

## AGENDA

**ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING  
WEDNESDAY, MAY 19, 2021 - 4:30 PM  
MCALLEN CITY HALL, 1300 HOUSTON AVENUE  
CITY COMMISSION CHAMBERS, 3<sup>RD</sup> FLOOR**

**Web:** <https://zoom.us/join> or phone: **(346) 248-7799**  
**Meeting ID: 672 423 1883**

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

### **CALL TO ORDER -**

#### **1. MINUTES:**

- a) Minutes for the meeting held on May 5, 2021

#### **2. PUBLIC HEARINGS:**

- a) Request of Teodoro Quinones for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 19.58 ft. into the 35 ft. front yard setback for a proposed carport measuring 12 ft. by 20 ft., at Lot 2, Block 2, Highland Park Subdivision, Hidalgo County, Texas; 713 Tamarack Avenue. **(ZBA2021-0016)**
- b) Request of Cedric Williams for the following variances to the City of McAllen Zoning Ordinance **1)** an encroachment of 18.75 ft. into the 20 ft. front yard setback for an existing metal carport measuring 18 ft. by 20 ft., **2)** an encroachment of 3.21 ft. into the 6 ft. north side yard setback for an existing metal carport measuring 18 ft. by 20 ft. at Lot 9, Harvey Terrace Unit 2 Subdivision Phase 1 & 2, Hidalgo County, Texas; 2813 North 27th Lane. **(ZBA2021-0012) (TABLED: 05/05/2021)**

#### **3. FUTURE AGENDA ITEMS**

- a) 8300 North Ware Road
- b) 3004 Upas Avenue
- c) 1020 North 27th 1/2 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 PLANNING & ZONING COMMISSION 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 5, 2021 at 4:35 p.m. in the City Commission Meeting Room with the following present:**

|                 |                          |                                |
|-----------------|--------------------------|--------------------------------|
| <b>Present:</b> | <b>John Millin</b>       | <b>Vice-Chairperson (Zoom)</b> |
|                 | <b>Sylvia Hinojosa</b>   | <b>Member (Zoom)</b>           |
|                 | <b>Juan F. Jimenez</b>   | <b>Member</b>                  |
|                 | <b>Jose Gutierrez</b>    | <b>Member</b>                  |
|                 | <b>Ann Tafel</b>         | <b>Alternate</b>               |
|                 | <b>Hugo Avila</b>        | <b>Alternate (Zoom)</b>        |
|                 | <b>Rogelio Rodriguez</b> | <b>Alternate (Zoom)</b>        |
|                 | <b>Rebecca Millan</b>    | <b>Alternate</b>               |

|                |                   |                    |
|----------------|-------------------|--------------------|
| <b>Absent:</b> | <b>Erick Diaz</b> | <b>Chairperson</b> |
|----------------|-------------------|--------------------|

|                       |                           |                                |
|-----------------------|---------------------------|--------------------------------|
| <b>Staff Present:</b> | <b>Victor Flores</b>      | <b>Assistant City Attorney</b> |
|                       | <b>Michelle Rivera</b>    | <b>Assistant City Manager</b>  |
|                       | <b>Edgar Garcia</b>       | <b>Planning Director</b>       |
|                       | <b>Rodrigo Sanchez</b>    | <b>Senior Planner</b>          |
|                       | <b>Omar Sotelo</b>        | <b>Senior Planner</b>          |
|                       | <b>Liliana Garza</b>      | <b>Planner II</b>              |
|                       | <b>Iris Alvarado</b>      | <b>Planner I</b>               |
|                       | <b>Porfirio Hernandez</b> | <b>Planning Technician II</b>  |
|                       | <b>Jacobo Salazar</b>     | <b>Planning Technician</b>     |
|                       | <b>Carmen White</b>       | <b>Secretary</b>               |

**CALL TO ORDER – Vice-Chairperson John Millin**

**1. MINUTES:**

- a)** Minutes for the meeting held on April 21, 2021.

The minutes for the meeting held on April 21, 2021 were approved. The motion to approve the minutes was made by Mr. Jose Gutierrez. Mr. Juan Jimenez seconded the motion, which carried unanimously with five members present and voting.

**2. PUBLIC HEARINGS:**

- a)** Request of Cedric Williams for the following variances to the City of McAllen Zoning Ordinance **1)** an encroachment of 18.75 ft. into the 20 ft. front yard setback for an existing metal carport measuring 18 ft. by 20 ft., **2)** an encroachment of 3.21 ft. into the 6 ft. north side yard setback for an existing metal carport measuring 18 ft. by 20 ft. at Lot 9, Harvey Terrace Unit 2 Subdivision Phase 1 & 2, Hidalgo County, Texas; 2813 North 27th Lane. **(ZBA2021-0012)**

Ms. Garza stated the applicant was requesting a variance request to encroach 18.75 ft.

into the 20 ft. front yard setback and encroach 3.21 ft. into the 6 ft. north side yard setback for an existing metal carport measuring 18 ft. by 20 ft.

The subject property was located on the north side of 27<sup>th</sup> Lane, approximately 125 ft. north of Harvey Drive. The property had 50 ft. of frontage along 27<sup>th</sup> Lane and a depth of 100 ft. with a lot size of 5,000 square feet. The property and adjacent zoning was R-1 (single family residential) District in all directions. Surrounding land use include single-family residential.

Harvey Terrace Unit 2 Subdivision Phase 1 & 2 was recorded on March 9, 1981. The plat specifies a 20 ft. front yard setback and a 6 ft. side yard setbacks. A stop work order was issued by Building and Inspections Department staff on April 1, 2021 for the installation of a carport without a permit. An application for a building permit for a carport was submitted to the Building Permits & Inspections Department on April 5, 2021. An application for variance request for encroachments of an existing carport was submitted to the Planning Department on April 5, 2021.

The variance request #1 was to allow an encroachment of 18.75 ft. into the 20 ft. front yard setback for an existing metal carport measuring 18 ft. by 20 ft. The plat for the subdivision specified a 20 ft. front yard setback. The applicant was requesting to allow the carport to remain at this location since there was no available area for relocation that would place it out of the setback.

The variance request #2 was to allow an encroach of 3.21 ft. into the 6 ft. north side yard setback for an existing metal carport measuring 18 ft. by 20 ft. The plat for the subdivision specified a 6 ft. side yard setback and the standard side yard setback for a lot in R-1 (single family residential) district was 6 ft. As per City's ordinance no structures are allowed to be built on any setbacks.

There were no variance requests on file for carports encroaching into the setbacks for this subdivision; however, a site inspection confirmed that there are existing carports built around the neighborhood without a permit.

- Building Permits & Inspection Department issued stop work orders for the construction of carports without permits for lots 30, 4, 139, 140, 63, 64, and 75 on April 8, 2021
- Building Permits & Inspection Department issued a stop work order for the construction of a carport without a permit for lot 118 on April 8, 2021 and the customer applied for a Building Permit on April 19, 2021
- Building Permits & Inspection Department issued a stop work order for construction of carports without a permits for lot 102 on October 8, 2020 and the customer applied for a Building Permit; however, Planning Department staff rejected the permit for encroachments and informed customer and explained variance process
- Building Permits & Inspection Department has created a stop work order case for the construction of a carport without permits for lot 125

Should the request be approved, it may encourage other property owners to request a variance for carports to encroach into the setbacks. Approval of the request will allow the existing carport to remain as depicted on the site plan.

Staff had not received any phone calls or concerns in regards to the variances requests.

Staff recommended disapproval of the variance request subject to compliance with Zoning Ordinance Section 138-366.

Board member Sylvia Hinojosa had concerns that there were too many properties that were confronting this type of issue. In addition, that the City would need to study this before taking any action and set precedence on this particular property.

Planning Director, Edgar Garcia stated that the City Commissioners had asked for a workshop specifically on carports for the meeting on Monday, May 10th. Mr. Garcia stated he would be presenting the large issues for carports when they need variances, why the Board would deny a building permit for carports, etc. Staff will get some direction from the Commissioners as how to address some of these issues that are in neighborhoods. If the Board wished to table, the item until the next meeting they may do so.

Board member Jose Gutierrez asked staff if they mentioned to the applicant that instead of this being a variance they could move it and convert it to a special exception. Ms. Garza stated yes they had informed the applicant that because of that encroachment to the side it would not be considered a special exception.

Vice-Chairperson Millin explained to the applicant, Cedric Williams that the City was going to have a Workshop to discuss the issues of carports going up in different neighborhoods at the hands of contractors who state that the customer does not need a permit or they have the necessary permits to build carports. He asked the applicant if he would like to table the item until the next meeting after the City Commission meeting.

Mr. Williams stated his son had medical conditions for the necessary need for the carport. He stated he had received a citation and spoke with the Judge regarding resetting a new date.

Victor Flores, Assistant City Attorney informed the applicant that tabling the item it will give time to possibly change the variance request to a special exception after the Workshop with City Commission.

Mrs. Jenny Williams, applicant's wife stated she would inform the Board of their son's medical condition but did not want to discuss it with the public but off the record.

Victor Flores stated variances to side yard setbacks are typically granted after reviewing certain conditions and they apply to the makeup of the properties whether of the size or how big the lot is. Mr. Flores asked if there are any conditions that say you cannot not construct that carport within the limits set by the City because of some features to the property.

Mrs. Williams stated staff went to the property and saw that there was no other place to put the carport.

Board member Juan Jimenez stated that Mr. Gutierrez had asked staff if there was a



possibility of removing the carport. He stated institutions like this variance seemed to more of a concern to the Board than the special exception because a variance ran with the property. If it was able to be moved 3 feet out of the side yard setback it would be included in a special exception and the carport would stay.

Board member Jose Gutierrez reiterated what Mr. Jimenez had stated previously but explained it further in details for the applicant to understand the difference.

The Board asked Mr. Williams if he could move it 3.2 feet out of the side yard setback and the permitting could be changed to a special exception which means he could keep the carport.

Mr. Garcia stated to Mr. Williams that they were always in contact with the Municipal Court and if need to change court date it would not be a problem.

Vice-Chairperson Millin asked if there was anyone present or on Zoom in favor of the variance request. There was no one else in favor of the variance request.

Vice-Chairperson Millin asked if there was anyone present or on Zoom in opposition of the variance request. There was no one in opposition of the variance request.

Board member Ann Tafel commented she had concerns with the front yard setback of 15 inches and not the side yard setback.

Mr. Juan Jimenez **moved** to table the variance requests until the Workshop from City Commission. Ms. Sylvia Hinojosa seconded the motion. The Board voted unanimously to table the variance requests with five members present and voting.

- b) Request of Vanessa Masell for the following variances to the City of McAllen Zoning Ordinance **1)** to allow 111 parking spaces instead of the required 138 parking spaces, **2)** to not provide the 10 ft. wide landscaping strip along 11th Street at Lot 1, Toys-R-Us Subdivision, Hidalgo County, Texas; 1101 Expressway 83. **(ZBA2021-0014)****

Ms. Garza stated the applicant was proposing to demolish the vacant building that was previously occupied by Toys R Us and was proposing to construct a 53,622 sq. ft. building and associated parking areas for their retail use. However, the associated parking areas are not complying with the required 138 parking spaces. Therefore, a variance request to not comply with the parking spaces required had been submitted. The applicant was also requesting a variance to not comply with the 10 ft. wide landscaping strip required along 11<sup>th</sup> Street.

The subject property was located on the southwest corner of Expressway 83 and 11<sup>th</sup> Street. The property had 315.70 ft. of frontage along Expressway 83 and a depth of 630 ft. with a lot size of 198,891 square feet. The property and adjacent zoning is C-3 (general business) District in all directions. Surrounding land uses include commercial retail, restaurants, and offices.

Toys-R-Us Subdivision was recorded on May 28, 1991 and has a note indicating a Site plan approval by the Planning and Zoning Commission was required prior to issuance. A preliminary site plan was reviewed by staff and comments were sent on February 25, 2021. An application for the variance request and site plan review were submitted on April 7, 2021.

The variance request #1 was to allow 111 parking spaces instead of the required 138 parking spaces. Based on the square footage of the proposed new retail store, approximately 53,622 sq. ft., 138 parking spaces are required. Section 138-395 (11-a) requires for a retail building to have 4 parking spaces for up to 400 sq. ft. of floor area plus one parking space for each additional 400 sq. ft. of floor area. Based on the number of parking spaces proposing, five accessible parking spaces are required, with one being van accessible. The applicant conducted a traffic study on seven stores and the highest parking occurred during Saturday. The Saturday peak parking rates varied from .60 spaces per 1,000 sq. ft. to 1.07 spaces per 1,000 sq. ft. or 39-70 spaces for a 65,000 sq. ft. building.

On November 3, 2004, the Zoning Board of Adjustment and Appeal board approved a variance request to allow 139 parking spaces instead of the 147 parking spaces required for the adjacent property to the east.

The variance request #2 was to not provide the 10 ft. wide landscaping strip along 11th street. As per Section 110-49(a) of the City's ordinance, a landscape strip area with a minimum width of ten feet shall be provided along and within the property lines of all nonresidential and multifamily uses contiguous to a public street, excluding driveway entrances and exits. For properties having a lot depth of less than 200 feet, the landscaped strip may be reduced to a minimum width of five feet with a landscape hedge not exceeding three feet in height.

Staff had received a phone call from adjacent property owner in opposition to the variances requests.

Staff recommended disapproval of the variance requests subject to compliance with Zoning Ordinance Section 138-395 (11-a) and Section 110-49(a).

Ms. Garza stated the applicant, Ms. Masell had an authorized letter for Halff and Associates to represent them.

Vice-Chairman Millin asked staff to explain the encroachment on 11<sup>th</sup> Street. Ms. Garza stated because it was a new demolition and site plan, they would have to comply with today's requirement. In this case a landscaping strip was required along any of the streets. As of now, the 10 ft. landscaping strip along 11<sup>th</sup> Street was not provided when it was Toys R' Us because back in 1990 it was not a requirement. Chairperson Millin asked if the complaints were for the landscaping strip or parking or both. Ms. Garza stated for one of the complaints it was specified for both from the adjacent property owner.

Mr. Raul Garcia, Halff and Associates, stated Floor and Décor had done multiple studies on their properties to see how much parking requirement they needed. He read from their studies the requirements for parking spaces from their busiest store. He stated they were carving out a parcel for the northeast corner to allow for a future tenant to go there and

generate additional taxes for a coffee shop or burger place. With regards on the landscape strip on the east side currently they had 10 ½ feet from the Right-of-Way to their curb line on the inside. The minimum was 10 feet however, there was an existing sidewalk that currently existed within the property west of the Right-of-Way line which takes away from the 10-foot requirement.

Board member Juan Jimenez asked the applicant if the Board approved it today it would be because they did not meet the minimum. Whatever they would use that parcel for they would have to provide parking for that parcel. Why not provide extra parking for what the building was going to be used today. Mr. Garcia stated they would lose out on the availability. They were trying to create the parcel that would allow for something developable.

Mr. Lewis Merth, 5599 San Felipe, Houston stated they were actively marketing that currently to perspective companies. He stated they don't know what size they want or where exactly on the parcel they want to be located. If they don't make it on the parking now it effectively encumbers that piece of land and decreases their chances to speak to these other companies because of Floor and Decor.

Vice-Chairperson Millin asked the applicant if there was anything about the property itself that was unique that was making it hard to have the right amount of parking spaces to put in the 10-foot landscaping strip. Mr. Garcia stated they were trying to meet a fire lane around the entire building.

Vice-Chairperson John Millin asked if there was anyone present or on Zoom in favor of the variance request. There was no one else in favor of the variance request.

Vice-Chairperson John Millin asked if there was anyone present or on Zoom in opposition of the variance request. There was no one in opposition of the variance request.

Mr. Robert Luciano, Simon Properties Group, 800 Sunset Drive, McAllen. He stated the misconception was that if one looks at similar type uses around the country it did not compare to the types of traffic that were like McAllen. Especially in the corner where the Mall had 5 restaurants along with area that was carved out that would be in the plan for another restaurant most likely. Secondly, regarding the landscaping they had put a lot of emphasis on the landscaping and surrounding areas for that whole parcel. He stated they maintained all the setbacks and amplify along with 10<sup>th</sup> Street.

Board member Juan Jimenez asked Mr. Luciano if they saw a lot of flow currently since they extended the mall to that area. Mr. Luciano stated Luby's was the primary entrance to the mall followed by the food court. With the expansion of the restaurants in the front coming off the frontage people used it a lot. The shopper commute versus the restaurant commute offset each other a little. He stated in the future they were contemplating putting a theatre on the north side of Macy's parking lot.

Ms. Stacy Iverson, 330 Union Boulevard, Lakewood, CO. on behalf of Floor and Décor. She stated she worked for Center Point and they represent Floor and Décor. She stated they were more of a specialty retailer. Typically, 70% of the customers are coming from

homeowners remodeling their homes only once or twice per year so they would not have the demand on parking for normal retailers.

Vice-Chairperson Millin asked Ms. Iverson if there was a possibility they could build a smaller to reduce the square footage with fewer parking spaces without a foul on the encroachment on the east side. Ms. Iverson stated the building was proposed to be a 65,000 square feet which was smaller for their typical buildings. They range anywhere from 80,000 to 100,00 square feet so they could not reduce the size of the building because of the large products they store and showroom.

Mr. Raul Garcia stated these were two different parking lots and to not use as overflow parking from the Mall customers.

Board members Ann Tafel stated this was a variance not given to Floor and Décor. She had concerns this was a variance that ran with the use of the land.

Board member Hugo Avila gave his opinions on the parking and landscaping issues.

Victor Flores mentioned to the Board to take each variance separately when voting.

Mr. Juan Jimenez **moved** to disapprove the variance request #1. Mr. Jose Gutierrez seconded the motion. The Board voted to disapprove variance #1 with four members present and Mr. Hugo Avila voting nay.

Mr. Juan Jimenez **moved** to approve variance request #2. Mr. Hugo Avila seconded the motion. The Board voted to approve variance request #2 with four members present and one Mr. Jose Gutierrez voting nay.

- c) Request of Adela Gallegos for the following variances to the City of McAllen Zoning Ordinance: **1)** an encroachment of 9.83 ft. into the 20 ft. front yard setback for a proposed porch measuring 19.91 ft. by 7.83 ft., **2)** an encroachment of 3.5 ft. into the 3.5 ft. side yard setback along the west side of the property for a proposed porch measuring 19.91 ft. by 7.83 ft., **3)** an encroachment of 5.25 ft. into the 10 ft. rear yard setback for an existing storage building measuring 12 ft. by 22.25 ft. at Lot 14, Block 4, La Paloma Subdivision, Hidalgo County, Texas; 1625 Kennedy Avenue. **(ZBA2021-0008)**

Ms. Alvarado stated the applicant was requesting a variance to allow an encroachment of 9.83 ft. into the 20 ft. front yard setback for a proposed porch measuring 19.91 ft. by 7.83 ft., to allow an encroachment of 3.5 ft. into the 3.5 ft. into the side yard setback along the west side of the property for a proposed porch measuring 19.91 ft. by 7.83 ft., to allow an encroachment of 5.25 ft. into the 10 ft. rear yard setback for an existing storage building measuring 12 ft. by 22.25 ft. The applicant removed a previously existing porch because it was deteriorating and was proposing to reconstruct the porch at the same location. The porch will serve to keep rain from coming into the house during inclement weather.

The subject property has 25 ft. of frontage on Kennedy Avenue, with a depth of 100 ft. for a lot size of 2,500 sq. ft. The subject property is located between Bicentennial Boulevard. and

South 16<sup>th</sup> Street, 325 ft. east of Bicentennial Boulevard. The property is zoned R-2 (duplex-fourplex residential) District. The surrounding land uses include single family and duplex-fourplex residential.

The La Paloma Subdivision was recorded on September 7, 1926. An application for a building permit was submitted on April 20, 2017 to replace windows, sheet rock and deteriorating parts of the wood frame home. On August 20, 2019 the applicant renewed the permit to include changes to the siding and roof replacement. On September 3, 2020 the applicant renewed the building permit to include a renovation to the front porch and to include a drive way. The applicant stated that she removed the previously existing porch because it was deteriorating and planned to reconstruct the porch. However, during the permit process she was advised the addition would require a variance. The applicant did not want to apply for the variance at the time and decided to no longer build the porch or driveway. The building permit application was revised once more to exclude the porch and driveway. The building permit was finalized on March 15, 2021. The issuance of a future building permit for the porch will depend on the outcome of the variance request. A building permit was issued on September 14, 2020 for the remodeling of the existing non-conforming storage building located at the rear of the property. The remodeling to the main house was initiated due to the deteriorating condition of the structure. Furthermore, due to harsh weather conditions in 2020 the applicant then applied to remodel the storage due to damage caused by inclement weather.

