



**NOTICE AND AGENDA
ZONING BOARD OF ADJUSTMENT
AUGUST 28, 2024 – 5:30 P.M.
REGULAR MEETING
CITY HALL-COUNCIL CHAMBERS
415 WEST UNIVERSITY DRIVE
EDINBURG, TEXAS 78539**

AGENDA

1. CALL MEETING TO ORDER, ESTABLISH QUORUM

- A. Prayer
- B. Pledge of Allegiance

2. CERTIFICATION OF PUBLIC NOTICE

3. DISCLOSURE OF CONFLICT OF INTEREST

4. PUBLIC COMMENTS

- A. Public Comments are limited to three (3) minutes. If a resident desires to make a Public comment, please notify the Chair Person prior to the start of the meeting. A spokesperson for large groups is required. We ask for everyone's cooperation in following these procedures.

5. THE FOLLOWING ARE THE MEETING PROCEDURES USED BY THE ZONING BOARD OF ADJUSTMENT:

- A. All items are generally considered as they appear on the agenda as each item is introduced.
- B. Staff will present its findings and recommendation on the item being considered.
- C. The party making the request may make a presentation and may address the Board on any issues arising during the discussion of the item being considered.
- D. Anyone in the audience desiring to speak in favor or in opposition may do so. A three (3) minute time limit will be given to each person interested in speaking on the item. The use of a spokesperson for large groups of People will be required.





E. Once the Chair closes the public hearing, the Board may question anyone and maintain any discussion which clarifies the proposal and will then take what action it believes to be appropriate.

F. A minimum of four votes are required for an item to be approved by Board.

6. **ELECTION OF OFFICERS**

A. Consider appointment of the Zoning Board of Adjustments Board Chair and Vice Chair

7. **ABSENCES**

A. Consider excusing the absence of Board Member Alexandra Rodriguez from the July 31, 2024 Regular Meeting

B. Consider excusing the absence of Board Member Eliseo Garza, Jr. from the July 31, 2024 Regular Meeting

C. Discussion and possible action on Mr. Ronnie Cavazos' absences from the Zoning Board of Adjustment Meetings.

8. **MINUTES**

A. Consider Approval of the Minutes for the July 31, 2024 Regular Meeting

9. **PUBLIC HEARINGS**

A. Request by Jojo Thomas for a Variance to the City of Edinburg Unified Development Code to allow as follows: to build a 6-Foot fence On the East Side of the property, located in the front yard, and a 6-Foot Fence along the South Side of the property extending beyond the front plane of the building at Lot 29, S.H. Mount Estates Subdivision, Hidalgo County, Texas, 3421 South Kerala Avenue.

B. Request by Juan Adame for a Variance to the City of Edinburg Unified Development Code to allow as follows: a covered Accessory Structure to have a 1-Foot Side Yard Setback where a 6 -Foot Side Yard Setback is required and to have a 1-Foot Separation to the Building instead of 10-Foot minimum required by Code, and to be built over a 15-Foot Utility Easement, at Lot 6, North McColl Subdivision, Hidalgo County, Texas, 2009 North McColl Road.





- C. Request by Oralia and Teraso Morano for a Variance to the City of Edinburg Unified Development Code to allow as follows: the Existing Residence to Encroach 2.5-Foot into the East Side Yard Setback, and to allow a Covered Patio on the North Side of the Property to Encroach 8 - Feet Into the Rear Yard Setback and 6-Foot Into the East Side Yard Setback at Lot 49, McColl Estates Unit No. 2 Subdivision, Hidalgo County, Texas, 2809 Jessica Drive.
- D. Request by Illiana Espiritu for a Variance to the City of Edinburg Unified Development Code to allow as follows: to have a 5.4 Foot Side Yard Setback instead of the required 15-Foot Side Yard Setback, and to allow an Addition to the Residence on the South Side of the Property for an Attached Accessory Dwelling Unit. at 3502 West Mile 17 ½ Road, Hidalgo County, Texas.

9. **INFORMATION ONLY**

- A. Attendance Roster

10. **ADJOURNMENT**

I hereby certify that this notice of meeting was posted in accordance with the Open Meetings Act, V.T.C.A., Government Code, Section 551.041, at the Edinburg City Hall Building, 415 West University Drive, Edinburg, Texas, visible and accessible to the general public after regular working hours, at 5:00 P.M. on this 23rd day of August, 2024.

Claudia Mariscal, Administrative Assistant
Planning & Zoning Department

NOTICE

PERSONS WITH DISABILITIES WHO NEED TO COMMUNICATE MORE EFFECTIVELY WITH CITY OFFICIALS AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED ARE REQUESTED TO CONTACT THE OFFICE OF THE CITY SECRETARY AT (956) 388-8204 THREE WORKING DAYS PRIOR TO ANY MEETING SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.



ORDINANCE NO. 2022-4761

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EDINBURG, TEXAS AT TITLE III, ADMINISTRATION, CHAPTER 32, ADMINISTRATIVE CODE, PROVIDING FOR WAIVER OF THE THREE SEPARATE READINGS; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ITS CODIFICATION IN THE CODE OF ORDINANCES OF THE CITY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; AND, ORDAINING OTHER MATTERS PERTAINING TO THIS SUBJECT MATTER THEREOF.

WHEREAS, to provide a comprehensive list of boards, councils, commissions, and committees to which the Mayor and/or City Council appoints members, the City Council deems it appropriate and necessary to amend Chapter 32 Administrative Code of the City of Edinburg, Texas to list such organizations and, where appropriate, refer to other sections of law or the Code that create such Committees and Boards.

NOW, THEREFORE, BE IT ORDAINED BY CITY COUNCIL OF THE CITY OF EDINBURG, TEXAS THAT:

SECTION I. AUTHORITY OF LAW. The City Council specifically finds that all requirements of law have been met in the passing of this Ordinance.

SECTION II. TITLE III, ADMINISTRATION, CHAPTER 32, ADMINISTRATIVE CODE, of the Code of Ordinances of the City of Edinburg, Texas, is hereby amended to be read in its entirety as follows:

GENERAL PROVISIONS

Sec. 32.01. – Residence or tax paying status requirements for membership.

- A. Unless otherwise provided for, all members of boards, councils, commissions, and committees appointed by the Mayor and/or City Council pursuant to provisions of the charter and ordinances and resolutions of the city shall be residents of the city or nonresident tax-paying property owners of the city but residing within the extraterritorial jurisdiction of the city.
- B. Unless otherwise provided for, any member of a board, council, commission, or committee who, after such member's appointment, shall change such member's residence or property status so that such member does not comply with either of the qualifications set out above shall be deemed to have resigned from such board, council, commission, or committee.

Sec. 32.02 – Appointment of members; filling vacancy.

- A. Unless otherwise provided by federal law, state law, the city charter, or city ordinance, all appointments to boards, councils, commissions, and committees shall be made by the City Council.
- B. Unless otherwise provided by federal law, state law, the city charter, or city ordinance, and except for the Edinburg Economic Development Corporation and Civil Service Commission, all appointments to boards, councils, commissions, and committees shall be limited to three continuous, two-year terms, for a maximum of six continuous years. Board members who exceed six continuous years may continue to serve until a replacement has been appointed.
- C. Any vacancy, for whatever reason, of membership of any board, council, commission, or committee shall be filled by the Mayor and/or City Council in the same manner as the original appointment. Unless otherwise provided for, rather than serve out only the unexpired term of the vacant position, all appointees to fill vacancies shall begin a new, full term upon appointment.

Sec. 32.03 – Selection of chairperson.

Unless otherwise provided for, all chairpersons of the boards, councils, commissions, and committees shall be selected by the membership of such group and shall serve in accordance with the rules and bylaws of the group, and for a term prescribed by such group.

Sec. 32.04 – Creation of vacancies.

- A. If any member of a board, council, commission, or committee of the city dies, becomes disabled or resigns, such office or position becomes immediately vacant.
- B. Any member of a board, council, commission, or committee of the city who shall absent such member's self from as many as three consecutive regular meetings of such board, council, commission, or committee on which such member serves shall forfeit such office as member of such organization, and it shall be the duty of the remaining members of such board, council, commission, or committee to declare the office vacant and report the same to the City Council; provided, however, if such absence is found by the majority of the members of that board, council, commission, or committee to have been occasioned by illness or justified excuse, then such absence shall not constitute a basis for a declaration of vacancy of the office of such member.
- C. Any member of a board, council, commission, or committee who shall absent such member's self from more than one-third of the meetings of a board, council, commission or committee during one year shall cause such office or position to immediately become vacant.
- D. The City Council may remove at any time without cause any member of any board, council, commission, or committee by a majority vote of the City Council, except as otherwise provided by federal law, state law, or the City Charter.

Sec. 32.05 – Meetings

All boards, councils, commissions, and committees shall meet at least one time each two months at designated times and schedules. To the extent possible, meetings should be scheduled to begin at or after 5:00 p.m. to encourage participation from the public. Unless otherwise provided for, all boards, councils, commissions, or committees will follow the same procedural rules as City Council. *See Code Sec. 31.01.*

Sec. 32.06 – Code of Ethics

All members of all boards, councils, commissions, or committees shall abide by the City's Code of Ethics Policy. *See Code Sec. 31.02*

Sec. 32.07 – Reporting to City Council

All boards, councils, commissions, and committees shall report to the City Council promptly following each meeting by furnishing either a copy of the minutes to the City Manager or a written report of activities. In addition, all shall provide the City Council an annual report, in writing, on progress made in carrying out the Committee's responsibilities. Additional reports may be submitted when deemed appropriate by the Committee or when requested by the City Council.

LIST OF CITY BOARDS, COUNCILS, COMMISSIONS, AND COMMITTEES

Sec. 32.20 – All America City David Chavana 10K Advisory Board

- A. *Creation and composition.* There is hereby created the All America City David Chavana 10K Advisory Board. The Board shall consist of seven members. However, the race's namesake, David Chavana, shall serve as a permanent member of the Board for so long as he's able or chooses to serve.
- B. *Powers and duties.*
 - 1. It shall be the duty of the Board to formulate and submit to the City Council plans and recommendations for the operation, development, publicity, and all other matters related to the annual All America City David Chavana 10K race.
 - 2. The Board shall function in an advisory capacity only and shall have no power to make personnel appointments or direct or supervise work operations.
 - 3. The Board shall not be authorized to incur, on behalf of the city, any expenses incident to the operation, maintenance, development, or any other expenditure incident to the race.

Sec. 32.21 – Airport Advisory Board of South Texas International Airport of Edinburg

- C. *Creation and composition.* There is hereby created an airport advisory board to be known as the Airport Advisory Board of South Texas International Airport of Edinburg. The Board shall consist of five members.
- D. *Powers and duties.*
 - 1. It shall be the duty of the Board to formulate and submit to the City Council plans and recommendations for the use, operation, and development of the municipal airport.

2. The Board shall function in an advisory capacity only and shall have no power to make personnel appointments or direct or supervise work operations.
3. The Board shall not be authorized to incur, on behalf of the city, any expenses incident to the operation, maintenance, development, or any other expenditure incident to the municipal airport.

Sec. 32.22 – Animal Care Services Advisory Board

Refer to Code Sec. 91.15.

Sec. 32.23 – Architectural Design and Site Planning Board

Refer to Unified Development Code Sec. 13.500.

Sec. 32.24 – Building Board of Adjustments and Appeals

Refer to Code Sec. 151.041.

Sec. 32.25 – Capital Improvements Committee

Refer to Code Sec. 150.04.

Sec. 32.26 – Civil Service Commission

Created pursuant to State Law. Refer to Texas Local Government Code Sec. 143.006.

Sec. 32.27 – Community Development Council

Refer to Code Sec. 150.03.

Sec. 32.28 – Cultural Activities Advisory Board

- A. *Creation and composition.* There is hereby created the Cultural Activities Advisory Board. The Board shall consist of seven members.
- B. *Powers and duties.*
 1. It shall be the duty of the Board to preserve, promote, develop and encourage the community's cultural expression and enhance the quality of life in the City of Edinburg. The Board will promote a nurturing environment to advance the knowledge, discovery and engagement in visual/performing arts, creative writing, music, dance and other forms of self-expression.
 2. The Board shall function in an advisory capacity only and shall have no power to make personnel appointments or direct or supervise work operations.
 3. The Board shall not be authorized to incur, on behalf of the city, any expenses incident to the operation, maintenance, development, or any other expenditure incident to the cultural arts activities and programs.

Sec. 32.29 – Edinburg Economic Development Corporation Board of Directors

Created pursuant to State Law. Refer to Texas Local Government Code Sec. 501 and the Bylaws of the Edinburg Economic Development Corporation.

Sec. 32.30 – Edinburg Golf Board

Refer to Code Sec. 97.02.

Sec. 32.31 – Edinburg Housing Assistance Committee

- A. *Creation and composition.* There is hereby created the Edinburg Housing Assistance Committee for the purpose of advising the City Council on all matters related to housing conditions and housing needs of the city. The Committee shall consist of five members.
- B. *Powers and Duties.* The specific responsibilities of the Committee are listed as follows:
 - 1. Policy formulation for the administration of the housing assistance program.
 - 2. Making all final decisions as to the types of and the conditions under which housing assistance is to be delivered.
 - 3. Incorporating into the decision-making process described above adequate appeals procedures.
 - 4. Reporting to the City Council and the Community Development Council as to the progress and status of the housing assistance program.
- C. *Bylaws.* The Housing Committee shall have the power to adopt bylaws for the proper conduct of its business. All such bylaws adopted by the Housing Committee shall be subject to the approval or disapproval of the City Council, and shall be promptly submitted to the City Council for approval or disapproval, in whole or in part.

Sec. 32.32 – Edinburg Little League

Refer to Code Sec. 97.03.

Sec. 32.33 – Landfill Advisory Board

- A. *Creation and composition.* There is hereby created the Landfill Advisory Board. The Board shall consist of five members.
- B. *Powers and Duties.*
 - 1. The Board is charged with advising the City Manager, and reporting to the City Council on a periodic basis, on all matters related to the City landfill, including but not limited to safety, security, planning, environment, permitting, purchases, business operations, and general operations of the landfill.
 - 2. The Board shall function in an advisory capacity only and shall have no power to make personnel appointments or direct or supervise work operations.

Sec. 32.34 – Planning and Zoning Commission

Refer to Code Sec. 150.02 and Unified Development Code Sec. 13.400.

Sec. 32.35 – Plumbing Board

Refer to Code Sec. 151.104.

Sec. 32.36 – Public Library Board

Refer to Code Sec. 96.01.

Sec. 32.37 – Public Safety Advisory Board

- A. *Creation and composition.* There is hereby created the Public Safety Advisory Board. The Board shall consist of five members. In making the appointments, the City Council does not necessarily need to consider whether an appointee has a background in law enforcement or fire safety. Instead, the City Council will endeavor to appoint citizens having a background of a nature such that the City Council may deem the appointment beneficial to the purpose of the Board. The Chief of Police and Chief of the Fire Department or their respective designees shall serve as Ex Officio, non-voting members of the Board.
- B. *Powers and Duties.*
 - 1. The role of the Board is to advise the Chief of Police, Chief of the Fire Department, Mayor, City Council, City Manager, and City staff regarding programs, policies, and procedures that impact public safety; review and make recommendations on community livability concerns related to crime and fire prevention and traffic safety issues that affect public safety and the community livability; review and make recommendations for police/fire department-community partnerships to mitigate the negative influence of crime, fire damage, and traffic on the community; promote public education and awareness of the effects of crime and fear of crime on the community; to provide a forum to discuss both immediate and long range solutions; and to carry out such other activities as the City Council may assign.
 - 2. The Board shall function in an advisory capacity only and shall have no power to make personnel appointments or direct or supervise work operations.

Sec. 32.38 – Recreation and Parks Board

Refer to Code Sec. 97.01.

Sec. 32.39 – Standard Mechanical Board

Refer to Code Sec. 151.081.

Sec. 32.40 – Traffic Safety Advisory Committee

Refer to Code Sec. 70.02.

Sec. 32.41 – Tree Advisory Board

Refer to Code Sec. 98.50.

Sec. 32.42 – Zoning Board of Adjustment

Refer to Unified Development Code Sec. 13.600.

SECTION III. WAIVER CLAUSE. The requirement of three separate readings of this Ordinance is hereby dispensed with by a vote of not less than a majority of all the members of the City Council.

SECTION IV. REPEALER CLAUSE. This Ordinance shall be cumulative of all other ordinances dealing with the same subject and any provision of any Ordinance in direct conflict with any provision of this Ordinance is hereby repealed and the provisions of this Ordinance shall supersede any provisions in conflict herewith; all provisions of any other Ordinance not in conflict herewith shall remain in full force and effect.

SECTION V. SAVINGS CLAUSE. If any section, part, or provision of this Ordinance is declared unconstitutional or invalid, by a court of competent jurisdiction, then, in that event, it is expressly provided, and it is the intention of the City Council in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

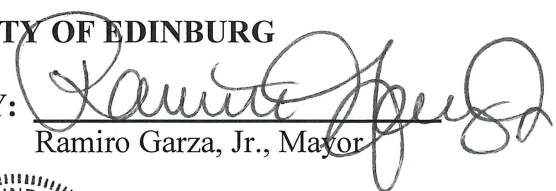
SECTION VI. CODIFICATION CLAUSE. The provisions of Section II of this Ordinance are to be published in the location indicated in the Code of Ordinances of the City of Edinburg, Texas, as soon as possible.

SECTION VII. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the City Council of the City of Edinburg, Texas, at which a quorum was present, which was held in accordance with VTCA, Government Code, Section 551.041 on the 21st day of July, 2022.

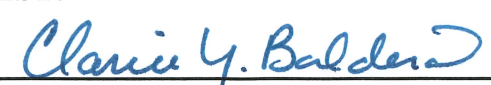
CITY OF EDINBURG

BY:


Ramiro Garza, Jr., Mayor

ATTEST:

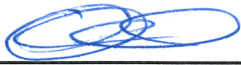
BY:


Clarice Y. Balderas, City Secretary



APPROVED AS TO FORM:

OMAR OCHOA LAW FIRM, P.C.

BY: 

Omar Ochoa, City Attorney



**NOTICE AND AGENDA
ZONING BOARD OF ADJUSTMENT
JULY 31, 2024 - 5:30 P.M.
REGULAR MEETING
CITY HALL COUNCIL CHAMBERS
415 W. UNIVERSITY DR.
EDINBURG, TEXAS 78539
MINUTES**

Members Present:

Marc Moran – Chairperson
Michael Cantu – Vice Chairperson
Ruben Ruiz
Andrew Almaguer
Marc A. Gonzalez
Gregory Vasquez

Absent:

Ronnie Cavazos
Eliseo Garza Jr.
Alexandra Rodriguez

1. CALL MEETING TO ORDER, ESTABLISH QUORUM

Chairperson Marc Moran called the meeting to order at 5:30 P.M.

A. Prayer – Prayer was announced.

B. Pledge of Allegiance - The Pledge of Allegiance was said.

2. CERTIFICATION OF PUBLIC NOTICE

Rita Lee Guerrero certified the agenda had been posted on July 26, 2024 at 5:00 P.M.

3. DISCLOSURE OF CONFLICT OF INTEREST

4. PUBLIC COMMENTS

A. Public Comments are limited to three (3) minutes. If a resident desires to make a public comment, please notify the Chairperson prior to the start of the meeting. A spokesperson for large groups is required. We ask for everyone's cooperation in following these procedures.

5. THE FOLLOWING ARE THE MEETING PROCEDURES USED BY THE ZONING BOARD OF ADJUSTMENT:

- A. All items are generally considered as they appear on the agenda, as each item is introduced.
- B. Staff will present its findings and recommendation on the item being considered.
- C. The party making the request may make a presentation and may address the Board on any issues arising during the discussion of the item being considered.
- D. Anyone in the audience desiring to speak in favor or in opposition may do so. A three (3) minute time limit will be given to each person interested in speaking on the item. The use of a spokesperson for large groups of people will be required.
- E. Once the Chair closes the public hearing, the Board may question anyone and maintain any discussion which clarifies the proposal and will then take what action it believes to be appropriate.
- F. A minimum of four votes are required for an item to be approved by the Board.

MR. ANDREW ALMAGUER JOINED THE MEETING AT 5:34 P.M.

6. ABSENCES

- A. Consider excusing the absence of Board Member Marc A. Gonzalez from the June 26, 2024 Regular Meeting

A MOTION WAS MADE BY BOARD MEMBER RUBEN RUIZ, JR. AND SECONDED BY BOARD MEMBER, ANDREW ALMAGUER TO APPROVE THE ABSENCE OF BOARD MEMBER MARC A. GONZALEZ FROM THE JUNE 26, 2024 REGULAR MEETING. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 5-0 WITH BOARD MEMBER MARC A. GONZALEZ ABSTAINING.

- B. Consider excusing the absence of Board Member Gregory Vasquez from the June 26, 2024 Regular Meeting

A MOTION WAS MADE BY VICE CHAIRPERSON MICHAEL CANTU AND SECONDED BY BOARD MEMBER, RUBEN RUIZ, JR. TO APPROVE THE ABSENCE OF BOARD MEMBER GREGORY VASQUEZ FROM THE JUNE 26, 2024 REGULAR MEETING. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 5-0 WITH BOARD MEMBER GREGORY VASQUEZ ABSTAINING.

- C. Consider excusing the absence of Vice Chairperson Michael Cantu from the June 26, 2024 Regular Meeting

A MOTION WAS MADE BY BOARD MEMBER RUBEN RUIZ, JR. AND SECONDED BY BOARD MEMBER, GREGORY VASQUEZ TO APPROVE THE ABSENCE OF VICE CHAIRPERSON MICHAEL CANTU FROM THE JUNE 26,

2024 REGULAR MEETING. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 5-0 WITH BOARD MEMBER MICHAEL CANTU ABSTAINING.

