AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING THURSDAY, SEPTEMBER 17, 2020 - 4:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3RD FLOOR

Web: <u>https://zoom.us/join</u> or phone: <u>(346) 248-7799</u> Meeting ID: <u>672 423 1883</u>

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 19, 2020

2. INFORMATION ONLY:

a) Introduction to new Board member and Alternates

3. PUBLIC HEARINGS:

- a) Request of America I. Lopez for the following special exceptions and variances to the City of McAllen Zoning Ordinance to allow: 1) an encroachment of 7 ft. into the 7 ft. side yard setback on the east property line for an existing storage building measuring 7 ft. by 17 ft., 2) to allow an encroachment of 5 ft. into the 5 ft. side yard setback on the west property line for an existing storage building measuring 8 ft. by 10 ft., 3) to allow an encroachment of 23 ft. into the 30 ft. front yard setback for a proposed carport measuring 19 ft. by 20 ft., 4) to allow an encroachment of 7 ft. into the 7 ft. side yard setback on the east side for a proposed carport measuring 19 ft. by 20 ft., 5) to allow an encroachment of 23 ft. into the 5 ft. side yard setback on the east side for a proposed carport measuring 19 ft. by 20 ft., 5) to allow an encroachment of 23 ft. into the 5 ft. side yard setback on the east side for a proposed carport measuring 20 ft. by 30 ft. and 6) to allow an encroachment of 5 ft. into the 5 ft. side yard setback on the west property line for a proposed carport measuring 20 ft. by 30 ft. at Lot 17, Block 1, Western Acres Subdivison, Hidalgo County, Texas; 1508 Upas Avenue. (ZBA2020-0040) (TABLED: 08/19/2020)
- b) Request of Eva Barrera for the following Special Exception to the City of McAllen Zoning Ordinance: to allow an encroachment of 16.5 ft. into the 20 ft. front yard setback for an existing carport measuring 18 ft. by 38 ft. at Lot 23, Block 5, Colonia McAllen Unit No.7 Subdivision, Hidalgo County, Texas; 1909 South 33rd Street. (ZBA2020-0044)
- c) Request of Ivan Garcia on behalf of Rio Delta Engineering for the following variance to the City of McAllen Zoning Ordinance: to allow an encroachment of 27 ft. into the 75 ft. front yard setback for a new meeting room addition to existing building, at Lot 2, T.M.J.C. Subdivision, Hidalgo County, Texas; 612 Expressway 83. (ZBA2020-0047)
- d) Request Dora Hilda Quintero for the following variance to the City of McAllen Zoning Ordinance to: not provide one required parking space beyond the front yard setback at Lot 167, Cielo Vista Subdivision Phase II, Hidalgo County, Texas; 2913 Wanda Avenue. (ZBA2020-0048)

- e) Request of Jose L. Salinas for the following variance to the City of McAllen Zoning Ordinance to allow: an encroachment of 10 ft. into the 10 ft. side yard setback for an existing pergola measuring 10 ft. by 20 ft. at Lot 10, Block 1, The Courtlands Subdivision, Hidalgo County, Texas; 409 Dove Avenue. (ZBA2020-0049)
- f) Request of Daniel Aguirre on behalf of Jose Luis Diaz for the following variance to the City of McAllen Zoning Ordinance to allow: an encroachment of 2 ft. into the 7 ft. side yard setback for a proposed new garage and game room measuring 19.08 ft. by 23.33 ft. at Lot 2, Rancho Subdivision, Hidalgo County, Texas; 5517 South 29th Street. (ZBA2020-0053)
- **g)** Request of David Rutledge for the following Special Exception to the City of McAllen Zoning Ordinance to allow: an encroachment of 6 ft. into the 6 ft. side yard setback for an existing carport measuring 16 ft. by 36 ft. at Lot 4, North Garden Estates Subdivision, Hidalgo County, Texas; 301 Pelican Avenue. **(ZBA2020-0054)**
- h) Request of Cesar Pavel Cal Camarillo for the following special exception to the City of McAllen Zoning Ordinance: to not provide one required parking space beyond the front yard setback at Lot 21, Trinity Oaks Subdivision Phase I, Hidalgo County, Texas; 3209 Guadalupe Avenue. (ZBA2020-0046)
- i) Request of Rafael Colegio for the following special exceptions and variances to the City of McAllen Zoning Ordinance 1) to allow an encroachment of 16.67 ft. into the 20 ft. front yard setback for a proposed metal carport measuring approximately 19 ft. by 24 ft., 2) to allow an encroachment of 2 ft. into the 5 ft. side yard setback along the north property line for a proposed metal carport measuring approximately 19 ft. by 24 ft., 3) to allow an encroachment of 3.25 ft. into the 5 ft. side yard setback along the north property line for an existing wooden storage building measuring 6 ft. by 19 ft., 4) to allow an encroachment of 1.33 ft. into the 10 ft. rear yard setback for an existing wooden storage building measuring 6 ft. by 19 ft., 5) to allow a building separation of 0 ft. from the main building instead of the required 5 ft. for an existing wooden storage building measuring 6 ft. by 19 ft., at Lot 3, Block 4, Pecan Terrace Subdivision, Hidalgo County, Texas; 1504 North 22nd Street. (ZBA2020-0052)
- j) Request of Gerardo Lopez for the following special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 14.5 ft. into the 20 ft. front yard setback for an existing metal carport measuring approximately 20 ft. by 30 ft., at Lot 50, Apollo Gardens Subdivision, Hidalgo County, Texas; 2113 Hibiscus Avenue. (ZBA2020-0051)
- k) Request of Juana L. De Leon for the following special exceptions and variances to the City of McAllen Zoning Ordinance 1) to allow an encroachment of 6 ft. into the 6 ft. side yard setback along the east property line for an existing carport measuring 21 ft. by 25 ft., 2) to allow an encroachment of 6 ft. into the 6 ft. side yard setback for an existing porch along the east property line measuring 6 ft. by 58.5 ft., 3) to allow an encroachment of 20 ft. into the 20 ft. front yard setback for an existing wooden carport, 4) to allow an encroachment of .58 ft. into the 3 ft. rear yard setback for an existing storage room measuring 16.4 ft. by 13 ft., 5) to allow an encroachment of 6 ft. into the 6 ft. side yard setback along the east property line for an existing storage room measuring 16.4 ft. by 13 ft., 5) to allow an encroachment of 6 ft. rear yard setback for an existing wooden porch measuring 16.66 ft. by 20.33 ft., and 7) to allow an encroachment of 6 ft. into the 6 ft. side yard setback along the west property line for an existing wooden porch measuring 16.66 ft. by 20.33 ft., Colonia McAllen Unit No. 4, Hidalgo County, Texas; 2616 Uvalde Avenue. (ZBA2020-0042) (TABLED: 08/19/2020)

- I) Request of Robert Zamora for the following special exception and variance to the City of McAllen Zoning Ordinance 1) to allow an encroachment of 6 ft. into the 6 ft. side yard setback along the west property line for an existing carport with an encroachment area measuring 2.9 ft. by 25 ft., 2) to allow an encroachment of 6 ft. into the 6 ft. side yard setback along the west property line for an existing wooden storage building measuring 12.4 ft. by 19 ft., and 3) to allow an encroachment of 20 ft. into the 20 ft. front yard setback for an existing carport with an encroachment area measuring 2.9 ft. by 20 ft. at Lot 3, Block 1, Colonia McAllen Unit No. 4, Hidalgo County, Texas; 2612 Uvalde Avenue. (ZBA2020-0041)
- m) Request of San Juanita San Miguel for the following variances to the City of McAllen Zoning Ordinance to allow: 1) an encroachment of 5.17 ft. into the 6 ft. side yard setback along the north property line for an existing covered patio measuring 10 ft. by 24.33 ft., 2) an existing covered patio measuring 10 ft. by 24.33 ft. with a distance of 3.17 ft. instead of 5 ft. to the main building, and 3) an encroachment of 6 ft. into the 6 ft. side yard setback along the south property line for an existing storage building measuring 12.75 ft. by 13.33 ft., at Lot 154, Colonia McAllen Unit No. 6 Subdivision, Hidalgo County, Texas; 2121 South 31st Street. (ZBA2020-0034)(TABLED: 08/05/2020) (REMAIN TABLED: 08/19/2020)
- n) Request of Cesar H. Sanchez for the following variance to the City of McAllen Zoning Ordinance: to allow an unattached structure in the R-2 (duplex- fourplex residential) District, at the east 6 ft. of Lot 4, Block 7 and all of Lot 5, Block 7, Larkspur Subdivision No.2, Hidalgo County, Texas; 1607 Nolana Avenue. (ZBA2020-0045)
- o) Request of Eduardo Barnhart for the following variances to the City of McAllen Zoning Ordinance: 1) to allow an encroachment of 2.5 ft. into the 10 ft. rear yard setback for a proposed irregular shaped swimming pool, and 2) to allow an encroachment of 3.67 ft. into the 6 ft. side yard setback along the south property line for a proposed irregular shaped swimming pool, at Lot 8, Arboledas Subdivision Phase I, Hidalgo County, Texas; 7723 North 4th Court. (ZBA2020-0050)

4. FUTURE AGENDA ITEMS

- a) 3008 Zenaida Avenue
- b) 1916 North 35th Street
- c) 4508 North 5th Lane
- d) 1820 South Bentsen Road
- e) 2805 Quamasia Avenue
- f) 4204 Worthington 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.

STATE OF TEXAS COUNTY OF HIDALGO CITY OF MCALLEN

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, August 19, 2020 at 4:30 p.m. in the City Commission Meeting Room with the following present:

Present:	David Salinas Erick Diaz John Millin Sylvia Hinojosa Jose Gutierrez Juan F. Jimenez	Chairperson (teleconference) Vice-Chairperson (teleconference) Member Member Alternate (teleconference) Alternate (teleconference)
Absent:	Sonia Falcon	Member
Staff Present:	Austin Stevenson Michelle Rivera Edgar Garcia Rodrigo Sanchez Kaveh Forghanparast Carlos Garza Hebert Camacho Porfirio Hernandez Carmen White	Assistant City Attorney (teleconference) Assistant City Manager (teleconference) Planning Director (teleconference) Senior Planner Planner II Planner I Planner I GIS Technician II Secretary

CALL TO ORDER – Chairperson David Salinas

1. MINUTES:

a) Minutes for Regular Meeting held on August 5, 2020.

The minutes for the meeting held on August 5, 2020 were approved. The motion to approve the minutes was made by Mr. John Millin. Mr. Juan Jimenez seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

a) Request of Adrian Melendez for the following variance to the City of McAllen Zoning Ordinance to allow an encroachment of 8.5 ft. into the 10 ft. rear yard setback for an existing frame garage measuring 20.3 ft. by 20.3 ft. at Lot 16, Block 4, Orange Terrace Subdivision No.3, Hidalgo County, Texas; 1018 Orange Avenue. (ZBA2020-0038)

Mr. Sotelo stated the applicant was requesting a variance to encroach 8.5 ft. into the 10 ft. rear yard setback for an existing garage measuring 20.3 ft. by 20.3 ft., in order to undertake improvements to existing structure and to allow the structure to remain with the encroachments.

The subject property was located on the north side of Orange Avenue between North 12th Street and North 10th Street. The tract had 67 ft. of frontage along Orange Avenue with lot size of 7,906 square feet. Surrounding land uses to the west, east, and south are single-family residential, and commercial uses to the north.

Orange Terrace Subdivision No. 3 Blocks 4 & 5 was recorded on June 30, 1945. The residential home and garage were built around 1976 according to the Hidalgo County Appraisal records. An application for a building permit for remodeling had not been submitted. An application for a variance was submitted on July 13, 2020. The variance request was to allow 8.5 ft. encroachment into the 10 ft. rear yard setback.

Variance request was to allow an encroachment of 8.5 ft. into the 10ft. rear yard setback. According to the applicant in order to achieve compliance with the required setback, the garage would have to be relocated and reconstructed outside of the required setback and would be costly. There was an alley to the north of the property that serves as a buffer, so no building will ever be built adjacent to the garage.

The neighbor to the east at 1016 Orange Avenue had a carport at 5 ft. from rear property line, which was approved by the Zoning Board of Adjustment at the meetings of April 18, 2018.

In the past, the Zoning Board of Adjustments had approved variance request for accessory uses, but not for living areas.

Staff had not received any phone calls from the surrounding property owners with issues or concern regarding this variance request.

Staff recommended approval of the variance request.

Mr. John Millin inquired if the applicant had obtained a building permit since the structure already existed. Mr. Sotelo stated the applicant had not obtained a building permit however, he did want to renovate it and it would be more than 10 percent of the repair areas. Mr. Millin asked if it would remain a garage. Mr. Sotelo it will remain a garage.

Chairperson David Salinas inquired 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 David Salinas inquired if there was anyone present to speak in opposition of the variance request. No one spoke in opposition of the variance request.

Ms. Sylvia Hinojosa **moved** to approve the variance request. Vice-Chairperson Erick Diaz seconded the motion. The board voted unanimously to approve the variance request with five members present and voting

b) Request of Hector Leal for the following special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 16 ft. into the 25 ft. rear yard setback for a proposed carport measuring 16 ft. by 24 ft. at East 18' of Lot 6 and W 7' of Lot 7, Wilson Subdivision No.2, Hidalgo County, Texas; 300 Nolana Avenue. (ZBA2020-0037)

Ms. Alvarado stated the applicant was requesting to allow an encroachment of 16 ft. into the 25 ft. rear yard setback for a proposed carport measuring 16 ft. by 24 ft. The business owners would like to use the carport to protect themselves and their vehicle from harsh weather conditions.

The property was located on the north side of Nolana Avenue, approximately 300 ft. east of 4th Street. The lot had 25 ft. of frontage along Nolana Avenue and 320 ft. of depth for a lot size of 8,000 sq. ft. The property was zoned C-3 (general business) district. The adjacent zoning is R-1 (single family residential) district to the north, A-0 (agricultural & open space) district to the east, C-3 (general business) district to the south and west. The surrounding land uses include single-family residences, open space, and commercial businesses.

Wilson No. 2 was recorded on April 23, 1977. According to the Hidalgo County Appraisal district, the commercial building was built in 1978. A right of way permit was issued on September 6, 2016, to build a 20 ft. by 25 ft. slab, which is used as parking. The subdivision plat did not indicate any utility easements along the rear side of the property.

The request was for a special exception for a carport to be built over the existing concrete slab that was used as parking. The rear setback for the subject property was 25 ft. The submitted site plan showed the proposed carport to be encroaching 16 ft. into the 25 ft. rear setback. The existing business is called Fully Promoted and is an embroidery and print shop. The business does not have a need for loading areas at the rear of the property, which would need a 25 ft. clearance. The standard rear yard setback in a C3 (general business) is 5 ft.

Staff had not received any phone calls in opposition to this variance request.

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

Ms. Sylvia Hinojosa inquired if there were any other carports in that strip because it was quite lengthy. Ms. Alvarado stated there were other carports in that strip and that the applicant was present. Ms. Hinojosa stated her concern were there existing approximately the same type of carports to protect the vehicles in the back. Ms. Alvarado stated yes.

Mr. Hector Leal, the applicant, stated confirmed over structures in the back.

Mr. John Millin **moved** to approve the special exception limited to the footprint of the encroachment. Mr. Sylvia Hinojosa seconded the motion. The board voted unanimously to approve the variance request with five members present and voting

c) Request of Robert Zamora for the following special exception and variance to the City of McAllen Zoning Ordinance 1) to allow an encroachment of 6 ft. into the 6 ft. side yard setback along the west property line for an existing carport with an encroachment area measuring 2.9 ft. by 25 ft. and, 2) to allow an encroachment of 6 ft. into the 6 ft. side yard setback along the west property line for an existing wooden storage building measuring 12.4 ft. by 19 ft., at Lot 3, Block 1, Colonia McAllen Unit No. 4, Hidalgo County, Texas; 2612 Uvalde Avenue. (ZBA2020-0041)

Per Staff, this item was to be tabled until the next meeting.

Mr. John Millin **moved** to table the variance request to allow the applicant an opportunity to have a full board. Ms. Sylvia Hinojosa seconded the motion. The board voted unanimously to table the special exception with five members present and voting.

d) Request of Juana L. De Leon for the following special exceptions and variances to the City of McAllen Zoning Ordinance 1) to allow an encroachment of 6 ft. into the 6 ft. side yard setback along the east property line for an existing carport measuring 21 ft. by 25 ft.,2) to allow an encroachment of 6 ft. into the 6 ft. side yard setback for an existing porch along the east property line measuring 6 ft. by 58.5 ft., 3) to allow an encroachment of 20 ft. into the 20 ft. front yard setback for an existing wooden carport, 4) to allow an encroachment of .58 ft. into the 3 ft. rear yard setback for an existing storage room measuring 16.4 ft. by 13 ft., 5) to allow an encroachment of 6 ft. into the 6 ft. by 13 ft., 5) to allow an encroachment of 3 ft. into the 3 ft. rear yard setback for an existing storage room measuring 16.4 ft. by 13 ft., 6) to allow an encroachment of 3 ft. into the 3 ft. rear yard setback for an existing wooden porch measuring 16.66 ft. by 20.33 ft., and 7) to allow an encroachment of 6 ft. into the 6 ft. side yard setback along the west property line for an existing wooden porch measuring 16.66 ft. by 20.33 ft. at Lot 4, Block 1, Colonia McAllen Unit No. 4, Hidalgo County, Texas; 2616 Uvalde Avenue. (ZBA2020-0042)

Per Staff, this item was to be tabled until the next meeting.

Mr. John Millin **moved** to table the variance request to allow the applicant an opportunity to have a full board. Ms. Sylvia Hinojosa seconded the motion. The board voted unanimously to table the special exception with five members present and voting.

e) Request of Esthela de Hoyos for the following variance to the City of McAllen Zoning Ordinance to allow an encroachment of 5 ft. into the 10 ft. rear yard setback for a proposed swimming pool measuring 17.5 ft. by 8.44 ft. at Lot 63, Santa Yesenia Subdivision, Hidalgo County, Texas; 2308 North 48th Street. (ZBA2020-0036)

Mr. Garza stated Esthela de Hoyos was requesting the following variance to allow an encroachment of 5 ft. into the 10 ft. rear yard setback for a proposed pool measuring 17.5 ft. by 8.44 ft.

The property was located on the east side of North 48th Street. The lot has 61.03 ft. of frontage North 48th Street and a depth of 103.44 ft. for a lot size of 6,312.94 sq. ft. The property is zoned R-1 (single family residential) District. The surrounding land uses include single-family residential uses.

Santa Yesenia Subdivision was recorded on February 22, 2005. A note on the plat indicates that the rear yard setback requirement for the lot is 10 ft. A variance application for the proposed swimming pool was submitted on July 06, 2020. The swimming pool permit application for a proposed swimming pool was submitted on July 07, 2020.

The variance request was for a proposed swimming pool, which 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 ft. The remaining 5 ft. comprise of a 5 ft. utility easement that runs concurrently with the 10 ft. rear yard setback. In the past, the Board has approved variances for accessory buildings.

The site plan showed a proposed swimming pool encroaching 5 ft. into the 10 ft. rear yard setback. In the past, swimming pools were allowed to be built within setbacks;

however, a subsequent determination by the City's Legal Department included swimming pools as structures, which require compliance with setbacks.

Staff had not received any phone calls from the surrounding property owners in opposition to these variance requests.

Staff recommended 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.

Chairperson David Salinas inquired 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 David Salinas inquired if there was anyone present to speak in opposition of the variance request. No one spoke in opposition of the variance request.

Ms. Esthela de Hoyos, the applicant, stated she wanted to build a swimming pool a little larger but could not because of the setback distance.

Chairperson Salinas asked the measurements of the pool. Ms. Hoyos stated it was 17.5 feet by 8.44 feet.

Ms. Hinojosa inquired if there was any information if they were doing anything around the pool such as any utilities. Mr. Garza stated there was a 5-foot utility easement but construction would not go beyond the easement. If they decide to do pavers that would have to go to the Building Department and pavers on sand were permitted.

Ms. Sylvia Hinojosa <u>moved</u> to approve the variance request limited to the footprint of the site plan submitted. Mr. Jose Gutierrez seconded the motion. The board voted unanimously to approve the variance request with five members present and voting

f) Request of San Juanita San Miguel for the following variances to the City of McAllen Zoning Ordinance to allow: 1) an encroachment of 5 ft. into the 6 ft. side yard setback along the north property line for an existing covered patio measuring 12 ft. by 24 ft., 2) an existing covered patio measuring 12 ft. by 24 ft. with a distance of 3 ft. instead of 5 ft. to the main building, and 3) an encroachment of 3 ft. into the 6 ft. side yard setback along the south property line for an existing storage building measuring 10 ft. by 13 ft., at Lot 154, Colonia McAllen Unit No. 6 Subdivision, Hidalgo County, Texas; 2121 South 31st Street. (ZBA2020-0034)

Mr. Garza stated this item was to remain tabled until the next meeting.

g) Request of America I. Lopez for the following special exceptions and variances to the City of McAllen Zoning Ordinance to allow: 1) an encroachment of 7 ft. into the 7 ft. side yard setback on the east property line for an existing storage building measuring 7 ft. by 17 ft., 2) to allow an encroachment of 5 ft. into the 5 ft. side yard setback on the west property line for an existing storage building measuring 8 ft. by 10 ft., 3) to allow an encroachment of 23 ft. into the 30 ft. front yard setback for a proposed carport measuring 19 ft. by 20 ft., 4) to allow an encroachment of 7 ft. into the 7 ft. side yard setback on the east side for a proposed carport measuring 19 ft. by 20 ft., 5) to allow an encroachment of 23 ft. into the 30 ft. front yard setback

for a proposed carport measuring 20 ft. by 30 ft., and **6)** to allow an encroachment of 5 ft. into the 5 ft. side yard setback on the west property line for a proposed carport measuring 20 ft. by 30 ft. at Lot 17, Block 1, Western Acres Subdivision, Hidalgo County, Texas; 1508 Upas Avenue. **(ZBA2020-0040)**

Mr. Camacho stated the applicant, America Lopez, was requesting a variance to allow encroachments into the front yard and side yard setbacks for 2 existing storage buildings and 2 proposed carports. The applicant stated that she had a recent knee replacement surgery and the carports would help her and her husband get to their vehicles safely for their medical appointments in inclement weather. In addition, it would help their cars; their cars suffer damage from hail and from a sap that falls into their cars from a neighboring tree.

The subject property had frontage on Upas Avenue and is approximately 430 ft. away from Main Street. The lot had 61.5 ft. of frontage on Upas Avenue and a depth of 130 ft. The property was zoned R-1 (single family residential) District. The surrounding land uses are single-family residences, El Camino Real Apartments and David Crocket Elementary School.

Western Acres was recorded on March 4, 1952. According to Building Permit records, a Stop Work Order was issued on June 16, 2020 for construction without a permit. The applicant submitted an application for a building permit on June 18, 2020. The variance request application was submitted on July 14, 2020.

The Zoning Board of Adjustments and Appeals approved variances at 1515 Vine Avenue (2116 N. 16th St) and 1409 Vine Avenue for buildings encroachments into the rear and front setbacks lines in 1973.

Variance # 1 was to allow an encroachment of 7 ft. into the 7 ft. east side yard setback, for an existing storage building measuring 7 ft. by 17 ft. for an area of 119 sqft. Storage building is located at the northeast section of the property. According to County records, the improvement was built in 2012.

Variance #2 was to allow and encroachment of 5 ft. into the 5 ft. west side yard setback, for an existing storage building measuring 8 ft. by 10 ft. for an area of 80 sqft. Storage building is located at the northwest section of the property. According to County records, the improvement was built in 2015.

Variance #3 is to allow an encroachment of 23 ft. into the 30 ft. front yard setback, for a proposed carport measuring 19 ft. by 20 ft. for an area 380 sqft.

Variance #4 is to allow an encroachment of 7 ft. into the 7 ft. east side yard setback for a proposed carport measuring 19 ft. by 20 ft. The carport will not have an overhang, at the property line the carport will go straight down.

Variance request # 5 is to allow an encroachment of 23 ft. into the 30 ft. front yard setback, for a proposed carport measuring 20 ft. by 30 ft. with an area of 600 sq. ft.

Variance #6 is to allow an encroachment of 5 ft. into the 5 ft. west side yard setback, for a proposed carport measuring 20 ft. by 30 ft. as in variance #4 there will not be an

overhang. However, staff recommended to relocate, if approved, column #1, to be align with the rest of the columns in the driveway.

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.

The submitted site plan indicates the proposed carports to be 7 foot from the property line; however, measurements provided are without the benefit of a survey. Approval of the variance request will allow the proposed construction as depicted on the site plan.

Staff had not received any phone calls from surrounding property owners with issues of concern regarding this variance request.

There are other existing carports in the area that appear to be encroaching into the front and side yard setbacks.

There were no utility easements shown on the plat.

Staff recommended disapproval of variance #1 and #2 and approval of the two special exceptions since reasons of appeal are health related. If the Board chooses to approve the variances, the approval should be limited to the footprint as shown on the site plan.

Chairperson Salinas inquired about the variances and special exceptions. Chairperson Salinas stated that staff recommended disapproval on 2 variances and approval of 2 special exceptions, however at the presentation of the request it was stated that it was a total of 6 variances.

Mr. Camacho stated that variances #1 and #2 were for the storage encroaching into the side setbacks while variances #3 through #6 were for the carports. Variances #3 and #4 were for the carport and variances #5 and #6 were for another carport, as depicted on the site plan provided on your packet.

Ms. Sylvia Hinojosa inquired if they ran a business out of the property. Mr. Camacho stated no business. They were an elderly couple and recently had knee surgeries and wanted the carport due the falls during the weather conditions. Ms. Hinojosa stated it was referenced more to the storage units. Mr. Camacho stated it was for storing personal items.

Chairperson Salinas asked if the applicant was present. Mr. Camacho stated she was not present or neither online.

Chairperson Salinas stated they would proceed onto the next item to see if the applicant presents herself at the meeting.

Mr. Camacho stated the applicant still was not present.

Ms. Sylvia Hinojosa <u>moved</u> to table the special exceptions and variances to allow the applicant to be present. Mr. Jose Gutierrez seconded the motion. The board voted unanimously to table the special exceptions and variances with five members present

and voting.

h) Request of Blanca I. Cantu for the following special exception to the City of McAllen Off-Street Parking and Loading Ordinance to allow 5 parking spaces instead of the required 7 parking spaces, at Lot 18, Block 1, Redwood Park Addition, Hidalgo County, Texas; 1601 North 7th Street. (ZBA2020-0039)

Mr. Forghanparast stated the applicant was requesting a special exception from the City of McAllen Off-street Parking and Loading Ordinance to provide 5 parking spaces instead of the required 7 parking spaces for a commercial building due to space limitation.

The property was located on the northwest corner of 7th Street and Pecan Boulevard. The lot had 61 ft. of frontage along 7th Street and 135 ft. of depth for a lot size of 8,235 sq. ft. The property was zoned C-3L (light commercial) District. The adjacent zoning was C-2 (neighborhood commercial) District to the east, R-1 (single-family residential) District to the north, and C-3 (general business) District to the west and south. The surrounding land uses included single-family residences, retail stores, beauty salons, and offices.

Redwood Park Addition Subdivision was recorded on September 14, 1949. The subject property was being used as a flower shop and event design company under the name of Cantu's Special Events. An application for a building permit to add eight seats in the patio as a cyber café was submitted on April 23, 2020. The Planning Department rejected the request due to the deficiency of provided and proposed parking spaces. The application for a special exception request was submitted on July 14, 2020, with a revised site plan showed six seats outside.

The establishment had 545 sq. ft. of retail space, and the applicant was willing to add six seats outside. Therefore, 5 parking spaces for the retail space and 2 for the outside seating area were required for a total of 7 required parking spaces. The request was to provide 5 parking spaces due to space limitation. The applicant had explored the possibility of borrowing parking spaces from the neighboring businesses, which was unsuccessful.

During the inspection, staff noticed that three out of the existing five parking spaces were occupied by the company's vehicles.

Staff had not received any phone calls in opposition to this special exception request.

Staff recommended disapproval of the special exception request.

Ms. Sylvia Hinojosa asked if they were trying to set up a small coffee shop. Mr. Forghanparast stated yes and that there were some seats that they were proposing to do similar to a coffee shop. Ms. Hinojosa asked they were not getting rid of their previous business. Mr. Forghanparast stated no. They would still have it with their existing flower shop and event company that go to decorate for events. Ms. Hinojosa stated unless they get a parking agreement from somebody because it would affect the neighborhood. She stated they always had rental trucks to move items. The alley was always busy and they would not have any parking for patrons unless they do something with the front yard. Mr. Forghanparast mentioned that staff had explored different options to see if they could provide another parking space, which was not feasible. In addition, according to borrowing space from other properties and having an agreement, other businesses

needed their parking spaces and they were at their limit, so that was not possible as well. The applicant was present for any questions.

Ms. Hinojosa stated it had always been very busy at that particular location. In addition, she did not know how could they acquire a sit down type business in addition to what they already had there with no place for people to park.

Mr. John Millin asked as it was currently used as a floral shop and event planning office, if they had adequate parking. Mr. Forghanparast stated as of now yes, they did. They tried to work with the applicant. The business they considered as a retail space and that required five parking spaces so they had five parking spaces as of now. Mr. Millin stated to add a coffee shop they would need another two parking spaces. Mr. Forghanparast confirmed.

Ms. Hinojosa asked if those five parking spaces were utilized for the trucks. Mr. Forghanparast stated that during the inspection they noticed that 3 out of 5 parking spaces were occupied by the business' vehicles.

Vice-Chairperson Erick Diaz asked the reason for not being able to add the other two spaces. Mr. Forghanparast stated because of the space limits, they did not have any available space. They have used all the 5 spaces they had.

Chairperson David Salinas inquired if there was anyone present to speak in favor of the special exception. There was no one to speak in favor of the special exception.

Chairperson David Salinas inquired if there was anyone present to speak in opposition of the special exception. No one spoke in opposition of the special exception.

Chairperson Salinas asked if staff had received any oppositions. Mr. Forghanparast stated they had not received any phone calls or emails regarding this request.

Ms. Hinojosa asked if the applicant was stating they were not going to utilize this floral/event-planning business, that meant that they were going to remove the trucks for more parking spaces for her patrons.

Ms. Blanca I. Cantu, the applicant, stated in the photos it had the trucks at that location but they also had another location where they would relocated the trucks there in order to have enough parking spaces for the proposed coffee shop.

Ms. Hinojosa stated if they were to get more access from 7th Street to the front door or a circular driveway would be agreeable. However, the way it was set up in the alley, she did not know how it could happen.

Ms. Hinojosa asked if staff went inside and concluded that they needed seven parking spaces into the retail space. Mr. Forghanparast stated that according to the square footage, five for the retail and two for the proposed coffee shop with six seats outside. He stated the number of spaces calculated based on the Zoning Ordinance were more than seven but staff worked with the applicant and tried to remove some of the spaces they did not use as retail like corridors and storage. Also, for the space outside, they calculated only based on the number of seats versus the square footage that would require more.

Therefore, this number of parking spaces was the minimum number they could get working with the applicant.

Mr. John Millin asked if they determined how many customers they typically have in their parking spaces under its current uses as the flower shop and event planning business. Mr. Forghanparast stated they determined the number of parking spaces according to the ordinance.

Ms. Hinojosa commented when one opens any kind of food service it requires quite a bit of an investment. The applicant needs to be sure that the parking were determined and set.

Chairperson Salinas asked if the applicant was willing to table the item for at least two more weeks to work with the staff again and explore all possibilities to provide the required parking spaces before the Board makes a vote.

Ms. Cantu did not want to wait anymore and wished to proceed to vote.

Ms. Sylvia Hinojosa <u>moved</u> to disapprove the special exception request. Ms. Sonia Falcon seconded the motion. The Board voted to disapprove the special exception with four members voting aye and Vice-Chairperson Erick Diaz voting nay.

FUTURE AGENDA ITEMS:

- a) 1909 South 33rd Street
- **b)** 1607 Nolana Avenue
- c) 3209 Guadalupe Avenue
- d) 612 Expressway 83

ADJOURNMENT

There being no further business to come before the Zoning Board of Adjustment and Appeal, Mr. John Millin **moved** to adjourn the meeting. Ms. Sylvia Hinojosa seconded the motion, which carried unanimously with five members present and voting.

Chairperson David Salinas

Carmen White, Secretary

2a)

Introduction to New Board Member and New Alternates

Memo

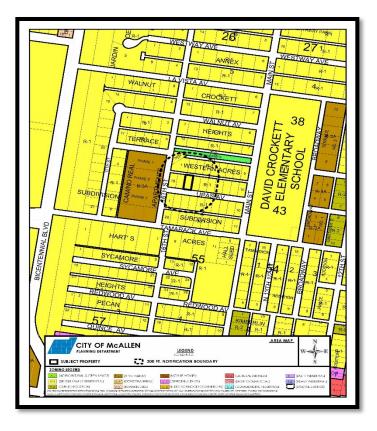
- TO: Zoning Board of Adjustment & Appeals
- FROM: Planning Staff
- **DATE:** August 28, 2020
- **REQUEST OF AMERICA I. LOPEZ FOR THE FOLLOWING SPECIAL EXCEPTIONS** SUBJECT: AND VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) AN ENCROACHMENT OF 7 FT. INTO THE 7 FT. SIDE YARD SETBACK ON THE EAST PROPERTY LINE FOR AN EXISTING STORAGE BUILDING MEASURING 7 FT. BY 17 FT., 2)TO ALLOW AN ENCROACHMENT OF 5 FT. INTO THE 5 FT. SIDE YARD SETBACK ON THE WEST PROPERTY LINE FOR AN EXISTING STORAGE BUILDING MEASURING 8 FT. BY 10 FT., 3) TO ALLOW AN ENCROACHMENT OF 23 FT. INTO THE 30 FT. FRONT YARD SETBACK FOR A PROPOSED CARPORT MEASURING 19 FT. BY 20 FT., 4) TO ALLOW AN ENCROACHMENT OF 7 FT. INTO THE 7 FT. SIDE YARD SETBACK ON THE EAST SIDE FOR A PROPSED CARPORT MEASURING 19 FT. BY 20 FT., 5)TO ALLOW AN ENCROACHMENT OF 5 FT. INTO THE 5 FT. SIDE YARD SETBACK ON THE WEST PROPERTY LINE FOR A PROPOSED CARPORT MEASURING 20 FT. BY 30 FT. AND 6) TO ALLOW AN ENCROACHMENT OF 5 FT INTO THE 5 FT. SIDE YARD SETBACK ON THE WEST PROPERTY LINE FOR A PROPOSED CARPORT MEASURING 20 FT. BY 30 FT. AT LOT 17, BLOCK 1, WESTERN ACRES SUBDIVISION, HIDALGO COUNTY, TEXAS; 1508 UPAS AVENUE. (ZBA2020-0040)

REASON FOR APPEAL:

America Lopez, is requesting a variance to allow encroachments into the front yard and side yard setbacks for 2 existing storage buildings and 2 proposed carports. The applicant stated that she had a recent knee replacement surgery and the carports would help her and her husband get to their vehicles safely for their medical appointments in inclement weather. In addition, it would help their cars; their cars suffer damage from hail and from a sap that falls into their cars from a neighboring tree.

PROPERTY LOCATION AND VICINITY:

The subject property fronts Upas Avenue and is approximately 430 ft. away from Main Street. The lot has 61.5 ft. of frontage on Upas Avenue and a depth of 130 ft. The property is zoned R-1 (single family residential) District. The surrounding land uses are single-family residences, El Camino Real Apartments and David Crocket Elementary School.





BACKGROUND AND HISTORY:

Western Acres was recorded on March 4, 1952. According to Building Permit records, a Stop Work Order was issued on June 16, 2020 for construction without a permit. The applicant submitted an application for a building permit on June 18, 2020. The variance request application was submitted on July 14, 2020.

The Zoning Board of Adjustments and Appeals approved variances at 1515 Vine Avenue (2116 N. 16th St) and 1409 Vine Avenue for buildings encroachments into the rear and front setbacks lines in 1973.

ANALYSIS:

East Storage

Variance # 1 is to allow an encroachment of 7 ft. into the 7 ft. east side yard setback, for an existing storage building measuring 7 ft. by 17 ft. for an area of 119 sqft. Storage building is located at the northeast section of the property. According to County records, the improvement was built in 2012.

West Storage

Variance #2 is to allow and encroachment of 5 ft. into the 5 ft. west side yard setback, for an existing storage building measuring 8 ft. by 10 ft. for an area of 80 sqft. Storage building is located at the northwest section of the property. According to County records, the improvement was built in 2015.

East Carport

Variance #3 is to allow an encroachment of 23 ft. into the 30 ft. front yard setback, for a proposed carport measuring 19 ft. by 20 ft. for an area 380 sqft.

Variance #4 is to allow an encroachment of 7 ft. into the 7 ft. east side yard setback for a proposed carport measuring 19 ft. by 20 ft. The carport will not have an overhang, at the property line the carport will go straight down.

West Carport

Variance request # 5 is to allow an encroachment of 23 ft. into the 30 ft. front yard setback, for a proposed carport measuring 20 ft. by 30 ft. with an area of 600 sqft

Variance #6 is to allow an encroachment of 5 ft. into the 5 ft. west side yard setback, for a proposed carport measuring 20 ft. by 30 ft. as in variance #4 there will not be an overhang. However, staff recommends to relocate, if approved, column #1, to be align with the rest of the columns in the driveway.

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.

The submitted site plan indicates the proposed carports to be 7 foot from the property line; however, measurements provided are without the benefit of a survey. Approval of the variance request will allow the proposed construction as depicted on the site plan.

Staff has not received any phone calls from surrounding property owners with issues of concern regarding this variance request.

There are other existing carports in the area that appear to be encroaching into the front and side yard setbacks.

There are no utility easements shown on the plat.

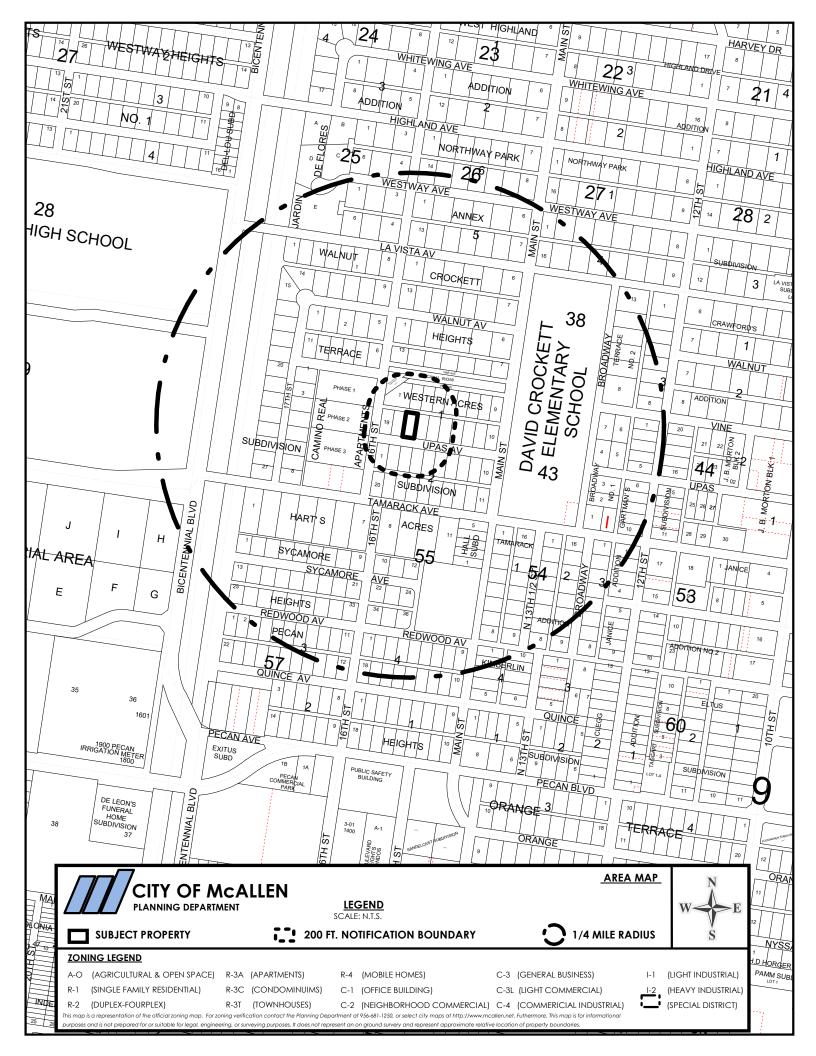
RECOMMENDATION:

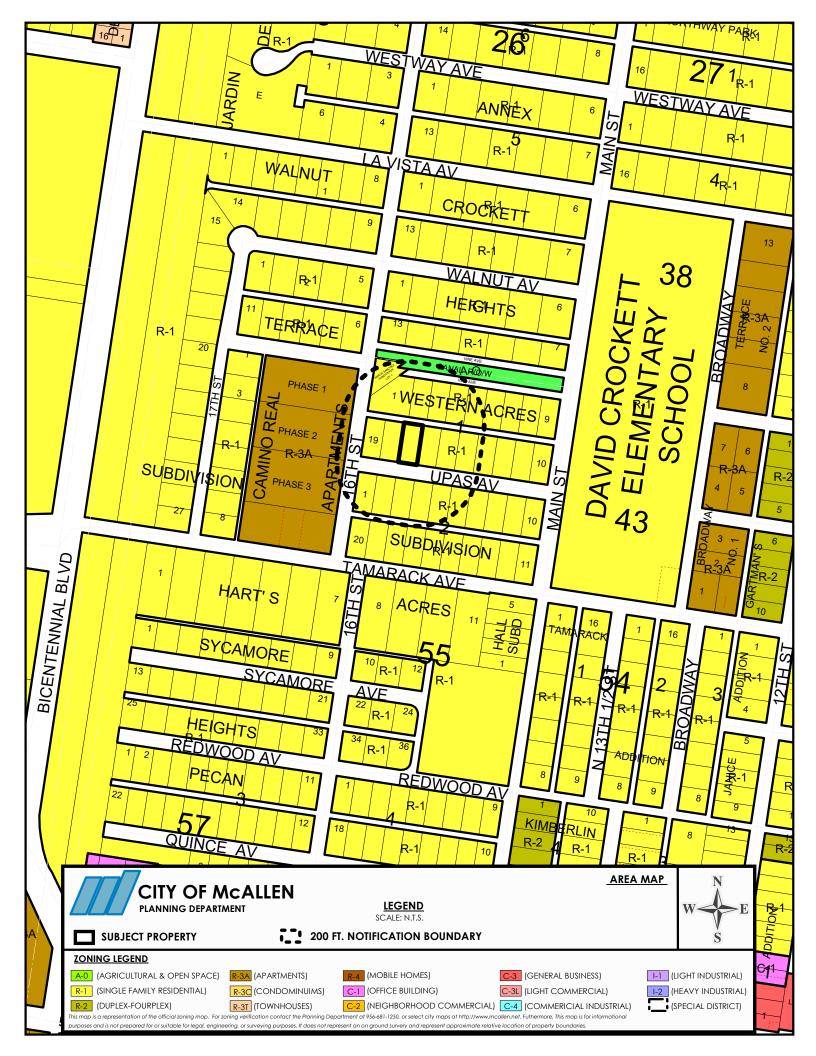
Staff recommends disapproval of variance #1 and #2 and approval of the variance #3 trough #6 (Carports) since reasons of appeal are health related. If the Board chooses to approve the variances, the approval should be limited to the footprint as shown on the site plan.