Variance #1: The applicant was requesting to allow an encroachment of 9.83 ft. into the 20 ft. front yard setback for a proposed porch measuring 19.91 ft. by 7.83 ft. The porch is proposed to be attached to the front of the house and serves to protect from rain coming in through the front door sides during inclement weather.

Variance #2: The applicant was requesting to allow an encroachment of 3.5 ft. into the 3.5 ft. side yard setback along the west side of the property for a proposed porch measuring 19.91 ft. by 7.83 ft. Section 138-368(f) indicates that a lot of record with less than 50 ft. in width, the required setback may be reduced to ten percent of the width of the lot and not less than 3.5 ft. side yard setback. The proposed side yard setback will allow the porch construction to align with the existing house along the west side of the lot.

Variance #3: The applicant was requesting to allow an encroachment of 5.25 ft. into the 10 ft. rear yard setback for an existing storage building measuring 12 ft. by 22.25 ft. The applicant advised that the storage unit was already on the property when the property was purchased in 1977. A single-family home and accessory use are permitted in the R-2 District. Required setbacks and building separation must be met. The storage building cannot be relocated out of the rear yard setback since it would conflict with compliance of building separation of the accessory structure to the main building. The storage building is used to store household items. Storage buildings that are 200 sq. ft. or less in size do not require a building permit, must respect the setbacks of the zoning district in which they are located.

In 2012 a variance request at 1606 Kennedy Ave was approved by the Zoning Board for a carport encroachment 5 ft. into the 20 ft. front yard setback. In 2013 a variance request at 1608 Juniper Avenue was approved for a building addition encroachment at the rear

of the property, changing the rear yard setback to 10 ft. from 20 ft.

During a site visit of the subject property, staff noticed other building encroachments in the area.

Variance #1: Staff recommended approval since this was a reconstruction of a previous existing structure, the porch previously was part of the initial non-conforming house.

Variance #2: Staff recommended disapproval since the applicant can reduce the size of the porch to eliminate the side yard encroachment

Variance #3: Staff recommended approval since there was an alley that serves as a buffer.

Vice-Chairperson Millin had concerns on Variance #1 in which Staff recommended approval that the next person could enclose the porch and make it a living space. Ms. Alvarado stated yes if it was a variance they would be able to enclose it. Chairperson Millin asked if the previous porch was there and wanted to enclose it would it be allowed or would it have to come before the Board for approval. Ms. Alvarado stated since it was nonconforming and less than 10% they would be able to do remodeling. But if the was remodeling value exceeded 10% replacement value of the home improvement value, they would have to apply for a variance.

Board member Sylvia Hinojosa stated she had concerns that the house was built along time ago and the lot was very narrow. There was nothing in the front other than the entrance of the door. Ms. Alvarado showed pictures of the previous and new porch. Ms. Hinojosa stated that was the type of porch that would go there because it was an older neighborhood.

Vice-Chairperson asked Mr. Garcia if staff would consider a special exception type status for front porches like for the carports. Sometimes they have older houses that have front porches that may remodel it and have to come before the Board because they remodeled it by more than 10% of the replacement value of the house. Mr. Garcia stated there is no special exception for porches but he could bring it up at the next City Commission meeting.

**Vice-Chairperson Millin to have Board member Jose Gutierrez translate for him.**

Ms. Adela Gallegos, the applicant stated her husband was in Houston. The person who was supposed to fix the porch had said the concrete was cracked and that the porch had to be torn down. Since then her husband passed away she decided to go on with the porch but she was told by City she had come before the Board for a variance.

Vice-Chairperson Millin asked Board member Jose Gutierrez to ask the applicant if on variance request #2 if she could move the porch so as not to encroach 3.5 feet into side yard setback along the west side of the property. Ms. Gallegos stated she could move it.

Board member Hinojosa asked if the applicant could do the width of the porch to the width

of the house, would it interfere with the side of the house. Ms. Alvarado stated it would encroach on the side yard setback. Ms. Hinojosa asked why would you want to have a porch with less than width of the width of the house.

Board member Juan Jimenez agreed with Ms. Hinojosa. He stated the applicant only wanted to put the porch in line with the house.

Vice-Chairperson Millin asked if there was anyone present or on Zoom in favor of the variance requests. There was no one else to speak in favor of the variance requests.

Vice-Chairperson Millin asked if there was anyone present or on Zoom in opposition of the variance requests. There was no one else to speak in opposition of the variance requests.

Mr. Juan Jimenez **moved** to approve all three variance requests. Mr. Jose Gutierrez seconded the motion. The Board voted unanimously to approve the variance requests with five members present and voting.

- d) Request of Jose Olvera Tellez for the following variance to the City of McAllen Zoning Ordinance: to allow issuance of a building permit in excess of 10% replacement value for a non-conforming use at 0.36 acre of land out of Lot 328, John H. Shary Subdivision, Hidalgo County, Texas; 4509 Buddy Owens Boulevard Unit E. **(ZBA2021-0015)**

Ms. Alvarado stated the applicant was requesting to allow issuance of a building permit in excess of 10% replacement value. The applicant is proposing to conduct repairs to an existing single family house on the subject property in order to preserve their house and use it as their primary residence.

The subject property was an interior a tract of South Buddy Owens Boulevard with an unrecorded 20 ft. unimproved access road. The property was 156.08 ft. by 100 ft. for a total lot size was 15,608 sq. ft. The property is located 400 ft. west of Bentsen Road and 470 ft. south of Buddy Owens Boulevard and was part of a larger tract with frontage along Buddy Owens Boulevard. The property was zoned R-1 (single-family residential) District. The surrounding land uses include vacant land, single family homes, and a tract of land part of a larger tract used to store construction materials.

There was an existing 800 sq. ft. single family home on the subject property according to the Hidalgo County Appraisal District records. As per the applicant the home was constructed in the early 1970's. The property was part of a split by metes and bounds as a result of a family partition. A variance request to the subdivision requirement was disapproved by the City Commission in July 2019. An application for a variance request to allow a building permit in excess of 10 % replacement value for a non-conforming use was submitted on April 8, 2021 in order to repair the single family home on the subject property. An application for a building permit had not been submitted.

The property currently contained a single family house which was permitted in the R-1 District.

According to McAllen Code of Ordinances Section 138-89. Repairs and Maintenance (a) On any nonconforming structure or portion of a structure containing a nonconforming use, no work may be done in any period of 12 consecutive months on ordinary repairs or on repair or replacement of non-load-bearing walls, fixtures, wiring or plumbing to an extent exceeding ten percent of the current replacement cost of the nonconforming structure or nonconforming portion of the structure...".

The submitted variance request was for the purpose of allowing the proposed repair work for the single family residential structure to exceed the ten percent of the current replacement cost. The issuance of any requested building permits depends on the outcome of the variance request.

The estimated replacement value of the subject building for the variance request was \$41,000 (10% of this amount is \$4,100). The replacement value was based on an estimated \$40 dollar per square foot calculation as suggested by Building and Inspections Department staff. The applicant estimates that the proposed improvements (that would require a building permit) may be up to \$60,000, exceeding the 10% replacement value by \$55,900. The needed to meet a higher cost of remodeling, (above 10%) may be due primarily to the requirement of meeting the City building code. The building would be improved from the current state and any such improvement would need to comply with applicable building codes, thus, the building would be brought up to standard (depending on the type of work to be performed).

The proposed work did not increase the footprint of the existing structure

Staff recommended approval of the variance request.

Vice-Chairperson Millin asked staff what was the nonconforming condition. Ms. Alvarado stated it was the repairs to the home. The applicant was only allowed to do repairs in 10% of the value of the home but would exceed that because the home was in a deteriorated condition.

Mr. Garcia, Planning Director stated the property was sold through metes and bounds after the house was already built. Vice-Chairperson Millin asked what about the property currently was not in compliance with City's ordinance. Mr. Garcia stated it would be subdivision and there would be setback requirements that would be implemented during subdivision that they would not be able to meet as well as some dedication requirements.

Board member Ann Tafel asked the improvements that the owner requested to make would not increase the footprint size of the building and would they all be contained within the interior and within the existing walls. Ms. Alvarado stated yes.

Vice-Chairperson Millin asked if there was anyone present or on Zoom in favor of the variance request. There was no one else in favor of the variance request.

Vice-Chairperson Millin asked if there was anyone present or on Zoom in opposition of the variance request. There was no one in opposition of the variance request.



Ms. Sylvia Hinojosa **moved** to approve the variance request. Mr. Juan Jimenez seconded the motion. The Board unanimously voted to approve variance request with five members present and voting.

**3. FUTURE AGENDA ITEMS:**

a) 713 Tamarack Avenue

**ADJOURNMENT**

There being no further business to come before the Zoning Board of Adjustment and Appeal, Ms. Sylvia Hinojosa **moved** to adjourn the meeting. Mr. Juan Jimenez seconded the motion, which carried unanimously with five members present and voting.

---

Vice-Chairperson John Millin

---

Carmen White, Secretary

## MEMO

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

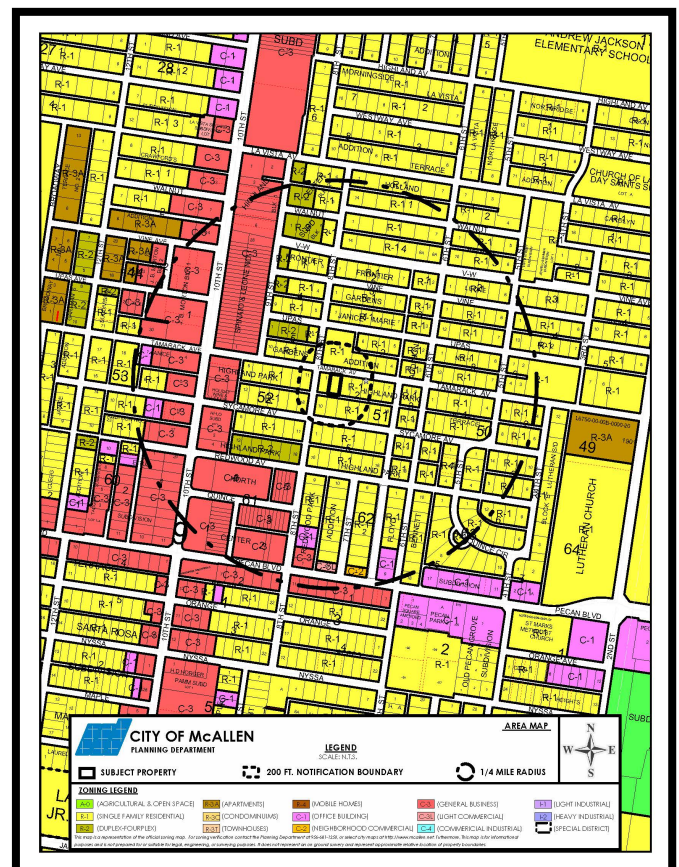
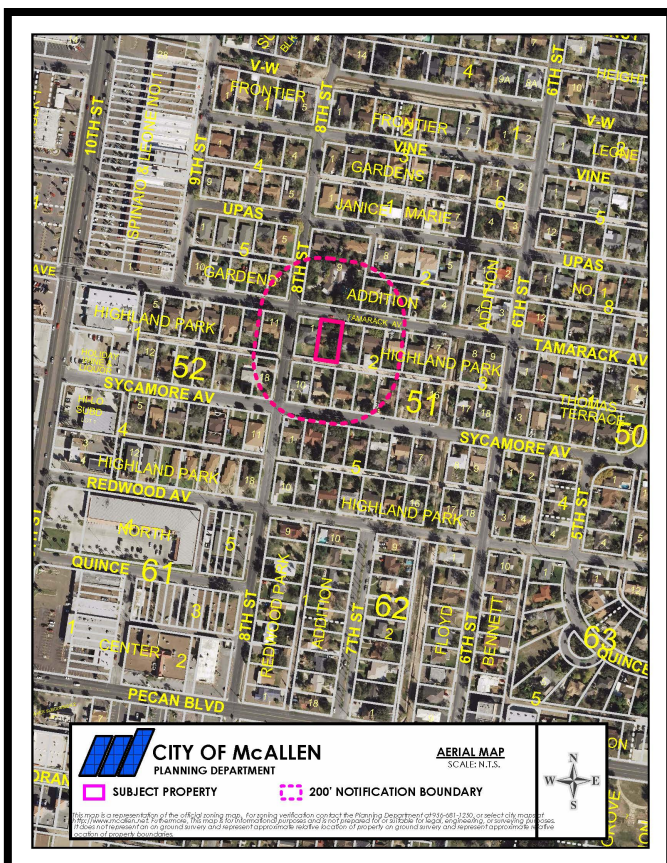
**FROM:** Planning Staff

**DATE:** May 13, 2021

**SUBJECT:** REQUEST OF TEODORO QUINONES FOR THE FOLLOWING SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 19.58 FT. INTO THE 35 FT. FRONT YARD SETBACK FOR A PROPOSED CARPORT MEASURING 12 FT. BY 20 FT., AT LOT 2, BLOCK 2, HIGHLAND PARK SUBDIVISION, HIDALGO COUNTY, TEXAS; 713 TAMARACK AVENUE. (ZBA2021-0016)

### REASON FOR APPEAL:

Teodoro Quinones, is requesting a variance to allow an encroachment of 19.58 ft. into the 35 ft. front yard setback for a proposed carport measuring 12 ft. by 20 ft. The applicant is requesting the carport to accommodate his larger vehicle (van) which he utilizes for transportation, since he uses a walker, wheel chair and cane. The applicant has stated that due to the size of his vehicle unloading, loading, and maneuvering is difficult in the existing garage space. The applicant has also been advised by his physician to stay out of the sun and the carport will aide him during recreational activities.



**PROPERTY LOCATION AND VICINITY:**

The property is located along the south side of Tamarack Avenue, approximately 71 feet east of North 8<sup>th</sup> Street. The property has 71 feet of frontage along Tamarack Avenue with a depth of 130 feet for a total area of 9,230 square feet. There is a single family residence on the subject property. The property is zoned R-1 (single family residential) District. Adjacent zoning is R-1 (single family residential) District in all directions. The surrounding land use is single family residential.

**BACKGROUND AND HISTORY:**

Highland Park Subdivision was recorded on March 10, 1950. 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 under the 1945 Zoning Ordinance was 40 feet, however a request “for exception to place houses, on all lots in Blocks 2,3,5 and 6 Highland Park, 35 feet from front lot line”, was granted on August 9<sup>th</sup>, 1950. The side yard setbacks are 7 feet on the east side and 5 feet along the west side. The rear yard setback under the 1945 Zoning Ordinance was 3 feet for accessory buildings, however the rear yard setback requirement changed to 10 feet under the 1979 zoning ordinance. An application for the variance request was submitted on April 16, 2021. An application for a building permit has not yet been submitted.

A variance request for a carport encroachment of 5 ft. into the 10 ft. rear yard setback was approved in August 2011 for Lot 4, Block 2, Highland Park Subdivision.

**ANALYSIS:**

The proposed 12 ft. by 20 ft. flat roof carport will be open on all sides and be of aluminum construction. It will be built over an existing concrete driveway. The submitted site plan shows a proposed carport attached to the house encroaching 19.58 ft. into the 35 ft. front yard setback.

Front yard setbacks are important to help to keep the character of single family residential areas by maintaining the street yard and curb appeal of properties in a subdivision. The current home utilizes tandem parking which would allow for one car to be parked in the garage while another in the driveway, a common characteristic of homes constructed during that period. The current garage space does not provide the necessary room needed for the applicant, since he uses multiple forms of mobility aids that require additional space during loading and unloading.

The applicant can relocate the proposed carport to the rear of the property to be in compliance, but this option however would involve, a re-design of the rear yard to accommodate the carport and construction of a concrete driveway with alley access. In addition, the current alley surface (caliche/dirt) may make it difficult to traverse during inclement weather.

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

**RECOMMENDATION:**

Staff recommends approval of the variance request. If the Board grants approval of the request it should be limited to the footprint shown on the submitted site plan.



ZBA 2021-0016

ZBOA 5/19/21



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project

Legal Description

Highland Park LOT 2 BLOCK 2

Subdivision Name

Highland Park

Street Address

713 TAMARACK

Number of lots

1

Gross acres

9230.00

Existing Zoning

R1

Existing Land Use

Residential

Reason for Appeal (please use other side if necessary)

Existing Garage is too small  
for vehicle (carport) + (Doctors Order to stay out of the sun)

☒ \$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 Teodoro Quiriones

Phone 956-467-8018

Address 713 TAMARACK

E-mail karzimm48@gmail.com

City McAllen

State TX

Zip 78501

Owner

Name Teodoro Quiriones

Phone 956-467-8018

Address 713 TAMARACK

E-mail karzimm48@gmail.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 Teodoro Quiriones

Date 19 mar 2021

Print Name Teodoro Quiriones

☒ Owner☐ Authorized Agent

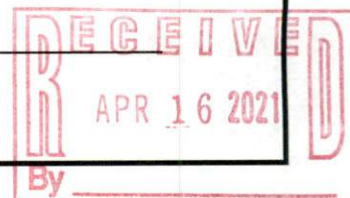
Office

Accepted by \_\_\_\_\_

Payment received by \_\_\_\_\_

Date \_\_\_\_\_

Rev 10/18



RS  
H.C.

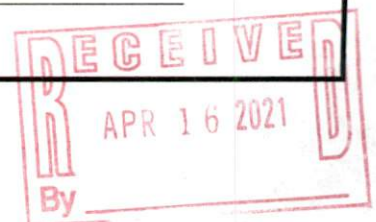




**City of McAllen**  
**Planning Department**  
**REASON FOR APPEAL & BOARD ACTION**

|  |   |
|--|---|
| Reason for Appeal  | <p>*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider <b>any combination of</b> the following: (Please use an additional page if necessary to complete responses)</p> <p><b>**Information provided here by the applicant does not guarantee that the Board will grant a variance.</b></p> <p><b>***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.</b></p> |
|  | <p>1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:</p>   |
|  | <p>Older subdivision, AND House Garage is TO SMALL For<br/>For vehicle, wich is valued 47,000 AND needs To Be covered</p>   |
|  | <p>2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:</p>  |
|  | <p>This variance is necessary, because it would COST MUCH<br/>more To widden The existing GARAGE. The new CARPORT would<br/>be enjoyed much more since it would <del>not</del> be in the open,</p>  |
| <p>3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:</p>                                |   |
| <p>This variance will not be detrimental<br/>To The public, since it will NOT have wall's, nor act AS A<br/>BLIND spot To Neighbors</p>  |   |
| <p>4. Describe special conditions that are unique to this applicant or property:</p>   |   |
| <p>Mr. Quinones Doctor Recommends That He, Gets his daily<br/>exercise, AND His CARPORT will Keep him OUT OF The hot sun,<br/>AND he can clean his new TOYOTA VAN AND Get his exercise<br/>in the shade.</p> |   |
| Board Action   |   |
|  |   |
|  | <p>Chairman, Board of Adjustment<br/>Signature _____</p> <p>Date _____</p>  |

Rev. 9/20



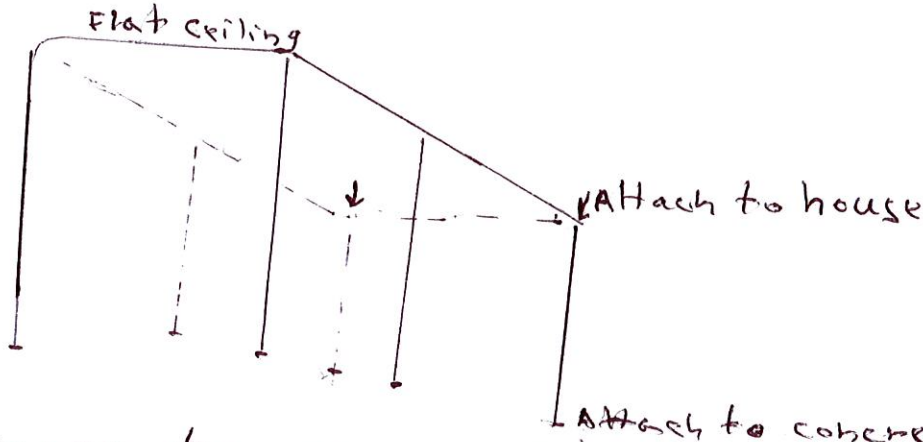
City of McAllen  
Planning Dept.

