#### **AGENDA**

#### ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, OCTOBER 21, 2020 - 4:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3<sup>RD</sup> FLOOR

Web: https://zoom.us/join or phone: (346) 248-7799

Meeting ID: 672 423 1883

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

#### **CALL TO ORDER - VICE-CHAIRPERSON ERICK DIAZ**

#### 1. MINUTES:

a) Minutes for the meeting held on October 7, 2020.

#### 2. ELECTION OF OFFICERS:

- a) Chairperson
- b) Vice-Chairperson

#### 3. PUBLIC HEARINGS:

- a) Request of Humberto F. Nunez for the following Variance to the City of McAllen Zoning Ordinance to allow: an encroachment of 4.17 ft. into the 10 ft. rear yard setback for a proposed swimming pool, at Lot 26, Heritage Manor No. 2 Subdivision, Hidalgo County, Texas; 4508 North 5th Lane. (ZBA2020-0057) (TABLED: 10/7/2020)
- b) Request of Raul De La Garza, on behalf of Jorge Gutierrez, for the following variances to the City of McAllen Zoning Ordinance 1) to allow an encroachment of up to 6 feet into the west side yard setback for an existing irregularly shaped wooden deck measuring 41 ft. by 55 ft., 2) to allow an encroachment of up to 3 feet into the west side yard setback for an existing circular above ground swimming pool measuring 11 ft. by 20 ft., 3) to allow an encroachment of up to 10 ft. on the rear setback for an existing irregularly shaped wooden deck measuring 41 ft. by 55 ft., 4) to allow an encroachment of up to 10 ft on the rear setback for an existing above ground swimming pool measuring 11 ft. by 20 ft., 5) to allow an encroachment of up to 10 feet the rear side setback for an existing storage room measuring 6 ft. by 5 ft. at Lot 67, Falling Water Subdivision, Hidalgo County, Texas; 4204 Worthington Avenue. (ZBA2020-0059) (TABLED: 10/7/2020)
- c) Request of Aurora Pena for the following variances to the City of McAllen Zoning Ordinance to allow: 1) an encroachment of 5 ft. into the 5 ft. west side yard setback for an existing covered patio measuring 6.33 ft. by 56 ft.; 2) an encroachment of 9 ft. 9 in. into the rear yard setback for an existing wooden storage shed measuring 12.20 ft. by 12.25 ft.; 3) to allow an accessory building separation from the main building of 3.75 ft. instead of the required 5 ft.; at Lot 12, Block 3, Amigo Park 1 Subdivision, Hidalgo County, Texas; 4405 West Gardenia Avenue. (ZBA2020-0067)
- d) Request of Fred Harms for the following variance to the City of McAllen Zoning Ordinance to allow an encroachment of 5 ft. into the 5 ft. rear yard setback for a proposed commercial building measuring 147 ft. 6 in. by 53 ft. at south 230 ft., Lot 1, Block 1, Coddington Addition Subdivision, Hidalgo County, Texas; 601 N. 2nd Street. (ZBA2020-0064)

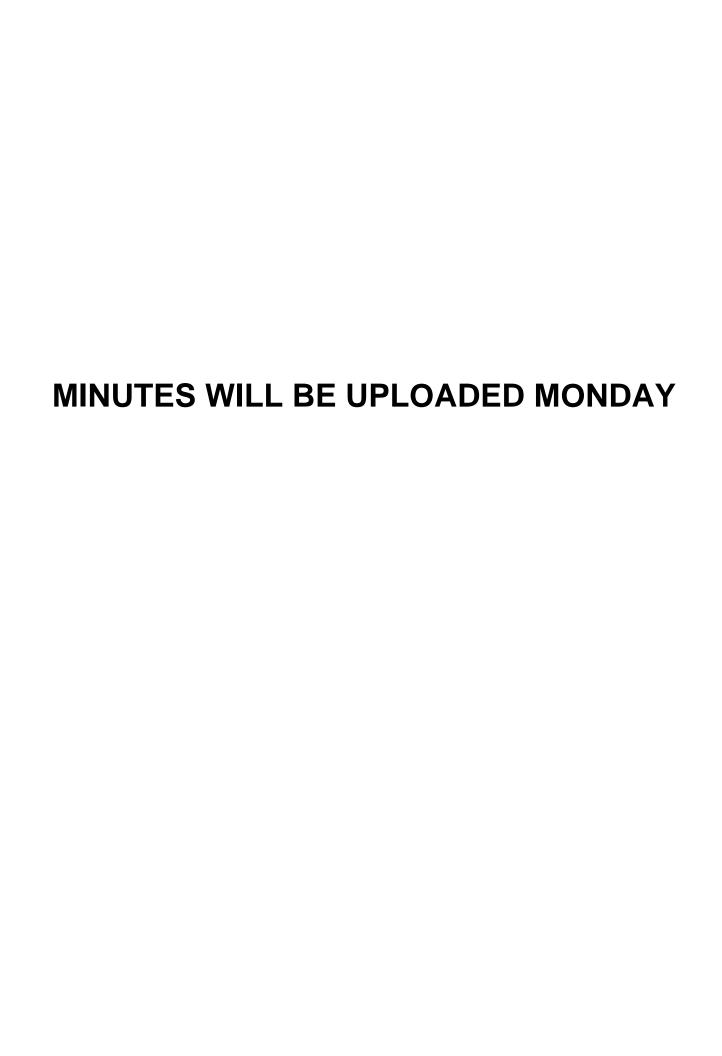
- e) Request of Hector Bosquez for the following Variance to the City of McAllen Zoning Ordinance to allow: 1) an encroachment of 3 ft. into the 6 ft. side yard setback for an existing L- Shaped porch with an area of 357 square feet. and 2) an encroachment of 4 ft. into the 6 ft. side yard setback for an existing storage measuring 10 ft. by 18 ft., at Lot 25, Del Sol Subdivision Phase I, Hidalgo County, Texas; 2805 Quamasia Avenue. (ZBA2020-0060) (TABLED: 10/7/2020)
- f) Request of Jose Noe Herrera. for the following Variance to the City of McAllen Zoning Ordinance to allow: an encroachment of 6 ft. into the 6 ft. side yard setback for a proposed roof for an existing work area measuring 12.3 ft. by 43.6 ft. at Lot 78, Bedford Park Estates Subdivision, Hidalgo County, Texas; 3937 Swallow Avenue. (ZBA2020-0063)
- g) Request of Enrique Flores, on behalf of Madhouse Development Service, Inc., for the following variance to the City of McAllen Zoning Ordinance Section 110-49(a) to not comply with the 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses and along the south property line at Lot 1, 2, 3, 4, 5, 6, 7, 8, and 9, Phase One Office Park Subdivision, Hidalgo County; 201, 205, 209, 213, 217, 221, 225, 229, and 223 South 2nd Street. (ZBA2020-0068)
- h) Request of Juan F. Valdez, for the following special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 18 ft. into the 30 ft. front yard setback for a proposed wood carport measuring 18 ft. by 24 ft. at Lot 7, Block 8, Primrose Terrace Unit No. 4, Hidalgo County, Texas; 1719 Redbud Avenue. (ZBA2020-0062)
- i) Request of Narciso Palomera for the following special exception and variances to the City of McAllen Zoning Ordinance: 1) to allow an encroachment of 20 ft. into the 20 ft. front yard setback for a proposed wooden carport with brick columns measuring approximately 20 ft. by 20 ft., 2) to allow an encroachment of 3.25 ft. into the 6 ft. side yard setback along the west property line for an existing wooden storage building measuring approximately 10 ft. by 12 ft., and 3) to allow an encroachment of 0.33 ft. into the 10 ft. rear yard setback for an existing wooden storage building measuring approximately 10 ft. by 12 ft., at Lot 11, Apollo Gardens Subdivision, Hidalgo County, Texas; 2009 Iris Avenue. (ZBA2020-0065)
- j) Request of Juan Lopez for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 ft. into the 20 ft. front yard setback for an existing carport measuring 17 ft. by 23 ft. at Lot 44, Oak Terrace Subdivision, Hidalgo County, Texas; 1916 North 35th Street. (ZBA2020-0056) (TABLED: 10/7/2020)
- **k)** Request of Daniel Conde Jr. for the following Special Exception to the City of McAllen Zoning Ordinance to allow: an encroachment of 18 ft. into the 20 ft. front yard setback for a proposed carport measuring 18 ft. by 24 ft. at Lot 107, Shadow Brook Subdivision Unit 1, Hidalgo County, Texas; 2021 Hawk Avenue. **(ZBA2020-0061)**
- I) Request of Gerardo Lopez for the following special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 ft. into the 20 ft. front yard setback for an existing metal carport measuring 20 ft. by 30 ft., at Lot 50, Apollo Gardens Subdivision, Hidalgo County, Texas; 2113 Hibiscus Avenue. (ZBA2020-0051) (TABLED: 10/7/2020)

#### 4. FUTURE AGENDA ITEMS

- a) 2400 North 25th Street
- b) 2108 Highland Avenue
- c) 800 East Pineridge Avenue
- d) 317 Uvalde 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 PLANNING & ZONING COMMISSION MAY TAKE VARIOUS ACTIONS, INCLUDING BUT NOT LIMITED TO RESCHEDULING AN ITEM IN ITS ENTIRETY FOR PARTICULAR ACTION AT A FUTURE DATE.



## **ELECTIONS**

Chairperson

Vice-chairperson

### **Planning Department**

#### Memo

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

**FROM:** Planning Staff

**DATE:** October 14, 2020

SUBJECT: REQUEST OF HUMBERTO F. NUNEZ FOR THE FOLLOWING VARIANCE TO THE

CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: AN ENCROACHMENT OF 4.17 FT. INTO THE 10 FT. REAR YARD SETBACK FOR A PROPOSED SWIMMING POOL, AT LOT 26, HERITAGE MANOR NO. 2 SUBDIVISION, HIDALGO COUNTY,

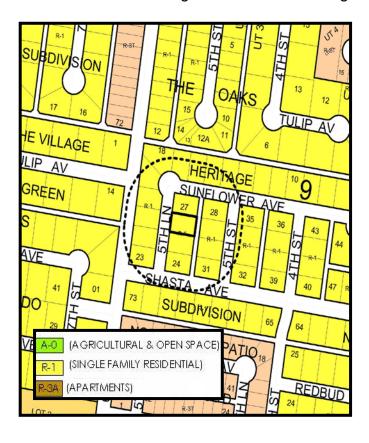
**TEXAS; 4508 NORTH 5TH LANE. (ZBA2020-0057)** 

#### **REASON FOR APPEAL:**

Humberto F. Nunez is requesting the following variance to allow an encroachment of 4.17 ft. into the 10 ft. rear yard setback for a proposed swimming pool.

#### PROPERTY LOCATION AND VICINITY:

The property is located on the east side of 5<sup>th</sup> Lane. The lot has 72 ft. of frontage along 5<sup>th</sup> Lane and a depth of 110 sq. ft. with a total area of 7,920 sq. ft. The property is zoned R-1 (single family residential) District. The surrounding land uses include single-family residential uses.





#### **BACKGROUND AND HISTORY:**

Heritage Manor No. 2 Subdivision was recorded on April 06, 1982. A note on the plat indicates that the rear yard setback requirement for the lot is 10 ft. An application for a swimming pool permit has not been submitted. A variance request application for the proposed swimming pool was submitted on September 01, 2020.

#### **ANALYSIS:**

The variance request is for a proposed swimming pool to encroach 4.17 ft. into the 10 ft. rear yard setback, the pool is an accessory structure and not a primary building. The site plan submitted shows the proposed distance from the rear property line to the outside wall of the swimming pool at 5.83 ft. There is a 5 ft. utility easement along the north side yard setback. The pool will not encroach into the utility easement. In the past, the Board has approved variances for accessory buildings.

A review of the site plan shows that the existing house occupies most of the buildable area not allowing much space for the proposed swimming pool to be established.

Staff has received two phone calls from the surrounding property owners in opposition to this variance request with concerns about the characteristic of their subdivision.

The survey shows minor encroachments into the rear yard setback for an existing carport and existing vinyl storage building and in the side yard setbacks for an existing metal canopy which the applicant decided not to include as part of this request.

#### **ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING OF OCTOBER 07, 2020:**

At the Zoning Board of Adjustment and Appeals meeting of October 07, 2020, the applicant was not present. There was one person in opposition to the variance request. The person in opposition had concerns with the characteristic of the subdivision. After further discussion, the Board unanimously voted to table the variance request in order to discuss the encroachments with the applicant. There were 8 members present and 5 voting.

#### **RECOMMENDATION:**

Staff recommends disapproval of the variance request. If the Board chooses to grant the variance, it should be limited to the footprint of the site plan submitted.

28A 10.7.20

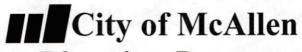
## City of McAllen

## Planning Department

## APPEAL TO ZONING BOARD OF (956) 681-

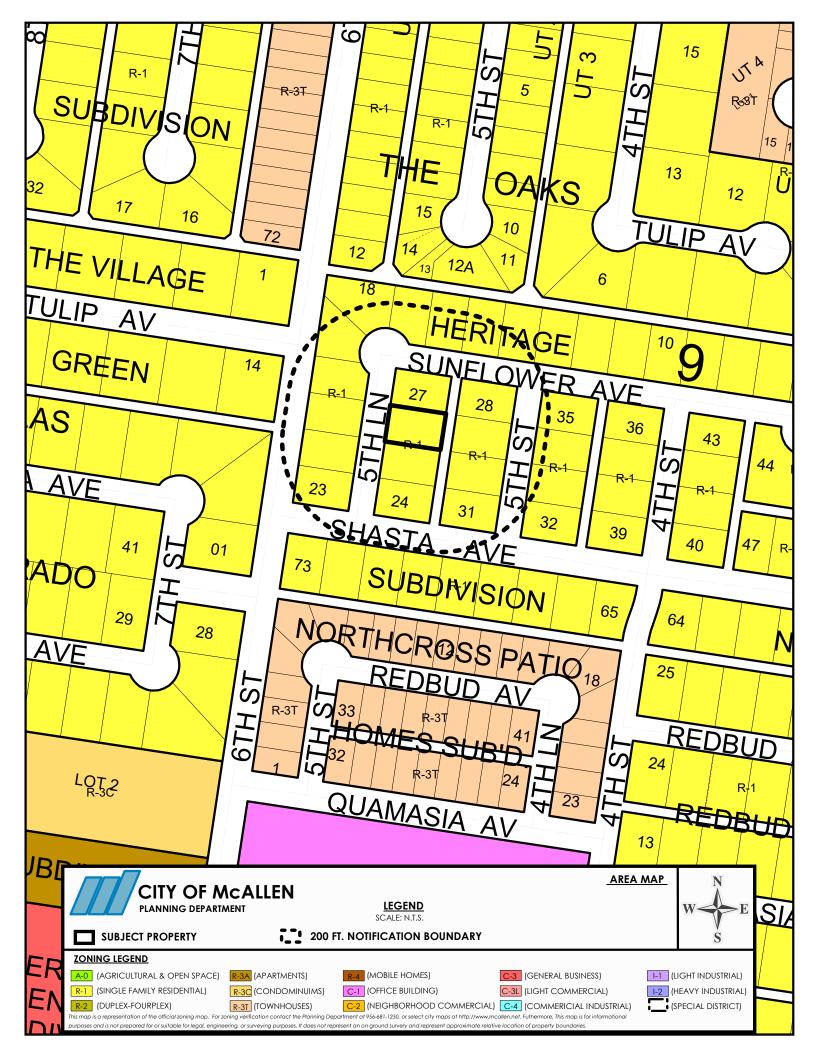
311 North 15<sup>th</sup> Street McAllen, TX 78501 P. O. Box 220 McAllen, TX 78505-0220 (956) 681-1250 (956) 681-1279 (fax)

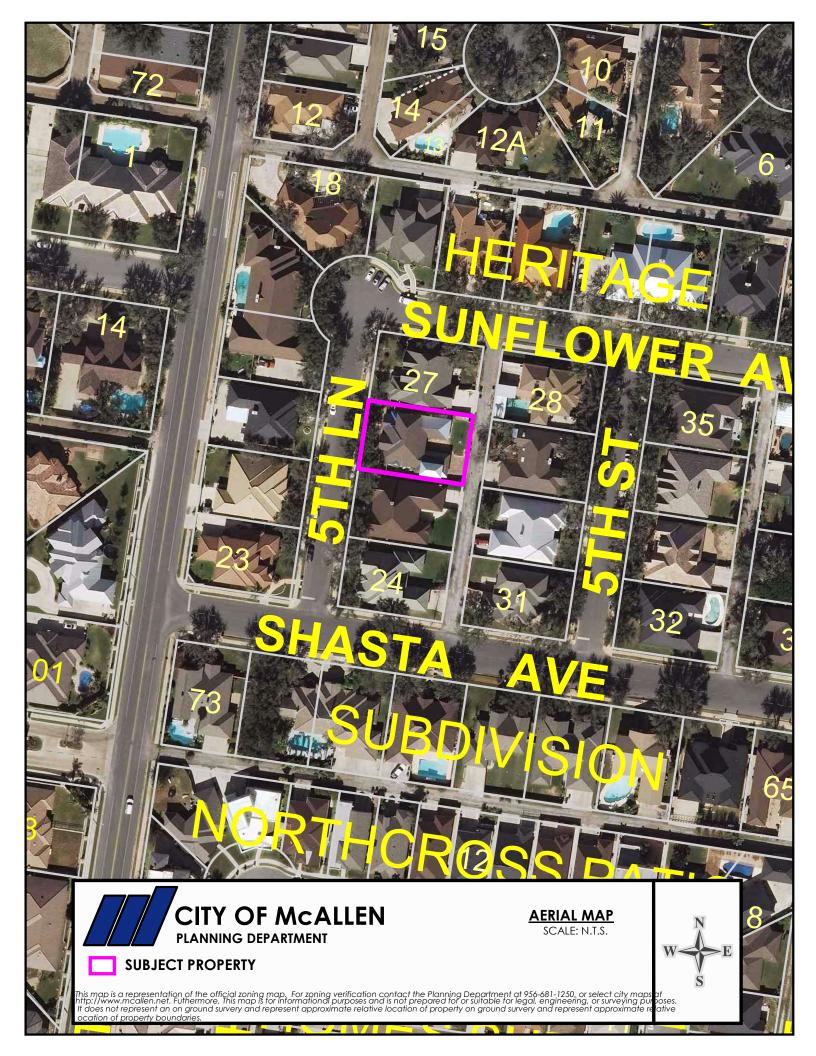
Light Section	ADDOCTMENT TO MORLLEN ZONING CREMANGE
	LOT 26.
	Subdivision Name HERITMGE MANOR Nº 2
ct	
Project	Number of lots 1 Gross acres 7,970 sf  Existing Zoning Residentia   Existing Land Use Residentia
Δ.	Reason for Appeal (please use other side if necessary) Quiero poner una Alberra y debido a la restricción vas crmuy pequeña y necesito el setbació de la parte tracesa.
	☑ \$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
ant	Name Homberto F. Nonez Phone 956 7391903
Applicant	Address 4508 N 5th Lame E-mail nhomber to & Hot mail. a
Ap	City Mcallen State TX Zip 78504.
er	Name Homberto F. Nonez Phone 956 7391903.
Owner	Address 4508 N 5th Lane E-mail hhomberto @ Hotmail.a
0	City Mcallen State TX Zip 78504
ion	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
Authorizati	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.
Ħ	Signature Date_ 9/1/2020
∢	Print Name Homberto F. Ninez. M'Owner Authorized Agent
Office	Accepted by Payment received by Date
in the part of the	Rev 10/18

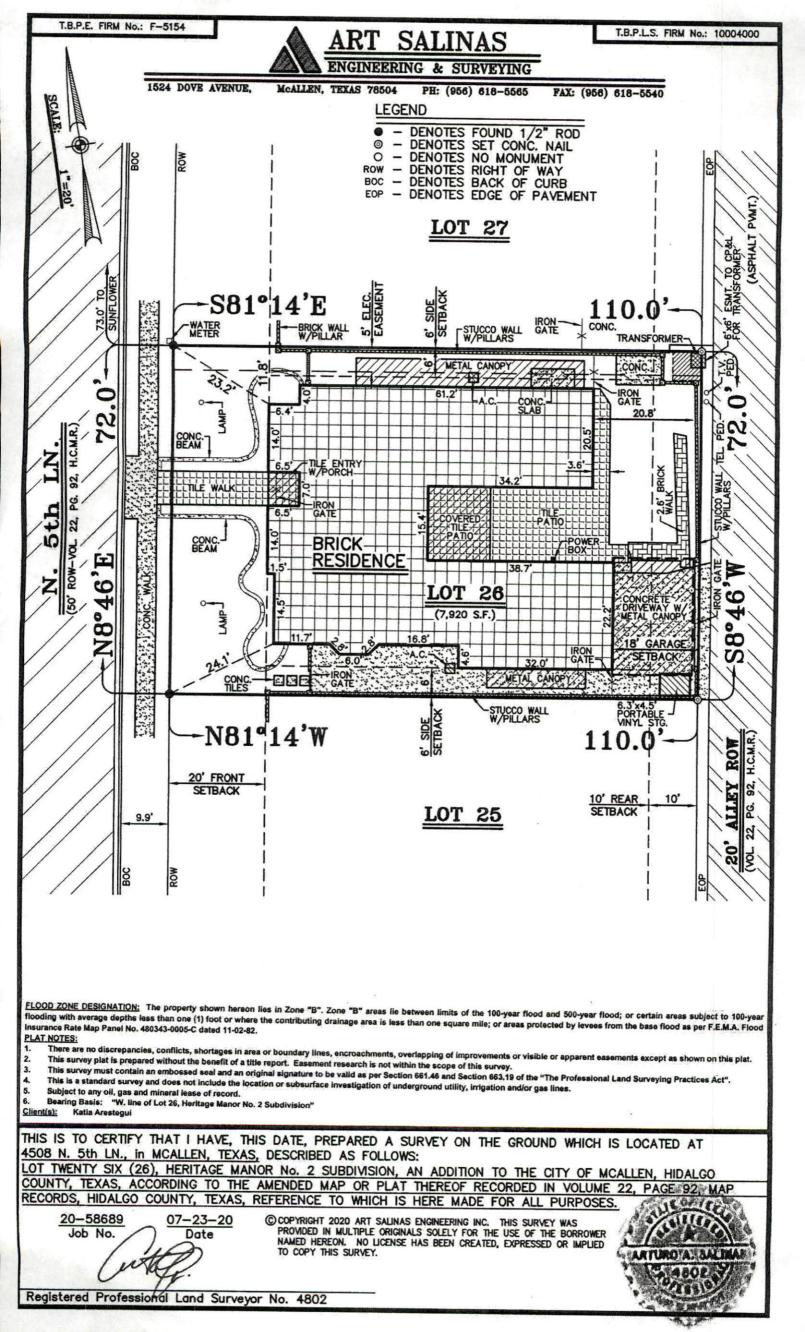


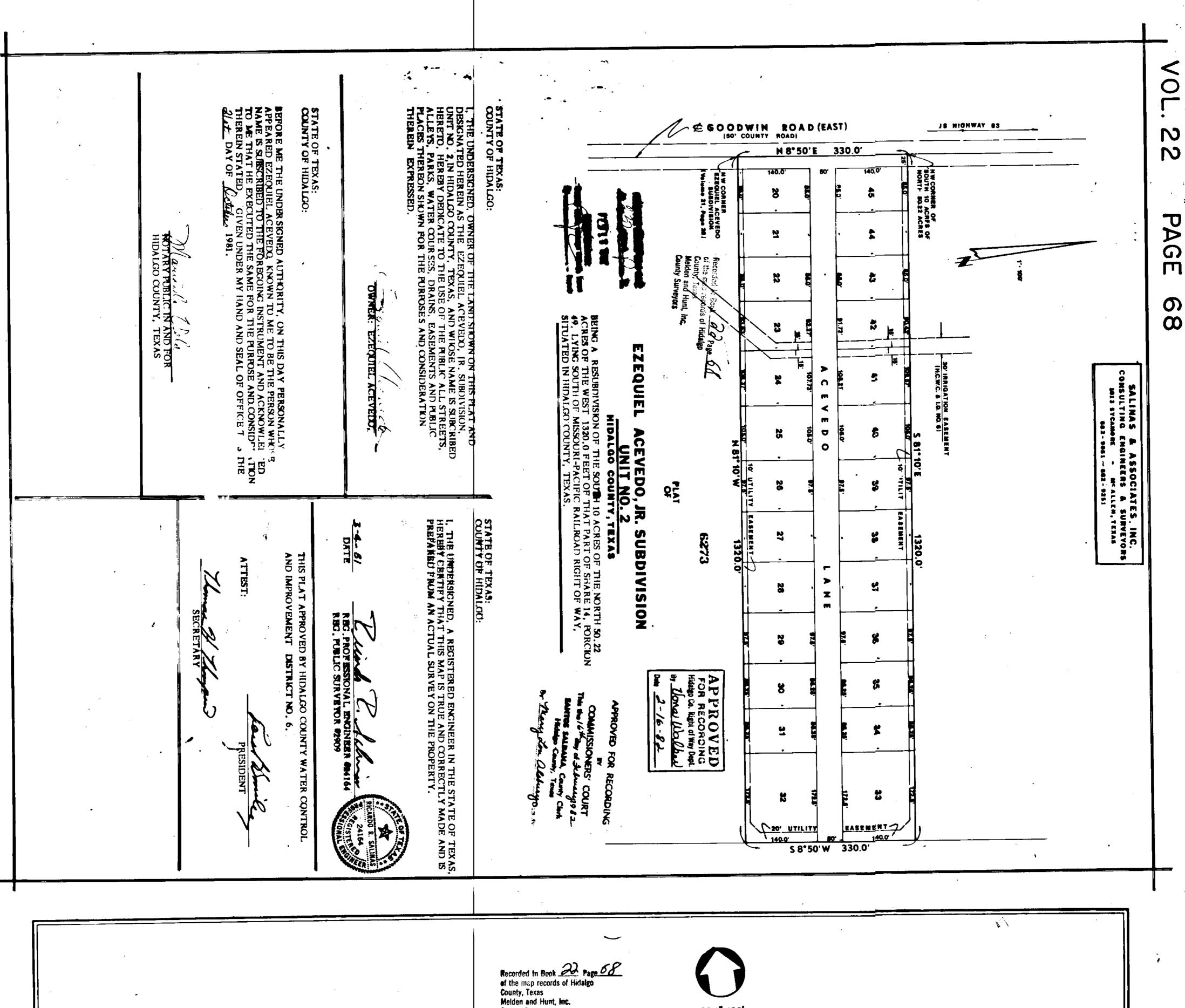
# Planning Department REASON FOR APPEAL & BOARD ACTION

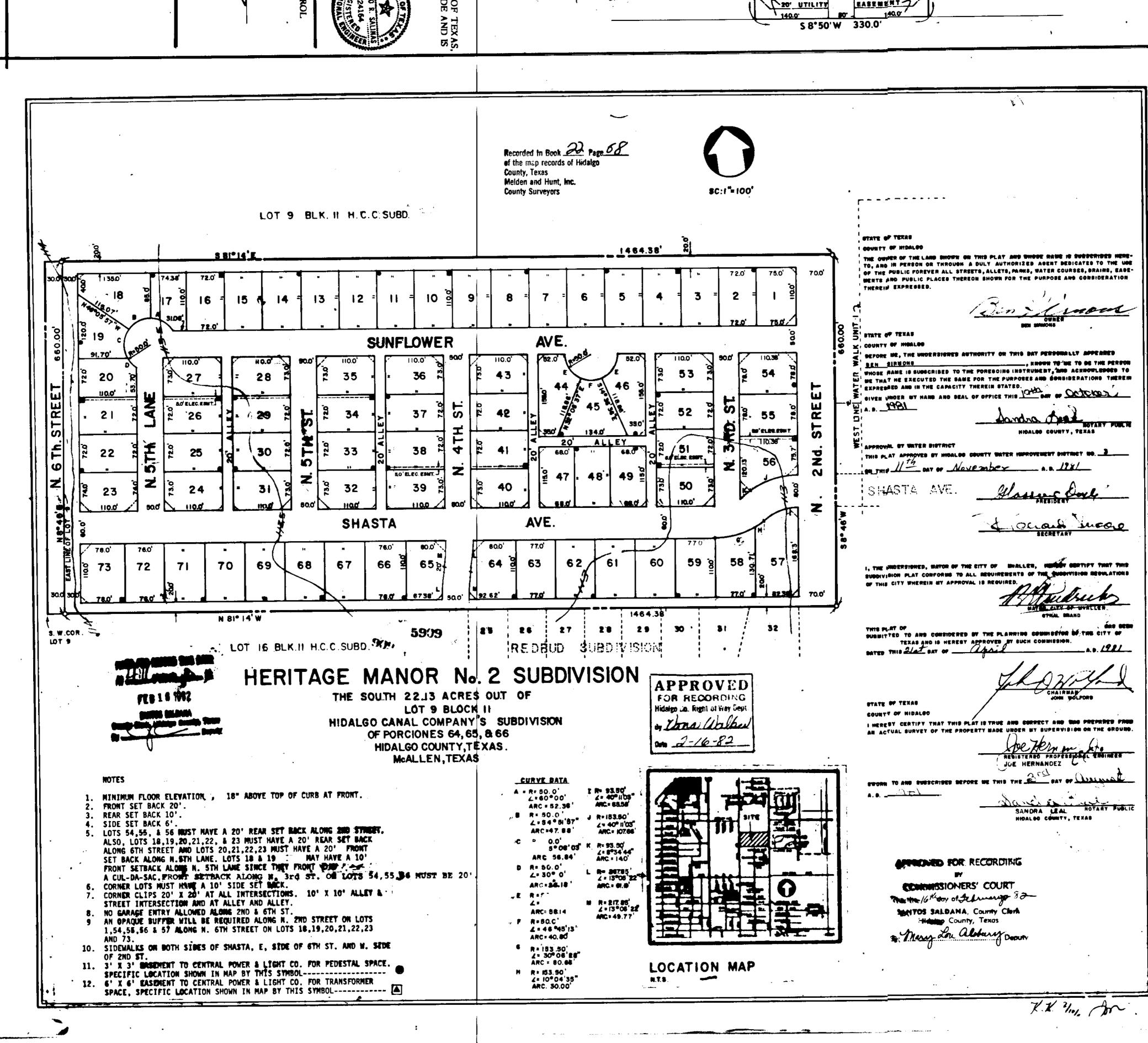
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	Paraque mi alberca pueda ser de 12 pies de andro.
eal	Necesito hacer esta alberca por que tengo niños y
Reason for Appeal	por motivo que necesitan hacer ejercicios. Necesito 4.17 feet que me exconten de los
or A	Necesito 4.17 feet que me exconten de los
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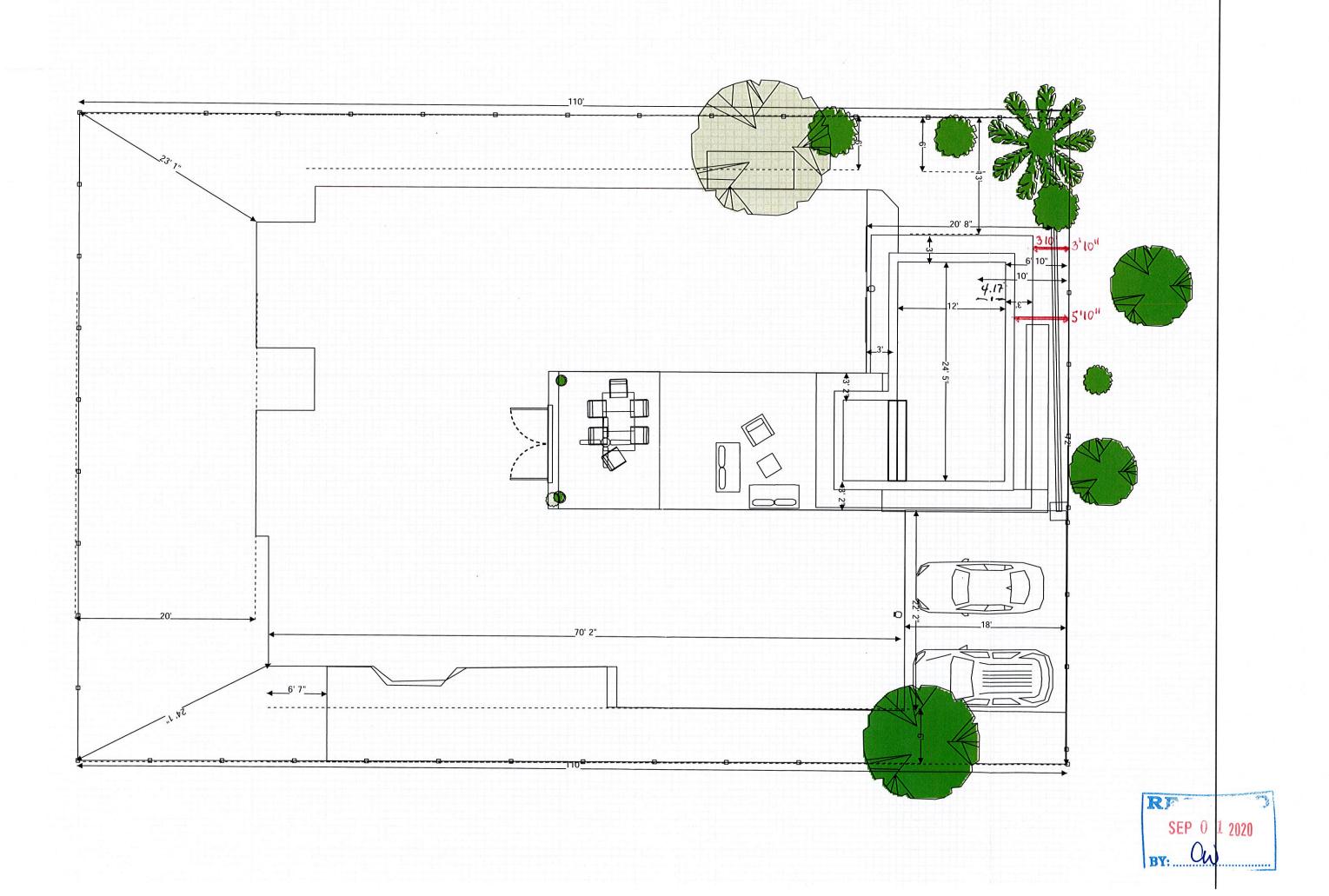


