



**NOTICE AND AGENDA  
ZONING BOARD OF ADJUSTMENT  
OCTOBER 05, 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 August 31, 2022 Regular Meeting

**7. PUBLIC HEARINGS**

- A.** Consider Variances to the City's Unified Development Code: 1) Section 5.207(F), Easements, Encroachments and Removal of Encroachments and 2) Section 3.102-1, Single-Family Detached Lot And Building Standards, Rear Yard, being the East 1/2 of Lot 38 and all of Lot 39, Hill Country Villas, Phase II Subdivision, located at 938 Hill Country Drive, as requested by Luis Waldo
- B.** Consider Variances to the City's Unified Development Code: 1) Section 3.202-1, Non Residential and Mixed-Use Lot Standards, Lot Area and 2) Section 3.202-2, Nonresidential and Mixed-Use Building Placement Standards, Side Yard, being Lots 12 and 13, Block 2, Victory Subdivision, located at 1724 East University Drive, as requested by Rene Sepulveda on behalf of Roberto Gomez, Jr.
- C.** Consider Variance to the City's Unified Development Code, Section 3.102-1, Single-Family Detached Lot And Building Standards, Rear Yard, Being Lots 22-24, 27, 29, and 30, Pearl Estates Subdivision, located at 1309, 1305, 1301, 1201 Oscar Street, and 3104 & 3100 North Alynna Avenue, as requested by Hugo Leal

**8. OTHER BUSINESS**

I hereby certify that this notice of meeting was posted in accordance with the Open Meetings Act, V.T.C.A., Government Code, Section 551.041, at the bulletin board located at the main entrance to the City offices of the City of Edinburg, (415 West University Drive), visible and accessible to the general public after regular working hours, at 4:00 P.M. on Friday September 30, 2022.



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Claudia Mariscal, Administrative Assistant

**9. INFORMATION ONLY**

- A.** Attendance Roster

**10. ADJOURNMENT**

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

**NOTICE**

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



**NOTICE AND AGENDA  
ZONING BOARD OF ADJUSTMENT  
AUGUST 31, 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  
Michael Cantu  
Marc Moran  
Diane Teter  
Andre Maldonado

**Absent:**

Alex Rios  
Abraham Garcia

**Staff:**

Jaime Acevedo , Director of Planning & Zoning  
Jaime Ayala, Planner II  
Nikki Cavazos, Planner I  
Patrizia Longoria Engineer III  
Peter Hermida, Engineering Department  
Omar Ochoa, City Attorney  
Natalia Velasquez, Building Official  
Omar Garza, - Fire Marshal

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

Vice Chairperson Eddie Garza called the meeting to order at 5:35 P.M.

**A.** Prayer – Prayer was announced.

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

**2. CERTIFICATION OF PUBLIC NOTICE**

Jaime Ayala certified the agenda had been posted on August 26, 2022 at 3:30 P.M.

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

### **4. PUBLIC COMMENTS**

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

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

- A.** All items are generally considered as they appear on the agenda, as each item is introduced.
- B.** Staff will present its findings and recommendation on the item being considered.
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- 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 July 27, 2022 Regular Meeting

Board Member, George Cardenas moved to consider approval of the Minutes for the June 29, 2022 Regular Meeting. Seconded by Board Member, Andre Maldonado the motion. The motion to approve carried unanimously with a vote of 6-0

### **7. PUBLIC HEARINGS**

- A.** Consider Variance to the City's Unified Development Code as follows: 1) Section 3.202-1, Non Residential and Mixed-Use Lot Standards, Commercial, General, Offices and lodging, Floor Area Ratio, 2) Section 3.302-2, Non Residential and Mixed-Use Building Placement



Standards, Commercial, General, Office and lodging, Side Yard, 3) Section 4.103-1, Minimum Parking and Loading Requirements, Non Residential Uses, Commercial, Office, being Lot 5, Villa Del Mundo Subdivision, located at 5121 South Veterans Boulevard, as requested by Jonathan Valencia on behalf of Jose Pardo

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

Applicant was present and explained his reasons for applying for variances. The Board members inquired about the parking spaces, where the customer is was storing his equipment at the moment, and the type of material used to build the structure. During the discussion Board member Ponicano Longoria joined the meeting.

