2828 North 28th ½ Street. **(ZBA2025-0019)**

Mr. Hernandez stated the applicant was requesting a special exception to allow an encroachment of 20 feet into the 25-foot front yard setback for an existing metal carport used for protection of their vehicles from inclement weather.

The subject property was located at the southeast corner of North 28th ½ Street and Carnation Avenue. The subject property has an area of 8,295 square feet. The property is zoned R-1 (Single Family Residential-OC) District. The adjacent zoning is R-1 (Single Family Residential-OC) District in all directions.

Harvey Terrace Subdivision was officially recorded on May 17, 1976. The subdivision plat indicates a front yard setback requirement of 20 feet. A Stop Work Order was issued on August 27, 2024, for the existing carport, which was constructed without the required building permit. A building permit for the existing metal carport was submitted on September 20, 2024, which was rejected by Planning due to the encroachment. A subsequent Stop Work Order was issued on April 4, 2025, due to the continued violation. A special exception request for the existing metal carport was submitted on May 1, 2025. A building permit was issued in 2017 for a carport built at the rear of the property.

The applicant was requesting the special exception for an existing metal carport measuring 28 feet x 20 feet with a total of 560 square feet, which exceeds the 400 square foot size not allowed by ordinance. The applicant was proposing to reduce the size of the carport to 20ft x 20ft to comply with the 400-square-foot maximum requirement. The carport currently encroaches 20 feet into the front yard setback. Applicant states the structure provides necessary shade and protection from extreme weather conditions for their vehicles and to keep the house cooler during the hot summer months.

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

Staff recommended disapproval of the special exception request

Chairperson Gutierrez asked staff if the applicant was aware that this exceeded the 400 square footage. Staff stated yes and that the applicant was proposing to reduce the size of the carport to accommodate the 400 square feet.

Vice-Chairperson Avila asked staff if the applicant had a garage. Staff stated yes.

Mr. Michael Phelps, 2828 North 28th ½ Street. He stated having a carport had its advantages. He stated that in 2012 the hail did damage to his roof and vehicles. In addition, it would protect against sun damage to his vehicles. It kept his house cooler with the carport being on that part of the house. Mr. Phelps informed the Board he had a diagram of his proposed reduction of the carport.

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

Mr. Saul Saenz, 2820 North 28th ½ Street. He stated that he was in favor of Mr. Phelps's carport.

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

Following discussion, Mr. Erick Diaz **moved** to go against staff's recommendation and approve the Special Exception within the 400 square footage. Mr. Alex Lamela seconded the motion. The Board voted to approve the Special Exception with four members present and voting.

- d) Request of Ma M. Hernandez Amaya for the following variance to the City of McAllen Zoning Ordinance: **1)** to allow a 3500-square foot lot instead of the required 5600 square feet Lot area as required per section 138-356 of the zoning ordinance; **2)** to allow a Lot fronting of 25 feet instead of the 50 feet minimum requirement; **3)** to allow 3 ½ feet side yard setback instead of the required building setback for the side yards, at E ½ of Lot 7, Amended map of Lots 1 thru 8, inclusive, Block 4, College Addition Subdivision, Hidalgo County, Texas; 2505 Erie Avenue. **(ZBA2025-0020)**

Mr. Lara stated the applicant was requesting a variance for a Single-Family Residential lot not conforming to the standards of the table of height and yard requirement set on section 138-356 of the City of McAllen Ordinance. The subject lot does not comply with the minimum lot square footage, lot width and side setbacks. The property owner is proposing to build a Single-Family Residence.

The subject property was located along the south side of Erie Avenue, approximately 75 feet west of South 25th Street. The property is zoned R-2 (Single Family Residential) District. Adjacent zoning is R-1 (Single-Family Residential) District to the south, and R-2 (Duplex-Fourplex) District to the east, north and west.

College Addition Subdivision was filed for recorded in February 1959. On February 28, 2024, an application for demolition for a structure was submitted and approved on the property.

The lot was currently vacant, and the owner was proposing to build a single-family residence on the property. The variance is to allow, the construction of a residence in a lot having 25 feet frontage instead of the require 50 feet, on a lot with less than 5600 square feet, and 3 ½ side setbacks instead of the 6 feet side setbacks.

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

Following a site visit, staff observed three (3) lots with existing structures with similar dimensions, and two (2) additional vacant lot with similar dimensions. No application was submitted for any of the structures under similar circumstances.

Staff recommended approval of the variance request due to a previous existence of a residential home under the same lot dimension; variance will not alter the characteristic of the neighborhood.

Ms. Hernandez Amaya, 2505 Erie Avenue. She stated when she bought the property from an auction not aware of the measurements. She was informed that if it was subdivided after certain years since 1963, that she would qualify. But now the measurements of the side yard. She was proposing to build a single-family residence. She asked if in the event the variance request was the Board was able to give advice as to what to do regarding the property. Chairperson Gutierrez stated they could not give any advice or suggestions but with the City's departments, they would be able to help her.

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

Chairperson Jose Gutierrez asked if there was anyone present to speak in opposition of the Variance request. There was one to speak in opposition of the Variance request.

Following discussion, Vice-Chairperson Hugo Avila moved to go with staff's recommendation and approve the Variance request. Mr. Alex Lamela seconded the motion. The Board voted to approve the Variance request with four members present and voting.

- e) Request of Gerardo Morales for a variance request to the City of McAllen Zoning Ordinance to allow an encroachment of 18 feet into the 18-foot rear yard setback for a hot tub with a pergola at Lot 65, Spanish Oaks @ Frontera Subdivision, Hidalgo County, Texas; 705 Grambling Avenue. **(ZBA2025-0021) (TABLED: 06/04/2025)**

Mr. Lara stated the applicant was requesting a variance for an encroachment of 18 feet into the 18-foot rear yard setback for pergola measuring 10 feet by 10 feet. The property owner is proposing a pergola to cover a therapeutic hot tub.

The subject property was located south of Grambling Avenue, second lot east of North 8th street, at Spanish Oaks @ Frontera Subdivision. The property was zoned R-1 (Single-Family Residential -OC) District. Adjacent zoning is R-1 (Single-Family Residential -OC) District to the east, north and west. Adjacent zoning the south was C-3(General Business -OC) District. Surrounding land uses are single-family residences and vacant land.

Spanish Oaks @ Frontera Subdivision was recorded on May 08, 2018. The rear-building setback is 18 feet as per plat. A citation was issued September 28, 2023 for a construction at southeast section of the lot without a permit and inspection. Subsequently the applicant applied for a variance on November 10, 2023. The Zoning Board of Adjustments (ZBOA) denied the request at the meeting on January 11, 2024. A building permit for the pergola was submitted August 11, 2023. The proposed location for the pergola as part of this variance request is located adjacent to the rear driveway with a rear 18 feet encroachment.

The request is for a variance to allow an encroachment of 18 feet into the 18 feet rear-building setback to allow the placement of a 10 x 10 feet pergola. The applicant is applying for second time for a variance, stating that he wanted to protect a therapeutic hot tub that is in his rear yard.

Previous analysis staff had concluded relocation of pergola would minimize the invasion into the rear-building setback and the elimination of side setback encroachment.

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

Review from Planning Department records does not show any variance previously granted to this lot.

Staff recommended disapproval of the variance since pergola in being placed on the 18 feet rear-building setback.

Chairperson Gutierrez asked staff if it was discussed with the applicant about relocating the pergola. Staff stated previously during the first time he had applied.

Board member Avila asked if the hot tub was an above ground hot tub or permanent. Staff stated it could be moved.

Board member Diaz mentioned to staff that it was encroaching 18 feet into the 18-foot rear yard setback but the pergola only measures 10 feet by 10 feet. Staff stated the site plan that was provided showed different dimensions that from what staff saw on the site plan that was given when the house was built. Staff questioned that the measurements were not the same. However, as for the original building site plan that was given through construction you can see there was a space.

Mr. Gerardo Morales, 705 Grambling Avenue. He stated the pergola was built to the rear left. He took it down and rebuilt the pergola up against the block fence which not a problem because they have alleyway. Chairperson Gutierrez informed the applicant that the variance went with the land. Mr. Morales stated he was waiting to see what was going to happen to his neighbor's case for the pergola, which stands, on a concrete slab. The applicant asked to table the variance request until the meeting of July 9, 2025.

Following discussion, Mr. Erick Diaz moved to table the Variance request until the next meeting. Mr. Alex Lamela seconded the motion. The Board voted to table the Variance request with four members present and voting.

- f) Request of Melden & Hunt on behalf of Maria A. Garcia for a variance for a Lot minimum front width requirement reduced to 30.56 feet to the City of McAllen Zoning Ordinance at 2.595 acre tract of land out of Lot 4, A.J. McColl's Addition to McAllen First Suburban Citrus Grove, and out of Lots 138A and 148A John H Shary Subdivision, Hidalgo County, Texas; 2900 South Bentsen Road. **(ZBA2025-0022)**

Mr. Lara stated the applicant was requesting a variance to the minimum lot frontage of 50 feet requirement set forth in section 138-356 of the City of McAllen Zoning Ordinance for the proposed Lot 1 of The Woodlands at Bentsen Subdivision.

The subject property was located west side of South Bentsen Road and to the west side of Neuhaus Drive. The lot has 30.56 feet unto South Bentsen Road. The property is zoned R-1 (Single Family Residential O-C) District. Adjacent zoning R-1 (single-family residential) District in all directions. Surrounding land uses are single-family residences and vacant land.

This property is an irregular lot that is going through a subdivision process. As part of the requirements of the City of McAllen ordinance, a minimum of 50 feet of frontage for a residential lot is required. The current irregular lot has a frontage length of 30.56 feet. The application for the especial exception was submitted to the Planning Department on May 7, 2025.

Through research, staff observed that the variance is required due to irregular perimeter of the lot. No other lots in the vicinity area are under the same circumstances of a reduced frontage.

Staff recommended approval of the variance request due to the anomaly of the lot and the reduced length of frontage.

Mr. Beto De La Garza, 1121 Nyssa Avenue. He was representing their client with Melden & Hunt, LLC. He stated they were working with their client for a 2.59-acre subdivision for a one lot single-family residence. They were requesting the variance because the property did not comply with the minimum 50 feet on the frontage along Bentsen Road. The lot was a flat shaped lot, very narrow and there were no streets that he could front and he only owned 30 feet along Bentsen Road. Chairperson Gutierrez asked the applicant if the property subdivided. Mr. De Le Garza stated that they were in the process of subdividing.

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

Chairperson Jose Gutierrez asked if there was anyone present to speak in opposition of the Variance request. There was one to speak in opposition of the Variance request.

Following discussion, Vice-Chairperson Hugo Avila **moved** to approve the Variance request until the next meeting. Mr. Alex Lamela seconded the motion. The Board voted to approve the Variance request with four members present and voting.

ADJOURNMENT

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

Chairperson Jose Gutierrez

Carmen White, Administrative Assistant

1b)

Minutes for the meeting held on June 18, 2025 will be submitted at the next meeting.

Memo

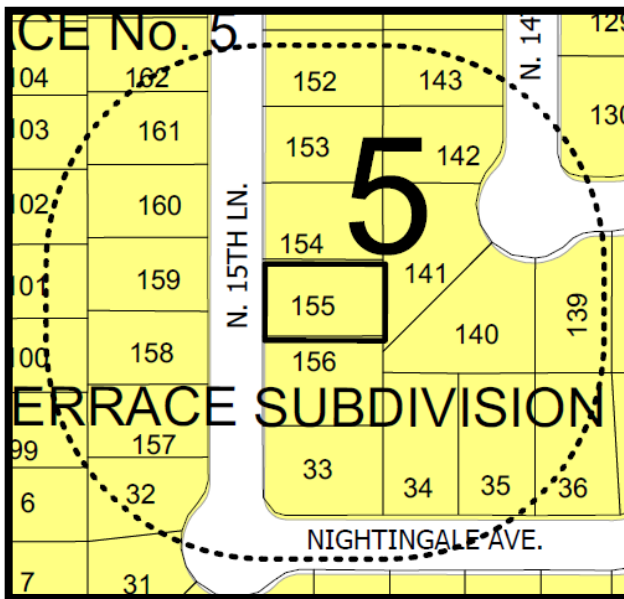
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: June 30, 2025

SUBJECT: REQUEST OF HECTOR & CINDY SOLIS FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 19 FEET INTO THE 20 FOOT FRONT YARD SETBACK FOR A PROPOSED CARPORT AT LOT 155, GARDENIA TERRACE NO. 7 SUBDIVISION, HIDALGO COUNTY, TEXAS; 6608 NORTH 15TH LANE. (ZBA2025-0032)

REASON FOR APPEAL: The applicant is requesting a special exception to allow an encroachment of 19 feet into the 20 foot front yard setback for a proposed metal carport used for protection of their vehicles from inclement weather.



PROPERTY LOCATION AND VICINITY: The subject property is located along the east side of North 15th Lane approximately 164 feet North of Nightingale Avenue. The subject property has an area of 7,700 square feet. The property is zoned R-1 (Single Family Residential-OC) District. The adjacent zoning is R-1 (Single-Family Residential-OC) District in all directions.

BACKGROUND AND HISTORY: Gardenia Terrace No. 7 Subdivision was officially recorded on July 11, 1977. The subdivision plat indicates a front yard setback requirement of 20 feet. A special exception request for the proposed metal carport was submitted on June 4, 2025. Submission of the building permit is contingent upon approval of the special exception.

ANALYSIS: The applicant is requesting the special exception for a proposed metal carport measuring 19 feet x 19 feet for protection of their property from severe weather. With recent hail storms, applicant states their home sustained damages and loss of trees that provided shade and shelter to their home and vehicles. Due to the limited size of the existing garage, the addition of the carport will provide much-needed protection for their vehicles.

In the past there have been other special exceptions and building permits granted in Gardenia Terrace No 7 for carports.

Special exceptions are issued to and recorded for the current owner only. New property owners will need to apply for a new special exception request.

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

RECOMMENDATION: Staff recommends disapproval of the special exception request. If the request is approved, it should be limited to the encroachment shown on the submitted site plan.



