

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, OCTOBER 19, 2022 - 4:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3RD FLOOR

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

CALL TO ORDER – Chairperson Sylvia Hinojosa

1. MINUTES:

- a) Minutes for the meeting held on October 5, 2022

2. PUBLIC HEARINGS:

- a) Request of Blanca Puente for the Variance and Special Exception to the City of McAllen Zoning Ordinance, and Vegetation Ordinance to allow an encroachment of 20.5 feet into the 25 feet front yard setback for an existing porch measuring 7 feet by 26.25 feet, a proposed carport measuring 13 feet by 38 feet, and to allow the existing cement to remain rather than the required landscaping requirement at Lot 172, Idela Park Unit 3 Subdivision, Hidalgo County, Texas; 3408 Lucille Avenue. **(ZBA2022-0084)**
- b) Request of Jorge Herrera for the Variance to the City of McAllen Off-Street Parking and Loading Ordinance to allow 8 parking spaces instead of the required 9 parking spaces for proposed apartments at Lot 5, Block 54, McAllen Addition Subdivision, Hidalgo County, Texas; 604 South 15th Street. **(ZBA2022-0085)**
- c) Request of Juan A. Ramos for the following Special Exception request to the City of McAllen Zoning Ordinance to allow an encroachment of 7.5 feet into the 10 feet corner south side yard setback for an existing metal carport measuring 12 feet by 17 feet, at Lot 9, Janice Addition Subdivision, Hidalgo County, Texas; 1801 North 12th Street. **(ZBA2022-0086)**
- d) Request of Elvia Mar Galvan for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 3 feet into the 6 feet south side yard setback and 1 feet into the 5 feet rear yard setback for an existing metal carport, at a 0.32 acre tract of land more or less being the north 70.00 feet of the south 165.00 feet of the west 200.00 feet of Lot 57, La Lomita Irrigation and Construction Company's Subdivision, Hidalgo County, Texas; 7608 North Ware Road. **(ZBA2022-0088)**
- e) Request of Villa Del Sol Construction LLC for the following Variance to the City of McAllen Zoning Ordinance to not provide one required parking space beyond the front yard setback line at Lot 41, Auburn Estates Phase II Subdivision, Hidalgo County, Texas; 7533 North 27th Street. **(ZBA2022-0079)**
- f) Request of Rio Delta Engineering for the Variance to the City of McAllen Zoning Ordinance to be exempted from the 8-foot CMU buffer requirement along the west side of the subject property located at the 6.713 Acres out of Lot 7, E.M. Card Survey No. 1 and out of Lot 14, Section 279, Tex-Mex Railway Company Survey Subdivision, Hidalgo County, Texas; 2300 Oxford Avenue. **(ZBA2022-0081)**

- g) Request of Aqua Mill, LLC on behalf of Velmej Investments, LLC for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 114 feet into the 120 feet front yard setback for a water kiosk measuring 12 feet by 12 feet on the West 119.4 feet out of Lot 3, Spring Glen Subdivision, Hidalgo County, Texas; 714 North McColl Road. **(ZBA2022-0060)**
- h) Request of Trevino Engineering on behalf of Sonia Salkinder for a variance to the City of McAllen Vegetation Ordinance to not provide a masonry wall 8 feet in height along the west property line for the south 2.06 acres out of Lot 17, Ebony Heights Citrus Groves Unit 1 Subdivision (Proposed Salkinder Plaza Subdivision), Hidalgo County, Texas; 8801 North 10th Street. **(ZBA2022-0082) (TABLED: 10/05/2022)**
- i) Request of Baldemar Sanchez for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 22 feet into the 25 feet front yard setback and 3.5 feet into the 7 feet south side yard setback for an existing metal carport measuring 20 feet by 30 feet, at Lot 46, Idela Park Unit No. 1 Subdivision, Hidalgo County, Texas; 5101 South 29th Street. **(ZBA2022-0080)**
- j) Request of Elizabeth L. Garza for the following Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 4 feet into the 10 feet South side yard setback for an existing single family home, at Lot 124, Vendome Subdivision Phase II, Hidalgo County, Texas; 13818 North 33rd Lane. **(ZBA2022-0037) (TABLED: 07/07/2022, 07/20/2022, 08/03/2022, 08/17/2022, 8/31/2022, 09/08/2022, 09/21/2022, 10/05/2022)**

3. FUTURE AGENDA ITEMS

- a) 3408 Rosalva Avenue
- b) 1022 North 17th Street
- c) 413 North 17th Street
- d) 1013 South 25th 1/2 Street
- e) 9400 North 17th Street
- f) 5012 Redwood Avenue

ADJOURNMENT:

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

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

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, October 5, 2022 at 3:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	Sylvia Hinojosa	Chairperson
	Jose Gutierrez	Vice-Chairperson
	Ann Tafel	Member
	Hugo Avila	Member
	Rebecca Millan	Alternate
	Juan Mujica	Alternate
	Sam Saldivar	Alternate
Absent:	Rogelio Rodriguez	Member
	Mark Talbot	Alternate
Staff Present:	Austin Stevenson	Assistant City Attorney
	Edgar Garcia	Planning Director
	Rodrigo Sanchez	Senior Planner
	Omar Sotelo	Senior Planner
	Marco Rivera	Planner I
	Samuel Nunez	Planner I
	Samantha Trevino	Planner I
	Porfirio Hernandez	Planning Technician II
	Julian Hernandez	Planning Technician I
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Sylvia Hinojosa

1. MINUTES:

- a)** Minutes for the special meeting held on September 21, 2022.

The minutes for the special meeting held on September 21, 2022 were approved. The motion to approve the minutes were made by Vice-Chairperson Jose Gutierrez. Ms. Ann Tafel seconded the motion, which carried unanimously with five members present and voting.

As per Chairperson Sylvia Hinojosa’s suggestion, the following items had been recommended for approval by staff. They are as follows:

2. PUBLIC HEARINGS:

- a)** Request of Gilberto Saldana G. for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 14 feet into the 20 feet front yard setback for a proposed carport measuring 20 feet by 12 feet on Lot 61-A, La Lomita Estates Subdivision, Hidalgo County, Texas; 2445 North 31st Street. **(ZBA2022-0061)**

- b) Request of Manuel Rodriguez for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 11 feet into the 20 feet front yard setback for an existing porch measuring 18 feet by 12 feet, at Lot 25, Block 5, Colonia McAllen Unit No. 7 Subdivision, Hidalgo County, Texas; 1901 South 33rd Street. **(ZBA2022-0062)**
- c) Request of Brandon Clay Probst for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 23 feet into the 25 feet front yard setback for a proposed metal carport measuring 23 feet by 21 feet, at Lot 18, Saddle Creek Unit 1 Subdivision, Hidalgo County, Texas, 3112 Northwestern Avenue. **(ZBA2022-0064)**
- d) Request of Tirso Cavazos for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 16 feet into the 26 feet front yard setback for a proposed carport measuring 20 feet by 20 feet, at Lot 2, Block 18, College Heights Subdivision, Hidalgo County, Texas; 2005 Newport Avenue. **(ZBA2022-0065)**
- e) Request of Ramon Garcia for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 15 feet into the 20 feet front yard setback for an existing metal carport measuring 20 feet by 20 feet on Lot 14, Brookwood Unit II Subdivision, Hidalgo County, Texas; 3913 Zinnia Avenue. **(ZBA2022-0068)**
- f) Request of Jorge Vasquez for a special exception to the City of McAllen Zoning Ordinance to allow encroachments of 20 feet into the 25 feet front yard setback and 1.5 feet into the 5 feet west side yard setback for an existing metal carport measuring 20 feet by 20 feet on, Lot 3, Block 3, Pecan Terrace, Hidalgo County, Texas; 2205 Nyssa Avenue. **(ZBA2022-0069)**
- g) Request of Javier Garza on behalf of Saharai Elizondo for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 25 feet rear yard setback for a proposed swimming pool measuring 14 feet by 27 feet with a landing area measuring 4 feet by 8 feet on Lot 23-A, Trinity Oaks Subdivision Phase IA, Hidalgo County, Texas; 10734 North 29th Lane. **(ZBA2022-0070)**
- h) Request of Frank Carrasco for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 20 feet front yard setback for an existing wooden-frame carport with a metal roof measuring 16 feet by 10 feet on Lot 69, La Lomita Estates Subdivision, Hidalgo County, Texas; 2309 North 31st Street. **(ZBA2022-0071)**
- i) Request of Jose G. Perez for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 20 feet front yard setback for a proposed metal carport measuring 18 feet by 22 feet, at Lot 37, McColl Terrace Subdivision No. 2 (Amended), Hidalgo County, Texas; 407 East Vine Avenue. **(ZBA2022-0074)**
- j) Request of Maria I. Sepulveda for the following Special Exception to the City of McAllen off-street parking and loading ordinance to not provide one parking space beyond the front yard setback, at Lot 14, Saddle Creek Unit 2 Subdivision,

Hidalgo County, Texas; 9410 North 29th Lane. **(ZBA2022-0076)**

- k) Request of Patricia Madsen for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 15 feet into the 20 feet front yard setback for an existing metal carport measuring 20 feet by 16 feet, at Lot 122, Arrowhead Subdivision Phase II, Hidalgo County, Texas; 2801 North 39th Street. **(ZBA2022-0077)**
- l) Request of Nora Elia Garza for the following Special Exception to the City of McAllen off-street parking and loading ordinance to not provide one parking space beyond the front yard setback, at Lot 89, Villa De Palmas Subdivision, Hidalgo County, Texas; 4109 Gardenia Avenue. **(ZBA2022-0078)**

Mr. Hugo Avila **moved** to approve the previously outlined special exception and variance requests as per staff's recommendation, limited to the submitted plans correspondent to each item. Ms. Ann Tafel seconded the motion. The Board voted to approve with five members present and voting.

- m) Request of David Zuniga. for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 5 feet into the 25-foot front yard setback for a proposed single family home, at Lot 20 Blk 4 for Balboa Acres subdivision, Hidalgo County, Texas; 2400 Helena Avenue. **(ZBA2022-0052) (TABLED: 09/08/2022) (REMAIN TABLED: 09/21/2022)**

Vice-Chairperson Jose Gutierrez **moved** to remove the item from the table. Ms. Rebeca Millan seconded the motion. The Board voted to remove the item from the table with five members present and voting.

Ms. Trevino stated the applicant was requesting a variance to allow an encroachment of 5 feet into the 25-foot front yard setback in order to accommodate construction of a proposed single-family residence.

The subject property was located at the northwest corner of Helena Avenue and South 24th Street. The property had 95 feet of frontage along Helena Avenue and a depth of 107.5 ft., for a lot size of approximately 10,212 square feet. The surrounding land use is single-family residential with a commercial use to the east across South 24th Street.

The plat for Balboa Acres Subdivision was recorded in January 1963. The subdivision was annexed into the city in 1975. The plat indicates a front yard setback of 25 feet. A building permit application for the proposed residence has not yet been submitted. The applicant submitted the special exception request on August 3, 2022.

Approval of the variance request would allow an encroachment of 5 feet into the 25 feet front yard setback. The submitted site plan showed that a garage was proposed to be built at the rear of the property and the proposed encroachment will help to accommodate the proposed garage.

During the site visit, staff noticed other homes within the subdivision that appear to have been built at the 20-foot front yard setback. The proposed setback request on the subject property would be characteristic of construction in this area.

A review of Planning Department records did not reveal any approved special exceptions or variances in the immediate area.

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

Staff recommended approval of the variance request. If the Board grants approval of the request, it should be limited to the encroachment shown on the submitted site plan. The proposed encroachment will not alter the essential character of the neighborhood.

At the Zoning Board of Adjustments and Appeals meeting of September 8, 2022, no one appeared in opposition of the variance request. David Zuniga, the applicant, stated that he wants to construct a single-family home encroaching 5 feet into the 25 feet front yard setback since a garage was proposed at the rear of the property. Board member Saldivar stated that construction could be moved 5 feet to the rear of the property and have a 5 feet rear yard setback instead of 10 feet. Board member Saldivar stated that his concern is the order of applying for the building permit. Applying for a building permit first will allow staff to review and discuss with the applicant options for placement of the proposed construction. Following further discussion, the item was tabled by the Board in order to allow the applicant time to consider an alternative 5 feet encroachment into the rear yard setback instead of the requested 5 feet encroachment into the front yard setback in order to maintain front yard setback consistency. There were five members present and voting.

The variance request remained tabled since the applicant was not present.

Vice-Chairperson Gutierrez asked staff how many feet of encroachment was the original plat. Ms. Trevino stated 25 feet while others had 20 feet or closer.

Mr. Hugo Avila **moved** to approve the variance request to allow an encroachment of 5 feet into the 25 feet front yard setback. Ms. Rebecca Millan seconded the motion. The Board voted to approve the variance request with five members present and voting.

- n) Request of Nora Macias for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 10 feet corner side yard setback for a proposed carport measuring 14 feet by 25 feet, at Lot 81, Northpark Estates Subdivision, Hidalgo County, Texas; 1516 Flamingo Avenue.
(ZBA2022-0066)

Ms. Trevino stated the applicant was requesting a special exception in order to allow an encroachment of 10 feet into the 10 feet side yard setback for a proposed carport measuring 14 feet by 25 feet. The applicant stated the carport was to provide cover for the area of the garage from the hot sun.

The subject property was located at the northeast corner of North 16th Street and Flamingo Avenue. The property has 75 feet of frontage along Flamingo Avenue and a depth of 100 feet, for a Lot size of 7,500 square feet. There was an existing single-family residence on the subject property. The surrounding land use is single-family residential.

The plat for Northpark Estates was recorded on May 22, 1978. The plat stated a 20 feet front yard setback and a 10 feet corner side yard setback. An application for a building

permit for the carport has not been submitted. An application for the special exception request was submitted on August 25, 2022.

Approval of the special exception request would allow an encroachment of 10 feet into the 10 foot corner side yard setback as shown in the applicant's submitted site plan. The reason for this request is to allow the applicant to provide protection for the garage area from the hot sun.

Setbacks are important to keep the character of single-family residential areas by maintaining the street yard and curb appeal of properties in a subdivision.

A review of Planning Department records did not reveal any variances or special exceptions granted for carports in the area. A site visit to the location did not find carports in the immediate area.

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

Measurements provided are without the benefit of a survey.

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

Staff recommended disapproval of the special exception request, since approval may encourage other property owners to build similar structures that may require special exceptions. It may impact the character of the neighborhood.

Chairperson Hinojosa asked staff if there were any phone calls or emails. Staff stated there was none. Chairperson Hinojosa asked if there was an alley or if they had an additional carport or garage in the rear or the front. Staff stated no.

Board member asked if there were any other carports in the area. Staff stated around that block there were none.

Board member Ann Tafel if it was going to obstruct the view from other drivers. Staff stated no, it would be left open on the side.

Ms. Nora Macias, the applicant stated she wanted to build the carport to protect the garage from the sun since she uses the garage to exit instead of the front. She stated the carport was opened on the side.

Board member Mujica asked the applicant if she would use the carport for her vehicles. Ms. Macias stated she parked her vehicles in the garage but it did get hot.

Vice-Chairperson Gutierrez asked the applicant to explain the purpose of the carport when she parked her vehicles inside. The applicant stated she used the carport to receive visitors since they enter through the kitchen area.

Board member Mujica asked staff if the current garage was in the building setback. Staff stated when they went to measure it was at about 14 feet from the garage to the edge of the property line.

The Board had concerns with safety issues.

Following discussion, Mr. Juan Mujica **moved** to disapprove the special exception. Ms. Ann Tafel seconded the motion. The Board voted to disapprove the special exception with five members present and voting.

- o) Request of Dora A. Garcia for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 6 feet into the 6 feet side yard setback for an existing porch measuring 12 feet by 43 feet, at Lot 25, Gardenia Terrace No. 8 Subdivision, Hidalgo County, Texas; 6105 North 30th Street. **(ZBA2022-0067)**

Ms. Trevino stated the applicant was requesting a variance in order to allow an encroachment of 6 feet into the side yard setback of 6 feet for an existing metal porch measuring 12 feet by 43 feet. The applicant stated the porch is for her and her family to enjoy their home outdoors and to have family barbecues.

The subject property was located along the west side of North 30th street. The property has 68.5 feet of frontage along 30th street and a depth of 110 feet, for a lot size of 7,535 square feet. There is an existing single-family residence on the subject property. The surrounding land use is single-family residential.

The plat for Gardenia Terrace No. 8 was recorded on May 31, 1978. The plat states a 6-foot side yard setback. An application for a building permit for the carport was submitted on August 18, 2022. An application for the variance request was submitted on August 26, 2022.

Approval of the variance request would allow an encroachment of 6 feet into the 6 feet side yard setback as shown in the applicant's submitted site plan. The reason for this request is to allow the applicant to enjoy her home with her family and have barbecues.

The board may consider a type of hardship - the financial cost of complying with the code, if the financial cost of compliance is greater than 50 percent of the appraised value of the structure.

Concerns regarding rainfall runoff into the neighbor's property may exist.

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 approval may encourage other property owners to build similar structures that may require variances.

Chairperson Hinojosa asked if the applicant was present. Staff stated no she was not present.

Board member Saldivar asked staff if the structure was already built. Staff stated the applicant was cited first, and then she applied for the building permit as well as the variance request.

Mr. Sam Saldivar **moved** to disapproved the variance request. Vice-Chairperson Gutierrez seconded the motion. The Board voted to disapproved the variance request

with five members present and voting.

- p) Request of Eloy Aguirre on behalf of Aguirre Family, LP for a variance to the City of McAllen Vegetation Ordinance to provide a cedar fence 8 feet in height for a buffer instead of the required masonry wall 8 feet in height along the west and south property lines for 1.724 acres out of Lot 14, Stewart's Addition (Proposed Lot 1, World of 4 Subdivision), Hidalgo County, Texas; 615 Dallas Avenue. **(ZBA2022-0072)**

Mr. Nunez stated the applicant requests a variance in order to not provide the required masonry screen 8 feet in height and instead provide a cedar fence 8 feet in height along the west (359.20 feet) and south (209.10 feet) property lines. The applicant states that a standard cedar fence will provide the same "division" being requested.

The vacant property was located along the south side of Dallas Avenue, approximately 450 feet east of South 8th Street. The tract of land has a total lot size of 1.724 acres. The subject property is zoned R-3A (multi-family residential apartment) District. The adjacent zoning is R-1 (single-family residential) District to the west and south, and R-3T (multi-family residential townhouse) District to the east.

A subdivision plat for a one-lot subdivision under the name "World of 4 Subdivision" was approved in revised final form at the Planning and Zoning Commission meeting of January 4, 2022 for a proposed 3-story, 48-unit apartment complex. Additionally, at the meeting a variance request was granted for World of 4 Subdivision to have a 22 feet front yard setback instead of the required 32 feet. A site plan review application for a proposed 3-story apartment complex was submitted in November 24, 2021 and is still under the review process.

The application for this variance request was submitted on August 31, 2022. A building permit application for the proposed 3-story apartment complex had not been submitted yet.

Approval of this variance request would allow the construction of a cedar fence 8 feet in height instead of the required 8-foot masonry wall along the west and south property lines of the subject property. According to the submitted site plan, the west property line measured 346.48 feet and the south property line measured 209.10 feet.

As per Vegetation Ordinance Section 110-49 (a), an 8-foot masonry screen (or wall) is required where a commercial, industrial, or multi-family use has a side or rear property line in common with a single-family use or zone. The adjacent properties to the west and south are zoned R-1 District.

A masonry wall will offer maximum privacy, and is a more effective sound barrier both for the adjacent properties and the subject property. Additionally, a masonry wall has a longer life and requires less maintenance than a cedar fence.

There was an existing cedar fence 6 feet in height located along the property lines of the adjacent properties to the east and west, and a chain-link fence located along the south property line of the adjacent property to the south.

The adjacent property located west of the subject property is the site for Comfort House Services ("Casa del Consuelo"), a location for hospice services. The adjacent property

located to the east is vacant land. The adjacent property to the south is currently used as a football and soccer field for Travis Middle School.

If this variance request was approved, the applicant must still comply with all other zoning ordinance and building code requirements that will be requested during the building permitting process.

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

Staff recommended disapproval of the variance request since the adjacent property to the south is the site for school-related athletic activities and the adjacent property to the west is the location for “hospice” services. The masonry screen will provide better noise reduction and maximum privacy for the adjacent properties as well as the subject property.

Board member Samuel Saldivar, Jr. will abstain from this item.

Mr. Eloy Aguirre, the applicant stated the hospice side the building had balconies. On the second balcony no matter what type of fence, that barrier does nothing. On the south side, there was a field to have all types of activities so there will be noise. He stated he was the contractor and owner of the project and best interest of his surroundings and neighbors.

Mr. Austin Stevenson, Legal mentioned to Chairperson Hinojosa that the applicant, Dora Garcia for Item O, which had been denied, was now present. There was a miscommunication that if she arrived late to hear her case. If the Board would consider it appropriate to allow her to present her case or reconsider a motion to reopen and let her present her case.

Following discussion, Ms. Ann Tafel **moved** to disapprove the variance request. Vice-Chairperson Jose Gutierrez seconded the motion. The Board voted to disapprove the variance request with five members present and voting.

