

## AGENDA

### ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, JUNE 17, 2026 - 4:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3<sup>RD</sup> FLOOR

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

#### CALL TO ORDER -

#### 1. MINUTES:

- a) Minutes for the meeting held on June 3, 2026

#### 2. PUBLIC HEARINGS:

- a) Request of Leo Aurelio Palacios, for a variance to encroach 15 feet into the 25-foot rear setback for a proposed swimming pool, at Lot 3, Antigua Subdivision, Hidalgo County, Texas; 3100 Zenaida Avenue. **(ZBA2026-0022)**
- b) Request of David Hernandez, for a variance to encroach 25 feet into the 35-foot rear setback for a proposed addition to an existing gazebo, at Lot 170, Northridge Park Phase IV Subdivision, Hidalgo County, Texas; 216 East Verdin Avenue. **(ZBA2026-0023)**
- c) Request of Ricardo Daniel Martinez on behalf of Habitat Development Group, for a variance to allow 3-foot side setbacks on the west, for Lots 3, 7, 12, 17, 32, and 36, Habitat at Ware Phase I Subdivision, Hidalgo County, Texas; 3709, 3717, 3807, 3819, 4009, and 4017 Jay Avenue. **(ZBA2026-0024)**
- d) Request of Rio Delta Engineering on behalf of Hollywood Development & Construction, LLC, for a variance to allow a lot width of 42.50 feet instead of the minimum 45 feet required for proposed Lot 2 of Imperio Estates Phase II Subdivision, at a 8.86-acre tract of land out of Lot 47, La Lomita Irrigation & Construction Company's Subdivision, Hidalgo County, Texas; 8600 North 29th Street. **(ZBA2026-0025)**

#### 3. FUTURE AGENDA ITEMS

- a) 2704 Redwood 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 3, 2026 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:**

- |                       |                            |                                  |
|-----------------------|----------------------------|----------------------------------|
| <b>Present:</b>       | <b>Jose Gutierrez</b>      | <b>Chairperson</b>               |
|                       | <b>Hugo Avila</b>          | <b>Vice-Chairperson</b>          |
|                       | <b>Hiram Gutierrez</b>     | <b>Member</b>                    |
|                       | <b>Daniel Santos</b>       | <b>Member</b>                    |
|                       | <b>Juan Mujica</b>         | <b>Alternate</b>                 |
|                       | <b>Francisco Davila</b>    | <b>Alternate</b>                 |
| <br>                  |                            |                                  |
| <b>Absent:</b>        | <b>Ivan Garcia</b>         | <b>Member</b>                    |
|                       | <b>Alex Lamela</b>         | <b>Alternate</b>                 |
|                       | <b>Erick Diaz</b>          | <b>Alternate</b>                 |
| <br>                  |                            |                                  |
| <b>Staff Present:</b> | <b>Norma Borrego</b>       | <b>Assistant City Attorney I</b> |
|                       | <b>Omar Sotelo</b>         | <b>Planning Director</b>         |
|                       | <b>Kaveh Forghanparast</b> | <b>Senior Planner</b>            |
|                       | <b>Mia Fuentes</b>         | <b>Planner I</b>                 |
|                       | <b>Jessica Puga</b>        | <b>Technician II</b>             |
|                       | <b>Valerie Ramos</b>       | <b>Administrative Assistant</b>  |

**CALL TO ORDER –Chairperson Jose Gutierrez**

**1. MINUTES:**

- a) Minutes for meeting held on May 20, 2026.

The minutes for the meeting held on May 20, 2026. The motion to approve the minutes were made by Vice-Chairperson Hugo Avila. Mr. Hiram Gutierrez seconded the motion, which carried unanimously with five members present and voting.

**2. PUBLIC HEARINGS:**

- a) Request of A1 Skylite Signs, LLC, on behalf of Freedom Bank, for a variance to allow a pole sign with a sign area of 485.29 square feet instead of 300 square feet maximum sign area allowed, at Lot 1, Freedom South McAllen Subdivision, Hidalgo County, Texas; 100 U.S. Expressway 83. **(ZBA2026-0021)**

Ms. Fuentes stated the applicant was requesting a variance to allow a sign with a total area of 485.29 square feet instead of the 300 square feet maximum sign area allowed.

The subject property was located at the northeast corner of U.S. Expressway 83 and South 2<sup>nd</sup> Street and was zoned C-2 (Regional Commercial-UDC) District.

Freedom South McAllen Subdivision was recorded on December 5, 2025. Building permits for the bank and commercial plaza were approved on December 2, 2025 and is currently

under construction. The sign permit was submitted on April 2, 2026, which was rejected by staff due to the proposed sign exceeding the maximum sign area allowed. A variance request for the sign was submitted on April 16, 2026.

The applicant was requesting a variance for a pole sign with a total area of 485.29 square feet. Section 4.9.8 of the McAllen Unified Development Code states that pole signs in a C-2 District may not exceed 300 square feet in area. An additional sign is permitted on a premise for each additional 150 linear feet of frontage with a maximum sign area of 300 square feet. Based on 350 linear feet of frontage along U.S. Expressway 83, the property was eligible for two signs; however, the applicant had proposed only one sign for the subject property.

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

Staff recommended approval of the variance request due to only one pole sign being proposed for a property with 350 feet of frontage along U.S. Expressway 83.

Vice-Chairperson Avila asked staff if they are approved could they return and get a second sign at 300 square feet. Director Sotelo stated they could but they stated that in the application they only wanted one sign. Vice-Chairperson Avila asked if they change owners they could go up to whatever the previous variance allows them to go. Director Sotelo stated yes. He clarified that usually this particular request go before the City Commission. However, since they modified the new UDC it will now come before the Zoning Board Adjustment and Appeals Board. He stated there had been multiple other sign variances that had been approved, Nolana and North 29<sup>th</sup> Street and along Trenton Road and 10<sup>th</sup> Street. Along Trenton Road, there are multi tenants that advertise onto one sign.

Chairperson Gutierrez asked staff the reason for the City to establish a limit of 300 square feet in that particular area. Director Sotelo confirmed if you do not put the square footage requirement, they would go excessive. They were trying to keep the visibility of everything uniformed.

Board member Mujica asked staff looking at the site plan it appeared to be 18 feet from the property line. Director Sotelo stated it was within the property line. They have an agreement with McAllen Public Utilities because they had water running along the frontage so they were allowed overhang into the easement but the pole was out of the utility easement.

Mr. Roger Molina with A1 Skylite Signs located in Pharr, Texas. He stated the overpass represents a clutter of signs coming from the west. Having one sign reduces the clutter. In addition, the sign being electronically allowed them the flexibility to change the ads and be more visible for businesses there to grow and gives better exposure for individuals that they have. If they had to have two signs, they would have to make smaller signs and would not be visible from the west side.

Board member Mujica stated that he had concerns with the size and digital brightness. When coming off the Expressway onto the frontage at 2<sup>nd</sup> Street there was a lot of high traffic and could be distracting.

Mr. Molina stated that by having the digital they had the flexibility to switching across the tenants. They had the screens that had a photo sensor that changes the lighting according to the sun. If it is overcast, it changes the brightness. In addition, at night, it can be

programmed to do so.

Director Sotelo stated they had a set of conditions as far as the brightness and the time set and no videos. They have no colors such as red, yellow or green, which were not allowed.

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 no one to speak in opposition of the Variance request.

Following the discussion Vice-Chairperson Hugo Avila **moved** to approve the Variance request per staff's recommendation. Mr. Daniel Santos seconded the motion. The Board voted to approve the Variance request with five members present and voting.

- b) Request of Jose Refugio Flores for a special exception to allow an encroachment of 13 feet into the 20-foot front setback for a proposed carport, at Lot 92, Montebello Subdivision Unit No. 3, Hidalgo County, Texas; 3205 Upas Avenue. (ZBA2026-0020)**

Ms. Fuentes stated the applicant was requesting a special exception to allow an encroachment of 13 feet into the 20-foot front setback for a proposed carport.

The subject property was located along the south side of Upas Avenue, west of North 32<sup>nd</sup> Street and was zoned R-1 (Single-Family Residential-OC) District.

Montebello Subdivision Unit No. 3 was recorded on October 20, 1981. The applicant submitted a building permit application for the carport on April 1, 2026, which was rejected by staff due to the encroachment. An application for the special exception request was submitted on April 13, 2026.

The recorded plat required a 20-foot front yard setback. The proposed carport would measure 10 feet by 20 feet. The applicant stated that the carport would help protect himself and his family from the weather elements. Staff's research did not reveal any previously approved special exception requests in the subdivision.

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

Staff recommended disapproval of the special exception request.

Board member Mujica asked staff if there were other carports in the neighborhood. Staff stated there not been any that were approved the Board however, there were some existing ones. He asked if they had a garage. Staff stated they had enclosed it about 15-20 years ago

Mr. Jose Refugio Flores, 3205 Upas Avenue. He stated he wanted a carport for the reason his wife had slipped and injured her leg. Having the carport would help with inclement weather entering the vehicle and for protection for his truck. Chairperson Gutierrez asked about the two entrances in the house. The applicant explained at the time he had enclosed the garage to make it like a bedroom for his two sons and brother-in-law. As of now, they are no longer living there. He stated they would have the carport built professionally to fit with the design of the house.

Chairperson Gutierrez asked if there was any possible blockage in sight on this particular location. Director Sotelo stated the front setback was going to be 20 feet. It was going to be 13 feet into the 20-foot setback so you still have your R.O.W. of 10 feet.

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

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

Mr. Daniel Santos **moved** to go against staff's recommendation and approve the Special Exception. Mr. Juan Mujica seconded the motion. The Board voted to approve the Special Exception with five members present and voting.

**ADJOURNMENT**

There being no further business to come before the Zoning Board of Adjustment and Appeal, Chairperson Jose Gutierrez **moved** to adjourn the meeting at 5:54 p.m.

