



**NOTICE AND AGENDA  
ZONING BOARD OF ADJUSTMENT  
MAY 25, 2022 - 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. MINUTES**

- A.** Consider approval of the Minutes for the April 27, 2022 Regular Meeting

## **7. PUBLIC HEARINGS**

- A.** Consider Variance to the City's Unified Development Code, Section 2.301(C)(2) Storage and Utility Sheds, Building type, Lot 1, Dogwood Subdivision, located at 1000 South 6th Avenue, as requested by Imelda Peña Cain
- B.** Consider Variance to the City's Unified Development Code, Section 3.505, Easements and Utilities, Lot 38, The Boardwalk Subdivision, located at 3103 Scotland Drive, as requested by Avinash Samtani
- C.** Consider Variance to the City's Unified Development Code, Section 3.303 Multifamily Lot and Building Standards, Setbacks, Lots 1 – 39, Newcastle Subdivision, located at 2601 West Wisconsin Road, as requested by Red Rock Real Estate Development Group, LTD
- D.** Consider Variances to the City's Unified Development Code: 1) Section 2.301(B)(2) (c) Accessory Structures, Side Yards and 2) Section 3.505, Easements and Utilities, Lot 29 and the North 1/2 of Lot 28, Chateau Estates Subdivision, located at 2906 Chateau Street, as requested by Steve Sandoval on behalf of Steve & Adhara Sandoval

## **8. DIRECTOR'S REPORT**

- A.** Unified Development Code Update

## **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 4:30 P.M. on this Friday, May 20, 2022 .



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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  
APRIL 27, 2022 - 4:00 P.M.  
REGULAR MEETING  
CITY HALL COUNCIL CHAMBERS  
415 W. UNIVERSITY DR.  
EDINBURG, TEXAS 78539  
MINUTES**

**Members Present:**

Alex Rios  
Eddie Garza  
George Cardenas  
Andre Maldonado  
Ponciano Longoria  
Marc Moran

Diane Teter  
Michael Cantu  
Abraham Garcia

**Staff:**

Jesus Saenz, Assistant City Manager  
Kimberly A. Mendoza, Director of Planning & Zoning  
Jaime Ayala, Planner II  
Daniel A. Colina, Planner I  
Adan Elizondo, Planner I  
Mardoqueo Hinojosa, City Engineer  
Patrizia Longoria Engineer III  
Peter Hermida, Engineering Department  
Omar Ochoa, City Attorney  
Rita Guerrero, Management Analyst

**Visitors:**

Jesus A. Aguirre  
Omar Garcia

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

Chairperson Alex Rios called the meeting to order at 4:06 P.M.

A. Prayer – Prayer was announced.

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

## **2. CERTIFICATION OF PUBLIC NOTICE**

Adam Elizondo certified the agenda had been posted on April 22, 2022 at 11:45 A.M. and board member Ponciano Longoria joined the meeting.

## **3. DISCLOSURE OF CONFLICT OF INTEREST**

No Conflict of Interest was mentioned. Board member Andre Maldonado joined the meeting.

## **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.

No Public Comments.

## **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. MINUTES**

A. Consider approval of the Minutes for the March 30, 2022 Regular Meeting



Mr. George Cardenas pointed out that there was a mistake on the voting for item 7f.

Board member George Cardenas moved to consider approval of the Minutes for the March 30, 2022 Regular Meeting with the correction on item 7f. Seconded by Vice Chairperson Eddie Garza the motion. The motion to approve carried unanimously with a vote of 5-0

## **7. PUBLIC HEARINGS**

- A.** Reconsider Variance to the City's Unified Development Code, Section 3.301(D)(9), Fences Facing or Abutting a Golf Course, Lots 99, Lumen Subdivision Phase B, located at 3305 Lago Washington, as requested by Jesus A. Aguirre.

Chairperson Alex Rios asked if the applicant was present and Mr. Aguirre spoke briefly about his concerns regarding the process to apply for a variance. Chairperson Alex Rios if there was anyone present in opposition and there was none. Vice Chairperson Eddie Garza asked if the fence will match the other fences in the neighborhood and it was confirmed by Adam Elizondo that it will match and he also described the materials that will be used to make the fence.

After the brief discussion, motion was made by Board Member George Cardenas and seconded by Board Member Ponciano Longoria to approve the Variance request. Motion carried unanimously with a vote of 5-0.

- B.** Consider Variance to the City's Unified Development Code, Section 3.301, Single Family Residential Bulk Standards, Setbacks, Lot 69, Autumn Ridge Estates Phase I Subdivision, located at 2007 Andrea Avenue, as requested by Marcelo Gutierrez Construction/Remodeling Inc. on behalf of Gary and Aurora Halford

The item was withdrawn by applicant.

No motion needed and moved on to item 7c.

- C.** Consider Variance to the City's Unified Development Code: 1) Section 11.201, Building Separation, and 2) Section 3.505, Easements and Utilities, Lot 44, Salva Tierra Subdivision, located at 3510 Lerma Drive, as requested by Omar Garcia

There was no public comment.

Board member George Cardenas asked about the site plan shown, and Mr. Adan Elizondo explained that the applicant submitted another that was more accommodating. Board member George Cardenas inquired about the materials used for the building of the storage. Chairperson Alex Rios asked if the applicant was present. Mr. Omar Garcia was present and explained that it would match the house and they would need electrical work. Vice Chairperson Eddie Garza asked if the applicant's neighborhood had an HOA and if they allowed his proposal. Mr. Omar Garcia explained that they are waiting on the meeting. Chairperson Alex Rios asked if there was anyone present in opposition but there was none.

After the brief discussion, motion was made by Vice Chairperson Eddie Garza with conditions for the applicant to provide a letter from the light company and seconded by Board Member Andre Maldonado to approve the Variance request. Motion carried with Unanimously with a vote of 5-0.

Mr. George Cardenas asked staff if it was recommended on HOA approval, but Attorney Omar Ochoa explained that the board needs to motion to reconsider in order to change or add conditions to the approval. Board member George Cardenas motioned to reconsider the item and seconded by Board member Andre Maldonado. Motion carried with unanimously with a vote of 5-0.

Motion was made by Vice Chairperson Eddie Garza as presented contingent upon providing proper documentation from all utilities and contingent upon the approval from the HOA for this proposal and seconded by board member George Cardenas. Motion carried with unanimously with a vote of 5-0.

## **8. INFORMATION ONLY**

### **A. Attendance Roster**

## **9. DIRECTOR'S REPORT**

### **A. Unified Development Code Update**

Director of Planning and Zoning Kimberly Mendoza, explained the progress on the UDC and that the time frame is still on schedule.

## **10. ADJOURNMENT**

There being no further business to consider, the meeting was adjourned at 4:34 P.M.

*Claudia Mariscal*

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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.**

There being no further discussion, meeting was adjourned.

## Planning & Zoning Staff Report

Prepared on: May 17, 2022

### ZONING BOARD OF ADJUSTMENT

Regular Meeting: May 25, 2022

#### **Agenda Item 8A**

Consider Variance to the City's Unified Development Code: Section 2.301(C)(2), Storage and Utility Sheds, Building type, Lot 1, Dogwood Subdivision, located at 1000 South 6th Avenue, as requested by Imelda Peña Cain.

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#### **Request**

The applicant is requesting a variance to the City's Unified Development Code (UDC), Section 2.301(C)(2), as it applies to allowable storage and utility sheds. The applicant is proposing to retain shipping container used for storage of building materials on a vacant Lot.

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

The property is located on the southeastern corner of West Hill Drive and South 6th Avenue, and is zoned Neighborhood Conservation 7.1 (NC7.1) District. Adjacent zoning is Neighborhood Conservation 7.1 (NC7.1) District to the north, south, and west and Suburban Residential (S) District to the East.

#### **Background and History**

The property is part of the Dogwood Subdivision, which was recorded on March 20, 2018. The site plan shows the proposed shipping container in the southeastern corner of the lot.

The applicant received a work permit in December of 2020 and subsequently re-issued a building permit on December 23, 2021. In the time frame of the first permit the applicant was able to make the initial foundation elevation by building up the ground level an approximate 4 ft.

On April 13, 2022, staff received an application proposing a shipping container to be placed on the property for storage of building material while building her home. Upon further review and communication, it was discovered that the shipping container had already been placed on the property, approximately mid-March 2022. The applicant stated that she intends to use the shipping container for temporary storage of building material during the construction period for her home.

On April 5, 2022 the applicant's electrician JR Electric and A/C, was issued an electrical service permit for a T-pole.

Staff mailed notice of this variance request to 34 neighboring property owners. Two comments in favor and three against this request had been received at the time this report was prepared.

#### **Analysis**

# Planning & Zoning Staff Report

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The property has 142 ft. of frontage along South 6<sup>th</sup> Street and 127 ft. of depth with a corner clip for a total lot area of 17,834 sq. ft. UDC Section 2.301(C)(2) prohibits the use of a shipping container for storage purposes. The use of a temporary structure is typically allowed for commercial construction, but is not common for single-family homes. Temporary structures are typically used once construction has begun with the condition that the structure is removed at the time of completion before final inspection is given. The plat for Dogwood Subdivision shows a 10 ft. utility easement at the rear (east end) of the subject property, and the container is not over any setbacks or easements. The applicant stated that the shipping container is for theft prevention of construction material until the material can be safely stored inside the secured home.

## **Recommendation**

Staff recommends disapproval of the variance and that the applicant comply with the City's UDC requirements. The shipping container should be removed in a reasonable timeframe. All building separation and utility easements must be respected.

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, 2 photos of property, subdivision plat, site plan, zoning map, and application from the property owner are attached for the Board's consideration.

### **Prepared by:**

**Adan A. Elizondo**  
Planner I

### **Approved by:**

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

## ARTICLE 2 LAND USES

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### DIVISION 2.300 GENERAL USE STANDARDS

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This Division contains standards for accessory uses and other incidental structures, such as fences and waste storage, for which all uses must comply. Within this Division are two sections, the first addressing residential uses and the second addressing nonresidential uses.

#### Sec. 2.301 Residential Uses

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The following provisions apply to all residential uses in any district:

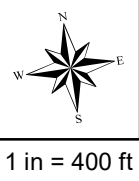
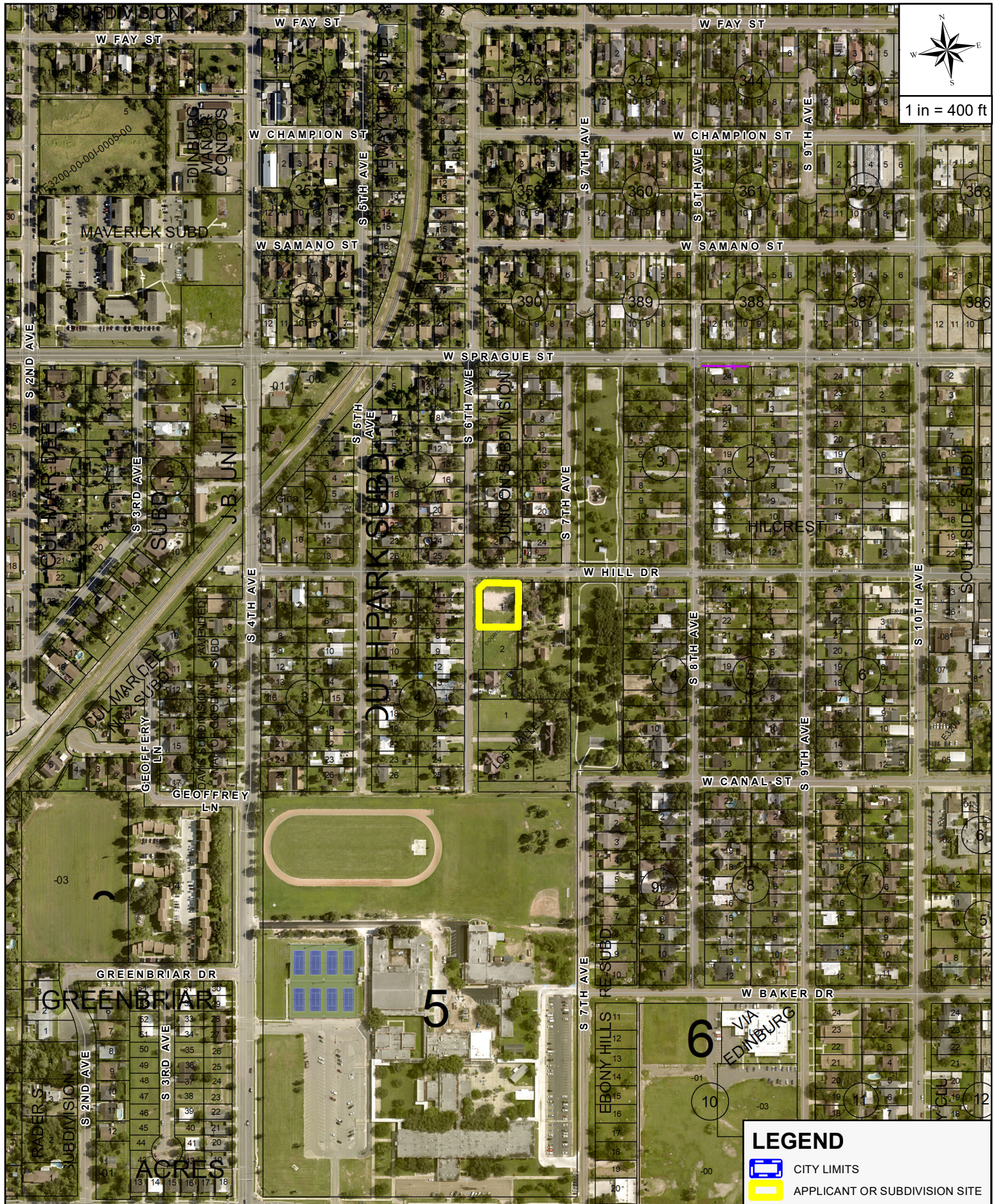
- C. **Storage and Utility Sheds.** One storage building is permitted on a residential lot if it is demonstrated that:
1. **Use.** The building is used only for residential storage.
  2. **Building type.** Buildings must be designed for use as storage buildings. Converted semi-trailers, manufactured homes, modular shipping containers, dumpsters, or similar structures or equipment shall not be used for storage.
  3. **Heating and cooling.** No central heating or cooling systems are installed.
  4. **Utilities.** Water service and electricity are allowed for the limited purposes of: wash sink, water closet, automatic garage door opener, and a single light fixture.
  5. **Floor area.** The floor area of the storage building does not exceed:
    - a. For lots that are 10,000 square feet or less in area, the lesser of:
      - i. 120 square feet; or
      - ii. Two percent (2%) of the lot area.
    - b. For lots that are larger than 10,000 square feet in area, the lesser of:
      - i. 2,000 square feet; or
      - ii. One percent (1%) of the lot area.
  - c. Larger sheds shall be permitted only by Conditional Use to determine whether they:
    - i. Are consistent and compatible with the character of the neighborhood; and
    - ii. Will not tend to create a public nuisance.
  6. **New subdivision covenants.** New subdivisions, manufactured home parks, and manufactured home subdivisions shall provide covenants regarding storage and utility sheds as follows:
    - a. New subdivisions, manufactured home parks, and manufactured home subdivisions shall be bound by a covenant that provides restrictions on storage building design and placement if:
      - i. More than four of the lots back on a public street; and
      - ii. The lots that back on a public street are less than three (3) acres in size.
    - b. The covenant shall be submitted and approved as part of the development approval. The restrictions shall be approved based on:
      - i. Whether they provide a means of storage in a manner that is consistent and compatible with the development; and
      - ii. Whether they minimize the storage buildings' impact on lots within the development, adjoining land, and public views (from streets or elsewhere).

# Planning & Zoning Staff Report



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- c. The restrictions shall be incorporated into the plat.
- 7. **Exemptions.** Farmsteads are exempt from the standards of this subsection C.
- 8. **Calculation of floor area.** The storage building's floor area does not count toward the allowable building floor area of the main building.