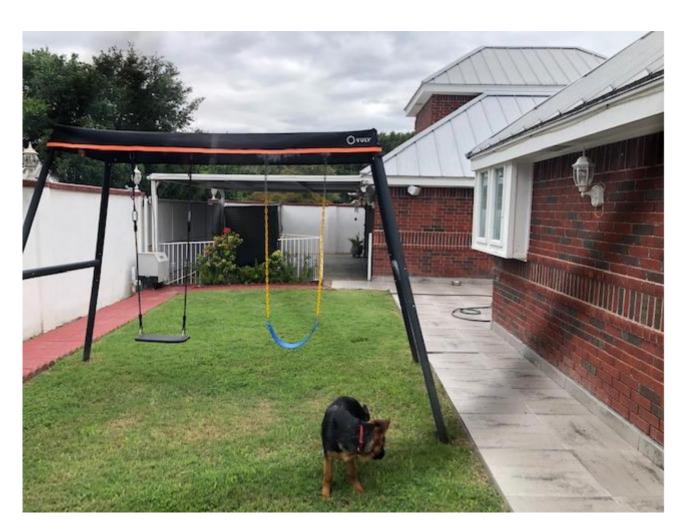


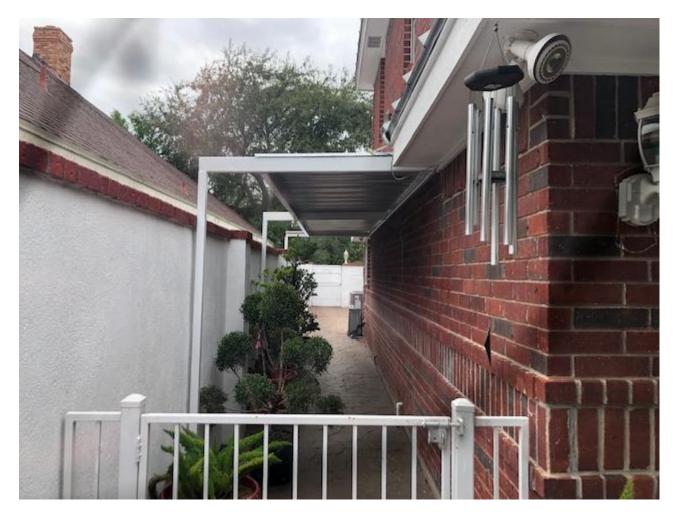




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## **4204 Worthington Avenue**

To remain tabled until November 4, 2020 meeting

#### **Planning Department**

#### Memo

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

**FROM:** Planning Staff

**DATE:** October 16, 2020

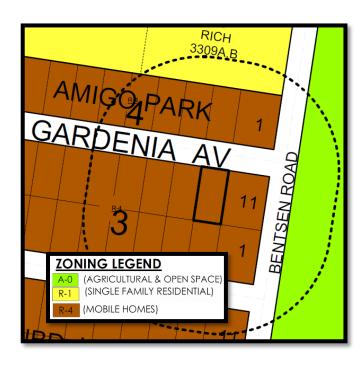
**SUBJECT:** REQUEST OF AURORA PENA FOR THE FOLLOWING VARIANCES TO THE CITY OF MCALLEN ZONING

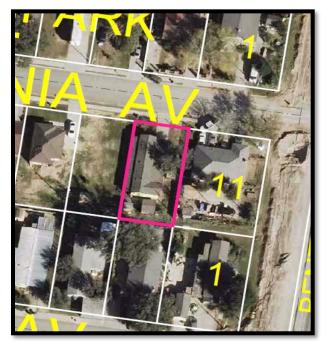
ORDINANCE TO ALLOW: 1) AN ENCROACHMENT OF 5 FT. INTO THE 5 FT. WEST SIDE YARD SETBACK FOR AN EXISTING WOODEN CANOPY MEASURING 6.33 FT. BY 56 FT.; 2) AN ENCROACHMENT OF 9.75 FT. INTO THE REAR YARD SETBACK FOR AN EXISTING WOODEN STORAGE SHED MEASURING 12.20 FT. BY 12.25 FT.; 3) TO ALLOW AN ACCESSORY BUILDING SEPARATION FROM THE MAIN BUILDING OF 3.75 FT. INSTEAD OF THE REQUIRED 5 FT.; AT LOT 12, BLOCK 3, AMIGO PARK 1 SUBDIVISION, HIDALGO COUNTY,

TEXAS; 4405 WEST GARDENIA AVENUE. (ZBA2020-0067)

#### **REASON FOR APPEAL:**

The applicant is requesting variances to allow a wooden canopy and wooden storage shed encroaching on the rear yard and side yard setback. The wooden shed will also require a variance for the distance from the main building.





#### PROPERTY LOCATION AND VICINITY:

The property is located approximately 130 ft. west of Bentsen Road, on the south side of Gardenia Avenue and has a total area of 4950 sq. ft. The property is zoned R-4 (residential mobile home) District. The surrounding land uses include townhomes.

#### **BACKGROUND AND HISTORY:**

Amigo Park 1 Subdivision was recorded on March 4, 1971. A note on the plat indicates that there is a 10 ft. utility easement on rear yard setback. The Zoning Ordinance states that the setbacks on the side yard is 6 ft. on each side. On August 27, 2020 the applicant was contacted by the building department for construction without a permit. On September 16, 2020 the applicant applied for a building permit and a variance request application for the wooden canopy and wooden shed.

#### ANALYSIS:

Variance #1: To allow an encroachment of 5 ft. into the 5 ft. west side yard setback for an existing wooden canopy measuring 6.33 ft. by 56 feet. There is not enough room on the setback to allow the canopy.

Variance #2: To allow an encroachment of 9.75 feet into the rear yard setback for an existing wooden storage shed measuring 12.20 ft. by 12.25 ft. The site plan submitted shows the proposed distance from the rear property line to the outside wall of the wooden shed is approximately 1.25 ft. The 1.25 ft. comprises a 10 ft. rear utility easement. The storage shed is moveable.

Variance #3: To allow an encroachment of 3.75 ft. in the required 5 ft. separation from an accessory building to the main building for an existing wooden storage measuring 12.20 ft. by 12.25 ft. The storage shed is moveable.

A review of the site plan indicated that the existing house occupies most of the buildable area not allowing much space for the wooden canopy and wooden storage shed.

Setbacks are important in establishing the character of the residential mobile home district by promoting a desirable use of the land and direction of building development. They protect the character of the district and conserve the value of the land.

The planning department did not receive any phone calls in opposition to the variance request. There was one complaint by an anonymous caller made to the building department on August 14, 2020.

#### **RECOMMENDATION:**

Staff recommends disapproval of the variance requests. If the Board chooses to grant the variances it should be limited to the footprint of the site plan submitted. In addition, the encroachment on the rear yard 10 ft. utility easement will require to applicant to apply for an abandonment.

7BA2020-0067

## City of McAllen

# Planning Department APPEAL TO ZONING BOARD OF

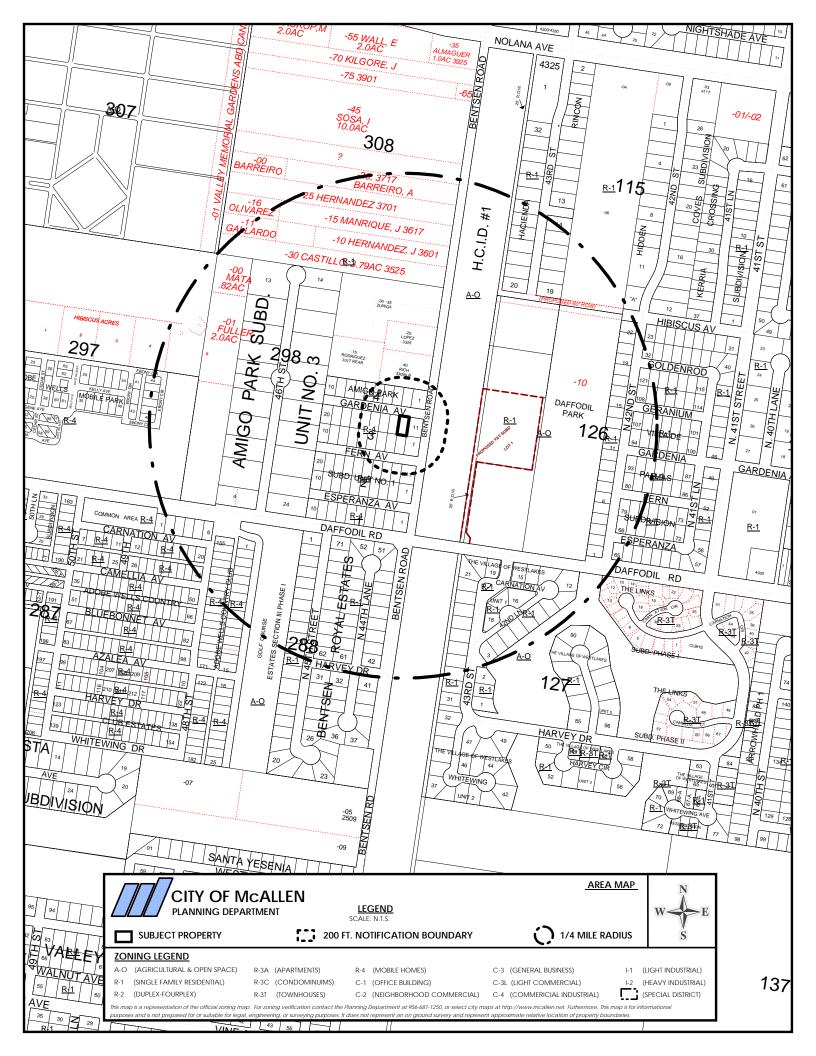
311 North 15th Street McAllen, TX 78501 P. O. Box 220 McAllen, TX 78505-0220 (956) 681-1250 (956) 681-1279 (fax)

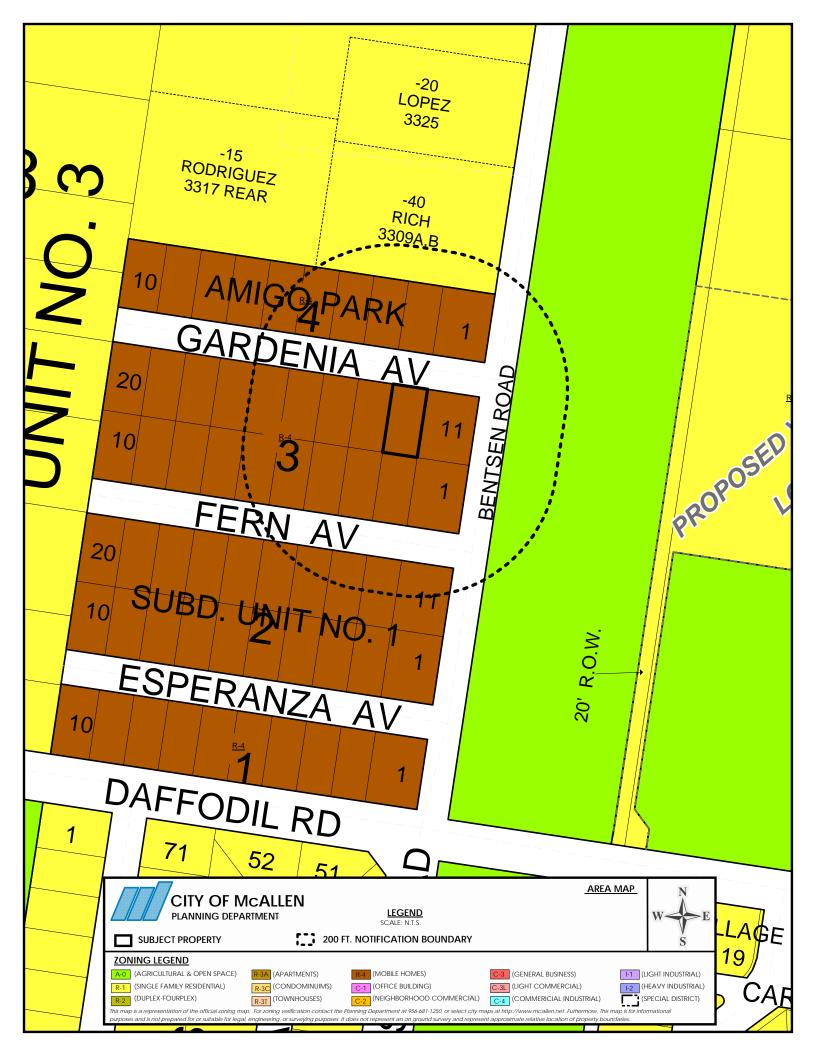
	ADJUSTMENT TO MCALLEN ZONING ORDINANCE
	Legal Description Amryo Park U+#1 10+ 12 Block 3
Project	Subdivision Name  Street Address  Number of lots  Existing Zoning  Reason for Appeal (please use other side if necessary)  \$300.00 non-refundable filing fee + \$50.00 Recording Fee for Special Exception (carport)  Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required
Applicant	Name Aprover Pena Phone 956.223.5403  Address 4405 w Coardenia E-mail  City Maller State + Zip 78501.
Owner	Name Aufora Pera Phone
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  Owner  Authorized Agent
Office	Accepted by H-C Payment received by Pate SEP 1 6 2020

## City of McAllen

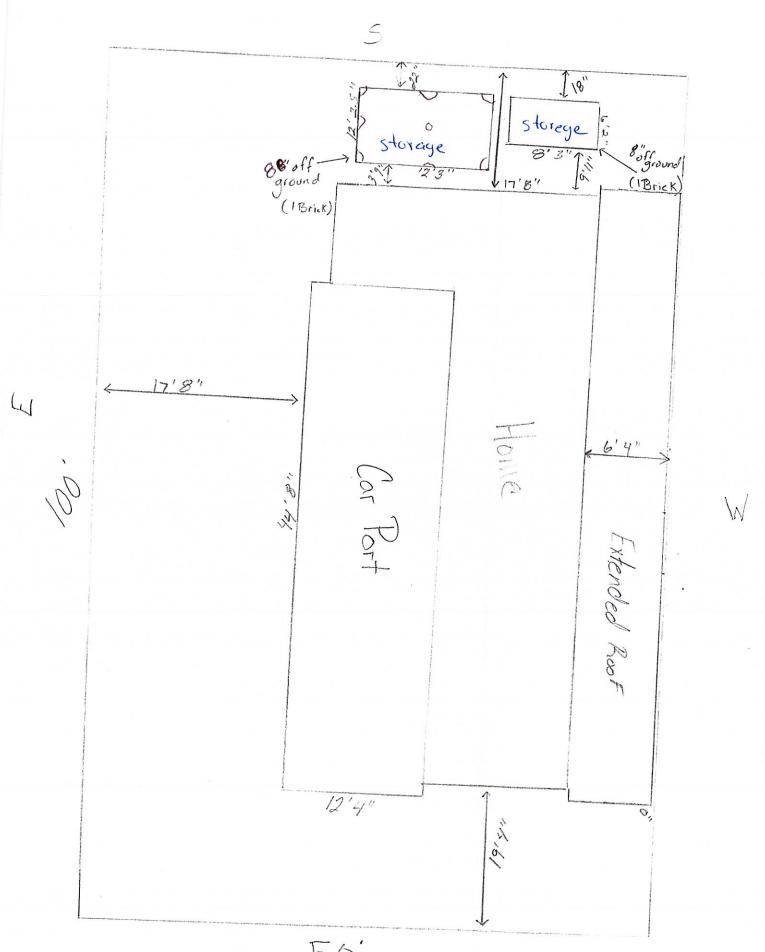
# Planning Department REASON FOR APPEAL & BOARD ACTION

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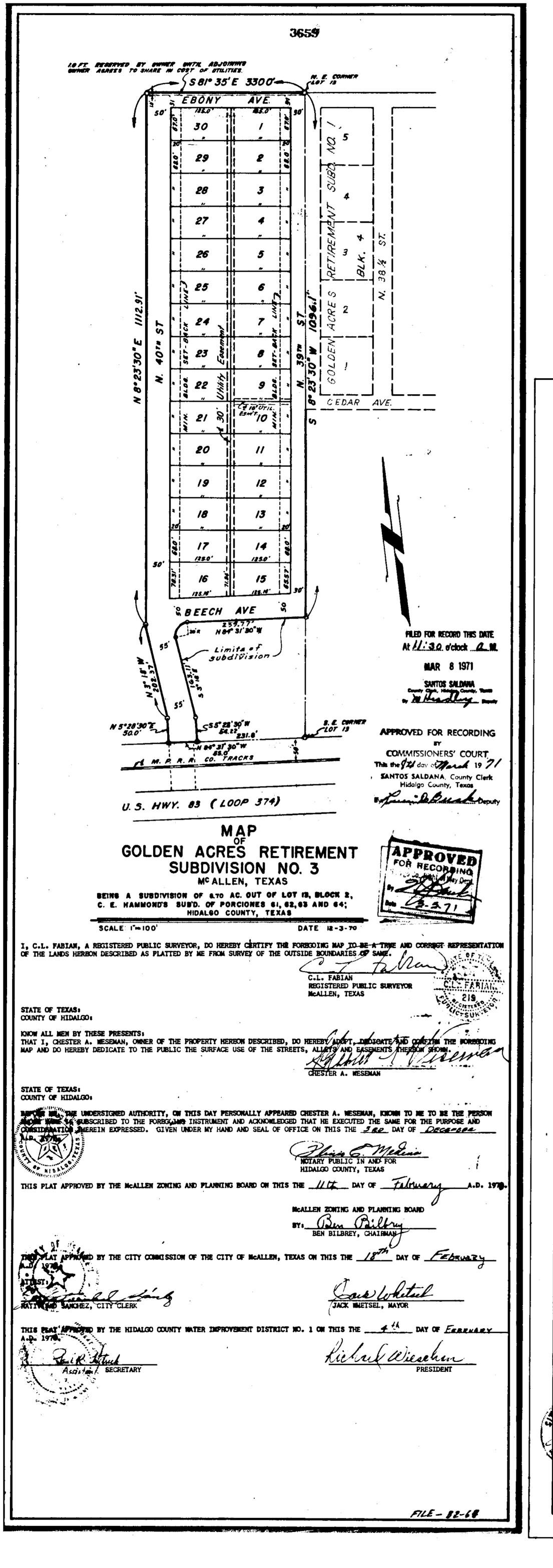


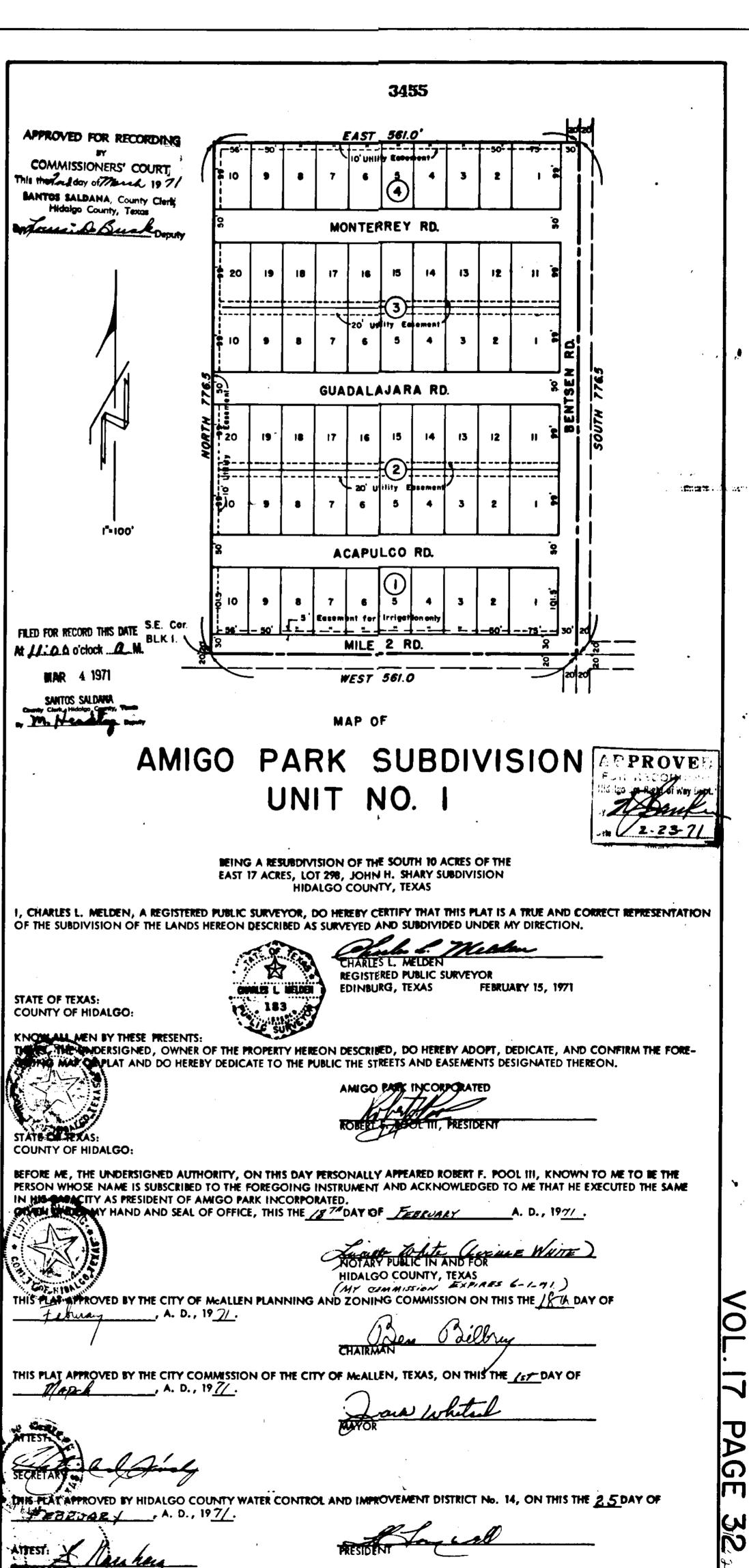






K1





### CETY OF MCALLEN

#### RESIDENTIAL PERMIT APPLICATION

REV. 3/2020

	P.O. BOX 220 McALLEN, TEXAS 78505-0220  APPLICATION MUST BE COMPLETE PERMIT APPLICATION REFERMIT APPLICATION REFER	ENCE NUMBER <b>2</b>	52020-	010656
,	NAME AUYORA PERC	PHONE 956	-631 -	4056
ANT 6	ADDRESS 4405 W Gordenia			
APPLICANT	arry mallan	STATE #	ZIP 78501	
A	CONTACT: NAME:	PHONE	· ·	
	OWNER CONTRACTOR TENANT	OTHER	1	
~	NAME AUYOra Peña	PHONE		
OWNER	ADDRESS 4465 W Coardenga Ace	*EMAIL:		
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PROJECT				
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	SITE ADDRESS ST. NO. 1405 ST. NAME GOLDONIA	.W.		
≻:	Construction Cost Permit Fee \$ 88	80		Rec'd by
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The f	pregoing is a true and correct description of the improvement proposed by the undersigned applica	ant and the applicant states t	hat he will have full auth	ority over construction of

The foregoing is a true and correct description of the improvement proposed by the undersigned applicant and the applicant states that he will have full authority over construction of same. The building permit shall not be held to permit or be an approval of the violation or modification of any provisions of City ordinances, codes, subdivision restrictions of State law or be a waiver by the City of such violation. Alteration changes or deviations from the plans authorized by this permit is unlawful without written authorization from the Building Inspection Department. The applicant herby agrees to comply with all City ordinances, codes, subdivision, restrictions and State laws and assume all responsibility for such compliance. It is understood that the improvements shall not be occupied until a Certificate of Occupancy has been issued. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance or if the work authorized by such permit is suspended or abandoned for six months after the time of work is commenced. This permit is good for one year only.

PRINT (AUTHORIZED AGENT/OWNER)

SIGNATURE

EMAIL ADDRESS (required)

9-16-2020

DATE

### **Hidalgo CAD**

Property Search Results > 118277 PENA ERNESTO & AURORA for Tax Year: 2020 Year 2020

#### **Property**

#### **Account**

Property ID: 118277

Geographic ID: A4700-01-003-0012-00

Type: Real

Property Use Code:

Property Use Description:

Legal Description: AMIGO PARK UT NO. 1 LOT 12 BLK 3

Zoning: RS

Agent Code:

#### Location

Address: 4403 GARDENIA AVE

TX

AMIGO PARK #1&3

Map ID:

Mapsco:

**CML VOL 17 PG 32** 

Neighborhood CD: A470001

#### **Owner**

Neighborhood:

Mailing Address:

Name:

PENA ERNESTO & AURORA

4403 W GARDENIA AVE

MCALLEN, TX 78501-6515

Owner ID:

362174

% Ownership:

100.0000000000%

Exemptions: HS

#### **Values**

\$25,634 (+) Improvement Homesite Value:

(+) Improvement Non-Homesite Value: + \$0 (+) Land Homesite Value: + \$14,850

(+) Land Non-Homesite Value: + \$0 Ag / Timber Use Value

(+) Agricultural Market Valuation: + \$0 \$0

(+) Timber Market Valuation: + \$0 \$0

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(=) Market Value: = \$40,484

(–) Ag or Timber Use Value Reduction: – \$0

-----

(=) Appraised Value: = \$40,484

(–) HS Cap: – \$809

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(=) Assessed Value: = \$39,675

#### **Taxing Jurisdiction**

Owner: PENA ERNESTO & AURORA

% Ownership: 100.000000000%

Total Value: \$40,484

Entity	Description	Tax Rate	<b>Appraised Value</b>	Taxable Value	<b>Estimated Tax</b>
CAD	APPRAISAL DISTRICT	0.000000	\$40,484	\$39,675	\$0.00
CML	CITY OF MCALLEN	0.495677	\$40,484	\$39,675	\$196.66
DR1	DRAINAGE DISTRICT #1	0.105100	\$40,484	\$39,675	\$41.70
GHD	HIDALGO COUNTY	0.575000	\$40,484	\$39,675	\$228.13
JCC	SOUTH TEXAS COLLEGE	0.173300	\$40,484	\$39,675	\$68.76
R12	ROAD DIST 12	0.000000	\$40,484	\$39,675	\$0.00
SSL	SHARYLAND ISD	1.298700	\$40,484	\$14,675	\$190.58
SST	SOUTH TEXAS SCHOOL	0.049200	\$40,484	\$39,675	\$19.52
W14	UNITED IRR WTR DIST	0.000000	\$40,484	\$39,675	\$0.00
	Total Tax Rate:	2.696977			
				Taxes w/Current Exemptions:	

### Improvement / Building

Improvement #1:	RESIDENTIAL	State Code:	A2 Living Area:	938.0 sqf	t Value	\$25,634
Type [	Description		Class CD		Year Built	SQFT
MHR N	MANUFACTURE	HOME RES	MHFA	HDB :	1983 7	<b>'</b> 84.0
STGW V	WOOD STORAGE		MHFA - *	:	1983 4	18.0
CANW S	SLAB WOOD CAN	١	MHFA - *	:	1998 5	60.0
VSK V	/ERTICAL SKIRTI	NG	MHFA - *	:	1983 1	.40.0
ADDN N	MH ADDITION		MHFA - *	:	1983 1	.54.0
CANW S	SLAB WOOD CAN	٧	MHFA - *	:	1983 5	518.0
STGW V	WOOD STORAGE		MHFA - *	:	1983 1	.44.0

#### Land

#	Туре	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	L	LOT	0.1136	4950.00	50.00	99.00	\$14,850	\$0

### **Roll Value History**

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2021	N/A	N/A	N/A	N/A	N/A	N/A
2020	\$25,634	\$14,850	0	40,484	\$809	\$39,675
2019	\$21,218	\$14,850	0	36,068	\$0	\$36,068
2018	\$27,301	\$8,663	0	35,964	\$2,983	\$32,981
2017	\$28,020	\$8,663	0	36,683	\$6,700	\$29,983
2016	\$28,853	\$8,663	0	37,516	\$10,259	\$27,257
2015	\$26,660	\$8,663	0	35,323	\$10,544	\$24,779

2014	\$27,495	\$8,663	0	36,158	\$13,632	\$22,526
2013	\$17,817	\$8,663	0	26,480	\$6,002	\$20,478
2012	\$9,953	\$8,663	0	18,616	\$0	\$18,616
2011	\$10,518	\$8,663	0	19,181	\$0	\$19,181
2010	\$11,124	\$8,663	0	19,787	\$0	\$19,787
2009	\$11,930	\$8,663	0	20,593	\$0	\$20,593
2008	\$12,497	\$8,663	0	21,160	\$0	\$21,160
2007	\$13,345	\$8,663	0	22,008	\$0	\$22,008

#### **Deed History - (Last 3 Deed Transactions)**

#	<b>Deed Date</b>	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	5/13/1997	CONV	CONVERSION	RAMONES JOSE CARLOS	PENA ERNESTO & AURORA			598252
2	5/20/1996	CONV	CONVERSION	SNYDER GERALD A W MR & MRS	RAMONES JOSE CARLOS			525088
3		CONV	CONVERSION	MYERS MAX	SNYDER GERALD A W MR & MRS	1784	312	

#### **Tax Due**

Property Tax Information as of 10/16/2020

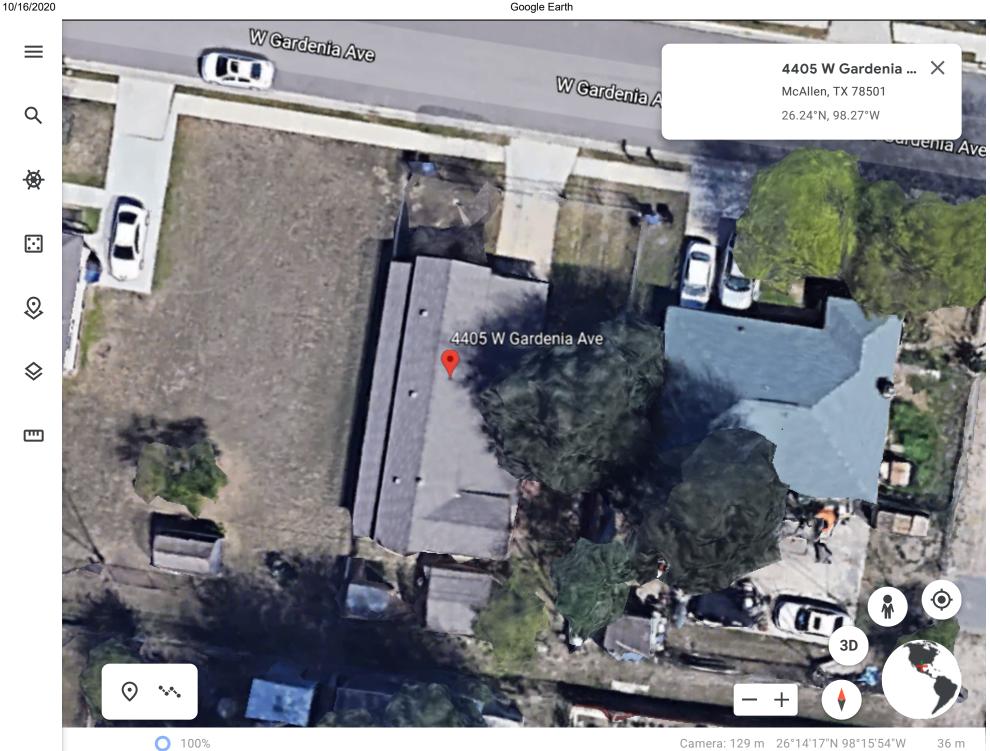
Amount Due if Paid on:

Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Penalty & Interest	Attorney Fees	Amount Due
------	------------------------	------------------	-------------	--------------------	-----------------	-------------------------------	------------------	---------------

NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

Questions Please Call (956) 381-8466.

