

## AGENDA

### ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, MARCH 18, 2026 - 4:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3<sup>RD</sup> FLOOR

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

#### CALL TO ORDER -

#### 1. MINUTES:

- a) Minutes for the meeting held on February 4, 2026

#### 2. PUBLIC HEARINGS:

- a) Request of Martha S. Maldonado for a special exception, to allow an encroachment of 20 feet into the 20-foot front yard setback for an existing carport, at Lot 83, Colonia McAllen Unit No. 6 Subdivision, Hidalgo County, Texas; 2301 South 30th Street. **(ZBA2026-0007)**
- b) Request of Ala Qubbaj for a variance, to allow an encroachment of 9.5 feet into the 10-foot rear yard setback for an existing swimming pool and proposed expansion of the house, at Lot 21, Shady Oaks Subdivision Unit II, Hidalgo County, Texas; 6213 North 8th Street. **(ZBA2026-0010)**
- c) Request of Joel M. Ramos for a variance, to allow an encroachment of 5 feet into the 10-foot rear yard setback for a proposed swimming pool, at Lot 80, La Floresta Subdivision Phase I, Hidalgo County, Texas; 1805 Rice Avenue. **(ZBA2026-0006)**
- d) Request of David S. Valdez, on behalf of LOF Investments, for a variance, to allow an encroachment of 9.5 feet into the 15-foot front yard setback and 9.33 feet into the 10-foot corner setback for an existing metal carport at Lot 7, Block 48, North McAllen Subdivision, Hidalgo County, Texas; 220 North 11th Street. **(ZBA2026-0008)**
- e) Request of Christian Canseco for a special exception, to allow and encroachment of 15 feet into the 20-foot front yard setback and 1.9 feet into the 6-foot side yard setback for an existing metal carport located at Lot 61, Hackberry Creek Unit 2 Subdivision, Hidalgo County, Texas; 1905 Fairmont Avenue. **(ZBA2026-0009)**
- f) Request of Hamlin Pools, on behalf of Jesus Garza III, for a variance, to allow an encroachment of 2 feet and 6 inches into the 10-foot rear yard setback for a proposed swimming pool at Lot 7, Block 1, Nerea Estates Subdivision, Hidalgo County, Texas; 5704 North 3rd Street. **(ZBA2026-0011)**
- g) Request of Mario A. Reyna, on behalf of Urban City Developers, LLC, for a variance to the landscape requirements at Lots 1-78, Enclave on Jackson Subdivision, Hidalgo County, Texas; 1200-1417 East Whitewing Avenue. **(ZBA2026-0012)**

#### 3. FUTURE AGENDA ITEMS

- a) 3337 North 42nd 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.

STATE OF TEXAS  
COUNTY OF HIDALGO  
CITY OF MCALLEN

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, March 4, 2026 at 4:32 p.m. in the McAllen City Hall, Commission Chambers with the following present:

<b>Present:</b>	<b>Jose Gutierrez</b>	<b>Chairperson</b>
	<b>Hugo Avila</b>	<b>Vice-Chairperson</b>
	<b>Hiram Gutierrez</b>	<b>Member</b>
	<b>Daniel Santos</b>	<b>Member</b>
	<b>Juan Mujica</b>	<b>Alternate</b>
	<b>Alex Lamela</b>	<b>Alternate</b>
	<b>Erick Diaz</b>	<b>Alternate</b>
<b>Absent:</b>	<b>Ivan Garcia</b>	<b>Member</b>
	<b>Francisco Davila</b>	<b>Alternate</b>
<b>Staff Present:</b>	<b>Austin Stevenson</b>	<b>City Attorney</b>
	<b>Omar Sotelo</b>	<b>Planning Director</b>
	<b>Kaveh Forghanparast</b>	<b>Senior Planner</b>
	<b>Eduardo Mendoza</b>	<b>Director Engineering</b>
	<b>Even Gonzalez</b>	<b>Development Engineer</b>
	<b>Porfirio Hernandez</b>	<b>Planner II</b>
	<b>Nicolas Lopez</b>	<b>Planner II</b>
	<b>Mia Fuentes</b>	<b>Planner I</b>
	<b>Jessica Puga</b>	<b>Technician II</b>
	<b>Carmen White</b>	<b>Administrative Assistant</b>

**CALL TO ORDER –Chairperson Jose Gutierrez**

**1. MINUTES:**

- a) Minutes for meeting held on February 18, 2026.

The minutes for the meeting held on February 18, 2026. The motion to approve the minutes were made by Mr. Hiram Gutierrez. Mr. Alex Lamela seconded the motion, which carried unanimously with five members present and voting.

**2. PUBLIC HEARINGS:**

- a) Request of Ricardo Alvarez for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 18.25 feet into the 20-foot front yard setback for an existing carport at Lot 179, Woodhollow Subdivision Phase V, Hidalgo County, Texas; 7413 North 22nd Street. **(ZBA2026-0004)**

Mr. Hernandez stated the applicant was requesting a special exception to allow an encroachment of 18.25 feet into the 20-foot front yard setback for an existing carport.

The subject property was located on the west side of North 22<sup>nd</sup> Street, south of Warbler Avenue and is zoned R-1 (Single-Family Residential-OC) District.

Woodhollow Phase 5 Subdivision was recorded on June 13, 1994. The plat notes require a 20-foot front yard setback and a 6-foot side yard setback. A stop work order was issued on September 25, 2025, for a carport without a building permit. A building permit for the existing carport was submitted on September 30, 2025, which was rejected due to the encroachment into the setbacks. A special exception request was submitted on October 20, 2025.

The applicant is requesting a special exception to allow the existing carport to remain. The carport was built to provide protection for their vehicles from the extreme heat and weather conditions. The existing carport is larger than 400 square feet and encroaches into the front and side yard setbacks. The applicant proposes to reduce the carport's size to 19.67 feet by 19.67 feet, ensuring compliance with the 6-foot side yard setback on the south side and the maximum 400 sq. ft. allowable carport size for a special exception.

As per our records, one special exception was granted for a carport within this subdivision in 2025.

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

Staff recommended disapproval of the special exception request since it does not meet the setback requirement.

Chairperson Gutierrez asked staff if they had in writing the offer of modifying the dimensions. Staff stated yes.

Board member Mujica asked staff if the carport the similar material as the one carport that was approved a block away. Staff stated the one that was approved was three houses down and it was similar materials.

Mr. Ricardo Alvarez, 7413 North 22<sup>nd</sup> Street, McAllen. He stated he would like to keep the carport. He stated the person that built his and his neighbors said they did not need a permit. This person had built them all over the City. He tried to get a permit but was told no because he needed a structural analysis which he had obtained. Still was told no. Mr. Alvarez decided to take it down and start again. That is when he came in to apply for a Special Exception. He was trying to comply and every time was no. He also asked for the utilities to abandon the easement, just the water line that belonged to him. He did do a letter to modify the carport to 400 square footage.

Board member Mujica asked the applicant if he uses the double car garage. Mr. Alvarez stated he had one car in there but his truck does not fit with it. He wanted it for protection of the vehicles from inclement weather.

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. Juan Mujica **moved** to go against staff's recommendation and approve the Special Exception contingent on the square footage maximum requirement for the carport. Mr. Erick Diaz seconded the motion. The Board voted to approve the Special Exception with five members present and voting.

- b) Request of Frederick Zuniga for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 18-foot garage setback for a detached garage, located at Lot 38, Apollo Gardens Subdivision, Hidalgo County, Texas; 1909 Hibiscus Avenue. **(ZBA2026-0002)**

Ms. Fuentes stated the applicant was requesting a variance to encroach 10 feet into the 18-foot garage setback for a detached garage to protect their vehicles and personal properties from vandalism and theft.

The subject property was located along the south side of Hibiscus Avenue and is zoned R-1 (Single-Family Residential–OC) District. The adjacent zoning is R-1 (Single-Family Residential–OC) in all directions. Surrounding land uses include single-family residences.

Apollo Gardens Subdivision was recorded on June 14, 1976. A building permit to enclose an existing carport in the rear of the property was approved on November 20, 2025. A Stop Work Order was issued on December 16, 2025, for a new carport built in the rear of the property without a permit. The applicant submitted another building permit application for the addition of a garage also in the rear of the property. The permit was rejected by the Planning Department due to the encroachment into the minimum 18 ft. garage setback. A variance request to encroach into the garage setback was submitted on January 13, 2026. There have been two previous special exceptions and variances approved in the Apollo Gardens Subdivision in 2020 for carports and a storage building.

The applicant was requesting to encroach 10 feet into the 18-foot garage setback at the rear side of the property in order to build a detached garage to protect their vehicles and personal properties from vandalism and theft.

Section 138-356 of the Zoning Ordinance and Section 2.2.2 of the UDC require entrances to a garage or enclosed carport to be a minimum of 18 feet from streets or alleys.

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

Staff recommended disapproval of the variance since it does not comply with City ordinances.

Mr. Frederick Zuniga, 1909 Hibiscus Avenue, Apollo Gardens, Lot 38. He stated the reason for the enclosed carport was that he has a daughter who has a medical condition and does not allow her to smoke in the house. He had several items stolen from his home. His wife had passed on recently. She wanted a carport for their son's truck.

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

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

Board member Diaz asked staff why this was considered a variance and not a Special Exception. Staff stated it was considered a garage because Special Exception are for carports. They were planning to enclose the garage due to vandalism and theft.

Following discussion, Mr. Erick Diaz moved to follow staff's recommendation and disapprove the Variance request. Mr. Hiram Gutierrez seconded the motion. The Board voted to disapprove the Variance request with five members present and voting.

- c) Request of Pamm Family Properties, LLC. for a variance to the landscape requirement within the right-of-way for Lots 47 - 58, International Center Block 2 Subdivision, Hidalgo County, Texas; 4400 North 23rd Street. **(ZBA2026-0003)**

Mr. Hernandez stated the applicant was seeking a variance to waive the landscape requirement within the right-of-way and instead install artificial turf and shrubs.

The subject property is located at the southeast corner of North 23<sup>rd</sup> and Fox Drive and is zoned C-3 (General Business-OC) District.

International Center Block 2 Subdivision was officially recorded on February 13, 1979. Building permits have been issued for the business operating under the name "Mercado District" since 2020. Pursuant to the conditions of the approved building permits, and in addition to standard landscaping requirements, the right-of-way areas—excluding sidewalks and driveway sections—are required to be landscaped.

At the subject property, work had commenced to clear the right-of-way area in preparation for landscape improvements. This activity came to the attention of the Planning Department, at which time the property owner was advised that any required landscaping within the right-of-way must consist of sod.

Subsequently, the owner proposed installing artificial turf and shrubs in lieu of sod and submitted an application for a variance on January 15, 2026 seeking approval of this alternative landscaping treatment.

The applicant is requesting a variance to permit the installation of two-foot wide artificial turf with Texas Sage and Lantana within the right-of-way area. The submitted application states that the proposed landscape improves the appearance of the city, conserves water, and will have no negative impact on the right-of-way. They added that the modification is minor in scope and is intended solely to enhance the overall visual appeal of the site.

Section 4.6.4 of the Unified Development Code states that Landscape areas within public and private rights-of-way, shall comply with the specifications of the department of engineering and shall be maintained in perpetuity by the property owners as common area. The same section indicates that synthetic or artificial lawns or plants shall not be used in lieu of plant requirements.

Engineering Department has recommended disapproval of the variance request.

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

Staff recommended disapproval of the variance request due to not being in compliance with city ordinance.

Chairperson Gutierrez asked staff if they had discussed with the applicant regarding the Unified Development Code that it was against to use artificial turf. Staff stated the applicant had been speaking with the Engineering Department regarding the issue of the artificial turf.

Mr. Jesus Gonzalez, Owner, 106 Rio Grande Drive, Mission, TX. He stated he was not aware about obtaining a permit for the landscaping. He wanted to beautify it by filling in the patches from the dirt area. He also stated he was not aware of the water retention.

Board member Diaz asked the applicant what he was planning to put underneath the shrubs. Mr. Gonzalez stated just dirt that would work with water retention situation. Mr. Diaz asked what the overall width. Mr. Gonzalez stated two will be turf and three would be natural plants.

Board member Mujica asked City Engineer what was the City's position on the issue of artificial turf. Mr. Mendoza stated from the Right of Way to the center of the street we do not approve of artificial turf. When a utility company or City has to use this R.O.W. it would become a high cost maintenance issue. They do not carry turf and not be readily available to put that turf back in the condition it was before. Mr. Mendoza stated for the record that the Engineering Department was opposed to this request.

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

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

Board member Diaz asked Mr. Mendoza if the City had any issue with gravel. Mr. Mendoza stated that in the R.O.W. we require sod.

