AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING
WEDNESDAY, OCTOBER 21, 2026 - 4:30 PM
MCALLEN CITY HALL, 1300 HOUSTON AVENUE
CITY COMMISSION CHAMBERS, 3RD FLOOR

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

CALL TO ORDER -

1. MINUTES:

a) Minutes for the meeting held on October 7, 2026

2. PUBLIC HEARINGS:

a) Request of David Hovar for a variance to allow an encroachment of 1 ft. 2 in. into the required 6 ft. side setback and 2 ft. 11 in. into the required 10 ft. rear setback for a pool at Lot 31, Heritage Manor No. 2 Subdivision (Amended), Hidalgo County, Texas; 4501 North 5th Street. **(ZBA2026-0043)**

b) Request of Michael D. Hovar for a variance to allow an encroachment of 7 ft. into the required 10 ft. side setback for a porch at 1.34 Acre tract of land out of the east portion of Lot 25, Wayne Court Subdivision Extended, Hidalgo County, Texas; 500 Harvey Drive. **(ZBA2026-0044)**

c) Request of Frank Treviño for a variance to allow an encroachment of 3 ft. into the 10 ft. side setback for a room addition at Lot 23, Orangewood East Subdivision, Hidalgo County, Texas; 925 East Sundown Drive. **(ZBA2026-0041)**

d) Request of Martin Mendoza, on behalf of Casso Construction, L.L.C., for a variance to allow an encroachment of 3 ft. into the 25 ft. front setback for a porch at Lot 75, Idela Park Unit 2 Subdivision, Hidalgo County, Texas; 3024 Judith Avenue. **(ZBA2026-0042)**

3. FUTURE AGENDA ITEMS

a) 4500 Kiwi Avenue

ADJOURNMENT:

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

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, October 7, 2026, 2026 at 4:32 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	**Jose Gutierrez**	**Chairperson**
	Hiram Gutierrez	**Member**
	Daniel Santos	**Member**
	Ivan Garcia	**Member**
	Alex Lamela	**Member**
	Juan Mujica	**Alternate**
Absent:	**Erick Diaz**	**Alternate**
	Francisco Davila	**Alternate**
Staff Present:	**Michelle Rivera**	**Deputy City Manager**
	Norma Borrego	**Assistant City Attorney I**
	Omar Sotelo	**Planning Director**
	Kaveh Forghanparast	**Senior Planner**
	Alexa Martinez	**Planner I**
	Jessica Puga	**Technician II**
	Carmen White	**Administrative Assistant**

CALL TO ORDER –Chairperson Jose Gutierrez

1. **MINUTES:**

a) Minutes for meeting held on September 9, 2026.

The minutes for the meeting held on September 9, 2026. The motion to approve the minutes were made by Mr. Juan Mujica. Mr. Alex Lamela seconded the motion, which carried unanimously with five members present and voting.

2. **PUBLIC HEARINGS:**

a) Request of Ramon Almaguer, on behalf of Monarca Capital Lending LLC, for a variance to allow a 10-foot front yard setback instead of the required 25 feet, for Lots 1-5, Newport Subdivision, Hidalgo County, Texas; 1317, 1321, 1325, 1329, and 1333 South 18th Street. **(ZBA2026-0040)**

Ms. Trevino stated the applicant was requesting a variance to allow 10-foot front setbacks for Lots 1-5 of Newport Subdivision. The applicant intends to build duplexes on the vacant lots.

The subject properties are located on the northeast corner of Newport Avenue and South Bicentennial Boulevard. The surrounding land uses include mostly single-family residences.

Newport Subdivision was recorded on November 16, 1960. According to the plat notes, the subject properties front yard setbacks are 25 feet. The property is currently going through a

rezoning to the new R-2 (Medium Density Residential-UDC) District.

The subject properties will contain either a one or a two-story duplex according to the applicant. The property does not have access to South Bicentennial Boulevard, instead access will be through the alley that will be required to be paved to and through.

During staff site visit, staff noticed multiple properties with existing front setback less than the minimum required front setback.

As per Section 6.4.1.F., the Zoning Board of Adjustment shall not approve a variance unless it finds that:

a. The variance is not contrary to the public interest;
b. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
c. The spirit of the varied provision is observed and substantial justice is done.

Staff had received any phone calls, emails or letters in opposition to this request.

Staff recommended approval since the request was compatible with the character of the neighborhood and the lots will not have access to South Bicentennial Boulevard.

The applicant was present and there were people were present to speak against the item.

Board member Mujica asked if the property was considered a double frontage. Staff stated no, there was an alley so it was Bicentennial Boulevard, the subdivision, the alley and then 17th ½ Street.

Mr. Ramon Almaguer, applicant and representative for the owners of 1317, 1321, 1325, 1329 and 1333 South 18th Street. the idea or rather the requirement for change in Cedards was rather because we are making a different proposal, instead of making accesses through the 5 lots for the bicentennial I am proposing to leave as if it were the back, the back of the apartments towards the Bicentennial Boulevard so that there are no less risks of the traffic issue that everything is handled on the side of the alley, in this case the alley would be practically new because it is in bad condition and instead of 20 feet it would be 24 feet according to the requirements of the city then 20 feet would be 24 feet and then an "L" was still formed to give the exit at 17th ½ Street those 75 feet by 17th Street would also be new. So the reason why we are asking for the setbacks is because only on the side where the parking lot is going to be are 4 feet plus the 18 feet of the parking spaces are already taking away 22 feet, so that is why we are kindly requesting if possible that the part of the bicentennial be 10 feet to be able to accommodate the apartments well

Board member Mujica asked the applicant that the alley was 20 feet and that he was requesting 24 feet. Was he going to get 4 feet from each property. Mr. Almaguer stated if it's 20 feet and they're going to grab 4 feet so that it's 24 feet because the City's requirement is 24 feet to maneuver at 90 degrees plus the 18 in the parking lot.

Board member Mujica asked if the 4 feet are inside these properties who will maintain those 4 feet of the alleyway. Planning Director Sotelo stated no matter what you will still have an alley of 20 feet. The main requirement was the 24 feet which was for maneuvering. So, the maneuvering of the 24 feet would still be on the owner’s property.

Chairperson Gutierrez asked if there were parking spaces for visitors. Staff stated no. Mr. Almaguer stated if depending on the site plan, they could put parking spaces for visitors and possibly for the dumpsters.

Chairperson Gutierrez asked staff is parking allowed on Bicentennial Boulevard. Staff not in that area because it was where traffic was coming off the Expressway.

Board member Lamela asked staff if one can have a multifamily building without parking spaces. Mr. Forghanparast stated no, there are parking spaces they're complying with code. The City of McAllen does not have any parking requirement for visitors.

Mr. Forghanparast mentioned the request today was just for the front setback which was off of Bicentennial Boulevard based on the plat it is 25 feet setback and they're asking for 10 feet setback. Based on the way they had access they will have access from the alley. They are trying to flip it and use Bicentennial Boulevard as their rear instead of using it as a front.

Board member Gutierrez asked staff the neighboring properties 1, 3 and 5 are they non-conforming. Mr. Forghanparast stated they were existing non-conforming so that is why TxDot allowed them to continue having their access over by Bicentennial Boulevard. Board member Gutierrez asked staff where do the neighboring properties 1, 3 and 5 park. Mr. Forghanparast stated the drive on the north south side was done by TxDot. They provided them that when there was a project on Bicentennial Boulevard when they removed the overpass.

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

Chairperson Jose Gutierrez asked if there was anyone present to speak in opposition to the Variance request. There was someone to speak in opposition to the Variance request.

Mr. Hector Vargas, 1207 South Bicentennial Boulevard. He stated on those streets they could not get a fire truck in especially in the alley. He stated he did 34 years with the McAllen Fire Department so he knew the area well. The fire trucks were 50 feet long. They've had a lot of fires in that area. There was not a lot of space in that neighborhood. He had concerns with the fire hazard and was in opposition of the variance request.

Chairperson Gutierrez asked staff if they have to get an approval from the Fire Department for trucks to enter in and out of the alley. Mr. Forghanparast stated the fire trucks would not go through the alley they would access it off Bicentennial Boulevard.

Board member Mujica stated in any new development and you have instant properties the Fire Department Marshal require what is called a Knox Box that have a key to access either a gate or a fence so they can access for the vehicles.

Mr. Forghanparast mentioned stated on the site plan there was a 37.6 foot of Right-of-Way before getting to the actual Right-of-Way of Bicentennial Boulevard. The applicant was requesting for the variance from the property line. There's at least 44 feet of distance between the property line to the paving of the road.

Mr. Vargas stated there was a lot of areas that have key for a gate. This particular area does not have it.

Chairperson Jose Gutierrez asked if there was anyone present to speak in opposition to the Variance request. There was someone else to speak in opposition to the Variance request.

