



**NOTICE AND AGENDA
ZONING BOARD OF ADJUSTMENT
APRIL 26, 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.** Consider excusing the absence of Board Member Marc Moran from the March 29, 2023 Regular Meeting.
- B.** Consider excusing the absence of Board Member Diane Teter from the March 29, 2023 Regular Meeting

7. MINUTES

- A.** Consider Approval of the Minutes for the March 29, 2023 Regular Meeting

8. PUBLIC HEARINGS

- A.** Consider Variances to the City's Unified Development Code, Section 3.102(C)(1), Lot and Design Standards, Single-Family Detached Lot and Building Standards, Lot Area, Lot Width, and Setbacks, the east half of Lot 7, Block 243, Original Townsite of Edinburg, located at 1123 East Cano Street, as requested by Ramiro A. Resendez
- B.** Consider Variance to the City's Unified Development Code, Section 3.202(A), Lot and Design Standards, Nonresidential and Mixed-Use Lot Standards, Setbacks, Lot 1, Edinburg Consolidated Independent School District Subdivision No. 12, located at 909 South Mon Mack Road, as requested by Joe Hernandez of SLR Building Contractors, LLC, on behalf of Edinburg Consolidated Independent School District
- C.** Consider Variance to the City's Unified Development Code, Section 3.202(A), Lot and Design Standards, Nonresidential and Mixed-Use Lot Standards, Setbacks, Lot 1, Edinburg Consolidated Independent School District Subdivision No. 13, located at 10010 Via Fernandez Street, as requested by Joe Hernandez of SLR Building Contractors, LLC, on behalf of Edinburg Consolidated Independent School District
- D.** Consider Variance to the City's Unified Development Code, Section 3.102(C)(1), Lot and Design Standards, Single-Family Detached Lot and Building Standards, Setbacks, the east 1.50 foot of Lot 1 and all of Lot 2, Block 204, Original Townsite of Edinburg, located at 606 East Kuhn Street, as requested by Rene Olivarez
- E.** Consider Variance to the City's Unified Development Code, Section 3.202(A)(3), Lot and Design Standards, Nonresidential and Mixed-Use Lot Standards, Maximum Floor Area Ratio, 6.127 acres out of Lot 7, Section 276, Texas-Mexican Railway Company's Survey Subdivision, located at 300 North McColl Road, as requested by Melden & Hunt, Inc., on behalf of Foucheck-Meyer Co., Inc.

9. INFORMATION ONLY

- A.** Attendance Roster

10. ADJOURNMENT

I hereby certify that this notice of meeting was posted in accordance with the Open Meetings Act, V.T.C.A., Government Code, Section 551.041, at the 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 5:05 P. M. on April 21, 2023.



Claudia Mariscal, Administrative Assistant

**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
MARCH 29, 2023 - 5:30 P.M.
REGULAR MEETING
COMMUNITY MEETING ROOM
415 W. UNIVERSITY DR.
EDINBURG, TEXAS 78539
MINUTES**

Members Present:

Michael Cantu
Ponciano Longoria
Ruben Ruiz
Eliseo Garza Jr.
Gregory Vasquez
Marc A. Gonzalez

Absent:

Marc Moran
Diane Teter

Staff:

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

1. CALL MEETING TO ORDER, ESTABLISH QUORUM

City Attorney Omar Ochoa called the meeting to order at 5:30 P.M.

A. Prayer – Prayer was announced.

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

2. CERTIFICATION OF PUBLIC NOTICE

Omar Ochoa certified the agenda had been posted on March 24, 2023 at 4:30 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. OTHER BUSINESS

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

AFTER DISCUSSION, A MOTION WAS MADE BY BOARD MEMBER MICHAEL CANTU AND WAS SECONDED BY BOARD MEMBER RUBEN RUIZ TO APPOINT MR. MARCO MORAN AS CHAIRPERSON AND MR. PONCIANO LONGORIA AS VICE CHAIRPERSON. MOTION CARRIED WITH A VOTE OF 6-0.

7. MINUTES

- A.** Consider approval of the Minutes for the February 22, 2023 Regular Meeting

BOARD MEMBER, MICHAEL CANTU MOVED TO CONSIDER APPROVAL OF THE MINUTES FOR THE FEBRUARY 22, 2023 REGULAR MEETING. SECONDED BY BOARD MEMBER, RUBEN RUIZ. THE MOTION TO APPROVE CARRIED UNANIMOUSLY WITH A VOTE OF 6-0

9. PUBLIC HEARINGS

A.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, Ebony Hills Subdivision, Lot 2, located at 1206 South 7th Avenue, as requested by Julio Cortez

BEING NO ONE WAS PRESENT IN OPPOSITION OR IN FAVOR OF THE VARIANCE REQUEST. MR. JULIO CORTEZ THE APPLICANT EXPLAINED THAT THE NEIGHBORHOOD WAS OLDER AND HE WAS NOT GOING TO ADD TO THE SIDE OF THE STRUCTURE THAT IS ENCROACHING.

BEING NO FURTHER DISCUSSION, A MOTION WAS MADE BY BOARD MEMBER, MICHAEL CANTU AND WAS SECONDED BY BOARD MEMBER ELISEO GARZA JR. TO APPROVE THE VARIANCE REQUEST. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 6-0.

B.Consider Variances to the City’s Unified Development Code, Section 3.102(C)(1), Lot and Design Standards, Single-Family Lot and Building Standards, Setbacks, Sevilla Grande Subdivision, Lot 11, located at 1424 Granada Circle, as requested by Leonardo Muñoz

BEING NO ONE WAS PRESENT IN OPPOSITION OR IN FAVOR OF THE VARIANCE REQUEST. MR. MUNOZ BUILDER OF THE PROPERTY WAS PRESENT AND ADDRESSED THE BOARD. HE STATED THAT HE WAS REQUESTING THE VARIANCE DUE TO ACCOMODATING THE CABINETS IN THE KITCHEN. THE BOARD DID ASK MR. MUNOZ IF HE COULD BRING IT DOWN TO 6 FEET ON THE SIDES. MR. MUNOZ EXPLAINED THAT THE FRONT DOOR WOULD NEED TO BE SMALLER.

BEING NO FURTHER DISCUSSION, A MOTION WAS MADE BY BOARD MEMBER, MICHAEL CANTU AND WAS SECONDED BY BOARD MEMBER RUBEN RUIZ TO DENY THE VARIANCE REQUEST. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 6-0.

10.INORMATION ONLY

A. Attendance Roster

11.ADJOURNMENT

There being no further business to consider, the meeting was adjourned at 5:55 P.M.

MOTION WAS MADE BY BOARD MEMBER MICHAEL CANTU AND SECONDED BY BOARD MEMBER RUBEN RUIZ TO ADJOURN. THE MEETING AT 5:55 P.M. MOTION CARRIED UNANIMOUSLY.

Claudia Mariscal

Claudia Mariscal, Administrative Assistant
Planning & Zoning Department

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

NOTICE

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

Planning & Zoning Staff Report

Prepared on: April 20, 2023

ZONING BOARD OF ADJUSTMENT

Regular Meeting: April 26, 2023

Agenda Item

Consider Variances to the City's Unified Development Code, Section 3.102(C)(1), Lot and Design Standards, Single-Family Detached Lot and Building Standards, Lot Area, Lot Width, and Setbacks, the east half of Lot 7, Block 243, Original Townsite of Edinburg, located at 1123 East Cano Street, as requested by Ramiro A. Resendez

Request

The applicant is requesting a variance to the City's Unified Development Code (UDC) Section 3.102(C)(1) as it applies to side yard setbacks and minimum lot area and width standards for residential development. The applicant is proposing to construct a single-family detached home 3 ft. from each side property line on a lot that does not meet the minimum lot area or lot width requirements for the Residential, Primary (RP) District.

Property Location and Vicinity

The property is located on the north side of East Cano Street, approximately 305 ft. east of South 21st Avenue, a half block south of East University Drive. The property is zoned Residential, Primary (RP) District. Adjacent zoning is Commercial, General (CG) District to the north and Residential, Primary (RP) District to the south, east, and west. Surrounding land uses are single-family residential with general commercial uses to the north.

Background and History

The property is part of the Edinburg Original Townsite recorded in 1913. The lot was split into two equal halves in 1940 and is vacant. The applicant acquired the property earlier this year and proposes to construct a single-family detached home at this location. However, the lot, as divided, does not meet the minimum lot or area requirements for development. The applicant is also proposing 3 ft. side setbacks due to the property constraints. Variance is needed to proceed with the project as planned.

Staff mailed notice of this variance request to 41 neighboring property owners. No comments in favor or against this request had been received at the time this report was prepared.

Analysis

The original lot at this location was 50 ft. wide with 142 ft. of depth for a total area of 7,100 sq. ft. When divided in 1940, the width was reduced to 25 ft. and the area was reduced to 3,550 sq. ft. UDC Section 3.102 requires a minimum lot width of 50 ft. and a minimum lot area of 5,000 sq. ft. for single-family development the Residential, Primary (RP) District.

Planning & Zoning Staff Report

A site plan submitted by the applicant shows a proposed residential structure placed 3 ft. from each of the side property lines. UDC Section 3.102 requires a minimum side yard setback of 6 ft. The project, as proposed, requires a 50% reduction to the minimum side yards for this district.

Recommendation

Staff recommends disapproval of the variance's requested. Staff recommends the applicant comply with the requirements of the Unified Development Code. If the board is to approve the variance request to the lot area, we ask that the applicant meet all other building safety requirements.

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:

Rita Lee Guerrero

Assistant Director of Planning & Zoning

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

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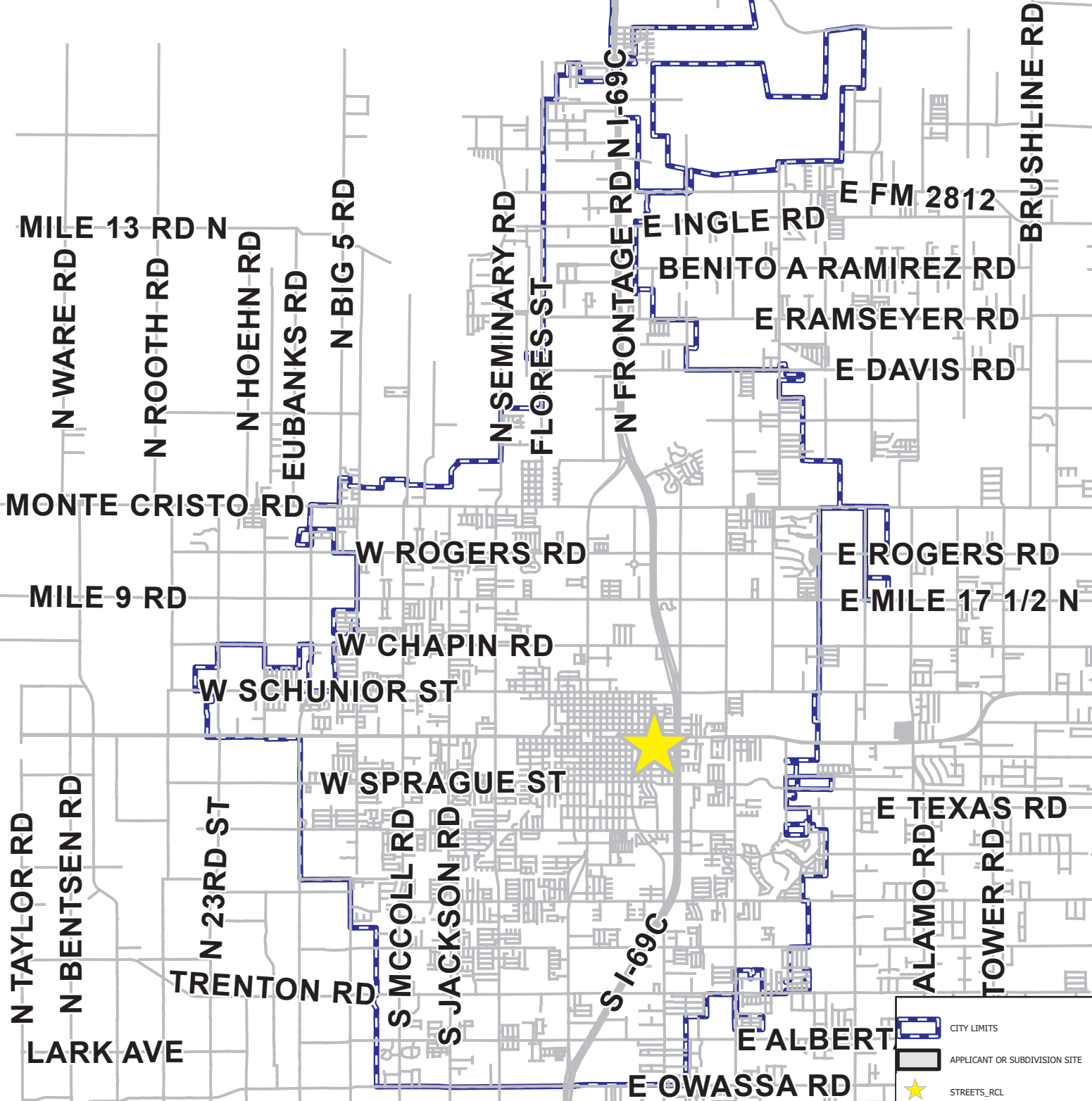
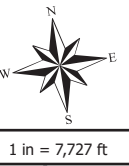
Specific Review Criteria.

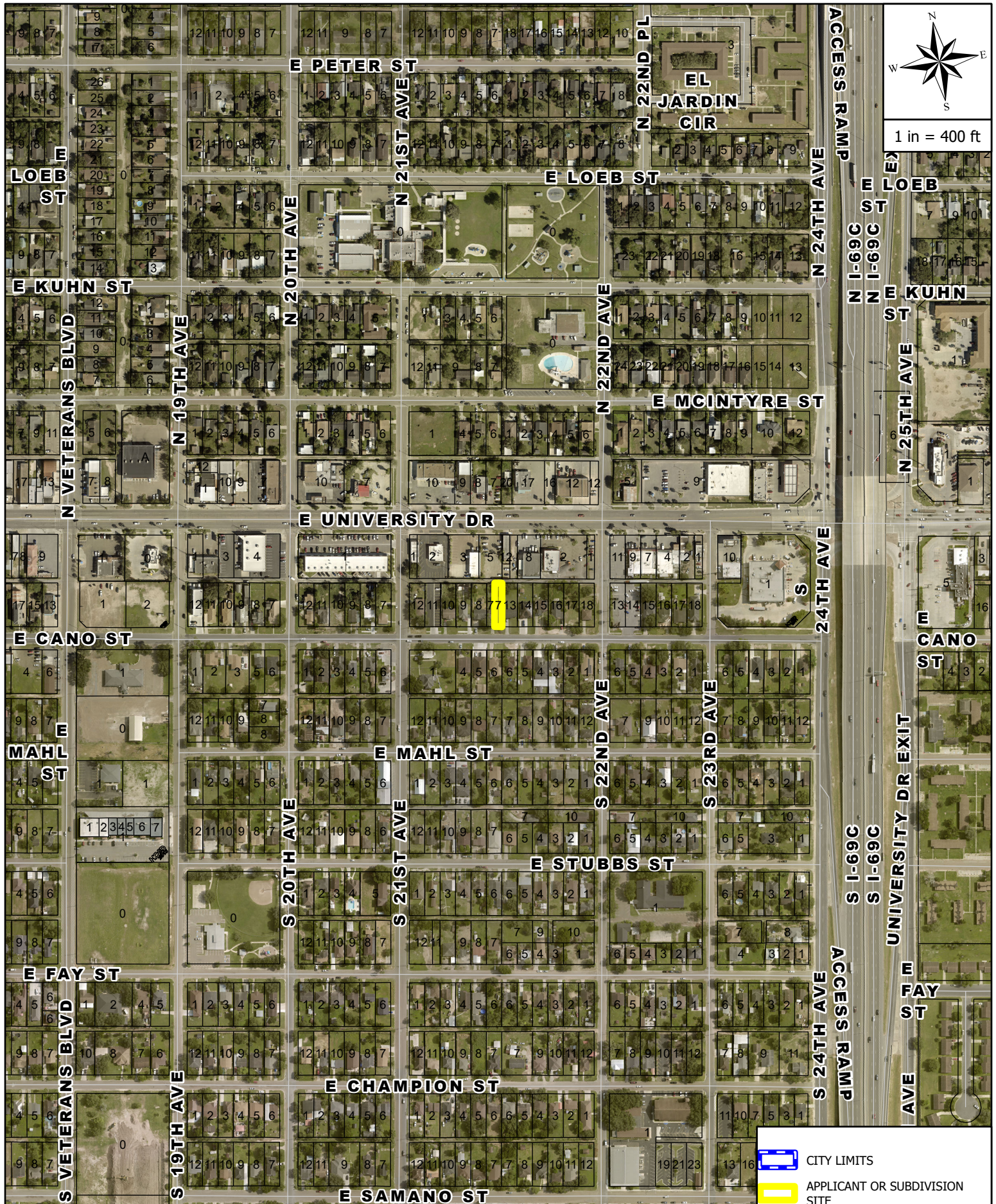
1. *Review Criteria. In determining whether to approve, approve with conditions, or deny a Variance, the review bodies shall consider the applicable common decision criteria in Sec. 9.205, Common Decision Criteria, and should not grant a variance unless the following conditions are satisfied:*
 - a. *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*

FM 490

W FM 490

E FM 490

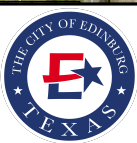


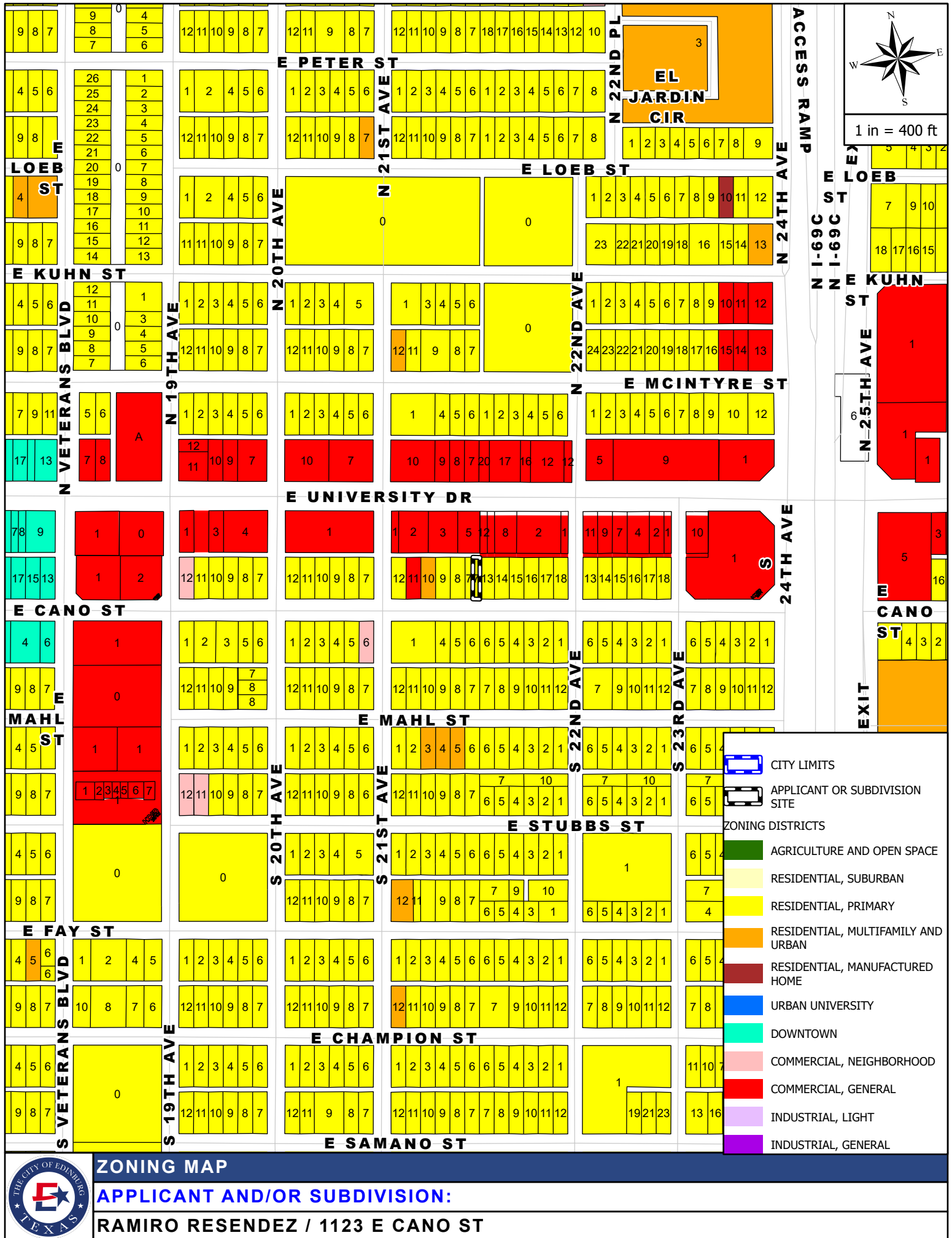


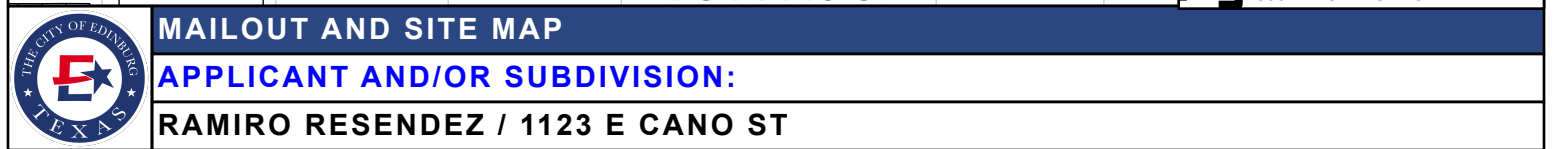
AERIAL MAP

APPLICANT AND/OR SUBDIVISION:

RAMIRO RESENDEZ / 1123 E CANO ST







1-23

AMENDED MAP
OF
EDINBURG IN HIDALGO COUNTY, TEXAS.

DEDICATION OF THE STREETS, AVENUES, ALLEYS ETC. OF EDINBURG, TEXAS.

This dedication of the streets, avenues, alleys and roadways of this the amended town plat of the town of Edinburg, Hidalgo County, Texas, is made with the express reservation to The Edinburg Transite Co., of the right, privilege and use, under streets, avenues, alleys and roadways and the space beneath them for the purpose of erecting, constructing and operating plants, pipelines, poles and lines of for the transmission and sale of water, heat, light and power, and the telephone and telegraph lines, and for the purpose of operating lines, stations for the carriage of freight and passengers, and for the construction and operation of canals and drains within the said town of Edinburg and its corporate and territorial limits, and their appurtenances, the right and privilege of erecting, constructing, operating, maintaining and running its plants, streets, avenues, alleys and roadways, shall be the property of and shall be used and exercised by the said "The Edinburg Transite Company," or by any person or persons, corporation or corporations, to whom such rights, privileges and franchises may be respectively assigned by The Edinburg Transite Co.

WITNESS the name of said corporation, signed by its President, with its corporate seal here be affixed, attested by its Secretary, this 1st day of August, A.D. 1914

(Seal) J.R. Morris Secretary

The Edinburg Transite Co.
By John Cleaver President

STATE OF TEXAS I, John Cleaver, do hereby certify that the foregoing map of the town of Edinburg, Hidalgo County, Texas, is the property of the said John Cleaver, and is subscribed to in the foregoing instrument and acknowledged before me by him, the said John Cleaver, as President, and the said J.R. Morris, as Secretary, signed, sealed with the corporate seal, and delivered to me for the purpose and consideration therein expressed and under the signature therein stated. Given under my hand and seal of office, this 1st day of August, A.D. 1914.

(Seal)

(W.H. Harrison)

NOTARY PUBLIC IN AND FOR HIDALGO COUNTY, TEXAS.

STATE OF TEXAS I, Fred Warren, Civil Engineer and surveyor, do hereby certify that the foregoing map of the town of Edinburg, Hidalgo County, Texas, is the property of the said John Cleaver, and is subscribed to in the foregoing instrument and acknowledged before me by him, the said John Cleaver, as President, and the said J.R. Morris, as Secretary, signed, sealed with the corporate seal, and delivered to me for the purpose and consideration therein expressed and under the signature therein stated. Given under my hand and seal of office, this 1st day of August, A.D. 1914.