---

Chairperson Jose Gutierrez

---

Carmen White, Administrative Assistant

**Memo**

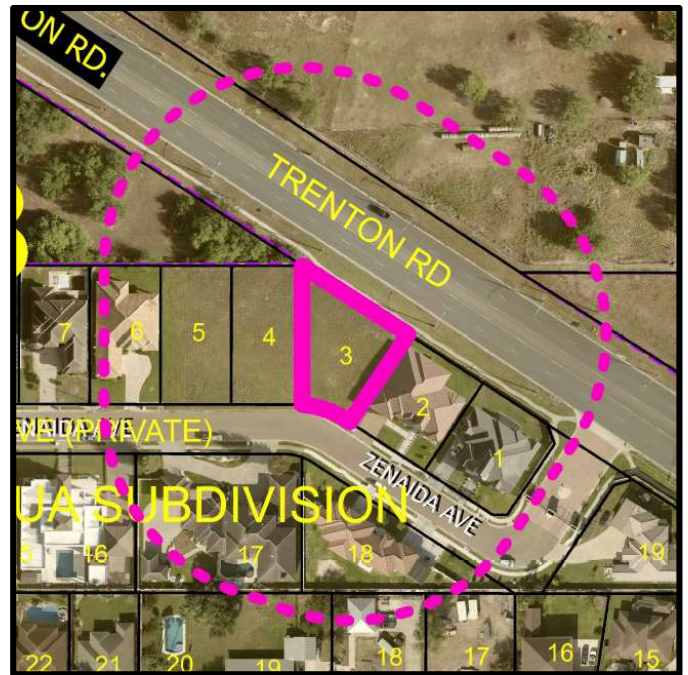
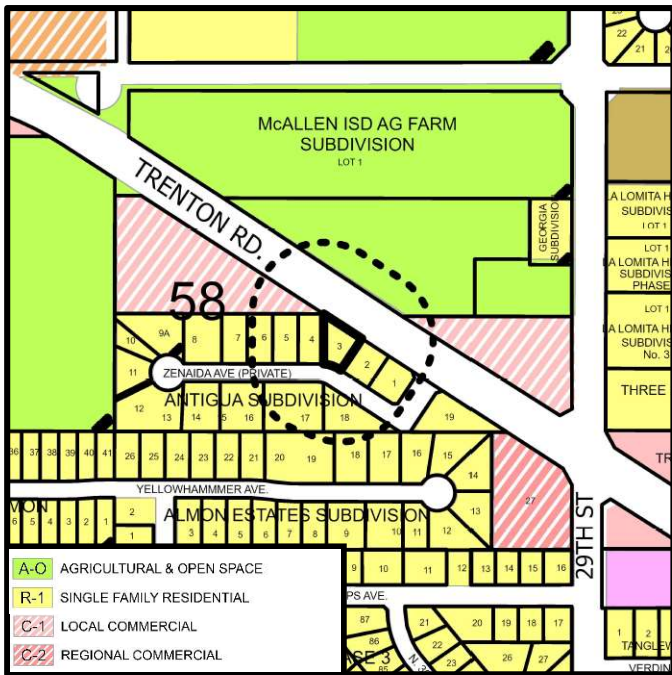
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** June 17, 2026

**SUBJECT: REQUEST OF LEO AURELIO PALACIOS, FOR A VARIANCE TO ENCROACH 15 FEET INTO THE 25-FOOT REAR SETBACK FOR A PROPOSED SWIMMING POOL, AT LOT 3, ANTIGUA SUBDIVISION, HIDALGO COUNTY, TEXAS; 3100 ZENAIDA AVENUE. (ZBA2026-0022)**

**REASON FOR APPEAL:** The applicant is requesting a variance to encroach 15 feet into the 25-foot rear setback for a proposed swimming pool.



**PROPERTY LOCATION AND VICINITY:** The subject property is located along the northside of Zenaida Avenue, west of North 29<sup>th</sup> Street. The surrounding land uses include single-family residences and vacant land.

**BACKGROUND AND HISTORY:** Antigua Subdivision was recorded on July 6, 2006. According to the plat notes, lots along Trenton Road are considered double fronting and require a minimum setback of 25 feet. A building permit for the construction of a single-family residence was issued on April 23, 2026. As per the submitted site plan, the home is not encroaching into the 25-foot rear setback. The variance request was submitted on April 22, 2026. A previous variance request for Lot 2 of Antigua Subdivision, to encroach 10 feet into the 25-foot rear setback, was approved on October 7, 2020.

**ANALYSIS:** The proposed encroachment will comply with the 10-foot rear setback requirement that is consistent for all other 15 lots not along Trenton Road and is the general constraint in this zoning district. This request would not be the first lot in this subdivision to be granted a variance to the rear setback requirement as previously mentioned.

As per Section 6.4.1.F. of the UDC, the Zoning Board of Adjustment shall not approve a variance unless it finds that:

- a. The variance is not contrary to the public interest;
- b. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
- c. The spirit of the varied provision is observed and substantial justice is done.

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

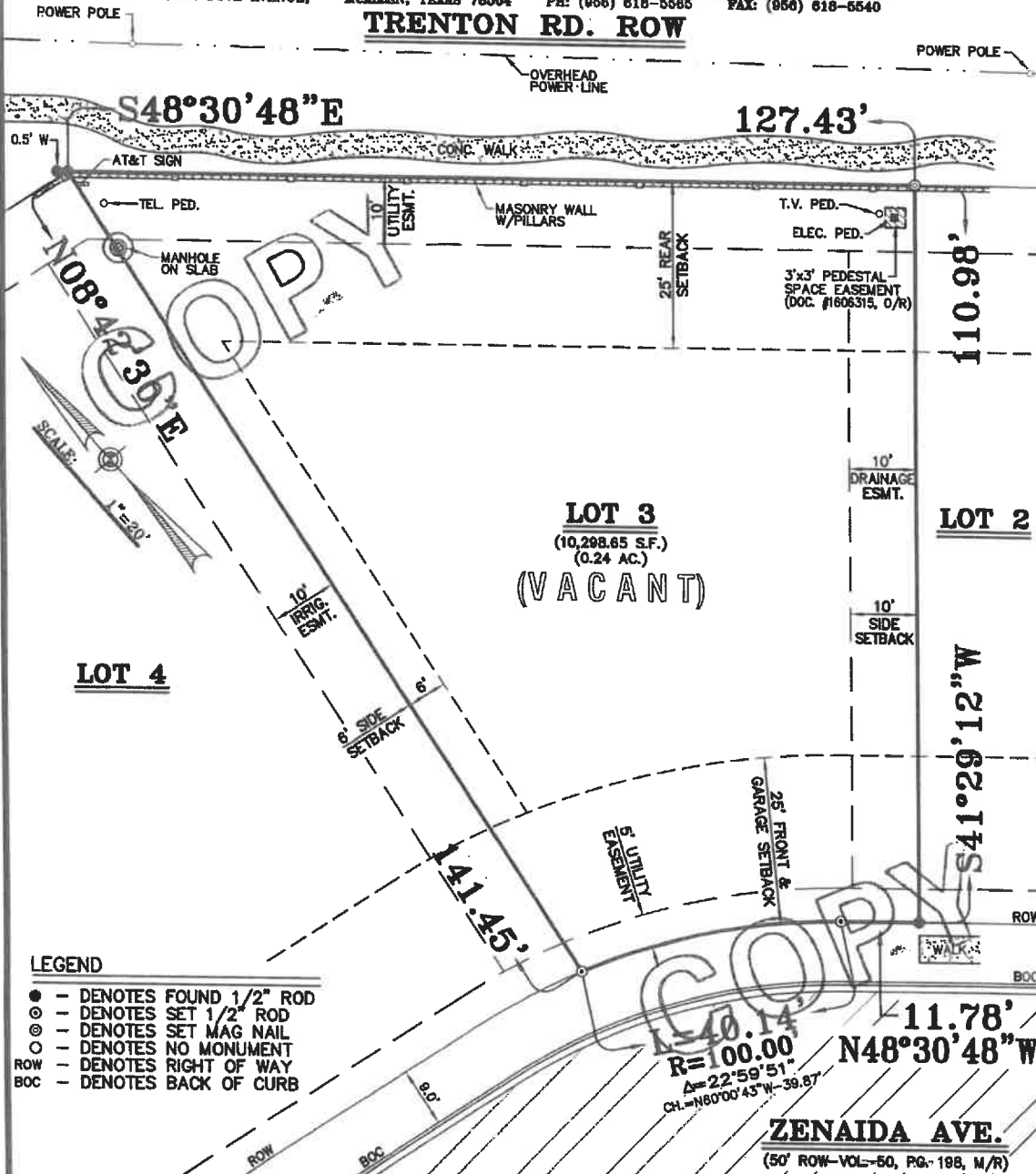
**RECOMMENDATION:** Staff recommends approval of the variance request.



# ART SALINAS ENGINEERING & SURVEYING

1624 DOVE AVENUE, McALLEN, TEXAS 78504 PH: (956) 618-5565 FAX: (956) 618-5540

## TRENTON RD. ROW



### LEGEND

- - DENOTES FOUND 1/2" ROD
- ⊙ - DENOTES SET 1/2" ROD
- ⊗ - DENOTES SET MAG NAIL
- - DENOTES NO MONUMENT
- ROW - DENOTES RIGHT OF WAY
- BOC - DENOTES BACK OF CURB

**FLOOD ZONE DESIGNATION:** The property shown herein lies in Zone C. Zone C areas are areas of "minimal flooding" and are not designated flood prone areas as per F.E.M.A. Flood Insurance Rate Map Panel Number 480334-0425-C dated 11-16-82.