Ms. Yolanda Vargas, 1207 South Bicentennial Boulevard. She stated her sister lives at 1328 South 17th ½ Street which was adjacent to the property that's in question lots 1 and 4. She had pictures of the townhouses that were north of them. She stated from a letter she wrote that they were thankful for the City's many improvements had accomplished in McAllen walking areas, neighborhood parks, Bethel Gardens. Future projects that will bring more revenue, jobs and entertainment like the Boyer Reservoir Development project coming soon. They were not against beautifying our community. She stated 80% of the houses there were made of wood and had concerns with fire hazard. She said there were other concerns with neighborhood issues. She stated their neighborhood streets were very narrow. She was reading from the UDC ordinance regarding the R-2 District.

Chairperson Jose Gutierrez asked if there was anyone present to speak in opposition to the Variance request. There was someone else to speak in opposition to the Variance request.

Mr. Mario Quintanilla, 1322 South 17th Street. He stated his concern was the request to reduce the required setbacks of 25 feet to 10 feet. Before granting the variance he respectfully asked the Board and the applicant explain the unique physical condition or hardship associated with this property preventing it from being developed while maintaining the required 25-foot setback. Planning had informed him the current proposed was for 5 duplex buildings totaling 10 units although it's in preliminary and could change. He asked if the applicant would consider an alternative that maintains the 25-foot setback. Traffic Operations had not reviewed the expected vehicle trips and the Fire Department had not reviewed the proposed alley and roadway access. Drainage would be reviewed later. The utility pole in the alley would have to be relocated. He stated he's maintained the alley for 15 years.

Chairperson Jose Gutierrez asked if there was anyone present to speak in opposition to the Variance request. There was someone else to speak in opposition to the Variance request.

Ms. Mary Gracia, 1428 South 17th ½ Street. She stated her sister's home is almost in the middle of the proposed duplexes. When she returned to 1328 South 17th ½ Street, Booker T, Mobile and Newport Streets she saw a school bus trying to get past through 17th ½ Street. It was very narrow. The townhomes that were built on the corner of Jackson Road and Bicentennial Boulevard. A fire truck could park in front of Bicentennial Boulevard but none of those high fences have access to those homes. So, they would have to go to the back through the alley.

Chairperson Jose Gutierrez asked if there was anyone present to speak in opposition to the Variance request. There was someone else to speak in opposition to the Variance request.

Mr. Almaguer stated the proposed variance would make the neighborhood look beautiful. The alley would be well paved.

Board member Diaz asked staff there was a Planning and Zoning meeting, was this rezoned. Mr. Forghanparast stated the Planning and Zoning Commission recommended approval of the rezoning of the properties to the new R-2, updating from the old R-2 code to the new UDC R-2 code. He stated to the people in opposition if they wanted to get a building permit respecting that front 25 feet from Bicentennial Boulevard and 10 feet from the alley they can get their building permit. It is before the Board because they want to flip

it and put the parking which technically it's going to be further from the alley because they can build 10 feet from the alley.

Mr. Mario Quintanilla, 1322 South 17th Street. He stated that there were some houses that their fences extended out about 8 feet, would that be taken away for the alley. All the existing water meters and that the existing property owner would have to fix it. And for the existing property owners to get a survey on their house to see where their property line since it extended 8 feet form the other homes. Planning Director Sotelo stated this was a recorded lot just like the lots between Houston Avenue and Jackson Avenue off of Bicentennial Boulevard. Those neighbors had issues because they built into the existing alley because they were encroaching. The property owners had to reduce their fencing back to their property line.

Board member Mujica asked staff if the alley was not becoming a road or street will it be paved. Staff stated it was going to be an alley just because during the subdivision process back in 1960 they dedicated it as a 20-foot alley. It cannot be made bigger or smaller.

Following discussion, Mr. Hiram Gutierrez **moved** to approve the Variance request. Mr. Alex Lamela seconded the motion. The Board voted to approve with five members present and voting.

b) Request of Martha I. Garza, for a variance to allow an encroachment of 1 foot 1 inch into the required 6-foot side yard setbacks for Lot 23, Block 1, McAllen Heights Subdivision, Hidalgo County, Texas; 705 South 26th ½ Street. **(ZBA2026-0039)**

Ms. Trevino stated the applicant was requesting a variance to allow an encroachment of 1 foot 1 inch into the required 6-foot side yard setbacks for a new addition.

The subject property was located south of Galveston Avenue, east of South 26th ½ Street. The surrounding land uses include single-family residences.

McAllen Heights Subdivision was recorded on January 28, 1959. As per the Zoning Ordinance the side yard setbacks are 6 feet on both sides.

According to the site plan submitted the existing home is 4 feet 11 inches away from the property line on the north and south sides. The applicant is proposing to construct an addition in the rear of the property and is requesting the variance in order to align with the existing home.

As per Section 6.4.1.F., the Zoning Board of Adjustment shall not approve a variance unless it finds that:

a. The variance is not contrary to the public interest;
b. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
c. The spirit of the varied provision is observed and substantial justice is done.

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

Staff recommended disapproval of the variance request.

Board member Mujica asked staff if the letters in support are adjacent to her property. Staff responded they were adjacent to the property. There were four letters in support.

Ms. Martha Garza, 3801 North McColl Rd, #1325. She stated she would to continue the addition so that it lines up with the existing property. This would be for her mother's home in which she will be moving in with her. She stated she received letters of support with the neighbors adjacent to the property.

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

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

Board member Gutierrez asked staff that the house was already encroaching into the 6 feet setback but was not in violation because at the time there was no 6-foot setback. Staff stated they would consider it existing non-conforming.

Senior Planner Mr. Forghanparast stated there was a time there was a setback that a 12-foot separation was required it was more like 5 feet 7 inches setback. In some neighborhood 5 feet in the north and 7 feet in the south. The intent was to build it with the five feet on the north side. On the existing residence on the site plan, it was labeled 4 feet 11 inches when it was built. Now with the current code they can build 5 feet and 5 feet on both sides. They're asking to follow the same that they have on the north side to keep the same on the south side. Instead of keeping 5 feet, they want to do 4 feet 11 inches and that was why they're requesting this variance.

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

At this time, we will be making nominations for the position of Vice- Chairperson.

Chairperson Jose Gutierrez nominated Mr. Hiram Gutierrez for Vice-Chairperson. Mr. Alex Lamela seconded the nomination for Mr. Hiram Gutierrez for Vice-Chairperson. The Board voted with five Board members present and voting.

ADJOURNMENT

There being no further business to come before the Zoning Board of Adjustment and Appeal, Chairperson Jose Gutierrez **moved** to adjourn the meeting at 5:35 p.m.

Chairperson Jose Gutierrez

Carmen White, Administrative Assistant

Planning Department

Memo

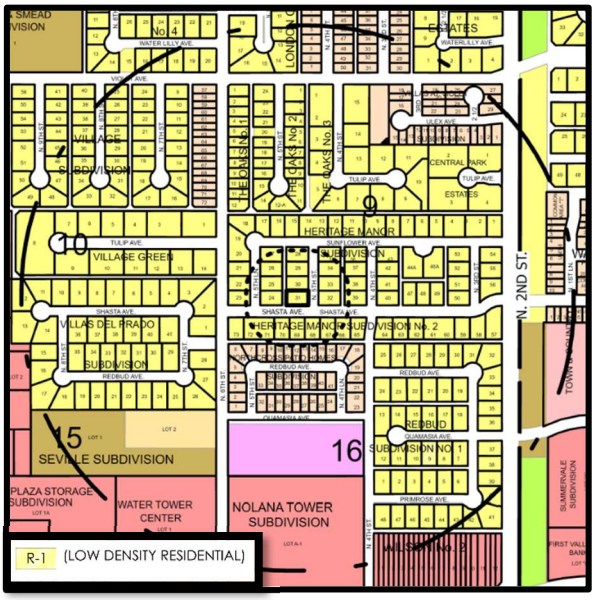
TO: Zoning Board of Adjustment & Appeals

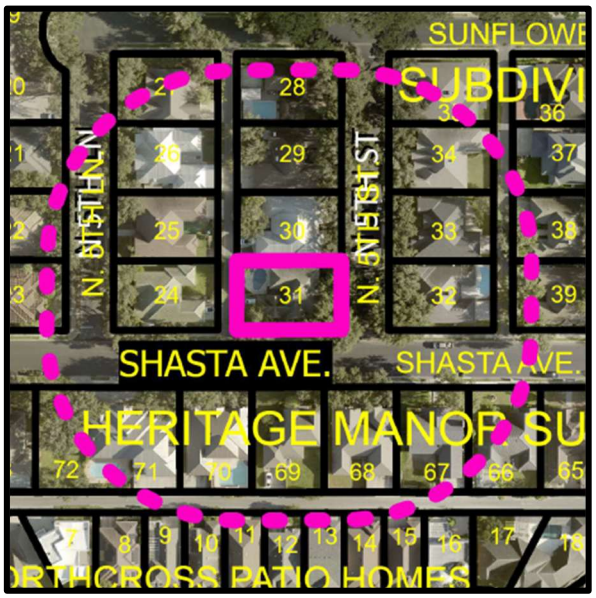
FROM: Planning Staff

DATE: October 21, 2026

SUBJECT: **REQUEST OF DAVID HOVAR FOR A VARIANCE TO ALLOW AN ENCROACHMENT OF 1 FT. 2 IN. INTO THE REQUIRED 6 FT. SIDE SETBACK AND 2 FT. 11 IN. INTO THE REQUIRED 10 FT. REAR SETBACK FOR A POOL AT LOT 31, HERITAGE MANOR NO. 2 SUBDIVISION (AMENDED), HIDALGO COUNTY, TEXAS; 4501 NORTH 5TH STREET. (ZBA2026-0043)**

REASON FOR APPEAL: The applicant is requesting a variance to permit the existing swimming pool to encroach 1 foot 2 inches into the required 6-foot side-yard setback and 2 feet 11 inches into the required 10-foot rear-yard setback.





