



**NOTICE AND AGENDA
ZONING BOARD OF ADJUSTMENT
FEBRUARY 23, 2022 - 4:00 P.M.
REGULAR MEETING
CITY HALL COUNCIL CHAMBERS
415 W. UNIVERSITY DR.
EDINBURG, TEXAS 78539**

- 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 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. OTHER BUSINESS

- A.** Consider designating order of Alternate Members

7. MINUTES

- A.** Consider approval of the Minutes for the January 20, 2022 Regular Meeting

8. PUBLIC HEARINGS

- A.** Consider Variances to the City's Unified Development Code: 1) Section 3.301, Single Family Residential Bulk Standards, Setbacks, and 2) Section 3.505, Easements and Utilities, Lot 24, Block 2, Olivia Estates Subdivision Section 2, located at 3719 Ora Street, as requested by Ringo G. Treviño
- B.** Consider Variance to the City's Unified Development Code, Section 2.301 (D) (9), Fences Facing or Abutting a Golf Course, Lot 4, Los Lagos Phase III Subdivision, located at 3321 Macquarie Drive, as requested by Adrian Guzman
- C.** Consider Variance to the City's Unified Development Code, Section 3.201(C), Residential Use District Standards, Density, Lots 1 and 2, Stonebrook Estates Subdivision, located at 2002 & 2008 Brandi Lane, as requested by Erica Edith Canales
- D.** Consider Variances to the City's Unified Development Code: 1) Section 3.201(C), Density; 2) Section 3.303, Multifamily Lot and Building Standards, Lot Area; 3) Section 3.303 Multifamily Lot and Building Standards, Lot Width; 4) Section 10.405, Parking Lot Bufferyards; and 5) Section 9.301, Parking Space Standards, Driving Aisle Width, Lot 18, Block 263, West Addition to Edinburg Subdivision, located at 1021 West Cano Street, as requested by Ricardo Caballero
- E.** Consider Variances to the City's Unified Development Code: 1) Section 3.201(C), Density; 2) Section 3.303, Multifamily Lot and Building Standards, Lot Area; 3) Section 3.303 Multifamily Lot and Building Standards, Lot Width; 4) Section 10.405, Parking Lot Bufferyards; and 5) Section 9.301, Parking Space Standards, Driving Aisle Width, Lot 1, Block 265, West Addition to Edinburg Subdivision, located at 1126 West Cano Street, as requested by Ricardo Caballero
- F.** Consider Variance to the City's Unified Development Code, Section 3.303, Multifamily Lot and Building Standards, Setbacks, a 0.776 acre tract of land out of Lot 26, Kelly-Pharr Subdivision, located at 1420 West Wisconsin Road, as requested by Glenda Garcia on behalf of Moses Ashukem

9. DIRECTOR'S REPORT

- A.** Unified Development Code Update

10. INFORMATION ONLY

- A.** Attendance Roster

11. 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 4:30 P.M. on Thursday, February 17, 2022.



Alejandra Gonzalez, 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.

**NOTICE AND AGENDA
ZONING BOARD OF ADJUSTMENT
JANUARY 20, 2022 – 4:00 P.M.
REGULAR MEETING
DUSTIN MICHAEL MEMORIAL SEKULA LIBRARY
MEETING ROOM
1906 S. CLOSNER BLVD.
EDINBURG, TEXAS 78539**

MEMBERS PRESENT

Eddie Garza
Andre Maldonado
Ponciano Longoria
Diane Teter
Michael Cantu
Marc Moran

MEMBERS ABSENT

Alex Rios
George Cardenas

STAFF

Kimberly A. Mendoza, Director of Planning & Zoning
Nikki M. Cavazos, Planner I
Daniel A. Colina, Planner I
Tilfred Farley, Planning Assistant
Jaime Ayala, Planner II
Omar Ochoa, City Attorney
Tom Reyna, Assistant City Manager
Brian Kelsey, Assistant City Manager
Mardoqueo Hinojosa, City Engineer
Patrizia Longoria, Engineer III
Roberto Hernandez, Engineer I

VISITORS

Orlando D. Olivarez
Miguel De Los Santos
Jose Saenz
Ericka Vicente Lopez
Georgina Rodriguez
Jeff Erickson
Mario Reyna
Andrew L. Almaguer

1. CALL MEETING TO ORDER, ESTABLISH QUORUM

The meeting was formally called to order by Vice Chairperson Eddie Garza.

- A.** Prayer – Announced by Vice Chairperson Eddie Garza.
- B.** Pledge of Allegiance – Board member Andre Maldonado led the Pledge. 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

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and it's Compliance with the Open Meetings Act. Mr. Colina indicated the agenda had been posted on Friday, January 17, 2022 during regular working hours, at 10:45 A.M.

3. PUBLIC COMMENTS

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.

No Public Comments.

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 Vice Chairperson Eddie Garza.

City Attorney Omar Ochoa addressed the Board and stated there is a matter that needs to be addressed. There are five permanent members on the Board and four alternate members. There needs to be known designation to distinguish between permanent and alternate members. If the five permanent members are present, their votes are the only ones registered for actions. If any of the permanent members are not present, then the alternate member's vote is registered for actions. Currently there are three permanent members and two additional permanent members are needed. At times, the City Council makes the designation for permanent and alternate members when the nominations are made, however that did not happen in the most recent nomination. The Commission has the opportunity to designate who the two additional permanent members will be and the remaining four members will be alternates. Everybody still votes, however the permanent ones are the only ones registered for the action.

Board member Andre Maldonado moved to nominate Diane Teter for permanent member.

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Vice Chairperson Eddie Garza seconded the motion. Board member Andre Maldonado addressed City Attorney Omar Ochoa and asked whether motion could be rescinded. City Attorney Omar Ochoa advised it's not really a motion. It's best for there to be a consensus on who the designees would be and we could move forward with that understanding. Board member Andre Maldonado stated he would then like to nominate all four members as permanent members. City Attorney Omar Ochoa advised there is currently three members already serving as permanent members and we would need to designate two more members.

City Attorney Omar Ochoa addressed the Board and stated he needed to retract since there are currently four permanent members on the Board that are carrying over. We have George Cardenas, Alex Rios, Eddie Garza, and Mr. Maldonado, so if the four members carry over, only one more designee would be needed. Since we had just agreed on Diane Teter, is that still okay with her being designated as a regular member? Board member Andre Maldonado stated yes. City Attorney Omar Ochoa stated Board member Diane Teter will be designated regular member and the others will be alternate members. For today, there are six Board members and one member will be selected as the alternate for the day and the remaining five will be active for the remaining of the meeting. Board member Marc Moran offered not be an active member for this meeting. City Attorney Omar Ochoa stated for today, the active members will be Mr. Longoria, Mr. Eddie Garza, Mr. Maldonado, Ms. Teter, and Mr. Cantu.

5. MINUTES

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

Board member Andre Maldonado moved to consider approval of the Minutes for the November 17, 2021 Regular Meeting. Board member Diane Teter seconded the motion. The motion to approve carried unanimously with a vote of 5-0.

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

Austin Colina addressed the Board and stated any applicant receiving approval will need to comply with all other requirements during the permitting process. If approved, a \$40 fee payable to the Hidalgo County Clerk's Office for the recording of the Zoning Board of Adjustments Order is required.

Daniel A. Colina presented the item to the Board.

Vice Chairperson inquired whether Ericka Vicente Lopez was present.

Applicant Ericka Vicente Lopez addressed the Board. She advised she requested a permit November 23 to make a carport in front of her house. She advised she has a 19 year old son with Autism and he likes to go outside to paint. Before, there was a tree but it dried out leaving no shade. Also, so when it rains and they are arriving in their car

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they will be protected. She stated he likes to be outside and when it rains or there's sun, he can be protected. That is the motive for requesting the permit. She mentioned they will hire someone to get it done professionally with good material.

There were no other public comments.

Daniel A. Colina addressed the Board before a vote was taken and reiterated any more than 20 ft. into the setback will be into a Utility Easement of record and will require a different variance, so the approval should be limited up to a 20 ft. encroachment to the Utility Easement line, which is as requested.

Vice Chairperson Eddie Garza questioned whether a 20 x 20 would not encroach.

Daniel A. Colina clarified that it would not encroach into the Utility Easement.

Board member Ponciano Longoria inquired about the width of the driveway.

Daniel A. Colina advised he believes it's 18 ft.

Board member Michael Cantu moved to approve with the condition that encroachment does not exceed 20 ft. Board member Andre Maldonado seconded the motion. The motion to approve carried with a vote of 4-1. Board member Ponciano Longoria voted to disapprove.

- 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.

Austin Colina presented the item to the Board.

There was Public Comments. Irma Rios addressed the Board and stated her property is adjacent to the property that is requesting the variance. She expressed concerns due to trash, speeding, drainage, and traffic. If the setbacks are reduced there could be more problems regarding drainage. Concerned with variances being approved.

Andrew Almaguer addressed the Board, he is one of the property owners on the West side. Very concerned with what is being requested. The Board heard the concerns the City staff mentioned and the property is surrounded by Multi-Family homes. He stated there's so much traffic in the area and they have to wait just to get out. The safety concern is high. It would be at the benefit of the developer, but at the expense of the community. It would certainly be a mistake. Take the community into consideration and not just look at the interest of the developers.

Mario Reyna from Melden & Hunt, project engineer, addressed the board on behalf of the applicant. He stated he would like to address the concerns one by one. The UDC is currently being updated, it is outdated. He advised that it doesn't jive with what is currently going on in the City. Mr. Reyna elaborated that all of the variances that Austin mentioned are items they call repeat offenders. He stated that they've gotten them with

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every single subdivision they've done here. He stated he doesn't think it was a mistake in the past and that it's understood that this is what is needed to continue development. Mr. Reyna stated, the City requires that we have trash enclosures, don't foresee there being trash issues. The actual mobility has been approved by Engineering and Fire Department. There will be 5 ft. sidewalks fronting every lot, we have complied with every drainage requirements with the City and County. Mr. Reyna elaborated, we will maintain our drainage system ourselves. This is a private community. Mr. Reyna also discussed access points that shouldn't affect traffic. The City has a project going on Sugar Road. Mr. Reyna noted that none of the setbacks affect City operations and they are still in compliance with Fire and Code. He advised he is happy to answer any questions.

Board member Michael Cantu asked which are some of the developments that were approved with these variances.

Mario Reyna advised every one of the ones they have worked on, the most recent being Union Square, which is one block away. He added Canton Ridge, Monmack Landing, Sprague Village, Monmack Place, and on Russell and Closner, Alfonso Quintanilla did about four on that block. He advised that every single variance they have done here have been approved.

Board member Michael Cantu inquired whether there have been any issues with those Projects.

Mario Reyna stated, not to my knowledge.

Vice Chairperson Eddie Garza advised it is important to make sure the Fire Department side of the City has approved what they're looking to do.

Mario Reyna stated one hundred percent. They are currently working on a project in Hoehn and Schunior and they actually recommended approval to some of the variance that the gentleman mentioned. There was brief discussion regarding the pavement requirements.

Board member Michael Cantu inquired whether there was a site plan of the proposed layout.

Mario Reyna advised they were asked to submit a site plan early on in the subdivision game and it does comply. Mr. Reyna elaborated that even if the variances were granted they would still need to comply with permitting requirements.

There was brief discussion regarding encroaching into easements and variances that have gone to City Council.

Austin Colina advised Mr. Reyna is correct in the City updating the Unified Development Code. The types of variances that are being considered today may be changed in the next couple of months. After brief discussion regarding possible updates to the Unified Development Code, he clarified that Mr. Reyna was mistaken and the Code was adopted in August 6, 2007. There are elements that are certainly outdated.

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Board member Diane Teter moved to disapprove the item. Board member Andre Maldonado seconded the motion. Board members Ponciano Longoria, Eddie Garza, and Michael Cantu voted to approve the item. Vice Chairperson Eddie Garza stated they had two disapprovals and four approvals and it is enough to pass the item, so item passes.

City Attorney Omar Ochoa advised staff is a bit confused and clarified the members who voted yes to raise their hands.

Motion did not carry.

Board member Andre Maldonado excused himself from the meeting.

- 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.

Austin Colina presented the item to the Board.

Jeffrey Erickson, owner of Escanaba, LLC. addressed the Board. He stated all of the subdivisions he's built have been 5 ft. setback and 10 ft front setback. Built over a 1,000 properties here and it's something we've done before. It is a gated community and will have a uniformed look. We will not be encroaching into the utility easements.

Vice Chairperson Eddie Garza inquired whether we have gotten 100% approval from our Fire Department. Mr. Erickson confirmed they have.

Board member Ponciano Longoria inquired whether the setbacks would interfere with any easements.

Mario Reyna, project engineer, addressed the Board and advised of a 10 ft. utility easement and a 5 ft. electrical easement.

Board member Diane Teter inquired whether the variances would increase the density in the subdivision. Mario Reyna advised the particular variances wouldn't, however potentially.

Jose Saenz addressed the Board and advised staff is making recommendations to disapprove and the Board is ignoring their recommendations. Mr. Saenz stated, I understand what the developers are trying to do but the developer's come in and do what they're going to do, and then they leave. Trash, fencing to the South, is all broken, we are needing to do repairs ourselves. How are they going to ensure, aside from the City, that everything is well maintained? That is the biggest concern as a property owner in the area.

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Jeffrey Erickson, owner of Escanaba, LLC. Addressed the Board. He stated that one of the main concerns as far as who is going to maintain the properties, it is a gated community and there will be a Home Owner's Association associated with it. There are \$600 per lot for maintenance or anything that comes up with the subdivision. Fence will be concrete and wood.

City Attorney Omar Ochoa stated that since Andre Maldonado left all the remaining members are regular members and their vote counts.

Board member Michael Cantu moved to approve the item. Board member Marc Moran seconded the motion. Motion carried with a vote of 4-1. Board member Diane Teter disapproved.

- 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

Austin Colina presented the item to the Board.

Miguel De Los Santos addressed the Board. Everyone else has a fence. Every similar variance that has come through the commission has been approved.

Vice Chairperson Eddie Garza inquired whether there is any pictures of the proposed fence.

After brief discussion regarding the Ordinance for Fences Facing or Abutting the golf course, Board member Ponciano Logoria moved to approve the item. Board member Michael Cantu seconded the motion. Motion carried unanimously with a vote of 5-0.

- 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

Austin Colina presented the item to the Board.

Orlando D. Olivarez addressed the Board. He advised initially the Planner hadn't realized there was an easement. They tried to centralize construction as much as possible, however it was denied by the City, hence why they are asking for the Variance.

Board member Diane Teter moved to approve the item. Board member Ponciano Longoria seconded the motion. Motion carried unanimously with a vote of 5-0.

7. DIRECTOR'S REPORT

- A.** Unified Development Code Update

Mrs. Kimberly Mendoza discussed we started the update of the Unified Development Code

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early last year. The code was first adopted in 2007. Kendig Keast Collaborative drafted the code and are currently working on the update. A lot of variance requests that are being seen are being addressed as part of the update. We're hoping with the update it will streamline the process. We had a UDC meeting on January 11, 2022. We will be regrouping within the next couple of weeks.

8. INFORMATION ONLY

A. Attendance Roster

9. ADJOURNMENT

Board member Ponciano Longoria moved to adjourn the meeting. Board member Diane Teter seconded the motion. Motion carried unanimously with a vote of 5-0.

Alejandra Gonzalez

Alejandra Gonzalez, Administrative Assistant

Planning & Zoning Staff Report

Prepared on: February 11, 2022

ZONING BOARD OF ADJUSTMENT

Regular Meeting: February 23, 2022

Agenda Item 8A

Consider Variances to the City's Unified Development Code: 1) Section 3.301, Single Family Residential Bulk Standards, Setbacks, and 2) Section 3.505, Easements and Utilities, Lot 24, Block 2, Olivia Estates Subdivision Section 2, located at 3719 Ora Street, as requested by Ringo G. Treviño

Request

The applicant is requesting two variances to the City's Unified Development Code (UDC), Section 3.301, as it applies to setbacks and Section 3.505 as it applies to utility easements. The applicant has started construction of an accessory structure into both the side yard setback and a utility easement located along the rear of the lot.

Property Location and Vicinity

The property is located on the north side of Ora Street, approximately 450 ft. west of South Mon Mack Road, 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 Olivia Estates Subdivision Section 2, which was recorded on February 19, 2004. The applicant applied for a building permit for an accessory structure on October 13, 2021. The site plan for the proposed structure showed encroachments into the side yard setback and rear utility easement. This building permit application was disapproved by the Planning Department.

On November 18, 2021 the applicant resubmitted the application for a building permit for the same accessory structure. The revised application was accompanied by a site plan showing compliance with all setbacks and utility easements. This permit was approved and issued.

On January 7, 2022, the Planning Department was notified by City building inspectors that the accessory structure was not being built as permitted. Field inspections verified that the frame of the accessory structure was being constructed approximately 5.6 ft. into the side yard setback and approximately 6.2 ft. into the 10 foot rear utility easement. Subsequently, the Building Inspection Division posted a stop work order. The applicant then applied for variance to continue with the construction.

Staff mailed notice of this variance request to 48 neighboring property owners. No comments in favor and one against this request had been received at the time this report was prepared.

Planning & Zoning Staff Report

Analysis

The property has 70 ft. of width along Ora Street and 125 ft. of depth for a total lot area of 8,750 sq. ft. UDC Section 3.301 requires a minimum side yard setback of 7 ft. for single-family lots in the Neighborhood Conservation 7.1 (NC7.1) District. The subdivision plat for the Olivia Estates Subdivision Section 2 shows a 10 ft. utility easement at the rear (north end) of the subject property. Inspections of the property indicated that construction is taking place approximately 5.6 feet into the required side yard setback, an encroachment covering approximately 80% of the required setback. The structure is also approximately 6.2 ft. into a 10 ft. utility easement, an encroachment covering approximately 61.3% of the required utility easement. The applicant stated that the accessory structure is for leisure and hobbies.

Recommendation

Staff recommends disapproval of the variances requested. The accessory structure could be built as specified in the approved building permit while respecting all setbacks and utility easements. No hardship or extraordinary conditions exist to justify approval of this variance as is required by UDC Section 14.404(D).

