

## AGENDA

### ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, SEPTEMBER 20, 2023 - 4:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3<sup>RD</sup> FLOOR

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

#### CALL TO ORDER – Chairperson Jose Gutierrez

#### 1. MINUTES:

- a) Minutes for the meeting held on September 7, 2023

#### 2. PUBLIC HEARINGS:

- a) Request of Enrique Garza for a Special Exception and Variance to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 5 feet 9 inches into the 6 foot side yard setback and encroaching 3 feet into the 10 foot rear yard setback for an existing metal carport measuring 20 feet by 25 feet and **2)** allow an encroachment of 2.5 feet into the 6 foot side yard setback and 5.5 feet into the 10 foot rear yard setback for an existing storage measuring 12 feet by 16 feet at Lot 2, Block 5, Carolyn Addition, Hidalgo County, Texas; 213 Upas Avenue. **(ZBA2023-0083)**
- b) Request of Alma Beraza for a Special Exception and Variance to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 4 feet into the 6 foot side yard setback for an existing metal carport measuring 19 feet by 21.6 feet, **2)** to allow an encroachment of 3.2 feet into the 10 foot rear yard setback for an existing patio measuring 25 feet by 25 feet and **3)** to allow an encroachment of 5 feet into the 6 foot side yard setback for a storage measuring 10 feet by 7 feet at Lot 83, Montebello Unit No. 3, Hidalgo County, Texas; 2108 North 32nd Street. **(ZBA2023-0085)**
- c) Request of Javier Benavidez & Dalia Garcia for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 14.5 feet into the 20 foot front yard setback for an existing metal carport measuring 19 feet by 24 feet at Lot 46 & North 5 ft. of 45, Gardenia Terrace Unit No. 2 Subdivision, Hidalgo County, Texas; 3309 North 27th Street. **(ZBA2023-0087)**
- d) Request of Jose Guadalupe Cantu for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 5 feet into the 6 feet side yard setback for an existing metal carport measuring 21 feet by 24 feet at Lot 51, Alta Linda, Hidalgo County, Texas; 1909 South 39th Street. **(ZBA2023-0079) (TABLED: 09/07/2023)**
- e) Request of Carlos Alarcon on behalf of James Weaver for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 6 feet into the 6 feet East side yard setback for a carport measuring 15 feet by 35 feet at Rancho de La Fruta No. 1 Lot E 142.5' of W 285' of N 184.22' of 11, Hidalgo County, Texas; 108 East Fresno Avenue. **(ZBA2023-0081) (TABLED: 09/07/2023)**

- f) Request of Gerardo Castillo for a Special Exception and Variance to the City of McAllen Zoning Ordinance to: **1)** allow an encroachment of 20 feet into the 20 feet front yard setback for a proposed wooden carport measuring 16 feet by 22 feet, **2)** to allow an encroachment of 6 feet into the 6 feet rear yard setback for an existing carport measuring 12.13 feet by 20 feet, **3)** to allow an encroachment of 6 feet in the 6 feet side yard setback and 6 feet into the 6 feet rear yard setback for an existing storage shed measuring 24.2 feet by 10.2 feet and **4)** to allow an encroachment of 6 feet into the 6 feet side yard setback and 6 feet into the 6 feet rear yard setback for an existing (L) shaped shed measuring 27.4 feet by 14.1 feet and 15.4 feet and 11.3 feet at Lot 28, McColl Terrace Subdivision, No. 2. Hidalgo County, Texas; 213 East Vine Avenue. **(ZBA2023-0073) (TABLED: 09/07/2023)**

### **3. FUTURE AGENDA ITEMS**

- a) 704 Heron Avenue
- b) 4301 North 28th Street
- c) 3404 Providence Avenue
- d) 4416 Sandpiper Avenue

### **ADJOURNMENT:**

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



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

**The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Thursday, September 7, 2023 at 4:35 p.m. in the McAllen City Hall, Commission Chambers with the following present:**

<b>Present:</b>	<b>Jose Gutierrez</b>	<b>Chairperson</b>
	<b>Ann Tafel</b>	<b>Vice-Chairperson</b>
	<b>Hiram A. Gutierrez</b>	<b>Member</b>
	<b>Hugo Avila</b>	<b>Member</b>
	<b>Alex Lamela</b>	<b>Alternate</b>
<b>Absent:</b>	<b>Rogelio Rodriguez</b>	<b>Member</b>
	<b>Juan Mujica</b>	<b>Alternate</b>
<b>Staff Present:</b>	<b>Benito Alonzo</b>	<b>Assistant City Attorney I</b>
	<b>Luis Mora</b>	<b>Planning Deputy Director</b>
	<b>Omar Sotelo</b>	<b>Senior Planner</b>
	<b>Natalie Moreno</b>	<b>Planner I</b>
	<b>Porfirio Hernandez</b>	<b>Planner I</b>
	<b>Jessica Puga</b>	<b>Technician I</b>
	<b>Carmen White</b>	<b>Administrative Assistant</b>

**CALL TO ORDER –Chairperson Jose Gutierrez**

**1. MINUTES:**

- a)** Minutes for the meeting held on August 23, 2023.

The minutes for the meeting held on August 23, 2023 and were approved. The motion to approve the minutes were made by Mr. Hugo Avila. Mr. Hiram Gutierrez seconded the motion, which carried unanimously with five members present and voting.

**2. PUBLIC HEARINGS:**

- a)** Request of Ron Adkins for a Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 9 feet into the 10 feet rear yard setback for a storage measuring 16 feet 2 inches by 17 feet at Milmore Subdivision lot 16, Block 8, Hidalgo County, Texas; 1106 North 15th Street. **(ZBA2023-0078)**

Ms. Moreno stated the applicant was requesting a Variance to encroach 9 feet into the 10 feet rear yard setback for a storage to have room to store household items and to protect from weather conditions.

The subject property was located along the west side of 15th Street. The lot has 50 feet of frontage and 152.50 feet of depth for a total of 7,625 square feet. The property is zoned R-1 (single family residential) District. There is R-1 and C-3 (General Business) District around the area.

Milmor Subdivision was recorded on May 26, 1927. The plat shows a 10 feet rear yard setback for the subdivision. On July 12, 2023, a stop work order was issued. On July 13,

2023, the applicant applied for a building permit. On August 2, 2023, the applicant applied for a variance encroaching 9 feet into the 10 feet into the rear yard setback.

The applicant was requesting a Variance to keep the storage for household items. The applicant is going to enclose the structure since right now it looks like a patio.

Site visit by staff revealed 12 other rear encroachments within the subdivision, which did not have permits. Staff revealed only 2 approved variances.

The subdivision has received two variance requests for storages. At the Zoning Board Adjustment and Appeals meeting on May 1, 2019 both requests were approved encroaching 7.5 feet into the 10 foot rear yard setback measuring 9.41 feet by 10 feet & encroaching 6.75 feet into the 10 foot rear yard setback measuring 9.41 feet by 10 feet at Milmore Subdivision, block 2, Lot 19.

Measurements provided are without benefit of a survey.

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

Staff recommended disapproval due to the amount of encroachment and that the structure would be available for other uses in the future. No hardship due to the land exists or had been claimed.

Mr. Ron Adkins, the applicant stated he had covering to store his possessions since he did not have anywhere else to store them. He wanted to enclose it to protect against the rain.

Chairperson Jose Gutierrez asked if there was anyone present in favor of the variance request. There was no one else in favor of the variance request.

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

Board member Avila asked how this came before the Board. Ms. Moreno stated inspections drove by and noticed it. He also asked staff that there were two other variances granted in the same subdivision. Ms. Moreno stated it was on 16<sup>th</sup> Street that was approved on the same property for two storages.

Vice-Chairperson Tafel asked about the side yard setback. Ms. Moreno stated he was fine with the side yard setbacks.

Vice-Chairperson Ann Tafel **moved** to disapprove the variance request. Mr. Hiram Gutierrez seconded the motion. The Board voted unanimously to disapprove the variance request with five members present and voting.

- b)** Request of Jose Guadalupe Cantu for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 5 feet into the 6 feet side yard setback for an existing metal carport measuring 21 feet by 24 feet at Lot 51, Alta Linda, Hidalgo County, Texas; 1909 South 39th Street. **(ZBA2023-0079)**

Ms. Moreno stated the applicant was requesting a special exception to encroach 5 feet into the 6-foot side yard setback, which will allow him to exercise in a shaded area and for vehicle protection.

The subject property is located along the west side of 39<sup>th</sup> Street. The lot has 70 feet of frontage and 108 feet of depth for a total of 7,560 square feet. The property is zoned R-1 (single family residential) District. There is R-1, R-3A (Apartments) and C-3 (General Business) Districts around the area.

Alta Linda Subdivision was recorded on February 13, 1979. The plat shows a 25-foot front yard setback and a 10 feet setback on the curve. There is a 5-foot utility easement on the north side of the property. On August 23, 2022, a stop work order was issued. On August 24, 2022, a building permit was submitted. On January 16, 2023, a non-compliance order was issued. On May 13, 2023 another non-compliance order was issued. On August 2, 2023, a Special Exception application was submitted.

The applicant is requesting this Special Exception to keep the carport. Applicant is disabled and it will help him with his daily therapy exercise activities recommended by his doctor.

Site visit by staff revealed 1 other carport in the area, which did not have a permit.

During site visit, the applicant was made aware that he has two other structures in the back that may be encroaching into the side yard setback and rear yard setback. Applicant stated he would be removing those structures.

Applicant does have a consent to encroachment letter by AEP, which the court recorded on January 04, 2023. Applicant mentioned it would be more costly for him to cut it back.

There was no garage in the property.

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

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

Measurements provided are without benefit of a survey.

Staff was recommending disapproval for the Special Exception request due to exceeding the 400 square feet max for a carport stated in ordinance 138-371(g) and carports not being characteristic of area.

Chairperson Gutierrez asked staff if they explained the limitation of the 400 square feet to the applicant. Ms. Moreno stated yes. Chairperson Gutierrez asked what his response was. Ms. Moreno stated it would be more costly to reduce it.

Chairperson Gutierrez informed the applicant that regarding the 400 square feet, at this time it would be difficult to approve the request being that the carport was more than 400 square feet.

Mr. Cantu stated his daughter had the carport built for him and did not know about obtaining a permit. Chairperson Gutierrez asked the applicant the contractor who built the carport, did he obtain a permit.

Mr. Cantu stated it was a friend of his son-in-law. He stated there other carports in the area. Chairperson Gutierrez stated they might have built them without a building permit.

Chairperson Gutierrez suggested for the applicant to speak with staff about other options he could do and to table the item until the next meeting.

Mr. Hiram Gutierrez **moved** to table the special exception until the next meeting. Mr. Hugo Avila seconded the motion. The Board voted unanimously to table the special exception with five members present and voting.

- c) Request of Nicolas Hernandez for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 19 feet into the 20 feet front yard setback and 5 feet into the 10 feet side yard setback for metal carport measuring 18 feet by 18 feet at Colonia Hermosa No. 2, Lot 12, Block 7 Hidalgo County, Texas; 2001 Cortez Avenue. **(ZBA2023-0080)**

Mr. Hernandez stated the applicant was requesting a Special Exception to encroach 19 feet into the 20-foot front yard setback for an existing metal carport measuring 18 feet by 18 feet for protection from the sun for his vehicles and his son who has Down syndrome with a skin condition in which he can play outside in the shade.

The subject property was located along the south side of Cortez Avenue intersecting with South 20<sup>th</sup> Street. The Lot has 50 feet of frontage and 139.00 feet of depth for a total of 6,950 square feet. The property was zoned R-1 (single family residential) District. The surrounding zones include R-1(single-family residential) to the West and South, A-O (agricultural and open space) to the East.

Colonia Hermosa No. 2 was recorded on November 28, 1947. The plat showed a 20-foot front yard setback and a 25-foot corner clip for the subdivision. On August 1, 2023, a stop work order was issued. On August 2, 2023, the applicant applied for a building permit. On August 7, 2023, the applicant applied for a Special Exception to encroach 19 feet into the 20-foot front yard setback and 5 feet into the 10-foot side yard setback.

The applicant was requesting Special Exception to allow an encroachment of 19 feet into the 20 foot front yard setback and 5 feet into the 10 foot side yard setback for an existing metal carport measuring 18 feet by 18 feet for protection from the sun for his vehicles and his son who had down syndrome with a skin condition in which he can play outside in the shade. The carport is also encroaching into the 25 foot x 25 foot corner clip, which was necessary for safety.

Site visit by staff revealed 9 other carports in the area, 8 of which are illegal.

At the Zoning Board Adjustment and Appeals meeting of October 21, 2015 the board unanimously voted to approve a variance request to allow a front yard setback of 2.41 feet instead of 20 feet for a carport measuring 17 feet by 22 feet for Lot 19, Block 9, Colonia Hermosa No.2 Subdivision.

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

There was one phone call from a neighbor in favor of the request.

Measurements provided were without benefit of a survey.

Staff was recommending disapproval of the special exception since the carport falls into the 25ft x 25ft corner clip, which causes a sight obstruction and does not comply with setbacks.

Board member Gutierrez asked staff to explain the 25 ft. x 25 ft. corner clip. Mr. Hernandez stated per the ordinance there was a corner clip going on one side and corner clip on the other side and then intersecting.

Vice-Chairperson Tafel asked if that was all corner lots in McAllen or just this subdivision. Mr. Hernandez stated that for this subdivision there was a 25-foot x 25-foot corner clip.

Board member Avila asked if there was a garage. Mr. Hernandez stated no.

Mr. Nicolas Hernandez, the applicant stated when he had the carport built he was not sure if the builder had obtained a building permit. After two years, he received a notice that a permit was not obtained. The reason he had the carport built was that his son had Down syndrome with skin conditions.

Vice-Chairperson Tafel asked if there was any room in the back to build something similar to the carport. Mr. Cantu stated yes, but they do not go in the back that much. Chairperson Gutierrez stated that would solve the problem of the visibility from the corner clip in front.

Chairperson Jose Gutierrez asked if there was anyone present in favor of the special exception. There was no one else in favor of the special exception.

Chairperson Jose Gutierrez asked if there was anyone present in opposition of the special exception. There was no one in opposition of the special exception.

