

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, JUNE 5, 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

2. PUBLIC HEARINGS:

- a) Request of Francisco Rodriguez, for a Special Exception to the City Of McAllen Zoning Ordinance to allow: **1)** an encroachment of 17 feet into the 20-foot front yard setback, **2)** an encroachment of .5 feet into the 3½ foot east side yard setback, and **3)** an encroachment of 1.5 feet into the 3½ foot west side yard setback, for a proposed carport measuring 20 feet by 20 feet at the West ½ of Lot 19, Block 2, College Addition Subdivision, Hidalgo County, Texas; 2323 Dallas Avenue. **(ZBA2024-0017)**
- b) Request of Irma Gonzalez, for a Special Exception to the City Of McAllen Zoning Ordinance to allow an encroachment of 14 feet into the 20-foot front yard setback for a proposed carport measuring 20 feet by 20 feet at Lot 7, Block 18, College Heights Subdivision, Hidalgo County, Texas; 2025 Newport Avenue. **(ZBA2024-0019)**
- c) 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)**
- d) Request of Orlando De Jesus Valdez Rodriguez for the following variance to the City of McAllen Zoning Ordinance to allow an encroachment of 5 feet into the 10-foot rear yard setback for a proposed swimming pool measuring 8.91 feet by 22.67 feet at Lot 25, Derby Downs Subdivision, Hidalgo County, Texas; 2213 North 46th Street. **(ZBA2024-0015)**
- e) 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)**
- f) Request of Juan A. Rodriguez on behalf of Laura A. Rios for the following variance to the City of McAllen Zoning Ordinance to allow an encroachment of 6 feet into the 6-foot side yard setback for an existing covered patio measuring 17.5 feet by 22 feet at Lot 61, Saddle Creek Unit 1 Subdivision, Hidalgo County, Texas; 9216 North 30th Street. **(ZBA2024-0016)**

3. FUTURE AGENDA ITEMS

- a) 2317 Sandpiper Avenue
- b) 3212 Kerria 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

Memo

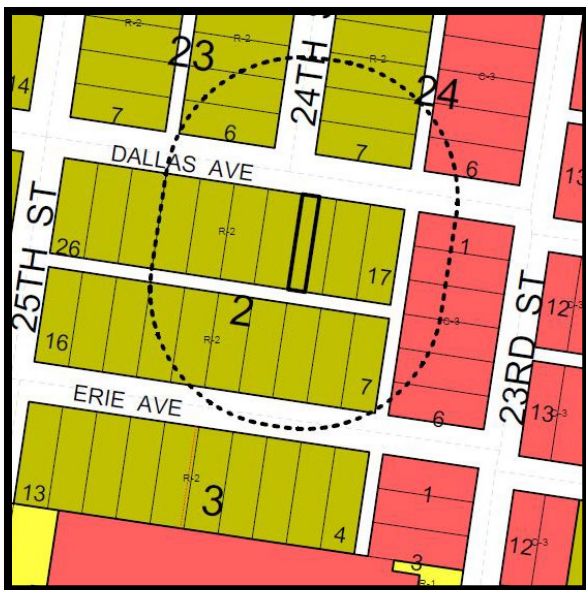
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: May 22, 2024

SUBJECT: REQUEST OF FRANCISCO RODRIGUEZ, FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) AN ENCROACHMENT OF 14 FEET INTO THE 20 FOOT FRONT YARD SETBACK, 2) AN ENCROACHMENT OF 0.5 FEET INTO THE 3½ FOOT EAST SIDE YARD SETBACK, AND 3) AN ENCROACHMENT OF 1.5 FEET INTO THE 3½ FOOT WEST SIDE YARD SETBACK, FOR A PROPOSED CARPORT MEASURING 20 FEET BY 20 FEET AT THE WEST ½ OF LOT 19, BLOCK 2, COLLEGE ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS; 2323 DALLAS AVENUE. (ZBA2024-0017).

REASON FOR APPEAL: The request is to allow an encroachment of 14 feet into the 20 foot front yard setback, an encroachment of .5 feet into the 3½ foot east side yard setback, and an encroachment of 1.5 feet into the 3½ foot west side yard setback for a proposed carport measuring 20 feet by 20 feet. The applicant proposes to construct the carport in order to provide protection for the household and family vehicles from inclement weather.



PROPERTY LOCATION AND VICINITY: The subject property is located along the south side of Dallas Avenue between South 23rd Street and South 25th Street.

BACKGROUND AND HISTORY: College Addition Subdivision was recorded May 2, 1925. The plat does not indicate setbacks. The subdivision was recorded prior to 1979 and the applicable setbacks were subject to the 1945 Zoning Ordinance. The front yard setback is 20 feet per Ordinance. An application for a Building permit has not been submitted at this time. An application for a Special Exception request was submitted May 1, 2024.

ANALYSIS: The applicant is requesting to allow an encroachment of 14 feet into the 20 foot front yard setback, an encroachment of .5 feet into the 3½ foot east side yard setback, and an encroachment of 1.5 feet into the 3½ foot west side yard setback for a proposed carport measuring 20 feet by 20 feet.

There are other carports and structures in the area that appear to have been built without permits. The adjacent property to the east contains an existing carport. A review of Planning Department records did not reveal any variances/special exceptions nor a building permit for this structure.

Construction of the carport may involve (in part or in whole) reconstruction of the driveway.

Measurements are provided without the benefit of the survey.

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

RECOMMENDATION: Staff recommends approval of the request since the character of the subdivision will not be negatively impacted, and special exceptions are issued to and recorded for the present property owner only.



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: ZBA2024-0017 ZBOA Meeting: 6/5/24
Receipt No: _____
Accepted by: P: NM S: RJ Customer Acknowledgment (Int.): m

Routed
 Scanned

PROJECT

Legal Description College Addition Lot w 1/2 of 1901K2
Subdivision Name college addition
Street Address 2323 Dallas Ave.
Number of lots 1 Gross acres _____
Existing Zoning R2 Existing Land Use Single home
Reason for Appeal (please use other side if necessary) Requesting to encroach 17 feet into the 20 feet front yard setback for a carport, a side yard setback
 \$300.00 non-refundable filing fee + \$50.00 Recording Fee for Special Exception (carport)
 Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

APPLICANT

Name Francisco Rodriguez Phone (956) 475-9332
Address 2323 Dallas E-mail _____
City McAllen State Texas Zip 78501

OWNER

Name Francisco Rodriguez Phone (956) 475-9332
Address 2323 Dallas E-mail _____
City McAllen State Texas Zip 78501

AUTHORIZATION

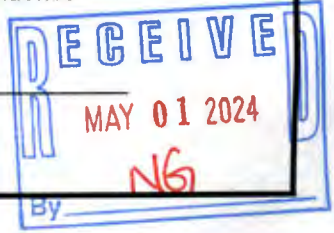
To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?

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]
Print Name Francisco Rodriguez

Date 5/1/24
 Owner Authorized Agent



of 3 feet instead of the 3 1/2 on the west side and 2 feet side yard setback instead of 3 1/2 on the east side



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 of the bad weather sometimes and I have health problems and also damages on my house cause of the weather

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

I have to go into this process because I will be encroaching into the front and side yard setback for a carport

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:

it's not bothering any neighbors and the future carport will not be a issue to the neighbors