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Case Number: ZBA2025-0032 ZBOA Meeting: 7/9/25
Accepted By: P.H.

PROJECT

Legal Description

Lot 155, Gardenia Terrace Unit 7

Subdivision Name

Gardenia Terrace Unit 7

Street Address

6608 N 15th Ln McAllen TX 78504

Number of lots

1

Gross acres

—

Existing Zoning

R1

Existing Land Use

Residential Home

Reason for Appeal (please use other side if necessary)

Encroachment of 19 feet into 20 foot front yard set back

☒ \$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 Hector + Cindy Solis

Phone 956-342-4906 / 956-359-2795

Address 6608 N 15th Ln

E-mail soliscindy85@gmail.com

City McAllen

State TX

Zip 78504

OWNER

Name Hector Cindy Solis

Phone 956-342-4906 / 956-359-2795

Address 6608 N 15th Lane

E-mail soliscindy85@gmail.com

City McAllen

State TX

Zip 78504

AUTHORIZATION

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

☐ Yes

☒ No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable)

OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature Hector Solis C Solis


Date 6-3-25

Print Name Hector Solis Cindy Solis ☒ Owner

☐ Authorized Agent

JUN 04 2025

CW



City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

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

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

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

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

When 2 hail storms hit the McAllen Area, our home sustained damages & we lost 3 trees which provided shade shelter & protection from the elements.

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

Due to the small size of existing garage/lot we are requesting & (loss of trees) A shade port to protect our property & provide protection from elements.

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:

By granting variance, we will not affect any other property, neighbor or alter essential character of land or neighborhood. It will provide safety.

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

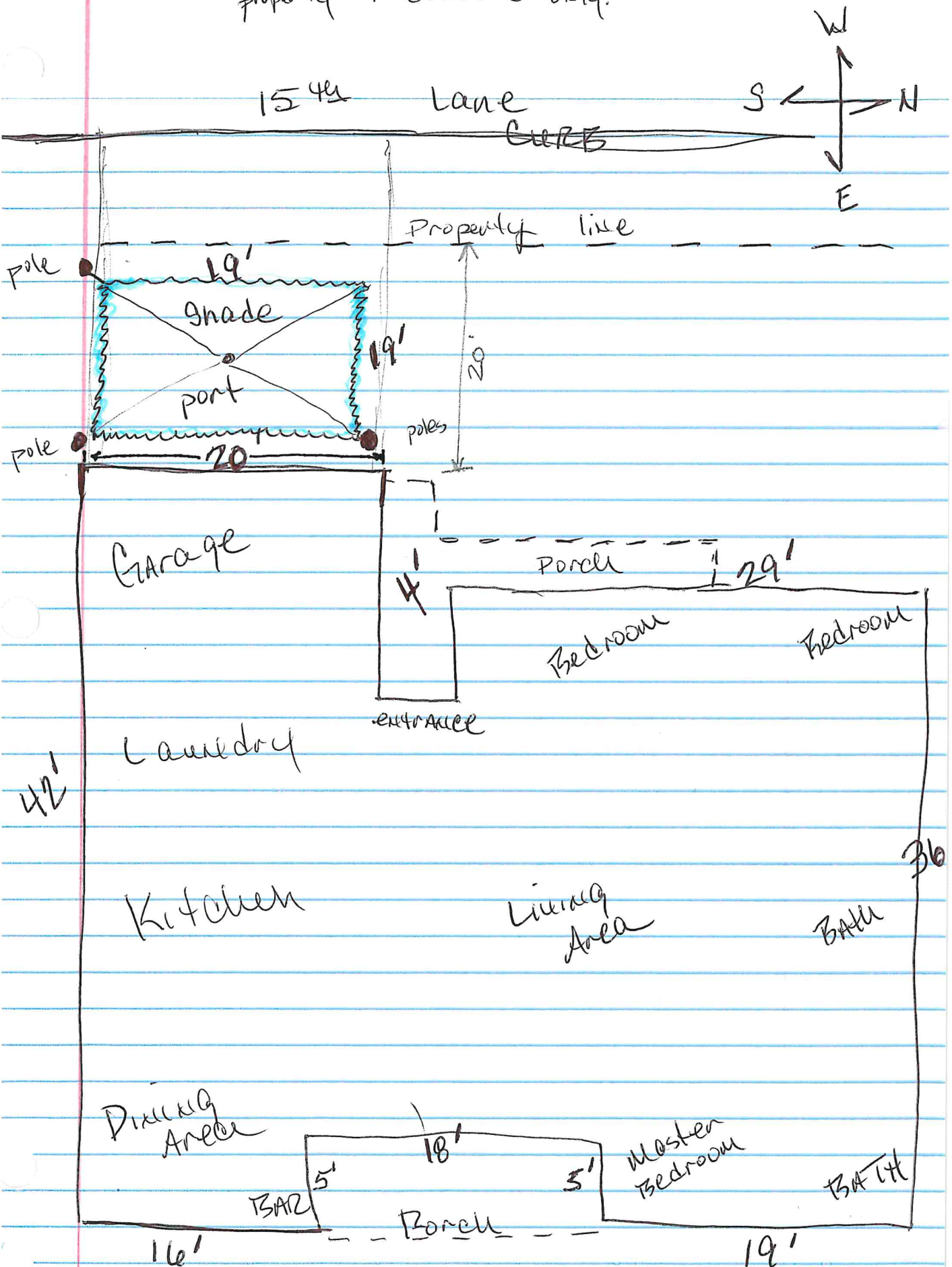
The shade port will be constructed with 3 heavy duty metal pillars & Contex & cover designed to withstand elements UV protection, 12 year warranty, over 100 mph winds.

Many schools & businesses in the IZ ED have installed this type of shade cover

Chairman, Board of Adjustment
Signature

Date

This sketch is for illustration purpose of property & estimate only.







6608

6608

NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2025-0032
CITY OF MCALLEN PLANNING DEPT.
196-86-1136
WWW.MCALLEX.UT

660

Memo

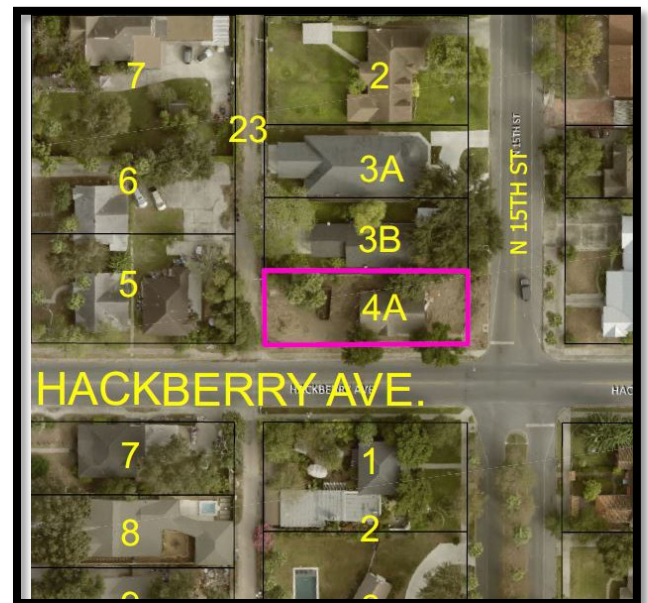
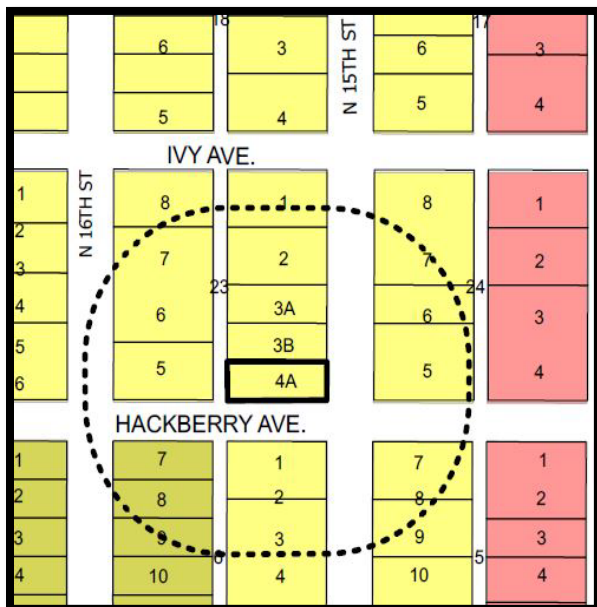
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: June 25, 2025

SUBJECT: REQUEST OF JORGE E. VALLINA ON BEHALF OF FAITH DEVELOPMENTS AND LEASING FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 1.) 4 FEET INTO THE 10 FOOT CORNER SIDE YARD SETBACK AND 2.) AN ENCROACHMENT OF 6 FEET INTO THE 18 FOOT REAR YARD SETBACK FEET FOR A PROPOSED SINGLE FAMILY HOME AT LOT 4A, BLOCK 23, EWING'S ADDITIONS SUBDIVISION, HIDALGO COUNTY, TEXAS; 801 NORTH 15TH STREET. (ZBA2025-0029)

REASON FOR APPEAL: The applicant is requesting to encroach 4 feet into the 10 foot corner side yard setback and 6 feet into the 18 foot rear yard setback for a proposed single-family home.



PROPERTY LOCATION AND VICINITY: The subject property is located along the west side of North 15th Street North of Hackberry Avenue. The subject property is currently Zoned R-1 (single family residential-OC) District.

BACKGROUND AND HISTORY: Ewing's Addition Subdivision was recorded on February 13, 1920. A building permit was rejected April 28, 2025 for setback encroachments. An application for a variance request was submitted on May 21, 2025.

ANALYSIS: The applicant is requesting to encroach 4 feet into the 10 foot corner side yard setback,

and 6 feet into the 18 foot rear yard setback for a proposed single-family home. The recorded plat doesn't show any utility easements that run along either side of the property. The recorded plat requires 10 foot rear yard setback except for garage which required 18 feet. Section 138-356 of the Zoning Ordinance calls for a corner side yard setback to be 10 feet except when a garage or enclosed carport are proposed, then the setback becomes 18 feet from the street or alley.

In the past there have been a couple of Variances granted in Ewing's Addition Subdivision for encroachments into the front yard setback.

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

RECOMMENDATION: At the Planning and Zoning meeting of June 18th, 2025, the Board tabled the item in order to give the applicant a chance to visit with City staff and submit changes to the site plan.

Staff recommends disapproval of the variance requests. If the request is approved, it should be subject to the site plan.



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Case Number: ZBA2025-0029 ZBOA Meeting: 06/18/2025
Accepted By: HT

PROJECT

Legal Description

140' x 50' LOT ON 15th ST AND HACKBERRY AVE.
801 N. 15th ST, MCALLEN, HIDALGO CO. TX.

Subdivision Name

LOT 4 "A" BLOCK 23, LOTS 3A 3B & 4A BLOCK 23
EWING'S ADDITION

Street Address

801 N. 15th ST.

Number of lots 1 Gross acres 0.1607

Existing Zoning R-1 Existing Land Use R

Reason for Appeal (please use other side if necessary) ADDITIONAL SETBACKS THAT MAKE PROJECT
PHYSICALLY SMALLER ENCROACHING 4' INTO 10 FT CORNER SETBACK AND 6' INTO 18' GARAGE
SETBACK.

- ☒ \$300.00 non-refundable filing fee + ☐ \$50.00 Recording Fee for Special Exception (carport)
- ☒ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

APPLICANT

Name JORGE E. VALUINA Phone 956 933 2475
Address 2908 SAN EFRAIN E-mail jorge@apex developments-us
City MISSION State TX Zip 78572

OWNER

Name BLANCA GARZA
Name FAITH DEVELOPMENT AND LEASING Phone 956 457 6065
Address _____ E-mail garzab@yaho.com
City _____ State _____ Zip _____

AUTHORIZATION

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

☒ Yes ☐ No

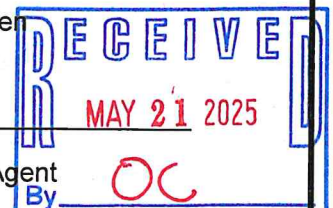
I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable)

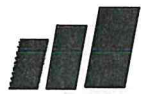
OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature [Signature]
Print Name JORGE E VALUINA

Date 5/21/2025

☐ Owner ☒ Authorized Agent





City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

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

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

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

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

SURVEY PRESENTS ACTUAL SETBACKS, PROJECT DESIGNED ACCORDINGLY
THEN CITY ASKED ADDITIONAL SETBACKS SO IT AFFECTS THE WHOLE
PROJECT MAKING IT PRACTICALLY SMALLER.

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

AS A NICE HOUSE IN A HISTORICAL NEIGHBORHOOD,
ELEVATIONS ARE SHOWN

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:

WILL BE A NEW BUILDING ABOUT MAKING ZONE EVEN BEAUTIFUL,
THERE'S NOT ANY BLOCKING TO THE ONCOMING TRAFFIC

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

HOUSE IS SUITED FOR A 4 BR BEDROOM FAMILY AND CHANGING
WOULD AFFECT POTENTIALLY MAKING TO 2 BEDROOM.

