

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, JUNE 19, 2024 - 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 – Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for the meeting held on May 22, 2024. **(TABLED: 06/05/2024)**
- b) Minutes for the meeting held on June 5, 2024

2. PUBLIC HEARINGS:

- a) Request of Hector J. Alcoser for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of up to 20 feet into the 20 foot front yard setback for an existing carport at Lot 126, Ponderosa Park Phase II Subdivision, Hidalgo County, Texas; 3212 Kerria Avenue. **(ZBA2024-0021)**
- b) Request of Juan Muniz for the following variance to the City of McAllen Zoning Ordinance to allow a Lot size of 5,250 square feet instead of the required 5,600 square feet for a duplex at Lot 17, Block 11, College Heights Subdivision, Hidalgo County, Texas; 2164 Kennedy Circle. **(ZBA2024-0014) (TABLED: 06/05/2024)**
- c) Request of Merle D. Davis for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 3 feet into the east 6 foot side yard setback for a proposed swimming pool at Lot 45, Parkwood Manor Subdivision, Hidalgo County, Texas; 2317 Sandpiper Avenue. **(ZBA2024-0020)**
- d) Request of Arnold Cavazos on behalf of Gabriel Alanis for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 20-foot rear yard setback on the East Rear and South Rear portion for a proposed residence at Lot 19, Lago Vista Subdivision, Hidalgo County, Texas; 4501 South “M” Street. **(ZBA2024-0018) (TABLED: 06/05/2024)**

3. FUTURE AGENDA ITEMS

- a) 2323 Dallas 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, May 22, 2024 at 4:30 p.m. in the McAllen Development Center, 311 North 15th Street, Executive Conference Room with the following present:

Present:	Jose Gutierrez	Chairperson
	Ann Tafel	Vice-Chairperson
	Hugo Avila	Member
	Rogelio Rodriguez	Member
	Hiram A. Gutierrez	Member
	Juan Mujica	Alternate
	Alex Lamela	Alternate
Absent:	Daniel Santos	Alternate
	Pablo Garcia	Alternate
Staff Present:	Benito Alonzo	Assistant City Attorney I
	Edgar Garcia	Planning Director
	Rodrigo Sanchez	Senior Planner
	Samuel Nunez	Senior Planner
	Natalie Moreno	Planner I
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for the meeting held on May 8, 2024.

The minutes for the meeting held on May 8, 2024 were approved. The motion to approve the minutes were made by Mr. Hugo Avila. Mr. Alex Lamela seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a) Request of Arnold Cavazos on behalf of Gabriel Alanis for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 20-foot rear yard setback on the East Rear and South Rear portion for a proposed residence at Lot 19, Lago Vista Subdivision, Hidalgo County, Texas; 4501 South “M” Street. **(ZBA2024-0018)**

The applicant is requesting variances to allow an encroachment of 10 feet into the 20-foot rear yard setback into the east rear yard and into the south rear yard for a proposed single-family residence with garage.

The subject property is located on a partial cul-de-sac at the intersection of South “M” Street and Helena Avenue. The irregular shaped property is vacant and is zoned R-1 (single family residential) District. Adjacent zoning is R-1 District to the north and west.

There is A-O (agricultural and open space) District to the south. The area to the east across South Jackson Road is in the city limits of Pharr.

Lago Vista Subdivision was recorded on October 31, 2006. The plat indicates a front setback of 25 feet and 20 feet for a rear yard setback. Due to an oversight during the site plan review process the building permit was issued stating a rear yard setback of 10 feet, instead of the required 20 feet for the rear yard setback. A variance request was submitted on May 2, 2024.

The applicant is requesting a variance to allow an encroachment of 10 feet into the 20-foot rear yard setback. The specific encroachment widths are approximately 34.4 feet for the garage, 74.25 for the outdoor kitchen and extends 27.16 feet along the south portion of the rear yard setback. The plat shows an irrigation easement that was abandoned by the Hidalgo County irrigation District.

To the east side of the property there is a ROW easement. As per discussion with Engineering Department, there are no plans of future expansion to Jackson Road at that location. To the south of the subject property is vacant land.

The standard rear setbacks for an R-1 district is 10 feet. Lots 8 through 18, just west of Lot 19, show a rear setback of 10 feet.

A review of the Planning Department records did not reveal any other similar variances approved in this area.

Variances run with the land and remain as a condition for future owners and new constructions.

Measurements provided on the site plan are without benefit of a survey.

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

Staff recommended approval of the variance request since the irregular shape of the Lot affects the construction design.

Mr. Arnold Cavazos, 2020 E. Silverbell Street, Mission. Mr. Cavazos stated the reason for the encroachment was because it was a pre-sold home on the west side. It had a patio, and was going to have a swimming pool and an outdoor kitchen. When asked for the easements they were able to work that parameter. On the garage side, they assumed the utility easement was there but wanted to separate so the cars could drive in and out. After it was designed they then proceeded with the project. Mr. Cavazos stated they showed the design to the homeowner, she liked the way it looked based on the lot itself and then signed off on it. Engineers Melden and Hunt had brought to their attention of the encroachment. Chairperson Gutierrez asked Mr. Cavazos if there was another alternative to solve the problem. Mr. Cavazos stated they did speak with the homeowner regarding it but she rejected.

Board member Avila asked staff what was the rear setback for an R-1. Staff stated it was 10 feet.

Board member Mujica agreed with Chairperson Gutierrez that there could be a better option for the situation.

Oscar Falcon, 5221 North McColl Road, McAllen, Texas. He represented Cantu Construction and the Homeowners Association at Lago Vista. He stated as an Association they had no objection to the 10 foot setback. They researched with the engineer of record to see why it was a 20 foot rear setback, they could not give him an answer. They checked with the State to see if there were any future expansion plans otherwise it would have been a right-of-way not a setback. He stated the owner bought the plan with all good intentions of meeting the City's setbacks that were standard at the time.

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

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

Vice-Chairperson Tafel asked staff was this the only lot in the subdivision that had this problem or will others be coming with the same issue. Staff stated all the lots on the east side had a 20-foot setback platted but not the rest of the lots.

Board member Rodriguez asked the applicant if asphalt was going to put at 30 feet at the irrigation easement. Mr. Cavazos stated it would be a concrete driveway.

Following discussion, Mr. Hugo Avila moved to approve Variance request as presented. Mr. Hiram Gutierrez seconded the motion. The Board voted to approve the Variance request with two members voting aye and three members, Vice-Chairperson Ann Tafel, Rogelio Rodriguez and Chairperson Jose Gutierrez voting nay.

Assistant City Attorney Benito Alonzo requested a recess with Planning Director.

Mr. Benito Alonzo stated for purposes of the record there was a motion made for approval and acceptance of staff's recommendation of approval of the variance request and there was a second. There were two votes in favor of that motion. However, there were three votes against the vote. The question was if a super majority is necessary in order to move forward. Mr. Alonzo then conferred with staff and City Attorney, Isaac Tawil, stated in Section 211.009 of the Government Code Subsection C does state that the concurring vote of 75% of the members of the Board was necessary to reverse an order requirement, decision or determination of an administrative official.

After much discussion, the Board proceeded with the regular meeting in process.

- b) Request of Walter B. Azuara for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of up to 7 feet into the 10-foot rear yard setback for a garage at Lot 1, The John Collavo Subdivision, Hidalgo County, Texas; 720 North 6th Street. (ZBA2024-0011)**

Staff stated the item had been withdrawn.

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 of June 5, 2024 will be uploaded into the packet on Monday.

Memo

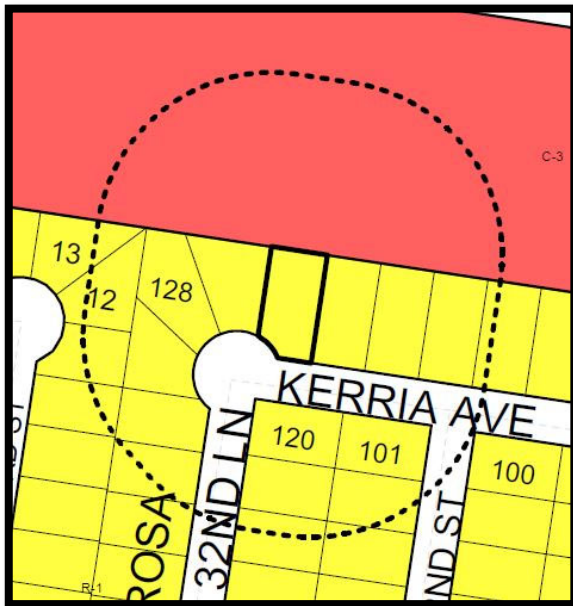
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: June 14, 2024

SUBJECT: REQUEST OF HECTOR J. ALCOSER FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF UP TO 20 FEET INTO THE 20 FOOT FRONT YARD SETBACK FOR AN EXISTING CARPORT AT LOT 126, PONDEROSA PARK PHASE II SUBDIVISION, HIDALGO COUNTY, TEXAS; 3212 KERRIA AVENUE. (ZBA2024-0021)

REASON FOR APPEAL: The applicant is requesting a Special Exception to encroach up to 20 feet into the 20 foot front yard setback for an existing carport measuring 13 feet by 18 feet for protection of vehicles from inclement weather.