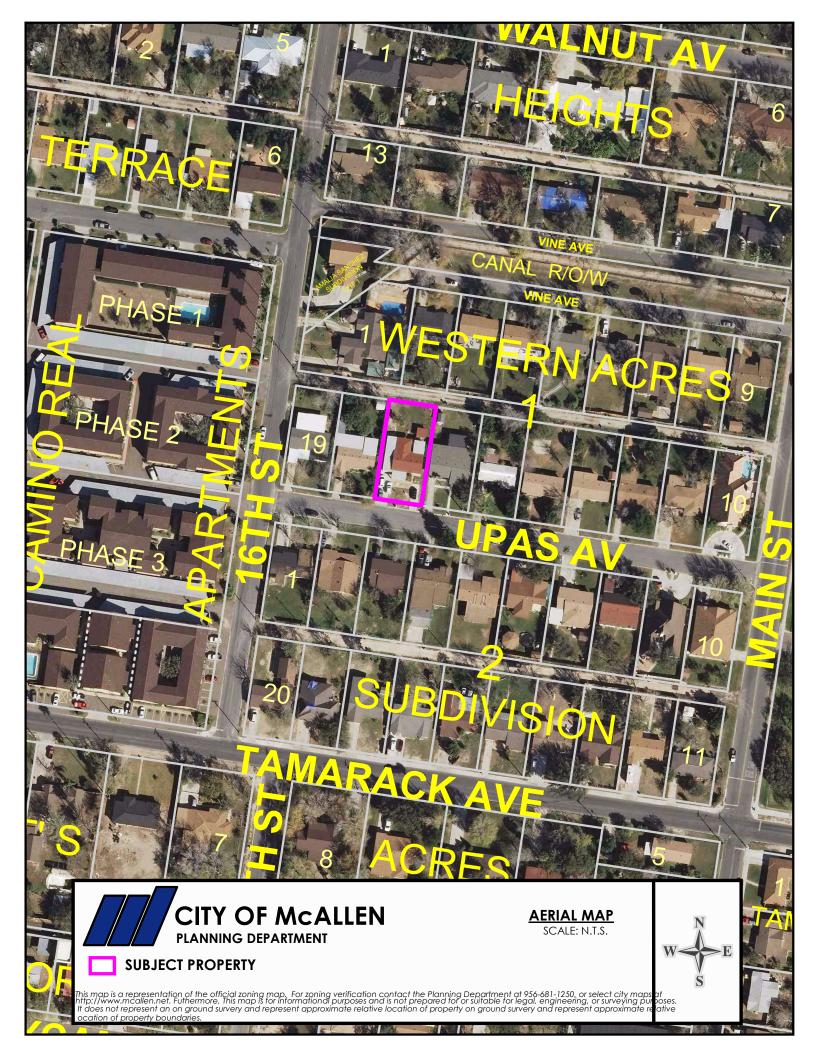
ZBA2020-0040

	APPEAL TO ZONING BOARD OF (956) 681-1279 (fax) ADJUSTMENT TO MCALLEN ZONING ORDINANCE
Project	Legal Description <u>Western Acres</u> Lot 17 BLK 1 Subdivision Name <u>MO*TEX Subdivision</u> Street Address <u>1508 Upas Ave</u> . The North Number of lots <u>ONE</u> Gross acres <u>7995 sq. f4</u> . The North Nos Feet of Lot 12 Block 95 Existing Zoning <u>Existing Land Use</u> Reason for Appeal (please use other side if necessary) <u>The Reasons are written on the back of this Spent please</u> and try to understand but I will respect you decise State of \$300.00 non-refundable filing fee + © \$50.00 Recording Fee for Special Exception (call of the legal description of the tract is a portion of a lot) is required
Applicant	Name <u>America I. López</u> Phone <u>956-687-2555</u> Address <u>1508 Ilpas Ave.</u> E-mail <u>America López #1122.c</u> City <u>MSAILEN</u> State <u>TX.</u> Zip <u>18501</u>
Owner	Roel M. Garza , Antonio R. Garza Name <u>Rogelio G. Garza + Rosbel R. Garz</u> APhone <u>904-657-8050</u> Address <u>Harlingen K. Houston K. Florida</u> E-mail <u>N/A</u> City <u>Jackson ville</u> , <u>Ff.</u> State <u>FL</u> . Zip <u>32259</u> 1410 Roberts Rd. St. Johns, Fl.
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 Mo Print Name America Copez Owner Authorized Agent
Office	Accepted by Payment received by Date Date Date Date Date Date Date Date

	City of McAllen <i>Planning Department</i>
	REASON FOR APPEAL & BOARD ACTION
Reason for Appeal	Saved from OUR budget for two years to have these carports for Necessary reasons such as: To Enter, and exit to and from our home in a helpful and safety daily basis: Doctors appt; After having three knee replacement surgeries last one recent ob-27-2 Due to injuries at vietnam in the military and worked at Ternas Dept of Corrections watking on concrete stairs for 30 years. Dwalks with a cane or walker and has a scooter with bracket attached to the back of his vehicle and needs the space wide enough to hour and unhosked to his vehicle Detween five cars we have in our household. D'My husband has fallen two times due to wet driveways after rain, bad weather Myself 1 have fallen one time slipping on wet concrete. Has V. A. meeting for PTSD diagno D'Graceries and medicine pickups is also an important to leave our home. Liberys for Activity programs and check out books which he likes to read. We have to enjoy family gatherings to sit or grandkids cause its to hot. The second drive way and will eventually get another one on the the second drive to be have to do. D'We have one famp on one driveway and will eventually get another one on the the second drive way and get all wet from cain by the we get to bur porch trying to Awsh carrying stuff inside, I have spoken to some neighbors about it and say they don't mind. They will be nice matching my house nothing tacky:
Board Action	Chairman, Board of Adjustment Date







6/22/2020

City of Mc allen Planning Department appeal to zoning Board of adjustments to Mc allen zoning Ordinance

To whom it may concern, I geonnie L. Garza widow of Roel M. Barza give authorization to my sister in law america el. Lopez for any repairs adding a construction to fix the house as needed. It was a gift deed on my behalf. This was decided in 1995. If you need to contact me my address is 1810 B Williams Lone Harlingen, JX 78552. Cell phone (956) 493-1815

Thank you Jeannie L. Darza

STATE OF TEXAS

CERTIFICATE OF DEATH

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STATE OF TEXAS

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To: City of MCAllEN PLANNING DEPARTMENT Appeal TO ZONING BOARD OF Adjustment To MCALLEN ZONING ORDINANCE

FROM: ANTONIO R. GARZA (28)) ZIE-6388

To whom it may concern d, autorio R. Serza, Brother of america d. Lopez, give authorization to do repairs or construction to this home at 1508 Uper ane, Mcallen, Tx 7850. It was a gift to her from me ence brothers on the year of 1995.

Thonk you antonio R. Guryo 14914 Willington In. I touston, TX 77049 (281)216-6388

Dear Board,

My name is Rosbel Rey Garza and I writing in reference to the resident, my sister America Lopez, on 1508 Upas Street. This home was originally our mother's in the early 70's and was deeded to her sons. My sister and her husband have been residing at his home for nearly 30 years. Over the years, my sister America Lopez and her husband, Wilfredo Lopez have made many improvement to their home. As a son listed on the resident deed or title, I authorized America and Wilfredo Lopez, full Autonomy to make home improvements on the property.

If you have any questions, please feel free to call me at 904-657-8050.

Kind regards,

Rosbel Rey Garza

CITY OF MCALLEN PLANNING DEPARTMENT APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONONG ORDINANCE

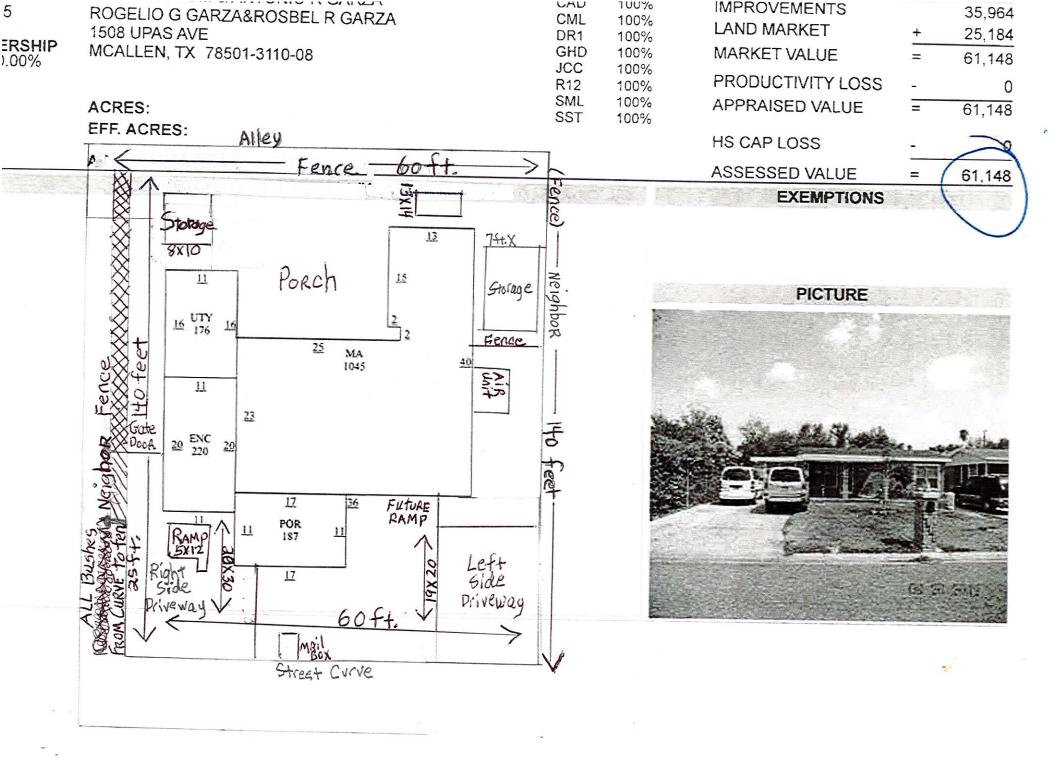
I, Rogelio Guillermo Garza Rivera, with Personal ID No. GARR511129HTSRVG01, and legal address at Camino de los Gavilanes No. 113, San Jemo, Monterrey, Nuevo Leon, Mexico; of marital status marned, as the older brother, state by means of this herein the authorization to my sister América I. Lopez to remodel, expand and / or build the property located at 1508 Upas Ave., McAllen, Tx., 78501. Likewise, she is authorized to carry out all the procedures in order to obtain the corresponding authorizations for the purposes described above.

I declare that my sister America I. Lopez is the one who currently lives in the property, therefore owns the legal address of this property

Without further ado, I remain at your disposal for any questions or clarifications in this regard.

Respectfully.

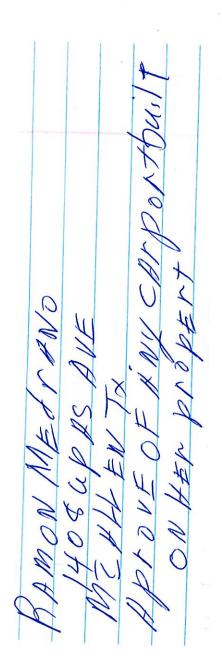
ROGELIO G. GARZA RIVERA Camino de los Gavilanes No. 113 Col. San Jemo Monterrey, N.L. CP 64630 Tel. (52) 81 8315 0015



-4.

07-12-2020 To The City of MEATTER Planning Department of zoning board of ordinance To Whom it may concern MAAM'S And SIRS, My name is America Lopez my husband Wilfredu Loper and three other family members live at 1508 Upas Ave. in Meallen. This home has been in our family Since 1973 that's 47 years. My Mother America Rivera was original second owner when she purchase it she became ill and decided to put it the title of the house to my four brothers At that time, between 1980-1985 but was given to me as a gift on 1995, I trust my brothers and for various reasons on my behalf have not transfer the title to my name, Mainly just raising my 5 children, working, going to school and also the cost. I have Always payed my taxes on time and kept up with all the needed repair such as New plumbing, fuse box, installed central air, put strice on the brick, fenced the back yard, install New tile, and windows. I have never had problems with the city ordidance 50 Dam not familiar with the city rules and procedures. your decisions I will respect but will you please read on the back of your form why I need this 2 carports. Thank-you MR3. America Lopez

Neighbor Signatures



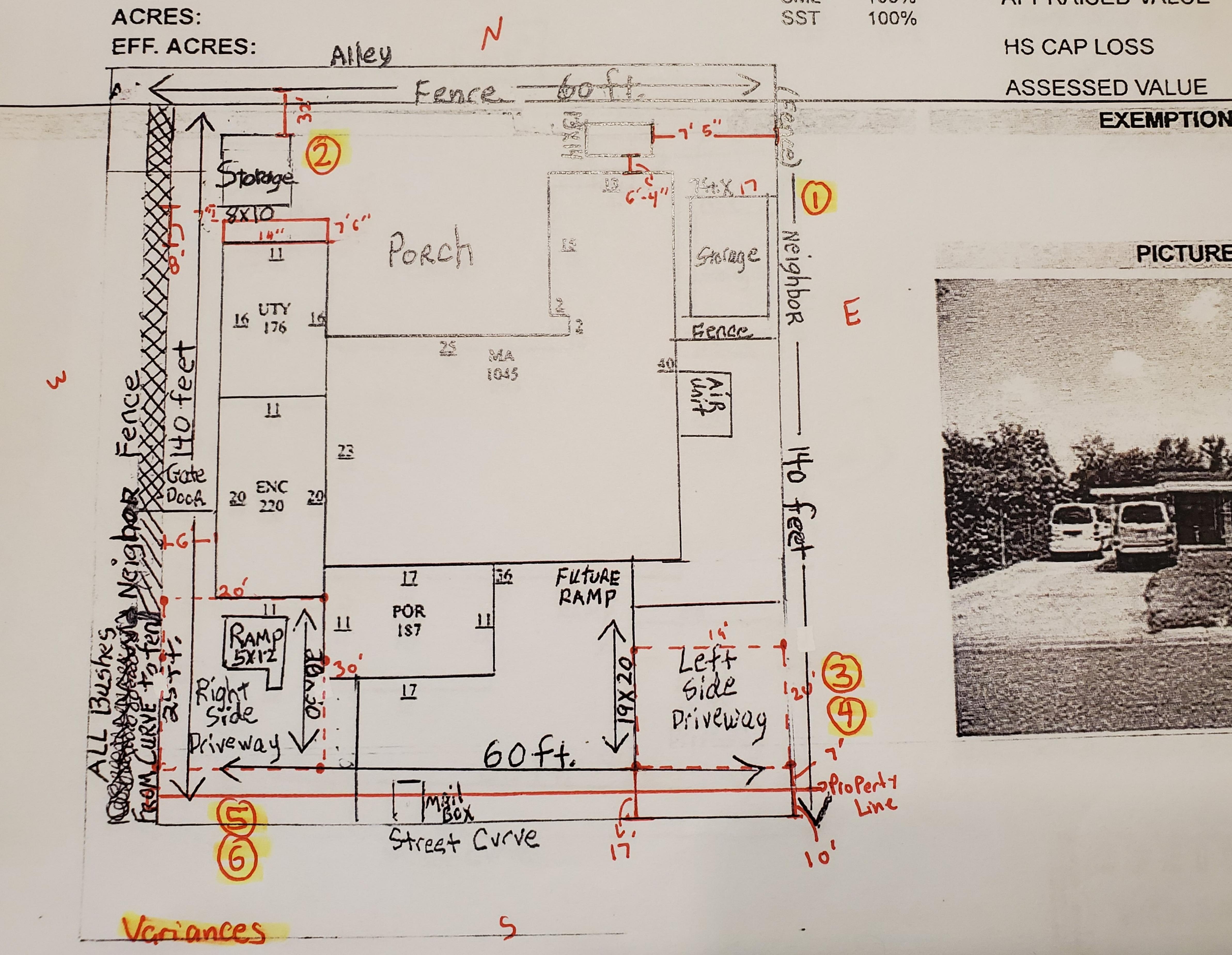
2009 30 THURSDAY Sabino Dela C2UZ 150 UPOS 956 618 43 41 INCALLENT.X. 78501

31 FRIDAY Jennifer R. Pedroza 1504 Upas Aue Mcallen Ix 956-627-3363 78501

T approve that my neighbor America hopez Uses Dinches of our property. I saturday august 2 sunday 1509 (1923 AUR. Theighbor Across Malleh, 78501 the Street. No issue with carport Jesus Heinandez Deing Duilt at Disatled Veteran 1508 Upas Ave. Notes 281-509-1864 - Narle Raz

Kayla Cruz Isul Upar avine Lapprove that my neighbor America Lopez gets two carports. Kayh M





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100%

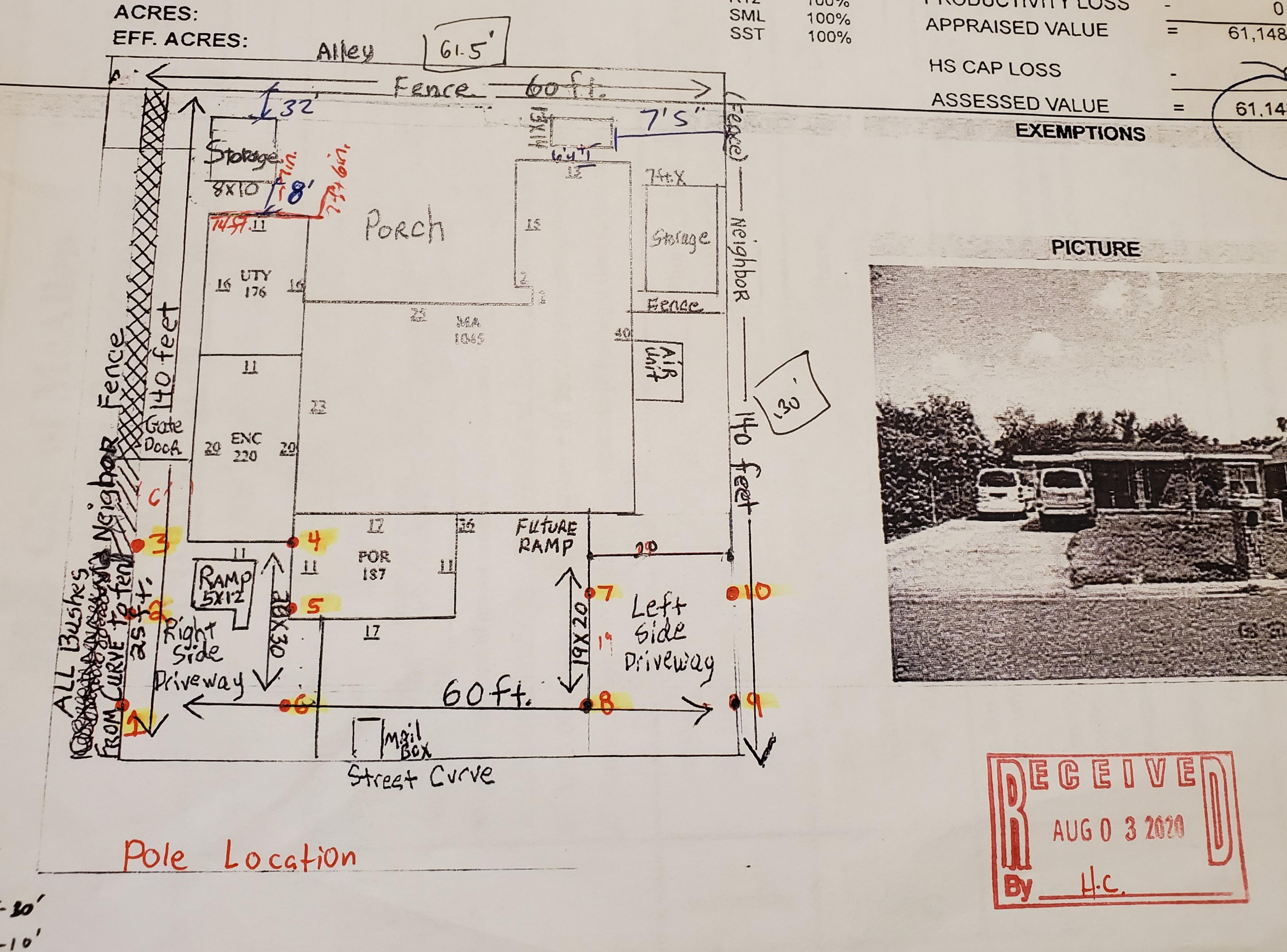
APPRAISED VALUE









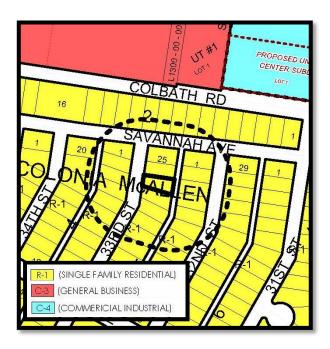




- **TO:** Zoning Board of Adjustment & Appeals
- FROM: Planning Staff
- DATE: September 8, 2020
- SUBJECT: REQUEST OF EVA BARRERA FOR THE FOLLOWING SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: AN ENCROACHMENT OF 16.5 FT. INTO THE 20 FT. FRONT YARD SETBACK FOR AN EXISTING CARPORT MEASURING 18 FT. BY 38 FT. AT LOT 23, BLOCK 5, COLONIA MCALLEN UNIT NO. 7 SUBDIVISION, HIDALGO COUNTY, TEXAS; 1909 SOUTH 33RD STREET. (ZBA2020-0044)

REASON FOR APPEAL:

The applicant is requesting a variance to encroach 16.5 ft. into the 20 ft. front yard setback for an existing carport measuring 18 ft. by 38 ft. The applicant is requesting that the carport to remain there to protect her car from sun and rain.





PROPERTY LOCATION AND VICINITY:

The subject property is located on the east side of South 33rd Street, approximately 108 ft. south of Savanna Avenue. The property has 48 ft. of frontage along South 33rd Street and a depth of 110.58 ft. with a lot size of 5307.84 square feet. Surrounding land use are single-family houses.

BACKGROUND AND HISTORY:

Colonia McAllen Subdivision Unit No. 7 was recorded on April 4, 1977. On July 13, 2020 a building application was submitted for a carport without electricity. The application for the variance was submitted on July 23, 2020.

ANALYSIS:

The request is to allow and encroachment of 16.5 ft. into the 20 ft. front yard setback. 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 that appear to be encroaching into the front yard setback, however no variances have been requested.

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 stay as depicted on the site plan.

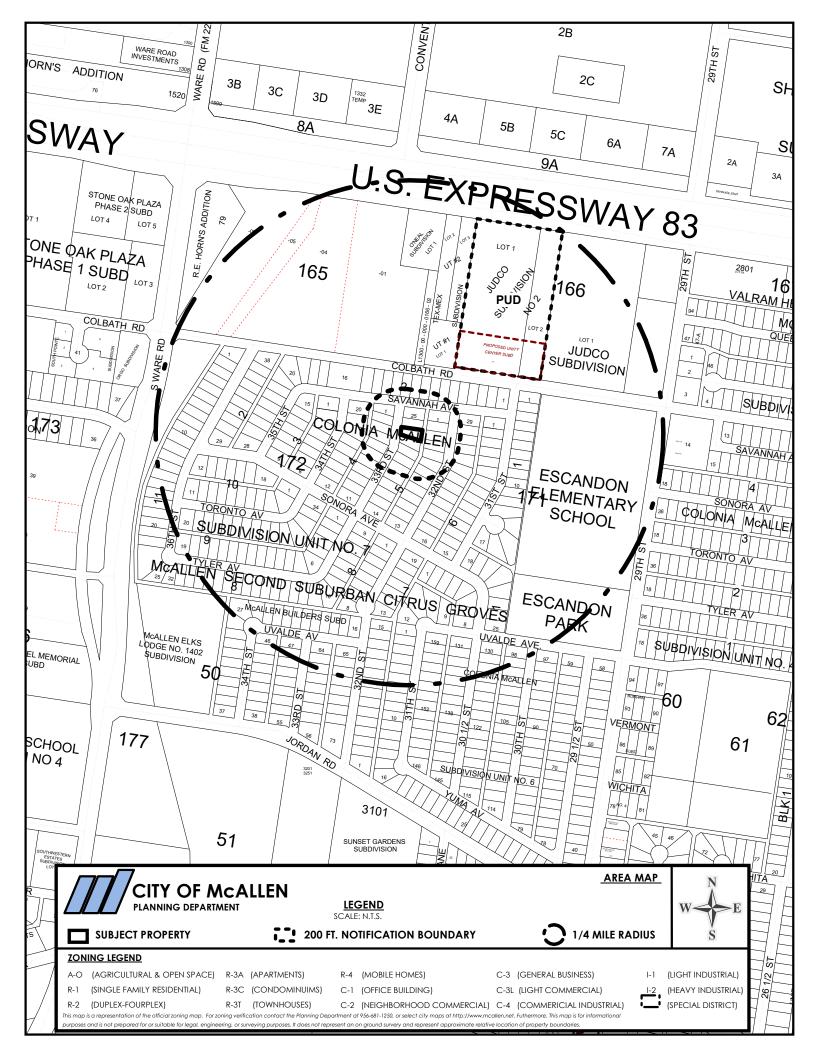
Staff has not received any phone calls of concerns in regards to the special exception.

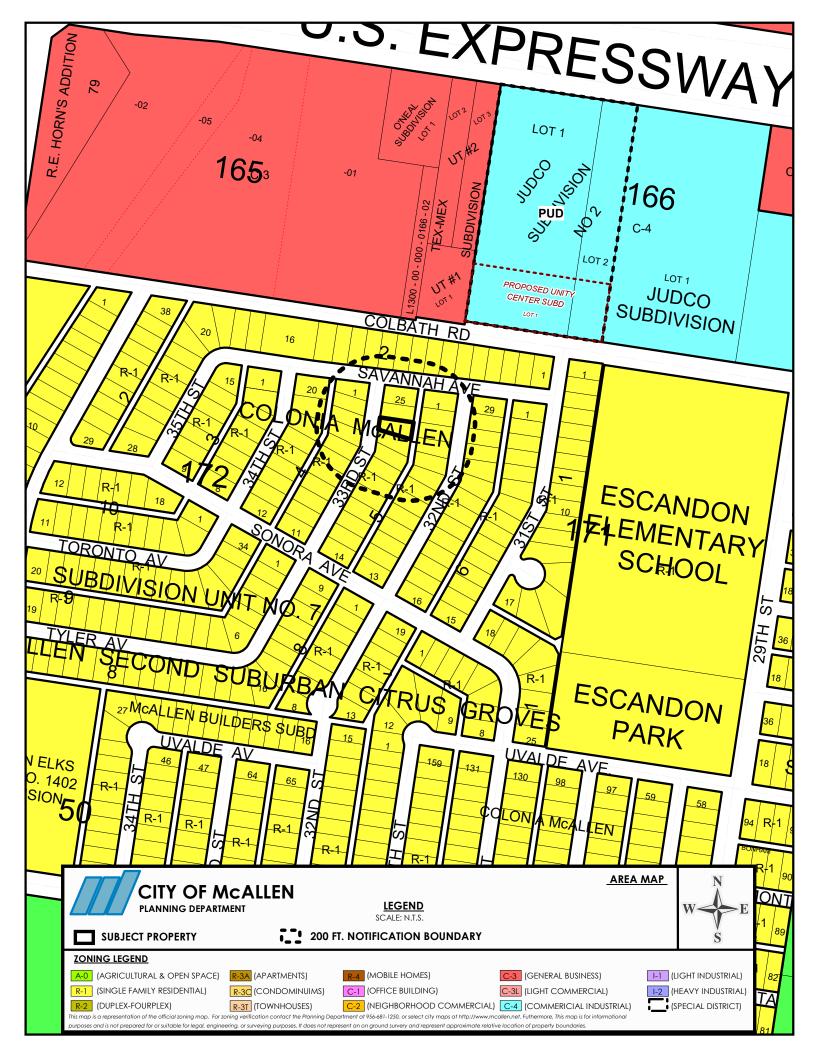
RECOMMENDATION:

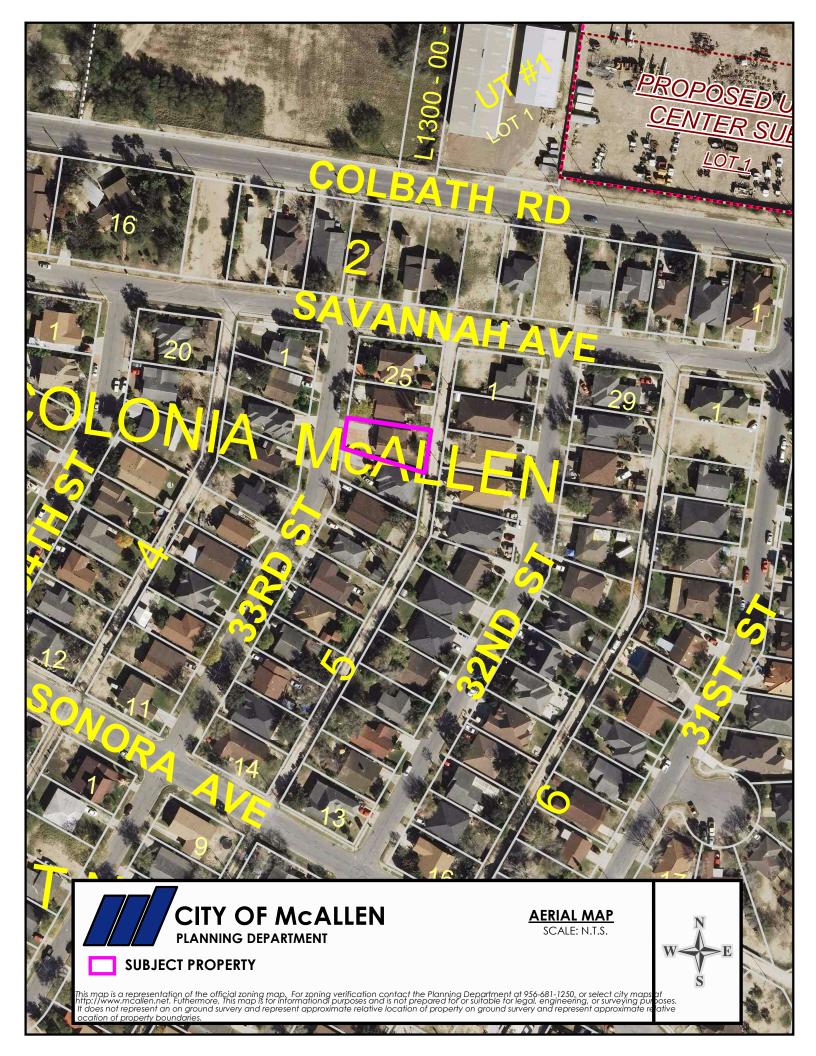
Staff recommends disapproval of the special exception request. If the Board chooses to approve the request, the approval should be limited to the footprint as shown on the site plan.

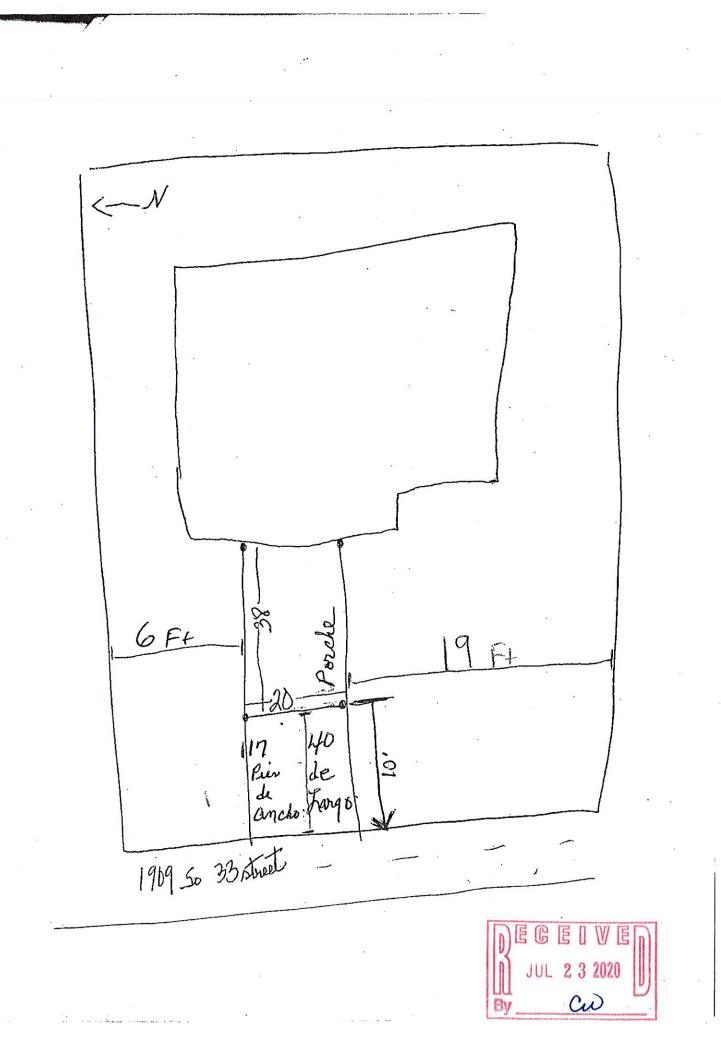
	ZBA 2000-0044
1807	City of McAllen Planning Department APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE 311 North 15 th Street McAllen, TX 78501 P. O. Box 220 McAllen, TX 78505-0220 (956) 681-1250 (956) 681-1279 (fax)
Project	Legal Description Legal Description Legal Description Let 23 Bik 5 Coloruce medlen Do T Subdivision Name Street Address <u>Marken Tepen 78 30 3</u> Number of lots <u></u> Gross acres <u></u> Existing Zoning <u></u> Existing Land Use <u></u> Reason for Appeal (please use other side if necessary) <u></u> <u>Marken Carpent and La esta Construcceon puthols de 10 Piers</u> S300.00 non-refundable filing fee + 1 \$50.00 Recording Fee for Special Exception (carport) S300.00 non-refundable filing fee + 1 \$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 EVA Barrera Phone 956-537-4408 Address 1909 South 33 ⁵⁴ E-mail City Mcallen State Tabal Zip 78503
Owner	Name Jugger Barrera Phone 956-537-4408 Address 1909 Siver 3357 E-mail City Mcaller State Types Zip 19573
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 Car Burrern Date Authorized Agent
Office	Accepted by Payment received by JUL 2 3 2020
Ret#	127359 By CW

	City of McAllen Planning Department REASON FOR APPEAL & BOARD ACTION
Reason for Appeal	que ne permita que re segue para mi Cavro pon el sol elimina mi Vecina ne dijo que este senora le ania echo este trabajo que no need permiso el senor
Board Action	Chairman, Board of Adjustment Date Signature







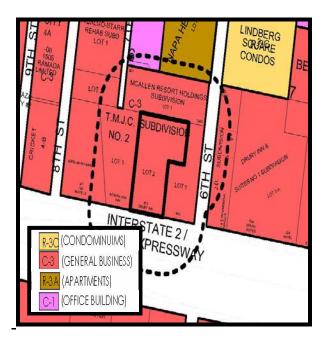




- **TO:** Zoning Board of Adjustment & Appeals
- FROM: Planning Staff
- DATE: September 10, 2020
- SUBJECT: REQUEST OF IVAN GARCIA ON BEHALF OF RIO DELTA ENGINEERING FOR THE FOLLOWING VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE: TO ALLOW AN ENCROACHMENT OF 27 FT. INTO THE 75 FT. FRONT YARD SETBACK FOR A NEW MEETING ROOM ADDITION TO EXISTING BUILDING, AT LOT 2, T.M.J.C. SUBDIVISION, HIDALGO COUNTY, TEXAS; 612 EXPRESSWAY 83. (ZBA2020-0047)

REASON FOR APPEAL:

The applicant requests a variance to encroach 27 ft. into the 75 ft. front yard setback for a proposed new meeting room addition. The applicant stated that the main reason for positioning the new meeting room at the front side back its because most of the hotels of the franchise have their meeting rooms at the front for easy access/ rental of the facility without the struggle to go through structure of the hotel. In addition, the applicant stated that it was the best suitable location since they do not want no remove any rooms and parking spaces.





PROPERTY LOCATION AND VICINITY:

The subject property is located on the north side of U. S. Expressway 83, approximately 1060 ft. west of North 10th Street. The tract has 150.86 ft. of frontage along U.S. Expressway 83 with lot size of 1.4977 Acres. The property is zoned C-3 (general business) District. Surrounding zoning is C-3 District in all directions, R-3A (multifamily apartment) District and C-1 (Office Building) District to the north.

BACKGROUND AND HISTORY:

T.M.J.C. Subdivision was recorded on January 8, 1986. The site currently holds what it used to be Drury Inn. An application for building permit has not been submitted.

ANALYSIS:

Request is to allow an encroachment of 27 ft. into the 75 ft. front yard setback for a new meeting room. The meeting room measures 20 ft. by 70 ft. and would add 1400 sq. ft. to the main structure, 7 additional parking spaces would be required. Site Plan shows 89 rentals units in the hotel for a required 89 parking spaces, for a total of 96 parking spaces required with new improvement. As per site plan only 85 parking spaces are provided, there are no parking agreements submitted. Parking agreements would be needed to comply with parking requirement.

There are existing buildings to the east (700 & 620 Expwy 83) and west (510 Exwpy 83) of subject property that are encroaching into the front setback line as well.

As per Engineering Department, the addition would need to allocate for the retention pond area that would be removed.

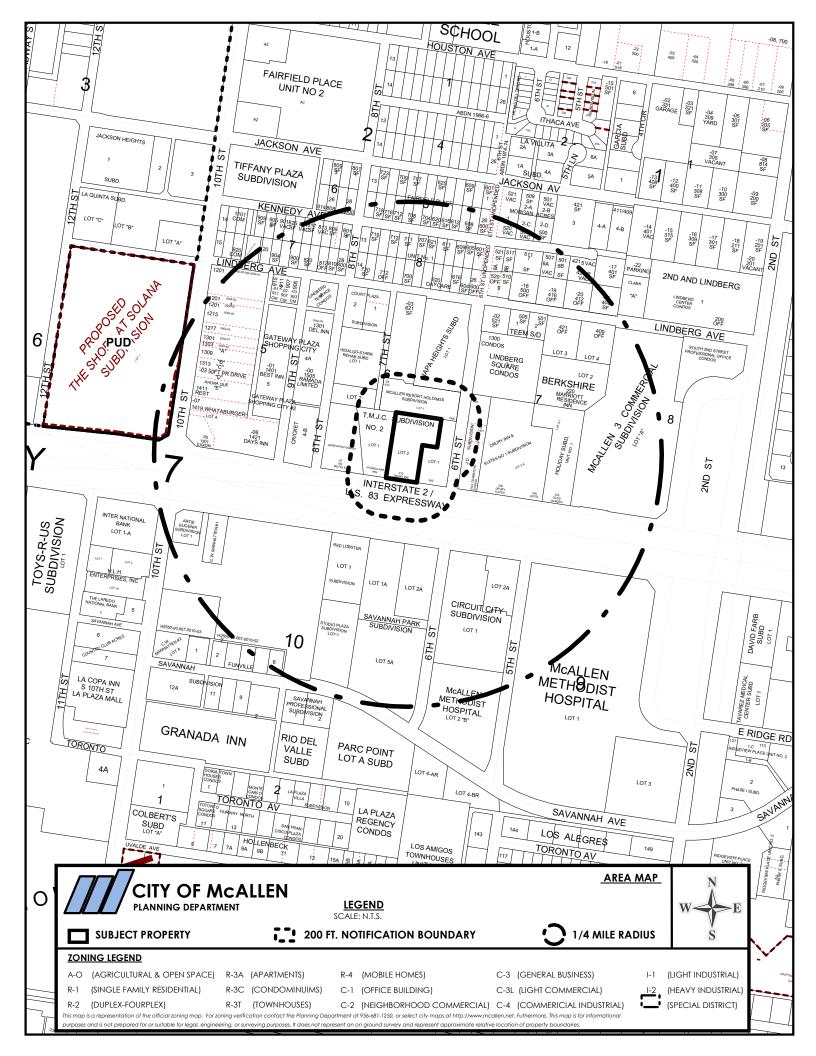
Staff has received one phone call from the surrounding property owners in opposition of this variance request.

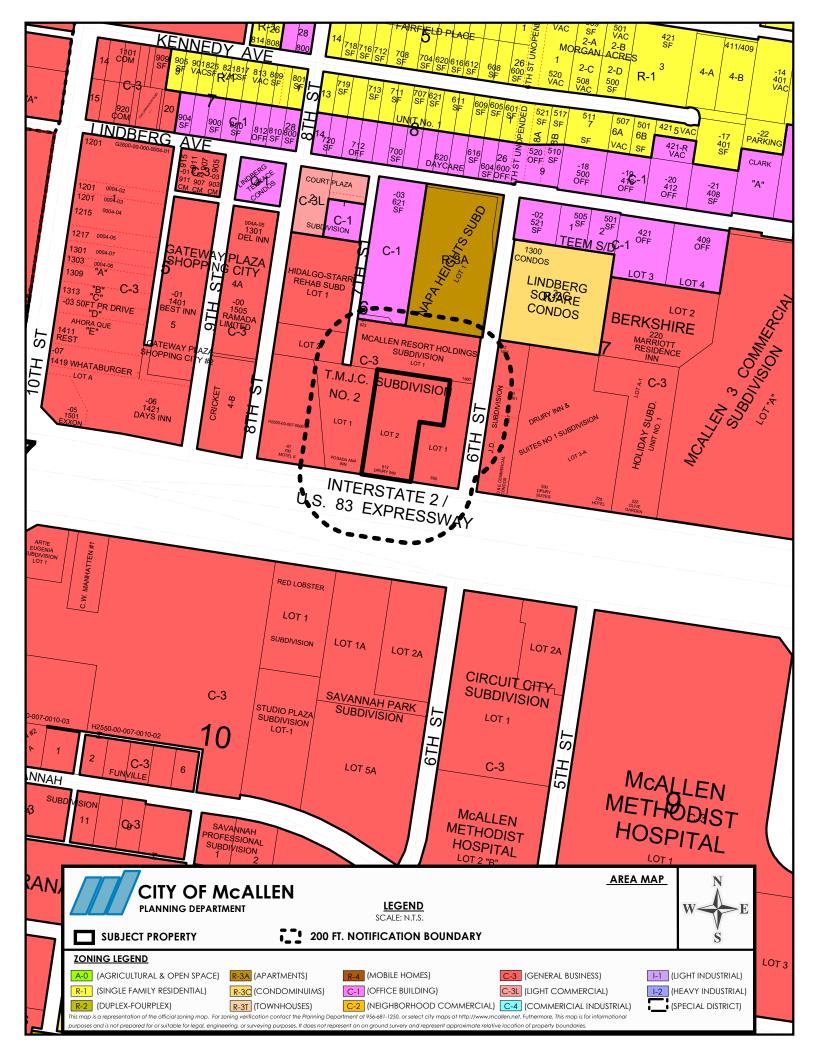
RECOMMENDATION:

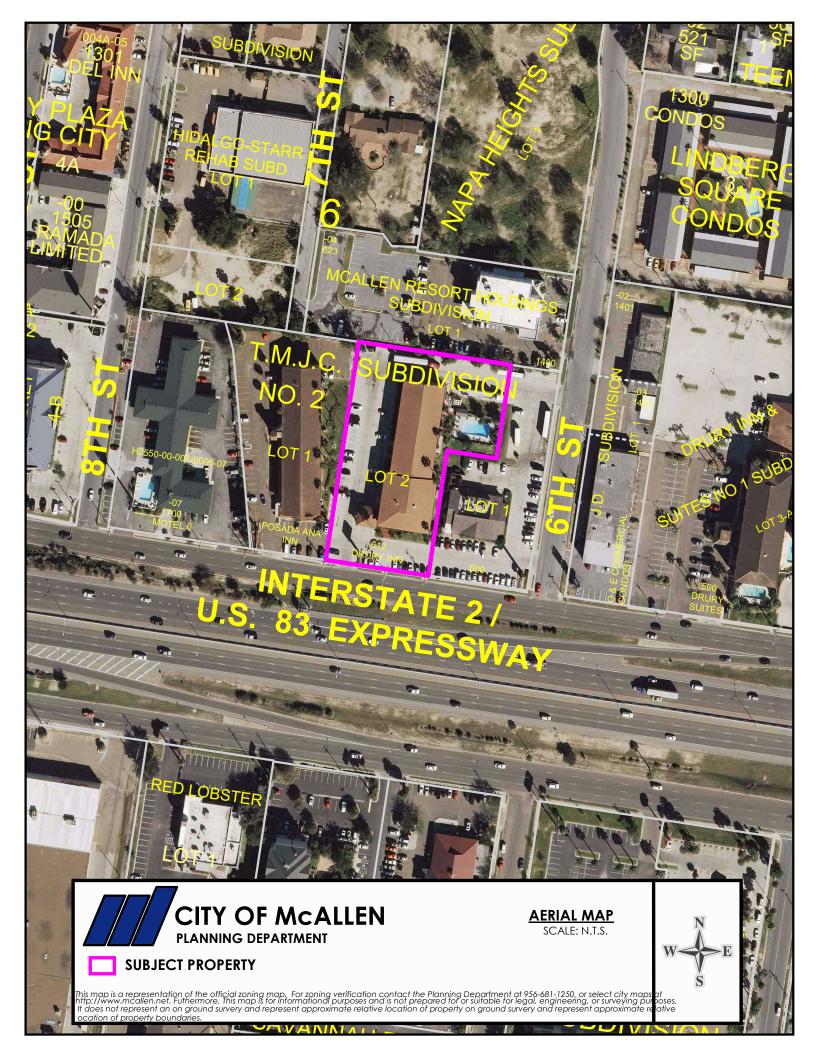
Staff recommends disapproval of the variance as requested.