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date

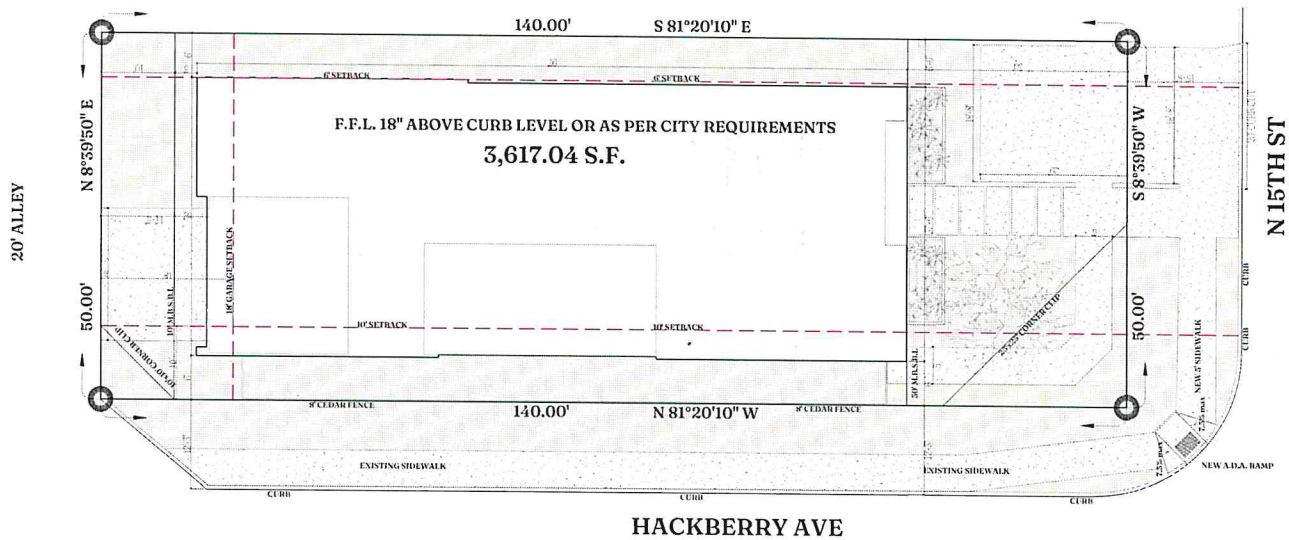


BOLD
CLIENT
BLANCA GARZA
DATE
04/07/2025
PROJECT NO.
2025-4701
DESIGNED
BLANCA
GARZA
RESIDENCE
LOT 4-A
801 N. 15TH ST,
MCALLEN, TX 78509

CODE REVIEW

REVISIONS
1. 04/07/2025
2. 04/07/2025
3. 04/07/2025
4. 04/07/2025
5. 04/07/2025
6. 04/07/2025
7. 04/07/2025
8. 04/07/2025
9. 04/07/2025
10. 04/07/2025

NO.	DATE	DESCRIPTION
1	04/07/2025	INITIAL DESIGN
2	04/07/2025	REVISIONS
3	04/07/2025	REVISIONS
4	04/07/2025	REVISIONS
5	04/07/2025	REVISIONS
6	04/07/2025	REVISIONS
7	04/07/2025	REVISIONS
8	04/07/2025	REVISIONS
9	04/07/2025	REVISIONS
10	04/07/2025	REVISIONS



SITE PLAN
SCALE: 1/8" = 1'-0"

SITE PLAN
REVISIONS
1. 04/07/2025
2. 04/07/2025
3. 04/07/2025
4. 04/07/2025
5. 04/07/2025
6. 04/07/2025
7. 04/07/2025
8. 04/07/2025
9. 04/07/2025
10. 04/07/2025

A.101



CLIENT:
BLANCA GARZA

DATE:
03/26/2025

PROJECT NO.:
2025-67.01

PROJECT:
BLANCA GARZA
RESIDENCE

ADDRESS:
LOT 4-A
801 N.15TH ST,
MCALLEN TX 78509

SHEET:
SITE PLAN

DESIGN BY:
BOLD DESIGN STUDIO

CONTACT:
jorge@apexdevelopments.us
daniela@apexdevelopments.us

(956) 933-2475

GENERAL NOTES:

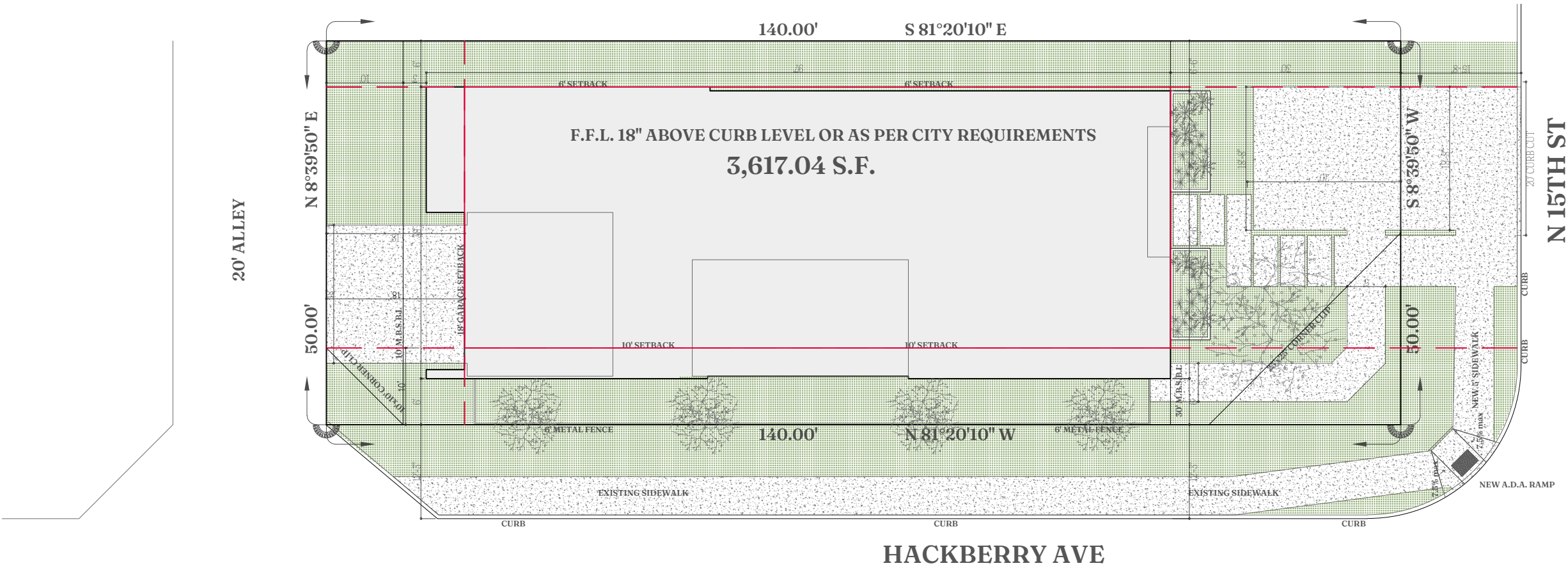
GENERAL CONDITIONS OF THE CONTRACTOR FOR CONSTRUCTION

- CONTRACTOR AND SUBCONTRACTOR SHALL BECOME FAMILIAR WITH THE PROJECT AND THE ON-SITE OFF-SITE CONDITIONS PRIOR BIDDING OR COMMENCING WORK.
- BRING ATTENTION IMMEDIATELY TO THE DESIGNER FOR ANY ERRORS, OMISSIONS OR DISCREPANCIES. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO CORRECT ANY DEFECTIVE WORK CAUSED BY PROCEEDING WITH WORK WHEN DESIGNER'S CLARIFICATIONS WERE NOT SOUGHT.
- EXAMINE SPECIFIED PRODUCTS AND SUBMIT WRITTEN EXCEPTIONS, OBJECTIONS, OR SUBSTITUTIONS WITH ANALYSIS AND RECOMMENDATIONS PRIOR TO SUBMITTING BID COSTS OR COMMENCING WORK.
- THE RESPONSIBILITY FOR THE ADEQUACY OF PROPOSED SUBSTITUTIONS FALLS ON THE GENERAL CONTRACTOR. SHOULD A SUBSTITUTION PRODUCT FAIL TO PERFORM WHERE THE ORIGINALLY SPECIFIED PRODUCT WOULD HAVE PERFORMED, THE GENERAL CONTRACTOR SHALL PERFORM ALL NECESSARY WORK TO REINTEGRATE THE ORIGINAL PRODUCT AT NO ADDITIONAL COST.
- ALL MATERIAL AND WORKMANSHIP SHALL BE GUARANTEED AGAINST DEFECT FOR A PERIOD OF AT LEAST ONE YEAR FROM APPROVAL FOR FINAL PAYMENT, UNLESS STIPULATED OTHERWISE.
- WHEREVER MATERIAL ARE STORED AT THE JOBSITE SHOULD BE PROTECTED FROM DAMAGE, VANDALISM, FIRE AND INCLEMENT WEATHER. THE GENERAL CONTRACTOR SHALL PRODUCE EVIDENCE OF INSURANCE FOR MATERIALS PRIOR TO PAYMENT BY THE OWNER.
- THE WORD 'PROVIDE' SHALL MEAN 'FURNISH AND INSTALL COMPLETE AND READY TO USE'.
- PROVIDE ALL REQUIRED UTILITY/ STRUCTURAL COMPONENTS, AND/ OR CONNECTIONS FOR THE FUNCTIONAL USE OF ALL CONTRACTOR SUPPLIED EQUIPMENT OR APPLIANCES, REGARDLESS OF ANY OMISSIONS OR INCONSISTENCIES IN THE CONSTRUCTION DOCUMENTS.

COPYRIGHT PROTECTED
BOLD DESIGN STUDIO

SHEET NO.:

NOT FOR CONSTRUCTION



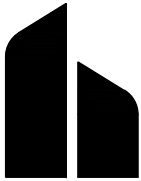
CODE REVIEW

BUILDING CODE:
2018 INTERNATIONAL BUILDING CODE (IBC)
2018 INTERNATIONAL RESIDENTIAL CODE
2015 INTERNATIONAL ENERGY CODE
2018 INTERNATIONAL PLUMBING CODE
2018 INTERNATIONAL MECHANICAL CODE
2018 INTERNATIONAL FUEL GAS
2018 INTERNATIONAL FIRE CODE
2015 NATIONAL ELECTRICAL CODE

SQUARE FEET		
LIVING AREA	2,587	SQ. FT.
GARAGE AREA	411.53	SQ. FT.
TERRACE AREA	481.53	SQ. FT.
PORCH AREA	51.00	SQ. FT.
TOTAL SQ. FT.	3,530.86	SQ. FT.

LOT 4-A
801 N. 15TH ST, MCALLEN, TX 78509
LOT 4-A BLOCK 23 EWING'S ADDITION





CLIENT:
BLANCA GARZA

DATE:
03/26/2025

PROJECT NO.:
2025-67.01

PROJECT:
BLANCA GARZA
RESIDENCE

ADDRESS:
LOT 4-A
801 N.15TH ST,
MCALLEN TX 78509

SHEET:
FLOOR PLAN

DESIGN BY:
BOLD DESIGN STUDIO

CONTACT:
jorge@apexdevelopments.us
daniela@apexdevelopments.us

(956) 933-2475

GENERAL NOTES:

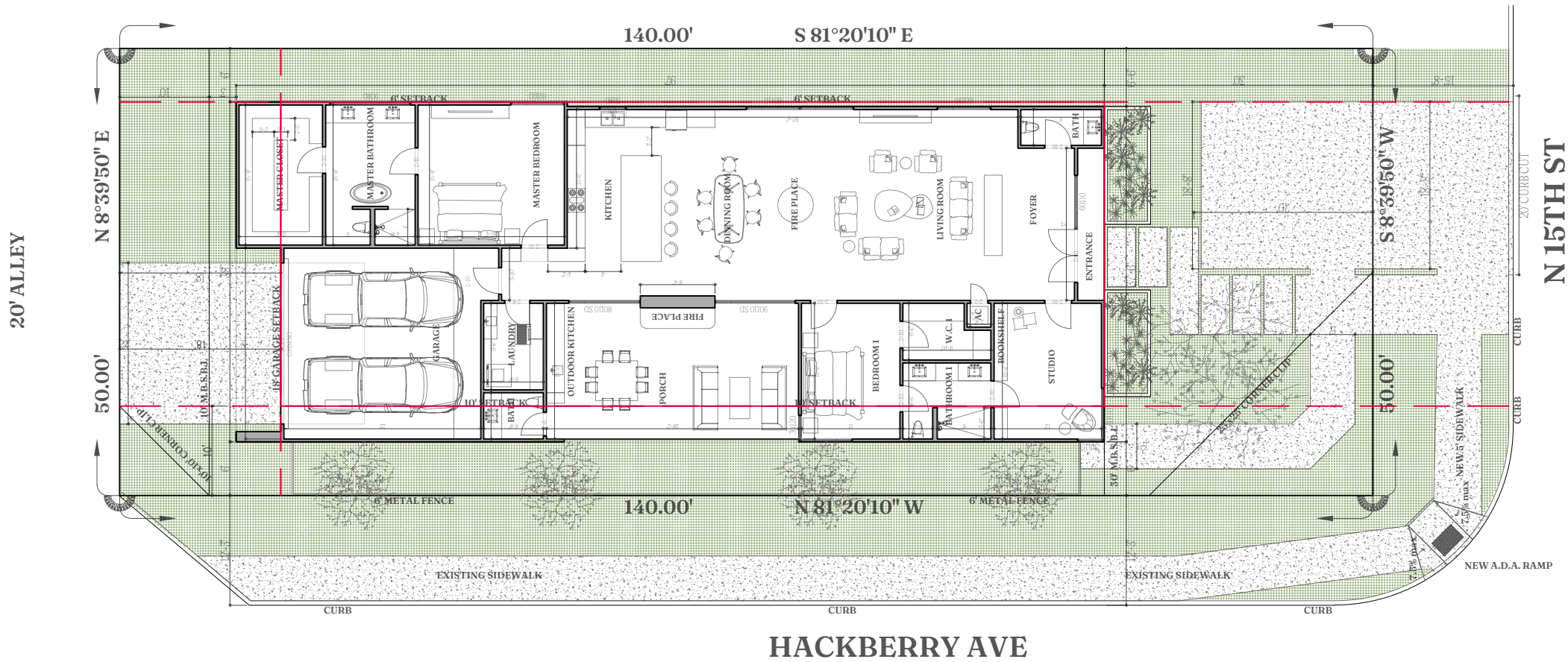
GENERAL CONDITIONS OF THE CONTRACTOR FOR CONSTRUCTION

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- PROVIDE ALL REQUIRED UTILITY/ STRUCTURAL COMPONENTS, AND/ OR CONNECTIONS FOR THE FUNCTIONAL USE OF ALL CONTRACTOR SUPPLIED EQUIPMENT OR APPLIANCES, REGARDLESS OF ANY OMISSIONS OR INCONSISTENCIES IN THE CONSTRUCTION DOCUMENTS.