Google Earth

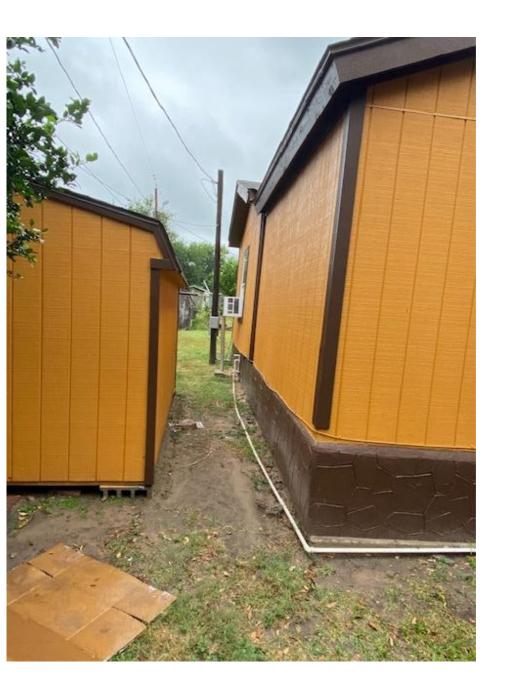


West side yard wooden canopy encroachment





Shed encroachment into the required 5 foot separation from the house and accessory building









### **Planning Department**

#### Memo

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

**FROM:** Planning Staff

**DATE:** October 16, 2020

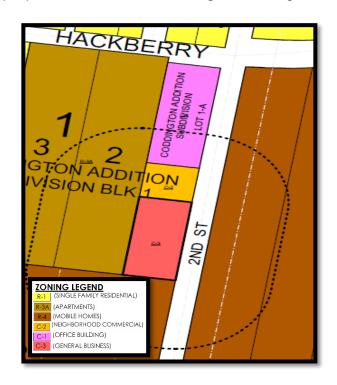
SUBJECT: REQUEST OF FRED HARMS FOR THE FOLLOWING VARIANCE TO THE CITY

OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 5 FT. INTO THE 5 FT. REAR YARD SETBACK FOR A PROPOSED COMMERCIAL BUILDING MEASURING 147.50 FT. BY 53 FT. AT SOUTH 230 FT., LOT 1, BLOCK 1, CODDINGTON ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS; 601 N.

2<sup>ND</sup> STREET. (ZBA2020-0064)

#### **REASON FOR APPEAL:**

The applicant is requesting a variance to encroach 5 ft. into the 5 ft. rear yard setback for a proposed commercial building measuring 147.50 ft. by 53 ft.





#### PROPERTY LOCATION AND VICINITY:

The subject property is located approximately 400 ft. south of Hackberry Avenue, and west of 2<sup>nd</sup> Street. The property has 230 ft. of frontage along 2<sup>nd</sup> Street and a depth of 110.68 ft. with a lot size of 25,456 square feet. The property's surrounding land uses are R-4 (residential mobile home) to the east and south, R-3A (residential apartment) to the west, and C-2 (neighborhood commercial) district to the north.

#### **BACKGROUND AND HISTORY:**

Coddington Addition was recorded on October 23, 1920. On August 26, 2020 the applicant applied for a building permit. After reviewing the proposed site plan within the building permit, it was determined that the applicant would encroach within the rear setback. The application for the variance was submitted on September 9, 2020.

#### ANALYSIS:

The request is to allow and encroachment of 5 ft. into the 5 ft. rear yard setback for a proposed commercial building measuring 147.50 ft. by 53 ft. There is an existing cedar fence along the south side of the property and the applicant is proposing to construct cedar fence along the north side of the property. The applicant was informed that a fire wall will be required where the setback is at zero feet.

The subject property did not have to go through the subdivision process because the metes and bounds were prior to 1973.

Staff has not received any phone calls in opposition to the variance.

#### **RECOMMENDATION:**

Staff recommends approval of the variance request. If the Board chooses to approve the request, the approval should be limited to the footprint as shown on the site plan.



## City of McAllen

# Planning Department APPEAL TO ZONING BOARD OF

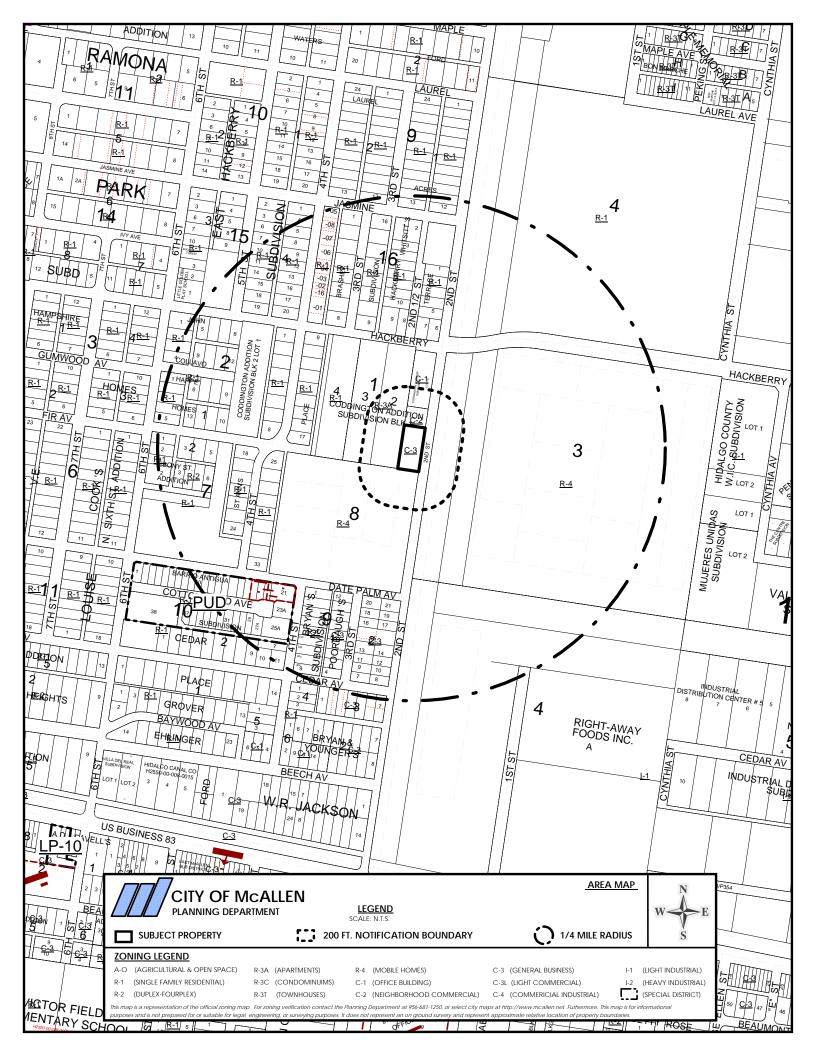
311 North 15th Street McAllen, TX 78501 P. O. Box 220 McAllen, TX 78505-0220 (956) 681-1250 (956) 681-1279 (fax)

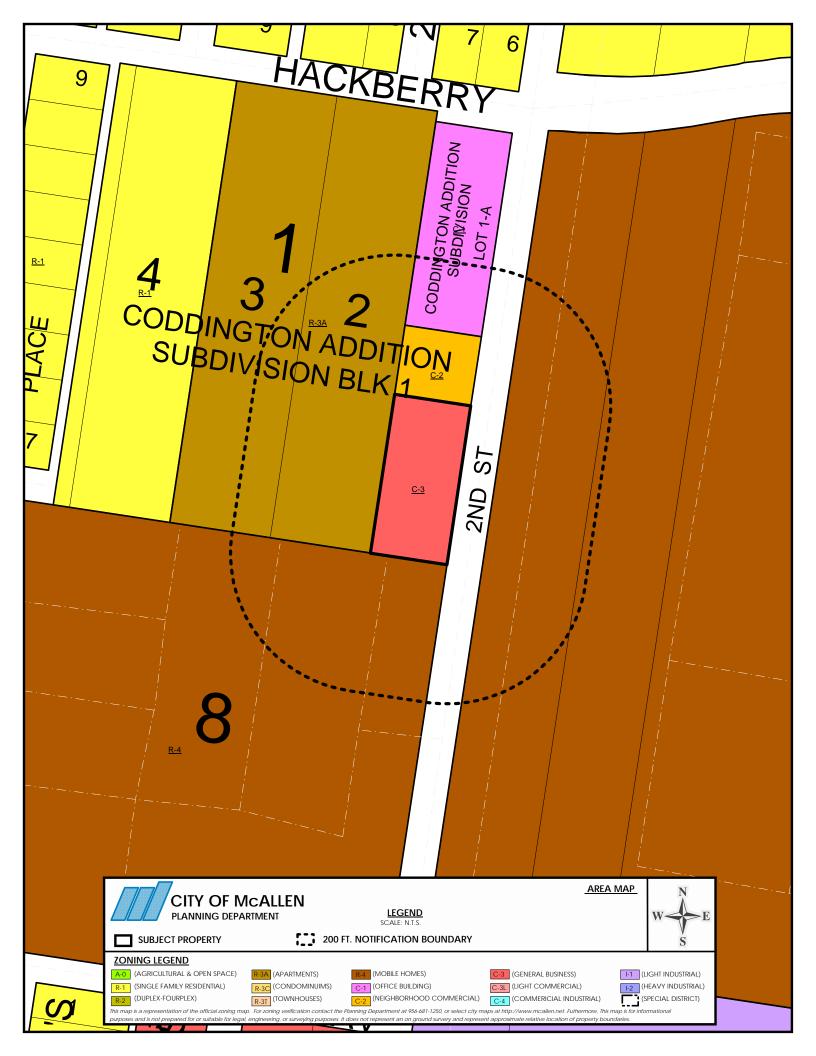
.b.	ADJUSTMENT TO MCALLEN ZONING ORDINANCE
	Legal Description
ţ	Subdivision Name  Street Address  601 N 2wd
Applicant Project	Number of lots
Ар	City McDlen State Tex Zip 78501
Owner	Name AVL LP. / Titus Develop & Phone 956-373-5-298  Address 3700 NIDH # 101 E-mail + itush Nems & yohoo. Co  City McAlla State Ta 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  Print Name  From Happy  Owner  Authorized Agent
Office	Accepted by Payment received by Date By

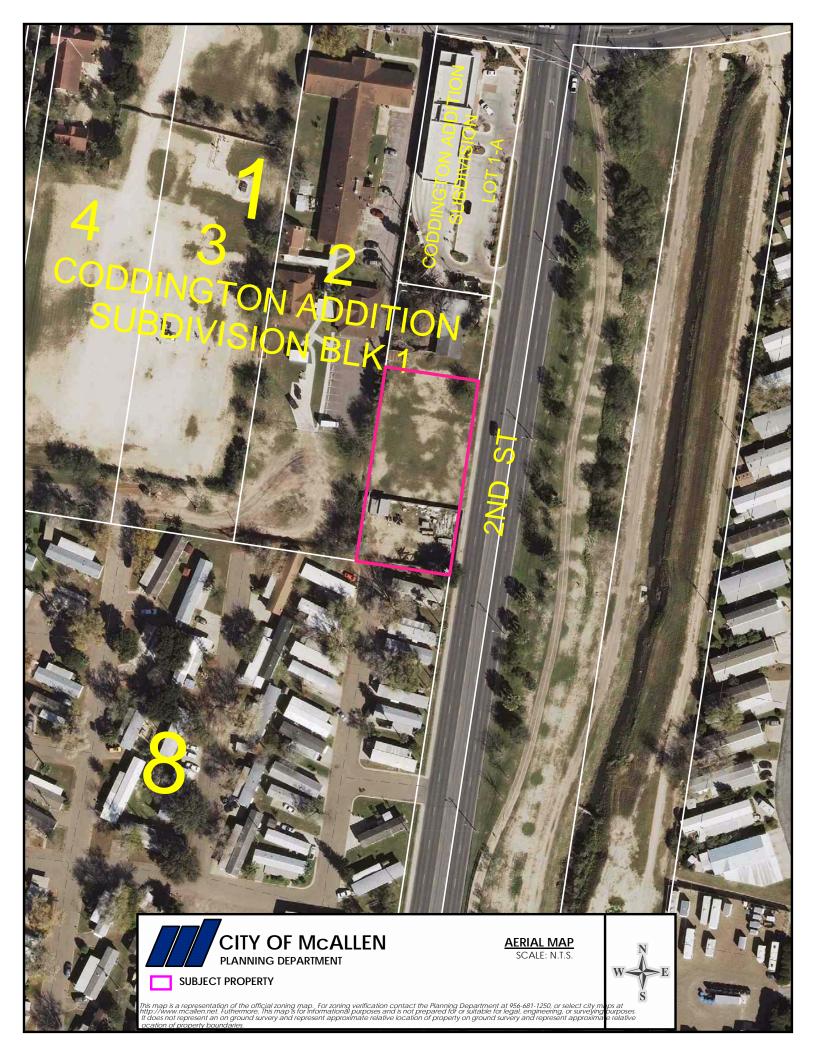
# City of McAllen

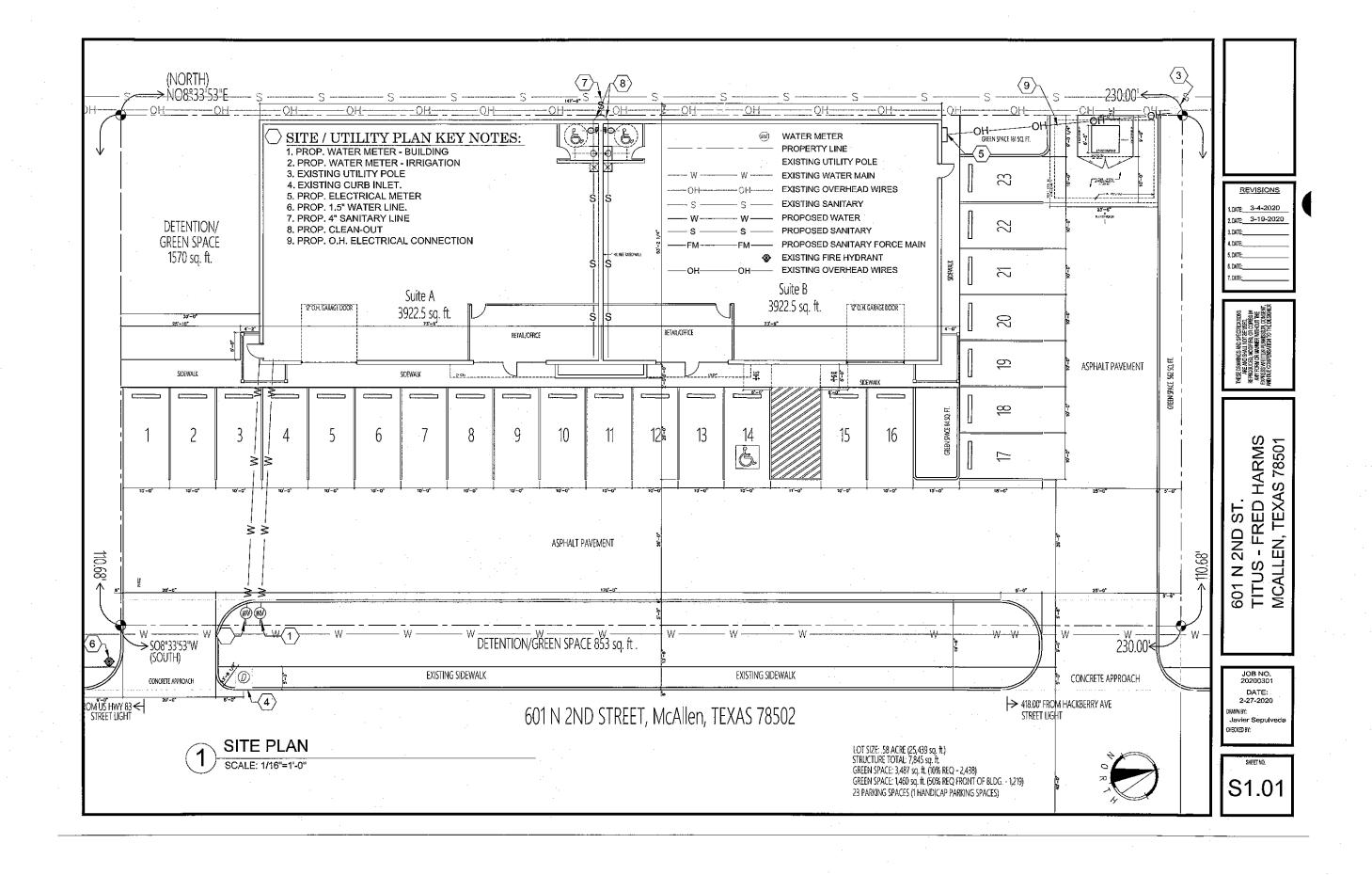
# Planning Department REASON FOR APPEAL & BOARD ACTION

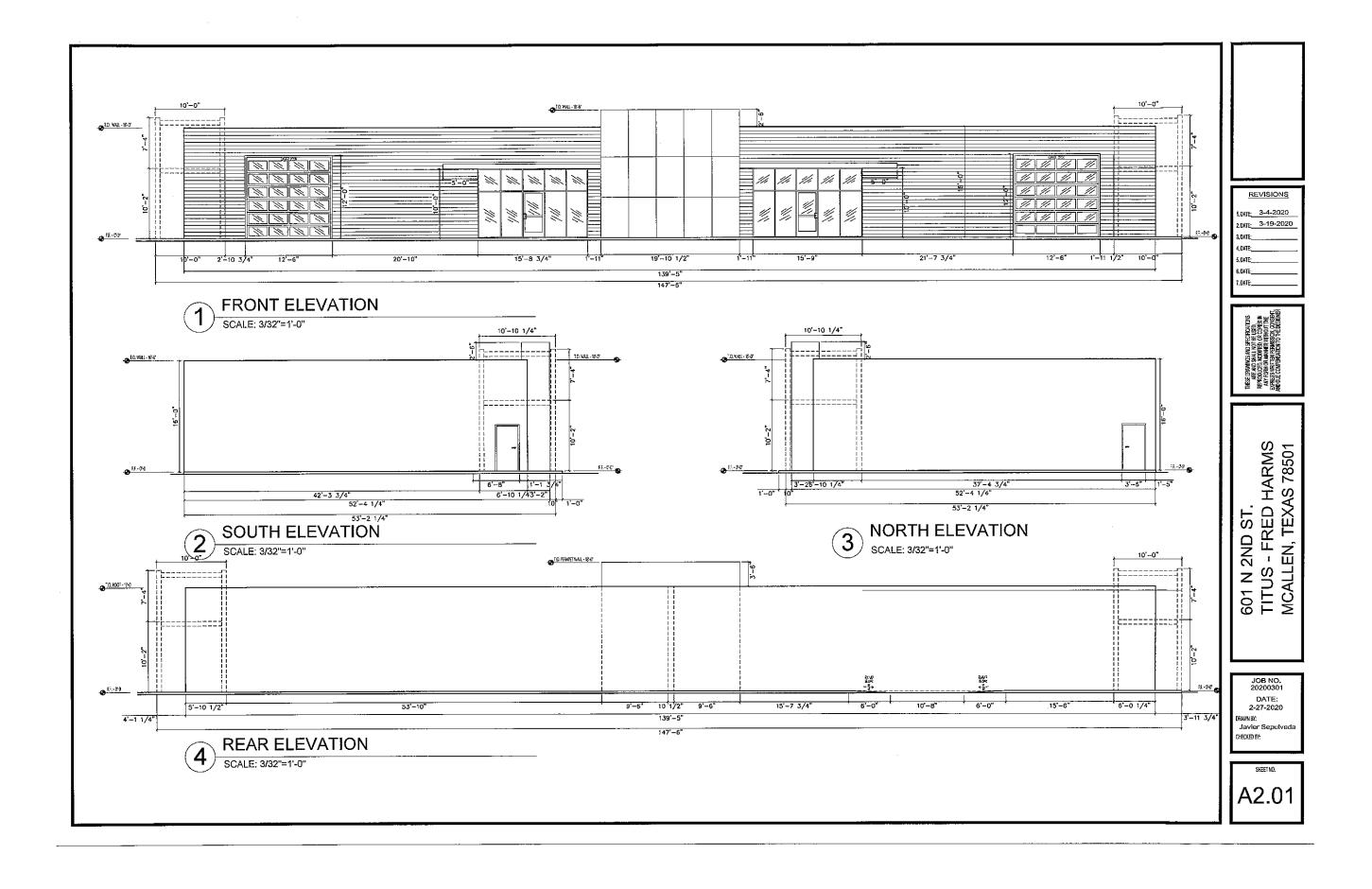
Reason for Appeal	Burloling Plans Marce been Completed And do Wet want to Redesign We Also own All the property that borders the Rean Lot Line See Attached Photo, And Jurusy's	
Board Action	Chairman, Board of Adjustment Date Signature	



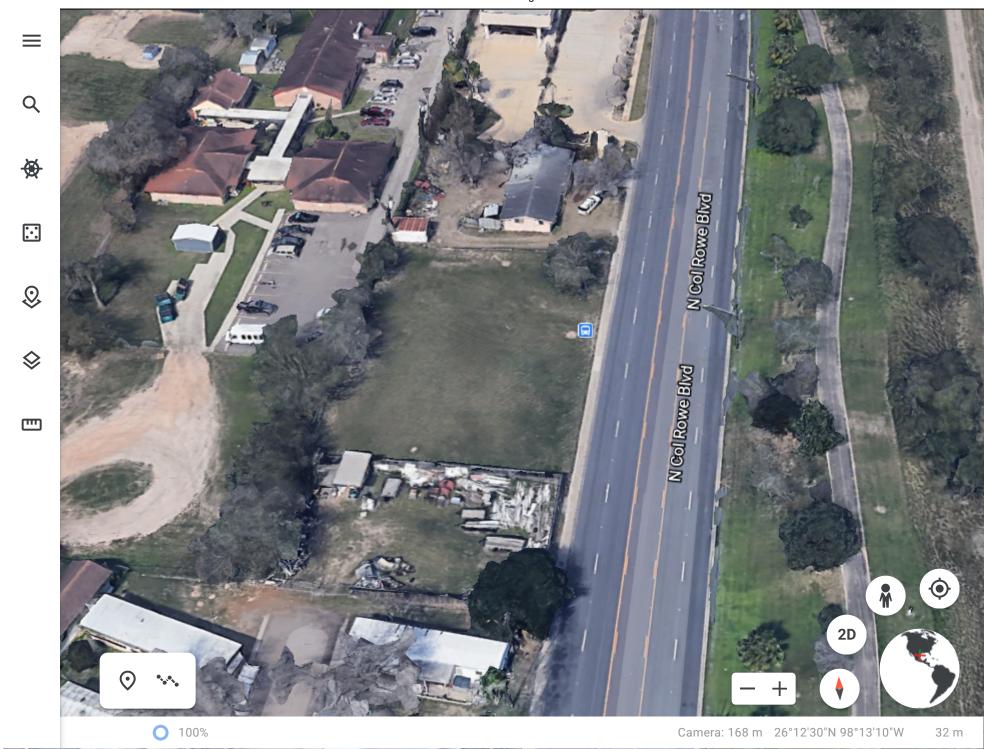


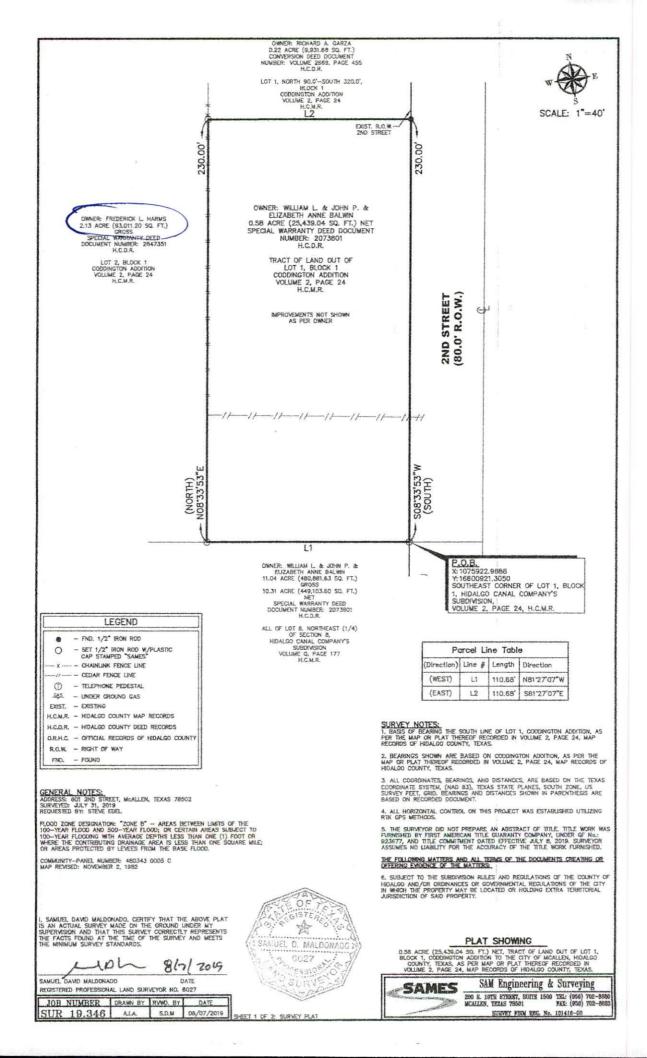












### **Hidalgo CAD**

## Property Search Results > 138632 TITUS DEVELOPMENT LTD for Year 2020

Tax Year: 2020

#### **Property**

**Account** 

Property ID: 138632

Legal Description: CODDINGTON ADDITION S230' LOT 1 BLK 1

Zoning:

Agent Code:

Geographic ID: C60

Type: Real

Property Use Code: Property Use Description:

Location

Address:

601 N 2ND ST

TX

Neighborhood: CODDINGTON

Neighborhood CD: C605000

**Owner** 

Name:

Mailing Address:

TITUS DEVELOPMENT LTD

C6050-00-001-0001-03

PIVIEINT LID

3700 N 10TH ST STE 101 MCALLEN, TX 78501-1774

Owner ID:

Mapsco:

Map ID:

% Ownership:

500606

RS

**CML** 

100.0000000000%

Exemptions:

#### **Values**

(+) Improvement Homesite Value: + \$0

(+) Improvement Non-Homesite Value: + \$537

(+) Land Homesite Value: + \$0 (+) Land Non-Homesite Value: + \$70,005 Ag / Timber Use Value

(+) Agricultural Market Valuation: + \$0 \$0

(+) Timber Market Valuation: + \$0 \$0

(=) Market Value: = \$70,542

(–) Ag or Timber Use Value Reduction: – \$0

(=) Appraised Value: = \$70,542

(–) HS Cap: – \$0

(=) Assessed Value: = \$70,542

#### **Taxing Jurisdiction**

Owner: TITUS DEVELOPMENT LTD

% Ownership: 100.000000000%

Total Value: \$70,542

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	APPRAISAL DISTRICT	0.000000	\$70,542	\$70,542	\$0.00
CML	CITY OF MCALLEN	0.495677	\$70,542	\$70,542	\$349.66
DR1	DRAINAGE DISTRICT #1	0.105100	\$70,542	\$70,542	\$74.14
GHD	HIDALGO COUNTY	0.575000	\$70,542	\$70,542	\$405.62
JCC	SOUTH TEXAS COLLEGE	0.173300	\$70,542	\$70,542	\$122.25
R12	ROAD DIST 12	0.000000	\$70,542	\$70,542	\$0.00
SML	MCALLEN ISD	1.152800	\$70,542	\$70,542	\$813.21
SST	SOUTH TEXAS SCHOOL	0.049200	\$70,542	\$70,542	\$34.71
	Total Tax Rate:	2.551077			
				Taxes w/Current Exemptions:	\$1,799.59
				Taxes w/o Exemptions:	\$1,799.58

### Improvement / Building

Improvement #1:	RESIDENTIAL State Code:	A1	Living sq Area:	ft <b>Valu</b>	<b>e:</b> \$537
Туре	Description	Class CD	Exterior Wall	Year Built	SQFT
CAN	CANOPY	*		1986	358.0

#### Land

#	Туре	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	L	LOT	0.5844	25456.40	230.00	110.68	\$70,005	\$0

#### **Roll Value History**

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2021	N/A	N/A	N/A	N/A	N/A	N/A
2020	\$537	\$70,005	0	70,542	\$0	\$70,542
2019	\$537	\$70,005	0	70,542	\$0	\$70,542
2018	\$537	\$50,913	0	51,450	\$0	\$51,450
2017	\$537	\$50,913	0	51,450	\$0	\$51,450
2016	\$537	\$50,913	0	51,450	\$0	\$51,450
2015	\$0	\$50,913	0	50,913	\$0	\$50,913
2014	\$0	\$50,913	0	50,913	\$0	\$50,913
2013	\$0	\$50,913	0	50,913	\$0	\$50,913
2012	\$0	\$91,643	0	91,643	\$0	\$91,643
2011	\$0	\$91,643	0	91,643	\$0	\$91,643
2010	\$0	\$91,643	0	91,643	\$0	\$91,643
2009	\$0	\$91,643	0	91,643	\$0	\$91,643
2008	\$0	\$91,643	0	91,643	\$0	\$91,643
2007	\$0	\$91,643	0	91,643	\$0	\$91,643

## **Deed History - (Last 3 Deed Transactions)**

#	Deed	Type	Description	Grantor	Grantee	Volume	Page	Deed
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	Date		I control of the cont		I I	Number
1	8/3/2020	WD	WARRANTY DEED	TITUS DEVELOPMENT LTD	AVL LP	3135356
2	2/27/2020	WD	WARRANTY DEED	BALDWIN COMMUNTIY LLC	TITUS DEVELOPMENT LTD	3092902
3	11/20/2019	WDV	WARRANTY DEED/VENDORS LIEN	BALDWIN WILLIAM L & JOHN P & ELIZABETH ANNE BALDWIN ETAL	BALDWIN COMMUNTIY LLC	3065658

#### Tax Due

Property Tax Information as of 10/16/2020

Amount Due if Paid on:

Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Penalty & Interest	Attorney Fees	Amount Due
------	------------------------	------------------	-------------	-----------------------	-----------------	----------------------------------	------------------	---------------

NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

Questions Please Call (956) 381-8466.