PROPERTY LOCATION AND VICINITY: The subject property is located along the North side of Kerria Avenue just East of North 32nd Lane. The property is an irregular shape lot with 38.56 feet fronting Kerria Avenue then a partial frontage of 34.89 feet along the curved boundary of a cul de sac. The property is zoned R-1 (single family residential) District. The surrounding zones include C-3 (general business) to the north and R-1(single family residential) to the east, west and south.

BACKGROUND AND HISTORY: Lot 126, Ponderosa Park Phase II was recorded on February 24, 1998. The plat shows a 20 foot front yard setback. A building permit application for a carport was submitted on July 18, 2022. The building permit was rejected by the Planning department with comments advising the applicant that a special exception would be needed to build a carport. A stop

work order was issued on May 14, 2024. An application for a special exception request was submitted to the Planning department on May 21, 2024.

ANALYSIS: The applicant is requesting a Special Exception to allow an encroachment of up to 20 feet into the 20 foot front yard setback for an existing carport. The applicant states that the 20 foot front yard setback does not allow him to have any structures or a porch due to the offset of the front yard setback from the cul de sac. There is no alley at the rear of the property that would allow for relocation of the carport out of the setback.

Special exceptions are issued to and recorded for the present applicant/owner only. New property owners would need to apply for a new special exception request.

Measurements provided are without the benefit of a survey.

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

RECOMMENDATION: Staff is recommending approval of the Special Exception request due to it is characteristic of the neighborhood and the irregular shape of the lot renders it unfeasible to construct any structure for safeguarding vehicles.



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: 2024024-0024 ZBOA Meeting: 6/19/24 Routed
Receipt No: _____ Scanned
Accepted by: P: SEN S: SEN Customer Acknowledgment (Int.): [Signature]

PROJECT

Legal Description Lot 126 - Ponderosa Park Phase II Subdivision
Requesting special exception to 20' setback.
Subdivision Name Ponderosa II
Street Address 3212 Kerrio Ave.
Number of lots _____ Gross acres _____
Existing Zoning R-1 Existing Land Use Residence
Reason for Appeal (please use other side if necessary), Requesting a 20' front yard Encroachment into the required 20' Pysb
 \$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 J. Alcosar Phone 956-821-3434
Address 3212 Kerrio Ave E-mail HAlcosar@aol.com
City McAllen State TX Zip 78501

OWNER

Name Hector J. Alcosar Phone 956-821-3434
Address 3212 Kerrio Ave E-mail HAlcosar@aol.com
City McAllen State TX Zip 78501

AUTHORIZATION

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

Yes No

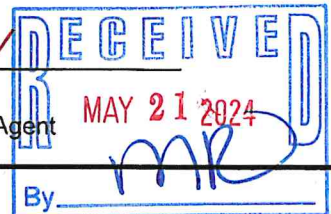
I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable)
OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature [Signature]

Date 5/20/2024

Print Name Hector J. Alcosar

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:

Requesting special exception to have a 0' foot setback requirement to allow for porch that will protect my vehicles

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

I wish to protect my property i.e., vehicles from weather

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

The porch is completely within the property, it will not affect health, safety or welfare of public

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

The 20' requirement does not allow for structure/porch. Primarily due to offset of cul de sac