May 11, 2021

Canport

12' x 20'

Attach to house. Aluminum construction \$1,995.00



Space to carry wheel chair and walkers.  
Open doors.

By Teodoro Quinones Muñiz  
*Teodoro Quinones*



Teodoro Quinones  
713 Tamarack Ave.  
McAllen, TX 78501

RECEIVED  
Date: 5/12/21



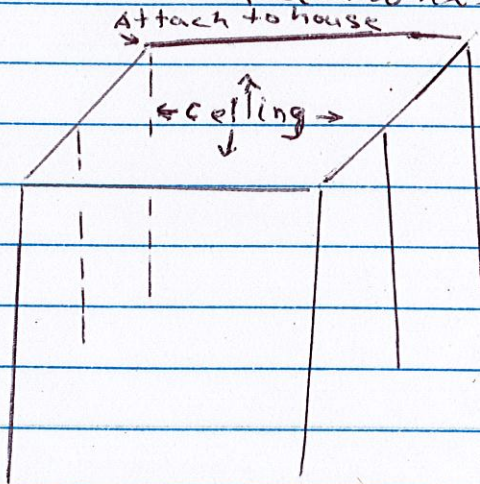
2 MAY 2021

To whom may it concern:

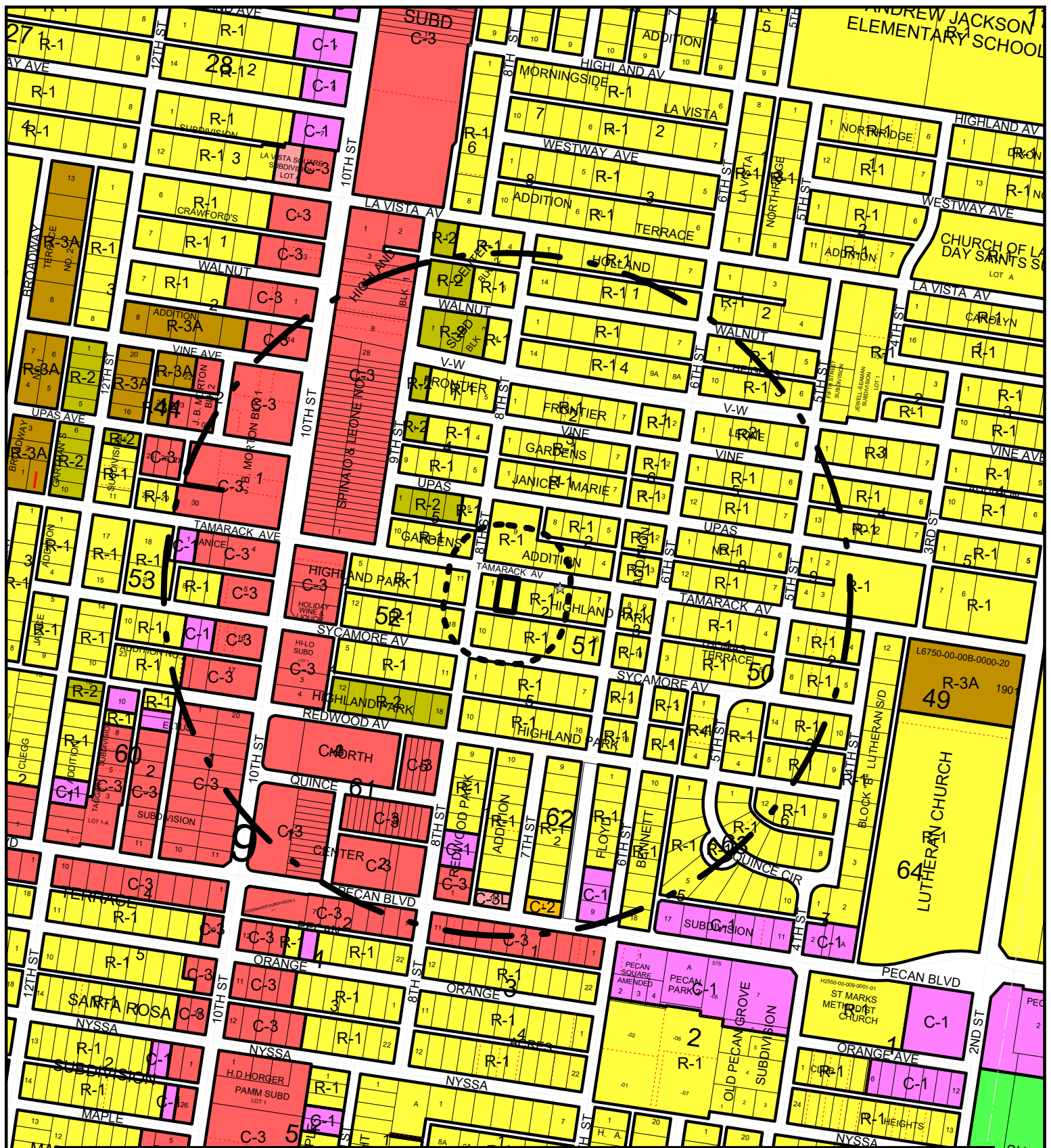
By this letter me  
Teodoro Quiñones Muñoz  
authorize Mr. Raymond  
Rodriguez (cel. 956-309-1404)  
to represent me at appeal  
to zoning board on May 19, 2021.

Thanks

~~Teodoro Quiñones~~  
Teodoro Quiñones



**RECEIVED**  
Date: 5/11/21



# **CITY OF McALLEN** PLANNING DEPARTMENT

**LEGEND**  
SCALE: N.T.S.

**SUBJECT PROPERTY**

**200 FT. NOTIFICATION BOUNDARY**

**1/4 MILE RADIUS**

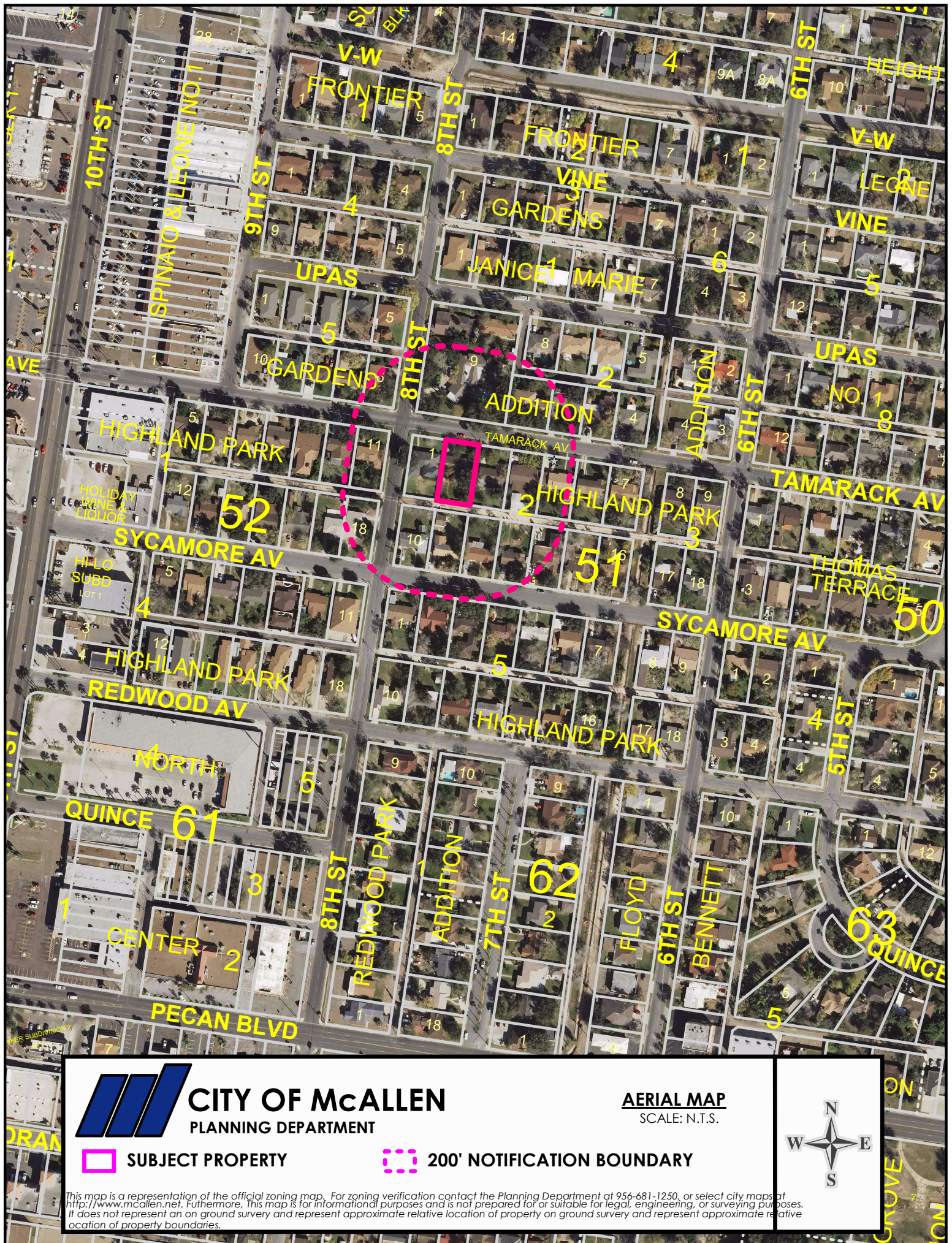


## **ZONING LEGEND**

|  |                            |                                      |                                    |                               |
|--|----------------------------|--------------------------------------|------------------------------------|-------------------------------|
| <b>A-0</b> (AGRICULTURAL & OPEN SPACE) | <b>R-3A</b> (APARTMENTS)   | <b>R-4</b> (MOBILE HOMES)            | <b>C-3</b> (GENERAL BUSINESS)      | <b>I-1</b> (LIGHT INDUSTRIAL) |
| <b>R-1</b> (SINGLE FAMILY RESIDENTIAL) | <b>R-3C</b> (CONDOMINIUMS) | <b>C-1</b> (OFFICE BUILDING)         | <b>C-3L</b> (LIGHT COMMERCIAL)     | <b>I-2</b> (HEAVY INDUSTRIAL) |
| <b>R-2</b> (DUPLEX-FOURPLEX)           | <b>R-3T</b> (TOWNHOUSES)   | <b>C-2</b> (NEIGHBORHOOD COMMERCIAL) | <b>C-4</b> (COMMERCIAL INDUSTRIAL) | <b>S</b> (SPECIAL DISTRICT)   |

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.





**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AERIAL MAP**  
SCALE: N.T.S.



**SUBJECT PROPERTY**



**200' NOTIFICATION BOUNDARY**



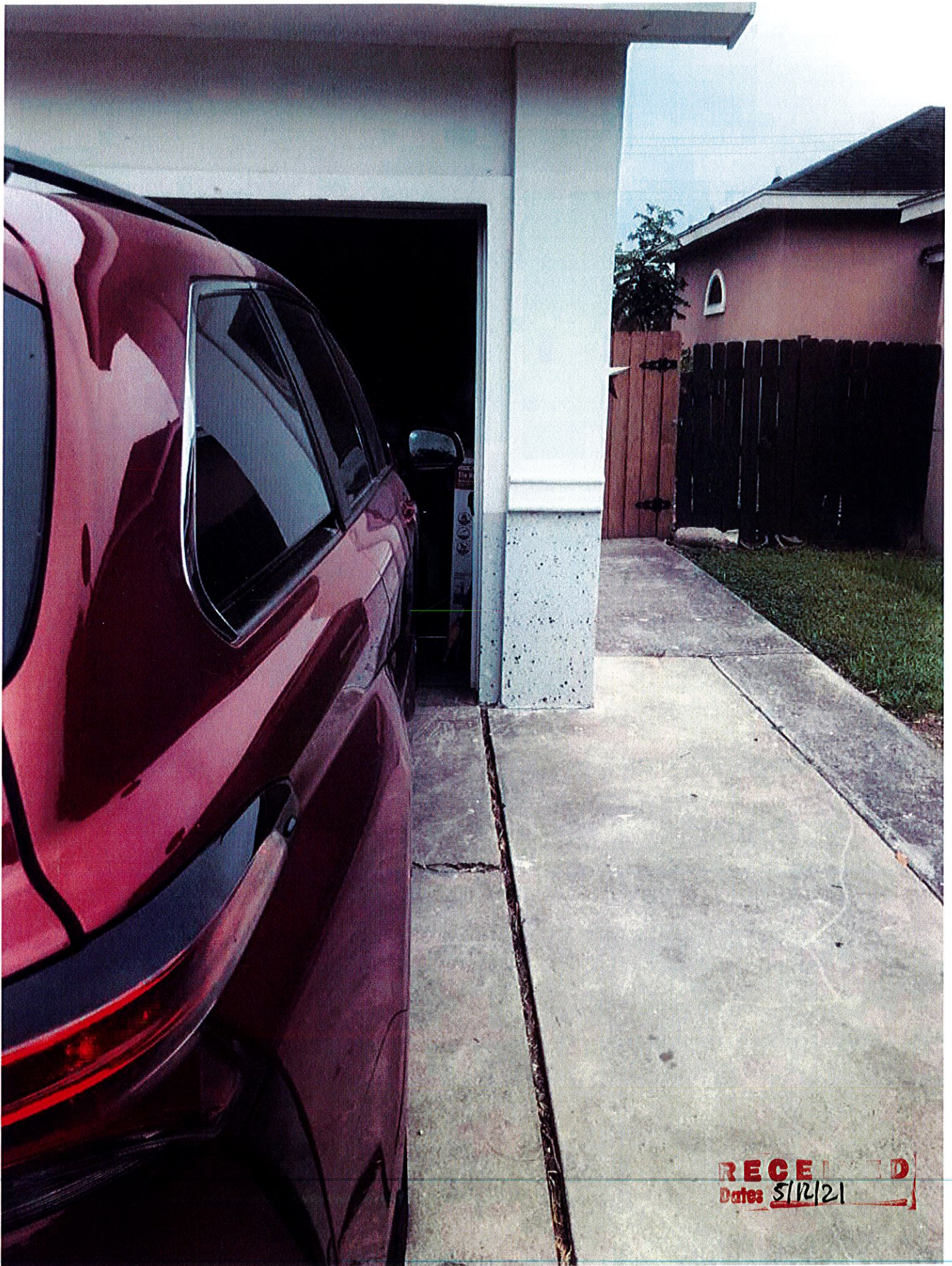
This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property on ground survey and represent approximate relative location of property boundaries.



Driveway  
|-23'9"-|

**RECEIVED**  
Date: 5/12/11





**RECEIVED**  
Date: 5/12/21

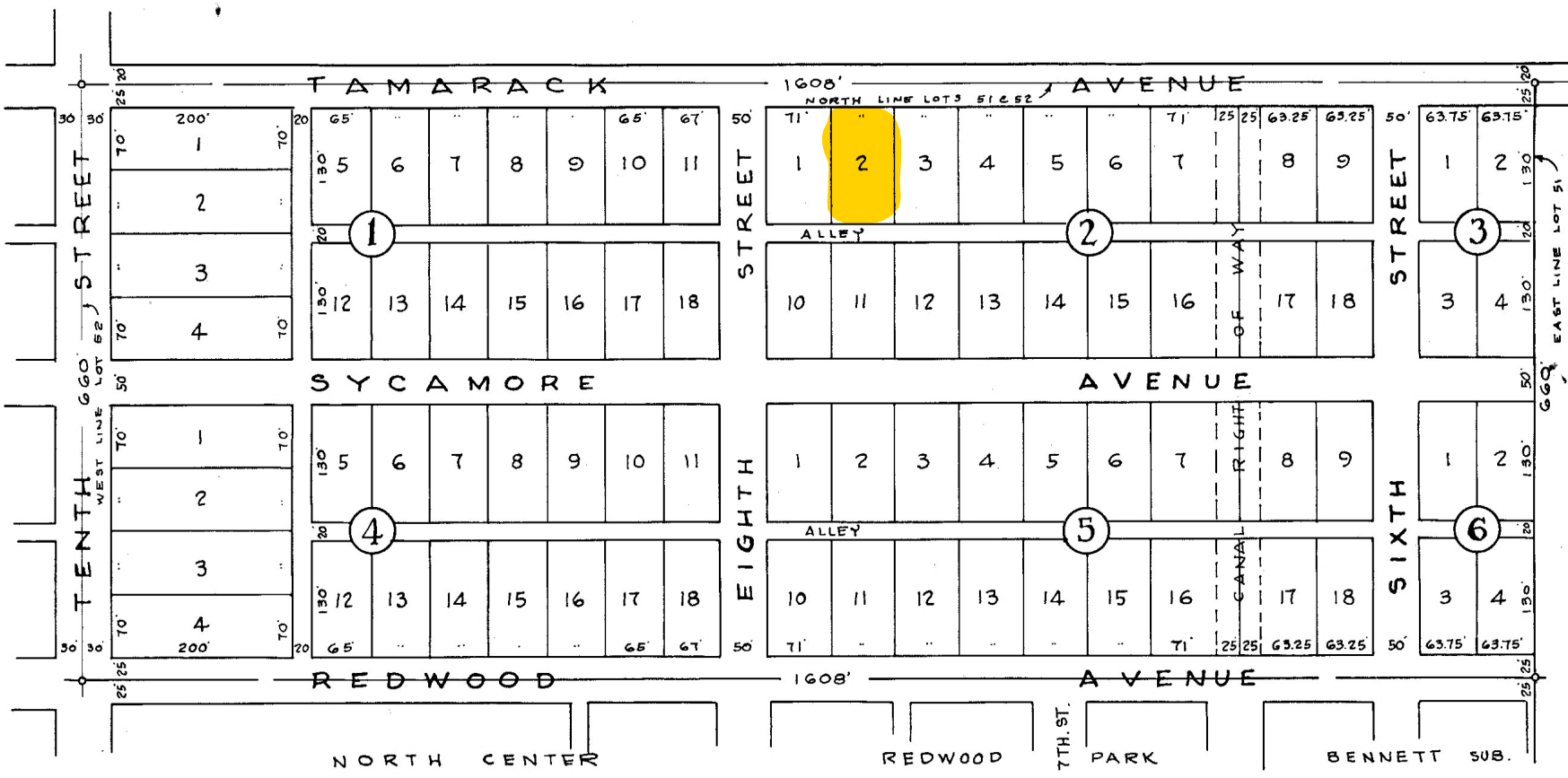




NOTICE  
VARIANCE  
FOR  
THIS PROPERTY  
ZBA2021-0016







MAP  
OF  
HIGHLAND PARK,  
MC ALLEN, TEXAS

BEING THE SUBDIVISION OF  
LOTS 51 & 52, NORTHEAST ONE QUARTER OF SECTION 9, HIDALGO  
CANAL CO.'S. SUBDIVISION OF PORCIONES 64, 65 & 66, HIDALGO COUNTY,  
TEXAS.

Scale: 1"=100' DATE: Feb. 25, 1950.

I, C. L. Fabian A Licensed Land Surveyor, do hereby certify the foregoing  
map to be a true and correct map of the lands hereon described as set out  
by me on the ground.  
C. L. Fabian  
Licensed Land Surveyor  
McAllen, Texas

STATE OF TEXAS:  
COUNTY OF HIDALGO:  
I, R. B. SUTTLE, OWNER OF THE PROPERTY  
HEREON DESCRIBED, DO HEREBY ADOPT, DEDICATE  
AND CONFIRM THE FOREGOING MAP OF HIGH-  
LAND PARK, AND DO HEREBY DEDICATE TO  
THE PUBLIC THE STREETS AND ALLEYS SHOWN  
THEREON.

*R. B. Suttle*  
R. B. SUTTLE

STATE OF TEXAS:  
COUNTY OF HIDALGO:  
SUBSCRIBED AND SWORN TO BEFORE ME  
ON THIS 28<sup>th</sup> DAY OF FEB. A.D. 1950.

*J. F. Ewers* J. F. EWERS  
NOTARY PUBLIC IN AND FOR  
HIDALGO COUNTY, TEXAS.

THIS MAP APPROVED BY THE Mc ALLEN ZONING  
& PLANNING BOARD THIS 28<sup>th</sup> DAY OF  
Feb. A. D. 1950.