PROPERTY LOCATION AND VICINITY: The subject property is located at the northwest corner of Shasta Avenue and North 5th Street. The surrounding land uses include single-family residences and Townhomes.

BACKGROUND AND HISTORY: Heritage Manor No. 2 Subdivision was recorded on April 7, 1982. The recorded plat establishes a 10-foot rear-yard setback and a 6-foot side-yard setback. A building permit application for the swimming pool was submitted on July 25, 2022. The permit was renewed three times due to applicant issues between contractor and homeowner. The subsequent renewals were submitted with the homeowner as the new applicant for the pool permit. The permit was issued in

compliance with requires setbacks; however, final approval remains pending due to outstanding comments from the Building Department regarding inspection for plumbing and electrical. The variance request was submitted on August 24, 2026, to address the pool's encroachments into the required setbacks as per survey provided.

ANALYSIS: As per the site plan provided, the applicant is requesting a variance to allow the existing swimming pool to encroach 1 foot 2 inches into the required 6-foot side-yard setback and 2 feet 11 inches into the required 10-foot rear-yard setback.

As per Section 6.4.1.F., the Zoning Board of Adjustment shall not approve a variance unless it finds that:

a. The variance is not contrary to the public interest;
b. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
c. The spirit of the varied provision is observed and substantial justice is done.

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

RECOMMENDATION: Staff recommends approval of the variance request.

T.B.P.E. FIRM No.: F-5154

ART SALINAS
ENGINEERING & SURVEYING

T.B.P.L.S. FIRM No.: 10004000

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

AUG 24 2026

BY:

LEGEND

- ● – DENOTES FOUND 1/2" ROD
- ⊗ – DENOTES FOUND "X" MARK
- ○ – DENOTES NO MONUMENT
- ROW – DENOTES RIGHT OF WAY
- BOC – DENOTES BACK OF CURB
- EOP – DENOTES EDGE OF PAVEMENT

SCALE: 1" = 20'

20' ALLEY ROW (VOL. 22, PG. 92, H.C.M.R.)

(ASPHALT PVMT.)

EOP

ROW

BOC

10.0'

10'

10' REAR SETBACK

20' FRONT SETBACK

CIRCULAR SPA ENCROACHES THE 6' NORTH SIDE YARD SETBACK BY 1'-2" AND ENCROACHES THE WEST 10' REAR YARD SETBACK BY 2'-11".

A 3' LONG PORTION OF THE NORTH SITTING LEDGE OF THE MAIN POOL ENCROACHES THE 6' NORTH SIDE YARD SETBACK BY 0'-2"

LOT 30

S81°14'E

110.0'

6' SIDE SETBACK

BRICK WALL W/PILLARS

BRICK WALL

WOODEN FENCE

CAGE

WIRE FENCE

2'-11"

1'-2"

T.V. PED.

TEL. PED.

BRICK WALL W/PILLARS

A.C. ON SLAB

49.8'

A.C. ON SLAB

WATER METER

CONC. WALK

N. 5th ST.

(50' ROW-VOL. 22, PG. 92, H.C.M.R.)

73.0'

N8°46'E

28.5'

LOT 31

(8,030 S.F.)

15.7'

8.0'

11.8'

7.5'

3.0'

TILE ENTRY W/PORCH

18.0'

3.0'

8.5'

10.5'

4.0'

15.2'

4.0'

22.0'

13.4'

POWER BOX

BRICK RESIDENCE

GATE

CONCRETE DRIVEWAY

18' GARAGE SETBACK

23.5'

MAILBOX

CONC. WALK

STEPS

20'x20' CORNER CLIP EASEMENT

10'x10' CORNER CLIP EASEMENT

10'

10' SIDE SETBACK

CONC. WALK

BOC

LIGHT POLE

RAMP

S8°46'W

73.0'

N81°14'W

110.0'

SHASTA AVE.

(60' ROW-VOL. 22, PG. 92, H.C.M.R.)

NOTE: THE NOTATIONS THAT APPEAR IN COLOR HAVE BEEN ADDED BY THE APPLICANT, DAVID HOVAR, ON AUGUST 24, 2026 TO REPRESENT CONDITIONS ON THAT DATE AND ARE NOT PART OF THE ORIGINAL SURVEY PREPARED BY ART SALINAS ENGINEEERING, INC.

FLOOD ZONE DESIGNATION: The property shown hereon lies in Zone "B" Zone "B" areas lie between limits of the 100-year flood and 500-year flood, or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile, or areas protected by levees from the base flood as per F.E.M.A. Flood Insurance Rate Map Panel No. 480343-0005-C dated 11-02-82.

PLAT NOTES:

1. There are no discrepancies, conflicts, shortages in area or boundary lines, encroachments, overlapping of improvements or visible or apparent easements except as shown on this plat.
2. This survey plat is prepared in connection with Title Policy G.F. # 0003197621 and does not guarantee title. This survey is for the exclusive use of the client named hereon and may not be copied or transferred to another party without the express written consent of the surveyor.
3. This survey must contain an embossed seal and an original signature to be valid as per Section 661.46 and Section 661.19 of the "The Professional Land Surveying Practices Act".
4. This is a standard survey and does not include the location of subsurface investigation of underground utility, irrigation and/or gas lines.
5. Agreement dated August 13, 1951 between Central Power and Light Company and Ben Simmons, recorded in Volume 1776, Page 719, Deed Records of Hidalgo County, Texas. (Blanket)
6. Easements, rights, rules, and regulations in favor of Hidalgo County Water Control and Improvement District No. 3. (Blanket)
7. Subject to any oil, gas and mineral lease of record.
8. Bearing Basis: "E" line of Lot 31, Heritage Manor No. 2"

BORROWER(s): Ashley Elizabeth Hovar and David James Hovar

THIS IS TO CERTIFY THAT I HAVE, THIS DATE, PREPARED A SURVEY ON THE GROUND WHICH IS LOCATED AT 4501 N. 5th ST., in MCALLEN, TEXAS, DESCRIBED AS FOLLOWS:

LOT 31, HERITAGE MANOR No. 2, AN ADDITION TO THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS, ACCORDING TO AMENDED MAP THEREOF RECORDED IN VOLUME 22, PAGE 92, MAP RECORDS OF HIDALGO COUNTY, TEXAS.

20-59383 Job No.

11-04-20 Date

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ARTURO A. SALINAS 4802 REGISTERED PROFESSIONAL LAND SURVEYOR

Registered Professional Land Surveyor No. 4802



The north ledge of the main pool and a portion of the spa encroaches on the North 6' Side Yard Setback.

The grey duct tape identifies the setback lines. The portion of the Pool to the right of the line is encroaching)

There is a 1'-8" Encroachment by the Spa and a 2" Encroachment by the main Pool into the 6' Sideyard Setback



The west portion of the spa encroaches on the West 10' Rear Yard Setback.

(The grey duct tape identifies the setback lines. The portion of the Spa to the left of the line is encroaching)

There is a 2'-11" Encroachment by the Spa into the 10' Rear Yard Setback.



The spa encroaches on both the West 10' Rear Yard Setback and the North 6' side Yard Setback.

(The grey duct tape identifies the setback lines. The portions of the Spa to the right and bottom of the image are encroaching.)



The pool is completely hidden from view by the 6' brick fence on the alley to the west, the 6' brick fence facing Shasta on the South and from the neighbor's 6' privacy fence on the North and the House itself to the East.