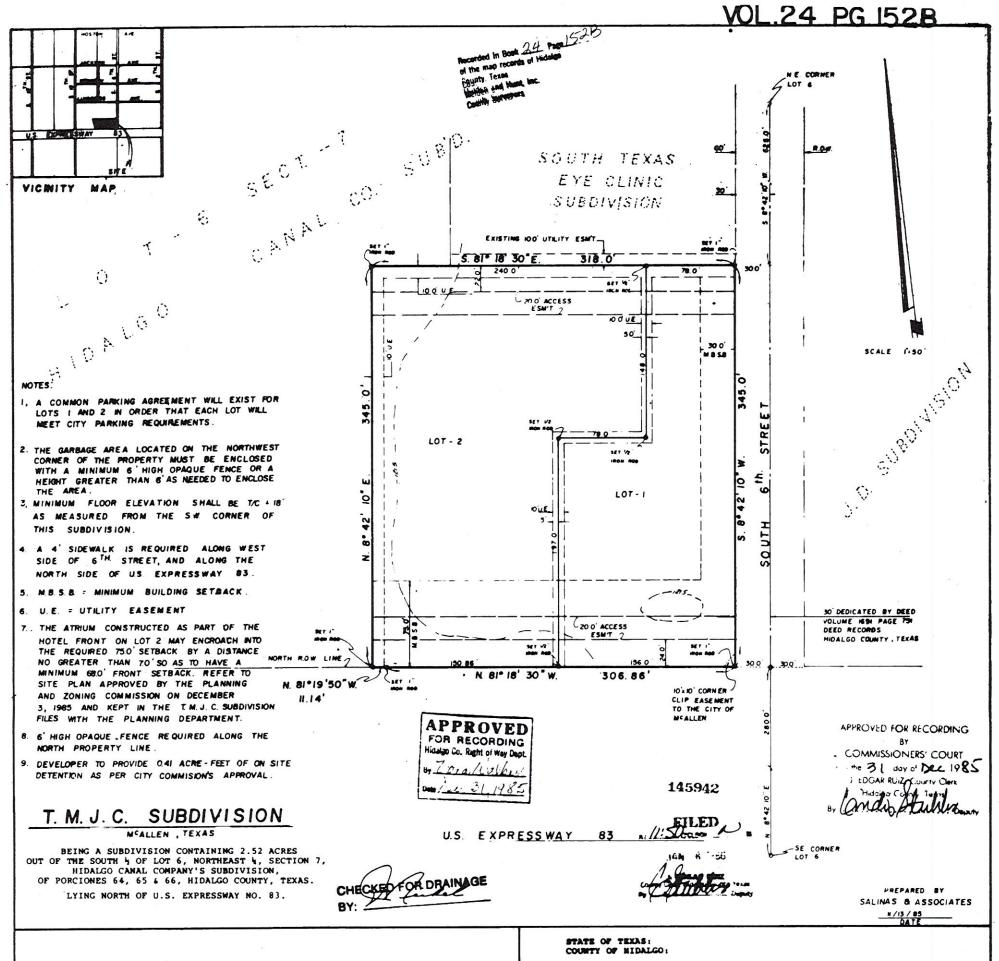
76A2120-0047

LBA	-9/2/20 City of McAllen 311 North 15th Street McAllen, TX 78501
	P. O. Box 220 Planning Department APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE
ang	Legal Description LOT 2
Project	Subdivision Name T.M.J.C. SUBDIVISION, VOL 24, PG 152B, M.R.H.C. Street Address 612 EXPRESSWAY 83 Number of lots 1 Gross acres 1.55 Existing Zoning C3-GENERAL BUSINESS Existing Land Use HOTEL NEW MEETING ROOM ADDITION TO EXISTING BUILDING ENCROACHES APPROX. 27 FEET INTO FRONT SETBACK, REQUIRED SETBACK = 75 FEET
	 \$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 IVAN GARCIA- RIO DELTA ENGINEERING Phone (956) 380-5152 Address 921 S. 10TH AVE E-mail riodelta2004@yahoo.com City EDINBURG State TX Zip 78539
Owner	Name VITRA INVESTMENTS, LLC Phone (956) 961 - 4703 Address 312 W. NOLANA LOOP E-mail_vic@ogihotels.com and karla@ogihotels.com City PHARR State TX Zip 78577
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? \Box Yes \boxtimes 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 $_$ $_$ $_$ $_$ $_$ $_$ $_$ $_$ $_$ $_$
Office	Accepted by CMA Payment received by Date Date Rev 10/18
	BY: Al









STATE OF TEXAS: COUNTY OF HIDALGO:

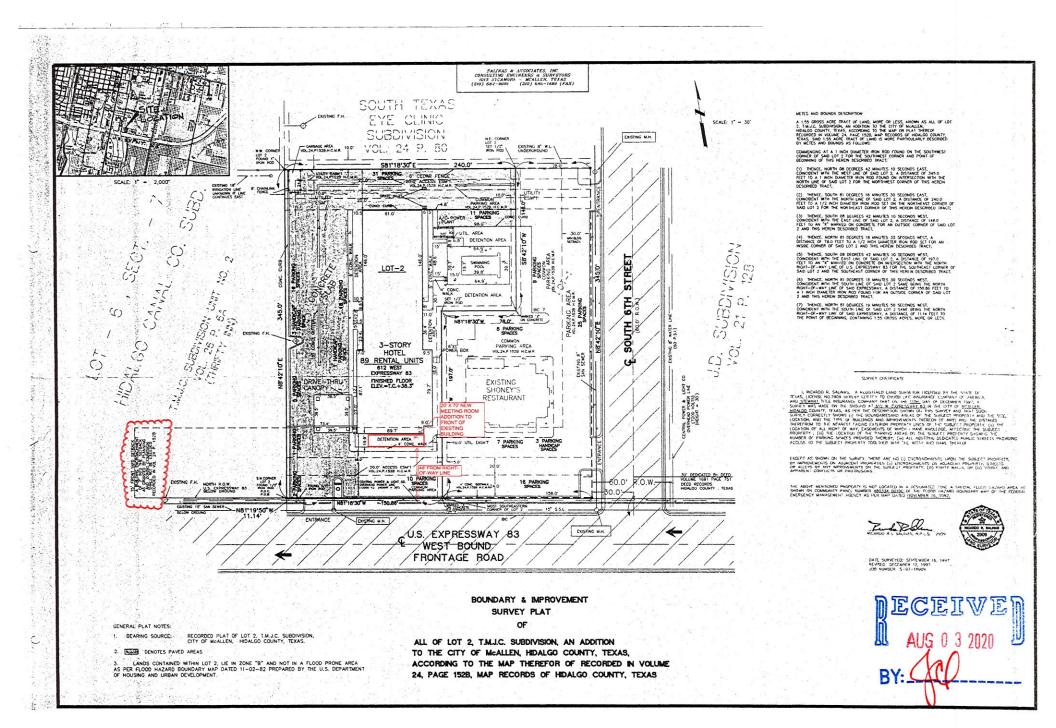
(WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SNOWN ON THIS PLAT AND

I, THE UNDERSIGNED, A REGISTERED ENGINEER AND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY ON THE GROUND, I FURTHER CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT.

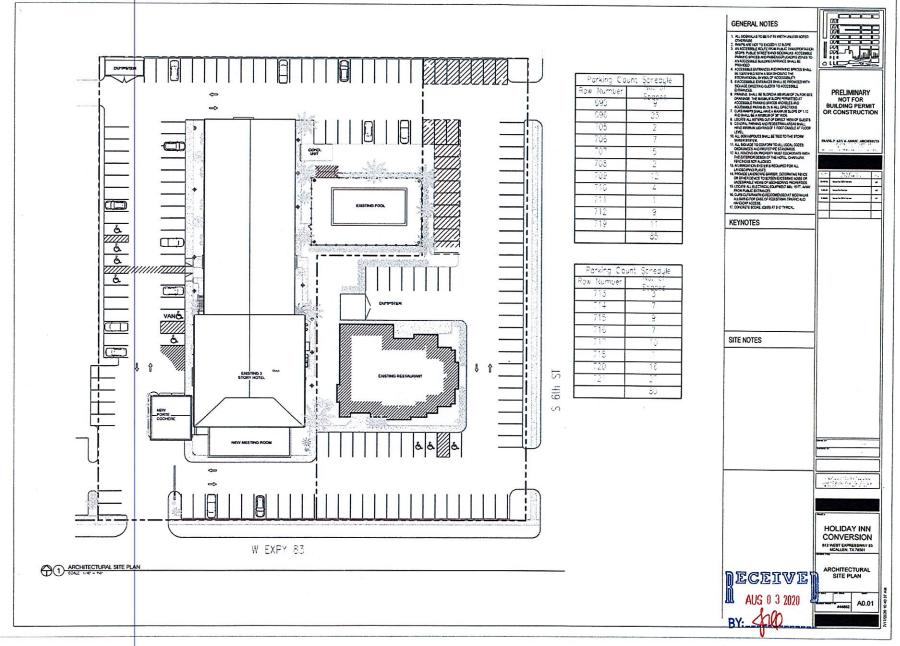
I, (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED MEREIM AS THE TM JC. SUBDIVISION TO THE CITY OF MCALLEN, TEXAS AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAIMS, BASEMENTS, WATER LINES, SEWER LINES, STORM SEMERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH I (WE) WILL CAUSE TO BE INSTALLED THEREON SHOWN OR NOT SHOWN IF REQUIRED OTHERWISE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF MCALLEN ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED, EITMER ON THE PLAT MEREOF OR ON THE OFFICIAL MIMUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF MCALLEN. 13/85 DATE ICARDO R. SAL INAS 24164 124164 PROFESSIONAL REG. 12:00 REG. PUBLIC SURVEYOR \$2905 and L I, THE UNDERSIGNED, MAYOR OF THE CITY OF MCALLEN, TEXAS, HELEDY William D'as di in ser 11/14/05 SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED. DATE h 12 23 85 1 maxi COUNTY OF HIDALGO WAYOR, CITY OF MCALLEN DATE DEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED THE AND FLORES OF LAWAY KNOWN TO ME TO BE THE PERSON WHOSE NAME IS BORSCRIBED TO THE FOREGOING INSTRUMENT AND ACENOMLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN STATED. I, THE UNDERSIGNED, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF MCALLEN, TEXAS, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY WHEREIN MY APPROVAL IS REQUIRED. < 12/23/85 DATE GIVEN UNDER MY MAND AND SEAL OF OFFICE, THIS THE 14 DAY OF NOV 1985 CATINOAN, PLANNING COMMISSION HIDALGO COUNTY IRRIGATION DISTRICT NO. 3 WILL NOT BE RESPONSIBILITY FOR DRAINAGE OR DELIVERY OF WATER TO ANY LOT IN THIS SUBDEVISION. IF DESIRED, THIS WILL NOT BE AT DISTRICT EXPENSE. THIS PLAT APPROVED BY HIDALGO COUNTY IRRIGATION DISTRICT NO. 3 GM THIS THE _______ 22^{-___} DAY OF <u>November</u>, 1985. R U. Baldwin SECRETARY Glasmelly PRESIDENT HOTSAY PUBLIC IN AND HIDALGO COUNTY, TEXAS

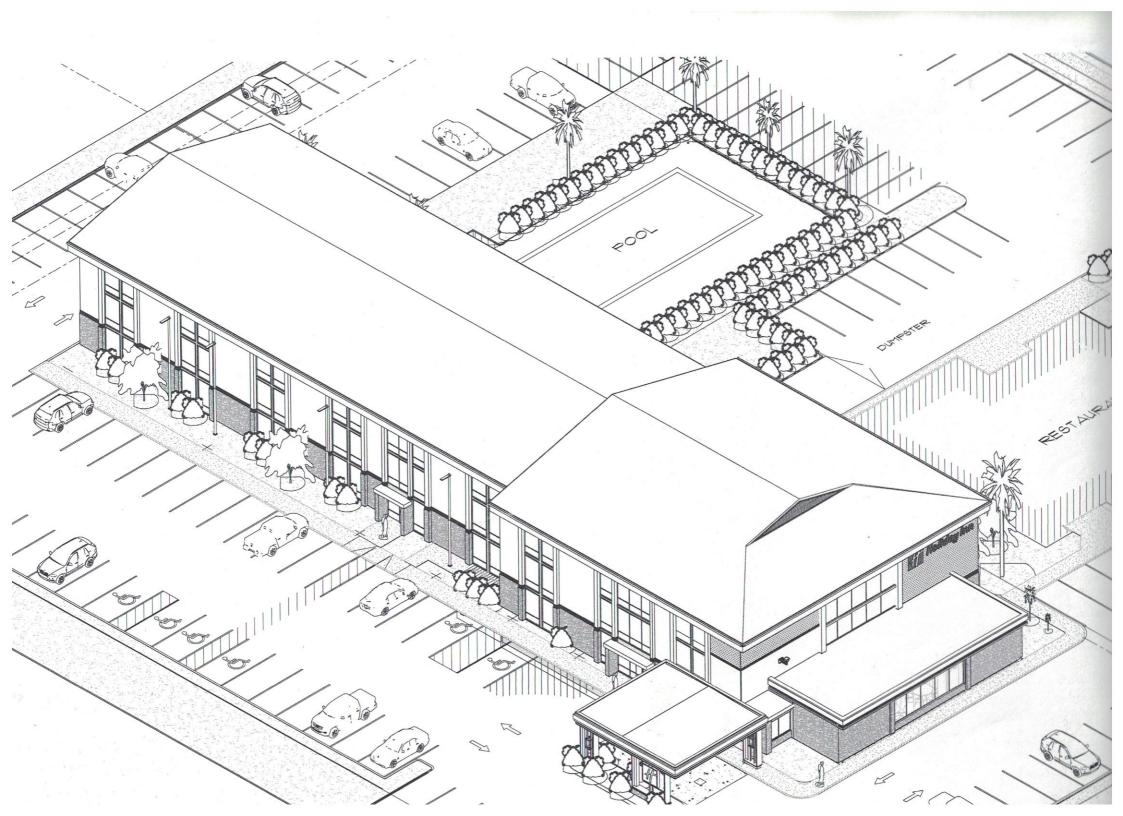
Plat Book Vol. 24 Page 24-152-B











- **TO:** Zoning Board of Adjustment & Appeals
- FROM: Planning Staff
- DATE: September 8, 2020
- SUBJECT: REQUEST OF DORA HILDA QUINTERO FOR THE FOLLOWING VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO: NOT PROVIDE ONE REQUIRED PARKING SPACE BEYOND THE FRONT YARD SETBACK AT LOT 167, CIELO VISTA SUBDIVISION PHASE II, HIDALGO COUNTY, TEXAS; 2913 WANDA AVENUE. (ZBA2020-0048)

REASON FOR APPEAL:

The applicant is requesting a variance to the parking requirement of one parking space beyond the front yard setback. The applicant wants to enclose the garage to make a study room for her children. The children's rooms are too small to have them all together and she wants them to be separate during online classes. Enclosing the garage would help her have each children in a separate room. The applicant also stated that it would prevent for water to infiltrate her house. In recent rainy days, water levels rise to the entrance of the garage.





PROPERTY LOCATION AND VICINITY:

The subject property is located on the south side of Wanda Avenue, approximately 110 ft. west of South 29th Street. The property has 52 ft. of frontage along Wanda Avenue and a depth of 103 ft. with a lot size of 5356 square feet. Surrounding land use are single-family houses, U.S. Border Patrol McAllen Station and vacant land.

BACKGROUND AND HISTORY:

Cielo Vista Subdivision Phase II was recorded on September 2, 2009. The application for the variance was submitted on August 7, 2020. A building permit has not been submitted.

ANALYSIS:

The request is to not provide a parking space beyond the front yard setback by enclosing the garage measuring 11 ft. by 20 ft. The submitted site plan shows a driveway measuring 18 ft. by 25 ft. accommodating two required parking spaces.

There has not been any variance request around the area.

The intent for the requirement of locating one parking space beyond the front yard setback line is to improve the street yard appearance of single-family residence areas by reducing the number of cars parked along the street and within the front yard. 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.

Should the request be approved, it may encourage other property owners to request a variance to enclose their garage. Approval of the request will allow the proposed construction as depicted on the site plan.

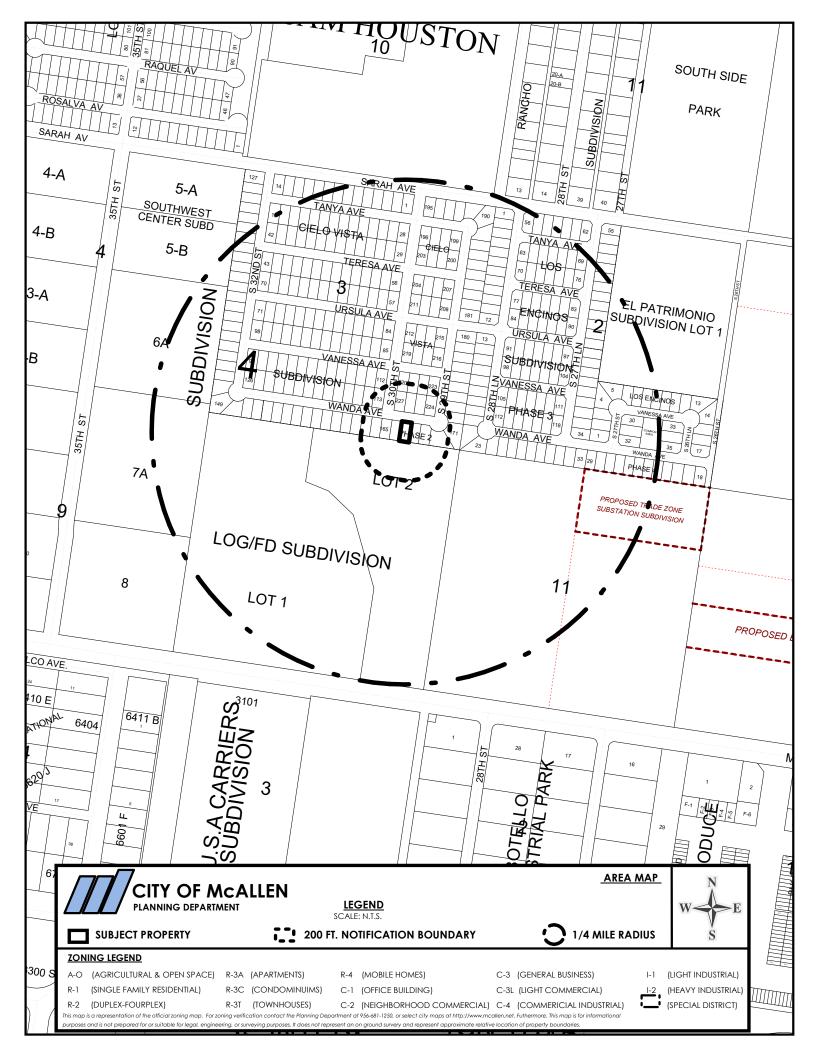
Staff has not received any phone calls of concerns in regards to the variance request.

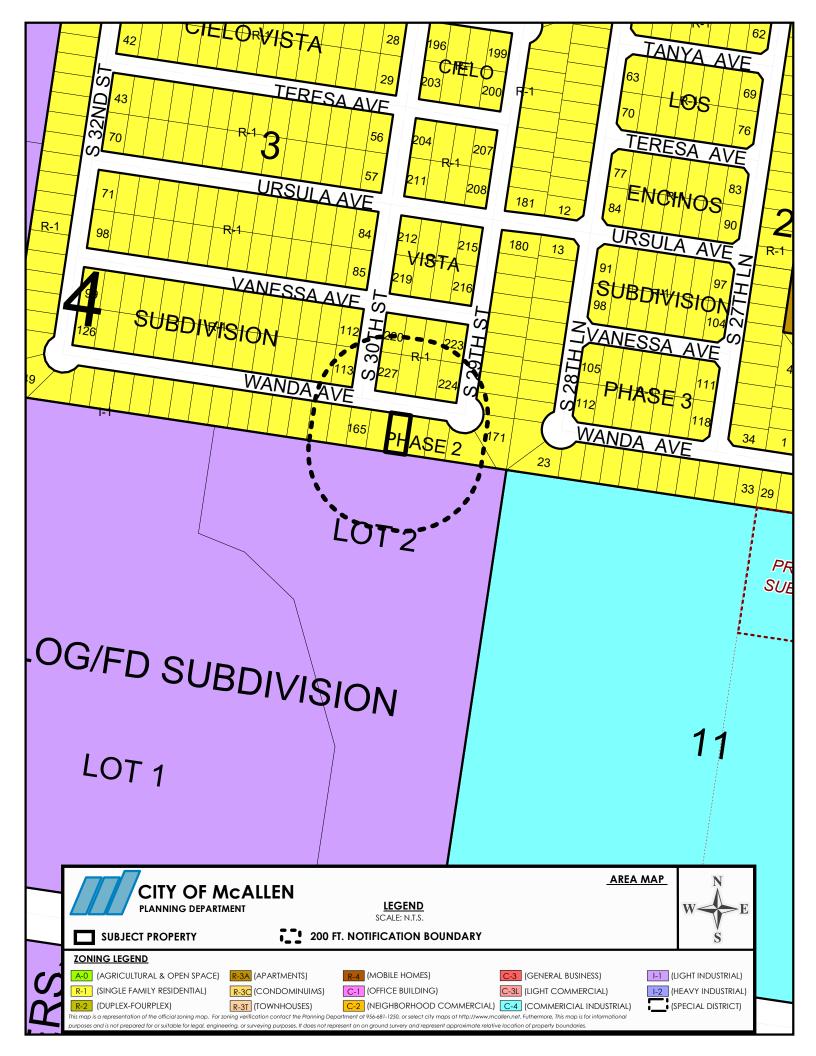
RECOMMENDATION:

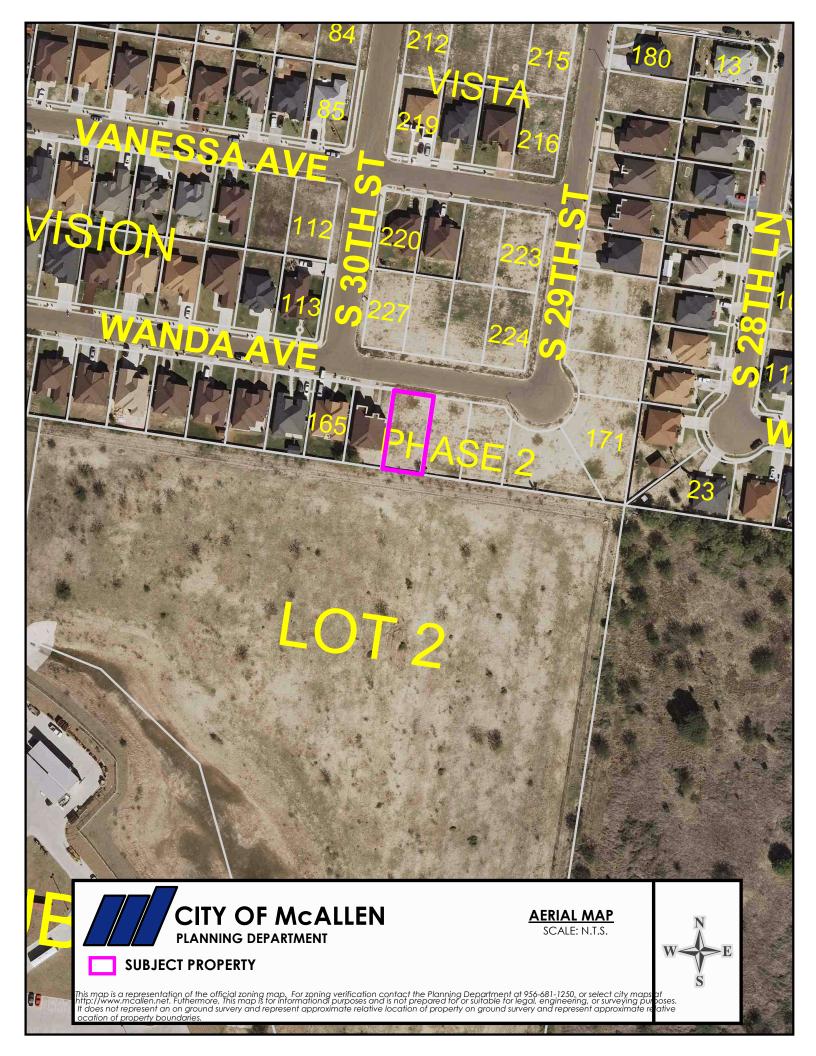
Staff recommends disapproval of the variance request.

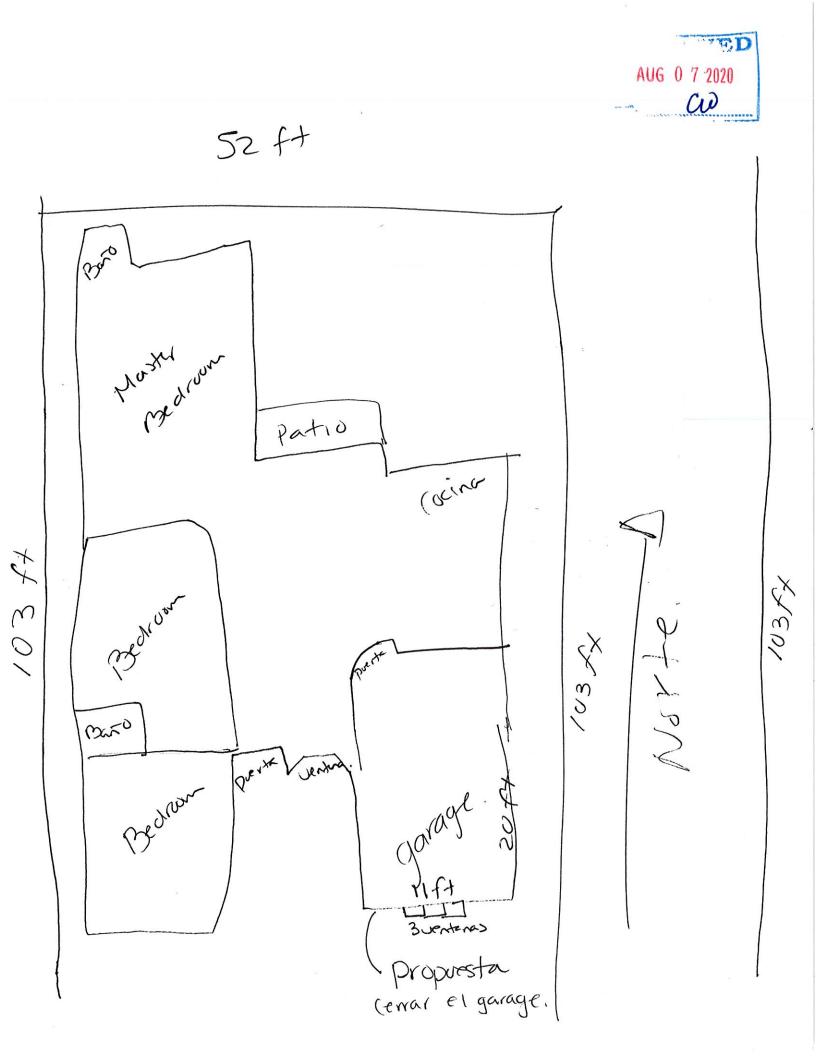
alint	City of McAllen Planning Department APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE
Project	Legal Description <u>Cielo Vista Phase 2</u> <u>Ute 167</u> Subdivision Name <u>Cielo Vista Phase 2</u> Street Address <u>2913</u> <u>Norman</u> <u>Ave McAlba</u> Number of lots <u>4</u> Gross acres <u>0.1230</u> Existing Zoning <u>Residencial</u> Existing Land Use <u>Residencial</u> Reason for Appeal (please use other side if necessary) <u>Wicro Corray el garage para</u> <u>hacer va ciavto de estadlo para mis niños por la parder</u> & \$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 <u>Dora Hildn Ovin tehóne</u> <u>956-648-92-17</u> Address <u>2913 Warda Aue.</u> E-mail <u>dhquintro 2306@gma</u> í. City <u>MCAILEN</u> State <u>TX</u> zip <u>78503</u>
Owner	Name <u>Dora Hilda Quintero</u> Phone <u>956-648-92-17</u> Address <u>2913 Warchi Ave</u> E-mail <u>dhquintero 2306 @g</u> ma City <u>MCAILEN</u> State <u>Zip 78503</u>
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? 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 Agosto 07/2000 Print Name Dara Hild Quintro
Office	Accepted by <u>H-C</u> . Payment received by <u>Date</u> Rev 10/18 AUG 0 7 2020

City of McAllen Planning Department REASON FOR APPEAL & BOARD ACTION tenerlos en un cuarta separados Para lases gre towner ج با Reason for Appeal ave la reconcirco З CJ Pegven **N** I necesito Un espacid D<u>ur</u> 5 reconcra do MAIS 207 h m GUICA -expresser ave CI ma Decre od IVISION C, redicias 0 poder Droveer a(10- α nea nd 10 **Board Action** 101 ncr rts Chairman, Board of Adjustment Date Signature Rev.10/18

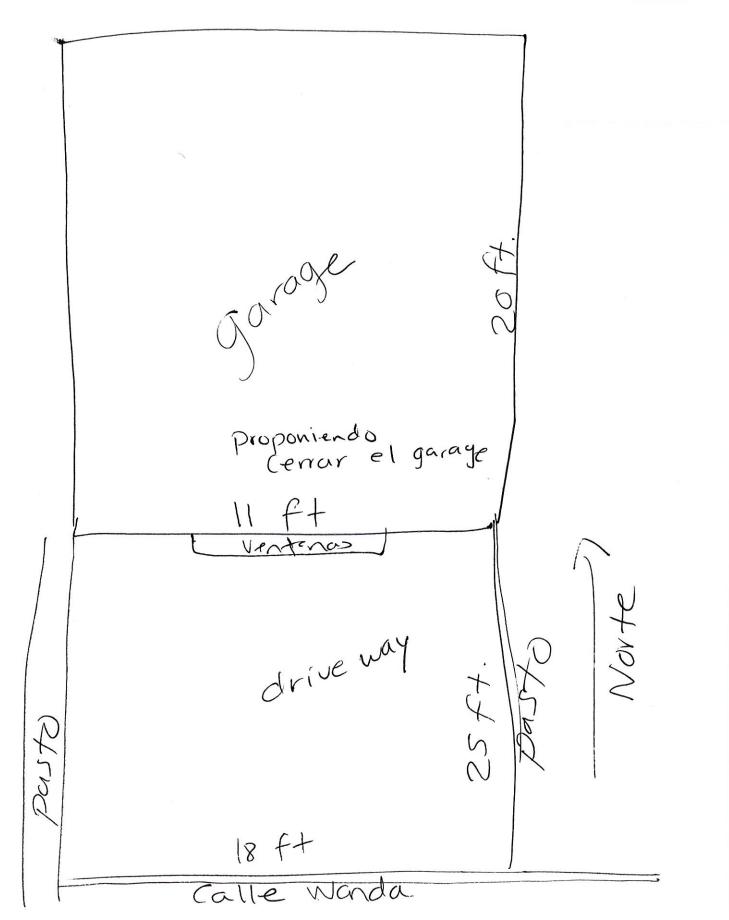














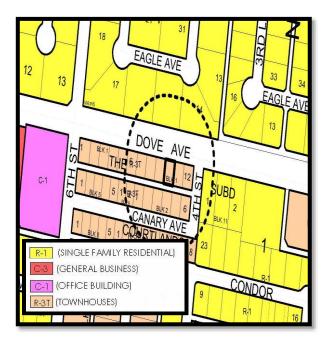




- **TO:** Zoning Board of Adjustment & Appeals
- FROM: Planning Staff
- DATE: September 8, 2020
- SUBJECT: REQUEST OF JOSE L. SALINAS FOR THE FOLLOWING VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: AN ENCROACHMENT OF 10 FT. INTO THE 10 FT. SIDE YARD SETBACK FOR AN EXISTING PERGOLA MEASURING 10 FT. BY 20 FT. AT LOT 10, THE COURTLANDS SUBDIVISION, HIDALGO COUNTY, TEXAS; 409 DOVE AVENUE. (ZBA2020-0049)

REASON FOR APPEAL:

The variance is to allow an existing pergola measuring 10 ft. by 20 ft. that encroaches 10 ft. into the 10 ft. side yard setback along the east property line. The applicant stated that it was constructed in order to provide shade for their kids to play outside and enjoy family time in the afternoons. In addition, the pergola has provided the family an area for gardening.





PROPERTY LOCATION AND VICINITY:

The subject property is located on the south side of Dove Avenue, approximately 870 ft. west of North 2nd Street. The property has 48.5 ft. of frontage along Dove Avenue and a depth of 76.66 ft. with a lot size of 3718.01 square feet. Surrounding land use are single-family houses.

BACKGROUND AND HISTORY:

The Courtlands was recorded on October 10, 1983. A building permit was submitted on July 28 2020 for remodeling of the top edges of the existing pergola, however a building permit was not submitted for the construction of the pergola itself. Additionally, a ticket was issued on August 18 for construction without a permit and inspection. The application for the variance was submitted on August 11, 2020.

ANALYSIS:

The request is to allow an encroachment of 10 ft. into the 10 ft. side yard setback for an existing pergola measuring 10 ft. by 20 t. ft. According to site plan, the pergola is right at the property line with an overhang. The submitted building permit will fix the overhang of the pergola by cutting the top edges of the pergola.

There are other existing structures (pergolas / storages) in the neighborhood that seem to be encroaching into side setbacks. Some of them show encroachment into neighbor's properties; however, no variances have been requested. Additional side structures seem to be common in the area.

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 construction to stay as depicted on the site plan and be modified as stated on the building permit.

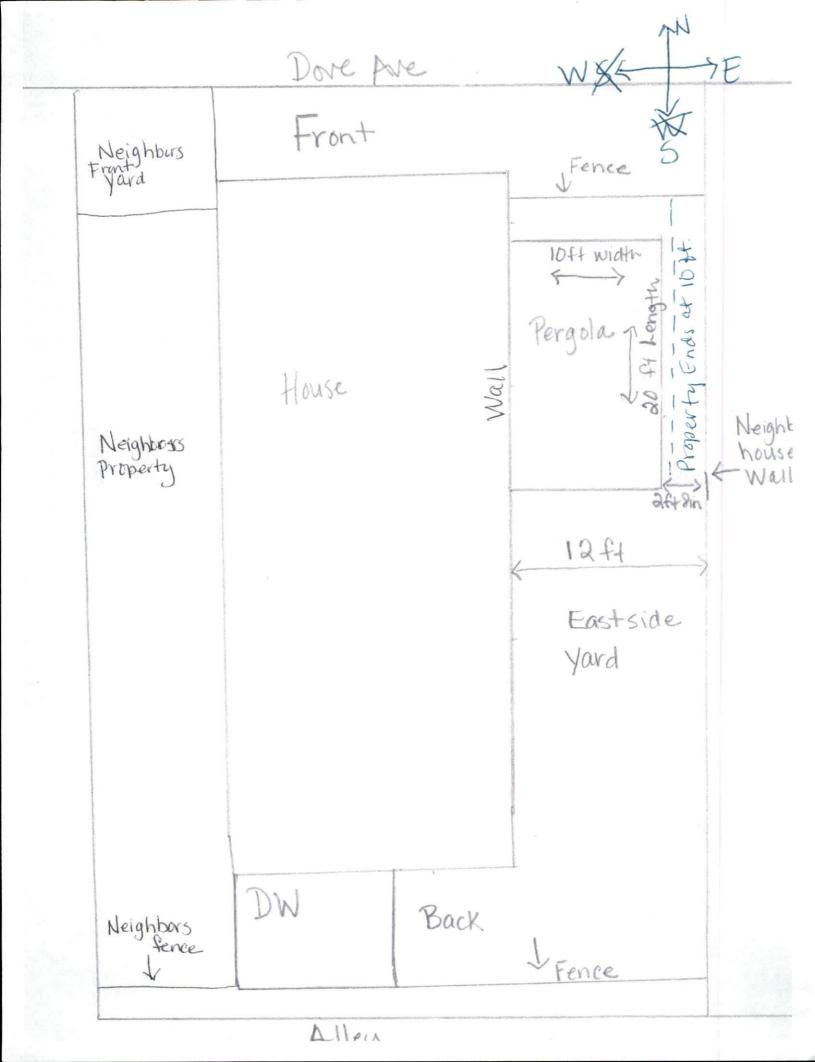
Staff has received one phone call of concern in regards to the variance request due to the encroachment of the side.

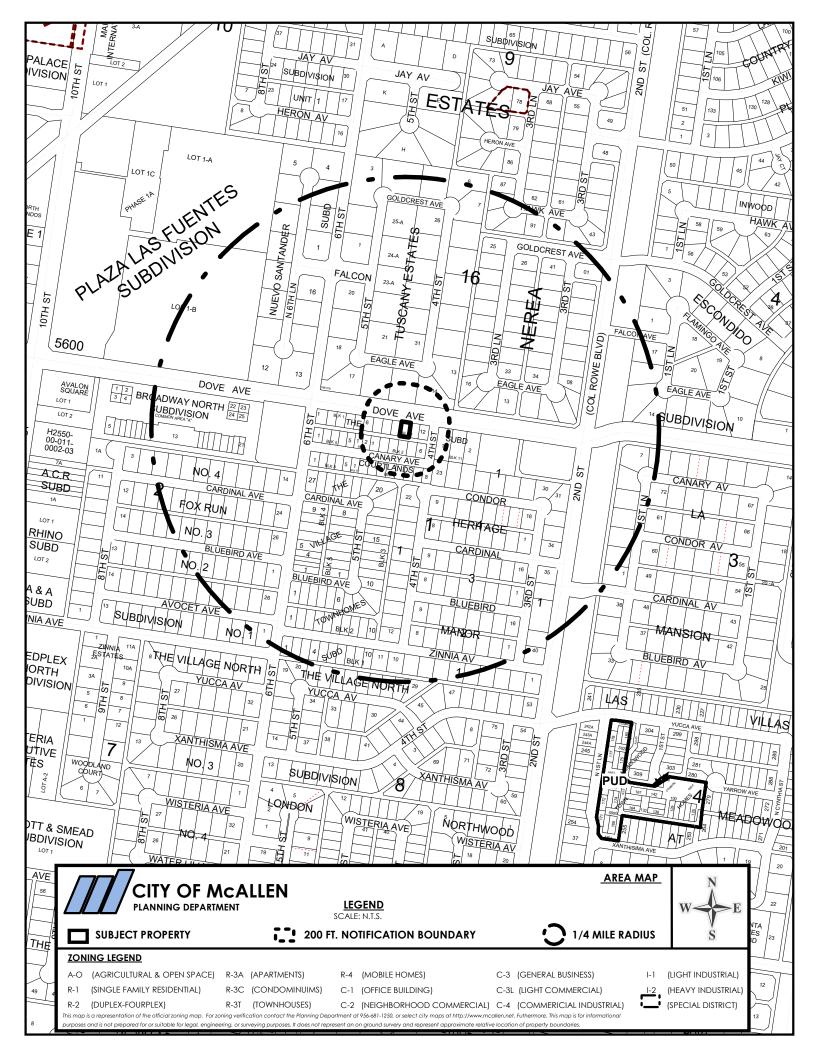
RECOMMENDATION:

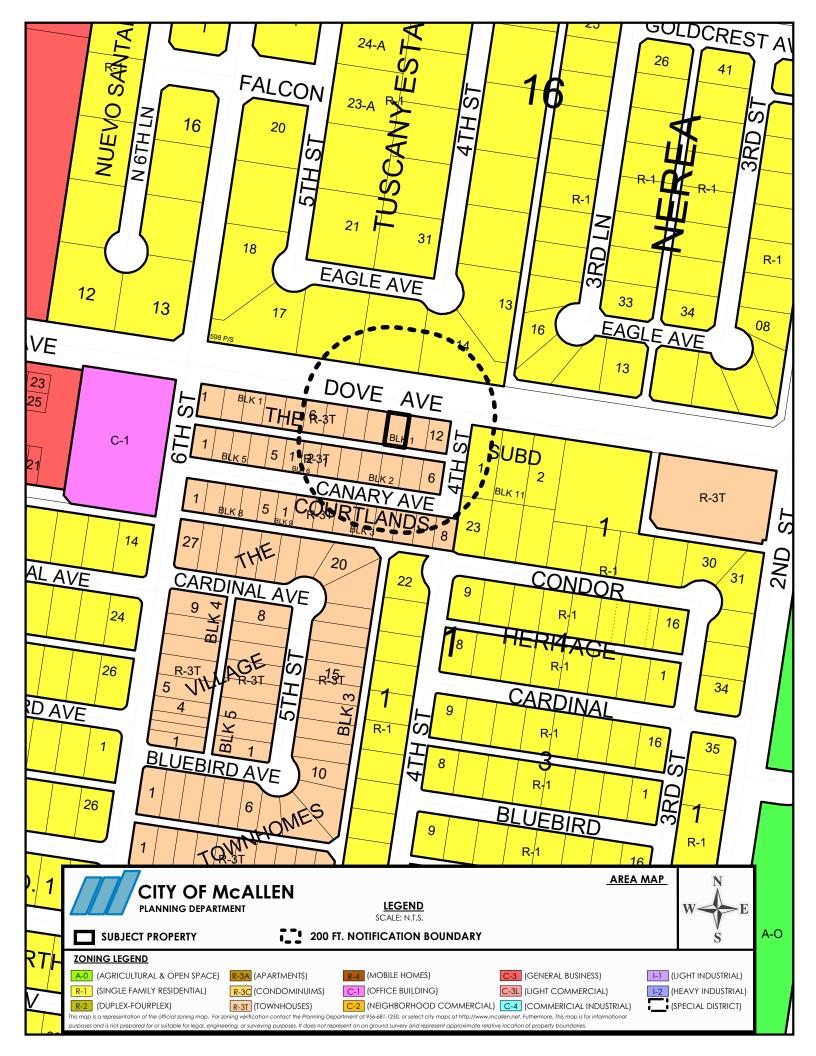
Staff recommends disapproval of the variance request. If the Board chooses to approve the request, the approval should be limited to the footprint as shown on the site plan.

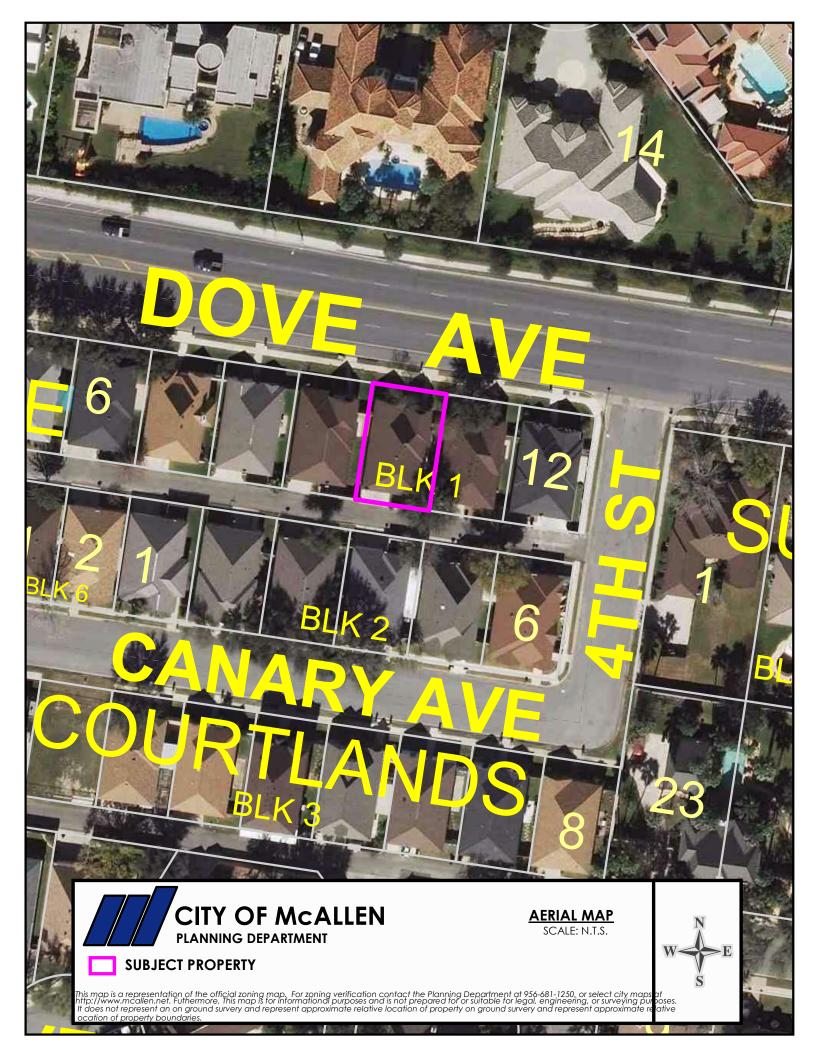
	ZBA 2020-0049
201 9.17.20	City of McAllen <i>Planning Department</i> APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE
Project	Legal Description Lot TEN (IO) BLOCK ONE (I) Subdivision Name THE COURTLANDS Subdivision Street Address 409 BORE ARE Number of lots Existing Zoning Existing Zoning Beason for Appeal (please use other side if necessary) medify existing PERgold States Top Edges If \$300.00 non-refundable filing fee + If \$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	NameJoseLSALINASPhone952-533-6572Address409DOVEAVEE-mailJoesOSUTATEXAS GIME.comCityMEALENStateTxZip78504
Owner	NameJose L SaliningPhone952-533-6572Address409Dove AveE-mail Joes & South Texts Rine.comCityMEALLENStateTxZip78504
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 Authorized Date 8-5-20 Print Name Jose A Jamas Date Owner Ow
Office	Accepted by Payment received by Pater 6 1 1 2020 Rev 10/18 By CM

	City of McAllen Planning Department REASON FOR APPEAL & BOARD ACTION
Reason for Appeal	Refer to the attached Letter and Pichinos.
Board Action	Chairman, Board of Adjustment Date Signature Rev.10/18









18/10/2020

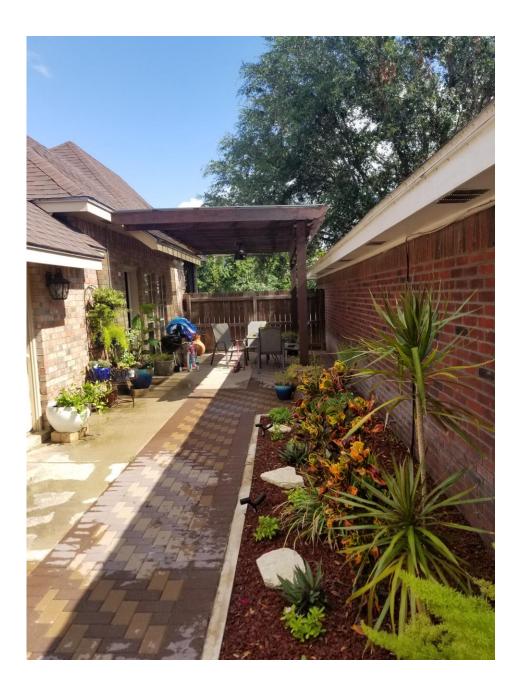
Dear Chairman & Board Members:

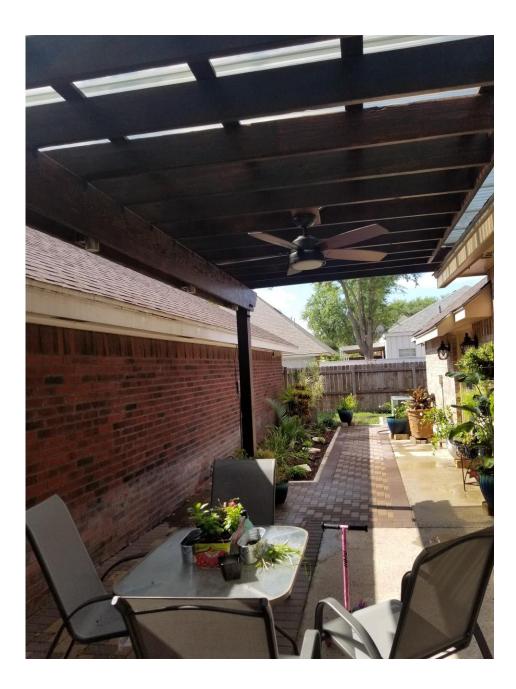
I have been advised by the City building inspector that our existing pergola is not in compliance with our 10 ft side yard set- back line we are currently 6 inches over the side yard set-back line. Our pergola does not touch or harm our neighbors wall or roof there are 2 ft'8 inches between the pergola and our neighbors' home. Therefore, I am asking to please consider this appeal and allow us to keep our existing pergola as is. However, as I explained to the City inspector, we want to modify the top roofs edging to cut them shorter and due to hurricane Hanna I need to replace Two (2) cover lit corrugated polycarbonate-clear roofs that have been damaged. Mr. Chairman and Board Members our pergola means so much to our family especially during these difficult times we are all going through, it has transformed our back yard and turned it into a great outdoor living space, it has provided us with a beautiful shaded area for our children to swim in a small inflatable pool, my son enjoys playing ball, my daughter can ride her scooter and we enjoy a BBQ under the shade. My wife has been able to create an area for her gardening. Therefore, I am kindly asking you and the board to please approve this appeal. I have attached herein (5) five pictures of our pergola and family enjoying the pergola.