*E. A. Greene*  
E. A. GREENE  
CHAIRMAN

THIS PLAT APPROVED BY THE CITY COMMISSION  
OF THE CITY OF MC ALLEN, TEXAS, ON THIS THE  
7<sup>th</sup> DAY OF March A. D. 1950.

*C. W. Davis*  
C. W. DAVIS  
MAYOR.

ATTEST  
*William L. Schupp*  
WM. L. SCHUPP CITY SECRETARY



PREPARED BY  
C. L. FABIAN  
LICENSED LAND SURVEYOR  
MC ALLEN, TEXAS.

Filed for Record  
March 10, 1950 2:20 PM



|                |          |
|----------------|----------|
| Phillip Boeye, | Chairman |
| H. J. Houser,  | Member   |
| A. A. Guerra,  | Member   |
| J. G. Hester,  | Member   |

and with the following absent: J. W. Patterson, Jr. and at which time the following proceedings were held:

There came on for consideration the application of Don Martin to build a Retail Florist Shop on Lot 9, Block 45 N. McAllen with street address of 212 N. Main St. city of McAllen.

It was drawn to the attention of the Board that there are presently two non-conforming uses adjacent to this said location namely the Methodist Church Community building on the North and a Service Station to the South. After discussion it was moved by Mr. Hester that the permit be granted it being understood that said improvement if and when built be made to conform to the requirements of the 2nd Fire Zone. Motion seconded by Guerra and un-animously carried. ✓

There being no further business to come before the Board the meeting adjourned.

ATTEST:

Bill Patterson  
Secretary

Phillip Boeye  
Chairman  
H. J. Houser  
Member  
J. G. Hester  
Member  
A. A. Guerra  
Member

STATE OF TEXAS  
COUNTY OF HIDALGO  
CITY OF MCALLEN

The Board of Adjustment and Appeals of the City of McAllen convened in regular session on this the 9th day of August at 5:00 o'clock P.M. with the following members present:

|                      |           |
|----------------------|-----------|
| Phillip Boeye,       | Chairman  |
| H. J. Houser,        | Member    |
| A. A. Guerra,        | Member    |
| J. W. Patterson, Jr. | Secretary |

and with the following absent: J. G. Hester, and at which time the following proceedings were held:



There came on for consideration the application of Mr. R. B. Suttle for exception to place houses, on all lots in Blocks 2, 3, 5 and 6 Highland Park, 35 feet from front lot line instead of the 40 feet required by Zoning Ordinance for a Residential "A" Area.

No one appeared in opposition to the granting of said exception whereupon it was moved by Mr. Patterson seconded by Mr. Guerra that exception be granted. In view of four concurring favorable votes, the Chair declared the exception granted. ✓

Mr. Fidel mancha appeared personally before the Board and requested exception to use existing building lines for rebuilding residence at corner of Chicago and 20th St. Property located in Zone Industrial "A" Area "E".

Appearing personally in opposition was Mrs. Petra Salinas and her son. Principal objection to granting of exception is that it will be a fire hazard. (Her house about 20 feet from property line).

Motion was made by Mr. Houser seconded by Mr. Guerra that exception be granted. Motion carried unanimously. ✓

There being no further business to come before the Board the meeting adjourned.

ATTEST:

Bird Patterson  
Secretary

Phillip Boeye  
Chairman

H. J. Houser  
Member

\_\_\_\_\_  
Member

A. A. Guerra  
Member

STATE OF TEXAS  
COUNTY OF HIDALGO  
CITY OF MCALLEN

The Board of Adjustment and Appeals of the City of McAllen convened in regular session on this the 27th day of September 1950 at 5:00 o'clock P.M. with the following members present:

|                      |           |
|----------------------|-----------|
| Phillip Boeye,       | Chairman  |
| J. G. Hester,        | Member    |
| J. W. Patterson, Jr. | Secretary |
| A. A. Guerra,        | Member    |

and with the following absent: H. J. Houser, and at which time the following proceedings were held:



## Planning Department

### Memo

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

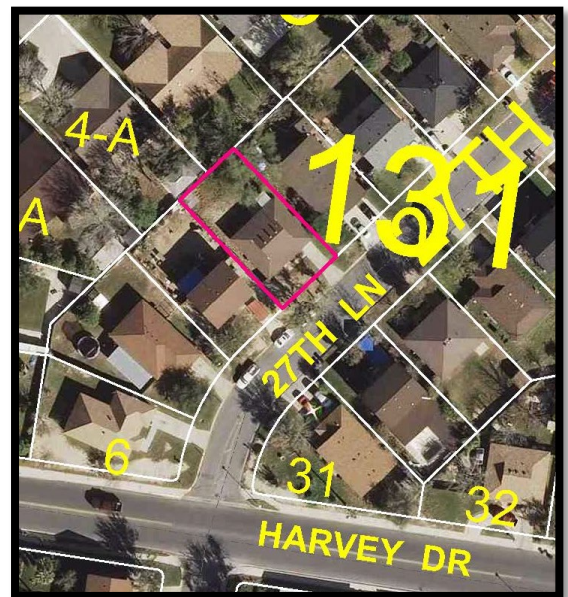
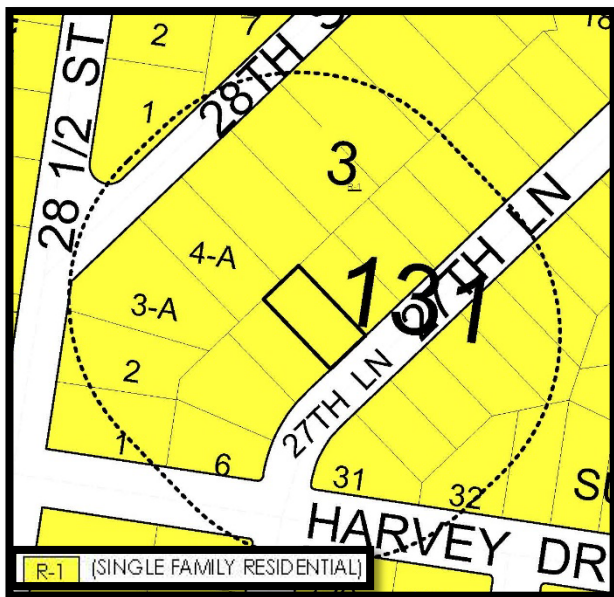
**FROM:** Planning Staff

**DATE:** May 13, 2021

**SUBJECT:** REQUEST OF CEDRIC WILLIAMS FOR THE FOLLOWING VARAINCE TO THE CITY OF MCALLEN ZONING ORDINANCE: 1) AN ENCROACHMENT OF 18.75 FT. INTO THE 20 FT. FRONT YARD SETBACK FOR AN EXISTING METAL CAPORT MEASURING 18 FT. BY 20 FT., 2) AN ENCROACHMENT OF 3.21 FT. INTO THE 6 FT. NORTH SIDE YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 18 FT. BY 20 FT. AT LOT 9, HARVEY TERRACE UNIT 2 SUBDIVISION PHASE 1 & 2, HIDALGO COUNTY, TEXAS; 2813 NORTH 27<sup>TH</sup> LANE. (ZBA2021-0012) (TABLED 5/5/2021) (VARIANCE #2 WITHDRAWN) (SPECIAL EXCEPTION)

#### REASON FOR APPEAL:

The applicant is requesting a variance request to encroach 18.75 ft. into the 20 ft. front yard setback and encroach 3.21 ft. into the 6 ft. north side yard setback for an existing metal carport measuring 18 ft. by 20 ft.



#### PROPERTY LOCATION AND VICINITY:

The subject property is located on the north side of 27<sup>th</sup> Lane, approximately 125 ft. north of Harvey Drive. The property has 50 ft. of frontage along 27<sup>th</sup> Lane and a depth of 100 ft. with a lot size of 5,000 square feet. The property and adjacent zoning is R-1 (single family residential) District in all directions. Surrounding land use include single-family residential.

**BACKGROUND AND HISTORY:**

Harvey Terrace Unit 2 Subdivision Phase 1 & 2 was recorded on March 9, 1981. The plat specifies a 20 ft. front yard setback and a 6 ft. side yard setbacks. A stop work order was issued by Building and Inspections Department staff on April 1, 2021 for the installation of a carport without a permit. An application for a building permit for a carport was submitted to the Building Permits & Inspections Department on April 5, 2021. An application for variance request for encroachments of an existing carport was submitted to the Planning Department on April 5, 2021.

**ANALYSIS:**

The variance request #1 is to allow an encroachment of 18.75 ft. into the 20 ft. front yard setback for an existing metal carport measuring 18 ft. by 20 ft. The plat for the subdivision specifies a 20 ft. front yard setback. The applicant is requesting to allow the carport to remain at this location since there is no available area for relocation that would place it out of the setback.

The variance request #2 is to allow an encroachment of 3.21 ft. into the 6 ft. north side yard setback for an existing metal carport measuring 18 ft. by 20 ft. The plat for the subdivision specifies a 6 ft. side yard setback and the standard side yard setback for a lot in R-1 (single family residential) district is 6 ft. As per City's ordinance no structures are allowed to be built on any setbacks.

There are no variance requests on file for carports encroaching into the setbacks for this subdivision; however, a site inspection confirmed that there are existing carports built around the neighborhood without a permit.

- Building Permits & Inspection Department issued stop work orders for the construction of carports without permits for lots 30, 4, 139, 140, 63, 64, and 75 on April 8, 2021
- Building Permits & Inspection Department issued a stop work order for the construction of a carport without a permit for lot 118 on April 8, 2021 and the customer applied for a Building Permit on April 19, 2021
- Building Permits & Inspection Department issued a stop work order for construction of carports without a permits for lot 102 on October 8, 2020 and the customer applied for a Building Permit; however, Planning Department staff rejected the permit for encroachments and informed customer and explained variance process
- Building Permits & Inspection Department has created a stop work order case for the construction of a carport without permits for lot 125

Should the request be approved, it may encourage other property owners to request a variance for carports to encroach into the setbacks. Approval of the request will allow the existing carport to remain as depicted on the site plan.

Staff has not received any phone calls or concerns in regards to the variances requests.

**RECOMMENDATION:**

Staff recommends approval of the special exception request subject to compliance with Zoning Ordinance Section 138-366.



ZBOA  
5/5/21

ZBA2021-0012



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

|               |   |   |   |   |
|---------------|---|---|---|---|
| Project       | Legal Description   | <u>Lot 9</u>  |   |   |
|               | Subdivision Name  | <u>Harvey terrace Subdivision Unit 2-Phase I &amp; II</u>                                   |   |   |
|               | Street Address  | <u>2813 N 27th LN McAllen Texas 78501</u>   |   |   |
|               | Number of lots  | <u>1</u>  | Gross acres                               |   |
|               | Existing Zoning   | <u>D-1</u>  | Existing Land Use                         | <u>Single family House</u>                |
|               | Reason for Appeal (please use other side if necessary)  | <u>Medical reasons, protection of vehicle and personal safety. Metal carport 16'x20'x4'</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>Cedric Williams</u>  | Phone                                     | <u>808 341 6451</u>                       |
|               | Address   | <u>2813 N 27th LN</u>   | E-mail                                    | <u>Cedric.Williams@rocketmail.com</u>     |
|               | City  | <u>McAllen</u>  | State                                     | <u>TX</u>                                 |
|               |   | Zip   | <u>78501</u>                              |   |
| Owner         | Name  | <u>Cedric Williams Jennie Williams</u>  | Phone                                     | <u>808 341 6451</u>                       |
|               | Address   | <u>2813 N 27th LN</u>   | E-mail                                    | <u>Cedric.Williams@rocketmail.com</u>     |
|               | City  | <u>McAllen</u>  | State                                     | <u>TX</u>                                 |
|               |   | Zip   | <u>78501</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   | <u>[Signature]</u>  | Date                                      | <u>4/6/21</u>                             |
|               | Print Name  | <u>Cedric Williams</u>  | <input checked="" type="checkbox"/> Owner | <input type="checkbox"/> Authorized Agent |
| Office        | Accepted by   | <u>K.F</u>  | Payment received by                       |   |
|               | Rev 10/18   | Date <u>                    </u>  |   |   |

RECEIVED  
APR 05 2021  
By                     

629



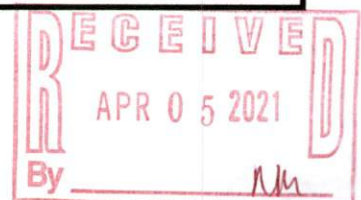


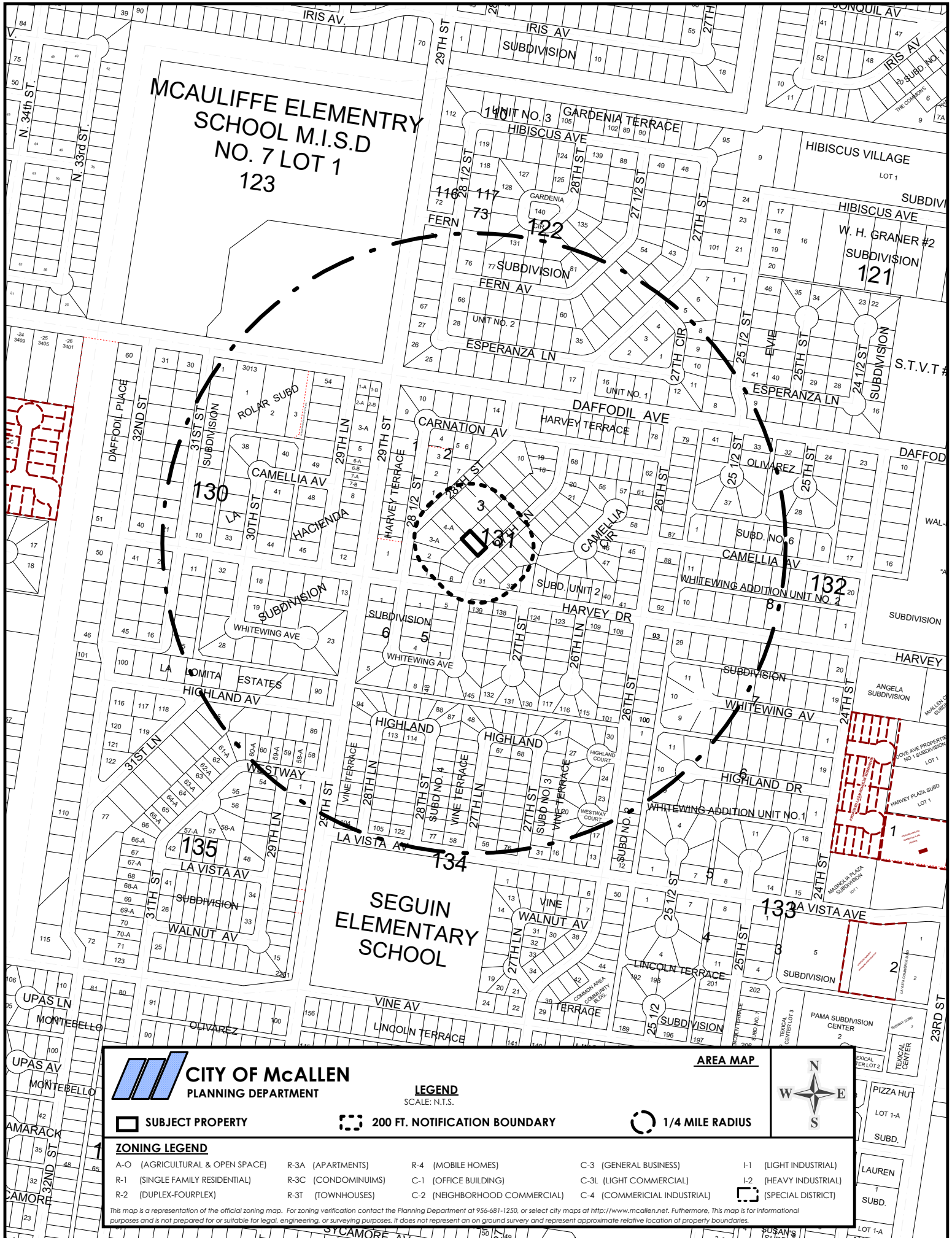
# City of McAllen

## Planning Department

### REASON FOR APPEAL & BOARD ACTION

|                   |  |
|-------------------|--|
| Reason for Appeal | <p>*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider <b>any combination of</b> the following: (Please use an additional page if necessary to complete responses)</p> <p>**Information provided here by the applicant does not guarantee that the Board will grant a variance.</p> <p>***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.</p> <p>1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:</p> <p>Encroaching 4 ft. into side yard setback and 14.8 ft encroachment into front setback.</p> |
|                   | <p>2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:</p> <p>There are seven (7) other properties on the same block that have the same type of car cover on their properties.</p>   |
|                   | <p>3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:</p> <p>Although private property and portable, car cover will be professionally installed to withstand inclement weather.</p>  |
|                   | <p>4. Describe special conditions that are unique to this applicant or property:</p> <p>Portable car cover is needed for medical reasons for child with documented underlying medical conditions and also personal safety and protection of only vehicle from inclement weather.</p>   |
| Board Action      | <p>Chairman, Board of Adjustment<br/>Signature _____</p> <p>Date _____</p> <p>Rev. 9/20</p>  |





# CITY OF McALLEN PLANNING DEPARTMENT

## LEGEND

SCALE: N.T.S.

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

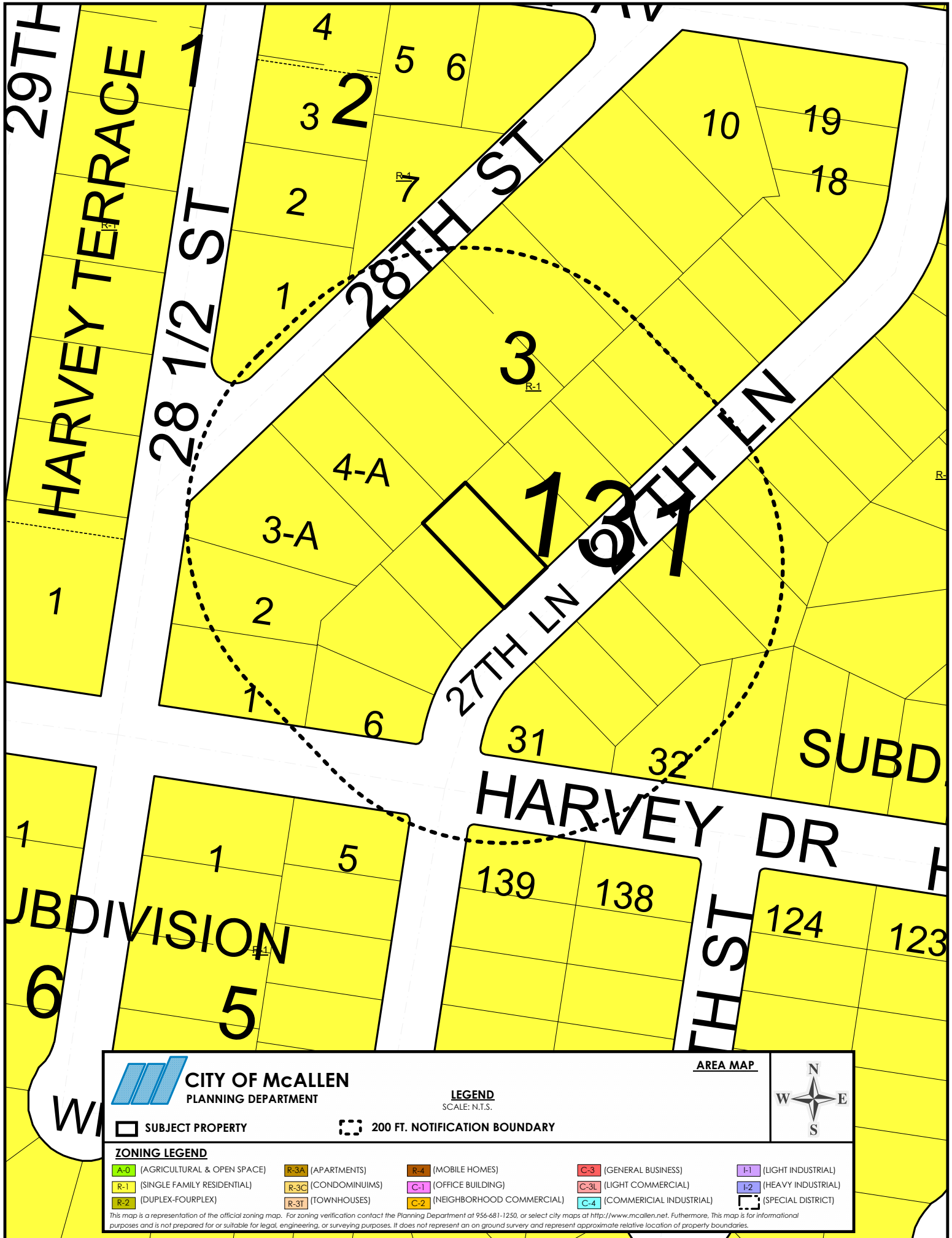


## ZONING LEGEND

|                                 |                     |                               |                             |                        |
|---------------------------------|---------------------|-------------------------------|-----------------------------|------------------------|
| A-O (AGRICULTURAL & OPEN SPACE) | R-3A (APARTMENTS)   | R-4 (MOBILE HOMES)            | C-3 (GENERAL BUSINESS)      | I-1 (LIGHT INDUSTRIAL) |
| R-1 (SINGLE FAMILY RESIDENTIAL) | R-3C (CONDOMINIUMS) | C-1 (OFFICE BUILDING)         | C-3L (LIGHT COMMERCIAL)     | I-2 (HEAVY INDUSTRIAL) |
| R-2 (DUPLEX-FOURPLEX)           | R-3T (TOWNHOUSES)   | C-2 (NEIGHBORHOOD COMMERCIAL) | C-4 (COMMERCIAL INDUSTRIAL) | (SPECIAL DISTRICT)     |

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.