- q)** Request of Leobardo Mendoza for the following Special Exceptions and variance request to the City of McAllen Zoning Ordinance to **1)** allow an encroachment of 10 feet into the 10 feet rear yard setback for an existing metal carport measuring 29.9 feet by 10 feet, **2)** to allow an encroachment of 7 feet into the 10 feet rear yard setback, and an encroachment of 6 feet into the 10 feet south side yard setback for an existing metal carport measuring 24.7 feet by 9 feet, and **3)** a variance for an existing utility porch measuring 5 feet by 8 feet encroaching 5 feet into the 10 feet rear yard setback, at Lot 8, Whispering Winds Subdivision, Hidalgo County, Texas; 600 North 43rd Street. **(ZBA2022-0075)**

Mr. Rivera stated the applicant was requesting special exceptions for encroachments into the rear and side yard setbacks for two existing carports and a variance for an encroachment into the rear yard setback for a utility porch. According to the applicant, the carport is for protection from the weather elements for the vehicles and the utility porch was being used for shade when doing laundry. The applicant stated he was unaware of a requirement for setbacks and building permits for the construction. The carports also help him with shade for health related reasons.

The subject property was located at the northeast corner of North 43rd Street and Fir

Avenue. The Lot had 64.55 feet of frontage along North 43rd Street and a depth of approximately 89 feet at its deepest point for a Lot size of approximately 5,487 square feet. The property is zoned R-1 (single-family residential) District and a single-family residence is located on the property. The surrounding land use is single family.

Whispering Winds Subdivision was recorded on September 30, 1980. The rear yard setback is 10 feet as per plat. There is no records of any Utility Easements on the plat for this lot. A stop work order was issued by the Building Permits and Inspections Department on August 30, 2022 for construction without a permit. An application for a building permit was submitted to Building Permits and Inspections Department on August 31, 2022, and a Special Exception request was submitted to the Planning Department on August 31, 2022.

The request is for:

- 1) **A special exception #1:** to allow an encroachment of 10 feet into the 10 feet rear yard setback for an existing metal carport measuring 29.9 feet by 10 feet. The existing carport was built by the owner in 2020 due to health related reasons and, for protection of his vehicles. The applicant was not aware a permit was required in order to build the structure and was unaware of the setbacks that needed to be maintained.
- 2) **A special exception #2:** to allow an existing metal with canvas cover carport encroaching 7 feet into the 10 feet rear yard setback and 6 feet into the 10 feet south side yard setback. The applicant built the structure in 2013 after the hailstorm in 2012 for protection of his vehicles. The applicant built the structure unaware that a building permit was required and unaware of the setbacks required and.
- 3) **A variance #3:** for an existing utility porch measuring 5 feet by 8 feet encroaching 5 feet into the 10 feet rear yard setback. The structure was built in 2008 as a protection to provide shade when doing their laundry manually. The applicant was not aware that a building permit was required for the construction.

The home does not contain a car garage.

Locating carports and having access from the alley at the rear of the property helps to maintain curb appeal along the front yard.

A windshield survey of the area revealed other similar rear yard encroachments; however, a review of Planning Department did not reveal Variances or Special Exceptions approved in the past for this subdivision.

Any relocation of the structures would involve encroachment into other setbacks.

An adjacent 20 feet alley helps to provide a buffer with adjacent properties.

Measurements provided are without the benefit of a survey.

The applicant submitted a list of neighboring residents in support of his requests.

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

Staff recommended **approval** of the Special Exception requests and **disapproval** for the variance request, since location at the rear yard helps to maintain curb appeal along the front yard, and hardship for the utility porch had not been established. The existing 20 feet alley also provides a separation to other existing structures. If the Board chooses to approve the request, it should be limited to the encroachments shown on the submitted site plan.

Chairperson Sylvia Hinojosa asked if there was anyone present in opposition of the variance request. There was no one in opposition of the variance request.

Mr. Leobardo Mendoza, the applicant stated he wanted to keep the carports he built to protect his vehicles from inclement weather. He did not have a garage. Mr. Mendoza stated they had stolen his truck and other belongs. He also built a small coverage for his wife to use as a washing area for clothes.

Vice-Chairperson Gutierrez explained to Mr. Mendoza the difference between a special exception and a variance request.

Following discussion, Mr. Juan Mujica **moved** to approve the special exception requests #1 and #2 and voted to disapprove variance request #3. Mr. Hugo Avila seconded the motion. The Board voted to approve the special exceptions and disapprove the variance request with five members present and voting.

- r) Request of Trevino Engineering on behalf of Sonia Salkinder for a variance to the City of McAllen Vegetation Ordinance to not provide a masonry wall 8 feet in height along the west property line for the south 2.06 acres out of Lot 17, Ebony Heights Citrus Groves Unit 1 Subdivision (Proposed Salkinder Plaza Subdivision), Hidalgo County, Texas; 8801 North 10th Street. **(ZBA2022-0082)**

Mr. Nunez stated the applicant was requesting a variance in order to not provide the required 8 feet in height masonry screen along the west side of the subject property. There is an existing 6 feet in height masonry wall along the property line of the adjacent property to the west and the applicant would like to not build a new 8 feet wall next to the existing 6 feet wall.

The property was located along the west side of North 10th Street, approximately 400 feet south of Northgate Lane. The tract has a total lot size of 2.06 acres. The subject property is zoned C-3 (general business) District. The adjacent zoning was R-1 (single-family residential) District to the west, and C-3 District to the north and south.

A subdivision plat for a one-lot subdivision under the name "Salkinder Plaza Subdivision" was approved in final form (pending recordation) at the Planning and Zoning Commission meeting of September 7, 2021 for a proposed commercial plaza. A building permit application was submitted on May 28, 2021. The application for this variance request was submitted on September 8, 2022. Construction for the proposed commercial development is already underway since a Hold Harmless Agreement was submitted by the applicant on September 1, 2021.

Approval of this variance request will allow the applicant to not provide a masonry wall 8 feet in height along the west side property line for a length of 266.30 feet.

As per Vegetation Ordinance Section 110-49 (a), an 8-foot masonry screen (or wall) is required where a commercial, industrial, or multi-family use has a side or rear property line in common with a single-family use or zone. The adjacent property to the west is zoned R-1 District.

As per the applicant, since the adjacent property owners to the west have provided a masonry wall (6 feet in height), they do not see it necessary to build a masonry wall 8 feet in height next to it. The applicant also stated that the existing 6 feet masonry wall cannot be built up to the required 8 feet height since the foundation was not designed for such a height.

If this variance request was approved, the applicant must still comply with all other zoning ordinance and building code requirements that will be requested during the building permitting process.

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

Staff recommended disapproval of the variance request since the existing masonry wall was built by and belongs to the adjacent property owners to the west of the subject property, and the Vegetation Ordinance requires the commercial use to provide the required screen. Additionally, the adjacent property owners can decide to demolish the existing wall at any time.

Mr. Pete Diaz, on behalf of the owners and applicant, 1305 East Nolana Avenue, Ste. F. He stated the survey shown is a boundary survey, which showed the property line. There was confusion when they received the Certificate of Occupancy as to the five foot gap. There was no 5-foot gap. The wall was on the property line.

Board member Mujica asked Mr. Diaz if the fence on both properties the entire length of the property or part of the length. Mr. Diaz stated that according to the owner it was the entire property line. He stated the wall was seven and a half feet tall.

Board member Mujica asked legal counsel if the fence was on the property line and someone brings down that fence, who would be responsible to put up the required fence later. Mr. Stevenson stated if it was on the property line and there was no fence and required a buffer then the City can take action against both parties.

Mr. Edgar Garcia, Planning Director stated this property was currently being subdivided in order to get an early building permit through management.

Following discussion, Ms. Rebecca Millan **moved** to table the variance request until the next meeting. Mr. Ann Tafel seconded the **motion**. The Board voted to table the variance request with five members present and voting.

- s) Request of Aqua Mill, LLC on behalf of Velmej Investments, LLC for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 114 feet into the 120 feet front yard setback for a water kiosk on Lots 1 thru 14, Spring Glen Subdivision, Hidalgo County, Texas; 628 North McColl Road. **(ZBA2022-0060) (TABLED: 09/21/2022)**

This item was to remain tabled until the next meeting.

- t) Request of Elizabeth L. Garza for the following Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 4 feet into the 10 feet South side yard setback for an existing single family home, at Lot 124, Vendome Subdivision Phase II, Hidalgo County, Texas; 13818 North 33rd Lane. **(ZBA2022-0037) (TABLED: 07/07/2022, 07/20/2022, 08/03/2022, 08/17/2022, 8/31/2022, 09/08/2022, 09/21/2022)**

This item was to remain tabled until the next meeting.

4. FUTURE AGENDA ITEMS:

- a) 7533 North 27th Street
- b) 5101 South 29th Street
- c) 2300 Oxford Avenue
- d) 3408 Lucille Avenue
- e) 604 South 15th Street
- f) 1801 North 12th Street
- g) 2250 Nolana Avenue
- h) 7608 North Ware Road

ADJOURNMENT

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

Chairperson Sylvia Hinojosa

Carmen White, Administrative Assistant

Memo

TO: Zoning Board of Adjustment & Appeals

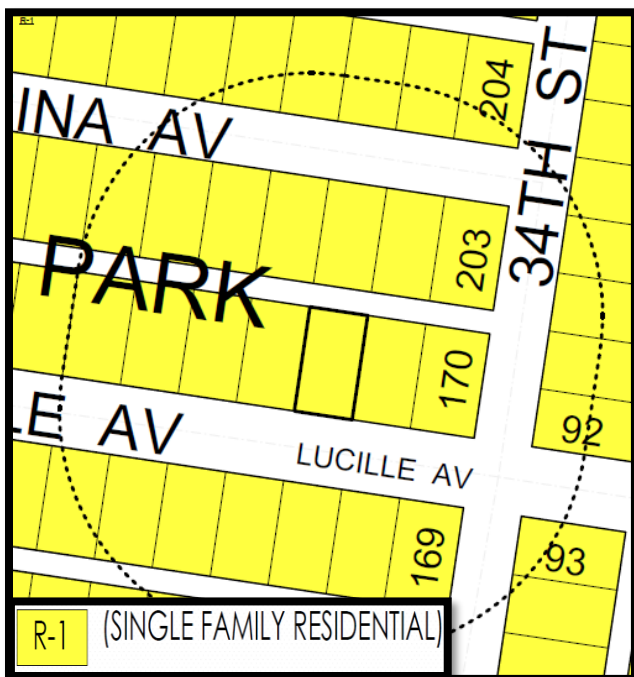
FROM: Planning Staff

DATE: October 10, 2022

SUBJECT: Request of Blanca Puente for the Variance and Special Exception to the City of McAllen Zoning Ordinance, and Vegetation Ordinance to allow an encroachment of 20.5 feet into the 25 feet front yard setback for an existing porch measuring 7 feet by 26.25 feet, a proposed carport measuring 13 feet by 38 feet, and to allow the existing cement to remain rather than the required landscaping requirement at Lot 172, Idela Park Unit 3 Subdivision, Hidalgo County, Texas; 3408 Lucille Avenue. (ZBA2022-0084)

REASON FOR APPEAL: The applicant is requesting a special exception for an encroachment into the front yard setback in order to construct a proposed carport measuring 13 feet by 38 feet, a variance to allow an encroachment of an existing porch measuring 7 feet by 26.25 feet, and to allow the existing cement to remain rather than the required landscaping requirement. According to the applicant the proposed carport would shelter vehicles from inclement weather, and would provide shade to the residents.

PROPERTY LOCATION AND VICINITY: The subject property is located along the north side of Lucille Avenue, west of 34th street. The lot size is 1,496 square feet. The zoning is R-1 (single-family residential) District. The surrounding land use is single family residential.



BACKGROUND AND HISTORY: Idela Park Unit 3 Subdivision was recorded on February 13, 1979, and the plat specifies a 25 feet front yard setback. A stop work order was issued by the Building Permits and Inspections Department in August 2022 for the construction without a permit of the carport. An application for a building permit was submitted to the Building Permits and Inspections Department on August 22, 2022, and an application for a Variance and Special Exception request was submitted to the Planning Department on September 13, 2022.

ANALYSIS: The applicant is requesting a Variance and Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20.5 feet into the 25 feet front yard setback for an existing porch measuring 7 feet by 26.25 feet and a proposed carport measuring 13 feet by 38 feet. The front yard setback is important in establishing the character of a single-family neighborhood by providing landscaping to enhance the residence and curb appeal of the street view. Approval of the request to allow the existing porch and the proposed carport within the front yard may encourage other structures to be constructed in the front yard setback.

The Variance to the Vegetation Ordinance to allow the existing cement to remain rather than to provide the required landscape area to visible from the fronting street (Lucille Avenue). The required landscape area is 1,250 square feet of which 625 square feet are to be at the front. A submitted picture and a visit to the subject property indicates that there is little to no landscape area within the property boundary.

The residence with a porch was constructed in 1985 as per Hidalgo County Appraisal District. The residence did not have a garage when the applicant purchased the residence, the proposed carport would shelter and protect the applicant's vehicles from inclement weather. The cement foundation located at the front of the subject property existed prior to the applicant purchasing the residence as per the applicant.

Review of Planning Department records revealed four other front yard setback Variance requests along this block approved by the Zoning Board of Adjustment and Appeals between 2008 and 2016.

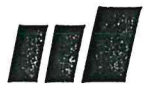
The Planning Department has received one call in favor to the Variance and Special Exception request.

A windshield survey of the area did reveal approximately seven other existing carports in the general area.

Special exceptions are issued to an individual and recorded, however, if new owner purchases the home they will have to apply as new owner.

RECOMMENDATION: Staff recommends approval of the Variance requests and Special Exception request since there have been other residences along the street who were granted Variances for encroaching structures along this corridor.

23A2002-0084

23A
10/19/2022

City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project

27 de septiembre

Legal Description

~~Carport~~ B.P. Carport IDEIA PARK
 UT3 LOT 172

Subdivision Name

Street Address

3408 Lucille Ave McAllen TX 78503

Number of lots

1

Gross acres

.1033

Existing Zoning

R1

Existing Land Use

Residencia

Reason for Appeal (please use other side if necessary)

 gujero interior. pascha de enfrente de la casa que esta dentro de los limites de la casa
 el retroceso del patio de la antera 13 pies y no baidir al limite de 25 pies para una cochera que mide 38 pies. 11-5 pies no tenemos

☒ \$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 Blanca Puente

Phone (956) 533-1340

Address 3408 Lucille Ave

E-mail blanca.puente1960@icloud.com

City McAllen

State TX

Zip 78503

Owner

Name Jose Puente

Phone (956) 867-5452

Address 3408 Lucille Ave

E-mail N/A

City McAllen

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

Jose Puente

Date

9-13-2022

Print Name

Jose Puente

☒ Owner

☒ Authorized Agent

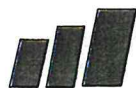
Office

Accepted by

SEN

Payment received by

Date



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

STAFF
APPROVAL
MAY 11 2020

*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 cars do not have protection against hail, sun and wind damage.

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

The extended porch would add protection against hail and sun damage. Furthermore, it will provide protection against objects that are thrown from the wind when there are strong winds.

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

It will be located directly on my property, it will be strong reinforced where it will not fly off in case of winds from storms.

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

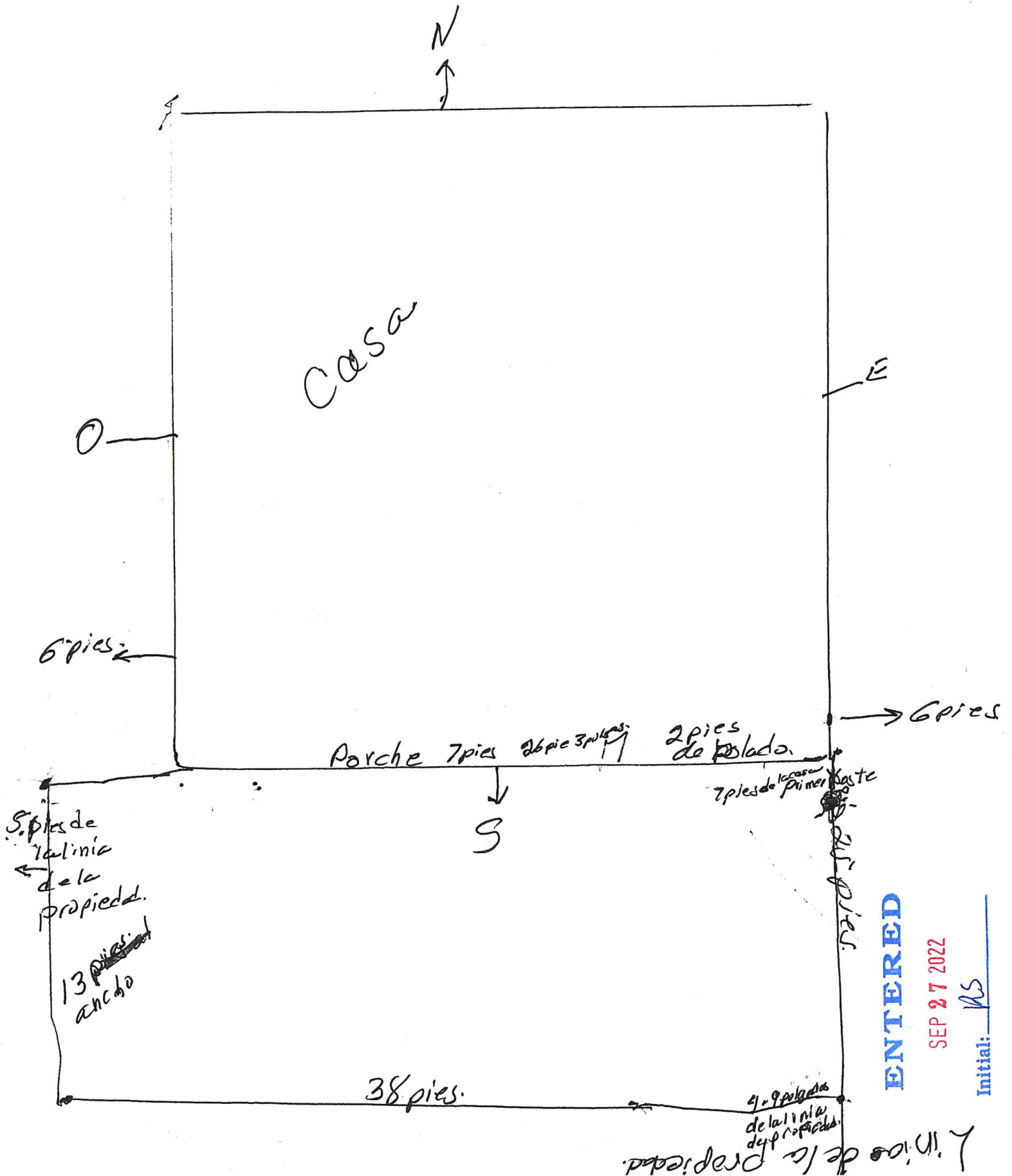
I have a daughter with special needs that live in our home. She cannot be exposed to sun light for a long period. This will help to prevent her from overheating when outside and prevent seizures.

Chairman, Board of Adjustment
Signature

Date

Blanco Puerto

9-27-2022





Memo

TO: Zoning Board of Adjustment & Appeals

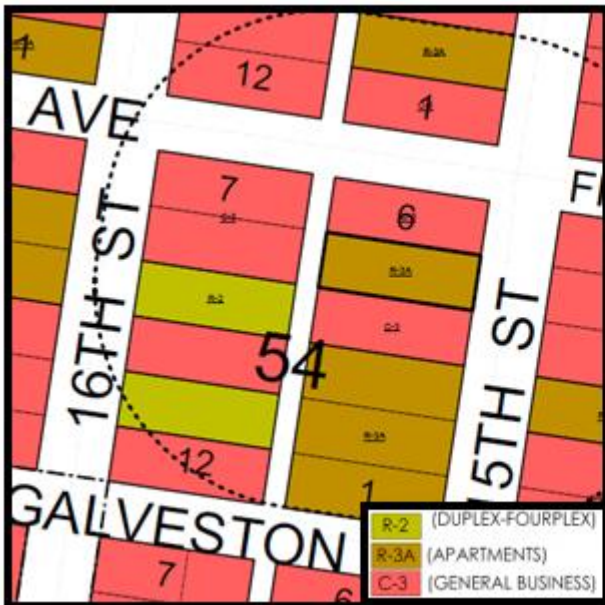
FROM: Planning Staff

DATE: October 3, 2022

SUBJECT: Request of Jorge Herrera for the Variance to the City of McAllen Off-Street Parking and Loading Ordinance to allow 8 parking spaces instead of the required 9 parking spaces for proposed apartments at Lot 5, Block 54, McAllen Addition Subdivision, Hidalgo County, Texas; 604 South 15th Street. (ZBA2022-0085)

REASON FOR APPEAL: The applicant requests the following variance to allow 8 parking spaces instead of the required 9 parking spaces. The applicant indicated that he is requesting the above variance in order to comply with the city ordinance dumpster requirement.

PROPERTY LOCATION AND VICINITY: The property is located on the west side of South 15th Street, approximately 200 ft. north of Galveston Avenue. The property has 50 ft. of frontage along South 15th Street and 140 ft. of depth for a tract size of 7,000 sq. ft. The property is zoned R-3A (multifamily residential apartments) District. The zoning is C-3 (general business) District in all directions, and R-2 (duplex-fourplex residential) District to the southwest. The property is currently vacant.



BACKGROUND AND HISTORY: The recorded map is McAllen Addition Subdivision. A variance application for the proposed 8 parking spaces instead of the required 9 was received on September 16, 2022.

On April 9, 2003, the Zoning Board of Adjustments & Appeals voted to grant a variance to allow 8 parking spaces instead of the required 9 parking spaces at Lot 10, Block 53, 613 South 15th Street in order to be used for trash pickup purposes. On January 06, 2021, the Zoning Board of Adjustments & Appeals voted to grant a variance to allow 8 parking spaced instead of the required 9 parking spaces at Lot 3, Block 54, 612 South 15th Street in order to comply with the city ordinance dumpster requirement.