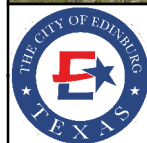
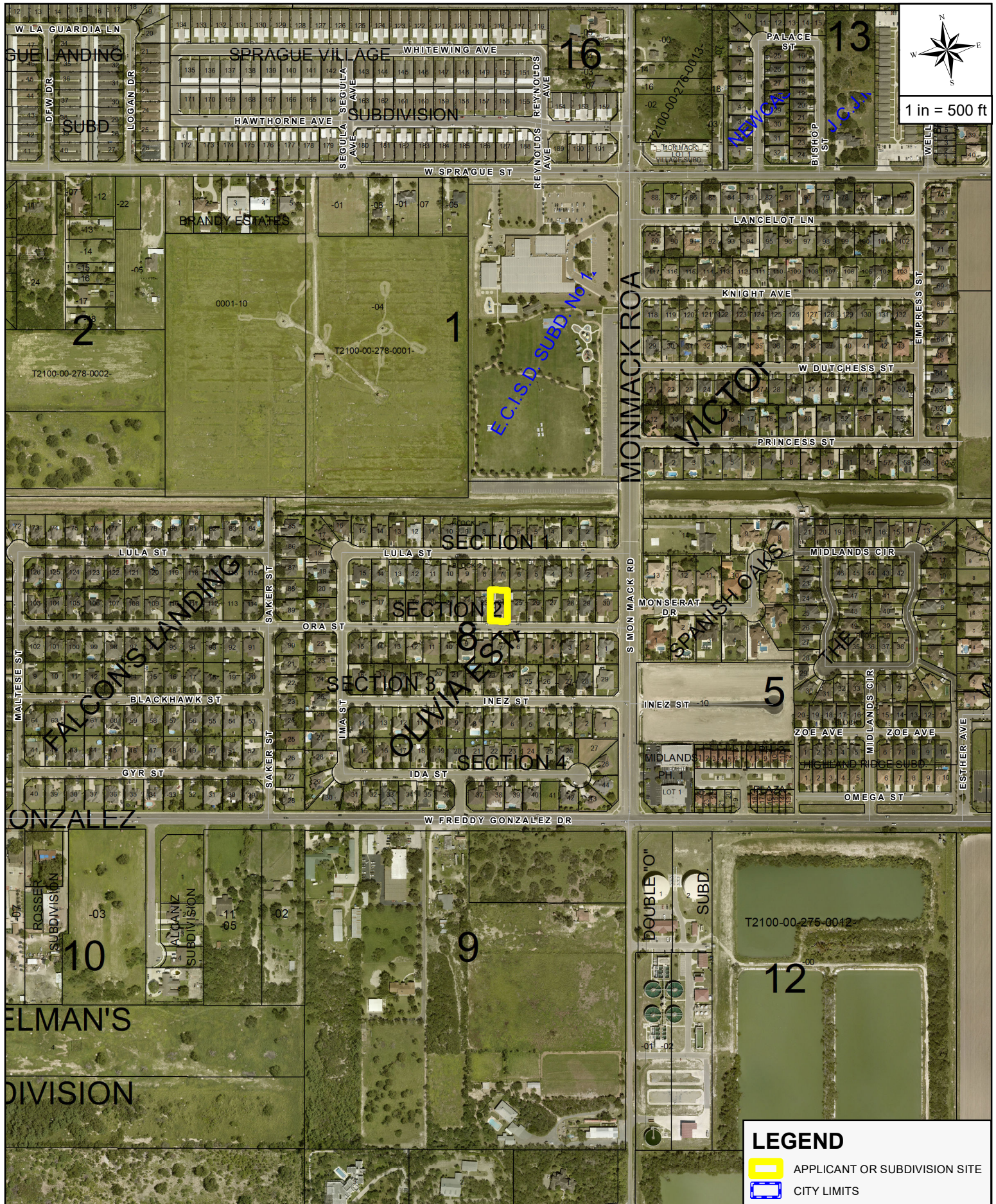
If approved, the applicant will need to comply with all other requirements during the permitting process. If approved, \$40 fee, payable to the County of Hidalgo, County Clerk's Office, for the recording of the ZBA order is also required. A location map, aerial map, photo, subdivision plat, site plan,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

Prepared by:

Tilfred R. Farley
Planner I

Approved by:

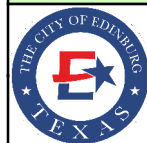
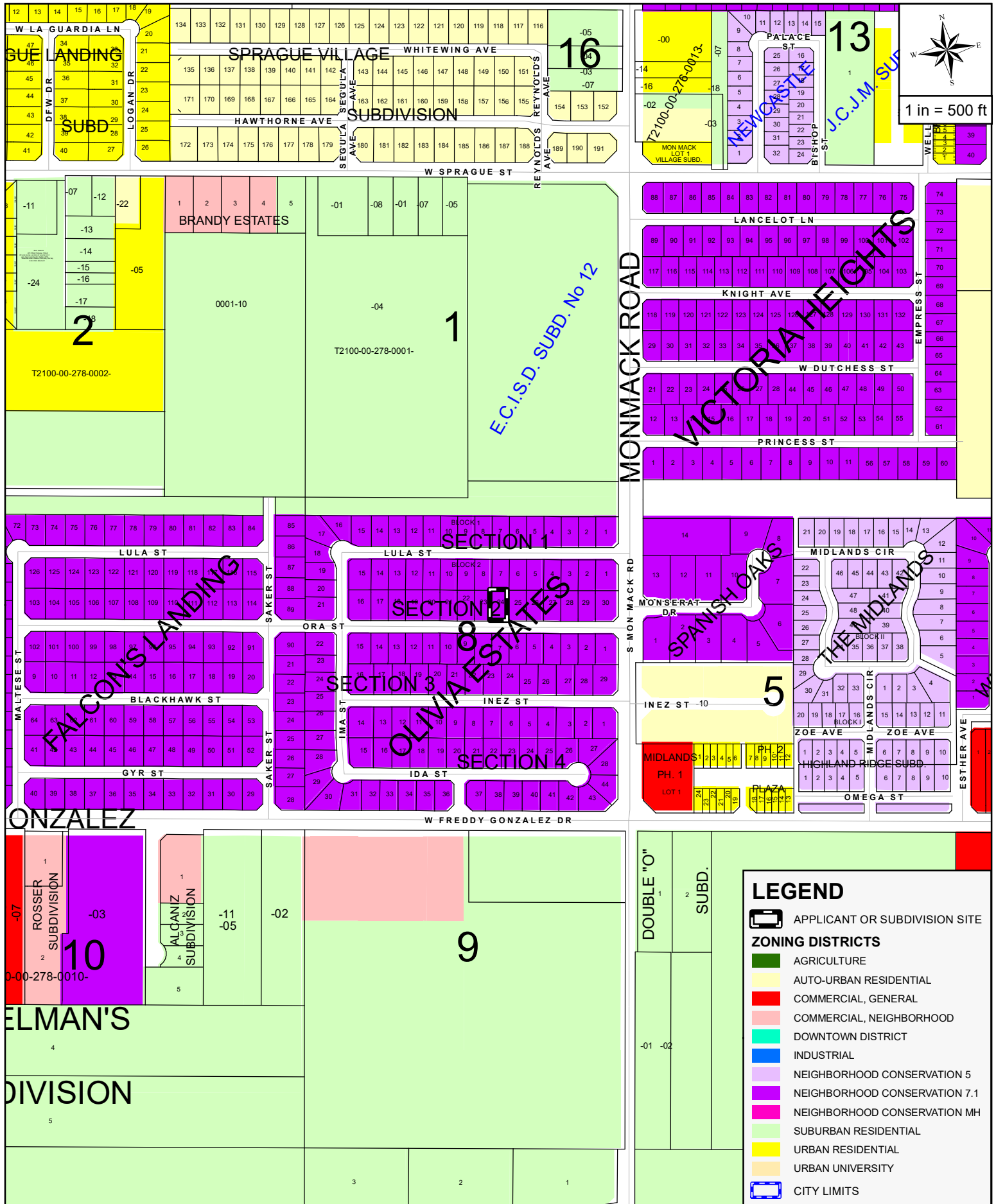
Kimberly A. Mendoza, MPA
Director of Planning & Zoning



AERIAL MAP

APPLICANT AND/OR SUBDIVISION:

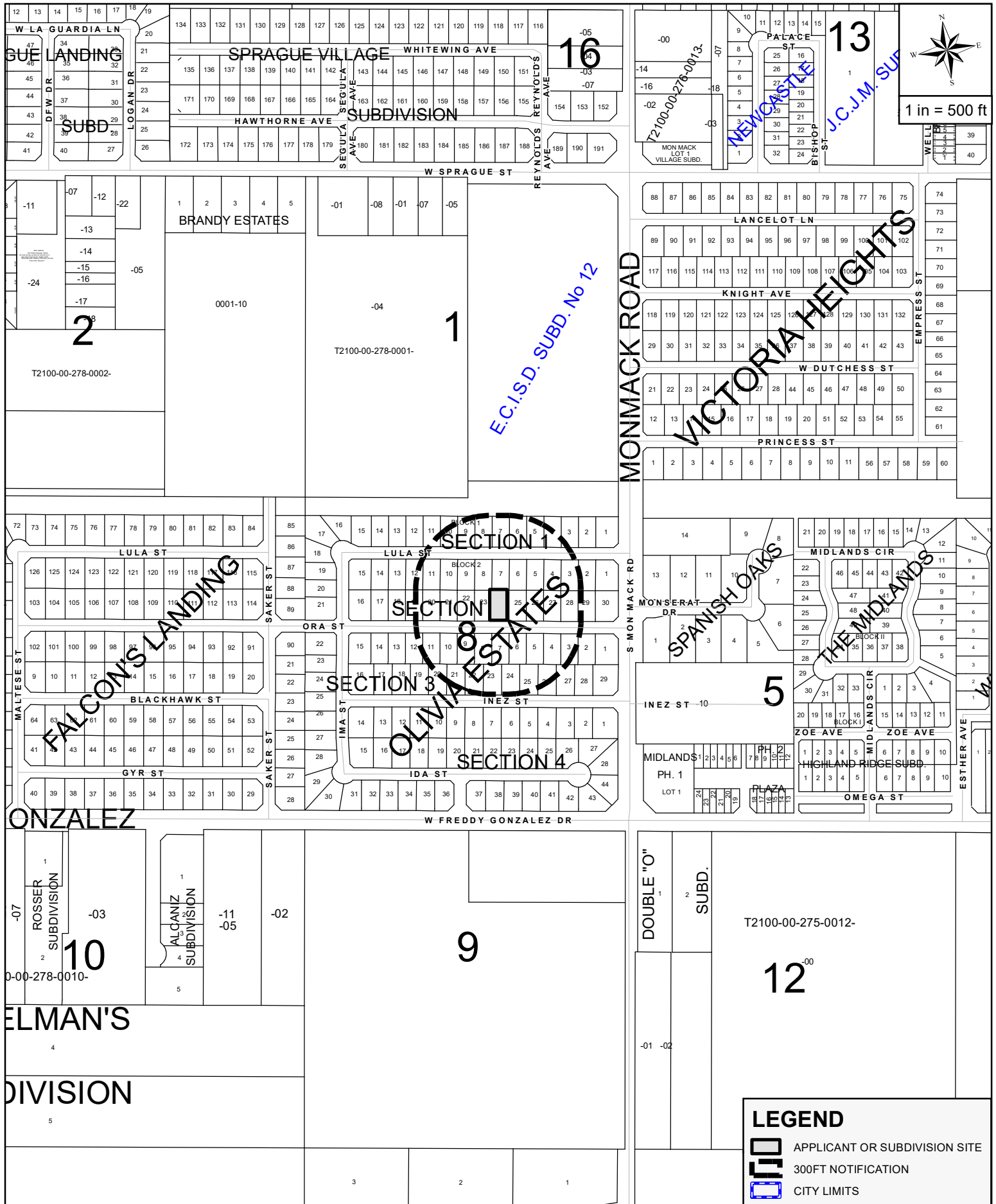
RINGO TREVINO



ZONING MAP

APPLICANT AND/OR SUBDIVISION:

RINGO TREVINO





Case #

Edinburg

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

VAR-2022-0064

Zoning Board of Adjustment Application Request for Variance

Nature of Request: Reduce current setback of 7ft to 2ft.

Reason for Hardship (attach additional pages if necessary)

Need to build covered Area for leisure
and hobbies.

Property Description: Lot _____ Block _____ Subdivision _____

Property Address: 3719 Ora St. Edinburg, TX.

Present Property Zoning: _____

Person requesting Variance: Ringo G. Treviño

Mailing Address: 3719 Ora St. Edinburg, TX. 78139
Street Address City/State Zip Code

Phone No. (Home): (561) 867-7391 (Work): _____ (Cell): _____

Owner's Name: Ringo G. Treviño

Mailing Address: SAME ringo.trevino22@yahoo.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: RECEIVED

Owner/Agent's Name (Please Print): Ringo G Treviño JAN 07 2022

\$450 Application Fee: _____ Application Received by: Name: 3:40pm

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

THE TRUSTEES OF THE JOSE-M MARTINEZ LIVING TRST AGMT (VOL. 2763, PAGE 796, D.R.H.C.)

TEXAS MEXICAN RAILWAY COMPANY SUBDIVISION LOT 7, BLOCK 278

STATE OF TEXAS
COUNTY OF CAMERON

KNOW TO ALL MEN BY THESE PRESENT THAT JIM N. TAYLOR & OLIVIA TAYLOR, TRUSTEES, OWNER OF THAT CERTAIN 9.07 ACRE TRACT OF LAND OUT OF LOT 8, BLOCK 278 TEXAS MEXICAN RAILWAY COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS, ACCORDING TO VOLUME 24, PAGE 168-171 OF THE DEED RECORDS OF HIDALGO COUNTY, TEXAS, DOES HEREBY SUBDIVIDE IN ACCORDANCE WITH THIS PLAT ENTITLED AS PLAT OF OLIVIA ESTATES SUBDIVISION, SECTION 2 IN ADDITION TO THE CITY OF EDINBURG, TEXAS, AND HEREBY DEDICATED TO THE USE OF THE PUBLIC ALL STREET ALLEYS, EASEMENTS, PARKS, SEWER LINES, WATER LINES, WATER COURSES, STORM SEWER LINE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH WE WILL CAUSE TO BE INSTALLED THEREON SHOWN OR NOT SHOWN IF REQUIRED OTHERWISE TO THE CITY OF EDINBURG, ALL OF THE SAME FOR PROPOSED THEREON EXPRESSED EITHER ON THE AFFIDAVIT PLAT OF THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF EDINBURG.

Olivia Taylor 7/15/03
Jim N. Taylor 7/15/03
OLIVIA TAYLOR - TRUSTEE

NOTARY PUBLIC'S
CERTIFICATION

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JIM N. TAYLOR & OLIVIA TAYLOR - TRUSTEES, WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT OF WRITING, AND ACTING IN THE CAPACITY THEREIN STATED.

WITNESS MY HAND AND SEAL THIS 15th DAY OF July, 2003

NOTARY PUBLIC
CAMERON COUNTY, TEXAS
MY COMMISSION EXPIRES ON:



INDEX TO SHEETS OF PLAT

SHEET 1: HEADING, INDEX, LOCATION MAP, DESCRIPTION OF LOCATION OF SUBDIVISION, PRINCIPAL CONTACTS, MAP, LOT, STREET AND EASEMENT LAYOUT, DESCRIPTION (METES AND BOUNDS), SURVEYOR'S CERTIFICATION, PLAT NOTES AND RESTRICTIONS, OWNER'S DECLARATION, CERTIFICATION APPROVAL, CERTIFICATES, REVISION NOTES.

SHEET 2: FINAL ENGINEERING REPORT, INCLUDING DESCRIPTION OF WATER SUPPLY, DESCRIPTION OF WASTEWATER USE, DRAINAGE REPORT, ENGINEER'S CERTIFICATIONS (ENGLISH AND SPANISH VERSIONS), AND REVISION NOTES.

REVISION NOTES				
No.	Sheet	Revision	Date	Approved

PRINCIPAL CONTACTS:

OWNERS: JIM N. TAYLOR & OLIVIA TAYLOR, TRUSTEES ROUTE 1, BOX 261-D
ENGINEER: JOSE LUIS MUÑOZ, P.E. 502 N. EXPRESSWAY 77
SURVEYOR: ROBERTO J. MALDONADO, R.P.L.S. 502 N. EXPRESSWAY 77

CITY & ZIP CODE: HARLINGEN, TEXAS 78552
PHONE: (956) 412-1991
FAX: (956) 412-1993

CITY & ZIP CODE: HARLINGEN, TEXAS 78550
PHONE: (956) 425-3814
FAX: (956) 425-3815

FILED FOR RECORD IN:
HIDALGO COUNTY
BY J.D. SALINAS, III
COUNTY CLERK
ON 7/15/03 AT 11:38 AM
AS A RECORDING NUMBER 22224
DEPUTY

Recorded in Volume 44, Page 110 of the map records of Hidalgo County, Texas
J.D. Salinas III
County Clerk

PLAT OF OLIVIA ESTATES SUBDIVISION SECTION 2

A 9.07 ACRE TRACT OF LAND, OUT OF LOT 8, SECTION 278 OF THE TEXAS-MEXICAN RAILWAY COMPANY SURVEY, HIDALGO COUNTY, TEXAS; OF THE MAP RECORDS, ALL OUT OF VOLUME 24, PAGE 168-171 OF THE DEED RECORDS OF HIDALGO COUNTY, TEXAS.

HIDALGO COUNTY IRRIGATION DISTRICT NO. ONE

THIS PLAT APPROVED BY THE HIDALGO COUNTY IRRIGATION DISTRICT NO. 1 ON THIS 14th DAY OF July, 2003
ATTEST: *Willard Cole* PRESIDENT
SECRETARY

NOTE: HIDALGO COUNTY IRRIGATION DISTRICT NO. ONE 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-WAYS AND/OR EASEMENTS.

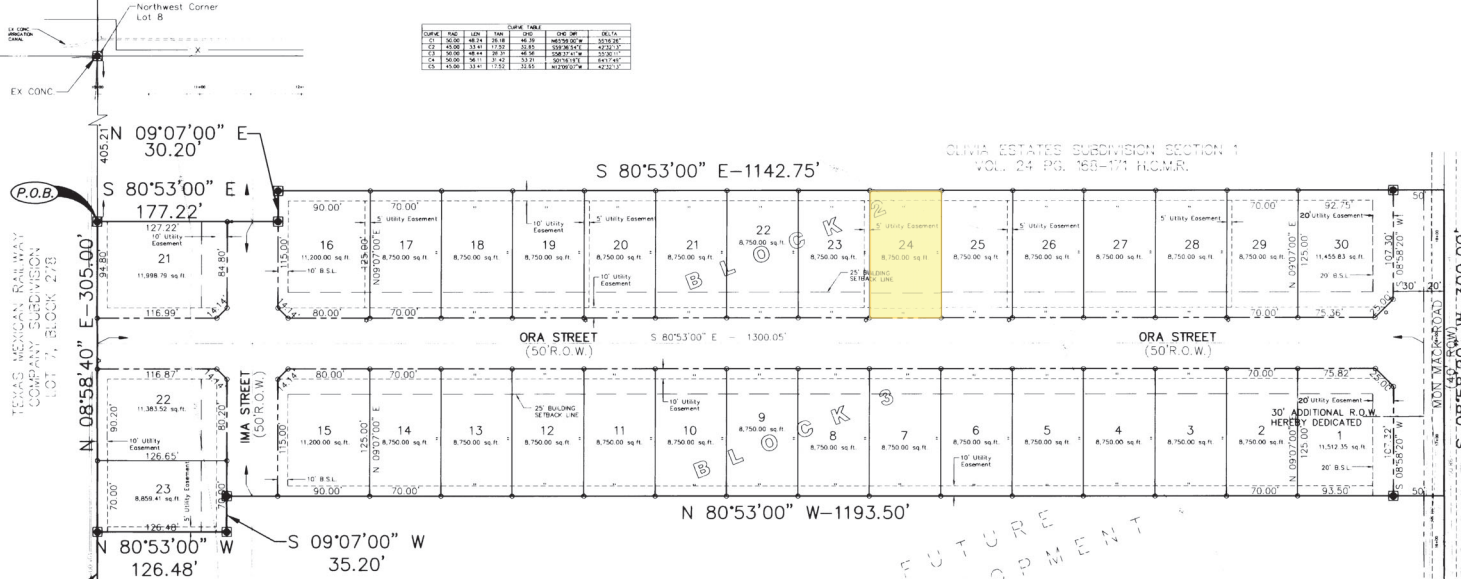
HIDALGO COUNTY DRAINAGE DISTRICT NO. ONE

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEXAS WATER CODE 49.21(c). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURE DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

BY: *Forbes* DATE: *July*

OLIVIA ESTATES SUBDIVISION SECTION 1
VOL. 24 PG. 168-171 H.C.M.R.