COPYRIGHT PROTECTED
BOLD DESIGN STUDIO

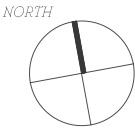
SHEET NO.:

A.102



HACKBERRY AVE

LOT 4-A
801 N. 15TH ST, MCALLEN, TX 78509
LOT 4-A BLOCK 23 EWING'S ADDITION



1 | SITE PLAN
SCALE: 1/8" = 1'-0"

CODE REVIEW

BUILDING CODE:
2018 INTERNATIONAL BUILDING CODE (IBC)
2018 INTERNATIONAL RESIDENTIAL CODE
2015 INTERNATIONAL ENERGY CODE
2018 INTERNATIONAL PLUMBING CODE
2018 INTERNATIONAL MECHANICAL CODE
2018 INTERNATIONAL FUEL GAS
2018 INTERNATIONAL FIRE CODE
2015 NATIONAL ELECTRICAL CODE

SQUARE FEET		
LIVING AREA	2,587	SQ. FT.
GARAGE AREA	411.53	SQ. FT.
TERRACE AREA	481.53	SQ. FT.
PORCH AREA	51.00	SQ. FT.
TOTAL SQ. FT.	3,630.86	SQ. FT.

NOT FOR CONSTRUCTION



SEAL

REVISION

DESIGN BY:
BOLD DESIGN STUDIO

CONTACT:
jorge@boldarchitects.org
daniela@boldarchitects.org

GENERAL NOTES:

[illegible]

ADJUTANT SHOULD BE PROTECTED FROM DAMAGE
VANDALISM, FIRE, AND INCLEMENT WEATHER.
THE GENERAL CONTRACTOR SHALL PRODUCE
EVIDENCE OF INSURANCE FOR MATERIALS
PRIOR TO PAYMENT BY THE OWNER.

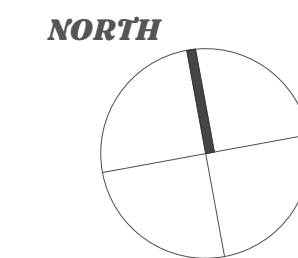
7. THE WORD "PROVIDE" SHALL MEAN "FURNISH
AND INSTALL COMPLETE AND READY TO USE".

8. PROVIDE ALL REQUIRED UTILITIES, STRUCTURAL
COMPONENTS, AND/OR CONDUITS FOR
THE FUNCTIONAL USE OF ALL CONTRACTOR
EQUIPMENT REQUIRED FOR APPLICATIONS.
REGARDLESS OF ANY OBSTRUCTIONS OR
INTERFERENCE FROM THE LANDOWNER.

**COPYRIGHT PROTECTED
BOLD DESIGN STUDIO**

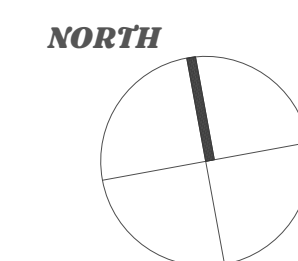
SHEET NO.

A.102



2

SCALE: 1/8" = 1'-0"

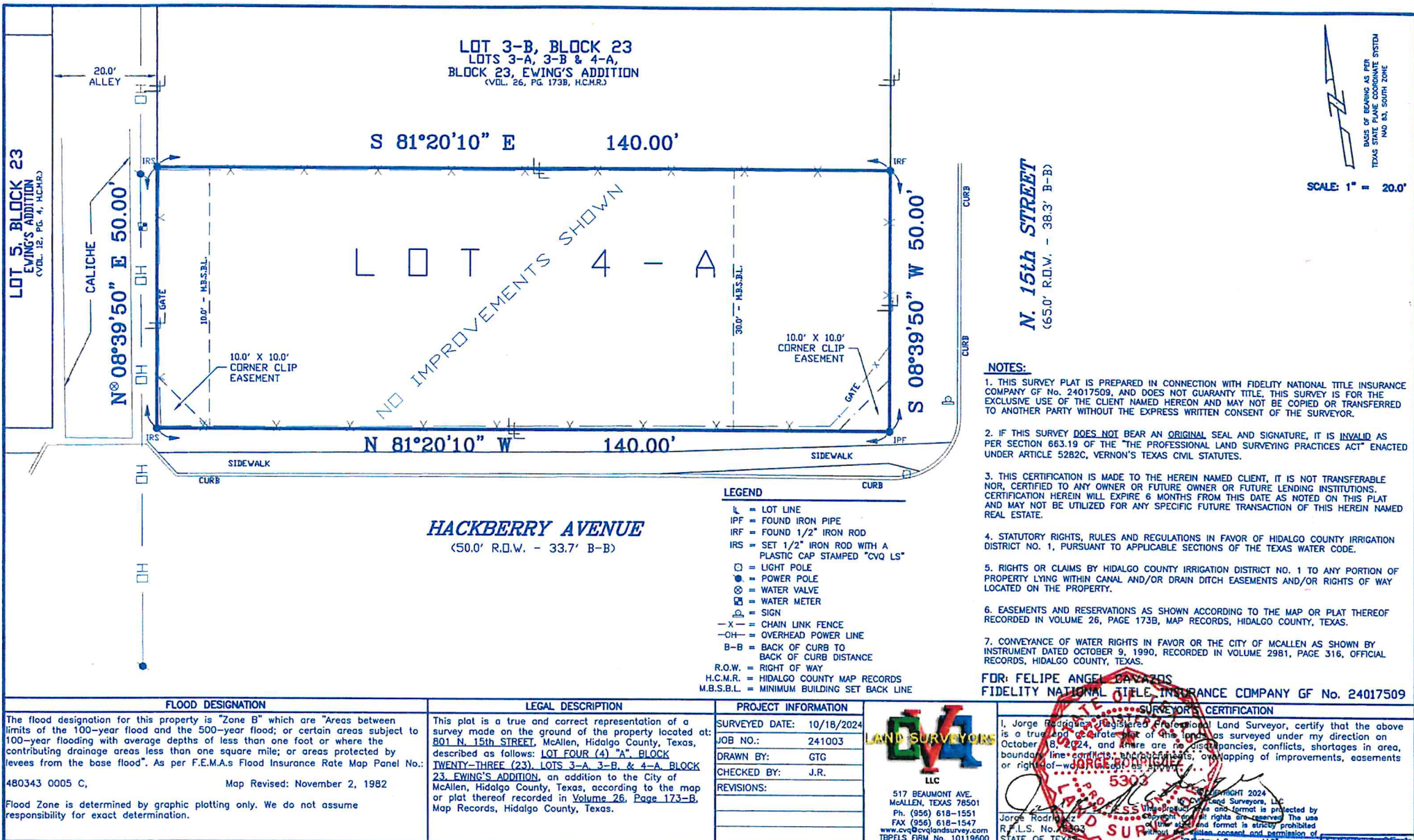


1

SCALE: 1/8" = 1'-0"

BUILDING CODE:
 2018 INTERNATIONAL BUILDING CODE (IBC)
 2018 INTERNATIONAL RESIDENTIAL CODE
 2015 INTERNATIONAL ENERGY CODE
 2018 INTERNATIONAL PLUMBING CODE
 2018 INTERNATIONAL MECHANICAL CODE
 2018 INTERNATIONAL FUEL GAS
 2018 INTERNATIONAL FIRE CODE
 2015 NATIONAL ELECTRICAL CODE

SQUARE FEET		
LIVING AREA	2,587	SQ. FT.
GARAGE AREA	411.53	SQ. FT.
TERRACE AREA	481.53	SQ. FT.
PORCH AREA	51.00	SQ. FT.
TOTAL SQ.FT.	3,530.86	SQ. FT.



**NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2025-0029**



CITY OF MCALLEN PLANNING DEPT.
956-681-1250
WWW.MCALLE.NET



Memo

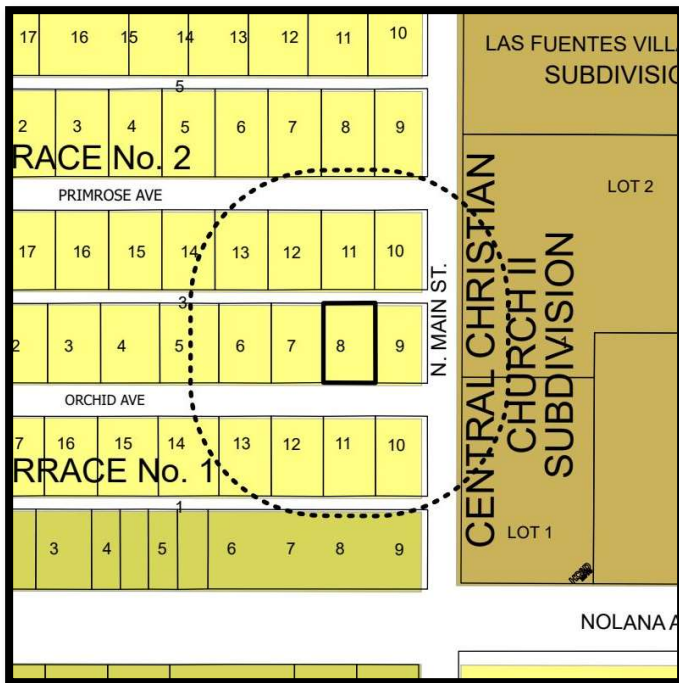
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: June 30, 2025

SUBJECT: REQUEST OF BRIANA MARTINEZ FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 6 FEET INTO THE 6 FOOT SIDE YARD SETBACK AND 10 FEET INTO THE 10 FOOT REAR YARD SETBACK FOR AN EXISTING PATIO MEASURING 20 FEET BY 20 FEET AND AN EXISTING SHED MEASURING 6 FEET BY 20 FEET AT LOT 8, BLOCK 3, PRIMROSE TERRACE UT NO. 1 SUBDIVISION, HIDALGO COUNTY, TEXAS; 1406 ORCHID AVENUE. (ZBA2025-0027)

REASON FOR APPEAL: The applicant is requesting a variance to allow an encroachment of 6 feet into the 6 foot side yard setback and 10 feet into the 10 foot rear yard setback for an existing patio measuring 20 feet by 20 feet and an existing shed measuring 6 feet by 20 feet.



PROPERTY LOCATION AND VICINITY: The subject property is located along the north side of Orchid Avenue approximately 78.5 feet west of North Main Street. The subject property has an area of 9,420 square feet. The property is zoned R-1 (Single Family Residential-OC) District. The adjacent zoning is R-1 (Single Family Residential-OC) District in all directions except to the east across North Main Street.

BACKGROUND AND HISTORY: The Primrose Terrace UT No. 1 Subdivision was officially recorded on April 8, 1963. A building permit was submitted in August 1st, 2022 for a residential addition which included adding a "porch and a future kitchen expansion". The permit was renewed in February 18th,

2025. The building permit was disapproved by planning department since the site plan did not specify if the patio and the kitchen were existing or proposed. Building department requested additional details for their review such as framings details to include location and height. A variance request is required since the existing patio and shed are encroaching into the rear and side setback. The variance request was submitted on May 20, 2025.

ANALYSIS: The variance request is for an existing patio and an existing shed which are considered accessory structures and require to comply with setbacks. The existing patio consists of an outdoor kitchen and a bar area. The applicant built the existing patio and shed to enjoy outdoor activities.

The submitted site plan shows that the existing patio is encroaching 6 feet into the six foot side yard setback along the west side of property line and an existing shed encroaching 10 feet into the ten foot rear setback and encroaching 6 feet into the six foot side yard setback along the west side of property line. The recorded plat does not show any utility easements that would be impacted by the proposed encroachment.

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

ZONING BOARD OF ADJUSTMENTS MEETING OF JUNE 18, 2025: During the meeting, it was mentioned that the building permit had been submitted on August 1st, 2022. However, the building permit was disapproved and the patio was built without a building permit. The applicant also mentioned that the shed was existing prior to buying the home. It was also mentioned that the shed doesn't have electricity or water.

The board asked the applicant if modifying the structure of the patio would be an option. The applicant mentioned that moving the patio would require to demolish the structure and that she would have to get estimates on how much it would cost.

It was also recommended to the applicant to talk to staff and discuss other alternatives to reduce the encroachment.

After discussion, the board unanimously voted to table the item.

RECOMMENDATION: Staff recommends disapproval of the variance request since unnecessary hardship has not been established. However, if the Board approves the request, it should be limited to the encroachment shown on the submitted site plan.



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Case Number: ZBA 2025-0027

ZBOA Meeting: 6/18/25

Accepted By: P.H.

PROJECT

Legal Description

primrose terrace UT
NO. 1 Lot 8 BIK 3

Subdivision Name

Street Address

1406 Orchid Ave McAllen TX 78504

Number of lots

1

Gross acres

Existing Zoning

R1

Existing Land Use

residence

Reason for Appeal (please use other side if necessary)

request variance for encroaching
Six feet into the six foot side yard setback & 10ft. into rear
yard setback.

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

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

APPLICANT

Name

Briana Martinez

Phone

956-655-4755

Address

1406 Orchid Ave

E-mail

bsornelas214@gmail.com

City

McAllen

State

TX

Zip

78504

OWNER

Name

Briana Martinez

Phone

956-655-4755

Address

1406 Orchid Ave

E-mail

bsornelas214@gmail.com

City

McAllen

State

TX

Zip

78504

AUTHORIZATION

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

☐ Yes

☒ No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable)

OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature

Briana Martinez

Date

5/20/25

Print Name

Briana Martinez

☒ Owner

☐ Authorized Agent

MAY 20 2025

RV.

G



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

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

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

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

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

the structure is already built.

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

Being it built and does not disturb neighbors.