Mr. Jesus Gonzalez stated at the beginning when they were cited, they took pictures of at least 15 businesses that had the similar landscape with what they were proposing. He stated they looked very pretty. He stated he would be willing to sign a release form where would be responsible to maintain it. Chairperson Gutierrez asked who would be responsible once he decides to sell the property.

Following discussion, Mr. Juan Mujica **moved** to disapprove the Variance request. Mr. Hiram Gutierrez seconded the motion. The Board voted to disapprove the Variance request with four members voting aye and one voting nay, Mr. Alex Lamela.

- d) Request of Jorge Gonzalez, on behalf of G 956 Properties LLC, for a variance to the minimum lot size requirement for 36.84 acres out of Lots 1 and 2, Block 10, A. J. McColl Subdivision (Proposed Blue Jay Subdivision) Hidalgo County, Texas, 6000 South Jackson Road. (ZBA2026-0005)**

**Board member Juan Mujica abstained from this item.**

Mr. Lopez stated the applicant was requesting a variance to not provide the minimum 5,000 square feet lot size for a proposed single-family development proposed as Blue Jay Subdivision

The subject property was located along the west side of South Jackson Road, north of East Whalen Road, and is zoned R-1 (Low Density Residential-UDC) District. The property is currently vacant.

A single-family residential subdivision application for the subject property under the name of Blue Jay Subdivision was submitted on May 8, 2025, and is currently under review. City Commission approved annexation and initial zoning requests to R-1 (Low-Density

Residential-UDC) District for the subject property on September 8, 2025. The current variance application request for the minimum lot size was submitted on January 26, 2026.

The applicant was requesting to not provide the 5,000 square foot minimum lot size for proposed Blue Jay Subdivision. Based on the latest submitted plat, approximately 61 lots out of 150 proposed lots, located on the west half of the subdivision, do not meet the minimum lot size requirement. The minimum lot size is proposed to be 4,500 square feet. The lots located on the east side of the subdivision are typically larger with lot sizes larger than 6,000 square feet. The proposed plat can be revised to comply with minimum lot size requirement.

The submitted application states that the variance is needed to keep the number of proposed lots at 150. It adds that the proposed lot size provides ample area to build a house for first time homeowners.

Section 2.2.2 of the UDC, requires the minimum lot size for R-1 (Low-Density Residential-UDC) District to be 5,000 square feet.

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

Staff recommended disapproval of the variance request, as the UDC requires the minimum lot size in an R-1 (UDC) District to be 5,000 square feet and the proposed plat can be revised to comply with lot size requirements.

Chairperson Gutierrez asked staff if they discussed with Mr. Gonzalez possible alternatives he may have. Staff stated yes. Senior Planner Kaveh stated they were in contact with the project engineer and submitted the application stating that they needed to keep 150 lots. They did not want to revise the layout.

Planning Director stated the minimum lot width used to be 50 feet, now UDC allows 45 feet. Although you are allowed to have smaller lot width, you have to go deeper to meet the 5000 square feet, which was mentioned by staff from the beginning of this project.

Board member Diaz asked where the 5000 square footage came from. Mr. Sotelo stated that 5,000 square feet has ever been the minimum lot size requirement for R-1 (single-family Residential) District. In R-2, (duplex-fourplex) lots can be smaller.

Mr. Jorge Gonzalez stated he was the owner/project construction for multiple developments throughout South Texas. He stated the main reason for the change was they had a new developer coming in from Laredo and that is the size of the lot he was requesting to keep the cost. They were selling everything by square feet. The bigger the lot the more it would cost. They were going to divide the subdivision in two sections where one side would be lower cost homes the other side would be higher cost.

City Attorney Stevenson stated there was a State law that was passed last year, which limits municipalities' authority to require lot sizes larger than 3,000 square feet for single-family developments. It would apply in this case if McAllen had a population of a 150,000 or more. According to the last Census, the population was less than 150,000. Therefore, the State law did not apply; however, after the next Census if this development were coming in, it would be a different process.

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

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

Following discussion, Mr. Erick Diaz **moved** to go against staff's recommendation and approve the Variance request. Vice-Chairperson Hugo Avila seconded the motion. The Board voted to approve the Variance request with four voting aye and one voting nay, Chairperson Jose Gutierrez.

**ADJOURNMENT**

There being no further business to come before the Zoning Board of Adjustment and Appeal, Chairperson Jose Gutierrez **moved** to adjourn the meeting at 5:23 p.m.

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Chairperson Jose Gutierrez

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Carmen White, Administrative Assistant

Memo

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

**FROM:** Planning Staff

**DATE:** March 18, 2026

**SUBJECT:** REQUEST OF MARTHA S. MALDONADO FOR A SPECIAL EXCEPTION TO ALLOW AN ENCROACHMENT OF 20 FEET INTO THE 20-FOOT FRONT YARD SETBACK FOR AN EXISTING CARPORT, AT LOT 83, COLONIA MCALLEN UNIT NO. 6 SUBDIVISION, HIDALGO COUNTY, TEXAS; 2301 SOUTH 30<sup>TH</sup> STREET. (ZBA2026-0007)

**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 carport.



**PROPERTY LOCATION AND VICINITY:** The subject property is located on the east side of South 30<sup>th</sup> Street, north of Yuma Avenue and is zoned R-1 (Low-Density Residential-UDC) District.

**BACKGROUND AND HISTORY:** Colonia McAllen Unit No. 6 Subdivision was recorded on August 2, 1976. A building permit for the existing carport was submitted on January 5, 2026, which was rejected due to the encroachment into the setbacks. A special exception request was submitted on January 30, 2026.

**ANALYSIS:** The plat notes require a 20-foot front yard setback and a 6-foot side yard setback. The applicant is requesting a special exception to allow the existing carport to remain. The applicant states the carport was built to provide protection for their vehicles from the extreme heat and weather conditions and a safe and accessible entry and exit from their vehicles and home due to their medical conditions. They added that the carport is necessary to provide a continuous covered pathway from the property line to the residence, reducing risks associated with limited mobility and exposure to extreme heat, heavy rain, hail, and other hazardous weather conditions that could otherwise endanger their health and safety.

The existing carport is larger than 400 square feet and encroaches into the front and side yard setbacks. The applicant proposes to reduce the carport's size to 22 feet by 18 feet, ensuring compliance with the 6-foot side yard setback on the north side and the maximum 400 sq. ft. allowable carport size for a special exception.

As per our records, three special exception requests have been granted for a carport within this subdivision.

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

**RECOMMENDATION:** Staff recommends approval of the special exception request since it conforms to the existing neighborhood characteristics.

Response to appeal reason #4:

This roof constitutes a reasonable accommodation necessary to ensure my husband's safe and accessible entrance and exit from our vehicles and residence due to his disabilities.

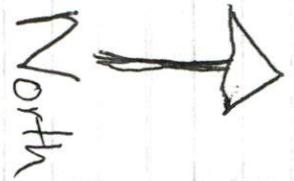
The structure provides a continuous, covered pathway extending from the edge of the property line across the front yard directly to our home. This design minimizes safety risks associated with limited mobility and prolonged exposure while entering or exiting the home.

This accommodation is particularly necessary during periods of extreme heat, heavy rainfall, and other hazardous weather conditions, including hail, and would otherwise pose an increased risk to his health and safety.

Thank you for your time and consideration of this appeal.

RECEIVED  
JAN 30 2026  
By VR

30<sup>th</sup> Street



7 Side walk

50 property line

22

28

Car Port

Property line

13

House

Roof

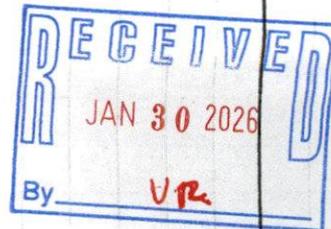


Will cut Carport

Back to 400 square feet.

North ~~of~~ ~~the~~ ~~carport~~

Jan 30, 2026.





NOTARY  
PUBLIC



RAY DR  
MARtha DR  
LUIS DR  
MIGUEL DR  
MANUEL DR



2301

**Memo**

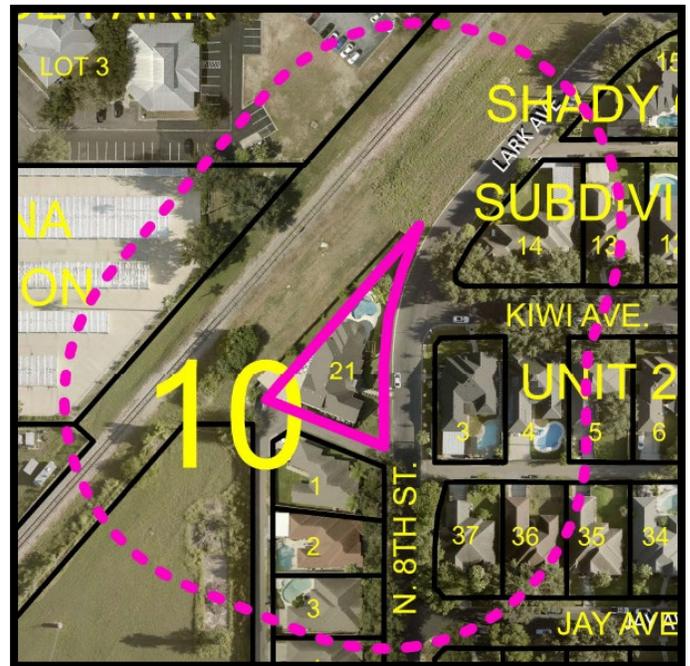
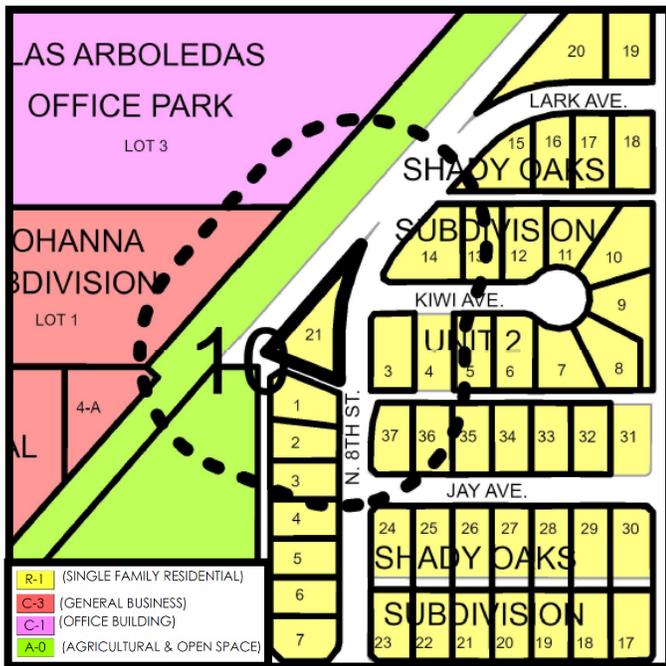
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** March 18, 2026

**SUBJECT: REQUEST OF ALA QUBBAJ FOR A VARIANCE TO ALLOW AN ENCROACHMENT OF 9.5 FEET INTO THE 10-FOOT REAR YARD SETBACK FOR AN EXISTING SWIMMING POOL AND PROPOSED EXPANSION OF THE HOUSE, AT LOT 21, SHADY OAKS SUBDIVISION UNIT II, HIDALGO COUNTY, TEXAS; 6213 NORTH 8<sup>TH</sup> STREET. (ZBA2026-0010)**

**REASON FOR APPEAL:** The applicant is requesting a variance to allow an encroachment of 9.5 feet into the 10-foot rear yard setback for an existing swimming pool and proposed house expansion.



**PROPERTY LOCATION AND VICINITY:** The subject property is located on the west side of North 8<sup>th</sup> Street, north of Jay Avenue and is zoned R-1 (Single-Family Residential-OC) District.

**BACKGROUND AND HISTORY:** Shady Oaks Subdivision Unit II was recorded on May 19, 1993. The home was built in 2004. A building permit for construction of a swimming pool was approved on June 23, 2009, and the pool was built later that same year. An application to abandon the 10-foot utility easement at the rear side of the property was submitted on January 15, 2025. A license agreement was recorded on March 11, 2026 to allow the encroachment of the existing swimming pool and the proposed expansion.

**ANALYSIS:** The recorded plat requires a 10-foot rear yard setback. The applicant states that the irregular shape of the lot limits the ability to expand the home without requesting a variance. They added that the current kitchen is too small to adequately serve a family of six and needs to be expanded and remodeled to meet the household's needs. The applicant also states that there are no neighboring homes directly adjacent to the lot, and the proposed expansion will not adversely affect surrounding properties.

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

**RECOMMENDATION:** Staff recommends approval of the variance request since the irregular shaped lot could be considered a hardship and that there is no other adjacent property to the subject property.