### PLAT NOTES:

1. There are no discrepancies, conflicts, shortages in area or boundary lines, encroachments, overlapping of improvements or visible or apparent easements, except as shown on this plat.
2. This survey plat is prepared in connection with Title Policy G.F. # 882244 and does not guarantee title. This survey is for the exclusive use of the client named herein and may not be copied or transferred to another party without the express written consent of the surveyor.
3. This survey must contain an embossed seal and an original signature to be valid as per Section 651.46 and Section 663.19 of the "The Professional Land Surveying Practices Act".
4. This is a standard survey and does not include the location or subsurface investigation of underground utility, irrigation and/or gas lines.
5. Right of Way Easement dated July 22, 1927, recorded in Volume 257, Page 527, Dead Records, Hidalgo County, Texas. (Blanket)
6. Contract, Easement and Use Restriction dated March 8, 2006, recorded on April 24, 2006, recorded under Clerk's File No. 1606315, Official Records, Hidalgo County, Texas. (Blanket)
7. Easements, rules, regulations and rights in favor of HIDALGO COUNTY IRRIGATION DISTRICT NO. 1. (Blanket)
8. Easements and reservations as may appear upon the recorded map and dedication of said subdivision.
9. Subject to any water rights and/or oil, gas and mineral lease of record.

10. Bearing Basis: "N. line of Lot 3, Antigua"

**BORROWER(S):** Estefania Portillo and Leo Aurelio Palacios, IV

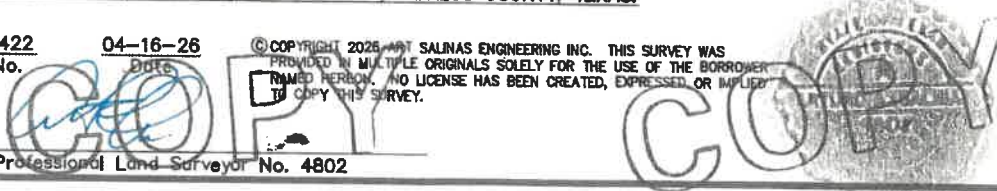
THIS IS TO CERTIFY THAT I HAVE, THIS DATE, PREPARED A SURVEY ON THE GROUND WHICH IS LOCATED AT 3100 ZENAIDA AVE., IN McALLEN, TEXAS, DESCRIBED AS FOLLOWS:  
LOT 3, ANTIGUA, AN ADDITION TO THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 50, PAGE 198, MAP RECORDS, HIDALGO COUNTY, TEXAS.

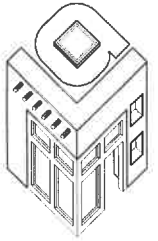
26-71422  
Job No.

04-16-26  
Date

© COPYRIGHT 2025 ART SALINAS ENGINEERING INC. THIS SURVEY WAS PROVIDED IN MULTIPLE ORIGINALS SOLELY FOR THE USE OF THE BORROWER NAMED HEREON. NO LICENSE HAS BEEN CREATED, EXPRESSED OR IMPLIED TO COPY THIS SURVEY.

Registered Professional Land Surveyor No. 4802





**M/A**  
**Custom Plans**

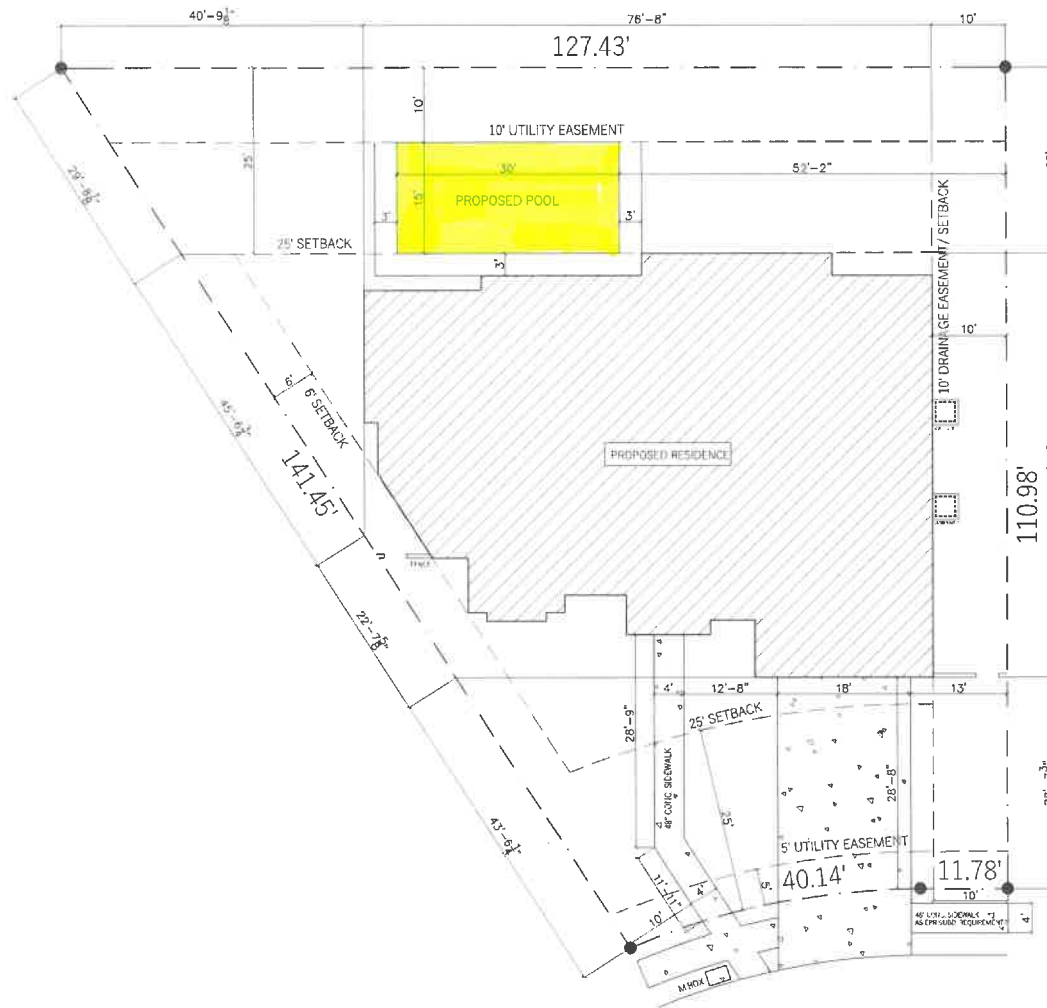
9555 HARVEY, MCALLEN, TX  
(956) 548.8870  
MADDESIGNS7@GMAIL.COM  
WWW.MACUSTOMPLANS.COM

THIS DRAWING IS THE PROPERTY OF M/A CUSTOM PLANS AND MAY NOT BE COPIED, REPRODUCED, PUBLISHED OR SUBMITTED FOR PERMITS WITHOUT THE EXPRESSED CONSENT OF M/A CUSTOM PLANS (MACP). MACP ASSUMES NO LIABILITY FOR HOMES BUILT FROM THESE PLANS. IT IS THE RESPONSIBILITY OF THE PURCHASER OF THESE PLANS TO PERFORM THE FOLLOWING. CONTRACTOR MUST:  
 \* VERIFY ALL DIMENSIONS PRIOR TO ANY CONSTRUCTION OR SITE PREP.  
 \* VERIFY COMPLIANCE WITH CITY ORDINANCE CODES & RESTRICTIONS WHERE STRUCTURE IS TO BE BUILT.  
 \* VERIFY COMPLIANCE WITH ALL SUBDIVISION REQUIREMENTS.  
 \* PLANS INDICATE LOCATION ONLY. ENGINEERING ASPECTS SHOULD INCORPORATE ACTUAL SITE CONDITIONS.

**PROJECT INFORMATION**  
 DATE : 10-20, 2025  
 OWNER : ESTEFANIA PORTILLO  
 SITE :  
 LOT NO. 3  
 ANTIGUA SUBD.  
 MCALLEN, TEXAS

**PROJECT DATA**  
 LIVING 1: 2,500.0' SF  
 LIVING 2: 926.0' SF  
 LIVING TOTAL: 3,426.0' SF  
 GARAGE : 615.0' SF  
 PATIO : 423.0' SF  
 PORCH : 67.0' SF  
 TOTAL AREA : 4,531.0' SF  
 WWW.MACUSTOMPLANS.COM

**SHEET No.:**  
 1 of 9  
 M/A CUSTOM PLANS PROVIDES A PLAN SERVICE ONLY. AND RETAINS SOLE PROPRIETORSHIP OF ALL PLANS, CONSTRUCTION DOCUMENTS, & ORIGINAL DESIGNS.



**SITE PLAN**

SCALE: 1/8" = 1'

M/A CUSTOM PLANS COPYRIGHT © 2021

**Memo**

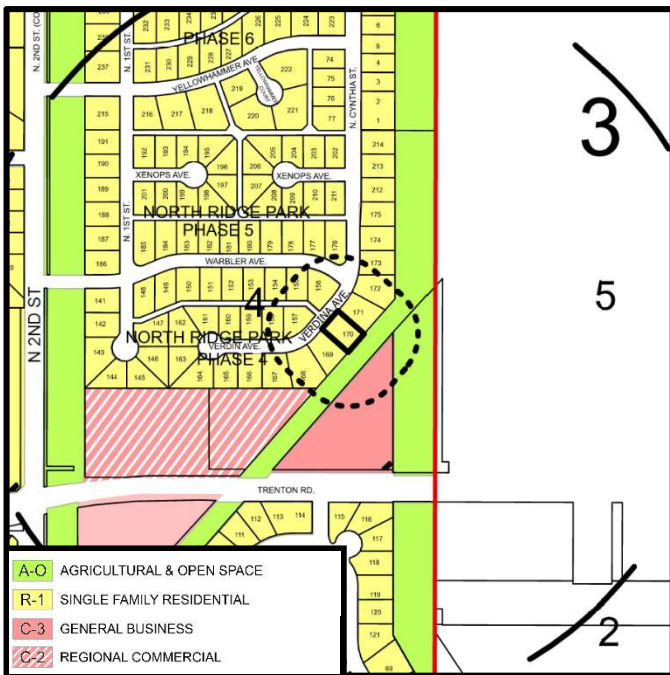
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** June 17, 2026

**SUBJECT: REQUEST OF DAVID HERNANDEZ, FOR A VARIANCE TO ENCROACH 25 FEET INTO THE 35-FOOT REAR SETBACK FOR A PROPOSED ADDITION TO AN EXISTING GAZEBO, AT LOT 170, NORTHRIDGE PARK PHASE IV SUBDIVISION, HIDALGO COUNTY, TEXAS; 216 EAST VERDIN AVENUE. (ZBA2026-0023)**

**REASON FOR APPEAL:** The applicant is requesting a variance to encroach 25 feet into the 35-foot rear setback for a proposed addition to an existing gazebo.