**CITY OF McALLEN**  
PLANNING DEPARTMENT

AREA MAP

**LEGEND**  
SCALE: N.T.S.



**SUBJECT PROPERTY**

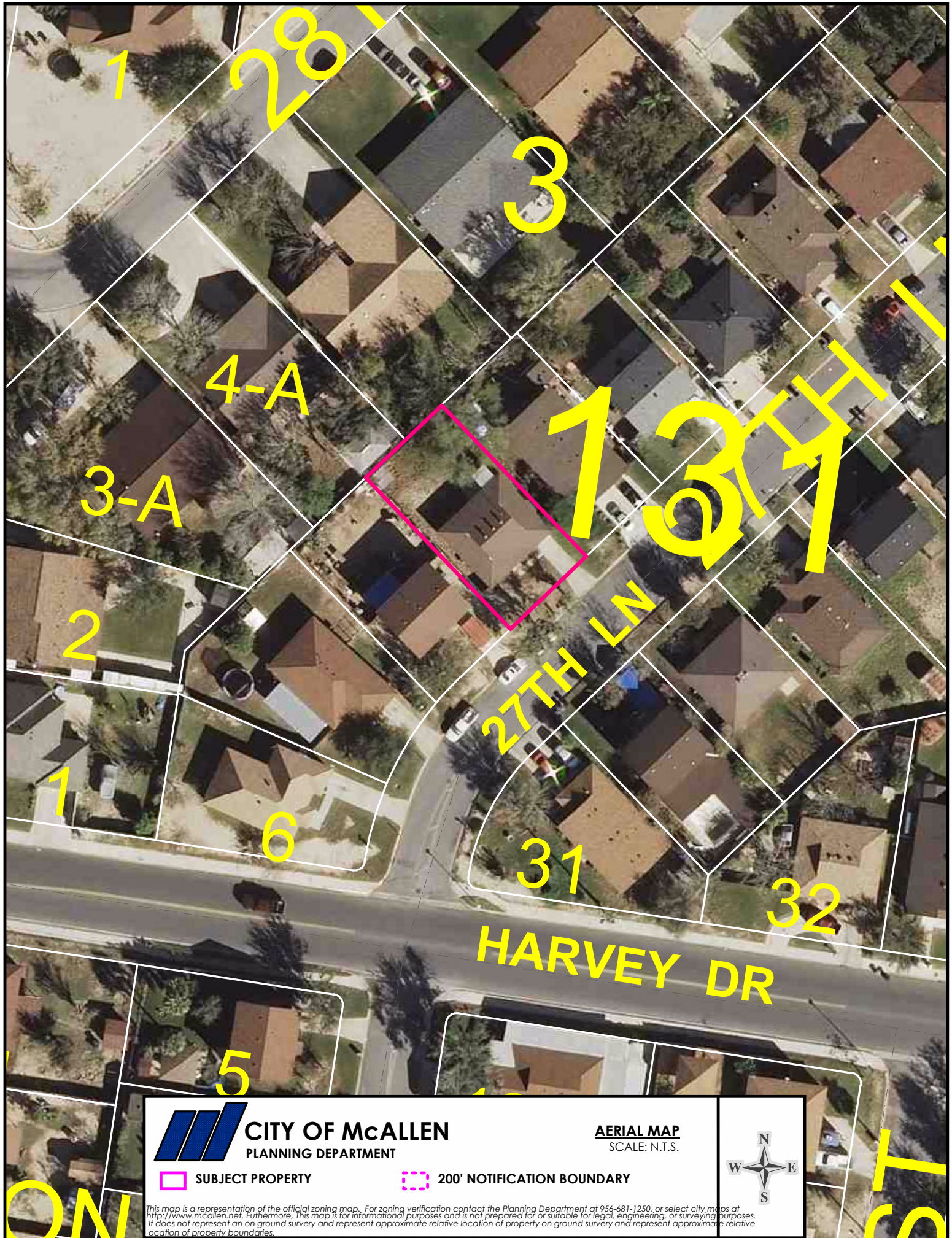
**200 FT. NOTIFICATION BOUNDARY**

**ZONING LEGEND**

|  |                            |                                      |                                    |                               |
|--|----------------------------|--------------------------------------|------------------------------------|-------------------------------|
| <b>A-0</b> (AGRICULTURAL & OPEN SPACE) | <b>R-3A</b> (APARTMENTS)   | <b>R-4</b> (MOBILE HOMES)            | <b>C-3</b> (GENERAL BUSINESS)      | <b>I-1</b> (LIGHT INDUSTRIAL) |
| <b>R-1</b> (SINGLE FAMILY RESIDENTIAL) | <b>R-3C</b> (CONDOMINIUMS) | <b>C-1</b> (OFFICE BUILDING)         | <b>C-3L</b> (LIGHT COMMERCIAL)     | <b>I-2</b> (HEAVY INDUSTRIAL) |
| <b>R-2</b> (DUPLEX-FOURPLEX)           | <b>R-3T</b> (TOWNHOUSES)   | <b>C-2</b> (NEIGHBORHOOD COMMERCIAL) | <b>C-4</b> (COMMERCIAL INDUSTRIAL) | <b>(SPECIAL DISTRICT)</b>     |

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.



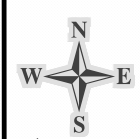


**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AERIAL MAP**  
SCALE: N.T.S.

 **SUBJECT PROPERTY**

 **200' NOTIFICATION BOUNDARY**



This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property on ground survey and represent approximate relative location of property boundaries.



# SUBDIVISION PLAT OF HARVEY TERRACE SUBDIVISION UNIT 2 - PHASE I & II

BEING THE EAST 26.770 ACRES OUT OF LOT 131  
LA LUNITA IRRIGATION & CONSTRUCTION CO.  
SUBDIVISION, OF PORCIONES 61, 62 & 63 AS  
RECORDED IN THE MAP RECORDS, HIDALGO  
COUNTY, TEXAS.

Recorded in Book 71 Page 155  
of the map records of Hidalgo  
County, Texas

STATE OF TEXAS  
COUNTY OF HIDALGO

THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERE-  
TO, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT DEDICATED TO THE USE  
OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAIN, EMBANK-  
MENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION  
THEREIN EXPRESSED.

HOMECRAFT LAND DEVELOPMENT, INC.

*[Signature]*  
SENIOR VICE PRESIDENT

STATE OF TEXAS  
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED  
Wm. R. Planteau, KNOWN TO ME TO BE THE PERSON  
WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO  
ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN  
EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 21st DAY OF March  
A.D. 1980

*[Signature]*  
HIDALGO COUNTY, TEXAS

APPROVAL BY WATER DISTRICT

THIS PLAT APPROVED BY HIDALGO COUNTY WATER IMPROVEMENT DISTRICT NO. 1  
ON THIS 29th DAY OF December A.D. 1980

*[Signature]*  
SECRETARY

I, THE UNDERSIGNED, MAYOR OF THE CITY OF MALLER, HEREBY CERTIFY THAT THIS  
SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS  
OF THIS CITY WHEREIN BY APPROVAL IS REQUIRED.

*[Signature]*  
MAYOR, CITY OF MALLER

THIS PLAT OF HARVEY TERRACE SUBDIVISION - UNIT 2 HAS BEEN  
SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY OF  
MALLER, TEXAS AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS 16th DAY OF February A.D. 1981

*[Signature]*  
CHAIRMAN

STATE OF TEXAS  
COUNTY OF HIDALGO

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM  
AN ACTUAL SURVEY OF THE PROPERTY BASED UNDER MY SUPERVISORIAL DUTY.

REGISTERED PROFESSIONAL SURVEYOR

GIVEN TO AND SUBSCRIBED BEFORE ME THIS 16th DAY OF February  
A.D. 1980

*[Signature]*  
HIDALGO COUNTY, TEXAS  
APPROVED FOR RECORD  
COMMISSIONER  
SANTOS SALDANA  
Hidalgo County, Texas

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS  
DAY OF JULY A.D. 1980

*[Signature]*  
NOTARY PUBLIC IN AND FOR THE COUNTY OF  
TEXAS, MY COMMISSION EXPIRES  
ON 1st JULY 1981

| NO. | DATA         | RADIUS  | TANGENT | CHORD   |
|-----|--------------|---------|---------|---------|
| 1   | 90° 00' 00"  | 5.00'   | 5.00'   | 7.07'   |
| 2   | 90° 00' 00"  | 10.00'  | 10.00'  | 14.14'  |
| 3   | 48° 11' 25"  | 25.00'  | 11.18'  | 21.03'  |
| 4   | 25° 11' 25"  | 50.00'  | 22.36'  | 42.03'  |
| 5   | 48° 11' 25"  | 50.00'  | 22.36'  | 42.03'  |
| 6   | 90° 00' 00"  | 50.00'  | 50.00'  | 70.71'  |
| 7   | 125° 15' 53" | 50.00'  | 46.59'  | 109.31' |
| 8   | 127° 37' 09" | 12.64'  | 2.643'  | 28.08'  |
| 9   | 37° 37' 09"  | 122.49' | 41.78'  | 264.12' |
| 10  | 37° 37' 09"  | 172.49' | 58.75'  | 118.25' |
| 11  | 37° 37' 09"  | 252.49' | 82.44'  | 161.41' |
| 12  | 37° 37' 09"  | 103.84' | 35.37'  | 68.18'  |

6" EASEMENT TO CENTER  
POWER & LIGHT CO. FOR TRANS-  
FORMER SPACE. SPECIFIC LOC-  
ATION SHOWN ON MAP BY  
THIS SYMBOL

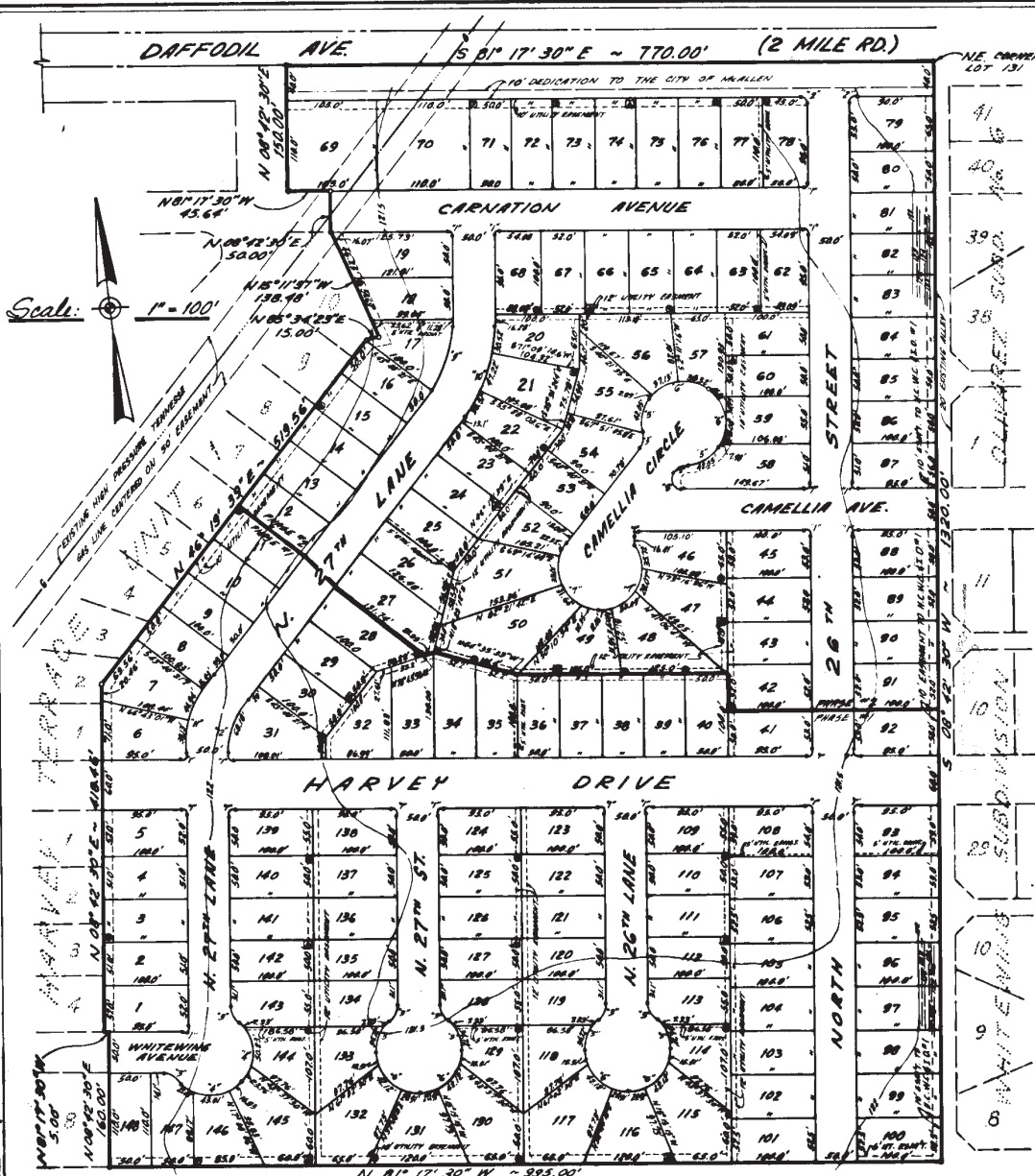
6" EASEMENT TO CENTER  
POWER & LIGHT CO. FOR PE-  
DESTAL SPACE. SPECIFIC LO-  
CATION SHOWN ON MAP BY  
THIS SYMBOL

TOTAL LOTS: 140  
TOTAL AREA: 26.063 ACRES

WE, WILTON V. COOPER AND BARRY JOHNSON, VICE PRE-  
SIDENT AND SECRETARY RESPECTIVELY, OF  
SIGNALITE SERVICES ASSOCIATION, OWNER AND HOLDER  
OF A LIE AGAINST THE PROPERTY SHOWN IN THE  
PLAT BEING HARVEY TERRACE, UNIT 2, SAID LIE  
BEING EVIDENCED BY INSTRUMENT OF RECORD BEING  
CLIENTS FILE NO. 80915 IN THE OFFICIAL PUBLIC  
RECORDS OF THIS PROPERTY IN HIDALGO COUNTY, TEXAS  
DO HEREBY BY SELL TO THE UNDERSIGNED, TEXAS  
SAND LINDS, AND WE HEREBY CERTIFY THAT WE ARE THE  
PERSONS OWNER OF SAID LIE AND HAVE NOT ASSIGNED  
THE SAME AND ARE NOT THUS  
WILTON V. COOPER  
BARRY JOHNSON

STATE OF TEXAS  
COUNTY OF HIDALGO  
BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED  
WILTON V. COOPER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUB-  
SCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE  
EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EX-  
PRESSED AND IN THE CAPACITY THEREIN STATED.

RESOURCES AND ASSOCIATES, INC.  
Consulting Engineers & Planners  
Dallas Texas



## GENERAL NOTES:

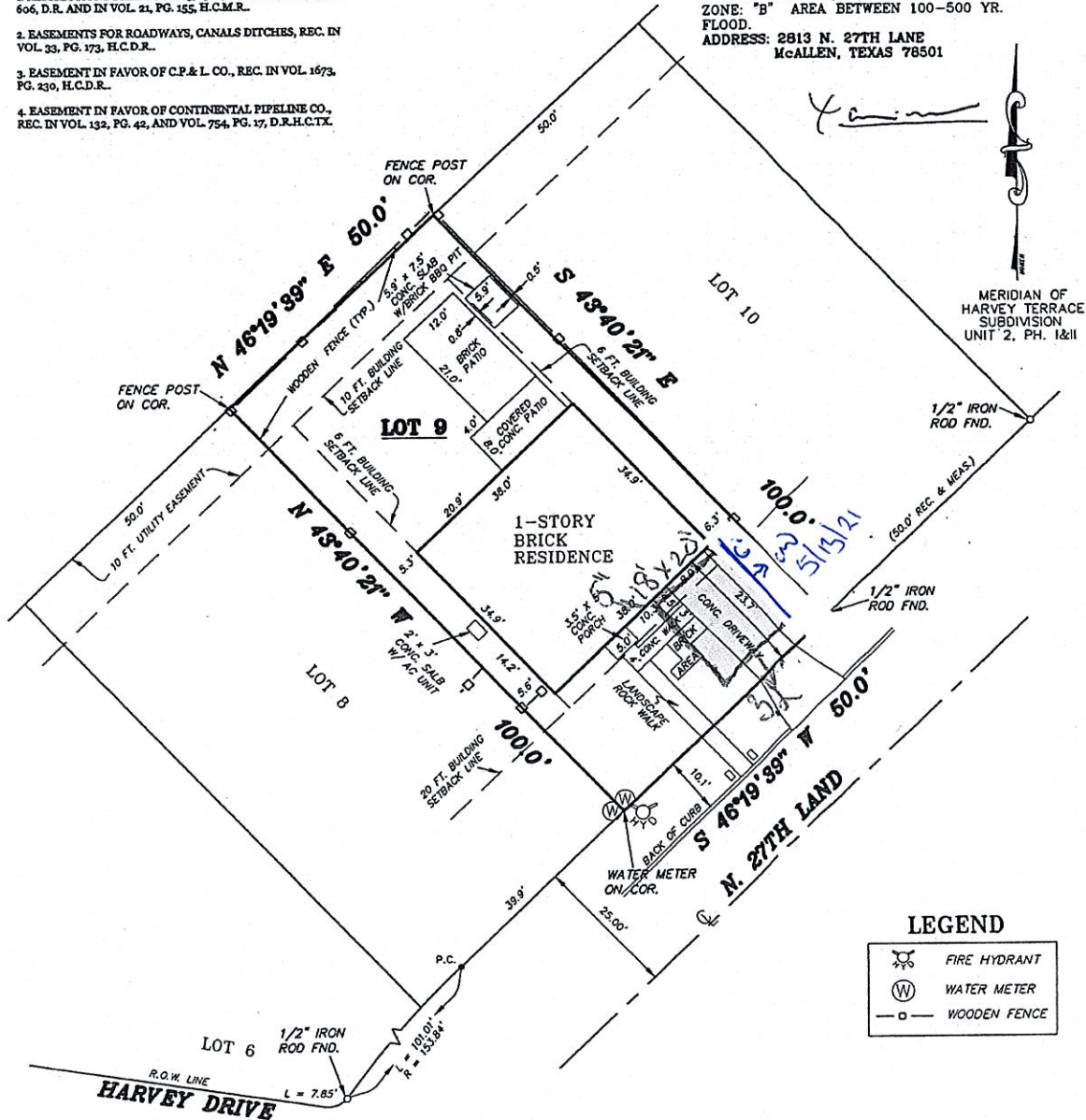
1. MINIMUM FLOOR ELEVATION FOR CONVENTIONAL HOMES SHALL BE AS SHOWN ABOVE.
2. MINIMUM FLOOR ELEVATION FOR V.A. HOMES SHALL BE AS PER V.A. GOVT. PLAN.
3. FRONTYARD SETBACK SHALL BE 20' MINIMUM, EXCEPT AROUND CUL-DE-SACS WHICH SHALL BE 10' MINIMUM UNLESS OTHERWISE SHOWN.
4. SIDEYARD & BACKYARD SETBACKS SHALL BE 6' & 10' MINIMUM, EXCEPT CORNER LOTS SIDEYARD SETBACKS SHALL BE 10' MINIMUM.
5. CITY OF MALLER SHALL HAVE A 5' EASEMENT AT ALL STREET INTERSECTIONS.
6. A 4' SIDEWALK SHALL BE REQUIRED ON SOUTH SIDE OF DAFFODIL AVENUE.
7. CENTRAL POWER & LIGHT CO. IS HEREBY GRANTED AN EASEMENT AND RIGHT-OF-WAY ON EACH LOT IN SAID SUBDIVISION FOR AN UNDERGROUND ELECTRIC SERVICE LATERAL TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH PURPOSE AT THE RIGHT LOCATION WHICH SUCH SERVICE LATERAL IS TO BE ON. IS INSTALLED & MAINTAINED FROM TIME TO TIME.
8. AN BUILDING PERMITS SHALL BE ISSUED ALL PHASE II UNTIL ALL PUBLIC IMPROVEMENTS ARE INSTALLED.