Following discussion, Mr. Hiram Gutierrez **moved** to disapprove the special exception. Mr. Alex Lamela seconded the motion. The Board voted unanimously to disapprove the special exception with five members present and voting.

- d) Request of Carlos Alarcon on behalf of James Weaver for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 6 feet into the 6 feet East side yard setback for a carport measuring 15 feet by 35 feet at Rancho de La Fruta No. 1 Lot E 142.5' of W 285' of N 184.22' of 11, Hidalgo County, Texas; 108 East Fresno Avenue. **(ZBA2023-0081)**

Mr. Hernandez stated the applicant was requesting a Special Exception for an encroachment of 6 feet into the 6 feet east side yard setback to allow an existing metal carport, which is needed, based on the plan design of the house.

The subject property was located along the South side of Fresno Avenue approximately 138 feet east of South 1<sup>st</sup> Street. The lot has 142.50 feet of frontage and 169.22 feet of depth for a total of 24,113.85 square feet. The property was zoned R-1 (single family

residential) District. The property was surrounded by R-1 in all directions.

Rancho de la Fruta #1 was recorded on May 22, 1920. The plat shows a 6-foot side yard setback. On June 28, 2023, a stop work order was issued. On July 3, 2023, the applicant applied for a building permit.

On August 7, 2023, the applicant applied for a special exception encroaching 6 feet into the 6-foot side yard setback.

The applicant is requesting a special exception in order to allow an encroachment of 6 feet into the 6 foot East side yard setback to allow an existing metal carport that has no flammable materials in which is needed based on the plan design of the house. Applicant states there was a "Save and Except" that allows the carport to the limit of the property.

Site visit by staff revealed no other carports in the area. Staff noticed structures in the rear of property that could be encroaching onto the rear setback and will be attended at a later time.

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

Measurements provided are without benefit of a survey.

Staff was recommending disapproval due to structure not being characteristic of the neighborhood and exceeding the 400 square foot max for a carport stated in ordinance 138-371(g). Further analysis revealed the "Save and Except" portion is not part of the lot, thus carport would be encroaching into neighboring property.

Mr. Hernandez stated there were two neighbors that had called in opposition of the special exception.

Vice-Chairperson Tafel asked staff if the concrete strip on the side was the property line. Mr. Hernandez stated according to the site plan the property was up against the carport.

Mr. Carlos Alacron, on behalf of James Weaver, stated Mr. Weaver built the carport in 2023 before the ordinance of the 400 square footage. Vice-Chairperson Tafel asked if he obtained a permit. Mr. Alacron stated no he did not.

Chairperson Gutierrez stated that before going any further, he asked Mr. Alacron to table the item until the next meeting in order to speak with staff to see other options. Mr. Cantu stated that Mr. Weaver would be willing to reduce the carport in order to comply with the ordinance.

Following discussion, Mr. Hiram Gutierrez moved to table the special exception until the next meeting. Vice-Chairperson Ann Tafel seconded the motion. The Board voted unanimously to table the special exception with five members present and voting.

- e) Request of Gerardo Castillo for a Special Exception and Variance to the City of McAllen Zoning Ordinance to: **1)** allow an encroachment of 20 feet into the 20 feet front yard setback for a proposed wooden carport measuring 16 feet by 22 feet, **2)** to allow an encroachment of 6 feet into the 6 feet rear yard setback for an existing carport measuring 12.13 feet by 20 feet, **3)** to allow an encroachment of 6 feet in the 6 feet side yard setback and 6 feet into the 6 feet rear yard setback for an existing

storage shed measuring 24.2 feet by 10.2 feet and **4)** to allow an encroachment of 6 feet into the 6 feet side yard setback and 6 feet into the 6 feet rear yard setback for an existing (L) shaped shed measuring 27.4 feet by 14.1 feet and 15.4 feet and 11.3 feet at Lot 28, McColl Terrace Subdivision, No. 2. Hidalgo County, Texas; 213 East Vine Avenue. **(ZBA2023-0073)**

Mr. Hernandez stated the applicant was requesting a special exception for an encroachment of 16 feet into the 20 feet front yard setback for a proposed wooden carport measuring 16 feet by 22 feet that will be used to protect his elderly mother when taking her to medical appointments and vehicles from the sun and falling debris during inclement weather. Applicant is also requesting to allow an encroachment for an existing carport in the rear, a covered area encroaching into the West side yard setback and rear yard setback and an "L" shaped storage area encroaching into the East side yard setback and rear yard setback.

The property was located along the north side of East Vine Avenue east of North "C" Street. The lot has 50.0 feet of frontage and a depth of 125.0 feet for a lot size of 6,250 square feet. The property is zoned R-1 (single-family residential) District. There is R-4 (mobile home) district to the north.

McColl Terrace Subdivision No. 2 was recorded December 15, 1975. The plat shows a 20 feet front yard setback for the subdivision. A building permit has not been submitted. A special exception request application was submitted July 17, 2023.

The applicant was requesting a special exception in order to allow an encroachment of 16 feet into the 20 feet front yard setback for a proposed wooden carport measuring 16 feet by 22 feet that will be used to protect his elderly mother when taking her to medical appointments and vehicles from the sun and falling debris during inclement weather. Applicant was considering to build the carport out of metal for stronger framework. The request to allow the special exception for the carport in the rear as well as the variances for the covered areas in the rear is for family gatherings and because the structures were there when they moved in to the property.

During a site visit, staff noticed that there were 6 other carports within McColl Terrace subdivision No. 2 in which 5 are considered illegal and 1 was granted request for a special exception.

At the Zoning Board of Adjustments and Appeals meeting of October 5, 2022 the Board unanimously voted to approve a special exception for an encroachment of 20 feet into the 20 feet front yard setback for a metal carport measuring 18 feet by 22 feet at Lot 37.

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

Measurements provided are without benefit of a survey.

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

Staff recommended disapproval of the special exception request for number 1 and 2 being that they are not characteristic of the neighborhood and encroachment of existing carport in the rear is all the way to the lot line.

Staff recommended disapproval of the variances number 3 and 4 being that structures are encroaching all the way to the lot lines which creates a safety issue in case of a fire and no hardship exists due to the land nor has one been claimed.

Mr. Gerardo Castillo, the applicant stated he came to get a permit for the carport in the front, which would be a metal carport not wooden. He stated he takes care of his elderly mother and he has medical conditions.

He stated that doctor who had those structures built owned the house. He was unaware of the structures were not in compliance in the back. The structures that had been there over 25 years.

Chairperson Gutierrez explained to Mr. Castillo the difference between a variance and a special exception. Mr. Castillo stated there were eight carports on his street. Chairperson Gutierrez mentioned to Mr. Castillo that staff had indicated most of them were built without permits.

Board member Mr. Avila asked the applicant if there was a garage there at one time. Mr. Castillo stated it could have been but it was not when he bought the house.

Chairperson Jose Gutierrez asked if there was anyone present in favor of the special exception. There was no one else in favor of the special exception.

Chairperson Jose Gutierrez asked if there was anyone present in opposition of the special exception. There was no one in opposition of the special exception.

Mr. Hernandez stated when staff went out there, street view, the rear carport was too small for a vehicle.

Vice-Chairperson Tafel had one issue with the wording of the special exception concerning "proposed wooden carport", even though the applicant stated he was proposing a metal carport. The other concern with the carport being up the property line.

Following discussion, Mr. Alex Lamela **moved** to table the special exception until the next meeting. Mr. Hugo Avila seconded the motion. The Board voted unanimously to table the special exception with five members present and voting.

- f) Request of Itzel Sanchez on behalf of Armando Sanchez for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 25 feet into the 25 feet front yard setback for an existing metal carport with canvas cover measuring 16 feet by 27 feet at Lot 81, Cielo Vista Subdivision Phase 1, Hidalgo County, Texas; 3013 Ursula Avenue. **(ZBA2023-0077)**

Ms. Moreno stated the applicant was requesting a special exception to encroach 25 feet into the 25-foot front yard setback. The request is for an existing metal carport with canvas cover for other vehicles and for weather protection.

The subject property was located along the south side of Ursula Avenue. The Lot has 52 feet of frontage along Ursula Avenue and a depth of 103 feet for a total of 5,356 square feet. The property is zoned R-1 (single family residential) District. There is R-1 district in all directions.



Cielo Vista Subdivision was recorded on March 3, 2007. The plat shows a front yard setback of 25 feet with no utility easement. A non compliance notice was issued on July 12, 2023 for a carport built without a permit. A building permit application was submitted on July 14, 2023. A special exception request application was submitted on July 25, 2023.

The applicant was requesting to keep the existing metal carport with canvas cover for weather reasons and because they have multiple large vehicles.

Carport seems to be encroaching into the right of way.

There was an existing one-car garage, which the applicant stated she uses it for her ATV since her vehicles are too large to fit.

Zoning Board of Adjustments has considered Special Exception requests for 6 properties within this subdivision. The Board approved six requests for Lots 2, 20, 21, 72, 75, and 78. Five of the requests were for encroachments of 25 feet into the 25 feet front yard setback and one request was for an encroachment of 24 feet into the 25 feet front yard setback.

At the meeting of June 26, 2023 City Commission approved Ordinance 138-371(g) in reference to the maximum square footage of 400 square feet allowed for a carport.

Special Exception are issued to and recorded for the present applicant/owner only. New property owners would be responsible to apply for a new special exception if requested.

Measurement provided are without benefit of a survey.

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

Staff was recommending disapproval for the Special Exception request due to exceeding the 400 square feet max for a carport stated in ordinance 138-371(g) and due to the fact; it may also be encroaching into the right of way.

Ms. Moreno stated the applicant brought in an amended proposal to cut back the metal carport after the legal notices had been mailed out.

Board member Avila asked staff the wording “appeared as ii seems to be encroaching in to the right of way”, how did it appear. Ms. Moreno stated the line in the front as shown behind the parked truck on the picture that could be the line for the right of way and it is without the benefit of a survey.

Chairperson Jose Gutierrez asked if there was anyone present in opposition of the special exception. There was no one in opposition of the special exception

Chairperson Jose Gutierrez asked if there was anyone present in favor of the special exception. There was no one else in favor of the special exception.

Vice-Chairperson Ann Tafel **moved** to approve the special exception based on applicant's amended request to reduce the carport. Mr. Rogelio Rodriguez seconded the motion. The Board voted unanimously to approve the special exception with five members present and voting.

**3. FUTURE AGENDA ITEMS:**

- a) 213 Upas Avenue
- b) 2108 North 32<sup>nd</sup> Street
- c) 3309 North 29<sup>th</sup> Street

**ADJOURNMENT**

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

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Chairperson Jose Gutierrez

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Carmen White, Administrative Assistant

## **Memo**

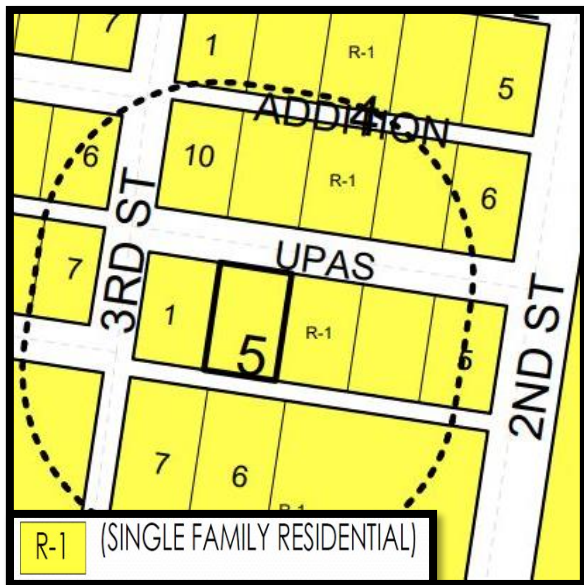
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** September 14, 2023

**SUBJECT:** REQUEST OF ENRIQUE GARZA FOR A SPECIAL EXCEPTION AND VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW 1.) AN ENCROACHMENT OF 5 FEET 9 INCHES INTO THE 6 FEET SIDE YARD SETBACK AND ENCROACHING 3 FEET INTO THE 10 FEET REAR YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 20 FEET BY 25 FEET AND 2.) ALLOW AN ENCROACHMENT OF 2.5 FEET INTO THE 6 FEET SIDE YARD SETBACK AND 5.5 FEET INTO THE 10 FEET REAR YARD SETBACK FOR AN EXISTING STORAGE MEASURING 12 FEET BY 16 FEET AT LOT 2, BLK 5, CAROLYN ADDITION, HIDALGO COUNTY, TEXAS; 213 UPAS AVENUE. (ZBA2023-0083)

**REASON FOR APPEAL:** The applicant is requesting the above Special Exception and Variance to encroach into the rear and side yard setback. The applicant has stated he uses the carport for vehicle protection and the storage to store large items..



**PROPERTY LOCATION AND VICINITY:** The subject property is located along the south side of Upas avenue. The lot has 80 feet of frontage and 120 feet of depth for a total of 9, 600 square feet. The property is zoned R-1 (single family residential) District. There is R-1 District in the area.

**BACKGROUND AND HISTORY:** Carolyn Addition was recorded on February 24, 1959. The plat shows a 10 feet rear yard setback for the subdivision and a 6 feet side yard setbacks . On July 28, 2023 a non compliance order was issued. On July 28, 2023 the applicant applied for a building permit. On August 17, 2023 the applicant applied for a Special Exception.

**ANALYSIS:** This request is for an existing metal carport and storage to be allowed to remain at its current location. Applicant stated the carport is used to provide shade for the home owners and their vehicles and the storage for placement of large household items that can not fit in side the home.

Applicant does have a garage in the property which applicant stated his vehicles do not fit.

During site visit staff reveal another structure encroaching in to the side and rear yard setback. Applicant was willing to add the structure in the application (storage).

Site visit by staff revealed 7 other rear encrachments within the subdivision, which did not have permits.

Measurements provided are without benefit of a survey.

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

**RECOMMENDATION:** Staff is recommending disapproval for special exception and variance due to the carport exceeding the 400 square feet for a carport and due to not being characteristic of the neighborhood.