Website version: 1.2.2.31 Database last updated on: 10/15/2020 9:14 PM

© N. Harris Computer Corporation

## **Planning Department**

#### Memo

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

FROM: Planning Staff

**DATE:** October 16, 2020

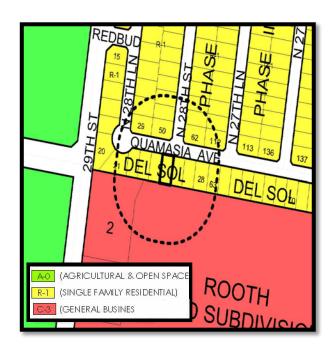
SUBJECT: REQUEST OF HECTOR BOSQUEZ FOR THE FOLLOWING VARIANCE TO THE

CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) AN ENCROACHMENT OF 3 FT. INTO THE 6 FT. SIDE YARD SETBACK FOR AN EXISTING L-SHAPED PORCH WITH AN AREA OF 357 SQUARE FEET AND 2) AN ENCROACHMENT OF 4 FT INTO THE 6 FT. SIDE YARD SETBACK FOR AN EXISTING STORAGE MEASURING 10 FT. BY 18 FT., AT LOT 25, DEL SOL SUBDIVISION PHASE I,

HIDALGO COUNTY, TEXAS; 2805 QUAMASIA AVENUE. (ZBA2020-0060)

#### **REASON FOR APPEAL:**

The variance is to allow an existing L-Shaped porch with an area of 357 square feet that encroaches 3 ft. into the 6 ft. side yard setback along the east property line. The applicant stated that the porch was constructed in order to have shade and enjoy the evenings with the family and enjoy the rain on rainy days.





#### PROPERTY LOCATION AND VICINITY:

The subject property is located on the south side of Quamasia Avenue, approximately 300 ft. east of North 29<sup>th</sup> Street. The property has 50 ft. of frontage along Quamasia Avenue and a depth of 100 ft. with a lot size of 5,000 square feet. Surrounding land use are single-family houses and Walmart Super Center.

#### **BACKGROUND AND HISTORY:**

Del Sol Subdivision Phase I was recorded on November 6, 1998. A building permit was submitted on August 21, 2020. The application for the variance was submitted on September 2, 2020.

#### **ANALYSIS:**

The request is to allow an encroachment of 3 ft. into the 6 ft. side yard setback for an existing porch with an area of 357 square feet. The porch has a length of 25 ft. on the rear and 21 ft. along the east property line.

A site inspection revealed that there is a storage measuring 10 ft. by 18 ft. that is encroaching 4 ft. out of the 6 ft. setback along the west property line and the 4 ft. out of the 10 ft. rear Utility Easement; however, the applicant is proposing to move the existing storage out of the Utility Easement and side setback, shown on the updated site plan.

There are existing structures around the neighborhood that seem to be encroaching into the side and rear setbacks, only one variance has been requested in the area (2705 Quamasia Avenue) in 2014 and got disapproved, the request was for a side and rear encroachment for an existing storage.

Side yard setbacks are important to maintain a safety separation in between structures (12 ft.) in case of a fire and slow down the spread. Having any kind of encroaching structures might speed up the fire within properties.

If the request is approved, it may encourage other property owners to apply for a variance to encroach into the setbacks. Approval of the request will allow the porch and storage to stay as depicted on the site plan.

Staff has not received phone calls of concern in regards to the variance request.

#### **RECOMMENDATION:**

Staff recommends disapproval of the variances. If the Board chooses to approve the request, the approval should be limited to the footprint as shown on the site plan.

2BA 2020-006U

## City of McAllen

## Planning Department APPEAL TO ZONING BOARD OF

McAllen, TX 78501 P. O. Box 220 McAllen, TX 78505-0220 (956) 681-1250 (956) 681-1279 (fax)

311 North 15th Street

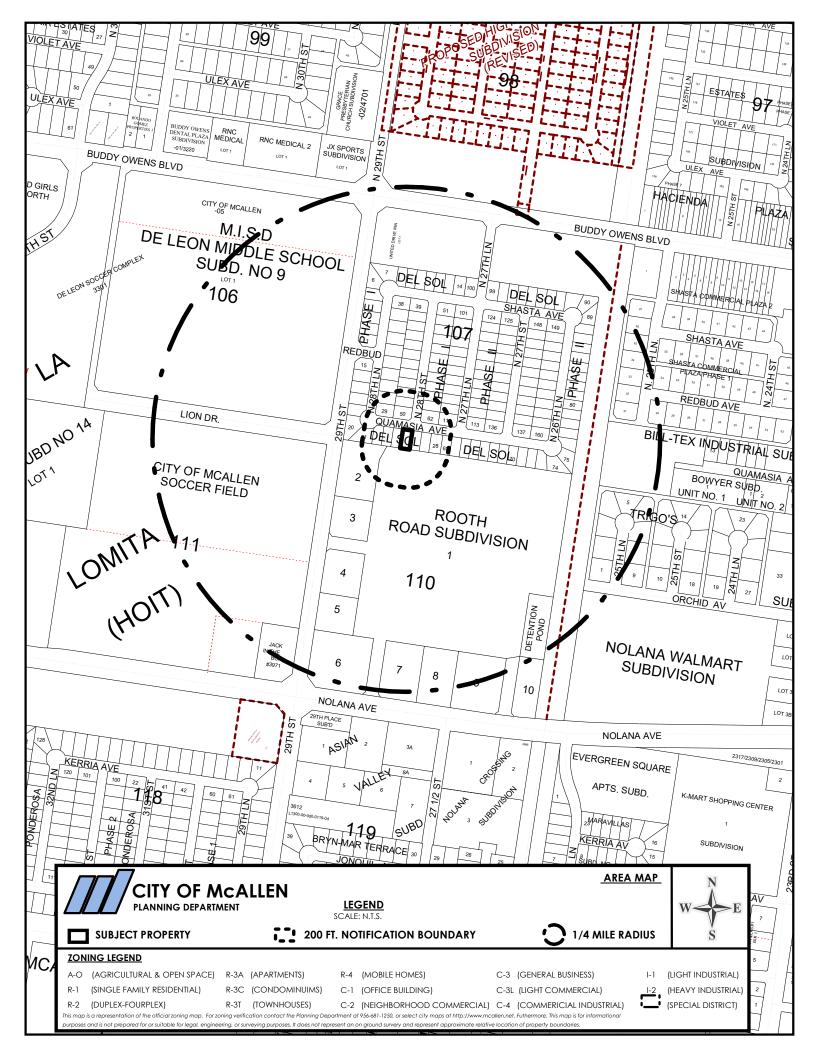
ADJUSTMENT TO MCALLEN ZONING ORDINANCE

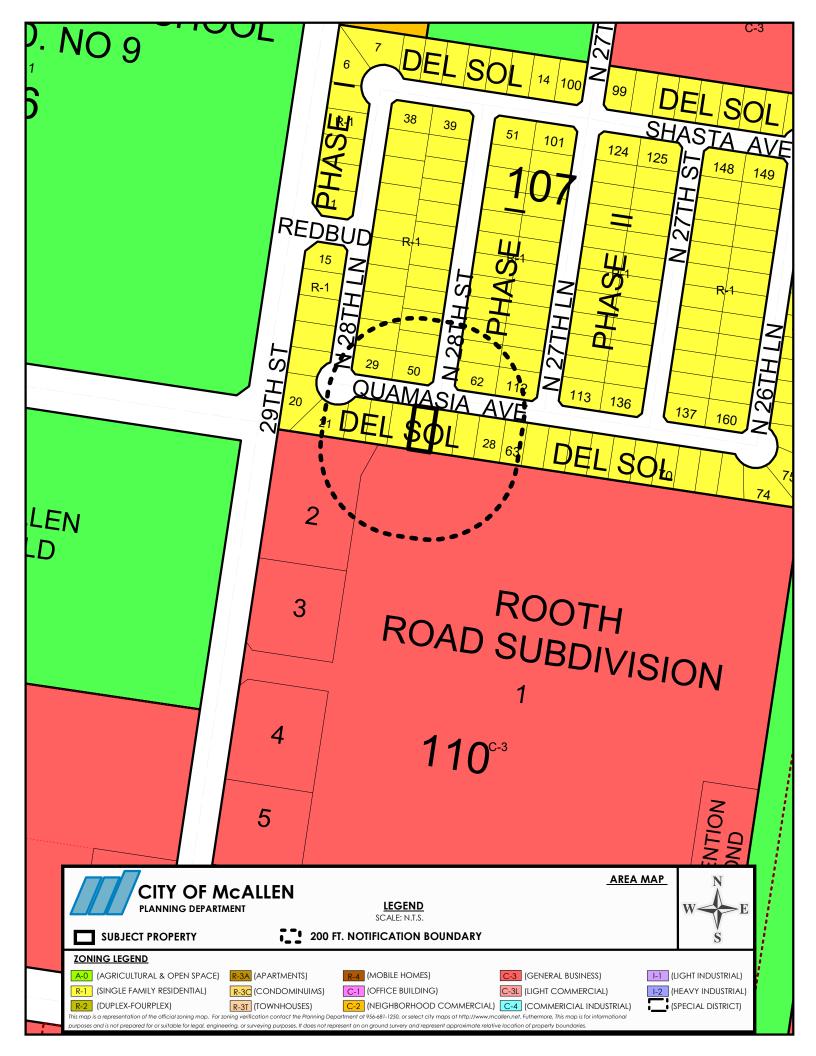
THE SHAPE STREET	
20	Legal Description Del Sol Phase   Lot 25
Project	Subdivision Name  Street Address  Street Address  Number of lots Gross acres
۵	Reason for Appeal (please use other side if necessary) New Porch Over existing pad with extension to pad to back of the house.
ji.	<ul> <li>         \$300.00 non-refundable filing fee + □ \$50.00 Recording Fee for Special Exception (carport)     </li> <li>□ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required     </li> </ul>
Applicant	Name Hector Bosciue 2 Phone 956-369-0242  Address 2805 QUAMASIA QVE E-mail Nh141520@ Yahoo,com  City McAllen State TX Zip 78504
Owner	Name Hector Posque Phone 956-319-0242  Address 2805 QUAMASIA AVV E-mail hhh141520 cyahoo.com  City MCAILEN State TX Zip 78504
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?  Yes  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  Owner  Authorized Agent
Office	Accepted by Payment received by Date 12/59  Rev 10/18  Payment received by SEP 0 2 2020
otronoyeth as you must receive an extension	BY: CW

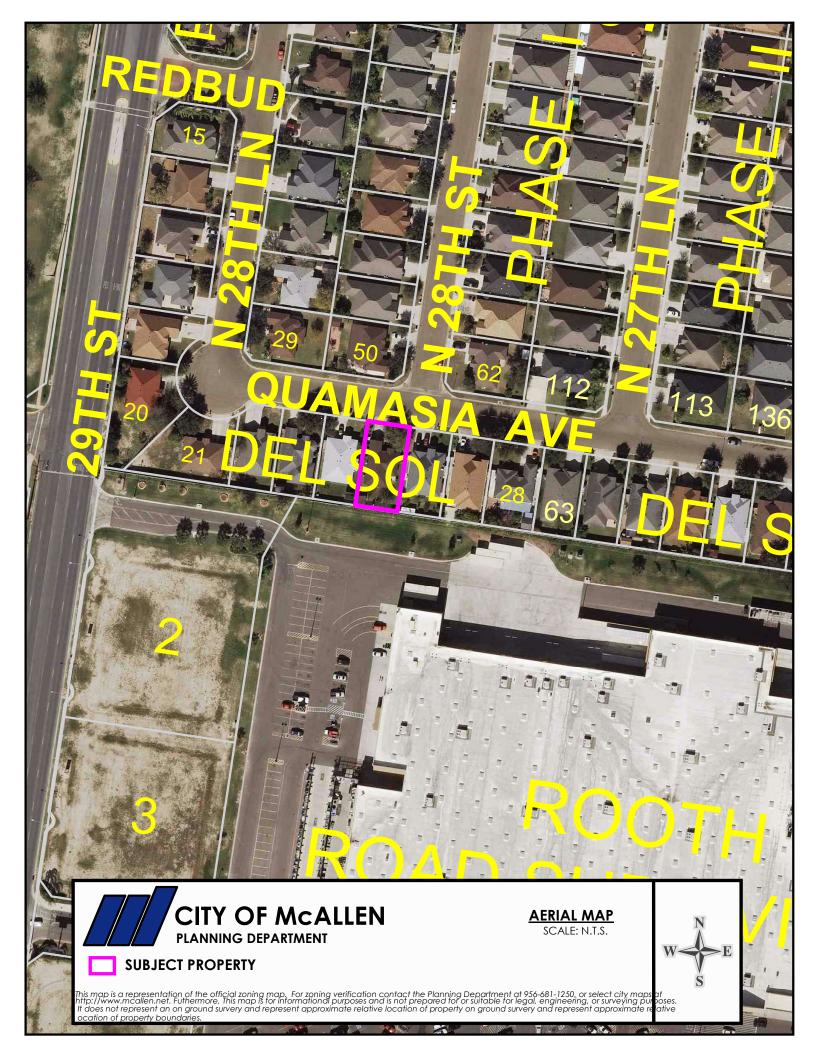
## City of McAllen

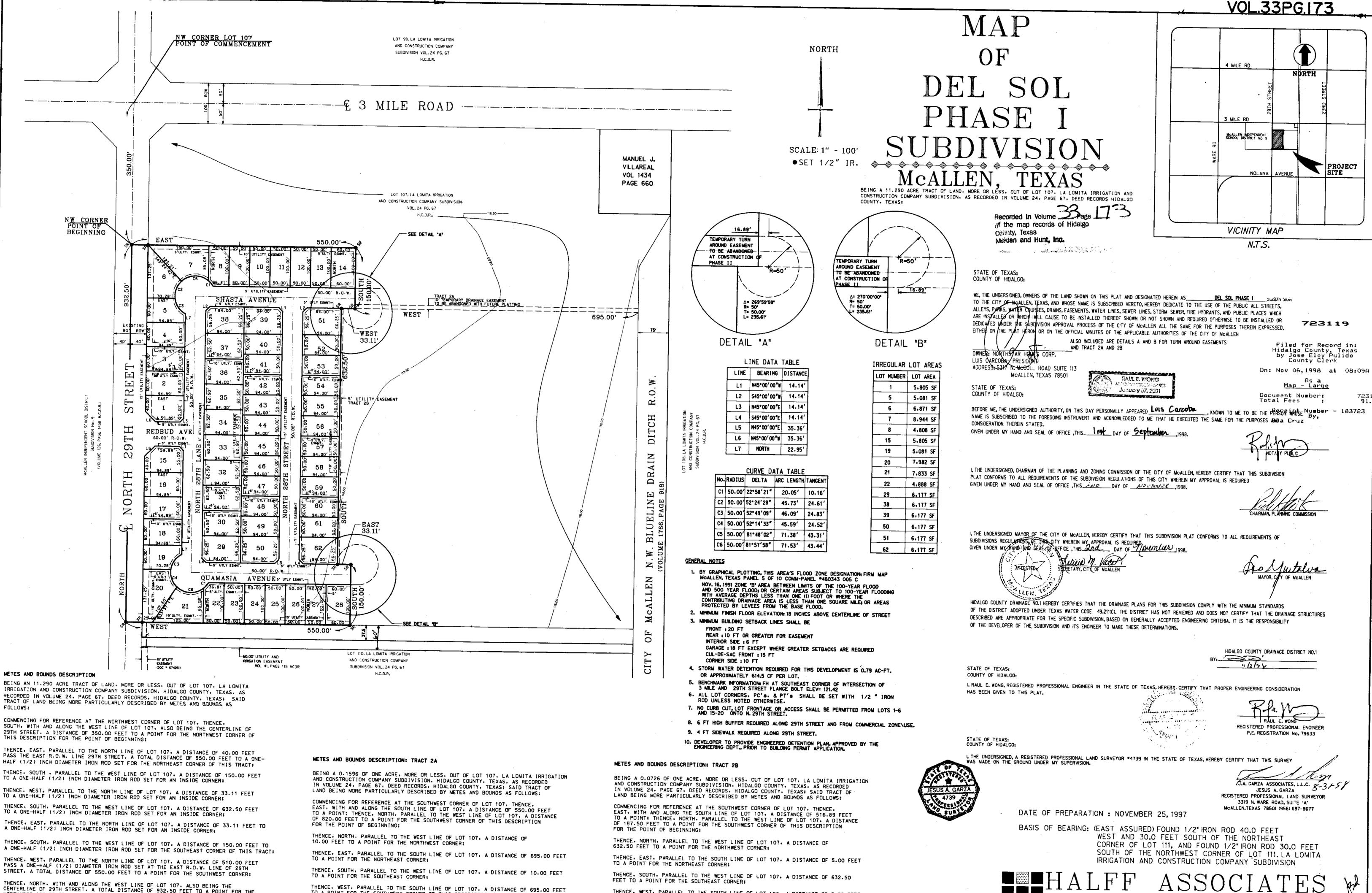
# Planning Department REASON FOR APPEAL & BOARD ACTION

Reason for Appeal	New porch was built over existing concrete, existing concrete has been in place since approx 7-8 years. At that time permit was issued and accepted. New extension to concrete pad is to the back of the house Extension will be approx 22' x 8' (Lxw) to the back of house attached to existing pad. Encroachment of 3ft into 6ft side set back (east side). Patio Project is to provide shade in the evenings to sit outside and relax, to sit outside and enjoy the rain on rainy days with a cup of coffee.
u	
ard Action	
Boa	
	Chairman, Board of Adjustment Date Signature ————————————————————————————————————
	Rev.10/18









THENCE. WEST. PARALLEL TO THE SOUTH LINE OF LOT 107. A DISTANCE OF 5.00 FEET

TO A POINT FOR THE SOUTHWEST CORNER OF THIS DESCRIPTION FOR THE

SAID TRACT OF LAND CONTAINING 0.0726 OF DNE ACRE, MORE OR LESS.

CENTERLINE OF 29TH STREET. A TOTAL DISTANCE OF 932.50 FEET TO A POINT FOR THE

NORTHWEST CORNER OF THIS DESCRIPTION FOR THE POINT OF BEGINNING:

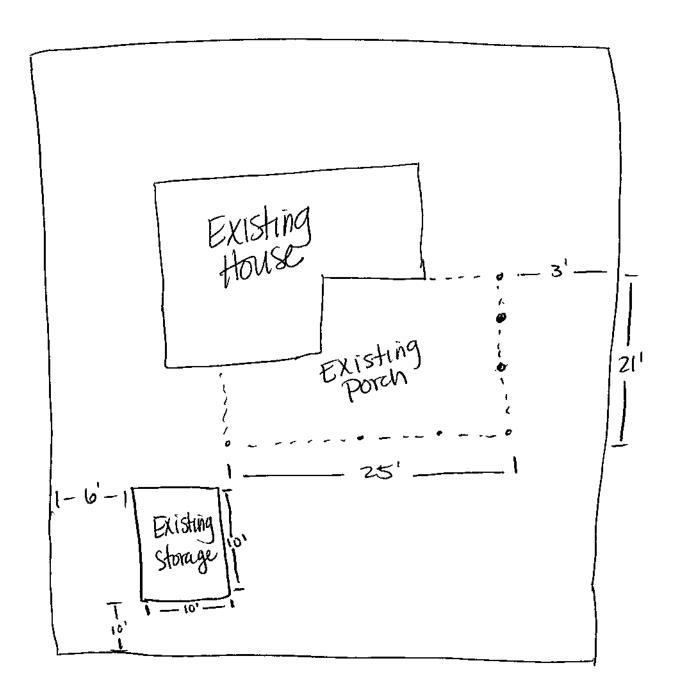
SALO TRACT OF LAND CONTAINING 11.290 ACRES. MORE OR LESS.

TO A POINT FOR THE SOUTHWEST CORNER OF THIS DESCRIPTION FOR THE POINT OF

SAID TRACT OF LAND CONTAINING 0.1596 OF ONE ACRE. MORE OR LESS.

609 SOUTH BROADWAY McALLEN 78501 (956)664-0286,

ENGINEERS, SCIENTISTS, SURVEYORS, & PLANNERS











## **Planning Department**

#### Memo

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

**FROM:** Planning Staff

**DATE:** October 16, 2020

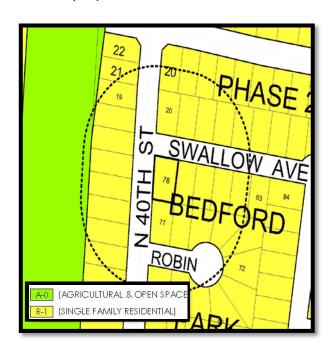
SUBJECT: REQUEST OF JOSE NOE HERRERA FOR THE FOLLOWING VARIANCE TO

THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: AN ENCROACHMENT OF 6 FT. INTO THE 6 FT. SIDE YARD SETBACK FOR A PROPOSED ROOF FOR AN EXISTING WORK AREA MEASURING 12.3 FT. BY 43.6 FT. AT LOT 78, BEDFORD PARK ESTATES SUBDIVISION, HIDALGO

COUNTY, TEXAS; 3937 SWALLOW AVENUE. (ZBA2020-0063)

#### **REASON FOR APPEAL:**

The variance is to allow a proposed roof over a work area measuring 12.3 ft. by 43.6 ft. that encroaches 6 ft. into the 6 ft. side yard setback along the east property line. The applicant stated that the proposed roof is in order to work on his cars.





#### PROPERTY LOCATION AND VICINITY:

The subject property is located on the southeast corner of North 40<sup>th</sup> Street and Swallow Avenue. The property has 67.49 ft. of frontage along Swallow Avenue and a depth of 97.49 ft. on the west and 97.20 on the east with a lot size of 6196 square feet. Surrounding land use are single-family houses.

#### **BACKGROUND AND HISTORY:**

Bedford Park Estates Subdivision was recorded on May 9, 2003. A Stop Work Order ticket was issued for a construction without a permit on October 14, 2020. A renewal building permit was submitted on September 3, 2020. The application for the variance was submitted on September 9, 2020. An abandonment process was submitted on September 9, 2020 for a 5 ft. Utility Easement on the west side of the property. After abandonment request is approved, the applicant will apply for the existing structure on the west.

#### **ANALYSIS:**

The request is to allow an encroachment of 6 ft. into the 6 ft. side yard setback for a proposed roof over an existing work area measuring 12.3 ft. by 43.6 ft.

There are existing structures around the neighborhood that seem to be encroaching into the rear setbacks, however no variances have been requested around the area

Side yard setbacks are important to maintain a safety separation in between structures (12 ft.) in case of a fire and slow down the spread. Having any kind of encroaching structures might speed up the fire within properties .

If the request is approved, it may encourage other property owners to apply for a variance to encroach into the setbacks. Approval of the request will allow the roof structure to be constructed as depicted on the site plan.

Staff has received a phone call in favor of the variance request.

#### **RECOMMENDATION:**

Staff recommends disapproval of the variance. If the Board chooses to approve the request, the approval should be limited to the footprint as shown on the site plan.

10/2/20

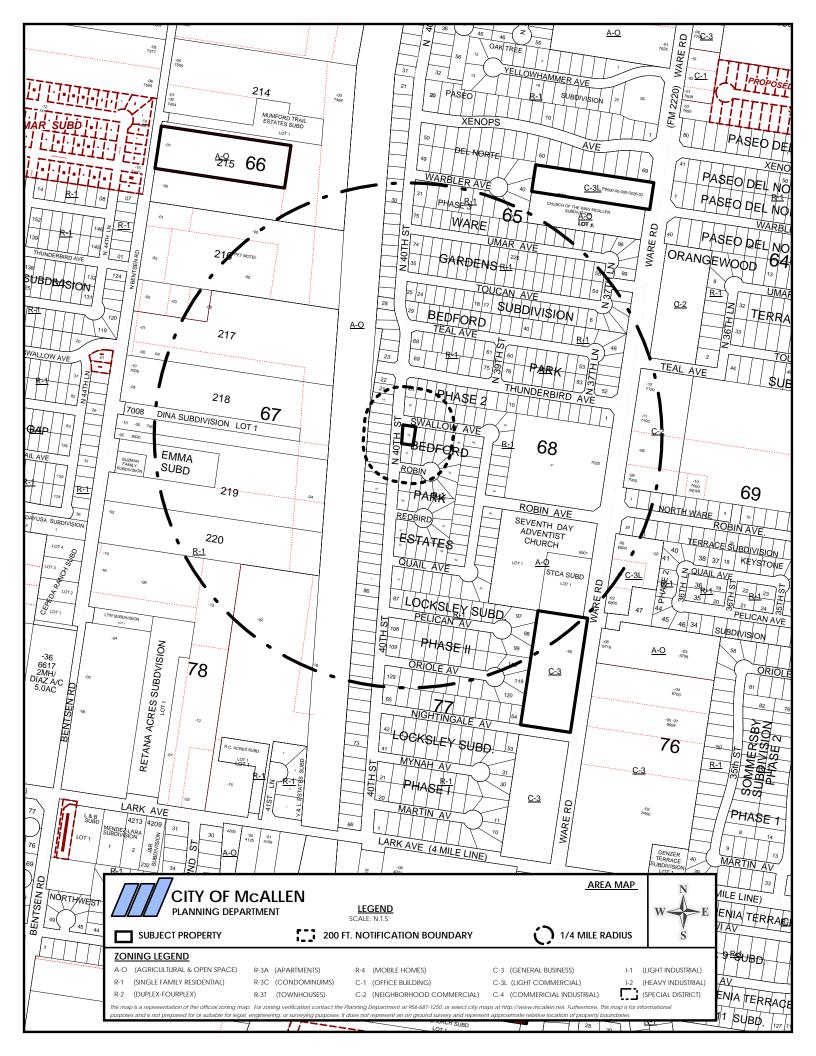
# City of McAllen

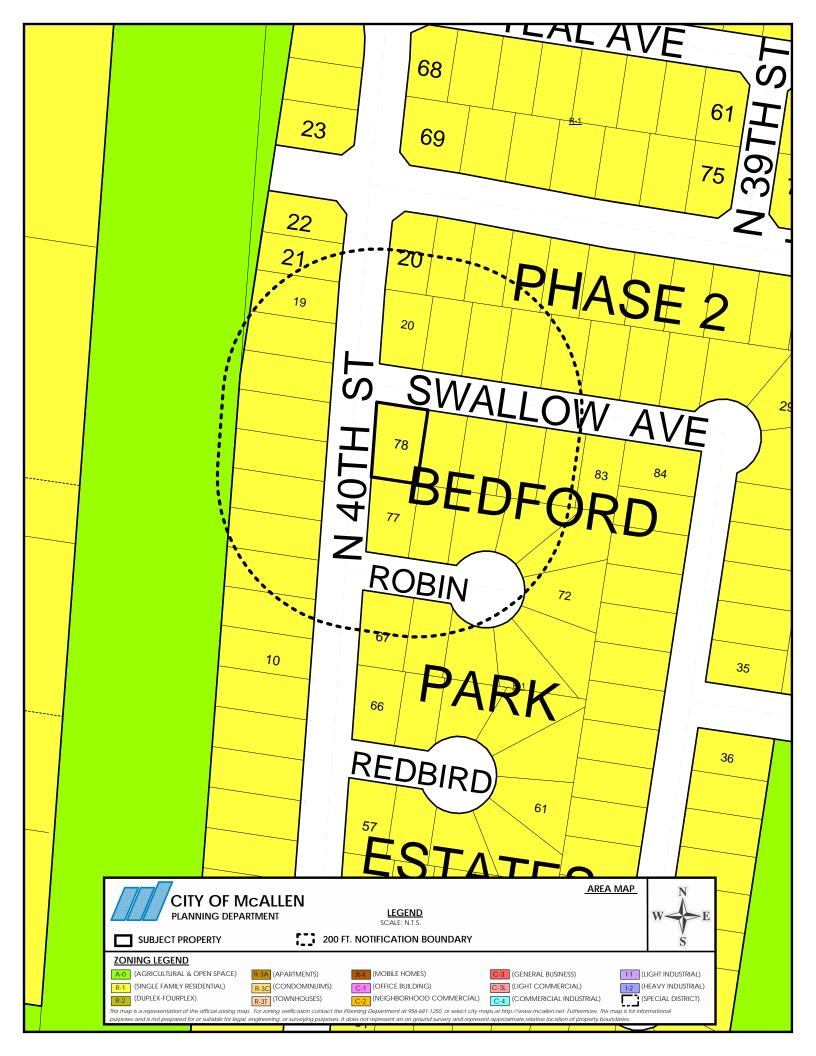
# Planning Department

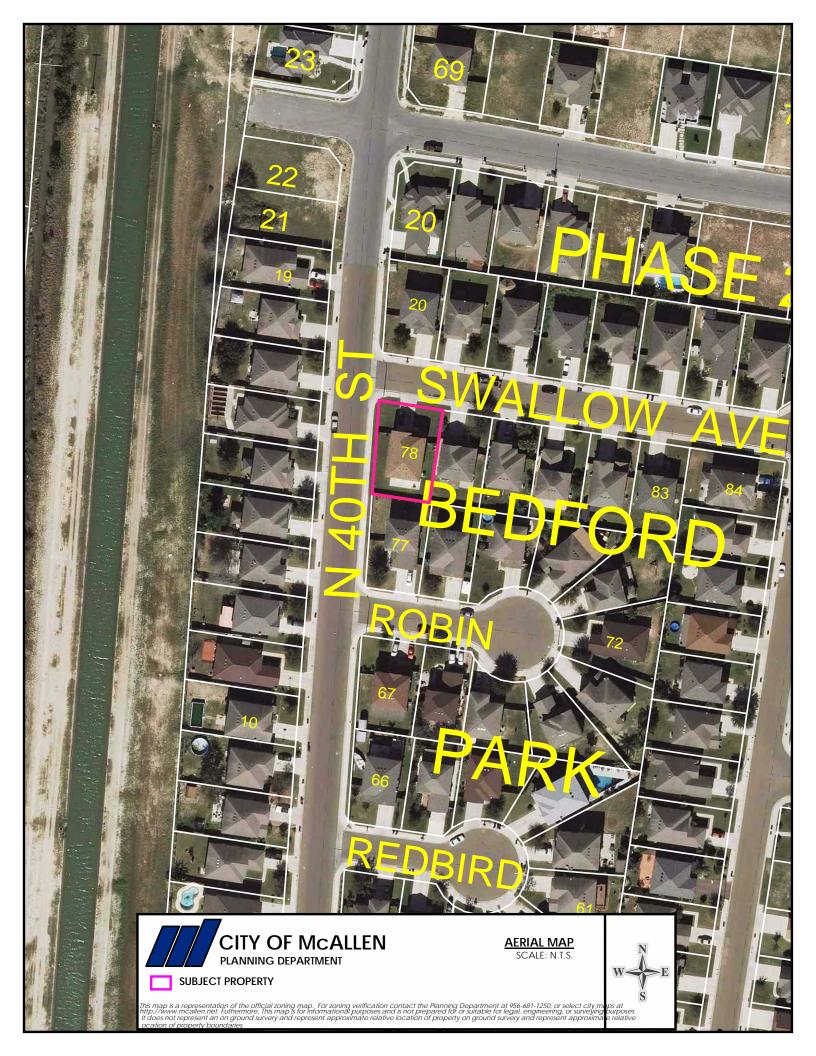
McAllen, TX 78501 P. O. Box 220 McAllen, TX 78505-0220 (956) 681-1250 (956) 681-1279 (fax)