7. MINUTES

A. Consider approval of the Minutes for the June 26, 2024 Regular Meeting

A MOTION WAS MADE BY BOARD MEMBER, ANDREW ALMAGUER AND SECONDED BY VICE CHAIRPERSON MICHAEL CANTU TO APPROVE THE MINUTES FOR THE JUNE 26, 2024 REGULAR MEETING. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 6-0

7. PUBLIC HEARINGS

A. Request of Mark Arguelles on behalf of Brennan and Tara Vierra for a Variance to the City of Edinburg Unified Development Code to allow an 7-foot concrete block stucco fence on the south side of the property, over the driveway, with a motorized gate located in the front yard and a 7-foot concrete block fence on the west side yard extending beyond the front plane of the residence at Lot 1, Lake James No. 3, Unit 2 Subdivision, Hidalgo County, Texas; 2505 James Avenue.

MR. MARK ARGUELLES A REPRESENTATIVE OF BRENNAN AND TARA VIERRA WAS PRESENT AND ADDRESSED THE BOARD. HE EXPLAINED ABOUT THE TYPE OF FENCE THEY WERE REQUESTING AND THE REASON FOR THE VARIANCE REQUEST.

THE APPLICANTS BRENNAN AND TARA VIERRA WERE PRESENT AND ADDRESSED THE BOARD AND EXPLAINED THAT THEY WANTED TO BUILD THE FENCE FOR THE SAFETY OF THEIR CHILDREN.

THERE WAS NO ONE PRESENT IN FAVOR OR OPPOSITION OF THE VARIANCE REQUEST.

A MOTION WAS MADE BY BOARD MEMBER, RUBEN RUIZ, JR. AND SECONDED BY VICE CHAIRPERSON, MICHAEL CANTU. TO APPROVE THE VARIANCE REQUEST WITH THE CONDITION THAT THE WALL OF THE FENCE WILL BE IN LINE WITH THE NEIGHBORS HOUSE. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 6-0.

B. Request of Oralia and Teraso Morano for a Variance to the City of Edinburg Unified Development Code to allow an encroachment of 10-feet into the 20-foot rear yard setback and 6-feet encroachment into the east side yard setback for a covered outdoor patio at Lot 49, McColl Estates Unit No. 2 Subdivision, Hidalgo County, Texas; 2809 Jessica Drive.

THERE WAS NO ONE PRESENT IN FAVOR OR OPPOSITION OF THE VARIANCE REQUEST.

MR. TERASO MORANO THE APPLICANT, WAS PRESENT AND ADDRESSED THE BOARD TO EXPLAIN WHY HE REQUESTED A VARIANCE.

A MOTION WAS MADE BY BOARD MEMBER, ANDREW ALMAGUER AND SECONDED BY BOARD MEMBER MARC A. GONZALEZ TO TABLE THE VARIANCE REQUEST. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 6-0.

C.Request of Juan A. Ludwig on Behalf of AEP Texas Central Company for a Variance to the City of Edinburg Unified Development Code to allow an encroachment of 25-feet into the 50-feet front setback for an electrical sub-station expansion at Lot 1, Blk 1, AEP North Edinburg Subdivision, Hidalgo County, Texas; 2901 West Monte Cristo Road.

THE APPLICANT, MR. JUAN LUDWIG WAS PRESENT AND ADDRESSED THE BOARD. MR. LUDWIG EXPLAINED THAT THE SUB POWER PLANT NEEDED REPAIRS AND WHY THEY REQUESTED A VARIANCE.

THERE WAS NO ONE PRESENT IN FAVOR OR OPPOSITION OF THE VARIANCE REQUEST.

A MOTION WAS MADE BY BOARD MEMBER, GREGORY VASQUEZ AND SECONDED BY BOARD MEMBER RUBEN RUIZ, JR. TO APPROVE THE VARIANCE REQUEST. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 6-0.

D.Request by Freddy Barrera on behalf of Leopoldo Cantu III for a variance to the City of Edinburg Unified Development Code to allow an 8-foot concrete block fence on the north side of the property, over a proposed driveway, with a motorized gate located in the front yard and an 8-feet concrete block fence on the east and west side yard extending beyond the front plane of the of proposed residence at Lots 13 and 14, Golden Acres Subdivision, Hidalgo County, Texas; 3424 and 3400 East Curry Road.

MR. FREDDY BARRERA REPRESENTATIVE OF LEOPOLDO CANTU III WAS PRESENT AND EXPLAINED THE REASON FOR THE VARIANCE REQUEST AND THE TYPE OF FENCE THEY WERE GOING TO BUILD.

MR. PETER HERMIDA FROM ENGINEERING DEPARTMENT WAS PRESENT AND EXPLAINED ABOUT THE UTILITY POSSIBILITY.

THERE WAS NO ONE PRESENT IN FAVOR OR OPPOSITION OF THE VARIANCE REQUEST.

A MOTION WAS MADE BY VICE CHAIRPERSON, MICHAEL CANTU AND SECONDED BY BOARD MEMBER GREGORY VASQUEZ TO DENY THE VARIANCE REQUEST. MOTION CARRIED WITH UNANIMOUSLY VOTE OF 6-0.

9. INFORMATION ONLY

A. Attendance Roster

10. ADJOURNMENT

There being no further business to consider, the meeting was adjourned.

MOTION WAS MADE BY BOARD MEMBER MARC A. GONZALEZ AND SECONDED BY BOARD MEMBER GREGORY VASQUEZ TO ADJOURN THE MEETING MOTION CARRIED UNANIMOUSLY.

Claudia Mariscal

Claudia Mariscal, Administrative Assistant
Planning & Zoning Department

MEMBERS WHO ARE UNABLE TO ATTEND ARE ASKED TO NOTIFY THE PLANNING AND ZONING DEPARTMENT AT 956-388-8202

NOTICE

PERSONS WITH DISABILITIES WHO NEED TO COMMUNICATE MORE EFFECTIVELY WITH CITY OFFICIALS AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED ARE REQUESTED TO CONTACT THE OFFICE OF THE CITY SECRETARY AT (956) 388-8204 THREE WORKING DAYS PRIOR TO ANY MEETING SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.

Planning & Zoning Staff Report

Prepared on: July 16, 2024

ZONING BOARD OF ADJUSTMENT

Regular Meeting: August 28, 2024

Agenda Item

Request by JoJo Thomas for a Variance to The City of Edinburg Unified Development Code to allow as follows: To build a 6-foot fence on the east side of the property, located in the front yard, and a 6-foot fence along the south side of the property extending beyond the front plane of the building at lot 29, SH Mount Estates Subdivision, Hidalgo County, Texas, 3421 South Kerala Avenue.

Request

The applicant is seeking a variance to Unified Development Code Section 2.206(G) as it applies to fences in front and side yards. The variances being requested would allow construction of a six-foot wrought iron fence in the front yard and on the side yard, extending beyond the front of the proposed residence.

Property Location and Vicinity

The property is located on the north side of East Wisconsin Road, approximately 445-feet west of South I-69C. The property is zoned Residential, Multifamily (RM) District. Adjacent zoning is Residential, Primary (RP) District to the north, and east, Residential, Suburban (RS) District to the south and west. Adjacent land uses are vacant residential lots, single family residential, and open space.

Background and History

The lot is part of SH Mount Estates Subdivision recorded on October 13, 2023. The applicant submitted a site plan and an elevation drawing of the proposed fence on August 8, 2024. Staff reviewed the site plan and noticed that the proposed fence would be in the front yard of the residence. An application request for variance was received on August 8, 2024.

Staff mailed a notice of the variance request to 20 neighboring property owners and received no comments in favor and or against this request at the time that this report was prepared.

Analysis

The lot has a total street frontage of 109 - feet along South Kerala Avenue and 102.17-feet feet of depth for a lot area of 23,023.21 square feet. Plans received by the City show a proposed six- feet wrought iron fence in the front yard adjacent to South Kerala Avenue and a six-foot wrought iron fence on the side yard adjacent to the north right-of-way line of Hidalgo County Drainage District Number 2. Unified Development Code Section 2.206(G) (D) prohibits fencing beyond the front plane of the principal structure for residential fences, and that in new subdivisions of more than 10 lots, the decision to permit fences in front and street side yards must be approved and indicated on the final plat. The applicant cited security as the basis for this request.

Planning & Zoning Staff Report

Recommendation

Staff recommends denial of the variance request. If approved, the applicant will need to comply with all other requirements during the permitting process and pay a \$40 fee payable to the County of Hidalgo, submitted to the County Clerk's office for the recording of the Zoning Board of Adjustments order on this request, and any other City requirements as applicable.

Prepared by:

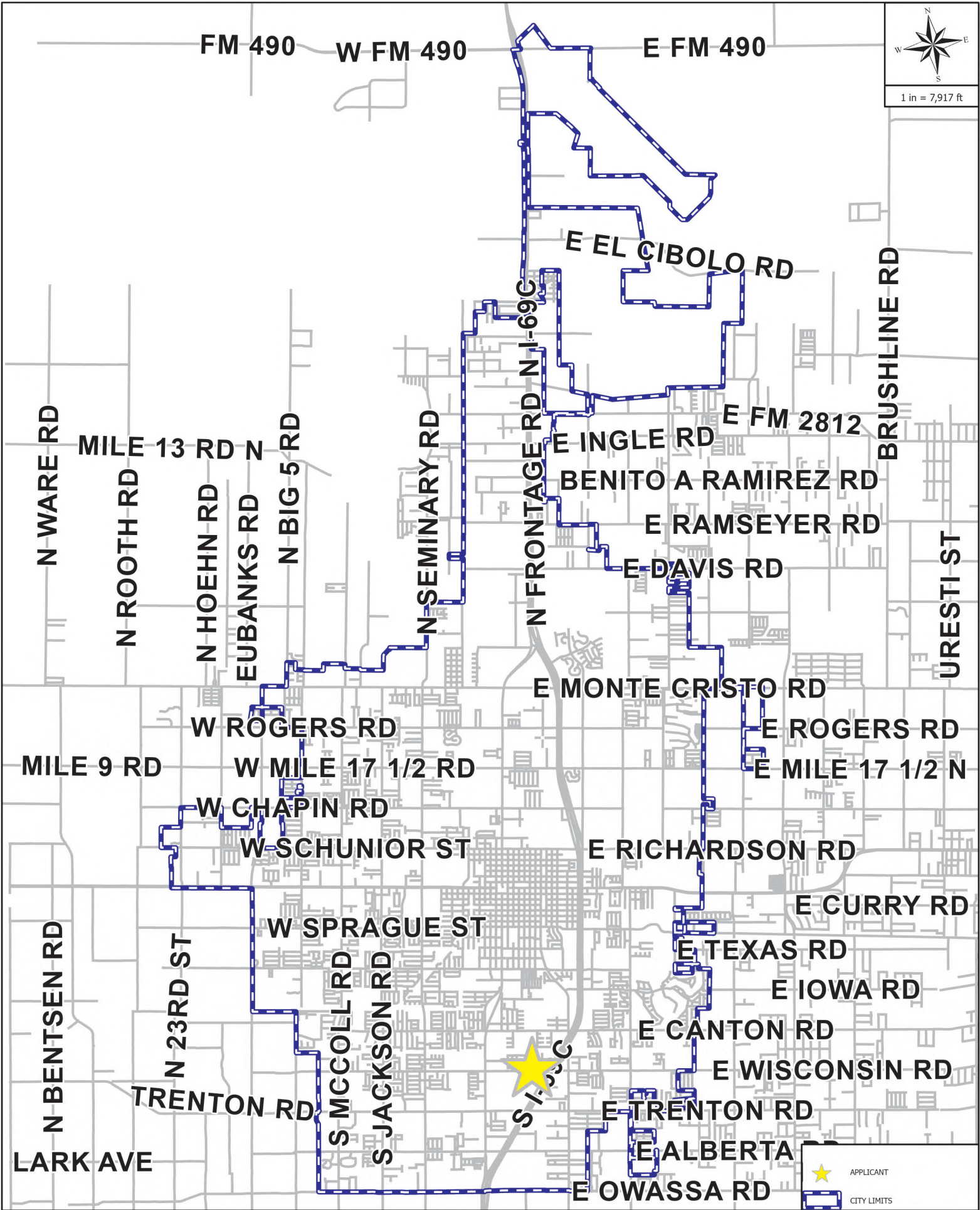
Tilfred Ricardo Farley

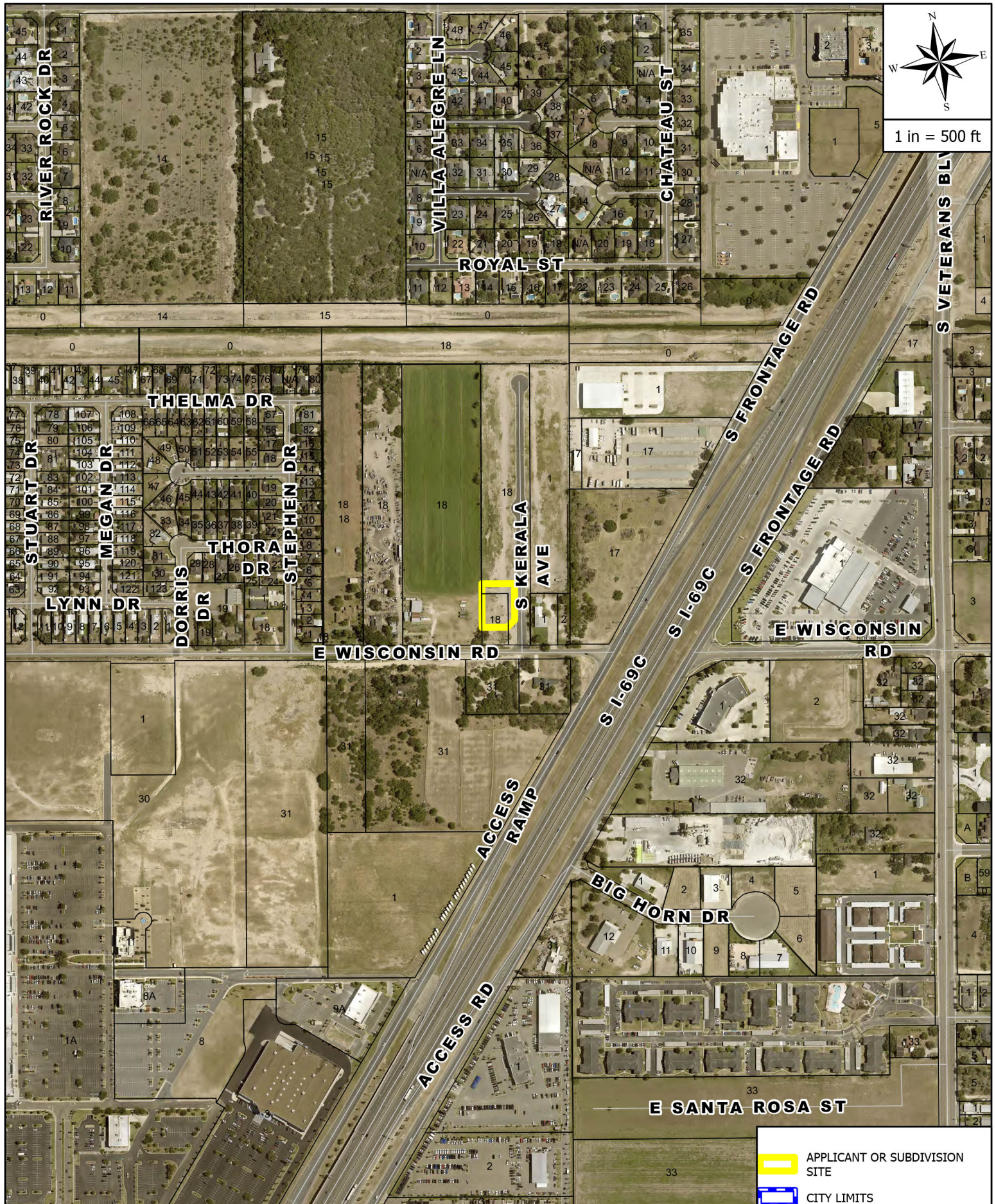
Planner I

Approved by:

Jaime Acevedo

Director of Planning & Zoning

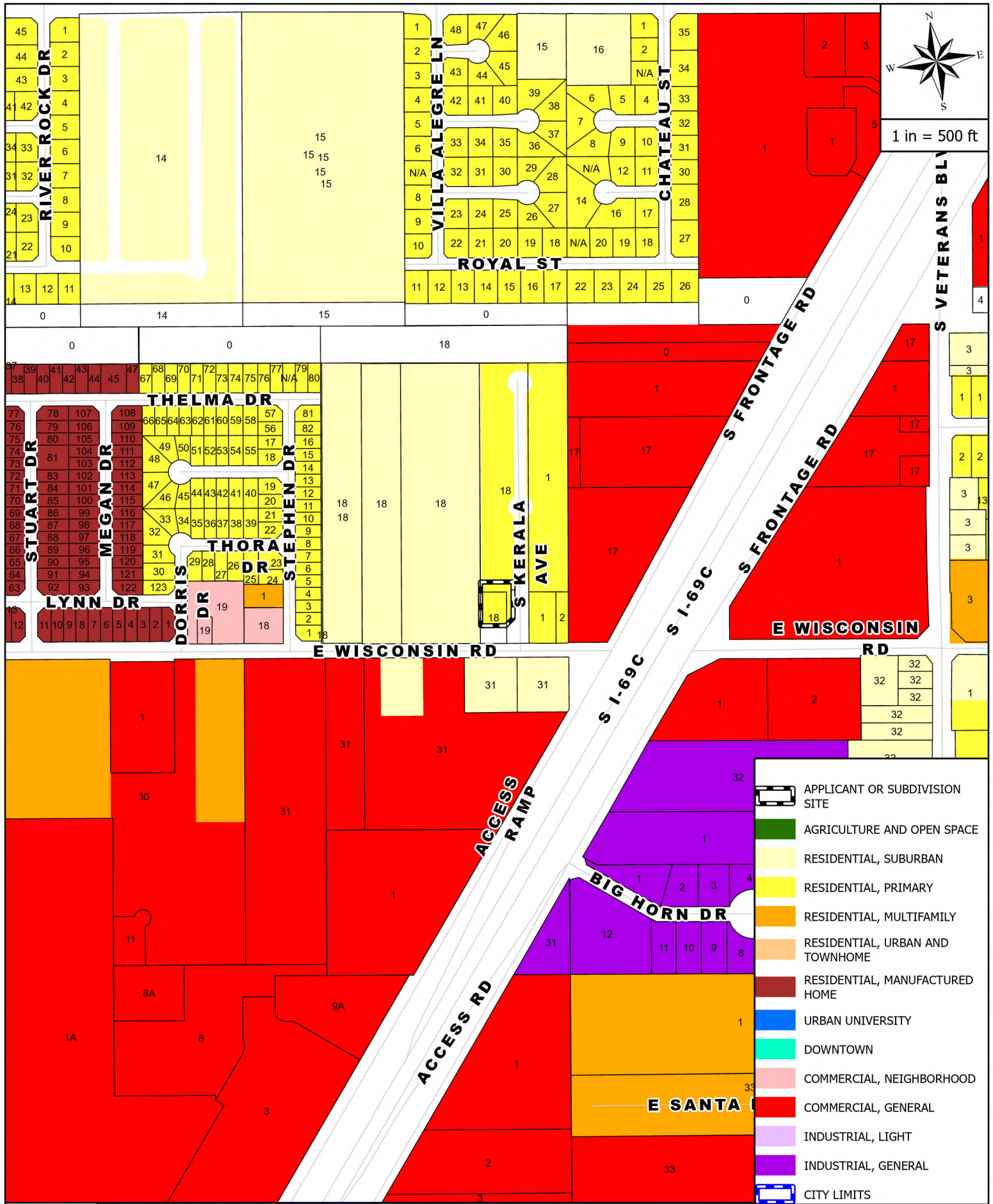




AERIAL MAP

APPLICANT AND/OR SUBDIVISION:

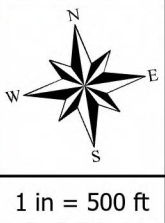
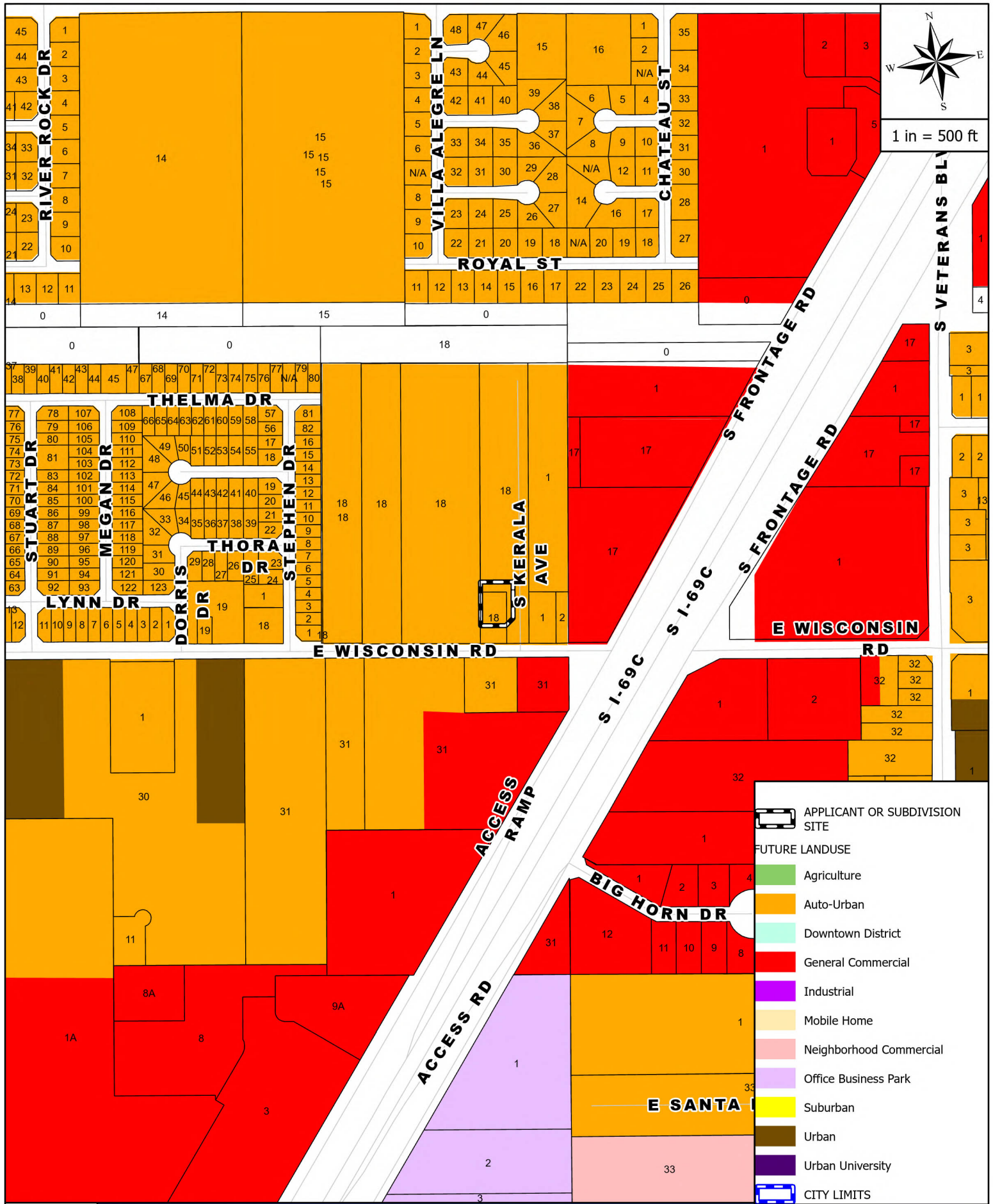
VAR-2024-0242 JOJO THOMAS



