

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING

WEDNESDAY, MAY 21, 2025 - 4:30 PM

MCALLEN CITY HALL, 1300 HOUSTON AVENUE

CITY COMMISSION CHAMBERS, 3RD FLOOR

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

CALL TO ORDER -

1. MINUTES:

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

2. PUBLIC HEARINGS:

- a) Request of Luis Gudino and Kimberly Gudino for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 25-foot front yard setback for an existing metal carport at Lot 24, Block 20, Balboa Acres Subdivision, Hidalgo County, Texas; 2912 Daytona Avenue. **(ZBA2025-0013)**
- b) Request of April Rodriguez for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 25-foot front yard setback for a proposed carport measuring 20 feet x 20 feet at Lot 74, Plantation Gap Subdivision Phase 1, Hidalgo County, Texas; 4517 Thunderbird Avenue. **(ZBA2025-0014)**
- c) Request of Andres and Dora Hilda Benavidez for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 15.5 feet into the 25-foot front yard setback for an existing carport at Lot 22, Plantation Gap Subdivision Phase 1, Hidalgo County, Texas; 4608 Toucan Avenue. **(ZBA2025-0015)**
- d) Request of CRV Construction, LLC on behalf of Reyes Ramon Ayala for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 11 feet into the 20-foot front yard setback for a proposed metal carport at Lot 73, Ware Heights Subdivision, Hidalgo County, Texas; 3412 Xanthisma Avenue. **(ZBA2025-0012)**
- e) Request of Saul Briones for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 21 feet 8 inches into the 25-foot front yard setback for an existing carport measuring 21 feet by 19 feet at Lot 9, Derby Downs Subdivision, Hidalgo County, Texas; 2301 North 47th Street. **(ZBA2025-0016)**
- f) Request of Raudel Garcia for a Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 4 feet into the 7-foot north side yard setback for a proposed irregular-shaped swimming pool with an area of approximately 352 square feet at Lot 25, Block 7, Milmor Addition Subdivision, Hidalgo County, Texas; 1214 North 16th Street. **(ZBA2025-0010) (TABLED: 05/07/2025)**

3. FUTURE AGENDA ITEMS

- a) 821 South 26th 1/2 Street
- b) 3320 North Taylor Road
- c) 2828 North 28th 1/2 Street
- d) 2505 Erie Avenue
- e) 705 Grambling Avenue
- f) 2900 South Bentsen Road

ADJOURNMENT:

IF ANY ACCOMMODATIONS FOR A DISABILITY ARE REQUIRED, PLEASE NOTIFY THE PLANNING DEPARTMENT (681-1250) 72 HOURS BEFORE THE MEETING DATE. WITH REGARD TO ANY ITEM, THE ZONING BOARD OF ADJUSTMENTS AND APPEALS MAY TAKE VARIOUS ACTIONS, INCLUDING BUT NOT LIMITED TO RESCHEDULING AN ITEM IN ITS ENTIRETY FOR PARTICULAR ACTION AT A FUTURE DATE.

**.STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN**

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, May 7, 2025 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	Jose Gutierrez	Chairperson
	Hugo Avila	Vice-Chairperson
	Daniel Santos	Member
	Ivan Garcia	Member
	Juan Mujica	Alternate
	Alex Lamela	Alternate
	Erick Diaz	Alternate

Absent:	Hiram Gutierrez	Member
	Nancy Valenzuela	Alternate

Staff Present:	Norma Borrego	Assistant City Attorney I
	Omar Sotelo	Planning Director
	Rodrigo Sanchez	Senior Planner
	Samantha Trevino	Planner I
	Alexis Martinez	Planner I
	Jessica Puga	Technician II
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a)** Minutes for the meeting held on April 23, 2025.

The minutes for the meeting held on April 23, 2025. The motion to approve the minutes were made by Vice-Chairperson Hugo Avila. Mr. Alex Lamela seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

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

Ms. Trevino stated the applicant was requesting a variance to allow an encroachment of four feet into the seven-foot north side yard setback for a proposed irregular shaped pool.

The subject property was located along the east side of North 16th Street approximately 150.0 feet south of Maple Avenue. The subject property has an area of 7,625 square feet. The property is zoned R-1 (Single Family Residential O.C.) District. The adjacent zoning is R-1 District O.C. in all directions.

The Milmor Addition Subdivision was officially recorded on May 26, 1927. A variance request was submitted on April 1, 2025. A building permit for a pool has not been submitted at this time.

The variance request is for a proposed swimming pool, which is considered an accessory structure and requires compliance with setbacks. The applicant proposes to build a swimming pool to be used to enjoy outdoor activities.

The submitted site plan shows a proposed swimming pool encroaching four feet into the seven-foot side yard setback along the north property line and indicates that the proposed pool placement takes into account the existing walkways, positioning the pool in a way that appears to minimize their removal. The applicant acknowledged that some portions of the walkways would be removed for the construction of the proposed pool. There are no utility easements that would be impacted by the proposed encroachment.

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

Staff recommends disapproval of the variance request since unnecessary hardship had not been established. However, if the Board approves the request, it should be limited to the encroachment shown on the submitted site plan.

Mr. Raudel Garcia, 1214 North 16th Street. He stated they had a power line that ran across the property and they had to be at least 10 feet away from it horizontally. At vertically they had to be 22.5 feet away from the power line. Mr. Garcia showed pictures of the property and power line.

Ms. Yvonne Morales, owner of the home. She stated this was her childhood home. She stated she moved in about two years ago and wanted to put a pool. She stated that when they remodeled the home two years ago, the contractor they put the power line right in the center of house, which she was unaware of it.

Chairperson Gutierrez explained to the Ms. Morales the variance runs with the land and not the owner and that a new owner could build whatever they want there.

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

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

Vice-Chairperson Avila asked staff if the setbacks were typically seven feet. Staff stated many of the subdivisions that are older for that do not have platted setbacks depending on the scheme they usually go 5 feet and 7 feet to keep that 12-foot separation or 6 feet and 6 feet.

Chairperson Gutierrez asked staff if there were any recent record of any approval of a variance. Staff stated there were two variances; one was for a storage shed and there other special exceptions that received approval for carports.

Mr. Garcia stated it was a pool quote and they let their customers know they have to be a certain distance from the power line.

He stated they were hoping AEP would have come out before the meeting to do the measurements.

Board member Mujica had concerns with safety issues by relocating the pole.

Following discussion, Mr. Alex Lamela **moved** to table the Variance request in order to give the applicant an opportunity to meet with AEP. Vice-Chairperson Hugo Avila seconded the motion. The Board voted to table the Variance request with five members present and voting.

- b)** Request of Gilberto Gutierrez for a Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 5.5 feet into the 20-foot front yard setback for a proposed porch measuring 5.5 feet x 10 feet at Lot 3, Block 9, Colonia McAllen Unit No. 7 Subdivision, Hidalgo County, Texas; 1952 South 33rd Street. **(ZBA2025-0009)**

Ms. Trevino stated the applicant was requesting a variance to allow an encroachment of 5.5 feet into the 20-foot front yard setback for a proposed porch.

The subject property was located along the west side of South 33rd Street approximately 110.0 feet south of Sonora Avenue. The subject property has an area of 5,500 square feet. The property is zoned R-1 (Single Family Residential O.C.) District. The adjacent zoning is R-1 District O.C. in all directions.

The Colonia McAllen Unit No. 7 Subdivision was officially recorded on April 4, 1977. A variance request was submitted on March 27, 2025. A building permit for the addition has not been submitted at this time.

The variance request is for a proposed 5.5 ft x 10 ft wood porch in front of the house to relocate the home entrance.

The applicant states safety concerns, as the current side-door entry limits visibility of the street and may pose a security risk. The proposed porch would allow for a front-facing entry consistent with neighboring homes, thereby aligning the property with the prevailing neighborhood character. The applicant states that this addition not only improves personal safety but will also contribute to the neighborhood's overall appearance.

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

Staff recommended disapproval of the variance request since unnecessary hardship had not been established. However, if the Board approves the request, it should be limited to the encroachment shown on the submitted site plan

Mr. Gilberto Gutierrez, 1952 South 33rd Street. He stated the house was sitting on concrete blocks. By looking on the south side, inside the pillars there are steel pipes into the driveway. It would be impossible to move it back. He wanted to build a small porch in front to move the door, which was on the side of the house. This way he could see the street from the front when he moves the door. He stated he obtained a building permit and planned to enclose part of where his vehicle was parked and make it into a living area.

Board member Mujica mentioned that with a variance, the applicant or the next new owner

runs with the land and anyone could build anything and enclose it.

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

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

Following discussion, Mr. Erick Diaz **moved** to approve the Variance request 5.5 feet by 10 feet as presented by staff. Vice-Chairperson Hugo Avila seconded the motion. The Board voted to approve Variance request with five members present and voting.

- c) Request of Tomas Rios Jr. for a Variance to the City of McAllen Zoning Ordinance to allow a lot frontage width of 39.67 feet instead of the 50-foot minimum requirement along the west front property line for a proposed single family dwelling at a 0.19 Acre Tract of Land, More or Less, Out of Lot 6, Block 16, Steele And Pershing Subdivision (Proposed Lot 1, De Rios Subdivision), Hidalgo County, Texas; 3021 South “J” Street. **(ZBA2025-0011)**

Ms. Martinez stated the applicant was requesting to provide a 39.67 feet frontage width instead of the 50 foot required minimum lot width along the front of the property for a proposed family residential dwelling.

The subject property was located north of East Pineridge Avenue and east of South “J” Street. The subject property was currently Zoned R-1 (single-family residential-OC) District and is vacant. The property was currently vacant.

An application for a Variance request was submitted on April 3, 2025. Steele and Pershing Subdivision was the initial subdivision for the subject property, however, there was an application for a Subdivision Plat Review (De Rios Subdivision) submitted on March 28, 2025 and was approved with conditions, one being a lot frontage variance, by the Planning and Zoning Commission on the meeting of April 22, 2025.

The applicant was requesting to provide a 39.67 feet frontage width instead of the 50 foot required minimum lot width along the front of the property for a proposed family residential dwelling.

According to the current McAllen Zoning Ordinance Section 138-179 (c) states “Any use of property that does not meet the required minimum lot size; front, side and rear yard dimensions; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required in section 138-356” which states in the Table of Height and Yard Requirements for a “Minimum Lot Width Along Front located in an R-1 Single Family Residential District is 50 feet.

In the past there have been residential building permits issued along South “J” Street, some lots in which contained the same hardship of not meeting the 50-foot minimum lot width along the front of a property. One recorded plat north of the subject property, “El Rancho Santa Cruz Subdivision Phase I”, Lot 6, shows that it was platted containing a lot frontage of 39.67 feet which is similar in size to this current request and was permitted a single family dwelling onto that property.

Should the Zoning Board of Adjustment & Appeals grant approval of the request, the applicant would be subject to comply with any further Building and Developmental Code Regulations to proceed with the single family dwelling construction.

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

Staff recommended disapproval of the Variance request since it does not meet the minimum lot width along the front of the property according to the Zoning Ordinance requirement.

Chairperson Gutierrez asked staff if the applicant was present. Staff stated they were not able to attend the meeting.