JIM N. TAYLOR & OLIVIA TAYLOR
VOL. 24, PAGE 171

CERTIFICATION BY THE CHAIRPERSON OF THE PLANNING AND ZONING COMMISSION

I, THE UNDERSIGNED, CHAIRPERSON OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF EDINBURG, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.
Jose Luis Muñoz 7/15/03
CHAIRPERSON PLANNING AND ZONING COMMISSION DATE

ENGINEER'S CERTIFICATE

I, JOSE LUIS MUÑOZ, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY STATE THAT THIS SUBDIVISION PLAT IS PREPARED FROM AN ACTUAL SURVEY ON THE GROUND, AND FURTHER STATE THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.
Jose Luis Muñoz 7/15/03
JOSE LUIS MUÑOZ, P.E. REG. NO. 70702 DATE



SURVEYOR'S STATEMENT:

I, ROBERTO J. MALDONADO, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY STATE THAT THIS SUBDIVISION WAS PREPARED FROM RESEARCH AND FIELD SURVEY AND FROM INFORMATION AND FROM RECORDS MADE ON THE GROUND UNDER MY SUPERVISION, AND THAT PROPER SURVEYING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.
Roberto J. Maldonado 7/15/03
ROBERTO J. MALDONADO, R.P.L.S. REG. NO. 2420 DATE SIGNED
MAY 2000 JULY 2003
DATE SURVEYED DATE PLAT PREPARED



SCALE: 1"=60'

LOCATION OF SUBDIVISION:

PLAT OF OLIVIA ESTATES SUBDIVISION, SECTION 2 IS LOCATED IN HIDALGO COUNTY IN THE CITY OF EDINBURG. PLAT OF OLIVIA ESTATES SUBDIVISION, SECTION 2 LIES ALONG THE WEST SIDE OF MON WACK ROAD BETWEEN FREDY DONAZALEZ AND SPRAGUE RD.

LEGEND	
■	1/2" ROD SET IN CONCRETE
○	1/2" ROD SET

NOTES:

- 1.) THE SUBDIVIDER WILL COMPLY WITH THE REQUIREMENTS THAT:
 - (A) WATER QUALITY AND CONNECTIONS TO THE LOTS MEET THE MINIMUM STATE STANDARDS.
 - (B) SEWER CONNECTIONS TO THE LOTS OR SEPTIC TANKS MEET OR WILL MEET MINIMUM STATE STANDARDS.
 - (C) ELECTRICAL CONNECTIONS PROVIDED TO THE LOTS MEET OR WILL MEET STATE STANDARDS.
 - (D) GAS CONNECTIONS, IF AVAILABLE, PROVIDED TO THE LOTS MEET OR WILL MEET STATE STANDARDS.
- 2.) THIS PROPERTY IS LOCATED IN FLOOD ZONE X, ACCORDING TO THE FLOOD INSURANCE RATE MAP OF COMMUNITY NO. 480334, PANEL NO. 0325 D, DATED JUNE 6, 2000.
ZONE X - AREAS OF 500-YEAR FLOOD, AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD.
- 3.) THE BEARINGS FOR THIS SURVEY ARE BASED OFF OF THE TEXAS-MEXICAN RAILWAY COMPANY SURVEY, AS PER VOLUME 24, PAGE 171, MAP RECORDS OF HIDALGO COUNTY, TEXAS.
- 4.) NO MORE THAN ONE SINGLE FAMILY DWELLING PER LOT.
- 5.) MINIMUM FLOOR SLAB ELEVATION SHALL BE 24" ABOVE NATURAL GROUND.
- 6.) BENCHMARK: CITY OF EDINBURG TEXAS SURVEY MONUMENT 30" ALUMINUM PIPE WITH 3-1/4" BRASS MONUMENT CAP ON TOP MARK STAMP MC 40, ELEVATION 104.17 (NORTHWEST CORNER OF FREDY DONAZALEZ AND 10th STREET. THE MONUMENT IS 105 FT. NORTH FROM THE CENTERLINE OF FREDY DONAZALEZ AND 25 FT. WEST OF THE EDGE OF PAVEMENT OF 15th STREET. THE ELEVATION OF 100.82 IS LOCATED IN A POWER POLE AT THE SOUTH EAST INTERSECTION OF THE RIGHT-OF-WAY OF FREDY DONAZALEZ AND MON WACK ROAD.
- 7.) DRAINAGE STATEMENT: THIS TRACT OF LAND SLOPES IN A GRADUAL, NORTHEAST DIRECTION. PROPER DRAINAGE WILL BE PROVIDED BY MEANS OF A UNDERGROUND STORM SEWER SYSTEM TO BE BUILT ALONG MON WACK ROAD WEST RIGHT-OF-WAY. THE STORM SEWER WILL DISCHARGE TO A PROPOSED DRAIN DITCH TO BE LOCATED AT THE NORTHERN BOUNDARY.
- 8.) ON-SITE RETENTION IS BEING PROVIDED. EACH LOT WILL RETAIN APPROXIMATELY 335 CUBIC FEET IN A BEAM ALONG THE FRONT LOTS.
- 9.) NO SIDE ACCESS IS PERMITTED TO MON WACK ROAD FROM LOT 30, IN BLOCK 2, AND LOT 1, BLOCK 3.
- 10.) BUILDING SETBACK LINES: FRONT SETBACK LINES - 25FT. (15' ALONG CUL-DE-SAC) SIDE SETBACK LINES - 7FT. (8' IF GARAGE) REAR SETBACK LINES - 20% OF LOT DEPTH CORNER LOT SETBACK LINES - 10FT.
- 11.) FIFTY PERCENT "PARKLAND DEDICATION FEE" DUE AT BUILDING PERMIT STAGE.
- 12.) LOT OWNER WILL PROVIDE SIDEWALK ALONG LOT FRONTAGE AS PER CITY STANDARDS AT BUILDING PERMIT STAGE.

METES & BOUNDS

BEING 9.07 ACRES OF LAND OUT OF LOT 8, BLOCK 278, TEXAS MEXICAN RAILWAY COMPANY SUBDIVISION, ALL OUT OF VOLUME 24, PAGE 168-171 IN HIDALGO COUNTY TEXAS, MAP RECORDS, AND MORE PARTICULARLY DESCRIBED BY THE FOLLOWING METES AND BOUNDS, WITH ALL BEARINGS REFERENCED TO THE SAID PLAT FOR THE TEXAS MEXICAN RAILWAY COMPANY SUBDIVISION.

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 8, A DISTANCE ALONG THE WEST LINE OF LOT 8, S 08 DEGREES 58 MINUTES 40 SECONDS W, 405.21 (FEET) TO THE POINT OF BEGINNING.

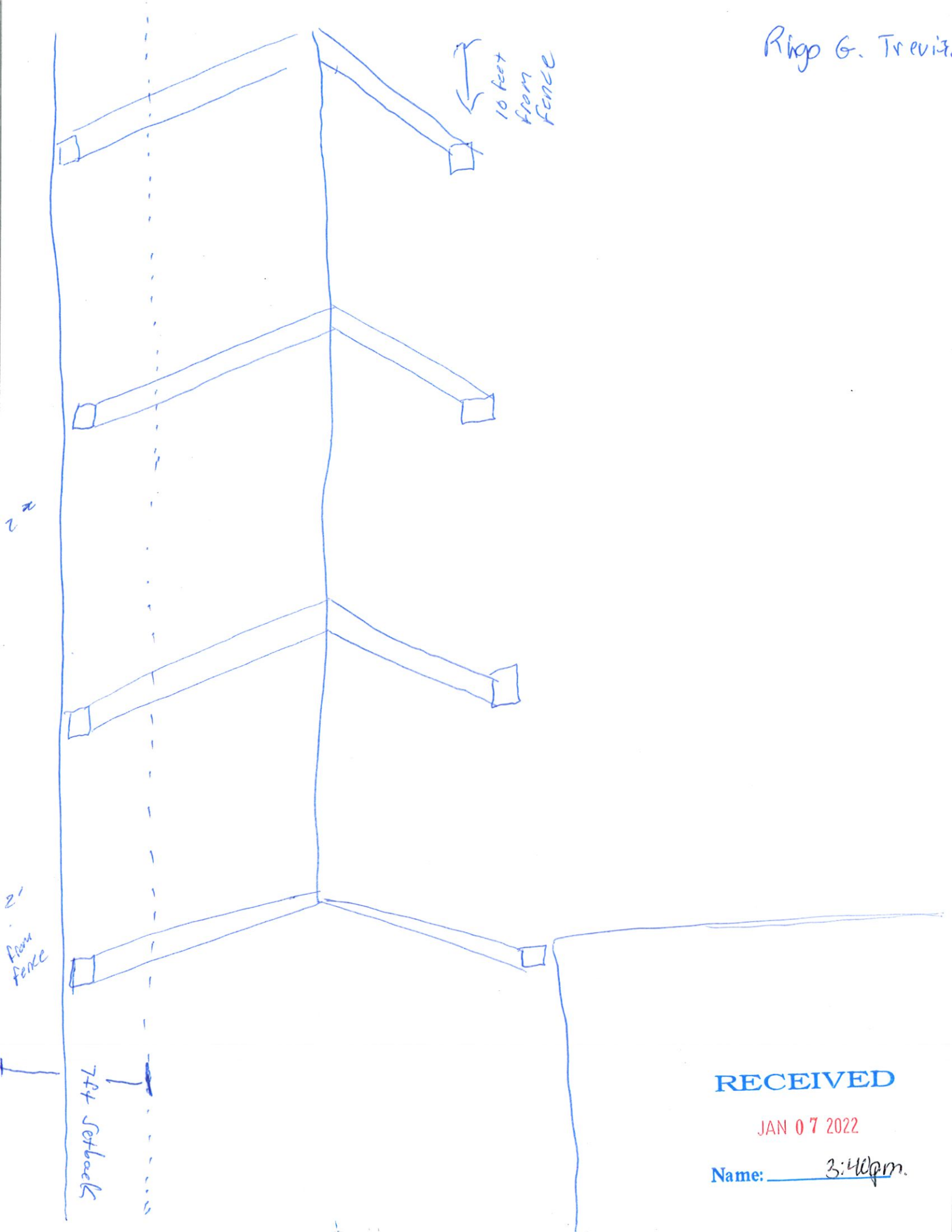
1. THENCE, S 80 DEGREES 53 MINUTES 00 SECONDS E, 177.22 (FEET)
2. THENCE, N 09 DEGREES 07 MINUTES 00 SECONDS E, 30.20 (FEET)
3. THENCE, S 80 DEGREES 53 MINUTES 00 SECONDS E, 1142.75 (FEET) TO THE CENTERLINE OF MON WACK ROAD (40 FOOT RIGHT OF WAY).
4. THENCE ALONG THE SAID CENTERLINE OF MON WACK ROAD, S 08 DEGREES 58 MINUTES 20 SECONDS W, 300.00 (FEET).
5. THENCE, N 80 DEGREES 53 MINUTES 00 SECONDS W, 1193.50 (FEET).
6. THENCE, S 09 DEGREES 07 MINUTES 00 SECONDS W, 35.20 (FEET).
7. THENCE N 80 DEGREES 53 MINUTES 00 SECONDS W, 126.48 (FEET) TO THE WEST LINE OF SAID LOT 8.
8. THENCE ALONG THE SAID WEST LINE OF LOT 8, N 08 DEGREES 58 MINUTES 40 SECONDS E, 305.00 (FEET) TO THE POINT OF BEGINNING.

MGM Engineering Group, LLC

502 N. Expressway 77
Harlingen, Texas 78550
Phone: (956) 425-3814
Fax: (956) 425-3815

400 N. Paredes Line Rd., Ste. 3
Brownsville, Texas 78520
Phone: (956) 541-6118
Fax: (956) 541-6551

Ringo G. Treviño



RECEIVED

JAN 07 2022

Name: 3:40pm

Zoning Board of Adjustment

Site Photos for meeting of February 23, 2022

RINGO TREVIÑO





NOTIFICATION

Dear Property Owner:

A public hearing will be held on Wednesday, February 23, 2022, 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 VARIANCES TO THE CITY'S UNIFIED DEVELOPMENT CODE: 1) SECTION 3.301, SINGLE FAMILY RESIDENTIAL BULK STANDARDS, SETBACKS, AND 2) SECTION 3.505, EASEMENTS AND UTILITIES, LOT 24, BLOCK 2, OLIVIA ESTATES SUBDIVISION SECTION 2, LOCATED AT 3719 ORA STREET, AS REQUESTED BY RINGO G. TREVIÑO

The variances requested would allow for an accessory structure constructed in both a required side yard setback and in a utility easement of record.

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

You may return your response by one of the following:

- MAIL: P. O. Box 1079 Edinburg, Texas 78540
- FAX: (956) 292-2080 by Tuesday, February 22, 2022
- EMAIL: planning@cityofedinburg.com by Tuesday, February 22, 2022

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

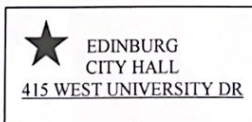
Comments: If this affects anyone's access to any utilities, I am
against it.

Print Name: Nicholas R. Loya Phone No. 956-802-2151
Address: 3616 Lula St City: Edinburg State: TX Zip: 78539

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)

8th Ave.

Planning & Zoning Staff Report

Prepared on: February 8, 2022

ZONING BOARD OF ADJUSTMENT

Regular Meeting: February 23, 2022

Agenda Item 8B

Consider Variance to the City's Unified Development Code, Section 2.301(D)(9), Fences Facing or Abutting a Golf Course, Lot 4, Los Lagos Phase III Subdivision, located at 3321 Macquarie Drive, as requested by Adrian Guzman

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 a 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 Macquarie Drive, just north of the intersection of Macquarie Drive and Los Lagos Drive, and is zoned Neighborhood Conservation 7.1 (NC7.1) District. Adjacent zoning is Neighborhood Conservation 7.1 (NC7.1) District to the east, west and south, and Suburban Residential (S) District to the north where the golf course is located.

Background and History

The property is part of the Los Lagos Phase III Subdivision, which was recorded on August 22, 2003. The applicant is proposing to construct a 4 ft. high fence approximately 70 ft. along the rear property line. The applicant submitted a Residential Building Permit Application for a fence on January 7, 2022. 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 January 11, 2022, to accommodate the project.

Staff mailed notice of this variance request to 29 neighboring property owners. No comments in favor or against this request had been received at the time this report was prepared.

Analysis

The property has 70 ft. of frontage on Macquarie Drive and a depth of approximately 138 ft. for a total lot area of 9,641.95 sq. ft. Staff review of a Residential Building Permit Application for a fence, submitted by the applicant on January 7, 2022, identified the property as abutting the Los Lagos Golf Course. UDC Section 2.301(D)(9) prohibits any fence facing or abutting a golf course. Variance is required for the applicant to proceed with the project.

The applicant indicated that the proposed fence would be 4 ft. high and of a wrought iron type. The fence would extend along the rear property line, approximately 70 ft., bordering a portion of the Los Lagos Golf Course. The stated need for the fence is to protect his property and for security and safety reasons pertaining to his children.

Planning & Zoning Staff Report

Recommendation

Staff recommends compliance with the ordinance requirement that states no fence shall be constructed on any lot adjoining a golf course. Similar variances have been granted in the Los Lagos development. Most recent approval was granted at the meeting of January 20, 2022, for a property located in the nearby Lumen Phase B Subdivision. This Ordinance is being reviewed as part of the UDC update.

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

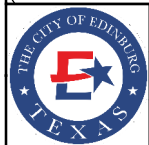
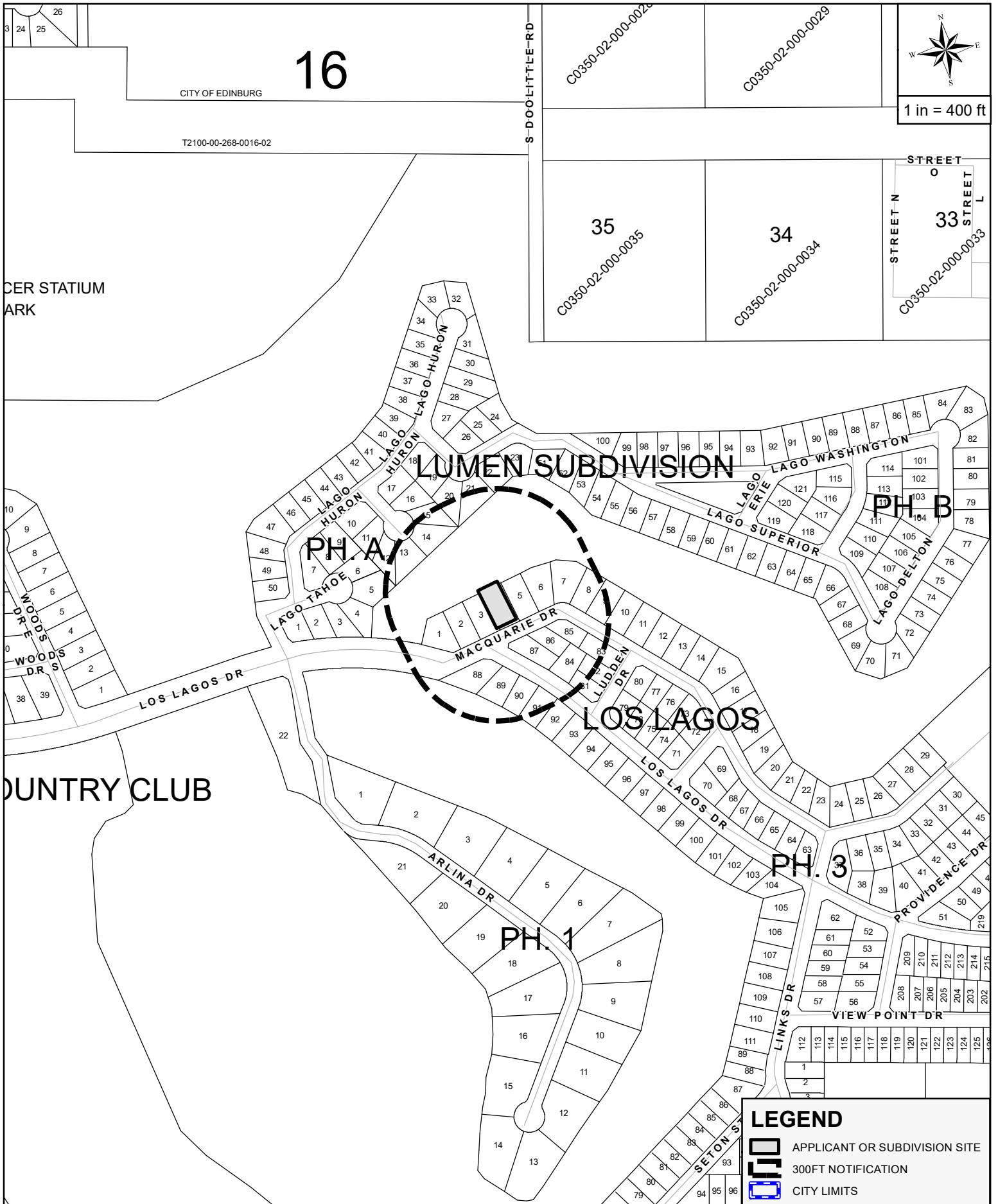


AERIAL MAP

APPLICANT AND/OR SUBDIVISION:

ADRIAN GUZMAN





MAILOUT AND SITE MAP

APPLICANT AND/OR SUBDIVISION:

ADRIAN GUZMAN



Case #

Edinburg

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

Zoning Board of Adjustment Application Request for Variance

VAR-2022-065

Nature of Request: Rod Iron - Type of FENCE

Reason for Hardship (attach additional pages if necessary)

UDC Sec. 2.301(D)(9)

To protect my property from an damages done
by golfers. Also for security reasons and safety reasons
for my family.

Property Description: Lot 4 Block _____ Subdivision Los Lagos Phase 3

Property Address: 3301 Macguarrie Dr Edinburg, TX

Present Property Zoning: NC7.1

Person requesting Variance: Adrian Guzman

Mailing Address: 719 W. Van Winkle St Edinburg, TX 78541

Street Address

City/State

Zip Code

Phone No. (Home): (956) 562-4842 (Work): _____ (Cell): _____

Owner's Name: Adrian + Edith Guzman aguzman12@rgv.rr.com

Mailing Address: _____

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: Adrian Guzman Date: 1/11/22

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

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

Receipt No.

