



**NOTICE AND AGENDA
ZONING BOARD OF ADJUSTMENT
JULY 28, 2021 - 4:00 P.M.
REGULAR MEETING
CITY HALL- COUNCIL CHAMBERS
415 WEST UNIVERSITY DRIVE
EDINBURG, TEXAS 78541**

- 1. CALL MEETING TO ORDER, ESTABLISH QUORUM**
 - A. Prayer
 - B. Pledge of Allegiance
- 2. CERTIFICATION OF PUBLIC NOTICE**
- 3. 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.
- 4. 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 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.

5. ABSENCES

- A. Consider excusing the absence of Board Member Mario Escobar from the June 30, 2021 Regular Meeting
- B. Consider excusing the absence of Board Member Jorge Ortegon from the June 30, 2021 Regular Meeting
- C. Consider excusing the absence of Board Member Andre Maldonado from the June 30, 2021 Regular Meeting
- D. Consider excusing the absence of Board Member Alex Rios from the June 30, 2021 Regular Meeting

6. MINUTES

- A. Consider approval of the Minutes for the June 30, 2021 Regular Meeting

7. PUBLIC HEARINGS

- A. Consider Variance to the City's Unified Development Code, Article 2, Section 2.301, Residential Uses (D) Fences, being a 4.75 acre tract of land out of Lot 12, Section 240, Texas-Mexican Railway Company's Survey, located at 3310 West Rogers Road, as requested by Julia G. Cuevas Guerra **(WITHDRAWN)**
- B. Reconsider Variance to the City's Unified Development Code, Article 3, Section 3.301, Single Family Residential Bulk Standards, Setbacks, being Lot 27, Amended Plat of Telfair Subdivision, located at 441 Manshir Circle, as requested by Rene Solis
- C. Consider Variance to the City's Unified Development Code, Article 3, Section 3.301, Single Family Residential Bulk Standards, Setbacks, being Lot 57, Los Lagos Subdivision Phase IV, located at 2739 Seton Street, as requested by Eduardo Lopez

- D. Consider Variance to the City's Unified Development Code, Article 3, Section 3.301, Single Family Residential Bulk Standards, being the South 18 ft. of Lot 47 and the North 32 ft. of Lot 46, Tropical Subdivision, located at 1208 Lee Circle, as requested by Hugo & Melba Sotelo
- E. Consider Variance to the City's Unified Development Code, Article 3, Section 3.301, Single Family Residential Bulk Standards, Setbacks, being Lot 19, Block 4, Mirasol Subdivision, located at 807 South 20th Avenue, as requested by Juan Betancourt
- F. Consider Variance to the City's Unified Development Code Article 3, Section 3.505, Easement & Utilities, being Lot 25, Canton Village Subdivision, located at 2918 Cuarzo Street, as requested by Jason De Leon
- G. Consider Variance to the City's Unified Development Code, Article 4, Section 4.203, Standards for New Construction, and Substantial Improvements, being a 0.16 acre tract of land out of Lots 3 & 4 of the Monte Cristo Heights Subdivision, located at 200 West Monte Cristo Heights Road, as requested by Pablo Santos
- H. Consider Variance to the City's Unified Development Code, Article 9, Section 9.404, Access Dimensions, being Lot 7, Cactus Land Phase 1 Subdivision, located at 201 Cactus Lane, as requested by Fidel Cortez

8. PRESENTATION

- A. Unified Development Code Update by Kendig Keast Collaborative

9. 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 bulletin board located at the main entrance to the City offices of the City of Edinburg, (415 West University Drive), visible and accessible to the general public after regular working hours, at 5:00 P.M. on this 23rd day of July, 2021 .

Alejandra Gonzalez, Administrative Assistant

MEMBERS WHO ARE UNABLE TO ATTEND ARE ASKED TO NOTIFY THE PLANNING & 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.

Memo

To: Zoning Board of Adjustment Board Members
From: Nikki Marie Cavazos, Administrative Assistant
Subject: Board Members Absence
Date: June 17, 2021

This is to advise you that action needs to be taken with regards to the absence of Board Member Mario Escobar from the May 26, 2021 Regular Meeting.

Should you have any questions, you may call me at 956-388-8202.

Memo

To: Zoning Board of Adjustment Board Members
From: Nikki Marie Cavazos, Administrative Assistant
Subject: Board Members Absence
Date: June 17, 2021

This is to advise you that action needs to be taken with regards to the absence of Board Member Jorge Ortegon from the May 26, 2021 Regular Meeting.

Should you have any questions, you may call me at 956-388-8202.

Memo

To: Zoning Board of Adjustment Board Members
From: Nikki Marie Cavazos, Administrative Assistant
Subject: Board Members Absence
Date: June 17, 2021

This is to advise you that action needs to be taken with regards to the absence of Board Member Andre Maldonado from the May 26, 2021 Regular Meeting.

Should you have any questions, you may call me at 956-388-8202.

Memo

To: Zoning Board of Adjustment Board Members

From: Nikki Marie Cavazos, Administrative Assistant

Subject: Board Members Absence

Date: June 17, 2021

This is to advise you that action needs to be taken with regards to the absence of Board Member George Cardenas from the May 26, 2021 Regular Meeting.

Should you have any questions, you may call me at 956-388-8202.

**NOTICE AND AGENDA
ZONING BOARD OF ADJUSTMENT
JUNE 30, 2021 – 4:00 P.M.
REGULAR MEETING
EDINBURG CITY HALL
415 W UNIVERSITY DRIVE
EDINBURG, TEXAS 78541**

MEMBERS PRESENT

Dr. Samuel Simon
Eddie Garza
George Cardenas
Jason De Leon

MEMBERS ABSENT

Alex Rios
Andre Maldonado
Mario Escobar
Jorge Ortegon

STAFF

Brian Kelsey, Assistant City Manager
Kimberly A. Mendoza, Director of Planning & Zoning
Rita Lee Guerrero, Planner I
Nikki M. Cavazos, Planner I
Patrizia Longoria, Engineer III
Peter Hermida, Engineer III
Daniel A. Colina, Planner I
Tilfred Farley, Planning Assistant
Jaime Ayala, Planner II
Abel Beltran, Planner I
Omar Ochoa, City Attorney

VISITORS

1. CALL MEETING TO ORDER, ESTABLISH QUORUM

The meeting was formally called to order by Vice Chairperson Dr. Samuel Simon at 4:10 P.M.

- A. Prayer – Announced by Vice Chairperson Dr. Samuel Simon.
- B. Pledge of Allegiance – The Pledge of Allegiance was said.

2. CERTIFICATION OF PUBLIC NOTICE

Vice Chairperson Dr. Samuel Simon verified the posting of the Zoning Board of Adjustment meeting notice and its compliance with the Open Meetings Act. Staff indicated the agenda had been posted on Friday, June 25, 2021 at 12:00 P.M.

3. 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.

**ZONING BOARD OF ADJUSTMENT
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4. 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 3-5 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.

5. ABSENCES

- A.** Consider excusing the absence of Board Member George Cardenas from the May 26, 2021 Regular Meeting

MOTION WAS MADE BY BOARD MEMBER MR. EDDIE GARZA AND SECONDED BY BOARD MEMBER MR. JASON DE LEON TO EXCUSE THE ABSENCE OF BOARD MEMBER MR. GEORGE CARDENAS FROM THE MAY 26, 2021 REGULAR MEETING. MOTION CARRIED WITH A VOTE OF 3-0. BOARD MEMBER MR. GEORGE CARDENAS ABSTAINED.

- B.** Consider excusing the absence of Board Member Mario Escobar from the May 26, 2021 Regular Meeting

MOTION WAS MADE BY BOARD MEMBER MR. JASON DE LEON AND SECONDED BY BOARD MEMBER MR. EDDIE GARZA TO EXCUSE THE ABSENCE OF BOARD MEMBER MR. MARIO ESCOBAR FROM THE MAY 26, 2021 REGULAR MEETING. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 4-0.

- C.** Consider excusing the absence of Board Member Jorge Ortegon from the May 26, 2021 Regular Meeting.

MOTION WAS MADE BY BOARD MEMBER MR. EDDIE GARZA AND SECONDED BY BOARD MEMBER MR. JASON DE LEON TO EXCUSE THE ABSENCE OF BOARD MEMBER MR. JORGE ORTEGON FROM THE MAY 26, 2021 REGULAR MEETING. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 4-0.

**ZONING BOARD OF ADJUSTMENT
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JUNE 30, 2021
PAGE 3**

- D.** Consider excusing the absence of Board Member Andre Maldonado from the May 26, 2021 Regular Meeting.

MOTION WAS MADE BY BOARD MEMBER MR. JASON DE LEON AND SECONDED BY BOARD MEMBER MR. EDDIE GARZA TO EXCUSE THE ABSENCE OF BOARD MEMBER MR. ANDRE MALDONADO FROM THE MAY 26, 2021 REGULAR MEETING. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 4-0.

6. MINUTES

- A.** Consider approval of the Minutes for the May 26, 2021 Regular Meeting

MOTION WAS MADE BY BOARD MEMBER MR. EDDIE GARZA AND SECONDED BY BOARD MEMBER MR. JASON DE LEON TO APPROVE THE MINUTES FOR THE MAY 26, 2021 REGULAR MEETING. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 4-0.

7. PUBLIC HEARINGS

- A.** Consider Variance to the City's Unified Development Code Article 3, Section 3.201, District Standards, Residential and Nonresidential, being a 5.36 acre tract of land, out of and forming a part or portion of Lot 8, Kelly-Pharr Subdivision, located at 2617 South Sugar Road, as requested by Rio Delta Engineering

MOTION WAS MADE BY BOARD MEMBER MR. JASON DE LEON AND SECONDED BY BOARD MEMBER MR. EDDIE GARZA TO APPROVE THE VARIANCE REQUEST OF RIO DELTA ENGINEERING, TO ALLOW FOR THE CONSTRUCTION OF A 116,951 SQ. FT. SELF-STORAGE FACILITY ON THE SUBJECT PROPERTY, AS SHOWN ON THE SITE PLAN. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 4-0.

- B.** Consider Variance to the City's Unified Development Code Article 3, Section 3.505, Easements & Utilities, being Lot 39, Las Villas at Autumn Ridge Subdivision, located at 3502 Rhonda Street, as requested by Michael Jon Sanchez

MOTION WAS MADE BY BOARD MEMBER MR. GEORGE CARDENAS AND SECONDED BY BOARD MEMBER MR. EDDIE GARZA TO DISAPPROVE THE VARIANCE REQUEST OF MICHAEL JON SANCHEZ, TO ALLOW FOR THE CONSTRUCTION OF A 588 SQ. FT. ACCESSORY STRUCTURE BUILT ON FOUNDATION LOCATED ON A 30 FT. DRAINAGE AND UTILITY EASEMENT LOCATED AT THE REAR OF THE PROPERTY, AS SHOWN ON THE SITE PLAN. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 3-1.

**ZONING BOARD OF ADJUSTMENT
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- C. Consider Variance to the City's Unified Development Article 2, Section 2.302, General Use Standards, Non-Residential Use, Storage and Utility Sheds, being Lot 10, Cibolo Estates Subdivision, located at 12506 North Bail Bond Drive, as requested by Norman Cordova

MOTION WAS MADE BY BOARD MEMBER MR. EDDIE GARZA AND SECONDED BY BOARD MEMBER MR. JASON DE LEON TO APPROVE THE VARIANCE REQUEST OF NORMAN CORDOVA, TO ALLOW FOR THE CONSTRUCTION OF AN ACCESSORY STRUCTURE ON A VACANT LOT (LOT 10) ADJACENT TO HIS EXISTING OFFICE ON LOT 11, AS SHOWN ON THE SITE PLAN. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 4-0.

- D. Consider Variance to the City's Unified Development Code, Article 3, Section 3.301, Single Family Residential Bulk Standards, Setbacks, being Lot 27, Amended Plat of Telfair Subdivision, located at 441 Manshir Circle, as requested by Rene Solis

MOTION WAS MADE BY BOARD MEMBER MR. EDDIE GARZA AND SECONDED BY BOARD MEMBER MR. JASON DE LEON TO DISAPPROVE THE VARIANCE REQUEST OF RENE SOLIS, TO ALLOW FOR THE ENCROACHMENT OF A CARPORT LOCATED IN THE 20 FT. FRONT YARD SETBACK, AS SHOWN ON THE SITE PLAN. MOTION CARRIED WITH A VOTE OF 3-1. BOARD MEMBER MR. GEORGE CARDENAS OPPOSED.

- E. Consider Variance to the City's Unified Development Code, Article 2, Section 2.301, Residential Uses (D) Fences, being Lot 5, Southwest Estates Phase 2 Subdivision, located at 3113 Las Cruces Drive, as requested by Jose & Sandra Saenz

MOTION WAS MADE BY BOARD MEMBER MR. JASON DE LEON AND SECONDED BY BOARD MEMBER MR. EDDIE GARZA TO APPROVE THE VARIANCE REQUEST BY JOSE AND SANDRA SAENZ, TO ALLOW FOR THE PLACEMENT OF AN 8 FT. FENCE ALONG THE SOUTH AND WEST PROPERTY LINES, AS SHOWN ON THE SITE PLAN. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 4-0.

- F. Consider Variance to the City's Unified Development Code, Article 4, Section 4.203, Standards for New & Substantial Improvements (B) Residential Buildings, being Lot 7, Cactus Land Subdivision Phase I, located at 201 Cactus Lane, as requested by Fidel Cortez

MOTION WAS MADE BY BOARD MEMBER MR. EDDIE GARZA AND SECONDED BY BOARD MEMBER MR. ALEX RIOS TO APPROVE THE VARIANCE REQUEST OF FIDEL CORTEZ, TO ALLOW FOR A 1 FT. 9 INCH REDUCTION IN THE ELEVATION REQUIREMENT SET FORTH BY THE CITY OF EDINBURG UNIFIED DEVELOPMENT CODE, AS SHOWN ON THE SITE PLAN. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 4-0.

**ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
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PAGE**

8. ADJOURNMENT

There being no further business to consider, the meeting was adjourned at 4:57 P.M.

Alejandra Gonzalez
Alejandra Gonzalez, Administrative Assistant

ZONING BOARD OF ADJUSTMENT REGULAR MEETING

July 28, 2021

Item 7A:

Consider Variance to the City's Unified Development Code, Article 2, Section 2.301, Residential Uses (D) Fences, being a 4.75 acre tract out of Lot 12, Section 240, Texas-Mexican Railway Company's Survey, located at 3310 West Rogers Road, as requested by Julia G. Cuevas-Guerra.

WITHDRAWN

**ZONING BOARD OF ADJUSTMENT REGULAR MEETING
JULY 28, 2021**

Item:

Reconsider Variance to the City's Unified Development Code, Article 3, Section 3.301, Single Family Residential Bulk Standards, Setbacks, being Lot 27, Amended Plat of Telfair Subdivision, located at 441 Manshir Circle, as requested by Rene Solis

Request:

The applicant is requesting reconsideration of a variance to the City's Unified Development Code, Article 3, Section 3.301, Single Family Residential Bulk Standards, Setbacks. The applicant stated that the basis for the request is to allow for the encroachment of a carport located in the 20 ft. front yard setback.

Property Location and Vicinity:

The property is located on the north side of Manshir Circle, approximately 125 ft. west of Alvarado Street. The property has 53 ft. of frontage along Manshir Circle and 100 ft. of depth for a tract size of 5,300 square feet. This property is currently zoned Auto Urban Residential (AU) District. Surrounding zoning is Neighborhood Conservation 7.1 (NC 7.1) District to the north, and Auto Urban Residential (AU) District to the east, south and west. The area consists of residential uses.

Background and History:

Amended Plat of Telfair Subdivision was recorded on July 12, 2017. Earlier this year, applicant constructed a canopy measuring 18 ½ ft. x 20 ft. x 10 ft. within the front yard setback of 20 ft. Setbacks called for by zoning are as follows: 20 ft. street yard, 6 ft. side yard, and 20 ft. rear yard.

Code Enforcement placed a stop work order on the property on May 11, 2021 and a Notice of Violation was sent on May 13, 2021 resulting in a Variance Request that went before the Zoning Board of Adjustments on June 30, 2021. The Board voted to deny the request with 3 voting in favor and 1 voting against, a unanimous decision being required for passage with a 4-person quorum. The applicant wishes his variance request be reconsidered with all Board members present to vote.

Staff mailed a notice of the variance request to 62 neighboring property owners and received one comment in favor and none against this request at the time of this report.

Analysis:

The applicant has indicated that the basis of the request is to allow for the encroachment of the carport within the 20 ft. street yard setback. The structure is unusual for a carport and has two support poles about 4 feet into the front setback. The shade canopy extends approximately 16 ft. to the front property line, for an overhang that leaves a 0 ft. separation. The color and design are not completely inconsistent with the dwelling unit and surrounding area. However, a site inspection revealed no other carports or similar structures in the subdivision. Pictures have been provided for the Board's consideration.

Recommendation:

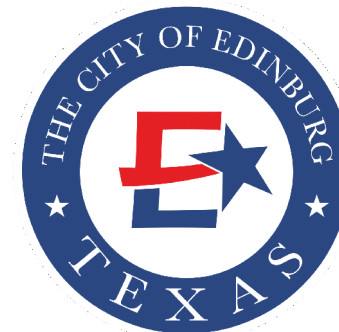
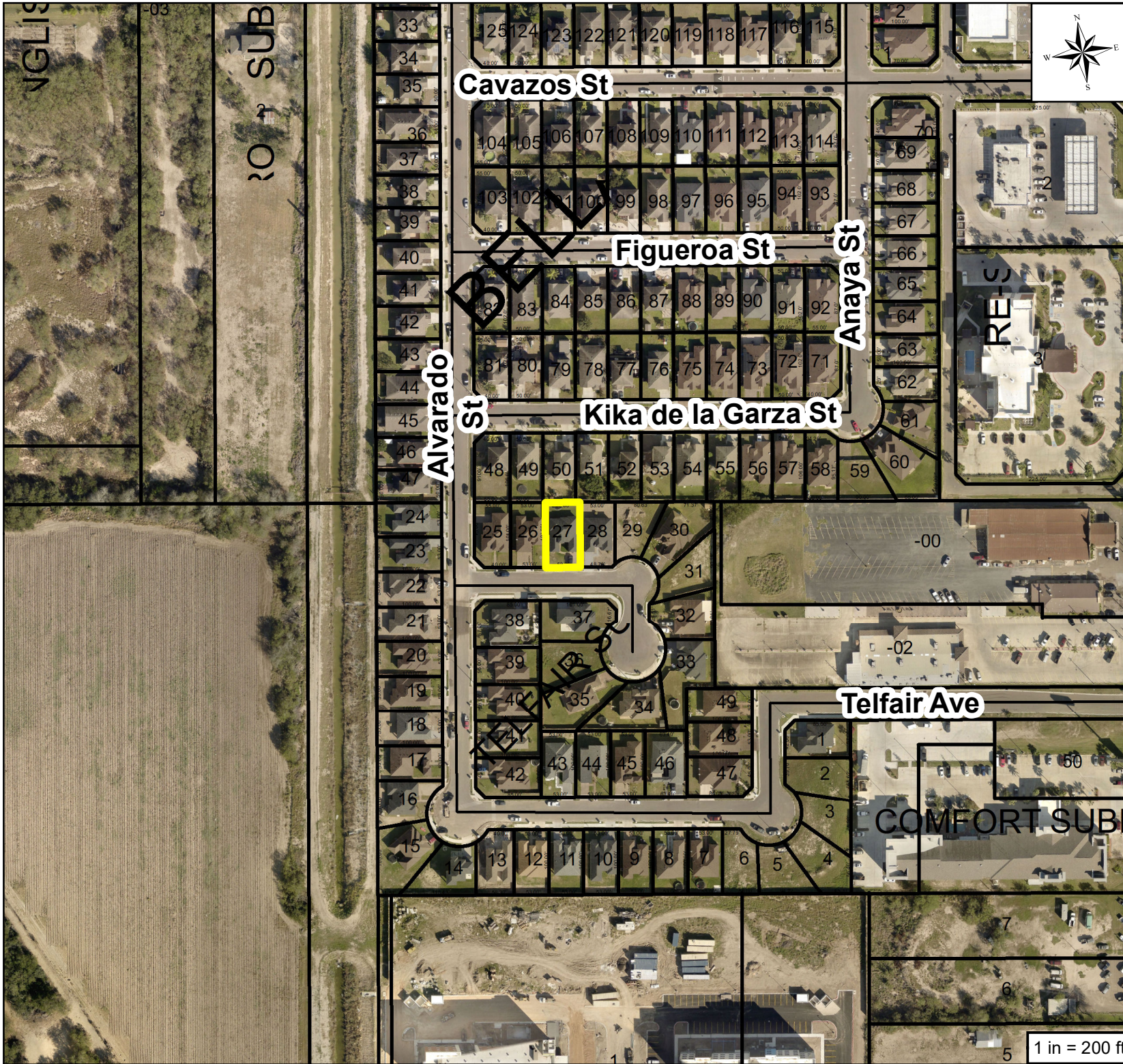
Staff recommends disapproval of the variance request as it would set a negative precedent for future developments and is inconsistent with Zoning District regulations and the neighborhood's character. If approved staff recommends it be on the current footprint provided. If approved, the applicant will need to comply with all other requirements during the permitting process, pay a \$40 fee payable to the County of Hidalgo, County Clerk's Office for the recording of the ZBA order on this request, and any other City requirements, as applicable. A location map, aerial map, photo, subdivision plat, site plan, and response from property owner are attached for the Board's consideration.

Prepared By:
D. Austin Colina

Planner I

Approved By:
Kimberly A. Mendoza, MPA

Director of Planning & Zoning



AERIAL MAP

CASE CAPTION:

APPLICANT NAME:

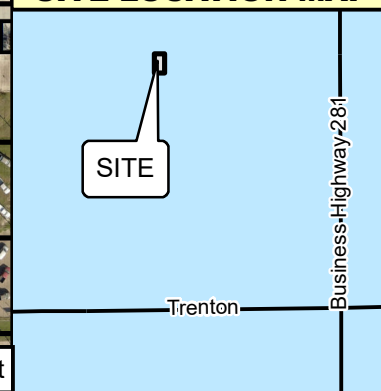
RENE SOLIS

CONSIDER VARIANCE TO THE CITY'S UNIFIED DEVELOPMENT CODE, ARTICLE 3, SECTION 3.301, SINGLE FAMILY RESIDENTIAL BULK STANDARDS, SETBACKS, BEING LOT 27, AMENDED PLAT OF TELFAIR SUBDIVISION, LOCATED AT 441 MANSHER CIRCLE, AS REQUESTED BY RENE SOLIS

Legend

-  CITY LIMITS
-  APPLICANT SITE

SITE LOCATION MAP



ADVENTIST ENGLISH

-03

EL TESORO SUB 2

Cavazos St

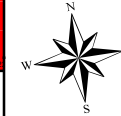
Figueroa St

Kika de la Garza St

Anaya St

Telfair Ave

RE-SUB OF BLK 2,



ZONING MAP

CASE CAPTION:

APPLICANT NAME:

RENE SOLIS

Legend



CITY LIMITS

APPLICANT SITE

ZONING DISTRICTS

- AGRICULTURE
- AUTO-URBAN RESIDENTIAL
- COMMERCIAL, GENERAL
- COMMERCIAL, NEIGHBORHOOD
- DOWNTOWN DISTRICT
- INDUSTRIAL
- NEIGHBORHOOD CONSERVATION 5
- NEIGHBORHOOD CONSERVATION 7.1
- NEIGHBORHOOD CONSERVATION MH
- SUBURBAN RESIDENTIAL
- URBAN RESIDENTIAL
- URBAN UNIVERSITY

SITE LOCATION MAP



Trenton

Business Highway 281

1 in = 200 ft

ADVENTIST ENGLISH

-03

EL TESORO SUB 2

33
34
35
36
37
38
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44
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46
47

Alvarado St

Cavazos St

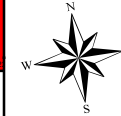
Figueroa St

Kika de la Garza St

Anaya St

Telfair Ave

RE-SUB OF BLK 2,



FUTURE LAND USE MAP

CASE CAPTION:

APPLICANT NAME:

RENE SOLIS

Legend



CITY LIMITS



APPLICANT SITE

FUTURE LANDUSE

- Agriculture
- Auto-Urban
- Downtown District
- General Commercial
- Industrial
- Mobile Home
- Neighborhood Commercial
- Office Business Park
- Suburban
- Urban
- Urban University

SITE LOCATION MAP



Trenton

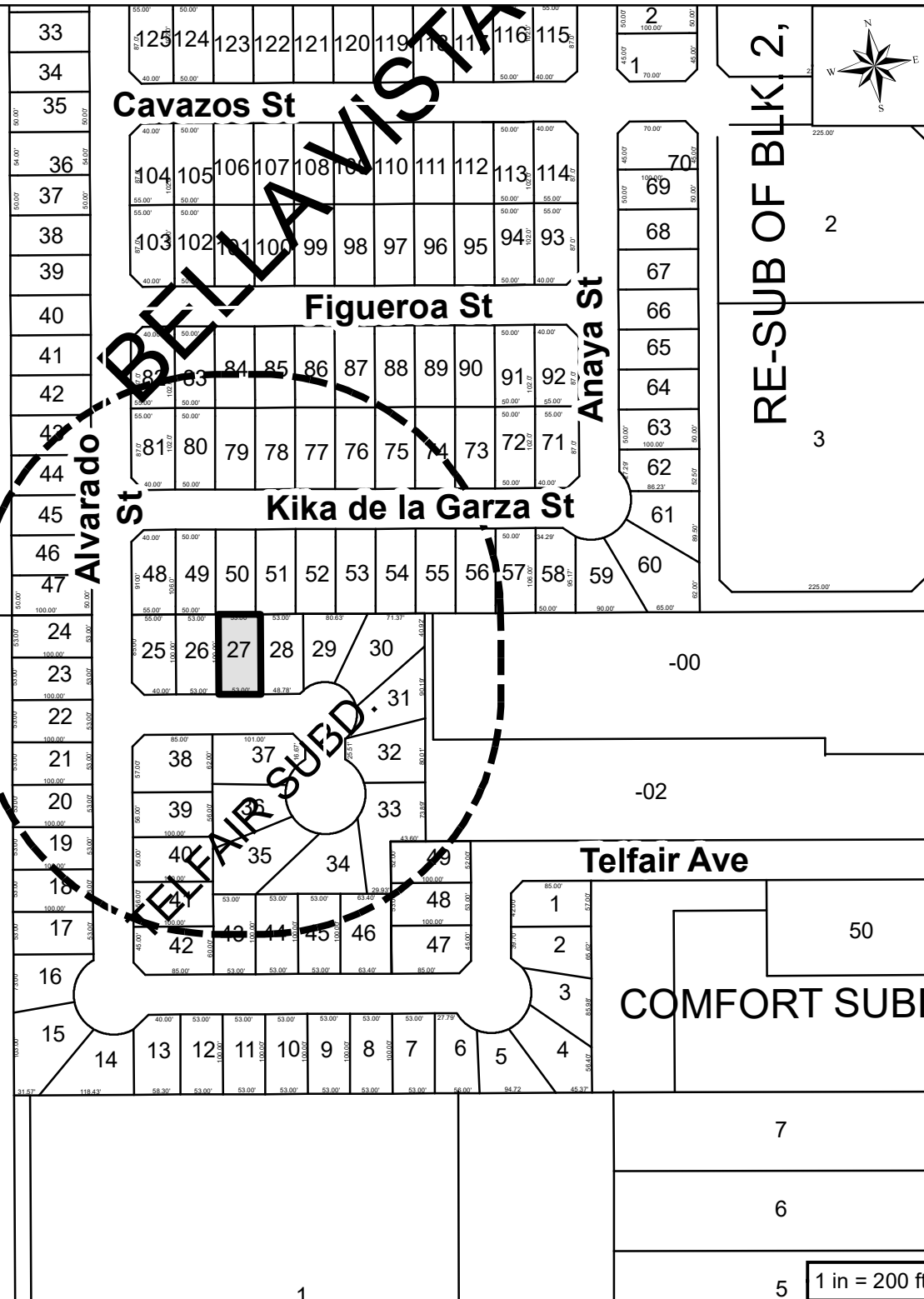
Business Highway 281

1 in = 200 ft

ADVENTIST ENGLISH

-03

EL TESORO SUB 2





Planning & Zoning Department
415 W. University Dr.
(956) 388-8202

**ZONING BOARD OF ADJUSTMENT APPLICATION
REQUEST FOR VARIANCE**

Nature of Request: Eclipse Textile Shade

Reason for Hardship: We have recently moved from Mcallen and purchase a home in Edinburg.
(use other side if necessary)

We hired a company Eclipse Textile Shade to add a shade to our front home.

at no time did the company advised us we needed a permit as he stated he has already had installed several shades in the city of Edinburg areas.

Property Description: _____
Lot Block Subdivision

Property Address: 441 Manshir Circle , Edinburg, Tx 78539

Present Property Zoning: _____

Person requesting Variance: Rene Solis , Ezequiel Gallo

Mailing Address: 441 Manshir Circle , Edinburg, Tx 78539

Street Address City/State Zip Code
Phone No. (Home): _____ (Work): 956-383-6240 (Cell): 956-605-6662
Hidalgo Co CSA

Owner's Name: Ezequiel Gallo

Mailing Address: 441 Manshir Circle , Edinburg, Tx 78539

Street Address City/State Zip Code

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

Signature: Ezequiel Gallo Date: 05/04/2021

Owner/Agent's Name (Please Print): Rene Solis, Ezequiel Gallo

\$450 Application Fee: _____ Application Received by: _____
Receipt No.

Application deadline: _____ ZBA Hearing date: _____

- \$40 ZBA Order Form- Make Check Payable to: Hidalgo County Clerk
- Submit survey, if applicable
- Reduced copy of site plan & 1 blue print, if applicable

415 W. University Dr. • P. O. Box 1079 • Edinburg, TX 78540
Phone (956) 388-8202 • Fax (956) 292-2080 • www.cityofedinburg.com

RECEIVED

JUN 07 2021

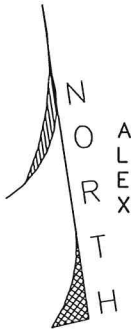
Name: _____



PEÑA ENGINEERING

FIRM #10087200 · 1001 WHITEWING · P.O. BOX 4320
(956) 682-8812 · McALLEN, TEXAS 78502 · FAX (956) 631-PENA

ALVARADO STREET
EAST R.O.W.

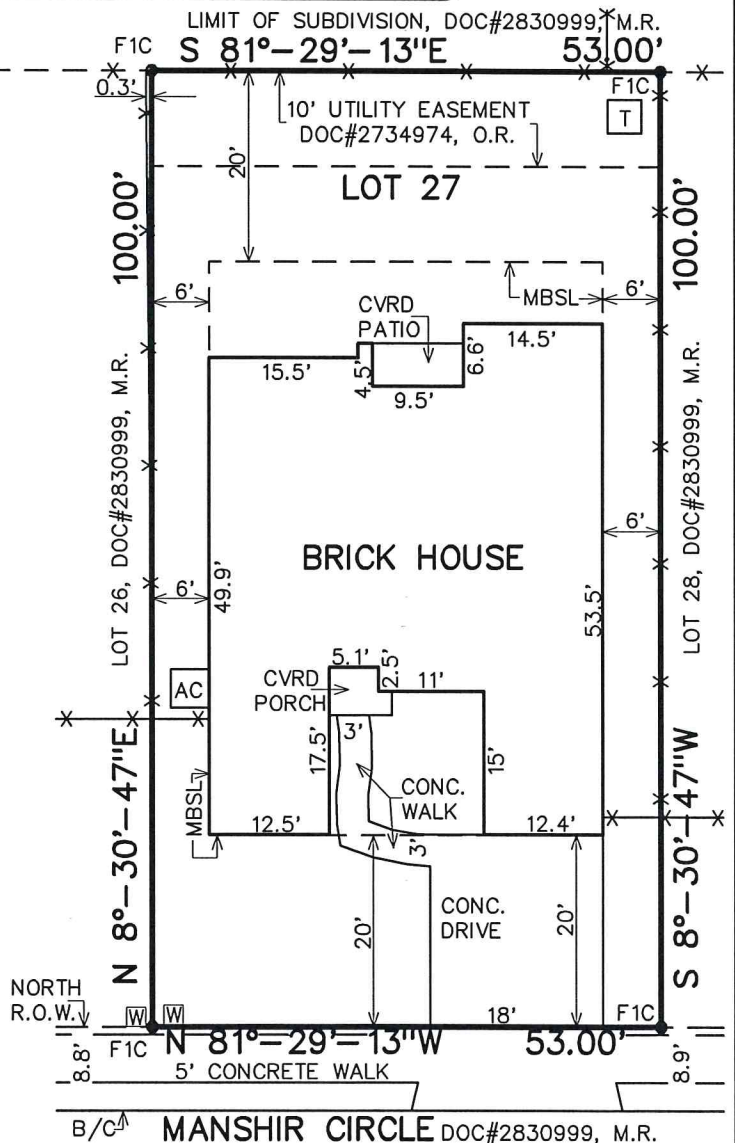


SCALE: 1"=20'
CAD: TELFAIR27
JOB: 71898

NOTE: BASIS OF BEARING IS THE WEST LINE OF LOT 27,
AMENDED PLAT OF TELFAIR SUBDIVISION, DOCUMENT
NUMBER 2830999, MAP RECORDS

LEGEND:

- F1C - FOUND 1/2" DIAMETER IRON ROD W/CAP
STAMPED "MELDEN & HUNT INC."
- B/C - BACK OF CONCRETE CURB & GUTTER
- R.O.W. - RIGHT OF WAY
- MBSL - MINIMUM BUILDING SETBACK LINE
- W - WATER METER
- T - ELECTRICAL TRANSFORMER
- X-X - 6' CEDAR FENCE



NOTES:

- 1.) STATUTORY EASEMENTS, RULES, REGULATIONS, AND RIGHTS IN FAVOR OF HIDALGO COUNTY IRRIGATION DISTRICT No. 2
- 2.) BLANKET EASEMENTS FOR ROADWAYS, CANALS, & DRAINAGE DITCHES IN FAVOR OF LOUISIANA RIO GRANDE SUGAR COMPANY, V. 29 P. 176, D.R.
- 3.) BLANKET EASEMENT TO TENNESSEE GAS TRANSMISSION COMPANY, V. 752 P. 174, DEED RECORDS OF HIDALGO COUNTY, TEXAS
- 4.) BLANKET EASEMENT TO AEP TEXAS CENTRAL COMPANY, DOC#2734974, DEED RECORDS OF HIDALGO COUNTY, TEXAS (PLOTTED)

BUYER'S NAME: EZEQUIEL GALLO

FLOOD ZONE: By GRAPHICAL PLOTTING COMMUNITY PANEL No. 480338 0030 E
MAP REVISED: JUNE 6, 2000 (LOMR MAY 14, 2001)

- ☐ Zone "A" - This is to certify that this property is in a flood prone area.
- ☒ Zone "X" - This is to certify that this property is not in a flood prone area. However limits (Shaded) between the 100 year and 500 year flood are subject to flooding with average depths less than one foot.
- ☐ Zone "C" - This is to certify that this property is not in a flood prone area.