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

because my Broncaides and to cover the high heat weathers

Reason for Appeal

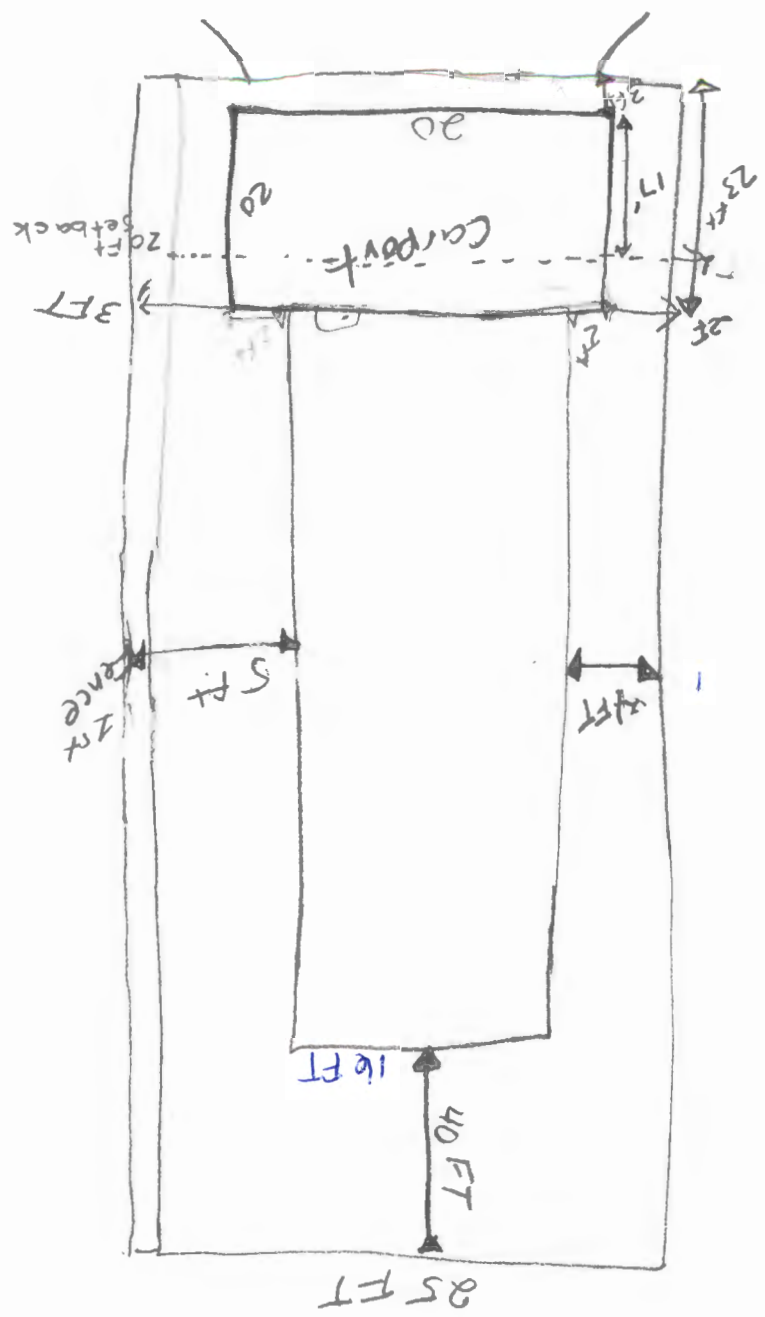
Board Action

Chairman, Board of Adjustment
Signature

Date

2323 Dallas Avenue

NT ↑



Alley

RECEIVED
 APR 30 2024
 By NG



2327

Private Property

Private Property

Private Property

Private Property



NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2024-0017

NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2024-0017

Memo

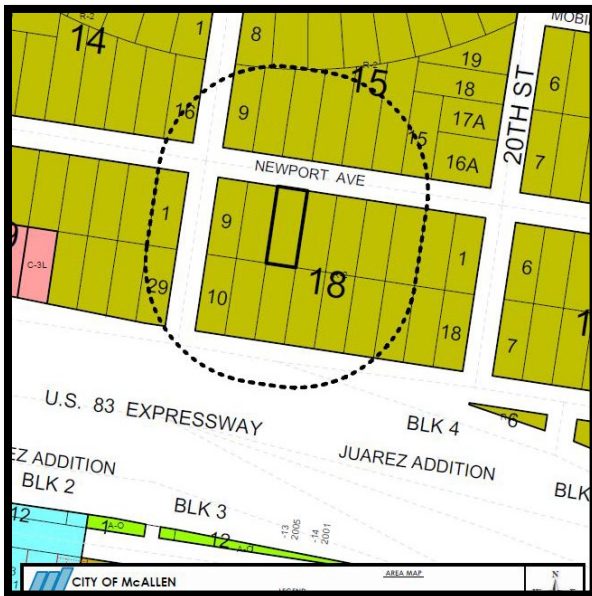
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: May 21, 2024

SUBJECT: REQUEST OF IRMA GONZALEZ, FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 14 FEET INTO THE 20 FOOT FRONT YARD SETBACK FOR A PROPOSED CARPORT MEASURING 20 FEET BY 20 FEET AT LOT 7, BLOCK 18, COLLEGE HEIGHTS SUBDIVISION, HIDALGO COUNTY, TEXAS; 2025 NEWPORT AVENUE. (ZBA2024-0019)

REASON FOR APPEAL: The applicant is requesting to encroach 14 feet into the 20 foot front yard setback for a proposed carport that will be used to protect her vehicles from inclement weather.



PROPERTY LOCATION AND VICINITY: The subject property is located along the south side of Newport Avenue between South 20th Street and South 21st Street. The subject property is zoned R-2 (duplex-fourplex residential) District.

BACKGROUND AND HISTORY: College Heights Subdivision was recorded on Decemeber 28, 1926. The plat does not indicate setbacks. The subdivision was recorded prior to 1979 and the applicable setbacks were subject to the 1945 Zoning Ordinance. The front yard setback is 20 feet as per ordinance. An application for a building permit and special exception request were submitted May 3, 2024.

ANALYSIS: The applicant is requesting to encroach 14 feet into the 20 foot front yard setback for a proposed carport that will be used to protect her vehicles from inclement weather conditions. A one-car garage may have been part of the house but was enclosed.

At the Zoning Board of Adjustments and Appeals meeting of January 25, 2024, the Board unanimously voted to approve the special exception for an encroachment of 10 feet into the 20 ft front yard setback for a proposed carport measuring 20 feet by 20 feet at Lot 1, Block 18, College Heights Subdivision.

At the Zoning Board of Adjustments and Appeals meeting of July 13, 2023 the Board unanimously voted to approve a special exception for an encroachment of 13.5 feet into the 20 foot front yard setback for a proposed carport measuring 20 feet by 20 feet at Lots 23 & 24, Block 11, College Heights Subdivision.

At the Zoning Board of Adjustments and Appeals meeting of October 5, 2022 the Board unanimously voted to approve a special exception for an encroachment of 16 feet into the 20 foot front yard setback for a proposed carport measuring 20 feet by 20 feet at Lot 2, Block 18, College Heights Subdivision.

At the Zoning Board of Adjustments and Appeals meeting of June 3, 2020 the Board unanimously voted to approve a special exception for an encroachment of 20 feet into the 20 feet front yard setback for a proposed carport measuring 18 feet by 28 feet at Lot 14, Block 11, College Heights Subdivision

Measurements are provided without the benefit of a survey.

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

RECOMMENDATION: Staff is recommending approval of the Special Exception request since there have been other similar requests approved within the subdivision. The structure will not change the character of the neighborhood.



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: 2BA2024-0019

ZBOA Meeting: 6.5.2024

Routed

Receipt No: 1030558

Scanned

Accepted by: P: SJA S: SJA

Customer Acknowledgment (Int.): FUG

PROJECT

Legal Description College Heights lot 7 BLK 18

Subdivision Name College Heights

Street Address 2025 Newport Ave.

Number of lots 1 Gross acres 0.1481

Existing Zoning R Existing Land Use _____

Reason for Appeal (please use other side if necessary) Build New Carport at front of the house

\$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 Irma Gonzalez Phone (956) 328-0326

Address 2025 Newport Ave. E-mail _____

City McAllen State Texas Zip 78501

OWNER

Name Irma Gonzalez Phone (956) 328-0326

Address 2025 Newport Ave. E-mail _____

City McAllen State Texas 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 Irma Gonzalez

Date 5/2/24

Print Name Irma Gonzalez

Owner Authorized Agent

RECEIVED
MAY 03 2024
By NG



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:

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

This addition will help protect the vehicles from the unpredictable 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 slight encroachment into the front will not impact the character of the neighborhood or create any safety issue, because it will be located away from the walkway

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

PR do not have carport.

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date



RECEIVED
MAY 03 2024
2004
By: H5

-98.244 26.193 Degrees

6. Pies A la Ordena de Propiedad
2025 NEWPORT
6 feet




~~Cochera Propuesta~~

House

STORAGE

SOUTH

Wall Legend:

- Existing 
- Proposed 
- Demolition 

Symbol Legend:

-  Door
-  Window
-  Electrical Panel
-  A/C Unit
-  Toilet
-  Sink

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

RECEIVED
MAY 03 2024

By NG





2025

NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2024-0019

CHEVROLET
KSG-1237

Memo

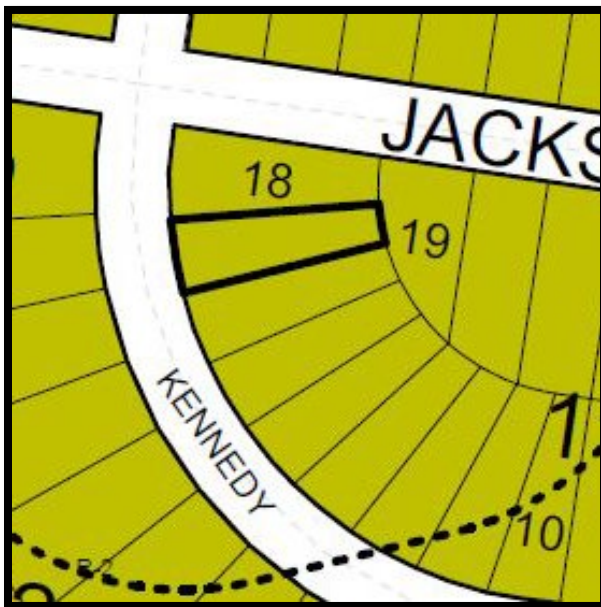
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: May 28, 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 SUBDIVISION, 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 not conform to the character of the area.

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

RECOMMENDATION: Staff recommends disapproval of the request since a approval of the request may encourage other similar request.