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

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

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

ADJOURNMENT

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

Chairperson Jose Gutierrez

Carmen White, Administrative Assista

Memo

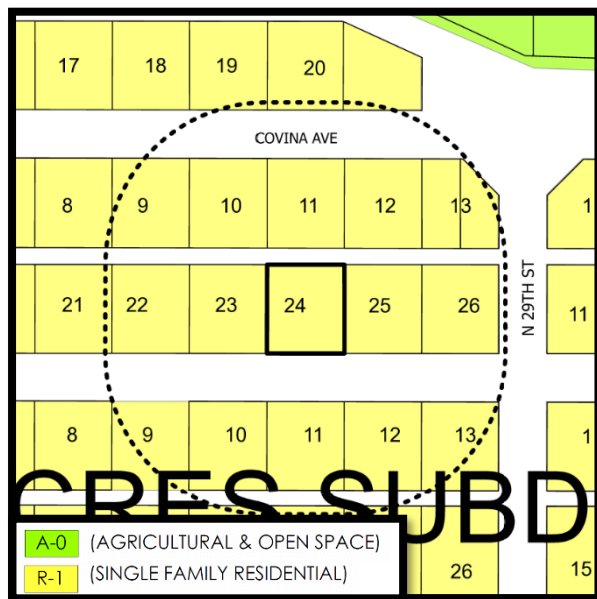
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: May 16, 2025

SUBJECT: REQUEST OF LUIS GUDINO AND KIMBERLY GUDINO FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 20 FEET INTO THE 25 FOOT FRONT YARD SETBACK FOR AN EXISTING METAL CARPORT AT LOT 24, BLOCK 20, BALBOA ACRES SUBDIVISION, HIDALGO COUNTY, TEXAS; 2912 DAYTONA AVENUE. (ZBA2025-0013)

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



PROPERTY LOCATION AND VICINITY: The subject property is located north of Daytona Avenue, south of Covina Avenue, and approximately 190 feet west of North 29th Street. The lot has 96 feet of frontage along Daytona Avenue with a lot size depth of 110 feet. The property is zoned R-1 (Single Family Residential) District. Adjacent zoning is R-1 (single-family residential) District in all directions and A-O (Agricultural and Open Space) District to the north. Surrounding land uses are single-family residences and vacant land.

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

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

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

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

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

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

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



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Case Number: ZBA 2025-0013 ZBOA Meeting: 5/21/2025
Accepted By: Alexis Mtz

PROJECT

Legal Description 2912 Daytona Ave Lot 24 Block 20
Bulboa Acres Maullen Tx 78503
Subdivision Name Bulboa Acres
Street Address 2912 Daytona Ave
Number of lots _____ Gross acres _____
Existing Zoning R-1 Existing Land Use Residence
Reason for Appeal (please use other side if necessary) Encroachment 20 feet into 25 foot
front yard Setback (carport)
☒ \$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 Luis Gudino / Kimberly Gudino Phone 956 627 9107 / 956 322 7061
Address 2912 Daytona Ave E-mail _____
City Maullen State Tx Zip 78503

OWNER

Name Luis Gudino / Kimberly Gudino Phone 956 627 9107 / 956 322 7061
Address 2912 Daytona Ave E-mail Luis
City Maullen State Tx Zip 78503

AUTHORIZATION

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

☐ Yes ☒ No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable)

OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature

[Signature]

Date

4/10/25

Print Name

Luis Gudino
Kimberly Gudino

☒ Owner

☐ Authorized Agent

APR 10 2025

BY: _____



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider **any combination of** the following: (Please use an additional page if necessary to complete responses)

**Information provided here by the applicant does not guarantee that the Board will grant a variance.

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

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

The carport it's not causing any variance or detrimental to public health, safety or welfare and it's not intending for living purpose

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

Requesting a variance that let me use the driveway space to have a carport, because I don't have a garage a carport that helps me with shade, and protect from hail

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

The carport it's not obstructing or impeding the flow of traffic of pedestrians, it's not creating any blind spots or reducing visibility maintaining safe travel conditions, it has proper management of rainwater runoff

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

The driveway area was inspected and authorized by the city when the home was built, just trying to use that space to have a carport and protect the vehicles

Reason for Appeal

Board Action

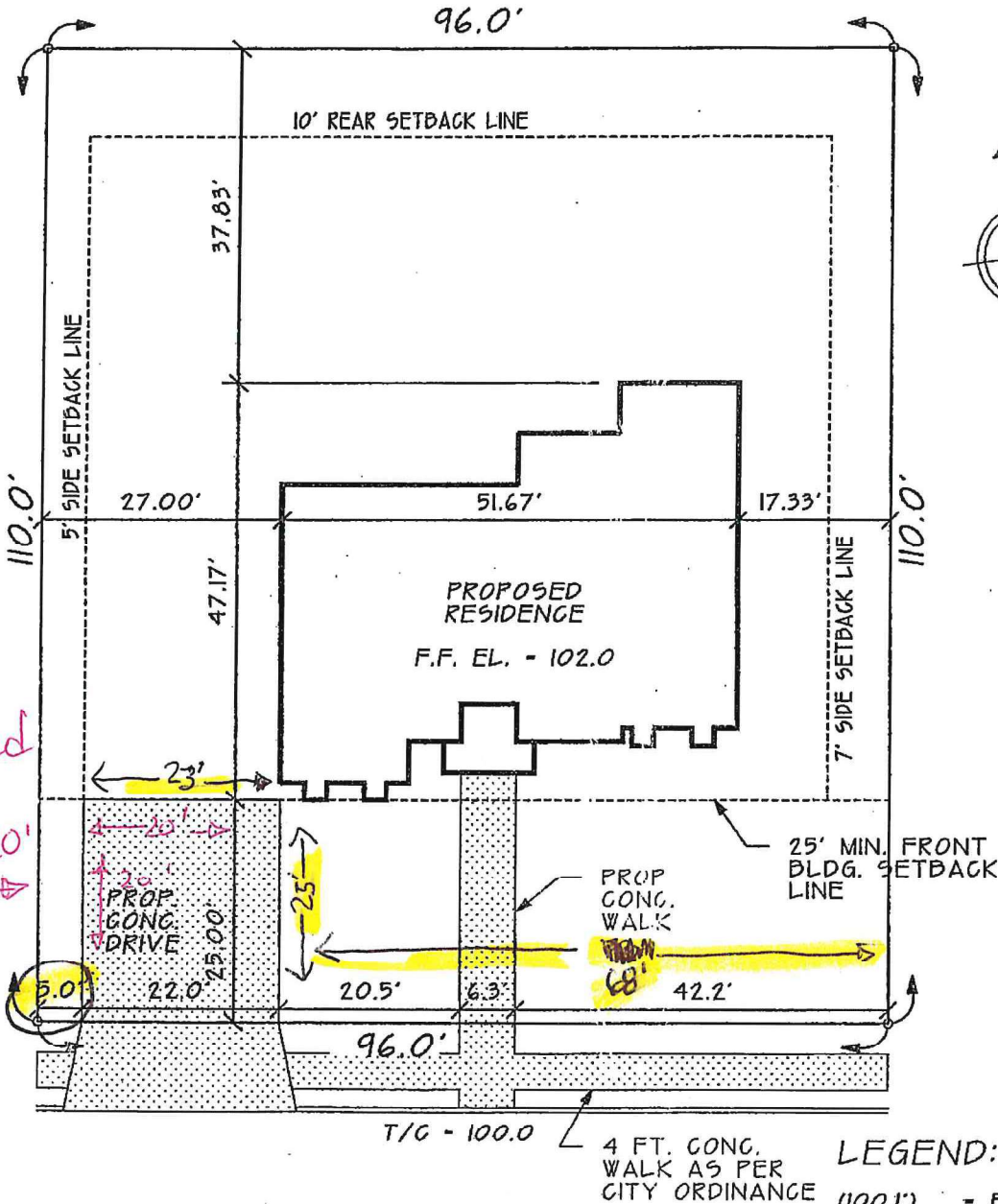
Chairman, Board of Adjustment
Signature

Date

Example

Detached Metal Carport

20' ALLEY



DAYTONA AVE.

LEGAL: LOT 24, BLOCK 20, BALBOA ACRES SUBDIVISION, CITY OF MC.ALLEN, HIDALGO COUNTY, TEXAS.

LEGEND:

- (100.1') - EXIST. ELEV.
- [100.83'] - FINISH GRADE ELEV.
- - SLOPE GRADE
- T/C - TOP OF CURB ELEV.
- F.F. EL. - FINISH FLOOR ELEV.

PLAN No. 881760
SHEET No.

PLAN NAME PLOT PLAN
SCALE 1 : 20

PROJECT
BALBOA ACRES
L24B20 RESIDENCE
MC.ALLEN, TX.

RESIDENCE
CUSTOMIZED DESIGNS
BOX 4005/824 E. AZALIA
HIDALGO, TEXAS 78557
PH. (956) 843-2336
FAX (956) 843-2340

APR 10 2025

BY:





ART SALINAS

ENGINEERING & SURVEYING

1624 DOVE AVENUE, McALLEN, TEXAS 78504 PH: (956) 618-5565 FAX: (956) 618-5540

LOT 10**LOT 11**

ROW

ROW

20' ALLEY ROW

(VOL. 14, PG. 31, H.C.M.R.)

EAST**96.0'****1"=20'**

ROW

ROW

(CALICHE DR.)

TEL. PED.

TREE CORNER

CHAIN LINK FENCE

0.3'

10' REAR SETBACK

0.9'

110.0'

110.0'

LOT 23**LOT 24**(10,560 S.F.)
(VACANT)**LOT 25**

5' SIDE SETBACK

7' SIDE SETBACK

NORTH**SOUTH**

ROW

ROW

CHAIN LINK FENCE

0.3'

25' FRONT SETBACK
(V. 14, P. 31, M/R)

0.3'

BOC

BOC

WEST**96.0'**

192.0' to 29th ST.

DAYTONA AVE.

(50' ROW-VOL. 14, PG. 31, H.C.M.R.)

LEGEND

- - DENOTES FOUND 1/2" ROD
- - DENOTES SET PK NAIL IN BASE OF TREE
- ⊗ - DENOTES SET PK NAIL IN BASE OF PILLAR
- - DENOTES NO MONUMENT
- ROW - DENOTES RIGHT OF WAY
- BOC - DENOTES BACK OF CURB

FLOOD ZONE CERTIFICATION: The property shown hereon lies in Zone AH. Zone AH areas are areas of shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined as per F.E.M.A. Flood Insurance Rate Map Panel No. 480343-0010-C dated 11-02-92.

PLAT NOTES:

1. There are no discrepancies, conflicts, shortages in area or boundary lines, encroachments, overlapping of improvements or visible or apparent easements except as shown on this plat.
2. This survey plat is prepared in connection with Title Policy G.F. # 0003178855 and does not guarantee title. This survey is for the exclusive use of the client named hereon and may not be copied or transferred to another party without the express written consent of the surveyor.
3. This survey must contain an embossed seal and an original signature to be valid as per Section 661.46 and Section 663.19 of the "The Professional Land Surveying Practices Act".
4. This is a standard survey and does not include a subsurface utility or topographic investigation.
5. Right-of-Way Easement granted by Dixie Mortgage Loan Company to Central Power and Light Company, by instrument dated February 12, 1960, recorded in Volume 877, Page 656, Deed Records of Hidalgo County, Texas. (Blanket)
6. Easement for Utility purposes as reserved in Deed dated August 4, 1976, recorded in Volume 1494, Page 577, Deed Records of Hidalgo County, Texas. (Blanket)
7. Easements, rights, rules, and regulations in favor of Hidalgo County Water and Improvement District No. 3. (Blanket)
8. Building setbacks as per City zoning ordinance, unless otherwise noted.
9. Subject to any oil, gas and mineral lease of record.
10. Bearing Basis: "S. line of Lot 24, Block 20, Balboa Acres"

BORROWER(s): Luis Daniel Gudino

THIS IS TO CERTIFY THAT I HAVE, THIS DATE, PREPARED A SURVEY ON THE PROPERTY WHICH IS LOCATED AT 2912 DAYTONA AVE., in McALLEN, TEXAS, DESCRIBED AS FOLLOWS:
LOT 24, BLOCK 20, OF BALBOA ACRES, AN ADDITION TO THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS, ACCORDING TO THE PLAT OR MAP THEREOF RECORDED IN VOLUME 14, PAGE 31, MAP RECORDS OF HIDALGO COUNTY, TEXAS.