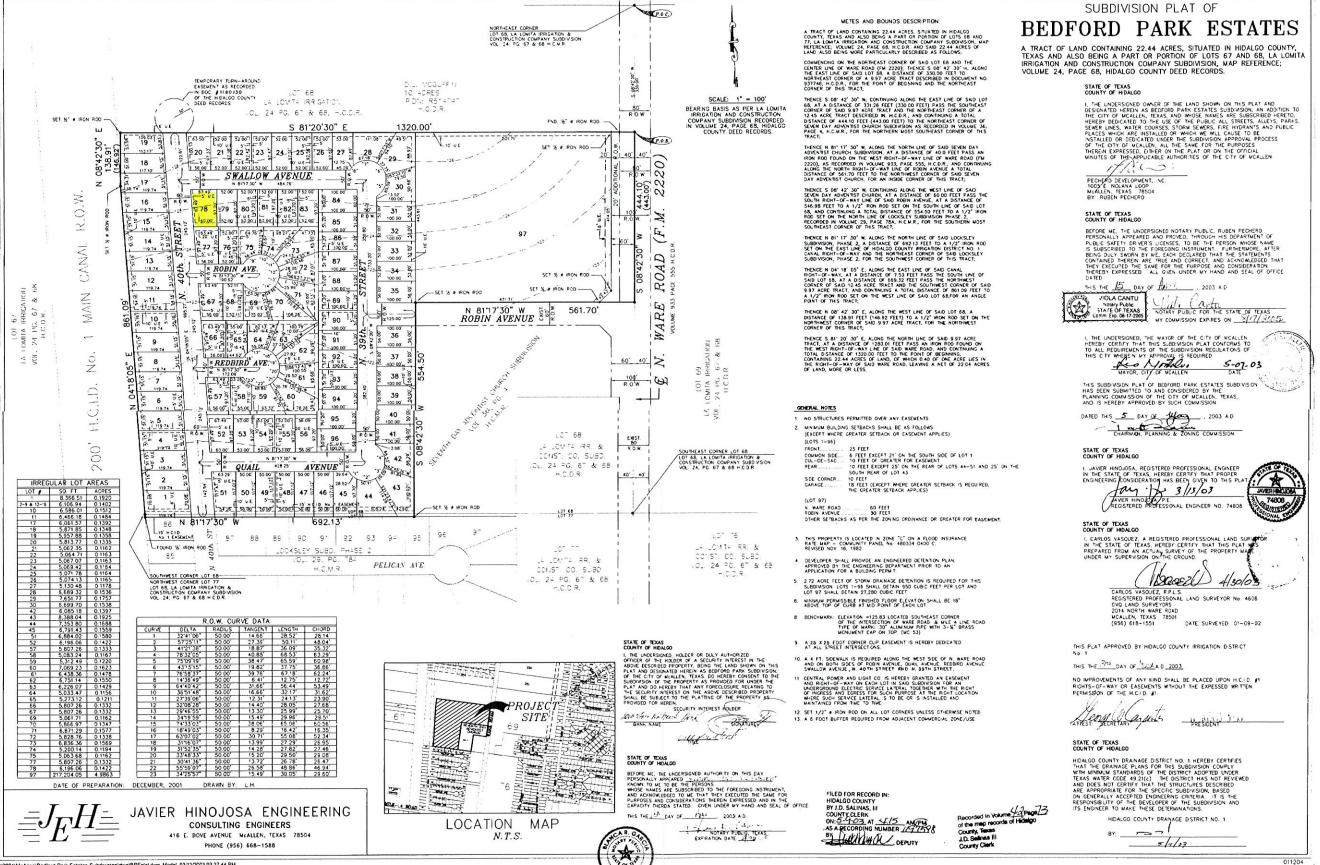
311 North 15th Street

	ADJUSTMENT TO MCALLEN ZONING ORDINANCE
	Legal Description BUSTAVA PARK ESTAVE LOT #78
Project	Subdivision Name  Street Address  Number of lots  Existing Zoning  Street Address  Rell Fuel Parice Effa Es Cot #78  Street Address  Rell Fuel Parice Effa Es Cot #78  Street Address  Street
	Reason for Appeal (please use other side if necessary)  Walk Aka W EAST Alth Breat Start  \$ \$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 TOSE WE TERRIEM Phone (907) 1048-128 Address, 3937 SWALLOW AT E-mail BRAZMEY & HOTHALCON City State SWALLOW State Zip 7 4004.
Owner	Name TOSE DE HENNEM Phone GUILLE IX Address 3987 SWALUW AV E-mail BACUSP CHOLUHULA City MINIS State 2011 Zip 78004
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
Office	Accepted by Payment received by Date SEP 0 9 2020
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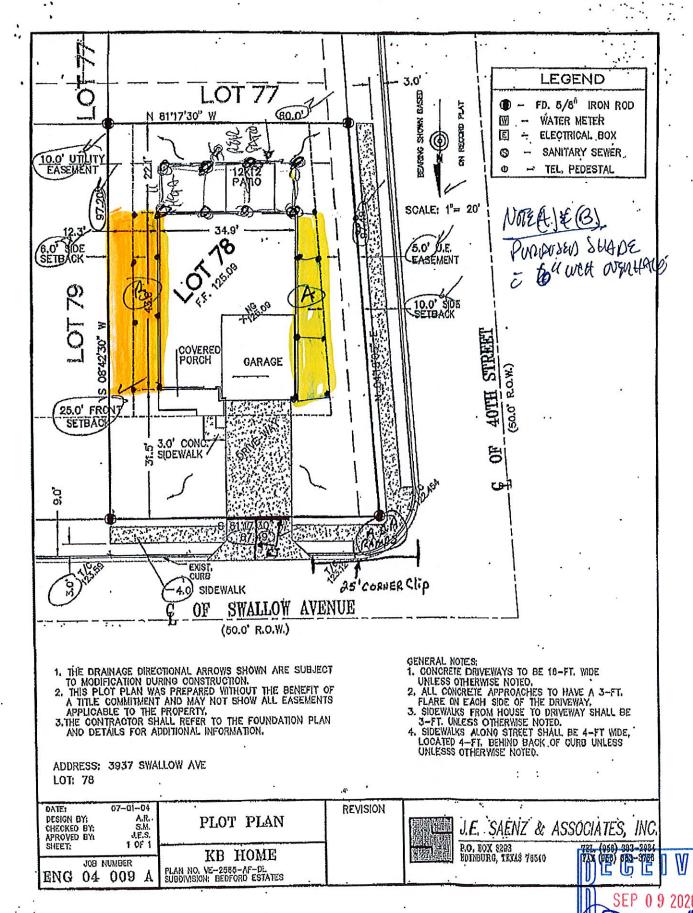








\2001\McAllen\Bedford Park Estates Subdivision\dwg\BPEplat dwg Model. 03/13/2003 02:27:44 PM



Par Walter









#### **Planning Department**

#### Memo

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

**FROM:** Planning Staff

**DATE:** October 15, 2020

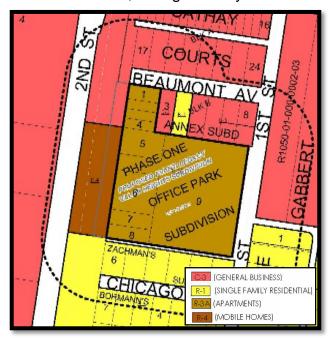
SUBJECT: REQUEST OF ENRIQUE FLORES, ON BEHALF OF MADHOUSE DEVELOPMENT SERVICE,

INC., FOR THE FOLLOWING VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE SECTION 110-49(A) TO NOT COMPLY WITH THE 8 FT. MASONRY WALL REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL, OR MULTIFAMILY RESIDENTIAL ZONES/USES AND ALONG THE SOUTH PROPERTY LINE AT LOT 1, 2, 3, 4, 5, 6, 7, 8, AND 9, PHASE ONE OFFICE PARK SUBDIVISION, HIDALGO COUNTY; 201,

205, 209, 213, 217, 221, 225, 229, AND 223 SOUTH 2ND STREET. (ZBA2020-0068)

**REASON FOR APPEAL:** The applicant is requesting variances to not comply with the 8 ft. masonry wall required between single family residential and commercial, industrial, or multifamily residential zones/uses and along the south property line.

PROPERTY LOCATION AND VICINITY: The property is located on the south side of Beaumont Avenue and on the west side of South 1<sup>st</sup> Street. The proposed re-plat will have 100 feet of frontage along Beaumont Avenue and 347.96 feet of frontage along South 1<sup>st</sup> Street for a total area of 3.484 acres and is zoned R-3A (multifamily residential apartments) District. The adjacent zoning is R-1 (single family residential) District to the north, south, and east, C-3 (general business) District to the north, east and west, and R-4 (Mobile Home) District to the west. Surrounding land uses are single family residences, commercial uses, Hidalgo County Water District Canal, and vacant land.





**BACKGROUND AND HISTORY:** The property is located in Phase One Office Park Subdivision, which was recorded on October 11, 2001. The owner has applied to re-plat all nine lots into one, the proposed subdivision plat, Avanti Legacy Valor Heights Subdivision, has received approval in Preliminary Form by the Planning and Zoning Board on May 19, 2020 meeting subject to conditions noted, Utilities and Drainage approvals. The applicant is proposing to construct a multifamily housing on the site.

#### **ANALYSIS:**

The Variance request is to not comply with the 8 ft. masonry wall required between single family residential and commercial, industrial, or multifamily residential zones/uses and along the south property line. The applicant is proposing of use columns at the corners and entrance/exit point with 8 ft. cedar fencing instead of masonry.

#### **RECOMMENDATION:**

Staff recommends approval of the variance request.

8900-000g



## City of McAllen

# Planning Department APPEAL TO ZONING BOARD OF

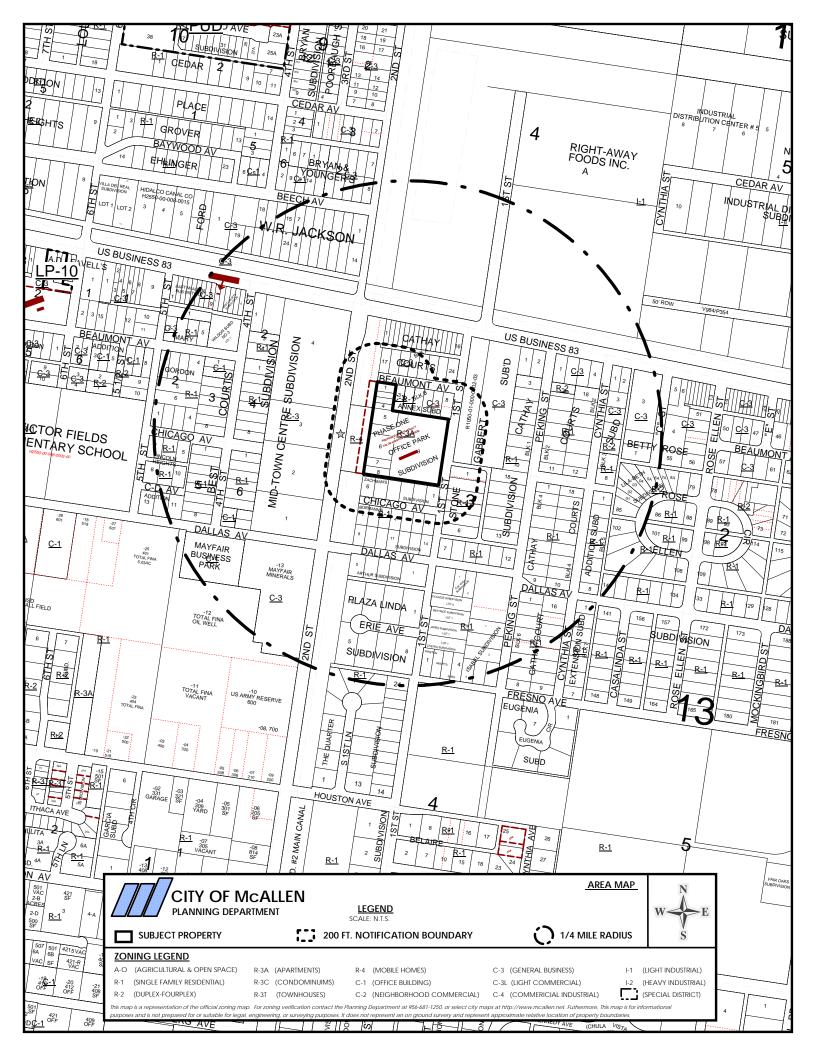
311 North 15th Street McAllen, TX 78501 P. O. Box 220 McAllen, TX 78505-0220 (956) 681-1250 (956) 681-1279 (fax)

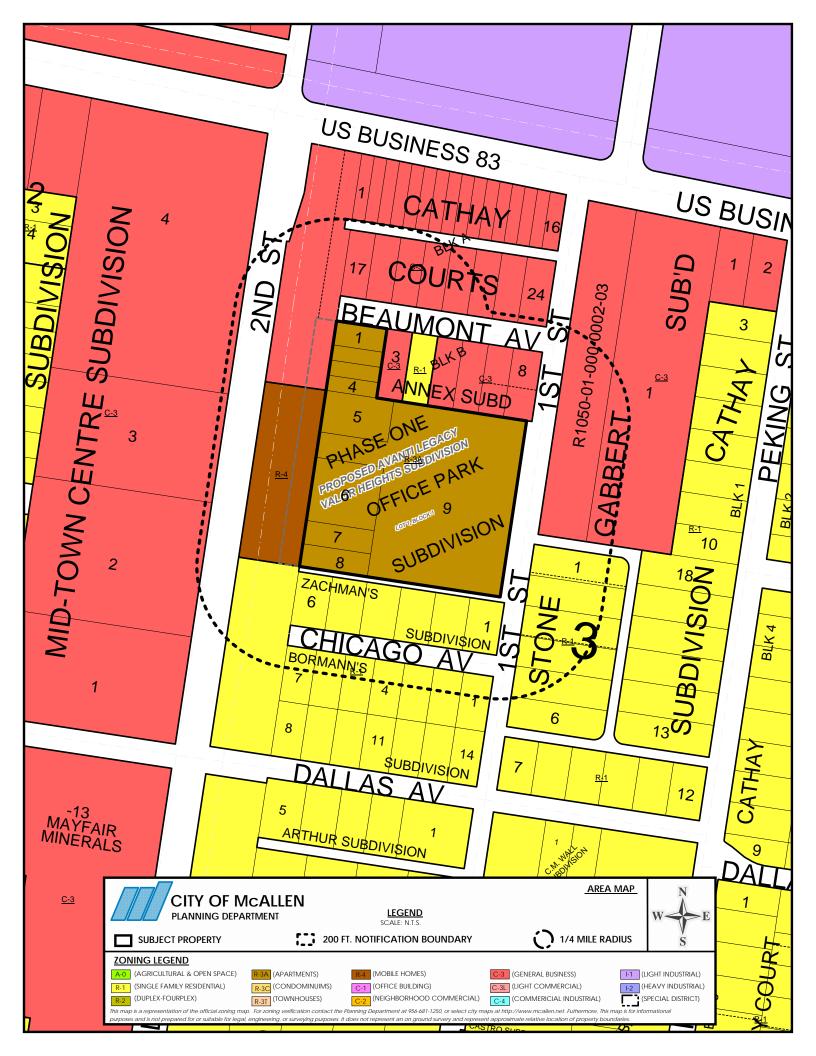
ADJUSTMENT TO MCALLEN ZONING ORDINANCE

	Теха	1, 2, 3, 4, 5, 6, 7, 8, and 9, Phase One Office Park Subdivision, Hidalgo County, ss: 201. 205. 209. 213. 217. 225. 229. 233. and 221 South 2nd Street att Legacy Valor Heights
Project	Street Address  S 2N  Number  Existing Zoning  R-3A	Prof lots 9 Gross acres 3.93  Existing Land Use Vacant Land Use other side if necessary)
		e filing fee $+ \Box$ \$50.00 Recording Fee for Special Exception (carport) tes and Bounds (if the legal description of the tract is a required
Applicant	Address 8500 Shoal C	Phone 512-982-1348  reek Blvd, Bldg 4, Suite 208 E-mail henry@madhousedevelopment.net  State Texas Zip 78757
Owner	Address PO Box 2947	Phone 956-343-0725  E-mail Rsmith@franksmith.us  State Texas Zip 78502
Authorization	etc. which would prev I certify that I am the a application is being su OR I am authorized by	Owner Authorized Agent
Office	Accepted by Accepted by Rev 10/18	Payment received by



		AND DESCRIPTION OF THE PERSON NAMED IN COLUMN 2 IS NOT THE OWNER.
	a. 6 ft. opaque buffer required from adjacent/betv	ween multi-family residential and commercial, and industrial
	zones/uses and along South 1st Street. **please revise p	lat note as shown above.
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dd∖	b. 8 ft. masonry wall required between single fam	ily residential and commercial, industrial, or multi-family residentia
Reason for Appeal	zones/uses and along the south property line. **Please r	evise plat note as shown above prior to final.
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	Chairman, Board of Adjustment Signature	Date
	Rev.10/18	







Existing Plat: Proposed Plat: PAGE 2 OF 2 Subdivision For VACATING A PORTION OF AVANTI LEGACY VALOR HEIGHTS PHASE ONE OFFICE PARK 1 Lot, 1 Block Beng an 3.484 acre tract of land situated in the Jose Felsz Hinojosa Survey, Abstract No. 39, Hidalgo County, Texas, beng all of Lofs 1 through 9, PHASE ONE OFFICE PARK, an addition to the City of McAllen, Hidalgo County, Texas, according to the map thereof recorded in Yoluma 38, Page 129, Map Records of Hidalgo County, Texas. Being an 3.484 acre tract of land situated in the Jose Felix Hinojosa Survey, Abstract No. 38 Hidalgo Courty, Texas, being all of Lots 1 through 9, PHASE ONE OFFICE PARK, an addition the City of McAllen, Hidalgo County, Texas, according to the map thereof recorded in Volume Page 179, Map Records of Hidalgo County, Texas. LOT 23 BEAUMOUNT AVENUE S. (AVA. COL ROWE BLVD) (80' R.O.W.) 40" UTILITY EASEMENT \_\_\_\_\_ 20' IRRIGI ESMT. M.94 581°14'E 0 174.0° 174.0° 5×100° EASEMENT (10 BC ABANDONED BY THIS PLAT) 306.67 or USE FROM HCID . 20-PZ VATION FOR ROAD ORDINANCE -2001-40 LIO "MPU EASEM'T SET ROAD BLVD.) 53.17 A LOT 1, BLOCK 1 3.484 ACRES (151,780 SQ. FT.) (ROWE 10' ADD. R-O-W-CLOSES BY CANAL CANAL NO 46'E NO 46'E 1256 LIS' UTIL. 51. RESERVATION FOR 2nd FIRST 5.E. CORNER LOT 4 RANCHO DE LA FRUTA SUB'D No.1 3,46 0.62 N.E. CORNER

**RECEIVED** 

By Nikki Marie Cavazos at 10:24 am, Aug 20, 2020

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NO1°14'W 446.6

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10" UTIL. ESMIT. (RETAINED BY ORD. • 2001-45)



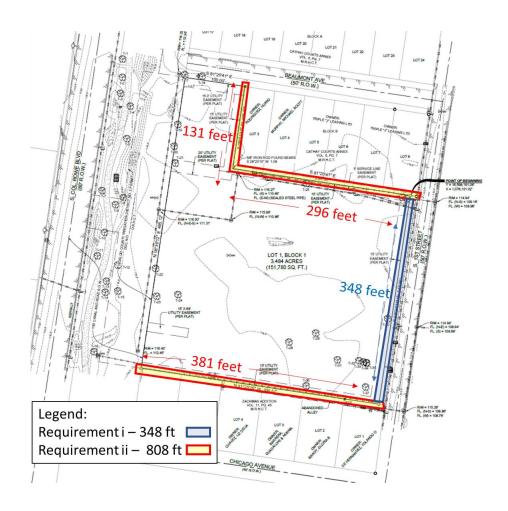
City of McAllen Planning Department Zoning Board of Adjustments 311 N. 15TH Street McAllen, TX 78501

Case: Avanti Legacy Valor Heights

Address: +/- 3.93 acres located near the SEC 2nd St & Business 83

#### Ladies and Gentlemen:

Avanti Legacy Valor Heights, LP (the "Applicant") proposes to construct a multifamily housing property called the Avanti Legacy Valor Heights on the tract referenced above. An application submitted on behalf of the owner Frank A Smith, Inc. is in the process of being made to the City of McAllen Zoning Board of Adjustments (the "ZBOA") for a plat and site plan variance to permit the following requirements:



Item ii - 8 ft. Masonry Wall - South and North Property Line

**Item ii - City Requirement:** 

Eight (8) ft. masonry wall required between single family residential and commercial,

industrial, or multi-family residential zones/uses and along the south property line.

**Item ii - Applicant Request:** 

We are requesting a variance for this item. We are recommending columns at the corners

and entrance/exit points with 8 ft. cedar fencing in lieu of masonry.

**Reason for Requested Variance:** 

Given our recent experience with this requirement, we are asking the board to consider

granting a variance given the significant cost of utilizing this buffer. We feel strongly that these

resources could be better spent on amenities that our senior residents can enjoy for the 45+

years that the owners have vowed to maintain it as senior affordable housing. The cost to

build the wall required by code is approximately \$179,376, which accounts for the 808 linear

feet required at a cost of \$222 per foot. We understand the need to buffer between single

family use and multifamily, but we are asking the board to consider the cost implication of

using cedar fencing in lieu of masonry.

See Exhibit-B for examples of neighboring properties in McAllen and a similar property we

recently finished called Avanti East that utilized similar fencing.

See **Exhibit-C** for a bid for an 8 ft. Masonry Fence we are building on another affordable

housing development in McAllen – Avanti at Emerald Point.

In consideration of the City's review of the application, the Applicant and its affiliates confirm that the proposed development will utilize federal housing tax credits administered by the Texas

Department of Housing and Community Affairs (TDHCA), and that the proposed development is an affordable apartment community that will be restricted to serving seniors. Per our application to

TDHCA, we have income restrictions and age restriction requirements that will be enforced by the

future land-use restriction agreement.

Sincerely,

Bv:

Enrique Flores

**Authorized Representative** 

## Exhibit B



## Exhibit B





#### EXHIBIT C - BID FOR A SIMILAR FENCE IN MCALLEN

### **RFP**

Madhouse Development, Ltd. 8500 Shoal Creek Blvd, Bldg 4 Ste. 208, Austin, Texas 78757 Austin, Texas 78757

Attention: Henry Flores, Jr.

#### Project: Avanti at Emerald Point

Scope of Work: Furnish all materials for 350lft colored split face block with columns 24"x24" @ every 20'

Details Cost

1. Block Materials & Labor	\$ 39,700.00
2. Concrete Material	\$ 9,900.00
3. Concrete Labor	\$ 9,900.00
4. Steel Material & Accessories	\$ 9,900.00
5. GC Fee 12%	\$ 8,328.00
6. Total	\$ 77,728.00

Couric Enterprises, LLC is providing this RFP based on the drawings provided by NDA Architect dated October 28, 2019. Changes to the drawings will need to be reviewed and this proposal will change for a credit or an additional cost. If you have any questions or concerns about this RFP, please contact Eric Solis at (956) 241-0694.

Respectfully,

Cric Solis

Eric Solis, President Couric Enterprises, LLC

# AVANTI LEGACY VALOR HEIGHTS RENDERINGS





#### Frank A. Smith Sales, Inc. PO Box 2947 McAllen, Texas 78502

#### APPOINTMENT OF AGENT

This letter appoints agents regarding all land development applications for Avanti Legacy Valor Heights located at S. 2<sup>nd</sup> Street, McAllen TX. 78504 LOTS 1-9 Phase One Office Park (the "Property") and related matters. As owner of the subject property, I hereby appoint the person designated below to act for me, as my agent, and by my signature below I fully authorize my agent to: Be the point of contact between myself and the City of McAllen, Hidalgo County, Hidalgo County Irrigation District, Hidalgo County Drainage District. The Agent agrees to keep the owner advised of any and all related matters associated with this appointment.

Name of Agent(s): Enrique Flores - M	ladhouse Development Se	rvice, Inc., Michae	el Tamez - Madhouse
Development Service, Inc., Enrique Flor	es – Crimson Bulldog De	velopment, Inc., E	nrique Flores – Avanti
Legacy Valor Heights, LP, Craig Carney	– Carney Engineering, A	llen Kerley – Fron	ntier Surveying
Company, Donald Smith - Northfield D	esign Associates	-tuainia and a second	
Mailing Address: <u>8500 Shoal Creek I</u>	Blvd. Building 4, Suite 208	3	
City: Austin	State:	Texas	Zip: <u>78757</u>
Home Phone: () Bu	siness Phone: <u>( 512 ) 914-</u>	0953 Cell:	(214) 893-6070
*Signature of Seller:		Title:	President
Printed/Typed Name of Seller: Rolan	d F. Smith	Date	05/18/2020
			1 .
THE STATE OF TEXAS	\$ \$ \$		
COUNTY OF HIDALGO	§		
This instrument was acknowledged before	me on May 18. 2020 I	Roland ?	F. Smith.
(Seal)			$\rightarrow$
	Zha	-H1 G	alet
EFRAIN M GALVAN Notary Public, State of Texas	Notary Public, Star My Commission E		· 08-1893113 11 11
OF Notary ID 6166686	y Commission E		THE BUY



#### **Planning Department**

#### Memo

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

**FROM:** Planning Staff

**DATE:** October 15, 2020

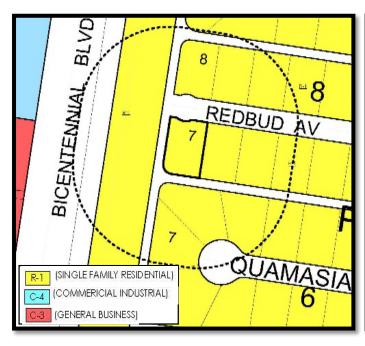
SUBJECT: REQUEST OF JUAN F. VALDEZ, FOR THE FOLLOWING SPECIAL EXCEPTION TO THE CITY

OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 18 FT. INTO THE 30 FT. FRONT YARD SETBACK FOR A PROPOSED WOOD CARPORT MEASRING 18 FT. BY 24 FT. AT LOT 7, BLOCK 8, PRIMROSE TERRACE UNIT NO. 4, HIDALGO COUNTY, TEXAS;

1719 REDBUD AVENUE. (ZBA2020-0062)

**REASON FOR APPEAL:** The applicant is requesting a special exception for a proposed wooden carport measuring 18 ft. by 24 ft. that will be encroaching 18 ft. into the 30 ft. front yard setback.

**PROPERTY LOCATION AND VICINITY:** The property is located on the south side of Redbud Avenue, approximately 500 ft. west of North 16<sup>th</sup> Street, and is zoned R-1 (single family residential) District. The adjacent zoning is R-1 District in all directions. Surrounding land uses include single family residence and Hidalgo County Water District Canal.





**BACKGROUND AND HISTORY:** The property is located in Primrose Terrace Unit No. 4 Subdivision, which was recorded on February 10, 1967. The plat indicates a 30 ft. front yard setback and property is a cul-de-sac lot. The site plan indicates that a proposed carport measuring 18 ft. by 24 ft. will be encroaching into the front yard setback.

#### **ANALYSIS:**

The Special Exception is to allow an encroachment of 18 ft. into the 30 ft. front yard setback for a proposed carport measuring 18 t. by 24 ft.

The front yard setbacks help keep the character of single family residential areas by maintaining the street yard and curb approval of properties in a subdivision.