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)

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

Reason for Appeal

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

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

Board Action

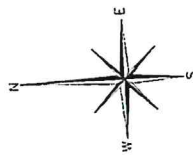
Chairman, Board of Adjustment
Signature

Date

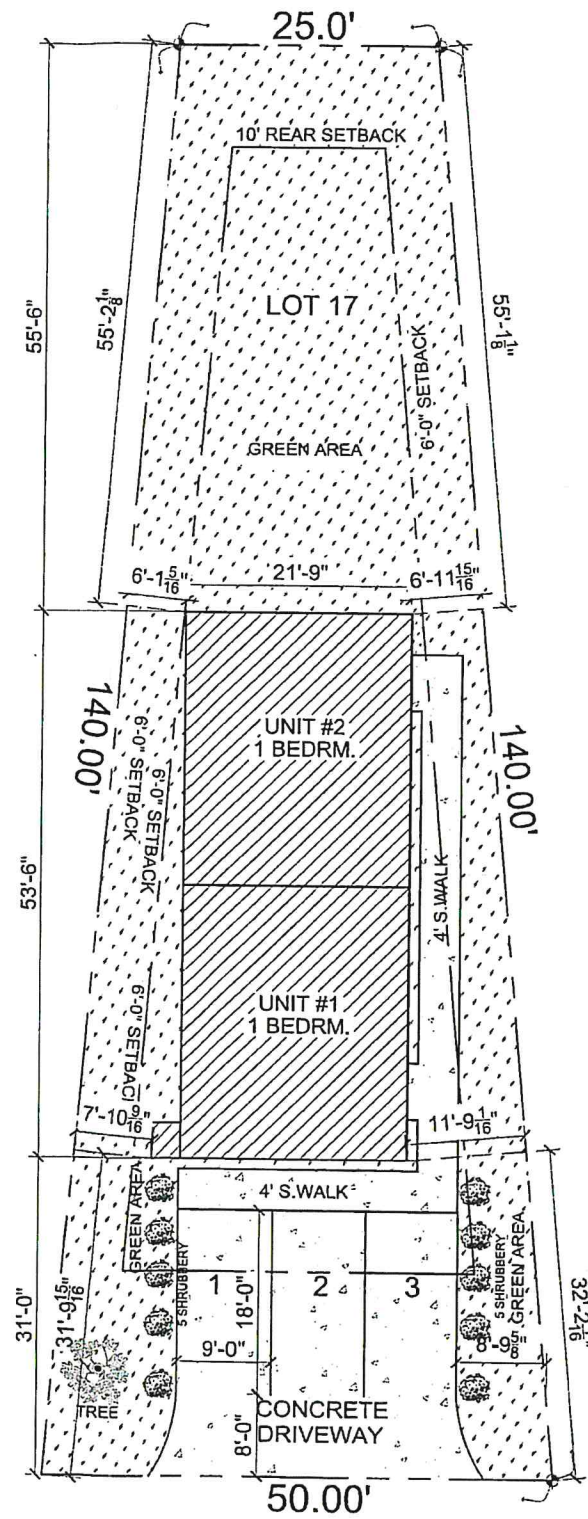
1. VERIFY JOINT LAYOUT FOR SIDEWALKS WITH CONTRACTOR PRIOR TO CONSTRUCTION.
2. ALL SITE WORK, INCLUDING LOCATION OF TRASH DUMPSTER, TEMPORARY TOILET FACILITIES, TEMPORARY CONSTRUCTION BARCADE/FENCING CONSTRUCTION TRAILER, CLEARING PROCEDURE GRADING AND DRAINAGE, CONFORMANCE TO POLLUTION AND PREVENTION 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) 618-6565 FAX: (956) 618-6540

LOT 19

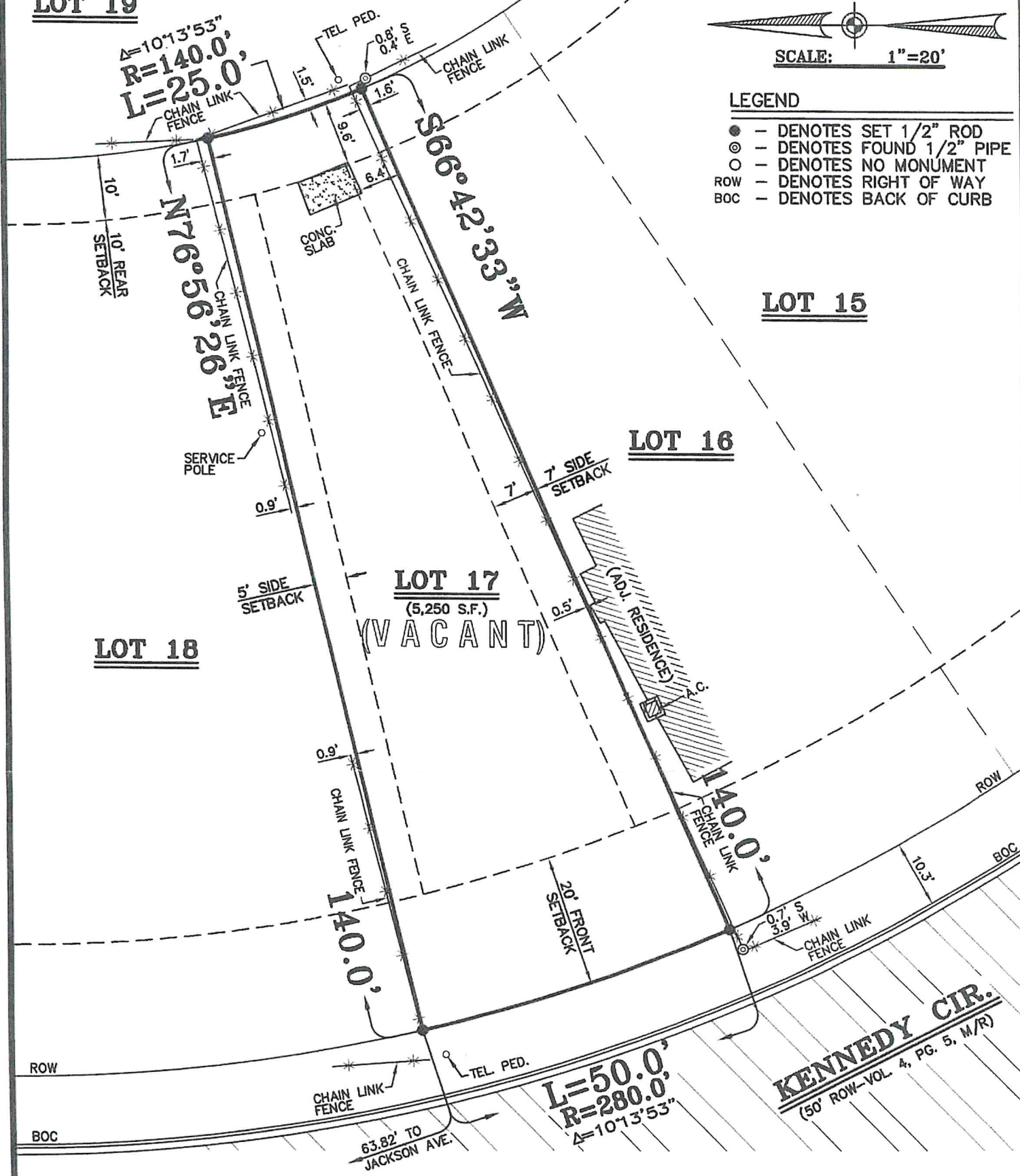
$\Delta=10^{\circ}13'53''$
 $R=140.0'$
 $L=25.0'$



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

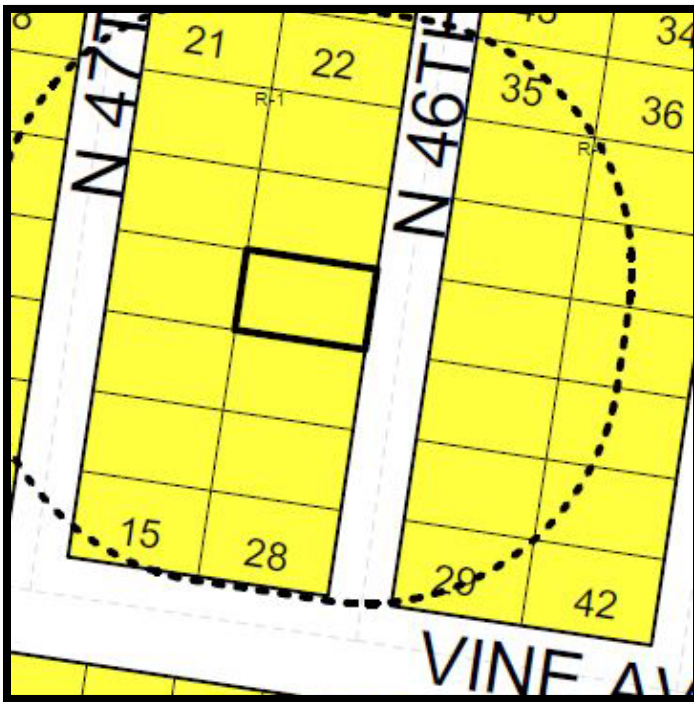
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: May 28, 2024

SUBJECT: REQUEST OF ORLANDO DE JESUS VALDEZ RODRIGUEZ FOR THE FOLLOWING VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 5 FEET INTO THE 10 FOOT REAR YARD SETBACK FOR A PROPOSED SWIMMING POOL MEASURING 8.91 FEET BY 22.67 FEET AT LOT 25, DERBY DOWNS SUBDIVISION, HIDALGO COUNTY, TEXAS; 2213 NORTH 46TH STREET. (ZBA2024-0015)

REASON FOR APPEAL: The applicant is requesting to allow for a proposed rectangular shaped swimming pool measuring 8.91 feet by 22.67 feet to encroach 5 feet into the 10 foot rear yard setback. The applicant states that the rear yard area is limited and the encroachment is needed to build the swimming pool.