I certify that this plat represents the facts found on the ground at the time of survey and that there are no visible or apparent easements, discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments, or overlapping of improvements or visible easements except as shown on this plat. No subsurface utilities or service connections are shown, © copyright 2020 PENA ENGINEERING this survey was provided in multiple originals solely for the borrower named hereon, In conjunction with the original transaction which shall take place within 6 months after the survey was provided. No license has been created or implied to copy this Survey. Survey valid only if print has original seal and signature.

ADDRESS: 441 MANSHIR CIRCLE EDINBURG, TEXAS 78539

LEGAL DESCRIPTION: LOT 27, AMENDED PLAT OF TELFAIR SUBDIVISION, AN ADDITION
TO THE CITY OF EDINBURG, HIDALGO COUNTY, TEXAS

ACCORDING TO THE MAP RECORDED IN DOCUMENT NUMBER 2830999
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS.

01/04/2021
DATE

PABLO PEÑA III
REG. PROFESSIONAL LAND SURVEYOR No. 5242

Eclipse Textile Shades
713 Pekins Ave. Suite 1
Mission, TX 78572
956-336-7655

ECLIPSETM
Textile Shades

Order Form

Order # Solis
Date of Order 4 / 11 / 21

Customer Information

Billing Address	
Name	Joey R Solis
Address	441 Manshirk Cir
City	Edinburg
State	Tx Zip Code 78539
Tel.	956-605-6662

Job Address (if different from billing)	
Name	
Address	Same
City	
State	Zip Code
Tel.	

Job Information

Eclipse Shades will perform the following work as listed in the written details below:

Two Post ^{Arch} Shade Structure 18 1/2 x 20 x 10 ft.
Metal Structure finished in Black
with Brown cover

Textile Color:

- | | |
|------------------------------------|---|
| <input type="radio"/> Black | <input type="radio"/> Cherry Red |
| <input type="radio"/> Dessert Sand | <input type="radio"/> Aquatic Blue |
| <input type="radio"/> Ochre Red | <input type="radio"/> Steel Gray |
| <input type="radio"/> Yellow | <input checked="" type="radio"/> Other <u>Brown</u> |

Price for above	\$ <u>2,700</u>
Sales Tax	\$
Total	\$ <u>2,700</u>
Deposit w/Order	\$ <u>1,350</u>
Balance	\$ <u>1,350</u>

Terms and Conditions of Sale

Eclipse Shades requires a 50% deposit at the time the order is placed, ~~a 50% when the metal structure is completed~~ and final payment is due upon job completion. All orders are considered custom. The cancellation of an order will result in a deposit forfeiture. Payment should be made in the form of credit card or check payable to Gregorio B. Canchola or Eclipse Shades.

Eclipse Shades can assist with any paperwork that has to be submitted with the city (when necessary) like building permits, variances, drawings, etc. but it is the customer's responsibility to meet any requirement requested by the city.

Warranty

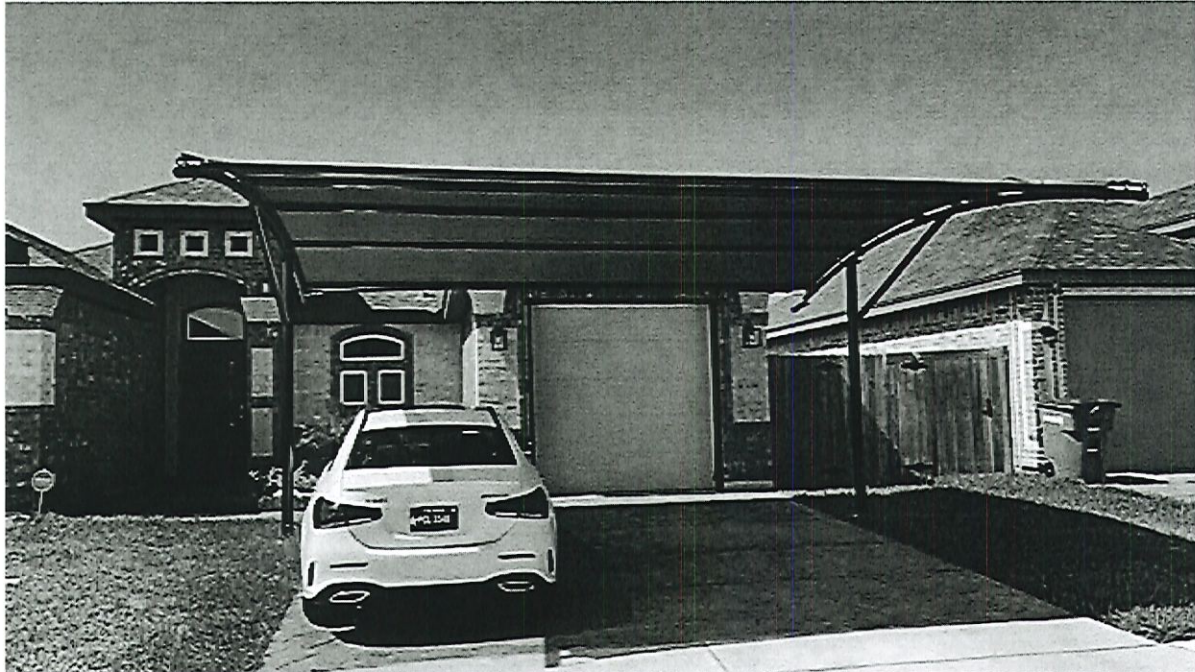
Eclipse Shades warrants its product to be free from defect in material and workmanship for a period of seven (7) years on all iron structure and seven (7) years on textile fabric from the date of sale. Eclipse Shades will repair or replace any defective product at our discretion. This warranty excludes weathering discoloration of the textile fabric, acts of God or damage caused by accident, misuse or abuse.

RECEIVED

JUN 07 2021











From: alex@evertech.co
To: planning@cityofedinburg.com
Subject: IN FAVOR
Date: Thursday, July 22, 2021 4:28:31 PM
Attachments: [image001.png](#)

In Favor of on Set backs, Lot 27 TELFAIL subdivision, Located at 441 MANSIR CIRCLE.

Thank You

Alex Rdz.
956.802.4041



This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution of this information is prohibited, and may be punishable by law. If this was sent to you in error, please notify the sender by reply e-mail and destroy all copies of the original message.

**ZONING BOARD OF ADJUSTMENT REGULAR MEETING
JULY 28, 2021**

Item:

Consider Variance to the City's Unified Development Code, Article 3, Section 3.301, Single Family Residential Bulk Standards, Setbacks, being Lot 57, Los Lagos Subdivision Phase IV, located at 2739 Seton Street, as requested by Eduardo Lopez

Request:

The applicant is requesting a variance to the City's Unified Development Code, Article 3, Section 3.301, Single Family Residential Bulk Standards, Setbacks. The applicant is requesting that the setbacks be reduced to 10 ft. in the front and 10 ft. in the rear of the subject property.

Property Location and Vicinity:

The property is located at the end of a cul-de-sac on Seton Street, approximately 400 ft. west of Montegue Street. It is the southwesternmost lot in the Los Lagos Phase IV Subdivision. The property is an irregular lot on a cul-de-sac comprising a 8,933 sq. ft. tract. This property is currently zoned Neighborhood Conservation 7.1 (NC 7.1) District. Surrounding zoning is Neighborhood Conservation 7.1 (NC 7.1) District to the north and east, Agriculture (AG) District to the south, and Suburban Residential (S) to the west. The area consists of residential and recreational uses (Los Lagos Golf Course).

Background and History:

Los Lagos Phase IV Subdivision was recorded on October 7, 2005. Nearby dwelling units were constructed between 2015 and 2018. On July 13, 2021, a Request for Variance was submitted to the city with a basic site plan and floor plan for a proposed single-family residential building, proposing 10 ft. front and rear setbacks.

Staff mailed a notice of the variance request to 19 neighboring property owners and received no comments in favor or against this request at the time of this report.

Analysis:

Setbacks required by the subdivision plat notes are 25 ft. front yard, 6 ft. side yard, and 20% lot depth rear yard (22 ft.). There is a 15 ft. utility easement along the rear of the property. The site plan submitted exceeds the required 22 ft. rear yard setback, but shows a 10 ft. street yard setback.

A cursory review of the surrounding area revealed that the proposed structure has considerably larger square footage than most neighboring units. Although irregular, a lot of this size could, theoretically, accommodate the proposed dwelling unit while complying with required setbacks.

In discussions with representatives of the applicant, it was expressed that placement of the structure in the front setback is to provide additional visibility from the street, providing visual continuity and improving the overall aesthetics. This is reasonable from a planning perspective. It was also stated that the 10 ft. rear setback is to accommodate a pergola as a future phase of construction. If built, this pergola would encroach 12 ft. into the required setback and 5 ft. into an existing utility easement.

Recommendation:

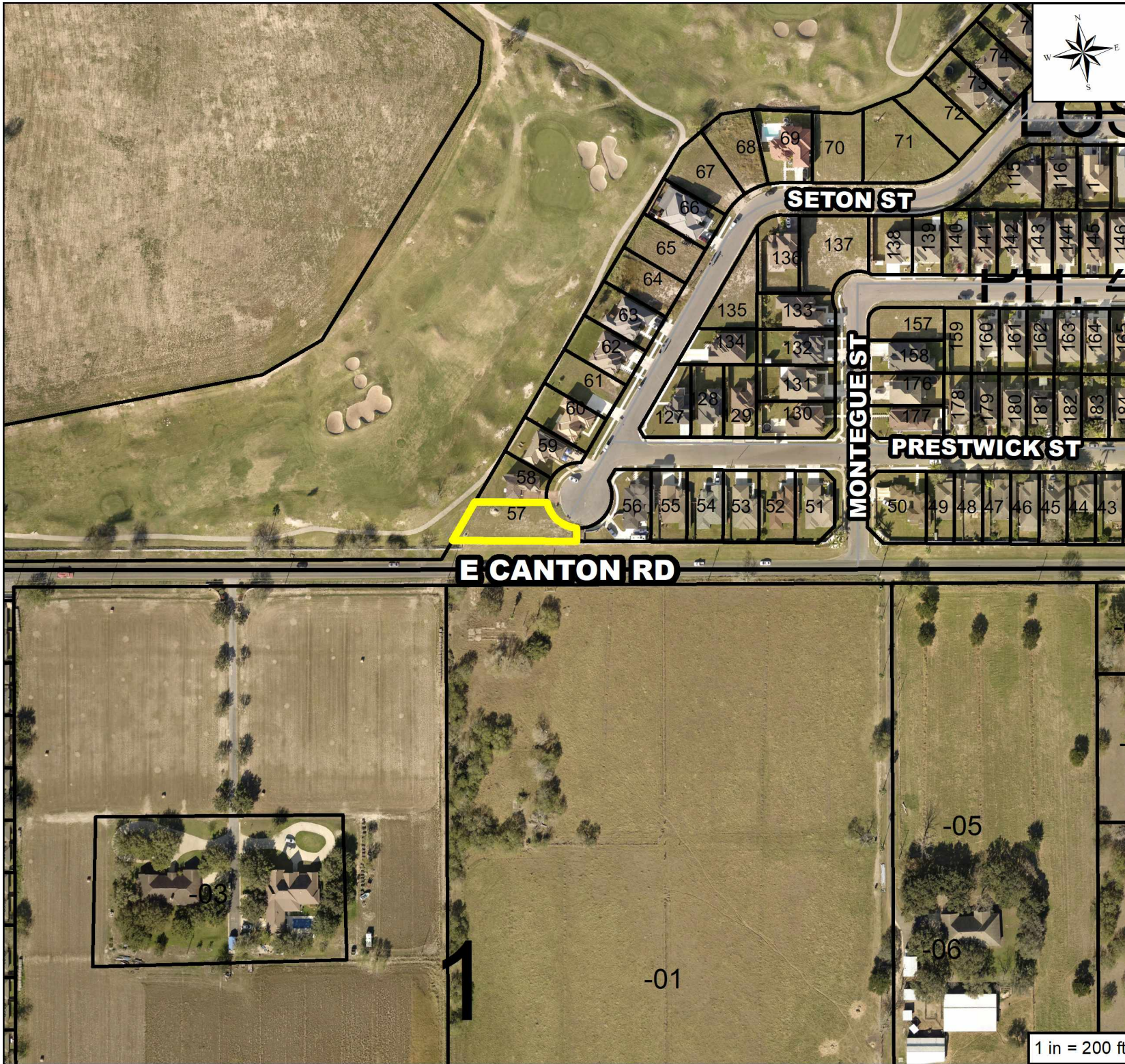
Staff recommends approval of the front 10 ft. setback and disapproval of the 10 ft. rear yard setback as a slightly smaller pergola could be constructed to provide the same benefit while respecting the required setback and utility easement. If approved, the applicant will need to comply with all other 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 Adjustment's order on this request, and any other City requirements, as applicable. A location map, aerial map, photo, subdivision plat, site plan, and floor plan are attached for the Board's consideration.

Prepared By:
D. Austin Colina

Planner I

Approved By:
Kimberly A. Mendoza, MPA

Director of Planning & Zoning



AERIAL MAP



CASE CAPTION:

APPLICANT NAME:

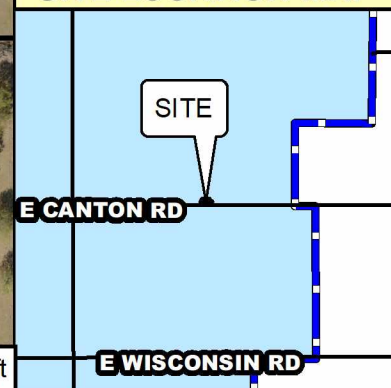
EDUARDO LOPEZ

CONSIDER VARIANCE REQUEST
TO THE CITY'S UNIFIED
DEVELOPMENT CODE,
ARTICLE 3, SECTION 3.301,
SINGLE FAMILY RESIDENTIAL
BULK STANDARDS,
SETBACKS, BEING LOT 57,
LOS LAGOS SUBDIVISION
PHASE IV,
LOCATED AT 2739 SETON STREET,
AS REQUESTED BY
EDUARDO LOPEZ

Legend

-  CITY LIMITS
-  APPLICANT SITE

SITE LOCATION MAP



1 in = 200 ft

PARCEL 2



SETON ST

PH. 4

MONTEGUE ST

PRESTWICK ST

E CANTON RD

ZONING MAP

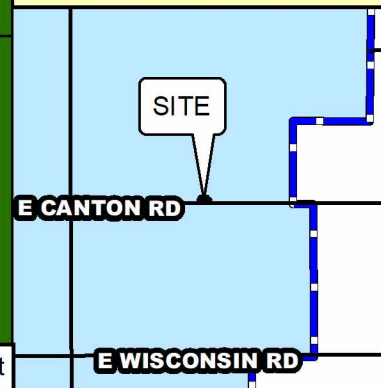
CASE CAPTION:

APPLICANT NAME:
EDUARDO LOPEZ

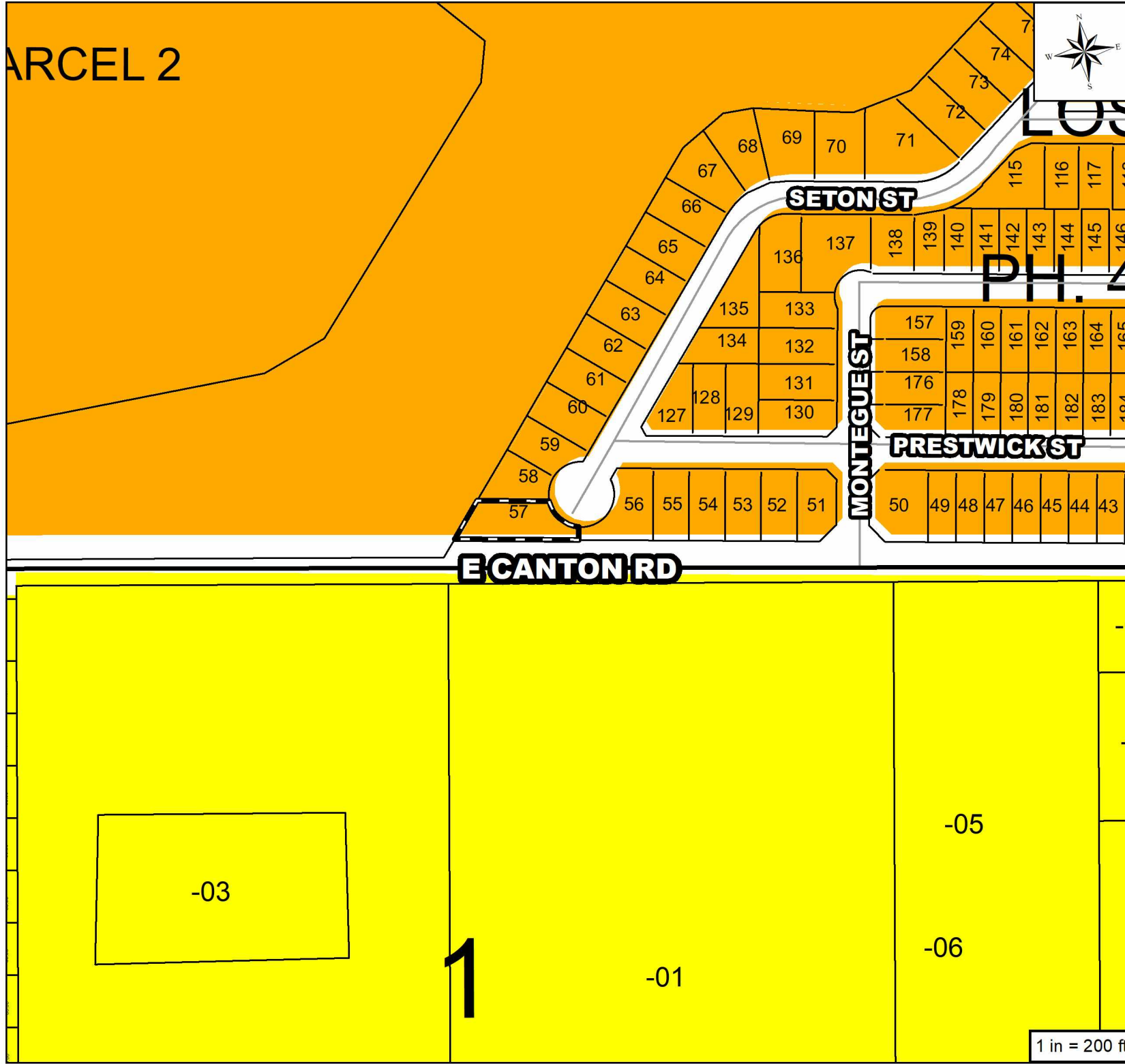
Legend

- CITY LIMITS
- APPLICANT SITE
- ZONING DISTRICTS**
 - AGRICULTURE
 - AUTO-URBAN RESIDENTIAL
 - COMMERCIAL, GENERAL
 - COMMERCIAL, NEIGHBORHOOD
 - DOWNTOWN DISTRICT
 - INDUSTRIAL
 - NEIGHBORHOOD CONSERVATION 5
 - NEIGHBORHOOD CONSERVATION 7.1
 - NEIGHBORHOOD CONSERVATION MH
 - SUBURBAN RESIDENTIAL
 - URBAN RESIDENTIAL
 - URBAN UNIVERSITY

SITE LOCATION MAP



1 in = 200 ft

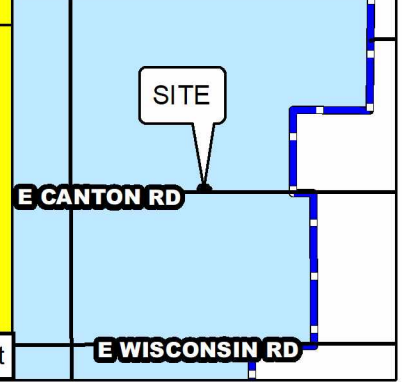


FUTURE LANDUSE MAP
CASE CAPTION:

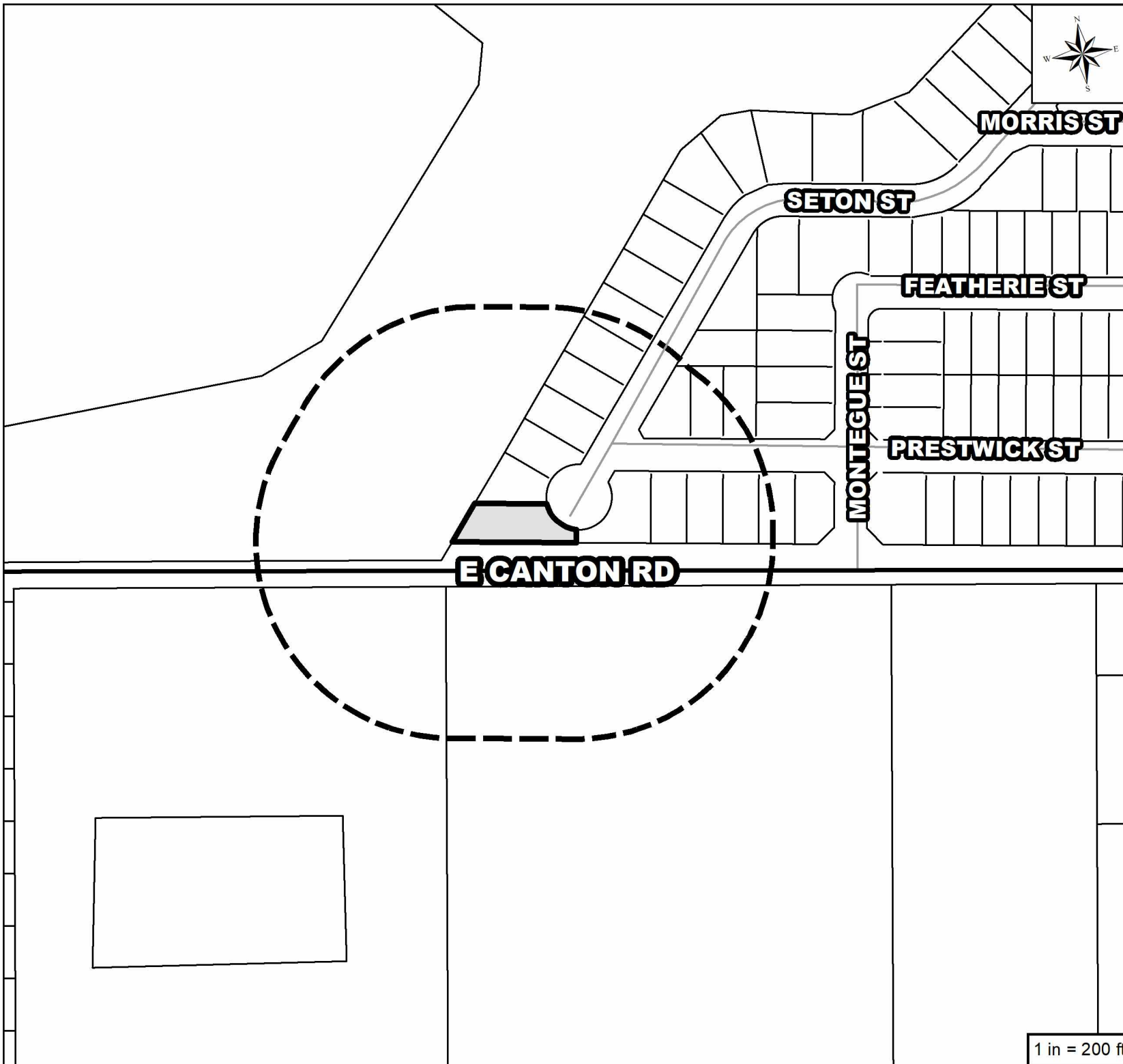
APPLICANT NAME:
EDUARDO LOPEZ

- Legend**
- CITY LIMITS
 - APPLICANT SITE
 - FUTURE LANDUSE**
 - Agriculture
 - Auto-Urban
 - Downtown District
 - General Commercial
 - Industrial
 - Mobile Home
 - Neighborhood Commercial
 - Office Business Park
 - Suburban
 - Urban
 - Urban University

SITE LOCATION MAP



1 in = 200 ft






MAILOUT AND SITE MAP

CASE CAPTION:

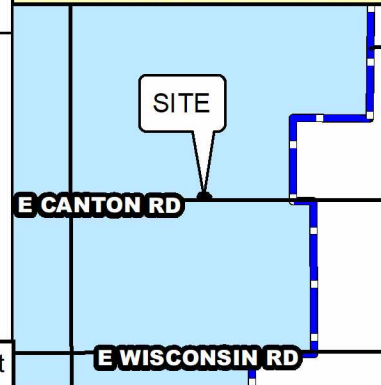
APPLICANT NAME:
EDUARDO LOPEZ

CONSIDER VARIANCE REQUEST
TO THE CITY'S UNIFIED
DEVELOPMENT CODE,
ARTICLE 3, SECTION 3.301,
SINGLE FAMILY RESIDENTIAL
BULK STANDARDS,
SETBACKS, BEING LOT 57,
LOS LAGOS SUBDIVISION
PHASE IV,
LOCATED AT 2739 SETON STREET,
AS REQUESTED BY
EDUARDO LOPEZ

Legend

-  CITY LIMITS
-  300FT NOTIFICATION
-  APPLICANT SITE

SITE LOCATION MAP



1 in = 200 ft



Case #

Edinburg

Planning & Zoning Department
415 W. University Drive
Edinburg, Texas 78539
(956) 388-8202

Zoning Board of Adjustment Application Request for Variance

Nature of Request: _____

Reason for Hardship (attach additional pages if necessary)

Requesting setbacks to be changed
to 10 ft in front & 10 ft. in the Rear

Property Description: Lot 57 Block _____ Subdivision Los Lagos Phase IV

Property Address: 2739 Seton St.

Present Property Zoning: _____

Person requesting Variance: Connie Trevino - Eduardo Lopez

Mailing Address: 302 E. Loma Ave Ste. 14 Hidalgo TX 78557

Street Address

City/State

Zip Code

Phone No. (Home): _____ (Work): (956) 641-6868 (Cell): (956) 641-6868

Owner's Name: Eduardo Lopez - Los Lagos Development LLC

Mailing Address: 302 E. Loma Ave Ste. 14 Hidalgo TX 78557

Street Address

City/State

Zip Code

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: 7/13/2021

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

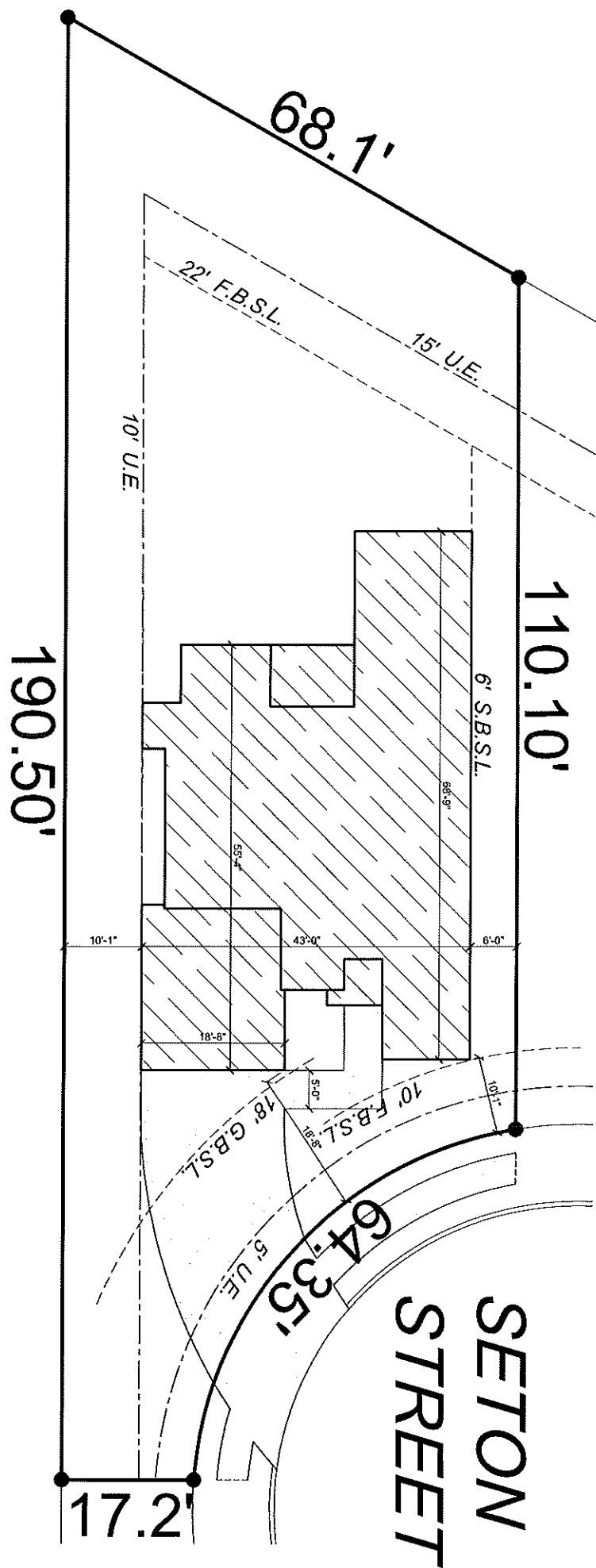
\$450 Application Fee: _____ Application Received by: _____

Receipt No.

OFFICE USE ONLY

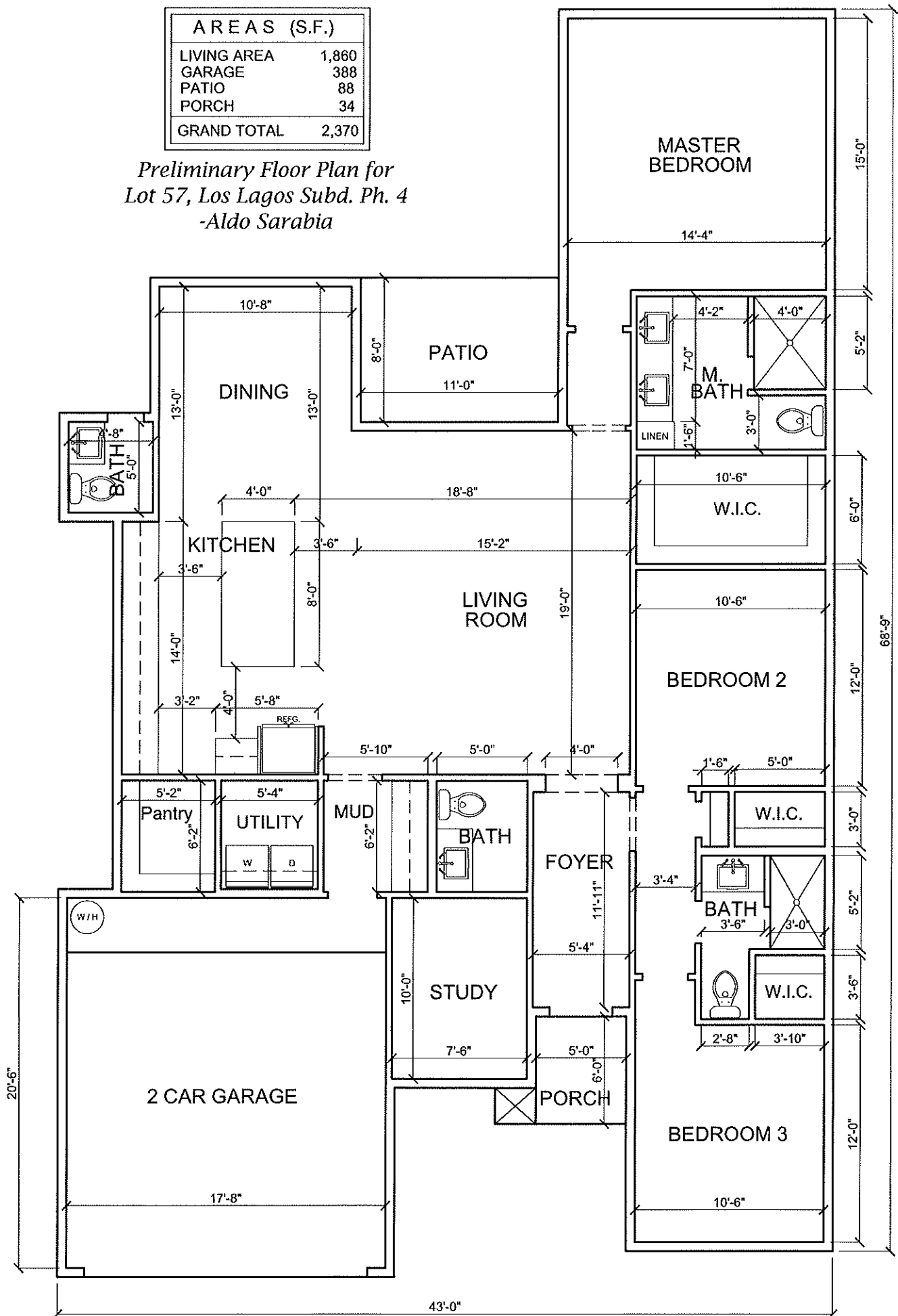
Application deadline: _____ ZBA Hearing date: _____

- \$40 ZBA Order Form- Make Check Payable to: Hidalgo County Clerk
- Submit survey, if applicable
- Reduced copy of site plan & 1 blue print, if applicable



AREAS (S.F.)	
LIVING AREA	1,860
GARAGE	388
PATIO	88
PORCH	34
GRAND TOTAL	2,370

*Preliminary Floor Plan for
Lot 57, Los Lagos Subd. Ph. 4
-Aldo Sarabia*







**ZONING BOARD OF ADJUSTMENT REGULAR MEETING
JULY 28, 2021**

Item:

Consider Variance to the City's Unified Development Code, Article 3, Section 3.301, Single Family Residential Bulk Standards, being the South 18 ft. of Lot 47 and the North 32 ft. of Lot 46, Tropical Subdivision, located at 1208 Lee Circle, as requested by Hugo & Melba Sotelo

Request:

The applicant is requesting a variance to the City's Unified Development Code, Article 3, Section 3.301, Single-Family Residential Bulk Standards, Setbacks. The applicant is proposing to construct a carport in the street yard and side yard setbacks of an existing single family residential lot.