RECEIVED

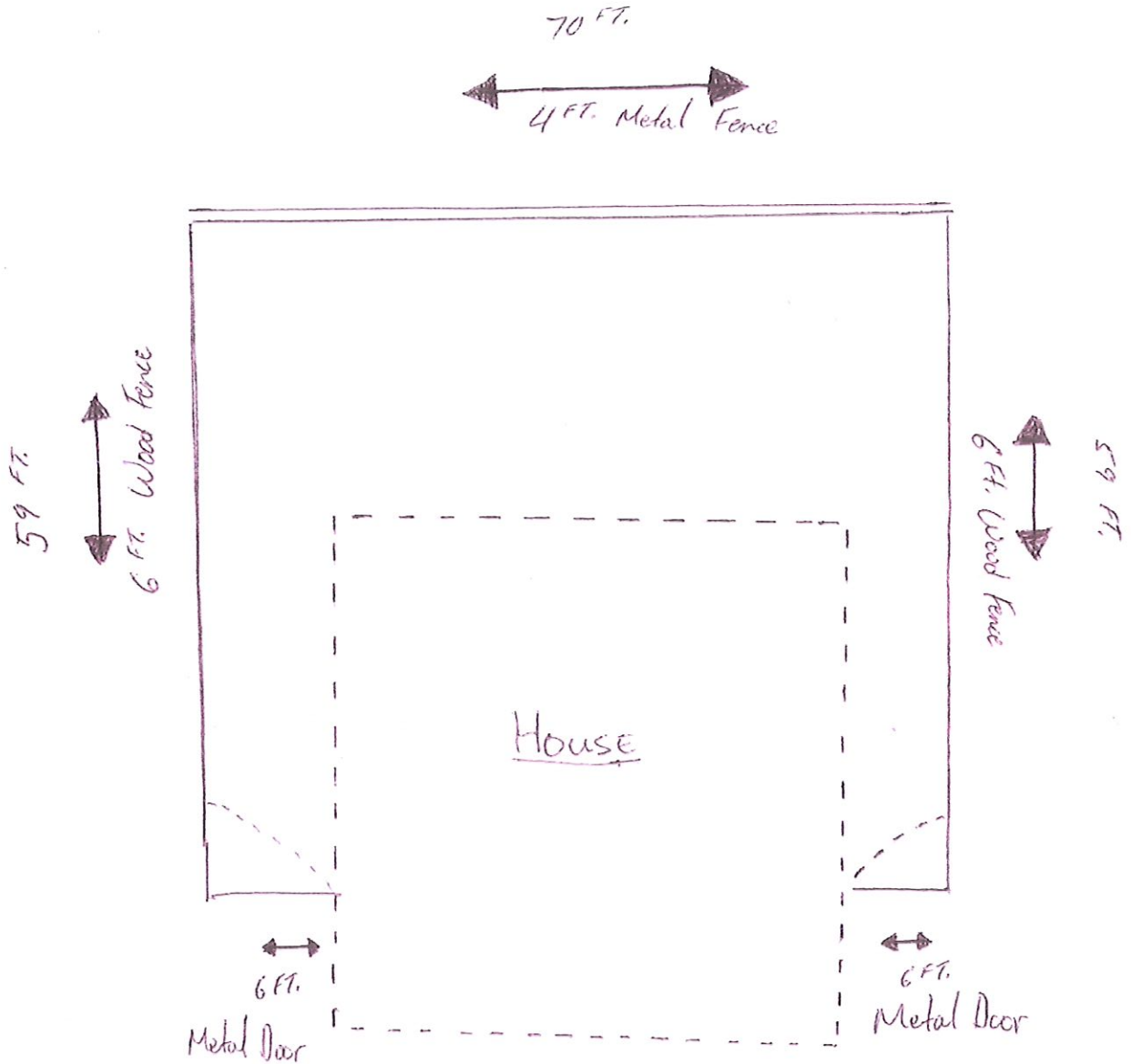
JAN 11 2022

OFFICE USE ONLY

Application deadline: _____ ZBA Hearing date: _____

Name: 11:49 a.m.

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



Square
(200) Feet of Fence

3321 Macquarie Dr.
Eclinkburg TX 78542

RECEIVED

FEB 01 2022

Name: _____

Zoning Board of Adjustment

Site Photo for meeting of February 23, 2022

ADRIAN GUZMAN



Planning & Zoning Staff Report

Prepared on: February 8, 2022

ZONING BOARD OF ADJUSTMENT

Regular Meeting: February 23, 2022

Agenda Item 8C

Consider Variance to the City's Unified Development Code, Section 3.201(C), Residential Use District Standards, Density, Lots 1 and 2, Stonebrook Estates Subdivision, located at 2002 & 2008 Brandi Lane, as requested by Erica Edith Canales

Request

The applicant is requesting a variance to the City's Unified Development Code (UDC), Section 3.201 (C) as it pertains to density for multifamily developments. The applicant is proposing to construct 95 apartment units on a lot that allows a maximum of 62 units by UDC standards.

Property Location and Vicinity

The property is located at the northeast corner of Brandi Lane and South Jackson Road, and is zoned Urban Residential (UR) District. Adjacent zoning is Neighborhood Conservation (NC5) District to the north, Commercial Neighborhood (CN) District to the south and east, and Auto-Urban (AU) District to the west. Surrounding land uses are residential with vacant land.

Background and History

The property is part of the Stonebrook Estates Subdivision, which was recorded on June 4, 1998. The applicant is proposing a multifamily development on the subject property. A Subdivision Application for re-plat of the Stonebrook Estates Subdivision was submitted on January 18, 2022. Review of the site plan submitted with the subdivision application showed that the intended development exceeded maximum density standards allowed by the UDC. An Application for a Variance Request was submitted on January 18, 2022, to accommodate the project.

Staff mailed notice of this variance request to 23 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 comprised of Lots 1 & 2 of the Stonebrook Estates Subdivision with a combined area of 2.861 acres. The property is zoned Urban Residential (UR) District, the residential district that allows for the highest possible residential densities. UDC Section 3.201(C) allows a maximum of 21.55 dwelling units per acre for multifamily developments in this District. With this density, a maximum of 62 dwelling units are allowed on the 2.861 acre area proposed for this development.

The applicant indicated that this multifamily development proposes 95 dwelling units on the subject property, which is 53.23% over the maximum density allowed in this District.

Planning & Zoning Staff Report

Recommendation

Staff recommends disapproval of this variance request. Urban Residential (UR) Zoning District held by the subject property allows the highest possible density of any residential district, a density intended only for areas with an urban character, such as around the downtown square. The applicant is proposing to exceed maximum density by over 50%.

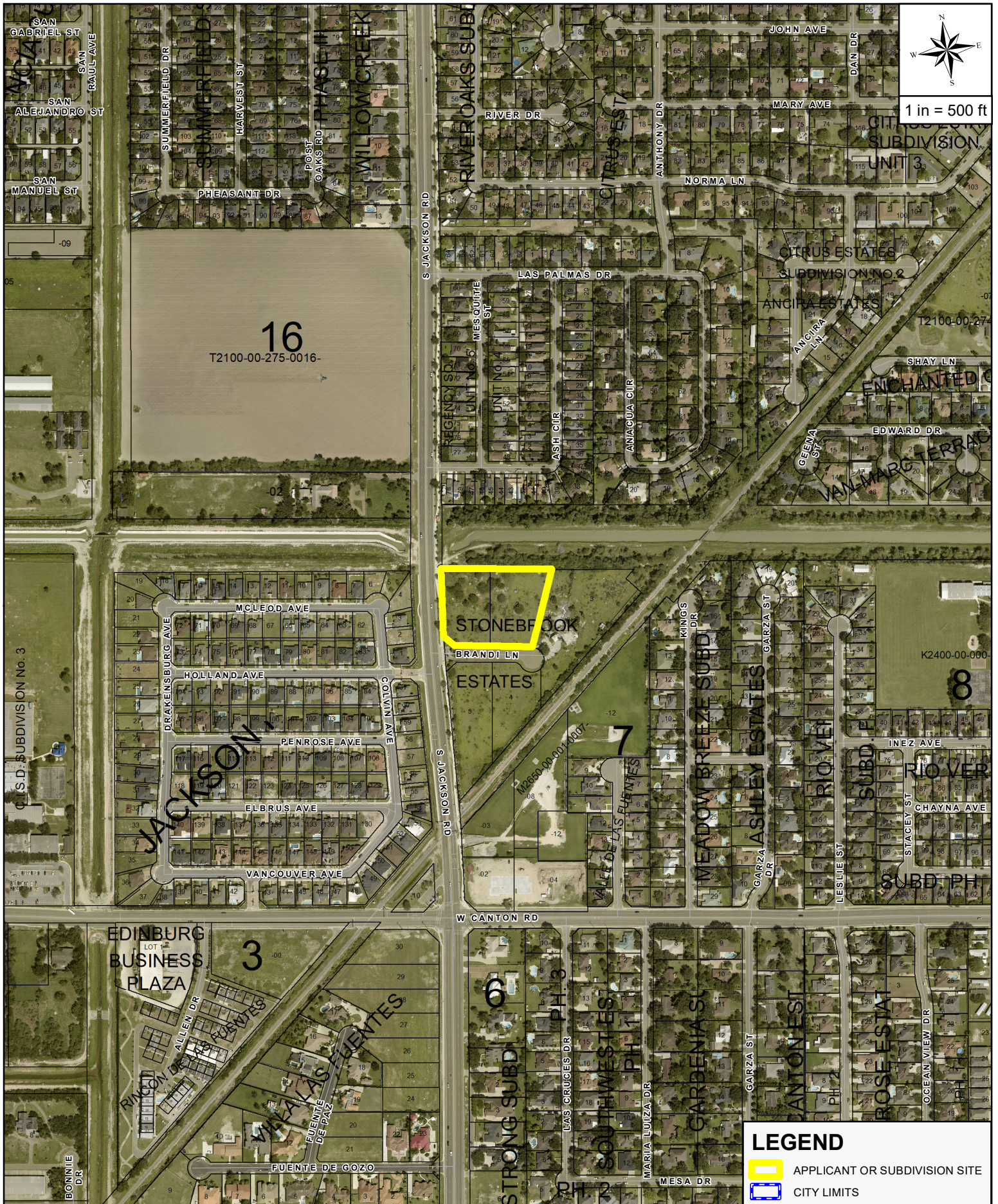
If approved, the applicant will need to comply with all other requirements during the permitting process. If approved, \$40 fee, payable to the County of Hidalgo, County Clerk's Office, for the recording of the ZBA order is also required. A location map, aerial map, photo, subdivision plat, site plan,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

Prepared by:

D. Austin Colina
Planner I

Approved by:

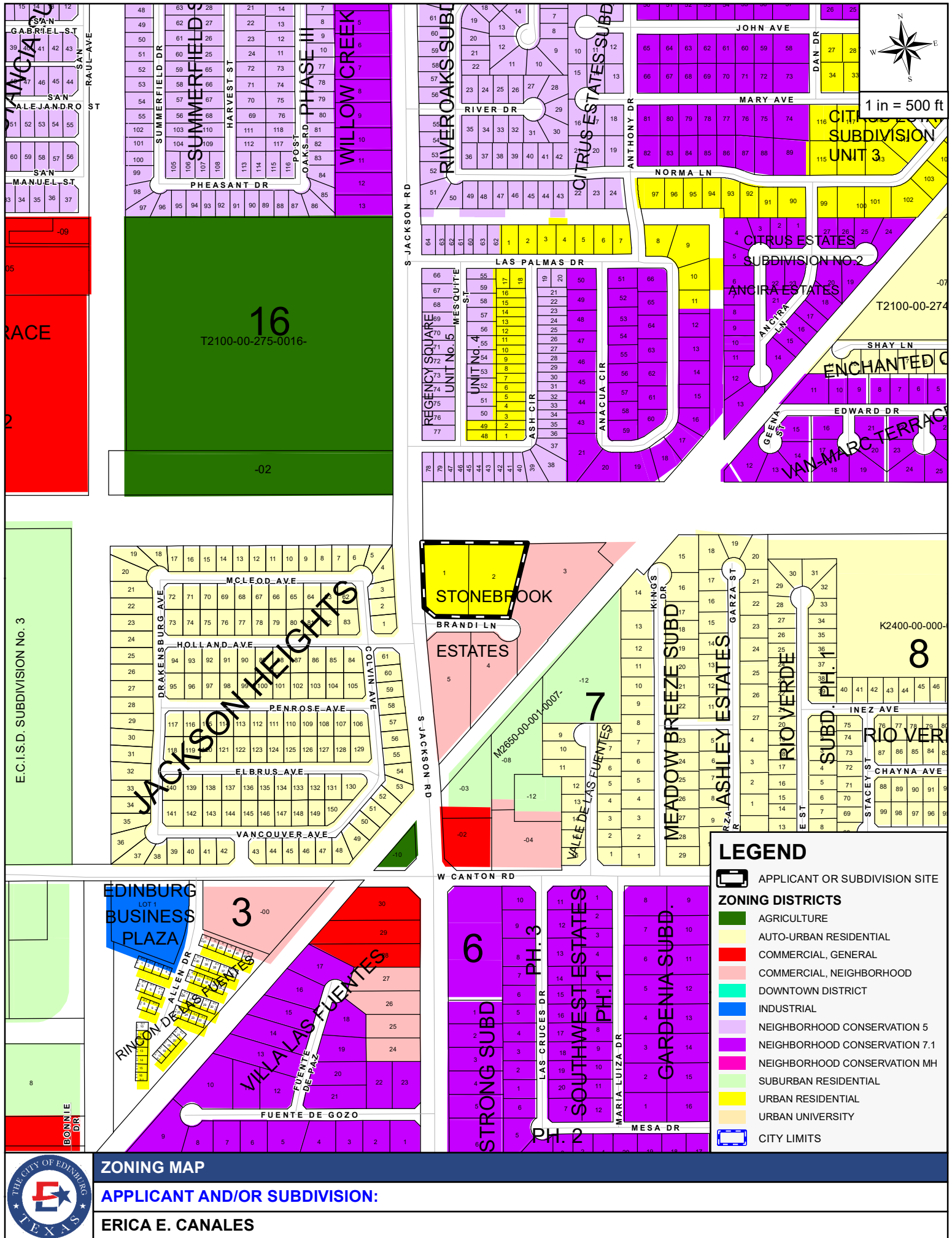
Kimberly A. Mendoza, MPA
Director of Planning & Zoning



AERIAL MAP

APPLICANT AND/OR SUBDIVISION:

ERICA E. CANALES



ZONING MAP

APPLICANT AND/OR SUBDIVISION:

ERICA E. CANALES

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





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 request Article 3 Section 3.0 Density for Urban Residential

Reason for Hardship (attach additional pages if necessary)

UDC Sec. 3.201(C)

Density allowed to build 62 units requesting 95 units

Property Description: Lot 1&2 Block _____ Subdivision Stonebrook
~~Stone Brooks~~ Estates

Property Address: 1900 Brandi Ln. 2002-2008 Brandi Lane

Present Property Zoning: UR - Urban Residential

Person requesting Variance: To build more units to accomadate the demand in the area

Mailing Address: 310 S Closner Blvd Edinburg/Tx 78539
Street Address City/State Zip Code

Phone No. (Home): (956) 578-9568 (Work): (956) 605-0836 (Cell): _____

Owner's Name: Erica Edith Canales

Mailing Address: 310 S Closner Blvd Edinburg/Tx 78539
Street Address City/State Zip Code

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

Signature: Erica E. Canales Date: January 7, 2022

Owner/Agent's Name (Please Print): Erica E Canales

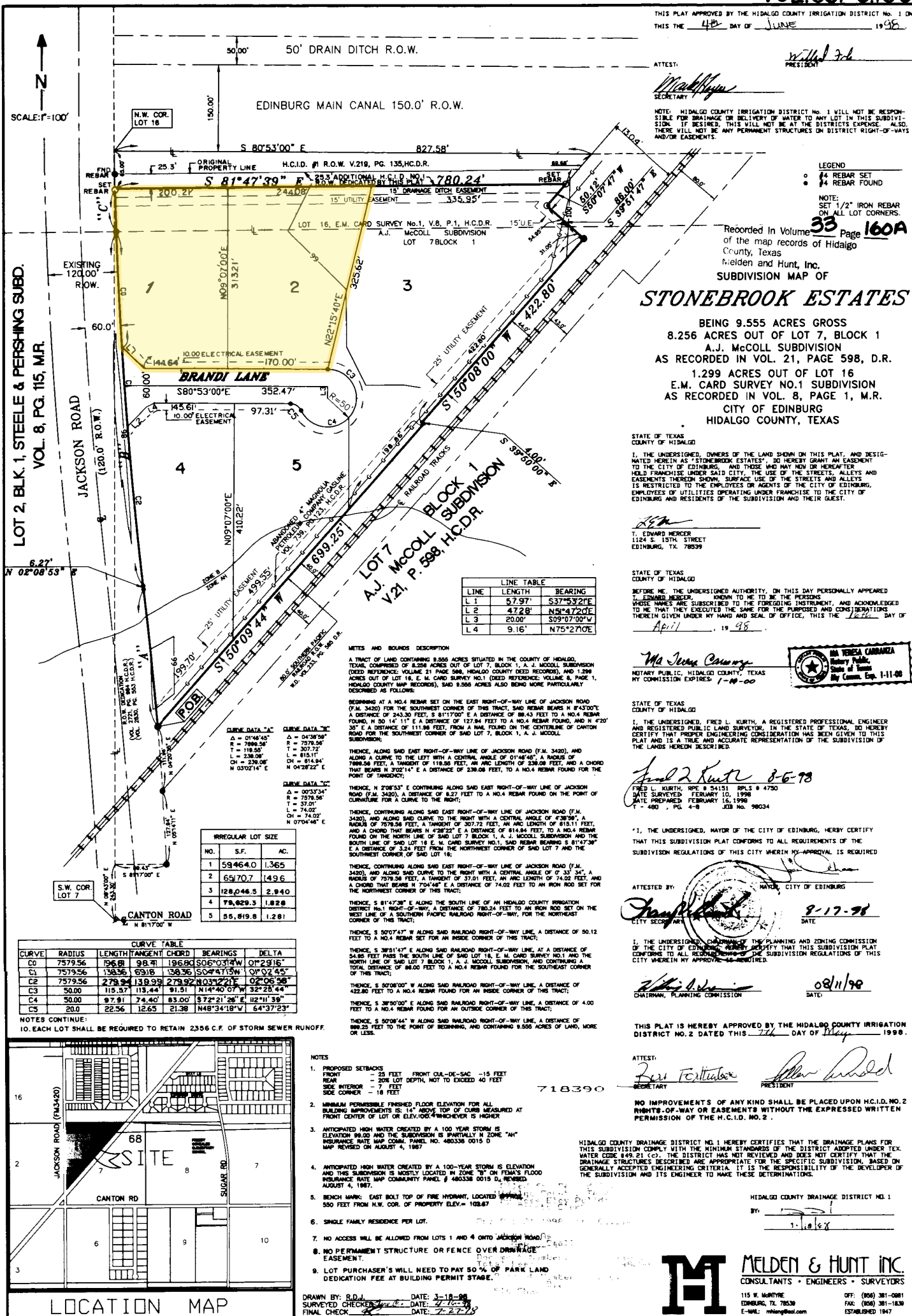
\$450 Application Fee: _____ Application Received by: RECEIVED
Receipt No.