PROPERTY LOCATION AND VICINITY: The subject property is located along the west side of North 46th street approximately 195.72 feet of North vine Avenue. The property has 58.79 feet of frontage along North 46th street and a depth of 103.44 feet. The property is zoned R-1 (single family residential) District. There is R-1 District in all directions.

BACKGROUND AND HISTORY: Derby Downs Subdivision was recorded on October 29, 2004. The plat states a rear yard setback of 10 feet. A variance request application was submitted on April 29, 2024.

ANALYSIS: The applicant is requesting to allow an encroachment of 5 feet into the 10 foot rear yard setback for a proposed swimming pool. A 5 foot utility easement run concurrently with the rear yard setback adjacent to the rear property lines and the proposed construction will not encroach into the utility easement.

A review of Planning Department records, staff revealed two variances that have been granted for a proposed swimming pool and storage building within this subdivision.

At the Zoning Board of Adjustments and Appeals meeting of June 3, 2020 the Board voted to approve a variance request to allow an encroachment of 5 feet into the 10 foot rear yard setback for a proposed swimming pool that measured 20 feet by 8 feet at Lot 23, Derby Downs Subdivision.

At the Zoning Board of Adjustments and Appeals meeting of August 5, 2015 the Board voted to approve variances requests to allow an encroachment of 1 foot into the 10 foot rear yard setback and 2 feet into the 6 foot side yard setback for a storage building that measured 7 feet by 11 feet at Lot 4, Derby Downs Subdivision.

Measurements provided 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 two variance requests have been previously approved within this subdivision. If the Board approves this request, it should be limited to the encroachment shown on the submitted site plan.

ZBOA:
06/05/24

City of McAllen Planning Department

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

APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE

Case Number: ZBA 2024-0015 ZBOA Meeting: 6.5.24 Routed
Receipt No: 332702 Scanned
Accepted by: P: SJT S: AS Customer Acknowledgment (Int.): OV

PROJECT

Legal Description Derby Downs lot 25.
Subdivision Name DERBY DOWNS
Street Address 2213 N 46 ST
Number of lots 25 | Gross acres _____
Existing Zoning R1 Existing Land Use residential
Reason for Appeal (please use other side if necessary) ENCROACHING into the rear yard set back for a pool. (5 FEET)
 \$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 Orlando de J Valdes Rquez Phone 305-282-1611
Address 2213 N 46 ST E-mail ovr68@hotmail.com
City McALLEN State TX Zip 78501

OWNER

Name Orlando Valdes Rquez Phone 305-282-1611
Address 2213 N 46 ST E-mail ovr68@hotmail.com
City McALLEN State TX Zip 78501

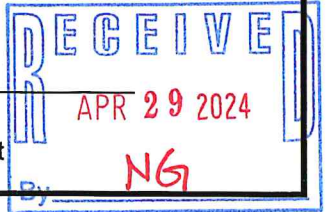
AUTHORIZATION

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 OV Rquez
Print Name Orlando Valdes

Date 4-29-2024
 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:

Smaller back yard -

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

I would like to have a pool to enjoy with my family.

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 going to bother the neighbors.

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

I called at 811 and they inspected the area where is planned to work and found no utilities.

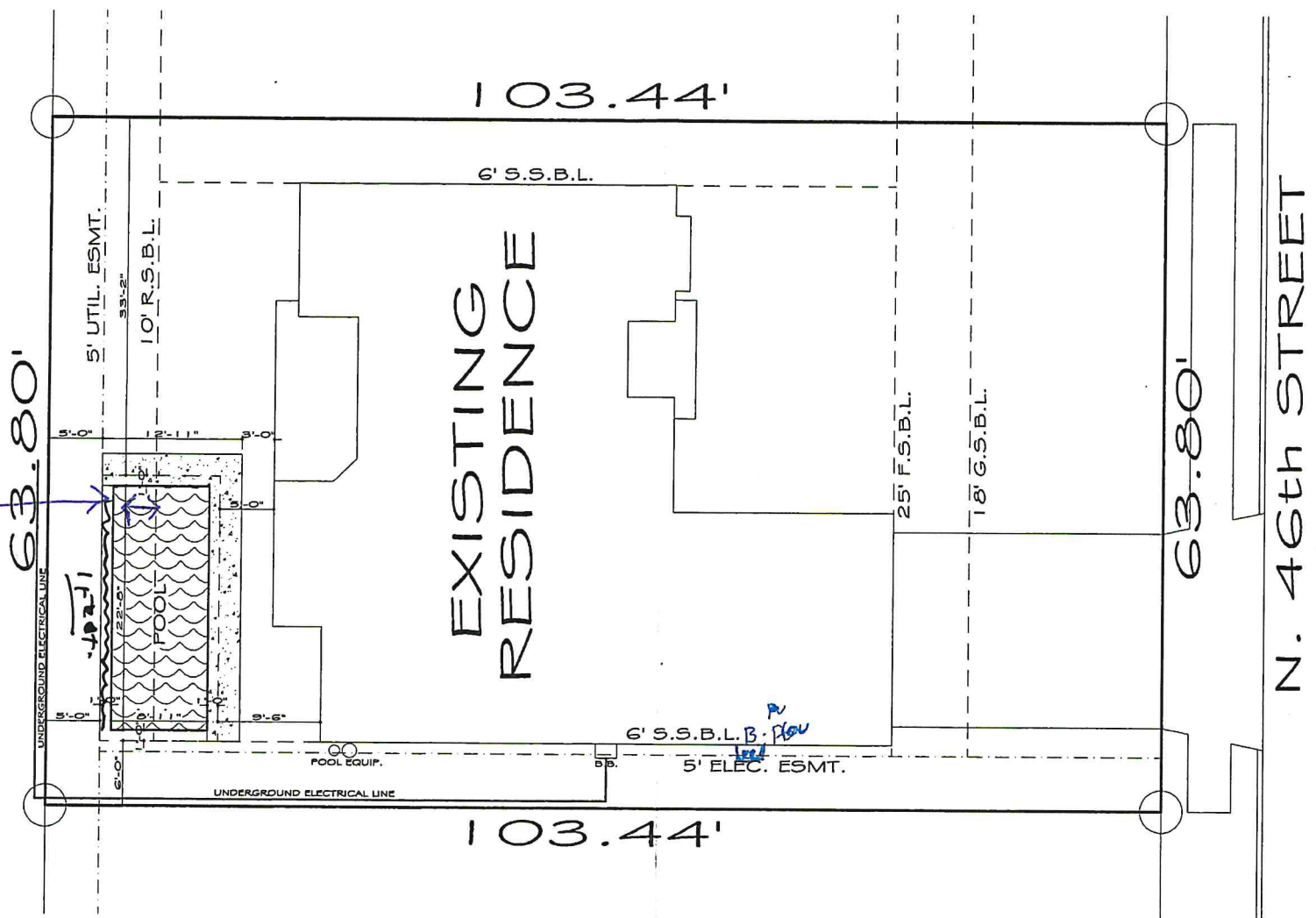
Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date

5ft
OVR
from
outside
wall.