ANALYSIS: The variance request is to allow 8 parking spaces instead of the required 9 spaces. Currently the lot is vacant, the owner is planning to build six one-bedroom unit apartment complex on the lot. Based on the number of bedrooms the applicant is required to provide 9 parking spaces. Section 138-395 requires for an apartment/condominium building with five or more unites to provide 1.5 parking spaces for each efficiency, studio apartment, and on bedroom living unit.

The required parking is not being met because there is a dumpster occupying one of the parking spaces. Section 110-49 requires a buffer to be provided to screen refuse areas (including refuse dumpsters, compactors and contained compacters) from public streets. The trash pickup is along the existing paved alley.

Planning Department has not received any calls in opposition to the requests.

RECOMMENDATION:

Staff recommends approval of the variance request since there have been other apartments along the street who were granted a variance to allow 8 parking spaces instead of the required 9 parking spaced in order to comply with the city ordinance dumpster location requirement.

ZBA2022-0085

ZB04
10/19/22

City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALEN ZONING ORDINANCE

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

Project

 MCALLEN ADDITION SUBD
 Legal Description

Lot 5 BIK 54

Subdivision Name

MCALEN ADDITION SUBDIVISION

Street Address

South 15th St

Number of lots _____ Gross acres _____

Existing Zoning

R3 A

Existing Land Use

CURRENTLY
VACANT

Reason for Appeal (please use other side if necessary)

PROPOSED MULTI FAMILY
RESIDENCE
 WE ARE REQUESTING TO HAVE B-PARKING SPACE INSTEAD OF THE REQUIRED
 9-SPACE (PARKING)

☒ \$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

JORGE HERRERA

Phone

956-624-310615

Address

6701 N 8th St

E-mail

jorge.herrera4712@gmail.com

City

MCALEN

State

TX

Zip

78504

Owner

Name

MR. RON SUPRISE

Phone

Address

E-mail

City

MCALEN

State

TX

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

Date

Print Name

Ron Surprise

☒ Owner☐ Authorized Agent

Office

Accepted by _____

Payment received by _____

Date _____

Rev 10/18

SEP 16 2022

ENTERED

KS



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:

LOT SIZE IS 50' X 140'

WE HAVE LIMITED SPACE FOR THE REQUIRED PARKING SPACE - 6 UNITS - 1 BEDROOM APARTMENT

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

WE HAVE 4 - PARKING SPACES IN FRONT

WE HAVE 4 - PARKING SPACES IN BACK (ALLEY)

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:

TO MY KNOWLEDGE SURROUNDING AREAS

WON'T HAVE ISSUES WITH THE REQUEST

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

LOT SIZE IS 50' X 140'

I WOULD BE IN COMPLAINT BUT NOT ENOUGH LOT SPACE

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date



Memo

TO: Zoning Board of Adjustment & Appeals

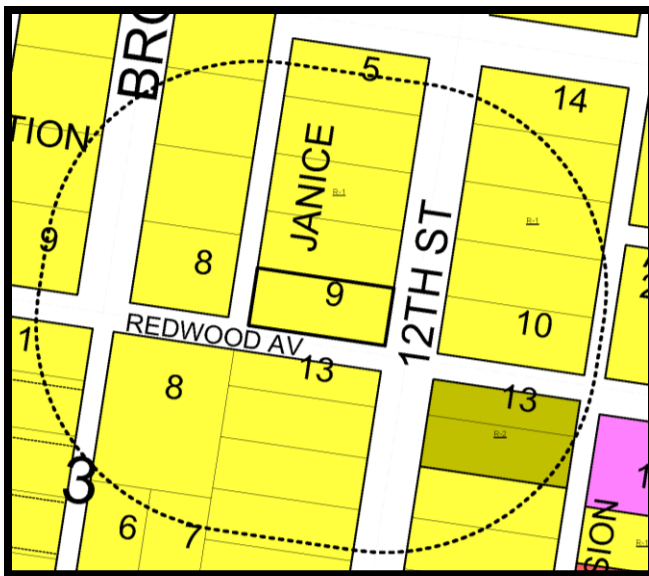
FROM: Planning Staff

DATE: October 13, 2022

SUBJECT: REQUEST OF JUAN A. RAMOS FOR THE FOLLOWING SPECIAL EXCEPTION REQUEST TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 7.5 FEET INTO THE 10 FEET CORNER SOUTH SIDE YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 12 FEET BY 17 FEET, AT LOT 9, JANICE ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS; 1801 NORTH 12TH STREET. (ZBA2022-0086)

REASON FOR APPEAL:

The applicant is requesting a special exception to allow an encroachment of 7.5 feet into the 10 feet corner south side yard setback for an existing metal carport that was built in 2012 after the hailstorm of that year. According to the applicant, the construction of the carport was for protection of their vehicles from inclement weather events and for medical reasons.



PROPERTY LOCATION AND VICINITY:

The subject property is located at the intersection of Redwood Avenue and North 12th Street. The lot has 56 feet of frontage along North 12th Street and a depth of 130 feet for a lot size of 7,280 square feet. The property is zoned R-1 (single-family residential) District. Adjacent zoning is R-1 District in all directions and there is R-2 (duplex-fourplex residential) District to the southeast.

BACKGROUND AND HISTORY:

The subdivision plat for Janice Addition was recorded on December 10, 1946. The plat does not show

any setbacks, but would follow setbacks as per city ordinances. A stop work order was posted on September 7, 2022 for construction without a building permit. An application for a building permit was submitted to the Building Permits and Inspections Department on September 7, 2022. An application for a Special Exception request was submitted to the Planning Department on September 20, 2022.

ANALYSIS:

Section 138-368(a) Side Yards of the Zoning Ordinance states “On a corner lot in all districts, the width of the side yards along the street shall not be less than ten feet...” The existing carport encroaches 7.5 feet into the 10 feet corner south side yard setback. The existing carport measures 12 feet by 17 feet and is currently detached from the house but the applicant is proposing to attach the existing carport to the main structure. The applicant stated he was unaware that a building permit was required in order to construct the structure and was unaware of the need to respect setbacks.

The submitted site plan shows other structures located in the rear yard that appear to be encroaching into the side and rear yards. The applicant has decided to only resolve the 12 feet by 17 feet carport encroachment in the corner yard setback. The other buildings shown on the site plan (at the rear yard of the house) are comprised of three carports and three sheds. Other buildings located in the rear yard prevent relocation of the carport (that is the subject of this request) out of the corner yard setback.

The plat does not show any utility easements within the 10 feet corner yard setback.

During a site visit, staff noticed other similar structures in the area that appear to encroach within the setbacks. A review of Planning Department records did not reveal any Variances or Special Exceptions granted for properties in Janice Addition.

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

RECOMMENDATION:

Staff recommends approval of the special exception request since relocation of the existing carport is not feasible due to the space constraints created by other existing structures in the rear yard of the property. The carport would also have to be demolished in order to be in compliance with setbacks.

ZBA 2022-0086

ZBA
10/19/22



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project

Legal Description

Janice Addn. Lot 9

Subdivision Name

Street Address

1801 N. 12th St.

Number of lots

1

Gross acres

Existing Zoning

Residential

Existing Land Use

Residential

Reason for Appeal (please use other side if necessary)

Requesting 7'6" into 10'0" side yard set-back for metal car port and 5'0" separation from house

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

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

Applicant

Name

Juan A. Ramos

Phone

(956) 821-1593

Address

1801 N. 12th St.

E-mail

sdon106@yahoo.com

City

McAllen

State

TX

Zip

78501

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

[Signature]

Date

9/20/2022

Print Name

Juan A. Ramos

☒ Owner

☐ Authorized Agent

Office

Accepted by

[Signature]

Payment received by

Date SEP 20 2022

Rev 10/18





City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

2019/10/10

*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:

Need protection for vehicles

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

IT will be used for resident and visitor parking. The purpose will be to protect the vehicles from severe weather conditions

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

It is an open building on all four sides. Will not have any detrimental impact on surrounding properties. It is not on top of any easement.

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

Main purpose is to keep off from using 12th St for additional parking as there is NO access for parking on Redwood Ave. side. Second it will be used as extra protection for child with special condition needs.

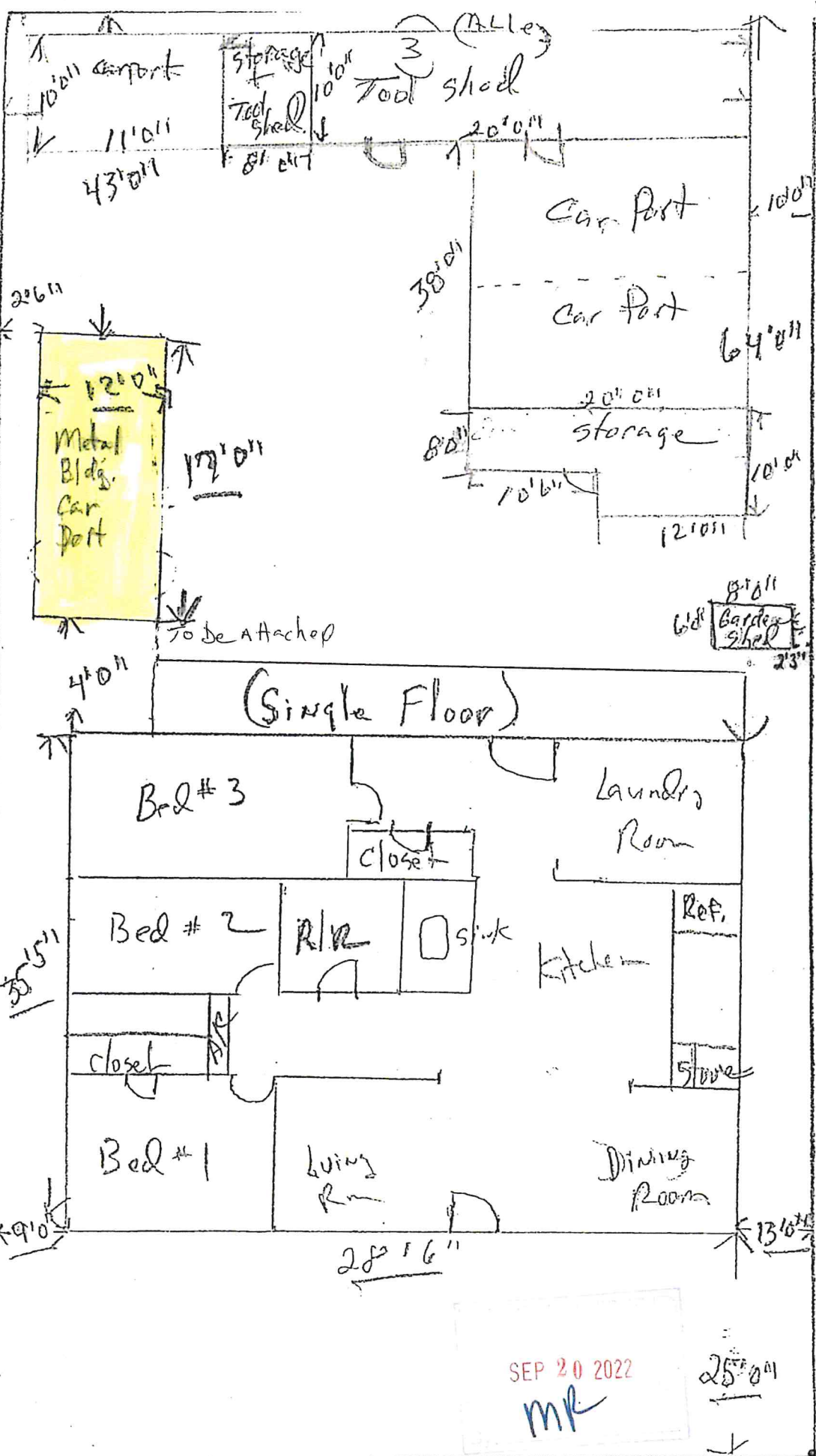
Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date

Redwood Ave. (S)



2
10-3-2022

SEP 20 2022

MP

1000 N. 17th St. (E) 17th St





BEWARE
OF THE DOG

PRIVATE
PROPERTY

NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0086
CITY OF MCALLEN PLANNING DEPT.
956-681-1250
WWW.MCALLE.NET



Memo

TO: Zoning Board of Adjustment & Appeals

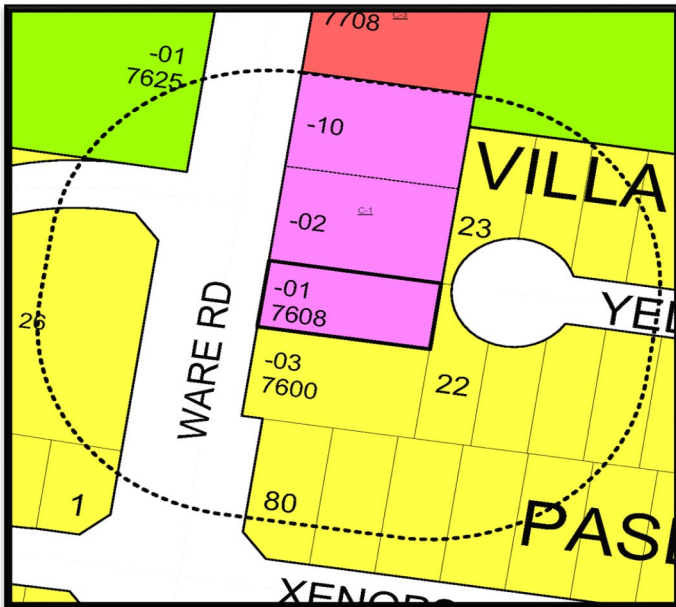
FROM: Planning Staff

DATE: October 13, 2022

SUBJECT: REQUEST OF ELVIA MAR GALVAN FOR THE FOLLOWING SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 3 FEET INTO THE 6 FEET SOUTH SIDE YARD SETBACK AND 1 FOOT INTO THE 5 FEET REAR YARD SETBACK FOR AN EXISTING METAL CARPORT, AT A 0.32 ACRE TRACT OF LAND MORE OR LESS BEING THE NORTH 70.00 FEET OF THE SOUTH 165.00 FEET OF THE WEST 200.00 FEET OF LOT 57, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 7608 NORTH WARE ROAD. (ZBA2022-0088)

REASON FOR APPEAL:

The applicant is requesting a special exception to allow an encroachment of 3 feet into the 6 feet south side yard setback and 1 foot into the 5 feet rear yard setback for an existing metal carport. According to the applicant, the construction of the carport was for protection of their vehicles from inclement weather events.



PROPERTY LOCATION AND VICINITY:

The subject property is located along the east side of North Ware Road, north of Xenops Avenue. The property has 70 feet of frontage along North Ware Road and a depth of 200 feet for a Lot size of 14,000

square feet. The property is zoned C-1 (office building) District. Adjacent zoning is C-1 District to the north and R-1 (single-family residential) District to the east, south, and west.

BACKGROUND AND HISTORY:

An application for a building permit was submitted to the Building Permits and Inspections Department on June 8, 2022. A follow up stop work order was posted on September 16, 2022 for construction without a building permit. Since the property was unsubdivided, the property was granted a subdivision variance by the City Commission on September 12, 2022 and, an application for a Special Exception request was submitted to the Planning Department on September 21, 2022.

ANALYSIS:

As per City of McAllen Zoning Ordinance, rear setbacks shall be 5 feet in commercial districts. The Zoning Ordinance states in Section 138-356 11b (4)“Side yard setbacks from all lot lines shall be one foot back for each two feet in height...”. A site plan submitted by the applicant shows the height of the carport to be 12 feet since some of the vehicles to be housed include a recreational vehicle and a boat. The side yard setback is 6 feet. The existing carport encroaches 3 feet into the 6 feet south side yard setback and 1 foot into the 5 feet rear yard setback. The submitted site plan shows the carport detached from the house a distance of 4 feet. The applicant proposes to attach the carport structure to the main residence.

Locating the carport at the rear of the property will help screen the family vehicles and this will help to maintain curb appeal along the front yard. The applicant also proposes to pave the parking area for the vehicles.

The applicant would like for the carport to remain at its present location in order to allow for space on the Lot for family get-togethers.

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

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

RECOMMENDATION:

Staff recommends approval of the special exception request since placement of the carport at the rear yard helps to maintain curb appeal along the front yard. The rear yard is also screened by a cedar fence. If the Board chooses to approve the request, it should be limited to the encroachments shown on the submitted site plan.

LPH 000-000

BDA
10/19/2022



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project

Legal Description At A 0.32-Acre Tract of Land more or less being the North 70'

of the South 105' of the West 200' of Lot 57, La Lomita Irrigation
and Construction Company Subdivision

Subdivision Name

Street Address

7608 N. Wake Road

Number of lots 1

Gross acres

Existing Zoning

C-1

Existing Land Use

Home

Reason for Appeal (please use other side if necessary)

Encroach 3' into 6' side yard setback
Encroach 1' into 5' Rear Yard Setback

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

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

Applicant

Name

Elvia Maria Galvan

Phone

956-330-4224

Address

7608 N. Wake Road

E-mail

elviagalvan@sbcglobal.net

City

McAllen

State

TX

Zip

78504

Owner

Name

Same as Above

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

Elvia Maria Galvan

Date

9-20-22

Print Name

Elvia Maria Galvan

☒ Owner

☐ Authorized Agent

Office

Accepted by

Payment received by

Date

Rev 10/18

SEP 21 2022

BY:

EW

AS



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

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

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

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

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

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

Cover variance is necessary to protect my personal belongings.

RV Trailer, Boat, Tractor, Trailer, and an old classic Truck.

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:

Cover is in the back of the house surrounded by privacy fence, thus giving me the opportunity to keep my front yard presentable.

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

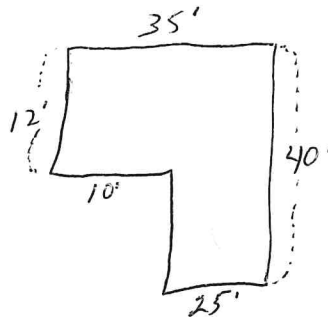
I would like to be able to store my RV, Boat, Tractor, Trailer and Antiques in the back of the house to keep the front yard looking nice & clean.

Reason for Appeal

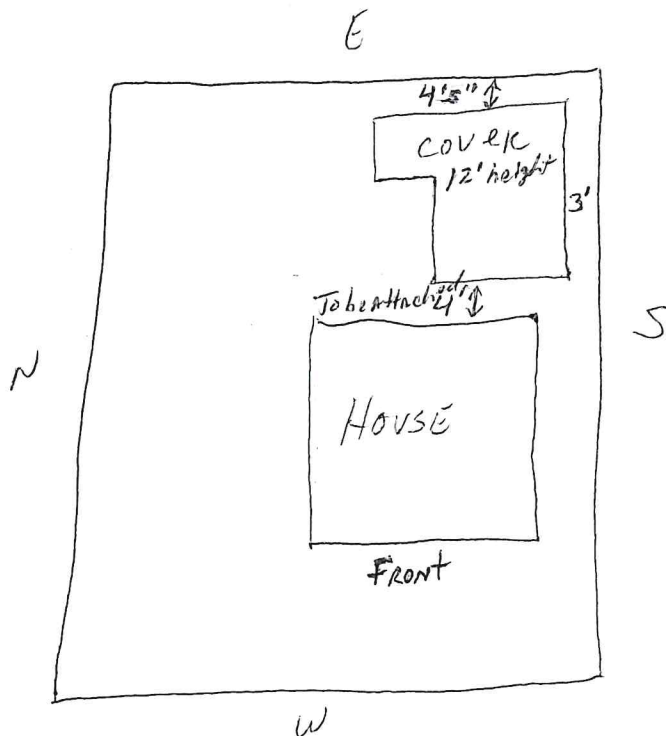
Board Action

Chairman, Board of Adjustment
Signature

Date



Elvia mar Galvan
7608 N. Ware Road



SEP 21 2022

BY: CV



**NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0088**

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



Memo

TO: Zoning Board of Adjustment & Appeals

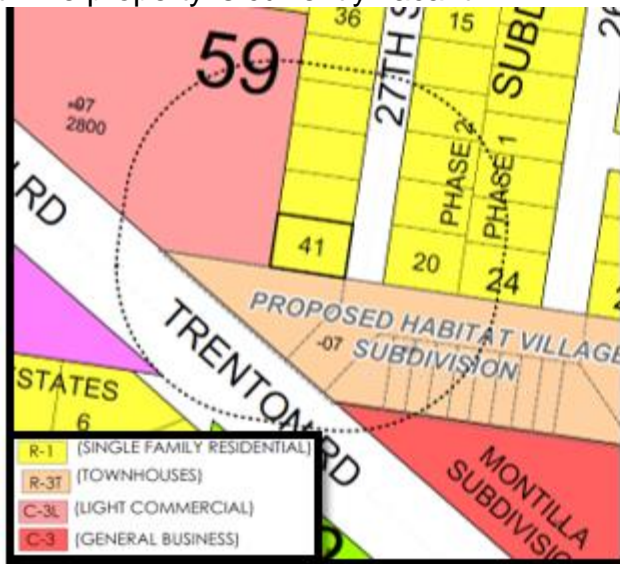
FROM: Planning Staff

DATE: October 5, 2022

SUBJECT: Request of Villa Del Sol Construction LLC for the following Variance to the City of McAllen Zoning Ordinance to not provide one required parking space beyond the front yard setback line at Lot 41, Auburn Estates Phase II Subdivision, Hidalgo County, Texas; 7533 North 27th Street. (ZBA2022-0079)

REASON FOR APPEAL: The applicant is requesting a variance request to the parking requirement of one off-street parking space for single family use beyond the front yard setback; as required by the zoning ordinance. The applicant is proposing to build a residence with no garage as it “will limit the owners to have comfortable living space”.