18-54376
Job No.09-21-18
Date

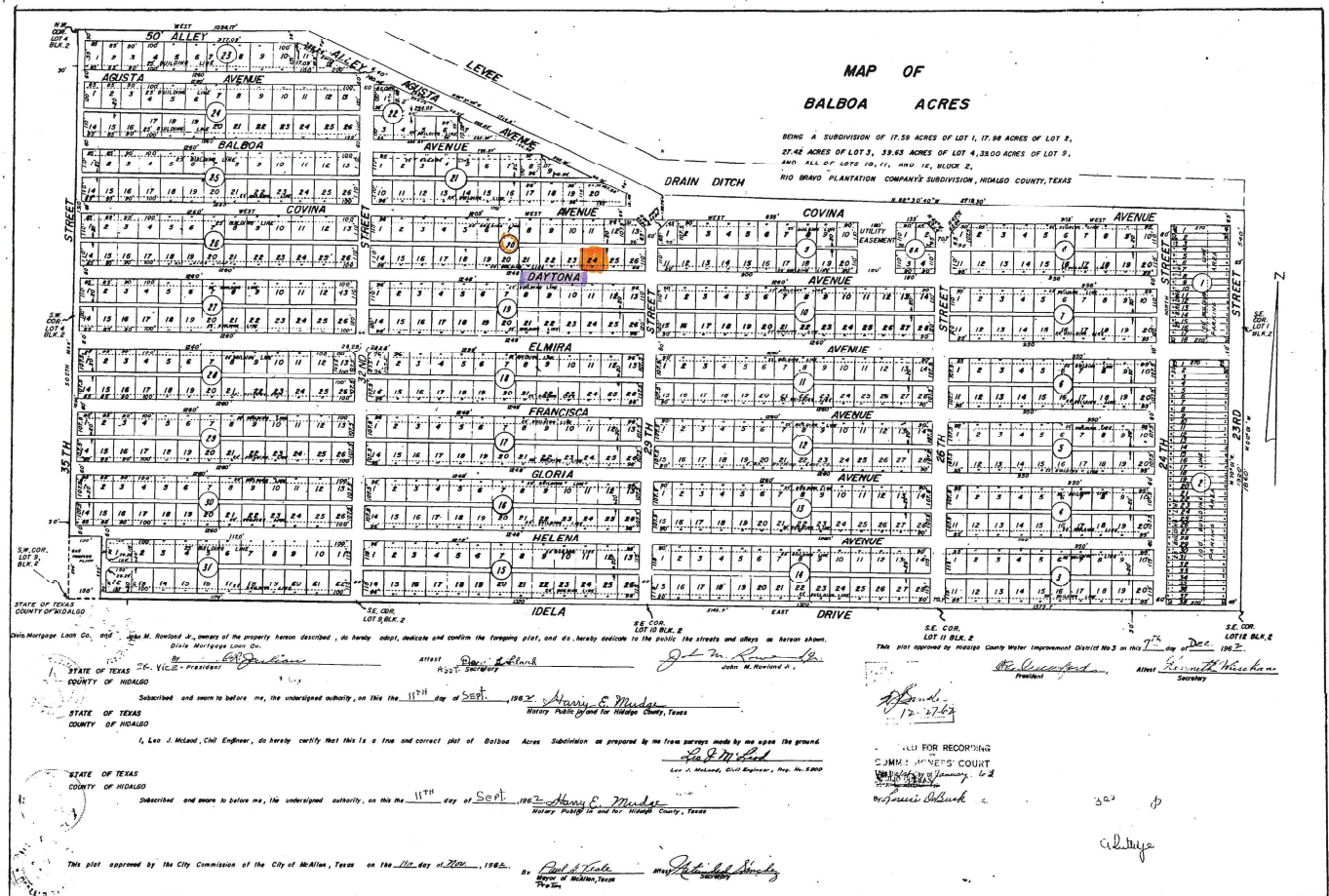
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Registered Professional Land Surveyor No. 4802



APR 10 2025

BY:





NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2025-0013



Memo

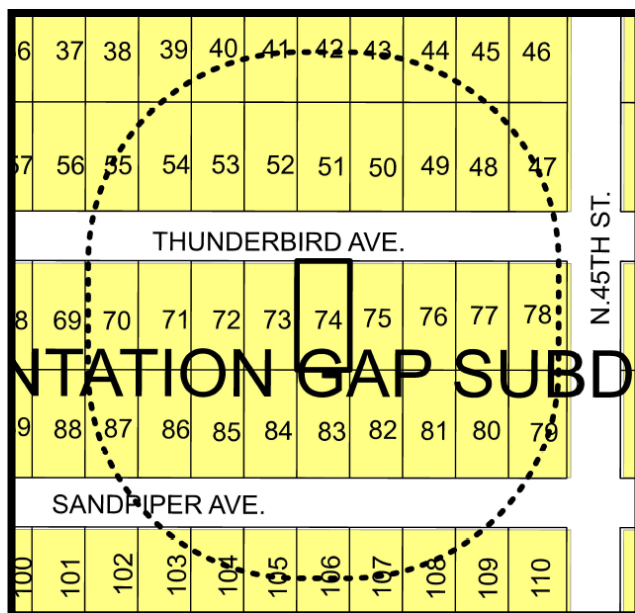
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: May 16, 2025

SUBJECT: REQUEST OF APRIL RODRIGUEZ FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 20 FEET INTO THE 25 FOOT FRONT YARD SETBACK FOR A PROPOSED CARPORT MEASURING 20 FEET X 20 FEET AT LOT 74, PLANTATION GAP SUBDIVISION PHASE 1, HIDALGO COUNTY, TEXAS; 4517 THUNDERBIRD AVENUE. (ZBA2025-0014)

REASON FOR APPEAL: The applicant is requesting a special exception to allow an encroachment of 20 feet into the 25 foot front yard setback for a proposed metal carport.



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

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

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

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

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

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

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

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



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Case Number: ZBA2025-0014 ZBOA Meeting: 5/21/2025
Accepted By: AM

PROJECT

Legal Description Plantation Gap Phase I
Lot 74
Subdivision Name Plantation Gap Phase I
Street Address 4517 Thunderbird Ave
Number of lots I Gross acres _____
Existing Zoning R-1 Existing Land Use residence
Reason for Appeal (please use other side if necessary) Safety | Protection
Encroachment of 20ft into the 25ft frontyard setback
☒ \$300.00 non-refundable filing fee + ☒ \$50.00 Recording Fee for Special Exception (carport)
☐ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

APPLICANT

Name April Rodriguez Phone 956-579-7220
Address 4517 Thunderbird Ave E-mail Aprilmia9@gmail.com
City McAllen State TX Zip 78504

OWNER

Name same Phone _____
Address _____ E-mail _____
City _____ State _____ Zip _____

AUTHORIZATION

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

☐ Yes ☒ No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable)

OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature April Rodriguez

Date 4/10/25

APR 10 2025

Print Name April Rodriguez

☒ Owner

☐ Authorized Agent

CW



City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider **any combination** of the following: (Please use an additional page if necessary to complete responses)

****Information provided here by the applicant does not guarantee that the Board will grant a variance.**

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

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

Due to owning multiple vehicles and only having 1 car garage space, the carport will be convenient to use to protect vehicles from heat and weather.

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

Carport will provide protection from elements (heat / weather)

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

Carport will not cause danger or harm to neighbors within the subdivision.

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

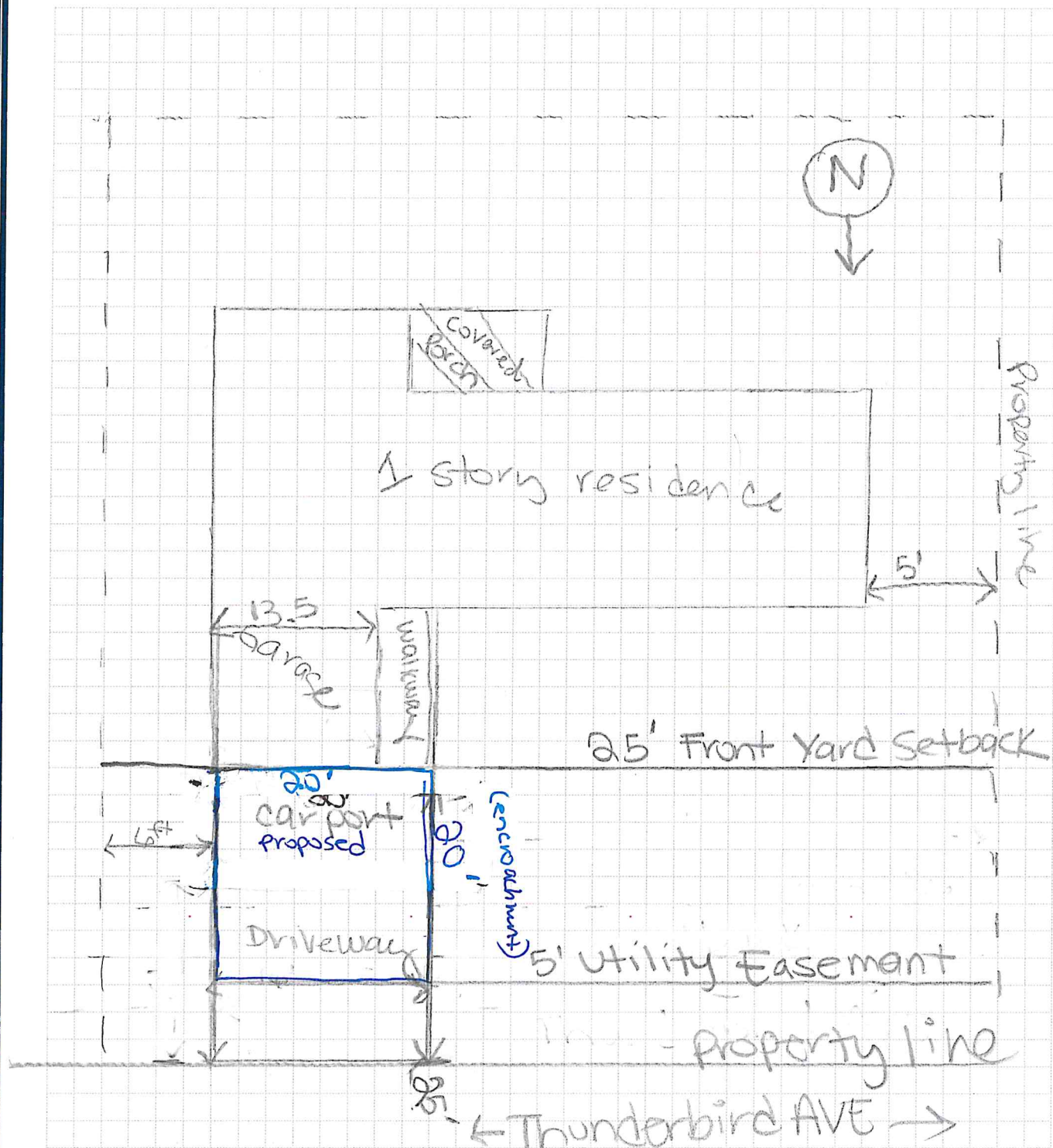
Subdivision has a variety of 2 car garage homes and/or existing carports while I only have 1 car garage.