SUBJECT TO:

1. RESTRICTIONS DATED FEB. 15, 1981, REC. IN VOL. 1715, PG. 606, D.R. AND IN VOL. 21, PG. 155, H.C.M.R.
2. EASEMENTS FOR ROADWAYS, CANALS DITCHES, REC. IN VOL. 33, PG. 173, H.C.D.R.
3. EASEMENT IN FAVOR OF C.P. & L. CO., REC. IN VOL. 1673, PG. 230, H.C.D.R.
4. EASEMENT IN FAVOR OF CONTINENTAL PIPELINE CO., REC. IN VOL. 132, PG. 42, AND VOL. 754, PG. 17, D.R.H.C.TX.

FLOOD INSURANCE RATE MAP OF  
COMMUNITY PANEL NO.: 480343 0005 C  
REVISED DATE: 11/02/1982  
ZONE: "B" AREA BETWEEN 100-500 YR.  
FLOOD.  
ADDRESS: 2813 N. 27TH LANE  
McALLEN, TEXAS 78501



"I, JUAN GARCIA JR., REGISTERED PROFESSIONAL LAND SURVEYOR #4203, DO CERTIFY THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY MADE ON THE GROUND ON 09/17/18 BY ME OR UNDER MY DIRECTION; THIS SURVEY SUBSTANTIALLY CONFORMS TO THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION 2 SURVEY"

PLAT OF SURVEY

ALL OF LOT 9, HARVEY TERRACE SUBDIVISION UNIT 2, -PHASE I & II, AN ADDITION TO THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP RECORDED IN VOLUME 21, PAGE 155, MAP RECORDS IN THE OFFICE OF THE COUNTY CLERK OF HIDALGO COUNTY, TEXAS.

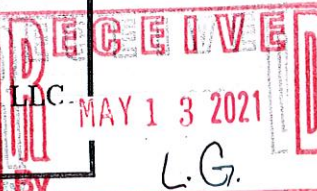
SURVEYED FOR: CEDRIC WILLIAMS  
SCALE: 1" = 20'

THIS SURVEY IS DONE FOR THE EXCLUSIVE USE OF THE OWNER AND IS NOT VALID AFTER 6 MONTHS WITHOUT AN ORIGINAL SEAL AND SIGNATURE.

JUAN GARCIA JR. R.P.L.S. #4203



SURVEYING CO., LLC.  
(956) 423-1702  
FIRM# 10011400



## Existing Carports around Neighborhood



### Harvey Terrace #2 Ph 1 & 2:

1. Lot 9 – 2813 N 27<sup>th</sup> Ln
2. Lot 30 – 2804 N 27<sup>th</sup> Ln
3. Lot 4 – 2721 N 27<sup>th</sup> Ln
4. Lot 139 – 2728 N 27<sup>th</sup> Ln
5. Lot 140 – 2724 N 27<sup>th</sup> Ln
6. Lot 125 – 2724 N 27<sup>th</sup> St
7. Lot 118 – 2705 N 26<sup>th</sup> Ln
8. Lot 102 – 2705 N 26<sup>th</sup> St
9. Lot 63 – 2605 Carnation Ave
10. Lot 64 – 2609 Carnation Ave
11. Lot 75 – 2612 Carnation Ave

### Gardenia Terrace # 1:

12. Lot 41 – 3205 N 27<sup>th</sup> St
- (In compliance, Front setback is 10 ft. as per Subdivision Plat)



STARTING @  
\$ 795.00

ANY SIZE CARPORT,  
GARAGE, STORAGE,  
BUILDING, & MOTOR  
HOME COVER!  
CUSTOM SIZES  
AVAILABLE

South Texas

CARPORTS INC.

WWW.SOUTHTEXASCARPORTS.COM CONTACT:



**18'X25'X7'**  
REGULAR GARAGE

(14 Gauge, 7' Legs) (29 Gauge Sheet Metal)



**18'X25'X8'**  
A-FRAME GARAGE

(14 Gauge, 8' Legs) (29 Gauge Sheet Metal)



**18'X25'X8'**  
A-FRAME VERTICAL ROOF GARAGE

(14 Gauge, 8' Legs) (29 Gauge Sheet Metal)

**BRACES ON LEGS & CENTERS**



**18'X20'X5'**  
REGULAR CARPORT

(2 2/1, 14-Gauge, 5' Legs) (29 Gauge Sheet Metal)



**18'X20'X6'**  
A-FRAME VERTICAL ROOF CARPORT

(2 2/1, 14-Gauge, 6' Legs) (29 Gauge Sheet Metal)



**18'X20'X6'**  
A-FRAME CARPORT

(2 2/1, 14-Gauge, 6' Legs) (29 Gauge Sheet Metal)

**AVAILABLE SHEET METAL COLORS**

White

Red

Blue

Tan

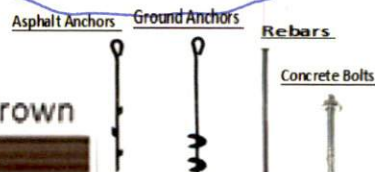
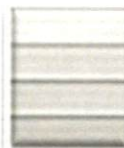
Green

Gray

Dark Gray

Beige

Brown



TEMPORARY ANCHORS INCLUDED  
AT NO COST (REBARS)  
OPTIONAL:  
Mobile Home Anchors \$25 ea  
Concrete Anchors \$10 ea

**STANDARD 14 GAUGE 2 1/2 "STEEL"**

|                    |                    |                    |                    |                    |
|--------------------|--------------------|--------------------|--------------------|--------------------|
| 12 X 20 \$795.00   | 12 X 25 \$995.00   | 12 X 30 \$1,195.00 | 12 X 35 \$1,395.00 | 12 X 40 \$1,590.00 |
| 18 X 20 \$895.00   | 18 X 25 \$1,195.00 | 18 X 30 \$1,395.00 | 18 X 35 \$1,595.00 | 18 X 40 \$1,790.00 |
| 20 X 20 \$1,095.00 | 20 X 25 \$1,395.00 | 20 X 30 \$1,595.00 | 20 X 35 \$1,895.00 | 20 X 40 \$2,190.00 |
| 22 X 20 \$1,295.00 | 22 X 25 \$1,695.00 | 22 X 30 \$1,995.00 | 22 X 35 \$2,295.00 | 22 X 40 \$2,590.00 |
| 24 X 20 \$1,495.00 | 24 X 25 \$1,895.00 | 24 X 30 \$2,295.00 | 24 X 35 \$2,595.00 | 24 X 40 \$2,990.00 |
| 26 X 20 \$1,795.00 | 26 X 25 \$2,295.00 | 26 X 30 \$2,695.00 | 26 X 35 \$3,195.00 | 26 X 40 \$3,590.00 |
| 28 X 20 \$2,095.00 | 28 X 25 \$2,595.00 | 28 X 30 \$3,095.00 | 28 X 35 \$3,595.00 | 28 X 40 \$4,190.00 |
| 30 X 20 \$2,295.00 | 30 X 25 \$2,895.00 | 30 X 30 \$3,495.00 | 30 X 35 \$4,095.00 | 30 X 40 \$4,690.00 |

All products come with a 1 year manufacturer warranty, 2 years of 65 mph wind warranty with proper anchors. Concrete and Ground anchors sold separately. Further apply see dealer for details, prices are subject to change upon area. 12 GAUGE YEARS LIMITED WARRANTY ON RUST THROUGH OF THE FRAMING ASSUMING CARE AND MAINTENANCE ON THE 12 GAUGE ONLY. 22 FEET WIDE AND UP, RECOMMENDED USING 12 GAUGE MATERIAL. UP TO TWO WEEKS INSTALLATION TIME FOR LAREDO AND NEARBY AREAS.

By                      APR 05 2021





**AEROSEAL**  
Duct Sealing From The Inside

- DUCT CLEANING
  - EQUIPMENT CLEANING
  - DUCT REPLACEMENTS
  - DRYER VENT CLEANING
  - NEUTRALIZE ODORS
  - DUCT PRESSURE TESTING
  - AIR PURIFICATION
- Commercial & Residential

**956.630.4411**

**HESSAIR**  
1-800-281-4377  
www.HessAir.com

TACLA-002144C

NOTICE  
VARIANCE  
FOR  
THIS PROPERTY  
ZBA2021-0012

TEXAS  
HJV-1799





## CRITERIA FOR ZBOA DETERMINATIONS

### APPEALS

1. ZBOA may hear and decide appeals **where it is alleged there is error** in any order, requirement, decision or determination made by an administrative official **in the enforcement of Chapter 138** of the Code of Ordinances ("Zoning").
2. In conformity with the provisions of V.T.C.A., Local Government Code § 211.009 et seq. and Chapter 138 of the Code of Ordinances, the **ZBOA may reverse or affirm, wholly or partly, or may modify** the order, requirement, decision or determination appealed from.

### SPECIAL EXCEPTIONS

Authorized under Ord. Sec. 138-43 ("Powers") in the following instances:

1. Where the **street layout** actually on the ground varies from the street layout as shown on such maps.
2. To permit the **reconstruction of a nonconforming building** which has been damaged to the extent of more than 50 percent of its replacement cost.
3. To **waive or reduce the parking and loading requirements** whenever:
  - a. The character or use of the building is such as to make unnecessary the full provisions of parking or loading facilities, OR
  - b. Where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
4. To allow a change **from an existing nonconforming use to another nonconforming use** of a structure, or a structure and premises in combination, if:
  - a. No structural alterations are made, AND
  - b. The Board finds that the proposed nonconforming use is not more nonconforming in the district as the existing nonconforming use.

#### **Ord. Sec. 138-86. – GENERAL POLICY.**

The general public, the board of commissioners, and the planning board are directed to take note that nonconformities in the use and development of land and buildings are to be avoided, or eliminated where now existing, wherever and whenever possible, except:

- (1) When necessary to preserve property rights established prior to the date the ordinance from which this article is derived became effective as to the property in question, and
- (2) When necessary to promote the general welfare and to protect the character of the surrounding property.

## VARIANCES

Authorized only when ALL of the following applies:

1. Owing to special conditions, a literal enforcement of Zoning Ordinance provisions would result in **unnecessary hardship**.
2. **Applicant proves** to the Board the following:
  - a. Land in question cannot yield a reasonable return if used only for a purpose allowed in that zone,
  - b. **Plight is unique** and not shared in general by others in the neighborhood, and
  - c. Variance will **not alter the essential character of the locality**.
3. Variance would **not merely serve as a convenience** to the applicant.
4. Variance must be in **harmony with purpose and intent of Zoning Ordinance**.
5. Variance would **not be contrary to the public interest**.
6. **Surrounding property is be properly protected**.
7. **The spirit of this Zoning Ordinance is observed and substantial justice done**.

Definitions

Table of Contents

**Chapter 138-Zoning .....1**

    Section 138-1 Definitions .....1

**Chapter 110-Vegetation .....6**

    Section 110-26 Definitions .....6



## Chapter 138-Zoning

### Sec. 138-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory building* means a subordinate building, located on the same lot as the main building, the use of which is clearly incidental to and customarily found in connection with the main building or principal use of the property.

*Accessory use* means a use which is clearly incidental to and customarily found in connection with the principal use of the premises and which is located on the same lot as the principal use.

*Accessory use of building* means a subordinate use or structure customarily incident to and located on the lot occupied by the main use or structure and conforming with setback and other regulations concerning location.

*Alley* means a minor public right-of-way which is used primarily for vehicular and utility service access to the backs or sides of properties otherwise abutting on a public street.

*Apartment* means a room or suite of rooms located in a building with other such rooms or suites arranged, designed, or to be occupied as a residence by a family. (See Dwelling unit.)

*Associated recreation* means recreational uses which are an integral part of a common ownership or associated or high density residential development (example: homeowners' association with a private club or facility).

*Authorized agent* means an architect, builder, developer or other person empowered to act on behalf of such persons.

*Base station.* As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below, except for new base stations that are not eligible for Section 6409, need not be existing at the time of the application, nor does subsection 138-1.A(a)1.c. apply to a new base station.

*Boardinghouse* means a building other than a hotel where lodging and meals are provided for compensation.

*Building* means any structure designed to be built for the support, enclosure, shelter or protection of persons, animals, chattel or property of any kind. The word "building" includes the word "structure."

*Carrier on wheels or cell on wheels ("COW").* A portable self-contained mobile facility moved to a location and set up to provide wireless services on a temporary or emergency basis.

*Concealed or stealth design elements.* A design elements of any tower, base station or transmission equipment that allows it to be integrated as an architectural feature of a tower or base station or so that it is not readily apparent to a casual observer. It may be screened, disguised, concealed or otherwise camouflaged as a natural structure, structure or part of a structure so that it is not easily recognizable from other natural structures.

*Conditional use* means a use which may be suitable in certain locations in a zoning district if developed and operated under specific conditions and/or for a limited period of time.

*Depth of lot* means the mean horizontal distance between the front and rear lot lines. (See definitions of Front and Rear lot lines.)

*District* means a section of the city for which the regulations governing the areas, heights or uses of buildings are uniform.

*Dwelling unit* means any building or portion thereof which is designed for or used primarily for residential occupancy, but not including hotels, boardinghouses or mobile homes.

- (1) *Single-family* means a building designed for and/or occupied exclusively by one family as a separate dwelling unit.

- (2) *Duplex* means a building designed for and/or occupied exclusively by two families living independently of each other.
- (3) *Triplex* means a building designed for and/or occupied exclusively by three families living independently of each other.
- (4) *Fourplex* means a building designed for and/or occupied exclusively by four families living independently of each other.
- (5) *Multiple* means a building designed for and/or occupied exclusively by five or more families living independently of each other.

The determination of whether one family is living independent of another is based on one or more of the following criteria: separate sanitary facilities; separate kitchen facilities; separate entrances; or separate utilities.

*Eligible facilities request.* As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

*Eligible support structure.* As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

*Existing.* As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

*Family* means one or more persons living together as a single housekeeping unit with common sanitary and kitchen facilities.

*Garage, commercial* means a building or premises used for storage, repair, rental or servicing of motor vehicles.

*Garage, private* means an accessory building, attached or detached, designed or used for the storage of motor-driven vehicles owned and used only by the occupants of the building to which it is accessory.

*Guesthouse* means an accessory building designed for the temporary occupancy of guests of the primary dwelling for which there is no remuneration. "Maids' quarters" means a portion of a dwelling unit, within the same enclosure and not a separate accessory building attached to the primary building, that may contain separate sanitary and/or kitchen facilities which is designed for or used for residential occupancy by an employee of the primary residence.

*Height* means, for a building or portion of a building, the vertical distance from grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, and the mean height level between eaves and ridge for hip, gable or gambrel roofs. In measuring the height of a building, the following structures shall be excluded: chimneys, cooling towers, elevator bulkheads, mechanical rooms, tanks, water towers, radio towers, television antennas, ornamental cupolas, domes or spires, and parapet walls not exceeding four feet in height. Heights authorized in this chapter are subordinate to the airport zoning ordinance, appendix A.

*Loading space* means a space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks and having a minimum dimension of 12 by 35 feet and a vertical clearance of at least 14 feet.

*Lot* means an undivided tract or parcel of land having frontage on a public street, and which is, or in the future may be, offered for sale, conveyance, transfer or improvement, which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record. The word "lot" includes the word "plot."

- (1) *Corner lot* means a lot abutting upon two or more public streets at their intersection.
- (2) *Building coverage* means percentage of the lot that is occupied by the ground area of a building and its accessory buildings.
- (3) *Lot, double frontage* means a lot abutting on two nonintersecting public streets as distinguished from a corner lot.

- (4) *Lot lines* means the lines bounding a lot as defined in this section.
- a. *Front lot line* means the property line between the front yard and the contiguous street right-of-way boundary.
  - b. *Rear lot line* means the property line between the rear yard and the adjacent property or right-of-way, and contiguous with the legal boundary of such use.
  - c. *Side lot line* means the property between two adjacent lots or between the side yard and the contiguous street right-of-way boundary on corner lots.

*Lot of record* means a parcel of land which is part of a subdivision, the map or plat of which has been recorded in the office of the county clerk; or a tract of land not a part of an urban or town lot subdivision, the deed of which has been recorded in the office of the county clerk prior to October 15, 1973, which has not been divided since recording.

*Maneuvering space* means the space entirely on private property required for maneuvering vehicles in such a manner as to preclude the backing of any vehicle into any street right-of-way.

*Mobile home* means a movable or portable dwelling originally constructed to be towed, on its own chassis, by a motor vehicle over public roads.

*Mobile home and modular home park* means a unified development of five acres or more for mobile homes arranged on a tract of land owned by an individual or a single business entity for the purpose of renting or leasing lots, and meeting the requirements of chapter 122, article II of this Code.

*Mobile home and modular home subdivision* means a unified development of five acres or more for mobile homes arranged on a tract of land in such a manner as to provide an individual lot (see definition of Lot) for each of the mobile homes.

*Modular home* means a dwelling unit in which more than 50 percent of the structure is constructed at other than the construction site, brought to the site in modules, and set on a permanent foundation.

*Ornamental feature* means an addition to a structure designed to enhance the appearance of the structure, in compliance with all of the following criteria:

- (1) Any space occupied by or enclosed by the ornamental feature should not be included in or made a part of the air conditioned, heated, or enclosed portion of the structure;
- (2) The feature should serve no purpose or function for the structure other than ornamentation. The building should be equally functional without the feature as with the feature; and
- (3) The feature shall extend no further than 24 inches into a required yard.

*Parking area* means a space used exclusively for the parking of vehicles and where no other business is conducted.

*Parking space* means an area, not closer than six feet from the back edge of the curb, the width and length of which shall exceed by a minimum of two feet the dimensions of the type of vehicle normally to be parked in the space, and connected with a street or alley by a driveway affording satisfactory ingress and egress. The minimum dimension of a parking space shall be in accordance with the city off-street parking requirements in article VII of this chapter.

*Planned unit development (PUD)* means and includes a combination of different dwelling types and/or a variety of land uses which creatively complement each other and harmonize with existing and proposed land uses in the vicinity, and which comply with the Planned Unit Development provisions of chapter 134, article IV of this Code.

*Portable building* means a temporary building that does not have a foundation and is transportable.

*Recreational vehicle or travel trailer* means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified as a travel trailer by the manufacturer of the trailer and, when factory-equipped for the road, it shall have a body width not exceeding eight feet and a body length not exceeding state maximums.



*Residential storage building* means any building, either portable or constructed onsite, utilized for storage purposes and not requiring plumbing and electrical wiring, and not used for living quarters.

*Restaurant* means a building or portion of a building where the primary business is the on-premises sale of prepared food, with adequate kitchen facilities for the preparation of the food to be sold, the adequacy of such kitchen facilities to be based upon the seating capacity of the restaurant and the type of menu offered, and where alcoholic beverages may be sold under the following conditions:

- (1) At least 51 percent of the gross income shall be derived from the sale of prepared food.
- (2) Any outside entrances, outside separate identification, outside signs or other separate advertising for lounge or bar areas shall be permitted only as an accessory or secondary feature of the restaurant.
- (3) Live entertainment may be permitted.
- (4) Whenever the director of planning on the basis of a sworn complaint from any person determines that a violation of this section exists, he may require any person serving alcoholic beverages as an incidental use to provide the city, within 30 days of notification, a verified audit for each quarter of the calendar year, showing the gross income derived from the sale of food.