ZBA2026-0043
NOTICE
VARIANCE
FOR THIS
PROPERTY
CITY OF MCALLEN PLANNING DEPT
956-681-1250
WWW.MCALLEN.NET
7501

Planning Department

Memo

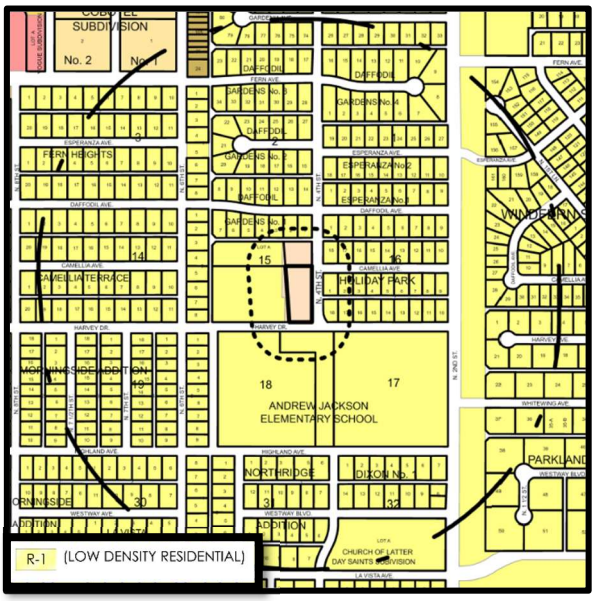
TO: Zoning Board of Adjustment & Appeals

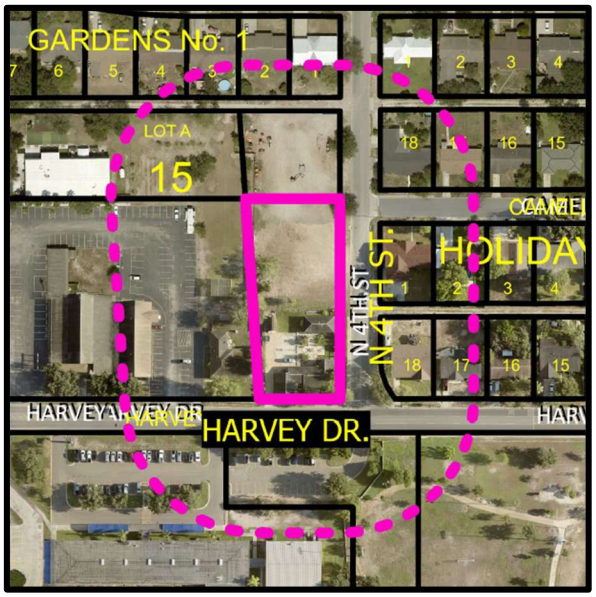
FROM: Planning Staff

DATE: October 21, 2026

SUBJECT: **REQUEST OF MICHAEL D. HOVAR FOR A VARIANCE TO ALLOW AN ENCROACHMENT OF 7 FT. INTO THE REQUIRED 10 FT. SIDE SETBACK FOR A PORCH AT 1.34 ACRE TRACT OF LAND OUT OF THE EAST PORTION OF LOT 25, WAYNE COURT SUBDIVISION EXTENDED, HIDALGO COUNTY, TEXAS; 500 HARVEY DRIVE. (ZBA2026-0044)**

REASON FOR APPEAL: The applicant is requesting a variance to permit a proposed porch to encroach 7 feet into the required 10-foot side yard setback.





PROPERTY LOCATION AND VICINITY: The subject property is located at the northwest corner of Harvey Drive and North 4th Street. The surrounding land uses include single-family residences, a church and an elementary school.

BACKGROUND AND HISTORY: Wayne Court Subdivision Extended was recorded on November 20, 1931. As per zoning ordinance on corner lots, there is a required 10 foot side yard setback adjacent to a street. The variance request was submitted on August 24, 2026 for the proposed porch.

ANALYSIS: As per the site plan provided, the applicant is requesting a variance to allow a proposed porch to encroach 7 feet into the required 10-foot side setback. The existing 7' x 11' brick patio was

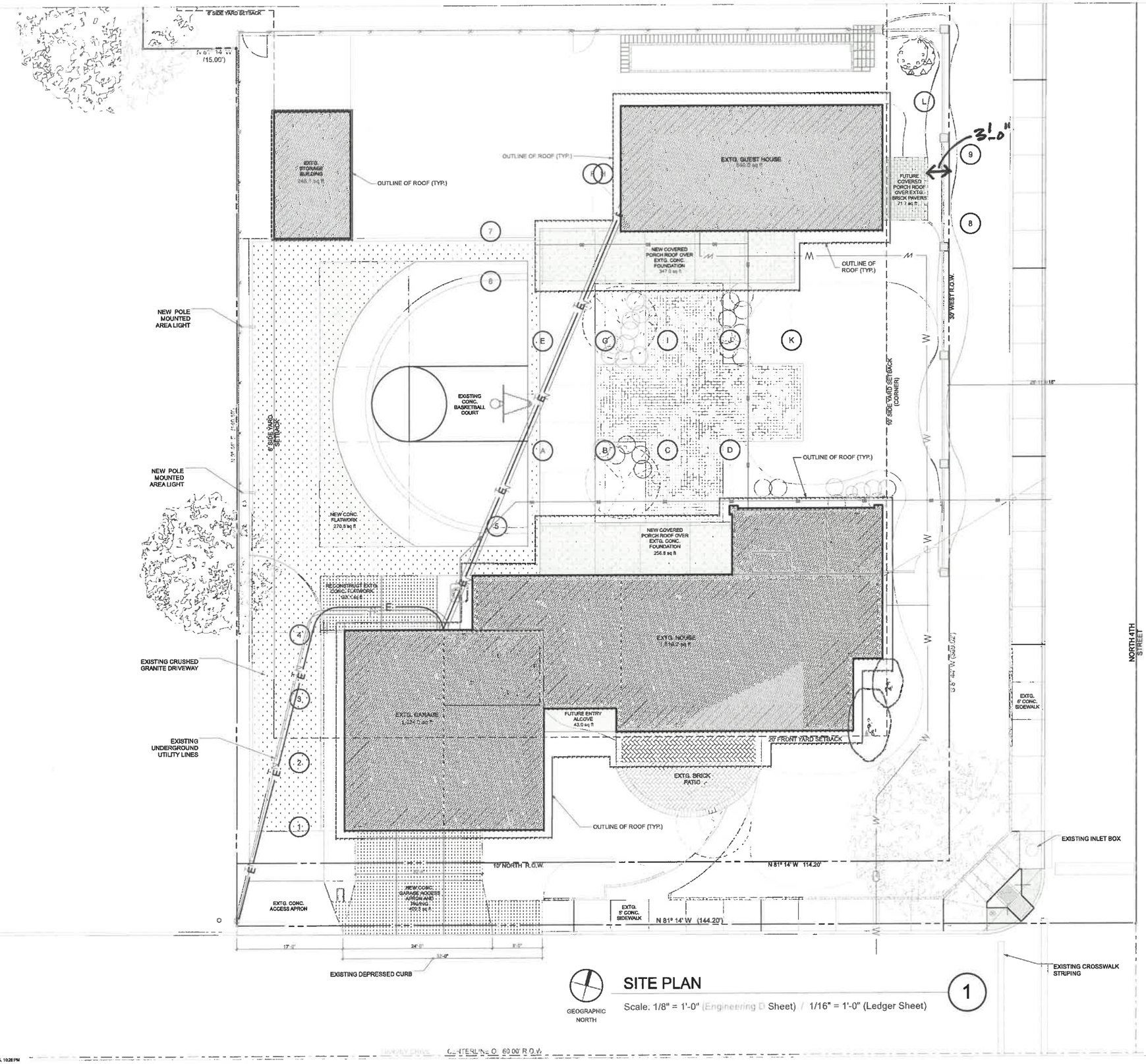
previously covered by a hip roof extending approximately 4' beyond the setback line. The proposed shed roof will restore weather protection to the patio and adjacent door while minimizing visual impacts from 4th Street due to its lower profile and location behind the existing brick fence.

As per Section 6.4.1.F., the Zoning Board of Adjustment shall not approve a variance unless it finds that:

a. The variance is not contrary to the public interest;
b. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
c. The spirit of the varied provision is observed and substantial justice is done.

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

RECOMMENDATION: Staff recommends disapproval of the variance request.