ZBOA: 09/20/2023



City of McAllen

## Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

ZBA 2023-0083

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

## Project

Legal Description

Carolyn Lot # 2 Block # 5

Subdivision Name

Carolyn Addition

Street Address

213 Upas

Number of lots

2

Gross acres

Existing Zoning

R-1

Existing Land Use

R-1

Reason for Appeal (please use other side if necessary)

Carport encroachment 5ft 9in into lot

Side yard and 11.3 feet into the rear yard

Shed is 12' x 16' 2.5' (encroaches) into side yard &amp; 5.5' into rear yard

☒ \$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 Enrique Garza

Phone 956-342-2151

Address 213 Upas

E-mail egarza82@gmail.com

City McAllen

State Tx

Zip 78501

## Owner

Name Enrique Garza

Phone 956-342-2151

Address 213 Upas

E-mail egarza82@gmail.com

City McAllen

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☒ No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature

Date

8-17-23

Print Name

Enrique Garza

☒ Owner☐ Authorized Agent

## Office

Accepted by

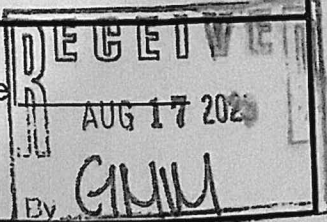
Payment received by

GMM

Date

AUG 17 2023

Rev 09/20







**City of McAllen**  
**Planning Department**  
**REASON FOR APPEAL & BOARD ACTION**

Reason for Appeal

\*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: (Please use an additional page if necessary to complete responses)  
\*\*Information provided here by the applicant does not guarantee that the Board will grant a variance.  
\*\*\*Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.

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

Using it as a carport / patio for protection of cars. We are not able to use our current garage because vehicles are not able to go in.

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

Security reasons for vehicles / shade and provide a patio section. Additional hail damage protection. Storage unit is being used to store items that can be held inside.

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

Carport is not all the way to the property line - proper drainage - and spoke to neighbor to check if he had any concerns. - He stated that he didn't.

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

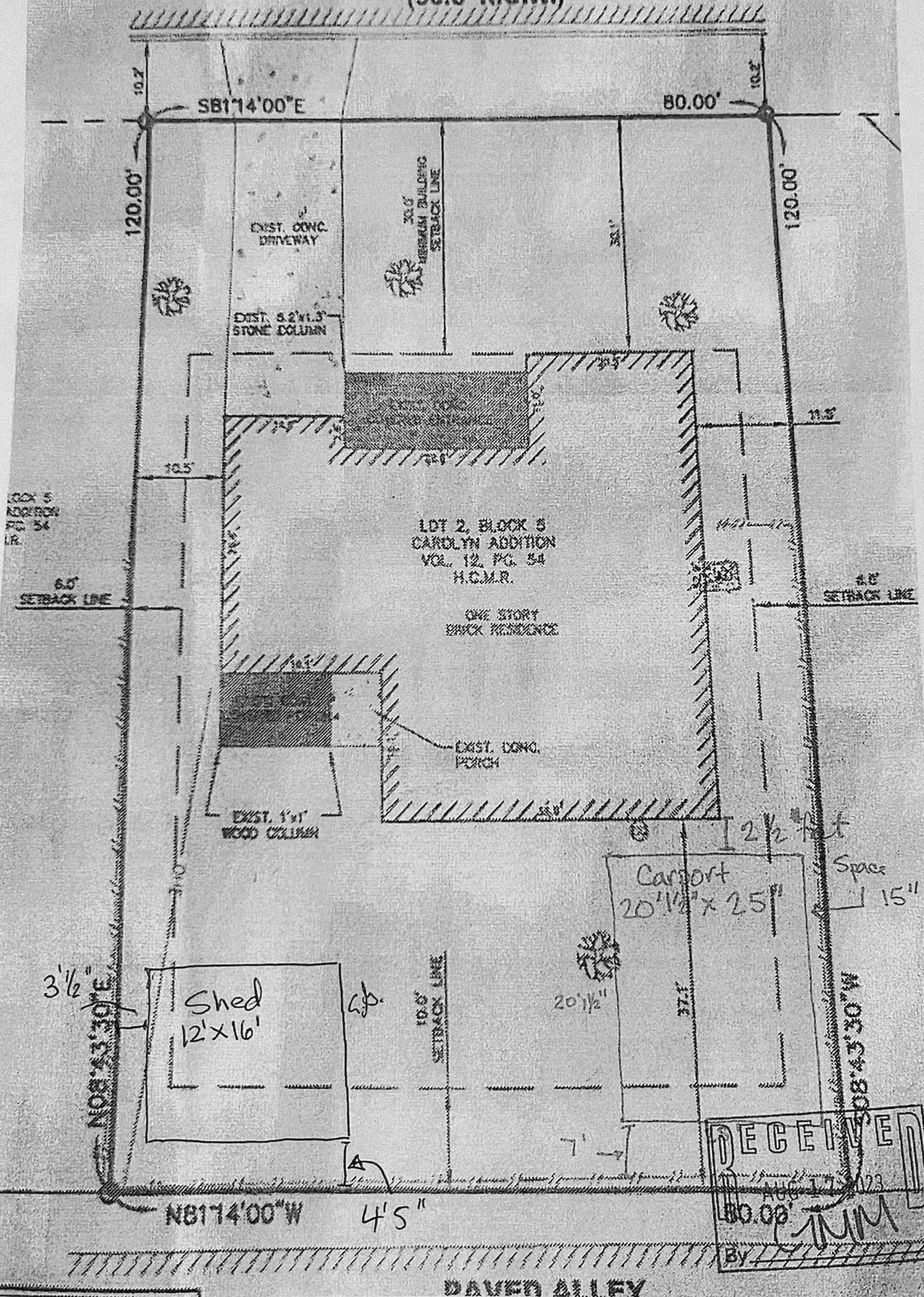
Using the carport for protection of cars and also as a patio for family. The 12x16 Shed is being used to store large items and other maintenance tool. Shed is on the ground - not a concrete foundation.

Board Action

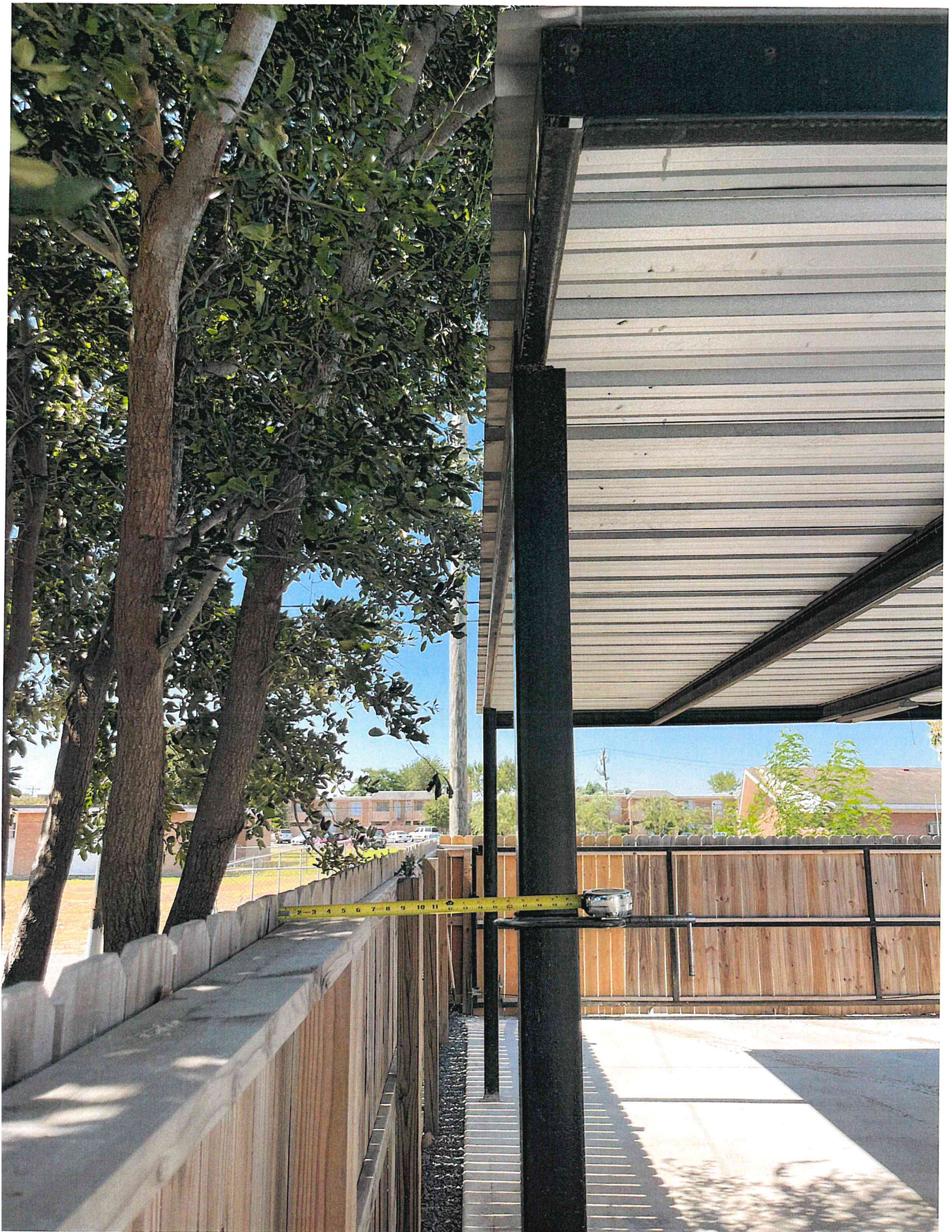
Chairman, Board of Adjustment  
Signature

Date

UPAS AVE.  
(50.0' R.O.W.)























213

NOTICE  
VARIANCE  
SPECIAL EXCEPTION  
FOR  
THIS PROPERTY  
ZBA2023-00 83  
CITY OF WILLOW PARK, TEXAS  
PLANNING DEPT.  
1000 W. WILLOW PARK BLVD.  
WILLOW PARK, TEXAS 75087



## **Memo**

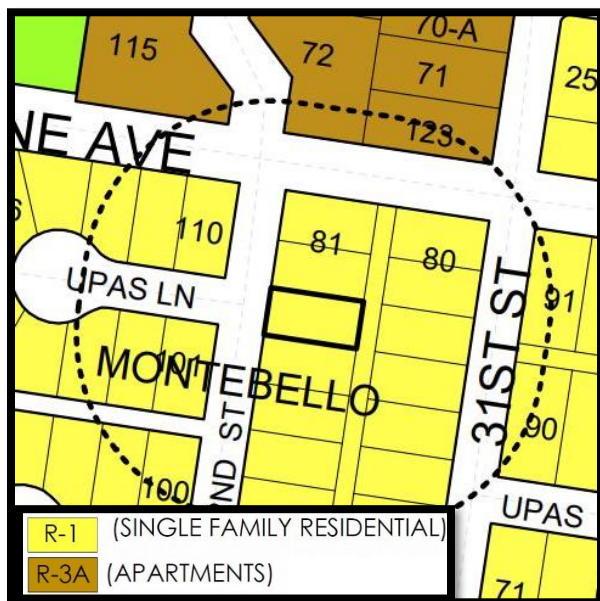
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** September 14, 2023

**SUBJECT:** REQUEST OF ALMA BERAZA FOR A SPECIAL EXCEPTION AND VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO 1.) ALLOW AN ENCROACHMENT OF 4 FEET INTO THE 6 FEET SIDE YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 19 FEET BY 21.6 FEET AND 2.) TO ALLOW AN ENCROACHMENT OF 3.2 FEET INTO THE 10 FEET REAR YARD SETBACK FOR AN EXISTING PATIO MEASURING 25 FEET BY 25 FEET AND 3.) TO ALLOW AN ENCROACHMENT OF 5 FEET INTO THE 6 FEET SIDE YARD SETBACK FOR A STORAGE MEASURING 10 FEET BY 7 FEET AT LOT 83, MONTEBELLO UNIT NO. 3, HIDALGO COUNTY, TEXAS; 2108 NORTH 32ND STREET. (ZBA2023-0085)

**REASON FOR APPEAL:** The applicant is requesting the special exception and variance for encroachments into the side yard and rear yard setback for an existing metal carport, patio and storage. The applicant stated the carport is for vehicle protection and the patio for gatherings.



**PROPERTY LOCATION AND VICINITY:** The subject property is located along the east side of 32<sup>nd</sup> street. The lot has 51 feet of frontage and 100 feet of depth for a total of 5,100 square feet. The property is zoned R-1 (single family residential) District. There is R-1 and R-3A (Apartments) District around the area.

**BACKGROUND AND HISTORY:** Montebello No.3 Subdivision was recorded on October 20, 1981. The plat shows a 10 foot rear yard setback and a 6 feet side yard setback for the subdivision. On July

28, 2023 a non-compliance order was issued. On August 02, 2023 the applicant applied for a building permit. On August 18, 2023 the applicant applied for a Special Exception.

**ANALYSIS:** The applicant is requesting to keep the requests for a more comfortable experience. The applicant stated that it is nice to arrive home on a rainy day and be able to get out of vehicle without getting wet.

Applicant does have a one car garage in the property, but vehicle is to large to fit so she uses it as storage.

During site visit staff revealed other structures in the rear that are encroaching into the rear yard and side yard setback. Applicant was willing to add those encroachments into this application (storage and patio).

Applicant stated that the storage would be removed at a later time.

Site visit by staff revealed 10 other encroachments, which did not have permits.

Measurements provided are without benefit of a survey.

Staff did receive one letter in support of the request.

**RECOMMENDATION:** Staff is recommending disapproval for requests 1,2 and 3 due to not being characteristic to the neighborhood and can create a safety hazard in case of a fire.