Property Location and Vicinity:

The property is located on the east side of the Lee Circle, approximately 50 ft. south of West Sprague Street. The property has 50 ft. of frontage along Lee Circle and 135 ft. of depth for a tract size of 6,750 sq. ft. The property is zoned Neighborhood Conservation 7.1 (NC 7.1) District. The surrounding zoning is Neighborhood Conservation 7.1 (NC 7.1) District in all directions. The area consists of residential uses with institutional uses north of West Sprague Street.

Background and History:

This property is part of Tropical Subdivision, which was recorded on June 6, 1972. The applicant is proposing to construct a 23 ft. x 16 ft. carport in the street and side yards of the property.

On July 9, 2021, the applicant submitted a Residential Building Permit Application. This permit was denied due to the proposed construction being located approximately 23 ft. into the 25 ft. front yard setback and approximately 3 ft. into the 7 ft. side yard setback.

Staff mailed a notice of the variance request to 36 neighboring property owners and received three comments in favor and none against this request at the time of this report.

Analysis:

The proposed carport will cover approximately 368 sq. ft. of driveway at the front of an existing single-family dwelling. If constructed, the encroachment will be 23 ft. into the required 25 ft. front yard setback, leaving 2 ft. of separation from structure to property line and approximately 0 ft. from the structure overhang to the property line. The structure will also extend 3 ft. to 4 ft. into the required 7 ft. side yard setback, leaving 3 ft. - 4 ft. of separation between the structure and neighboring property line. The applicant informed staff that the same kind of structure was constructed at nearby property around October of 2020. However, staff review revealed that construction at the nearby property was completed without an approved variance or proper permitting. No other structures of this kind exist along this street.

Recommendation:

Staff recommends disapproval of the variance as requested, for it would set a negative precedent for future development and is inconsistent with the Zoning District requirements and existing neighborhood character. 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 Adjustment's order on this request, and any other City requirements, as applicable. A location map, aerial map, photo, site plan, and application from property owner are attached for the Board's consideration.

Prepared By:
D. Austin Colina

Planner I

Approved By:
Kimberly A. Mendoza, MPA

Director of Planning & Zoning

2100-00-273-0045-



AERIAL MAP

CASE CAPTION:

APPLICANT NAME:

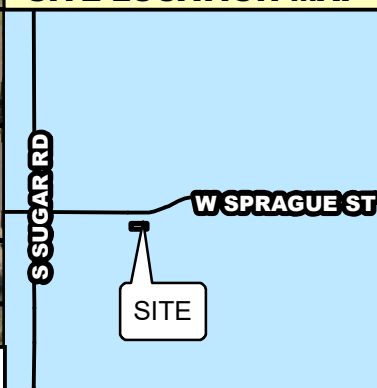
HUGO & MELBA SOTELO

CONSIDER VARIANCE TO THE CITY'S UNIFIED DEVELOPMENT CODE, ARTICLE 3, SECTION 3.301, SINGLE FAMILY RESIDENTIAL BULK STANDARDS, SETBACKS, BEING THE SOUTH 18 FEET OF LOT 47 AND THE NORTH 32 FEET OF LOT 46, TROPICAL SUBDIVISION, LCOATED AT 1208 LEE CIRCLE, AS REQUESTED BY HUGO & MELBA SOTELO

Legend

-  CITY LIMITS
-  APPLICANT SITE

SITE LOCATION MAP



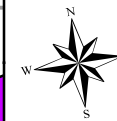
W SPRAGUE ST

LEE CIR

TROPICAL SUBDIVISION

1 in = 150 ft

12100-00-273-0015-



ZONING MAP

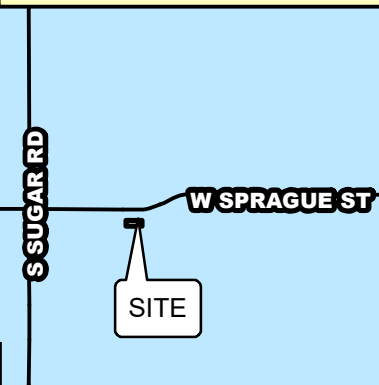
CASE CAPTION:

APPLICANT NAME:
HUGO & MELBA SOTELO

Legend

- CITY LIMITS
- APPLICANT SITE
- ZONING DISTRICTS**
- AGRICULTURE
- AUTO-URBAN RESIDENTIAL
- COMMERCIAL, GENERAL
- COMMERCIAL, NEIGHBORHOOD
- DOWNTOWN DISTRICT
- INDUSTRIAL
- NEIGHBORHOOD CONSERVATION 5
- NEIGHBORHOOD CONSERVATION 7.1
- NEIGHBORHOOD CONSERVATION MH
- SUBURBAN RESIDENTIAL
- URBAN RESIDENTIAL
- URBAN UNIVERSITY

SITE LOCATION MAP



W SPRAGUE ST

EL PASO

S

7

9

10

9

10

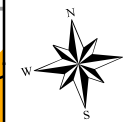
LEE CIR

2

E3200-00-00H-0001-00

1 in = 150 ft

12100-00-273-0015-



FUTURE LAND USE MAP

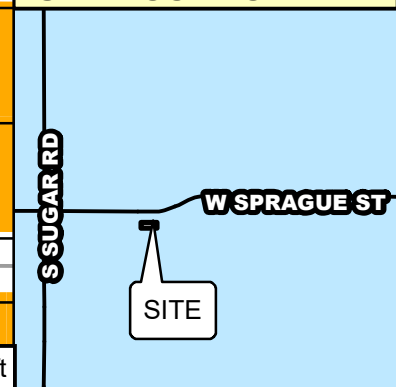
CASE CAPTION:

APPLICANT NAME:
HUGO & MELBA SOTELO

Legend

- CITY LIMITS
- APPLICANT SITE
- FUTURE LANDUSE**
 - Agriculture
 - Auto-Urban
 - Downtown District
 - General Commercial
 - Industrial
 - Mobile Home
 - Neighborhood Commercial
 - Office Business Park
 - Suburban
 - Urban
 - Urban University

SITE LOCATION MAP



20 19 18 17
1 2 3 4

W SPRAGUE ST

EL P
SU

6
7

9

10

9

10

E3200-00-00H-0001-00

LEE CIR

2

1 47 30
2 46 31
3 45 32
4 44 33
5 43 34
6 42 35
7 41 36
8 40 37
9 39 38

10 11 12 13 14 15 16 17 18

9

13 12 11

1 in = 150 ft



MAILOUT AND SITE MAP




CASE CAPTION:

APPLICANT NAME:

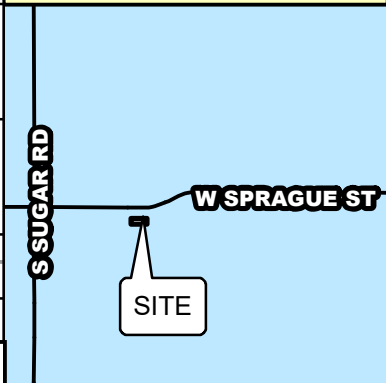
HUGO & MELBA SOTELO

CONSIDER VARIANCE TO THE CITY'S UNIFIED DEVELOPMENT CODE, ARTICLE 3, SECTION 3.301, SINGLE FAMILY RESIDENTIAL BULK STANDARDS, SETBACKS, BEING THE SOUTH 18 FEET OF LOT 47 AND THE NORTH 32 FEET OF LOT 46, TROPICAL SUBDIVISION, LCOATED AT 1208 LEE CIRCLE, AS REQUESTED BY HUGO & MELBA SOTELO

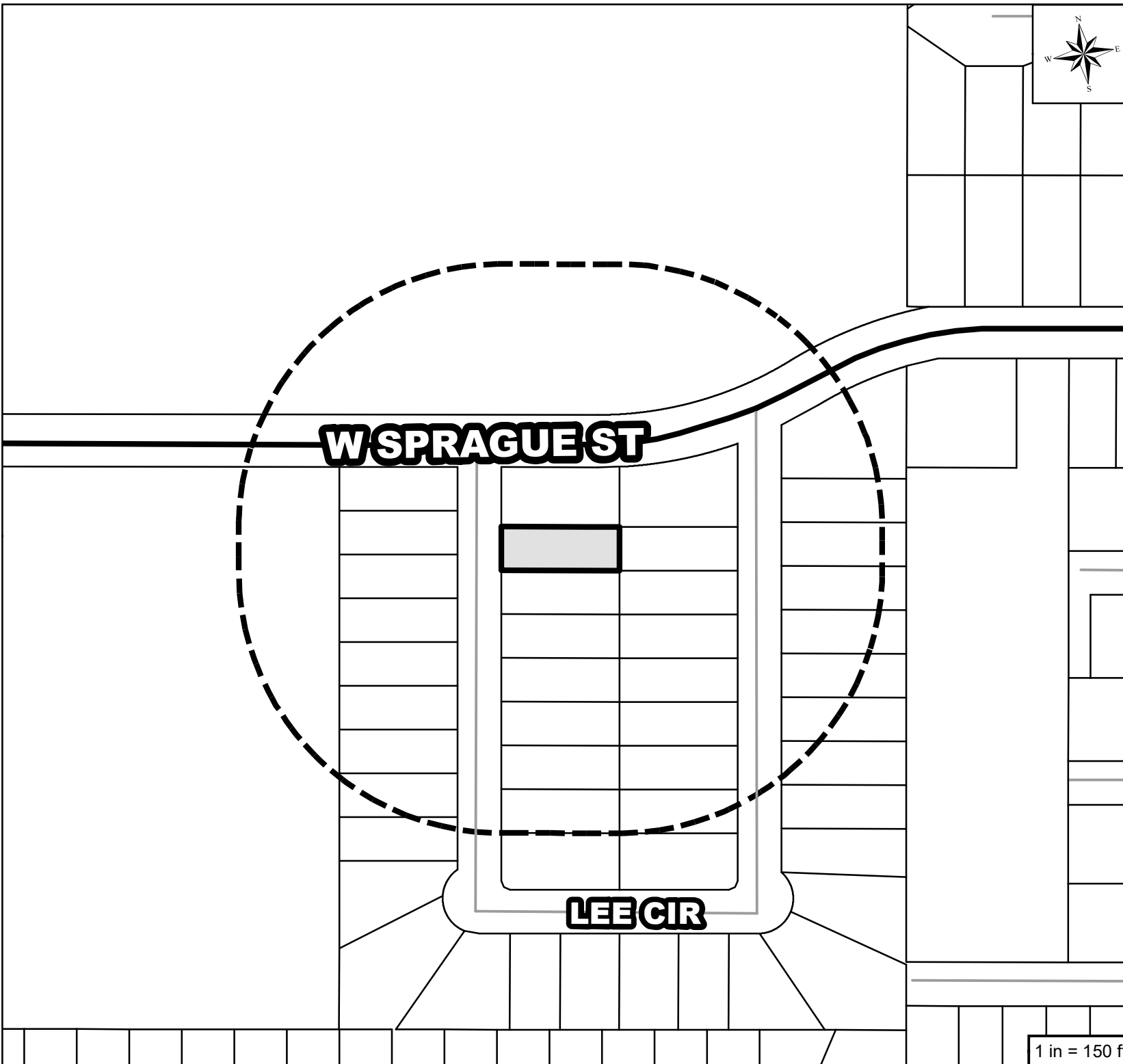
Legend

-  CITY LIMITS
-  300FT NOTIFICATION
-  APPLICANT SITE

SITE LOCATION MAP



1 in = 150 ft





Planning & Zoning Department
415 W. University Dr.
(956) 388-8202

**ZONING BOARD OF ADJUSTMENT APPLICATION
REQUEST FOR VARIANCE**

Nature of Request: Carport

Reason for Hardship: _____
(use other side if necessary)

Property Description: _____
Lot Block Subdivision

Property Address: 1208 Lee Circle

Present Property Zoning: _____

Person requesting Variance: Hugo Sotelo

Mailing Address: 1208 Lee Circle Edg TX 78539
Street Address City/State Zip Code

Phone No. (Home): _____ (Work): 956-682-0911 (Cell): 956-212-3247

Owner's Name: Hugo Sotelo

Mailing Address: 1208 Lee Circle Edg TX 78539
Street Address City/State Zip Code

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

Signature: [Signature] Date: 7/14/2021

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

\$450 Application Fee: _____ Application Received by: _____
Receipt No.

Application deadline: _____ ZBA Hearing date: _____

- \$40 ZBA Order Form- Make Check Payable to: Hidalgo County Clerk
- Submit survey, if applicable
- Reduced copy of site plan & 1 blue print, if applicable

415 W. University Dr. • P. O. Box 1079 • Edinburg, TX 78540
Phone (956) 388-8202 • Fax (956) 292-2080 • www.cityofedinburg.com

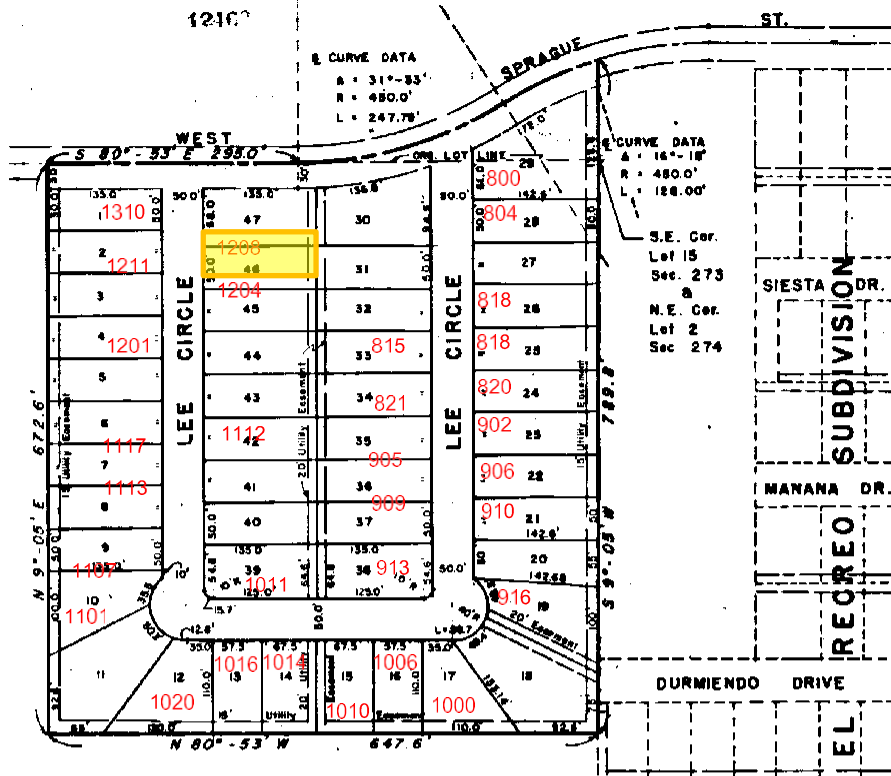
RECEIVED

JUL 16 2021

Name: Lox



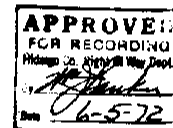
1" = 100'



APPROVED FOR RECORDING
BY
COMMISSIONERS' COURT
This is 64 June 1972
SANTOS CALDANA, County Clerk
Hidalgo County, Texas
By *Francis DelBunk*

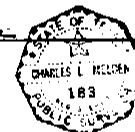
MAP OF TROPICAL SUBDIVISION EDINBURG, TEXAS

BEING A RESUBDIVISION OF 10.37 ACRES OUT OF LOT 13, SECTION 273; AND LOT 2, SECTION 274, TEXAS-MEXICAN RAILWAY COMPANY SURVEY, HIDALGO COUNTY, TEXAS



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

Charles L. Melden
CHARLES L. MELDEN
REGISTERED PUBLIC SURVEYOR
EDINBURG, TEXAS
MARCH 30, 1972



STATE OF TEXAS;
COUNTY OF HIDALGO;

KNOW ALL MEN BY THESE PRESENTS:
THAT I, WILLIAM T. 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.

STATE OF TEXAS;
COUNTY OF HIDALGO;

William T. Burch
WILLIAM T. BURCH

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED WILLIAM T. BURCH, OWNER, KNOWN TO ME TO BE THE PERSON WHO IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION EXPRESSED.
GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 30 DAY OF March, A. D., 1972.

Crisanne Lehman
NOTARY PUBLIC IN AND FOR
HIDALGO COUNTY, TEXAS



THIS PLAT APPROVED BY THE CITY OF EDINBURG PLANNING AND ZONING BOARD ON THIS THE 16th DAY OF May, A. D., 1972.

Lloyd G. Wood
LLOYD G. WOOD, CHAIRMAN

THIS PLAT APPROVED BY THE CITY COMMISSION OF THE CITY OF EDINBURG, TEXAS, ON THIS THE 16th DAY OF May, A. D., 1972.

Lloyd Hawkins
LLOYD HAWKINS, MAYOR



THIS PLAT APPROVED BY HIDALGO COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1, ON THIS THE 25th DAY OF May, A. D., 1972.

Ruback Wiseman
PRESIDENT



FILED FOR RECORD THIS DAY
At 3:40 o'clock P.M.

JUN 6 1972

SANTOS CALDANA
County Clerk, Hidalgo County, Texas
S. Caldana

SUBMITTED BY: _____

DATE: _____

**RESIDENTIAL & MULTIFAMILY
BUILDING PERMIT APPLICATION**

ADDRESS: 415 W. UNIVERSITY DR. (PO BOX 1079), Edinburg TX 78540

PHONE (956) 388-8203 Fax (956) 292-2080

PERMIT NO.: BIDR-2021-0716

DATE ISSUED: _____

GENERAL CONTRACTOR Hugo Sotelo

PHONE NO.

ADDRESS 1208 Lee Circle(956) 212 - 3247 (OFFICE)CITY, STATE & ZIP Edinburg TX 78539

() - (MOBILE)

EMAIL ADDRESS hsotelo428@gmail.comPROJECT SITE ADDRESS: 1208 Lee Circle - Edg

IMPROVEMENT

VALUE \$ 3500.00

LOT(S): _____

BLOCK: _____

SUBDIVISION: _____

SUBD. GATE CODE _____

SCOPE OF WORK: Carport, Concrete Slab☒ NEW ☐ ADDITION ☐ REMODEL ☐ REPAIR ☐ FENCE ☐ DEMOLITION (NEED APPROVAL: SWD)PLEASE CHECK ONE: RESIDENTIAL ☒ MULTI-FAMILY ☐

TOTAL BLDG SQ FT _____ SQ. FT LIVING _____ # PARKING SPACE _____ SQ FT LOT _____ LOT FRONT _____ FLOOR ELEVATION ABOVE TOP OF CURB _____

NO. OF UNITS _____ NO. OF FLOORS _____ NO. OF BDRMS _____ NO. OF BATHRMS _____ SQ FT CARPORT _____ FLOOD ZONE _____ BLDG. HEIGHT _____

BUILDING DISTANCE FROM PROPERTY LINES

FRONT SIDE REAR SIDE

FOUNDATION**EXT WALLS****INTERIOR WALL****ROOF****OTHER CONDITIONS**☒ CONCRETE SLAB☐ MASONRY VENEER☐ SHEETROCK☐ ROOF SHINGLES☐ PUBLIC SIDEWALK☐ CONCRETE PIER☐ MASONRY SOLID☐ PANEL☐ COMPOSITION☐ CORNER LOT☐ CONCRETE BLOCK☒ METAL SIDING☐ SEALED☒ METAL☐ CUL-DE-SAC☐ CONCRETE BEAM☐ COMPOSITION☐ TEXTONE☐ CLAY TILE☐ OTHER _____OWNER: Hugo SoteloPHONE NO. (956) - _____ADDRESS: 1208 Lee CircleMOBILE NO. (956) 212 - 3247CITY: EdinburgSTATE TXZIP 78539

OFFICE USE ONLY

PERMIT FEE \$ _____

PARKLAND FEE \$ _____

TOTAL PERMIT FEE \$ _____

EFFECTIVE IMMEDIATELY

PROJECT ID: _____

Inspections requested between 8:00 A.M to 11:30 A.M will be conducted that same afternoon (time permitting).

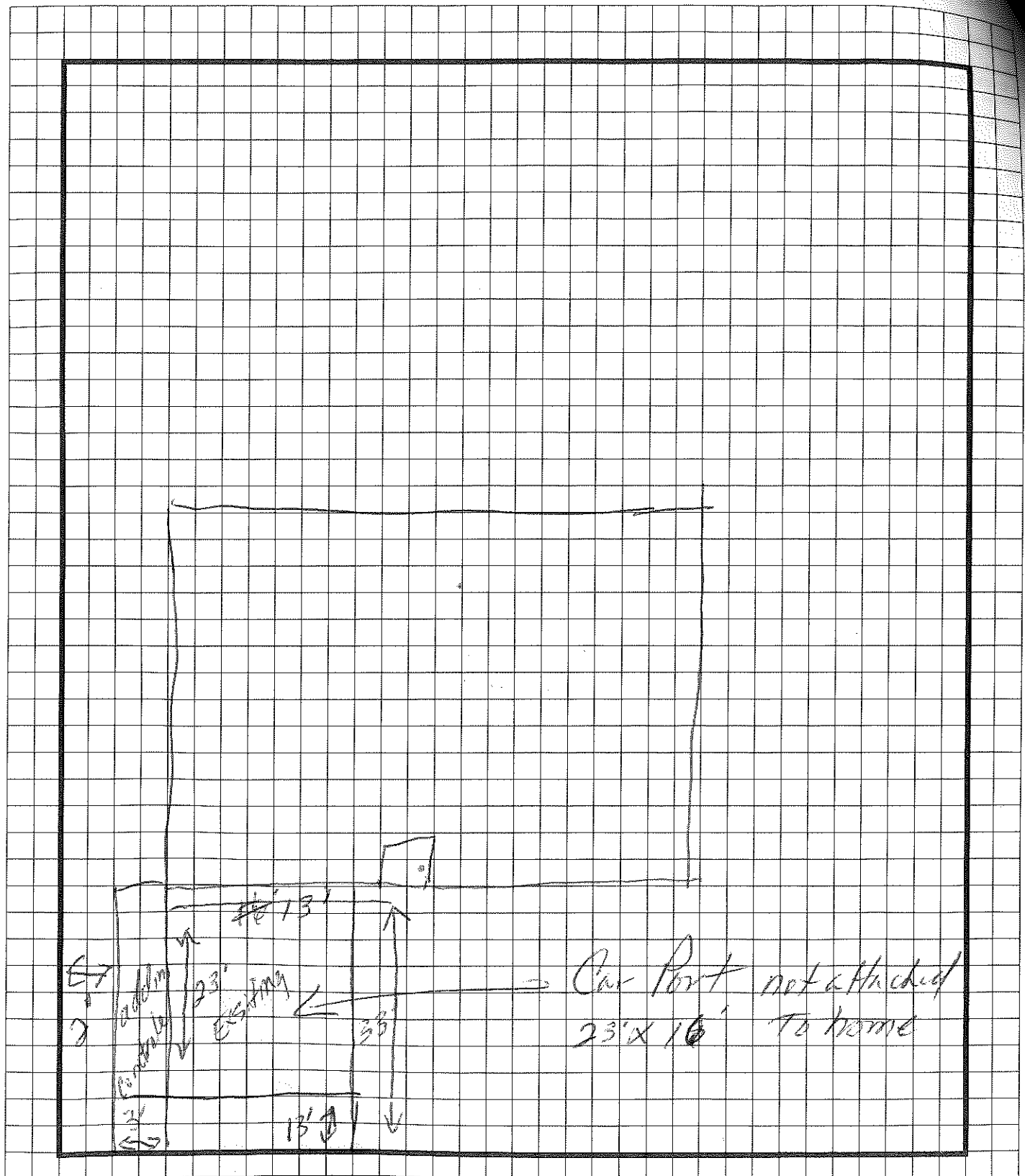
Inspections requested between 11:31 A.M to 4:30 P.M will be conducted the following (business) morning (time permitting).