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:

Structure is built correctly and in no danger of neighbors

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

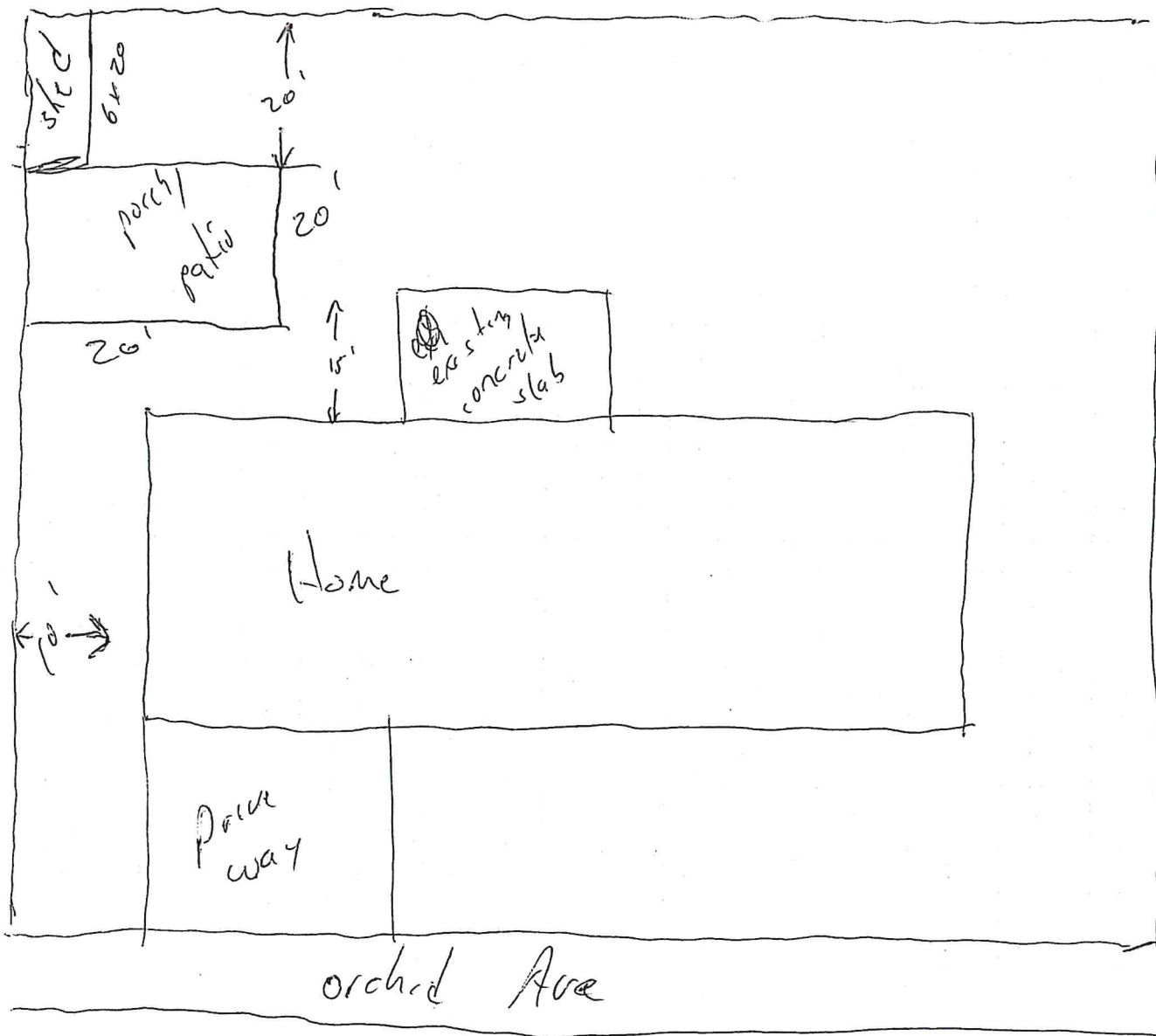
the structure is built fully already and would not want to demolish it.

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date



Wall Legend:

Existing	
Proposed	
Demolition	

Symbol Legend:

Door	Window	Electrical Panel	A/C Unit	Toilet	Sink

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



Kenneth H. Wiseman
PRESIDENT



RESIDENTIAL PERMIT APPLICATION

REV. 07/2023

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

PERMIT APPLICATION REFERENCE NUMBER

RES2022-07293

APPLICATION MUST BE COMPLETE

(Please type or print in black or blue ink)

GC NUMBER _____

APPLICANT

NAME Jesus Martinez PHONE 956-648-8846
ADDRESS 1406 Orchid Ave 956-655-4755
CITY McAllen Tx 78504 STATE Tx ZIP 78504
CONTACT NAME: Jesus Martinez PHONE _____
☒ OWNER ☐ CONTRACTOR ☐ TENANT ☐ OTHER _____

OWNER

NAME Jesus Martinez PHONE 956-648-8846
ADDRESS 1406 orchid Ave *EMAIL: smart207@hotmail.com
CITY McAllen REQ'D _____
STATE Tx ZIP 78504

*OWNER INFORMATION NOT PROVIDED, INITIAL:

☐ NEW ☐ IMAGINE TOMMORROW ☐ REMODELING ☐ REPAIR ☐ MOVE ☐ ADDITION ☐ REMOVE _____ BLDG. HGT. _____ NO. OF FLOORS _____

BLDG SQ. FT. 400 NO. PARKING SPACES _____ SQ. FT. LOT _____ FLOOR EL. ABOVE CURB _____
EXISTING USE OF LOT Residential NEW USE Residential

SCOPE OF WORK TO BE DONE metal carport / paver patio (existing plumbing / electric)STRUCTURE BUILT BEFORE 1978 ☐ YES ☐ NOPLEASE SELECT ☐ PLUMBING ☐ ELECTRICAL ☐ MECHANICAL

PROJECT

RESIDENTIAL NEW NO. OF UNITS _____ NO. BDRMS _____ NO. BATHRMS _____ SQ. FT. NON-LIVING _____ SQ. FT. LIVING _____

FOUNDATION ☐ CONCRETE SLAB ☐ CONCRETE PIER ☐ CONCRETE BLOCK ☐ CONCRETE BEAM ☐ WOOD POSTS
EXT WALL ☐ MASONRY VENEER ☐ MASONRY SOLID ☐ METAL SIDING ☐ COMPOSITION ☐ WOOD
ROOF ☐ WOOD SHINGLE ☐ COMPOSITION ☐ METAL ☐ BUILD UP ☐ CLAY OR CONCRETE TILE
UPGRADES/OTHER ☐ GRANITE COUNTERTOPS ☐ MARBLE TUBS/FLOORS ☐ CUSTOM WINDOWS ☐ POLYURETHANE INSULATION ☐ OTHER UPGRADES _____
☐ SEPTIC TANK EXISTING OR PROPOSED ☐ YES ☐ NO

LOT 8 BLOCK 3 SUBDIVISION Primrose terrace Unit No 1
SITE ADDRESS ST. NO. 1406 ST. NAME Orchid Ave

CITY USE ONLY

Construction Cost Permit Fee \$ _____ Rec'd by [Signature]
Value \$ 10,000 Double Fee \$ _____ Date 08/12/2024
Zoning _____ Park Zone _____ Park Development Fee \$ _____ Time 11:03 am
Total Fee \$ _____

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. Every building application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued or a permit has been issued. 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 hereby 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.

Jesus Martinez [Signature] smart207@hotmail.com 8/12/24
PRINT (AUTHORIZED AGENT/OWNER) SIGNATURE EMAIL ADDRESS (required) DATE



RESIDENTIAL PERMIT APPLICATION

REV. 6/2022

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

PERMIT APPLICATION REFERENCE NUMBER

Res 2022-07293

APPLICATION MUST BE COMPLETE

(Please type or print in black or blue ink)

GC NUMBER

R202

APPLICANT

NAME Jesus Martinez PHONE 956-648-9846

ADDRESS 1406 ORCHID AVE

CITY McAllen STATE Tx ZIP 78504

CONTACT NAME: Jesus Martinez PHONE _____

☒ OWNER ☐ CONTRACTOR ☐ TENANT ☐ OTHER

OWNER

NAME Same as Above PHONE _____

ADDRESS _____ *EMAIL: _____

CITY _____ STATE _____ ZIP _____

*OWNER INFORMATION NOT PROVIDED, INITIAL:

☐ NEW ☐ IMAGINE TOMMORROW ☐ REMODELING ☐ REPAIR ☐ MOVE ☒ ADDITION ☐ REMOVE BLDG. HGT. _____ NO. OF FLOORS _____

BLDG SQ. FT. 1020 NO. PARKING SPACES _____ SQ. FT. LOT 9600 LOT FRONT 28.5' FLOOR EL. ABOVE CURB 7

EXISTING USE _____ NEW USE _____

SCOPE OF WORK TO BE DONE porch addition, then future kitchen expansionSTRUCTURE BUILT BEFORE 1978 ☒ YES ☐ NO

PROJECT

RESIDENTIAL NEW NO. OF UNITS _____ NO. BDRMS _____ NO. BATHRMS _____ SQ. FT. NON-LIVING _____ SQ. FT. LIVING _____

FOUNDATION ☒ CONCRETE SLAB ☐ CONCRETE PIER ☐ CONCRETE BLOCK ☐ CONCRETE BEAM ☐ WOOD POSTS

EXT WALL ☐ MASONRY VENEER ☐ MASONRY SOLID ☐ METAL SIDING ☐ COMPOSITION ☒ WOOD

ROOF ☐ WOOD SHINGLE ☐ COMPOSITION ☒ METAL ☐ BUILD UP ☐ CLAY OR CONCRETE TILE

UPGRADES/OTHER ☐ GRANITE COUNTERTOPS ☐ MARBLE TUBS/FLOORS ☐ CUSTOM WINDOWS ☐ POLYURETHANE INSULATION ☐ OTHER UPGRADES _____

☐ SEPTIC TANK EXISTING OR PROPOSED ☐ YES ☐ NO

LOT 8 BLOCK 3 SUBDIVISION Primrose Terrace Unit No 1SITE ADDRESS ST. NO. 1406 ST. NAME Orchid Ave

CITY USE ONLY

Construction Cost Permit Fee \$ 163.20 Rec'd by [Signature]

Value \$ 20,000 Double Fee \$ _____ Date 8/1/22

Zoning R-1 Park Zone _____ Park Development Fee \$ _____ Time 4:26

Total Fee \$ _____

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 hereby 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.

Jesus Martinez [Signature] smart2070@hotmail.com 8/1/22

PRINT (AUTHORIZED AGENT/OWNER) SIGNATURE EMAIL ADDRESS (required) DATE



23 Jul 2024



INSPECTIONS REQUEST FOR SERVICE

CASE NUMBER

BLD2024-00304

DATE

05/14/2024

CASE OF ADDRESS

1406 ORCHID Ave

DETAILED DESCRIPTION

Scope of work: Put a cement slab with kitchen expansion (RES2022-07293)

* App. was rejected

* App. never issued

* No inspections

* 180 day expired

Please verify that scope of work has not been done

INSPECTION RESULTS

Insp. Date	Ins. Type	Request Comments	Result Comments	Result	Inspector
07/23/2024	Investigate	Scheduled via Script	Visible work on the back of the property posted notice of violation .	Posted SWO	Denilson Guevara
10/21/2024	Follow-up 1st	Scheduled via Script	spoke with Mr. Martinez, advised him a citation will be issued do to failure to come into compliance , issue RCS	Issued Citation	Denilson Guevara

SIGNATURE OF INSPECTOR





**NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2025-0027**

 CITY OF MCALLEN PLANNING DEPT
356-681-1250
WWW.MCALLEN.NET



 **1406**

Memo

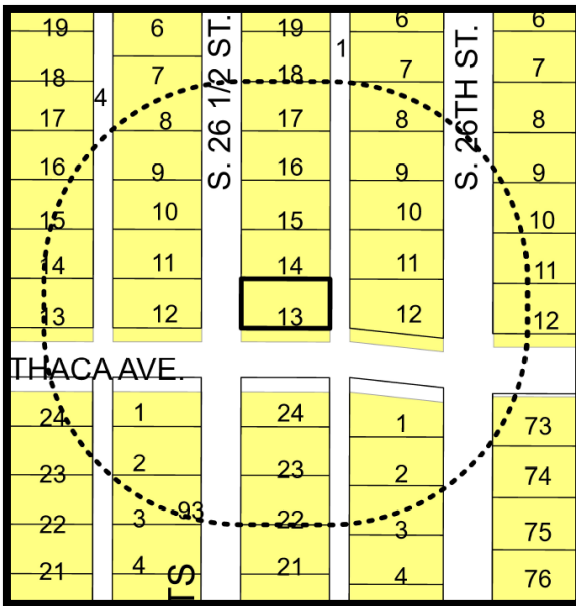
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: May 27, 2025

SUBJECT: REQUEST OF HUMBERTO SALINAS FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 20 FEET INTO THE 20 FOOT FRONT YARD SETBACK FOR AN EXISTING CARPORT AT LOT 13, BLOCK 1, MCALLEN HEIGHTS SUBDIVISION, HIDALGO COUNTY, TEXAS; 821 SOUTH 26TH ½ STREET. (ZBA2025-0017)

REASON FOR APPEAL: The applicant is requesting a special exception to allow an encroachment of 20 feet into the 20 foot front yard setback for an existing metal carport used for protection of their vehicles from severe weather.



PROPERTY LOCATION AND VICINITY: The subject property is located at the northeast corner of Ithaca Avenue and South 26 ½ Street. The subject property has an area of 4,500 square feet. The property is zoned R-1 (Single-Family Residential-OC) District. The adjacent zoning is R-1 (Single-Family Residential-OC) District in all directions.

BACKGROUND AND HISTORY: McAllen Heights Subdivision was officially recorded on January 23, 1959. The applicant received a notice of violation related to electrical work performed on the existing carport. Subsequently, the permit for the electrical work was properly obtained and approved, the review process revealed that the carport had been constructed without a permit and encroaches into

the front yard setback. A building permit for the existing metal carport was submitted on February 11, 2025. The applicant applied on April 30, 2025 for a special exception to address the encroachment.

