



**NOTICE AND AGENDA  
ZONING BOARD OF ADJUSTMENT  
JANUARY 20, 2022 - 04:00 PM  
REGULAR MEETING  
DUSTIN MICHAEL SEKULA MEMORIAL LIBRARY  
FRIENDS OF THE LIBRARY MEETING ROOM  
1906 SOUTH CLOSNER BOULEVARD  
EDINBURG, TEXAS 78539**

**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 3-5 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. MINUTES**

- A. Consider approval of the minutes for the November 17, 2021 Regular Meeting

**6. PUBLIC HEARINGS**

- A. Consider Variance to the City's Unified Development Code, Section 3.301, Single Family Residential Bulk Standards, Setbacks, Lot 210, Fairhaven Heights Subdivision Phase III, located at 1815 Nitsche Drive, as requested by Ericka Vicente Lopez
- B. Consider Variance to the City's Unified Development Code, Section 3.303, Multi-Family Lot and Building Standards, Setbacks, being 19.641 acres out of Lots 7 and 8, Texas-Mexican Railway Company's Survey, Lots 1-51 of proposed Sugar Mill Estates Subdivision, located at 1700 North Sugar Road, as requested by Novellini, LTD.
- C. Consider Variance to the City's Unified Development Code, Section 3.303, Multi-Family Lot and Building Standards, Setbacks, being 31.124 acres out of Lot 14, Section 237, Texas-Mexican Railway Company's Survey, Lots 1-89 of proposed Woodlands Estates Subdivision, located at 1001 North McColl Road, as requested by Escanaba, LLC.
- D. Consider Variance to the City's Unified Development Code, Section 2.301 (D) (9), Fences Facing or Abutting a Golf Course, being Lot 92, Lumen Subdivision Phase B, located at 3501 Lago Washington Road, as requested by Miguel De Los Santos
- E. Consider Variance to the City's Unified Development Code, Section 3.301, Single Family Residential Bulk Standards, Setbacks, being 0.42 acres of Lot 16, Block 233, Texas-Mexican Railway Company's Survey, located at 1023 North Hoehn Road, as requested by Orlando D. Olivarez

**7. DIRECTOR'S REPORT**

- A. Unified Development Code Update

**8. INFORMATION ONLY**

- A. Attendance Roster

**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 during regular working hours, at 10:45 A.M. on Monday, January 17, 2022.



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Alejandra Gonzalez, Administrative Assistant  
Planning & Zoning Department

## **NOTICE**

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

**NOTICE AND AGENDA  
ZONING BOARD OF ADJUSTMENT  
NOVEMBER 17, 2021 – 4:00 P.M.  
REGULAR MEETING  
EDINBURG CITY HALL  
415 W. UNIVERISTY  
EDINBURG, TEXAS 78539**

**MEMBERS PRESENT**

Jorge Ortegon  
Eddie Garza  
Jason De Leon  
Alex Rios

**MEMBERS ABSENT**

Andre Maldonado  
George Cardenas

**STAFF**

Brian Kelsey, Assistant City Manager  
Rita L. Guerrero, Management Analyst  
Peter Hermida, Engineer III  
Kimberly A. Mendoza, Director of Planning & Zoning  
Nikki M. Cavazos, Planner I  
Daniel A. Colina, Planner I  
Alejandra Gonzalez, Administrative Assistant  
Tilfred Farley, Planning Assistant  
Jaime Ayala, Planner II  
Omar Ochoa, City Attorney

**1. CALL MEETING TO ORDER, ESTABLISH QUORUM**

**The meeting was formally called to order by Chairperson Alex Rios at 4:25 P.M.**

- A. Prayer – Announced by Chairperson Mr. Alex Rios
- B. Pledge of Allegiance – The Pledge of Allegiance was said by all.

**2. CERTIFICATION OF PUBLIC NOTICE**

Mr. Daniel A. Colina verified the posting of the Zoning Board of Adjustment meeting notice and it's Compliance with the Open Meetings Act. Staff indicated the agenda had been posted on Friday, November 12, 2021 during regular working hours, at 3:00 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.

Announced by Chairperson Mr. Alex Rios.

**ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
NOVEMBER 17, 2021**

**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.

Announced by Chairperson Mr. Alex Rios.

**5. MINUTES**

- A. Consider approval of the Minutes for the October 27, 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 OCTOBER 27, 2021 REGULAR MEETING. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 4-0.**

**6. PUBLIC HEARINGS**

- A. Consider Variance to the City's Unified Development Code, Section 3.301 Single Family Residential Bulk Standards, Setbacks, being Lot 12, Block 346, Original Edinburg Townsite Subdivision, located at 524 West Champion Street, as requested by Daniel Guillen.

**MOTION WAS MADE BY BOARD MEMBER MR. JORGE ORTEGON AND SECONDED BY BOARD MEMBER MR. JASON DE LEON TO APPROVE THE VARIANCE REQUEST OF DANIEL GUILLEN, TO ALLOW THE CONSTRUCT OF A SWIMMING POOL IN THE FRONT YARD OF A SINGLE-FAMILY RESIDENTIAL LOT, AS SHOWN ON THE SITE PLAN. MOTION DID NOT CARRY. BOARD MEMBER MR. ALEX RIOS AND BOARD MEMBER MR. EDDIE GARZA DENIED THE REQUEST. MOTION WAS DENIED WITH A VOTE OF 2-2.**

**ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
NOVEMBER 17, 2021  
PAGE 3**

- B.** Consider Variance to the City's Unified Development Code, Section 3.303, Multi-Family Residential Bulk Standards, Setbacks, All of Lots 2-44, Bel-Air Estates Subdivision located at 2519 North Closner Boulevard, as requested by Parul Desai.

**MOTION WAS MADE BY BOARD MEMBER MR. JASON DE LEON AND SECONDED BY BOARD MEMBER MR. EDDIE GARZA TO APPROVE THIS VARIANCE REQUEST OF PARUL DESAI, TO ALLOW FOR THE REDUCE FRONT YARD SETBACKS OF A MULTI-FAMILY SUBDIVISION FROM 20 FT. TO 10 FT. IN ORDER TO CONSTRUCT CARPORTS IN THIS AREA, AS SHOWN ON THE SITE PLAN. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 4-0.**

- C.** Consider Variance to the City's Unified Development Code, Section 3.301, Single Family Residential Bulk Standards, Setbacks, & Section 3.505, Easements and Utilities, Lot 52, The Village at Los Lagos Subdivision, located at 1907 Malachi Street, as requested by Henry Gonzalez.

**MOTION WAS MADE BY BOARD MEMBER MR. JORGE ORTEGON AND SECONDED BY BOARD MEMBER MR. EDDIE GARZA TO APPROVE THE VARIANCE REQUEST OF HENRY GONZALEZ, TO ALLOW FOR AN EXISTING BUILDING THAT WAS CONSTRUCTED IN THE REQUIRED FRONT YARD SETBACK AND AN EXISTING CONCRETE PATIO AREA CONSTRUCTED OVER A 5FT. UTILITY EASEMENT, 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, Section 3.301, Single Family Residential Bulk Standards, Setbacks, & Section 3.505, Easements & Utilities, Lot 1, Chateau Estates Subdivision, located at 2701 Chateau Street, as requested by Joel A. Rios.

**MOTION WAS MADE BY BOARD MEMBER MR. JORGE ORTEGON AND SECONDED BY BOARD MEMBER MR. EDDIE GARZA TO APPROVE THE VARIANCE REQUEST OF JOEL A. RIOS, TO ALLOW FOR THE CONSTRUCTION OF A POOL IN THE REQUIRED REAR YARD SETBACK AND UTILITY EASEMENT, AS SHOWN ON THE SITE PLAN. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 4-0.**

- E.** Consider Variance to the City's Unified Development Code, Section 3.301 Single Family Residential Bulk Standards, Setbacks, being Lot 9, Block 239, Texas-Mexican Railway Company's Survey Subdivision, as per map of plat thereof recorded in Volume 1, Page 12, Map Road, as requested by Rio Delta Engineering.

**ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
NOVEMBER 17, 2021  
PAGE 4**

**MOTION WAS MADE BY BOARD MEMBER MR. EDDIE GARZA AND SECONDED BY BOARD MEMBER MR. JASON DE LEON TO APPROVE THE VARIANCE REQUEST OF RIO DELTA ENGINEERING, TO ALLOW FOR THE REDUCE REAR YARD SETBACKS TO 10 FT. 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, Section 3.505, Easement & Utilities, Being Lot 21 A, Stonny Brook Phase I Subdivision, located at 1602 Leann Rimes, as requested by Benito Gonzalez.

**MOTION WAS MADE BY BOARD MEMBER MR. EDDIE GARZA AND SECONDED BY BOARD MEMBER MR. JORGE ORTEGON TO APPROVE WITH A CONDITION OF OBTAINING AN APPROVAL LETTER FROM RELIANT ENERGY FOR THE VARIANCE REQUEST OF BENITO GONZALEZ, TO ALLOW FOR THE CONSTRUCTION OF A CARPORT IN AN ELECTRICAL UTILITY EASEMENT AT THE REAR OF DUPLEX APARTMENTS, AS SHOWN ON THE SITE PLAN. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 4-0.**

- G.** Consider Variance to the City's Unified Development Code, Section 3.505, Easement & Utilities, Being Lot 21 B, Stonny Brook Phase I Subdivision, located at 1606 Leann Rimes, as requested by Benito Gonzalez.

**MOTION WAS MADE BY BOARD MEMBER MR. EDDIE GARZA AND SECONDED BY BOARD MEMBER MR. JORGE ORTEGON TO APPROVE WITH A CONDITION OF OBTAINING AN APPROVAL LETTER FROM RELIANT ENERGY FOR THE VARIANCE REQUEST OF BENITO GONZALEZ, TO ALLOW FOR THE CONSTRUCTION OF A CARPORT IN AN ELECTRICAL UTILITY EASEMENT AT THE REAR OF DUPLEX APARTMENTS, AS SHOWN ON THE SITE PLAN. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 4-0.**

- H.** Consider Variance to the City's Unified Development Code, Section 2.301 (D), Fences, being lot 135, Los Lagos Phase IV Subdivision, located at 2716 Seton Street, as requested by Cesar & Blanca De La Garza.

**MOTION WAS MADE BY BOARD MEMBER MR. EDDIE GARZA AND SECONDED BY BOARD MEMBER MR. JORGE ORTEGON TO APPROVE THE VARIANCE REQUEST OF CESAR & BLANCA DE LA GARZA, TO ALLOW FOR THE PLACEMNET OF A FENCE IN THE FRONT OF THEIR PROPERTY ALONG SETON STREET, AS SHOWN ON THE SITE PLAN. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 4-0.**

**ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
NOVEMBER 17, 2021  
PAGE 5**

**7. DIRECTOR'S REPORT**

**MRS. KIMBERLY MENDOZA DISCUSSED THE UNIFIED DEVELOPMENT CODE UPDATE. SHE DISCUSSED MODULE 1 AND ADVISED THAT THE UNIFIED DEVELOPMENT CODE STEERING COMMITTEE WILL BE MEETING LATER IN THE MONTH AND ARE EXPECTING THE DRAFT FOR MODULE 2 OF THE UDC UPDATE.**

**8. INFORMATION ONLY**

**9. ADJOURNMENT**

There being no further business to consider, the meeting was adjourned at 5:38 P.M.

*Alejandra Gonzalez*

Alejandra Gonzalez, Administrative Assistant



## Planning & Zoning Staff Report

January 4, 2022

### ZONING BOARD OF ADJUSTMENT

Regular Meeting: January 20, 2022

#### Agenda Item 6A

Consider Variance to the City's Unified Development Code, Section 3.301, Single Family Residential Bulk Standards, Setbacks, Lot 210, Fairhaven Heights Subdivision Phase III, located at 1815 Nitsche Drive, as requested by Ericka Vicente Lopez

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#### Request

The applicant is requesting a variance to the City's Unified Development Code (UDC), Section 3.301, as it applies to setbacks. The applicant is proposing to construct a carport in the front yard of a single-family residential lot.

#### Property Location and Vicinity

The property is located on the north side of Nitsche Drive, approximately 175 ft. east of McCormack Drive, and is zoned Neighborhood Conservation 7.1 (NC7.1) District. Adjacent zoning is Neighborhood Conservation 7.1 (NC7.1) District in all directions.

#### Background and History

The property is part of the Fairhaven Heights Subdivision Phase III, which was recorded on July 28, 2006. The applicant is proposing to construct a carport approximately 20 ft. x 20 ft. up to 20 ft. into the required 25 ft. front yard setback. The applicant submitted a Building Permit Application for a carport on October 20, 2021. The plans show the structure encroaching in the front setback along Nitsche Drive. Subsequently, a Variance Request was submitted on November 23, 2021 to accommodate the project.

Staff mailed notice of this variance request to 67 neighboring property owners. Two comments in favor and one against this request had been received at the time this report was prepared.

#### Analysis

The property has 53.75 ft. of frontage on Nitsche Drive and 108 ft. of depth for a total lot area of 5,805 sq. ft. The lot and its single-family residential structure are typical for this neighborhood and surrounding area. There are four houses on Nitsche Drive with existing carports, and several others throughout the Fairhaven Heights Subdivision Phase III. However, of the houses on Nitsche Drive, none have a building permit or variance on file with the City. Code Enforcement is investigation possible violations at these locations.

The applicant stated that the carport is for medical reasons pertaining to her son. There is ample room in the rear yard for such a structure without requiring a variance or further compromising the character of the neighborhood.

# Planning & Zoning Staff Report

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There is a 5 ft. utility easement at the front of the subject property. The applicant indicated verbally that she would be agreeable to reducing the length of the proposed carport to respect the existing easement.

## **Recommendation**

Staff recommends disapproval of this request. The UDC expressly prohibits accessory structures in front yards. All of the carports on Nitsche Drive appear to have been built without proper permitting or variance. Allowing accessory structures in street yards would further compromise the quality and character of this neighborhood and should not be allowed. The applicant could consider replacing the shade tree that used to exist by the driveway. A shade structure in the rear yard could also be constructed without requiring a variance.

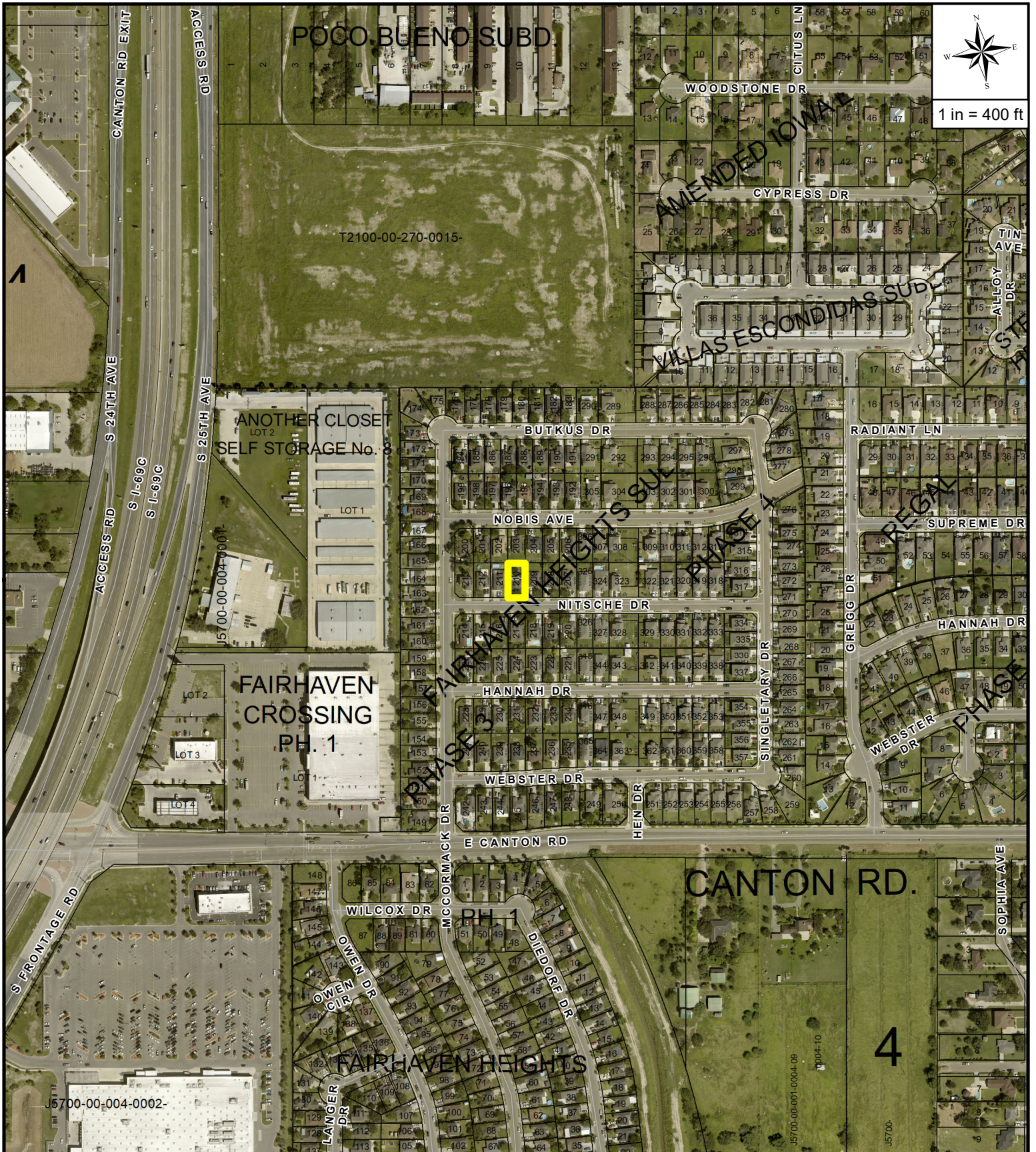
If approved, the applicant will need to comply with all other requirements during the permitting process. If approved, \$40 fee, payable to the County of Hidalgo, County Clerk's Office, for the recording of the ZBA order is also required. A location map, aerial map, photo, subdivision plat, site plan,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

Prepared by:

**D. Austin Colina**  
Planner I

Approved by:

**Kimberly A. Mendoza, MPA**  
Director of Planning & Zoning





**AERIAL MAP**

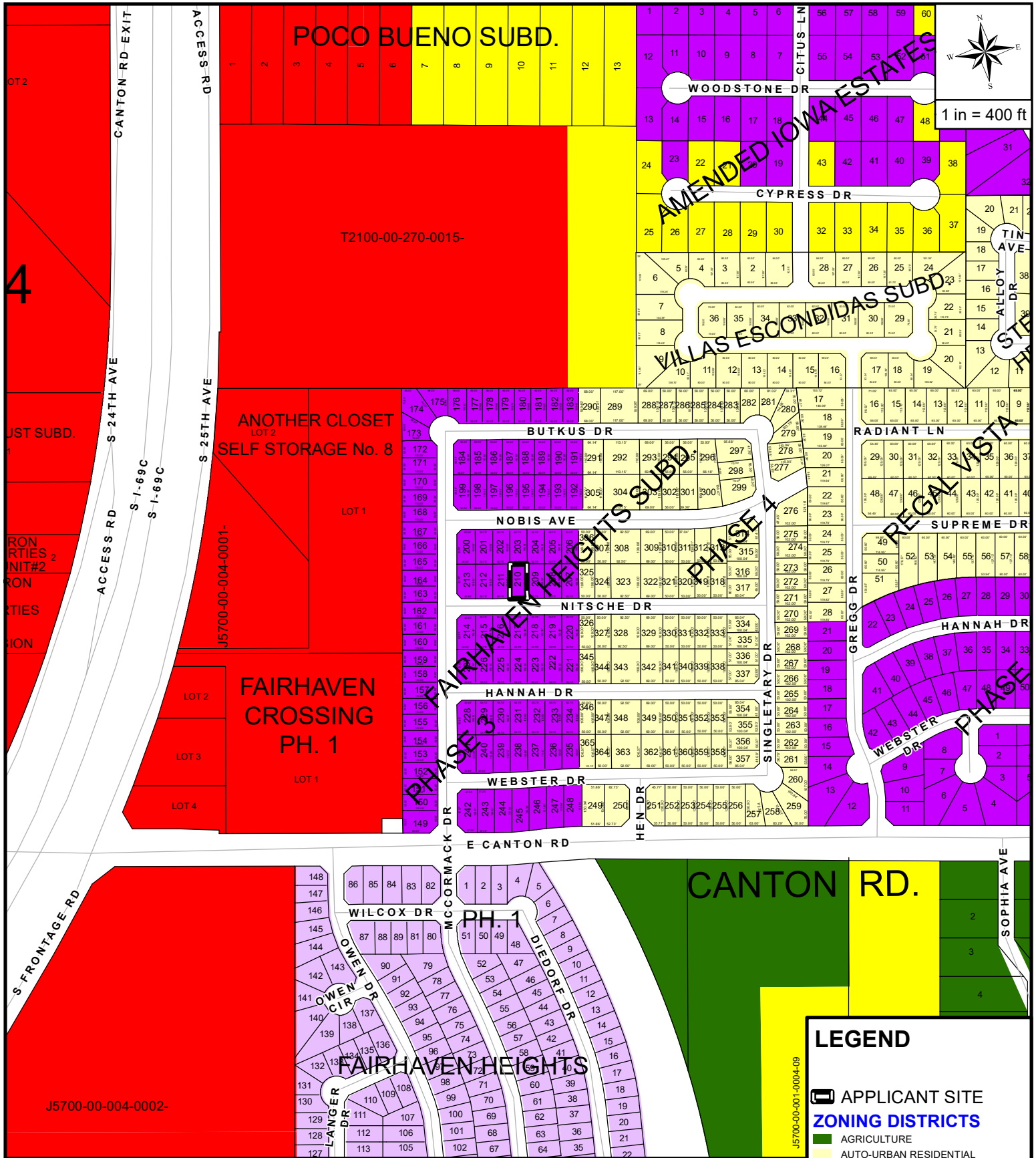
**APPLICANT AND/OR SUBDIVISION:**

**ERICKA VICENTE LOPEZ  
FAIRHAVEN HEIGHTS PH 3**

**LEGEND**

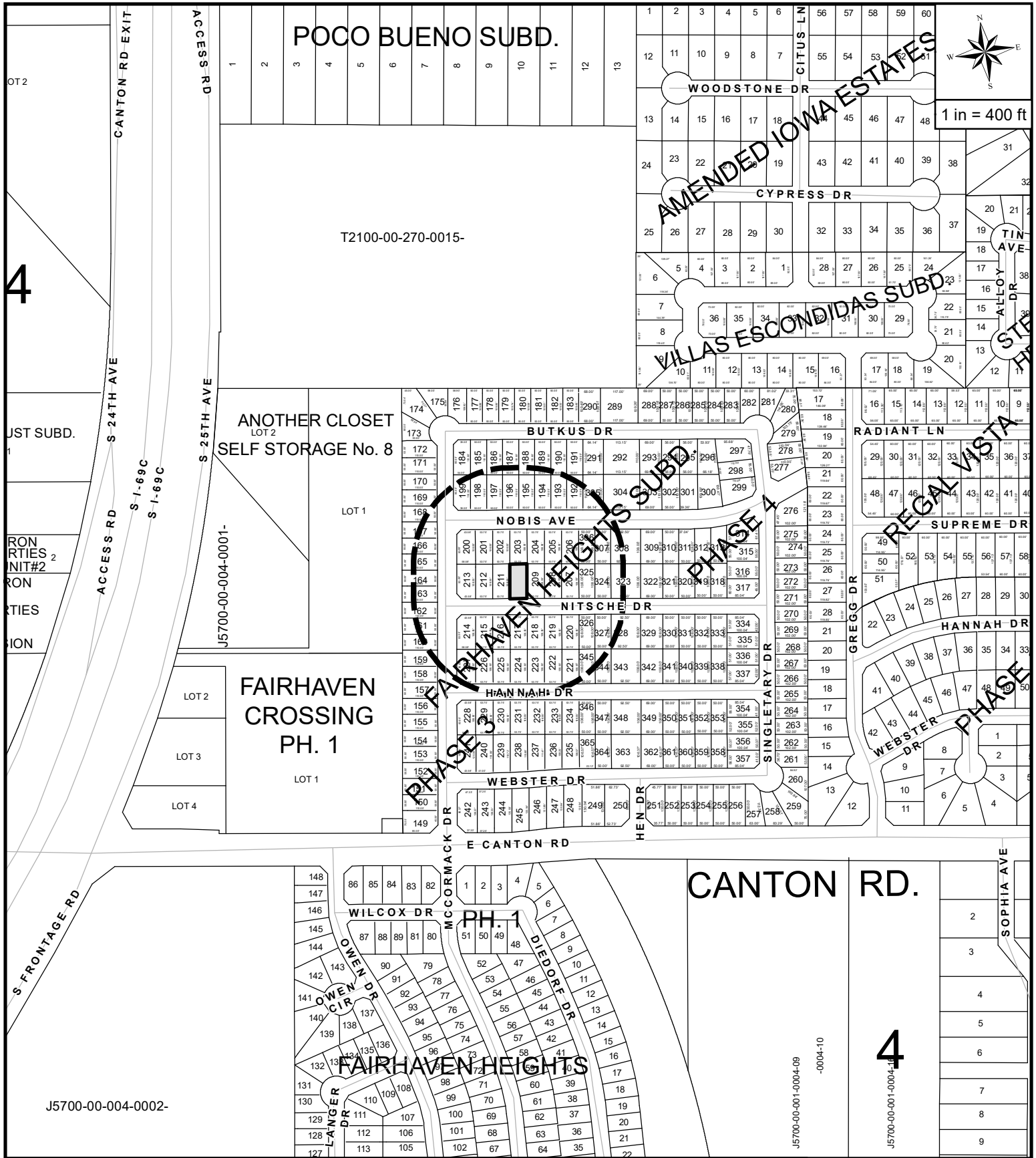
-  APPLICANT SITE
-  CITY LIMITS





**ZONING MAP**

**APPLICANT AND/OR SUBDIVISION:**  
**ERICKA VICENTE LOPEZ**  
**FAIRHAVEN HEIGHTS PH 3**






**AERIAL MAP**

**APPLICANT AND/OR SUBDIVISION:**

**ERICKA VICENTE LOPEZ**

**FAIRHAVEN HEIGHTS PH 3**

**LEGEND**

-  APPLICANT SITE
-  300FT NOTIFICATION
-  CITY LIMITS



# THE CITY OF Edinburg

## NOTIFICATION

Dear Property Owner:

A public hearing will be held on Tuesday, December 21, 2021, at 4:00 P.M. in the Edinburg City Hall, City Council Chambers, located at 415 West University Drive, at which time the Zoning Board of Adjustment will consider the following:

**CONSIDER VARIANCE TO THE CITY'S UNIFIED DEVELOPMENT CODE, SECTION 3.301, SINGLE FAMILY RESIDENTIAL BULK STANDARDS, SETBACKS, LOT 210, FAIRHAVEN HEIGHTS SUBDIVISION PHASE III, LOCATED AT 1815 NITSCHKE DRIVE, AS REQUESTED BY ERICKA VICENTE LOPEZ**

The variance requested would allow for the construction of a carport in the required front yard setback.

All property owners within 300 ft. of the subject property are sent this notice. The City wants to encourage greater participation in the process, and is using this notice to solicit your input, but no action or response is required. Should you have any questions or need more information regarding this notice, you may call (956) 388-8202.

You may return your response by one of the following:

- MAIL: P. O. Box 1079 Edinburg, Texas 78540
- FAX: (956) 292-2080 by Monday, December 20, 2021
- EMAIL: [planning@cityofedinburg.com](mailto:planning@cityofedinburg.com) by Monday, December 20, 2021

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

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

Comments: I would like to build one too.

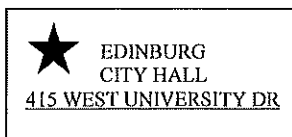
Print Name: Martin Martinez Phone No. 956-904-1566  
Address: 1816 Nitschke Dr City: Edinburg State: TX Zip: 78542

## NOTIFICACIÓN

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

### Planning and Zoning Department

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



University Dr. (S.H.107)

8<sup>th</sup> Ave.

RECEIVED

DEC 16 2021

Name: 1:52pm.



**NOTIFICATION**

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

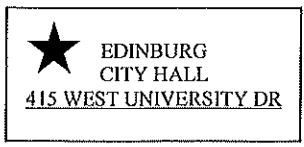
Comments: \_\_\_\_\_  
\_\_\_\_\_

Print Name: RUFEO CARBAJAL *[Signature]* Phone No: (956) 330 0620  
Address: 1810 NITSCHÉ DR City: EDINBURG State: TX Zip: 78542

**NOTIFICACIÓN**

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

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



RECEIVED

DEC 21 2021

Name: 11-09

University Dr. (S.H.107)

8<sup>th</sup> Ave.



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

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

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

\_\_\_\_\_

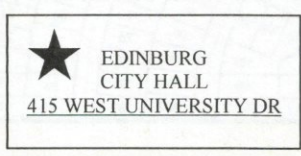
Print Name: Ana M Rios Phone No. 956-605-4699

Address: 1803 Nobis Ave City: Edinburg State: Tx Zip: 78542

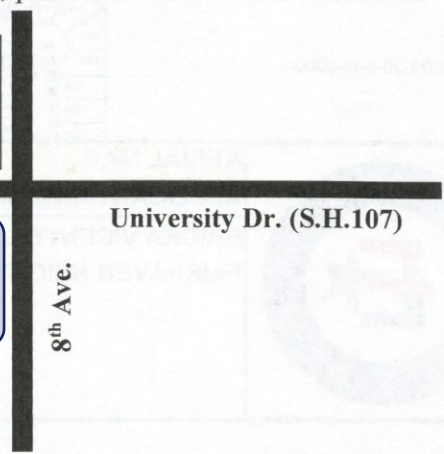
**NOTIFICACIÓN**

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



**RECEIVED**  
*By Nikki Marie Cavazos at 12:55 pm, Dec 17, 2021*  
**RECEIVED VIA EMAIL 12/17/2021 AT 12:38 PM**







Case #

Edinburg THE CITY OF

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

VAR-2021-0054

# Zoning Board of Adjustment Application Request for Variance

Nature of Request: 23'-3" INTO THE REQUIRED  
INSTEAD OF 25' FRONT YARD SETBACK

Reason for Hardship (attach additional pages if necessary)

Tengo un hijo con necesidades especiales que  
tenemos que sacarlo afuera para que él se  
calme cuando le da la ansiedad.

Property Description: Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_

Property Address: 1815 NITSCHKE

Present Property Zoning: Nc 7-1

Person requesting Variance: Ericca Vicente López

Mailing Address: 1815 Nitsche Dr. Edinburg TX. 78542  
Street Address City/State Zip Code

Phone No. (Home): 956-5627290 (Work): \_\_\_\_\_ (Cell): \_\_\_\_\_

Owner's Name: Ericca Vicente Lopez

Mailing Address: erickalopez1234567@gmail.com  
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: [Signature] Date: 11/9/21

Owner/Agent's Name (Please Print): \_\_\_\_\_

RECEIVED

\$450 Application Fee: \_\_\_\_\_ Application Received by: \_\_\_\_\_  
Receipt No. Name: [Signature] 9:36a.m.

NOV 23 2021

### 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





will need  
Construction & Materials  
Details

1815 Nitsche Dr. Edinburg Tx. 78542

Construccion: Techo de Fierro. soldado. 20 x 22. de dos aguas.

enterrado con semento 30 pulgadas, Lámina atornillada con tornillo. (250 pcs)  
altura 9pies, Tubo cuadrado 4x4,  
Purlin 4x2 11 pcs.

**RECEIVED**

NOV 23 2021

Name: 9:36am

Tel. 956-562 7290  
Santos & Ericka Rodriguez.

FRONT 25'  
REAR 20'  
SIDE 6'  
GAR 18'

SETBACKS AS PER PLAT:

NC 7.1

FAIRHAVEN HEIGHTS PH3 LOT 210

# Zoning Board of Adjustment

Site Photos for meeting of January 20, 2022

ERICKA VICENTE LOPEZ



## Planning & Zoning Staff Report

January 4, 2022

### ZONING BOARD OF ADJUSTMENT

Regular Meeting: January 20, 2022

#### **Agenda Item 6B**

Consider Variance to the City's Unified Development Code, Section 3.303, Multi-Family Lot and Building Standards, Setbacks, being 19.641 acres out of Lots 7 And 8, Texas-Mexican Railway Company's Survey, Lots 1-51 of proposed Sugar Mill Estates Subdivision, located at 1700 North Sugar Road, as requested by Novellini, LTD

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#### **Request**

The applicant is requesting a variance to the City's Unified Development Code (UDC), Section 3.301, as it applies to multifamily residential setbacks. The applicant is proposing to reduce the front, side, and rear setbacks for 51 lots in the proposed Sugar Mill Estates Subdivision by as much as 50% of UDC requirements.

#### **Property Location and Vicinity**

The properties are located in the proposed Sugar Mill Estates Subdivision on the east side of North Sugar Road, approximately 950 ft. north of West Chapin Street. Zoning for these lots was rezoned to Urban Residential (UR) District on June 1, 2021. Adjacent zoning is Urban Residential (UR) District to the north, Suburban Residential (S) District to the south and west, and Neighborhood Conservation 7.1 (NC7.1) District to the east. Surrounding land uses are residential with some vacant land.

#### **Background and History**

The proposed Sugar Mill Estates Subdivision received preliminary approval by the Planning & Zoning Commission on May 11, 2021. The applicant is proposing to develop a multifamily development of duplexes at this location.

Subdivision Variances reducing the required right of way for streets, required lot width, and required lot area for this subdivision were granted by the City Council at their meeting of August 17, 2021.

A Zoning Board of Adjustment Request for Variance Application, with a letter from the project engineer, was submitted to the City on December 6, 2021. The application is requesting a reduction for front, side, and rear setbacks for lots 1 through 51 in this subdivision.

Staff mailed notice of this variance request to 70 neighboring property owners. No comments in favor and five against this request had been received at the time this report was prepared.

# Planning & Zoning Staff Report

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## Analysis

The lots associated with this request constitute the majority of the proposed Sugar Mill Estates Subdivision. The plat for the proposed subdivision has approximately 330 ft. of frontage on North Sugar Road and an “L” shape that gives it 85.72 ft. of frontage on West Chapin Road. The plat shows a main access point on North Sugar Road at the northwest side and a connection to Shavano Drive at the northeast side.

Multi-Family Lot and Building Standards, as required by the UDC, call for 20 ft. setbacks for street yards and rear yards and 6 ft. setbacks per side. Site plans submitted to the City during the subdivision review and variance process showed proposed structures that met the required 20 ft. front/rear and 6 ft. side setbacks. The variance now requested proposes a drastic reduction the front and rear setbacks, from 20 ft. to 10 ft., and a reduction to the side setbacks from 6 ft. to 5 ft., a reduction of 50% and 16.67% respectively. The preliminary plat proposes a 15 ft. utility easement along the street yards for some lots. This easement is greater than the setback requested and may pose a problem without reduction of the easement or further variance.

Two Subdivision Variances have been approved for this subdivision, reducing the required street right-of-way by 16.67% and the reducing the required lot width by 20% or more per lot.

## Recommendation

Staff recommends disapproval of this request. Setbacks provide for more desirable development by providing access, visibility, ventilation, lighting, sound dispersion, drainage, and landscaping. The reduction of front and rear setbacks by 50% and side setbacks by 16.67% would result in a nonconforming development. No reason for this request was given with the Request for Variance Application, and no hardship for this variance has been established.

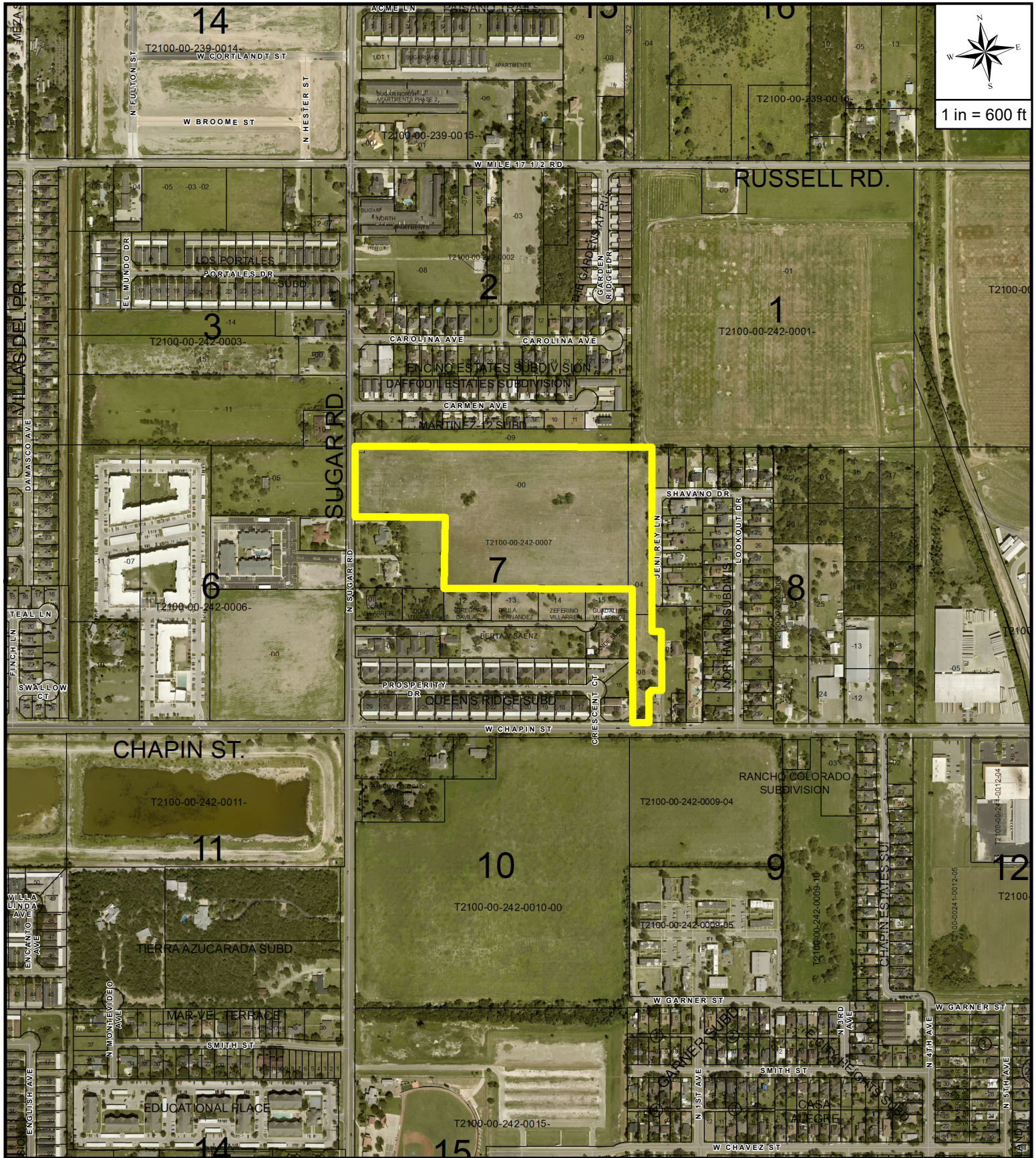
If approved, the applicant will need to comply with all other requirements during the permitting process. If approved, \$40 fee, payable to the County of Hidalgo, County Clerk’s Office, for the recording of the ZBA order is also required. A location map, aerial map, photo, subdivision plat, site plan, and application from the property owner are attached for the Board’s consideration.