GEOGRAPHIC NORTH

SITE PLAN

Scale: 1/8" = 1'-0" (Engineering D Sheet) / 1/16" = 1'-0" (Ledger Sheet)

1

500 W. HARVEY DRIVE, McALLEN, TEXAS, 78501

TRACT 1
TOTAL GROSS AREA: (1.34 AC)
TOTAL NET AREA: (1.26 AC)

TRACT 2
TOTAL GROSS AREA: (.22 AC)
TOTAL NET AREA: (.22 AC)

LEGAL DESCRIPTION:

TRACT 1: A 1.34 ACRE (DEED 1.26 ACRE) TRACT OF LAND OUT OF THE EAST PORTION OF LOT 25 OF WAYNE COURT SUBDIVISION, EXTENDED, OUT OF SECTION 10, HIDALGO CANAL COMPANY'S SUBDIVISION OF PORCIONES 84, 85, AND 86, IN HIDALGO, COUNTY, TEXAS, AS PER MAP RECORDED IN VOLUME 6 PAGE 40 MAP RECORDS IN THE OFFICE OF THE COUNTY CLERK OF HIDALGO COUNTY, TEXAS, REFERENCE TO WHICH IS HERE MADE FOR ALL PURPOSES.

TRACT 2: THE EAST159.1 FEET OF LOT "A", DAFFODIL GARDENS SUBDIVISION UNIT NO.1, AN ADDITION TO THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP RECORDED IN VOLUME 16, PAGE 47 MAP RECORDS IN THE OFFICE OF HTE COUNTY CLERK OF HIDALGO COUNTY, TEXAS, REFERENCE TO WHICH IS HERE MADE FOR ALL PURPOSES.

Michael D. Hovar, AIA
500 W. Harvey Street • McAllen, TX 78501
(956) 638-4319 (tel) • mdhovar@gmail.com

HOVAR RESIDENCE REROOFING

500 WEST HARVEY STREET
McALLEN, TX 78501

© 2025, Michael D. Hovar, AIA, 500 W. Harvey St., McAllen TX, 78501

REGISTERED ARCHITECT MICHAEL D. HOVAR 13849 STATE OF TEXAS
09/19/2025

ISSUED FOR : DATE :
PERMIT SEPTEMBER 19 2025

JOB No. : 25-001

C02

SHEET 2 OF 16

RECEIVED
AUG 24 2026
By VR

500 Harvey Drive - Porch Roof Variance Request



Rendering of Guest house with existing brick paving at proposed porch location.



Rendering of Guest house with proposed porch structure over existing brick paving.

500 Harvey Drive - Porch Roof Variance Request



Rendering of Guest house with existing brick paving at proposed porch location.



Rendering of Guest house with proposed porch structure over existing brick paving.



Rendering of existing Guest house as viewed from 4th Street, looking West.



Rendering of existing Guest house with proposed porch as viewed from 4th Street, looking West.

500 Harvey Drive - Porch Roof Variance Request



Photo of Guest house and area of proposed porch as viewed from North inside of the surrounding fence.



Photo of Guest house and area of proposed porch as viewed from North outside of the surrounding fence.


ZBA2026-0044
NOTICE
VARIANCE
FOR THIS
PROPERTY
CITY OF MCALLEN PLANNING DEPT.
956-681-1250
WWW.MCALLEN.NET

Planning Department

Memo

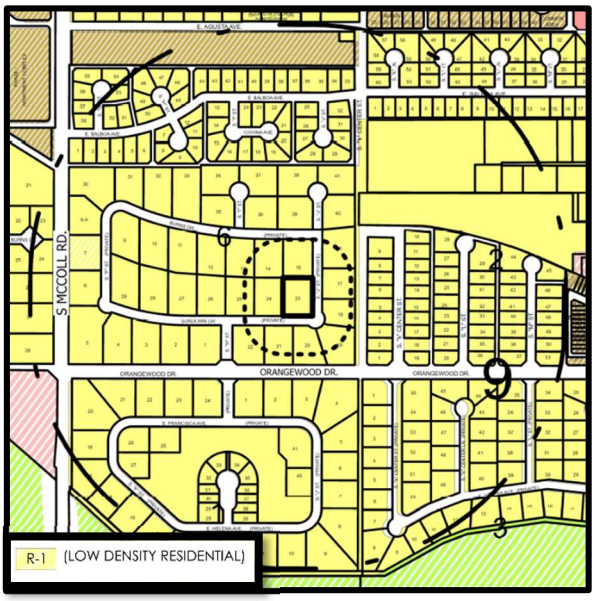
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: October 21, 2026

SUBJECT: **REQUEST OF FRANK TREVIÑO FOR A VARIANCE TO ALLOW AN ENCROACHMENT OF 3 FT. INTO THE REQUIRED 10 FT. SIDE SETBACK FOR A ROOM ADDITION AT LOT 23, ORANGEWOOD EAST SUBDIVISION, HIDALGO COUNTY, TEXAS; 925 EAST SUNDOWN DRIVE. (ZBA2026-0041)**

REASON FOR APPEAL: The applicant is requesting a variance to allow an encroachment of 3 feet into the 10-foot side yard setback for an addition to the existing residence.





PROPERTY LOCATION AND VICINITY: The subject property is located at the northwest corner of East Sundown Drive and South “J” Street. The surrounding land uses include single-family residences.

BACKGROUND AND HISTORY: Orangewood East Subdivision was recorded on August 6, 1996. According to the plat notes, corner lots shall have a 10-foot side yard setback adjacent to a street. The variance request was submitted on August 13, 2026. There is no building permit submitted at this time.

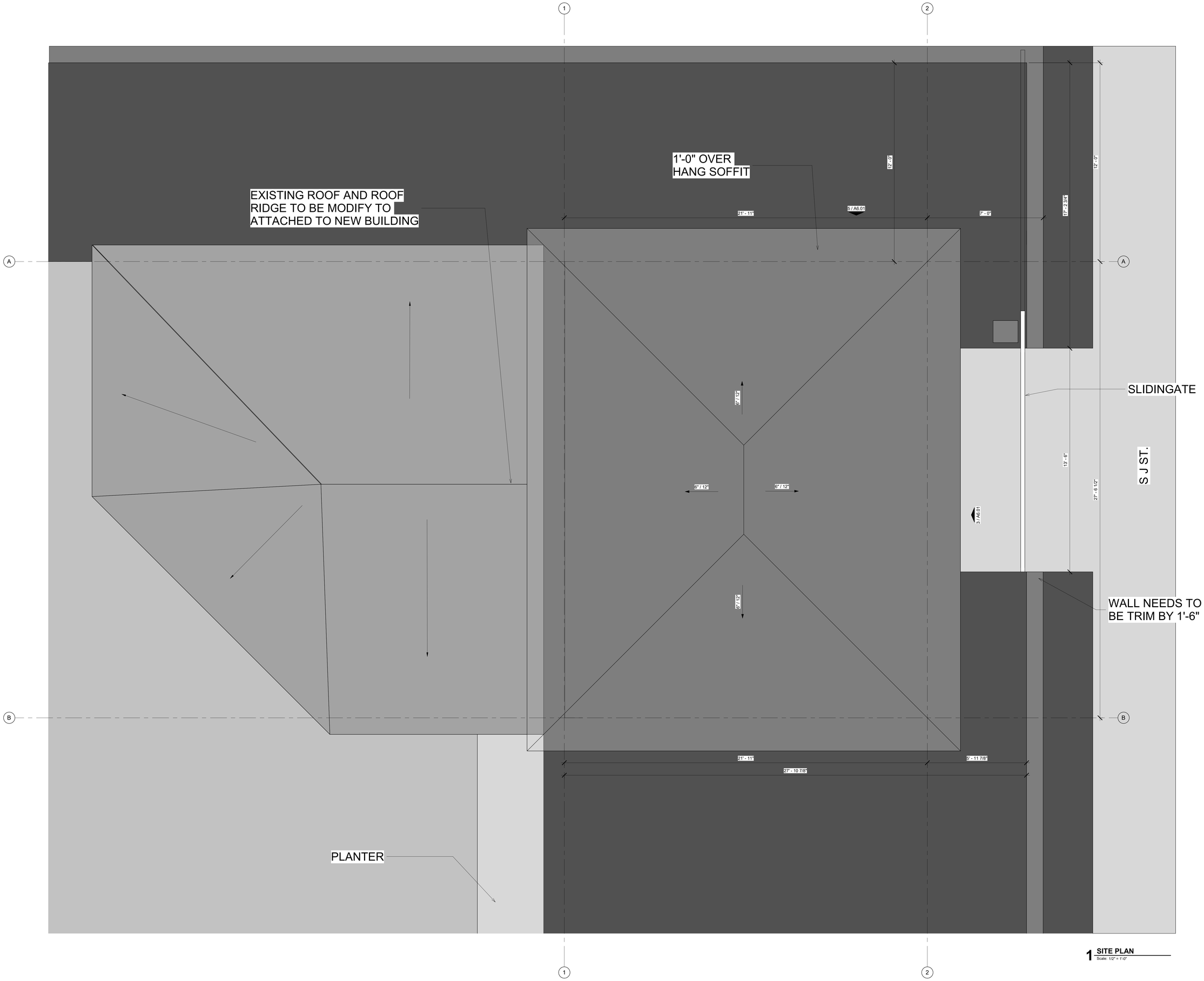
ANALYSIS: The applicant is requesting a variance to allow an encroachment of 3 feet into the 10-foot side yard setback for an addition to the existing residence. The proposed addition is intended to provide office space for the applicant’s personal use.

