



**NOTICE AND AGENDA  
ZONING BOARD OF ADJUSTMENT  
JULY 27, 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 June 29, 2022 Regular Meeting

## **7. PUBLIC HEARINGS**

- A.** Consider Variance to the City's Unified Development Code, Section 3.301, Single Family Residential Bulk Standards, Setbacks, being Lot 7, Block 325, Edinburg Original Townsite, located at 621 East Fay Street, as requested by Hugo Leal
- B.** Consider Variance to the City's Unified Development Code, Section 3.301, Single Family Residential Bulk Standards, Setbacks, being Lot 8, Block 325, Edinburg Original Townsite, located at 619 East Fay Street, as requested by Hugo Leal
- C.** Consider Variance to the City's Unified Development Code as follows: 1) Section 3.304, Non Residential Bulk Standards, Setbacks, 2) Section 3.201, Floor Area Ratio, and 3) Section 9.201, Parking and Loading Requirements, being Lot 5, Villa Del Mundo Subdivision, located at 5121 South Veterans Boulevard, as requested by Jonathan Valencia on behalf of José Pardo
- D.** Consider Variances to the City's Unified Development Code as follows: 1) Section 3.301, Single Family Residential Bulk Standards, Setbacks and 2) Section 3.505, Easements and Utilities, being Lot 98, Hacienda Las Fuentes Subdivision, located at 3614 Tigris Drive, as requested by George Boghs
- E.** Consider Variance to the City's Unified Development Code, Section 2.301 (D) Fences, being Lot 15, Dulce Real Estates Phase 'B' Subdivision, located at 1709 Dulcinea Avenue, as requested by Omar Anzaldua
- F.** Consider Variance to the City's Unified Development Code, Section 7.405 (C), Lots, Double Frontage Lots, being Lot 1, Windsor Estates, located at 2402 North McColl Road, as requested by PinPoint Construction
- G.** Consider Variance to the City's Unified Development Code, Section 7.405 (C), Lots, Double Frontage Lots, being Lot 34, Windsor Estates, located at 2420 North McColl Road, as requested by PinPoint Construction
- H.** Consider Variance to the City's Unified Development Code, Section 3.301, Single Family Residential Bulk Standards, Setbacks, being Lot 133, Chapin Crossing Subdivision, located at 2313 Eisenhower Street, as requested by Carlos Gonzalez
- I.** Consider Variance to the City's Unified Development Code, Section 3.301, Single Family Residential Bulk Standards, Setbacks, being Lot 1, River Rock Subdivision, located at 2804 River Rock Drive, as requested by David & Maria Nava
- J.** Consider Variance to the City's Unified Development Code, Section 3.301, Single Family Residential Bulk Standards, Setbacks, being Lot 11, Block 2, Gernetz Subdivision, located at 121 San Jose Street, as requested by José Peña
- K.** Consider Variance to the City's Unified Development Code, Section 3.303, Multi-Family Bulk Regulations, Setbacks, being Lot 10, McColl Estates Subdivision, located at 1316 North McColl Road, as requested by Cesar Cardenas

## **8. OTHER BUSINESS**

- A.** Discussion Regarding Proposed Revisions to the Unified Development Code and Possible Action to Provide Recommendations to the City Council regarding the Proposed Revisions.

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

- A.** Unified Development Code Update

## **10. INFORMATION ONLY**

- A.** Attendance Roster

## **11. ADJOURNMENT**

I hereby certify that this notice of meeting was posted in accordance with the Open Meetings Act, V.T.C.A., Government Code, Section 551.041, at the bulletin board located at the main entrance to the City offices of the City of Edinburg, (415 West University Drive), visible and accessible to the general public after regular working hours, at 3:45 P.M. on this 22nd day of July 2022 .



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Claudia Mariscal, Administrative Assistant

## **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.**

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



**NOTICE AND AGENDA  
ZONING BOARD OF ADJUSTMENT  
JUNE 29, 2022 - 5:30 P.M.  
REGULAR MEETING  
CITY HALL COUNCIL CHAMBERS  
415 W. UNIVERSITY DR.  
EDINBURG, TEXAS 78539  
MINUTES**

**Members Present:**

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

**Absent:**

Alex Rios  
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

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

Vice Chairperson Eddie Garza called the meeting to order at 5:32 P.M.

**A.** Prayer – Prayer was announced.



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

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

Rita Guerrero certified the agenda had been posted on June 24, 2022 at 3:10 P.M.

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

1<sup>st</sup> Alternate, Michael Cantu abstained from Item 7E.

## **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.

3<sup>rd</sup> Alternate Diane Teter was present with public comment regarding the Unified Development Code Update.

## **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 May 25, 2022 Regular Meeting

Board member Andre Maldonado moved to consider approval of the Minutes for the May 25, 2022 Regular Meeting. Seconded by Board member George Cardenas the motion. The motion to approve carried unanimously with a vote of 7-0

## **7. PUBLIC HEARINGS**

- A.**Consider Variance to the City's Unified Development Code: Article 12, Section 12.301(4), On-Premise Signs in Agricultural, Residential, Commercial, and Industrial Districts, Free Standing Sign, being Lots 1-5, Ebony Heights Subdivision, located at 904 South 12th Avenue, as requested by AAA Electrical Signs on behalf of Edinburg C.I.S.D.

There was no one present in opposition or in favor present.

Vice Chairperson Eddie Garza asked if the applicant was present and Mr. Paul Sullivan with AAA Electrical Signs was present. Mr. Sullivan explained that the company has done more signs for different schools in the City of Edinburg and the school district wants them to be uniformed.

After the brief explanation, motion was made by Board Member George Cardenas and seconded by Board Member Marc Moran to approve the Variance request. Motion carried unanimously with a vote of 7-0.

- B.**Consider Variance to the City's Unified Development Code, Article 3, Section 3.303, Multi-family Residential Bulk Standards, Setbacks, being a 4.795 acre tract of land out of Lots 1 & 8, Section 238, Texas-Mexican Railway Company's Survey, located at 1709 North Mon Mack Road, as requested by Melden & Hunt, Inc. on behalf of Mon Mack Development LLC. (Proposed Valencia Trails Phase I Subdivision) This item was tabled as requested by applicant.

There was one notification sent in opposition of the zoning for the location of the development. Vice Chairperson Eddie Garza asked Mario Reyna engineer for the project to address the board. Board Member George Cardenas asked Mr. Reyna if this project was similar to ones he worked on before. Mr. Reyna explained that it was similar and it was the phase two to an existing project but with a name change.

After the brief discussion a motion was made by Board Member George Cardenas and seconded by Board member Marc Moran to table the item. Motion carried unanimously with a vote of 7-0.

- C.**Consider Variance to the City's Unified Development Code, Article 3, Section 3.304, Non Residential Bulk Requirements, Setbacks, being Lot 23, Owassa Gardens Mobile Home Subdivision, located at 5600 South Veterans Boulevard, as requested by Jesus Vazquez on behalf of Jose Dolores Vazquez Solache

There was no one in opposition or in favor present.

Mr. Jesus Vasquez the applicant was present and stated that his business and the structure had been there for 20 years and only remodeling had been done. Board Member Marc Moran asked the applicant about whether the remodeling was done inside or out. Board Member George Cardenas also asked the applicant if he had requested a permit when the remodeling was done and Mr. Vasquez stated that he did not request one.

After the discussion, motion was made by Board Member Marc Moran and seconded by Board Member George Cardenas to approve the Variance request. Motion carried with a vote of 7-0.

**D.** Consider Variance to the City's Unified Development Code, Article 3, Section 3.505, District and Bulk Standards, Easements and Utilities, Lot 94, Hacienda Las Fuentes Subdivision, located at 3710 Tigris Drive, as requested by Jose C. Zacarias.

Board Member Ponciano Longoria left the meeting.

There was no one in opposition or in favor present.

Applicant Jose Zacarias was present and explained his reason for the variance request. The board asked staff if there were other approved variances similar to that one and Ms. Rita Guerrero pointed out some houses that requested variances.

Board Member George Cardenas motioned to approve with the condition that the HOA signs off and approves of the request and was seconded by Board Member Marc Moran. Motion carried unanimously with a vote of 7-0.

**E.** Consider Variance to the City's Unified Development Code Article 3, Section 3.303, District and Bulk Standards, Multifamily, Setbacks, being a 16.74 acre tract of land out of Lot 5, Block 1, John Closner, Et Al Subdivision, located at 3301 South Raul Longoria Road, as requested by Michael Aaron Cantu on behalf of Maverick Valley Builders, LLC.

There was no in opposition or in favor present.

Board Member Michael Cantu abstained from this item.

There was no discussion, motion was made by Board Member George Cardenas and seconded by Board Member Andre Maldonado to approve the Variance request. Motion carried with a vote of 6 with 1 abstained.

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

**A.** Unified Development Code Update

Ms. Rita Guerrero advised the board of the joint meeting with City Council and the Planning and Zoning Commission that would be held during the month of July. Ms. Diane Teter addressed the board regarding questions and suggestions she had for the Unified Development Code Update. Attorney Omar Ochoa advised that the discussion would need be on the agenda in order to discuss the topic.

## **9. INFORMATION ONLY**

A. Attendance Roster

## **10. ADJOURNMENT**

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

*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: July 18, 2022

### ZONING BOARD OF ADJUSTMENT

Regular Meeting: July 27, 2022

#### Agenda Item

Consider Variance to the City's Unified Development Code, Article 3, Section 3.301, Single Family Residential Bulk Standards, Setbacks, being Lot 7, Block 325, Edinburg Original Townsite, located at 621 East Fay Street, as requested by Hugo Leal.

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#### Request

The applicant is requesting variance to Unified Development Code (UDC) Section 3.301 as it applies to single-family residential setbacks. The variance being requested is to allow the construction of a residential home 2 ft. into the required 7 ft. side yard setback on the west side of the property.

#### Property Location and Vicinity

The subject property is located at the northwest corner of East Fay Street and South 17<sup>th</sup> Avenue. The property is zoned Neighborhood Conservation 7.1 (NC7.1) District. Adjacent zoning is Neighborhood Conservation 7.1 (NC 7.1) District in all directions. The surrounding land uses consist of single-family residential. Jaycee Park is approximately 425 ft. to the east of the property.

#### Background and History

The property is part of the Edinburg Original Townsite, which was recorded on February 15, 1913. An application for a Residential Building Permit was received on June 6, 2022, for construction of a new two-bedroom, single-story residence on the subject property. Review of the applicant's plans showed a two-foot encroachment into the required seven-foot side yard setback. A Variance is needed to accommodate the proposed construction. An Application Request for a Variance was received on June 14, 2022. A single-story wood frame home is currently located on the property. This structure will be removed to accommodate the proposed project.

Staff mailed a notice of the variance request to 47 neighboring property owners and received no comments in favor or against this request at the time that this report was prepared.

#### Analysis

Plans propose a 1,426 sq. ft. structure on the subject property. Placement of this structure is 5 ft. from the western side yard property line. UDC, Section 3.301, Table 3.301, Single-Family Lot and Building Standards, requires a minimum of 7 ft. for side yards in the Neighborhood Conservation 7.1 (NC 7.1) District. This spacing maintains privacy, noise dispersion, light, air movement, fire safety, etc. that characterizes this District. Furthermore, adequate space exists in the rear yard to construct a home of this size or larger while respecting side yard setbacks.

# Planning & Zoning Staff Report

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The applicant cited “property constraint” as the reason for hardship supporting this request. However, evaluation of the property revealed no viable constraints that would necessitate building in required setbacks. The applicant is also proposing construction on the adjacent lot to the west and is requesting the same type of variance for this lot as well. Only 10 ft. of space would exist between structures if both variances are approved.

## **Recommendation**

Staff recommends disapproval of this variance and that the applicant comply with the City’s UDC requirements. The proposed home could be modified to retain the desired square footage while respecting all required side yard setback. No hardship or extraordinary conditions exist to justify approval of this variance as is required by UDC Section 14.404(D).

If approved, the applicant will need to comply with all other requirements during the permitting process 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:

**Jaime Acevedo**

Director of Planning & Zoning

# Planning & Zoning Staff Report

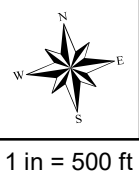
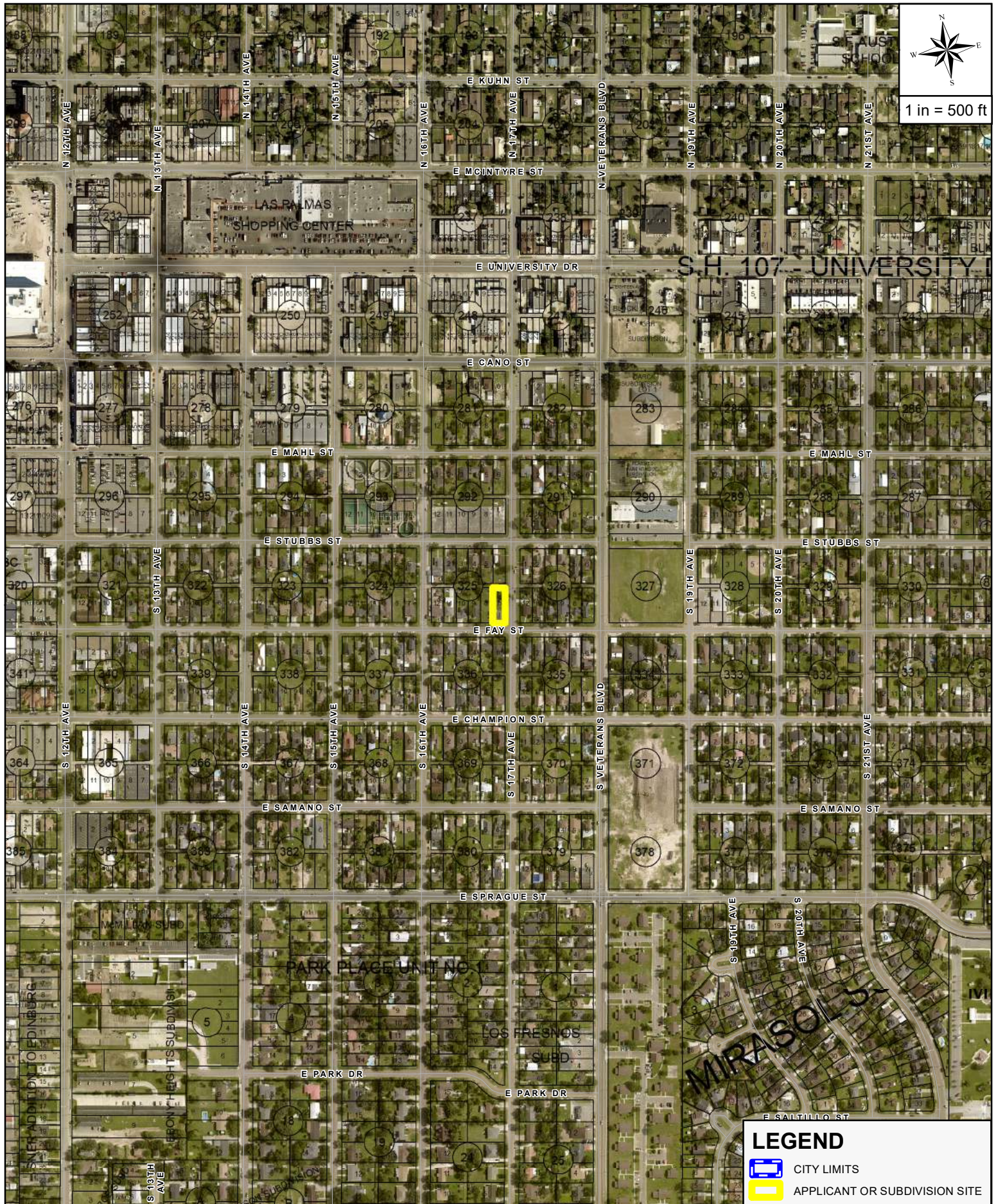
## DIVISION 3.300 BULK REGULATIONS - STANDARD DEVELOPMENT

### Sec. 3.301 Single-Family Detached

- A. **General.** This housing type consists of a single-family detached residence located on a privately-owned lot with private yards on each side of the unit, as shown in Figure 3.301, *Single-Family Detached or Single-Family Cluster Units*. Table 3.301, *Single-Family Lot and Building Standards*, sets out the dimensional standards for single-family detached units.
- B. **Neighborhood Conservation sub-districts.**
1. The Neighborhood Conservation (NC) district is intended to preserve the character of existing, built neighborhoods. To that end, there are three (3) Neighborhood Conservation sub-districts:
    - a. NC7.1 is intended to be applied to areas with an existing minimum lot size of 7,100 sf.
    - b. NC5 is intended to be applied to areas with an existing minimum lot size of 5,000 sf.
    - c. NC-MH is intended to be applied to areas developed with manufactured homes with a minimum lot size of 3,500 sf.
  2. Lawfully created lots within the NC district are considered conforming, even if they have areas that are smaller than those specified in Subsection B.1.

Table 3.301 Single-Family Lot and Building Standards						
Zoning District	Minimum					Maximum
	Minimum Lot Area	Lot Width (feet)	Street Yard <sup>1</sup> (feet)	Side Yard single / total (feet) <sup>2</sup>	Rear Yard (feet)	
Agriculture (AG)	10 ac.	330	60	30 / 60	40	35 / 60 <sup>3</sup>
Suburban Residential (S)	15,000 sf.	90	30	15 / 30	30	35
Auto-Urban Residential (AR)	5,000 sf.	50	20	6 / 12	20	35
Urban Residential (UR)	4,000 sf.	40	10	5 / 12	15	35
Neighborhood Conservation (NC7.1)	7,100 sf.	60	25	7 / 14	25	35
Neighborhood Conservation (NC5)	5,000 sf.	50	25	6 / 12	20	35
NC Manufactured Home (NC-MH)	3,500 sf. <sup>4</sup>	20	20	10 / 20	10	35
<sup>1</sup> Street yard refers to front yard of lot. The minimum street yard setback shall be 15 feet for cul-de-sac and irregular lots. <sup>2</sup> The first number is the minimum side yard. The second number is the sum of the two side yards. The side yard may be reduced subject to structures meeting approved building and fire codes. <sup>3</sup> The second height refers to agricultural structures. <sup>4</sup> Minimum lot area also applies to the area of rented lots in a manufactured home park. <sup>5</sup> Rear setback may be reduced as noted on a recorded subdivision plat for Neighborhood Conservation Districts. * Lot depth is determined by dividing lot area by lot width.						



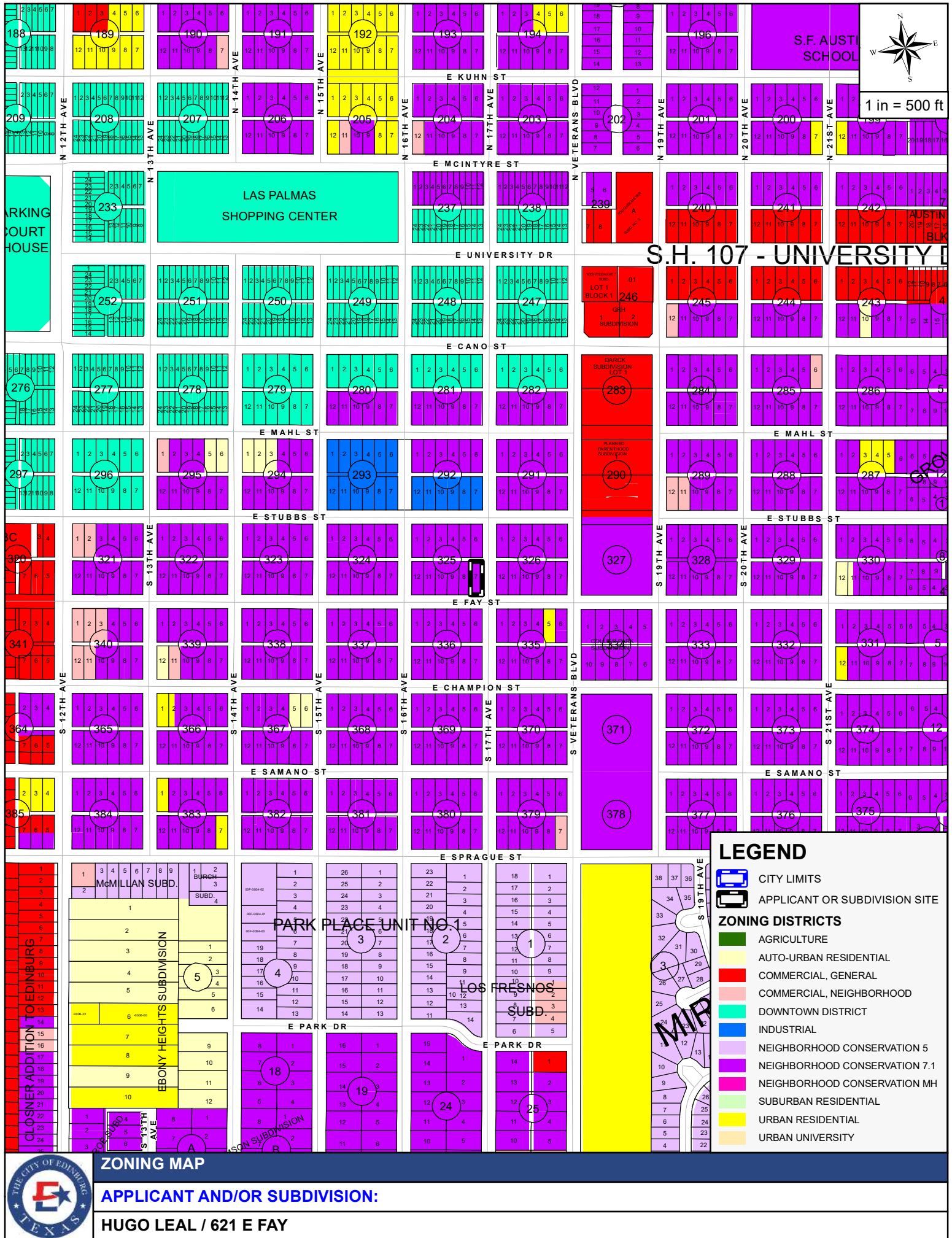


**AERIAL MAP**

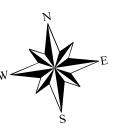
**APPLICANT AND/OR SUBDIVISION:**

**HUGO LEAL / 621 E FAY**





S.F. AUSTIN  
SCHOOL



1 in = 500 ft

PARKING  
COURT  
HOUSE

LAS PALMAS  
SHOPPING CENTER

S.H. 107 - UNIVERSITY

### LEGEND

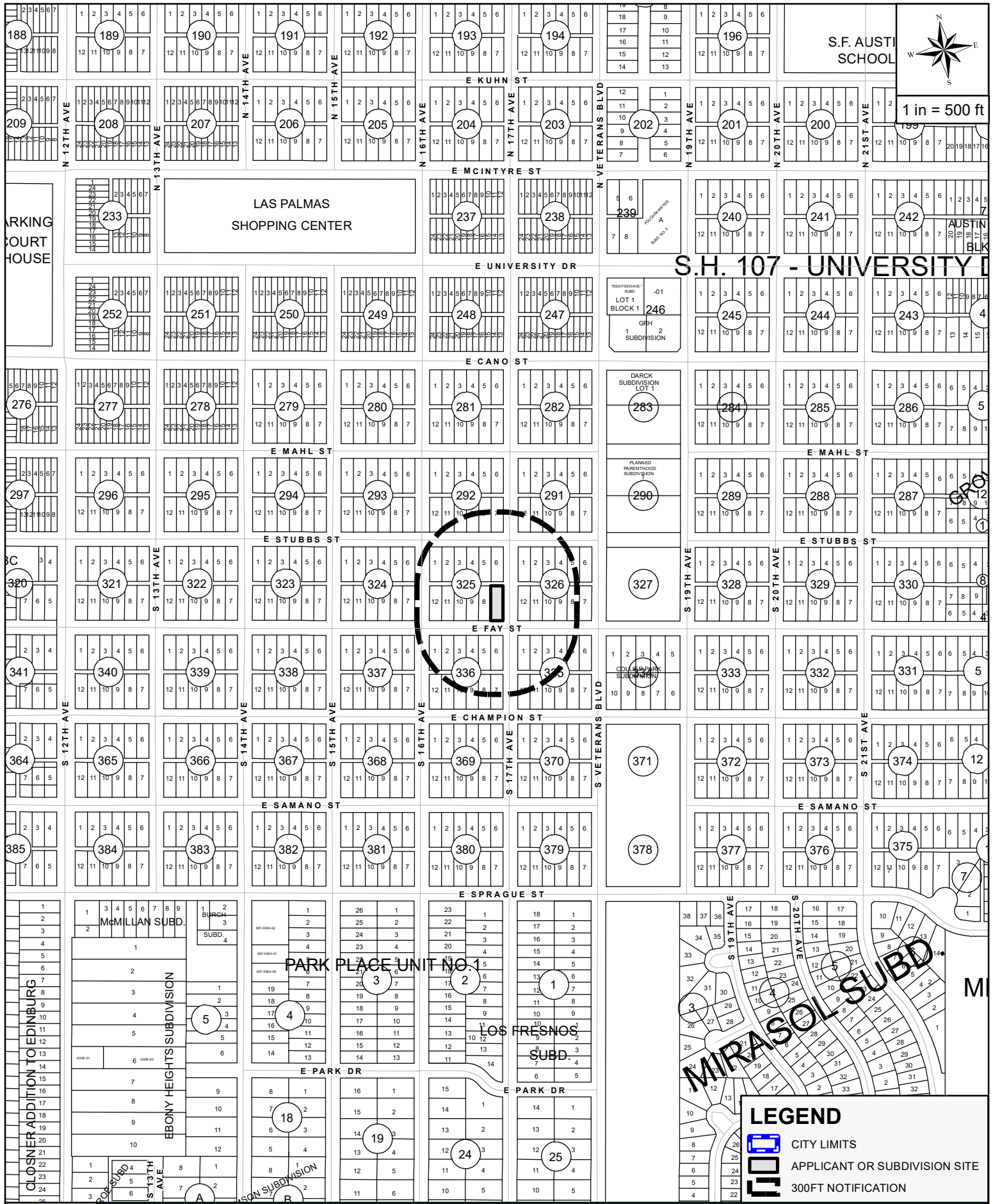
- CITY LIMITS
- APPLICANT OR SUBDIVISION SITE
- ZONING DISTRICTS**
  - AGRICULTURE
  - AUTO-URBAN RESIDENTIAL
  - COMMERCIAL, GENERAL
  - COMMERCIAL, NEIGHBORHOOD
  - DOWNTOWN DISTRICT
  - INDUSTRIAL
  - NEIGHBORHOOD CONSERVATION 5
  - NEIGHBORHOOD CONSERVATION 7.1
  - NEIGHBORHOOD CONSERVATION MH
  - SUBURBAN RESIDENTIAL
  - URBAN RESIDENTIAL
  - URBAN UNIVERSITY

### ZONING MAP

APPLICANT AND/OR SUBDIVISION:

HUGO LEAL / 621 E FAY





**MAILOUT AND SITE MAP**

**APPLICANT AND/OR SUBDIVISION:**

**HUGO LEAL / 621 E FAY**

Case # **VAR-2022-0106****Edinburg** THE CITY OFPlanning & Zoning Department  
415 W. University Drive  
Edinburg, Texas 78539  
(956) 388-8202

## Zoning Board of Adjustment Application Request for Variance

Nature of Request: REDUCE SET BACK FROM 7 TO 5Reason for Hardship (*required; attach additional pages if necessary*)PROPERTY CONSTRAINTProperty Description: Lot 7 Block 325 Subdivision EDINBURG TOWN SITEProperty Address: 621 E FAY STREETPresent Property Zoning: NC 7.1Person requesting Variance: HUGO E LEAL Email: hugoel@icloud.comMailing Address: 2615 BENJI CIR EDINBURG TX 78541  
Street Address City/State Zip CodePhone No. (Home): \_\_\_\_\_ (Work): \_\_\_\_\_ (Cell): 956 522 8646Owner's Name: GALLERY HOMES LLC Email: hugoel@icloud.comOwner's Address: 2615 BENJI CIR EDINBURG TX  
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: 06/10/22Owner/Agent's Name (Please Print): HUGO E LEAL\$450 Application Fee: 201738906  
Receipt No.Application Received by: RECEIVED

OFFICE USE ONLY

Application deadline: June 27 ZBA Hearing date: July 27

JUN 14 2022

Name: T.F.

- \$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



DELEGATION OF THE JEFFERY, HUGHES & ALLEN, ETC. CO. COMPANY, TEXAS.

[illegible]

{Soul} Addressed {L. R. H. W. W. W.} Secretary

The Lakeshore Turnpike Co  
By John C. Moser President

[illegible]

(Seal)

*NOBODY thought we were doing anything, because, THE (M)*

STATE OF TEXAS } I, Fred Hanner, Clerk of the County of Harris, do hereby certify that the foregoing copy of the return of the  
COUNTY OF HARRIS } Board, elected by the Election Taxes Company of the County of Harris, State of Texas, at a 1900 tax company meeting, held there, as convened by the said Election Taxes Company, and of the Board, has been duly and lawfully  
as actually organized and elected.  
WITNESSE my hand and the seal of my office, at Houston

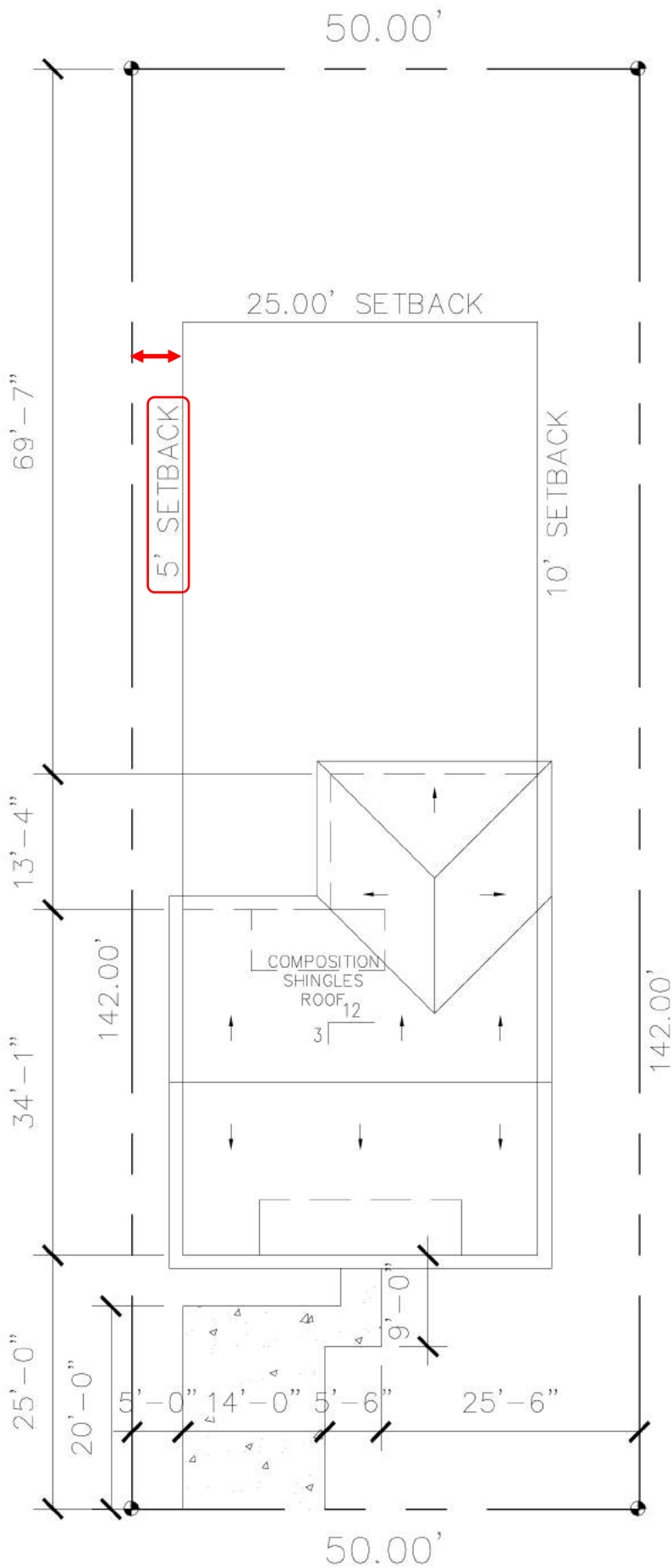
{ Five Hares } 2110 RMR and 5000 RMR

Subscribed and sworn to before me this 4th day of Nov. 1901 at St. Mary and Miss. Nov. 1901

{ 25. 24. 2007/07 }

{Sue} History topics in and for students' current 70s.

The map displays a land survey area with a grid of parcels. The parcels are labeled with numbers, and the map is divided into sections labeled 242, 241, 246, 273, 272, 269, 274, 271, and 270. The parcels are arranged in a grid, with some parcels being larger than others. The map also shows various roads, rivers, and other geographical features. The overall layout is a rectangular grid with some irregularities in the parcel shapes and labels.

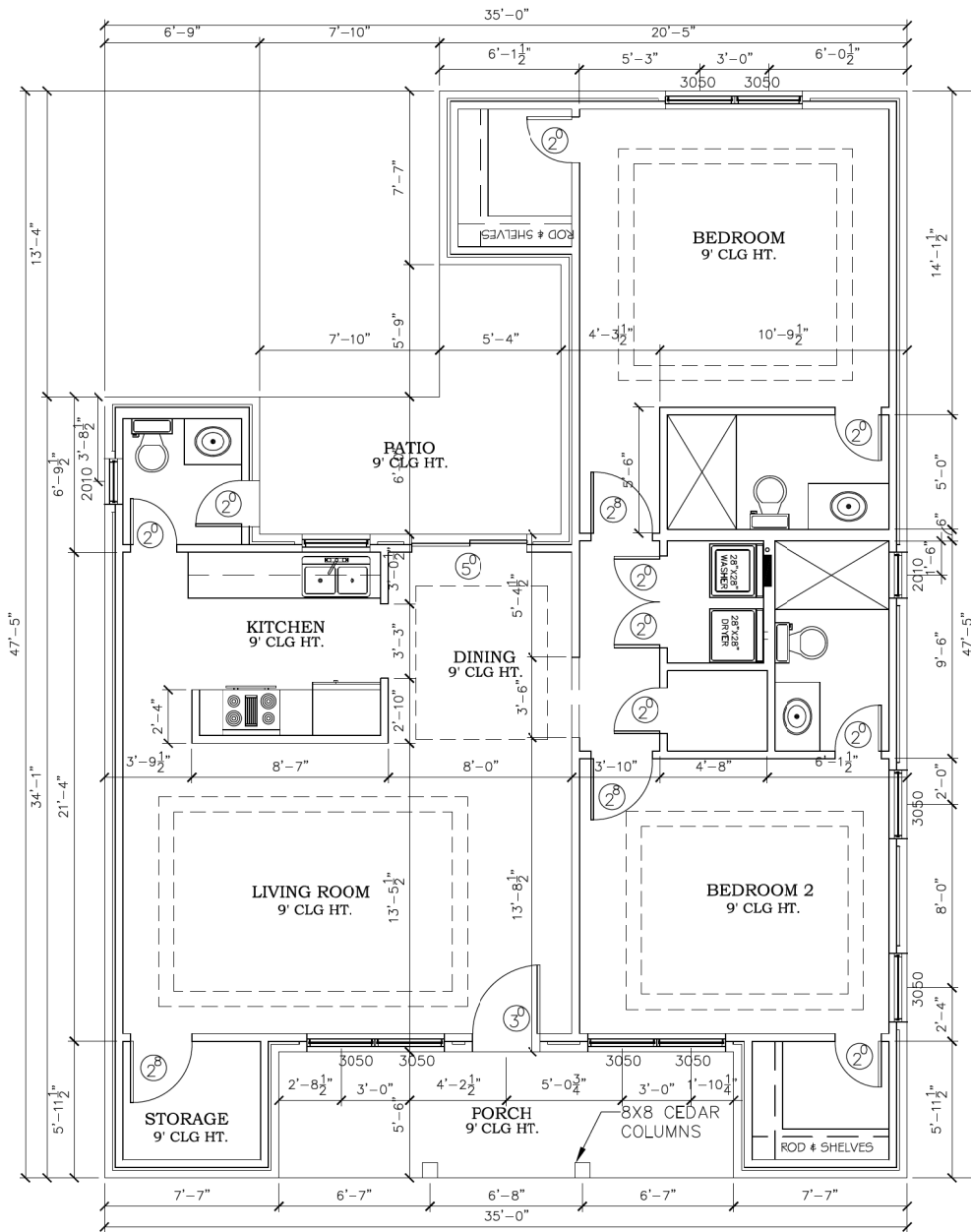


S. 17TH AVENUE

1 SITE PLAN  
SCALE: NTS



621 E. FAY STREET  
EDINBURG, TEXAS  
HIDALGO, COUNTY



1 FLOOR PLAN  
SCALE: 3/16"=1'-0"



AREAS	
LIVING AREA	1,243 SQ.FT.
PORCH AREA	109 SQ.FT.
PATIO AREA	74 SQ.FT.
TOTAL AREA	1,426 SQ.FT.

JV  
DRAFTING  
DONNA ALAMO, TX.  
(950)-472-5378

REVISIONS:	DATE:
1:	
2:	
3:	
4:	

PROPOSED RESIDENCE  
621 E. FAY STREET  
EDINBURG, TEXAS  
HIDALGO COUNTY

SHEET CONTENT:

PROJECT NO.:

2017-62

DATE:

05/03/22

DRAWN BY:

J. VALDEZ

CHECKED BY:

SHEET No.

2

NOTE: THESE DOCUMENTS ARE A DESIGN DRAWING BY THE DESIGN/DRAWER. THE DESIGNER ASSUMES NO RESPONSIBILITY IF THE OWNER CHOOSES TO BUILD WITHOUT THE DESIGNER'S SUPERVISION. THE GENERAL CONTRACTOR MUST COMPLY WITH ALL LOCAL, STATE, AND FEDERAL BUILDING STANDARDS. CONTRACTORS MUST VERIFY ALL DIMENSIONS AND SET BACKS BEFORE CONSTRUCTION STARTS.



# Zoning Board of Adjustment

Site Photos for meeting of July 27, 2022

HUGO LEAL- 621 EAST FAY STREET



## Planning & Zoning Staff Report

Prepared on: July 18, 2022

### ZONING BOARD OF ADJUSTMENT

Regular Meeting: July 27, 2022

#### Agenda Item

Consider Variance to the City's Unified Development Code, Article 3, Section 3.301, Single Family Residential Bulk Standards, Setbacks, being Lot 8, Block 325, Edinburg Original Townsite, located at 619 East Fay Street, as requested by Hugo Leal.

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#### Request

The applicant is requesting variance to Unified Development Code (UDC) Section 3.301 as it applies to single-family residential setbacks. The variance being requested is to allow the construction of a residential home 2 feet into the required 7-foot side yard setbacks on both sides.

#### Property Location and Vicinity

The subject property is located on the north side of East Fay Street, approximately 50 ft. west of South 17<sup>th</sup> Avenue. The property is zoned Neighborhood Conservation 7.1 (NC7.1) District. Adjacent zoning is Neighborhood Conservation 7.1 (NC 7.1) District in all directions. The surrounding land uses consist of single-family residential. Jaycee Park is approximately 475 ft. to the east of the property.

#### Background and History

The property is part of the Edinburg Original Townsite, which was recorded on February 15, 1913. The applicant is proposing to construct a single-story, three-bedroom residential home on the subject property. Review of plans submitted with an Application Request for Variance show the proposed structure encroaching 2 ft. into the required 7 ft. side yard setbacks on both sides. A variance is needed to accommodate the proposed construction. The subject property is currently vacant.

Staff mailed a notice of the variance request to 46 neighboring property owners and received no comments in favor or against this request at the time that this report was prepared.

#### Analysis

Plans submitted propose a 1,620 sq. ft. structure on the subject property. Design of the structure shows 5 ft. of clearance from side yard property lines on both sides. UDC, Section 3.301, Table 3.301, Single-Family Lot and Building Standards, requires a minimum of 7 ft. for side yards in the Neighborhood Conservation 7.1 (NC 7.1) District. This spacing maintains privacy, noise dispersion, light, air movement, fire safety, etc. that characterizes this District. Furthermore, adequate space exists in the rear yard to construct a home of this size or larger while respecting side yard setbacks.



# Planning & Zoning Staff Report

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The applicant cited “property constraint” as the reason for hardship supporting this request. However, an evaluation of the property revealed no viable constraints that would necessitate building in required setbacks. The applicant is also proposing construction on the adjacent lot to the west and is requesting the same type of variance for this lot as well. Only 10 ft. of space would exist between structures if both variances are approved. There would be 12 ft. between the proposed structure and the existing home to the west.

## **Recommendation**

Staff recommends disapproval of this variance and that the applicant comply with the City’s UDC requirements. The proposed home could be modified to retain the desired square footage while respecting all required side yard setback. No hardship or extraordinary conditions exist to justify approval of this variance as is required by UDC Section 14.404(D).