**FLOOD ZONE**

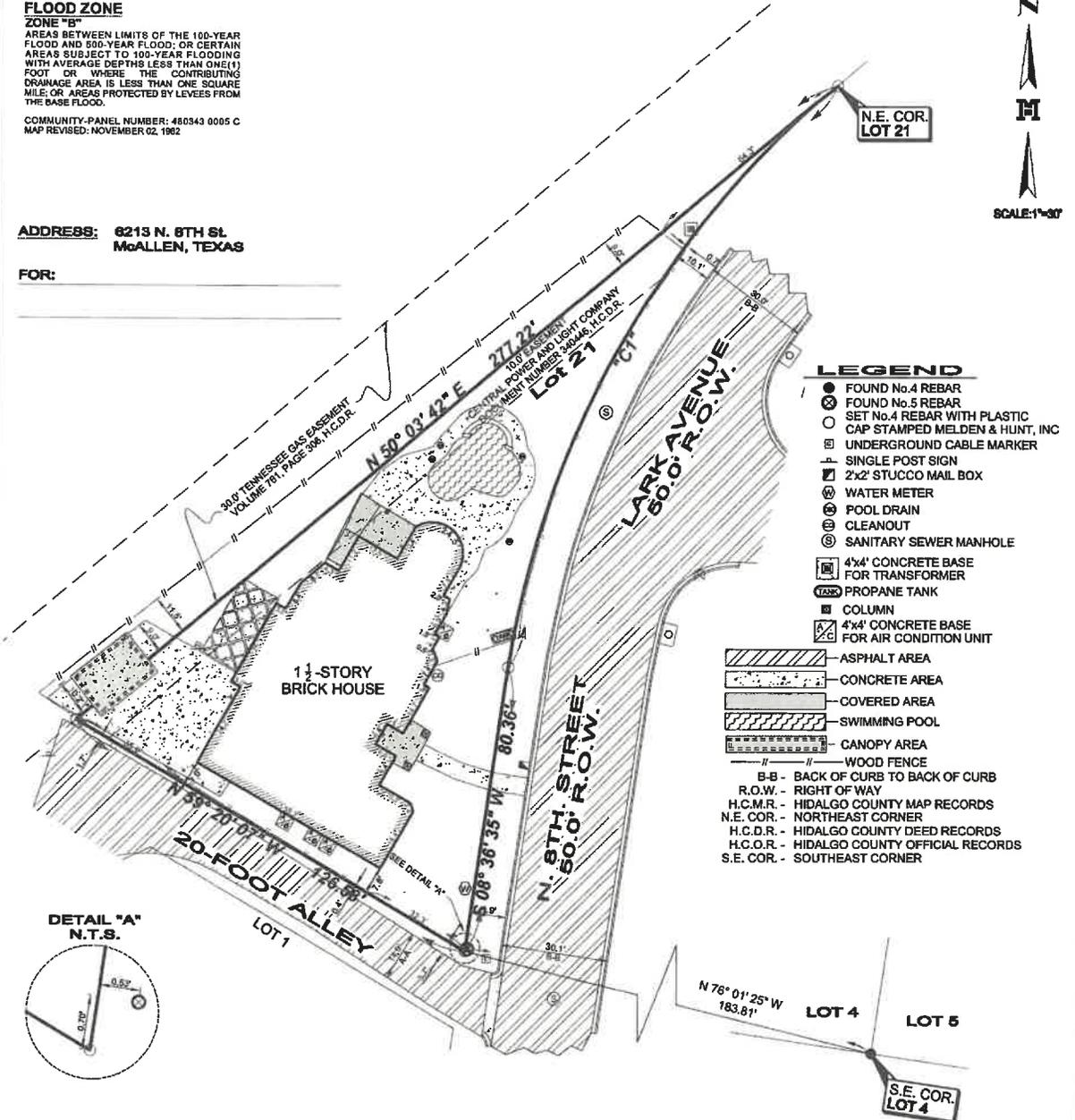
**ZONE "B"**

AREAS BETWEEN LIMITS OF THE 100-YEAR FLOOD AND 500-YEAR FLOOD; OR CERTAIN AREAS SUBJECT TO 100-YEAR FLOODING WITH AVERAGE DEPTHS LESS THAN ONE(1) FOOT OR WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN ONE SQUARE MILE; OR AREAS PROTECTED BY LEVEES FROM THE BASE FLOOD.

COMMUNITY-PANEL NUMBER: 480343 0005 C  
MAP REVISED: NOVEMBER 02, 1982

**ADDRESS:** 6213 N. 8TH ST  
McALLEN, TEXAS

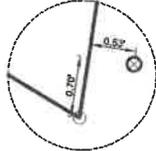
**FOR:**



**LEGEND**

- FOUND No.4 REBAR
- ⊗ FOUND No.5 REBAR
- SET No.4 REBAR WITH PLASTIC CAP STAMPED MELDEN & HUNT, INC
- ⊠ UNDERGROUND CABLE MARKER
- ⊢ SINGLE POST SIGN
- ⊞ 2x2' STUCCO MAIL BOX
- ⊕ WATER METER
- ⊙ POOL DRAIN
- ⊕ CLEANOUT
- ⊙ SANITARY SEWER MANHOLE
- ⊞ 4x4' CONCRETE BASE FOR TRANSFORMER
- ⊞ PROPANE TANK
- ⊞ COLUMN
- ⊞ 4x4' CONCRETE BASE FOR AIR CONDITION UNIT
- ▨ ASPHALT AREA
- ▨ CONCRETE AREA
- ▨ COVERED AREA
- ▨ SWIMMING POOL
- ▨ CANOPY AREA
- ▨ WOOD FENCE
- B-B - BACK OF CURB TO BACK OF CURB
- R.O.W. - RIGHT OF WAY
- H.C.M.R. - HIDALGO COUNTY MAP RECORDS
- N.E. COR. - NORTHEAST CORNER
- H.C.D.R. - HIDALGO COUNTY DEED RECORDS
- H.C.O.R. - HIDALGO COUNTY OFFICIAL RECORDS
- S.E. COR. - SOUTHEAST CORNER

**DETAIL "A"**  
N.T.S.



Curve Table						
Curve #	Delta	Radius	Length	Tangent	Chord Length	Chord Direction
"C1"	041° 27' 12"	284.27'	191.20'	100.00'	187.06'	S 29° 20' 10" W

**PLAT SHOWING  
LOT 21  
SHADY OAKS SUBDIVISION UNIT II  
VOLUME 28, PAGE 88 H.C.M.R.  
CITY OF McALLEN  
HIDALGO COUNTY, TEXAS**

- NOTES:**
- SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.
  - BEARING BASIS IS FROM THE No. 4 REBAR FOUND AT THE SOUTHEAST CORNER OF SAID LOT 4 AND THE SOUTHEAST CORNER OF SAID LOT 21
  - SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT WHICH MAY SHOW ADDITIONAL EASEMENTS AFFECTING THIS TRACT. THE SURVEYOR IS ADVISING THE RECIPIENT OF THIS PLAT THAT ADDITIONAL EASEMENTS MAY AFFECT THIS TRACT.

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS SURVEY AS DESCRIBED HEREON, WAS MADE ON THE GROUND ON 12/18/2024 UNDER MY DIRECTION, THAT THE ONLY IMPROVEMENTS ON THE GROUND ARE AS SHOWN, THAT THERE ARE NO VISIBLE ENCROACHMENTS, VISIBLE OVERLAPPING, APPARENT CONFLICTS, OR VISIBLE EASEMENTS, EXCEPT AS SHOWN HEREON.



*[Signature]*  
ROBERTO N. TAMEZ, RPLS No. 6238      DATE: *12/18/2024*

**MELDEN & HUNT INC.**  
CONSULTANTS • ENGINEERS • SURVEYORS

BOOK: T-1242, PG.72  
DATE: 01/14/2025  
JOB No. 24892.00.08  
FILE NAME: 24892.00  
DRAWN BY: J.R.C.

115 W. McINTYRE  
EDINBURG, TX 78541  
PH: (956) 381-0881  
FAX: (956) 381-1839  
ESTABLISHED 1947  
www.meldenandhunt.com

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3/9/2026

**To:**

Planning Department and Zoning Board  
City of McAllen

**RE:** Support for Variance Request

**Property:** 6213 N. 8th St., McAllen, TX 78504

**Case #:** ZBA2026-0010

We, the undersigned neighbors, have received the variance notice for the above-referenced property (Case No. ZBA2026-0010) and would like to express our full support for the requested variance.

The proposed variance will not negatively impact or affect any neighboring properties. For this reason, we are in complete support of the request.

Sincerely,

Jesse and Jan Lopez  
6209 North 8th St.  
McAllen, Tx 78504  
(956) 624-9012

Josus & Delma Maniz  
6205 N. 8th Street  
McAllen TX 78504  
956-227-1799

Rosanna Maniz  
6201 N. 8th Street  
McAllen Tx 78504  
(956) 878-8154

Martha Hayungs  
709 Kiwi Ave  
McAllen, TX 78504  
956-537-0811

**Memo**

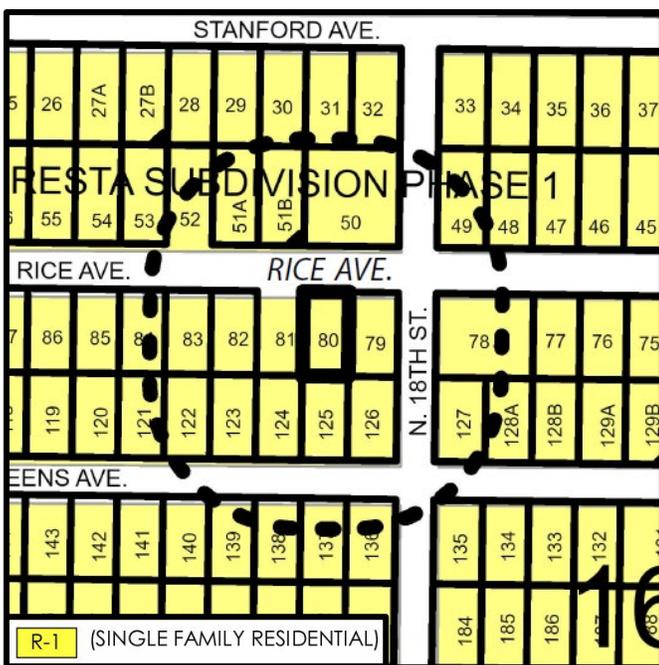
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** March 18, 2026

**SUBJECT: REQUEST OF JOEL M. RAMOS. FOR A VARIANCE TO ALLOW AN ENCROACHMENT OF 5 FEET INTO THE 10-FOOT REAR YARD SETBACK FOR A PROPOSED SWIMMING POOL AT LOT 80, LA FLORESTA SUBDIVISION PHASE I, HIDALGO COUNTY, TEXAS; 1805 RICE AVENUE. (ZBA2026-0006)**

**REASON FOR APPEAL:** The applicant is requesting a variance to allow an encroachment of 5 feet into the 10-foot rear yard setback for a proposed swimming pool.



**PROPERTY LOCATION AND VICINITY:** The subject property is located on the south side of Rice Avenue, west of North 18<sup>th</sup> Street and is zoned R-1 (Single-Family Residential-OC) District.

**BACKGROUND AND HISTORY:** La Floresta Subdivision Phase I was recorded on September 5, 2008. An abandonment application was submitted on September 12, 2024. However, no approval was granted for the abandonment. Instead, a license agreement was entered and recorded on December 5, 2025 to allow the property owner to build a swimming pool within the utility easement.

**ANALYSIS:** The recorded plat requires a 10-foot rear yard setback and shows a 10-foot utility easement along the rear lot line. The applicant states that he would like to create a “summer oasis” in the backyard while fully respecting all applicable building regulations. He is requesting a variance for a proposed swimming pool measuring 10 ft. by 20 ft.

