AGENDA

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

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

CALL TO ORDER -

1. MINUTES:

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

2. PUBLIC HEARINGS:

- a) Request of Humberto Salinas for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 20-foot front yard setback for an existing carport at Lot 13, Block 1, McAllen Heights Subdivision, Hidalgo County, Texas; 821 South 26th ½ Street. (ZBA2025-0017)
- b) Request of Jorge Guerra for a Variance to the City of McAllen Zoning Ordinance to not provide a masonry screen eight feet in height and instead provide an eight-foot cedar fence for the proposed Los Encinos on Taylor Subdivision at 20.01 Acres out of Lots 297 & 298, John H. Shary Subdivision, Hidalgo County, Texas; 3320 North Taylor Road. (ZBA2025-0018)
- c) Request of Michael I. Phelps for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 20 foot front yard setback for an existing carport at Lot 4 & North 4ft of Lot 3, Block 2, Harvey Terrace Subdivision, Hidalgo County, Texas; 2828 North 28th ½ Street. (ZBA2025-0019)
- d) Request of Ma M. Hernandez Amaya for the following variance to the City of McAllen Zoning Ordinance: 1) to allow a 3500-square foot lot instead of the required 5600 square feet Lot area as required per section 138-356 of the zoning ordinance; 2) to allow a Lot fronting of 25 feet instead of the 50 feet minimum requirement; 3) to allow 3 ½ feet side yard setback instead of the required building setback for the side yards, at E ½ of Lot 7, Amended map of Lots 1 thru 8, inclusive, Block 4, College Addition Subdivision, Hidalgo County, Texas; 2505 Erie Avenue. (ZBA2025-0020)
- e) Request of Gerardo Morales for a variance request to the City of McAllen Zoning Ordinance to allow an encroachment of 18 feet into the 18-foot rear yard setback for a hot tub with a pergola at Lot 65, Spanish Oaks @ Frontera Subdivision, Hidalgo County, Texas; 705 Grambling Avenue. (ZBA2025-0021)
- f) Request of Melden & Hunt on behalf of Maria A. Garcia for a variance for a Lot minimum front width requirement reduced to 30.56 feet to the City of McAllen Zoning Ordinance at 2.595 acre tract of land out of Lot 4,A.J. McColl's Addition to McAllen First Suburban Citrus Grove, and out of Lots 138A and 148A John H Shary Subdivision, Hidalgo County, Texas; 2900 South Bentsen Road. (ZBA2025-0022)

3. FUTURE AGENDA ITEMS

- a) 3212 Covina Avenue
- b) 2508 Upas Avenue
- c) 310 South 24th Street
- d) 6004 North 30th Street
- e) 1406 Orchid Avenue
- f) 4704 Toucan Avenue
- g) 801 North 15th Street

ADJOURNMENT:

IF ANY ACCOMMODATIONS FOR A DISABILITY ARE REQUIRED, PLEASE NOTIFY THE PLANNING DEPARTMENT (681-1250) 72 HOURS BEFORE THE MEETING DATE. WITH REGARD TO ANY ITEM, THE 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.

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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 21, 2025 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present: Jose Gutierrez Chairperson

Hugo Avila Vice-Chairperson

Hiram Gutierrez Member
Juan Mujica Alternate
Alex Lamela Alternate
Erick Diaz Alternate

Absent: Daniel Santos Member

Ivan Garcia Member Nancy Valenzuela Alternate

Staff Present: Norma Borrego Assistant City Attorney I

Omar Sotelo Planning Director Rodrigo Sanchez Senior Planner

Samantha Trevino Planner I
Alexis Martinez Planner I
Jessica Puga Technician II

Carmen White Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

a) Minutes for the meeting held on May 7, 2025.

The minutes for the meeting held on May 7, 2025. The motion to approve the minutes were made by Mr. Alex Lamela. Vice-Chairperson Hugo Avila seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

a) Request of Luis Gudino and Kimberly Gudino for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 25 foot front yard setback for an existing metal carport at Lot 24, Block 20, Balboa Acres Subdivision, Hidalgo County, Texas; 2912 Daytona Avenue. (ZBA2025-0013)

Ms. Martinez stated the applicant was requesting a special exception for an encroachment of 20 feet into the 25-foot front yard setback for an existing metal carport measuring 23 feet by 25 feet. The property owner for this lot is wishing to use the carport for vehicle protection.

The subject property was located north of Daytona Avenue, south of Covina Avenue, and approximately 190 feet west of North 29th Street. The lot has 96 feet of frontage along Daytona Avenue with a lot size depth of 110 feet. The property is zoned R-1 (Single Family Residential) District. Adjacent zoning is R-1 (single-family residential) District in all

directions and A-O (Agricultural and Open Space) District to the north. Surrounding land uses are single-family residences and vacant land.

Balboa Acres Subdivision was recorded on December 27, 1962. The front yard setback is 25 feet as per plat. On April 2, 2025, Code Enforcement Department issued out a stop work order for a carport not having a permit on file. A building permit for the carport was submitted April 8, 2025 and was rejected due to front yard encroachment. An application for a Special Exception request was submitted to the Planning Department on April 10, 2025. On April 15, 2025, a citation was then issued for construction without a permit by Code Enforcement Department.

The request was for a special exception to allow an encroachment of 20 feet into the 25-foot front yard setback for an existing metal carport measuring 23 feet by 25 feet. The applicant is applying for a special exception for the existing carport on the property to provide protection to their vehicles from severe weather conditions. The applicant was under the assumption that the information provided to them by the builder of the carport about not needing to acquire a building permit was necessary and that he has built several similar structures and areas in McAllen with no issues. His assurance to the property owners did not make them aware that there was a size restriction along with a limitation of building areas on the lot regarding structures, non the less that a building permit was required until it was brought to their attention by city Staff.

This lot does have an access alley in the rear of the property; however, there is not enough room to relocate the carport in the backyard with the existing structures. The existing carport does not fall under the maximum requirement as stated in Section 138-371 (g) "No carport for which a special exception has been granted under this subsection shall exceed 400 square feet in size". However, the applicant is proposing to modify the structure to measure 20 feet by 20 feet to comply with the maximum limitation of 400 square feet. The main house was not built with a garage and is why the applicant is requesting to keep the carport subject to modifications as shown on the site plan.

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

Following a site visit, staff observed various other carports in the subdivision that had a similar front carport encroachments and records indicated some have not applied for permits and some have approved special exceptions with issued permits.

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

Staff recommended approval of the Special Exception request since approval is granted to the property owner only and will not negatively impact the existing character of the neighborhood.

Kimberly Gudino and Luis Gudino, 2912 Daytona Avenue. The applicants distributed letters of the surrounding neighbors to the Board who were in favor of the Special Exception

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

Sylvia Alvarado, 2905 Covina Avenue stated she was in favor of the carport. She stated she would also like to build a carport for protection of her vehicle.

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

Following discussion, Mr. Hiram Gutierrez **moved** to approve the Special Exception as as per staff's recommendation. Mr. Alex Lamela seconded the motion. The Board voted to approve Special Exception with five members present and voting.

b) Request of April Rodriguez for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 25 foot front yard setback for a proposed carport measuring 20 feet x 20 feet at Lot 74, Plantation Gap Subdivision Phase 1, Hidalgo County, Texas; 4517 Thunderbird Avenue. (ZBA2025-0014)

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

The subject property wsa located along the south side of Thunderbird Avenue approximately 205.0 feet west of North 45th Street. The subject property has an area of 5,149 square feet. The property is zoned R-1 (Single Family Residential O.C.) District. The adjacent zoning is R-1 District O.C. in all directions.

Plantation Gap Phase 1 Subdivision was officially recorded on December 20, 2004. This home and like several homes within this subdivision were built with a single car garage. The subdivision plat indicates a front yard setback requirement of 25 feet. A special exception request was submitted on April 10, 2025. A building permit for the proposed metal carport was submitted on April 9, 2025.

The applicant is requesting the special exception for a proposed metal carport with an encroachment into the front yard setback. The applicant explains that their home was originally built with a single-car garage, and the proposed 20 foot x 20 foot metal carport is intended to shield their other vehicles from the extreme heat and weather conditions.

There is no rear alley access on the property that would allow the proposed carport to be relocated outside of the front yard setback.

In the past there have been other special exceptions granted in Plantation Gap Phase 1 Subdivision for encroachment into the front yard setback.

There was a 5-foot utility easement in the front but will not be impacted by the encroachment.

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

Staff recommended approval since special exception requests are granted to the property owner only and a change of ownership requires the new owner to apply for their own special exception.

Vice-Chairperson Avila asked staff regarding the house next door, which had a metal carport, was that one previously granted. Staff stated he had checked on that one and it showed that four approvals in that neighborhood.