SITE PLAN

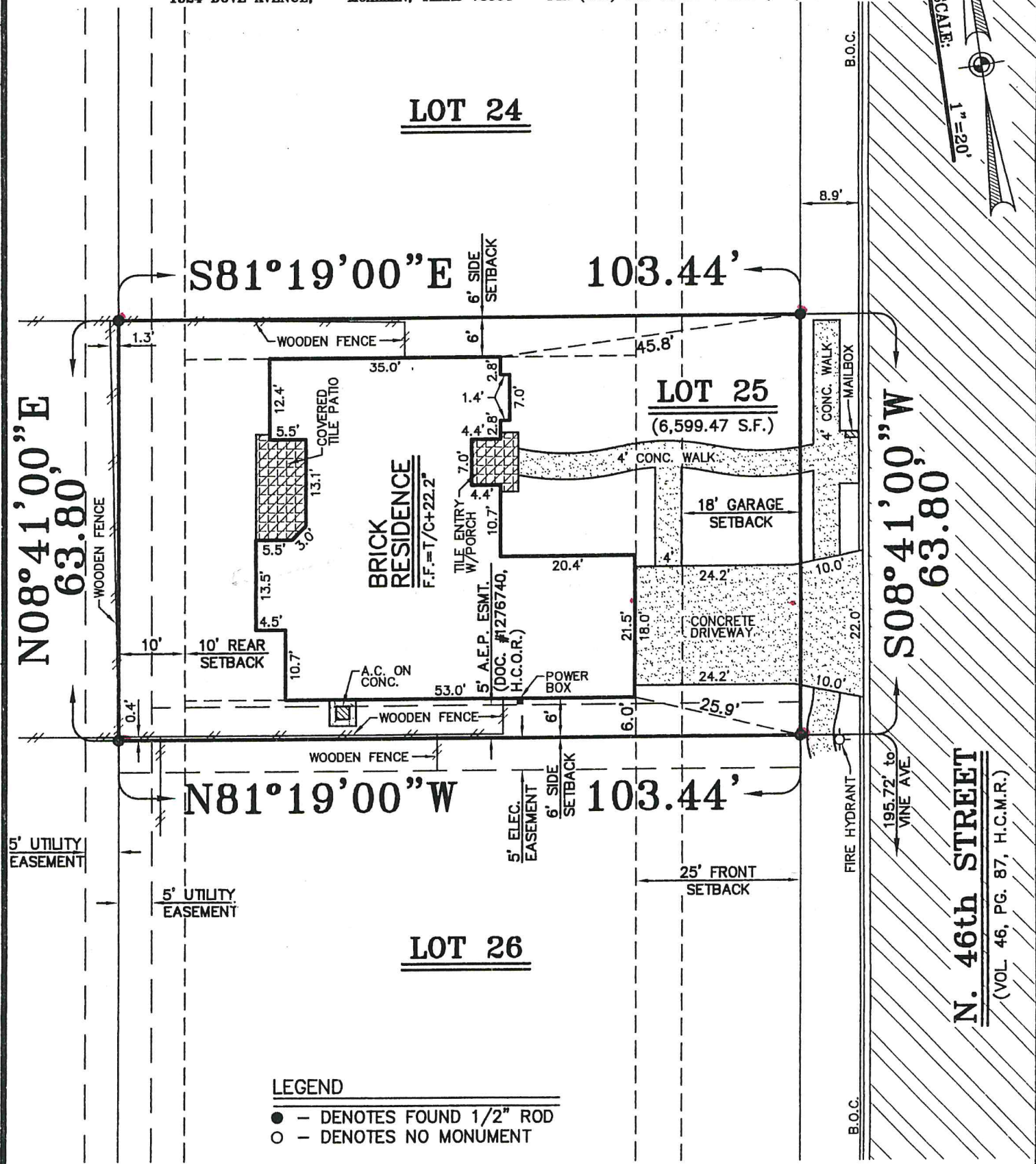
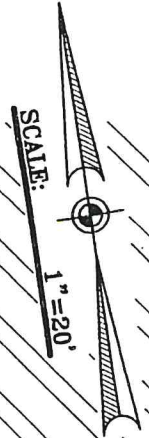
LOT 25, DERBY DOWNS SUBDIVISION
2213 N. 46th ST., McALLEN, TEXAS
ORLANDO VALDES RODRIGUEZ

RECEIVED
APR 29 2024
By NG



ART SALINAS
ENGINEERING & SURVEYING

1524 DOVE AVENUE, McALLEN, TEXAS 78504 PH: (956) 618-5505 FAX: (956) 618-5540



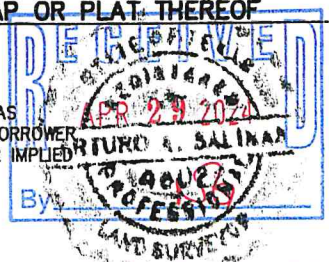
FLOOD ZONE CERTIFICATION: The property shown hereon lies in Zone C. Zone C areas are areas of "minimal flooding" and are not designated flood prone areas as per F.E.M.A. Flood Insurance Rate Map Panel Number 480334-0400-C dated 11-16-82.

- PLAT NOTES:**
1. There are no discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments, or any overlapping of improvements except as shown on this plat.
 2. This survey plat is prepared in connection with Title Policy G.F. # 776634 and does not guarantee title. This survey is for the exclusive use of the client named hereon and may not be copied or transferred to another party without the express written consent of the surveyor.
 3. This survey must contain an original seal and 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 of underground utility, irrigation and/or gas lines.
 5. Contract, Easement and Use Restriction dated October 10, 2003, recorded under Clerk's File No. 1276740, Official Records, Hidalgo County, Texas. (Blanket)
 6. Easements, rules, regulations and rights in favor of United Irrigation District. (Blanket)
 7. Subject to any oil, gas and mineral lease of record.
 8. Bearing Basis: "Derby Downs Subdivision"
- BORROWER:** ORLANDO DE JESUS VALDES RODRIGUEZ *[Signature]*

THIS IS TO CERTIFY TO THAT I HAVE, THIS DATE, PREPARED A SURVEY ON THE PROPERTY WHICH IS LOCATED AT 2213 N. 46th STREET, In McALLEN, TEXAS, DESCRIBED AS FOLLOWS: LOT TWENTY-FIVE (25), DERBY DOWNS SUBDIVISION, AN ADDITION TO THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 46, PAGE 87, MAP RECORDS, HIDALGO COUNTY, TEXAS.

12-42236 Job No. 05-24-12 Date

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**NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2024-0015**
CITY OF MOBILE PLANNING DEPT
70000 1000
WWW.MOBILENET



Memo

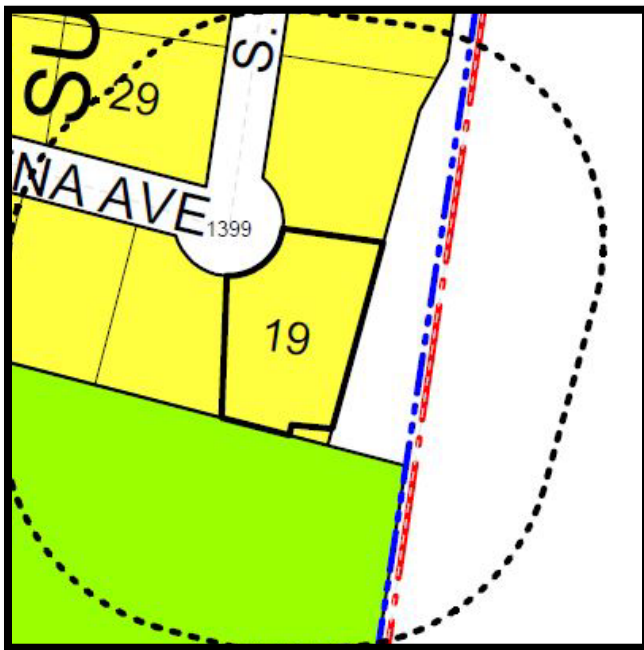
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: May 17, 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 with garage.



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.

To the east side of 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. To the south of the subject property is vacant land.

The standard setbacks for a 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 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 irregular shape of the Lot affects the construction design.

ZONING BOARD OF ADJUSTMENTS AND APPEALS MEEITNG 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 ay and three members voted nay.

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

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	

Handwritten initials: AZ 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:

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

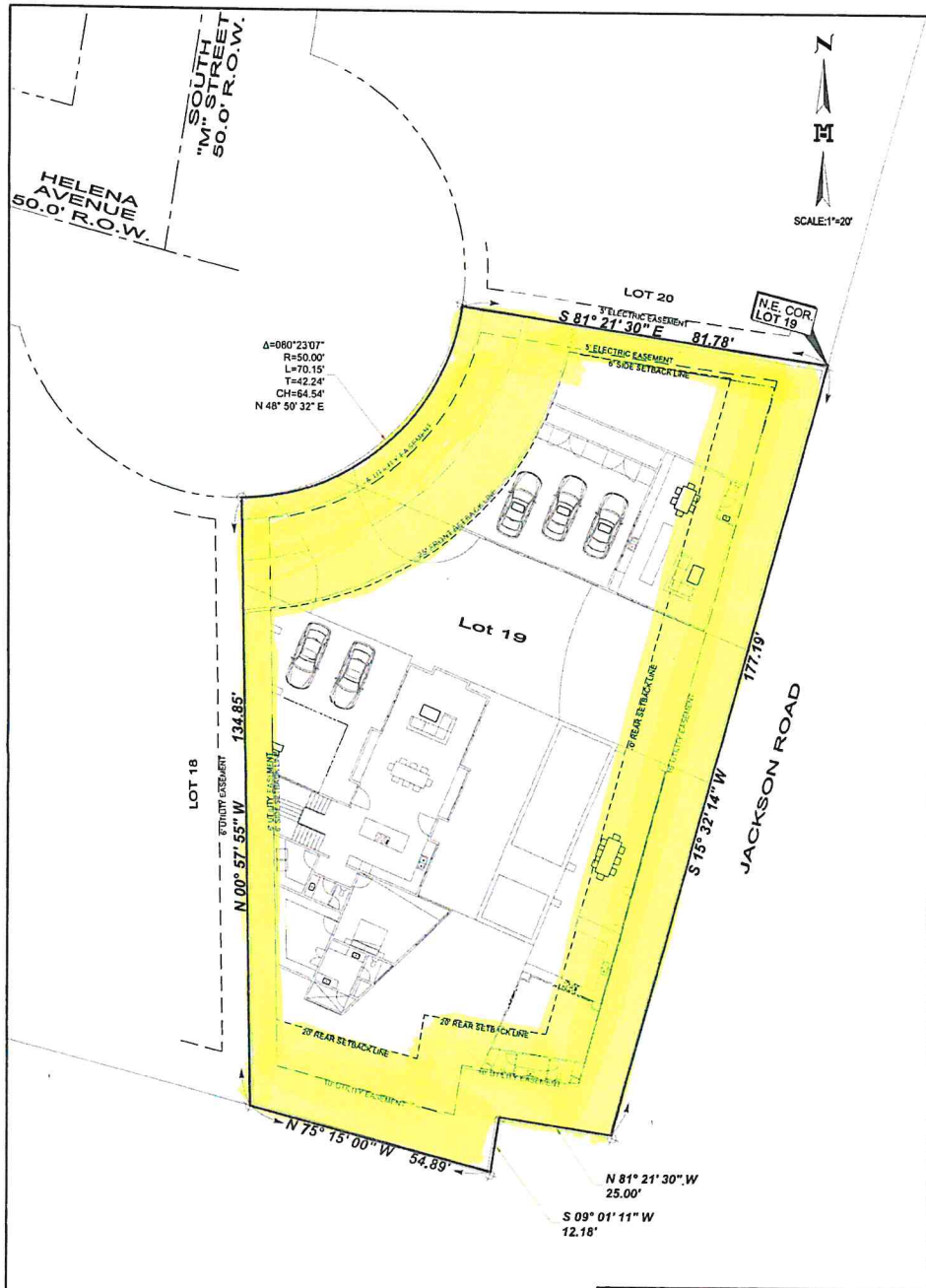


Proposed


7,349 SQFT
Double Story Home

Site

Scale 1/8" = 1'



**PLAT SHOWING
LOT 19
LAGO VISTA SUBDIVISION
VOLUME 51, PAGE 151 H.C.M.R.
CITY OF McALLEN
HIDALGO COUNTY, TEXAS**

 TEXELS No. 10092000	MELDEN & HUNT INC.	
	CONSULTANTS • ENGINEERS • SURVEYORS	
BOOK T, PG. DATE: 4/19/2024 JOB No. 24507.06 FILE NAME: 24507.06 DRAWN BY: J.C.	115 W. MCINTYRE EDINBURG, TX 78541 PH: (956) 381-0981 FAX: (956) 381-1839 ESTABLISHED 1947 www.meldenandhunt.com	© COPYRIGHT 2024 MELDEN & HUNT, INC. ALL RIGHTS RESERVED

250ppx20241027Patt1027.06 23.dwg, 8/26/24, 9/10/2024 2:34:47 PM

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 THEIRS 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 INVEROSA, LTD.
GENERAL PARTNER PROFFERANCE, INC.
ALONZO CANTU, PRESIDENT
P.O. BOX 2672
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 HEREIN
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 HEREIN.

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 CANTU 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.

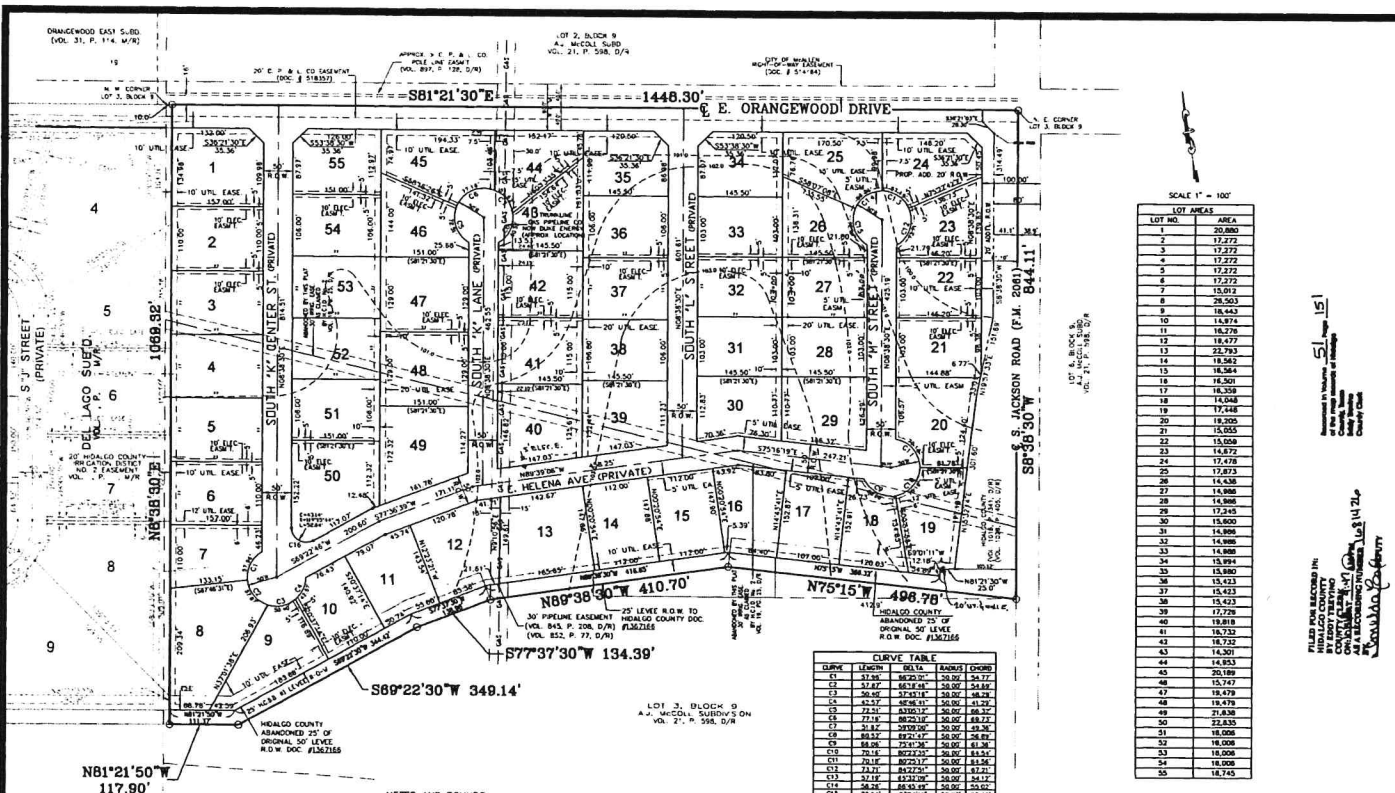
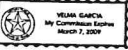
Victoria Garcia
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
MY COMMISSION EXPIRES 3/24/09

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 WHICH IN MY OPINION
IS REQUIRED.

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

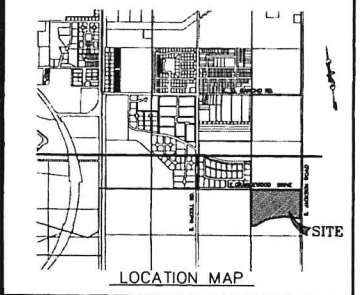
STATE OF TEXAS
COUNTY OF HIDALGO

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.



SCALE 1" = 100'

LOT NO.	AREA
1	20,880
2	17,272
3	17,272
4	17,272
5	17,272
6	17,272
7	15,017
8	20,203
9	18,443
10	14,974
11	18,278
12	18,472
13	22,793
14	18,582
15	18,264
16	18,264
17	18,359
18	14,048
19	17,448
20	18,205
21	15,035
22	15,035
23	14,872
24	17,478
25	17,873
26	14,438
27	12,245
28	14,909
29	14,909
30	14,909
31	14,909
32	14,909
33	14,909
34	15,991
35	15,989
36	13,423
37	15,423
38	15,423
39	17,279
40	18,811
41	18,323
42	18,323
43	18,323
44	14,853
45	20,189
46	19,747
47	19,479
48	19,479
49	23,478
50	22,835
51	18,008
52	18,008
53	18,008
54	18,008
55	18,745



METES AND BOUNDS
A 29.22 ACRE TRACT OF LAND OUT OF LOT 3, BLOCK 9, A.J. McCOLL SUBDIVISION, OF PORCINE 68,
HIDALGO COUNTY, TEXAS, RECORDED IN VOL. 21, PAGE 598 DEED RECORDS.

BEARING AT THE NORTHWEST CORNER OF LOT 3, FOR THE NORTHWEST CORNER OF THE FOLLOWING DESCRIBED
TRACT OF LAND: SAID POINT BEING THE INTERSECTION OF EAST ORANGEWOOD DRIVE AND SOUTH JACKSON ROAD (P.M. NO.
2081).