**PROPERTY LOCATION AND VICINITY:** The subject property is located along the south side of East Verdin Avenue, west of North Cynthia Street. The surrounding land uses include single-family residences, commercial uses, and vacant land.

**BACKGROUND AND HISTORY:** Northridge Park Phase IV Subdivision was recorded on September 20, 1994. According to the plat notes, only lots backing up to the rail road have a 35-foot rear setback. Staff's research did not reveal any records of variances being granted for this subdivision. A building permit for the extension of an existing gazebo was applied for on April 16, 2026; however, was rejected, pending the variance request. Staff's research also did not reveal any records of building permits being issued for the existing gazebo. The variance request was submitted on April 28, 2026.

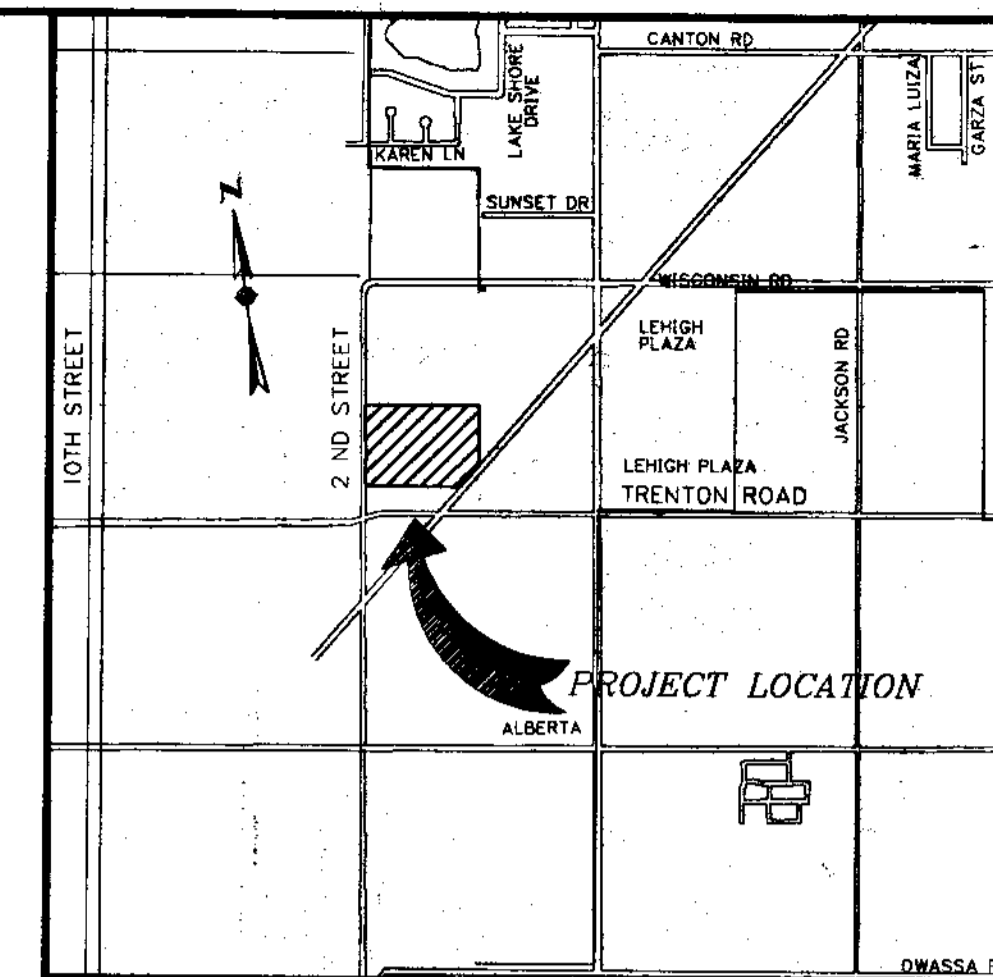
**ANALYSIS:** The proposed encroachment will comply with the 10-foot rear setback requirement that is consistent for all other lots. A 10-foot rear setback is also standard for this zoning district.

As per Section 6.4.1.F. of the UDC, the Zoning Board of Adjustment shall not approve a variance unless it finds that:

- a. The variance is not contrary to the public interest;
- b. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
- c. The spirit of the varied provision is observed and substantial justice is done.

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

**RECOMMENDATION:** Staff recommends approval of the variance request.



STATE OF TEXAS COUNTY OF TEXAS LOCATION MAP

I, THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS NORTHRIDGE PARK PHASE IV SUBDIVISION TO THE CITY OF McALLEN, TEXAS AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, WATER LINES, SEWER LINES, STORM SEWERS, FIRE HYDRANTS, AND PUBLIC PLACES, WHICH ARE INSTALLED OR WHICH I WILL CAUSE TO BE INSTALLED THEREON SHOWN OR NOT SHOWN AND 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.

APPROVED FOR RECORDING BY MARK DIZDAR, OWNER ONE PARK PLACE SUITE 420 100 SAVANNAH McALLEN, TEXAS 78503

STATE OF TEXAS COUNTY OF HIDALGO BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Mark Dizdar KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 15th DAY OF June 1994

STATE OF TEXAS COUNTY OF HIDALGO I, THE UNDERSIGNED, FRED L. KURTH, A REGISTERED PROFESSIONAL ENGINEER AND REGISTERED PUBLIC LAND SURVEYOR, IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT AND IS A TRUE AND ACCURATE REPRESENTATION OF THE SUBDIVISION OF THE LANDS HEREOF DESCRIBED.

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 REQUIRED.

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.

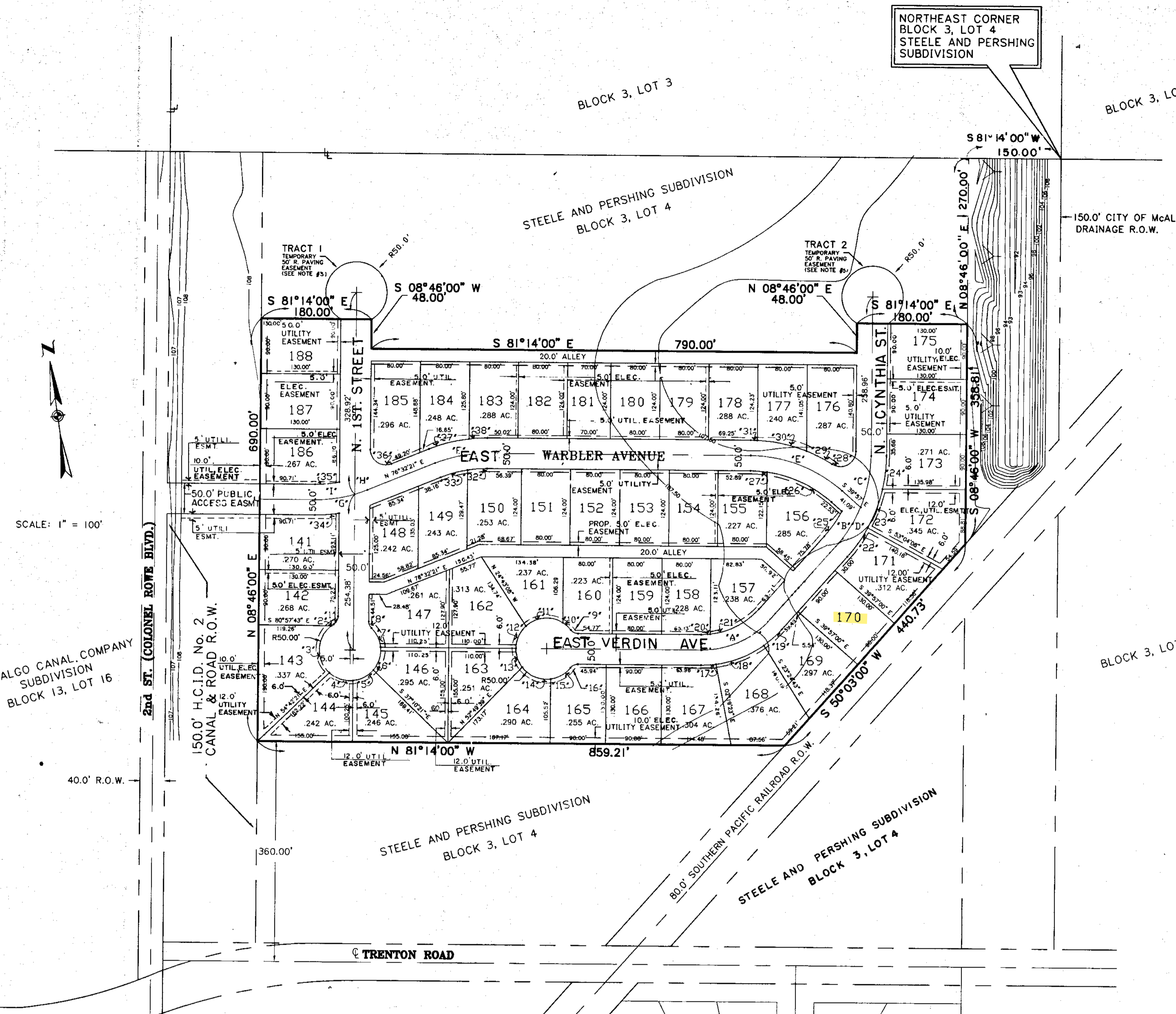
ATTEST: SECRETARY CHECKED FOR DRAINAGE BY: [Signature]

LCT CURVE DATA table with columns: CURVE, RADIUS, LENGTH, TANGENT, CHORD, BEARING, DELTA. Contains 38 rows of curve data.