Reason for Appeal

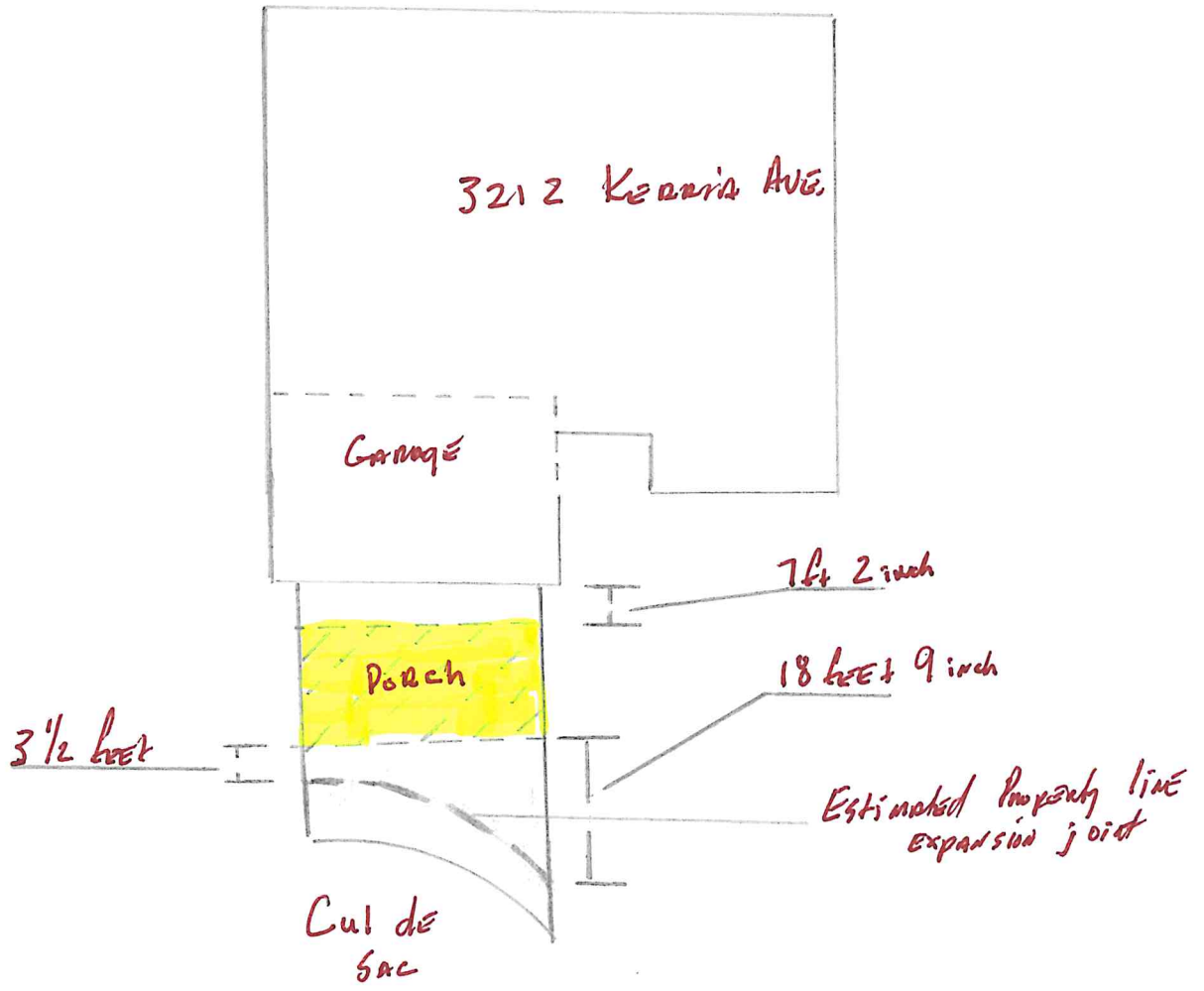
Board Action

Chairman, Board of Adjustment
Signature

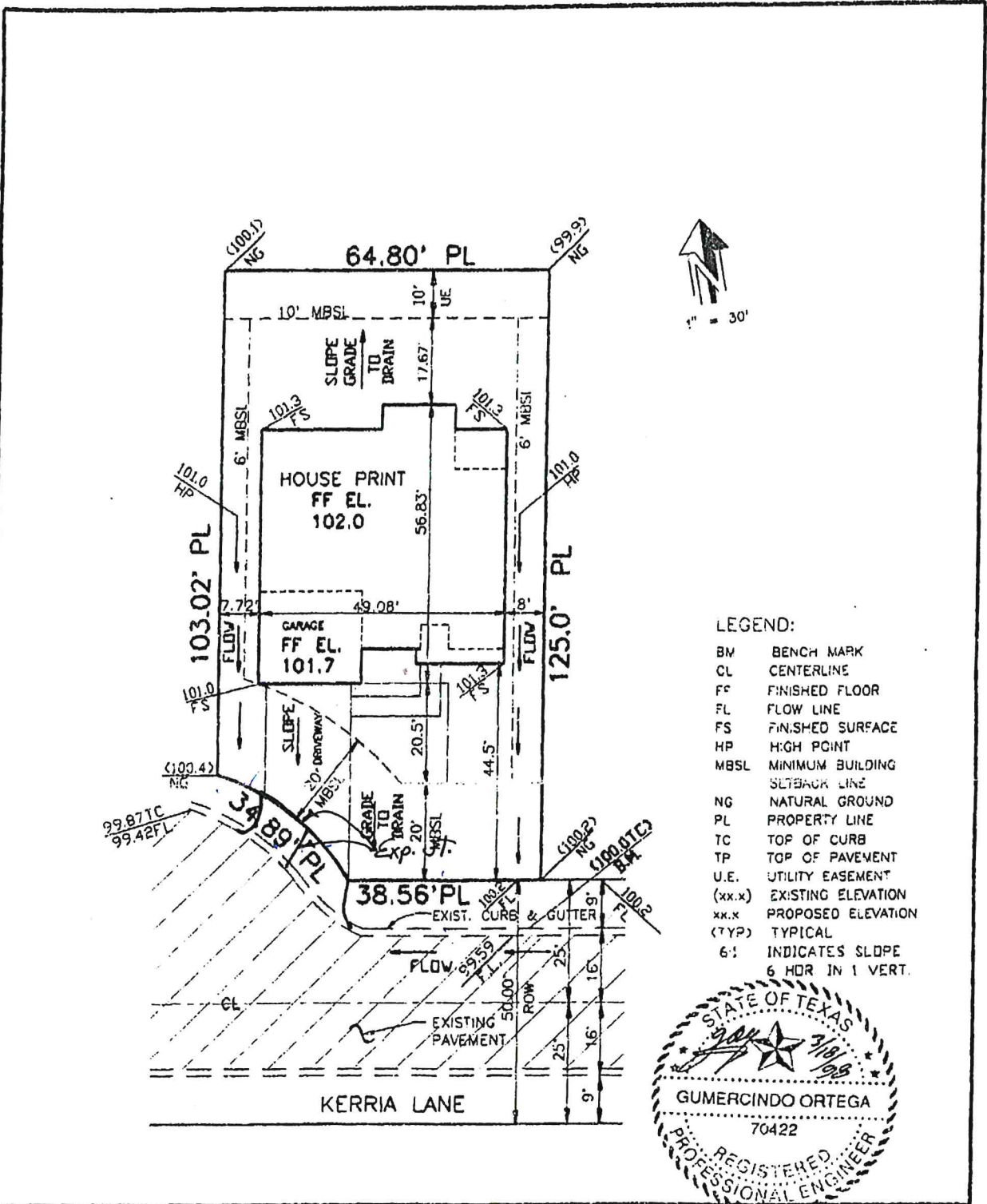
Date

Rev. 9/20





RECEIVED
MAY 21 2024
By *mm*



- LEGEND:**
- BW BENCH MARK
 - CL CENTERLINE
 - FF FINISHED FLOOR
 - FL FLOW LINE
 - FS FINISHED SURFACE
 - HP HIGH POINT
 - MBSL MINIMUM BUILDING SETBACK LINE
 - NG NATURAL GROUND
 - PL PROPERTY LINE
 - TC TOP OF CURB
 - TP TOP OF PAVEMENT
 - U.E. UTILITY EASEMENT
 - (xx.x) EXISTING ELEVATION
 - xx.x PROPOSED ELEVATION
 - (TYP) TYPICAL
 - 6: INDICATES SLOPE 6 HOR IN 1 VERT.



HADA ENG.

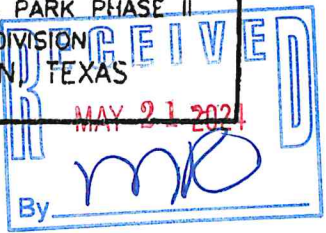
413 W. MOLANA, STE. 3
McALLEN, TX. 78504

TEL (210) 618-1111

PLOT PLAN

LOT 126
PONDEROSA PARK PHASE II
SUBDIVISION
McALLEN, TEXAS

JOB 1282





EAST WEST
Alta

SCT-4518

B3011850



EAST WEST
Alta

Alta

6CT-4513



EASTWEST

NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA 2024-0021

3212

3212

Memo

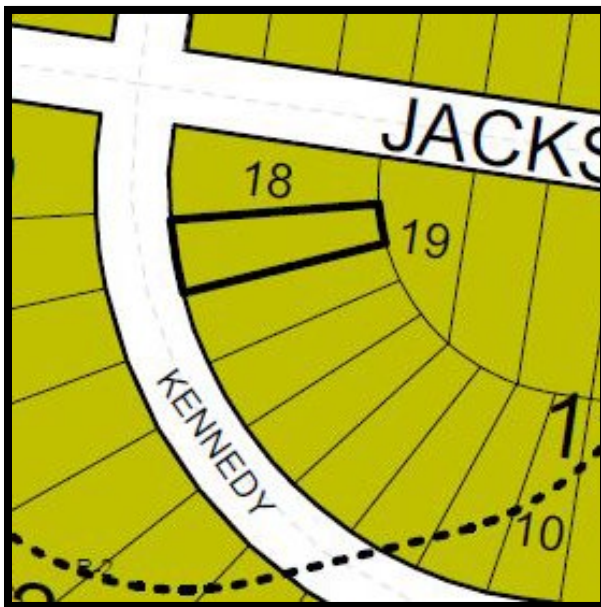
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: June 10, 2024

SUBJECT: REQUEST OF JUAN MUNIZ FOR THE FOLLOWING VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW A LOT SIZE OF 5,250 SQUARE FEET INSTEAD OF THE REQUIRED 5,600 SQUARE FEET FOR A DUPLEX AT LOT 17, BLOCK 11, COLLEGE HEIGHTS SUBDIVISON, HIDLAGO COUNTY, TEXAS; 2164 KENNEDY CIRCLE. (ZBA2024-0014)

REASON FOR APPEAL: The applicant is requesting a variance to allow a Lot area of 5,250 square feet instead of the minimum required Lot area of 5,600 square feet for construction of a duplex.



PROPERTY LOCATION AND VICINITY: The vacant property is located southeast of the intersection of Jackson Avenue of Kennedy Circle. The property has a frontage of 50 feet along Kennedy Circle and a depth of 140 feet. The property is zoned R-2 (duplex-fourplex residential) District. There is R-2 District in all directions.

BACKGROUND AND HISTORY: College Heights Subdivision was recorded on December 28, 1926. The front yard setback is 20 feet as per the R-2 Zoning District. The application for the Variance request was submitted on April 24, 2024.

ANALYSIS: The applicant submitted a feasibility plan that shows the layout of the proposed duplex on a Lot area of 5,250 square feet. The applicant has not submitted an application for a building permit with site plan for formal review.

The duplex will consist of two living units which will include a bedroom, kitchen, bath and dining room. The feasibility plan shows compliance with parking and setback requirements.

The variance request is to allow a 5,250 square foot Lot for the duplex use instead of the 5,600 square feet required as per Section 138-356 of the Zoning Ordinance. The minimum area for a duplex use in the R-2 (duplex-fourplex residential) District is 5,600 square feet. The Lot size is deficient by 350 square feet or .0625 percent.

Development along Kennedy circle is primarily single family residential and duplex use along this neighborhood may conform to the character of the area.

Staff has received two phone calls and one email in opposition to the variance request with concerns of a duplex not being characteristic to the neighborhood.

RECOMMENDATION: Staff recommends approval of the request since the deficiency is only 6% of the required Lot area and the proposed construction conforms to the R-2 (duplex-fourplex residential) District designation for the subject property.

Staff requested for this item to be tabled due to a discrepancy with the previously provided case packet.

ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING OF JUNE 5, 2024: At the Zoning Board of Adjustments and Appeals meeting of June 5, 2024, there was one person in opposition to the variance request. Following discussion, Mr. Hiram Gutierrez moved to table the variance request. Mr. Hugo Avila seconded the motion. There were five Board members present and voting.