### LEGEND

-  CITY LIMITS
-  APPLICANT OR SUBDIVISION SITE

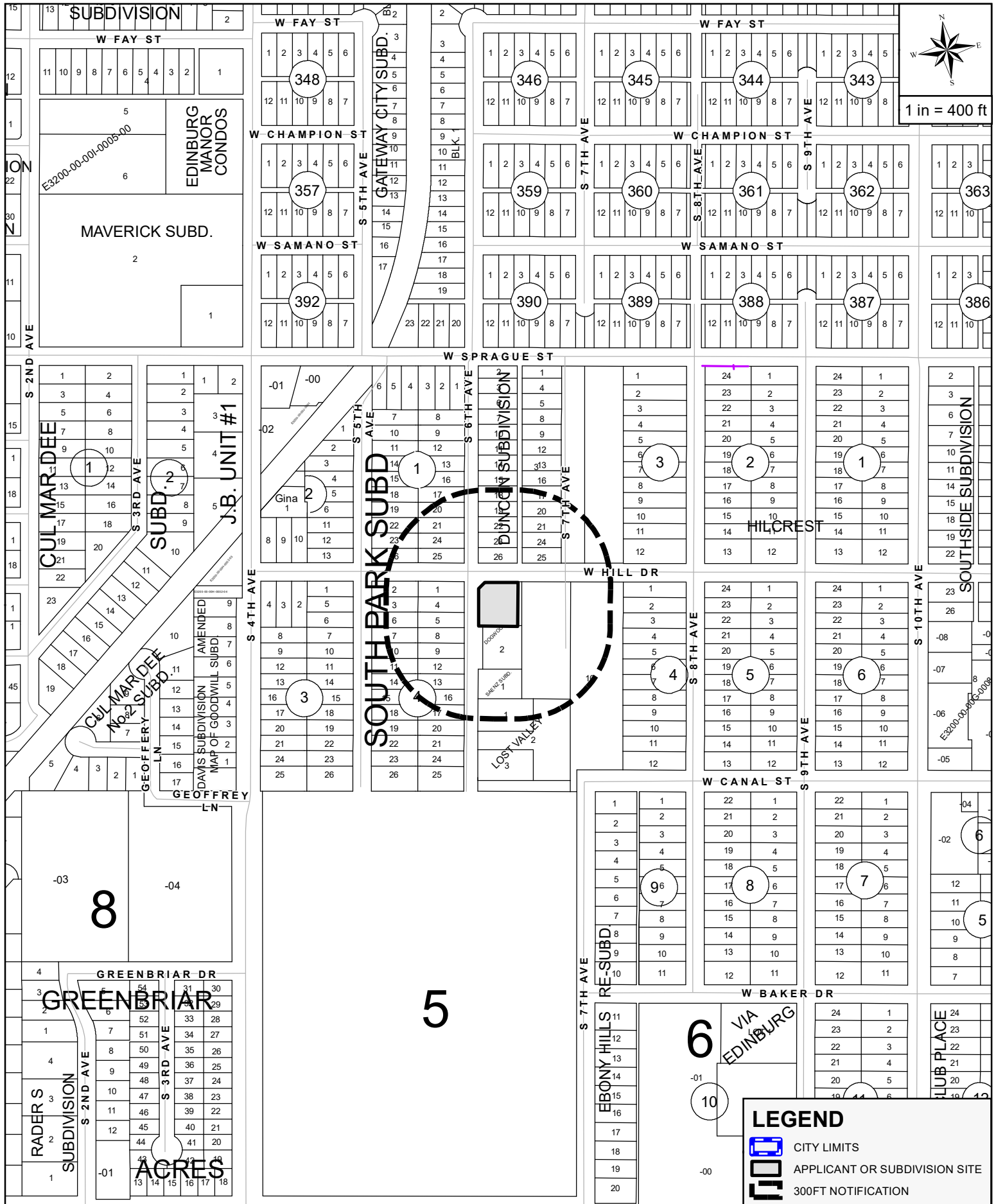


**AERIAL MAP**

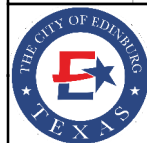
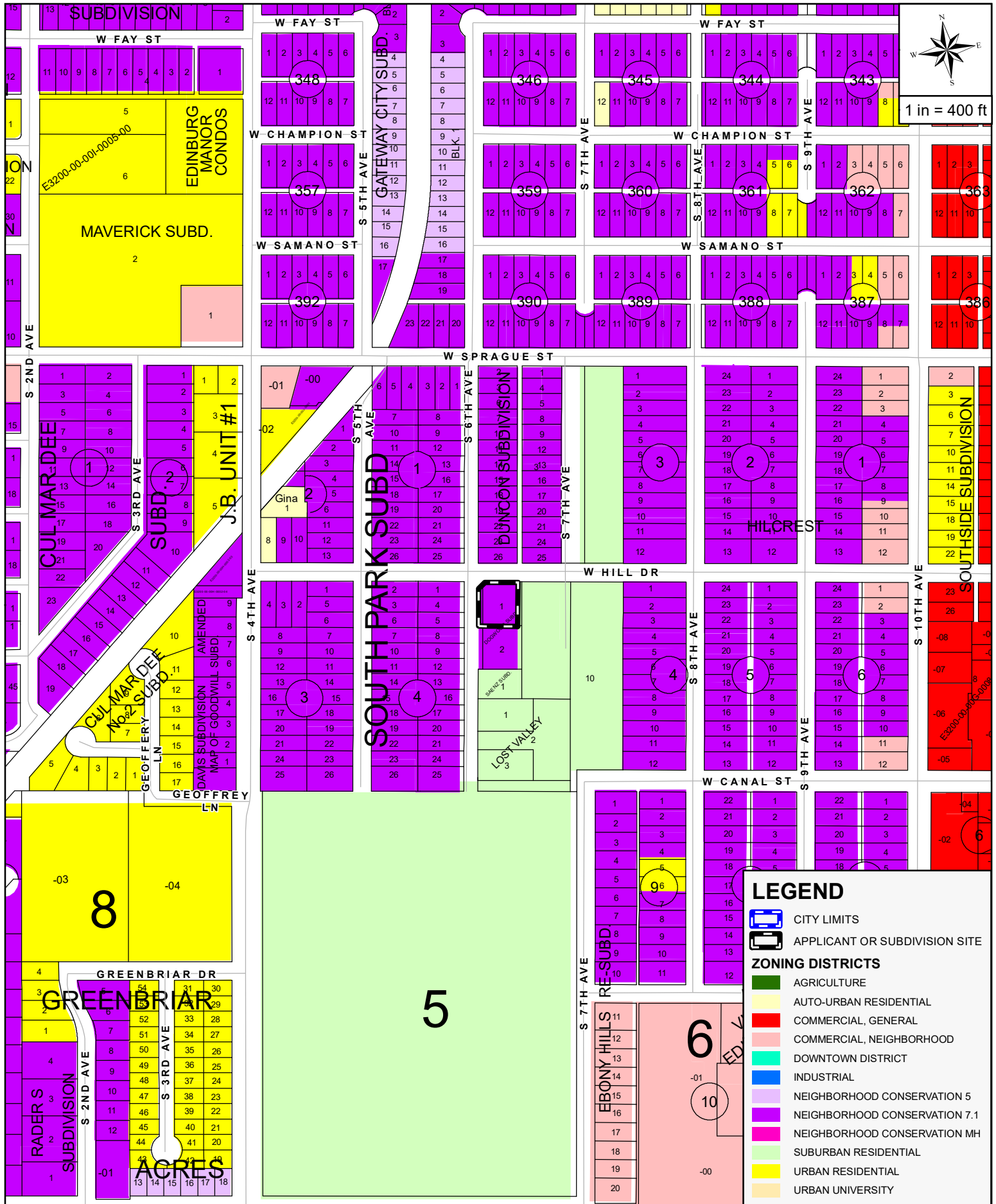
**APPLICANT AND/OR SUBDIVISION:**

**IMELDA CAIN**







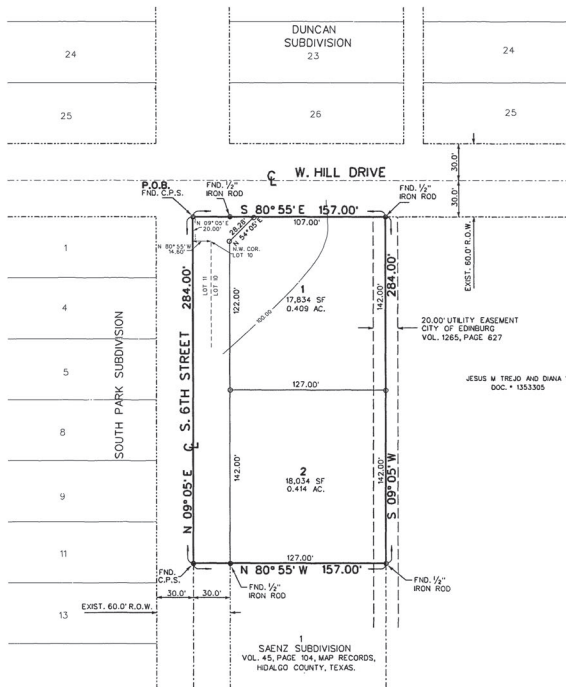


## ZONING MAP

APPLICANT AND/OR SUBDIVISION:

IMELDA CAIN

50' 1" = 50'



LOCATION MAP

## DOGWOOD SUBDIVISION

A 1.024 ACRE TRACT OF LAND BEING 0.863 OF AN ACRE OUT OF LOT 10, AND 0.089 OF AN ACRE OUT OF LOT 11, BLOCK "G", ORIGINAL TOWNSITE CITY OF EDINBURG, ACCORDING TO THE MAP RECORDED IN VOLUME 1, PAGE 23, MAP RECORDS, HIDALGO COUNTY, TEXAS, AND 0.072 OF ONE ACRE OUT OF A 20 FOOT STRIP OF LAND (ABANDONED LIPSCOMB STREET RIGHT OF WAY)

### METES AND BOUNDS

A 1.024 ACRE TRACT OF LAND BEING 0.863 OF AN ACRE OUT OF LOT 10, AND 0.089 OF AN ACRE OUT OF LOT 11, BLOCK "G", ORIGINAL TOWNSITE CITY OF EDINBURG, ACCORDING TO THE MAP RECORDED IN VOLUME 1, PAGE 23, MAP RECORDS, HIDALGO COUNTY, TEXAS, AND 0.072 OF ONE ACRE OUT OF A 20 FOOT STRIP OF LAND (ABANDONED LIPSCOMB STREET RIGHT OF WAY) AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A COTTON PICKER SPINDLE FOUND AT THE INTERSECTION OF THE SOUTH R.O.W. LINE OF W. HILL DRIVE AND THE CENTERLINE OF S. 6TH STREET FOR THE NORTHWEST CORNER OF THIS TRACT, SCD COTTON PICKER SPINDLE BEARS N 80°55' W, 14.60 FEET AND N 09°05' E, 20.00 FEET FROM THE NORTHWEST CORNER OF LOT 10;

THENCE S 80°55' E, ALONG THE SOUTH R.O.W. LINE OF W. HILL DRIVE, AT 30.00 FEET PASS A 1/2" IRON ROD FOUND FOR THE EAST R.O.W. LINE OF S. 6TH STREET, A TOTAL DISTANCE OF 157.00 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE S 09°05' W, A DISTANCE OF 284.00 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF THIS TRACT;

THENCE N 80°55' W, WITH THE NORTH LINE OF SAENZ SUBDIVISION AS PER MAP RECORDED IN VOLUME 45, PAGE 104 OF THE HIDALGO COUNTY MAP RECORDS, AT A DISTANCE OF 127.00 FEET PASS A 1/2" IRON ROD FOUND FOR REFERENCE ON THE EAST RIGHT OF WAY LINE OF S. 6TH STREET AND CONTINUING FOR A TOTAL DISTANCE OF 157.00 FEET TO A COTTON SPINDLE FOUND IN THE CENTERLINE OF S. 6TH STREET FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE N 09°05' E, ALONG THE CENTERLINE OF S. 6TH STREET, A DISTANCE OF 284.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.024 ACRES OF LAND MORE OR LESS.

### GENERAL NOTES:

- MIN. BUILDING SETBACK LINES:  
FRONT 25.0'  
SIDE 6.0' OR EASEMENT WHICH EVER IS GREATER  
REAR 10.0' OR EASEMENT WHICH EVER IS GREATER
  - MINIMUM PERMISSIBLE FINISHED FLOOR ELEVATION FOR ALL BUILDING IMPROVEMENTS IS: 18" ABOVE TOP OF CURB MEASURED AT THE FRONT CENTER OF THE LOT.
  - NO STRUCTURE SHALL BE PERMITTED OVER ANY EASEMENT.
  - BENCHMARK ELEVATION +100.62 C.P.S. AT NORTHWEST CORNER OF THIS SUBDIVISION
  - ALL LOT CORNERS MARKED WITH NO. 4 REBAR UNLESS OTHERWISE NOTED.
  - FLOOD ZONE DESIGNATION: ZONE "X"  
AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN.  
C.P.N. 480338 0030 E  
MAP REVISED JUNE 6, 2000
  - DRAINAGE DETENTION REQUIRED FOR THIS PROPERTY IS 1.625 C.F. (0.54 AC-F1.1)
- THE DEVELOPER SHALL BE RESPONSIBLE FOR DETAILING AND ACCOMMODATING MORE THAN THE DETAINED VOLUME SHOWN ON THIS PLAT IF IT IS DETERMINED AT THE PERMIT STAGE THAT THE DETENTION REQUIREMENTS ARE GREATER THAN STATED ON THIS PLAT DUE TO THE IMPROVEMENTS BEING GREATER THAN THE PLAT ENGINEER CONSIDERED IN THE HYDRAULIC CALCULATIONS FOR THIS SUBDIVISION.
8. 5.0' CONC. SIDEWALK WILL BE CONSTRUCTED AT THE TIME OF BUILDING PERMIT PHASE, ALONG THE EAST SIDE OF S. 6TH STREET AND THE SOUTH SIDE OF W. HILL DRIVE.



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

ON: 2/20/18 AT 11:22 AM/PM  
INSTRUMENT NUMBER: 28782-71  
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS  
BY: [Signature] DEPUTY

### PRINCIPAL CONTACTS:

NAME	ADDRESS	CITY & ZIP	PHONE
OWNER: MELBA PENA CAN	410 DOWNEY AVENUE	MISSION, TEXAS 78572	956-540-8288
ENGINEER: GUILLERMO A. ARRATIA, P.E.	526 N. 5TH ST.	DONNA, TX 78537	956-784-0218
SURVEYOR: REYNALDO ROBLES	407 W. HUSACHE ST.	WESLACO, TEXAS 78396	956-968-2422

STATE OF TEXAS  
COUNTY OF HIDALGO

I, WE, THE UNDERSIGNED, OWNER(S) OF THE LAND ON THIS PLAT, AND DESIGNATED HEREIN AS DOWNEY SUBDIVISION TO THE CITY OF EDINBURG, COUNTY OF HIDALGO, TEXAS AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATED TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, DRAIN, EASEMENTS, WATER COURSES, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

OWNER: MELBA PENA CAN  
ADDRESS: 410 DOWNEY AVENUE  
MISSION, TEXAS 78572

OWNER: ANNA MARIA PENA  
ADDRESS: 410 DOWNEY AVENUE  
MISSION, TEXAS 78572

STATE OF TEXAS  
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, ON THIS DAY PERSONALLY APPEARED MELBA PENA CAN AND ANNA MARIA PENA PROVED TO BE THROUGH THEIR TEXAS DEPARTMENT OF PUBLIC SAFETY DRIVER LICENSE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, WHO, BEING BY ME DULY SWORN, DECLARED THAT THEIR STATEMENTS THEREIN ARE TRUE AND CORRECT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 20th DAY OF February, 2018



[Signature]  
NOTARY PUBLIC, FOR THE STATE OF TEXAS

THIS PLAT IS HEREBY APPROVED BY THE HIDALGO COUNTY IRRIGATION DISTRICT NO. 1 ON THIS 15th DAY OF February, 2018.

NO IMPROVEMENTS OF ANY KIND INCLUDING WITHOUT LIMITATION, TREES, FENCES, AND BUILDINGS SHALL BE PLACED UPON HIDALGO COUNTY IRRIGATION DISTRICT NO. 1 RIGHTS-OF-WAYS OR EASEMENTS.

[Signature]  
PRESIDENT

ATTEST: [Signature]  
SECRETARY

### APPROVED BY DRAINAGE DISTRICT:

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEXAS WATER CODES 49.211 (6). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE IN COMPLIANCE WITH THE MINIMUM STANDARDS. THE DISTRICT GENERALY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER AND HIS ENGINEER TO NAME THEIR DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1  
[Signature]  
RAUL E. SESIN, P.E., C.F.M.  
GENERAL MANAGER

02/13/18  
DATE

STATE OF TEXAS  
COUNTY OF HIDALGO

JACK J. SANCHEZ, ADMINISTRATOR/DIRECTOR OF PLANNING AND ZONING DEPARTMENT OF THE CITY OF EDINBURG, TEXAS DO HEREBY CERTIFY THIS MAPOR SUBDIVISION PLAT KNOW AS DOWNEY SUBDIVISION CONFORMS TO ALL SUBDIVISION REQUIREMENTS OF THIS CITY WHEN MY APPROVAL IS REQUIRED AND HAS BEEN APPROVED FOR RECORDING ON THIS DATE OF 2/20/18, WITH THE COUNTY CLERK OF HIDALGO COUNTY, TEXAS.

[Signature]  
ADMINISTRATOR / PLANNING AND ZONING DEPARTMENT DIRECTOR

STATE OF TEXAS  
COUNTY OF HIDALGO

I, THE UNDERSIGNED, REYNALDO ROBLES, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND WAS CORRECTLY MADE AND PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

[Signature]  
REYNALDO ROBLES  
REG. PROFESSIONAL LAND SURVEYOR - 4032  
P.O. BOX 476  
107 W. HUSACHE ST.  
WESLACO, TEXAS 78396  
PH. 956-968-2422



STATE OF TEXAS  
COUNTY OF HIDALGO

I, THE UNDERSIGNED, A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT

I CERTIFY THAT THE WATER AND SEWER SERVICE FACILITIES FOR THE LOTS INTENDED FOR RESIDENTIAL (COMMERCIAL PURPOSES DESCRIBED ABOVE ARE IN COMPLIANCE WITH THE MODEL RULES ADOPTED UNDER SECTION 16.343, WATER CODE. THE ESTIMATED COST TO INSTALL UNCONSTRUCTED WATER AND SEWAGE FACILITIES DESCRIBED ABOVE ARE AS FOLLOWS: THESE FACILITIES WILL BE CONSTRUCTED.

SEWAGE FACILITIES (SEWER SERVICE CONNECTION) ARE ESTIMATED TO COST \$ 800 PER LOT (ALL INCLUSIVE) FOR A TOTAL COST OF \$ 1600 FOR THE SUBDIVISION. THE SUBDIVISION HAS PAID A TOTAL OF \$ 1600 TO COVER THE COST OF SEWER SERVICE CONNECTION.