Reason for Appeal




Board Action

Chairman, Board of Adjustment
Signature

Date



Wall Legend:

Existing 
 Proposed 
 Demolition 

Symbol Legend:



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

APR 10 2025

BY: 





4517

NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA 2025-0014
CITY OF MCALLEN PLANNING DEPT
916.481.1332
WWW.MCALLEN.NET

Memo

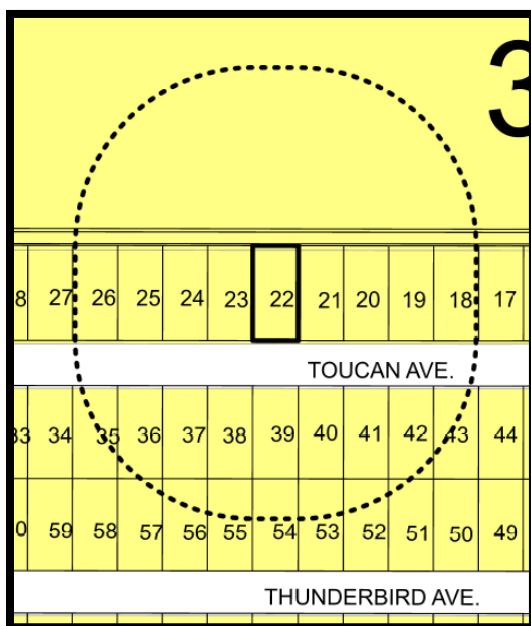
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: May 16, 2025

SUBJECT: REQUEST OF ANDRES AND DORA HILDA BENAVIDEZ FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 15.5 FEET INTO THE 25 FOOT FRONT YARD SETBACK FOR AN EXISTING CARPORT AT LOT 22, PLANTATION GAP SUBDIVISION PHASE 1, HIDALGO COUNTY, TEXAS; 4608 TOUCAN AVENUE. (ZBA2025-0015)

REASON FOR APPEAL: The applicant is requesting a special exception to allow an encroachment of 20 feet into the 25 foot front yard setback for an existing metal carport that is proposed to be modified to comply with square footage size requirement.



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

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

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

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

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

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

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

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



City of McAllen
Planning Department
APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Case Number: ZBA2025-0015

ZBOA Meeting: 5/21/25

☐ Routed

Receipt No: 358410

☐ Scanned

Accepted by: P: ST S: _____

Customer Acknowledgment (Int.): _____

PROJECT

Legal Description Plantation Gap PH1 Lot 22

Subdivision Name Plantation Gap

Street Address 4608 TOUCAN AVE MCALLEN TEXAS 78504

Number of lots 1 Gross acres _____

Existing Zoning R1 Existing Land Use Residential

Reason for Appeal (please use other side if necessary) Encroaching 15.5 ft into the 25 ft Front yard setback (carport)

☒ \$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 Benavides Andres/Dora Hilda Phone 956-651-1890

Address 4608 TOUCAN AVE E-mail _____

City McAllen State Texas Zip 78504

OWNER

Name Same Phone _____

Address _____ E-mail _____

City _____ State _____ Zip _____

AUTHORIZATION

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

☒ Yes

☐ No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable)

OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

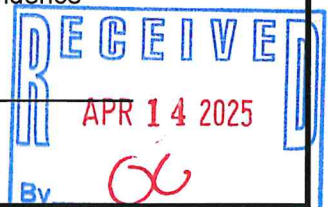
Signature Dora Benavides

Date 4-14-2025

Print Name Dora H Benavides

☒ Owner

☐ Authorized Agent





City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider **any combination of** the following: (Please use an additional page if necessary to complete responses)

**Information provided here by the applicant does not guarantee that the Board will grant a variance.

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

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

husband blind and disable cant exercise in the sun
or walk

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

Shade for my husband to sit and exercise
Keep him out of sun and inclement weather

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

NO Cause our Neighbor has one as well

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

husband Blind and disable

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date



4608

125



4608

Jeep
71K-8110

4602

NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2025-0015
CITY OF MCALLEN PLANNING DEPT.
ROOM 100
WWW.OPALEN.NET

Memo

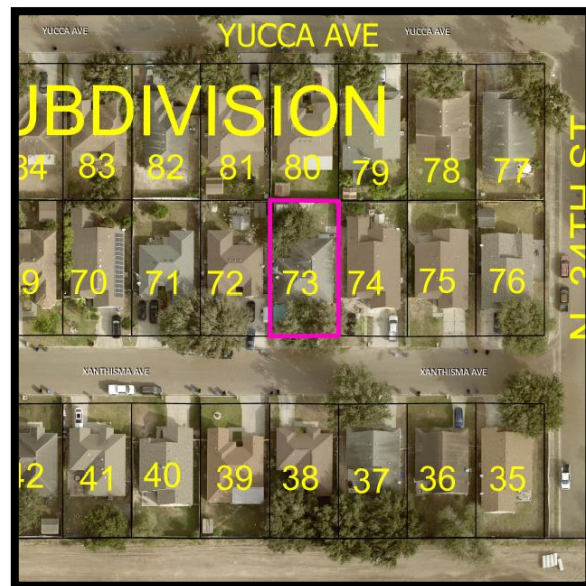
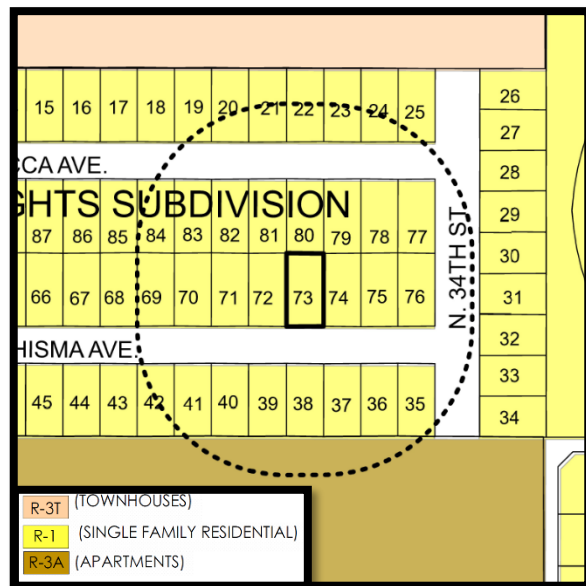
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: May 1, 2025

SUBJECT: REQUEST OF CRV CONSTRUCTION, LLC ON BEHALF OF REYES RAMON AYALA FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 11 FEET INTO THE 20 FOOT FRONT YARD SETBACK FOR A PROPOSED METAL CARPORT AT LOT 73, WARE HEIGHTS SUBDIVISION, HIDALGO COUNTY, TEXAS; 3412 XANTHISMA AVENUE. (ZBA2025-0012)

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



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

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

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

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

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

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

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



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Case Number: ZBA 2025-0012

ZBOA Meeting: 5/21/2025

☐ Routed

Receipt No: _____

☐ Scanned

Accepted by: P: HT S: qv

Customer Acknowledgment (Int.): F.L.

PROJECT

Legal Description

Ware Heights, lot 73

Subdivision Name

Ware Heights lot 73

Street Address

3412 Xanthisma Ave.

Number of lots 1

Gross acres _____

Existing Zoning Single family R

Existing Land Use

Single family Residencial

Reason for Appeal (please use other side if necessary)

propohiendo un carport en frente de la casa. to encroach 14' ft into the 20th. Front Setback

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

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

APPLICANT

Fatima Lara

Name CRV construction, LLC

Phone 956-322-3816

Address 2212 Primrose Ave ste C.

E-mail fatima@crvcompany.com

City McAllen

State Texas

Zip 78504

OWNER

Name REYES RAMON AYALA

Phone (956) 624-0591

Address 3412 XANTHISMA AVE.

E-mail RAYAYALA86@HOTMAIL.COM

City McAllen

State TEXAS

Zip 78504

AUTHORIZATION

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

☐ Yes

☒ No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable)

OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature

Fatima Lara

Date

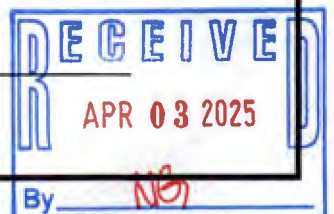
4-3-25

Print Name

Fatima Lara

☐ Owner

☒ Authorized Agent





City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider **any combination** of the following: (Please use an additional page if necessary to complete responses)

**Information provided here by the applicant does not guarantee that the Board will grant a variance.

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

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

I need to protect my vehicles from hail storms, Hurricanes, scorching Summer Heat, and to cool Down Over Home.

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

Protect the vehicles from Hail an storms.

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:

need to protect my vehicles from Hurricanes

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

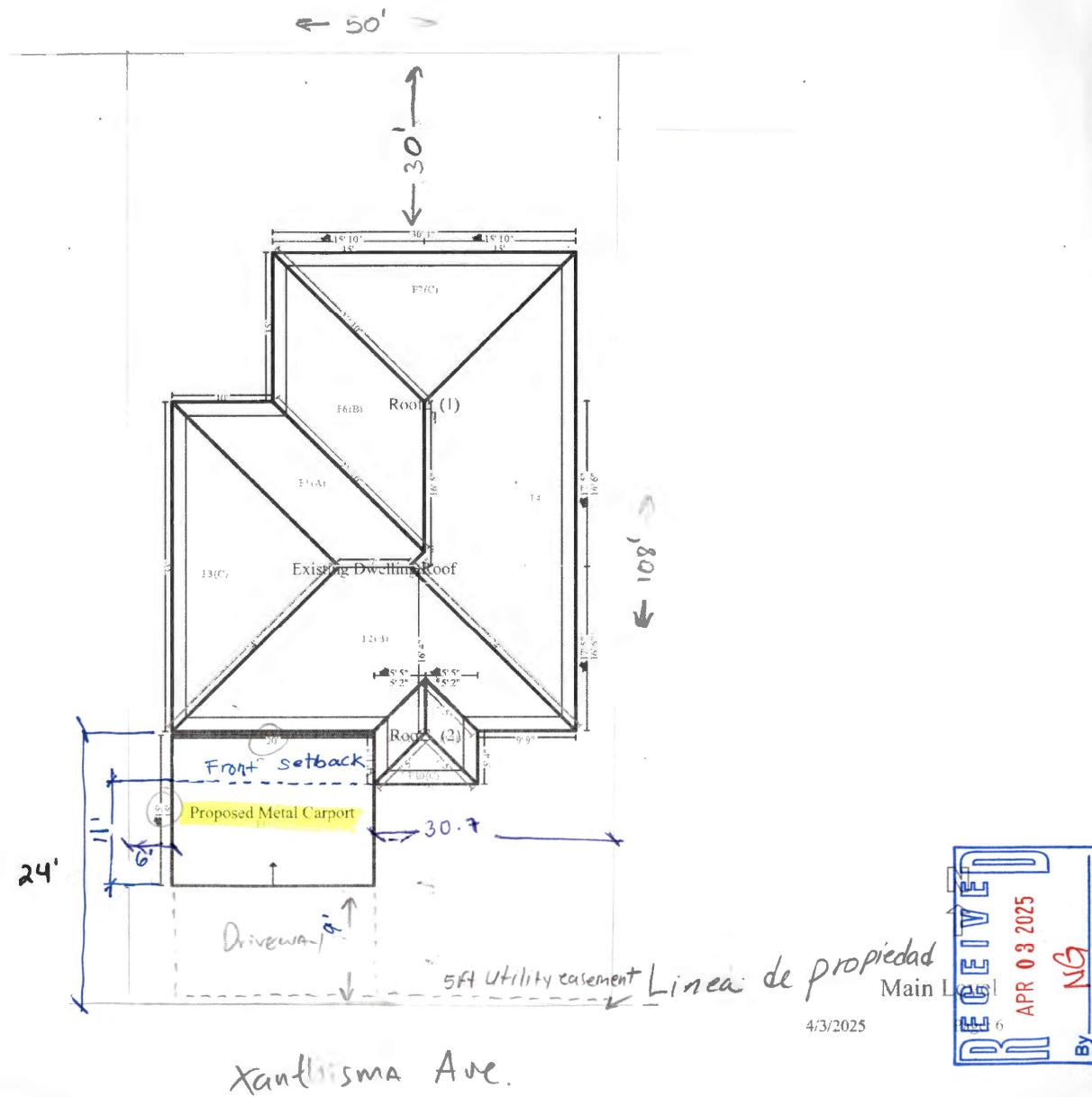
I need to protect my vehicles from Damages

Board Action

Chairman, Board of Adjustment
Signature

Date

3412_XANTHISMA_AVE_M



4/3/2025



WARE HEIGHTS SUBDIVISION

The map records of Hidalgo
Co., Texas
Welden and Hunt, Inc.