ZBA-6/5/24



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

ZBA2024-0014

311 North 15th Street
McAllen, TX 78501

P. O. Box 220

McAllen, TX 78505-0220

(956) 681-1250

(956) 681-1279 (fax)

Project

Legal Description LOT 17 Block 11

Subdivision Name College Heights

Street Address 2164 Kennedy

Number of lots _____ Gross acres _____

Existing Zoning R-2 Existing Land Use Duplex

Reason for Appeal (please use other side if necessary) Cause I dont meet required

square footage. LOT size ~~5000~~ For a duplex - 3505

\$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 Juan Muniz Phone 956 491 9837

Address 3000 Zenaida Av E-mail Jmuniz33@ yahoo.com

City McAllen State TX Zip 78504

Owner

Name Juan Muniz Phone 956 491 9837

Address SAME E-mail _____

City _____ State _____ Zip _____

Authorization

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

Yes No

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

Signature [Signature] Date 4/25/24

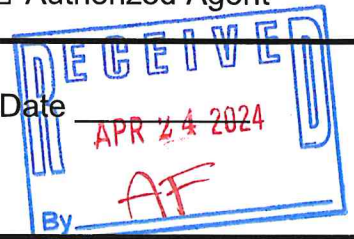
Print Name 491 9837 Owner Authorized Agent

Office

Accepted by _____ Payment received by _____ Date _____

Rev 09/20

NM





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:

Cause am in the correct zone

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

Cause I, need to meet correct LOT size on ~~South~~

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:

Not really cause is zone ~~for~~ for R-2

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

N/A

Reason for Appeal

Board Action

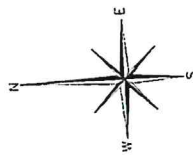
Chairman, Board of Adjustment
Signature

Date

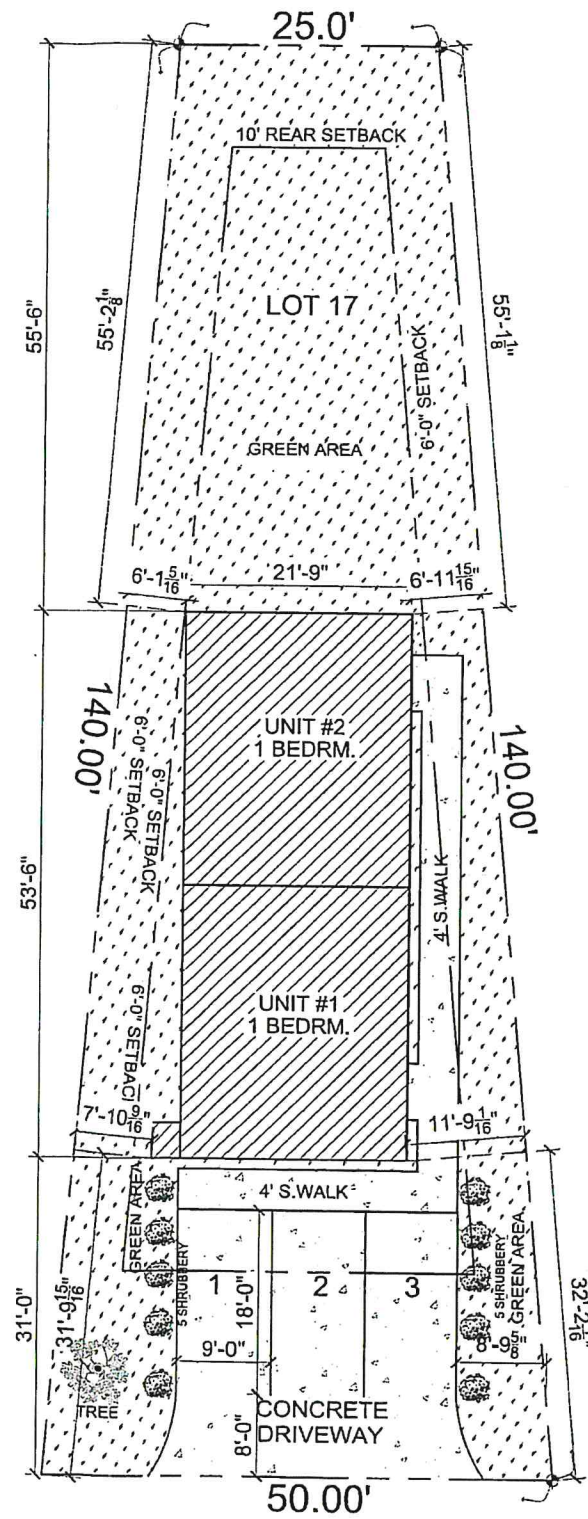
1. VERIFY JOINT LAYOUT FOR SIDEWALKS WITH CONTRACTOR PRIOR TO CONSTRUCTION.
2. ALL SITE WORK, INCLUDING LOCATION OF TRASH DUMPSTER, TEMPORARY TOILET FACILITIES, TEMPORARY CONSTRUCTION BARCADE/FENCING CONSTRUCTION TRAILER, CLEARING PROCEDURE GRADING AND DRAINAGE, CONFORMANCE TO POLLUTION AND PREVENTION CONTROL, AND TEMPORARY UTILITY FACILITIES, ETC. SHALL BE IN ACCORDANCE WITH THE CITY AS WELL AS SUBDIVISION PROPERTY OWNERS ASSOCIATION GUIDELINES.
3. BUILDER AND OWNER SHALL BE RESPONSIBLE FOR ALL TEMPORARY UTILITIES TO THE CONSTRUCTION SITE.
4. CONTRACTOR SHALL BE RESPONSIBLE FOR FINAL GRADING ONLY. OWNER SHALL PROVIDE ALL LANDSCAPING, SO2, AND IRRIGATION SYSTEM.

① SITE PLAN
SCALE: 3/32" = 1'-0"

LEGAL DESCRIPTION	
LOT	17
SUBDIVISION	COLLEGE HEIGHTS
BLOCK	11
CITY	MCALLEN, TEXAS.
NORTH ARROW	



5 [] 7



KENNEDY CIRCLE
CENTER LINE OF STREET

\$300

7

5



JUAN MUNIZ
(956) 491-9837
jmuniz33@yahoo.com

LOT #17 BLOCK 11
COLLEGE HEIGHTS
MCALLEN, TEXAS.

NOTES:

DATE: 02-19-2024
PLAN #007-24

SHEET
C-1

RECEIVED
APR 24 2024
By AF

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

ART SALINAS ENGINEERING & SURVEYING

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

1524 DOVE AVENUE, McALLEN, TEXAS 78504 PH: (956) 618-5565 FAX: (956) 618-5540

LOT 19

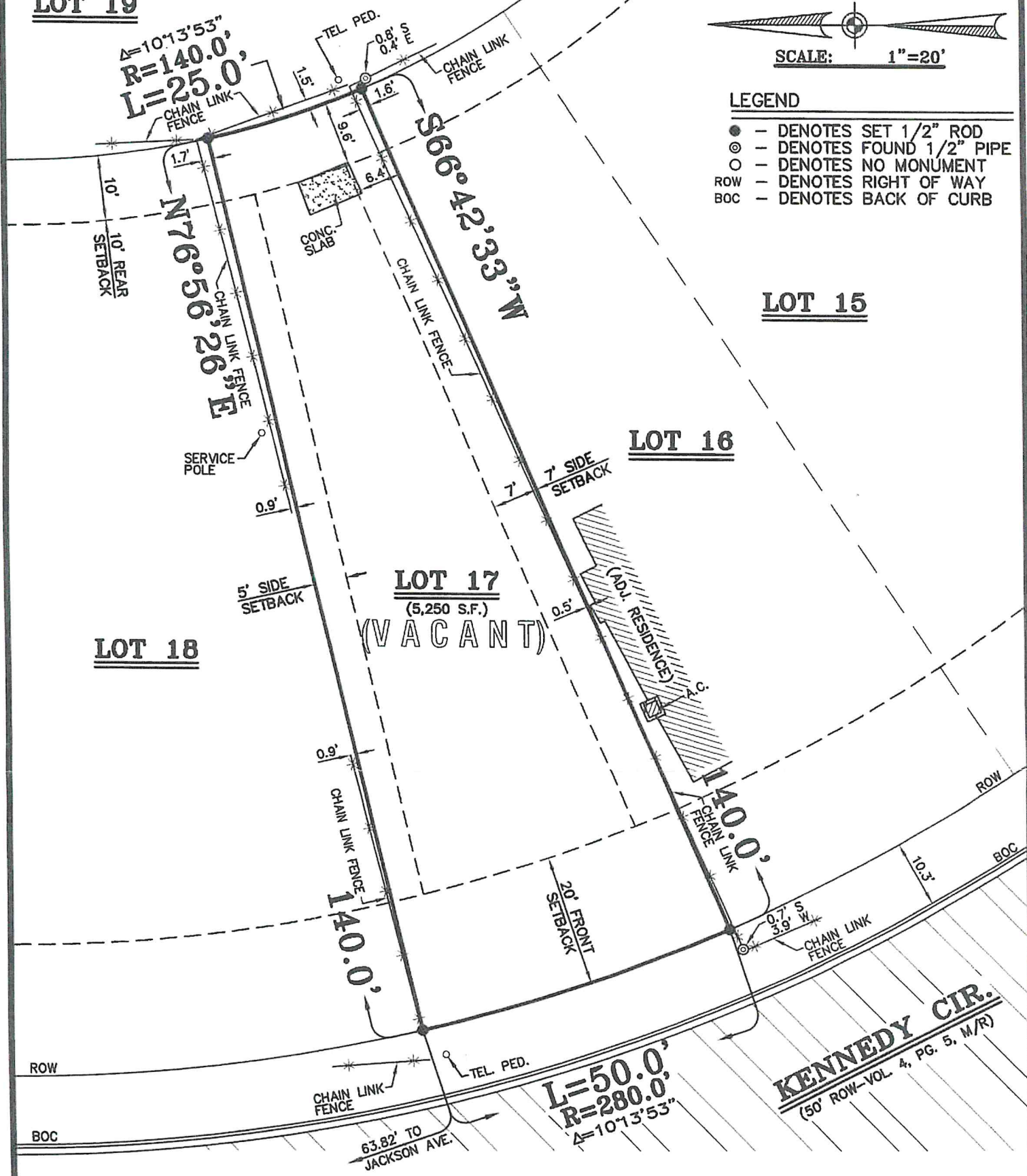
$\Delta=10^{\circ}13'53''$
 $R=140.0'$
 $L=25.0'$



SCALE: 1"=20'

LEGEND

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



FLOOD ZONE DESIGNATION: The property shown hereon 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 480343-0010-C dated 11-02-82.