*Retail* means the sale of goods directly to a consumer; engaged in, pertaining to or relating to the sale of merchandise at retail; or selling by individual items, or by the piece, directly to a consumer.

*Right-of-way line* means a dividing line between a lot, tract or parcel of land and the public right-of-way.

*Street* means a public or private thoroughfare which affords the principal means of access to abutting property, excluding alleys.

*Structural alteration* means any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

*Structure* means anything constructed, erected or artificially built up; or composed of parts and joined together in a permanent manner.

*Substantial change.* As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

*Tower.* As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below, except for new towers that are not eligible for Section 6409, they need not be existing at the time of the application.

*Townhouse* means a single-family dwelling unit constructed in a series or a group of units having common walls, each on a separate lot.

*Transmission equipment.* As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

*Yard* means an open space between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in the definitions of "yard" set out in this section. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

- (1) *Front yard* means a yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the right-of-way line and wall of the main building or any projections thereof other than projections of the usual uncovered steps, uncovered balconies or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension, except where corner lots may be square in dimension and/or have double frontage, in which case the front yard shall correspond to the lot's side adjacent to the longest block face in which it occurs and to which the majority of the existing structures front.

- (2) *Rear yard* means a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than projections of uncovered steps, uncovered balconies or uncovered porches. On all lots, the rear yard shall be in the rear of the front yard.
- (3) *Side yard* means a yard between the main building and the side line of the lot, and being the minimum horizontal distance between a side lot line and the sides of the main buildings or any projections thereof.

(Code 1966, § 32-2; Ord. No. 1996-8, § I, 1-22-96; Ord. No. 1996-70, § I, 11-18-96; Ord. No. 1998-68, § 1, 2-27-98; Ord. No. 1999-69, § 1, 8-9-99; Ord. No. 2004-15, § 5, 2-9-04; Ord. No. 2015-38, § II, 5-11-15)

**Cross reference**— Definitions and rules of construction generally, § 1-2.

Footnotes:

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**Note**— 47 U.S.C. § 332(c)(7)(C) Definitions. For purposes of this paragraph—(i) the term "personal wireless services" means commercial mobile services [cellular service], unlicensed wireless services, and common carrier wireless exchange access services..."; 47 U.S.C. § 332(d) ....(1) the term "commercial mobile service" means any mobile service (as defined in section 153 of this title) that is provided for profit and makes interconnected service available (A) to the public or (B) to such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by regulation by the Commission;..."

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**Note**— 47 U.S.C. § 332(c)(7)(C) Definitions for purposes of this paragraph... (ii) the term "personal wireless service facilities" means facilities for the provision of personal wireless services..."

## Chapter 110-Vegetation

### Sec. 110-26. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Buffer* means a screen constructed of wood, concrete block, masonry, a combination of wood and masonry, or landscape material with a chain link fence in such a manner that adjacent property is visually screened, and so that noise, solid waste or other objectionable influences will be avoided. Such buffer shall be perpendicular to the ground, a minimum of six feet in height, continuous and uninterrupted, and 100 percent opaque except where extraordinary circumstances exist where additional height will more adequately accomplish the desired end.

*Caliper* means the diameter of a tree measured 12 inches above the ground for trees up to and including eight inches in diameter and four and one-half feet above the ground for trees having a diameter of more the eight inches. The diameter of a multi-stem tree shall be measured at the point below branching or the sum of the two largest stems measured at four and one-half feet above the ground which ever is greater.

*Contiguous* means adjacent property whose property lines are shared, or are separated by only a street, alley, easement or right-of-way.

*Developed property* means that portion of a lot or parcel upon which a building, structure, pavement, or other improvements have been or are proposed to be placed.

*Diameter-at-breast-height (DBH)* means the tree trunk diameter measured in inches at a height of four and one-half feet (54 inches) above natural grade or the DBH measurement according to the latest edition of the Guide for Plant Appraisal as published by the Council of Tree and Landscape Appraisers, when the tree trunk branches out at a point lower than four and one-half feet.

*Frontage* means lineal distance measured along abutting street rights-of-way.

*Ground cover* means low growing plants planted in such a manner as to form a continuous cover over the ground, typical horizontal growth form with a maximum height of 24 inches, such as liriopse, low growing varieties of honeysuckle, confederate jasmine, English ivy or others.

*Landscape material* means trees, shrubs, ground cover, vines or grass installed in planting areas, including but not limited to those installed for the purpose of fulfilling the requirements of this article.

*Landscape strip area* means a planting area within the property lines of specified width and parallel to a public street, excluding driveways for ingress and egress.

*Paved ground surface area* (also referred to in this article as paved area or paved ground area) means any paved ground surface area (excepting public rights-of-way) used for the purpose of driving, parking, storing or displaying of vehicles, boats, trailers and mobile homes, including new and used car lots and other open lot uses. Parking structures, covered drive-in parking areas to the drip line of the covering or garages shall not be considered as paved ground surface areas.

*Planting area* means an area intended or used for landscaping that has a minimum of 40 square feet of actual plantable area and an inside dimension on any side of at least 36 inches.

*Reconstruction* means rehabilitation or replacement of structures on nonresidential or multifamily property to an extent exceeding 50 percent of the assessed valuation of such structures as shown on the most recent tax roll of the city.

*Shrub* means any woody plant of relatively low height, having several stems arising from the base and lacking a single trunk.

*Stormwater detention facility* means an impoundment on a lot or parcel reserved for detaining and controlling the release of stormwater runoff as required by City of McAllen Drainage Policy.

*Street line* means that line separating the right-of-way from any adjacent property.

*Tree* means any self-supporting woody plant of a single trunk and of a species which normally grows to an overall mature height of a minimum of 15 feet in the lower Rio Grande Valley of the state.

*Vine* means any of a group of woody or herbaceous plants which may climb by twining, by means of aerial rootlets or tendrils, or which may simply sprawl over the ground or other plants.

*Xeriscape* means landscape methods which conserve water through the use of drought-tolerant plants and planting techniques.

(Code 1966, § 17 3/8 -4; Ord. No. 1993-88, § I, 12-13-93; Ord. No. 2006-118, § 1, 11-13-06; Ord. No. 2007-28, § 1, 3-26-07)

**Cross reference**— Definitions and rules of construction generally, § 1-2.



## Exceptions Cited within the Zoning Ordinance

### Exceptions pertaining to front yard setbacks:

1. Balconies opening upon fire towers not to exceed 5 feet (*Section 138-366 (d)*)
2. Balconies, uncovered (*Section 138-1, Yard (1)*)
3. Chimneys not to exceed 5 feet (*Section 138-366 (d)*)
4. Cornices up to 2 feet (*Section 138-366 (c)*)
5. Eaves up to 2 feet (*Section 138-366 (c)*)
6. Fence not to exceed 3 feet within 25 feet of a curb intersection in residential zones (*Section 138-367 (c)*)
7. Fire escapes, open or lattice-enclosed not to exceed 5 feet (*Section 138-366 (d)*)
8. Flues not to exceed 5 feet (*Section 138-366 (d)*)
9. Ornamental features up to 2 feet (*Section 138-366 (c)*)
10. Planting not to exceed 3 feet within 25 feet of a curb intersection in residential zones (*Section 138-367 (c)*)
11. Porches, uncovered (*Section 138-1, Yard (1)*)
12. Projections up to 2 feet (*Section 138-366 (c)*)
13. Pumps, filling station not less than 13 feet from the property line or 18 feet from the curb, whichever greater (*Section 138-367(d)*)
14. Pumps, gas and canopies not less than 9 feet from the property line or 10 feet from the curb, whichever greater (*Section 138-259*)
15. Pumps, islands not less than 13 feet from the property line or 18 feet from the curb, whichever greater (*Section 138-367(d)*)
16. Sills up to 2 feet (*Section 138-366 (c)*)
17. Stairways, outside not to exceed 5 feet (*Section 138-366 (d)*)
18. Steps, uncovered (*Section 138-1, Yard (1)*)
19. Structure not to exceed 3 feet within 25 feet of a curb intersection in residential zones (*Section 138-367 (c)*)

### Exceptions pertaining to rear yard setbacks:

1. Balconies opening upon fire towers not to exceed 5 feet (*Section 138-366 (d)*)
2. Balconies, uncovered (*Section 138-1, Yard (1)*)
3. Buildings, accessory may occupy no more than 30% (*Section 138-369*)
4. Carports, unenclosed abutting an alley may be built up to the rear property line within the R-3A and R-3C Districts (*Section 138-356, Footnote 5*)
5. Chimneys not to exceed 5 feet (*Section 138-366 (d)*)
6. Cornices up to 2 feet (*Section 138-366 (c)*)
7. Eaves up to 2 feet (*Section 138-366 (c)*)
8. Fire escapes, open or lattice-enclosed not to exceed 5 feet (*Section 138-366 (d)*)
9. Flues not to exceed 5 feet (*Section 138-366 (d)*)
10. Ornamental features up to 2 feet (*Section 138-366 (c)*)
11. Parking, unenclosed may occupy no more than 90% (*Section 138-369*)
12. Porches, uncovered (*Section 138-1, Yard (1)*)
13. Projections up to 2 feet (*Section 138-366 (c)*)
14. Sills up to 2 feet (*Section 138-366 (c)*)
15. Stairways, outside not to exceed 5 feet (*Section 138-366 (d)*)
16. Steps, uncovered (*Section 138-1, Yard (1)*)

Exceptions pertaining to side yard setbacks:

1. Balconies opening upon fire towers not to exceed 5 feet (*Section 138-366 (d)*)
2. Canopy, unenclosed and not less than 4 feet from the side lot line or 8 feet from a corner lot line (*Section 138-368 (d)*)
3. Chimneys not to exceed 5 feet (*Section 138-366 (d)*)
4. Cornices up to 2 feet (*Section 138-366 (c)*)
5. Eaves up to 2 feet (*Section 138-366 (c)*)
6. Fire escapes, open or lattice-enclosed not to exceed 5 feet (*Section 138-366 (d)*)
7. Flues not to exceed 5 feet (*Section 138-366 (d)*)
8. Ornamental features up to 2 feet (*Section 138-366 (c)*)
9. Porte-cochere, unenclosed and not less than 4 feet from the side lot line or 8 feet from a corner lot line (*Section 138-368 (d)*)
10. Projections up to 2 feet (*Section 138-366 (c)*)
11. Side yards can be reduced to 10% of the lot width provided the lot has a width less than 50 feet. However, no side yard shall be less than 3.5 feet (*Section 138-368 (f)*)
12. Sills up to 2 feet (*Section 138-366 (c)*)
13. Stairways, outside not to exceed 5 feet (*Section 138-366 (d)*)
14. Townhouses can be built up to the side property line with a firewall (*Section 138-356, Footnote 10*)

Exceptions pertaining to height measurements (*Section 138-1, Height*):

1. Chimneys
2. Cooling towers
3. Domes
4. Elevator bulkheads
5. Mechanical rooms
6. Ornamental cupolas
7. Parapet walls not exceeding four feet in height
8. Radio towers
9. Spires
10. Tanks
11. Television antennas
12. Water towers

## Exceptions as per Planning Department Policy

By policy the following are permitted:

1. AC Units
2. Clothes lines
3. Concrete slabs
4. Fire pits
5. Pergolas, arbors, and trellises as a landscape feature (legal opinion, 2009)
6. Playground equipment
7. Pool decks
8. Pool pumps
9. Portable grills
10. Sports equipment i.e. basketball hoop
11. Swimming pools prior to 2009 (legal opinion)
12. Umbrellas and patio furniture
13. Water features and fountains

Legal opinions:

1. In 2009 Assistant City Attorney Ignacio Perez made an interpretation to allow arbors, pergolas, and trellises within the required setbacks. The definition of landscape material is stated as trees, shrubs, ground cover, vines or grass installed in planting areas in Section 110-26 of the Vegetation Ordinance. The legal interpretation was if vines were allowed by code as a planting area and they cover vertical planes such as walls then the same logic could be applied to arbors, pergolas, and trellises as a planting area. Mr. Perez also cited Section 110-56 (g) of the Vegetation Ordinance stating architectural planters may be permitted to fulfill landscape requirements.
2. Prior to 2009 swimming pools were not considered a structure due to the fact they were constructed underground and the Zoning Ordinance defines a structure as anything constructed, erected or artificially built up or composed of parts and joined together in a permanent manner. However, an interpretation was made in 2009 to consider swimming pools as a structure to abide by setback requirements.

# **ZONING BOARD OF ADJUSTMENT AND APPEALS**

## **RULES AND PROCEDURES**

### **CITY OF MCALLEN**

**The McAllen Zoning Board of Adjustment and Appeals adopts the following Rules and Procedures (hereinafter “Rules”) to govern the substance of all board matters.**

#### **I. ORGANIZATION AND OFFICERS**

##### **A. Members**

The McAllen City Commission created the Zoning Board of Adjustment and Appeals (hereinafter referred to as “Board”) pursuant to Chapter 211 of the Texas Local Government Code and Chapter 138, Article II, Division 3 of the City of McAllen, Texas Code of Ordinances (the “City Code”). The Commission appoints the members for that Board under Section 211.008 of the Texas Local Government Code (the “Code”).

The Commission composed the Board to sit five (5) members. Each member serves a two-year term. The Commission may renew a member’s term for a maximum of three total consecutive terms. The Commission also appoints four (4) alternate members to serve in the absence of a regular board member. Alternate members serve just as regular members and are subject to the same rules as regular members, unless otherwise provided in these Rules, but do not vote except in the absence of a regular member.

##### **B. Officers**

The Board shall elect a Chair and a Vice Chair from its own regular members by majority vote. The Chair and Vice Chair each serve one year. The Board shall accept an Executive Secretary appointed by the McAllen Planning Department. The Board shall adopt an attorney advisor appointed by the McAllen Legal Department. The Board shall only accept the appointment of personnel under the condition each person remains the employee and charge of the City of McAllen, with no employment relationship to the Board.

##### **C. Duties and Officers**

The Chair shall preside over the Board, hold meetings of the Board, decide points of order, and dispense the business of the Board. The Chair may administer oaths, compel the attendance of witnesses, and issue subpoenas as per Section 211.008 of the Code. The Chair shall sign the minutes of board meeting after the minutes have been approved by the Board.

In the absence of the Chair, the Vice Chair, or in both their absences the most senior member, according to the member’s appointment date, shall dispense the duties of the Chair.



## **II. POWERS OF THE BOARD**

### **A. General Powers**

The Board has those powers specified in Section 211.009 and 241.033 of the Code, and those powers granted by the City Commission under Chapter 138 (Zoning Ordinance) and Chapter 110 (Vegetation Ordinance) of the City Code, and those powers granted to the Board by ordinance.

### **B. Specified Powers**

As per city ordinance and state statute, the Board has those powers described in Section 211.009 of the Code and Section 138-43 of the City Code. Those powers described in Section 138-43 are:

1. Hear and decide appeals that allege an error in any order, requirement, decision or determination made by an administrative official or agency in the enforcement of applicable provisions of the Local Government Code, the City Ordinance;
2. Authorize variances to specific cases from the terms of the City Code as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of City Ordinance will result in unnecessary hardship, and so that the spirit of ordinances shall be observed and substantial justice done;
3. Grant special exception to waive or reduce parking and loading requirements whenever the character and use of the building is such as to make unnecessary the full provisions of parking or loading, or where such regulations would impose an unreasonable hardship upon the use of the lot; and
4. Hear and decide any other matters authorized by the City Commission through ordinance.

## **III. DUTIES OF BOARD MEMBERS**

### **A. General Duties of Members**

1. All members of the Board should attempt to inspect the premises of each case which is under consideration at each meeting and become generally familiar with each case prior to Board meetings.
2. All members shall attend all meetings, provided, however, the member must provide 72 hours prior notice to the Executive Secretary in the event the member cannot attend.
3. All members of the Board shall arrive at a logical and fair decision on each case, except where a conflict may preclude a vote on the case.

### **B. Disqualification/Conflict of Interest**

All members of the Board of Adjustment are subject to the City of McAllen Ethics Ordinance (Chapter 2 of the City Code).

In all cases before the Board where a member of the Board has a conflict as described in the Ethics Ordinance, the member shall refrain from any discussion, deliberation or vote. When applicable, the member shall complete and submit a City Conflict of Interest form, but in all cases alert the Executive Secretary at least 72 hours prior to the meeting on which the conflict is at issue. The Executive Secretary shall submit all notices of conflict to the City's attorney.

#### **IV. A BASIS FOR ACTION**

The Board shall decide each case based on the following:

1. Facts filed with application.
2. Testimony presented at the public hearing on the appeal.
3. The Planning Department's technical report on the appeal.
4. The Board's findings in its field inspection of the property may question all witnesses to assist the Board in arriving at a correct, logical and fair decision.
5. The applicable standards of review described in Section 138-43 of the City Code and Sections II.A., II.B. and VI. of these Rules.
6. All decisions shall be made on the Basis for Action. Neither the Board nor the individual members may use personal, first hand knowledge of any facts to make a determination, if such information has not been entered into the record or made available at the public hearing.

#### **V. APPLICANTS**

##### **A. Legally Vested Interest**

The Board shall not consider an application from any applicant who does not have a vested legal or equitable interest in the property in question. Applicants may appear on their own behalf or may be represented by counsel or agent. Any representation by someone other than an applicant must be accompanied with a written designation by the applicant for the agent to act on behalf of the applicant. (For example, the representative may produce a letter from the applicant to the Planning Department to authorize the representative to speak on behalf of the applicant; or, the representative may submit an application on behalf of a verifiable power of attorney.)

##### **B. Applications**

All applications for consideration by the Board must be on the prescribed form approved by the Planning Department and acceptable to the Board. The Board shall not consider applications for a variance or a special exception or any other Board action, if the application is not on a designated form. The Board shall approve the official application and the Chair shall implement it.

All applications for variances and special exceptions to commercial properties must be submitted with a current, valid "on the ground" survey. An applicant must submit a pauper form with their application if

they cannot proffer a valid survey; provided, however, the applicant illustrates their property with setbacks and encroachments as a survey would.

#### **C. Meetings**

Applicants have the right to be heard at all meetings where their applications are considered for a dispositive vote. Applicants not able to be present at the scheduled meeting to consider their application may submit to the Planning Department a written request for the Board to table the application. The Board will decide whether or not to grant the applicant's request to table. No application may be tabled at the request of applicant for more than two meetings prior to being considered for a dispositive vote. However, if the applicant requests for his/her application to be tabled because there are only four (4) board members present, such request shall not be counted against applicant's two (2) opportunities to table his/her request. Board action may proceed on any application despite the request of any applicant to table the application. The Board shall note on the record the reason(s) for the tabling of an agenda item. The reason(s) for each tabling, as well as the number of times an agenda item has been tabled, shall be reflected in an activity log in the meeting minutes at the end of each agenda item.

#### **D. Evidence**

Applicants should be prepared to present evidence necessary to prove their application. The burden of persuasion on seeking a remedy from the Board remains with the applicant at all times.

### **VI. HARDSHIP**

A. For an "unnecessary hardship" to apply to a variance, it must relate to the very property for which the variance is sought and be a condition unique, oppressive, and uncommon to other properties. An unnecessary hardship may not be self-created, or be solely financial.

B. "Hardship" must be based on hardship resulting from sharp changes in topography or unusual terrain features. The applicant may prove the topography with a plot plan which includes topographic information related to known base points or surveys, and profiles or particular problems involved, including relationships to topographic features of adjoining properties.

C. There is no unnecessary hardship if the property is suitable and useable for the uses permitted in the district in which it lies, although there will be a loss of profit or other economic disadvantage on account of such use.

### **VII. MEETINGS**

#### **A. Texas Public Information Act and Open Meetings Act.**

Except as permitted under the advice of the Board's attorney, all meetings of the Board are subject to the Texas Public Information Act and shall be open to the public. The minutes of the Board's meetings and records of its examination or other official actions are public records, unless excepted under law.

## **B. Quorum**

A quorum consists of seventy-five percent (75%) of the full complement of members. For a full complement of five (5) members, therefore, four (4) members present constitute a quorum. The Chair may declare a quorum does not exist fifteen (15) minutes following a posted meeting time, having found at least four (4) members and alternate members are not present; provided however, the Chair may not declare a quorum thirty (30) minutes from the posted time, should at least members and alternate members not be present.