PROPERTY LOCATION AND VICINITY: The property is located along the west side of North 27th Street, approximately 160 feet north of Trenton Road. The property has 71 feet of frontage along North 27th Street and 98.75 feet of depth for a tract size of approximately 7,011 square feet. The property is zoned R-1 (single family residential) District. The zoning is R-1 District to the north and east of the subject property. The property to the south is zoned R-3T (multifamily residential townhouse) District. The contiguous property to the west of the subject property is zoned C-3L (light commercial) District to the west. The property is currently vacant.



BACKGROUND AND HISTORY: Auburn Estates Phase II Subdivision was recorded on March 5, 2020. The Board of Commissioners amended the zoning ordinance in 1999 to require 1 parking space beyond the front yard setback in order to enhance the appearance of single family residential area. The subject property and subdivision is subject to compliance with the zoning ordinance requirement of the

one parking space beyond the front yard setback line. The application for the variance request was submitted on September 6, 2022.

ANALYSIS: The submitted site plan shows a driveway measuring 18 feet by 20 feet accommodating the number of two parking spaces. The intent for the requirement of locating one parking space beyond the front yard setback line is to improve the street yard appearance of single-family residence areas by reducing the number of cars parked along the street and within the front yard.

Should the request be approved, it may encourage other property owners to request a variance to enclose their garage or not provide a garage. Approval of the request will allow the proposed construction to remain as depicted on the site plan.

Planning Department staff has not received any calls in opposition to the request.

RECOMMENDATION:

Staff recommends disapproval of the variance request as the subject property may encourage other property owners to request a variance to enclose their garage or not provide a garage. The objective of Zoning Ordinance Section 138-394(1) is to improve the street yard appearance of single-family residential areas by reducing the number of cars parked along the street and within the front yard.

ZBA 2022-0079

10/19/22



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

311 North 15th Street

McAllen, TX 78501

P. O. Box 220

McAllen, TX 78505-0220

(956) 681-1250

(956) 681-1279 (fax)

Project	Legal Description	<u>LOT 41 AUBURN ESTATES PH-II</u>		
	Subdivision Name	<u>AUBURN ESTATES II</u>		
	Street Address	<u>7533 N. 29TH ST</u>		
	Number of lots	<u>41</u>	Gross acres	
	Existing Zoning		Existing Land Use	<u>VACANT</u>
	Reason for Appeal (please use other side if necessary) <u>RESIDENCE WITH NO CAR GARAGE</u> <u>REQUEST OF DRIVE WAY APPROVAL FOR 2 CAR IN THE 25' SETBACK</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>VILLA DEL SOL CONSTRUCTION LLC</u>	Phone	<u>956-627-5101</u>
	Address	<u>3323 N. WARE RD</u>	E-mail	<u>villadelso/status@gmail.com</u>
	City	<u>MCALLEN</u>	State	<u>TX</u>
			Zip	<u>78501</u>
Owner	Name	<u>A2 LLC.</u>	Phone	<u>956-627-5101</u>
	Address	<u>3323 N WARE RD</u>	E-mail	<u>villadelso/status@gmail.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 checked="" type="checkbox"/> Yes <input 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>09-06-2022</u>
Office	Print Name	<u>Martin Villanueva Jr</u>	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Authorized Agent
	Accepted by	<u>VR</u>	Payment received by	<u>ENTERED</u>

Rev 10/18

SEP 06 2022

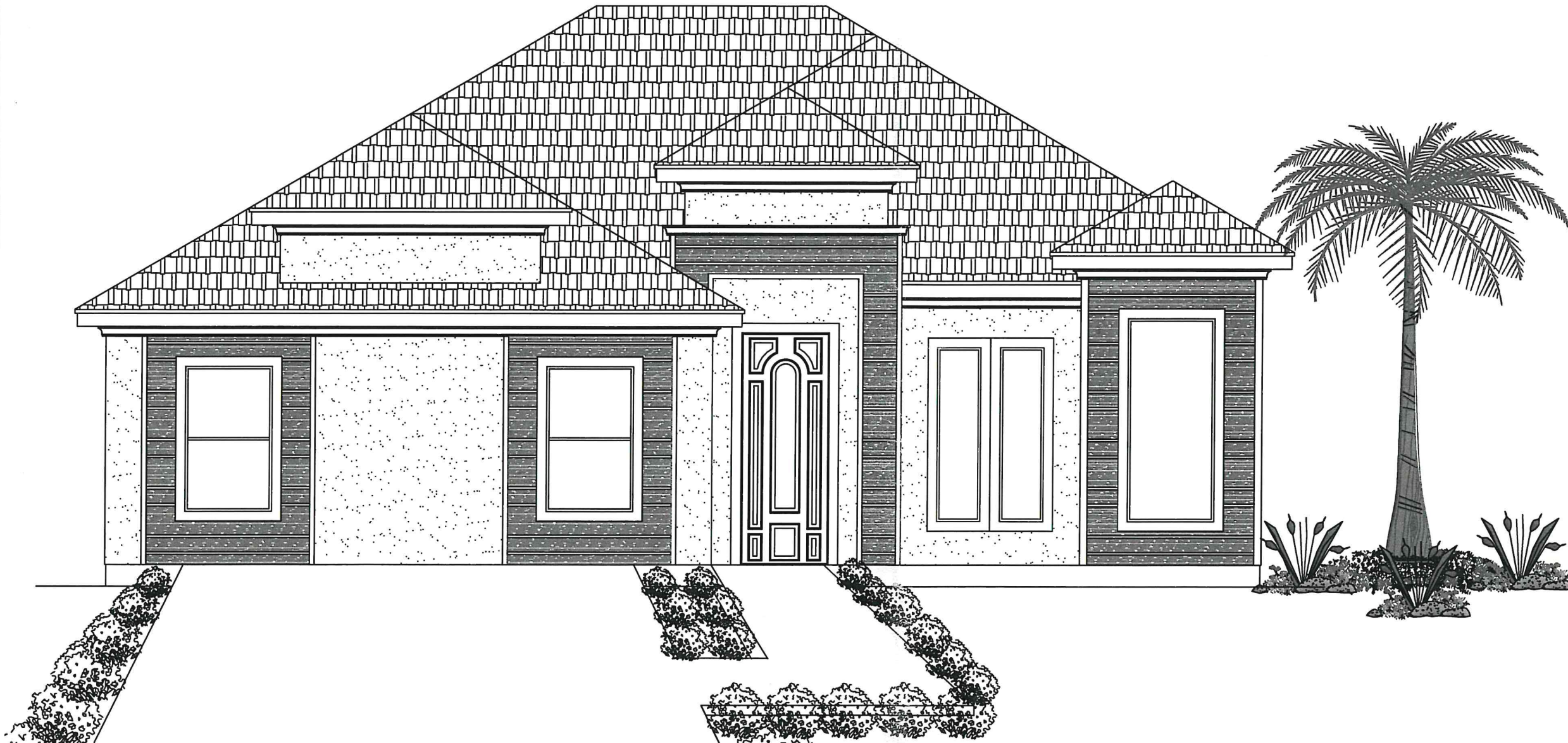
Initial: An



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: (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><i>The lot easements on the South and West of the property take a lot of the square footage, leaving very little space to build. 25' South and 41'-3" West</i></p>			
	<p>2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:</p> <p><i>The square footage was use entirely on living space, doing a garage will limit the owners to have comfortable living space</i></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><i>The driveway will give enough space to park the owners vehicles and not in the street and it won't interfere with any public service or easement.</i></p>			
	<p>4. Describe special conditions that are unique to this applicant or property:</p> <p><i>The easements on the property are a lot more than regular easements. leaving very little space to build.</i></p>			
Board Action				
	<table><tr><td>Chairman, Board of Adjustment Signature</td><td>Date</td></tr><tr><td>_____</td><td>_____</td></tr></table> <p>Rev. 9/20</p>	Chairman, Board of Adjustment Signature	Date	_____
Chairman, Board of Adjustment Signature	Date			
_____	_____			

The
VDS Model Home



AREA TABULATION	
LIVING AREA	1,449.0'
CVD. PORCH	16.0'
TOTAL AREA	1,465.0'

CONSTRUCTION ANALYSIS	
CONSTRUCTION TYPE	ONE STORY RESIDENCE
NUMBER OF LEVELS	1
FRAME TYPE (EXT. WALLS)	2" x 4" WOOD STUDS
FRAME TYPE (INT. WALLS)	2" x 4" WOOD STUDS
FRAME TYPE (ROOF)	2" x 6" WOOD RAFTERS
FRAME TYPE (FLR. / CLG.)	18" PRE-ENG TRUSS SYSTEM
VENEER TYPE	STUCCO
FOUNDATION TYPE	SLAB ON GRADE
ROOF TYPE	SHIGLES ROOF
ROOF PITCH	7:12
PLATE HEIGHT (MIN.)	9'-0"
PLATE HEIGHT (MAX.)	14'-0"

INDEX OF DRAWINGS

COVER	ELECTRICAL
CVR COVER SHEET	E1 ELECTRICAL PLAN
CIVIL	
C1 SITE PLAN	STRUCTURAL
ARCHITECTURAL	S1 FOUNDATION PLAN
A1 FLOOR PLAN	
A2 ELEVATIONS	
A3 CEILING DESIGNS	
A4 ROOF PLAN	

NOTE:

THIS COVER IS JUST A REPRESENTATION
THE LAND ESCAPING IS NOT INCLUDE, AND THE CONSTRUCTION WILL
BE BUILD ACCORDING TO THE CONSTRUCTION PLANS

71.00'



LOT #41

25'-0"

41'-3" REAR SETBACK

6'-0"

98.75'

25'-0" SIDE EASEMENT

A/C UNIT
CONDENSER

PROPOSAL RESIDENCE

6'-0" SIDE SETBACK

20'-0"

18'-0"

71.00'

20' BUILDING SET
BACK LINE

98.75'

1. VERIFY JOINT LAYOUT FOR SIDEWALKS WITH CONTRACTOR PRIOR TO CONSTRUCTION.
2. ALL SITE WORK, INCLUDING LOCATION OF TRASH DUMPSTER, TEMPORARY TOILET FACILITIES, TEMPORARY CONSTRUCTION BARICADE/FENCING CONSTRUCTION TRAILER, CLEARING PROCEDURE GRADING AND DRAINAGE, CONFORMANCE TO POLLUTION AND PREVENTION CONTROL, AND TEMPORARY UTILITY FACILITIES, ETC. SHALL BE IN ACCORDANCE WITH THE CITY AS WELL AS SUBDIVISION PROPERTY OWNERS ASSOCIATION GUIDELINES.
3. BUILDER AND OWNER SHALL BE RESPONSIBLE FOR ALL TEMPORARY UTILITIES TO THE CONSTRUCTION SITE.
4. CONTRACTOR SHALL BE RESPONSIBLE FOR FINAL GRADING ONLY. OWNER SHALL PROVIDE ALL LANDSCAPING, SOD, AND IRRIGATION SYSTEM.

LEGAL DESCRIPTION

LOT..... 41
SUBDIVISION..... AUBURN ESTATES II
CITY..... MCALLEN, TEXAS

① SITE PLAN
SCALE: 3/16"=1'-0"

AREAS	
LIVING AREA	1,449.0'
PORCH AREA	16.0'
TOTAL AREA	1,465.0'

DATE: 05-20-21

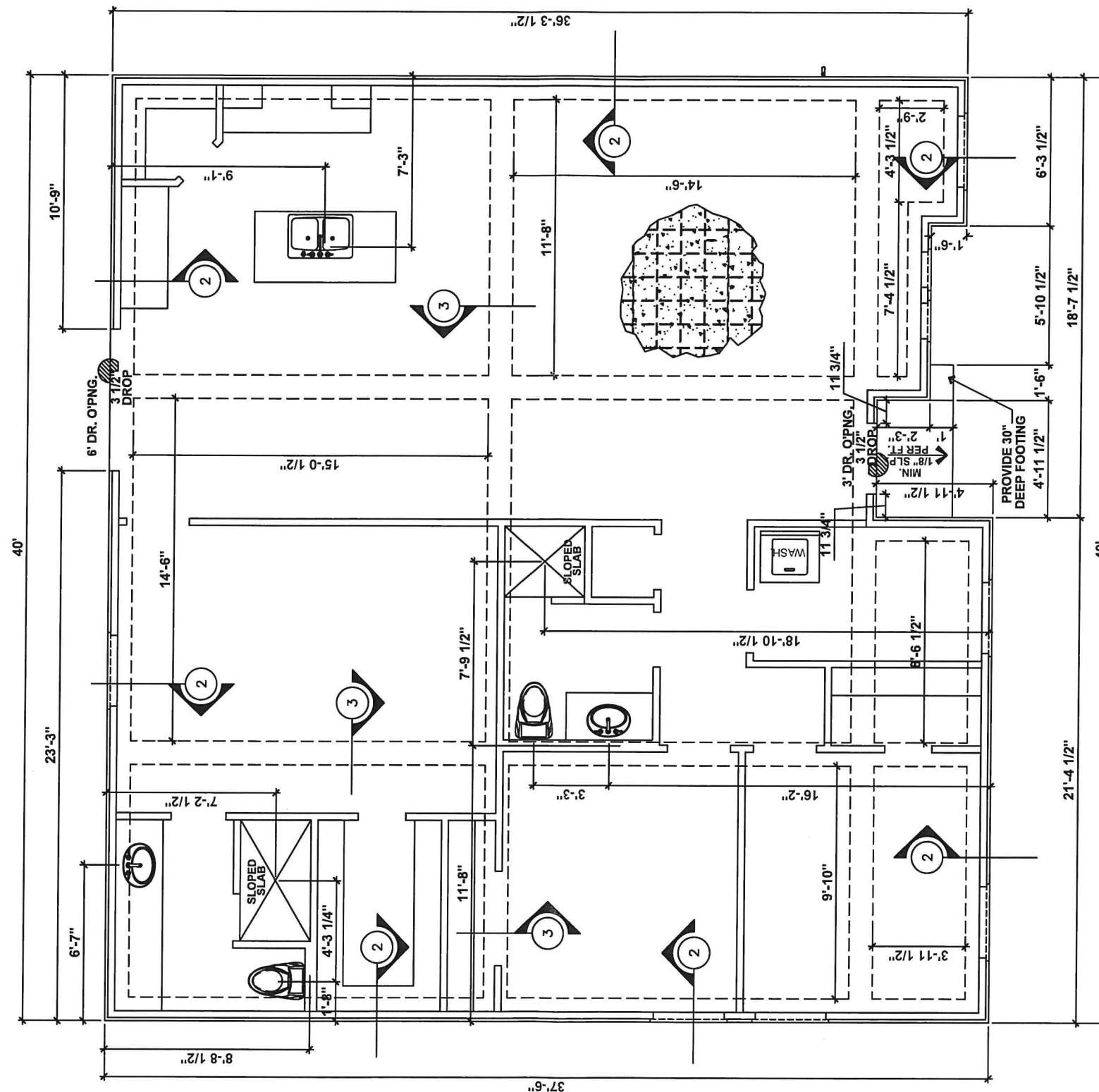
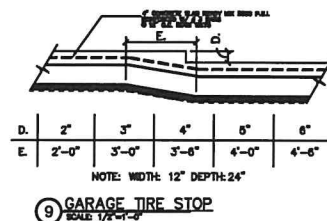
PLAN #0006-17

SHEET
C-1



PHONE: (956)739-0780
3323 N. WARE RD. MCALLEN, TEXAS

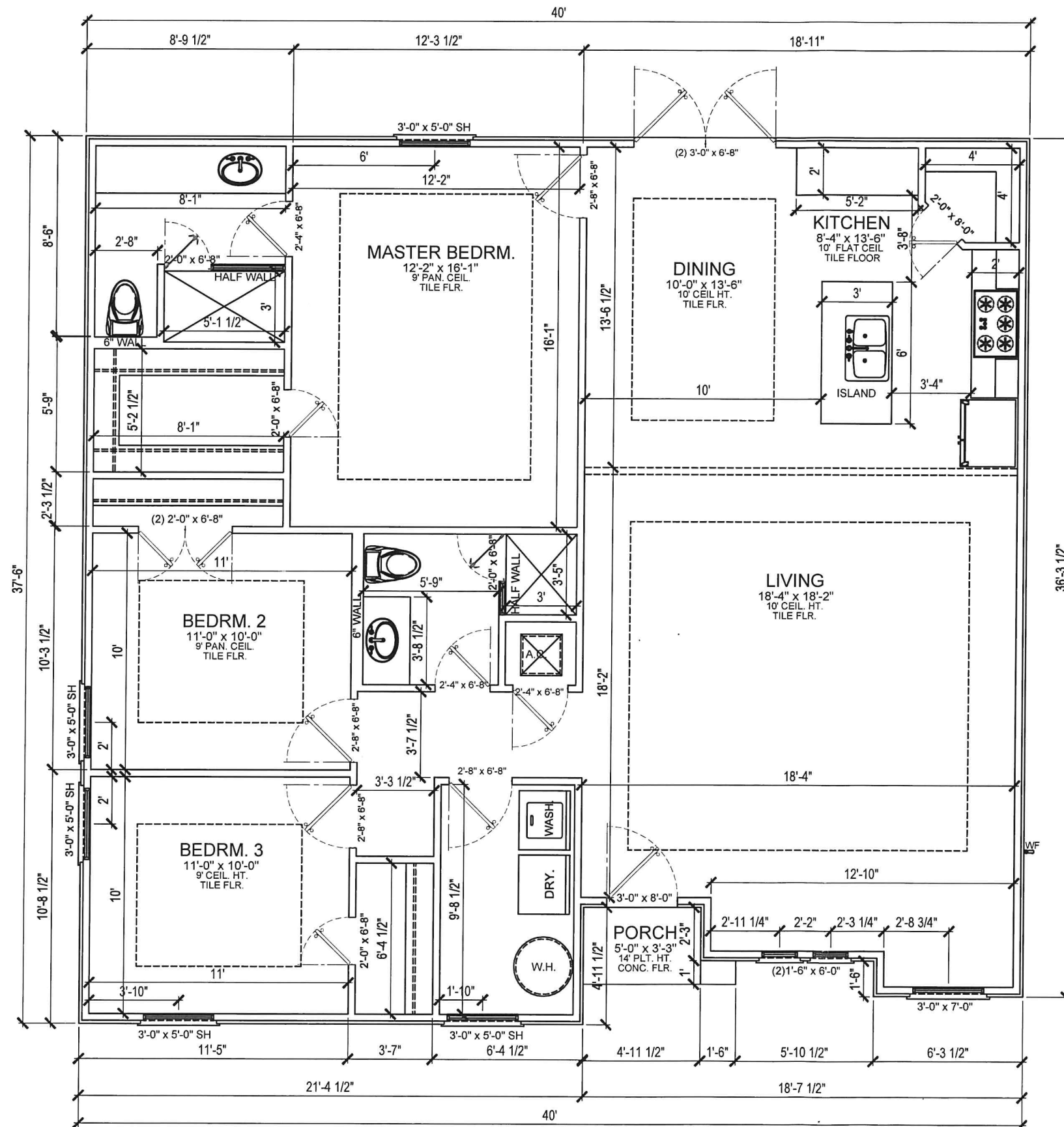
VILLA
DEL SOL
MODEL HOME
7533 N. 27TH ST MCALLEN TEXAS
LOT 41 AUBURN ESTATES II SUBD.



01. DIMENSIONS & SPECIFICATIONS ARE FOR GUIDELINES,
ENGINEER DRAWINGS OR SPECIFICATIONS OVERRIDE ALL
02. 4" CONCRETE SLAB @ 3,000 PSI W/ #3 REBAR 12" O.C., B.W.
03. 30" DEEP EXTERIOR & 24" INTERIOR BEAMS.

1 FOUNDATION PLAN
SCALE: 3/8"=1'-0"

SHEET
S-1



GENERAL NOTES:

- THESE PLANS ARE INTENDED TO PROVIDE THE BASIC INFORMATION FOR CONSTRUCTION. THESE PLANS MUST BE VERIFIED AND CHECKED COMPLETELY BY THE GENERAL CONTRACTOR. ANY DISCREPANCY, ERROR AND/OR OMISSION, IF FOUND, IS TO BE BROUGHT IMMEDIATELY TO THE OWNER BEFORE CONSTRUCTION WORK OR PURCHASE IS MADE.
- FEDERAL, STATE, COUNTY, AND LOCAL CITY ORDINANCES AND BUILDING CODES TAKE PRECEDENCE OVER ANY PART OF THESE DRAWINGS. ANY CONFLICT MUST BE ADHERED TO THE PROJECT BEFORE AND DURING CONSTRUCTION.

NORTH ARROW

NOTES

- UNLESS NOTED OTHERWISE (U.N.O.)
- 2" x 4" STUDS @ 16" O.C. W/ BRICK-EXTERIOR
 - 2" x 4" STUDS @ 16" O.C.-INTERIOR
 - TOP OF EYE-BROW CASED OPENINGS TO BE @ 8'-0" A.F.F.