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 was prepared without the benefit of a title report. Easement research is not within the scope of this survey.
3. This survey must contain an embossed seal and an original signature to be valid as per Section 661.46 and Section 663.19 of the "The Professional Land Surveying Practices Act".
4. This is a standard survey and does not include the location or subsurface investigation of underground utility, irrigation and/or gas lines.
5. Subject to any oil, gas and mineral lease of record.
6. Bearing Basis: "N. line of Lot 17, Block 11, College Heights"

Client(s): J. Muniz Construction, LLC, a Texas Limited Liability Company

THIS IS TO CERTIFY THAT I HAVE, THIS DATE, PREPARED A SURVEY ON THE GROUND WHICH IS LOCATED AT 2164 KENNEDY CIR., in McALLEN, TEXAS, DESCRIBED AS FOLLOWS:
LOT 17, BLOCK 11, COLLEGE HEIGHTS SUBDIVISION, AN ADDITION TO THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 4, PAGE 5, MAP RECORDS IN THE OFFICE OF THE COUNTY CLERK OF HIDALGO COUNTY, TEXAS, REFERENCE TO WHICH IS HERE MADE FOR ALL PURPOSES.

24-67172
Job No.

04-16-24
Date

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Registered Professional Land Surveyor No. 4802



NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2024-0014



Memo

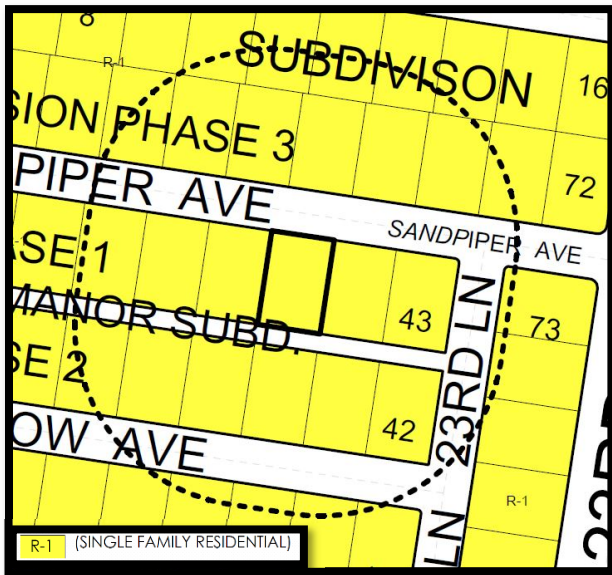
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: June 11, 2024

SUBJECT: REQUEST OF MERLE D. DAVIS FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 3 FEET INTO THE 6 FOOT SIDE YARD SETBACK FOR A PROPOSED SWIMMING POOL AT LOT 45, PARKWOOD MANOR SUBDIVISION, HIDALGO COUNTY, TEXAS; 2317 SANDPIPER AVENUE. (ZBA2024-0020)

REASON FOR APPEAL: The applicant is requesting a variance for an encroachment of three feet into the six foot side yard setback along the east property line for a proposed swimming pool measuring approximately 28.5 feet by 14 feet. The applicant states the pool is needed for physical therapy purposes, exercise and recreation.



PROPERTY LOCATION AND VICINITY: The subject property is located along the south side of Sandpiper Avenue, west of North 23rd Lane. The Lot has 69 feet of frontage along Sandpiper Avenue and 104 feet of depth for a total Lot size of 7,176 square feet. The property is zoned R-1 (single family residential) District. The adjacent zoning is R-1 District in all directions.

BACKGROUND AND HISTORY: Parkwood Manor Subdivision was recorded in July 1983. The recorded plat shows a six foot side yard setback. An application for a variance request was submitted on May 15, 2024.

ANALYSIS: The variance request is for a proposed swimming pool which is considered an accessory structure and requires compliance with setbacks. The applicant proposes to build a swimming pool to be used for physical therapy purposes, exercise and recreation.

The submitted site plan shows a proposed swimming pool encroaching three feet into the six foot side yard setback along the east property line. There are no utility easements that would be impacted by the proposed encroachment.

The construction of the home has an "L" shaped configuration and the homeowner feels the proposed location is the most appropriate location for placement of the swimming pool. Relocation of the proposed swimming pool to the rear yard area is not feasible since there is a driveway entrance from the alley for a car garage.

Measurements provided are without benefit of a survey.

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: 28A2024-0020

ZBOA Meeting: 6/19/24

Routed
 Scanned

Receipt No: _____

Accepted by: P: PH. S: SEN

Customer Acknowledgment (Int.): AD

PROJECT

Legal Description

Lot # 45

2317 Sandpiper Ave. McAllen, Tx 78504

Subdivision Name

Parkwood Manor Sub-D

Street Address

2317 Sandpiper Ave McAllen, Tx 78504

Number of lots

1

Gross acres _____

Existing Zoning

Residential

Existing Land Use

Family home

Reason for Appeal (please use other side if necessary) To increase the size over the

proposed pool size from 11ft. width to 14 ft request 3ft into the left side yard

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

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

APPLICANT

Name Merle D. Davis

Phone 563-340-1373

Address 2317 Sandpiper Ave. McAllen TX

E-mail merle.davis@att.net

City McAllen

State TX

Zip 78504

OWNER

Name Merle and Alicia Davis

Phone 563-340-1373

Address 2317 Sandpiper Ave.

E-mail merle.davis@att.net/a.deleon@hotmail.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.

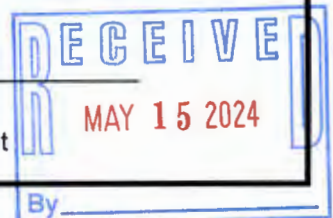
Signature Merle Davis + Alicia Davis


Date 5-15-24

Print Name Merle Davis + Alicia Davis

Owner

Authorized Agent





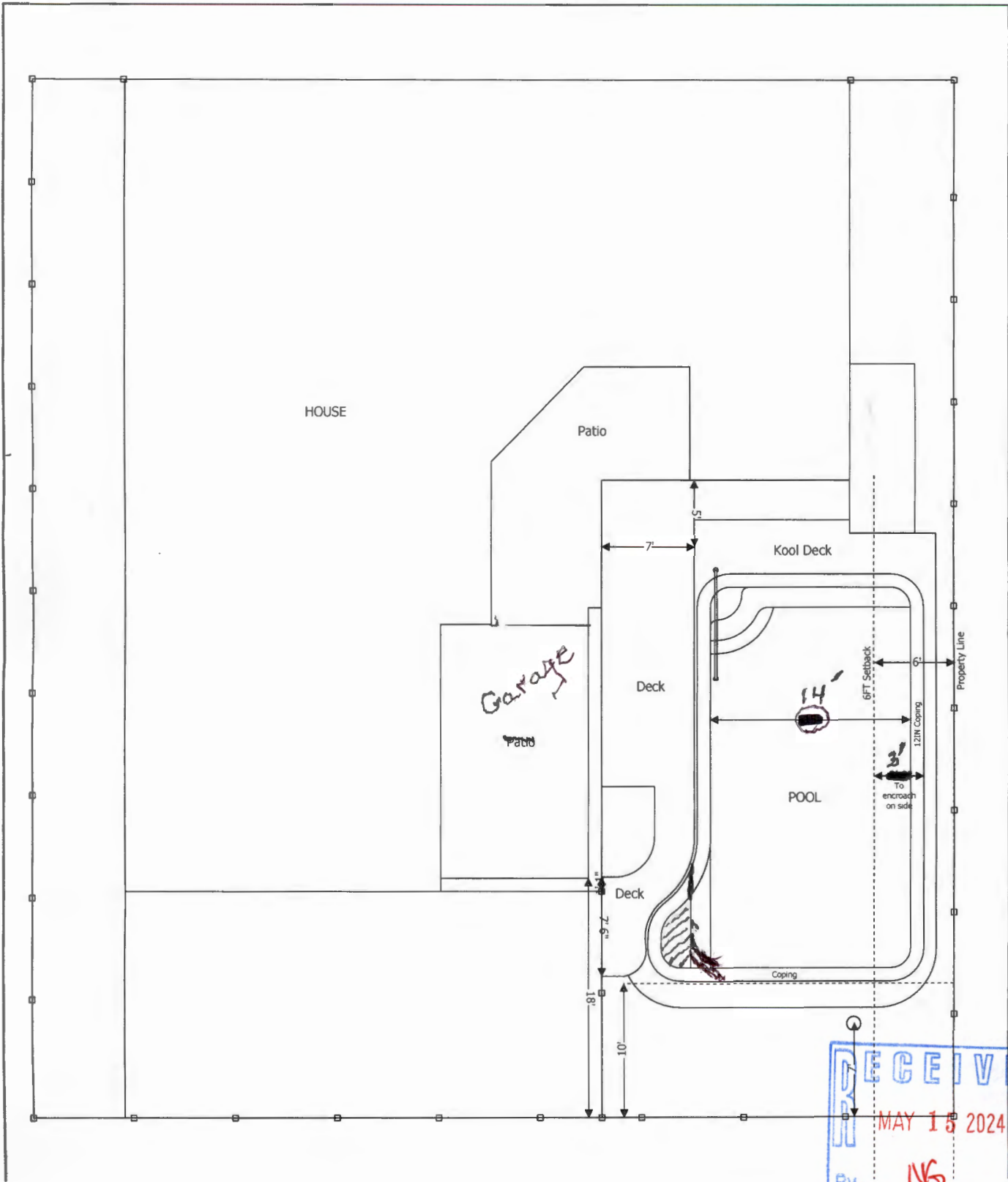
City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