Prepared by:

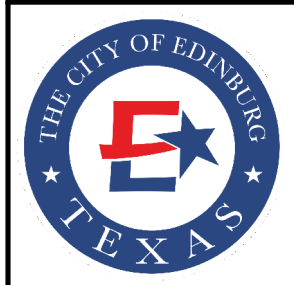
**D. Austin Colina**  
Planner I

Approved by:

**Kimberly A. Mendoza, MPA**  
Director of Planning & Zoning





1 in = 600 ft

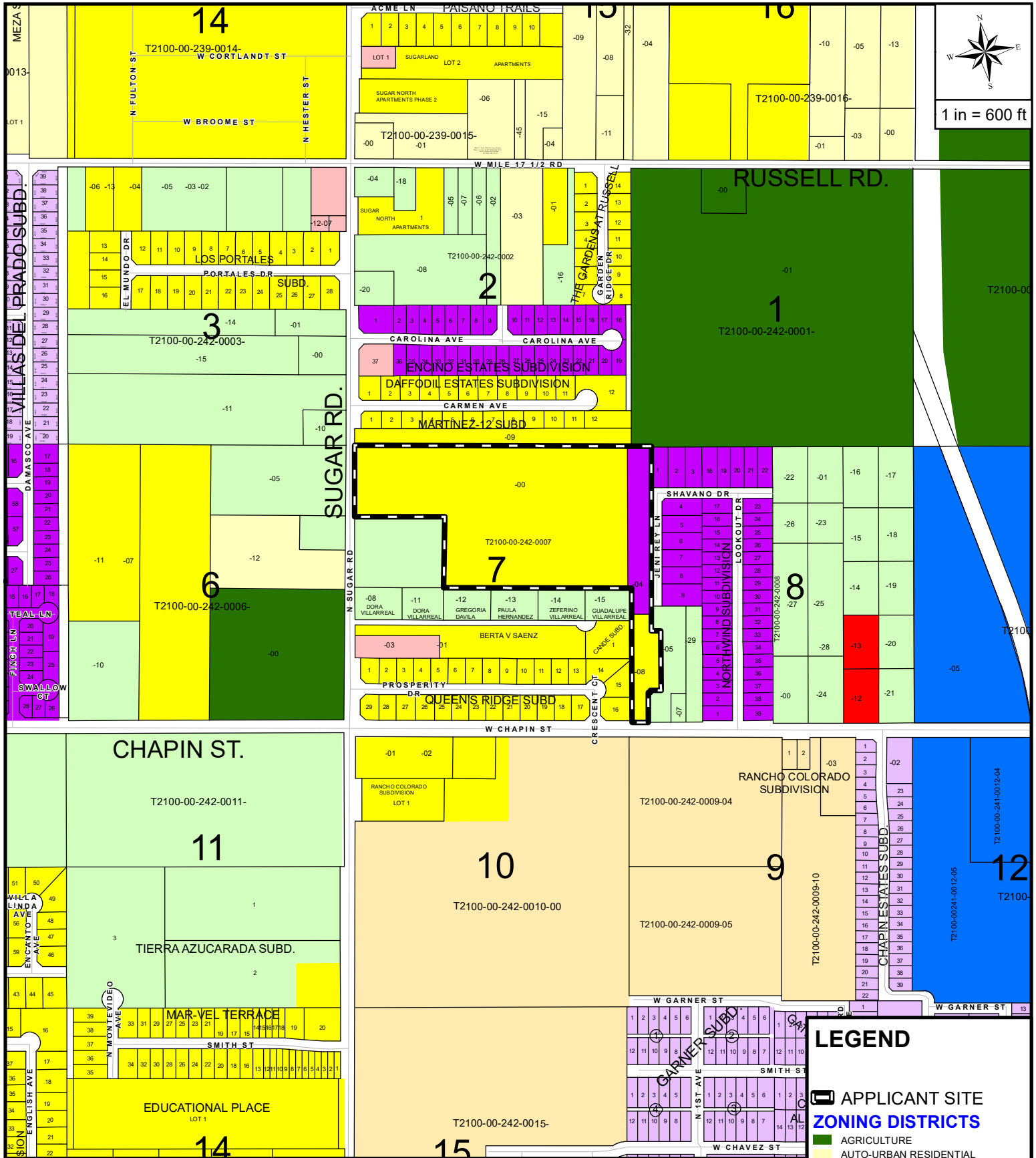


**AERIAL MAP**

**APPLICANT AND/OR SUBDIVISION:**  
**NOVELLINI LTD**  
**SUGAR MILL ESTATES**

**LEGEND**

-  APPLICANT SITE
-  CITY LIMITS



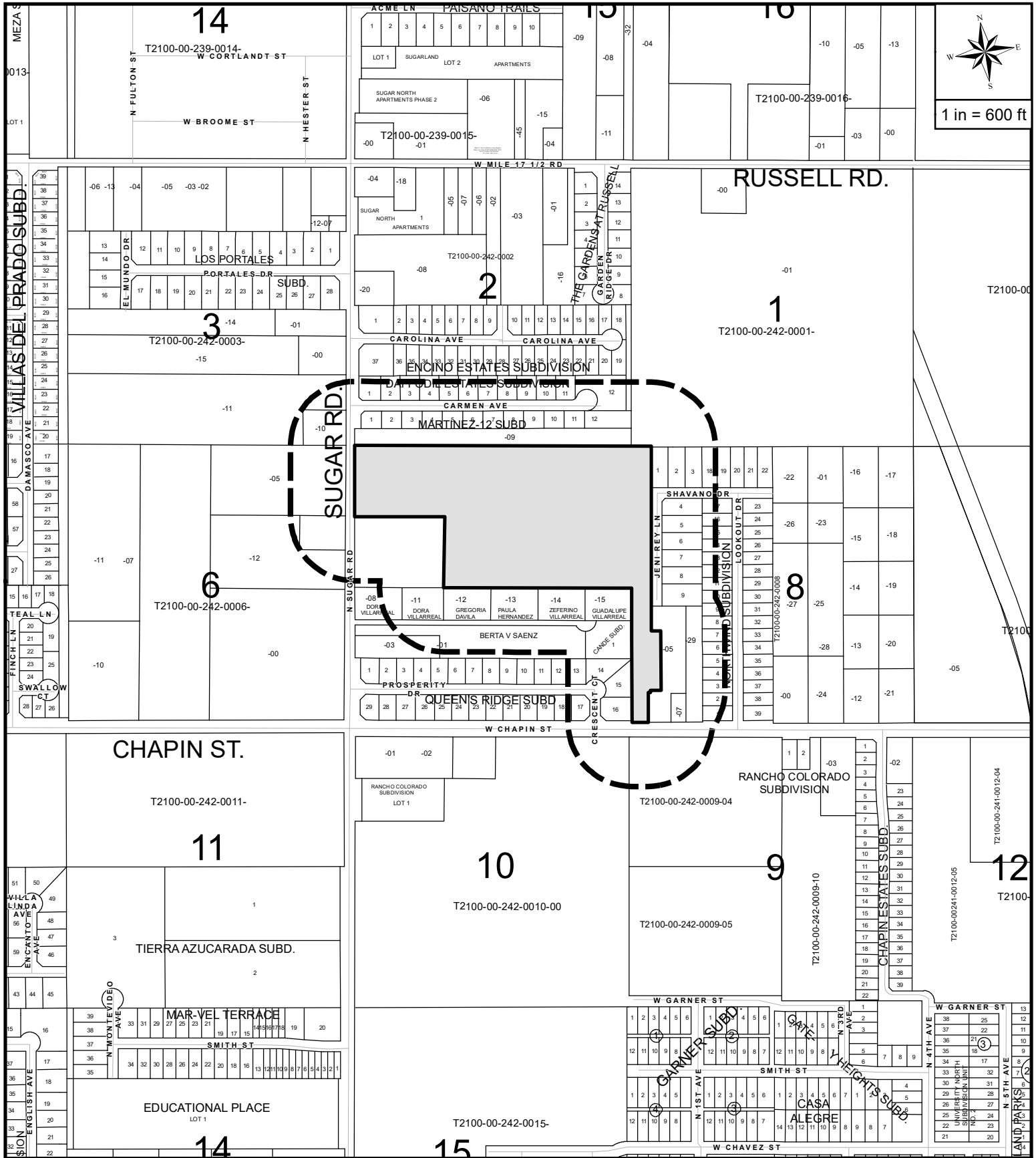
**ZONING MAP**

**APPLICANT AND/OR SUBDIVISION:**

**NOVELLINI LTD**  
**SUGAR MILL ESTATES**










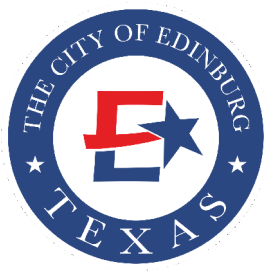
**SITE MAP**

**APPLICANT AND/OR SUBDIVISION:**

**NOVELLINI LTD**  
**SUGAR MILL ESTATES**

**LEGEND**

-  APPLICANT SITE
-  300FT NOTIFICATION
-  CITY LIMITS





**NOTIFICATION**

Dear Property Owner:

A public hearing will be held on Tuesday, December 21, 2021, at 4:00 P.M. in the Edinburg City Hall, City Council Chambers, located at 415 West University Drive, at which time the Zoning Board of Adjustment will consider the following:

**CONSIDER VARIANCE TO THE CITY'S UNIFIED DEVELOPMENT CODE, SECTION 3.301, SINGLE FAMILY RESIDENTIAL BULK STANDARDS, SETBACKS, BEING 19.641 ACRES OUT OF LOTS 7 AND 8, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, LOTS 1-51 OF PROPOSED SUGAR MILL ESTATES SUBDIVISION, LOCATED AT 1700 NORTH SUGAR ROAD, AS REQUESTED BY NOVELLINI, LTD**

The variance requested would reduce required front yard setbacks from 20 ft. to 10 ft., reduce rear yard setbacks from 20 ft. to 10 ft., and reduce side yard setbacks from 6 ft. to 5 ft. on 51 lots in this subdivision.

All property owners within 300 ft. of the subject property are sent this notice. The City wants to encourage greater participation in the process, and is using this notice to solicit your input, but no action or response is required. Should you have any questions or need more information regarding this notice, you may call (956) 388-8202.

You may return your response by one of the following:

- MAIL: P. O. Box 1079 Edinburg, Texas 78540
- FAX: (956) 292-2080 by Monday, December 20, 2021
- EMAIL: [planning@cityofedinburg.com](mailto:planning@cityofedinburg.com) by Monday, December 20, 2021

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

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

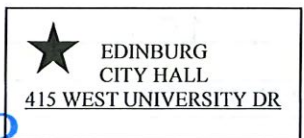
Comments: \_\_\_\_\_

Print Name: DENISE MARTINEZ Phone No. 956 537 5884  
Address: 1612 N SUGAR RD City: EDINBURG State: TX Zip: 78541

**NOTIFICACIÓN**

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

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



RECEIVED

DEC 23 2021

Name: 8:16

University Dr. (S.H.107)

8<sup>th</sup> Ave.



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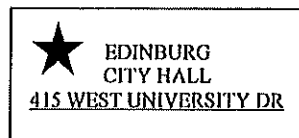
Comments: \_\_\_\_\_

Print Name: Andrew L Almaguer Phone No. (956) 345-3234  
Address: 1608 W. SUGAR Rd City: Edinburg State: TX Zip: 78541

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



RECEIVED

DEC 21 2021

Name: 1144

University Dr. (S.H.107)

8<sup>th</sup> Ave.



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Comments: This would not be fair, these restrictions are set for all of the residents of the city of Edinburg. It would be unfair to waive these restrictions for these individuals or company, to increase their profits.

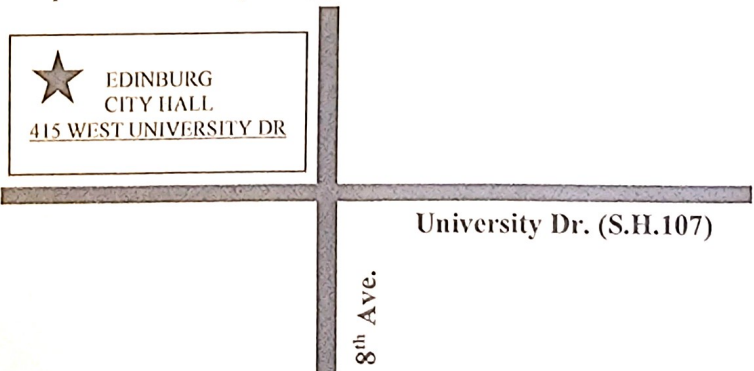
Print Name: Hermilo Longoria Jr. Phone No. 956-735-4180

Address: 1606 Jen. Rey Ln City: Edinburg State: TX Zip: 78541

**NOTIFICACIÓN**

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



University Dr. (S.H.107)

8<sup>th</sup> Ave.



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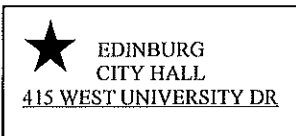
Comments: \_\_\_\_\_

Print Name: DIANA A ADAMS Phone No. 956-821 9012  
 Address: 1501 Lookout Dr City: Edinburg State: TX Zip: 78541

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



RECEIVED

DEC 17 2021

Name: 2:25 PM

University Dr. (S.H.107)

8<sup>th</sup> Ave.



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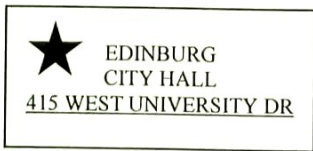
Print Name: BRUNO LOZANO Phone No. 956 735 2784

Address: 1614 Deni Rey Lane City: Edinburg State: Tx Zip: 78541

**NOTIFICACIÓN**

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



University Dr. (S.H.107)

8<sup>th</sup> Ave.



Case #

THE CITY OF 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: Variance for Setbacks

Reason for Hardship (attach additional pages if necessary)

Please see attachment

Property Description: Lot 7&8 Block \_\_\_\_\_ Subdivision Texas Mexican Railway Compan

Property Address: \_\_\_\_\_

Present Property Zoning: AU - Auto-Urban Residential

Person requesting Variance: Melden & Hunt, Inc. c/o Mario A. Reyna

Mailing Address: 115 W. McIntyre Street  
Street Address City/State Zip Code

Phone No. (Home): \_\_\_\_\_ (Work): 381-0981 (Cell): \_\_\_\_\_

Owner's Name: Novellini, LTD

Mailing Address: 4001 S Shary Rd Ste 550 Mission TX 78572  
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: 12-6-21

Owner/Agent's Name (Please Print): \_\_\_\_\_

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

OFFICE USE ONLY

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

REC'D  
12-6-21

- \$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



TBPELS Firm # F-1435  
TBPELS # 10096900

# MELDEN & HUNT INC.

CONSULTANTS • ENGINEERS • SURVEYORS

FRED L. KURTH • ALLAN F. BOOE • KELLEY A. HELLER-VELA • ROBERTO N. TAMEZ • MARIO A. REYNA • RUBEN JAMES DE JESUS

December 6, 2021

Nikki Cavazos, Planner I  
**CITY OF EDINBURG PLANNING DEPT.**  
415 W. University Drive  
Edinburg, TX 78541

**RE: SUGAR MILL ESTATES – VARIANCE REQUEST ON SETBACKS**

Dear Ms. Cavazos -

On behalf of the developer, Novellini, LTD., and in reference to Sugar Mill Estates, we respectfully request a variance on the following items:

**1. SETBACKS FOR URBAN RESIDENTIAL**

{request variance on current 20-foot front setback}  
{request variance on current 6-foot side setback}  
{request variance on current 20-foot rear setback}:

- a.) Lots 1 thru 51 – change front setback from 20 feet to 10 feet
- b.) Lots 1 thru 51 – change side setback from 6 feet to 5 feet
- c.) Lots 1 thru 51 – change rear setback from 20 feet to 10 feet

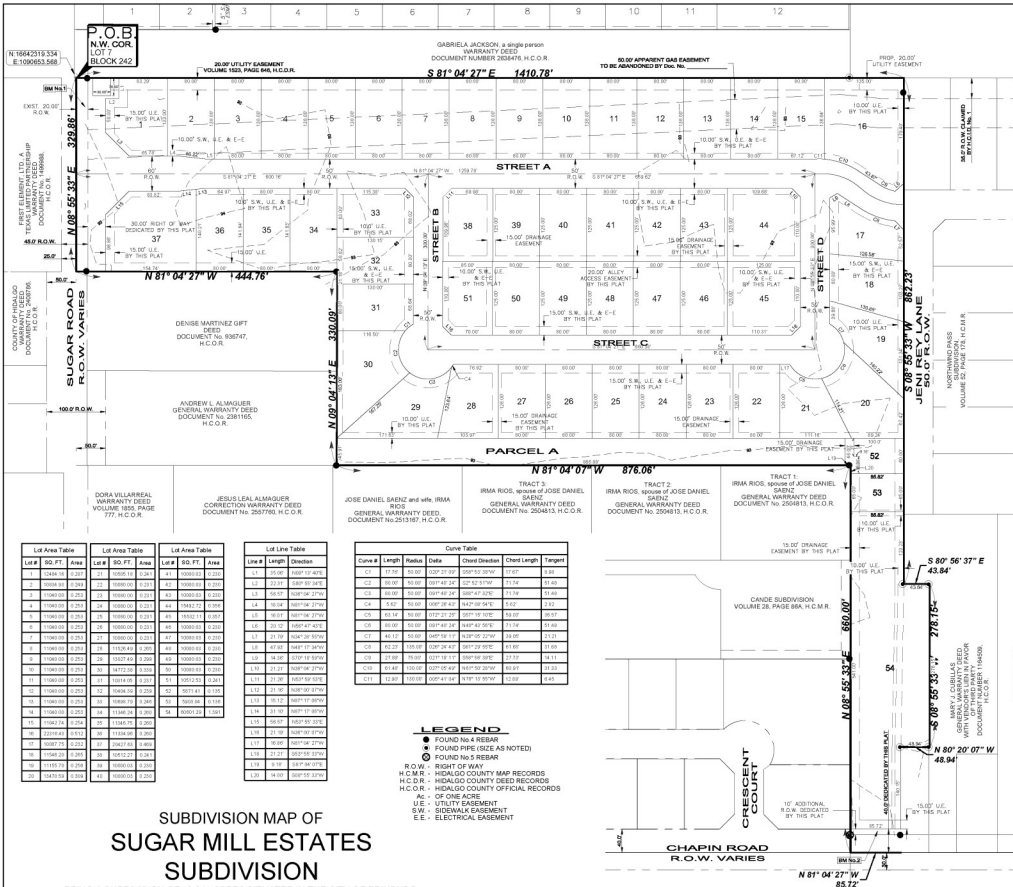
Please consider this request and advise us as soon as possible on your decision. If you have any questions or comments, please contact our office. Thank you.

Sincerely,  
MELDEN & HUNT, INC.