1 FLOOR PLAN
SCALE: 3/8"=1'-0"

VILLA DEL SOL
CONSTRUCTION
BY MARTIN VILLANUEVA JR.
PHONE: (956)739-0780
3323 N. WARE RD. MCALLEN, TEXAS

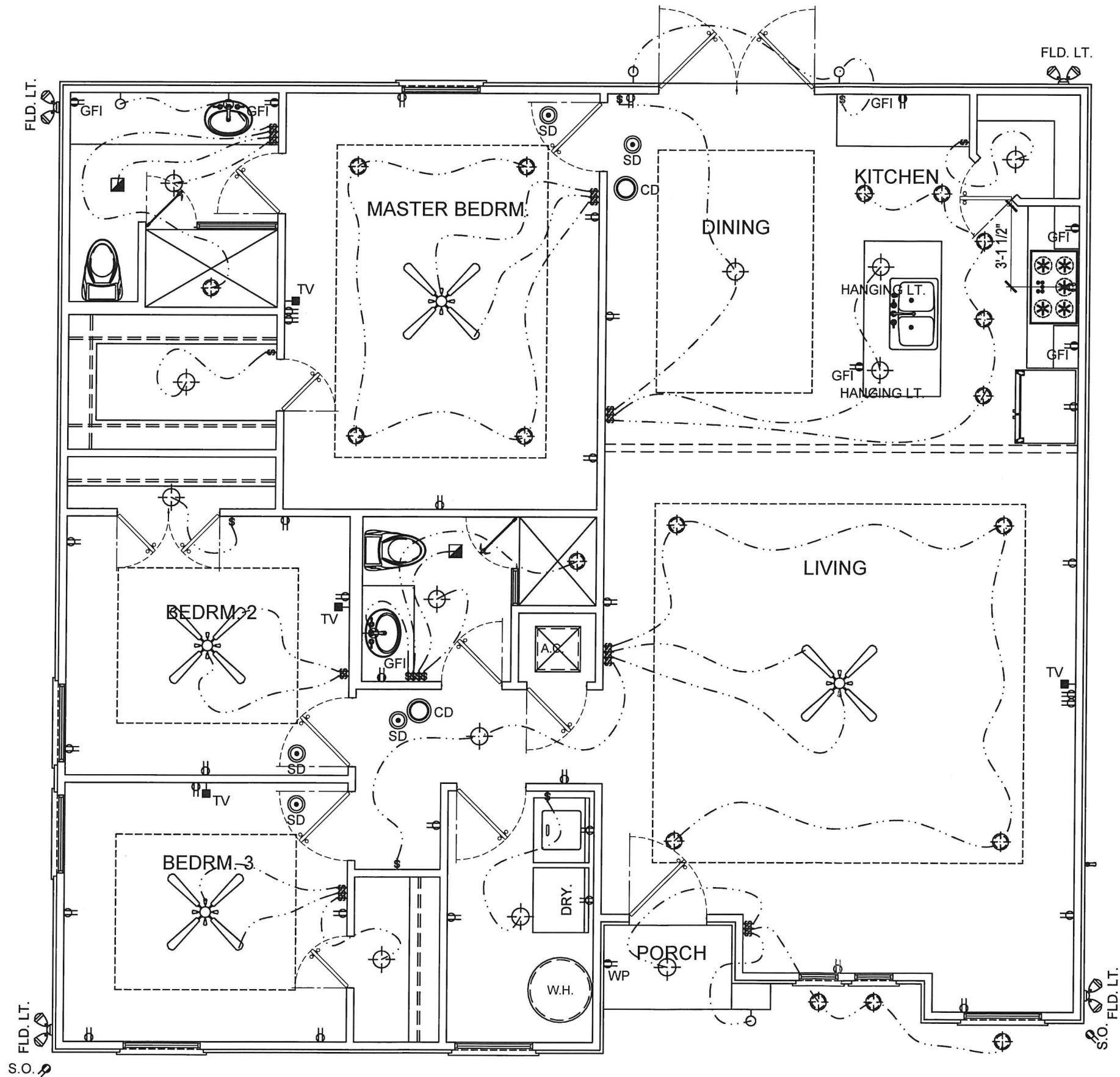
VILLA DEL SOL
MODEL HOME
7533 N. 27TH ST MCALLEN TEXAS
LOT 41 AUBURN ESTATES II SUBD.

AREAS
LIVING AREA
1,449.0'
PORCH AREA
16.0'
TOTAL AREA
1,465.0'

DATE: 05-20-21

PLAN #0006-17

SHEET
A-1



ELECTRICAL LEGEND	
SYMBOL	DESCRIPTION
	RECESSED LIGHT FIXTURE
	CEILING MOUNTED LIGHT FIXTURE
	CARBON MONOXIDE DETECTOR
	WALL MOUNT LIGHT FIXTURE
	VENT & LIGHT
	UNDER COUNTER LIGHT
	SMOKE DETECTOR
	220 V. DUPLEX RECEPTACLE OUTLET
	110 V. DUPLEX RECEPTACLE OUTLET
	110 V. FLOOR OUTLET
	SOFFIT OUTLET
	GROUND FAULT INTERRUPTER DUPLEX RECEPTACLE OUTLET
	WATER PROOF OUTLET
	SINGLE POLE SWITCH
	2 WAY SWITCH
	DIMMER SWITCH
	FLOOD LIGHT SWITCH
	SOFFIT OUTLET SWITCH
	PUSH BUTTON FOR GARAGE DOOR
	DOOR BELL
	CHIME
	TELEVISION JACK
	CAT 6 OUTLET
	GAS LINE CONNECTION
	GARAGE DOOR OPENER
	FLOOD LIGHT
	MOTOR CONNECTION

NOTES UNLESS NOTED OTHERWISE (U.N.O.)

- POWER OUTLET SET 18" ABOVE FINISHED FLOOR. VERIFY ACTUAL LAYOUT WITH BUILDER AND OWNER.
- POWER, COMMUNICATION DATA AND CABLE TV OUTLET LOCATION. HEIGHT PLACEMENT TO BE VERIFIED AND COORDINATED BY BUILDER AND OWNER BASED ON AUDIOVISUAL EQUIPMENT SPECIFICATIONS.
- POWER AND PHONE OUTLET. COORDINATE FINAL PLACEMENT WITH BUILDER AND OWNER.
- POWER OUTLETS SET AT END OF ISLAND MILLWORK. FINAL PLACEMENT TO BE COORDINATED WITH BUILDER AND OWNER.
- POWER OUTLET AND RECESSED WATER/DRAIN BOX FOR REFRIGERATOR/FREEZER. VERIFY CIRCUIT AND PLUG CONFIGURATION REQUIREMENTS WITH OWNER AND BUILDER BASED ON FINAL APPLIANCE SELECTION.
- HARDWIRE CONNECTION FOR EXHAUST HOOD (NOTE: SET HEIGHT MINIMUM 6'-0" A.F.F. VERIFY WITH FINAL EXHAUST HOOD SELECTION BY BUILDER AND OWNER).
- LOCATION OF DRYER VENT WALL PENETRATION (BUILDER SHALL VERIFY ACTUAL ROUTING OF VENT WITH ROOF LINE).
- 220-VOLT OUTLET FOR DRYER.
- OUTLET AND VALVE DRAIN FOR WASHER.
- CEILING MOUNTED OUTLET FOR OVERHEAD GARAGE DOOR OPENER. (VERIFY AND COORDINATE ACTUAL POWER REQUIREMENTS WITH BUILDER).
- 220-VOLT OUTLET FOR AC UNIT.
- 220-VOLT OUTLET FOR WATER HEATER.
- SWITCH FOR ALL EXTERIOR FLOOD LIGHTS.
- SWITCH FOR ALL EXTERIOR SOFFIT OUTLETS.
- SWITCH FOR EXTERIOR SOFFIT LIGHT.

1 ELECTRICAL PLAN
SCALE: 3/8"=1'-0"

VILLA DEL SOL
CONSTRUCTION
BY MARTIN VILLANUEVA JR.

PHONE: (956)739-0780
3323 N. WARE RD. MCALLEN, TEXAS

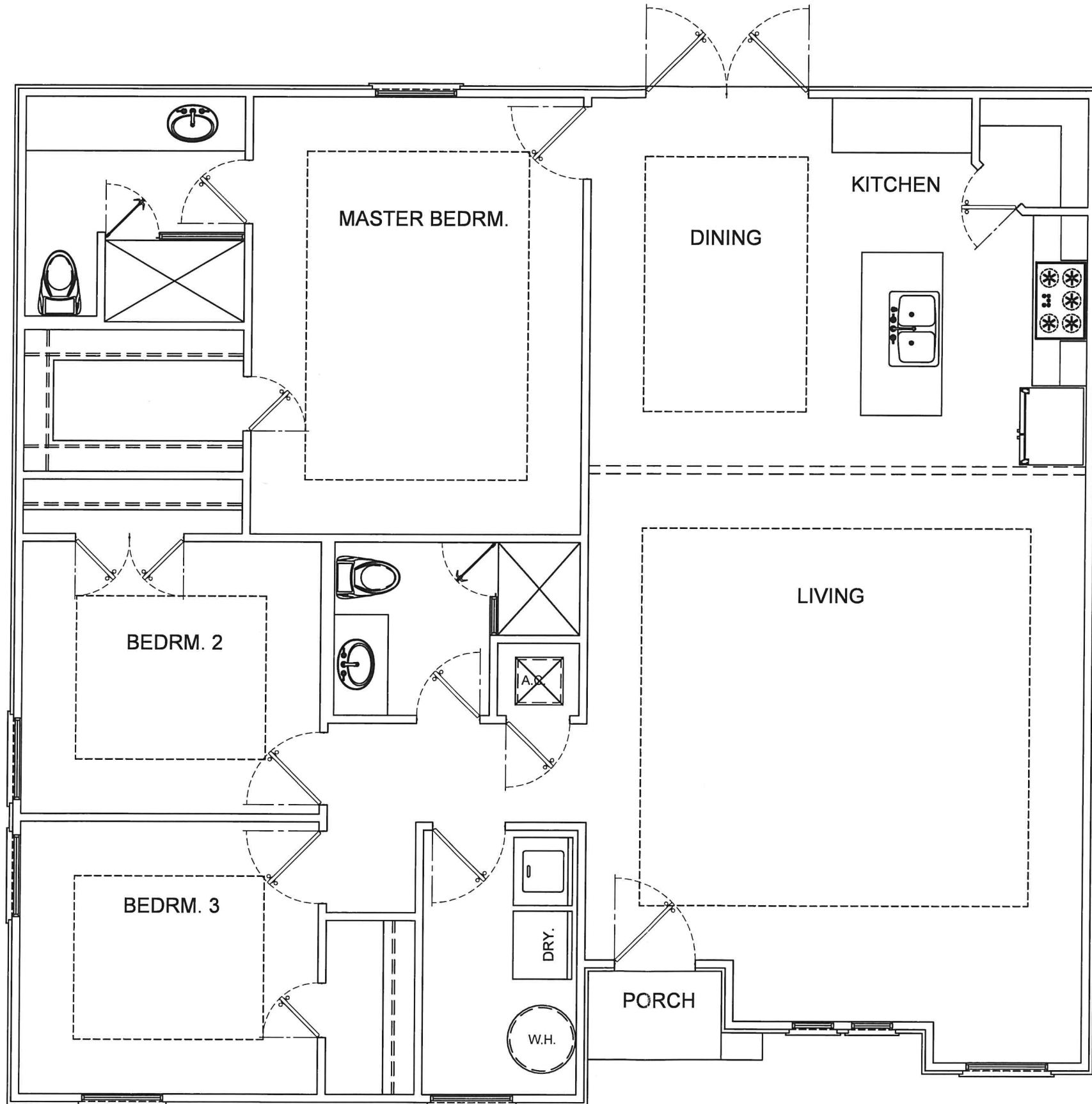
VILLA
DEL SOL
MODEL HOME
7533 N. 27TH ST MCALLEN TEXAS
LOT 41 AUBURN ESTATES II SUBD.

AREAS
LIVING AREA
1,449.0'
PORCH AREA
16.0'
TOTAL AREA
1,465.0'

DATE: 05-20-21

PLAN #0006-17

SHEET
E-1



1 BEAM & CEILING DESIGN PLAN
SCALE: 3/8"=1'-0"



PHONE: (956)739-0780
3323 N. WARE RD. MCALLEN, TEXAS

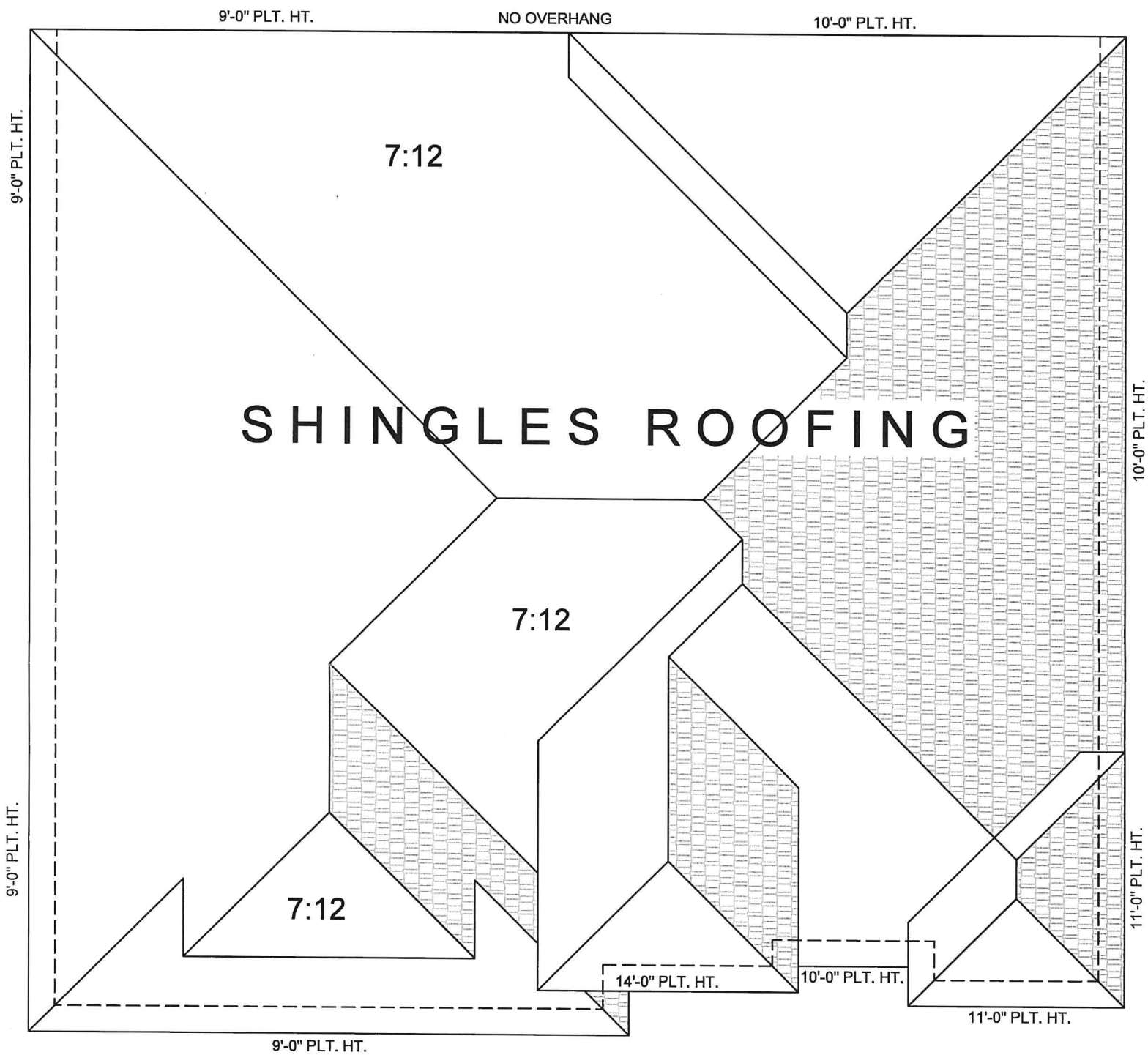
VILLA
DEL SOL
MODEL HOME
7533 N. 27TH ST MCALLEN TEXAS
LOT 41 AUBUNR ESTATES II SUBD.

AREAS
LIVING AREA
1,449.0'
PORCH AREA
16.0'
TOTAL AREA
1,465.0'

DATE: 05-20-21

PLAN #0006-17

SHEET
A-3



1 ROOF PLAN
SCALE: 1/4"=1'-0"

SHEET
A-3

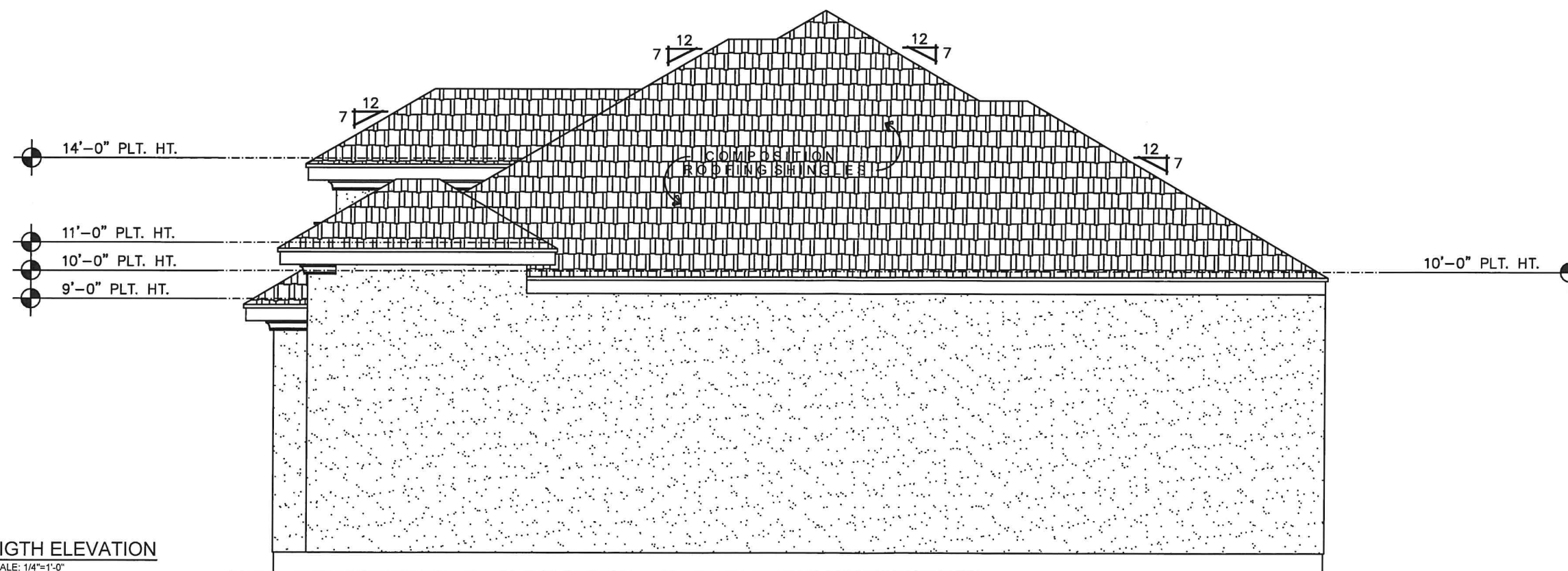
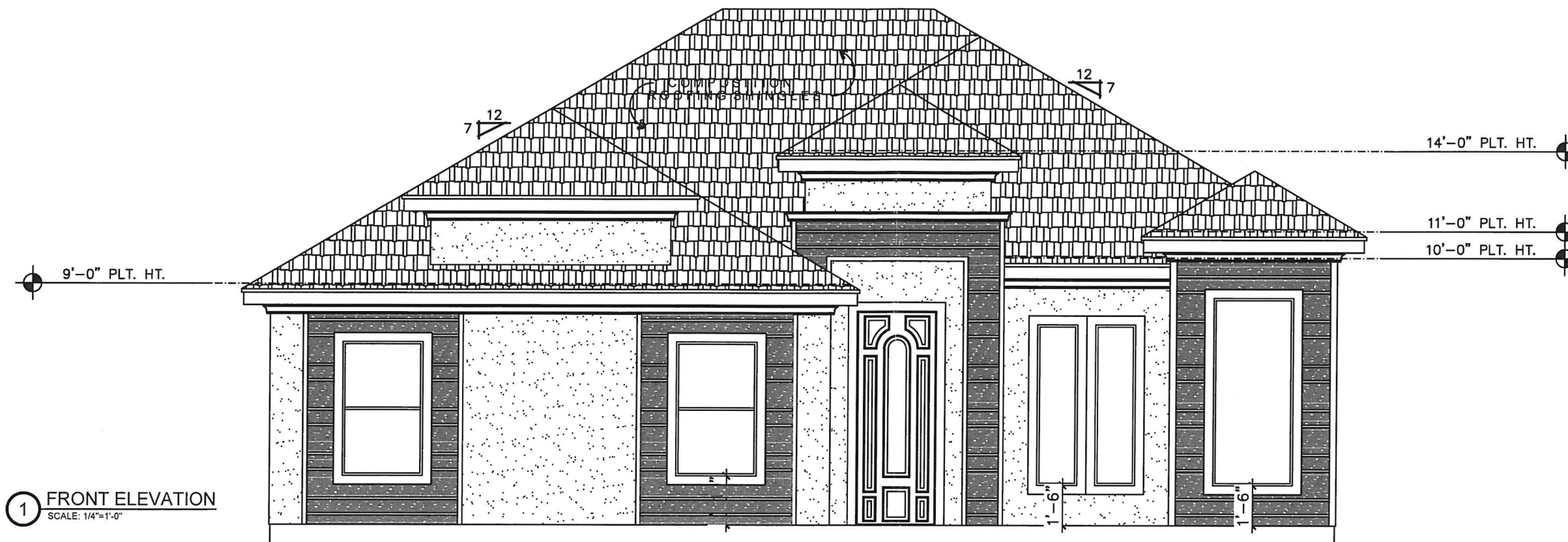
PLAN #0006-17

DATE: 05-20-21

AREAS
LIVING AREA
1,449.0'
PORCH AREA
16.0'
TOTAL AREA
1,465.0'

VILLA
DEL SOL
MODEL HOME
7533 N. 27TH ST MCALLEN TEXAS
LOT 41 AUBUNR ESTATES II SUBD.