If approved, the applicant will need to comply with all other requirements during the permitting process 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:

**Jaime Acevedo**

Director of Planning & Zoning

# Planning & Zoning Staff Report

## DIVISION 3.300 BULK REGULATIONS - STANDARD DEVELOPMENT

### Sec. 3.301 Single-Family Detached

- A. **General.** This housing type consists of a single-family detached residence located on a privately-owned lot with private yards on each side of the unit, as shown in Figure 3.301, *Single-Family Detached or Single-Family Cluster Units*. Table 3.301, *Single-Family Lot and Building Standards*, sets out the dimensional standards for single-family detached units.
- B. **Neighborhood Conservation sub-districts.**
1. The Neighborhood Conservation (NC) district is intended to preserve the character of existing, built neighborhoods. To that end, there are three (3) Neighborhood Conservation sub-districts:
    - a. NC7.1 is intended to be applied to areas with an existing minimum lot size of 7,100 sf.
    - b. NC5 is intended to be applied to areas with an existing minimum lot size of 5,000 sf.
    - c. NC-MH is intended to be applied to areas developed with manufactured homes with a minimum lot size of 3,500 sf.
  2. Lawfully created lots within the NC district are considered conforming, even if they have areas that are smaller than those specified in Subsection B.1.

Table 3.301 Single-Family Lot and Building Standards						
Zoning District	Minimum					Maximum
	Minimum Lot Area	Lot Width (feet)	Street Yard <sup>1</sup> (feet)	Side Yard single / total (feet) <sup>2</sup>	Rear Yard (feet)	
Agriculture (AG)	10 ac.	330	60	30 / 60	40	35 / 60 <sup>3</sup>
Suburban Residential (S)	15,000 sf.	90	30	15 / 30	30	35
Auto-Urban Residential (AR)	5,000 sf.	50	20	6 / 12	20	35
Urban Residential (UR)	4,000 sf.	40	10	5 / 12	15	35
Neighborhood Conservation (NC7.1)	7,100 sf.	60	25	7 / 14	25	35
Neighborhood Conservation (NC5)	5,000 sf.	50	25	6 / 12	20	35
NC Manufactured Home (NC-MH)	3,500 sf. <sup>4</sup>	20	20	10 / 20	10	35

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

<sup>2</sup> The first number is the minimum side yard. The second number is the sum of the two side yards. The side yard may be reduced subject to structures meeting approved building and fire codes.

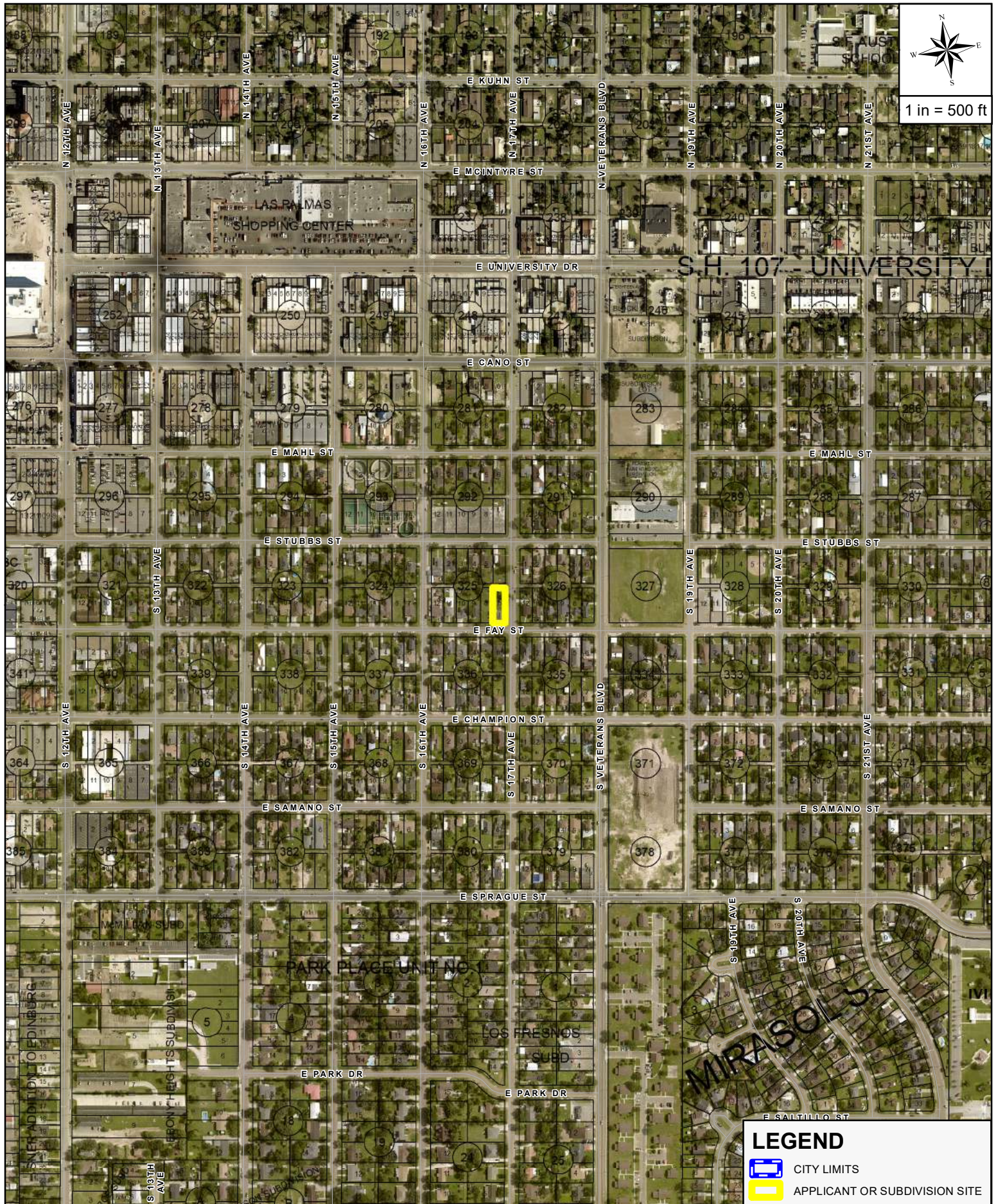
<sup>3</sup> The second height refers to agricultural structures.

<sup>4</sup> Minimum lot area also applies to the area of rented lots in a manufactured home park.

<sup>5</sup> Rear setback may be reduced as noted on a recorded subdivision plat for Neighborhood Conservation Districts.

\* Lot depth is determined by dividing lot area by lot width.



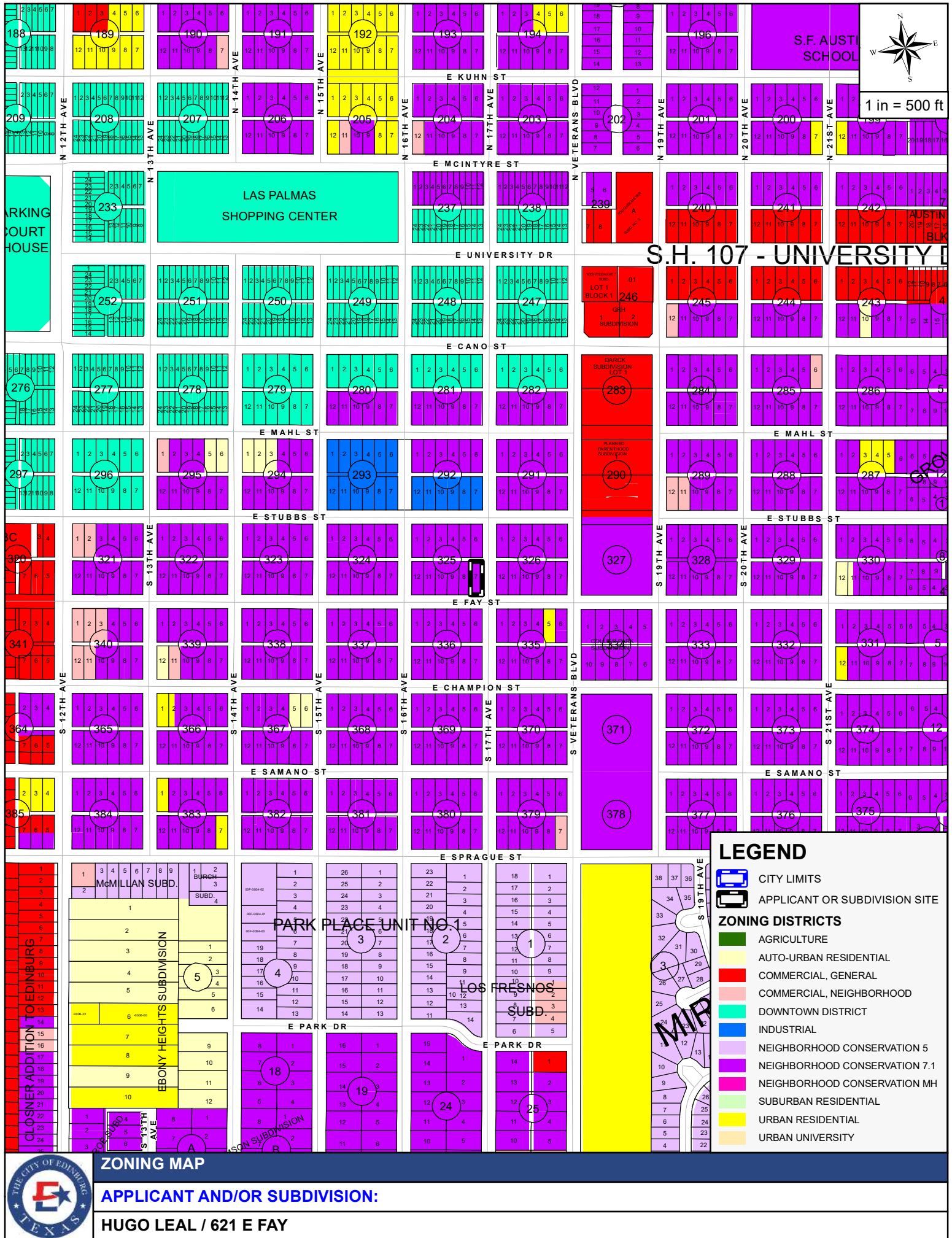


**AERIAL MAP**

**APPLICANT AND/OR SUBDIVISION:**

**HUGO LEAL / 621 E FAY**





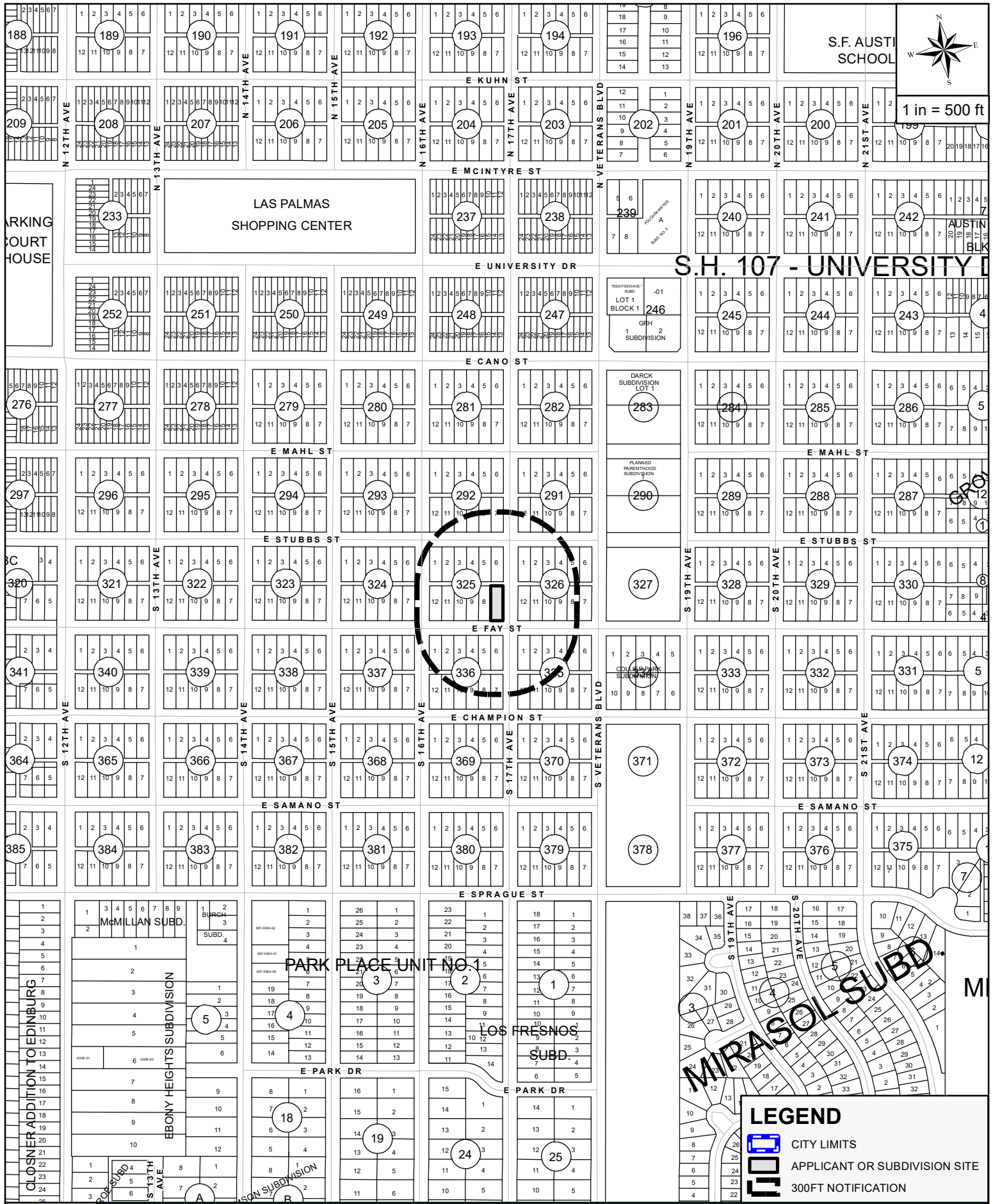
**ZONING MAP**

**APPLICANT AND/OR SUBDIVISION:**

**HUGO LEAL / 621 E FAY**

**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



Case # **VAR-2022-0106****Edinburg** THE CITY OFPlanning & Zoning Department  
415 W. University Drive  
Edinburg, Texas 78539  
(956) 388-8202

## Zoning Board of Adjustment Application Request for Variance

Nature of Request: REDUCE SET BACK FROM 7 TO 5Reason for Hardship (*required; attach additional pages if necessary*)PROPERTY CONSTRAINTProperty Description: Lot 7 Block 325 Subdivision EDINBURG TOWN SITEProperty Address: 621 E FAY STREETPresent Property Zoning: NC 7.1Person requesting Variance: HUGO E LEAL Email: hugoelale@icloud.comMailing Address: 2615 BENJI CIR EDINBURG TX 78541  
Street Address City/State Zip CodePhone No. (Home): \_\_\_\_\_ (Work): \_\_\_\_\_ (Cell): 956 522 8646Owner's Name: GALLERY HOMES LLC Email: hugoelale@icloud.comOwner's Address: 2615 BENJI CIR EDINBURG TX  
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: 06/10/22Owner/Agent's Name (Please Print): HUGO E LEAL\$450 Application Fee: 201738906  
Receipt No.Application Received by: RECEIVED

OFFICE USE ONLY

Application deadline: June 27 ZBA Hearing date: July 27

JUN 14 2022

Name: T.F.

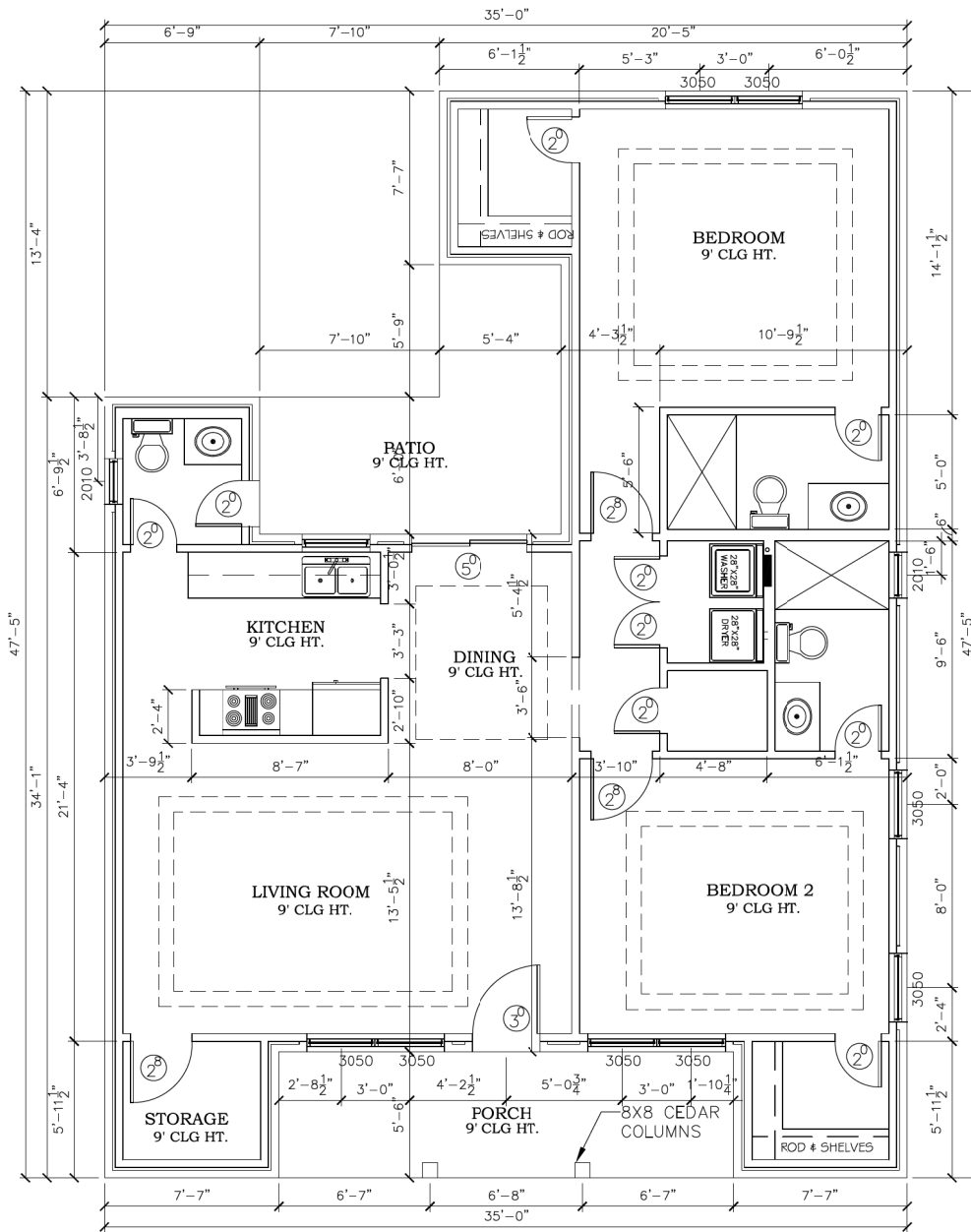
- \$40 ZBA Order Form- Make Check Payable to: Hidalgo County Clerk
- Submit survey, if applicable
- Reduced copy of site plan & 1 blue print, if applicable












<b>1 FLOOR PLAN</b> SCALE: 3/16"=1'-0"	
 NORTH	
AREAS	
LIVING AREA	1,243 SQ.FT.
PORCH AREA	109 SQ.FT.
PATIO AREA	74 SQ.FT.
TOTAL AREA	1,426 SQ.FT.

REVISIONS:	DATE:
1:	
2:	
3:	
4:	

**PROPOSED RESIDENCE**  
 621 E. FAY STREET  
 EDINBURG, TEXAS  
 HIDALGO COUNTY

SHEET CONTENT:	
PROJECT NO.:	2017-62
DATE:	05/03/22
DRAWN BY:	J. VALDEZ
CHECKED BY:	

NOTE: THESE DOCUMENTS ARE A DESIGN DRAWING BY THE DESIGN/DRAWER. THE DESIGNER ASSUMES NO RESPONSIBILITY IF THE OWNER CHOOSES TO BUILD WITHOUT FACILITY. THE GENERAL CONTRACTOR MUST COMPLY WITH ALL LOCAL CODES AND SAFE PRACTICAL BUILDING STANDARDS. CONTRACTORS MUST VERIFY ALL DIMENSIONS AND SET BACKS BEFORE CONSTRUCTION STARTS.

# Zoning Board of Adjustment

Site Photos for meeting of July 27, 2022

HUGO LEAL - 619 EAST FAY STREET



## Planning & Zoning Staff Report

Prepared on: July 19, 2022

### ZONING BOARD OF ADJUSTMENT

Regular Meeting: July 27, 2022

#### Agenda Item

Consider Variance to the City's Unified Development Code as follows: 1) Section 3.304, Non Residential Bulk Standards, Setbacks, 2) Section 3.201, Floor Area Ratio, and 3) Section 9.201, Parking and Loading Requirements, being Lot 5, Villa Del Mundo Subdivision, located at 5121 South Veterans Boulevard, as requested by Jonathan Valencia on behalf of José Pardo.

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#### Request

The applicant requires three variances to proceed with construction for a proposed commercial office for electrical service and repair. The variances being requested would reduce the required side yard setbacks, reduce the required floor area ratio, and reduce the number for required parking spaces.

#### Property Location and Vicinity

The property is located on the west side of South Veterans Boulevard, approximately 60 ft. north of Santa Maria Street and approximately 725 ft. south of Alberta Road. The property is zoned Commercial General (CG) District. Adjacent zoning is Agriculture (AG) District in all directions. Adjacent land uses are single and multifamily with mixed commercial uses further north and south along South Veterans Boulevard. The property is approximately 2,075 ft. (0.4 miles) southeast of the Bert Ogden Arena.

#### Background and History

The property is part of the Villa Del Mundo subdivision, recorded on May 10, 1982. This is part of areas annexed by the City on December 10, 2013. As per City of Edinburg Unified Development Code (UDC) Section 1.205, "Any newly annexed land shall be designated Agriculture (AG) District unless controlled by a pre-annexation agreement that provides otherwise." The property was rezoned from AG District to CG District on May 4, 2022. The subject property was vacant when annexed and has remained vacant since that time. The owner is now proposing to establish a commercial office for electrical services at this location.

A Commercial Building Permit Application was submitted by the applicant on May 23, 2022. Review of the plans showed side setbacks of 6 ft., a building area of 4,969 sq. ft., and 6 parking spaces. Variances for these items is needed to proceed with the proposed construction. An Application Request for Variance was received on June 24, 2022.

Staff mailed a notice of the variance requests to 39 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 subject property, as rezoned, meets minimum lot area requirements for the CG District (10,000 sq. ft.). Proposed plans show 6 ft. setbacks on both side yards. UDC Section 3.304 requires a minimum side yard of 10 ft. for office use in the CG District.

Plans for the proposed construction show a building of 3,788 sq. ft. with a carport of 1,181 sq. ft. for a total coverage of 4,969 sq. ft. on this lot. UDC standards allow a maximum coverage of 3,424 sq. ft. for a lot of this size (10,699.618 sq. ft. x .32 Floor Area Ratio). The proposed construction is 45% over the maximum coverage allowed. Drainage and landscaping would be adversely impacted by this extent of coverage.

Plans for the proposed construction show 6 parking spaces. Analysis of the plans indicated that 9 parking spaces are required for a structure of this size, as per UDC Section 9.201.

The applicant stated that the proposed office would be “too small” if UDC guidelines are followed. No viable constraints of this property were noted.

## **Recommendation**

Staff recommends disapproval of these variances and that the applicant comply with all UDC requirements. No hardship or extraordinary conditions exist to justify approval as is required by UDC Section 14.404(D).

If approved, the applicant will need to comply with all other requirements during the permitting process 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:

**Jaime Acevedo**

Director of Planning & Zoning



# Planning & Zoning Staff Report

## ARTICLE 3 DISTRICT AND BULK STANDARDS

### DIVISION 3.300 BULK REGULATIONS - STANDARD DEVELOPMENT

#### Sec. 3.304 Nonresidential Bulk Requirements

Nonresidential bulk requirements include minimum lot area and yard requirements. For some districts and uses, there is a build-to line to which the fronts of the buildings must be built.

Table 3.304 Nonresidential Bulk Requirements							
District and Use	Minimum						Maximum
	Lot Area	Lot Width (ft.) <sup>1</sup>	Build-to Line (ft.) <sup>2</sup>	Front Yard (ft.) <sup>2</sup>	Side Yard (ft.) <sup>2</sup>	Rear Yard (ft.) <sup>2</sup>	Height (ft.)
<b>Commercial, General (CG)</b>							
Commercial retail	10,000 sf.	50	na.	25	8	10	45
Office / lodging	10,000 sf.	50	na.	25	10	10	50
Services	10,000 sf.	50	na.	25	10	10	45
All other uses	20,000 sf.	100	na.	25	10	10	45
<sup>1</sup> Along arterials, frontages in excess of the minimum lot width may be required. See <a href="#">Division 9.400, Access Management and Circulation</a> .							
<sup>2</sup> If a larger bufferyard is required, the setback or build-to line shall be the width of the bufferyard.							

### DIVISION 3.200 DISTRICT STANDARDS

The district standards establish the intensities of uses within each district so as to achieve the community character objectives of the comprehensive plan. There are separate standards for residential and nonresidential uses.

#### Sec. 3.201 District Standards, Residential and Nonresidential

The district standards that are applicable to all residential uses are provided in [Table 3.201A, Residential Use District Standards](#). The table includes provisions for density, intensity, utility requirements, and minimum site area. The district standards that are applicable to all nonresidential uses are provided in [Table 3.201B, Nonresidential Use District Standards](#). The table includes provisions for intensity, utility requirements, minimum site area, and maximum height. Information relating to these standards and their abbreviations follows:

- Use District and Development Types.** The first column of both tables reflects the zoning districts (shaded in grey) and permitted uses.
- Minimum Open Space Ratio (OSR) / Landscaped Surface Ratio (LSR).** The second column reflects the minimum open space ratio ([Table 3.201A, Residential Use District Standards](#)) or minimum landscaped surface ratio ([Table 3.201B, Nonresidential Use District Standards](#)) required on a site. The ratio is calculated as a percentage of the site area, for example, 0.25 indicates 25 percent of a site must be open space (residential) or landscaped area (nonresidential).
- Maximum Density.** The third column of [Table 3.201A, Residential Use District Standards](#) sets out the maximum allowable dwelling units per acre. The maximum number of dwelling units permitted on a site is calculated as provided in [Section 3.202, Calculation of Density and Intensity](#).

# Planning & Zoning Staff Report

- D. **Maximum Floor Area Ratio.** The third column of Table 3.201B, Nonresidential Use District Standards sets out the maximum allowable intensity of nonresidential uses, which is measured by a floor area ratio (FAR). Floor area ratio is calculated as provided in Section 3.202, Calculation of Density and Intensity.
- E. **Required Utilities.** The fourth column of both tables indicates if public water and sewer utilities are required. Requirement for public utilities, either from the City or from an approved public utility provider, is indicated by "public," whereas "os" indicates that on-site potable water and septic systems are permitted.
- F. **Minimum Site Area.** The last column of Table 3.201A, Residential Use District Standards and the fifth column of Table 3.201B, Nonresidential Use District Standards indicates the minimum area that is required for the listed development type.
- G. **Maximum Height.** The last column of Table 3.201B, Nonresidential Use District Standards indicates the maximum allowable height by use and district. Height is not included as a column in Table 3.201A, Residential Use District Standards because the heights of residential units are controlled by housing type (refer to Section 3.402, Housing Palette for Planned Residential Development).

Table 3.201.B. Nonresidential Use District Standards				
District and Development Type	Min. LSR	FAR	Required Utilities	Minimum Site Area
<b>Commercial, General (GC)</b>				
Commercial Retail	0.15	0.280	Public	10,000 sf.
Offices and lodging	0.35	0.320	Public	10,000 sf.
Services	0.15	0.317	Public	10,000 sf.
All other nonresidential uses	0.15	0.388	Public	20,000 sf.
<sup>1</sup> Maximum floor areas are established for institutional and indoor recreational uses, based on functional classifications of access roads. See Section <u>3.204, Nonresidential Scale Regulations</u> .				
<sup>2</sup> Maximum floor areas are established for this district. See Section <u>3.204 Nonresidential Scale Regulations</u>				

## ARTICLE 9 PARKING, LOADING, ACCESS, AND LIGHTING

### DIVISION 9.200 PARKING AND LOADING CALCULATIONS

#### Sec. 9.201 Parking and Loading Requirements Table

- A. **Minimum off-street parking and loading requirements.** The minimum off-street parking and loading requirements for the uses set out in this Code are set out in Table 9.201, *Minimum Parking and Loading Requirements*, below.



Table 9.201 Minimum Parking and Loading Requirements		
Land Use	Parking	Loading
Commercial Uses		
Office		
General (not listed below)	3 spaces / 1,000 sf.	1 space / 33,000 sf.
Bank/Finance, Telemarketing	4 spaces / 1,000 sf.	
Medical Office / Clinic	5 spaces / 1,000 sf.	
Retail and Restaurant		
Shopping Center	5 spaces / 1,000 sf.	1 space / 25,000 sf.
Commercial Retail	1 space / 200 sf.	General: 1 space / 25,000 sf.





1 in = 500 ft

### LEGEND

-  CITY LIMITS
-  APPLICANT OR SUBDIVISION SITE

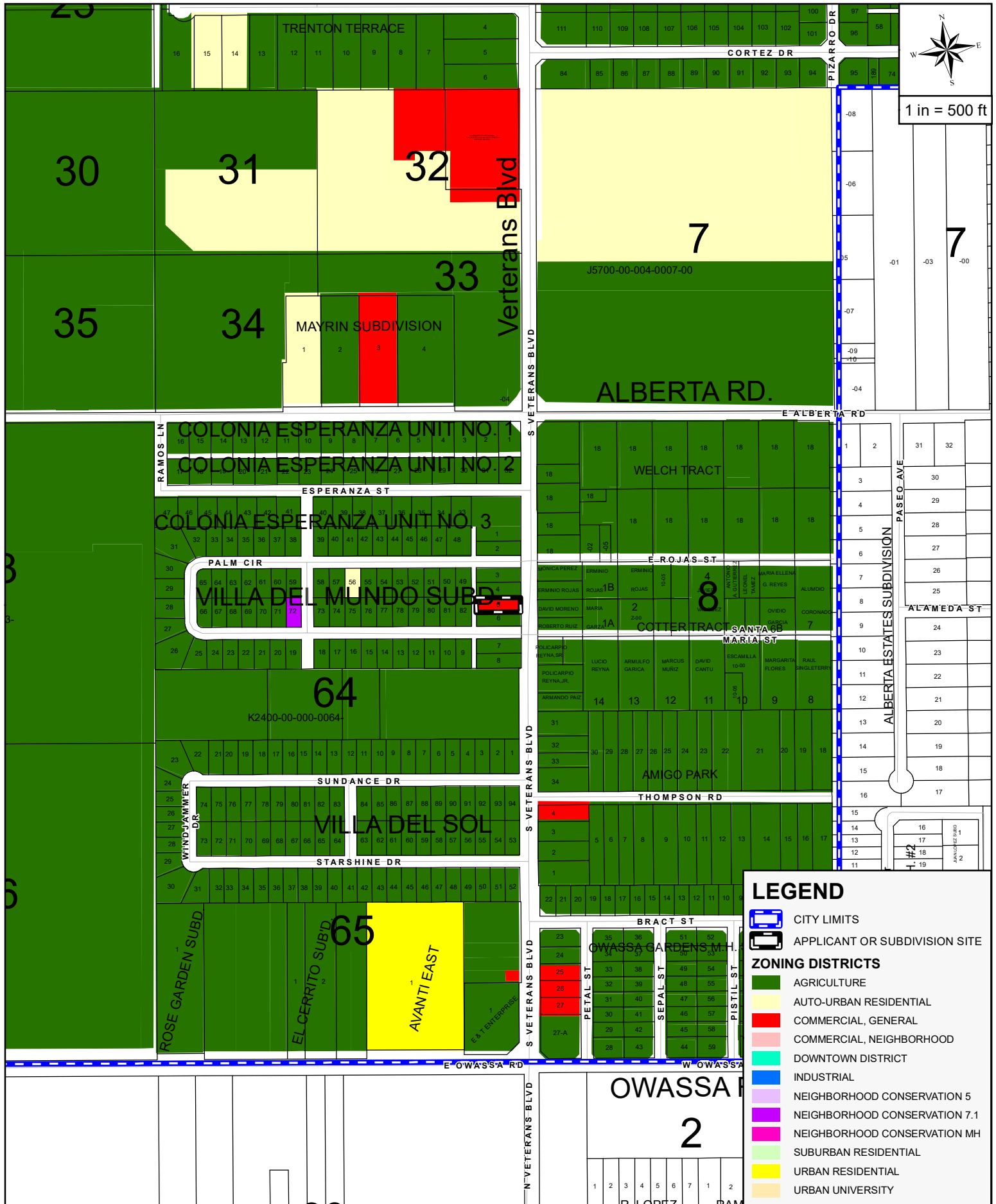


### AERIAL MAP

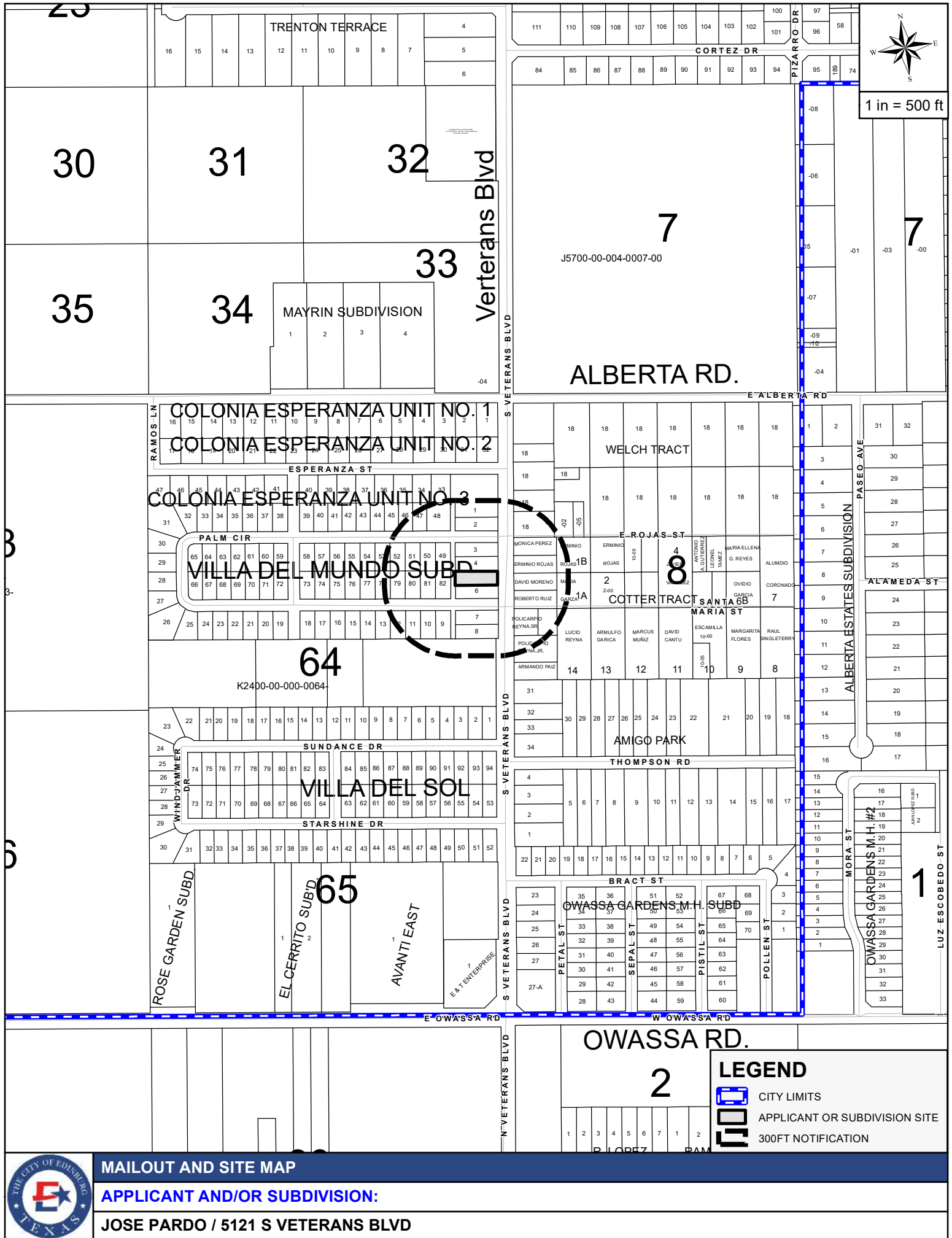
APPLICANT AND/OR SUBDIVISION:

JOSE PARDO / 5121 S VETERANS BLVD









**MAILOUT AND SITE MAP**

**APPLICANT AND/OR SUBDIVISION:**

**JOSE PARDO / 5121 S VETERANS BLVD**



Case # **VAR-2022-0111**

**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: SETBACK VARIANCE

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

CITY REQUIRES 10' SETBACK ON SIDES, BUT WE WOULD  
REQUIRE THE SETBACKS TO BE 6' ON EACH SIDE  
BUT IF THE SET BACK STAYS THE SAME THE BUILDING WILL BE  
TO SMALL

Property Description: Lot 5 Block \_\_\_\_\_ Subdivision VILLA DEL MUNDO

Property Address: 5121 S VETERANS

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

Person requesting Variance: JONATHAN VALENCIA Email: jj88845@gmail.com

Mailing Address: 816 San Angel St San San Juan Tx 78589  
809 W CHEYENNE PHARR TX 78577  
Street Address City/State Zip Code

Phone No. (Home): 956 900 5423 (Work): \_\_\_\_\_ (Cell): \_\_\_\_\_

Owner's Name: JOSE PABLO Email: jj88845@gmail.com

Owner's Address: 809 W CHEYENNE PHARR TX 78577  
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] / [Signature] Date: \_\_\_\_\_

Owner/Agent's Name (Please Print): Jonathan Valencia / Jose A. Pablo

\$450 Application Fee: 201748726 Application Received by: Jaime Ayala  
Receipt No.

### OFFICE USE ONLY

Application deadline: June 27 ZBA Hearing date: July 27

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

**RECEIVED**

Name: [Signature]



**COMMERCIAL**

**BUILDING PERMIT APPLICATION**

ADDRESS: 415 W. UNIVERSITY DR (PO BOX 1079), EDINBURG TX, 78540  
PHONE: 956/388/8203 FAX: 956/292/2080

PERMIT NO.: Bldc-2222-7825 DATE ISSUED: \_\_\_\_\_

GENERAL CONTRACTOR Jose A. pardo PHONE NO. \_\_\_\_\_  
ADDRESS 816 San Angel St. (956) 68 (OFFICE)  
CITY, STATE & ZIP San Juan, TX 78589 (956) 984 9336 (MOBILE)  
EMAIL ADDRESS jpelectric81@gmail.com

PROJECT SITE ADDRESS: 5121 S. Veterans IMPROVEMENT \_\_\_\_\_  
BUSINESS NAME: JP Electrical Service VALUE \$ 60,000  
LOT(S): 5 BLOCK: \_\_\_\_\_ SUBDIVISION: Villa Del Mundo GATE CODE: \_\_\_\_\_

SCOPE OF WORK: build new metal building  
Compañia Servicios Electricos  
storage my Vans  
☒ NEW ☐ ADDITION ☐ REMODEL ☐ REPAIR ☐ SIGN ☐ DEMOLITION (NEED APPROVAL: ☐ SWD)

TOTAL BLDG SQ. FT. # PARKING SQ. FT. LOT  
SQ. FT. 3788 LIVING \_\_\_\_\_ SPACE \_\_\_\_\_ LOT 10620 FRONT 59' FLOOR ELEVATION \_\_\_\_\_ FLOOD ZONE \_\_\_\_\_

FOUNDATION	EXT WALLS	INTERIOR WALL	ROOF	OTHER CONDITIONS
<input checked="" type="checkbox"/> CONCRETE SLAB	<input type="checkbox"/> MASONRY VENEER	<input type="checkbox"/> SHEETROCK	<input type="checkbox"/> ROOF SHINGLES	<input checked="" type="checkbox"/> PUBLIC SIDEWALK
<input type="checkbox"/> CONCRETE PIER	<input type="checkbox"/> MASONRY SOLID	<input type="checkbox"/> PANEL	<input type="checkbox"/> COMPOSITION	<input type="checkbox"/> CORNER LOT
<input type="checkbox"/> CONCRETE BLOCK	<input checked="" type="checkbox"/> METAL SIDING	<input type="checkbox"/> SEALED	<input checked="" type="checkbox"/> METAL	<input type="checkbox"/> CUL-DE-SAC
<input type="checkbox"/> CONCRETE BEAM	<input type="checkbox"/> COMPOSITION	<input type="checkbox"/> TEXTONE	<input type="checkbox"/> CLAY TILE	<input type="checkbox"/> OTHER _____

OWNER: Jose A. pardo PHONE NO. ( ) \_\_\_\_\_  
ADDRESS: 816 San Angel St. MOBILE NO. (956) 984 9336  
CITY: San Juan TX STATE TX ZIP 78589

\*\*\* GENERAL LIABILITY INSURANCE OR SURETY BOND (\$10,000) IS REQUIRED \*\*\*

Inspections requested between 8:00 A.M to 4:30 P.M will be conducted the following business day.