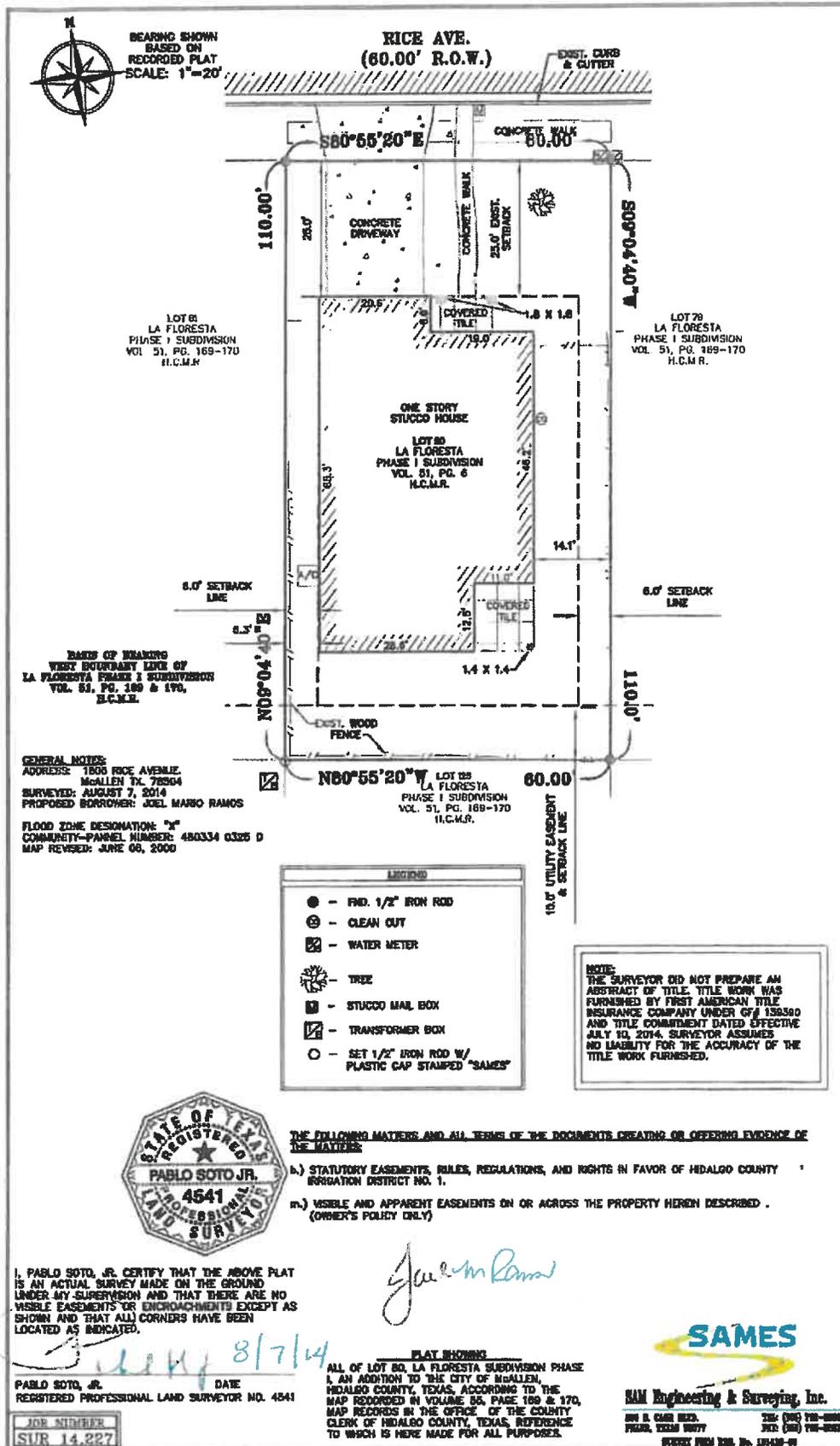
Section 138-356 of the Zoning Ordinance and Section 2.2.2 of the Unified Development Code require minimum 10 ft. rear yard setback.

Staff's research did reveal six other variances for swimming pools granted within this subdivision for double fronting lots.

There has been one resident within the notification zone that is in opposition of the variance request.

**RECOMMENDATION:** Staff recommends disapproval of the variance request since it does not comply with the setback requirement.

EXHIBIT "A"



BEARING SHOWN  
BASED ON  
RECORDED PLAT  
SCALE: 1"=20'

LOT 81  
LA FLORESTA  
PHASE I SUBDIVISION  
VOL. 51, PG. 169-170  
H.C.M.R.

LOT 79  
LA FLORESTA  
PHASE I SUBDIVISION  
VOL. 51, PG. 169-170  
H.C.M.R.

ONE STORY  
STUCCO HOUSE  
LOT 80  
LA FLORESTA  
PHASE I SUBDIVISION  
VOL. 51, PG. 6  
H.C.M.R.

BASED ON BEARING  
WEST BOUNDARY LINE OF  
LA FLORESTA PHASE I SUBDIVISION  
VOL. 51, PG. 169 & 170,  
H.C.M.R.

GENERAL NOTES:  
ADDRESS: 1808 RICE AVENUE,  
McALLEN TX. 78204  
SURVEYED: AUGUST 7, 2014  
PROPOSED BORROWER: JOEL MARCO RAMOS  
  
FLOOD ZONE DESIGNATION: "X"  
COMMUNITY-PANEL NUMBER: 480334 0325 D  
MAP REVISED: JUNE 06, 2000

LEGEND

- - FIN. 1/2" IRON ROD
- ⊙ - CLEAN CUT
- ⊠ - WATER METER
- 🌳 - TREE
- 📧 - STUCCO MAIL BOX
- ⊞ - TRANSFORMER BOX
- - SET 1/2" IRON ROD W/  
PLASTIC CAP STAMPED "SAMES"

NOTE:  
THE SURVEYOR DID NOT PREPARE AN  
ABSTRACT OF TITLE. TITLE WORK WAS  
FURNISHED BY FIRST AMERICAN TITLE  
INSURANCE COMPANY UNDER GP# 130360  
AND TITLE COMMITMENT DATED EFFECTIVE  
JULY 10, 2014. SURVEYOR ASSUMES  
NO LIABILITY FOR THE ACCURACY OF THE  
TITLE WORK FURNISHED.



THE FOLLOWING MATTERS AND ALL TERMS OF THE DOCUMENTS CREATING OR OFFERING EVIDENCE OF THE MATTERS:

- (b.) STATUTORY EASEMENTS, RULES, REGULATIONS, AND RIGHTS IN FAVOR OF HIDALGO COUNTY IRRIGATION DISTRICT NO. 1.
- (c.) VISIBLE AND APPARENT EASEMENTS ON OR ACROSS THE PROPERTY HEREIN DESCRIBED. (OWNER'S POLICY ONLY)

*Joel Marco Ramos*

I, PABLO SOTO, JR. CERTIFY THAT THE ABOVE PLAT IS AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN AND THAT ALL CORNERS HAVE BEEN LOCATED AS INDICATED.

PABLO SOTO, JR. DATE 8/7/14  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4541

JOB NUMBER  
SUR 14.227

PLAT SHOWING  
ALL OF LOT 80, LA FLORESTA SUBDIVISION PHASE I, AN ADDITION TO THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP RECORDED IN VOLUME 55, PAGE 169 & 170, MAP RECORDS IN THE OFFICE OF THE COUNTY CLERK OF HIDALGO COUNTY, TEXAS, REFERENCE TO WHICH IS HERE MADE FOR ALL PURPOSES.

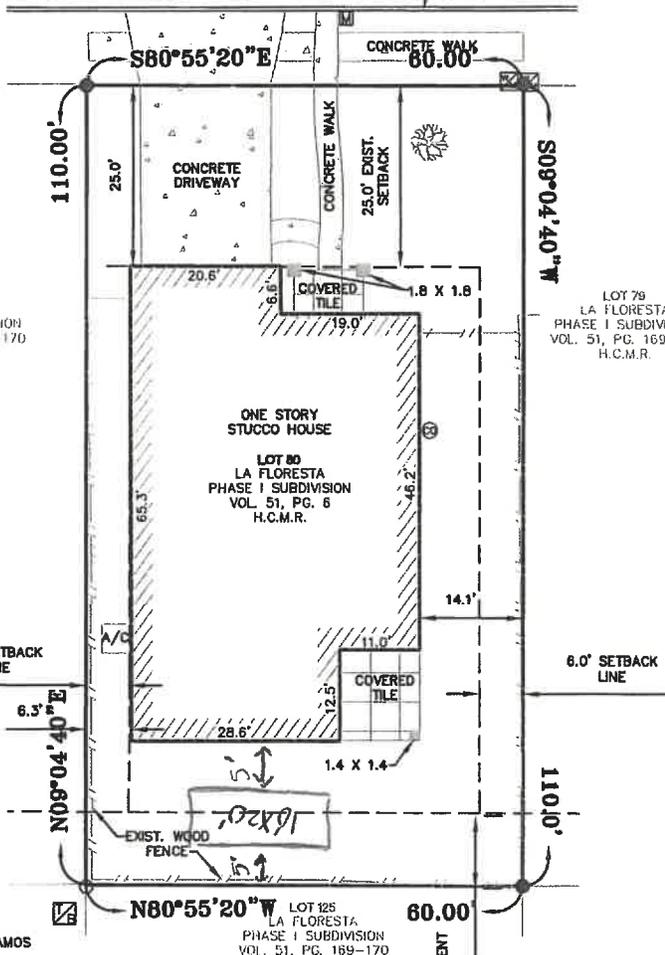
**SAMES**  
SAMES Engineering & Surveying, Inc.  
100 S. CARL REED, FRIAR, TEXAS 78577  
TEL: (361) 778-8888  
FAX: (361) 778-8888  
PERMIT FROM THE STATE OF TEXAS 124138-01



BEARING SHOWN  
BASED ON  
RECORDED PLAT  
SCALE: 1"=20'

RICE AVE.  
(60.00' R.O.W.)

EXIST. CURB  
& GUTTER



LOT 81  
LA FLORESTA  
PHASE I SUBDIVISION  
VOL. 51, PG. 169-170  
H.C.M.R.

LOT 79  
LA FLORESTA  
PHASE I SUBDIVISION  
VOL. 51, PG. 169-170  
H.C.M.R.

LOT 80  
LA FLORESTA  
PHASE I SUBDIVISION  
VOL. 51, PG. 6  
H.C.M.R.

LOT 125  
LA FLORESTA  
PHASE I SUBDIVISION  
VOL. 51, PG. 169-170  
H.C.M.R.

BASIS OF BEARING  
WEST BOUNDARY LINE OF  
LA FLORESTA PHASE I SUBDIVISION  
VOL. 51, PG. 169 & 170,  
H.C.M.R.

GENERAL NOTES:  
ADDRESS: 1805 RICE AVENUE,  
McALLEN TX. 78504  
SURVEYED: AUGUST 7, 2014  
PROPOSED BORROWER: JOEL MARIO RAMOS

FLOOD ZONE DESIGNATION: "X"  
COMMUNITY-PANNEL NUMBER: 480334 0325 D  
MAP REVISED: JUNE 08, 2000

LEGEND	
●	FND. 1/2" IRON ROD
⊙	CLEAN OUT
⊠	WATER METER
🌳	TREE
M	STUCCO MAIL BOX
⊞	TRANSFORMER BOX
○	SET 1/2" IRON ROD W/ PLASTIC CAP STAMPED "SAMES"

**NOTE:**  
THE SURVEYOR DID NOT PREPARE AN  
ABSTRACT OF TITLE. TITLE WORK WAS  
FURNISHED BY FIRST AMERICAN TITLE  
INSURANCE COMPANY UNDER GF# 139390  
AND TITLE COMMITMENT DATED EFFECTIVE  
JULY 10, 2014. SURVEYOR ASSUMES  
NO LIABILITY FOR THE ACCURACY OF THE  
TITLE WORK FURNISHED.



THE FOLLOWING MATTERS AND ALL TERMS OF THE DOCUMENTS CREATING OR OFFERING EVIDENCE OF THE MATTERS:

- b.) STATUTORY EASEMENTS, RULES, REGULATIONS, AND RIGHTS IN FAVOR OF HIDALGO COUNTY IRRIGATION DISTRICT NO. 1.
- m.) VISIBLE AND APPARENT EASEMENTS ON OR ACROSS THE PROPERTY HEREIN DESCRIBED (OWNER'S POLICY ONLY)

*Joel Mario Ramos*

I, PABLO SOTO, JR. CERTIFY THAT THE ABOVE PLAT IS AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN AND THAT ALL CORNERS HAVE BEEN LOCATED AS INDICATED.

PABLO SOTO, JR. DATE  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4541

JOB NUMBER  
SUR 14.227

PLAT SHOWING  
ALL OF LOT 80, LA FLORESTA SUBDIVISION PHASE I, AN ADDITION TO THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP RECORDED IN VOLUME 55, PAGE 169 & 170, MAP RECORDS IN THE OFFICE OF THE COUNTY CLERK OF HIDALGO COUNTY, TEXAS, REFERENCE TO WHICH IS HERE MADE FOR ALL PURPOSES.