There are no existing carports that appear to be encroaching into the front yard setback around the area. Should the request be approved, it may encourage other property owners to request a special exception to encroach into the front setback.

Staff have not received any calls in opposition to the request.

#### **RECOMMENDATION:**

Staff recommends disapproval of the special exception because no accessory structures are allowed to be built on any setbacks. If the Board chooses to grant the special exception, it should be limited to the foot print as shown on the site plan.

ZBA2020-0062

10/2/201

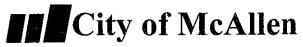
## City of McAllen

## Planning Department

APPEAL TO ZONING BOARD OF (956) 681

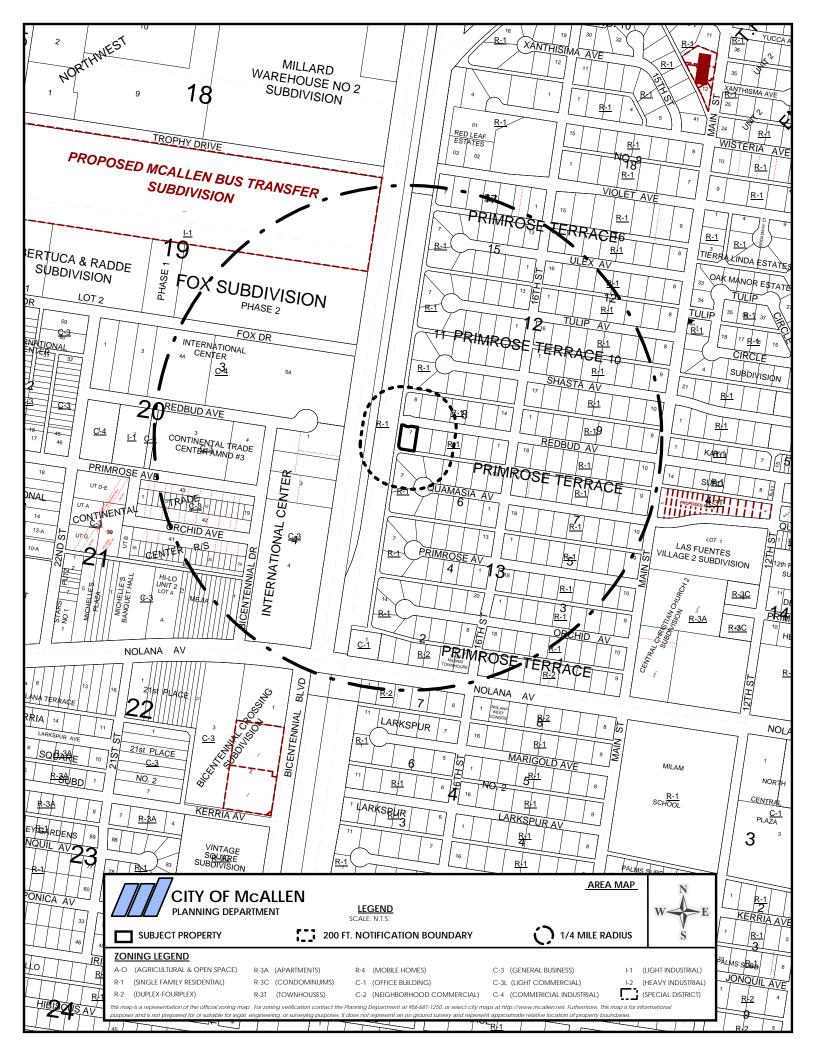
311 North 15th Street McAllen, TX 78501 P. O. Box 220 McAllen, TX 78505-0220 (956) 681-1250 (956) 681-1279 (fax)

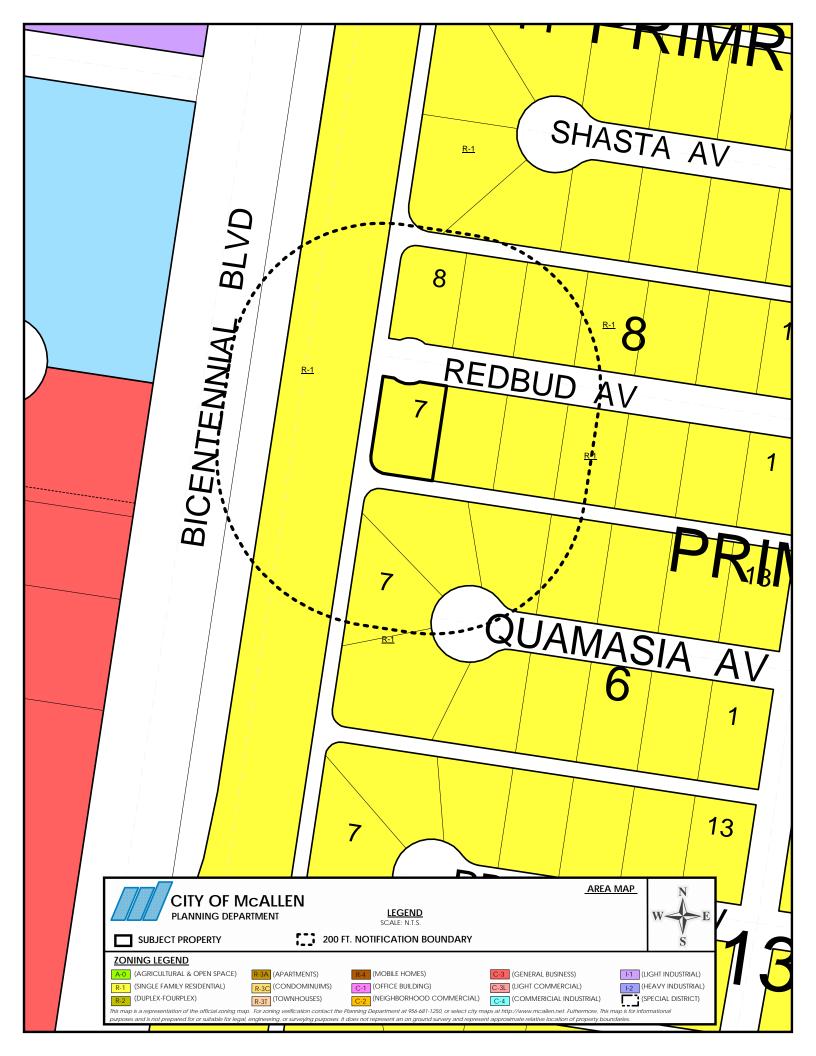
	ADJUSTMENT TO MICALLEN ZONING ORDINANCE
	Legal Description Primrose Terace unit N
Project	Subdivision Name    Prince   Terace   Unit No. 4    Street Address   1719   Red bud   ave. Mc Atlen   7X.     Number of lots   Gross acres     Existing Zoning   R   Residencia   Existing Land Use   Lecidentia     Reason for Appeal (please use other side if necessary)   To encrouche   18'   into     the 30' front yard set back for a proposed wood carport   19'   34'     \$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 7. Valdez Phone (556) 502-8099  Address 1412 Tierra Rica Ave E-mail Fijas valdez Egmail Con  City Alamo. State 71. Zip 78516.
Owner	Name Tracy L. BLUHM Phone 956-330-4720  Address 1719 Redbud Ave E-mail Molly 6MM & Aol. Con  City MAILEN State TZ 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  Print Name  Tuan Tredy Valde?  Owner  Authorized Agent
Office	Accepted by Payment received by SEP 0 8 2020

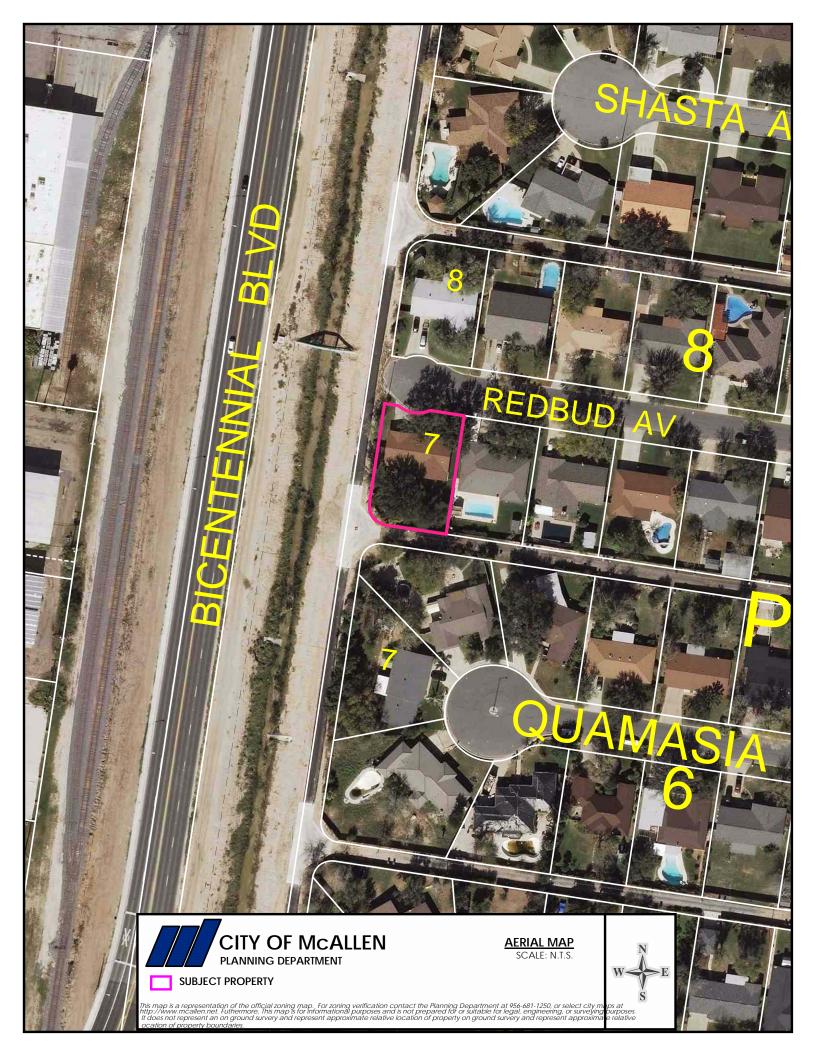


# Planning Department REASON FOR APPEAL & BOARD ACTION

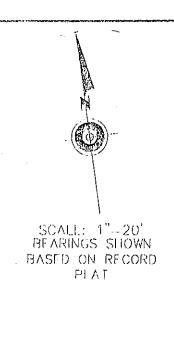
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Board Action	Chairman, Board of Adjustment Signature  Rev. 10/18	Date	





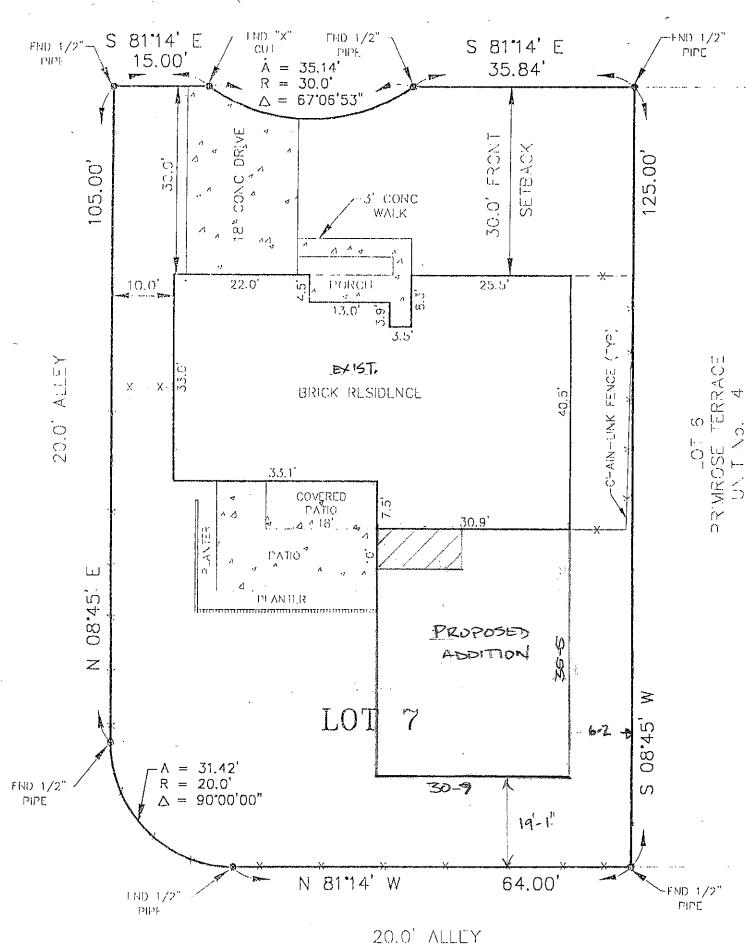


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## REDBUD

## AVENUE

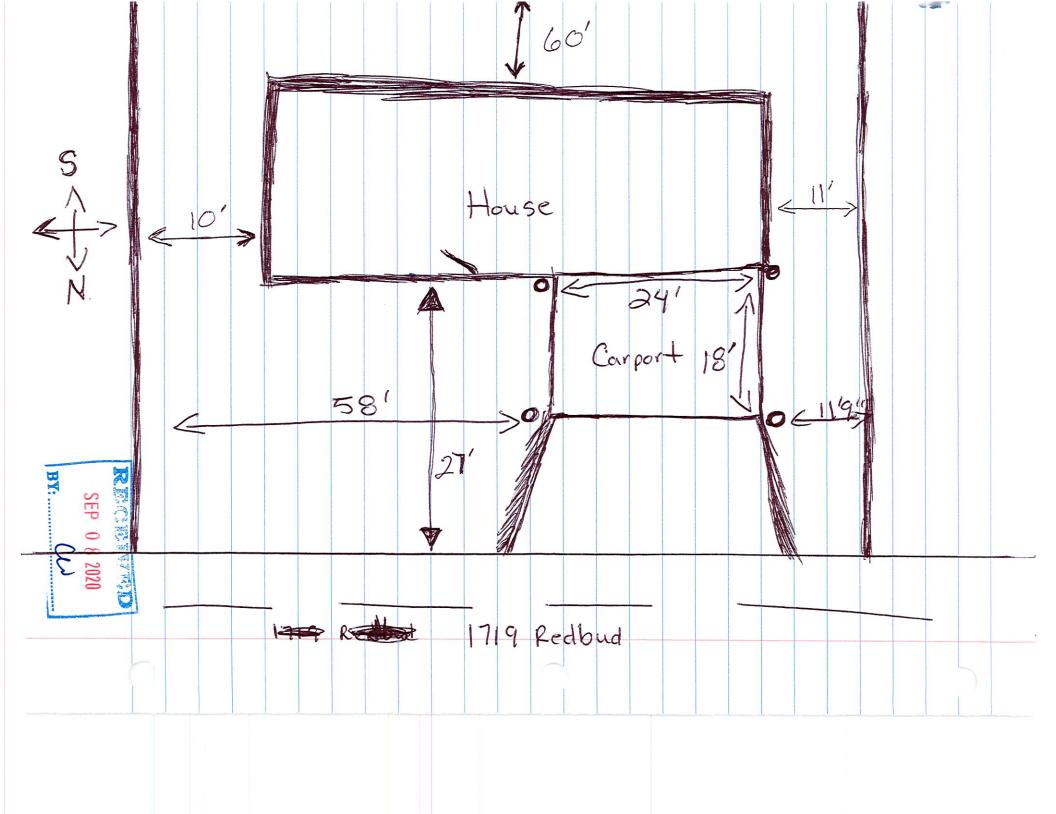


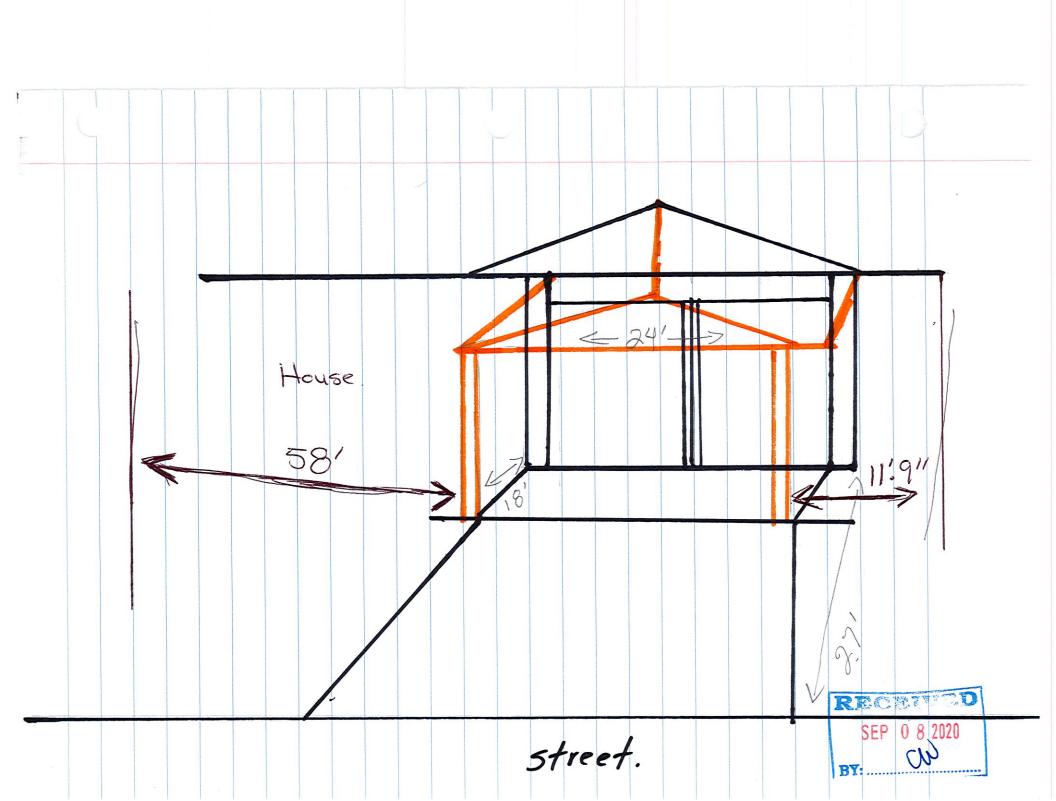
1719 W. REDBUD AVE.

#### PLAT SHOWING

ALL OF LOT 7, BLOCK 8, PRIMROSE TERRACE UNIT No. 4, AN ADDITION TO THE CITY OF MCALLEN, HIDALGO

I, PABLO SOTO JR., A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THE FOREGOING PLAT TO BE A TRUE AND CORRECT REPRESENTATION OF THE LANDS





#### **Carlos Garza**

From:

Tracy Bluhm <tbluhm68@msn.com>

Sent:

Tuesday, September 8, 2020 4:07 PM

To:

Carlos Garza

Subject:

Variance 1719Redbud

Hello,

I am giving authorization to Juan Fredy Valdez to apply for variance for 1719 Redbud Ave, McAllen TX.

Thank you, Tracy Bluhm

Sent from my iPhone





#### Memo

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

FROM: Planning Staff

**DATE:** October 16, 2020

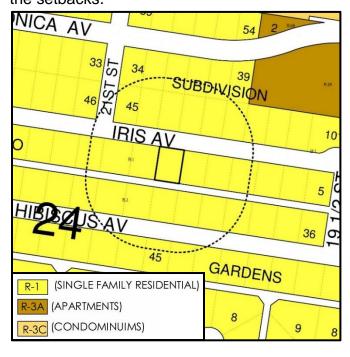
SUBJECT: REQUEST OF NARCISO PALOMERA FOR THE FOLLOWING SPECIAL

EXCEPTION AND VARIANCES TO THE CITY OF McALLEN ZONING ORDINANCE: 1) TO ALLOW AN ENCROACHMENT OF 20 FT. INTO THE 20 FT. FRONT YARD SETBACK FOR A PROPOSED WOODEN CARPORT WITH BRICK COLUMNS MEASURING APPROXIMATELY 20 FT. BY 20 FT., 2) TO ALLOW AN ENCROACHMENT OF 3.25 FT. INTO THE 6 FT. SIDE YARD SETBACK ALONG THE WEST PROPERTY LINE FOR AN EXISTING WOODEN STORAGE BUILDING MEASURING APPROXIMATELY 10 FT. BY 12 FT., AND 3) TO ALLOW AN ENCROACHMENT OF 0.33 FT. INTO THE 10 FT. REAR YARD SETBACK FOR AN EXISTING WOODEN STORAGE BUILDING MEASURING APPROXIMATELY 10 FT. BY 12 FT., AT LOT 11, APOLLO GARDENS SUBDIVISION, HIDALGO COUNTY,

**TEXAS; 2009 IRIS AVENUE. (ZBA2020-0065)** 

#### **REASON FOR APPEAL:**

The applicant is requesting a special exception request in order to allow encroachment into the front yard setback for a proposed wooden carport with brick columns to protect his vehicles from the weather elements. He is also requesting two variance requests to allow encroachments into the rear and side yard setbacks for an existing wooden storage building. The applicant stated that when he bought the subject property in 2000, the house's garage had already been enclosed and the storage building had been built. He mentioned that he was not aware that the storage building was encroaching into the setbacks.





#### PROPERTY LOCATION AND VICINITY:

The subject property is located on the south side of Iris Avenue, 441 ft. west of North 19 ½ Street. The property has 72 ft. of frontage along Iris Avenue and 98 ft. of depth for a lot size of 7,056 sq. ft. The surrounding land use is single-family residence.

#### **BACKGROUND AND HISTORY:**

Apollo Gardens Subdivision was recorded on June 14, 1976. Hidalgo County Appraisal District records show that the residential home was built in 1977 and the storage building was constructed in 2010. However, the applicant stated that the storage had been built before he bought the subject property in 2000. An application for a building permit for the proposed carport was submitted on April 24, 2020, which was disapproved during the building permit review process due to the encroachment into the front yard setback. In September 2020, when the applicant came to the Planning Department to ask about the proposed carport, staff discovered during the conversation that there is a storage building which might be encroaching into the setbacks. The application for a special exception request for the proposed carport and a variance request for the existing storage building was submitted on September 11, 2020.

#### **ANALYSIS:**

Request #1 is for a special exception to allow an encroachment of 20 ft. into the 20 ft. front yard setback for a proposed wooden carport with brick columns measuring approximately 20 ft. by 20 ft. The carport is proposed to be constructed over the existing drive way, attached to the house, and extend to the property line, with no overhang over the street right of way. Front yard setbacks are important in establishing the character of a single-family neighborhood by providing landscaping to enhance the residence and curb appeal of the street view of properties in a subdivision. Carports are not permitted to be located within the front yard setbacks.

Request #2 is for a variance to allow an encroachment of 3.25 ft. into the 6 ft. side yard setback along the west property line for an existing wooden storage building measuring approximately 10 ft. by 12 ft. The applicant stated that the storage building is used to store a lawn mower, a weed eater, exercise equipment, and other general items. The storage building is located at the rear of the property and was built before the applicant bought the subject property in 2000. The storage building's foundation is concrete, making it difficult to relocate the building out of the setback. Storage buildings that are 200 sq. ft. or less in size do not require a building permit, but must respect the zoning district setbacks in which they are located.

Request #3 is for a variance to allow an encroachment of 0.33 ft. into the 10 ft. rear yard setback for an existing wooden storage building measuring approximately 10 ft. by 12 ft. During the site visit, staff noticed that the storage building is 9.67 ft. away from the rear fence; therefore, the applicant asked staff to process request #3 in addition to the original application. The storage building is located at the rear of the property and sits on a concrete foundation, making it difficult to move out of the setbacks.

Approval of the special exception and variance requests will allow the construction of the proposed carport as depicted on the submitted site plan and the storage building to remain. Approval of the building permit application is pending approval of this application.

During the site visit, staff noticed that there are other existing carports and storage buildings in the area that appear to be encroaching into the front, side and rear yard setbacks.

Staff received a letter of opposition to the special exception request on October 16, 2020, from Cassidy Leftwich. Ms. Cassidy's concerns included the consequences of the existing and proposed carports to the neighborhood's character, integrity, safety, and property values.

#### **RECOMMENDATION:**

Staff recommends disapproval of the special exception and variance requests. If the Board chooses to approve the requests, the approval should be limited to the encroachments shown on the submitted site plan.

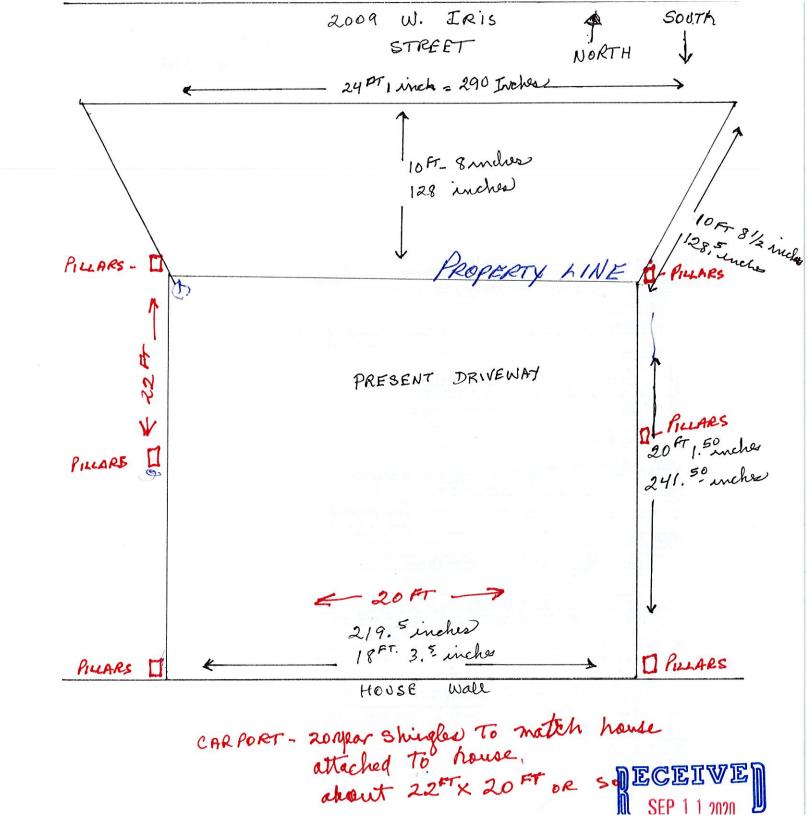
## Planning Department APPEAL TO ZONING BOARD OF

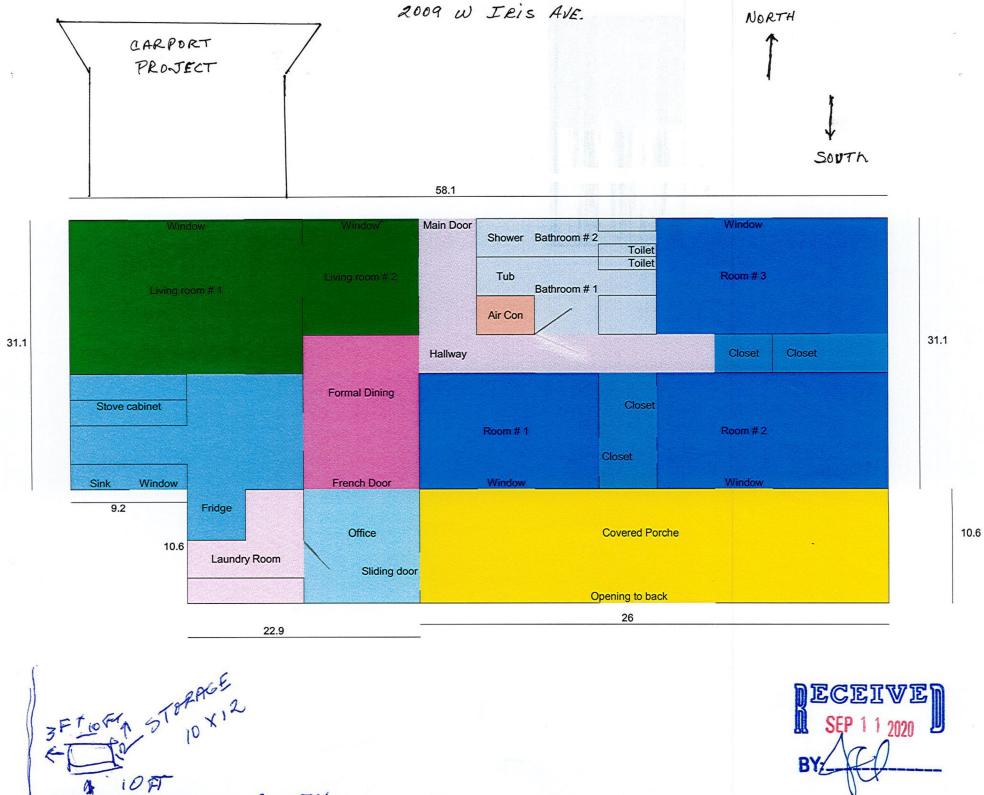
311 North 15th Street McAllen, TX 78501 P. O. Box 220 McAllen, TX 78505-0220 (956) 681-1250 (956) 681-1279 (fax)

ADJUSTMENT TO MCALLEN ZONING ORDINANCE							
	Legal Description <u>Apollo Gordens</u> Lat 11						
Project	Subdivision Name    Apollo   Sorders   Street Address   2009   W. Tris   Ave   Me Alley   Texas-78501     Number of lots   Gross acres   1620     Existing Zoning   R   Existing Land Use   Resedential     Reason for Appeal (please use other side if necessary)   Protest autos, hail Dornage     Presention, match other house with corport similar     \$300.00 non-refundable filing fee + \$						
Applicant	Name Maruso Vaforura Phone  Address 2009 W. Aris Ane E-mail  City Mc allu State tops Zip 78501						
Owner	Name Sane 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  Marriso  Print Name  Marciso  Alometar  Owner  Authorized Agent						
Office	Accepted by Payment received byBpate						