**AFTER THE DISCUSSION, MOTION WAS MADE BY BOARD MEMBER, GEORGE CARDENAS TO APPROVE THE 7FT SETBACKS AND TO EITHER REMOVE THE CARPORT OR MOVE THE BUILDING BACK TO HAVE THE PARKING SPACES REQUIRED AND WAS SECONDED BY BOARD MEMBER, ANDRE MALDONADO TO APPROVE THE VARIANCE REQUEST. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 7-0.**

**B.** Consider Variance to the City's Unified Development Code, Section 3.102-4, Multiplex and Apartment and Building Standards, Multiplex, Rear Yard, being Lot 1, Martinez 12 Subdivision, located at 1514 West Carmen Avenue, as requested by Jorge Herrera

Director of Planning and Zoning, Jaime Acevedo addressed the board and stated that staff was working with the applicant to accommodate the site plan.

There was no one present in opposition or in favor present and the applicant was not present.

**AFTER THE BRIEF DISCUSSION A MOTION WAS MADE BY BOARD MEMBER, MARC MORAN WITH AN 8-FOOT REAR SETBACK AND SECONDED BY BOARD MEMBER, MICHAEL CANTU TO APPROVE THE VARIANCE REQUEST. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 7-0.**

## **8. OTHER BUSINESS**

## **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**

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There being no further discussion, meeting was adjourned.

## Planning & Zoning Staff Report

Prepared on: September 26, 2022

### ZONING BOARD OF ADJUSTMENT

Regular Meeting: October 5, 2022

#### Agenda Item

Consider Variances to the City's Unified Development Code: 1) Section 5.207(F), Easements, Encroachments and Removal of Encroachments and 2) Section 3.102-1, Single-Family Detached Lot And Building Standards, Rear Yard, being the East 1/2 of Lot 38 and all of Lot 39, Hill Country Villas, Phase II Subdivision, located at 938 Hill Country Drive, as requested by Luis Waldo

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#### Request

The applicant is requesting 2 variances to Unified Development Code (UDC): 1) Section 5.207(F) as it applies to utility easements and 2) Section 3.102-1 as it applies to setbacks for single-family detached residential structures. The first variance requested would allow the encroachment of an existing residential home 2 ft. into a twelve-foot utility easement. The second variance requested would allow an existing permanent structure constructed to the rear property line.

#### Property Location and Vicinity

The subject property is located at the south side of a private drive that extends west from Hill Country Drive Road and is approximately 580 ft. south of West Sprague Street. The property is zoned Residential, Multifamily and Urban (RM) District. Adjacent zoning is Residential, Multifamily and Urban (RM) District in all directions. The surrounding land uses are single- and multifamily residential. Bicentennial Park is approximately 400 ft. to the northeast of the property.

#### Background and History

The property is part of the Hill Country Villas, Phase II Subdivision, which was recorded on August 9, 2001. An Application Request for Variance was received on September 9, 2022, for the subject property. Materials submitted with the application show the existing residential structure 2 ft. into a required twelve-foot utility easement on the east side. On the south side of the property, a portion of the structure extends to the property line. Both Variances are needed to allow existing structures as completed.

Staff mailed a notice of the variance request to 51 neighboring property owners and received 2 comments in favor and 1 against this request at the time that this report was prepared.

#### Analysis

The subdivision plat states the following that apply to Lots 38 and 39: 12-ft. front setback, 18-ft. garage front, 12-ft. east side, and 1-ft. west side. The plat also shows utility easements for these lots as follows: 14-ft. north side, 7.5 ft. south side, and 12 ft. on the east side of Lot 39.