VILLA DEL SOL
CONSTRUCTION
BY MARTIN VILLANUEVA JR
PHONE: (956)739-0780
3323 N. WARE RD. MCALLEN, TEXAS



VILLA DEL SOL
CONSTRUCTION
BY MARTIN VILLANUEVA JR
PHONE: (956)739-0780
3323 N. WARE RD. MCALLEN, TEXAS

**VILLA
DEL SOL
MODEL HOME**
7533 N. 27TH ST MCALLEN TEXAS
LOT 41 AUBURN ESTATES II SUBD.

AREAS
LIVING AREA
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PORCH AREA
16.0'
TOTAL AREA
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DATE: 05-20-21

PLAN #0006-17

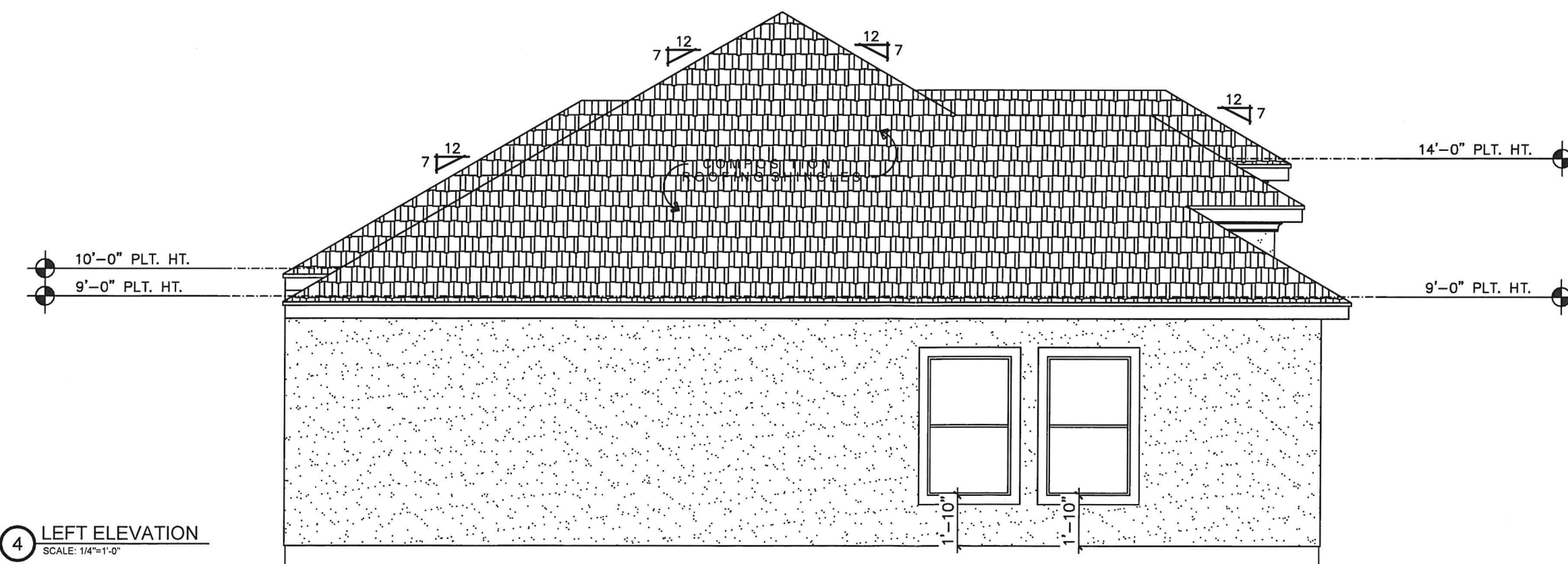
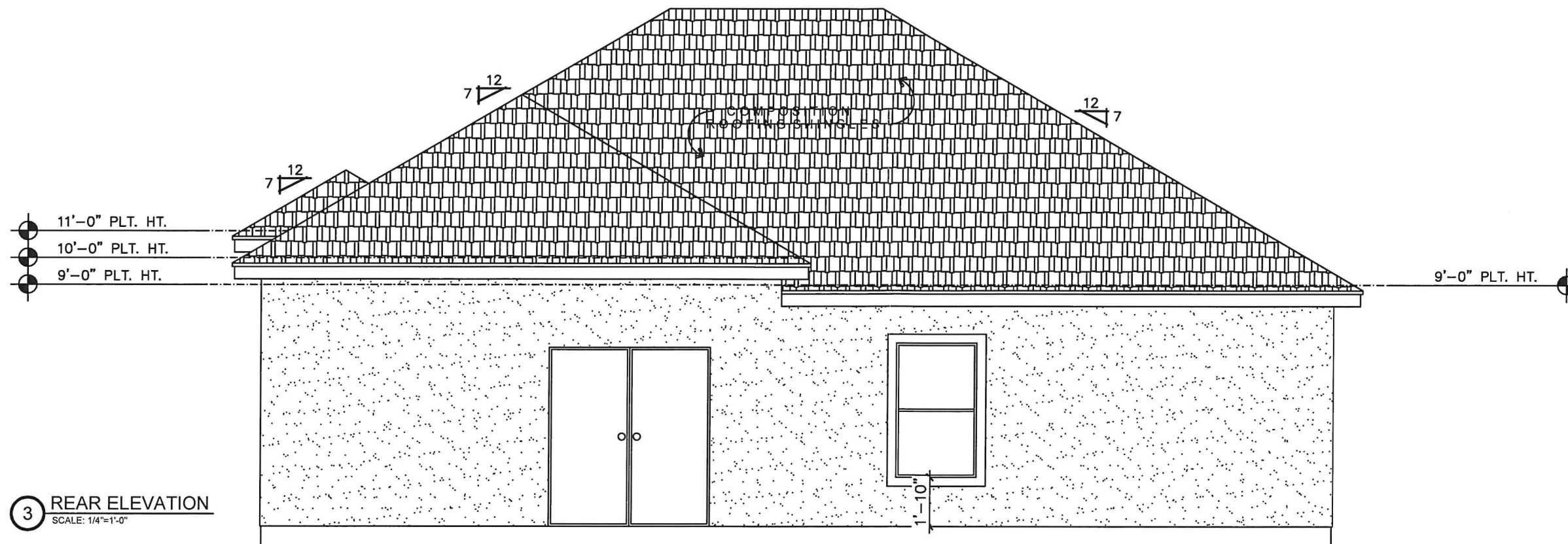
SHEET
A-2

AREAS
LIVING AREA 1,449.0'
PORCH AREA 16.0'
TOTAL AREA 1,465.0'

DATE: 05-20-21

PLAN #0006-17

SHEET
A-2





Memo

TO: Zoning Board of Adjustment & Appeals

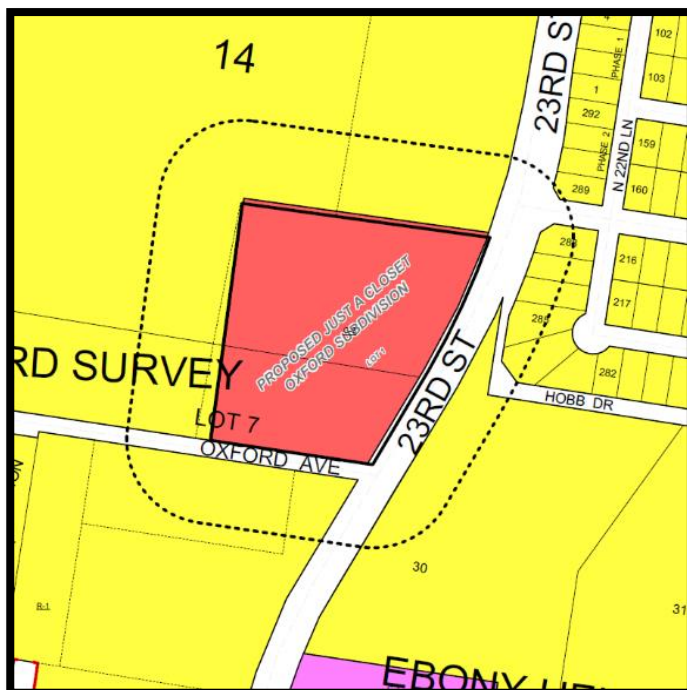
FROM: Planning Staff

DATE: October 3, 2022

SUBJECT: Request of Rio Delta Engineering for the Variance to the City of McAllen Zoning Ordinance to be exempted from the 8-foot CMU buffer requirement along the west side of the subject property located at the 6.713 Acres out of Lot 7, E.M. Card Survey No. 1 and out of Lot 14, Section 279, Tex-Mex Railway Company Survey Subdivision, Hidalgo County, Texas; 2300 Oxford Avenue. (ZBA2022-0081)

REASON FOR APPEAL: The applicant is requesting a variance from the 8-foot CMU buffer requirement along the west side of the subject property. The adjoining property being used as a solar panel farm and undeveloped land (vacant), the applicant finds the requirement not necessary for the proposed self-storage facility on the subject property.

PROPERTY LOCATION AND VICINITY: The property is located along the north side of Oxford Avenue, west of North 23rd Street. The tract has a total lot size of 6.713 acres. The contiguous zoning is R-1 (single-family residential) District in all directions.



BACKGROUND AND HISTORY: A subdivision plat for a one lot subdivision under the name of Just a Closet Oxford Subdivision is currently undergoing the review process. The applicant submitted the variance request on September 07, 2022.

On August 17, 2022, the variance request to be exempt from the 8-foot buffer requirement along the north and west side of the subject property was presented before the Zoning Board of Adjustments & Appeals. The Board unanimously voted to disapprove the variance request.

ANALYSIS: The applicant is requesting a variance to the 8-foot CMU screen requirement along the west side of the subject property. Since the adjoining property being used as a solar panel farm, the applicant finds the requirement not applicable to the proposed self-storage facility on the subject property. As per Section 110-49 Landscape and buffer plan approval, an 8-foot masonry wall is required where a commercial, industrial, or multi-family use has a side or rear property line in common with a single family use of zone. As per the applicant, since the adjacent property do not currently have single-family residences they do not find the 8-foot masonry wall applicable to the subject property. During a site visit by staff, the adjacent property located west of the subject property is zoned R-1 District and land is being used as a solar panel farm.

Staff has not received a phone call or email in opposition to the special exception request.

RECOMMENDATION:

Staff recommends disapproval of the variance request since the adjacent property could potentially develop into single-family residences in the future causing the need for an 8-foot masonry screen from the self-storage facility on the subject property.

2BA2022-0081

ZBDA
10/19/2022

City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

311 North 15th Street

McAllen, TX 78501

P. O. Box 220

McAllen, TX 78505-0220

(956) 681-1250

(956) 681-1279 (fax)

Project

Legal Description 6.713 ACRES CONSISTING OF: 2.476 ACRES OUT OF LOT 7, E.M. CARD SURVEY NO.1, VOLUME 8, PAGE 1, M.R.H.C. & 4.237 ACRES OUT OF LOT 14, SECTION 279, TEX-MEX SURVEY, VOLUME 24, PAGE 168-171, M.R.H.C.

Subdivision Name Phaps JUST A CLOSET OXFORD SUBDIVISION

Street Address 2300 OXFORD AVE, MCALLEN TX 78504

Number of lots 1 Gross acres 6.713 AC

Existing Zoning C-3 GENERAL BUSINESS Existing Land Use VACANT

Reason for Appeal (please use other side if necessary) WE ARE REQUESTING AN EXEMPTION TO THE INSTALLATION OF THE 8-FOOT CMU BLOCK WALL, ONLY ALONG THE WEST SIDE OF THE PROPERTY, REQUIRED BETWEEN COMMERCIAL & RESIDENTIAL ZONES. WE ARE PROPOSING TO INSTALL AN 8-FOOT OPAQUE BUFFER/CEDAR FENCE IN LIEU OF THE REQUIRED 8-FOOT CMU BLOCK WALL.

☒ \$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 RIO DELTA ENGINEERING

Phone (956) 380-5152

Address 921 S. 10TH AVENUE

E-mail RIODELTA2004@YAHOO.COM

City EDINBURG

State TEXAS

Zip 78539

Owner

Name DOMAIN DEVELOPMENT CORP.

Phone _____

Address 100 E. NOLANA, SUITE 130

E-mail _____

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 [Signature]

Date 9/7/22

Print Name IVAN GARCIA, P.E., R.P.L.S.

☐ Owner

☒ Authorized Agent

Office

Accepted by _____

Payment received by _____

Date _____

Rev 10/18

SEP 07 2022

[Signature]



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>	
	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 ADJOINING PROPERTY LOCATED DIRECTLY WEST OF THIS PROJECT IS DESIGNATED AS R-1, HOWEVER THE SITE IS STRICTLY BEING OPERATED AS A SOLAR FARM. THEREFORE, WE DEEM THE ADDITION OF AN 8-FOOT CMU BLOCK WALL ALONG THE WEST PROPERTY LINE NOT NECESSARY. IN LIEU OF THE REQUIRED 8-FOOT CMU BLOCK WALL, WE ARE PROPOSING TO INSTALL AN 8-FOOT OPAQUE BUFFER/CEDAR FENCE.	
	2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:	
	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 ADJOINING PROPERTY LOCATED DIRECTLY WEST OF THIS PROJECT IS DESIGNATED AS R-1, HOWEVER THE SITE IS STRICTLY BEING OPERATED AS A SOLAR FARM. THEREFORE, WE DEEM THE ADDITION OF AN 8-FOOT CMU BLOCK WALL ALONG THE WEST PROPERTY LINE NOT NECESSARY. IN LIEU OF THE REQUIRED 8-FOOT CMU BLOCK WALL, WE ARE PROPOSING TO INSTALL AN 8-FOOT OPAQUE BUFFER/CEDAR FENCE.	
	4. Describe special conditions that are unique to this applicant or property:	
Board Action	THE ADJOINING PROPERTY LOCATED DIRECTLY WEST OF THIS PROJECT IS DESIGNATED AS R-1, HOWEVER THE SITE IS STRICTLY BEING OPERATED AS A SOLAR FARM. THEREFORE, WE DEEM THE ADDITION OF AN 8-FOOT CMU BLOCK WALL ALONG THE WEST PROPERTY LINE NOT NECESSARY.	
	Chairman, Board of Adjustment Signature	Date
	_____	_____
Rev. 9/20		

EXHIBIT "B"
TRACT 1 - 6.713 ACRES
OUT OF LOT 7, E.M. CARD SURVEY No.1, &
LOT 14, SECTION 279, TEX-MEX RAILWAY COMPANY SURVEY,
VOL. 8, PG. 1, M.R.H.C.
VOL. 24, PG. 168-171, M.R.H.C.
TO ACCOMPANY FIELD NOTES

SURVEYOR'S NOTES:

- 1) NO ADDITIONAL RESEARCH WAS PERFORMED BY RIO DELTA ENGINEERING FOR ANY ADDITIONAL EASEMENT(S) OR BUILDINGS LINES WHICH MAY OR MAY NOT AFFECT THE SUBJECT TRACT.
- 2) THE PROPERTY SHOWN IS IN ZONE "X" (UNSHADED), AS PER FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 480334 0325 D, REVISED DATE JUNE 6, 2000
- 3) SURVEY DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT

I, IVAN GARCIA, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE, THAT THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY SHOWN HEREON DURING JUNE 2022, UNDER MY DIRECTION AND SUPERVISION; THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE; THAT THE PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR LAND TITLE SURVEYS" AND THERE ARE NO DISCREPANCIES, SHORTAGES IN AREA OR BOUNDARY LINES, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS OR VISIBLE OR APPARENT EASEMENTS, EXCEPT AS SHOWN.



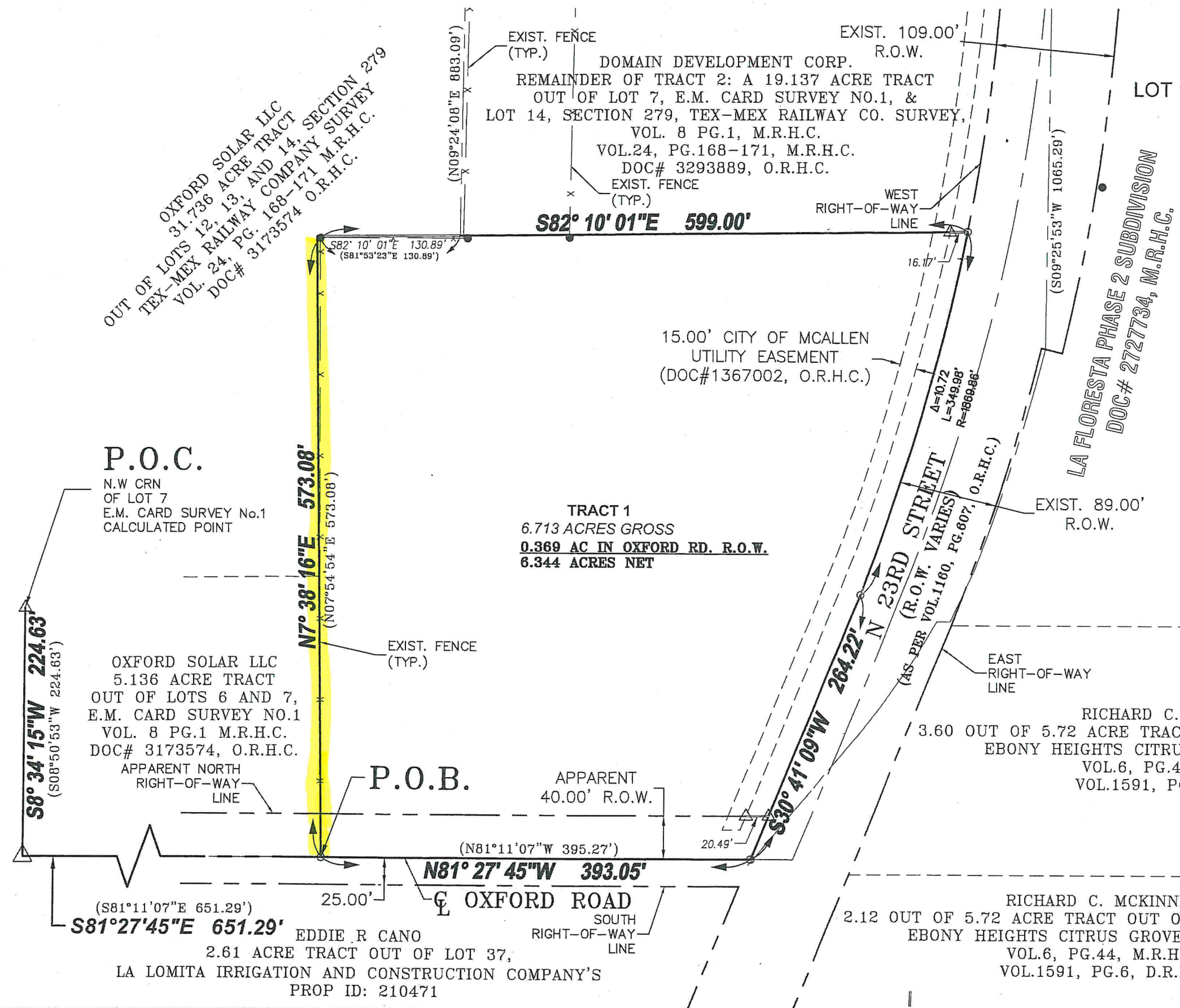
SCALE 1" = 100'
BASIS OF BEARING
TEXAS STATE PLANE COORDINATES
NAD 83
TEXAS SOUTH ZONE (4205)
WESTERN DATA SYSTEM NETWORK

LEGEND	
○	1/2 INCH CAPPED IRON ROD SET
●	IRON ROD FOUND
△	CALCULATED POINT
(XXXX)	DEED CALL (DOC#3293889, O.R.H.C.)
XXXX	MEASURED

IVAN GARCIA
REG. PROFESSIONAL LAND
SURVEYOR NO. 6496

DATE

6/12/22



RIO DELTA ENGINEERING
FIRM REGISTRATION No. F-7628
SURVEY FIRM NO. 10194027
921 S. 10TH AVENUE, EDINBURG TEXAS 78539
(TEL) 956-380-5152 (FAX) 956-380-5083

DATE: JUNE 2022
PROJECT: SUB 22 037
PAGE: 1 OF 1



Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

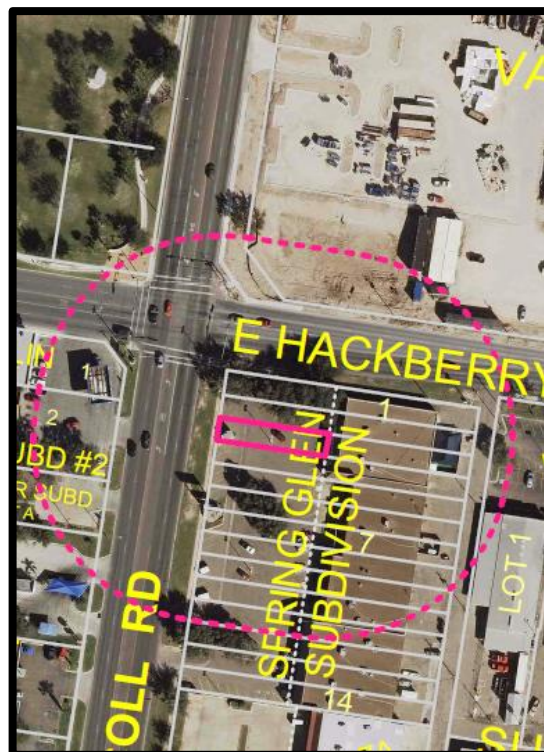
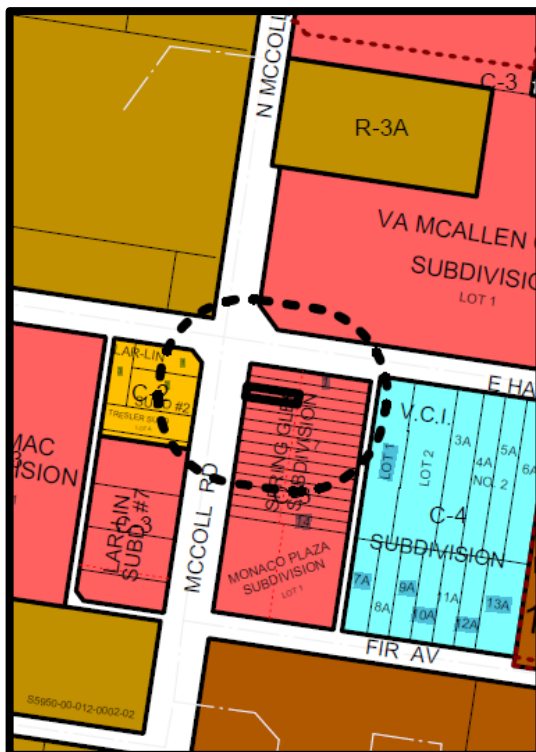
FROM: Planning Staff

DATE: October 13, 2022

SUBJECT: REQUEST OF AQUA MILL, LLC ON BEHALF OF VELMEJ INVESTMENTS, LLC FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 116 FEET INTO THE 120 FEET FRONT YARD SETBACK FOR A WATER KIOSK MEASURING 13.5 FEET BY 13.5 FEET ON THE WEST 119.4 FEET OUT OF LOT 3, SPRING GLEN SUBDIVISION, HIDALGO COUNTY, TEXAS; 714 NORTH MCCOLL ROAD. (ZBA2022-0060)

REASON FOR APPEAL:

The applicant is requesting a variance to allow the installment of a prefabricated water kiosk that will encroach 116 feet into the required 120 feet front yard setback. The applicant claims that there would be no feasible place to install said water kiosk beyond the setbacks since there is an existing commercial building that takes up most of the area beyond the front yard setback.