CENTERLINE & BOUNDARY CURVE DATA table with columns: CURVE, RADIUS, LENGTH, TANGENT, CHORD, BEARING, DELTA. Contains 11 rows of curve data.

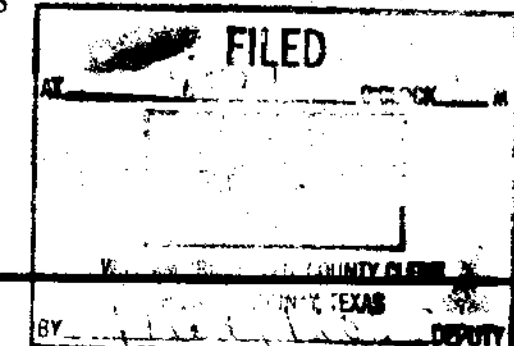
METS AND BOUNDS DESCRIPTION A tract of land containing 16.34 acres, situated in Hidalgo County, Texas and also being a part or portion of LOT 4, BLOCK 3, STEELE AND PERSHING SUBDIVISION (Deed Reference: Volume 9, Page 115, H.C.M.R.), and said 16.34 acres also being more particularly described as follows: BEGINNING on a # 4 rebar set on the west line of a 150.0 foot City of McAllen drain ditch right-of-way, for the northeast corner of this tract, said rebar bears N 81° 14' 00" W a distance of 150.00 feet and S 08° 46' 00" W a distance of 270.00 feet from the northeast corner of said Lot 4;

IRREGULAR LOT AREAS table with columns: LOT #, SQ. FT. Lists areas for lots 141 through 149.

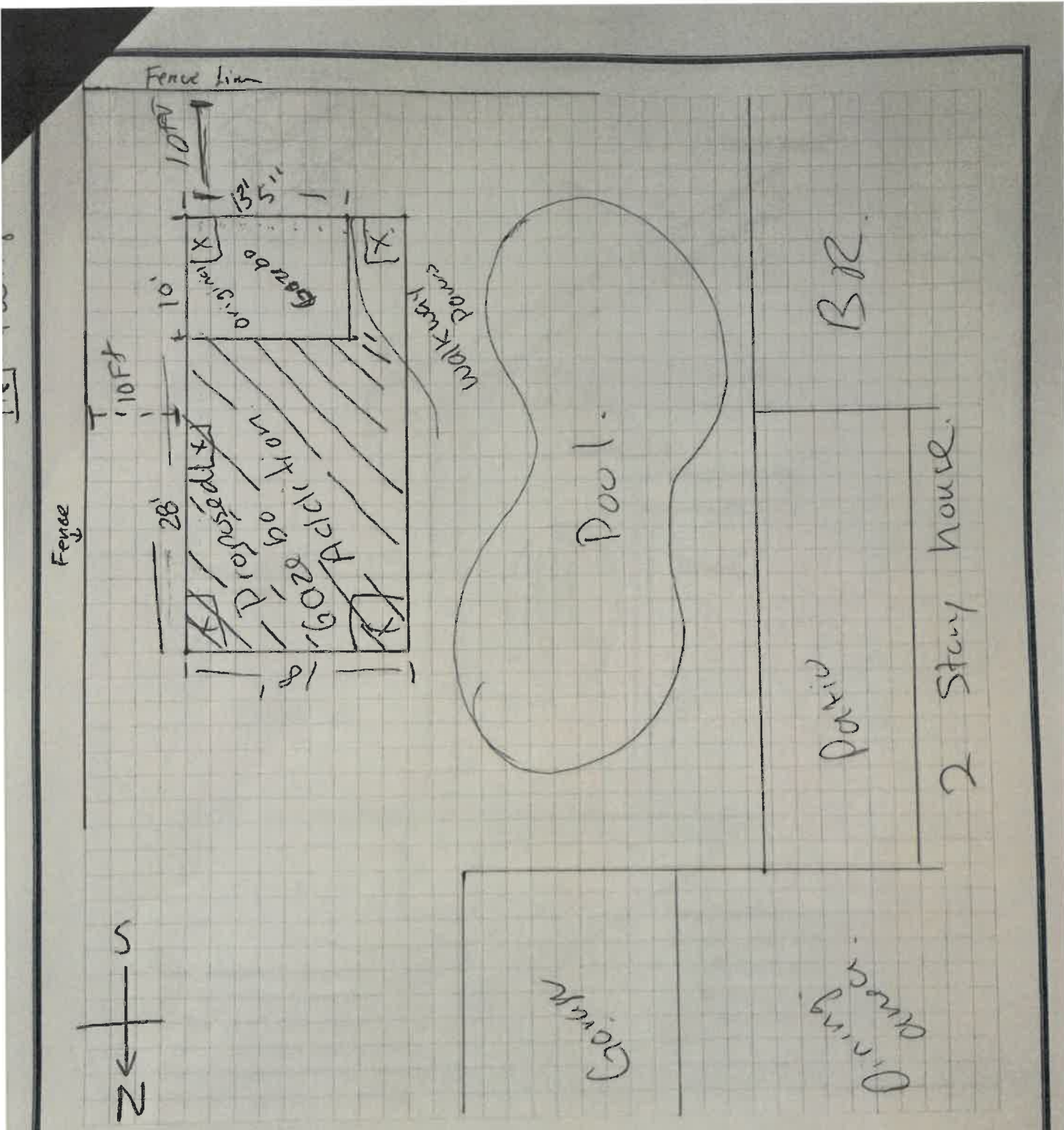


- NOTES: 1. ANTICIPATED HIGH WATER CREATED BY A 100-YEAR STORM... 2. MINIMUM PERMISSIBLE FINISHED FLOOR ELEVATION FOR ALL BUILDING IMPROVEMENTS IS: ELEV. 107.50 OR 16" INCHES ABOVE TOP OF CURB, WHICHEVER IS HIGHER. 3. BENCH MARK: RAILROAD SPIKE ON A POWER POLE 200' WEST OF DRAINAGE DITCH ON THE NORTH SIDE OF TRENTON ROAD ELEV. 109.20 4. SETBACKS AS FOLLOWS: (SPECIFIC SETBACK REQUIRED WHERE GREATER FOR EASEMENTS AS NEEDED) FRONT -20 FEET -10 FEET ON CUL-DE-SAC EXCEPT WHERE GREATER REQUIRED REAR -10 FEET (LOTS 158-172) 35 FT BACKING UP TO RAIL ROAD ONLY SIDE -6 FEET -CORNER 10 FEET GARAGE -18 FEET GARAGE EXCEPT WHERE GREATER SETBACK IS REQUIRED SIDE/CORNER -10 FEET 5. ALL TEMPORARY EASEMENTS ARE DEDICATED BY THIS PLAT UNTIL ADJACENT PROPERTY IS DEVELOPED. 6. 4' SIDEWALKS WILL BE REQUIRED ON BOTH SIDE OF WARBLER & N. CYNTHIA ST. DURING BUILDING PERMIT STAGE. 7. EACH LOT SHALL BE REQUIRED TO RETAIN 949 C.F. OF STORM SEWER RUNOFF. 8. 25'x25' CORNER CLIPS AT ALL ST. INTERSECTIONS AND 10'x10' CORNER CLIPS AT ALL ALLEYS AT STREET INTERSECTIONS ARE HEREBY DEDICATED TO THE CITY OF McALLEN IN ACCORDANCE WITH THE CITY STANDARDS.

MAP OF NORTHRIDGE PARK PHASE IV BEING A SUBDIVISION OF 16.34 ACRES OUT OF LOT 4, BLOCK 3 STEELE AND PERSHING SUBDIVISION CITY OF McALLEN, HIDALGO COUNTY, TEXAS