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

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

Following discussion, Mr. Hugo Avila **moved** to approve the Special Exception as presented. Mr. Juan Mujica seconded the motion. The Board voted to approve Special Exception with five members present and voting.

c) Request of Andres and Dora Hilda Benavidez for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 15.5 feet into the 25 foot front yard setback for an existing carport at Lot 22, Plantation Gap Subdivision Phase 1, Hidalgo County, Texas; 4608 Toucan Avenue. (ZBA2025-0015)

Mr. Hernandez stated the applicant was requesting a special exception to allow an encroachment of 20 feet into the 25-foot front yard setback for an existing metal carport that is proposed to be modified to comply with square footage size requirement.

The subject property was located along the north side of Toucan Avenue approximately 355.0 feet west of North 45th Street. The subject property has an area of 5,199 square feet. The property is zoned R-1 (Single Family Residential O.C.) District. The adjacent zoning is R-1 District O.C. in all directions.

Plantation Gap Phase 1 Subdivision was officially recorded on December 20, 2004. This home and like several homes within this subdivision were built with a single car garage. The subdivision plat indicates a front yard setback requirement of 25 feet. A special exception request was submitted on April 14, 2025. A building permit for the proposed metal carport was submitted on January 27, 2025.

The applicant is requesting the special exception for an existing metal carport measuring 24.83 feet x 16.75 feet with a total of 416 square feet, which exceeds the 400 square foot size not allowed by ordinance. The applicant is proposing to reduce the carport size to bring into compliance. The carport currently encroaches 15.42 feet into the front yard setback. The applicant asserts that the carport is essential to accommodate her husband for medical reasons. The structure provides necessary shade and protection from extreme weather conditions, thereby enabling him to safely perform daily exercises and spend time outdoors without exposure to excessive heat or adverse weather.

There was a 5 foot utility easement in the front but will not be impacted by the encroachment.

There is no rear alley access on the property that would allow the proposed carport to be relocated outside of the front yard setback.

In the past there have been other special exceptions granted in Plantation Gap Phase 1 Subdivision for encroachment into the front yard setback.

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

Staff recommended approval since special exceptions are issued to the property owner only and any change in ownership require the new owner to apply for their own special exception.

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

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

Following discussion, Mr. Alex Lamela **moved** to approve the Variance request as presented by staff's recommendation Vice-Chairperson Hugh Avila seconded the motion. The Board voted to approve Variance request with five members present and voting.

d) Request of CRV Construction, LLC on behalf of Reyes Ramon Ayala for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 11 feet into the 20 foot front yard setback for a proposed metal carport at Lot 73, Ware Heights Subdivision, Hidalgo County, Texas; 3412 Xanthisma Avenue. (ZBA2025-0012)

Ms. Trevino stated the applicant was requesting a special exception for an encroachment of 11 feet into the 20-foot front yard setback for a proposed metal carport measuring 15 feet by 20 feet. The property owner for this lot is wishing to use the carport for vehicle protection.

The subject property was located north of Xanthisma Avenue, south of Yucca Avenue, and approximately 170 feet west of North 34th Street. The lot has 50 feet of frontage along Xanthisma Avenue with a lot size depth of 98.75 feet. The property is zoned R-1 (Single Family Residential) District. Adjacent zoning is R-1 (single-family residential) District in all directions, R-3T (Multifamily Residential Townhouse) District to the north and R-3A Multifamily Residential Apartment to the south. Surrounding land uses are single-family residences and vacant land.

Ware Heights Subdivision was recorded on February 9, 1999. The front yard setback is 20 feet as per plat. An application for a Special Exception request was submitted to the Planning Department on April 3, 2025. No building permit has been applied for yet.

The request was for a special exception to allow an encroachment of 11 feet into the 20-foot front yard setback for a proposed metal carport measuring 15 feet by 20 feet. The applicant is applying for a special exception for the proposed carport on the property to provide protection to their vehicles from severe weather conditions. This lot does not have an access alley to have the carport relocated to the rear of the property. The proposed carport does fall under the maximum 400 square feet requirement as stated in Section 138-371 (g) "No carport for which a special exception has been granted under this subsection shall exceed 400 square feet in size". The current built in one car garage is being used for one vehicle; however, the applicant has additional vehicles that they would like to provide the same coverage protection with the use of the proposed carport.

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

In conducting research on the subdivision, staff did not find any other variances or permits issued out for carports. During a site visit, staff only saw one other carport in the subdivision that has a similar front carport encroachment into that property.

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

Staff recommended disapproval of the Special Exception request since it is not compatible with the character of the neighborhood.

Board member Mujica asked staff being that there were all single car garages in the neighborhood by the City's perspective that there were no other carports. Staff stated there was one other carport existing aside from this proposal that did not have a permit.

Mr. Reyes Ramon Ayala, 3412 Xanthisma Avenue. The applicant stated he waited 24 years to build this carport to protect his vehicles and to have it cooler for this garage and living room.

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

Rosa Alaniz, 3401 Yucca Avenue. She stated she was in favor of the Special Exception.

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

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

Board member Mujica wanted clarification of the measurements of the site plan that it was 11 feet into the 25-foot front setback. Staff stated yes.

Following discussion, Mr. Hiram Gutierrez **moved** to approve the Special Exception as presented on the site plan against staff's recommendation. Mr. Juan Mujica seconded the motion. The Board voted to approve Special Exception with five members present and voting.

e) Request of Saul Briones for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 21 feet 8 inches into the 25 foot front yard setback for an existing carport measuring 21 feet by 19 feet at Lot 9, Derby Downs Subdivision, Hidalgo County, Texas; 2301 North 47th Street. (ZBA2025-0016)

Ms. Trevino stated the applicant was requesting to encroach 21 feet 8 inches into the 25-foot front yard setback for an existing carport. The carport will be used to protect his vehicles from weather related damage.

The subject property was located along the west side of North 47th Street. The subject property is currently Zoned R-1 (single-family residential-OC) District.

Derby Downs Subdivision was recorded on October 29, 2004. A building permit was rejected April 8, 2025 for carport addition. An application for a special exception request was submitted on April 15, 2025.

The applicant was requesting to encroach 21 feet 8 inches into the 25-foot front yard setback for an existing carport. There are no utility easements that run along the front of the property. The carport will be used to protect his vehicles from adverse weather as per the applicant.

In the past there have been 2 variances granted in Derby Down's Subdivision for encroachments into the rear yard setback. There have been no applications or approval for special exceptions in Derby Down's Subdivision.

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.

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

Staff recommended disapproval of the special exception request.

Chairperson Gutierrez asked why staff recommending disapproval. Staff stated it would be the first in the subdivision. There were not any others, the only carport was in the next subdivision.

Board member Mujica asked if this was a single car garage. Staff stated no, it was a two-car garage.

Mr. Saul Briones, 2301 North 47th Street. He stated he did not know anything about building permits. He stated that the hailstorm in 2014 damaged his vehicle. Then there was the flood in 2018. Mr. Briones stated he heard on the news that they could rebuild without obtaining a permit. He received a citation afterwards.

Board member Mujica asked the applicant when the carport was built. He stated in 2018.

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

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

Following discussion, Mr. Hugo Avila **moved** to disapprove the Special Exception as presented on the site plan against staff's recommendation. Mr. Juan Mujica seconded the motion. The Board voted to disapprove Special Exception with five members present and voting.

f) Request of Raudel Garcia for a Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 4 feet into the 7 foot north side yard setback for a proposed irregular shaped swimming pool with an area of approximately 352 square feet at Lot 25, Block 7, Milmor Addition Subdivision, Hidalgo County, Texas; 1214 North 16th Street. (ZBA2025-0010) (TABLED: 05/07/2025)

This item was withdrawn by the applicant.

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There	being	no	further	business	to	come	before	the	Zoning	Board	of	Adjustment	and
Appea	I, Chai	rper	son Jos	se Gutierre	z <u>r</u>	<u>moved</u>	to adjo	urn t	the meet	ting.			

	Chairperson Jose Gutierrez	
Carmen White, Administrative Assista		

Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

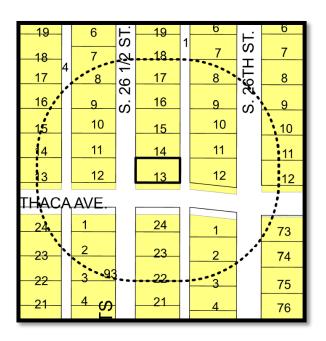
DATE: May 27, 2025

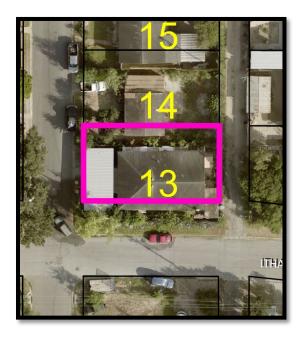
SUBJECT: REQUEST OF HUMBERTO SALINAS FOR A SPECIAL EXCEPTION TO THE CITY

OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 20 FEET INTO THE 20 FOOT FRONT YARD SETBACK FOR AN EXISTING CARPORT AT LOT 13, BLOCK 1, MCALLEN HEIGHTS SUBDIVISION, HIDALGO COUNTY, TEXAS; 821

SOUTH 26TH 1/2 STREET. (ZBA2025-0017)

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





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

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

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

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

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

RECOMMENDATION: Staff recommends disapproval of the special exception request.