ANALYSIS: The applicant is requesting the special exception for an existing metal carport measuring 14.2 feet x 41.6 feet with a total of 591 square feet which exceeds the 400 square foot size not allowed by ordinance. The carport currently encroaches 20.0 feet into the front yard setback and upon conducting a site inspection, staff identified that the carport extends covering nearly the entire required five-foot setback along the north side. The applicant is not proposing to reduce the square footage of the carport to comply with the size requirement established by ordinance. Applicant states the structure provides necessary shade and protection for his vehicles from severe weather conditions.

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

RECOMMENDATION: Staff recommends disapproval of the special exception request.

At the meeting of June 4, 2025, item was tabled to give applicant time to discuss with Planning dept to propose to reduce carport square footage.

Applicant request for the item to be tabled to the next ZBOA meeting of July 9, 2025.



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Case Number: ZBA-2025-0017 ZBOA Meeting: 06/04/25

Accepted By: _____

PROJECT

Legal Description

Lt 13 Blk 1

Subdivision Name

McAllen Heights

Street Address

821 S 26th

Number of lots

1

Gross acres

Existing Zoning

R1

Existing Land Use

House

Reason for Appeal (please use other side if necessary)

1. Upgrade into pet back

☒ \$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

Humberto Salinas

Phone

956 212 9650

Address

821 S. 26th

E-mail

hsalinas17@yahoo.com

City

McAllen

State

TX

Zip

78521

OWNER

Name

Humberto (Same)

Phone

Address

E-mail

City

State

Zip

AUTHORIZATION

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

☐ Yes

☒ No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable)

OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature

Humberto Salinas

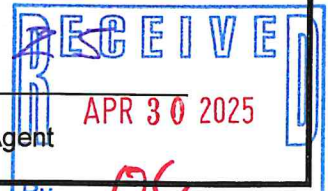
Date

4-30-25

Print Name

☒ Owner

☐ Authorized Agent



By

OC



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

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

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

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

Reason for Appeal

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

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

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

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

Board Action

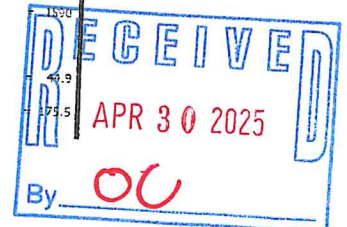
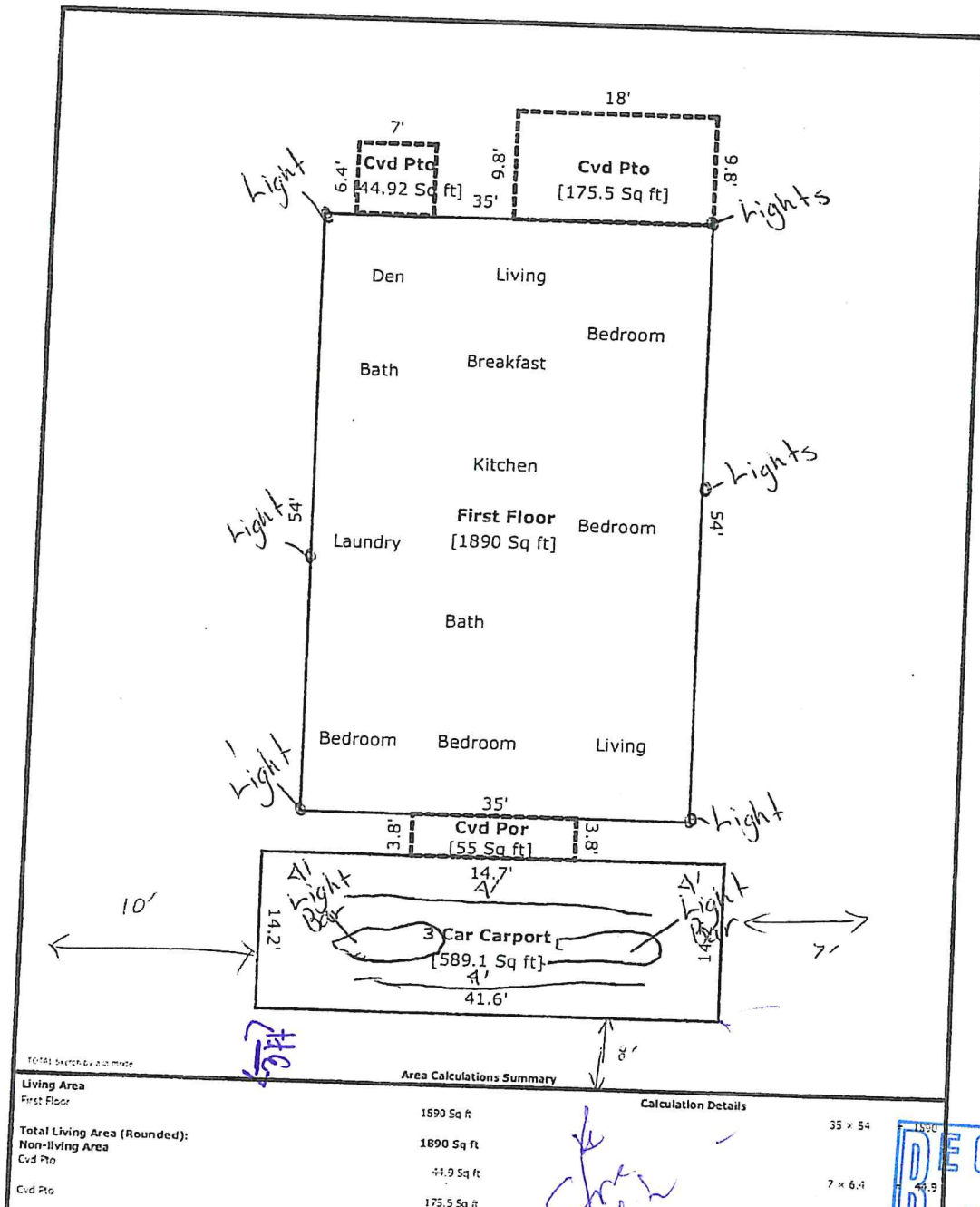
Chairman, Board of Adjustment
Signature

Date

Building Sketch

PHA VA Case No. 514-3991465

Borrower	Humberto Salinas & Juanita D Salinas		
Property Address	821 S 26 1/2 St		
City	McAllen	County	Hidalgo
Lender Client	Mutual of Omaha Mortgage, Inc.	State	TX
		Zip Code	78501









**NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2025-0017**

CITY OF MCALLEN PLANNING DEPT.
956-681-1250
WWW.MCALLEN.TX

Memo

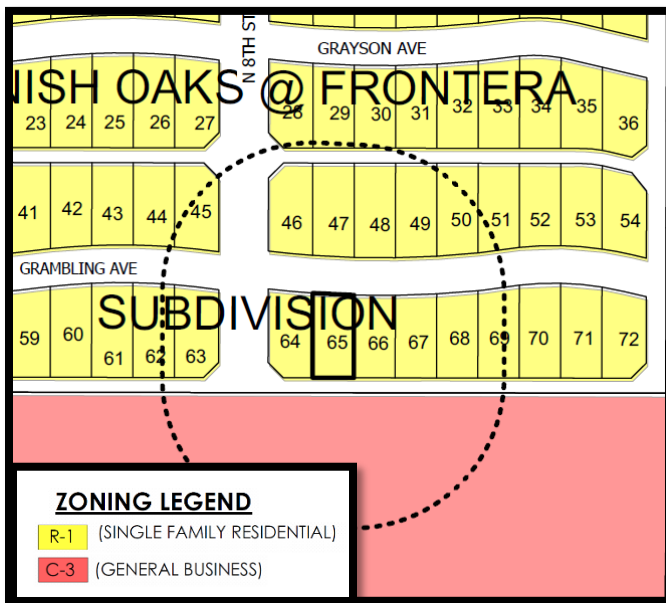
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: May 30, 2025

SUBJECT: REQUEST OF GERARDO MORALES FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 18 FEET INTO THE 18 FEET REAR YARD SETBACK FOR A PERGOLA AT LOT 65, SPANISH OAKS @ FRONTERA SUBDIVISION, HIDALGO COUNTY, TEXAS; 705 GRAMBLING AVENUE. (ZBA2025-0021)

REASON FOR APPEAL: The applicant is requesting a variance for an encroachment of 18 feet into the 18-foot rear yard setback for pergola measuring 10 feet by 10 feet. The property owner is proposing a pergola to cover a therapeutic hot tub.



PROPERTY LOCATION AND VICINITY: The subject property is located south of Grambling Avenue, second lot east of North 8th street, at Spanish Oaks @ Frontera Subdivision. The property is zoned R-1 (Single-Family Residential -OC) District. Adjacent zoning is R-1 (Single-Family Residential -OC) District to the east, north and west. Adjacent zoning the south is C-3 (General Business -OC) District. Surrounding land uses are single-family residences and vacant land.

BACKGROUND AND HISTORY: Spanish Oaks @ Frontera Subdivision was recorded on May 08, 2018. The rear building setback is 18 feet as per plat. A citation was issued September 28, 2023 for a

construction at southeast section of the lot without a permit and inspection. Subsequently the applicant applied for a variance on November 10, 2023. The Zoning Board of Adjustments (ZBOA) denied the request at the meeting on January 11, 2024. A building permit for the pergola was submitted August 11, 2023. The proposed location for the pergola as part of this variance request is located adjacent to the rear driveway with a rear 18 feet encroachment.

ANALYSIS: The request is for a variance to allow an encroachment of 18 feet into the 18 feet rear building setback to allow the placement of a 10 x 10 feet pergola. The applicant is applying for second time for a variance, stating that he wanted to protect a therapeutic hot tub that is in his rear yard.

Previous analysis staff had concluded relocation of pergola would minimize the invasion into the rear building setback and the elimination of side setback encroachment.

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

Review from Planning Department records does not show any variance previously granted to this lot.

RECOMMENDATION: Staff recommends disapproval of the variance since pergola in being placed on the 18 feet rear building setback



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Case Number: ZBA2025 0021

ZBOA Meeting: 01/4/2025

☐ Routed

Receipt No: 111186

☐ Scanned

Accepted by: P: SJA S: _____

Customer Acknowledgment (Int.): JM

PROJECT

Legal Description

Spanish Oaks @ Frontera Lot #65

Subdivision Name

Spanish Oaks

Street Address

705 Grambling Ave

Number of lots

1

Gross acres

Existing Zoning

R1

Existing Land Use

Home

Reason for Appeal (please use other side if necessary)

Encroaching 10 ft in to the 18 ft

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

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

APPLICANT

Name

Gerardo Morales

Phone

956-929-0330

Address

Same

E-mail

g.morales@yahoo.com

City

McAllen

State

TX

Zip

78504

OWNER

Name

Same as above

Phone

Address

E-mail

City

State

Zip

AUTHORIZATION

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

☐ Yes

☐ No

RECEIVED

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable)

OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature

[Signature]

Date

BY: MR

Print Name

Gerardo Morales

☒ Owner

☐ Authorized Agent



City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

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

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

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

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

Pergola to cover hot tub for therapy body
Set back is usually 10 feet but this subdivision
is 18 feet

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

Pergola to cover hot tub for therapy for body

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

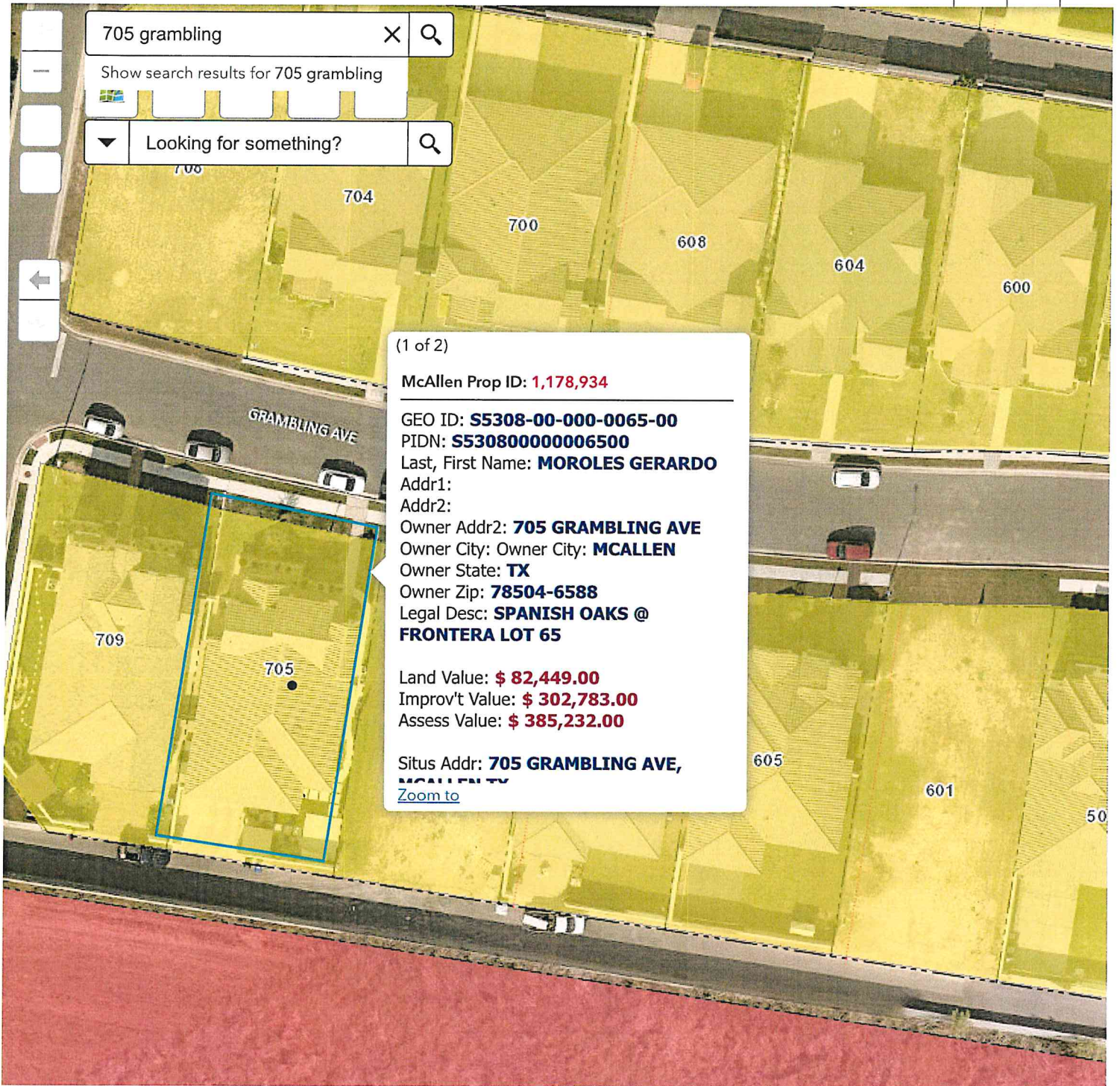
To my knowledge pergola will not affect
neighbors