TURN PAGE OVER TO DRAW SITE PLAN
***** APPLIES TO MINOR IMPROVEMENTS ONLY*****

SITE PLAN AND FLOOR PLAN IS REQUIRED


REVISED

REAR



IRREGULAR LOTS WILL BE REQUIRED TO SUBMIT A SURVEY

FRONT

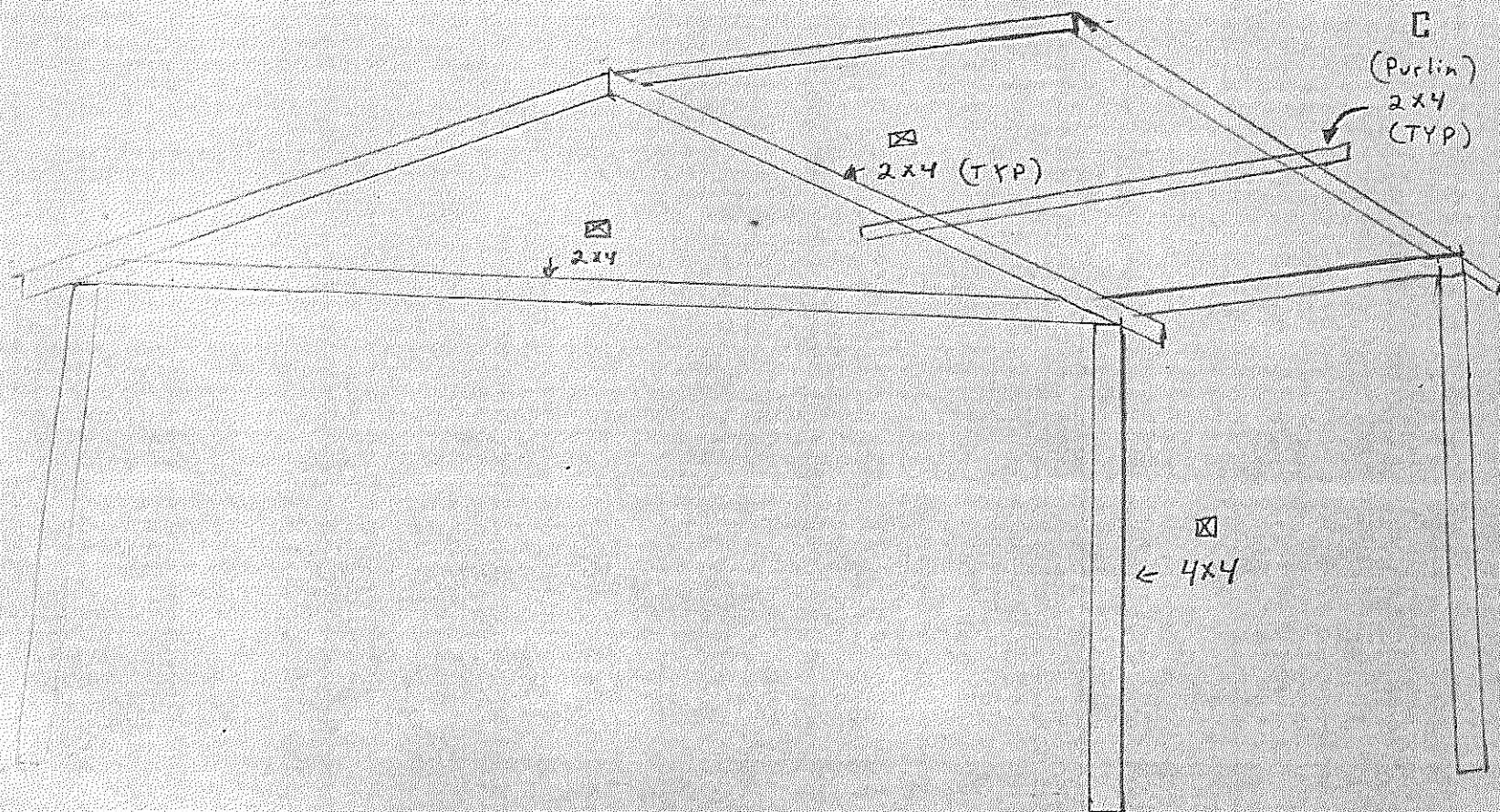
4x4  Square tube

2x4  Rectangular

2x4  Purlin

~~~~~ metal Roof panel

Galvanized screws











## NOTIFICATION

Dear Property Owner:

A public hearing will be held on Wednesday, July 28, 2021 at 4:00 p.m. by the Zoning Board of Adjustment to consider the following:

**CONSIDER VARIANCE TO THE CITY'S UNIFIED DEVELOPMENT CODE, ARTICLE 3, ECTION 3.301, SINGLE FAMILY RESIDENTIAL BULK STANDARDS, BEING THE SOUTH 18 FEET OF LOT 47 AND THE NORTH 32 FEET OF LOT 46, TROPICAL SUBDIVISION, LCOATED AT 1208 LEE CIRCLE, AS REQUESTED BY HUGO & MELBA SOTELO**

As part of a City effort to encourage greater participation in the process, the City is using this notice to solicit your input. You may return your response by the mail, fax or email by the following:

You may return your response by one of the following:

- P. O. Box 1079 Edinburg, Texas 78540
- Fax # : (956) 292-2080 by Wednesday, July 28, 2021
- [planning@cityofedinburg.com](mailto:planning@cityofedinburg.com)

Should you have any questions or need more information regarding this notice, you may call (956) 388-8202.

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

Comments:

The project that the Sotelo family is requesting approval\* will enhance the curbside appeal by eliminating the street vehicle parking congestion.

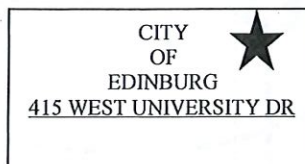
Print Name: NOE U Flores Phone No.: 956-387-0305

Address: 1204 Lee Circle City: Edinburg State: Tx Zip: 78539

## NOTIFICACION

Si tiene preguntas ó necesita más información sobre esta peticion, llame al Departamento de Planeacion y Zonificacion al numero (956) 388-8202.

Planning and Zoning Department  
City of Edinburg  
415 West University Drive  
Edinburg, TX 78541



8th Ave.

University Dr. (S.H.107)

**RECEIVED**

JUL 23 2021

Name: Wey 8:30am



### NOTIFICATION

Dear Property Owner:

A public hearing will be held on Wednesday, July 28, 2021 at 4:00 p.m. by the Zoning Board of Adjustment to consider the following:

**CONSIDER VARIANCE TO THE CITY'S UNIFIED DEVELOPMENT CODE, ARTICLE 3, ECTION 3.301, SINGLE FAMILY RESIDENTIAL BULK STANDARDS, BEING THE SOUTH 18 FEET OF LOT 47 AND THE NORTH 32 FEET OF LOT 46, TROPICAL SUBDIVISION, LCOATED AT 1208 LEE CIRCLE, AS REQUESTED BY HUGO & MELBA SOTELO**

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☒ In Favor/A Favor

☐ Against/En Contra

☐ No Comments/No Comentario

Comments:

*WE FEEL THAT THIS NOTIFICATION IS KIND OF VAGUE. YOU NEED TO BE MORE SPECIFIC AS PER REQUEST OF HUGO & MELBA SOTELO TO AVOID THEM.*

Print Name:

*ADOLFO & ANA MARIA HUERTA*

Phone No.:

*956-457-7234*

Address:

*1211 LEE CIRCLE*

City:

*EDINBURG*

State:

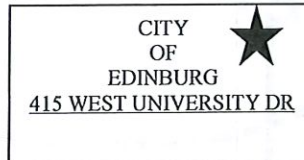
*TX*

Zip: *78539*

### NOTIFICACION

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Planning and Zoning Department  
City of Edinburg  
415 West University Drive  
Edinburg, TX 78541



8th Ave.

University Dr. (S.H.107)

**RECEIVED**

JUL 23 2021

Name: *CE 8:30 am*





### NOTIFICATION

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☒ In Favor/A Favor

☐ Against/En Contra

☐ No Comments/No Comentario

Comments: \_\_\_\_\_

Print Name: Elma G. Perez

Phone No.: 956-381-0067

Address: 1310 West Sprague

City: Edinburg

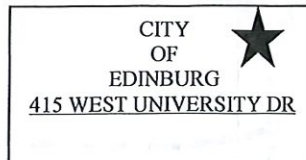
State: TX

Zip: 78539

### **NOTIFICACION**

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Planning and Zoning Department  
City of Edinburg  
415 West University Drive  
Edinburg, TX 78541



8th Ave.

University Dr. (S.H.107)

**RECEIVED**

JUL 23 2021

Name: ael 3:29



**ZONING BOARD OF ADJUSTMENT REGULAR MEETING  
JULY 28, 2021**

**Item:**

Consider Variance to the City's Unified Development Code, Article 3, Section 3.301, Single Family Residential Bulk Standards, Setbacks, being Lot 19, Block 4, Mirasol Subdivision, located at 807 South 20<sup>th</sup> Avenue, as requested by Juan Betancourt

---

**Request:**

The applicant is requesting a variance to the City's Unified Development Code, Article 3, Section 3.301, Single Family Residential Bulk Standards, Setbacks. The applicant stated that the basis for the request is to allow for the encroachment of a porch located in the 6 ft. side yard setback.

**Property Location and Vicinity:**

The property is located on the west side of South 20<sup>th</sup> Avenue, approximately 75 ft. south of East Sprague Street. The property has 50 ft. of frontage along South 20<sup>th</sup> Avenue and 120 ft. of depth for a tract size of 6,000 square feet. This property is currently zoned Neighborhood Conservation 5 (NC 5) District. Surrounding zoning is Neighborhood Conservation 5 (NC 5) District in all directions. The area consists of residential uses.

**Background and History:**

Mirasol Subdivision was recorded on December 15, 1975. Code Enforcement received a complaint that a structure was being built without a permit at the said location. A stop work order was issued, and thereafter the applicant applied for a building permit. On July 7, 2021, the applicant constructed a porch measuring 6 ft. x 78 ft. within the side yard setback of 6 ft. Setbacks called for by zoning are as follows: front 25 ft., side 6 ft., rear 20 ft.

Staff mailed a notice of the variance request to 57 neighboring property owners and received one comment in favor and none against this request at the time of this report.

**Analysis:**

The applicant has indicated that the basis of the request is to allow for the encroachment of a porch within the 6 ft. side yard setback. The proposed structure sits 0 ft. from the property line, leaving a 0 ft. separation. Based on a site inspection conducted on July 20, 2021, it appears that the overhang is encroaching into the adjoining property. Similar encroachments exist throughout the neighborhood.

**Recommendation:**

Staff recommends disapproval of the variance request. If approved staff recommends it be on the current foot print provided. If approved, the applicant will need to comply with all other requirements during the permitting process including but not limited to building and fire codes, fire protection, parking, landscape buffer-yards, solid waste services, utility, pay a \$40 fee payable to the County of Hidalgo, County Clerk's Office for the recording of the ZBA order on this request, and any other City requirements, as applicable. A location map, aerial map, photo, subdivision plat, site plan, and response from property owner are attached for the Board's consideration.

Prepared By:  
Rita Lee Guerrero

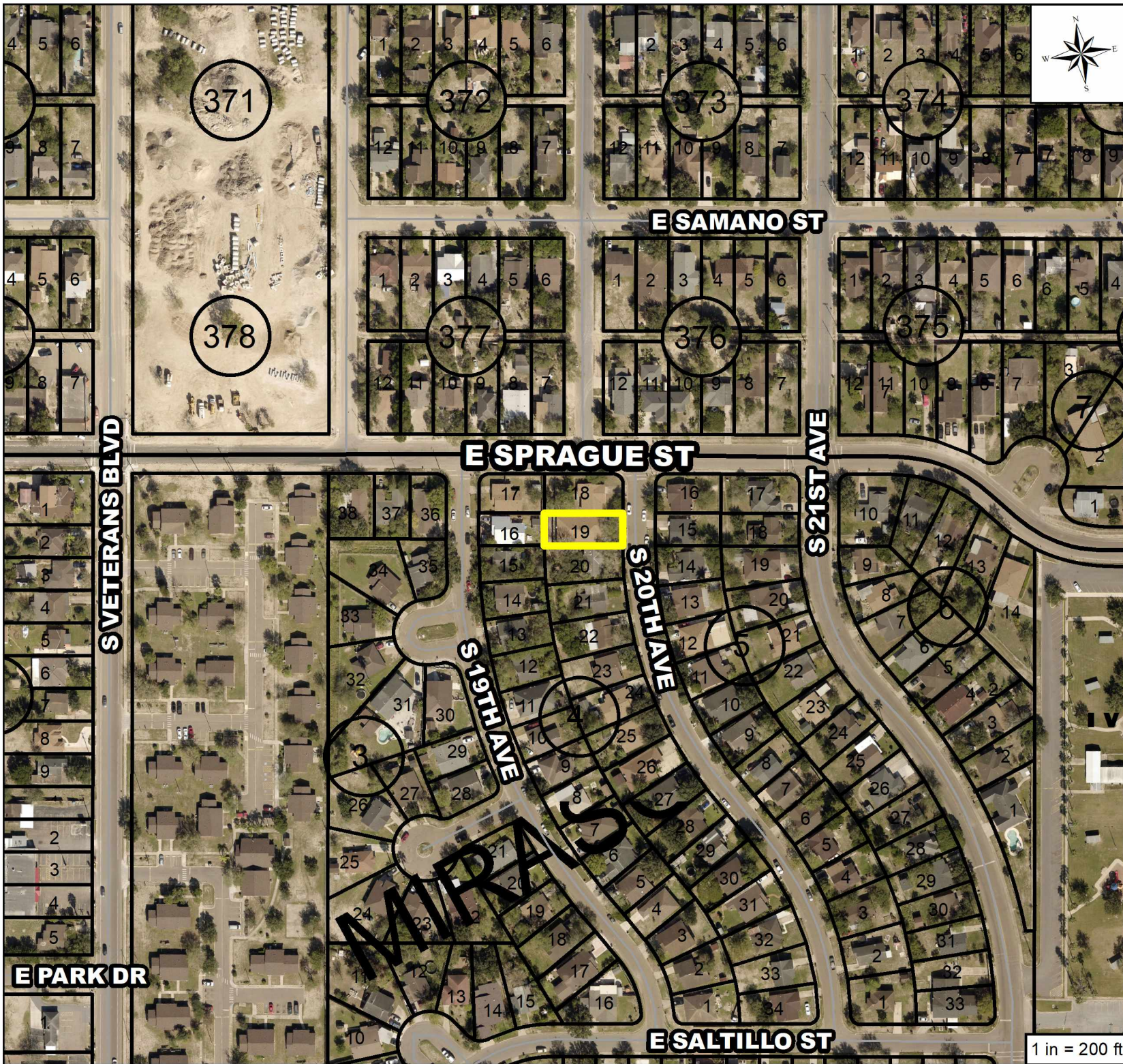
Planner I

Approved By:

Kimberly A. Mendoza, MPA

Director of Planning & Zoning







#### AERIAL MAP

#### CASE CAPTION:

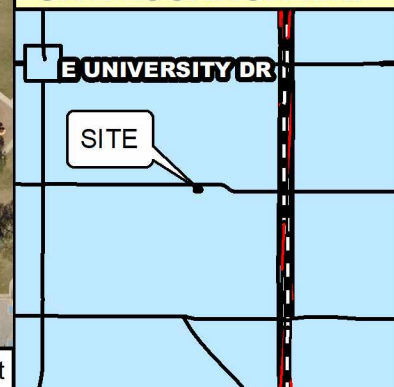
#### APPLICANT NAME:

**JUAN BETANCOURT**  
CONSIDER VARIANCE TO  
THE CITY'S UNIFIED  
DEVELOPMENT CODE,  
ARTICLE 3, SECTION 3.301,  
SINGLE FAMILY RESIDENTIAL  
BULK STANDARDS, SETBACKS,  
BEING LOT 19, BLOCK 4,  
MIRASOL SUBDIVISION,  
LOCATED AT  
807 SOUTH 20TH AVENUE,  
AS REQUESTED BY  
JUAN BETANCOURT

#### Legend

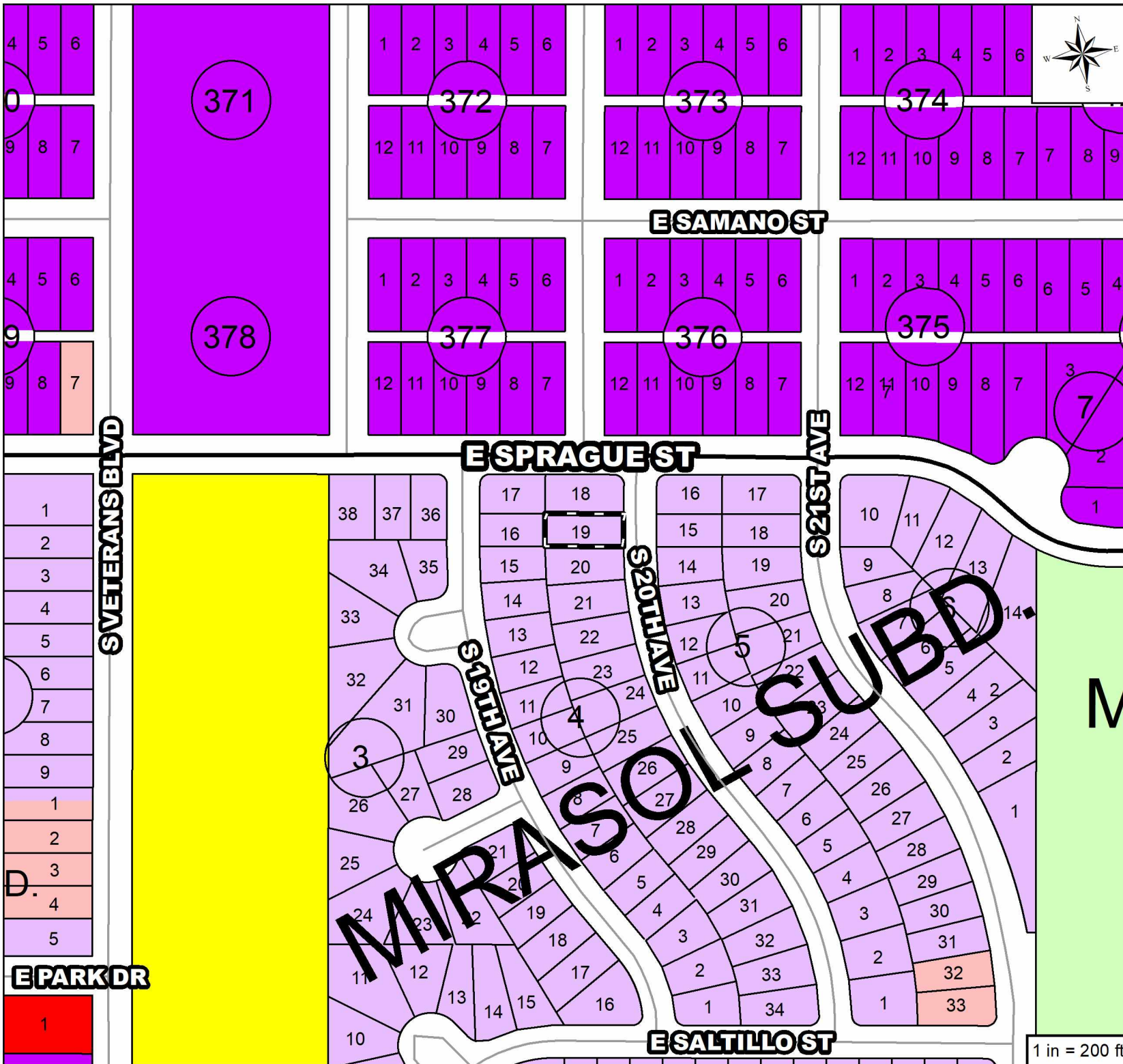
-  CITY LIMITS
-  APPLICANT SITE

#### SITE LOCATION MAP



1 in = 200 ft







**ZONING MAP**

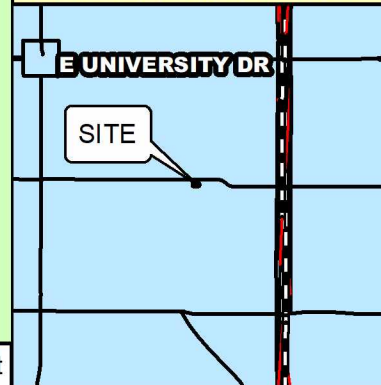
**CASE CAPTION:**

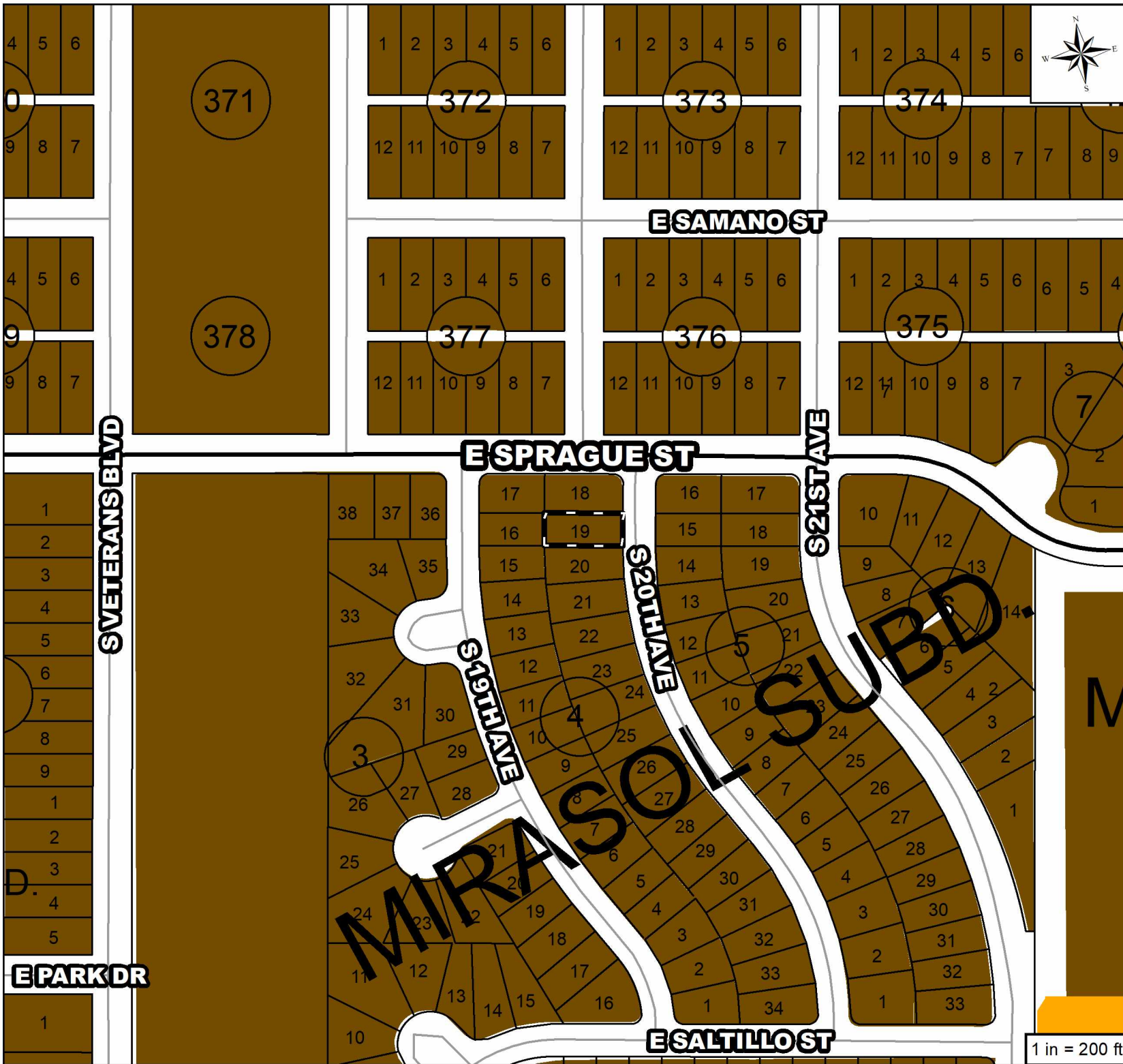
**APPLICANT NAME:**  
**JUAN BETANCOURT**

**Legend**

-  CITY LIMITS
-  APPLICANT SITE
- ZONING DISTRICTS**
  -  AGRICULTURE
  -  AUTO-URBAN RESIDENTIAL
  -  COMMERCIAL, GENERAL
  -  COMMERCIAL, NEIGHBORHOOD
  -  DOWNTOWN DISTRICT
  -  INDUSTRIAL
  -  NEIGHBORHOOD CONSERVATION 5
  -  NEIGHBORHOOD CONSERVATION 7.1
  -  NEIGHBORHOOD CONSERVATION MH
  -  SUBURBAN RESIDENTIAL
  -  URBAN RESIDENTIAL
  -  URBAN UNIVERSITY

**SITE LOCATION MAP**





#### FUTURE LANDUSE MAP

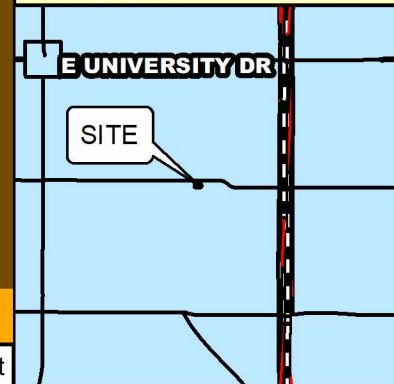
CASE CAPTION:

APPLICANT NAME:  
JUAN BETANCOURT

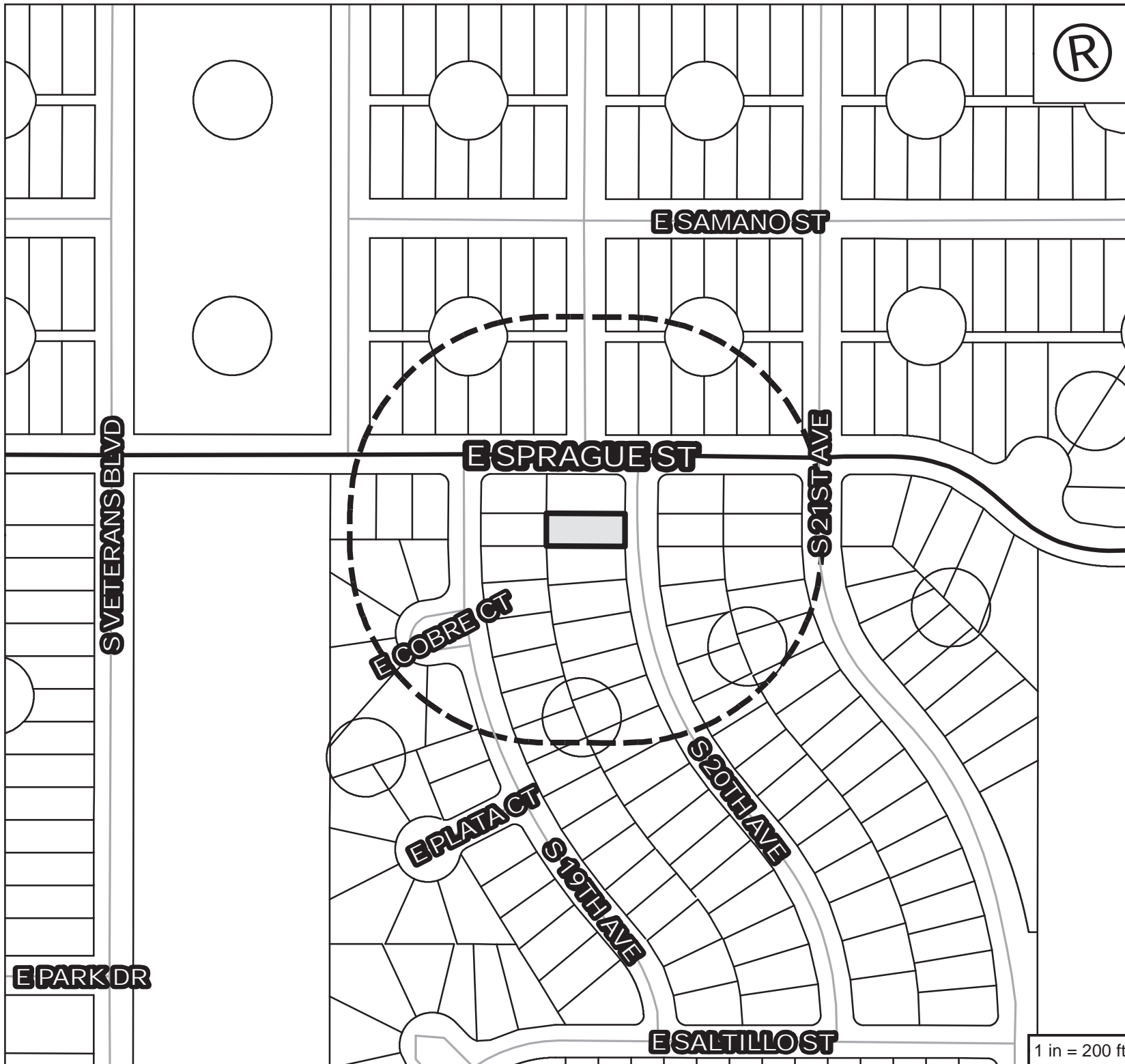
#### Legend

- CITY LIMITS
- APPLICANT SITE
- FUTURE LANDUSE**
- Agriculture
- Auto-Urban
- Downtown District
- General Commercial
- Industrial
- Mobile Home
- Neighborhood Commercial
- Office Business Park
- Suburban
- Urban
- Urban University

#### SITE LOCATION MAP







**MAILOUT AND SITE MAP**

**CASE CAPTION:**

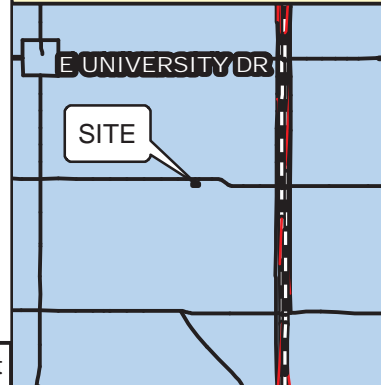
**APPLICANT NAME:**

**JUAN BETANCOURT**  
CONSIDER VARIANCE TO  
THE CITY'S UNIFIED  
DEVELOPMENT CODE,  
ARTICLE 3, SECTION 3.301,  
SINGLE FAMILY RESIDENTIAL  
BULK STANDARDS, SETBACKS,  
BEING LOT 19, BLOCK 4,  
MIRASOL SUBDIVISION,  
LOCATED AT  
807 SOUTH 20TH AVENUE,  
AS REQUESTED BY  
JUAN BETANCOURT

**Legend**

- CITY LIMITS
- 300FT NOTIFICATION
- APPLICANT SITE

**SITE LOCATION MAP**



1 in = 200 ft





VAR-2021-0007  
INV-00000783

Planning & Zoning Department  
415 W. University Dr.  
(956) 388-8202

**ZONING BOARD OF ADJUSTMENT APPLICATION  
REQUEST FOR VARIANCE**

Nature of Request: Encroachment to sideyard set-back

Reason for Hardship: We have a daughter that is handicap -  
(use other side if necessary)  
total quadriplegic - moves around in her power  
chair - would like some shade when she's outdoors

Property Description: 19 4 Marisol  
Lot Block Subdivision

Property Address: 807 S. 20th

Present Property Zoning: residential

Person requesting Variance: Juan Betancourt

Mailing Address: 807 S. 20th Edinburg, Tx 78539  
Street Address City/State Zip Code

Phone No. (Home): \_\_\_\_\_ (Work): \_\_\_\_\_ (Cell): 956-227-6595

Owner's Name: Juan Betancourt

Mailing Address: 807 S. 20th Edinburg Texas 78539  
Street Address City/State Zip Code

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

Signature: \_\_\_\_\_ Date: 7-7-2021

Owner/Agent's Name (Please Print): Juan Betancourt

\$450 Application Fee: \_\_\_\_\_ Application Received by: \_\_\_\_\_  
Receipt No.

Application deadline: \_\_\_\_\_ ZBA Hearing date: \_\_\_\_\_

- \$40 ZBA Order Form- Make Check Payable to: Hidalgo County Clerk
- Submit survey, if applicable
- Reduced copy of site plan & 1 blue print, if applicable

415 W. University Dr. • P. O. Box 1079 • Edinburg, TX 78540  
Phone (956) 388-8202 • Fax (956) 292-2080 • [www.cityofedinburg.com](http://www.cityofedinburg.com)

RECEIVED

JUL 07 2021

Name: Caf 2:30



27639

## ORIGINAL TOWNSITE EDINBURG

BUENA

377 ALLEY

378

379

13

S 80° 55' E 720.00'

S.E. CORNER  
LOT 7, BLK 376  
O.T. EDINBURG

VISTA

SUBDN

FILED FOR RECORD THIS DATE  
M. J. C. 1975  
DEC 15 1975SANTOS SALDANA  
Hidalgo County, Texas  
DeputyAPPROVED FOR RECORDING  
BY  
COMMISSIONER'S COURT  
This 2nd day of Sept 1975  
SANTOS SALDANA, County Clerk  
Hidalgo County, Texas  
Deputy

1" = 100'

LEGEND  
3/4" ESMT. TO CENTRAL POWER & LIGHT CO.  
6/4" ESMT. TO

## MEMORIAL PARK

MAP OF

## MIRASOL SUBDIVISION

BLOCKS 3, 4 & 5  
AND LOTS 19 THRU 41 OF BLOCK 2  
EDINBURG, TEXAS

BEING A RESUBDIVISION OF 24.08 ACRES OUT OF ALL OR PART OF THE FOLLOWING DESCRIBED LOTS: ALL OF THE ANAHUAC SUBDIVISION; ALL OF THE GARCIA SUBDIVISION; LOT 1, NUEVO DURANGO SUBDIVISION, (NOT RECORDED) WHICH IS IN LOT 5, SECTION 270, TEXAS-MEXICAN RAILWAY COMPANY SURVEY; LOTS 1 AND 8, CARL HOMES SUBDIVISION; LOTS 1 THROUGH 6 AND 12 THROUGH 18, BLOCK "A", ALL OF BLOCK "D", ALL OF BLOCK "E", LOTS 1 THROUGH 4 AND LOTS 14 THROUGH 18 OF BLOCK "F" AND LOTS 1 THROUGH 9, BLOCK "G" OF THE RAMONA SUBDIVISION AND ALL OF BLOCK "A", LOTS 1 THROUGH 3 AND LOTS 6 THROUGH 9, BLOCK "B", LOTS 1 THROUGH 4 AND LOTS 7 THROUGH 10, BLOCK "C", ALL OF BLOCK "D", ALL OF BLOCK "E", LOTS 1 THROUGH 4 AND LOTS 7 THROUGH 10, BLOCK "F" AND ALL OF BLOCK "G" IN SOUTH RAMONA SUBDIVISION, CITY OF EDINBURG, HIDALGO COUNTY, TEXAS.

STATE OF TEXAS  
COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PUBLIC SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE 15th DAY OF September, 1975, AND FURTHER CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.



Charles L. Melden  
REGISTERED PUBLIC SURVEYOR  
EDINBURG, TEXAS JULY 24, 1975

STATE OF TEXAS  
COUNTY OF HIDALGO

WE, THE UNDERSIGNED, OWNERS OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE MIRASOL SUBDIVISION, BLOCKS 3, 4 & 5 AND LOTS 19 THRU 41 OF BLOCK 2 ADDITION OF THE CITY OF EDINBURG, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE OF CONSIDERATION THEREIN EXPRESSED.

URBAN RENEWAL AGENCY

Fred Champion, CHAIRMAN

Phil Jordan, SECRETARY

STATE OF TEXAS  
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DATE PERSONALLY APPEARED FRED CHAMPION AND PHIL JORDAN, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 15th DAY OF September, A.D., 1975.

Kate C. C...  
NOTARY PUBLIC IN AND FOR  
HIDALGO COUNTY, TEXAS

I, THE UNDERSIGNED, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF EDINBURG HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

DATE Sept. 15, 1975  
MANUEL CAVAZOS, CHAIRMAN

THIS PLAT APPROVED BY THE CITY COMMISSION OF THE CITY OF EDINBURG, TEXAS, ON THIS THE 15th DAY OF September, A.D., 1975.

ATTEST:

CITY SECRETARY

RONALD A. CASE, MAYOR

APPROVED  
FOR RECORDING  
Hidalgo Co. Register of Deeds  
Date 9-14-75

## CURVE DATA

| No. | Radius | Delta        | Tangent | Arc Length |
|-----|--------|--------------|---------|------------|
| A   | 15.00  | 90° 00' 00"  | 15.00   | 23.56      |
| B   | 25.00  | 85° 00' 33"  | 27.29   | 37.16      |
| C   | 15.71  | 87° 22' 08"  | 15.00   | 23.96      |
| D   | 17.86  | 50° 51' 30"  | 8.49    | 15.85      |
| E   | 27.40  | 72° 08' 24"  | 19.96   | 34.30      |
| F   | 30.00  | 180° 00' 00" | 30.00   | 157.08     |
| G   | 30.00  | 50° 51' 30"  | 23.77   | 44.38      |
| H   | 23.00  | 38° 28' 19"  | 16.35   | 32.78      |
| I   | 195.00 | 90° 00' 00"  | 175.00  | 274.89     |
| J   | 154.73 | 40° 00' 00"  | 54.32   | 108.02     |
| K   | 204.73 | 40° 00' 00"  | 74.30   | 142.93     |

| No. | Radius | Delta       | Tangent | Arc Length |
|-----|--------|-------------|---------|------------|
| L   | 870.00 | 10° 10' 01" | 77.39   | 154.38     |
| M   | 870.00 | 11° 05' 53" | 84.32   | 168.52     |
| N   | 870.00 | 3° 35' 27"  | 27.29   | 50.91      |
| O   | 886.00 | 40° 00' 00" | 296.40  | 592.49     |
| P   | 600.00 | 40° 00' 00" | 218.34  | 418.86     |
| Q   | 550.00 | 40° 00' 00" | 200.14  | 383.99     |
| R   | 424.73 | 40° 00' 00" | 154.56  | 294.52     |
| S   | 294.73 | 40° 00' 00" | 172.75  | 331.42     |
| T   | 294.73 | 40° 00' 00" | 255.86  | 485.01     |
| U   | 330.00 | 40° 00' 00" | 188.74  | 238.38     |



RECEIVED

JUL 07 2021

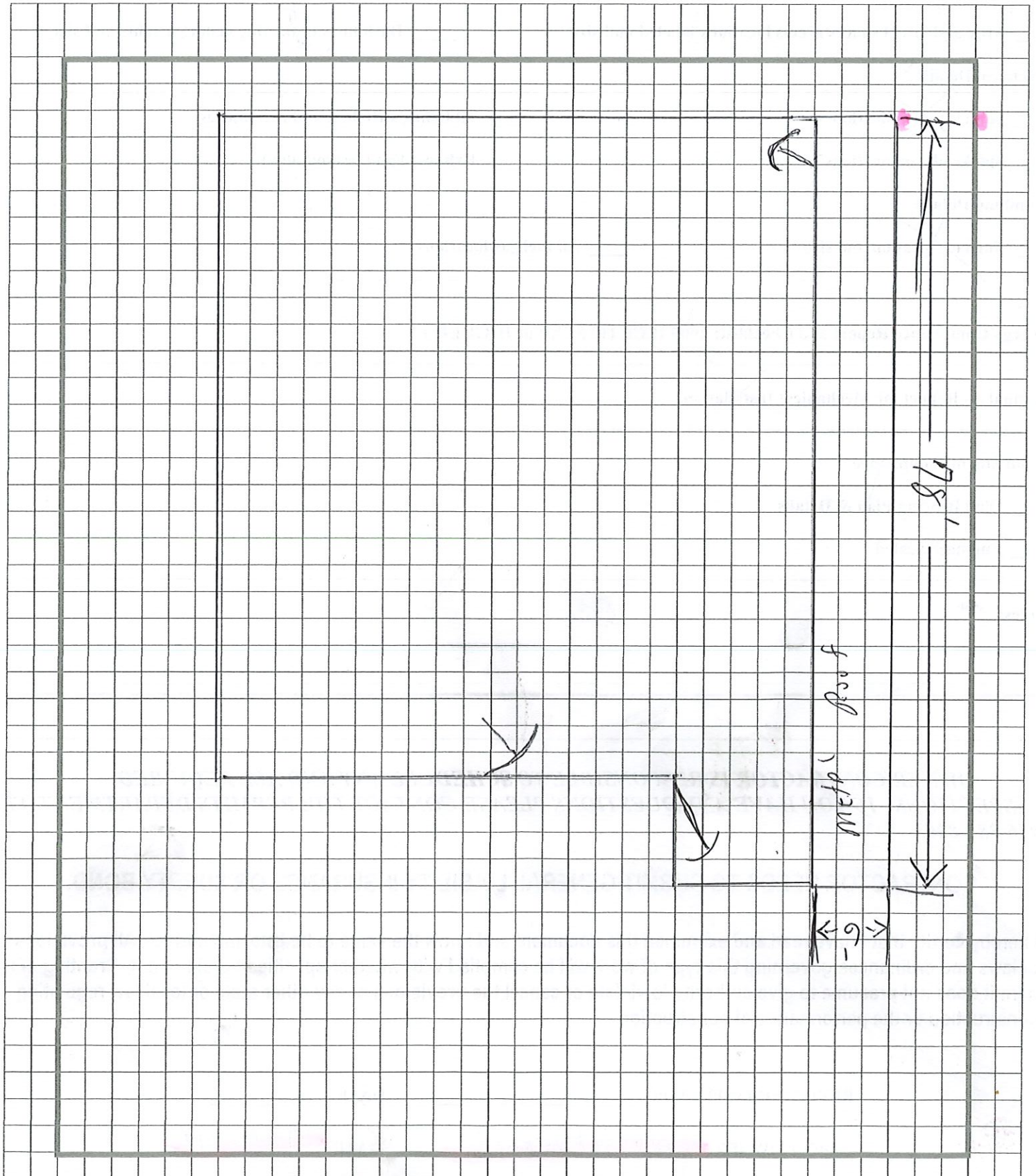
TURN PAGE OVER TO DRAW SITE PLAN  
\*\*\*\*\* APPLIES TO MINOR IMPROVEMENTS ONLY\*\*\*\*\*

REVISED 3/2017

Name: af 1230

SITE PLAN AND FLOOR PLAN IS REQUIRED