THENCE, WITH THE EAST LINE OF LOT 3, IN SOUTH JACKSON ROAD, SOUTH 8 DEG. 38 MIN. 30 SEC. WEST, 844.11
FEET TO A POINT ON THE EASTERN PROJECTION OF THE CENTERLINE OF HIDALGO COUNTY DRAINAGE DISTRICT NO.
1 DRAINAGE LEVEL, FOR THE SOUTHWEST CORNER HEREOF;

THENCE, WITH SAID PROJECTION AND THE CENTERLINE OF SAID LEVEL AS FOLLOWS: NORTH 75 DEG. 15 MIN. WEST,
AT 121.11 FEET PASS AN IRON ROD ON THE WEST LINE OF SOUTH JACKSON ROAD AND AT 480.78 FEET TO AN IRON ROD;
NORTH 89 DEG. 38 MIN. 30 SEC. WEST, 416.7 FEET TO AN IRON ROD; SOUTH 77 DEG. 37 MIN. 30 SEC. WEST,
134.38 FEET TO A POINT; SOUTH 68 DEG. 23 MIN. 30 SEC. WEST, 348.14 FEET TO A POINT; AND NORTH 81 DEG. 21
MIN. 30 SEC. WEST, 117.90 FEET TO A POINT, FOR THE SOUTHWEST CORNER HEREOF;

THENCE, PARALLEL TO THE WEST LINE OF LOT 3, NORTH 8 DEG. 38 MIN. 30 SEC. EAST, AT 50.0 FEET PASS AN
IRON ROD ON THE NORTH LINE OF HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 LEVEL RIGHT-OF-WAY, AT 1,029.32
FEET PASS AN IRON ROD ON THE SOUTH LINE OF EAST ORANGEWOOD DRIVE, AND AT 1,008.32 FEET TO A POINT
ON THE NORTH LINE OF LOT 3, FOR THE NORTHWEST CORNER HEREOF;

THENCE, WITH THE NORTH LINE OF LOT 3, IN EAST ORANGEWOOD DRIVE, SOUTH 81 DEG. 21 MIN. 30 SEC. EAST, AT
1,407.20 FEET PASS THE WEST LINE OF SOUTH JACKSON ROAD AND AT 1,448.50 FEET THE POINT OF BEGINNING,
CONTAINING 29.22 ACRES OF LAND, MORE OR LESS, OF WHICH THE NORTH 40.0 FEET, COMPRISING 1.30 ACRE,
LIES IN EAST ORANGEWOOD DRIVE RIGHT-OF-WAY, 1.24 ACRE ALONG THE EAST LINE, LIES IN SOUTH JACKSON
ROAD (P.M. NO. 2081) RIGHT-OF-WAY, 1.12 ACRE ALONG THE SOUTH LINE, LIES IN HIDALGO COUNTY DRAINAGE
DISTRICT NO. 1 LEVEL RIGHT-OF-WAY.

THIS PLAT IS HEREBY APPROVED BY THE HIDALGO COUNTY IRRIGATION
DISTRICT #2 ON THIS, THE 29th DAY OF June, 20 06.

NO IMPROVEMENTS OF ANY KIND (INCLUDING WITHOUT LIMITATION, TREES,
FENCES AND BUILDINGS) SHALL BE PLACED UPON HIDALGO COUNTY
IRRIGATION DISTRICT #2 RIGHTS-OF-WAYS OR EASEMENTS.

K. K. Engineering Consultant
PRESIDENT

ATTEST: *Ben F. ...*
SECRETARY

K K Engineering Consultant
GENERAL PROFESSIONAL CIVIL ENGINEERING SERVICES

(HIDALGO COUNTY)
P.O. BOX 3422
McALLEN, TEXAS 78502
FAX (956) 630-2318



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.

STATE OF TEXAS
COUNTY OF HIDALGO

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

Kamriz S. Khademi
KAMRIZ S. KHADAMI, 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.

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



Memo

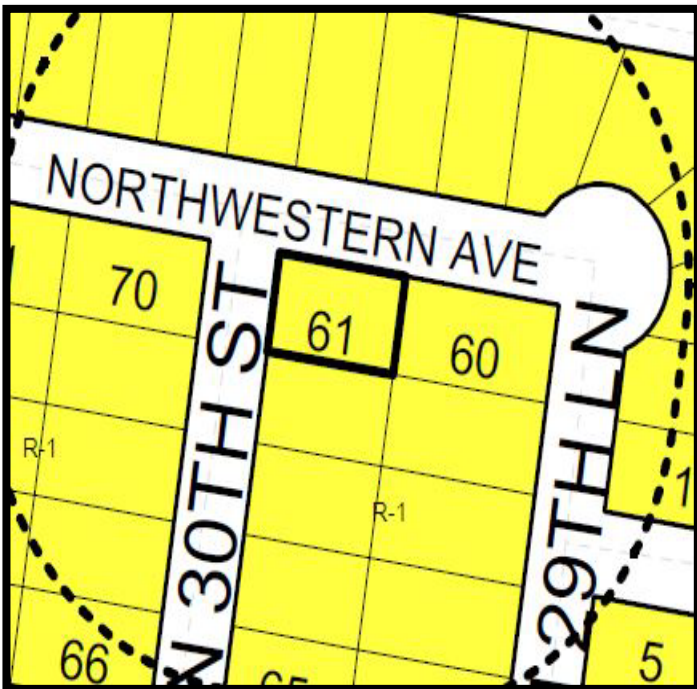
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: May 28, 2024

SUBJECT: REQUEST OF JUAN A. RODRIGUEZ ON BEHALF OF LAURA A. RIOS FOR THE FOLLOWING VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCORACHMENT OF 6 FEET INTO THE 6 FOOT SIDE YARD SETBACK FOR AN EXISTING COVERED PATIO MEASURING 17.5 FEET BY 22 FEET AT LOT 61, SADDLE CREEK UNIT 1 SUBDIVISION, HIDALGO COUNTY, TEXAS; 9216 NORTH 30TH STREET. (ZBA2024-0016)

REASON FOR APPEAL: The applicant is requesting a variance to encroach 6 feet into the 6 foot south side yard setback for an existing covered patio measuring 17.5 by 22 feet. The applicant was not aware about setbacks when he built the patio.



PROPERTY LOCATION AND VICINITY: The subject property is located at the southeast corner of Northwestern Avenue and North 30th Street. The property has a frontage of 58 feet along North 30th Street and a depth of 100 feet for a total Lot size of 5,800 square feet. The property is zoned R-1 (single family residential) District. There are single family residences in all directions.

BACKGROUND AND HISTORY: Saddle Creek Unit 1 Subdivision was recorded on September 11, 2001. The plat indicates a 6 foot side yard setback for interior property lines. On November 8, 2022 a

stop work order was issued by the Building Permit and Inspections Department for construction without a permit. On April 25, 2024 during a follow up inspection, a citation was issued. An application for a building permit and a variance request were submitted on April 26, 2024.

ANALYSIS: The applicant is requesting to encroach 6 feet into the 6 foot south side yard setback for an existing covered patio. The applicant stated that the covered patio is for family gatherings in the afternoons and weekends to enjoy the outdoors. The covered patio contains a small kitchenette, a fire pit, and outdoor couches.

The submitted site plan shows an existing shed encroaching into the rear and side yard setbacks and utility easement. The applicant has decided not to include the encroachment as part of this request at this time.

During the site visit, staff noticed what appeared to be other existing encroachments into the rear and side yard setbacks for existing storage sheds and covered patios for Lots 2, 10, 16, 17, 32, 41, 57, 64, 68, 71, 75 and 82 . A review of Planning Department records did not reveal any variances approved within Saddle Creek Unit 1 Subdivision.

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

Measurements provided 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 disapproval of the variance request. If the Board chooses to approve the variance, it should be limited to the encroachment for the covered patio shown on the submitted site plan.



City of McAllen Planning Department

APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Case Number: ZBA 2024-0016 ZBOA Meeting: 06/05/24 Routed
 Receipt No: 332898 Scanned
 Accepted by: P: P.A. S: Gr Customer Acknowledgment (Int.): JAR

PROJECT

Legal Description Saddle Creek UT 1 LOT 61
 Subdivision Name Saddle Creek
 Street Address 9216 N. 30th St McAllen TX 78504
 Number of lots 1 Gross acres _____
 Existing Zoning R1 Existing Land Use Residence
 Reason for Appeal (please use other side if necessary) Requesting approval of a patio measuring 15.5ft x 22ft at the rear of the property with an encroachment of 6ft. south side yard setback
 \$300.00 non-refundable filing fee + \$50.00 Recording Fee for Special Exception (carport)
 Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

APPLICANT

Name Juan A. Rodriguez Phone 956-588-9849
 Address 9216 N. 30th E-mail JAR630@aol.com
 City McAllen State TX Zip 78504

OWNER

Name Laura A. Rios Phone 956-784-0745
 Address 9216 N 30th St E-mail JAR630@aol.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.