ZBA: 9/20/23

ZBA7073-0085



# City of McAllen

## Planning Department

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

### APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE

Project	<p>Legal Description <u>Montebello UT No. 3 Lot 83</u></p> <p>Subdivision Name <u>Montebello UT No 3 Lot 83</u></p> <p>Street Address <u>2108 N. 32nd St</u></p> <p>Number of lots <u>1</u> Gross acres <u>0</u></p> <p>Existing Zoning <u>RD-1</u> Existing Land Use <u>RD-1</u></p> <p>Reason for Appeal (please use other side if necessary) <u>Carport is in croaching 4 ft into 6 ft - add back patio is in croaching 3.2 into 10 ft</u></p> <p><input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input checked="" type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport)</p> <p><input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required <u>Storage building inside 5 ft into 6 ft</u></p>
	<p>Name <u>Alma BERAZA</u> Phone <u>956-789-8816</u></p> <p>Address <u>2108 N. 32nd St</u> E-mail <u>almaberaza@yahoo.com</u></p> <p>City <u>McAllen</u> State <u>TX</u> Zip <u>78501</u></p>
Owner	<p>Name <u>Alma D. &amp; Juan M BERAZA</u> Phone <u>956-789-8816</u></p> <p>Address <u>2108 N. 32nd St</u> E-mail <u>almaberaza@yahoo.com</u></p> <p>City <u>McAllen</u> State <u>TX</u> Zip <u>78501</u></p>
Authorization	<p>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?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>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.</p> <p>Signature <u>Alma Beraza</u> Date <u>8/18/23</u></p> <p>Print Name <u>Alma Beraza</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent</p>
Office	<p>Accepted by <u>[Signature]</u> Payment received by _____ Date <u>AUG 18 2023</u></p> <p>Rev 10/18</p> <p>By <u>GMM</u></p>

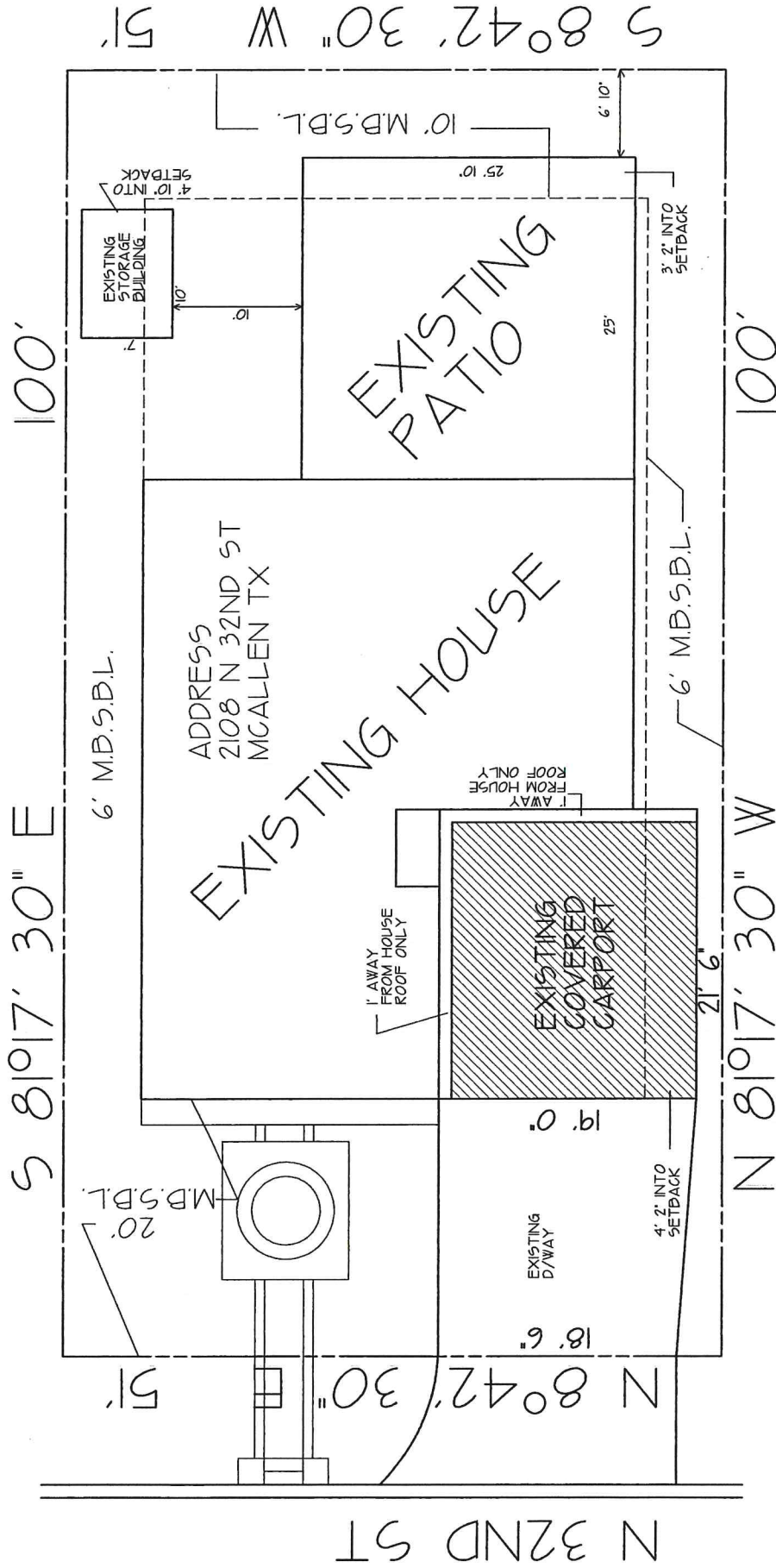


Carport - ALMA BERAZA - 2108 N. 32nd St

- ① Avoiding sun damage -
- ② A more comfortable experience. The car gets brutally warm. It's nice to get home on a rainy day and be able to get out of the vehicle without getting soaked.
- ③ ~~Protect~~ Protects car in hail storms
- ④ The carport is used to work on projects, make bbg, ~~fix~~ work on my daughter's car.
- ⑤ I have ~~serve~~ <sup>severe</sup> arthritis on right knee. Doctor says I will need a knee replacement in the near future.



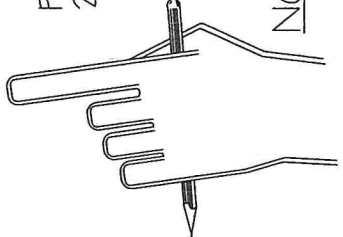




PLAN #  
2023047

SITEPLAN  
OF

LOT 83  
MONTEBELLO SUBDIVISION  
UNIT NO 3



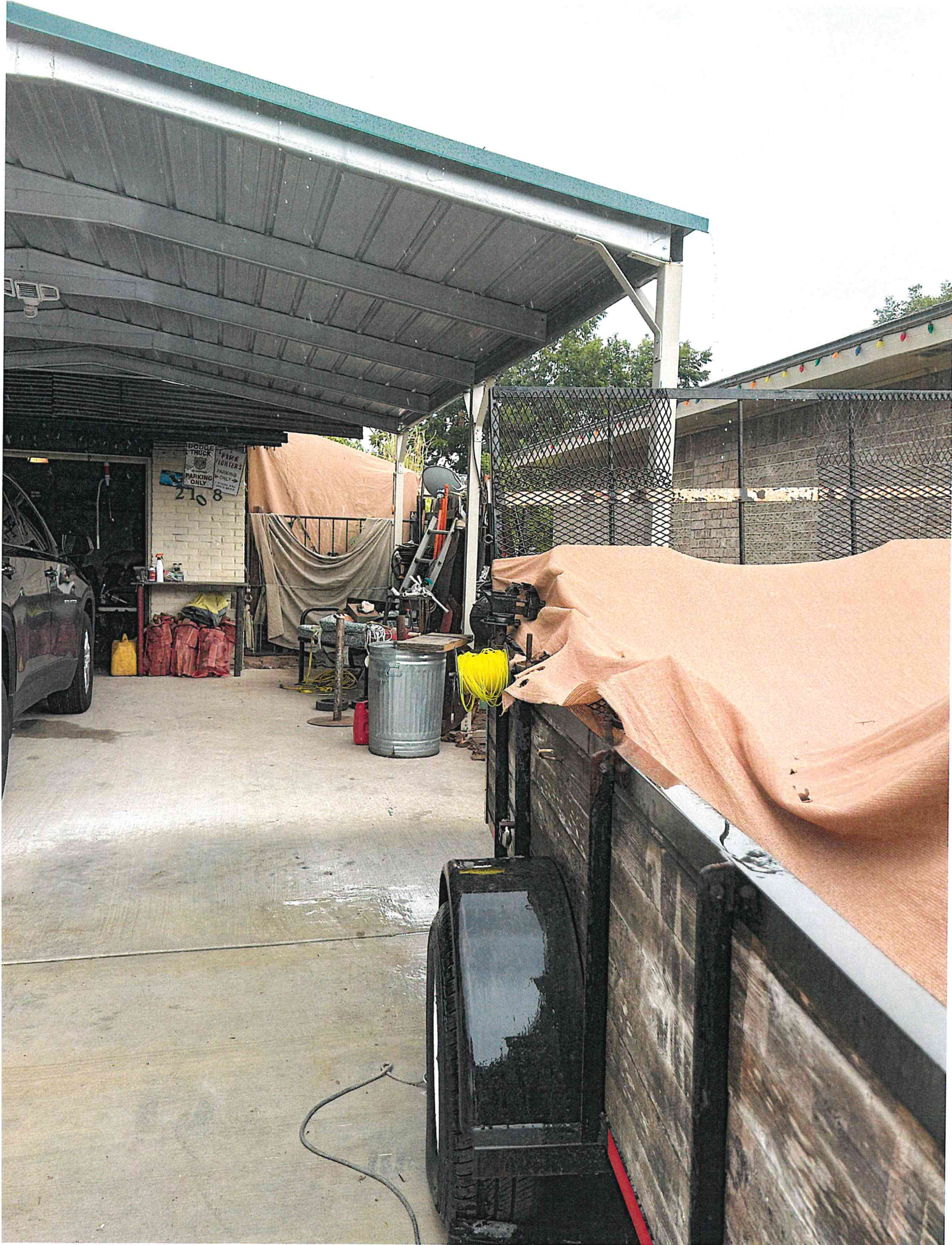
MINIMUM BUILDING SETBACK LINES  
TO BE AS FOLLOWS  
FRONT YARD 20'  
SIDE YARD 6'  
REAR YARD 10'  
GARAGE 18'

MINIMUM FINISH FLOOR ELEVATION  
TO BE A MINIMUM OF 18" ABOVE TOP  
OF CURB, CENTER OF STREET OR  
HIGHEST PART OF THE PROPERTY  
WHICHEVER IS GREATER.

OR AS PER CITY CODE'S CONTRACTOR  
TO VERIFY WITH CITY BEFORE STARTING  
PROJECT



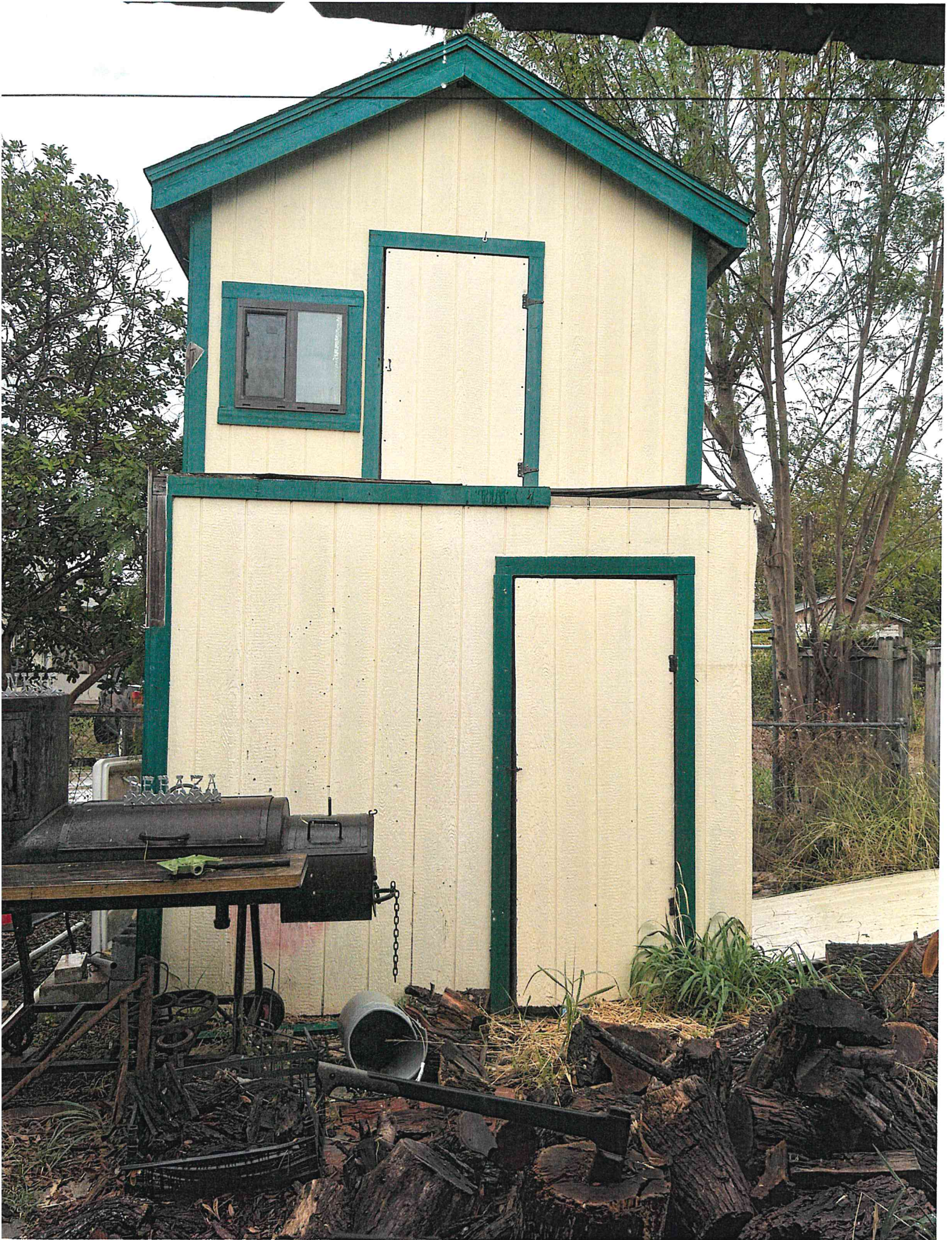




















NOTICE  
VARIANCE  
SPECIAL EXCEPTION  
FOR  
THIS PROPERTY  
ZBA2023-0085



## Memo

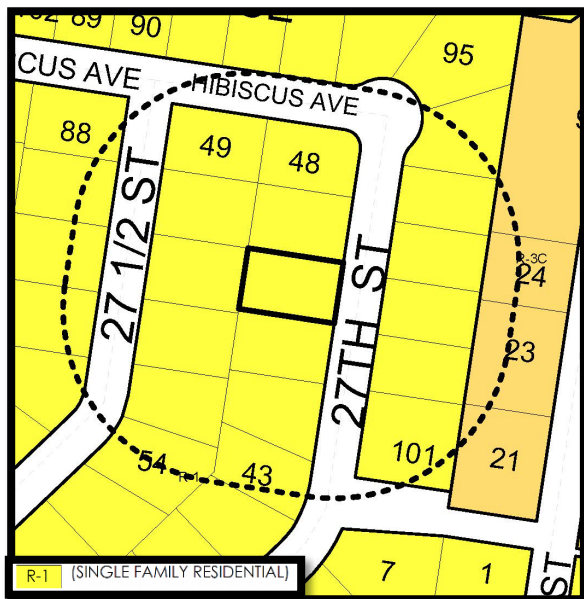
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** August 30, 2023

**SUBJECT: REQUEST OF JAVIER BENAVIDEZ & DALIA GARCIA FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 14.5 FEET INTO THE 20 FOOT FRONT YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 19 FEET BY 24 FEET AT LOT 46 & NORTH 5 FT OF 45, GARDENIA TERRACE UNIT NO. 2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 3309 NORTH 27<sup>TH</sup> STREET. (ZBA2023-0087)**

**REASON FOR APPEAL:** The applicant is requesting a Special Exception to encroach 14.5 feet into the 20 feet front yard setback for an existing carport measuring 19 feet by 24 feet for protection from the sun, hail and severe heat for her vehicles and also for protection to the family as they go in and out of the house. Applicant is proposing to reduce the size of carport to meet the 400 square feet as per city ordinance.