REAR



\*\*\*IRREGULAR LOTS WILL BE REQUIRED TO SUBMIT A SURVEY\*\*\*

FRONT













## NOTIFICATION

Dear Property Owner:

A public hearing will be held on Wednesday, July 28, 2021 at 4:00 p.m. by the Zoning Board of Adjustment to consider the following:

**CONSIDER VARIANCE TO THE CITY'S UNIFIED DEVELOPMENT CODE, ARTICLE 3, SECTION 3.301, SINGLE FAMILY RESIDENTIAL BULK STANDARDS, SETBACKS, BEING LOT 19, BLOCK 4, MIRASOL SUBDIVISION, LOCATED AT 807 SOUTH 20<sup>TH</sup> AVE, AS REQUESTED BY JUAN BETANCOURT**

As part of a City effort to encourage greater participation in the process, the City is using this notice to solicit your input. You may return your response by the mail, fax or email by the following:

You may return your response by one of the following:

- P. O. Box 1079 Edinburg, Texas 78540
- Fax # : (956) 292-2080 by Wednesday, July 28, 2021
- [planning@cityofedinburg.com](mailto:planning@cityofedinburg.com)

Should you have any questions or need more information regarding this notice, you may call (956) 388-8202.

☒ In Favor/A Favor

☐ Against/En Contra

☐ No Comments/No Comentario

Comments: \_\_\_\_\_

Print Name:

Daniel B. Sanchez

Phone No:

(956) 207-2428

Address:

909 East Sprague St.

City:

Edinburg

State:

TX

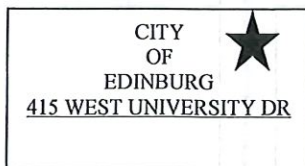
Zip:

78539

## NOTIFICACION

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Planning and Zoning Department  
City of Edinburg  
415 West University Drive  
Edinburg, TX 78541



8th Ave.

University Dr. (S.H.107)

**RECEIVED**

JUL 23 2021

Name: 8.30 amog



**ZONING BOARD OF ADJUSTMENT REGULAR MEETING  
JULY 28, 2021**

**Item:**

Consider Variance to the City's Unified Development Code Article 3, Section 3.505, Easement & Utilities, being Lot 25, Canton Village Subdivision, located at 2918 Cuarzo Street, as requested by Jason De Leon

---

**Request:**

The applicant is requesting a variance to the City's Unified Development Code, Article 3, Section 3.505, Easements & Utilities. The applicant stated that the basis for the request is to allow for the construction of a pool within a 20 ft. drainage and utility easement located at the rear of the property.

**Property Location and Vicinity:**

The property is located on the east side of Cuarzo Street at Zafiro Street. The property has 86.08 ft. of frontage along Cuarzo Street and 98.75 ft. of depth for a tract size of 8,500 square feet. This property is currently zoned Neighborhood Conservation 7.1 (NC 7.1) District. Surrounding zoning is Neighborhood Conservation 7.1 (NC 7.1) District to the north, east, and west and Neighborhood Conservation 5 (NC 5) District to the south. Land uses consist of residential uses.

**Background and History:**

Canton Village Subdivision was recorded on June 6, 2017. The applicant is proposing to construct a pool at the rear of the property located within a 20 ft. drainage and utility easement. A site plan for the pool was received on June 18, 2021 and has been reviewed by staff. Should the variance be granted, a building permit will need to be submitted for review by City staff. No other variances of this nature have been granted in this area.

Staff mailed a notice of the variance request to 44 neighboring property owners and received no comments in favor or against this request at the time of this report.

**Analysis:**

The applicant has indicated that the basis of the request is to allow for the construction of a pool within the 20 ft. drainage and utility easement. The applicant has requested an encroachment of 6 ft., leaving a 14 ft. separation from property line to structure. Drawings have been provided for the Board's consideration.

**Recommendation:**

Staff recommends disapproval of the variance request. The site plan may be revised to comply with requirements. If approved, the applicant will need to comply with all other requirements during the permitting process including but not limited to building and fire codes, fire protection, parking, landscape buffer-yards, solid waste services, utility, pay a \$40 fee payable to the County of Hidalgo, County Clerk's Office for the recording of the ZBA order on this request, and any other City requirements, as applicable. A location map, aerial map, photo, subdivision plat, site plan, and response from property owner are attached for the Board's consideration.

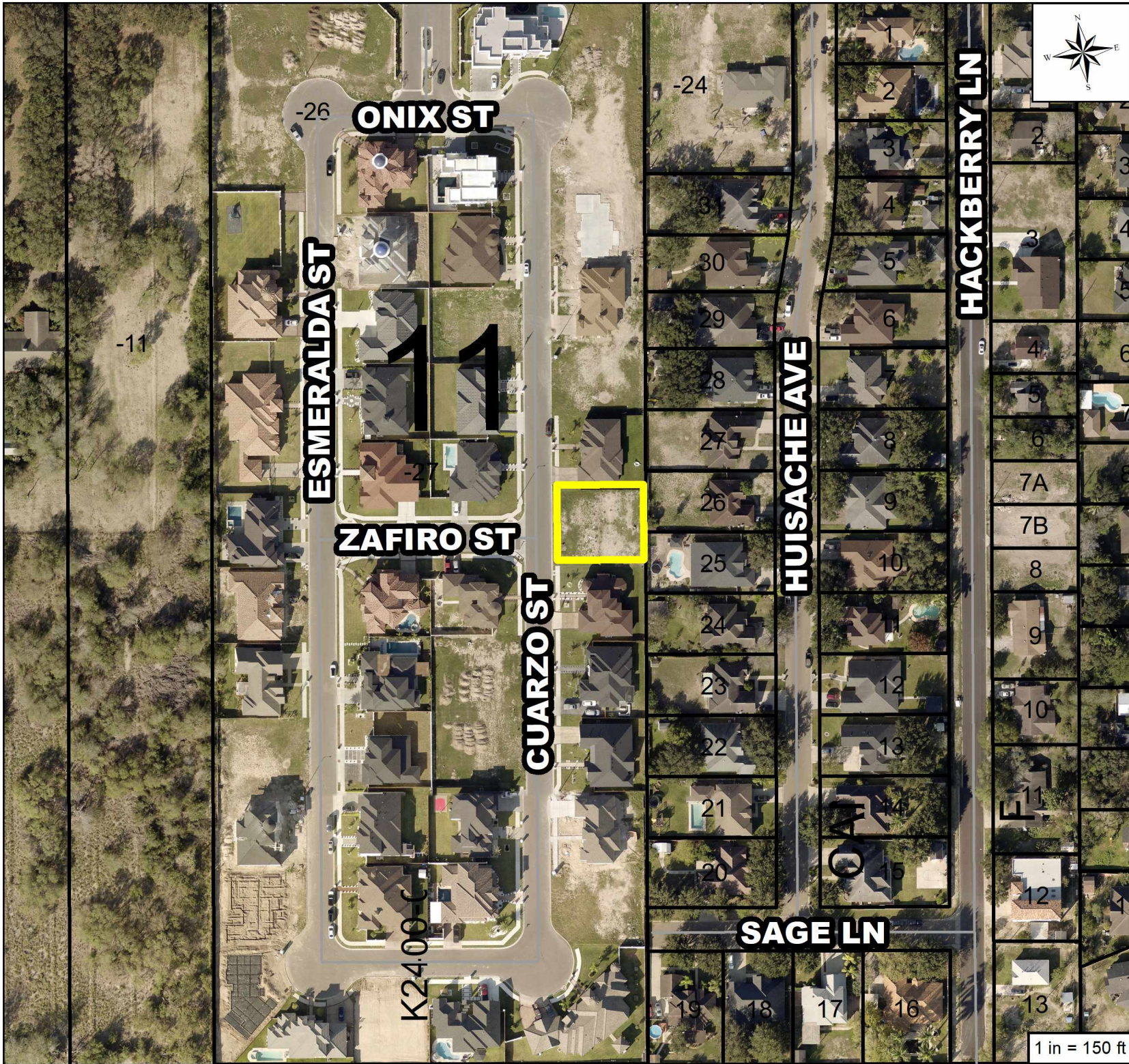
Prepared By:  
Rita Lee Guerrero

Planner I

Approved By:  
Kimberly A. Mendoza, MPA

Director of Planning & Zoning





#### AERIAL MAP



#### CASE CAPTION:

#### APPLICANT NAME:

**JASON DE LEON**

CONSIDER VARIANCE  
TO THE CITY'S UNIFIED  
DEVELOPMENT CODE  
ARTICLE 3, SECTION 3.505,  
EASEMENTS & UTILITIES,  
BEING LOT 25,  
CANTON VILLAGE SUBDIVISION,  
LOCATED AT 2918 CUARZO STREET,  
AS REQUESTED BY  
JASON DELEON

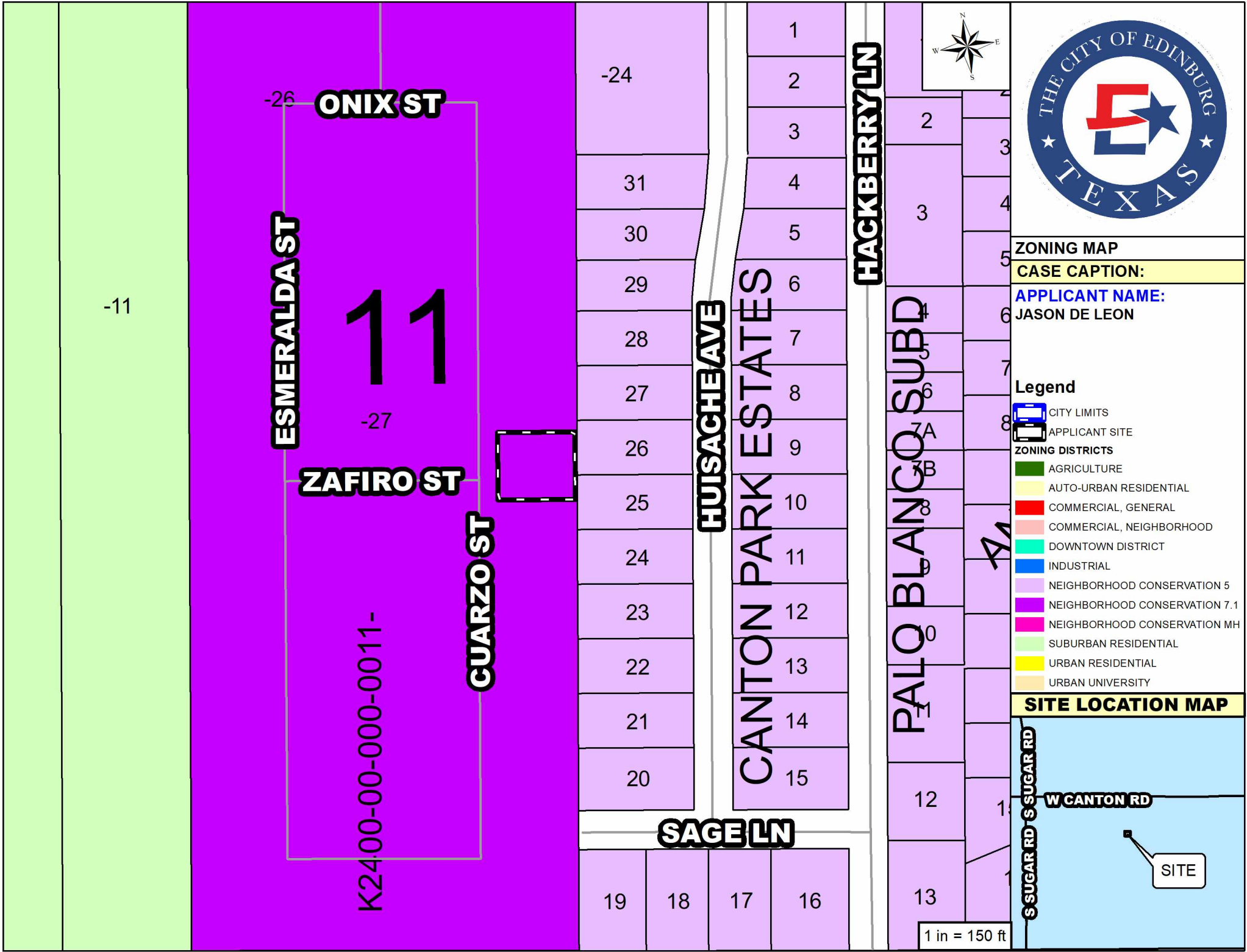
#### Legend

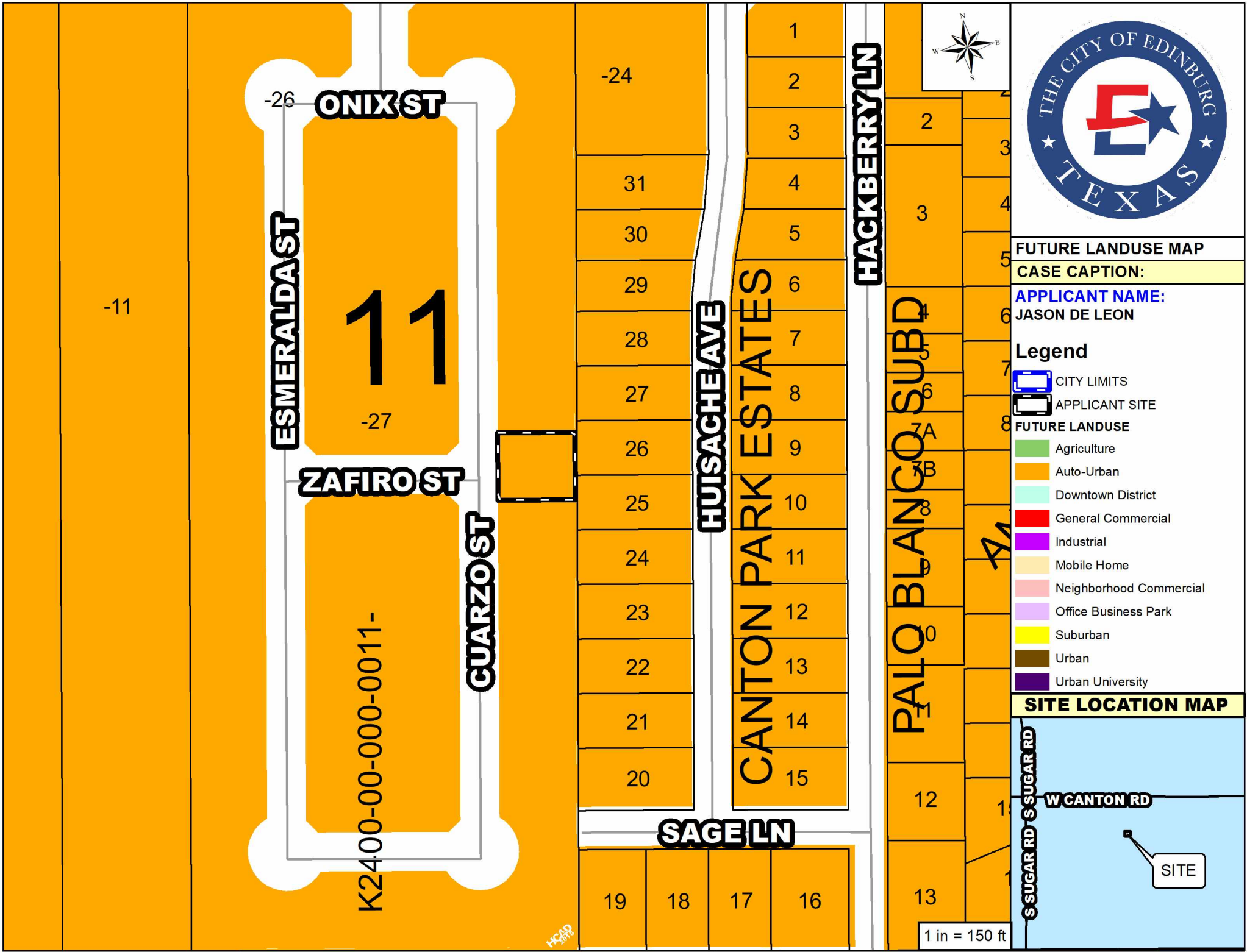
-  CITY LIMITS
-  APPLICANT SITE

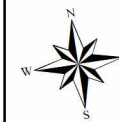
#### SITE LOCATION MAP











## MAILOUT AND SITE MAP




### CASE CAPTION:

#### APPLICANT NAME:

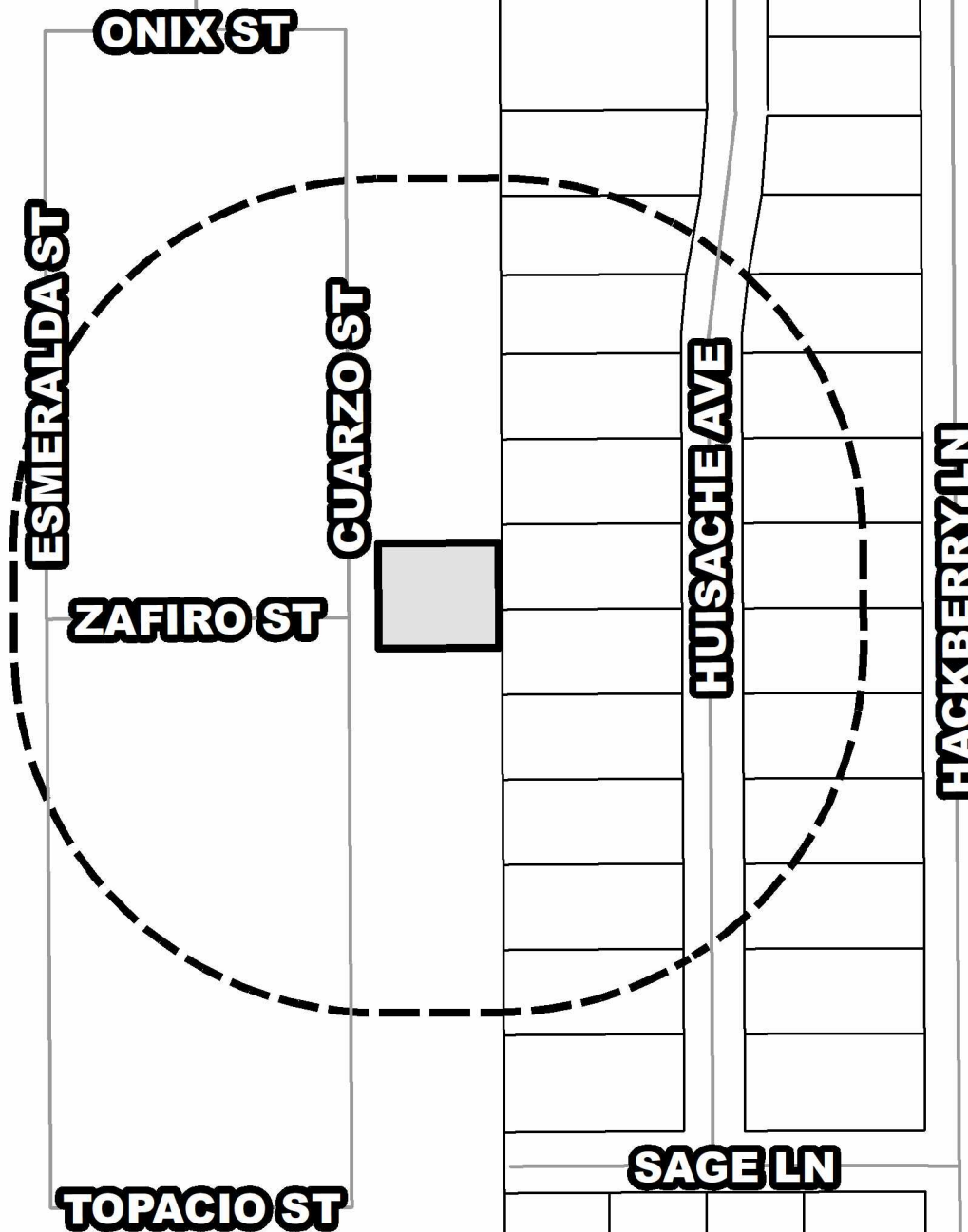
**JASON DE LEON**

CONSIDER VARIANCE  
TO THE CITY'S UNIFIED  
DEVELOPMENT CODE  
ARTICLE 3, SECTION 3.505,  
EASEMENTS & UTILITIES,  
BEING LOT 25,  
CANTON VILLAGE SUBDIVISION,  
LOCATED AT 2918 CUARZO STREET,  
AS REQUESTED BY  
JASON DELEON

### Legend

-  CITY LIMITS
-  300FT NOTIFICATION
-  APPLICANT SITE

### SITE LOCATION MAP



1 in = 150 ft





Planning & Zoning Department  
415 W. University Dr.  
(956) 388-8202

**ZONING BOARD OF ADJUSTMENT APPLICATION  
REQUEST FOR VARIANCE**

Nature of Request: Pool Encroachment of 6' into 20'

Reason for Hardship: Drainage & utility easement.  
(use other side if necessary)

Build a Pool

Property Description: 25 Curton Village  
Lot Block Subdivision

Property Address: 2918 Cuarzo St. Edinburg TX 78539

Present Property Zoning: \_\_\_\_\_

Person requesting Variance: \_\_\_\_\_

Mailing Address: 2918 Cuarzo St. Edinburg TX 78539  
Street Address City/State Zip Code

Phone No. (Home): 279-1935 (Work): \_\_\_\_\_ (Cell): \_\_\_\_\_

Owner's Name: Jason De Leon

Mailing Address: 2918 Cuarzo St. Edinburg TX 78539  
Street Address City/State Zip Code

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

Signature: Joan De Leon Date: 6-24-2021

Owner/Agent's Name (Please Print): Jason De Leon

\$450 Application Fee: \_\_\_\_\_ Application Received by: \_\_\_\_\_  
Receipt No.

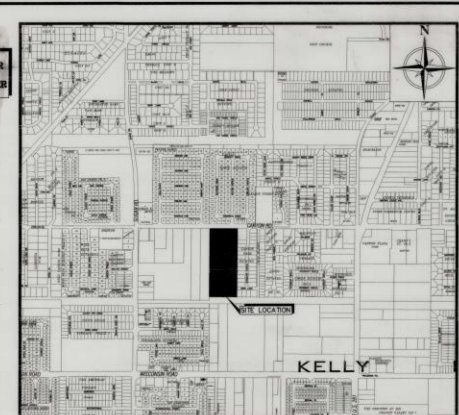
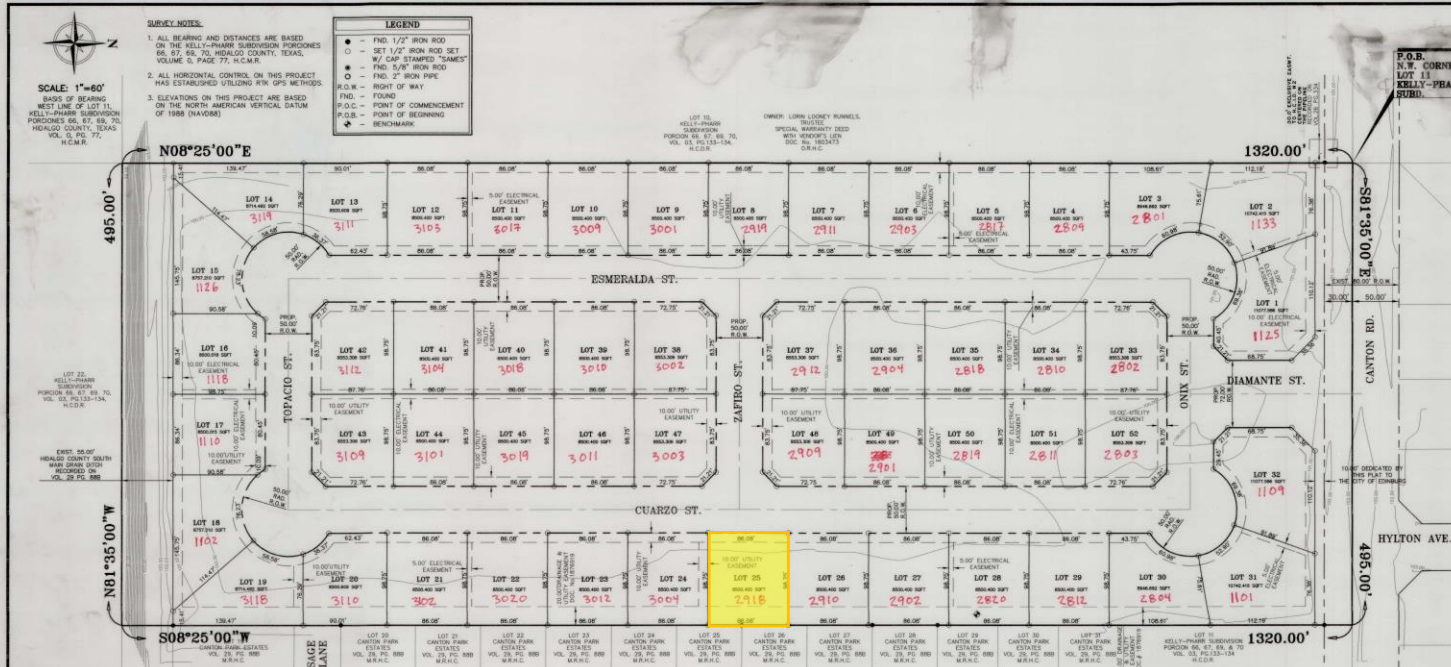
Application deadline: \_\_\_\_\_ ZBA Hearing date: July 28, 2021 @ 4:00 p.m.

- \$40 ZBA Order Form- Make Check Payable to: Hidalgo County Clerk
- Submit survey, if applicable
- Reduced copy of site plan & 1 blue print, if applicable

415 W. University Dr. • P. O. Box 1079 • Edinburg, TX 78540  
Phone (956) 388-8202 • Fax (956) 292-2080 • [www.cityofedinburg.com](http://www.cityofedinburg.com)

**RECEIVED**

**JUN 24 2021**



# CANTON VILLAGE SUBDIVISION

BEING THE WEST 15.00 ACRE (653,400.00 SQ. FT.) TRACT OF LAND FORMING A PART OF  
PORTION OF LOT ELEVEN (11), KELLY-PHARR SUBDIVISION OF PORCEM NO. 67, 68, 70, AS  
RECORDED IN VOLUME 03, PAGE 133-134, DEED RECORDS OF HIDALGO COUNTY, TEXAS, AS  
RECORDED IN VOLUME 03, PAGE 133-134, DEED RECORDS OF HIDALGO COUNTY, TEXAS FOR THE NORTHWEST CORNER OF THIS  
TRACT OF LAND.

## METES AND BOUNDS

BEING THE WEST 15.00 ACRE (653,400.00 SQ. FT.) TRACT OF LAND FORMING A PART OF  
PORTION OF LOT ELEVEN (11), KELLY-PHARR SUBDIVISION OF PORCEM NO. 67, 68, 70, AS  
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RECORDED IN VOLUME 03, PAGE 133-134, DEED RECORDS OF HIDALGO COUNTY, TEXAS FOR THE NORTHWEST CORNER OF THIS  
TRACT OF LAND.

## STATE OF TEXAS COUNTY OF HIDALGO

"KNOW ALL MEN BY THESE PRESENTS:

1. THE UNDERSIGNED, **SAMUEL D. MALDONADO**, A REGISTERED PROFESSIONAL ENGINEERING AND  
SURVEYING, AM IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT I AM A LICENSED  
ENGINEER AND SURVEYOR IN THE STATE OF TEXAS, AND THAT I AM THE ENGINEER OF RECORD  
FOR THIS SUBDIVISION. I HAVE BEEN ADVISED BY THE UNDERSIGNED THAT THE  
PROPERTY WERE PROPERLY PLACED UNDER MY SUPERVISION, AND I FURTHER CERTIFY THAT  
PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAN.



DATE OF PREPARATION: JANUARY 2017

**SAM Engineering & Surveying**  
200 S. 10TH ST., SUITE 1607 TEL: (956) 702-8880  
MCALLEN, TEXAS 78501 FAX: (956) 702-8883  
REGISTRATION # E-10602

## STATE OF TEXAS COUNTY OF HIDALGO

I, **CANTON HEIGHTS, LLC**, THE UNDERSIGNED OWNER (S) OF THE LAND SHOWN ON THIS PLAN AND  
DEED HEREIN AS THE **CANTON VILLAGE SUBDIVISION** TO THE CITY OF EDINBURG, HIDALGO COUNTY,  
TEXAS, AND WHOSE NAME IS SUBDIVISION HEREIN HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL  
STREETS, ALLEYS, PARKS, WATERWAYS, DRAINAGE, EASEMENTS, WATER LINES, SEWER LINES, STORM SEWERS,  
FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH WE WILL CAUSE TO BE INSTALLED  
HEREIN, SHOWN OR NOT SHOWN, IF REQUIRED, CHARGES TO BE INSTALLED OR DEDICATED UNDER THE  
APPROVAL PROCESS OF THE CITY OF EDINBURG, ALL THE SAME FOR THE PURPOSES HEREIN  
EXCEPTED, EITHER ON THIS PLAN HEREIN OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF  
THE CITY OF EDINBURG.

**JUAN MANUEL ALVARADO ERRASTI**,  
PRESIDENT AND MANAGER  
1400 S. 12TH AVE.  
EDINBURG, TEXAS 78539

## STATE OF TEXAS COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED **JUAN MANUEL ALVARADO**  
ERASTI, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBDIVISION TO THE CITY OF EDINBURG,  
AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN  
STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 20 DAY OF March, 2017.

NOTARY PUBLIC, HIDALGO COUNTY, TEXAS



APPROVED AND AUTHORIZED FOR RECORD BY THE PLANNING AND ZONING COMMISSION, CITY OF EDINBURG,  
TEXAS, THIS 20 DAY OF March, 2017, BY THE PLANNING AND ZONING COMMISSION OF  
THE CITY OF EDINBURG, TEXAS.

CHAIRPERSON, PLANNING AND ZONING COMMISSION

DATE

## STATE OF TEXAS COUNTY OF HIDALGO

I, THE UNDERSIGNED MAYOR OF THE CITY OF EDINBURG, HEREBY CERTIFY THAT THIS SUBDIVISION PLAN  
CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS  
REQUIRED.

ATTEST: 2017/01/17 DATE

ATTEST: 2017/01/17 DATE

ATTEST: 2017/01/17 DATE

ATTEST: 2017/01/17 DATE

ATTEST: 2017/01/17 DATE

ATTEST: 2017/01/17 DATE

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ATTEST: 2017/01/17 DATE

ATTEST: 2017/01/17 DATE

ATTEST: 2017/01/17 DATE

ATTEST: 2017/01/17 DATE

## STATE OF TEXAS COUNTY OF HIDALGO COUNTY CLERK'S RECORDED CERTIFICATE

FILED FOR RECORD IN  
HIDALGO COUNTY  
ATTEST: 2017/01/17 DATE

ATTEST: 2017/01/17 DATE

ATTEST: 2017/01/17 DATE

ATTEST: 2017/01/17 DATE

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ATTEST: 2017/01/17 DATE

ATTEST: 2017/01/17 DATE

ATTEST: 2017/01/17 DATE

ATTEST: 2017/01/17 DATE

## PRINCIPAL CONTACTS:

OWNER: **CANTON HEIGHTS, LLC, PRESIDENT AND MANAGER**  
**JUAN MANUEL ALVARADO ERRASTI**  
ENGINEER: **SAMUEL D. MALDONADO, P.E., RPLS**  
SURVEYOR: **SAMUEL D. MALDONADO, P.E., RPLS**

ADDRESS

1400 S. 12TH AVE.

200 S. 10TH ST., SUITE 1607

200 S. 10TH ST., SUITE 1607

CITY & ZIP

EDINBURG, TEXAS 78539

MCALLEN, TEXAS 78501

MCALLEN, TEXAS 78501

PHONE

(956) 802-1377

(956) 702-8880

(956) 702-8880

FAX

(956) 702-8883

(956) 702-8883

(956) 702-8883









**ZONING BOARD OF ADJUSTMENT REGULAR MEETING  
JULY 28, 2021**

**Item:**

Consider Variance to the City's Unified Development Code, Article 4, Section 4.203, Standards for New Construction, and Substantial Improvements, being a 0.16 acre tract of land out of Lots 3 & 4 of the Monte Cristo Heights Subdivision, located at 200 West Monte Cristo Heights Road, as requested by Pablo Santos

---

**Request:**

Consider Variance to the City's Unified Development Code, Article 4, Section 4.203, Standards for New Construction, and Substantial Improvements, being a 0.16 acre tract of land out of Lots 3 & 4, Monte Cristo Heights Subdivision, located at 200 West Monte Cristo Heights Road, as requested by Pablo Santos

**Property Location and Vicinity:**

The property currently has a home constructed on the lot and is located on the south side of Monte Cristo Heights Road, approximately 360 ft. west of N. Interstate 69C. The property has 50 ft. of frontage and a depth of 140.90 ft. for a lot size of 0.16 acres. The property is zoned Auto Urban Residential (AU) District. Surrounding zoning is Commercial General (CG) District to the east, south, and west, and Industrial (I) District to the north. This area consists of residential homes and commercial development.

**Background and History:**

The applicant qualified for a Certificate of Compliance, allowing him to construct without having to subdivide the property. A building permit for construction was received by the City on April 7, 2021, and the home is near completion. Variances of this nature have been approved for lots in the area within the past four years.

Staff mailed a notice of the variance request to 12 neighboring property owners and received no comments in favor or against this request at the time of this report.

**Analysis:**

The approximate elevation for this property is 85.5 feet above sea level. The property is in a Flood Zone designated as an AE Zone. The UDC requires the finished floor of residential building to be 2 feet above the base flood elevation for this property. According to FEMA flood maps, the base flood elevation is 85.00 feet. Therefore, the minimum finished floor is required to be at 87.00 feet. FEMA regulations only require new construction of residential structures or substantial improvements in Flood Zones to have a finished floor elevation at or above the Base Flood Elevation

**Recommendation:**

Staff recommends approval of the finished floor elevation of 85.5 feet. If approved, the applicant will need to comply with all other requirements during the permitting process including but not limited to building and fire codes, fire protection, parking, landscape buffer-yards, solid waste services, utility, pay a \$40 fee payable to the County of Hidalgo, County Clerk's Office for the recording of the ZBA order on this request, and any other City requirements, as applicable. A location map, aerial map, photo, subdivision plat, site plan, and response from property owner are attached for the Board's consideration.

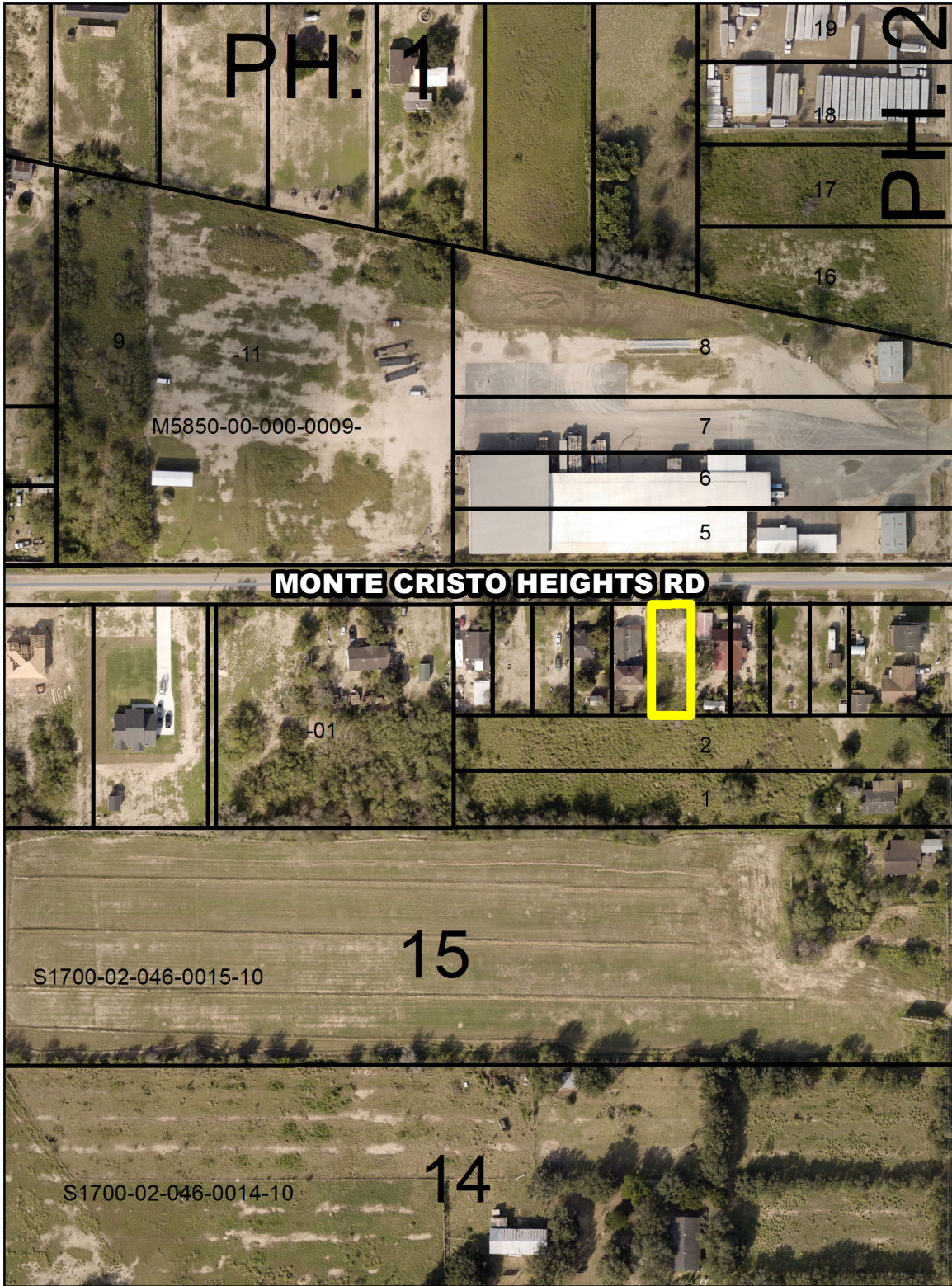
Prepared By:  
Rita Lee Guerrero

Planner I

Approved By:  
Kimberly A. Mendoza, MPA

Director of Planning & Zoning





#### AERIAL MAP



#### CASE CAPTION:

#### APPLICANT NAME:

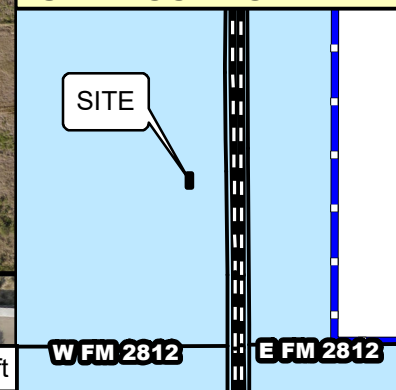
PABLO A SANTOS