**SAM Engineering & Surveying, Inc.**  
200 S. CAGE BLVD. TEL: (361) 762-2686  
PEARL, TEXAS 76277 FAX: (361) 762-2686  
SURVEY FIRM REG. No. 101410-00

**Memo**

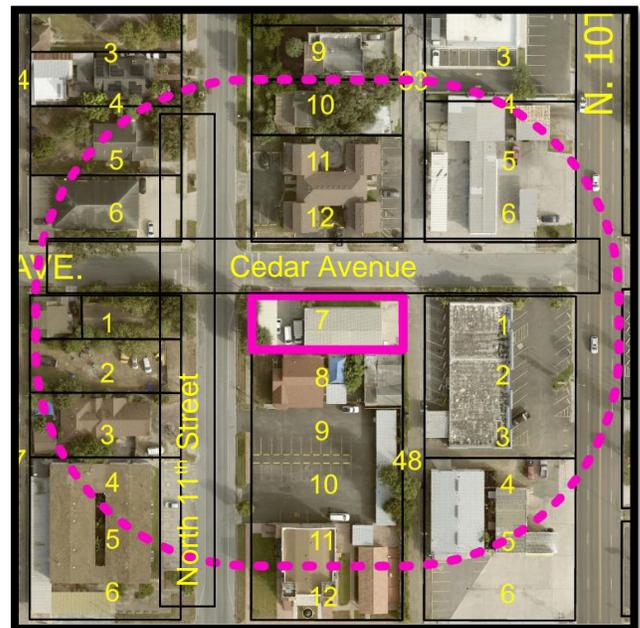
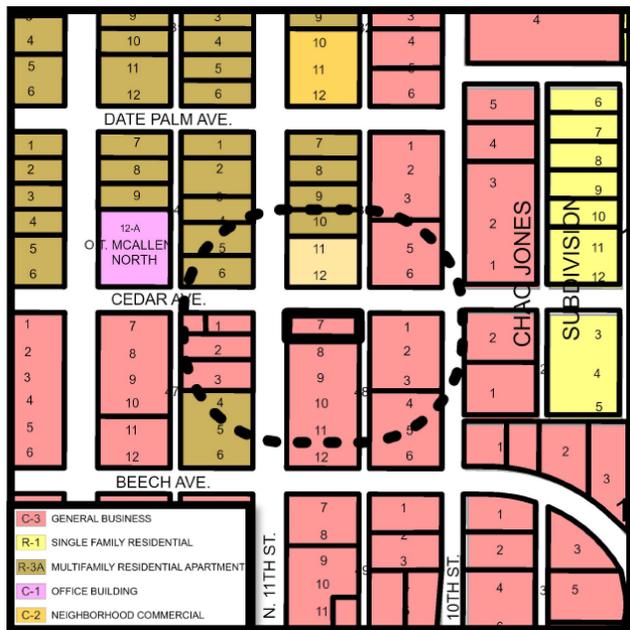
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** March 18, 2026

**SUBJECT: REQUEST OF DAVID S. VALDEZ, ON BEHALF OF LDF INVESTMENTS, FOR A VARIANCE TO ALLOW AN ENCROACHMENT OF 9.5 FEET INTO THE 15-FOOT FRONT YARD SETBACK AND 9.33 FEET INTO THE 10 FOOT CORNER SETBACK FOR AN EXISTING METAL CARPORT AT LOT 7, BLOCK 48, NORTH MCALLEN SUBDIVISION, HIDALGO COUNTY, TEXAS, 220 NORTH 11TH STREET. (ZBA2026-0008)**

**REASON FOR APPEAL:** The applicant is requesting a variance to allow an encroachment of 9.5 feet into the 15-foot front yard setback and 9.33 into the corner setback for an existing metal carport measuring 882 square feet.



**PROPERTY LOCATION AND VICINITY:** The subject property is located on the east side of North 11<sup>th</sup> Street and south of Cedar Avenue. The property is zoned C-3 (General Business-OC) District.

**BACKGROUND AND HISTORY:** Hidalgo County Appraisal District records show that the current building was built in 1998. On January 26, 2026, a stop work order was issued for this property for a carport without a permit. A variance request was submitted on February 1, 2026.

**ANALYSIS:** The applicant states that he maintains 11 company vehicles on the property and that the vehicles are exposed to bird droppings and other outdoor conditions overnight. He indicates that this requires staff to clean the vehicles each morning before they can be placed into service, resulting in added time and operational expense. To improve efficiency and provide covered parking for the fleet, the applicant requests this variance to keep the existing carport, capable of accommodating all company vehicles.

The existing metal carport encroaches into the front and side yard setback and measures 49 ft. by 18 ft. for a total size of 882 square feet. Since the carport is larger than 400 square feet, the request is submitted as a variance. If the applicant proposes to reduce the carport size to 400 square feet, it could be considered as a special exception.

Section 138-356 of the Zoning Ordinance requires a minimum 15 ft. front yard setback and 10 ft. side yard setback in C-3 (General Business-OC) District.

Staff's research did not reveal an approved variance into the front or side yard setback in vicinity of the subject property.

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

**RECOMMENDATION:** Staff recommends disapproval of the variance request since it does not comply with minimum setback requirements.

11th St.

20ft from curb to post

SIDEWALK

5.5ft from fence to roof top

**Carport 49x18**

5" from fence to post roof top

**Existing Concrete**

**Pad**

10ft from curb to post

**Cedar**



SIDEWALK

**Copy Graphics  
Warehouse**

Existing Concrete

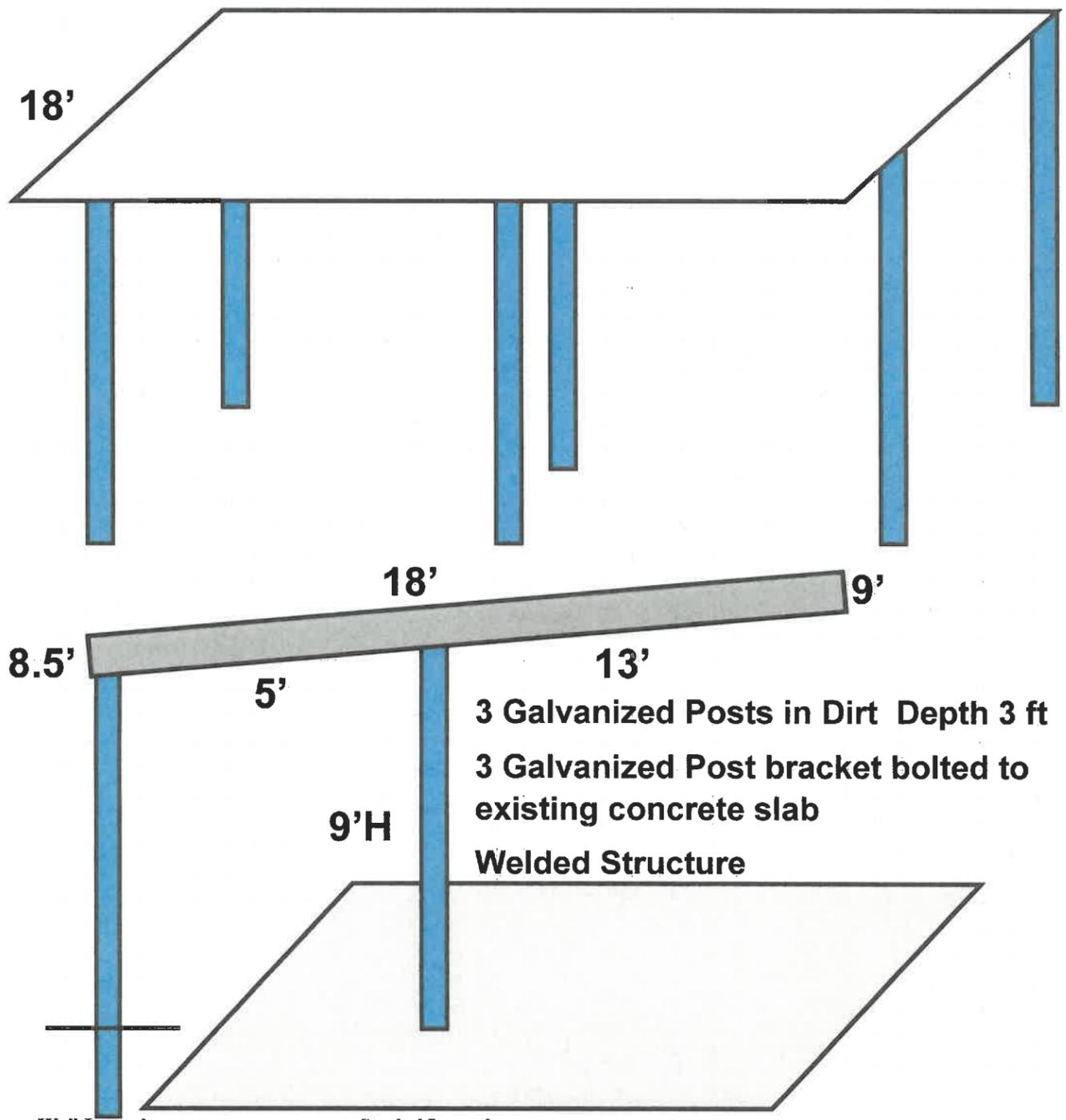
**Alley**

RECEIVED

FEB 04 2026

BY: AV

# Carport 49'x18'

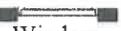


3 Galvanized Posts in Dirt Depth 3 ft  
3 Galvanized Post bracket bolted to existing concrete slab  
Welded Structure

**Wall Legend:**

- Existing 
- Proposed 
- Demolition 

**Symbol Legend:**

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

Application and documents can be submitted electronically to [BLDGPERMITS@MCALLEN.NET](mailto:BLDGPERMITS@MCALLEN.NET)

RECEIVED

FEB 04 2026

BY: AV



www.cicovs.com  
COPIERS, PRINTERS, SCANNERS, SHREDDERS, CUTTERS NETWORK



ZBA2026-0008  
NOTICE  
VARIANCE  
FOR THIS  
PROPERTY  
CITY OF BEALTON, PLANNING DEPT.  
10000 W. BEALTON BLVD.  
WWW.MICELLS.COM

**Memo**

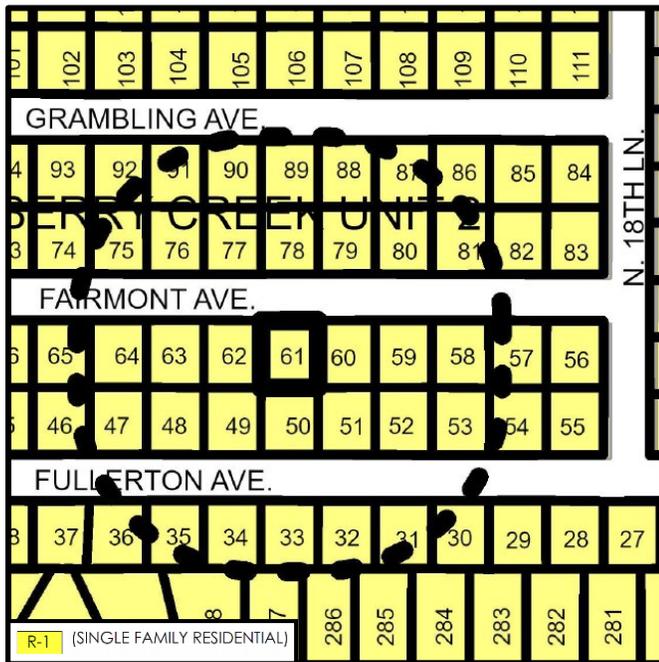
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** March 18, 2026

**SUBJECT:** REQUEST OF CHRISTIAN CANSECO FOR A SPECIAL EXCEPTION TO ALLOW AN ENCROACHMENT OF 15 FEET INTO THE 20-FOOT FRONT YARD SETBACK AND 1.9 FEET INTO THE 6-FOOT SIDE SETBACK FOR AN EXISTING METAL CARPORT LOCATED AT LOT 61, HACKBERRY CREEK UNIT 2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 1905 FAIRMONT AVENUE (ZBA2026-0009)

**REASON FOR APPEAL:** The applicant is requesting a special exception to allow an encroachment of 15 feet into the 20-foot front yard setback and 1.9 feet into the 6 foot side yard setback for an existing metal carport.



**PROPERTY LOCATION AND VICINITY:** The subject property is located on the south side of Fairmont Avenue, west of North 18<sup>th</sup> Lane and is zoned R-1 (Single-Family Residential-OC) District.

**BACKGROUND AND HISTORY:** Hackberry Creek Unit 2 Subdivision was recorded on September 18, 2000. The house was built in 2001 as per Hidalgo County Appraisal District records. The initial building permit for the existing carport was submitted on April 12, 2024, which was rejected due to the encroachment into the setbacks. A stop work order was issued on January 21, 2026 for the 180-day follow up due to no permit issued for the carport. A special exception request was submitted on February 4, 2026.