(Fred Warren) ENGINEER AND SURVEYOR

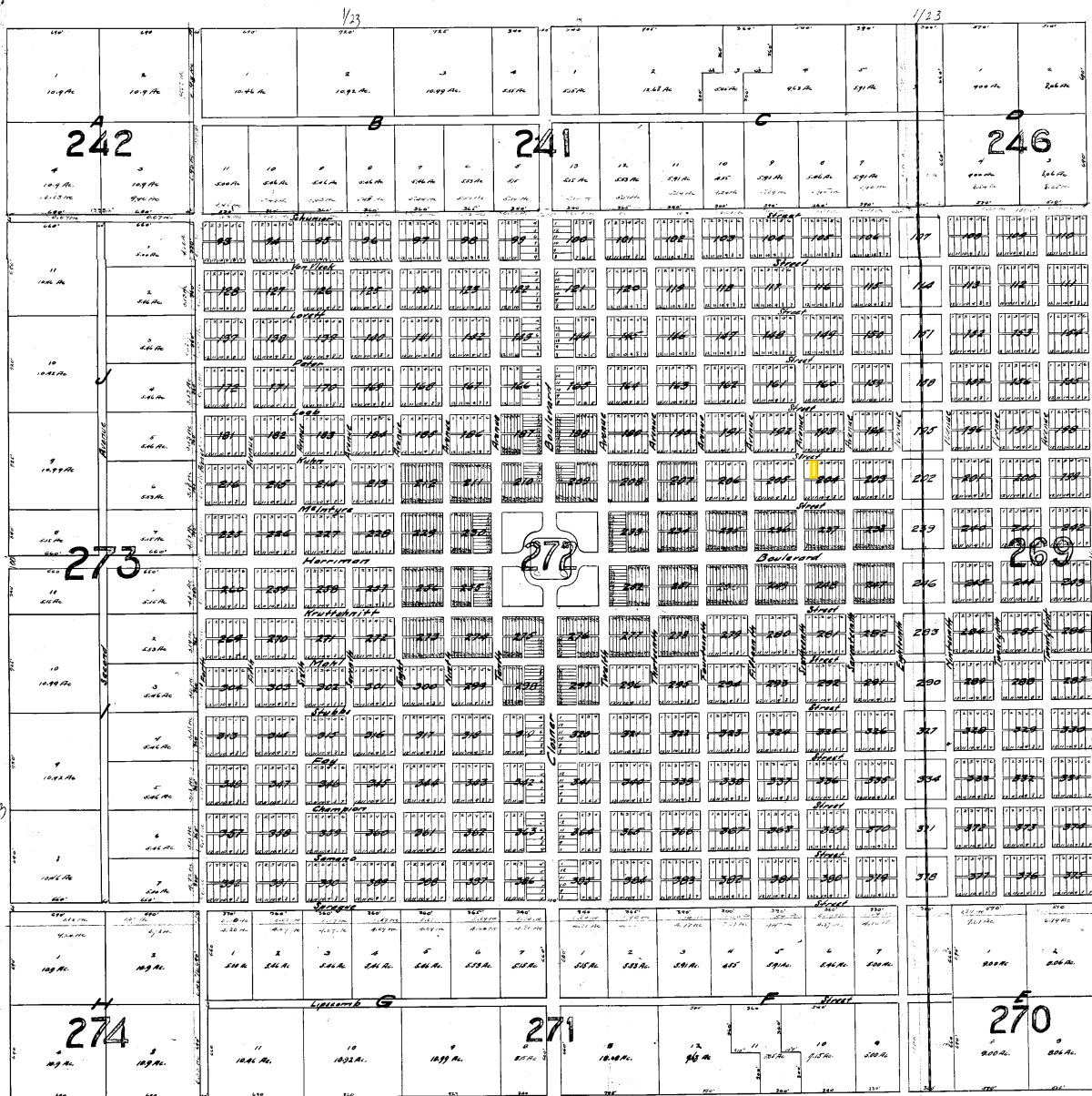
Subscribed and sworn to before me, this 1st day of August, A.D. 1914

(W.H. Harrison)

NOTARY PUBLIC IN AND FOR HIDALGO COUNTY, TEXAS.

(Seal)

August 1st 1914
J.R. Morris
Secretary



**SURVEY PLAT SHOWING
THE EAST 1.50 FOOT OF LOT 1, BLOCK 204 AND
ALL OF LOT 2, BLOCK 318
ORIGINAL TOWNSITE OF EDINBURG
VOL. 1, PG. 23, H.C.M.R.
LOCATED IN THE
CITY OF EDINBURG**

THE FOLLOWING MATTERS UNDER SCHEDULE B
FIRST NATIONAL TITLE INSURANCE COMPANY OF No. 104911, EFFECTIVE DATE JANUARY 29, 2023

10A. RIGHTS OF PARTIES IN POSSESSION. (APPLIES TO OWNER'S POLICY ONLY)

10B. EASEMENT(S) AND/OR BUILDING LINE(S) AFFECTING THE SUBJECT PROPERTY AS SHOWN ON MAP OR PLAT RECORDED IN VOLUME 1, PAGE 23, MAP OR PLAT RECORDS, HIDALGO COUNTY, TEXAS.

10C. URBAN RENEWAL PLAN IN FAVOR OF THE CITY OF EDINBURG, IN INSTRUMENT DATED SEPTEMBER 13, 1961, RECORDED IN VOLUME 1016, PAGES 41-78, DEED RECORDS, HIDALGO COUNTY, TEXAS.

10D. ORDINANCE NO. 2013-3694, IN INSTRUMENT DATED DECEMBER 10, 2013, FILED FEBRUARY 14, 2014, RECORDED UNDER DOCUMENT NO. 2014-2486374, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS.

10E. ORDINANCE NO. 2015-3818, IN INSTRUMENT DATED MARCH 17, 2015, FILED APRIL 27, 2015, RECORDED UNDER DOCUMENT NO. 2015-2606136, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS.

10F. SUBJECT PROPERTY LIES WITHIN THE BOUNDARIES OF HIDALGO COUNTY DRAINAGE DISTRICT #1.

10G. N/A

10H. N/A

10I. N/A

10J. N/A

NOTES:

1. FLOOD ZONE STATEMENT: ZONE "X" (SHADED) 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 AREA PROTECTED BY LEVEES FROM 100-YEAR FLOOD. AS PER COMMUNITY PANEL No. 480338 0015 E MAP REVISED JUNE 6, 2000, REVISED TO REFLECT LOMR DATED MAY 14, 2001.

2. THIS SURVEY WAS DONE USING WESTCOR LAND TITLE INSURANCE COMPANY OF NO. 104896, EFFECTIVE DATE JANUARY 29, 2023.

3. 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.

4. BASIS OF BEARING AS PER BASIS OF BEARING AS PER TEXAS STATE PLANE GRID COORDINATE SYSTEM NAD 83 TEXAS SOUTH 4205.

5. SURVEYOR'S STATEMENT: THE PROPERTY CORNERS OF THE TRACT SURVEYED WERE STAKED OUT BASED ON THE BEST FIT OF MONUMENTS FOUND FOR THIS PROPERTY AND OTHERS WITHIN THE IMMEDIATE VICINITY, TAKING INTO ACCOUNT THE INTENT OF THE SURVEYOR'S ORIGINAL FOOT STEPS. A SURVEY OF THE ORIGINAL MOTHER TRACTS TO CORRECTLY ESTABLISH MINOR DISCREPANCIES THAT WERE FOUND IN THE PROPERTY CORNERS WOULD NOT BE A FEASIBLE OPTION FOR THE PARTIES CONCERNED. THE CLIENT HAS BEEN MADE AWARE OF ANY DISCREPANCIES FOUND AND THE RESPECTIVE ACTION TAKEN TO STAKE OUT HIS PROPERTY AS PER THE FOUND AND SET MONUMENTS SHOWN HEREON.

I, HOMERO L. GUTIERREZ, REGISTERED LAND SURVEYOR IN THE STATE OF TEXAS, STATE THAT THE ABOVE PLAT IS AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION ON FEBRUARY 15, 2023 AND THAT THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN AND THAT ALL CORNERS HAVE BEEN LOCATED AS INDICATED.

HOMERO LUIS GUTIERREZ, R.P.L.S. DATE: 02/15/23
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 2791

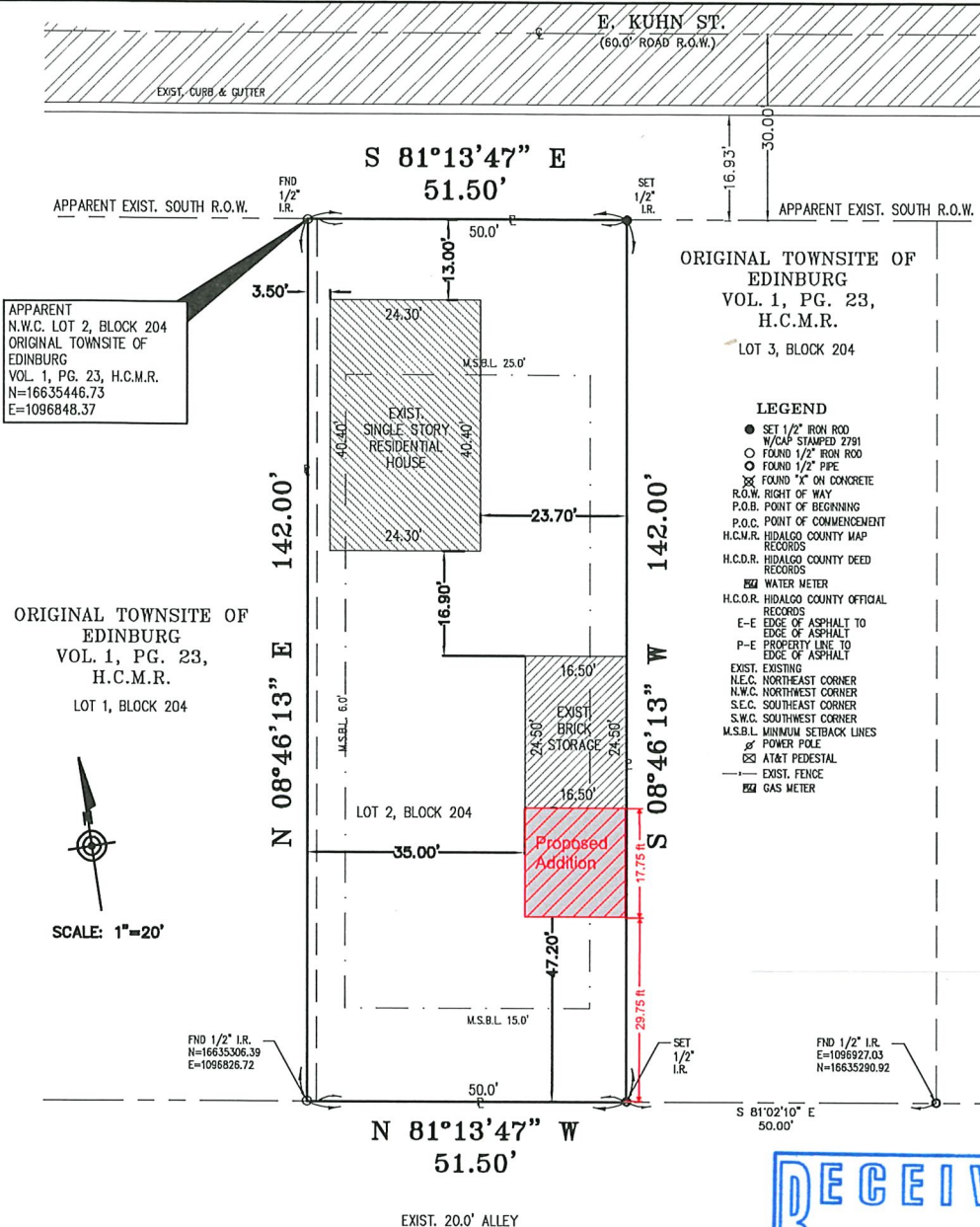
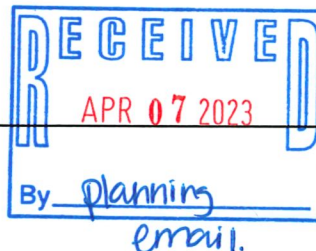


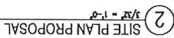
HOMERO LUIS GUTIERREZ, P.E., R.P.L.S.

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

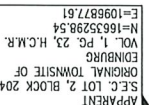
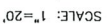
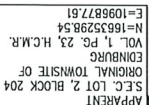
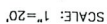
DATE: 02/15/23

DRAWN BY: I.F.





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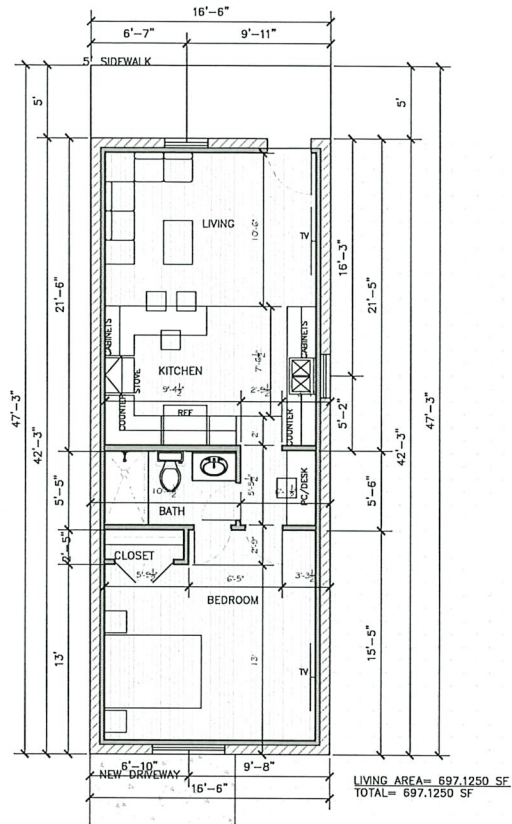


LEGEND

- DIST. FENCE
- DIST. POST
- DIST. POSTAL
- DIST. POWER POLE
- N.S.R. NORTHERN SECTION LINES
- S.E.C. SOUTHEAST CORNER
- S.W.C. SOUTHWEST CORNER
- N.E.C. NORTHEAST CORNER
- N.W.C. NORTHWEST CORNER
- E.C. EAST CORNER
- P-E PROPERTY LINE TO EASE OF ASPHALT
- E-E EASE OF ASPHALT
- E-E EASE OF ASPHALT
- H.C.R. HOALCO COUNTY RECORDS
- H.C.R. HOALCO COUNTY DEED
- H.C.R. HOALCO COUNTY MAP
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- R.O.W. RIGHT OF WAY
- FOUND "X" ON CONCRETE
- FOUND 1/2" PPE
- FOUND 1/2" IRON ROD
- S.S. 1/2" IRON ROD

[illegible]

② PROPOSED STUDIO PLAN
1/4" = 1'-0"



**OLIVAREZ RESIDENCE
REMODELING**

606 E Kuhn St.
Edinburg, TX 78541

NO.	DATE	DESCRIPTION	PROJECT NAME

PROJECT NO.: 2305
DESIGNED BY: RDL
CHECKED BY: R.O.
SHEET TITLE:

**FLOOR PLAN
PROPOSAL**

S H E E T

A.04

Zoning Board of Adjustment

Site Photos for meeting of April 26, 2023

RENE OLIVAREZ - 606 EAST KUHN STREET



Planning & Zoning

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



Zoning Variance Application

ENERGOV CASE # VAR-2023-0159

Property Owner Name: Ramiro A. Resendez

Owner Contact Information

Mailing Address: 1001 S. 10th St. Suite G835 McAllen, Tx. 78501

Street Address

City/State

Zip Code

Phone (Home): _____ (Work): _____ (Cell): 956 432 4219

Email: rresendez00@gmail.com

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: East Half of Lot 7, Block, 243, Original Townsite Edinburg, Tx.

Street Address

City/State

Zip Code

Property Legal Description: Cano St. Edinburg, Tx. 78539

Lot

Block

Subdivision

Present Property Zoning: R1 Residential, Primary (RP) Property ID#: 164951

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

Application for a Reduction of SIDE Setbacks, proposed to be modified to 3 feet per side due to narrow lot. Will build new home.

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.

Current setbacks on sides would make house too narrow.
Lot front is 25 feet. I attach survey.

OFFICE USE ONLY:

UDC Section(s) Requiring Variance: Variance Against 3.102 Lot Area & Lot Width

Reviewed by: [Signature] Date: _____

Zoning Variance Application

Review Criteria

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

- ☒ There are extraordinary and exceptional conditions pertaining to the subject property because of its size, shape, or topography that are not applicable to other lands or structures in the same district.
- ☐ The need for a Variance or the extraordinary and exceptional conditions do not result from the actions of the owner or applicant.
- ☐ Granting the Variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same district.
- ☐ A literal interpretation of the provisions of this UDC would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
- ☒ Granting of the Variance will be in harmony with the general purpose and intent of this UDC and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- ☒ **X - Building on nonconforming lots is not in harmony with the purpose and intent of the UDC.**
- ☒ 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:  Ramiro A. Resendez Date: March 21st 2023

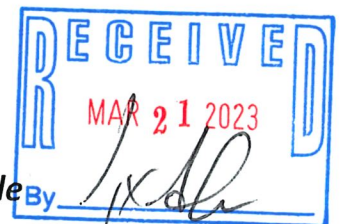
Owner/Agent's Name (Please Print): Ramiro A. Resendez

OFFICE USE ONLY

\$450 Application Fee: R02023923 Payment Received by: I.2.
Receipt No.

Application deadline: April 3. 23 ZBA Hearing date: April 26-2023

- **\$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: 164957
SALAZAR RAMIRO F
NULL
1101 E CANO ST
EDINBURG, TX
LEGAL: EDINBURG TOWNSITE S1/2-LOT 12 & N 1/2-LOT 12 BLK 243

PROPERTY ID: 119206
EL PATO PROPERTIES LP
NULL
1300 EAST TAMARACK
MCALLEN, TX
LEGAL: AUSTIN ADDN LOTS 17-18-19 BLK 4
PROPERTY ID: 119207
EL PATO PROPERTIES LP
NULL
1300 EAST TAMARACK
MCALLEN, TX
LEGAL: AUSTIN ADDN LOT 20 BLK 4

PROPERTY ID: 164946
CANALES ELIDA RAMIREZ LOPEZ
NULL
2702 ENCINO COURT
EDINBURG, TX
LEGAL: EDINBURG TOWNSITE LOT 1-E1/2 2 & 3-W1/2 BLK 243

PROPERTY ID: 164947
1116 UNIVERSITY LLC
NULL
11626 MEADOW CHASE DR
NULL
HOUSTON, TX
LEGAL: EDINBURG TOWNSITE E25'-LOT 3 ALL LOT 4 W25'-LOT 5 BLK 243

PROPERTY ID: 164948
MALDONADO PAULA
NULL
601 N 8TH AVE
EDINBURG, TX
LEGAL: EDINBURG TOWNSITE E 1/2 LOT 5 ALL LOT 6 BLK 243

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 164945
TRUJILLO NORA PEREZ
NULL
2607 PRIMROSE AVE APT 1
NULL
EDINBURG, TX
LEGAL: EDINBURG TOWNSITE LOT W 1/2 OF 1 BLK 243

PROPERTY ID: 164942
GUTIERREZ & CO INC
NULL
PO BOX 4243
EDINBURG, TX
LEGAL: EDINBURG TOWNSITE LOTS 10 11 & 12 BLK 242

PROPERTY ID: 164941
K & M APPLIANCES LLC
NULL
PO BOX 3757
EDINBURG, TX
LEGAL: EDINBURG TOWNSITE LOT 9 BLK 242

PROPERTY ID: 119205
EL PATO PROPERTIES LP
NULL
1300 EAST TAMARACK
MCALLEN, TX
LEGAL: AUSTIN ADDN LOT 16 BLK 4

PROPERTY ID: 164939
ACUNA ROBERTO JR & LETICIA A
NULL
1506 RUIDOSO
EDINBURG, TX
LEGAL: EDINBURG TOWNSITE LOTS 7 & 8 BLK 242

PROPERTY ID: 164940
LEGAL:

PROPERTY ID: 165234
RODRIGUEZ BLANCA E
NULL
1116 E CANO ST
EDINBURG, TX
LEGAL: EDINBURG TOWNSITE LOT 5 BLK 286

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 165233
FLORES VIDAL & JULIA A
NULL
2624 SOUTHRIDGE DR
NULL
EDINBURG, TX
LEGAL: EDINBURG TOWNSITE LOT 4 BLK 286

PROPERTY ID: 165232
FLORES VIDAL & JULIA A
NULL
2624 SOUTHRIDGE DR
NULL
EDINBURG, TX
LEGAL: EDINBURG TOWNSITE LOTS 1-2-3 BLK 286

PROPERTY ID: 183724
SALINAS AZUCENA
NULL
1206 E CANO ST
EDINBURG, TX
LEGAL: GROVE PARK LOT 4 BLK 5

PROPERTY ID: 183726
LOPEZ DAVID SALINAS
NULL
1321 E CANO ST
EDINBURG, TX
LEGAL: GROVE PARK LOT 6 BLK 5

PROPERTY ID: 165239
GARCIA MANUEL
NULL
1117 EAST MAHL
EDINBURG, TX
LEGAL: EDINBURG TOWNSITE LOT 10 BLK 286

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 165237
OCHOA JOSE A & RAQUEL R TRUSTEES OCHOA FAMILY REVOCABLE TRUST
NULL
4124 LAKECLIFF DR
NULL
HARKER HEIGHTS, TX
LEGAL: EDINBURG TOWNSITE LOT 8 BLK 286

PROPERTY ID: 183725
CAVAZOS AURORA
NULL
1204 E CANO ST
EDINBURG, TX
LEGAL: GROVE PARK LOT 5 BLK 5

PROPERTY ID: 165235
SALINAS ISIDORO L & FRANCISCA G
NULL
1120 E CANO ST
EDINBURG, TX
LEGAL: EDINBURG TOWNSITE LOT 6 BLK 286

PROPERTY ID: 165240
RAMIREZ MANUEL JR & EMMA B
NULL
1105 E MAHL ST
EDINBURG, TX
LEGAL: EDINBURG TOWNSITE LOT 11 BLK 286

PROPERTY ID: 165238
RODRIGUEZ JESUS JR
NULL
1119 E MAHL ST
EDINBURG, TX
LEGAL: EDINBURG TOWNSITE LOT 9 BLK 286

PROPERTY ID: 183718
LIGA PABLO SEVER & FLOR DEL ROCIO SUAREZ
1211 E CANO ST
EDINBURG, TX
LEGAL: GROVE PARK LOT 16 BLK 4

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 183720
AGUILAR MARIA G & CORINA PEREZ
NULL
3105 S RAUL LONGORIA RD
EDINBURG, TX
LEGAL: GROVE PARK LOT 18 BLK 4

PROPERTY ID: 183715
RODRIGUEZ CESARIO
NULL
1123 E CANO ST
EDINBURG, TX
LEGAL: GROVE PARK LOT 13 BLK 4

PROPERTY ID: 183716
OCHOA ANASTACIO JR
NULL
1205 E CANO ST
EDINBURG, TX
LEGAL: GROVE PARK LOT 14 BLK 4

PROPERTY ID: 183710
AGUILAR & AGUILAR RENTALS LLC
NULL
2321 E SPRAGUE ST
EDINBURG, TX
LEGAL: GROVE PARK LOT 1 BLK 4

PROPERTY ID: 183717
MORALES IMELDA ABUNDIS
NULL
1207 E CANO ST
EDINBURG, TX
LEGAL: GROVE PARK LOT 15 BLK 4

PROPERTY ID: 183719
AGUILAR MARIA G
NULL
3105 S RAUL LONGORIA RD
NULL
EDINBURG, TX
LEGAL: GROVE PARK LOT 17 BLK 4

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 164955
CANALES ELIDA RAMIREZ LOPEZ
NULL
2702 ENCINO COURT
EDINBURG, TX
LEGAL: EDINBURG TOWNSITE LOT 11 BLK 243

PROPERTY ID: 183714
MALDONADO PAULA ALONZO
NULL
601 N 8TH AVE
EDINBURG, TX
LEGAL: GROVE PARK LOT 12 BLK 4

PROPERTY ID: 183713
MALDONADO ARTURO
NULL
1106 E FAY ST
EDINBURG, TX
LEGAL: GROVE PARK LOT 11 BLK 4

PROPERTY ID: 183712
JELUGO PROPERTIES LLC
NULL
2115 LOTT ROAD
DONNA, TX
LEGAL: GROVE PARK LOT 8-9-10 BLK 4

PROPERTY ID: 183711
R & L LOZANO LEASING LTD
NULL
208 N CAGE BLVD
PHARR, TX
LEGAL: GROVE PARK LOTS 2 THRU 7 BLK 4

PROPERTY ID: 183721
MARTINEZ IRENE & HECTOR OCHOA
NULL
1220 E CANO ST
NULL
EDINBURG, TX
LEGAL: GROVE PARK LOT 1 BLK 5

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 183722
OCHOA HECTOR
NULL
1220 E CANO
EDINBURG, TX
LEGAL: GROVE PARK LOT 2 BLK 5

PROPERTY ID: 183723
RIVERA RAMON & ERICA
NULL
1212 E CANO ST
EDINBURG, TX
LEGAL: GROVE PARK LOT 3 BLK 5

PROPERTY ID: 165236
ALVAREZ DEBORAH
NULL
1123 E MAHL ST
NULL
EDINBURG, TX
LEGAL: EDINBURG TOWNSITE LOT 7 BLK 286

PROPERTY ID: 183727
ROJAS JUAN R MARTINEZ
NULL
1201 E MAHL ST
EDINBURG, TX
LEGAL: GROVE PARK LOT 7 BLK 5

PROPERTY ID: 183729
PINA CAPITAL LLC
116 E VERDIN
MCALLEN, TX
LEGAL: GROVE PARK LOT 9 BLK 5

PROPERTY ID: 183728
LEVRIER ROBERTO JR
NULL
18 M N RABB RD
LA FERIA, TX
LEGAL: GROVE PARK LOT 8 BLK 5

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 183730
RODRIGUEZ JORGE LUIS DAVILA & NORMA E CAMPOS
1217 E MAHL ST
EDINBURG, TX
LEGAL: GROVE PARK LOT 10 BLK 5

PROPERTY ID: 164950
LOPEZ DAVID
NULL
1321 E CANO ST
EDINBURG, TX
LEGAL: EDINBURG TOWNSITE LOT W 1/2 OF 7 BLK 243

PROPERTY ID: 164953
MARTIN VILLANUEVA & LUZ BELEN
NULL
3528 BUDDY OWENS AVE
NULL
MCALLEN, TX
LEGAL: EDINBURG TOWNSITE LOT 9 BLK 243

PROPERTY ID: 164952
HERNANDEZ ELVA
NULL
1117 E CANO
EDINBURG, TX
LEGAL: EDINBURG TOWNSITE LOT 8 BLK 243

PROPERTY ID: 164954
HERRERA ANDREW
NULL
6800 N 14TH LANE
NULL
MCALLEN, TX
LEGAL: EDINBURG TOWNSITE LOT 10 BLK 243

PROPERTY ID: 164951
LOPEZ FELIX
1001 E OWASSA RD APT 26
EDINBURG, TX
LEGAL: EDINBURG TOWNSITE LOT E 1/2 OF 7 BLK 243

Planning & Zoning Staff Report

Prepared on: April 20, 2023

ZONING BOARD OF ADJUSTMENT

Regular Meeting: April 26, 2023

Agenda Item

Consider Variance to the City's Unified Development Code, Section 3.202(A), Lot and Design Standards, Nonresidential and Mixed-Use Lot Standards, Setbacks, Lot 1, Edinburg Consolidated Independent School District Subdivision No. 12, located at 909 South Mon Mack Road, as requested by Joe Hernandez of SLR Building Contractors, LLC, on behalf of Edinburg Consolidated Independent School District

Request

The applicant is requesting a variance to the City's Unified Development Code (UDC) Section 3.202(A) as it applies to rear yard setbacks nonresidential development. The applicant is proposing the expansion of an existing school building into the required rear yard setback.