As per Section 6.4.1.F., the Zoning Board of Adjustment shall not approve a variance unless it finds that:

a. The variance is not contrary to the public interest;
b. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
c. The spirit of the varied provision is observed and substantial justice is done.

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

RECOMMENDATION: Staff recommends disapproval of the variance request.



1 **SITE PLAN**
Scale: 1/2" = 1'-0"

925 E SUNDOWN DR

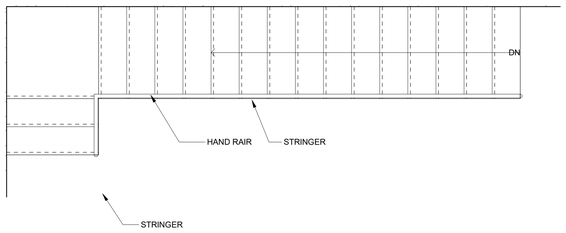
McALLEN
TX. 78503

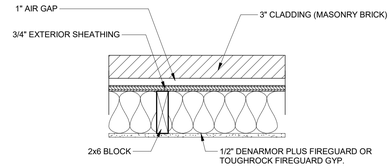
SITE PLAN

DRAWING RECORD	
DATE	DESCRIPTION

A1.01

PROJECT NO.: Project Number



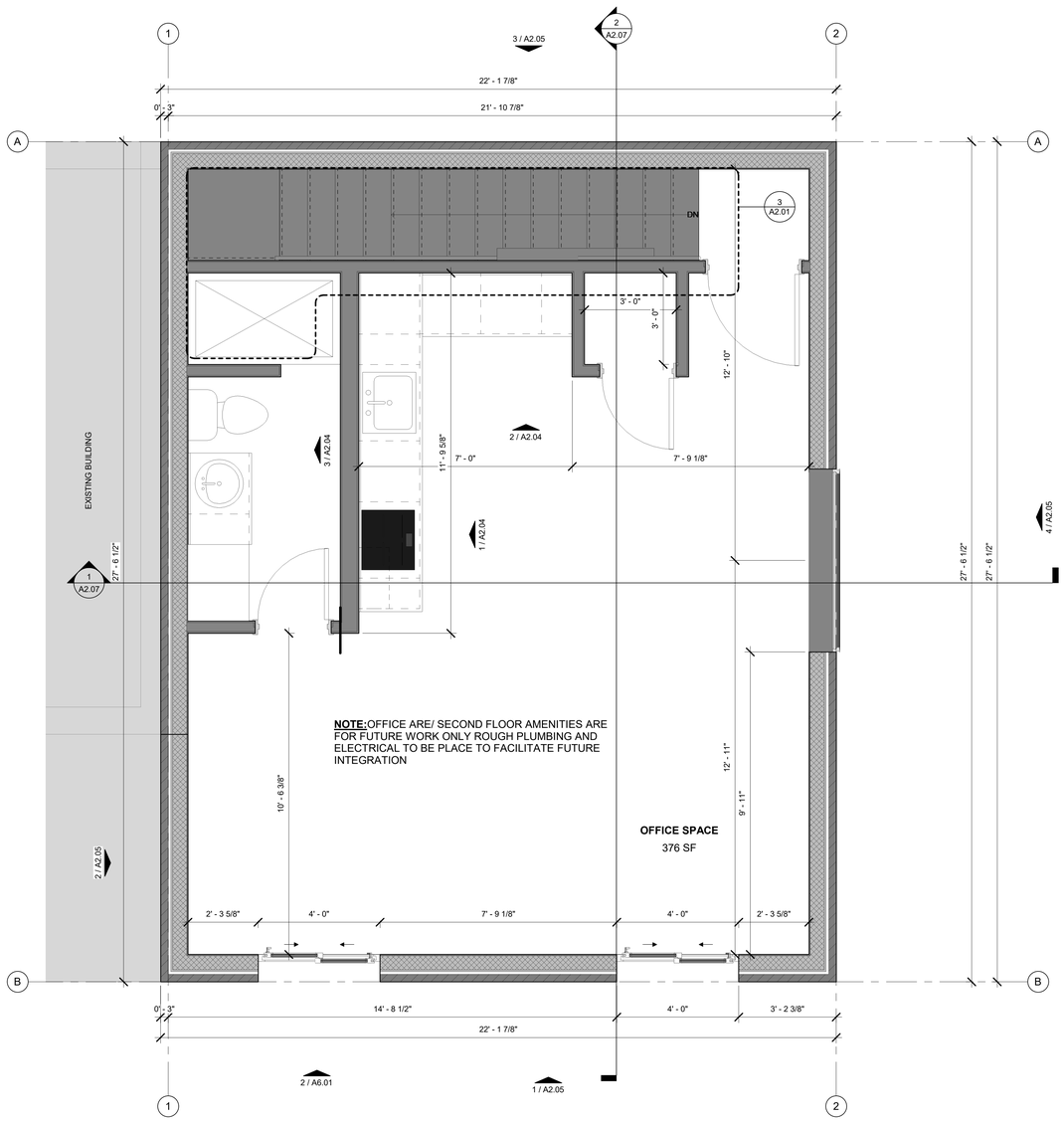


EXTERIOR PARTITION PLAN VIEW

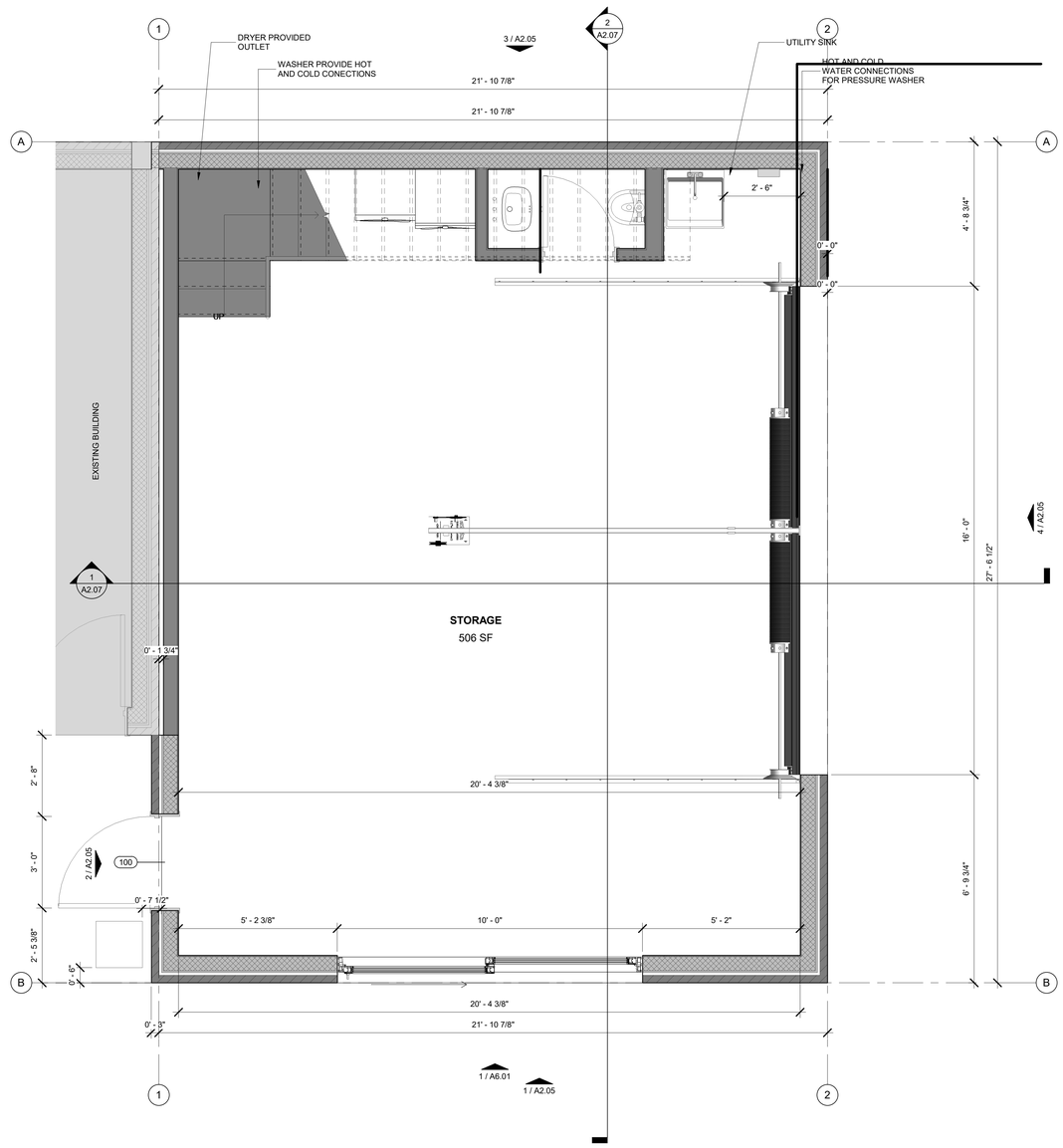
NOTES TO FRAMER:

1. ALL EXTERIOR WALLS TO BE AS DRAWN STUDS SET AT 24" O.C. SEE BUILDER
2. DISCUSS FRAMING OF GARAGE DOOR, WALL AND HEADERS WITH BUILDER PRIOR TO CONSTRUCTION.
3. FRAMER SHALL REFER TO ENGINEERED LUMBER DRAWINGS, REVIEW FRAMING MANUAL, PLANS, LUMBER DETAILS AND ALL SPECS WITH PROJECT MANAGER PRIOR TO STARTING JOB.