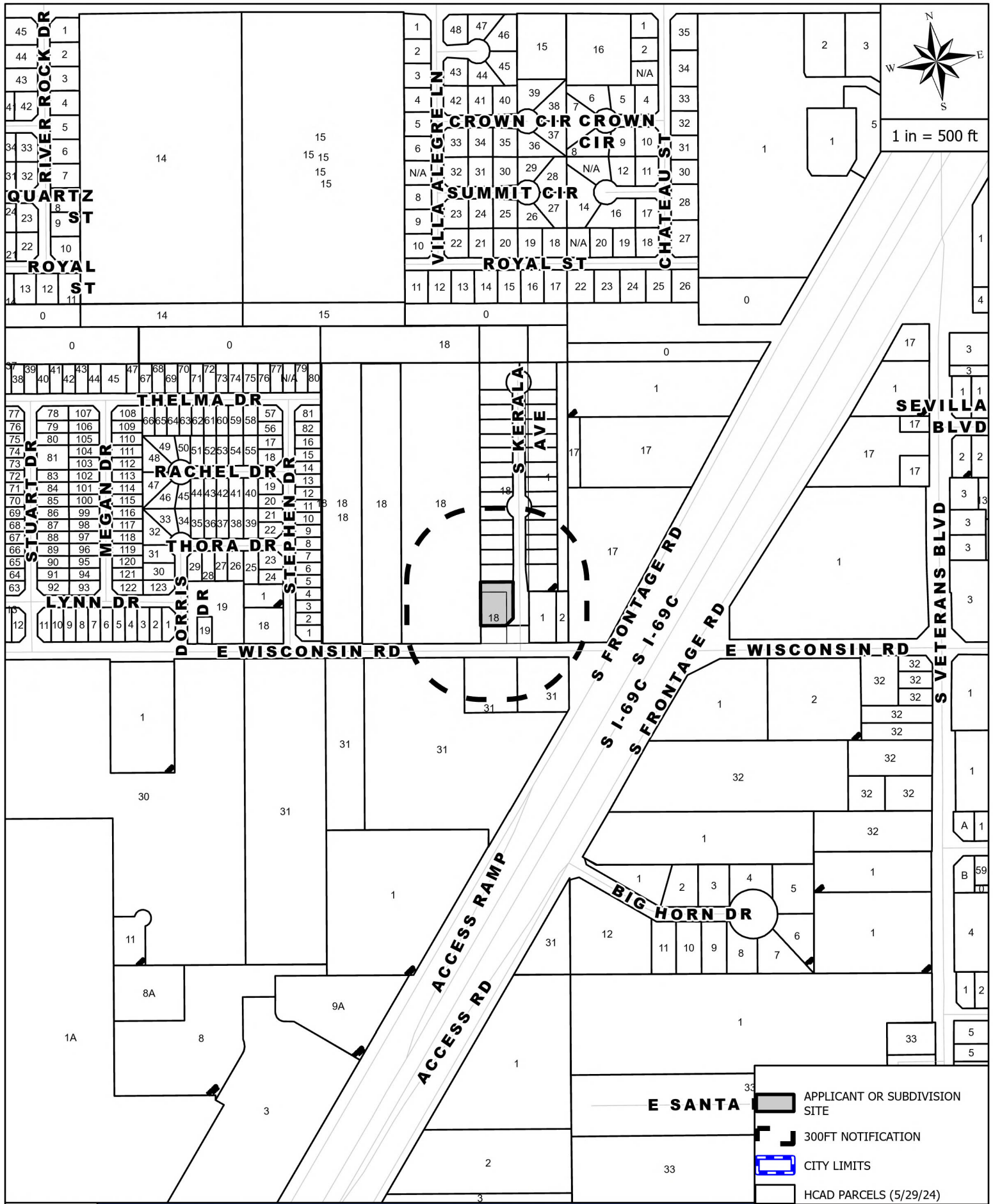
ZONING MAP

APPLICANT AND/OR SUBDIVISION:

RZNE-2024-0242 JOJO THOMAS



FUTURE LANDUSE MAP
APPLICANT AND/OR SUBDIVISION:
 RZNE-2024-0242 JOJO THOMAS



MAILOUT AND SITE MAP

APPLICANT AND/OR SUBDIVISION:

VAR-2024-0242 JOJO THOMAS

REASONS	BY

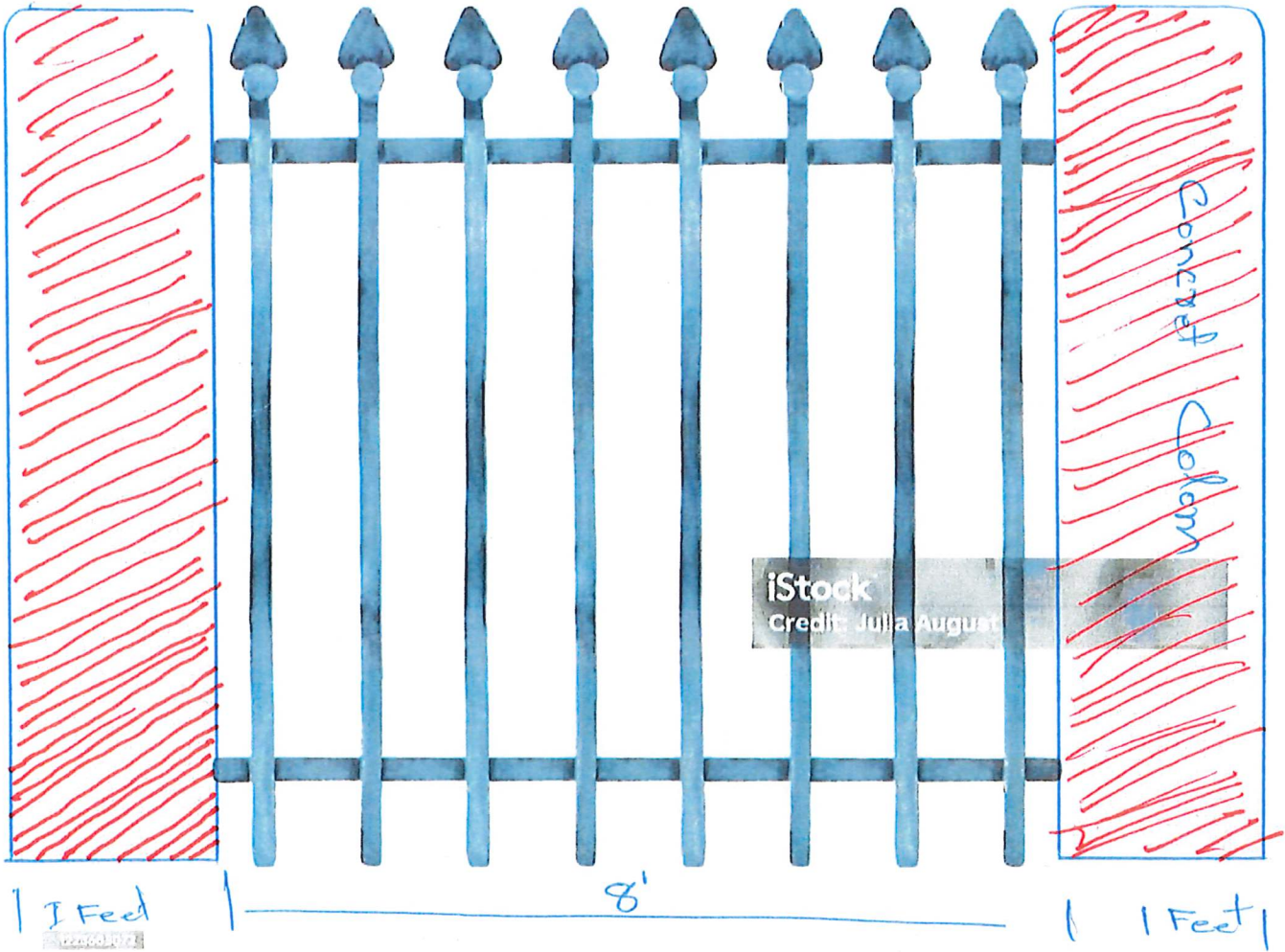
Zoning Board of Adjustment

Variance Request by JoJo Thomas

3421 South Kerala Avenue



1x1. Concrete
Column





(174)



(163)

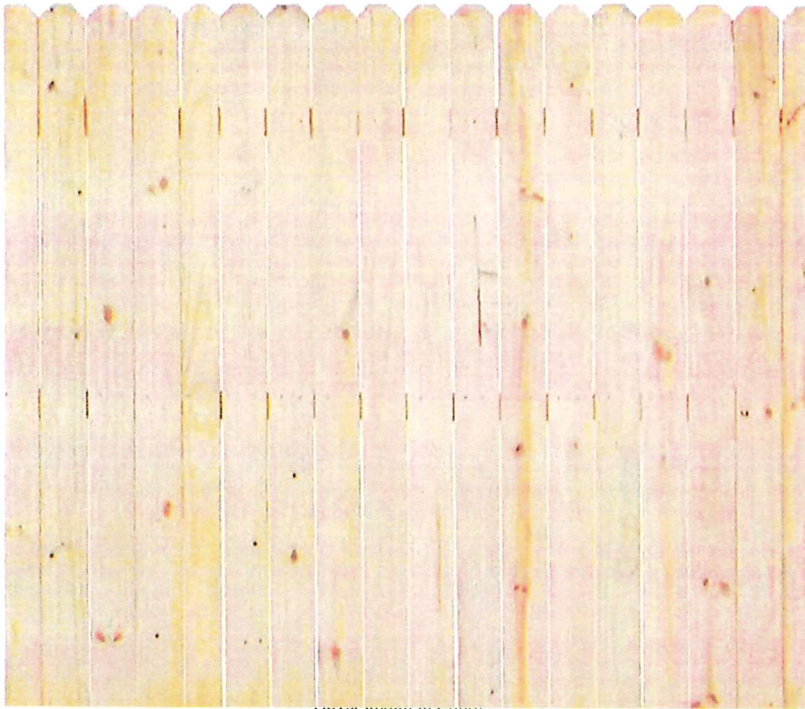


(419)

5.4 Q93

5.4 Q93

5.4 Q93



Hover image to zoom.

6 ft. x 8 ft. Pressure-Treated Pine Dog-Ear Stockade Fence Panel

by **Outdoor Essentials**

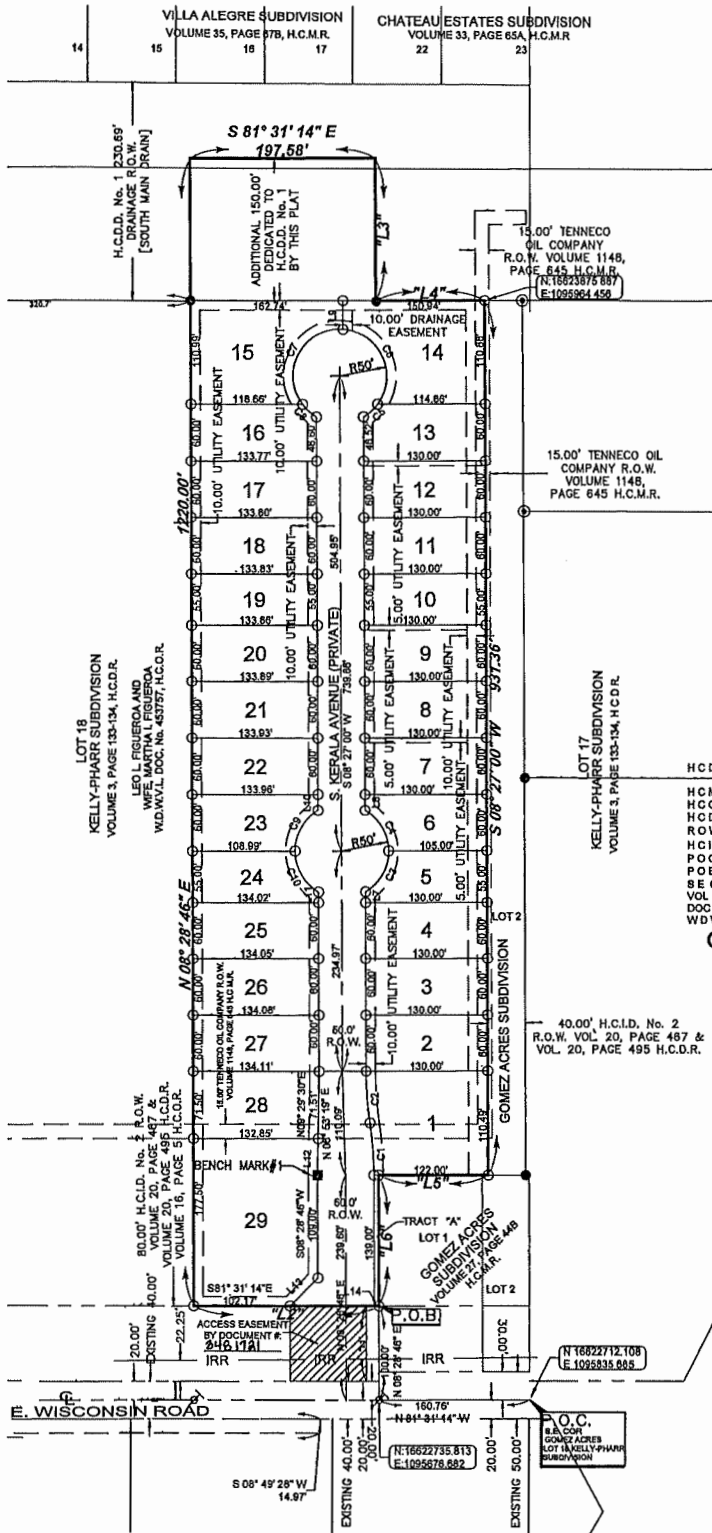
Related Videos & 360° View



Product Images

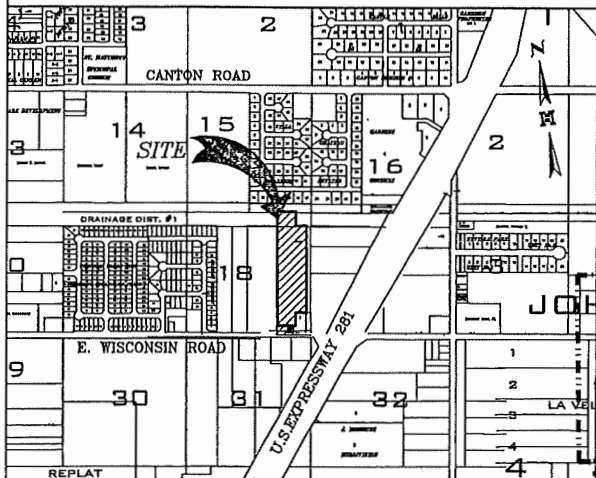
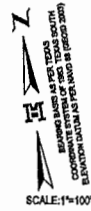
Live Chat

Feedback



PROJECT LEGEND

- FND No 4 REBAR
- ⊗ FND No 6 REBAR
- ⊙ FND PIPE
- SET No 4 REBAR W/PLASTIC CAP STAMPED MELDEN & HUNT
- ▲ SET NAIL
- FND CONC. MONUMENT
- H.C.D.D. HIDALGO COUNTY DRAINAGE DISTRICT No 1
- H.C.M.R. HIDALGO COUNTY MAP RECORDS
- H.C.O.R. HIDALGO COUNTY OFFICIAL RECORDS
- H.C.D.R. HIDALGO COUNTY DEED RECORDS
- R.O.W. RIGHT-OF-WAY
- H.C.I.D. HIDALGO COUNTY IRRIGATION DISTRICT
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- S.E.COR. SOUTHEAST CORNER
- VOL. VOLUME
- DOC NO. DOCUMENT NUMBER
- W.D.W.V.L. WARRANTY DEED WITH VENDORS' LIEN
- C CENTER LINE



Line Table		
Line #	Direction	Length
L1	N 08° 28' 46" E	80.00'
L2	N 81° 31' 14" W	197.17'
L3	S 08° 28' 46" W	150.00'
L4	S 81° 32' 34" E	116.11'
L5	N 81° 21' 55" W	117.00'
L6	S 08° 28' 46" W	139.00'
L7	S 08° 27' 00" W	11.57'
L8	S 08° 27' 00" W	16.83'
L9	N 08° 41' 59" E	31.26'
L10	S 08° 27' 00" W	16.79'
L11	N 08° 27' 01" E	11.65'
L12	N 09° 29' 30" E	38.51'
L13	N 83° 28' 46" E	42.43'
L14	N 81° 31' 14" W	5.00'

DRAWN BY: CRO DATE:

Planning & Zoning

415 West University Drive Edinburg,
Texas 78539
(956) 388-8202



THE CITY OF
Edinburg

Zoning Variance Application

ENERGOV CASE #

Property Owner Name: JOJO THOMAS

Owner Contact Information

Mailing Address: 4707. S BUS HWY 281 Edinburg TX 78539
Street Address City/State Zip Code

Phone (Home): _____ (Work): 956 739 6448 (Cell): 956 319 5151

Email: jjbuildus@gmail.com

Agent/Applicant Name (if different than Owner): JASON VENNATT

Applicant Contact Information

Mailing Address: 4707. S BUS HWY 281 Edinburg TX 78539
Street Address City/State Zip Code

Phone (Home): _____ (Work): _____ (Cell): 956 319 5151

Email: jjbuildus@gmail.com

Property Address for Variance: 3421 S KERRAVAL AVE Edinburg TX 78539
Street Address City/State Zip Code

Property Legal Description: Town home SH MOUNT
Lot Block Subdivision

1. Front metal fence (6ft)

2. Street yard. 3. See 2.206.

Present Property Zoning: _____ Property ID#: _____

Nature of Request (cite all applicable issues needing variance):

Street yard & metal fence (6ft)

Reason for Appeal

Variance will not be granted to relieve personal hardships, to accommodate conditions created by the owner or applicant, and will not be based solely on economic gain or loss. However, if there are circumstances the applicant wishes to be known to the Zoning Board of Adjustment, please list below. Attach additional pages if necessary. Information provided here is not required and does not guarantee approval of this request.

Variance for main Road (Security Room)

OFFICE USE ONLY:

UDC Section(s) Requiring Variance: _____

Reviewed by: _____ Date: _____

Zoning Variance Application

Review Criteria

Please read carefully and check all of the following that apply.

- ☐ There are extraordinary and exceptional conditions pertaining to the subject property because of its size, shape, or topography that are not applicable to other lands or structures in the same district.
- ☐ The need for a Variance or the extraordinary and exceptional conditions do not result from the actions of the owner or applicant.
- ☐ Granting the Variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same district.
- ☐ A literal interpretation of the provisions of this UDC would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
- ☐ Granting of the Variance will be in harmony with the general purpose and intent of this UDC and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- ☐ The Variance requested is the minimum variance that will make possible a permitted use of the land, building, or structure.
- ☒ The Variance will not permit a use of land, building, or structure that is not otherwise permitted in the applicable district.
- ☐ The Variance will not permit an intensity of use of land that is not permitted in the applicable district.

As owners or agents for the above described property, I (we) hereby request a hearing before the City of Edinburg Zoning Board of Adjustment.

Signature: H. Leemema Date: 8/8/24

Owner/Agent's Name (Please Print): Jaisson Vennat

OFFICE USE ONLY

\$450 Application Fee: _____ Payment Received by: _____

Receipt No.