DATED THIS 20th DAY OF Feb. 2018

[Signature]  
GUILLERMO A. ARRATIA  
LICENSED PROFESSIONAL ENGINEER NO. 94001  
526 N. 5TH ST.  
DONNA, TEXAS 78537



DATE OF PREPARATION: DECEMBER 29, 2017

**NAIN ENGINEERING, L.L.C.**  
CONSULTING ENGINEER  
526 N. 5TH STREET  
DONNA, TEXAS 78537  
FIRM NO. F-9050  
PH. (956) 784-0218  
E-MAIL: NAINENGINEERING@AOL.COM



Case # **VAR-2022-0087**

**Edinburg** THE CITY OF

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

## Zoning Board of Adjustment Application Request for Variance

Nature of Request: Shipping Container in Residential Zone for Storage

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

To allow for storage materials to build my home

Property Description: Lot 1 Block \_\_\_\_\_ Subdivision Dogwood

Property Address: 1000 S 6th Ave

Present Property Zoning: Neighborhood Conservation 7.1

Person requesting Variance: Imelda Pena Cain Email: job2bdone@gmail.com

Mailing Address: 7410 Doherty Ave Mission TX 78572  
Street Address City/State Zip Code

Phone No. (Home): 512-866-3367 (Work): \_\_\_\_\_ (Cell): Same

Owner's Name: Imelda Pena Cain Email: job2bdone@gmail.com

Owner's Address: Same  
Street Address City/State Zip Code

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

Signature: [Signature] Date: 4-13-22

Owner/Agent's Name (Please Print): Imelda Pena Cain

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

### OFFICE USE ONLY

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

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

APR 13 2022

[Signature]



# Zoning Board of Adjustment

Site Photos for meeting of May 25, 2022

IMELDA PEÑA CAIN - 1000 SOUTH 6TH AVENUE





## NOTIFICATION

Dear Property Owner:

A public hearing will be held on Wednesday, May 25, 2022, at 5:30 P.M. in the Edinburg City Hall, City Council Chambers, located at 415 West University Drive, at which time the Zoning Board of Adjustment will consider the following:

**CONSIDER VARIANCE TO THE CITY'S UNIFIED DEVELOPMENT CODE, SECTION 2.301(C)(2) STORAGE AND UTILITY SHEDS, BUILDING TYPE, LOT 1, DOGWOOD SUBDIVISION, LOCATED AT 1000 SOUTH 6TH AVENUE, AS REQUESTED BY IMELDA PEÑA CAIN**

The variance requested would allow a prohibited building type (shipping container) to be used as a storage shed.

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

You may return your response by one of the following:

- MAIL: P. O. Box 1079 Edinburg, Texas 78540
- FAX: (956) 292-2080 by Tuesday, May 24, 2022
- EMAIL: [planning@cityofedinburg.com](mailto:planning@cityofedinburg.com) by Tuesday, May 24, 2022

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

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

Comments: THE STORAGE (SHIPPING) CONTAINER IS  
NOT AESTHETICALLY PLEASING TO THE EYE  
& THUS LOWERS THE PROPERTY VALUE OF  
THE SURROUNDING LOTS

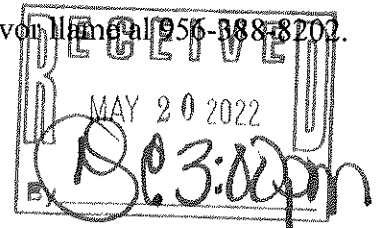
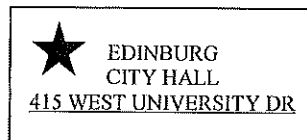
Print Name: GEORGINA R. FLORES Phone No. 630.3047

Address: 1015 S. 6th City: EDINBURG State: TX Zip: 78539

## NOTIFICACIÓN

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

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



University Dr. (S.H.107)

8th Ave.





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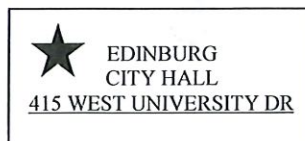
Comments: Yes I am in favor of them putting it on there  
property.

Print Name: Steve + Yolanda Trevino Phone No. 956-821-9588  
Address: 1102 S 6 AVE City: Edinburg State: TX Zip: 78539

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



University Dr. (S.H.107)

RECEIVED

MAY 16 2022

Name: 2:32

Via in person.

8th Ave.



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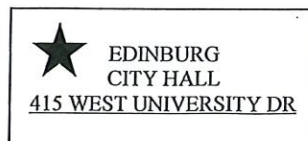
Comments: In favor for storage

Print Name: Anna Maria Peña Phone No. (323) 301-8531  
Address: 410 Donerty City: Mission State: TX Zip: 78572

## NOTIFICACIÓN

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



University Dr. (S.H.107)

RECEIVED

MAY 18 2022

Name: 10:30  
Via in person.

8th Ave.





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

Comments: In favor of Keeping the container for material storage during building of home.

Print Name: Imelda Pena Cain Phone No. 512-806-3367

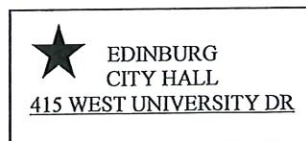
Address: 410 Doherty City: Mission State: TX Zip: 78572

Edinburg Address: 1000 South 6th Ave Edinburg TX

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



University Dr. (S.H.107)

RECEIVED

MAY 18 2022

Name: 10:30  
Via in person.

8th Ave.





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

Comments: SINCE THE CURRENT OWNER OF THIS LOT HAS BOUGHT THE PROPERTY: CUT DOWN EVERY TREE, NO DUST CONTROL WHEN BUILDING DIRT FOUNDATION, NOW RUSTY COMMERCIAL SHIPPING CONTAINER

Print Name: RICK TETER Phone No. 956-221-2728  
Address: 915 S. 7TH AVE City: EDINBURG State: TX Zip: 78539

A COMMERCIAL SHIPPING CONTAINER IS NOT THE PLACE FOR COMMERCIAL SHIPPING! WAREHOUSING!  
Si tiene preguntas o necesita información sobre esta aplicación en español, por favor llame al 956-388-8202.

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



LOTS!  
THIS CURRENT OWNER IS LOWERING THE HOME VALUES IN NEIGHBORHOOD AND MINE AS I CAN SEE RUSTY CONTAINER FROM MY HOME FOUNDATION AND CONCERNED ABOUT HEIGHT OF DIRT

## Planning & Zoning Staff Report

May 17, 2022

### ZONING BOARD OF ADJUSTMENT

Regular Meeting: May 25, 2022

#### **Agenda Item 8B**

Consider Variance to the City's Unified Development Code, Section 3.505, Easements and Utilities, Lot 38, Boardwalk Subdivision, located at 3103 Scotland Drive, as requested by Avinash Samtani.

---

#### **Request**

The applicant is requesting a variance to the City's Unified Development Code (UDC), Section 3.301, as it applies to setbacks. The applicant purchased a multifamily property with an existing carport that encroaches 5 ft. into the utility easement at the rear of the property. This encroachment was noticed by the title company, and they advised Mr. Samtani to have this problem corrected.

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

The property is located on the west side of South McColl Road, approximately 1,500 ft. south of West Freddy Gonzalez Drive and is zoned Urban Residential (UR) District. Adjacent zoning is Auto Urban Residential (AU) District to the north and south, Suburban Residential District (S) to the West, and Commercial General (CG) District to the east.

#### **Background and History**

The property is part of the Boardwalk Subdivision, which was recorded on August 4, 2006, predating the current UDC. The applicant has been directed by a land title company to seek a variance to allow an existing carport to encroach approximately 5 ft into a utility easement. Staff mailed notice of this variance request to 61 neighboring property owners. No comments in favor and none against this request had been received at the time this report was prepared.

#### **Analysis**

The property has 50 ft. of frontage on Scotland Drive and 95 ft. of depth for a total lot area of 5500 sq. ft. The lot and its multi-family residential structure are typical for this neighborhood and surrounding area.

Adjacent properties have similar structures that also encroach into the same utility easement. No information is on file regarding any variance obtained by the subdivision, nor any variances obtained by individual property owners in this subdivision. The applicant submitted this variance application on April 19, 2022.

# Planning & Zoning Staff Report

---

There is a 15 ft. utility easement at the rear of the subject property. The applicant seeking this variance to satisfy the directive of the land title company.

## **Recommendation**

Staff recommends approval of this request. The UDC expressly prohibits accessory structures in any easement. However, all of the carports in the Boardwalk Subdivision appear to have been built in 2007 just prior to the current UDC adoption. Allowing a carport would not compromise the quality and character of this neighborhood and should be allowed.

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:

**Jaime X. Ayala**

Planner II

Approved by:

**Kimberly A. Mendoza, MPA**



Director of Planning & Zoning





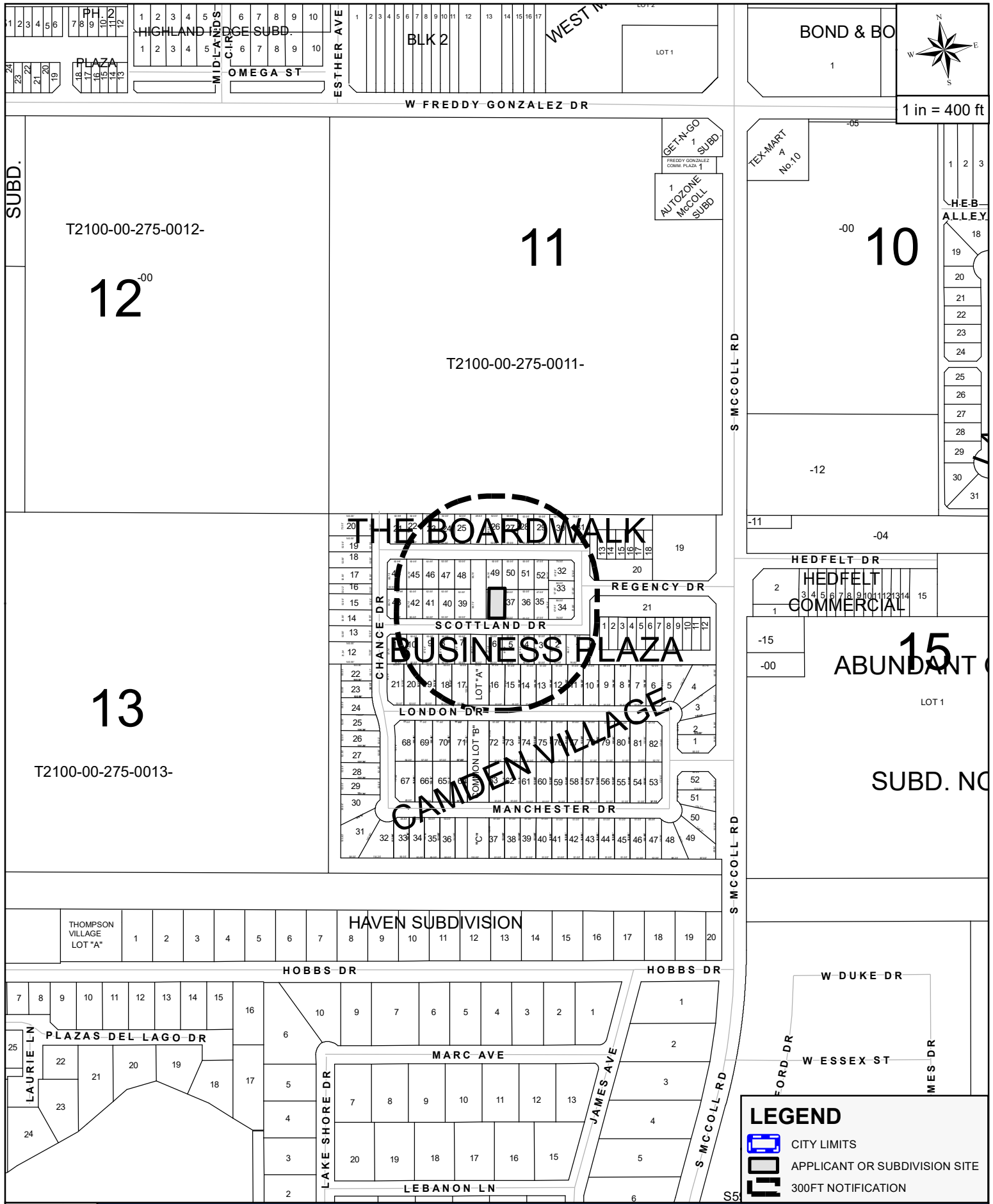
1 in = 400 ft

**LEGEND**

-  CITY LIMITS
-  APPLICANT OR SUBDIVISION SITE









Case #

Edinburg

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

## Zoning Board of Adjustment Application Request for Variance

Nature of Request: Building into 20ft setback lineReason for Hardship (required; attach additional pages if necessary)3.505 Easements & UtilitiesBuilding into setbackProperty Description: Lot 38 Block \_\_\_\_\_ Subdivision The boardwalkProperty Address: 3103 Scotland Ave Edinburg, TX 78539

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

Person requesting Variance: Avinash Santani Email: avinash.santani23@gmail.comMailing Address: 2918 Manchester Dr. Edinburg, TX 78539  
Street Address City/State Zip CodePhone No. (Home): \_\_\_\_\_ (Work): \_\_\_\_\_ (Cell): 956-334-6967Owner's Name: Avinash Santani Email: avinash.santani23@gmail.comOwner's Address: 2918 Manchester Dr. Edinburg, TX 78539  
Street Address City/State Zip Code

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

Signature: [Signature] Date: 04/19/2022

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

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

RECEIVED

APR 19 2022

OFFICE USE ONLY

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

Name: [Signature]

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

asantani@esperanzahomes.com



# SUBDIVISION PLAT OF THE THE BOARDWALK

BEING 14.80 ACRES GROSS OUT OF LOT 14, SECTION 275, TEXAS-MEXICAN RAILWAY COMPANY SURVEY, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 24, PAGE 168, DEED RECORDS OF HIDALGO COUNTY, TEXAS.

STATE OF TEXAS  
COUNTY OF HIDALGO

I (WE) THE UNDERSIGNED OWNER(S) OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE BOARDWALK, SUBDIVISION TO THE CITY OF EDINBURG, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, DO HEREBY GRANT AN EASEMENT TO SAID CITY AND THOSE WHO MAY NOW OR HEREAFTER HOLD FRANCHISE UNDER SAID CITY, THE USE OF STREETS RESTRICTED TO THE EMPLOYEES OF UTILITIES UNDER FRANCHISE TO THE CITY AND RESIDENTS OF THE SUBDIVISION & THEIR GUESTS.

OWNER: JAR GROUP DEVELOPMENT, L.P.  
3907 SOUTH SUGAR ROAD  
EDINBURG, TEXAS 78539

STATE OF TEXAS  
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED JAIME A. RODRIGUEZ KNOWN TO ME TO BE THE PERSONS WHOSE NAMES SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 16<sup>th</sup> DAY OF JANUARY, 2006.

NOTARY PUBLIC IN AND FOR THE  
STATE OF TEXAS  
MY COMMISSION EXPIRES 5-22-2009

APPROVAL BY THE CITY OF EDINBURG PLANNING COMMISSION:

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

DATED THIS 12 DAY OF APRIL, 2005

CHAIRPERSON, CITY OF EDINBURG PLANNING COMMISSION

STATE OF TEXAS  
COUNTY OF HIDALGO

I, RENE BARRERA, P.E., A LICENSED PROFESSIONAL ENGINEER LICENSED TO PRACTICE IN THE STATE OF TEXAS, LICENSE NUMBER TX. 86662, DO HEREBY CERTIFY THAT THIS PLAT HAS BEEN GIVEN PROPER AND ADEQUATE ENGINEERING CONSIDERATION, AND, FURTHER, DO HEREBY CERTIFY THAT NONE OF THE AREAS BEING PLATTED HEREIN AS "THE BOARDWALK" SUBDIVISION AS DESCRIBED BY METES AND BOUNDS DESCRIPTION (SEE METES AND BOUNDS DESCRIPTION AT THE RIGHT) ARE NOT LOCATED IN A FLOOD PRONE AREA DESIGNATED AS ZONES "A" OR "AH" DEFINED AND DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

RENE BARRERA, P.E.  
LICENSED PROFESSIONAL ENGINEER, TEXAS LIC. NO. 86662

STATE OF TEXAS  
COUNTY OF HIDALGO

I, JOSE MARIO GONZALEZ A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND AND THAT THERE ARE NO VISIBLE ENCUMBRANCES OR ENCROACHMENTS EXCEPT AS SHOWN AND THAT ALL CORNERS HAVE BEEN LOCATED AS INDICATED.

JOSE MARIO GONZALEZ, R.P.L.S.  
REG. PROFESSIONAL LAND SURVEYOR #5571  
RT. 1, BOX 171-G  
EDCOUNCH, TEXAS 78538

HIDALGO COUNTY IRRIGATION DISTRICT No. 1

THIS PLAT APPROVED BY HIDALGO COUNTY WATER IRRIGATION DISTRICT No. 1 ON THIS 9<sup>th</sup> DAY OF FEBRUARY, 2006.

NO IMPROVEMENTS OF ANY KIND SHALL BE PLACED UPON H.C.D. No. 1 RIGHT OF WAY OR EASEMENTS WITH THE EXPRESSED WRITTEN PERMISSION OF THE H.C.D. No. 1.

WILLIAM J. B. PRESIDENT BYRON B. SECRETARY

PRINCIPAL CONTACTS:

NAME	ADDRESS	CITY & ZIP	PHONE	FAX
OWNER: JAR GROUP DEVELOPMENT	3907 SOUTH SUGAR ROAD	EDINBURG, TEXAS 78539	956-384-9290	619-233-5141
ENGINEER: RENE BARRERA, P.E.	2507 CORNERSTONE BLVD.	EDINBURG, TX 78539	956-624-4985	956-618-3840
SURVEYOR: JOSE MARIO GONZALEZ, R.P.L.S.	RT. 1 BOX 171-G	EDCOUNCH, TEXAS 78538	956-369-2488	956-262-6861

## GENERAL PLAT NOTES:

- SETBACK LINES ARE AS FOLLOWS:  
BLOCK 1 (COMMERCIAL USE): REAR - 36' 0" - SIDE - 0' - FRONT - 60' 0" - CORNER SIDE - 10' 0" OR EASEMENT, WHICHEVER IS GREATER.  
BLOCK 2 (MULTI-FAMILY USE): REAR - 25' 0" - SIDE - 0' - FRONT - 20' 0" - CORNER SIDE - 10' 0" OR EASEMENT, WHICHEVER IS GREATER.  
(OR EASEMENT WIDTHS, WHICHEVER ARE GREATER IN ALL CASES)
- LANDS CONTAINED WITHIN THIS SUBDIVISION ARE LOCATED IN ZONE "X" - AREAS WITHIN THE LIMITS OF THE 500-YEAR FLOOD PLAIN, COMMUNITY PANEL NO. 480338 0000 E. MAP REVISED MARCH 4, 2006.
- MINIMUM FINISHED FLOOR ELEVATION FOR ALL NEW RESIDENTIAL CONSTRUCTION SHALL BE SET AT A MINIMUM OF 18 INCHES ABOVE THE TOP OF THE CURB LOCATED IN THE CENTER FRONT OF THE LOT OR BASE FLOOD ELEVATION, WHICHEVER IS GREATER.
- BENCHMARK ELEVATION IS 99.20, IT IS LOCATED ON TOP OF AN INLET LOCATED IN FRONT OF THE PROPERTY.  
DATUM: NATIONAL GEODETIC VERTICAL DATUM OF 1929
- UNLESS OTHERWISE SHOWN, ALL LOTS ARE MONUMENTED BY 1/2" INCH DIAMETER BY 18 INCH LONG IRON REBARS.
- THIS SUBDIVISION SHALL BE REQUIRED TO DETAIN A TOTAL OF 49,837 CUBIC FEET, OR 1.47 ACRES FEET.
- NO PERMANENT STRUCTURES SHALL BE ALLOWED WITHIN UTILITY OR IRRIGATION EASEMENTS, OR ON LOT LINES.
- A 4'-0" FOOT SIDEWALK, 4 FEET BEHIND THE BACK OF CURB, IS REQUIRED ALONG INTERNAL STREETS DURING THE BUILDING STAGE.
- 50 PERCENT PARKLAND DEDICATION FEE WILL BE DUE AT BUILDING PERMIT STAGE FOR ALL MULTI-FAMILY LOTS.
- LOTS 22 & 23, BLOCK 1, SHALL BE UTILIZED AS COMMON PARKING, LANDSCAPING, UTILITY EASEMENTS, FIRE LINES AND ARE TO BE MAINTAINED BY A COMMERCIAL ASSOCIATION.
- A 5'-0" FOOT SIDEWALK WITH ADA RAMPS IS REQUIRED ALONG MCCOLL ROAD AT BUILDING PERMIT STAGE.
- MAINTENANCE OF ALL IMPROVEMENTS, INCLUDING PROPOSED DRAINAGE AREAS ON COMMERCIAL AND MULTI-FAMILY LOTS, IS THE RESPONSIBILITY OF THE INDIVIDUAL LOT OWNERS.
- ALL CONSTRUCTION SHALL COMPLY WITH STORM WATER POLLUTION PREVENTION PLAN (SWPPP) REQUIREMENTS.
- ADDITIONAL FIRE HYDRANTS MAY BE REQUIRED AT BUILDING PERMIT STAGE FOR COMMERCIAL AREAS.
- SITE PLAN IS REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMIT FOR COMMERCIAL DEVELOPMENTS.
- ALL STREETS AND RIGHT-OF-WAY EASEMENTS WITHIN THE MULTI-FAMILY SECTION IN THIS SUBDIVISION, AS REFLECTED UPON THE SUBDIVISION PLAT, HAVE NOT BEEN DEDICATED TO THE PUBLIC NOR BEEN ACCEPTED BY THE CITY AS PUBLIC IMPROVEMENTS AS SUCH. ALL STREETS SHALL BE PRIVATE STREETS WITH A GATED ENTRY AND RIGHT OF WAY FOR THE USE OF ONLY THE OWNERS OF LOTS WITHIN THE SUBDIVISION. SAID PRIVATE ROADS SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION (THE STREETS SHALL BE OPEN TO EMERGENCY VEHICLES, PUBLIC AND PRIVATE UTILITY SERVICE PERSONNEL, TH. U.S. POSTAL SERVICE AND GOVERNMENTAL EMPLOYEES IN PURSUIT OF THEIR OFFICIAL DUTIES).

## METES AND BOUNDS DESCRIPTION

A 14.80 ACRE TRACT OF LAND OUT OF LOT 14, SECTION 275, TEXAS-MEXICAN RAILWAY SURVEY, AS RECORDED IN VOLUME 24, PAGE 168, HIDALGO COUNTY DEED RECORDS, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 14, SECTION 275, TEXAS-MEXICAN RAILWAY SURVEY, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THIS TRACT OF LAND AND THE POINT OF BEGINNING OF THIS HEREIN TRACT DESCRIBED:

THENCE SOUTH 08°59'00" WEST, COINCIDENT WITH THE EAST LINE OF SAID LOT 14, SECTION 275, A DISTANCE OF 487.17 FEET TO A NAIL FOR THE SOUTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT:

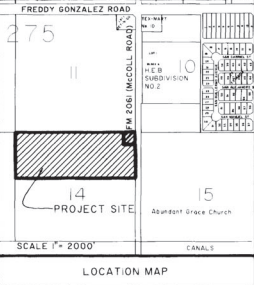
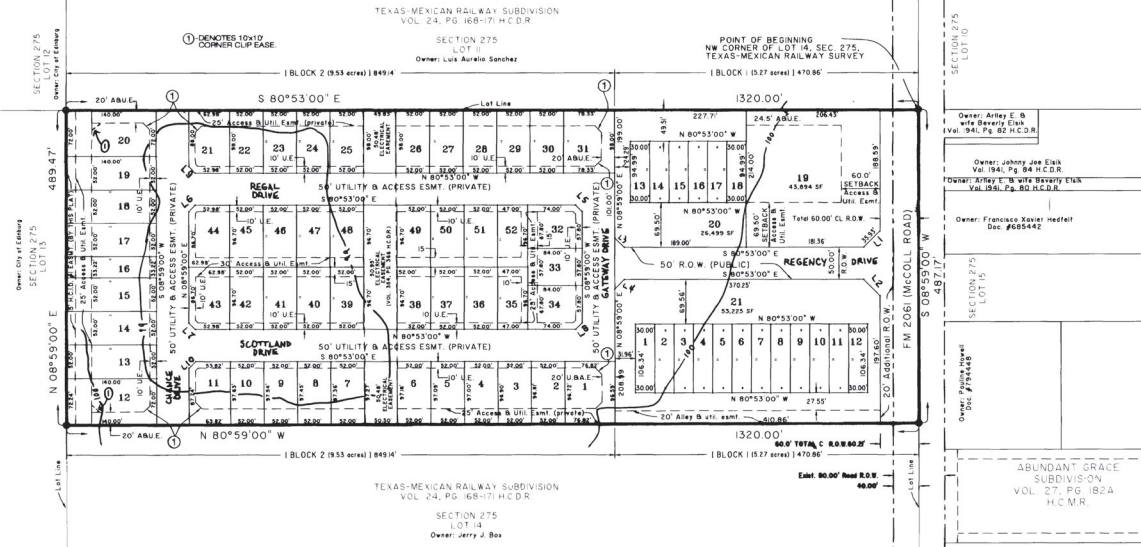
THENCE NORTH 80°59'00" WEST, A DISTANCE OF 40.00 FEET PASS A HALF INCH IRON ROD FOUND FOR THE WEST RIGHT OF WAY OF FM 206 (MCCOLL ROAD), TO A TOTAL DISTANCE OF 1320.00 FEET TO HALF INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT:

THENCE NORTH 08°59'00" EAST, A DISTANCE OF 489.47 FEET TO A HALF INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT:

THENCE SOUTH 80°59'00" EAST, A DISTANCE OF 1290.00 FEET PASS A HALF INCH IRON ROD FOUND FOR THE WEST RIGHT OF WAY OF FM 206 (MCCOLL ROAD), A TOTAL DISTANCE OF 1320.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 14.80 ACRES OF LAND, MORE OR LESS.

## GENERAL PLAT NOTES CONTINUED:

- DESIGNATED LOT USE: BLOCK 1, LOTS 1-9 COMMERCIAL USE, C-1 LOCAL BUSINESS DISTRICT. BLOCK 2, LOTS 1-32 DUPLEX RESIDENTIAL USE, R-8 TWO-FAMILY RESIDENCE.
- BLOCK 2, LOTS 1-32 SHALL CONFORM TO THE CITY OF EDINBURG I.R.D. INNOVATIVE RESIDENTIAL DEVELOPMENT (I.R.D.)



THE BOARDWALK SUBDIVISION IS LOCATED IN CENTRAL HIDALGO COUNTY 1/4 SECTION 275 FROM THE INTERSECTION FREDDO GONZALEZ ROAD & MCCOLL ROAD (FM 206). THIS SUBDIVISION LIES WITHIN THE CITY LIMITS OF EDINBURG, TEXAS.

PREPARED BY: BARRERA INFRASTRUCTURE GROUP, INC.  
2507 CORNERSTONE BLVD.  
EDINBURG, TEXAS 78539  
DATE PREPARED: NOVEMBER 03, 2003  
DATE SURVEYED: SEPT. 15, 2003

NUMBER	Direction	Distance
L1	S 54°07'00" W	35.93
L2	S 33°51'00" E	36.3
L3	N 54°03'00" E	21.9
L4	N 35°57'00" W	21.24
L5	N 35°57'00" W	14.8
L6	S 54°03'00" W	14.3
L7	S 35°57'00" E	14.8
L8	N 54°03'00" E	14.3
L9	N 35°57'00" W	14.8
L10	S 54°03'00" W	14.3

IRREGULAR LOT AREA
LOT AREA
1 4942.82
2 2350.67
3 2531.97
4 2333.05
5 250.32
6 2502.49
7 2506.65
8 2505.79
9 2505.98
10 2507.5
11 2508.3
12 2509.04
13 2506.59
14 2547.23
15 2548.42
16 2549.62
17 2550.81
18 2550.06
19 2553.20
20 2554.40
21 2555.60
22 2482.14
23 2507.50
40 3492.71
62 3676.25
67 3676.05
84 3445.63
85 3445.67

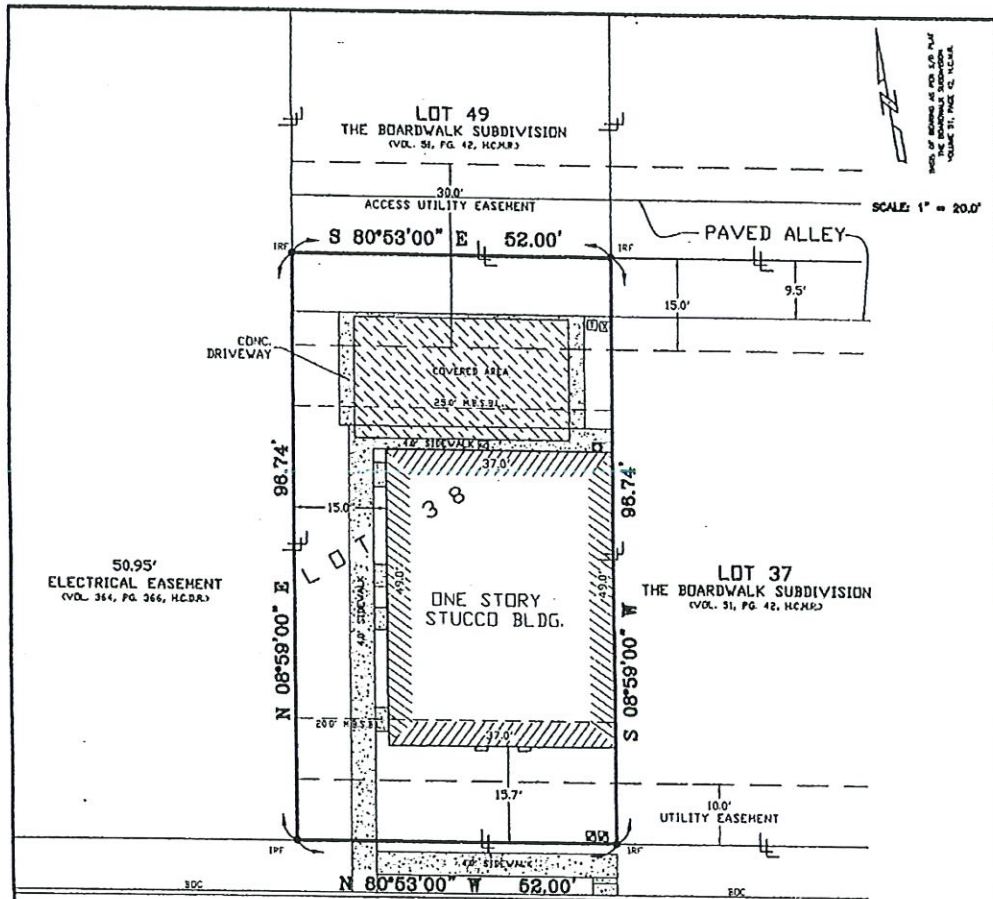
FILED FOR RECORD IN  
HIDALGO COUNTY OF TEXAS  
RECORDED IN VOLUME 51, PAGE 42  
OF THE MAP RECORDS OF HIDALGO COUNTY  
ON 11/15/06  
BY: [Signature]  
COUNTY CLERK

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

BY: [Signature] DATE: 7/24/06  
HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

NO.	SHEET	REVISION	DATE	APPROVED





# Zoning Board of Adjustment

Site Photos for meeting of May 25, 2022

AVINASH SAMTANI - 3103 SCOTTLAND AVENUE



## Planning & Zoning Staff Report

Prepared on: 05-20-22

### ZONING BOARD OF ADJUSTMENT

Regular Meeting: 05-25-22

#### **Agenda Item 8C**

Consider Variance to the City's Unified Development Code, Section 3.303, Multi-Family Residential Bulk Standards, Setbacks, all of Lots 1-39, Newcastle Subdivision, located at 2601 West Wisconsin Road, as requested by Red Rock Real Estate Development Group, LTD

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#### **Request**

The applicant is requesting a variance to the City's Unified Development Code (UDC), Section 3.303, as it applies to setbacks. The applicant is proposing to reduce the front yard setbacks of a multifamily subdivision from 20 ft. to 0 ft. to construct carports in this area.

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

The property is located on the north side of West Wisconsin Road, approximately 300 ft. east of South McColl Road and is zoned Urban Residential (UR) District. Adjacent zoning is Auto-Urban Residential (AU) District to the north and south, Suburban Residential (S) Districts to the east, and Commercial General (CG) and Industrial (I) Districts to the west. Surrounding area includes agricultural, and single-family residential land uses as well as vacant land.

#### **Background and History**

The properties are in the Newcastle Subdivision, recorded on January 27, 2022. The applicant is proposing to construct carports for duplexes in this multifamily development. A Request for Variance Application, sample site plan, and related documents were submitted to the City on April 27, 2022. The sample site plan shows the supporting columns for the carport extending 11.33 ft. into the required 20 ft. front yard setback.

Staff mailed a notice of this variance request to 15 property owners within 300 ft. of the subject property. No comments in favor and 1 against this request had been received at the time this report was prepared.

#### **Analysis**

The subdivision has 650 ft. of frontage on West Wisconsin Road and a total subdivision area of 13.19 acres. On September 3, 2019 a subdivision variance was approved to reduce lot area, lot width and rear setbacks. After these variances were approved, this subdivision was rezoned from Suburban Residential (S) District to Urban Residential (UR) District on October 1, 2019. The proposed carports would protrude approximately six feet into the City's eight feet utility and sidewalk easement.

# Planning & Zoning Staff Report

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## Recommendation

Staff recommends disapproval of this request based on the level of encroachment.

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

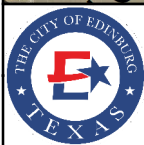
### Prepared by:

**Tilfred Ricardo Farley**  
Planner I

### Approved by:

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





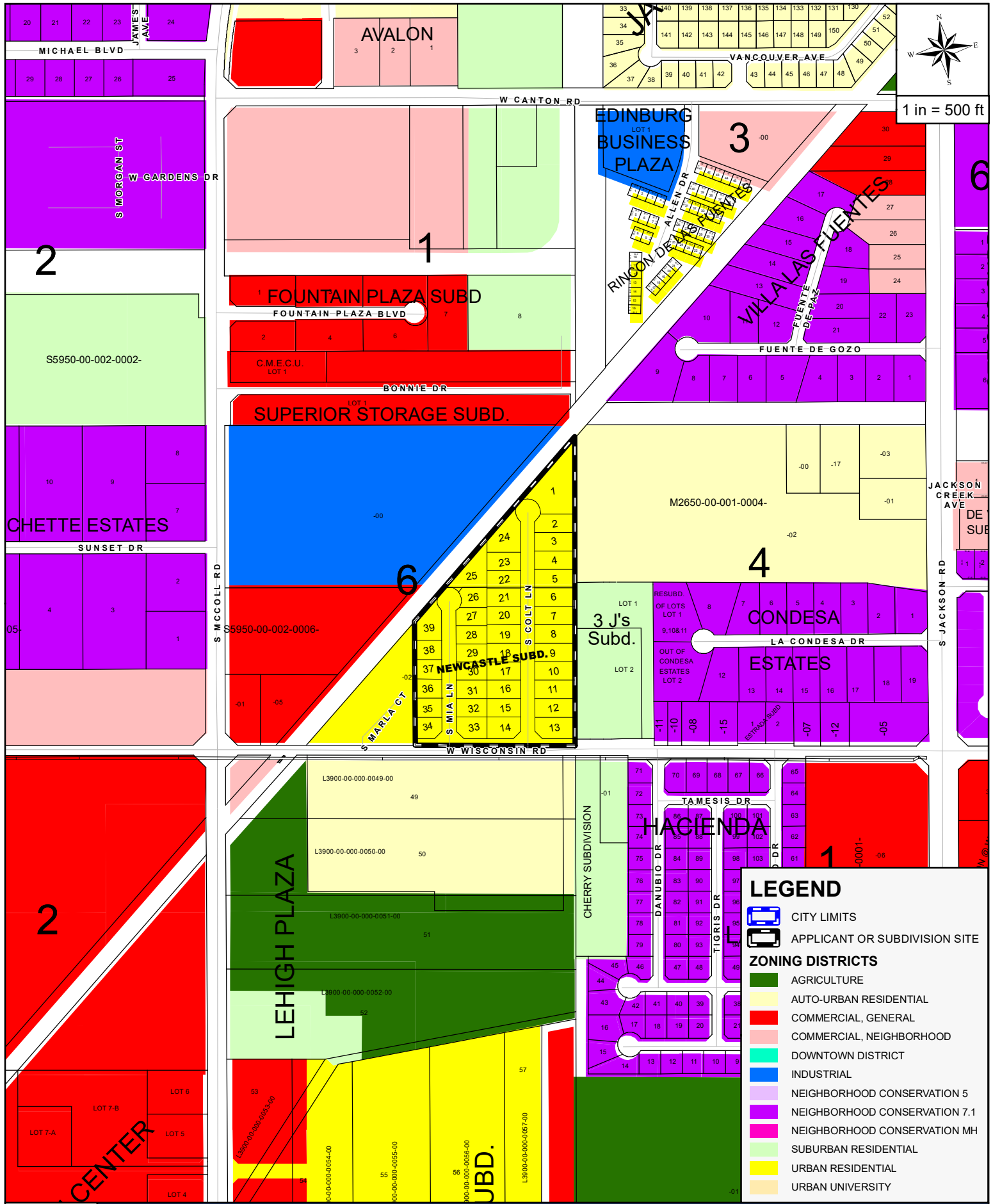
**AERIAL MAP**

**APPLICANT AND/OR SUBDIVISION:**

**RED ROCK REAL ESTATES**







**LEGEND**

CITY LIMITS

APPLICANT OR SUBDIVISION SITE

**ZONING DISTRICTS**

AGRICULTURE

AUTO-URBAN RESIDENTIAL

COMMERCIAL, GENERAL

COMMERCIAL, NEIGHBORHOOD

DOWNTOWN DISTRICT

INDUSTRIAL

NEIGHBORHOOD CONSERVATION 5

NEIGHBORHOOD CONSERVATION 7.1

NEIGHBORHOOD CONSERVATION MH

SUBURBAN RESIDENTIAL

URBAN RESIDENTIAL

URBAN UNIVERSITY



SCALE 1"=20'

75.00'

PROP. 10.0' M.B.S.L.

20.00'  
ELECTRICAL &  
UTILITY EASEMENT

10.00' E.E.

136.00'

20

PROP. MULTIFAMILY  
DUPLEX

PROP. MULTIFAMILY  
DUPLEX

PROP. S.W.

PROP. 6.0' M.B.S.L.

136.00'

10.00'

18

8.0' UTILITY & SIDEWALK EASEMENT

6'

26.50'

26.50'

26.50'

26.50'

26.50'

26.50'

26.50'

26.50'

26.50'

26.50'

PROP. 4.0' S.W.

PROP. 8 PARKING  
SPACES

PROP. 20.0' M.B.S.L.

FUTURE 5.0'  
SIDEWALK

7.50'

7.50'

7.50'

7.50'

7.50'

7.50'

7.50'

7.50'

7.50'

7.50'

7.50'

7.50'

75.00'

43.00'

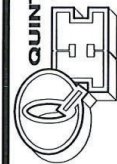
*Alfonso Quintanilla*  
ALFONSO QUINTANILLA  
P.E. No. 95534



■ CARPORT WBX10 STEEL COLUMN

▨ CARPORT IN COMPLIANCE WITH SPECS

▨ CARPORT ENCROACHING INTO SETBACK



QUINTANILLA, HEADLEY AND ASSOCIATES, INC. RECEIVED

CONSULTING ENGINEERS

124 E. STUBBS ST.  
EDINBURG, TEXAS 78539

REGISTRATION NUMBER F-1513

SURVEYING REGISTRATION NUMBER 100411-00

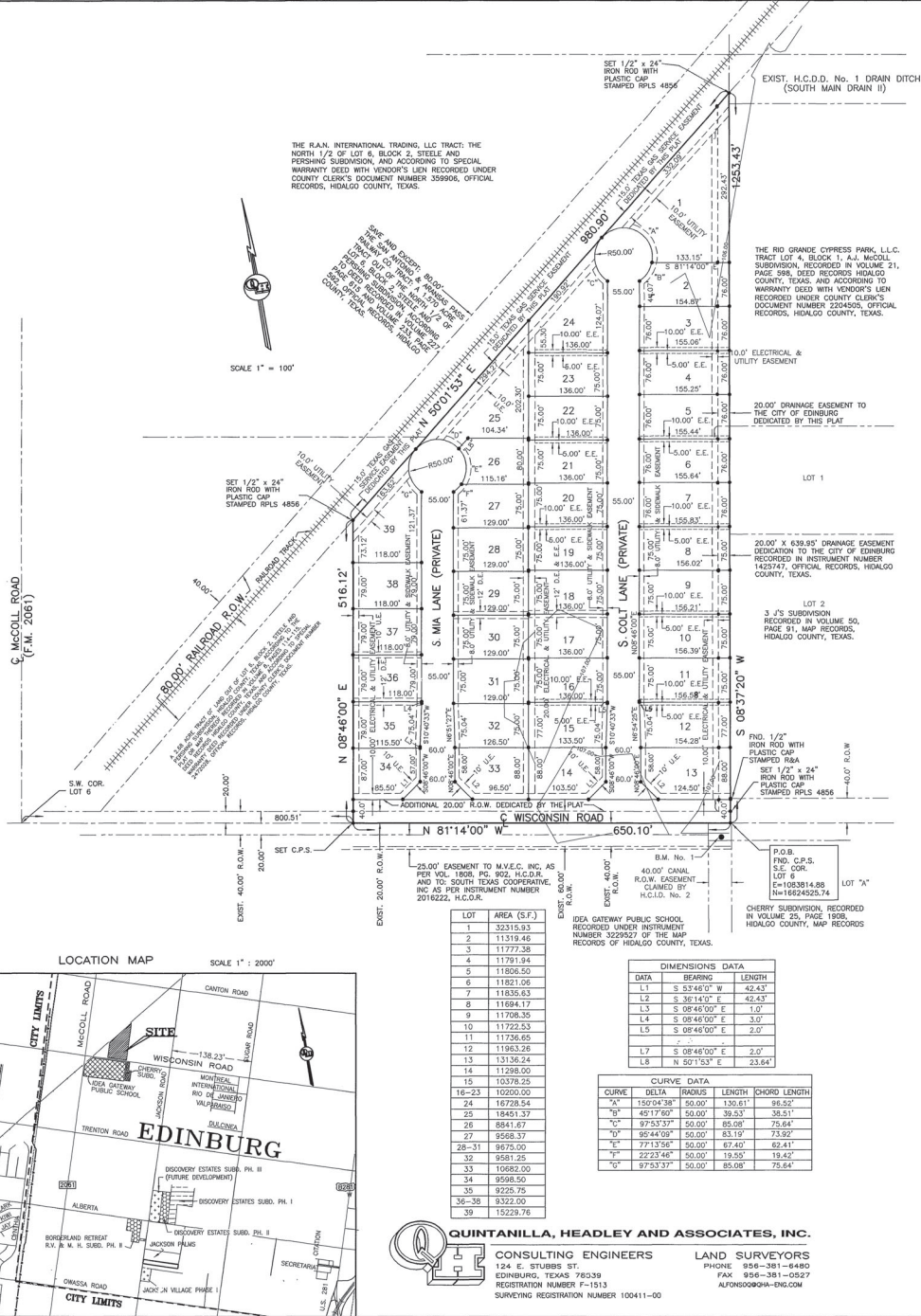
LOT 19

NEWCASTLE

APR 27 2022

Name: \_\_\_\_\_





**NEWCASTLE**

A 13.19 ACRE TRACT OF LAND OUT OF LOT 6, BLOCK 2, STEELE AND PERSHING SUBDIVISION, HIDALGO COUNTY, TEXAS, ACCORDING TO THE PLAT OR MAP THEREOF RECORDED IN VOLUME 8, PAGES 114-115, DEED RECORDS HIDALGO COUNTY, TEXAS, AND ACCORDING TO SPECIAL WARRANTY DEED RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 2472028, AND GENERAL WARRANTY DEED RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 3080380, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS.

**METES AND BOUNDS**

A 13.19 ACRE TRACT OF LAND OUT OF LOT 6, BLOCK 2, STEELE AND PERSHING SUBDIVISION, HIDALGO COUNTY, TEXAS, ACCORDING TO THE PLAT OR MAP THEREOF RECORDED IN VOLUME 8, PAGES 114-115, DEED RECORDS HIDALGO COUNTY, TEXAS, AND ACCORDING TO SPECIAL WARRANTY DEED RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 2472028, AND GENERAL WARRANTY DEED RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 3080380, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS, AND ACCORDING TO SPECIAL WARRANTY DEED RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 2472028, AND GENERAL WARRANTY DEED RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 3080380, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS, AND ACCORDING TO SPECIAL WARRANTY DEED RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 2472028, AND GENERAL WARRANTY DEED RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 3080380, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS.

**STATE OF TEXAS**  
**COUNTY OF HIDALGO**

I, the undersigned, a registered professional land surveyor in the state of Texas, do hereby certify that this plat is true and correct, and was made and prepared from an actual survey of the property done on the ground under my supervision.

**STATE OF TEXAS**  
**COUNTY OF HIDALGO**

I, the undersigned, a licensed professional engineer in the state of Texas, do hereby certify that the proper engineering considerations have been given to this plat.

**PLAT NOTES AND RESTRICTIONS:**

- FLOOD ZONE DESIGNATION: ZONE "X" (SHADED) DEFINED AS AREAS OF 500-YEAR FLOOD; AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LOWES FROM 100-YEAR FLOOD.
- LEGEND: "A" DENOTES 1/2" X 24" IRON ROD SET WITH PLASTIC CAP STAMPED RPLS 4856, UNLESS OTHERWISE NOTED.
- SETBACKS: FRONT 20.00' FEET, REAR 10.00' FEET, SIDE 4.00' FEET.
- CORNER SIDE OR TO EASEMENT LINE WHICHEVER IS GREATER IN ALL CASES.
- MINIMUM FINISH FLOOR ELEVATION: 18" ABOVE TOP OF CURB OR BASE FLOOR ELEVATION, WHICHEVER IS GREATER.
- BENCHMARK NOTE: B.M. ELEV. = 100.00' TOP OF STORM MAIN HOLE LOCATED 15.5 FEET WEST AND 24 FEET SOUTH FROM THE SOUTHWEST CORNER OF THIS SUBDIVISION, N.A.D. 83 DATUM.
- TOTAL DRAINAGE DETENTION IS: 163,672.00 C.F.
- NO PERMANENT STRUCTURES SHALL BE ALLOWED WITHIN UTILITY EASEMENTS OR IRRIGATION EASEMENTS.
- SOILS OF PARK LAND (300.00) PER UNIT WILL BE DUE AT BUILDING PERMIT STAGE.
- ALL SUBDIVISION IMPROVEMENTS SHALL COMPLY WITH STORM WATER POLLUTION PREVENTION PLAN (SWPP) REQUIREMENTS.
- A FIVE (5.0) FOOT SIDEWALK AS PER LATEST CITY OF EDINBURG ENGINEERING DEPARTMENT STANDARDS OR AS APPROVED BY THE CITY ENGINEER IS REQUIRED AT BUILDING PERMIT STAGE BY LOT OWNER, ADA RAMPS WITHIN THE SUBDIVISION ARE TO BE CONSTRUCTED DURING SUBDIVISION CONSTRUCTION STAGE.
- ALL WATER AND SANITARY SEWER FEES SHALL BE PAID BY DEVELOPER.
- NO ACCESS TO WISCONSIN ROAD FROM LOTS 13, 14, 33, & 34.
- THE HOMEOWNERS' ASSOCIATION MUST COLLECT DUES TO MAINTAIN AND IMPROVE PRIVATE STREETS, STREET LIGHTS, LANDSCAPE IMPROVEMENTS IN COMMON AREAS, STREET LIGHTS, ELECTRIC BILL, AND OTHER AMENITIES IMPROVEMENTS FOR THIS SUBDIVISION.
- ALL UTILITY EASEMENTS, E.E. DENOTES ELECTRICAL, EASEMENT.
- ALL COMMON ACCESS, PARKING LAND LANDSCAPING AREAS WILL BE MAINTAINED BY HOME OWNERS ASSOCIATION.
- THE OWNERS OF LOTS SERVED BY THE PRIVATE SEWER, ALLEYS AND ACCESS EASEMENTS WITHIN THIS PLAT AGREE TO RELEASE, INDEMNIFY, DEFEND AND HOLD HARMLESS ANY GOVERNMENTAL ENTITY FOR DAMAGES TO THE PRIVATE ACCESS, ALLEYS AND ACCESS EASEMENTS OCCASIONED BY THE REASONABLE USE THEREOF BY THE GOVERNMENT ENTITY FOR GOVERNMENTAL PURPOSES, AND TO RELEASE, INDEMNIFY, DEFEND AND HOLD HARMLESS ANY GOVERNMENTAL ENTITY FOR DAMAGES ARISING FROM THE CONDITION OF THE PRIVATE ACCESS, ALLEYS OR PRIVATE ACCESS EASEMENTS, THE MAINTENANCE OF SIGNS SHALL NOT BE THE RESPONSIBILITY OF THE CITY OF EDINBURG.
- A FIVE (5.0) FOOT SIDEWALK WITH ADA RAMPS IS REQUIRED ALONG WISCONSIN ROAD AS PER LATEST CITY OF EDINBURG ENGINEERING DEPARTMENT STANDARDS OR AS APPROVED BY THE CITY ENGINEER DURING SUBDIVISION CONSTRUCTION BY DEVELOPER.
- A 6' BUFFER FENCE, BUILT AND MAINTAINED BY THE HOME OWNERS ASSOCIATION WILL BE REQUIRED BETWEEN RESIDENTIAL AND MULTI-FAMILY LOTS.
- ALL LOTS SHALL HAVE A POST DEVELOPMENT FINISHED GRADE FROM THE REAR OF THE LOT TO THE CURB AND/OR ROADSIDE DITCH AT A 1:08 SLOPE TO ACCOMPLISH POSITIVE DRAINAGE, THIS IS IN ACCORDANCE WITH THE CITY OF EDINBURG STANDARDS.
- ADDITIONAL PROPERTY CORNERS WERE PLACED ON LOTS 1-13 LOCATED ON THE WESTSIDE OF THE 20' DRAINAGE EASEMENT.

**STATE OF TEXAS**  
**COUNTY OF HIDALGO**

**OWNER'S DEDICATION, CERTIFICATION, AND ATTESTATION**

WE, THE UNDERSIGNED OWNERS OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS NEWCASTLE, DO HEREBY GRANT AN EASEMENT TO THE CITY OF EDINBURG AND THOSE WHO MAY NOW OR HEREAFTER HOLD FRANCHISE UNDER SAID CITY, THE STREETS, STREET LIGHTS, TRAFFIC CONTROL DEVICES, SIDEWALKS AND OTHER IMPROVEMENTS AND EASEMENTS THEREON SHOWN, SURFACE USE OF THE STREET AND ALLEYS IS RESTRICTED TO THE EMPLOYEES OR AGENTS OF THE CITY OF EDINBURG, EMPLOYEES OF UTILITIES OPERATING UNDER FRANCHISE TO THE CITY OF EDINBURG AND RESIDENTS OF THE SUBDIVISION AND THEIR GUESTS.

THE STREETS, AS REFLECTED UPON THE SUBDIVISION PLAT, HAVE NOT BEEN DEDICATED TO THE PUBLIC FOR PUBLIC ACCESS NOR HAVE BEEN ACCEPTED BY THE CITY AS PUBLIC IMPROVEMENTS, AND THE STREETS, STREET LIGHTS, TRAFFIC CONTROL DEVICES, SIDEWALKS AND OTHER IMPROVEMENTS SHALL BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION WITHIN THE SUBDIVISION. THE STREETS SHALL ALWAYS BE OPEN TO EMERGENCY VEHICLES, PUBLIC AND PRIVATE UTILITY SERVICE PERSONNEL, THE U.S. POSTAL SERVICE AND GOVERNMENTAL EMPLOYEES IN PURSUIT OF THEIR OFFICIAL DUTIES.

THE OWNERS OF LOTS SERVED BY THE PRIVATE SEWER AND ACCESS EASEMENTS WITHIN THIS PLAT AGREE TO RELEASE, INDEMNIFY, DEFEND AND HOLD HARMLESS ANY GOVERNMENTAL ENTITY FOR DAMAGES TO THE PRIVATE SEWER, ALLEYS AND ACCESS EASEMENTS OCCASIONED BY THE REASONABLE USE THEREOF BY THE GOVERNMENT ENTITY FOR GOVERNMENTAL PURPOSES, AND TO RELEASE, INDEMNIFY, DEFEND AND HOLD HARMLESS ANY GOVERNMENTAL ENTITY FOR DAMAGES ARISING FROM THE CONDITION OF THE PRIVATE SEWER, ALLEYS OR PRIVATE ACCESS EASEMENTS, THE MAINTENANCE OF PRIVATE STREET SIGNS SHALL NOT BE RESPONSIBILITY OF THE CITY OF EDINBURG.

**STATE OF TEXAS**  
**COUNTY OF HIDALGO**

**NOTARY PUBLIC**

Blanca E. Martinez  
Blanca E. Martinez - Notary Public

**PLANNING & ZONING**  
**CERTIFICATION**

I, the undersigned, Chairperson of the Planning and Zoning Commission of the City of Edinburg, hereby certify that this subdivision complies with all requirements of the City of Edinburg, Texas Subdivision Regulations of this City wherein my approval is required and has been approved for recording on the 18th day of December, 2021.

**MAYOR'S CERTIFICATION**

I, the undersigned, Mayor of the City of Edinburg, hereby certify that this subdivision plat conforms to all requirements of the Subdivision Regulations of this City wherein my approval is required.

**HIDALGO COUNTY IRRIGATION DISTRICT No. 2 CERTIFICATION**

THIS PLAT IS HEREBY APPROVED BY THE HIDALGO COUNTY IRRIGATION DISTRICT No. 2 ON THIS 17th DAY OF December, 2021.

**APPROVED BY DRAINAGE DISTRICT:**

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS SET FORTH UNDER THE TEXAS WATER CODE 48.211 (C). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER AND HIS ENGINEER TO MAKE THEIR DETERMINATIONS.

**HIDALGO COUNTY DRAINAGE DISTRICT NO. 1**

**FILED FOR RECORD IN**  
**HIDALGO COUNTY**  
ARTURO GUJARDO, JR.  
HIDALGO COUNTY CLERK

ON: 12-21-2022 AT 9:17 AM  
INSTRUMENT NUMBER 33022731  
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS

By: *Herman Garcia Jr.* DEPUTY

DATE OF PREPARATION: JUNE 13, 2019





Case # VAR-2022-0089

**Edinburg**  
THE CITY OF

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

## Zoning Board of Adjustment Application Request for Variance

Nature of Request: Carport columns and overhang encroachment in front setback and u

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

To provide covered parking for tenants.

12 FOOT FRONT SET BACK FOR CARPORTS

Property Description: Lot 1-39 Block \_\_\_\_\_ Subdivision Newcastle

Property Address: See attached exhibit.

Present Property Zoning: UR - Urban Residential

Person requesting Variance: Red Rock Real Estate Development Email: riocantu@yahoo.com

Mailing Address: 2912 S. Jackson Rd McAllen, TX 78503  
Street Address City/State Zip Code

Phone No. (Home): \_\_\_\_\_ (Work): (956) 800-1333 (Cell): \_\_\_\_\_

Owner's Name: Red Rock Real Estate Development Group Email: riocantu@yahoo.com

Owner's Address: 2912 S. Jackson Rd McAllen, TX 78503  
Street Address City/State Zip Code

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

Signature: [Signature] Date: 4-27-2022

Owner/Agent's Name (Please Print): Manuel Cantu

\$450 Application Fee: \_\_\_\_\_ Application Received by: TILFRED FARLEY  
Receipt No. **RECEIVED**

### OFFICE USE ONLY

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

**APR 27 2022**

Name: \_\_\_\_\_

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



## NOTIFICATION

Dear Property Owner:

A public hearing will be held on Wednesday, May 25, 2022, at 5:30 P.M. in the Edinburg City Hall, City Council Chambers, located at 415 West University Drive, at which time the Zoning Board of Adjustment will consider the following:

**CONSIDER VARIANCE TO THE CITY'S UNIFIED DEVELOPMENT CODE, SECTION 3.303 MULTIFAMILY LOT AND BUILDING STANDARDS, SETBACKS, LOTS 1 – 39, NEWCASTLE SUBDIVISION, LOCATED AT 2601 WEST WISCONSIN ROAD, AS REQUESTED BY RED ROCK REAL ESTATE DEVELOPMENT GROUP**

The variance requested would allow for the construction of carports in the front yard setbacks of a multifamily subdivision.

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

You may return your response by one of the following:

- MAIL: P. O. Box 1079 Edinburg, Texas 78540
- FAX: (956) 292-2080 by Tuesday, May 24, 2022
- EMAIL: [planning@cityofedinburg.com](mailto:planning@cityofedinburg.com) by Tuesday, May 24, 2022

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

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

Comments: Unnecessary traffic congestion & related potential  
of accidents unless Wisconsin is made FIVE lanes  
between McColl and Jackson

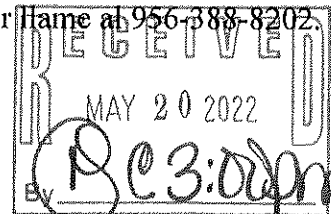
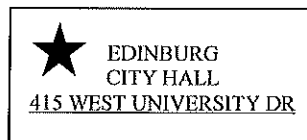
Print Name: KAMAL SARKAR Phone No. 910-391-4443

Address: 3507 DANUBIO DR. City: EDINBURG State: TX Zip: 78539

## NOTIFICACIÓN

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

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



University Dr. (S.H.107)

8th Ave.



## Planning & Zoning Staff Report

Prepared on: May 16, 2022

### ZONING BOARD OF ADJUSTMENT

Regular Meeting: May 25, 2022

#### **Agenda Item 8D**

Consider Variances to the City's Unified Development Code: 1) Section 2.301(B)(2)(c) Accessory Structures, Side Yards and 2) Section 3.505, Easements and Utilities, Lot 29 and the North 1/2 of Lot 28, Chateau Estates Subdivision, located at 2906 Chateau Street, as requested by Steve Sandoval on behalf of Steve & Adhara Sandoval

---

#### **Request**

The applicant is requesting two variances to Unified Development Code (UDC). The first variance is to UDC Section 2.301(B)(2)(c), both to allow an existing covered patio with chimney to remain in a side yard and to allow for the construction of a new swimming pool in said side yard. The second variance is to UDC Section 3.505 to allow the existing patio to remain in a utility easement of record.

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

The subject property is located on the east side of Chateau Street, approximately 150 ft. north of Royal Street and approximately 700 ft. south of East Canton Avenue. The property is zoned Neighborhood Conservation 7.1 (NC7.1) District. Adjacent zoning is Neighborhood Conservation 7.1 (NC 7.1) District to the north, south, and west, and Commercial General (CG) District to the east. The surrounding land uses consist of single-family residential and commercial uses with Robert Vela High School approximately 875 ft. to the northwest of the property.

#### **Background and History**

The property is part Chateau Estates, which was recorded on March 10, 1998. The applicant constructed a patio with chimney in the side yard of a single-family residential lot. The placement of the patio is also in a utility easement. The patio was constructed without proper permitting. The applicant submitted a Residential Building Permit Application for a shaded patio with chimney on February 11, 2022, approximately one week after receiving a citation for construction of the patio without a building permit. On March 3, 2022, the applicant submitted a Residential Building Permit Application for a swimming pool located adjacent to the existing patio. Variances are needed for both the existing patio and proposed pool. Staff received an Application Request for Variance on March 25, 2022, to accommodate both the existing and proposed constructions.

Staff mailed a notice of the variance request to 24 neighboring property owners and received no comments in favor or against this request at the time that this report was prepared.

# Planning & Zoning Staff Report

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## Analysis

The applicant constructed a 28 ft. by 18 ft. covered patio on the north side of an existing single-family residential structure. The patio has a brick chimney located on its north side. A citation was issued to the applicant on February 3, 2022, for construction of said structure without a building permit. On February 11, 2022, the applicant submitted an application for a building permit for the existing patio. The application was denied due to the patio's location 7.5 ft. into a required 15' utility easement along the rear property line. UDC Section 3.505 expressly prohibits intrusion structures in any utility easement. The patio was also constructed in the side yard of the property. UDC Section 2.301 only permits accessory structures in side yard on lots one acre or greater in size and only if 20 feet or more behind the front of the principal structure. The applicants meets neither of these criteria.

The applicant is also planning to build a 15 ft. by 30 ft. swimming pool in the side yard, adjacent to the existing patio. UDC, Section 2.301 only permits accessory structures in side yard on lots one acre or greater in size and only if 20 feet or more behind the front of the principal structure. This project meets neither criteria. Swimming pools can be found throughout the subdivision. A few, including a pool located at the neighboring property to the south, appear to be constructed in side yards. However, the swimming pool in the side yard of the adjacent property to the south was constructed in 2005, approximately two years before the current UDC regulations. A 15 ft. utility easement along the rear yard prohibits placement of a pool this size at the rear of the home, and the applicant cited this utility easement as hardship for this variance.

## Recommendation

Staff recommends disapproval of both variances and that the applicant comply with the City's UDC requirements.

Variance #1: The existing patio is an illegal construction, and there are no extraordinary or exceptional conditions to justify its placement in the side yard of this residential structure. Furthermore, a utility easement does not constitute a hardship that would justify further construction in a side yard.

Variance #2: The existing patio is located in a utility easement of record. Proper permitting would have revealed this prior to its construction. The structure should be modified or removed to respect the utility easement.

If approved, the applicant will need to comply with all other requirements during the permitting process and pay a \$40 fee payable to the County of Hidalgo, submitted to the County Clerk's office for the recording of the Zoning Board of Adjustments order on this request, and any other City requirements as applicable

Prepared by:

**D. Austin Colina**

Planner I

Approved by:

**Kimberly A. Mendoza, MPA**

Director of Planning & Zoning

# Planning & Zoning Staff Report

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## ARTICLE 2 LAND USES

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### DIVISION 2.300 GENERAL USE STANDARDS

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#### Sec. 2.301 Residential Uses

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- B. **Accessory Structures.** Accessory structures, except those regulated by Subsection C, Storage and Utility Sheds, or D, Fences, of this Section, are permitted if all of the following are demonstrated:
2. **Accessory structures to single-family uses.** Accessory structures to single-family uses are designed and located as follows:
    - c. **Side yards.** Freestanding accessory structures may be located in side yards of single-family (including lot-line and village house) lots if:
      - i. If the lot is one acre or greater in size;
      - ii. The side yard is not a side street yard;
      - iii. The structure is located at least 20 feet behind the extended front plane of the principal structure; and
      - iv. The structure is not located in a utility easement of record.

## ARTICLE 3 DISTRICT AND BULK STANDARDS

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### DIVISION 3.500 EXCEPTIONS TO YARD AND HEIGHT STANDARDS

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#### Sec. 3.505 Easements and Utilities



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- A. **Easements.** Some lots will have utility, drainage, or other easements. No intrusion structures shall be permitted into such easements except where driveway access needs to cross the easement and lots are so narrow that the house size would have to be reduced if the easement were left unimproved. In such cases, the City may allow its easements to be encroached upon if the applicant records a covenant approved in form by the City Attorney that permits the City to remove the encroachment at the property owner's expense if such removal is necessary, in the City's discretion, in order to maintain or repair the facilities in the easement.
- B. **Utility Exceptions.** In accordance with the Statutes of the State of Texas, nothing in this Code shall impose restrictions on the type or location of any poles, towers, wires, cables, conduits, vaults, laterals, or any other similar distributing equipment of a public utility.
- C. **Maintenance.** All utility easements that are located within the boundaries of a privately owned lot or tract of record shall be maintained by the property owner.





## LEGEND

-  CITY LIMITS
-  APPLICANT OR SUBDIVISION SITE

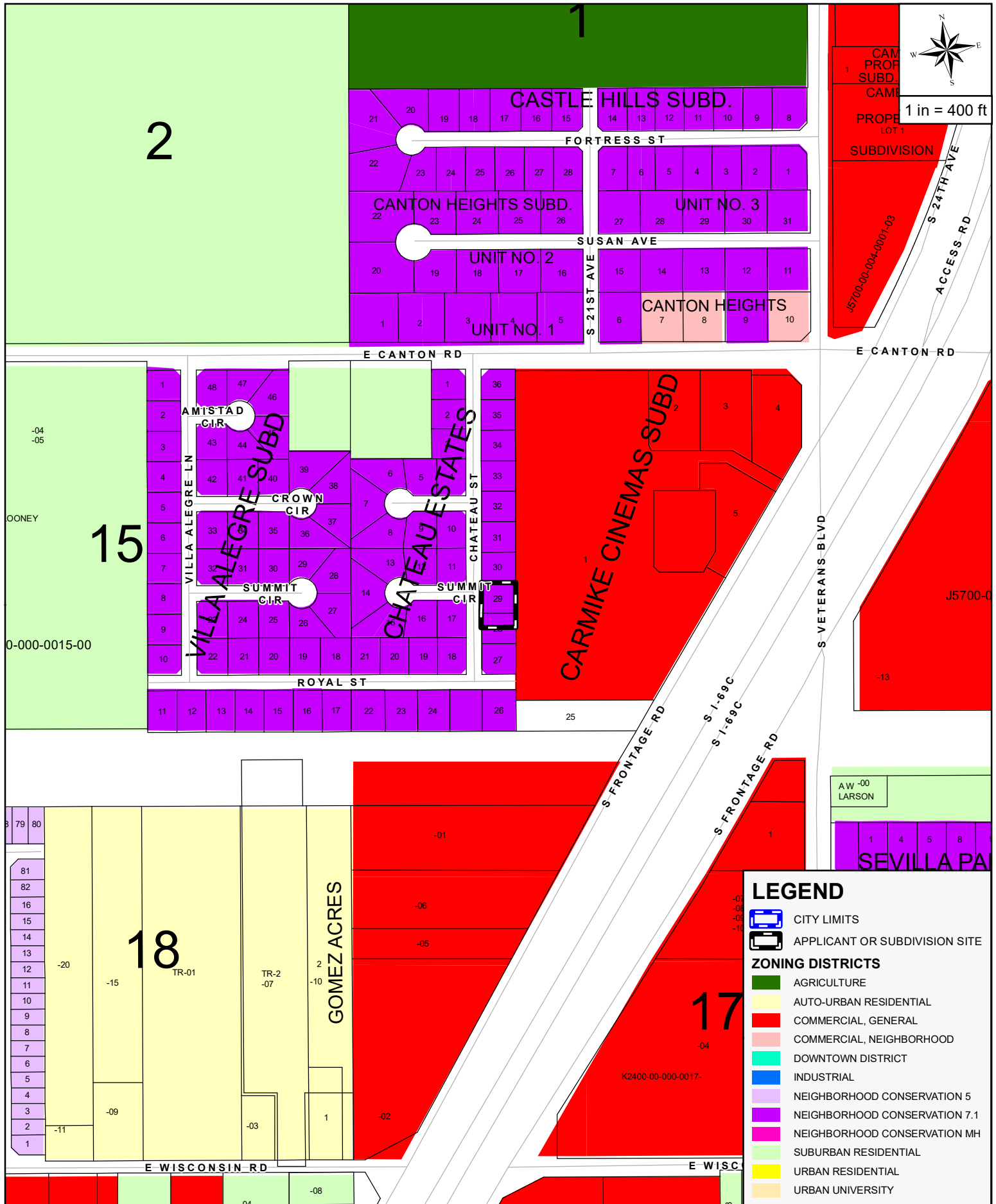


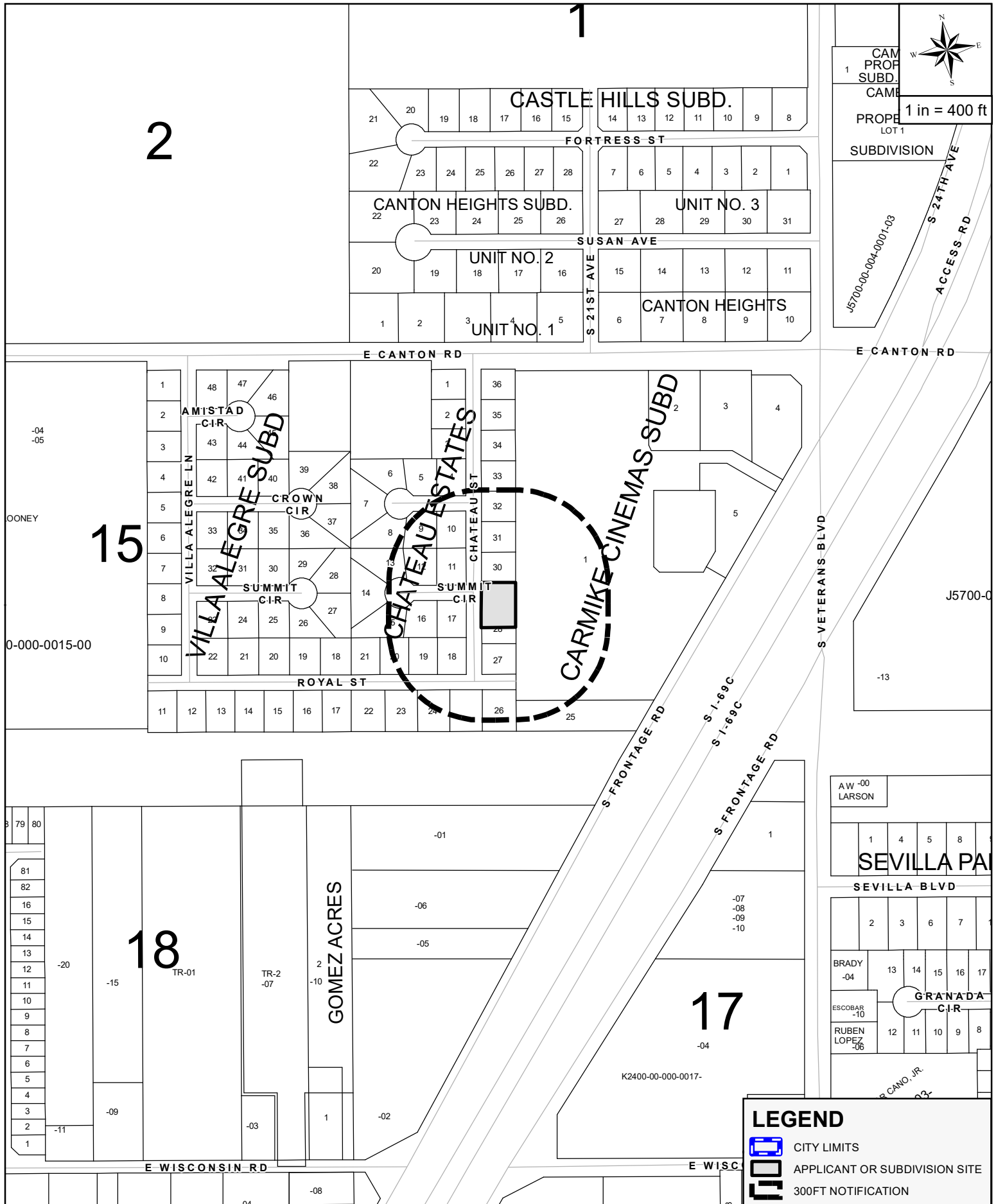
**AERIAL MAP**

**APPLICANT AND/OR SUBDIVISION:**

**STEVE & ADHARA SANDOVAL**









Case # POOLR-2022-5818THE CITY OF  
**Edinburg**Planning & Zoning Department  
415 W. University Drive  
Edinburg, Texas 78539  
(956) 388-8202

## Zoning Board of Adjustment Application Request for Variance

Nature of Request: consideration request for pool permit on side UDC 2.301 (B)(2)(c)Reason for Hardship (*required; attach additional pages if necessary*)

There is a 15ft easement on the back (east) of my property. It is not possible to build a common pool, because of how narrow the back yard is. It would not be possible even if there was no easement restriction. However, the side of my property is larger in width and length with plenty of room for a pool abiding to easements (7ft from side and 15ft on the rear end of property).

Property Description: Lot 28 & 29 Block \_\_\_\_\_ Subdivision Chateau EstatesProperty Address: 2906 Chateau Street, Edinburg, TX 78539Present Property Zoning: S - Suburban ResidentialPerson requesting Variance: Steve Sandoval Email: bpsteve11@gmail.comMailing Address: 2906 Chateau St Edinburg, TX 78539  
Street Address City/State Zip CodePhone No. (Home): \_\_\_\_\_ (Work): \_\_\_\_\_ (Cell): 956-844-9961Owner's Name: Steve & Adhara Sandoval Email: adharasandoval@hotmail.comOwner's Address: 2906 Chateau St Edinburg, TX 78539  
Street Address City/State Zip Code

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

Signature: [Signature] Date: 03/16/2022Owner/Agent's Name (Please Print): Adhara Sandoval / Steve Sandoval\$450 Application Fee: \_\_\_\_\_ Application Received by: RECEIVED  
Receipt No.**OFFICE USE ONLY**Application deadline: \_\_\_\_\_ ZBA Hearing date: \_\_\_\_\_ Name: [Signature]

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

# MAP OF CHATEAU ESTATES SUBDIVISION

BEING A RESUBDIVISION OF 14.126 ACRES OF LAND OUT OF  
LOTS 16,  
KELLY-PHARR SUBDIVISION,  
AS RECORDED ON VOL. 0, PG. 27,  
H.C.M.R., CITY OF EDINBURG,  
HIDALGO COUNTY, TEXAS

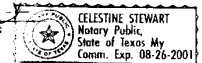
STATE OF TEXAS  
COUNTY OF HIDALGO

I, THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS CHATEAU ESTATES SUBDIVISION,  
TO THE CITY OF EDINBURG, TEXAS, AND WHERE NAME IS SUBSCRIBED HERETO,  
HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS,  
WATER COURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR  
THE PURPOSE OF CONSIDERATION THEREIN EXPRESSED.

STATE OF TEXAS  
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED  
KERRY BURKH, KNOWN TO ME TO BE THE PERSON  
WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED  
TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS  
THEREIN GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 14th DAY OF  
September, 19 97.

Celestine Stewart  
NOTARY PUBLIC, HIDALGO COUNTY, TEXAS  
MY COMMISSION EXPIRES



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

ATTESTED BY:

MAYOR, CITY OF EDINBURG

Chapman  
CITY SECRETARY



STATE OF TEXAS  
COUNTY OF HIDALGO

I, THE UNDERSIGNED, FRED L. KURTH, A REGISTERED PROFESSIONAL ENGINEER  
AND REGISTERED PUBLIC LAND SURVEYOR, IN THE STATE OF TEXAS, DO HEREBY  
CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS  
PLAT AND IS A TRUE AND ACCURATE REPRESENTATION OF THE SUBDIVISION OF  
THE LANDS HEREIN DESCRIBED.

Fred L. Kurth 10-3-97  
FRED L. KURTH, RPE # 54181 RPLS # 4750  
DATE SURVEYED: 4-24-97  
DATE PREPARED: APRIL 27, 1997 BY: J.M.H.  
T-456, PG. 59-63 JOB NO. 97073

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

William D. Smith 12/09/98  
CHAIRMAN, PLANNING COMMISSION DATE

NO IMPROVEMENTS OF ANY KIND SHALL BE PLACED UPON HEID NO. 2 RIGHTS-  
OF-WAY OR EASEMENTS WITHOUT THE EXPRESSED WRITTEN PERMISSION OF THE  
HEID NO. 2  
THIS PLAT APPROVED BY THE HIDALGO COUNTY IRRIGATION DISTRICT NO. 2  
ON THIS THE 14th DAY OF September, 19 97.

ATTEST:

William D. Smith  
PRESIDENT

SECRETARY

NOTES

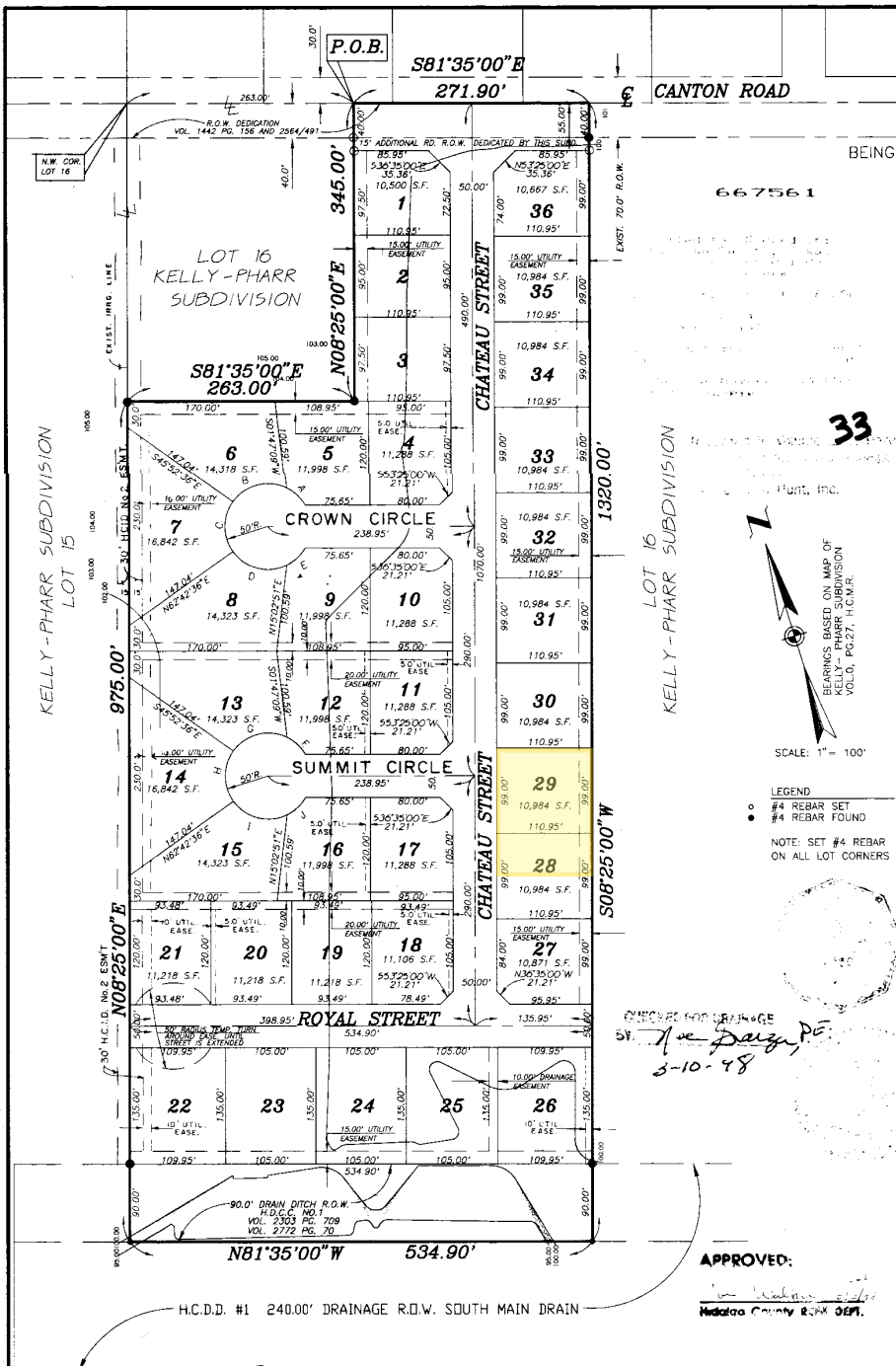
1. PROPOSED SETBACKS  
FRONT - 25 FEET; CUL-DE-SAC - 15 FEET  
REAR - 20 FEET DEPTH OR GREATER FOR EASEMENT  
SIDE INTERIOR - 7 FEET OR GREATER FOR EASEMENT  
CORNER - 10 FEET - SIDE CORNER - 18 FEET FOR GARAGE
2. MINIMUM PERMISSIBLE FINISHED FLOOR ELEVATION FOR ALL  
BUILDING IMPROVEMENTS IS: 1'4" ABOVE TOP OF CURB MEASURED AT  
FRONT CENTER OF LOT.
3. AREAS OF MINIMAL FLOODING  
THE SUBDIVISION IS IN ZONE "C" AND ZONE "D"  
INSURANCE RATE MAP COMM. PANEL NO. 480338 0015 D  
MAP REVISED ON AUGUST 4, 1987  
CORNER MARK UP OF PLOT LOCATED AT THE NORTHEAST  
CORNER OF CANTON & 21st STREET. ELEV = 98.88
4. NO PERMANENT STRUCTURE OVER ANY EASEMENT.
5. THIS SUBDIVISION SHALL BE REQUIRED TO RETAIN 944 C.F. OF STORM SEWER RUNOFF.
6. 50% OF PARKLAND DEDICATION FEE WILL BE COLLECTED  
AT BUILDING PERMIT STAGE.
7. NO ENTRANCE TO LOTS 1 AND LOT 36 FROM CANTON ROAD

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
A	50.00'	30.01'	15.47'	29.56'	N38°46'36"W	34°23'11"
B	50.00'	62.32'	35.94'	58.36'	S08°25'00"W	79°54'25"
C	50.00'	62.32'	35.94'	58.36'	S08°25'00"W	79°54'25"
D	50.00'	62.32'	35.94'	58.36'	S08°25'00"W	79°54'25"
E	50.00'	30.01'	15.47'	29.56'	N38°46'36"W	34°23'11"
F	50.00'	30.01'	15.47'	29.56'	N38°46'36"W	34°23'11"
G	50.00'	62.32'	35.94'	58.36'	S08°25'00"W	79°54'25"
H	50.00'	62.32'	35.94'	58.36'	S08°25'00"W	79°54'25"
I	50.00'	62.32'	35.94'	58.36'	S08°25'00"W	79°54'25"
J	50.00'	30.01'	15.47'	29.56'	N38°46'36"W	34°23'11"



**MELDEN & HUNT INC.**  
CONSULTANTS • ENGINEERS • SURVEYORS  
115 W. MONTRE  
EDINBURG, TX 78539  
E-MAIL: mtheng@com.com  
OFF: (956) 381-0881  
FAX: (956) 381-1839  
ESTABLISHED 1947

DRAWN BY: J.M.H. DATE: 04-14-97  
SURVEYED, CHECKED: Jim Cantano DATE: 9-9-97  
FINAL CHECK DATE:



APPROVED:

Hidalgo County  
and H.C.D. #1

## METES AND BOUNDS DESCRIPTION

A TRACT OF LAND CONTAINING 14.126 ACRES SITUATED IN THE COUNTY OF  
HIDALGO, TEXAS, BEING A PART OR PORTION OF LOT 16, KELLY-PHARR  
SUBDIVISION, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 0,  
PAGE 27, HIDALGO COUNTY MAP RECORDS, SAID 14.126 ACRES ALSO BEING  
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID LOT 16 AND THE  
ORIGINAL CENTERLINE OF CANTON ROAD FOR THE NORTHEAST  
NORTHWEST CORNER OF THIS TRACT, SAID POINT BEARS S 81° 35' 00" E A  
DISTANCE OF 263.00 FEET FROM THE NORTHWEST CORNER OF SAID LOT 16;

THENCE, S 81° 35' 00" E ALONG THE NORTH LINE OF SAID LOT 16 AND THE  
ORIGINAL CENTERLINE OF SAID CANTON ROAD, A DISTANCE OF 271.90 FEET  
TO THE NORTHEAST CORNER OF THIS TRACT;

THENCE, S 8° 25' 00" W AT A DISTANCE OF 40.00 FEET PASS THE EXISTING  
SOUTH RIGHT-OF-WAY LINE OF SAID CANTON ROAD, AT A DISTANCE OF 55.00  
FEET PASS THE PROPOSED SOUTH RIGHT-OF-WAY LINE OF SAID CANTON  
ROAD, AT A DISTANCE OF 1230.00 FEET PASS THE NORTH LINE OF THE  
HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 SOUTH MAIN DRAIN RIGHT-OF-  
WAY, AND CONTINUING A TOTAL DISTANCE OF 1320.00 FEET TO THE SOUTH  
LINE OF SAID LOT 16, FOR THE SOUTHEAST CORNER OF THIS TRACT;

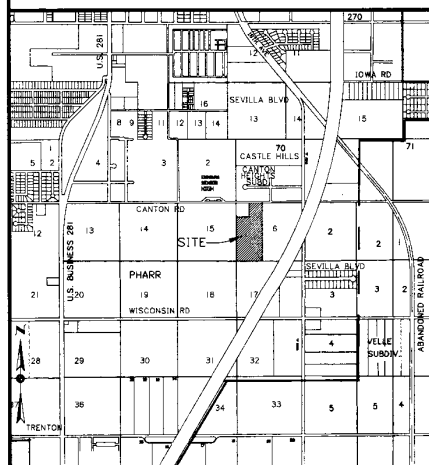
THENCE, N 81° 35' 00" W ALONG THE SOUTH LINE OF SAID LOT 16, A DISTANCE  
OF 534.90 FEET TO THE SOUTHWEST CORNER OF SAID LOT 16 FOR THE  
SOUTHWEST CORNER OF THIS TRACT;

THENCE, N 8° 25' 00" E ALONG THE WEST LINE OF SAID LOT 16, AT A DISTANCE  
OF 90.00 FEET PASS THE NORTH LINE OF SAID H.C.D. NO. 1 SOUTH MAIN  
DRAIN RIGHT-OF-WAY, AND CONTINUING A TOTAL DISTANCE OF 975.00 FEET  
TO THE WESTERNMOST NORTHWEST CORNER OF THIS TRACT;

THENCE, S 81° 35' 00" E A DISTANCE OF 263.00 FEET TO AN INSIDE CORNER  
OF THIS TRACT;

THENCE, N 8° 25' 00" E AT A DISTANCE OF 290.00 FEET PASS THE PROPOSED  
SOUTH RIGHT-OF-WAY OF SAID CANTON ROAD, AT A DISTANCE OF 105.00  
FEET PASS THE EXISTING SOUTH RIGHT-OF-WAY LINE, AND CONTINUING A  
TOTAL DISTANCE OF 345.00 FEET TO THE POINT OF BEGINNING, AND  
CONTAINING 14.126 ACRES.

## LOCATION MAP





COPY

SUBMITTED BY:



DATE:

# RESIDENTIAL & MULTIFAMILY BUILDING PERMIT APPLICATION

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

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

PERMIT NO. Per/R-2022-5818 DATE ISSUED: \_\_\_\_\_

GENERAL CONTRACTOR

Martin's Pools

PHONE NO.

ADDRESS

552 El Dora Rd(956) 464-9361 (OFFICE)

CITY, STATE &amp; ZIP

Donna TX 78537(956) 684-8788 (MOBILE) Frank

EMAIL ADDRESS

Mrt+nsp151@gmail.com

PROJECT SITE ADDRESS:

2906 Chateau St

IMPROVEMENT

VALUE \$ 35,000

LOT(S):

28:27

BLOCK:

SUBDIVISION:

Chateau Estates

SUBD. GATE CODE

SCOPE OF WORK:

Inground Swimming Pool
☐ NEW ☐ ADDITION ☐ REMODEL ☐ REPAIR ☐ FENCE ☐ DEMOLITION (NEED APPROVAL: ☐ SWD)
PLEASE CHECK ONE: RESIDENTIAL ☐ MULTI-FAMILY ☐TOTAL BLDG  
SQ FTSQ. FT  
LIVING# PARKING  
SPACESQ FT  
LOTLOT  
FRONTFLOOR ELEVATION  
ABOVE TOP OF CURBNO. OF  
UNITSNO. OF  
FLOORSNO. OF  
BDRMSNO. OF  
BATHRMSSQ FT  
CARPORTFLOOD  
ZONEBLDG.  
HEIGHT

## BUILDING DISTANCE FROM PROPERTY LINES

FRONT SIDE REAR SIDE

7 25

FOUNDATION

EXT WALLS

INTERIOR WALL

ROOF

OTHER CONDITIONS

☐ CONCRETE SLAB☐ MASONRY VENEER☐ SHEETROCK☐ ROOF SHINGLES☐ PUBLIC SIDEWALK☐ CONCRETE PIER☐ MASONRY SOLID☐ PANEL☐ COMPOSITION☐ CORNER LOT☐ CONCRETE BLOCK☐ METAL SIDING☐ SEALED☐ METAL☐ CUL-DE-SAC☐ CONCRETE BEAM☐ COMPOSITION☐ TEXTONE☐ CLAY TILE☐ OTHER \_\_\_\_\_OWNER: Steve Sandover

PHONE NO. ( ) \_\_\_\_\_

ADDRESS: 2906 Chateau St

MOBILE NO. (956) \_\_\_\_\_

CITY: Edinburg, TX

STATE

ZIP

\*\*\*\*\*

PERMIT FEE \$ \_\_\_\_\_

OFFICE USE ONLY

PARKLAND FEE \$ \_\_\_\_\_

TOTAL PERMIT FEE \$ \_\_\_\_\_

EFFECTIVE IMMEDIATELY

PROJECT ID:

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

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



The Code Enforcement Department would like to inform the general public as well all construction contractors of our plan submittal process.