**PROPERTY LOCATION AND VICINITY:** The subject property is located along the West side of North 27<sup>th</sup> Street just South of Hibiscus Avenue. The lot has 75 feet of frontage and 110.00 feet of depth for a total of 8,250 square feet. The property is zoned R-1 (single family residential) District. The surrounding zones include R-1(single-family residential) all around.

**BACKGROUND AND HISTORY:** Gardenia Terrace Unit No. 2 subdivision was recorded on July 14, 1975. The plat shows a 20 foot front yard setback for the subdivision. On August 23, 2023, the applicant applied for a Special Exception to encroach 14.5 feet into the 20 feet front yard setback.

**ANALYSIS:** The applicant submitted a new site plan and letter to reduce the carport depth to 21 feet and comply with the new ordinance to meet the square footage. Applicant is requesting a Special Exception to allow an encroachment of 11.5 feet into the 20 foot front yard setback for an existing metal carport that would now measure 19 feet by 21 feet for protection from the sun, hail and severe heat for her vehicles and family as they go in and out of the house. Applicant states a recent hail storm did some damage to one of her vehicles and the severe heat broke a window to her car.

Site visit by staff revealed 4 other carports in the area, in which two are built without a permit. A variance for a canopy was approved on May 17, 2012 for Lot 94. A building permit was issued for a carport for Lot 41.

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

Measurements provided are without benefit of a survey.

**RECOMMENDATION:** Staff is recommending approval of the special exception request as per applicant is reducing the size of the carport.



ZBA2023-0087

ZBA-9/20/23



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project	Legal Description <u>Gardenia Terrace unit #2 lot 46 &amp; N5' lot 45</u>
	Subdivision Name <u>Gardenia Terrace unit #2</u> Street Address <u>3309 N 27<sup>th</sup> street</u>
	Number of lots <u>1</u> Gross acres _____ Existing Zoning <u>R-1</u> Existing Land Use <u>Residence</u> Reason for Appeal (please use other side if necessary) <u>variance for existing car port 19' x 24' encroaching 16' in to the 20' front yard set back</u> <input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input checked="" type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport) <input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required
Applicant	Name <u>Javier Benavides Dalia Garcia</u> Phone <u>(956) 789-5017 (956) 223-6671</u> Address <u>3309 N 27 street</u> E-mail _____ City <u>McAllen</u> State <u>TX</u> Zip <u>78501</u>
Owner	Name <u>Javier Benavides Dalia Garcia</u> Phone <u>(956) 789-5017 (956) 223-6671</u> Address <u>3309 N 27 street</u> E-mail _____ City <u>McAllen</u> State <u>TX</u> Zip <u>78501</u>
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization. Signature <u>[Signature]</u> Date <u>8-23-23</u> Print Name <u>Javier Benavides Dalia Garcia</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent
Office	Accepted by <u>P.H.</u> Payment received by _____ Date _____ Rev 10/18 <u>[Signature]</u> <div data-bbox="1234 1840 1567 2053" data-label="Image"> </div>



**City of McAllen**  
**Planning Department**  
**REASON FOR APPEAL & BOARD ACTION**

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

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

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

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

to prevent hail damage to vehicles also heat broke windshield of vehicles and to protect my children for the elements of sun and heat

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

to allow the construction of this carport due to reasons stated in question # 1

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

will not affect any of my neighbor because it is built within my property limits

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

protection of my children and vehicles from weather elements

Reason for Appeal

Board Action

Chairman, Board of Adjustment  
Signature

Date



# ● ROOF ACCESS POINT

ROOF ACCESS POINT SHALL NOT BE LOCATED IN AREAS THAT DO NOT REQUIRE THE PLACEMENT OF GROUND LADDERS OVER OPENINGS SUCH AS WINDOWS OR DOORS, AND LOCATED AT STRONG POINTS OF BUILDING CONSTRUCTION IN LOCATIONS WHERE THE ACCESS POINT DOES NOT CONFLICT WITH OVERHEAD OBSTRUCTIONS SUCH AS TREE LIMBS, WIRES OR SIGNS.

## SYSTEM SUMMARY

33 HANWHA Q.CELL Q.PEAK DUO-G5 325 (325W) MODULES  
01 SOLAREDGE SE10000H-US (240V) INVERTER  
33 SOLAREDGE POWER OPTIMIZER P340  
SYSTEM SIZE: 10.73 KW DC STC

ROOF #2  
(7) HANWHA Q.CELL Q.PEAK DUO-G5 325 (325W) MODULES

(E) UTILITY METER  
(N) MAIN SERVICE PANEL (OUTSIDE WALL)  
(N) VISIBLE, LOCKABLE, LABELED AC DISCONNECT

ROOF ACCESS POINT

(E) FENCE (TYP.)

ROOF #1

(26) HANWHA Q.CELL Q.PEAK DUO-G5 325 (325W) MODULES



Wyssling Consulting  
Firm No. 20109

1 PLOT PLAN WITH ROOF PLAN

PV-1

SCALE: 3/32" = 1'-0"

*Dalia Gracia DLG 9-14-2023*



INTEGRATED  
SOLAR  
TECHNOLOGIES  
5120 SERVICE CENTER DRIVE  
SAN ANTONIO, TX 78219  
210-955-1000  
AUG 23 2023  
BY *[Signature]*

### REVISIONS

DESCRIPTION	DATE	REV

Signature with Seal

### CUSTOMER INFORMATION

DALIA GRACIA  
3309 NORTH 27TH STREET,  
McALLEN, TX 78501 USA  
EMAIL ID#- dalia.benavides3@gmail.com  
PHONE NO.# 19562236671  
APN# G120002000004600

SHEET NAME  
PLOT PLAN WITH  
ROOF PLAN

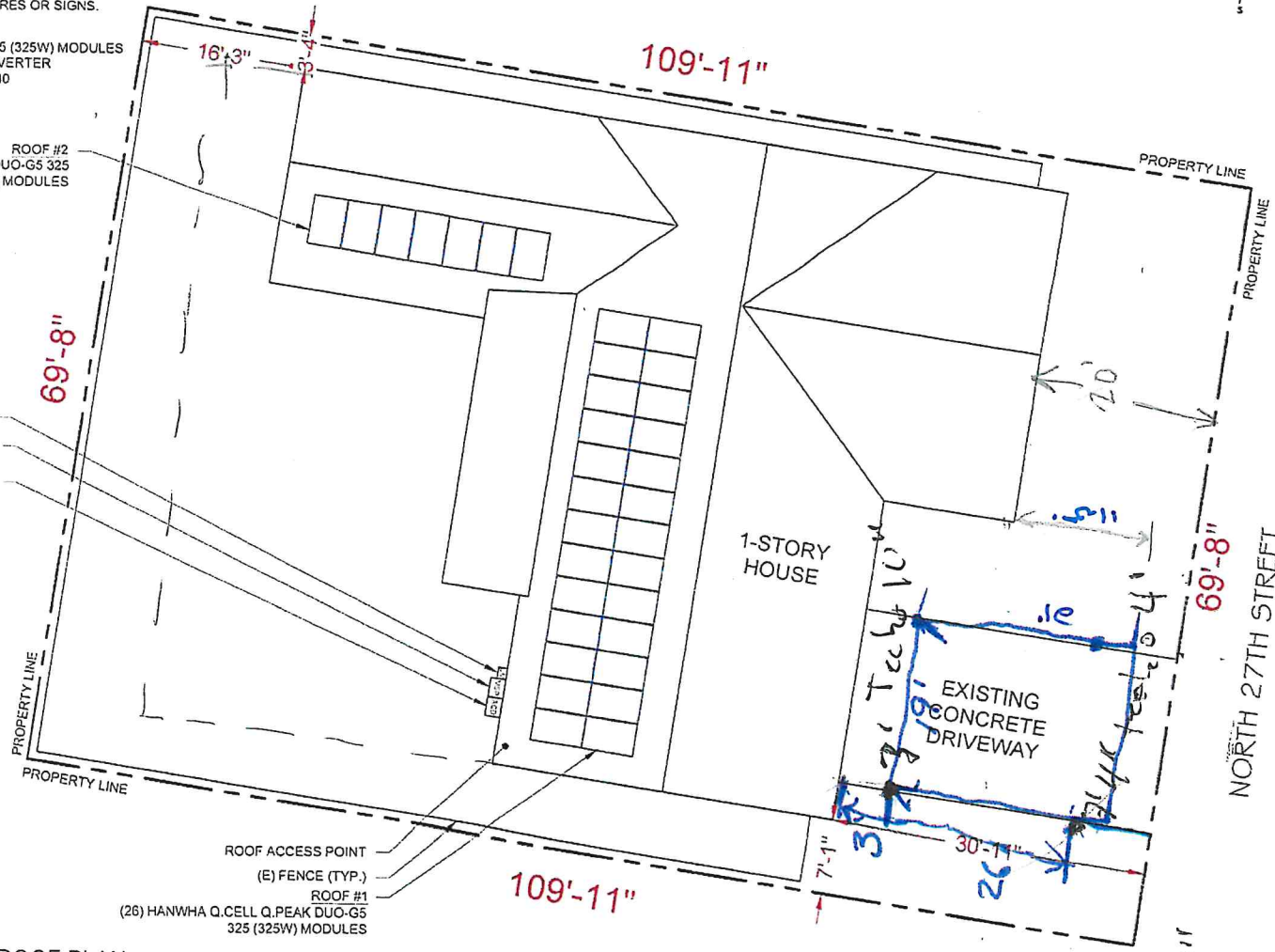
SHEET SIZE

ANSI B

11" X 17"

