

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING THURSDAY, SEPTEMBER 11, 2025 - 4:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3RD FLOOR

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

CALL TO ORDER -

1. MINUTES:

- a) Minutes for the meeting held on August 20, 2025

2. PUBLIC HEARINGS:

- a) Request of Victor Martinez, on behalf of Barry Franklin for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 7 feet into the 18-foot rear yard setback at Lot 29, Spanish Oaks at Frontera Subdivision, Hidalgo County, Texas; 705 Grayson Avenue. **(ZBA2025-0040)**

3. FUTURE AGENDA ITEMS

- a) 7608 North 26th Street
- b) 6913 North 40th Street
- c) 2601 Vine Avenue
- d) 3408 La Vista 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.

MINUTES FOR AUGUST
20, 2025 WILL BE ON THE
NEXT MEETING OF
SEPTEMBER 25, 2025

Memo

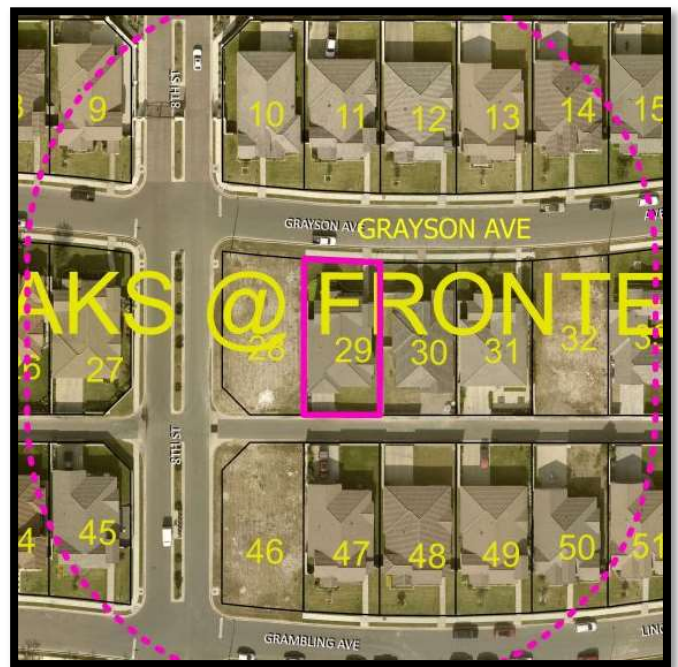
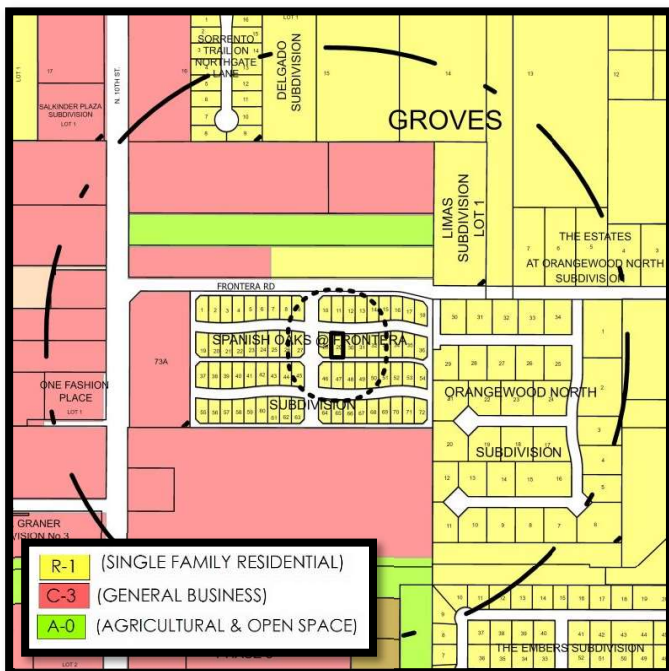
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: September 11, 2025

SUBJECT: REQUEST OF VICTOR MARTINEZ, ON BEHALF OF BARRY FRANKLIN FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 7 FEET INTO THE 18-FOOT REAR YARD SETBACK FOR A PROPOSED POOL AT LOT 29, SPANISH OAKS AT FRONTERA SUBDIVISION, HIDALGO COUNTY, TEXAS; 705 GRAYSON AVENUE. (ZBA2025-0040)

REASON FOR APPEAL: The applicant is requesting a variance for an encroachment of 7 feet into the 18-foot rear yard setback for a proposed pool.



PROPERTY LOCATION AND VICINITY: The subject property is located on the south of Grayson Avenue, east of North 8th street. The property is zoned R-1 (Single-Family Residential-OC) District. The adjacent zoning is R-1 (Single-Family Residential-OC) District on all directions. Surrounding land uses are single-family residences and vacant land.

BACKGROUND AND HISTORY: Spanish Oaks at Frontera Subdivision was recorded on May 08, 2018. There is a rearyard setback of 18 feet as per the recorded plat. A building permit for a single family residence was issued on April 23, 2019. The building permit application for this swimming pool was submitted on June 20, 2025 but was rejected by Planning Department for encroachment into the rear yard setback. The current variance request was submitted on July 28, 2025.

ANALYSIS: The request is for a variance to allow an encroachment of 7 feet into the 18 feet rear building setback for a proposed swimming pool.

Section 138-356 of the Zoning Ordinance requires 10 feet rear yard setback for residential lots. The recorded plat requires 18 ft. rear yard setback. The proposed swimming pool will respect the rear yard setback as required by city ordinance.

Planning Department records show an approved variance request for an encroachment to the rear yard setback for a pergola and a pool within this subdivision.

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

RECOMMENDATION: Staff recommends approval of the variance request since it complies with minimum setback required by Section 138-356 of the zoning ordinance.



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Case Number: ZBA2025-0040 ZBOA Meeting: 9/11/2025
Accepted By: HT

PROJECT

Legal Description Spanish Oaks @ Frontera lot 27

Subdivision Name Spanish Oaks at Frontera

Street Address 705 Grayson

Number of lots 1 Gross acres _____

Existing Zoning Single Family Residential Existing Land Use Single Family Residential

Reason for Appeal (please use other side if necessary) Requesting variance to encroach 9 ft into the 15ft rear yard setback for a proposed pool.

☐ \$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 Victor Martinez Phone (956) 666-3174

Address 1001 W. Expressway 83 E-mail _____

City McAllen, TX State TX Zip 78504

OWNER

Name Barry Franklin Phone 956 467-2714

Address 705 Grayson E-mail McAllen@Foot Solutions

City McAllen 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 ☐ No

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

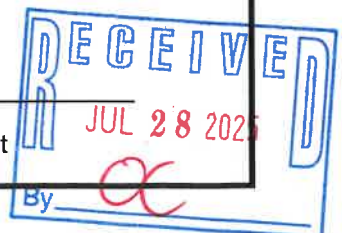
OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature [Signature]