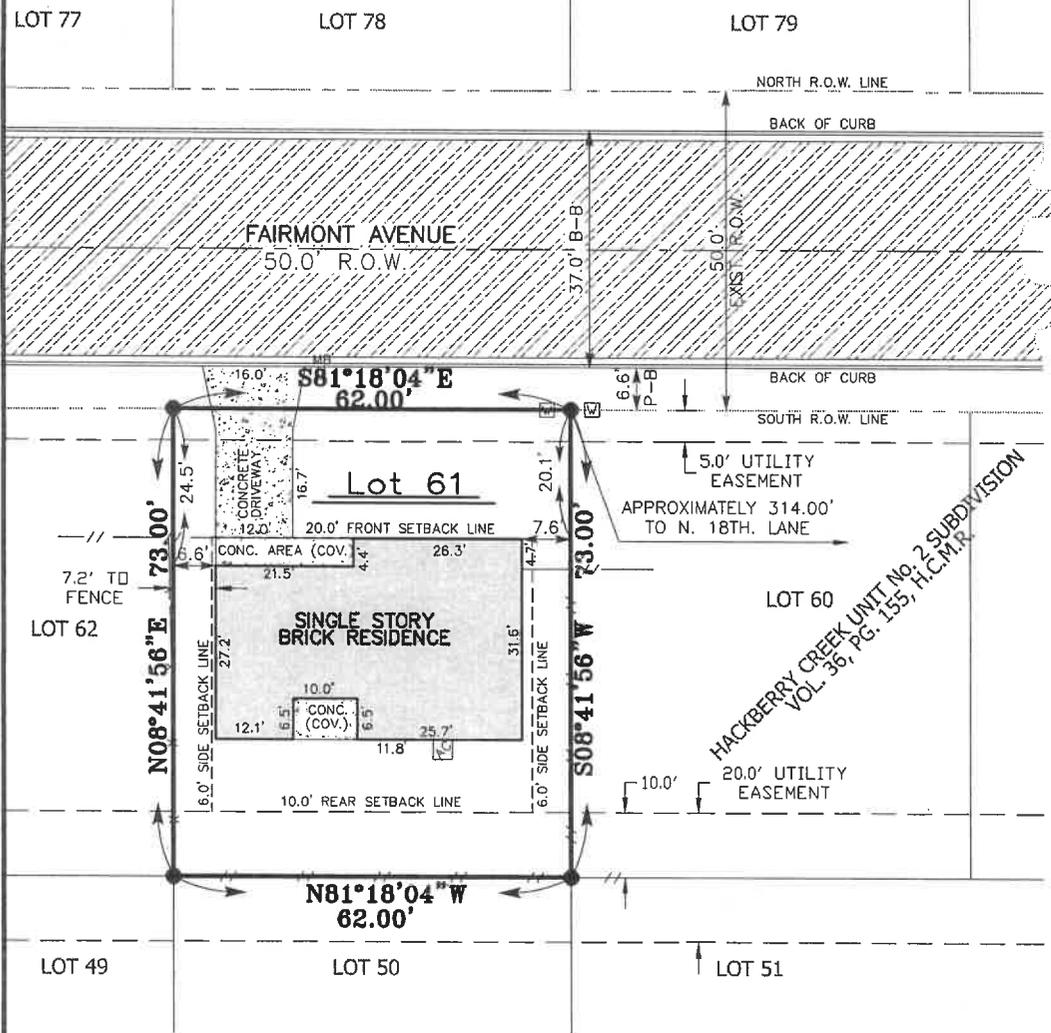
**ANALYSIS:** According to the plat, the property includes a 5-foot utility easement along the front, a 20-foot front yard setback, and a 6-foot side yard setback. The applicant is requesting a special exception to allow the existing carport to remain. The applicant states that the carport was built to provide protection from hail and rain for the residents and their vehicles, and that the structure does not negatively impact neighboring properties or the public street. He further explains that the carport assists with safely transferring his mother into and out of vehicles using a wheelchair, while protecting her from inclement weather.

Applicant also notes that he had begun the process of applying for the required permit; however, due to an unexpected medical condition, he was unable to complete the application process. The applicant proposes to reduce the carport's size to 20 feet by 15 feet, respecting the 5-foot utility easement in front of the lot.

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

**RECOMMENDATION:** Staff recommends disapproval of the special exception request since it does not meet the setback requirement.

**SALINAS ENGINEERING & ASSOCIATES  
CONSULTING ENGINEERS & SURVEYORS  
2221 DAFFODIL AVE. - MCALLEN, TEXAS  
(956) 682-9081 (956) 686-1489 (FAX)  
dsalinas.sea@sbcglobal.net**



SCALE: 1" = 30'

**LEGEND**

- FND. No.4 REBAR
- ☑ WATER METER
- MB 1'X2' BRICK MAILBOX
- //- WOODEN FENCE
- X- CHAINLINK FENCE
- ☐ AC 3'x3' CONC. (A/C UNIT) SLAB
- P-B PROPERTY LINE TO BACK OF CURB
- B-B BACK OF CURB TO BACK OF CURB
- R.O.W. RIGHT OF WAY
- H.C.M.R. HIDALGO COUNTY MAP RECORDS

**GENERAL PLAT NOTES:**

- Bearing Basis: Recorded plat of Hackberry Creek Unit No. 2 Subdivision, An Addition to the City of McAllen, Hidalgo County, Texas.
- This plat is for the exclusive use of Christian Canseco named herein, in connection with San Jacinto Title Co., G.F. No. 072411305 and, the respective lender thereof. The undersigned surveyor is not responsible to any other for any loss resulting therefrom.
- There are no discrepancies, conflicts, excesses or shortages in area, encroachments or any overlapping improvements except as shown or noted hereon.
- The surveyor has made no attempt to locate or define wetlands, hazardous waste areas, habitats, endangered species or any other environmentally sensitive areas on the tract of land shown hereon; Nor does this survey make any representations of being an environmental assessment of the tract of land shown hereon.
- The surveyor has made no attempt to locate or define archeological sites, historical sites or undocumented cemeteries on the tract of land shown hereon; Nor does this survey make any representations of being an archeological or historical survey of the tract of land shown hereon.
- The surveyor has made no attempt to locate abandoned, or plugged oil and gas wells, or any other wells on the tract of land shown hereon; Nor has the surveyor made any attempt to research same with the Railroad Commission of Texas or any other State agency; Nor has the surveyor investigated any mineral or royalty interests in the tract of land shown hereon.
- If this survey does not bear an original seal and signature it is INVALID as per Section 661.46 and Section 663.19 of the "The Professional Land Surveying Practices Act" enacted under Article 5282c, Vernon's Texas Civil Statutes.

**BORROWER:** \_\_\_\_\_  
CHRISTIAN CANSECO

This is to certify that I have, this date, made a careful and accurate standard land survey on the ground of property which is located at 1905 FAIRMONT AVENUE in McALLEN, Texas, described as follows: \_\_\_\_\_

Lot 61, Block -, of HACKBERRY CREEK UNIT 2 SUBDIVISION, AN ADDITION TO THE CITY OF McALLEN, HIDALGO CO. Texas, according to the plat recorded in Volume 36, Page 155, of the MAP Records of Hidalgo County, Texas. I further certify that this property lies in Zone "C" as per FIRM (Flood Insurance Rate Map) dated NOV. 16, 1982 Community Panel No. 480334 0425 C.

L.G.E.  
DRN. BY  
MARCH 28, 2007  
DATE

S-07-21320  
JOB NO.

  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5782



Applicant proposes carport at 20'x13.4'

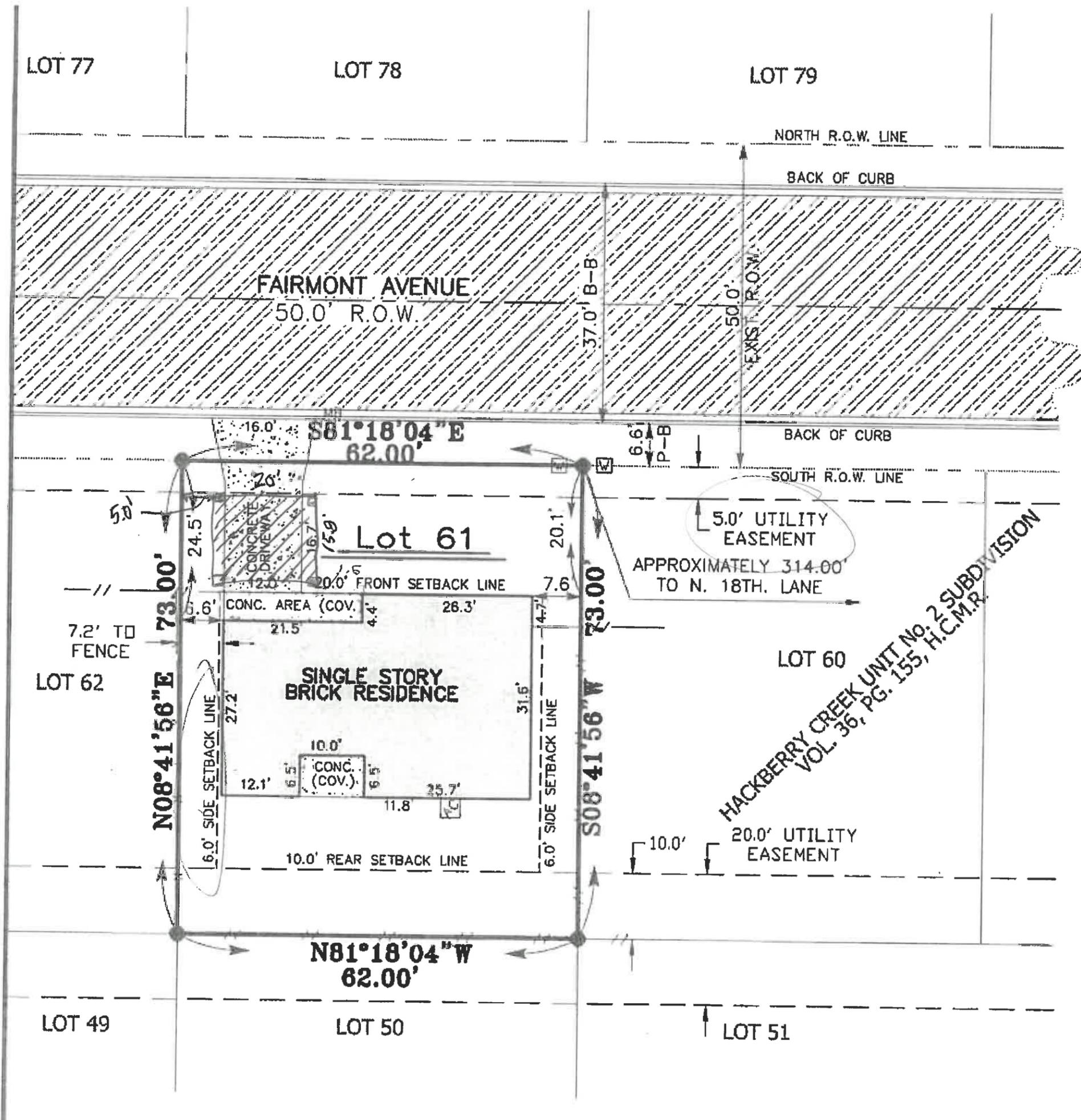
CC 03/06/26



SCALE: 1" = 30'

**LEGEND**

- FND. No.4 REBAR
- ☐ WATER METER
- MB 1'x2' BRICK MAILBOX
- //- WOODEN FENCE
- X- CHAINLINK FENCE
- ☐ AC 3'x3' CONC. (A/C UNIT) SLAB
- P-B PROPERTY LINE TO BACK OF CURB
- B-B BACK OF CURB TO BACK OF CURB
- R.O.W. RIGHT OF WAY
- H.C.M.R. HIDALGO COUNTY MAP RECORDS





1905

1905



# Memo

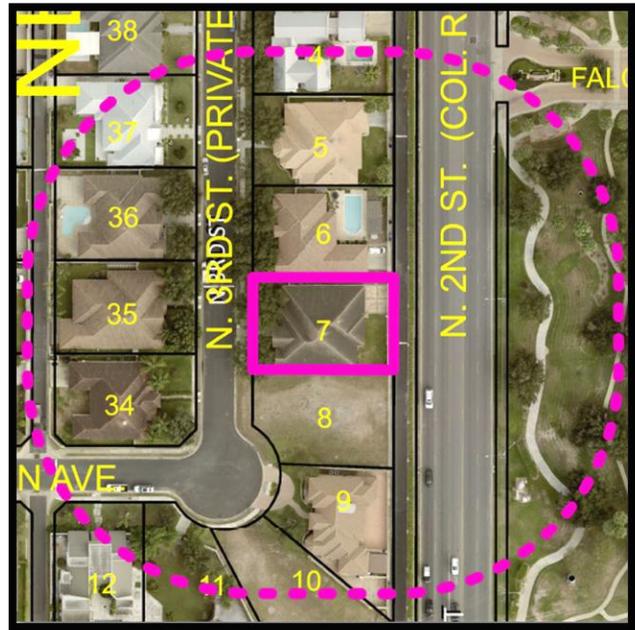
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** March 18, 2026

**SUBJECT: REQUEST OF HAMLIN POOLS, ON BEHALF OF JESUS GARZA III, FOR A VARIANCE, TO ALLOW AN ENCROACHMENT OF 2 FEET AND 6 INCHES INTO THE 10-FOOT REAR YARD SETBACK FOR A PROPOSED SWIMMING POOL AT LOT 7, BLOCK 1, NEREA ESTATES SUBDIVISION, HIDALGO COUNTY, TEXAS; 5704 NORTH 3RD STREET. (ZBA2026-0011)**

**REASON FOR APPEAL:** The applicant is requesting a variance to allow an encroachment of 2 feet, and 6 inches into the 10-foot rear yard setback for a proposed pool measuring 445 square feet.