CONSIDER VARIANCE TO THE CITY'S UNIFIED DEVELOPMENT CODE ARTICLE 4, SECTION 4.203, STANDARDS FOR NEW CONSTRUCTION, AND SUBSTANTIAL IMPROVEMENTS BEING A 0.16 ACRE TRACT OF LAND OUT OF LOTS 3 & 4 OF THE MONTE CRISTO HEIGHTS, LCOATED AT 200 W. MONTE CRISTO HEIGHTS ROAD, AS REQUESTED BY PABLO SANTOS

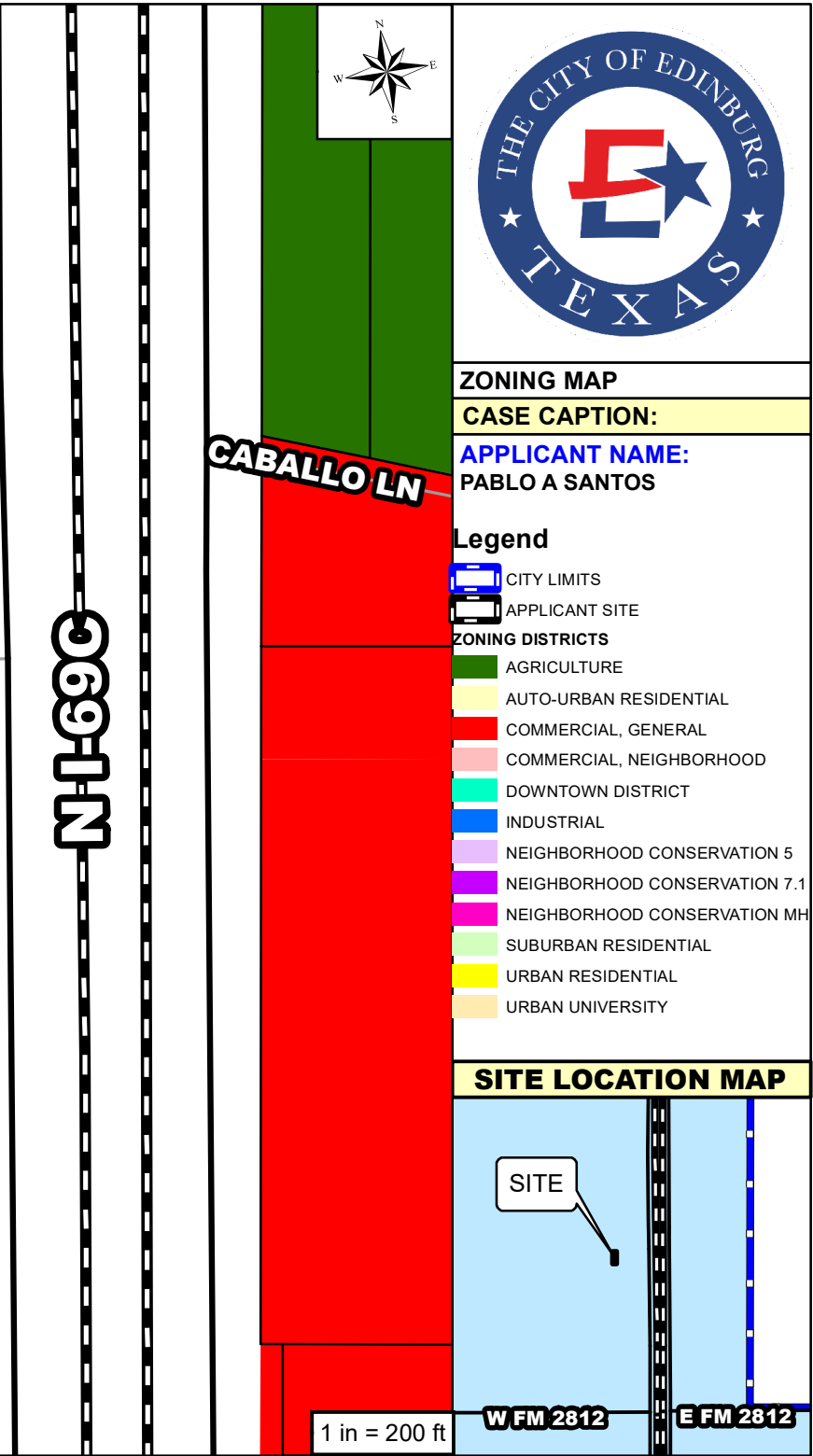
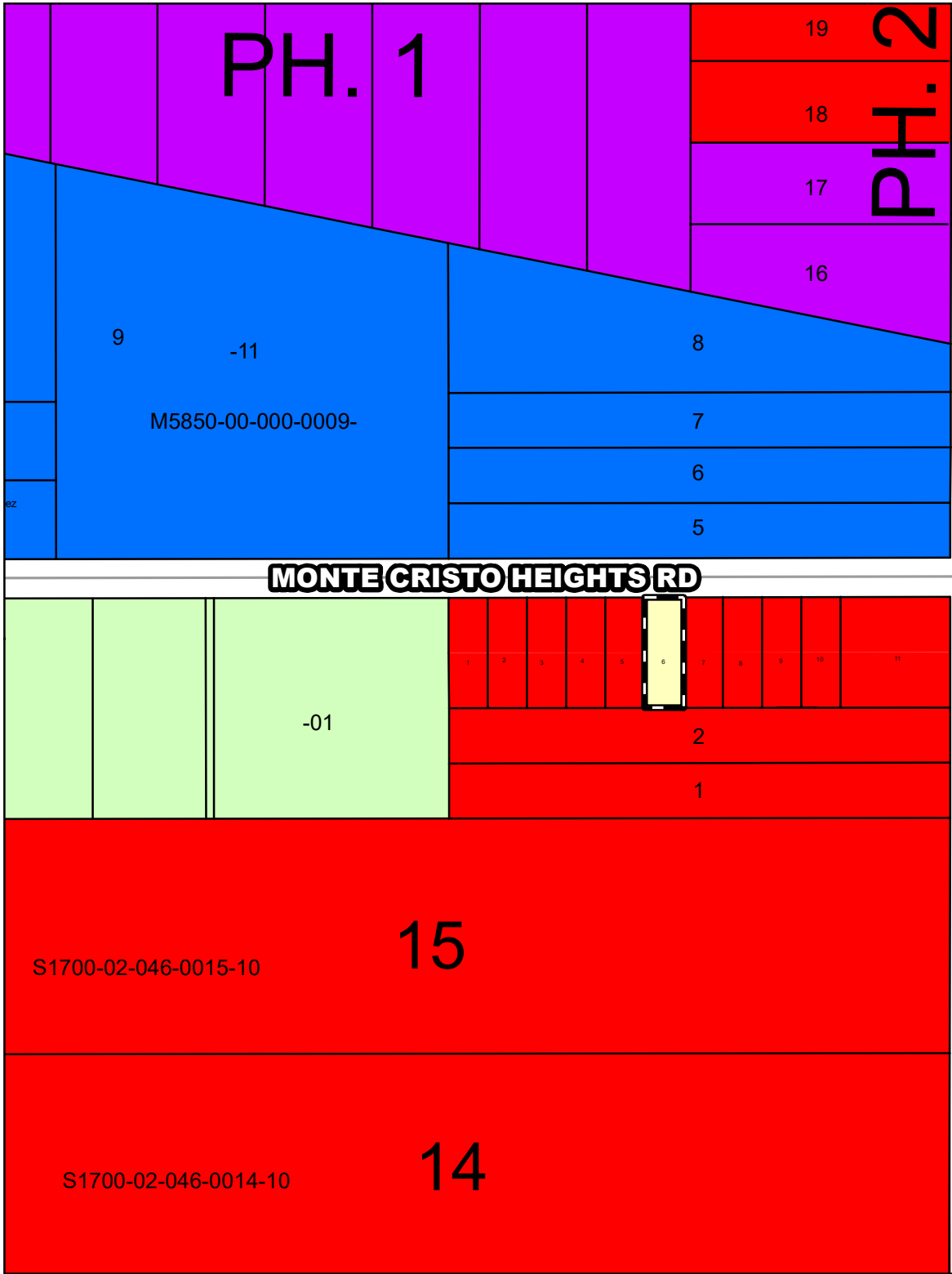
#### Legend

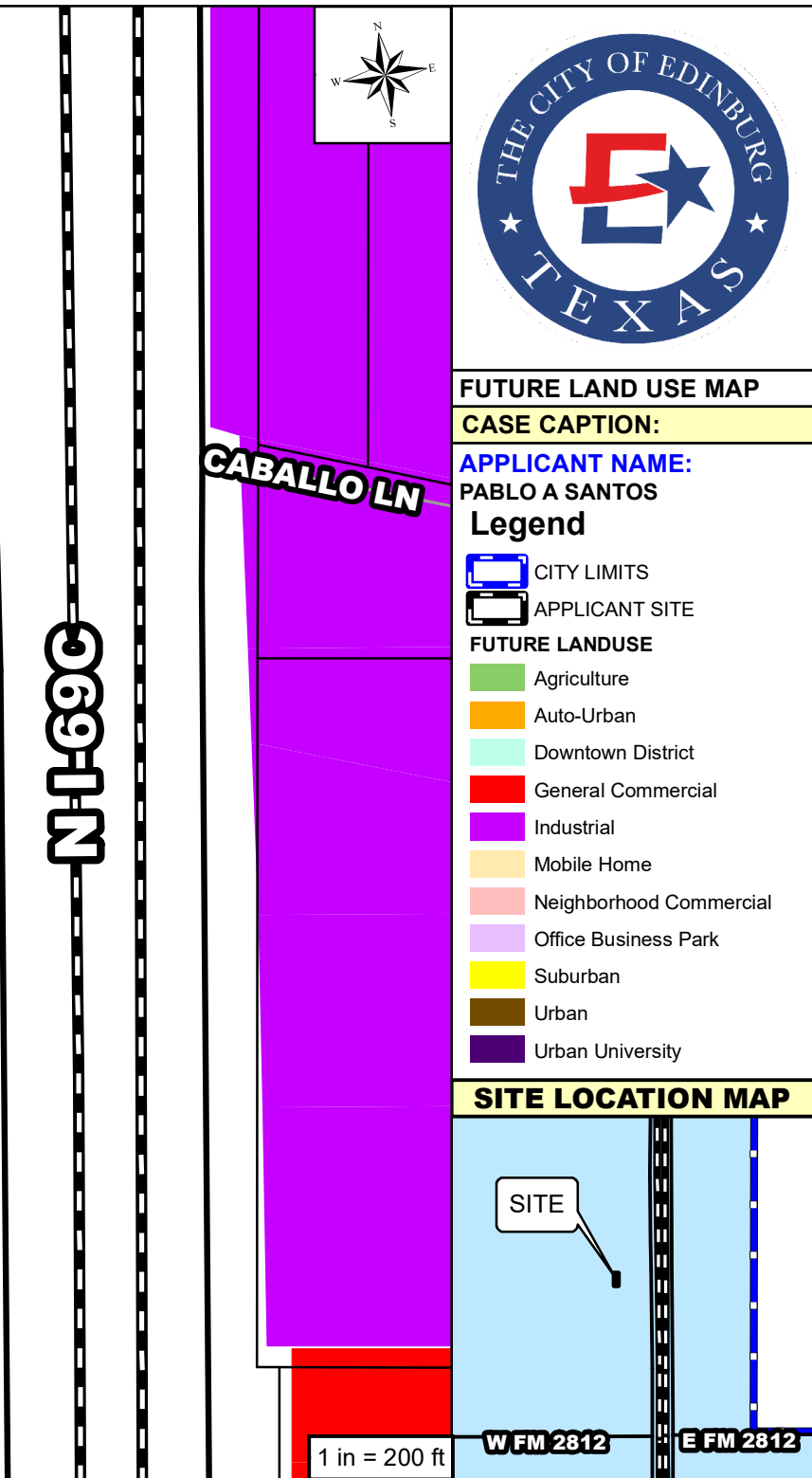
-  CITY LIMITS
-  APPLICANT SITE

#### SITE LOCATION MAP

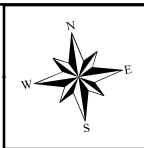
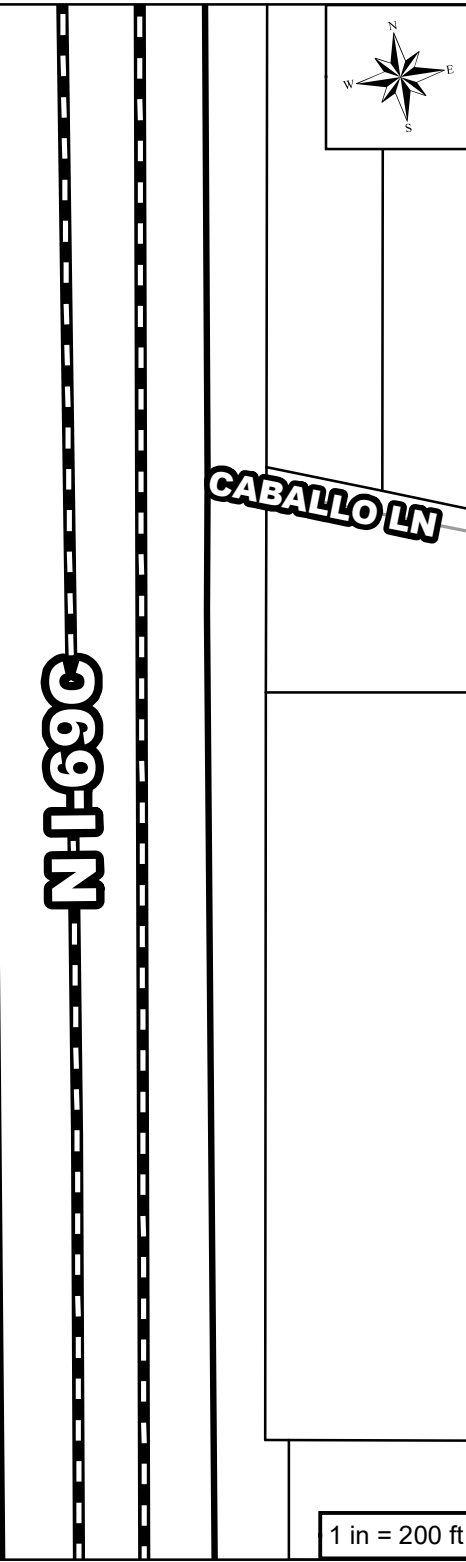
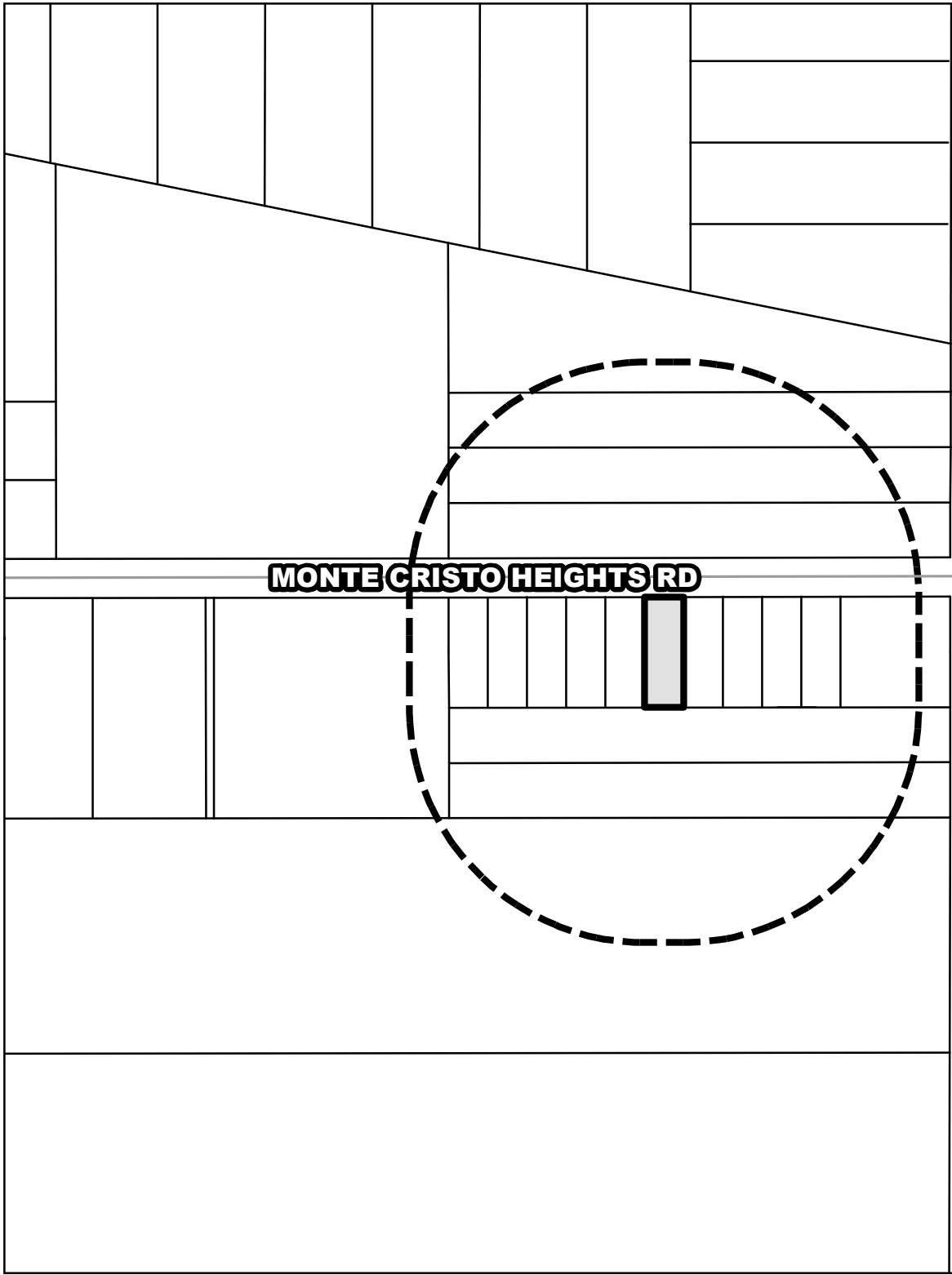















**MAILOUT AND SITE MAP**

**CASE CAPTION:**

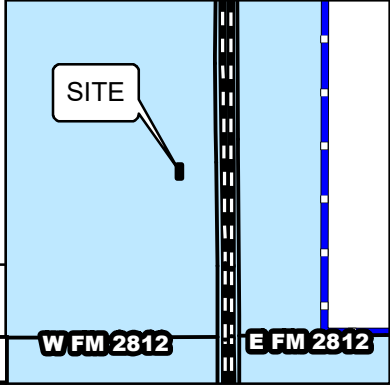
**APPLICANT NAME:**  
**PABLO A SANTOS**

CONSIDER VARIANCE TO THE CITY'S UNIFIED DEVELOPMENT CODE ARTICLE 4, SECTION 4.203, STANDARDS FOR NEW CONSTRUCTION, AND SUBSTANTIAL IMPROVEMENTS BEING A 0.16 ACRE TRACT OF LAND OUT OF LOTS 3 & 4 OF THE MONTE CRISTO HEIGHTS, LCOATED AT 200 W. MONTE CRISTO HEIGHTS ROAD, AS REQUESTED BY PABLO SANTOS

**Legend**

-  CITY LIMITS
-  300FT NOTIFICATION
-  APPLICANT SITE

**SITE LOCATION MAP**





Planning & Zoning Department  
415 W. University Dr.  
(956) 388-8202

**ZONING BOARD OF ADJUSTMENT APPLICATION  
REQUEST FOR VARIANCE**

Nature of Request: ~~Pablo A. Santos~~ Base flood elevation

Reason for Hardship: Cost to lift house, fear of lifting and  
(use other side if necessary)  
house tipping over because of height. Will like to be  
left at 85.5 how it is now.

Property Description: Northwest corner Lot 4 Montecristo heights  
Lot Block Subdivision

Property Address: 200 Montecristo heights

Present Property Zoning: Residential

Person requesting Variance: Pablo A. Santos

Mailing Address: 1004 Via Sol Edinburg TX 78541  
Street Address City/State Zip Code

Phone No. (Home): 956-414-9052 (Work): \_\_\_\_\_ (Cell): \_\_\_\_\_

Owner's Name: Pablo A. Santos

Mailing Address: 1004 Via Sol Edinburg TX 78541  
Street Address City/State Zip Code

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

Signature: Pablo Santos Date: 7/6/21

Owner/Agent's Name (Please Print): Pablo A. Santos

\$450 Application Fee: \_\_\_\_\_ Application Received by: \_\_\_\_\_  
Receipt No.

Application deadline: \_\_\_\_\_ ZBA Hearing date: \_\_\_\_\_

- \$40 ZBA Order Form- Make Check Payable to: Hidalgo County Clerk
- Submit survey, if applicable
- Reduced copy of site plan & 1 blue print, if applicable

415 W. University Dr. • P. O. Box 1079 • Edinburg, TX 78540  
Phone (956) 388-8202 • Fax (956) 292-2080 • [www.cityofedinburg.com](http://www.cityofedinburg.com)

**RECEIVED**

JUL 06 2021

Name: LG 8:50AM

**Important:** Follow the instructions on pages 1–9.

| SECTION A – PROPERTY INFORMATION                                                                                                                                                  |                | FOR INSURANCE COMPANY USE                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--------------------------------------------------------------------------------------------------|
| A1. Building Owner's Name<br>Pablo A. Santos Gudino                                                                                                                               |                | Policy Number:                                                                                   |
| A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.<br>200 Monte Cristo Heights                                                 |                | Company NAIC Number:                                                                             |
| City<br>Edinburg                                                                                                                                                                  | State<br>Texas | ZIP Code<br>78542                                                                                |
| A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.)<br>0.162 Acres out of lots 3 and 4 Monte Cristo Heights Subdivision Volume 18 Page 1 |                |                                                                                                  |
| A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.)                                                                                                  |                | Residential                                                                                      |
| A5. Latitude/Longitude: Lat. 26.390166 Long. -98.143103                                                                                                                           |                | Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983 |
| A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.                                                                     |                |                                                                                                  |
| A7. Building Diagram Number 5                                                                                                                                                     |                |                                                                                                  |
| A8. For a building with a crawlspace or enclosure(s):                                                                                                                             |                |                                                                                                  |
| a) Square footage of crawlspace or enclosure(s)                                                                                                                                   |                | N/A sq ft                                                                                        |
| b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade                                                                      |                | N/A                                                                                              |
| c) Total net area of flood openings in A8.b                                                                                                                                       |                | N/A sq in                                                                                        |
| d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                 |                |                                                                                                  |
| A9. For a building with an attached garage:                                                                                                                                       |                |                                                                                                  |
| a) Square footage of attached garage                                                                                                                                              |                | N/A sq ft                                                                                        |
| b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade                                                                                 |                | N/A                                                                                              |
| c) Total net area of flood openings in A9.b                                                                                                                                       |                | N/A sq in                                                                                        |
| d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                 |                |                                                                                                  |

|                                                                       |                     |                                       |                                                         |                             |                                                                             |
|-----------------------------------------------------------------------|---------------------|---------------------------------------|---------------------------------------------------------|-----------------------------|-----------------------------------------------------------------------------|
| B1. NFIP Community Name & Community Number<br>City of Edinburg 480338 |                     |                                       | B2. County Name<br>Hidalgo                              |                             | B3. State<br>Texas                                                          |
| B4. Map/Panel Number<br><br>0010                                      | B5. Suffix<br><br>E | B6. FIRM Index Date<br><br>06-06-2000 | B7. FIRM Panel Effective/<br>Revised Date<br>06-06-2000 | B8. Flood Zone(s)<br><br>AE | B9. Base Flood Elevation(s)<br>(Zone AO, use Base Flood Depth)<br><br>85.00 |

BFE AS PER FEMA FIRM PANEL INFORMATION IS 86'

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☒ No

Designation Date: ☐ CBRS ☐ OPA

RECEIVED



# ELEVATION CERTIFICATE

OMB No. 1660-0008  
Expiration Date: November 30, 2018

|                                                                                                                               |                |                   |                                  |
|-------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------|----------------------------------|
| <b>IMPORTANT: In these spaces, copy the corresponding information from Section A.</b>                                         |                |                   | <b>FOR INSURANCE COMPANY USE</b> |
| Building Street Address (Including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.<br>200 Monte Cristo Heights |                |                   | Policy Number:                   |
| City<br>Edinburg                                                                                                              | State<br>Texas | ZIP Code<br>78542 | Company NAIC Number              |

## SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☐ Construction Drawings\* ☐ Building Under Construction\* ☒ Finished Construction

\*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO. Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: Trimble RTK Vertical Datum: NGVD 29

Indicate elevation datum used for the elevations in items a) through h) below.

☐ NGVD 1929 ☐ NAVD 1988 ☐ Other/Source:

Datum used for building elevations must be the same as that used for the BFE.

Finish floor elevation must be 2' above BFE as per city ordinance (88')

Check the measurement used.

|                                                                                                                            |      |                                          |                                 |
|----------------------------------------------------------------------------------------------------------------------------|------|------------------------------------------|---------------------------------|
| a) Top of bottom floor (including basement, crawlspace, or enclosure floor)                                                | 85.5 | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| b) Top of the next higher floor                                                                                            | N/A  | <input type="checkbox"/> feet            | <input type="checkbox"/> meters |
| c) Bottom of the lowest horizontal structural member (V Zones only)                                                        | N/A  | <input type="checkbox"/> feet            | <input type="checkbox"/> meters |
| d) Attached garage (top of slab)                                                                                           | N/A  | <input type="checkbox"/> feet            | <input type="checkbox"/> meters |
| e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments) | N/A  | <input type="checkbox"/> feet            | <input type="checkbox"/> meters |
| f) Lowest adjacent (finished) grade next to building (LAG)                                                                 | 82.3 | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| g) Highest adjacent (finished) grade next to building (HAG)                                                                | 83.5 | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support                               | 83.5 | <input type="checkbox"/> feet            | <input type="checkbox"/> meters |

## SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? ☐ Yes ☐ No ☐ Check here if attachments.

|                                                |                |                        |  |
|------------------------------------------------|----------------|------------------------|--|
| Certifier's Name<br>Homero Luis Gutierrez      |                | License Number<br>2791 |  |
| Title<br>Registered Professional Land Surveyor |                |                        |  |
| Company Name<br>HOMERO L. GUTIERREZ            |                |                        |  |
| Address<br>P.O. BOX 548                        |                |                        |  |
| City<br>McAllen                                | State<br>Texas | ZIP Code<br>78505      |  |



Signature: *Homero Luis Gutierrez* Date: 06-08-2021 Telephone: (956) 369-0988 Ext.: N/A

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable)

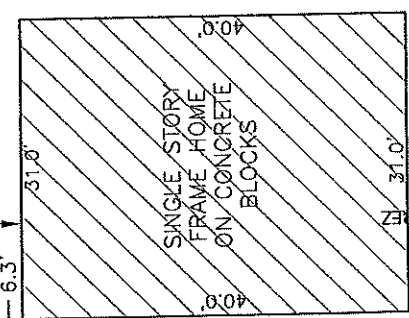
Benchmark utilized for this survey Trimble RTK being an iron rod set approximate 6 feet from the north lot line and 30 feet from the N.E of said legal description

P.O.C. APPARENT N.W.C.  
LOT 4,  
MONTE CRISTO HEIGHTS,  
VOL. 18, PAGE 1, H.C.M.R.

S81°37'00E 250.00'  
P.O.B. N.W.C.  
PARCEL-A  
N08°23'00"E 5.00'

MONTE CRISTO HEIGHTS RD.  
50.0' R.O.W.  
18" CULVERT  
P-E 15.7'  
S81°37'00E 50.00'

APPARENT NORTH LINE LOT 4  
S08°23'00"W 5.00'  
PARCEL-A  
700.00 S.F.  
0.016 OF AN AC.



LONGORIA RAMIRO  
PROPERTY I.D. NO.: 242499  
0.16 AC OF LOTS 3 & 4  
DESIGNATED AS TRACT 5,  
MONTE CRISTO HEIGHTS,  
VOL. 18, PAGE 01, H.C.M.R.  
DOCUMENT NO. 2852835, H.C.O.R.

APPARENT SOUTH LINE LOT 4  
APPARENT NORTH LINE LOT 3

GUDINO PABLO A SANTOS & KELLY S PEREZ  
PROPERTY I.D. NO.: 242500  
0.16 AC OF LOTS 3 & 4  
DESIGNATED AS TRACT 6,  
MONTE CRISTO HEIGHTS,  
VOL. 18, PAGE 01, H.C.M.R.  
DOCUMENT NO. 3136125, H.C.O.R.

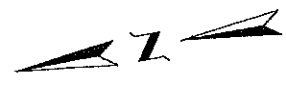
CASTILLO GUADALUPE & SAN JUANA  
PROPERTY I.D. NO.: 242501  
0.32 AC OF LOTS 3 & 4  
DESIGNATED AS TRACTS 7 & 8,  
MONTE CRISTO HEIGHTS,  
VOL. 18, PAGE 01, H.C.M.R.  
DOCUMENT NO. 2317222, H.C.O.R.