Property Location and Vicinity

The property is located on the west side of South Mon Mack Road, at the southwest corner of South Mon Mack Road and West Sprague Street. The property is zoned Residential, Suburban (RS) District. Adjacent zoning is Residential, Multifamily and Urban (RM) District to the north, Residential, Suburban (RS) District to south and west, and Residential, Primary (RP) District to the east. The property is the location of the Norma Linda Treviño Elementary School. Surrounding land uses are single-family residential, multifamily residential, and vacant land.

Background and History

The property is part of the Edinburg Consolidated Independent School District Subdivision No. 12, recorded on September 24, 2001. It is the location of the Norma Linda Treviño Elementary School. The applicant is proposing an expansion to one of the school's buildings. Plans submitted by the applicant show an existing building with a proposed expansion extending into the required rear yard setback. Variance is needed to proceed with the project as proposed.

Staff mailed notice of this variance request to 60 neighboring property owners. No comments in favor or against this request had been received at the time this report was prepared.

Analysis

A 6,000 sq. ft. gymnasium is located behind the main school building. Plans submitted by the applicant propose a 15 ft. addition to this structure, extending to approximately 14.83 ft. from the rear property line. UDC Section 3.202(A) requires a minimum rear setback of 35 ft. for all nonresidential uses in the Residential, Suburban (RS) District. Plans, as proposed, represent a 57.63% reduction to the required rear setback.

Planning & Zoning Staff Report

Land adjacent to the encroachment belongs to the City of Edinburg and is vacant. This minimizes the potential for conflicts with neighboring uses. Expanded recreational and athletic facilities would benefit the children attending the Norma Linda Treviño Elementary School.

Recommendation

Staff recommends approval of the variance request as it will not permit a use of land, building, or structure that is not otherwise permitted in the applicable district. This request is not out of character with other Edinburg Consolidated Independent School District schools.

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:

Rita Lee Guerrero

Assistant Director of Planning & Zoning

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 Nonresidential and Mixed-Use

Sec. 3.102, Standards for Nonresidential and Mixed-Use Development

...

- A. District Standards.** The district standards that are applicable to all nonresidential uses are provided in Table 3.202-1,, Nonresidential Use District Standards. The table includes provisions for intensity, utility requirements, minimum site area, and maximum height. Information relating to these standards and their abbreviations follows:
1. Use District and Development Types. The first column of both tables reflects the zoning districts and permitted uses.
 2. Landscaped Surface Ratio (LSR). The second column reflects the minimum landscaped surface ratio required on a site. The ratio is calculated as a percentage of the site area, for example, 0.25 indicates 25 percent of a site must be open space (residential) or landscaped area (nonresidential).
 3. Maximum Floor Area Ratio. The fifth column sets out the maximum allowable intensity of nonresidential uses, which is measured by a floor area ratio (FAR). Floor area ratio is calculated as provided in Division 3.300, Measurements and Exceptions.
 4. Minimum Site Area. The fourth column indicates the minimum area that is required **for the listed development type**.
 5. Maximum Height. The last column indicates the maximum allowable height by use and district.

...

Table 3.202-2 Nonresidential and Mixed-Use Building Placement Standards				
District and Use	Minimum			
	Build-To Line (ft.)	Front and Exterior Side Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
Agriculture and Open Space (AO)				
Agriculture	NA	50	50	50
Other nonresidential uses	NA	150	80	200
Residential, Suburban (RS)				
All nonresidential uses	NA	150	100	35
Residential, Primary (RP)				
All nonresidential uses	NA	50	20	35

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

...

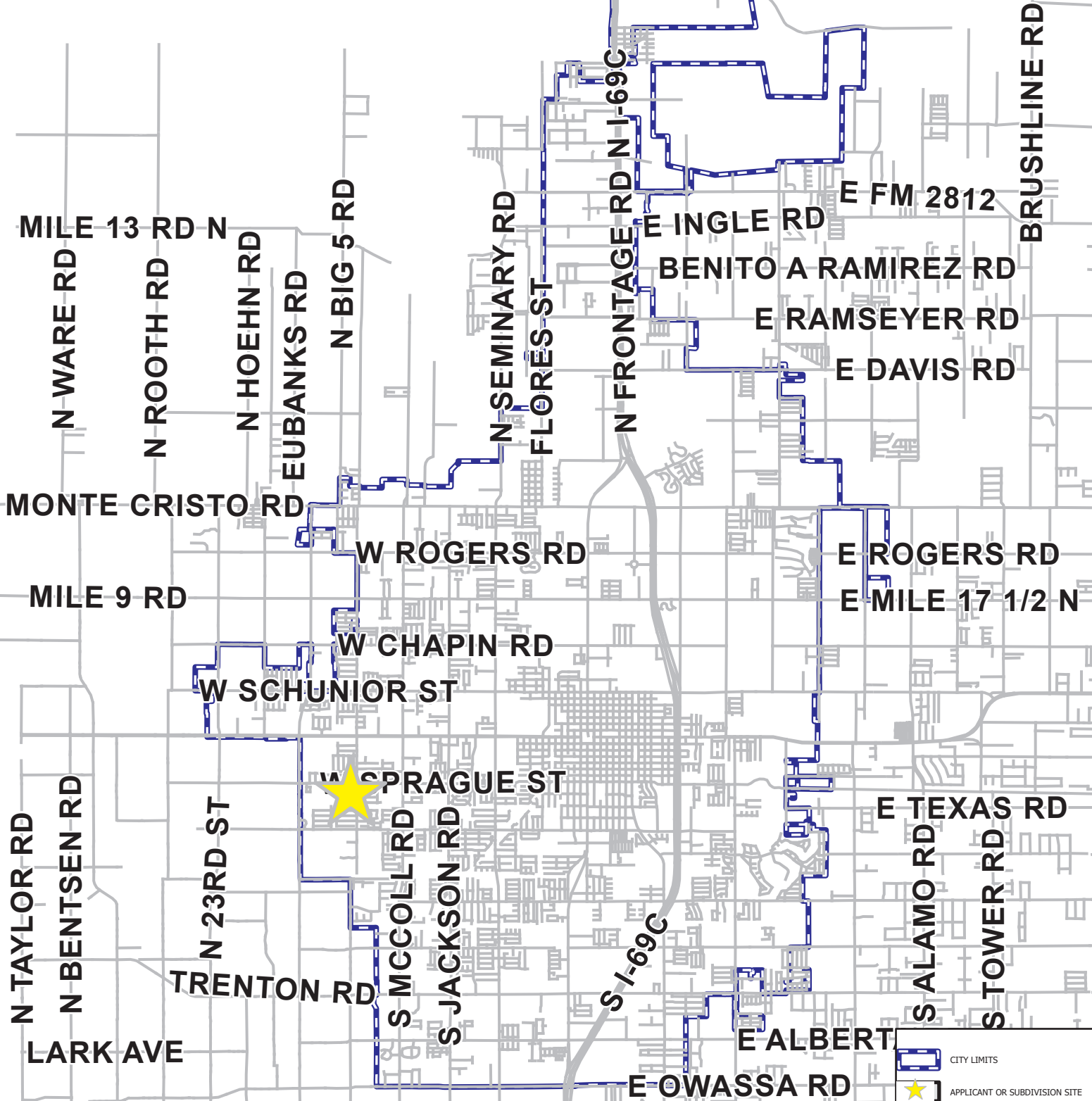
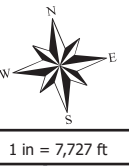
Specific Review Criteria.

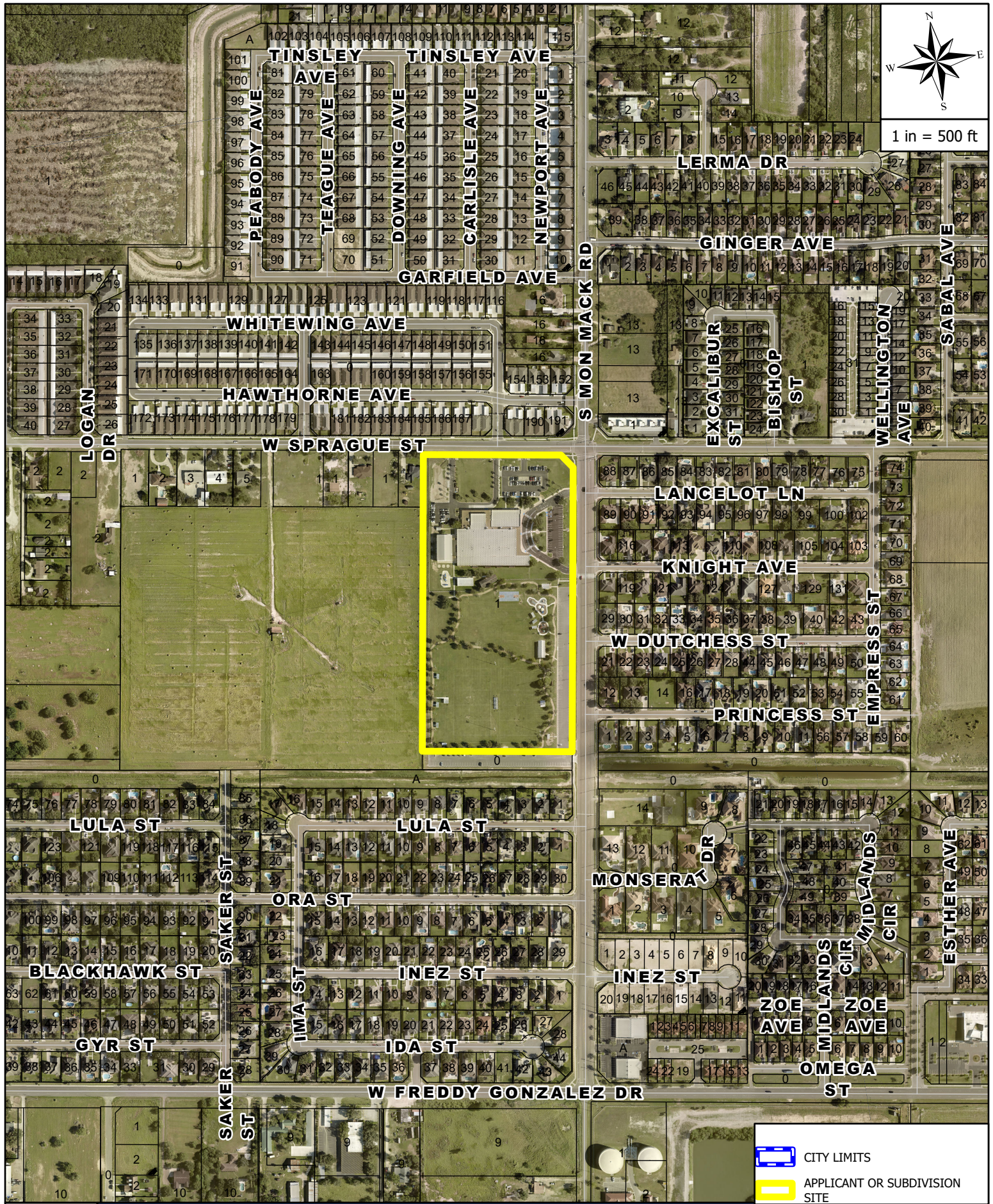
1. *Review Criteria. In determining whether to approve, approve with conditions, or deny a Variance, the review bodies shall consider the applicable common decision criteria in Sec. 9.205, Common Decision Criteria, and should not grant a variance unless the following conditions are satisfied:*
 - a. *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*

FM 490

W FM 490

E FM 490

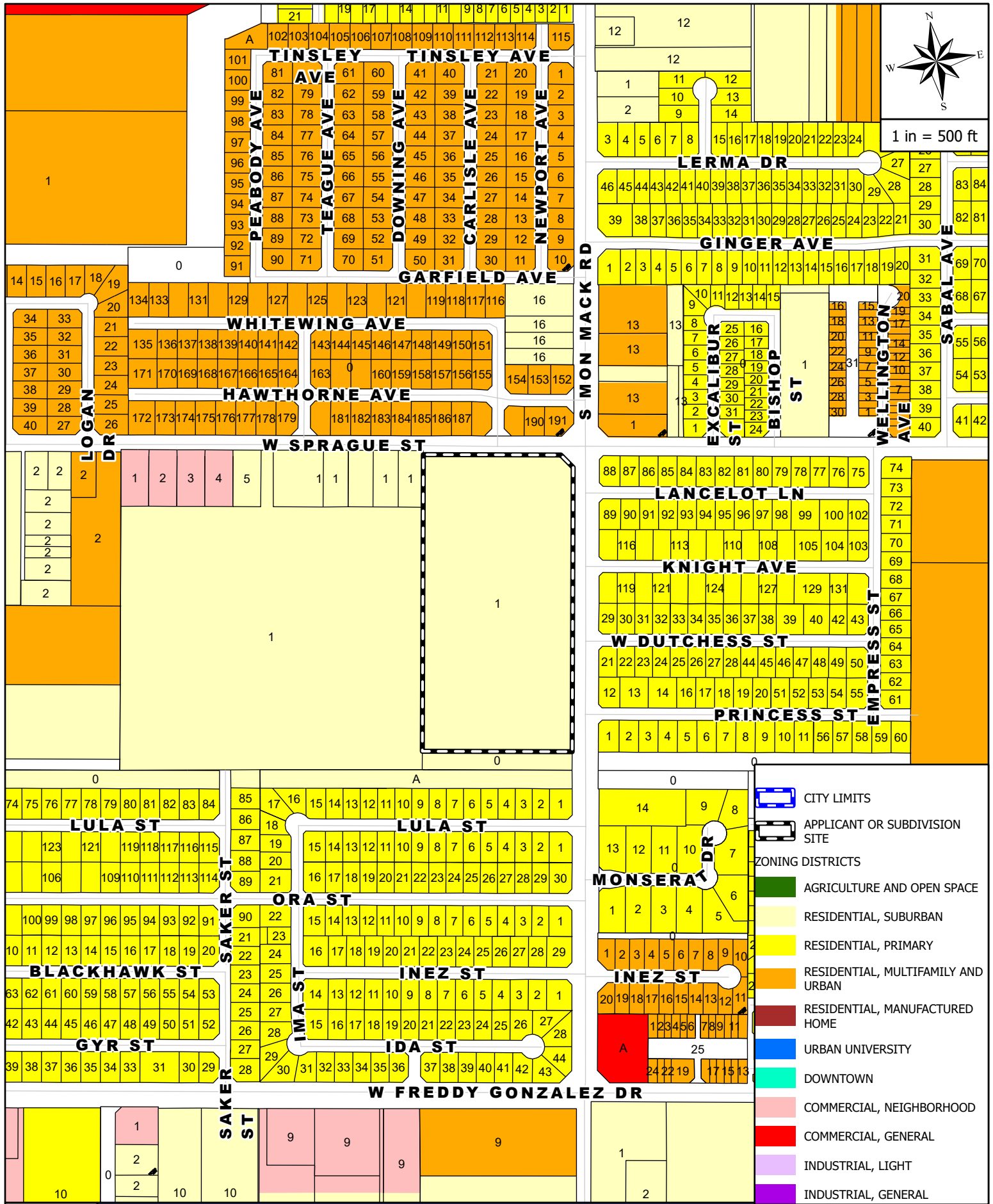




AERIAL MAP

APPLICANT AND/OR SUBDIVISION:

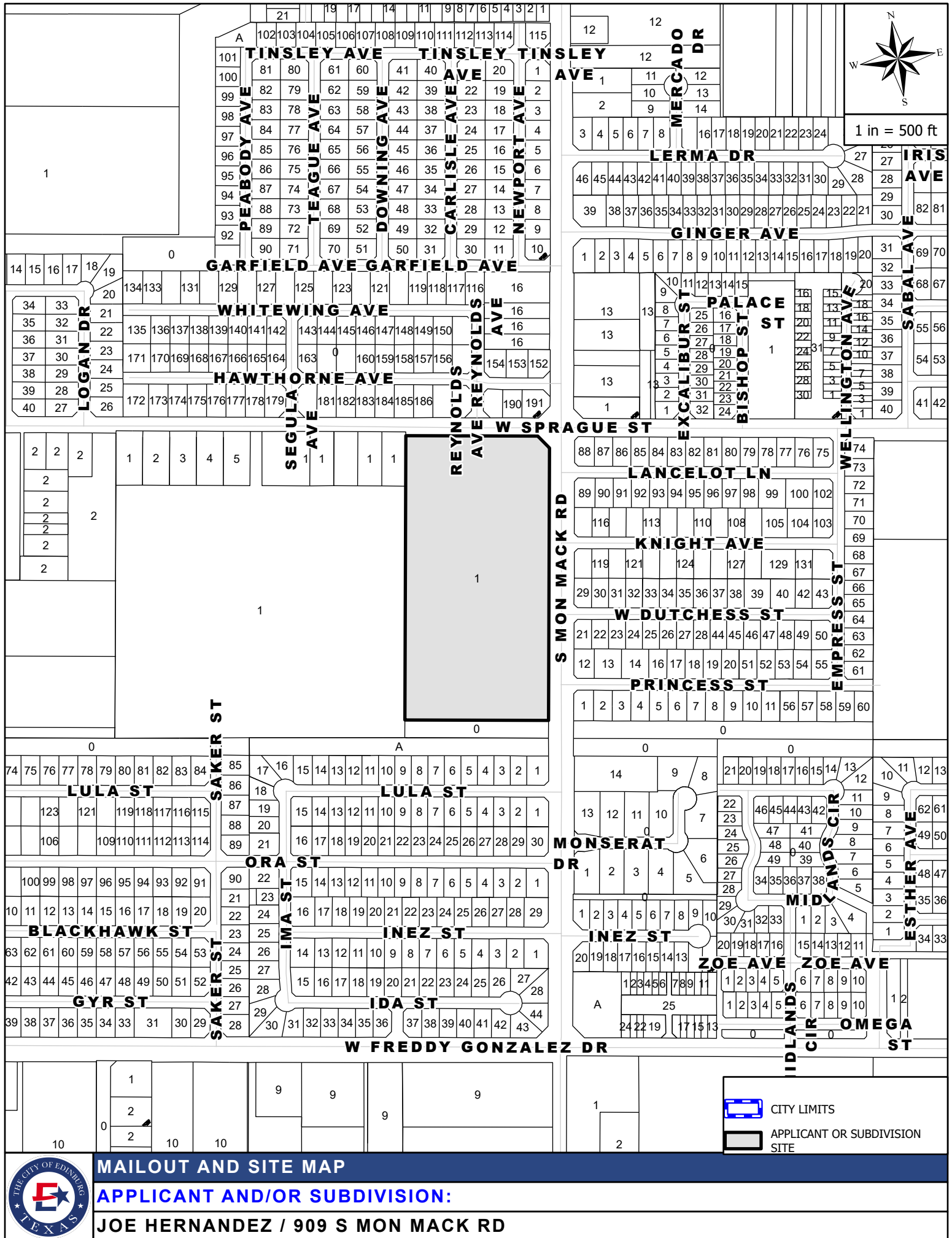
JOE HERNANDEZ / 909 S MON MACK RD



ZONING MAP

APPLICANT AND/OR SUBDIVISION:

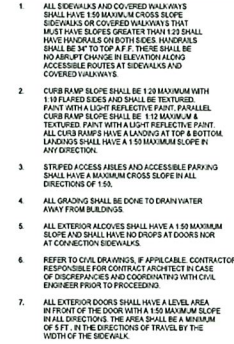
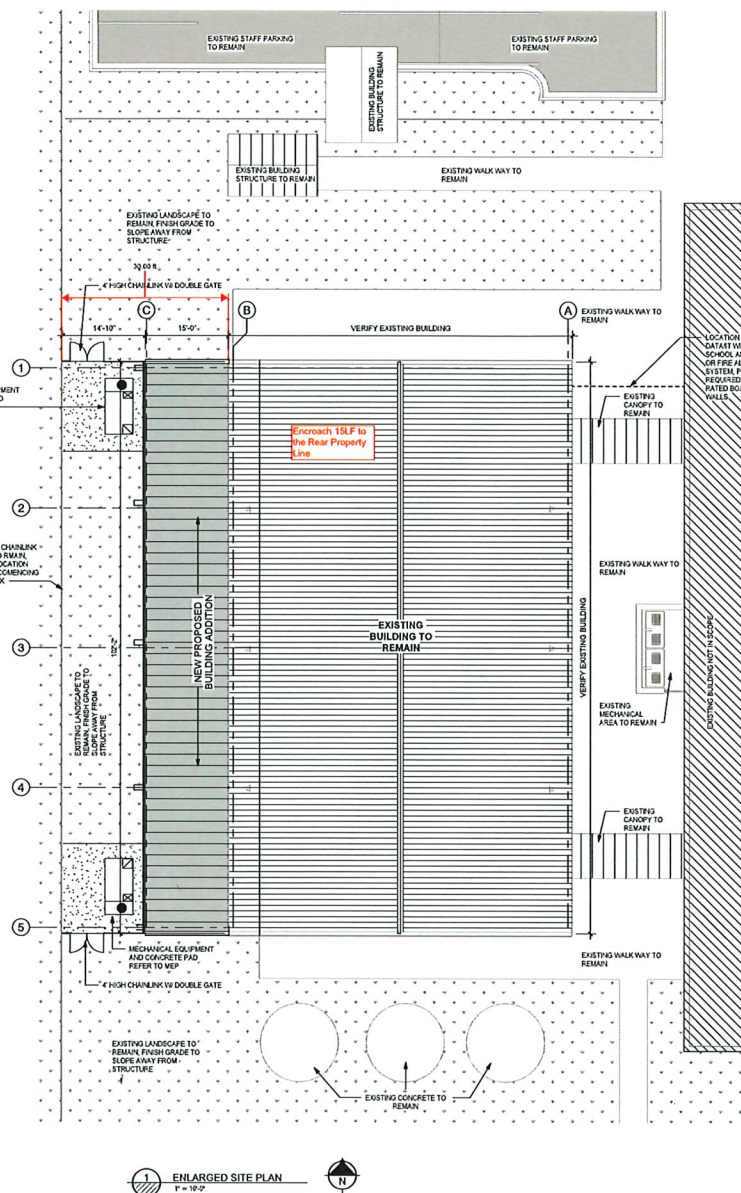
JOE HERNANDEZ / 909 S MON MACK RD



MAILOUT AND SITE MAP

APPLICANT AND/OR SUBDIVISION:

JOE HERNANDEZ / 909 S MON MACK RD



EDINBURG CONSOLIDATED INDEPENDENT SCHOOL DISTRICT SUBDIVISION NO. 12

A 20.00 ACRE TRACT OF LAND, MORE OR LESS, BEING THE EAST 20.00 ACRES OF LOT ONE (1), SECTION TWO HUNDRED SEVENTY-EIGHT (278), TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 24, PAGES 168-171, DEED RECORDS, HIDALGO COUNTY, TEXAS, AND ACCORDING TO WARRANTY DEED RECORDED IN VOLUME 1366, PAGE 727, DEED RECORDS, HIDALGO COUNTY, TEXAS.