# Planning & Zoning Staff Report

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A survey of the property shows a 7,974 sq. ft. residence that was constructed approximately 2 ft. into the required 12-ft. utility easement to the east. The structure also appears to have air conditioning units on concrete slabs that extend approximately 3 ft. further into this utility easement. The survey also shows a concrete patio with pergola that appears to be part of the primary structure. The pergola was constructed to the rear property line, a 7.5-ft. encroachment into the 7.5-ft. utility easement. Any permanent encroachments or structures in any easement is prohibited by UDC Section 5.207(F). The Subdivision Plat Note #5 also states: "No buildings permitted over any easements."

The plat does not establish rear setbacks for Lots 38 and 39 in this subdivision. Zoning in the Residential, Multifamily and Urban (RM) district requires a 15-ft. rear yard setback. The survey shows the primary structure approximately 10 ft. from the rear property line, an encroachment of approximately 5 ft. into the required rear setback. The survey also shows an air conditioning unit on a concrete slab on the west side that extends approximately 1 ft. into the required 1-ft. setback.

The applicant received a residential building permit for the structure in 2016. An email forwarded to the City by the applicant stated: "...durante la construccion se agrego una recamara mas..." (*translation: "...during construction, one more bedroom was added..."*) No updated or additional building permit was requested or issued to accommodate this change. The applicant cited, "to approve discrepancy in permit approval," as reason for hardship; however, evidence indicates that there was no discrepancy, and the applicant changed the proposed structure after the building permit was issued, causing the resulting violations.

UDC Section 9.501(B) states that the Board "should not grant a variance unless... the extraordinary and exceptional conditions do not result from the actions of the applicant." It is clear in this case that these conditions are a direct result of the actions of the applicant. Furthermore, the applicant does not meet any of the other Specific Review Criteria established by this section of the UDC.

## **Recommendation**

Staff recommends disapproval of both variances and that the applicant comply with the City's UDC requirements. Specific Review Criteria, as required by UDC Section 9.501, have not been met for this Variance.

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



## UNIFIED DEVELOPMENT CODE

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

### ARTICLE 5 – SUBDIVISION STANDARDS

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#### Division 5.200, Subdivision Design Standards

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##### Sec. 5.207, Easements

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During development approval, the City may require the granting of a variety of easements on private property or lots. These easements may be for any of the following purposes: drainage, utilities, access to public utilities or drainage areas, fire protection, pedestrian access, and conservation. The following standards shall apply to easements:

...

- F. Encroachments and Removal of Encroachments. No permanent encroachment or structures shall be allowed to be located within the area of any easement required by this Section. The City shall have the right to remove any encroachment, structures, landscaping, or any other improvements placed upon such easements. The City may assess the cost of removing an unauthorized improvement from an easement against the landowner, including the placing of a lien on the property.

# Planning & Zoning Staff Report



## UNIFIED DEVELOPMENT CODE

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

### ARTICLE 3 – LOT AND DESIGN STANDARDS

#### Division 3.100, Standards for Rural and Residential Districts

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#### Sec. 3.102, Standards for Rural and Residential Development

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

#### TABLE NOTES:

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

<sup>2</sup>The second height refers to agricultural structures.