Thank you,

Jose Luis Salinas

(956) 533-6572







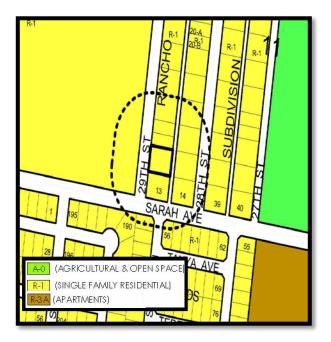


Memo

- **TO:** Zoning Board of Adjustment & Appeals
- FROM: Planning Staff
- DATE: September 8, 2020
- SUBJECT: REQUEST OF DANIEL AGUIRRE ON BEHALF OF JOSE LUIS DIAZ FOR THE FOLLOWING VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: AN ENCROACHMENT OF 2 FT. INTO THE 7 FT. SIDE YARD SETBACK FOR A PROPOSED NEW GARAGE AND GAME ROOM MEASURING 19.08 FT. BY 23.33 FT. AT LOT 12, RANCHO SUBDIVISION, HIDALGO COUNTY, TEXAS; 5517 SOUTH 29TH STREET. (ZBA2020-0053)

REASON FOR APPEAL:

The variance is to allow an encroachment for a new garage and game room measuring 19.08 ft. by 23.33 ft. that encroaches 2 ft. into the 7 ft. side yard setback along the south property line. The applicant stated that the request is to be able to have a front facing garage. Currently he has side entry garage and with the approval of the encroachment of adding 2 ft., it would be a better maneuverability for him.





PROPERTY LOCATION AND VICINITY:

The subject property is located on the east side of South 29th Street, approximately 100 ft. north of Sarah Avenue. The property has 100 ft. of frontage along South 29th Street and a depth of 120 ft. with a lot size of 12,000 square feet. Surrounding land use are single-family houses, Los Encinos Park and vacant land.

BACKGROUND AND HISTORY:

Rancho Subdivision was recorded on May 15, 1961. A building permit was submitted on July 9 2020. The application for the variance was submitted on August 19, 2020.

ANALYSIS:

The request is to allow an encroachment of 2 ft. into the 7 ft. side yard setback for a proposed garage and game room. The proposal is for a 2-car garage and a game room with a bathroom on the second floor. Site plans shows a driveway that measures 18 ft. by 20 ft. capable of parking 2 cars.

There has not been any variance request around the area.

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 proposed construction as depicted on the site plan.

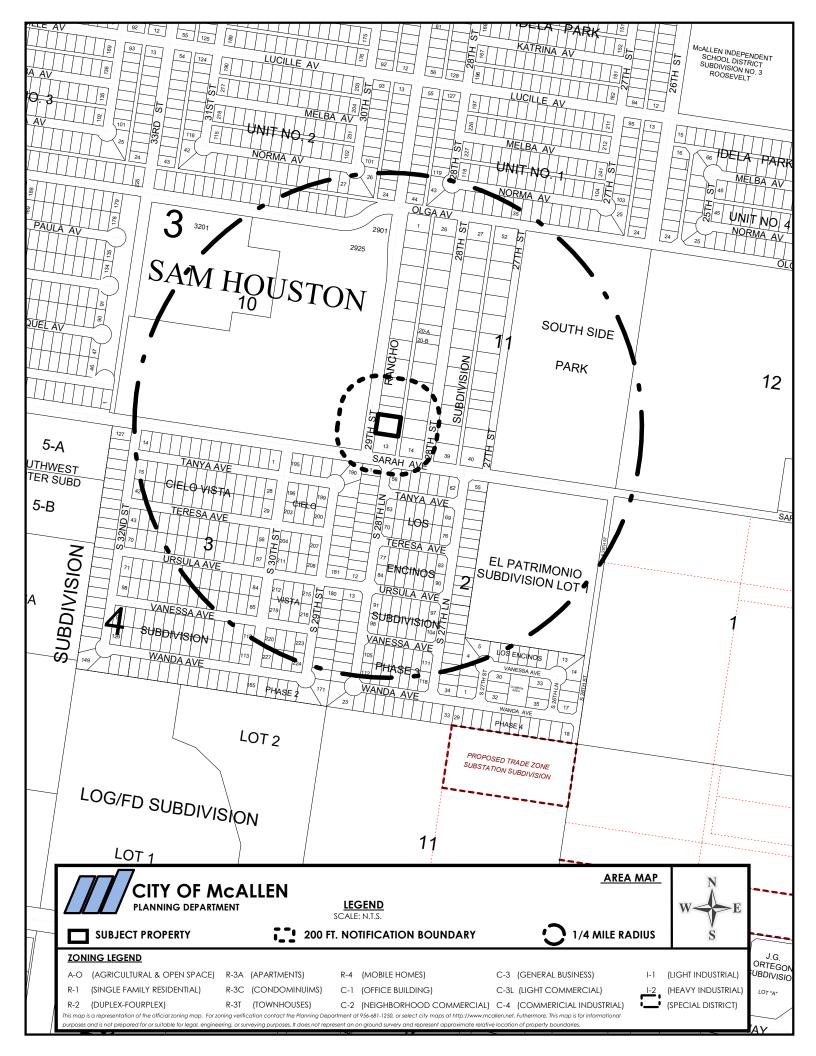
Staff has not received any phone calls of concern in regards to the variance request.

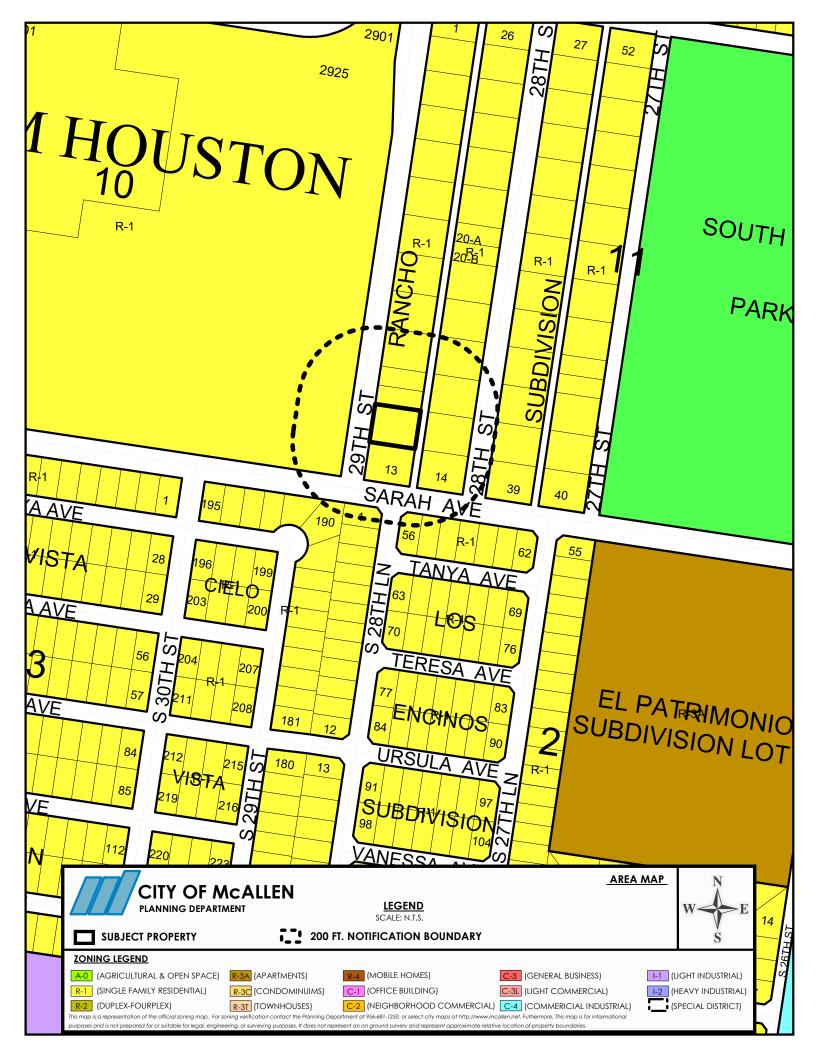
RECOMMENDATION:

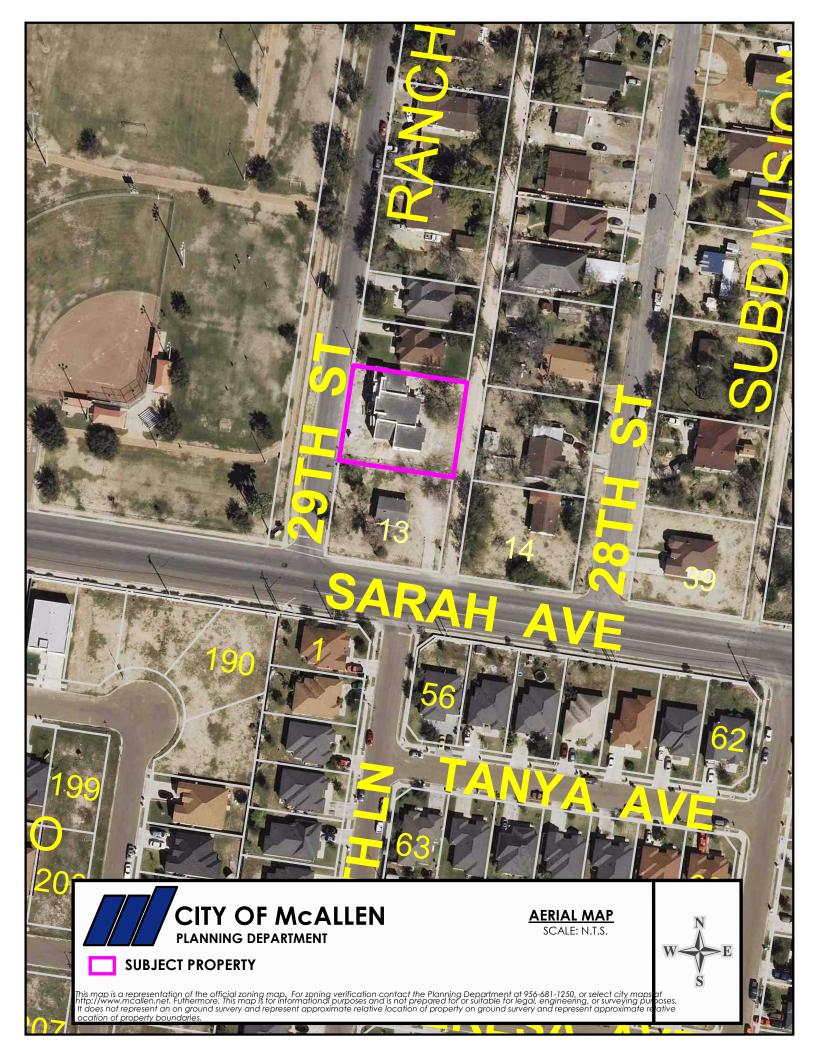
Staff recommends disapproval of the variance request. If the Board chooses to approve the request, the approval should be limited to the footprint as shown on the site plan.

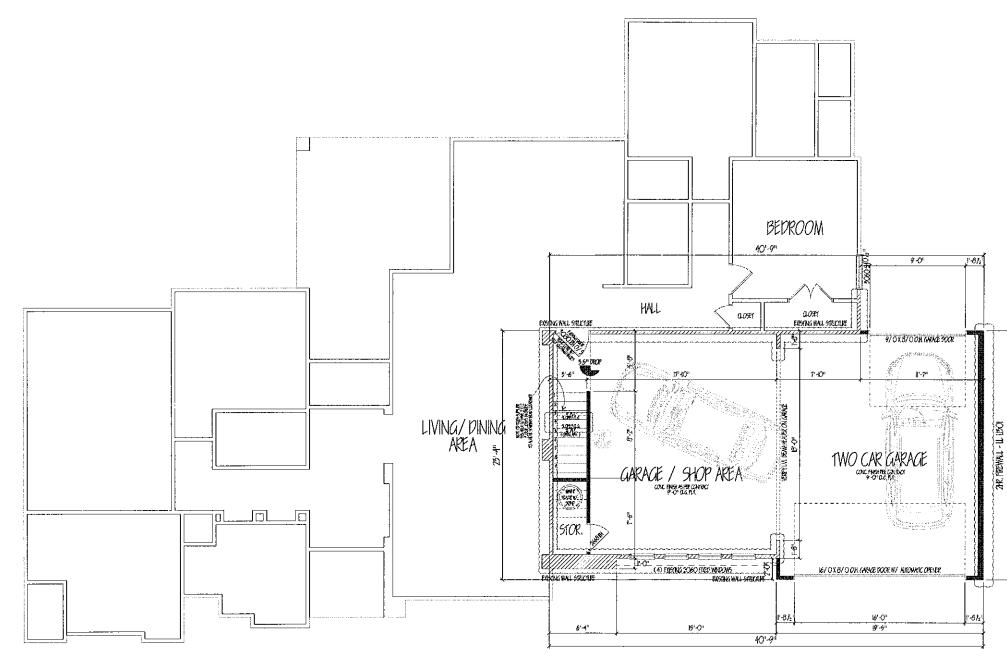
	ZBA 2020-0053
200	VDCity of McAllen311 North 15th Street McAllen, TX 78501 P. O. Box 220Planning Department APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE311 North 15th Street McAllen, TX 78501 (956) 681-1250 (956) 681-1279 (fax)
Project	Legal Description Lot 12 Subdivision Name PAN CHE SUB'O PH. Z Street Address SSI7 S. 2944. Number of lots
Applicant	NameDon: el AguirrePhone956. 616. 7943AddressDOB ARUBA DR.E-maild. aguirre78631. comCityEd: NorryStateTXZip78541
Owner	Name Jose Luis DIA2 Phone 956 572 5904 Address 5517 5. 2940 E-mail City McAllen State TX Zip 18501
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 (City Schucch 13.7) 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 19-2020 Print Name Don: Cheguirre Date Owner Conserve Agent
Office	Accepted by OF Payment received by AUG 1 9 2020
	acceln/h.F.

	Planning Departm REASON FOR APPEAL & BOA	
	OWNER IS REPORTING A 5'S BECAUSE HE NEEDS TO FACE HIS O	741-4 - ronghosadi isna. v
	FOR EXSE OF MANEUREVABILITY.	HE WRITERTLY HAS
Reason for Appea	A SIDE ENTRY GALAGE AND THEE CRUCIAL. THE OWNER IS AWARE	
	SEPARATION AND IS PREPARED TO ON THE SOUTH SIDE WITH A REP	
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	Chairman, Board of Adjustment Signature	Date
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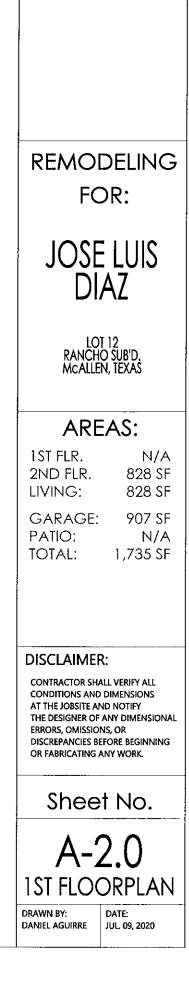




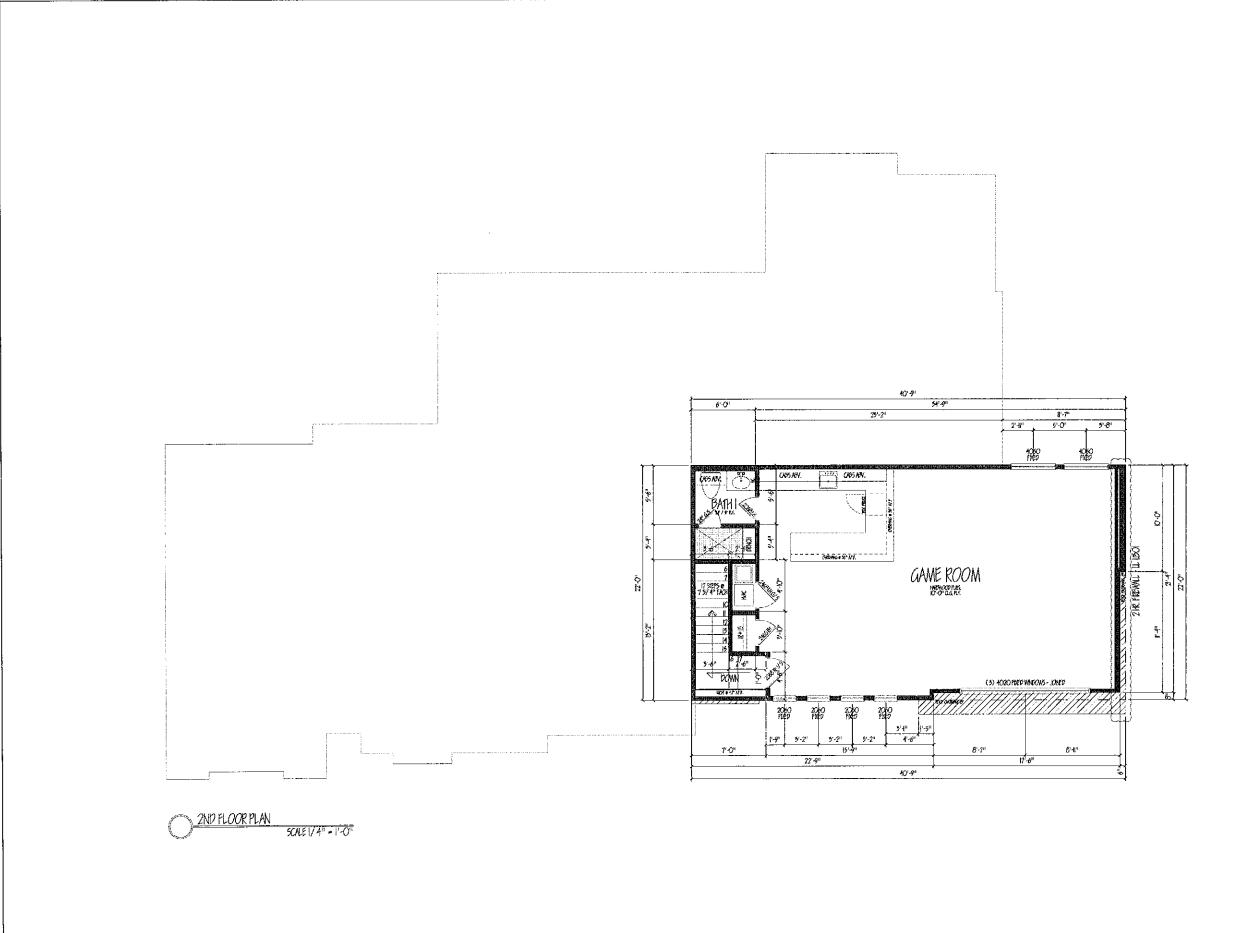


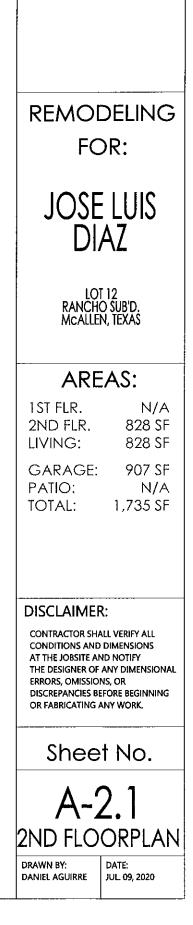


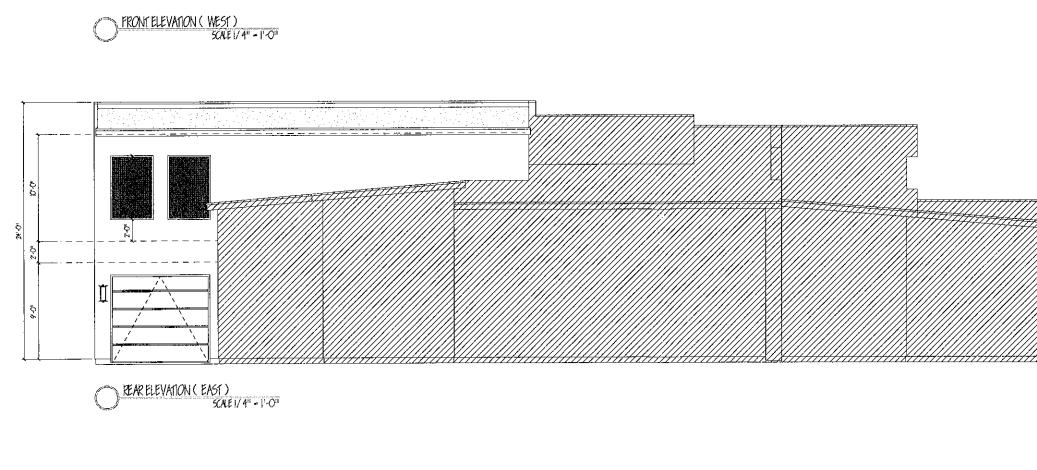
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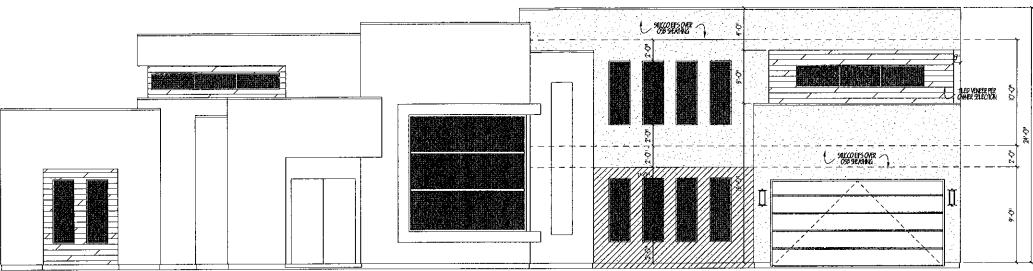




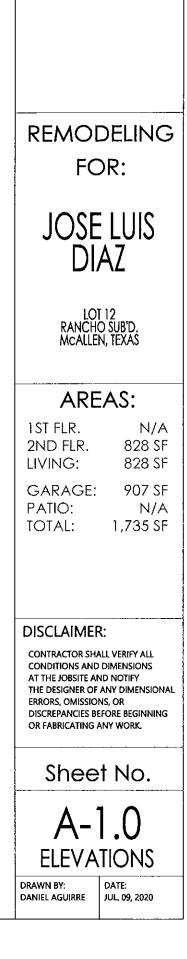


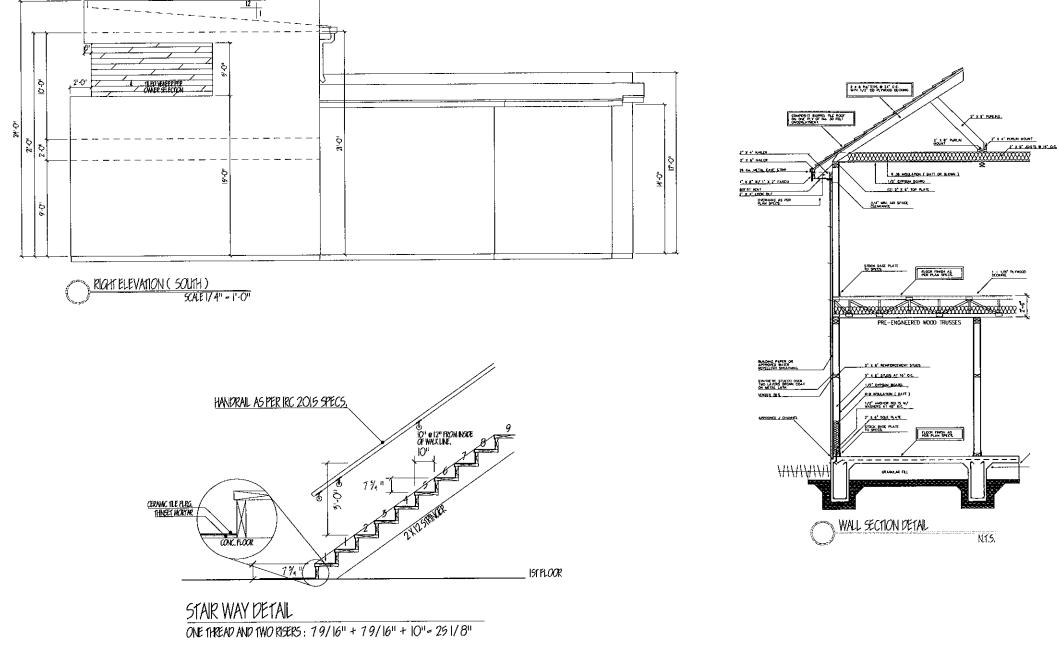


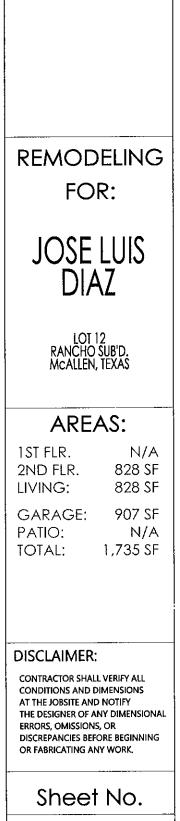










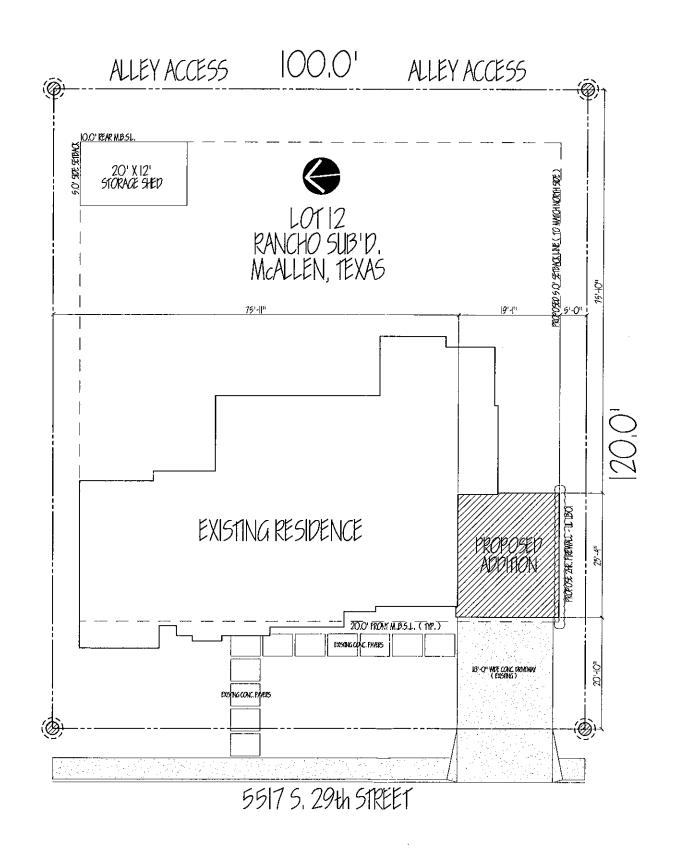


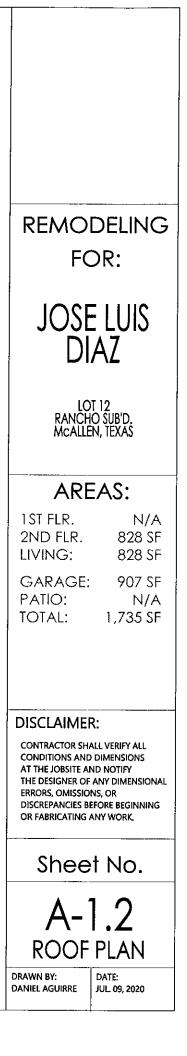
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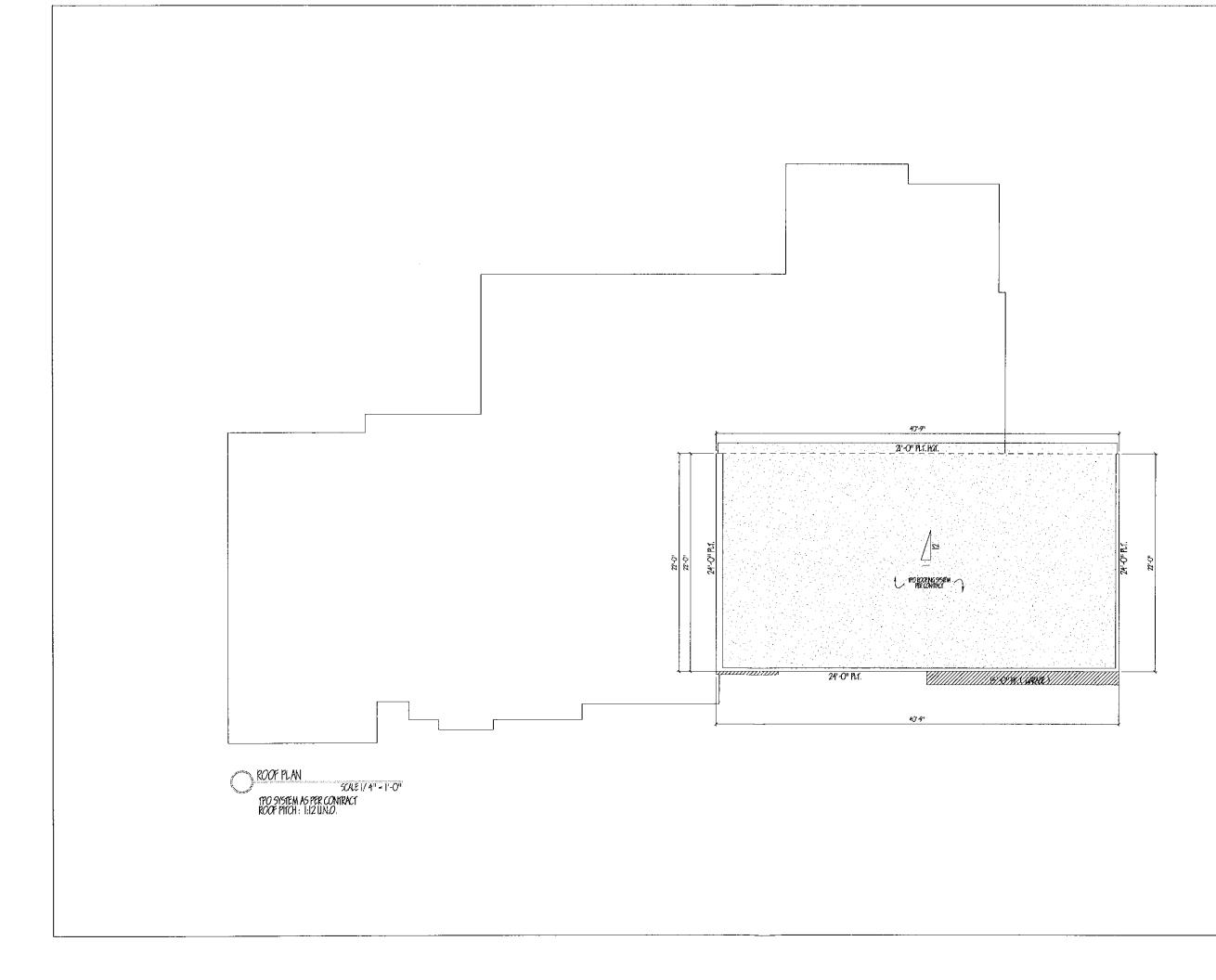
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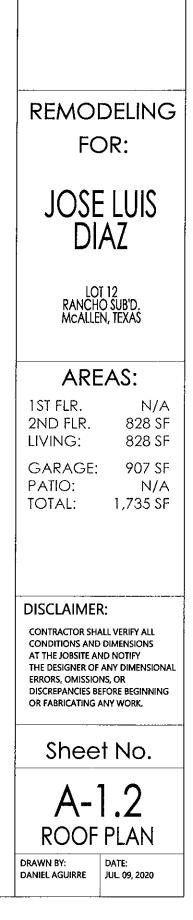
DRAWN BY: DANIEL AGUIRRE DATE:

JUL 09, 2020









To Whom it may concern,

This letter is to authorize Daniel Aguirre to apply and obtain a variance for the property on 5517 S. 29th Street (Lot 12, El Rancho Sub'd.) in McAllen, Texas. He has been granted permission by this letter to address any issue that may arise with respect to obtaining a variance for property.

Thank You,

X JOBEDIOZ

Jose Luis Diaz Owner of Record



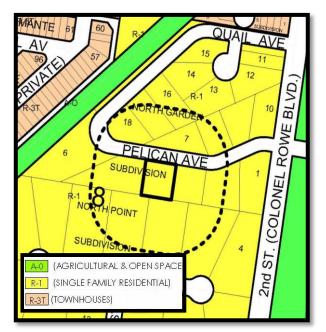


Memo

- **TO:** Zoning Board of Adjustment & Appeals
- FROM: Planning Staff
- DATE: September 10, 2020
- SUBJECT: REQUEST OF DAVID RUTLEDGE FOR THE FOLLOWING SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: AN ENCROACHMENT OF 6 FT. INTO THE 6 FT. SIDE YARD SETBACK FOR AN EXISTING CARPORT MEASURING 16 FT. BY 36 FT. AT LOT 4, NORTH GARDEN ESTATES SUBDIVISION, HIDALGO COUNTY, TEXAS; 301 PELICAN AVENUE. (ZBA2020-0054)

REASON FOR APPEAL:

The special exception is to allow an existing carport measuring 16 ft. by 36 ft. that encroaches 6 ft. into the 6 ft. side yard setback along the west property line. The applicant stated that the carport was constructed in order to protect his vehicles, equipment and furniture from inclement weather.





PROPERTY LOCATION AND VICINITY:

The subject property is located on the south side of Pelican Avenue, approximately 363 ft. west of North 2nd Street. The property has 120 ft. of frontage along Pelican Avenue and a depth of 130 ft. with a lot size of 15,600 square feet. Surrounding land use are single-family houses.

BACKGROUND AND HISTORY:

North Garden Estates was recorded on April 11, 1994. A building permit was submitted on May 31 2018, however it never got approved by all corresponding departments. Additionally, two citations have been posted for construction without a permit and inspection. The application for the variance was submitted on August 19, 2020.

ANALYSIS:

The request is to allow an encroachment of 6 ft. into the 6 ft. side yard setback for an existing carport measuring 16 ft. by 36 t. ft. According to site plan notes the carport seems to be slightly sloped towards the rear, having an initial height of 10 ft. at the beginning and decreasing as the structures approaches the rear of the property to finish at a height of 9 ft.

A site inspection revealed that the columns are 2.25 ft. away from the concrete fence and the overhang is at one feet away from property line.

The subdivision has an HOA, the applicant is aware of this and has mentioned that they have spoke openly about the request but no meeting has been held for the request.

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

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

Staff has received a letter of concern in regards to the location and fire hazard of the special exception.

RECOMMENDATION:

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

ZBA 2020-00.54

284.20 a.n.20	City of McAllen Planning Department APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE 311 North 15 th Street McAllen, TX 78501 P. O. Box 220 McAllen, TX 78505-0220 (956) 681-1250 (956) 681-1279 (fax)
Project	Legal Description North Garden States Lot 4 N4820-00-000 North Garden States Subdivision Name North Garden Estates Street Address 301 W. Pelican Avenue Number of lots 1 Gross acres 0.3581 Existing Zoning Residential Side yard setback Side yard setback Side yard setback Side yard <t< th=""></t<>
Applicant	NameDavid RutledgePhone956-457-2685Address301 w. Pelicon AvenueE-mailrutledgØØ1@pol.comCityMCAILENStateTexasZip78504
Owner	Name David + Leticia A. Rutledge Phone 956-451-2685 Address 301 w- PElican AVENUE E-mail vutledg&@1@aol.com City MCALLEN State TEXAS Zip 78504
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? Yes No I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization. Signature David Ruffedge Date 08-19-2020 Print Name David Ruffedge Owner Date Owner
Office	Accepted by <u>LC.</u> Payment received by <u>Date G 1 9 2020</u> Rev 10/18

PAGE ONE

	City of McAllen <i>Planning Department</i> REASON FOR APPEAL & BOARD ACTION
Reason for Appeal	I, David Ruttedge, with the help of some friends, built a free-standing, open corport beginning on or about march 2018. The corport was built many of wood and the roof was initially covered with asphald shingles. There is No electricity running do the corport, and it has NO lights attached to it. The dimensions of the corport are: 16 feet wide by 36 feet Long, and 10 feet high in front (worth) + 9 ff ligh in back.
Board Action	Chairman, Board of Adjustment Date Signature Rev.10/18

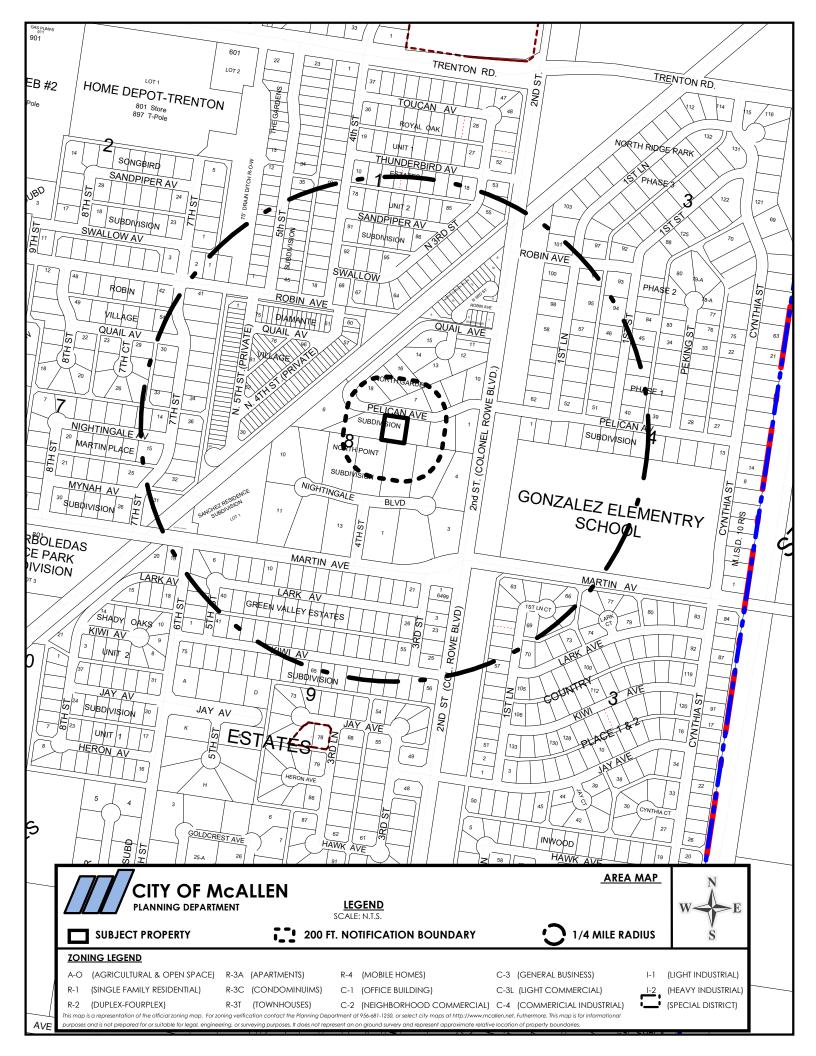
PAGE Two

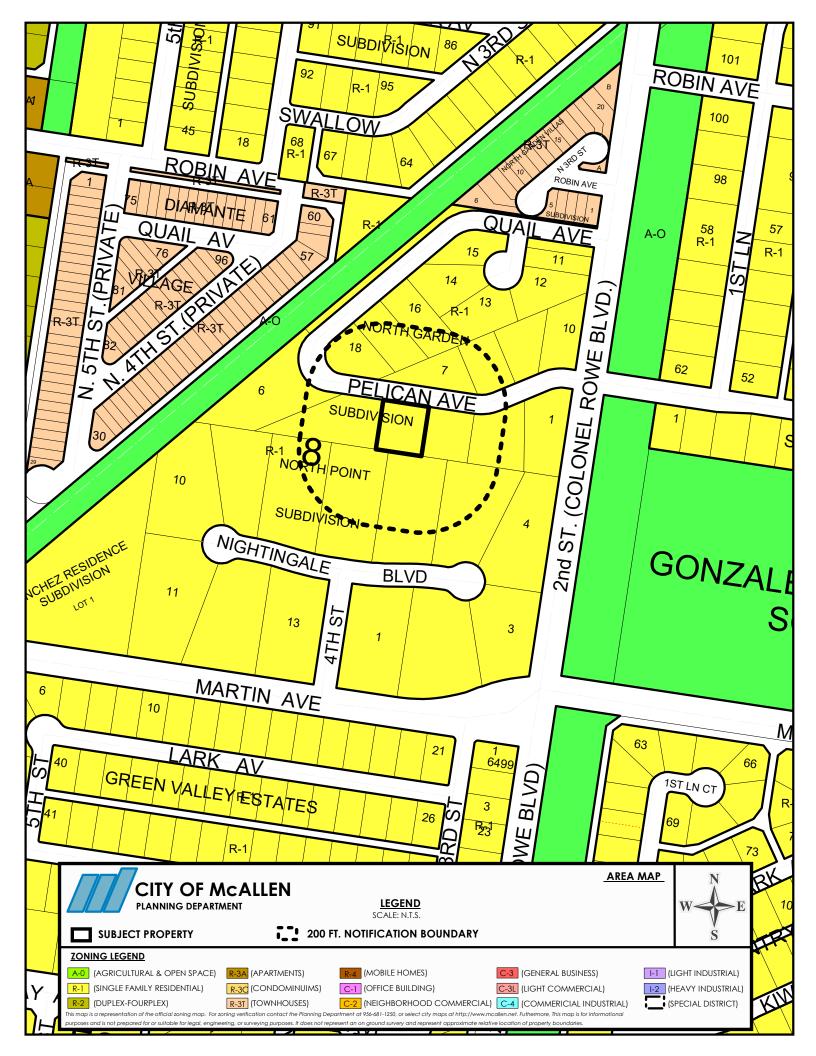
	City of McAllen Planning Department REASON FOR APPEAL & BOARD ACTION		
- CONTINUATION -	In May of 2018, a MEDELED City INSpector LEFF & Note on my door to meet him at his oblice. I went an 05.31-2018. I was told that I NEEDED a building permit. I show told Mr. O. Alcontara that the compart was strendy built. Ite them told me that he was going to write a citation. Mr. Meants wrote addim at 22379 for two visiblions: () Construction work w/o Inspection (2) Construction without a permit. I later drove to the MEANDER Municipal Court, plead "No contest" and poid two fines, one for each violation.		
Board Action	Chairman, Board of Adjustment Date Signature Rev.10/18		



	City of McAllen Planning Department REASON FOR APPEAL & BOARD ACTION		
Reason for Appeal	IN November of 2019, I found a Note on my front door from Inspeder (Jesus Antonio Jovar) Asking me to most hum. I met him at his office. Mr. Javar issued me a 2rd utation in 11-20-19 for two violations (D Construction "10 Inspection, and (D Construction without a permit. Since this was a 2nd citation for the same initial construction of the corport (thist was abroady cited lyom md 6 months prior). Due to the 2nd utation for the some "set", I colled Attorney Rey Order for Advice and assistance.		
Board Action	Chairman, Board of Adjustment Date Signature Rev.10/18		

PAGE Four







David Rutledge 301 W. Pelican Avenue McAllen, Texas 78504 956-457-2685 cell

August 19, 2020

City of McAllen **Planning Department** 311 N. 15th Street McAllen, Texas 78501

RE: APPEAL TO ZONING BOARD OF ADJUSTMENT **REQUEST FOR VARIANCE TO SIDE YARD SETBACK**

Greetings,

Attached please find my appeal to the Zoning Board, and my request for a variance to the 6 foot side-yard setback.

I am requesting this variance because beginning in March of 2018, I built a stand-alone carport, with no electrical lights or power connections. I built the carport to protect one or more of my vehicles from damage from storms, flying debris, or hail. However, I failed to request a building permit prior or during the construction.