City of McAllen

Planning Department APPEAL TO ZONING BOARD OF

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

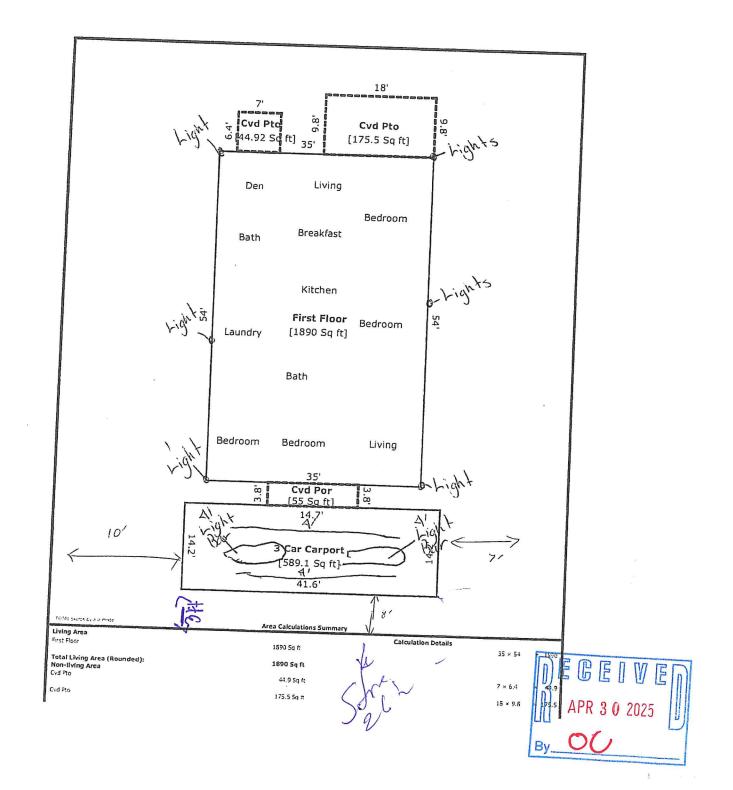
ADJUSTMENT TO MCALLEN ZONING ORDINANCE

Case Number: 2BA2025-0017 ZBOA Meeting: 06/04/25
Accepted By:
PROJECT / /
Legal Description LF- 13 BUE 1
Subdivision Name MAKEN Hieghts Control Contro
Street Address
Number of lots Gross acres Existing Zoning Existing Land Use Reason for Appeal (please use other side if necessary) A A A A A A A A A A A A A A A A A A A
Treason for Appear (please use office inflecessary)
\$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
Name Hamberto Sabinas Phone 976 212 2450 Address B218, 26th E-mail Bacinst Ty Oyshor Cr
City MC MC State Zip DF 57/
Name Hamberto (SAMe) Phone
AddressE-mail
CityStateZip
AUTHORIZATION
To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? Yes I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.
Signature Date APR 3 0 2025 Print Name Humberto Salmattowner Date Authorized Agent

	*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based soll economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Bo Adjustment will consider any combination of the following: (<i>Please use an additional page if necessary to conresponses</i>) **Information provided here by the applicant does not guarantee that the Board will grant a variance. ***Applicant should include all information they determine is relevant, but it is not required to provide responsely to all sections listed below. 1. Describe the special circumstance or condition affecting the land involved such that the strict application of provisions required would deprive the applicant of the reasonable use of the land:	oard o
son for Appeal	Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of owner:	the
Reason	Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the rights other property owners enjoy in the area:	legal
	4. Describe special conditions that are unique to this applicant or property:	
_		
Board Action	Chairman, Board of Adjustment Date Signature Rev. 03/25	

Building Sketch

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Toponty Mauess	Humberto Salinas & Juanita D Salinas 321 S 26 1/2 St		
City	McAllen	County Co. C.	
Lender Client A	Mutual of Omaha Mortgage, Inc.	County Hidalgo State	TX Zip Code 78501









Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

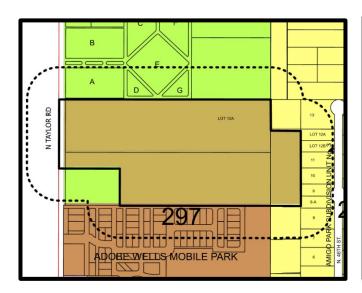
DATE: May 22, 2025

SUBJECT: REQUEST OF JORGE GUERRA FOR A VARIANCE TO THE CITY OF

MCALLEN ZONING ORDINANCE TO NOT PROVIDE A MASONRY SCREEN EIGHT FEET IN HEIGHT AND INSTEAD PROVIDE AN EIGHT-FOOT CEDAR FENCE FOR THE PROPOSED LOS ENCINOS ON TAYLOR SUBDIVISION AT 20.01 ACRES OUT OF LOTS 297 & 298, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 3320 NORTH TAYLOR ROAD. (ZBA2025-0018)

REASON FOR APPEAL:

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





PROPERTY LOCATION AND VICINITY:

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

BACKGROUND AND HISTORY:

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

ANALYSIS:

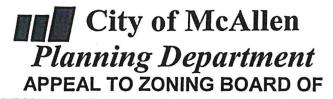
This request is to not provide an eight foot buffer adjacent to an R-1(single family residential) District. Section 110-49(a) - Landscape Buffers states a masonry screen eight feet in height shall be required where a commercial, industrial or multifamily use has a side or rear property line in common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

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

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

RECOMMENDATION:

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



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

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

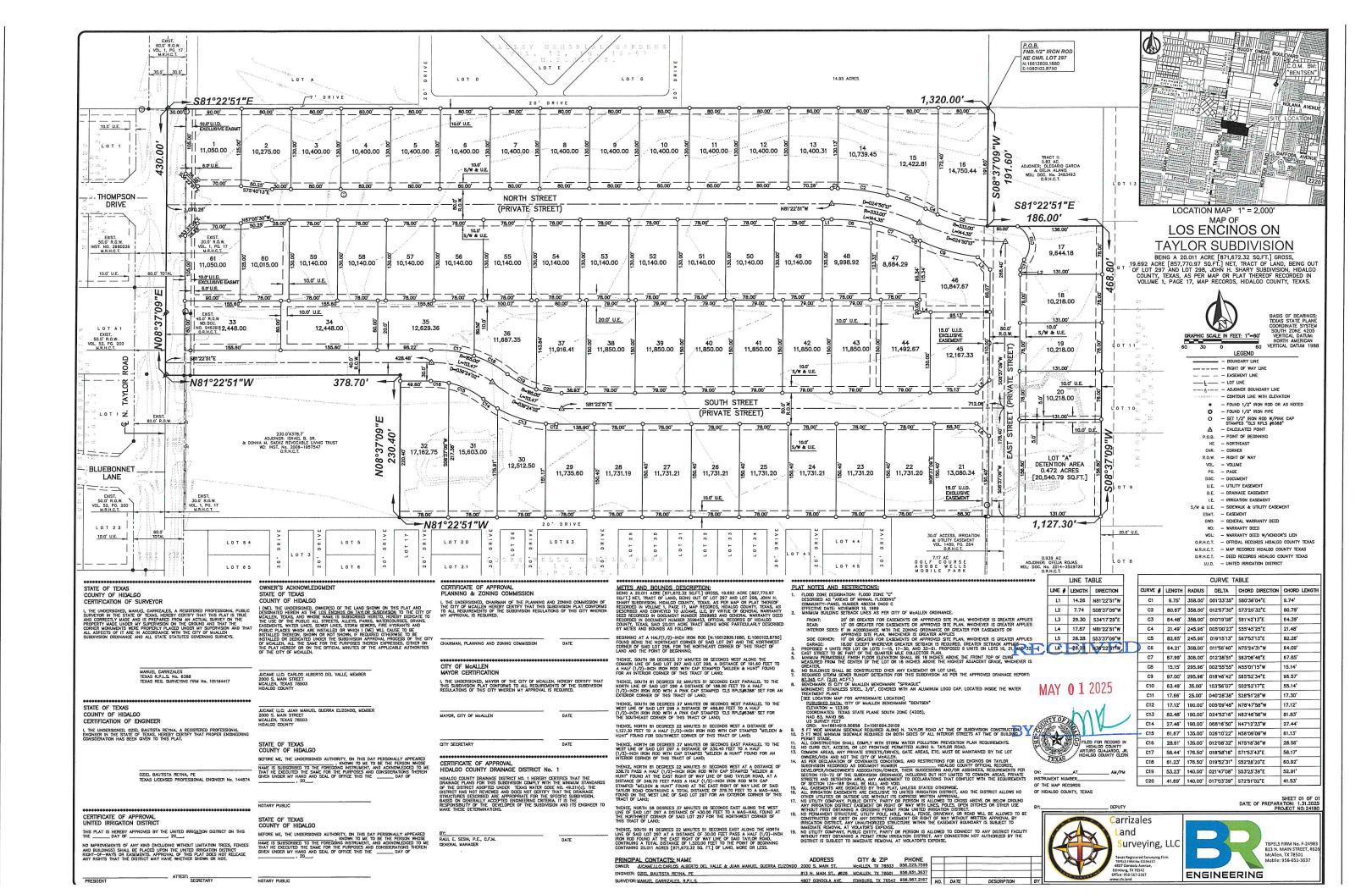
Case Number: 28A	12001-0018	ZBOA Me	eeting: <u>U</u>	14/2025	☐ Routed
Receipt No: Accepted by: P:	> S:	Customer Ac	cknowledge	ment (Int.):	☐ Scanned
PROJECT Legal Description	A 20.011 ACRE TF SHARY SUBDIVIS	RACT OF LAN	D, BEING COUNTY	DUT OF LOT 297 AND LOT , TEXAS, AS PER MAP OR MAP RECORDS, HIDALGO	RPLAT
Subdivision Name	LOS ENCINOS	ON TAYLOR S	SUBDIVISIO	N	
Street Address	3320 N. TAYLOR	RD			
Number of lots61	Gross a	20.011	1 ACRES		-
Existing Zoning R-3A			ng Land Use		
				T 8-FT CEDAR FENCE AD	JACENT TO
SINGLE-FAMILY RESID	DENTIAL LOTS INS	STEAD OF 8-F	T MASONE	Y WALL	
\$300.00 non-refundat Current Survey and M				cial Exception (carport) e tract is a portion of a lot) is r	required
APPLICANT					
NameJORGE	E GUERRA		Phone	956-225-7595	
	3. 41ST STREET		E-mail	jlgg64@hotmail.com obautista@brengineeringc	ivil.com
CityMCALL	_EN	_StateTX	Z	ip	
OWNER					
NameJUCAMI	E LLC		Phone	956-225-7595	
	00 S. MAIN ST		E-mail		
	ALLEN	StateTX		78503	
AUTHORIZATION	1				
utilization of the prop I certify that I am the consent (include con	perty in the manner in Yes e actual owner of the reporate name if applie by the actual owner n.	indicated? s property desci icable)	⊠ No ribed above	and this application is being and have attached written evidence of Authorized Agents	submitted with my dence