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.

AGENT/OWNER(PLEASE PRINT) Jose A. pardo DATE 5/23/22

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



Alberta

Road

NORTH LINE OF LOT 64

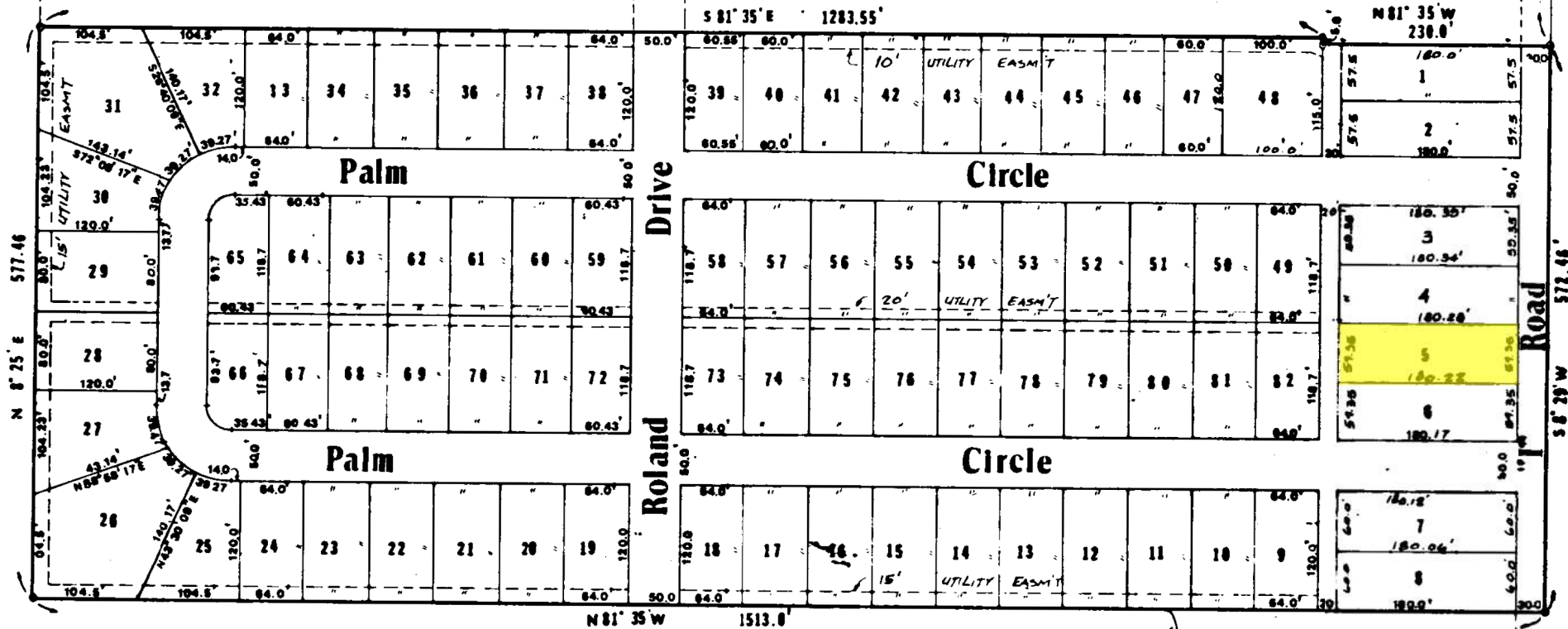
NE CORNER  
OF LOT 64

Ramos Lane

Esperanza

Street

EAST LINE  
OF LOT 64



APPROVED FOR RECORDING

COMMISSIONERS' COURT

This the day of May 1982  
SANTOS SALDANA, County Clerk  
Hidalgo County, Texas

# VILLA DEL MUNDO SUBDIVISION

BEING A SUBDIVISION OF A 20.03 ACRE TRACT OUT OF LOT 64, KELLY-PHARR SUBDIVISION, HIDALGO COUNTY, TEXAS

Surveyed and Booked  
at the records of Hidalgo  
County, Texas  
Walden and Hunt, Inc.  
County Surveyors

**APPROVED  
FOR RECORDING**  
Hidalgo Co. Right of Way Dept.  
By Verna Walker  
Date May 10, 1982



JONA VALENCIA  
CONSULTING  
PH. 956.900.5423  
E M A I L :  
JH8845@GMAIL.COM

## SHEET INDEX

T-1.0	COVER SHEET & SITE PLAN
S-1.0	FOUNDATION & PLUMBING
S-2.0	ROOF PLAN
A-1.0	FLOOR PLAN
A-2.0	EXTERIOR ELEVATIONS
E-1.0	ELECTRICAL PLAN

PROJECT  
**PARDO  
METAL  
BUILDING**

LOCATION  
5121 S. VETERANS LOT 5  
VILLA DEL MUNDO  
SUBDIVISION  
EDINBURG, TEXAS

DATE 05-19-22  
PROJECT NO. 2224

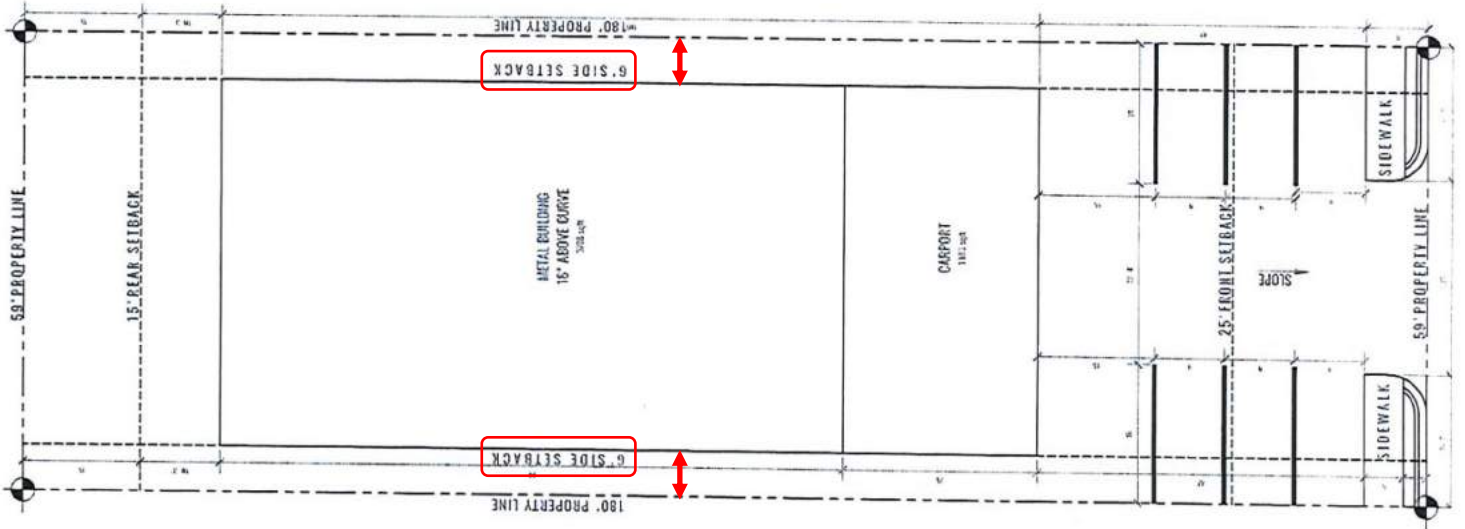
AREAS  
AREA 3,788 SQFT  
GARAGE 1,181 SQFT  
TOTAL 4,969 SQFT

**T-1.0**  
SHEET NO. IV

1 SITE PLAN  
SHEET 15 OF 17

RECEIVED

JUN 24 2022





JOVA VALENCIA  
CONSTRUCTION  
PH. 956.900.5423  
E M A I L :  
J188845@GMAIL.COM

# CONSTRUCTION NOTES :

1. ALL MILLWORK, APPLIANCES AND EQUIPMENT SIZES TO BE MEASURED ON SITE BEFORE ORDERING.
2. ALL FUR-OUT WALLS TO BE FRAMED BY 2X4 STUDS.
3. SOME PLUMBING WALLS TO BE FRAMED WITH 2X6 STUDS.
4. WINDOWS IN BATHROOMS WILL HAVE OBSCURED GLASS.
5. ALL DIMENSIONS TO BE FIELD VERIFIED.
6. ALL WORK WILL BE INSPECTED PRIOR TO COVER.
7. ALL MATERIAL SHALL BE NEW AND OF THE GOOD QUALITY.
8. PROVIDE WATER RESIST GYP. BOARD AT SHOWER WALLS.
9. ALL INTERIOR WALLS TO BE 2X4 AT 16" O.C. W/1-PLY 5" GYP. BOARD AT EACH SIDE UNLESS NOTED OTHERWISE.
10. ALL EXTERIOR WALL TO BE 2X4 AT 16" O.C. OR TO FOLLOW FEDERAL, STATE, COUNTY AND/ OR CITY ORDINANCES AND BUILDING CODES.
11. PROVIDE EXTERIOR HOSE BIBS. REFER TO SITE PLAN FOR LOCATIONS.
12. FINISH FLOOR ELEVATIONS SHALL BE 18" ABOVE EXISTING CONCRETE CURB, OR TO FOLLOW FEDERAL, STATE, COUNTY AND/ OR CITY ORDINANCES AND BUILDING CODES.

## WALL LEGEND:

2x4 WOOD STUD WALL (8" PLUMBING WALLS)

GLAZED WALL

BRICK WALL / STONE

NOTE: WALL TYPES NOT SHOWN ARE TO BE USED.

## PROJECT PARDO METAL BUILDING

LOCATION  
5121 S. VETERANS LOT 5  
VILLA DEL MUNDO  
SUBDIVISION  
EDINBURG, TEXAS

DATE 05-19-22  
PROJECT NO. 2224  
AREAS:  
FPTA 3,788 SQFT  
GARAGEPORT 1,181 SQFT  
TOTAL 4,969 SQFT

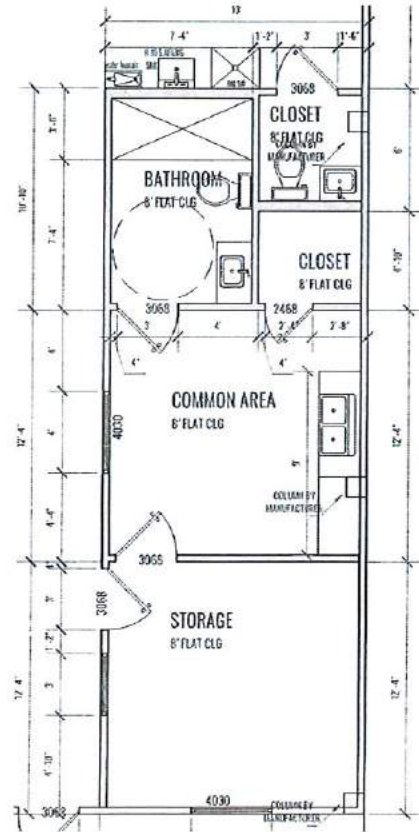
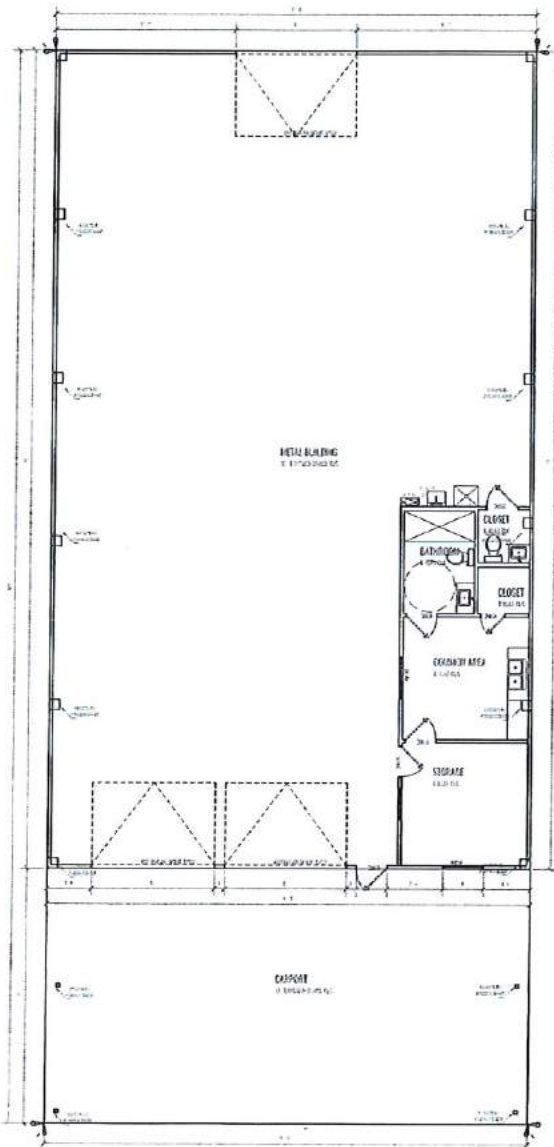
RECEIVED

JUN 24 2022

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

1 FLOORPLAN LVL 1  
SCALE: 1/8" = 1'-0"

A-1.0  
REVISED BY





# Zoning Board of Adjustment

Site Photos for meeting of July 27, 2022

JOSÉ PARDO - 5121 SOUTH VETERANS BOULEVARD



## Planning & Zoning Staff Report

Prepared on: July 20, 2022

### ZONING BOARD OF ADJUSTMENT

Regular Meeting: July 27, 2022

#### Agenda Item

Consider Variances to the City's Unified Development Code as follows: 1) Section 3.301, Single Family Residential Bulk Standards, Setbacks and 2) Section 3.505, Easements and Utilities, being Lot 98, Hacienda Las Fuentes Subdivision, located at 3614 Tigris Drive, as requested by George Boghs.

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#### Request

The applicant is seeking variances to UDC Section 3.301 and 3.305 to construct an addition to a single-family residence proposed in both the side and rear yard setbacks and in a utility easement of record.

#### Property Location and Vicinity

The property is located on the east side of Tigris Drive, approximately 175 ft. south of Tamesis Drive and approximately 375 ft. south of West Wisconsin Road. The property is zoned Neighborhood Conservation 7.1 (NC7.1) District. Adjacent zoning is Neighborhood Conservation 7.1 (NC7.1) District in all directions. Adjacent land use is single-family residential.

#### Background and History

The property is part of the Hacienda Las Fuentes subdivision, recorded on November 24, 2003. An Application Request for Variance was received on July 7, 2022. Plans submitted with the variance request show a proposed addition to an existing single-family residence. The proposed addition would be located both in the side yard setback and in a utility easement at the rear of the property. A variance is needed to accommodate the proposed addition.

Staff mailed a notice of the variance request to 40 neighboring property owners and received no comments in favor or against this request at the time that this report was prepared.

#### Analysis

The lot has 88 ft. frontage along Tigris Drive and 94.5 ft. of depth for a lot area of 8,316 sq. ft. The subject property is the location of a single-family residential structure constructed in 2012.

A proposed addition to this structure shows carport and storage area located 3 ft. from the southern (side) property line. UDC Section 3.301 requires a minimum of 7 ft. side yard setback in the NC7.1 district. The proposed construction would encroach 4 ft. into this setback, reducing the required spacing by approximately 60%.

# Planning & Zoning Staff Report

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The proposed addition also extends to 3 ft. from the eastern (rear) property line. Plat notes require 20% of the lot depth for rear yard setbacks. The existing residence is located at this setback. The addition would reduce the required rear yard setback by over 84%.

The plat also designates a 10 ft. utility easement along the rear of the property. Placement of the proposed addition would encroach 7 ft. into this utility easement, a 70% reduction to the required easement.

On October 25, 2017, the previous owners received a variance to construct a patio extension that encroaches approximately 5 ft. 7 in. into the 10 ft. utility easement. This variance was approved against staff recommendations. This structure was in place when the applicant purchased the home and is shown on the survey submitted with the Application Request for Variance.

The applicant stated that the nature of this request is for personal residential storage. No hardship was given and no viable constraints on the property were observed.

## **Recommendation**

Staff recommends disapproval of these variance requests and that the applicant comply with all UDC requirements. No hardship or extraordinary conditions exist to justify approval as is required by UDC Section 14.404(D).

If approved, the applicant will need to comply with all other requirements during the permitting process 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:

**Jaime Acevedo**

Director of Planning & Zoning



# Planning & Zoning Staff Report

## ARTICLE 3 DISTRICT AND BULK STANDARDS

### DIVISION 3.300 BULK REGULATIONS - STANDARD DEVELOPMENT

#### Sec. 3.301 Single-Family Detached

- A. **General.** This housing type consists of a single-family detached residence located on a privately-owned lot with private yards on each side of the unit, as shown in Figure 3.301, *Single-Family Detached or Single-Family Cluster Units*. Table 3.301, *Single-Family Lot and Building Standards*, sets out the dimensional standards for single-family detached units.
- B. **Neighborhood Conservation sub-districts.**
1. The Neighborhood Conservation (NC) district is intended to preserve the character of existing, built neighborhoods. To that end, there are three (3) Neighborhood Conservation sub-districts:
    - a. NC7.1 is intended to be applied to areas with an existing minimum lot size of 7,100 sf.
    - b. NC5 is intended to be applied to areas with an existing minimum lot size of 5,000 sf.
    - c. NC-MH is intended to be applied to areas developed with manufactured homes with a minimum lot size of 3,500 sf.
  2. Lawfully created lots within the NC district are considered conforming, even if they have areas that are smaller than those specified in Subsection B.1.

Table 3.301 Single-Family Lot and Building Standards						
Zoning District	Minimum					Maximum
	Minimum Lot Area	Lot Width (feet)	Street Yard <sup>1</sup> (feet)	Side Yard single / total (feet) <sup>2</sup>	Rear Yard (feet)	
Agriculture (AG)	10 ac.	330	60	30 / 60	40	35 / 60 <sup>3</sup>
Suburban Residential (S)	15,000 sf.	90	30	15 / 30	30	35
Auto-Urban Residential (AR)	5,000 sf.	50	20	6 / 12	20	35
Urban Residential (UR)	4,000 sf.	40	10	5 / 12	15	35
Neighborhood Conservation (NC7.1)	7,100 sf.	60	25	7 / 14	25	35
Neighborhood Conservation (NC5)	5,000 sf.	50	25	6 / 12	20	35
NC Manufactured Home (NC-MH)	3,500 sf. <sup>4</sup>	20	20	10 / 20	10	35

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

<sup>2</sup> The first number is the minimum side yard. The second number is the sum of the two side yards. The side yard may be reduced subject to structures meeting approved building and fire codes.

<sup>3</sup> The second height refers to agricultural structures.

<sup>4</sup> Minimum lot area also applies to the area of rented lots in a manufactured home park.

<sup>5</sup> Rear setback may be reduced as noted on a recorded subdivision plat for Neighborhood Conservation Districts.

\* Lot depth is determined by dividing lot area by lot width.

# Planning & Zoning Staff Report

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## ARTICLE 3 DISTRICT AND BULK STANDARDS

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### DIVISION 3.500 EXCEPTIONS TO YARD AND HEIGHT STANDARDS

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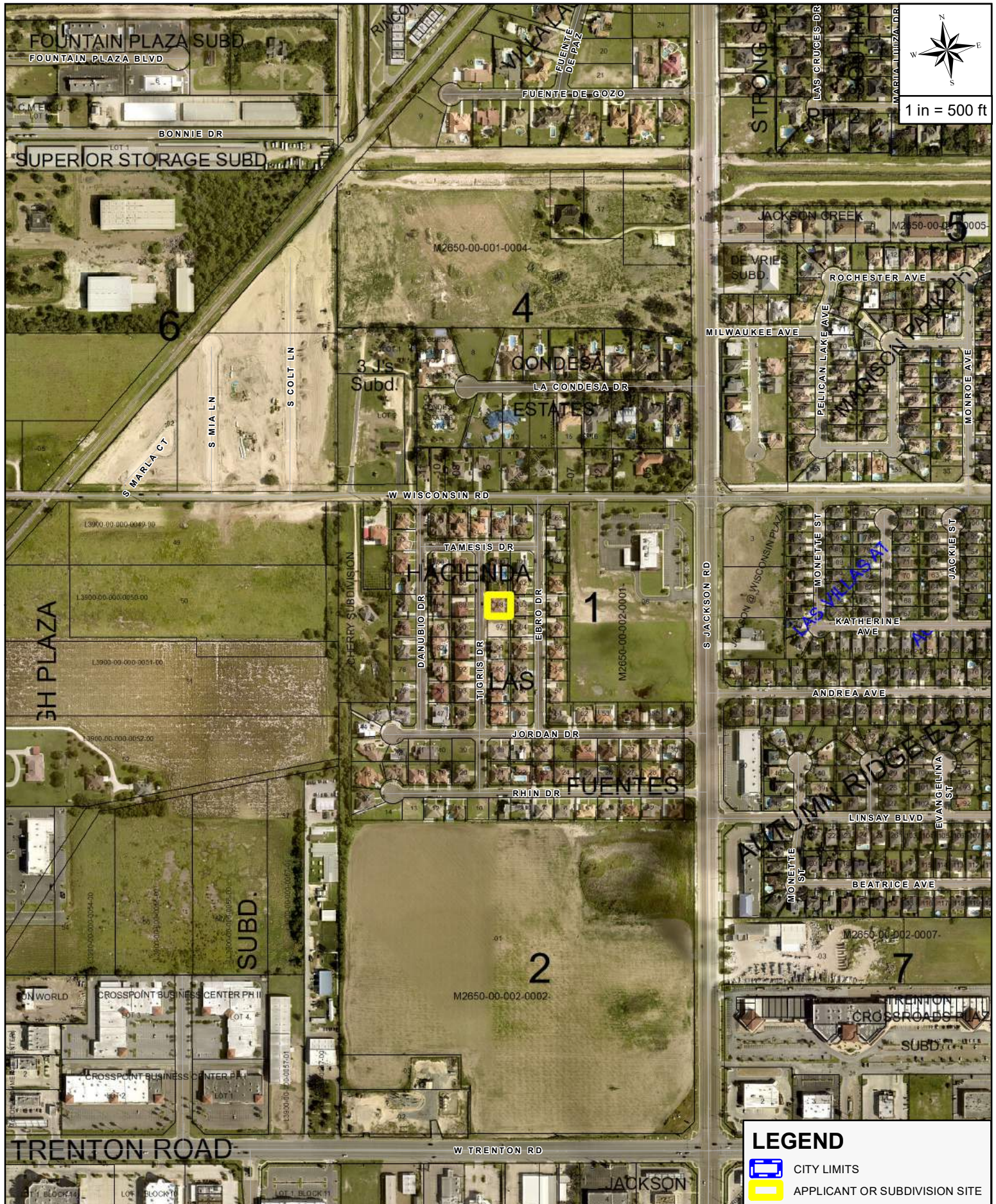
The exceptions set out in this Division are established to provide relief from the bulk regulations of this Article in order to promote flexibility in design.

#### Sec. 3.505 Easements and Utilities

---

- 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.
-



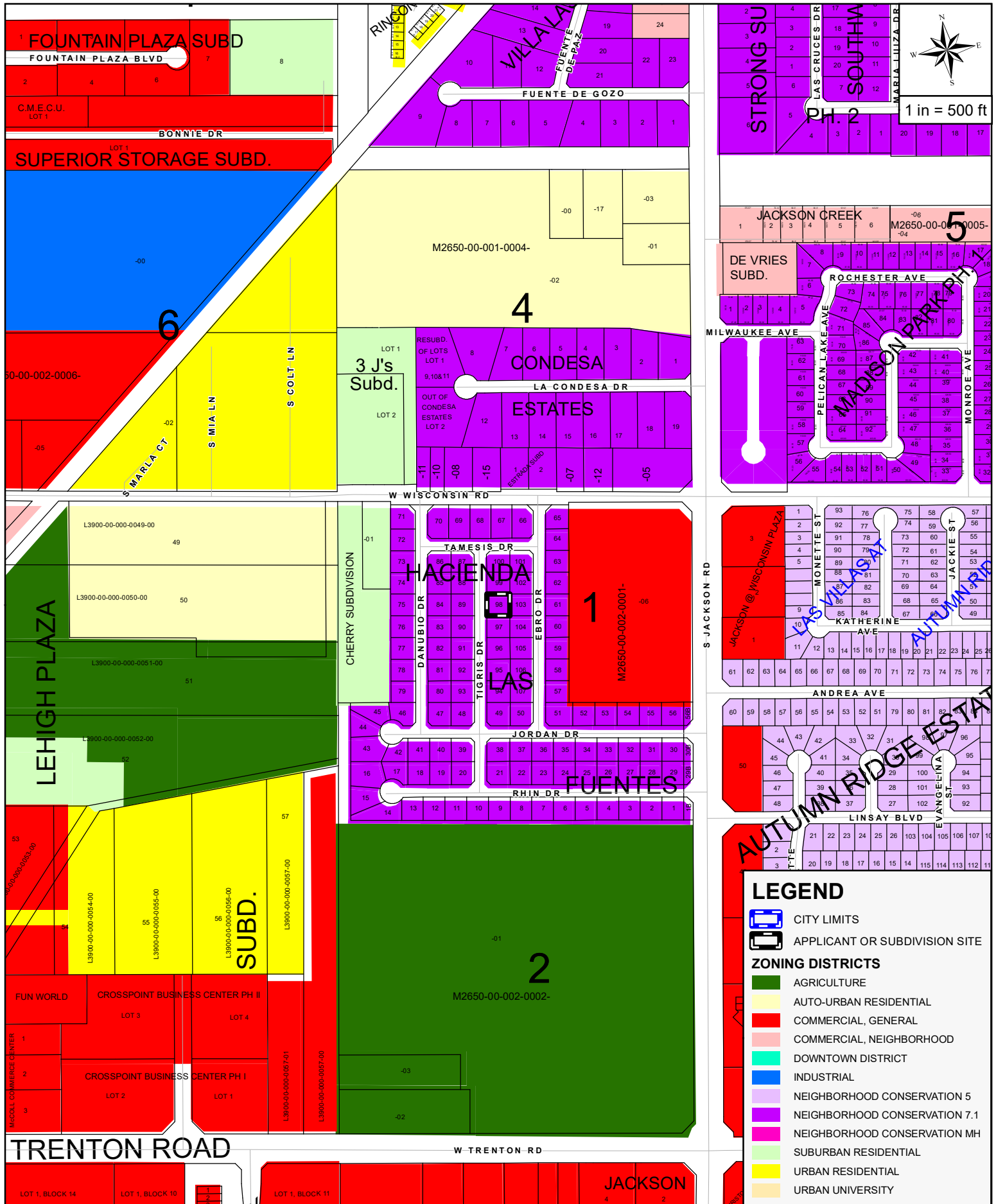


**AERIAL MAP**

**APPLICANT AND/OR SUBDIVISION:**

**GEORGE BOGHS / 3614 TIGRIS DR**





## LEGEND

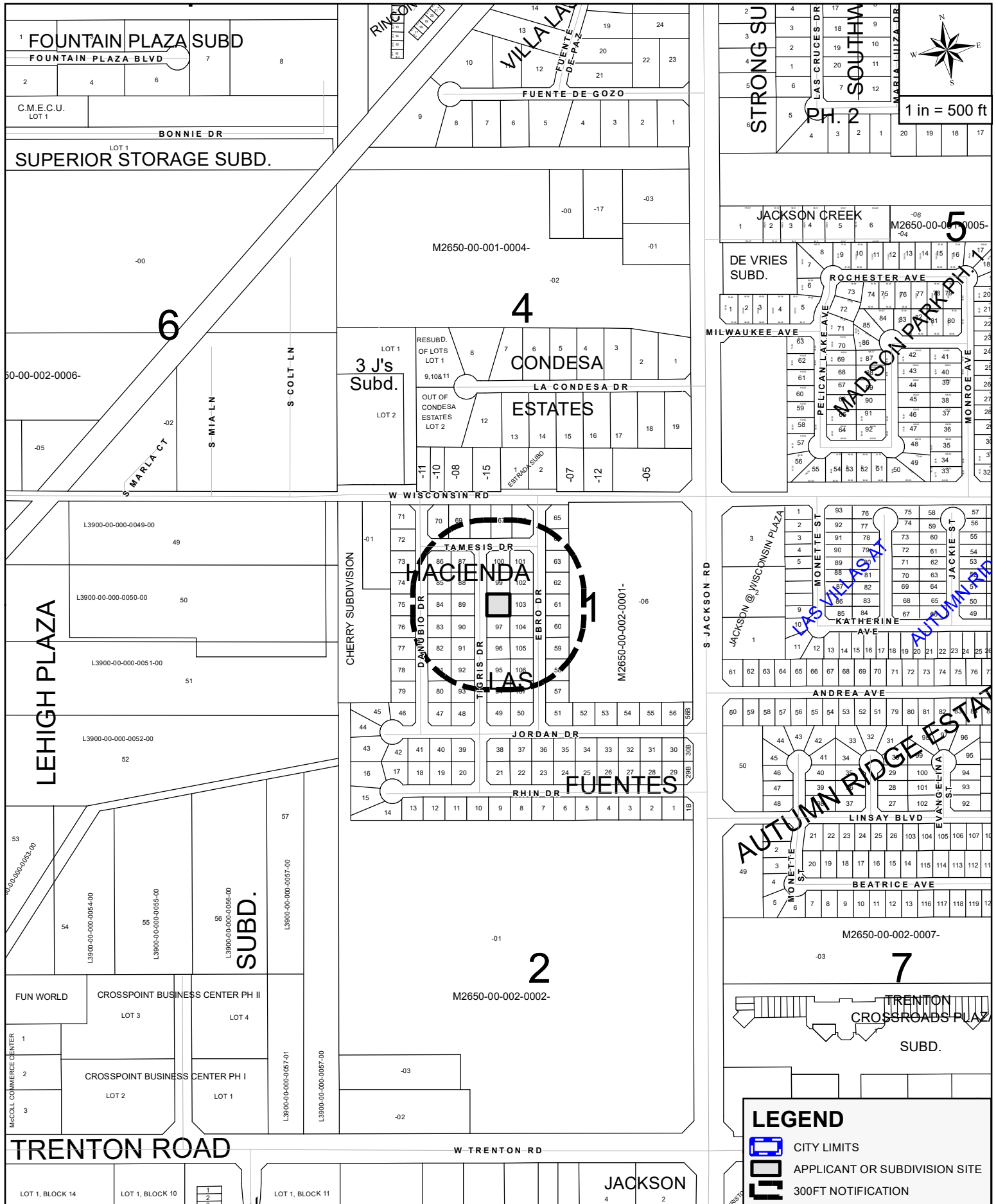
- CITY LIMITS
- APPLICANT OR SUBDIVISION SITE
- ZONING DISTRICTS**
  - AGRICULTURE
  - AUTO-URBAN RESIDENTIAL
  - COMMERCIAL, GENERAL
  - COMMERCIAL, NEIGHBORHOOD
  - DOWNTOWN DISTRICT
  - INDUSTRIAL
  - NEIGHBORHOOD CONSERVATION 5
  - NEIGHBORHOOD CONSERVATION 7.1
  - NEIGHBORHOOD CONSERVATION MH
  - SUBURBAN RESIDENTIAL
  - URBAN RESIDENTIAL
  - URBAN UNIVERSITY

## ZONING MAP

APPLICANT AND/OR SUBDIVISION:

GEORGE BOGHS / 3614 TIGRIS DR







Case #

**Edinburg** THE CITY OF

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

## Zoning Board of Adjustment Application Request for Variance

Nature of Request: Encroaching side and rear setbacks and utility easement at rear.

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

Shed, to keep tools, ladders, lawn equipment, bicycles etc.

Property Description: Lot 98 Block \_\_\_\_\_ Subdivision Hacienda Las Fuentes

Property Address: 3614 Tigris Dr. Edinburg, TX, 78539

Present Property Zoning: Neighborhood Conservation 7.1

Person requesting Variance: George Boghs Email: gboghs@yahoo.com

Mailing Address: 3614 Tigris Dr. Edinburg, TX 78539  
Street Address City/State Zip Code

Phone No. (Home): \_\_\_\_\_ (Work): 956.627.3121 (Cell): 956.821.0455

Owner's Name: George Boghs Email: gboghs@yahoo.com

Owner's Address: 3614 Tigris 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: \_\_\_\_\_ Date: \_\_\_\_\_

Owner/Agent's Name (Please Print): George Boghs

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

OFFICE USE ONLY

Application deadline: June 27 ZBA Hearing date: July 27th

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





# HACIENDA LAS FUENTES

BEING A 29.40 ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 2, A. J. McCOLL SUBDIVISION, HIDALGO COUNTY, TEXAS, AS PER MAP RECORDED IN VOLUME 21, PAGE 598, DEED RECORDS, HIDALGO COUNTY, TEXAS.

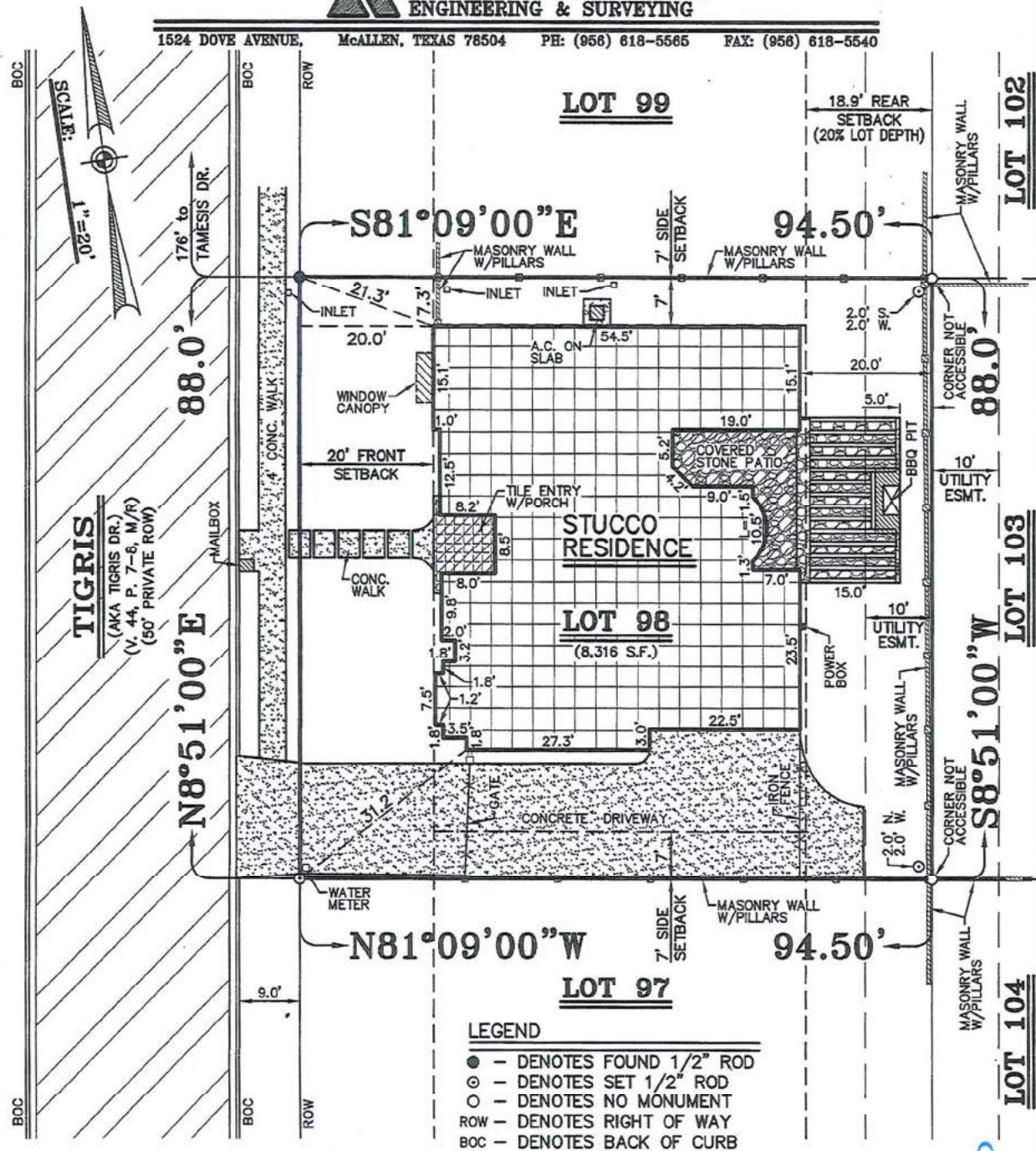
DATE OF PREPARATION: SEPTEMBER 30, 2003. SCALE: 1"=100'



# ART SALINAS

## ENGINEERING & SURVEYING

1524 DOVE AVENUE, McALLEN, TEXAS 78504 PH: (958) 618-5565 FAX: (958) 618-5540



**FLOOD ZONE DESIGNATION:** The property shown hereon lies in Zone "X". Zone "X" areas are areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas of less than 1 square mile; and areas protected by levees from 100-year flood as per F.E.M.A. Flood Insurance Rate Map No. 480338-0030-E dated 06-06-00.

**PLAT NOTES:**

- There are no discrepancies, conflicts, shortages in area or boundary lines, encroachments, overlapping of improvements or visible or apparent easements except as shown on this plat.
- This survey plat was prepared without the benefit of a title report. Easement research is not within the scope of this boundary survey.
- This survey must contain an embossed seal and an original signature to be valid as per Section 661.46 and Section 663.19 of the "The Professional Land Surveying Practices Act".
- This is a standard survey and does not include the location or subsurface investigation of underground utility, irrigation and/or gas lines.
- Subject to any oil, gas and mineral lease of record.
- Bearing Basis: "W. line of Lot 98, Hacienda Las Fuentes"

**Client:** George Boghis and Veronica Boghis

THIS IS TO CERTIFY THAT I HAVE, THIS DATE, PREPARED A SURVEY ON THE GROUND WHICH IS LOCATED AT 3614 TIGRIS, in EDINBURG, TEXAS, DESCRIBED AS FOLLOWS:  
LOT NINETY-EIGHT (98), HACIENDA LAS FUENTES, AN ADDITION TO THE CITY OF EDINBURG, HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 44, PAGES 7 AND 8, MAP RECORDS, HIDALGO COUNTY, TEXAS.

22-63136  
Job No.

06-07-22  
Date

© COPYRIGHT 2022 ART SALINAS ENGINEERING INC. THIS SURVEY WAS PROVIDED IN MULTIPLE ORIGINALS SOLELY FOR THE USE OF THE BORROWER NAMED HEREON. NO LICENSE HAS BEEN CREATED, EXPRESSED OR IMPLIED TO COPY THIS SURVEY.



10' UTILITY EASEMENT

N 0° 00' 00" E  
88.00'

SHADED AREA NOT IN CONTRACT

AREAS	
Name	Area
CARPORT	508 SF
EXISTING GARAGE CONVERSION	507 SF
NEW STOR.	342 SF
Grand total: 3	1357 SF

N 90° 00' 00" W  
94.50'

18.9' REAR SETBACK

7' SIDE SETBACK



# Zoning Board of Adjustment

Site Photos for meeting of July 27, 2022

GEORGE BOGHS - 3614 TIGRIS DRIVE



## Planning & Zoning Staff Report

Prepared on: July 20, 2022

### ZONING BOARD OF ADJUSTMENT

Regular Meeting: July 27, 2022

#### Agenda Item

Consider Variance to the City's Unified Development Code, Section 2.301 (D) Fences, being Lot 15, Dulce Real Estates Phase "B" Subdivision, located at 1709 Dulcinea Avenue, as requested by Omar Anzaldua.

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#### Request

The applicant is seeking a variance to UDC Section 2.301(D) as it applies to fences in front and street side yards. The variances being requested would allow construction of a fence in the front yard of a single-family residence.

#### Property Location and Vicinity

The property is located on the north side of Dulcinea Avenue, approximately 60 ft. north of Santa Maria Street and approximately 650 ft. west of South Sugar Road. The property is zoned Neighborhood Conservation 7.1 (NC7.1) District. Adjacent zoning is Urban Residential (UR) District to the north and Neighborhood Conservation 7.1 (NC7.1) District to the south, east, and west. Adjacent land uses are single-family residential with multifamily to the north and commercial uses to the west along South Sugar Road. The property is approximately 1,200 ft. northwest of the Edinburg Regional Medical Center.

#### Background and History

The property is part of the Dulce Real Estates Phase "B" subdivision, recorded on July 24, 1978. An application for a Residential Building Permit for a fence was received on June 22, 2022. Review of the plans showed placement of the fence in front of the principal structure. A variance is needed to construct the fence as proposed. An Application Request for Variance was received on June 30, 2022.

Staff mailed a notice of the variance request to 28 neighboring property owners and received no comments in favor and four against this request at the time that this report was prepared.

#### Analysis

The lot has 160 ft. frontage and 140 ft. of depth for a lot area of 22,400 sq. ft. The subject property is the location of a single-family residential structure constructed in 2020. Plans received by the City show a fence extending approximately 15 ft. in front of the principal structure. UDC Section 2.301(D) prohibits fencing beyond the rear plane of the principal structure for residential fences. There are 13 other residences on Dulcinea Avenue of comparable size and on similar lots. No other residence on Dulcinea Avenue was identified as having fencing in front of the principle structure as is proposed by the applicant. Fences in the street yards are not in keeping with the

# Planning & Zoning Staff Report

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character and style of this subdivision. The applicant cited children's safety as the basis for this request. No viable constraints on the property were noted.

## **Recommendation**

Staff recommends disapproval of this request and that the applicant comply with UDC requirements. No hardship or extraordinary conditions exist to justify approval as is required by UDC Section 14.404(D).

If approved, the applicant will need to comply with all other requirements during the permitting process 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:

**Jaime Acevedo**

Director of Planning & Zoning



# Planning & Zoning Staff Report

## ARTICLE 2 LAND USES

### DIVISION 2.300 GENERAL USE STANDARDS

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.

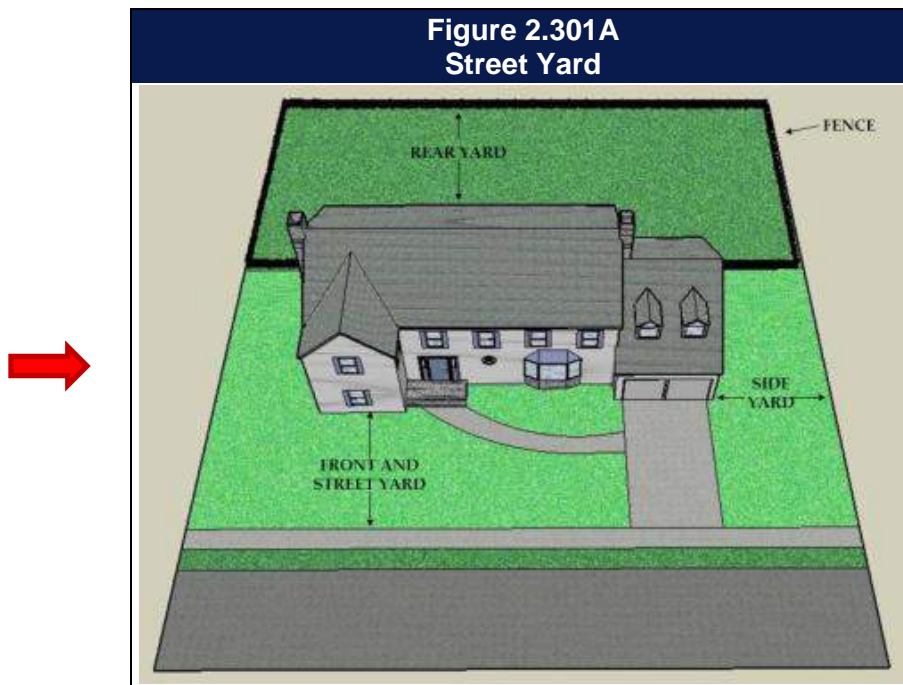
#### Sec. 2.301 Residential Uses

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

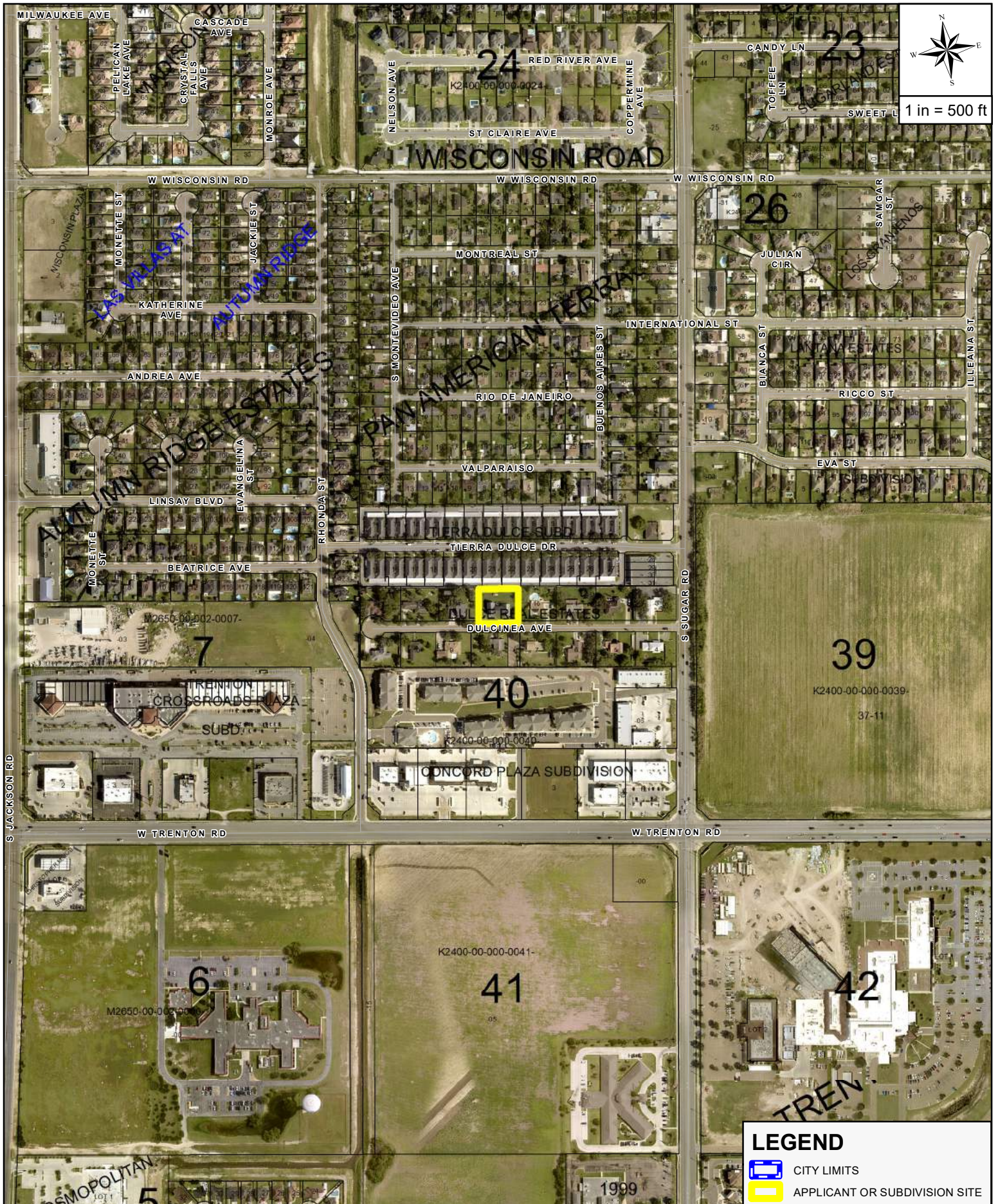
D. **Fences.** Fences are permitted if it is demonstrated that:

...

4. **Fences in front and street side yards.** In general, Figures 2.301 A and B indicate the area that may be fenced. However, fences may be allowed in front and street side yards as follows:
  - a. **Existing Development.** Fences are allowed in front yards in existing developments or block faces where there are currently fences in the front yard. Fences are allowed in street side yards in existing developments or block faces where there are currently fences in street side yards.
  - b. **New Development.** In new subdivisions of more than 10 lots, the decision to permit fences in front and street side yards must be approved and indicated on the final plat. Where the street yard is in a reverse frontage situation (Figure 2.3201B, Street Yard that is Also a Side Yard), the development plans shall provide for a fence or wall of uniform design. Such fences or walls shall be installed as part of the development.







**AERIAL MAP**

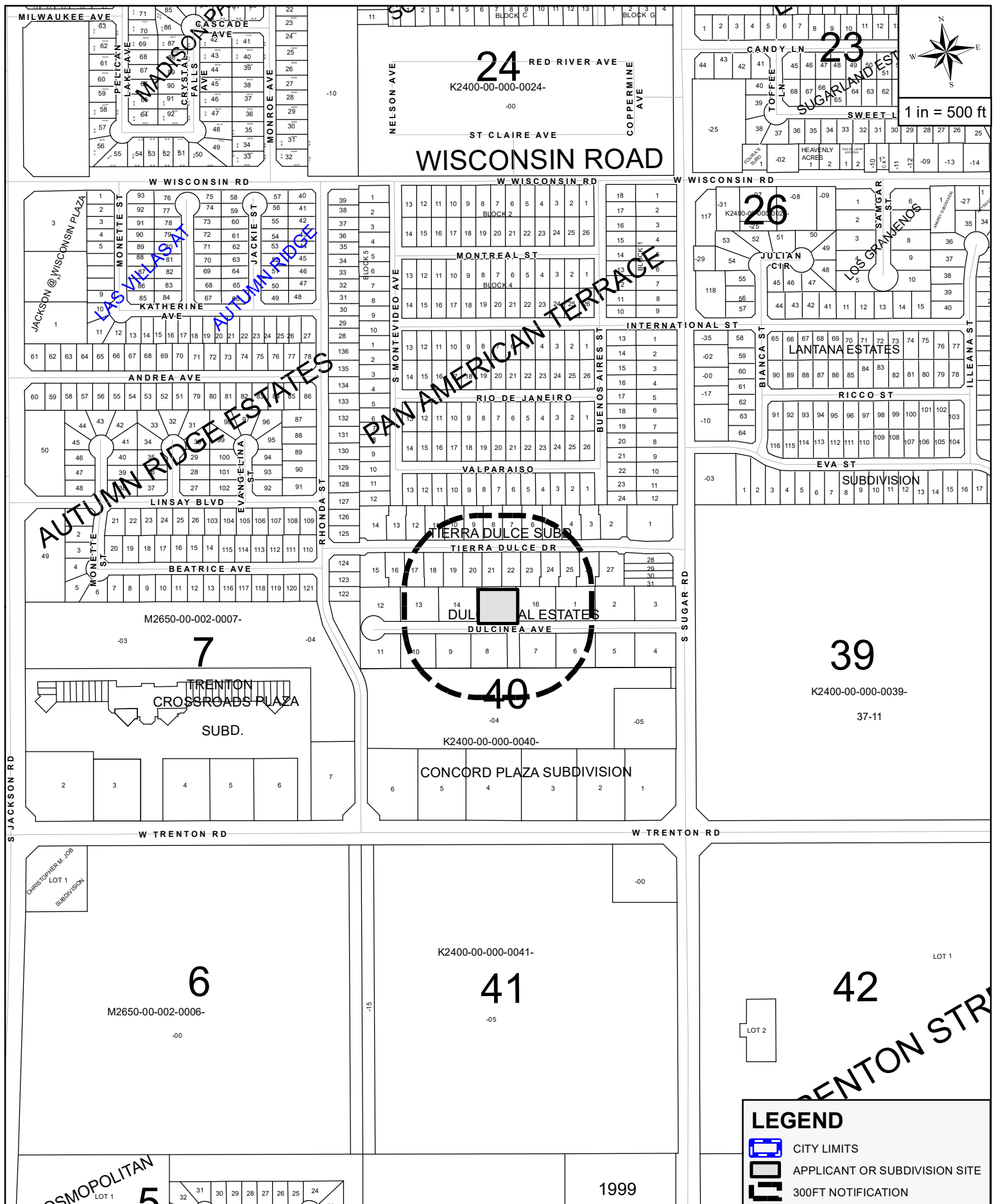
**APPLICANT AND/OR SUBDIVISION:**

**OMAR ANZALDUA / 1709 DULCINEA AVE**









## MAILOUT AND SITE MAP

**APPLICANT AND/OR SUBDIVISION:**

**OMAR ANZALDUA / 1709 DULCINEA AVE**



Case # **VAR-2022-0113**

**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: Front Fence Variance

Reason for Hardship (attach additional pages if necessary)

want to fence post the front wall of the home  
for children safety.

Property Description: Lot 15 Block \_\_\_\_\_ Subdivision Dulce Real Estates

Property Address: 1709 Dulcinea Ave

Present Property Zoning: residential single family

Person requesting Variance: Omar Anzaldua Jr

Mailing Address: 2609 Sydney Ave Edinburg TX 78539  
Street Address City/State Zip Code

Phone No. (Home): \_\_\_\_\_ (Work): \_\_\_\_\_ (Cell): 956-457-5743

Owner's Name: Omar Anzaldua Jr

Mailing Address: 2609 Sydney Ave 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: Omar Anzaldua Jr Date: 6/29/22

Owner/Agent's Name (Please Print): Omar Anzaldua Jr

\$450 Application Fee: 201752349 Application Received by: Rita Lee  
Receipt No.

**RECEIVED**

OFFICE USE ONLY

Application deadline: 6/27/2022 ZBA Hearing date: 7/27/2022

JUN 30 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, July 27, 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, ARTICLE 2, SECTION 2.301 (D) FENCES, BEING LOT 15, DULCE REAL ESTATES, LOCATED AT 1709 DULCINEA AVENUE, AS REQUESTED BY OMAR ANZALDUA**

The variance requested would allow for the construction of a fence within the front yard.

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, July 26, 2022
- EMAIL: [planning@cityofedinburg.com](mailto:planning@cityofedinburg.com) by Tuesday, July 26, 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

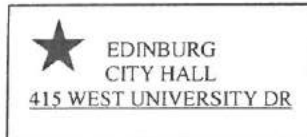
Comments: IT IS UNSAFE FOR OWNERS TO BUILD FENCES TO THE FRONT OF THEIR PROPERTY. WHEN CARS, OR PEOPLE ARE COMING OUT OF THE YARD, CARS (DRIVERS) WILL NOT BE ABLE TO SEE THEM COMING OUT TO THE STREET. ALSO I THOUGHT IT WAS AGAINST CITY ORDINANCE TO DO THAT. IF YOU LET OMAR ANZALDUA BUILD HIS FENCE TO THE FRONT OF HIS PROPERTY, YOU SHOULD LET ALL EDINBURG OWNERS ALSO.

Print Name: JOSE M. LEAL Phone No. 393-7002  
Address: 1716 Dulcinea 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)

8<sup>th</sup> Ave.





## NOTIFICATION

Dear Property Owner:

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☐ In Favor/A Favor

☒ Against/En Contra

☐ No Comments/No Comentario

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

Print Name:

Maria Elena Garza-Cortez

Phone No.

956-455-0106

Address:

1715 Dulcinea St

City:

Edinburg

State:

TX

Zip:

78539

## NOTIFICACIÓN

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Planning and Zoning Department

City of Edinburg

PO BOX 1079

Edinburg, TX 78540-1079



EDINBURG  
CITY HALL

415 WEST UNIVERSITY DR

University Dr. (S.H.107)

8th Ave.



## NOTIFICATION

Dear Property Owner:

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

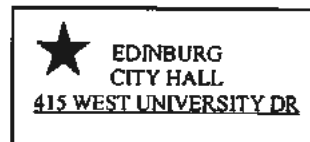
Comments: I am not in favor of allowing this fence as no other residents  
of Dulcinea Estates have such a fence.

Print Name: RODOLFO JIMENEZ Phone No. (956) 457-4186  
Address: 1722 DULCINEA ST. City: EDINBURG State: TX Zip: 78539

## NOTIFICACIÓN

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

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



University Dr. (S.H.107)

8th Ave.





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Dear Property Owner:

A public hearing will be held on Wednesday, July 27, 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, ARTICLE 2, SECTION 2.301 (D) FENCES, BEING LOT 15, DULCE REAL ESTATES, LOCATED AT 1709 DULCINEA AVENUE, AS REQUESTED BY OMAR ANZALDUA**

The variance requested would allow for the construction of a fence within the front yard.

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, July 26, 2022
- EMAIL: [planning@cityofedinburg.com](mailto:planning@cityofedinburg.com) by Tuesday, July 26, 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: A Fence in the front yard would destroy the landscape of our entire subdivision. My neighbors and I have worked tirelessly for over 35 years at developing and maintaining our homes and yards.

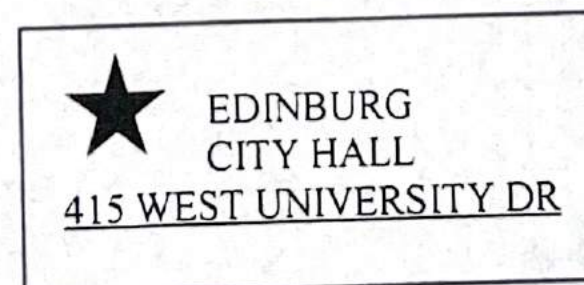
Print Name: Susana Rico Phone No. (956) 358-0755

Address: 1721 Dulcinea Avenue 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.

None of the homes on our street have a fence in the front yard. Please do not allow Mr. Anzaldua to construct a fence within the front yard.

Susana Rico





## SHEET INDEX

T-1.0	COVER SHEET & SITE PLAN
S-1.0	FOUNDATION & PLUMBING
S-2.0	ROOF PLAN
A-1.0	FLOOR PLAN
A-2.0	EXTERIOR ELEVATIONS
E-1.0	ELECTRICAL PLAN

PROJECT  
**PARDO  
METAL  
BUILDING**

LOCATION  
5121 S. VETERANS LOT 5  
VILLA DEL MUNDO  
SUBDIVISION  
EDINBURG, TEXAS

DATE 05-19-22  
PROJECT NO. 2224

AREAS  
AREA 3788 SQFT  
GARAGE 1,181 SQFT  
TOTAL 4,969 SQFT

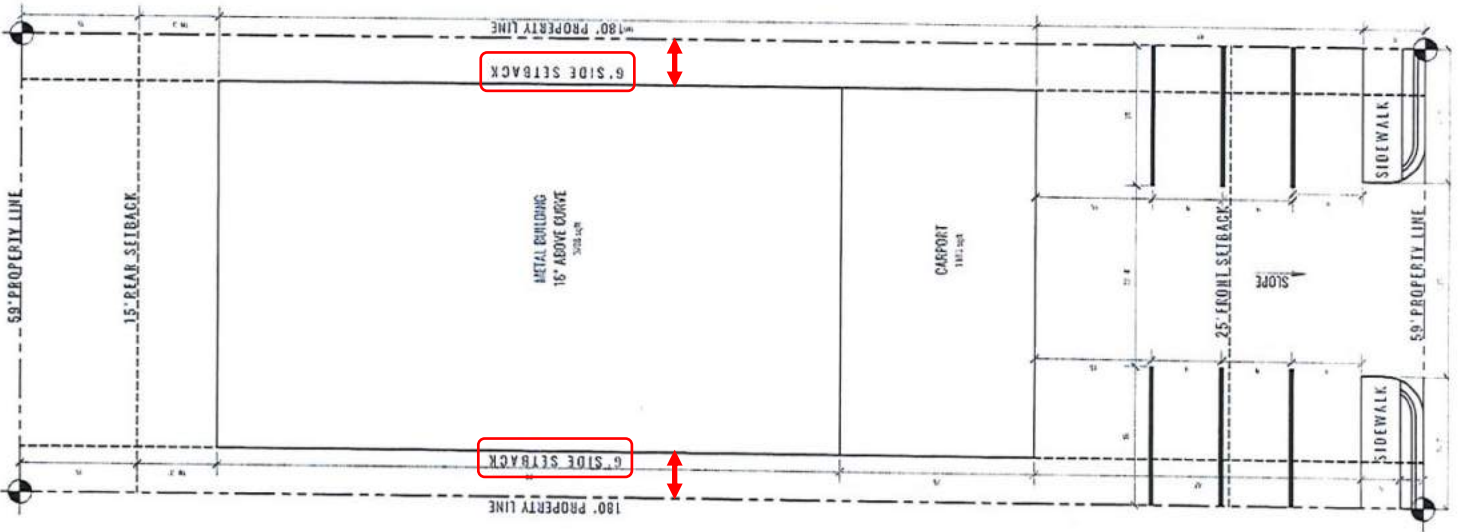
T-1.0  
SHEET NO. 1  
OF 1

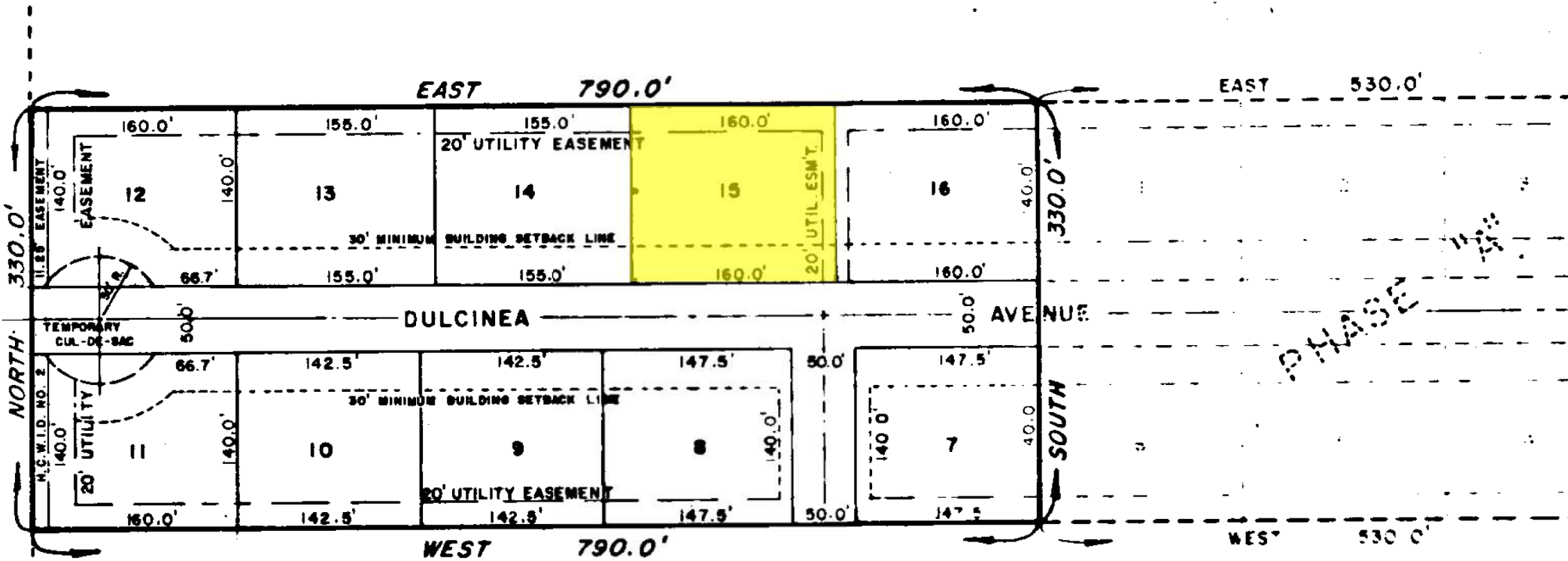
1 SITE PLAN  
SCALE 1/8" = 1'-0"

RECEIVED

JUN 24 2022

NORTH





**APPROVED**  
**FOR RECORDING**  
 Hidalgo Co. Right of Way Dept.  
 By *Vona Walker*  
 Date *7-24-78*

**24701**  
**MAP OF**

**PHASE "B"**

**DULCE REAL ESTATES**

**EDINBURG, TEXAS**

**BEING A RESUBDIVISION OF 5.98 ACRES OUT OF THE SOUTH 10 ACRES OF  
 THE NORTH 20 ACRES OF LOT 40, KELLY-PHARR SUBDIVISION  
 HIDALGO COUNTY, TEXAS**

Recorded in Book *20* Page *128*  
 of the map records of Hidalgo  
 County, Texas  
 Charles L. Malden  
 County Surveyor

**FILED FOR RECORD THIS DATE**  
**At *2:06* o'clock *P.M.***

**JUL 25 1978**

**SANTOS SALDANA**  
 County Clerk, Hidalgo County, Texas  
 By *Santos Saldana* Deputy

# Zoning Board of Adjustment

Site Photos for meeting of July 27, 2022

OMAR ANZALDUA - 1709 DULCINEA AVENUE





## Planning & Zoning Staff Report

Prepared on: July 21, 2022

### ZONING BOARD OF ADJUSTMENT

Regular Meeting: July 27, 2022

#### **Agenda Item**

Consider Variance to the City's Unified Development Code, Section 7.405 (C), Lots, Double Frontage Lots, being Lot 1, Windsor Estates, located at 2402 North McColl Road, as requested by PinPoint Construction.

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#### **Request**

The applicant is requesting a variance to Unified Development Code (UDC) Section 7.405 (C) to allow for the construction of a residential lot with double frontage along North McColl Road and Windsor Street.

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

The subject property is located at the southeast corner of North McColl Road (FM 2061) and Windsor Street, approximately 650 ft. north of Russell Road (West Mile 17 ½ North Road). 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, Neighborhood Conservation 5 (NC5) District to the east, and Suburban Residential (S) District to the south and west. The surrounding land uses consist of single-family residential. The property is approximately 0.6 mi. southeast of De Zavala Elementary School.

#### **Background and History**

The property is part of the Windsor Estates Subdivision, which was recorded on May 2, 2018. A residential building permit for construction at this location was approved and issued on January 17, 2022. Substantial construction of a single-family residence has been completed. A request to place a curb cut on North McColl Road for primary access was denied by the Texas Department of Transportation (TxDOT). A variance is being requested to help complete this project.

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.

#### **Analysis**

The Windsor Estates Subdivision has two large lots at the subdivision's only access point on North McColl Road. These lots are over twice the size of most lots in this subdivision. Engineering staff indicated that the original intent for these lots was for commercial use. The lots were rezoned from Commercial General (CG) District to Neighborhood Conservation 7.1 (NC7.1) District on May 4, 2021, reportedly due to issues the developer had with selling them. The applicant submitted an application for a residential building permit on December 20, 2021. A site plan submitted with the application showed the residential structure's sole access on North McColl Road.

# Planning & Zoning Staff Report

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UDC Section 7.405 requires that driveway access for corner lots take access from the internal or minor subdivision street (street with the lesser classification). This section of North McColl Road is classified as a High Speed Principal Arterial street with a posted speed limit of 55 miles per hour. The driveway for this residence is straight, 24 ft. long, and 18 ft. wide, standard for a two car garage with cars backing out into oncoming traffic. Similar driveways can be found along this section of North McColl Road.

Plat Note #18 on the Windsor Estates Subdivision plat states the following: “No direct access will be allowed from Lot 1 and Lot 34 onto F.M. 2016 (McColl Rd).” The subject property is Lot 1 in the Windsor Estates Subdivision. As such, access onto North McColl Road should not be allowed.

The Windsor Estates Subdivision is a gated community. Because this lot was not originally intended as part of the residential area, the gate was constructed along the eastern property line. This presents problems with creating access for this lot on Windsor Street, as standard development would dictate. This constraint was cited by the applicant as basis for this request.

## **Recommendation**

A building permit should not have been issued for this construction as it violates UDC regulations, violates plat restrictions, and aggravates traffic safety issues in this area. However, the City’s authorization to proceed with this project should be respected. Staff recommends approval with the following conditions: the applicant receive clearance from TxDOT for access on North McColl Road (FM 2061) and the Windsor Estates Subdivision plat be replatted to remove Note #18 of its General Notes.

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:

**Jaime Acevedo**

Director of Planning & Zoning

# Planning & Zoning Staff Report

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## ARTICLE 7 PLAT AND SITE PLAN DESIGN

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### DIVISION 7.400 SUBDIVISION AND DEVELOPMENT DESIGN

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#### Sec. 7.405 Lots

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Subdivision plats and development plats shall provide for well-proportioned and oriented lots that relate to adjacent streets and open spaces as provided in this Section.

**A. Lot pattern.**

1. The arrangement of lots shall preserve and be sensitive to the natural features of the property, including its topographic features or other unique conditions. Alternative development options, such as cluster or planned developments, provide the design flexibility needed to reduce the intrusion of lot areas into floodplains and other natural resources.
2. An awkward and irrational pattern of lots and individual lot shapes shall be avoided. No remnants or landlocked spaces without access to the vehicular/pedestrian circulation system shall be proposed.
3. Lots within a grid or comparable arrangement of streets shall be as close to rectangular as practicable, with the narrow side fronting the minor street, as feasible.
4. Where topography, natural resources, or property shape make normal lot configurations difficult, common drives, panhandle lots, or shared easements may be considered.

**B. Required lot frontage.**

1. Every lot shall have frontage along the right-of-way lines of a street.
2. Residential lots (except multifamily) within a new subdivision shall not front on streets with functional classifications of collector or higher. However, they may face such streets if:
  - a. They are accessed by alleys and off-street parking is accessed via side streets; or
  - b. They are accessed by a common access easement, which may run parallel to the arterial or collector, provided that the required street bufferyard (see Section 10.404, *Street Bufferyard Standards*) is located between the access easement and the right-of-way of the arterial or collector instead of on the residential lots themselves. No walls shall be required in said street bufferyard.
3. The minimum lot frontage shall be the same as the required minimum lot width, unless the street is a curvilinear street or cul-de-sac and the irregular lots assist in achieving other design objectives. However, no frontage shall be less than that which is required to provide the minimum required access plus 15 feet of landscaping along the street.

**C. Double frontage lots.** Double frontage residential lots shall be avoided. Such lots shall be permitted only if it is demonstrated that:

1. One of the two frontages has a functional classification of collector or higher.
2. The arrangement is necessary because the proximity of intersecting arterials or collectors make efficient alternative lot arrangements that place side lot lines along the arterial or collector impractical.
3. Lots with double frontages take access only from the internal or minor subdivision street.
4. The subdivision plat or development plat bears a notation disallowing access from the street with the functional classification of collector or higher.

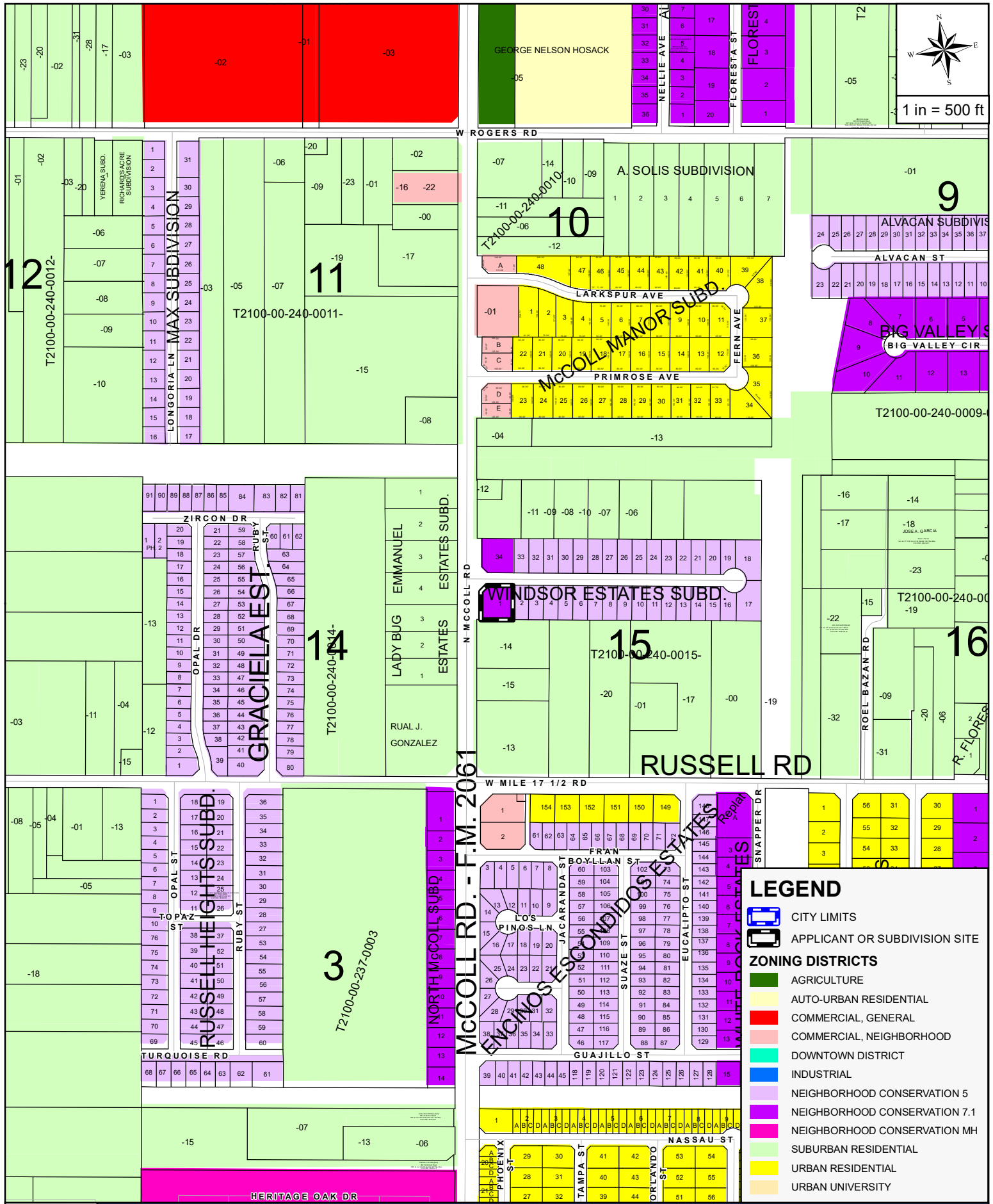
**D. Side lot lines.** Side lines of a lot should, generally, be set approximately at right angles or radial to street right-of-way lines; rear lines should, generally, be approximately parallel to street lines. Different lot shapes may be permitted if necessary or desirable to relate building sites to the terrain or open space or if they provide better site utilization and a more regular pattern of building relationships.

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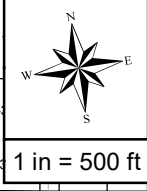
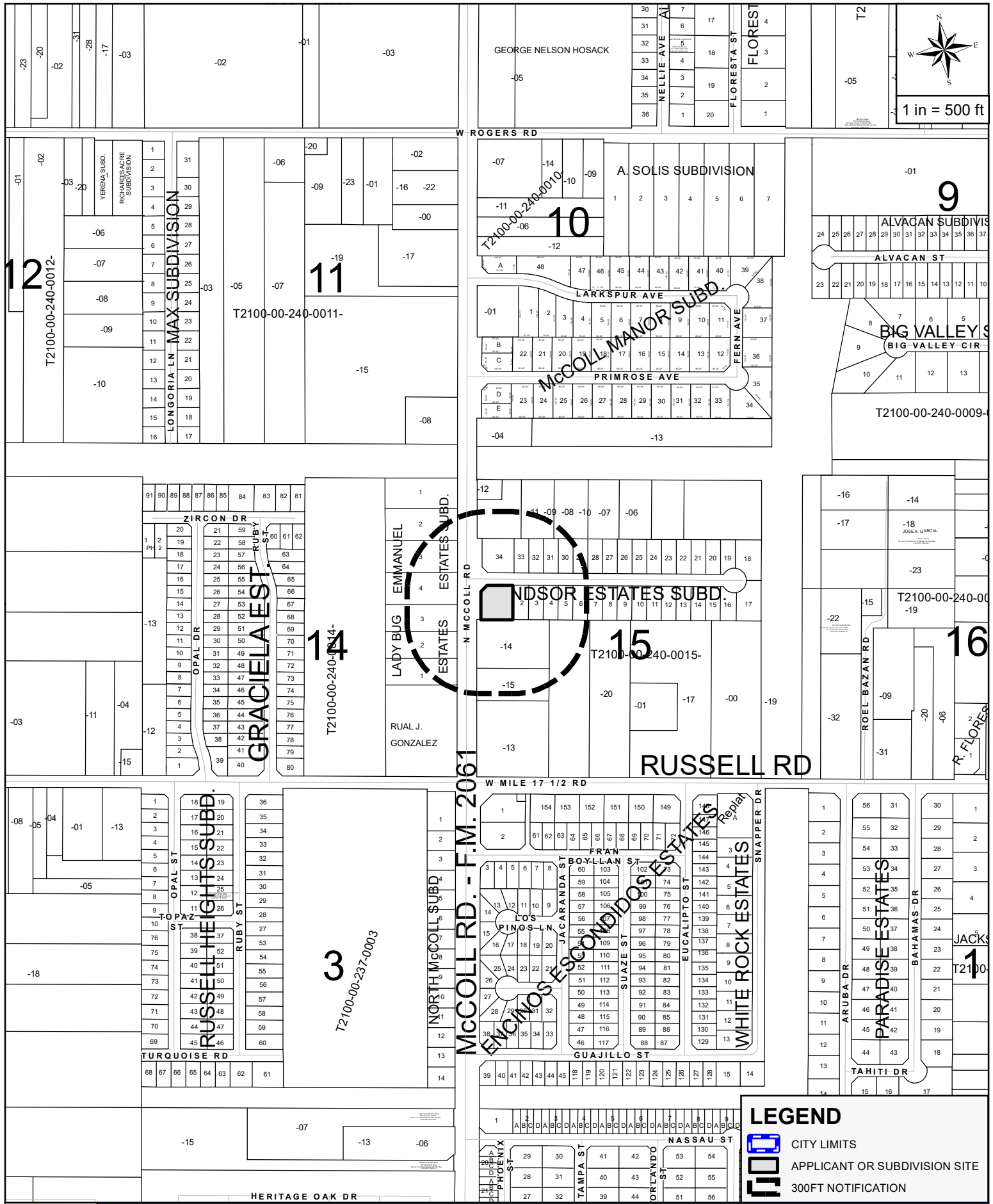




**ZONING MAP**

**APPLICANT AND/OR SUBDIVISION:**

**PINPOINT CNSTRUCTION / 2402 N MCCOLL RD**



**LEGEND**

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



**MAILOUT AND SITE MAP**

**APPLICANT AND/OR SUBDIVISION:**

**PINPOINT CNSTRUCTION / 2402 N MCCOLL RD**





Case # VAR-2022-0118

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: 7.405 (C), LOTS, DOUBLE FRONTAGE LOTS

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

Driveway Entrance off of McCall Rd  
Due to lot constrain

Property Description: Lot 1 Block \_\_\_\_\_ Subdivision Windsor Estates

Property Address: 2402 N. McCall Rd Edinburg Tx

Present Property Zoning: Residential

Person requesting Variance: Scottie Ruiz Email: scottie@pinpointrealty.com

Mailing Address: 4824 S. Jackson Rd Edinburg Tx 78539  
Street Address City/State Zip Code

Phone No. (Home): \_\_\_\_\_ (Work): \_\_\_\_\_ (Cell): 956 450-0068

Owner's Name: Jose maldonado Email: \_\_\_\_\_

Owner's Address: \_\_\_\_\_  
Street Address City/State Zip Code

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

Signature: [Signature] Date: 7/6/22

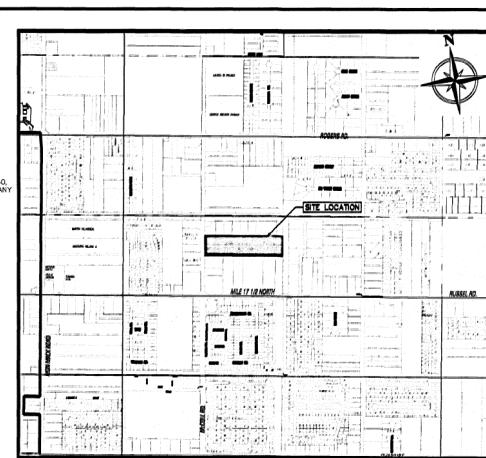
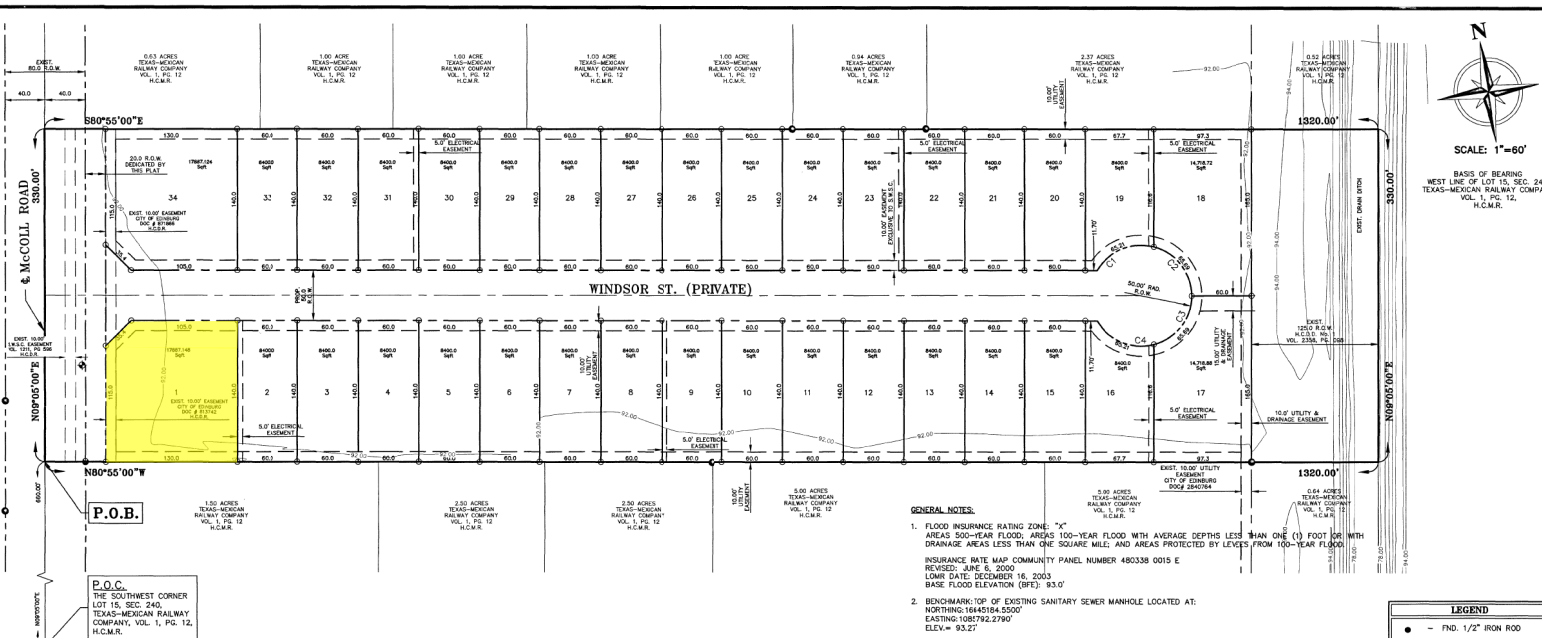
Owner/Agent's Name (Please Print): Magdalena Bazar

\$450 Application Fee: 801760333 Application Received by: Alex G.  
Receipt No.

### OFFICE USE ONLY

Application deadline: June 27<sup>th</sup> ZBA Hearing date: July 27<sup>th</sup>

- \$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



# WINDSOR ESTATES SUBDIVISION

STATE OF TEXAS  
COUNTY OF HIDALGO

I, (WE), **WCA TEXAS ENTERPRISES, LTD.**, THE UNDERSIGNED, OWNER (S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE **WINDSOR ESTATES SUBDIVISION**, TO THE CITY OF EDINBURG, HIDALGO COUNTY, TEXAS, AND WHOSE NAME IS SUBSCRIBED HEREIN, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINAGE EASEMENTS, WATER LINES, SEWER LINES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH WE WILL CAUSE TO BE INSTALLED HEREON, SHOWN OR NOT SHOWN, IF REQUIRED OTHERWISE, TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF EDINBURG, ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED, EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF EDINBURG.

**EDGAR DELGADILLO**  
1224 EAST YUMA AVE.  
MCCALL, TEXAS 78503

STATE OF TEXAS  
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED **EDGAR DELGADILLO** KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 4th DAY OF April, 2018

**ROTARY PUBLIC, HIDALGO COUNTY, TEXAS**

APPROVED AND AUTHORIZED FOR RECORD BY THE PLANNING AND ZONING COMMISSION, CITY OF EDINBURG, TEXAS, THIS 2nd DAY OF April, 2018, BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF EDINBURG, TEXAS.

CHAIRPERSON, PLANNING AND ZONING COMMISSION DATE

## STATE OF TEXAS COUNTY OF HIDALGO

I, THE UNDERSIGNED MAYOR OF THE CITY OF EDINBURG, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE CITY OF EDINBURG FOR THIS DEVELOPMENT.

**MAYOR, CITY OF EDINBURG**  
**WILFRED CITY CLERK**

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 TEX. 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.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1  
BY: **RAUL E. SERRANO** GENERAL MANAGER  
DATE: 4/10/18

THIS PLAT IS HEREBY APPROVED BY HIDALGO COUNTY IRRIGATION DISTRICT NO. 1, ON THIS 12th DAY OF April, 2018.

NO IMPROVEMENTS OF ANY KIND (INCLUDING WITHOUT LIMITATION, TREES, FENCES, AND BUILDINGS) SHALL BE PLACED UPON HIDALGO COUNTY IRRIGATION DISTRICT'S NO. 1 RIGHTS OF WAY OR EASEMENTS.

BY: **RAUL E. SERRANO** PRESIDENT  
ATTEST: **RAUL E. SERRANO** SECRETARY

### PRINCIPAL CONTACTS:

NAME: **EDGAR DELGADILLO**  
ADDRESS: **1224 EAST YUMA AVE.**  
CITY & ZIP: **MCCALL, TEXAS 78503**  
PHONE: **(956) 638-1577**  
FAX: **(956) 702-8883**

ENGINEER: **SAMUEL D. MALDONADO, P.E.**  
SURVEYOR: **SAMUEL D. MALDONADO, RPLS**

- GENERAL NOTES:**
- FLOOD INSURANCE RATING ZONE: "X" AREAS 500-YEAR FLOOD; AREAS 100-YEAR FLOOD WITH AVERAGE DEPTHS LESS THAN ONE (1) FOOT OR WITH DRAINAGE AREAS LESS THAN ONE SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD. REVISION: JUNE 6, 2000. LOG NUMBER: 168792.2790. BASE FLOOD ELEVATION (BFE): 93.27.
  - BENCHMARK: TOP OF EXISTING SANITARY SEWER MANHOLE LOCATED AT: NORTHING: 1644584.5500' EASTING: 1087762.2790' ELEVATION = 93.27.
  - SETBACKS AS PER CITY OF EDINBURG ORDINANCE. FRONT = 25.00' SIDE = 7.00' REAR = 25.00' CUL-DE-SACK = 15.00'.
  - MINIMUM FINISH FLOOR ELEVATION: 18 INCHES ABOVE TOP OF CURB AT CENTER OF LOT.
  - NO BUILDING SHALL BE CONSTRUCTED OVER ANY EASEMENT OR LOT LINE.
  - NO CONSTRUCTION OF ANY STRUCTURES IS ALLOWED UNLESS FIRE PROTECTION IS IN PLACE.
  - A 6' SIDEWALK, TO BE CONSTRUCTED ALONG THE EAST SIDE OF MCCOLL RD. AT THE TIME OF BUILDING PERMIT STAGE.
  - ALL SUBDIVISION IMPROVEMENTS SHALL COMPLY WITH STORM WATER POLLUTION PREVENTION PLAN (SWPP) REQUIREMENTS AND TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM (TPDES).
  - STORM WATER DETENTION IS REQUIRED FOR THIS PROPERTY. THE ENGINEER OF RECORD FOR THIS SUBDIVISION PLAT HAS ESTIMATED THAT A VOLUME OF 49,474 CUBIC FEET (1.136 ACRE-Feet) WILL BE REQUIRED FOR THIS USE. THIS IS AN ESTIMATE ONLY AND DETAILED ANALYSIS MAY REVEAL DIFFERENT REQUIREMENTS. NO BUILDING PERMIT SHALL BE ISSUED FOR THIS PLATTED PROPERTY UNTIL A STORM WATER DETENTION SYSTEM DESIGN HAS BEEN APPROVED BY THE CITY OF EDINBURG FOR THIS DEVELOPMENT.
  - OWNERS ARE TO MAINTAIN DETENTION AREAS.
  - LANDSCAPING AS PER CITY OF EDINBURG ORDINANCE.
  - ADDITIONAL FIRE PROTECTION MAY BE REQUIRED DURING THE PLAN REVIEW PHASE IN ORDER TO PROVIDE ANY ADDITIONAL FIRE PROTECTION REQUIREMENT.
  - WHEELCHAIR RAMP, AND LANDING PER ADA REQUIREMENT, ARE TO BE CONSTRUCTED AT THE TIME OF SUBDIVISION CONSTRUCTION STAGE.
  - ENFORCEMENT OF ALL PLAT NOTES AND DEDICATIONS SHALL BE THE RESPONSIBILITY OF THE AGENCY OR ENTITY TO WHOM THE DEDICATION IS GRANTED.
  - PERMETER FENCE NEEDED IF DETENTION AREA(S) ARE 3 FEET OR DEEPER.
  - ALL IRRIGATION EASEMENTS ARE EXCLUSIVE TO UNITED IRRIGATION DISTRICT, AND THE DISTRICT ALLOWS NO OTHER UTILITIES OR OUTSIDE USE WITHOUT ITS EXPRESS WRITTEN APPROVAL.
  - NO UTILITY COMPANY, PUBLIC ENTITY, PARTY OR PERSON IS ALLOWED TO CROSS ABOVE OR BELOW DRAINAGE ANY IRRIGATION DISTRICT EASEMENT OR RIGHT OF WAY WITH LINES, POLES, OPEN DITCHES OR OTHER USE WITHOUT FIRST OBTAINING A CROSSING PERMIT FROM UNITED IRRIGATION DISTRICT.
  - NO PERMANENT STRUCTURE, UTILITY POLE, HOLE, WALL, FENCE, DRIVEWAY, OR ROAD WILL BE ALLOWED TO BE CONSTRUCTED OR EXIST ON ANY DISTRICT EASEMENT OR RIGHT OF WAY WITHOUT WRITTEN APPROVAL BY IRRIGATION DISTRICT. ANY UNAUTHORIZED STRUCTURE WITHIN THE EASEMENT BOUNDARY SUBJECT TO IMMEDIATE REMOVAL AT VIOLATOR'S EXPENSE.
  - NO UTILITY COMPANY, PUBLIC ENTITY, PARTY OR PERSON IS ALLOWED TO CONNECT TO ANY DISTRICT FACILITY WITHOUT FIRST OBTAINING A PERMIT FROM IRRIGATION DISTRICT. ANY CONNECTION NOT AUTHORIZED BY THE DISTRICT IS SUBJECT TO IMMEDIATE REMOVAL AT VIOLATOR'S EXPENSE.
  - THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING 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 IMPERVIOUS AREA BEING GREATER THAN THE PLAT ENGINEER CONSIDERED IN THE HYDRAULIC CALCULATIONS FOR THIS SUBDIVISION.
  - NO DIRECT ACCESS WILL BE ALLOWED FROM LOT 1 AND LOT 34 ONTO F.M. 2061 (MCCOLL RD.).
  - EXISTING EASEMENTS ARE BEING SHOWN BASED ON BEST AVAILABLE PUBLIC RECORDS.
  - ALL LOT CORNERS ARE SET WITH 1/2-INCH IRON RODS.
  - 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 ACCESSIBLE TO EMERGENCY VEHICLES, PUBLIC AND PRIVATE UTILITY SERVICE (INCLUDING THE U.S. POSTAL SERVICE AND GOVERNMENTAL EMPLOYEES IN PURSUIT OF THEIR DUTIES, THE MAINTENANCE OF PRIVATE STREET SIGNS SHALL BE THE RESPONSIBILITY OF CANTON VILLAGE OWNERS ASSOCIATION).
  - THE OWNERS OF THE LOTS SERVED BY PRIVATE STREETS AND ACCESS EASEMENTS WITHIN WINDSOR ESTATES SUBDIVISION AGREE TO RELEASE AND HOLD HARMLESS ANY GOVERNMENTAL ENTITY FOR DAMAGES TO THE PRIVATE STREETS OR ACCESS EASEMENTS AS DESCRIBED ABOVE AND THEREAFTER, THEREIN IN THE EXECUTION OF THEIR DUTIES BY THE GOVERNMENTAL ENTITY TO THE EXTENT THE GOVERNMENTAL ENTITY'S LIABILITY EXCEEDS THAT FOR PUBLIC STREETS AND ACCESS EASEMENTS.
  - A SIDEWALK IS REQUIRED IN FRONT OF THE RESIDENTIAL LOTS AND SHALL BE INCLUDED AS PART OF THE BUILDING PERMIT.

**LEGEND**

●	1/2" IRON ROD
○	SET 1/2" IRON ROD
W/ CAP STAMPED "SAMEST"	
R.O.W.	RIGHT OF WAY
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
ON-SITE BENCHMARK	
●	1/2" IRON PIPE

- SURVEY NOTES:**
- ALL BEARING AND DISTANCES ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83), TEXAS STATE PLANE, SOUTH ZONE.
  - ADDITIONAL CONTROL ON THIS PROJECT HAS ESTABLISHED UTILIZING RTK GPS METHODS.
  - ELEVATIONS ON THIS PROJECT ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).

## STATE OF TEXAS COUNTY OF HIDALGO COUNTY CLERK'S RECORDED CERTIFICATE

FILED FOR RECORD IN  
HIDALGO COUNTY  
ARTURO GUJARDO, JR.  
ON 5/18/18 AT 10:24 O/P.M.  
INSTRUMENT NUMBER 2912511  
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS  
BY: **Samuel D. Maldonado**, DEPUTY CLERK

## STATE OF TEXAS COUNTY OF HIDALGO

"SHOW ALL MEN BY THESE PRESENTS: THAT I, **SAMUEL D. MALDONADO**, ENGINEER, HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL SURVEY OF THE LAND AS DESCRIBED AND THAT THE CORNER MONUMENTS SHOWN THEREIN WERE PERSONALLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE PLATTING RULES AND REGULATIONS OF HIDALGO COUNTY."

**SAMUEL D. MALDONADO**  
PE - No. 91889  
DATE: 4/10/18

## STATE OF TEXAS COUNTY OF HIDALGO

I, THE UNDERSIGNED, **SAMUEL D. MALDONADO**, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT."

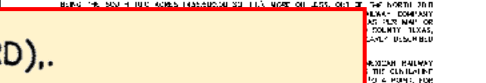
**SAMUEL D. MALDONADO**  
PE - No. 91889  
DATE: 4/10/18

DATE OF PREPARATION: AUGUST 2017

**SAMES**

**SAM Engineering & Surveying**  
200 S. 10TH ST. SUITE 1500  
MCCALL, TEXAS 78501  
TEL: (956) 702-8880  
FAX: (956) 702-8883  
REGISTRATION # F-10602



[illegible][illegible]







**M/A**  
**Custom Plans**

3605 HARVEY MALLEN/IX  
(956) 648-6870  
MADES-EN-7 @ GMAIL.COM  
WWW.MACUSTOMPLANS.COM

THIS DRAWING IS THE PROPERTY OF M/A CUSTOM PLANS AND MAY NOT BE COPIED, REPRODUCED, PUBLISHED OR SUBMITTED FOR PERMITS WITHOUT THE EXPRESSED CONSENT OF M/A CUSTOM PLANS (MACP). MACP ASSUMES NO LIABILITY FOR HOMES BUILT FROM THESE PLANS. IT IS THE RESPONSIBILITY OF THE PURCHASER OF THESE PLANS TO PERFORM THE FOLLOWING CONTRACTOR MUST:  
\* VERIFY ALL DRIVEWAYS PRIOR TO ANY CONSTRUCTION OR SITE PREP  
\* VERIFY COMPLIANCE WITH CITY ORDINANCE CODES & RESTRICTIONS WHERE STRUCTURE IS TO BE BUILT  
\* VERIFY COMPLIANCE WITH ALL SUBDIVISION REQUIREMENTS  
\* PLANS INDICATE LOCATION ONLY. ENGINEERING ASPECTS SHOULD INCORPORATE ACTUAL SITE CONDITIONS.

**PROJECT INFORMATION**

DATE : 11/04 / 2021  
OWNER : JOSE MALDONADO  
SITE : LOT NO.1  
WINDSOR ESTATES  
EDINBURG, TEXAS

**PROJECT DATA**

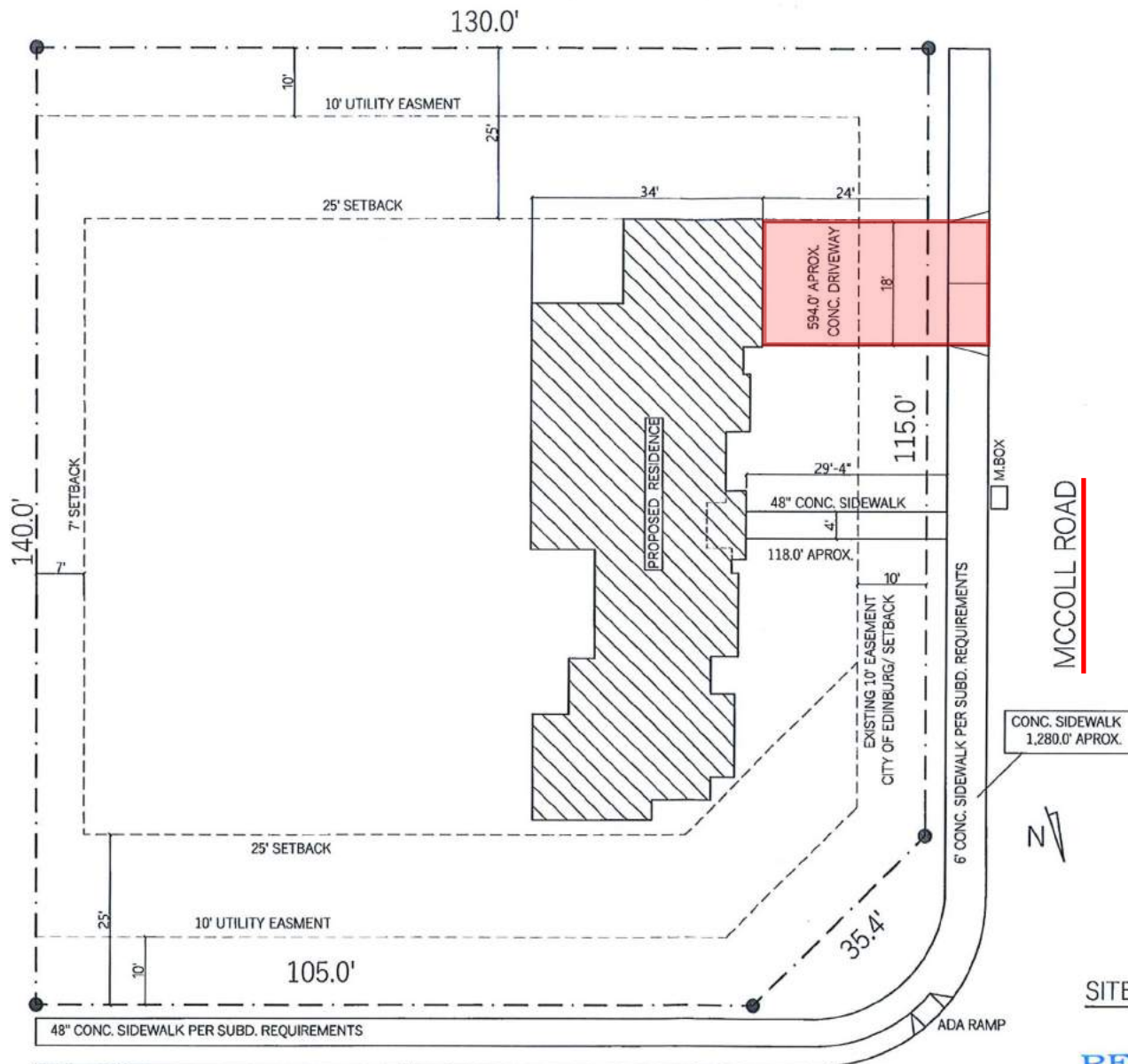
LIVING -	1,850 SF
GARAGE -	378 SF
PORCH -	49 SF
PATIO -	00 SF
<b>TOTAL -</b>	<b>2,277 SF</b>

WWW.MACUSTOMPLANS.COM

**SHEET No:**

1 of 6

M/A CUSTOM PLANS  
PROVIDES A PLAN SERVICE ONLY AND  
RETAINS SO. F. FROM TURN-UP OF ALL  
PLANS, CONSTRUCTION DOCUMENTS,  
& ORIGINAL DESIGNS.



**SITE PLAN**

SCALE: 1/8" = 1'

**RECEIVED**

JUL 07 2022

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

M/A CUSTOM PLANS COPYRIGHT © 2021

jm

INITIALED BY BUYER: \_\_\_\_\_ SELLER: \_\_\_\_\_

WINDSOR STREET



# Zoning Board of Adjustment

Site Photos for meeting of DATE

APPLICANT - ADDRESS





## Planning & Zoning Staff Report

Prepared on: July 21, 2022

### ZONING BOARD OF ADJUSTMENT

Regular Meeting: July 27, 2022

#### Agenda Item

Consider Variance to the City's Unified Development Code, Section 7.405 (C), Lots, Double Frontage Lots, being Lot 34, Windsor Estates, located at 2420 North McColl Road, as requested by PinPoint Construction.

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#### Request

The applicant is requesting variance to Unified Development Code (UDC) Section 7.405 (C) to allow for the construction of a residential lot with double frontage along North McColl Road and Windsor Street.

#### Property Location and Vicinity

The subject property is located at the northeast corner of North McColl Road (FM 2061) and Windsor Street, approximately 850 ft. north of Russell Road (West Mile 17 ½ North Road). The property is zoned Neighborhood Conservation 7.1 (NC7.1) District. Adjacent zoning is Suburban Residential (S) District to the north and west, Neighborhood Conservation 7.1 (NC 7.1) District to the south, and Neighborhood Conservation 5 (NC5) District to the east. The surrounding land uses consist of single-family residential. The property is approximately 0.6 mi. southeast of De Zavala Elementary School.

#### Background and History

The property is part of the Windsor Estates Subdivision, which was recorded on May 2, 2018. A residential building permit for construction at this location was issued on October 13, 2021. Substantial construction of a single-family residence has been completed since that time. A request to place a curb cut on North McColl Road for primary access was denied by the Texas Department of Transportation (TxDOT). A variance is being requested to help complete this project.

Staff mailed a notice of the variance request to 25 neighboring property owners and received no comments in favor or against this request at the time that this report was prepared.

#### Analysis

The Windsor Estates Subdivision has two large lots at its only access point on North McColl Road. These lots are over twice the size of most lots in this subdivision. Engineering staff indicated that the original intent for these lots was for commercial use. The lots were rezoned from Commercial General (CG) District to Neighborhood Conservation 7.1 (NC7.1) District on May 4, 2021, reportedly due to issues the developer had with selling them. The applicant submitted an application for a residential building permit on September 21, 2021. A site plan submitted with the application showed the residential structure's sole access on North McColl Road.

# Planning & Zoning Staff Report

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UDC Section 7.405 requires that driveway access for corner lots take access from the internal or minor subdivision street (street with the lesser classification). This section of North McColl Road is classified as a High Speed Principal Arterial street with a posted speed limit of 55 miles per hour. The driveway for this residence is 18 ft. wide and curves around to garage access at the rear of the property. An extension on the driveway allows vehicles to exit the property front first. There are many residential driveways along this section of North McColl Road.

Plat Note #18 on the Windsor Estates Subdivision plat states the following: “No direct access will be allowed from Lot 1 and Lot 34 onto F.M. 2016 (McColl Rd).” The subject property is Lot 34 in the Windsor Estates Subdivision. As such, access onto North McColl Road should not be allowed.

The Windsor Estates Subdivision is a gated community. Because this lot was not originally intended as part of the residential area, the gate was constructed along the eastern property line. This presents problems with creating access for this lot on Windsor Street, as standard development would dictate. This constraint was cited by the applicant as basis for this request.

## **Recommendation**

A building permit should not have been issued for this construction as it violates UDC regulations, violates plat restrictions, and aggravates traffic safety issues in this area. However, the City’s authorization to proceed with this project should be respected. Staff recommends approval with the following conditions: the applicant receive clearance from TxDOT for access on North McColl Road (FM 2061) and the Windsor Estates Subdivision plat be changed to remove Note #18 of its General Notes.

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:

**Jaime Acevedo**

Director of Planning & Zoning

# Planning & Zoning Staff Report

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## ARTICLE 7 PLAT AND SITE PLAN DESIGN

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### DIVISION 7.400 SUBDIVISION AND DEVELOPMENT DESIGN

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#### Sec. 7.405 Lots

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Subdivision plats and development plats shall provide for well-proportioned and oriented lots that relate to adjacent streets and open spaces as provided in this Section.

**A. Lot pattern.**

1. The arrangement of lots shall preserve and be sensitive to the natural features of the property, including its topographic features or other unique conditions. Alternative development options, such as cluster or planned developments, provide the design flexibility needed to reduce the intrusion of lot areas into floodplains and other natural resources.
2. An awkward and irrational pattern of lots and individual lot shapes shall be avoided. No remnants or landlocked spaces without access to the vehicular/pedestrian circulation system shall be proposed.
3. Lots within a grid or comparable arrangement of streets shall be as close to rectangular as practicable, with the narrow side fronting the minor street, as feasible.
4. Where topography, natural resources, or property shape make normal lot configurations difficult, common drives, panhandle lots, or shared easements may be considered.

**B. Required lot frontage.**

1. Every lot shall have frontage along the right-of-way lines of a street.
2. Residential lots (except multifamily) within a new subdivision shall not front on streets with functional classifications of collector or higher. However, they may face such streets if:
  - a. They are accessed by alleys and off-street parking is accessed via side streets; or
  - b. They are accessed by a common access easement, which may run parallel to the arterial or collector, provided that the required street bufferyard (see Section 10.404, *Street Bufferyard Standards*) is located between the access easement and the right-of-way of the arterial or collector instead of on the residential lots themselves. No walls shall be required in said street bufferyard.
3. The minimum lot frontage shall be the same as the required minimum lot width, unless the street is a curvilinear street or cul-de-sac and the irregular lots assist in achieving other design objectives. However, no frontage shall be less than that which is required to provide the minimum required access plus 15 feet of landscaping along the street.

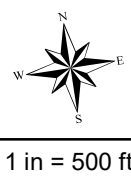
**C. Double frontage lots.** Double frontage residential lots shall be avoided. Such lots shall be permitted only if it is demonstrated that:

1. One of the two frontages has a functional classification of collector or higher.
2. The arrangement is necessary because the proximity of intersecting arterials or collectors make efficient alternative lot arrangements that place side lot lines along the arterial or collector impractical.
3. Lots with double frontages take access only from the internal or minor subdivision street.
4. The subdivision plat or development plat bears a notation disallowing access from the street with the functional classification of collector or higher.

**D. Side lot lines.** Side lines of a lot should, generally, be set approximately at right angles or radial to street right-of-way lines; rear lines should, generally, be approximately parallel to street lines. Different lot shapes may be permitted if necessary or desirable to relate building sites to the terrain or open space or if they provide better site utilization and a more regular pattern of building relationships.

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**LEGEND**

- CITY LIMITS
- APPLICANT OR SUBDIVISION SITE



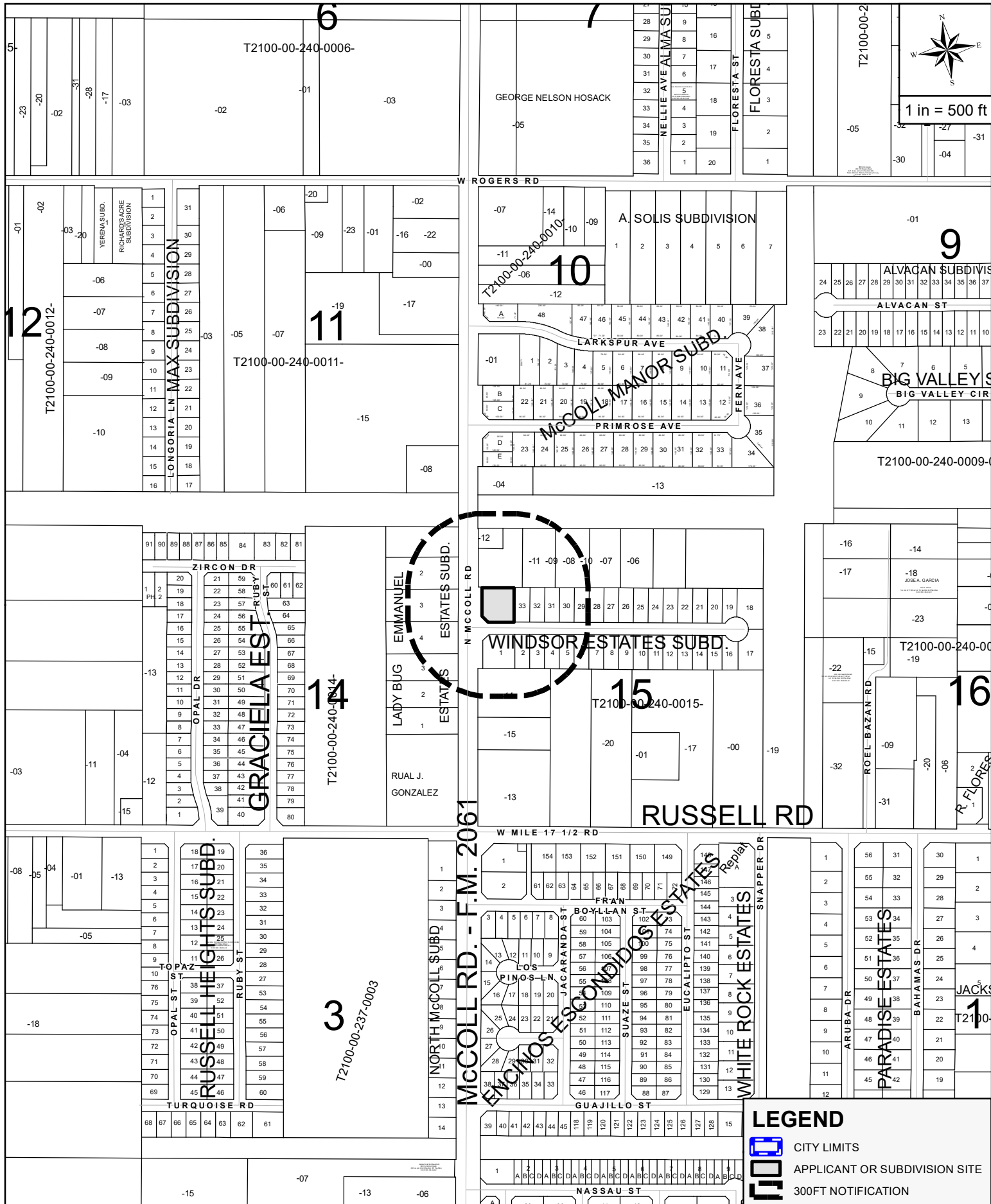
**AERIAL MAP**

**APPLICANT AND/OR SUBDIVISION:**

**PINPOINT CONSTRUCTION / 2420N MCCOLL RD**







**MAILOUT AND SITE**

**APPLICANT AND/OR SUBDIVISION:**

**PINPOINT CONSTRUCTION / 2420N MCCOLL RD**





Case # VAR-2022-0119

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: 7.405 (C), LOTS, DOUBLE FRONTAGE LOTS

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

Driveway Entrance off of Macoll Rd  
Due to lot constrain

Property Description: Lot 34 Block \_\_\_\_\_ Subdivision Windsor Estates

Property Address: 2420 N. Macoll Rd Edinburg Tx

Present Property Zoning: Residential

Person requesting Variance: Scottie Ruiz Email: Scottie@pinpointrev.com

Mailing Address: 4824 S. Jackson Rd Edinburg Tx 78539  
Street Address City/State Zip Code

Phone No. (Home): \_\_\_\_\_ (Work): \_\_\_\_\_ (Cell): 956 450 0068

Owner's Name: Esmeralda Rodriguez Email: Esmy0702@yahoo.com

Owner's Address: \_\_\_\_\_  
Street Address City/State Zip Code

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

Signature: [Signature] Date: 7/6/22

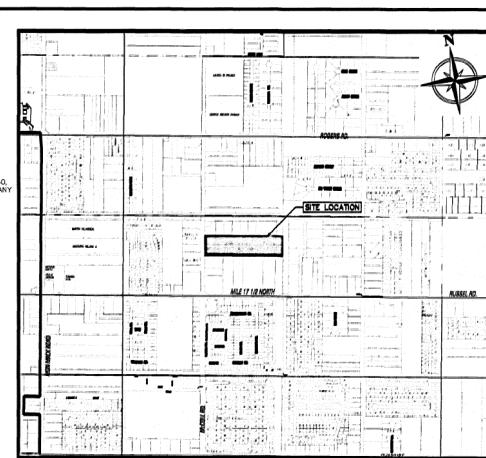
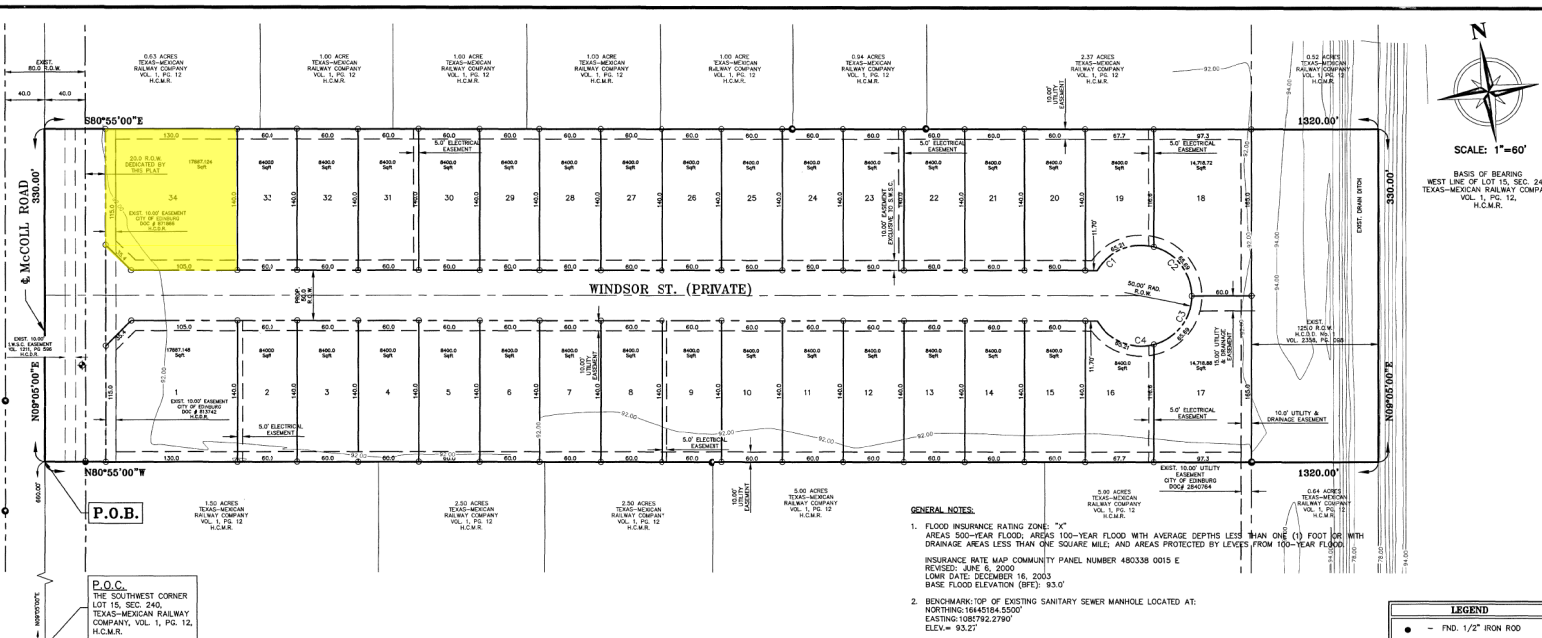
Owner/Agent's Name (Please Print): Jose Angel Maldonado Mendoza

\$450 Application Fee: 201760333 Application Received by: Alex G. RECEIVED  
Receipt No.

### OFFICE USE ONLY

Application deadline: June 27<sup>th</sup> ZBA Hearing date: July 27<sup>th</sup> 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



# WINDSOR ESTATES SUBDIVISION

STATE OF TEXAS  
COUNTY OF HIDALGO

I, (WE), **WCA TEXAS ENTERPRISES, LTD.**, THE UNDERSIGNED, OWNER (S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE **WINDSOR ESTATES SUBDIVISION**, TO THE CITY OF EDINBURG, HIDALGO COUNTY, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINAGE, EASEMENTS, WATER LINES, SEWER LINES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH WE WILL CAUSE TO BE INSTALLED HEREON, SHOWN OR NOT SHOWN, IF REQUIRED OTHERWISE, TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF EDINBURG, ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED, EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF EDINBURG.

**EDGAR DELGADILLO**  
1224 EAST YUMA AVE.  
MCCALL, TEXAS 78503

STATE OF TEXAS  
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED **EDGAR DELGADILLO** KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 4th DAY OF April, 2018

**ROTARY PUBLIC, HIDALGO COUNTY, TEXAS**

APPROVED AND AUTHORIZED FOR RECORD BY THE PLANNING AND ZONING COMMISSION, CITY OF EDINBURG, TEXAS, THIS 2nd DAY OF April, 2018, BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF EDINBURG, TEXAS.

CHAIRPERSON, PLANNING AND ZONING COMMISSION DATE

STATE OF TEXAS  
COUNTY OF HIDALGO

I, THE UNDERSIGNED MAYOR OF THE CITY OF EDINBURG, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE CITY OF EDINBURG FOR THIS DEVELOPMENT.

**MAYOR, CITY OF EDINBURG** DATE 4-20-18

**CITY CLERK** DATE 4-26-18

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 TEX. 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: **RAUL E. SERRANO** DATE 4/20/18  
GENERAL MANAGER

THIS PLAT IS HEREBY APPROVED BY HIDALGO COUNTY IRRIGATION DISTRICT NO. 1, ON THIS 12th DAY OF April, 2018.

NO IMPROVEMENTS OF ANY KIND (INCLUDING WITHOUT LIMITATION, TREES, FENCES, AND BUILDINGS) SHALL BE PLACED UPON HIDALGO COUNTY IRRIGATION DISTRICT'S NO. 1, RIGHTS OF WAY OR EASEMENTS.

BY: **RAUL E. SERRANO** DATE 4/20/18  
PRESIDENT

ATTEST: **RAUL E. SERRANO** SECRETARY

## PRINCIPAL CONTACTS:

NO.	SHEET	REVISION	DATE	APPROVED

NAME	CITY & ZIP	PHONE	FAX
OWNER: <b>EDGAR DELGADILLO</b>	1224 EAST YUMA AVE.	(956) 638-1577	
ENGINEER: <b>SAMUEL D. MALDONADO, P.E.</b>	200 S. 10TH ST. SUITE 1500	(956) 702-8880	(956) 702-8883
SURVEYOR: <b>SAMUEL D. MALDONADO, RPLS</b>	200 S. 10TH ST. SUITE 1500	(956) 702-8880	(956) 702-8883

- GENERAL NOTES:**
- FLOOD INSURANCE RATING ZONE: "X" AREAS 500-YEAR FLOOD; AREAS 100-YEAR FLOOD WITH AVERAGE DEPTHS LESS THAN ONE (1) FOOT OR WITH DRAINAGE AREAS LESS THAN ONE SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD. REVISION: JUNE 6, 2000. LOG NUMBER: 168792.2790. BASE FLOOD ELEVATION (BFE): 93.27.
  - BENCHMARK: TOP OF EXISTING SANITARY SEWER MANHOLE LOCATED AT: NORTHING: 1644584.5500' EASTING: 1087762.2790' ELEVATION = 93.27.
  - SETBACKS AS PER CITY OF EDINBURG ORDINANCE. FRONT = 25.00' SIDE = 7.00' REAR = 25.00' CUL-DE-SACK = 15.00'.
  - MINIMUM FINISH FLOOR ELEVATION: 18 INCHES ABOVE TOP OF CURB AT CENTER OF LOT.
  - NO BUILDING SHALL BE CONSTRUCTED OVER ANY EASEMENT OR LOT LINE.
  - NO CONSTRUCTION OF ANY STRUCTURES IS ALLOWED UNLESS FIRE PROTECTION IS IN PLACE.
  - A 6' SIDEWALK TO BE CONSTRUCTED ALONG THE EAST SIDE OF MCCOLL RD. AT THE TIME OF BUILDING PERMIT STAGE.
  - ALL SUBDIVISION IMPROVEMENTS SHALL COMPLY WITH STORM WATER POLLUTION PREVENTION PLAN (SWPP) REQUIREMENTS AND TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM (TPDES).
  - STORM WATER DETENTION IS REQUIRED FOR THIS PROPERTY. THE ENGINEER OF RECORD FOR THIS SUBDIVISION PLAT HAS ESTIMATED THAT A VOLUME OF 49,474 CUBIC FEET (1.136 ACRE-Feet) WILL BE REQUIRED FOR THIS USE. THIS IS AN ESTIMATE ONLY AND DETAILED ANALYSIS MAY REVEAL DIFFERENT REQUIREMENTS. NO BUILDING PERMIT SHALL BE ISSUED FOR THIS PLATTED PROPERTY UNTIL A STORM WATER DETENTION SYSTEM DESIGN HAS BEEN APPROVED BY THE CITY OF EDINBURG FOR THIS DEVELOPMENT.
  - OWNERS ARE TO MAINTAIN DETENTION AREAS.
  - LANDSCAPING AS PER CITY OF EDINBURG ORDINANCE.
  - ADDITIONAL FIRE PROTECTION MAY BE REQUIRED DURING THE PLAN REVIEW PHASE IN ORDER TO PROVIDE ANY ADDITIONAL FIRE PROTECTION REQUIREMENT.
  - WHEELCHAIR RAMP, AND LANDING PER ADA REQUIREMENT, ARE TO BE CONSTRUCTED AT THE TIME OF SUBDIVISION CONSTRUCTION STAGE.
  - ENFORCEMENT OF ALL PLAT NOTES AND DEDICATIONS SHALL BE THE RESPONSIBILITY OF THE AGENCY OR ENTITY TO WHOM THE DEDICATION IS GRANTED.
  - PERMETER FENCE NEEDED IF DETENTION AREA(S) ARE 3 FEET OR DEEPER.
  - ALL IRRIGATION EASEMENTS ARE EXCLUSIVE TO UNITED IRRIGATION DISTRICT, AND THE DISTRICT ALLOWS NO OTHER UTILITIES OR OUTSIDE USE WITHOUT ITS EXPRESS WRITTEN APPROVAL.
  - NO UTILITY COMPANY, PUBLIC ENTITY, PARTY OR PERSON IS ALLOWED TO CROSS ABOVE OR BELOW DRAINAGE DISTRICT EASEMENT OR RIGHT OF WAY WITH LINES, POLES, OPEN DITCHES OR OTHER USE WITHOUT FIRST OBTAINING A CROSSING PERMIT FROM UNITED IRRIGATION DISTRICT.
  - NO PERMANENT STRUCTURE, UTILITY POLE, HOLE, WALL, FENCE, DRIVEWAY, OR ROAD WILL BE ALLOWED TO BE CONSTRUCTED OR EXIST ON DISTRICT EASEMENT OR RIGHT OF WAY WITHOUT WRITTEN APPROVAL BY IRRIGATION DISTRICT. ANY UNAUTHORIZED STRUCTURE WITHIN THE EASEMENT BOUNDARY SUBJECT TO IMMEDIATE REMOVAL AT VIOLATOR'S EXPENSE.
  - NO UTILITY COMPANY, PUBLIC ENTITY, PARTY OR PERSON IS ALLOWED TO CONNECT TO ANY DISTRICT FACILITY WITHOUT FIRST OBTAINING A PERMIT FROM IRRIGATION DISTRICT. ANY CONNECTION NOT AUTHORIZED BY THE DISTRICT IS SUBJECT TO IMMEDIATE REMOVAL AT VIOLATOR'S EXPENSE.
  - THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING 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 IMPERVIOUS AREA BEING GREATER THAN THE PLAT ENGINEER CONSIDERED IN THE HYDRAULIC CALCULATIONS FOR THIS SUBDIVISION.
  - NO DIRECT ACCESS WILL BE ALLOWED FROM LOT 1 AND LOT 34 ONTO F.M. 2061 (MCCOLL RD.).
  - EXISTING EASEMENTS ARE BEING SHOWN BASED ON BEST AVAILABLE PUBLIC RECORDS.
  - ALL LOT CORNERS ARE SET WITH 1/2-INCH IRON RODS.
  - 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 ACCESSIBLE TO EMERGENCY VEHICLES, PUBLIC AND PRIVATE UTILITY SERVICE (THE U.S. POSTAL SERVICE AND GOVERNMENTAL EMPLOYEES IN PURSUIT OF THEIR DUTIES, THE MAINTENANCE OF PRIVATE STREET SIGNS SHALL BE THE RESPONSIBILITY OF CANTON VILLAGE OWNERS ASSOCIATION).
  - THE OWNERS OF THE LOTS SERVED BY PRIVATE STREETS AND ACCESS EASEMENTS WITHIN WINDSOR ESTATES SUBDIVISION AGREE TO RELEASE AND HOLD HARMLESS ANY GOVERNMENTAL ENTITY FOR DAMAGES TO THE PRIVATE STREETS OR ACCESS EASEMENTS AS DESCRIBED ABOVE AND THEREAFTER, THEREIN IN THE EXECUTION OF THEIR DUTIES BY THE GOVERNMENTAL ENTITY TO THE EXTENT THE GOVERNMENTAL ENTITY'S LIABILITY EXCEEDS THAT FOR PUBLIC STREETS AND ACCESS EASEMENTS.
  - A SIDEWALK IS REQUIRED IN FRONT OF THE RESIDENTIAL LOTS AND SHALL BE INCLUDED AS PART OF THE BUILDING PERMIT.

**LEGEND**

●	1/2" IRON ROD
○	SET 1/2" IRON ROD
W/ CAP STAMPED "SAMEST"	
R.O.W.	RIGHT OF WAY
FIN.	FOUND
P.O.C.	POINT OF COMMENCEMENT
P.B.	POINT OF BEGINNING
●	ON-SITE BENCHMARK
●	1/2" IRON PIPE

## SURVEY NOTES:

- ALL BEARING AND DISTANCES ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83), TEXAS STATE PLANE, SOUTH ZONE.
- ADDITIONAL CONTROL ON THIS PROJECT HAS ESTABLISHED UTILIZING RTK GPS METHODS.
- ELEVATIONS ON THIS PROJECT ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).

## STATE OF TEXAS COUNTY OF HIDALGO COUNTY CLERK'S RECORDED CERTIFICATE

FILED FOR RECORD IN  
HIDALGO COUNTY  
ARTURO GUJARDO, JR.  
ON 5/18/18 AT 10:24 O/P.M.

INSTRUMENT NUMBER: 2912511  
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS  
BY: **Samuel D. Maldonado**, DEPUTY CLERK

STATE OF TEXAS  
COUNTY OF HIDALGO

"I, THE UNDERSIGNED, **SAMUEL D. MALDONADO**, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL SURVEY OF THE LAND AS DESCRIBED AND THAT THE CORNER MONUMENTS SHOWN THEREIN WERE CORRECTLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE PLATTING RULES AND REGULATIONS OF HIDALGO COUNTY.

**SAMUEL D. MALDONADO**  
PE - No. 91889  
DATE 4/14/2018

STATE OF TEXAS  
COUNTY OF HIDALGO

"I, THE UNDERSIGNED, **SAMUEL D. MALDONADO**, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT."

**SAMUEL D. MALDONADO**  
PE - No. 91889  
DATE 4/14/2018

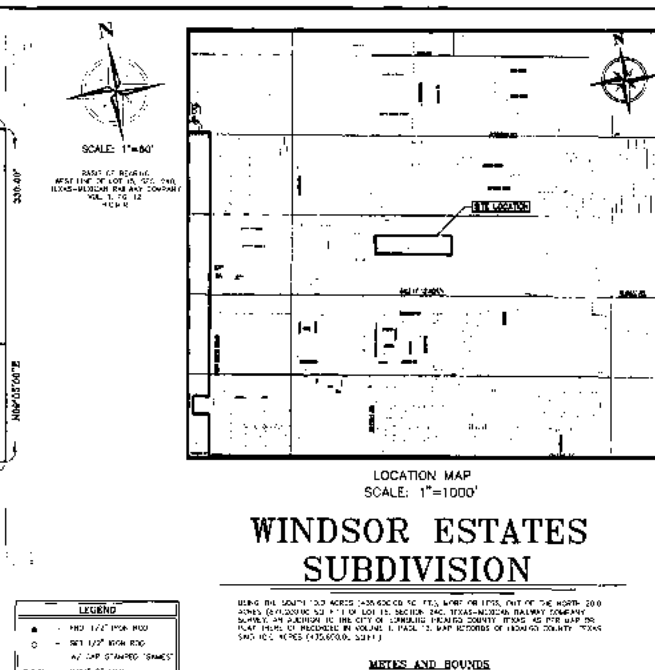
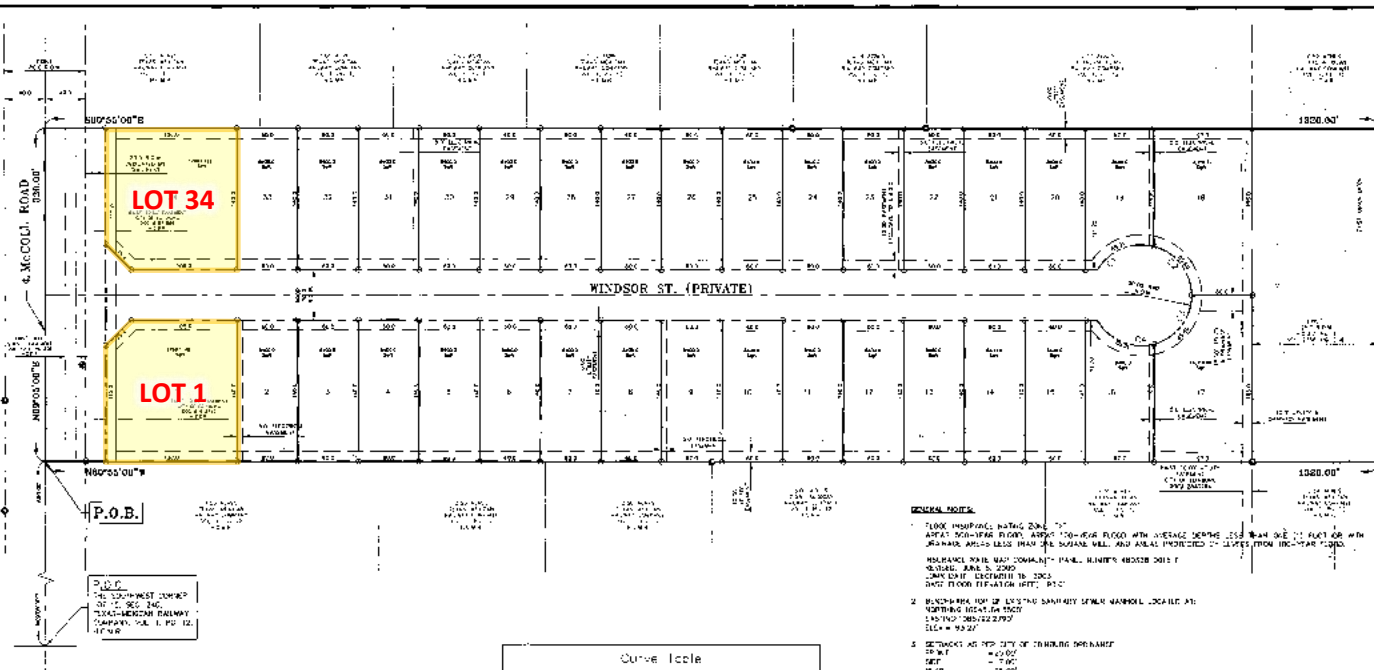
**SAMES**

**SAM Engineering & Surveying**

200 S. 10TH ST. SUITE 1500  
MCCALL, TEXAS 78501

TEL: (956) 702-8880  
FAX: (956) 702-8883  
REGISTRATION # F-10602





# WINDSOR ESTATES SUBDIVISION

USING THE SOUTH 1/2 OF SECTION 24, T1S, R10E, LOT 1, OF THE NORTH 200 ACRES (S1/2 SECTION 24) OF LOT 13, SECTION 24C, TEXAS-MEXICO RAILWAY COMPANY, PLAT 100, AS SHOWN IN THE CITY OF McALLEN, TEXAS, PLAT 100, AS SHOWN IN VOLUME 1, PAGE 12, MAP RECORDS OF McALLEN COUNTY, TEXAS (S1/2 SECTION 24C, T1S, R10E, LOT 1)

## METES AND BOUNDS

BEING THE SOUTH 1/2 OF SECTION 24, T1S, R10E, LOT 1, OF THE NORTH 200 ACRES (S1/2 SECTION 24) OF LOT 13, SECTION 24C, TEXAS-MEXICO RAILWAY COMPANY, PLAT 100, AS SHOWN IN THE CITY OF McALLEN, TEXAS, PLAT 100, AS SHOWN IN VOLUME 1, PAGE 12, MAP RECORDS OF McALLEN COUNTY, TEXAS (S1/2 SECTION 24C, T1S, R10E, LOT 1)

**18. NO DIRECT ACCESS WILL BE ALLOWED FROM LOT 1 AND LOT 34 ONTO F.M. 2061 (McCOLL RD).**

APPROVED AND ADOPTED BY THE CITY OF McALLEN, TEXAS, FOR THE PURPOSES OF THE CITY OF McALLEN, TEXAS, PLAT 100, AS SHOWN IN VOLUME 1, PAGE 12, MAP RECORDS OF McALLEN COUNTY, TEXAS (S1/2 SECTION 24C, T1S, R10E, LOT 1).

STATE OF TEXAS  
COUNTY OF HIDALGO

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

CITY PUBLIC CLERK COUNTY OF HIDALGO, TEXAS

A TRUE AND CORRECT COPY OF THE PLANS AND TOWN COMMISSION, CITY OF McALLEN, TEXAS, PLAT 100, AS SHOWN IN VOLUME 1, PAGE 12, MAP RECORDS OF McALLEN COUNTY, TEXAS (S1/2 SECTION 24C, T1S, R10E, LOT 1).

STATE OF TEXAS  
COUNTY OF HIDALGO

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

CITY PUBLIC CLERK COUNTY OF HIDALGO, TEXAS

A TRUE AND CORRECT COPY OF THE PLANS AND TOWN COMMISSION, CITY OF McALLEN, TEXAS, PLAT 100, AS SHOWN IN VOLUME 1, PAGE 12, MAP RECORDS OF McALLEN COUNTY, TEXAS (S1/2 SECTION 24C, T1S, R10E, LOT 1).

1. THE SUBDIVISION IS LOCATED IN THE NORTH 200 ACRES (S1/2 SECTION 24) OF LOT 13, SECTION 24C, TEXAS-MEXICO RAILWAY COMPANY, PLAT 100, AS SHOWN IN THE CITY OF McALLEN, TEXAS, PLAT 100, AS SHOWN IN VOLUME 1, PAGE 12, MAP RECORDS OF McALLEN COUNTY, TEXAS (S1/2 SECTION 24C, T1S, R10E, LOT 1).

2. THE SUBDIVISION IS LOCATED IN THE NORTH 200 ACRES (S1/2 SECTION 24) OF LOT 13, SECTION 24C, TEXAS-MEXICO RAILWAY COMPANY, PLAT 100, AS SHOWN IN THE CITY OF McALLEN, TEXAS, PLAT 100, AS SHOWN IN VOLUME 1, PAGE 12, MAP RECORDS OF McALLEN COUNTY, TEXAS (S1/2 SECTION 24C, T1S, R10E, LOT 1).

3. THE SUBDIVISION IS LOCATED IN THE NORTH 200 ACRES (S1/2 SECTION 24) OF LOT 13, SECTION 24C, TEXAS-MEXICO RAILWAY COMPANY, PLAT 100, AS SHOWN IN THE CITY OF McALLEN, TEXAS, PLAT 100, AS SHOWN IN VOLUME 1, PAGE 12, MAP RECORDS OF McALLEN COUNTY, TEXAS (S1/2 SECTION 24C, T1S, R10E, LOT 1).

STATE OF TEXAS  
COUNTY OF HIDALGO  
COUNTY CLERK'S RECORDED  
CERTIFICATE

FILED FOR RECORDATION  
APPROPRIATE CLERK  
ON \_\_\_\_\_  
BY \_\_\_\_\_, DEPUTY CLERK

STATE OF TEXAS  
COUNTY OF HIDALGO

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

CITY PUBLIC CLERK COUNTY OF HIDALGO, TEXAS

A TRUE AND CORRECT COPY OF THE PLANS AND TOWN COMMISSION, CITY OF McALLEN, TEXAS, PLAT 100, AS SHOWN IN VOLUME 1, PAGE 12, MAP RECORDS OF McALLEN COUNTY, TEXAS (S1/2 SECTION 24C, T1S, R10E, LOT 1).

APPROVED AND ADOPTED BY THE CITY OF McALLEN, TEXAS, FOR THE PURPOSES OF THE CITY OF McALLEN, TEXAS, PLAT 100, AS SHOWN IN VOLUME 1, PAGE 12, MAP RECORDS OF McALLEN COUNTY, TEXAS (S1/2 SECTION 24C, T1S, R10E, LOT 1).

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STATE OF TEXAS  
COUNTY OF HIDALGO  
COUNTY CLERK'S RECORDED  
CERTIFICATE

FILED FOR RECORDATION  
APPROPRIATE CLERK  
ON \_\_\_\_\_  
BY \_\_\_\_\_, DEPUTY CLERK

STATE OF TEXAS  
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NO.	SHEET	REVISION	DATE	APPROVED

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FILED FOR RECORDATION  
APPROPRIATE CLERK  
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STATE OF TEXAS  
COUNTY OF HIDALGO

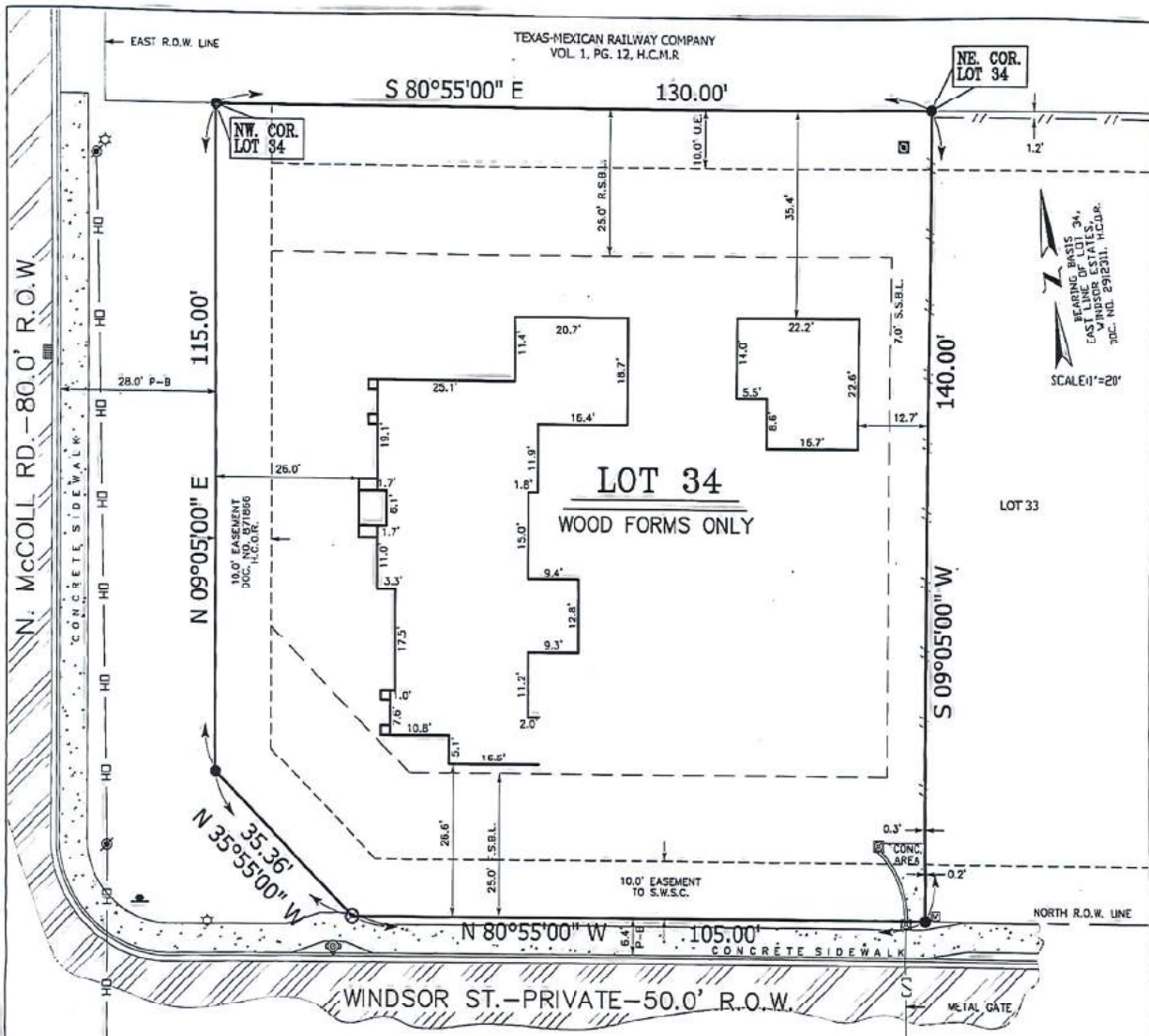
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# LEGEND

- FOUND 1/2" IRON ROD
- ⊗ FOUND X MARK
- ⊙ POWER POLE
- ⊠ TRANSFORMER BOX
- ☆ LIGHT POLE
- ⊞ WATER METER
- ⊞ GRATE INLET
- ⊞ FIRE HYDRANT
- ⊞ COLUMN
- ⊞ STOP SIGN
- OH-OVERHEAD POWERLINE
- //WOOD FENCE
- U.E. UTILITY EASEMENT
- R.O.W. RIGHT OF WAY
- F.S.B.L. FRONT SETBACK LINE
- R.S.B.L. REAR SIDE SETBACK LINE
- S.S.B.L. SIDE SETBACK LINE
- S.W.S.C. SHARYLAND WATER SUPPLY CORPORATION
- H.C.O.R. HIDALGO COUNTY OFFICIAL RECORDS
- H.C.D.R. HIDALGO COUNTY DEED RECORDS
- P-B PROPERTY LINE TO BACK OF CURB

PLAT SHOWING  
ALL OF LOT 34,  
WINDSOR ESTATES,  
AN ADDITION TO  
THE CITY OF EDINBURG,  
HIDALGO COUNTY, TEXAS,  
DOC. NO. 2912311, H.C.O.R.

ADDRESS: 2420 N. McCOLL RD.  
EDINBURG, TEXAS 78541

BORROWER: \_\_\_\_\_  
MAGDALENA BAZAN

BORROWER: \_\_\_\_\_  
ESMERALDA RODRIGUEZ

- NOTES:
- SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.
  - TITLE COMPANY: SIERRA TITLE CO. COMMITMENT OF NO. 3190998 EFFECTIVE DATE: SEPTEMBER 17, 2021 ISSUED: SEPTEMBER 24, 2021
  - FROM SCHEDULE B:  
10a. P.O.W. EASEMENT REC. IN VOL. 1223, PG. 69, H.C.D.R. (BLANKET)
  - 10c. CONTRACT, EASEMENT AND USE RESTRICTION REC. IN DOC. NO. 2906510, H.C.O.R. (BLANKET)
  - 10h. EASEMENTS, RIGHTS, RULES AND REGULATIONS IN FAVOR OF HIDALGO COUNTY IRRIGATION DISTRICT NO. 1. (BLANKET)
  - MINIMUM FLOOR ELEVATIONS, SETBACK LINES, EASEMENTS, RULES AND RESTRICTIONS ACCORDING TO THE MAP OF WINDSOR ESTATES, THEREOF REC. IN DOC. NO. 2912311, H.C.O.R.
  - THE EXISTENCE OF ANY UNDERGROUND GAS LINES OR OTHER UNDERGROUND UTILITIES NOT SHOWN ON THIS SURVEY SHOULD BE THOROUGHLY INVESTIGATED BY THE OWNER PRIOR TO ANY CONSTRUCTION ON THIS SITE. THE SURVEYOR HAS LIMITED HIS INVESTIGATION OF UNDERGROUND UTILITIES ON THIS SITE TO THAT WHICH CAN BE SEEN.
  - PRIOR TO ANY CONSTRUCTION ON THIS SITE, VERIFY BUILDING SETBACK LINES WITH CITY OF EDINBURG PLANNING/INSPECTIONS DEPARTMENT.

## FLOOD ZONE

ZONE "X"

AREAS OF 500-YEAR FLOOD; AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD.

COMMUNITY-PANEL NUMBER: 480339 0015 E  
MAP REVISED: JUNE 6, 2000  
LOMR: DECEMBER 16, 2003

THE UNDERSIGNED HEREBY STATE THAT THIS SURVEY AS DESCRIBED HEREON, WAS MADE ON THE GROUND ON 11/17/21 UNDER MY PERSONAL SUPERVISION, THAT THE ONLY IMPROVEMENTS ON THE GROUND AS SHOWN, THAT THERE ARE NO DISCREPANCIES, VISIBLE OVERLAP, OR APPARENT CONFLICTS, OR VISIBLE EVIDENCE OF FRAUD, AS SHOWN HEREON.

*William A. Mangum*  
WILLIAM A. MANGUM, PROFESSIONAL SURVEYOR NO. 4353

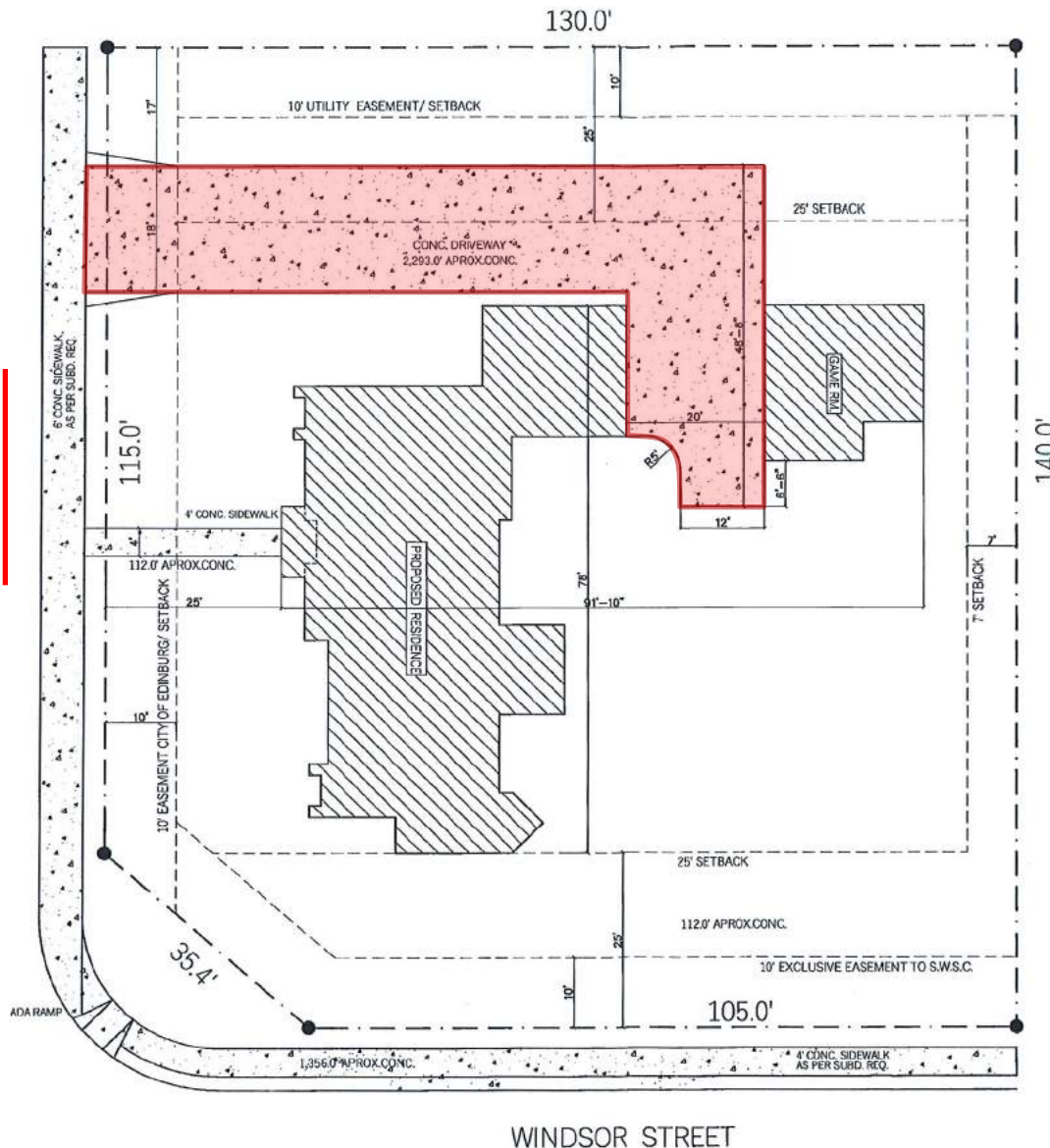
W & L MANGUM SURVEYING  
2520 BUDDY OWENS BLVD.  
McALLEN, TEXAS 78504  
PHONE (956)249-8061  
FIRM NUMBER 10113300  
wlmangumsurveying@gmail.com

RECEIVED

JUL 07 2022

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

MCCOLL ROAD



RECEIVED

JUL 07 2022

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

SITE PLAN  
SCALE: 1/8" = 1'

M/A CUSTOM PLANS COPYRIGHT c 2021



**M/A**  
**Custom Plans**

305 HARVEY MOULDER  
(956) 648-6870  
MAILS@M/CUSTOMPLANS.COM  
WWW.MACUSTOMPLANS.COM

THIS DRAWING IS THE PROPERTY OF M/A CUSTOM PLANS AND MAY NOT BE COPIED, REPRODUCED, PUBLISHED OR TRANSMITTED FOR PARTS WITHOUT THE EXPRESSED CONSENT OF M/A CUSTOM PLANS (MACP). MACP ASSUMES NO LIABILITY FOR HOMES BUILT FROM THESE PLANS. IT IS THE RESPONSIBILITY OF THE PURCHASER OF THESE PLANS TO PERFORM THE FOLLOWING: CONTRACTOR MUST:  
\* VERIFY ALL DIMENSIONS PRIOR TO ANY CONSTRUCTION OR SITE PREP.  
\* VERIFY COMPLIANCE WITH CITY ORDINANCE CODES & RESTRICTIONS WHERE STRUCTURE IS TO BE BUILT.  
\* VERIFY COMPLIANCE WITH ALL SUBDIVISION REQUIREMENTS.  
\* PLANS INDICATE LOCATION ONLY. ENGINEERING ASPECTS SHOULD CONSIDER ACTUAL SITE CONDITIONS.

PROJECT INFORMATION

DATE: 07/26/2021

OWNER:  
ESMERALDA RODRIGUEZ  
SITE: LOT NO. 34  
WINDSOR ESTATES  
EDINBURG, TEXAS

PROJECT DATA

LIVING: 1,849.0' SQ. FT.  
GARAGE: 382.0' SQ. FT.  
PORCH: 39.0' SQ. FT.  
GAME RM: 455.0' SQ. FT.

TOTAL: 2,725.0' SQ. FT.

WWW.MACUSTOMPLANS.COM

SHEET No.:

1 of 7

M/A CUSTOM PLANS PROVIDES A PLAN SERVICE ONLY AND RETAINS SOLE PROPRIETORSHIP OF ALL PLANS, CONSTRUCTION DOCUMENTS & ORIGINAL RECORDS.



# Zoning Board of Adjustment

Site Photos for meeting of July 27, 2022

PINPOINT CONSTRUCTION - 2420 NORTH MCCOLL ROAD





## **Planning & Zoning Staff Report**

Prepared on: July 18, 2022

### **ZONING BOARD OF ADJUSTMENT**

Regular Meeting: July 27, 2022

#### **Agenda Item**

Consider Variance to the City's Unified Development Code, Article 3, Section 3.301, Single Family Residential Bulk Standards, Setbacks, and Article 3, Section 3.505 District and Bulk Standards, Easements and Utilities, Being Lot 133, Chapin Crossing Subdivision, and Located at 2313 Eisenhower Street, As Requested by Carlos Gonzalez.

#### **Request**

The applicant is requesting a variance to the City's Unified Development Code, Section 3.301 as it applies to single family residential setbacks and Section 3.505 as it applies to Easements and Utilities. The applicant has built a carport that is encroaching into the front and side yard setbacks. He is proposing to reduce the front yard setback from 25 feet to 0 feet, and the side yard setback from 6 feet to 3.5 feet.

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

The property is located on the north side of Eisenhower Street, approximately 880 ft. west of Enterprise Street and is zoned Neighborhood Conservation 7.1 (NC) District. Adjacent zoning is Neighborhood Conservation 7.1 (NC) District in all directions. The surrounding areas consists of single family uses.

#### **Background and History**

This property is part of Chapin Crossing Subdivision, which was recorded on October 2, 2006 and is a single family residential development. A request for Variance Application, sample site plan, and related documents were submitted to the City on June 27, 2022. The sample site plan along with the property survey and field measurements shows the carport at 0 foot front yard setback and extending 2.5 feet into the required 6 foot side yard setback. The carport also encroaches into an existing 15 foot utility easement.

Staff mailed notice of this variance request to 31 neighboring property owners. No comments in favor and one against this request had been received at the time this report was prepared.

#### **Analysis**

On June 2, 2022, Code Enforcement, posted a stop work order on the carport that was built without a building permit. Thereafter, on June 27<sup>th</sup> the applicant submitted a Variance Application for a 0 foot front yard setback and to encroach 2.5 feet into the side yard setback for

# Planning & Zoning Staff Report

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the carport. The applicant states that a carport is needed for protection of their vehicles. Code Enforcement also posted a stop work order on a similar carport that was also built without a building permit on the same block. No other similar encroachment exist within the 300 foot radius of the said address.

## **Recommendation**

Staff recommends disapproval of this request due to noncompliance with the required setbacks and encroachments into the utility easement.

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:

**Jaime Acevedo**

Director of Planning & Zoning

# Planning & Zoning Staff Report

## ARTICLE 3 DISTRICT AND BULK STANDARDS

### DIVISION 3.300 BULK REGULATIONS - STANDARD DEVELOPMENT

#### Sec. 3.301 Single-Family Detached

- A. **General.** This housing type consists of a single-family detached residence located on a privately-owned lot with private yards on each side of the unit, as shown in Figure 3.301, *Single-Family Detached or Single-Family Cluster Units*. Table 3.301, *Single-Family Lot and Building Standards*, sets out the dimensional standards for single-family detached units.
- B. **Neighborhood Conservation sub-districts.**
1. The Neighborhood Conservation (NC) district is intended to preserve the character of existing, built neighborhoods. To that end, there are three (3) Neighborhood Conservation sub-districts:
    - a. NC7.1 is intended to be applied to areas with an existing minimum lot size of 7,100 sf.
    - b. NC5 is intended to be applied to areas with an existing minimum lot size of 5,000 sf.
    - c. NC-MH is intended to be applied to areas developed with manufactured homes with a minimum lot size of 3,500 sf.
  2. Lawfully created lots within the NC district are considered conforming, even if they have areas that are smaller than those specified in Subsection B.1.

**Table 3.301**  
**Single-Family Lot and Building Standards**

Zoning District	Minimum					Maximum
	Minimum Lot Area	Lot Width (feet)	Street Yard <sup>1</sup> (feet)	Side Yard single / total (feet) <sup>2</sup>	Rear Yard (feet)	
Agriculture (AG)	10 ac.	330	60	30 / 60	40	35 / 60 <sup>3</sup>
Suburban Residential (S)	15,000 sf.	90	30	15 / 30	30	35
Auto-Urban Residential (AR)	5,000 sf.	50	20	6 / 12	20	35
Urban Residential (UR)	4,000 sf.	40	10	5 / 12	15	35
Neighborhood Conservation (NC7.1)	7,100 sf.	60	25	7 / 14	25	35
Neighborhood Conservation (NC5)	5,000 sf.	50	25	6 / 12	20	35
NC Manufactured Home (NC-MH)	3,500 sf. <sup>4</sup>	20	20	10 / 20	10	35

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

<sup>2</sup> The first number is the minimum side yard. The second number is the sum of the two side yards. The side yard may be reduced subject to structures meeting approved building and fire codes.

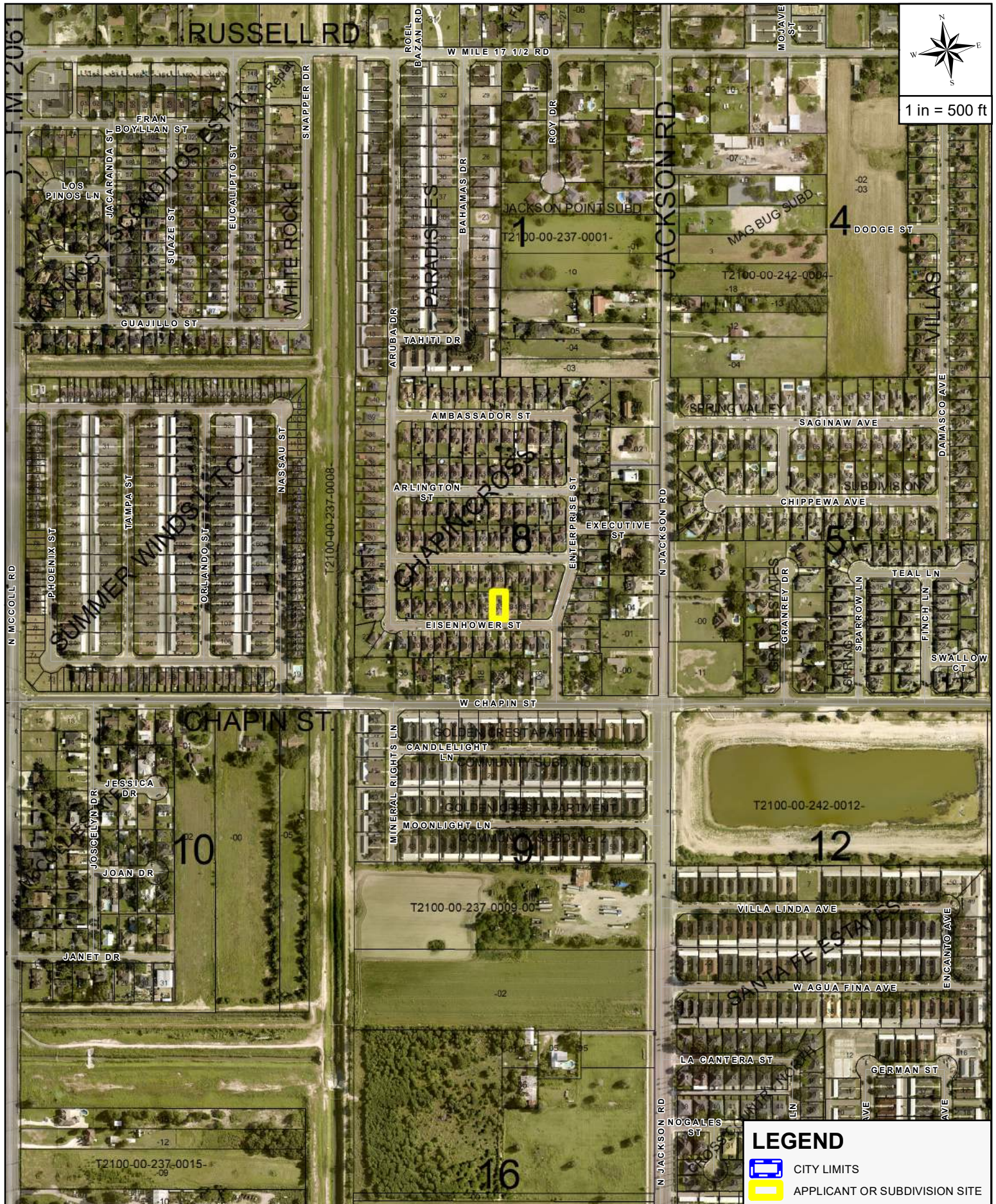
<sup>3</sup> The second height refers to agricultural structures.

<sup>4</sup> Minimum lot area also applies to the area of rented lots in a manufactured home park.

<sup>5</sup> Rear setback may be reduced as noted on a recorded subdivision plat for Neighborhood Conservation Districts.

\* Lot depth is determined by dividing lot area by lot width.





**AERIAL MAP**

**APPLICANT AND/OR SUBDIVISION:**

**CARLOS GONZALEZ / 2313 EISENHOWER ST**

**LEGEND**

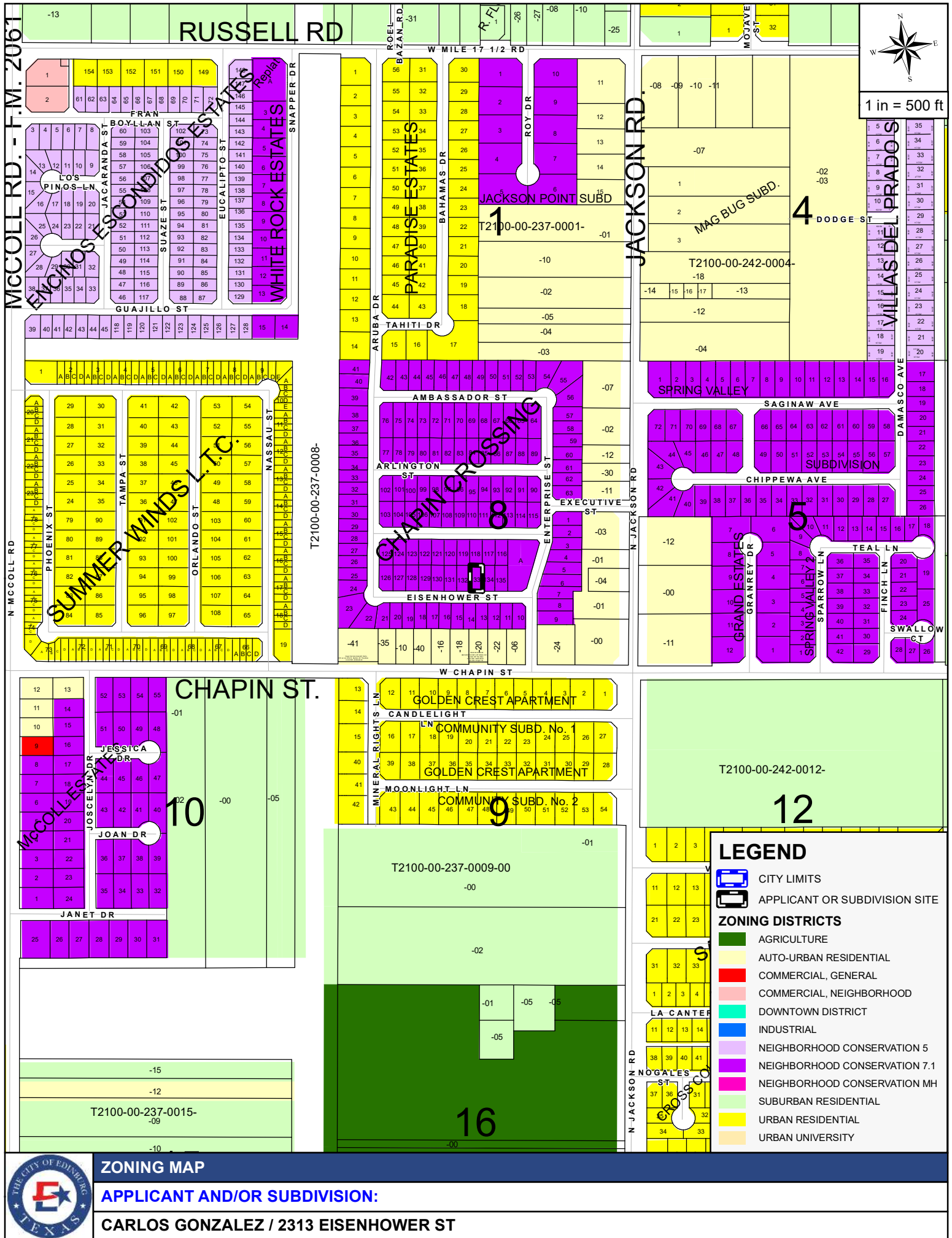


CITY LIMITS



APPLICANT OR SUBDIVISION SITE





MCCOLL RD. - F.M. 2061

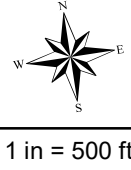
N MCCOLL RD

RUSSELL RD

ROEL BAZAN RD

W MILE 17 1/2 RD

JACKSON RD.



1 in = 500 ft

LOS PINOS LN  
BOYLLAN ST  
FRAN ST  
JACARANDA ST  
SUAREZ ST  
GUAYILLO ST  
EUCALIPTO ST  
SNAPPER DR  
WHITE ROCK ESTATES  
Replat

PHOENIX ST  
TAMPA ST  
ORLANDO ST  
NASSAU ST  
SUMMER WINDS L.T.C.

T2100-00-237-0008-

PARADISE ESTATES  
TAHITI DR  
AMBASSADOR ST  
ARLINGTON ST  
EISENHOWER ST  
CHAPIN CROSSING  
EXECUTIVE ST  
ENTERPRISE ST  
ROY DR  
JACKSON POINT SUBD  
T2100-00-237-0001-  
T2100-00-242-0004-  
MAG BUG SUBD.  
DODGE ST  
VILLAS DEL PRADO  
DAMASCO AVE  
SAGINAW AVE  
CHIPPEWA AVE  
TEAL LN  
SPRING VALLEY 2  
SPRING VALLEY 1  
GRAND ESTATES  
SWALLOW CT

CHAPIN ST.  
JESSICA DR  
JOAN DR  
JANET DR  
JOSELYN DR  
T2100-00-237-0009-00  
T2100-00-237-0015-09

W CHAPIN ST  
GOLDEN CREST APARTMENT  
CANDLELIGHT LN  
COMMUNITY SUBD. No. 1  
GOLDEN CREST APARTMENT  
MOONLIGHT LN  
COMMUNITY SUBD. No. 2

T2100-00-242-0012-  
12

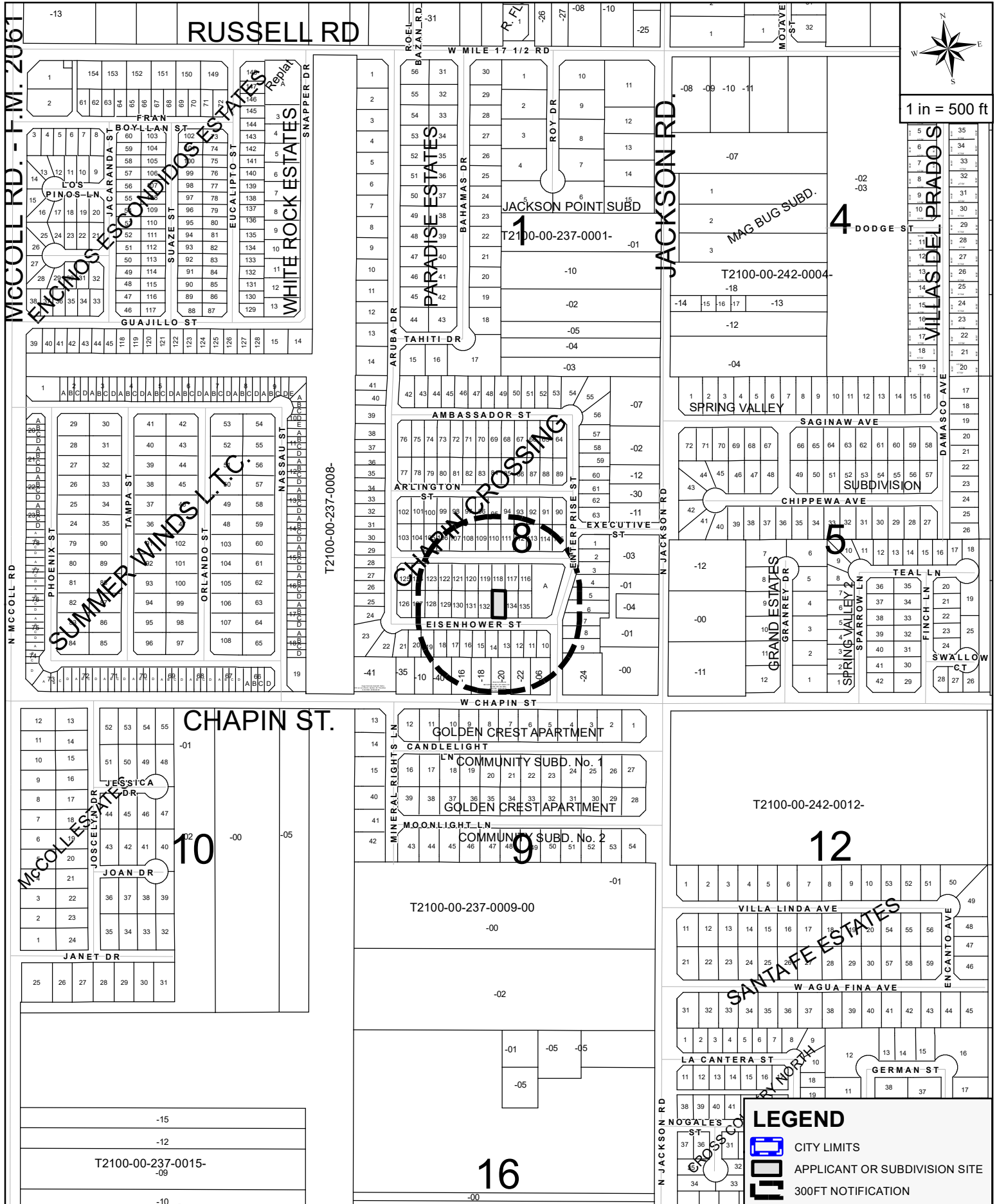
- LEGEND**
- CITY LIMITS
  - APPLICANT OR SUBDIVISION SITE
  - ZONING DISTRICTS**
  - AGRICULTURE
  - AUTO-URBAN RESIDENTIAL
  - COMMERCIAL, GENERAL
  - COMMERCIAL, NEIGHBORHOOD
  - DOWNTOWN DISTRICT
  - INDUSTRIAL
  - NEIGHBORHOOD CONSERVATION 5
  - NEIGHBORHOOD CONSERVATION 7.1
  - NEIGHBORHOOD CONSERVATION MH
  - SUBURBAN RESIDENTIAL
  - URBAN RESIDENTIAL
  - URBAN UNIVERSITY



ZONING MAP

APPLICANT AND/OR SUBDIVISION:

CARLOS GONZALEZ / 2313 EISENHOWER ST







Case # **VAR-2022-0109**

**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: Encroachment into front yard.

Reason for Hardship (attach additional pages if necessary)

Need a carport for - Protection of my vehicles  
my investments

Property Description: Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision C 4053-20-000-0133-00

Property Address: 2313 Eisenhower St.

Present Property Zoning: NC 7.1

Person requesting Variance: Carlos Gonzalez

Mailing Address: 2313 Eisenhower St. Edinburg Tx. 78541  
Street Address City/State Zip Code

Phone No. (Home): (956) 414-6824 (Work): \_\_\_\_\_ (Cell): (956) 309-4762

Owner's Name: Carlos Gonzalez / Ofelia Vidal

Mailing Address: 2313 Eisenhower St. Edinburg Tx. 78541  
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: Carlos Gonzalez Date: Jun. 21 - 2022

Owner/Agent's Name (Please Print): CARLOS GONZALEZ **RECEIVED**

\$450 Application Fee: 201745404 Application Received by: Jaime Ayala June 21 2022  
Receipt No. Name: [Signature]

OFFICE USE ONLY

Application deadline: June 27 ZBA Hearing date: July 27

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

• Application • Project plans • Survey • Warranty Deed

A Q T 7.

L O T 1 0.

[illegible]

TON WHITE  
1632/976 D/R

60'

N JACKSON

# MAP OF CHAPIN CROSSING

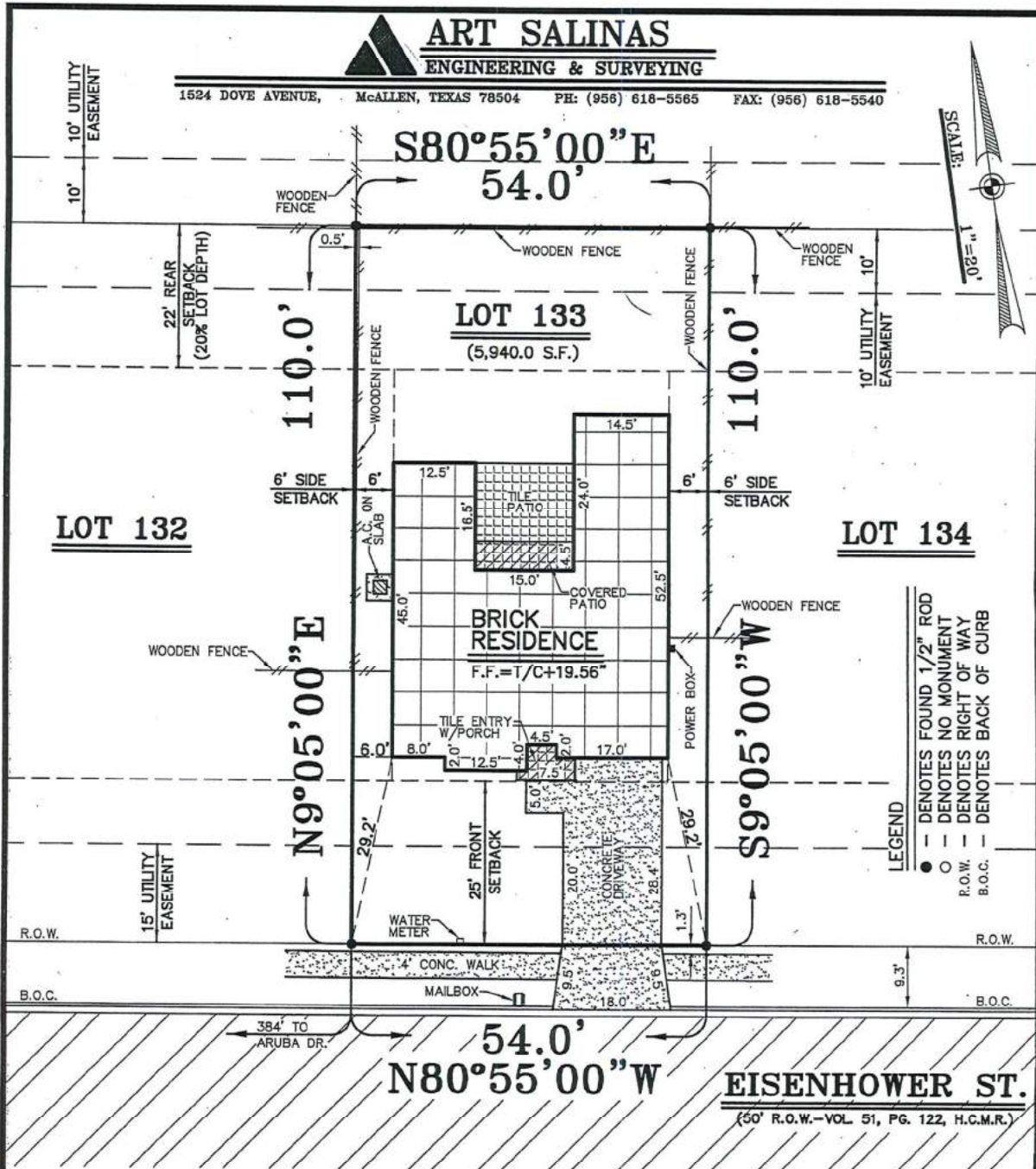
BEING A SUBDIVISION OF A 27.80 Ac. TRACT OF LAND, OUT OF LOT 8, SECTION 237,  
TEXAS-MEXICAN RAILWAY COMPANY SURVEY, ACCORDING TO PLAT AS  
RECORDED IN VOL. 1, PG. 12, M/R, HIDALGO COUNTY, TEXAS.





# ART SALINAS ENGINEERING & SURVEYING

1524 DOVE AVENUE, McALLEN, TEXAS 78504 PH: (956) 618-5565 FAX: (956) 618-5540



**FLOOD ZONE CERTIFICATION:** The property shown hereon lies in Zone "X". Zone "X" areas are areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas of less than 1 square mile; and areas protected by levees from 100-year flood as per F.E.M.A Flood Insurance Rate Map No. 480338-0015-E dated 06-06-00 and amended on 05-14-01.

## PLAT NOTES:

1. There are no discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments, or any overlapping of improvements except as shown on this plat.
2. This survey plat is prepared in connection with Title Policy G.F. # 785405, and does not guarantee title. This survey is for the exclusive use of the client named hereon and may not be copied or transferred to another party without the express written consent of the surveyor.
3. This survey must contain an original seal and signature to be valid as per Section 661.46 and Section 663.19 of the "The Professional Land Surveying Practices Act".
4. This is a standard survey and does not include the location of underground utility, irrigation and/or gas lines.
5. Easements, rules, regulations and rights in favor of Hidalgo County Irrigation District No. 1. (Blanket)
6. Subject to any oil, gas and mineral lease of record.
7. Bearing Basis: "Chapin Crossing"

**Borrower:** Carlos Gonzalez

*Carlos Gonzalez*

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

THIS IS TO CERTIFY TO THAT I HAVE, THIS DATE, PREPARED A SURVEY ON THE PROPERTY WHICH IS LOCATED AT 2313 EISENHOWER ST., IN EDINBURG, TEXAS, DESCRIBED AS FOLLOWS:  
**LOT ONE HUNDRED THIRTY-THREE (133), CHAPIN CROSSING, AN ADDITION TO THE CITY OF EDINBURG, HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 51, PAGES 122-124, MAP RECORDS, HIDALGO COUNTY, TEXAS.**

13-43803  
Job No.

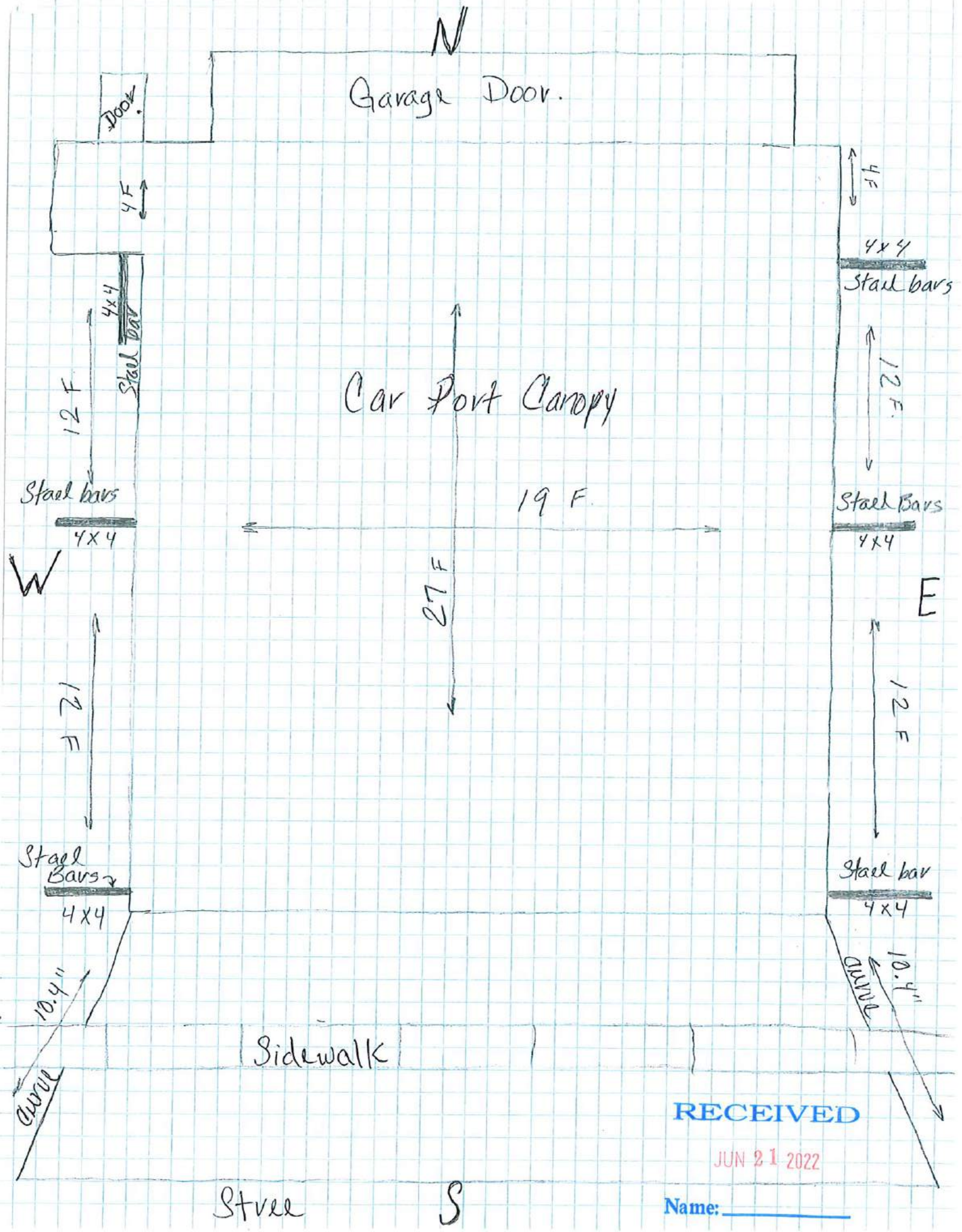
05-10-13  
Date

© COPYRIGHT 2013 ART SALINAS ENGINEERING INC. THIS SURVEY WAS PROVIDED IN MULTIPLE ORIGINALS FOR A SINGLE TRANSACTION BY THE BORROWER NAMED HEREON. NO LICENSE HAS BEEN CREATED, EXPRESSED OR IMPLIED TO COPY THIS SURVEY.

Registered Professional Land Surveyor No. 4502







RECEIVED

JUN 21 2022

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

# Zoning Board of Adjustment

Site Photos for meeting of July 27, 2022

CARLOS GONZALEZ - 2313 EISENHOWER STREET





## Planning & Zoning Staff Report

Prepared on: July 20, 2022

### ZONING BOARD OF ADJUSTMENT

Regular Meeting: July 27, 2022

#### Agenda Item

Consider Variance to the City's Unified Development Code, Article 3, Section 3.301, Single Family Residential Bulk Standards, Setbacks, being Lot 1, River Rock Subdivision, located at 2804 River Rock Drive, as requested by David & Maria Nava.

#### Request

The applicant is requesting a variance to the City's Unified Development Code, Section 3.301 as it applies to single family residential setbacks. The applicant is proposing to build a carport. The applicant is requesting to have a 1.3 ft. side setback where a 7 ft. side setback is required.

#### Property Location and Vicinity

The property is located on the southeast intersection of Canton Road and River Rock Drive and is zoned Neighborhood Conservation 7.1 (NC) District. Adjacent zoning is Neighborhood Conservation 7.1 (NC) District to all directions. The surrounding land uses consists of single family residential.

#### Background and History

This property is part of River Rock Subdivision, which was recorded on January 30, 2002 and is a single family residential development. A request for Variance Application, sample site plan, and related documents were submitted to the City on June 27, 2022. The sample site plan shows the proposed carport encroaching into the side yard setback.

Staff mailed notice of this variance request to 19 neighboring property owners. One comment in favor of this request had been received at the time this report was prepared.

#### Analysis

The applicant is proposing to build a carport attached to his garage. Code Enforcement noticed that the carport was being constructed without a building permit. The applicant was given a verbal notice to stop work and apply for a building permit. On June 27, 2022, the applicant applied for a building permit however the permit was denied by Planning Staff. On June 27, 2022, the applicant applied for a variance. The request is to keep the supporting column of the carport encroaching 5.7 feet into the required 7 foot side yard setback. Similar carports exist in the neighborhood and are being investigated by Code Enforcement Department.

#### Recommendation

Staff recommends disapproval of this request based on the level of encroachment into the side yard setback.



# Planning & Zoning Staff Report

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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:

**Jamie Acevedo**

Planning Director

# Planning & Zoning Staff Report

## ARTICLE 3 DISTRICT AND BULK STANDARDS

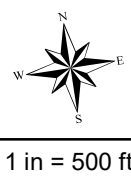
### DIVISION 3.300 BULK REGULATIONS - STANDARD DEVELOPMENT

#### Sec. 3.301 Single-Family Detached


- A. **General.** This housing type consists of a single-family detached residence located on a privately-owned lot with private yards on each side of the unit, as shown in Figure 3.301, *Single-Family Detached or Single-Family Cluster Units*. Table 3.301, *Single-Family Lot and Building Standards*, sets out the dimensional standards for single-family detached units.
- B. **Neighborhood Conservation sub-districts.**
1. The Neighborhood Conservation (NC) district is intended to preserve the character of existing, built neighborhoods. To that end, there are three (3) Neighborhood Conservation sub-districts:
    - a. NC7.1 is intended to be applied to areas with an existing minimum lot size of 7,100 sf.
    - b. NC5 is intended to be applied to areas with an existing minimum lot size of 5,000 sf.
    - c. NC-MH is intended to be applied to areas developed with manufactured homes with a minimum lot size of 3,500 sf.
  2. Lawfully created lots within the NC district are considered conforming, even if they have areas that are smaller than those specified in Subsection B.1.


Table 3.301 Single-Family Lot and Building Standards						
Zoning District	Minimum					Maximum
	Minimum Lot Area	Lot Width (feet)	Street Yard <sup>1</sup> (feet)	Side Yard single / total (feet) <sup>2</sup>	Rear Yard (feet)	
Agriculture (AG)	10 ac.	330	60	30 / 60	40	35 / 60 <sup>3</sup>
Suburban Residential (S)	15,000 sf.	90	30	15 / 30	30	35
Auto-Urban Residential (AR)	5,000 sf.	50	20	6 / 12	20	35
Urban Residential (UR)	4,000 sf.	40	10	5 / 12	15	35
Neighborhood Conservation (NC7.1)	7,100 sf.	60	25	7 / 14	25	35
Neighborhood Conservation (NC5)	5,000 sf.	50	25	6 / 12	20	35
NC Manufactured Home (NC-MH)	3,500 sf. <sup>4</sup>	20	20	10 / 20	10	35
<sup>1</sup> Street yard refers to front yard of lot. The minimum street yard setback shall be 15 feet for cul-de-sac and irregular lots. <sup>2</sup> The first number is the minimum side yard. The second number is the sum of the two side yards. The side yard may be reduced subject to structures meeting approved building and fire codes. <sup>3</sup> The second height refers to agricultural structures. <sup>4</sup> Minimum lot area also applies to the area of rented lots in a manufactured home park. <sup>5</sup> Rear setback may be reduced as noted on a recorded subdivision plat for Neighborhood Conservation Districts. * Lot depth is determined by dividing lot area by lot width.						





**LEGEND**

 CITY LIMITS

 APPLICANT OR SUBDIVISION SITE



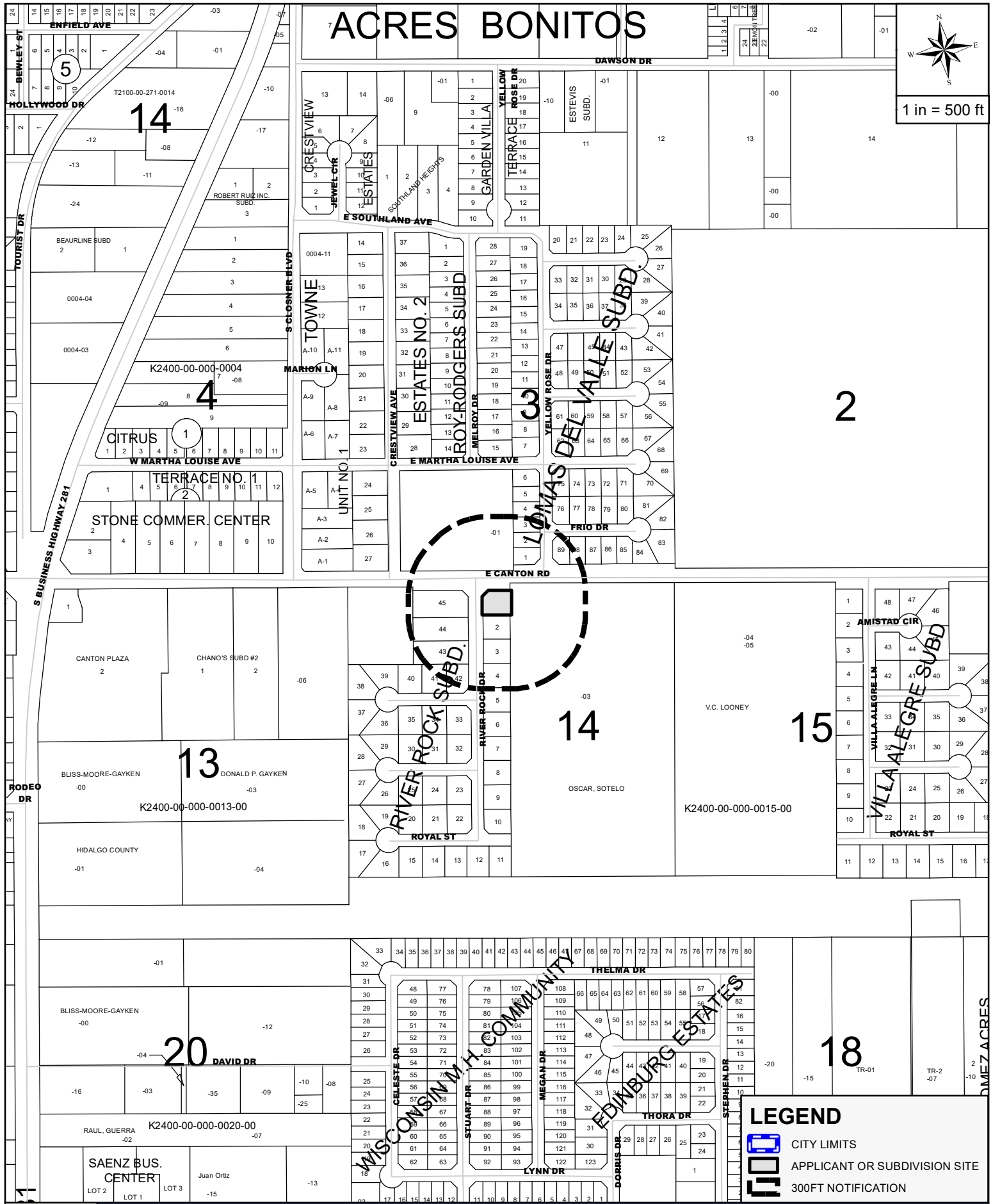
**AERIAL MAP**

**APPLICANT AND/OR SUBDIVISION:**

**DAVID NAVA / 2804 RIVER ROCK DR**







**MAILOUT AND SITE MAP**

**APPLICANT AND/OR SUBDIVISION:**

**DAVID NAVA / 2804 RIVER ROCK DR**



Case #

THE CITY OF  
**Edinburg**Planning & Zoning Department  
415 W. University Drive  
Edinburg, Texas 78539  
(956) 388-8202**Zoning Board of Adjustment  
Application Request for Variance**Nature of Request: Encroach into the 7 foot side yard

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

to protect investments (vehicles) Set backProperty Description: Lot River Rock  
1 Block \_\_\_\_\_ Subdivision \_\_\_\_\_Property Address: 2804 River Rock DrivePresent Property Zoning: NC 7.1Person requesting Variance: David J. Nava Email: dnava4266@gmail.comMailing Address: 2804 River Rock Drive Edinburg TX 78539  
Street Address City/State Zip CodePhone No. (Home): \_\_\_\_\_ (Work): 956-789-5910 (Cell): 956-534-1861Owner's Name: Maria & David J. Nava Email: maria.nava1121@yahoo.comOwner's Address: 2804 River Rock Drive Edinburg, TX 78539  
Street Address City/State Zip CodeAs owners or agents for the above described property, I (we) hereby request a hearing before the  
City of Edinburg Zoning Board of Adjustment.Signature: David J. Nava Date: July 1, 2022Owner/Agent's Name (Please Print): David or Maria G. Nava\$450 Application Fee: 201754630 Application Received by: J. Ayala  
Receipt No.

## OFFICE USE ONLY

Application deadline: June 27<sup>th</sup> ZBA Hearing date: July 27<sup>th</sup>

- \$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



N.W. COR.  
LOT 14

CREST VIEW ST.

CANTON RD.

MO-LO LTD  
DEED PG. 842055  
H.C.O.R.

GEORGE SNODGRASS  
VOL. 3364, PG. 327  
H.C.D.R.

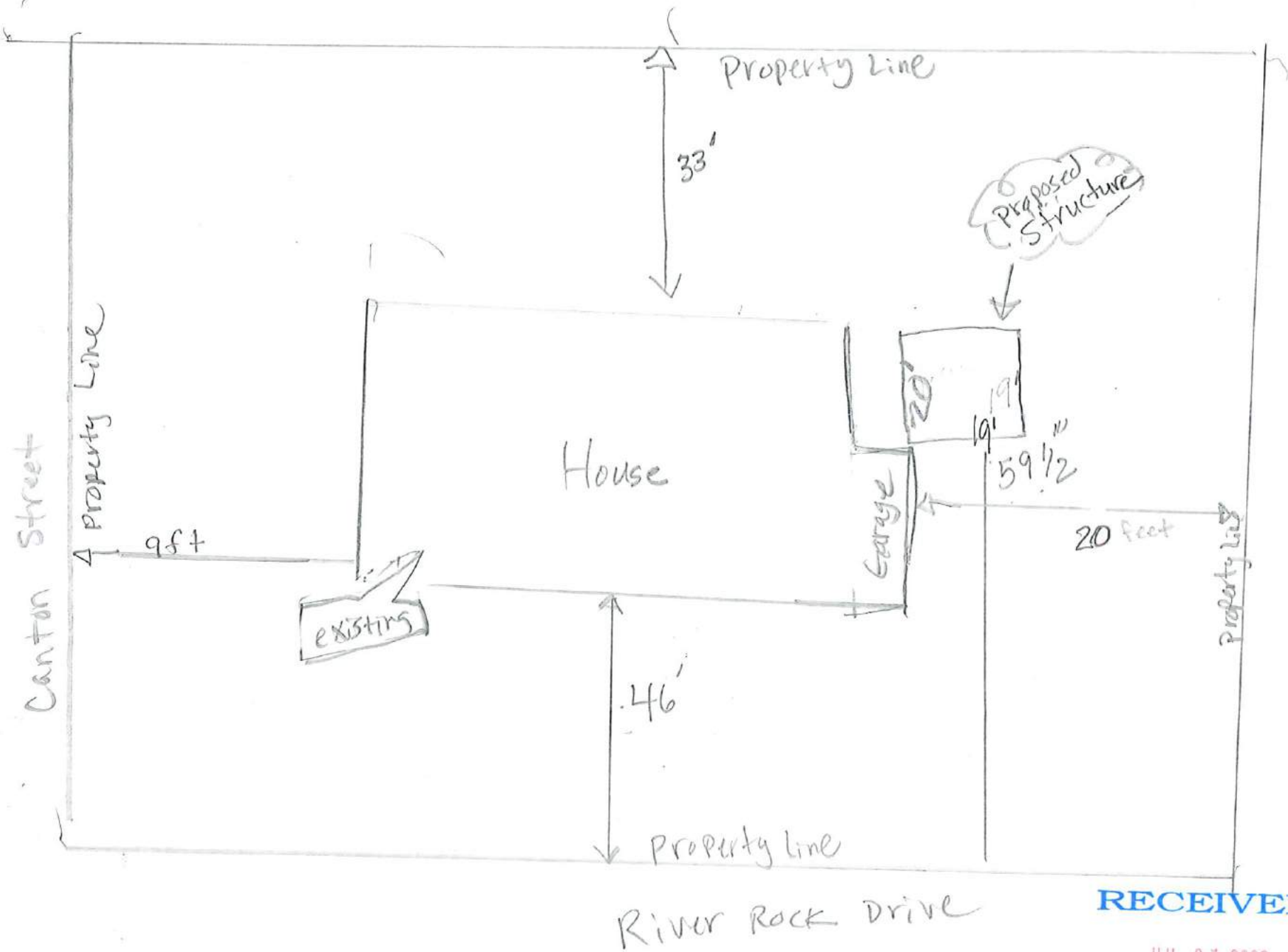
DONALD P. GAYDEN  
H.C.O.R.

HIDALGO COUNTY  
H.C.O.R.

STAG SALES CO.  
VOL. 2976, PG. 227,  
H.C.D.R.

FILED FOR  
HIDALGO  
BY J.D. SA  
COUNTY  
ON 1-30  
AS A REC  
BY, B

RIVER ROCK SUBDIVISION

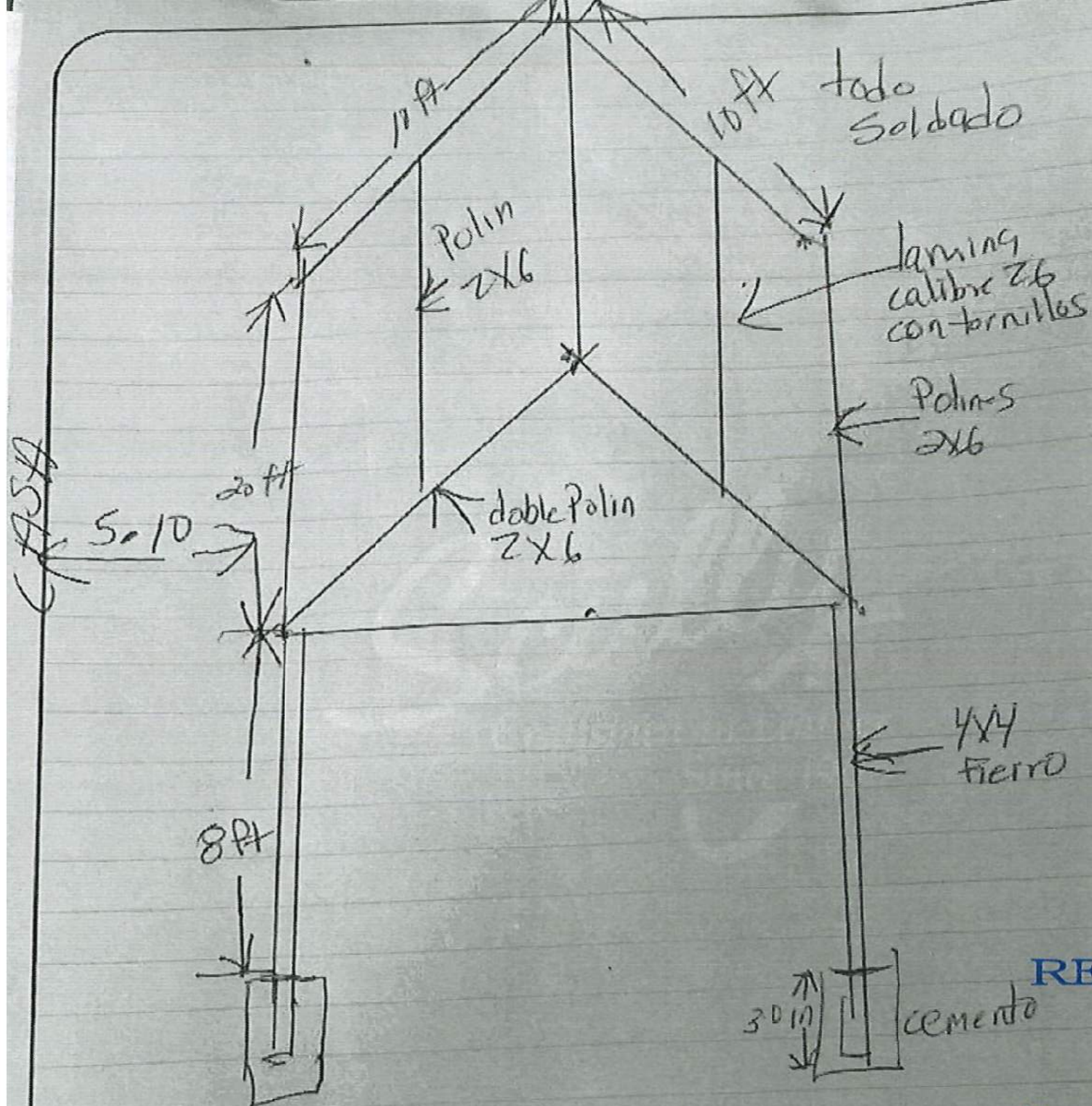


RECEIVED

JUL 01 2022

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





RECEIVED

JUL 01 20

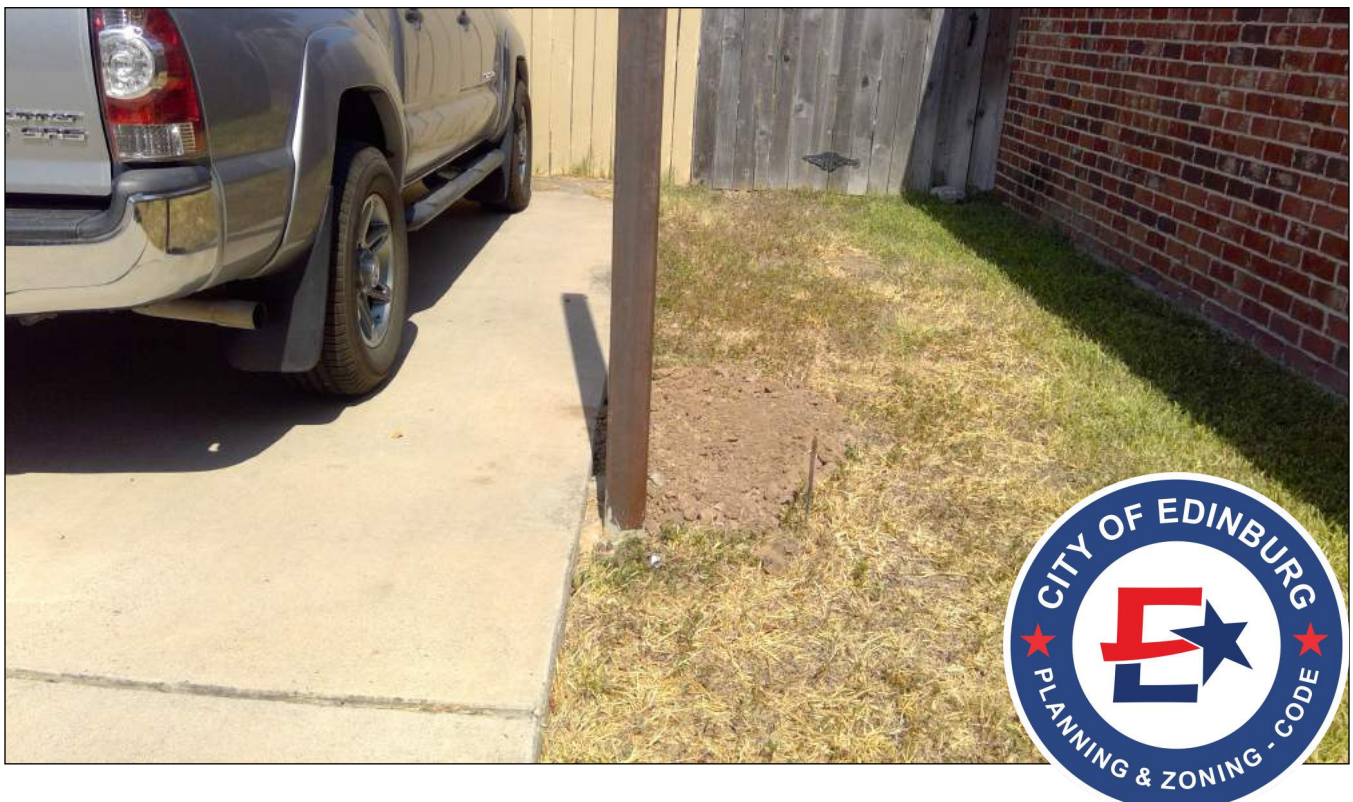
Name:



# Zoning Board of Adjustment

Site Photos for meeting of July 27, 2022

DAVID NAVA - 2804 RIVER ROCK DRIVE



## Planning & Zoning Staff Report

Prepared on: July 20, 2022

### ZONING BOARD OF ADJUSTMENT

Regular Meeting: July 27, 2022

#### Agenda Item

Consider Variance to the City's Unified Development Code Article 3, Section 3.301, Single Family Residential Bulk Standards, Setbacks, being Lot 11, Block 2, Gernetz Subdivision, located at 121 San Jose Street, as requested by Jose Pena.

#### Request

The applicant is requesting a variance to the City's Unified Development Code, Section 3.301 as it applies to single family residential setbacks. The applicant is proposing to expand the living space of his home with an attached non-enclosed porch. The proposal would reduce the front yard setback from 25 feet to 19 feet.

#### Property Location and Vicinity

The property is located on the west side of San Jose Street, approximately 60 ft. south of E. Camo Street and is zoned Neighborhood Conservation 5 (NC) District. Adjacent zoning is Neighborhood Conservation 5 (NC) District in all directions. The surrounding area consists of single family, uses.

#### Background and History

This property is part of Gernetz Subdivision, which was recorded on April 10, 1951 and is a single family residential development. A request for Variance Application, sample site plan, and related documents were submitted to the City on July 1, 2022. The sample site plan shows the proposed addition with a front yard setback of 19 feet instead of the 25 feet required.

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

#### Analysis

The applicant is proposing to expand the living space of his home for his growing family. Also, the applicant is proposing to add a five foot front porch to the home, this would be line with the character of the neighborhood as the majority of the homes on the same block maintain the front porch concept. The Unified Development Code allows non-enclosed porches to project four feet into the required front yard.

#### Recommendation

Staff recommends approval of this request in that the character of the neighborhood would be maintained with the front porch concept (as long as porch is not enclosed).

# Planning & Zoning Staff Report

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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:

**Jamie Acevedo**

Director of Planning & Zoning



# Planning & Zoning Staff Report

## ARTICLE 3 DISTRICT AND BULK STANDARDS

### DIVISION 3.300 BULK REGULATIONS - STANDARD DEVELOPMENT

#### Sec. 3.301 Single-Family Detached

- A. **General.** This housing type consists of a single-family detached residence located on a privately-owned lot with private yards on each side of the unit, as shown in Figure 3.301, *Single-Family Detached or Single-Family Cluster Units*. Table 3.301, *Single-Family Lot and Building Standards*, sets out the dimensional standards for single-family detached units.
- B. **Neighborhood Conservation sub-districts.**
1. The Neighborhood Conservation (NC) district is intended to preserve the character of existing, built neighborhoods. To that end, there are three (3) Neighborhood Conservation sub-districts:
    - a. NC7.1 is intended to be applied to areas with an existing minimum lot size of 7,100 sf.
    - b. NC5 is intended to be applied to areas with an existing minimum lot size of 5,000 sf.
    - c. NC-MH is intended to be applied to areas developed with manufactured homes with a minimum lot size of 3,500 sf.
  2. Lawfully created lots within the NC district are considered conforming, even if they have areas that are smaller than those specified in Subsection B.1.

Table 3.301 Single-Family Lot and Building Standards						
Zoning District	Minimum					Maximum
	Minimum Lot Area	Lot Width (feet)	Street Yard <sup>1</sup> (feet)	Side Yard single / total (feet) <sup>2</sup>	Rear Yard (feet)	
Agriculture (AG)	10 ac.	330	60	30 / 60	40	35 / 60 <sup>3</sup>
Suburban Residential (S)	15,000 sf.	90	30	15 / 30	30	35
Auto-Urban Residential (AR)	5,000 sf.	50	20	6 / 12	20	35
Urban Residential (UR)	4,000 sf.	40	10	5 / 12	15	35
Neighborhood Conservation (NC7.1)	7,100 sf.	60	25	7 / 14	25	35
Neighborhood Conservation (NC5)	5,000 sf.	50	25	6 / 12	20	35
NC Manufactured Home (NC-MH)	3,500 sf. <sup>4</sup>	20	20	10 / 20	10	35
<sup>1</sup> Street yard refers to front yard of lot. The minimum street yard setback shall be 15 feet for cul-de-sac and irregular lots. <sup>2</sup> The first number is the minimum side yard. The second number is the sum of the two side yards. The side yard may be reduced subject to structures meeting approved building and fire codes. <sup>3</sup> The second height refers to agricultural structures. <sup>4</sup> Minimum lot area also applies to the area of rented lots in a manufactured home park. <sup>5</sup> Rear setback may be reduced as noted on a recorded subdivision plat for Neighborhood Conservation Districts. * Lot depth is determined by dividing lot area by lot width.						



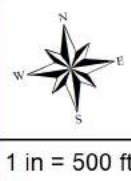
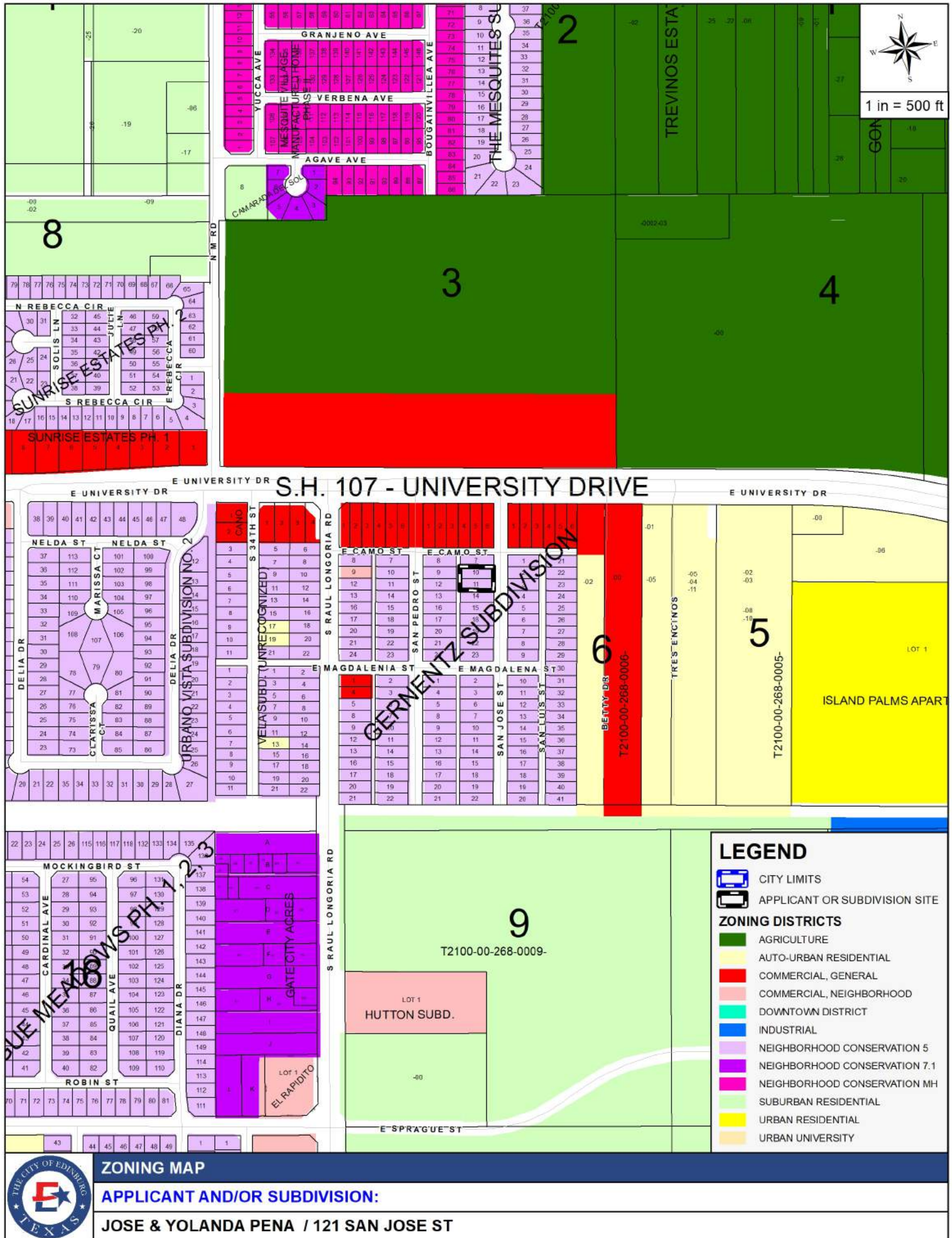


**AERIAL MAP**

**APPLICANT AND/OR SUBDIVISION:**

**JOSE & YOLANDA PENA / 121 SAN JOSE ST**





**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

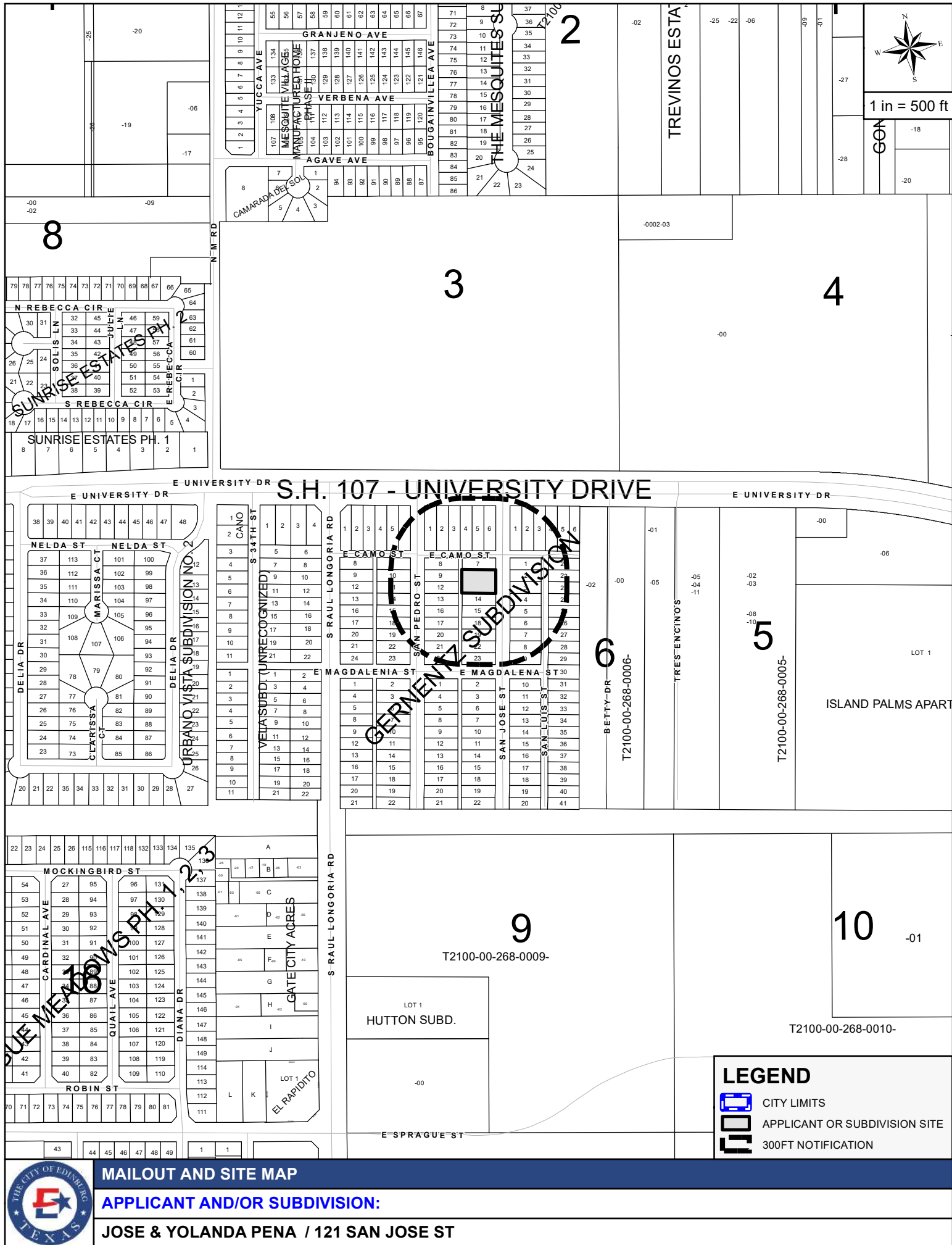
**ZONING MAP**

**APPLICANT AND/OR SUBDIVISION:**

**JOSE & YOLANDA PENA / 121 SAN JOSE ST**







**MAILOUT AND SITE MAP**

**APPLICANT AND/OR SUBDIVISION:**

**JOSE & YOLANDA PENA / 121 SAN JOSE ST**



Case # **VAR-2022-0116**

**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: 19 Foot setback instead of 25' required to expand living and add porch. To have space for the family.  
Reason for Hardship (attach additional pages if necessary)

Asking for permission to built on bft of restricted front yard area to extend living area and front porche.

Property Description: Lot 11 Block 2 Subdivision Gernentz

Property Address: 121 San Jose St. Edinburg, Tx. 78542

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

Person requesting Variance: Jose Peña

Mailing Address: 121 San Jose St. Edinburg, Tx. 78542  
Street Address City/State Zip Code

Phone No. (Home): \_\_\_\_\_ (Work): \_\_\_\_\_ (Cell): (956) 624-8375

Owner's Name: Yolanda Peña

Mailing Address: 305 San Jose St. Edinburg, Tx. 78542  
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: Yolanda Peña / X Yolanda Peña Date: July 01, 2022

Owner/Agent's Name (Please Print): Yolanda Peña

\$450 Application Fee: 201755014 Application Received by: T. Farley  
Receipt No.

### OFFICE USE ONLY

Application deadline: June 27th ZBA Hearing date: July 27th

- \$40 ZBA Order Form- Make Check Payable to: Hidalgo County Clerk
- Submit survey, if applicable • Letter of Authorization
- Reduced copy of site plan & 1 blue print, if applicable
- Application • Project plans • Survey • Warranty Deed

BEING THE WEST 33½ ACRES OF  
LOT 6 SECTION 268 TEX-MEX. RAILWAY SURVEY  
HIDALGO COUNTY, TEXAS.



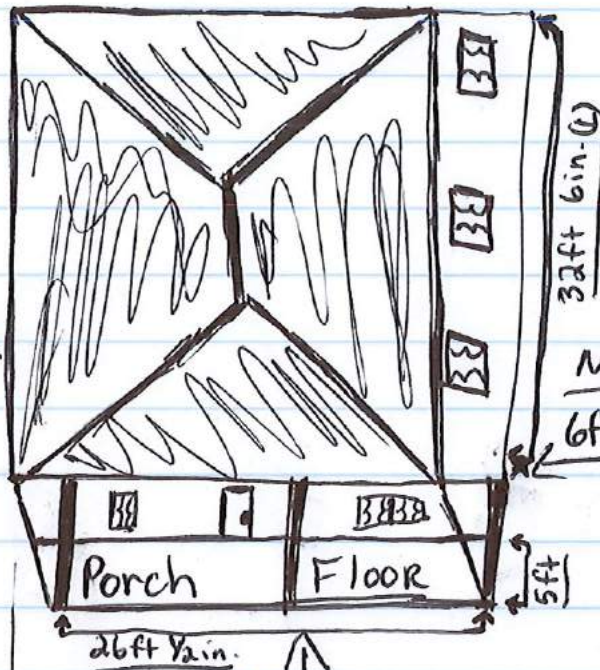
# Before

Property Line

## Back Yard

Property Line

South Side  
17ft. 6in.



North Side  
6ft. 5in.

32ft 6in (L)

5ft

26ft 1/2 in.

25ft.

Driveway

property line

## Front yard

RECEIVED

JUL 01 2022

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

House measures - 32ft 6in. (L) x 26ft 1/2 in. (W)

Porche measures - 5ft (L) x 26ft 1/2 in. (W)

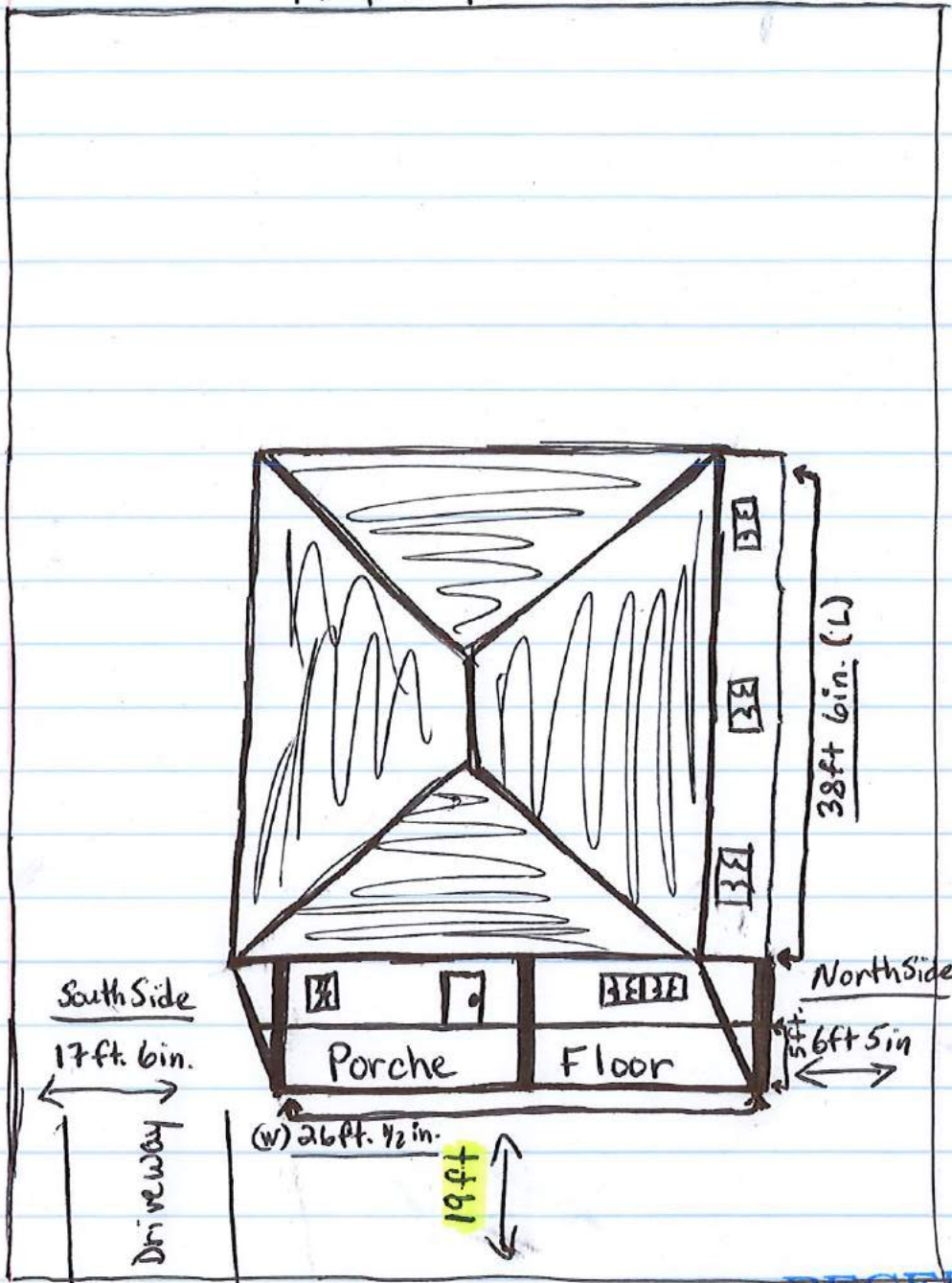
Overall measurement = 37ft 6in (L) x 26ft 1/2 in (W)

After

Property Line

Property Line

Property Line



Front Yard

↑  
Property Line

RECEIVED

JUL 01 2022

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

House measures - 38 ft 6 in. (L) x 26 ft 1/2 in. (W)

Porch measures - 5 ft (L) x 26 ft 1/2 in. (W)

Overall measurement = 43 ft 6 in. (L) x 26 ft 1/2 in. (W)



# Zoning Board of Adjustment

Site Photos for meeting of July 27, 2022

JOSE PENA - 121 SAN JOSE STREET





## Planning & Zoning Staff Report

Prepared on: July 20, 2022

### ZONING BOARD OF ADJUSTMENT

Regular Meeting: July 27, 2022

Consider Variances to the City's Unified Development Code: 1) Section 3.303, Multi-Family Residential Bulk Standards, Setbacks, Lot 10, McColl Estates Subdivision located at 1316 North McColl Road as requested by Cesar Cardenas.

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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 desiring to construct carports for newly constructed apartments. These carports extend about 10 feet into a 20 foot front yard setback. From the Site Plan provided, the aforementioned can be determined.

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

The property is located on the southeast corner of North McColl Road and West Chapin Road, and is zoned Auto Urban Residential (AU). Neighboring properties are zoned Urban Residential (UR) District to the North, Suburban Residential(S) District to the West, Commercial General (CG) District to the South and Neighborhood Conservation 7.1 (NC7.1) District to the east.

#### **Background and History**

The property is part of the McColl Estates Subdivision Section 2, which was recorded on April 9, 1973. The applicant did apply for a building permit to build 2 duplexes at this location and they are currently under construction. The proposed carports require a separate permit.

Staff mailed notice of this variance request to 34 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 80 ft. of width along North McColl Road and 140 ft. of depth for a total lot area of 11,250 sq. ft. UDC Section 3.303 requires a minimum front yard setback of 20 ft. for multi-family lots in the Auto Urban (AU) District. The subdivision plat for the McColl Estates Subdivision Section 2 shows no recorded easements.

#### **Recommendation**

Staff recommends approval of the variances requested with the condition that the structure remains as an open structure. However, also no hardship or extraordinary conditions exist to justify approval of this variance as is required by UDC Section 14.404(D).

If approved, the applicant will need to comply with all other requirements during the permitting process. If approved, \$40 fee, payable to the County of Hidalgo, County Clerk's Office, for the

# Planning & Zoning Staff Report

---

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:

**Jaime Acevedo**

Director of Planning & Zoning

# Planning & Zoning Staff Report

## ARTICLE 3 DISTRICT AND BULK STANDARDS

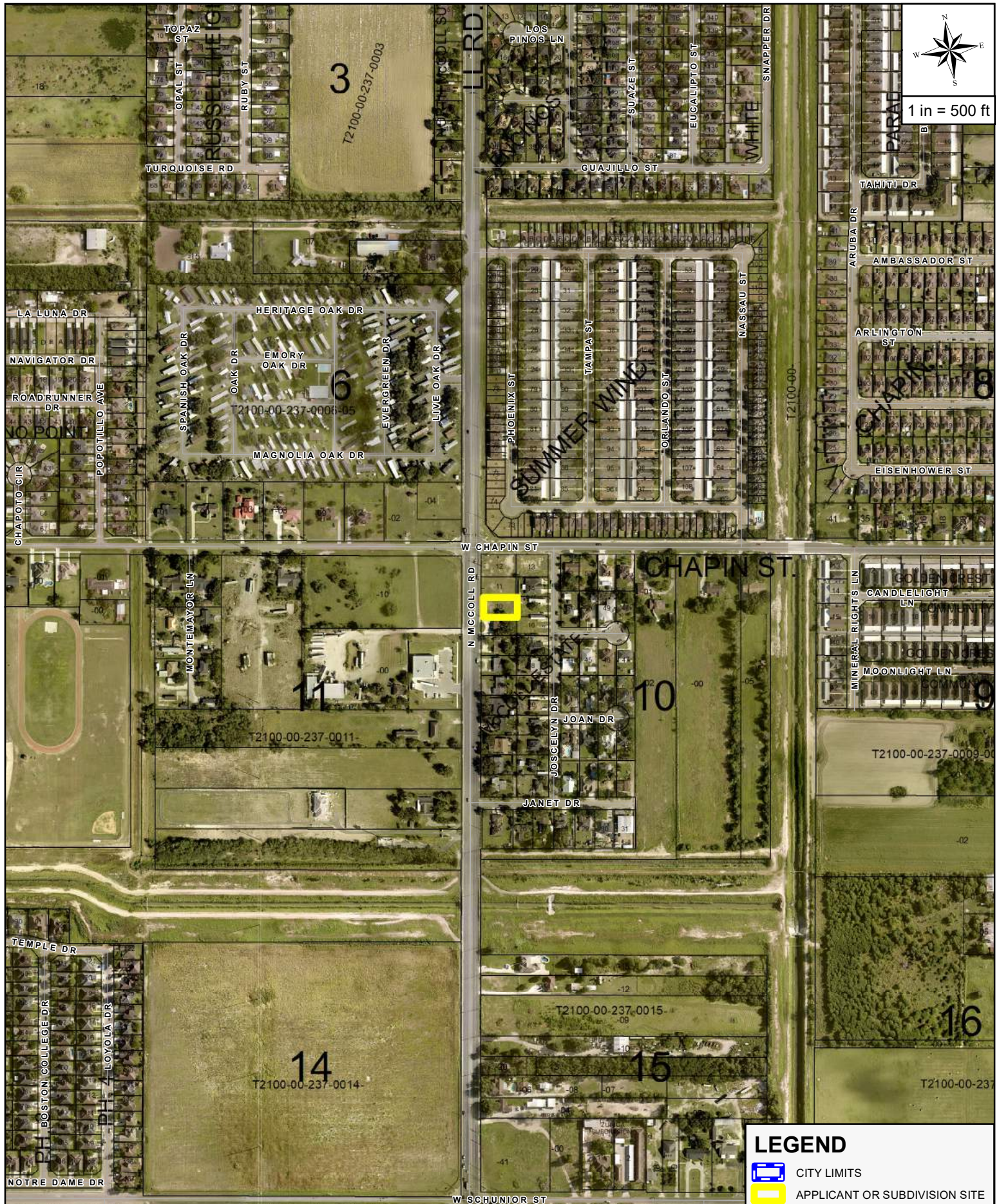
### DIVISION 3.300 BULK REGULATIONS - STANDARD DEVELOPMENT

#### Sec. 3.303 Multi-Family

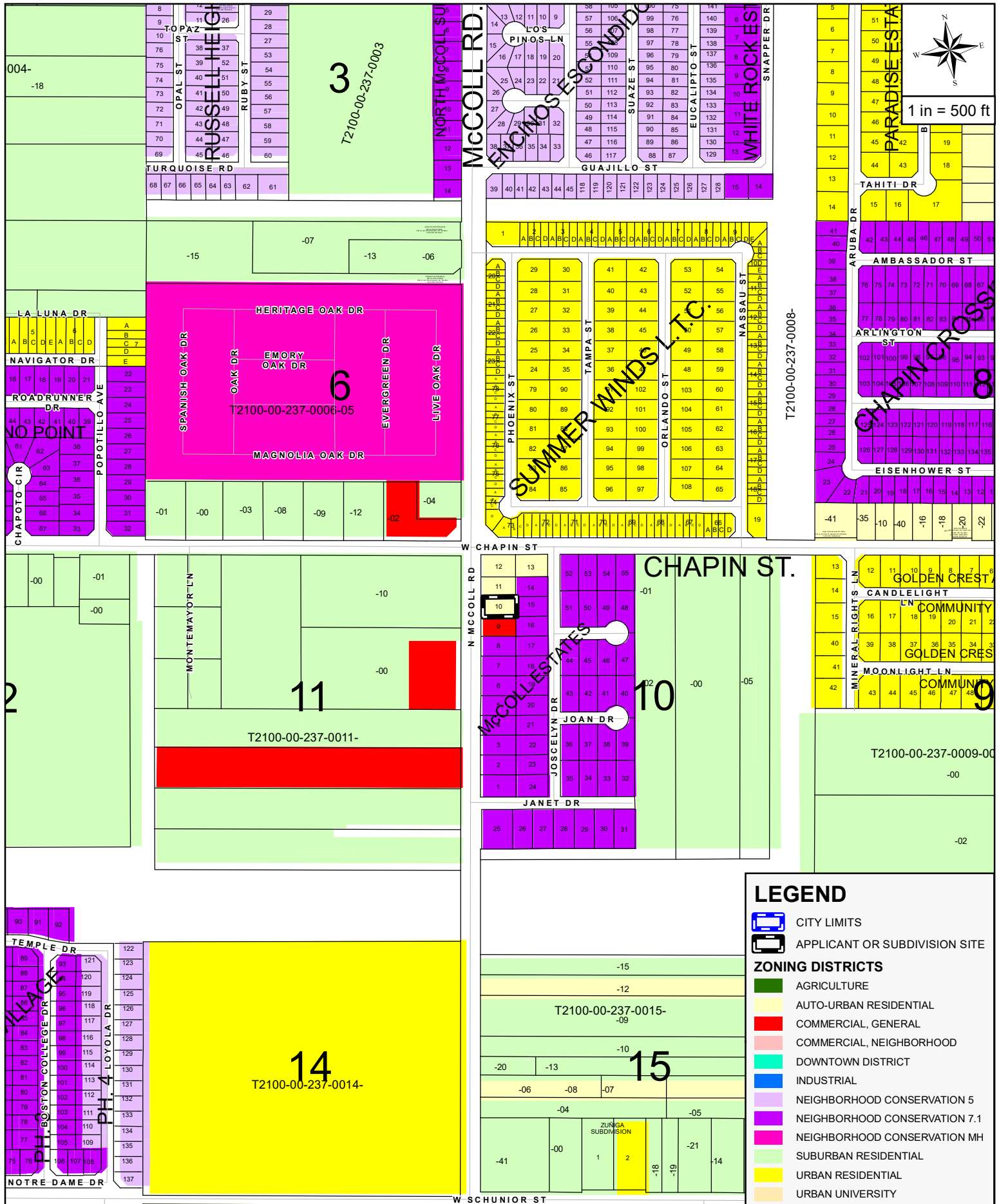
The following bulk standards apply to multi-family buildings that are not part of a planned development:

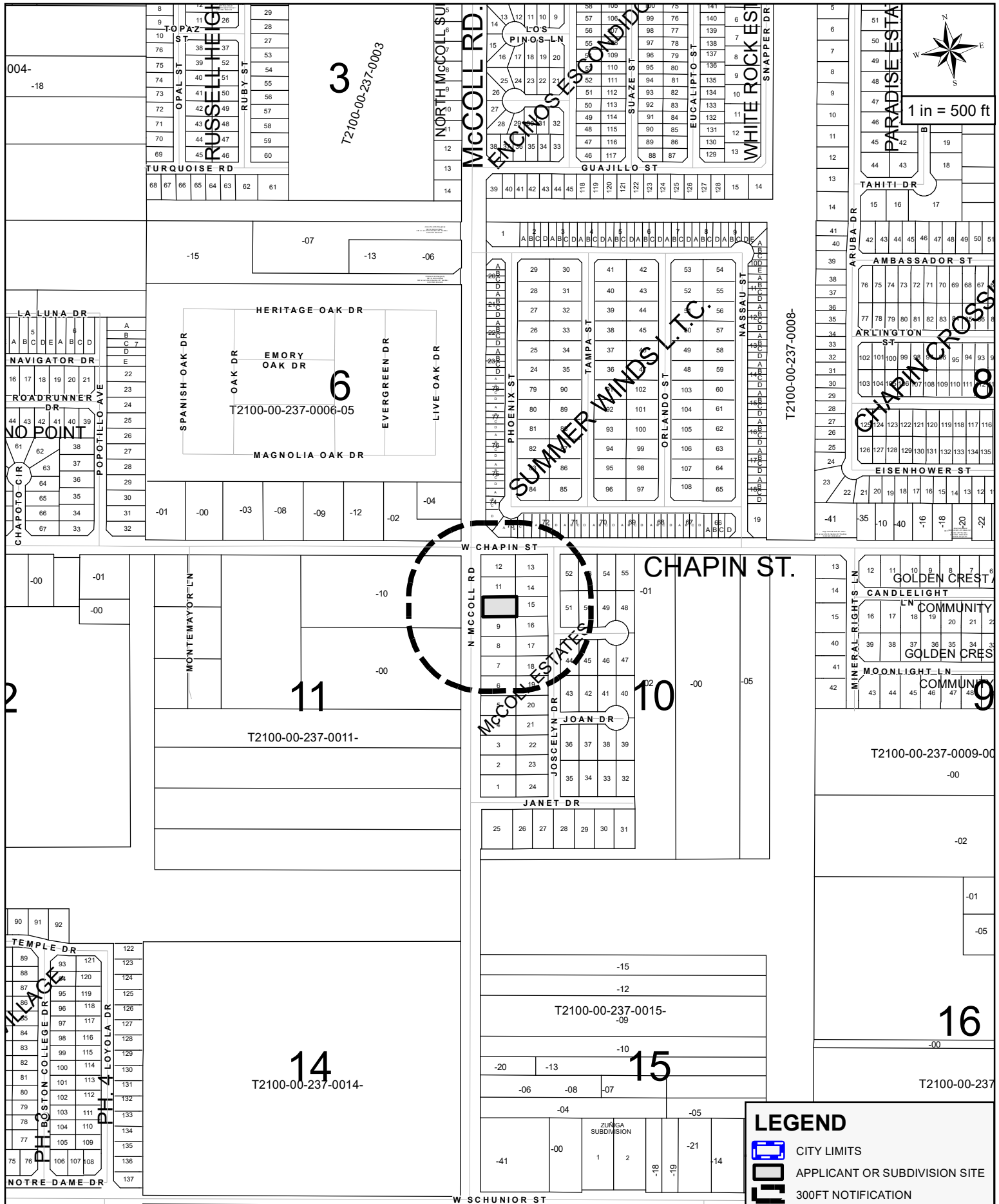
Table 3.303 Multi-Family Lot and Building Standards						
Zoning District	Minimum					Maximum
	Lot Area per Building (sf.)	Lot Width (ft.) <sup>1</sup>	Street Yard (ft.) <sup>2</sup>	Side Yard total (ft.) <sup>2</sup>	Rear Yard (ft.) <sup>2</sup>	Height (ft.)
Auto-Urban Residential (AU)	10,000	100	20	12	20	40
Urban Residential (UR)	10,000	100	20	12	20	48
Urban University (UU)	15,000	100	20	12	20	60
Downtown (D)	10,000	100	20	12	20	72
<sup>1</sup> Along arterials, frontages in excess of the minimum lot width may be required. See <a href="#">Division 9.400, Access Management and Circulation</a> .						
<sup>2</sup> If a larger bufferyard is required, the setback shall be the width of the bufferyard.						













Case # **VAR-2022-0105****Edinburg** THE CITY OFPlanning & Zoning Department  
415 W. University Drive  
Edinburg, Texas 78539  
(956) 388-8202

## Zoning Board of Adjustment Application Request for Variance

Nature of Request: Front Setback Variance for Construction of Carport StructureReason for Hardship (*required; attach additional pages if necessary*)To provide a desirable and weather shield amenity for the tenants of the future apartments.  
These carports will provide protection to the tenants vehicles.Property Description: Lot 10 Block \_\_\_\_\_ Subdivision McColl Estates SubdivisionProperty Address: 1316 North McColl Edinburg, Texas 78541Present Property Zoning: AU - Auto-Urban ResidentialPerson requesting Variance: Cesar Cardenas Email: cesar-arqcarpa@hotmail.comMailing Address: 214 N. 16th St. SUITE 101 McAllen, TX 78501  
Street Address City/State Zip CodePhone No. (Home): 956-358-3643 (Work): 956-994-1133 (Cell): 956-358-3643Owner's Name: Cesar Cardenas Email: cesar-arqcarpa@hotmail.comOwner's Address: 3114 Garden View Mission, TX 78574  
Street Address City/State Zip CodeAs owners or agents for the above described property, I (we) hereby request a hearing before the  
City of Edinburg Zoning Board of Adjustment.Signature: \_\_\_\_\_ Date: 6/14/2022

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

**RECEIVED**\$450 Application Fee: RD1738846. Application Received by: \_\_\_\_\_  
Receipt No. JUN 14 2022

OFFICE USE ONLY

Application deadline: June 27<sup>th</sup> ZBA Hearing date: July 27<sup>th</sup>Name: Adrian E. Lopez

- **\$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**

N.W. COR.  
LOT 10  
SEC. 237

CHAPIN ST.

# McCOLL ESTATES

EDINBURG, TEXAS

A RESUBDIVISION OF 4.17 ACRES OUT OF THE WEST 20  
ACRES OF LOT 10, SECTION 237, TEXAS Mexican RAILWAY  
COMPANY SURVEY, HIDALGO COUNTY, TEXAS

I, CHARLES L. MELDEN, A REGISTERED PUBLIC SURVEYOR, DO HEREBY CERTIFY THE  
ACCOMPANYING MAP TO BE A TRUE AND CORRECT REPRESENTATION OF THE LANDS  
HEREON DESCRIBED AS SURVEYED AND SUBDIVIDED UNDER MY DIRECTION.



*Charles L. Melden*  
CHARLES L. MELDEN  
REGISTERED PUBLIC SURVEYOR  
EDINBURG, TEXAS  
MARCH 13, 1972

STATE OF TEXAS:  
COUNTY OF HIDALGO:

KNOW ALL MEN BY THESE PRESENTS:

THAT I, ARTHUR WILSHER, OWNER OF THE PROPERTY HEREON DESCRIBED, DO HEREBY  
ADOPT, DEDICATE, AND CONFIRM THE FOREGOING PLAT OR MAP AND DO HEREBY  
DEDICATE TO THE PUBLIC THE STREETS AND EASEMENTS, DESIGNATED THEREON.

*Arthur Wilshe*  
ARTHUR WILSHER, OWNER

STATE OF TEXAS  
COUNTY OF HIDALGO:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED  
ARTHUR WILSHER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO  
THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE  
SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.  
GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 18<sup>th</sup> DAY OF July,  
A. D., 1972.

*Roberta N. Terry*  
*Roberta N. Terry*  
NOTARY PUBLIC IN AND FOR  
HIDALGO COUNTY, TEXAS



THIS PLAT APPROVED BY THE CITY OF EDINBURG PLANNING AND ZONING BOARD ON  
THIS THE 18<sup>th</sup> DAY OF April, A. D., 1972.

*Lloyd G. Wood*  
LLOYD G. WOOD, CHAIRMAN

THIS PLAT APPROVED BY THE CITY COMMISSION OF THE CITY OF EDINBURG, TEXAS,  
ON THIS THE 16<sup>th</sup> DAY OF May, A. D., 1972.

*Lloyd D. Hawkins*  
LLOYD D. HAWKINS, MAYOR



ATTEST:

*[Signature]*  
CITY SECRETARY

THIS PLAT APPROVED BY HIDALGO COUNTY WATER CONTROL AND IMPROVEMENT  
DISTRICT NO. 1, ON THIS THE 15<sup>th</sup> DAY OF April, A. D., 1972.

*Richard Wiseman*  
PRESIDENT

ATTEST:

*[Signature]*  
SECRETARY



APPROVED FOR RECORDING  
BY  
COMMISSIONERS' COURT  
This was the 20<sup>th</sup> day of May, 1972  
SANTOS SARRANA, County Clerk  
Hidalgo County, Texas  
*[Signature]*



1" = 100'

McCOLL RD.

F.M. 2061

N 9°-05' E 1010.0'

S 9°-05' W 1010.0'

N 80°-55' W 1800.0'

At 3:32 o'clock P.M.

MAY 2 1972

*[Signature]*







# Zoning Board of Adjustment

Site Photos for meeting of July 29, 2022

CESAR CARDENAS - 1316 NORTH MCCOLL ROAD



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

	01/20/22	02/23/22	SPECIAL 03/09/22	03/30/22	04/27/22	05/25/22	06/29/22					
Alex Rios - Chairperson	A	P	P	P	P	A	A					
Eddie Garza - Vice Chairperson	P	P	P	P	P	P	P					
Andre Maldonado - Regular	P	P	P	P	P	A	P					
George Cardenas - Regular	A	P	P	P	P	A	P					
Ponciano Longoria - Regular	P	P	P	A	P	P	P					
Marc Moran - Alternate	P	P	P	A	P	P	P					
Michael Cantu - Alternate	P	P	A	P	P	P	P					
Diane Teter - Alternate	P	P	P	P	P	P	P					
Abraham Garcia - Alternate					P	A	A					