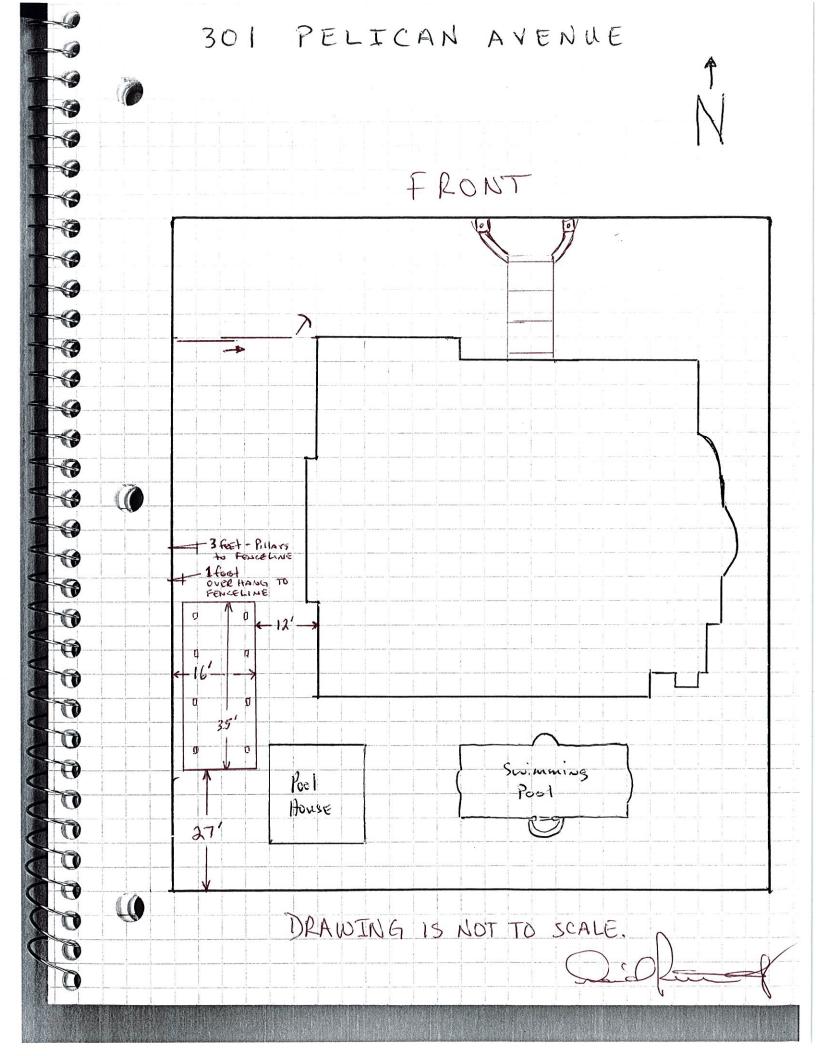
Since then, I have received two citations. The first citation (#22379), dated 05-31-2018, was issued for two violations: 1) Construction without Inspection, and 2) Construction without a permit. I plead "no contest" and paid fines at the McAllen Municipal Court for this first citation.

The second citation (#24804), dated 11-20-2019 was issued for the same violations. Since I felt that I had already paid for the citations issued because of my initial construction, I needed advice on how to work with the City of McAllen with this issue.

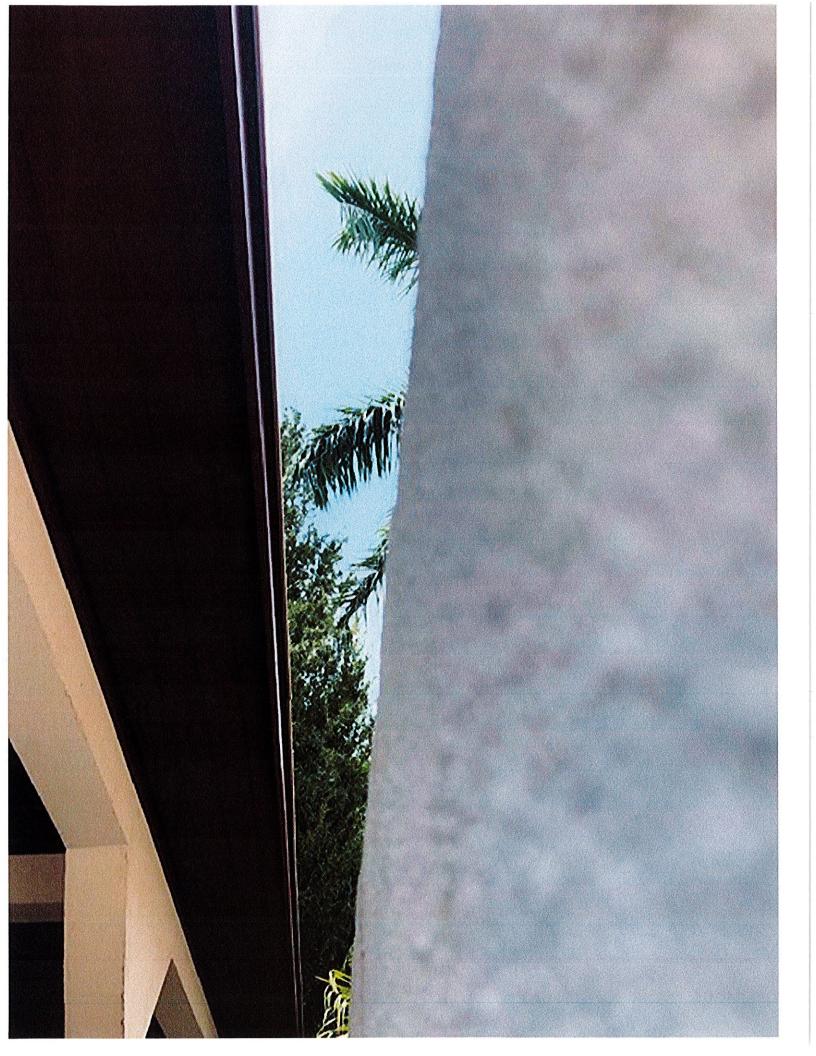
I consulted Attorney Rey Ortiz and he recently advised me to complete this appeal and request a variance, and deliver the appeal and the required fees to the planning department.

I have attached a drawing, several printed photographs, and copies of previous notices and two separate citations that have been issued to me, David Rutledge.

Respectfully Submitted, David Rutledge 01-19-20









September 17, 2020

(ZBA2020-0054)

Dear City of McAllen:

We believe, that in good faith, the City of McAllen will protect us and our property by reasonably enforcing rules and regulations via building codes which include the set back ordinance. The City of McAllen as well as the North Garden Estates Home Owner's Association were blindsided by the owner of the property located at 301 Pelican Avenue, building a carport without a city permit and ignoring building codes to benefit their own personal interests while compromising residents' personal safety. In other words, said owner is seeking a variance when they failed to seek zoning and building permits and then incorrectly placed foundation footings in the setback. Ignorance of the law should be no excuse. Safety is a main concern when building close to a neighbor's property. That's why a six foot side yard set back has been implemented and placed into effect. As the carport stands, it encroaches six feet into a six foot set back side yard. This is totally unacceptable and causes a serious safety concern, especially when a gas line runs along the side of the neighboring house adjacent to this carport. On more of a personal level, the carport is located approximately six feet from the resident's bedroom. One of the residents is elderly and disabled and has difficulty ambulating and uses a wheel chair. Is this carport a fire hazard waiting to happen? it certainly has that potential. We hope that the City of McAllen would not be irresponsible by approving

such a request and putting a neighbor's life in jeopardy.



Thank you for permitting us to submit this letter in lieu of attending this virtual public hearing.

Anonymous concerned neighbor of North Garden Estates

10



David Rutledge 301 W. Pelican Avenue McAllen, Texas 78504 956-457-2685

September 10, 2020

Mr. H. Camacho McAllen Planning Department 311 N. 15th Street McAllen, Texas 78504 Sent via email

RE: My Representative for hearing on September 27, 2020

Mr. Camacho,

Please accept this letter as my notice and authorization that Attorney Reynaldo Ortiz will act and speak on my behalf during the hearing and in all matters concerning my request for a variance to the side setback and existing carport at my address, 301 W. Pelican Avenue, McAllen, Texas.

Respectfully,

(Authorized without signature because I am unable to print and scan at this time)

David Rutledge 956-457-2685 cell

Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: August 27, 2020

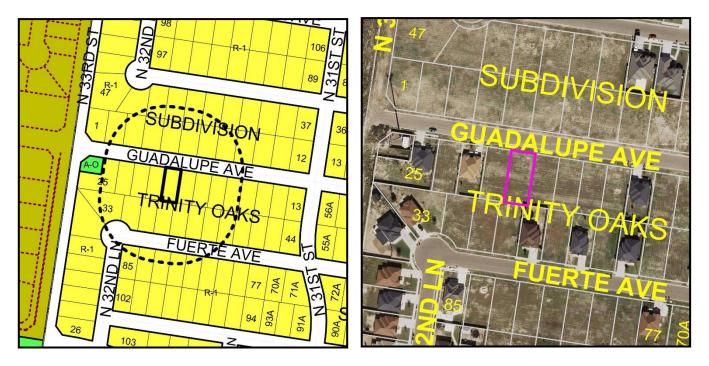
SUBJECT: REQUEST OF CESAR PAVEL CAL CAMARILLO FOR THE FOLLOWING SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE: TO NOT PROVIDE ONE REQUIRED PARKING SPACE BEYOND THE FRONT YARD SETBACK AT LOT 21, TRINITY OAKS SUBDIVISION PHASE I, HIDALGO COUNTY, TEXAS; 3209 GUADALUPE AVENUE. (ZBA2020-0046)

REASON FOR APPEAL:

The applicant requests a special exception to the parking requirement of one off-street parking space for single-family uses beyond the front yard setback as required by Section 138-394. The applicant has also applied for a Conditional Use Permit (CUP) to convert the use of an existing bedroom to a virtual music teaching room due to the pandemic. As a result, he proposes to enclose the garage and use it as a bedroom to alleviate the space shortage.

PROPERTY LOCATION AND VICINITY:

The subject property is located on the south side of Guadalupe Avenue, 414 feet west of North 31st Street. The property has 51 feet of frontage along Guadalupe Avenue and a depth of 110 feet for a lot size of 5,610 square feet. The surrounding land use is residential.



BACKGROUND AND HISTORY:

Trinity Oaks Subdivision Phase I was recorded on September 26, 2006. The Appraisal District records show that the residential home was built in 2018. An application for a building permit to remodel and enclose the garage was submitted on July 6, 2020, which was disapproved during the building permit review process due to the elimination of one required parking space beyond the front yard setback.

ANALYSIS:

The intent for the requirement of locating one parking space beyond the front yard setback line is to improve the street yard appearance of single-family residential areas by reducing the number of cars parked along the street and within the front yard. In 1999 the City Commission amended the ordinances to improve the streetscape of neighborhoods. The submitted site plan shows that the existing driveway is 19-foot wide and 27-foot long, accommodating two required parking spaces.

If the request is approved, it may encourage other property owners to apply for a special exception to enclose their garages. The approval of the building permit application is pending this special exception request.

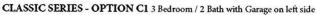
Staff has not received any phone calls or emails in opposition of the request.

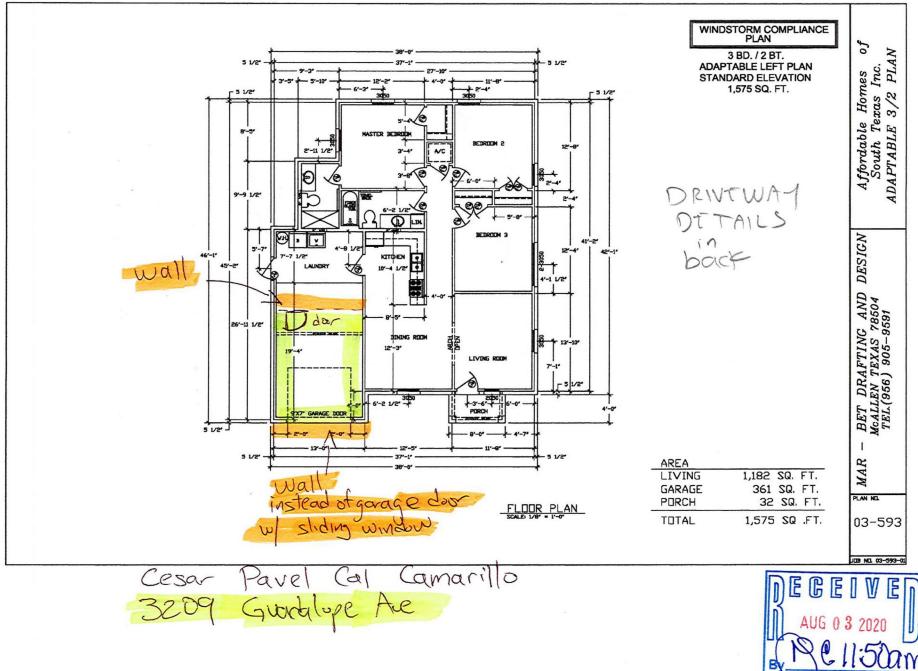
RECOMMENDATION:

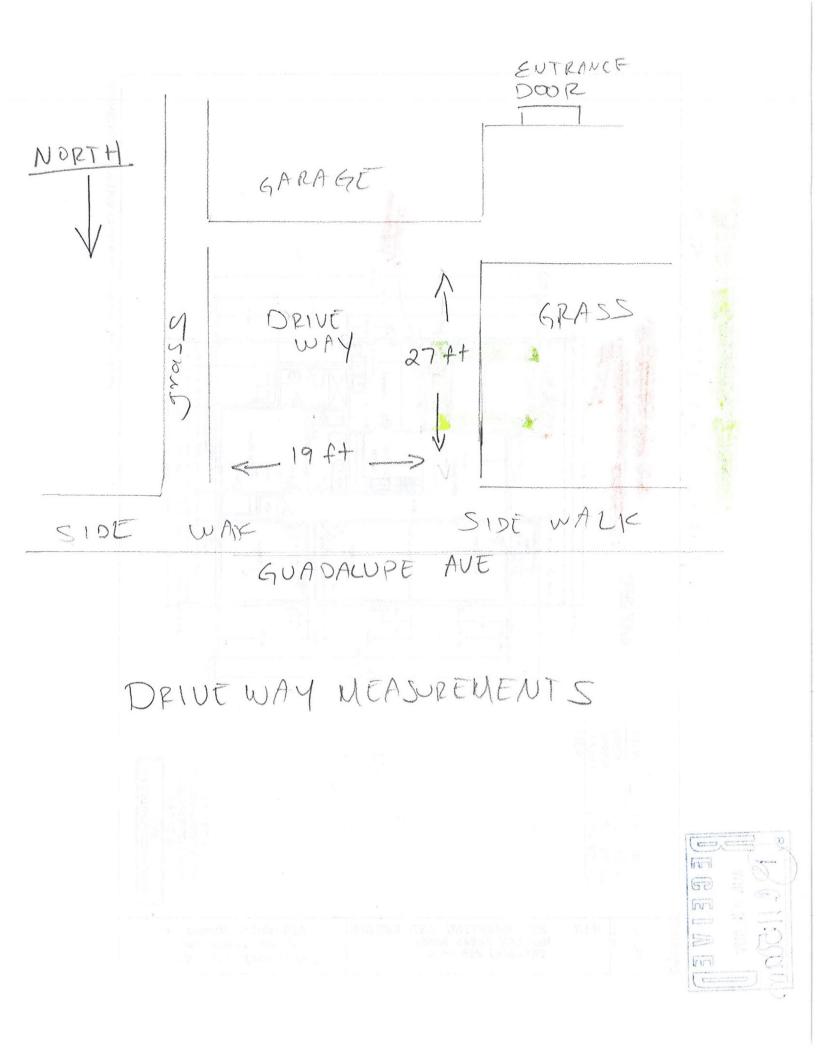
Staff recommends disapproval of the special exception request.

	2BA2020-0046
22/2/2	City of McAllen Planning Department APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE 311 North 15 th Street McAllen, TX 78501 P. O. Box 220 McAllen, TX 78505-0220 (956) 681-1250 (956) 681-1279 (fax)
Project	Legal Description Lot 21 Trinity Oaks phase 1 Subdivision Name Trinity Oaks phase 1 Street Address S209 Guadalupe Ave Number of lots 1 Gross acres Existing Zoning <u>B-1</u> Existing Land Use <u>Mesidential</u> Reason for Appeal (please use other side if necessary) <u>To not provide one</u> <u>required Parting Space Deyond the Front Setback</u> . If \$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 <u>Cesar Pavel Cal Camarillo</u> Phone Address <u>3209 Guadalope Ave</u> E-mail City <u>Wallen</u> State <u>TX</u> zip <u>78584</u>
Owner	Name <u>Cesor Pavel Gal Garwar</u> iphone, Address 3209 Guerdalope Ave. E-mail_ 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 Date OR/03/20 Print Name Cesar Pavel Cal Carval Powner Date Or I will FOR
Office	Accepted by KF Payment received by Date AUG 0 3 2020 DC+++ 2 42308 pt 5300 pt C C C C C C C C C C C C C C C C C C

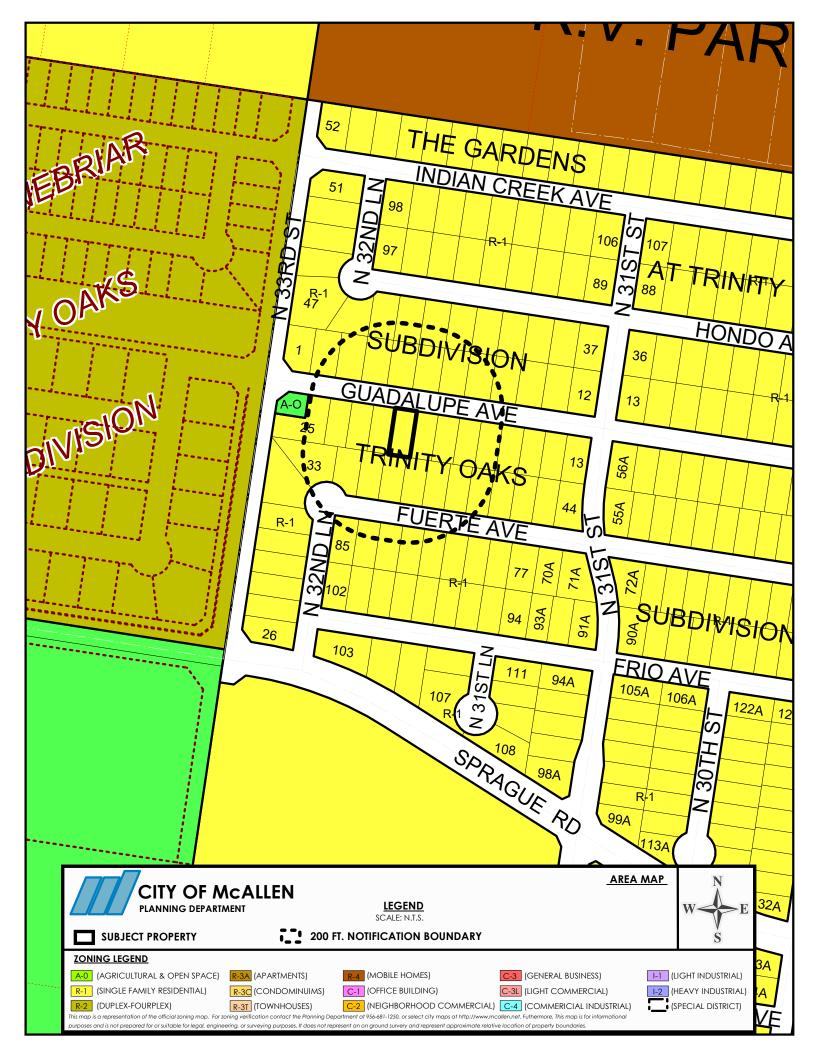
City of McAllen **Planning Department** REASON FOR APPEAL & BOARD ACTION COVIT the ine ve emic MAG Pacher UNOV Driva as a Reason for Appeal direct SACP Ð dava Ato an C 10 VP ac room **Board Action** Chairman, Board of Adjustment Date Signature 20 Rev.10/18

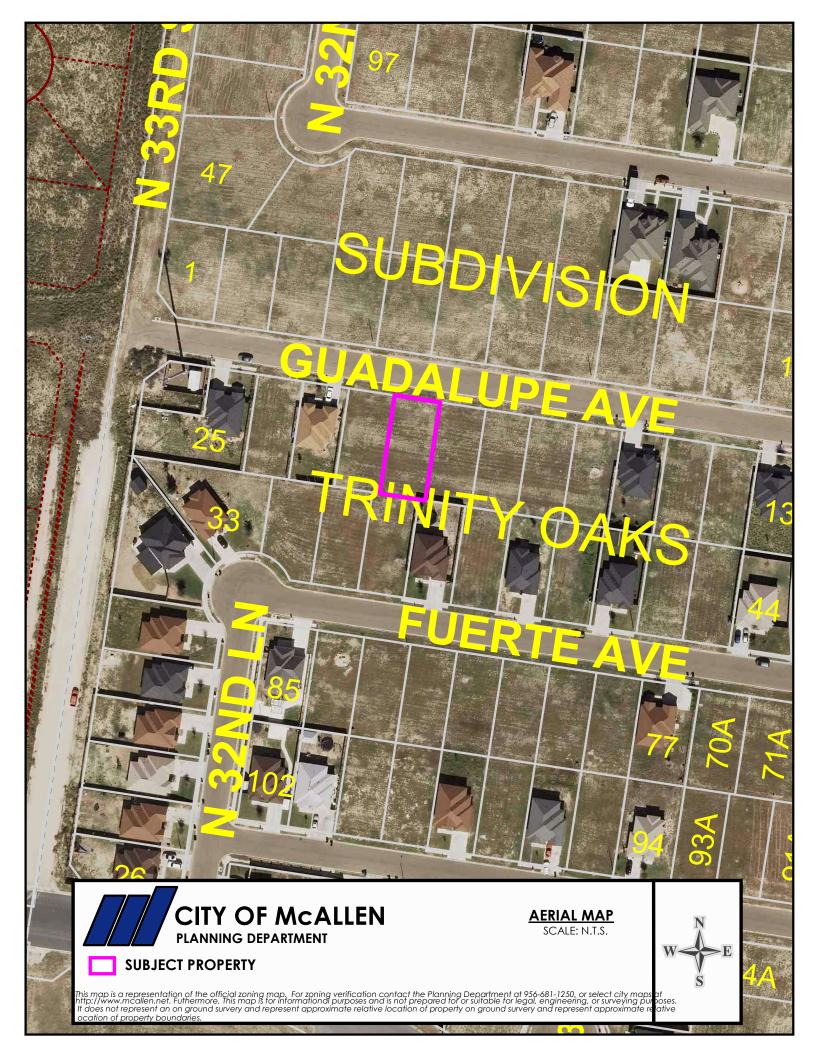


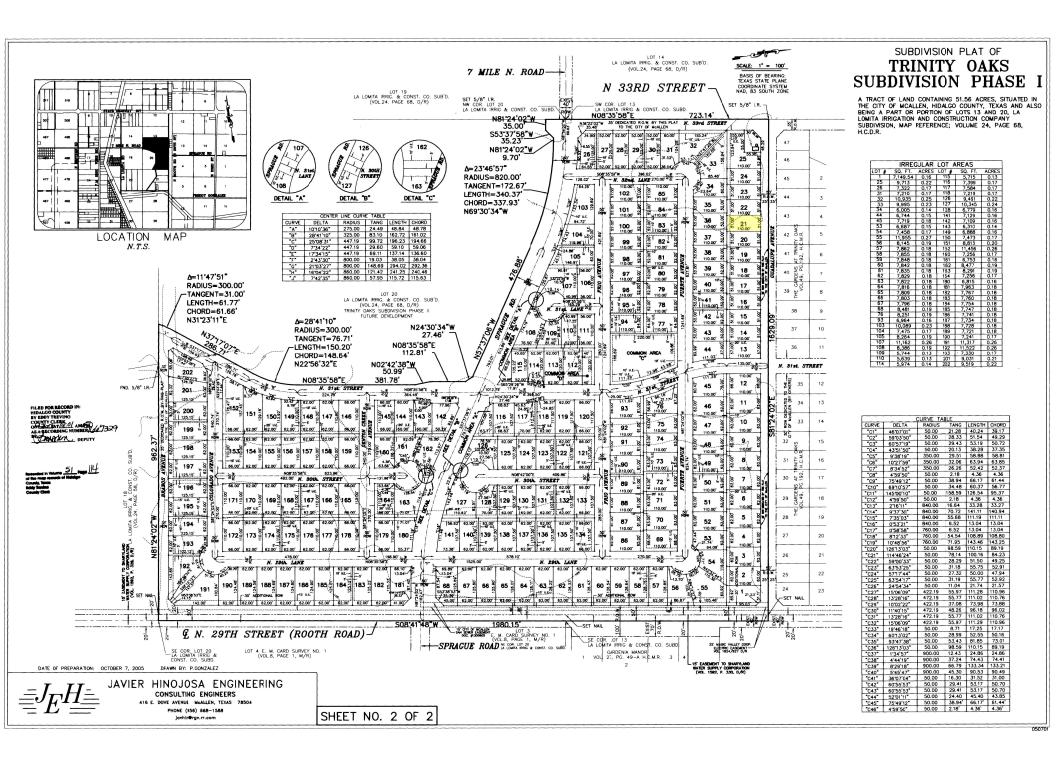




GC 1041 44 APPLICANT	P.O. BOX 220 MCALLEN, TEXAS 78505-0220 APPLICATION MUST BE COMPLETE (Please type or print in black or blue ink)	Image: Application Image: Auge Image: Auge	21P
OWNER	NAME	PHONE	ZIP
F	Image: Marking square Addition Image: Addition square Remodeling Repair BLDG square Square NO. PARKING spaces Spaces Spaces EXISTING USE OF LOT Scope of work to be done TV, Computer RESIDENTIAL NO. OF NO. NO. NEW UNITS BDRMS BATH	IMOVE REMOVE SQ. FT LOT LOT FRONT NEW USE CODM, GOMC SQ. FT NON-LIVING	BLDG. HGTNO. OF FLOORS FLOOR EL ABOVE CURB COMPANY NOON SQ. FT LIVING
PROJECT	FOUNDATION EXT WALL R I CONCRETE SLAB MASONRY VENEER I I CONCRETE PIER MASONRY SOLID I I CONCRETE BLOCK METAL SIDING I I CONCRETE BEAM I COMPOSITION I	OOF] WOOD SHINGLE] COMPOSITION] METAL] BUILD UP] CLAY OR CONCRETE TILE	UPGRADES/OTHER GRANITE COUNTERTOPS MARBLE TUBS/FLOORS CUSTOM WINDOWS POLYURETHANE INSULATION OTHER UPGRADES SEPTIC TANK EXISTING OR PROPOSED YES 0 NO
	LOT BLOCK SUBDIVISION SITE ADDRESS ST. NO. 3209 ST. NAME	dalupe Ave.	
CITY USE ONLY	Value \$ Double Fee Zoning Total Fee	\$\$	pate <u>1110720</u> time <u>2135</u>
same or be Inspe comp the w	Park Development Proposed by the under The building permit shall not be held to permit or be an approval of the violation or a waiver by the City of such violation. Alteration changes or deviations from the plac cition Department. The applicant herby agrees to comply with all City ordinances, co tiance. It is understood that the improvements shall not be occupied until a Ce ork authorized by such permit is commenced within six months after its issuance of rk is commenced. This permit is good for one year only. Change (Cal (Came)) NT (AUTHORIZED AGENT/OWNER)	rsigned applicant and the applicant states the modification of any provisions of City ordina ns authorized by this permit is unlawful with odes, subdivision, restrictions and State law rtificate of Occupancy has been issued.	hat he will have full authority over construction of inces, codes, subdivision restrictions of State law out written authorization from the Building s and assume all responsibility for such Every permit issued shall become invalid unless pended or abandoned for six months after the time









Memo

- **TO:** Zoning Board of Adjustment & Appeals
- FROM: Planning Staff
- DATE: September 10, 2020
- **REQUEST OF RAFAEL COLEGIO FOR THE FOLLOWING SPECIAL EXCEPTIONS** SUBJECT: AND VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE 1) TO ALLOW AN ENCROACHMENT OF 16.67 FT. INTO THE 20 FT. FRONT YARD PROPOSED METAL CARPORT SETBACK FOR Α MEASURING APPROXIMATELY 19 FT. BY 24 FT., 2) TO ALLOW AN ENCROACHMENT OF 2 FT. INTO THE 5 FT. SIDE YARD SETBACK ALONG THE NORTH PROPERTY LINE FOR A PROPOSED METAL CARPORT MEASURING APPROXIMATELY 19 FT. BY 24 FT., 3) TO ALLOW AN ENCROACHMENT OF 3.25 FT. INTO THE 5 FT. SIDE YARD SETBACK ALONG THE NORTH PROPERTY LINE FOR AN EXISTING WOODEN STORAGE BUILDING MEASURING 6 FT. BY 19 FT., 4) TO ALLOW AN ENCROACHMENT OF 1.33 FT. INTO THE 10 FT. REAR YARD SETBACK FOR AN EXISTING WOODEN STORAGE BUILDING MEASURING 6 FT. BY 19 FT., AND 5) TO ALLOW A BUILDING SEPARATION OF 0 FT. FROM THE MAIN BUILDING INSTEAD OF THE REQUIRED 5 FT. FOR AN EXISTING WOODEN STORAGE **BUILDING MEASURING 6 FT. BY 19 FT., AT LOT 3, BLOCK 4, PECAN TERRACE** SUBDIVISION, HIDALGO COUNTY, TEXAS; 1504 NORTH 22ND STREET. (ZBA2020-0052)

REASON FOR APPEAL:

The applicant is requesting two special exception requests in order to allow encroachments into the front and side yard setbacks for a proposed metal carport to protect his vehicles from the weather elements. He is also requesting three variance requests to allow encroachments into the rear and side yard setbacks and to allow 0 ft. separation from the main building for an existing wooden storage building. The applicant was not aware of the setback requirement at the time of the storage building construction.

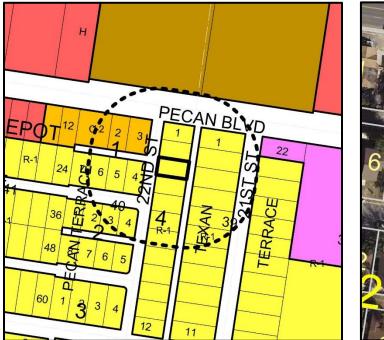
PROPERTY LOCATION AND VICINITY:

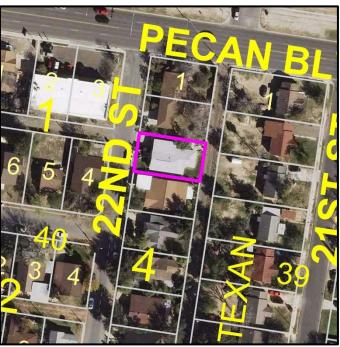
The subject property is located on the east side of 22nd Street, 104 ft. South of Pecan Boulevard. The property has 52 ft. of frontage along 22nd Street and 90 ft. of depth for a lot size of 4,680 sq. ft. The surrounding land use is single-family residences, offices, and Yerberia Columbia retail store.

BACKGROUND AND HISTORY:

Pecan Terrace Subdivision was recorded on January 16, 1953. Hidalgo County Appraisal District records show that the residential home was built in 1973 and the storage building was constructed in 2006. The applicant stated that he had verbally informed the City about the storage building before constructing it, but the staff had informed him that no building permit was required since it was less than 200 sq. ft. In August 2020, when the applicant came to the Planning Department to ask about

the proposed carport, the staff discovered during the conversation that there is a storage building which might be encroaching into the setbacks. The application to request the special exceptions and variances was submitted on August 19, 2020. An application for a building permit for the existing storage building and the proposed carport was submitted on August 24, 2020, which was disapproved during the building permit review process due to the encroachment into the front, side, and rear yard setbacks.





ANALYSIS:

The plat does not indicate any easements or setbacks. The subdivision was recorded prior to 1979 and the applicable setbacks were subject to the 1945 Zoning Ordinance.

Request #1 is for a special exception to allow an encroachment of 16.67 ft. into the 20 ft. front yard setback for a proposed metal carport measuring approximately 19 ft. by 24 ft. The carport is proposed to be constructed with no overhangs encroaching into the front yard setback. Front yard setbacks help to keep the character of the single-family residential areas by maintaining the street yard and curb appeal of the property in a subdivision. The submitted site plan shows that there is an existing garage that is used to park one of the three vehicles that the family owns. Carports are not permitted to be located within the front yard setbacks.

Request #2 is for a special exception to allow an encroachment of 2 ft. into the 5 ft. side yard setback along the north property line for a proposed metal carport measuring approximately 19 ft. by 24 ft. The proposed carport will not have an overhang encroaching into the north side yard setback. The proposed carport could be reduced by two feet to eliminate the encroachment into the side yard setback and still accommodate the parking of two cars. Carports are not permitted to be located within the side yard setbacks.

Request #3 is for a variance to allow an encroachment of 3.25 ft. into the 5 ft. side yard setback along the north property line for an existing wooden storage building measuring 6 ft. by 19 ft. The storage building is used to store a generator, some tool sets, and general items such as paper towels and plates. The storage building is located at the rear of the property and was built in 2006 according to Hidalgo County Appraisal District records. 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 #4 is for a variance to allow an encroachment of 1.33 ft. into the 10 ft. rear yard setback for an existing wooden storage building measuring 6 ft. by 19 ft. 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.

Request #5 is for a variance to allow a building separation of 0 ft. from the main building instead of the required 5 ft. for an existing wooden storage building measuring 6 ft. by 19 ft. The storage building is located at the rear of the property and extends to underneath a porch area that is part of the house. The McAllen Code of Ordinance states that an accessory building shall be no closer than 5 ft. to the main building. The applicant could attach or join the accessory building to the main building and thus eliminate this code deficiency.

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.

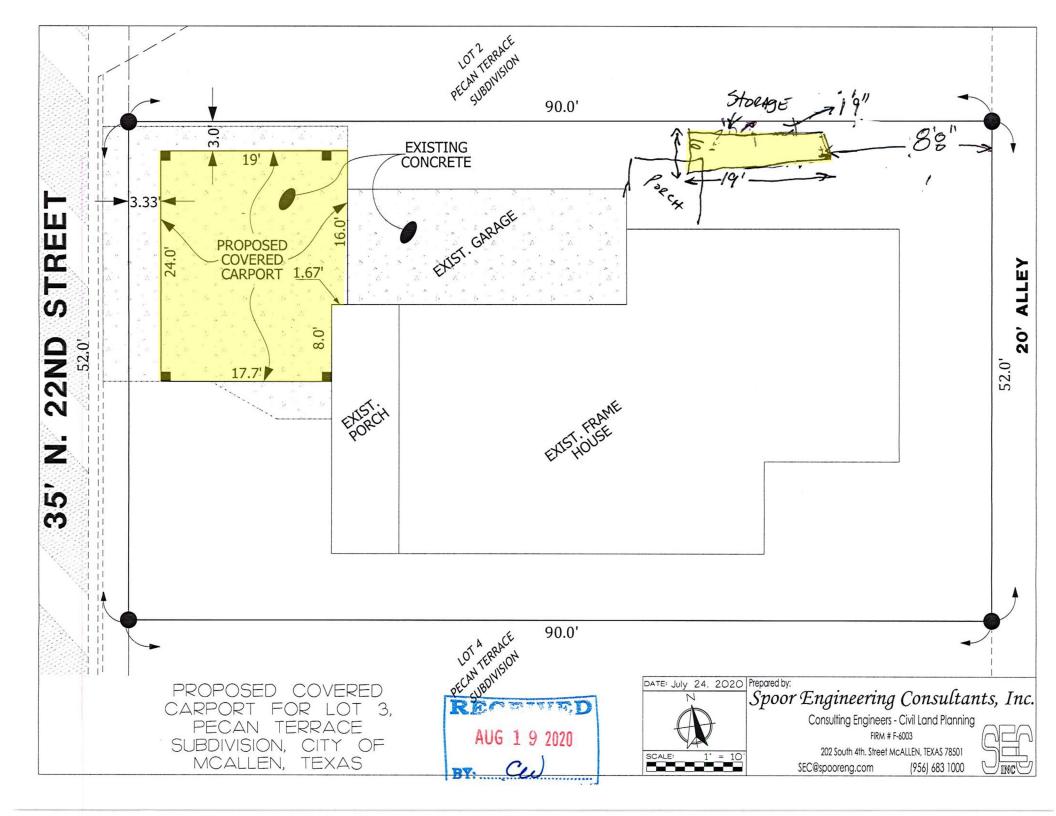
Staff has not received any emails or phone calls in opposition of the request.

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.

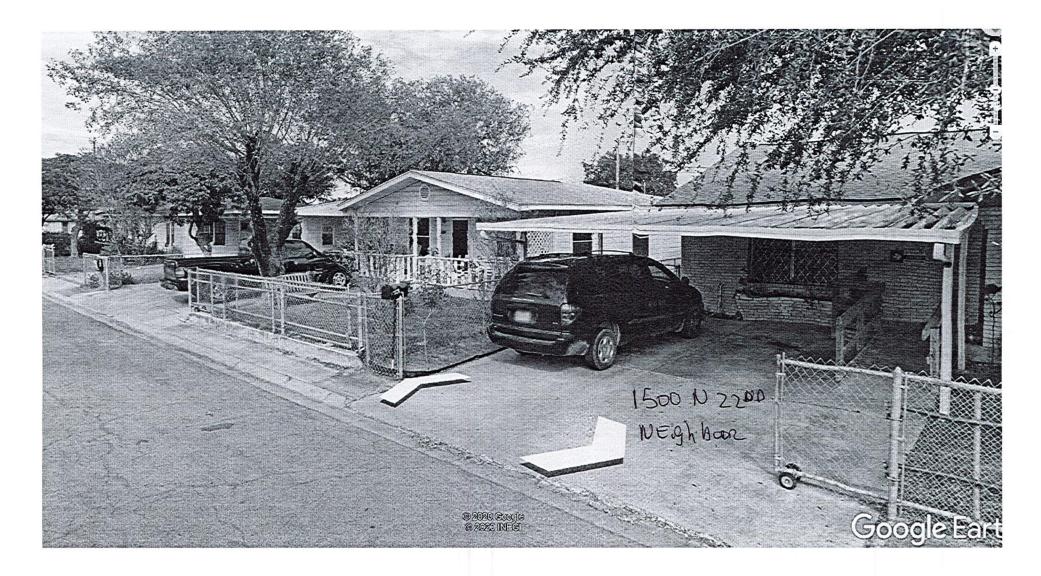
	ZBA 2000-005
2404	City of McAllen <i>Planning Department</i> APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE
Project	Legal Description Lot 3 BIK 4 Subdivision Name PecAN TellAce Subdivision Street Address 1504 N 22 ^M Number of lots Gross acres 0.1074 Existing Zoning K-1 Existing Land Use Singl Family Resident A Reason for Appeal (please use other side if necessary) Special Exception to Exclore 16.67 P A Two ZO' Flow YARD SE NACK AND 2' FEET TOD 5' SIDE VALUET bac Street Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required
Applicant	Name KAFAEI Colegio Phone Address 10224 E-mail City M° Allew State Tx. Zip 7850
Owner	Name RAFAEI Colesio Phone Address 1504 022 E-mail City MEANEW State Tx. Zip ZSOI
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? \Box Yes \Box 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 \Box
Office	Accepted by <u>K.F.</u> Payment received by <u>AUG 1 9 2020</u>
. C.C.	Accele/L.F.

vi in	Planning Department PLOF ^O REASON FOR APPEAL & BOARD ACTION
Reason for Appeal	FOR METAL CARPORT MEASURING APPROX 19 X 24. TO PROTECT CAR'S FROM HEAT + HA! BCAR I GARAGE + 2 OUTSIDE VARIENCE FON AN EXISTING WODDEN STORAGE MONSURING (0'X 19 APPROXI to INCRONTH 3'S"INTO SIDE YARD SOT DACK + DIRENTED (0'X 19' APPROXI ROAN SET DACK. VARIANCE FON EXTORS STORAGE MEASURING (0'X 19' + WARDANCE TO BE D'INSTEAD of 5' FROM MAIN Bldg.
Board Action	
	Chairman, Board of Adjustment Date Signature
	 Rev.10/18











GCIOY 3 44 APPLICANT	P.O. BOX 220 McALLEN, TEXAS 78505-0220	ENTIAL PERMIT APPLICATION REV. 3/2020 MIT APPLICATION REFERENCE NUMBER PHONE PHONE TENANT OTHER PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE PHONE
OWNER	NAME <u>KAFAEI</u> Colegio Address 1504 N22N CITY <u>MSAILEN</u>	PHONE *EMAIL: REQ'D STATE TK. ZP 78501 *OWNER INFORMATION NOT PROVDIED, INITIAL:
	NEW ADDITION REMODELING BLDG 456 NO. PARKING SQ. FT 456 SPACES EXISTING USE RESIDENTS! SCOPE OF WORK TO BE DONE ADDING CALPS SCOPE OF WORK TO BE DONE ADDING CALPS	REPAIR MOVE REMOVE BLDG. HGT. NO. OF FLOORS SQ. FT LOT FLOOR EL LOT ABOVE CURB NEW USE
PROJECT	RESIDENTIAL NEW NO. OF UNITS NO. BDRMS FOUNDATION EXT WALL CONCRETE SLAB MASONRY VENEE CONCRETE PIER MASONRY SOLID CONCRETE BLOCK METAL SIDING CONCRETE BEAM COMPOSITION WOOD POSTS WOOD LOT BLOCK SUBDIVISION SITE ADDRESS ST. NO. ST. NAME	ROOF UPGRADES/OTHER
CITY USE ONLY	Construction Cost Value \$ Zoning Park Deve	Permit Fee \$ 72.96 Rec'd by Double Fee \$ Date 81.2412 Total Fee \$ Time 3D elopment Fee \$ Park Zone Park Zone
sam or be Insp com the v	b. The building permit shall not be held to permit or be an approva a waiver by the City of such violation. Alteration changes or dev action Department. The applicant herby agrees to comply with all biance. It is understood that the improvements shall not be o	posed by the undersigned applicant and the applicant states that he will have full authority over construction of al of the violation or modification of any provisions of City ordinances, codes, subdivision restrictions of State law iations from the plans authorized by this permit is unlawful without written authorization from the Building City ordinances, codes, subdivision, restrictions and State laws and assume all responsibility for such ccupied until a Certificate of Occupancy has been issued. Every permit issued shall become invalid unless after its issuance or if the work authorized by such permit is suspended or abandoned for six months after the time

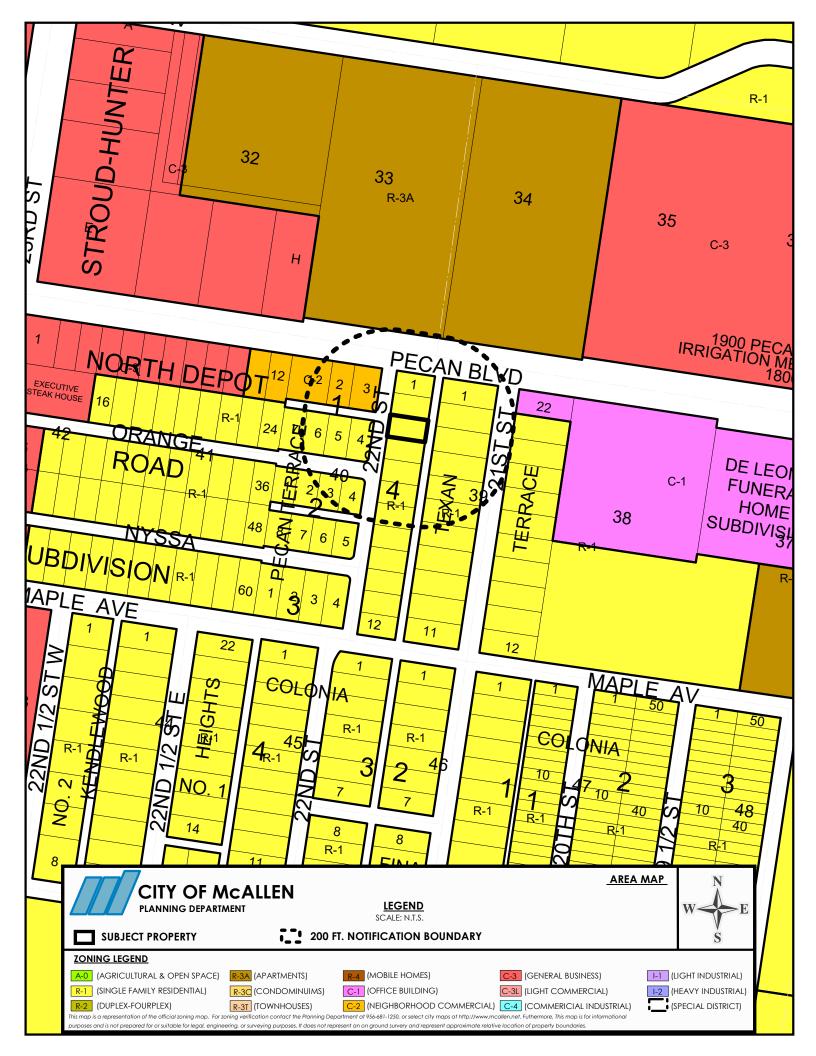
RAFAEL GLEG. J PRINT (AUTHORIZED AGENT/OWNER)