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

Pergola to cover hot tub for therapy
Extreme heat in the valley. Pergola needed to body

Chairman, Board of Adjustment
Signature

Date



(1 of 2)

McAllen Prop ID: **1,178,934**

GEO ID: **S5308-00-000-0065-00**

PIDN: **S530800000006500**

Last, First Name: **MOROLES GERARDO**

Addr1:

Addr2:

Owner Addr2: **705 GRAMBLING AVE**

Owner City: Owner City: **MCALLEN**

Owner State: **TX**

Owner Zip: **78504-6588**

Legal Desc: **SPANISH OAKS @
FRONTERA LOT 65**

Land Value: **\$ 82,449.00**

Improv't Value: **\$ 302,783.00**

Assess Value: **\$ 385,232.00**

Situs Addr: **705 GRAMBLING AVE,**

MCALLEN TX

[Zoom to](#)

RECEIVED

MAY 07 2025

[Signature]

40ft

-98.213 26.279 Degrees

SPANISH OAKS @ FRONTERA

(PRIVATE SUBDIVISION)

23.228 ACRES OUT OF

LOT 2, BLOCK 13, HIDALGO CANAL COMPANY SUBDIVISION

VOLUME Q, PAGES 175-177, H.C.D.R.,

CITY OF McALLEN, HIDALGO COUNTY, TEXAS

METES AND BOUNDS DESCRIPTION:

23.228 ACRES (1,011,814.32 SQUARE FEET) SITUATED IN THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS, BEING A PART OR PORTION OUT OF LOT 2, BLOCK 13, HIDALGO CANAL COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME Q, PAGES 175-177, HIDALGO COUNTY DEED RECORDS, SAID 23.228 ACRES (1,011,814.32 SQUARE FEET) ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT A NO 4 REBAR FOUND [NORTHING 1662560 633, EASTING 1078373 416] AT THE SOUTHEAST CORNER OF SAID LOT 2, BLOCK 13, AND THE NORTHEAST CORNER OF LOT 7, BLOCK 13, OF SAID HIDALGO CANAL COMPANY SUBDIVISION, FOR THE SOUTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT,

- THENCE, N 81° 24' 30" W (N 81° 14' 00" W DEED CALL) ALONG THE SOUTH LINE OF SAID LOT 2, BLOCK 13, AND THE NORTH LINE OF SAID LOT 7, BLOCK 13, AT A DISTANCE OF 1414.00 FEET PASS A NO 4 REBAR FOUND ON THE EXISTING EAST RIGHT-OF-WAY LINE OF N 10TH STREET (S H 336), CONTINUING A TOTAL DISTANCE OF 1464.00 FEET TO A COTTON PICKER SPINDLE SET (NORTHING 1662560 407, EASTING 1076925 857) ON THE SOUTHWEST CORNER OF SAID LOT 2, BLOCK 13, FOR THE SOUTHWEST CORNER OF THIS TRACT;
- THENCE, N 08° 35' 30" E (N 08° 46' 00" E DEED CALL) ALONG THE WEST LINE OF SAID LOT 2, BLOCK 13, AND WITHIN THE RIGHT-OF-WAY OF N 10TH STREET (S H 336), A DISTANCE OF 691.12 FEET TO A COTTON PICKER SPINDLE SET FOR THE NORTHWEST CORNER OF THIS TRACT;
- THENCE, S 08° 35' 30" E (S 81° 14' 00" E DEED CALL) AT A DISTANCE OF 50.00 FEET PASS A 2 INCH PIPE FOUND ON THE EXISTING EAST RIGHT-OF-WAY LINE OF N 10TH STREET (S H 336), CONTINUING A TOTAL DISTANCE OF 1464.00 FEET TO A NO 4 REBAR FOUND ON THE EAST LINE OF SAID LOT 2, BLOCK 13, FOR THE NORTHEAST CORNER OF THIS TRACT,
- THENCE, S 08° 35' 30" W (S 08° 46' 00" W DEED CALL) ALONG THE EAST LINE OF SAID LOT 2, BLOCK 13, AND THE WEST BOUNDARY LINE OF GRANGEWOOD NORTH AS RECORDED IN INSTRUMENT NUMBER 2705278 HIDALGO COUNTY MAP RECORDS, AT A DISTANCE OF 66.00 FEET PASS A NO 4 REBAR FOUND ON THE EAST LINE OF SAID LOT 2, BLOCK 13, CONTINUING A TOTAL DISTANCE OF 691.12 FEET TO THE POINT OF BEGINNING, AND CONTAINING 23.228 ACRES (1,011,814.32 SQUARE FEET) OF LAND, OF WHICH 0.793 OF ONE ACRE (34,556.50 SQUARE FEET) LIES WITHIN THE EXISTING RIGHT-OF-WAY OF N 10TH STREET (S H 336), AND 0.159 OF ONE ACRE (6,911.30 SQUARE FEET) LIES WITHIN THE FUTURE RIGHT-OF-WAY OF N 10TH STREET (S H 336), LEAVING A NET OF 22.276 ACRES (970,346.52 SQUARE FEET) OF LAND, MORE OR LESS

GENERAL NOTES

- THE BUILDABLE AREAS OF EACH LOT LIES IN ZONE "X" SHADED THE STREETS LIES IN ZONE "A" WHEN PERTAINING TO FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 480334 0325 D AND FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 480334 0425 D.
- ZONE "X" SHADED - AREA OF 500-YEAR FLOOD, AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREA LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD & ZONE "A" - NO BASE FLOOD DETERMINED, BASE FLOOD ELEVATION HAS BEEN DETERMINED TO BE 107.0 AND ZONE "X" SHADED ZONE "A" SHOWN ON COMMUNITY-PANEL NUMBER 480334 0325 D MAP REVISED JUNE 8, 2000 FURTHER REVISED TO REFLECT LOMR MAY 17, 2001 AND COMMUNITY-PANEL NUMBER 480334 0425 D MAP REVISED NOVEMBER 16, 1992 BFE-107.00

ALL FURTHER REVISED TO REFLECT LOMR-F CASE NO. 18-06-0802A

- MINIMUM FINISH FLOOR NOTE: MINIMUM FINISH FLOOR ELEVATION SHALL BE 10' ABOVE TOP OF CURB AT CENTER OF LOT OR ELEVATION OF 107.50 WHICH EVER IS HIGHER. ELEVATION CERTIFICATE IS REQUIRED FOR LOTS LOCATED OUTSIDE A DESIGNATED FLOOD ZONE AT THE TIME FOR A DEVELOPMENT PERMIT APPLICATION TO VERIFY PRE AND POST CONSTRUCTION FLOOD ELEVATIONS. AN ELEVATION CERTIFICATE SHALL BE REQUIRED FOR ALL LOTS WITHIN A DESIGNATED FLOOD ZONE AT THE TIME FOR A DEVELOPMENT PERMIT APPLICATION.
- MINIMUM SETBACKS SHALL COMPLY WITH THE CITY OF McALLEN ZONING CODE. ALL SETBACKS SHOWN ON PLAT SHALL BE AS FOLLOWS:
FRONT - 20 FEET OR GREATER FOR EASEMENTS
REAR - 10 FEET GARAGE EXCEPT WHERE GREATER SETBACK IS REQUIRED. GREATER SETBACK APPLIES
SIDE CORNER - 10 FEET OR GREATER FOR EASEMENTS

- INTERIOR SIDES - 6 FEET ON THE EAST SIDE AND 2 FEET ALONG THE WEST SIDE SUCH THAT MINIMUM SETBACK BETWEEN BUILDINGS IS 8 FEET WITH 6 FEET MINIMUM BETWEEN ROOF LINES NO OVERHANG IS ALLOWED OVER LOT LINES A 10 FEET SETBACK IS REQUIRED ON THE EAST SIDE OF LOTS 18, 36, 54 AND 72, WEST SIDE OF LOTS 1, 19, 37 AND 55.
- LOTS 73-75
FRONT - 10th STREET 60 FEET OR GREATER FOR APPROVED SITE PLAN OR EASEMENTS
FRONTIER ROAD 30.00 FEET OR GREATER FOR APPROVED SITE PLAN OR EASEMENTS
REAR - 42.5 FEET OR GREATER FOR APPROVED SITE PLAN OR EASEMENTS
INTERIOR SIDES - IN ACCORDANCE WITH ZONING ORDINANCES, OR GREATER FOR APPROVED SITE PLAN OR EASEMENTS

- DETENTION DETENTION FOR STORM SEWER RUNOFF PER THE APPROVED DRAINAGE REPORT SHALL BE 3.558 AC. FT. DETENTION WILL BE PROVIDED WITHIN THE WIDENING OF McALLEN LATERAL AS APPROVED BY THE CITY OF McALLEN
- CITY OF McALLEN BENCHMARK "MC50," 1" FROM THE CITY OF McALLEN G.P.S. REFERENCE MARKS LIST PREPARED BY ARANDA & ASSOCIATE ON SEPTEMBER 09, 2002 BEING LOCATED ON THE WEST SIDE OF 10TH ST BETWEEN TRENTON AND FULLERTON ROAD 30" ALUM PIPE WITH A 3" BRASS MONUMENT CAP ON TOP AT ELEVATION = 106.511 (NAVD83)

- TEMPORARY BENCHMARK SQUARE CUT SET ON TYPE A INLET LOCATED 353 FEET SOUTH AND 43 FEET EAST OF THE NORTHWEST CORNER OF THIS SUBDIVISION GEODETIC G.P.S. TEXAS STATE PLANE GRID COORDINATE SYSTEM NAD 83 TEXAS SOUTH 4205 ELEVATION PER NAVD 99 (GEOID 2003) N=16627123 929 E=1077019 789 ELEV=106.30
- NO BUILDING ALLOWED OVER ANY EASEMENT
- 4 FT WIDE SIDEWALK REQUIRED ALONG SOUTH SIDE OF FRONTERA ROAD AND ON BOTH SIDES OF ALL INTERIOR STREETS 5 FT WIDE SIDEWALK REQUIRED ALONG EAST SIDE OF N 10th STREET

- 8 FT MASONRY WALL REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL, OR MULTI-FAMILY RESIDENTIAL ZONUSES A 6 FT OPAQUE BUFFER IS REQUIRED FORM ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL, OR INDUSTRIAL ZONUSES AND ALONG FRONTERA ROAD
- COMMON AREAS MUST BE MAINTAINED BY LOT OWNERS AND NOT THE CITY OF McALLEN
- NO CURB CUT ACCESS, OR LOT FRONTAGE PERMITTED ALONG FRONTERA ROAD

- 25'x25' SIGHT OBSTRUCTION EASEMENT IS REQUIRED AT ALL STREET INTERSECTIONS A 10'x10' IS REQUIRED AT ALL STREET/ALLEY INTERSECTIONS
- SITE PLAN MUST BE APPROVED BY THE PLANNING AND ZONING COMMISSION PRIOR TO BUILDING PERMIT ISSUANCE FOR LOTS 73, 74 AND 75.
- COMMON AREAS FOR COMMERCIAL DEVELOPMENTS PROVIDED FOR COMMON PARKING, ACCESS, SETBACKS, LANDSCAPING, ETC

- DEVELOPER/HOMEOWNER'S ASSOCIATION/OWNER, THEIR SUCCESSORS AND ASSIGNEES, AND NOT THE CITY OF McALLEN SHALL BE RESPONSIBLE FOR COMPLIANCE OF INSTALLATION AND MAINTENANCE AND OTHER REQUIREMENTS PER SECTION 134-168 OF THE SUBDIVISION ORDINANCE, INCLUDING BUT NOT LIMITED TO COMMON AREAS AND ITS PRIVATE STREETS
- AS PER DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR SPANISH OAK AT FRONTERA, RECORDED AS DOCUMENT NUMBER 2914392, HIDALGO COUNTY, DEED RECORDS, DEVELOPER/HOMEOWNER ASSOCIATION/OWNER, THEIR SUCCESSORS AND/OR ASSIGNS, AND NOT THE CITY OF McALLEN SHALL BE RESPONSIBLE FOR INSTALLATION, MAINTENANCE AND OTHER REQUIREMENTS AS PER SECTION 134-168 OF THE CODE OF ORDINANCE OF THE CITY OF McALLEN, INCLUDING BUT NOT LIMITED TO THE COMMON AREAS AND PRIVATE STREETS ANY AMENDMENT TO DECLARATIONS THAT CONFLICT WITH THE REQUIREMENTS OF SECTION 134-168 SHALL BE NULL AND VOID