Reason for Appeal	<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 style="font-size: 1.2em; color: blue;">For Physical Therapy, exercise and Recreation in our comfort of our home.</p>
	<p>2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:</p> <p style="font-size: 1.2em; color: blue;">We are requesting the variance to increase the pool size from 11ft to 14ft We are needing the variance to encroach 3ft into the 6ft size yard setback.</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 style="font-size: 1.2em; color: blue;">Compliance to the codes involving pool insurance, pool enclosures. According to requested variance of pool size we don't believe it will bother neighbors</p>

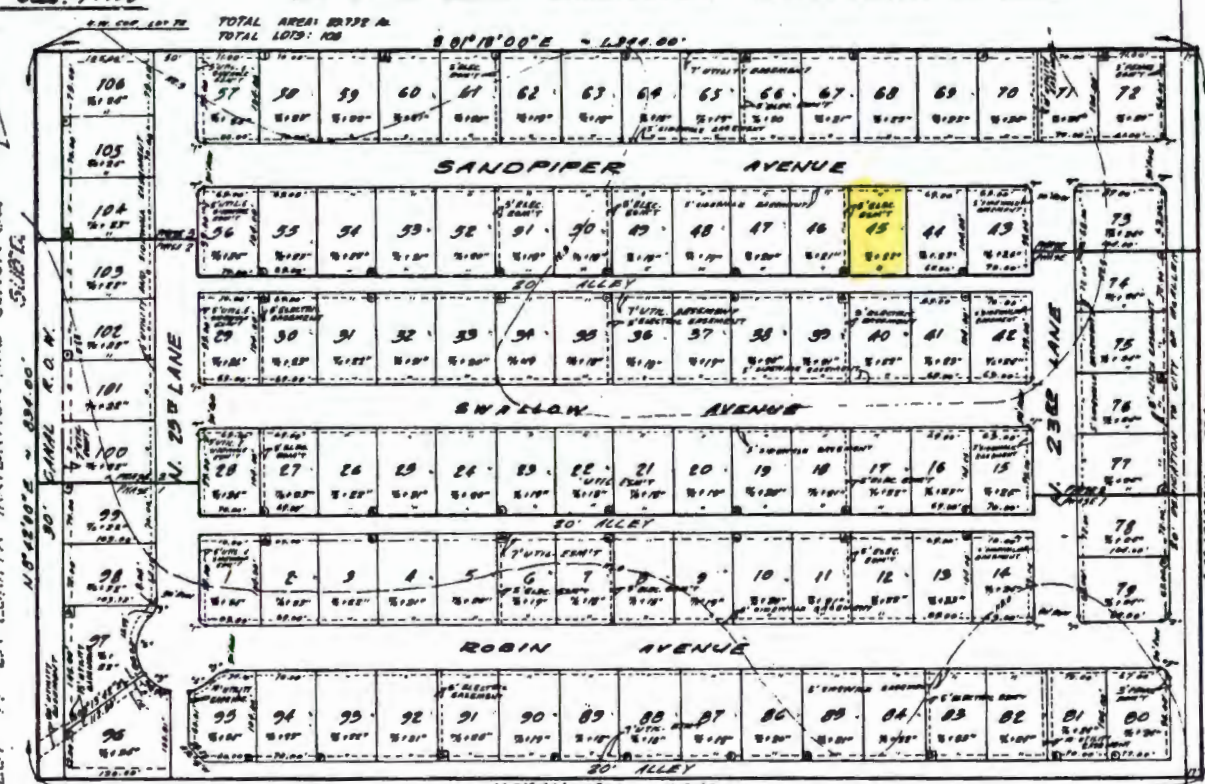
Board Action	<p>4. Describe special conditions that are unique to this applicant or property:</p> <p style="font-size: 1.2em; color: blue;">Physical Therapy and Recreation plus Exercise</p>
	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>Chairman, Board of Adjustment Signature</p> <p>_____</p> </div> <div style="width: 45%;"> <p>Date</p> <p>_____</p> </div> </div>



RECEIVED
MAY 15 2024
By *ING*

RESUBDIVISION FLAT OF
PARKWOOD MANOR SUB'D.
PHASES 1, 2 & 3

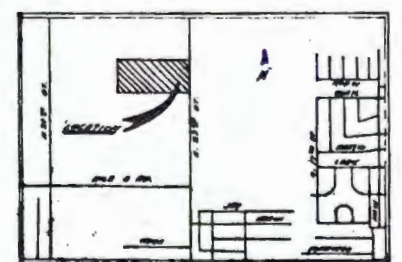
LOT 61 LA LOMITA IRRIGATION AND CONSTRUCTION CO. SUB'D.



LOT 72 LA LOMITA IRRIGATION AND CONSTRUCTION CO. SUB'D.

CURVE DATA

NO.	DELTA	RADIUS	THICKEN	LENGTH
1	54° 00' 00"	5.00'	0.00'	3.85'
2	50° 00' 00"	12.00'	0.00'	15.71'
3	78° 11' 23"	22.00'	11.00'	27.83'
4	26° 39' 10"	50.00'	16.55'	51.56'
5	26° 22' 35"	50.00'	16.57'	50.00'
6	56° 16' 50"	50.00'	22.80'	60.53'



- SPECIAL NOTES:**
- MINIMUM FLOOR ELEVATIONS SHALL BE SHOWN ON EACH LOT.
 - FRONTYARD SETBACKS SHALL BE 10' MINIMUM EXCEPT AROUND CUR-DE-SIC LOTS WHICH SHALL BE 10' MINIMUM UNLESS OTHERWISE SHOWN.
 - SIDEYARD AND BACKYARD SETBACKS SHALL BE 6' AND 10' MINIMUM RESPECTIVELY EXCEPT AT CORNER LOTS - BACKYARD SETBACKS SHALL BE 10' MINIMUM.
 - THERE SHALL BE A 10' UTILITY EASEMENT IN THE REAR OF EACH INDIVIDUAL LOT.
 - THE CITY OF McALLEN SHALL HAVE A 5'-0" EASEMENT AT ALL STREET INTERSECTIONS.
 - A 6' OPEN-GRASS BUFFER SHALL BE REQUIRED ALONG EVERY STREET.
 - LOTS 72 THROUGH 80 SHALL NOT HAVE FRONTAGE ACCESS FROM 13th STREET.
 - A 10' SIDEWALK SHALL BE REQUIRED ALONG THE WEST SIDE OF 13th AND ALONG BOTH SIDES OF N. 23rd LANE.
 - IN THE EVENT IT EVER BECOMES NECESSARY FOR THE CITY OF McALLEN TO UTILIZE THE EASEMENT AREAS ON LOTS 91, 92, 93, 94, 97, 98, 99, 100 FOR CONSTRUCTION, REPAIR, MAINTENANCE, OR INSTALLATION OF UTILITIES IN SUCH EASEMENT AREAS, THE OWNER MAY BE REQUIRED AT HIS COST AND EXPENSE TO REMOVE FROM THE EASEMENT AREA OBSTRUCTIONS WHICH MIGHT INTERFERE WITH THE WORK OF THE CITY.
 - CENTRAL POWER AND LIGHT CO. IS HEREBY GRANTED AN EASEMENT AND RIGHT-OF-WAY ON EACH LOT IN AND ABOUT/THROUGH FOR AN UNDERGROUND ELECTRIC SERVICE LATERAL TOGETHER WITH THE RIGHT OF ACCESS AND EGRESS FOR SUCH PURPOSES AT THE RIGHT LOCATION WHEN SUCH SERVICE LATERAL IS TO BE OR IS INSTALLED AND MAINTAINED FROM TIME TO TIME.
 - NO BUILDING PERMITS WILL BE ISSUED ON ANY LOT IN PHASE I OR II UNTIL COMPLETION OF PUBLIC IMPROVEMENTS IN THIS PHASE.