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

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

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

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

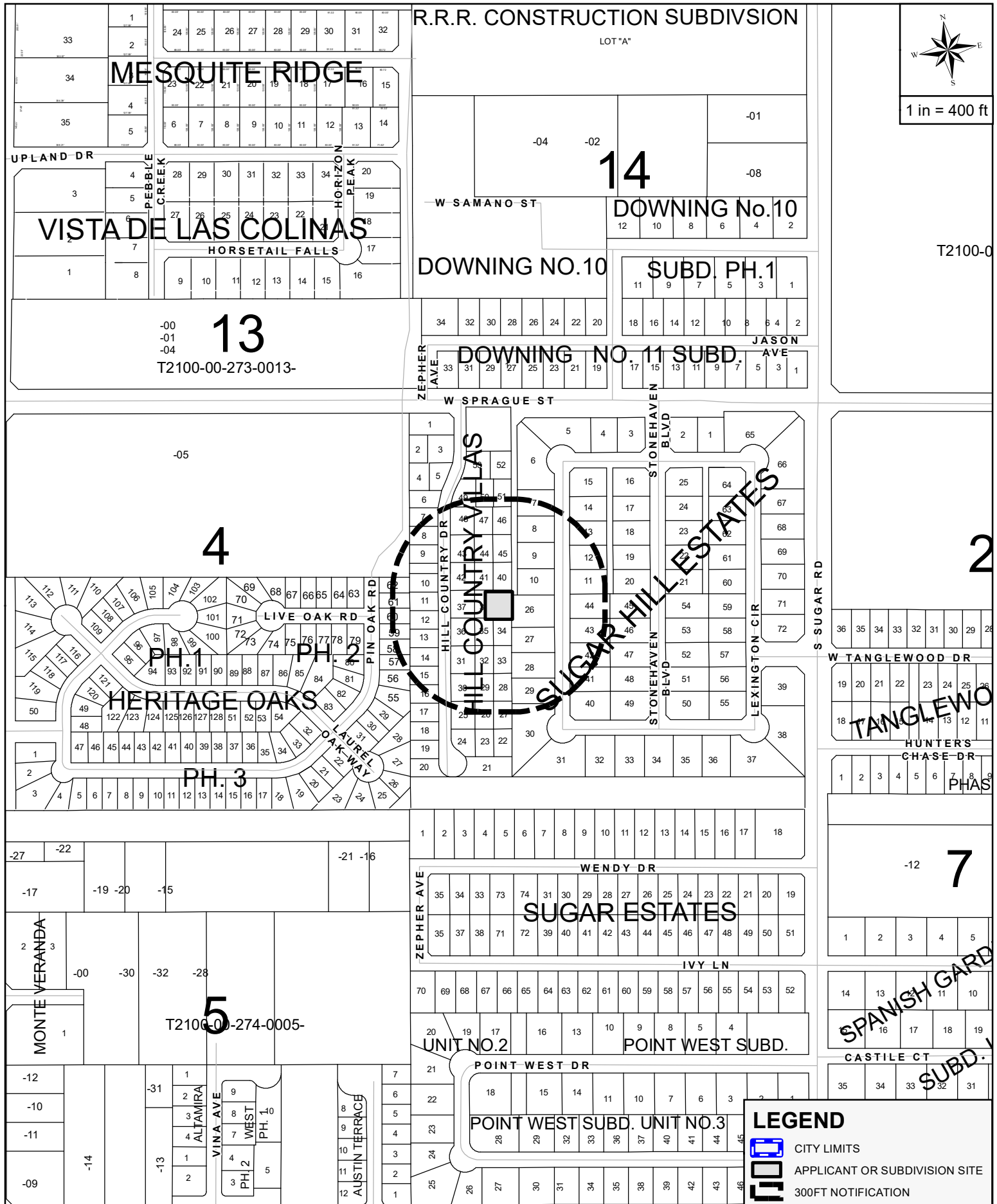














Case # **VAR-2022-0125**

**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: UDC 5.507(F), Easements, Encroachments

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

To Approve discrepancy in Permit approval  
at 942 Hill Country Rd Edinburg. Side Setbacks  
were approved at 0' foot sidesetbacks. To Approved Bercola Rear

Property Description: Lot 38&39 Block 1 Subdivision Hill Country Villers Ph. II

Property Address: 942 Hill Country Rd. Edinburg 938 Hill Country Drive

Present Property Zoning: Residential (RM) Residential, Urban & Multifamily

Person requesting Variance: Luis Waldo / Teresa Waldo Email: luiswaldo@yahoo.com

Mailing Address: 8904

Street Address

City/State

Zip Code

Phone No. (Home): 956-777-3677 (Work): \_\_\_\_\_ (Cell): 956-966-8227

Owner's Name: Luis Waldo Email: luiswaldo@yahoo.com

Owner's Address: 942 Hill Country Rd / 8904 N. 9th Edinburg / McAllen 78539 / 78504

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: 09/09/22

**RECEIVED**

Owner/Agent's Name (Please Print): Luis Waldo & Teresa Waldo SEP 09 2022

\$450 Application Fee: 101827072 Application Received by: Name: J. Ayala

Receipt No.