**PROPERTY LOCATION AND VICINITY:** The subject property is located on the north side of Dove Avenue, between North 2<sup>nd</sup> Street (North Col. Row Boulevard) and North 3<sup>rd</sup> Street and is zoned R-1 (Single-Family Residential-OC) District.

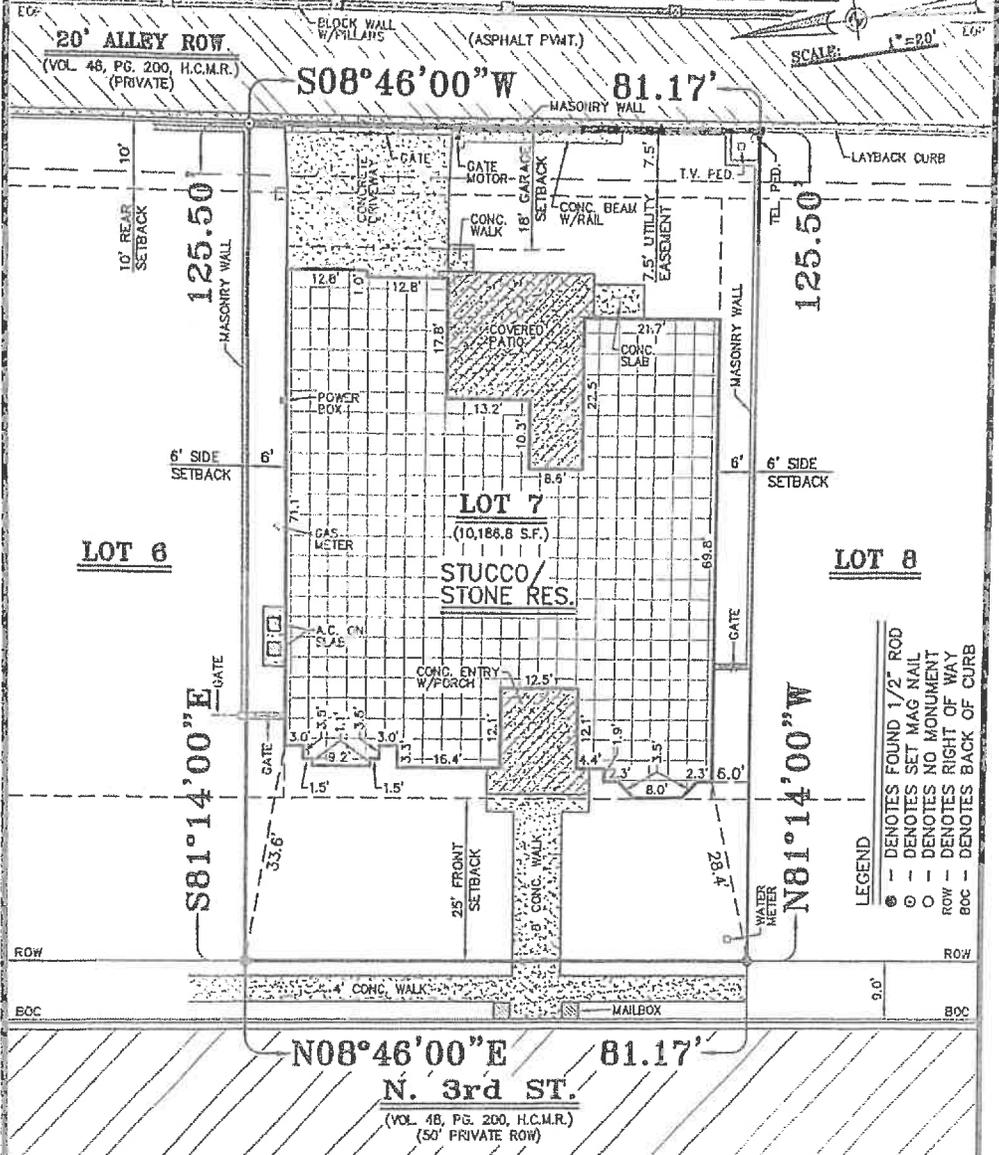
**BACKGROUND AND HISTORY:** Nerea Estates Subdivision was officially recorded on October 7, 2005. A residential home was approved and built on the property in 2007. The variance request for the proposed pool was submitted on February 5, 2026.

**ANALYSIS:** Section 138-356, "Table of height and yard requirements" of the Zoning Ordinance specifies that rear setback in properties zoned R-1 is 10 feet.

The client has expressed a desire to install a swimming pool to enhance the recreational aspects of the home and improve the overall quality of the property for himself and future owners. To maximize usability and functionality, the applicant seeks permission for the pool to encroach upon the setback area. The proposed pool will encroach 2 feet, 6 inch into the 10 feet rear yard setback, avoiding the 7 foot, 6 inch utility easement. The plat notes a 10-foot rear yard setback and depicts a 7 foot, 6 inch-utility easement along the rear side of the property.

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

**RECOMMENDATION:** Staff recommends disapproval of the variance request since it does not comply with minimum setback requirements.



**FLOOD ZONE DESIGNATION:** The property shown hereon lies in Zone "D". Zone "B" areas lie between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood as per F.E.M.A. Flood Insurance Rate Map Panel No. 47034-0005-C dated 11-02-02.

- PLAT NOTES:**
- There are no discrepancies, conflicts, shortages in area or boundary lines, encroachments, overlapping of improvements or visible or apparent encumbrances except as shown on this plat.
  - This survey plat is prepared in connection with Title Policy G.F. # 87143 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.
  - This survey must contain an endorsed seal and an original signature to be valid as per Sections 651.48 and Section 653.19 of the "The Professional Land Surveying Practices Act".
  - This is a standard survey and does not include the location or subsurface investigation of underground utility, irrigation and gas lines.
  - Encumbrances, rules, regulations and rights in favor of HIDALGO COUNTY WATER IMPROVEMENT DISTRICT NO. 3. (Blanket)
  - Control 1) any oil, gas and mineral lease of record.
  - Block 1 Posts: "Y" Pins of Lot 7, Block 1, Merca Estates"
  - License No.: David Asencio Mesa de Acosta Andino

THIS IS TO CERTIFY THAT I HAVE, THIS DATE, PREPARED A SURVEY ON THE GROUND WHICH IS LOCATED AT 2011 N. 3rd St., in McALLEN, TEXAS, DESCRIBED AS FOLLOWS:  
 BLOCK 1, MERCA ESTATES, AN ADDITION TO THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT HEREOF, RECORDED IN VOLUME 48, PAGE 200, MAP RECORDS, HIDALGO COUNTY, TEXAS.

21-61065      07-29-21  
 Job No.      Date

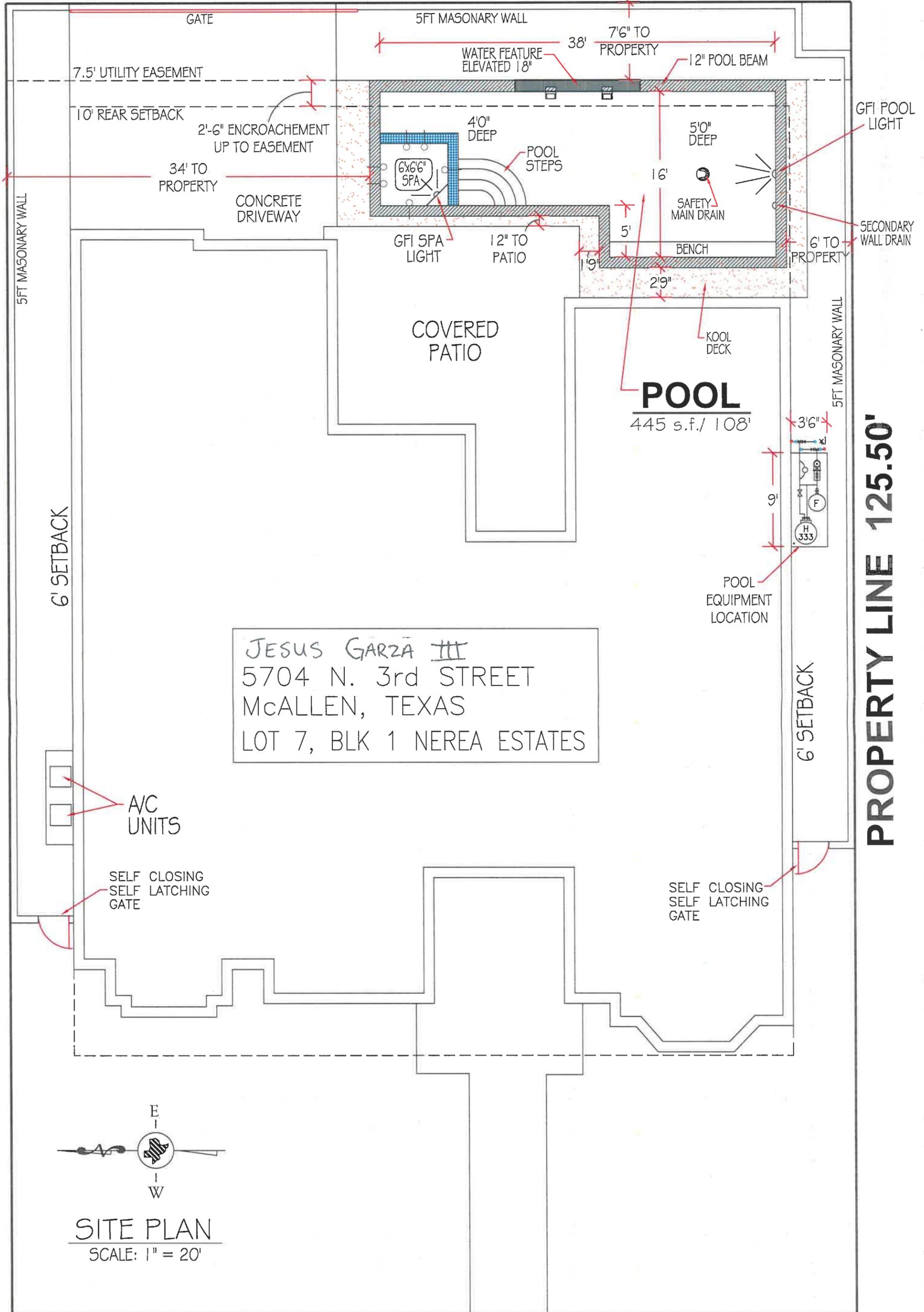
*[Signature]*

Registered Professional Land Surveyor No. 4802

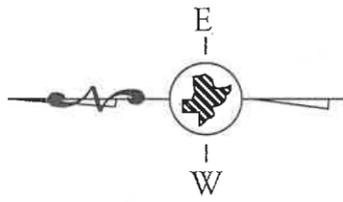
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PROPERTY LINE 81.17'



JESUS GARZA III  
 5704 N. 3rd STREET  
 McALLEN, TEXAS  
 LOT 7, BLK 1 NEREA ESTATES



SITE PLAN  
 SCALE: 1" = 20'

PROPERTY LINE 81.17'

N. 3rd STREET



PROPERTY LINE 125.50'

PROPERTY LINE 125.50'

**Memo**

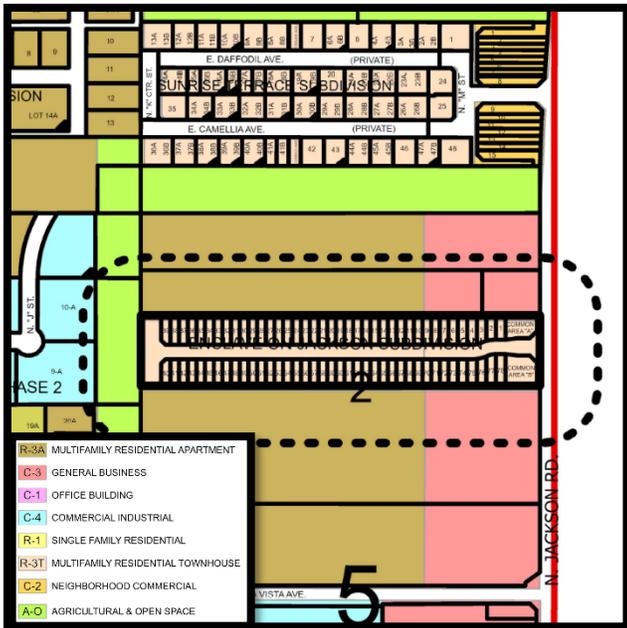
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** March 18, 2026

**SUBJECT: REQUEST OF MARIO A. REYNA, ON BEHALF OF URBAN CITY DEVELOPERS, LLC, FOR A VARIANCE TO THE LANDSCAPE REQUIREMENTS AT LOTS 1-78, ENCLAVE ON JACKSON SUBDIVISION, HIDALGO COUNTY, TEXAS; 1200-1417 EAST WHITEWING AVENUE. (ZBA2026-0012)**

**REASON FOR APPEAL:** The applicant is requesting a variance to the Vegetation Ordinance to allow artificial turf in lieu of natural grass in order to conserve water and reduce the cost of maintenance for this private subdivision.