EC18DS6412

METES AND BOUNDS

A 20.00 ACRE TRACT OF LAND BEING THE EAST 20.00 ACRES OF LOT ONE (1), SECTION TWO HUNDRED SEVENTY-EIGHT (278), TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 24, PAGES 168-171, DEED RECORDS, HIDALGO COUNTY, TEXAS, AND ACCORDING TO WARRANTY DEED RECORDED UNDER COUNTY CLERK'S DOCUMENT NO. 654803, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS, REFERENCE TO WHICH IS HERE MADE FOR ALL PURPOSES, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A RAILROAD SPIKE FOUND AT THE INTERSECTION OF THE CENTERLINE OF MON MACK ROAD AND SPRAGUE STREET (MILE 15 1/2 NORTH ROAD) FOR THE NORTHEAST CORNER OF LOT 1, AND THE NORTHEAST CORNER OF THIS TRACT.

THENCE: S 08°59'N, ALONG THE EAST LINE OF LOT 1, AND THE CENTERLINE OF MON MACK ROAD, PASSING AT 10.00 FEET AT A 90°00' ANGLE TO THE RIGHT, A 5/8" IRON ROD FOUND AT 20.00 FEET FOR THE INTERSECTION OF THE WEST R.O.M. LINE OF MON MACK ROAD AND THE SOUTH R.O.M. LINE OF SPRAGUE STREET, A TOTAL DISTANCE OF 1320.00 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF LOT 1, THE NORTHEAST CORNER OF LOT 8, AND THE SOUTHWEST CORNER OF THIS TRACT.

THENCE: N 08°53'W, ALONG THE SOUTH LINE OF LOT 1, AND THE NORTH LINE OF LOT 8, PASSING A 5/8" IRON ROD FOUND AT 20.00 FEET FOR THE WEST R.O.M. LINE OF MON MACK ROAD, A TOTAL DISTANCE OF 660.00 FEET TO A CONCRETE MARK FOUND IN MON MACK ROAD, FOR THE SOUTHEAST CORNER OF THE RIO GRANDE BIBLE INSTITUTE, INC. CONCRETE FOR THE SOUTHEAST CORNER OF THE RIO GRANDE BIBLE INSTITUTE, INC. TRACT (A 10.10 ACRE TRACT OF LAND OF WHICH 13.60 ACRES LIE IN LOT 2, SECTION 278, AND 16.50 ACRES LIE IN LOT 1, SECTION 278, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, ACCORDING TO WARRANTY DEED WITH VENDOR'S LIE RECORDED IN VOLUME 2957, PAGE 75, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS), AND THE SOUTHWEST CORNER OF THIS TRACT.

THENCE: N 08°59'E, ALONG THE EAST LINE OF THE RIO GRANDE BIBLE INSTITUTE, INC. TRACT, AND THE EAST LINE OF THE SAN JUANITA T. CORONA TRACT (A 0.5833 ACRE TRACT OF LAND OUT OF A CERTAIN 3.80 ACRE TRACT OUT OF LOT 1, SECTION 278, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, ACCORDING TO WARRANTY DEED OF GIFT RECORDED IN VOLUME 3275, PAGE 165, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS), RECORDING IN VOLUME 3275, PAGE 165, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS), PASSING A 1/2" IRON ROD FOUND AT 1300.00 FEET FOR THE SOUTH R.O.M. LINE OF SPRAGUE STREET, A TOTAL DISTANCE OF 1320.00 FEET TO A COTTON PICKER SPINDLE SET ON THE NORTH LINE OF LOT 1, AND IN THE CENTERLINE OF SPRAGUE STREET FOR THE NORTHEAST CORNER OF THE SAN JUANITA T. CORONA TRACT, AND THE NORTHEAST CORNER OF THIS TRACT.

THENCE: S 08°53'W, ALONG THE NORTH LINE OF LOT 1, AND THE CENTERLINE OF SPRAGUE STREET, A DISTANCE OF 660.00 FEET TO THE POINT OF BEGINNING, AND CONTAINING 20.00 ACRES OF LAND MORE OR LESS, AS SHOWN ON SURVEY PLAT ATTACHED HERETO.

BEARINGS IN THIS METES AND BOUNDS DESCRIPTION ARE IN ACCORDANCE WITH TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, RECORDED IN VOLUME 24, PAGES 168-171, DEED RECORDS, HIDALGO COUNTY, TEXAS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS SUBMITTED TO THE DISTRICT COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEXAS WATER CODE (16.111) AND THE DISTRICT HAS NOT REVIEWED AND DOES NOT GUARANTEE THE DRAINAGE PLANS 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 THE DETERMINATION.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

BY: *[Signature]*
DATE: 4/1/01

FILED FOR RECORD IN:
HIDALGO COUNTY
COUNTY CLERK
ON: 4/1/01 AT 9:18 AM
AS A RECORDING NUMBER 161414
BY: *[Signature]* DEPUTY

STATE OF TEXAS
COUNTY OF HIDALGO

I, (WE) THE UNDERSIGNED, DAVEN(S) OF THE LAND SHOWN ON MAP AS THE FUNDING CONSOLIDATED INDEPENDENT SCHOOL SUBDIVISION TO THE CITY OF EDINBURG, TEXAS, AND WHOLE I HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL EASEMENTS, EASEMENTS, GRANTS, AND PUBLIC PLACES THEREON AND CONSIDERATIONS THEREIN EXPRESSED.

[Signature]
EDINBURG, TEXAS
APRIL 1, 2001

STATE OF TEXAS

COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY, I HAVE KNOWN AND BEEN DULY KNOWN BY THE PERSON(S) WHOSE NAME(S) IS (ARE) SUBSCRIBED TO THE FOREGOING IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL OF OFFICE, THIS 1ST DAY OF APRIL, 2001.

[Signature]
BRIAN J. GONZALEZ
COUNTY CLERK
APR 1, 2001

THIS PLAT APPROVED BY HIDALGO COUNTY DRAINAGE DISTRICT NO. 1, APRIL 1, 2001.

NO IMPROVEMENTS OF ANY KIND SHALL BE PLACED UPON, IN OR ENCUMBERED WITHOUT THE EXPRESSED WRITTEN PERMISSION OF THE DISTRICT.

[Signature]
SECRETARY

I, THE UNDERSIGNED, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION, HEREBY CERTIFY THAT THIS PLAT MEETS ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE DISTRICT.

[Signature]
CHAIRMAN PLANNING

STATE OF TEXAS

COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT FROM AN ACTUAL SURVEY OF THE PROPERTY SHOWN ON THE PLAT.

[Signature]
JACOB

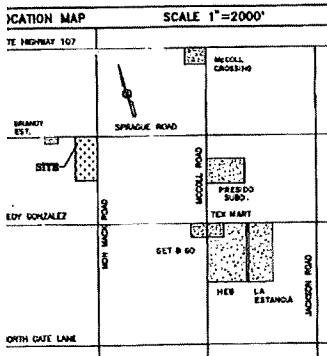
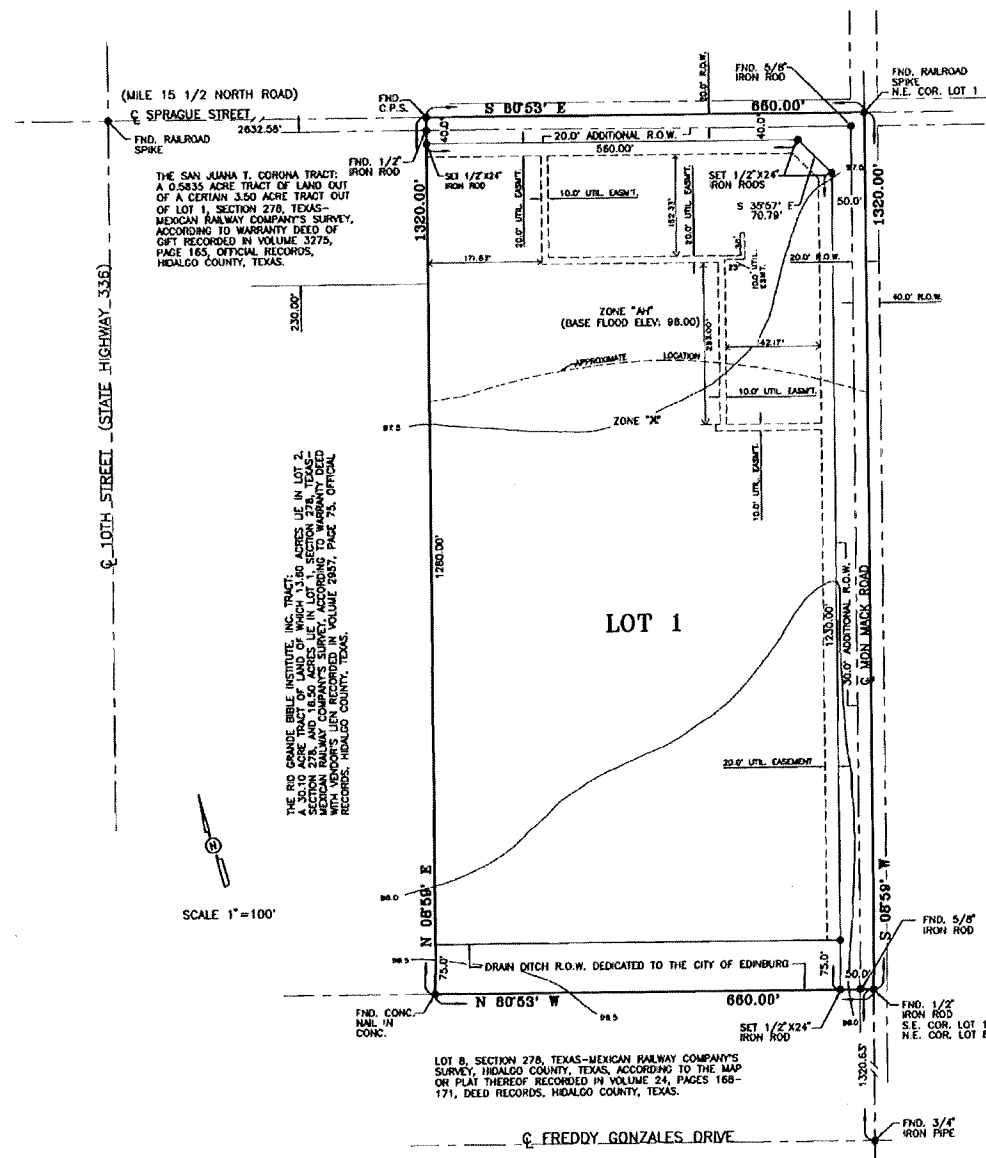
STATE OF TEXAS

COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER, HEREBY CERTIFY THAT THE PROPER ENGINEERING CONSIDERATIONS HAVE BEEN GIVEN TO THE PLAT.

[Signature]
JACOB

Recorded in Volume 38, Page 104
of the map records of Hidalgo County, Texas
Melden and Hunt, Inc.



GENERAL NOTES

1. ZONE 1 - AREA OF 500-YEAR FLOOD AREAS OF 100-YEAR FLOOD WITH ANCHOR COPIES OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PRECIPITATED BY LEVELS FROM 100-YEAR FLOOD. CIP: 100-YEAR DIST. C MAP REVISED, JUNE 6, 2000. ZONE 1A FLOOD DEPTHS OF 1 TO 3 FEET (USUALLY AREAS OF PONDING). BASE FLOOD ELEVATIONS DETERMINED. BASE FLOOD ELEV. 100.00.
2. - MINIMUM FINISH FLOOR ELEVATION: 100.00 FOR AREA "A" ZONE
3. LEGEND: B - DENOTES 1/2" IRON ROD SET UNLESS OTHERWISE NOTED.
4. THERE ARE NO WATER WELLS WITHIN 150 FEET FROM THE BOUNDARIES OF THIS SUBDIVISION.
5. PROPOSED SETBACKS:
FRONT - 50.0'
REAR - 50.0'
SIDE - 50.0'
SIDE ABUTTING STREET - 50.0'
6. NO BUILDING SHALL BE CONSTRUCTED OVER ANY EASEMENT ON LOT LINE.
7. DRAINAGE RETENTION REQUIRED IS 57,818.00 CU. FT.
8. BENCH MARK: C.P.S. 2503 WEST OF MON MACK ROAD ON SOUTH R.O.M. OF SPRAGUE ROAD. (ELEVATION - 100.00)

QUINTANILLA, HEADLEY, AND ASSOCIATES, INC.
CONSULTING ENGINEERS AND LAND SURVEYORS
124 E. STUBBS ST., EDINBURG, TEXAS 78539 PH. 381-6480

Zoning Board of Adjustment

Site Photos for meeting of April 26, 2023

JOE HERNANDEZ/ECISD - 909 SOUTH MON MACK ROAD



Planning & Zoning

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



THE CITY OF
Edinburg

Zoning Variance Application

ENERGOV CASE # VAR-2023-0160

Property Owner Name: Edinburg CISD

Owner Contact Information

Mailing Address: 411 W 8th Avenue

Street Address

Edinburg/Texas

City/State

78542

Zip Code

Phone (Home): 956-289-2300

(Work):

(Cell):

Email:

Agent/Applicant Name (if different than Owner): SLR building contractors, LLC (Joe Hernandez)

Applicant Contact Information

Mailing Address: 1803 S. Cesar Chavez Rd.

Street Address

Edinburg/Texas

City/State

78542

Zip Code

Phone (Home): 956-383-8194

(Work):

(Cell):

Email:

Property Address for Variance: 909 S. Mon Mack

Street Address

Edinburg/Texas

City/State

78539

Zip Code

Property Legal Description:

8

Lot

Block

Subdivision

Present Property Zoning:

Property ID#: 634368

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

Rear side of School is requesting a setback of 30LF. we would like to encroach to the property line to make the Gym addition.

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.

On the rear side of the school where the addition needs to be, will be encroaching 15LF to the property line for the addition of the Gym

OFFICE USE ONLY:

UDC Section(s) Requiring Variance:

Reviewed by:

Date:

4-4-2023

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. **X - Others are not allowed to build in setbacks.**
- ☐ 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.
X - Building in setbacks is not in harmony with the UDC.
- ☒ The Variance requested is the minimum variance that will make possible a permitted use of the land, building, or structure. **X - Existing structure allows land use.**
- ☐ The Variance will not permit a use of land, building, or structure that is not otherwise permitted in the applicable district.
- ☐ The Variance will not permit an intensity of use of land that is not permitted in the applicable district.

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

Signature:  Date: 04/04/23

Owner/Agent's Name (Please Print): Joe Hernandez

OFFICE USE ONLY

\$450 Application Fee: 202038094 Payment Received by: 4-4-23 I.Z.
Receipt No.

Application deadline: April 3rd ZBA Hearing date: April 26.23

- **\$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: 627877
EMANUEL ERIC RYAN
NULL
3517 PRINCESS ST
EDINBURG, TX
LEGAL: VICTORIA HEIGHTS PH 1 LOT 12

PROPERTY ID: 627866
MONTILLA ABEL A & MONICA R
NULL
3518 PRINCESS ST
EDINBURG, TX
LEGAL: VICTORIA HEIGHTS PH 1 LOT 1

PROPERTY ID: 627867
ORTEGA JEANETTE
NULL
3512 PRINCESS ST
EDINBURG, TX
LEGAL: VICTORIA HEIGHTS PH 1 LOT 2

PROPERTY ID: 627868
THARP MICHAEL J & DEE DEE J
NULL
3506 PRINCESS ST
EDINBURG, TX
LEGAL: VICTORIA HEIGHTS PH 1 LOT 3

PROPERTY ID: 627899
CITY OF EDINBURG
NULL
PO BOX 1079
EDINBURG, TX
LEGAL: VICTORIA HEIGHTS PH 1 75' D/D R/O/W LYING S OF LOTS 1-11 1.50AC
NET

PROPERTY ID: 661965
CITY OF EDINBURG
NULL
PO BOX 1079
EDINBURG, TX
LEGAL: SPANISH OAKS W75' D/D R/O/W 1.14AC NET

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 651960
LOPEZ IVAN
NULL
3500 LANCELOT LN
EDINBURG, TX
LEGAL: VICTORIA HEIGHTS PH 3 LOT 91

PROPERTY ID: 651985
LOZANO SUSAN A & FEDERICO H
NULL
3513 KNIGHT AVE
EDINBURG, TX
LEGAL: VICTORIA HEIGHTS PH 3 LOT 116

PROPERTY ID: 627894
NY PROPERTIES LLC
NULL
3009 VIOLET AVE
NULL
MCALLEN, TX
LEGAL: VICTORIA HEIGHTS PH 1 LOT 29

PROPERTY ID: 651988
LOPEZ GABRIEL ALFONSO & CHELSEA MARIE TREJO
3512 KNIGHT AVE
EDINBURG, TX
LEGAL: VICTORIA HEIGHTS PH 3 LOT 119

PROPERTY ID: 651955
GONZALES JUAN J & DENISE
NULL
3503 LANCELOT LN
EDINBURG, TX
LEGAL: VICTORIA HEIGHTS PH 3 LOT 86

PROPERTY ID: 651956
ALVAREZ ENRIQUE III
NULL
3511 LANCELOT LN
NULL
EDINBURG, TX
LEGAL: VICTORIA HEIGHTS PH 3 LOT 87

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 651957
CERDA RICHARD SR & YOLANDA
NULL
3519 LANCELOT LN
EDINBURG, TX
LEGAL: VICTORIA HEIGHTS PH 3 LOT 88

PROPERTY ID: 651959
GARZA MARISSA
NULL
3510 LANCELOT LN
EDINBURG, TX
LEGAL: VICTORIA HEIGHTS PH 3 LOT 90

PROPERTY ID: 651958
MORALES ROLANDO & LOIDA M
NULL
PO BOX 4258
EDINBURG, TX
LEGAL: VICTORIA HEIGHTS PH 3 LOT 89

PROPERTY ID: 651986
CASTILLO SOPHIA R
NULL
3517 KNIGHT AVE
EDINBURG, TX
LEGAL: VICTORIA HEIGHTS PH 3 LOT 117

PROPERTY ID: 651987
GARCIA ROEL & CRISELDA
NULL
3516 KNIGHT AVE
EDINBURG, TX
LEGAL: VICTORIA HEIGHTS PH 3 LOT 118

PROPERTY ID: 627888
LUNA EDUARDO & GLORIA
NULL
3508 DUTCHESS ST
EDINBURG, TX
LEGAL: VICTORIA HEIGHTS PH 1 LOT 23

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 627887
BENITEZ ASTOLFO & PERLA
NULL
3514 DUTCHESS ST
EDINBURG, TX
LEGAL: VICTORIA HEIGHTS PH 1 LOT 22

PROPERTY ID: 661954
GARZA ALEJANDRO DE JESUS PINON
NULL
1212 S MON MACK RD
EDINBURG, TX
LEGAL: SPANISH OAKS LOT 14

PROPERTY ID: 627896
RIOS GLORIA
NULL
3509 DUTCHESS ST
EDINBURG, TX
LEGAL: VICTORIA HEIGHTS PH 1 LOT 31

PROPERTY ID: 651984
ZHOU HAIYAN HELEN
NULL
1004 LOST VALLEY DR
EULESS, TX
LEGAL: VICTORIA HEIGHTS PH 3 LOT 115

PROPERTY ID: 627895
AGUILAR NORA
NULL
3515 DUTCHESS ST
EDINBURG, TX
LEGAL: VICTORIA HEIGHTS PH 1 LOT 30

PROPERTY ID: 651989
NGUMA ELIBARIKI V
NULL
3508 KNIGHT AVE
EDINBURG, TX
LEGAL: VICTORIA HEIGHTS PH 3 LOT 120

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 627878
KOTUT MATHEW KIMARU & CRISTABELL OSEI-OWUSU
NULL
3511 PRINCESS ST
NULL
EDINBURG, TX
LEGAL: VICTORIA HEIGHTS PH 1 LOT 13 & W 1/2 LOT 14

PROPERTY ID: 627886
OCHOA YESSICA & EVERARDO
NULL
3520 DUCHESS ST
NULL
EDINBURG, TX
LEGAL: VICTORIA HEIGHTS PH 1 LOT 21

PROPERTY ID: 633121
LEGAL:

PROPERTY ID: 633120
OBNIAL MILA M & GERARDO R
NULL
3701 LULA ST
EDINBURG, TX
LEGAL: OLIVIA ESTATES SEC 1 LOT 5 BLK 1

PROPERTY ID: 633125
REMORIN PAULETTE C & BERNARDO
NULL
3805 LULA ST
EDINBURG, TX
LEGAL: OLIVIA ESTATES SEC 1 LOT 10 BLK 1

PROPERTY ID: 633128
ROBLEDO DELIA
3823 LULA ST
EDINBURG, TX
LEGAL: OLIVIA ESTATES SEC 1 LOT 13 BLK 1

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 633123
TORRES ISAAC A
NULL
3719 LULA ST
NULL
EDINBURG, TX
LEGAL: OLIVIA ESTATES SEC 1 LOT 8 BLK 1

PROPERTY ID: 633118
GUZMAN RAFAEL VIDAL
NULL
3615 LULA ST
EDINBURG, TX
LEGAL: OLIVIA ESTATES SEC 1 LOT 3 BLK 1

PROPERTY ID: 633126
SAENZ ALBERTO & IDANIA
NULL
3811 LULA ST
EDINBURG, TX
LEGAL: OLIVIA ESTATES SEC 1 LOT 11 BLK 1

PROPERTY ID: 633124
RIOS GABRIELA A GARZA & JORGE EDUARDO RIOS GARZA
NULL
3721 LULA ST
EDINBURG, TX
LEGAL: OLIVIA ESTATES SEC 1 LOT 9 BLK 1

PROPERTY ID: 633117
OZUNA LUCIANO JR
NULL
3609 LULA ST
EDINBURG, TX
LEGAL: OLIVIA ESTATES SEC 1 LOT 2 BLK 1

PROPERTY ID: 633116
CASTRO CELINA G & ALEXIS C
NULL
3603 LULA ST
EDINBURG, TX
LEGAL: OLIVIA ESTATES SEC 1 LOT 1 BLK 1

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 633127
JOSE MARY D & JOSE K ANTONY
NULL
3817 LULA ST
EDINBURG, TX
LEGAL: OLIVIA ESTATES SEC 1 LOT 12 BLK 1

PROPERTY ID: 633122
GONZALEZ CARMEN ALICIA
NULL
3713 LULA ST
EDINBURG, TX
LEGAL: OLIVIA ESTATES SEC 1 LOT 7 BLK 1

PROPERTY ID: 633119
CRAIN SYLVIA & GRAYSON
NULL
3621 LULA ST
EDINBURG, TX
LEGAL: OLIVIA ESTATES SEC 1 LOT 4 BLK 1

PROPERTY ID: 634368
EDINBURG CONS IND SCHOOL DIST
NULL
411 N 8TH AVE
EDINBURG, TX
LEGAL: EDINBURG CONSOLIDATED IND SCHOOL DIST NO. 12 LOT 1

PROPERTY ID: 297526
GONZABA AGUEDA T & EULALIA T IBARRA
NULL
720 S RAUL LONGORIA RD
EDINBURG, TX
LEGAL: TEX-MEX SURVEY-E406.66'-W456.66'-N250' LOT 1 SEC 278 EXC E101.67'-
W355' 1.75AC GR 1.61AC NET

PROPERTY ID: 510138
CORONA SAN JUANA T
NULL
3918 W SPRAGUE ST
EDINBURG, TX
LEGAL: TEX-MEX SURVEY W101.67'-E761.67'-N250' LOT 1 SEC 278 0.58AC GR
0.53AC NET

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 539871
TREJO ANTONIO
NULL
PO BOX 6056
MCALLEN, TX
LEGAL: TEX-MEX SURVEY-W106.67'-E863.34'-N250' LOT 1 SEC 278 0.58AC GR
0.53AC NET

PROPERTY ID: 633165
CITY OF EDINBURG
NULL
PO BOX 1079
EDINBURG, TX
LEGAL: OLIVIA ESTATES SEC 1 LOT A

PROPERTY ID: 820296
CITY OF EDINBURG
NULL
PO BOX 1079
EDINBURG, TX
LEGAL: EDINBURG CONSOLIDATED IND SCHOOL DIST NO. 12 S75' D/D R/O/W
LYING S OF LOT 1

PROPERTY ID: 1274033
CITY OF EDINBURG
NULL
415 W UNIVERSITY DR
EDINBURG, TX
LEGAL: TEX-MEX SURVEY AN IRR TR W610'-S1070'-N1320' & N250'-W50' EXC
W600'-S856'-N1185' & N329'-E20'-W50'-LOT 1 & E569.80'-S1040'-N1290' EXC
E363.80'-S856'-N1185'- LOT 2 BLK 278 13.10AC NET

PROPERTY ID: 1181119
LANDS END PROPERTIES LLC
401 DOWNING AVE APT 4
EDINBURG, TX
LEGAL: MONMACK VILLAGE CONDOMINIUMS UNIT 1

PROPERTY ID: 1181120
LANDS END PROPERTIES LLC
401 DOWNING AVE APT 4
EDINBURG, TX
LEGAL: MONMACK VILLAGE CONDOMINIUMS UNIT 2

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 1181121
LANDS END PROPERTIES LLC
401 DOWNING AVE APT 4
EDINBURG, TX
LEGAL: MONMACK VILLAGE CONDOMINIUMS UNIT 3

PROPERTY ID: 1181122
LANDS END PROPERTIES LLC
401 DOWNING AVE APT 4
EDINBURG, TX
LEGAL: MONMACK VILLAGE CONDOMINIUMS UNIT 4

PROPERTY ID: 1181123
LANDS END PROPERTIES LLC
401 DOWNING AVE APT 4
EDINBURG, TX
LEGAL: MONMACK VILLAGE CONDOMINIUMS UNIT 5

PROPERTY ID: 1181124
LANDS END PROPERTIES LLC
401 DOWNING AVE APT 4
EDINBURG, TX
LEGAL: MONMACK VILLAGE CONDOMINIUMS UNIT 6

PROPERTY ID: 1181125
LANDS END PROPERTIES LLC
401 DOWNING AVE APT 4
EDINBURG, TX
LEGAL: MONMACK VILLAGE CONDOMINIUMS UNIT 7

PROPERTY ID: 1181126
LANDS END PROPERTIES LLC
401 DOWNING AVE APT 4
EDINBURG, TX
LEGAL: MONMACK VILLAGE CONDOMINIUMS UNIT 8

PROPERTY ID: 1181127
LANDS END PROPERTIES LLC
401 DOWNING AVE APT 4
EDINBURG, TX
LEGAL: MONMACK VILLAGE CONDOMINIUMS UNIT 9

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 1181128
LANDS END PROPERTIES LLC
401 DOWNING AVE APT 4
EDINBURG, TX
LEGAL: MONMACK VILLAGE CONDOMINIUMS UNIT 10

PROPERTY ID: 1181129
LANDS END PROPERTIES LLC
401 DOWNING AVE APT 4
EDINBURG, TX
LEGAL: MONMACK VILLAGE CONDOMINIUMS UNIT 11

PROPERTY ID: 1181496
SPRAGUE VILLAGE HOA INC
NULL
620 S 12TH ST
MCALLEN, TX
LEGAL: SPRAGUE VILLAGE 4.83AC FOR PRIVATE STREETS

PROPERTY ID: 1181534
OMARIAM LTD
NULL
6900 N 10TH ST STE 8
MCALLEN, TX
LEGAL: SPRAGUE VILLAGE LOT 153

PROPERTY ID: 1181533
RAINBOW FALLS PROPERTIES LLC
NULL
11500 WEST OLYMPIC BLVD STE 385
NULL
LOS ANGELES, CA
LEGAL: SPRAGUE VILLAGE LOT 152

PROPERTY ID: 1181572
WARFIELD JAMES O & KEVIN E BERGE
NULL
223 MARSH AVENUE
RENO, NV
LEGAL: SPRAGUE VILLAGE LOT 191

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 1181571
PROSPER RENTALS LLC
NULL
700 LAVACA ST STE 1401
AUSTIN, TX
LEGAL: SPRAGUE VILLAGE LOT 190

PROPERTY ID: 1181570
MENDOZA JOSE T
1304 S ROCKPORT ST
ALTON, TX
LEGAL: SPRAGUE VILLAGE LOT 189

PROPERTY ID: 1181568
ONG DAVID
NULL
7405 BRECKENRIDGE CT
PORT ARTHUR, TX
LEGAL: SPRAGUE VILLAGE LOT 187

PROPERTY ID: 1181567
ONG DAVID
NULL
7405 BRECKENRIDGE CT
PORT ARTHUR, TX
LEGAL: SPRAGUE VILLAGE LOT 186

PROPERTY ID: 1181566
SOMASUNDARAM VANI
11321 129TH ST E
PUYALLUP, WA
LEGAL: SPRAGUE VILLAGE LOT 185

PROPERTY ID: 1181565
NGAI MAI HANG
NULL
474 NORTH LAKE SHORE UT 4410
CHICAGO, IL
LEGAL: SPRAGUE VILLAGE LOT 184

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 1181564
DJUNAIDI WIJAYA & YUH WEN SEAH
NULL
13735 MADISON ST
THORNTON, CO
LEGAL: SPRAGUE VILLAGE LOT 183

PROPERTY ID: 1181563
TUINEAG STEFAN I & VENANSIA E
TRUSTEES FAMILY TRUST
3804 HAWTHORNE AVE
EDINBURG, TX
LEGAL: SPRAGUE VILLAGE LOT 182

PROPERTY ID: 1181541
CHU JAY K
NULL
616 PROUD EAGLE LN
LAS VEGAS, NV
LEGAL: SPRAGUE VILLAGE LOT 160

PROPERTY ID: 1181540
CHU JAY K
NULL
616 PROUD EAGLE LANE
LAS VEGAS, NV
LEGAL: SPRAGUE VILLAGE LOT 159

PROPERTY ID: 1181539
CHU JAY K
NULL
616 PROUD EAGLE LN
LAS VEGAS, NV
LEGAL: SPRAGUE VILLAGE LOT 158

PROPERTY ID: 1181538
VOGEL MICHAEL L & HELENA H MAK
NULL
11605 NEW AVE
GILROY, CA
LEGAL: SPRAGUE VILLAGE LOT 157

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 1181537
VOGEL MICHAEL L & HELENA H MAK
NULL
11605 NEW AVE
GILROY, CA
LEGAL: SPRAGUE VILLAGE LOT 156

PROPERTY ID: 1181536
FLORES CELESTE IRIS
1901 ANACUA CIR
EDINBURG, TX
LEGAL: SPRAGUE VILLAGE LOT 155

PROPERTY ID: 1181535
CREEKSIDE PROPERTIES LLC
1087 LEWIS RIVER RD NO 204
WOODLAND, WA
LEGAL: SPRAGUE VILLAGE LOT 154

PROPERTY ID: 1181569
PEREZ MARCO DENNIS
NULL
3616 HAWTHORNE AVE APT 1
NULL
EDINBURG, TX
LEGAL: SPRAGUE VILLAGE LOT 188

PROPERTY ID: 498863
RIO GRANDE BIBLE INSTITUTE
NULL
4300 S BUSINESS HIGHWAY 281
EDINBURG, TX
LEGAL: TEX-MEX SURVEY AN IRR TR W600'-S856'-N1185' & N329'-E20'-W30'-LOT
1 & E363.80'-S856'-N1185'-LOT 2 BLK 278 17.0AC NET

PROPERTY ID: 1464885
RAY DEL MAR INVESTMENTS LLC
NULL
1012 MARTIN AVE STE C
NULL
MCALLEN, TX
LEGAL: TOWNHOMES OF MON MACK LOT 1

Planning & Zoning Staff Report

Prepared on: April 21, 2023

ZONING BOARD OF ADJUSTMENT

Regular Meeting: April 26, 2023

Agenda Item

Consider Variance to the City's Unified Development Code, Section 3.202(A), Lot and Design Standards, Nonresidential and Mixed-Use Lot Standards, Setbacks, Lot 1, Edinburg Consolidated Independent School District Subdivision No. 13, located at 10010 Via Fernandez Street, as requested by Joe Hernandez of SLR Building Contractors, LLC, on behalf of Edinburg Consolidated Independent School District

Request

The applicant is requesting a variance to the City's Unified Development Code (UDC) Section 3.202(A) as it applies to rear yard setbacks nonresidential development. The applicant is proposing the expansion of an existing school building into the required rear yard setback.

Property Location and Vicinity

The property is located on the east side of Via Fernandez Street, approximately 200 ft. north of Ric Mar Street. The property is zoned Agriculture and Open Space (AO) District. Adjacent zoning is Agriculture and Open Space (AO) and Residential, Primary (RP) Districts to the east, and Residential, Primary (RP) District to the south. Land to the north and west of the subject property is outside the City Limits. The property is the location of the Enedina B. Guerra Elementary School. Surrounding land uses are single-family residential and vacant land.

Background and History

The property is part of the Edinburg Consolidated Independent School District Subdivision No. 13, recorded on February 11, 2003. It is the location of the Enedina B. Guerra Elementary School. The applicant is proposing an expansion to one of the school's buildings. Plans submitted by the applicant show an existing building with a proposed expansion located in the required rear yard setback for nonresidential developments. Variance is needed to proceed with the project as proposed.

Staff mailed notice of this variance request to 52 neighboring property owners. No comments in favor or against this request had been received at the time this report was prepared.

Analysis

A 6,000-7,000 sq. ft. gymnasium is located behind the principal school building. Plans submitted by the applicant propose a 15 ft. addition to this structure, extending to approximately 22.42 ft. from the rear property line. UDC Section 3.202(A) requires a minimum rear setback of 200 ft. for all nonresidential uses in the Agriculture and Open Space (AO) District. The plans, as proposed, represent an 88.79% reduction to the required rear setback.

Planning & Zoning Staff Report

Land adjacent to the encroachment belongs to the Hidalgo County Appraisal District No. 1. This will minimize the potential for conflicts with surrounding uses. Expanded recreational and athletic facilities would benefit the children attending the Guerra Elementary School.

Recommendation

Staff recommends approval of the variance request as it will not permit a use of land, building, or structure that is not otherwise permitted in the applicable district. This request is not out of character with other Edinburg Consolidated Independent School District schools.

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:

Rita Lee Guerrero

Assistant Director of Planning & Zoning

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 Nonresidential and Mixed-Use

Sec. 3.102, Standards for Nonresidential and Mixed-Use Development

...

A. District Standards. The district standards that are applicable to all nonresidential uses are provided in Table 3.202-1,, Nonresidential Use District Standards. The table includes provisions for intensity, utility requirements, minimum site area, and maximum height. Information relating to these standards and their abbreviations follows:

1. Use District and Development Types. The first column of both tables reflects the zoning districts and permitted uses.
2. Landscaped Surface Ratio (LSR). The second column reflects the minimum landscaped surface ratio required on a site. The ratio is calculated as a percentage of the site area, for example, 0.25 indicates 25 percent of a site must be open space (residential) or landscaped area (nonresidential).
3. Maximum Floor Area Ratio. The fifth column sets out the maximum allowable intensity of nonresidential uses, which is measured by a floor area ratio (FAR). Floor area ratio is calculated as provided in Division 3.300, Measurements and Exceptions.
4. Minimum Site Area. The fourth column indicates the minimum area that is required **for the listed development type**.
5. Maximum Height. The last column indicates the maximum allowable height by use and district.

...

Table 3.202-2 Nonresidential and Mixed-Use Building Placement Standards				
District and Use	Minimum			
	Build-To Line (ft.)	Front and Exterior Side Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
Agriculture and Open Space (AO)				
Agriculture	NA	50	50	50
Other nonresidential uses	NA	150	80	200
Residential, Suburban (RS)				
All nonresidential uses	NA	150	100	35
Residential, Primary (RP)				
All nonresidential uses	NA	50	20	35

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

...

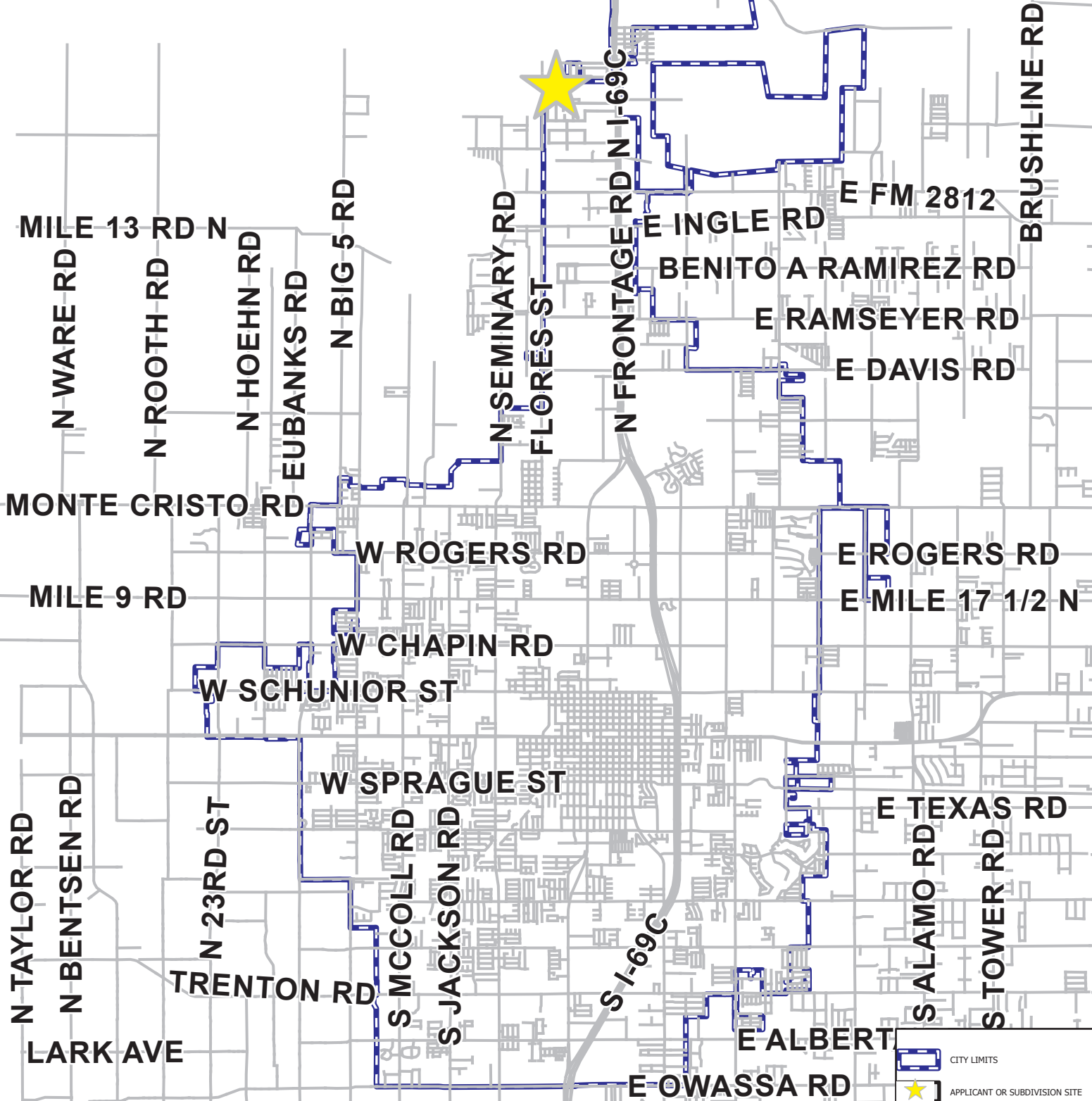
Specific Review Criteria.

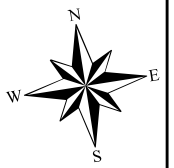
1. *Review Criteria. In determining whether to approve, approve with conditions, or deny a Variance, the review bodies shall consider the applicable common decision criteria in Sec. 9.205, Common Decision Criteria, and should not grant a variance unless the following conditions are satisfied:*
 - a. *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*

FM 490

W FM 490

E FM 490





1 in = 500 ft

COUNTY ROAD 4005

N VIA FERNANDEZ

COUNTY ROAD 4003

LETTY LN

BECKY LN

SUZETTE LN

SUNNY LN

RIC MAR ST

VIA SOL DR

VIA SOL

VIA PASEO

VIA DEL ORO

VIA SOL ST


CHOLA ST

VIA SOL DR

VIA FERNANDEZ

VIA PLATA

 CITY LIMITS

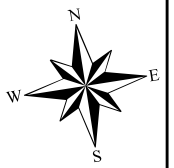
 APPLICANT OR SUBDIVISION SITE



AERIAL MAP

APPLICANT AND/OR SUBDIVISION:

JOE HERNANDEZ / 10010 VIA FERNANDEZ



1 in = 500 ft

COUNTY ROAD 4005

N VIA FERNANDEZ

COUNTY ROAD 4003

LETTY LN

BECKY LN

SUNNY LN

SUZETTE LN

VIA SOL DR

VIA FERNANDEZ

VIA PLATA

VIA PASEO

VIA DEL ORO

VIA SOL

CHOLA ST

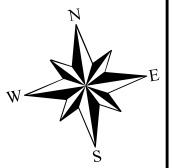
- CITY LIMITS
- APPLICANT OR SUBDIVISION SITE
- ZONING DISTRICTS**
- AGRICULTURE AND OPEN SPACE
- RESIDENTIAL, SUBURBAN
- RESIDENTIAL, PRIMARY
- RESIDENTIAL, MULTIFAMILY AND URBAN
- RESIDENTIAL, MANUFACTURED HOME
- URBAN UNIVERSITY
- DOWNTOWN
- COMMERCIAL, NEIGHBORHOOD
- COMMERCIAL, GENERAL
- INDUSTRIAL,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



ZONING MAP

APPLICANT AND/OR SUBDIVISION:

JOE HERNANDEZ / 10010 VIA FERNANDEZ



1 in = 500 ft

COUNTY ROAD 4005

N VIA FERNANDEZ

N BAYLIE BEAR DR

LETTY LN

BECKY LN

SUZETTE LN

SUNNY LN

COUNTY ROAD 4003

RIC MAR ST

VIA SOL DR

VIA DEL ORO

VIA PASEO

VIA PLATA

N CHOLA ST

VIA SOL ST

VIA SOL DR

VIA FERNANDEZ



CITY LIMITS



APPLICANT OR SUBDIVISION SITE



300FT NOTIFICATION



MAILOUT AND SITE MAP

APPLICANT AND/OR SUBDIVISION:

JOE HERNANDEZ / 10010 VIA FERNANDEZ

21.635 ACRE TRACT OF LAND OUT OF A CERTAIN 65.50 ACRE TRACT OUT OF LOT 46, BAKER'S SUBDIVISION, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP RECORDED IN VOLUME 2, PAGE 16, MAP RECORDS, HIDALGO COUNTY, TEXAS, AND ACCORDING TO JASH WARRANTY DEED RECORDED UNDER COUNTY CLERK'S DOCUMENT NOS. 654806 AND 655045, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS.

MITES AND BOUNDS

21.635 ACRE TRACT OF LAND OUT OF A CERTAIN 45.50 ACRE TRACT OUT OF
BARKER'S SUBDIVISION, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP
IN VOLUME 2, PAGE 46, MAP RECORDS, HIDALGO COUNTY, TEXAS, AND
IN TO CASH WARRANTY DEED RECORDED UNDER COUNTY CLERK'S DOCUMENT
654806 AND 655045, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS,
AND TO WHICH IS HERE MADE FOR ALL PURPOSES, AND BEING MORE
FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

46, AND ON THE WEST R.O.W. LINE OF VIA FERNANDEZ 150.00 FOOT
FOR THE NORTHEAST CORNER OF LOT 106, WITH DEEL SOL SUBDIVISION
111 (RECORDED IN VOLUME 31, PAGE 76, MAP RECORDED MIDLAND COUNTY,
AND THE SOUTHWEST CORNER OF THIS TRACT, SAID ROAD BEARS S 91°03'E,
FEET FROM A CONCRETE MONUMENT FOUND FOR THE NORTHEAST CORNER OF
DEEL SOL SUBDIVISION PHASE 111, AND ALSO BEARS S 91°03'E, 741.22
ON THE SOUTHWEST CORNER OF LOT 46,

N 08°57'E, A DISTANCE OF 1424.15 FEET TO A 1/2" IRON ROD 24" IN
SET FOR THE NORTHWEST CORNER OF THIS TRACT.

B 81°03'E, A DISTANCE OF 661.69 FEET TO A 1/2" IRON ROD 24" IN SET ON THE WEST LINE OF THE MARLEY C. ROBINSON, JR. TRACT, 4.805 ACRES (DEED RECORD: 25.50 ACRES) OF THE EASTERLY 1/3 OF LOT 24'S SUBDIVISION, ACCORDING TO SPECIAL WARRANTY DEED (EXHIBIT B) IN VOLUME 2534, PAGE 51, OFFICIAL RECORDS, KIDALGO COUNTY, IN THE NORTHEAST CORNER OF THIS TRACT.

8 09°37'N, ALONG THE WEST LINE OF THE FARLEY C. ROBINSON, JR.
AND THE WEST LINE OF THE EDNA R. SALINAS TRACT (TRACT 1: A 2.83
ACRE OF LAND OUT OF LOT 46, EDNA'S SUBDIVISION) ACCORDING TO
1 DEED RECORDED IN VOLUME 2747, PAGE 661, OFFICIAL RECORDS
COUNTY, TEXAS), A DISTANCE OF 1424.25 FEET TO A 3/4" IRON PIN
4 THE SOUTH LINE OF LOT 46, AND THE NORTH LINE OF VISTA DEL SOL
110N PHASE III FOR THE SOUTHWEST CORNER OF THE EDNA R. SALINAS
AND THE SOUTHEAST CORNER OF THIS TRACT.

N 81°03'W, ALONG THE SOUTH LINE OF LOT 48, AND THE NORTH LINE OF
 IL 80L SUBDIVISION FRAME 111, A DISTANCE OF 461.66 FEET TO THE
 BEGINNING, AND CONTAINING 21.535 ACRES OF LAND MORE OR LESS.

50.0'
30.0'
7.0'

F. CONSTRUCTED OVER ANY
E.

REQUIRED 15.53 CU FT

STRUCTURES SHALL BE
JACK SMALL EASEMENT
IT BE RESPONSIBLE
IN THIS STATE

CONSTRUCTED OVER ANY
E.
REQUIRED IS 8.5 GROSS CU FT.

STRUCTURES SHALL BE
VACUUM EASEMENT
21 BE RESPONSIBLE
OF THIS STATE.

VIA FERNANDEZ

LOT 1

THE EDNA R. SALINAS TRACT
TRACT 1: A 2.83 ACRE TRACT OF
LAND OUT OF LOT 46, BAUER'S SUBDIVISION,
ACCORDING TO WARRANTY DEED RECORDED IN VOLUME
2767, PAGE 661, OFFICIAL RECORDS
HIDALGO COUNTY TEXAS

FILED FOR RECORD IN:
HIDALGO COUNTY
BY J.D. SALINAS, II
COUNTY CLERK
ON: 2-14-23 AT 5:49 AM
AS A RECORDING NUMBER 111699
BY: J. Salinas DEPUTY

Recorded in volume 41 Page 144
of the map records of Hidalgo
County, Texas
J.D. Salinas III
County Clerk

QUINTANILLA, HEADLEY, AND ASSOCIATES, INC
CONSULTING ENGINEERS AND LAND SURVEYORS
124 E. STUBBS ST., EDINBURG, TEXAS 78539 PH. 361-6480

PREPARED MARCH 2, 1998

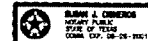
STATE OF TEXAS
COUNTY OF HIDALGO

I, (WE) THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON HEREIN AS THE EDINBURGH CONSOLIDATED INDEPENDENT SCHOOL SUBDIVISION TO THE CITY OF EDINBURGH, TEXAS, AND WHOSE KA HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL ST COURSES, EASEMENTS, DRAINS, AND PUBLIC PLACES THEREON AND CONSIDERATIONS THEREIN EXPRESSED.

STATE OF TEXAS
COUNTY OF HEDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSON
EUGENE COUTUREZ AND RUDY RAMIREZ KNOWN TO ME TO BE
NAME(S) IS (ARE) SUBSCRIBED TO THE FOREGOING INSTRUMENT
THAT HE (THEY) EXECUTED THE SAME FOR THE PURPOSES AND
STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 20th OF



I, THE UNDERSIGNED, ~~PERSON~~ OF THE PLANNING AND ZONING
EDINBURG, TEXAS, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT
MENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN

DATE 09/14/1999 CRIPSON

NOTE:
MIDLAND COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE 1
THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT
TEXAS WATER CODE NO. 49.311(c). THE DISTRICT HAS NOT REVIEWED AND
THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE
BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY
DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE STATEMENTS.

FRONALGO COUNTY PROWERS

STATE OF TEXAS
COUNTY OF HEOALDO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEY DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT, AND FROM AN ACTUAL SURVEY OF THE PROPERTY DONE ON THE GROUND.



STATE OF TEXAS
COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN
HEREBY CERTIFY THAT THE PROPER ENGINEERING CONSIDERATIONS
THIS PLAN.



PUERTA DEL SOL SUBDIVISION
UNIT No. 2
VOLUME 21, PAGE 55, MAP RECORDS
HIDALGO COUNTY, TEXAS

BENCHMARK:
E.P.S. SET IN POWER POLE, 170.0 FEET EAST
AND 21' SOUTH OF THE SOUTHWEST CORNER
OF E.C.S.D. SUBDIVISION NO.13
ELEVATION: 27.00

NOTE:
ALL TRAFFIC CONTROL
OUTSIDE THE PROPERTY
LINE IS THE RESPONSIBILITY
OF F.C.I.S.D.

U.S. 281 EXPRESSWAY



GENERAL NOTES

1. REFER TO SHEET G.001 FOR FULL LIST OF REFERENCE NOTES.
2. REFER TO STRUCTURAL FOR ADDITIONAL CONCRETE SLAB/FOUNDATION INFORMATION.
3. REFER TO ELECTRICAL FOR ADDITIONAL INFORMATION.
4. REFER TO PLUMBING FOR ADDITIONAL FLOOR DRAIN INFORMATION.

REFERENCE NOTES

100% : FOR CONSTRUCTION

11720 NORTH HISS
ASTIN TEXAS 78753
PH: 512.247.4650
204 E. STUBBS
STREET ARLING, TX
76010
PH: 754.386.6411

**NEGRETE & KOLAR
ARCHITECTS LLP**



Proj. # 2022-01

E.C.I.S.D.
GUERRA ELEMENTARY GYM ADDITION
GYM ADDITION
10010 N. VILLA FERNANDEZ RD. EDINBURG, TEXAS 78539

DRAWN BY: EZ	ISSUED DATE: 10/19/2022
REVISION / ADDENDA	
NO.	DATE DESCRIPTION

ARCHITECTURAL SITE PLAN

AS.100



1 EXISTING OVERALL SITE PLAN
AS.100 SCALE: 1" = 20'-0" REF: A.107

Zoning Board of Adjustment

Site Photos for meeting of April 26, 2023

JOE HERNANDEZ/ECISD - 909 SOUTH MON MACK ROAD



Planning & Zoning

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



Zoning Variance Application

ENERGOV CASE # VAR-2023-0661

Property Owner Name: Edinburg CISD

Owner Contact Information

Mailing Address: 411 N 8th Avenue Edinburg/Texas 78542
Street Address City/State Zip Code

Phone (Home): 956-287-2300 (Work): _____ (Cell): _____

Email: _____

Agent/Applicant Name (if different than Owner): SLR building contractor, LLC (Joe Hernandez)

Applicant Contact Information

Mailing Address: 1803 S. Cesar Chavez Rd. Edinburg/Texas 78542
Street Address City/State Zip Code

Phone (Home): 956-383-7194 (Work): _____ (Cell): _____

Email: J. Hernandez@SLRbc.com

Property Address for Variance: 10010 Via Fernandez st Edinburg/Texas 78541
Street Address City/State Zip Code

Property Legal Description: 1 Edinburg CISD Dist No 13
Lot Block Subdivision

Present Property Zoning: _____ Property ID#: 667104

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

The proposed lot back for the rear is 30 LF. According to plans we would like to
encroach 8' toward the property line

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.

we would like to encroach 8' toward the property line on the rear side

OFFICE USE ONLY:

UDC Section(s) Requiring Variance: _____

Reviewed by: [Signature] Date: 4-4-2023

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. **X - Others are not allowed to build in setbacks.**
- ☐ 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. **X - Building in setback is not harmonious with UDC.**
- ☒ The Variance requested is the minimum variance that will make possible a permitted use of the land, building, or structure. **X - Could redesign or continue with existing 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: 04/04/23
Owner/Agent's Name (Please Print): Joe Hernandez

OFFICE USE ONLY

\$450 Application Fee: 202038094 Payment Received by: 4-4-23 F.Z.
Receipt No.
Application deadline: April 3 ZBA Hearing date: April 26-2023

- **\$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: 263679
GALVAN ARLEEN
CARLOS F GUAJARDO
702 RIC MAR ST
EDINBURG, TX 78541-9758
LEGAL: PUERTA DEL SOL NE1.0AC-TR 1 FOR IMPS 1.0AC NET

PROPERTY ID: 565210
GARZA GUADALUPE JR & ALMA G
NULL
713 RIC MAR ST
EDINBURG, TX 78541-9758
LEGAL: VISTA DEL SOL PH 3 LOT 98

PROPERTY ID: 565214
GUTIERREZ JONATHAN & MELISSA LILIBETH
NULL
124 ALDRIN
NULL
DONNA, TX 78537
LEGAL: VISTA DEL SOL PH 3 LOT 102

PROPERTY ID: 565212
HERNANDEZ CARLOS I
NULL
807 RIC MAR ST
EDINBURG, TX 78541-9337
LEGAL: VISTA DEL SOL PH 3 LOT 100

PROPERTY ID: 565218
CORTEZ ALMA GLORIA
93 E BUSINESS 83
ALAMO, TX 78516
LEGAL: VISTA DEL SOL PH 3 LOT 106

PROPERTY ID: 565213
TORRES PRISCILLA DEANN
NULL
905 RIC MAR RD
NULL
EDINBURG, TX 78541
LEGAL: VISTA DEL SOL PH 3 LOT 101

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 565211
CASTILLO-CASARES OLIVIA
NULL
8420 SPRUILL DR
BOWIE, MD 20720-4568
LEGAL: VISTA DEL SOL PH 3 LOT 99

PROPERTY ID: 565219
GARCIA BERNABE JR
NULL
1011 RIC MAR ST
EDINBURG, TX 78541-9365
LEGAL: VISTA DEL SOL PH 3 LOT 107

PROPERTY ID: 565255
QUEZADA RICARDO & MARIA
NULL
1340 S 61ST CT
CICERO, IL 60804-1046
LEGAL: VISTA DEL SOL PH 3 LOT 143

PROPERTY ID: 565237
GARCIA BERNABE JR
NULL
1011 RIC MAR ST
EDINBURG, TX 78541-9365
LEGAL: VISTA DEL SOL PH 3 LOT 125

PROPERTY ID: 565217
GARCIA ESMERALDA
NULL
1003 RIC MAR ST
EDINBURG, TX 78541-9365
LEGAL: VISTA DEL SOL PH 3 LOT 105

PROPERTY ID: 565216
RIOS MAXIMIANO JR & ARIANNA L CONTRERAS
NULL
3220 E FM 2812
NULL
EDINBURG, TX 78542-4836
LEGAL: VISTA DEL SOL PH 3 LOT 104

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 565215
REYNA JUAN P GONZALEZ & LAURA GONZALEZ
ALICIA RODRIGUEZ
913 RIC MAR ST
EDINBURG, TX 78541-8313
LEGAL: VISTA DEL SOL PH 3 LOT 103

PROPERTY ID: 565248
REYES EDUARDO
NULL
9910 VIA FERNANDEZ
NULL
EDINBURG, TX 78541
LEGAL: VISTA DEL SOL PH 3 LOT 136

PROPERTY ID: 565249
SALAZAR ADRIAN & ADRIANA RIOS
NULL
9905 VIA PLATA
EDINBURG, TX 78541-9703
LEGAL: VISTA DEL SOL PH 3 LOT 137

PROPERTY ID: 597567
CITY OF EDINBURG
NULL
PO BOX 1079
EDINBURG, TX 78540-1079
LEGAL: BAKER'S E15'-W756.22' E50'-W806.22'-N646.55' & S15'-N55'-E661.69'-
W1417.91' 1.88AC

PROPERTY ID: 542560
GALVAN ARLEEN
CARLOS F GUAJARDO
702 RIC MAR ST
EDINBURG, TX 78541-9758
LEGAL: PUERTA DEL SOL E760'-S572.95' EXC NE 1.0AC-TR 1 FOR IMPS 9.00AC
NET

PROPERTY ID: 120169
OSO GRANDE ESTATES LLC
NULL
5711 NORTH 10TH STREET
MCALLEN, TX 78504-2604
LEGAL: BAKER'S N646.55'-E1380.3'-W1407.3' & S1424.25'-E714.22'-W741.22' EXC
AN IRR TR 1.88AC BLK 46 41.96AC

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 963772
HIDALGO COUNTY DRAINAGE DISTRICT NO 1
NULL
900 N DOOLITTLE RD
EDINBURG, TX 78542
LEGAL: BAKER'S AN IRR TR N406.68'-S528.79'-W180'-E700.59' BLK 46 0.935 AC
NET

PROPERTY ID: 120172
SALINAS JAIME J
NULL
623 RIC MAR ST
EDINBURG, TX 78541-9372
LEGAL: BAKER'S W233.53'-E700.59'-S528.5' BLK 46 EXC IRR TR N406.68'-W180'
1.89 AC NET

PROPERTY ID: 120170
SALINAS SANTOS & EDNA R & VICTOR J
NULL
619 RIC MAR ST
EDINBURG, TX 78541-9372
LEGAL: BAKER'S W233.53'-E467.06'-S528.5' BLK 46 2.83 AC NET

PROPERTY ID: 667104
EDINBURG CONS IND SCHOOL DIST
NULL
411 N 8TH AVE
EDINBURG, TX 78541-3309
LEGAL: EDINBURG CONSOLIDATED IND SCHOOL DIST NO. 13 LOT 1

PROPERTY ID: 1351861
HIDALGO COUNTY DRAINAGE DISTRICT NO. 1
NULL
902 N DOOLITTLE RD
EDINBURG, TX 78542-7470
LEGAL: BAKER'S S110'-N1542.30'-E700.51' BLK 46 1.77AC

PROPERTY ID: 1373226
ZARATE ELIAS III & SABRINA KASSANDRA HUIZAR
10901 N BAYLIE BEAR DR
EDINBURG, TX 78541-2082
LEGAL: OSO GRANDE ESTATES LOT 7

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 1373227
TREJO JOSE L & MELISA Z
NULL
10825 N BAYLIE BEAR DR
NULL
EDINBURG, TX 78541-2079
LEGAL: OSO GRANDE ESTATES LOT 8

PROPERTY ID: 1373228
BROWN CARLA S & MARY A MOLINA
10821 N BAYLIE BEAR DR
EDINBURG, TX 78541
LEGAL: OSO GRANDE ESTATES LOT 9

PROPERTY ID: 1373229
SALINAS SAUL
PO BOX 3632
EDINBURG, TX 78540
LEGAL: OSO GRANDE ESTATES LOT 10

PROPERTY ID: 1373230
FILTER ON INVESTMENTS COMPANY LLC
NULL
1318 TARPON CT
NULL
EDINBURG, TX 78542-9195
LEGAL: OSO GRANDE ESTATES LOT 11

PROPERTY ID: 1373231
GUTIERREZ BRUCE & ANITA
NULL
8503 SUNRISE LN
EDINBURG, TX 78542-6017
LEGAL: OSO GRANDE ESTATES LOT 12

PROPERTY ID: 1373232
GUTIERREZ BRUCE & ANITA
NULL
8503 SUNRISE LN
EDINBURG, TX 78542-6017
LEGAL: OSO GRANDE ESTATES LOT 13

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 1373233
DAGIRA DEVELOPMENTS LLC
1514 S 12TH AVE
EDINBURG, TX 78539
LEGAL: OSO GRANDE ESTATES LOT 14

PROPERTY ID: 1373234
GOMEZ ISRAEL & EVELYNN OLIVARES
10745 N BAYLIE BEAR DR
EDINBURG, TX 78541
LEGAL: OSO GRANDE ESTATES LOT 15

PROPERTY ID: 1373235
CARDENAS VIOLETA LUDIVINA
1447 GUADALAJARA AVE
BROWNSVILLE, TX 78526
LEGAL: OSO GRANDE ESTATES LOT 16

PROPERTY ID: 1373236
TELLEZ JORGE DANIEL
700 S 6TH ST APT A
MCALLEN, TX 78501
LEGAL: OSO GRANDE ESTATES LOT 17

PROPERTY ID: 1373237
MATA JUAN CARLOS
13601 CENTENNIAL AVE
EDINBURG, TX 78542
LEGAL: OSO GRANDE ESTATES LOT 18

PROPERTY ID: 1373238
FERIA GILBERT
7906 HIDALGO ST
PHARR, TX 78577
LEGAL: OSO GRANDE ESTATES LOT 19

PROPERTY ID: 1373239
THREE TOWERS CONSTRUCTION LLC
901 E LA CANTERA AVE APT 4
MCALLEN, TX 78503
LEGAL: OSO GRANDE ESTATES LOT 20

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 1373240
ARRIAGA CHELSEA
2508 TOLEDO AVE APT 3
EDINBURG, TX 78541
LEGAL: OSO GRANDE ESTATES LOT 21

PROPERTY ID: 1373241
THREE TOWERS CONSTRUCTION LLC
901 E LA CANTERA AVE APT 4
MCALLEN, TX 78503
LEGAL: OSO GRANDE ESTATES LOT 22

PROPERTY ID: 1373242
THREE TOWERS CONSTRUCTION LLC
901 E LA CANTERA AVE APT 4
MCALLEN, TX 78503
LEGAL: OSO GRANDE ESTATES LOT 23

PROPERTY ID: 1373243
SANCHEZ SUSANA
10709 N BAYLIE BEAR DR
EDINBURG, TX 78539
LEGAL: OSO GRANDE ESTATES LOT 24

PROPERTY ID: 1373262
BARAJAS CRYSTAL FARFAN
1108 CACTUS LN
EDINBURG, TX 78541
LEGAL: OSO GRANDE ESTATES LOT 43

PROPERTY ID: 1373261
RG ENTERPRISES LLC
NULL
711 E WISCONSIN RD
EDINBURG, TX 78539-7007
LEGAL: OSO GRANDE ESTATES LOT 42

PROPERTY ID: 1373260
SANCHEZ IRENE YVETTE DBA SPIKE PROPERTIES
4504 E CURRY RD
EDINBURG, TX 78542
LEGAL: OSO GRANDE ESTATES LOT 41

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 1373259
SANCHEZ IRENE YVETTE DBA SPIKE PROPERTIES
4504 E CURRY RD
EDINBURG, TX 78542
LEGAL: OSO GRANDE ESTATES LOT 40

PROPERTY ID: 1373258
HERNANDEZ CRISTINA
33022 STANFORD RD
LOS FRESNOS, TX 78566-5001
LEGAL: OSO GRANDE ESTATES LOT 39

PROPERTY ID: 1373257
HERNANDEZ RODOLFO E & LYNNET HERNANDEZ
33022 STANFORD RD
LOS FRESNOS, TX 78566-5001
LEGAL: OSO GRANDE ESTATES LOT 38

PROPERTY ID: 1373248
HERNANDEZ ERIC GUZMAN
10708 N BAYLIE BEAR DR
EDINBURG, TX 78541
LEGAL: OSO GRANDE ESTATES LOT 29

PROPERTY ID: 1373249
ARTEAGA CRISTIAN ALEJANDRA & JOSEPH DANIEL YATES
10712 N BAYLIE DEAR DR
EDINBURG, TX 78541
LEGAL: OSO GRANDE ESTATES LOT 30

PROPERTY ID: 1373250
QUINTANILLA MATTHEW J & AMANDA MICHAEL BERNAL
10716 N BAYLIE BEAR DR
EDINBURG, TX 78541
LEGAL: OSO GRANDE ESTATES LOT 31

PROPERTY ID: 1373251
COMISO SIENNA A
10720 BAYLIE BEAR DR
EDINBURG, TX 78541
LEGAL: OSO GRANDE ESTATES LOT 32

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 1373252
GONZALEZ MARISOL & GERARDO CARDENAS OLVERA
NULL
10724 BAYLIE DR
NULL
EDINBURG, TX 78541
LEGAL: OSO GRANDE ESTATES LOT 33

PROPERTY ID: 1373253
GONZALEZ CRISTO REY & PAOLA MARIE JASSO
10728 N BAYLIE BEAR DR
EDINBURG, TX 78541
LEGAL: OSO GRANDE ESTATES LOT 34

PROPERTY ID: 1373254
HERNANDEZ FRANCISCO HUMBERTO JR
NULL
8826 MEADOW LN
NULL
EDINBURG, TX 78542
LEGAL: OSO GRANDE ESTATES LOT 35

PROPERTY ID: 1373255
NEW VALLEY HOMES LLC
505 HUNTER DR
ALAMO, TX 78516
LEGAL: OSO GRANDE ESTATES LOT 36

PROPERTY ID: 1373256
KENT MICHAEL ANTHONY & JESMIN LUCIO KENT
419 LOTTO LN APT 4
EDINBURG, TX 78541
LEGAL: OSO GRANDE ESTATES LOT 37

PROPERTY ID: 1373247
RG ENTERPRISES LLC
NULL
711 E WISCONSIN RD
EDINBURG, TX 78539-7007
LEGAL: OSO GRANDE ESTATES LOT 28

PROPERTY ID: 1373246
DANZAI CONSTRUCTION LLC
1022 E UNIVERSITY DR
EDINBURG, TX 78539
LEGAL: OSO GRANDE ESTATES LOT 27

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 1373245
ALBIAR ANDREI OMAR & CARMAN MARIA
3201 GILLESPIE LN
HONOLULU, HI 96818
LEGAL: OSO GRANDE ESTATES LOT 26

PROPERTY ID: 1373244
PEREZ JUAN SEBASTIAN & SANDRA LORENA
NULL
10705 N BAYLIE BEAR DR
NULL
EDINBURG, TX 78541
LEGAL: OSO GRANDE ESTATES LOT 25

PROPERTY ID: 1373219
HIDALGO COUNTY DRAINAGE DISTRICT NO. 1
NULL
902 N DOOLITTLE RD
EDINBURG, TX 78542-7470
LEGAL: OSO GRANDE ESTATES S50' D/D R/O/W

Planning & Zoning Staff Report

Prepared on: April 21, 2023

ZONING BOARD OF ADJUSTMENT

Regular Meeting: April 26, 2023

Agenda Item

Consider Variance to the City's Unified Development Code, Section 3.102(C)(1), Lot and Design Standards, Single-Family Detached Lot and Building Standards, Setbacks, the east 1.50 foot of Lot 1 and all of Lot 2, Block 204, Original Townsite of Edinburg, located at 606 East Kuhn Street, as requested by Rene Olivarez

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 residential development. The applicant is proposing to allow an existing house built into the front and side setbacks and proposes the expansion of an existing accessory structure, also built into the side yard setback.

Property Location and Vicinity

The property is located on the south side of East Kuhn Street, approximately 50 ft. east of North 16th Avenue, two blocks north of East University Drive. The property is zoned Residential, Primary (RP) District. Adjacent zoning is Residential, Primary (RP) District in all directions. Adjacent land uses are single-family residential with mixed institutional uses in the surrounding area.

Background and History

The property is part of the Original Townsite of the City of Edinburg, recorded in 1913. A single-family home and related accessory dwelling unit are located on the property. The applicant acquired the property earlier this year and proposes an addition to the existing accessory structure. Variance is needed to proceed with the project due to the primary and principal structures being located in the required setbacks.

Staff mailed notice of this variance request to 36 neighboring property owners. No comments in favor or against this request had been received at the time this report was prepared.

Analysis

The home and accessory structure at this location were constructed in 1989. The principal structure is located approximately 13.00 ft. from the front property line and approximately 3.50 ft. from the west side property line. The existing accessory structure is located on the eastern property line with no separation. UDC Section 3.102(C) (1) requires a minimum setback of 20 ft. for front yards and 6 ft. for side yards in the Residential, Primary (RP) District. The applicant acquired the subject property earlier this year with its existing nonconformities.

Planning & Zoning Staff Report

Plans submitted by the applicant show a proposed addition to the existing storage facility, extending the structure 17.75 ft. to the south complying with the setbacks.

Recommendation

Staff recommends approval of this variance request as a need for the variance request did not result from the actions of the applicant.

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:

Rita Lee Guerrero

Assistant Director of Planning & Zoning

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

...

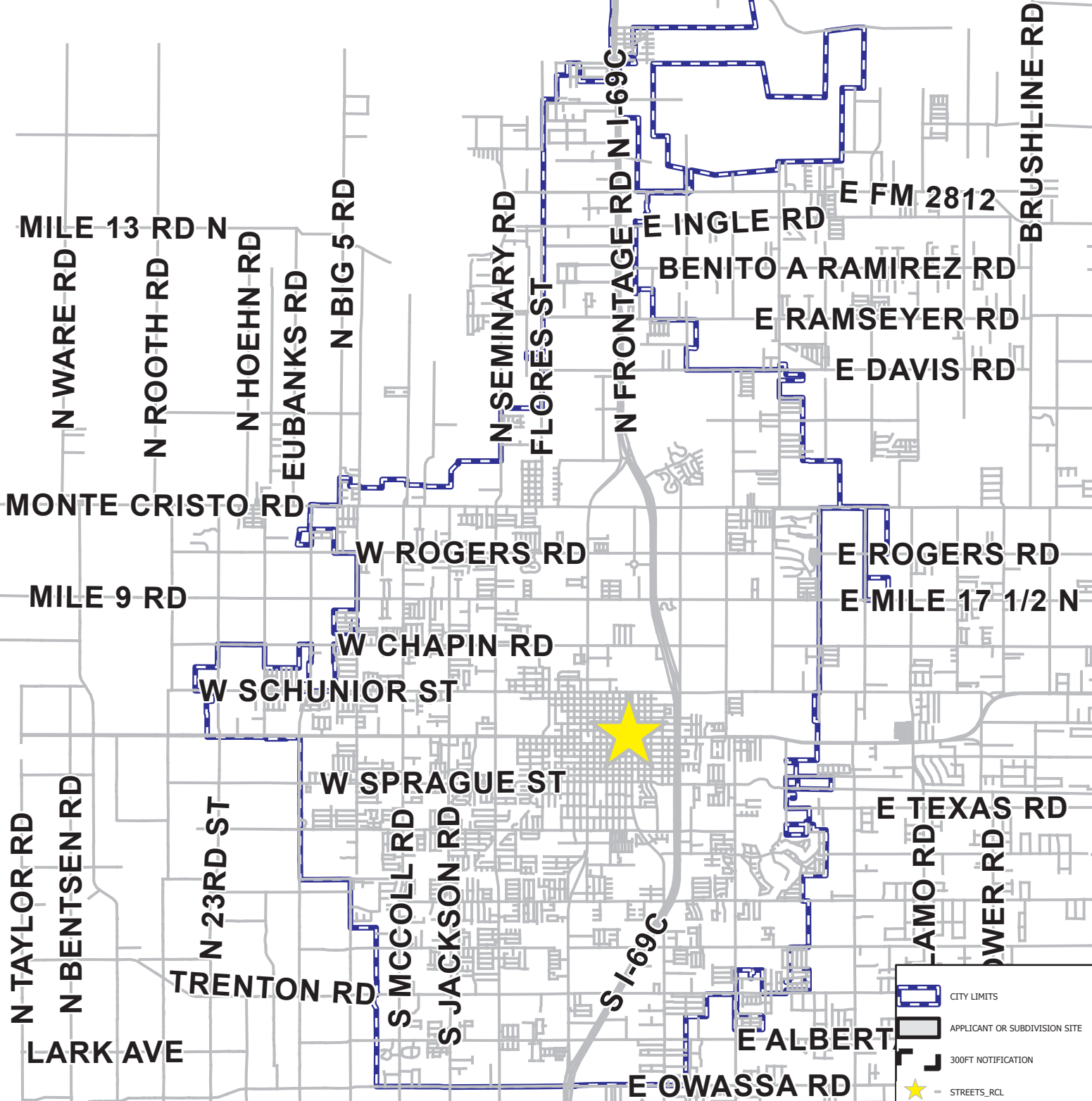
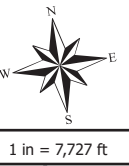
Specific Review Criteria.


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*


FM 490


W FM 490


E FM 490

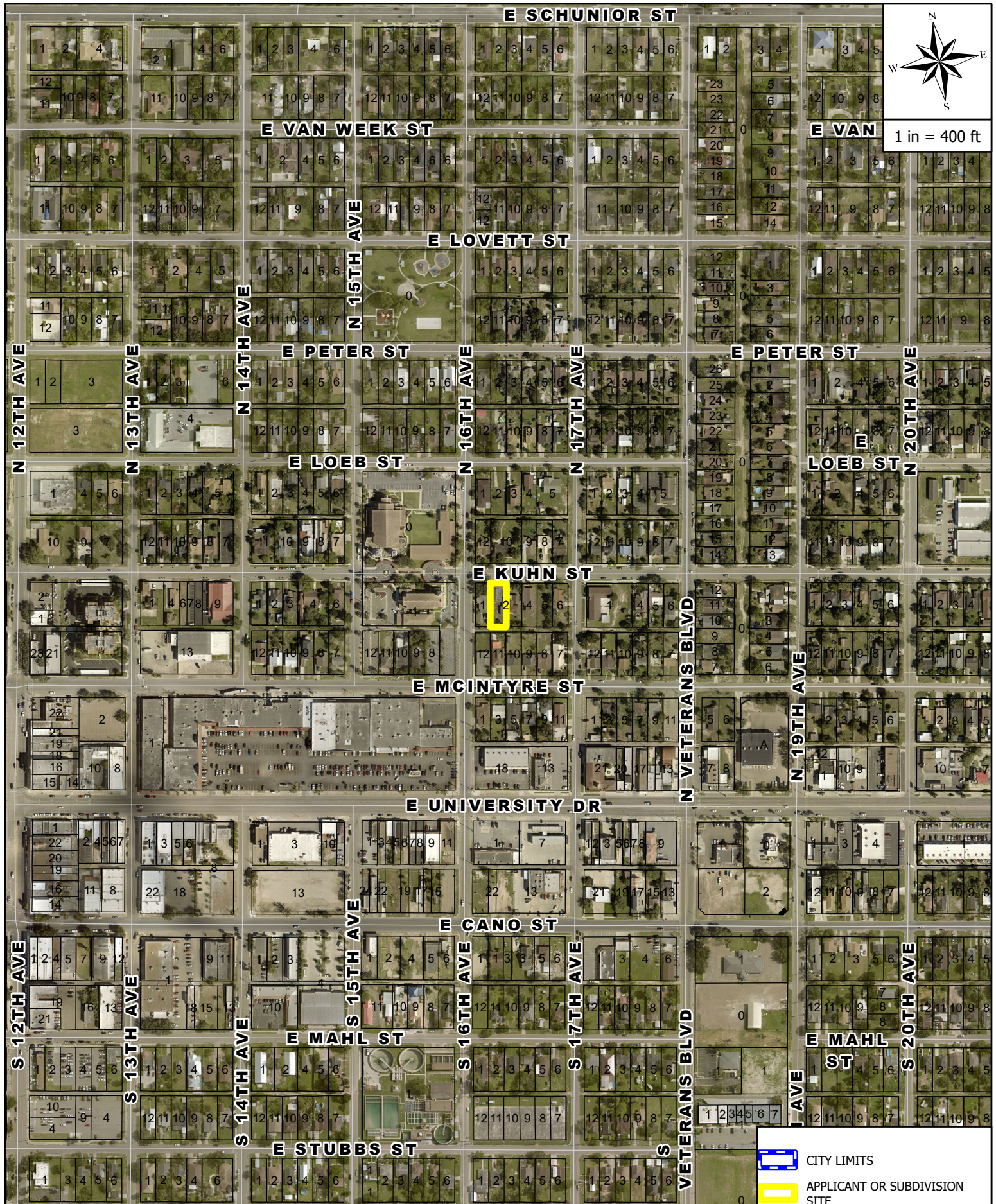


 CITY LIMITS

 APPLICANT OR SUBDIVISION SITE

 300FT NOTIFICATION

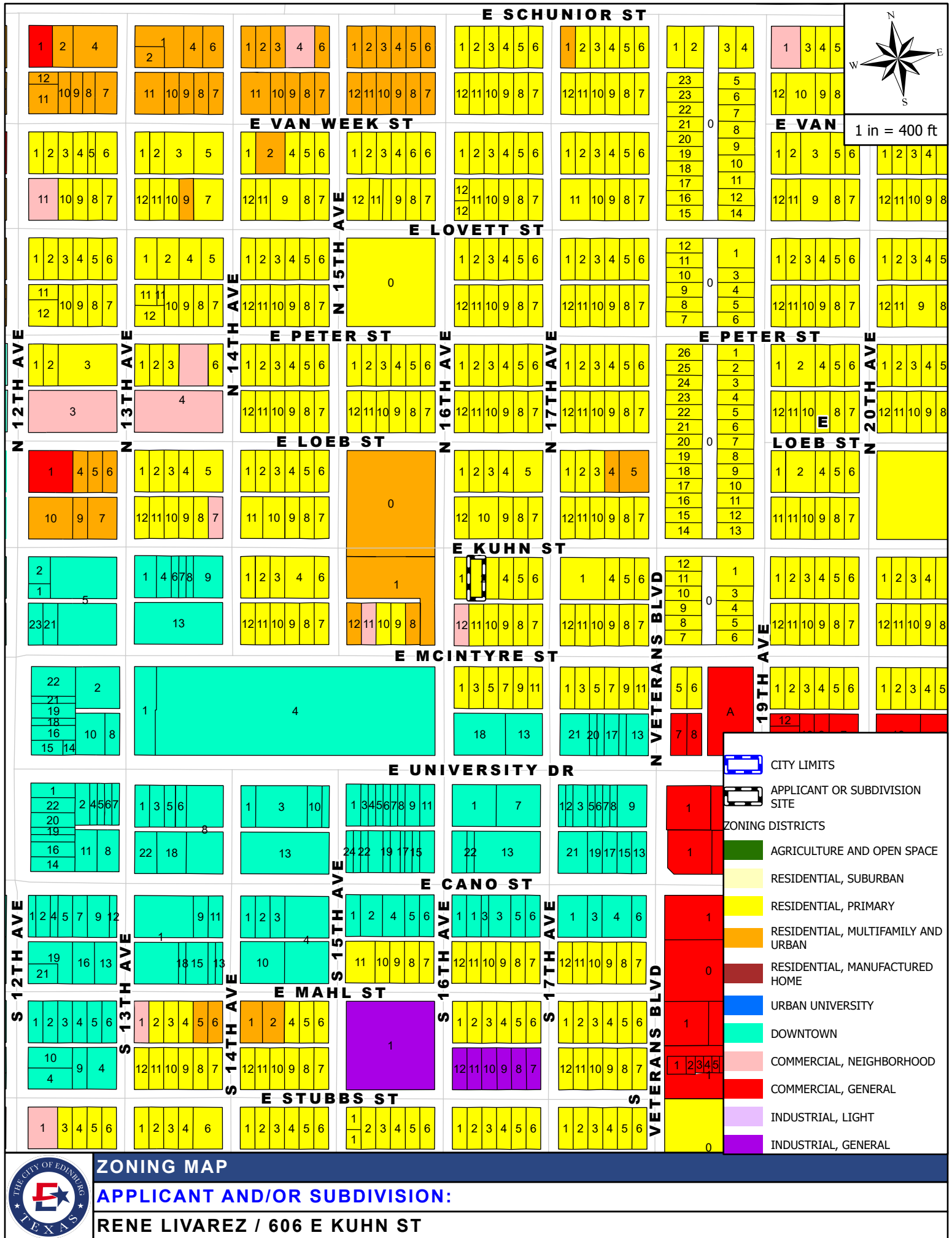
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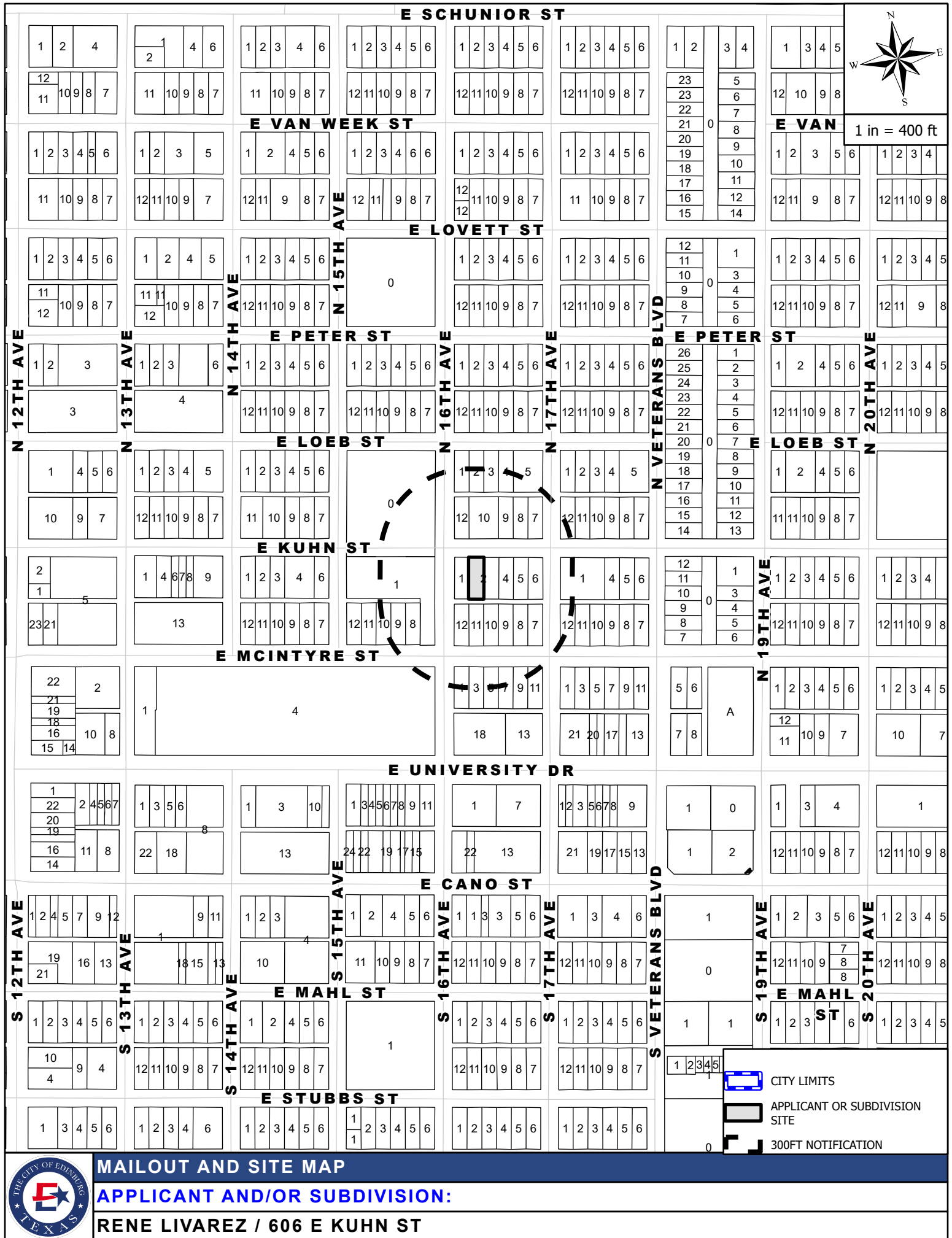


AERIAL MAP

APPLICANT AND/OR SUBDIVISION:

RENE LIVAREZ / 606 E KUHN ST



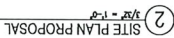


MAILOUT AND SITE MAP

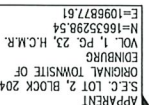
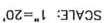
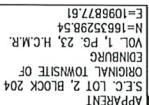
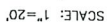
APPLICANT AND/OR SUBDIVISION:

RENE LIVAREZ / 606 E KUHN ST

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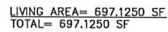


LEGEND

- DIST. FENCE
- DIST. POST
- DIST. POSTAL
- DIST. POWER POLE
- N.S.R. NORTHERN SECTION LINES
- S.E.C. SOUTHEAST CORNER
- S.W.C. SOUTHWEST CORNER
- N.E.C. NORTHEAST CORNER
- N.W.C. NORTHWEST CORNER
- E.C. EAST CORNER
- P-E PROPERTY LINE TO EASE OF ASPHALT
- E-E EASE OF ASPHALT
- E-E EASE OF ASPHALT
- H.C.R. HOALCO COUNTY RECORDS
- H.C.R. HOALCO COUNTY DEED
- H.C.R. HOALCO COUNTY MAP
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- R.O.W. RIGHT OF WAY
- FOUND "X" ON CONCRETE
- FOUND 1/2" PPE
- FOUND 1/2" IRON ROD
- S.S. 1/2" IRON ROD

[illegible]

②



THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY FINE R. OLIVAREZ, P.E. LICENSEE TOPIC REGISTRATION NO. 12179



04/01/73

606 E Kuhn St,
Edinburg, TX 78541

[illegible]

PROJECT NO.: 2305

CRANEY, ROL

Office: R.O.

9-533 TITLE:

FLOOR PLAN PROPOSAL

S H E E T

A.04

Zoning Board of Adjustment

Site Photos for meeting of April 26, 2023

RENE OLIVAREZ - 606 EAST KUHN STREET



Planning & Zoning

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



THE CITY OF
Edinburg

Zoning Variance Application

ENERGOV CASE # **VAR-2023-0162**

Property Owner Name: **Rene Olivarez**

Owner Contact Information

Mailing Address: **3620 Ida** **Edinburg** **78539**

Street Address

City/State

Zip Code

Phone (Home): _____ (Work): **956-513-1849** (Cell): **956-292-3336**

Email: **r.olivarez@ro-engineering.com**

Agent/Applicant Name (if different than Owner): **Rene Olivarez**

Applicant Contact Information

Mailing Address: **3620 Ida** **Edinburg, TX** **78539**

Street Address

City/State

Zip Code

Phone (Home): _____ (Work): **956-513-1849** (Cell): **956-292-3336**

Email: **r.olivarez@ro-engineering.com**

Property Address for Variance: **606 E. Kuhn St.** **Edinburg, TX** **78539**

Street Address

City/State

Zip Code

Property Legal Description: **LOT 1 E1'6,2 BLK 204 EDINBURG TOWNSITE**

Lot

Block

Subdivision

EDINBURG TOWNSITE LOT 1 E 1'6, LOT 2 BLK 204

RP - Residential, Primary

Present Property Zoning: ~~**RS - Residential, Suburban**~~ Property ID#: **164772**

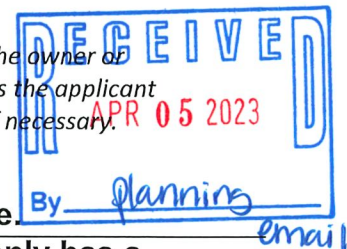
Nature of Request (cite all applicable UDC Sections):

Property was purchased with existing buildings encroaching on setbacks. We want to add 15' south as shown on plans (Variance 1 & 2) and clarify or rectify the setbacks of the existing residence building (variance 3 & 4).

Reason for Appeal

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

- **Variance #1: Existing Studio was built along property line on east side.**
- **Variance #2: Propose addition to Studio to south side by 15'. Studio only has a kitchen and living room. We are proposing to add a bedroom.**
- **Variance #3: Existing residential building was built 13' from front property line. Requesting to approve existing set backs as is.**
- **Variance #4: Existing residential building was built 3'-6" from west side property line. Requesting to approve existing set backs as is.**



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. **X- Proposing additional construction in setback.**
- ☐ 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. **X- Could redesign or continue with existing 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: Rene Olivarez Digitally signed by 790e290f-f77e-481a-8232-7447ec388279
Date: 2023.04.05 16:27:34 -05'00' Date: April 5, 2023

Owner/Agent's Name (Please Print): Rene Olivarez

OFFICE USE ONLY

\$450 Application Fee: Credit Card-online Application Received by: Rene Olivarez

Receipt No.

Application deadline: April 3rd ZBA Hearing date: April 26th

- **\$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: 164697
SALINAS ALEXIS & BIANCA MARIE
NULL
617 E LOEB ST
NULL
EDINBURG, TX 78541
LEGAL: EDINBURG TOWNSITE LOT 2 BLK 193

PROPERTY ID: 164702
RODRIGUEZ JESUS A GONZALEZ
NULL
609 E KUHN ST
EDINBURG, TX 78541-3611
LEGAL: EDINBURG TOWNSITE LOT 10-11 BLK 193

PROPERTY ID: 164695
SACRED HEART CATHOLIC CHURCH
NULL
505 E KUHN ST
EDINBURG, TX 78541-3535
LEGAL: EDINBURG TOWNSITE LOT ALL BLK 192

PROPERTY ID: 164782
SACRED HEART CATHOLIC CHURCH
NULL
505 E KUHN ST
EDINBURG, TX 78541-3535
LEGAL: EDINBURG TOWNSITE LOTS 1 THRU 7 BLK 205

PROPERTY ID: 164889
GARCIA ELVIRA
NULL
602 E MCINTYRE ST
EDINBURG, TX 78541-3620
LEGAL: EDINBURG TOWNSITE LOT 3-4 BLK 237

PROPERTY ID: 164890
NIETO ANDREA M
NULL
608 E MCINTYRE ST
EDINBURG, TX 78541-3620
LEGAL: EDINBURG TOWNSITE LOT 5 & 6 BLK 237

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 164891
PENA MARTINA G
NULL
616 E MCINTYRE ST
EDINBURG, TX 78541-3620
LEGAL: EDINBURG TOWNSITE LOT 7-8 BLK 237

PROPERTY ID: 164892
GALVAN MARIA ELENA
NULL
4901 DAFFODIL AVE UNIT 146
NULL
MCALLEN, TX 78501-6506
LEGAL: EDINBURG TOWNSITE LOT 9-10 BLK 237

PROPERTY ID: 164888
RUIZ MANUEL L JR & MANUEL L III
NULL
1108 S 15TH AVE
EDINBURG, TX 78539-5717
LEGAL: EDINBURG TOWNSITE LOT 1-2 BLK 237

PROPERTY ID: 164893
SOLIS SANDRA
NULL
117 N 17TH AVE
EDINBURG, TX 78541-3601
LEGAL: EDINBURG TOWNSITE LOT 11-12 BLK 237

PROPERTY ID: 164771
DOYNO ELMA P
NULL
128 W HAWK AVE
MCALLEN, TX 78504-1802
LEGAL: EDINBURG TOWNSITE LOT 1 EXC E 1'6 BLK 204

PROPERTY ID: 164773
GOVEA GREGORIO JR
NULL
503 BALTIC AVE
EDINBURG, TX 78539-7364
LEGAL: EDINBURG TOWNSITE LOT 4 BLK 204

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 164774
RODRIGUEZ DIANA
NULL
1850 COLUMBIA PIKE APT 118
ARLINGTON, VA 22204-6222
LEGAL: EDINBURG TOWNSITE LOT 5 BLK 204

PROPERTY ID: 164699
YBARRA ALEJANDRO & TERESA
NULL
622 E LOEB ST
EDINBURG, TX 78541-3616
LEGAL: EDINBURG TOWNSITE LOT 5-6 BLK 193

PROPERTY ID: 164761
PRIMERA IGLESIA BAUTISTA
NULL
704 E KUHN ST
EDINBURG, TX 78541-3614
LEGAL: EDINBURG TOWNSITE LOT 1-2-3 BLK 203

PROPERTY ID: 164775
SALINAS ALEJO JR
NULL
301 E PETER ST
EDINBURG, TX 78541-3454
LEGAL: EDINBURG TOWNSITE LOT 6 BLK 204

PROPERTY ID: 164776
CAZARES ROGELIO JR & MAGDALENA
NULL
201 N 17TH AVE
EDINBURG, TX 78541-3603
LEGAL: EDINBURG TOWNSITE LOT 7 BLK 204

PROPERTY ID: 164785
MONROY MARIA G & VALERIO
NULL
511 E MCINTYRE ST
EDINBURG, TX 78541-3545
LEGAL: EDINBURG TOWNSITE LOT 10 BLK 205

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 164784
RODRIGUEZ RICARDO
NULL
513 E MCINTYRE
EDINBURG, TX 78541-3545
LEGAL: EDINBURG TOWNSITE LOT 9 BLK 205

PROPERTY ID: 164783
ROMAN CATHOLIC DIOCESE
OF BROWNSVILLE
PO BOX 749
EDINBURG, TX 78540-0749
LEGAL: EDINBURG TOWNSITE LOT 8 BLK 205

PROPERTY ID: 164770
CAVAZOS HILARIO & YOLANDA C SOSA
NULL
701 E MCINTYRE ST
EDINBURG, TX 78541-3621
LEGAL: EDINBURG TOWNSITE LOT 12 BLK 203

PROPERTY ID: 164781
GARZA JAVIER & MARIA
NULL
910 FRANCIS DRIVE
EDINBURG, TX 78542-5132
LEGAL: EDINBURG TOWNSITE LOT 12 BLK 204

PROPERTY ID: 164780
BARRERA BLANCA ALICIA GONZALEZ
NULL
605 E MCINTYRE ST
EDINBURG, TX 78541-3619
LEGAL: EDINBURG TOWNSITE LOT 11 BLK 204

PROPERTY ID: 164779
LAYTON ANTONINO & NORMA VELA LAYTON
NULL
PO BOX 1553
ELSA, TX 78543-1553
LEGAL: EDINBURG TOWNSITE LOT 10 BLK 204

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 164778
GARCIA JUANITA
NULL
7228 W VERNOR HWY
DETROIT, MI 48209-1557
LEGAL: EDINBURG TOWNSITE LOT 9 BLK 204

PROPERTY ID: 164777
GUTIERREZ GONZALES BRENDA & MARCO
617 E MCLNTYRE ST
EDINBURG, TX 78541
LEGAL: EDINBURG TOWNSITE LOT 8 BLK 204

PROPERTY ID: 164698
SOLIS JUAN M & AMELIA M
NULL
1006 DIANA DR
EDINBURG, TX 78542-5135
LEGAL: EDINBURG TOWNSITE LOT 4 BLK 193

PROPERTY ID: 164700
RODRIGUEZ ALVARO
NULL
2821 GARZA ST
NULL
EDINBURG, TX 78539-6658
LEGAL: EDINBURG TOWNSITE LOT 7 BLK 193

PROPERTY ID: 164714
ESCAMILLA JUANA
NULL
701 E KUHN ST
EDINBURG, TX 78541-3613
LEGAL: EDINBURG TOWNSITE LOT 12 BLK 194

PROPERTY ID: 164701
GOMEZ JORGE L
NULL
617 E KUHN ST
EDINBURG, TX 78541-3611
LEGAL: EDINBURG TOWNSITE LOT 8 BLK 193

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 342661
TREVINO ALBERTO JR
NULL
922 E CENIZO ST
HARLINGEN, TX 78550-2407
LEGAL: EDINBURG TOWNSITE LOT 9 BLK 193

PROPERTY ID: 164703
RANGEL PEDRO & BERTA
NULL
601 E KUHN ST
EDINBURG, TX 78541-3611
LEGAL: EDINBURG TOWNSITE LOT 12 BLK 193

PROPERTY ID: 164696
RODRIGUEZ IMELDA
NULL
600 E LOEB ST
NULL
EDINBURG, TX 78541-3616
LEGAL: EDINBURG TOWNSITE LOT 1 BLK 193

PROPERTY ID: 164887
B-Y EDINBURG CENTER LTD
NULL
4629 MACRO
SAN ANTONIO, TX 78218-5420
LEGAL: EDINBURG TOWNSITE LOT 4 THRU 21 & E4.5' -S153'- LOT22 BLK 234 1
THRU 24 BLK 235 1 THRU 24 BLK 236

PROPERTY ID: 1375165
BALDERAS FRANCES DEE
NULL
608 E LOEB ST
NULL
EDINBURG, TX 78541
LEGAL: EDINBURG TOWNSITE LOT 3 BLK 193

PROPERTY ID: 164772
CG3 REAL ESTATE GROUP LLC
NULL
2616 SERRANO ST
EDINBURG, TX 78539-6072
LEGAL: EDINBURG TOWNSITE LOT 1 E 1'6 LOT 2 BLK 204

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 1460671
MENDEZ FRANCISCO O & ADRIANA ROMERO
NULL
610 E KUHN ST
NULL
EDINBURG, TX 78539
LEGAL: EDINBURG TOWNSITE LOT 3 BLK 204

Planning & Zoning Staff Report

Prepared on: April 18, 2023

ZONING BOARD OF ADJUSTMENT

Regular Meeting: April 26, 2023

Agenda Item

Consider Variance to the City's Unified Development Code, Section 3.202(A)(3), Lot and Design Standards, Nonresidential and Mixed-Use Lot Standards, Maximum Floor Area Ratio, 6.127 acres out of Lot 7, Section 276, Texas-Mexican Railway Company's Survey Subdivision, located at 300 North McColl Road, as requested by Melden & Hunt, Inc., on behalf of Foucheck-Meyer Co., Inc.