### OFFICE USE ONLY

Application deadline: Aug 29th ZBA Hearing date: Sept. 28th 2022

- \$40 ZBA Order Form- Make Check Payable to: Hidalgo County Clerk
  - Submit survey, if applicable
  - Reduced copy of site plan & 1 blue print, if applicable
- Warranty deed project plans letter of Authorization  
(if not property owner)





## NOTIFICATION

Dear Property Owner:

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

**CONSIDER VARIANCES TO THE CITY'S UNIFIED DEVELOPMENT CODE: 1) SECTION 5.207(F), EASEMENTS, ENCROACHMENTS AND REMOVAL OF ENCROACHMENTS AND 2) SECTION 3.102-1, SINGLE-FAMILY DETACHED LOT AND BUILDING STANDARDS, REAR YARD, BEING THE EAST 1/2 OF LOT 38 AND ALL OF LOT 39, HILL COUNTRY VILLAS, PHASE II SUBDIVISION, LOCATED AT 938 HILL COUNTRY DRIVE, AS REQUESTED BY LUIS WALDO**

The variance requested would allow for the existing construction of a single-family residence in a utility easement and in a rear yard setback.

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

You may return your response by one of the following:

- MAIL: P. O. Box 1079 Edinburg, Texas 78540
- FAX: (956) 292-2080 by Tuesday, October 4, 2022
- EMAIL: [planning@cityofedinburg.com](mailto:planning@cityofedinburg.com) by Tuesday, October 4, 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: \_\_\_\_\_

I think NO A and City need to approve his request

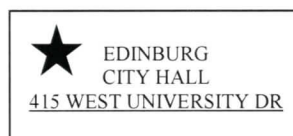
Print Name: Josung Yoon Phone No. 956-532-0408

Address: 934 Hill Country Dr City: Edinburg State: TX Zip: 78539

## NOTIFICACIÓN

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

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



University Dr. (S.H.107)

8<sup>th</sup> Ave.



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The variance requested would allow for the existing construction of a single-family residence in a utility easement and in a rear yard setback.

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

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

Print Name: JOSE Y MAGDALENA RIVERA Phone No. 956 605 9471  
Address: HILL COUNTRY VILLAS City: EDINBURG State: TX Zip: \_\_\_\_\_

LOT 45  
916 HILL COUNTRY DR 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.

**Nikki Cavazos**

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**From:** Mike Braun <braun15a@sbcglobal.net> on behalf of Mike Braun  
**Sent:** Sunday, September 25, 2022 8:50 PM  
**To:** planning@cityofedinburg.com  
**Subject:** AGAINST a Variance for 938 Hill Country Drive  
**Attachments:** Request For Variance for 942 Hill Country Drive - Waldo home owner. -- 9-25-22-Statement Against Variance.pdf

To whom it may concern,

The attached reply is in reference to the City of Edinburg "NOTIFICATION" of variance for a property identified as 938 Hill Country Drive. As a resident of this subdivision I wish to state that my family and I would be AGAINST this variance because the utility easement is being obstructed. These easements were all agreed to by all of the residents of this subdivision so that unobstructed service could be affected when necessary. This variance runs directly against the disclosures that were given to all of the residents when their homes were built. Moreover, I presume that what ever obstruction that was later built, was done so without the knowledge of the City, therefore I believe this violation should be physically cured. From my family's vantage point of view this variance would only facilitate a future contingent cost liability to all of the residents of this subdivision should repair or maintenance need to be affected in the future as it relates to access through that property, because this is a private subdivision and any violations of the City code enforcement would fall to all the residents of this subdivision. For that reason, our family would be AGAINST this variance, unless Mr. Waldo was willing to financially indemnify the subdivision and its residents against any contingent costs that might involve access through this utility easement (please see my attached response to the City of Edinburg's "NOTIFICATION").