SHEET NUMBER

PV-1















3305

116728563



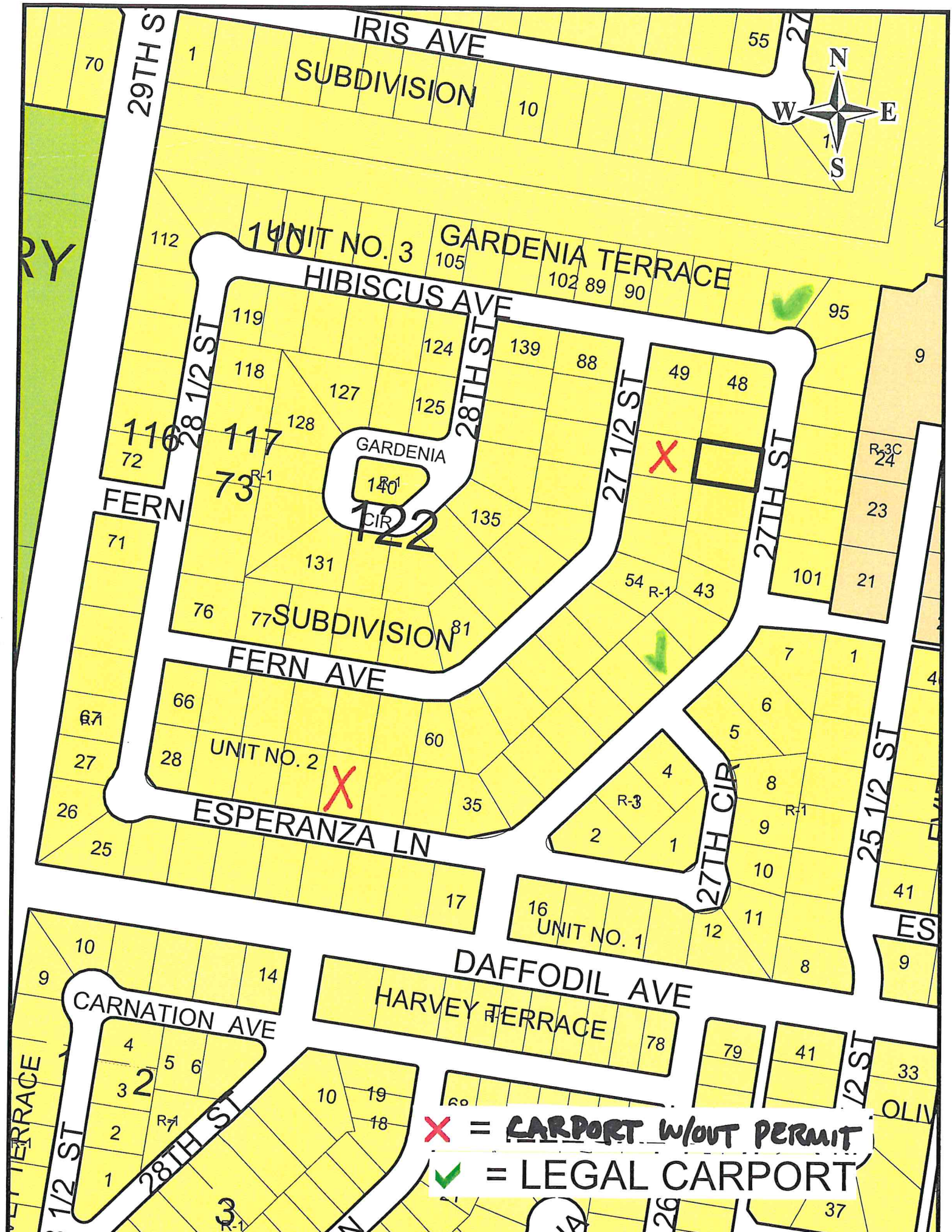






NOTICE  
VARIANCE  
SPECIAL EXCEPTION  
FOR  
THIS PROPERTY  
ZBA2023-0087





**X = CARPORT W/OUT PERMIT**  
**✓ = LEGAL CARPORT**



## **Memo**

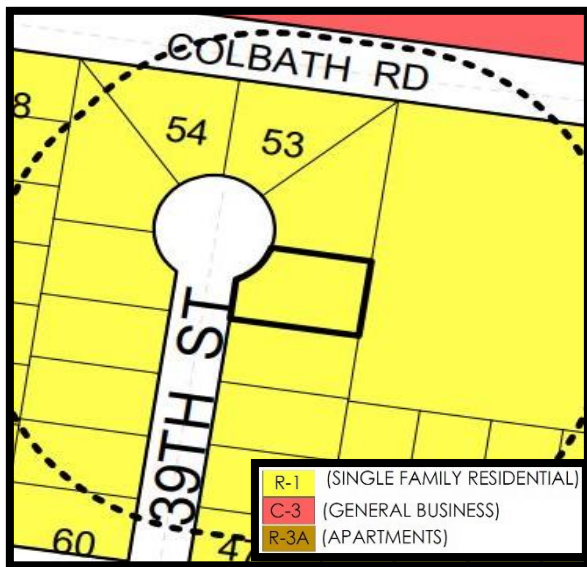
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** September 14, 2023

**SUBJECT: REQUEST OF JOSE GUADALUPE CANTU FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 5 FEET INTO THE 6 FEET SIDE YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 21 FEET BY 24 FEET AT LOT 51, ALTA LINDA, HIDALGO COUNTY, TEXAS; 1909 SOUTH 39TH STREET. (ZBA2023-0079) (TABELED 09/07/2023)**

**REASON FOR APPEAL:** The applicant is requesting a special exception to encroach 5 feet into the 6 feet side yard setback. It helps the applicant with his outside exercises in a shaded area and for vehicle protection.



**PROPERTY LOCATION AND VICINITY:** The subject property is located along the west side of 39<sup>th</sup> Street. The lot has a 70 feet of frontage and 108 feet of depth for a total of 7,560 square feet. The property is zoned R-1 (single family residential) District. There is R-1, R-3A(Apartments) and C-3(General Business) Districts around the area.

**BACKGROUND AND HISTORY:** Alta Linda Subdivision was recorded on February 13, 1979. The plat shows a 25 feet front yard setback and a 10 feet curve setback for the subdivision. There is a 5 feet utility easement on the north side of the property. On August 23, 2022 a stop work order was issued. On August 24, 2022 a building permit was submitted. On January 16, 2023 a non-compliance order was issued. On May 13, 2023 another stop work order was issued. On August 2, 2023 a Special Exception application was submitted.

**ANALYSIS:** The applicant is requesting this Special Exception to keep the carport. Applicant is disabled and it will help him with his daily therapy exercise activities recommended by his doctor.

Site visit by staff revealed 1 other carport in the area, which did not have a permit.

During site visit the applicant has two other structures in the back that may be encroaching into the side yard setback and rear yard setback. Applicant stated he will be removing those structures.

Applicant does have a consent to encroachment letter by AEP which the court recorded on January 04, 2023.

There is no garage in the property.

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

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

Measurements provided are without benefit of a survey.

At the last meeting on September 7th the applicant was given an opportunity to cut it back to make it at least the minimum 400 square feet requirement for a carport.

Applicant mentioned he received quotes on removing portion of the carport and it would be more costly for him to cut it back, therefore no proposal was made.

**RECOMMENDATION:** Staff is recommending disapproval for the Special Exception request due to exceeding the 400 square feet max for a carport stated in ordinance 138-371(g) and also not being characteristic to the neighborhood.

ZBA2023-0079

ZBA  
9/7/2023

City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

311 North 15<sup>th</sup> Street  
McAllen, TX 78501

P. O. Box 220

McAllen, TX 78505-0220

(956) 681-1250

(956) 681-1279 (fax)

Project

Legal Description

Alta Linda, Lot 51

Subdivision Name

Alta Linda

Street Address

1909 S. 39 St.

Number of lots

Gross acres

Existing Zoning

R-1

Existing Land Use

SFH

Reason for Appeal (please use other side if necessary)

encroaching 5 ft into  
the 6 ft side set back☒ \$300.00 non-refundable filing fee + ☒ \$50.00 Recording Fee for Special Exception (carport)☐ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

Applicant

Name JOSE Guadalupe CANTU

Phone 956-605-4287

Address 1909 S. 39 St.

E-mail JOSE.CANTU1965@gmail.com

City MCALLEN

State TX

Zip 78503

Owner

Name JOSE Guadalupe Cantu

Phone 956-605-4287

Address 1909 S. 39 St.

E-mail JOSE.CANTU1965@gmail.com

City MCALLEN

State TX

Zip 78503

Authorization

To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?

☐ Yes☒ NoI certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable)  
OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature

JOSE G. CANTU

Date

7-31-23

Print Name

JOSE G. CANTU

☒ Owner☐ Authorized Agent

Office

Accepted by

NM

Payment received by

Date

AUG 02 2023

Rev 10/18

BY:

CW





# City of McAllen

## Planning Department

### REASON FOR APPEAL & BOARD ACTION

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

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

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

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

I am dissable, I've had spinal cord surgeries and this extra space helps me with my therapy exercises recommended by my doctor. Ex walking in the shaded areas

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

With this on my property I'm able to spend and give my grandchildren quality time to create memories that will last a lifetime.

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

this structure is very well built, and will not be in the way my neighbors and will not affect them in any which way.

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

Having this on my property helps me in many ways. Here are some examples. It helps me protect my ~~veich~~ vehicles from and protect my house from extreme temperatures. I have

Reason for Appeal

Board Action

Chairman, Board of Adjustment  
Signature

Date

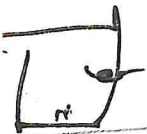
AUG 02 2023

BY:

varian

North

39 st.

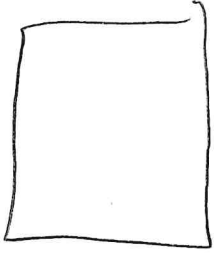




~~22.9 from wall to post~~

21 from post to  
post

24



Post  
1.7 inches













NOTICE  
VARIANCE  
SPECIAL EXCEPTION  
FOR  
THIS PROPERTY  
ZBA2023-0079



## **Memo**

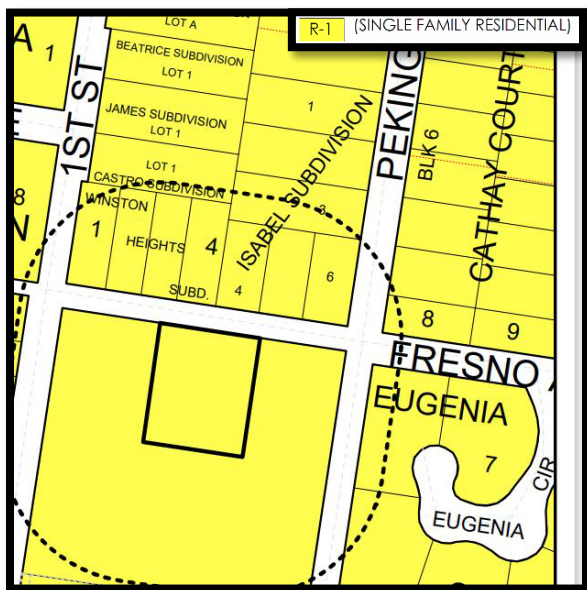
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** August 22, 2023

**SUBJECT: REQUEST OF CARLOS ALARCON ON BEHALF OF JAMES WEAVER FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 6 FEET INTO THE 6 FOOT EAST SIDE YARD SETBACK FOR A CARPORT MEASURING 15 FEET BY 35 FEET AT RANCHO DE LA FRUTA NO. 1, LOT E 142.5' OF W 285' OF N 184.22' OF 11, HIDALGO COUNTY, TEXAS; 108 EAST FRESNO AVENUE. (ZBA2023-0081)**

**REASON FOR APPEAL:** The applicant is requesting a Special Exception for an encroachment of 6 feet into the 6 feet East side yard setback to allow an existing metal carport which is needed based on the plan design of the house.



**PROPERTY LOCATION AND VICINITY:** The subject property is located along the South side of Fresno Avenue approximately 138 feet East of South 1<sup>st</sup> Street.. The lot has 142.50 feet of frontage and 169.22 feet of depth for a total of 24,113.85 square feet. The property is zoned R-1 (single family residential) District. The property is surrounded by R-1 in all directions.

**BACKGROUND AND HISTORY:** Rancho de la Fruta #1 was recorded on May 22, 1920. The plat shows a 6 foot side yard setback. On June 28, 2023 a stop work order was issued. On July 3, 2023 the applicant applied for a building permit. On August 7, 2023, the applicant applied for a special exception encroaching 6 feet into the 6 foot side yard setback.

**ANALYSIS:** The applicant is requesting a special exception in order to allow an encroachment of 6 feet



into the 6 foot East side yard setback to allow an existing metal carport that has no flammable materials in which is needed based on the plan design of the house. Applicant states there is a "Save and Except" that allows the carport to the limit of the property. After item was tabled, applicant met with staff and submitted photos showing a string line of the east line of the property. It shows carport not encroaching into the neighbors property and depicts how there is room to walk along the side. Mr. Alarcon did propose to reduce the size of the carport to meet the 400 sq ft as per city ordinance but a revised site plan was not submitted.

Site visit by staff revealed no other carports in the area. Staff noticed structures in the rear of property that could be encroaching onto the rear setback and will be attended at a later time.

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

Measurements provided are without benefit of a survey.

**RECOMMENDATION:** Staff is recommending disapproval due to structure not being characteristic of the neighborhood and exceeding the 400 square foot max for a carport stated in ordinance 138-371(g). Further analysis revealed the "Save and Except " portion is not part of the lot, thus carport would be encroaching into neighboring property.



ZBA 2023-0081

ZBBA  
9-7-2023

City of McAllen

## Planning Department

APPEAL TO ZONING BOARD OF

## ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project	<p>Legal Description <u>Lot E</u></p> <p>Subdivision Name <u>Rancho de la Fruta #I</u></p> <p>Street Address <u>108 E. Fresno Ave.</u></p> <p>Number of lots <u>1</u> Gross acres _____</p> <p>Existing Zoning <u>R-1</u> Existing Land Use <u>R-1</u></p> <p>Reason for Appeal (please use other side if necessary) <u>6' encroachment into 6' (Letter Attachment) - Side sets back (East Side)</u></p> <p><input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input checked="" type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport)</p> <p><input checked="" type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required</p>
Applicant	<p>Name <u>Carlos Alarcon</u> Phone <u>(956) 295-1642</u></p> <p>Address <u>900 E. Dallas Ave #5</u> E-mail <u>alarcongroup@yahoo.com</u></p> <p>City <u>McAllen</u> State <u>Tx</u> Zip <u>78501</u></p>
Owner	<p>Name <u>James Weaver</u> Phone <u>(956) 624-4113</u></p> <p>Address <u>108 E. Fresno Ave</u> E-mail <u>alarcongroup@yahoo.com</u></p> <p>City <u>McAllen</u> State <u>Tx</u> Zip <u>78501</u></p>
Authorization	<p>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?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>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.</p> <p>Signature <u>[Signature]</u> Date <u>8-3-2023</u></p> <p>Print Name <u>James Weaver</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent</p>
Office	<p>Accepted by <u>SEN</u> Payment received by _____ Date <u>AUG 07 2023</u></p> <p>Rev 09/20 <u>OS</u> BY: <u>CW</u></p>





City of McAllen  
Planning Department  
REASON FOR APPEAL & BOARD ACTION

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

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

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

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

On East of my property a carport is needed under the plan of my house, based on a 1.5' by 184.22' on save and except limit to my property.

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

On the survey made by "Art Sainas engineering" and in plan the describes the location on my properties limits is the carport for my house. zoning R-1

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

It has no flammable materials, we have a property "Save and except" on the survey from the limits that allows me to the limit of my property

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

"SAVE and Except"

15' conveyed to Dwight by 35' between properties.