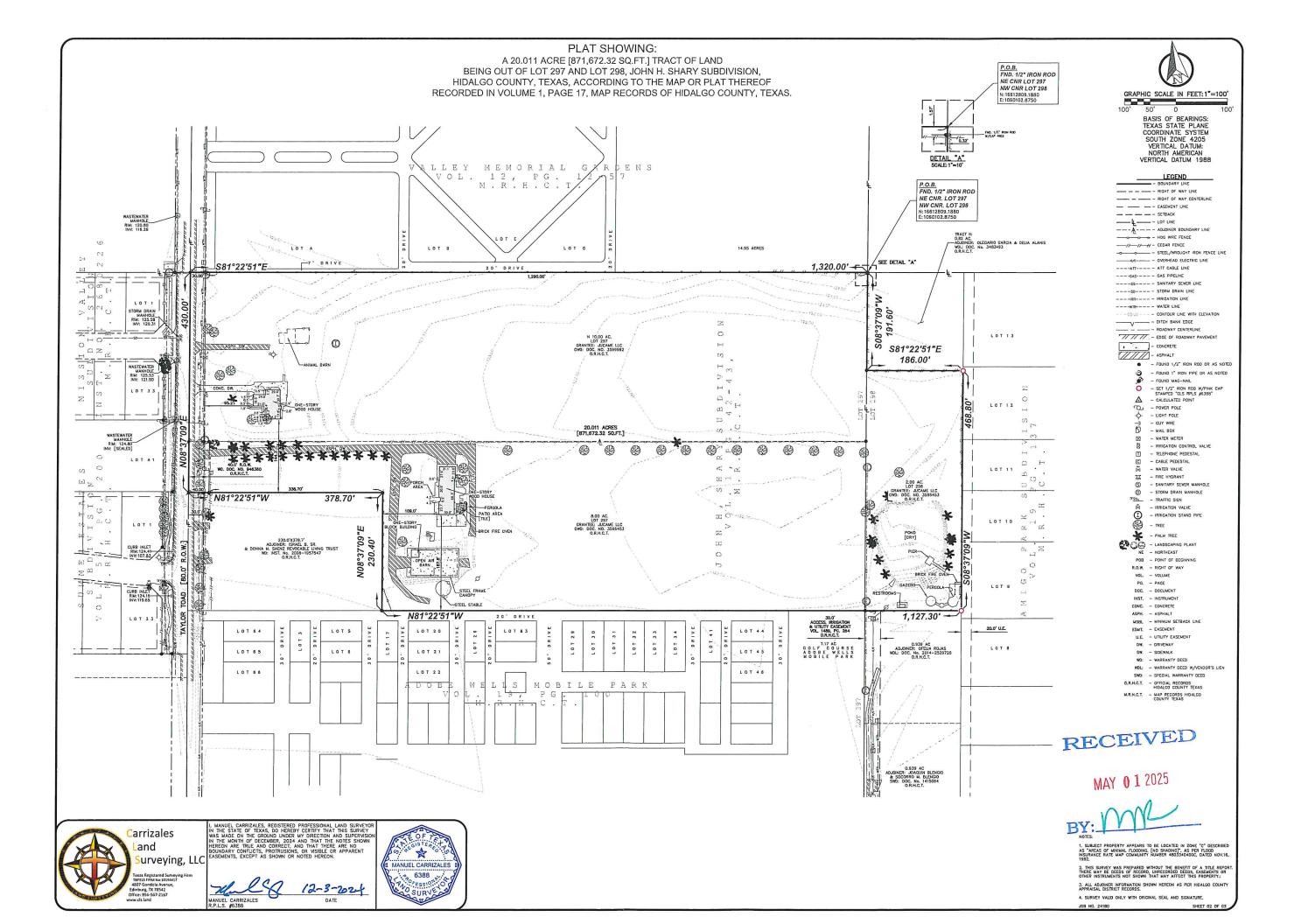
MAY 0 1 2025

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CS CamScanner

	*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely or 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>) **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: See attached letter.
Reason for Appeal	2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner. See attached letter. 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:
	See attached letter. 4. Describe special conditions that are unique to this applicant or property: See attached letter.
Board Action	Chairman, Board of Adjustment Date Signature Rev. 9/20









Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

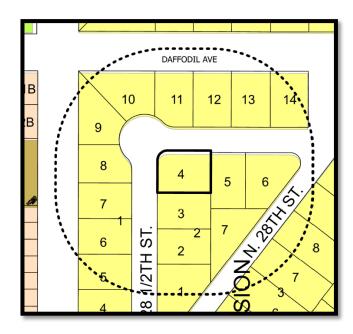
DATE: May 26, 2025

SUBJECT: REQUEST OF MICHAEL I. PHELPS FOR A SPECIAL EXCEPTION TO THE CITY OF

MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 20 FEET INTO THE 20 FOOT FRONT YARD SETBACK FOR AN EXISTING CARPORT AT LOT 4 & NORTH 4FT OF LOT 3, BLOCK 2, HARVEY TERRACE SUBDIVISION, HIDALGO

COUNTY, TEXAS; 2828 NORTH 28TH ½ STREET. (ZBA2025-0019)

REASON FOR APPEAL: The applicant is requesting a special exception to allow an encroachment of 20 feet into the 25 foot front yard setback for an existing metal carport used for protection of their vehicles from inclement weather.





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

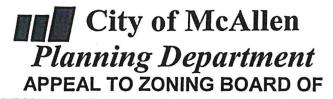
BACKGROUND AND HISTORY: Harvey Terrace Subdivision was officially recorded on May 17, 1976. The subdivision plat indicates a front yard setback requirement of 20 feet. A Stop Work Order was issued on August 27, 2024, for the existing carport, which was constructed without the required building permit. A building permit for the existing metal carport was submitted on September 20, 2024 which

was rejected by Planning due to the encroachment. A subsequent Stop Work Order was issued on April 4, 2025, due to the continued violation. A special exception request for the existing metal carport was submitted on May 1, 2025. A building permit was issued in 2017 for a carport built at the rear of the property.

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

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

RECOMMENDATION: Staff recommends disapproval of the special exception request.