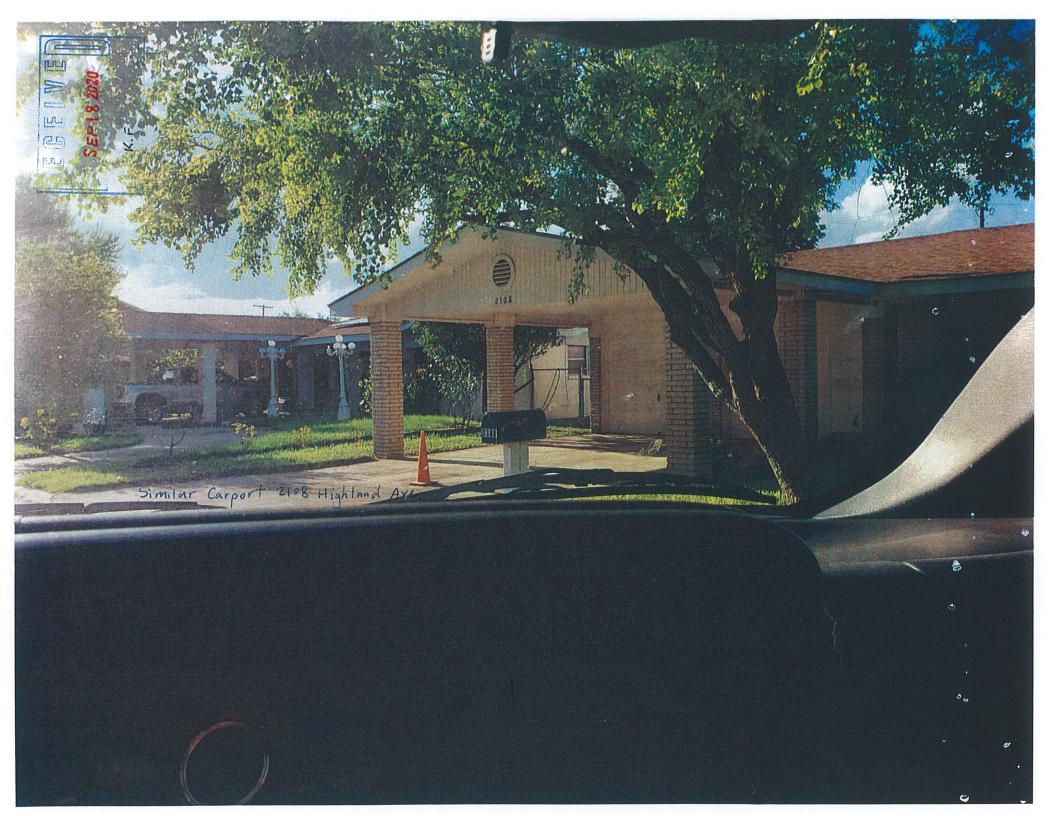
# Planning Department REASON FOR APPEAL & BOARD ACTION

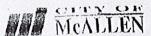
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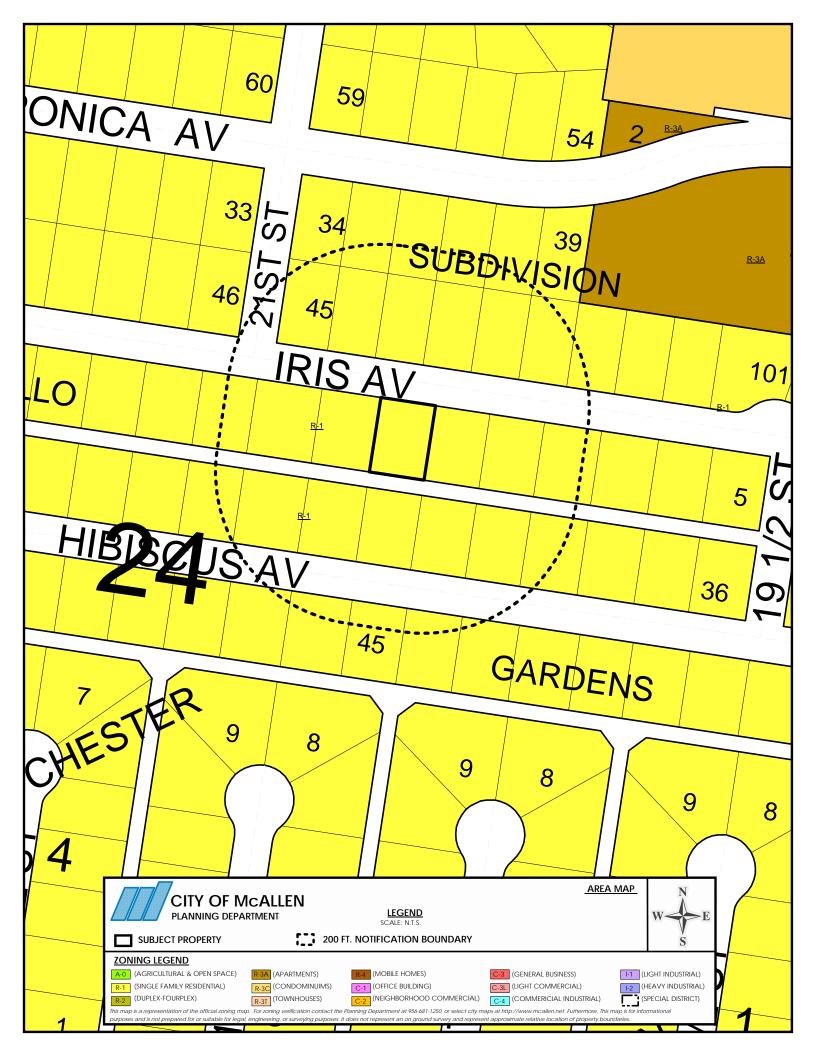




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the foregoing is a true and correct description of the improvement proposed by the undersigned applicant and the applicant states that he will have full authority or same. The turbing parent shall not be held to permit or be an approval of the violation or modification of any provisions of City ordinances, codes, subdivision restrictions of State law or be a wayer by the City of such violation. Alteration changes or deviations from the plans authorized by this permit is unlayful without written authorized in from the Building to be a wayer by the City of such violation. Alteration changes or deviations from the plans authorized by this permit is unlayful without written authorized in from the Building the building are a wayer by the City of such violation. Alteration changes or deviations from the plans authorized by this permit is unlayful without written authorized in from the Building the building are a such assume all responsibility for such inspection. Department. The applicant herby agrees to comply with all City ordinances, codes, subdivision, restrictions and State laws and assume all responsibility for such inspection. The applicant herby agrees to comply with all City ordinances, codes, subdivision, restrictions and State laws and assume all responsibility for such according to the control of the subdivision of the subdivi The west and marked by easis parent is commenced within six months after its issuance or if the work authorized by such permit is suspended or abandoned for six months after its issuance or if the work authorized by such permit is good for one year only.





APPROVED FOR RECORDING APPROVED

WHEREIN MY APPROVAL IS REQUIRED.

THIS PLAT APPROVED BY MIDALBO COUNTY WATER IMPROVEMENT DISTRICT NO. ON THIS 35 DAY OF MALL

I, THE UNDERSIGNED, MAYOR OF THE CITY OF MEALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION RESULATIONS OF THIS CITY

RESISTERED PUBLIC SURVEYOR McAllen , Texas.

FOR RECORDING













### 1916 North 35<sup>th</sup> Street

To remain tabled until the November 4, 2020 meeting

### **Planning Department**

#### Memo

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

FROM: Planning Staff

**DATE:** October 14, 2020

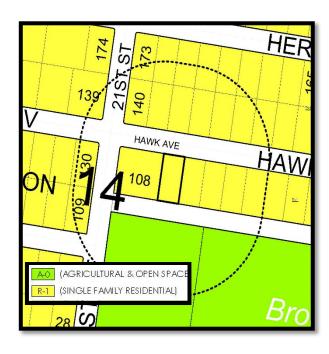
SUBJECT: REQUEST OF DANIEL CONDE JR. FOR THE FOLLOWING SPECIAL

EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: AN ENCROACHMENT OF 18 FT. INTO THE 20 FT. FRONT YARD SETBACK FOR A PROPOSED CARPORT MEASURING 18 FT. BY 24 FT. AT LOT 107, SHADOW BROOK SUBDIVISION, HIDALGO COUNTY, TEXAS; 2021 HAWK AVENUE.

(ZBA2020-0061)

#### **REASON FOR APPEAL:**

The applicant is requesting a variance to encroach 18 ft. into the 20 ft. front yard setback for a proposed carport measuring 18 ft. by 24 ft. The applicant is requesting a metal carport since he suffers from ESRD (End Stage Renal Disease) and his body cannot tolerate extreme heat. This would help his vehicles to be a bit more tolerable as outside temperature are extremely high most of the time.





#### PROPERTY LOCATION AND VICINITY:

The subject property is located on the south side of Hawk Avenue, approximately 100 ft. East of North 21<sup>st</sup> Street. The property has 50 ft. of frontage along Hawk Avenue and a depth of 102.75 ft. with a lot size of 5,137.5 square feet. Surrounding land use are single-family houses, Broadcast Tower and vacant land.

#### **BACKGROUND AND HISTORY:**

Shadow Brook Subdivision Unit 1 was recorded on April 30, 1980. On September 1, 2020 a building application was submitted for a carport. The application for the special exception was submitted on September 8, 2020.

#### **ANALYSIS:**

The request is to allow and encroachment of 18 ft. into the 20 ft. front yard setback for a carport measuring 18 ft. by 24 ft. The standard front yard setback for R-1 Lots is 20 ft.

The front yard setbacks are important in establishing the character of a single-family neighborhood by providing landscaping to enhance the residence and curb appeal of the street view of properties in a subdivision.

There are other existing carports and structures that appear to be encroaching into the front and side yard setback, there are several Variances and Special Exceptions submitted that have been approved (1920,1924,1916,1912,1909,1921,1933 Hawk Avenue) got approved and only one petition got denied (2028 Hawk Avenue).

Should the request be approved, it may encourage other property owners to request a special exception to encroach into the front setback. Approval of the request will allow the construction to be limited to the footprint shown on the site plan.

The Special Exception is compatible with the character of the neighborhood since carports are common in the area and the value of surrounding properties would not be adversely affected.

Staff has not received any phone calls or email in regards to the special exception.

#### **RECOMMENDATION:**

Staff recommends approval of the special exception request.

ZBA2020-0061

### City of McAllen

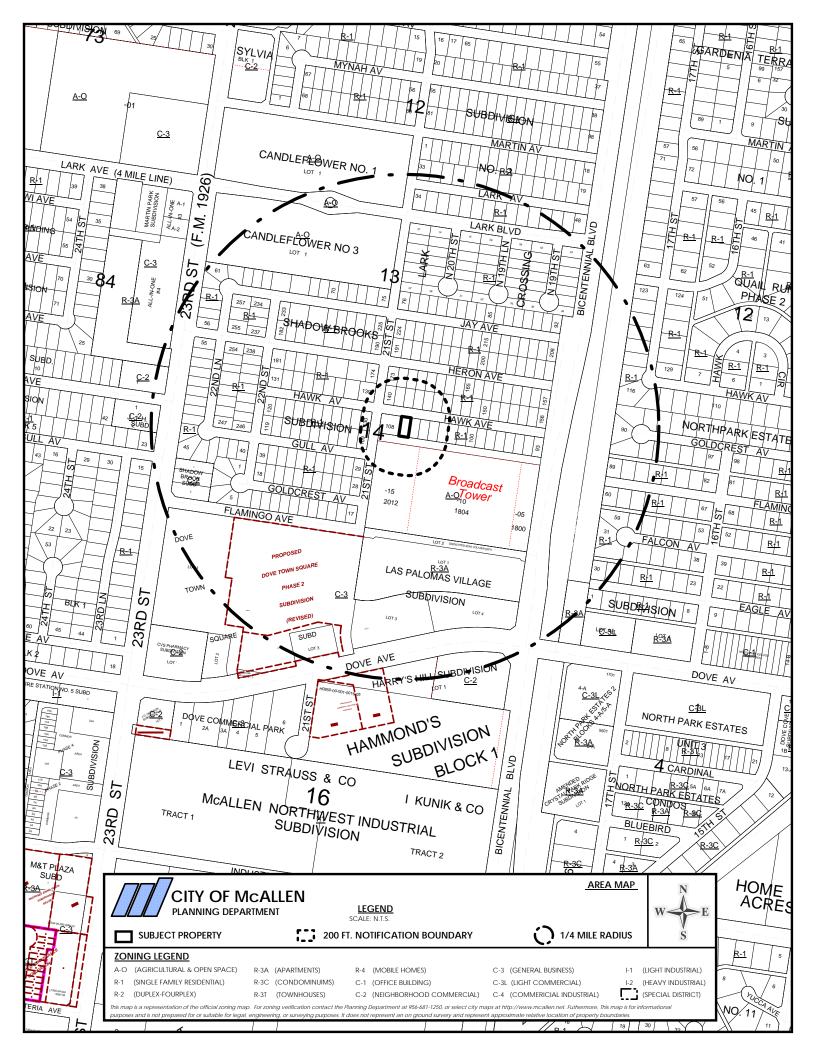
## Planning Department APPEAL TO ZONING BOARD OF

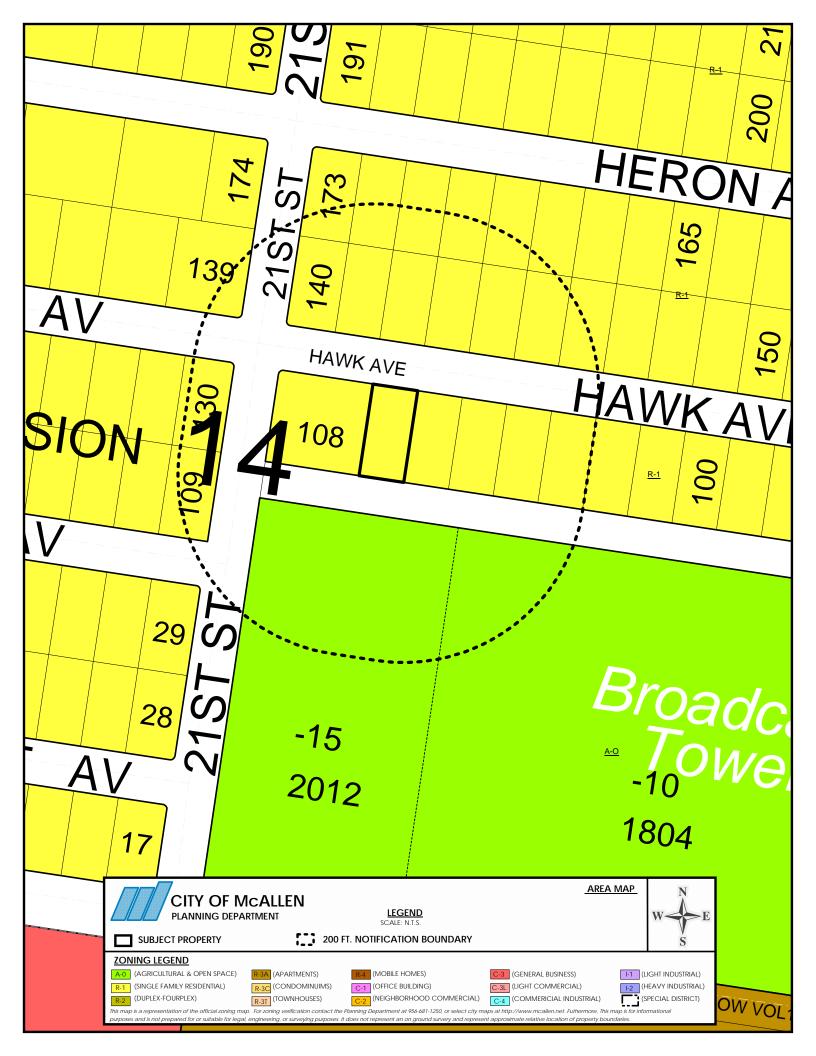
311 North 15th Street McAllen, TX 78501 P. O. Box 220 McAllen, TX 78505-0220 (956) 681-1250 (956) 681-1279 (fax)

ADJUSTMENT TO MCALLEN ZONING ORDINANCE							
	Legal Description Shadow Brook worth + 5 wb. Lot-107						
Project	Subdivision Name  Shadow Brook #1 Lot 107  Street Address  Number of lots Gross acres  Existing Zoning R-1 Existing Land Use Single Family  Reason for Appeal (please use other side if necessary)  Needed for health reasons (see back)  \$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 Daniel Conde Jr  Phone 956-497-5696  Address 2021 Hawk Ave E-mail booke 2021 and com  City Mc Allen State TX Zip 78504						
Owner	Name Same as applicant Phone  AddressE-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  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  Daniel Conde Jr  Date 9-8-20  Print Name  DANIEL Conde Jr  Downer  Authorized Agent						
Office	Accepted by Payment received by Rate SEP 0 8 2020						
R	ВУ: Се						

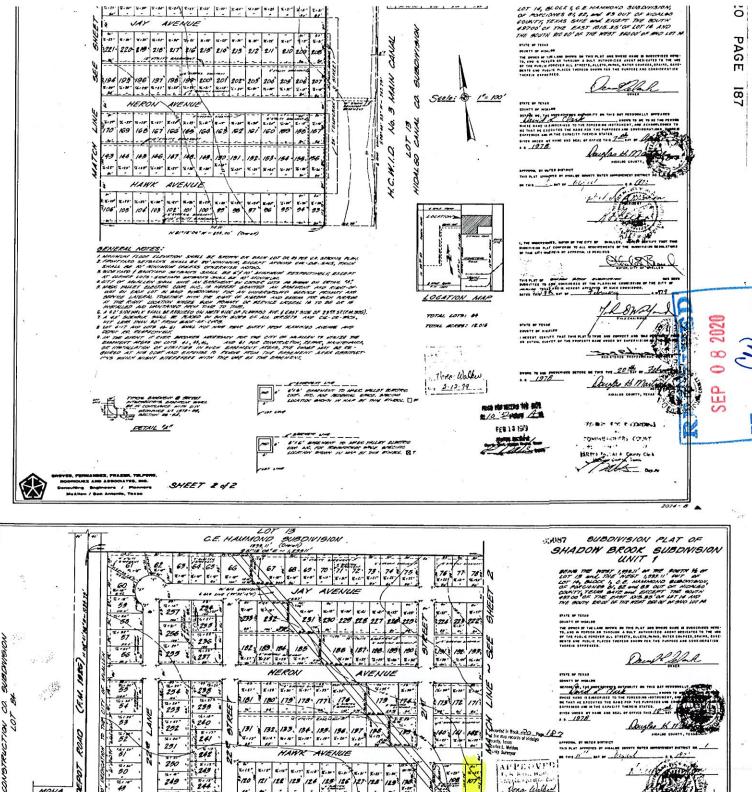
# Planning Department REASON FOR APPEAL & BOARD ACTION

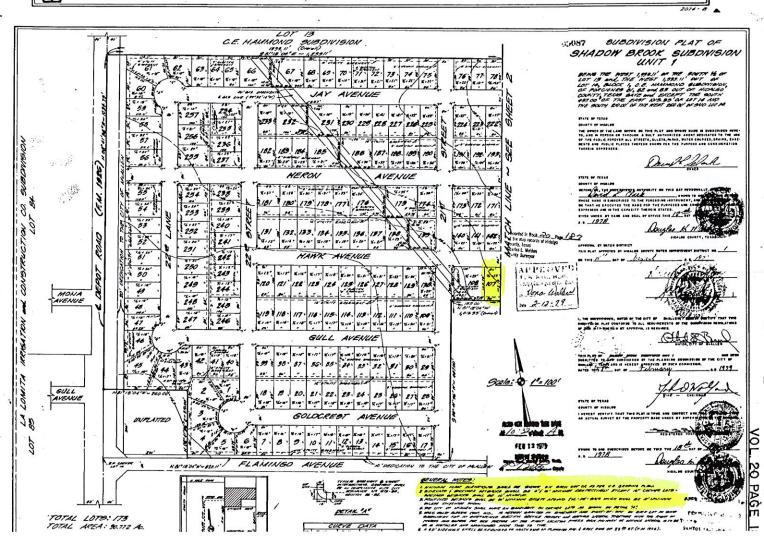
Reason for Appeal	135	Variance requested for a covered carport
	21	mainly for health reasons. I have ESRD
		(End stage Renal Disease) and my body cannot
		mainly for health reasons. I have ESRD (End stage Renal Disease) and my body cannot tolerate extreme heat. Carport will help
	-	Dehides remain a bit cooler as ourtemps.
	10/2	are so high most of the time. We also need a covered carport for
	16.19	We also need a covered carport for
<b>Ze</b>		Vehicle protection from weather elements.
		Vehicle protection from weather elements. Consideration and Acceptance Appreciated.
	- Comple	Thank you.
		State of the Secretary Sec
	0	6 - LOC 1979 197 tom a tom MA Mary 1 1970 assistant   §
		To encroath. 18ht into The
	-1700	To encroath. 18 st into The 20 st front yard set back. For Metal.
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Action	3,10	eta, which would prevent the utilization of the property in the reamon indicated?
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		The Communication of the Commu
	190)	Chairman, Board of Adjustment Date Signature
	Total	See a ser contract to the property of the second of the se
	4.1	Day 40/40
		Rev.10/18

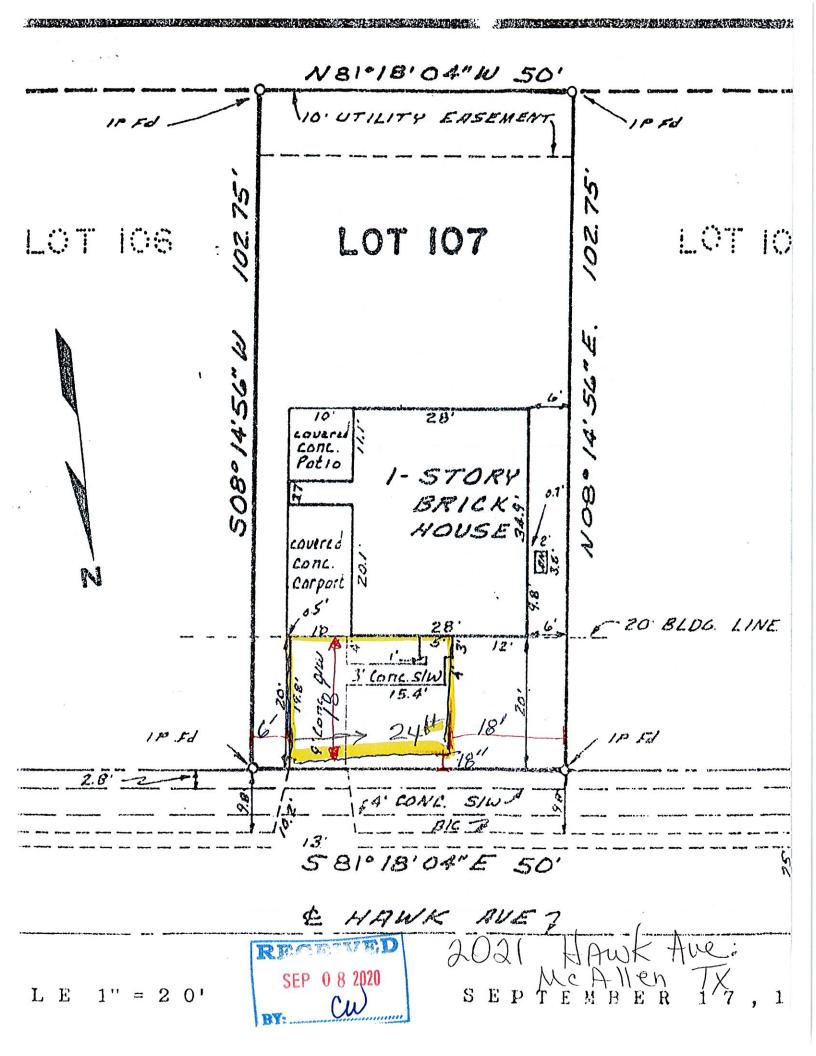














Just Ham



### **Planning Department**

#### Memo

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

**FROM:** Planning Staff

**DATE:** October 16, 2020

SUBJECT: REQUEST OF GERARDO LOPEZ FOR THE FOLLOWING SPECIAL EXCEPTION

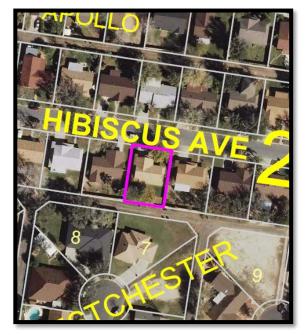
TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 20 FT. INTO THE 20 FT. FRONT YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 20 FT. BY 30 FT., AT LOT 50, APOLLO GARDENS SUBDIVISION, HIDALGO COUNTY, TEXAS; 2113

HIBISCUS AVENUE. (ZBA2020-0051)

#### **REASON FOR APPEAL:**

The applicant is requesting a variance to encroach 20 ft. into the 20 ft. front yard setback for an existing carport measuring 20 ft. by 30 ft. The applicant is requesting that the carport to remain there to protect his cars from vehicle damage.





#### PROPERTY LOCATION AND VICINITY:

The subject property is located on the south side of Hibiscus Avenue, approximately 1,000 ft. west of Bicentennial Boulevard. The property has 70 ft. of frontage along Hibiscus Avenue and a depth of 100 ft. with a lot size of 7,000 square feet. Surrounding land use are single-family houses.

#### **BACKGROUND AND HISTORY:**

Apollo Gardens was recorded on June 14, 1976. On July 31<sup>st</sup>, 2020 a Citation was given for a construction without a permit. On August 3, 2020 an application for a building permit was submitted for a carport. The application for the variance was submitted on August 18<sup>th</sup>, 2020.

#### **ANALYSIS:**

The request is to allow and encroachment of 20 ft. into the 20 ft. front yard setback for a carport measuring 20 ft. by 30 ft. A site visit revealed that the structure is encroaching on the 20 ft. front yard setback.

The front yard setbacks are important in establishing the character of a single-family neighborhood by providing landscaping to enhance the residence and curb appeal of the street view of properties in a subdivision.

There are no other existing carports and structures that appear to be encroaching into the front and side yard setback around the area. During a site visit, staff confirmed there is a garage at the residence.

Should the request be approved, it may encourage other property owners to request a special exception to encroach into the front setback. Approval of the request will allow the construction to remain.

The planning department received a letter of opposition on October 16, 2020 for the proposed carport.

#### **RECOMMENDATION:**

Staff recommends disapproval of the special exception request. If the Board chooses to approve the request, the approval should be limited to the footprint as shown on the site plan.

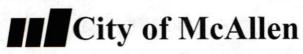
ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING OF SEPTEMBER 17, 2020: At the Zoning Board of Adjustment meeting of September 17, 2020 no one appeared in opposition to the variance request. The Board voted unanimously to table the request in order to allow the applicant time to clarify the measurements on the submitted site plan.

## Planning Department APPEAL TO ZONING BOARD OF

McAllen, TX 78501 P. O. Box 220 McAllen, TX 78505-0220 (956) 681-1250 (956) 681-1279 (fax)

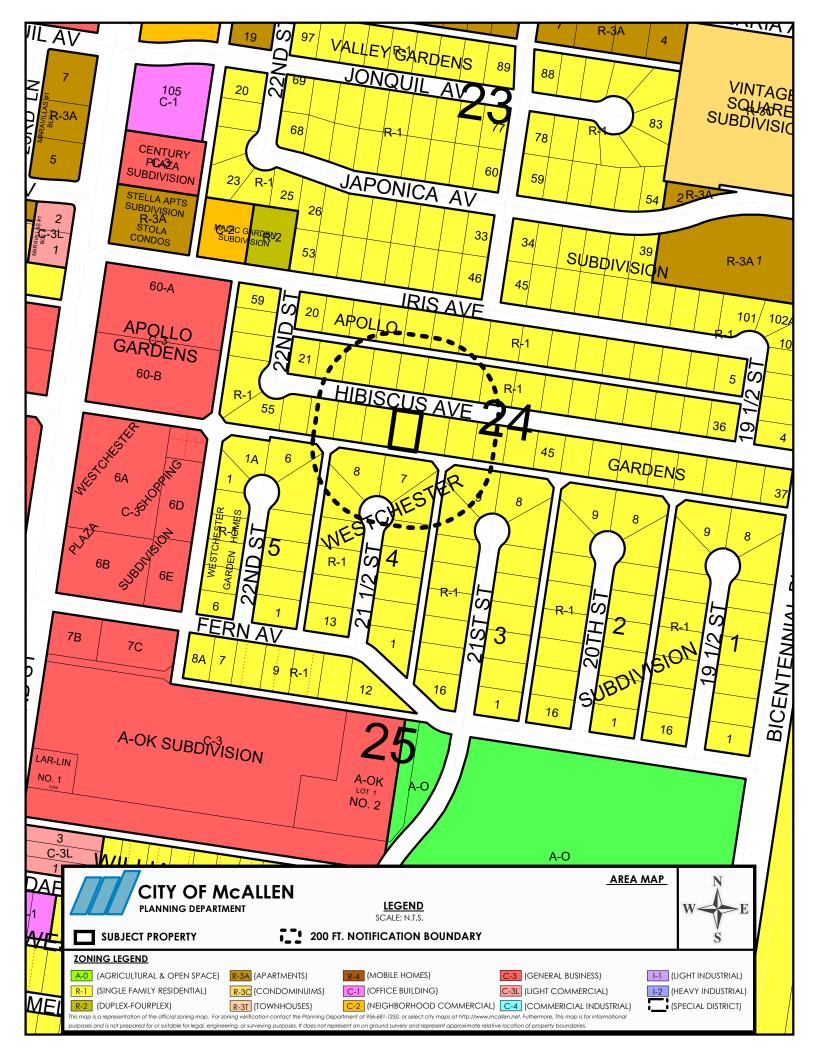
311 North 15th Street

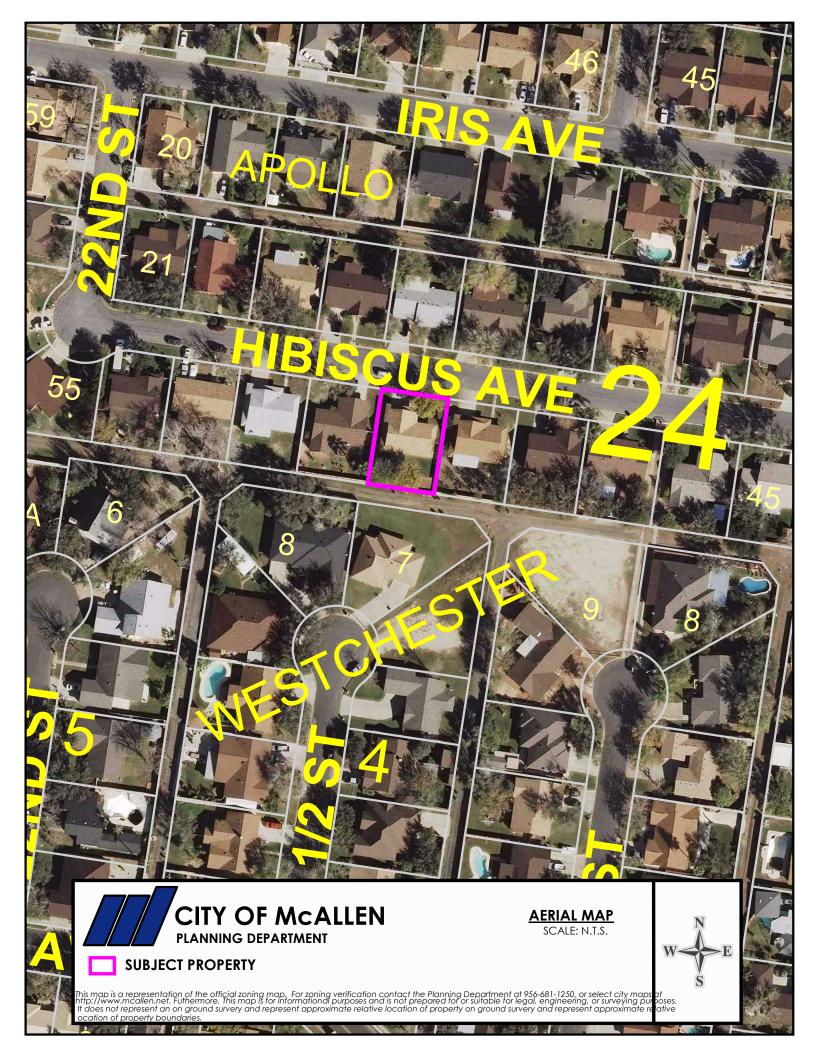
12	ADJUSTMENT TO MCALLEN ZONING ORDINANCE
	Legal Description Apollo Gardons Lot#50
ect	Subdivision Name Street Address  Number of lots  Subdivision Name  Apollu Gurdens  Cross acres
Project	Existing Zoning R-1 Existing Land Use Single Fam. House  Reason for Appeal (please use other side if necessary) State why  to Leep 20x30 Carport. We until de damage
	<ul> <li>         □ \$300.00 non-refundable filing fee + □ \$50.00 Recording Fee for Special Exception (carport)     </li> <li>□ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required     </li> </ul>
Applicant	Name (1 evardo loper Phone (954) 2(2-2867  Address, 2118 Hibi 5CUS Jour. E-mail jlope 21264 o yalvo con City State [X. zip ] 850/
Owner	Name Gerardo Lyper Phone 910) 212-2867 Address 2113 Hibisus Auc E-mail 10 per 21244 a) yah City MGAllen State Tx. Zip 78501
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?  Yes  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  Owner  Authorized Agent
Office	Accepted by LG. Payment received by Date AIIG 1 8 2020 By