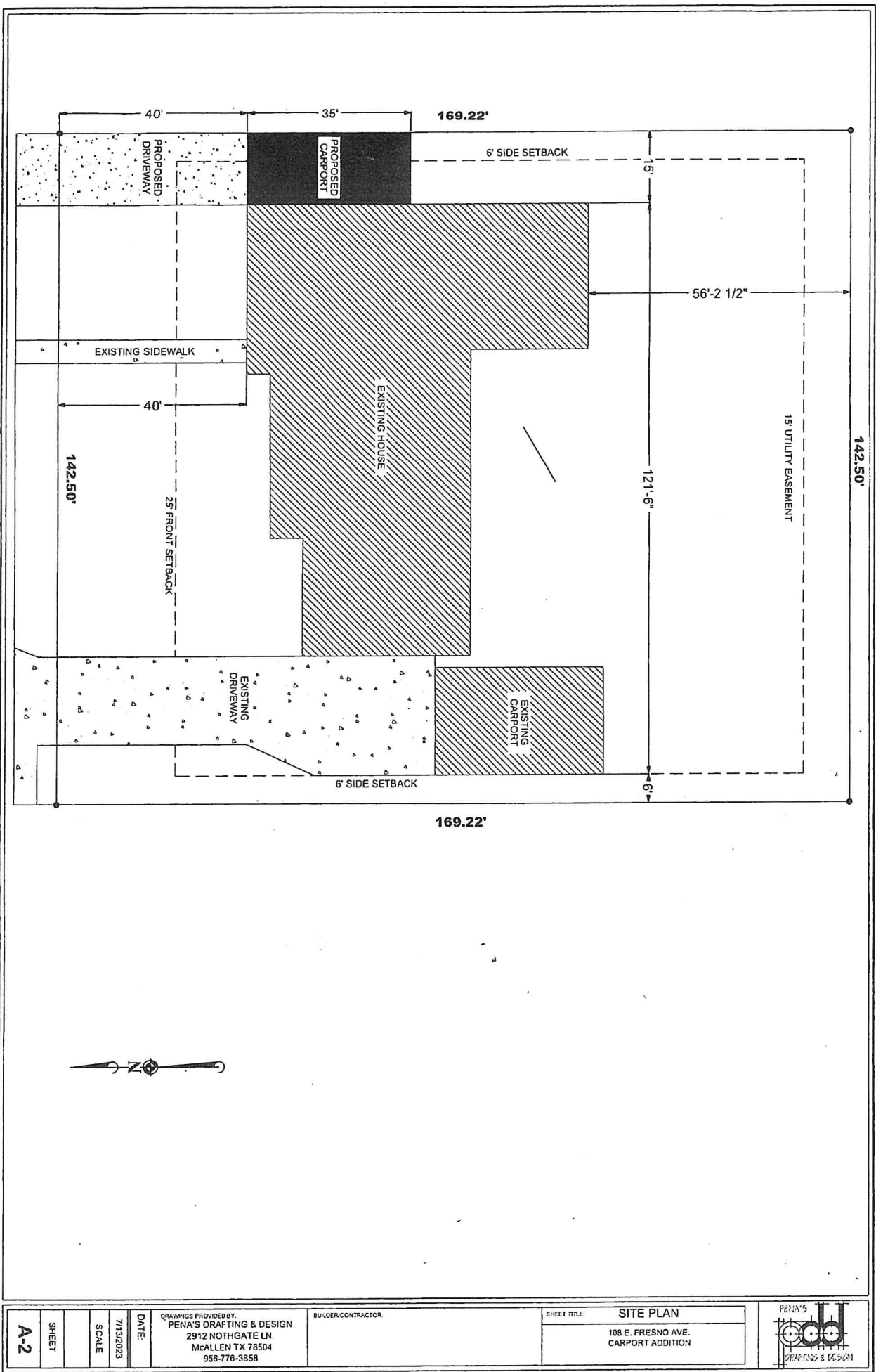
Reason for Appeal

Board Action

Chairman, Board of Adjustment  
Signature

Date





A-2

SHEET

SCALE

DATE:

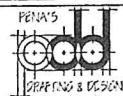
7/13/2023

DRAWINGS PROVIDED BY:  
PENA'S DRAFTING & DESIGN  
2912 NOTHGATE LN.  
McALLEN TX 78504  
956-776-3858

BUILDER/CONTRACTOR

SHEET TITLE

SITE PLAN  
108 E. FRESNO AVE.  
CARPORT ADDITION























NOTICE  
LANDLORD'S  
SPECIAL EXCEPTION  
THIS PROPERTY  
ZBA2022-0081



## The State of Texas,

County of HIDALGO

2538

Know all Men by These Presents:

1.00  
ctg

That we, BOBBY H. ETCHISON and wife, WILLAVAE L. ETCHISON

of the County of Hidalgo, State of Texas, for and in consideration

of the sum of -----TEN AND NO/100 (\$10.00)-----

and other good and valuable consideration, -----DOLLARS,

to us in hand paid by DWIGHT H. ZACHMAN,  
the receipt of which is hereby acknowledged and confessed;

have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey, unto the said

DWIGHT H. ZACHMAN

of the County of Hidalgo, State of Texas, all that certain  
lot, tract or parcel of land situated in Hidalgo County, Texas, and de-  
scribed as follows, to wit:

The East Fifteen (E. 15) feet of the West Three Hundred (W. 300)  
feet of the North one Hundred Eighty-four and Twenty-two Hun-  
dredths (N. 184.22) feet of Lot Eleven (11) of the Rancho de la  
Fruta Subdivision No. One (1) in Hidalgo County, Texas, as per  
map or plat thereof on file and of record in the office of the  
County Clerk of Hidalgo County, Texas;

SUBJECT to any Oil and Gas Leases, mineral reservations and ease-  
ments of record;

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights  
and appurtenances thereto in anywise belonging unto the said

DWIGHT H. ZACHMAN, his

heirs and assigns forever and we do hereby bind ourselves, our

heirs, executors and administrators, to Warrant and Forever Defend, all and singular the said premises

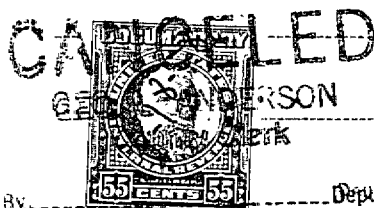
unto the said DWIGHT H. ZACHMAN, his

heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any  
part thereof.

WITNESS our hands at McAllen, Texas,

this 1st day of February, 1958.

Witness at request of Grantor:



By: Deputy

Bobby H. Etchison

Bobby H. Etchison

Willavae L. Etchison

Willavae L. Etchison

## JOINT ACKNOWLEDGEMENT

THE STATE OF TEXAS,  
COUNTY OF HIDALGO

BEFORE ME, the undersigned, a Notary Public,

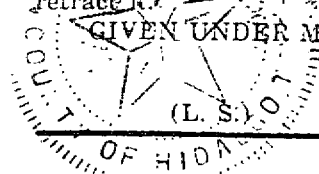
in and for said County, Texas, on this day personally appeared  
BOBBY H. ETCHISON and WILLAVAE L. ETCHISON

his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged  
to me that they each executed the same for the purposes and consideration therein expressed, and the said

WILLAVAE L. ETCHISON wife of the said BOBBY H. ETCHISON having been  
examined by me privily and apart from her husband, and having the same fully explained to her, she, the said

WILLAVAE L. ETCHISON acknowledged such instrument to be her act and deed, and she declared that  
she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to  
retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 18 day of February, A. D. 1958.



J. F. EWERS, JR.  
Notary Public, Hidalgo County, Texas.

## WIFE'S SEPARATE ACKNOWLEDGEMENT



Filed for Record on the 18<sup>th</sup> day of February A. D. 1958 at 4<sup>10</sup> o'clock P.M.  
Duly Recorded this the 21<sup>st</sup> day of February A. D. 1958 at 3<sup>12</sup> o'clock P.M.  
Instrument No. 2538

GEO. L. ANDERSON, County Clerk  
Hidalgo County, Texas

By M. Hartman Deputy















## **Memo**

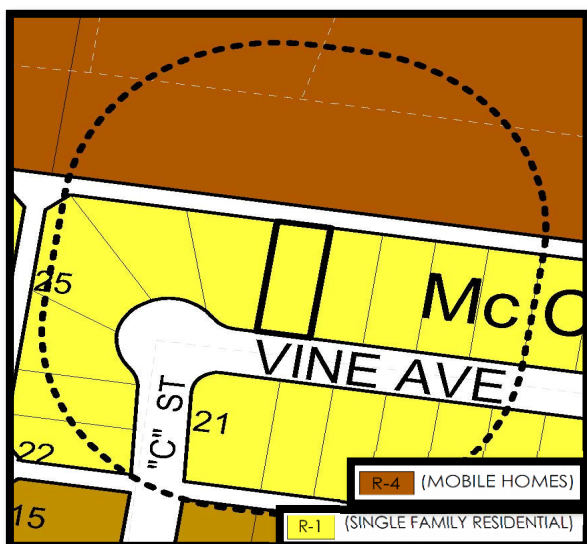
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** August 1, 2023

**SUBJECT:** REQUEST OF GERARDO CASTILLO FOR A SPECIAL EXCEPTION AND VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO: 1.) ALLOW AN ENCROACHMENT OF 20 FEET INTO THE 20 FEET FRONT YARD SETBACK FOR A PROPOSED WOODEN CARPORT MEASURING 16 FEET BY 22 FEET AND 2.) TO ALLOW AN ENCROACHMENT OF 6 FEET INTO THE 6 FEET REAR YARD SETBACK FOR AN EXISTING CARPORT MEASURING 12.13 FEET BY 20 FEET AND 3.) TO ALLOW AN ENCROACHMENT OF 6 FEET IN THE 6 FEET SIDE YARD SETBACK AND 6 FEET INTO THE 6 FEET REAR YARD SETBACK FOR AN EXISTING STORAGE SHED MEASURING 24.2 FEET BY 10.2 FEET AND 4.) TO ALLOW AN ENCROACHMENT OF 6 FEET INTO THE 6 FEET SIDE YARD SETBACK AND 6 FEET INTO THE 6 FEET REAR YARD SETBACK FOR AN EXISTING (L) SHAPED SHED MEASURING 27.4 FEET BY 14.1 FEET AND 15.4 FEET AND 11.3 FEET AT LOT 28, MCCOLL TERRACE SUBDIVISION, NO. 2. HIDALGO COUNTY, TEXAS; 213 EAST VINE AVENUE. (ZBA2023-0073)

**REASON FOR APPEAL:** The applicant is requesting a special exception for an encroachment of 16 feet into the 20 feet front yard setback for a proposed wooden carport measuring 16 feet by 22 feet that will be used to protect his elderly mother when taking her to medical appointments and vehicles from the sun and falling debris during inclement weather. Applicant is also requesting to allow an encroachment for an existing carport in the rear, a covered area encroaching into the West sideyard setback and rear yard setback and an “L” shaped storage area encroaching into the East sideyard setback and rear yard setback.



**PROPERTY LOCATION AND VICINITY:** The property is located along the north side of East Vine



Avenue east of North "C" Street. The lot has 50.0 feet of frontage and a depth of 125.0 feet for a lot size of 6,250 square feet. The property is zoned R-1 (single-family residential) District. There is R-4 (mobile home) district to the north.

**BACKGROUND AND HISTORY:** McColl Terrace Subdivision No. 2 was recorded December 15, 1975. The plat shows a 20 feet front yard setback for the subdivision. A building permit has not been submitted. A special exception request application was submitted July 17<sup>th</sup>, 2023.

**ANALYSIS:** The applicant is requesting a special exception in order to allow an encroachment of 16 feet into the 20 feet front yard setback for a proposed wooden carport measuring 16 feet by 22 feet that will be used to protect his elderly mother when taking her to medical appointments and vehicles from the sun and falling debris during inclement weather. Applicant is considering to build the carport out of metal for stronger framework. The request to allow the special exception for the carport in the rear as well as the variances for the covered areas in the rear is for family gatherings and because the structures were there when they moved in to the property.

During a site visit, staff noticed that there were 6 other carports within McColl Terrace subdivision No. 2 in which 5 are considered illegal and 1 was granted request for a special exception.

At the Zoning Board of Adjustments and Appeals meeting of October 5, 2022 the Board unanimously voted to approve a special exception for an encroachment of 20 feet into the 20 feet front yard setback for a metal carport measuring 18 feet by 22 feet at Lot 37.

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

Measurements provided are without benefit of a survey.

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

**RECOMMENDATION:** Staff recommends disapproval of the special exception request for number 1 and 2 being that they are not characteristic of the neighborhood and encroachment of existing carport in the rear is all the way to the lot line.

Staff recommends disapproval of the variances number 3 and 4 being that structures are encroaching all the way to the lot lines which creates a safety issue in case of a fire and no hardship exists due to the land nor has one been claimed.



ZBA: 8/23/23

ZBA 2023-0073



City of McAllen

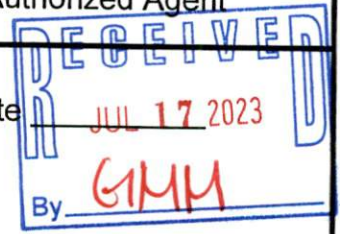
311 North 15<sup>th</sup> Street  
McAllen, TX 78501  
P. O. Box 220  
McAllen, TX 78505-0220  
(956) 681-1250  
(956) 681-1279 (fax)

Planning Department

APPEAL TO ZONING BOARD OF  
ADJUSTMENT TO MCALLEN ZONING ORDINANCE

Project	Legal Description	<u>Lot 28, McColl Terrace Subdivision</u>		
		<u>No. 2</u>		
	Subdivision Name	<u>McColl Terrace Subdivision No. 2</u>		
	Street Address	<u>213 E. Vine Ave</u>		
	Number of lots	<u>1</u>	Gross acres	
	Existing Zoning	<u>R-1</u>	Existing Land Use	<u>Residence</u>
	Reason for Appeal (please use other side if necessary)	<u>an encroachment of 16' into the 20' front yard setback for a wooden carport (16'x22')</u>		
	<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input checked="" type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport)			
	<input checked="" type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required			
Applicant	Name	<u>Gerardo Castillo</u>	Phone	<u>956 827-7558</u>
	Address	<u>213 E. Vine Ave</u>	E-mail	<u>Myrcastle9@gmail.com</u>
	City	<u>McAllen</u>	State	<u>TX</u>
			Zip	<u>78501</u>
Owner	Name	<u>Gerardo Castillo</u>	Phone	<u>956 827-7558</u>
	Address	<u>213 E. Vine Ave</u>	E-mail	
	City	<u>McAllen</u>	State	<u>TX</u>
			Zip	<u>78501</u>
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?			
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
	I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.			
	Signature	<u>Gerardo Castillo</u>	Date	<u>7-14-23</u>
	Print Name	<u>Gerardo Castillo</u>	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Authorized Agent
Office	Accepted by	<u>SEN</u>	Payment received by	
			Date	<u>JUL 17 2023</u>

*Handwritten initials*







# City of McAllen

## Planning Department

### REASON FOR APPEAL & BOARD ACTION

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

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

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

an encroachment of 16' into the 20' front yard setback  
for a wooden carport (16'x22') Carport structure  
will be cantilever type / supports on west side

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

Vehicles being damaged from birds droppings, branches falling during  
storms - also to shield my 89 year old mother from falling branches  
or rain