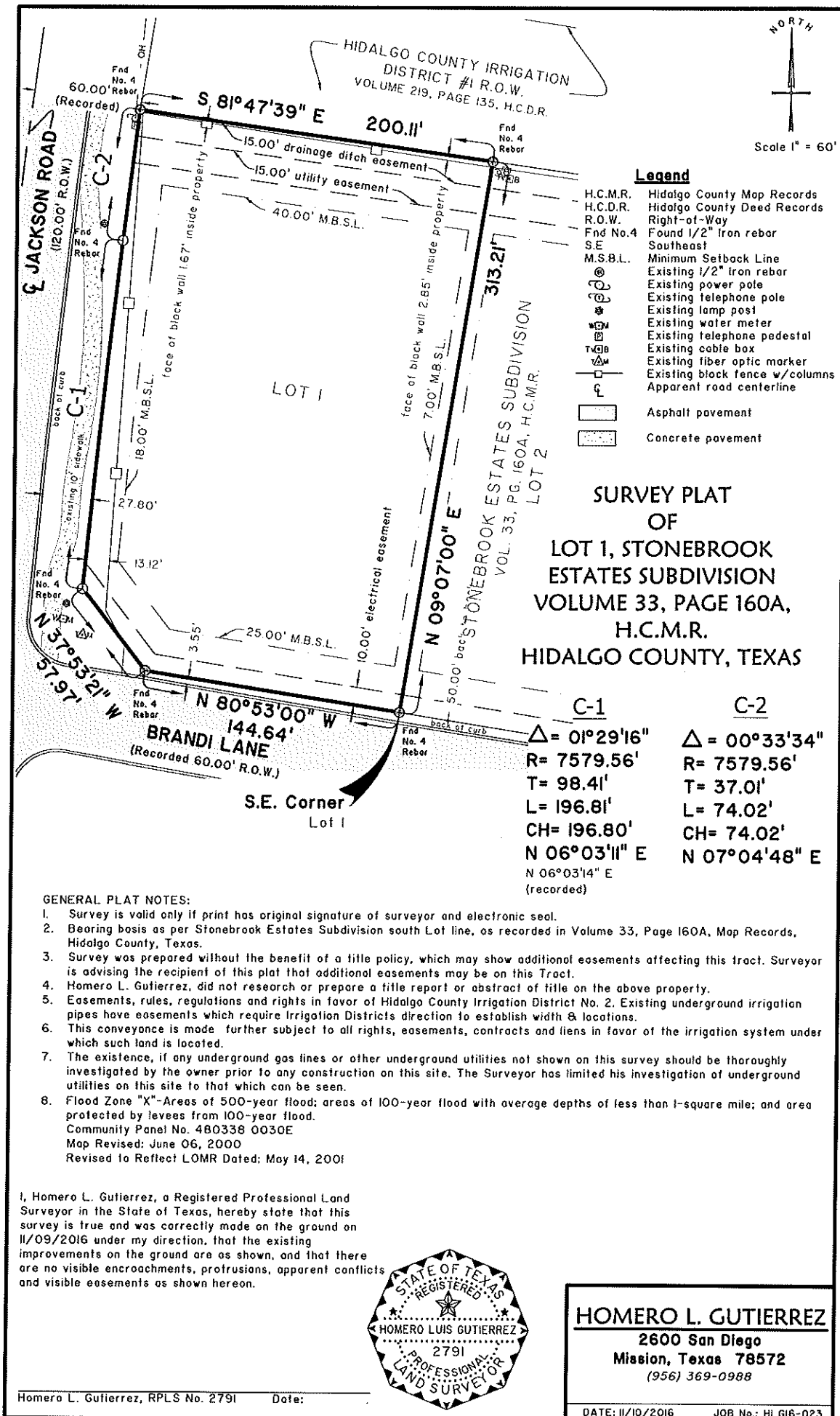
OFFICE USE ONLY

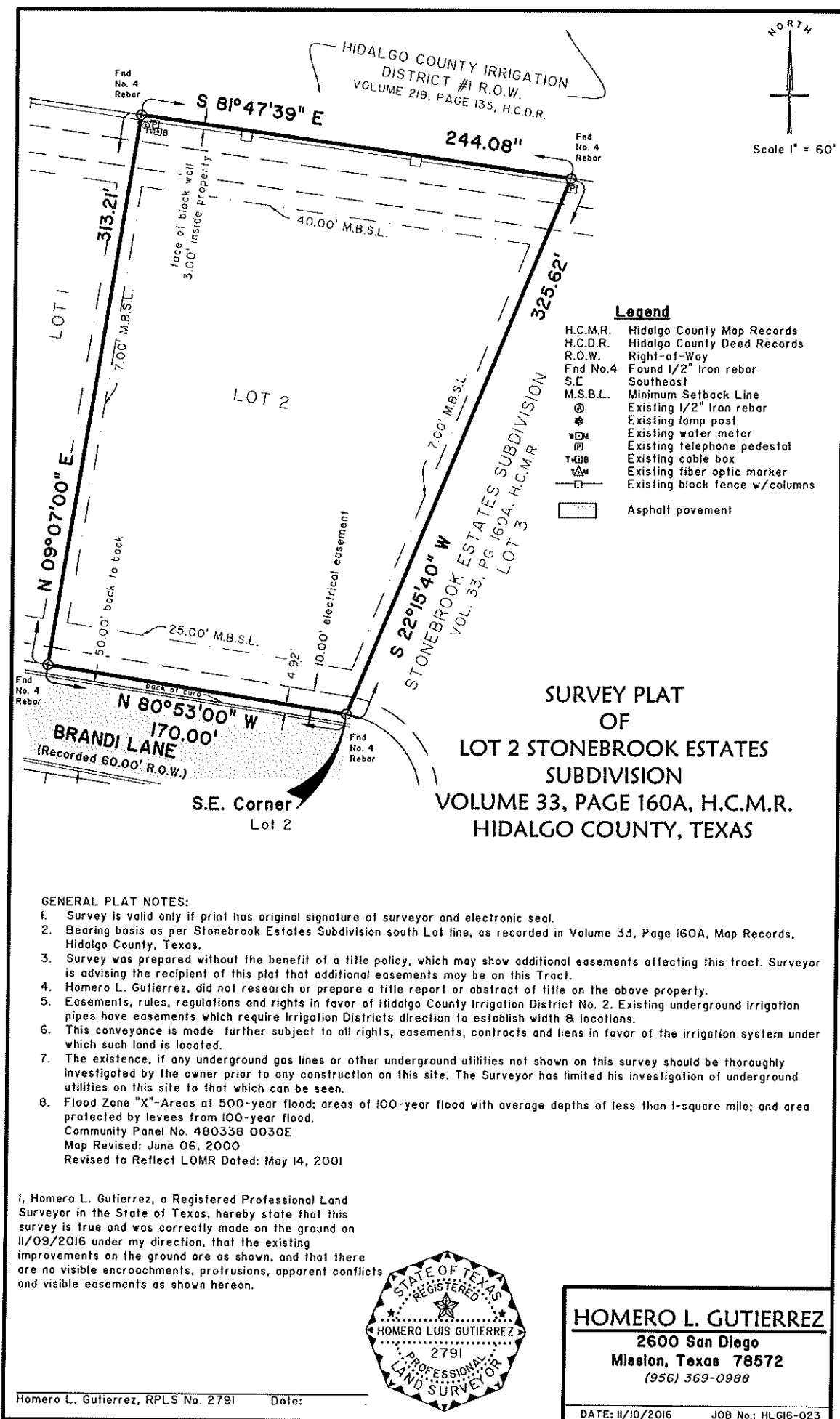
Application deadline: _____ ZBA Hearing date: _____ Name: 3:30p.m.

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

THIS PLAT APPROVED BY THE HIDALGO COUNTY IRRIGATION DISTRICT No. 1 ON
THIS THE 4th DAY OF JUNE 1998



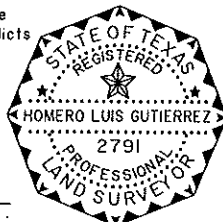




GENERAL PLAT NOTES:

1. Survey is valid only if print has original signature of surveyor and electronic seal.
2. Bearing basis as per Stonebrook Estates Subdivision south Lot line, as recorded in Volume 33, Page 160A, Map Records, Hidalgo County, Texas.
3. Survey was prepared without the benefit of a title policy, which may show additional easements affecting this tract. Surveyor is advising the recipient of this plat that additional easements may be on this Tract.
4. Homero L. Gutierrez, did not research or prepare a title report or abstract of title on the above property.
5. Easements, rules, regulations and rights in favor of Hidalgo County Irrigation District No. 2. Existing underground irrigation pipes have easements which require Irrigation Districts direction to establish width & locations.
6. This conveyance is made further subject to all rights, easements, contracts and liens in favor of the irrigation system under which such land is located.
7. The existence, if any underground gas lines or other underground utilities not shown on this survey should be thoroughly investigated by the owner prior to any construction on this site. The Surveyor has limited his investigation of underground utilities on this site to that which can be seen.
8. Flood Zone "X"-Areas of 500-year flood; areas of 100-year flood with average depths of less than 1-square mile; and area protected by levees from 100-year flood.
Community Panel No. 480338 0030E
Map Revised: June 06, 2000
Revised to Reflect LOMR Dated: May 14, 2001

I, Homero L. Gutierrez, a Registered Professional Land Surveyor in the State of Texas, hereby state that this survey is true and was correctly made on the ground on 11/09/2016 under my direction, that the existing improvements on the ground are as shown, and that there are no visible encroachments, protrusions, apparent conflicts and visible easements as shown hereon.



Homero L. Gutierrez, RPLS No. 2791

Date:

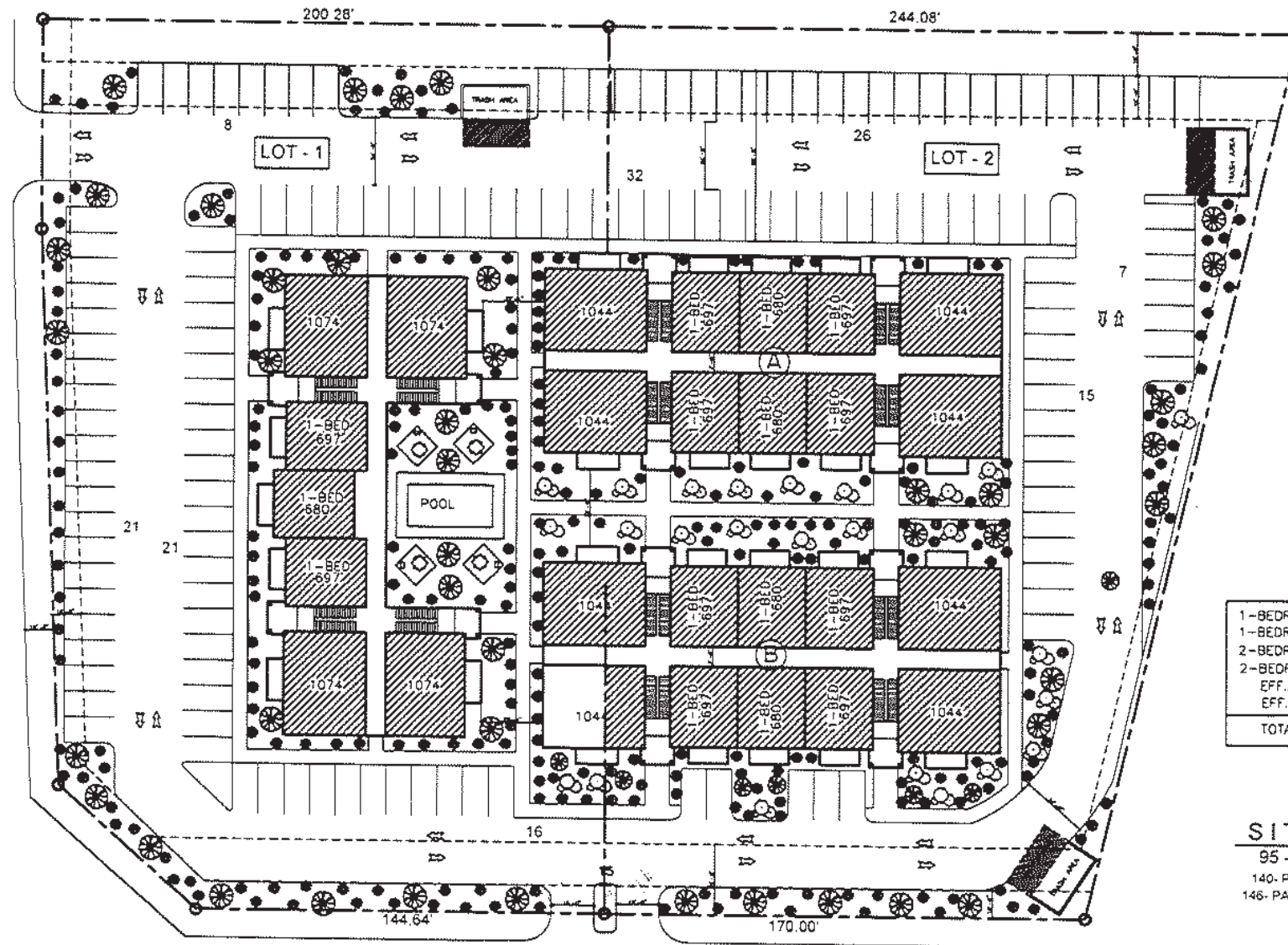
HOMERO L. GUTIERREZ

2600 San Diego
Mission, Texas 78572
(956) 369-0988

DATE: 11/10/2016

JOB No.: HLG16-023

JACKSON ROAD



1-BEDRM-697.0FT	= 30 UNITS
1-BEDRM-680.0FT	= 15 UNITS
2-BEDRM-1074.0FT	= 6 UNITS
2-BEDRM-1044.0FT	= 16 UNITS
EFF. APT-537.0FT	= 12 UNITS
EFF. APT-522.0FT	= 16 UNITS
TOTAL OF UNITS = 95 UNITS	

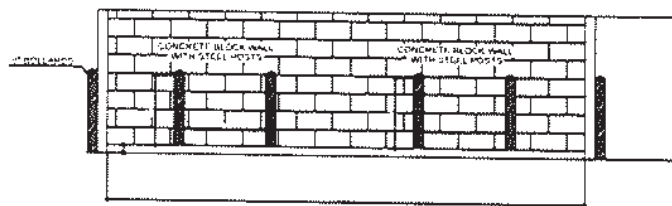
SITE PLAN

95 - APTS. UNITS

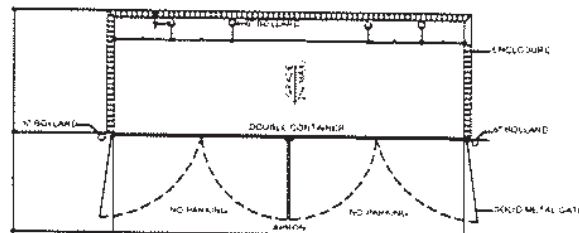
140. PARKING SPACES REQ

146. PARKING SPACES PROVIDED

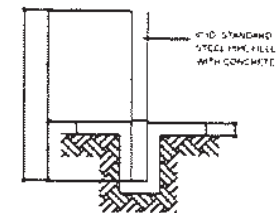
BRANDI LANE



SECTION
SINGLEWASTE CONTAINER ENCLOSURE



PLAN
SINGLEWASTE CONTAINER ENCLOSURE



BOLLARD

South Texas Design



PROJECT
OWNER • BUILDER

SCALE 1"=20'

314 BELLA SUE V. HALLER, TRS. 7004 (04) 007-1403

REVISIONS
BY
DATE

Zoning Board of Adjustment

Site Photos for meeting of February 23, 2022

ERICA EDITH CANALES



Planning & Zoning Staff Report

Prepared on: February 10, 2022

ZONING BOARD OF ADJUSTMENT

Regular Meeting: February 23, 2022

Agenda Item 8D

Consider Variances to the City's Unified Development Code: 1) Section 3.201(C), Density; 2) Section 3.303, Multifamily Lot and Building Standards, Lot Area; 3) Section 3.303 Multifamily Lot and Building Standards, Lot Width; 4) Section 10.405, Parking Lot Bufferyards; and 5) Section 9.301, Parking Space Standards, Driving Aisle Width, Lot 18, Block 263, West Addition to Edinburg Subdivision, located at 1021 West Cano Street, as requested by Ricardo Caballero

Request

The applicant is requesting five variances to the City's Unified Development Code (UDC) regarding the following regulations: residential density, lot width, lot area, parking lot bufferyards, and driving aisle width for a multifamily development. Specifically, the applicant is proposing to construct eight apartment units on a lot that allows a maximum of four units by UDC Standards. The applicant is also proposing this multifamily development on a lot that does not meet minimum size requirements for this type of development. Parking for these multifamily units does not include the required bufferyard along the street right-of-way (ROW). Finally, the maneuvering space for some of the parking spaces provided does not meet UDC standards.

Property Location and Vicinity

The property is located at the northeast corner of West Cano Street and South 1st Avenue. Zoning for this lot is Urban Residential (UR) District. Adjacent zoning is Commercial General (CG) District to the north, and Urban Residential (UR) District to the south, east, and west. Surrounding land uses are residential and commercial.

Background and History

The West Addition to Edinburg Subdivision was filed on September 21, 1946. The applicant is proposing a multifamily development on the subject property. A building permit application was submitted for this address on September 27, 2021, and was disapproved due to not meeting site requirements.

An application for a variance to the Zoning Board of Adjustments was submitted to the City on January 25, 2021, to address some of the issues related to the building permit application submitted. The Variance application was originally submitted for lot density only, and additional requested variances were added based on an evaluation of the site plan submitted by the applicant and staff meeting with the applicant representative.

Staff mailed notice of this variance request to 32 neighboring property owners. No comments in favor or against this request had been received at the time this report was prepared.

Planning & Zoning Staff Report

Analysis

The subject property has 50 ft. of width and a lot depth of 142 ft. for a total lot area of 7,100 sq. ft. The property is zoned Urban Residential (UR) District, the District that allows for the highest possible residential densities. UDC Section 3.201(C) allows a maximum of 21.55 dwelling units per acre for multifamily developments in this District. With this density, a maximum of four dwelling units are allowed on this 0.163 acre lot. The site plan submitted for this location shows eight residential units proposed for this development, 100% over the maximum density allowed.

UDC Section 3.303 requires a minimum lot width of 100 ft. for multifamily developments in the Urban Residential (UR) District. The lot for the proposed development has a width of 50 ft., 50% below the minimum requirement.

UDC Section 3.303 also requires a minimum lot area of 10,000 sq. ft. The lot proposed for this project is 7,100 sq. ft., 29% below the minimum requirement.

The site plan submitted for this project shows parking spaces up to the property line along South 1st Avenue. UDC Section 10.405 requires a minimum bufferyard of 4 ft. between the property line and the outside edge of these parking spaces.

The access for parking along the alley to the north of the subject property lacks the required 23 ft. driving aisle width required by UDC Section 9.301. The distance provided for parking maneuvering is approximately 18 ft., five feet (or 21.74%) shorter than the minimum required.

Recommendation

Staff recommends disapproval of all variances requested. The number of apartment units proposed for this location exceeds the maximum capacity of a lot of this size. Urban Residential (UR) Zoning District held by the subject property allows the highest possible density of any residential district. The applicant is proposing to exceed this density by 100%. UDC guidelines should be followed for lot area and lot width requirements for multifamily developments, allowing for adequate spacing. Parking bufferyards are needed for safety and separation between parking spaces and the street ROW. Adequate maneuvering space should be provided for all parking locations.

The reason for this request listed on the application cited property constraints. However, no viable hardship has been established, and none of the required findings and limitations for variance approval, as per UDC Section 14.404(D), have been met for this case.