PROPERTY LOCATION AND VICINITY:

The subject property is located at the southeast corner of North McColl Road and East Hackberry Avenue. The subject property is part of a 14-lot subdivision under the name "Spring Glen Subdivision." The property has 25 feet of frontage along North McColl Road and a depth of 119.4 feet for a total property area of 2,985 square feet. The subject property is zoned C-3 (general business) District and is the location for Spring Glen Plaza parking area.

The surrounding land uses include Charles E. Curtis Park, Stripes Convenience Store, Department of Veteran Affairs, and Monaco Plaza. A variety of commercial uses comprise Spring Glen Plaza.

BACKGROUND AND HISTORY:

Spring Glen Subdivision was recorded on January 18, 1983. The application for the variance request was submitted on August 17, 2022. A building permit application has not been submitted.

ANALYSIS:

Approval of this variance request will allow the encroachment of 116 feet into the 120 feet front yard setback and allow the applicant to install a prefabricated water kiosk, that is, a stationary vending location where ice and water are sold. The water kiosk will occupy a total area of approximately 182.25 square feet. The kiosk will be constructed over three parking spaces in the commercial development parking area, but this will not impact compliance with parking requirements for the existing businesses.

The original site plan approved on June 7, 1983 for Spring Glen Subdivision's common parking area was for the purpose of parking and did not include structures as part of the plan. Moreover, the recorded plat for Spring Glen Subdivision also depicted 120 feet as a minimum building setback line, consistent with the approved site plan.

Approval of this request may encourage other Lots within this development and the adjacent development to the south, to request similar variances for purposes other than parking, which may create traffic circulation and or parking issues within the subdivision development. This may be inconsistent with the original intents and purposes of the master plan for the development.

The structure is proposed to be placed at essentially a setback of 4 feet from the front property line. Front yard setbacks for commercial districts are a minimum of 15 feet, as per ordinance.

A submitted site plan (attached) shows the proposed location for the water kiosk. An elevation picture depicts the façade and dimensions of the proposed kiosk.

If the variance request is approved, the applicant must comply with all other zoning ordinance and building code requirements that will be requested during the building permitting process.

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

RECOMMENDATION:

Staff recommends disapproval of this variance request since approval may encourage other variance requests that may create traffic circulation and parking issues inconsistent with the subdivision and site plan as originally approved.



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)

ZBA
9/21/22

Project	Legal Description	SPRING GLEN SUBDIVISION LOTS 1 THRU 14			
	Subdivision Name	Spring Glen			
	Street Address	628 N McColl Rd. McAllen, TX 78501			
	Number of lots	1	Gross acres	3.214	
	Existing Zoning	C3	Existing Land Use	Commercial	
	Reason for Appeal (please use other side if necessary)	Installation of a pre-fab water kiosk over a concrete slab over the 120 ft front-yard setback required for Spring Glen Subdivision			
	<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	Aqua Mill, LLC		Phone	(956) 960-4111
	Address	3407 San Fabian		E-mail	cerdalafuente65@gmail.com
	City	Mission	State	TX	Zip 78572
Owner	Name	Velmej Investment LLC		Phone	(956) 793-6780
	Address	2601 Santa Esperanza		E-mail	southmccoll@aol.com
	City	Mission	State		Zip 78572
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
	I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.				
	Signature			Date	8/17/2022
Office	Print Name	Francisco Velazquez		<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Authorized Agent
	Accepted by	SEN		Payment received by	Date ENTERED



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:

There is an existing building at the 120 ft setback that covers the width of the lot.

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

The property use is commercial and the owner wants to continue utilizing the property as such.

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 water kiosk will be installed at an area that has no impact to the current tenants' safety and welfare nor will affect traffic within the parking. The public will benefit from having access to a vital product close to their residents.

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

It is impossible not to be installing it within the setbacks since the existing building will not allow otherwise.

Reason for Appeal

Board Action

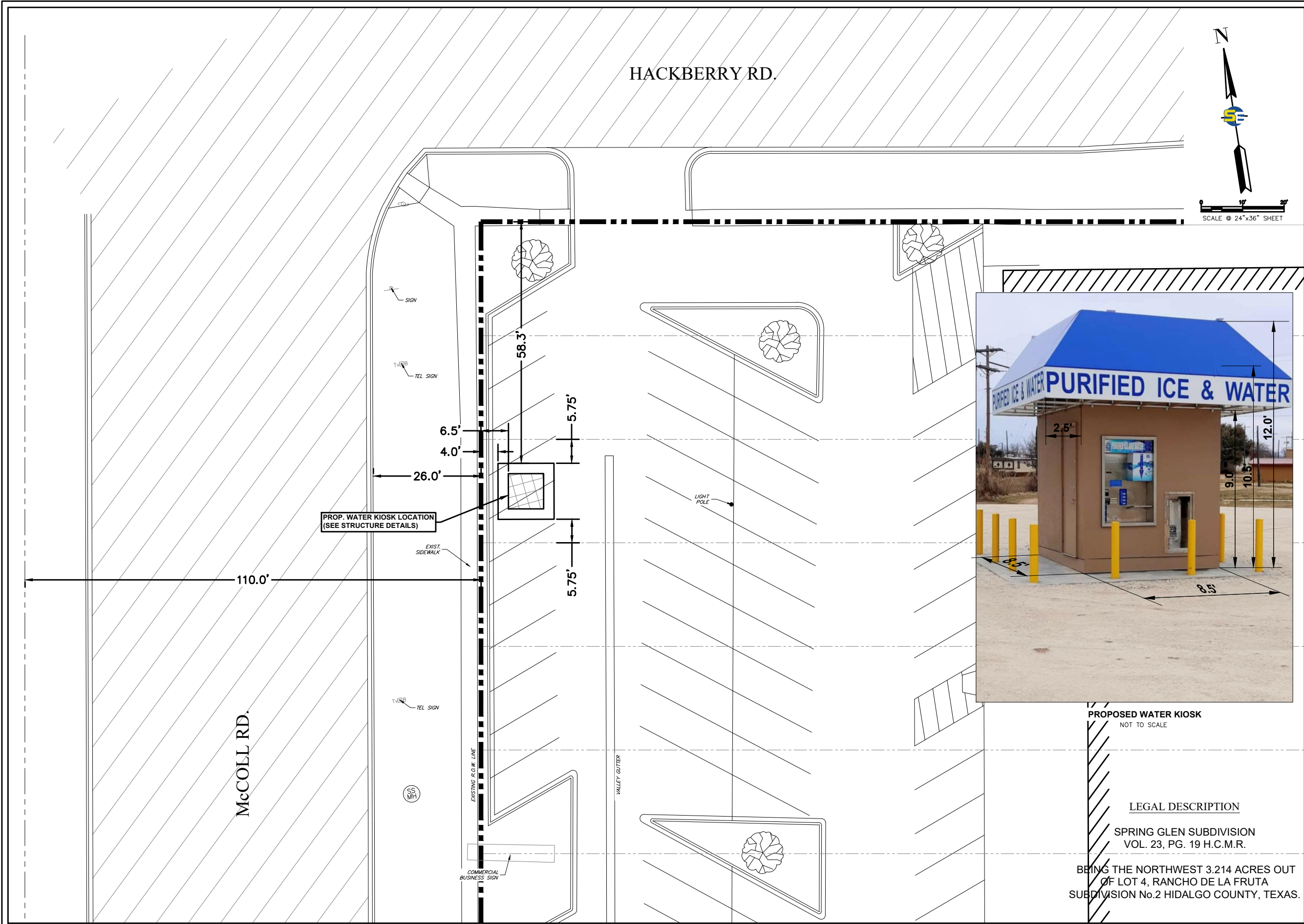
Chairman, Board of Adjustment
Signature

Date

###

TOPO.DWG

PLOTTED 10/10/2022



PROPOSED WATER KIOSK
NOT TO SCALE

LEGAL DESCRIPTION

SPRING GLEN SUBDIVISION
VOL. 23, PG. 19 H.C.M.R.

BEING THE NORTHWEST 3.214 ACRES OUT
OF LOT 4, RANCHO DE LA FRUTA
SUBDIVISION No.2 HIDALGO COUNTY, TEXAS.

SUPREME ENGINEERING
TPELS FIRM No. F-21135
SUPREME ENGINEERING, PLLC
410 S. JACKSON RD. #2780
EDINBURG, TX 78539
PH: (956) 272-2246

PROJECT No. ##	REVISIONS:
PROJECT TEAM	
DESIGN BY: ##	
DRAWN BY: ##	
CHECKED BY: ##	
APPROVED BY: ##	
DATE	APPROVED BY:

PREPARED FOR:
FRANCISCO VELAZQUEZ
2601 SANTA ESPERANZA ST.
MISSION, TX 78574

SPRING GLEN COMMERCIAL PLAZA
McALLEN, TEXAS

SITE PLAN

1" = 20' - 0" 50'



20' ALLEY

590.0'

HACKBERRY AVENUE

FIR AVENUE

MC COLL ROAD

NOTES

SPRING GLEN

REVISION



W.R.F. designers
- 4717 N 10TH ST -
WALLEN, TEXAS PHONE 686-4411

FILES

RECEIVED MAY 25 1959

PURIFIED ICE & WATER PURIFIED ICE & WATER



LOT 3 RANCHO DE LA FRUTA SUBD. No. 2

SPRING GLEN SUBDIVISION

BEING THE NORTH WEST 3.214 ACRES
OUT OF LOT 4, RANCHO DE LA
FRUTA SUBDIVISION No. 2,
HIDALGO COUNTY, TEXAS.

STATE OF TEXAS

COUNTY OF HIDALGO

THE POWER OF THE LAW SHOWN ON THIS PLAT AND WHERE THERE IS OVERLAP HEREIN
TO, AND IN PERSON OR THROUGH A duly AUTHORIZED AGENT HERETO TO THE USE
OF THE PUBLIC FOR EVERY ALL STREETS, ALLEYS, RAILS, WATER COURSES, DRAIN, EASE-
MENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND COORDINATION
THEREIN REPRESENTED

James H. Baker
CITY CLERK, DALLAS

STATE OF TEXAS

COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED,
James H. Baker, 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 18th DAY OF March,
A.D. 1922

James H. Baker
CITY CLERK, DALLAS

APPROVED BY WATER DISTRICT

THIS PLAT APPROVED BY HIDALGO COUNTY PROTECTION DISTRICT NO. 5

ON THIS 18th DAY OF March, A.D. 1922

James H. Baker
CITY CLERK, DALLAS

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

James H. Baker
CITY CLERK, DALLAS

THIS PLAT OF SPRING GLEN SUBDIVISION HAS BEEN
SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY OF
DALLAS, TEXAS AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS 18th DAY OF March, A.D. 1922

James H. Baker
CHAIRMAN

STATE OF TEXAS

COUNTY OF HIDALGO

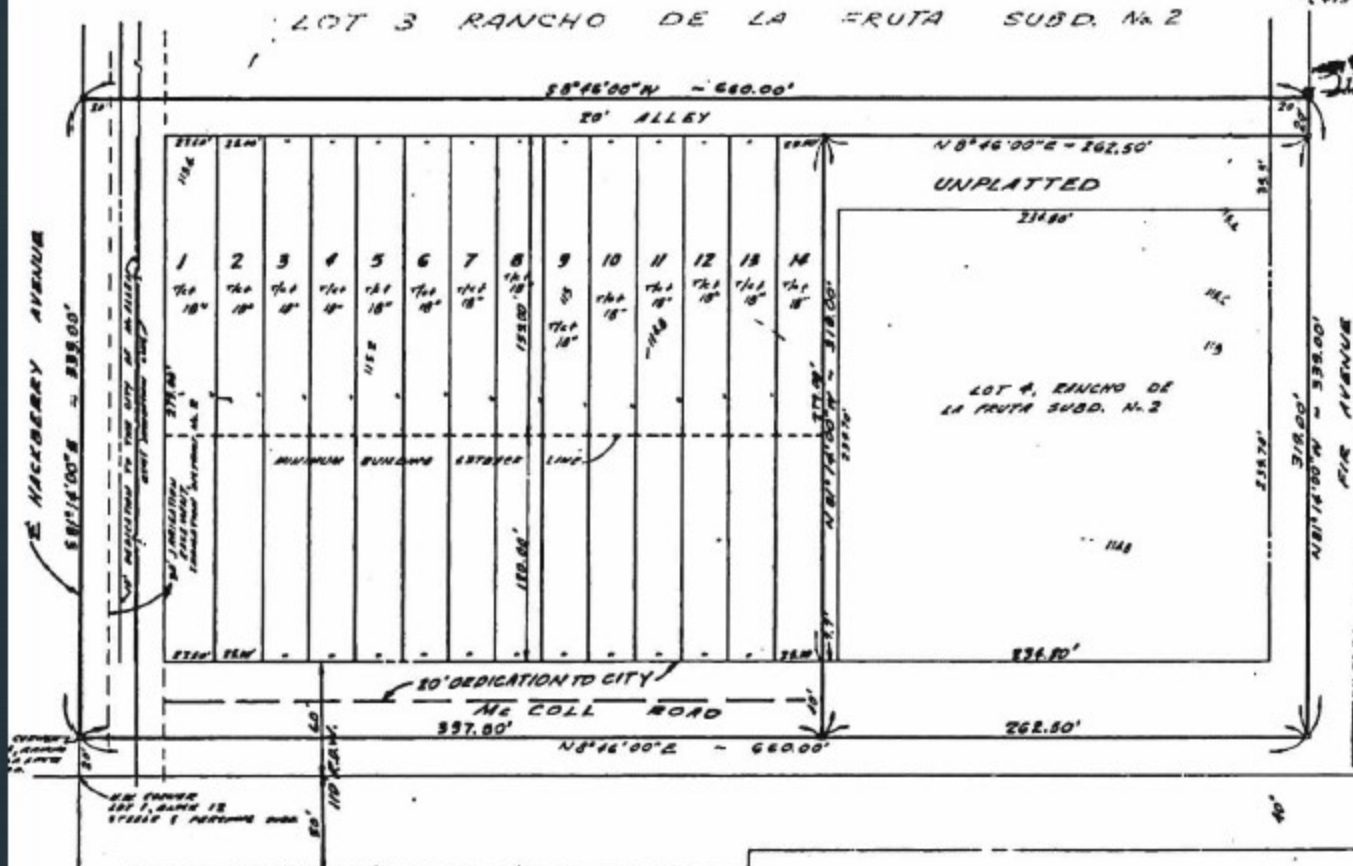
I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED AND
AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE DATE
HEREIN SET FORTH.

James H. Baker
REGISTERED PROFESSIONAL ENGINEER

KNOWN TO AND SUBSCRIBED BEFORE ME THIS 18th DAY OF March,
A.D. 1922

James H. Baker
HIDALGO COUNTY, TEXAS

CHECKED FOR CHAINAGE
by *James H. Baker*



(7-11 STORE)
LAK LIN SUBD.
TOTAL AREA: 3.214
TOTAL LOTS: 14

LOT 2, BLK. 12, STEELE & PERRINE SUBD.

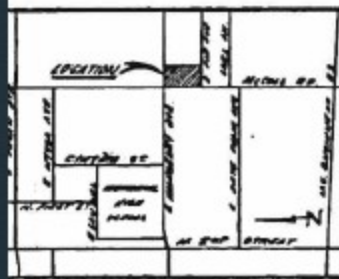
GENERAL NOTES:

1. MINIMUM FLOOR ELEVATIONS SHALL BE AS SHOWN ON EACH LOT.
2. FRONTYARD SETBACK SHALL BE 120' MINIMUM.
3. BACKYARD SETBACK SHALL BE 5' MINIMUM.
4. SIDEYARD SETBACK SHALL BE 0'; CORNER LOTS SHALL HAVE A
10' MINIMUM SETBACK.
5. A 4' SIDEWALK IS REQUIRED ALONG THE SOUTH SIDE OF HACKBERRY
AVENUE AND ALONG THE EAST SIDE OF MC COLL ROAD.

A 6' E' BOUNDARY LINE IS REQUIRED ALONG THE SOUTH PROPERTY
LINE OF LOT 14.
* THE CITY OF DALLAS SHALL HAVE A 5'x5' EASEMENT AT ALL
STREET INTERSECTIONS.

Recorded in Book 23 Page 19
of the map records of Hidalgo
County, Texas
McColl and Hunt, Inc.
County Surveyors

Scale: 1"=60'





**NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2022-0060**



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



Memo

TO: Zoning Board of Adjustment & Appeals

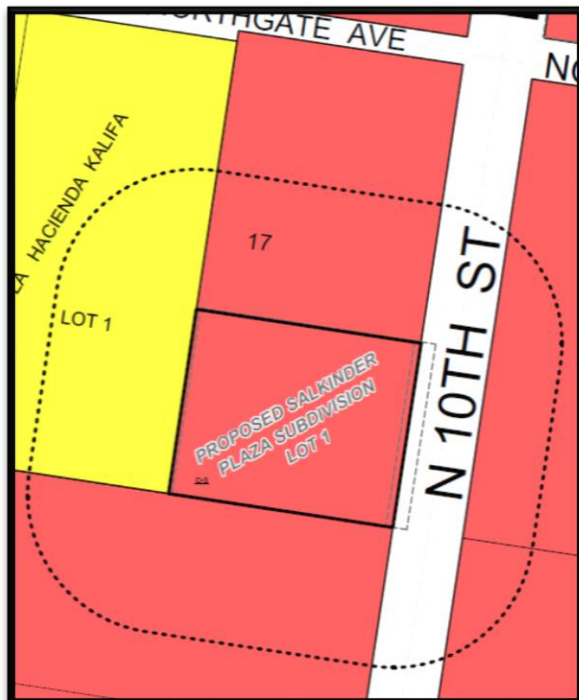
FROM: Planning Staff

DATE: October 7, 2022

SUBJECT: REQUEST OF TREVINO ENGINEERING ON BEHALF OF SONIA SALKINDER FOR A VARIANCE TO THE CITY OF MCALLEN VEGETATION ORDINANCE TO NOT PROVIDE A MASONRY WALL 8 FEET IN HEIGHT ALONG THE WEST PROPERTY LINE FOR THE SOUTH 2.06 ACRES OUT OF LOT 17, EBONY HEIGHTS CITRUS GROVES UNIT 1 SUBDIVISION (PROPOSED SALKINDER PLAZA SUBDIVISION), HIDALGO COUNTY, TEXAS; 8801 NORTH 10TH STREET. (ZBA2022-0082)

REASON FOR APPEAL: The applicant is requesting a variance in order to not provide the required 8 feet in height masonry screen along the west side of the subject property. There is an existing 6 feet in height masonry wall along the property line of the adjacent property to the west and the applicant would like to not build a new 8 feet wall next to the existing 6 feet wall.

PROPERTY LOCATION AND VICINITY: The property is located along the west side of North 10th Street, approximately 400 feet south of Northgate Lane. The tract has a total lot size of 2.06 acres. The subject property is zoned C-3 (general business) District. The adjacent zoning is R-1 (single-family residential) District to the west, and C-3 District to the north and south.