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

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

no built in garage and home was without garage  
when purchased

Reason for Appeal

Board Action

Chairman, Board of Adjustment  
Signature

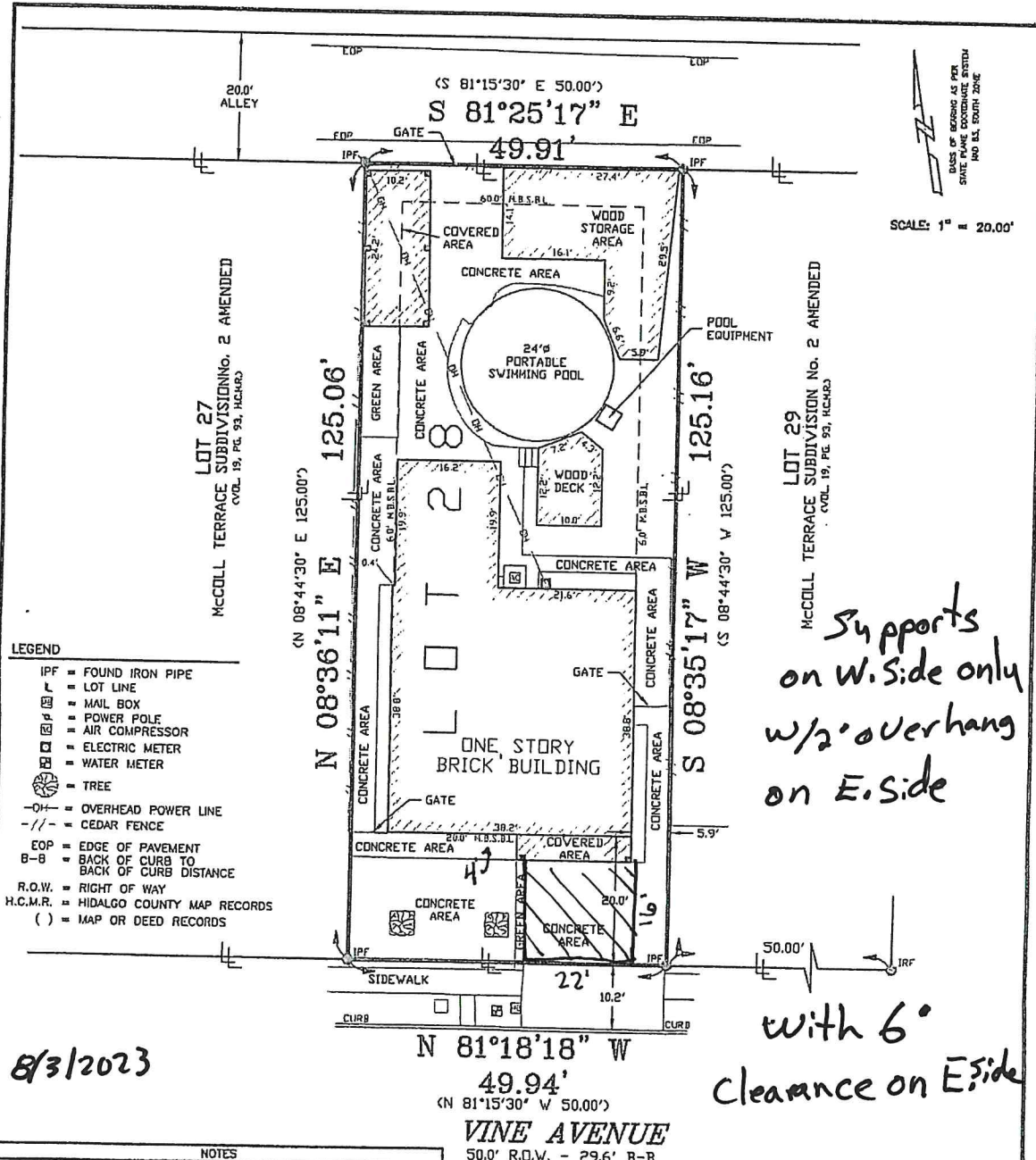
Date



We The Undersigned, agree that the  
 Petitioner Gerardo Castillo at 213 E. Vine Ave,  
 McAllen, TX 78501 should be allowed to  
 Construct a metal Carport on his property, thank  
 you for your consideration:

Name	Address	Phone #
John Garza	224 E Vine Ave	956-616-6911
Faith + Jaime Villa	218 E. Vine Ave	956-789-1252
Suzy & Tony Castellanos	2209 N. "C" St	956-682-2117
Rosalinda Perea	2201 N C St	984 9392
Uslie Mireles	21A E Vine Ave	(56)862-9706
Jaime Trojillo	318 E. Vine Ave	956 378 1178
Enrique Camarillo	301 E. Vine Ave	956 638-1906
Chet Reyes Jr.	201 E. Vine Ave	956-821-4231





8/3/2023

Supports  
on W. Side only  
w/ 1/2' overhang  
on E. Side

with 6'  
clearance on E. Side

FOR: GERARDO CASTILLO AND SANDRA CORTEZ  
AND SECURITY SERVICES FEDERAL CREDIT UNION  
G.F. No.: TX6113-16002349-MJ  
EFFECTIVE DATE: AUGUST 24, 2016  
ISSUED DATE: AUGUST 30, 2016

**FLOOD DESIGNATION**

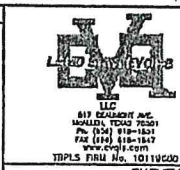
The flood designation for this property is "Zone B" which are "Areas between limits of the 100-year flood and the 500-year flood; or certain areas subject to 100-year flooding with average depths of less than one foot or where the contributing drainage areas less than one square mile; or areas protected by levees from the base flood". As per F.E.M.A.s Flood Insurance Rate Map Panel No.:

480343 0500 C Map Revised: November 2, 1982

Flood Zone is determined by graphic plotting only. We do not assume responsibility for exact determination.

**LEGAL DESCRIPTION**

This plat is a true and correct representation of a survey made on the ground of the property located at: 213 E. VINE AVENUE, McAllen, Hidalgo County, Texas, described as follows: LOT 28, McCOLL TERRACE SUBDIVISION No. 2, AMENDED, on addition to the City of McAllen, Hidalgo County, Texas, according to the map or plat thereof recorded in Volume 19, Page 93, Map Records, Hidalgo County, Texas.



**SURVEYOR'S CERTIFICATION**

I, Carlos Vasquez, Registered Professional Land Surveyor, certify that the above is a true and accurate plot of the lands as surveyed under my direction on September 27, 2016, and there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-ways except as shown.

Carlos Vasquez  
R.P.L.S. No. 4508  
STATE OF TEXAS

**SURVEYED DATE:** 9/27/16  
**JOB No.:** 160921  
**DRAWN BY:** GTG  
**CHECKED BY:** C.V.  
**REVISIONS:**

© COPYRIGHT 2016  
by CVO Land Surveyors, LLC  
This product style and format is protected by Copyright and all rights are reserved. The use of this style and format is strictly prohibited without the written consent and permission of "CVO Land Surveyors, LLC".

**RECEIVED**  
AUG 03 2023  
By *mw*







9-11-23

Mr. Porfirio,

I would like to inform you  
that I plan to build a metal carport  
and not wood as first proposed

Thank-you Gerardo *Castro*

RECEIVED  
SEP 11 2023

BY: *gc*













CITY OF  
McAllen

83023894









213

NOTICE  
VARIANCE  
SPECIAL EXCEPTION  
FOR  
THIS PROPERTY  
ZBA2023-0073

TEXAS  
PWC-9860



## 2023 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

	01/05/23	01/18/23	02/08/23	02/22/23	03/08/23	03/22/23	04/05/23	04/19/23	05/03/23	05/17/23	06/07/23	06/21/23	07/13/23	07/27/23	08/09/23	08/23/23	09/07/23	09/20/23	10/04/23	10/18/23	11/01/23	11/15/23	12/06/23	12/20/23
SYLVIA HINOJOSA	P	P	P	P	P	P	P	P	A	P														
JOSE GUTIERREZ- CHAIRPERSON	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P								
ANN TAFEL- VICE-CHAIRPERSON	P	P	P	P	A	P	P	P	P	P	P	P	P	P	P	P								
HUGO AVILA	P	P	P	A	P	P	P	P	P	P	P	P	P	A	P	P								
ROGELIO RODRIGUEZ	A	P	A	P	P	P	P	A	P	P	A	P	P	P	P	P								
HIRAM A. GUTIERREZ											P	A	P	P	P	P								
REBECCA MILLAN (ALT 1)	P																							
MARK TALBOT (ATL 2)	A																							
SAM SALDIVAR (ALT 3)	P	P	P	P	P	P	A	P	P	A	P	P	P	A										
JUAN MUJICA (ALT 4)	P	P	A	P	P	P	A	P	P	P	P	P	P	A	P	P								
PABLO D. GARCIA (ALT 2)																								
ALEX A. LAMELA (ALT 3)																								

P - PRESENT

A - ABSENT

 NEW APPOINTMENT

MC - MEETING CANCELLED

NRM - NO MEETING

LOQ - LACK OF QUORUM

RS - RESIGNATION









# PLANNING DEPARTMENT

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



## 2023 CALENDAR

### Meetings:





-  City Commission
  -  Public Utility Board
  -  Planning & Zoning Board
  -  Zoning Board of Adjustment
- HPC - Historic Preservation Council

### Deadlines:





D- Zoning/CUP Application      N - Public Notification

\* **Holiday** - Office is closed





### JANUARY 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2 <b>HOLIDAY</b>	3	4	5 N-1/17& 1/18 D-2/7 & 2/8	6	7
8	9 	10 	11	12	13	14
15	16 A-2/7 & 2/8	17	18 N-2/7 & 2/8 D-2/21 & 2/22	19	20	21
22	23 	24 	25	26 <b>HPC</b>	27	28
29	30	31				





### FEBRUARY 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6 A-2/21 & 2/22	7	8 N- 2/21& 2/22 D- 3/7 & 3/8	9	10	11
12	13 	14 			17	18
19	20 A-3/2 & 3/3	21	22 N-3/7 & 3/8 D-3/21 & 3/22	23 <b>HPC</b>	24	25
26	27 	28 				





### MARCH 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6 A-3/15 & 3/16	7	8 N-3/15 & 3/16 D-4/4 & 4/5	9	10	11
12	13 	14 			17	18
19	20 A-4/4 & 4/5	21	22 N-4/4 & 4/5 D-4/18 & 4/19	23	24	25
26	27 	28 	29 <b>HPC</b>	30	31	





### APRIL 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3 A-4/18 & 4/19	4	5 N-4/18 & 4/19 D-5/2 & 5/3	6	7 <b>HOLIDAY</b>	8
9	10 	11 	12	13	14	15
16	17 A- 5/2 & 5/3	18	19 N- 5/2 & 5/3 D-5/16 & 5/17	20	21	22
23	24 	25 	26	27 <b>HPC</b>	28	29
30						

### MAY 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1 A- 5/16 & 5/17	2	3 D: 6/6 & 6/7 N-5/16 & 5/17	4	5	6
7	8 	9 	10	11	12	13
14	15	16	17 D-6/20 & 6/21		19	20
21	22 	23 	24 N-6/6 & 6/7	25 <b>HPC</b>	26	27
28	29 <b>HOLIDAY</b>	30	31			

### JUNE 2023



Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5 A-6/20 & 6/21	6	7 D-7/12 & 7/13 N-6/20 & 6/21	8	9	10
11	12 	13 	14	15	16	17
18	19	20	21 D-7/26 & 7/27	22	23	24
25	26 	27 	28 N-7/12 & 7/13	29 <b>HPC</b>	30	

Deadlines and Meeting Dates are subject to change at any time. Please contact the Planning Department at (956) 681-1250 if you have any questions.



## 2023 CALENDAR








### Meetings:

-  City Commission
-  Public Utility Board
-  Planning & Zoning Board
-  Zoning Board of Adjustment
- HPC - Historic Pres Council









### Deadlines:

- D- Zoning/CUP Application
- N - Public Notification
- \* **Holiday** - Office is closed









### JULY 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4 <b>HOLIDAY</b>	5	6	7	8
9	10  A-7/26 & 7/27	11 	12  N-7/26 & 7/27 D-8/8 & 8/9	13 	14	15
16	17	18	19	20	21	22
23	24  A-8/8 & 8/9	25 	26  N-8/8 & 8/9 D-8/22 & 8/23	27 <b>HPC</b>	28	29
30	31					









### AUGUST 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7 A- 8/22 & 8/23	8 	9  N- 8/22 & 8/23 D-9/6 & 9/7	10	11	12
13	14 	15 	16	17	18	19
20	21 A- 9/6 & 9/7	22 	23  N- 9/6 & 9/7 D-9/19 & 9/20	24 <b>HPC</b>	25	26
27	28 	29 	30	31		










### SEPTEMBER 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
					A-9/19 & 9/20	
3	4 <b>HOLIDAY</b>	5	6  N-9/19 & 9/20 D-10/3 & 10/4	7 	8	9
10	11 	12 	13	14	15	16
17	18 A-10/3 & 10/4	19 	20  D-10/18 & 10/19 N-10/3 & 10/4	21	22	23
24	25 	26 	27	28 <b>HPC</b>	29	30






### OCTOBER 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3 	4  N-10/17 & 10/18 D-11/1 - 11/7	5	6	7
8	9 	10 	11	12	13	14
15	16 A-11/1 ZBA	17 	18  N- 11/1 ZBA D-11/15 & 11/21	19	20	21
22	23 	24 	25	26 <b>HPC</b>	27	28
29	30 A- 11/15 ZBA	31				

### NOVEMBER 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1  N- 11/15 ZBA D-12/5 & 12/6	2	3	4
5	6 A-11/21 PZ	7 	8  N- 11/21 PZ	9	10	11
12	13 	14 	15  D-12/19 & 12/20	16	17	18
19	20 A-12/5&12/6	21 	22	23 <b>HOLIDAY</b>	24	25
26	27 	28 	29	30		

### DECEMBER 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5 	6 <b>HPC</b> D-TBA N-12/19 & 12/20	7	8	9
10	11 	12 	13	14	15	16
17	18 A- TBA	19 	20  D- TBA N- TBA	21	22	23
24	25 <b>HOLIDAY</b>	26 <b>HOLIDAY</b>	27	28	29	30