## **C. Regular Meetings**

Regular meetings shall be held every first and third Wednesday at 5:30 P.M., or at other times as determined by the Board, in the City Commission Chambers. The Board by majority vote may change the place, day, and hour of the meetings; provided that, notice complies with the Texas Open Meetings Act (Chapter 511 of the Texas Government Code).

## **D. Special Meetings**

The Chair may call a special meeting. A special meeting shall have a lawful purpose and members and public shall be given at least seventy-two (72) hours notice prior to the meeting.

## **E. Order of Business**

The usual order of business shall be:

1. Call to Order
2. Approval of Minutes
3. Open Public Hearing
4. Other Statements
5. Introduction: New Information Recommendation
  - a) Presentation of recommendation by City Staff.
  - b) The Chair shall call the applicant or his representative(s) to present the case and answers any questions. If the applicant or representative is not present when called, the Chair may move a case to the end of the agenda.
  - c) The Chair shall then inquire if there are others who wish to address the Board in support of the case.
  - d) The Chair shall then inquire if there are those present who wish to address the Board who are opposed to the case.
  - e) The applicant or his representative may then give a rebuttal to any opposition.
  - f) If new facts are presented during this rebuttal, opposition shall be given the opportunity for rebuttal
  - g) Staff shall then have an opportunity to provide additional information, clarification or address questions from the Board.
  - h) Board discussion.
  - i) The Chair shall then declare that the discussion of the case is closed.



- j) In order to achieve an unambiguous decision, motions should be made in affirmative manner when possible.
- k) Any motion by a member shall require a second. After a motion has been made and duly seconded, discussion of the motion may be held for a reasonable time. Discussion shall terminate whenever a member shall call for a vote upon the question or whenever the Chair shall so rule.
- l) Vote on a motion.
- 6. The Chair may move a case out of regular agenda order.
- 7. Staff Report
- 8. Other Business posted on the Agenda
- 9. Adjournment

#### **F. Staff Recommendations**

City staff shall provide recommendations on each case before the Board.

#### **G. Action by the Board**

The super-majority concurring vote of seventy-five percent of the full board compliment, i.e., four affirming members of the Board, shall be necessary to reverse an order, requirement, decision or determination of an administrative official or agency; to decide in favor of an applicant on a matter upon which the Board is required to pass under any such ordinance or regulation; to authorize a variation; or to recommend to the Director of Planning to uphold or modify the interpretation of the City Code. All other matters shall be decided by a majority vote, unless otherwise specified in the City Code. The Board on its own motion may table an application when an applicant does not appear; provided however, in no case may the board table an application, for failure of the applicant to appear, more than twice without taking a dispositive vote.

#### **H. Minutes of the Board**

The Board, through its designated appointee, shall keep minutes of all meetings that indicate the vote of each member on every question on which it is required to act, or the fact that a member is absent or fails to vote. The minutes shall be filed in the office of the Planning Department and are public record.

### **VIII. DECISIONS OF THE BOARD**

#### **A. Precedent**

There is not precedent. Any one case does not set a precedent for any future case. Each case shall be decided on its own merits and upon the circumstances of the case.

#### **B. Public Statements**

No Board member shall release any official statement to the public or the press. Only the Director of the Planning Department or her designated representative may make official statements on behalf of the Board.

**B. Parliamentary Procedure**

Any question regarding parliamentary procedure not covered by these rules shall be decided according to the latest edition of Robert's Rules of Order.

**IX. WITHDRAWAL OF APPEAL**

Any appeal or application may be withdrawn by the applicant upon written notice to the Director of Planning.

**X. ATTENDANCE**

Excessive absences cannot be tolerated, as the Board depends on a super majority of attendance in order to exercise decisions on applications for a variance. Three absences or more in a six-month period are excessive. If a Board member is excessively absent from regularly scheduled meetings, the Board may recommend to City Commission, by majority vote, that the Commission appoint an immediate replacement.

**XI. AMENDEMENT PROCEDURE**

Amendment to these rules and procedures may be made by the Board at any meeting, upon the affirmative vote of five (5) members, provided any such amendment is proposed at a preceding meeting and entered into the minutes of such meeting. However, board members may adopt through unanimous consent of all members an amendment at the meeting at which it was introduced; provided, however, the amendment shall not become effective until the next regular meeting.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2014 as affirmed by the designated Executive Secretary assigned by the Planning Department of the City of McAllen.

\_\_\_\_\_  
**Executive Secretary**

**ORDINANCE NO. 2018- 70**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCALLEN AT CHAPTER 138 ("ZONING"), ARTICLE VI ("SUPPLEMENTARY DISTRICT REGULATIONS"), DIVISION 3 ("LOTS AND YARDS"), BY ADDING PROVISIONS REGULATING CARPORTS AND GRANTING THE ZONING BOARD OF ADJUSTMENTS TO GRANT SPECIAL EXCEPTIONS THERETO; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY, AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.**

**WHEREAS**, the City of McAllen desires to establish rules and regulations relating to the construction and maintenance of carports within the City,

**WHEREAS**, the City Commission finds that it is in the public interest to delegate the authority to regulate carports to the Zoning Board of Adjustments,

**WHEREAS**, the City of McAllen seeks to protect the value of property located within the corporal limits of the City,

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MCALLEN, TEXAS, THAT:**

**SECTION I:** The Code of Ordinances, City of McAllen, Chapter 138 ("Zoning"), Article VI ("Supplementary District Regulations"), Division 3 ("Lots and Yards") is hereby amended to read as follows:

**Sec. 138-371. – Special Exception for carports.**

- (a) The Zoning Board of Adjustment may grant a special exception to the minimum setback requirements for a carport when, in the opinion of the board:
  - (1) there is no adequate vehicular access to an area behind the required front building line that would accommodate a parking space; and

- (2) the carport will not have a detrimental impact on surrounding properties.
- (b) In determining whether to grant this special exception, the board shall consider the following factors:
  - (1) Whether the requested special exception is compatible with the character of the neighborhood.
  - (2) Whether the value of surrounding properties will be adversely affected.
  - (3) The suitability of the size and location of the carport
  - (4) The materials to be used in construction of the carport
- (c) Storage of items other than motor vehicles is prohibited in a carport for which a special exception has been granted under this subsection.
- (d) If the Zoning Board of Adjustmnet Grants a special exception as provided in this section, the site plan and the minutes of the Zoning Board of Adjustment meeting shall be officially recorded with Hidalgo County.
- (e) Any special exception granted under this chapter is granted solely to the applicant and may not be transferred, sold, inherited, bequeathed, or devised.
- (f) A new special exception shall be required upon any change or transfer in ownership of the underlying tract; a special exception granted to a previous applicant does not confer any right to any other individual or corporation to maintain the carport without approval from the Zoning Board of Adjustment.

**SECTION II:** The City Secretary of the City of McAllen is hereby authorized and directed to cause the caption of this ordinance to be published in a newspaper having general circulation in McAllen, Hidalgo County, Texas in accordance with the Code of Ordinances of the City of McAllen, Section 2-56. Publication of ordinances.

**SECTION III:** The City Secretary of the City of McAllen is hereby authorized and directed to cause the language in Chapter 38, Article VI, Division 3, the McAllen Code of Ordinances, as amended by Section I, hereinabove, to be published in the appropriate location in the said Code of Ordinances.

**SECTION IV:** This Ordinance shall be and remain in full force and effect from and



after its passage by the Board of Commissioners, and execution by the Mayor.

**SECTION V:** If any part or parts of this Ordinance are found to be invalid or unconstitutional by a court having competent jurisdiction, then such invalidity or unconstitutionality shall not affect the remaining parts hereof and such remaining parts shall remain in full force and effect, and to that extent this Ordinance is considered severable.

**CONSIDERED, PASSED and APPROVED** this 8<sup>th</sup> day of October, 2018, at a regular meeting of the Board of Commissioners of the City of McAllen, Texas at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

**SIGNED** this 9<sup>th</sup> day October, 2018.

**CITY OF McALLEN**

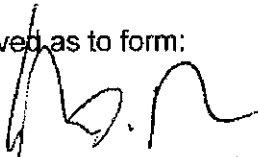
John Ingram, City Commissioner

Attest:



Perla Lara, TRMC/CMC, CPM  
City Secretary

Approved as to form:



Austin W. Stevenson, Assistant City Attorney



## 2021 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

|                                     | 01/06/21 | 01/20/21 | 02/03/21 | 02/17/21 | 03/03/21 | 03/17/21 | 04/07/21 | 04/21/21 | 05/05/21 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|-------------------------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| ERICK DIAZ- <b>CHAIRPERSON</b>      | P        | P        | P        | P        | P        | P        | A        | P        | A        |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| JOHN MILLIN- <b>VICECHAIRPERSON</b> | P        | A        | P        | P        | P        | P        | P        | P        | P        |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| SYLVIA HINOJOSA                     | P        | P        | P        | A        | P        | P        | P        | P        | P        |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| JOSE GUTIERREZ                      | P        | P        | P        | P        | P        | P        | P        | P        | P        |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| JUAN F. JIMENEZ                     | P        | A        | P        | P        | P        | A        | P        | P        | P        |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| ANN TAFEL (ALT 1)                   | P        | P        | P        | P        | P        | P        | P        | P        | P        |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| HUGO AVILA (ALT 2)                  | P        | P        | P        | P        | P        | A        | P        | P        | P        |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| REBECCA MILLAN (ALT 3)              | P        | P        | P        | P        | P        | P        | P        | P        | P        |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| ROGELIO RODRIGUEZ (ALT 4)           | A        | P        | P        | P        | P        | P        | A        | P        | P        |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

P - PRESENT

A - ABSENT

☐ NEW APPOINTMENT

MC - MEETING CANCELLED

NRM - NO MEETING

LOQ - LACK OF QUORUM

RS - RESIGNATION



# PLANNING DEPARTMENT

311 N 15th Street McAllen, TX 78501  
Phone: 956-681-1250 Fax: 956-681-1279



## 2021 CALENDAR

|   |  |  |  |  |  |  |   |  |  |  |  |  |  |
|---|--|--|--|--|--|--|---|--|--|--|--|--|--|
| <b>Meetings:</b><br>City Commission<br>Public Utility Board<br>Planning & Zoning Board<br>Zoning Board of Adjustment<br>HPC - Historic Preservation Council |  |  |  |  |  |  | <b>Deadlines:</b><br>D- Zoning/CUP Application<br>N - Public Notification<br>* Holiday - Office is closed |  |  |  |  |  |  |
|---|--|--|--|--|--|--|---|--|--|--|--|--|--|

### JANUARY 2021

| Sun | Mon                | Tue    | Wed                                       | Thu | Fri          | Sat |
|-----|--------------------|--------|---|-----|--------------|-----|
|     |                    |        |   |     | 1<br>HOLIDAY | 2   |
| 3   | 4<br>A-1/19 & 1/20 | 5      | 6<br>N-1/19 & 1/20<br>D-2/2 & 2/3         | 7   | 8            | 9   |
| 10  | 11<br>             | 12<br> | 13  | 14  | 15           | 16  |
| 17  | 18<br>A-2/2 & 2/3  | 19     | 20<br>HPC<br>N-2/2 & 2/3<br>D-2/16 & 2/17 | 21  | 22           | 23  |
| 24  | 25<br>             | 26<br> | 27  | 28  | 29           | 30  |
| 31  |                    |        |   |     |              |     |

### FEBRUARY 2021

| Sun | Mon                | Tue    | Wed                                | Thu | Fri | Sat |
|-----|--------------------|--------|------------------------------------|-----|-----|-----|
|     | 1<br>A-2/16 & 2/17 | 2      | 3<br>N-2/16 & 2/17<br>D-3/2 & 3/3  | 4   | 5   | 6   |
| 7   | 8<br>              | 9<br>  | 10                                 | 11  | 12  | 13  |
| 14  | 15<br>A-3/2 & 3/3  | 16     | 17<br>N-3/2 & 3/3<br>D-3/16 & 3/17 | 18  | 19  | 20  |
| 21  | 22<br>             | 23<br> | 24<br>HPC                          | 25  | 26  | 27  |
| 28  |                    |        |                                    |     |     |     |
|     |                    |        |                                    |     |     |     |

### MARCH 2021

| Sun | Mon                | Tue    | Wed                               | Thu | Fri | Sat |
|-----|--------------------|--------|-----------------------------------|-----|-----|-----|
|     | 1<br>A-3/16 & 3/17 | 2      | 3<br>N-3/16 & 3/17<br>D-4/6 & 4/7 | 4   | 5   | 6   |
| 7   | 8<br>              | 9<br>  | 10                                | 11  | 12  | 13  |
| 14  | 15                 | 16     | 17<br>D-4/20 & 4/21               | 18  | 19  | 20  |
| 21  | 22<br>A-4/6 & 4/7  | 23<br> | 24<br>HPC<br>N-4/6 & 4/7          | 25  | 26  | 27  |
| 28  | 29                 | 30     | 31                                |     |     |     |

### APRIL 2021

| Sun | Mon                | Tue    | Wed                                       | Thu | Fri          | Sat |
|-----|--------------------|--------|---|-----|--------------|-----|
|     |                    |        |   | 1   | 2<br>HOLIDAY | 3   |
| 4   | 5<br>A-4/20 & 4/21 | 6      | 7<br>N-4/20 & 4/21<br>D-5/4 & 5/5         | 8   | 9            | 10  |
| 11  | 12<br>             | 13<br> | 14  | 15  | 16           | 17  |
| 18  | 19<br>A-5/5 & 5/6  | 20     | 21<br>HPC<br>N-5/4 & 5/5<br>D-5/18 & 5/19 | 22  | 23           | 24  |
| 25  | 26<br>             | 27<br> | 28  | 29  | 30           |     |

### MAY 2021

| Sun | Mon                | Tue    | Wed                                | Thu | Fri | Sat |
|-----|--------------------|--------|------------------------------------|-----|-----|-----|
|     |                    |        |                                    |     |     | 1   |
| 2   | 3<br>A-5/18 & 5/19 | 4      | 5<br>D: 6/1 & 6/2<br>N-5/18 & 5/19 | 6   | 7   | 8   |
| 9   | 10<br>             | 11<br> | 12                                 | 13  | 14  | 15  |
| 16  | 17<br>A-6/1 & 6/2  | 18     | 19<br>N-6/1 & 6/2<br>D-6/16 & 6/17 | 20  | 21  | 22  |
| 23  | 24<br>             | 25<br> | 26<br>HPC                          | 27  | 28  | 29  |
| 30  | 31<br>HOLIDAY      |        |                                    |     |     |     |

### JUNE 2021



| Sun | Mon               | Tue          | Wed                               | Thu          | Fri | Sat |
|-----|-------------------|--------------|-----------------------------------|--------------|-----|-----|
|     |                   | 1<br>PZ MTG. | 2<br>N-6/16 & 6/17<br>D-7/1 & 7/7 | 3<br>PZ MTG. | 4   | 5   |
| 6   | 7                 | 8            | 9                                 | 10           | 11  | 12  |
| 13  | 14<br>            | 15<br>       | 16<br>D-7/15 & 7/21               | 17           | 18  | 19  |
| 20  | 21<br>A-7/1 & 7/7 | 22           | 23<br>HPC<br>N-7/1 & 7/7          | 24           | 25  | 26  |
| 27  | 28<br>            | 29<br>       | 30                                |              |     |     |

Deadlines and Meeting Dates are subject to change at any time. Please contact the Planning Department at (956) 681-1250 if you have any questions.



## 2021 CALENDAR

### Meetings:

-  City Commission
-  Planning & Zoning Board
-  Public Utility Board
-  Zoning Board of Adjustment
- HPC - Historic Pres Council

### Deadlines:

- D- Zoning/CUP Application
- N - Public Notification

\* Holiday - Office is closed

### JULY 2021

| Sun | Mon          | Tue | Wed                                    | Thu | Fri           | Sat |
|-----|--------------|-----|--|-----|---------------|-----|
|     |              |     |  | 1   | 2             | 3   |
|     |              |     |  |     | A-7/20 & 7/21 |     |
| 4   | 5<br>HOLIDAY | 6   | 7<br>N-7/20 & 7/21<br>D-8/4 & 8/5      | 8   | 9             | 10  |
| 11  | 12           | 13  | 14                                     | 15  | 16            | 17  |
| 18  | 19           | 20  | 21 HPC<br>N-8/4 & 8/5<br>D-8/18 & 8/19 | 22  | 23            | 24  |
| 25  | 26           | 27  | 28<br>N-8/18 & 8/19                    | 29  | 30            | 31  |

### AUGUST 2021

| Sun | Mon                 | Tue | Wed                                | Thu | Fri | Sat |
|-----|---------------------|-----|------------------------------------|-----|-----|-----|
| 1   | 2                   | 3   | 4<br>N- 8/18 & 8/19<br>D-9/1 & 9/2 | 5   | 6   | 7   |
| 8   | 9<br>A- 8/18 & 8/19 | 10  | 11                                 | 12  | 13  | 14  |
| 15  | 16<br>A-ZBA 9/1     | 17  | 18<br>N-ZBA 9/1<br>D-9/16 & 9/17   | 19  | 20  | 21  |
| 22  | 23<br>A-PZ 9/7      | 24  | 25 HPC<br>N-PZ 9/7                 | 26  | 27  | 28  |
| 29  | 30<br>A-ZBA 9/15    | 31  |                                    |     |     |     |

### SEPTEMBER 2021

| Sun | Mon          | Tue | Wed                              | Thu | Fri       | Sat |
|-----|--------------|-----|----------------------------------|-----|-----------|-----|
|     |              |     | 1<br>N-ZBA 9/15<br>D-10/5 & 10/6 | 2   | 3         | 4   |
|     |              |     |                                  |     | A-PZ 9/21 |     |
| 5   | 6<br>HOLIDAY | 7   | 8<br>N-PZ 9/21                   | 9   | 10        | 11  |
| 12  | 13           | 14  | 15<br>D-10/19 & 10/20            | 16  | 17        | 18  |
| 19  | 20           | 21  | 22 HPC<br>N-10/5 & 10/6          | 23  | 24        | 25  |
| 26  | 27           | 28  | 29                               | 30  |           |     |

### OCTOBER 2021

| Sun | Mon                   | Tue  | Wed                                   | Thu | Fri | Sat |
|-----|-----------------------|--|---------------------------------------|-----|-----|-----|
|     |                       |  |                                       |     | 1   | 2   |
|     |                       |  |                                       |     |     |     |
| 3   | 4                     | 5  | 6<br>N-10/19 & 10/20<br>D-11/2 & 11/3 | 7   | 8   | 9   |
| 10  | 11<br>A-10/19 & 10/20 | 12   | 13                                    | 14  | 15  | 16  |
| 17  | 18<br>A- 11/2 & 11/3  | 19 PZ Mtg<br>N- 11/2 & 11/3<br>D-11/16 & 11/17 | 20                                    | 21  | 22  | 23  |
| 24  | 25                    | 26   | 27 HPC                                | 28  | 29  | 30  |
| 31  |                       |  |                                       |     |     |     |

### NOVEMBER 2021

| Sun | Mon | Tue | Wed                                   | Thu           | Fri | Sat |
|-----|-----|-----|---------------------------------------|---------------|-----|-----|
|     | 1   | 2   | 3<br>N-11/16 & 11/17<br>D-12/1 & 12/7 | 4             | 5   | 6   |
|     |     |     |                                       |               |     |     |
| 7   | 8   | 9   | 10                                    | 11            | 12  | 13  |
| 14  | 15  | 16  | 17<br>N-ZBA 12/1<br>D-PZ-12/21        | 18            | 19  | 20  |
| 21  | 22  | 23  | 24                                    | 25<br>HOLIDAY | 26  | 27  |
| 28  | 29  | 30  |                                       |               |     |     |

### DECEMBER 2021

| Sun | Mon | Tue | Wed                               | Thu | Fri           | Sat |
|-----|-----|-----|-----------------------------------|-----|---------------|-----|
|     |     |     | HPC<br>N-ZBA 12/15<br>D-1/4 & 1/5 | 2   | 3             | 4   |
|     |     |     |                                   |     |               |     |
| 5   | 6   | 7   | 8<br>N- PZ 12/21                  | 9   | 10            | 11  |
| 12  | 13  | 14  | 15<br>D-1/18 & 1/19               | 16  | 17            | 18  |
| 19  | 20  | 21  | 22                                | 23  | 24            | 25  |
| 26  | 27  | 28  | 29                                | 30  | 31<br>HOLIDAY |     |