70.40'  
0.8'

APPARENT SOUTH LINE LOT 3  
APPARENT NORTH LINE LOT 2  
1.0'

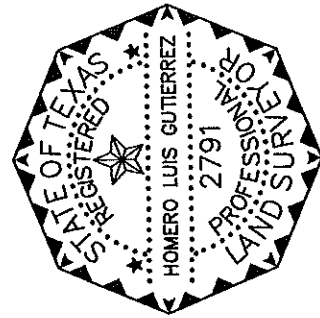
LOT 2

1.3'



- LEGEND**
- FOUND NO. 4 REBAR
  - F1 FOUND 1/2 IRON PIPE
  - SET NO. 4 REBAR
  - R.O.W. RIGHT OF WAY
  - P-E PROPERTY LINE TO
  - EDGE OF PAVEMENT
  - H.C.M.R. HIDALGO COUNTY MAP
  - RECORDS
  - H.C.O.R. HIDALGO COUNTY OFFICIAL
  - VOL. VOLUME
  - N.E.C. NORTHEAST CORNER
  - S.E.C. SOUTHEAST CORNER
  - WATER METER
  - POWER POLE
  - ⊗ WATER VALVE
  - X — CEDAR FENCE
  - X — CHAIN LINK FENCE

SCALE 1"=20'



**EXHIBIT "B"**  
**SURVEY PLAT SHOWING**  
**PARCEL-A**  
**0.016 OF AN ACRE**  
**OUT OF LOT 4,**  
**MONTE CRISTO HEIGHTS,**  
**CITY OF EDINBURG,**  
**HIDALGO COUNTY, TEXAS**  
**VOL. 18, PAGES 1, H.C.M.R.**

Surveyor's Certification

I, Homero Luis Gutierrez, a Registered Professional Land Surveyor in the State of Texas, state that this plat represents the facts found on the ground on May 17, 2021, and that there are no discrepancies, conflicts or shortages in the area or boundary lines, or any encroachments, or overlapping of improvements or no visible or apparent easements except as shown on this plat.

*Homero Luis Gutierrez* 05-17-21  
Homero Luis Gutierrez, RPLS #2791 Date

**HOMERO L. GUTIERREZ, P.E., R.P.L.S.**

P.O. Box 548  
McAllen, Texas 78505  
(956) 369-0988

**EXHIBIT "A"**  
**METES AND BOUNDS – 0.016 OF AN ACRE TRACT**

A 0.016 OF AN ACRE TRACT OF LAND, MORE OR LESS, OUT OF AND FORMING A PART OF LOT 4, MONTE CRISTO HEIGHTS, CITY OF EDINBURG, HIDALGO COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 18, PAGE 1, MAP RECORDS OF HIDALGO COUNTY, TEXAS, LOCATED ON THE SOUTH SIDE OF MONTE CRISTO HEIGHTS ROAD AND APPROXIMATELY 324 FEET WEST OF US 281 HIGHWAY IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

THE **POINT OF COMMENCEMENT (P.O.C.)** BEING AT A POINT ON THE APPARENT EXISTING SOUTH RIGHT-OF-WAY LINE OF SAID MONTE CRISTO HEIGHTS ROAD (50.0 FEET DEDICATED RIGHT-OF-WAY) FOR THE APPARENT NORTHWEST CORNER OF SAID LOT 4, MONTE CRISTO HEIGHTS; THENCE, SOUTH 81 DEGREES 37 MINUTES 00 SECONDS EAST, WITH THE SAID MONTE CRISTO HEIGHTS ROAD EXISTING SOUTH RIGHT-OF-WAY LINE AND WITH THE APPARENT NORTH LOT LINE OF SAID LOT 4, A DISTANCE OF 250.00 FEET TO A FOUND 1/2 INCH IRON PIPE, FOR THE APPARENT NORTHWEST CORNER OF SAID 0.016 OF AN ACRE TRACT AND BEING THE **POINT OF BEGINNING (P.O.B.)** OF SAID 0.016 OF AN ACRE TRACT OF LAND HEREIN DESCRIBED;

THENCE, SOUTH 81 DEGREES 37 MINUTES 00 SECONDS EAST, WITH SAID EXISTING SOUTH RIGHT-OF-WAY LINE OF MONTE CRISTO HEIGHTS ROAD, THE SAID NORTH LOT LINE OF LOT 4 AND OF 0.016 OF AN ACRE TRACT, A DISTANCE OF 50.00 FEET TO A FOUND NO. 4 REBAR FOR THE NORTHEAST CORNER OF SAID 0.016 OF AN ACRE TRACT OF LAND HEREIN DESCRIBED;

THENCE, SOUTH 08 DEGREES 23 MINUTES 00 SECONDS WEST, WITH A LINE PARALLEL TO THE APPARENT WEST LOT LINE OF SAID LOT 4 AND WITH THE APPARENT EAST LOT LINE OF SAID 0.016 OF AN ACRE TRACT, A DISTANCE OF 5.00 FEET TO A SET NO. 4 REBAR WITH PLASTIC CAP STAMPED 2791 FOR THE APPARENT SOUTHEAST CORNER OF SAID 0.016 OF AN ACRE TRACT OF LAND HEREIN DESCRIBED;

THENCE, NORTH 81 DEGREES 37 MINUTES 00 SECONDS WEST, WITH A LINE PARALLEL TO THE SAID NORTH LOT LINE OF SAID LOT 4 AND WITH THE APPARENT SOUTH LOT LINE OF SAID 0.016 OF AN ACRE TRACT, A DISTANCE OF 50.00 FEET TO A SET NO. 4 REBAR WITH PLASTIC CAP STAMPED 2791 FOR THE APPARENT SOUTHWEST CORNER OF SAID 0.016 OF AN ACRE TRACT OF LAND HEREIN DESCRIBED;

THENCE, NORTH 08 DEGREES 23 MINUTES 00 SECONDS EAST, WITH A LINE PARALLEL TO THE SAID WEST LOT LINE OF LOT 4 AND WITH THE APPARENT WEST LOT LINE OF SAID 0.016 OF AN ACRE TRACT, A DISTANCE OF 5.00 FEET TO A FOUND 1/2 IRON PIPE ON THE INTERSECTION WITH THE SAID NORTH LOT LINE OF SAID LOT 4 FOR THE NORTHWEST CORNER OF SAID 0.016 OF AN ACRE TRACT OF LAND HEREIN DESCRIBED AND BEING THE **POINT OF BEGINNING (P.O.B.)**, CONTAINING A GROSS OF 0.016 OF AN ACRE OF LAND, MORE OR LESS.

Bearing basis as per the North Lot line of Lot 4, Monte Cristo Heights, Volume 18, Page 1, Hidalgo County Map Records.

THE ABOVE DESCRIPTION WAS SURVEYED ON THE GROUND UNDER MY DIRECTION ON MAY 17, 2021. SEE ACCOMPANIED SURVEY PLAT OF SAID 0.016 OF AN ACRE TRACT OF LAND.



*Homero Luis Gutierrez*

Homero Luis Gutierrez – R.P.L.S. # 2791

05/17/2021

Date



**EXHIBIT A**  
**METES AND BOUNDS – 0.162 OF AN ACRE TRACT**

A 0.162 OF AN ACRE TRACT OF LAND, MORE OR LESS, OUT OF AND FORMING A PART OF LOTS 3 AND 4, MONTE CRISTO HEIGHTS, CITY OF EDINBURG, HIDALGO COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 18, PAGE 1, MAP RECORDS OF HIDALGO COUNTY, TEXAS, LOCATED ON THE SOUTH SIDE OF MONTE CRISTO HEIGHTS ROAD AND APPROXIAMTELY 324 FEET WEST OF US 281 HIGHWAY IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

THE **POINT OF COMMENCEMENT (P.O.C.)** BEING AT A POINT ON THE APPARENT EXISTING SOUTH RIGHT OF WAY LINE OF MONTE CRISTO HEIGHTS ROAD (50.0 FEET DEDICATED RIGHT-OF-WAY) FOR THE APPARENT NORTHWEST CORNER OF SAID LOT 4, MONTE CRISTO HEIGHTS; THENCE, SOUTH 81 DEGREES 37 MINUTES 00 SECONDS EAST, WITH THE SAID MONTE CRISTO HEIGHTS ROAD EXISTING SOUTH RIGHT-OF-WAY LINE AND WITH THE APPARENT NORTH LOT LINE OF SAID LOT 4, A DISTANCE OF 250.00 FEET TO A FOUND 1/2 INCH IRON PIPE, FOR THE APPARENT NORTHWEST CORNER OF SAID 0.162 OF AN ACRE TRACT AND BEING THE **POINT OF BEGINNING (P.O.B.)** OF SAID 0.162 OF AN ACRE TRACT OF LAND HEREIN DESCRIBED;

THENCE, SOUTH 81 DEGREES 37 MINUTES 00 SECONDS EAST, WITH SAID EXISTING SOUTH RIGHT OF WAY LINE OF MONTE CRISTO HEIGHTS ROAD, AND THE SAID NORTH LOT LINE OF LOT 4 AND OF 0.162 OF AN ACRE TRACT, A DISTANCE OF 50.00 FEET TO A FOUND NO. 4 REBAR FOR THE NORTHEAST CORNER OF SAID 0.162 OF AN ACRE TRACT OF LAND HEREIN DESCRIBED;

THENCE, SOUTH 08 DEGREES 23 MINUTES 00 SECONDS WEST, WITH A LINE PARALLEL TO THE APPARENT WEST LOT LINE OF LOT 4 AND WITH THE APPARENT EAST LOT LINE OF SAID 0.162 OF AN ACRE TRACT, A DISTANCE OF 70.50 FEET PASSING THE COMMON LOT LINE BETWEEN SAID LOTS 3 AND 4, CONTINUING PARALLEL TO THE APPARENT WEST LOT LINE OF LOT 3 A TOTAL DISTANCE OF 140.90 FEET TO A FOUND NO. 4 REBAR ON THE INTERSECTION WITH THE APPARENT SOUTH LOT LINE OF SAID LOT 3 FOR THE APPARENT SOUTHEAST CORNER OF SAID 0.162 ON AN ACRE TRACT OF LAND HEREIN DESCRIBED;

THENCE, NORTH 81 DEGREES 37 MINUTES 00 SECONDS WEST, WITH THE SAID SOUTH LOT LINE OF SAID LOT 3 AND WITH THE APPARENT SOUTH LOT LINE OF SAID 0.162 ACRE TRACT, A DISTANCE OF 50.00 FEET TO A SET NO. 4 REBAR WITH PLASTIC CAP STAMPED 2791 FOR THE APPARENT SOUTHWEST CORNER OF SAID 0.162 OF AN ACRE TRACT OF LAND HEREIN DESCRIBED;

THENCE, NORTH 08 DEGREES 23 MINUTES 00 SECONDS EAST, WITH A LINE PARALLEL TO THE SAID WEST LOT LINE OF LOTS 3 AND WITH THE APPARENT WEST LOT LINE OF SAID 0.162 OF AN ACRE TRACT, A DISTANCE OF 70.40 FEET PASSING THE COMMON LOT LINE BETWEEN SAID LOTS 3 AND 4, CONTINUING PARALLEL TO THE SAID WEST LOT LINE OF LOT 4 FOR A TOTAL DISTANCE OF 140.90 FEET TO A FOUND 1/2 IRON PIPE ON THE INTERSECTION WITH THE SAID NORTH LOT LINE OF SAID LOT 4 FOR THE NORTHWEST CORNER OF SAID 0.162 OF AN ACRE TRACT OF LAND HEREIN DESCRIBED AND BEING THE **POINT OF BEGINNING (P.O.B.)**, CONTAINING 0.162 OF AN ACRE OF LAND, MORE OR LESS.

Bearing basis as per the North Lot line of Lot 4, Monte Cristo Heights, Volume 18, Page 1, Hidalgo County Map Records.

THE ABOVE DESCRIPTION WAS SURVEYED ON THE GROUND UNDER MY DIRECTION ON APRIL 30, 2021. SEE ACCOMPANIED SURVEY PLAT OF SAID 0.162 OF AN ACRE TRACT OF LAND.

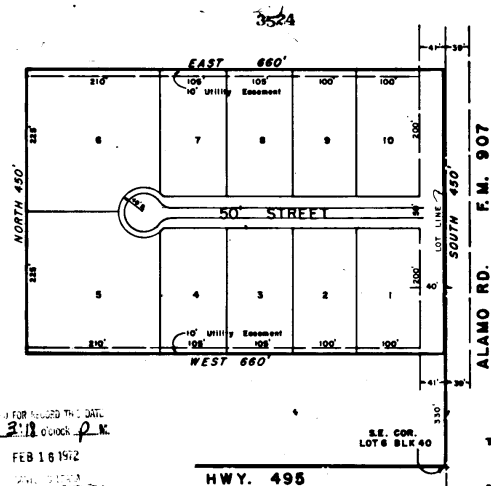


*Homero Luis Gutierrez*

Homero Luis Gutierrez – R.P.L.S. # 2791

05/01/2021

Date



# LOS ENCINOS SUBDIVISION ALAMO TEXAS, HIDALGO COUNTY, TEXAS

BEING A SUBDIVISION OF 6.82 ACRES OUT OF THE NORTH 15 ACRES OF THE EAST 20 ACRES OF LOT 6, BLOCK 40, ALAMO LAND AND SUGAR COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS

I, CHARLES L. MELDEN, A REGISTERED PUBLIC SURVEYOR, DO HEREBY CERTIFY THE FOREGOING MAP TO BE A TRUE AND CORRECT REPRESENTATION OF THE LANDS HEREON DESCRIBED AS PLATTED BY ME FROM SURVEY OF THE OUTSIDE BOUNDARIES OF SAME.

*Charles L. Melden*  
CHARLES L. MELDEN  
REGISTERED PUBLIC SURVEYOR  
EDINBURG, TEXAS  
JANUARY 17, 1972



STATE OF TEXAS  
COUNTY OF HIDALGO

KNOW ALL MEN BY THESE PRESENTS:

THAT I, LEONARD JOHNSON, OWNER OF THE LANDS HEREON DESCRIBED, DO HEREBY ADOPT, DEDICATE, AND CONFIRM THE FOREGOING MAP AND DO HEREBY DEDICATE TO THE PUBLIC THE SURFACE USE OF THE STREETS AND EASEMENTS THEREON SHOWN.

*Leonard Johnson*  
LEONARD JOHNSON

STATE OF TEXAS  
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED LEONARD JOHNSON, OWNER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED, GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 17th DAY OF January, A.D., 1972.

*Ray E. Hines*  
RAY E. HINES  
NOTARY PUBLIC IN AND FOR  
HIDALGO COUNTY, TEXAS

THIS MAP APPROVED BY THE CITY COMMISSION OF THE CITY OF ALAMO, TEXAS, ON THIS 17th DAY OF January, A.D., 1972.

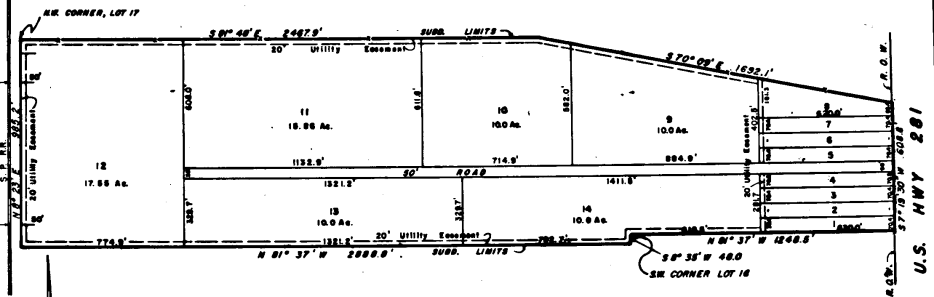
*Anna Gray*  
MAYOR

CITY SECRETARY  
THIS PLAT APPROVED BY HIDALGO COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2 ON THIS THE \_\_\_\_ DAY OF \_\_\_\_, A.D., 19\_\_.

ATTEST:  
*Donna E. Dink*  
SECRETARY

*R. E. Friend*  
PRESIDENT

*Approved*  
8-1-20-72



# MAP OF MONTE CRISTO HEIGHTS HIDALGO COUNTY, TEXAS

BEING A RESUBDIVISION OF LOT 16 AND 17, BLOCK 46, SANTA CRUZ GARDENS UNIT NO. 2, HIDALGO CO., TEXAS

APPROVED FOR RECORDING  
BY  
COMMISSIONERS' COURT  
This 17th day of January, 1972  
SANTOS SALDANA, County Clerk  
Hidalgo County, Texas  
*Santos Saldana*



I, CHARLES L. MELDEN, A REGISTERED PUBLIC SURVEYOR, DO HEREBY CERTIFY THE FOREGOING PLAT TO BE A TRUE AND CORRECT REPRESENTATION OF THE SUBDIVISION OF THE LANDS HEREON DESCRIBED AS PLATTED BY ME FROM SURVEY OF THE OUTSIDE BOUNDARIES OF SAME.

*Charles L. Melden*  
CHARLES L. MELDEN  
REGISTERED PUBLIC SURVEYOR  
EDINBURG, TEXAS  
JANUARY 14, 1972



STATE OF TEXAS  
COUNTY OF Hidalgo

KNOW ALL MEN BY THESE PRESENTS:

THAT I, W. F. VOLKMAN, OWNER OF THE PROPERTY HEREON DESCRIBED, DO HEREBY ADOPT, DEDICATE, AND CONFIRM THE FOREGOING MAP AND DO HEREBY DEDICATE TO THE PUBLIC THE STREETS AND EASEMENTS THEREON SHOWN.

*W. F. Volkman*  
W. F. VOLKMAN

STATE OF TEXAS  
COUNTY OF Hidalgo

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED W. F. VOLKMAN, OWNER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED, GIVEN UNDER MY HAND AND SEAL OF OFFICE, ON THIS THE 14th DAY OF January, A.D., 1972.

*W. F. Volkman*  
W. F. VOLKMAN  
NOTARY PUBLIC IN AND FOR  
HIDALGO COUNTY, TEXAS

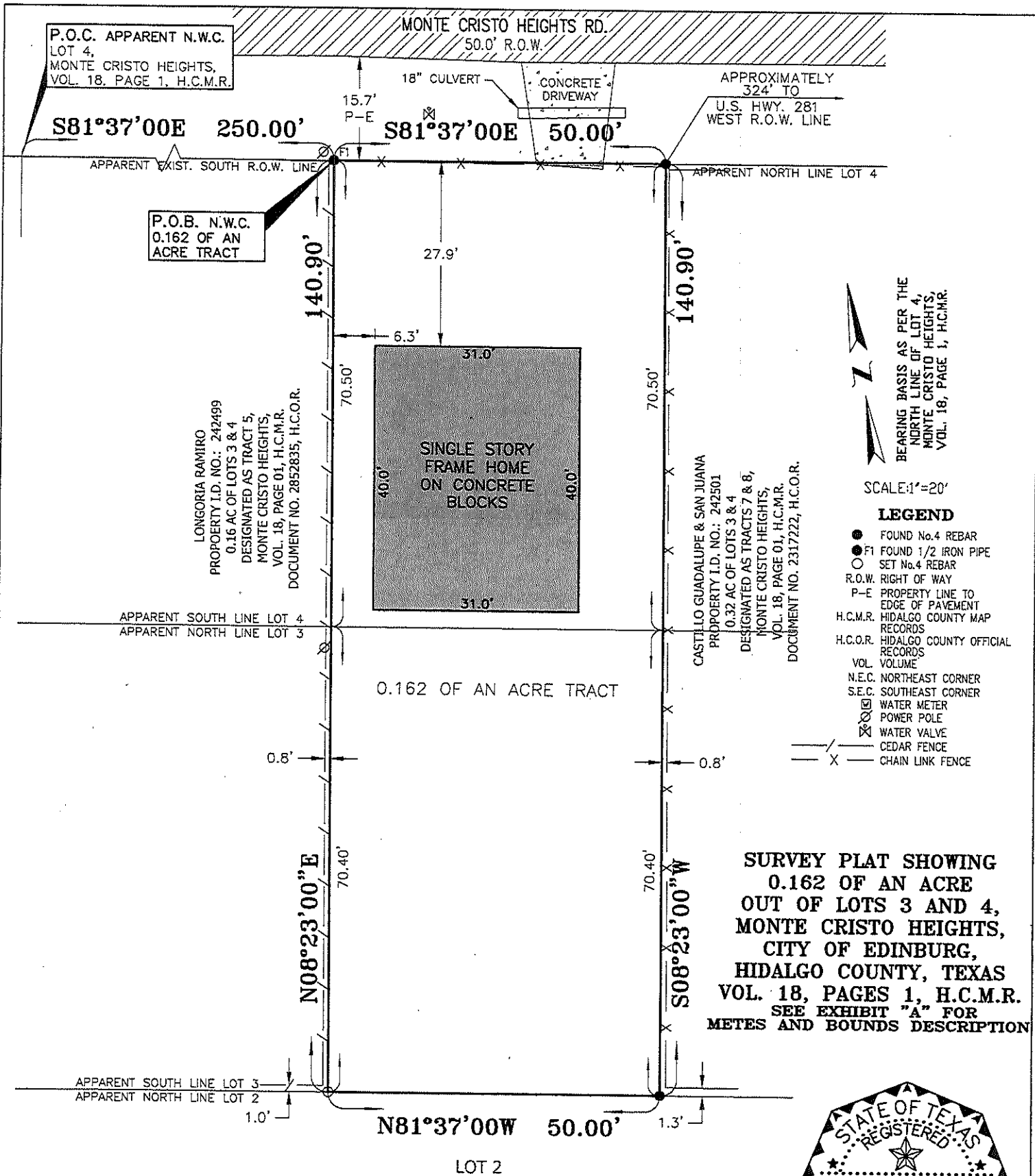
THIS PLAT APPROVED BY HIDALGO COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2 IS ON THIS THE 14th DAY OF Jan, A.D., 1972.

ATTEST:  
*Anna Gray*  
SECRETARY

*Anna Gray*  
PRESIDENT

FILED FOR RECORD THIS DATE  
M 12:22 o'clock P.M.  
FEB 7 1972  
SANTOS SALDANA  
County Clerk

*Approved*  
8-1-20-72



**NOTES:**

1. SURVEY IS VALID ONLY IF PRINT HAS ELECTRONIC SEAL AND ORIGINAL SIGNATURE OF SURVEYOR.
2. SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE POLICY, WHICH MAY SHOW ADDITIONAL EASEMENTS AFFECTING THIS TRACT. SURVEYOR IS ADVISING THE RECIPIENT OF THIS PLAT THAT ADDITIONAL EASEMENTS MAY BE ON THIS TRACT.
3. THIS LOT IS SUBJECT TO RESTRICTIONS AS RECORDED IN VOLUME 18, PAGE 01, MAP RECORDS OF HIDALGO COUNTY, TEXAS.
4. HOMERO L. GUTIERREZ, DID NOT RESEARCH OR PREPARE A TITLE REPORT OR ABSTRACT OF TITLE ON THE ABOVE PROPERTY.
5. THE EXISTENCE, IF ANY, UNDERGROUND GAS LINES OR OTHER UNDERGROUND UTILITIES NOT SHOWN ON THIS SURVEY SHOULD BE THOROUGHLY INVESTIGATED BY THE OWNER PRIOR TO ANY CONSTRUCTION ON THIS SITE. THE SURVEYOR HAS LIMITED HIS INVESTIGATION OF UNDERGROUND UTILITIES ON THIS SITE TO THAT WHICH CAN BE SEEN.
6. SURVEYOR'S STATEMENT: THE PROPERTY CORNERS OF THE TRACT SURVEYED WERE STAKED OUT BASED ON THE BEST FIT OF MONUMENTS FOUND FOR THIS PROPERTY AND OTHERS WITHIN THE IMMEDIATE VICINITY, TAKING INTO ACCOUNT THE INTENT OF THE SURVEYORS' ORIGINAL FOOT STEPS.

**FLOOD ZONE**

ZONE "AE"

SPECIAL FLOOD HAZARD AREAS INUNDATED BY  
100-YEAR FLOOD, BASE FLOOD ELEVATIONS DETERMINED.  
COMMUNITY-PANEL NUMBER: 480338 0010 E  
MAP REVISED: JUNE 06, 2000  
REVISED TO REFLECT LOMR: MAY 14, 2001

**Surveyor's Certification**

I, Homero Luis Gutierrez, a Registered Professional Land Surveyor in the State of Texas, state that this plat represents the facts found on the ground on April 30, 2021, and that there are no discrepancies, conflicts or shortages in the area or boundary lines, or any encroachments, or overlapping of improvements or no visible or apparent easements except as shown on this plat.

*Homero Luis Gutierrez*

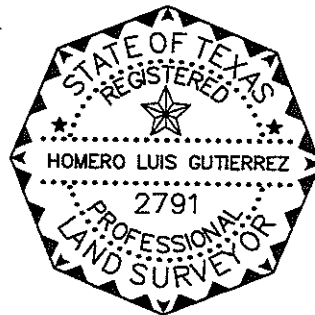
05-01-21

Homero Luis Gutierrez, RPLS #2791 Date

**HOMERO L. GUTIERREZ, P.E., R.P.L.S.**

P.O. Box 548  
McAllen, Texas 78505  
(956) 369-0988

DATE: 05-01-21 JOB No. HLG21-05-002 DRAWN BY: P.R.







**ZONING BOARD OF ADJUSTMENT REGULAR MEETING  
JULY 28, 2021**

**Item:**

Consider Variance to the City's Unified Development Code, Article 9, Section 9.404, Access Dimensions, being Lot 7, Cactus Land Phase 1 Subdivision, located at 201 Cactus Lane, as requested by Fidel Cortez

---

**Request:**

The applicant is requesting a variance to the City's Unified Development Code, Article 9, Section 9.404, Access Dimensions. The applicant has stated that the basis for the request is to allow for the construction of a driveway with a total measurement of 42 ft. located in the front of the property.

**Property Location and Vicinity:**

The property currently has a home constructed on the lot and is located on the north side of Cactus Lane, approximately 300 ft. west of N. Interstate 69C. The property has 163 ft. of frontage and a depth of 300 ft. for a lot size of 1.12 acres and is zoned Neighborhood Conservation 7.1 (NC 7.1 District). Adjacent zoning is Neighborhood Conservation Mobile Home (MH) District to the north, Neighborhood Conservation 7.1 (NC 7.1) District and Commercial General (CG) District to the east, and Neighborhood Conservation 7.1 (NC 7.1) District to the south and west. Surrounding land uses consist of residential homes and commercial development.

**Background and History:**

Cactus Land Phase 1 Subdivision was recorded on October 20, 1992 and is a single family residential development. A building permit for construction of a residence was received by the City on September 22, 2021, and the home is near completion. A variance for Base Flood Elevation was granted by the Zoning Board of Adjustment for this property on May 26, 2021. Mr. Fidel Cortez has already constructed the semicircular driveway with a measurement of 21ft. on each side, 42 ft. of access in total.

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