The following items will need to be turned in when submitting a plan for Apartments, Duplex's, Residential Construction, Remodeling and Additions.

### CODE'S USED

2012 International Residential Code    2012 International Plumbing Code    2012 International Mechanical Code  
 2009 International Energy Code    2008 National Electrical Code    2012 International Wildlife-Urban Interface Code

Site Plan : Dimensions <b>REQUIRED</b>	
<input type="checkbox"/> One (1) set to scale 11 X 17	<input type="checkbox"/> Final Submittal approval required (PDF- CD or E-Mailed)
<input type="checkbox"/> Foot print of the proposed structure and all existing building and distance to proposed structure.	<input type="checkbox"/> Driveway or Parking Layout (with Dimensions)
<input type="checkbox"/> Front Building Setback	<input type="checkbox"/> Existing conditions or structure (If applicable)
<input type="checkbox"/> Rear Building Setback	<input type="checkbox"/> Show north arrow
<input type="checkbox"/> Side Building Setback <u>Circle applied direction</u> north / west    south / east front                      rear	<input type="checkbox"/> Indicate all easements on the site plan
<input type="checkbox"/> Accessory structure location, if applicable	<input type="checkbox"/> Location of water service, gas and sewer to be installed. (must call 1-800-344-8377 before digging is started)
<b>Building Documents: One (1) copy to be drawn to scale and dimensioned with the Following:</b> <input type="checkbox"/> Front Elevation <input type="checkbox"/> Rear Elevation <input type="checkbox"/> Sides Elevation <input type="checkbox"/> Cross section detail specifically for the structure <input type="checkbox"/> Label wall section indicating materials and stud spacing <input type="checkbox"/> Roof covering 905 IRC <input type="checkbox"/> Foundation Plans with following: Footing size, depth and width Minimum 12" below grade. 403 IRC Foundation Details, Steel placement and size (NOTE: Post Tension Slab require, location of cables and calculations with engineer seal) <input type="checkbox"/> Framing details (bracing as per 2012 IRC (if using engineered trusses, provide engineering details of trusses to be used, along with a layout plan showing location of trusses. (requires engineer seal) <input type="checkbox"/> Roof plan showing / slope, venting location (Soffit, Air Hawks and Ridge Vents) <input type="checkbox"/> Size span and support of all beams and headers <input type="checkbox"/> Exterior finishes: example (brick, wood siding) <input type="checkbox"/> Insulation type and R factor for walls, ceilings <input type="checkbox"/> Attic Calculations <input type="checkbox"/> Water heater location and installation details <input type="checkbox"/> A/C location and installation details <b>Stair Details: (Interior and Exterior)</b> <input type="checkbox"/> Rise maximum 7 ¾" and Tread minimum 10" for residential <input type="checkbox"/> Stairway with location & height 36" for residential <input type="checkbox"/> Headroom 6' – 8" <input type="checkbox"/> Handrails and Guardrails RR 315.1 & RR 316.1 <input type="checkbox"/> The above stair details are specific to this plan (not typical drawings)	

<b>Floor Plans - REQUIRED</b>	
<input type="checkbox"/> Layout of main floor with all rooms labeled  <input type="checkbox"/> Door sizes  <input type="checkbox"/> Attic and crawl spaces access locations labeled and size	<input type="checkbox"/> Layout of secondary floors with all rooms labeled  <input type="checkbox"/> Window sizes  <input type="checkbox"/> Dash lines indicating ceiling heights and shape
<b>Electrical Details</b>	
<input type="checkbox"/> Service panel location  <input type="checkbox"/> Smoke alarm locations	<input type="checkbox"/> All lights, switches, and receptacles  <input type="checkbox"/> Exhaust Fan (restroom(s) )
<b>Plumbing Details</b>	
<input type="checkbox"/> Furnace location and size	<input type="checkbox"/> All fuel gas locations
<b>Energy Compliance Report and Checklist: 2009 IECC (13 SEER or HIGHER )</b>	
<b>Manual J - Report for Mechanical Installation</b>	
<b>Wind Storm Compliance</b>	
<input type="checkbox"/> Wall Bracing Plan & Details  <input type="checkbox"/> Engineer Sealed	
<b>Notes:</b>	
<hr/> <hr/>	

**OWNER/CONTRACTOR IS RESPONSIBLE TO SCHEDULE ANY AND ALL REQUIRED INSPECTIONS. IF YOU HAVE ANY QUESTIONS PLEASE CONTACT THE PERMITS DEPARTMENT AT 956-388-8203.**

**CONTRACTOR NEEDS TO SUBMIT GENERAL LIABILITY INSURANCE OR SURETY BOND.**

I hereby certify that I have read and examined this document and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. Granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction

REVIEWER/INSPECTOR \_\_\_\_\_ DATE \_\_\_\_\_

AGENT/OWNER  DATE 03-1-2022

(DEMOLITION) SOLIDWASTE APPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_

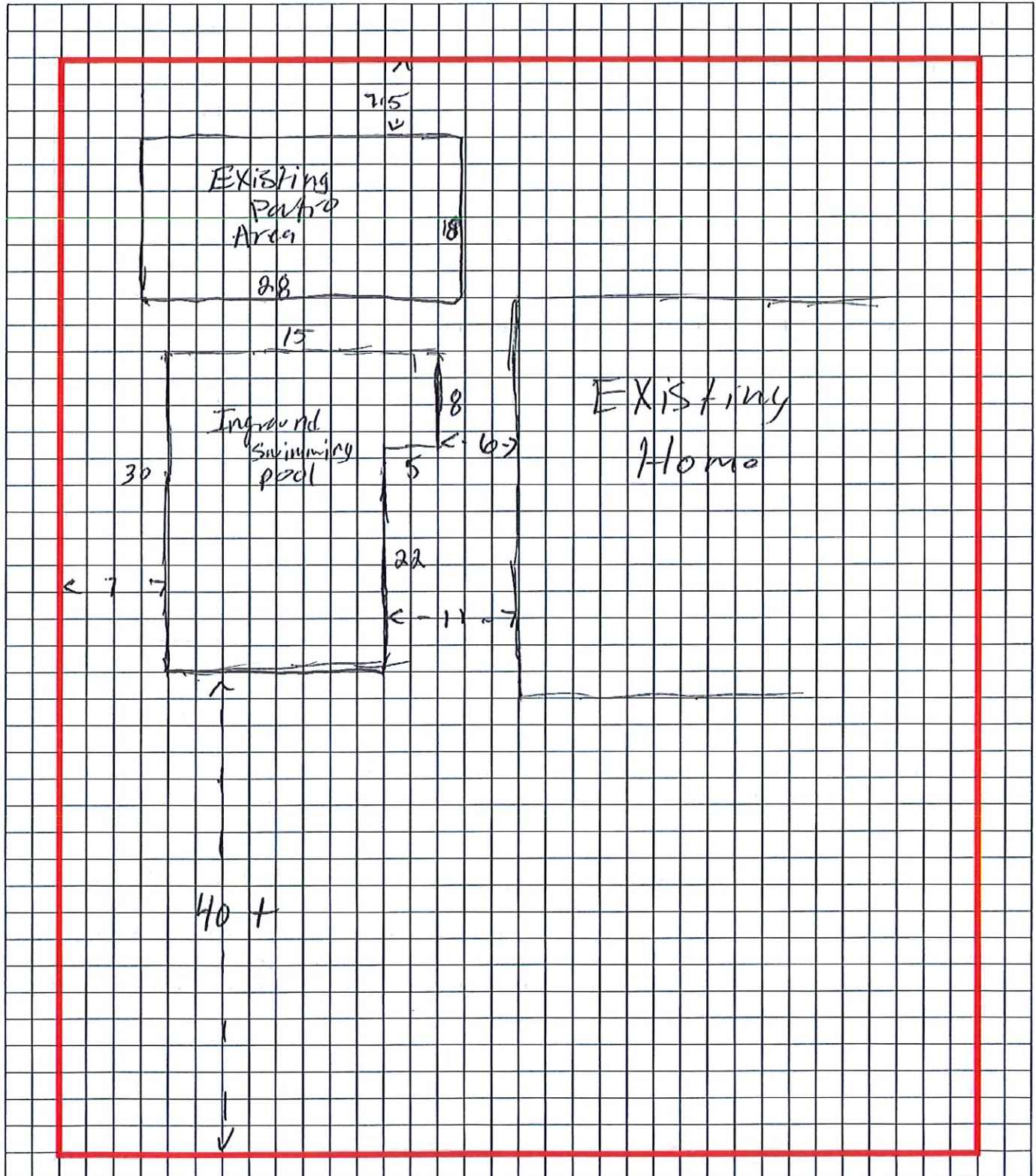


TURN PAGE OVER TO DRAW SITE PLAN  
\*\*\*\*\* APPLIES TO MINOR IMPROVEMENTS ONLY\*\*\*\*\*

REVISED 3/2017

SITE PLAN AND FLOOR PLAN IS REQUIRED

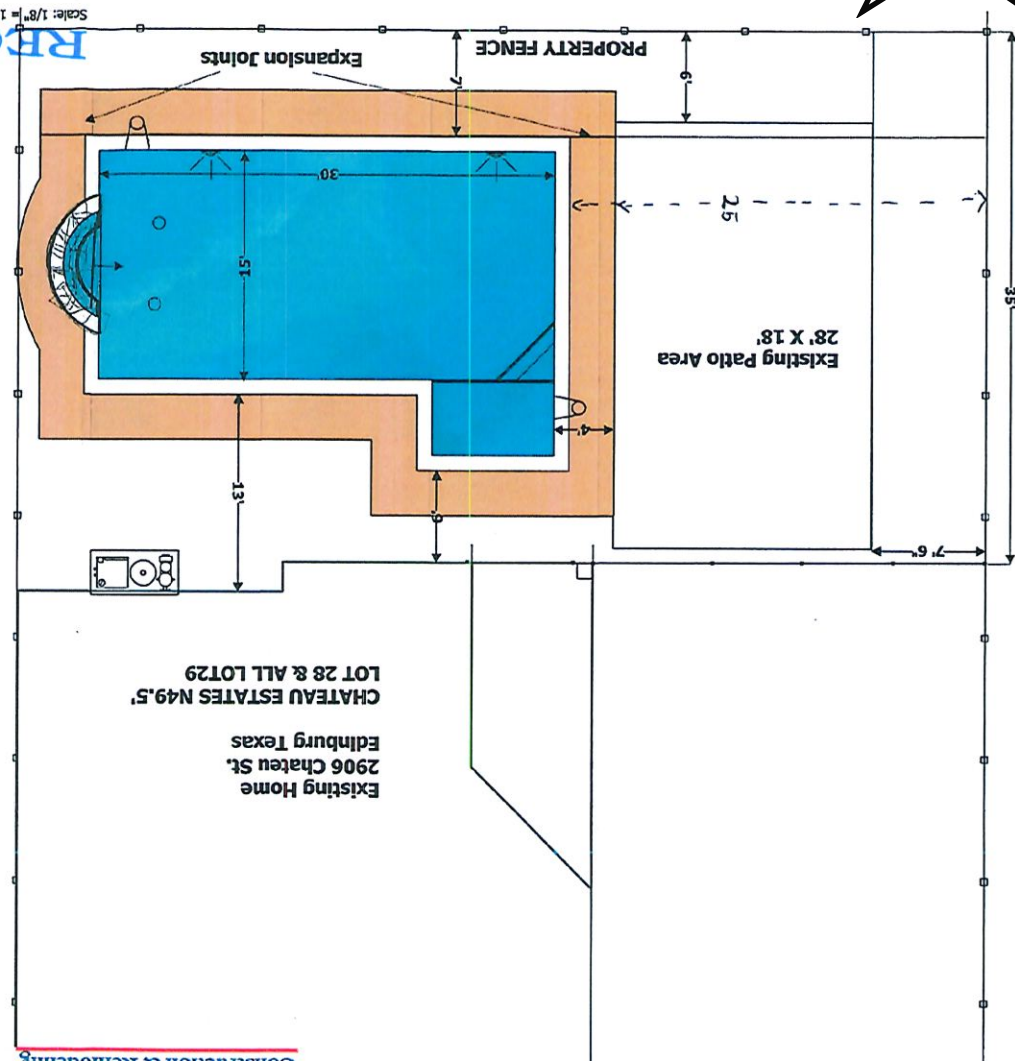
REAR



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

FRONT

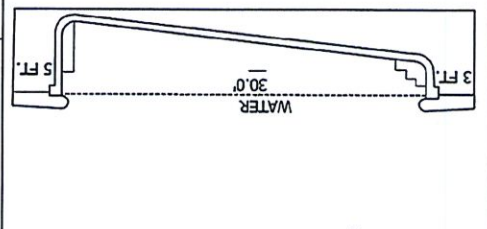




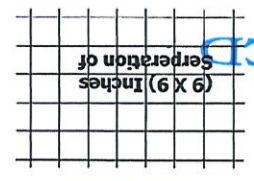
Pool Specifications

<b>POOL SPECS</b>	<b>DECK</b>
POOL SPECS: 15ft X 30 ft	DECK TYPE: 4 ft Kool-Deck
DEPTH: 3 ft - 5 ft	TOTAL DECK SQFT: 400 sq ft
AREA: 400 sq ft	ELEVATION: 4 inches
PERIMETER: 95 Linear ft	MATERIAL: 1: Concrete
TILE: 5 in. Perimeter Tile	LIP STYLE: Standard Cantilever Form
<b>SPA SPECS</b>	MATERIAL: 2: Kool-Deck Layer
SIZE: N/A	<b>EQUIPMENT</b>
DEPTH: N/A	POOL PUMP: 1.1/2 HP Superflo
AREA: N/A	FILTRATION: 48 DE
PERIMETER: N/A	IN-LINE: 320 In-Line Chlorinator
TILE: N/A	TIMER: 1: 220 Amp
<b>PLUMBING</b>	2ND PUMP: N/A
RETURNS: 4 POOL	FILTER SIZE: N/A
POOL MAIN DRAINS: 2 Mains	HEATER: N/A
CLEANING SYSTEM: N/A	GAS:
VAC LINES: 7	<b>Fountain</b>
SHOWER: 2 Bermuda Showers	SIZE: 4 X 6 ft
SPA MAIN DRAINS: N/A	DEPTH: 3 ft
HEADS: N/A	AREA: N/A
SPA SPILLWAY: N/A	MATERIAL: 1: White Boulders & Flagstone
WATER FEATURES: N/A	SPILLWAY: Custom Rock Spillway
ROBOT VAC: N/A	TILE:
LIGHTS IN POOL: LED COLOR	LIGHTS IN SPA: N/A

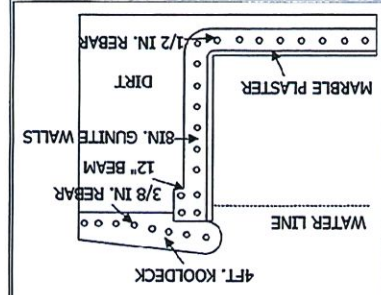
Depth Profile



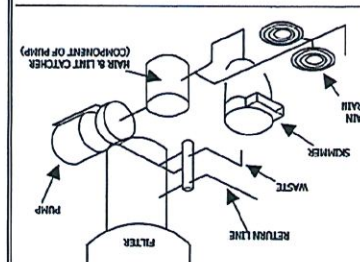
Rebar Spacing



Construction Specification



Plumbing Detail



Customer Info.

Owner: Steve Sandoval  
Address: 2906 Chateau St  
City: Edinburg  
State: Texas  
Phone: (956)466-0708  
E-Mail: \_\_\_\_\_

Company Info.

Owner: Martin's Pools  
Address: 552 El Dora Rd.  
City: Donna  
State: Texas  
Phone: (956)464-9361 or (956) 684-8788  
E-Mail: mrtspis1@gmail.com

Name: \_\_\_\_\_

MARK 2 8 2022



# Zoning Board of Adjustment

Site Photos for meeting of May 25, 2022

STEVE SANDOVAL - 2906 CHATEAU STREET



**2022 ATTENDANCE RECORD**  
**ZONING BOARD OF ADJUSTMENTS COMMISSION MEETINGS**

	01/20/22	02/23/22	03/30/22	04/27/22								
Alex Rios - Chairperson	A	P	P	P								
Eddie Garza - Vice Chairperson	P	P	P	P								
Andre Maldonado - Regular	P	P	P	P								
George Cardenas - Regular	A	P	P	P								
Ponciano Longoria - Regular	P	P	A	P								
Marc Moran - Alternate	P	P	A	P								
Michael Cantu - Alternate	P	P	P	P								
Diane Teter - Alternate	P	P	P	P								
Abraham Garcia - Alternate				P								