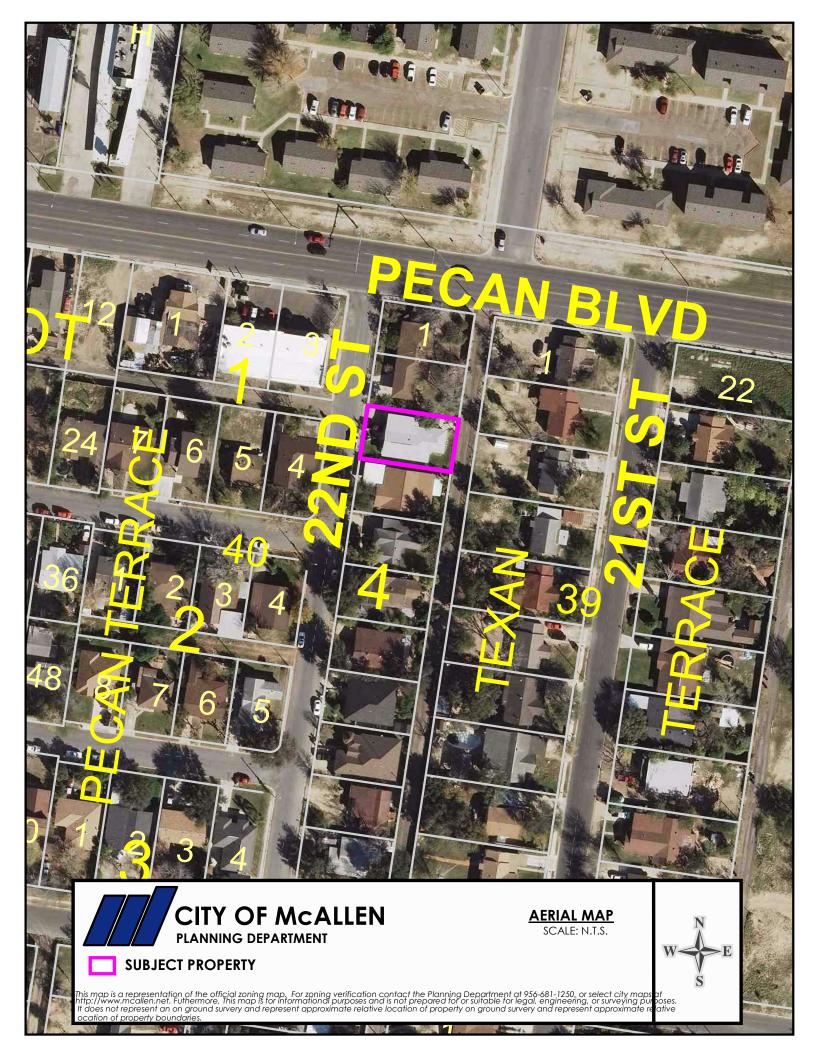
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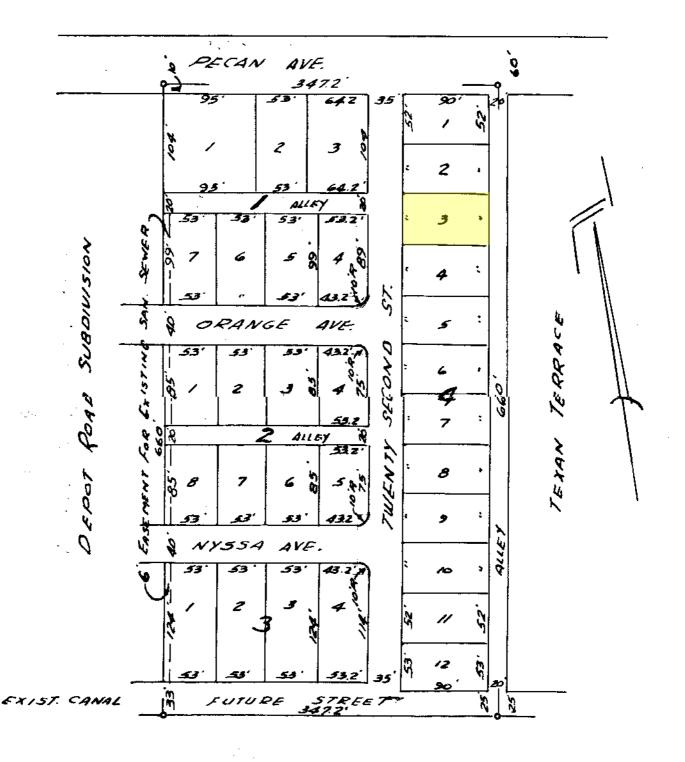
SIGNATURE

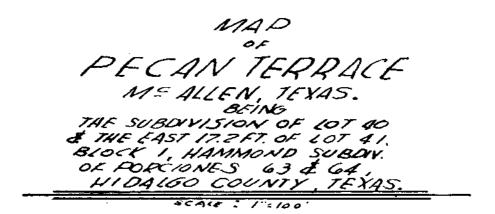
EMAIL ADDRESS (required)

DATE









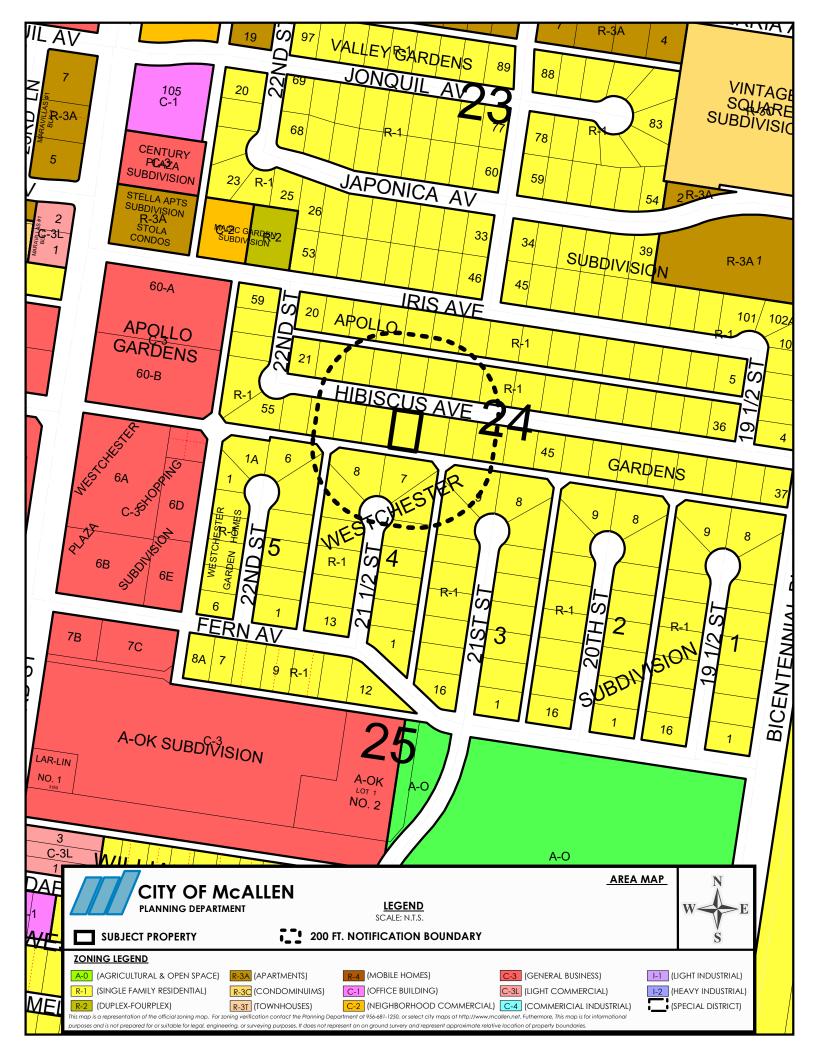


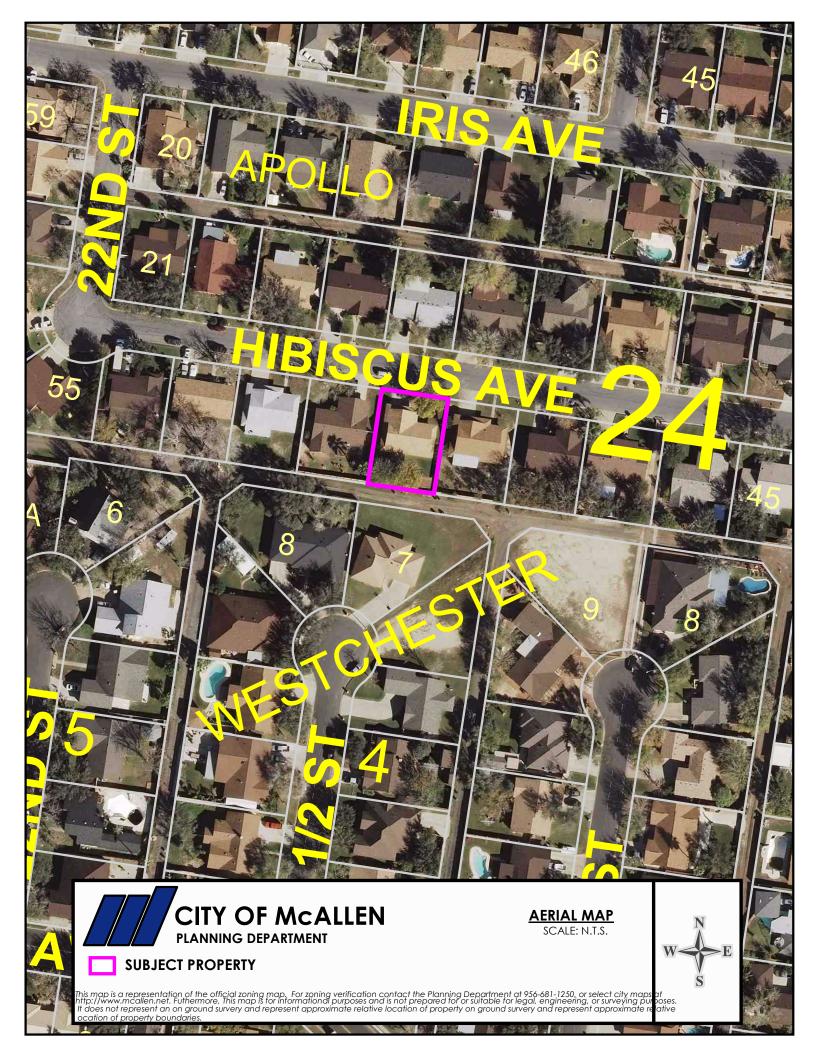


	ZBA2020-005/
i VO	City of McAllen Planning Department APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE 311 North 15 th Street McAllen, TX 78501 P. O. Box 220 McAllen, TX 78505-0220 (956) 681-1250 (956) 681-1279 (fax)
Project	Legal Description Apollo Gurdens Lot#50 Subdivision Name Street Address Number of lots Gross acres Existing Zoning R-1 Existing Land Use <u>Single Fan. Hanse</u> Reason for Appeal (please use other side if necessary) <u>State why</u> <u>to Keep 20x30 (wrport preturt vehicle damage</u> § \$300.00 non-refundable filing fee + \$\$50.00 Recording Fee for Special Exception (carport)
Applicant	□ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required Name (1000000000000000000000000000000000000
Owner	Name Gerardu Upper Phone 94)212-2867 Address 2113 Hibi 5005 Aug E-mail Joper 1244 ayah 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 Multiple Print Name Detroverous 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 <u>8/18/</u> Owner Authorized Agent
Office	Accepted by LG. Payment received by Date AIIG 1 8 2020 By

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, , ,	City of McAllen <i>Planning Department</i> REASON FOR APPEAL & BOARD ACTION
ppeal	metalpole is encroutching into the 20ft. front setback. I was told to write this CM
Reason for Appeal	
Υ.	
Action	
Board Action	
	Chairman, Board of Adjustment Date Signature
	Rev.10/18







Memo

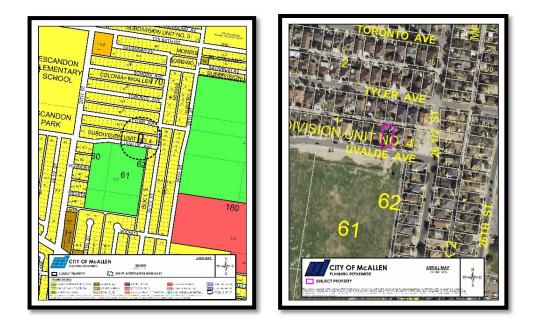
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

- **DATE:** August 24, 2020
- REQUEST OF JUANA L. DE LEON FOR THE FOLLOWING SPECIAL EXCEPTIONS SUBJECT: AND VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE 1) TO ALLOW AN ENCROACHMENT OF 6 FT. INTO THE 6 FT. SIDE YARD SETBACK ALONG THE EAST PROPERTY LINE FOR AN EXISTING CARPORT MEASURING 21 FT. BY 25 FT.,2) TO ALLOW AN ENCROACHMENT OF 6 FT. INTO THE 6 FT. SIDE YARD SETBACK FOR AN EXISTING PORCH ALONG THE EAST PROPERTY LINE MEASURING 6 FT. BY 58.5 FT., 3) TO ALLOW AN ENCROACHMENT OF 20 FT. INTO THE 20 FT. FRONT YARD SETBACK FOR AN EXISTING WOODEN CARPORT, 4) TO ALLOW AN ENCROACHMENT OF .58 FT. INTO THE 3 FT. REAR YARD SETBACK FOR AN EXISTING STORAGE ROOM MEASURING 16.4 FT. BY 13 FT., 5) TO ALLOW AN ENCROACHMENT OF 6 FT. INTO THE 6 FT. SIDE YARD SETBACK ALONG THE EAST PROPERTY LINE FOR AN EXISTING STORAGE ROOM MEASURING 16.4 FT. BY 13 FT., 6) TO ALLOW AN ENCROACHMENT OF 3 FT. INTO THE 3 FT. REAR YARD SETBACK FOR AN EXISTING WOODEN PORCH MEASURING 16.66 FT. BY 20.33 FT., AND 7) TO ALLOW AN ENCROACHMENT OF 6 FT. INTO THE 6 FT. SIDE YARD SETBACK ALONG THE WEST PROPERTY LINE FOR AN EXISTING WOODEN PORCH MEASURING 16.66 FT. BY 20.33 FT. AT LOT 4, BLOCK 1, COLONIA MCALLEN UNIT NO. 4, HIDALGO COUNTY, TEXAS; 2616 UVALDE AVENUE. (ZBA2020-0042)

REASON FOR APPEAL: The applicant is requesting a special exception for an existing carport that is encroaching into the front and east side yard setbacks. The applicant is also requesting a variance request for an existing porch on the rear of the property, an existing storage room on the rear, and an existing porch attached to the east side of the house that are encroaching into the setbacks of the property.

PROPERTY LOCATION AND VICINITY: The property is located on the north side of Uvalde Avenue, approximately 180 ft. west of South 26th ½ Street, and is zoned R-1 (single-family residential) District. The tract has a frontage along Uvalde Avenue of 50 ft. with a depth of 106 feet. Adjacent zoning is zoned is R-1 (single family residential) District to the north, west, and east, and A-O (agricultural open space) District to the south. Surrounding land uses are single family residential and a park.



BACKGROUND AND HISTORY: The property is located in Colonia McAllen Unit. No. 4 Subdivision, which was recorded on June 30, 1975. The plat indicates a 20 ft. front yard setback, a 6 ft. side yard setback, and a 3 ft. rear yard setback. In 2011, the applicant applied for a variance request to allow an encroachment of 3.5 ft. by 16 ft. into the side yard setback and the request was approved at the Zoning Board of Adjustment and Appeal meeting of June 15, 2011 restricted to the existing site plan. However, as per inspection done by Planning staff and site plan submitted on August 3, 2020, it was determined that the storage room had been built encroaching 6 ft. into the 6 ft. east side yard setback and encroaching .58 ft. into the 3 ft. rear yard setback. The site plan also indicates that an existing carport in the front and porch on the rear and east side have been built encroaching into the setbacks. The applicant received a citation and stop work order by Building Inspection staff on June 29, 2020 for building a front carport and remodeling without a permit. The applicant applied for a building permit on July 1, 2020 and a special exception and variance request on July 14, 2020.

ANALYSIS:

Special Exception request #1 is to allow an encroachment of 6 ft. into the 6 ft. side yard setback along the east property line for an existing wooden carport measuring 21 ft. by 25 ft. The standard side yard setback for a lot in R-1 (single family residential) District is 6 ft. A site plan submitted shows a portion of the existing carport on the subject property encroaches into the adjacent property to the east side. As per applicant, the neighbor allowed them to build 2.9 ft. by 25 ft. portion of the carport into their property. The neighbor has also applied for a Special Exception for the portion of the carport that is on their property because it is also encroaching into the west side setback and front setback.

Variance request #2 is to allow an encroachment of 6 ft. into the 6 ft. side setback along for an existing wooden porch along the east property line measuring 6 ft. by 58.5 ft. Two feet of overhang of a roof is allowed into setbacks; however, the existing porch attached to the east side of the house extends 6 ft. to the east property line. No structures are allowed to be built on any setbacks.

Special exception request #3 is to allow an encroachment of 20 ft. into the 20 ft. front yard setback for an existing wooden carport measuring 21 ft. by 25 ft. As per the City's ordinance no structures are allowed to be built on any setbacks. 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.

Variance request #4 is to allow an encroachment of .58 ft. into the 3 ft. rear yard setback for an existing storage room measuring 16.4 ft. by 13 ft. Storage buildings that are 200 square feet or less do not require a building permit, but must respect the setbacks of the zoning district in which they are located.

Variance request #5 is to allow an encroachment of 6 ft. into 6 ft. side yard setback along the east property line for an existing storage room measuring 16.4 ft. by 13 ft. In 2011, the applicant applied for a variance request to allow an encroachment of 3.5 ft. by 16 ft. into the side yard setback; however, as per inspection done by Planning staff and site plan submitted on August 3, 2020, it was determined that the storage room had been built encroaching the 6 ft. into the 6 ft. east side yard setback. Storage buildings that are 200 square feet or less do not require a building permit, but must respect the setbacks of the zoning district in which they are located.

Variance request #6 is to allow an encroachment of 3 ft. into the 3 ft. rear yard setback for an existing wooden porch measuring 16.66 ft. by 20.33 ft. As per the City's ordinance no structures are allowed to be built on any setbacks.

Variance request #7 is to allow an encroachment of 6 ft. into the 6 ft. side yard setback along the west property line for an existing wooden porch measuring 16.66 ft.by 20.33 ft. As per the City's ordinance no structures are allowed to be built on any setbacks.

Staff received one call in opposition of the special exception (carport) request.

RECOMMENDATION:

Staff recommends disapproval of the special exception #1 and #3 and variance requests #2, #6, and #7 because no accessory structures nor buildings are allowed to be built on any setbacks. Staff is recommending approval of variance request #4 and #5 in order to cover the entire encroachments as shown on the submitted site plan. If the Board chooses to grant the special exception and variances, it should be limited to the foot print as shown on the site plan.

1 . r`y	7BA7070-0042
18 a	Image: City of McAllen 311 North 15th Street McAllen, TX 78501 P. O. Box 220 McAllen, TX 78505-0220 McAllen, TX 78505-0220 Openation (956) 681-1250 Appeal TO ZONING BOARD OF (956) 681-1279 (fax)
Project	Legal Description Lete 4 Block 1 Subdivision Name Celonia McAllen # Street Address Zelle uval de Number of lots for Gross acres Existing Zoning Yes 12 Existing Land Use Household Reason for Appeal (please use other side if necessary) Estoy apelando los 20 F de enfrente 4105 6F del lado E. Ø \$300.00 non-refundable filing fee + Ø \$50.00 Recording Fee for Special Exception (carport) O Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required
Applicant	Name <u>Juana L. De Leon</u> Phone <u>956</u> 400 95 71 Address <u>Z616 una de</u> E-mail City <u>Mc. Allon</u> State <u>Tx</u> Zip <u>78 503</u>
Owner	Name Porfirio De Leon Phone (956) 278 6069 Address Z616 Uvalae E-mail City McAllen State TX Zip 78503
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? Yes \Box 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 $formula c - 4cor$ $Date - 14 - 20$ Print Name $formula c - 4cor$ \Box Owner \Box Authorized Agent
Office	Accepted by <u>L.G.</u> Payment received by <u>RDate D</u> Rev 10/18
Act	# 725977 #

	City of McAllen <i>Planning Department</i> REASON FOR APPEAL & BOARD ACTION
Reason for Appeal	De madera. Y tambien los 3F de atras y los 6F de lado oeste Bazon por los niños que tenemos para que jurgen y para proteger los vehículos en carzo de granizo.
Board Action	Chairman, Board of Adjustment Date



CITY OF MCALLEN Planning Department

Variance request

LEGAL DESCRIPTION:	Lote	4	B	100	K	1000

PROPERTY ADDRESS: 2616 UValde

CASE NUMBER: ____

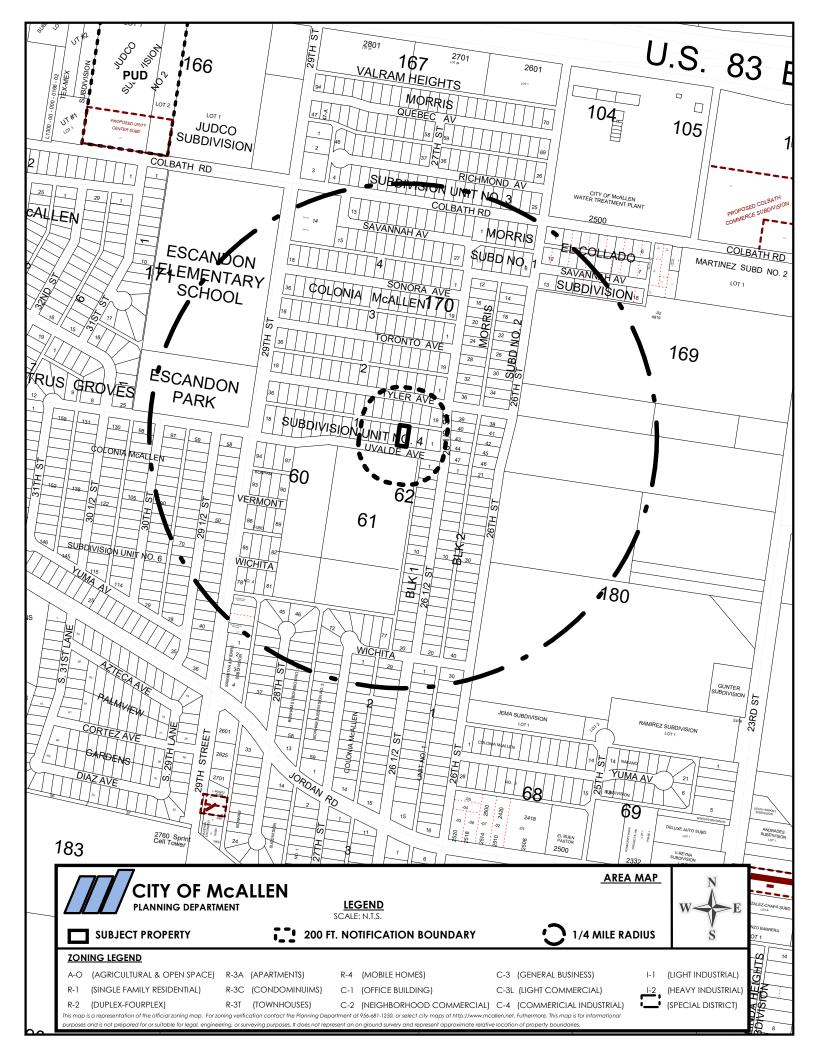
HOLD HARMLESS AGREEMENT

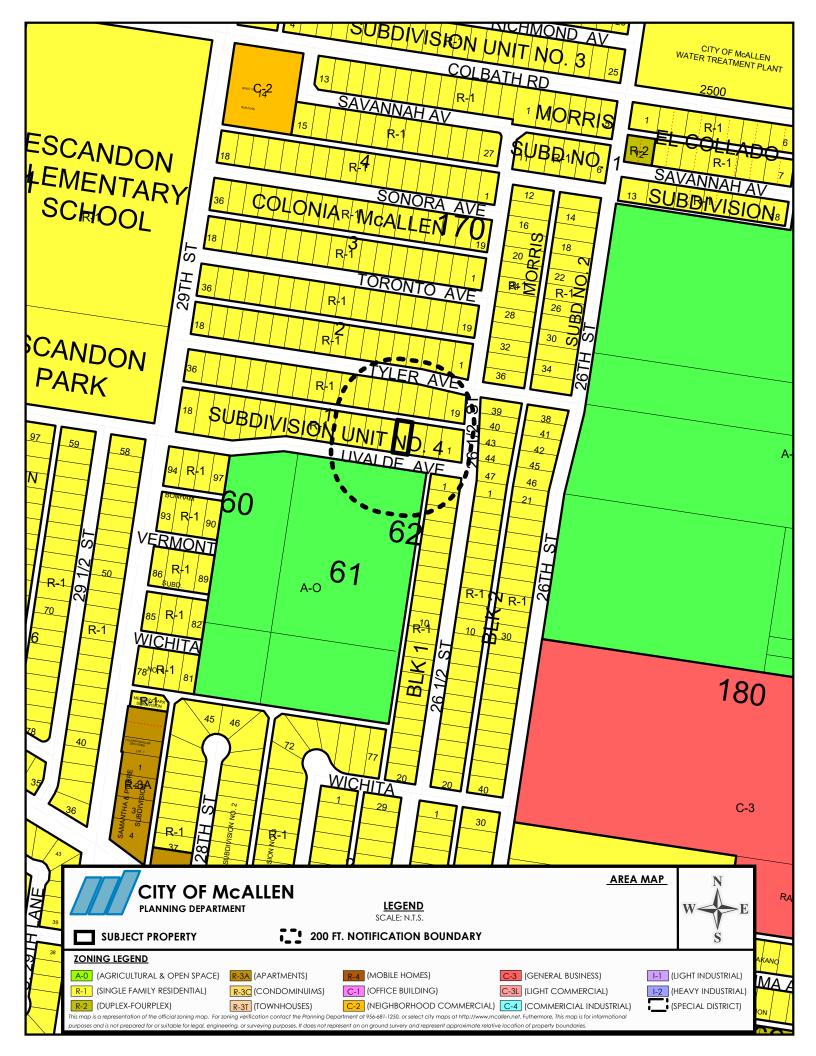
MUST BE SIGNED BY THE PROPERTY OWNER

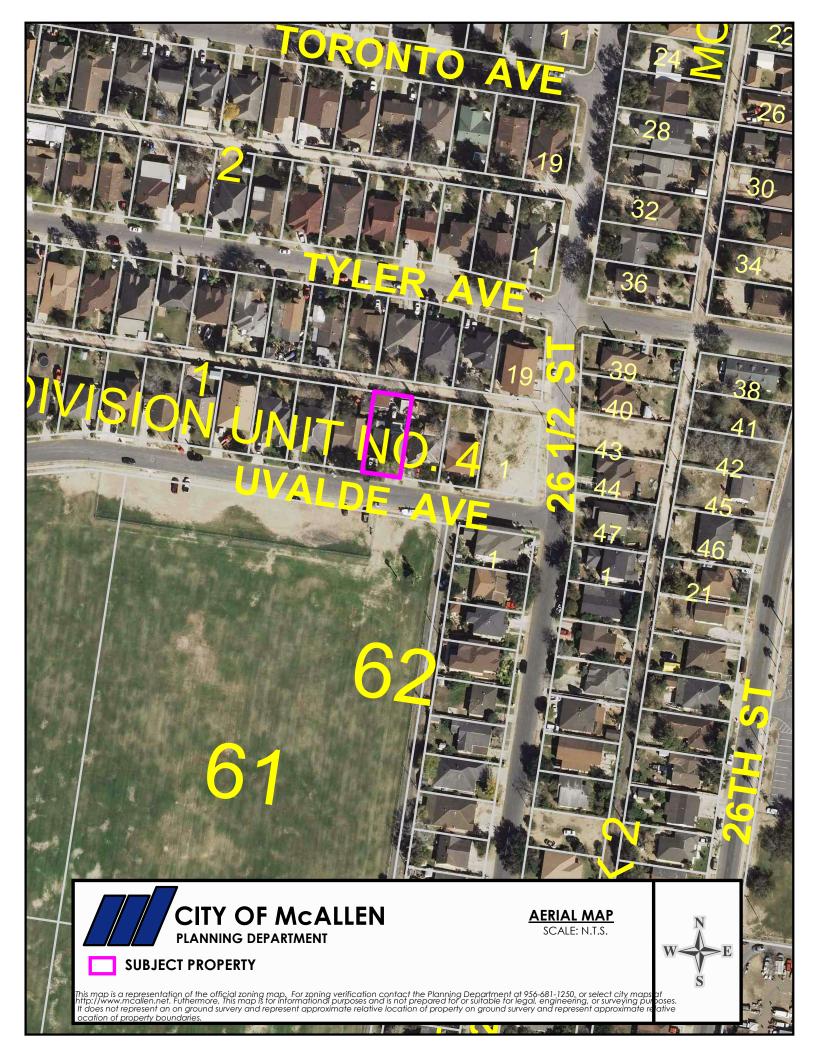
TO THE FULLEST EXTENT PERMITTED BY LAW, THE UNDERSIGNED APPLICANT AGREES TO INDEMNIFY, DEFEND AND SAVE HARMLESS THE CITY OF MCALLEN AND ITS COMMISSIONERS, OFFICERS, AGENTS AND EMPLOYEES FROM AND AGAINST ANY AND ALL CLAIMS, SUITS, ACTIONS, LOSSES, DAMAGES, EXPENSES, COSTS, INJURIES AND LIABILITIES OF ANY NATURE (INCLUDING BUT NOT LIMITED TO CLAIMS FOR BODILY INJURY, DEATH, BUSINESS INTERRUPTION AND/OR PROPERTY DAMAGE) RELATING TO, ARISING OUT OF OR RESULTING FROM THE GRANTING AND/OR IMPLEMENTATION OF THE VARIANCE REQUESTED HEREIN.

Applicant's	Signature Juana L. De Leon	
Print Name	Juana L. De Leon	
Address	2016 uvalde McAllen	χt _γ
Phone (9561 400 9571 e-mail	

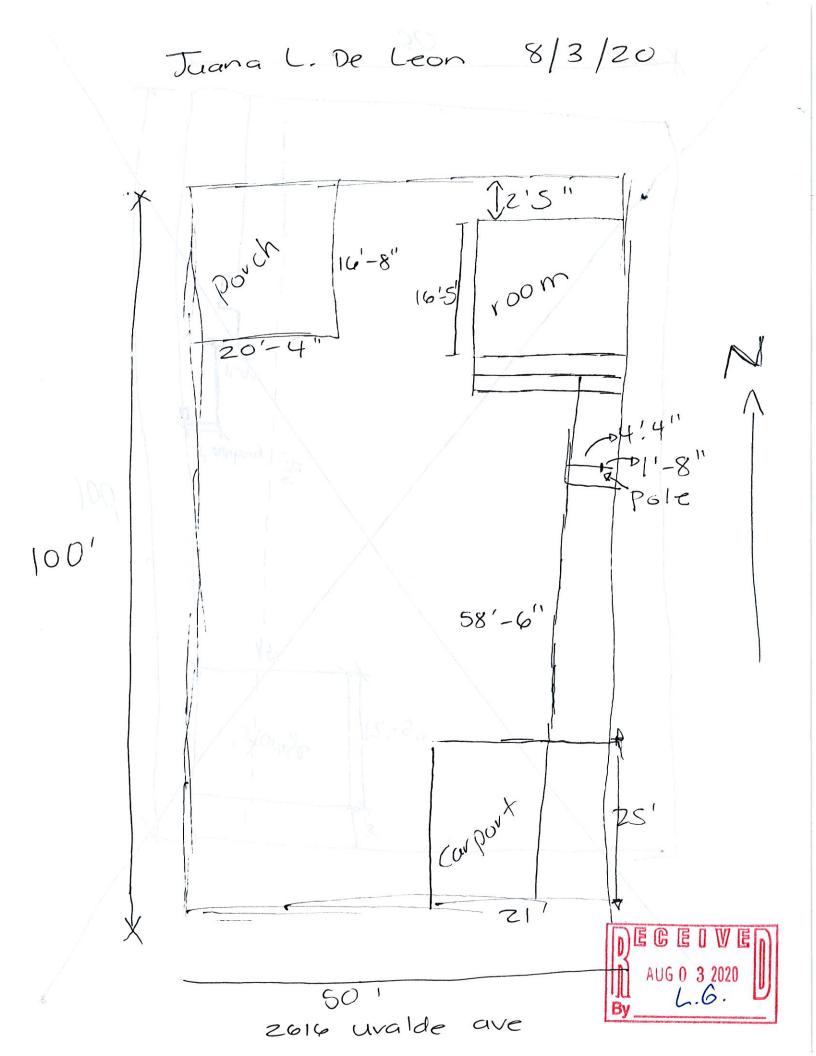






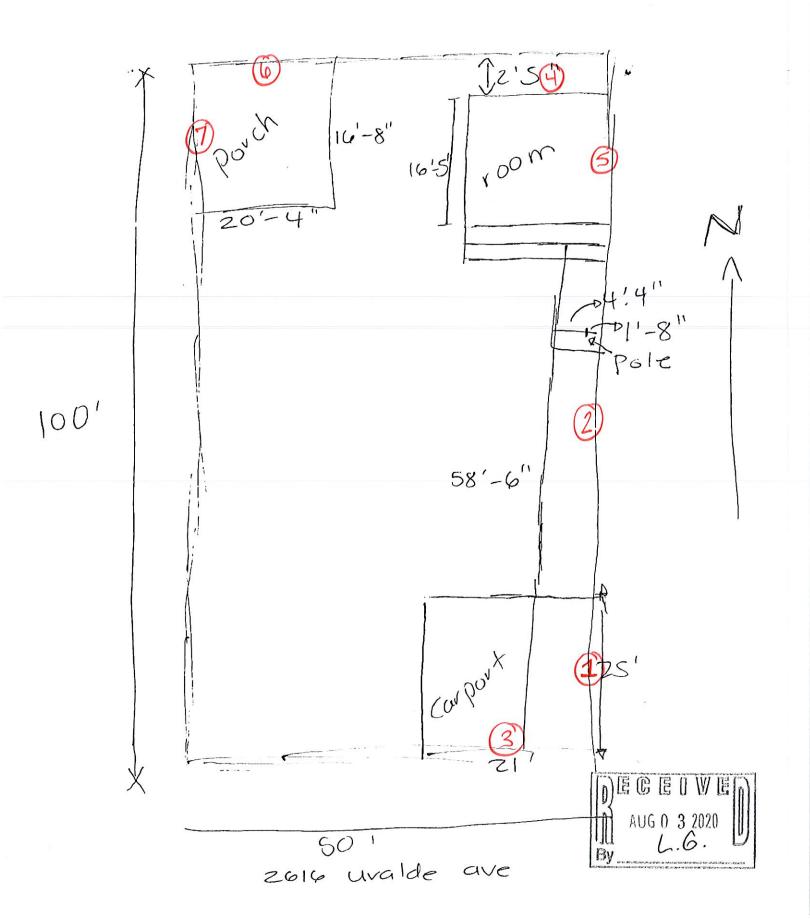


PAGE 75 <u>-VOL.19</u> VOL. 19 PAGE -75 MORRIS \$UBD No I 50180 _____ EL No ELEV. 169.3 / SAVANNAH AVE. 581-20'30 E-340.60 A.M.S.L. SEE NOTE 3 8 W7 COLLADO ELEV. 170.0 A.M.S.L. SEE NOTE 4 ELEY 18447 ABOVE MEAN SEA LEVEL 12 RS 6 NOTES: _ 136.6' __ _ 20' R ___ 136.0'_ _ R ELEV. 164.3 ABOVE S 81°20'30"E _____ 979,40' 13 12 FIN. FLOOR ELEVATIONS SHALL BE AS SHOWN ON EACH LOT. (F.F. 105.6) (F.F. 103.3) MEAN SEA LEVEL (F.F. IQLS) SEE NOTE 3 A L L, ----15 14 T st.2 SAVANNAH AVE. (F.F. 103.5) (F.F. 101.5) INIMUL BLOE SET BACK LINE NOTES. 1. MININUM FLOOR ELEV. SHALL NOT BE LESS THAN LOB O U.S.C. & G.S. DATUM OR NOT LESS THAN IN ABOVE TOP OF HIGHEST ADJACENT CUMP WHICHEVER IS HIGHER PHASE I 2. SIDEYARD SET-BACK SHALL BE S.O FT. MINIMUN UNLESS OTHERWISE SHOWN. 16 15 13 10 || 9 3 2 ____ 17 14 12 | 11 8 7 -5 4 16 (F.F. 103.7) (F. F. 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ALLE APPROVED FOR RECORDING DEDICATED BY 13760 INSTRUMENT COMMITTE COURT This is gottin of June 1975 Bander and All Count Clock June for Buchton BONHAM APPROVED FOR RECORDING 11:32 PREPARES BY : PREPARED BY FABIAN, NELSON & MEDINA INC. COMMISSIONURS' COURT FABIAN, NELSON & MEDINA INC. This the 30th a June 1975 MCALLEN, TEXAS MCALLEN, TEXAS Hecorded in Book 19 Page 75 of the map records of Hidalgo SANTOS SALEA, County Clerk BCALE: 1"+ 100" BATE: 5/12/75 SCALE: 1 = 100' BATE: 5/12/75 galille County, Texas STATE OF TEXAS: by Jamie R. Bustow STATE OF TEXAS: Charles L. Meider COUNTY OF HIDALSO: COUNTY OF HIDALSO: County Surveyor ESIGNATED HEREIN AS THE "COLONIA MCALLEN UNIT Nº 4" SUBDIVISION TO THE CITY OF MCALLEN, TEXAS, AND WHOSE THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE "MORRIS SUBDIVISION UNIT No. 2" SUBDIVISION TO THE CITY OF MCALLEN, TEXAS, AND WHOSE MAMES ARE SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, AVIGATION EASEMENT AND PUBLIC PLACES NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, AVIGATION EASEMENT AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THERE IN EXPRESSED. THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED. 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OWEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 29th DAY OF 1901, 1925 Deatrice Sares THERE THE ANTEN 15.2.27 I, THE UNDERSIGNED, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF MCALLEN HEREBY CERTIFY I, THE UNDERSIGNED, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF MCALLEN HEREBY CERTIFY TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED. SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED 7277 STATE OF TEXAS: STATE OF TEXAS: CHAIRMAN, PLANNING COMMISSION COUNTY OF HIDALGO: COUNTY OF HIDALGO: I, THE UNDERSIGNED, A REGISTERED PUBLIC SURVEYOR #1590 IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY LTHE UNDERSIGNED, A REGISTERED PUBLIC SURVEYOR<u>H 1590</u> IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND. IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND. PLINIO C. 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Special Exceptions and Variances Requests

Juana L. De Leon 8/3/20



PPLICANT	P.O. BOX 220 McALLEN, TEXAS 78505-02 APPLICATION MUST BE COMPLETE (Please type or print in black or blue into NAME $\underline{J_{IAPA}}$ ADDRESS $\underline{2(a)(a)}$ \underline{UVa} CONTACT: NAME: ($\underline{956}$) $\underline{400}$ \underline{V} OWNER \underline{C} CONTRA	PERMIT APPLICATION REFER		<u>- 400 : 957</u> <u>400 : 957</u> 	(
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same. The or be a v Inspection	going is a true and correct description of the imp he building permit shall not be held to permit or b waiver by the City of such violation. Alteration ch on Department. The applicant herby agrees to c nce. It is understood that the improvements s	be an approval of the violation or modification o nanges or deviations from the plans authorized comply with all City ordinances, codes, subdivis	f any provisions of City ordinan by this permit is unlawful witho ion, restrictions and State laws	ces, codes, subdivision restrictions at written authorization from the Buil and assume all responsibility for su	of State law ding ch

Tiana L. R. Leon	Juana L. De	Leon T	71	01	20
PRINT (AUTHORIZED AGENT/OWNER)	SIGNATURE	EMAIL ADDRESS (required)	, /	DATE	











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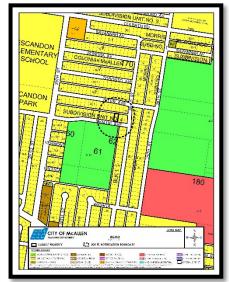
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

- **DATE:** August 24, 2020
- SUBJECT: REQUEST OF ROBERT ZAMORA FOR THE FOLLOWING SPECIAL EXCEPTION AND VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE 1) TO ALLOW AN ENCROACHMENT OF 6 FT. INTO THE 6 FT. SIDE YARD SETBACK ALONG THE WEST PROPERTY LINE FOR AN EXISTING CARPORT WITH AN ENCROACHMENT AREA MEASURING 2.9 FT. BY 25 FT. AND, 2) TO ALLOW AN ENCROACHMENT OF 6 FT. INTO THE 6 FT. SIDE YARD SETBACK ALONG THE WEST PROPERTY LINE FOR AN EXISTING WOODEN STORAGE BUILDING MEASURING 12.4 FT. BY 19 FT., AND 3) TO ALLOW AN ENCROACHMENT OF 20 FT. INTO THE 20 FT. FRONT YARD SETBACK FOR AN EXISTING CARPORT WITH AN ENCROACHMENT AREA MEASURING 2.9 FT. BY 20 FT. AT LOT 3, BLOCK 1, COLONIA MCALLEN UNIT NO. 4, HIDALGO COUNTY, TEXAS; 2612 UVALDE AVENUE. (ZBA2020-0041)

REASON FOR APPEAL: The applicant is requesting a special exception for an existing carport area that is encroaching into the front and west side setbacks. The applicant is also requesting a variance request for an existing storage on the rear of the property encroaching into the west side setback of the property.

PROPERTY LOCATION AND VICINITY: The property is located on the north side of Uvalde Avenue, approximately 130 ft. west of South 26th ½ Street, and is zoned R-1 (single-family residential) District. The tract has a frontage along Uvalde Avenue of 50 ft. with a depth of 106 feet. Adjacent zoning is zoned is R-1 (single family residential) District to the north, west, and east, and A-O (agricultural open space) District to the south. Surrounding land uses are single family residential and the Uvalde Park.





BACKGROUND AND HISTORY: The property is located in Colonia McAllen Unit. No. 4 Subdivision, which was recorded on June 30, 1975. The plat indicates a 20 ft. front yard setback, a 6 ft. side yard setback, and a 3 ft. rear yard setback. The site plan indicates that an existing carport area in the front and existing storage on the rear and east side has been built encroaching into the setbacks. The encroaching area of the carport is actually part of the existing carport of the neighbor to the west. The neighbor received a citation and stop work by Building Inspection staff on June 29, 2020 for the existing carport without a permit. The neighbor applied for a building permit on July 1, 2020 and after it was determined that there was an encroachment of the existing carport, the neighbor and applicant applied for a Special Exception and Variance request on July 14, 2020.

ANALYSIS:

Special Exception request #1 is to allow an encroachment of 6 ft. into the 6 ft. side yard setback along the west property line for an existing carport with an encroachment area measuring 2.9 ft. by 25 ft. The standard side yard setback for a lot in R-1 (single family residential) District is 6 ft. The applicant allowed the neighbor to the west to build the 2.9 ft. by 25 ft. area of the existing carport into their property encroaching onto the 6 ft. side setback. The neighbor has applied for a Special Exception for the carport.

Variance request #2 is to allow an encroachment of 6 ft. into the 6 ft. side setback along the west property line for an existing storage measuring 12.4 ft. by 19 ft. The standard side yard setback for a lot in R-1 (single family residential) District is 6 ft. The site plan indicates that the existing storage extends all the way to the west property line. As per the City's ordinance no structures are allowed to be built on any setbacks.

Special Exception request #3 is to allow an encroachment of 20 ft. into the 20 ft. front yard setback for an existing carport with an encroachment area measuring 2.9 ft. by 20 ft. 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.

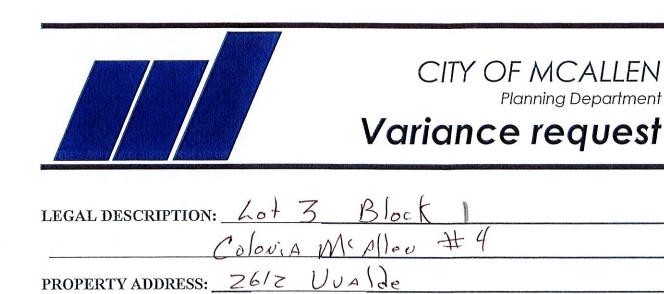
Staff received one call in opposition of the special exception (carport) request.

RECOMMENDATION:

Staff recommends disapproval of the special exceptions #1 and #3 and variance request #2 because no accessory structures nor buildings are allowed to be built on any setbacks. If the Board chooses to grant the special exception and variances, it should be limited to the foot print as shown on the site plan.