**Analysis:**



The applicant has indicated that the basis of the request is to allow for a semicircular driveway with two curb cuts having a combined measurement of 42 ft. (21 ft. each side). According to Table 9.404.A of the City of Edinburg Unified Development Code maximum width of access allowed for single family residential development is 25 ft. The applicant is requesting an additional 17 ft. of access. This is a large lot, and a site inspection determined that there is greater than 80 ft. distance between the driveway’s two access points. A section of the Unified Development Code has been provided below. Drawings have been provided for the Board’s consideration.

## ARTICLE 9 PARKING, LOADING, ACCESS, AND LIGHTING

### Sec. 9.404 Access Dimensions

- A. **General.** The dimensions of access points are based on the peak hour trip generation volume of the uses to which access is to be provided. Peak hour trips may be allocated to one or more proposed access points. A qualified engineer shall provide the calculations for peak hour trip generation and assignment to proposed access points. However, the low impact uses described in Subsections B and C. are not required to provide calculations by an engineer with respect to trip generation and assignment.
- B. **Single-family, twin home, and duplex lots.** Each lot that contains a single-family, twin home, or duplex shall have no more than 2 driveways along any street frontage. Driveway width shall not exceed the width set out in Table 9.404.A., *Maximum Width of Access*.

| Table 9.404.A.<br>Maximum Width of Access |                                   |                            |
|-------------------------------------------|-----------------------------------|----------------------------|
| Use Classification                        | Standard                          | Maximum Access Width (ft.) |
| Single-Family Residential                 | One-car garage (max. width)       | 12                         |
|                                           | Two-car garage (max. width)       | 22                         |
|                                           | Three-car garage (max. width)     | 25                         |
| Twin Home and Duplex                      | Two, one-car garages (max. width) | 24                         |
|                                           | Two, two-car garages (max. width) | 40                         |

**Recommendation:**

Staff recommends approval of the variance request based on the fact that the distance between two access points of the driveway is in excess of 80 ft. If approved, the applicant will need to comply with all other requirements during the permitting process including but not limited to building and fire codes, fire protection, parking, landscape buffer-yards, solid waste services, utility, pay a \$40 fee payable to the County of Hidalgo, County Clerk’s Office for the recording of the ZBA order on this request, and any other City requirements, as applicable. A location map, aerial map, photo, subdivision plat, site plan, and response from property owner are attached for the Board’s consideration.



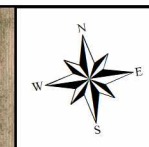
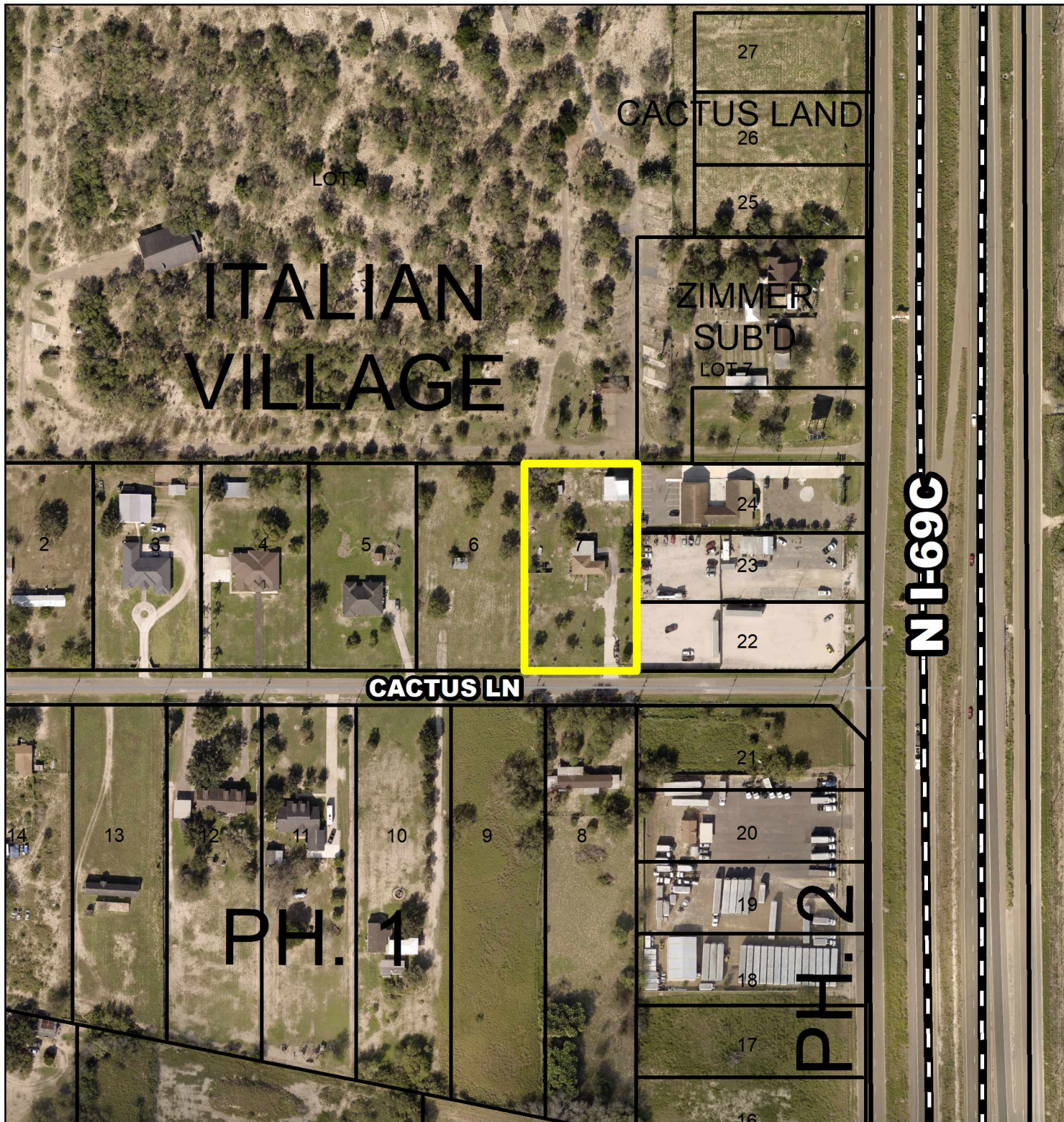
Prepared By:  
Rita Lee Guerrero

Urban Planner

Approved By:  
Kimberly A. Mendoza, MPA

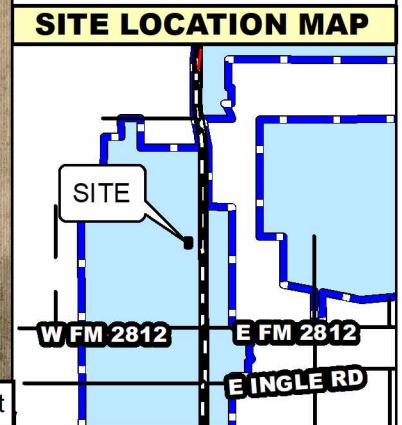
Director of Planning & Zoning



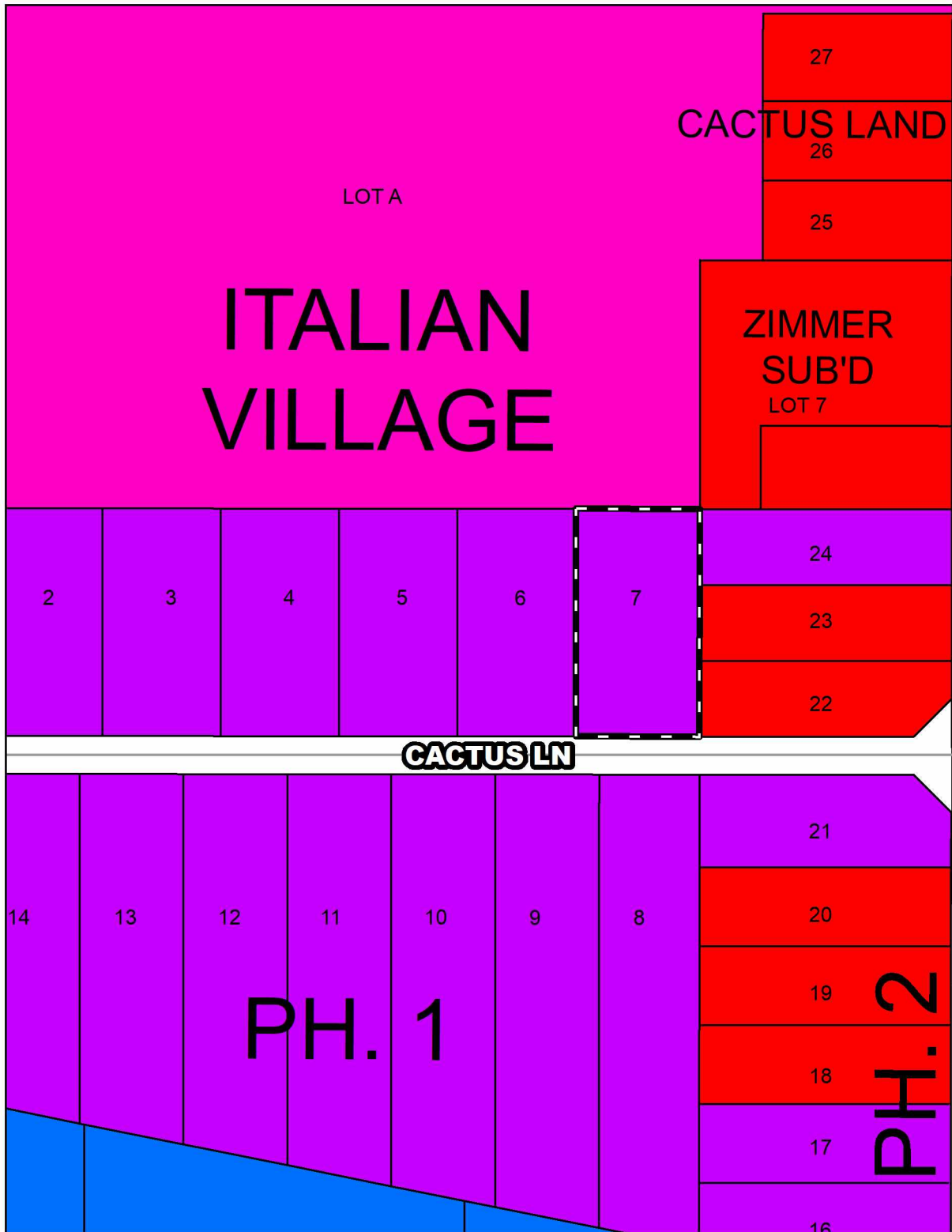


**AERIAL MAP**  
**CASE CAPTION:**  
**APPLICANT NAME:**  
FIDEL CORTEZ  
CONSIDER VARIANCE TO  
THE CITY'S UNIFIED  
DEVELOPMENT CODE,  
ARTICLE 9, SECTION 9.404,  
ACCESS DIMENSIONS,  
BEING LOT 7,  
CACTUS LAND  
PHASE 1 SUBDIVISION,  
LOCATED AT 201 CACTUS LANE,  
AS REQUESTED BY  
FIDEL CORTEZ

**Legend**  
 CITY LIMITS  
 APPLICANT SITE

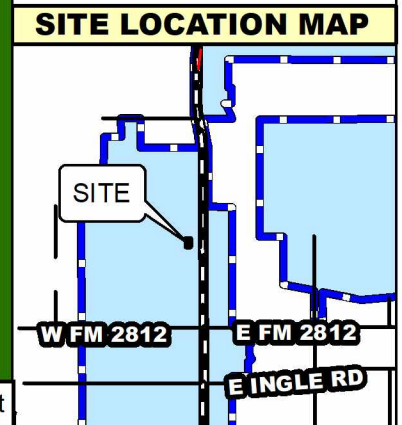




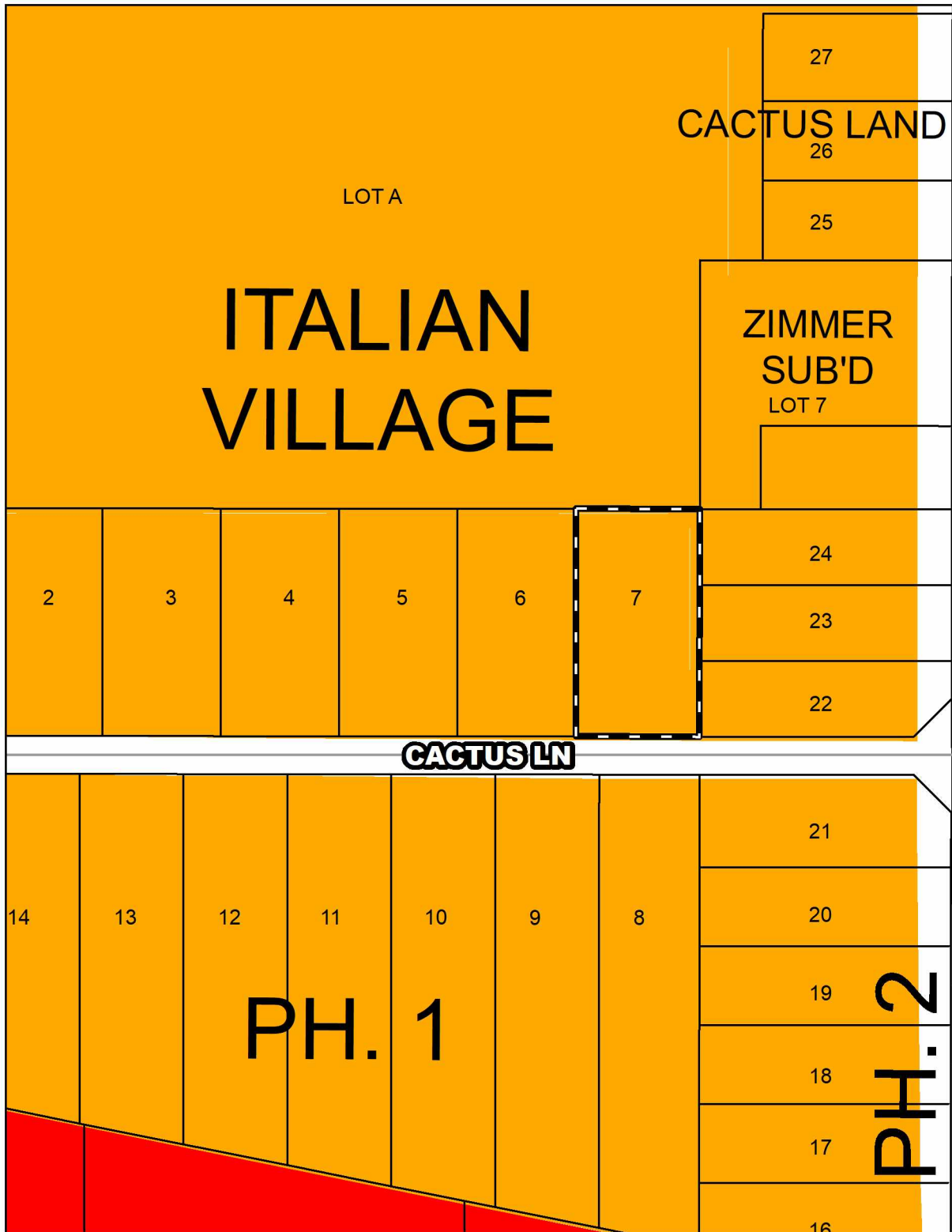



**ZONING MAP**  
**CASE CAPTION:**  
**APPLICANT NAME:**  
FIDEL CORTEZ


- Legend**
- CITY LIMITS
  - APPLICANT SITE
  - ZONING DISTRICTS**
  - AGRICULTURE
  - AUTO-URBAN RESIDENTIAL
  - COMMERCIAL, GENERAL
  - COMMERCIAL, NEIGHBORHOOD
  - DOWNTOWN DISTRICT
  - INDUSTRIAL
  - NEIGHBORHOOD CONSERVATION 5
  - NEIGHBORHOOD CONSERVATION 7.1
  - NEIGHBORHOOD CONSERVATION MH
  - SUBURBAN RESIDENTIAL
  - URBAN RESIDENTIAL
  - URBAN UNIVERSITY













**FUTURE LANDUSE MAP**

**CASE CAPTION:**


**APPLICANT NAME:**  
FIDEL CORTEZ


**Legend**


 CITY LIMITS


 APPLICANT SITE


**FUTURE LANDUSE**


 Agriculture


 Auto-Urban


 Downtown District


 General Commercial


 Industrial


 Mobile Home

 Neighborhood Commercial

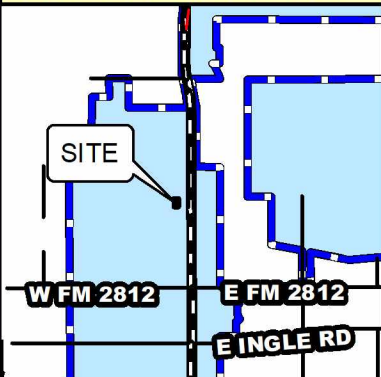
 Office Business Park

 Suburban

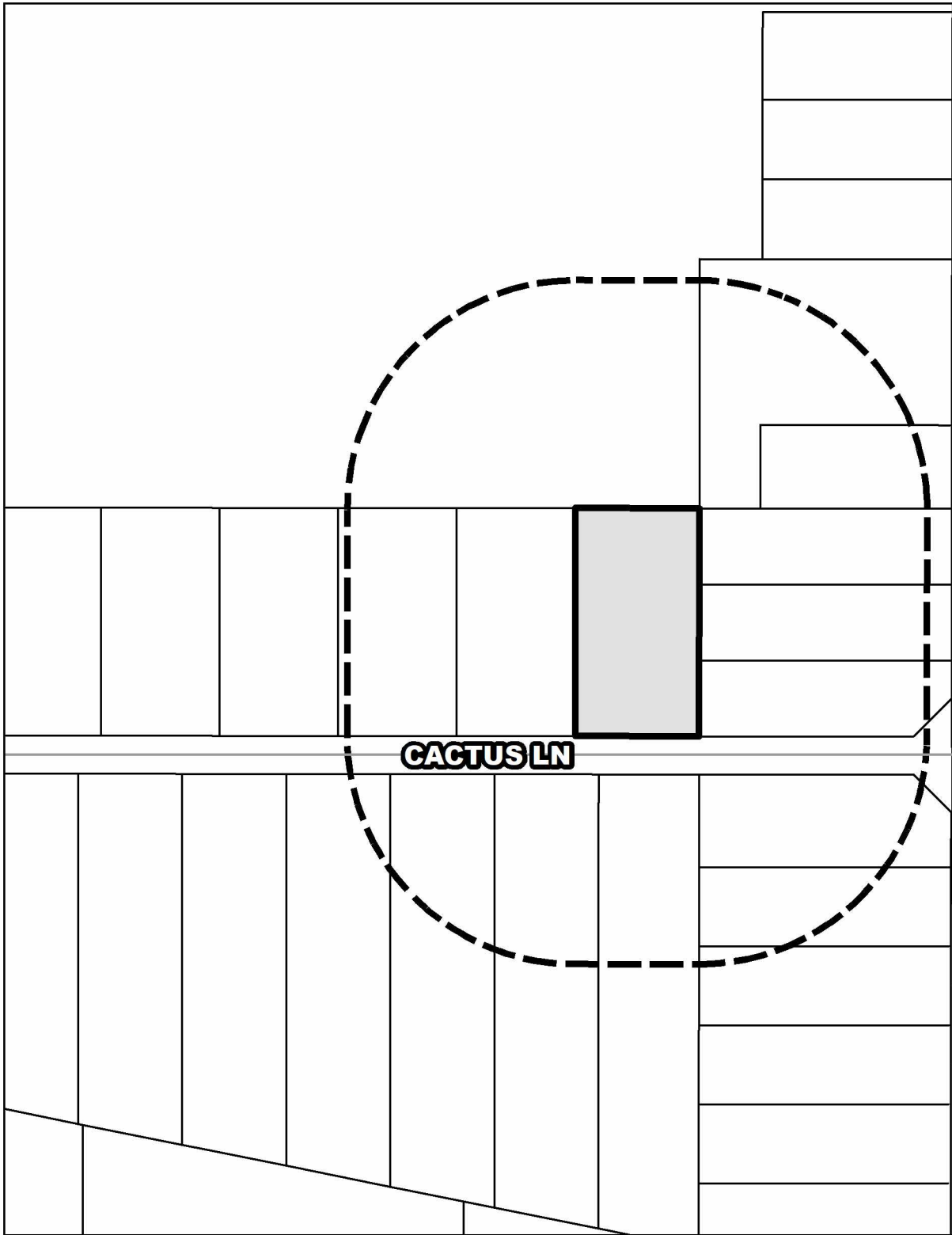
 Urban

 Urban University

**SITE LOCATION MAP**



**1 in = 200 ft**






## MAILOUT AND SITE MAP

### CASE CAPTION:

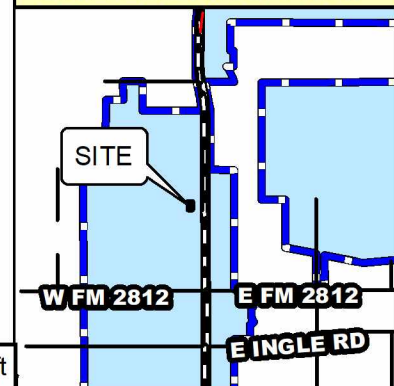
#### APPLICANT NAME:

**FIDEL CORTEZ**  
CONSIDER VARIANCE TO  
THE CITY'S UNIFIED  
DEVELOPMENT CODE,  
ARTICLE 9, SECTION 9.404,  
ACCESS DIMENSIONS,  
BEING LOT 7,  
CACTUS LAND  
PHASE 1 SUBDIVISION,  
LOCATED AT 201 CACTUS LANE,  
AS REQUESTED BY  
FIDEL CORTEZ

### Legend

-  CITY LIMITS
-  300FT NOTIFICATION
-  APPLICANT SITE

### SITE LOCATION MAP



1 in = 200 ft



INV-00000715  
VAR-2021-0003

Planning & Zoning Department  
415 W. University Dr.  
(956) 388-8202

ZONING BOARD OF ADJUSTMENT APPLICATION  
REQUEST FOR VARIANCE

Nature of Request: Variance on driveways

Reason for Hardship: (use other side if necessary)

Constructed driveway at 21" on each side of  
my Personal truck daily 4 door Ram. etc

Property Description: 7 Cactus-hand PH 1 Lot  
Lot Block Subdivision

Property Address: 201 Cactus lane Edinburg tx 7

Present Property Zoning: \_\_\_\_\_

Person requesting Variance: Fidal Cortez

Mailing Address: PO Box 264 alamo tx 78516  
Street Address City/State Zip Code

Phone No. (Home): \_\_\_\_\_ (Work): \_\_\_\_\_ (Cell): (956) 5664691

Owner's Name: Fidal Cortez

Mailing Address: 201 Cactus lane Edinburg tx  
Street Address City/State Zip Code 78541

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

Signature: [Signature] Date: 6-24-21

Owner/Agent's Name (Please Print): Fidal Cortez

\$450 Application Fee: 201398310 Application Received by: Nikki  
Receipt No.

Application deadline: \_\_\_\_\_ ZBA Hearing date: \_\_\_\_\_

- \$40 ZBA Order Form- Make Check Payable to: Hidalgo County Clerk
- Submit survey, if applicable
- Reduced copy of site plan & 1 blue print, if applicable

415 W. University Dr. • P. O. Box 1079 • Edinburg, TX 78540  
Phone (956) 388-8202 • Fax (956) 292-2080 • [www.cityofedinburg.com](http://www.cityofedinburg.com)

RECEIVED

JUL 02 2021

Name: NC 2:20PM



STATE OF TEXAS  
COUNTY OF HIDALGO  
I, (WE) THE UNDERSIGNED, OWNER(S) OF  
THE LAND SHOWN ON THIS PLAN, AND  
DESIGNATED HEREIN AS CACTUS-LAND  
SUBDIVISION TO THE COUNTY OF HIDALGO  
TEXAS, AND WHOM NAME IS SUBSCRIBED  
HEREIN, HEREBY DEDICATE TO THE USE OF  
THE PUBLIC ALL STREETS, ALLEYS,  
PARKS, WATER COURSES, DRAINS,  
EASEMENTS, AND PUBLIC PLACES  
SHOWN FOR THE PURPOSE OF  
CONSIDERATION THEREIN EXPRESSED.

ROBERT JIMES, RECORD OWNER

STATE OF TEXAS  
COUNTY OF HIDALGO  
BEFORE ME, THE UNDERSIGNED AUTHORITY,  
ON THIS DAY PERSONALLY APPEARED  
ROBERT JIMES KNOWN TO ME TO BE THE  
PERSON WHOSE NAME IS SUBSCRIBED TO  
THE FOREGOING INSTRUMENT, AND  
ACKNOWLEDGED TO ME THAT HE EXECUTED  
THE SAME FOR THE PURPOSES AND  
CONSIDERATIONS THEREIN STATED.

SEVEN (7) DAYS AND ALL OF  
OFFICE, THIS THE 19th DAY OF  
1992 MY COMMISSION EXPIRES 11/15/92

STATE OF TEXAS  
COUNTY OF HIDALGO  
I, THE UNDERSIGNED, CHAIRMAN OF THE  
PLANNING AND ZONING COMMISSION OF THE  
COUNTY OF HIDALGO HEREBY CERTIFY THAT  
THIS SUBDIVISION PLAN CONFORMS TO ALL  
REQUIREMENTS OF THE SUBDIVISION  
REGULATIONS OF THIS COUNTY WHEREIN NO  
APPROVAL IS REQUIRED.

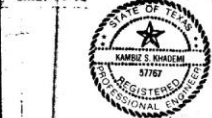
CHAIRMAN, PLANNING COMMISSION

CERTIFICATION OF THE COUNTY JUDGE OF  
HIDALGO COUNTY, I THE UNDERSIGNED  
JUDGE OF THE COUNTY OF HIDALGO  
HEREBY CERTIFY THAT THIS SUBDIVISION  
PLAN CONFORMS TO ALL REQUIREMENTS OF  
THE SUBDIVISION REGULATIONS OF THIS  
COUNTY WHEREIN MY APPROVAL IS  
REQUIRED.

COUNTY JUDGE, HIDALGO COUNTY

I, THE UNDERSIGNED, SURVEYOR, IN THE  
STATE OF TEXAS, HEREBY CERTIFY THAT  
THIS PLAN REPRESENTS THE FACTS FOUND  
ON THE GROUND AT THE TIME OF SURVEY  
DATE: 05-92

I, THE UNDERSIGNED ENGINEER IN THE  
STATE OF TEXAS, HEREBY CERTIFY THAT  
PROPER ENGINEERING CONSIDERATIONS  
HAVE BEEN GIVEN TO THIS PLAN.  
DATE: 05-92



#### LEGAL DESCRIPTION:

THAT PORTION OF TRACTS 3 AND 4,  
ZIMMER SUBDIVISION AS RECORDED IN  
VOLUME 11 PAGE 20 OF THE HIDALGO  
COUNTY MAP RECORDS, SAID PORTION  
HEREIN CONVEYED BEING MORE  
PARTICULARLY DESCRIBED BY PETER AND  
SOLUS AS FOLLOWS:

COMMENCING AT THE MOST EASTERLY  
NORTHEAST CORNER OF TRACT 3, THENCE  
SOUTH 81° 37' 00" WEST 300  
FEET TO A NORTHEAST CORNER  
ON A FOOT ROAD R.O.W., THENCE  
SOUTH 81° 37' EAST 300 FEET ALONG THE  
NORTH R.O.W. LINE OF SAID FOOT ROAD  
TO POINT ON THE WEST R.O.W. LINE OF  
U.S. 281 FOR THE NORTHEAST EXTERIOR  
CORNER, THENCE SOUTH 81° 37' WEST 30  
FEET ALONG THE WEST R.O.W. LINE OF  
U.S. 281 TO THE SOUTHEAST EXTERIOR  
CORNER, THENCE, NORTH 61° 37' WEST  
30 FEET ALONG THE SOUTH R.O.W. LINE  
OF BE 501 ROAD (CACTUS LANE) TO THE  
SOUTHEAST INTERIOR CORNER, THENCE,  
SOUTH 81° 37' WEST 624.12 FEET TO THE  
SOUTHWEST CORNER HEREOF.

THENCE, NORTH 61° 45' 03" WEST 1119.74  
FEET TO THE SOUTHWEST CORNER HEREOF;

THENCE, NORTH 81° 37' EAST 755.00 FEET  
TO THE NORTHEAST CORNER HEREOF;

THENCE, SOUTH 81° 03' 00" EAST 1098.10  
FEET TO THE PLACE OF BEGINNING,  
CONTAINING TWENTY-TWO (22) AND FORTY-SEVEN  
HUNDRED (22.47) ACRES, MORE OR LESS.

BEING A SUBDIVISION OF 21.795 ACRES IN TRACTS 3 AND 4 ZIMMER SUBDIVISION,  
AS RECORDED IN VOLUME 11 PAGE 20 OF THE HIDALGO COUNTY MAP RECORDS

DATE OF PREPARATION  
06-05-92

288615

FILED  
21:2  
WILLIAM TRUMP, JR. COUNTY CLERK  
COUNTY OF HIDALGO, TEXAS

APPROVED FOR RECORDING  
BY  
COMMISSIONER'S COURT  
This the 20th day of June, 1992  
WILLIAM TRUMP, JR. County Clerk  
By \_\_\_\_\_ Deputy

APPROVED FOR RECORDING  
BY  
HIDALGO COUNTY PLANNING DEPT.  
DATE: 10/20/92

28 2

APPROVED  
HIDALGO COUNTY HEALTH DEPT.  
DATE: 6-27-92

APPROVED  
K K Engineering Services  
GENERAL PROFESSIONAL CIVIL ENGINEERING SERVICES  
Kambiz Khademi, P.E.

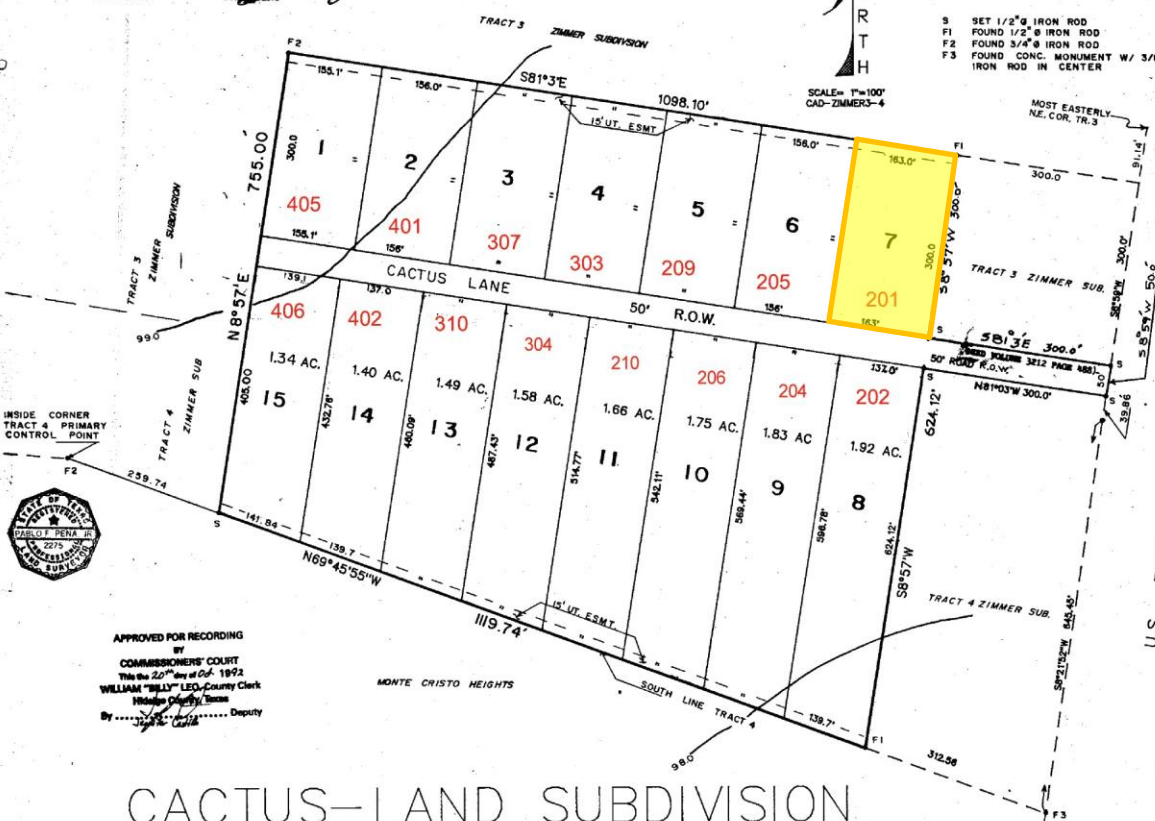
1402 S. 4th St., Suite 203  
McAllen, Texas 78501  
(512) 430-2128

OWNER - ROBERT JIMES  
ADDRESS - 507 HOLANA  
MCALLEN, TEXAS 78501

This Plan is hereby approved by Santa Cruz Irrigation District No. 18  
subject to the condition that if irrigation flow said district is  
declared to the individual lots in said subdivision, provisions  
shall be made for appropriate easements for the installation of  
necessary irrigation facilities to such lots from the closest  
irrigation district delivery point and it shall be the responsibility of  
the property owner to install such necessary facilities. There will be no buildings  
allowed to be built on top of district irrigation ditches. There is a  
ditch 111' wide easement on both sides of Cactus Lane on road.

THIS PLAN APPROVED BY THE SANTA CRUZ  
IRRIGATION DISTRICT NO. 18 DATED THE  
14th DAY OF June, 1992.

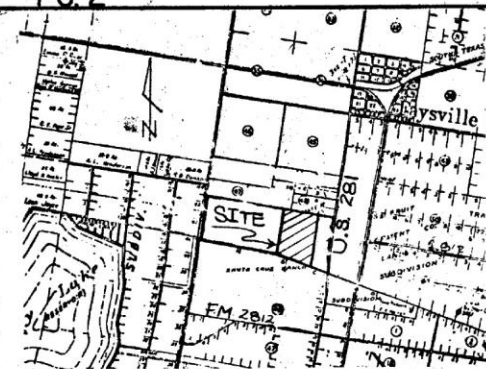
APPROVED  
BY  
COMMISSIONER'S COURT  
This the 20th day of June, 1992  
WILLIAM TRUMP, JR. County Clerk  
By \_\_\_\_\_ Deputy



#### LEGEND

- S SET 1/2" IRON ROD
- F1 FOUND 1/2" IRON ROD
- F2 FOUND 3/4" IRON ROD
- F3 FOUND CONC. MONUMENT W/ 3/8" IRON ROD IN CENTER

NORTH  
SCALE: 1"=100'  
CAD-ZIMMER-3-4



VICINITY MAP  
SCALE 1"=1000'

1. THIS AREA IS IN FLOOD ZONE "C".  
COMMUNITY-PANEL NUMBER 480334 0322 C  
MAP REVISED NOV. 16, 1982.
2. SETBACK LINES ARE AS FOLLOWS:  
FRONT- 25', SIDE- 6', REAR- 15'
3. ONLY ONE DWELLING PER LOT
4. MINIMUM FLOOR ELEVATION FOR EACH  
LOT SHALL BE NAT. GROUND + 18"
5. CULVERTS SHALL BE PROVIDED FOR ALL  
DRIVEWAYS AT THE TIME OF BUILDING  
PERMIT.

LANGDON BARBER GROVES, INC., RECORD  
OWNER OF 50' ROAD EASEMENT  
(VOL. 3212 PG. 488)

LANGDON BARBER GROVES, INC., RECORD  
OWNER, LANGDON BARBER, CHAIRMAN

STATE OF TEXAS  
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON  
THIS DAY PERSONALLY APPEARED LANGDON  
BARBER KNOWN TO ME TO BE THE PERSON  
WHOSE NAME IS SUBSCRIBED TO THE  
FOREGOING INSTRUMENT, AND ACKNOWLEDGED  
TO ME THAT HE EXECUTED THE SAME FOR THE  
PURPOSES AND CONSIDERATIONS THEREIN  
STATED.

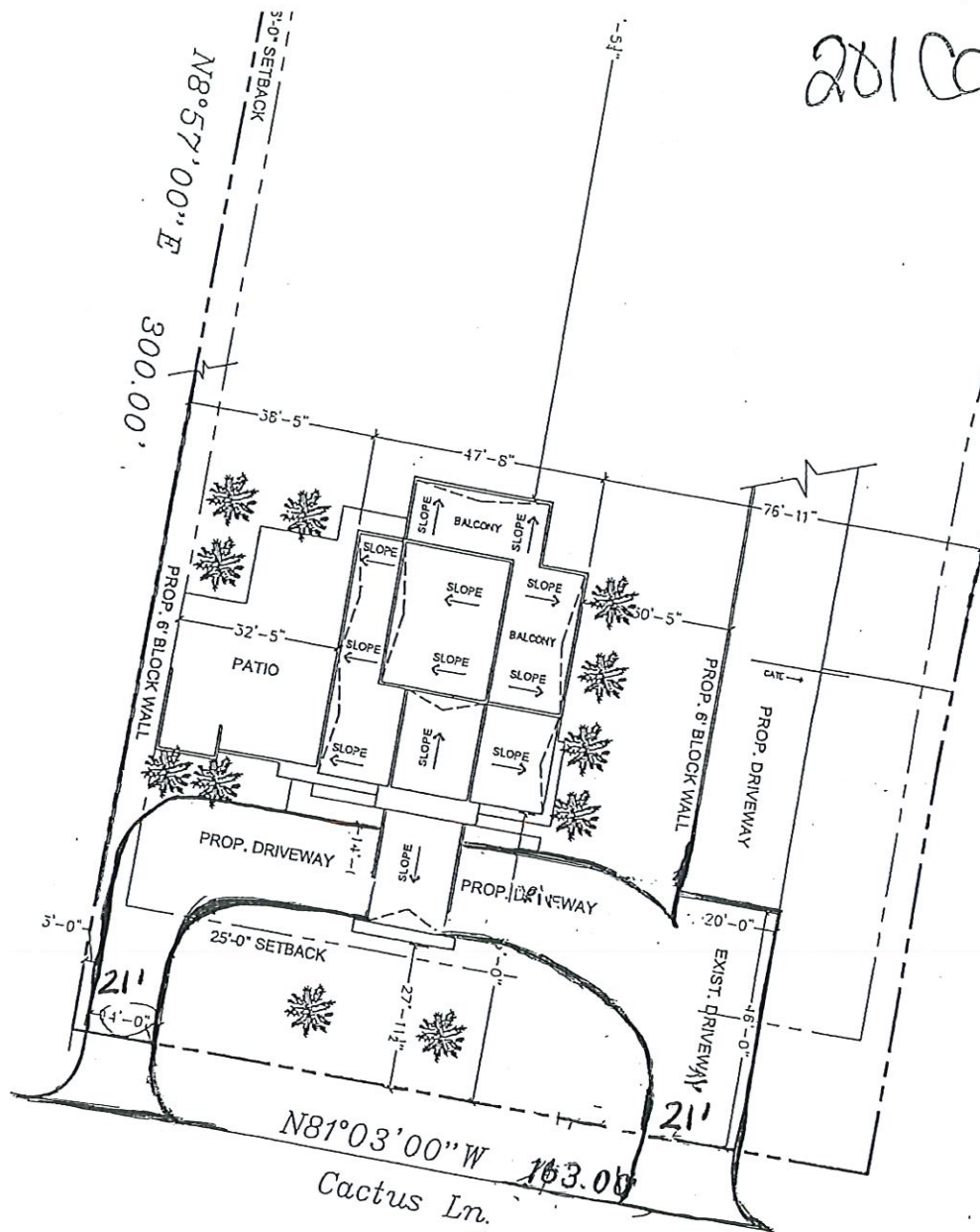
SEVEN (7) DAYS AND ALL OF  
OFFICE, THIS THE 19th DAY OF  
1992 MY COMMISSION EXPIRES 11/15/92

APPROVED  
HIDALGO COUNTY HEALTH DEPT.  
DATE: 6-27-92

APPROVED  
K K Engineering Services  
GENERAL PROFESSIONAL CIVIL ENGINEERING SERVICES  
Kambiz Khademi, P.E.

1402 S. 4th St., Suite 203  
McAllen, Texas 78501  
(512) 430-2128

201 Cactus Ln.



- SITE PLAN NOTES**
1. VERIFY JOINT LAYOUT FOR SIDEWALKS WITH CONTRACTOR PRIOR TO CONSTRUCTION.
  2. ALL SITE WORK, INCLUDING LOCATION OF TRASH DUMPSTER, TEMPORARY TOILET FACILITIES, TEMPORARY CONSTRUCTION BARICADE/FENCING CONSTRUCTION TRAILER.

|               |               |
|---------------|---------------|
| PATIO         | 1,317.00 S.F. |
| COVERED PORCH | 344.00 S.F.   |
| BALCONY       | 744.00 S.F.   |

|                              |     |             |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------|-----|-------------|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Name:<br>Casa Cortez | No. | Description | Date | <small>           RIGHTS RESERVED ON THIS PLAN BY VIRTUAL DESIGN FORBIDS THE USE OF THIS PLAN FOR CONSTRUCTION FOR MORE THAN ONE BUILDING. ALL RIGHTS RESERVED INCLUDING RIGHT OF USE BY EVERY ONE OR PART OF THEREON WHILE EVERY ATTEMPT HAS BEEN MADE IN THE PREPARATION OF THIS PLAN TO AVOID MISTAKES. THE DRAFTSMAN CANNOT GUARANTEE AGAINST HUMAN ERROR. THE CONTRACTOR, AT THE JOB SITE, MUST CHECK ALL DIMENSIONS AND OTHER DETAILS AND BE RESPONSIBLE FOR THE SAME.         </small> |
|                              |     |             |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|                              |     |             |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|                              |     |             |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|                              |     |             |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

RECEIVED

JUL 02 2021

Name: NE 2:20PM













**ZONING BOARD OF ADJUSTMENT REGULAR MEETING  
JULY 28, 2021**

**Item:**

Unified Development Code Update by Kendig Keast Collaborative

---

**Request:**

**Property Location and Vicinity:**

**Background and History:**

**Analysis:**

**Recommendation:**

Prepared By:

Approved By: