



**NOTICE AND AGENDA
ZONING BOARD OF ADJUSTMENT
FEBRUARY 22, 2023 - 05:30 PM
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. DISCLOSURE OF CONFLICT OF INTEREST

4. PUBLIC COMMENTS

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

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

- A.** All items are generally considered as they appear on the agenda. As each item is introduced:
- B.** Staff will present its findings and recommendation on the item being considered.
- C.** The party making the request may make a presentation and may address the Board on any issues arising during the discussion of the item being considered.
- D.** Anyone in the audience desiring to speak in favor or in opposition may do so. A 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.

6. ABSENCES

- A. In Accordance with Chapter 32.04 Paragraph (C) of the Code of Ordinances Boards, Councils Commissions and Committees. Any Member of a Board, Council Commission, or Committee who shall absent such member's self from more than one-third of the meetings of a Board, Council Commission or Committee during one year shall cause such office or position to immediately become vacant.
Discussion and possible action on Mr. Abraham Garcia's absences from the Zoning Board of Adjustment Meetings.

7. OTHER BUSINESS

- A. Consider Appointment for the Zoning Board of Adjustment Chairperson

8. MINUTES

- A. Consider Approval of the Minutes for the January 25, 2023, Regular Meeting

9. PUBLIC HEARINGS

- A. Consider Variance to the City's Unified Development Code, Section 2.206(A)(1), Accessory Use and Structure Standards, Generally, Related and Subordinate to Principal Use, being 3.00 acres out of Lot 7, Block 9, Santa Cruz Gardens Unit No. 3 Subdivision, located at 5007 North Gwin Road, as requested by Silverio Salas, Jr.
- B. Consider Variances to the City's Unified Development Code, Section 2.206(D)(2)(b)(iv)(1), Accessory Use and Structure Standards, General Standards, and Section 2.206(F)(1)(e)(ii), Accessory Use and Structure Standards, Storage and Utility Sheds, Floor Area, a 1.00 acre tract of land, more or less, being a portion of Lot 1, Section 240, Texas-Mexican Railway Company's Survey Subdivision, located at 3301 North Jackson Road, as requested by Rolland Hugh Pursley
- C. Consider Variance to the City's Unified Development Code, Section 3.102(C)(1), Lot and Design Standards, Single-Family Lot and Building Standards, Setbacks, 1.057 acres out of Lot 5, Section 243, Texas-Mexican Railway Company's Survey Subdivision, located at 2900 North Rogiers Road, as requested by Michael Duffey

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 February 17, 2023 .



Claudia Mariscal, Administrative Assistant

10. INFORMATION ONLY

- A. Attendance Roster

11. ADJOURNMENT

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

NOTICE

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



**NOTICE AND AGENDA
ZONING BOARD OF ADJUSTMENT
JANUARY 25, 2022 - 5:30 P.M.
REGULAR MEETING
CITY HALL COUNCIL CHAMBERS
415 W. UNIVERSITY DR.
EDINBURG, TEXAS 78539
MINUTES**

Members Present:

Alex Rios
Eddie Garza
Ponciano Longoria
Diane Teter
Marc Moran
Gregory Vasquez
Marc A. Gonzalez

Absent:

Michael Cantu
Abraham Garcia

Staff:

Jaime Acevedo , Director of Planning & Zoning
Jaime Ayala, Planner II
Omar Ochoa, City Attorney
Claudia Mariscal, Administrative Assistant

1. CALL MEETING TO ORDER, ESTABLISH QUORUM

Chairperson Alex Rios called the meeting to order at 5:32 P.M.

A. Prayer – Prayer was announced.

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

2. CERTIFICATION OF PUBLIC NOTICE

Jaime Ayala certified the agenda had been posted on January 20, 2023 at 4:45 P.M.

3. DISCLOSURE OF CONFLICT OF INTEREST

4. PUBLIC COMMENTS

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

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

- A.** All items are generally considered as they appear on the agenda, as each item is introduced.
- B.** Staff will present its findings and recommendation on the item being considered.
- C.** The party making the request may make a presentation and may address the Board on any issues arising during the discussion of the item being considered.
- D.** Anyone in the audience desiring to speak in favor or in opposition may do so. A 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.

6. ABSENCES

- A.** In Accordance with Chapter 32.04 Paragraph (C) of the Code of Ordinances Boards, Councils Commissions and Committees. Any Member of a Board, Council Commission, or Committee who shall absent such member's self from more than one-third of the meetings of a Board, Council Commission or Committee during one year shall cause such office or position to immediately become vacant.

Discussion and possible action on Mr. Alex Rios' absences from the Zoning Board of Adjustment Meetings.

THERE WAS DISCUSSION REGARDING THE ABSENCES OF CHAIRPERSON ALEX RIOS'. MR. RIOS SUGGESTED THAT HE BE REMOVED FROM THE BOARD DUE TO ALL THE ABSENCES AND IN ACCORDANCE WITH THE ORDINANCE.

AFTER THE BRIEF DISCUSSION, A MOTION WAS MADE BY VICE CHAIRPERSON, EDDIE GARZA AND WAS SECONDED BY BOARD MEMBER MARC MORAN TO NOT EXCUSE MR. RIOS' ABSENCES. MOTION CARRIED WITH A VOTE OF 6-0.

7. MINUTES

A. Consider approval of the Minutes for the November 16, 2022 Regular Meeting

Board Member, Ponciano Longoria moved to consider approval of the Minutes for the November 16, 2022 Regular Meeting. Seconded by Board Member, Diane Teter the motion. The motion to approve carried unanimously with a vote of 6-0

8. PUBLIC HEARINGS

A. Consider Variance to the City's Unified Development Code, Section 2.206 (D)(2)(b), Accessory Use Standards, Lot 5, Gertrudis Ranches Subdivision, located at 1416 Bluebonnet Avenue, as requested by Ruben Ruiz, Jr.

MR. RUBEN RUIZ, JR. WAS PRESENT AND ADDRESSED THE BOARD. THE BOARD STATED THAT WERE CONCERNED WITH DIRECTION OF WHERE THE CARPORT WILL BE BUILT.

AFTER THE BRIEF DISCUSSION, A MOTION WAS MADE BY BOARD MEMBER, MARC MORAN TO APPROVE AND WAS SECONDED BY VICE CHAIRPERSON EDDIE GARZA TO APPROVE THE VARIANCE REQUEST. MOTION CARRIED WITH A VOTE OF 4-2.

9. OTHER BUSINESS

10. INFORMATION ONLY

A. Attendance Roster

11. ADJOURNMENT

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

Claudia Mariscal

Claudia Mariscal, Administrative Assistant
Planning & Zoning Department

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

NOTICE

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

Planning & Zoning Staff Report

Prepared on: February 16, 2023

ZONING BOARD OF ADJUSTMENT

Regular Meeting: February 22, 2023

Agenda Item 8A

Consider Variance to the City's Unified Development Code, Section 2.206(A)(1), Accessory Use and Structure Standards, Generally, Related and Subordinate to Principal Use, being 3.00 acres out of Lot 7, Block 9, Santa Cruz Gardens Unit No. 3 Subdivision, located at 5007 North Gwin Road, as requested by Silverio Salas, Jr.

Request

The applicant is requesting a variance to the City's Unified Development Code (UDC), Section 2.206.A.1 as it applies to Accessory Use and Structure Standards. The applicant is proposing to construct an accessory structure (barn) on a residential lot that does not contain a principal structure.

Property Location and Vicinity

The property has private access from North Gwin Road and is located approximately 570 ft. west of North Gwin Road and approximately 600 ft. south of East Davis Road. The property is zoned Residential, Suburban (RS) District. Adjacent zoning is Residential, Suburban (RS) District to the north, south, and east, and Residential, Multifamily and Urban (RM) District to the west. Surrounding land uses are mostly low-density, single-family residential and some vacant land.

Background and History

The property is part of the Santa Cruz Gardens Unit No. 3 Subdivision, recorded February 19, 1947. In early January, 2023, the applicant contacted Staff regarding a project to build a barn type structure on a residential lot. The applicant was informed by Staff that residential accessory structures may not be built on a lot that does not contain a primary residential structure. The applicant submitted a Zoning Variance Application on January 12, 2023, to proceed with this project. The applicant did not provide any reasons or criteria as basis for this request.

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

Analysis

The property is a three-acre portion of a family partition on this lot. Two of the four neighboring properties appear to belong to family members. The property is over 550 ft. west of North Gwin Road and seems only accessible through the family lot to the east. The applicant submitted photos showing a partially completed barn type structure measuring 40x40 ft. The property is currently vacant and would contain no other structures as planned.

Planning & Zoning Staff Report

UDC Section Section 2.206.A.1 states that “The accessory use is not established until after the principal use is constructed and occupied.” As no principle use exists on the subject property, accessory uses are not permitted. In addition, none of the Specific Review Criteria of UDC Section 9.501(B) have been met.

Recommendation

Staff recommends disapproval of this variance request and that the applicant adhere to all applicable UDC guidelines.

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:

Jaime Acevedo
Director of Planning & Zoning

UNIFIED DEVELOPMENT CODE

(Ord. No. [2022-4764](#), 08/09/2022)

ARTICLE 2 – ZONING DISTRICTS AND LAND USES

Division 2.200, Use Standards

Sec. 2.206, Accessory Use and Structure Standards

...

A. Generally. Accessory use of the property or structures is permitted if all of the following are demonstrated:

1. *Time Established.* The accessory use is not established until after the principal use is constructed and occupied.
2. *Related and Subordinate to Principal Use.* The accessory use is customarily related to and obviously subordinate to the principal use in height and floor area.

UNIFIED DEVELOPMENT CODE

(Ord. No. [2022-4764](#), 08/09/2022)

ARTICLE 9 – DEVELOPMENT REVIEW PROCEDURES

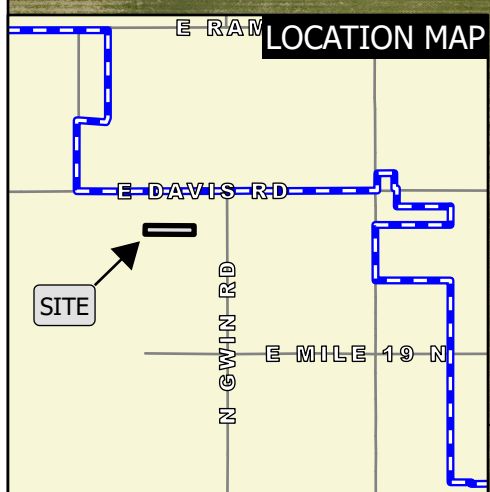
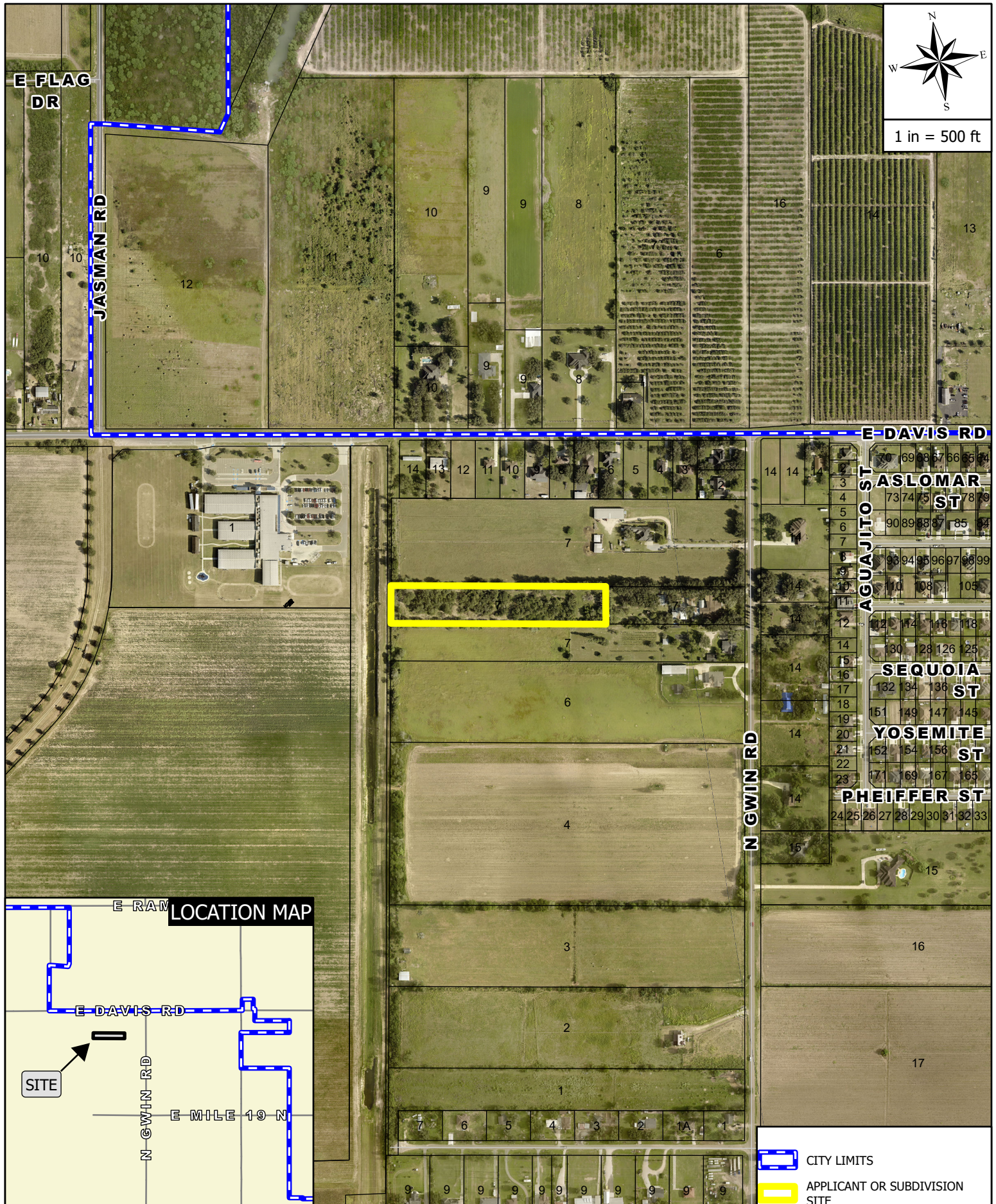
Division 9.500, Quasi-Judicial Review Procedures

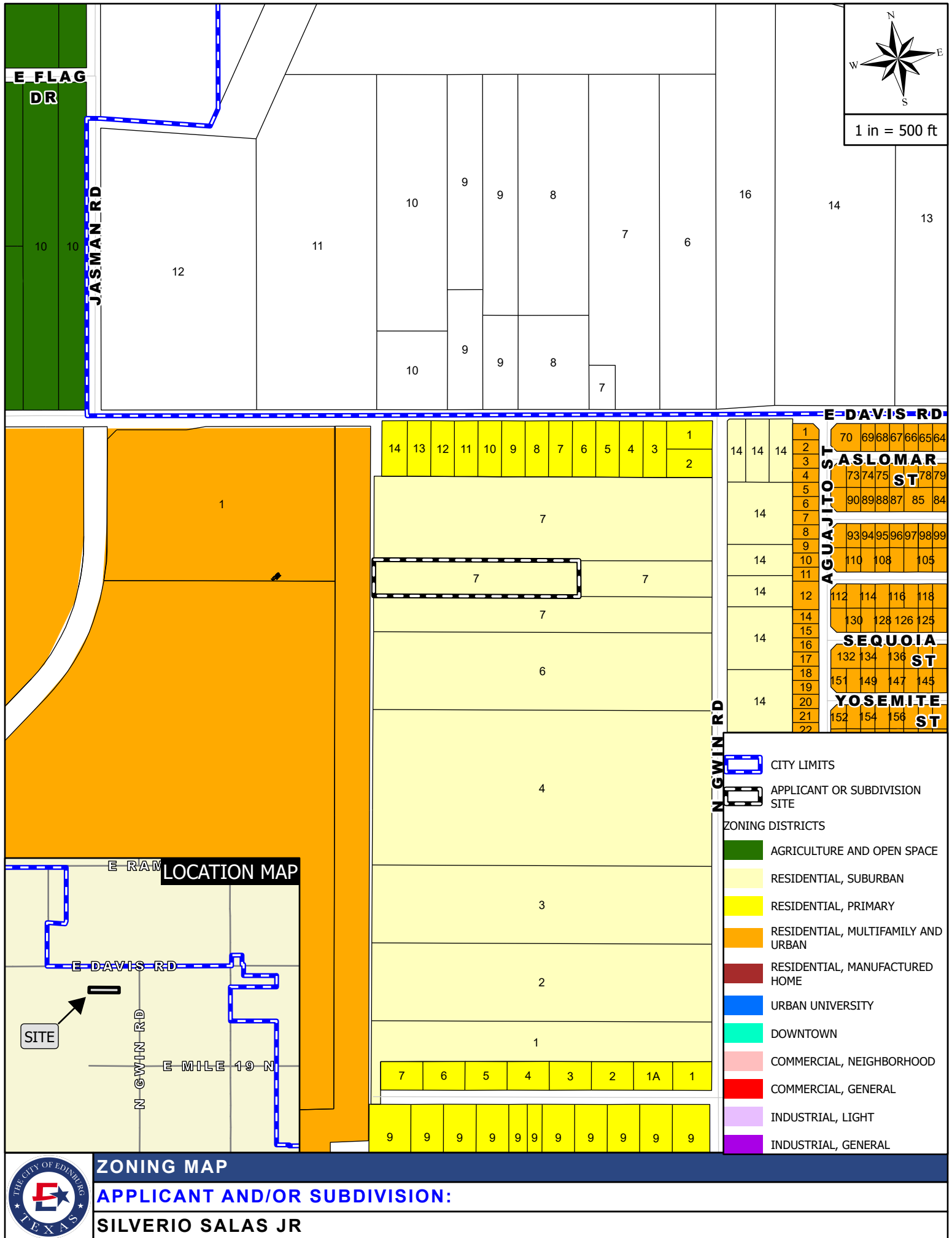
Sec. 9.501, Variances

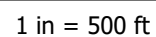
...

B. Specific Review Criteria.

1. *Review Criteria.* In determining whether to approve, approve with conditions, or deny a Variance, the review bodies shall consider the applicable common decision criteria in Sec. 9.205, Common Decision Criteria, and should not grant a variance unless the following conditions are satisfied:
 - a. There are extraordinary and exceptional conditions pertaining to the subject property because of its size, shape, or topography that are not applicable to other lands or structures in the same district;
 - b. The need for a Variance or the extraordinary and exceptional conditions do not result from the actions of the applicant;
 - c. Granting the Variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same district;
 - d. A literal interpretation of the provisions of this UDC would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located;
 - e. Granting of the Variance will be in harmony with the general purpose and intent of this UDC and will not be injurious to the neighborhood or otherwise detrimental to the public welfare;
 - f. The Variance requested is the minimum variance that will make possible a permitted use of the land, building, or structure;
 - g. The Variance will not permit a use of land, building, or structure that is not otherwise permitted in the applicable district;
 - h. The Variance will not permit an intensity of use of land that is not permitted in the applicable district; and
 - i. The Variance is consistent with the City's Comprehensive Plan.
2. *Affirmative Findings.* In order to approve an application for a Variance, the final decision-making body shall make affirmative findings on all of the applicable decision criteria.







JASMAN RD

E DAVIS RD

ASLOMAR
737475 **ST** 7879

SEQUOIA
132 134 136 **ST**

YOSEMITE
152 154 156 **ST**

HEIFFER ST

LOCATION MAP

SITE

CITY LIMITS

APPLICANT OR SUBDIVISION
SITE

300FT NOTIFICATION



MAILOUT AND SITE MAP

APPLICANT AND/OR SUBDIVISION:

SILVERIO SALAS JR

Planning & Zoning

415 West University Drive
Edinburg, Texas 78539
(956) 388-8303



THE CITY OF
Edinburg

Zoning Variance Application

ENERGOV CASE # VAR-2023-0149

Property Owner Name: Silverio Salas Jr.

Owner Contact Information

Mailing Address: 5007 N. Gwin Road

Edinburg, Texas

78542

Street Address

City/State

Zip Code

Phone (Home): _____ (Work): _____ (Cell): 956-225-3575

Email: Silver.salas22@gmail.com

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

Applicant Contact Information

Mailing Address: _____

Street Address

City/State

Zip Code

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

Email: _____

Property Address for Variance: 5007 N. Gwin Road

Edinburg, Texas

78542

Street Address

City/State

Zip Code

Property Legal Description: 7

9

Santa Cruz Gardens Unit No.3

Lot

Block

Subdivision

Present Property Zoning: Suburban Residential Property ID#: 278924

Nature of Request (cite all applicable UDC Sections):

Variance to UDC 2.206

Reason for Appeal

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

Zoning Variance Application

Review Criteria

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

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

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

Signature: Silverio Salas Jr Date: September 23, 2023

Owner/Agent's Name (Please Print): Silverio Salas Jr

RECEIVED

OFFICE USE ONLY

\$450 Application Fee: 201956364 Application Received by: Ayala
Receipt No. Name: [Signature]

Application deadline: Feb. 6. 23 ZBA Hearing date: Feb. 22. 2023.

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

RECEIVED
JAN 16 2023
By _____

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 815008
EDINBURG ISD
PO BOX 990
EDINBURG, TX 815008

PROPERTY ID: 278921
SALAS JOSE & AURORA G
5003 N GWIN RD
EDINBURG, TX 278921

PROPERTY ID: 278919
MARTINEZ COSME JR
5011 N GWIN RD
EDINBURG, TX 278919

PROPERTY ID: 278924
SILVERIO L & ANGELITA R SALAS
5007 N GWIN RD
EDINBURG, TX 278924

PROPERTY ID: 278917
GARZA HECTOR R & LYDIA L
4921 N GWIN RD
EDINBURG, TX 278917

PROPERTY ID: 278918
GARZA HECTOR R & LYDIA L
4921 N GWIN RD
EDINBURG, TX 278918

PROPERTY ID: 900916
EDINBURG ISD
101 N 8TH AVE
EDINBURG, TX 900916

PROPERTY ID: 901719
SKC DEVELOPMENT LTD
4216 N I69 C
EDINBURG, TX 901719

RE: SILVERIO SALAS, JR. - 3.00 ACRES OUT OF LOT 7, LOT 9, SANTA CRUZ GARDENS UNIT 3 SUBDIVISION, LOCATED AT 5007 N. GWIN RD.

Sylvia Salas <sylvia.salas@assetliving.com>

Fri, Feb 17, 2023 at 8:38 AM

To: "planning@cityofedinburg.com" <planning@cityofedinburg.com>

Answering IN FAVOR / A FAVOR to variance requested allowing construction of an accessory structure on a lot with no principal structure.

Form letter has also been mailed in.



Sylvia Salas

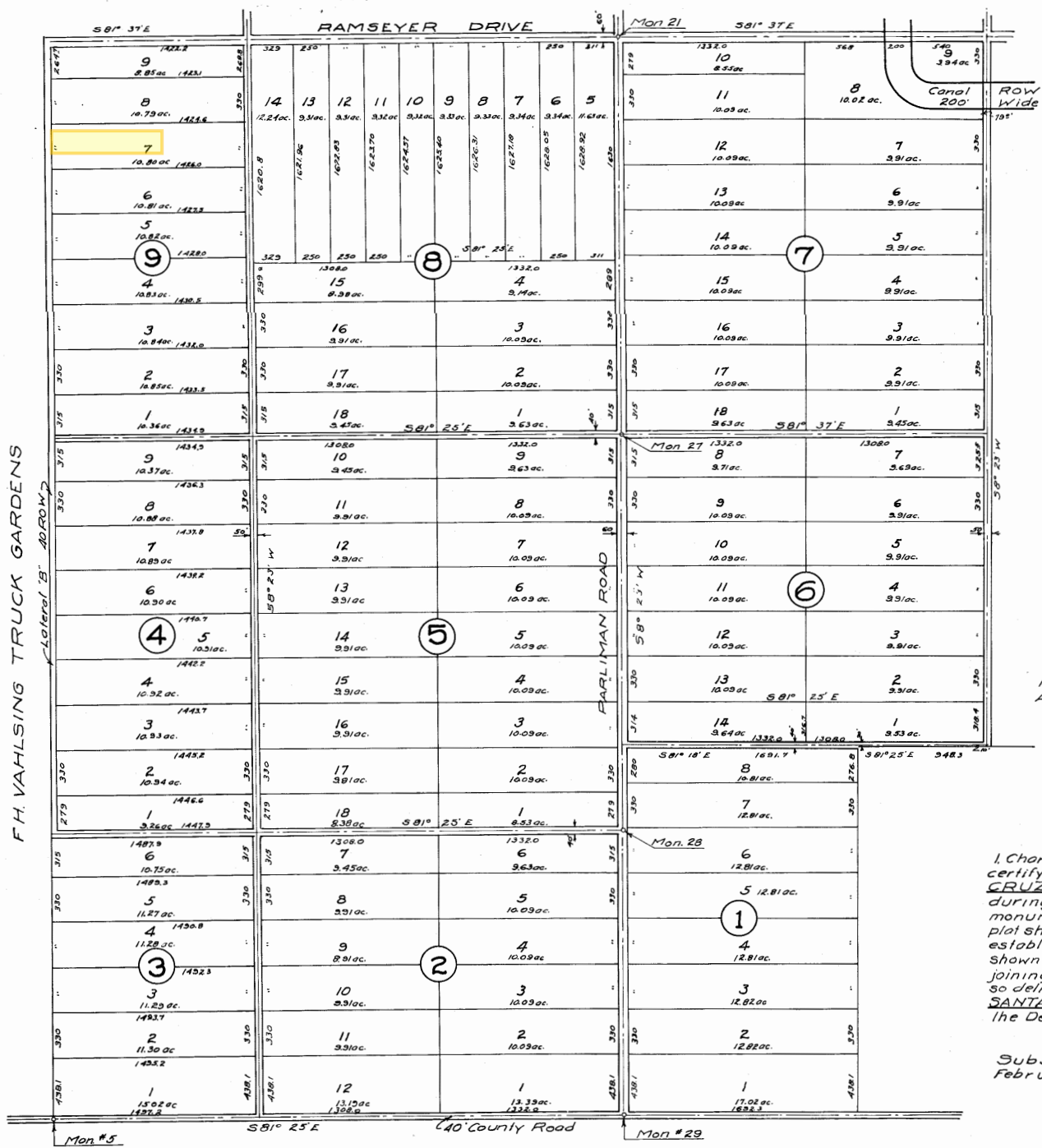
Regional Supervisor

P 469.930.3320 ext. 2320 | C 956.907.6320

7550 IH 10W Suite 750 San Antonio, Tx 78229

[AssetLiving.com](https://www.AssetLiving.com)

SANTA CRUZ GARDENS UNIT 2



NOTE.
Monument designation is from SANTA CRUZ #2
All acreages and dimensions are to $\frac{1}{2}$ of roads.

CERTIFICATION

I, Charles L. Melden, Civil Engineer and surveyor do hereby certify that this map is a true and correct plat of SANTA CRUZ GARDENS UNIT 3 as survey and platted by me during the month of January A.D. 1947 on the ground with monuments located as shown on said plat and which map or plat shows extension of and connection with all roads now established on adjoining properties and where no roads are shown no such roads are laid out or established upon lands adjoining the same at the time of this survey and that all roads so delineated upon such map run through or across said SANTA CRUZ GARDENS UNIT 3 and are so designated by the Dedication of such subdivision.

Subscribed and sworn to before me this 19 day of February A.D. 1947
Charles L. Melden
Civil Engineer & Surveyor
Dale E. Grimes
Notary Public in and for Hidalgo County, Texas

MAP
OF
SANTA CRUZ GARDENS UNIT NO. 3

Being a resubdivision of Lots 50 to 61 and 67 to 72 of the SANTA CRUZ GARDENS UNIT NUMBER 2
HIDALGO COUNTY, TEXAS

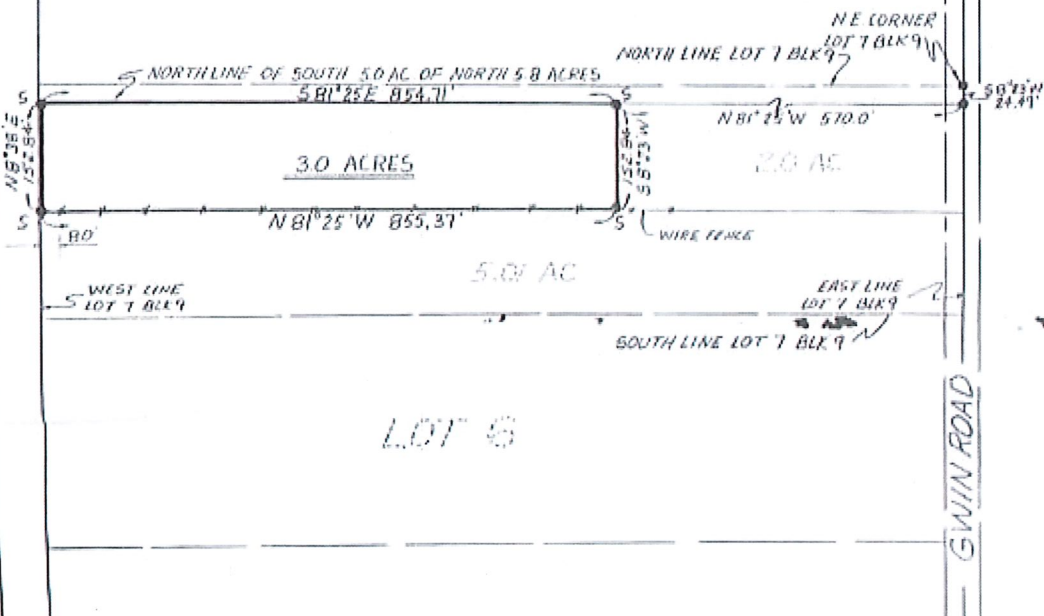
Scale 1" = 400'

SALINAS & ASSOCIATES, INC.
CONSULTING ENGINEERS & SURVEYORS
1013 SYCAMORE - McALLEN, TEXAS
682-9081

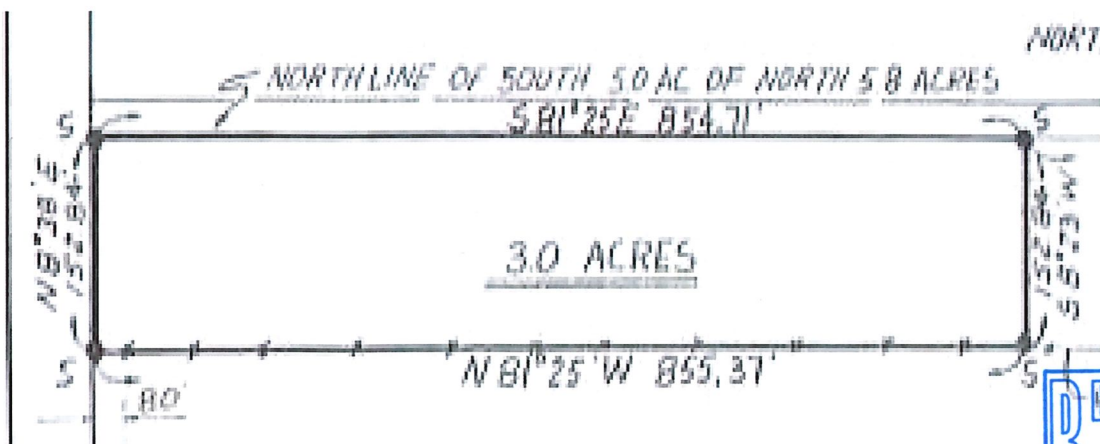
SCALE
1"=200'

DAVIS ROAD

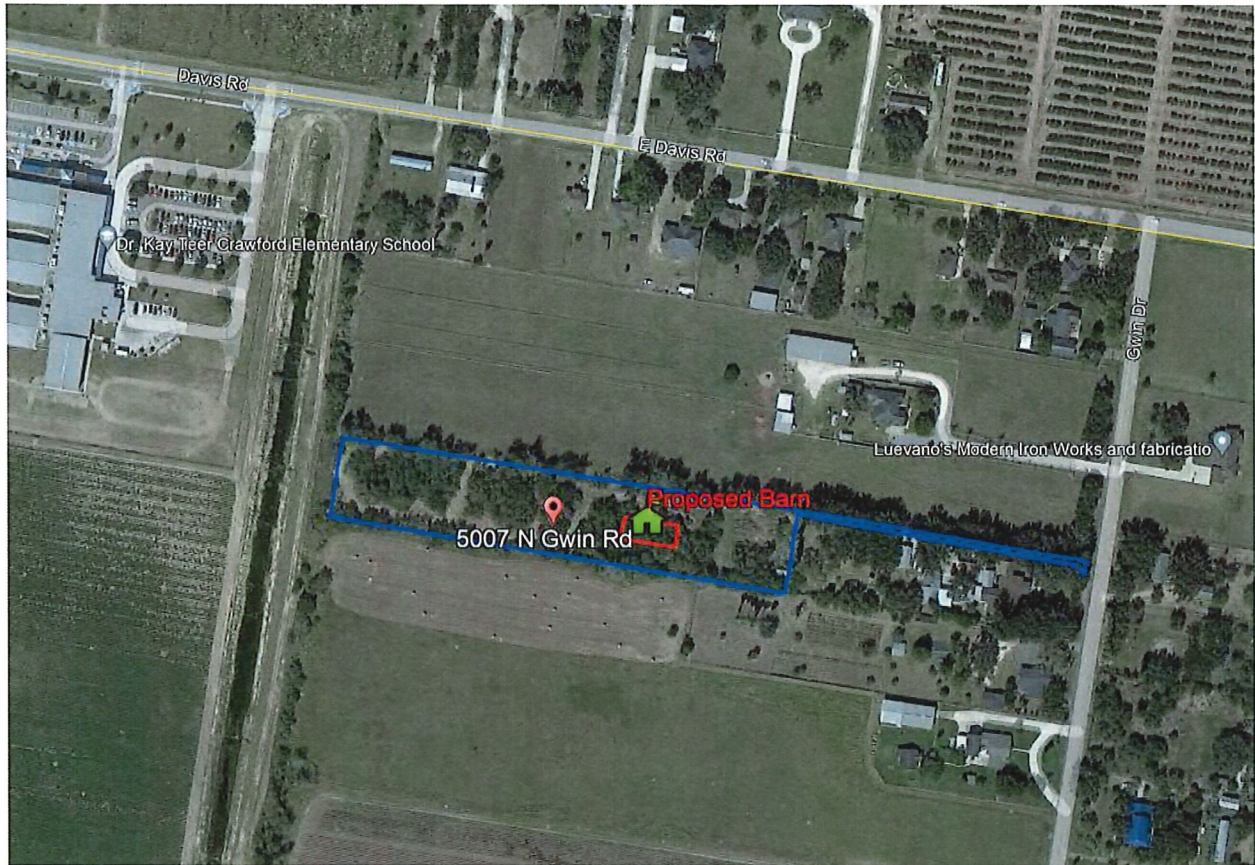
LOT 8



LOT 6



RECEIVED
FEB 03 2023
By _____



Silverio Salas Jr
Proposed Barn Sketch VARIANCE REQUEST



Zoning Board of Adjustment

Site Photos for meeting of February 22, 2023

SILVERIO SALAS, JR. - 5007 NORTH GWIN ROAD



Planning & Zoning Staff Report

Prepared on: February 16, 2023

ZONING BOARD OF ADJUSTMENT

Regular Meeting: February 22, 2023

Agenda Item 8B

Consider Variances to the City's Unified Development Code, Section 2.206(D)(2)(b)(iv)(1), Accessory Use and Structure Standards, General Standards, and Section 2.206(F)(1)(e)(ii), Accessory Use and Structure Standards, Storage and Utility Sheds, Floor Area, a 1.00 acre tract of land, more or less, being a portion of Lot 1, Section 240, Texas-Mexican Railway Company's Survey Subdivision, located at 3301 North Jackson Road, as requested by Rolland Hugh Pursley

Request

The applicant is requesting two variances to the City's Unified Development Code (UDC). The first is to Section 2.206(D)(2)(b)(iv)(1) as it applies to maximum floor area of residential accessory structures as a function of a percentage of the principal structure. The second is to UDC Section 2.206(F)(1)(e)(ii) as it applies to maximum floor area for Storage and Utility Sheds. The applicant is proposing to construct a shed that exceeds the maximum floor area for accessory structures and is larger than the maximum size shed allowed by the UDC.

Property Location and Vicinity

The property is located on the west side of North Jackson Road, approximately 1,100 ft. south of West Monte Cristo Road. The property is zoned Residential, Suburban (RS) District. Adjacent zoning is Residential, Suburban (RS) District in all directions. Surrounding land uses are single-family residential and vacant land.

Background and History

The property is a one-acre lot and is not subdivided. A single-family home was recently constructed at this location. In January 2023, the applicant contacted Staff regarding the construction of a storage building/hobby shop on the subject property. The proposed building was larger than allowed by the UDC. Variance is required to construct the storage building as proposed.

Staff mailed notice of this variance request to 16 neighboring property owners. No comments in favor or against this request had been received at the time this report was prepared.

Analysis

Construction plans submitted for the home recently completed at this location show a total area 2,473 sq. ft. for the home. A site plan submitted by the applicant shows a proposed accessory building measuring 40 ft. by 60 ft. This structure would have an approximate floor area of 2,400 sq. ft., roughly 97% of the floor area of the principle structure. UDC Section 2.206(D)(2)(b)(iv)(1)

Planning & Zoning Staff Report

states, “No single freestanding accessory structures shall exceed 30% of the floor area of the principal structure.” The proposed building is 67% larger than the total floor area allowed by the UDC for accessory structures in the City.

The Zoning Variance Application submitted by the applicant describes the proposed structure as a “storage building to store personal property and have area for hobby shop.” This meets the definition of residential storage and utility sheds. UDC Section 2.206.F.1.e contains regulations that apply specifically to storage and utility sheds. On lots that are larger than 10,000 sq. ft., such as this one, the maximum floor area allowed is 256 sq. ft. for this type of use. The proposed structure is approximately 937.5% larger than the maximum allowed by the UDC.

Staff review of this case determined that none of the Specific Review Criteria of UDC Section 9.501(B) have been met.

Recommendation

Staff recommends disapproval of this variance request and that the applicant adhere to all applicable UDC guidelines.

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:

Jaime Acevedo
Director of Planning & Zoning

UNIFIED DEVELOPMENT CODE

(Ord. No. [2022-4764](#), 08/09/2022)

ARTICLE 2 – ZONING DISTRICTS AND LAND USES

Division 2.200, Use Standards

Sec. 2.206, Accessory Use and Structure Standards

...

D. General Standards for Accessory Structures and Uses.

...

2. *Residential Uses.* The following provisions apply to all residential uses in any district:
 - a. *Use of Structure.* The accessory structure is not used for commercial purposes except for approved cottage industries.
 - b. *Accessory Structures to Single-Family Uses.* Accessory structures to single-family uses are designed and located as follows:

...

- iii. *Rear yards.* Freestanding accessory structures may be located in the rear yard of single-family (including lot-line and village house) lots, including rear yards that are street yards, if:

1. The following rear setbacks are provided if no alley or access easement is present:
 - A. On lots that are less than 12,000 square feet in area: Five feet, or width of existing or required utility easement, whichever is greater.
 - B. On lots that are between 12,000 square feet and one acre in area: Ten feet, or width of existing or required utility easement, whichever is greater.
 - C. On lots that are one acre or more in area: 18 feet, or width of existing or required utility easement, whichever is greater.
2. The following rear setbacks are provided if an alley or access easement is present:
 - A. Generally: Two feet
 - B. Where a garage door faces the alley or access easement: 18 feet.

iv. *Floor Area.*

1. No single freestanding accessory structures shall exceed 30% of the floor area of the principal structure except as may be specifically permitted in Subsection F, Storage and Utility Sheds, below.
2. The total impervious surface ratio of the site, including buildings, drives, walks, patios, and recreation facilities, is less than 60 percent.

UNIFIED DEVELOPMENT CODE

(Ord. No. [2022-4764](#), 08/09/2022)

ARTICLE 2 – ZONING DISTRICTS AND LAND USES

Division 2.200, Use Standards

Sec. 2.206, Accessory Use and Structure Standards

...

F. Storage and Utility Sheds.

1. Residential Uses. One storage building is permitted on a residential lot if it is demonstrated that:
 - a. Use. The building is used only for residential storage.
 - b. Building Type. Buildings must be designed for use as storage buildings. Converted semi-trailers, manufactured homes, modular shipping containers, dumpsters, or similar structures or equipment shall not be used for storage.
 - c. Heating and Cooling. No central heating or cooling systems are installed.
 - d. Utilities. Water service and electricity are allowed for the limited purposes of: wash sink, water closet, automatic garage door opener, a single internal light fixture, and a single external light fixture.
 - e. Floor Area. The floor area of the storage building does not exceed:
 - i. For lots that are 10,000 square feet or less in area, 144 square feet.
 - ii. For lots that are larger than 10,000 square feet in area, 256 square feet.
 - iii. Larger sheds shall be permitted only by Limited Use to determine whether they:
 1. Are consistent and compatible with the character of the neighborhood; and
 2. Will not tend to create a public nuisance.
 - f. Calculation of Floor Area. The storage building's floor area does not count toward the allowable building floor area of the main building.

UNIFIED DEVELOPMENT CODE

(Ord. No. [2022-4764](#), 08/09/2022)

ARTICLE 9 – DEVELOPMENT REVIEW PROCEDURES

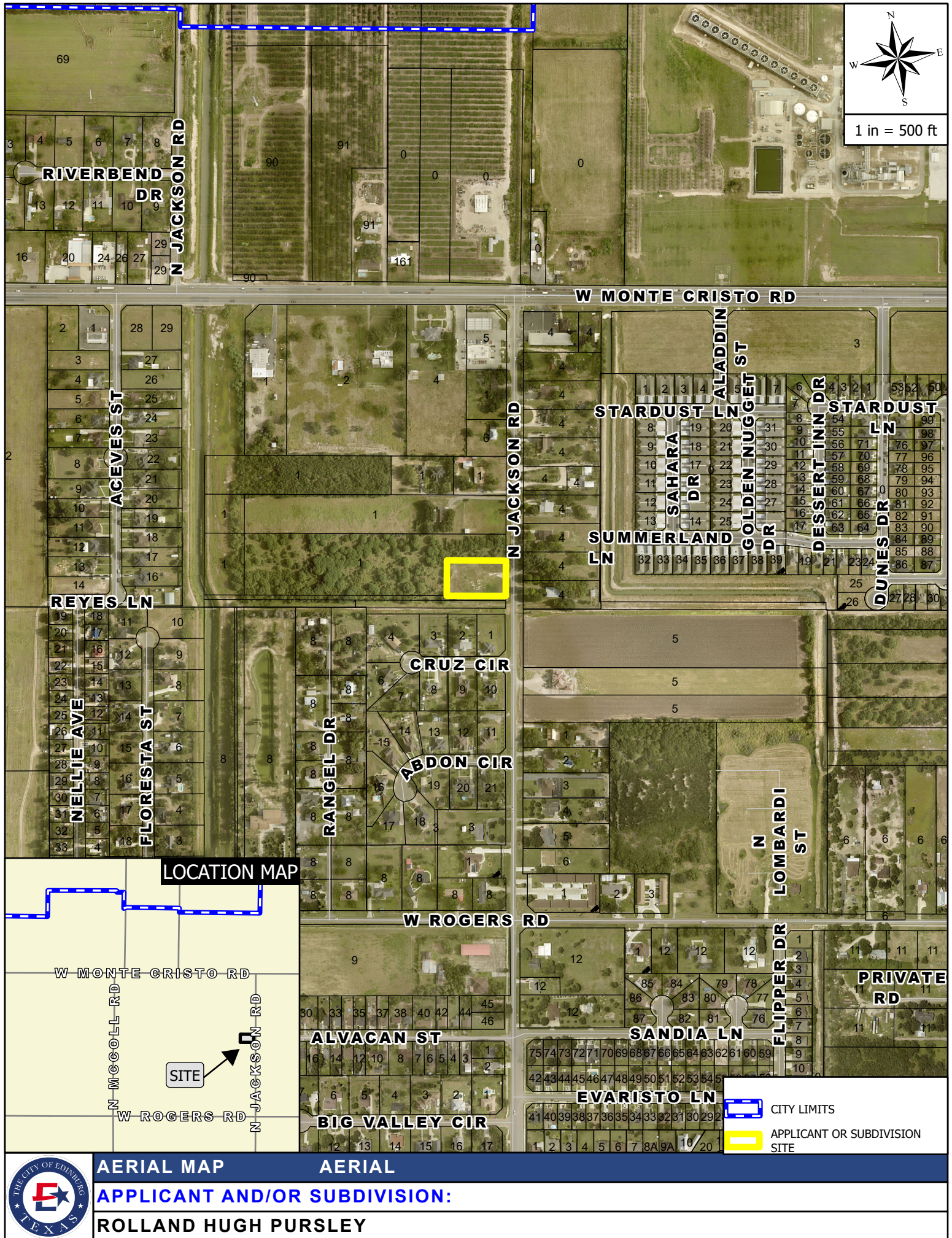
Division 9.500, Quasi-Judicial Review Procedures

Sec. 9.501, Variances

...

B. Specific Review Criteria.

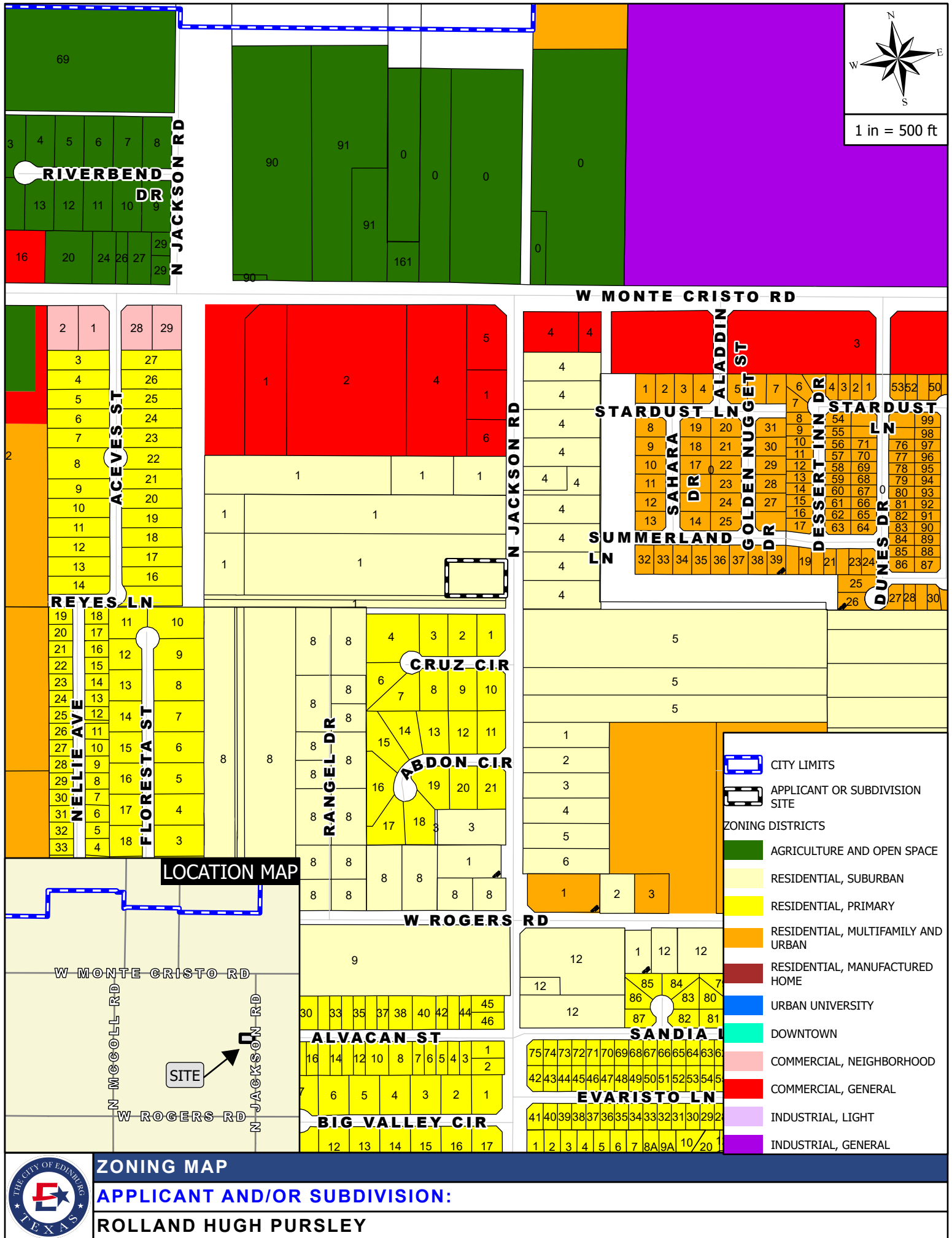
1. *Review Criteria.* In determining whether to approve, approve with conditions, or deny a Variance, the review bodies shall consider the applicable common decision criteria in Sec. 9.205, Common Decision Criteria, and should not grant a variance unless the following conditions are satisfied:
 - a. There are extraordinary and exceptional conditions pertaining to the subject property because of its size, shape, or topography that are not applicable to other lands or structures in the same district;
 - b. The need for a Variance or the extraordinary and exceptional conditions do not result from the actions of the applicant;
 - c. Granting the Variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same district;
 - d. A literal interpretation of the provisions of this UDC would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located;
 - e. Granting of the Variance will be in harmony with the general purpose and intent of this UDC and will not be injurious to the neighborhood or otherwise detrimental to the public welfare;
 - f. The Variance requested is the minimum variance that will make possible a permitted use of the land, building, or structure;
 - g. The Variance will not permit a use of land, building, or structure that is not otherwise permitted in the applicable district;
 - h. The Variance will not permit an intensity of use of land that is not permitted in the applicable district; and
 - i. The Variance is consistent with the City's Comprehensive Plan.
2. *Affirmative Findings.* In order to approve an application for a Variance, the final decision-making body shall make affirmative findings on all of the applicable decision criteria.



AERIAL MAP AERIAL

APPLICANT AND/OR SUBDIVISION:

ROLLAND HUGH PURSLEY



1 in = 500 ft

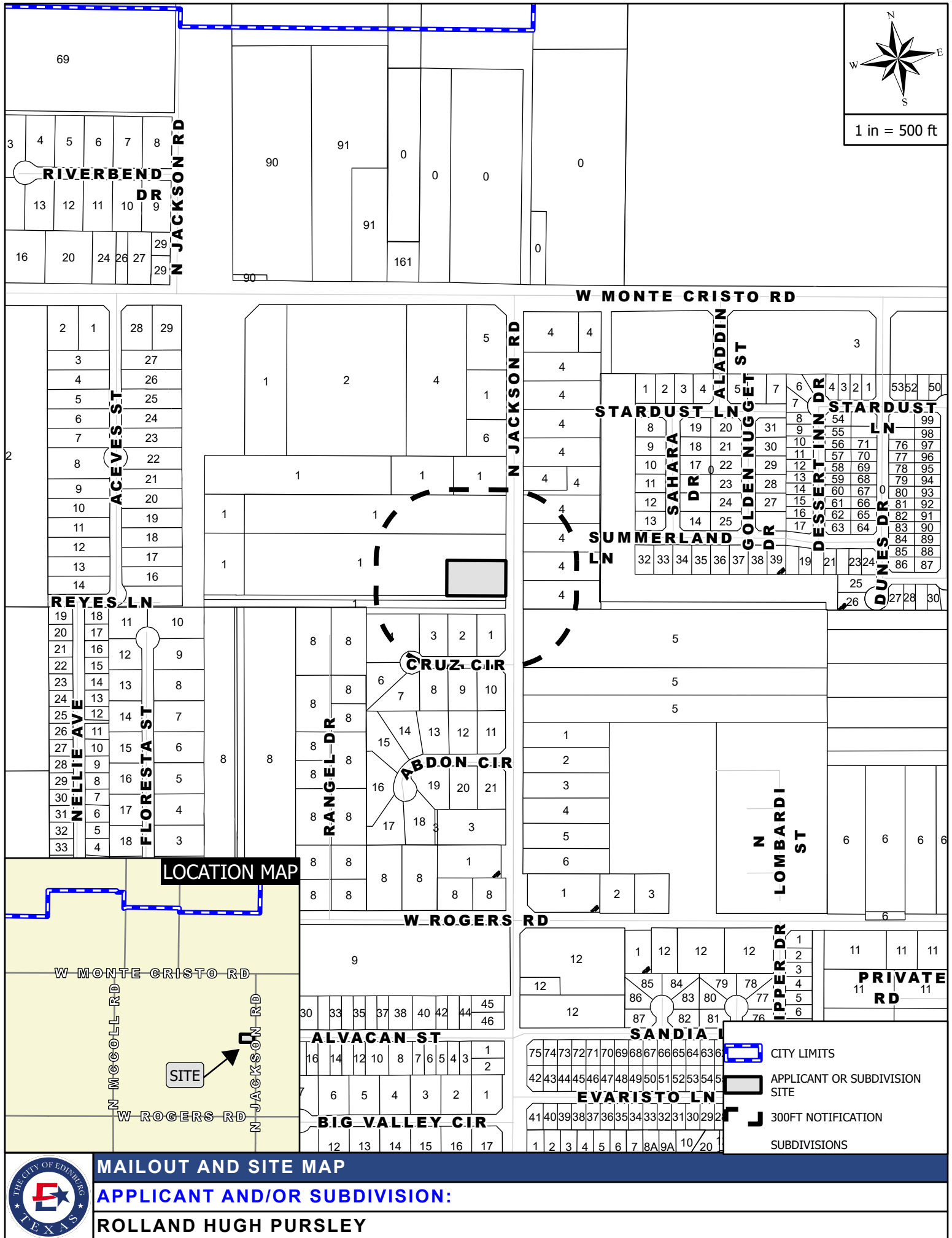
- CITY LIMITS
- APPLICANT OR SUBDIVISION SITE
- ZONING DISTRICTS**
- AGRICULTURE AND OPEN SPACE
 - RESIDENTIAL, SUBURBAN
 - RESIDENTIAL, PRIMARY
 - RESIDENTIAL, MULTIFAMILY AND URBAN
 - RESIDENTIAL, MANUFACTURED HOME
 - URBAN UNIVERSITY
 - DOWNTOWN
 - COMMERCIAL, NEIGHBORHOOD
 - COMMERCIAL, GENERAL
 - INDUSTRIAL, LIGHT
 - INDUSTRIAL, GENERAL

ZONING MAP

APPLICANT AND/OR SUBDIVISION:

ROLLAND HUGH PURSLEY





N

W

S

E

1 in = 500 ft

LOCATION MAP

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



MAILOUT AND SITE MAP

APPLICANT AND/OR SUBDIVISION:

ROLLAND HUGH PURSLEY

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



ENERGOV CASE

VAR-2023-0150

Property Owner Name: Rolland Hugh Pursley

Mailing Address: P.O. Box 368 Edinburg, TX 78540

Street Address

City/State

Zip Code

Phone (Home): _____ (Work): _____ (Cell): 956-270-3979

Email: rhp12257@aol.com

Applicant Contact Information

Street Address

City/State

Zip Code

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

Email: _____

Property Address for Variance: 3301 N. Jackson Road

Street Address

City/State

Zip Code

1

240

TEX-MEX SURVEY

Lot

Block

Subdivision

SFD

Property ID#:

To build larger storage building to store personal property and have area for hobby shop.

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

Home is 2477 sq.ft. Requesting Storage building that is 2400 sq.ft.

UDC Section(s) Requiring Variance: Article 2-206

Jaine K. Ayala

Date: 1-20-23

Zoning Variance Application

Review Criteria

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

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

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

Signature: Rolland H. Pursley Date: 1-30-23
Owner/Agent's Name (Please Print): ROLLAND HUGH PURSLEY

OFFICE USE ONLY

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

Application deadline: February 6th 2023 ZBA Hearing date: February 22. 2023

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

RECEIVED

JAN 30 2023

Name: [Signature]

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 578371
GARCIA MARIA ANTONIA
2113 CRUZ CIR
EDINBURG, TX 578371

PROPERTY ID: 578369
CARRANZA DEVELOPMENT LLC
4119 CROSSPOINT BLVD
EDINBURG, TX 578369

PROPERTY ID: 578370
VILLARREAL MARIA DEL CARMEN
2109 CRUZ CIR
EDINBURG, TX 578370

PROPERTY ID: 295238
GRANADO BELIA & JUANITA
1524 S 12TH AVE
EDINBURG, TX 295238

PROPERTY ID: 295235
QUINTANILLA LUIS G
616 S 5TH AVE
EDINBURG, TX 295235

PROPERTY ID: 295233
OZUNA PEDRO
3230 N JACKSON RD
EDINBURG, TX 295233

PROPERTY ID: 295234
JARAMILLO JOSE LUIS
917 N BOSTON COLLEGE DR
EDINBURG, TX 295234

PROPERTY ID: 295226
REYES MARIO O & ZEIDA D
3304 N JACKSON RD
EDINBURG, TX 295226

PROPERTY ID: 295348
GUERRA RENE
1211 MCKEE DR
EDINBURG, TX 295348

PROPERTY ID: 295350
SOSA YOLANDA CAVAZOS
3315 N JACKSON RD
EDINBURG, TX 295350

PROPERTY ID: 295351
HERRERA RICARDO G & LUCIA
3311 N JACKSON RD
EDINBURG, TX 295351

PROPERTY ID: 295352
PURSLEY ROLLAND HUGH
PO BOX 368
EDINBURG, TX 295352

PROPERTY ID: 295353
OZUNA OSCAR
6349 N FM 755
RIO GRANDE CITY, TX 295353

PROPERTY ID: 899601
OZUNA FRANCISCO
3306 N JACKSON RD
EDINBURG, TX 899601

PROPERTY ID: 1309931
HIDALGO COUNTY IRRIGATION
DISTRICT NO 1
1904 N EXPRESSWAY 281
EDINBURG, TX 1309931

PROPERTY ID: 1309531
LANE LETITIA MAE TRUSTEE OF THE
ELECTA LUONA HEFNER
REVOCABLE LIVING TRUST
3129 N JACKSON RD
EDINBURG, TX 1309531

OSCAR OZUNA
DOC # 1893134 O.R.

LEGEND

- - SET 1/2 INCH IRON ROD
W/ A RED CAP STAMPED
"RIO DELTA SURVEYING"
- - FD. 1/2 INCH IRON ROD

SCHEDULE

A. STATUTORY EASEN
REGULATIONS AND RICH
HIDALGO COUNTY IRRIG

B. ROADS AND RESEI
ON THE MAP OF TEXAS
COMPANY'S SUBDIVISION
VOLUME 1, PAGE 12, M
HIDALGO COUNTY, TEXA

C. RIGHT OF WAY EA
IN FAVOR TRUNKLINE C
SHOWN BY INSTRUMENT
RECORDED IN VOLUME
RECORDS OF HIDALGO
(DOES NOT APPLY)

A 1.00 ACRE
LESS, BEING A
240, TEXAS-M
SUBDIVISION, A
PAGE 12, MAP
TEXAS, BEING
DOC # 202144

REQUESTED BY

ADDRESS: N. J.
EDIN

SURVEYED: 07

GF#: 168250

FLOOD ZONE D
COMMUNITY-PANEL
MAP REVISED: C

I, JOSE MARIO
PLAT IS AN AC
UNDER MY SUR
VISIBLE EASEM
SHOWN AND T
LOCATED AS IN

REGISTERED PF

RJ

2450:
(TEL) 9:
EMAIL:

S 81°01'00" E

290.40'

8.4'

270.40'

fence

290.40'

150.00'

150.00'

OSCAR OZUNA
DOC # 1893134 O.R.

N 08°59'00" E

fence

overhead
electric

1.00 AC GROSS

DOC # 2021445 O.R.

NOTE:

A METES AND BOUNDS DESCRIPTION
OF EVEN SURVEY DATE HERE WITH
ACCOMPANIES THIS PLAT.

power pole

overhead
electric

overhead
electric

overhead
electric

telephone
box

asphalt
drive

edge of pavement

20.0'

existing house
not shown hereon

water cistern
and tank/pump

(BASIS OF BEARING)
WEST R.O.W.

S 08°59'00" W

P.O.B.

270.40'

N 81°01'00" W

R.M. HEFNER & WIFE LUONA HEFNER
INSTRUMENT # 14024 DEED RECORDS

19.31'

290.40'

irrigation
pipe

51.81'
N 08°59'00" E

P.O.C.

S.E.C.

LOT 1 SECT 240
FD SPINDLE

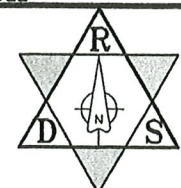
LOTS 1 & 2 ABDON JUAREZ CRUZ SUBD

VOLUME 32 PAGE 149-A MAP RECORDS

RECEIVED

JAN 30 2023

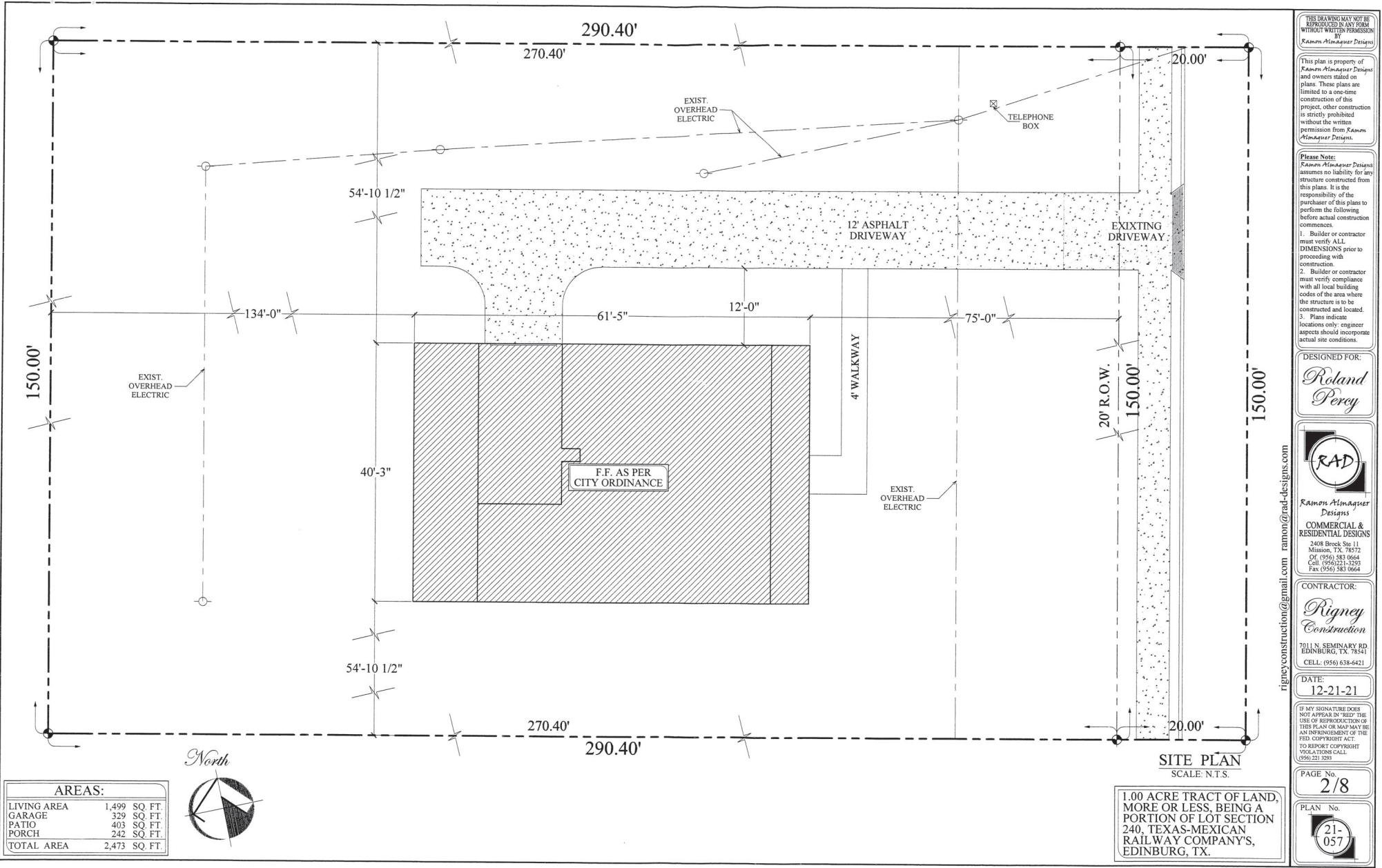
Name: _____



JOB NUMBER

RIO 20 147

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OF THE BORROWER NAMES HEREON. NO LICENSE HAS BEEN CREATED, EXPRESSED OR IMPLIED TO COPY THIS SURVEY.



ramon@rad-designs.com
rigneyconstruction@gmail.com

DESIGNED FOR:
Roland Percy

RAD
Ramon Almaguer Designs
COMMERCIAL & RESIDENTIAL DESIGNS
2408 Brock Ste 11
Mission, TX 78572
Cell: (956) 383 0664
Fax: (956) 383 0664

CONTRACTOR:
Rigney Construction
7011 N. SEMINARY RD.
EDINBURG, TX 78141
CELL: (956) 638-4421

DATE:
12-21-21

IF MY SIGNATURE DOES NOT APPEAR IN "RED" THE USE OF REPRODUCTION OF THIS PLAN OR MAP MAY BE AN INFRINGEMENT OF THE FID. COPYRIGHT ACT. TO REPORT COPYRIGHT VIOLATIONS CALL (956) 221 3209

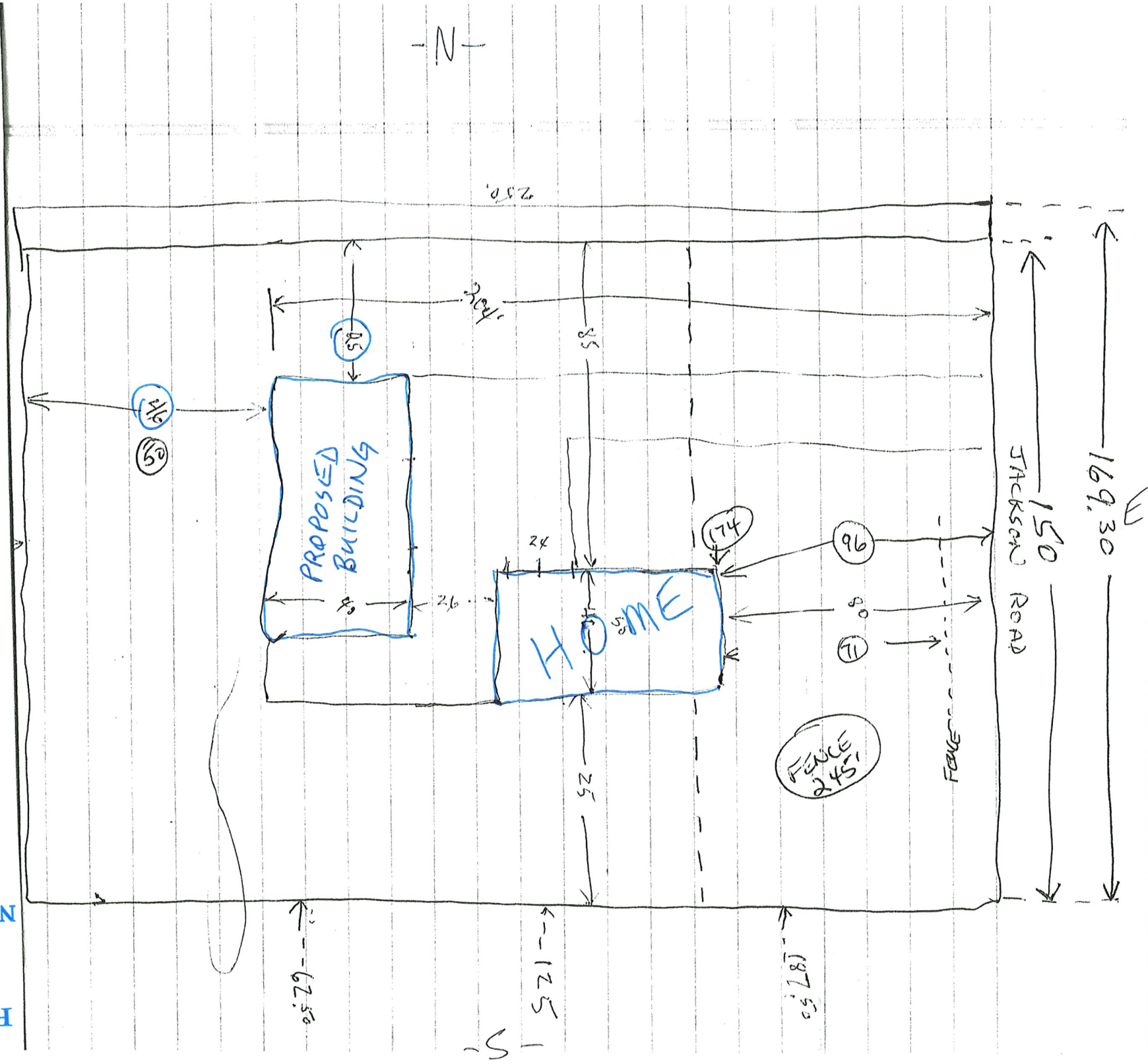
PAGE No.
2/8

PLAN No.
21-057

RECEIVED

JAN 30 2023

Name: _____



Zoning Board of Adjustment

Site Photos for meeting of February 22, 2023

ROLLAND HUGH PURSLEY - 3301 NORTH JACKSON ROAD



Planning & Zoning Staff Report

Prepared on: February 16, 2023

ZONING BOARD OF ADJUSTMENT

Regular Meeting: February 22, 2023

Agenda Item 8C

Consider Variance to the City's Unified Development Code, Section 3.102(C)(1), Lot and Design Standards, Single-Family Lot and Building Standards, Setbacks, 1.057 acres out of Lot 5, Section 243, Texas-Mexican Railway Company's Survey Subdivision, located at 2900 North Rogiers Road, as requested by Michael Duffey

Request

The applicant is requesting a variance to the City's Unified Development Code (UDC) Section 3.102(C)(1) as it applies to setbacks for single-family detached building standards. The applicant is proposing to place a residential structure in the side setback of a suburban residential lot.

Property Location and Vicinity

The property is located on the east side of North Roegiers Road, approximately 325 ft. north of East Rogers Road. The property is zoned Residential, Suburban (RS) District. Adjacent zoning is Residential, Suburban (RS) District in all directions. Surrounding land uses are mostly single-family residential and with some vacant land.

Background and History

The property is a 1.057 acre lot and is not subdivided. The applicant submitted an application for a residential building permit on January 27, 2023. Plans for the project show a single-family home placed six feet from the southern property line. This proximity is not allowed in the Residential, Suburban (RS) District. The applicant submitted a Zoning Variance Application on February 9, 2023.

Staff mailed notice of this variance request to 14 neighboring property owners. Two comments in favor and none against this request had been received at the time this report was prepared.

Analysis

Floor plans for this project propose a one-story residence with a total floor area of 3,594 sq. ft. The site plan proposes placement of this structure with a 201.5 ft. rear yard, 130 ft. front yard, 25.33 ft. northern side yard, and 6 ft. southern side yard. UDC Section 3.102(C)(1) requires a minimum side yard of 15 ft. in the Residential, Suburban (RS) District. The proposed placement for this structure encroaches 9 ft. into the required side yard setback and would result in a side yard that is 60% smaller than the minimum required. This type of side yard is out of character with the surrounding land uses. No constraints or extraordinary conditions pertaining to this property were noted.

Planning & Zoning Staff Report

The Zoning Variance Application submitted by the applicant stated that the reason for the appeal is that he “wants to reduce setbacks.” In discussion with Staff, the applicant indicated that he prefers a side-entry garage for aesthetic reasons. He also stated that the closest adjacent structure to the southern property line is approximately 117 ft. away. Staff review of this request determined that none of the Specific Review Criteria of UDC Section 9.501(B) have been met for this case.

Recommendation

Staff recommends disapproval of this variance request and that the applicant adhere to all applicable UDC guidelines.

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:

Jaime Acevedo
Director of Planning & Zoning

UNIFIED DEVELOPMENT CODE

(Ord. No. [2022-4764](#), 08/09/2022)

ARTICLE 3 – LOT AND DESIGN STANDARDS

Division 3.100, Standards for Rural and Residential Districts

Sec. 3.102, Standards for Rural and Residential Development

...

C. Lot and Building Standards by Housing Type.

1. *Single-Family Detached.* This housing type is consists of a residence located on a privately-owned lot with private yards on each side of the unit, as shown in Figure 3.102-1, Single-Family Detached. Table 3.102-1, Single-Family Detached Lot and Building Standards, sets out the dimensional standards for single-family detached units.

Table 3.102-1 Single-Family Detached Lot and Building Standards							
Zoning District	Minimum						Maximum
	Lot Area	Lot Width (ft)	Street Yard ¹ (ft)	Street Side Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Building Height (ft)
Agriculture and Open Space (AO)	5 ac.	330	60	30	30	40 ⁴	35 / 60 ²
Residential, Suburban (RS)	15,000 sf	90	30	15	15	30 ⁴	35
Residential, Primary (RP)	5,000 sf	50	20 / 18 ³	10	6	20 ⁴	35
Residential, Multifamily and Urban (RM)	4,000 sf ⁵	40 ⁵	10 / 18 ³	10	5 ⁶	15	35

TABLE NOTES:

¹Street yard refers to front yard of lot. The minimum street yard setback shall be 15 feet for cul-de-sac/irregular lots.

²The second height refers to agricultural structures.

³The first number is the house setback; the second is the setback for a front load garage.

⁴For cul-de-sac and irregular lots, the minimum rear yard setback is 15 feet.

⁵If adjacent to an AO or RS district, lots on the perimeter of the subdivision shall meet the lot area and lot width requirements of the RP district.

⁶A minimum building separation of 12 feet is required and may be reduced only for structures meeting approved building and fire codes.

UNIFIED DEVELOPMENT CODE

(Ord. No. [2022-4764](#), 08/09/2022)

ARTICLE 9 – DEVELOPMENT REVIEW PROCEDURES

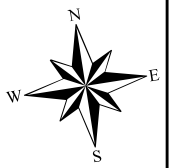
Division 9.500, Quasi-Judicial Review Procedures

Sec. 9.501, Variances

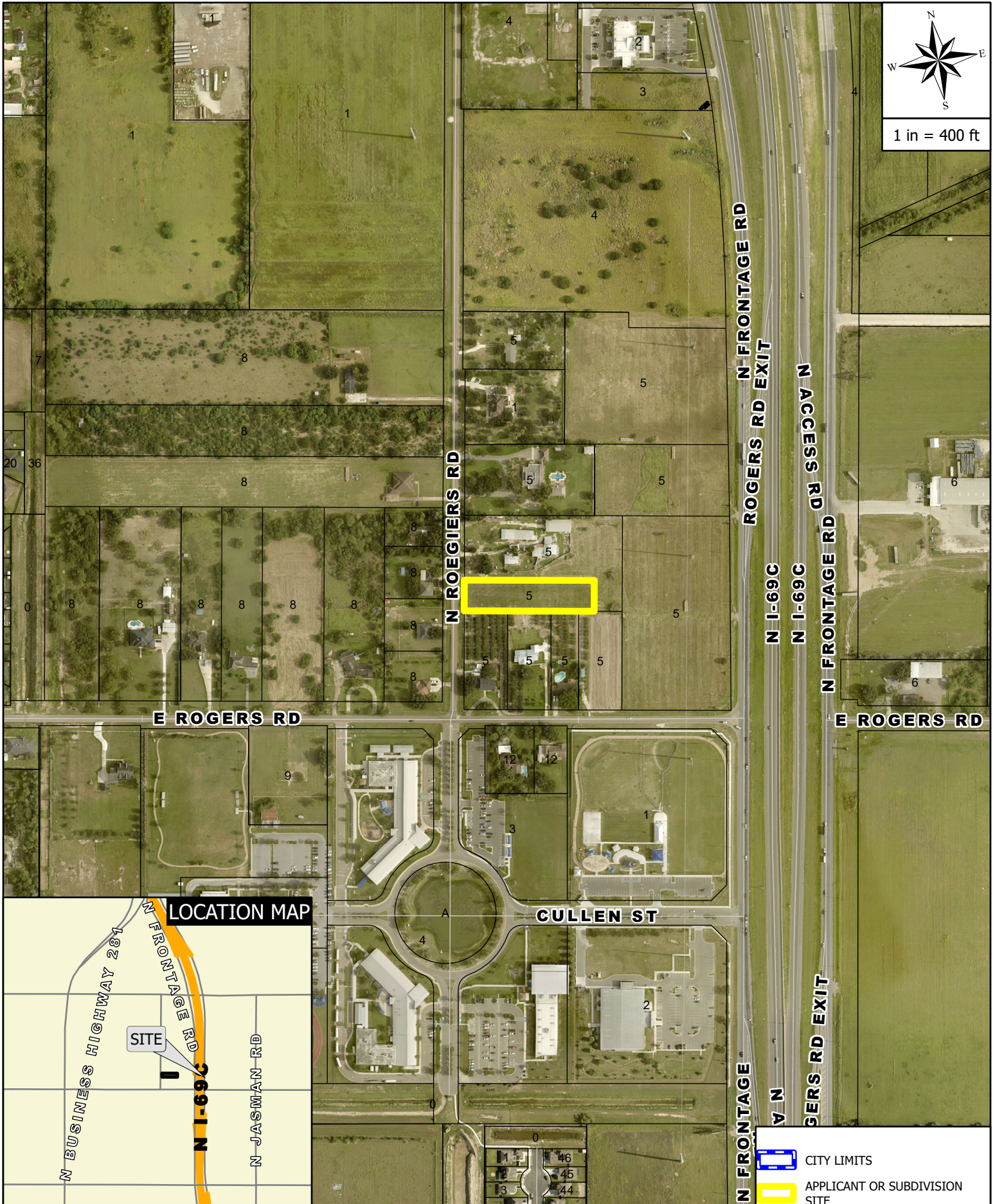
...

B. Specific Review Criteria.

1. *Review Criteria.* In determining whether to approve, approve with conditions, or deny a Variance, the review bodies shall consider the applicable common decision criteria in Sec. 9.205, Common Decision Criteria, and should not grant a variance unless the following conditions are satisfied:
 - a. There are extraordinary and exceptional conditions pertaining to the subject property because of its size, shape, or topography that are not applicable to other lands or structures in the same district;
 - b. The need for a Variance or the extraordinary and exceptional conditions do not result from the actions of the applicant;
 - c. Granting the Variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same district;
 - d. A literal interpretation of the provisions of this UDC would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located;
 - e. Granting of the Variance will be in harmony with the general purpose and intent of this UDC and will not be injurious to the neighborhood or otherwise detrimental to the public welfare;
 - f. The Variance requested is the minimum variance that will make possible a permitted use of the land, building, or structure;
 - g. The Variance will not permit a use of land, building, or structure that is not otherwise permitted in the applicable district;
 - h. The Variance will not permit an intensity of use of land that is not permitted in the applicable district; and
 - i. The Variance is consistent with the City's Comprehensive Plan.
2. *Affirmative Findings.* In order to approve an application for a Variance, the final decision-making body shall make affirmative findings on all of the applicable decision criteria.



1 in = 400 ft



LOCATION MAP

CULLEN ST



CITY LIMITS

APPLICANT OR SUBDIVISION
SITE

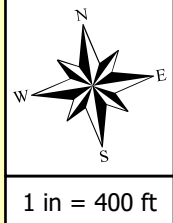
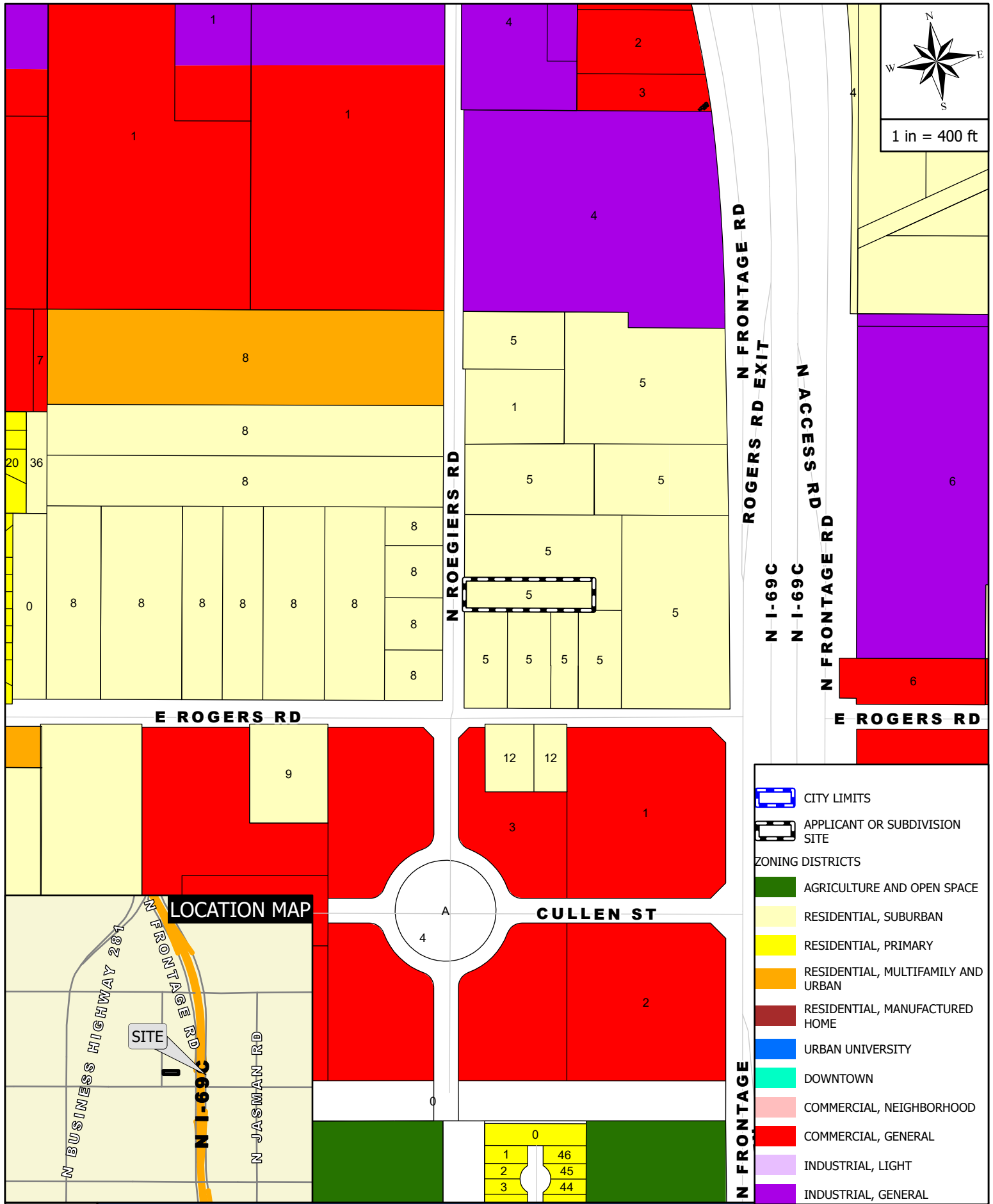


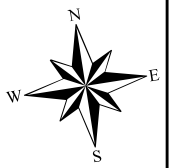
AERIAL MAP

AERIAL

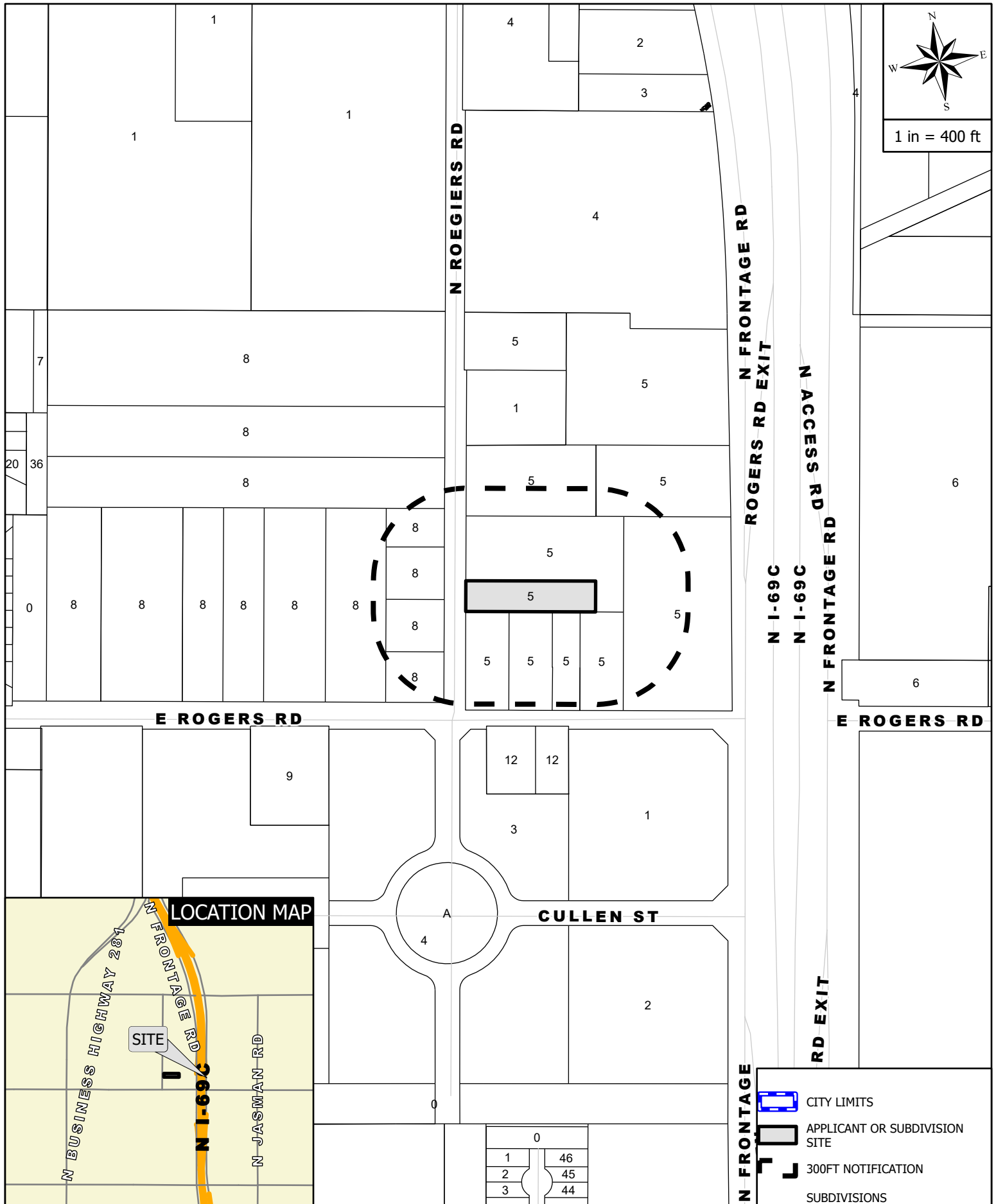
APPLICANT AND/OR SUBDIVISION:

MICHAEL DUFFEY





1 in = 400 ft



LOCATION MAP



MAILOUT AND SITE MAP

APPLICANT AND/OR SUBDIVISION:

MICHAEL DUFFEY

Planning & Zoning

415 West University Drive Edinburg,
Texas 78539
(956) 388-8303



THE CITY OF
Edinburg

Zoning Variance Application

ENERGOV CASE #

VAR-2023-0151

Property Owner Name:

Michael Duffey

Owner Contact Information

Mailing Address:

923 E. Rogers Rd

Edinburg TX

78541

Street Address

City/State

Zip Code

Phone (Home):

(Work):

(Cell):

956 624-7832

Email:

M. Duffey @ ECISP.us

Agent/Applicant Name (if different than Owner):

Applicant Contact Information

Mailing Address:

Street Address

City/State

Zip Code

Phone (Home):

(Work):

(Cell):

Email:

Property Address for Variance:

2900 W. Rogers Rd.

Edinburg TX

78541

Street Address

City/State

Zip Code

Property Legal Description:

5

243

Texas Mexican Railway

Lot

Block

Subdivision

Present Property Zoning:

Residential Suburban

Property ID#:

1377615

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

Reduce current setback restriction

Reason for Appeal

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

Wants to Reduce setbacks

OFFICE USE ONLY:

UDC Section(s) Requiring Variance:

Reviewed by:

[Signature]

Date:

2/9/23

Zoning Variance Application

Review Criteria

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

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

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

Signature: [Signature] Date: 2-9-23

Owner/Agent's Name (Please Print): Michael Duffey

OFFICE USE ONLY

\$450 Application Fee: 201981674 Payment Received by: I.2.
Receipt No.

Application deadline: Feb. 6. 2023 ZBA Hearing date: Feb. 22. 2023

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



**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 627267
DUFFEY MICHAEL ALLEN
923 E ROGERS RD
EDINBURG, TX 627267

PROPERTY ID: 627268
DUFFEY DOUGLAS BRYAN
903 E ROGERS RD
EDINBURG, TX 627268

PROPERTY ID: 627269
ROEGIERS ROY C
2912 N ROEGIERS RD
EDINBURG, TX 627269

PROPERTY ID: 295716
ROEGIERS ROY C & CLARA DUFFEY
2912 N ROEGIERS RD
EDINBURG, TX 295716

PROPERTY ID: 295721
DUFFEY CLARA IRENE
923 E ROGERS RD
EDINBURG, TX 295721

PROPERTY ID: 295722
DUFFEY SHELLY LAVONNE
923 E ROGERS RD
EDINBURG, TX 295722

PROPERTY ID: 295720
RODRIGUEZ RICARDO P JR
DEYANIRA RODRIGUEZ
3010 N ROEGIERS RD
EDINBURG, TX 295720

PROPERTY ID: 295811
PANOLA GABRIEL
MARSHA I BARRIER
3001 N ROEGIERS RD
EDINBURG, TX 295811

PROPERTY ID: 295812
CORTEZ PABLO & MARISELA
RODRIGUEZ
2907 N ROEGIERS RD
EDINBURG, TX 295812

PROPERTY ID: 295814
MATA CIRIACO & MARIA S
2901 N ROEGIERS RD
EDINBURG, TX 295814

PROPERTY ID: 563445
GAYTAN JOHNNY & YVETTE
3011 N ROEGIERS RD
EDINBURG, TX 563445

PROPERTY ID: 295810
PEREZ FEDERICO III
1130 E ROGERS RD
EDINBURG, TX 295810

PROPERTY ID: 295813
HERRERA ALFREDO
2805 N ROEGIERS RD
EDINBURG, TX 295813

PROPERTY ID: 1143960
RODRIGUEZ RICARDO JR &
DEYANIRA
3010 N ROEGIERS
EDINBURG, TX 1143960

Fwd: Property for Michael Duffey

Jaime Acevedo <jacevedo@cityofedinburg.com>
To: Daniel Austin Colina <dcolina@cityofedinburg.com>

Thu, Feb 16, 2023 at 8:30 AM

Austin, this is a letter in support of the ZBA Variance for Michael Duffey or [2900 N Roegiers](#). Its a family partition and there is over 60' of separation from proposed structure to adjoining structure.

----- Forwarded message -----

From: **Clara Duffey** <claraduffey1949@gmail.com>
Date: Wed, Feb 15, 2023 at 5:16 PM
Subject: Property for Michael Duffey
To: [jacevedo@cityofedinburg.com](#) <jacevedo@cityofedinburg.com>

Good afternoon Mr. Acevedo,

I am writing this email in regards to my son Michael Duffey building his home at [2900 N. Roegiers Rd, Edinburg, Texas 78541](#). I am giving him authorization to have his property within 6' to the back of my property.

Thank you,

Clara Duffey

--

Jaime Acevedo
Director of Planning & Zoning
Planning & Zoning



Phone (956) 388-8202
Mobile (956) 250-5369
Email [jacevedo@cityofedinburg.com](#)
Address [415 W. University Dr. Edinburg, Texas 78541](#)

Fwd: Michael Duffey property

Jaime Acevedo <jacevedo@cityofedinburg.com>
To: Daniel Austin Colina <dcolina@cityofedinburg.com>

Thu, Feb 16, 2023 at 8:30 AM

This looks like the same support letter for Michael Duffey.

----- Forwarded message -----

From: **shelly** <shellyduffy@hotmail.com>
Date: Wed, Feb 15, 2023 at 5:11 PM
Subject: Michael Duffey property
To: jacevedo@cityofedinburg.com <jacevedo@cityofedinburg.com>

Good afternoon Mr. Acevedo,

I am writing this e-mail in regards to my brother Michael Duffey building his home at [2900 N. Roegiers Rd, Edinburg, Texas 78541](#). I am giving him authorization to have his property within 6' to the back of my property. If you have any questions, you can reach me at 956-648-3665.

Thank you,

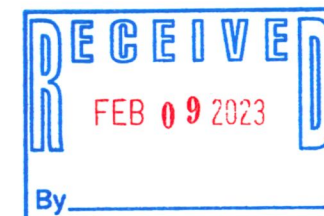
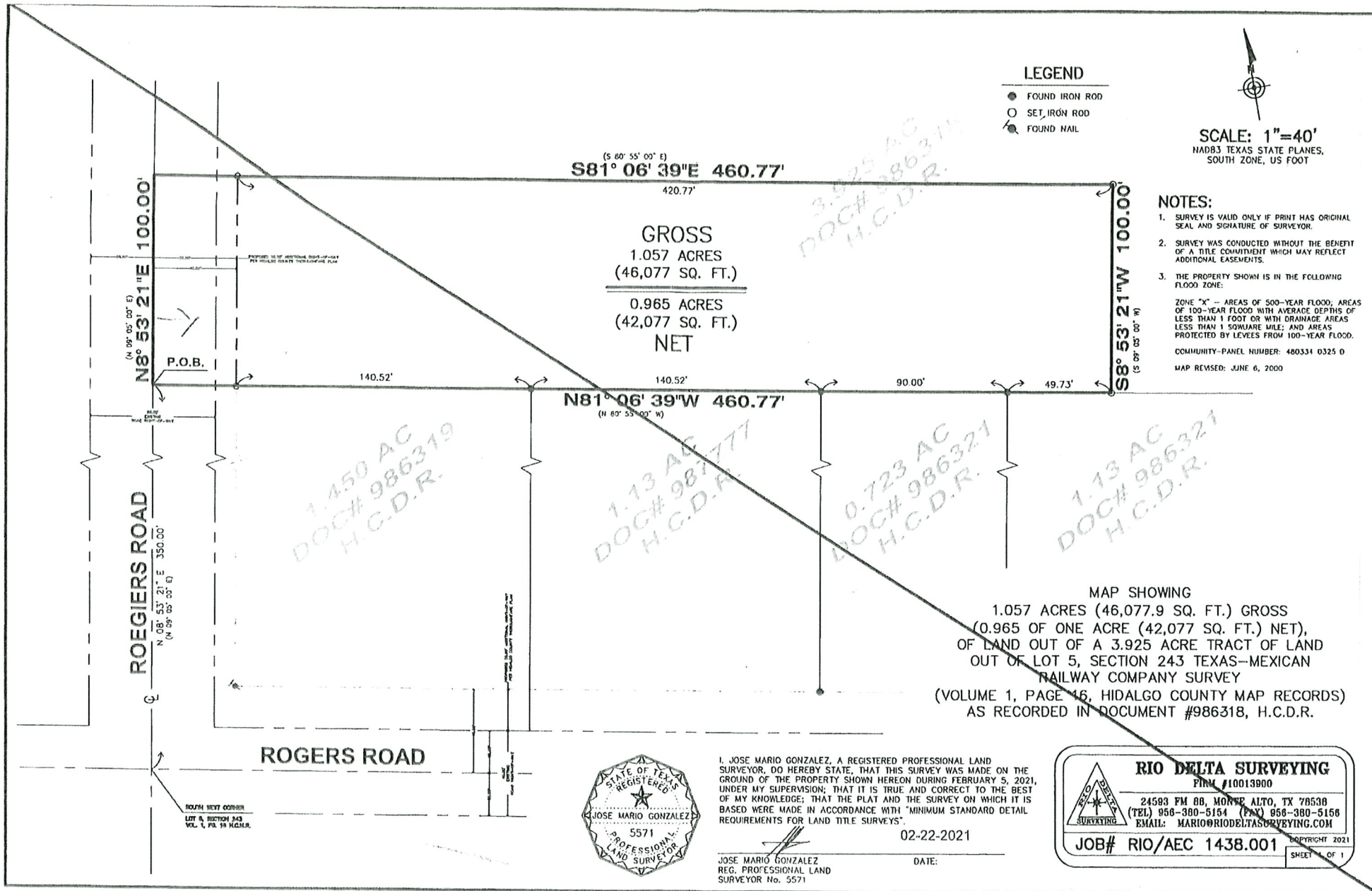
Shelly Duffey

--

Jaime Acevedo
Director of Planning & Zoning
Planning & Zoning



Phone (956) 388-8202
Mobile (956) 250-5369
Email jacevedo@cityofedinburg.com
Address [415 W. University Dr. Edinburg, Texas 78541](#)





SITE PLAN
(SCALE: 3/32"=1'-0")

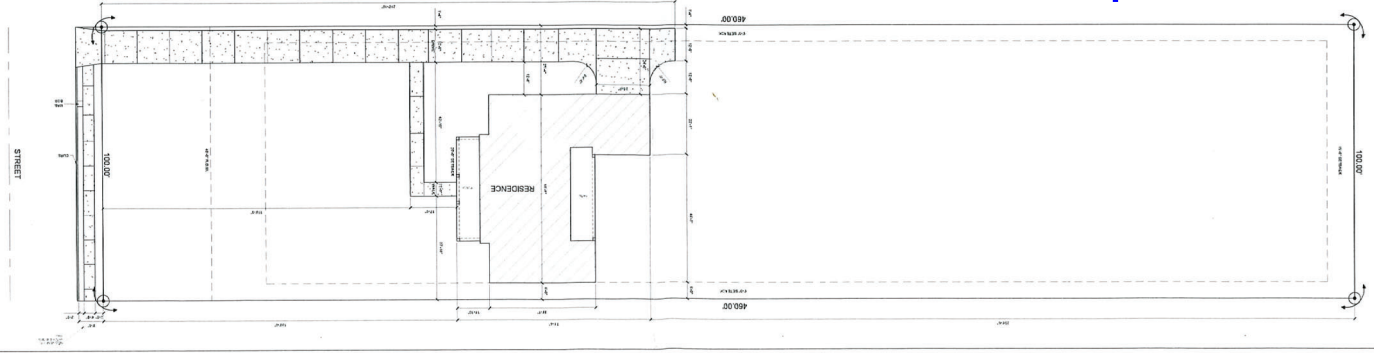
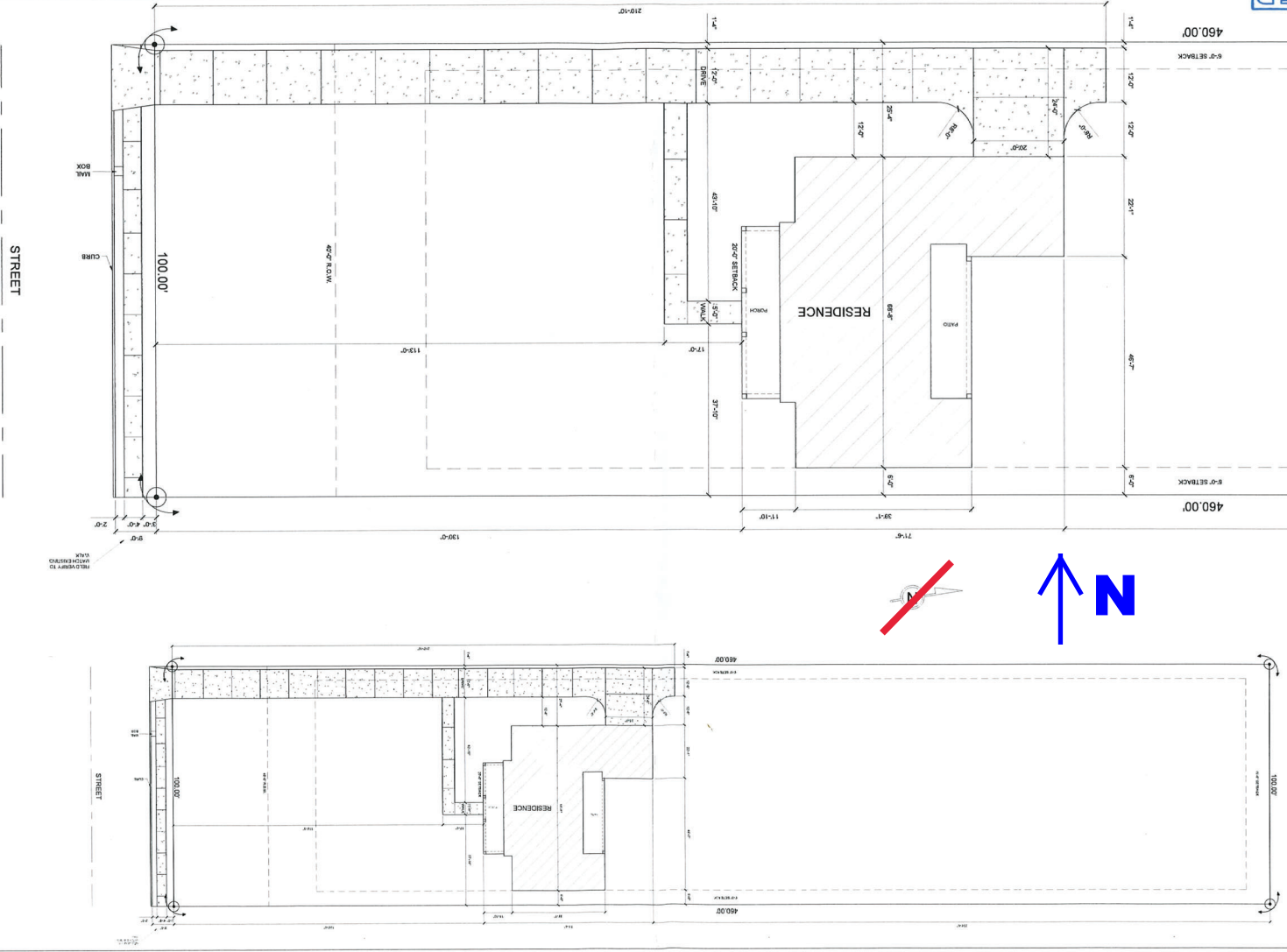
JAG ARCHITECTURAL
DESIGN
RESIDENTIAL & COMMERCIAL
DESIGN SERVICES

DATE: 5-20-23
SUBJECT: LOT # 5 EMBARKING, TX
TEX. MEX. SURVEY

COMPILED BY: COMPTON CAPITAL LLC
3908 ELM KILN EMBARKING, TX

DRAWN BY: JASON GUERRA
DATE: 5-20-23

Sheet Number:	3
Job Number:	22-037



Zoning Board of Adjustment

Site Photos for meeting of February 22, 2023

MICHAEL DUFFEY - 2900 NORTH ROEGIERS ROAD



<p align="center">2023 ATTENDANCE RECORD ZONING BOARD OF ADJUSTMENTS MEETINGS</p>
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[illegible]