ZBA2020-0041

	APPEAL TO ZONING BOARD OF (956) 681-1279 (fax) ADJUSTMENT TO MCALLEN ZONING ORDINANCE
	Legal Description <u>Lot 3 Block</u>
Project	Subdivision Name Colowing MCAlleo #4 Street Address 2612 UVAlde Number of lots Gross acres Existing Zoning Ves V1 Existing Zoning Ves V1 Existing Zoning Ves V1 Existing Land Use Household Reason for Appeal (please use other side if necessary) Estamos 105 2.F10P 105 2.F10P 105 2.F10P 105 2.F10P 106 0eSte 107 28300.00 non-refundable filing fee + 12\$\$50.00 Recording Fee for Special Exception (carpor 10 Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required
Applicant	Name <u>RobertZAMORA</u> Phone <u>956 638 7340</u> Address <u>26/2 UVAIde</u> E-mail City <u>MCAILEN</u> State TX Zip <u>78503</u>
4	
Owner A	Name <u>Ebout ZAMOSA Minsta ZAMOSA</u> Phone <u>956 638 7340</u> Address <u>261 z Unalde</u> E-mail City <u>MCAllen</u> State <u>TF</u> Zip <u>78503</u>
er	Address 2617 Unalde E-mail



CASE NUMBER:

HOLD HARMLESS AGREEMENT

MUST BE SIGNED BY THE PROPERTY OWNER

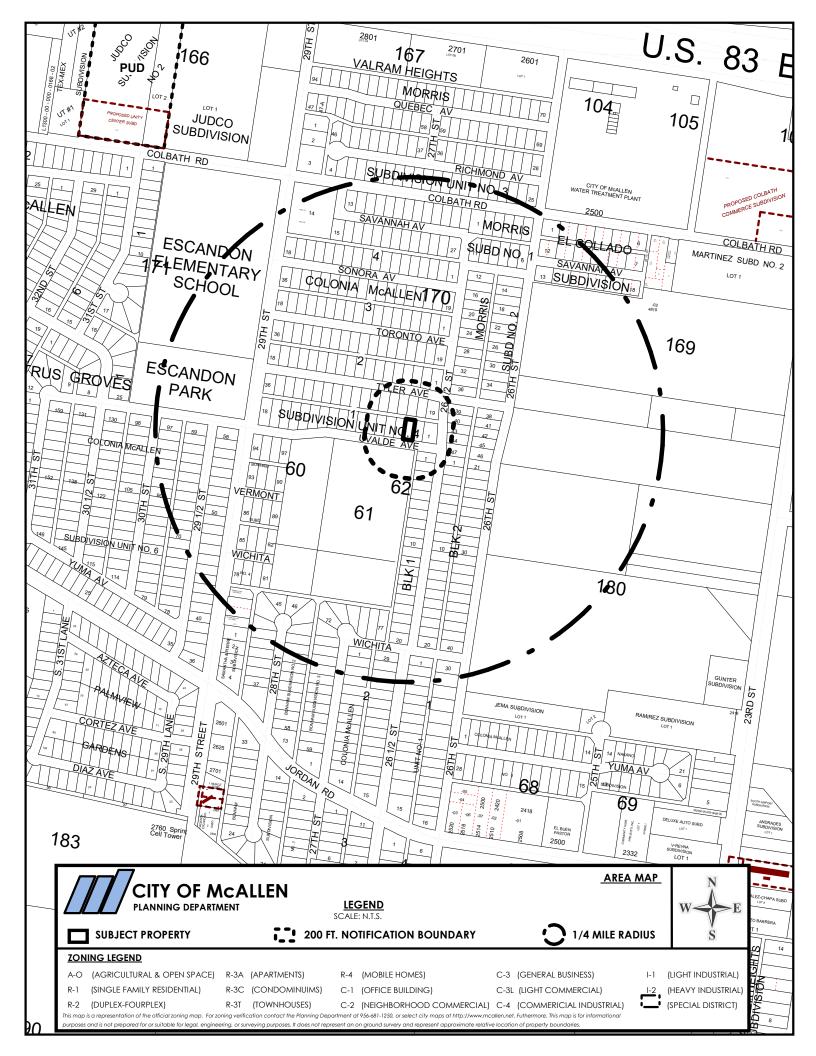
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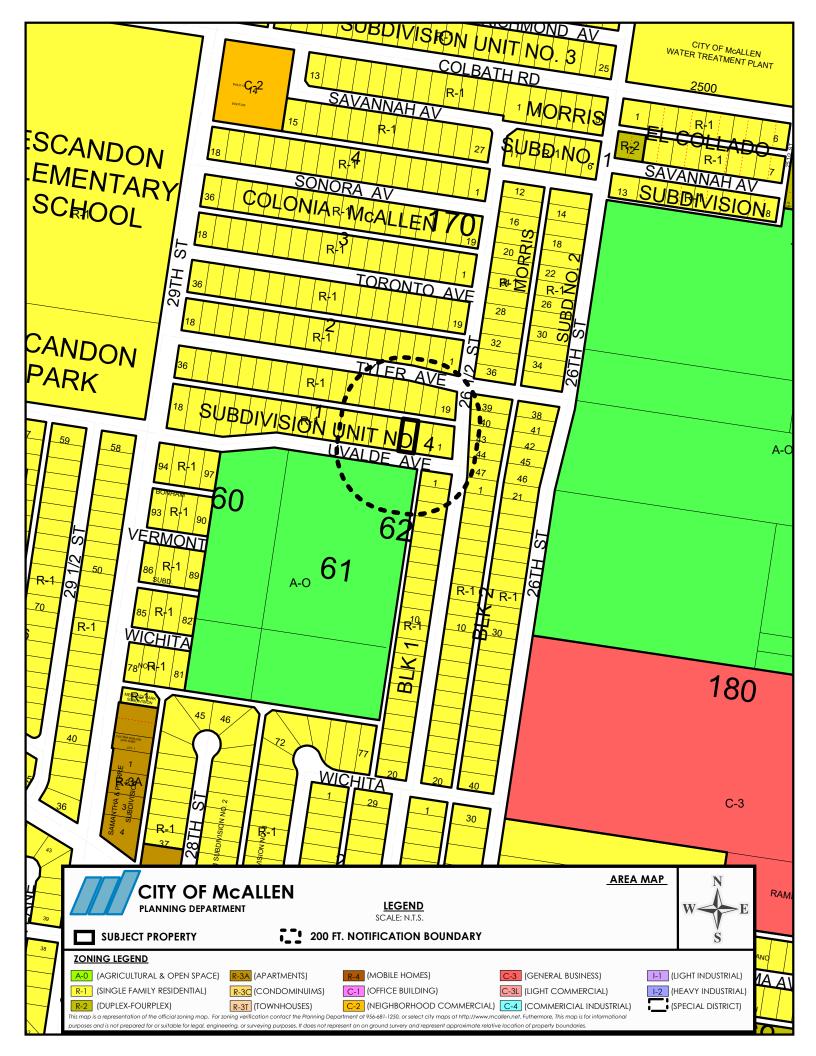
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Print Name	Robert	PMOLA	NINGA ZAMORA
Address	2612	UVA de	e MEAller TY

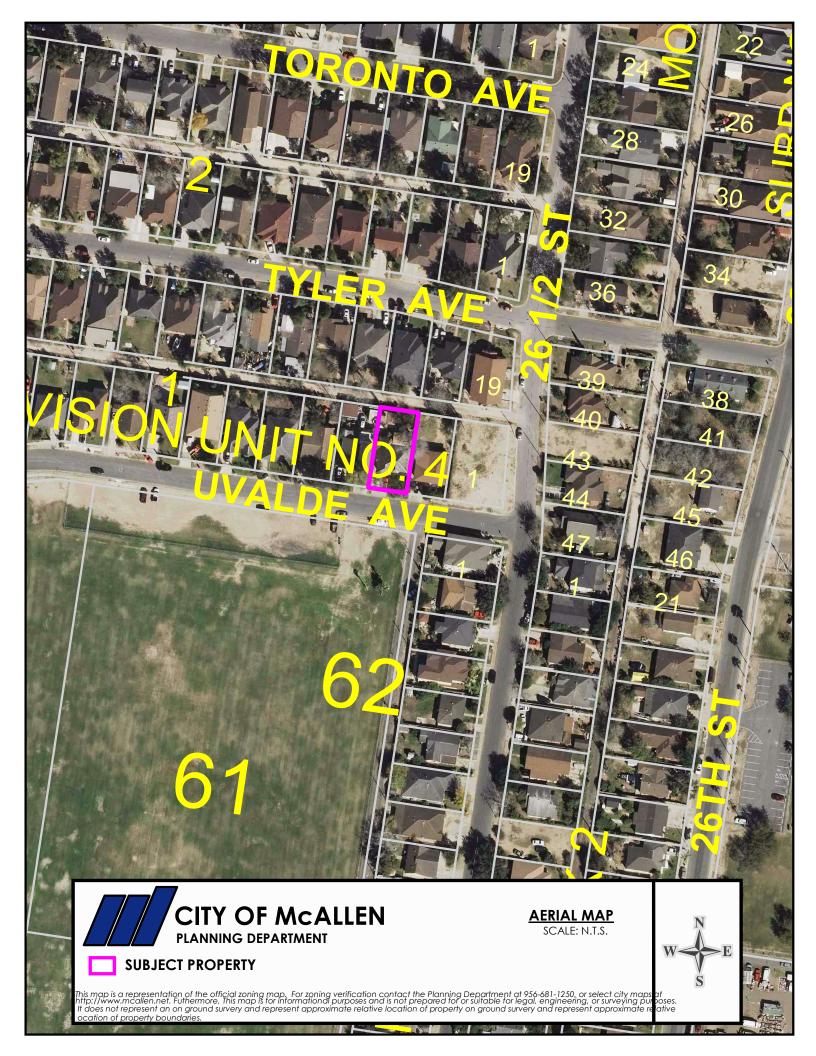
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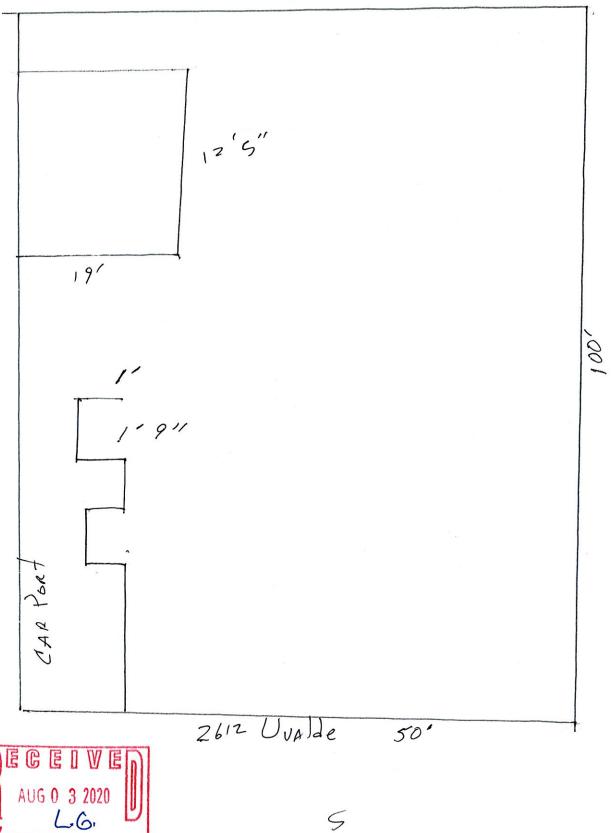


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F. 103.9) (F.F. 102.0) 80's 80' STREET ANT ANT STREET SONORA AVE. TO THE TARD SET-BACKS SHALL BE & MINIMUM EACH SIDE UNLESS OTHERWISE SHOWN. 20 21 ____){F.F. 104.1} (F.F. 102.5) ----DEVELOPER WILL CONSTRUCT ONLY WITHIN THE AREA MARKED "PHASE I" ON THE MAP AFTER HAVING MIN. 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(F. F. 106.0) <u>7</u> 3F.F. 104.01 800' g 872' 33 32 'i CO 1≩. 1.30 (F.F. 105.3) വ <u>(F.F. 1043)2 |</u> Ling 35 34 30 29 28 27 26 25 24 23 22 21 20 33 32 31 36 **19**~ **6**0 35 34 at (F.F. 106.3) (F.F. 1043)= | (F.F. 1045)= | SET BACK il dinê 1 (F.F. 106.3) S 37 36 <u>L L E K(2)</u> **A 1** J. Cal. M. ъ TIC 1 - 1244. ň FLIGHT IN AIR, USING SAID AIRSPACE IN THE LANDING, TAKING OFF FROM, OR OPERATING ON SUCH AIRPORT WHICH DEDICATION EASEMENT AND PERMIT SHALL BE BINDING ON THE GRANTORS HEREIN, THEIR HEIRS, EXECUTORS, ADMINISTRATORS OR REPRESENTATIVES, OR SUCCESSORS. ANN. AMLDING SET BACK LIN **TYLER** AVE. MAP • **9** • 18 17 16 15 Ю 10 C - 14 13 12 8 5 -4 ž 23 3 ¥ 1 21 1 188. Star ___33.4___] IILDING SET BACK LINE -- 60 OF mo Den 10' saut Perset and . 20 z MORRIS SUBDIVISION BO'L BO' STREET TYLER AVE. UNIT No. 2 10.10 B 33.10 B 44.57 **-€≻**----(E.F. 105.3) FE 105.31 MIN. BUILDING SET BACK LINE 43 MCALLEN, TEXAS. MAP 25 24 23 228 21 20 36 35 34 33 32 31 19 125.34 30 29 28 27 26 <u>at H5.93'</u> 1244 45 1 BEING A SUBDIVISION OF THAT PART OF THE EAST 340.6 FT. OF LOT 170, LA LOMITA IRR-BUILDING SET BACK COLONIA MCALLEN IGATION & CONSTRUCTION CO'S. SUBDIVISION OF . 188.55 PORCIONES 61, 62 @ 63 HIDALGO COUNTY, TEXAS. E Y() LL _____ LYING SOUTH OF MORRIS SUBD. UNIT No. 1. MIN BUILDING SET-BACK LINE 46 UNIT Na 4 247 (F.F. 105.6) Containing 7.58 .Ac. of land more or less. BEING A SUBDIVISION OF THE WEST 979.4 FT. OF THE SOUTH 1022.0 FT. OF LOT 170, LA LOMITA IRRIGATION AND CONST. CO'S. SUB'D. 18 17 16 15 10 ELEV. ISI.4 ABOVE 13 1 8 9 6 5 2 4 3 Ascorded In Book 19 Page 15 ELEV 196.4 1 81°20'30"W - 340.60 NE COR SEE NOTE 3 of the map records of Hidaleo OF PORCIONES 61,62 & 63, HIDALGO COUNTY, TEXAS. LOT 179 110 County, Texas ; UVALDE AVE. 172' 8 40.0' \$40' TTY BTS COLONIA MICALLEN N 81°20'30"W ----- 979.40' ELEV. 156.4 A.M. S.L. LEV. 171.0 ABOVE MEAN SEA LEVEL SEE NOTE 4 ISUND. ALLE APPROVED FOR RECORDING DEDICATED BY 13760 INSTRUMENT COMMITTE COURT This is gottin of June 1975 Bander and All Count Clock June for Buchton BONHAM APPROVED FOR RECORDING 11:32 PREPARES BY : PREPARED BY FABIAN, NELSON & MEDINA INC. COMMISSIONURS' COURT FABIAN, NELSON & MEDINA INC. This the 30th a June 1975 MCALLEN, TEXAS MCALLEN, TEXAS Hecorded in Book 19 Page 75 of the map records of Hidalgo SANTOS SALEA, County Clerk BCALE: 1"+ 100" BATE: 5/12/75 SCALE: 1" = 100" BATE: 5/12/75 galille County, Texas STATE OF TEXAS: by Jamie R. Bustow STATE OF TEXAS: Charles L. Meider COUNTY OF HIDALSO: COUNTY OF HIDALSO: County Surveyor ESIGNATED HEREIN AS THE "COLONIA MCALLEN UNIT Nº 4" SUBDIVISION TO THE CITY OF MCALLEN, TEXAS, AND WHOSE THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE "MORRIS SUBDIVISION UNIT No. 2" SUBDIVISION TO THE CITY OF MCALLEN, TEXAS, AND WHOSE MAMES ARE SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, AVIGATION EASEMENT AND PUBLIC PLACES NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, AVIGATION EASEMENT AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THERE IN EXPRESSED. THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED. 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MEDINA REGISTERED PUBLIC SURVEYOR MCAllon, Texas I, THE UNDERSIGNED, MAYOR OF THE CITY OF MCALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS I, THE UNDERSIGNED, MAYOR OF THE CITY OF MCALLEN, HEREBY CERTIFY OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED. MY APPROVAL IS REQUIRED. AFFROVED à chian (11). -ON THIS ____ DAY OF ALL NI ____ AD 197 5 F .R R : COHCAN 200 House De High Way ung Jun WATER IMPROVEMENT DISTRICT No. tichack Wienchan 1 m 11 0 ... Um ll Car ate 6.31.75 6-30-75 - ----

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Planning Department

MEMO

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

- **DATE:** August 14, 2020
- REQUEST OF SAN JUANITA SANMIGUEL FOR THE FOLLOWING VARIANCES TO SUBJECT: THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) AN ENCROACHMENT OF 5 FT. INTO THE 6 FT. SIDE YARD SETBACK ALONG THE NORTH PROPERTY LINE FOR AN EXISTING COVERED PATIO MEASURING 12 FT. BY 24 FT., 2) AN EXISTING COVERED PATIO MEASURING 12 FT. BY 24 FT. WITH A DISTANCE OF 3 FT. INSTEAD OF 5 FT. TO THE MAIN BUILDING, AND 3) AN ENCROACHMENT OF 3 FT. INTO THE 6 FT. SIDE YARD SETBACK ALONG THE SOUTH PROPERTY LINE FOR AN EXISTING STORAGE BUILDING MEASURING 10 FT. BY 13 FT., AT LOT 154, COLONIA MCALLEN UNIT NO. 6 SUBDIVISION, HIDALGO COUNTY, TEXAS; 2121 SOUTH 31ST STREET. (ZBA2020-0034)

REASON FOR APPEAL

San Juanita San Miguel, owner and applicant requests the following variances: 1) to allow an encroachment of 5 ft. into the 6 ft. side yard setback along the north property line for an existing covered patio measuring 12 ft. by 24 ft., 2) to allow a building separation of 3 ft. instead of the required 5 ft. from the accessory building to the main building, and 3) to allow an encroachment of 3 ft. into the 6 ft. side yard setback along the south property line for an existing storage building measuring 10 ft. by 13 ft. The applicant indicated that she is requesting the above variances to allow the existing structures to remain. The applicant would like the structures to remain because the storage buildings are used to store household items, and the existing patio serves as gathering place for the family and it provides shade, which helps her with health conditions.





PROPERTY LOCATION AND VICINITY:

The property is located on the east side of South 31st Street. The property has 50 ft. of frontage along South 31st Street and a depth of 111 ft. for a tract size of 5,550 sq. ft. The property is zoned R-1 (single family residential) District. The surrounding zoning is R-1 in all directions.

BACKGROUND AND HISTORY:

Colonia McAllen Subdivision No. 6 was recorded on August 2, 1976. The plat specifies a front yardbuilding setback of 20 ft., 6 ft. side yard setbacks, and a 3 ft. rear yard setback. An application for a building permit was submitted to the Building Permits & Inspections Department on June 15, 2020 for an existing covered patio and existing storage building. A stop work order was issued by Buildings and Inspection on June 11, 2020. A variance application for an existing covered patio and an existing storage room was received on June 22, 2020. The applicant stated that the porch and storage room were built in 2017.

ANALYSIS:

Upon a site visit to the subject property by staff, it appeared that the encroachments were different than as shown on the submitted site plan.

Variance request #1 is to allow an encroachment of 5 ft. into the 6 ft. side yard setback for an accessory building. The standard setback for the side yard for a lot in the R-1 zone is 6 ft.

Variance request #2 is to allow building separation of 3 ft. instead of the required 5 ft.

Variance request #3 is to allow an encroachment of 3 ft. into the 6 ft. side yard setback for an accessory building.

There are no utility easements inside the property.

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

A review of Planning Department records did not reveal any other variances granted along this block.

In the past, the Zoning Board of Adjustment has approved variance requests for accessory uses, but not for living areas.

RECOMMENDATION:

Staff recommends tabling of the variance request in order to allow the applicant time to submit a revised site plan.

	ZBA 2020-0084
2001	City of McAllen <i>Planning Department</i> APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE
Project	Legal Description <u>Colonia Mcallen N & Subdidsion</u> <u>Lote 154</u> Subdivision Name <u>Olonia Mcallen N &</u> Street Address <u>2/2/.sur.3/.st</u> Number of lots <u>Gross acres</u> Existing Zoning <u>R1</u> Existing Land Use <u>Residencia</u> Reason for Appeal (please use other side if necessary) <u>Estoy Alelando Los & Ares</u> <u>Del hadonorte el Piso trene 27 A Dos y etacho tiene</u> \$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 <u>Sau puta Saumul</u> Phone Address <u>212/30/3/54</u> E-mail City <u>Uca len</u> State <u>ACX</u> Zip <u>2850.3</u>
Owner	Name <u>Augusti Suumiel</u> Phone <u>956 5371483</u> Address <u>2121 Sur 3187</u> E-mail City <u>Mcallen</u> State <u>fex</u> Zip <u>78503</u>
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? 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 Mutute application. Print Name Service and the actual owner is application in the actual owner is a submit the application. Print Name Service and the actual owner is a submit the application and have Authorized by the actual owner is a submit the application and have attached written evidence of such authorization. Signature Authorized Agent
Office	Accepted by <u>L.G.</u> Payment received by Parter VEP Rev 10/18 Payment received by Payment received b

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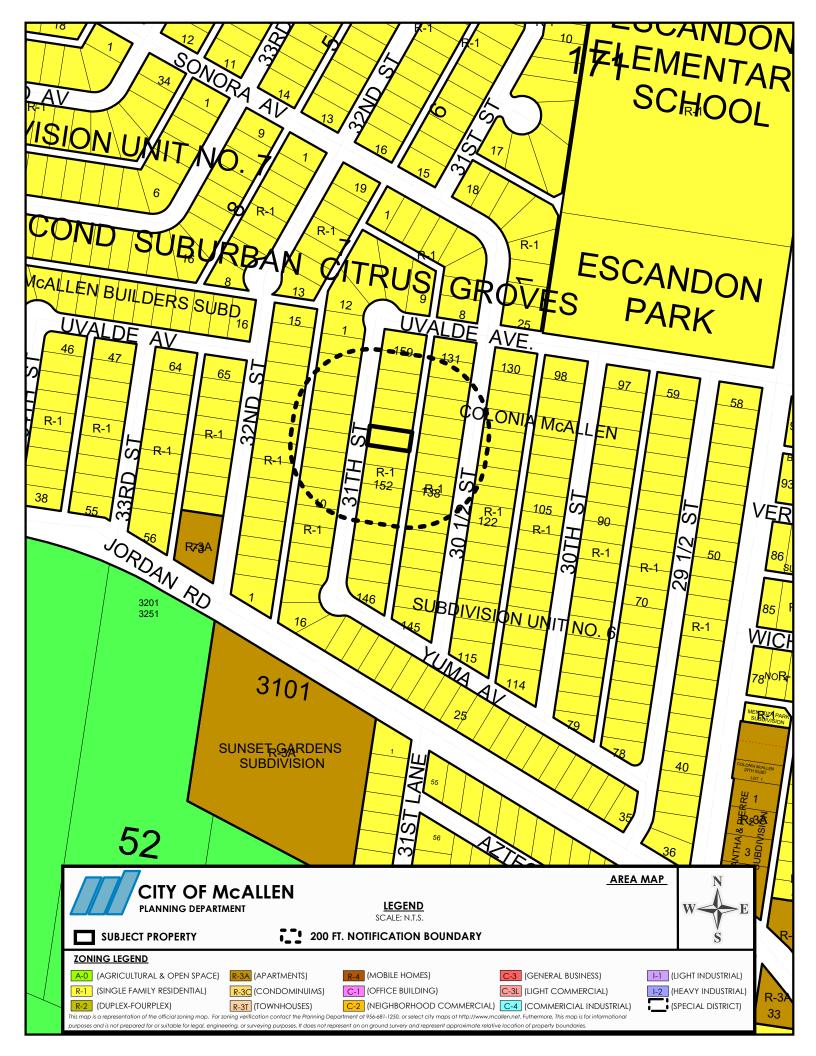
City of McAllen Planning Department REASON FOR APPEAL & BOARD ACTION ANoshecho 3 que tengo Mucha IZD POV D Reason for Appeal eprecion Azucan A frecion estoy Apelando pha 20 cho fara de Jar echoes d 0 Covered Palode Madera X 24 12 at 0 hos 6 Pies Sur Para ar/o 3 Pies than Pulga S **Board Action** Chairman, Board of Adjustment Date Signature Rev.10/18

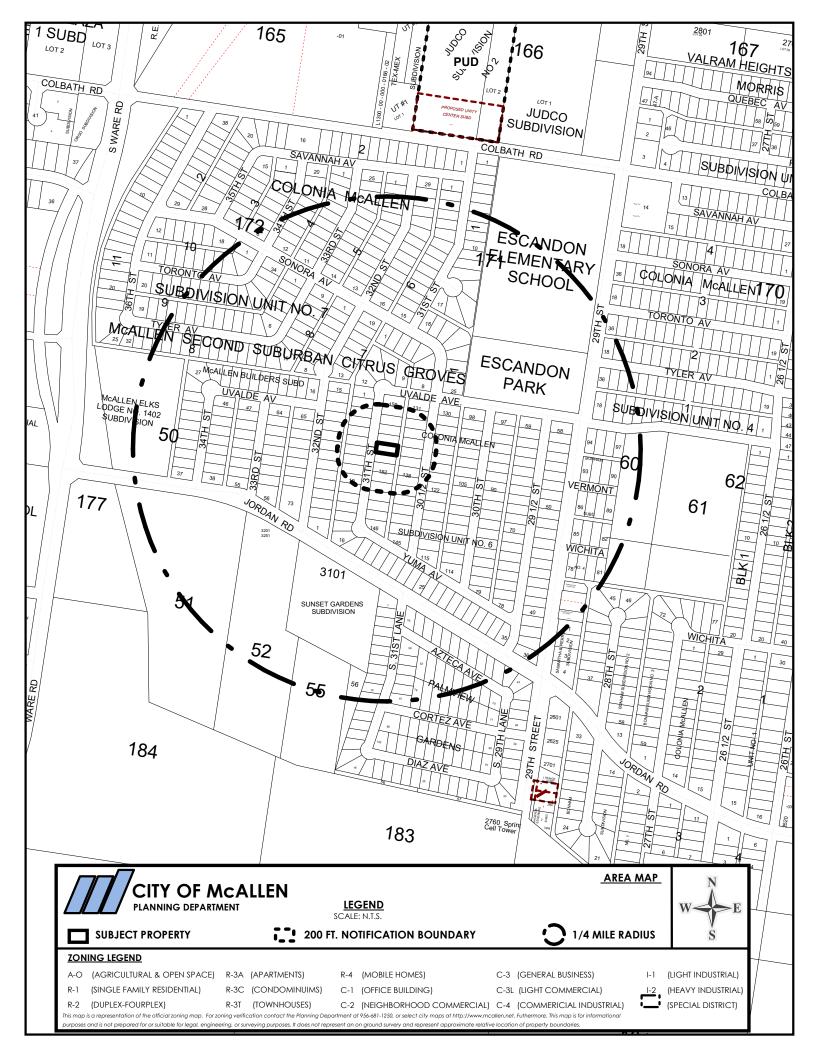
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	P.O. BOX 220 McALLEN APPLICATION MUST (Please type or print in	BE COMPLETE PERMIT	APPLICATION REFER	ENCE NUMBER	52020-0412	29
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	NAME Guy	lucuita Sun	miquel	PHONE 4	56 537 148	3
OWNER	ADDRESS 22	5. 3lst.		*EMAIL: 54	nmykol Qgm	ail.com
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	EXISTING USE OF LOT		NEW USE			
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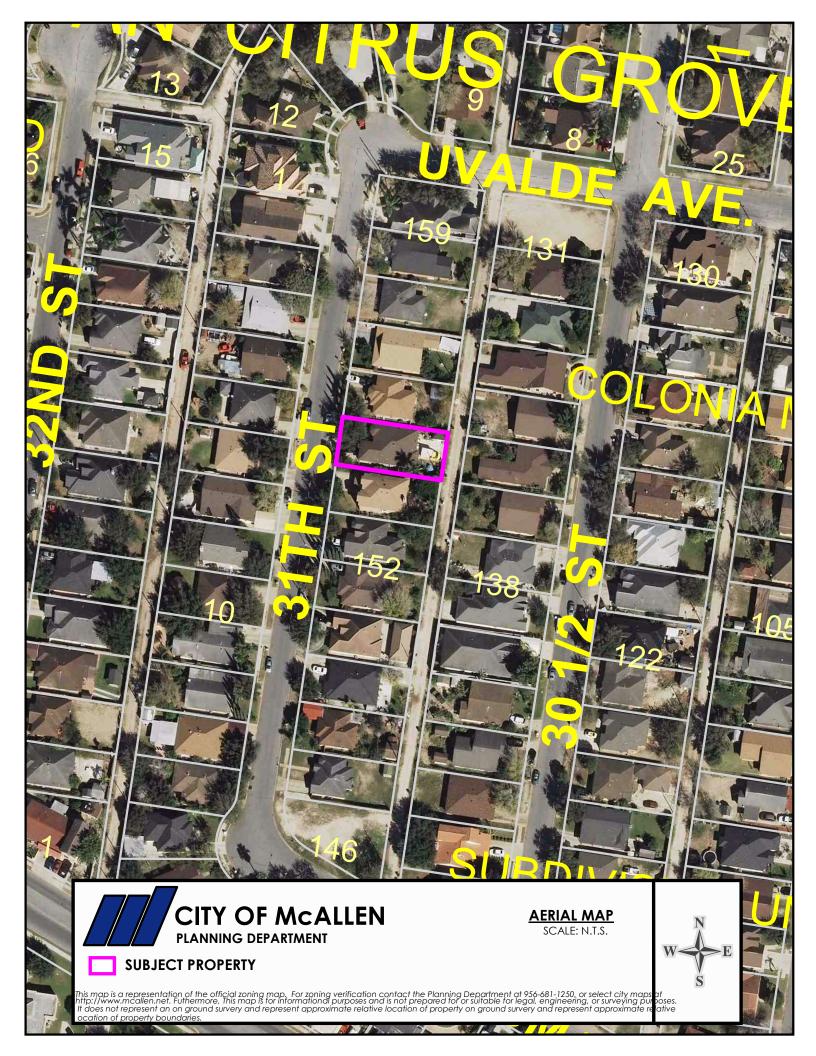
The foregoing is a true and correct description of the improvement proposed by the undersigned applicant and the applicant states that he will have full authority over construction of same. The building permit shall not be held to permit or be an approval of the violation or modification of any provisions 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.	0 7	Λ Λ	
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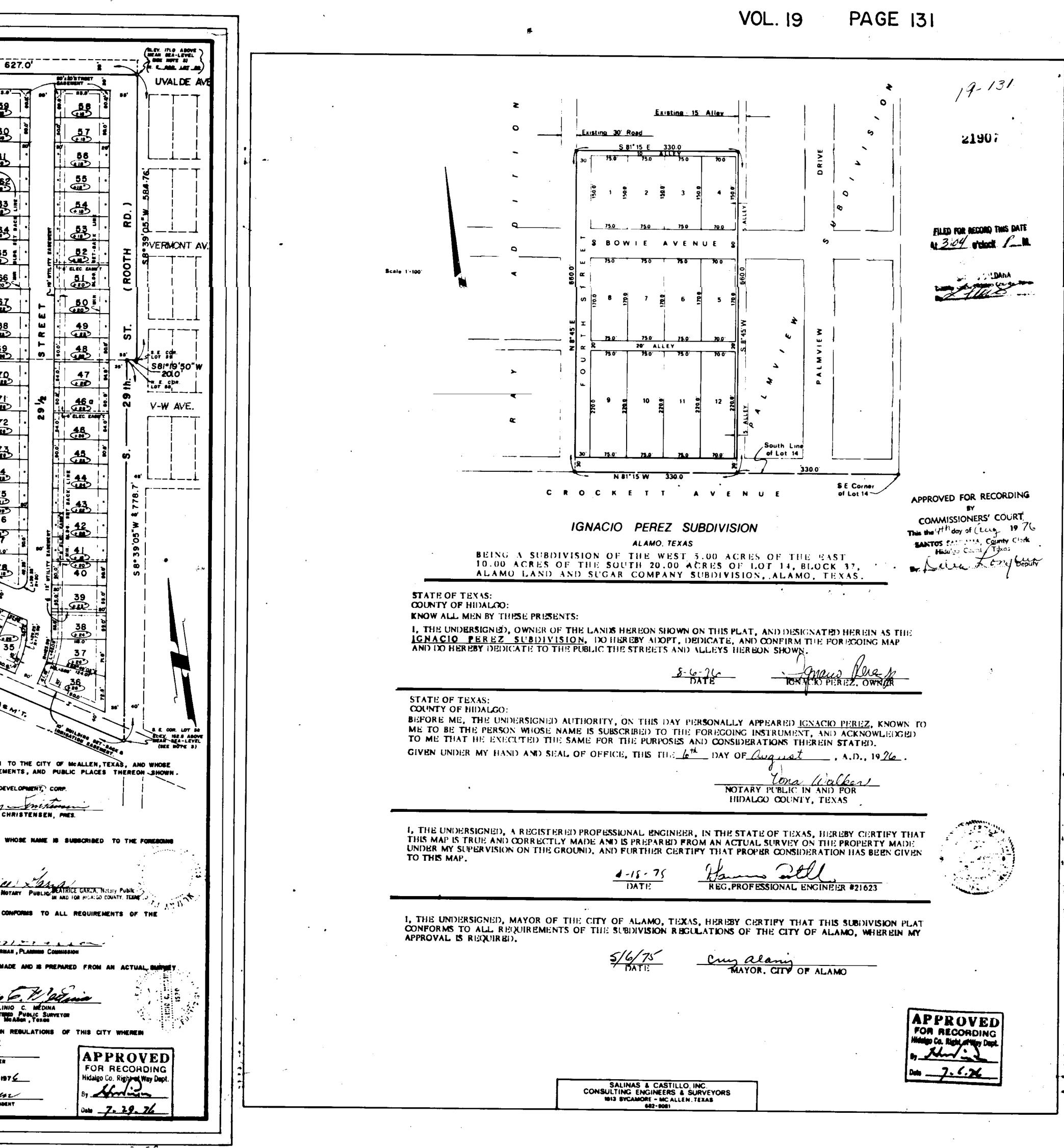


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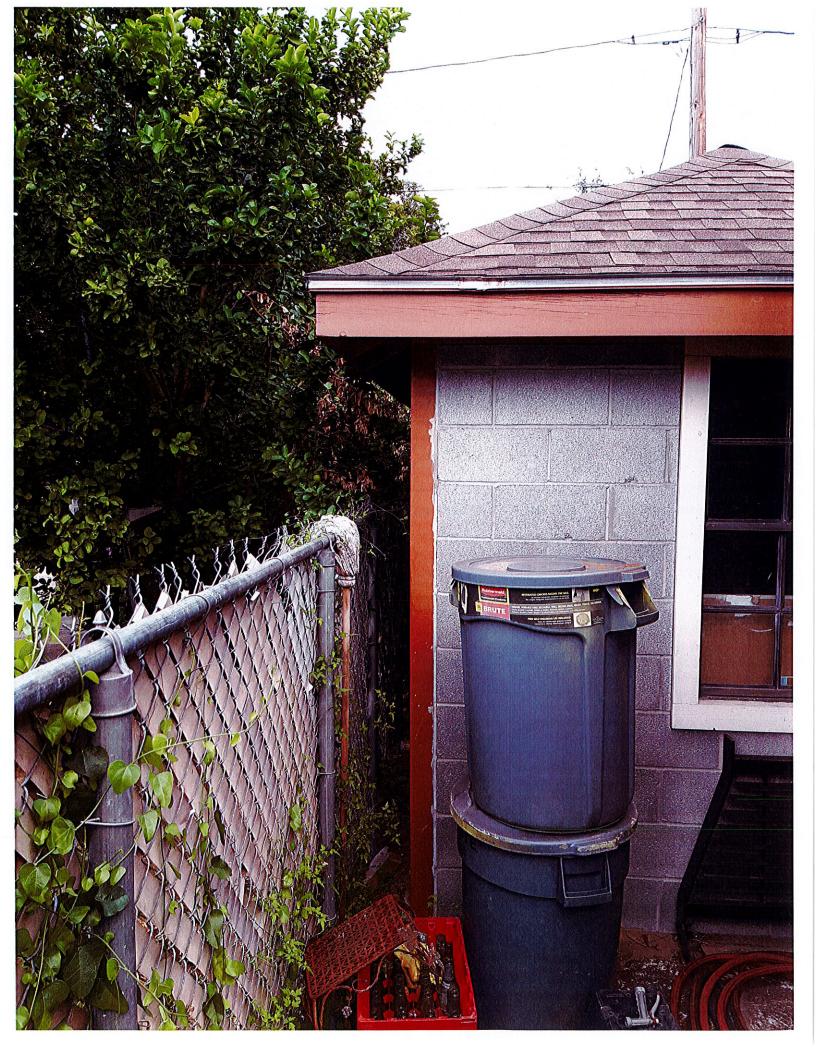
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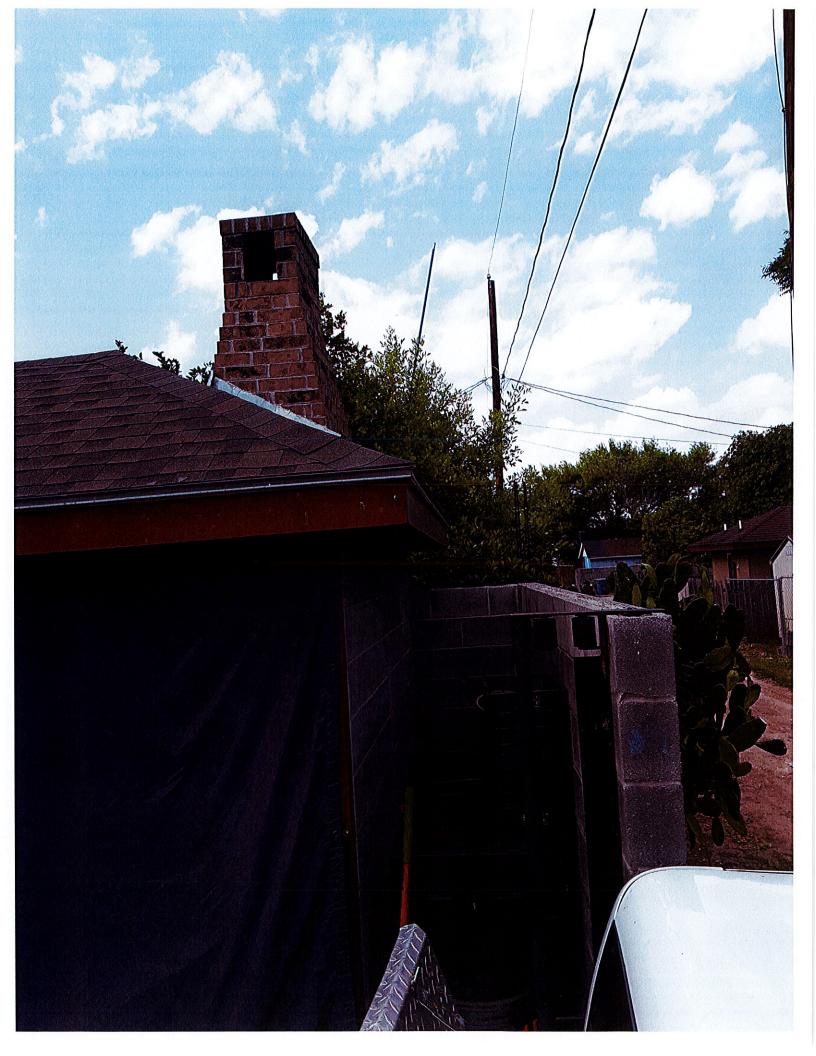


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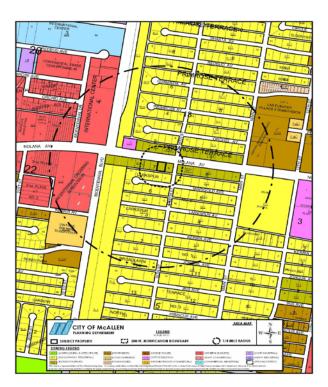
- **TO:** Zoning Board of Adjustment & Appeals
- FROM: Planning Staff
- **DATE:** August 28, 2020
- SUBJECT: REQUEST OF CESAR H. SANCHEZ FOR THE FOLLOWING VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE: TO ALLOW AN UNATTACHED STRUCTURE IN THE R-2 (DUPLEX- FOURPLEX RESIDENTIAL) DISTRICT, AT THE EAST 6 FT. OF LOT 4, BLOCK 7 AND ALL OF LOT 5, BLOCK 7, LARKSPUR SUBDIVISION NO.2, HIDALGO COUNTY, TEXAS; 1607 NOLANA AVENUE. (ZBA2020-0045)

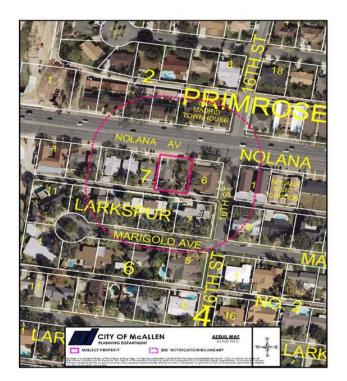
REASON FOR APPEAL:

Cesar H. Sanchez on behalf of J.M Moffitt Construction, owner of the property, is requesting a variance to allow an unattached structure in the R-2 (duplex-fourplex residential) District. The applicant would like to have a single family home independently of the existing duplex residential structure.

PROPERTY LOCATION AND VICINITY:

The subject property has frontage on Nolana Avenue and is 50 ft. west away from 16th Street. The lot has 90 ft. of frontage on Nolana Avenue and a depth of 120 ft. with a total lot size of 10,800 sq. ft. The property is zoned R-2 (duplex-fourplex residential) District. The surrounding land uses are duplexes to the west, north, and east, and single-family residences to the south.





BACKGROUND AND HISTORY:

Larkspur Subdivision, Unit No.2 was recorded on January 15, 1962. The variance request was submitted on July 28, 2020.

ANALYSIS:

Section 138-192 permits the following uses in an R-2 (duplex-fourplex residential) District; single family residence, duplex –fourplex, duplex - fourplex townhouses, and duplex-fouplex condominiums. Section 138-1 defines a Triplex as a building designed for and/or occupied exclusively by three 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.

The applicant is proposing to build an unattached 3 bedroom and 2 bathroom single family residence on the subject property adjacent to the existing duplex to the west on the same lot. This would be noncompliant with the R-2 zoning district requirement.

Furthermore, Section 138-356 (7) of the Zoning Ordinance states that only one primary residential structure may be erected on an R-1, R-2, R-3T zoning district lot. The variance request is to essentially allow one duplex and one single-family home instead of one triplex building on the subject property.

There is no utility and irrigation easement shown on the plat.

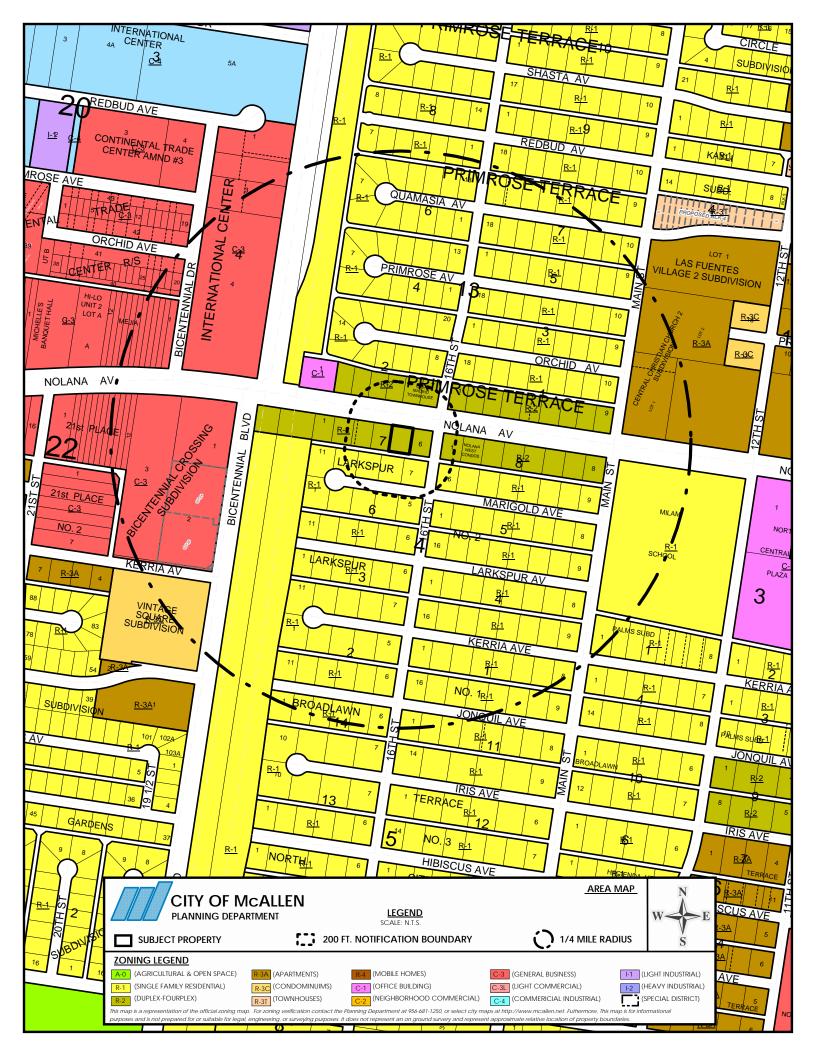
Staff has not received any phone calls in opposition to the request.

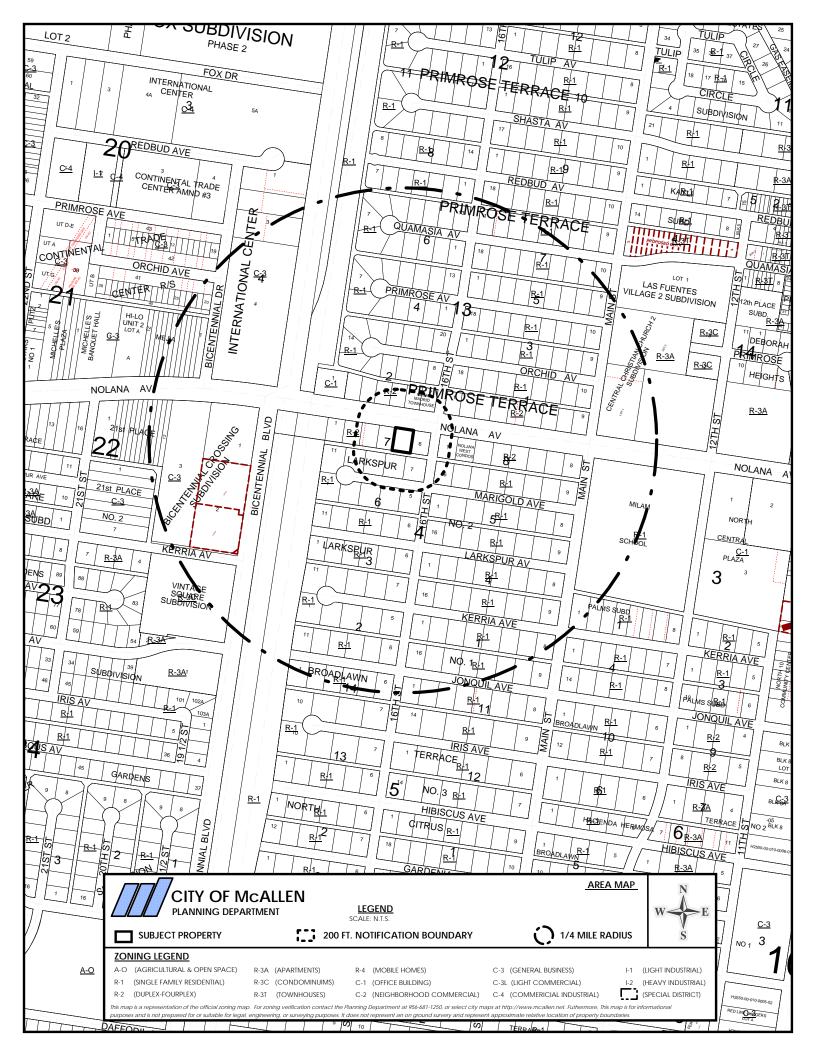
RECOMMENDATION:

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

2BA2020-0045.