3 STAIR ENLARGED PLAN
Scale: 1/2" = 1'-0"



2 2ND FLOOR PLAN
Scale: 1/2" = 1'-0"



1 1ST FLOOR PLAN
Scale: 1/2" = 1'-0"

925 E SUNDOWN DR

McALLEN
TX, 78503

FLOOR PLAN

DRAWING RECORD

DATE	DESCRIPTION
07/07/26	PRELIMINARY SET

A2.01

PROJECT NO.: Project Number


ZBA2026-0041
• NOTICE •
VARIANCE
FOR THIS
PROPERTY
CITY OF MCALLEN PLANNING DEPT
956-681-1250
WWW.MCALLEN.NET
925
EAST SUNDOWN DRIVE

Planning Department

Memo

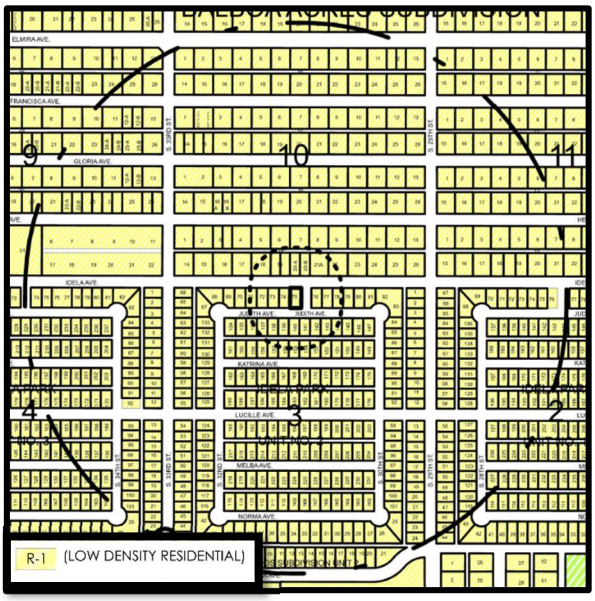
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: October 21, 2026

SUBJECT: **REQUEST OF MARTIN MENDOZA, ON BEHALF OF CASSO CONTRUCTION, L.L.C., FOR A VARIANCE TO ALLOW AN ENCROACHMENT OF 3 FT. INTO THE REQUIRED 25 FT. FRONT SETBACK FOR A PORCH AT LOT 75, IDELA PARK UNIT 2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 3024 JUDITH AVENUE. (ZBA2026-0042)**

REASON FOR APPEAL: The applicant is requesting a variance to allow a 3-foot encroachment into the required 25-foot front yard setback for a porch addition to the existing residence.





PROPERTY LOCATION AND VICINITY: The subject property is located at the northwest corner of Judith Avenue and South 30th Lane. The surrounding land uses include single-family residences.

BACKGROUND AND HISTORY: Idela Park Subdivision Unit 2 was recorded on July 25, 1978. The recorded plat indicates a 25-foot front yard setback. The variance request was submitted on August 21, 2026. At this time, no building permit has been submitted for the porch. A building permit was issued on September 16, 2026, for the addition of living space; however, that permit did not include the porch. If the variance is approved, the applicant will be required to apply for a separate building permit for the proposed porch.

ANALYSIS: The applicant is requesting a variance to allow a 3-foot encroachment into the required 25-foot front yard setback for a porch addition to the existing residence.

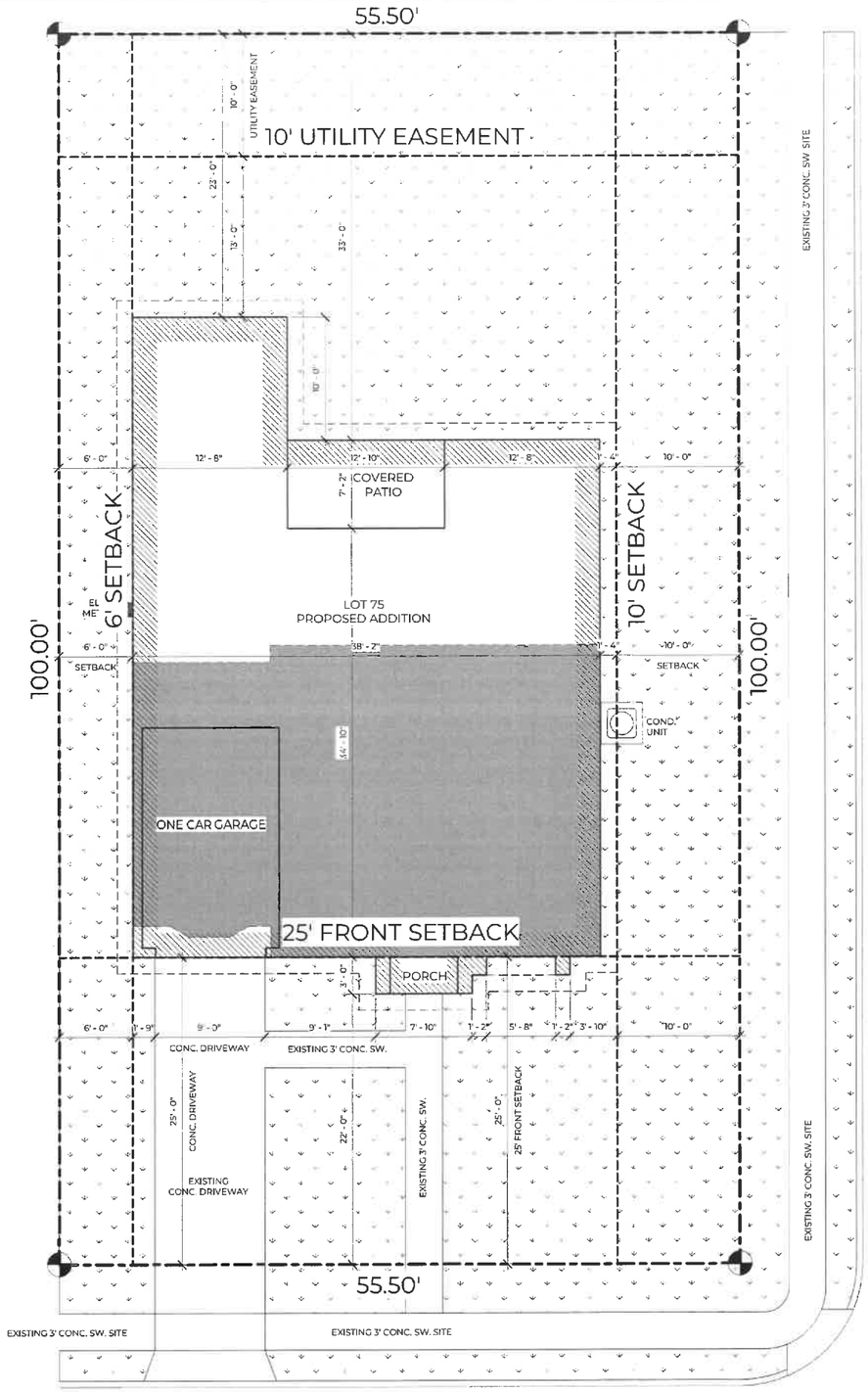
As per Section 6.4.1.F., the Zoning Board of Adjustment shall not approve a variance unless it finds that:

a. The variance is not contrary to the public interest;
b. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
c. The spirit of the varied provision is observed and substantial justice is done.

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

RECOMMENDATION: Staff recommends disapproval of the variance request.