Thank you,

M. G. (Mike) Braun Jr.  
907 Hill Country Rd.  
Edinburg, TX 78539  
956-381-9788





## NOTIFICATION

Dear Property Owner:

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The variance requested would allow for the existing construction of a single-family residence in a utility easement and in a rear yard setback.

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

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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: First, as a resident of the subdivision where the variance is being requested, I do not find that we have a home with a physical address of 938 - there is a physical address of 942, where I

believe Mr. Waldo lived (I would encourage someone to investigate further). Second, as a residente of the subdivision in question, I would only be willing to agree to this variance if Mr. Waldo was willing to

indemnify (i.e., post a long-term bond of at least 20 years) the subdivision and its homeowners against any future expense which might arise out of the need to access public utilities running through this easement where repair of some type was determined necessary. This indemnification would therefor relieve the residents of any contingent cost which might involve this property because the easement is blocked. Otherwise,

I would expect the City to have the current homeowners cure this deficiency before any property transfer could take place.

Print Name: M. G. (Mike) Braun Jr. Phone No. 956-381-9788

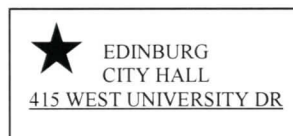
Address: 907 Hill Country Rd City: Edinburg State: TX Zip: 78539

## NOTIFICACIÓN

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### Planning and Zoning Department

City of Edinburg  
PO BOX 1079  
Edinburg, TX 78540-1079



University Dr. (S.H.107)

8<sup>th</sup> Ave.





## NOTIFICATION

Dear Property Owner:

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

**CONSIDER VARIANCES TO THE CITY'S UNIFIED DEVELOPMENT CODE: 1) SECTION 5.207(F), EASEMENTS, ENCROACHMENTS AND REMOVAL OF ENCROACHMENTS AND 2) SECTION 3.102-1, SINGLE-FAMILY DETACHED LOT AND BUILDING STANDARDS, REAR YARD, BEING THE EAST 1/2 OF LOT 38 AND ALL OF LOT 39, HILL COUNTRY VILLAS, PHASE II SUBDIVISION, LOCATED AT 938 HILL COUNTRY DRIVE, AS REQUESTED BY LUIS WALDO**

The variance requested would allow for the existing construction of a single-family residence in a utility easement and in a rear yard setback.

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

You may return your response by one of the following:

- MAIL: P. O. Box 1079 Edinburg, Texas 78540
- FAX: (956) 292-2080 by Tuesday, October 4, 2022
- EMAIL: [planning@cityofedinburg.com](mailto:planning@cityofedinburg.com) by Tuesday, October 4, 2022

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

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

Comments: THE REQUESTED VARIANCE IS THE  
RESULT OF AN INTENDED VIOLATION OF THE LAW  
THE UTILITIES BASEMENT ENCROACHMENT MAY OR WILL  
AFFECT OTHER RESIDENCES IN THE AREA.

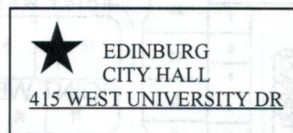
Print Name: RADU POPESCU Phone No. \_\_\_\_\_  
Address: 501 W. WALNUT AVE City: MCCALLEN State: TX Zip: 78501

## 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.

---

**Fw: Fw: 942 Hill Country Personal House**

1 message

---

**Luis Waldo** <luiswaldo@yahoo.com>  
To: Daniel Austin Colina <dcolina@cityofedinburg.com>

Fri, Sep 23, 2022 at 12:20 PM

Good afternoon Please see attached survey for [942 hill country rd](#) zba

Thank you  
Danny

Begin forwarded message:

On Friday, September 23, 2022, 12:19 PM, Jackie ASE <jackie@artsalinas.com> wrote:

Please find survey attached

On Tue, Aug 30, 2022 at 2:26 PM Luis Waldo <luiswaldo@yahoo.com> wrote:

## 942 HILL COUNTRY EDINBURG, TX. FLOOR PLAN

----- Forwarded Message -----

**From:** Luis Waldo <luiswaldo@yahoo.com>  
**To:** Arturo Salinas <frontdesk@artsalinasengr.com>  
**Sent:** Tuesday, August 30, 2022, 11:18:29 AM CDT  
**Subject:** Fw: 942 Hill Country Personal House

ESTE ES EL FLOOR PLAN ORIGINAL ,  
DURANTE LA CONSTRUCCION SE  
AGREGO UNA RECAMARA MAS  
SALUDOS  
LUIS WALDO

--

Jacqueline Contreras

Art Salinas Engineering & Surveying, Inc.



[1524 Dove Avenue](#)

McAllen, TX 78504

P (956) 618-5565 F (956) 618-5540

[jackie@artsalinas.com](mailto:jackie@artsalinas.com)



**942 Hill Country Survey.pdf**

918K

# LEGEND:

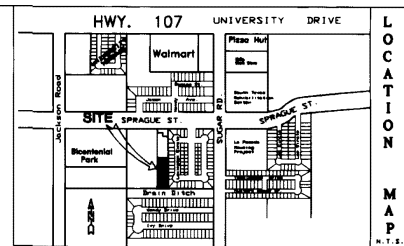
F - FOUND 1/2" x IRON ROD

FIRE:  
FLOOD INSURANCE MAP  
COMMUNITY-PANEL NUMBER  
48033 0015 E & 48033 0030 E

MAP REVISED:  
AUGUST 4, 1987

THIS AREA IS IN FLOOD ZONE "X" (UNSHADED)  
AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN  
THIS AREA IS IN FLOOD ZONE "X" (SHADED)  
AREAS OF 500-YEAR FLOOD; AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH SHALLOW AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD.

SCALE: 1" = 100'  
BEGINNINGS BASED ON RECORD BEARINGS OF SUGAR HILL ESTATES PHASE I



## MAP OF HILL COUNTRY VILLAS, PHASE II

EDINBURG, TEXAS

A 5.92 ACRE TRACT OF LAND BEING A PORTION OF THE WEST 10.00 ACRES OF LOT 3, SECTION 274, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY SUBDIVISION, AS RECORDED IN VOLUME 24, PAGE 168, DEED RECORDS, HIDALGO COUNTY, TEXAS.

DATE: FEBRUARY 28, 2001

SCALE IN FEET

SCALE: 1" = 100'

ENGINEER:  
R.E. Garcia

Associates

PREPARED BY: R.E. GARCIA & ASSOCIATES

116 NORTH 12TH AVENUE EDINBURG, TEXAS 78539 PHONE (210) 381-1061 FAX: 381-1280

Recorded in Volume **38** Page **508**  
of the map records of Hidalgo County, Texas  
Melden and Hunt, Inc.

CURVE DATA				
DELTA	RADIUS	TANGENT	LENGTH	CHORD
A 241°45'52"	45.00'	76.36'	106.86'	77.86'
B 81°45'52"	50.00'	28.00'	54.87'	51.50'
AREA OF LOTS				
LOT #	AREA			
10-18	5592 SQ. FT.			
20	5982 SQ. FT.			
22-27, 29, 31-34, 36, & 40	12121 SQ. FT.			
23, 28, 29, 32, 33, 35, & 41	5496 SQ. FT.			
42	4521 SQ. FT.			
23, 30, 31, 34, 37, & 42	7008 SQ. FT.			