BEING A RESUBDIVISION OF PARKWOOD MANOR SUBDIVISION AS RECORDED IN HIDEALGO CO., PHASE 1 & 2 OF THE MAP RECORDS OF HIDEALGO COUNTY, TEXAS BEING THE NORTH 25.132 ACRES OF LOT 72 LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION, HIDEALGO COUNTY, TEXAS.

STATE OF TEXAS
COUNTY OF HIDEALGO
THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS INDICATED HEREIN, AND IN ACCORDANCE WITH A DULY AUTHORIZED AGENT DESIGNATES TO THE USE OF THE PUBLIC FOR ALL STREETS, ALLEYS, PUMPS, WATER COURSES, BRIDGES, EGRESSWAYS AND PUBLIC PLACES THROUGH WHICH THE PURPOSE AND CONSERVATION THEREOF EXPRESSES.

Walter Cantor
OWNER

STATE OF TEXAS
COUNTY OF HIDEALGO
BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED *Walter Cantor*, 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 consideration therein expressed and in the capacity therein stated.

Walter Cantor
HIDEALGO COUNTY, TEXAS

APPROVAL BY WATER DISTRICT
THIS PLAT APPROVED BY HIDEALGO COUNTY (DISTRICT NO. 1) DISTRICT NO. 1 ON THIS 24th DAY OF June A.D. 1982

ON THIS 24th DAY OF June A.D. 1982
I, *Walter Cantor*, SECRETARY

I, THE UNDERSIGNED, CLERK OF THE CITY OF McALLEN, HEREBY CERTIFY THAT THIS RESUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY IN VENDOR OF APPROVAL IS REQUIRED.

THIS PLAT OF RECORD, BY AUTHORIZED PLANNING PHASES 1, 2 & 3, HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY OF McALLEN, TEXAS AND IS HEREBY APPROVED BY SUCH COMMISSION, DATED THIS 12th DAY OF June A.D. 1982

STATE OF TEXAS
COUNTY OF HIDEALGO
I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND THE PREVIOUS FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE DATE

Walter Cantor
HIDEALGO COUNTY, TEXAS

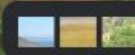
CHECKED FOR DRAINAGE BY: *Walter Cantor*

RECEIVED
MAY 15 2024
By *NS*

APPROVED FOR RECORDING BY: *Walter Cantor*
COMMISSIONER COUNTY CLERK
HIDEALGO COUNTY, TEXAS

Recorded in Book 23, Page 102-B
of the Map Records of Hidalgo County, Texas
Hidalgo and Hunt, Inc.
County Surveyors

APPROVED FOR RECORDING BY: *Walter Cantor*
DATE: July 25, 1982





NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA 2024-0020

3377

Memo

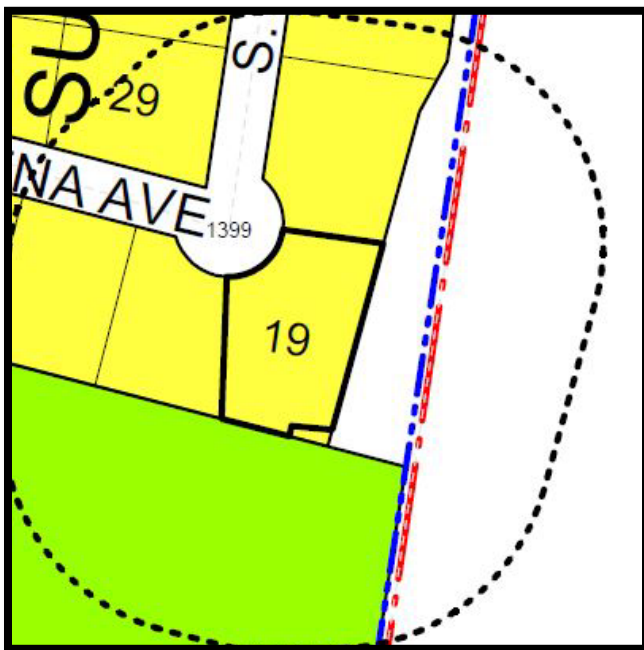
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: June 12, 2024

SUBJECT: REQUEST OF ARNOLD CAVAZOS ON BEHALF OF GABRIEL ALANIS FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 10 FEET INTO THE 20 FOOT REAR YARD SETBACK ON THE EAST REAR AND SOUTH REAR PORTION FOR A PROPOSED RESIDENCE AT LOT 19, LAGO VISTA SUBDIVISION, HIDALGO COUNTY, TEXAS; 4501 SOUTH “M” STREET. (ZBA2024-0018)

REASON FOR APPEAL: The applicant is requesting variances to allow an encroachment of 10 feet into the 20 foot rear yard setback into the east rear yard and into the south rear yard for a proposed single family residence.



PROPERTY LOCATION AND VICINITY: The subject property is located on a partial cul-de-sac at the intersection of South “M” Street and Helena Avenue. The irregular shaped property is vacant and is zoned R-1 (single family residential) District. Adjacent zoning is R-1 District to the north and west. There is A-O (agricultural and open space) District to the south. The area to the east across South Jackson Road is in the city limits of Pharr.

BACKGROUND AND HISTORY: Lago Vista Subdivision was recorded on October 31, 2006. The plat indicates a front setback of 25 feet and 20 feet for a rear yard setback. Due to an oversight during the site plan review process the building permit was issued stating a rear yard setback of 10 feet, instead of the required 20 feet for the rear yard setback. A variance request was submitted on May 2, 2024.

ANALYSIS: The applicant is requesting a variance to allow an encroachment of 10 feet into the 20 foot rear yard setback. The specific encroachment width are approximately 34.4 feet for the garage, 74.25 for the outdoor kitchen and extends 27.16 feet along the south portion of the rear yard setback. The plat shows an irrigation easement that was abandoned by the Hidalgo County irrigation District.

Analysis of the area appears to be 45% of the Lot that is unbuildable due to the restrictions. As per Texas Local Government Code 211.009 (b-1) "Compliance would result in a loss to the Lot on which the structure is located of at least 25 percent of the area on which development may physically occur."

To the east side of the property there is a ROW easement. As per discussion with Engineering Department, there are no plans of future expansion to Jackson Road at their location. This request will, therefore, not negatively impact future road expansions plans. There is vacant land south of the subject property.

City Ordinance Section 138-367(b) states, "Where lots have double frontage, a required front yard shall be provided on one street only." The submitted site plan shows the proposed residence will be in compliance with the 25 foot front yard setback.

The standard rear yard setbacks for a R-1 district is 10 feet as per our current Code of Ordinance. Lots 8 through 18, just west of Lot 19 show a rear setback of 10 feet.

Variances run with the land and remain as a condition for future owners and new constructions.

Measurements provided on the site plan are without benefit of a survey.

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

RECOMMENDATION: Staff recommends approval of the variance request since the applicable minimum setbacks for the subject property would result in a loss to the Lot of at least 25 percent of the buildable area, as per Texas Government Code 211.009(b-1). Moreover, the requested rear yard setback of 10 feet complies with the City's current Zoning Ordinance for R-1 (single family residential) District properties and will not negatively impact future road expansions or development plans for the area.

ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING OF MAY 22, 2024: At the Zoning Board of Adjustments and Appeals meeting of May 22, 2024, no one appeared in opposition to the variance request. There were five Board members present and voting. Following discussion, Board member Hugo Avila made a motion to approve the request. The motion was seconded by Board member Hiram H. Gutierrez. Two members voted aye and three members voted nay.

Chairman Gutierrez adjourned the meeting at 5:18p.m.

ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING OF JUNE 5, 2024: At the Zoning Board of Adjustments and Appeals meeting of June 5, 2024, no one appeared in opposition to the variance request. There were five Board members present and voting. Following discussion, Board member Hugo Avila made a motion to approve the request. The motion was seconded by Board member Hiram H. Gutierrez. Two members voted aye and three members voted nay. Therefore, Mr. Rogelio Rodriguez made a motion to table the item with Mr. Hugo Avila seconded the motion.

ZBA2024-0018

ZBA-5/22/24



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project	Legal Description	<u>Lago Vista Lot 19</u>	
	Subdivision Name	<u>Lago Vista Lot 19</u>	
	Street Address	<u>4501 South M. Street</u>	
	Existing Zoning	Number of lots _____ Gross acres _____	Existing Land Use <u>vacant.</u>
	Reason for Appeal (please use other side if necessary)	<u>allow encroachment of 10 feet. into the 20 ft. side yard setback and rear South, East rear portion of Lot 19</u>	
	<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport)	<input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required	

Applicant	Name	<u>Arnold Cavazos</u>	Phone	<u>(956) 458-0884</u>
	Address	<u>2020 E. Silverbell</u>	E-mail	<u>arnold.cavazos21@gmail.com</u>
	City	<u>mission</u>	State	<u>TX</u>
			Zip	<u>78573</u>

Owner	Name	<u>Gabriel Alanis</u>	Phone	<u>956 703 0923</u>
	Address	<u>2504 S Veterans Blvd.</u>	E-mail	<u>Alanis2402@gmail.com</u>
	City	<u>San Juan</u>	State	<u>TX</u>
			Zip	<u>78589</u>

Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?	
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.	
	Signature	Date
<u>Gabriel Alanis</u>	<u>05/02/24</u>	
Print Name	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent	
<u>Gabriel Alanis</u>		

Office	Accepted by _____	Payment received by _____
	Rev 10/18	Date _____



Handwritten initials



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:

Single Family Home - Custom design.