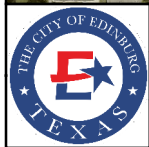
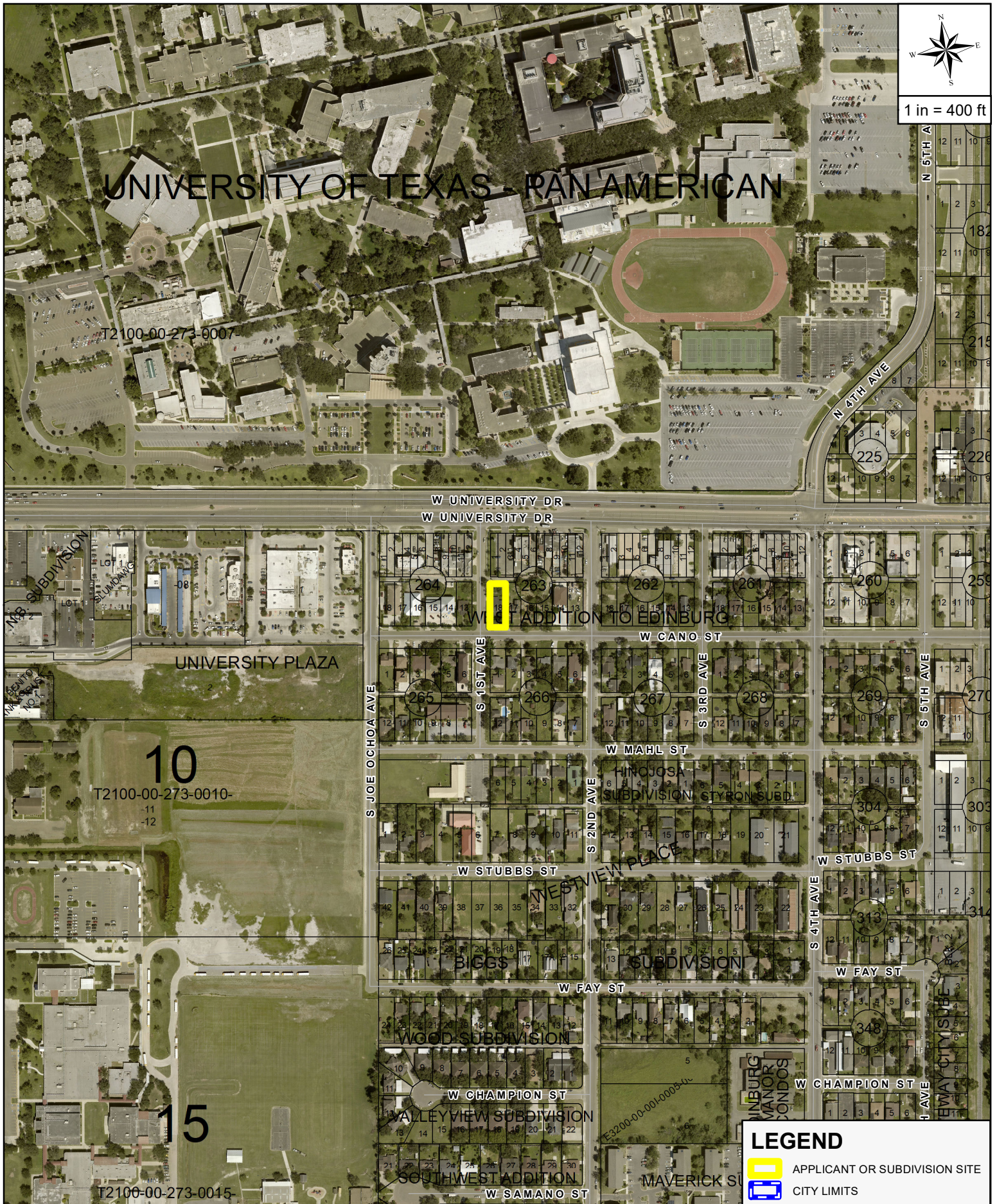
If approved, the applicant will need to comply with all other requirements during the permitting process. If approved, \$40 fee, payable to the County of Hidalgo, County Clerk's Office, for the recording of the ZBA order is also required. A location map, aerial map, photo, subdivision plat, site plan,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



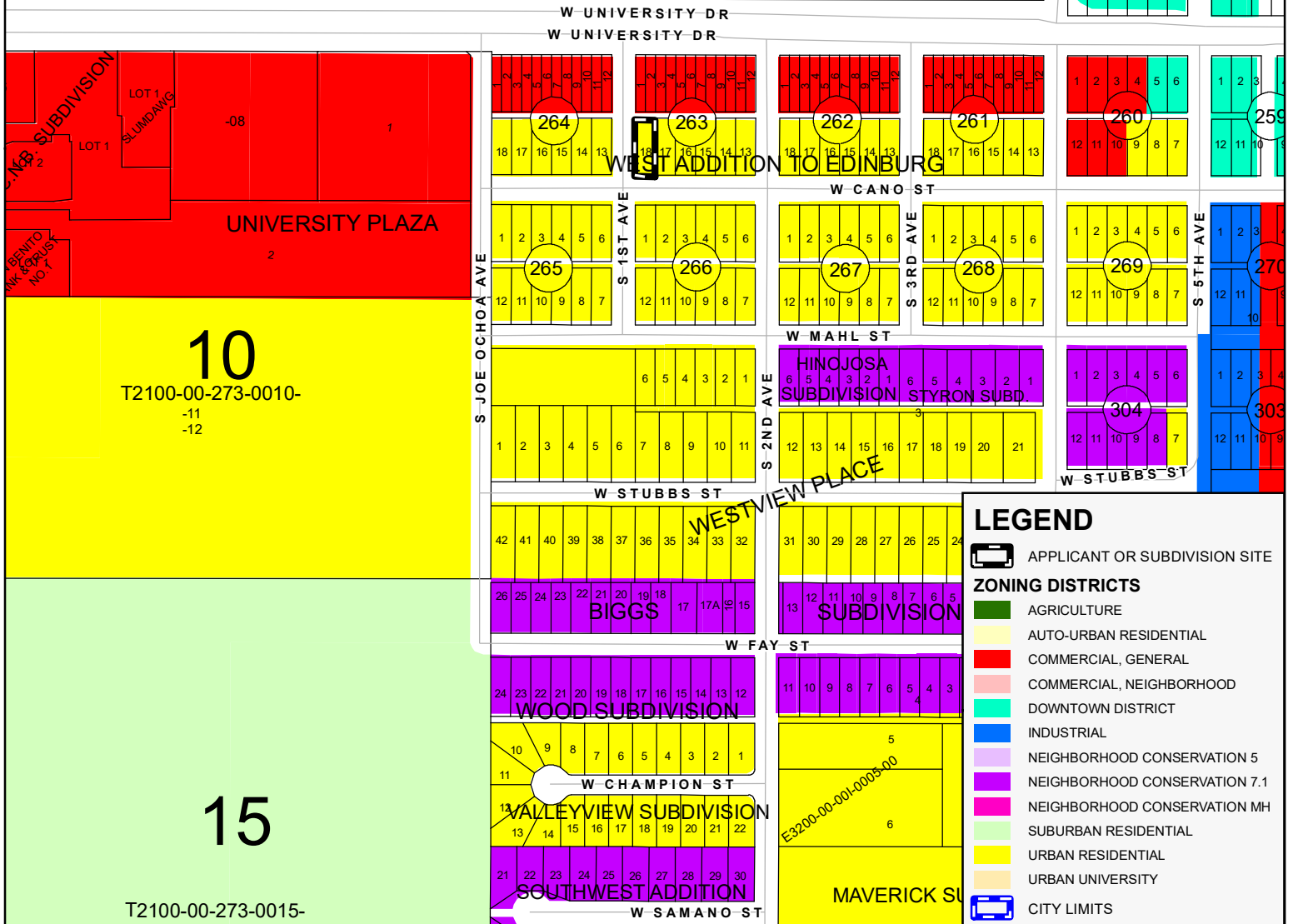
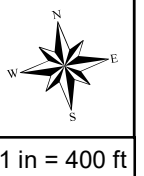
AERIAL MAP

APPLICANT AND/OR SUBDIVISION:

RICARDO CABALLERO / 1021 W CANO ST

UNIVERSITY OF TEXAS - PAN AMERICAN

T2100-00-273-0007-

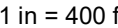


ZONING MAP

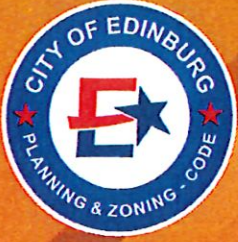
APPLICANT AND/OR SUBDIVISION:

RICARDO CABALLERO / 1021 W CANO ST





CITY LIMITS



Case #

Edinburg

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

VAR-2022-0068

Zoning Board of Adjustment
Application Request for Variance

Nature of Request: ~~ARTICLE 3~~ SECT. 3.01 "C"
SEC. 3.201C, DENSITY; 3.303 LOT AREA; 3.303 LOT WIDTH
Reason for Hardship (required; attach additional pages if necessary)
PLEASE FILL
DENSITY Property Constraints

Property Description: Lot #18 Block 263 Subdivision West AdditionProperty Address: 1021 W CANO ST.Present Property Zoning: URBAN RESIDENTIALPerson requesting Variance: RICARDO CIBALLERO Email: rickciballero@hotmail.comMailing Address: 610 MACO DRIVE HARLINGEN, TX 78550
Street Address City/State Zip CodePhone No. (Home): 956-454-3703 (Work): (Cell):Owner's Name: RICARDO CIBALLERO Email: rickciballero@hotmail.comOwner's Address: 610 MACO DRIVE HARLINGEN, TEXAS 78550
Street Address City/State Zip CodeAs 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: 1-17-22Owner/Agent's Name (Please Print): X RICARDO CIBALLERO

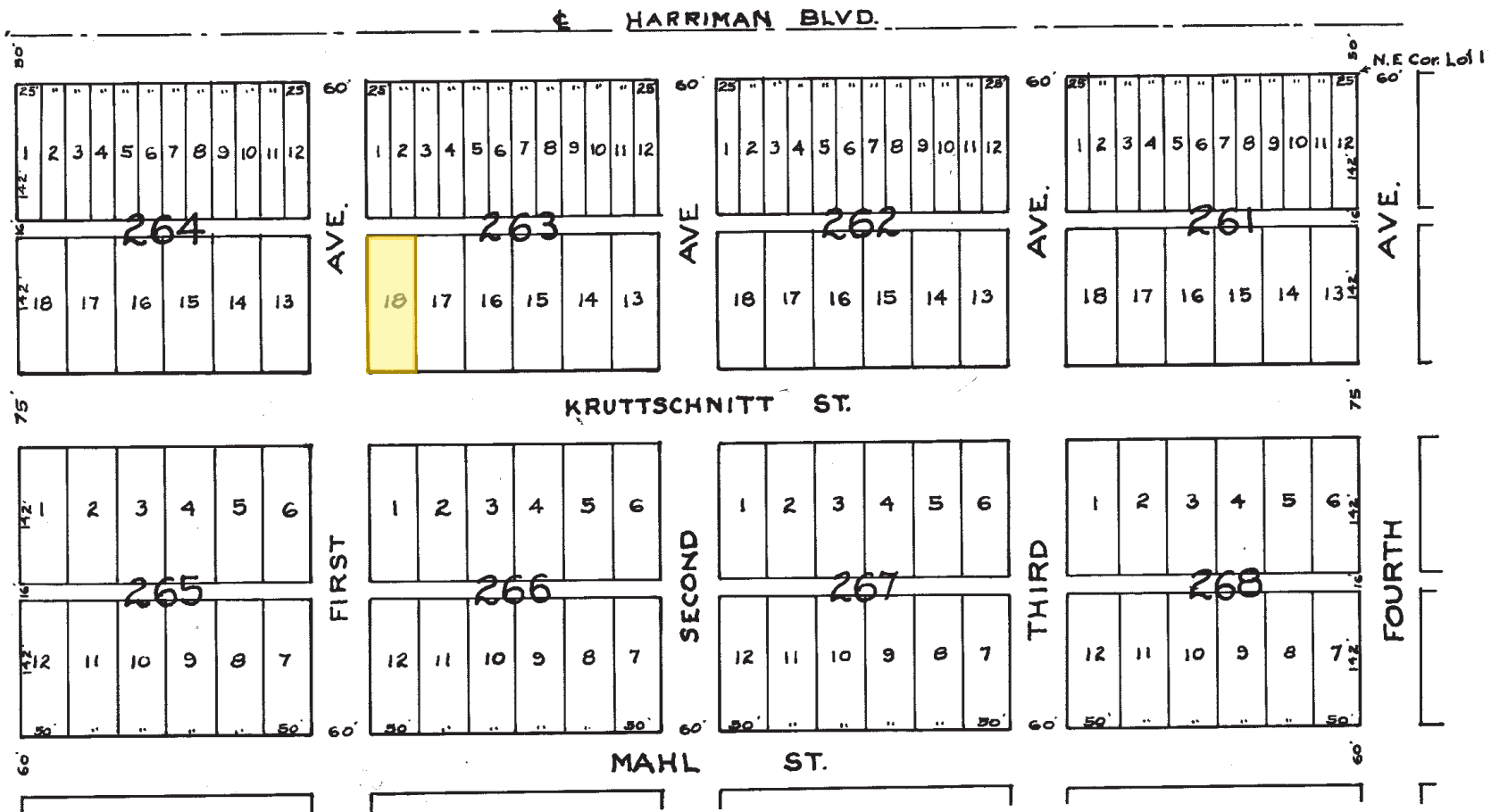
\$450 Application Fee: Application Received by:

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



WEST ADDITION TO EDINBURG

BEING OUT OF LOTS 1, 2, 3, 10 AND 11 SUB'D "I"

HIDALGO COUNTY, TEXAS

Scale 1" = 100'

STATE OF TEXAS
COUNTY OF HIDALGO

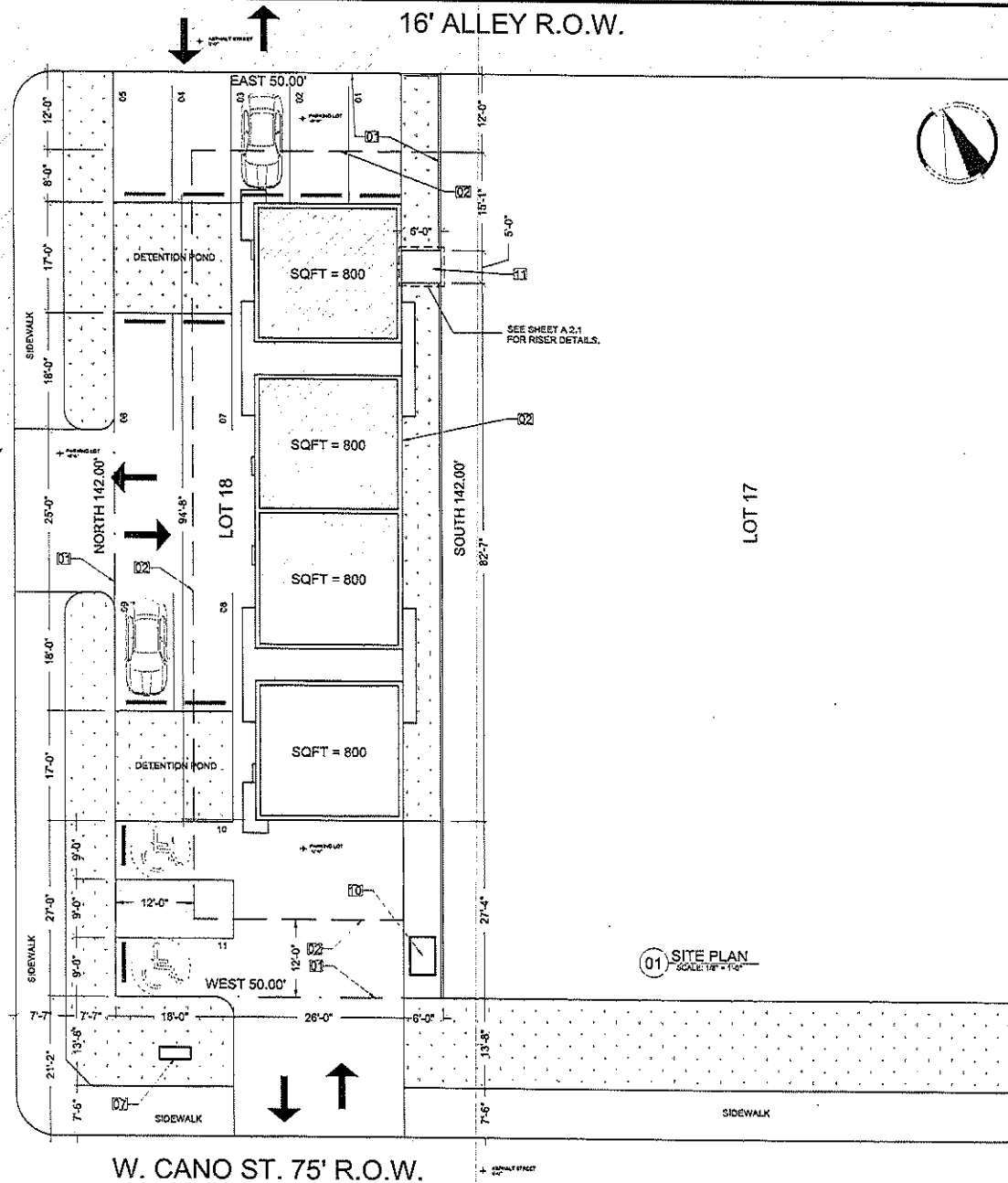
I, H. E. WILCOX, CIVIL ENGINEER HEREBY CERTIFY
THAT THE ABOVE PLAT IS BASED UPON A SURVEY MADE ON THE
GROUND.

H. E. Wilcox

SUBSCRIBED AND SWORN TO BEFORE ME THIS 19TH DAY OF SEPT. 1946

W. F. Tinsler
Notary Public Hidalgo County, Texas

FIRST AVENUE
60' R.O.W.



W. CANO ST. 75' R.O.W.

16' ALLEY R.O.W.



KEY NOTES:

- 01 PROPERTY LINE.
- 02 SET BACK.
- 03 GRASS.
- 04 CANOPY.
- 05 RAMP.
- 06 COVERED PORCH.
- 07 MAILBOX.
- 08 POWER POLE.
- 09 LIGHT POLE.
- 10 DUMPSTER.
- 11 RISER ROOM.

PARKING:

PARKING SPACES = $(SQFT / 400) + 3$
 $= (2,080 / 400) + 3$
 $= 5.2 + 3$
 $= 8.2$
 $= 8$
TOTAL PARKING SPACES = 11

NOTES:

1. OWNER SHALL REPAIR OR REPLACE ANY DAMAGED DEFECTIVE, OFF-GRADE, OR ANY NONCONFORMING SIDEWALK, DRIVEWAY, APPROACH, OR NONCONFORMING CONDITION THAT EXIST IN THE PUBLIC RIGHT OF WAY AND BE CONSIDERED HAZARDOUS BY THE CITY ENGINEER (MUNICIPAL ORDINANCE 158.45).
2. VERIFY JOINT LAYOUT FOR SIDEWALK WITH CONTRACTOR PRIOR TO CONSTRUCTION.
3. TEMPORARY CONSTRUCTION BARRICADE, FENCING, TOILET & UTILITY FACILITIES, LOCATION OF TRASH DUMPSTER, CLEANING PROCEDURE, GRASSING AND DRAINAGE, SHALL BE IN ACCORDANCE WITH THE CITY AS WELL AS SUBDIVISION PROPERTY OWNERS ASSOCIATION GUIDELINES.
4. BUILDER AND OWNER SHALL BE RESPONSIBLE FOR ALL TEMPORARY UTILITIES TO THE CONSTRUCTION SITE.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR FINAL GRADING ONLY. OWNER SHALL PROVIDE ALL LANDSCAPING, SOE, AND IRRIGATION SYSTEM.