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

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

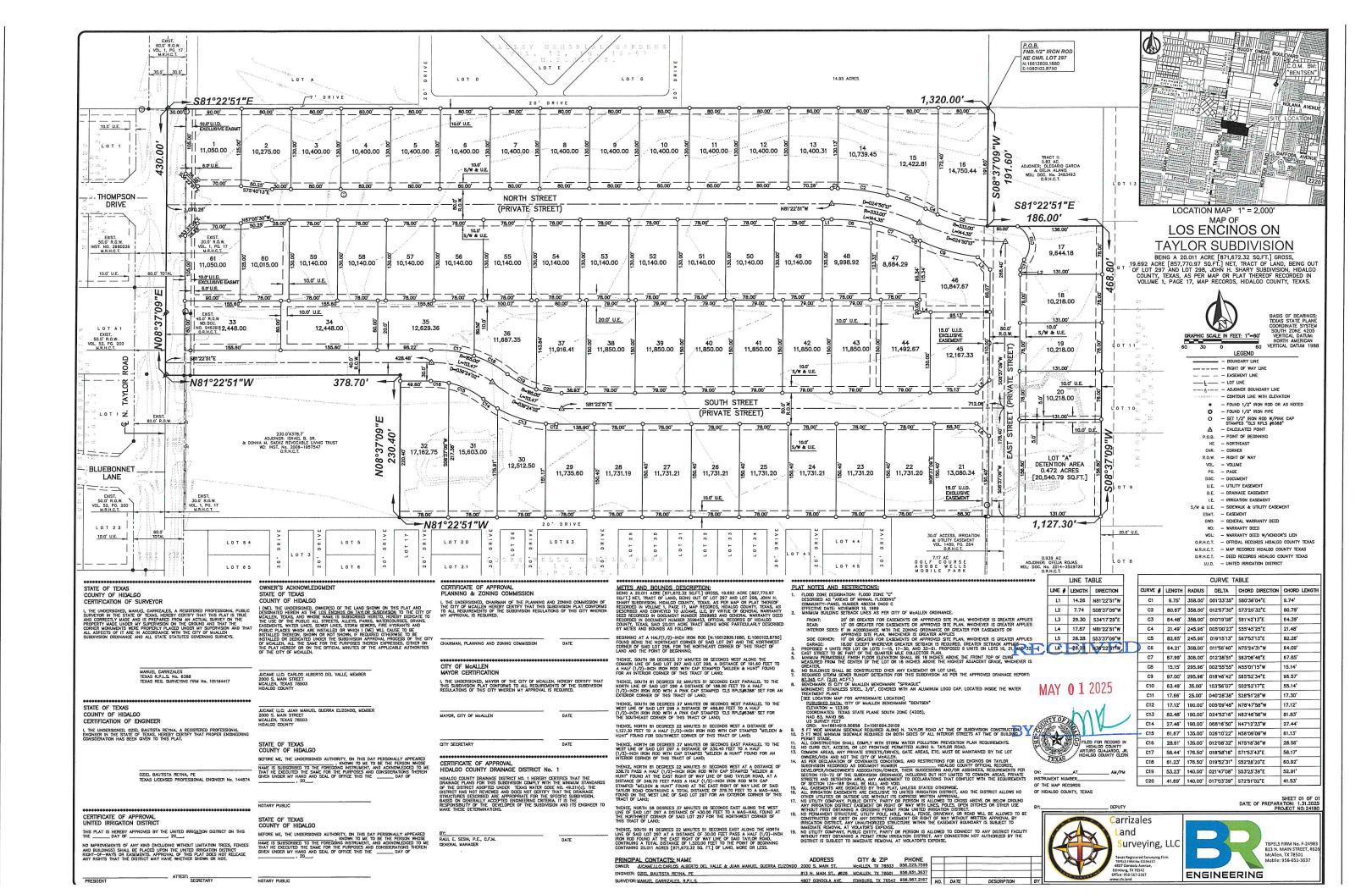
Case Number: 28A	12001-0018	ZBOA Me	eeting: <u>U</u>	14/2025	☐ Routed
Receipt No: Accepted by: P:	> S:	Customer Ac	cknowledge	ment (Int.):	☐ Scanned
PROJECT Legal Description	A 20.011 ACRE TF SHARY SUBDIVIS	RACT OF LAN	D, BEING COUNTY	DUT OF LOT 297 AND LOT , TEXAS, AS PER MAP OR MAP RECORDS, HIDALGO	RPLAT
Subdivision Name	LOS ENCINOS	ON TAYLOR S	SUBDIVISIO	N	
Street Address	3320 N. TAYLOR	RD			
Number of lots61	Gross a	20.011	1 ACRES		-
Existing Zoning R-3A			ng Land Use		
				T 8-FT CEDAR FENCE AD	JACENT TO
SINGLE-FAMILY RESID	DENTIAL LOTS INS	STEAD OF 8-F	T MASONE	Y WALL	
\$300.00 non-refundat Current Survey and M				cial Exception (carport) e tract is a portion of a lot) is r	required
APPLICANT					
NameJORGE	E GUERRA		Phone	956-225-7595	
	3. 41ST STREET		E-mail	jlgg64@hotmail.com obautista@brengineeringc	ivil.com
CityMCALL	_EN	_StateTX	z	ip	
OWNER					
NameJUCAMI	E LLC		Phone	956-225-7595	
	00 S. MAIN ST		E-mail		
	ALLEN	StateTX		78503	
AUTHORIZATION	1				
utilization of the prop I certify that I am the consent (include con	perty in the manner in Yes e actual owner of the reporate name if applie by the actual owner n.	indicated? s property desci icable)	⊠ No ribed above	and this application is being and have attached written evidence of Authorized Agents	submitted with my dence

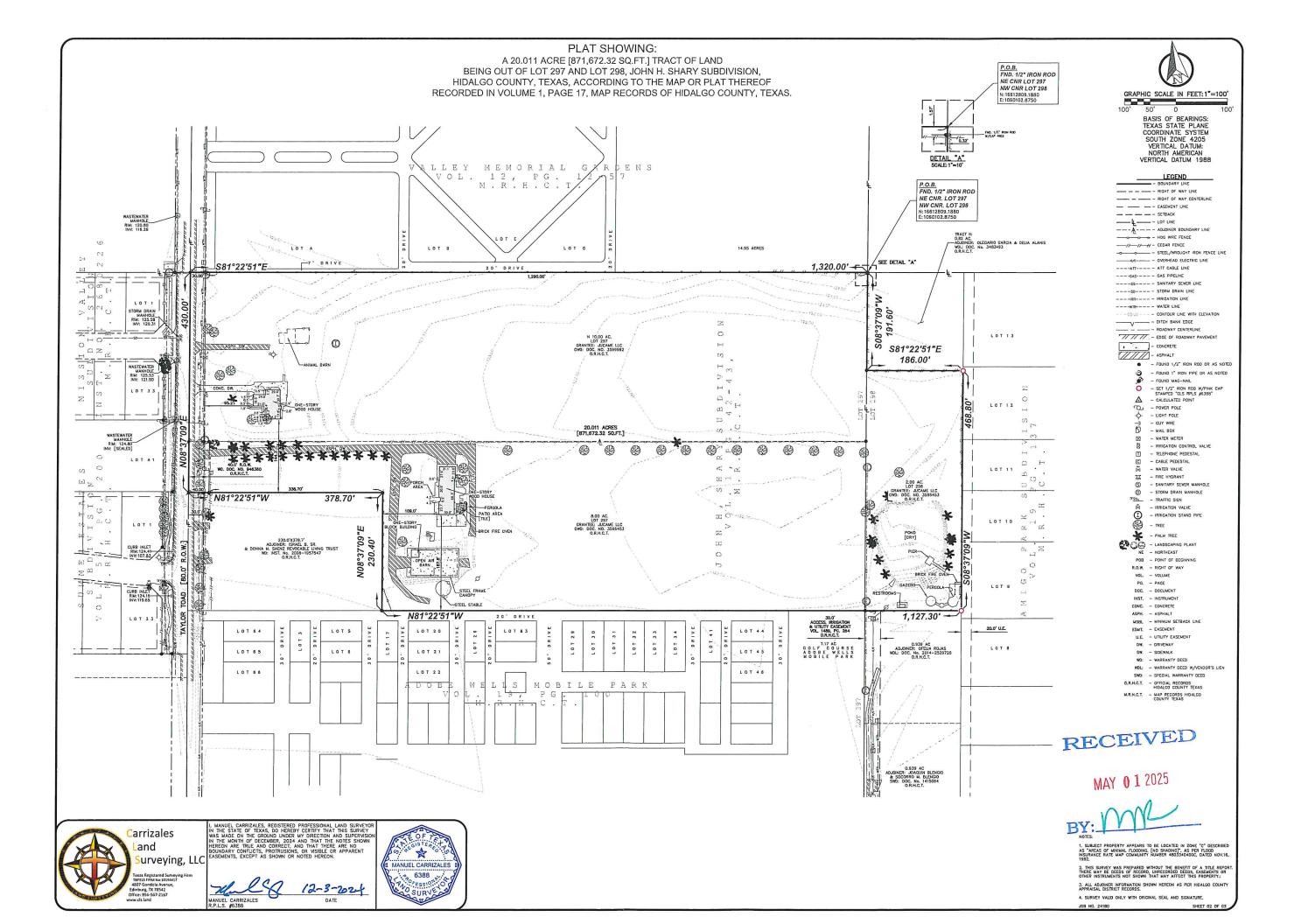
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	*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely or economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: (<i>Please use an additional page if necessary to complete responses</i>) **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: See attached letter.
Reason for Appeal	2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner. See attached letter. 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:
	See attached letter. 4. Describe special conditions that are unique to this applicant or property: See attached letter.
Board Action	Chairman, Board of Adjustment Date Signature Rev. 9/20









Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: May 28, 2025

SUBJECT: REQUEST OF MA M. HERNANDEZ AMAYA FOR THE FOLLOWING VARIANCE

TO THE CITY OF MCALLEN ZONING ORDINANCE: TO ALLOW A 3500 SQUARE FEET LOT INSTEAD OF THE REQUIRED 5600 SQUARE FEET LOT AREA AS REQUIRED PER SECTION 138-356 OF THE ZONING ORDINANCE; TO ALLOW A

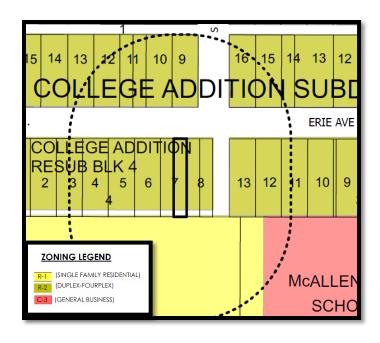
LOT FRONTING OF 25 FEET INSTEAD OF THE 50 FEET MINIMUM

REQUIREMENT; TO ALLOW 3 $\frac{1}{2}$ FEET SIDE YARD SETBACK INSTEAD OF THE

REQUIRES BUILDING SETBACK FOR THE SIDE YARDS, AT E ½ OF LOT 7, AMENDED MAP OF LOTS 1 THRU 8, INCLUSIVE, BLOCK 4, COLLEGE ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS; 2505 ERIE AVENUE.

(ZBA2025-0020)

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





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

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

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

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

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

RECOMMENDATION: Staff recommends approval of the variance request due to a previous existence of a residential home under the same lot dimension, variance will not alter the characteristic of the neighborhood.



City of McAllen

311 North 15th Street McAllen, TX 78501 P. O. Box 220

McAllen, TX 78505-0220 (956) 681-1250

Planning Department APPEAL TO ZONING BOARD OF

(956) 681-1279 (fax) **ADJUSTMENT TO MCALLEN ZONING ORDINANCE**

Case Number: ZBA 2005+0020 ZBOA Meeting:

Accepted By: Alexis Mtz
PROJECT
Legal Description Collage. Addition E. 12 of Lot 7 BLK4.
Subdivision Name Amended Mag wats Hhu 8, Inclusive Block 4 001 lage pet
Street Address 2505 Frie Ave
Number of lotsGross acres
Existing Zoning P2 Existing Land Use Vacan + (Proposed Home)
Reason for Appeal (please use other side if necessary) Variances to Lot fron tage,
Lot Area & SetBacks
☑ \$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 Ma. M. ANWA HENCOCKE Phone 956-2702095
Address JSSI EVIC AUL E-mail Movey amaya 72290 @ gmail.com
City Man State VX Zip 1950/
OWNER
Name Ma M. Anruga Herrardur Phone 956 2702095
Address 255/ Erit Ave E-mail Maryamaux72290 @gma, J. com
City W Collen State Zip Zip 7970)
AUTHORIZATION
To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? Yes No
I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.
Signature Date 5 / 5 / 25
Signature Date 5 6 2025 Print Name Ma M. Amuja Hernerch Sowner Dauthorized Agent

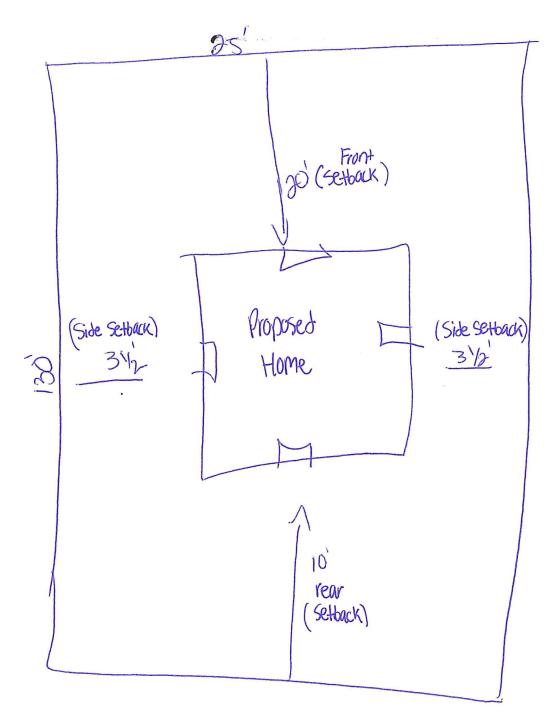
City of McAllen Planning Department REASON FOR APPEAL & BOARD ACTION

Reason for Appeal	*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely of 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 response 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: ***Applicant should include all information they determine is relevant, but it is not required to provide response 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: ***Applicant should deprive the applicant of the reasonable use of the land: ***Low How Area and the So'.** 2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner: ***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:
	MAN MAN TONE TONE TONE TONE TONE TONE TONE TON
	4. Describe special conditions that are unique to this applicant or property:
	The transmission of the second
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board Action	Chairman, Board of Adjustment Date Signature
ا ا	Rev. 03/25

2505 Erie Au

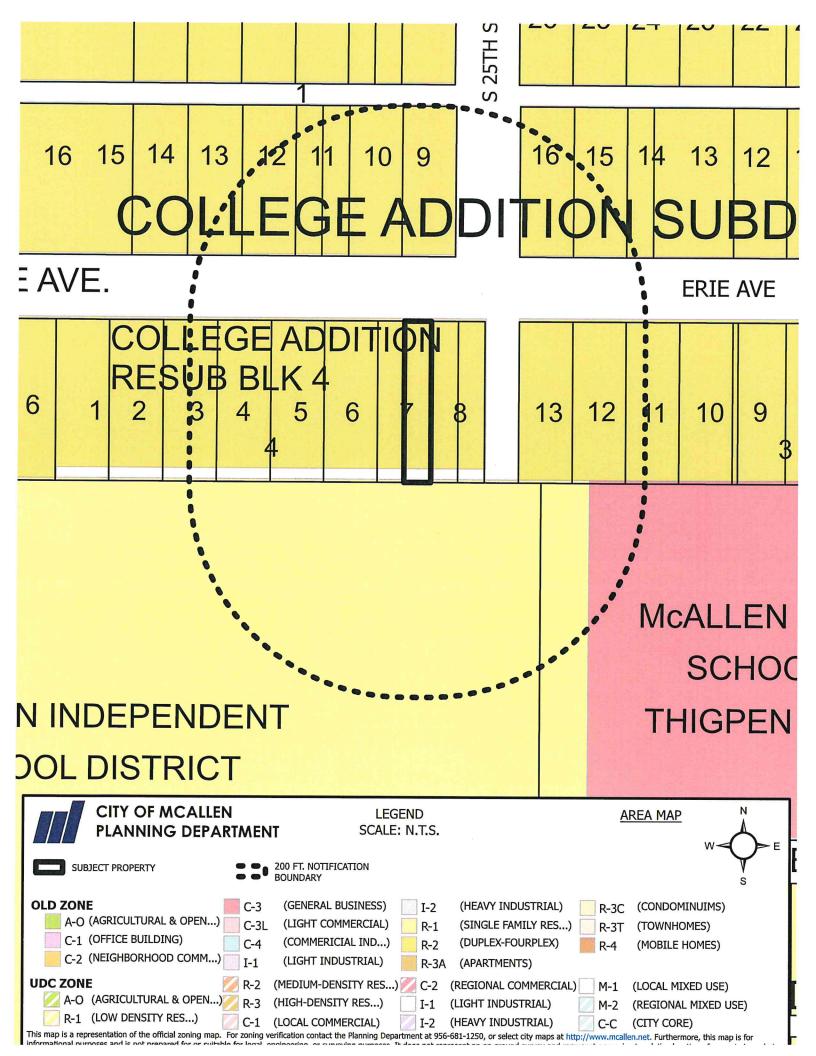
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TO KI



Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: May 30, 2025

SUBJECT: REQUEST OF GERARDO MORALES FOR A VARIANCE TO THE CITY OF

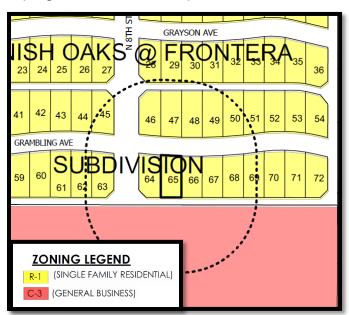
MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 18 FEET

INTO THE 18 FEET REAR YARD SETBACK FOR A PERGOLA AT LOT 65,

SPANISH OAKS @ FRONTERA SUBDIVISION, HIDALGO COUNTY, TEXAS; 705

GRAMBLING AVENUE. (ZBA2025-0021)

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





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

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

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

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

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

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

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

RECOMMENDATION: Staff recommends disapproval of the variance since relocation may achieve compliance.