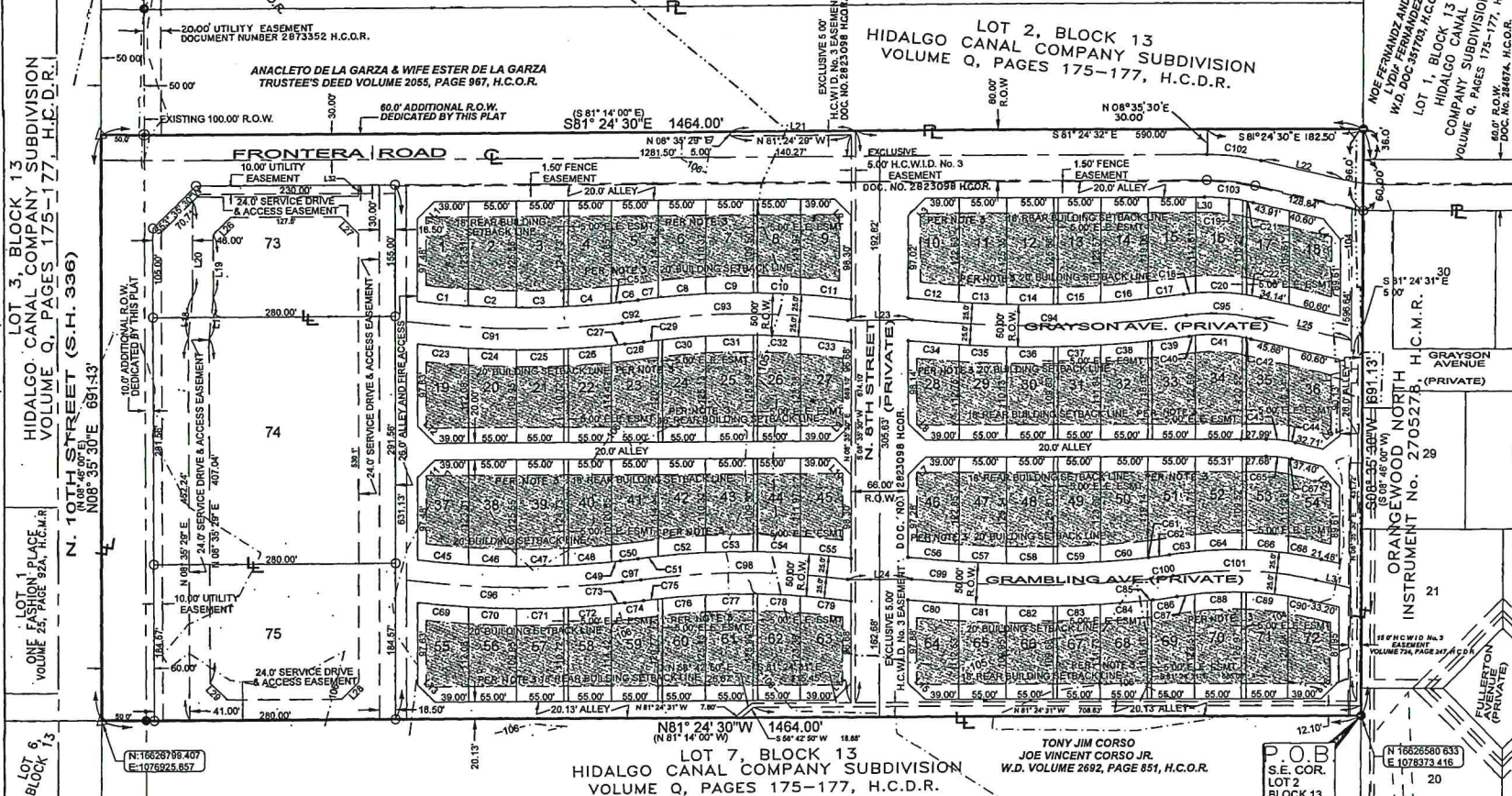
- THE 15 FOOT FENCE EASEMENT SHALL BE MAINTAINED BY THE LOT OWNERS AND/OR HOMEOWNERS ASSOCIATION AND NOT THE CITY OF McALLEN

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

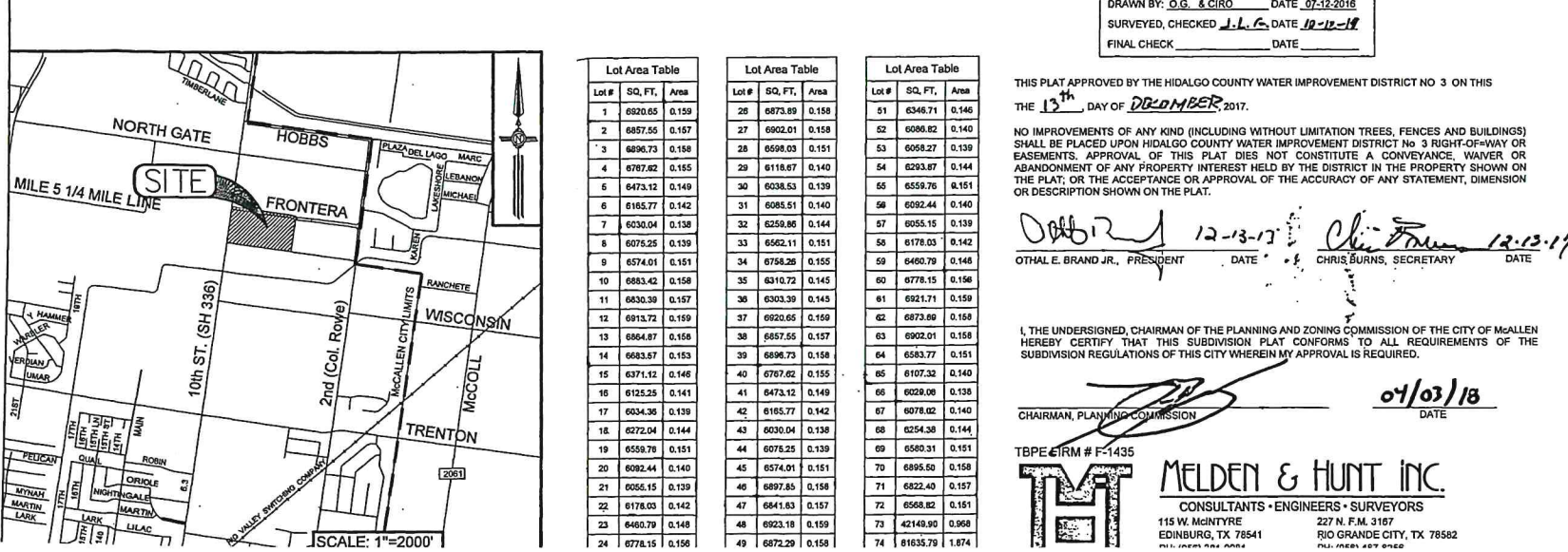
James E. Darling
MAYOR, CITY OF McALLEN
DATE 4/9/10
4/9/18
CITY SECRETARY

APPROVED BY DRAINAGE DISTRICT:
HIDALGO COUNTY DRAINAGE DISTRICT NO.1 HEREBY CERTIFYING THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEXAS WATER CODE 6-82.21 (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 AND HIS ENGINEER TO MAKE THESE DETERMINATIONS.

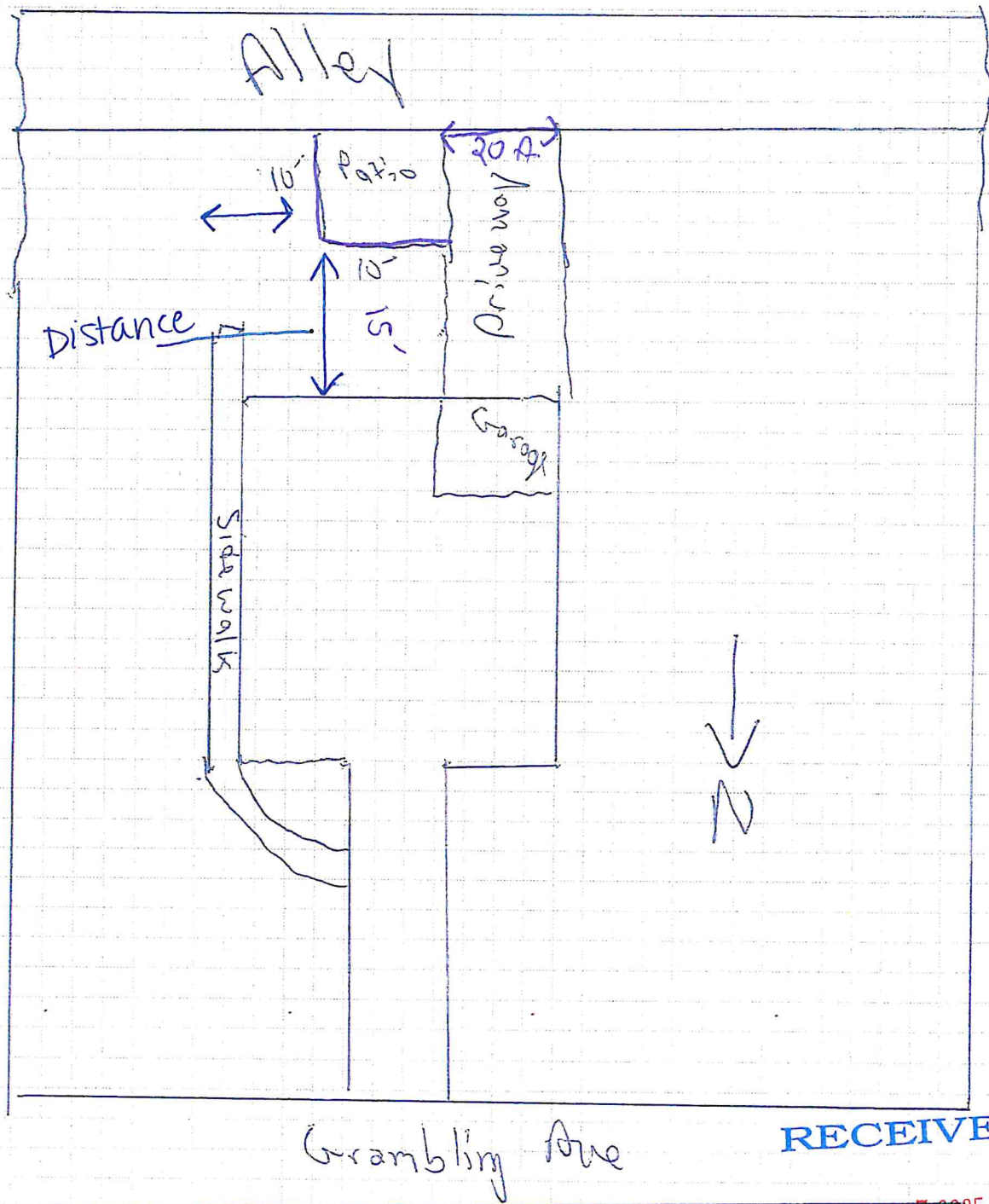
HIDALGO COUNTY DRAINAGE DISTRICT NO.1
115 W MCINTYRE
EDINBURG, TX 78541
P.O. BOX 457
MIL. ROAD 457
227 N. FM 3167
RIO GRANDE CITY, TX 78582
DATE 04/17/18



Curve #	Delta	Radius	Length	Tangent	Chord Length	Chord Direction
C1	3° 25' 53"	960.13	66.30	28.68	59.29	S 75° 45' 57" E
C2	3° 11' 09"	960.13	50.05	21.53	55.05	S 79° 04' 37" E
C3	3° 11' 09"	960.13	50.05	21.53	55.05	S 79° 04' 37" E
C4	3° 11' 09"	960.13	50.05	21.53	55.05	S 79° 04' 37" E
C5	3° 11' 09"	960.13	50.05	21.53	55.05	S 79° 04' 37" E
C6	3° 11' 09"	960.13	50.05	21.53	55.05	S 79° 04' 37" E
C7	3° 11' 09"	960.13	50.05	21.53	55.05	S 79° 04' 37" E
C8	3° 11' 09"	960.13	50.05	21.53	55.05	S 79° 04' 37" E
C9	3° 11' 09"	960.13	50.05	21.53	55.05	S 79° 04' 37" E
C10	3° 11' 09"	960.13	50.05	21.53	55.05	S 79° 04' 37" E
C11	3° 11' 09"	960.13	50.05	21.53	55.05	S 79° 04' 37" E
C12	3° 11' 09"	960.13	50.05	21.53	55.05	S 79° 04' 37" E
C13	3° 11' 09"	960.13	50.05	21.53	55.05	S 79° 04' 37" E
C14	3° 11' 09"	960.13	50.05	21.53	55.05	S 79° 04' 37" E
C15	3° 11' 09"	960.13	50.05	21.53	55.05	S 79° 04' 37" E
C16	3° 11' 09"	960.13	50.05	21.53	55.05	S 79° 04' 37" E
C17	3° 11' 09"	960.13	50.05	21.53	55.05	S 79° 04' 37" E
C18	3° 11' 09"	960.13	50.05	21.53	55.05	S 79° 04' 37" E
C19	3° 11' 09"	960.13	50.05	21.53	55.05	S 79° 04' 37" E
C20	3° 11' 09"	960.13	50.05	21.53	55.05	S 79° 04' 37" E
C21	3° 11' 09"	960.13	50.05	21.53	55.05	S 79° 04' 37" E
C22	3° 11' 09"	960.13	50.05	21.53	55.05	S 79° 04' 37" E
C23	3° 11' 09"	960.13	50.05	21.53	55.05	S 79° 04' 37" E
C24	3° 11' 09"	960.13	50.05	21.53	55.05	S 79° 04' 37" E
C25	3° 11' 09"	960.13	50.05	21.53	55.05	S 79° 04' 37" E
C26	3° 11' 09"	960.13	50.05	21.53	55.05	S 79° 04' 37" E
C27	3° 11' 09"	960.13	50.05	21.53	55.05	S 79° 04' 37" E
C28	3° 11' 09"	960.13	50.05	21.53	55.05	S 79° 04' 37" E
C29	3° 11' 09"	960.13	50.05	21.53	55.05	S 79° 04' 37" E
C30	3° 11' 09"	960.13	50.05	21.53	55.05	S 79° 04' 37" E



FILED FOR RECORD IN
HIDALGO COUNTY
ARTURO GUJARDO, JR.
HIDALGO COUNTY CLERK
ON: 5/9/2018 AT 04:18 AM/PM
INSTRUMENT NUMBER 2914397
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS



Wall Legend:

Existing

Proposed

Demolition

Symbol Legend:



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



NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2025-0021
CITY OF MCALLEN PLANNING DEPT
356-681-1256
WWW.MCALLEN.NET