Application deadline: _____ ZBA Hearing date: _____

- **\$450 FEE (NON-REFUNDABLE)**
- **\$40 check or money order, payable to Hidalgo County Clerk, for recording or ZBA's order if approved (returned to applicant if not approved)**
- **Submit site plan or sketch**
- **Submit survey or blueprint, if applicable**
- **Submit letter(s) of support and other documentation if applicable**

**ZONING CASE
OWNER NOTIFICATION LIST**

PID: 201730
BARRERA BALDEMAR
5014 S HWY 281
EDINBURG, TX 78539-8328

PID: 201867
EMP HOLDINGS LLC
2401 E EXPRESSWAY 83
WESLACO, TX 78599-5512

PID: 201872
CASTANEDA GABRIEL
1032 E WISCONSIN RD
EDINBURG, TX 78539-2664

PID: 201868
CANTU GRACIELA
1228 S GUMWOOD ST
PHARR, TX 78577-6022

PID: 201740
FIGUEROA LEO L & MARTHA I
2502 GARZA ST
EDINBURG, TX 78539-6637

PID: 503005
GOMEZ NOE JR
720 KERRIA AVE
MCALLEN, TX 78501-1725

PID: 503007
GOMEZ NOE JR
720 KERRIA AVE
MCALLEN, TX 78501-1725

PID: 1568906
KUTTOTHARA SIS ENTERPRISE LLC
2012 TURTLE LAKE AVE
EDINBURG, TX 78539-1827

PID: 1568908
ANNJO PROPERTIES LLC
2012 TURTLE LAKE AVE
EDINBURG, TX 78539-1827

PID: 1568929
**LONGORIA JASON COREY
& DANLLELY**
2422 E GRIFFIN PKWY
MISSION, TX 78572-3302

PID: 1568930
KUTTOTHARA SIS ENTERPRISE LLC
2012 TURTLE LAKE AVE
EDINBURG, TX 78539-1827

PID: 1568931
KUTTOTHARA SIS ENTERPRISE LLC
2012 TURTLE LAKE AVE
EDINBURG, TX 78539-1827

PID: 1568932
KUTTOTHARA SIS ENTERPRISE LLC
2012 TURTLE LAKE AVE
EDINBURG, TX 78539-1827

PID: 1568933
THOMAS JESSY V
2012 TURTLE LAKE AVE
EDINBURG, TX 78539-1827

PID: 1568934
KUTTOTHARA SIS ENTERPRISE LLC
2012 TURTLE LAKE AVE
EDINBURG, TX 78539-1827

PID: 1568907
ANNJO PROPERTIES LLC
2012 TURTLE LAKE AVE
EDINBURG, TX 78539-1827

PID: 1568905
KUTTOTHARA SIS ENTERPRISE LLC
2012 TURTLE LAKE AVE
EDINBURG, TX 78539-1827

PID: 1568757
**HIDALGO COUNTY IRRIGATION
DISTRICT NO. 2**
PO BOX 6
SAN JUAN, TX 78589

**ZONING CASE
OWNER NOTIFICATION LIST**

PID: 1568910

PROVIDENCE PROPERTIES LLC

2012 TURTLE LAKE AVE

EDINBURG, TX 78539-1827

PID: 1568909

THOPPIL JOSEPH

& DEENA THOMAS

3106 SALVADOR AVE

EDINBURG, TX 78539-1022

Planning & Zoning Staff Report

Prepared on: August 13, 2024

ZONING BOARD OF ADJUSTMENT

Regular Meeting: August 28, 2024

Agenda Item

Request By Juan Adame for a Variance to The City Of Edinburg Unified Development Code to allow as follows: A covered accessory structure to have a 1-foot side yard setback where a 6-foot side yard setback is required and to have a 1-foot separation to the building, instead of 10-foot minimum required by code, and to be built over a 15-Foot utility easement, at Lot 6, North McColl Subdivision, Hidalgo County, Texas, 2009 North McColl Road.

Request

The applicant is seeking a variance to Unified Development Code (UDC) Article 3, Section 3.102 as it applies to setbacks. The applicant is proposing to keep an accessory structure in the north side yard built to the rear property line over a 15-foot utility easement leaving a 5-foot separation from property line to structure and a 1-foot separation from the principal structure.

Property Location and Vicinity

The property is located on the west side of North McColl Road, approximately 400 feet south of Fran Boyllan Street and is presently zoned Residential, Primary (RP) District. Adjacent zoning is Residential, Primary (RP) District to the north, south, and east and zoned Residential, Suburban (RS) District to the west. Adjacent land uses are single family residential uses and open space.

Background and History

The property is part of North McColl Subdivision that was recorded on May 13, 1973. On July 3, 2024, Code Enforcement sent a notice of violation letter to the applicant for building without a permit. On August 1, 2024 the applicant submitted a building permit for an accessory structure. Staff reviewed the building permit and noticed the encroachments. An application request for variance was received on August 1, 2024.

Staff mailed a notice of the variance request to 27 neighboring property owners and received no comments in favor and or against this request at the time that this report was prepared.

Analysis

Plans received by the City show a 25 feet 5 inches x 24 feet 8 inches accessory structure built over a 15-foot utility easement, located in the north side yard encroaching 5-feet into north side yard setback and 1-foot from the principal structure. The setbacks for this zoning district are front 20 feet, side 6-feet and rear 20-feet. The applicant states that the purpose of the accessory structure is to have an outside shade area for his daughter to play and enjoy after school activities.

Planning & Zoning Staff Report

Recommendation

Staff recommends denial of the variance request. If approved, the applicant will need to comply with all other requirements during the permitting process and pay a \$40 fee payable to the County of Hidalgo, submitted to the County Clerk's office for the recording of the Zoning Board of Adjustments order on this request, and any other City requirements as applicable.

Prepared by:

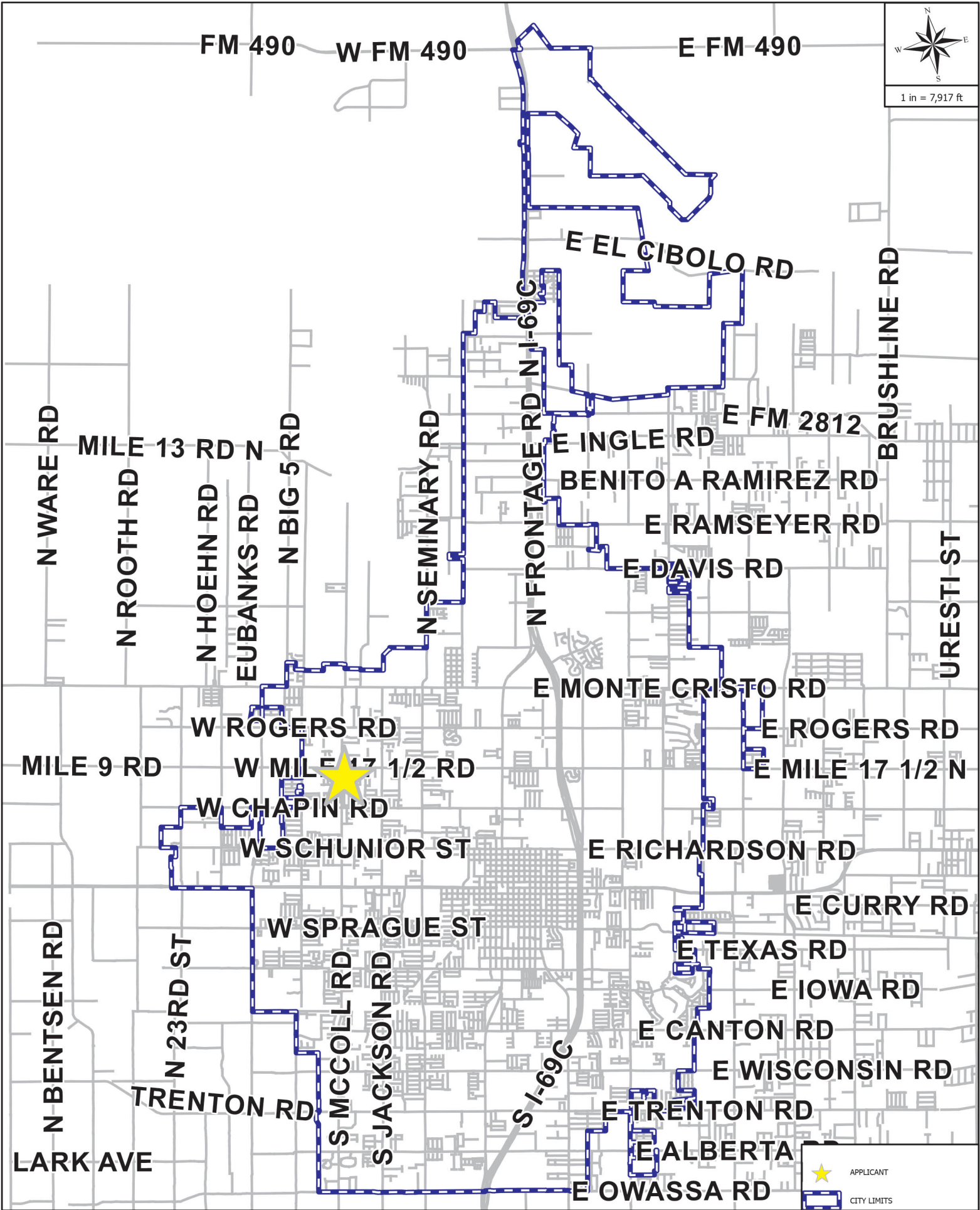
Tilfred Ricardo Farley

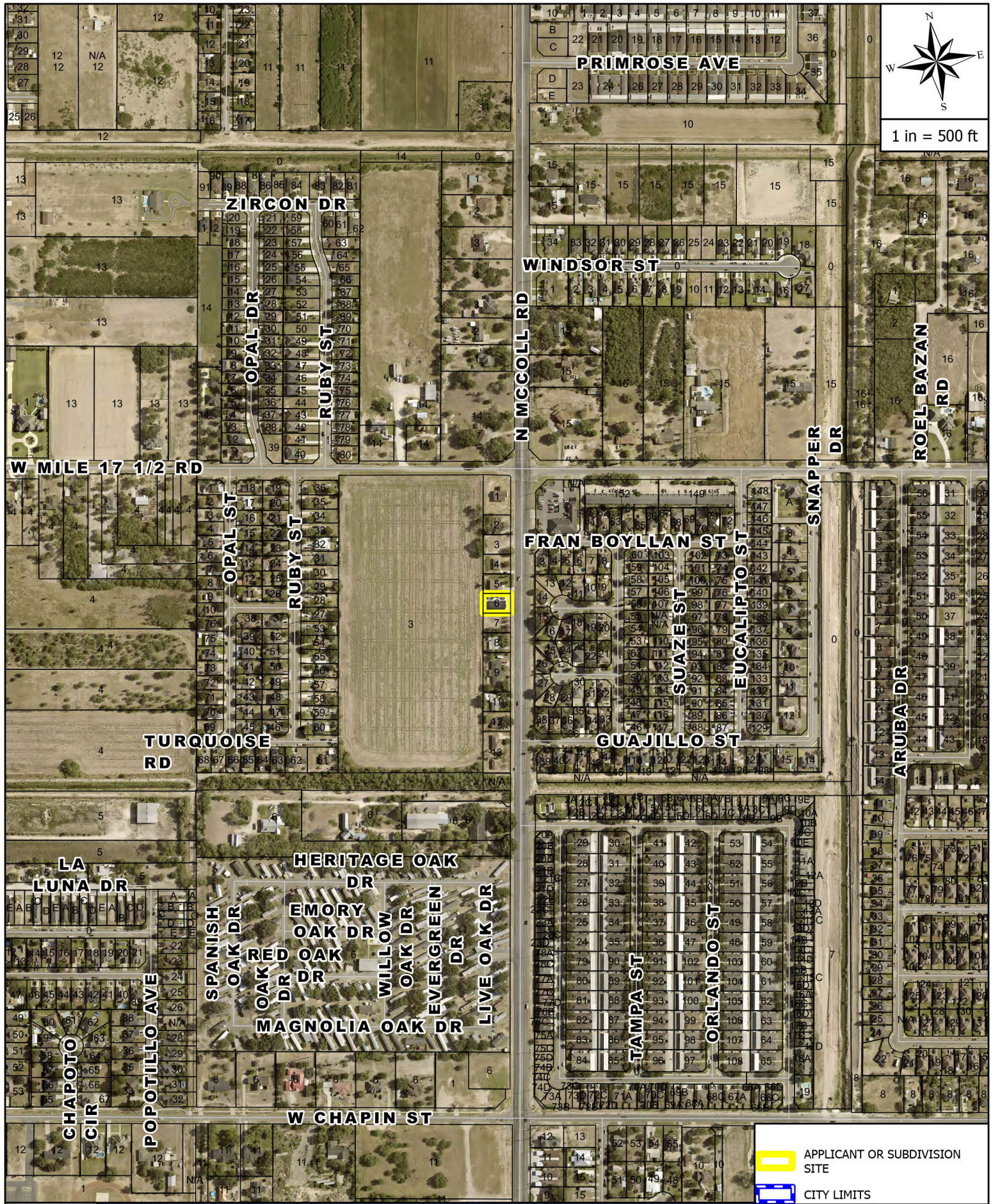
Planner I

Approved by:

Jaime Acevedo

Director of Planning & Zoning

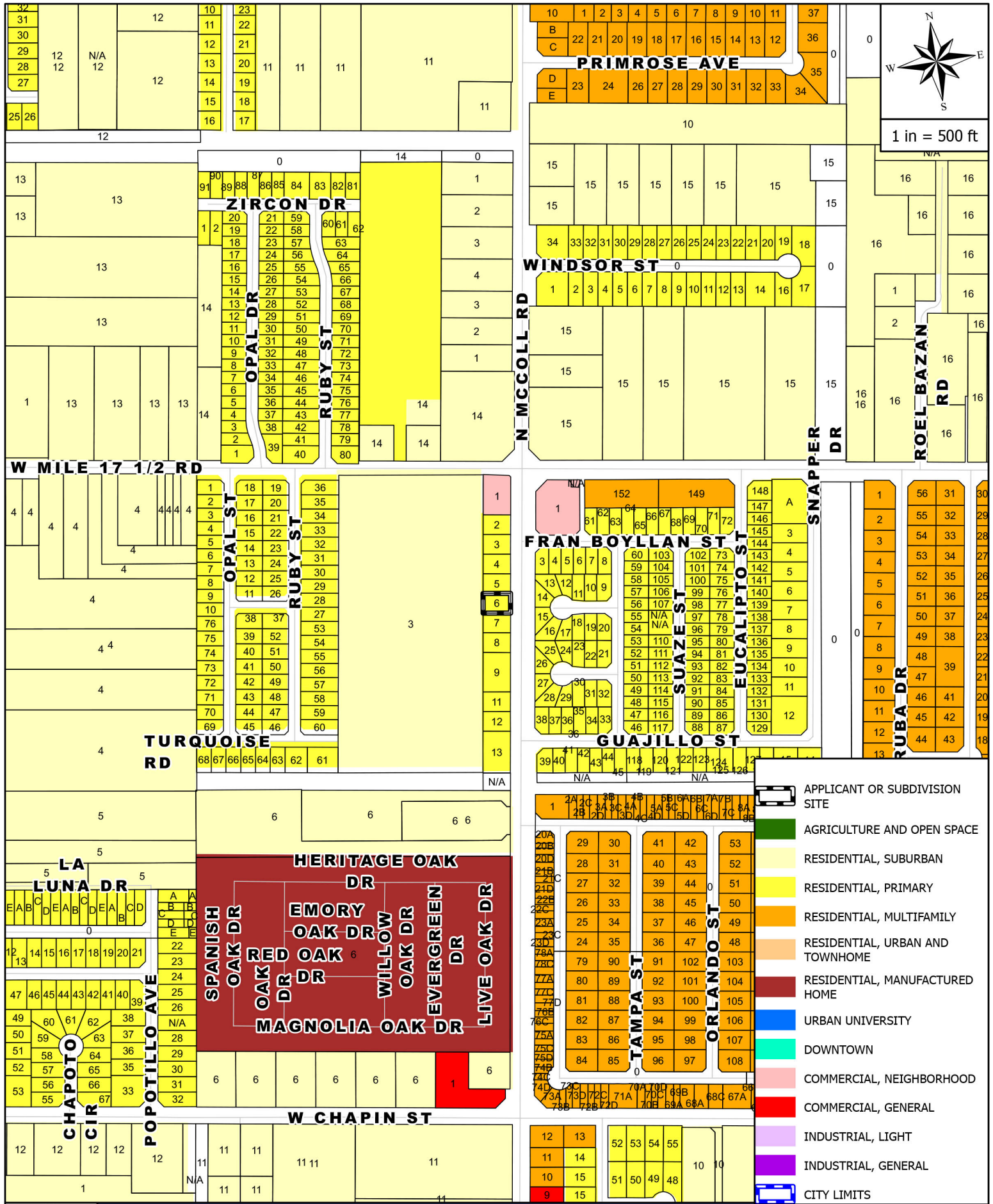




AERIAL MAP

APPLICANT AND/OR SUBDIVISION:

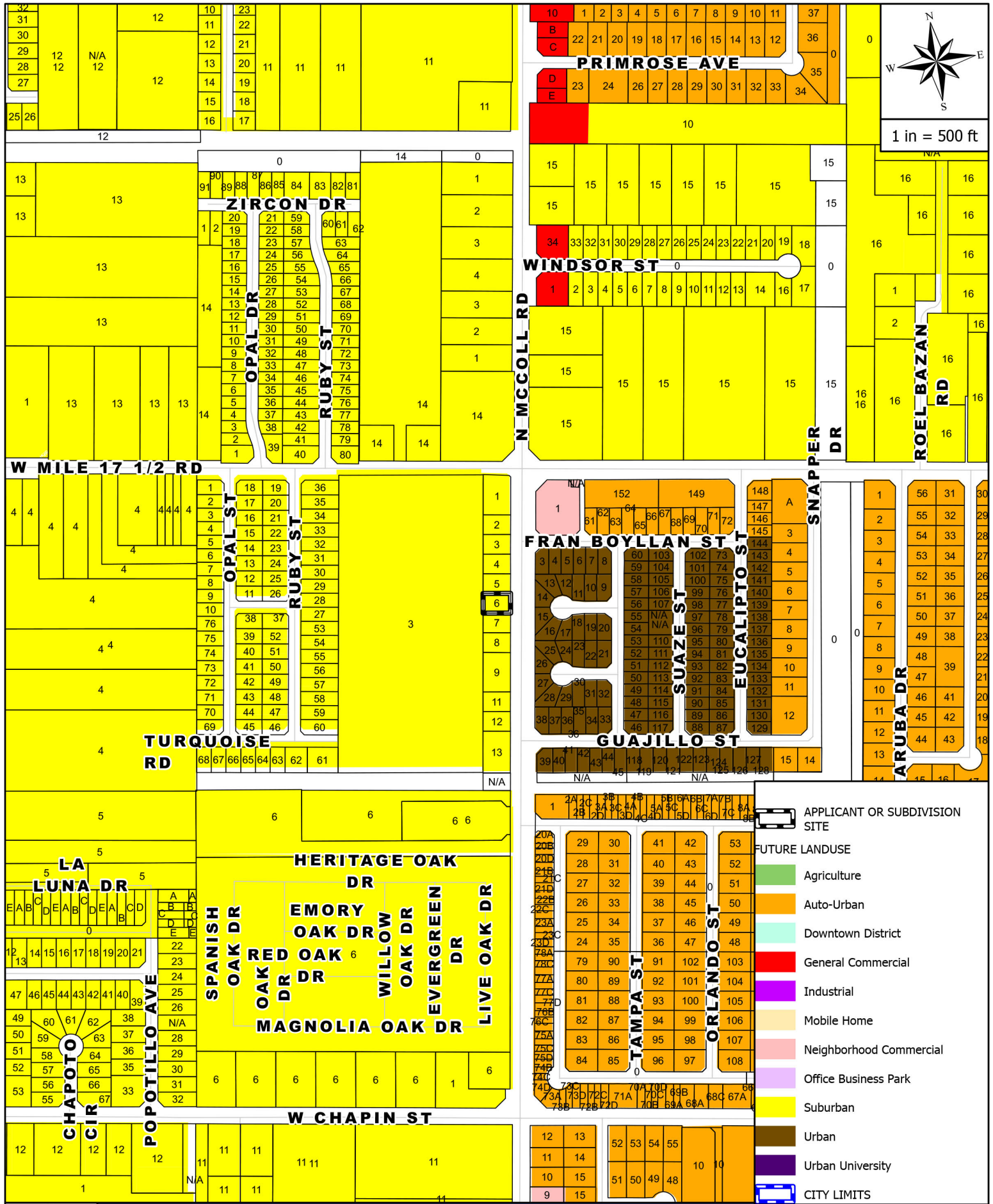
VAR-2024-0241 JUAN ADAME



ZONING MAP

APPLICANT AND/OR SUBDIVISION:

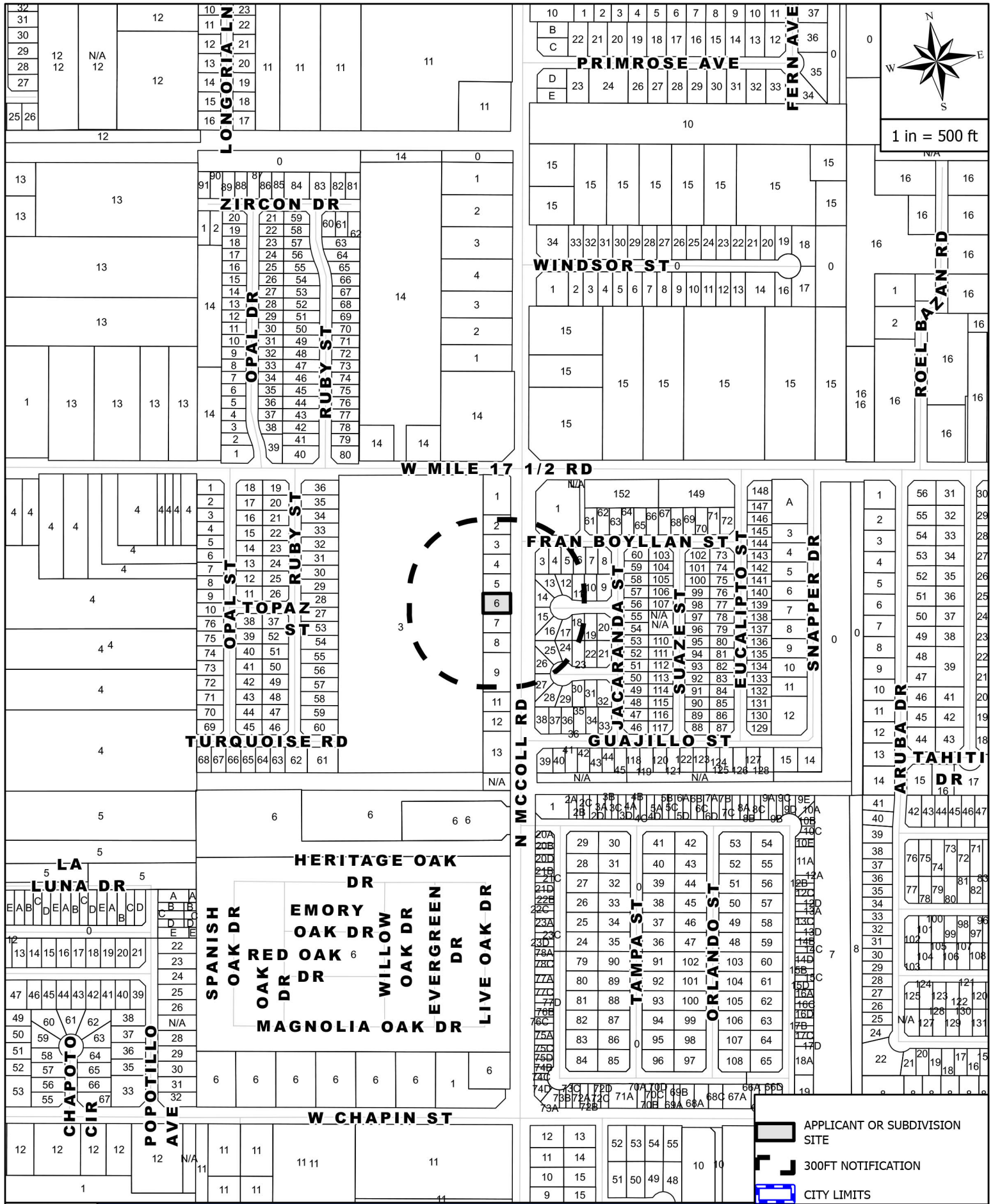
VAR-2024-0241 JUAN ADAME



FUTURE LANDUSE MAP

APPLICANT AND/OR SUBDIVISION:

VAR-2024-0241 JUAN ADAME



MAILOUT AND SITE MAP

APPLICANT AND/OR SUBDIVISION:

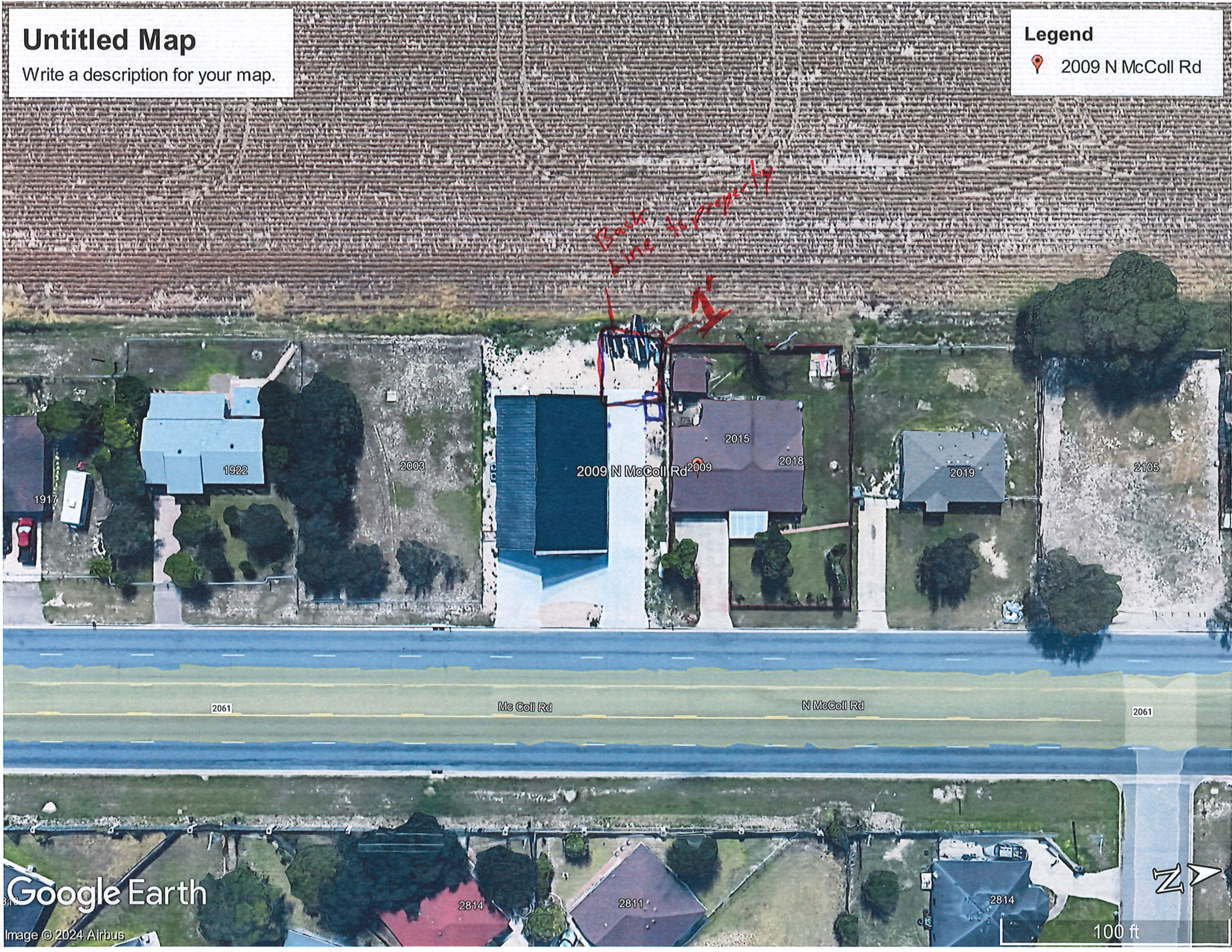
VAR-2024-0241 JUAN ADAME

Untitled Map

Write a description for your map.

Legend

 2009 N McColl Rd



Google Earth

Image © 2024 Airbus

100 ft

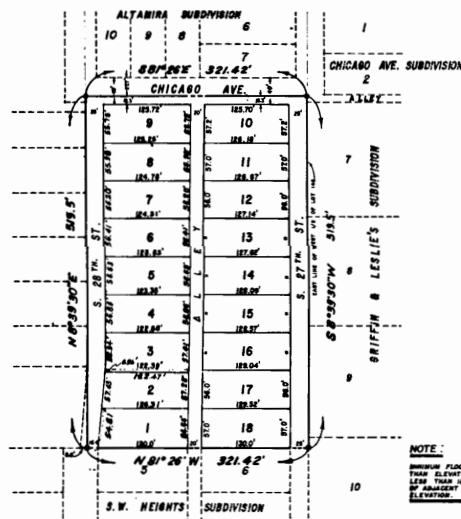
Zoning Board of Adjustment

Variance Request by Juan Adame

2009 North McColl Road



13189

FILED FOR RECORD THIS DATE
A: 11:18 AM

MAP OF ROBY SUBDIVISION M^oALLEN, TEXAS

BEING A SUBDIVISION OF 3.83 ACRES OF LAND OUT OF THE WEST 1/2 OF LOT 146, LA LOMITA IRRIGATION & CONST. CO'S SUBDIVISION, OF PORCIONES 81, 82 & 83, HIDALGO COUNTY, TEXAS.

PREPARED BY:
FABIAN, NELSON & MEDINA INC.
M^oALLEN, TEXAS

SCALE: 1" = 100' DATE: 5-18-72

I, PLINIO C. MEDINA, A REGISTERED PUBLIC SURVEYOR, DO HEREBY CERTIFY THE FOREGOING MAP TO BE A TRUE AND CORRECT REPRESENTATION OF THE LANDS HEREON SHOWN AS PLATTED BY ME FROM THE SURVEY OF THE OUTSIDE BOUNDARIES OF SAME.

STATE OF TEXAS:
COUNTY OF HIDALGO:

KNOW ALL MEN BY THESE PRESENTS:

THAT THE UNDERSIGNED, OWNER OF THE PROPERTY HEREON DESCRIBED, DO HEREBY ADOPT, DEDICATE AND CONFIRM THE FOREGOING MAP OF "ROBY SUBDIVISION" AND DO HEREBY DEDICATE THE SURFACE USE OF THE STREETS AND ALLEYS THEREON SHOWN.

STATE OF TEXAS:
COUNTY OF HIDALGO:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED ABOVE NAMED OWNER KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 18th DAY OF April, A.D. 1972.

THIS PLAT APPROVED BY THE M^oALLEN ZONING AND PLANNING BOARD ON THIS THE 20th DAY OF April, A.D. 1972.

THIS PLAT APPROVED BY THE CITY COMMISSION OF THE CITY OF M^oALLEN, TEXAS ON THIS THE 1st DAY OF May, A.D. 1972.

APPROVED BY THE HIDALGO COUNTY WATER IMPROVEMENT DISTRICT NO. 1 ON THIS THE 26th DAY OF October, A.D. 1972.

Recorded in Book 18, Page 57
of the map records of Hidalgo
County, Texas
Charles L. Melden
County Surveyor

APPROVED FOR RECORDING

COMMISSIONER'S COURT
This 29th day of May, 1972
SANTOS SALDAMA, County Clerk
Hidalgo County, Texas
By: *[Signature]*

[Signature]
PLINIO C. MEDINA
REGISTERED PUBLIC SURVEYOR
M^oALLEN, TEXAS

[Signature]
DARIO R. GARCIA, TRUSTEE

Maria Elena de la Cruz - Notary Public
in and for Hidalgo County, Texas
[Signature]
HIDALGO COUNTY, TEXAS.

APPROVED
FOR RECORDING
Hidalgo Co. Right of Way Dept.
By: *[Signature]*
Date: 5-23-72



12031

FILED FOR RECORD THIS DATE
MAY 15 1973
SANTOS SALDAMA
County Clerk
Hidalgo County, Texas

MAP OF NORTH Mc COLL SUBDIVISION

HIDALGO COUNTY, TEXAS

BEING A RESUBDIVISION OF 4.71 ACRES OUT OF LOT 3,
SECTION 237, TEXAS-MEXICAN RAILWAY COMPANY SURVEY,
HIDALGO COUNTY, TEXAS

I, CHARLES L. MELDEN, A REGISTERED PUBLIC SURVEYOR, DO HEREBY CERTIFY THE ACCOMPANYING MAP TO BE A TRUE AND CORRECT REPRESENTATION OF THE LANDS HEREON DESCRIBED AS SURVEYED AND SUBDIVIDED UNDER MY DIRECTION.

[Signature]
CHARLES L. MELDEN
REGISTERED PUBLIC SURVEYOR
EDINBURG, TEXAS
MARCH 11, 1973



STATE OF TEXAS:
COUNTY OF HIDALGO:

KNOW ALL MEN BY THESE PRESENTS:
THAT I, WILLIAM BURCH, OWNER OF THE PROPERTY HEREON DESCRIBED, DO HEREBY ADOPT, DEDICATE, AND CONFIRM THE FOREGOING PLAT OR MAP AND DO HEREBY DEDICATE TO THE PUBLIC THE STREETS AND EASEMENTS, DESIGNATED THEREON.

[Signature]
WILLIAM BURCH, OWNER

STATE OF TEXAS:
COUNTY OF HIDALGO:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED WILLIAM BURCH, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 14th DAY OF March, A.D., 1972.

[Signature]
NOTARY PUBLIC IN AND FOR
HIDALGO COUNTY, TEXAS

THIS PLAT APPROVED BY THE CITY OF EDINBURG PLANNING AND ZONING BOARD ON THIS THE 13th DAY OF March, A.D., 1972.

[Signature]
LLOYD G. WOOD, CHAIRMAN

THIS PLAT APPROVED BY THE CITY COMMISSION OF THE CITY OF EDINBURG, TEXAS, ON THIS THE 20th DAY OF March, A.D., 1972.

[Signature]
LLOYD G. WOOD, MAYOR

ATTEST:

[Signature]
CITY SECRETARY

THIS PLAT APPROVED BY HIDALGO COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1, ON THIS THE 13th DAY OF April, A.D., 1972.

[Signature]
PRESIDENT

ATTEST:

[Signature]
SECRETARY

APPROVED FOR RECORDING

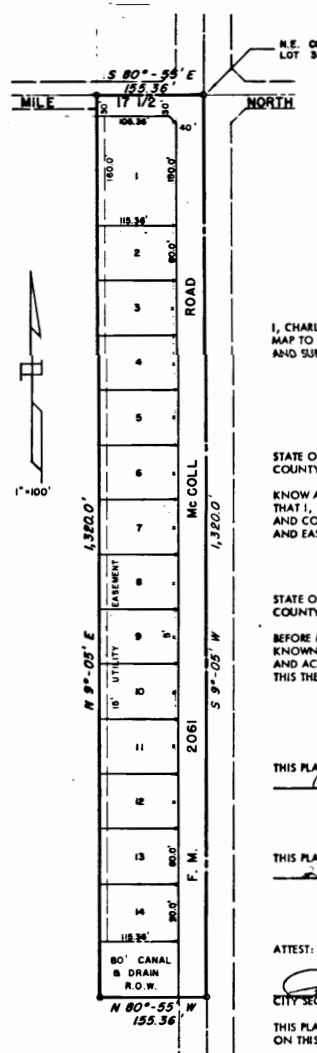
BY
COMMISSIONER'S COURT

This 29th day of May, 1972

SANTOS SALDAMA, County Clerk
Hidalgo County, Texas

By: *[Signature]*

APPROVED
FOR RECORDING
Hidalgo Co. Right of Way Dept.
By: *[Signature]*
Date: 5-10-72



Planning & Zoning

415 West University Drive Edinburg,
Texas 78539
(956) 388-8202



THE CITY OF
Edinburg

Zoning Variance Application

ENERGOV CASE # VAR-2024-0241

Property Owner Name: Juan Adams

Owner Contact Information

Mailing Address: 2009 N. McColl Rd Edinburg TX 78541

Street Address

City/State

Zip Code

Phone (Home): 956-250-4094 (Work): 832-323-8968 (Cell): _____

Email: texasprimehomes@gmail.com

Agent/Applicant Name (if different than Owner): _____

Applicant Contact Information

Mailing Address: SAME

Street Address

City/State

Zip Code

Phone (Home): _____ (Work): _____ (Cell): _____

Email: _____

Property Address for Variance: 2009 N. McColl Rd Edinburg TX

Street Address

City/State

Zip Code

Property Legal Description: 6 NORTH McCOLL

Lot

Block

Subdivision

Present Property Zoning: RESIDENTIAL Primary

Property ID#: 248379

Nature of Request (cite all applicable issues needing variance):

1. Building separation, over utility easements, 5' side yard instead of 6' on north side

10' ESMT 15' ESMT 1 FT FROM REAR PL DE NOT ATTACHED

Reason for Appeal

Variance will not be granted to relieve personal hardships, to accommodate conditions created by the owner or applicant, and will not be based solely on economic gain or loss. However, if there are circumstances the applicant wishes to be known to the Zoning Board of Adjustment, please list below. Attach additional pages if necessary. Information provided here is not required and does not guarantee approval of this request.

Reason to apply for variance is to have an outside shade for my daughter to play and enjoy after school activities since she has ADHD.

OFFICE USE ONLY:

UDC Section(s) Requiring Variance: ARTICLE 2

Reviewed by: TILFRED FARLEY

Date: AUGUST 1, 2024

FF REAR SIDE
SETBACKS 20-20-6

**ZONING CASE
OWNER NOTIFICATION LIST**

PID: 556256
SAN SIMEON PROPERTIES LLC
902 BIGHORN DRIVE
EDINBURG, TX 78542-0744

PID: 556268
**MOLINA SANJUANA
& MIGUEL FLORES**
2809 LOS PINOS LN
EDINBURG, TX 78541

PID: 556281
SANCHEZ ANTONIO ET UX
2813 LA MORA LN
EDINBURG, TX 78541-9489

PID: 556270
RIGGS JOHN H & ALMA ALICIA
2814 LOS PINOS LN
EDINBURG, TX 78541-9487

PID: 556273
TAMEZ CYNTHIA
2806 LOS PINOS LN
EDINBURG, TX 78541

PID: 556279
RAMIREZ DAVID & LEANNA BENTLEY
2809 LA MORA LN
EDINBURG, TX 78541-9489

PID: 556259
CASTOR PETER LEMUEL
2812 FRAN BOYLLAN ST
EDINBURG, TX 78541-9485

PID: 556258
SALINAS VANESSA E
2814 FRANBOYLLAN ST
EDINBURG, TX 78539

PID: 556266
PRIMERA CASA INVESTMENTS INC
2805 LOS PINOS LN
EDINBURG, TX 78541-9487

PID: 556267
OYERVERIDES ESMERALDA
2807 LOS PINOS LN
EDINBURG, TX 78541-9487

PID: 556272
**LOPEZ GERARDO
& PRESCILLA SANCHEZ**
2808 LOS PINOS LN
EDINBURG, TX 78541-9487

PID: 556282
MORENO MARTHA V
2816 LA MORA LN
EDINBURG, TX 78541-9489

PID: 556280
**BAILON FRANCELLY MELENDEZ
& SERGIO IVAN SALDANA**
2811 LA MORA LN
EDINBURG, TX 78541

PID: 556269
NAVA SYLVIA
2811 LOS PINOS LN
EDINBURG, TX 78541-9487

PID: 556278
COLE FRED J & DEBRA A
2807 LA MORA LN
EDINBURG, TX 78541-9489

PID: 248382
CASTANEDA ALMA
RR 4 BOX 728
EDINBURG, TX 78540

PID: 556261
CHIRINOS EMMA LOURDES
2808 FRANBOYLLAN ST
EDINBURG, TX 78541-9485

PID: 248376
REBUGIO VINCENT & VINCI
3913 ALVARADO ST
EDINBURG, TX 78539-0281

PID: 248378
HERNANDEZ LAMBERTO
2018 N MCCOLL RD
EDINBURG, TX 78541-8805

PID: 248381
GARCIA JOSE D & NELDA
1922 N MCCOLL RD
EDINBURG, TX 78541-2293

**ZONING CASE
OWNER NOTIFICATION LIST**

PID: 556271
MARROQUIN OLIVIA
2810 LOS PINOS LN
EDINBURG, TX 78541-9487

PID: 556260
GONZALEZ RONNIE
9615 HWY 107
EDINBURG, TX 78539

PID: 248379
ADAME JUAN A
916 E TOM LANDRY ST
MISSION, TX 78572-4409

PID: 248380
GARCIA JOSE D & NELDA
1922 N MCCOLL RD
EDINBURG, TX 78541

PID: 248375
VEGA RICARDO
1804 ARIEL LN
EDINBURG, TX 78539-5914

PID: 248377
**SANTILLANA GUADALUPE III
& ANTHONY**
2024 N MCCOLL RD
EDINBURG, TX 78541-8805

PID: 295015
BLOOMFIELD GORDON L
1310 W IRIS AVE
MCALLEN, TX 78501-3995

Planning & Zoning Staff Report

Prepared on: August 19, 2024

ZONING BOARD OF ADJUSTMENT

Regular Meeting: August 28, 2024

Agenda Item

Request of Oralía and Teraso Morano for a Variance to the City of Edinburg Unified Development Code to allow as follows: The existing residence to encroach 2.5-feet into the east side yard setback, and to allow a covered patio on the north side of the property to encroach 8 - feet into the rear yard setback and 6-feet into the east side yard setback at Lot 49, McColl estates Unit No. 2 Subdivision, Hidalgo County, Texas, 2809 Jessica Drive.

Request

The applicant is requesting a variance to the City's Unified Development Code (UDC) Article 3, Section 3.102 as it applies to setbacks. The applicant is requesting the existing residence to encroach 2.5-feet into the side yard setback, and to allow a covered patio on the north side of the property to encroach 8 - feet into the rear yard setback.

Property Location and Vicinity

The property is located on the north side of Jessica Drive and is presently zoned Residential, Primary (RP) District. The property has a total square footage of 10,914 square feet. Required Setbacks for Residential, Primary (RP) District are, Front 20-feet, Side 6- feet, and Rear 20- feet. Adjacent zoning is Residential, Primary (RP) in all directions. Surrounding land uses are single family residential uses in all directions.

Background and History

The property is Lot 49 of McColl Estates Unit No 2, Subdivision that was recorded on April 9, 1973. On April 18, 2024, Code Enforcement mailed a notice of violation to the applicant for building construction without a permit. On April 19, 2024, the applicant applied for a building permit with a site plan for a covered outdoor patio with a restroom. Staff conducted an onsite inspection and noticed the encroachments and that the existing structure were also encroaching. A zoning variance application was received from the applicant on May 8, 2024. The variance request was tabled at the regular meeting on June 26, 2024, for the July 31, 2024 meeting due to the applicant having a family emergency. The variance request was again tabled on July 31, 2024 for the August 28, 2024 meeting to allow inspections by the Fire Department.

Staff mailed a notice of this variance request to 40 neighboring property owners and received three comment against this request at the time this report was prepared.

Analysis

Planning staff conducted a field inspection on May 8, 2024, and it was discovered that the roof for the patio is built 12-feet from rear property line, resulting in an 8-foot encroachment into the required 20-foot rear yard setback. The roof for the patio is also encroaching into the side yard setback leaving a 0-foot side yard setback on the east side of the property instead of the required 6-foot side yard setback. The existing house is built 3.5 ft from the east side of the property instead of the required 6-foot side yard setback.