Mario A. Reyna, P.E., R.P.L.S.  
Vice-President

Cc: Novellini, LTD, Developer





Lot	Area	Lot	Area	Lot	Area	Lot	Area
1	10,211.12	17	10,211.12	33	10,211.12	49	10,211.12
2	10,211.12	18	10,211.12	34	10,211.12	50	10,211.12
3	10,211.12	19	10,211.12	35	10,211.12	51	10,211.12
4	10,211.12	20	10,211.12	36	10,211.12	52	10,211.12
5	10,211.12	21	10,211.12	37	10,211.12	53	10,211.12
6	10,211.12	22	10,211.12	38	10,211.12	54	10,211.12
7	10,211.12	23	10,211.12	39	10,211.12		
8	10,211.12	24	10,211.12	40	10,211.12		
9	10,211.12	25	10,211.12	41	10,211.12		
10	10,211.12	26	10,211.12	42	10,211.12		
11	10,211.12	27	10,211.12	43	10,211.12		
12	10,211.12	28	10,211.12	44	10,211.12		
13	10,211.12	29	10,211.12	45	10,211.12		
14	10,211.12	30	10,211.12	46	10,211.12		
15	10,211.12	31	10,211.12	47	10,211.12		
16	10,211.12	32	10,211.12	48	10,211.12		

Lot	Area	Lot	Area	Lot	Area	Lot	Area
1	10,211.12	17	10,211.12	33	10,211.12	49	10,211.12
2	10,211.12	18	10,211.12	34	10,211.12	50	10,211.12
3	10,211.12	19	10,211.12	35	10,211.12	51	10,211.12
4	10,211.12	20	10,211.12	36	10,211.12	52	10,211.12
5	10,211.12	21	10,211.12	37	10,211.12	53	10,211.12
6	10,211.12	22	10,211.12	38	10,211.12	54	10,211.12
7	10,211.12	23	10,211.12	39	10,211.12		
8	10,211.12	24	10,211.12	40	10,211.12		
9	10,211.12	25	10,211.12	41	10,211.12		
10	10,211.12	26	10,211.12	42	10,211.12		
11	10,211.12	27	10,211.12	43	10,211.12		
12	10,211.12	28	10,211.12	44	10,211.12		
13	10,211.12	29	10,211.12	45	10,211.12		
14	10,211.12	30	10,211.12	46	10,211.12		
15	10,211.12	31	10,211.12	47	10,211.12		
16	10,211.12	32	10,211.12	48	10,211.12		

**LEGEND**  
 FOUND NO. 4 REBAR  
 FOUND PIPE (SIZE AS NOTED)  
 FOUND NO. 5 REBAR  
 RIGHT OF WAY  
 H.C.M.R. - HIDALGO COUNTY MAP RECORDS  
 H.C.D.R. - HIDALGO COUNTY DEED RECORDS  
 H.C.O.R. - HIDALGO COUNTY OFFICIAL RECORDS  
 R.C. - RIGHT OF CORNER  
 S.W. - SIDEWALK EASEMENT  
 E.E. - ELECTRICAL EASEMENT



**GENERAL PLAT NOTES & RESTRICTIONS**

1. SETBACKS: 20.00 FEET OR EASEMENT, WHICHEVER IS GREATER; REAR: 4.00 FEET OR EASEMENT, WHICHEVER IS GREATER; FRONT (DUAL-DE-SIDE): 15.00 FEET OR EASEMENT, WHICHEVER IS GREATER; REAR (DUAL-DE-SIDE): 15.00 FEET OR EASEMENT, WHICHEVER IS GREATER; SIDE CORNER GARAGE: 15.00 FEET OR EASEMENT, WHICHEVER IS GREATER.
2. MINIMUM FINISHED FLOOR ELEVATION SHALL BE 18" ABOVE THE CENTER LINE OF STREET OR 18" ABOVE NATURAL GROUND, WHICHEVER IS GREATER. ELEVATION CERTIFICATE MAY BE REQUIRED FOR LOTS LOCATED WITHIN A DESIGNATED FLOOD ZONE AT THE TIME OF APPLICATION FOR CONSTRUCTION TO VERIFY PRE AND POST CONSTRUCTION FINISHED FLOOR ELEVATIONS. AN ELEVATION CERTIFICATE SHALL BE REQUIRED FOR ALL LOTS WITHIN A DESIGNATED FLOOD ZONE AT THE TIME FOR A DEVELOPMENT PERMIT APPLICATION.
3. THE FOLLOWING BENCHMARKS ARE IDENTIFIED ON THE FACE OF THE PLAT AND ON THE ATTACHED ENGINEERING PLANS, AS PER NAVD 88 (11/01/2003): BENCH MARK #1 - IRON ROD SET APPROXIMATELY 10.5 FT. EAST FROM THE SOUTHWEST CORNER OF LOT 1, N. 1664240.00, E. 1081514.00, ELEVATION: 87.24; BENCH MARK #2 - IRON ROD SET APPROXIMATELY 80' EAST FROM THE SOUTHWEST CORNER OF BOUNDARY, N. 1664240.00, E. 1081514.00, ELEVATION: 87.24.
4. IN ACCORDANCE WITH THE HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 AND HIDALGO COUNTY REQUIREMENTS, THIS DEVELOPMENT WILL BE REQUIRED TO OBTAIN A TOTAL OF 108,233 CUBIC FEET (EARTH AND FILL) OF STORM WATER RUNOFF DRAINAGE DETENTION IN ACCORDANCE WITH THE LOCAL REQUIREMENTS WILL BE ACCOMPLISHED AS FOLLOWS: THE DEVELOPER SHALL BE RESPONSIBLE TO DETAIN AND ACCUMULATE MORE THAN THE DETAINED VOLUME SHOWN ABOVE IF IT DETERMINES AT THE DEVELOPMENT PERMIT STAGE THAT THE DETENTION REQUIREMENTS ARE GREATER THAN STATED ABOVE DUE TO THE IMPROVED AREA BEING GREATER THAN CONSIDERED FOR HIS CALCULATIONS OF THIS SUBDIVISION.
5. NO STRUCTURE SHALL BE PERMITTED OVER ANY EASEMENT. EASEMENTS SHALL BE NOT CLEAR OF BUILDINGS, SHEDS, SHRUBS TREES AND OTHER PLANTINGS (EXCEPT LOW LESS THAN 18 INCHES MATURE HEIGHT, GROUND COVER, GRASS, OR FLOWERS) AND OTHER OBSTRUCTIONS THAT WOULD INTERFERE WITH THE OPERATIONS AND MAINTENANCE OF THE EASEMENT.
6. A 5 FOOT SIDEWALK WITH ADA RAMPS IS REQUIRED ALONG N. SUGAR ROAD, CHAPIN ROAD & JENNY LANE BY DEVELOPER DURING SUBDIVISION CONSTRUCTION. LOT OWNERS WILL BE RESPONSIBLE FOR 5 FOOT SIDEWALK AND ADA RAMPS AS PER CITY OF HIDALGO STANDARDS AT BUILDING PERMIT STAGE.
7. ALL CONSTRUCTION SHALL COMPLY WITH STORM WATER POLLUTION PREVENTION PLAN (SWPPP) REQUIREMENTS.
8. ALL LOT GRADING TO BE AT 1% FROM REAR TO FRONT OF LOT.
9. LOT 1 & 37 SHALL NOT HAVE ACCESS FROM SUGAR ROAD. LOTS 5 & 53 SHALL HAVE ACCESS FROM JENNY LANE & LOT 54 SHALL HAVE ACCESS FROM CHAPIN ROAD.
10. 50% OF PARK LAND FEE (\$300.00 PER UNIT WILL BE DUE AT BUILDING PERMIT STAGE FOR LOTS 1-17 & 20-54.
11. PRIVATE DETENTION TO BE MAINTAINED BY OWNER AND SHALL NOT BE SOLD BY OWNER OR CONVEYED.

STATE OF TEXAS  
 COUNTY OF HIDALGO

APPROVED BY DRAINAGE DISTRICT:  
 HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT APPROVED UNDER TEXAS WATER CODE, §49.121. THE DISTRICT HAS REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER AND HIS/HER ENGINEERS TO MAKE THEIR DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1  
 RALL E. SESIN, P.E., C.E.M.  
 GENERAL MANAGER

THIS PLAT APPROVED BY THE HIDALGO COUNTY IRRIGATION DISTRICT NO. 1 ON THIS THE DAY OF 20.

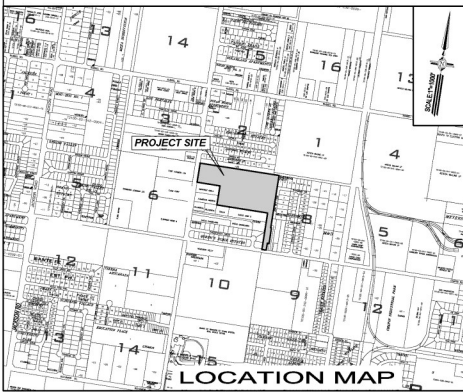
HIDALGO COUNTY IRRIGATION DISTRICT NO. 1 WILL NOT BE RESPONSIBLE FOR DRAINAGE OR DELIVERY OF WATER TO ANY LOT IN THIS SUBDIVISION. ALSO, THERE WILL NOT BE ANY PERMANENT STRUCTURES ON THE DISTRICT RIGHT-OF-WAY OR EASEMENTS.  
 NO IMPROVEMENTS OF ANY KIND SHALL BE PLACED UPON THE HIGHWAY RIGHT-OF-WAY OR EASEMENTS WITHOUT THE EXPRESSED WRITTEN PERMISSION OF HCDI.

PRESIDENT SECRETARY

FILED FOR RECORD IN  
 ARTURO GUARDO, JR.  
 HIDALGO COUNTY CLERK

ON: AT AM/PM  
 INSTRUMENT NUMBER  
 OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS  
 BY: DEPUTY

MELDEN & HUNT INC.  
 CONSULTANTS ENGINEERS & SURVEYORS  
 115 W MONTYRE - EDINBURG, TX 78841  
 PH: (830) 381-0881 - FAX: (830) 381-1839  
 ESTABLISHED 1947 - www.meldenandhunt.com



STATE OF TEXAS  
 COUNTY OF HIDALGO  
 I, THE UNDERSIGNED OWNERS OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS SUGAR MILL ESTATES SUBDIVISION, DO HEREBY GRANT AN EASEMENT TO THE CITY OF EDINBURG AND THOSE WHO MAY HIRE OR CONTRACT WITH THE CITY OF EDINBURG FOR THE INSTALLATION OF TRAFFIC CONTROL DEVICES, SIDEWALKS AND OTHER IMPROVEMENTS AND EASEMENTS THEREON SHOWN SURFACE AND SUBSURFACE ON THE STREET AND ALLEYS RESTRICTED TO THE EMPLOYEES OF THE CITY OF EDINBURG AND EMPLOYEES OF UTILITIES OPERATING UNDER FRANCHISE TO THE CITY OF EDINBURG AND RESIDENTS OF THE SUBDIVISION AND THEIR GUESTS. THE STREET LIGHTS TRAFFIC CONTROL DEVICES AND OTHER IMPROVEMENTS SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION WITHIN THE SUBDIVISION. THE OWNERS OF THE LOTS SERVED BY THE PRIVATE STREETS, ALLEYS AND PRIVATE UTILITY SERVICE PERSONNEL, THE U.S. POSTAL SERVICE AND GOVERNMENTAL EMPLOYEES IN PURSUANT OF THEIR OFFICIAL DUTIES AND THEIR GUESTS. THE STREET LIGHTS TRAFFIC CONTROL DEVICES AND OTHER IMPROVEMENTS SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION WITHIN THE SUBDIVISION. THIS PLAT AGREES TO RELEASE, INDEMNIFY, DEFEND AND HOLD HARMLESS ANY GOVERNMENTAL ENTITY FOR DAMAGES TO THE PRIVATE STREETS, ALLEYS AND ACCESS EASEMENTS OCCASIONED BY THE REASONABLE USE THEREOF BY THE GOVERNMENTAL ENTITY FOR GOVERNMENTAL PURPOSES AND TO RELEASE, INDEMNIFY, DEFEND AND HOLD HARMLESS ANY GOVERNMENTAL ENTITY FOR DAMAGES ARISING FROM THE CONDITION OF PRIVATE STREETS, ALLEYS, OR PRIVATE ACCESS EASEMENTS. THE MAINTENANCE OF PRIVATE STREET SIGNS SHALL NOT BE RESPONSIBILITY OF THE CITY OF EDINBURG.

MIGUEL A. PEREZ, MANAGING MEMBER  
 NOVLENE LTD, A TEXAS LIMITED PARTNERSHIP  
 4001 S. SHAW ST. STE. 500  
 MCKINNEY, TX 75052

STATE OF TEXAS  
 COUNTY OF HIDALGO  
 BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, ON THIS DAY PERSONALLY APPEARED MIGUEL A. PEREZ, AND AVOIDED TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND TO BE MY FIRST DULY BOUND AND CALLED THAT THE STATEMENTS THEREIN ARE TRUE AND CORRECT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND AS CONSIDERED BY THEM.

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

NOTARY PUBLIC IN THE STATE OF TEXAS  
 MY COMMISSION EXPIRES

STATE OF TEXAS  
 COUNTY OF HIDALGO

I, THE UNDERSIGNED, MARIA A. REYNA, A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS AND IS A TRUE AND ACCURATE REPRESENTATION OF THE SUBDIVISION OF THE LANDS HEREON DESCRIBED.

MARIA A. REYNA, P.E. #117388  
 DATE SURVEYED: 04-05-2021  
 JOB NO.: 21160-01



STATE OF TEXAS  
 COUNTY OF HIDALGO

I, FRED L. KURTH, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE FROM AN ACTUAL SURVEY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON, AND THAT THERE ARE NO APPARENT DISCREPANCIES, COMPLETE OVERLAPPING OR IMPROVEMENTS WIRE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN ON THE ACCOMPANYING PLAT, AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER THIS SUBDIVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE COUNTY OF HIDALGO, TEXAS.

DATE THIS THE DAY OF 20.

FRED L. KURTH, P.L.S. No. 4750  
 STATE OF TEXAS  
 DATE SURVEYED: 04-06-2021  
 SURVEY JOB # 21344-08

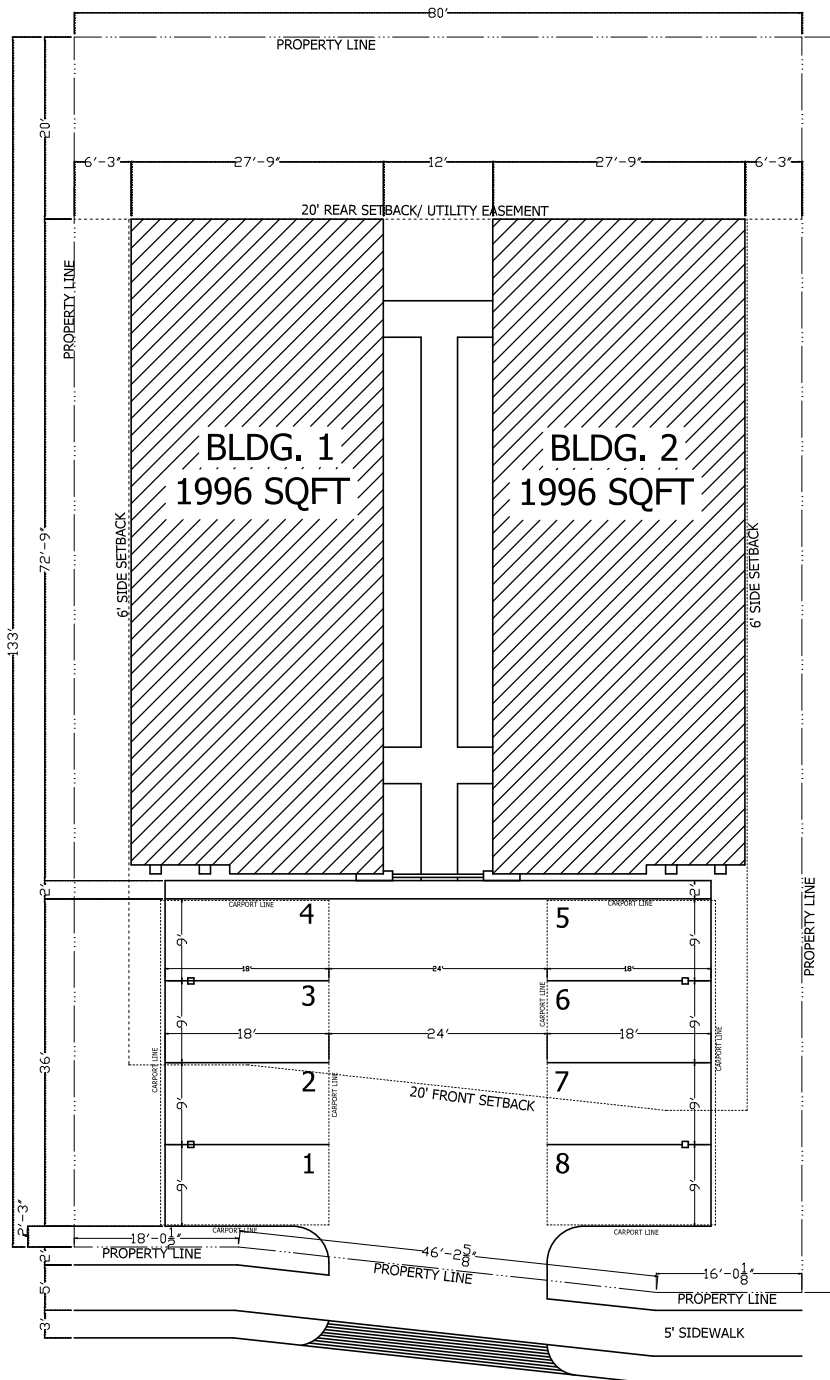
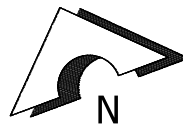


I, THE UNDERSIGNED, CHAIRPERSON OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF EDINBURG, TEXAS DO HEREBY CERTIFY THAT THE SUBDIVISION PLAT KNOWN AS SUGAR MILL ESTATES SUBDIVISION CONFORMS TO ALL SUBDIVISION REQUIREMENTS OF THIS CITY WHEN MY APPROVAL IS REQUIRED AND HAS BEEN APPROVED FOR RECORDS ON THIS DAY OF 2020.

CHAIRPERSON PLANNING AND ZONING COMMISSION

# SUGAR MILL ESTATES SBDV. Lot 2

Sample Site Plan submitted  
showing required setbacks.



1	SITING PLAN	3992 SQFT TOTAL	G.R. LOERA DESIGN	(956) 570 04 96 geraloeira@hotmail.com
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# Zoning Board of Adjustment

Site Photos for meeting of January 20, 2022

NOVELLINI, LTD



## Planning & Zoning Staff Report

January 4, 2022

### ZONING BOARD OF ADJUSTMENT

Regular Meeting: January 20, 2022

#### Agenda Item 6C

Consider Variance to the City's Unified Development Code, Section 3.303, Multi-Family Lot and Building Standards, Setbacks, being 31.124 acres out of Lot 14, Section 237, Texas-Mexican Railway Company's Survey, Lots 1-89 of proposed Woodlands Estates Subdivision, located at 1001 North Mccoll Road, as requested by Escanaba, LLC

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#### Request

The applicant is requesting a variance to the City's Unified Development Code (UDC), Section 3.301, as it applies to multifamily residential setbacks. The applicant is proposing to reduce the front, side, and rear setbacks for 89 lots in the proposed Woodlands Estates Subdivision by as much as 50% of UDC requirements.

#### Property Location and Vicinity

The properties are located in the proposed Woodlands Estates Subdivision at the northwest corner of North McColl Road and West Schunior Street. Zoning for these lots is Urban Residential (UR) District. Adjacent zoning is Suburban Residential (S) District to the north, Auto-Urban Residential (AU) District to the south, Suburban Residential (S) and Auto-Urban (AU) Districts to the east, and Neighborhood Conservation 5 (NC5) District to the west. Surrounding land uses are residential and vacant land.

#### Background and History

The proposed Woodlands Estates Subdivision received preliminary approval by the City of Edinburg Planning & Zoning Commission on May 11, 2021. Rezoning from Agriculture (AG) District to Urban Residential (UR) District was approved by City Council on June 1, 2021. The applicant is proposing to develop a multifamily development of duplexes at this location.

This subdivision has already received three Subdivision Variances through the Planning & Zoning Commission (P&Z) and City Council. All three variances were considered at the P&Z meeting of July 13, 2021 and approved by City Council on August 17, 2021. The first variance was to the required lot width, reducing this requirement by over 20%, from 100 ft. to 76-79 ft. The second variance reduced the minimum lot area by approximately 15% from 10,000 sq. ft. to 8,500 sq. ft. The third variance reduced required street paving with for this subdivision from 43 ft. to 40 ft.

A Zoning Board of Adjustment Request for Variance Application, with a letter from the project engineer, was submitted to the City on December 6, 2021. The application is requesting a reduction for front, side, and rear setbacks for lots 1 through 89 in this subdivision.

# Planning & Zoning Staff Report

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Staff mailed notice of this variance request to 67 neighboring property owners. Two comments in favor and none against this request had been received at the time this report was prepared.