STATE OF TEXAS
COUNTY OF TEXA

METES AND BOUNDS

A TRACT, BEING THE SOUTH 15.00 ACRES OF LOT 33, LA LUNITA IRRIGATION AND CULVERTION COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 24, PAGE 68, HUALAHO COUNTY DEED RECORDS, WHICH SAID 15.00 ACRES WERE CONVEYED TO DOGAM COUNTY, CALIFORNIA, BY DEED OF A WRITANTY DEED RECORDED UNDER DOCUMENT #531781, HUALAHO COUNTY OFFICIAL RECORDS, AND BY VIRTUE OF OUTCUT DEED FROM HUALAHO COUNTY IRRIGATION DISTRICT NO.1, RECORDED UNDER DOCUMENT # 2057350. HUALAHO COUNTY OFFICIAL RECORDS, SAID 15.00 ACRES ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 93 AND THE SOUTHWEST CORNER OF THIS TRACT;

THENCE, N 00° 42' 30" E, ALONG THE WEST LINE OF LOT 93 AND THE CENTERLINE OF WARE ROAD (F.M. 2220), A DISTANCE OF 483.00 FEET TO THE NORTHEAST CORNER OF THIS TRACT;

THENCE, S 81° 17' 30" E, ALONG THE NORTH LINE OF THE SOUTH 15.00 AC. TRACT OF LOT 93, A DISTANCE OF 129.00 FEET PASS THE EXISTING EAST-RIGHT-OF-WAY LINE OF WARE ROAD (F.M. 2220), AND CONTINUING A TOTAL DISTANCE OF 1320.00 FEET TO THE NORTHEAST CORNER OF THIS TRACT;

THENCE, S 06° 43' 30" E, ALONG THE EAST LINE OF LOT 93, A DISTANCE OF 483.00 FEET TO THE NORTHEAST CORNER OF LOT 93, FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE, N 81° 17' 30" E, ALONG THE SOUTH LINE OF LOT 93, AT A DISTANCE OF 129.00 FEET PASS THE EXISTING EAST-RIGHT-OF-WAY LINE OF WARE ROAD (F.M. 2220), AND CONTINUING A TOTAL DISTANCE OF 1320.00 FEET TO THE POINT OF BEGINNING, AND CONTAINING 15.00 ACRES, OF WHICH 0.454 OF AN ACER IS THE EXISTING RIGHT-OF-WAY OF LAND MORE OR LESS.

LEAVING A NET OF 15.00 ACRES EXISTING RIGHT-OF-WAY OF WARE ROAD (F.M. 2220).

STRAKAS, NOTES:

SETBACK AS FOLLOWS: (WHATEVER GREATER SETBACK OR EASEMENT APPLIES)

FRONT	10 FEET
REAR	10 FEET
SIDE	10 FEET EXCEPT IF FOR LOTS 38-55 & 56 FOR LOTS 28-34

MINIMUM SETBACK: 10 FEET

COV. CORNER: 10 FEET

MINIMUM SETBACK: 10 FEET EXCEPT WHERE GREATER REQUIRED

MINIMUM PERMISSIBLE FLOOR ELEVATION SHALL BE 16" ABOVE TOP OF CURB AT THE MID POINT OF THE LOT, OR ELEV.

REACH: MARK TOP OF COTTON PAPER STRIPS IN POWER POLE LOCATION ALIGNED WITH PROPERTY LINE. MARK TOP OF COTTON PAPER STRIPS IN EACH END OF THE COTTON PROPERTY LINE OF EACH POWER HIGH VOLTAGE. ELEV. = 128.81

THIS SUBDIVISION IS LOCATED IN ZONE "R" ON FEMA'S FLOOD INSURANCE RATE MAP. THE FLOOD INSURANCE RATE ZONE MAP REVISION NO. 2, 1982.

NO LOT CORNER OR LOT LINE PROTRUSING SHALL BE ALLOWED TO WAVE ROAD.

A 25'± STREET CROWN CURB EASEMENT IS HEREBY DEMAND AT ALL STREET INTERSECTIONS.


1" ± SHAWNSHALL SHALL BE REQUIRED ALONG THE EAST SIDE OF WAVE ROAD ALONG BOTH SIDES OF THE "R" ZONE STREET.

8" BULLET IS REQUIRED ON WAVE ROAD.

DRAINAGE DEVELOPMENT OF 0.67 ACRES - FEET.

DEVELOPER TO PROVIDE AN ENGINEERED DRAINAGE PLAN, APPROVED BY THE


I, THE UNDERSIGNED, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF MCALLEN HEREBY CERTIFY THAT THIS SUBDIVISION PLAN CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREBY MY APPROVAL IS REQUIRED.



CHAIRMAN, PLANNING COMMISSION

I, THE UNDERSIGNED, MAYOR OF THE CITY OF MOBILE, HEREBY CERTIFY THAT THIS SUBDIVISION PLAN CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED:

Bo Muntal
MAYOR, CITY OF MOBILE



THIS PLAT APPROVED BY THE HIDALGO COUNTY IRRIGATION DISTRICT No. 1 ON
THIS 10th DAY OF August 1996

ATTEST W. L. G.
PRESIDENT

W. L. G.
PRESIDENT

STATE OF TEXAS
COUNTY OF HIDALGO


I, WE, THE UNDERSIGNED, HOLDER(S) (OR JULY AUTHORIZED OFFICERS OF THE HOLDER(S)) OF A SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY, BEING THE LAND SHOWN ON THIS PLAN AND DESIGNATED HEREIN AS THE "VARE HEIGHTS SUBDIVISION" OF THE CITY OF McALLEN, TEXAS, DO HEREBY CONSENT TO THE SUBDIVISION OF THE PROPERTY AS PROVIDED FOR, UNDER THE PLAN NO.

BOOKS READY
TEXAS STATE BANK

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED
DOUG BREARD 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
GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 21st DAY OF
September, 1998.

Notary Public, for the State of Texas
My Commission Expires: 01/01/2004

 SUSAN J. DIETZ
Notary Public State of Texas
Date Expires: 01/01/2004

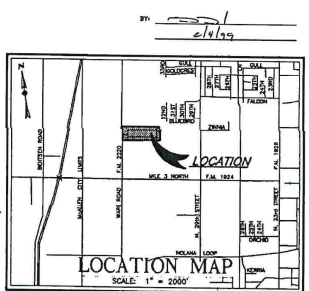
RECEIVED
APR 02 2025

By NG

Xanthisma

DATA			
WT	BEARING	CHORD	DELTA
5'	S30° 31' 20" E	11.05'	12° 41' 06"
6'	S30° 07' 59" E	39.15'	46° 05' 36"
7'	S25° 55' 16" W	64.36'	58° 08' 36"
8'	S64° 08' 12" W	24.32'	28° 08' 56"
9'	N79° 45' 04" W	37.32'	44° 04' 32"
10'	N46° 42' 58" W	19.08'	21° 59' 41"
11'	N54° 07' 58" E	19.08'	21° 59' 41"
12'	S82° 40' 00" E	37.79'	44° 24' 23"
13'	S44° 24' 10" E	27.67'	32° 07' 18"
14'	S11° 02' 52" E	29.73'	34° 35' 17"
15'	S30° 15' 50" E	40.70'	48° 02' 06"

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEX. WATER CODE §49.01 (c). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.



UNARMED BY: GAT. / JMM. / R.D.J. DATE: 11/18/97
 SURVEILLED, CHECKED: Joe Wiskamp DATE: 9-3-98
 FINAL CHECK: _____ DATE: _____

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

115 W. MONTYNE
EDINBURG, TX 78539

OFF: (504) 381-0581
FAX: (504) 381-1839





Memo

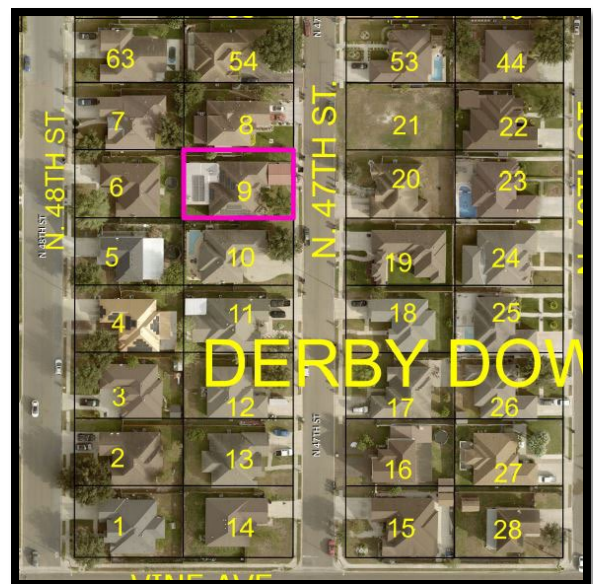
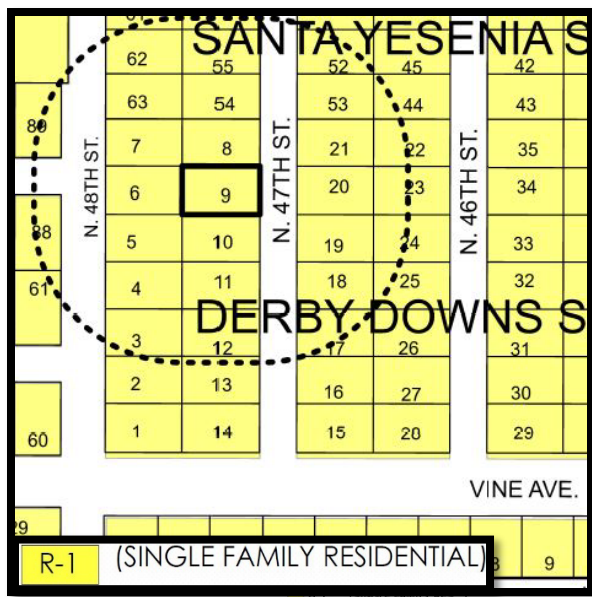
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: April 28, 2025

SUBJECT: REQUEST OF SAUL BRIONES FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 21 FEET 8 INCHES INTO THE 25 FOOT FRONT YARD SETBACK FOR AN EXISTING CARPORT MEASURING 21 FEET BY 19 FEET AT LOT 9, DERBY DOWNS SUBDIVISION, HIDALGO COUNTY, TEXAS; 2301 NORTH 47TH STREET. (ZBA2025-0016)

REASON FOR APPEAL: The applicant is requesting to encroach 21 feet 8 inches into the 25 foot front yard setback for an existing carport. The carport will be used to protect his vehicles from weather related damage.