Planning & Zoning Staff Report

Recommendation

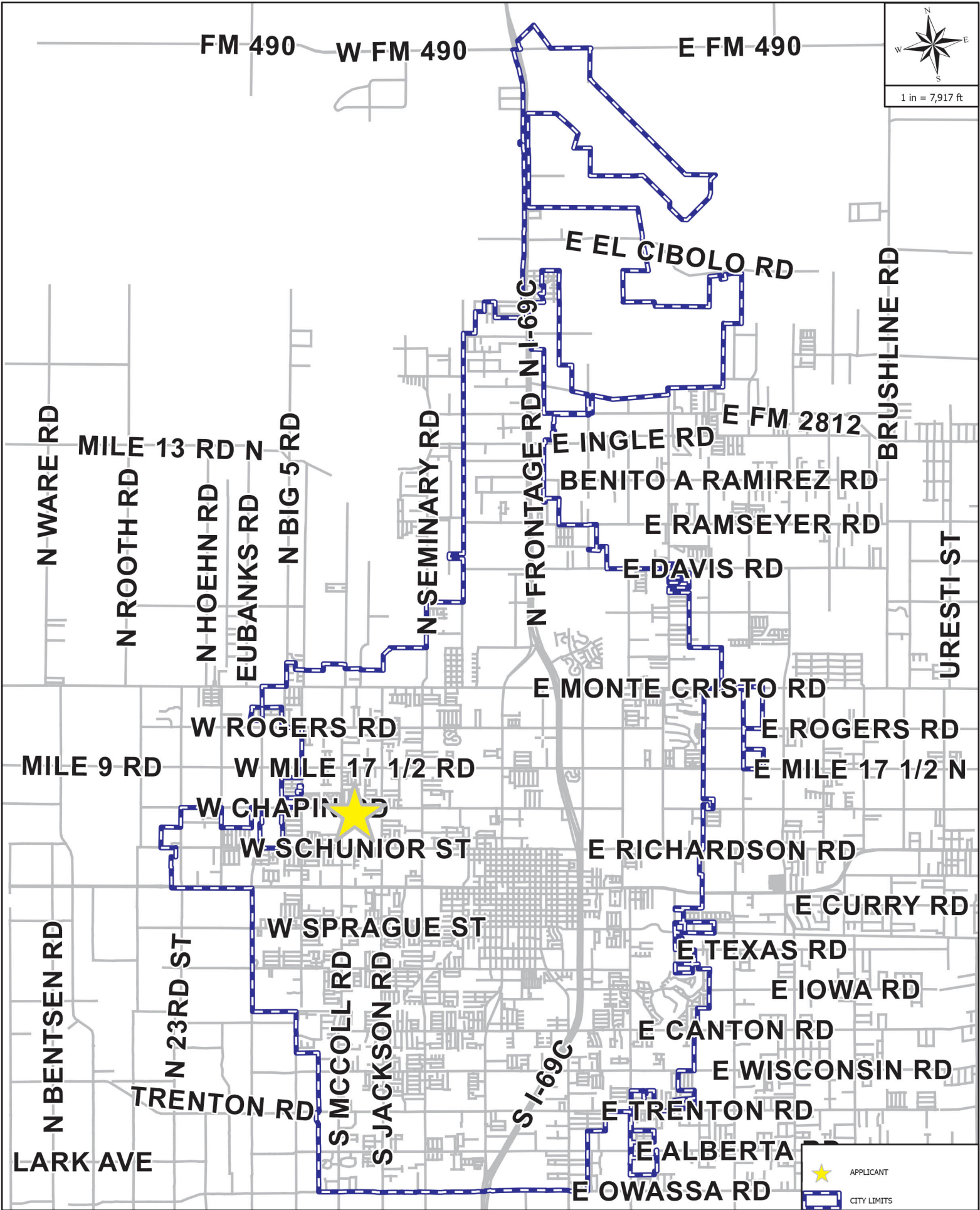
Staff recommends granting the variance for the existing structure encroachment but denial of the variance request for the covered patio encroachments. If approved, the applicant will need to comply with all other requirements during the permitting process. If approved, \$40 fee, payable to the County of Hidalgo, County Clerk's Office, for the recording of the ZBA order is also required. A location map, aerial map, photo, subdivision plat, site plan, and application from the property owner are attached for the Board's consideration.

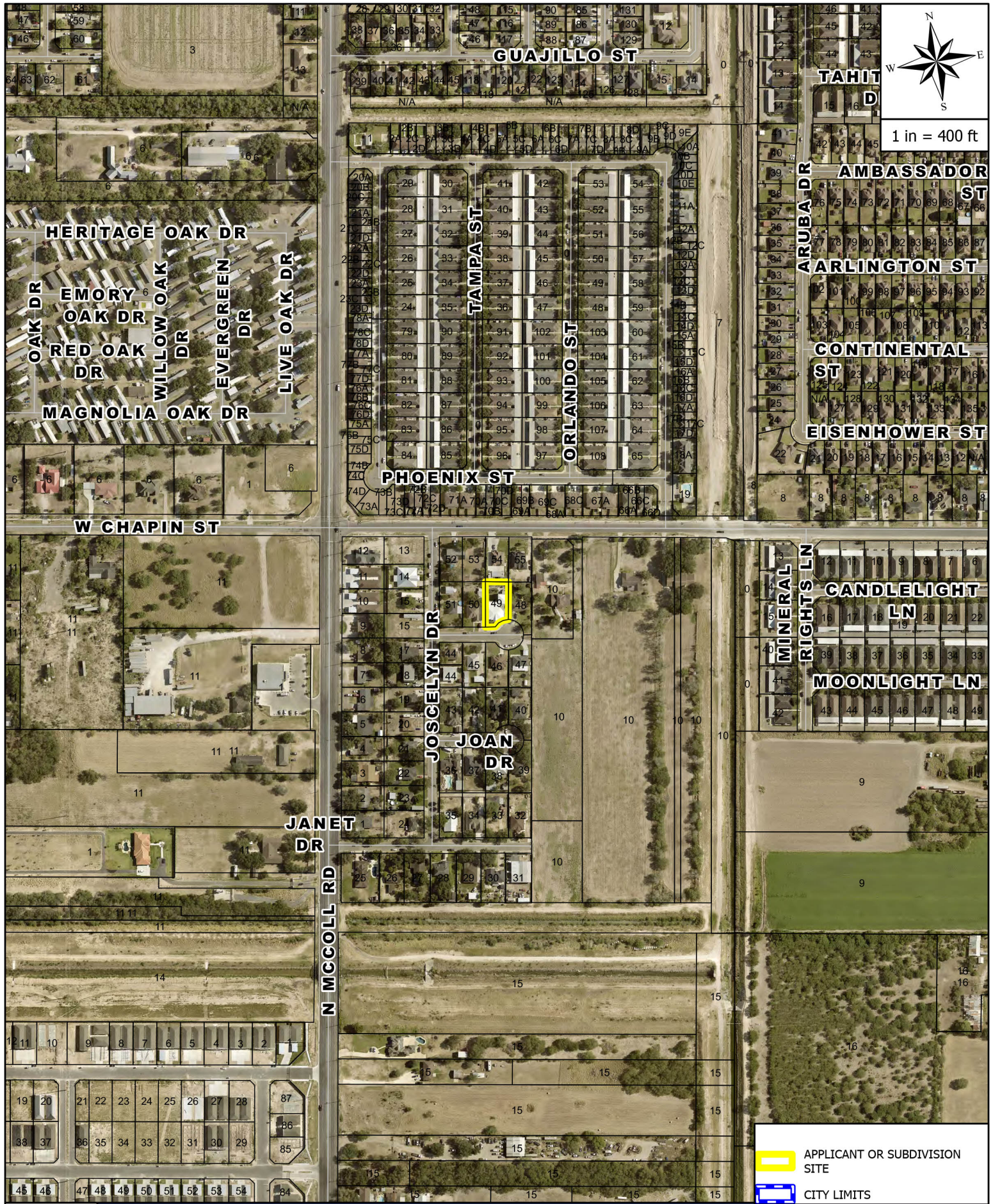
Prepared by:

Tilfred Ricardo Farley
Planner I

Approved by:

Jaime Acevedo
Director of Planning & Zoning

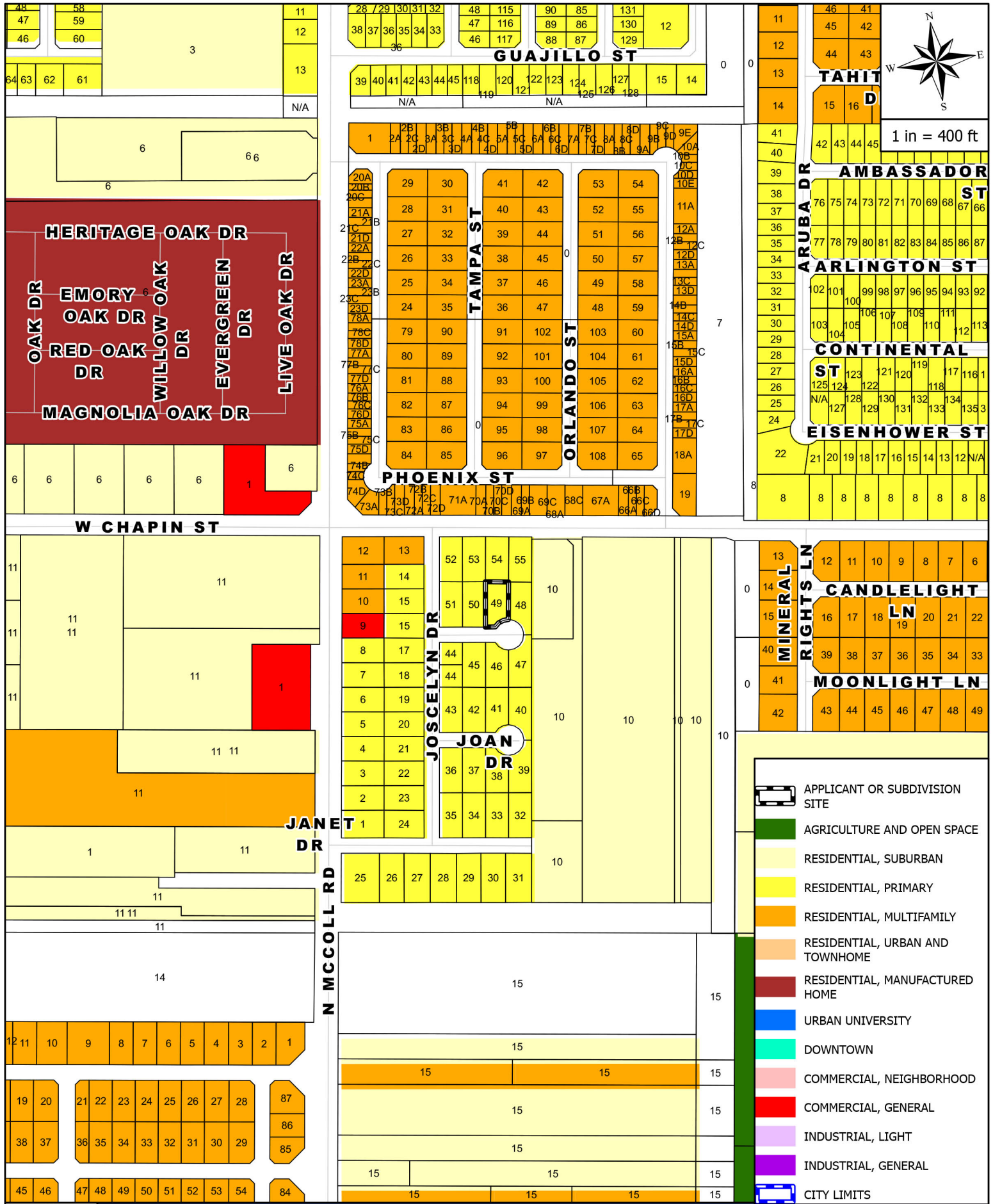




AERIAL MAP

APPLICANT AND/OR SUBDIVISION:

VAR-2024-0234 ORALIA AND TERASO MORANO

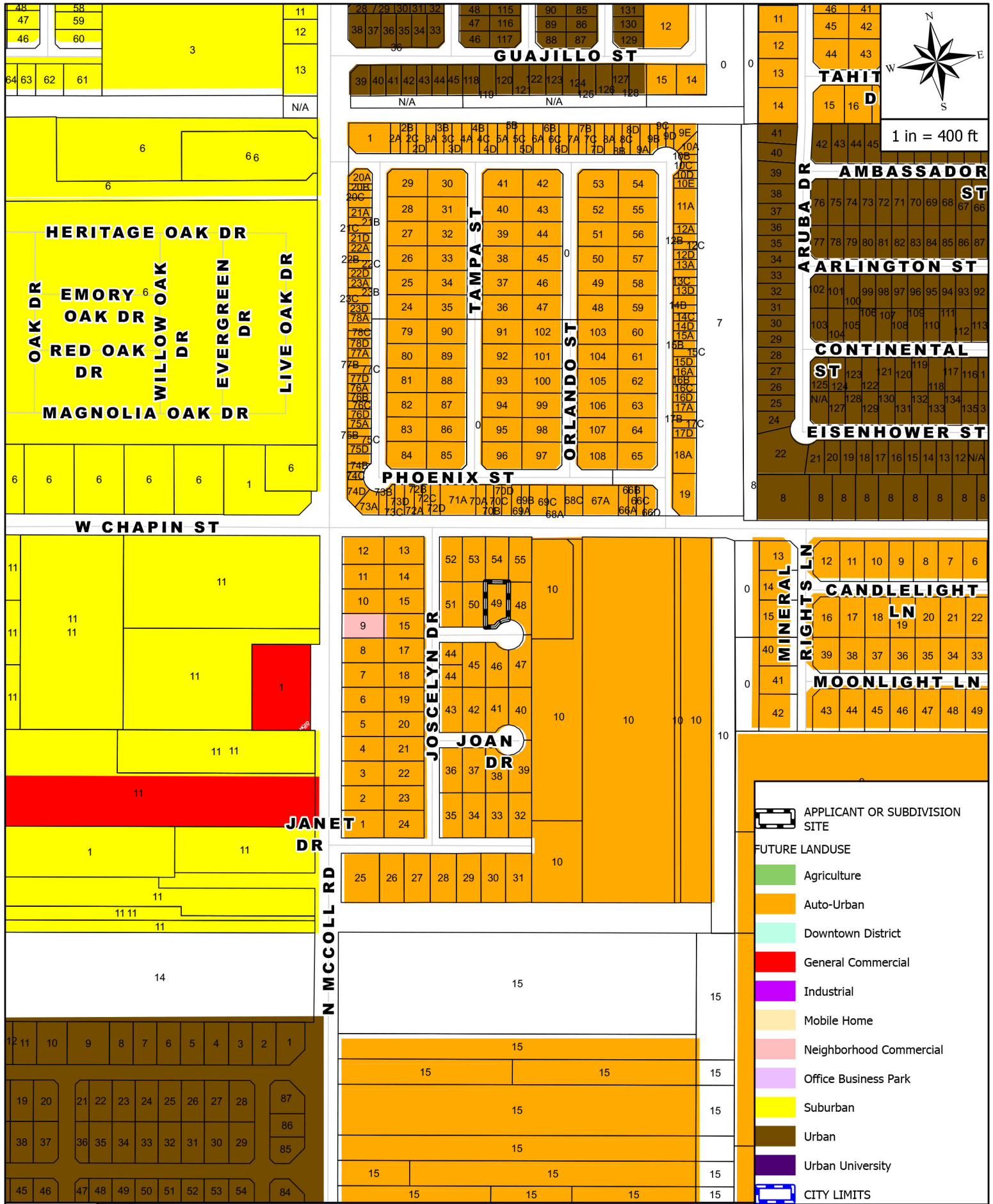


ZONING MAP

APPLICANT AND/OR SUBDIVISION:

VAR-2024-0234 ORALIA AND TERASO MORANO



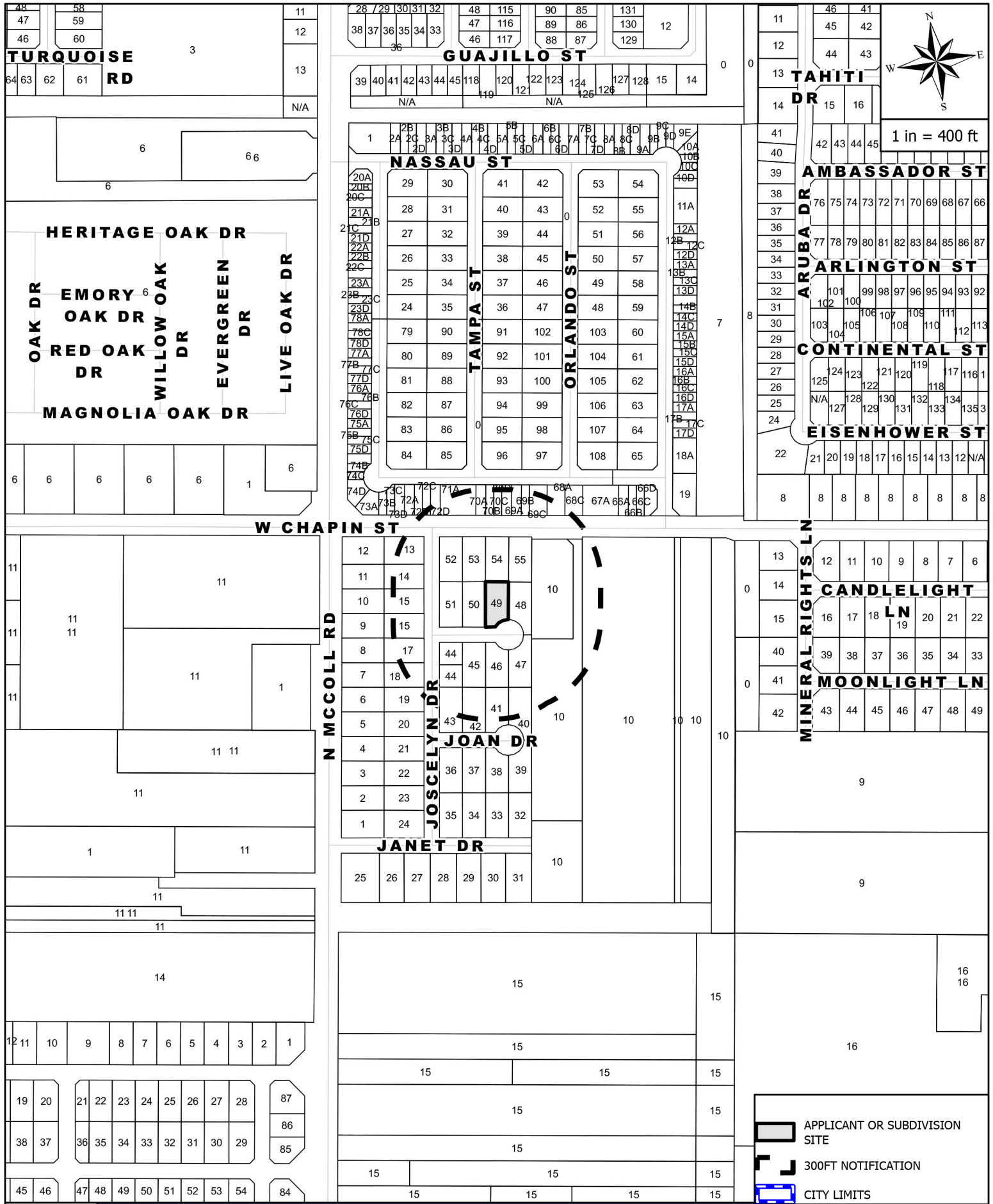


FUTURE LANDUSE MAP

APPLICANT AND/OR SUBDIVISION:

VAR-2024-0234 ORALIA AND TERASO MORANO





MAILOUT AND SITE MAP
APPLICANT AND/OR SUBDIVISION:
VAR-2024-0234 ORALIA AND TERASO MORANO



Zoning Board of Adjustment

Variance Request by Oralia and Teraso Moreno

2809 Jessica Drive



N.W. CORNER LOT 10 SECTION 237

FILED FOR RECORD THIS DATE 8724
At 3:42 o'clock P. M.

APR 9 1973

SANTOS SALDANA
Hidalgo County, Texas
MAP OF

Mc COLL ESTATES UNIT NO. 2

EDINBURG, HIDALGO CO., TEXAS

A RESUBDIVISION OF 14.31 ACRES OUT OF THE WEST 20
ACRES OF LOT 10, SECTION 237, TEXAS Mexican RAILWAY
COMPANY SURVEY, HIDALGO COUNTY, TEXAS

I, CHARLES L. MELDEN, A REGISTERED PUBLIC SURVEYOR, DO
HEREBY CERTIFY THE ACCOMPANYING MAP TO BE A TRUE AND
CORRECT REPRESENTATION OF THE LANDS HEREON DESCRIBED
AS SURVEYED AND SUBDIVIDED UNDER MY DIRECTION.



Charles L. Melden
CHARLES L. MELDEN
REGISTERED PUBLIC SURVEYOR
EDINBURG, TEXAS
SEPTEMBER 21, 1972

STATE OF TEXAS:
COUNTY OF HIDALGO:

KNOW ALL MEN BY THESE PRESENTS:
THAT I, ARTHUR WILSHER, OWNER OF THE PROPERTY HEREON
DESCRIBED, DO HEREBY ADOPT, DEDICATE, AND CONFIRM THE
FOREGOING PLAT OR MAP AND DO HEREBY DEDICATE TO THE
PUBLIC THE STREETS AND EASEMENTS, DESIGNATED THEREON.

Arthur Wilshe
ARTHUR WILSHER, OWNER

STATE OF TEXAS:
COUNTY OF HIDALGO:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY
PERSONALLY APPEARED ARTHUR WILSHER, KNOWN TO ME TO BE
THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING
INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE
GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE
18 DAY OF December, A.D., 1972

Janet Olson
JANET OLSON
NOTARY PUBLIC IN AND FOR
HIDALGO COUNTY, TEXAS

THIS PLAT APPROVED BY THE CITY OF EDINBURG PLANNING AND
ZONING BOARD ON THIS THE 13th DAY OF March,
A.D., 1973.