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

allow encroachment of 10 feet into the 20 feet side yard setback.

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 not affect any neighbors due to the fact that its on my property.

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

W / A.

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date



Proposed

7,349 SQFT
Double Story Home

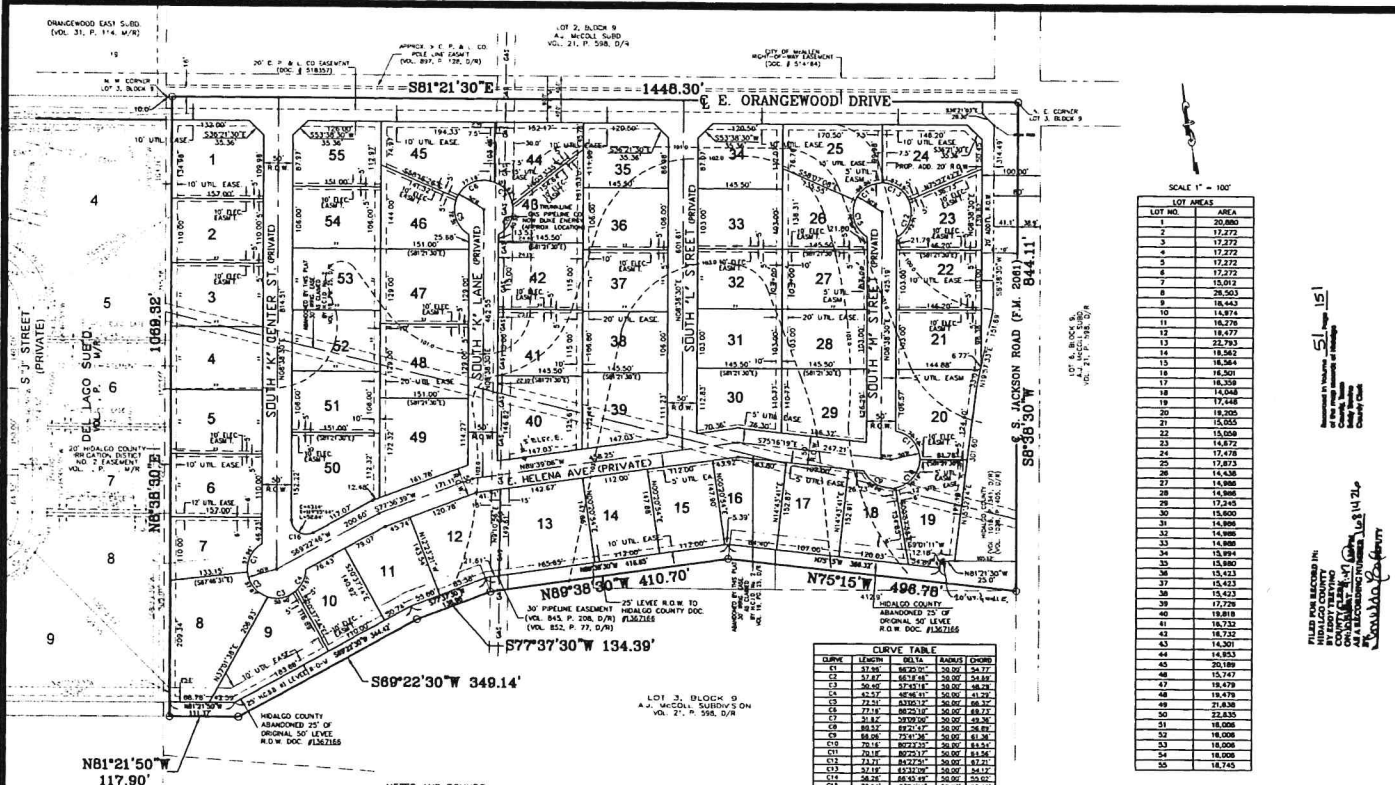
Site

Scale 1/8" = 1'

SUBDIVISION PLAT OF LAGO VISTA SUBDIVISION

A 29.22 ACRE TRACT OF LAND OUT OF LOT 3, BLK. 9, A.J. MCCOLL SUBDIVISION
OF PORCINE 68, HIDALGO COUNTY, TEXAS, RECORDED IN VOL. 21 PAGE 598 DEED RECORDS

PREPARED BY: K. K. ENGINEERING CONSULTANT
DATE: MAY 9, 2003



STATE OF TEXAS
COUNTY OF HIDALGO

THE OWNER OF THE LAND ON THIS PLAT AND DESIGNATED HEREIN AS LAGO VISTA SUBDIVISION, GENERAL PARTNER PROFFERANCE, INC. AN ADDITION TO THE CITY OF McALLEN AND WHOSE NAME IS SUBSCRIBED HERETO DO HEREBY GRANT AN EASEMENT TO SAID CITY AND THOSE WHO MAY NOW OR HEREAFTER HOLD FRANCHISE UNDER SAID CITY, THE USE OF THE STREET IS RESTRICTED TO THE EMPLOYEES AND AGENTS OF THE CITY OF McALLEN EMPLOYEES OF UTILITIES UNDER FRANCHISE TO SAID CITY AND RESIDENTS OF THE SUBDIVISION AND THEIR GUEST, THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC THE PORTIONS OF E. ORANGEWOOD DR. AND S. JACKSON RD. FOR USE AS STREET RIGHT OF WAY DEDICATED TO THE CITY OF McALLEN.

OWNER:
SOUTH VILLA HERNOVA, LTD.
GENERAL PARTNER PROFFERANCE, INC.
ALONZO CANTIL, PRESIDENT
P.O. BOX 2873
McALLEN TEXAS 78502

STATE OF TEXAS
COUNTY OF HIDALGO

I, (WE), THE UNDERSIGNED, HOLDER(S) (OR DULY AUTHORIZED OFFICERS OF THE HOLDER(S)) OF A SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY, BEING THE LAND SHOWN ON THIS PLAT AND DESIGNATE HERIN AS THE LAGO VISTA SUBDIVISION, 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 THE ANY FORECLOSURES RELATING TO THE SECURITY INTEREST ON THE ABOVE DESCRIBED PROPERTY SHALL BE SUBJECT TO THE PLATTING OF THE PROPERTY AS PROVIDED HERIN.

SECURITY INTEREST HOLDER: TEXAS STATE BANK
CURTIS BROOKMAN, EXECUTIVE PRESIDENT & CHIEF LENDING OFFICER

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED ALONZO CANTIL AND CURTIS BROOKMAN, KNOWN TO ME TO BE THE PERSON(S) WHOSE NAME(S) IS (ARE) SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE (THEY) EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 25th DAY OF October 2006.

Yolma Garcia
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES 3/26/09

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.

Robert F. Porter
MAYOR, CITY OF McALLEN, TEXAS.

STATE OF TEXAS
COUNTY OF HIDALGO

THIS SUBDIVISION PLAT OF LAGO VISTA SUBDIVISION HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF McALLEN, TEXAS AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS 25th DAY OF October A.D. 2006.

John Falcon
CHAIRMAN

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 § 48.211(C). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1
BY: *1/1/2006*

STATE OF TEXAS
COUNTY OF HIDALGO

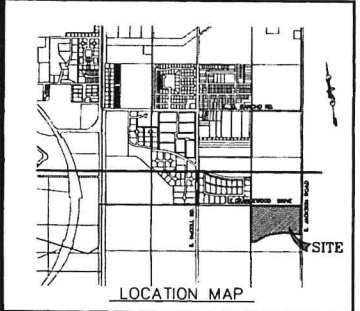
I, KAMRIZ S. KHADIMI, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

Kamriz S. Khadimi
KAMRIZ S. KHADIMI, P.E.
REG. PROFESSIONAL ENGINEER NO. 57767

STATE OF TEXAS
COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND UNDER MY SUPERVISION.

Florio E. Medina
FLORIO E. MEDINA
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1590
320 N. 15th. STREET
McALLEN, TEXAS 78501



K K Engineering Consultant
GENERAL PROFESSIONAL CIVIL ENGINEERING SERVICES

(410 E. DOWE)
P.O. BOX 3422
McALLEN, TEXAS 78502
FAX (956) 630-2318

(956) 630-2325
FAX (956) 630-2318