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

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

ANALYSIS: The applicant is requesting to encroach 21 feet 8 inches into the 25 foot front yard setback for an existing carport. There are no utility easements that run along the front of the property.

The carport will be used to protect his vehicles from adverse weather as per the applicant.

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

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

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

RECOMMENDATION: Staff recommends disapproval of the special exception request.



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Case Number: ZBA2025-0016

ZBOA Meeting: 5/21/25

Accepted By: R.H.

PROJECT

Legal Description

19'x21' Lot 9 Derby Downs.

Subdivision Name

Derby Downs

Street Address

2301 N. 47th St.

Number of lots

1

Gross acres

Existing Zoning

Derby Downs Sub.

Existing Land Use

Residential

Reason for Appeal (please use other side if necessary)

Encroaching 21' 8" into the 25' front yard setback for an existing metal carport.

☒ \$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

Saul Briones

Phone

(956) 566-3851

Address

2301 N. 47th St.

E-mail

Saulb.76@hotmail.com

City

McAllen

State

Texas

Zip

78501

OWNER

Name

Saul Briones

Phone

(956) 566-3851

Address

2301 N. 47th St.

E-mail

Saulb.76@hotmail.com

City

McAllen

State

Texas

Zip

78501

AUTHORIZATION

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



Yes



No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable)

OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature

Saul Briones

Date

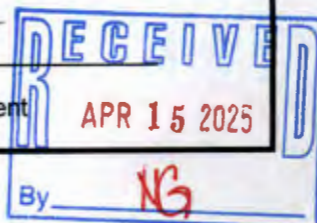
4-15-2025

Print Name

Saul Briones

☒ Owner

☐ Authorized Agent





City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

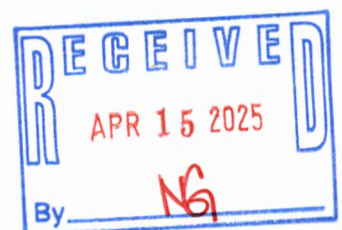
Reason for Appeal	<p>*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: <i>(Please use an additional page if necessary to complete responses)</i></p> <p>**Information provided here by the applicant does not guarantee that the Board will grant a variance.</p> <p>***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.</p> <p>1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:</p> <p>_____</p> <p>_____</p> <p>_____</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>_____</p> <p>_____</p> <p>_____</p> <p>4. Describe special conditions that are unique to this applicant or property:</p> <p>_____</p> <p>_____</p> <p>_____</p>	
	Board Action	_____

		<div>Chairman, Board of Adjustment Signature</div> <div>Date</div> <div>_____</div> <div>_____</div>

Planning Department

Reason to appeal & board action.

1. My property at 2301 N. 47th St has spatial limitations that make constructing a protective vehicle structure anywhere but the front yard impractical. The existing carport encroaches 21 feet 8 inches into the 25-foot front yard setback, but removing it would eliminate the only viable option for shielding vehicles from weather-related damage. Both vehicles do not fit inside the garage which is currently being used as an office for my small home-based business. Without the carport, I am unable to protect personal vehicles from exposure-particularly significant considering previous hailstorms have already caused damage.
2. The variance is essential to allow me to maintain basic protection for my vehicles, as garage use is already dedicated to a small business office. The carport provides a practical and function that supports both personal and professional needs on the property. Denying the variance would unfairly limit my ability to enjoy the full intended use of the property in a way that others in the neighborhood currently do.
3. The carport does not obstruct sidewalks, views, or public right-of-way. It is constructed safe, visually appropriate manner and does not interfere with traffic, emergency access, or neighboring properties. It enhances the utility of the property without posing any risk to others, and similar structures can be found in the neighborhood. The carport serves a necessary protective role without diminishing any public or neighborhood interests.
4. Both household vehicles do not fit inside the existing garage. Additionally, the garage space is currently used as an office space for a small home-based business, which is essential for my livelihood. There is no alternative covered parking available on my property. This has become a major issue, especially considering past severe weather events including hailstorms and flooding, which have caused damage to my vehicles in the past. The carport serves as the only form of reliable protection against these recurring threats, making it a necessary accommodation for both personal and financial well-being. These combined circumstances make this situation uniquely deserving of a variance



LOT 277
JOHN H. SHARY SUBDIVISION,
REC. IN VOL. 1, PG. 17, H.C.M.R.

LOT 267
JOHN H. SHARY SUBDIVISION,
REC. IN VOL. 1, PG. 17, H.C.M.R.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 R.O.W. (200' W)

LOT 278
JOHN H. SHARY SUBDIVISION,
REC. IN VOL. 1, PG. 17, H.C.M.R.

LOT 268
JOHN H. SHARY SUBDIVISION,
REC. IN VOL. 1, PG. 17, H.C.M.R.

MAP OF DERBY DOWNS SUBDIVISION

BEING A SUBDIVISION OF 14.321 ACRES,
OUT OF THE NORTH 1.738 ACRES OF LOT 268,
AND THE SOUTH 12.583 ACRES OF LOT 278,
JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS,
ACCORDING TO THE MAP OR PLAT THEREOF RECORDED
IN VOLUME 1, PAGE 17, H.C.M.R., CITY OF McALLEN,
HIDALGO COUNTY, TEXAS.

A TRACT OF LAND CONTAINING 14.321 ACRES, BEING THE NORTH 1.738 ACRES OF LOT 268, AND
THE SOUTH 12.583 ACRES OF LOT 278, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS,
ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 17, HIDALGO COUNTY
MAP RECORDS, SAID 14.321 ACRES ARE MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS
AS FOLLOWS:

BEGINNING AT A COTTON PICKER SPINDLE SET FOR THE SOUTHWEST CORNER OF THIS HEREIN
DESCRIBED TRACT, SAID COTTON PICKER SPINDLE BEARS S 81°19'00" E AT A DISTANCE OF 83.00
FEET FROM ANOTHER COTTON PICKER SPINDLE SET FOR THE NORTHEAST CORNER OF SAID LOT 268,
ALSO THE SOUTHWEST CORNER OF SAID LOT 278.

1. THENCE N 81°19'00" W AT A DISTANCE OF 30.00 FEET PASS AN IRON ROD SET FOR THE WEST
RIGHT-OF-WAY LINE OF BENTLEY ROAD CONTAINING A TOTAL DISTANCE OF 1,221.00 FEET TO
THE WEST RIGHT-OF-WAY LINE OF SAID LOT 268, ALSO THE SOUTHWEST CORNER OF THIS HEREIN
DESCRIBED TRACT.

2. THENCE N 81°19'00" E AT A DISTANCE OF 82.00 FEET PASS AN IRON ROD FOUND FOR THE
NORTHEAST CORNER OF SAID LOT 268, ALSO THE SOUTHWEST CORNER OF SAID LOT 278, AND
CONTAINING A TOTAL DISTANCE OF 510.92 FEET TO A IRON ROD FOUND FOR THE NORTHEAST
CORNER OF THIS HEREIN DESCRIBED TRACT.

3. THENCE S 81°19'00" W ALONG A LINE PARALLEL TO THE NORTH AND SOUTH LINES OF SAID
LOTS 268 AND 278 RESPECTIVELY AT A DISTANCE OF 1,201.00 FEET PASS AN IRON PIPE FOUND
ON THE WEST RIGHT-OF-WAY LINE OF SAID BENTLEY ROAD, AND CONTAINING A TOTAL DISTANCE OF
1,221.00 FEET TO A COTTON PICKER SPINDLE SET FOR THE NORTHEAST CORNER OF THIS HEREIN
DESCRIBED TRACT.

4. THENCE S 08°41'00" E ALONG THE EAST LINE OF LOTS 278 AND 268, AND WITHIN THE
RIGHT-OF-WAY OF SAID BENTLEY ROAD, AT A DISTANCE OF 848.95 FEET PASS A COTTON PICKER
SPINDLE SET FOR THE NORTHEAST CORNER OF SAID LOT 268, ALSO THE SOUTHWEST CORNER OF
SAID LOT 278, AND CONTAINING A TOTAL DISTANCE OF 510.92 FEET TO THE POINT OF BEGINNING,
AND CONTAINING 14.321 ACRES, OF WHICH 0.233 OF ONE ACRE LIES WITHIN THE RIGHT-OF-WAY
OF BENTLEY ROAD, LEAVING A NET OF 14.088 ACRES OF LAND, MORE OR LESS.

STATE OF TEXAS
COUNTY OF HIDALGO

I, THE UNDERSIGNED, HOLDEN D. BAY, A REGISTERED PROFESSIONAL ENGINEER
AND REGISTERED PROFESSIONAL LAND SURVEYOR, IN THE STATE OF TEXAS, DO
HEREBY CERTIFY THAT THE LAND SHOWN ON THIS MAP IS DESCRIBED PROPERTY
BEING THE LAND SHOWN ON INTERRAT AND DISTRICTED UNDER THE NAME OF
DERBY DOWNS SUBDIVISION, BEING THE NORTH 1.738 ACRES OF LOT 268, AND
THE SOUTH 12.583 ACRES OF LOT 278, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY,
TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 17,
HIDALGO COUNTY MAP RECORDS, SAID 14.321 ACRES ARE MORE PARTICULARLY
DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

STATE OF TEXAS
COUNTY OF HIDALGO

I, THE UNDERSIGNED, HOLDEN D. BAY, A REGISTERED PROFESSIONAL ENGINEER
AND REGISTERED PROFESSIONAL LAND SURVEYOR, IN THE STATE OF TEXAS, DO
HEREBY CERTIFY THAT THE LAND SHOWN ON THIS MAP IS DESCRIBED PROPERTY
BEING THE LAND SHOWN ON INTERRAT AND DISTRICTED UNDER THE NAME OF
DERBY DOWNS SUBDIVISION, BEING THE NORTH 1.738 ACRES OF LOT 268, AND
THE SOUTH 12.583 ACRES OF LOT 278, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY,
TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 17,
HIDALGO COUNTY MAP RECORDS, SAID 14.321 ACRES ARE MORE PARTICULARLY
DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

NOTARY PUBLIC FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES 10-15-24

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE
DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS
OF THE DISTRICT ADOPTED UNDER TEX. WATER CODE, § 26.01(c), THE DISTRICT
HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES
DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON
GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF
THE ENGINEER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE
DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1
BY: 1 JANUARY

STATE OF TEXAS
COUNTY OF HIDALGO

I, THE UNDERSIGNED, FRED L. BAY, A REGISTERED PROFESSIONAL ENGINEER
AND REGISTERED PROFESSIONAL LAND SURVEYOR, IN THE STATE OF TEXAS, DO
HEREBY CERTIFY THAT THE LAND SHOWN ON THIS MAP IS DESCRIBED PROPERTY
BEING THE LAND SHOWN ON INTERRAT AND DISTRICTED UNDER THE NAME OF
DERBY DOWNS SUBDIVISION, BEING THE NORTH 1.738 ACRES OF LOT 268, AND
THE SOUTH 12.583 ACRES OF LOT 278, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY,
TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 17,
HIDALGO COUNTY MAP RECORDS, SAID 14.321 ACRES ARE MORE PARTICULARLY
DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

FILED FOR RECORD IN:
HIDALGO COUNTY
BY J. B. BAY, JR.
ON 12-15-24
AT 10:00 AM
BY: 1 JANUARY

Recorded in Volume 46 Page 87
of the map records of Hidalgo
County Texas
J.D. BAY, JR.
County Clerk

LEGEND

- SET C.P.S. _____ A
- FOUND AN IRON ROD _____ B
- SET 6" IRON W/PLASTIC _____ C
- CAP STAMPED "MELDEN AND HUNT" _____ D
- FOUND IRON PIPE _____ E



MELDEN & HUNT INC.
CONSULTANTS • ENGINEERS • SURVEYORS
110 E. BAYVIEW
DALLAS, TX 75201
TEL: (214) 343-1100
FAX: (214) 343-1101
E-MAIL: meldenandhunt@aol.com

DRAWN BY: 1 JANUARY DATE: 12-15-24
SURVEYED, CHECKED & RECORDED DATE: 12-15-24
FINAL CHECK: _____

STATE OF TEXAS
COUNTY OF TEXAS

I, THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED
HEREIN AS THE DERBY DOWNS SUBDIVISION, BEING THE NORTH 1.738 ACRES OF LOT 268,
AND THE SOUTH 12.583 ACRES OF LOT 278, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY,
TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 17,
HIDALGO COUNTY MAP RECORDS, SAID 14.321 ACRES ARE MORE PARTICULARLY DESCRIBED BY
METES AND BOUNDS AS FOLLOWS:

BRIDGE VALLEY HOMES, L.L.C. BARBARA LINDA HENCK
MARK BISHOP
1407 N. MAIN
MCALLEN, TX 78101

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED
_____ 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
SET FORTH UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF
_____, 2024.