1 SITE PLAN SCALE: 1/8"=1'-0"



2 LOT CALCULATIONS SCALE: N.T.S.

LOT:	75
LOT SIZE:	55.5'X100.00'
LOT AREA:	5,550 SQ.FT.

3 AREA CALCULATIONS SCALE: N.T.S.

LIVING:	1,380 SQ.FT.
PATIO:	90 SQ.FT.
GARAGE:	256 SQ.FT.
PORCH:	25 SQ.FT.
TOTAL:	1,750 SQ.FT.

4 SITE CALCULATIONS SCALE: N.T.S.

DRIVEWAY:	X SQ.FT.
TYPE:	POLISH CONC. FINISH
SIDEWALK:	X SQ.FT.
TYPE:	POLISH CONC. FINISH
GAZEBO:	N/A
SWIMMING POOL:	N/A

IMPORTANT DESIGNER NOTES:

VERIFY COMPLIANCE WITH CITY ORDINANCE CODES AND RESTRICTIONS. THESE PLANS ARE INTENTED TO PROVIDE THE BASIC CONSTRUCTION INFORMATION NECESSARY. THIS MEANS THESE PLANS MUST BE FIELD VERIFY AND CHECKED COMPLETELY BY THE GENERAL CONTRACTOR OR SUB-CONTRACTOR IN AUTHORITY. ANY DISCREPANCY, ERROR AND/OR OMISSION IF FOUND IS TO BE BROUGHT IMMEDIATELY TO THE ATTENTION OF DESIGNER PRIOR TO COMMENCING CONSTRUCTION.
THESE PLANS AND THEIR USE ARE THE PROPERTY OF THE DESIGNER AND ARE NOT TO BE REPRODUCED, USED FOR OTHER CONSTRUCTION, TRACED OR REUSED WITHOUT WRITTEN PERMISSION.

ENGINEERING ASPECTS SHOULD INCORPORATE ACTUAL SITE CONDITIONS. DIMENSIONS SHOWN ON THE FLOOR PLANS ARE "NOMINAL" SLIGHT FIELD ADJUSTAMENTS MAY BE NECESSARY TO ALLOW FOR ACTUAL MATERIAL SIZE AND PRACTICALITY OF CONVENTIONAL CONSTRUCTION METHODS. DETAILS AND NOTES NOT PROVIDED WITH THESE DRAWINGS SHOULD BE PROVIDED BY THE MANUFACTURING, SUPPLIER OR INSTALLATION CONTRACTOR SPECIFICALLY RELATED TO THAT PARTICULAR PHASE OF CONSTRUCTION.

AREA SQ.FT.

LIVING:	1,380 SQ.FT.
TOTAL LIVING:	**1,380 SQ.FT.**
PATIO:	90 SQ.FT.
GARAGE:	256 SQ.FT.
PORCH:	22 SQ.FT.
TOTAL:	**1,748 SQ.FT.**

PROJECT LOCATION:

Lot 75 Idela Park UT 2
3024 Judith Ave.
McAllen, TX. 78503

MAP LOCATION:

PROJECT DESIGN FOR:

COMPANY NAME:

OWNER:

NORTH:

SCALE: 3/16" = 1'-0"

DATE: 8/21/2026 2:19:13 AM

PROJECT NUMBER:

Site Plan

SHEET:

C1.1

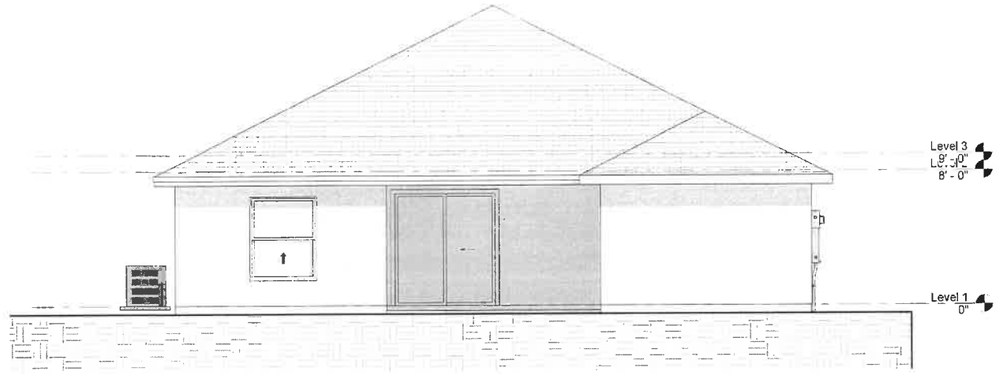
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E:\Residential\2026 RESIDENTIAL PROJECTS\Lot 75 Idela Park UT 2\RemodelB.rvt

1 **FRONT ELEVATION** SCALE: 1/4"=1'-0"



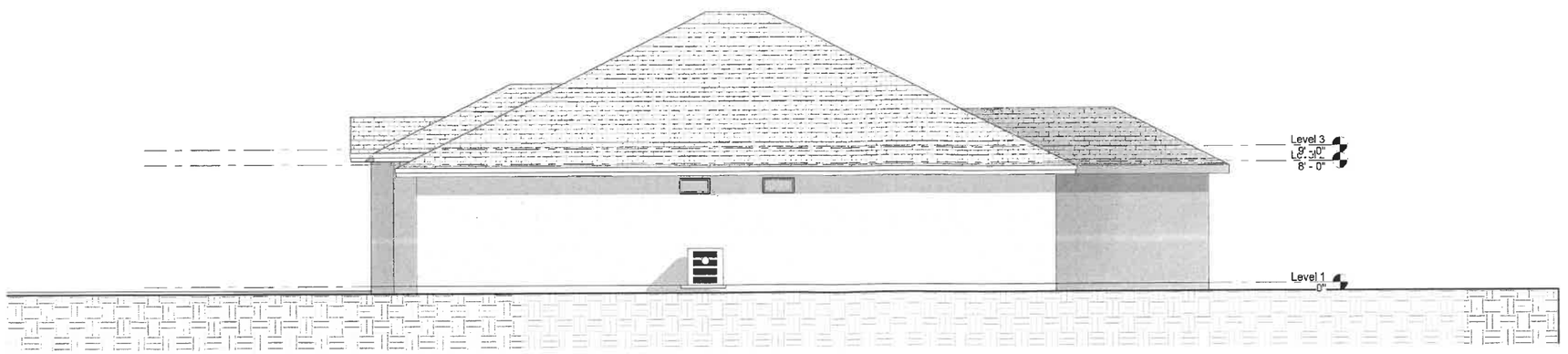
2 **REAR ELEVATION** SCALE: 1/4"=1'-0"



3 **LEFT ELEVATION** SCALE: 1/4"=1'-0"



4 **RIGHT ELEVATION** SCALE: 1/4"=1'-0"



IMPORTANT DESIGNER NOTES:

VERIFY COMPLIANCE WITH CITY ORDINANCE CODES AND RESTRICTIONS. THESE PLANS ARE INTENTED TO PROVIDE THE BASIC CONSTRUCTION INFORMATION NECESSARY. THIS MEANS THESE PLANS MUST BE FIELD VERIFY AND CHECKED COMPLETELY BY THE GENERAL CONTRACTOR OR SUB-CONTRACTOR IN AUTHORITY. ANY DISCREPANCY, ERROR, AND/OR OMISSION IF FOUND IS TO BE BROUGHT IMMEDIATELY TO THE ATTENTION OF DESIGNER PRIOR TO COMMENCING CONSTRUCTION.
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ENGINEERING ASPECTS SHOULD INCORPORATE ACTUAL SITE CONDITIONS. DIMENSIONS SHOWN ON THE FLOOR PLANS ARE "NOMINAL" SLIGHT FIELD ADJUSTAMENTS MAY BE NECESSARY TO ALLOW FOR ACTUAL MATERIAL SIZE AND PRACTICALITY OF CONVENTIONAL CONSTRUCTION METHODS. DETAILS AND NOTES NOT PROVIDED WITH THESE DRAWINGS SHOULD BE PROVIDED BY THE MANUFACTURING, SUPPLIER OR INSTALLATION CONTRACTOR SPECIFICALLY RELATED TO THAT PARTICULAR PHASE OF CONSTRUCTION.

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PROJECT LOCATION:

Lot 75 Idela Park UT 2
3024 Judith Ave.
McAllen, TX. 78503

MAP LOCATION:

PROJECT DESIGN FOR:

COMPANY NAME:

OWNER:

NORTH:

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

DATE: 8/21/2026 2:19:09 AM

PROJECT NUMBER:

Elevations Plan

SHEET:

A6.0

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3024
3024
PRIVATE PROPERTY
NO TRESPASSING
ZBA2026-0042
NOTICE
VARIANCE
FOR THIS
PROPERTY
CITY OF MCALLEN PLANNING DEPT.
956-681-1250
WWW.MCALLEN.NET