BACKGROUND AND HISTORY: A subdivision plat for a one-lot subdivision under the name “Salkinder Plaza Subdivision” was approved in final form (pending recordation) at the Planning and Zoning Commission meeting of September 7, 2021 for a proposed commercial plaza. A building permit application was submitted on May 28, 2021. The application for this variance request was submitted on September 8, 2022. Construction for the proposed commercial development is already underway since a Hold Harmless Agreement was submitted by the applicant on September 1, 2021.

ANALYSIS: Approval of this variance request will allow the applicant to not provide a masonry wall 8 feet in height along the west side property line for a length of 266.30 feet.

As per Vegetation Ordinance Section 110-49 (a), an 8-foot masonry screen (or wall) is required where a commercial, industrial, or multi-family use has a side or rear property line in common with a single family use or zone. The adjacent property to the west is zoned R-1 District.

As per the applicant, since the adjacent property owners to the west have provided a masonry wall (6.12 feet in height), they do not see it necessary to build a masonry wall 8 feet in height next to it. The applicant also stated that the existing 6 feet masonry wall cannot be built up to the required 8 feet height since the foundation was not designed for such a height.

According to the latest submitted survey plat for the subject property (attached), the existing “block wall” at 6.12 feet in height is described as being “outside of property line.”

If this variance request is approved, the applicant must still comply with all other zoning ordinance and building code requirements that will be requested during the building permitting process.

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

RECOMMENDATION:

Staff recommends disapproval of the variance request since the existing masonry wall was built by and belongs to the adjacent property owners to the west of the subject property, and the Vegetation Ordinance requires the commercial use to provide the required screen. Additionally, the adjacent property owners can decide to demolish the existing wall at any time.



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)

Legal Description

A 2.06 ACRE TRACT BEING THE SOUTH 2.06 ACRES OUT OF THE EAST 5.31 ACRES OF LOT 17, EBONY HEIGHTS CITRUS GROVE UNIT NO. 1, HIDALGO COUNTY TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 5, PAGE 39, MAP RECORDS, HIDALGO COUNTY, TEXAS (M.R.H.C.T.), AND AS CONVEYED TO SALKINDER REAL ESTATE LLC AS PER SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NUMBER 3208328, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS (O.R.H.C.T.), SAID 2.06 ACRES

Project

Subdivision Name

PROPOSED SALKINDER PLAZA SUBDIVISION

Street Address

8909 N. 10TH ST. MCALLEN, TEXAS 78504

Number of lots

1

Gross acres

2.06

Existing Zoning

C-3

Existing Land

COMMERCIAL

Use Reason for Appeal (please use other side if necessary)

CITY OF MCALLEN BUFFER REQUIREMENTS ARE AS FOLLOWS: 8FT MASONRY WALL REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL OR MULTIFAMILY RESIDENTIAL ZONE/ USES. CURRENTLY THERE IS AN EXISTING 6FT MASONRY WALL THAT WAS BUILT BY THE SINGLE FAMILY RESIDENTIAL OWNER. THE WALL HEIGHT REQUIREMENT IS 2 FT LOWER THAN THE BUFFER REQUIREMENT.

☒ \$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

TREVINOENGINEERING

Phone

956-283-8847

Address

200 S. 10TH ST SUITE 1303

E-mail

IDENT@TREVINOENGINEERING.COM
KARIME@TREVINOENGINEERING.COM

City

MCALLEN

State

TEXAS

Zip

78501

Owner

Name

SONIA SALKINDER

Phone

956-358-1212

Address

4900 N. 10TH STREET

E-mail

MLOPEZ@URBANCITYTX.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

Date

09/07/2022

Print Name

IDEN I. TREVIÑO

☐ Owner

☒ Authorized Agent

Office

Accepted by _____

Payment received by _____

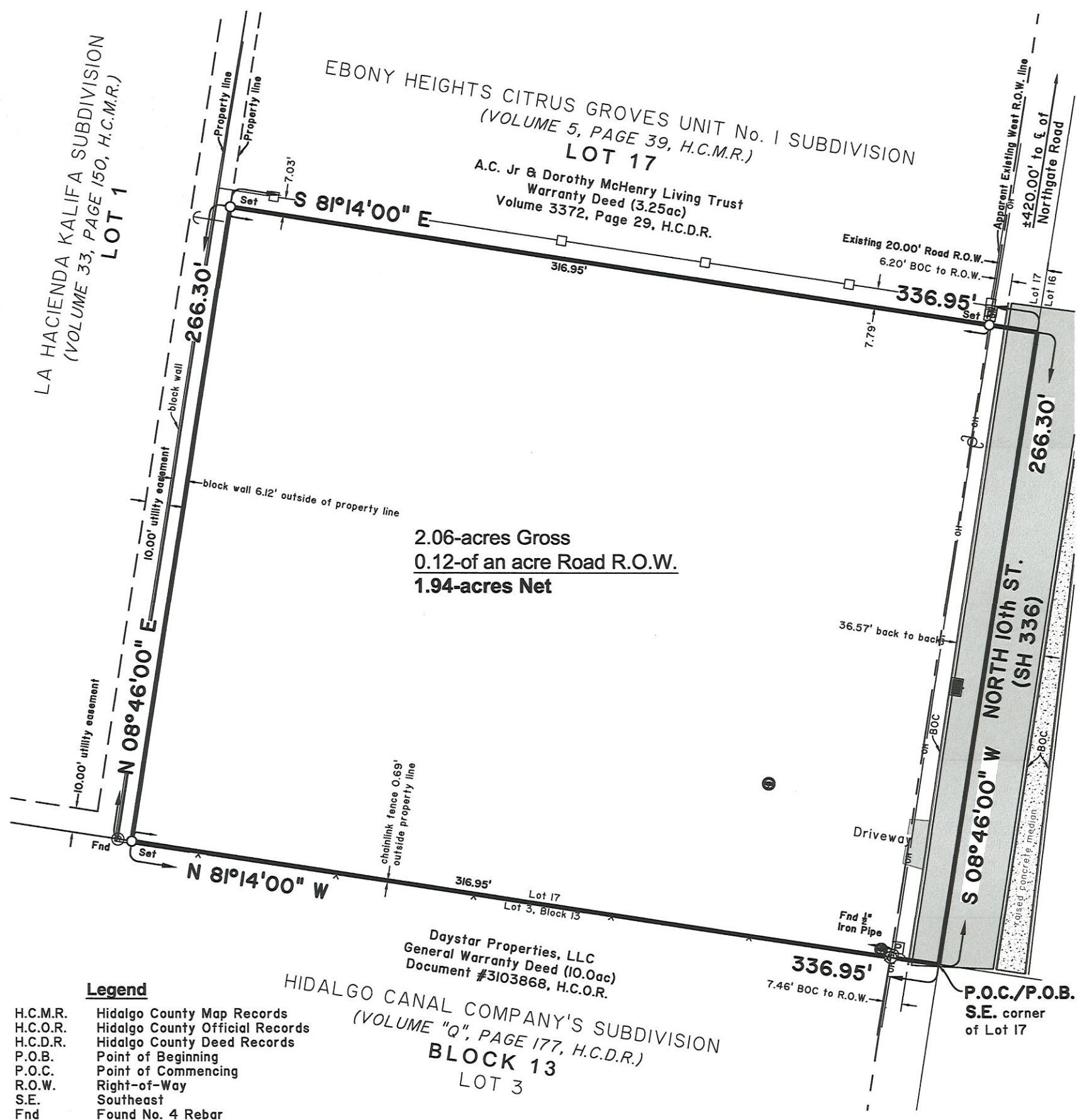
Date _____

Rev 09/20

ENTERED

SEP 09 2022

Initial:



2.06-acres Gross
0.12-of an acre Road R.O.W.
1.94-acres Net

Legend

- | | |
|----------|--|
| H.C.M.R. | Hidalgo County Map Records |
| H.C.O.R. | Hidalgo County Official Records |
| H.C.D.R. | Hidalgo County Deed Records |
| P.O.B. | Point of Beginning |
| P.O.C. | Point of Commencing |
| R.O.W. | Right-of-Way |
| S.E. | Southeast |
| Fnd | Found No. 4 Rebar |
| Set | Set No. 4 Rebar w/plastic cap stamped 2791 |
| BOC | Back of curb |
| ⊙ | Found No. 4 Rebar |
| —□— | Found Iron pipe |
| —X— | Existing chicken wire fence |
| —OH— | Existing chainlink fence |
| ⤴ | Existing overhead power line |
| ⤵ | Existing power pole |
| ⤶ | Existing down guy |
| ⬢ | Existing telephone pedestal |
| ⬤ | Existing grate inlet |
| ⬢ | Existing 24" irrigation standpipe |
| ▬ | Asphalt pavement |
| ▨ | Concrete pavement |

HIDALGO CANAL COMPANY'S SUBDIVISION
(VOLUME "Q", PAGE 177, H.C.D.R.)
BLOCK 13
LOT 3

**SURVEY PLAT SHOWING
A 2.06-ACRE TRACT, MORE OR
LESS, BEING ALL THE EAST
5.31-ACRES OF LOT 17, EBONY
HEIGHTS CITRUS GROVES UNIT
No. 1 SUBDIVISION,
(Save and Except the North 420.00 feet)
CITY OF McALLEN,
HIDALGO COUNTY, TEXAS,
VOLUME 5, PAGE 39, H.C.M.R.
(See Exhibit "A" for Metes and Bounds description)**

I, Homero L. Gutierrez, a registered professional land surveyor in the State of Texas, hereby state that this survey is true and was correctly made on the ground on 02/11/2021 under my direction, that the existing improvements on the ground are as shown, and that there are no visible encroachments, protrusions, apparent conflicts and visible easements, except as shown hereon.

General Notes:

- Survey is valid only if print has original electronic seal and signature of surveyor.
- Bearing basis as per the East line of 2.06-Acre Tract called out in the Metes and Bounds recorded in the Special Warranty Deed recorded in via Document #3208328, dated March 31, 2021, H.C.O.R.
- Commitment of Title Insurance issued by Title Resources Guaranty Company
Reference: Michael Allen Wilson, Trustee of the D.L. Wilson Life Insurance Trust
To: Salkinder Real Estate, LLC
GF: No. 933487
Also, see Schedule B. 10.a thru 10.i for additional easement and property matters.
- Homero L. Gutierrez did not research or prepare a title report or abstract of title on the above property.
- Building, zoning, platting and/or regulatory laws and/or ordinances at any municipal and/or other governmental authority will apply.
- The existence, if any underground gas lines or other underground utilities not shown on this survey should be thoroughly investigated by the owner prior to any construction on this site. The Surveyor has limited his investigation of underground utilities on this site to that which can be seen.
- Surveyor's statement: The property corners of the tract surveyed were staked out based on the best fit of monuments found for this property and others within the immediate vicinity, taking into account the intent of the surveyors' original foot steps. A survey of the original mother tracts to correctly establish minor discrepancies that were found in the property corners would not be a feasible option for the parties concerned. The client has been made aware of any discrepancies found and the respective action taken to stake out his property as per the found and set monuments shown hereon. Survey referred to TxDOT Highway Department District 21 Pharr, Texas Right-of-Way map of SH 336, dated June 1952 from SH 107 South to FM 495.
- Flood Zone "X" - Areas determined to be outside 500-year floodplain.
Community Panel No. 480334 0325D
Map Revised: June 6, 2000
Revised to Reflect L OMR Dated: May 17, 2001



Homero Luis Gutierrez
Homero Luis Gutierrez, RPLS No. 2791
Date: 10/06/2021

HOMERO L. GUTIERREZ
P.O. Box 548
McAllen, Texas 78505
(956) 369-0988
REV.: 10/06/2022
DATE: 02/18/2021 JOB No.: HLG21-042







**NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2022-0082**



CITY OF MCALLEN PLANNING DEPT.
956-681-1259
WWW.MCALLEN.NET



Memo

TO: Zoning Board of Adjustment & Appeals

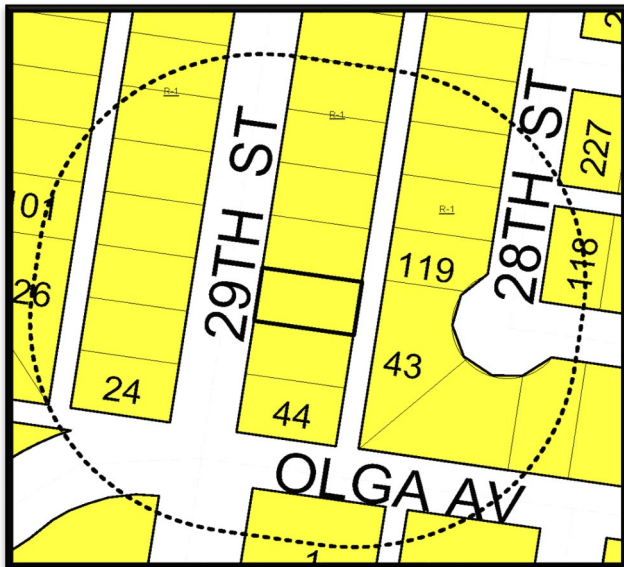
FROM: Planning Staff

DATE: October 11, 2022

SUBJECT: REQUEST OF BALDEMAR SANCHEZ FOR THE FOLLOWING SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 22 FEET INTO THE 25 FEET FRONT YARD SETBACK AND 3.5 FEET INTO THE 7 FEET SOUTH SIDE YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 20 FEET BY 30 FEET, AT LOT 46, IDELA PARK UNIT NO. 1 SUBDIVISION, HIDALGO COUNTY, TEXAS; 5101 SOUTH 29TH STREET. (ZBA2022-0080)

REASON FOR APPEAL:

The applicant is requesting a special exception to allow an encroachment of 22 feet into the 25 feet front yard setback and 3.5 feet into the 7 feet south side yard setback for an existing metal carport measuring 20 feet by 30 feet. According to the applicant, the construction of the carport was for protection of their vehicles from inclement weather events and for personal health related reasons.



PROPERTY LOCATION AND VICINITY:

The subject property is located along the east side of South 29th Street 105 feet north of Olga Avenue. The Lot has 50 feet of frontage along South 29th Street and a depth of 90 feet for a Lot size of 4,500 square feet. The property is zoned R-1 (single-family residential) District. Adjacent zoning is R-1 District in all directions.

BACKGROUND AND HISTORY:

Idela Park Unit No. 1 Subdivision was recorded on February 13, 1978. The front yard setback is 25 feet as per plat. The plat does not indicate side yard setbacks, however side yard setbacks are 5 feet and 7 feet since the home appears to have been built with those setbacks. A stop work order was posted on August 16, 2022 for construction without a building permit. An application for a building permit was submitted to the Building Permits and Inspections Department on August 22, 2022, and an application for a Special Exception was submitted to the Planning Department on September 7, 2022.

ANALYSIS:

The front yard setback is 25 feet, and south side yard setback is 7 feet. The existing carport encroaches 22 feet into the 25 feet front yard setback and 3.5 feet into the 7 feet south side yard setback.

The front yard setbacks are important in establishing the character of a single family neighborhood by maintaining the street yard and curb appeal of the properties in a subdivision. Approval of the request to allow the carport within the front yard may encourage other carports to be constructed in the front yard.

The property does not have a car garage.

The property has an alley that may allow the structure to be relocated to the rear of the property.

During a site visit, staff noticed other similar structures in the area that appear to encroach into the front yard setbacks. A review of Planning Department records did not reveal any Special Exceptions approved for this Block of Idela Park Unit No. 1.

Measurements provided are without the benefit of a survey.

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

RECOMMENDATION:

Staff recommends disapproval of the special exception request since the carport could be relocated out of the setbacks to the rear of the property and the approval of the carport may encourage other neighbors to build similar structures within the front yard setbacks. If the Board chooses to approve the request, it should be limited to the encroachment shown on the submitted site plan.

ZBA2022-0080

ZBDA
10/19/2022

City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

311 North 15th Street

McAllen, TX 78501

P. O. Box 220

McAllen, TX 78505-0220

(956) 681-1250

(956) 681-1279 (fax)

Project

Legal Description

RESIDENTIAL LOT 46

Subdivision Name

IDEALIA PARK UNIT 1

Street Address

5101 SOUTH 29TH ST.

Number of lots

1

Gross acres

Existing Zoning

R-1

Existing Land Use

1 HOUSE

Reason for Appeal (please use other side if necessary)

TO PROTECT CARS

☒ \$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 BALDEMAR SANCHEZ

Phone 956-905-8971

Address 5101 SOUTH 29TH ST.

E-mail GENESANCHEZ79@GMAIL.COM

City MCALLEN

State TX

Zip 78503

Owner

Name BALDEMAR SANCHEZ

Phone 956-905-8971

Address 5101 SOUTH 29TH ST.

E-mail GENESANCHEZ79@GMAIL.COM

City MCALLEN

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

Balda

Date

Print Name BALDEMAR SANCHEZ

☒ Owner

☐ Authorized Agent

Office

Accepted by

Payment received by

Date

Rev 10/18

SEP 07 2022

BY:

ca



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 HOME IS ALMOST AS WIDE AS THE LOT THEREFORE THE CARPORT HAD TO BE PLACED IN FRONT OF THE HOME NOT KNOWING ABOUT THE ENCRACHMENT.

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

AS A HOMEOWNER AND VEHICLE OWNER IT IS NECESSARY TO PROTECT OUR INVESTMENT

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:

SINCE THE CARPORT HAS BEEN PLACED, NO ONE IN THE AREA HAS MENTIONED TO ME ABOUT IT AFFECTING THEIR SAFETY OR WELFARE HAS BEEN AFFECTED

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

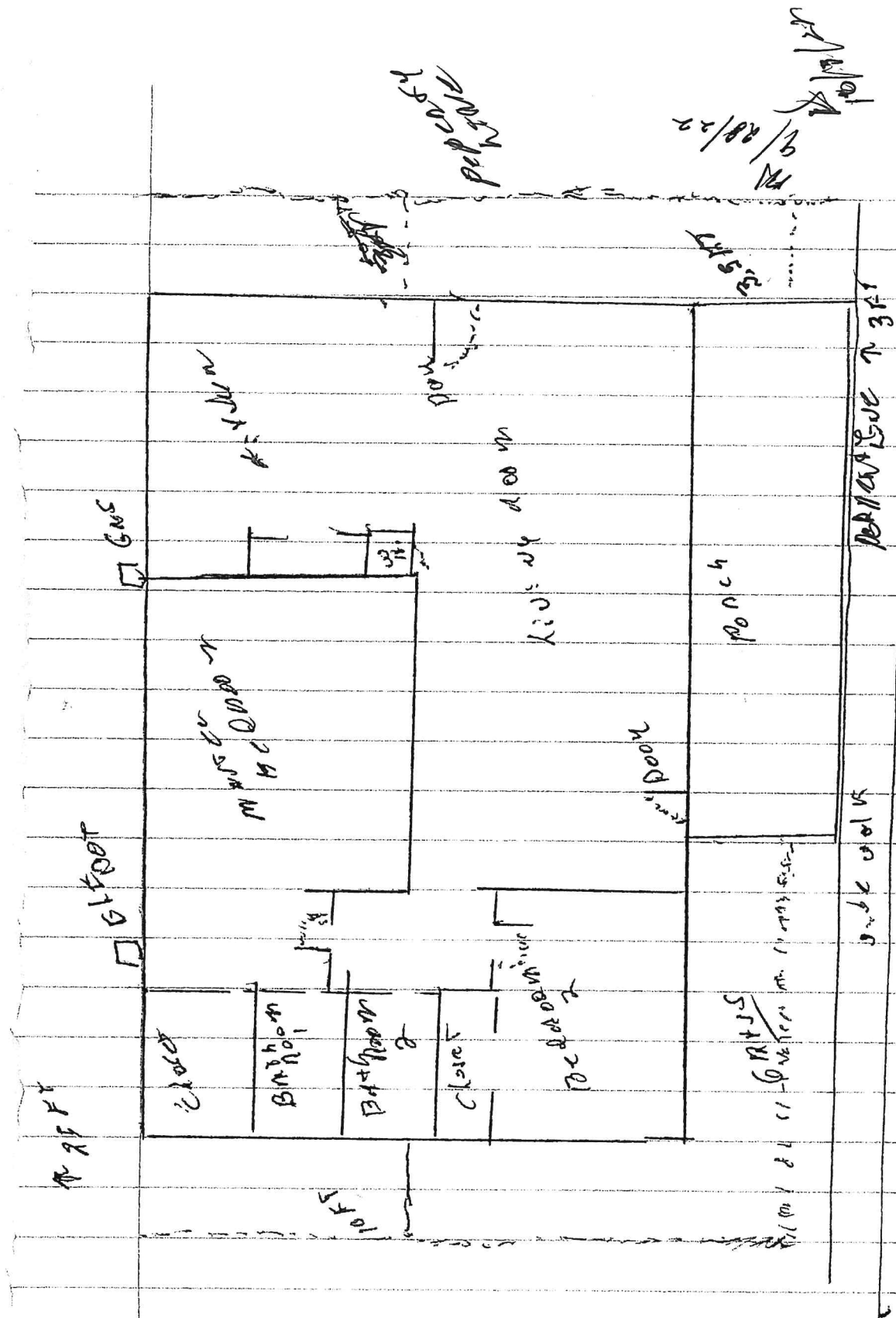
IM DESIRE MY CARPORT ALSO, HAVE KNOW CARPORT SHADE IS THE BEST WAY TO AVOID DIRECT SUNLIGHT WHICH WILL KEEP OUR VEHICLES INTERIOR AND EXTERIOR FROM DRYING AND CRACKING

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date



5101 South 29th

4x20 4x20





**NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0080**

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

2j)

Remain tabled