City of McAllen Planning Department

Planning Department
APPEAL TO ZONING BOARD OF

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

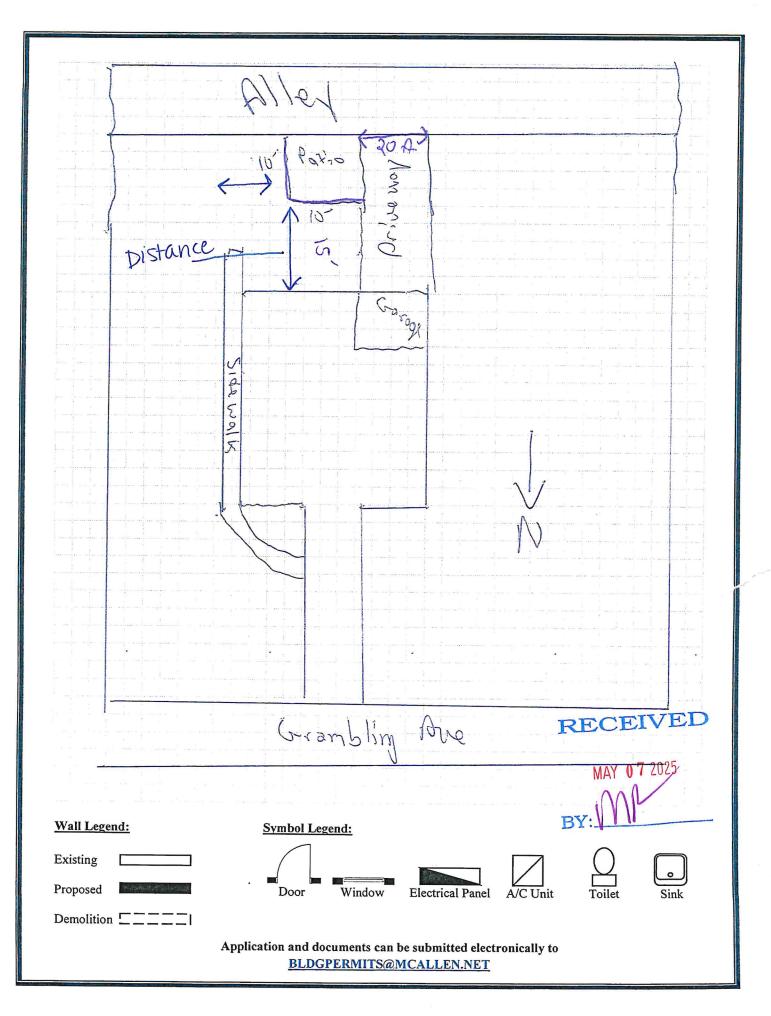
ADJUSTMENT TO MCALLEN ZONING ORDINANCE

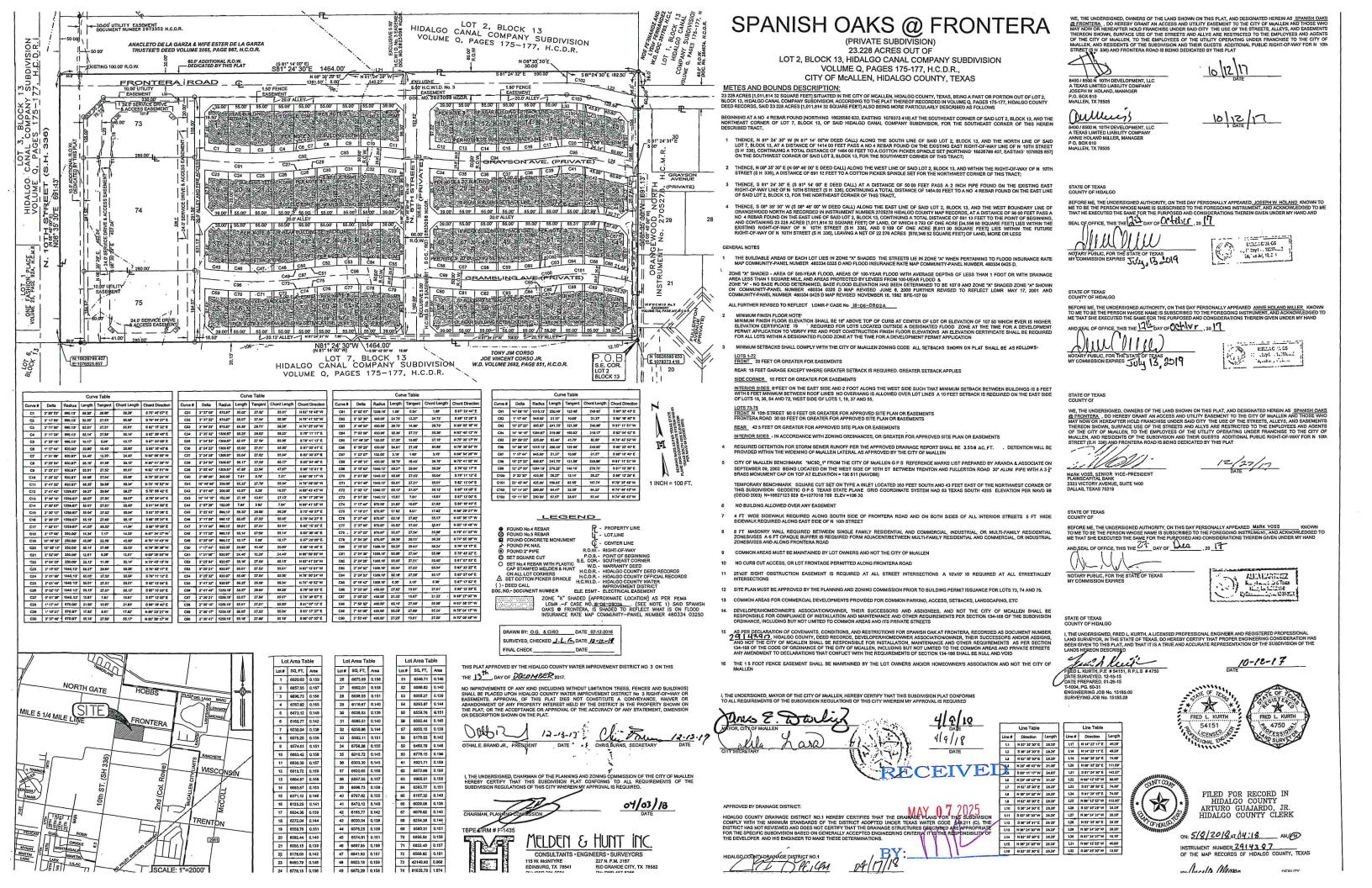
Receipt No: 1118/2 Accepted by: P:	S: Customer Acknowledgment (Int.): 5, \(\sigma\)	
PROJECT		
Legal Description	Spanish Onks @ Frontera Lot#65	
Subdivision Name	Spanish Daks	James Marie Commender of the Commender o
Street Address	705 Grambling Nive	
Number of lots	Gross acres	
Existing Zoning R	Existing Land Use 10 ml	
Reason for Appeal (please	use other side if necessary) Encroadhly 10 ft in to the 181	69
\$300.00 non-refundable	filing fee 🕸 \$50.00 Recording Fee for Special Exception (carport)	
	tes and Bounds (if the legal description of the tract is a portion of a lot) is required	
APPLICANT C		
Name_ 5er	asdo Morolos Phone 956-929-0330	
AddressS		- No.
city_Mcalle		
OWNER		3-10 - 10 1- 1-
NameS	2 as aboye Phone	
Address	E-mail	The state of the
City	StateZip	
AUTHORIZATION		
	owledge are there any deed restrictions, restrictive covenants, etc. which would prevent the rty in the manner indicated?	
consent (include corpo	Yes No RECEIVED Inctual owner of the property described above and this application is being submitted with my prate name if applicable) If the natural owner to submit this application and have attached written avid AAX 0.7 2025)
of such authorization.	the actual owner to submit this application and have attached written evidence 0 7 2025	
Signature	DateBY:	
	Noals Downer □ Authorized Agent	



*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 but he and it is a larger of the control o
	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.
	 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:
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<u></u>	Sat back is usually 10 feet but this subdivision
)es	1518 1207
for Appea	Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:
for	Pergola to cover hot tub for thurapy for body
n	V
eason	
8 ×	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:
, after all size the attendence on a	To my Knowledge pergola will not afters
	Righbors
	J
	Describe special conditions that are unique to this applicant or property:
	Pergola to cover hot tub Fur Thurapy
	Y 10001
	Extreme heat in the vallen Pargola needed
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ct	Chairman Daniel SA II
Board Action	Chairman, Board of Adjustment Date Signature
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MAY **07** 2025



Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

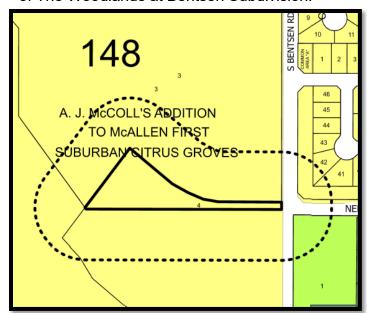
DATE: May 30, 2025

SUBJECT: REQUEST OF MELDEN & HUNT ON BEHALF OF MARIA A. GARCIA FOR A

VARIANCE FOR A LOT MINIMUM FRONT WIDTH REQUIREMENT REDUCE TO 30.56 FEET TO THE CITY OF MCALLEN ZONING ORDINANCE AT 2.595 ACRE TRACT OF LAND OUT OF LOT 4, A.J. MCCOLL'S ADDITION TO MCALLEN FIRST SUBURBAN CITRUS GROVE, AND OUT OF LOTS 138A AND 148A JOHN H SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 2900 SOUTH BENTSEN

ROAD. (ZBA2025-0022)

REASON FOR APPEAL: The applicant is requesting a variance to the minimum lot frontage of 50 feet requirement set forth in section 138-356 of the City of McAllen Zoning Ordinance for the proposed Lot 1 of The Woodlands at Bentsen Subdivision.





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

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

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

RECOMMENDATION: Staff recommends approval of the variance request due to the anomaly of the lot and the reduced length of frontage.

City of McAllen

Planning Department APPEAL TO ZONING BOARD OF

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

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

	Case Number:	ZBA 2035-003	ZBC ZBC	A Meeting:	6-4-25	
		Accepte	ы Бу. <u>Ри</u>	ane		
PR	OJECT					
Legal Description		Being a 2.595 acre tract of land out of Lot 4, A.J. McColl's Addition to McAllen First Surburban Citrus Groves, as per plat recorded in Vol 5, Page 50, H.C.M.R. and out of Lot 138A and 148A,				
		John H Shary Subdivision, as per plat recorded in Vol 0, Page 17, H.C.M.R.				
Sul	bdivision Name	proposed "The Woodlands at Bentsen Subdivision "				
Str	eet Address	2900 South Bentsen Road				
Nu	mber of lots 1	Gross acre	es 2.595			
Ex	cisting Zoning R-1		Existing	Land Use Sin	gle Family Residential	
Re	eason for Appeal (plea	ase use other side if nec	essary) <u>See</u>	attached variane	request letter.	
<u></u>	\$300.00 non-refunda	able filing fee +□ \$50.00	Recording F	ee for Special E	exception (carport)	
	Current Survey and required	Metes and Bounds (if the	e legal descri	ption of the trac	t is a portion of a lot) is	S
AP	PLICANT					
	Name Melden & Hu	nt, Inc.		Phone (956) 38	31-0981	
	Address 115 West				neldenandhunt.com / drobles@melde	nandhunt.com/
	City_Edinburg	s	tate_Texas	Zip _7	3541	
ov	VNER					
	Name Maria A. Gare	cia, a widow		Phone c/o (95	56) 381-0981	
	Address 4301 Neul	naus Drive		E-mail mario@n	neldenandhunt.com / drobles@melde eldenandhunt.com	onandhunt.com/
	City McAllen,	s	tate_Texas	Zip _78		
AU	THORIZATIO	N				
	I certify that I am the with my consent (in OR I am authorized evidence of such a Signature	2	manner indic roperty descri f applicable)	cated? No bed above and	this application is bein ave attached written	
	Print Name Mario	A. Reyna, P.E.		□ Owner	Authorized Ager	thr.

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: (<i>Please use an additional page if necessary to complete responses</i>) **Information provided here by the applicant does not guarantee that the Board will grant a variance. ***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below. 1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:				
 	See attached variance request letter.				
Reason for Appea	Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:				
n for	See attached variance request letter.				
Reason	Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:				
	The variance will not be detrimental to the public health, safety, or welfar or injurious to the legal rights of other property owners may enjoy within the proposed area.				
	4. Describe special conditions that are unique to this applicant or property:				
	The variance is necessary due to the lay of the land and the developer has only a minimum of 39 feet available for the				
	entrance into the proposed subdivision (1 lot private single family residence). The remaining frontage is under separate				
	ownership.				
Board Action	Chairman, Board of Adjustment Date Signature				
$reve{m}$	Rev. 03/25				





May 07, 2025

Jose Gutierrez, Chairperson Zoning Board of Adjustments and Appeals City of McAllen 311 North 15th Street McAllen, Texas 78501

Subject: Request for Variance – Minimum Lot Frontage Width (§138-356) for The Woodlands at Bentsen Subdivision, Lot 1

Dear Mr. Gutierrez.

On behalf of our client, Jesus M. Solis Gomez, Melden & Hunt, Inc. is respectfully requesting a variance from the minimum lot frontage requirement as specified in Chapter 138-356 of the City of McAllen Zoning Ordinance for the proposed **Lot 1 of The Woodlands at Bentsen Subdivision**. This property is currently undergoing the subdivision process to comply with McAllen's Subdivision Ordinance.

The subject property is located along the west side of the intersection of South Bentsen Road and Neuhaus Drive. The zoning is Single-Family Residential District (R-1), which requires a minimum lot frontage of **50 feet** per the Table of Height and Yard Requirements for the City of McAllen Ordinance. However, the existing property only has **30.56 feet**.

This variance is being requested due to the unique configuration of the property and the lay of the land. Mr. Solis' property has only **30.56 feet** of frontage unto S. Bentsen Road, being this the hardship that precludes him from complying with the minimum lot frontage requirement. The lot design will maintain compliance with all other city requirements and will not create any negative impact on adjacent properties. The variance will not be detrimental to the public interest or the enjoyment of nearby properties. Approval of this request would respect the character of the surrounding neighborhood and support the reasonable use of the land given its unique circumstances.

We respectfully ask for the City's favorable consideration of this request to allow a reduced minimum lot frontage of **30.56 feet** for Mr. Solis' property. We are fully committed to working with City staff and complying with any conditions that may be placed upon approval of this variance. Mr. Solis and Melden and Hunt are also committed to comply with the subdivision requirements of the City of McAllen.

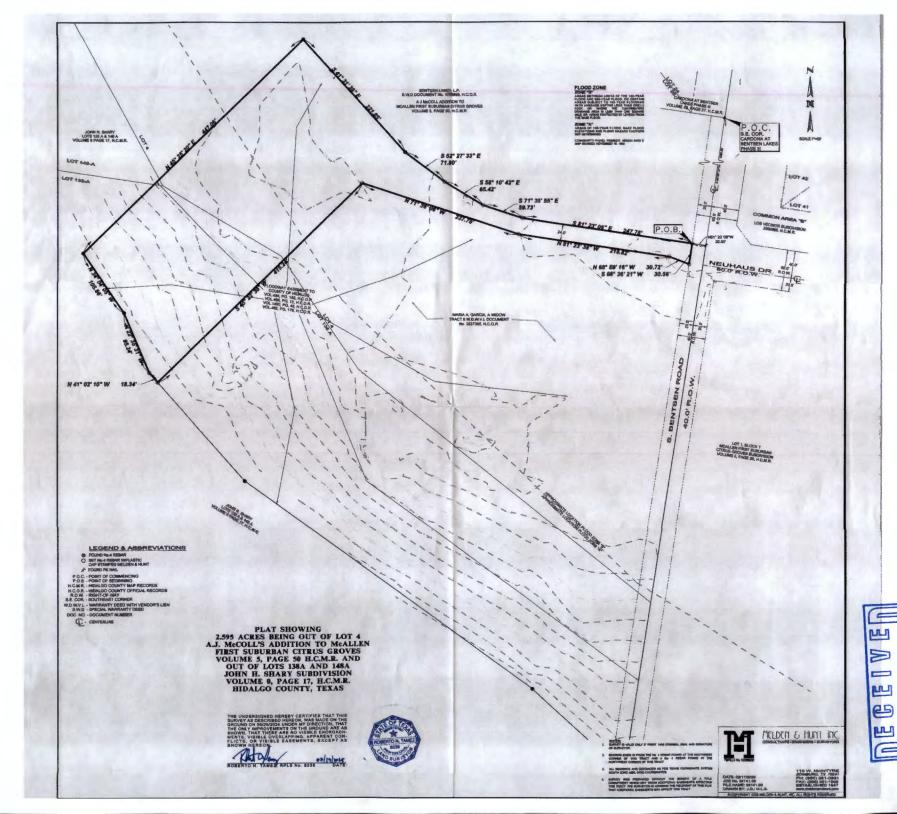
Should you require additional documentation, including site plans or further justification, please do not hesitate to contact our offices. Thank you for your time and consideration.

Respectfully,

Mario A. Reyna, P.E.

President

Melden & Hunt, Inc.



MAY 07 2025

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