APARTMENTS COMPLEX

ADDRESS:
1021 W. CANO ST.
EDINBURG, TX. 78542

PROJECT DESCRIPTION:
NEW APARTMENTS

OWNER:
RICK CABALLERO

NO.	REVISIONS	DATE
01	FOR PERMIT	05-25-2021
02	FOR PERMIT	06-01-2021
03	FOR PERMIT	06-28-2021

DRAWING TITLE:
SITE PLAN

IDEO DESIGNER:
E. OLIVAREZ
DRAWN:
O. GONZALEZ
433 VERMONT AVE.
NACALLEN, TEXAS 75581
TEL: 806.568.2446
EMAIL: ideo@ideoinc.com
www.ideoinc.com

DESIGNED BY:
E. OLIVAREZ
REVIEWED BY:
E. OLIVAREZ
DATE:
12-08-2021
SCALE:
1/8" = 1'-0"
SHEET:
S1.1

Zoning Board of Adjustment

Site Photos for meeting of February 23, 2022

RICARDO CABALLERO - 1021 WEST CANO STREET



Planning & Zoning Staff Report

Prepared on: February 10, 2022

ZONING BOARD OF ADJUSTMENT

Regular Meeting: February 23, 2022

Agenda Item 8E

Consider Variances to the City's Unified Development Code: 1) Section 3.201(C), Density; 2) Section 3.303, Multifamily Lot and Building Standards, Lot Area; 3) Section 3.303 Multifamily Lot and Building Standards, Lot Width; 4) Section 10.405, Parking Lot Bufferyards; and 5) Section 9.301, Parking Space Standards, Driving Aisle Width, Lot 1, Block 265, West Addition to Edinburg Subdivision, located at 1126 West Cano Street, as requested by Ricardo Caballero

Request

The applicant is requesting five variances to the City's Unified Development Code (UDC) regarding the following regulations: residential density, lot width, lot area, parking lot bufferyards, and driving aisle width for a multifamily development. Specifically, the applicant is proposing to construct eight apartment units on a lot that allows a maximum of four units by UDC Standards. The applicant is also proposing this multifamily development on a lot that does not meet minimum size requirements for this type of development. Parking for these multifamily units does not include the required bufferyard along the street right-of-way (ROW). Finally, the maneuvering space for some of the parking spaces provided does not meet UDC standards.

Property Location and Vicinity

The property is located at the southeast corner of West Cano Street and South Joe Ochoa Avenue. Zoning for this lot is Urban Residential (UR) District. Adjacent zoning is Urban Residential (UR) District to the north, south, and east, and Commercial General (CG) District to the west. Surrounding land uses are residential and commercial.

Background and History

The West Addition to Edinburg Subdivision was filed on September 21, 1946. The location is one block south of West University Drive, directly south from the UTRGV main campus. The applicant is proposing a multifamily development on the subject property.

A Zoning Board of Adjustment Request for Variance Application was submitted to the City on January 25, 2021. The application originally requested a variance for lot density only, and additional requests were added as needed based on an evaluation of the site plan submitted by the applicant and staff meeting with the architect.

Staff mailed notice of this variance request to 23 neighboring property owners. No comments in favor or against this request had been received at the time this report was prepared.

Planning & Zoning Staff Report

Analysis

The subject property has 50 ft. of width and a lot depth of 142 ft. for a total lot area of 7,100 sq. ft. The property is zoned Urban Residential (UR) District, the District that allows for the highest possible residential densities. UDC Section 3.201(C) allows a maximum of 21.55 dwelling units per acre for multifamily developments in this District. With this density, a maximum of four dwelling units are allowed on this 0.163 acre lot. The site plan submitted for this location shows eight residential units proposed for this development, 100% over the maximum density allowed.

UDC Section 3.303 requires a minimum lot width of 100 ft. for multifamily developments in the Urban Residential (UR) District. The lot for the proposed development has a width of 50 ft., 50% below the minimum requirement.

UDC Section 3.303 also requires a minimum lot area of 10,000 sq. ft. The lot proposed for this project is 7,100 sq. ft., 29% below the minimum requirement.

The site plan submitted for this project shows parking spaces up to the property line along South Joe Ochoa Avenue. UDC Section 10.405 requires a minimum bufferyard of 4 ft. between the property line and the outside edge of these parking spaces.

The access for parking along the alley to the south of the subject property lacks the required 23 ft. maneuvering aisle width required by UDC Section 9.301. The distance provided for parking maneuvering is approximately 18 ft., five feet (or 21.74%) shorter than the minimum required.

Recommendation

Staff recommends disapproval of all variances requested. The number of apartment units proposed for this location exceeds the maximum capacity of a lot of this size. Urban Residential (UR) Zoning District held by the subject property allows the highest possible density of any residential district. The applicant is proposing to exceed this density by 100%. UDC guidelines should be followed for lot area and lot width requirements for multifamily developments, allowing for adequate spacing. Parking bufferyards are needed for safety and separation between parking spaces and the street ROW. Adequate maneuvering space should be provided for all parking locations.

The applicant indicated the basis for the request is due to property constraints. However, no viable hardship has been established, and none of the required findings and limitations for variance approval, as per UDC Section 14.404(D), have been met for this case.

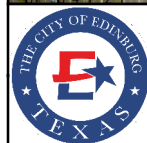
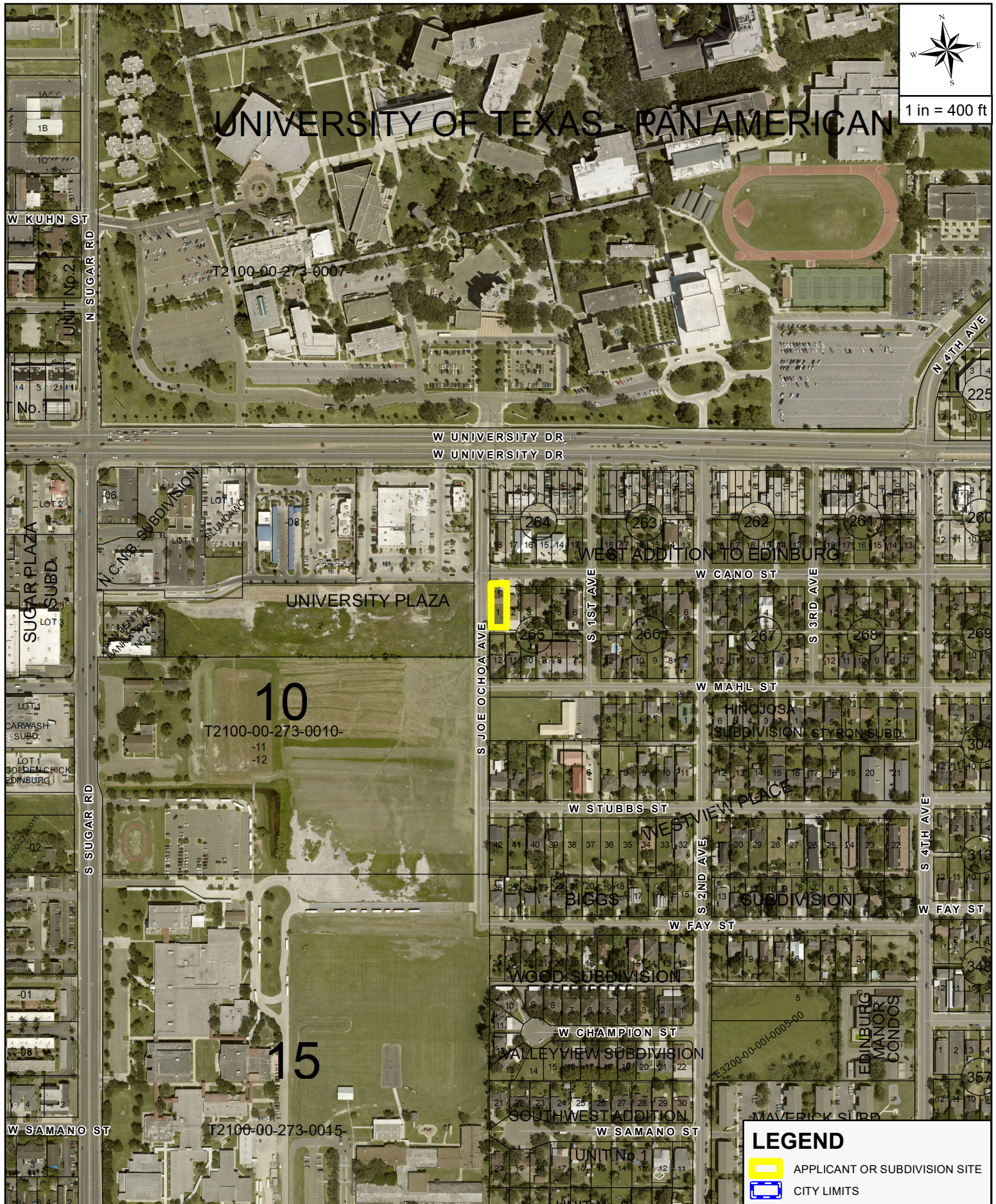
If approved, the applicant will need to comply with all other requirements during the permitting process. If approved, \$40 fee, payable to the County of Hidalgo, County Clerk's Office, for the recording of the ZBA order is also required. A location map, aerial map, photo, subdivision plat, site plan,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

Prepared by:

D. Austin Colina
Planner I

Approved by:

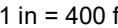
Kimberly A. Mendoza, MPA
Director of Planning & Zoning



AERIAL MAP

APPLICANT AND/OR SUBDIVISION:

RICARDO CABALLERO/ 1126 WEST CANO STREET



RICARDO CABALLERO/ 1126 WEST CANO STREET



1 in = 400 ft

UNIVERSITY OF TEXAS - PAN AMERICAN

T2100-00-273-0007-

SITES

W KUHN ST

N SUGAR RD

UNIT No.2

UNIT No.1

LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

LOT 6

LOT 7

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LOT 313

LOT 314



VAP-2022-0067
**Zoning Board of Adjustment
Application Request for Variance**

Nature of Request: ARTICLE 3 SECT. 3.01 "C"
SEC. 3.201C, DENSITY; 3.303 LOT AREA; 3.303 LOT WIDTH
Reason for Hardship (required; attach additional pages if necessary)
PLEASE FILL
DENSITY Property constraints

Property Description: Lot #1 Block 265 Subdivision West Addition

Property Address: 1126 1120 West Cano St.

Present Property Zoning: URBAN RESIDENTIAL

Person requesting Variance: RICARDO CABALLERO Email: rickcaballero@hotmail.com

Mailing Address: 610 MUNO DRIVE HARLINGEN TX 78550
Street Address City/State Zip Code

Phone No. (Home): 956-454-3703 (Work): _____ (Cell): _____

Owner's Name: RICARDO CABALLERO Email: rickcaballero@hotmail.com

Owner's Address: 610 MUNO DRIVE HARLINGEN TX 78550
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: R. Caballero Date: 1-17-22

Owner/Agent's Name (Please Print): X RICARDO CABALLERO

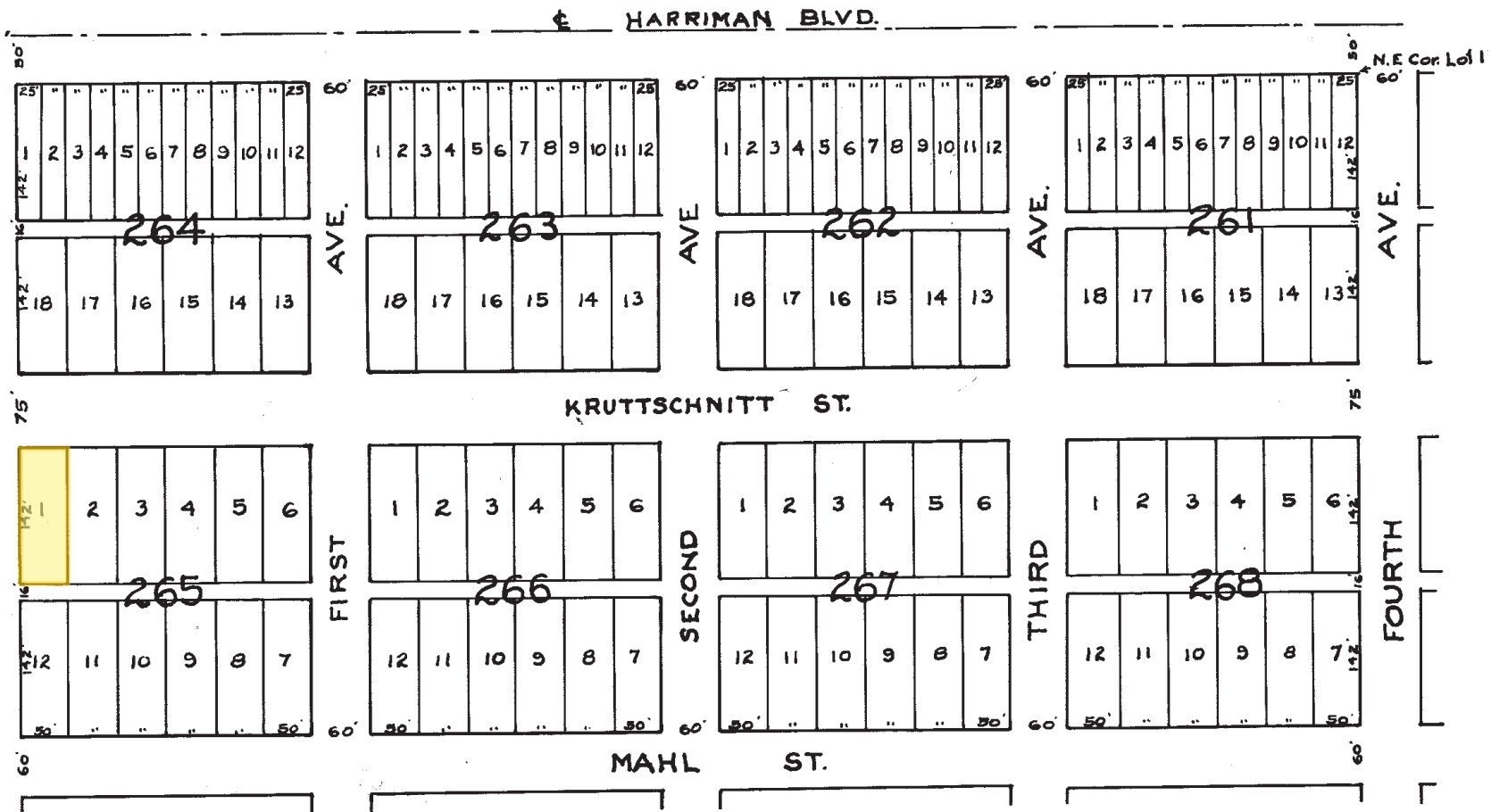
\$450 Application Fee: _____ Application Received by: _____
Receipt No.

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

[Handwritten signature]



WEST ADDITION TO EDINBURG

BEING OUT OF LOTS 1, 2, 3, 10 AND 11 SUB'D "I"

HIDALGO COUNTY, TEXAS

Scale 1" = 100'

STATE OF TEXAS
COUNTY OF HIDALGO

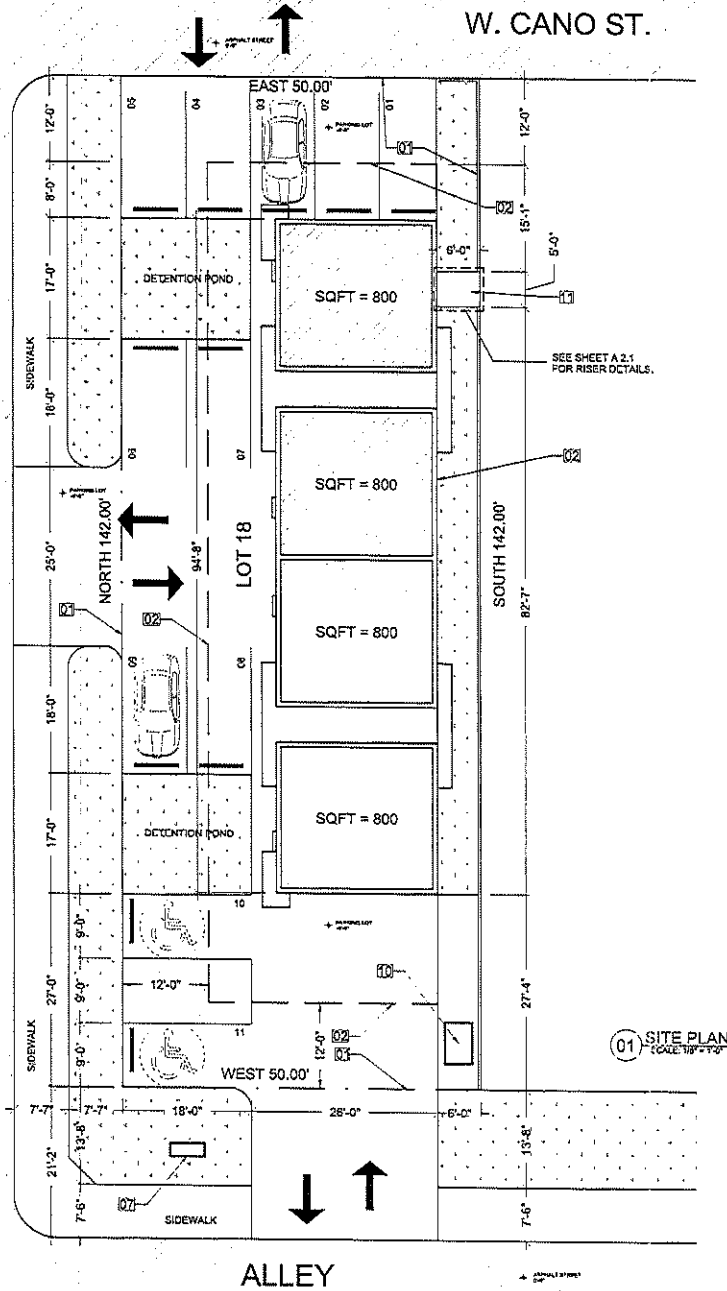
I, H. E. WILCOX, CIVIL ENGINEER HEREBY CERTIFY
THAT THE ABOVE PLAT IS BASED UPON A SURVEY MADE ON THE
GROUND.

H. E. Wilcox

SUBSCRIBED AND SWORN TO BEFORE ME THIS 19TH DAY OF SEPT. 1946

W. F. Tinsler
Notary Public Hidalgo County, Texas

S. JOE OCHOA AVE.



W. CANO ST.

ALLEY



KEY NOTES:

- 01 PROPERTY LINE.
- 02 SET BACK.
- 03 GRASS.
- 04 CANOPY.
- 05 RAMP.
- 06 COVERED PORCH.
- 07 MAILBOX.
- 08 POWER POLE.
- 09 LIGHT POLE.
- 10 DUMPSTER.
- 11 RISER ROOM.

PARKING:

PARKING SPACES = (SQFT / 400) + 3
 = (3,200 / 400) + 3
 = 8.00 + 3
 = 11.00 + 1
 TOTAL PARKING SPACES NEEDED = 11

NOTES:

1. OWNER SHALL REPAIR OR REPLACE ANY DAMAGED, DEFECTIVE, OFF-GRADE, OR ANY NON-CONFORMING SIDEWALK, DRIVEWAY, APPROACH, OR NON-CONFORMING CONDITIONS THAT EXIST IN THE PUBLIC RIGHT OF WAY AND BE CONSIDERED HAZARDOUS BY THE CITY ENGINEER (MUNICIPAL ORDINANCE 5.06.115).
2. VERIFY JOINT LAYOUT FOR SIDEWALKS WITH CONTRACTOR PRIOR TO CONSTRUCTION. TEMPORARY CONSTRUCTION BARRICADE/ENCLOSURE, TOILET & UTILITY FACILITIES, LOCATION OF TRASH DUMPSTER, CLEANING PROCEDURE, GRADING AND DRAINAGE, SHALL BE IN ACCORDANCE WITH THE CITY AS WELL AS SUBDIVISION PROPERTY OWNER'S ASSOCIATION GUIDELINES. BUILDER AND OWNER SHALL BE RESPONSIBLE FOR ALL TEMPORARY UTILITIES TO THE CONSTRUCTION SITE.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR FINAL GRADING ONLY. OWNER SHALL PROVIDE ALL LANDSCAPING, SOI, AND IRRIGATION SYSTEM.