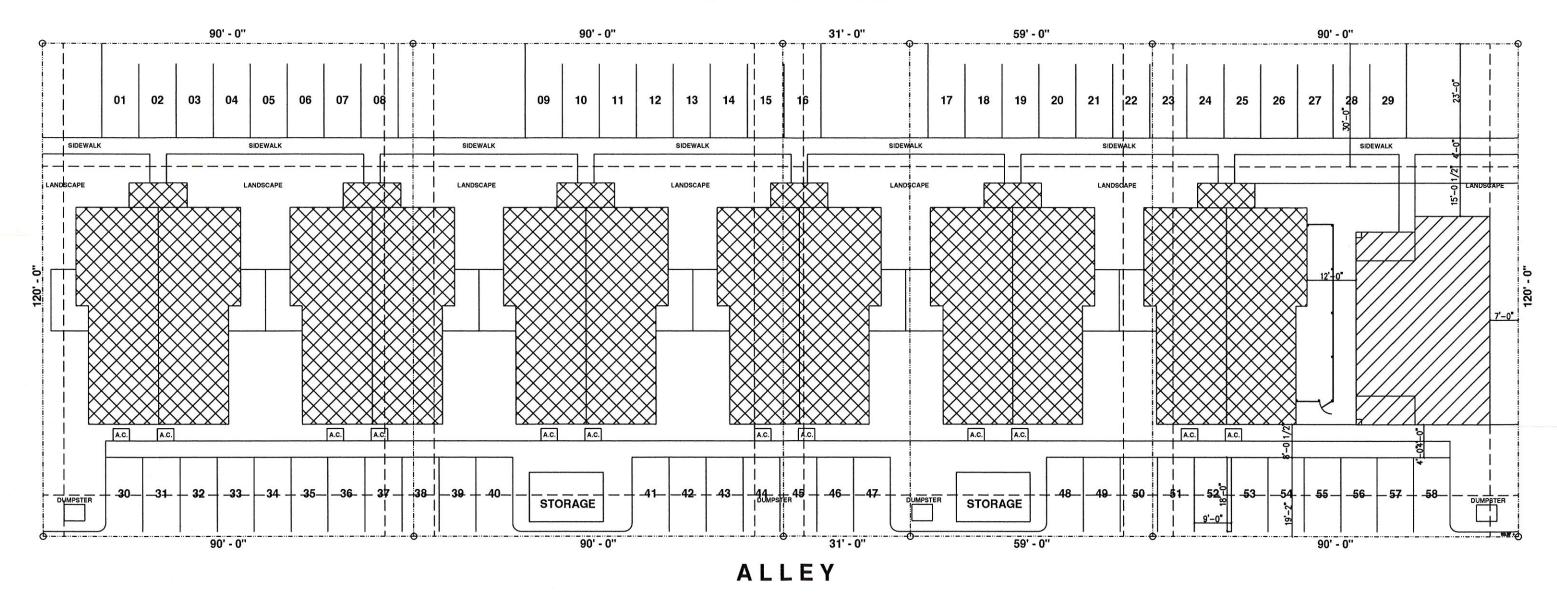
ZBIA:	City of McAllen <i>Planning Department</i> APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE
Project	Legal Description LANKGPUR UT. NO Z EG LOTA & ALL LOT. 5 BLK.7 Subdivision Name LAPKGPUR UT NO.2 EG LOTA & NLIOT 5 BLK7 Street Address 1607 NOLANA BNE. Number of lots 1 Gross acres 10,800 S.F. Existing Zoning Reason for Appeal (please use other side if necessary) WE Reduction The VANIANCE FOIL A #SIDENTIAL PERMIT AT THE SITE PESCABED ABOVE, WAITING TO BE FANOLO BY \$300.00 non-refundable filing fee + 1 \$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 <u>GEGAR H. SONCHEZ</u> Phone <u>956 2256582</u> Address <u>1128 PECON BUVP</u> E-mail <u>avchitectsanchez@live.com</u> City <u>MCOLLEN</u> State <u>Tx</u> Zip <u>78501</u>
Owner	Name J.M.MOFFIT CONSTRUCTION Phone 956 686 83 74 Address 1128 PECAN BND E-mail City MCALEN State TX Zip 7850
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 July - 27 - 2020 Print Name M.MOTHIM OWNER Agent
Office	Accepted by Payment received by Date DateDate Date Date Date





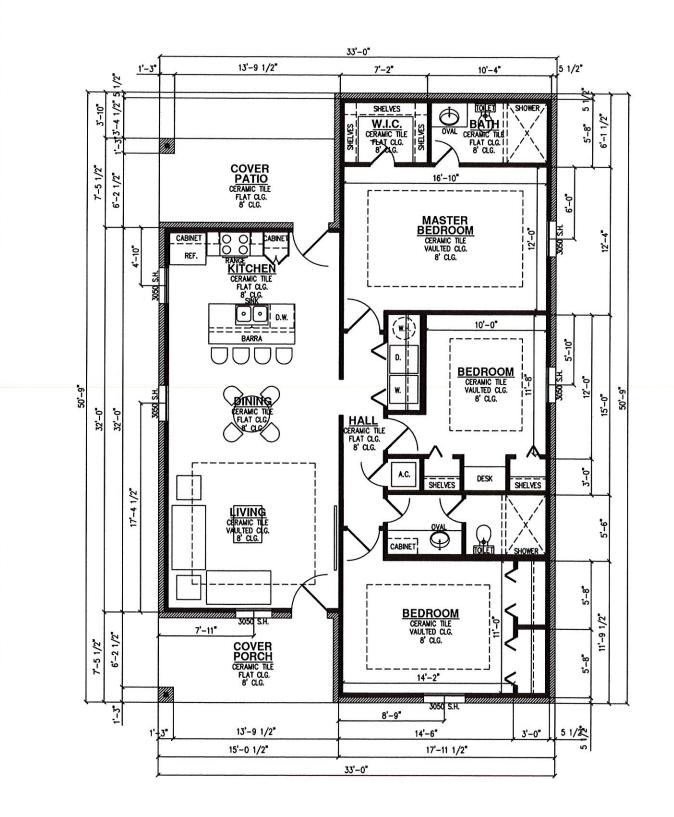


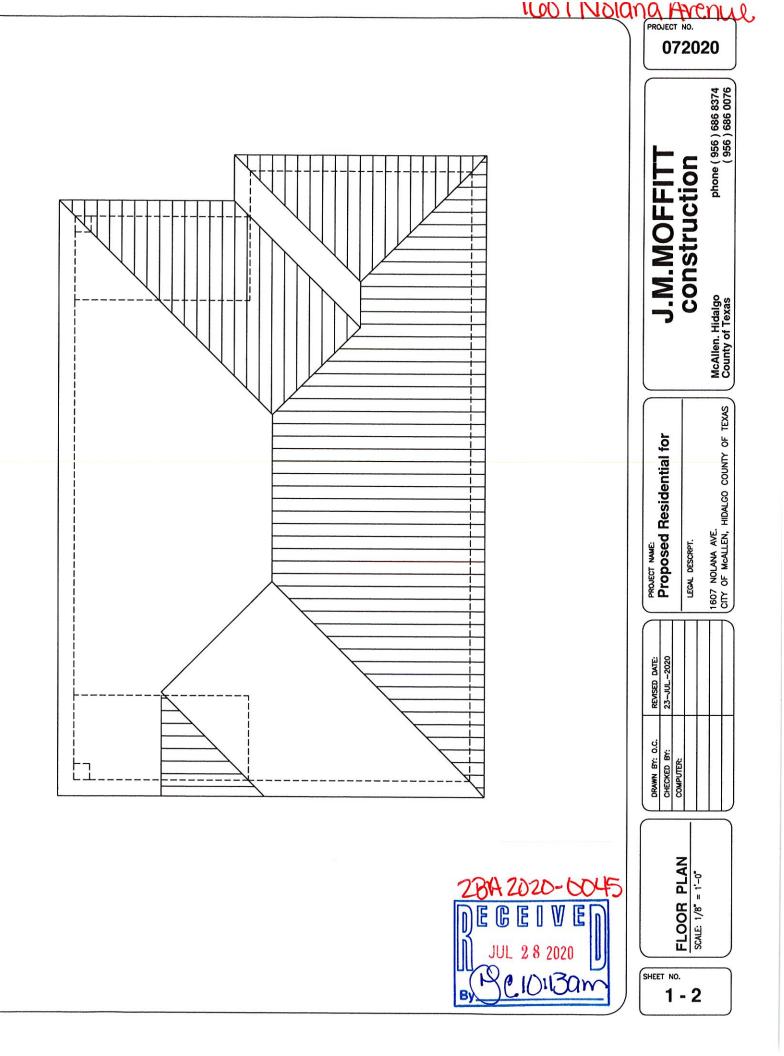
NOLANA AVE.



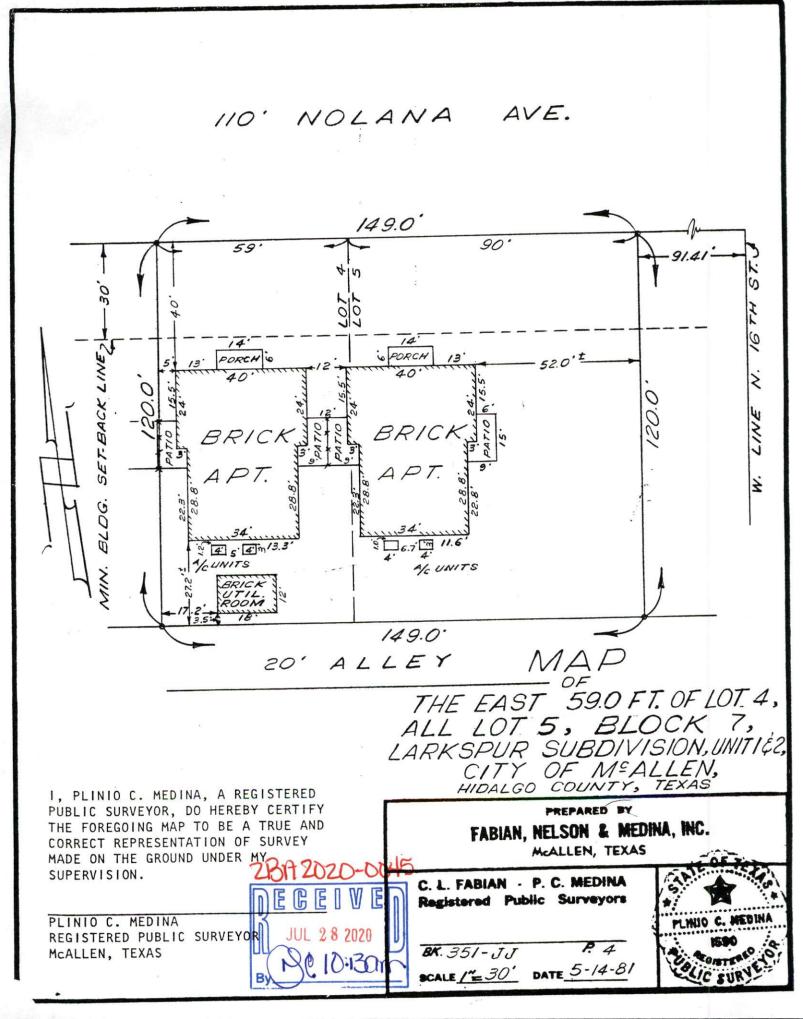
1607 Nolana Are.

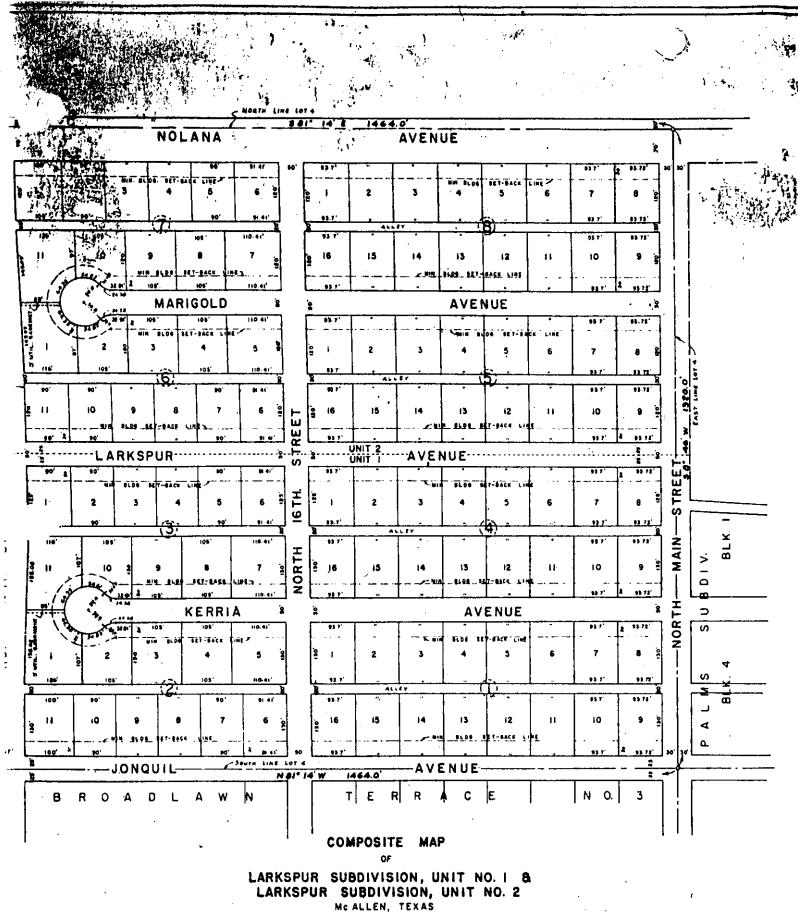






1607 Nolana Arc.





LARKSPUR SUBDIVISION UNIT NO 'SELING AUBDIVISION OF THE SOUTH 588 O FT OF LOT 4, NEW, OF BECTION 10, MIDALGO CANAL CO'S SUBDI-VISION; OF PORCIORES 64, 65 8 66; MIDALGO COUNTY, TEKAS AND BEING RECORDED IN VOLUME 14, PAGE 2, MAR RECORDS; MIDALGO COUNTY, TEKAS

LARASPUR SUBDIVISION UNIT NO 2' BEING & SUBDIVISION OF THE NORTH 650 OF TO FLOT 4, NUT OF SECTOR US, HIDALGO CANAL CO'S SUB-DIVISION, OF PORCIONES 44,85 6 64, HIDALGO COMMY, TEXAL

Pates 1- 15; 62....



Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: September 11, 2020

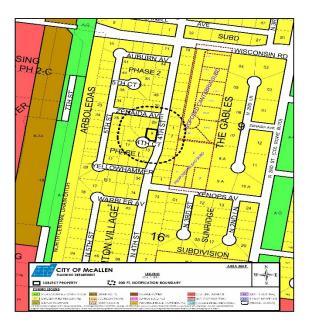
SUBJECT: REQUEST OF EDUARDO BARNHART FOR THE FOLLOWING VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE: (1) TO ALLOW AN ENCROACHMENT OF 2.5 FT. INTO THE 10 FT. REAR YARD SETBACK FOR A PROPOSED IRREGULAR SHAPED SWIMMING POOL, AND (2) TO ALLOW AN ENCROACHMENT OF 3.67 FT. INTO THE 6 FT. SIDE YARD SETBACK ALONG THE WEST PROPERTY LINE FOR A PROPOSED IRREGULAR SHAPED SWIMMING POOL, AT LOT 8, ARBOLEDAS SUBDIVISION PHASE I, HIDALGO COUNTY, TEXAS; 7723 NORTH 4TH COURT. (ZBA2020-0050)

REASON FOR APPEAL:

Eduardo Barnhart is requesting the following variances to allow encroachments of 2.5 ft. into the 10 ft. rear yard setback for a proposed irregular swimming pool measuring and to allow an encroachment of 3.67 ft. into the 6 ft. side yard setback along the west property line for a proposed irregular swimming pool.

PROPERTY LOCATION AND VICINITY:

The property is located on North 4th Court. The lot has 83.94 ft. of frontage along North 4th Court with a total area of 7251.46 sq. ft. The property is zoned R-1 (single family residential) District. The surrounding land uses include single-family residential uses.





BACKGROUND AND HISTORY:

Arboledas Subdivision Phase 1 was recorded on June 22, 2000. A note on the plat indicates that the rear yard setback requirement for the lot is 10 ft. A variance request application for the proposed swimming pool was submitted on August 14, 2020.

ANALYSIS:

The variance request is for a proposed swimming pool to encroach 2.5 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 7.5 ft. The 7.5 ft. comprises a 7.5 ft. utility easement. 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 indicated that the existing house occupies most of the buildable area not allowing much space for proposed swimming pool to be established.

Staff has not received any phone calls from the surrounding property owners in opposition to these variance requests.

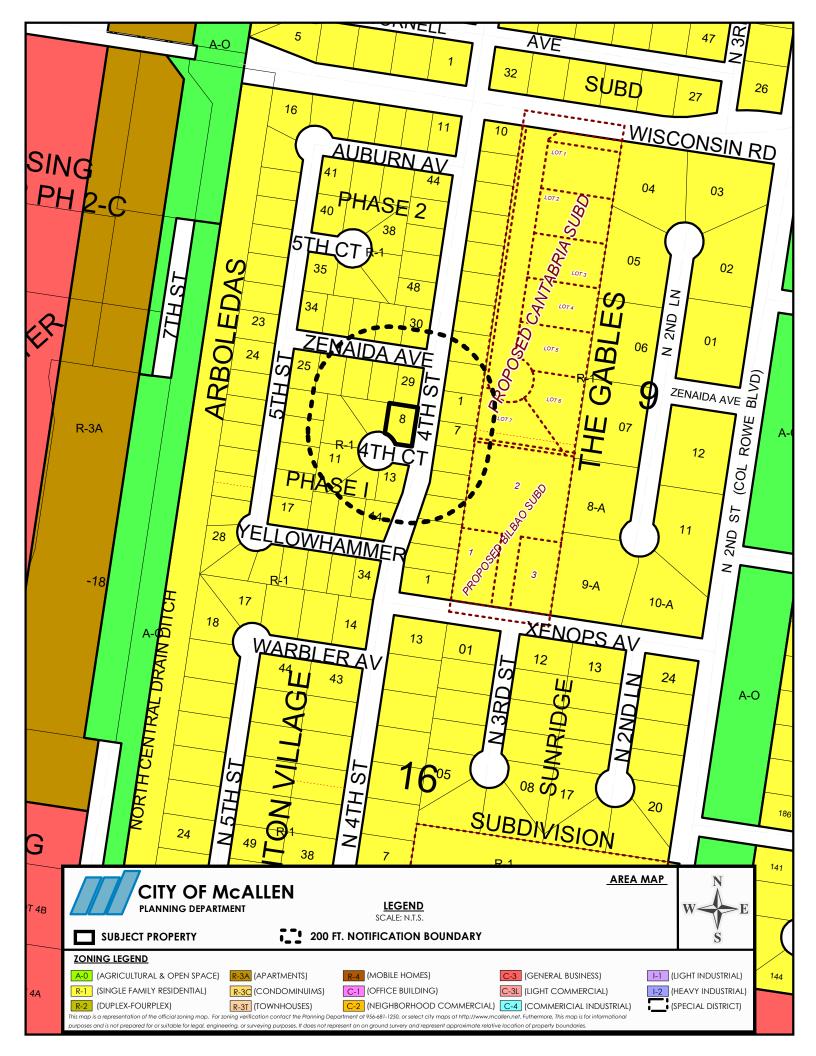
The survey shows minor encroachments into the front yard setback along the front of the house which the applicant decided not to include with these requests.

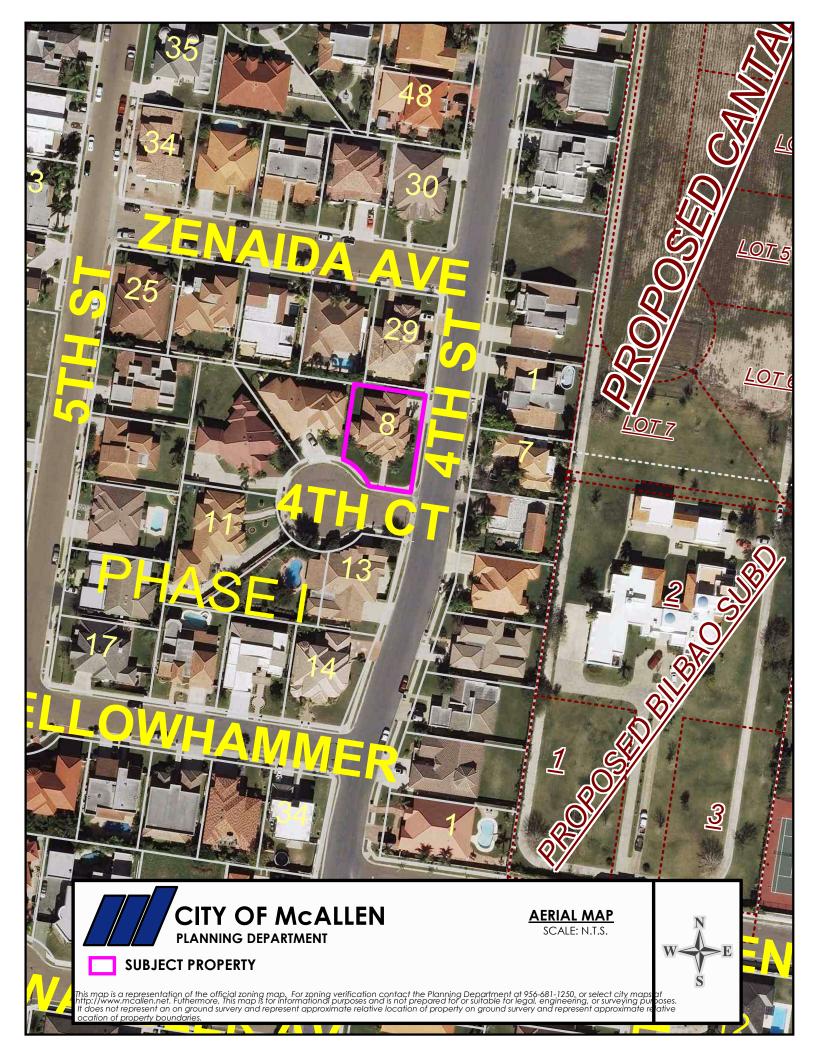
RECOMMENDATION:

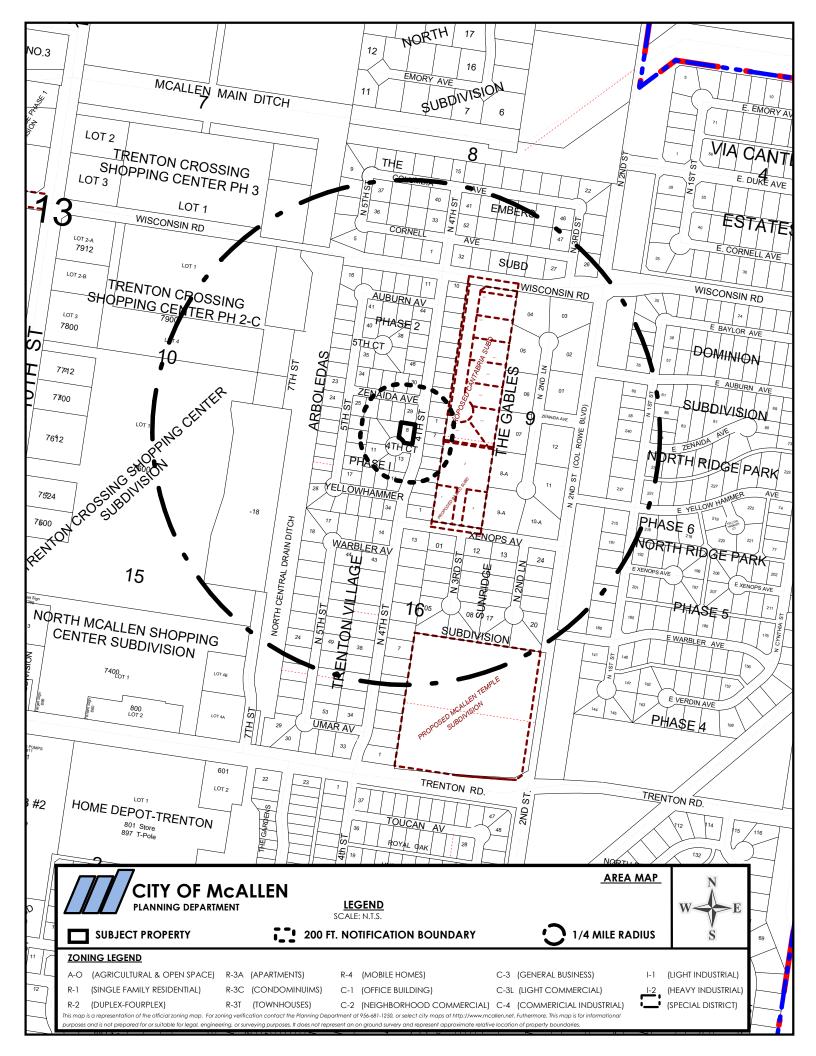
Staff recommends disapproval of the variance request. If the Board chooses to grant the variance, it should be limited to the footprint of the site plan submitted.

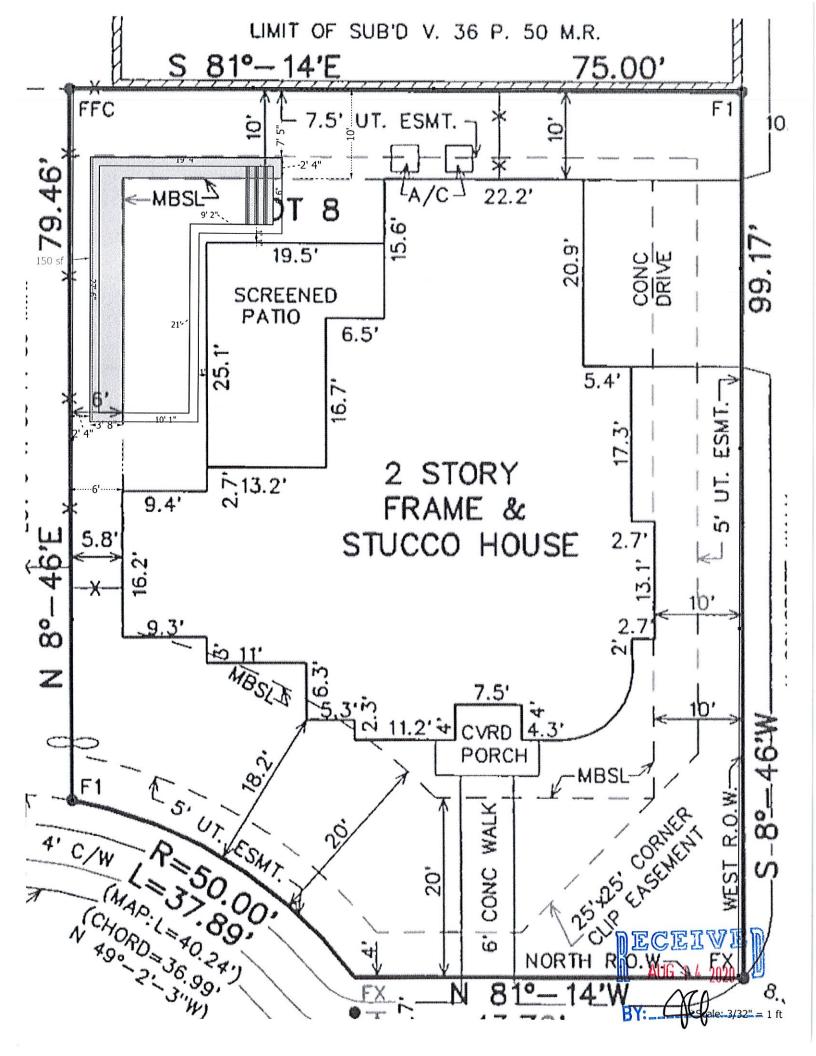
	ZBA2020-0050
alling	City of McAllen <i>Planning Department</i> APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE
Project	Legal Description <u>Lot 8</u> , <u>Arboledas Subdivision</u> , <u>Phase 1</u> , <u>An Addition to The City of McAllen</u> , <u>Hidalgo Co</u> Subdivision Name <u>Arboledas</u> Street Address <u>7723 N. 4th Court</u> <u>Number of lots 1</u> Gross acres <u>0.17</u> Existing Zoning <u>Residential</u> Existing Land Use <u>Residential</u> Reason for Appeal (please use other side if necessary) <u>T am appealing to the board</u> <u>for consideration of approving a variance for the purpose</u> \$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 <u>Eduardo Barnhart</u> Phone <u>956-534-6645</u> Address <u>7723 N. 4th CT</u> E-mail <u>EddieBarnhart@aol.com</u> City <u>MrAllan</u> State <u>TX</u> Zip <u>78504</u>
Owner	Name <u>Edwardo+ Virginia Barnhart</u> Phone <u>956-534-6645</u> Address <u>7723 N 4th CT</u> E-mail <u>Eddie Barnhart@aol.com</u> City <u>McAllen</u> State <u>TX</u> zip <u>78504</u>
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? 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 _Edvardo Barnhart Owner Authorized Agent
Office	Accepted by My Payment received by Date Date AUG 1 4 2020

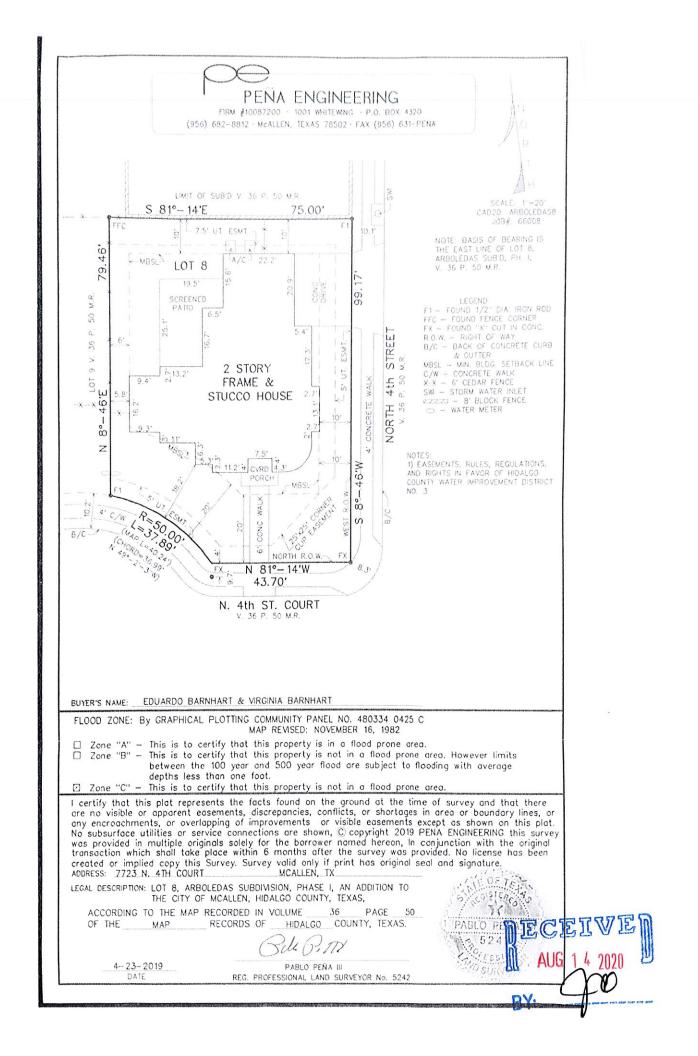
	City of McAllen <i>Planning Department</i> REASON FOR APPEAL & BOARD ACTION
Reason for Appeal	of building a swimming pool over a portion of the existing Non-utility setbocks. I have had five (5) or more professional pool contractors assess our property and each concluded that our current space will not allow for a swimming pool without a variance approval. Furthermore, I am including site plans developed by M3L Pools that reflect the space we are requesting over the setback. Also included ase a 3D rendering (not to spec), current survey and a picture of our yord. Thank You for your consideration and hopefully your approval as well.
Board Action	Chairman, Board of Adjustment Signature

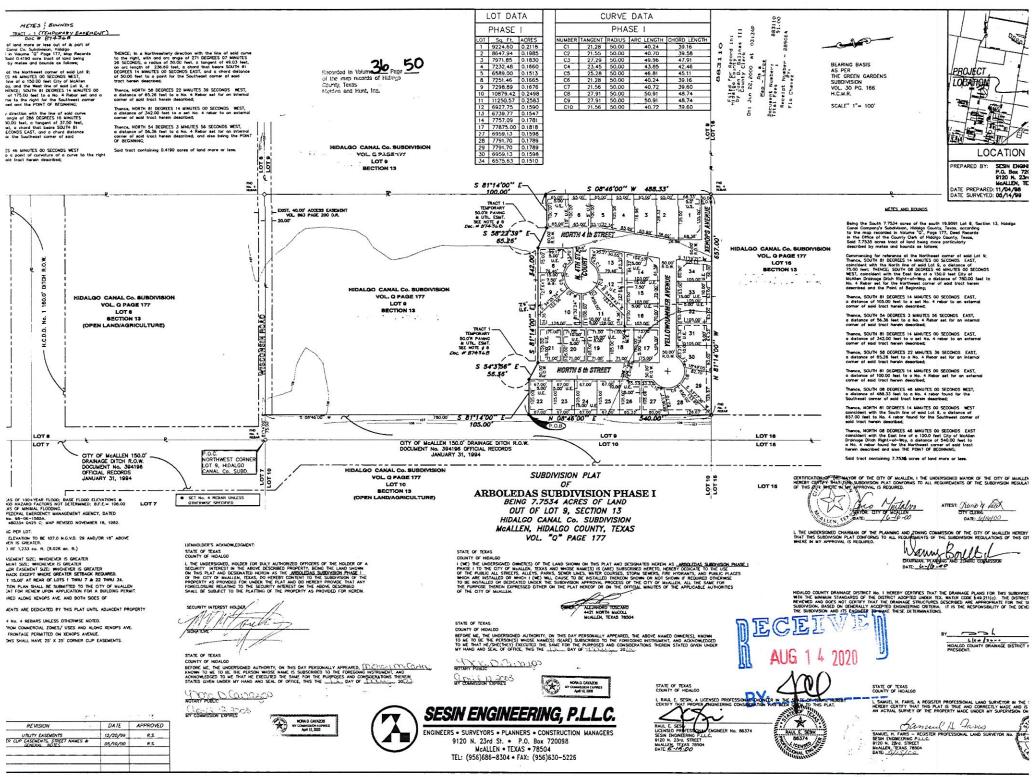




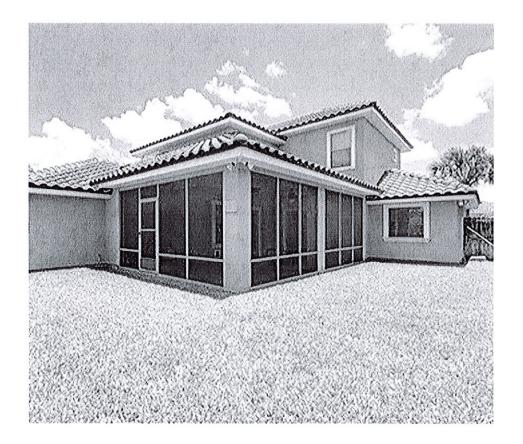




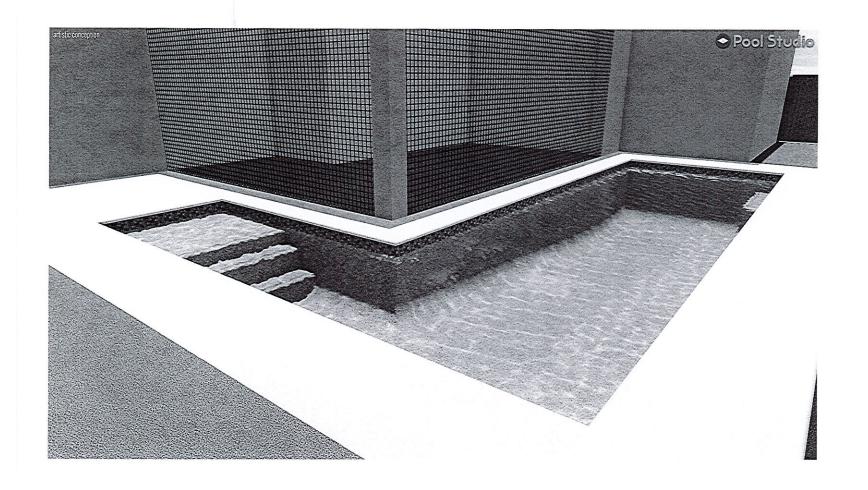




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Definitions

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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.

(1) Front yard means a yard extending across the front of a lot between the side lot lines, and being 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;..."

---- () ----

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
- 7. 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:

- 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. <u>POWERS OF THE BOARD</u>

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. <u>DUTIES OF BOARD MEMBERS</u>

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 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. <u>HARDSHIP</u>

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. <u>DECISIONS OF THE BOARD</u>

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. <u>WITHDRAWAL OF APPEAL</u>

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. <u>AMENDEMENT PROCEDURE</u>

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 Secretary assigned by the Planning Department of the City of McAllen.

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,

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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 <u>8th</u> 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 9th day October, 2018.

Attest: <u>Uah Aara</u> Perla Lara, TRMC/CMC, CPM City Secretary Approved as to form: <u>Austin W. Stevenson, Assistant City Attorney</u>

2020 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

	01/15/20	02/02/20	02/19/20	03/04/20	03/18/20	04/01/20	04/15/20	05/06/20	05/20/20	06/03/20	06/17/20	07/01/20	07/15/20	08/05/20	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	Ρ	Ρ	NM	Ρ	NM	Ρ	Ρ	NM	Α	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	LOQ						
SYLVIA HINOJOSA	Ρ	Ρ	NM	Ρ	NM	Α	Α	NM	Α	Ρ	Ρ	Α	Ρ	Α	Ρ	Ρ	LOQ						
DAVID SALINAS-CHAIRPERSON	Ρ	Ρ	NM	Ρ	NM	Ρ	Ρ	NM	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ								
JOHN MILLIN, III	Α	Α	NM	Ρ	NM	Ρ	Ρ	NM	Ρ	Α	Ρ	Ρ	Ρ	Ρ	Ρ	Α	LOQ						
SONIA FALCON	Α	Ρ	NM	Α	NM	Α	Α	NM	Α	Ρ	Α	Α	Ρ	Ρ	Α	Α	LOQ						
JOSE R. GUTIERREZ (ALT. 1)	Ρ	Ρ	NM	Ρ	NM	Ρ	Ρ	NM	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	LOQ						
JUAN F. JIMENEZ (ALT. 2)	Ρ	Ρ	NM	Ρ	NM	Ρ	Α	NM	Ρ	Α	Ρ	Α	Ρ	Α	Ρ	Α	LOQ						
(ALTERNATE 3)																							
(ALTERNATE 4)																							

P - PRESENT

A - ABSENT

NEW APPOINTMENT

MC - MEETING CANCELLED

NRM - NO MEETING

LOQ - LACK OF QUORUM

RS - RESIGNATION

CITY OF MCAllen311 N 15th Street Phone: 956-681-1250																	
				202	0 C/	ALE	ΞΝΙ	DAR									
Ă Ρι	ity Commis Iblic Utility E	ssion Board	Zonii	ining & Zo ng Board of	-	Deadlines: D- Zoning/CUP Application N - Public Notification											
HPC - His	storic Preservatio						* Holic	lay - Office		RUARY	9090						
Sun	JANUARY 2020 n Mon Tue Wed Thu Fri Sat							Mon	Tue	Wed	Thu	Fri	Sat				
			HOLIDAY		3	4	Sun						1				
5	6	7	8	9 CENSUS	10	11	2	3	4	5		7	8				
12	13	14 🛕	D-2/4 & 2/5 15	16	17	18	9	10	11	D-3/3 & 3/4 12	13	14	15				
19	A-2/4 & 2/5 20	21	N-2/4 & 2/5 22 HPC	23	24	25	16	A-3/3 & 3/4 17	18	N-3/3 & 3/4 19	20	21	22				
26	27	28	D-2/18 & 2/19 29	30	31		23	24	25	D-3/17 & 3/18 26 HPC	27	28	29				
	A-2/18 & 2/19		N-2/18 & 2/19					A-3/17 & 3/18		N-3/17 & 3/18	20						
Sun	Mon	Tue	RCH 20 Wed	Thu	Fri	Sat	Sun	Mon	AP Tue	Wed	20 Thu	Fri	Sat				
1	2	3	4 D-4/1 & 4/7		6	7				1 D-5/5 & 5/6		3	4				
8	9 O A-4/1 & 4/7	10	11 N-4/1 & 4/7	12	13	14	5	6 A-5/5 & 5/6	7	8 N-5/5 & 5/6	9	10 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	24	²⁵ HPC N-4/15 & 4/21	26	27	28	19	20 A-5/19 & 5/20	21	22 HPC N-5/19 & 5/20	23	24	25				
29	30	31	11-4/13 & 4/21				26	27	28	29	30						
		Ν	AY 202	0					Л	J NE 20 2	20						
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat				
					1	2		1	2	3 D-7/1 & 7/7		5	6				
3	4	5	6 D-6/2 & 6/3		8	9	7	8	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 •	23	²⁴ HPC N-7/15 & 7/21	25	26	27				
24	²⁵ HOLIDAY	26	27 HPC N-6/16 & 6/17	28	29	30	28	29	30				1				
31																	

CITY	OF
McAl	len

PLANNING DEPARTMENT



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

2020 CALENDAR

			Meetings:			Deadlines:										
	City Commis	ssion		Planning	& Zoning	Board	D- Zoning/CUP Application N - Public Notification									
	ublic Utility			-	oard of Adju	istment	* Holiday Office is closed									
HPC	Historic Pr		* Holiday - Office is closed AUGUST 2020													
Sun	Mon	J Tue	J LY 202 Wed	20 Thu	Fri	AUGUST 2020 Sun Mon Tue Wed Thu Fri Sat										
Sun		1 ue	1	2	3	Sat 4	Sun	MUII	1 ue	weu	1 110	I PI	Sat			
			D-8/4 & 8/5	CENSUS	HOLIDAY											
5	6	7	8 N-8/4 & 8/5	9	10	11	2	3	4	5		7	8			
12	A-8/4 & 8/5	14	15	16	17	18	9	10	11	D-9/1 & 9/2 12	13	14	15			
			D-8/18 & 8/19					A-9/1 & 9/2		N-9/1 & 9/2						
19	20	<mark>21</mark>	22	23	24	25	16	17	<mark>18</mark>	19	20	21	22			
	A-8/18 & 8/19		HPC N-8/18 & 8/19							D-9/16 & 9/17						
26	27	28	29	30	31		23	24	25 🛕	26	27	28	29			
							30	A-9/16 & 9/17 31		HPC N-9/16 & 9/17						
		SEPT	EMBE R	2020	•				ОСТ	OBER 2	2020					
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat			
		1	2 D-10/6 & 10/7		4	5						2	3			
6	HOLIDAY	8	9	10	11	12	4	5	6	7	8	9	10			
13	14	15	N-10/6 & 10/7 16	17	18	19	11	12	13	D-11/3 & 11/4 14	15	16	17			
	A-10/6 & 10/7		D-10/20 & 10/21					A-11/3 & 11/4	_	N-11/3 & 11/4						
20	21	22	23 HPC	24	25	26	18	19	20	21	22	23	24			
	A-10/20 & 10/21		N-10/20 & 10/21							D-11/17 & 11/18						
27	28	29	30				25	26		28 HPC N-11/17 & 11/18	29	30	31			
		NOVE		2020			DECEMBER 2020									
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat			
1	2	3	4 D-12/1 & 12/2	^₅ CENSUS	6	7			1	2 HPC D-1/5 & 1/6		4	5			
8	9	10	11	12	13	14	6	7	8	9	10	11	12			
	A-12/1 & 12/2		N-12/1 & 12/2					A-1/5 & 1/6		N-1/5 & 1/6						
15	16	17	18	19	20	21	13	14	15 🛕	16	17	18	19			
22	23	24	D-12/16 & 12/17 25	26	27	28	20	21	22	<mark>D-1/19 & 1/20</mark> 23	24	25	26			
	A-12/16 & 12/17		N-12/16 & 12/17					A-1/19 & 1/20		N-1/19 & 1/20	HOLIDAY	-				
29	30						27	28	29	30	31					
Deadlir	les and Meetin	g Dates are	subject to cha	nge at any ti	me. Please o	contact th	e Plannin	g Department	at (956) 681	-1250 if you h	ave any que	stions.	1			