Notary Public
NOTARY PUBLIC, HIDALGO COUNTY, TEXAS
MY COMMISSION EXPIRES _____



I, THE UNDERSIGNED, MAYOR OF THE CITY OF McALLEN, HEREBY CERTIFY THAT THIS
SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION
REGULATIONS OF THIS CITY WHEN IN APPROVAL. IT IS REQUIRED.

Mayor of the City of McAllen



ATTESTED BY:
City Secretary

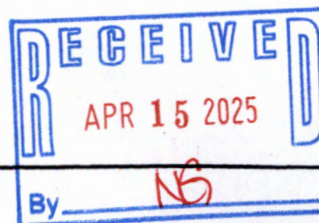
I, THE UNDERSIGNED, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION
OF THE CITY OF McALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT
CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY
WHEN IN APPROVAL. IT IS REQUIRED.

Chairman, Planning Commission

THIS PLAT IS HEREBY APPROVED BY UNITED IRRIGATION DISTRICT SUBJECT TO THE
CONDITION THAT IF IRRIGATION FROM SAID DISTRICT IS DESIRED TO THE
INSTALLATION, LOTS IN SAID SUBDIVISION, PROVISION SHALL BE MADE FOR
APPROPRIATE EASEMENTS FOR THE INSTALLATION OF NECESSARY IRRIGATION
FACILITIES TO EACH LOT FROM THE CLOSEST WATER DISTRICT DELIVERY
POINT AND IT SHALL BE THE RESPONSIBILITY OF THE OWNER OF THE PROPERTY
TO INSTALL SUCH NECESSARY FACILITIES.

DATED THIS 15th DAY OF JANUARY, 2024

ATTEST:
President





NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2025-0016

2301

Memo

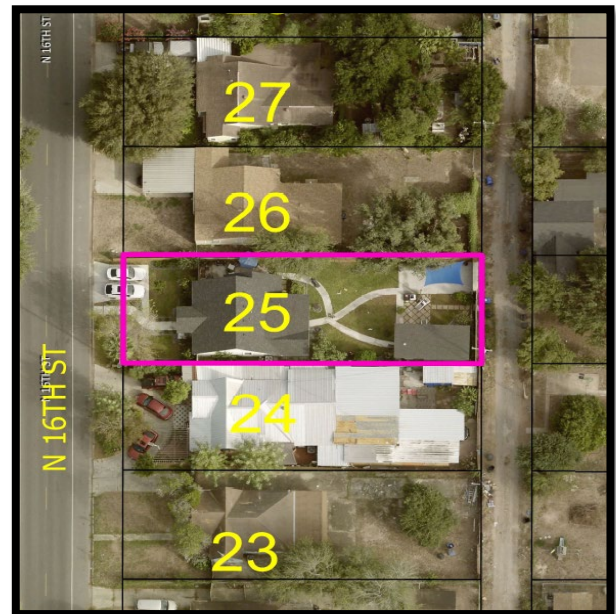
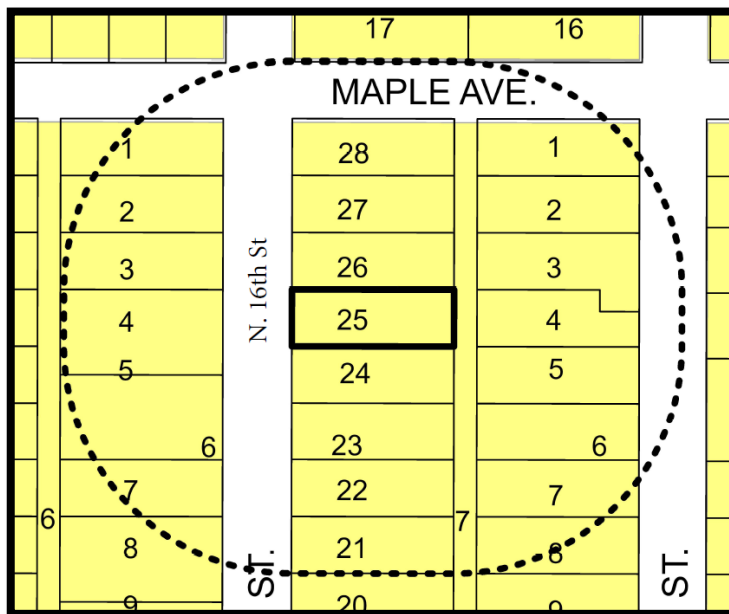
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: April 16, 2025

SUBJECT: REQUEST OF RAUDEL GARCIA ON BEHALF OF YVONNE MORALES FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 4 FEET INTO THE 7 FOOT NORTH SIDE YARD SETBACK FOR A PROPOSED IRREGULAR SHAPED SWIMMING POOL WITH AN AREA OF APPROXIMATELY 352 SQUARE FEET AT LOT 25, BLOCK 7, MILMOR ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS; 1214 NORTH 16TH STREET. (ZBA2025-0010)

REASON FOR APPEAL: The applicant is requesting a variance to allow an encroachment of four feet into the seven foot north side yard setback for a proposed irregular shaped pool.



PROPERTY LOCATION AND VICINITY: The subject property is located along the east side of North 16th Street approximately 150.0 feet south of Maple Avenue. The subject property has an area of 7,625 square feet. The property is zoned R-1 (Single Family Residential O.C.) District. The adjacent zoning is R-1 District O.C. in all directions.

BACKGROUND AND HISTORY: The Milmor Addition Subdivision was officially recorded on May 26, 1927. A variance request was submitted on April 1, 2025. A building permit for a pool has not been submitted at this time.

ANALYSIS: The variance request is for a proposed swimming pool which is considered an accessory structure and requires compliance with setbacks. The applicant proposes to build a swimming pool to be used to enjoy outdoor activities.

The submitted site plan shows a proposed swimming pool encroaching four feet into the seven foot side yard setback along the north property line and indicates that the proposed pool placement takes into account the existing walkways, positioning the pool in a way that appears to minimize their removal. The applicant acknowledged that some portions of the walkways would be removed for the construction of the proposed pool. There are no utility easements that would be impacted by the proposed encroachment

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

RECOMMENDATION: Staff recommends disapproval of the variance request since unnecessary hardship has not been established. However, if the Board approves the request, it should be limited to the encroachment shown on the submitted site plan.



City of McAllen
Planning Department
APPEAL TO ZONING BOARD OF
ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Case Number: ZBA2025-0010 ZBOA Meeting: 5/7/25
Accepted By: _____

PROJECT

Legal Description Lot 25, Block 7, Milmor
Subdivision Name Milmor
Street Address 1214 N. 16th Street
Number of lots 1 Gross acres 50ft. X 152.5ft.
Existing Zoning R-1 Single Family Existing Land Use Home
Reason for Appeal (please use other side if necessary) I request a variance to reduce the northside 7' setback and requesting 4' to accommodate pool. Encroaching 4ft into the 7' North side setback.
☒ \$300.00 non-refundable filing fee + ☐ \$50.00 Recording Fee for Special Exception (carport)
☐ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

APPLICANT

Name Raudel Garcia Phone 956 703-0270
Address 4300 N. 27th Street E-mail rowdyypools78@yahoo.com
City McAllen State Texas Zip 78504

OWNER

Name Yvonne Morales Phone 956.624-5227
Address 1214 N. 16th E-mail yvonne.teclc@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.

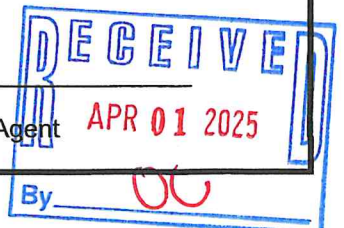
Signature [Signature]

Date 4-1-2025

Print Name Yvonne Morales

☒ Owner

☐ Authorized Agent





City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider **any combination** of the following: (Please use an additional page if necessary to complete responses)

**Information provided here by the applicant does not guarantee that the Board will grant a variance.

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

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

My lot is 50' wide, and 7' setback leaves insufficient space for a pool.

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

We request a 4' setback instead of the required 7' setback on the north side of the lot for an inground swimming pool. It will not impede any utilities.

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

The variance won't negatively affect neighbors or safety. The Pool will be fence per code, and reduced setbacks won't impact drainage or neighbor's privacy.

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

My lot is 50' wide by 152.50' long with a narrow width that limits pool placement options. The required 7' setback on the north side of the property significantly reduces the usable space for an inground pool.

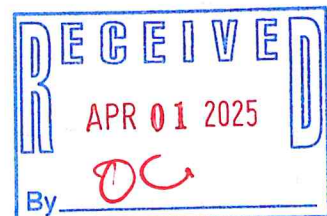
Chairman, Board of Adjustment
Signature

Date

I, Yvonne Mondlos, give authorization
to ~~Randy~~ Rauldel Garcia, to make decisions
on this appeal 12147 N. 16th, McAllen TX
78501 for the construction of the swimming pool
and other jobs

Yvonne Mondlos

Yvonne Mondlos
4-1-2025





NOTE: SURVEY PREPARED WITHOUT
THE BENEFIT OF A TITLE COMMITMENT
WHICH MAY SHOW EASEMENTS OF
RECORDS THAT MAY AFFECT THIS
PROPERTY