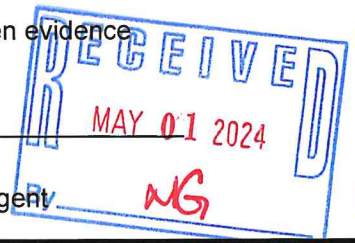
Signature _____

Date 5.1.2024

Print Name Laura A. Rios

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:

This patio is in my backyard and it is not trespassing or getting into any neighbors area. It is a safe and relaxing space for my family to enjoy.

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

I wanted to add an area where I can enjoy afternoons and weekends with my family in any weather. The patio roof is so that even if it rained we could still enjoy being outdoors without getting wet.

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:

We are a responsible and respectful family and this patio roof is not harming or bothering any neighbor or the public.

This area is to have privacy and enjoy my home just as others would like.

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

The roof is well made, this is our home and it's where my son, my wife and I live therefore, it is safely made. Also, respecting our neighbors privacy and home. we also added a gutter to prevent any water going to the neighbors.

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

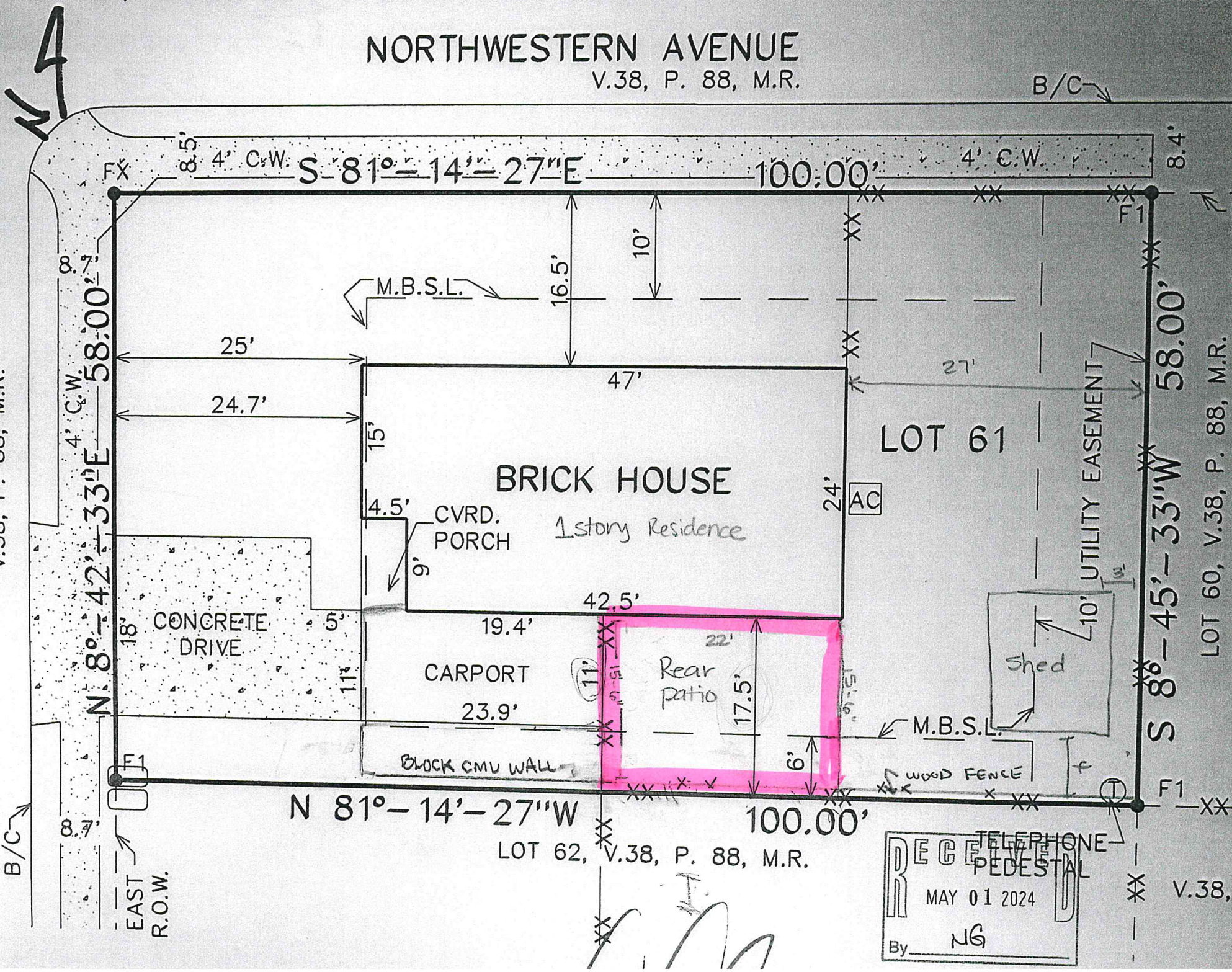
Date

NORTHWESTERN AVENUE

V.38, P. 88, M.R.

B/C

N. JOHN SIKELI
V.38, P. 88, M.R.



N 81°-14'-27"W 100.00'

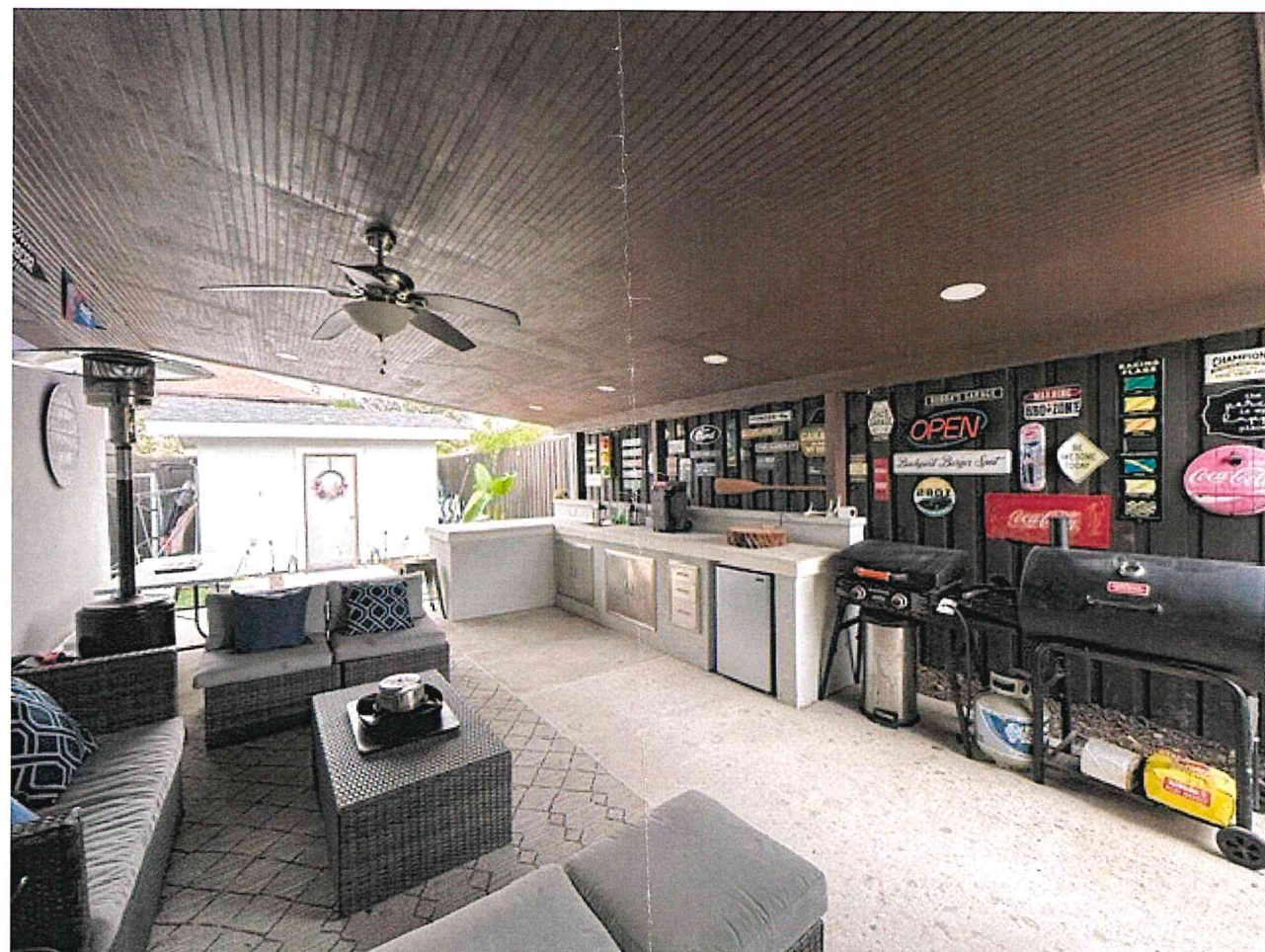
LOT 62, V.38, P. 88, M.R.

RECEIVED
TELEPHONE PEDESTAL
MAY 01 2024
By NG

LOT 60, V.38, P. 88, M.R.

V.38,







W 30th St
NORTHWESTERN

STOP

NOTICE
VARIANCE
FOR
THIS PROPERTY
BACKSPLIT

8216