Date 7-28-25

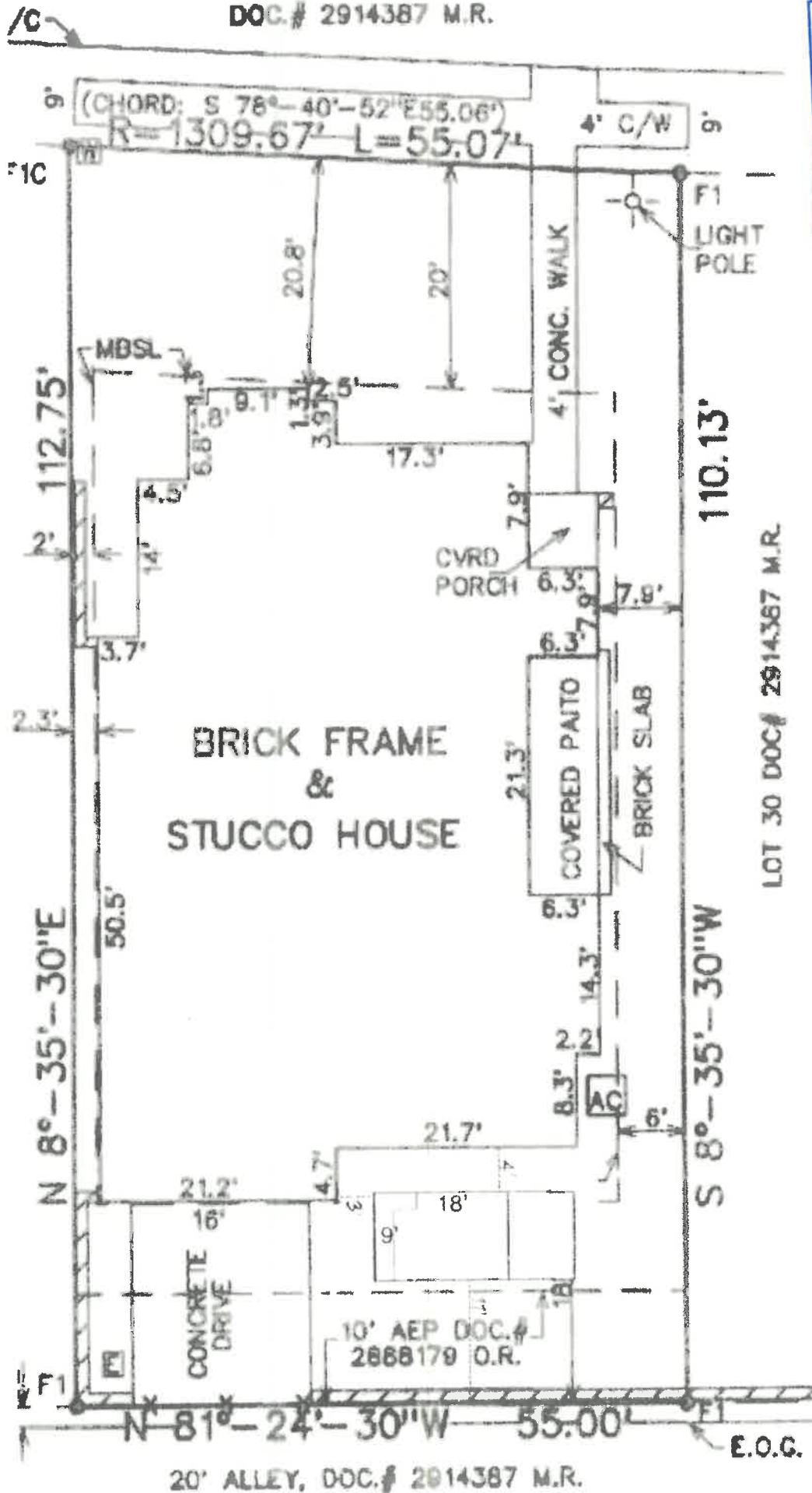
Print Name Victor Martinez

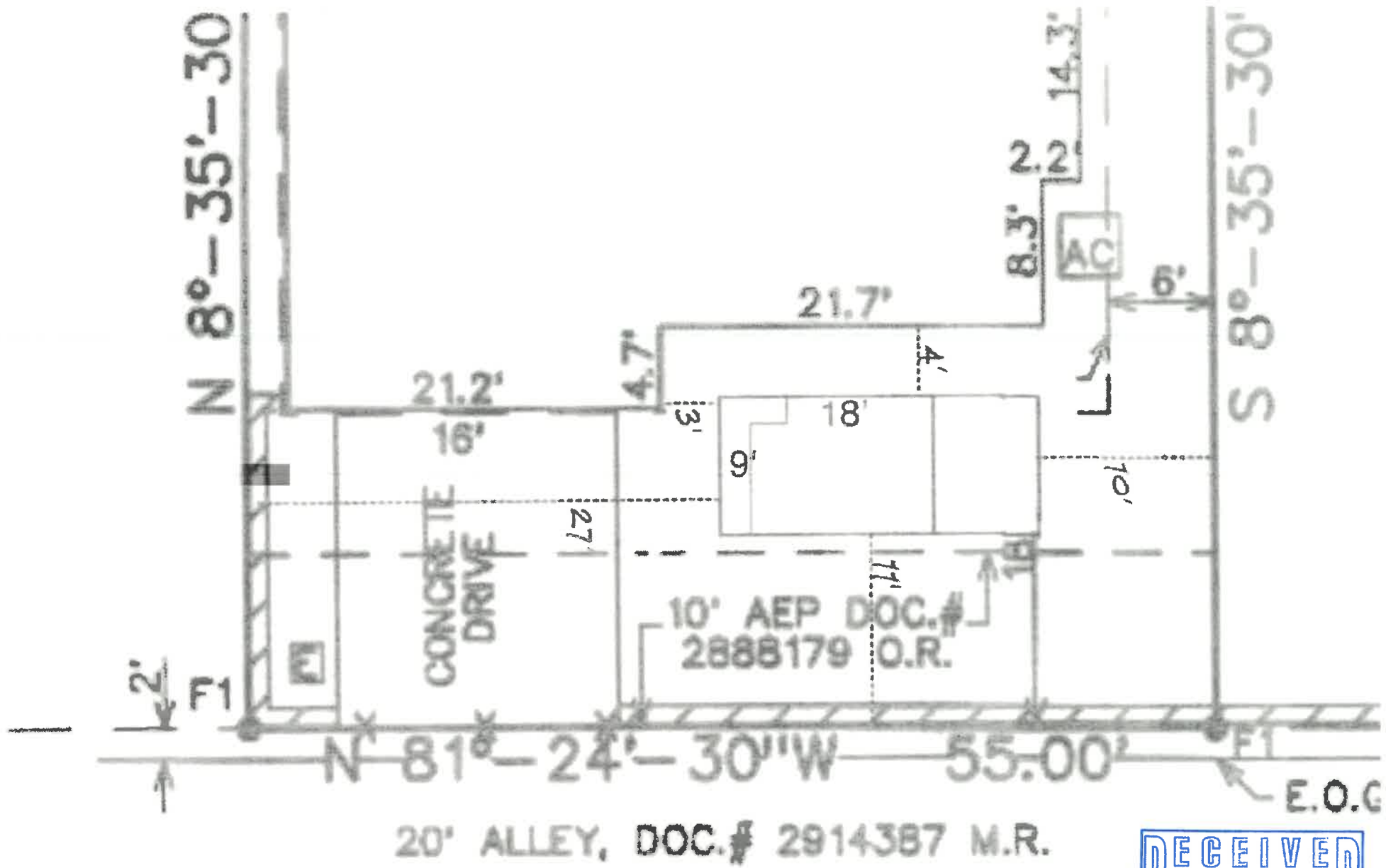
☐ Owner ☒ Authorized Agent



GRAYSON AVE.

DOC. # 2914387 M.R.





RECEIVED
JUL 28 2025
By OC



NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2025-0040
CITY OF MCALLEN PLANNING DEPT
956-881-1200
WWW.MCALLEN.NET