**PROPERTY LOCATION AND VICINITY:** The subject property is located on the west side of North Jackson Road, north of East La Vista Avenue and is zoned R-3T (Multifamily Residential Townhouse-OC) District.

**BACKGROUND AND HISTORY:** Enclave on Jackson Subdivision was recorded on January 13, 2026. The application for the variance request was submitted on February 9<sup>th</sup>, 2026.

**ANALYSIS:** The applicant is requesting a variance to allow artificial turf in lieu of natural grass within Lots 1-78, Enclave on Jackson Subdivision. The applicant stated that there is no landscape within the right-of-way, since 50 ft. right-of-way consists of 40 ft. of paving and 5 ft. sidewalk on both sides. Section 110-56(f) of the Vegetation Ordinance, as well as Section 4.6.4.c of the Unified Development Code state that synthetic or artificial lawns or plants shall not be used in lieu of plant requirements.

The Engineering Department recommends disapproval of the variance request since it will negatively impact the storm water requirement for the subdivision. Furthermore, approval of this request could set an undesirable precedent for future developments seeking similar relief.

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

**RECOMMENDATION:** Staff recommends disapproval of the variance request as the ordinance does not allow synthetic grass in lieu of landscape requirements.

# SUBDIVISION MAP OF ENCLAVE ON JACKSON SUBDIVISION

(PRIVATE SUBDIVISION)

BEING A SUBDIVISION OF A 7.721 ACRES OF LAND SITUATED IN THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS, BEING A PART OR PORTION OUT OF LOT 2, BLOCK 5, A.J. MCCOLL SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 21, PAGE 579-598, HIDALGO COUNTY DEED RECORDS.

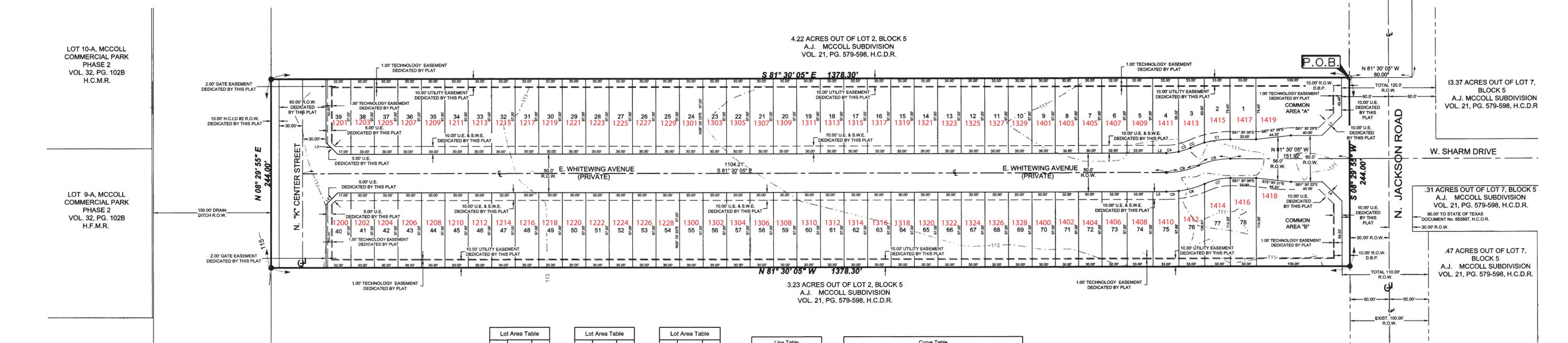
4.22 ACRES OUT OF LOT 2, BLOCK 5  
A.J. MCCOLL SUBDIVISION  
VOL. 21, PG. 579-598, H.C.D.R.

3.23 ACRES OUT OF LOT 2, BLOCK 5  
A.J. MCCOLL SUBDIVISION  
VOL. 21, PG. 579-598, H.C.D.R.

13.37 ACRES OUT OF LOT 7,  
BLOCK 5  
A.J. MCCOLL SUBDIVISION  
VOL. 21, PG. 579-598, H.C.D.R.

.31 ACRES OUT OF LOT 7, BLOCK 5  
A.J. MCCOLL SUBDIVISION  
VOL. 21, PG. 579-598, H.C.D.R.

47 ACRES OUT OF LOT 7,  
BLOCK 5  
A.J. MCCOLL SUBDIVISION  
VOL. 21, PG. 579-598, H.C.D.R.



LOT 10-A, MCCOLL COMMERCIAL PARK PHASE 2 VOL. 32, PG. 102B H.C.M.R.

LOT 9-A, MCCOLL COMMERCIAL PARK PHASE 2 VOL. 32, PG. 102B H.F.M.R.

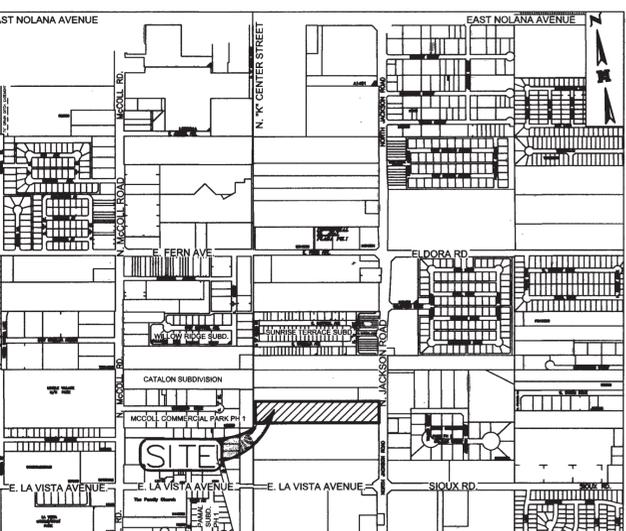
Lot Area Table			Lot Area Table			Lot Area Table		
Lot #	SQ. FT.	Area	Lot #	SQ. FT.	Area	Lot #	SQ. FT.	Area
1	2621.97	0.060	31	2910.00	0.067	61	2910.00	0.067
2	2670.62	0.061	32	2910.00	0.067	62	2910.00	0.067
3	2961.29	0.068	33	2910.00	0.067	63	2910.00	0.067
4	3192.20	0.073	34	2910.00	0.067	64	2910.00	0.067
5	3201.00	0.073	35	2910.00	0.067	65	2910.00	0.067
6	3104.00	0.071	36	2910.00	0.067	66	2910.00	0.067
7	2910.00	0.067	37	2910.00	0.067	67	2910.00	0.067
8	2910.00	0.067	38	2910.00	0.067	68	2910.00	0.067
9	2910.00	0.067	39	2991.50	0.069	69	2910.00	0.067
10	2910.00	0.067	40	2991.50	0.069	70	2910.00	0.067
11	2910.00	0.067	41	2910.00	0.067	71	2910.00	0.067
12	2910.00	0.067	42	2910.00	0.067	72	2910.00	0.067
13	2910.00	0.067	43	2910.00	0.067	73	3104.00	0.071
14	2910.00	0.067	44	2910.00	0.067	74	3201.00	0.073
15	2910.00	0.067	45	2910.00	0.067	75	3205.22	0.074
16	2910.00	0.067	46	2910.00	0.067	76	3350.95	0.077
17	2910.00	0.067	47	2910.00	0.067	77	3694.68	0.085
18	2910.00	0.067	48	2910.00	0.067	78	3780.03	0.087
19	2910.00	0.067	49	2910.00	0.067	79	3780.03	0.087
20	2910.00	0.067	50	2910.00	0.067	80	11742.03	0.270
21	2910.00	0.067	51	2910.00	0.067	C.A. "A"	11742.03	0.270
22	2910.00	0.067	52	2910.00	0.067	C.A. "B"	7917.04	0.182
23	2910.00	0.067	53	2910.00	0.067			
24	2910.00	0.067	54	2910.00	0.067			
25	2910.00	0.067	55	2910.00	0.067			
26	2910.00	0.067	56	2910.00	0.067			
27	2910.00	0.067	57	2910.00	0.067			
28	2910.00	0.067	58	2910.00	0.067			
29	2910.00	0.067	59	2910.00	0.067			
30	2910.00	0.067	60	2910.00	0.067			

Line Table		
Line #	Direction	Length
L1	N 63° 29' 38" E	35.36'
L2	S 81° 30' 05" E	17.21'
L3	N 36° 30' 05" W	21.21'
L4	N 63° 29' 38" E	21.21'
L5	S 81° 30' 05" E	17.21'
L6	N 36° 30' 38" W	35.36'

Curve Table						
Curve #	Delta	Radius	Length	Tangent	Chord Length	Chord Direction
C1	91° 20' 51"	124.66'	33.40'	16.80'	33.30'	N 89° 12' 19" W
C2	90° 49' 50"	124.66'	19.22'	9.63'	19.20'	S 78° 42' 18" W
C3	91° 01' 42"	75.00'	15.74'	7.90'	15.72'	N 80° 20' 01" E
C4	91° 02' 09" 04"	75.00'	15.91'	7.96'	15.88'	S 87° 34' 37" E
C5	90° 37' 34"	118.88'	15.82'	7.92'	15.81'	S 84° 42' 52" E
C6	91° 6' 32" 47"	118.88'	15.82'	7.92'	15.81'	N 83° 11' 58" E
C7	92° 4' 10" 40"	80.83'	34.11'	17.31'	33.86'	S 86° 28' 47" W
C8	92° 4' 10" 40"	100.00'	42.20'	21.42'	41.89'	S 86° 24' 32" E
C9	92° 4' 10" 40"	100.00'	42.20'	21.42'	41.89'	N 86° 24' 32" E

DRAWN BY: JOSH F./A.D. DATE 3-03-24  
 REVISED BY: A.A. DATE 12-04-25  
 SURVEYED, CHECKED DATE  
 FINAL CHECK DATE

LOCATION MAP  
SCALE: 1"=1000'



**LEGEND**

- FOUND NO. 4 REBAR
- SET NO. 4 REBAR WITH PLASTIC CAP STAMPED MELDEN & HUNT
- R.O.W. - RIGHT OF WAY
- H.C.M.R. - HIDALGO COUNTY MAP RECORDS
- H.C.D.R. - HIDALGO COUNTY DEED RECORDS
- H.C.O.R. - HIDALGO COUNTY OFFICIAL RECORDS
- H.C.I.D. - HIDALGO COUNTY IRRIGATION DISTRICT
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- D.B.P. - DEDICATED BY PLAT
- C.A. - COMMON AREA
- S.W.E. - SIDEWALK EASEMENT
- CL - CENTER LINE
- N.E. CON. - NORTHEAST CORNER
- G.W.D. - GENERAL WARRANTY DEED
- NO. - NUMBER
- U.E. - UTILITY EASEMENT



FILED FOR RECORD IN  
HIDALGO COUNTY  
ARTURO GUAJARDO, JR.  
HIDALGO COUNTY CLERK

ON: 1/13/26 AT 10:07 AM PM  
 INSTRUMENT NUMBER 3715273  
 OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS

BY: \_\_\_\_\_ DEPUTY

**M** MELDEN & HUNT INC.  
 CONSULTANTS • ENGINEERS • SURVEYORS  
 115 W. MCINTYRE - EDINBURG, TX 78541  
 PH: (956) 381-0981 - FAX: (956) 381-1839  
 ESTABLISHED 1947 - www.meldenandhunt.com

NAME	ADDRESS	CITY & ZIP	PHONE	FAX
OWNER: URBAN CITY DEVELOPERS, LLC C/O MARCO LOPEZ	615 S. 1ST LANE	McALLEN, TEXAS 78501		
ENGINEER: MARIO A. REYNA, P.E.	115 W. MCINTYRE	EDINBURG, TX 78541	(956) 381-0981	(956) 381-1839
SURVEYOR: RUBEN JAMES DE JESUS, R.P.L.S.	115 W. MCINTYRE	EDINBURG, TX 78541	(956) 381-0981	(956) 381-1839