29 134 Page records of Hidalgo County, Texas and other records of Hidalgo County



**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](mailto:BLDGPERMITS@MCALLEN.NET)

**Memo**

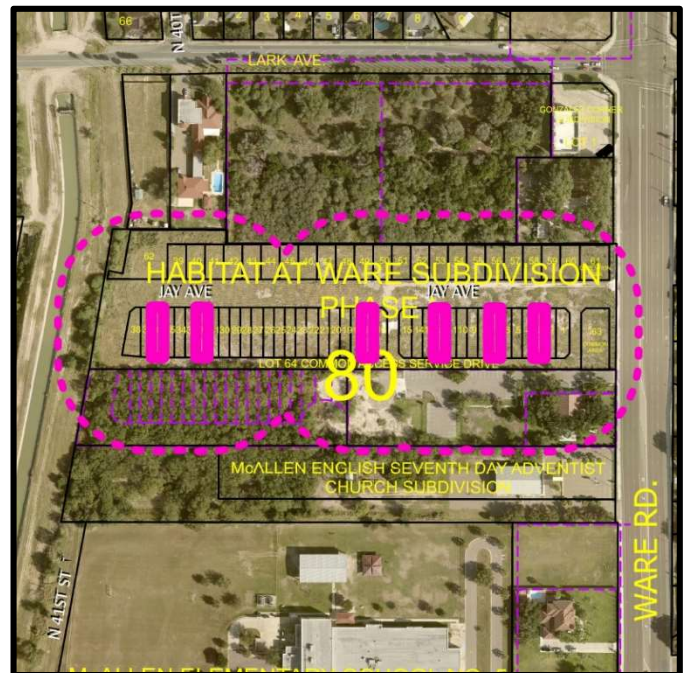
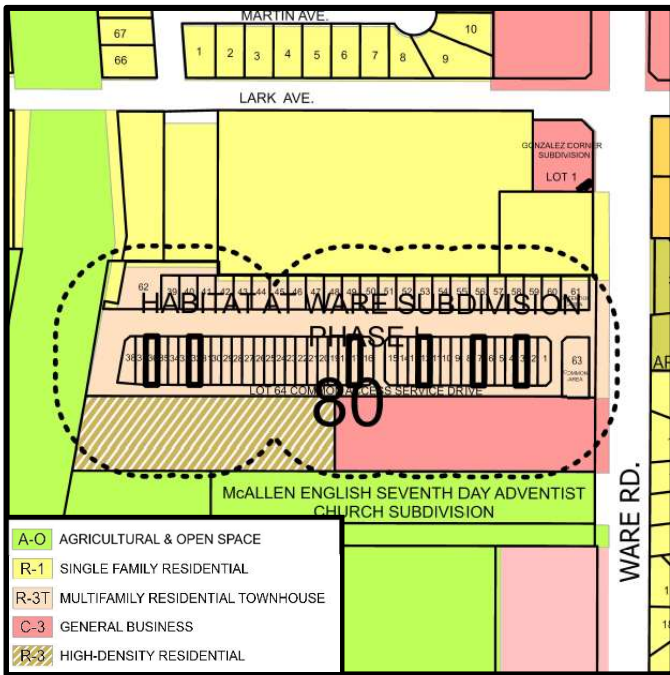
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** June 17, 2026

**SUBJECT: REQUEST OF HABITAT DEVELOPMENT GROUP, FOR A VARIANCE TO ALLOW 3-FOOT SIDE SETBACKS TO THE WEST, FOR LOTS 3, 7, 12, 17, 32, AND 36, HABITAT AT WARE PHASE I SUBDIVISION, HIDALGO COUNTY, TEXAS; 3709, 3717, 3807, 3819, 4009, AND 4017 JAY AVENUE. (ZBA2026-0024)**

**REASON FOR APPEAL:** The applicant is requesting a variance to allow 3-foot side setbacks to the west side of Lots 3, 7, 12, 17, 32, and 36 of Habitat at Ware Phase I Subdivision. The applicant intends to build townhomes that don't share a wall, creating a walkable hallway between the townhomes.



**PROPERTY LOCATION AND VICINITY:** The subject properties are located along the south side of Jay Avenue, west of North Ware Road. The surrounding land uses include single-family residences, institutional uses, commercial uses, and vacant land.

**BACKGROUND AND HISTORY:** Habitat at Ware Phase I Subdivision was recorded on February 12, 2026. According to the plat notes, the subject properties west side setbacks are in accordance with the Zoning Ordinance which is six feet where a townhouse is not separated from an adjacent structure by a firewall. A previous subdivision variance request to allow a three and a half foot side setback on the east side of Lots 2 through 15 and Lots 17 through 18 was approved by the Planning and Zoning Commission on August 20, 2024 as part of the subdivision process

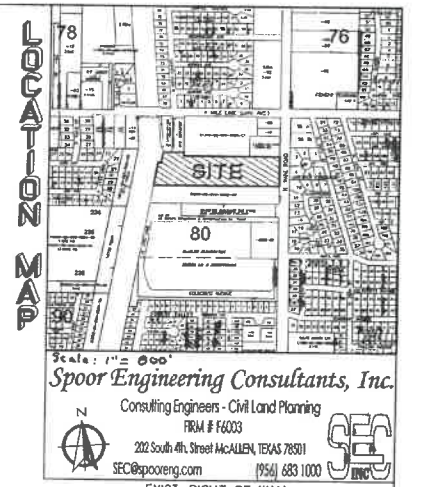
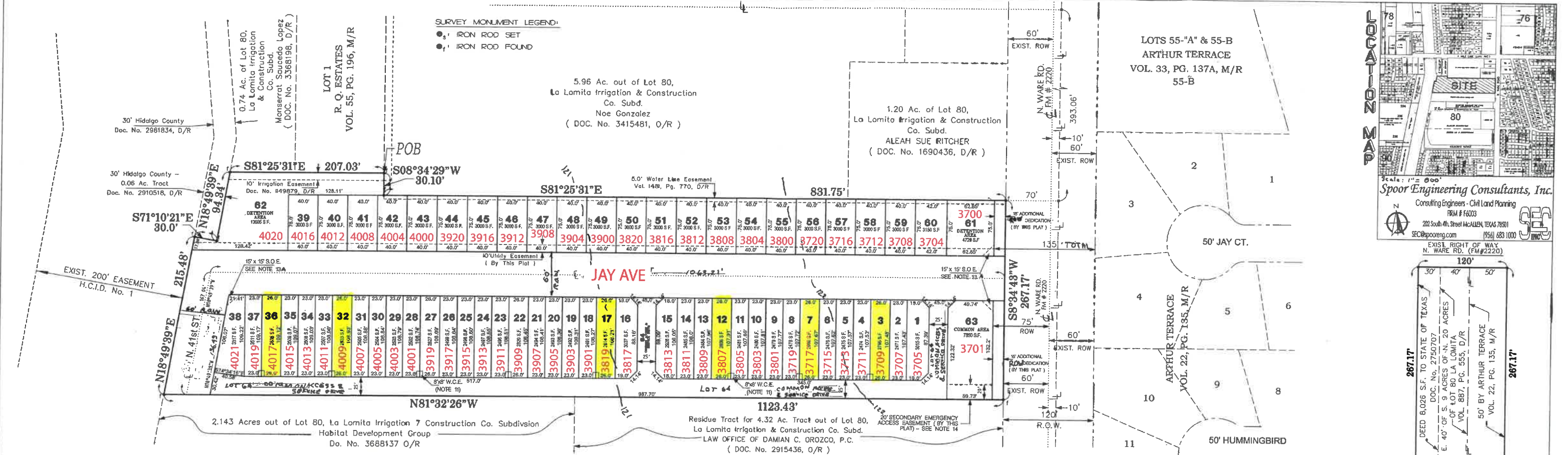
**ANALYSIS:** The subject properties will have a proposed total separation of six and a half feet from the west side of their proposed structures. The applicant stated that a one-hour firewall will be added to prevent the spread of fire.

As per Section 6.4.1.F., the Zoning Board of Adjustment shall not approve a variance unless it finds that:

- a. The variance is not contrary to the public interest;
- b. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
- c. The spirit of the varied provision is observed and substantial justice is done.

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

**RECOMMENDATION:** Staff recommends disapproval of the variance request due to noncompliance with plat requirements and zoning ordinance.



- NOTES:**
- MINIMUM BUILDING SETBACK SHALL BE AS FOLLOWS:  
 LOTS 1 AND 16:  
 FRONT: 10 FEET OR GREATER FOR EASEMENTS  
 REAR: IN ACCORDANCE WITH ZONING ORDINANCE OR GREATER FOR EASEMENTS  
 EAST SIDE: 10 FEET OR GREATER FOR EASEMENTS  
 WEST SIDE: IN ACCORDANCE WITH ZONING ORDINANCE OR GREATER FOR EASEMENTS AND SUBJECT TO COMPLIANCE WITH BUILDING CODE REQUIREMENTS  
 GARAGE: 18 FEET EXCEPT WHERE GREATER SETBACK IS REQUIRED, GREATER SETBACK APPLIES  
 LOTS 15 AND 38:  
 FRONT: 10 FEET OR GREATER FOR EASEMENTS  
 REAR: IN ACCORDANCE WITH ZONING ORDINANCE OR GREATER FOR EASEMENTS  
 EAST SIDE: IN ACCORDANCE WITH ZONING ORDINANCE OR GREATER FOR EASEMENTS AND SUBJECT TO COMPLIANCE WITH BUILDING CODE REQUIREMENTS  
 WEST SIDE: 10 FEET OR GREATER FOR EASEMENTS  
 GARAGE: 18 FEET EXCEPT WHERE GREATER SETBACK IS REQUIRED, GREATER SETBACK APPLIES  
 LOTS 2 THROUGH 14 AND 17 THROUGH 37:  
 FRONT: 10 FEET OR GREATER FOR EASEMENTS  
 REAR: IN ACCORDANCE WITH ZONING ORDINANCE OR GREATER FOR EASEMENTS  
 EAST SIDE: 3.5 FEET  
 WEST SIDE: IN ACCORDANCE WITH ZONING ORDINANCE OR GREATER FOR EASEMENTS AND SUBJECT TO COMPLIANCE WITH BUILDING CODE REQUIREMENTS  
 GARAGE: 18 FEET EXCEPT WHERE GREATER SETBACK IS REQUIRED, GREATER SETBACK APPLIES  
 LOTS 39 THROUGH 60:  
 FRONT: 10 FEET OR GREATER FOR EASEMENTS  
 REAR: IN ACCORDANCE WITH ZONING ORDINANCE OR GREATER FOR EASEMENTS  
 EAST SIDE: IN ACCORDANCE WITH ZONING ORDINANCE OR GREATER FOR EASEMENTS AND SUBJECT TO COMPLIANCE WITH BUILDING CODE REQUIREMENTS  
 WEST SIDE: IN ACCORDANCE WITH ZONING ORDINANCE OR GREATER FOR EASEMENTS AND SUBJECT TO COMPLIANCE WITH BUILDING CODE REQUIREMENTS  
 GARAGE: 18 FEET EXCEPT WHERE GREATER SETBACK IS REQUIRED, GREATER SETBACK APPLIES
  - MINIMUM FINISH FLOOR ELEVATION SHALL BE 18 INCHES ABOVE TOP OF CURB MEASURED AT FRONT CENTER OF LOT.
  - THIS PROPERTY FALLS IN ZONE "C" OF THE FLOOD INSURANCE RATE MAP, PANEL NO. 480 343 0005 C REVISED NOV. 2, 1982.
  - A 6' OPAQUE BUFFER IS REQUIRED FROM ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL AND INDUSTRIAL ZONES/USES AND ALONG N. WARE ROAD AND N. 41ST STREET.
  - AN 8' MASONRY WALL IS REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL OR MULTI-FAMILY RESIDENTIAL ZONES/USES.
  - 5' WIDE MINIMUM SIDEWALK IS REQUIRED ON N. WARE RD. AND A 4' WIDE MINIMUM SIDEWALK IS REQUIRED ON N. 41ST STREET AND BOTH SIDES OF ALL INTERIOR STREETS.
  - BENCHMARK - STATION NAME: MC 76 SET BY ARANDA & ASSOC. LOCATED AT THE SOUTH-EAST OF WARE RD. AND MILE 4 RD ELEV. 125.83 (NAVD88)
  - OWNER IS REQUIRED TO PROVIDE AN ENGINEERED STORM WATER DETENTION PLAN APPROVED BY THE CITY OF McALLEN ENGINEERING DEPT. PRIOR TO ISSUANCE OF BUILDING PERMIT.
  - THE DEVELOPER SHALL BE RESPONSIBLE FOR DETAINING AND ACCOMMODATING MORE THAN THE DETAINED VOLUME SHOWN ON THIS PLAT IF IT IS DETERMINED AT THE PERMIT STAGE, THAT THE DETENTION REQUIREMENTS ARE GREATER THAN STATED ON THIS PLAT, DUE TO THE IMPERVIOUS AREA BEING GREATER THAN THE PLAT ENGINEER CONSIDERED IN THE HYDRAULIC CALCULATIONS FOR THIS SUBDIVISION.
  - DRAINAGE DETENTION OF 101 ACRE- FEET (43,940 CUBIC FEET) IS REQUIRED FOR THIS PROPERTY 10. 8"x8" WASTE COLLECTION EASEMENT (W.C.E.) SHOWN CENTERED ON LOT LINES BETWEEN LOTS 3 & 4, 7 & 8, 11 & 12, 17 & 18, 22 & 23, 27 & 28, 32 & 33, AND 36 & 37. W.C.E. DEDICATED BY THIS PLAT