Lloyd S. Wood
LLOYD S. WOOD, CHAIRMAN

THIS PLAT APPROVED BY THE CITY COMMISSION OF THE CITY
OF EDINBURG, TEXAS, ON THIS THE 20th DAY OF
March, A.D., 1973.

Lloyd S. Wood
LLOYD S. WOOD, MAYOR

ATTEST:

[Signature]
CITY SECRETARY

THIS PLAT APPROVED BY HIDALGO COUNTY WATER CONTROL
AND IMPROVEMENT DISTRICT NO. 1, ON THIS THE 24th
DAY OF March, A.D., 1973.

Richard Church
PRESIDENT

ATTEST:

[Signature]
SECRETARY



**CORRECTED LOTS
35,36,43 & 44
TO MATCH EXISTING
ADDRESSES**

APPROVED FOR RECORDING
BY
COMMISSIONERS' COURT
This 10th day of April 1973
SANTOS SALDANA, County Clerk
Hidalgo County, Texas
[Signature] Deputy

Approved Reg 4-9-73

Planning & Zoning

415 West University Drive Edinburg,
Texas 78539
(956) 388-8202



THE CITY OF
Edinburg

Zoning Variance Application

ENERGOV CASE #

VAR-2024-0234

Property Owner Name: Tereso Morano

Owner Contact Information

Mailing Address: 2809 Jessica

Street Address

City/State

Zip Code

Phone (Home): 956-960-5432 (Work): — (Cell): —

Email: —

Agent/Applicant Name (if different than Owner): —

Applicant Contact Information

Mailing Address: SAME

Street Address

City/State

Zip Code

Phone (Home): SAME (Work): — (Cell): —

Email: —

Property Address for Variance: 2809 Jessica Edinburg

Street Address

City/State

Zip Code

Property Legal Description: —

Lot

Block

Subdivision

Present Property Zoning: RESIDENTIAL Property ID#: —

Nature of Request (cite all applicable issues needing variance):

20' 10' ENCROACHMENT INTO 20' REAR SETBACK

Reason for Appeal

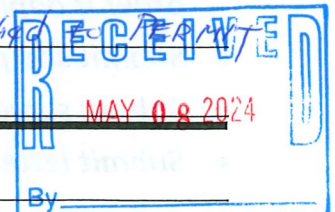
Variance will not be granted to relieve personal hardships, to accommodate conditions created by the owner or applicant, and will not be based solely on economic gain or loss. However, if there are circumstances the applicant wishes to be known to the Zoning Board of Adjustment, please list below. Attach additional pages if necessary. Information provided here is not required and does not guarantee approval of this request.

FOR outdoor recreation / site plan attached

OFFICE USE ONLY:

UDC Section(s) Requiring Variance: —

Reviewed by: TILFRED FARLEY Date: May 8, 2024



Zoning Variance Application

Review Criteria

Please read carefully and check all of the following that apply.

- ☐ There are extraordinary and exceptional conditions pertaining to the subject property because of its size, shape, or topography that are not applicable to other lands or structures in the same district.
- ☐ The need for a Variance or the extraordinary and exceptional conditions do not result from the actions of the owner or applicant.
- ☐ Granting the Variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same district.
- ☐ A literal interpretation of the provisions of this UDC would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
- ☐ Granting of the Variance will be in harmony with the general purpose and intent of this UDC and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- ☐ The Variance requested is the minimum variance that will make possible a permitted use of the land, building, or structure.
- ☐ The Variance will not permit a use of land, building, or structure that is not otherwise permitted in the applicable district.
- ☐ The Variance will not permit an intensity of use of land that is not permitted in the applicable district.

As owners or agents for the above described property, I (we) hereby request a hearing before the City of Edinburg Zoning Board of Adjustment.

Signature: [Signature] Date: 5-8-2024

Owner/Agent's Name (Please Print): _____

OFFICE USE ONLY

\$450 Application Fee: R02453216 Payment Received by: I.Z
Receipt No.

Application deadline: May 6th 2024 ZBA Hearing date: May 29th 2024

- **\$450 FEE (NON-REFUNDABLE)**
- **\$40 check or money order, payable to Hidalgo County Clerk, for recording or ZBA's order if approved (returned to applicant if not approved)**
- **Submit site plan or sketch**
- **Submit survey or blueprint, if applicable**
- **Submit letter(s) of support and other documentation if applicable**



NOTIFICATION

Dear Property Owner:

A public hearing will be held on Wednesday, June 26, 2024, at 5:30 P.M. in the Edinburg City Hall, City Council Chambers, located at 415 West University Drive, at which time the Zoning Board of Adjustment will consider the following:

CONSIDER VARIANCE TO THE CITY'S UNIFIED DEVELOPMENT CODE ARTICLE 3, SECTION 3.102, STANDARDS FOR RURAL AND RESIDENTIAL DEVELOPMENT, BEING LOT 49, MCCOLL ESTATES UNIT NO. 2 SUBDIVISION, LOCATED AT 2809 JESSICA STREET, AS REQUESTED BY ORALIA AND TERASO MORANO

All property owners within 300 ft. of the subject property are sent this notice. **The City is using this notice to solicit your input, but no action or response is required.** Please note that the meeting date, time, and agenda are subject to change. Please call on the date of the meeting to verify an item will proceed as planned. Should you have any questions or need more information regarding this notice, you may call (956) 388-8202.

You may return your response by one of the following:

- MAIL: P. O. Box 1079 Edinburg, Texas 78540
- FAX: (956) 292-2080 by Tuesday, June 25, 2024
- EMAIL: planning@cityofedinburg.com by Tuesday, June 25, 2024

Please check the appropriate box to indicate if you are in favor, against, or have no comments on this request.

☐ In Favor/A Favor ☒ Against/En Contra ☐ No Comments/No Comentario

Comments: *Reasons: 1. Built here in 1983 because area is zoned for single family dwelling. 2. Minimal traffic due to Cul-de-Sac and is safer for raising a family. 3. Lack of Parking is zoned for Rental Property.*

Print Name: *Teo Pilo and Sandra Salinas* Phone No. *956-212-5988 / 956-265-*

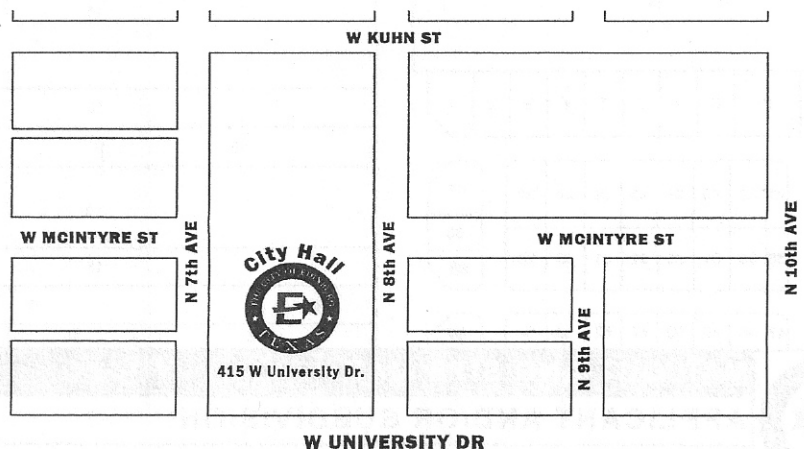
Address: *2801 Jessica* City: *Edinburg* State: *TX* Zip: *78541 4852*

NOTIFICACIÓN

Si tiene preguntas o necesita información sobre esta aplicación en español, por favor llame al 956-388-8202.

Planning and Zoning Department

City of Edinburg
PO BOX 1079
Edinburg, TX 78540-1079





NOTIFICATION

Dear Property Owner:

A public hearing will be held on Wednesday, August 28, 2024, at 5:30 P.M. in the Edinburg City Hall, City Council Chambers, located at 415 West University Drive, at which time the Zoning Board of Adjustment will consider the following:

REQUEST BY ORALIA AND TERASO MORANO FOR A VARIANCE TO THE CITY OF EDINBURG UNIFIED DEVELOPMENT CODE TO ALLOW AS FOLLOWS: THE EXISTING RESIDENCE TO ENCROACH 2.5-FEET INTO THE EAST SIDE YARD SETBACK, AND TO ALLOW A COVERED PATIO ON THE NORTH SIDE OF THE PROPERTY TO ENCROACH 8 - FEET INTO THE REAR YARD SETBACK AND 6-FEET INTO THE EAST SIDE YARD SETBACK AT LOT 49, MCCOY ESTATES UNIT NO. 2 SUBDIVISION, HIDALGO COUNTY, TEXAS, 2809 JESSICA DRIVE.

All property owners within 300 ft. of the subject property are sent this notice. **The City is using this notice to solicit your input, but no action or response is required.** Please note that the meeting date, time, and agenda are subject to change. Please call on the date of the meeting to verify an item will proceed as planned. Should you have any questions or need more information regarding this notice, you may call (956) 388-8202.

You may return your response by one of the following:

- MAIL: P. O. Box 1079 Edinburg, Texas 78540
- FAX: (956) 292-2080 by Tuesday, August 27, 2024
- EMAIL: planning@cityofedinburg.com by Tuesday, August 27, 2024

Please check the appropriate box to indicate if you are in favor, against, or have no comments on this request.

☐ In Favor/A Favor ☒ Against/En Contra ☐ No Comments/No Comentario

Comments: No estoy de acuerdo Por que
No tiene donde poner los carros
y estropea la calle.

Print Name: _____ Phone No. _____

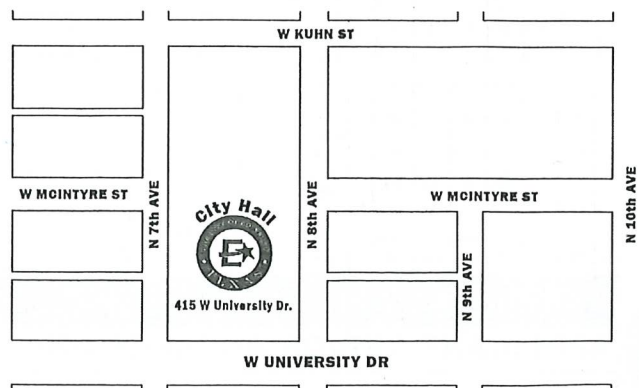
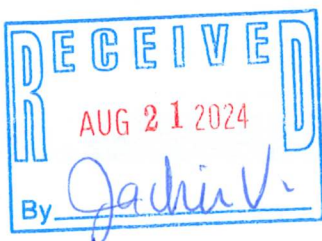
Address: _____ City: _____ State: _____ Zip: _____

NOTIFICACIÓN

Si tiene preguntas o necesita información sobre esta aplicación en español, por favor llame al 956-388-8202.

Planning and Zoning Department

City of Edinburg
PO BOX 1079
Edinburg, TX 78540-1079





NOTIFICATION

Dear Property Owner:

A public hearing will be held on Wednesday, August 28, 2024, at 5:30 P.M. in the Edinburg City Hall, City Council Chambers, located at 415 West University Drive, at which time the Zoning Board of Adjustment will consider the following:

REQUEST BY ORALIA AND TERASO MORANO FOR A VARIANCE TO THE CITY OF EDINBURG UNIFIED DEVELOPMENT CODE TO ALLOW AS FOLLOWS: THE EXISTING RESIDENCE TO ENCROACH 2.5-FEET INTO THE EAST SIDE YARD SETBACK, AND TO ALLOW A COVERED PATIO ON THE NORTH SIDE OF THE PROPERTY TO ENCROACH 8 - FEET INTO THE REAR YARD SETBACK AND 6- FEET INTO THE EAST SIDE YARD SETBACK AT LOT 49, MCCOLL ESTATES UNIT NO. 2 SUBDIVISION, HIDALGO COUNTY, TEXAS, 2809 JESSICA DRIVE.

All property owners within 300 ft. of the subject property are sent this notice. **The City is using this notice to solicit your input, but no action or response is required.** Please note that the meeting date, time, and agenda are subject to change. Please call on the date of the meeting to verify an item will proceed as planned. Should you have any questions or need more information regarding this notice, you may call (956) 388-8202.

You may return your response by one of the following:

- MAIL: P. O. Box 1079 Edinburg, Texas 78540
- FAX: (956) 292-2080 by Tuesday, August 27, 2024
- EMAIL: planning@cityofedinburg.com by Tuesday, August 27, 2024

Please check the appropriate box to indicate if you are in favor, against, or have no comments on this request.

☐ In Favor/A Favor ☒ Against/En Contra ☐ No Comments/No Comentario

Comments: _____

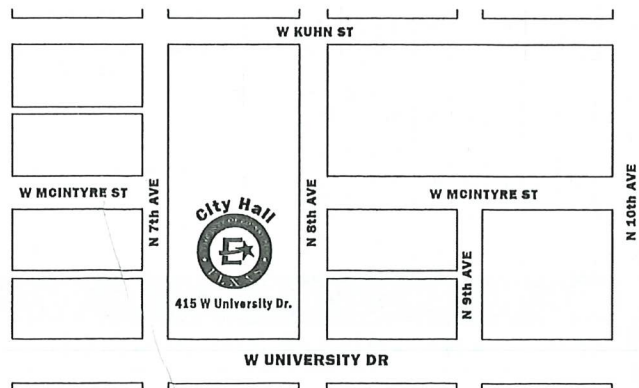
Print Name: JOSE L SANCHEZ Phone No. _____

Address: 3816 JESSICA City: EDINBURG State: TX Zip: 78541

NOTIFICACIÓN

Si tiene preguntas o necesita información sobre esta aplicación en español, por favor llame al 956-388-8202.

Planning and Zoning Department
City of Edinburg
PO BOX 1079
Edinburg, TX 78540-1079



Planning & Zoning Staff Report

Prepared on: August 13, 2024

ZONING BOARD OF ADJUSTMENT

Regular Meeting: August 28, 2024

Agenda Item

Request by Illiana Espiritu for a Variance to the City of Edinburg Unified Development Code to allow as follows: to have a 5.4-foot side yard setback instead of the required 15-foot side yard setback, and to allow an addition to the residence on the south side of the property for an attached accessory dwelling unit. At 3502 West Mile 17 ½ Road, Hidalgo County, Texas.

Request

The applicant is seeking a variance to Unified Development Code (UDC) Article 3, Section 3.102 and Article 5, Section 5.102 as it applies to setbacks.

Property Location and Vicinity

The property is located on the west side of West Mile 17 ½ Road approximately 820 feet east of North Mon Mack Road and is currently zoned Residential, Suburban (RS) District. Adjacent zoning is Residential Suburban (RS) District in all directions. Adjacent land uses are single family residential uses and open space.

Background and History

The property was part of a Family Partition by a metes and bounds survey conducted on June 11, 2020; Upon creation of the family partition, this created a non-conforming structure with a 5.4 feet west side yard setback. A Certificate of Compliance was issued to the applicant on June 7, 2024; permitting for the construction of residential buildings to be exempt from platting.

Staff mailed a notice of the variance request to 14 neighboring property owners and received no comments in favor and or against this request at the time that this report was prepared.

Analysis

The applicant proposes to construct an attached accessory dwelling unit to the south side of the property. Therefore, the existing principal structure and the proposed Accessory Dwelling Unit would need to comply with the current zoning setbacks. The Residential, Suburban (RS) District setbacks are front 30-feet, rear 30-feet and side 15- feet. The applicant states that the purpose of the Accessory Dwelling Unit is to live close to and provide aid to their elderly parent.

Recommendation

Staff recommends approval of the variance request. If approved, the applicant will need to comply with all other requirements during the permitting process and pay a \$40 fee payable to the County of Hidalgo, submitted to the County Clerk's office for the recording of the Zoning Board of Adjustments order on this request, and any other City requirements as applicable.

Planning & Zoning Staff Report

Prepared by:

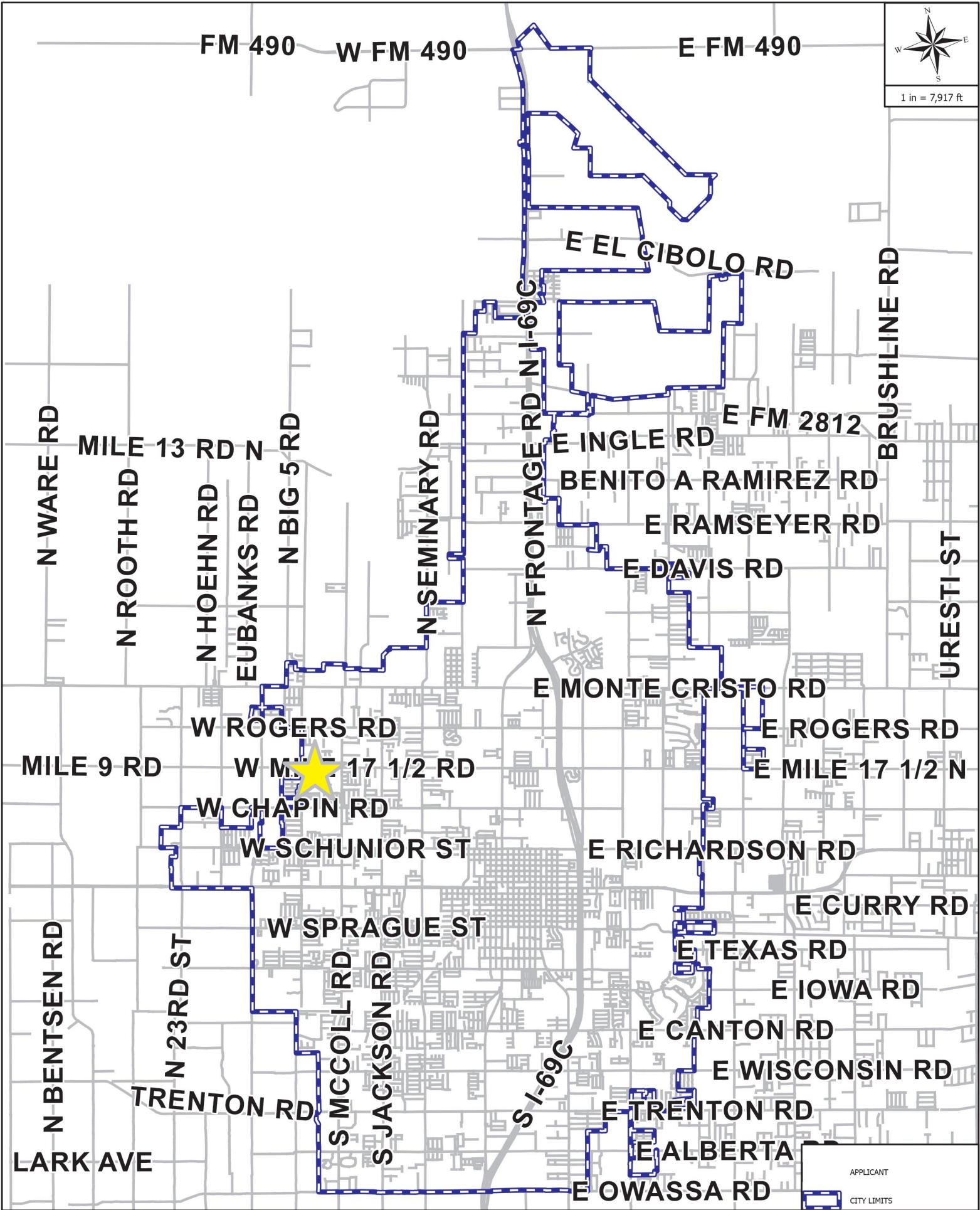
Tilfred Ricardo Farley

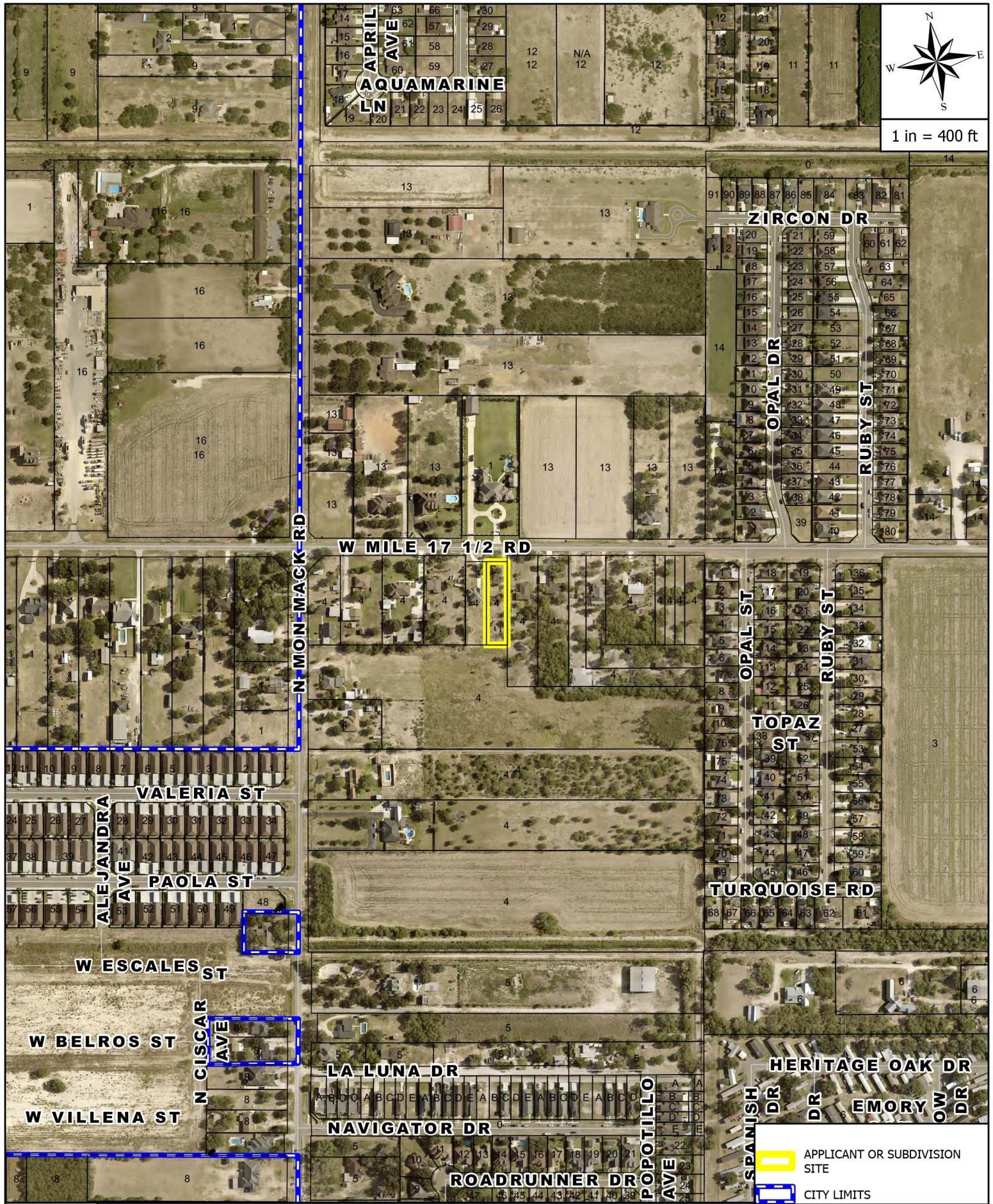
Planner I

Approved by:

Jaime Acevedo

Director of Planning & Zoning

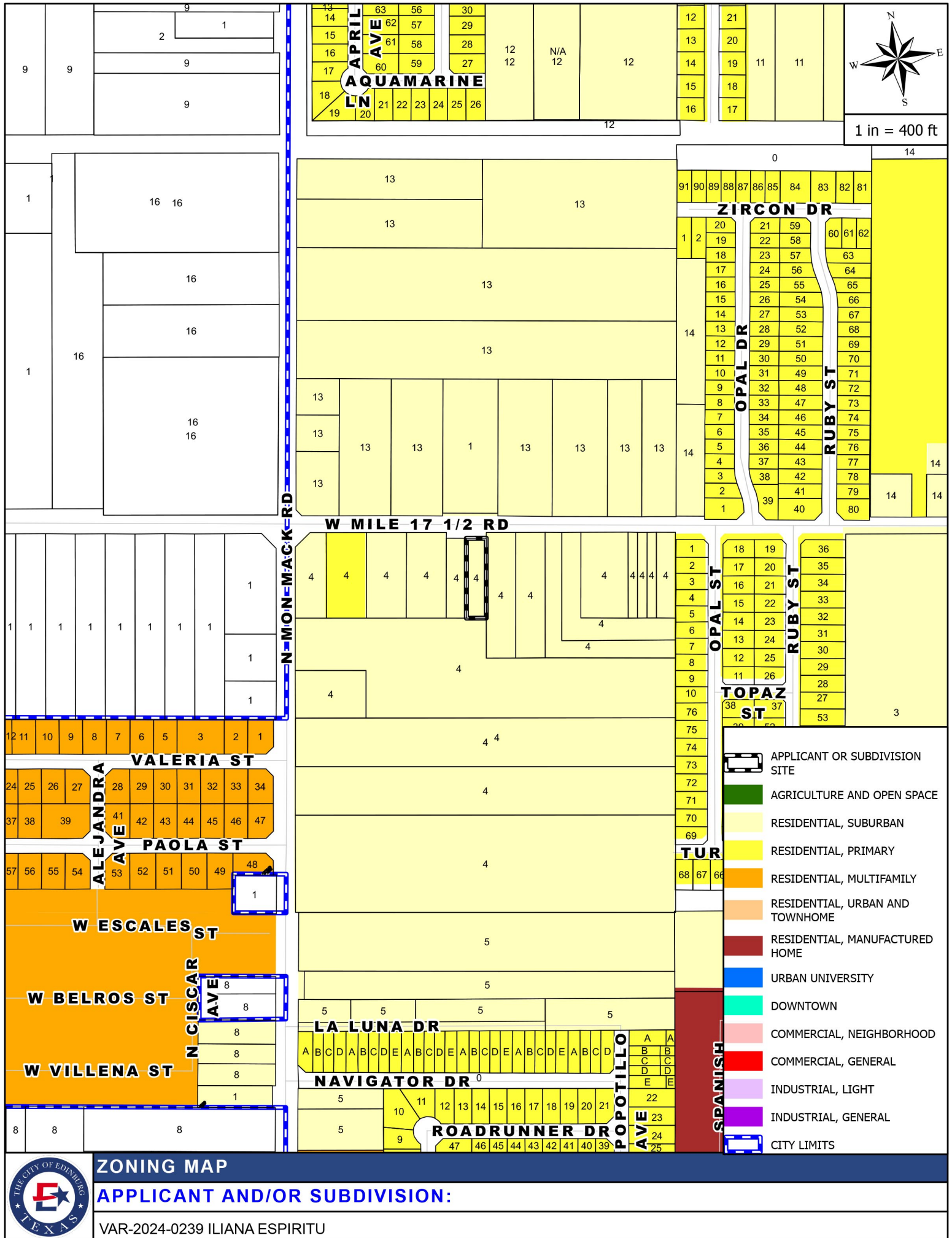


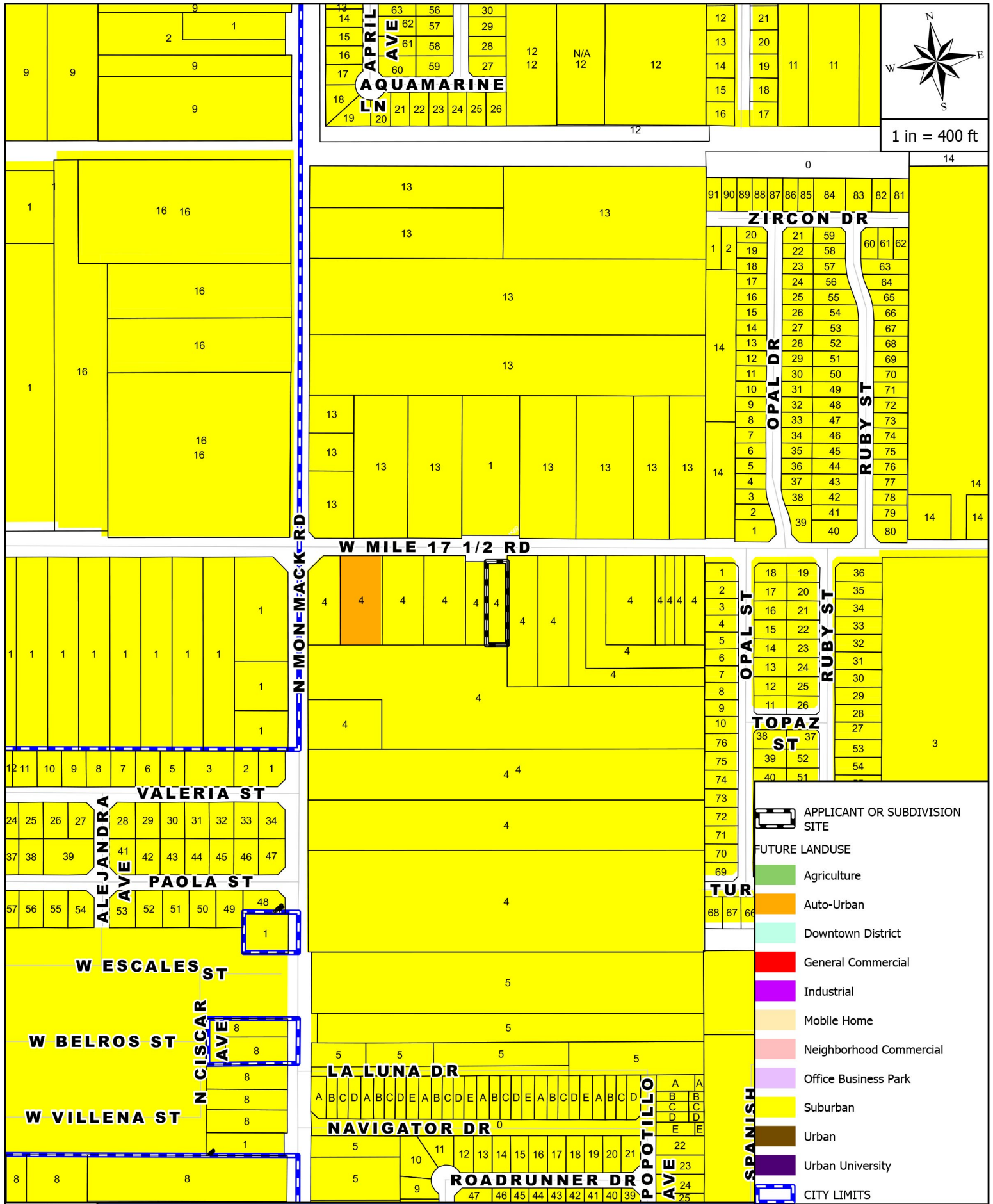


AERIAL MAP

APPLICANT AND/OR SUBDIVISION:

VAR-2024-0239 ILIANA ESMIRITU





FUTURE LANDUSE MAP

APPLICANT AND/OR SUBDIVISION:

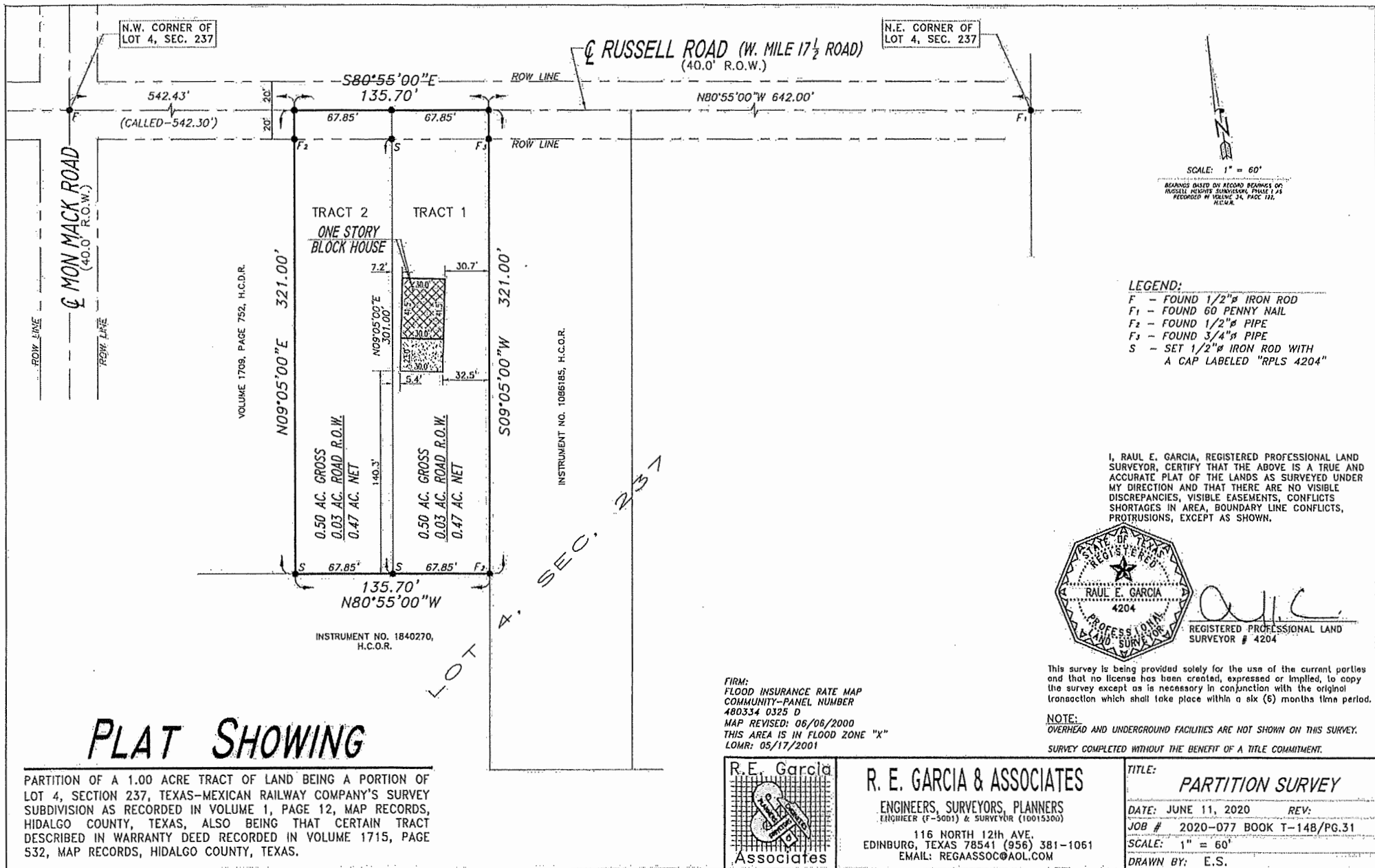
VAR-2024-0239 ILIANA ESMIRITU

Zoning Board of Adjustment

Variance Request by Iliana Espiritu

3502 West Mile 17 ½ Road





Planning & Zoning

415 West University Drive Edinburg,
Texas 78539
(956) 388-8202



THE CITY OF
Edinburg

Zoning Variance Application

ENERGOV CASE # **VAR-2024-0239**

Property Owner Name: Illiana Espiritu
Owner Contact Information
Mailing Address: 2903 Brenda Edinburg TX 78541
Street Address City/State Zip Code
Phone (Home): _____ (Work): 956-318-2570 (Cell): 956-802-6964
Email: eilliana@yahoo.com

Agent/Applicant Name (if different than Owner): Marz Silva
Applicant Contact Information
Mailing Address: 2903 Brenda Edinburg TX 78541
Street Address City/State Zip Code
Phone (Home): _____ (Work): _____ (Cell): 956-475-8147
Email: brownbuffalo27@yahoo.com

Property Address for Variance: 3502 W. Mile 17 1/2 Rd Edinburg TX 78541
Street Address City/State Zip Code

Property Legal Description: _____
Lot Block Subdivision
TEX-MEX SURVEY W67.85' E709.85' N321' LOT 4 SEC 237 0.50
GR 0.41 AC NET

Present Property Zoning: Residential suburban Property ID#: 295022

Nature of Request (cite all applicable issues needing variance):

Reduction of the side setbacks - West side setback to 7 ft.

Reason for Appeal

Variance will not be granted to relieve personal hardships, to accommodate conditions created by the owner or applicant, and will not be based solely on economic gain or loss. However, if there are circumstances the applicant wishes to be known to the Zoning Board of Adjustment, please list below. Attach additional pages if necessary. Information provided here is not required and does not guarantee approval of this request.

Primary structure aligns with new structure. For new structure to be wider.

OFFICE USE ONLY:

UDC Section(s) Requiring Variance: _____

Reviewed by: Alizah Lopez Date: 7/1/24

Zoning Variance Application

Review Criteria

Please read carefully and check all of the following that apply.

- ☐ There are extraordinary and exceptional conditions pertaining to the subject property because of its size, shape, or topography that are not applicable to other lands or structures in the same district.
- ☐ The need for a Variance or the extraordinary and exceptional conditions do not result from the actions of the owner or applicant.
- ☐ Granting the Variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same district.
- ☒ A literal interpretation of the provisions of this UDC would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
- ☒ Granting of the Variance will be in harmony with the general purpose and intent of this UDC and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- ☐ The Variance requested is the minimum variance that will make possible a permitted use of the land, building, or structure.
- ☐ The Variance will not permit a use of land, building, or structure that is not otherwise permitted in the applicable district.
- ☐ The Variance will not permit an intensity of use of land that is not permitted in the applicable district.

As owners or agents for the above described property, I (we) hereby request a hearing before the City of Edinburg Zoning Board of Adjustment.

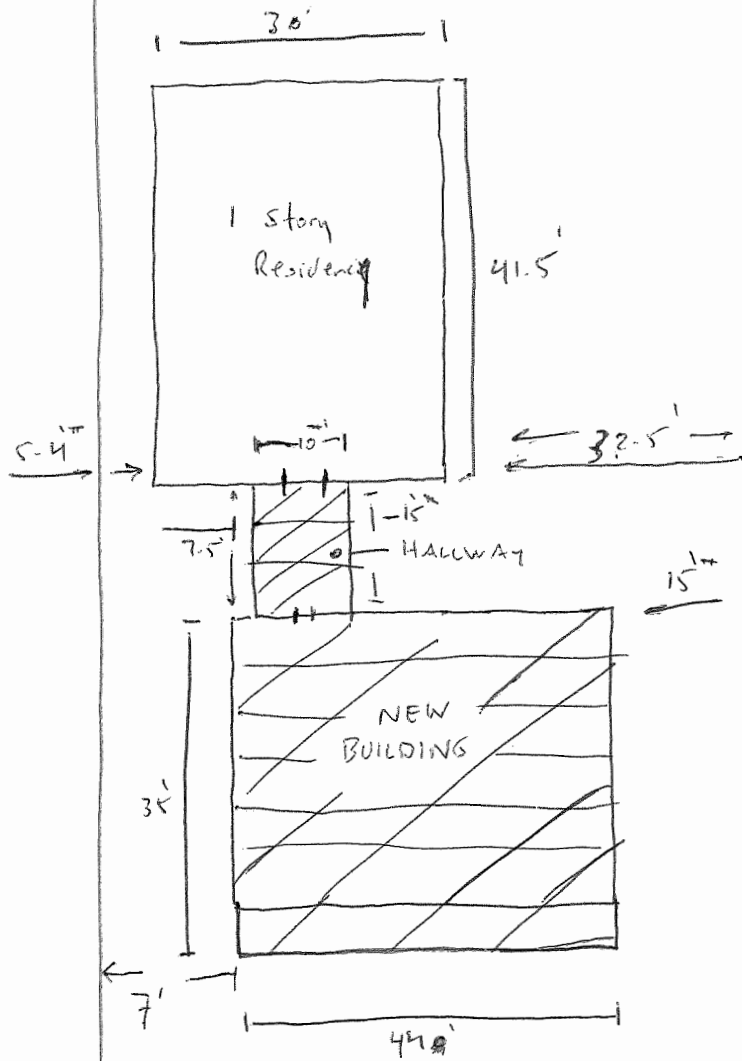
Signature: _____ Date: 7/1/2024
Owner/Agent's Name (Please Print): Iliana Espinoza

OFFICE USE ONLY

\$450 Application Fee: R02506606 Payment Received by: I.2
Receipt No.
Application deadline: July 1st ZBA Hearing date: July 31st 2024

- **\$450 FEE (NON-REFUNDABLE)**
- **\$40 check or money order, payable to Hidalgo County Clerk, for recording or ZBA's order if approved (returned to applicant if not approved)**
- **Submit site plan or sketch**
- **Submit survey or blueprint, if applicable**
- **Submit letter(s) of support and other documentation if applicable**

67.05'



3502 W. M17 1/2 ROAD

**ZONING CASE
OWNER NOTIFICATION LIST**

PID: 295453
TREVINO ROBERTO
3511 W MILE 17 1/2 RD
EDINBURG, TX 78541-6264

PID: 295455
**KANE CHRISTOPHER
& ROSEMARY FAY**
3505 W MILE 17 1/2 RD
EDINBURG, TX 78541-6264

PID: 295450
SALINAS ANTONIO JR
3413 W MILE 17 1/2 RD
EDINBURG, TX 78541-4805

PID: 295023
GARCIA ERIC
3714 W MILE 17 1/2 RD
EDINBURG, TX 78541-6200

PID: 295021
BARRON ADALBERTO
3404 W MILE 17 1/2 RD
EDINBURG, TX 78541-4843

PID: 295019
DE LEON GUSTAVO & YOLANDA
PO BOX 1926
EDINBURG, TX 78540-1926

PID: 295018
GARCIA DALIA IRASEMA
3416 W MILE 17 1/2 RD
EDINBURG, TX 78541-4843

PID: 295022
ESPIRITU ILLIANA
2903 BRENDA
EDINBURG, TX 78541-8149

PID: 295024
GARZA ERASMO & VIRGINIA
3506 W MILE 17 1/2 RD
EDINBURG, TX 78541-4821

PID: 1068505
SALINAS ANTONIO JR
3413 W MILE 17 1/2 RD
EDINBURG, TX 78541-4805

PID: 1072159
MELENDEZ OMAR & ILENE
1417 SHAY LN
EDINBURG, TX 78539-6000

PID: 1305593
ESPIRITU ROSIO CARR
3504 W MILE 17 1/2 RD
EDINBURG, TX 78541-4821

PID: 295020
BARRON ADALBERTO
3404 W MILE 17 1/2 RD
EDINBURG, TX 78541

PID: 295029
GRETTNER MARIA E & JIM B
3512 W MILE 17 1/2 RD
EDINBURG, TX 78541-4821

2024 ATTENDANCE RECORD

ZONING BOARD OF ADJUSTMENTS MEETINGS

	No meeting	No meeting	03/0/24	04/03/24	05/30/24	06/26/24	07/31/24					
Marc Moran - Chairperson			P	P	P	P	P					
Michael Cantu - Vice Chairperson			P	P	P	A	P					
Ruben Ruiz- Regular			P	P	P	P	P					
Eliseo Garza Jr - Regular			P	P	P	P	A					
Andrew Almaguer- Regular			A	P	P	P	P					
Gregory A. Vasquez- Alternate			P	P	P	E	P					
Marc A. Gonzalez- Alternate			P	E	P	E	P					
Alexandra Rodriguez- Alternate			P	P	P	P	A					
Ronnie Cavazos- Alternate			P	P	E	P	A					