Request

The applicant is requesting a variance to the City's Unified Development Code (UDC) Section 3.202(A)(3) as it applies to floor area ratio for nonresidential uses. The applicant is proposing a self-storage facility that exceeds the maximum floor area ratio (FAR) allowed by the UDC.

Property Location and Vicinity

The property is located on the east side of North McColl Road, approximately 320 ft. north of West University Drive. The property is zoned Residential, Commercial, General (CG) District. Adjacent zoning is Residential, Multifamily and Urban (RM) District to the north and east and, Commercial, General (CG) District to the west and south. Adjacent land uses are commercial with vacant land.

Background and History

The property is part of the Verdad Self Storage Subdivision recorded on February 21, 2023. The applicant is proposing a self-storage facility at the site. The applicant applied for a Commercial Building Permit on February 2, 2023. Review of the plans determined that the proposed development exceeds the maximum floor area ratio allowed for nonresidential developments. Variance is needed to proceed with the project as planned.

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

Analysis

The subject property consists of 207,168.208 sq. ft. (4.756 acres). Plans submitted by the applicant propose a building area of 98,123 sq. ft. This represents a floor area ratio (FAR) of .474, which is the ratio of the building to the total lot area. UDC Section 3.202(A)(3), Nonresidential and Mixed Use Standards, allows a maximum FAR of .388 for this type of development in the Commercial, General (CG) District. The proposed storage units would be building an additional 8.6% floor area than what is allowed by the UDC.

Planning & Zoning Staff Report

Recommendation

Staff recommends approval of this variance request, based on previous request brought before the Zoning Board of Adjustment. Staff is beginning to see a trend with Self-Storage Units not being able to comply with the Floor Area Ratio as required by the Unified Development Code, because of this staff is looking closely at this requirement and evaluating if amending the code as it pertains to Self- Storage Units is something that may be beneficial. Recent variance cases of this nature we heard and approved by the Zoning Board of Adjustment on June 30, 2021 from Rio Delta Engineering for Just A Closet located on the northwest corner of Sugar and Canton Road.

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:

Rita Lee Guerrero

Assistant Director of Planning & Zoning

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 3.200, Standards for Nonresidential and Mixed-Use

Sec. 3.202, Standards for Nonresidential and Mixed-Use Development

...

A. District Standards. The district standards that are applicable to all nonresidential uses are provided in Table 3.202-1,, Nonresidential Use District Standards. The table includes provisions for intensity, utility requirements, minimum site area, and maximum height. Information relating to these standards and their abbreviations follows:

1. **Use District and Development Types.** The first column of both tables reflects the zoning districts and permitted uses.
2. **Landscaped Surface Ratio (LSR).** The second column reflects the minimum landscaped surface ratio required on a site. The ratio is calculated as a percentage of the site area, for example, 0.25 indicates 25 percent of a site must be open space (residential) or landscaped area (nonresidential).
3. **Maximum Floor Area Ratio.** The fifth column sets out the maximum allowable intensity of nonresidential uses, which is measured by a floor area ratio (FAR). Floor area ratio is calculated as provided in Division 3.300, Measurements and Exceptions.
4. **Minimum Site Area.** The fourth column indicates the minimum area that is required for the listed development type.
5. **Maximum Height.** The last column indicates the maximum allowable height by use and district.

Table 3.202-1 Nonresidential and Mixed-Use Lot Standards					
District and Development Type	Minimum			FAR	Maximum
	LSR	Lot Area	Lot Width (ft)		Height (ft.)
Commercial, General (CG)					
Commercial retail	0.15	10,000 sf.	50	0.280	45
Offices and lodging	0.30	10,000 sf.	50	0.320	50
Services	0.15	10,000 sf.	50	0.317	45
Industrial	0.20	20,000 sf.	100	0.462	45
Warehouse	0.20	20,000 sf.	100	0.567	45
All other nonresidential uses	0.15	20,000 sf.	100	0.388	45

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

...

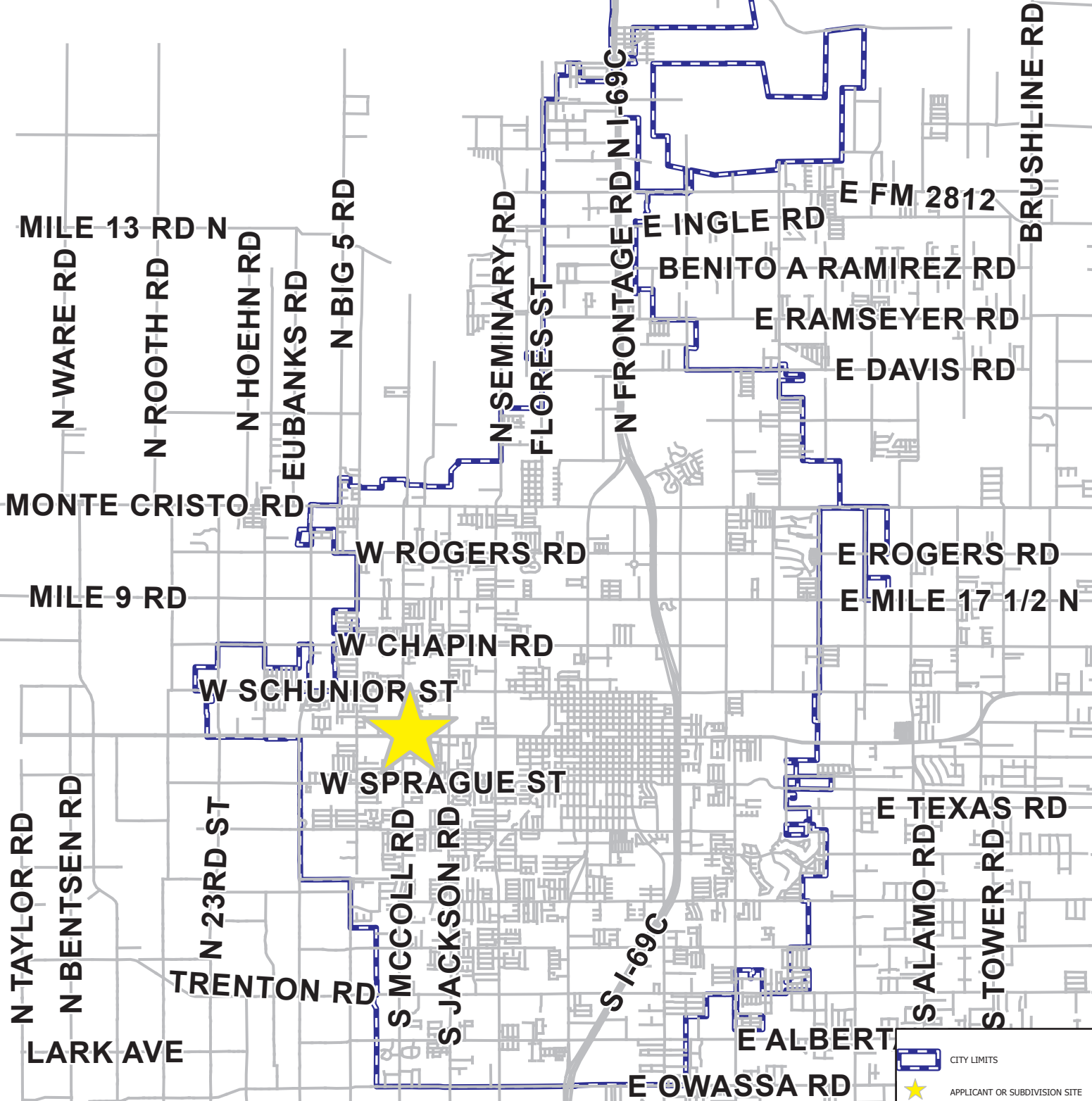
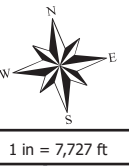
Specific Review Criteria.

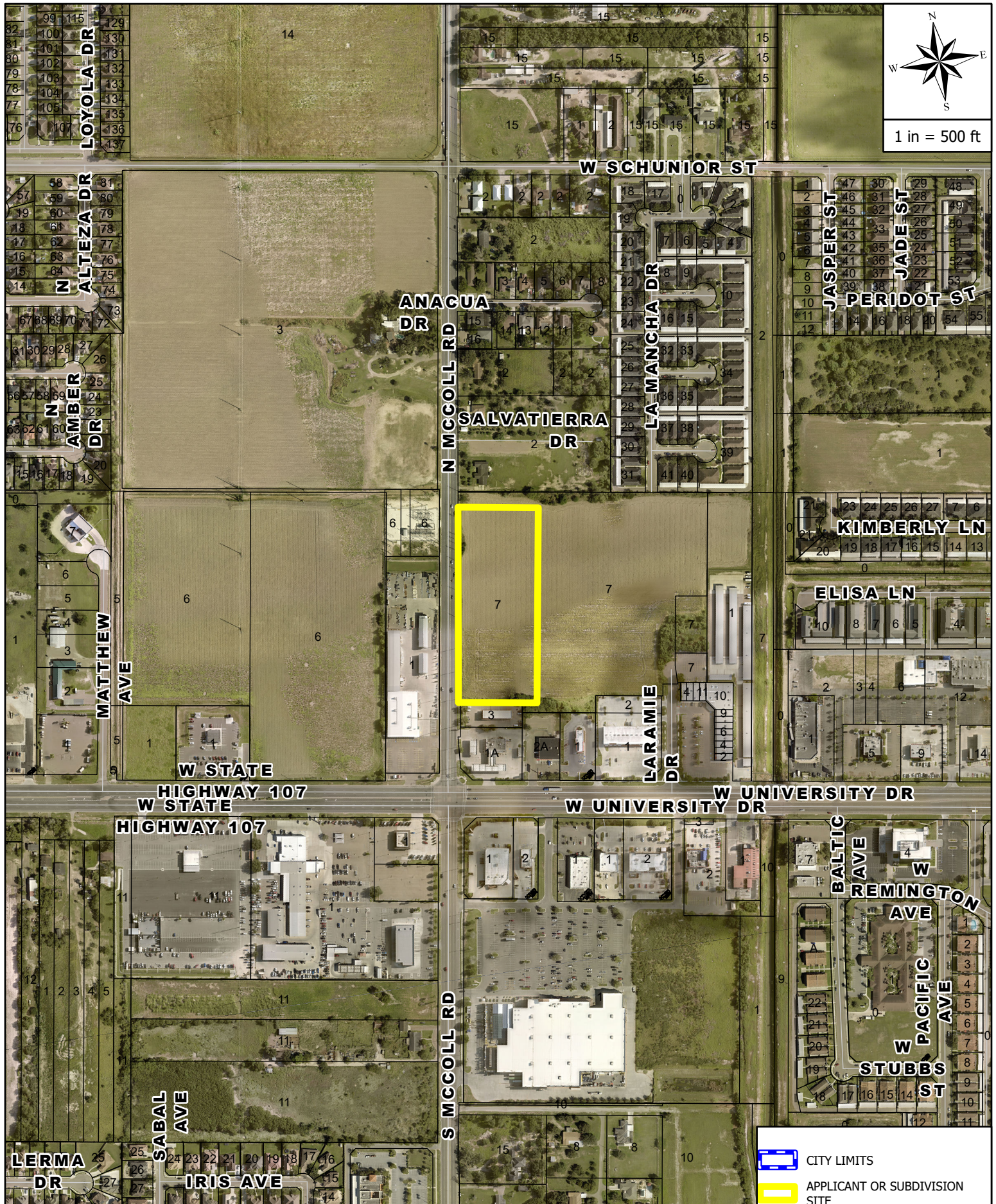
1. *Review Criteria. In determining whether to approve, approve with conditions, or deny a Variance, the review bodies shall consider the applicable common decision criteria in Sec. 9.205, Common Decision Criteria, and should not grant a variance unless the following conditions are satisfied:*
 - a. *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*

FM 490

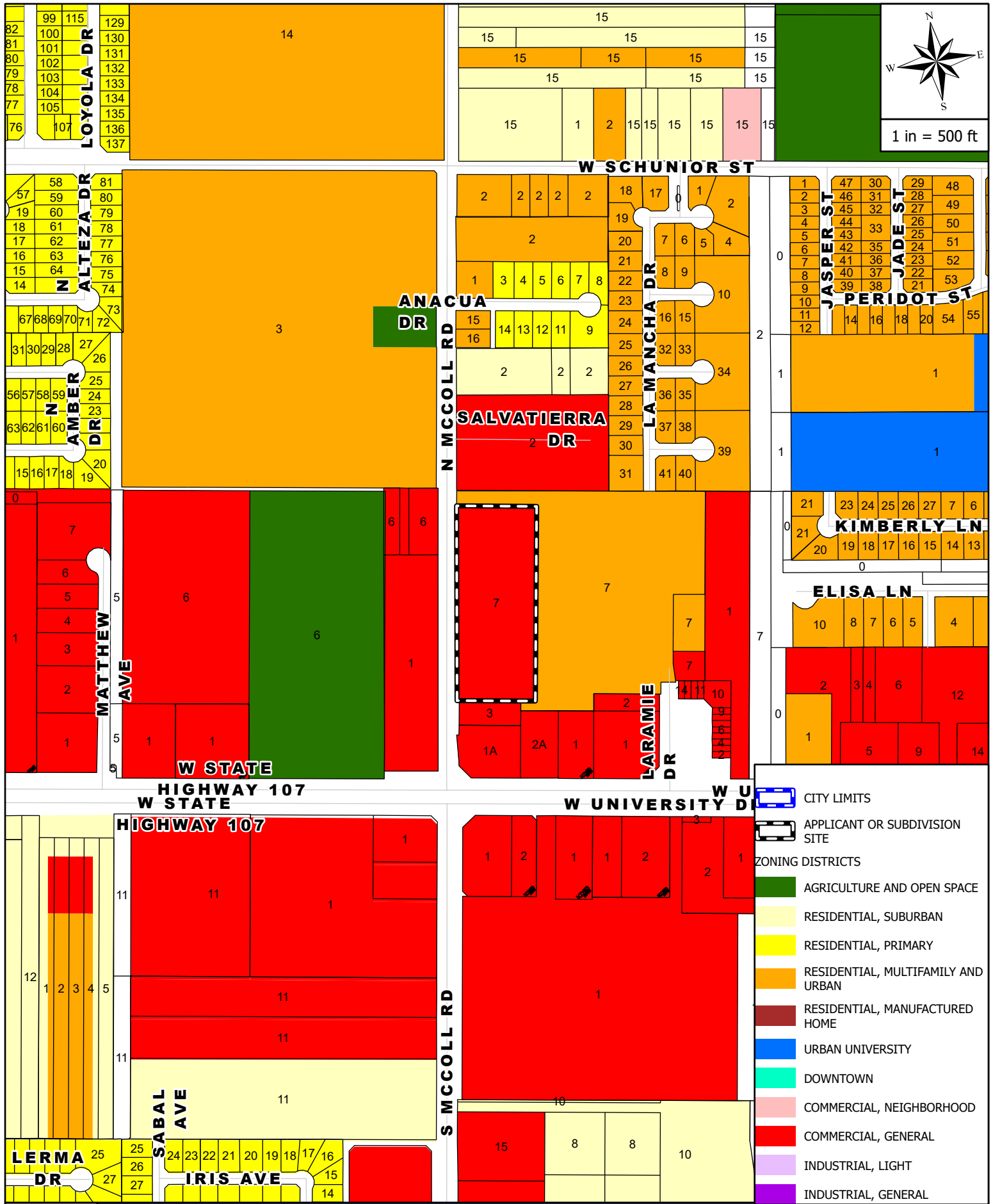
W FM 490

E FM 490

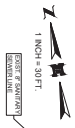




AERIAL MAP
APPLICANT AND/OR SUBDIVISION:
FOUCHECK MEYER / 300 N MCCOLL RD







REVISION	DATE	BY	



MELDEN & HUNT INC.

CONSULTANTS • ENGINEERS • SURVEYORS

115 W. McINTYRE • EDINBURG, TX 78541

PH: (956) 381-0981 • FAX: (956) 381-1039

MANEUVERING LAYOUT

PERMIT SET

Zoning Board of Adjustment

Site Photo for meeting of April 26, 2023

FOUCHECK-MEYER/MELDEN & HUNT, INC. - 300 NORTH MCCOLL ROAD



Planning & Zoning

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



THE CITY OF
Edinburg

Zoning Variance Application

ENERGOV CASE #

VAR-2023-0164

Property Owner Name: Meyer Co., Inc. a Texas Corporation

Owner Contact Information

Mailing Address: 5111 N McColl Road McAllen, Texas 78504
Street Address City/State Zip Code

Phone (Home): _____ (Work): _____ (Cell): (469) 349-5031

Email: _____

Agent/Applicant Name (if different than Owner): Melden & Hunt, Inc.

Applicant Contact Information

Mailing Address: 115 West McIntyre Road Edinburg, Texas 78541
Street Address City/State Zip Code

Phone (Home): _____ (Work): (956) 381-0981 (Cell): _____

Email: mario@meldenandhunt.com drobles@meldenandhunt.com

Property Address for Variance: N McColl Road Edinburg, Texas 78541
Street Address City/State Zip Code

Property Legal Description: Lot 1 Verdad Self Storage

Lot Block Subdivision

6.127 acres out of Lot 7, Section 276, Texas Mexican Railway Company's Survey Subd.

according to the plat recorded in Vol 24, Pg 168-171, Hidalgo County Deed Records

Present Property Zoning: CG- Commercial, General



Property ID#: 297349

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

Requesting varinace to the floor area ration for building due to the additional ROW that the developer was required to proved for the future expansion of McColl Road thus decreasing the buildable area and requiring the buiding to go vertical and causing an excess floor area ratio.

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.

At this time the building exceeds the F.A.R. by approximately 17,000 sq ft and we are requesting a variance to allow more that the minimum allowable floor area ratio.

OFFICE USE ONLY:

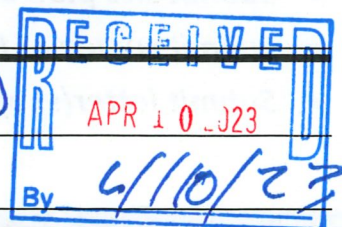
UDC Section(s) Requiring Variance:

3.202 (Table 3.202-1)

Reviewed by:

Adam Elizondo

Date:



Zoning Variance Application

Review Criteria

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

- ☒ There are extraordinary and exceptional conditions pertaining to the subject property because of its size, shape, or topography that are not applicable to other lands or structures in the same district.
X- Lot has no unusual characteristics.
- ☐ 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. **X- Others are not allowed to exceed maximum Floor Area Ratio (FAR).**
- ☐ 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.
X- Exceeding maximum Floor Area Ratio is not in harmony with UDC.
- ☒ 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. **X- Others are not permitted to use land/building with this FAR.**
- ☒ The Variance will not permit an intensity of use of land that is not permitted in the applicable district.
X- Increasing maximum FAR will increase intensity of use of this land.

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

Signature:  Date: April 10, 2023

Owner/Agent's Name (Please Print): Mario A Reyna, P.E.

OFFICE USE ONLY

\$450 Application Fee: 102044923 Payment Received by: I.Z.

Receipt No.

Application deadline: April 3rd ZBA Hearing date: April 26th 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: 297326
D GRAN INVESTMENTS LLC
NULL
122 N MCCOLL RD
EDINBURG, TX 78541-5741
LEGAL: TEX-MEX SURVEY S396' W660' LOT 2 SEC 276 6.00AC GR 5.55AC NET

PROPERTY ID: 685463
DOS TIENDAS INC
NULL
2105 REMINGTON AVE
EDINBURG, TX 78539-3931
LEGAL: FOUCHEK-MEYER NO. 2 LOT 1A

PROPERTY ID: 690038
HAUSBECK PROPERTIES LLC
NULL
6500 N 35TH ST
MCALLEN, TX 78504-5813
LEGAL: FOUCHEK-MEYER NO. 4 LOT 3

PROPERTY ID: 685465
CANALES TERRY A TRUSTEE
EDUARDO PRAXEDIS CANALES TRUST
3406 ELM KNOLL ST
NULL
SAN ANTONIO, TX 78230-2705
LEGAL: FOUCHEK-MEYER NO. 2 LOT 2A

PROPERTY ID: 895255
POP HOLDINGS LP
NULL
4515 LYNDON B JOHNSON FWY
DALLAS, TX 75244-5905
LEGAL: FOUCHEK-MEYER NO. 5 LOT 1

PROPERTY ID: 958378
CHAPA BLUE LTD
NULL
141 PASEO DEL PRADO AVE
EDINBURG, TX 78539-9107
LEGAL: LARAMIE PLAZA LOT 2

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 958376
GRISHAM FAMILY II LLC
5670 S GLEN ABBEY CT
SPRINGFIELD, MO 65809
LEGAL: LARAMIE PLAZA LOT 1

PROPERTY ID: 554837
BURNS MOTORS
NULL
PO BOX 1480
MCALLEN, TX 78505-1480
LEGAL: TEX-MEX SURVEY W542.98'-E803.48' LOT 6 SEC 276 14.58AC GR 13.79AC
NET

PROPERTY ID: 297347
AEP TEXAS CENTRAL COMPANY
NULL
PO BOX 16428
TAX DEPARTMENT 27TH FLOOR
COLUMBUS, OH 43216-6428
LEGAL: TEX-MEX SURVEY N278.20'-E157.50' LOT 6 SEC 276 1.00AC NET

PROPERTY ID: 0
LEGAL:

PROPERTY ID: 508178
MCCOY INVESTMENTS LTD
NULL
PO BOX 1028
SAN MARCOS, TX 78667-1028
LEGAL: MCCOLL NORTH LOT 1

PROPERTY ID: 729536
AEP TEXAS CENTRAL CO
NULL
PO BOX 660164
DALLAS, TX 75266-0164
LEGAL: TEX-MEX SURVEY W65'-E260.5'-N278.2' LOT 6 SEC 276 0.42AC

PROPERTY ID: 297349
FOUCHEK-MEYER CO INC
NULL
5111 N MCCOLL RD
MCALLEN, TX 78504-2331
LEGAL: TEX-MEX SURVEY AN IRR TR W335'-N905.20'- LOT 7 BLK 276 6.10AC NET

**ZONING CASE
OWNER NOTIFICATION LIST**

PROPERTY ID: 297334
HOUTS MARILYN K
THE EUGENE & MARILYN REV LIVING TRUST
515 N MCCOLL RD
NULL
EDINBURG, TX 78541
LEGAL: TEX-MEX SURVEY LOT 3 SEC 276 E890'-W940'-N1290' 13 65AC GR
12.20AC NET

PROPERTY ID: 1075277
SANTUARIO INVESTMENTS & HOLDINGS LLC
NULL
4512 TYLER AVE
MCALLEN, TX 78503-8109
LEGAL: TEX-MEX SURVEY AN IRR TR E1052.52'-W1092.52'-S795.55'-LOT 7 BLK
276 EXC E129'-S357.50'- N770.25' 13.23AC NET

2023 ATTENDANCE RECORD ZONING BOARD OF ADJUSTMENTS MEETINGS

[illegible]