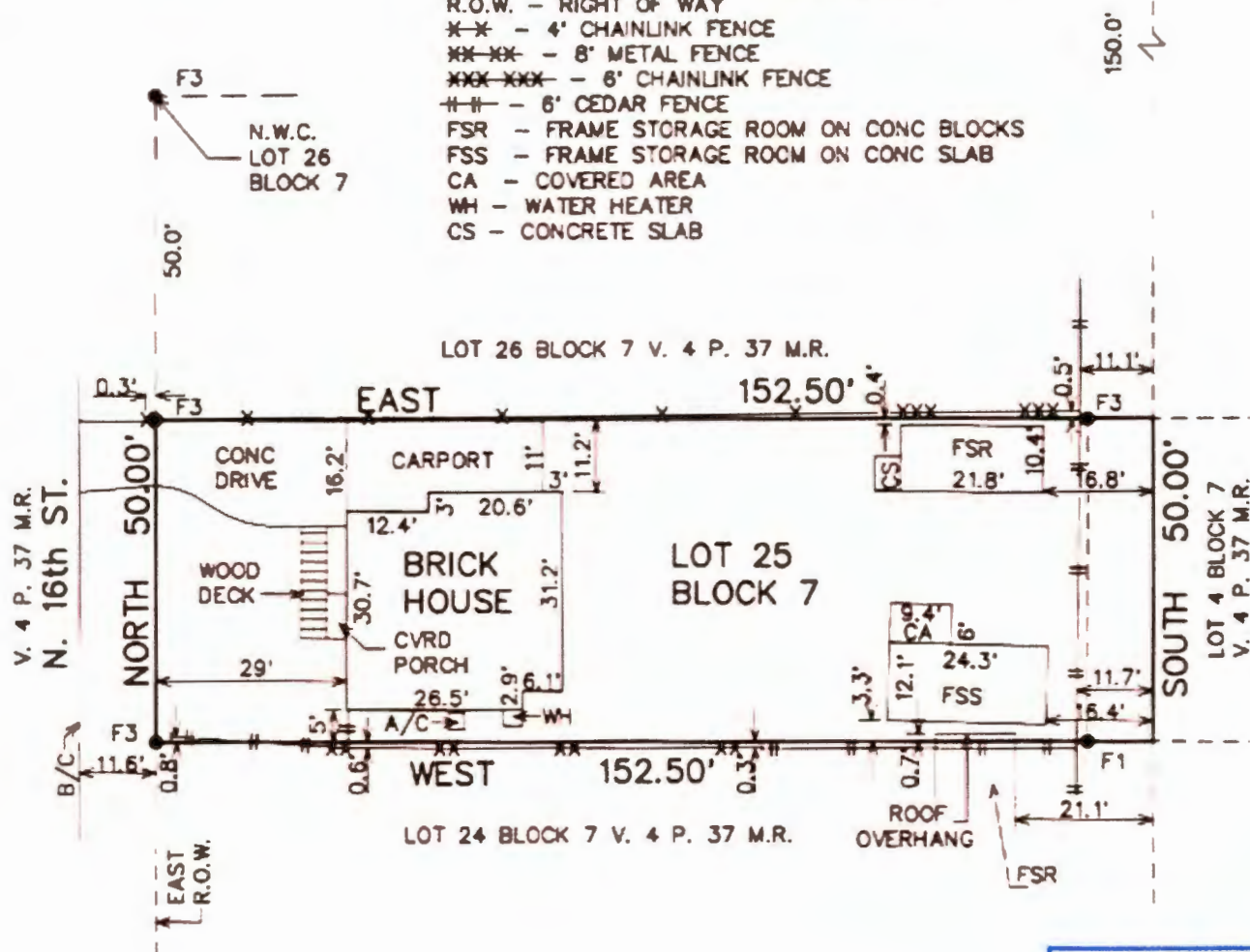
SCALE: 1"=30'
CAD: MILMORADD25-7M
JOB: 76053

V. 4 P. 37 M.R.
MAPLE AVENUE
SOUTH R.O.W.

NOTE: BASIS OF BEARING IS
THE NORTH LINE OF LOTS 25-
26 BLOCK 7 MILMOR ADDITION
V. 4 P. 37 MAP RECORDS

LEGEND

F1 - FOUND 1/2" DIAMETER IRON ROD
F3 - FOUND 1/2" DIAMETER IRON PIPE
B/C - BACK OF CONCRETE CURB & GUTTER
R.O.W. - RIGHT OF WAY
*- - 4' CHAINLINK FENCE
*- - 8' METAL FENCE
*- - 6' CHAINLINK FENCE
- - - 6' CEDAR FENCE
FSR - FRAME STORAGE ROOM ON CONC BLOCKS
FSS - FRAME STORAGE ROOM ON CONC SLAB
CA - COVERED AREA
WH - WATER HEATER
CS - CONCRETE SLAB



BUYER'S NAME: Yvonne Morales

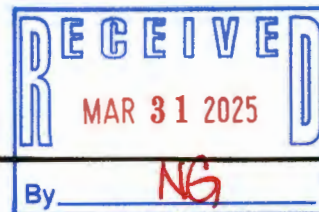
FLOOD ZONE: By GRAPHICAL PLOTTING Community Panel Number 480343 0005 C
Map Revised: November 2, 1982

- ☐ Zone "A" - This is to certify that this property is in a flood prone area.
- ☒ Zone "B" - This is to certify that this property is not in a flood prone area. However limits between the 100 year and 500 year flood are subject to flooding with average depths less than one foot.
- ☐ Zone "C" - This is to certify that this property is not in a flood prone area.

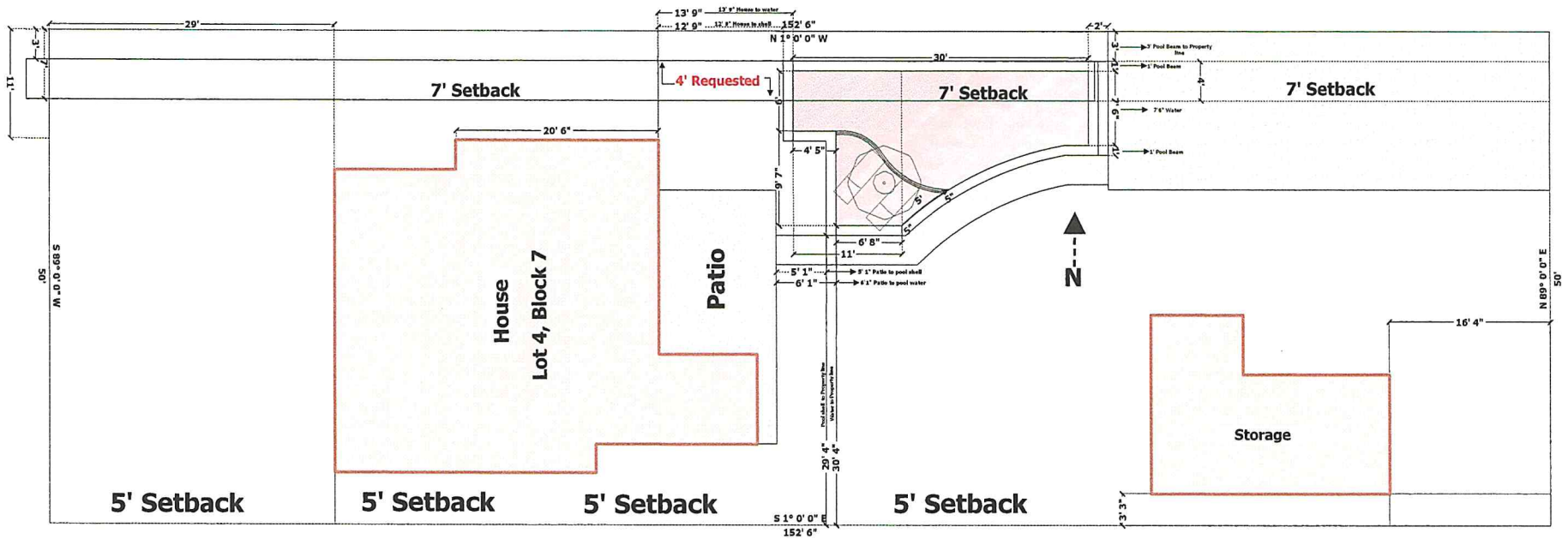
I certify that this plat represents the facts found on the ground at the time of survey and that there are no visible or apparent easements, discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments, or overlapping of improvements or visible easements except as shown on this plat. No subsurface utilities or service connections are shown, © copyright 2022 PENA ENGINEERING this survey was provided in multiple originals solely for the borrower named hereon, in conjunction with the original transaction which shall take place within 6 months after the survey was provided. No license has been created or implied to copy this Survey. Survey valid only if print has original seal and signature.

ADDRESS: 1214 N. 16th St. McAllen, TX 78501

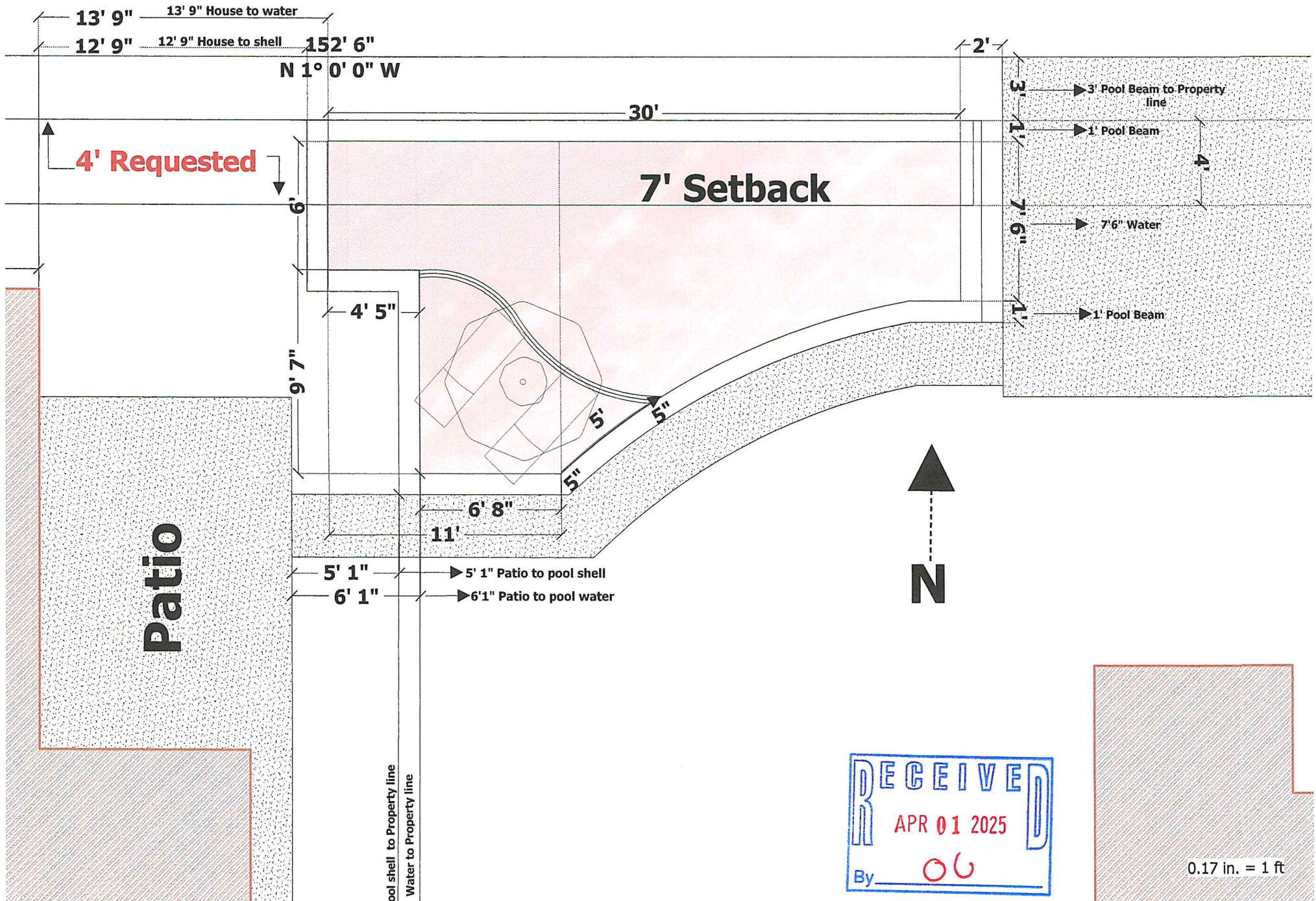
LEGAL DESCRIPTION: Lot 25, Block 7, MILMOR ADDITION, an addition to



N 16th Street



0.06 in. = 1 ft





**NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2025-0010**



CITY OF MCALLEN PLANNING DEPT.
956-681-1250
WWW.MCALLENNET.NET



1214