**MAP OF PHASE I HABITAT AT WARE SUBDIVISION**

McAllen, Texas

BEING A SUBDIVISION OF A 6.87 AC (6.84 DEED) TRACT OF LAND OUT OF LOT 80, LA LOMITA IRRIGATION & CONSTRUCTION CO. SUBDIVISION, HIDALGO COUNTY, Texas; according to plat recorded in vol. 24, page 68, Deed Records Hidalgo County, Texas.

**METES & BOUNDS**

A 6.87 (6.84 DEED) ACRE TRACT OF LAND OUT OF LOT 80, LA LOMITA IRRIGATION & CONSTRUCTION CO. SUBDIVISION, HIDALGO COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN VOLUME 24, PAGE 68, DEED RECORDS, HIDALGO COUNTY, TEXAS.

BEGINNING at the southeast corner of Lot 1, R.O. Estates, City of McAllen, recorded in Volume 55, Page 196, Map Records, for the most northerly northeast corner of the following described tract of land, said point being on the West line of a 5.96 acre tract described in Deed recorded in Document No. 3415481, Official Records;

THENCE, with the West line of said 5.96 acre tract, South 08 Deg. 34 Min. 29 Sec. West, 30.10 feet to the southwest corner of said 5.96 acre tract for an interior corner hereof;

THENCE, with the South line of said 5.96 acre tract, South 81 Deg. 25 Min. 31 Sec. East, at 630.0 feet pass the southeast corner of said 5.96 acre tract, and at 831.75 feet a point on the West line of North Ware Road (FM#2220), for the most southerly northeast corner hereof;

THENCE, with the West line of North Ware Road, South 08 Deg. 34 Min. 43 Sec. West, 267.17 feet to the northeast corner of a 4.32 acre tract as described in Warranty Deed With Vendor's Line recorded in Document No. 2915436, Official Records;

THENCE, with the North line of said 4.32 acre tract, North 81 Deg. 32 Min. 26 Sec. West, 123.43 feet to the northwest corner of said 4.32 acre tract, for the southwest corner hereof, said point being on the East line of H.C.I.D. No. 1200 (not a part of this plat);

THENCE, with the East line of said canal right-of-way, North 18 Deg. 49 Min. 39 Sec. East, 215.48 feet to a point for the most southerly northwest corner hereof, said point being the southwest corner of a 0.06 acre tract as described in Deed recorded in Document No. 2910518, Official Records;

THENCE, with the South line of said 0.06 acre tract, South 71 Deg. 10 Min. 21 Sec. East, 30.0 feet to the southeast corner of said 0.06 acre tract for an interior corner hereof;

THENCE, with the East line of said 0.06 acre tract, North 81 Deg. 39 Min. 39 Sec. East, 94.84 feet to the northeast corner of said 0.06 acre tract, for the most northerly northwest corner hereof;

THENCE, with the South line of Lot 1, R.O. Estates, and its projection, South 81 Deg. 25 Min. 31 Sec. East, 207.03 feet to the POINT OF BEGINNING, containing 6.87 acres of land, more or less.

STATE OF TEXAS, COUNTY OF HIDALGO:

I, (WE), THE UNDERSIGNED, OWNERS OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED AS "HABITAT AT WARE" SUBDIVISION TO THE CITY OF McALLEN, TEXAS, AND WHOSE NAMES IS (ARE) SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, WATER LINES, 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 McALLEN.

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED RICARDO DANIEL MARTINEZ, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE (SHE) EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS DAY OF 10-21-2024, 2024.

NOTARY PUBLIC: *Cheryl A. ...* 10/21/2024

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 THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

STATE OF TEXAS, COUNTY OF HIDALGO:

I, REYNALDO ROBLES, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

STATE OF TEXAS, COUNTY OF HIDALGO:

I, STEPHEN SPOOR, REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

STATE OF TEXAS, COUNTY OF HIDALGO:

I, (WE), THE UNDERSIGNED, HOLDERS (OR DULY AUTHORIZED OFFICERS OF THE HOLDERS) OF A SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY, BEING THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS HABITAT AT WARE OF THE CITY OF McALLEN, TEXAS, DO HEREBY CONSENT TO THE SUBDIVISION OF THE PROPERTY AS PROVIDED FOR UNDER THE PLAT AND DO HEREBY PROVIDE THAT ANY FORECLOSURE RELATING TO THE SECURITY INTEREST ON THE ABOVE DESCRIBED PROPERTY SHALL BE SUBJECT TO THE PLATTING OF THE PROPERTY AS PROVIDED FOR HEREIN.

GARTHOK LENDING, LLC

BY: JAMES B. EZZELL, MANAGER  
502 CARDINAL  
McALLEN TX 78504

STATE OF TEXAS, COUNTY OF HIDALGO:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JAMES B. EZZELL, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE (SHE) EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS DAY OF 10-21-2024, 2024.

NOTARY PUBLIC: *Cheryl A. ...*

14) PRIVATE DRAINAGE SYSTEM SHALL BE OWNED AND MAINTAINED BY THE LOT OWNERS AND NOT THE CITY OF McALLEN.

15) ACCORDING TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR HABITAT AT WARE, RECORDED AS DOCUMENT NO. 5724164, HIDALGO COUNTY, OFFICIAL RECORDS, DEVELOPER/HOMEOWNERS ASSOCIATION OWNERS, THEIR SUCCESSORS AND/OR ASSIGNEES, AND NOT THE CITY OF McALLEN SHALL BE RESPONSIBLE FOR INSTALLATION, MAINTENANCE, AND OTHER REQUIREMENTS AS PER SECTION 10-72 OF THE CODE OF ORDINANCES OF THE CITY OF McALLEN, INCLUDING BUT NOT LIMITED TO PRIVATE SERVICE DRIVES, COMMON AREAS AND DETENTION AREAS, ANY AMENDMENT TO DECLARATIONS THAT CONFLICT WITH THE REQUIREMENTS OF SECTION 10-72 SHALL BE NULL AND VOID.

16) S.O.E. - DENOTES SIGHT OBSTRUCTION EASEMENT. ( BY THIS PLAT )

17) SECONDARY EMERGENCY ACCESS EASEMENT TO BE PAVED AND MAINTAINED BY THE LOT OWNERS AND NOT THE CITY OF McALLEN. PAVEMENT WIDTH TO BE 20.0 FEET, IMPRESS, EGRESS, AND/OR PARKING BY THE LOT OWNERS OR THEIR GUESTS IS NOT ALLOWED. GATES REQUIRED AT THE EAST AND WEST SIDES OF THE EASEMENT.

18) LOT 64 - COMMON ACCESS & SERVICE DRIVE EASEMENT REQUIRED TO BE OWNED, PAVED, AND MAINTAINED BY THE LOT OWNERS OR HOME OWNERS ASSOCIATION AND NOT THE CITY OF McALLEN.