# Planning Department REASON FOR APPEAL & BOARD ACTION

REASON FOR APPEAL & BOARD ACTION					
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Board					* -
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	Chairman, Board of Adjustment Signature	T Car	Di	ate	
	9				
	Rev.10/18			Aller Johnson	





## RESIDENTIAL PERMIT APPLICATION

REV. 3/2020

P.O. BOX 220 McALLEN, TEXAS 78505-0220 APPLICATION MUST BE COMPLETE

PERMIT APPLICATION REFERENCE NUMBER 175 2020 -05441

	(Please type or print in black or blue ink)			
) <u> </u>	NAME Michael Morales	PHONE	<u>956</u> 592 6009	
A	ADDRESS 377 Round up Cov.		<u> </u>	
APPLICANT	CITY Edinburg	STATE	TX 211 78539	
Ų₽	CONTACT: NAME:	PHONE		
f	OWNER CONTRACTOR TENANT [	OTHER		
	NAME Terry Lopez	PHONE	<del></del>	
ER	ADDRESS 214 2113 Hibiscus Ave	 *EMAJL		
OWNER	10/2 ///	REQ'D	+1 78501	
Ü	CITY JVICH (LLU)	STATE	17 ZIP 10001	
		*OWN	ER INFORMATION NOT PROVDIED, INITIAL:	
	NEW ADDITION REMODELING REPAIR MOVE	REMOVE	BLDG. HGT. NO. OF FLOORS	
	BLDG HBH NO. PARKING SQ. FT SQ. FT LOT		LOT FLOOR EL FRONT ABOVE CURB	
	existing use OF LOT Residentia USE			
	SCOPE OF WORK TO BE DONE 22 X 28 CAN POS	<u>L</u> .		
	SCOPE OF WORK TO BE DONE 2 LX LO CAMPON	Τ,		
		<del> </del>		
_	RESIDENTIAL NO. OF NO. NO. NEW UNITS BDRMS BATHRMS	SQ. FT NON-LIVII		
끸		NON EIV		
PROJECT	FOUNDATION EXT WALL ROOF  CONCRETE SLAB MASONRY VENEER WOOD SHINGLE CONCRETE PIER MASONRY SOLID COMPOSITION	<u> </u>	UPGRADES/OTHER  ☐ GRANITE COUNTERTOPS ☐ MARBLE TUBS/FLOORS	
	☐ CONCRETE BLOCK ☐ METAL SIDING ☐ METAL ☐ CONCRETE BEAM ☐ COMPOSITION ☐ BUILD UP		☐ CUSTOM WINDOWS	
	□ WOOD POSTS □ WOOD □ CLAY OR CONC	☐ POLYURETHANE INSULATION RETE TILE ☐ OTHER UPGRADES		
			SEPTIC TANK EXISTING OR PROPOSED  YES NO	
	LOT BLOCK SUBDIVISION			
	SITE ADDRESS ST. NO. 2113 ST. NAME HILLS CUS	Ave		
۲	Construction Cost Permit Fee \$ 77.4	14	Rec'd by	
ËON	Value \$ Double Fee \$77		Date 9/3/30	
CITY USE ONLY	Zoning Total Fee \$			
ਹ	Park Development Fee \$	,	Park Zone	

The foregoing is a true and correct description of the improvement proposed by the undersigned applicant and the applicant states that he will have full authority over construction of same. The building permit shall not be held to permit or be an approval of the violation or modification of any provisions of City ordinances, codes, subdivision restrictions of State law or be a waiver by the City of such violation. Alteration changes or deviations from the plans authorized by this permit is unlawful without written authorization from the Building Inspection Department. The applicant herby agrees to comply with all City ordinances, codes, subdivision, restrictions and State laws and assume all responsibility for such compliance. It is understood that the improvements shall not be occupied until a Certificate of Occupancy has been Issued. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance or if the work authorized by such permit is suspended or abandoned for six months after the time of work is commenced. This permit is good for one year only.

Metal roofs and more 1/230@ 9 mail
EMAIL ADDRESS (required) DATE



## RESIDENTIAL PERMIT APPLICATION

REV. 3/2020

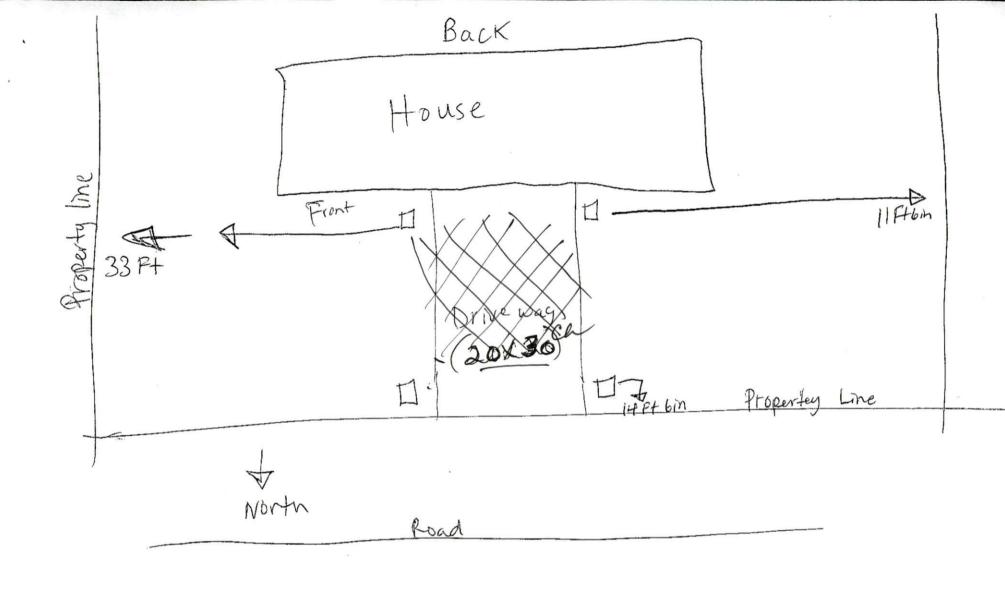
P.O. BOX 220 McALLEN, TEXAS 78505-0220 APPLICATION MUST BE COMPLETE

PERMIT APPLICATION REFERENCE NUMBER 175 2020 -05441

	(Please type or print in black or blue ink)			
) <u> </u>	NAME Michael Morales	PHONE	<u>956</u> 592 6009	
A	ADDRESS 377 Round up Cov.		<u> </u>	
APPLICANT	CITY Edinburg	STATE	TX 211 78539	
Ų₽	CONTACT: NAME:	PHONE		
f	OWNER CONTRACTOR TENANT [	OTHER		
	NAME Terry Lopez	PHONE	<del></del>	
ER	ADDRESS 214 2113 Hibiscus Ave	 *EMAJL		
OWNER	10/2 ///	REQ'D	+1 78501	
Ü	CITY JVICH (LLU)	STATE	17 ZIP 10001	
		*OWN	ER INFORMATION NOT PROVDIED, INITIAL:	
	NEW ADDITION REMODELING REPAIR MOVE	REMOVE	BLDG. HGT. NO. OF FLOORS	
	BLDG HBH NO. PARKING SQ. FT SQ. FT LOT		LOT FLOOR EL FRONT ABOVE CURB	
	existing use OF LOT Residentia USE			
	SCOPE OF WORK TO BE DONE 22 X 28 CAN POS	<u>L</u> .		
	SCOPE OF WORK TO BE DONE 2 LX LO CAMPON	Τ,		
		<del> </del>		
_	RESIDENTIAL NO. OF NO. NO. NEW UNITS BDRMS BATHRMS	SQ. FT NON-LIVII		
끸		NON EIV		
PROJECT	FOUNDATION EXT WALL ROOF  CONCRETE SLAB MASONRY VENEER WOOD SHINGLE CONCRETE PIER MASONRY SOLID COMPOSITION	<u> </u>	UPGRADES/OTHER  ☐ GRANITE COUNTERTOPS ☐ MARBLE TUBS/FLOORS	
	☐ CONCRETE BLOCK ☐ METAL SIDING ☐ METAL ☐ CONCRETE BEAM ☐ COMPOSITION ☐ BUILD UP		☐ CUSTOM WINDOWS	
	□ WOOD POSTS □ WOOD □ CLAY OR CONC	☐ POLYURETHANE INSULATION RETE TILE ☐ OTHER UPGRADES		
			SEPTIC TANK EXISTING OR PROPOSED  YES NO	
	LOT BLOCK SUBDIVISION			
	SITE ADDRESS ST. NO. 2113 ST. NAME HILLS CUS	Ave		
۲	Construction Cost Permit Fee \$ 77.4	14	Rec'd by	
ËON	Value \$ Double Fee \$77		Date 9/3/30	
CITY USE ONLY	Zoning Total Fee \$			
ਹ	Park Development Fee \$	,	Park Zone	

The foregoing is a true and correct description of the improvement proposed by the undersigned applicant and the applicant states that he will have full authority over construction of same. The building permit shall not be held to permit or be an approval of the violation or modification of any provisions of City ordinances, codes, subdivision restrictions of State law or be a waiver by the City of such violation. Alteration changes or deviations from the plans authorized by this permit is unlawful without written authorization from the Building Inspection Department. The applicant herby agrees to comply with all City ordinances, codes, subdivision, restrictions and State laws and assume all responsibility for such compliance. It is understood that the improvements shall not be occupied until a Certificate of Occupancy has been Issued. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance or if the work authorized by such permit is suspended or abandoned for six months after the time of work is commenced. This permit is good for one year only.

Metal roofs and more 1/230@ 9 mail
EMAIL ADDRESS (required) DATE

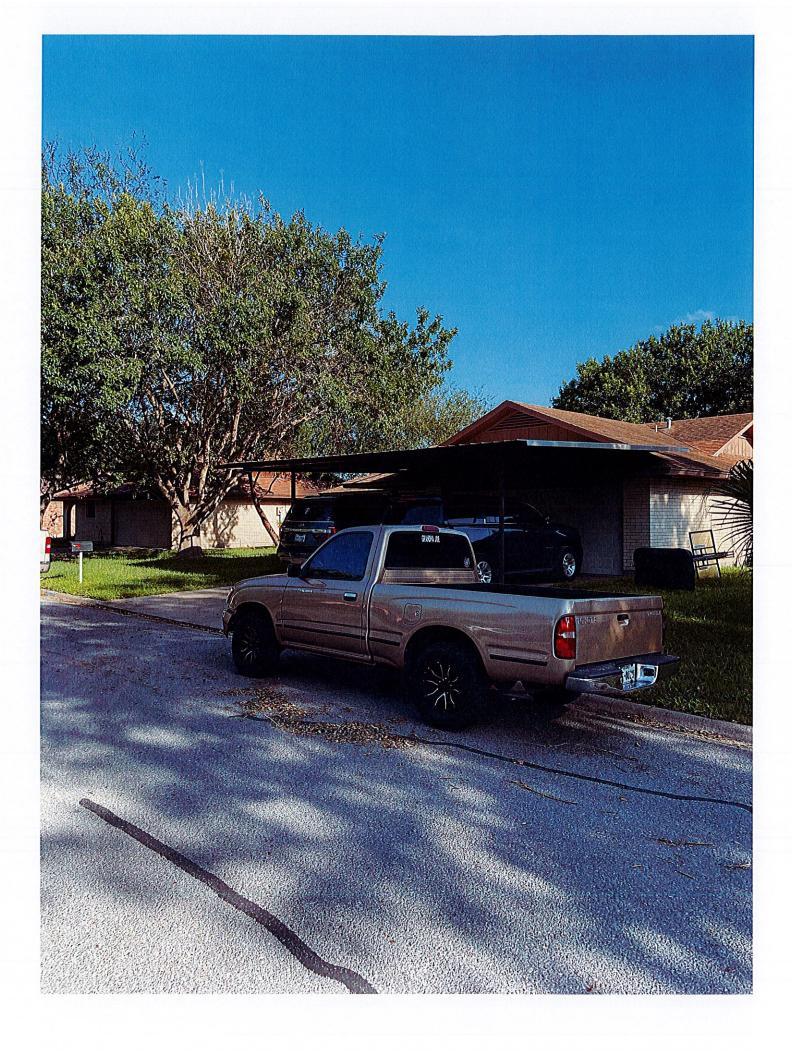




## **INSPECTIONS REQUEST FOR SERVICE**

CASE NUME	BER .					
BLD2020-00	332					
DATE 07/31/2020						
CASE OF A	DDRESS					
2113 HIBISO	CUS Ave	*	•			
DETAILED [	DESCRIPTION	••	]			
carport witho	out a permit	<u>-</u>	•			
			1			
INSPECTIO	N RESULTS					
Insp. Date	Ins. Type	Request 0	Comments	Result Comments	Result	Inspector
07/31/2020	Investigate	carport wit	hout a permit	Issued citation #26356 to Mr.Lopez on site. Please see attached picture.	Posted SWO - Citation	Robert Rodriguez

SIGNATURE OF INSPECTOR



## **Hidalgo CAD**

#### Property Search > 118597 LOPEZ GERARDO & CARLA Tax Year: 2020 for Year 2020

## **Property**

**Account** 

Geographic ID:

Property ID: 118597

Legal Description: APOLLO GARDENS LOT 50

A5500-00-000-0050-00 Zoning: RS

Type: Real

Property Use Code: Property Use Description:

(+) Land Homesite Value:

Location

Address: 2113 HIBISCUS AVE

MCALLEN, TX

Neighborhood: **APOLLO GARDENS** 

Neighborhood CD: A550000

Map ID:

Mapsco:

Agent Code:

CML VOL 19 PG 122

**Owner** 

Name: LOPEZ GERARDO & CARLA Owner ID:

Mailing Address: 2113 HIBISCUS AVE

MCALLEN, TX 78501-6029

% Ownership:

100.0000000000%

529165

Exemptions: HS

\$33,600

#### **Values**

(+) Improvement Homesite Value: \$73,646 (+) Improvement Non-Homesite Value: +

\$0

(+) Land Non-Homesite Value: \$0 Ag / Timber Use Value

\$0 \$0 (+) Agricultural Market Valuation:

(+) Timber Market Valuation: \$0 \$0 +

(=) Market Value: \$107,246 =

(–) Ag or Timber Use Value Reduction: \$0

(=) Appraised Value: \$107,246 =

(-) HS Cap: \$312

(=) Assessed Value: \$106,934

#### **Taxing Jurisdiction**

Owner: **LOPEZ GERARDO & CARLA** 

% Ownership: 100.000000000%

Total Value: \$107,246

Entity	Description	Tax Rate	<b>Appraised Value</b>	Taxable Value	Estimated Tax
CAD	APPRAISAL DISTRICT	0.000000	\$107,246	\$106,934	\$0.00
CML	CITY OF MCALLEN	0.495677	\$107,246	\$106,934	\$530.05
DR1	DRAINAGE DISTRICT #1	0.105100	\$107,246	\$106,934	\$112.39
GHD	HIDALGO COUNTY	0.575000	\$107,246	\$106,934	\$614.87
JCC	SOUTH TEXAS COLLEGE	0.173300	\$107,246	\$106,934	\$185.32
R12	ROAD DIST 12	0.000000	\$107,246	\$106,934	\$0.00
SML	MCALLEN ISD	1.152800	\$107,246	\$81,934	\$944.54
SST	SOUTH TEXAS SCHOOL	0.049200	\$107,246	\$106,934	\$52.61
	Total Tax Rate:	2.551077			
				Taxes w/Current Exemptions:	\$2,439.78
				\$2,735.93	

## Improvement / Building

Improvement #1:	RESIDENTIAL State Code:	A1 Liv		1346.0 sqft	<b>Value:</b> \$73,646
Туре	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	BRKFA - 6P	DBRK	1976	1346.0
GAR	GARAGE	*		1976	484.0
POR	PORCH (COVERED)	*		1976	90.0
PAT	PATIO	*		1976	117.0
CAN	CANOPY	*		2012	160.0

## Land

#	Туре	Description	Acres	Sqft	<b>Eff Front</b>	<b>Eff Depth</b>	Market Value	Prod. Value
1	L	LOT	0.1607	7000.00	70.00	100.00	\$33,600	\$0

## **Roll Value History**

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2021	N/A	N/A	N/A	N/A	N/A	N/A
2020	\$73,646	\$33,600	0	107,246	\$312	\$106,934
2019	\$67,072	\$33,600	0	100,672	\$3,459	\$97,213
2018	\$58,625	\$29,750	0	88,375	\$0	\$88,375
2017	\$60,503	\$25,200	0	85,703	\$0	\$85,703
2016	\$62,382	\$25,200	0	87,582	\$1,511	\$86,071
2015	\$57,246	\$21,000	0	78,246	\$0	\$78,246
2014	\$52,887	\$21,000	0	73,887	\$0	\$73,887
2013	\$52,887	\$21,000	0	73,887	\$0	\$73,887
2012	\$52,487	\$21,000	0	73,487	\$0	\$73,487
2011	\$50,383	\$21,000	0	71,383	\$0	\$71,383
2010	\$50,383	\$21,000	0	71,383	\$0	\$71,383
2009	\$50,381	\$21,000	0	71,381	\$0	\$71,381
2008	\$50,381	\$21,000	0	71,381	\$0	\$71,381
2008	\$50,381	\$21,000	0	71,381	\$0	\$71,3

2007 \$0 \$50,656 \$21,000 71,656 \$71,656

## **Deed History - (Last 3 Deed Transactions)**

#	Deed Date	Туре	Description	Grantor	Grantee	Volume	Page	Deed Number
1	8/19/2003	WDV	WARRANTY DEED/VENDORS LIEN	CALLAHAN JOHN W & ORALIA	LOPEZ GERARDO & CARLA			1233623
2	11/28/2000	GFD	GIFT DEED	CALLAHAN ORALIA & JOHN SURVIVORSHIP	CALLAHAN JOHN W & ORALIA			923831
3	8/16/2000	GFD	GIFT DEED	CALLAHAN JOHN W MD	CALLAHAN ORALIA & JOHN SURVIVORSHIP			896977

#### Tax Due

Property Tax Information as of 10/01/2020

Amount Due if Paid on:



Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Penalty & Interest	Attorney Fees	Amount Due	I
------	------------------------	------------------	-------------	-----------------------	-----------------	----------------------------------	------------------	---------------	---

NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

Questions Please Call (956) 381-8466.

Website version: 1.2.2.31

Database last updated on: 9/30/2020 9:11 PM

© N. Harris Computer Corporation

#### To Whom It May Concern:

I am opposed to the granting of a variance for the structure located at 2113 Hibiscus Ave. and the structure at 2009 Iris Ave. Hibiscus did not get a permit and the structure was put up very quickly and doesn't look to be too secure if a big storm comes. There are no other houses on the street that have a front structure and it makes the neighborhood look worse. Now there is another one that has put up big huge poles in the front and they will be right behind this one if it gets approved.

I also found out there is one that wants to add a carport on Iris Street and that street doesn't have front yard structures either. The neighborhood is a nice older neighborhood, but all of these front yard structures will detract from its charm and integrity and can impact property values. There is even a house between these two pictured below that works on cars on the street and has put up a portable plastic tent on the street temporarily. I have moved into this neighborhood recently and really hope we don't start to have a lot of irregular structures that detract from the street view.



2113 Hibiscus



2001 Hibiscus

Sincerely,

Cassidy Leftwich
Cassidy Leftwich



## **Definitions**

## **Table of Contents**

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6

#### **Chapter 138-Zoning**

Sec. 138-1. - Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Footnotes:

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

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

#### **Chapter 110-Vegetation**

Sec. 110-26. - Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### CRITERIA FOR ZBOA DETERMINATIONS

#### **APPEALS**

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

### SPECIAL EXCEPTIONS

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

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

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

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

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

#### **VARIANCES**

Authorized only when ALL of the following applies:

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

## Exceptions Cited within the Zoning Ordinance

## Exceptions pertaining to front yard setbacks:

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

## Exceptions pertaining to rear yard setbacks:

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

## Exceptions pertaining to side yard setbacks:

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

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

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

## Exceptions as per Planning Department Policy

## By policy the following are permitted:

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

## Legal opinions:

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

#### ZONING BOARD OF ADJUSTMENT AND APPEALS

#### RULES AND PROCEDURES

#### CITY OF MCALLEN

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

#### I. ORGANIZATION AND OFFICERS

#### A. Members

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

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

#### B. Officers

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

#### C. Duties and Officers

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

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

### II. POWERS OF THE BOARD

#### A. General Powers

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

#### B. Specified Powers

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

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

#### III. DUTIES OF BOARD MEMBERS

#### A. General Duties of Members

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

#### B. Disqualification/Conflict of Interest

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

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

## IV. <u>A BASIS FOR ACTION</u>

The Board shall decide each case based on the following:

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

## V. <u>APPLICANTS</u>

#### A. Legally Vested Interest

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

#### B. Applications

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

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

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

#### C. Meetings

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

#### D. Evidence

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

## VI. HARDSHIP

- A. For an "unnecessary hardship" to apply to a variance, it must relate to the very property for which the variance is sought and be a condition unique, oppressive, and uncommon to other properties. An unnecessary hardship may not be self-created, or be solely financial.
- B. "Hardship" must be based on hardship resulting from sharp changes in topography or unusual terrain features. The applicant may prove the topography with a plot plan which includes topographic information related to known base points or surveys, and profiles or particular problems involved, including relationships to topographic features of adjoining properties.
- C. There is no unnecessary hardship if the property is suitable and useable for the uses permitted in the district in which it lies, although there will be a loss of profit or other economic disadvantage on account of such use.

## VII. <u>MEETINGS</u>

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

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

#### B. Quorum

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

#### C. Regular Meetings

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

### D. Special Meetings

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

#### E. Order of Business

The usual order of business shall be:

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

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

#### F. Staff Recommendations

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

#### G. Action by the Board

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

#### H. Minutes of the Board

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

## VIII. DECISIONS OF THE BOARD

#### A. Precedent

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

#### B. Public Statements

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

#### B. Parliamentary Procedure

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

#### IX. WITHDRAWAL OF APPEAL

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

## X. <u>ATTENDANCE</u>

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

## XI. AMENDEMENT PROCEDURE

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

Adopted this	day of		2014 as	affirmed	by	the
designated Executive Se	ecretary assigned by the Plan	ning Department of the C	ity of McA	Ilen.		
						,
TT						
Executive Secretary						

#### **ORDINANCE NO. 2018-70**

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

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

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

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

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

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

## Sec. 138-371. - Special Exception for carports.

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

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

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

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

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

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

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

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

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

CITY OF MCALLEN

John Ingram, dity Commissioner

Attest:

Perla Lara, TRMC/CMC, CPM

City Secretary

Approved as to form:

Austin W. Stevenson, Assistant City Attorney



## **PLANNING DEPARTMENT**



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

# **2020 CALENDAR**

A Pu	Meetings: City Commission Public Utility Board PC - Historic Preservation Council  Meetings: Planning & Zoning Board Zoning Board of Adjustment CENSUS					Deadlines: D- Zoning/CUP Application N - Public Notification * Holiday - Office is closed							
		JA	NUARY 2	020					FEBI	RUARY	2020		
Sun	Mon	Tu	e Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
			HOLIDAY	2	3	4							1
5	6	7	8 D-2/4 & 2/5	9 CENSUS	10	11	2	3	4	5 D-3/3 & 3/4	6 CENSUS	7	8
12	13 A-2/4 & 2/5	14	15 N-2/4 & 2/5	16	17	18	9	10 A-3/3 & 3/4	11	12 N-3/3 & 3/4	13	14	15
19	20	21	22 HPC D-2/18 & 2/19	23	24	25	16	17	18	19 D-3/17 & 3/18	20	21	22
26	A-2/18 & 2/19	28	N-2/18 & 2/19	30	31		23	A-3/17 & 3/18	25	26 <b>HPC</b> N-3/17 & 3/18	27	28	29
			IARCH 2(							RIL 20			T
Sun	Mon 2	Tu	e Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
1		3	D-4/1 & 4/7	CENSUS	6	/				D-5/5 & 5/6	CENSUS		4
8	9 A-4/1 & 4/7	10	N-4/1 & 4/7	12	13	14	5	6 A-5/5 & 5/6	7	8 N-5/5 & 5/6	9	HOLIDAY	11
15	16	17	18 D-4/15 & 4/21	19	20	21	12	13	14	15 D-5/19 & 5/20	16	17	18
22	23 A-4/15 & 4/21	24	25 HPC N-4/15 & 4/21	26	27	28	19	20 A-5/19 & 5/20	21	22 <b>HPC</b> N-5/19 & 5/20	23	24	25
29	30	31					26	27	28	29	30		
			<b>MAY 202</b>	0					Л	NE 202	20		
Sun	Mon	Tu	e Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
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3	4	5	6 D-6/2 & 6/3	7 CENSUS	8	9		A-7/1 & 7/7	9	10 N-7/1 & 7/7	11	12	13
10	11 A-6/2 & 6/3	12	13 N-6/2 & 6/3	14	15	16	14	15	16	17 D-7/15 & 7/21	18	19	20
17	18	19	20 D-6/16 & 6/17	21	22 A-6/16 & 6/17	23	21	22 A-7/15 & 7/21	23	24 <b>HPC</b> N-7/15 & 7/21	25	26	27
24 31	HOLIDAY	26		28	29	30	28	29	30				
	es and Meetin	g Dates	are subject to cha	nge at any tir	me. Please o	contact th	e Plannin	g Department	at (956) 681	-1250 if you h	ave any que	stions.	



## **PLANNING DEPARTMENT**



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

# **2020 CALENDAR**

City Commission  Public Utility Board  HPC - Historic Pres Council  Sun Mon Tue  1  A-8/4 & 8/5  12  13  14  15			Meetings:	Zoning B	& Zoning oard of Adju		Deadlines: D- Zoning/CUP Application N - Public Notification  * Holiday - Office is closed												
		JU	JLY 202			AUGUST 2020													
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat						
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5		7	8 N-8/4 & 8/5	9	10	11	2	3	4	5 D-9/1 & 9/2	6 CENSUS	7	8						
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19	20 A-8/18 & 8/19	21	22 <b>HPC</b> N-8/18 & 8/19	23	24	25	16	17	18	19 D-9/16 & 9/17	20	21	22						
26	27	28	29	30	31		23 30	A-9/16 & 9/17	25	26 <b>HPC</b> N-9/16 & 9/17	27	28	29						
		SEPTI	DMBBR	2020			OCTOBER 2020												
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6	7 HOLIDAY	8	9 N-10/6 & 10/7	10	11	12	4	5	6	7 D-11/3 & 11/4	8	9	10						
13	14 A-10/6 & 10/7	15	16 D-10/20 & 10/21	17	18	19	11	12 A-11/3 & 11/4	13	14 N-11/3 & 11/4	15	16	17						
	21 A-10/20 & 10/21	22	23 <b>HPC</b> N-10/20 & 10/21	24	25	26	18	19	20	21 D-11/17 & 11/18	22	23	24						
27	28	29	30				25	A-11/17 & 11/18		28 <b>HPC</b> N-11/17 & 11/18	29	30	31						
		NOVE	MBER	2020				DECE	MBER	2020									
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat						
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	9 A-12/1 & 12/2	10	11 N-12/1 & 12/2	12	13	14	6	7 A-1/5 & 1/6	8	9 N-1/5 & 1/6	10	11	12						
15	16	17	18 D-12/16 & 12/17	19	20	21	13	14	15	16 D-1/19 & 1/20	17	18	19						
	23 A-12/16 & 12/17	24	25 N-12/16 & 12/17	HO <sup>LIDAY</sup>	27	28	20	21 A-1/19 & 1/20	22	23 N-1/19 & 1/20	HOLIDAY		26						
29	30						27	28	29	30	31								
Deadline	s and Meeting	g Dates are	subject to cha	nge at any tii	me. Please d	ontact the	e Plannin	g Department	at (956) 681	-1250 if you h	ave any que:	stions.							

## 2020 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

	01/15/20	02/02/0	02/19/20	03/04/20	03/18/20	04/01/20	04/15/20	02/06/20	05/20/20	06/03/20	06/17/20	07/01/20	07/15/20	08/02/20	08/19/20	09/02/20	09/17/20	10/07/20	10/21/20	11/04/20	11/18/20	12/02/20	12/17/20
ERICK DIAZ-VICE-CHAIRPERSON	Р	Р	MM	Р	MM	Ь	Р	МИ	Α	Р	Р	Р	Р	Р	Ь	loq	Ь	Р					
SYLVIA HINOJOSA	Р	Ρ	NM	Р	NM	Α	Α	NM	Α	Ρ	Р	Α	Р	Α	Р	loq	Р	Р					
DAVID SALINAS-CHAIRPERSON	Р	Р	MM	Р	NM	Р	Р	МИ	Р	Р	Р	Р	Р	Р	Р								
JOHN MILLIN, III	Α	Α	NM	Р	NM	Р	Р	MM	Р	Α	Р	Р	Р	Р	Р	loq	Р	Р					
SONIA FALCON	Α	Р	NM	Α	NM	Α	Α	NM	Α	Р	Α	Α	Р	Р	Α	loq	Р						
JOSE R. GUTIERREZ	Р	Р	MM	Р	MM	Р	Р	ММ	Р	Р	Р	Р	Р	Р	Р	loq	Р	Р					
JUAN F. JIMENEZ	Р	Р	MM	Р	MM	Р	Α	ММ	Р	Α	Р	Α	Р	Α	Р	loq	Α	Р					
HUGO AVILA (ALT 1)																	Р	Р					
ROGELIO RODRIGUEZ(ALT 2)																	Р	Р					
REBECCA MILLAN (ALT 3)																	Р	Р					

P - PRESENT

A - ABSENT

NEW APPOINTMENT

**MC - MEETING CANCELLED** 

**NRM - NO MEETING** 

**LOQ - LACK OF QUORUM** 

**RS - RESIGNATION**