## **Analysis**

This request is for all lots in the proposed Woodlands Estates Subdivision with the exception of Lot 90 that is designated non-residential for a City of Edinburg lift station location. The plat for the proposed subdivision shows 1028.47 ft. of frontage on North McColl Road and 1320 ft. of frontage on West Schunior Street. The plat proposes three access points: two on North McColl Road and one on West Schunior Street.

Multi-Family Lot and Building Standards, as required by the UDC, call for 20 ft. setbacks for street yards and rear yards and 6 ft. setbacks per side. The variance requested proposes large reductions to the front and rear setbacks, from 20 ft. to 10 ft., and a reduction to the side setbacks from 6 ft. to 5 ft., a reduction of 50% and 16.67% respectively. The proposed plat proposes a 15 ft. utility easement along the street yards for these properties. This easement is greater than the setback requested, and may pose a problem without reduction of the easement or further variance.

Three Subdivision Variances have been approved for this subdivision, reducing the required lot width by 20% or more per lot, reducing the required lot area by 15%, and reducing street paving width by almost 7%. No hardship has been demonstrated to justify this variance request.

## **Recommendation**

Staff recommends disapproval of this request. Setbacks provide for more desirable development by providing access, visibility, ventilation, lighting, sound dispersion, drainage, and landscaping. The reduction of front and rear setbacks by 50% and side setbacks by 16.67% would result in a nonconforming development. No reason for this request was given with the Request for Variance Application, and no hardship for this variance has been established.

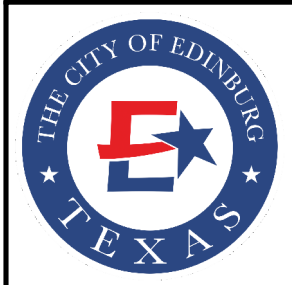
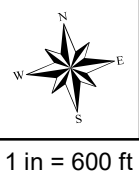
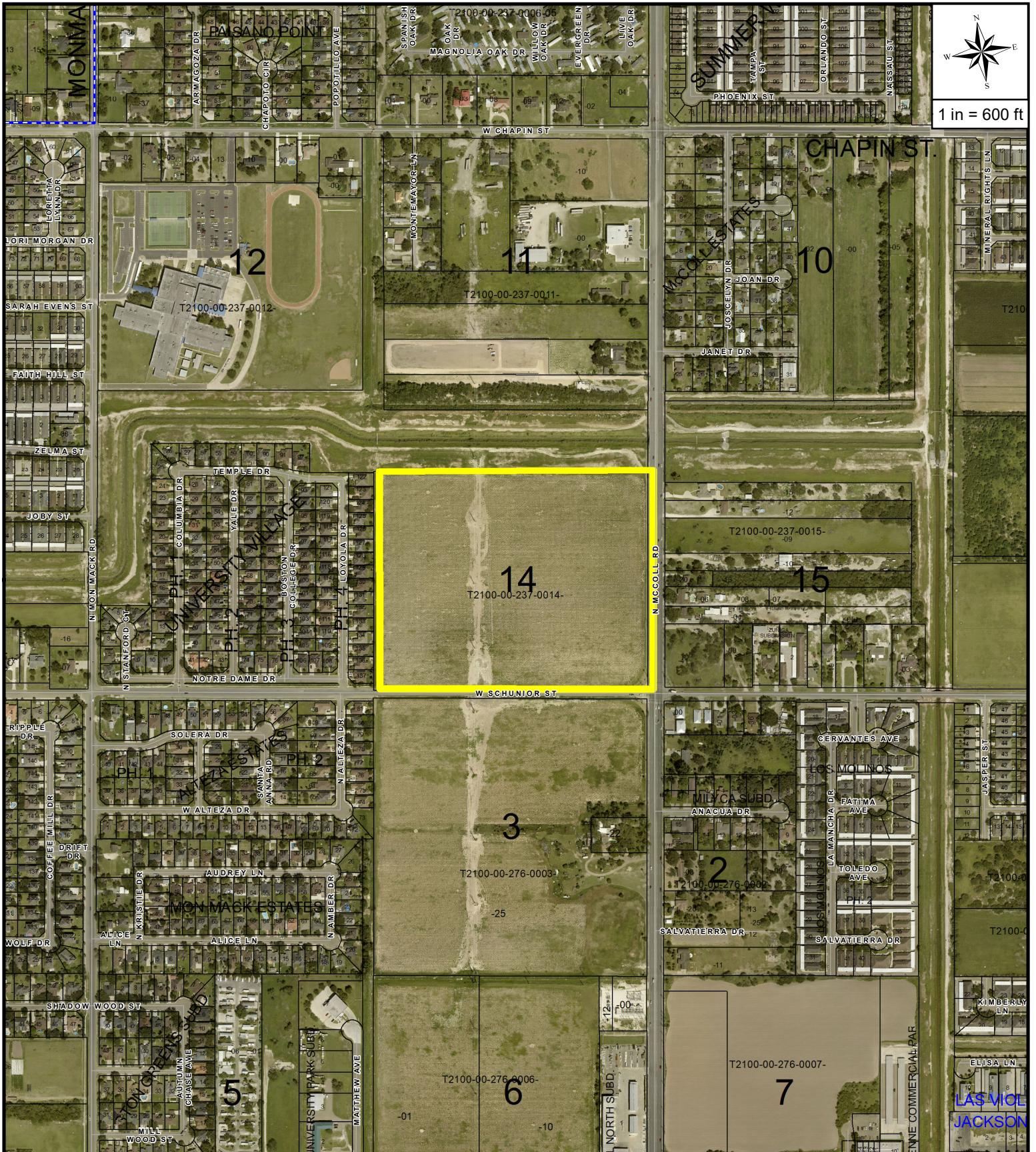
If approved, the applicant will need to comply with all other requirements during the permitting process. If approved, \$40 fee, payable to the County of Hidalgo, County Clerk's Office, for the recording of the ZBA order is also required. A location map, aerial map, photo, subdivision plat, site plan,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

Prepared by:



**D. Austin Colina**  
Planner I

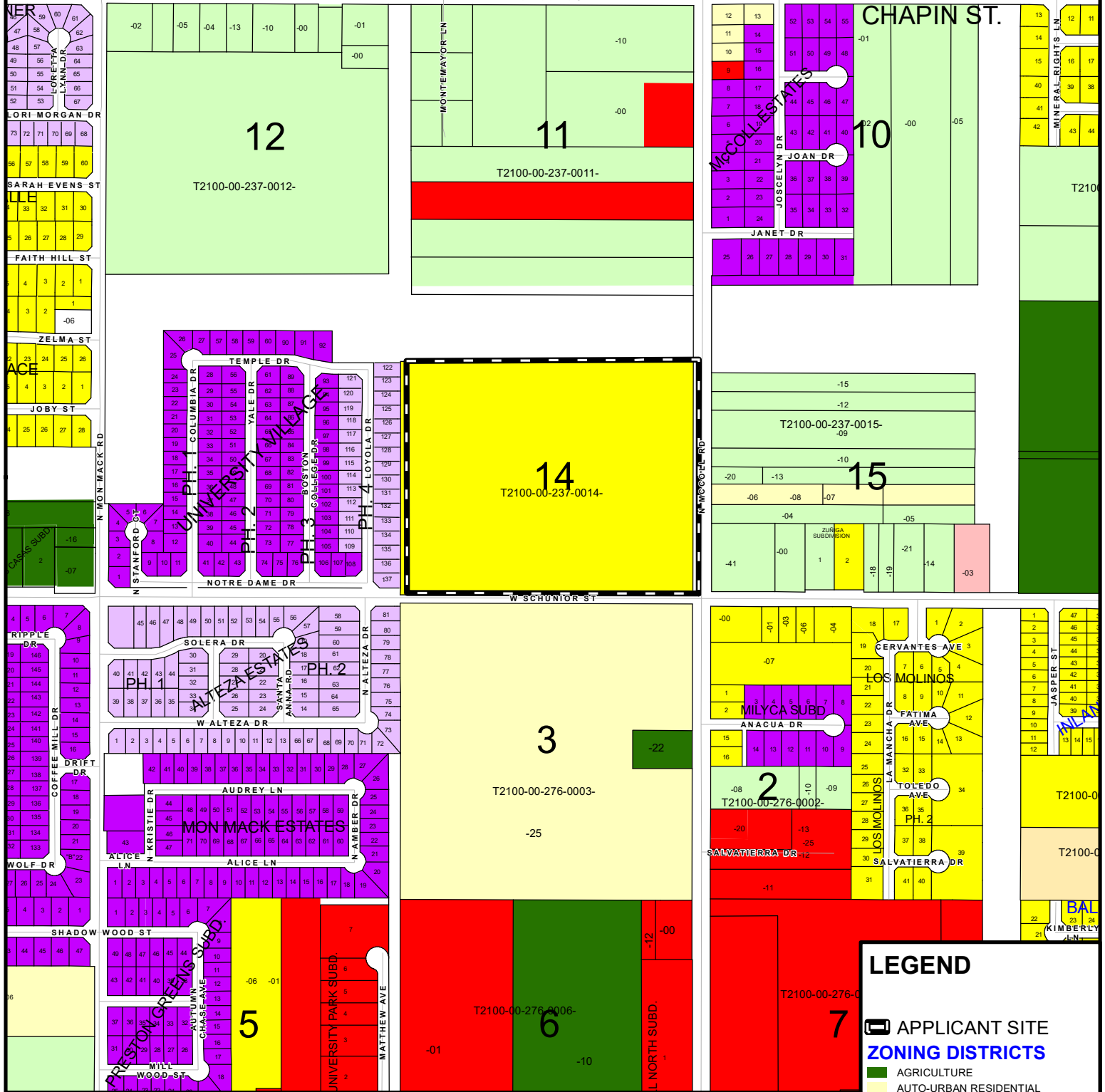
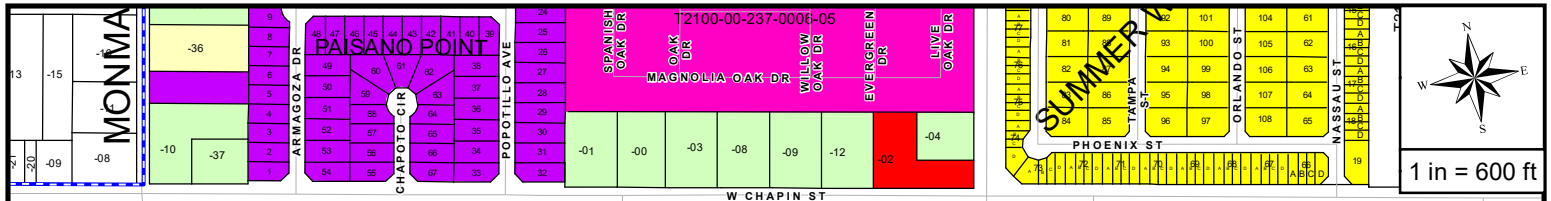
Approved by:

**Kimberly A. Mendoza, MPA**  
Director of Planning & Zoning



**SITE MAP**  
**APPLICANT AND/OR SUBDIVISION:**  
**ESCANABA LLC**  
**WOODLANDS ESTATES**

**LEGEND**  
 APPLICANT SITE  
 CITY LIMITS



**LEGEND**

- 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
- CITY LIMITS

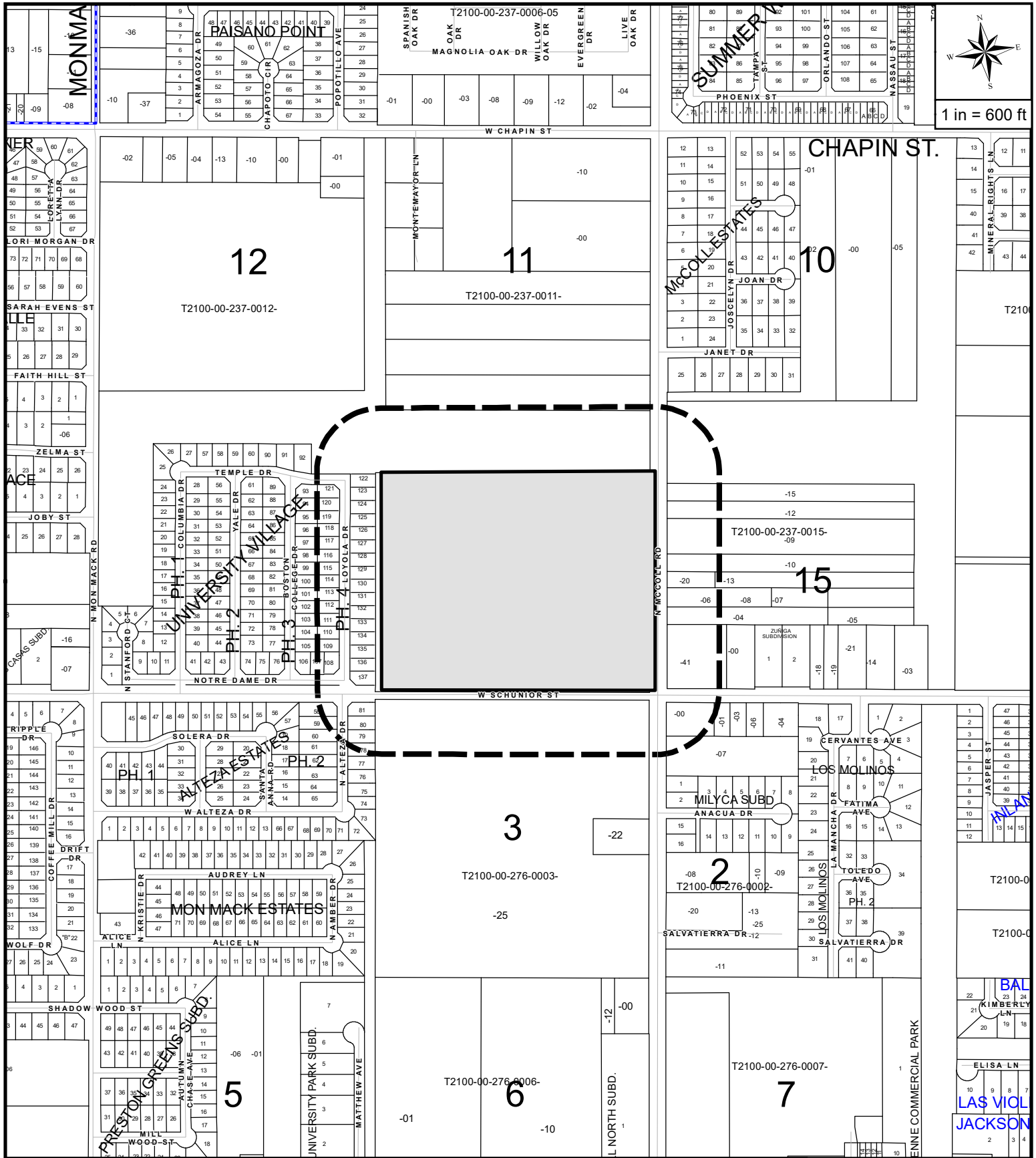
**ZONING MAP**

**APPLICANT AND/OR SUBDIVISION:**

**ESCANABA LLC**

**WOODLANDS ESTATES**








**SITE MAP**

**APPLICANT AND/OR SUBDIVISION:**  
**ESCANABA LLC**  
**WOODLANDS ESTATES**

**LEGEND**

-  APPLICANT SITE
-  300FT NOTIFICATION
-  CITY LIMITS







**NOTIFICATION**

Dear Property Owner:

A public hearing will be held on Tuesday, December 21, 2021, at 4:00 P.M. in the Edinburg City Hall, City Council Chambers, located at 415 West University Drive, at which time the Zoning Board of Adjustment will consider the following:

**CONSIDER VARIANCE TO THE CITY'S UNIFIED DEVELOPMENT CODE, SECTION 3.301, SINGLE FAMILY RESIDENTIAL BULK STANDARDS, SETBACKS, 31.124 ACRES OUT OF LOT 14, SECTION 237, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, PROPOSED WOODLANDS ESTATES SUBDIVISION, LOTS 1-89, LOCATED AT 1001 NORTH MCCOLL ROAD, AS REQUESTED BY ESCANABA, LLC**

The variance requested would reduce required front yard setbacks from 20 ft. to 10 ft., reduce rear yard setbacks from 20 ft. to 10 ft., and reduce side yard setbacks from 6 ft. to 5 ft. on 89 lots in this subdivision.

All property owners within 300 ft. of the subject property are sent this notice. The City wants to encourage greater participation in the process, and is using this notice to solicit your input, but no action or response is required. Should you have any questions or need more information regarding this notice, you may call (956) 388-8202.

You may return your response by one of the following:

- MAIL: P. O. Box 1079 Edinburg, Texas 78540
- FAX: (956) 292-2080 by Monday, December 20, 2021
- EMAIL: [planning@cityofedinburg.com](mailto:planning@cityofedinburg.com) by Monday, December 20, 2021

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

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

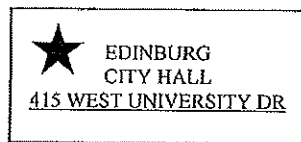
Comments: Am in favor of this project.

Print Name: Mauricio Paredes / Cubic Walls LLC Phone No. 956 212 22 11  
 Address: Lot T2100-00-237-0015-09 City: Edinburg State: Tx Zip: 78540

**NOTIFICACIÓN**

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

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



RECEIVED

DEC 15 2021

Name: 2:29 p.m.

University Dr. (S.H.107)

8<sup>th</sup> Ave.



**NOTIFICATION**

Dear Property Owner:

A public hearing will be held on Tuesday, December 21, 2021, at 4:00 P.M. in the Edinburg City Hall, Council Chambers, located at 415 West University Drive, at which time the Zoning Board of Adjustment will consider the following:

**CONSIDER VARIANCE TO THE CITY'S UNIFIED DEVELOPMENT CODE, SECTION 3.30. SINGLE FAMILY RESIDENTIAL BULK STANDARDS, SETBACKS, 31.124 ACRES OUT OF LOT 14 SECTION 237, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, PROPOSED WOODLAND ESTATES SUBDIVISION, LOTS 1-89, LOCATED AT 1001 NORTH MCCOLL ROAD, AS REQUESTED BY ESCANABA, LLC**

The variance requested would reduce required front yard setbacks from 20 ft. to 10 ft., reduce rear yard setbacks from 20 ft. to 10 ft., and reduce side yard setbacks from 6 ft. to 5 ft. on 89 lots in this subdivision.

All property owners within 300 ft. of the subject property are sent this notice. The City wants to encourage greater participation in the process, and is using this notice to solicit your input, but no action or response is required. Should you have any questions or need more information regarding this notice, you may call (956) 388-8202.

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- FAX: (956) 292-2080 by Monday, December 20, 2021
- EMAIL: [planning@cityofedinburg.com](mailto:planning@cityofedinburg.com) by Monday, December 20, 2021

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

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

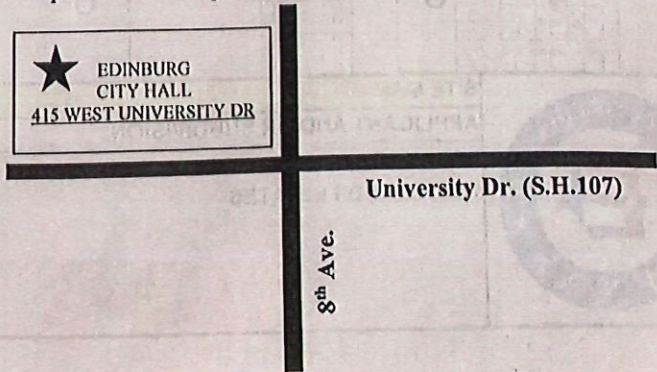
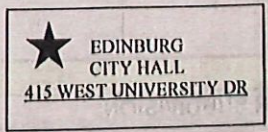
Comments: \_\_\_\_\_

Print Name: Lianio Garcia Phone No: (956) 279-7143  
 Address: 813 Loyola Dr City: Edinburg State: TX Zip: 78541

**NOTIFICACIÓN**

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

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



**RECEIVED**

DEC 15 2021

Name: J. Zam.



Case #

Edinburg THE CITY OF

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

Zoning Board of Adjustment
Application Request for Variance

Nature of Request: Variance for Setbacks

Reason for Hardship (attach additional pages if necessary)

Please see attachment

Property Description: Lot 14 Block Sec 237 Subdivision Tex-Mex Survey

Property Address:

Present Property Zoning: UR - Urban Residential

Person requesting Variance: Melden & Hunt, Inc. c/o Mario A. Reyna

Mailing Address: 115 W. McIntyre Street

Street Address

City/State

Zip Code

Phone No. (Home): (Work): 381-0981

(Cell):

Owner's Name: Escanaba LLC

Mailing Address: 3520 Buddy Owens

McAllen TX

78504

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:

[Handwritten Signature]

Date:

12-6-21

Owner/Agent's Name (Please Print):

\$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



TBPELS Firm # F-1435  
TBPELS # 10096900

# MELDEN & HUNT INC.

CONSULTANTS • ENGINEERS • SURVEYORS

FRED L. KURTH • ALLAN F. BOOE • KELLEY A. HELLER-VELA • ROBERTO N. TAMEZ • MARIO A. REYNA • RUBEN JAMES DE JESUS

December 6, 2021

Nikki Cavazos, Planner I  
**CITY OF EDINBURG PLANNING DEPT.**  
415 W. University Drive  
Edinburg, TX 78541

**RE: WOODLANDS ESTATES – VARIANCE REQUEST ON SETBACKS**

Dear Ms. Cavazos -

On behalf of the developer, Escanaba, LLC., and in reference to Woodlands Estates, we respectfully request a variance on the following items:

**1. SETBACKS FOR URBAN RESIDENTIAL**

{request variance on current 20-foot front setback}  
{request variance on current 6-foot side setback}  
{request variance on current 20-foot rear setback};

- a.) Lots 1 thru 89 – change front setback from 20 feet to 10 feet
- b.) Lots 1 thru 89 – change side setback from 6 feet to 5 feet
- c.) Lots 1 thru 89 – change rear setback from 20 feet to 10 feet

Please consider this request and advise us as soon as possible on your decision. If you have any questions or comments, please contact our office. Thank you.

Sincerely,  
MELDEN & HUNT, INC.

Mario A. Reyna, P.E., R.P.L.S.  
Vice-President

Cc: Escanaba, LLC, Developer



Sample Site Plan submitted for  
Woodlands Estates Lot 3  
showing required setbacks.

78.00'

10' U.E.

20' REAR SETBACK

10'-0"

NEW DUPLEX  
F.F. = 18" ABOVE CURB

NEW DUPLEX  
F.F. = 18" ABOVE CURB

6'-0"  
SIDE SETBACK

6'-0"  
SIDE SETBACK

140.00'

BUILDING "A"

BUILDING "B"

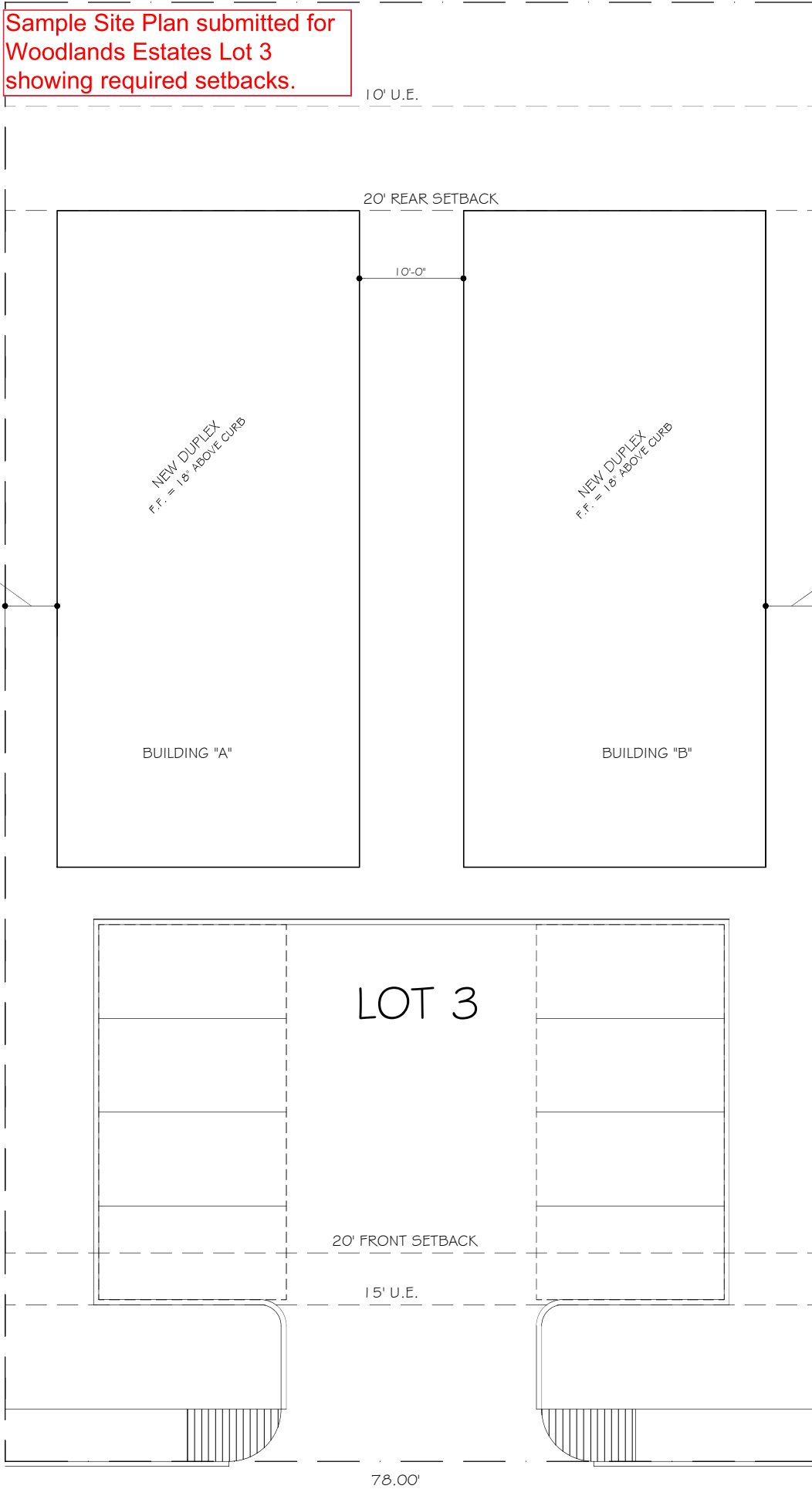
140.00'

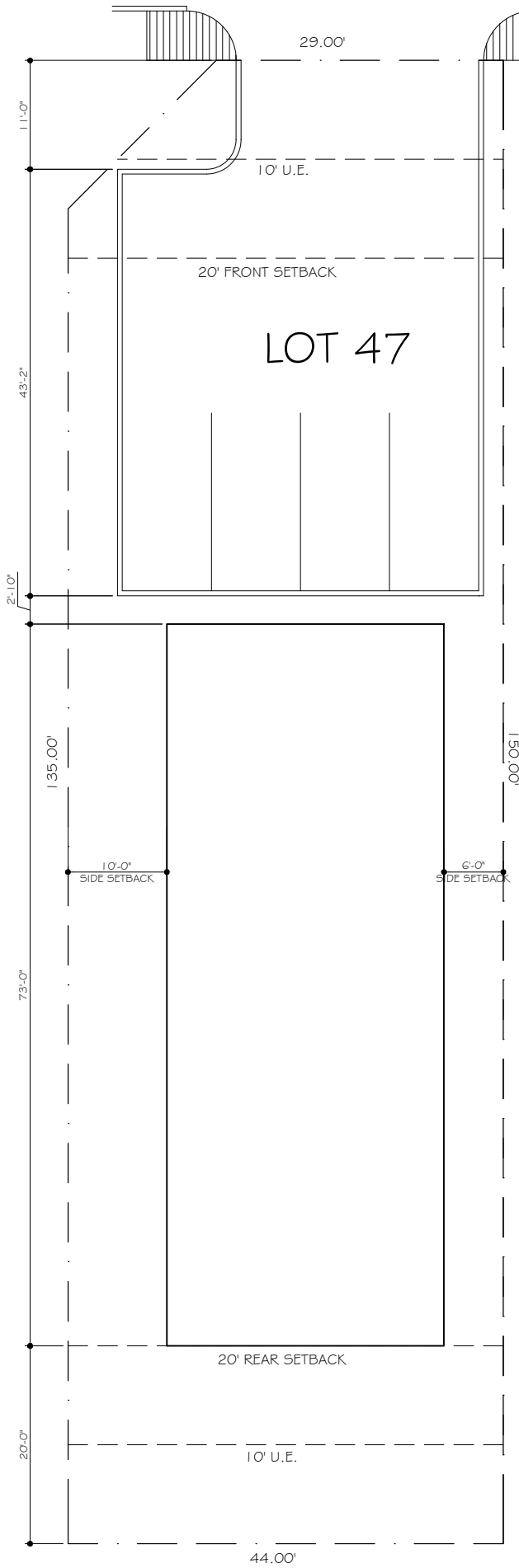
LOT 3

20' FRONT SETBACK

15' U.E.

78.00'





Sample Site Plan for Woodlands Estates Lot 47 showing required setbacks.

# Zoning Board of Adjustment

Site Photos for meeting of January 20, 2022

ESCANABA, LLC





## Planning & Zoning Staff Report

January 7, 2022

### ZONING BOARD OF ADJUSTMENT

Regular Meeting: January 20, 2022

#### Agenda Item 6D

Consider Variance to the City's Unified Development Code, Section 2.301 (D) (9), Fences Facing or Abutting a Golf Course, being Lot 92, Lumen Subdivision Phase B, located at 3501 Lago Washington Road, as requested by Miguel De Los Santos

---

#### Request

The applicant is requesting a variance to the City's Unified Development Code (UDC), Section 2.301 (D) (9), to construct a fence along the rear property line of residential lot abutting a golf course. Fences along a golf course are prohibited by the aforementioned section of the UDC.

#### Property Location and Vicinity

The property is located on the north side of Lago Washington Road, just north of the intersection of Lago Washington Road and Lago Erie Road, and is zoned Auto Urban Residential (AU) District. Adjacent zoning is Suburban Residential (S) District to the north and Auto Urban Residential (AU) District in all other directions.

#### Background and History

The property is part of the Lumen Subdivision Phase B, which was recorded on August 29, 2017. The applicant is proposing to construct a 4 ft. high fence approximately 69.22 ft. along the rear property line. The applicant submitted a Building Permit Application for a fence on November 15, 2021. Review of the plans showed the subject property along the perimeter of the Los Lagos Golf Course. After discussion with staff, the applicant submitted a Variance Request on December 17, 2021, to accommodate the project.

Staff mailed notice of this variance request to 35 neighboring property owners. No comments in favor or against this request had been received at the time this report was prepared.

#### Analysis

The property is a slightly irregular lot with 80.64 ft. of frontage on Lago Washington Road and a total lot area of 8,617 sq. ft. The applicant submitted a Building Permit Application to construct a fence at the rear of the subject property on November 11, 2021. Staff review of the application identified the property as abutting a golf course. UDC prohibits any fence facing or abutting a golf course, and variance is required to proceed with the project.

The applicant indicated that the proposed fence would be 4 ft. high and of a wrought iron type (metal with pickets). The fence would extend along the rear property line, bordering a portion of the Los Lagos Golf Course. The stated need for the fence is to retain a small dog.

# Planning & Zoning Staff Report

---

## Recommendation

Staff recommends that the applicant comply with UDC requirements. Other variances of this nature have received approval by this Board. The most recent approval was granted on September 29, 2021, for a property located nearby in the Los Lagos Phase IV Subdivision.

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

Prepared by:

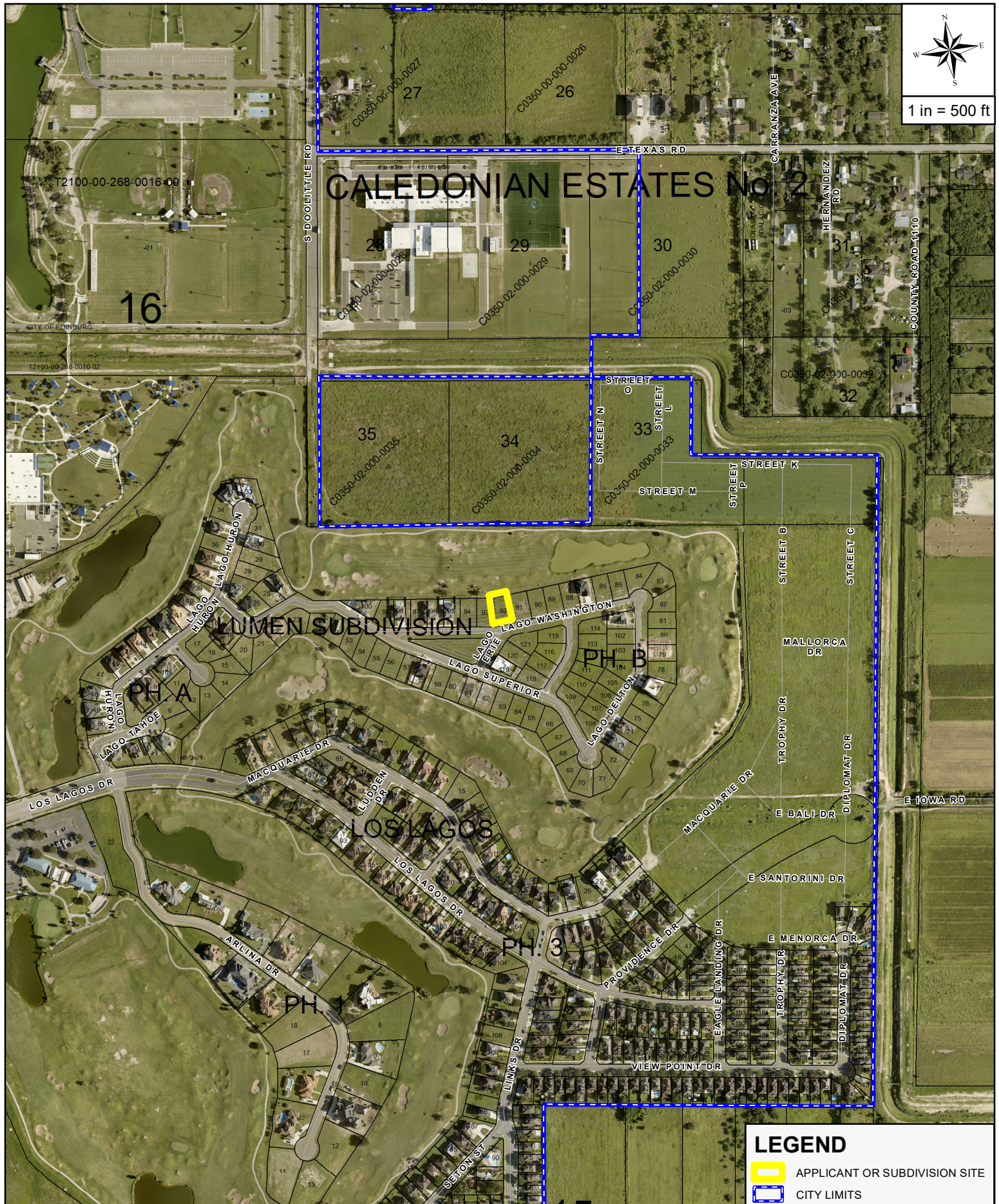
**D. Austin Colina**  
Planner I

Approved by:



**Kimberly A. Mendoza, MPA**  
Director of Planning & Zoning

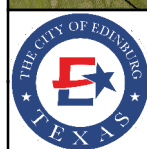


# CALEDONIAN ESTATES No. 2

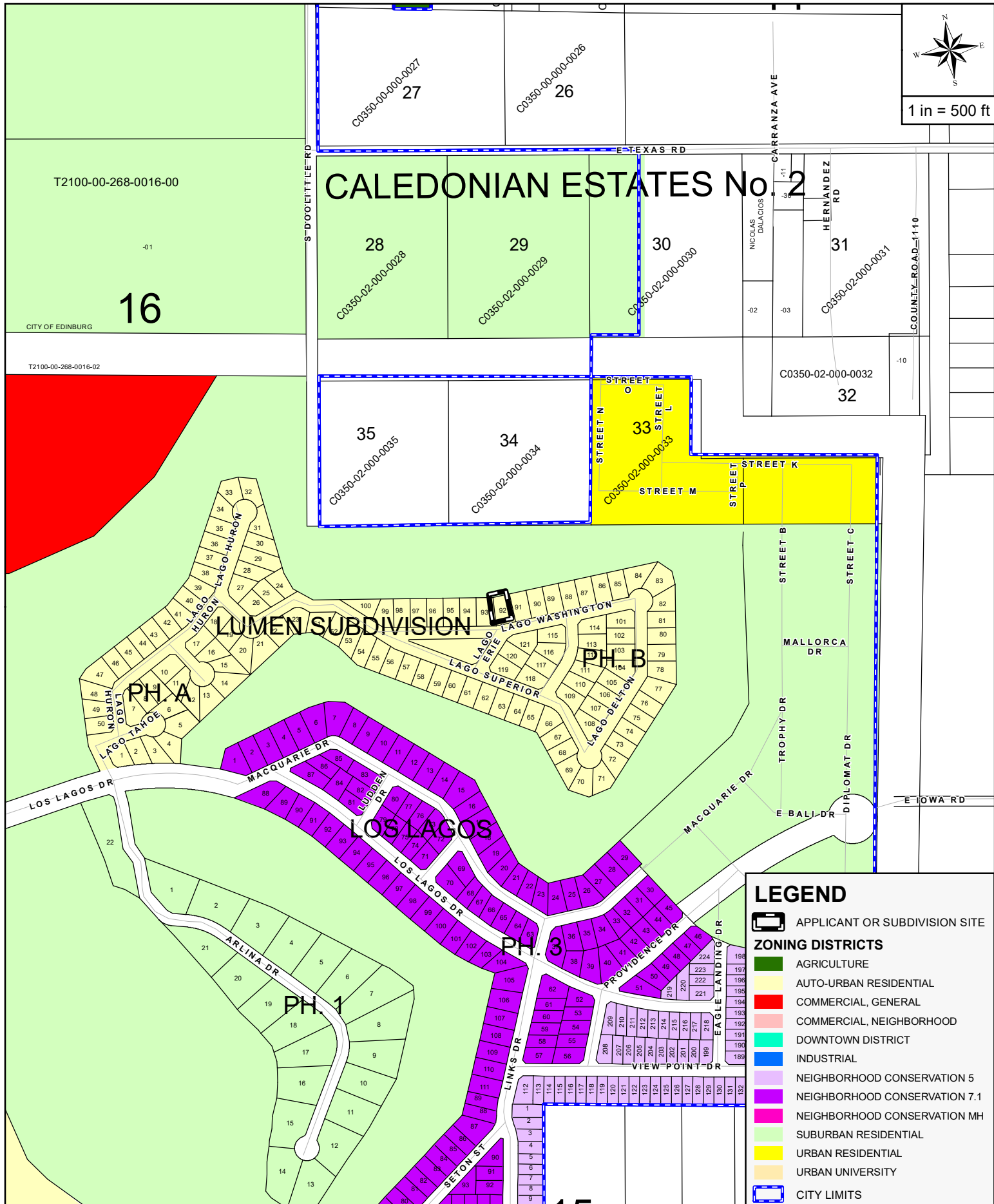
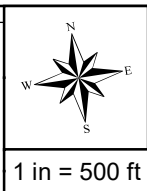


**LEGEND**

-  APPLICANT OR SUBDIVISION SITE
-  CITY LIMITS



**AERIAL MAP**  
**APPLICANT AND/OR SUBDIVISION:**  
**MIGUEL DE LOS SANTOS / LUMEN SUBDIVISION PHASE B / LOT 92**

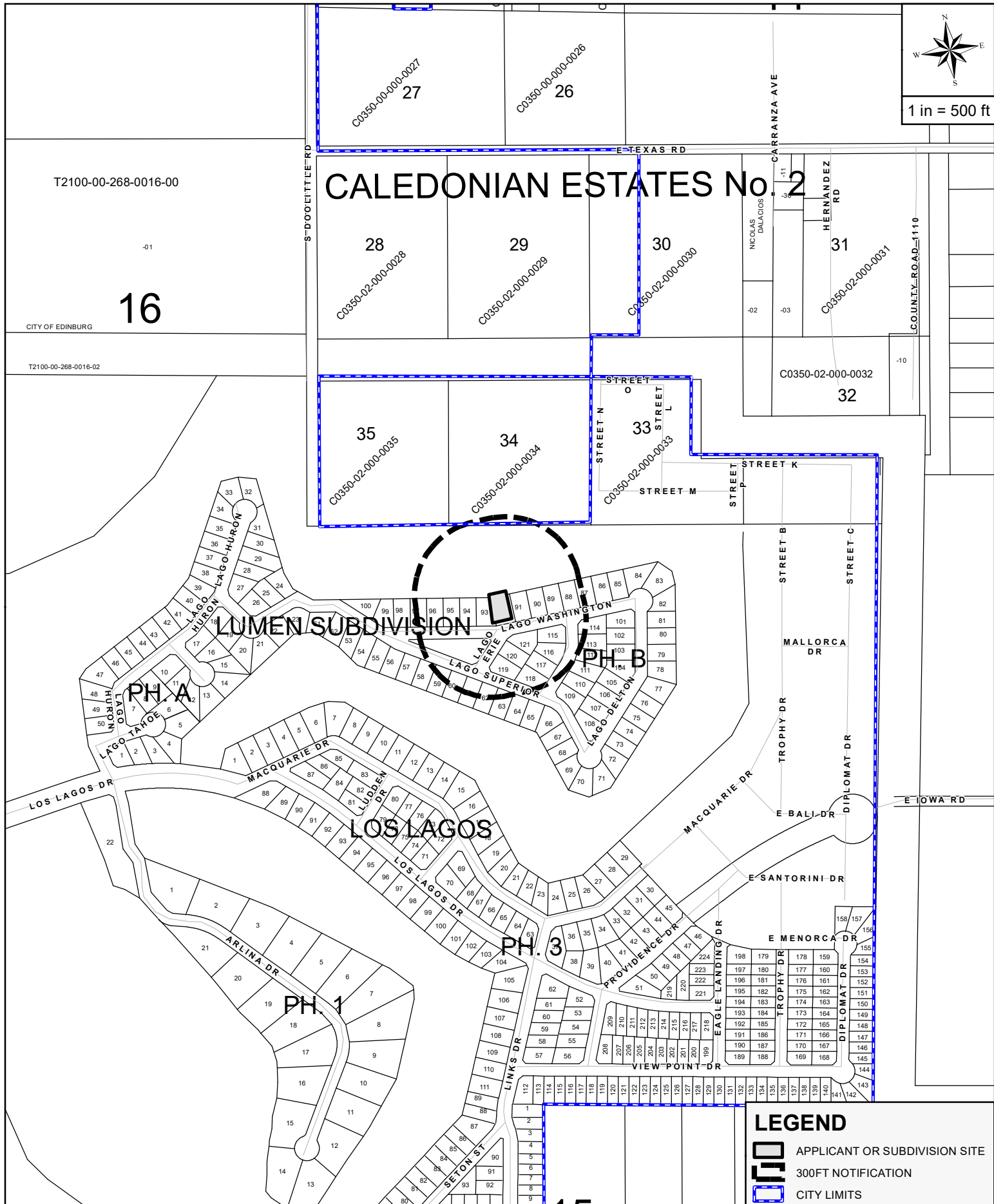
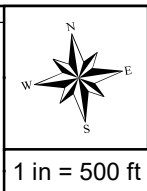


**LEGEND**

APPLICANT OR SUBDIVISION 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
- CITY LIMITS



**LEGEND**

	APPLICANT OR SUBDIVISION SITE
	300FT NOTIFICATION
	CITY LIMITS



Case #

Edinburg THE CITY OF

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

# Zoning Board of Adjustment Application Request for Variance

Nature of Request: Fence in back yard

Reason for Hardship (attach additional pages if necessary)

Small Dog - Fence will be 4' high <sup>Metal Picket</sup>  
Across Back Property line approx 70' wide <sup>2" Posts</sup>  
Also some protection from errant balls <sup>1" Pickets</sup>

Property Description: Lot 92 Block --- Subdivision LUMEN

Property Address: 3501 LAGO WASHINGTON

Present Property Zoning: Auto Urban Residential

Person requesting Variance: Miguel de los Santos

Mailing Address: 3102 Sabercat Ave #2 Edinburg, TX, 78542  
Street Address City/State Zip Code

Phone No. (Home): \_\_\_\_\_ (Work): \_\_\_\_\_ (Cell): 956-457-1882

Owner's Name: Miguel de los Santos

Mailing Address: Same  
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.

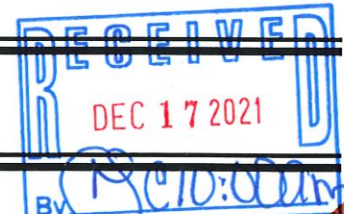
Signature: Miguel de los Santos Date: 12-17-2021

Owner/Agent's Name (Please Print): MIGUEL DE LOS SANTOS

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

OFFICE USE ONLY

Application deadline: 12/27/21 ZBA Hearing date: 1/26/22



- \$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



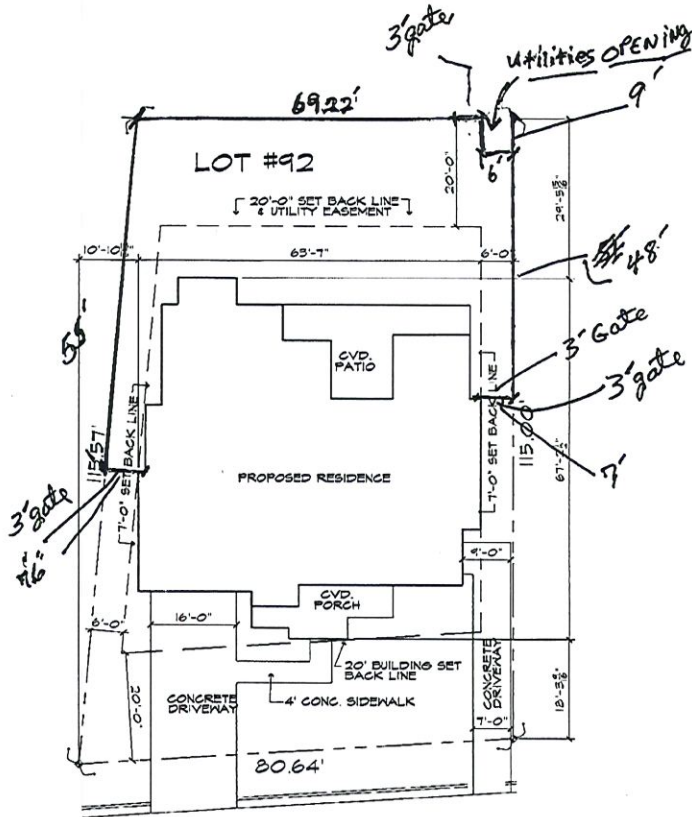
1. VERIFY JOINT LAYOUT FOR SIDEWALKS WITH CONTRACTOR PRIOR TO CONSTRUCTION.
2. ALL SITE WORK, INCLUDING LOCATION OF TRASH COMPSTER, TEMPORARY TOILET FACILITIES, TEMPORARY CONSTRUCTION BARRICADES/FENCING, CONSTRUCTION TRAILER, CLEANING PROCEDURE, SHADING AND DRAINAGE, CONFORMANCE TO POLLUTION AND PREVENTION CONTROL, AND TEMPORARY UTILITY FACILITIES, ETC. SHALL BE IN ACCORDANCE WITH THE CITY AS WELL AS SUBDIVISION PROPERTY OWNERS ASSOCIATION GUIDELINES.
3. BUILDER AND OWNER SHALL BE RESPONSIBLE FOR ALL TEMPORARY UTILITIES TO THE CONSTRUCTION SITE.
4. CONTRACTOR SHALL BE RESPONSIBLE FOR FINAL GRADING ONLY. OWNER SHALL PROVIDE ALL LANDSCAPING, SOO, AND IRRIGATION SYSTEM.

**LEGAL DESCRIPTION**

LOT	16	1
PLANS		1
SUBDIVISION	LINEN	1
CITY	EDENHUR, TX	
<b>CONC. DRIVE (80. FT.)</b>		
APPROX. TOTAL DRIVEWAY	780.0'	
APPROX. TOTAL SIDEWALK	63.0'	
TOTAL CONCRETE	843.0'	
<b>NORTH ARROW</b>		



1 SITE PLAN  
SCALE: 1"=10'-0"



PROJECT: *De Las Santos Residence*  
DATE: 12-08-20  
PLAN #528-20

2312 S. EXPRESSWAY 83 SUITE # B  
HARLINGEN, TX 78502  
OFFICE: (956) 425-7040  
FAX: (956) 425-7714

**D** DISTINCTIVE  
DRAFTING & DESIGN L.L.C.

DISTINCTIVE DRAFTING & DESIGN HEREBY RESERVES ITS COMMON COPYRIGHT LAW & OTHER PROPERTY RIGHTS IN THESE PLANS & DESIGNS. THESE PLANS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY, WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION FROM DISTINCTIVE DRAFTING & DESIGN. DISTINCTIVE DRAFTING & DESIGN TAKES NO RESPONSIBILITY FOR THE CONSTRUCTION OF THE RESIDENCE OR BUILDING.

SHEET  
**C-1**

RECEIVED  
DEC 17 2021  
Be10:00am



# Zoning Board of Adjustment

Site Photos for meeting of January 20, 2022

MIGUEL DE LOS SANTOS



## Planning & Zoning Staff Report

January 12, 2022

### ZONING BOARD OF ADJUSTMENT

Regular Meeting: January 20, 2022

#### Agenda Item 6E

Consider Variance to the City's Unified Development Code, Section 3.301, Single Family Residential Bulk Standards, Setbacks, being 0.42 acres of Lot 16, Block 233, Texas-Mexican Railway Company's Survey, located at 1023 North Hoehn Road, as requested by Orlando D. Olivarez

---

#### Request

The applicant is seeking to reduce a side yard setback from 15 ft. to 10 ft. to accommodate the construction of a single family home on a residential family partition.

#### Property Location and Vicinity

The subject property is located approximately 280 ft. west of North Hoehn Road and 990 ft. north of West Schunior Street. It is one of four residential lots that share a private access to North Hoehn Road. The property is zoned Suburban Residential (S) District. Adjacent zoning is Suburban Residential (S) District in all directions. Uses in the area consist of single family residences with agriculture and vacant land.

#### Background and History

The property is currently vacant and part of a family partition with three adjacent homes that share access to North Hoehn Road. The applicant submitted a Residential Building Permit Application on November 24, 2021. Staff review of the site plan showed the proposed structure 10 ft. from the western property line. Variance is needed to proceed with the proposed construction as presented.

Staff mailed notice of this variance request to nine neighboring property owners. No comments in favor or against this request had been received at the time this report was prepared.

#### Analysis

Suburban Residential (S) District requires 15 ft. side yard setbacks, and the site plan submitted does not meet this requirement. The proposed home will be the fourth structure built on a group of four family partition lots. The arrangement of the home is such that the side yard in question will abut properties belonging to family members. The existing dwelling unit on the property to the west is approximately 50 ft. from the property line. Sufficient spacing will be provided between structures if variance is granted. The site plan as submitted meets all other required setbacks.

The placement of the home in the western side yard setback is to avoid construction under an existing overhead power line that runs along the east side of the property.

**Recommendation**

Staff recommends approval of this variance. The nature and situation of this case is such that flexibility is warranted. The resulting dwelling units would be approximately 60 ft. apart on the side of the property if variance is granted, providing more than adequate spacing between structures.

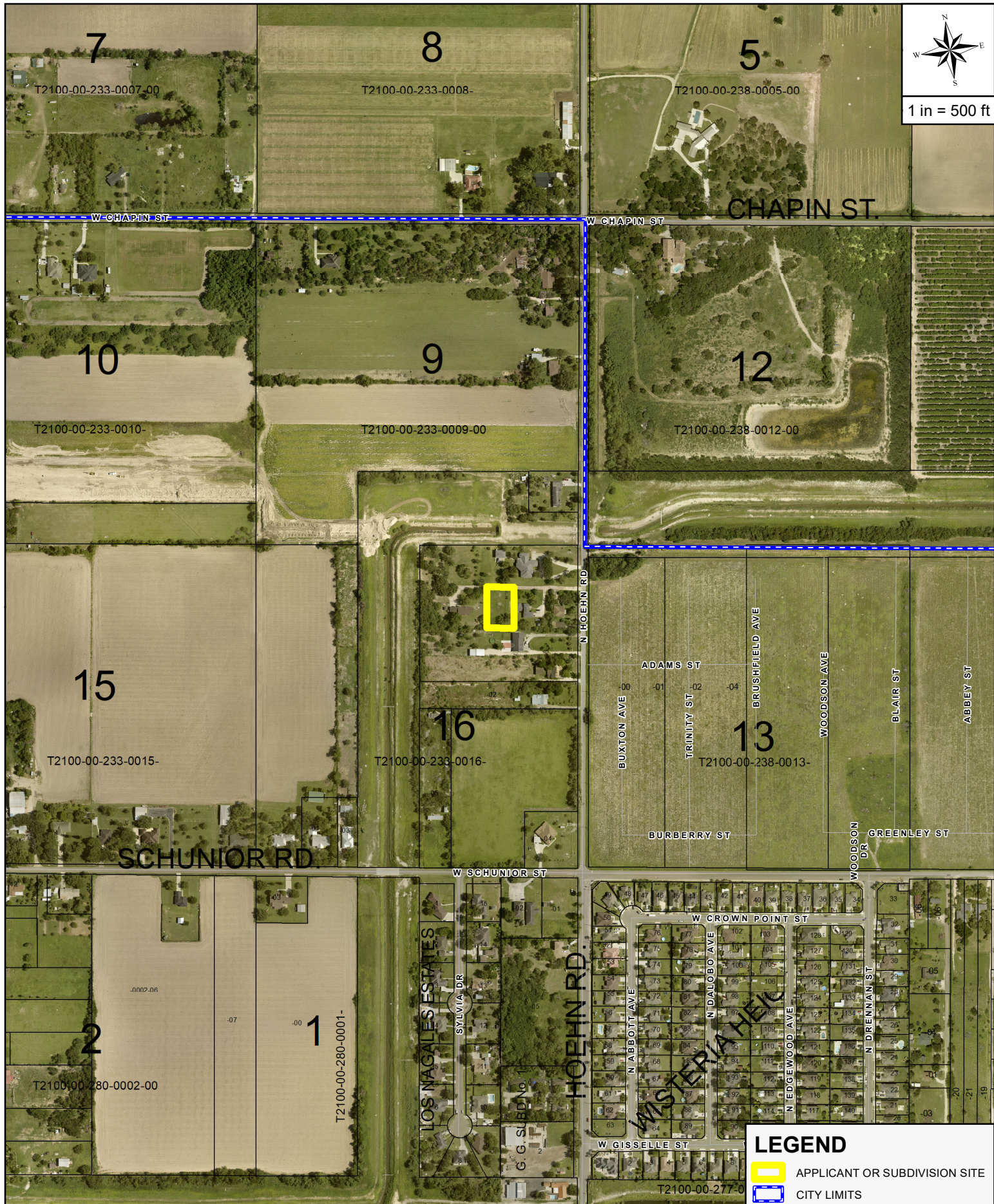
If approved, the applicant will need to comply with all other requirements during the permitting process. If approved, \$40 fee, payable to the County of Hidalgo, County Clerk’s Office, for the recording of the ZBA order is also required. A location map, aerial map, photo, subdivision plat, site plan, and application from the property owner are attached for the Board’s consideration.

Prepared by:

**D. Austin Colina**  
Planner I

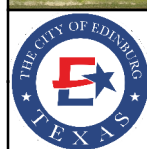
Approved by:

**Kimberly A. Mendoza, MPA**  
Director of Planning & Zoning



**LEGEND**

- APPLICANT OR SUBDIVISION SITE
- CITY LIMITS



**AERIAL MAP**  
**APPLICANT AND/OR SUBDIVISION:**  
**ORLANDO D. OLIVAREZ**

7

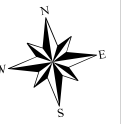
T2100-00-233-0007-00

8

T2100-00-233-0008-

5

T2100-00-238-0005-00



1 in = 500 ft

W CHAPIN ST

W CHAPIN ST

CHAPIN ST.

10

T2100-00-233-0010-

9

T2100-00-233-0009-00

12

T2100-00-238-0012-00

15

T2100-00-233-0015-

16

T2100-00-233-0016-

13

T2100-00-238-0013-

SCHUNIOR RD.

W SCHUNIOR ST

N HOEHN RD

ADAMS ST

BUXTON AVE

TRINITY ST

BURBERRY ST

BRUSHFIELD AVE

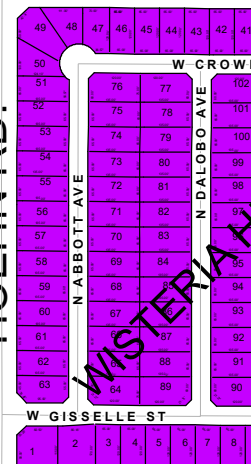
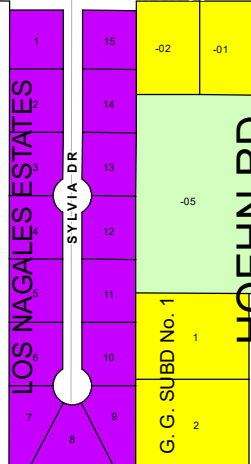
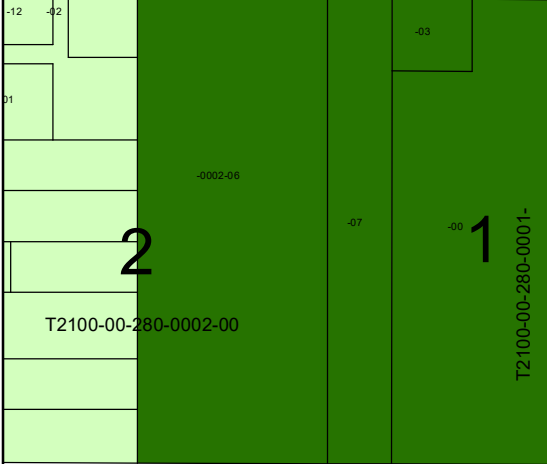
WOODSON AVE

BLAIR ST

ABBEY ST

WOODSON DR

GREENLEY ST



LEGEND

- APPLICANT OR SUBDIVISION 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
- CITY LIMITS



ZONING MAP

APPLICANT AND/OR SUBDIVISION:

ORLANDO D. OLIVAREZ

7

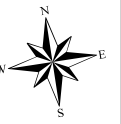
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8

T2100-00-233-0008-

5

T2100-00-238-0005-00



1 in = 500 ft

CHAPIN ST.

W CHAPIN ST

W CHAPIN ST

10

T2100-00-233-0010-

9

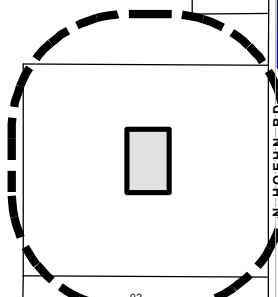
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12

T2100-00-238-0012-00

15

T2100-00-233-0015-



16

T2100-00-233-0016-

ADAMS ST

BUXTON AVE

TRINITY ST

BRUSHFIELD AVE

WOODSON AVE

BLAIR ST

ABBEEY ST

13

T2100-00-238-0013-

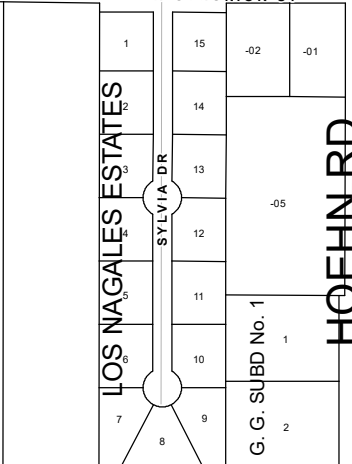
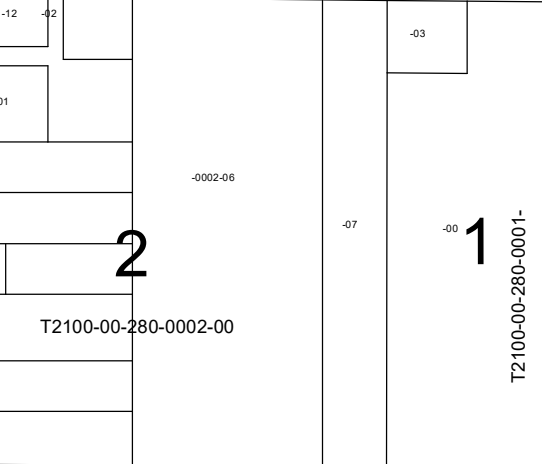
BURBERRY ST

WOODSON DR

GREENLEY ST

SCHUNIOR RD.

W SCHUNIOR ST



LEGEND

- APPLICANT OR SUBDIVISION SITE
- 300FT NOTIFICATION
- CITY LIMITS



SITE MAP

APPLICANT AND/OR SUBDIVISION:

ORLANDO D. OLIVAREZ



Case #

Edinburg THE CITY OF

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

VAR-2022-0063

## Zoning Board of Adjustment Application Request for Variance

Nature of Request: Reduce setback, from 15 feet to 10 feet, (Westside of property only)

Reason for Hardship *(attach additional pages if necessary)*

I am at the end of the construction planning, at 1023 N. Hoehn Road, and an additional 5 feet of building space is requested at the westside of the property, only.

Property Description: Lot 16 Block 233, 0.42 AC Subdivision 233, 0.42 AC NET

Property Address: 1023 N. Hoehn Road, Edinburg, Texas 78539

Present Property Zoning: S - Suburban Residential

Person requesting Variance: Orlando D. Olivarez

Mailing Address: 4214 W. Freddy Gonzalez Dr. Edinburg, Texas 78539  
Street Address City/State Zip Code

Phone No. (Home): \_\_\_\_\_ (Work): (956) 316-1807 (Cell): (956) 533-3568

Owner's Name: Orlando D. Olivarez

Mailing Address: 4214 W. Freddy Gonzalez Dr. 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 City of Edinburg Zoning Board of Adjustment.

Signature:  Date: January 4, 2022

**RECEIVED**

Owner/Agent's Name (Please Print): Orlando D. Olivarez

\$450 Application Fee: \_\_\_\_\_ Application Received by: \_\_\_\_\_  
Receipt No. JAN 05 2022  
Name: /XAg 9:30

OFFICE USE ONLY

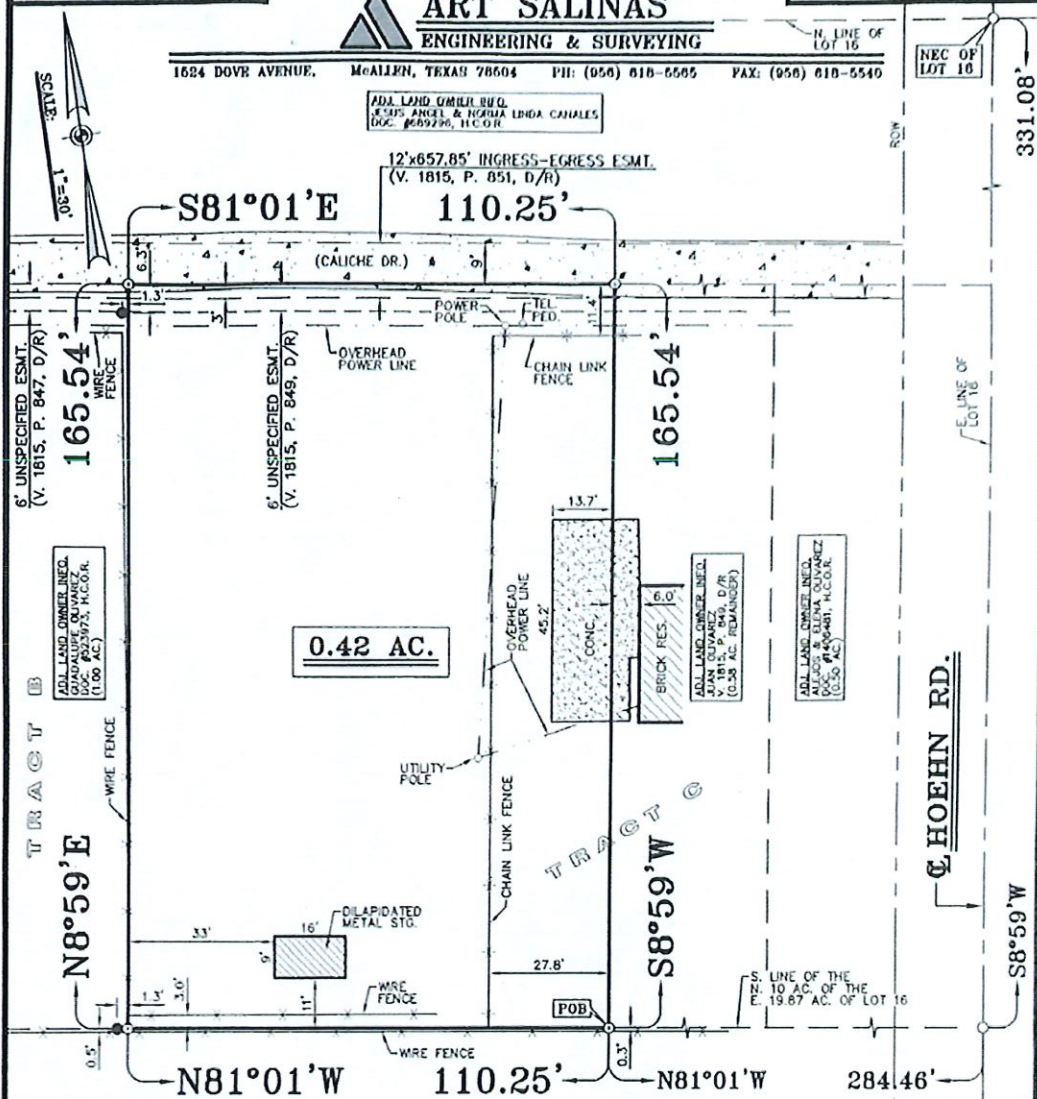
Application deadline: \_\_\_\_\_ ZBA Hearing date: \_\_\_\_\_

- \$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

# ART SALINAS ENGINEERING & SURVEYING

1624 DOVE AVENUE, McALLEN, TEXAS 78604 PH: (956) 618-5565 FAX: (956) 618-5540

ADJ. LAND OWNER INFO.  
JESUS ANGEL & NORMA LINDA CANALES  
DOC. #609226, H.C.O.R.



**0.42 AC.**

- LEGEND**
- - DENOTES FOUND 1/2" ROD
  - - DENOTES SET 1/2" ROD
  - - DENOTES NO MONUMENT
  - ROW - DENOTES RIGHT OF WAY
  - POB - DENOTES POINT OF BEGINNING

ADJ. LAND OWNER INFO.  
EFRAN GARZA JR.  
DOC. #236928, H.C.O.R.

**FLOOD ZONE CERTIFICATION.** The property shown hereon lies in Zone "X". Zone "X" areas are areas determined to be outside 500-year flood plain as per F.E.M.A. Flood Insurance Rate Map No 480338-0015-E dated 06-06-00

- PLAT NOTES:**
1. There are no discrepancies, conflicts, shortages in area or boundary lines, encroachments, overlapping of improvements or visible or apparent easements except as shown on this plat.
  2. This survey was prepared without the benefit of a Title Report. Easement research is not within the scope of this survey.
  3. This survey is for the exclusive use of the client named hereon and may not be copied or transferred to another party without the express written consent of the surveyor.
  4. This survey must contain an embossed seal and signature to be valid as per Section 661.46 and Section 663.19 of the "The Professional Land Surveying Practices Act".
  5. This survey and does not include a subsurface utility or topographic investigation.
  6. Subject to any oil, gas and mineral lease of record.
  7. Bearing Basis: "N. line of a 100 acre tract recorded in V. 1815, P. 849, D/R"
- CLIENT:** Orlando Olivarez

THIS IS TO CERTIFY THAT I HAVE, THIS DATE, PREPARED A SURVEY ON THE PROPERTY WHICH IS LOCATED AT HOEHN RD., in EDINBURG, TEXAS, DESCRIBED AS FOLLOWS:  
 A 0.42 ACRE TRACT OF LAND, MORE OR LESS, OUT OF A 1.00 ACRE TRACT OF LAND DESCRIBED AS TRACT "C" OUT OF LOT 16, SECTION 233, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 12, MAP RECORDS, HIDALGO COUNTY, TEXAS.  
 (SEE METES AND BOUNDS DESCRIPTION)

19-55255      05-20-19  
 Job No.      Date

*(Signature)*

© COPYRIGHT 2019 ART SALINAS ENGINEERING INC. THIS SURVEY WAS PROVIDED IN MULTIPLE ORIGINALS SOLELY FOR THE USE OF THE BORROWER NAMED HEREON. NO LICENSE HAS BEEN CREATED, EXPRESSED OR IMPLIED TO COPY THIS SURVEY.



RECEIVED

JAN 05 2022

Name: \_\_\_\_\_ 9:30





**M/A**  
**Custom Plans**  
 395 MARCO VILLAGE  
 (860) 438-8920  
 www.m/a-custom-plans.com

THE DRAWINGS, THE PROPERTY OF M/A CUSTOM PLANS AND MAY NOT BE COPIED, REPRODUCED, PUBLISHED OR SUBMITTED FOR PUBLICATION WITHOUT THE WRITTEN PERMISSION OF M/A CUSTOM PLANS. M/A CUSTOM PLANS MAKES NO WARRANTY FOR HOMES BUILT FROM THESE PLANS. THE BUYER OF THESE PLANS TO PERFORM THE FOLLOWING:  
 \* VERIFY ALL DIMENSIONS PRIOR TO ANY CONSTRUCTION OR SITE PREP.  
 \* OBTAIN ALL NECESSARY PERMITS AND ORDINANCE CODES & REGULATIONS WHERE STRUCTURE IS TO BE BUILT.  
 \* OBTAIN ALL NECESSARY SUPERVISION REQUIREMENTS. ALL PLANS INDICATE LOCATION ONLY. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND REPORT ACTUAL SITE CONDITIONS.

**PROJECT INFORMATION**  
 DATE: 10/14 / 2021  
 OWNER: MR & MRS OLIVARES  
 SITE: 1021 N. HATHK RD EDNAURO TX 78539

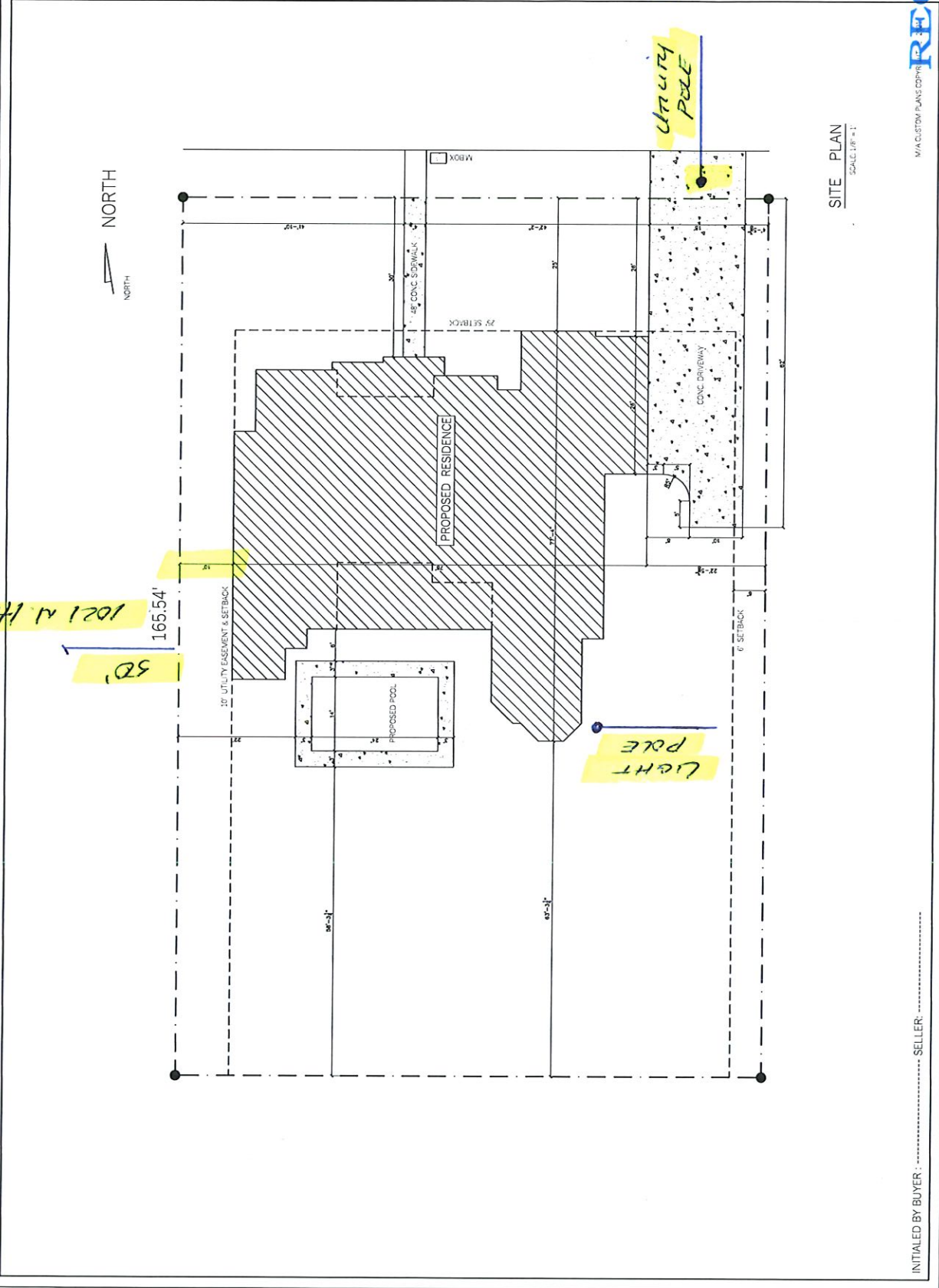
**PROJECT DATA**  
 LIVING: 3,036 SQ FT.  
 GARAGE: 625 SQ FT.  
 PORCH: 128 SQ FT.  
 PATIO: 325 SQ FT.  
 TOTAL: 4,125 SQ FT.  
 WWW.MACUSTOMPLANS.COM

SHEET No: 1 of 6

M/A CUSTOM PLANS  
 M/A CUSTOM PLANS COPY  
**RECEIVED**

JAN 05 2022

Name:                      9:30



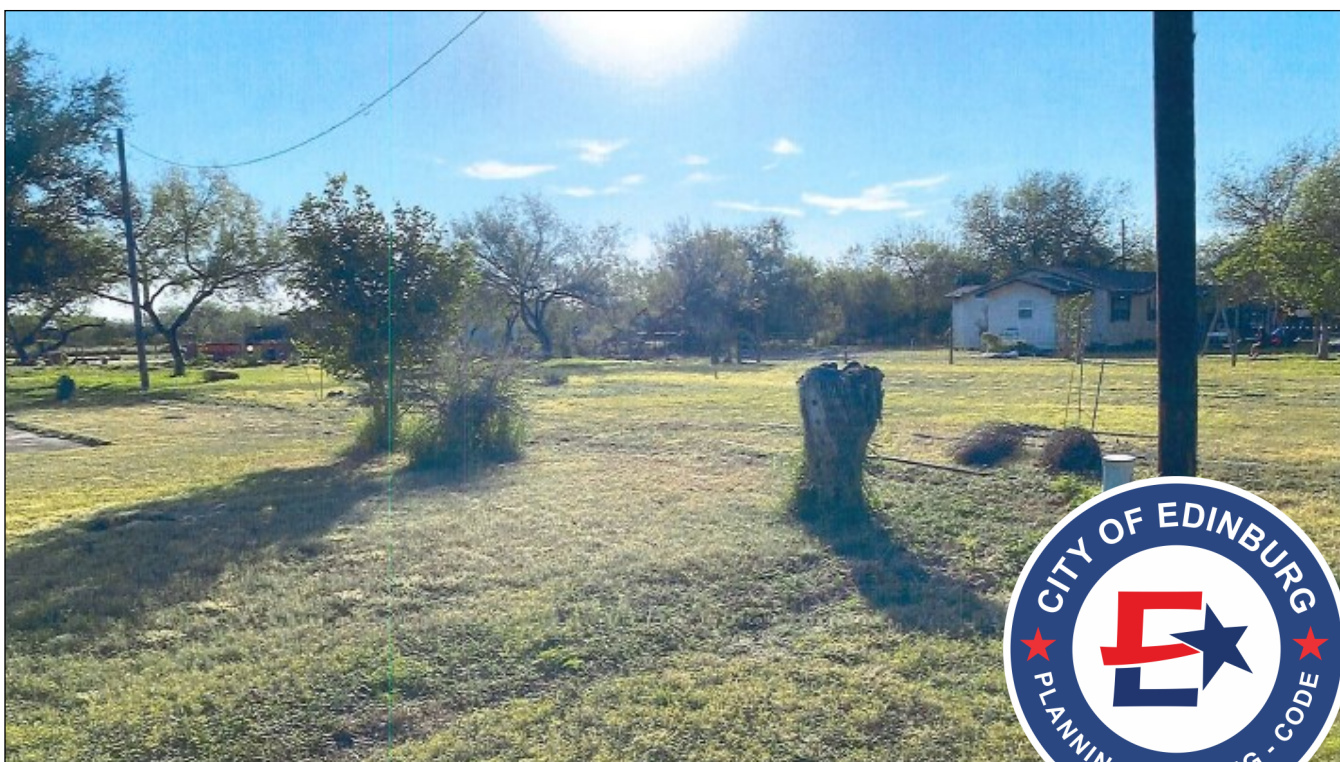
**SITE PLAN**  
 SCALE: 1/8" = 1'

INITIALED BY BUYER: ..... SELLER: .....

# Zoning Board of Adjustment

Site Photos for meeting of January 20, 2022

ORLANDO OLIVAREZ



## ZONING BOARD OF ADJUSTMENT - 2021 ATTENDANCE

	01/27/21	02/24/21	03/31/21	04/28/21	05/26/21	06/30/21	07/28/21	08/25/21	09/08/21	09/29/21	10/27/21	11/17/21	12/14/21
Juan Lopez- Chairperson	P	P	A										
Samuel Simon- Co-Chairperson	A	P	A										
George Cardenas- Regular	P	P	P	A	A	P	P	<b>NO QUORUM</b>	A	P	A	A	<b>NO QUORUM</b>
Jason De Leon- Regular	P	P	P	P	P	P	P		P	P	P		
Andre Maldonado- Regular	P	P	A	P	A	A	P		P	P	P	A	
Mario Escobar- Alternate	A	A	A	A	A	A	A		A	A	A	A	
Eddie Garza- Alternate	P	A	P	P	P	P	P		P	P	P	P	
Jorge Ortegon- Alternate	A	A	A	A	A	A	P		A	P	A	P	
Alex Rios- Alternate	P	A	P	P	P	A	P		P	A	P	P	