19) NO CURB CUT, ACCESS, OR LOT FRONTAGE PERMITTED ALONG NORTH WARE ROAD, EXCEPT FOR GATED EMERGENCY ACCESS EASEMENT ON LOT 63, NO CURB CUT, ACCESS, OR LOT FRONTAGE PERMITTED ALONG NORTH 41ST STREET

STATE OF TEXAS, COUNTY OF HIDALGO:

I, STEPHEN SPOOR, REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

STATE OF TEXAS, COUNTY OF HIDALGO:

I, (WE), THE UNDERSIGNED, HOLDERS (OR DULY AUTHORIZED OFFICERS OF THE HOLDERS) OF A SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY, BEING THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS HABITAT AT WARE OF THE CITY OF McALLEN, TEXAS, DO HEREBY CONSENT TO THE SUBDIVISION OF THE PROPERTY AS PROVIDED FOR UNDER THE PLAT AND DO HEREBY PROVIDE THAT ANY FORECLOSURE RELATING TO THE SECURITY INTEREST ON THE ABOVE DESCRIBED PROPERTY SHALL BE SUBJECT TO THE PLATTING OF THE PROPERTY AS PROVIDED FOR HEREIN.

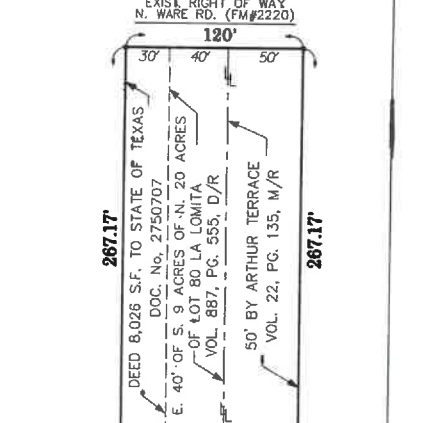
GARTHOK LENDING, LLC

BY: JAMES B. EZZELL, MANAGER  
502 CARDINAL  
McALLEN TX 78504

STATE OF TEXAS, COUNTY OF HIDALGO:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JAMES B. EZZELL, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE (SHE) EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS DAY OF 10-21-2024, 2024.

NOTARY PUBLIC: *Cheryl A. ...*



Habitat Development Group, LLC, a Texas Limited Liability Company

BY: Ricardo Daniel Martinez, Managing Member  
302 S. 10th St.  
McALLEN, TEXAS 78501

REYNALDO ROBLES  
REGISTERED PROFESSIONAL LAND SURVEYOR  
4632  
107 W. HUSACHE ST. MESQUITE, TEXAS 76969

STEPHEN SPOOR  
REGISTERED PROFESSIONAL ENGINEER  
P.E. REGISTRATION NO. 56752

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 (49.26) 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  
BY: RALPH E. SENDEL, C.F.M., GENERAL MANAGER  
DATE: 01-30-26

**Memo**

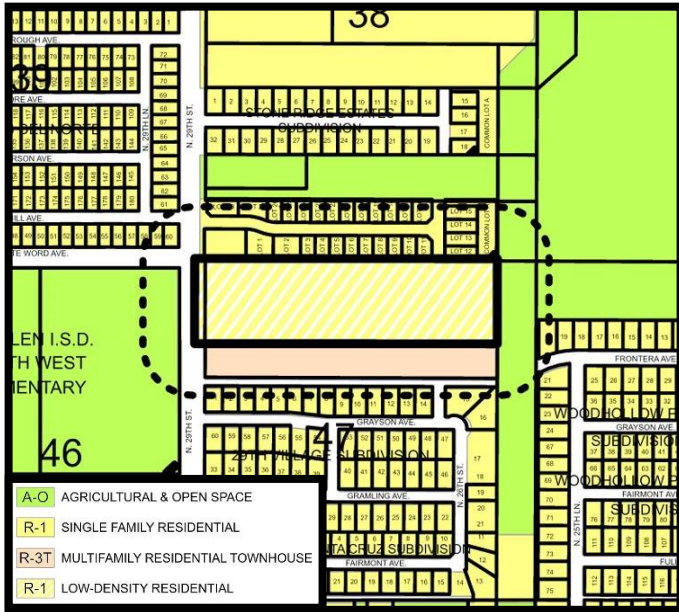
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** June 17, 2026

**SUBJECT: REQUEST OF RIO DELTA ENGINEERING ON BEHALF OF HOLLYWOOD DEVELOPMENT & CONSTRUCTION, LLC, FOR A VARIANCE TO ALLOW A LOT WIDTH OF 42.50 FEET INSTEAD OF THE MINIMUM 45 FEET REQUIRED FOR PROPOSED LOT 2 OF IMPERIO ESTATES PHASE II SUBDIVISION, AT A 8.86-ACRE TRACT OF LAND OUT OF LOT 47, LA LOMITA IRRIGATION & CONSTRUCTION COMPANY’S SURVEY, HIDALGO COUNTY, TEXAS; 8600 NORTH 29TH STREET. (ZBA2026-0025)**

**REASON FOR APPEAL:** The applicant is requesting a variance to the minimum lot width requirement for Lot 2 in the proposed Imperio Estates Phase II Subdivision.



**PROPERTY LOCATION AND VICINITY:** The subject property is located along the east side of North 29<sup>th</sup> Street, between Indian Hill Avenue and Grayson Avenue and is zoned R-1 (Low Density Residential-UDC) District.

**BACKGROUND AND HISTORY:** Imperio Estates Phase II was approved in preliminary form on March 3, 2026 by the Planning and Zoning Commission subject to conditions. An application for the variance request was submitted on April 30, 2026.

**ANALYSIS:** Section 2.2.2. of the Unified Development Code requires a minimum width of 45 feet and lot area of 5,000 square feet. Lot 2 of proposed Imperio Estates Phase II is proposed to have a lot width of 42.5 feet and lot area of 5,937 square feet. The applicant stated that there are existing structures to the east that limits the ability of complying with the ordinance. If the number of lots is reduced by one, all lots would comply with minimum requirements.

Section 6.4.1 of the UDC states that the Zoning Board of Adjustment shall not approve a variance unless it finds that:

- a. The variance is not contrary to the public interest;
- b. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
- c. The spirit of the varied provision is observed and substantial justice is done.

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

**RECOMMENDATION:** Staff recommends disapproval of the variance request.



# ArcGIS Web Map



6/4/2026, 4:08:12 PM

City Corporate Limits	Arc	10100E165892N.sid	10127E166288N.sid	10127E166657N.sid	10153E165839N.sid	10259E165971N.sid	10311E166420N.sid	10338E166921N.sid	10338E167449N.sid	10338E167951N.sid	10549E165733N.sid	10549E166552
Extra Territorial Jurisdiction		Red: Band_1	Red: Band_1	Red: Band_1	Red: Band_1	Red: Band_1	Red: Band_1	Red: Band_1	Red: Band_1	Red: Band_1	Red: Band_1	Red:
Easement		Green: Band_2	Green: Band_2	Green: Band_2	Green: Band_2	Green: Band_2	Green: Band_2	Green: Band_2	Green: Band_2	Green: Band_2	Green: Band_2	Green:
Drain Ditch		Blue: Band_3	Blue: Band_3	Blue: Band_3	Blue: Band_3	Blue: Band_3	Blue: Band_3	Blue: Band_3	Blue: Band_3	Blue: Band_3	Blue: Band_3	Blue:
Gas Easement		Red: Band_1	Red: Band_1	Red: Band_1	Red: Band_1	Red: Band_1	Red: Band_1	Red: Band_1	Red: Band_1	Red: Band_1	Red: Band_1	Red:
Lot Lines		Green: Band_2	Green: Band_2	Green: Band_2	Green: Band_2	Green: Band_2	Green: Band_2	Green: Band_2	Green: Band_2	Green: Band_2	Green: Band_2	Green:
Subdivision-Private		Blue: Band_3	Blue: Band_3	Blue: Band_3	Blue: Band_3	Blue: Band_3	Blue: Band_3	Blue: Band_3	Blue: Band_3	Blue: Band_3	Blue: Band_3	Blue:
Preliminary Subdivision		Blue: Band_3	Blue: Band_3	Blue: Band_3	Blue: Band_3	Blue: Band_3	Blue: Band_3	Blue: Band_3	Blue: Band_3	Blue: Band_3	Blue: Band_3	Blue:

1:1,596

0 0.01 0.02 0.04 mi

0 0.02 0.04 0.07 km

McAllen GIS Division, ESRI, Inc., McAllen GIS Division, ESRI, Inc., McAllen GIS Division, ESRI, Inc., EagleView Technologies, Inc.



# City of McAllen

## Planning Department

### REASON FOR APPEAL & BOARD ACTION

<b>Reason for Appeal</b>	<p>*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: <i>(Please use an additional page if necessary to complete responses)</i></p> <p>**Information provided here by the applicant does not guarantee that the Board will grant a variance.</p> <p>***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.</p>	
	<p>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:</p>	
	<p>The property is constrained by its existing configuration and adjacent development. Lot 2 frontage width cannot be reduced due to the presence of an existing building to the east, limiting the ability to</p>	
	<p>to comply with ordinance requirements.</p>	
	<p>2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:</p>	
	<p>The variance is necessary to maintain a functional site layout consistent with the intended residential use. Modifying the lot frontage to meet ordinance requirements would reduce development</p>	
	<p>feasibility.</p>	
	<p>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:</p>	
	<p>The variance will not negatively impact public health, safety, or welfare, nor will it adversely affect the rights of adjacent property owners.</p>	
	<p>4. Describe special conditions that are unique to this applicant or property:</p>	
<p>The existing building located east of Lot 2 and the overall site configuration, which restrict design</p>		
<p>flexibility.</p>		
<b>Board Action</b>	<p>Chairman, Board of Adjustment Signature</p> <p>_____</p>	
	<p>Date</p> <p>_____</p>	

ZBA2026-0025  
NOTICE  
VARIANCE  
FOR THIS  
PROPERTY

CITY OF MCALLEN PLANNING DEPT.  
936-411329  
WWW.MCALLEN.TX