APARTMENTS COMPLEX

ADDRESS:
 1120 W. CANO ST.
 EDINBURG, TX. 78539

PROJECT DESCRIPTION:
 NEW APARTMENTS

OWNER:
 RICK CABALLERO

NO.	REVISIONS	DATE
01	FOR PERMIT	01-15-2022

DRAWING TITLE:

SITE PLAN
 DESIGNED: E. OLIVAREZ
 DRAWN: O. GONZALEZ
 430 VICKHURST AVE.
 MCALLEN, TEXAS 78501
 TEL: 956.662.2468
 www.ideobuild.com
 DATE: 01-15-2022

SCALE:
 1/8" = 1'-0"
 SHEET:
 S1.1

Zoning Board of Adjustment

Site Photos for meeting of February 23, 2022

RICARDO CABALLERO - 1126 WEST CANO STREET



Planning & Zoning Staff Report

Prepared on: February 7, 2022

ZONING BOARD OF ADJUSTMENT

Regular Meeting: February 23, 2022

Agenda Item 8F

Consider Variance to the City's Unified Development Code, Section 3.303, Multifamily Lot and Building Standards, Setbacks, a 0.776 acre tract of land out of Lot 26, Kelly-Pharr Subdivision, located at 1420 West Wisconsin Road, as requested by Glenda Garcia on behalf of Moses Ashukem.

Request

The applicant is requesting a variance to the City's Unified Development Code (UDC), Section 3.303, as it applies to multifamily residential setbacks. The applicant is proposing to reduce the rear setback for the building area, by 50% of UDC requirements.

Property Location and Vicinity

The property is located on the south side of West Wisconsin Road, approximately 360 ft. east of South Sugar Road. Zoning for this property is Urban Residential (UR) District. Adjacent zoning is Neighborhood Conservation (NC7.1) District to the north, east, and west, and Neighborhood Conservation 5 (NC5) District to the south. Surrounding land uses are residential with some vacant land.

Background and History

The previous owner Subhash & Sarojini Bose, LP, received a Certificate of Compliance in 2013. The applicant is proposing to develop a multifamily residential development consisting of 14 units.

A street right-of-way (ROW) of 80 ft. is required for West Wisconsin Road. An additional 10 ft. ROW dedication is required for this project. A variance application with was submitted to the City on February 2, 2021 to reduce the rear setbacks from 20 ft. to 10 ft. to adjust for the required ROW.

Staff mailed notice of this variance request to 46 neighboring property owners. No comments in favor and two against this request had been received at the time this report was prepared.

Analysis

The property has 162 ft. of frontage on West Wisconsin Road and 180 ft. of depth for a total lot area of 29,160 sq. ft. The Rio Grande Valley Metropolitan Planning Organization (RGV/MPO) classifies West Wisconsin Road as an Existing Collector Street. UDC Section 8.204 and Engineering standards require a minimum of 80 ft. of ROW (40 ft. per side) for this class of street. Plans submitted by the applicant anticipated 60 ft. of ROW (30' per side) for this development. The

Planning & Zoning Staff Report

applicant is proposing to reduce the rear yard setback from 20 ft. to 10 ft. to accommodate the additional ROW required. UDC Section 3.303 requires a minimum rear yard setback of 20 ft. for multifamily residential developments in the Urban Residential (UR) District. The proposed 10 ft. setbacks are 50% below minimum UDC standards.

Recommendation

Staff recommends disapproval of this request. Reduction of the required 20 ft. setback would leave inadequate spacing between the proposed multifamily development and the existing single-family residences to the south. The applicant may revise the site plan or may consider reducing building size to respect the required setback. No hardship or extraordinary conditions have been established to justify approval of this variance as is required by UDC Section 14.404(D).

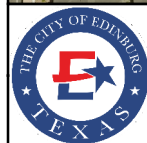
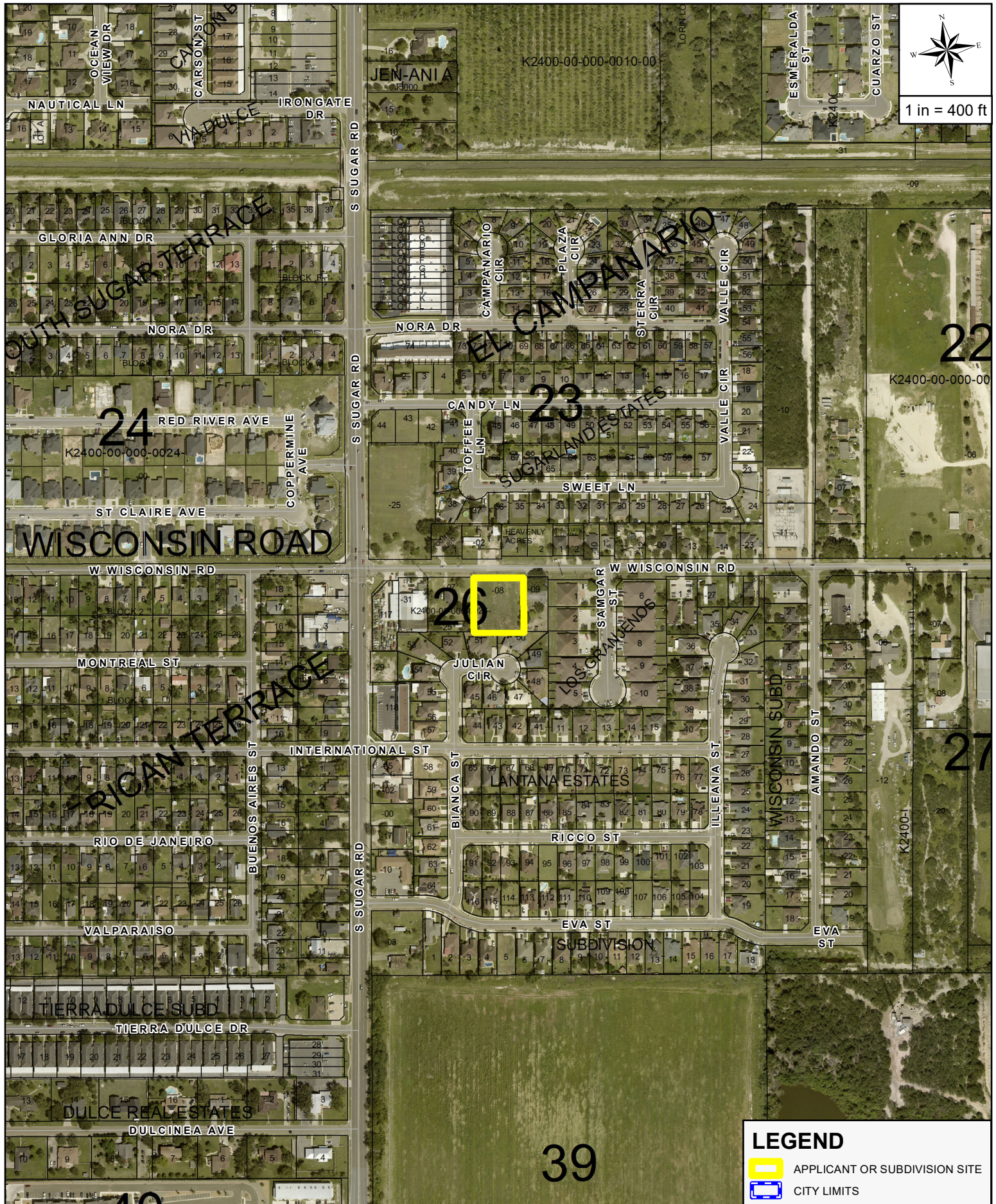
If approved, the applicant will need to comply with all other requirements during the permitting process. If approved, \$40 fee, payable to the County of Hidalgo, County Clerk's Office, for the recording of the ZBA order is also required. A location map, aerial map, photo, subdivision plat, site plan,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

Prepared by:

Adan A. Elizondo, MPA
Planner I

Approved by:

Kimberly A. Mendoza, MPA
Director of Planning & Zoning



AERIAL MAP

APPLICANT AND/OR SUBDIVISION:

GLENDIA GARCIA - KELLY PHARR

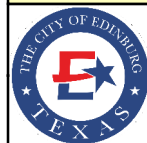
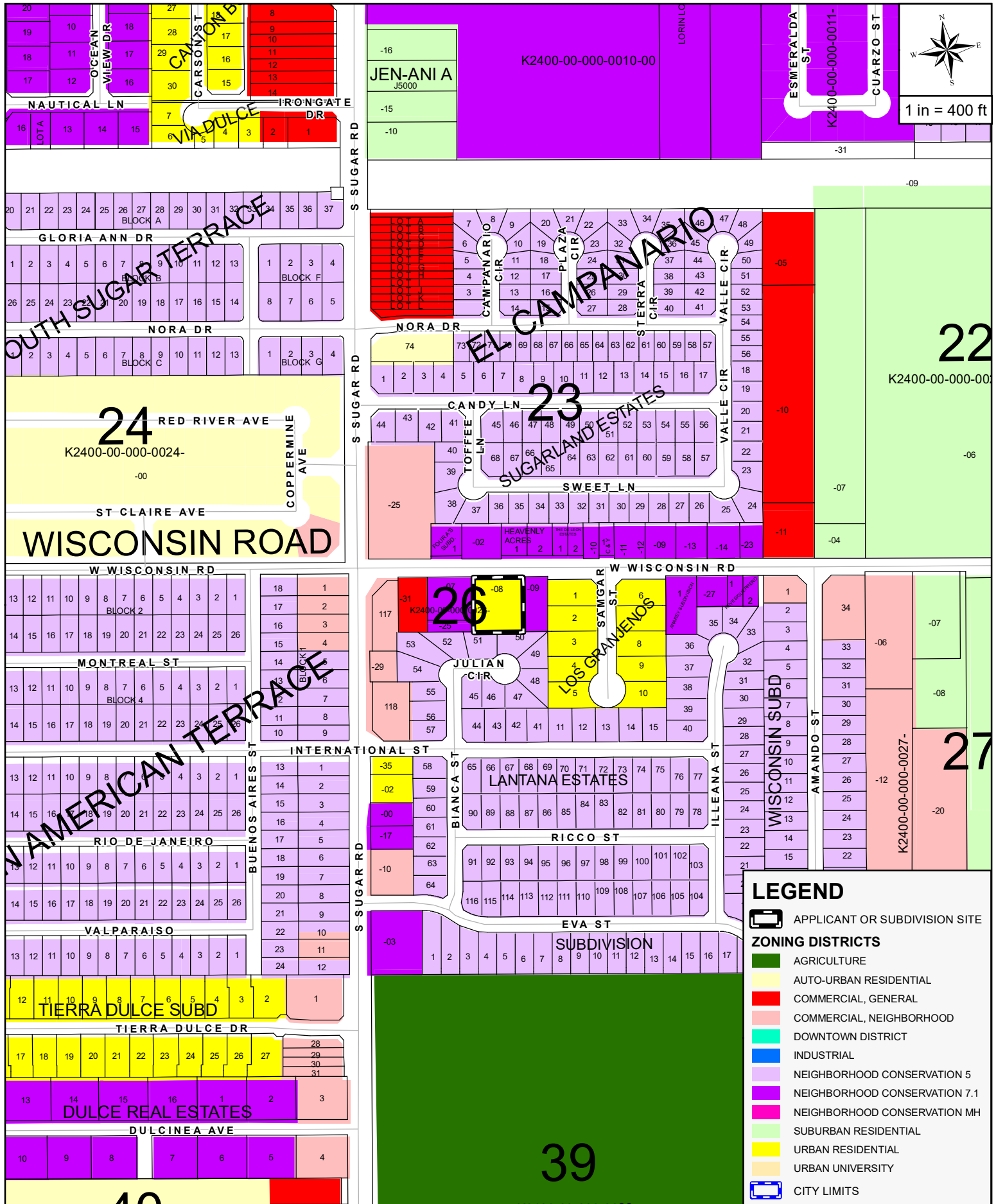
LEGEND



APPLICANT OR SUBDIVISION SITE



CITY LIMITS



ZONING MAP

APPLICANT AND/OR SUBDIVISION:

GLENDIA GARCIA - KELLY PHARR



Case # VAR-2022-0070

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: to have a 10' rear setback to comply w/ request from engineering
Reason for Hardship (required; attach additional pages if necessary)

City of Edinburg Engineering Dept. is requesting a 40' front setback from center of W. Wisconsin Rd for future widening; currently property setbacks are 20' front, 20' rear, 6' side, 6' side

Property Description: Lot 26 Block _____ Subdivision Kelly - Brarr Subdivision

Property Address: 1400 W Wisconsin Rd Edinburg TX

Present Property Zoning: Tarohong Holding, LLC

Person requesting Variance: Glenda Garcia Email: jasonyp@outlook.com

Mailing Address: 405 W 12th St San Juan TX 78589
Street Address City/State Zip Code

Phone No. (Home): _____ (Work): _____ (Cell): 956 252 7062

Owner's Name: Moses Ashukem Email: ashukemmt@alumni.vcu.edu

Owner's Address: 2320 Arlington Dr Edinburg TX 78539
Street Address City/State Zip Code

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

Signature: [Signature] Date: 2/2/22

Owner/Agent's Name (Please Print): Glenda Garcia

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

OFFICE USE ONLY

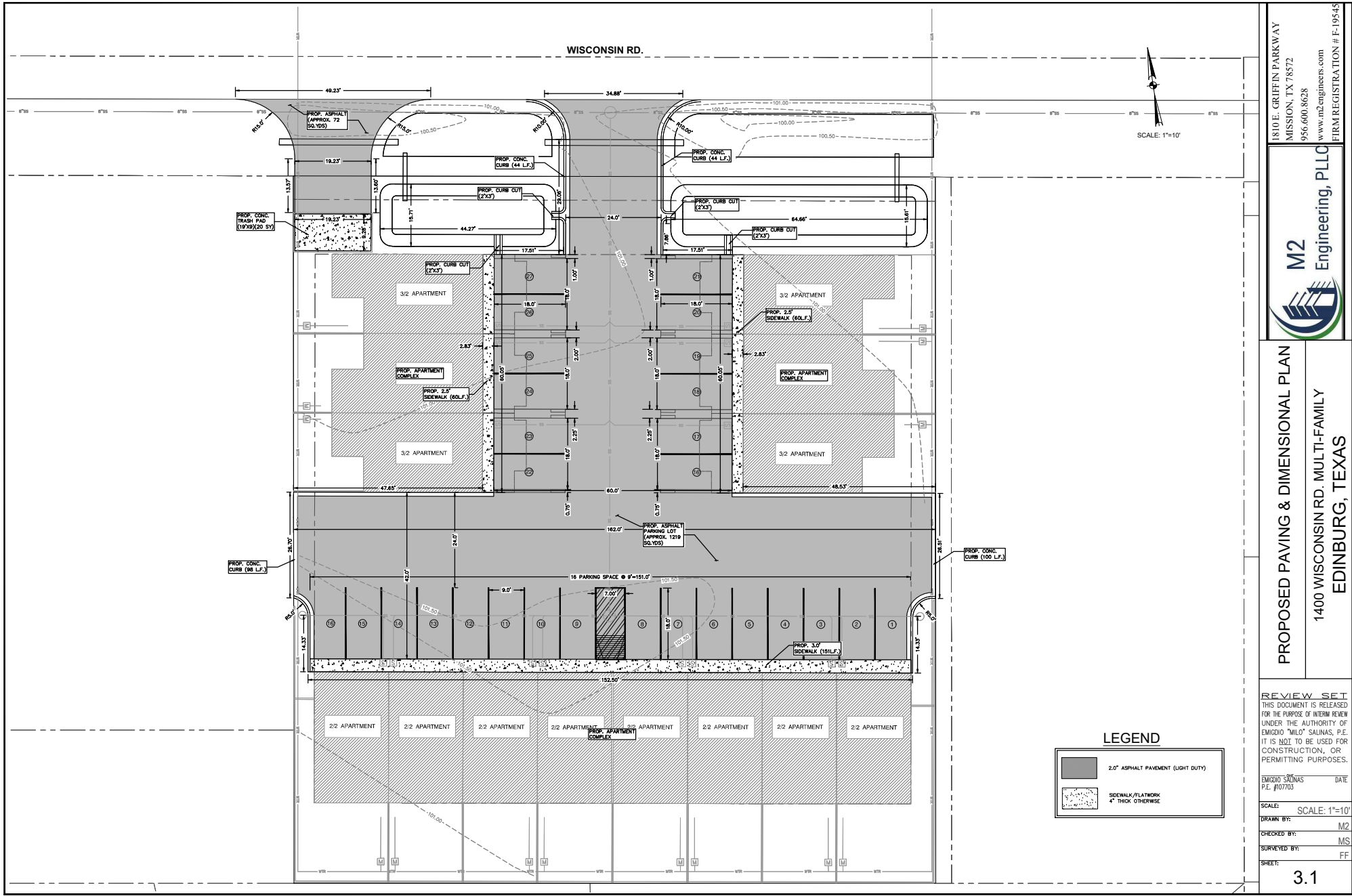
Application deadline: _____ ZBA Hearing date: _____

- \$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

RECEIVED

FEB 02 2022

Name: 10:37



1810 E. GRIFFIN PARKWAY
MISSION, TX 78572
956.600.8628
www.m2engineers.com
FIRM REGISTRATION # F-19545



PROPOSED PAVING & DIMENSIONAL PLAN
1400 WISCONSIN RD. MULTI-FAMILY
EDINBURG, TEXAS

REVIEW SET
THIS DOCUMENT IS RELEASED
FOR THE PURPOSE OF INTERIM REVIEW
UNDER THE AUTHORITY OF
EMIGDIO "MILO" SALINAS, P.E.
IT IS NOT TO BE USED FOR
CONSTRUCTION, OR
PERMITTING PURPOSES.

EMIGDIO SALINAS DATE
P.E. #107703

SCALE: SCALE: 1"=10'

DRAWN BY: M2

CHECKED BY: MS

SURVEYED BY: FF

SHEET: 3.1

Zoning Board of Adjustment

Site Photos for meeting of February 23, 2022

GLEND A GARCIA - MOSES ASHUKEM





NOTIFICATION

Dear Property Owner:

A public hearing will be held on Wednesday, February 23, 2022, 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 3.303, MULTIFAMILY LOT AND BUILDING STANDARDS, SETBACKS, A 0.776 ACRE TRACT OF LAND OUT OF LOT 26, KELLY-PHARR SUBDIVISION, LOCATED AT 1420 WEST WISCONSIN ROAD, AS REQUESTED BY GLENDA GARCIA ON BEHALF OF MOSES ASHUKEM

The variance requested would allow for the construction of a multifamily development 10 feet into the required 20- foot rear yard setback.

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

You may return your response by one of the following:

- MAIL: P. O. Box 1079 Edinburg, Texas 78540
- FAX: (956) 292-2080 by Tuesday, February 22, 2022
- EMAIL: planning@cityofedinburg.com by Tuesday, February 22, 2022

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:

there is too much traffic already; there will be more traffic
what is the plan about traffic? If you Build Apartments!

Print Name: Olinda Ochoa

Phone No. 956-533-5635

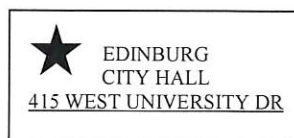
Address: 1424 Sweet LN City: Edinburg State: TX Zip: 78539

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)

8th Ave.



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

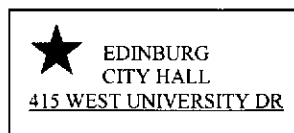
Comments: ① With less land the runoff water will not be absorbed by the ground and it'll cause flooding for neighbors. ② A safe multi-family dwelling should have a large backyard. The front yard is close to the frontage very busy.

Print Name: Amelia Lerma Limerick Phone No. 361-993-7633
Address: 1524 W Wisconsin Rd City: Edinburg State: TX Zip: 78539 Wisconsin Road

NOTIFICACIÓN

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



University Dr. (S.H.107)

8th Ave.

[illegible][illegible]