### PLAT NOTES & RESTRICTIONS:

- SETBACKS: All buildings and structures other than fences and walkways shall be subject to the setback restrictions noted. The setbacks from the property line shall be as follows:
  - Front
    - The front other than the garage - 12 feet.
    - The garage front - 18 feet (Only if facing the front)
  - Patio Side
    - The South side of Lots 11 through 20 and the East side of Lots 22 through 42 - 12 feet.
    - The South side of Lot 10 - 8 feet.
  - Back
    - The North side of Lots 12 through 20 and the west side of Lots 22 through 42 - 1 foot.
    - The North side of Lot 10 - 8 feet.
  - NOTWITHSTANDING the foregoing, if there is an easement, and the setback line would lie within such easement, the setback line shall be on the edge of easement toward the center of the lot. Further, for all lots other than Lots 10-20, the front setback, to allow for the paved portion of the driveway access easement, shall commence 12 feet to the rear of the lot line.
- Minimum finish floor elevation shall be 18" above top of curb of street at corner of each lot.
- Each lot shall contain 487 cubic feet of storm flow with a maximum discharge rate of 0.25 cfs.
- All corners are marked with 1/2" x 18" iron rods unless otherwise shown.
- No buildings permitted over any easements.
- Benchmark: Top of rim of manhole located 330.00' east of Pin Oak Road on Sprague Street, Elev. = 97.89.
- All streets and right-of-way easements within the Subdivision, as reflected upon the Subdivision plat, shall be private streets and rights-of-way for the use of only the Owners of lots within the Subdivision or as provided and authorized by building restrictions recorded for this subdivision. Said private roads shall be maintained by the Subdivisions' Homeowners Association.
- The Subdivision, all lots, and all notes shall be subject to Declaration of Covenants, Conditions, Restrictions of Hill Country Villas Subdivision, as they may be from time to time, amended and/or supplemented.
- All lots shall be responsible for 50% of the parkland dedication fee due at the building permit stage.
- Lot 21 shall be dedicated as a Recreational Park.

STATE OF TEXAS )  
COUNTY OF HIDALGO )  
NEIGHBORHOOD CONCEPTS, L.C., THE UNDERSIGNED OWNER(S) OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE HILL COUNTRY VILLAS II ADDITION TO THE CITY OF EDINBURG, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY GRANT AN EASEMENT TO SAID CITY AND THOSE WHO MAY NOW OR HEREFTER HOLD FRANCHISE UNDER SAID CITY, THE USE OF THE STREETS RESTRICTED TO THE EMPLOYEES AND AGENTS OF THE CITY OF EDINBURG EMPLOYEES OF UTILITIES UNDER FRANCHISE TO THE CITY AND RESIDENTS OF THE SUBDIVISION AND THEIR GUESTS.

DANIEL MOFFATT  
MANAGER  
1501 N. 8TH STREET  
MCALLEN, TEXAS, 78501

HOLLIS RANKIN III  
MANAGER

STATE OF TEXAS )  
COUNTY OF HIDALGO )

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS PERSONALLY APPEARED

DANIEL MOFFATT & HOLLIS RANKIN  
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 PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 26 DAY OF July 2001

MY COMMISSION EXPIRES:

NOTARY PUBLIC IN AND FOR  
HIDALGO COUNTY, TEXAS

STATE OF TEXAS )  
COUNTY OF HIDALGO )

I, BAUL E. GARCIA, A REGISTERED PROFESSIONAL ENGINEER AND A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND I FURTHER CERTIFY THAT PROPER ENGINEERING CONSIDERATIONS HAVE BEEN GIVEN TO THIS PLAT.

AUL E. GARCIA  
6419  
REGISTERED PROFESSIONAL ENGINEER  
1/17/01  
REG. PROFESSIONAL ENGINEER #64790  
REG. PROFESSIONAL LAND SURVEYOR #4204

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

WILLIAM TREVINO  
PLANNING AND ZONING COMMISSION

### APPROVAL BY DRAINAGE DISTRICT:

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1, HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEXAS WATER CODE 49.211(c). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

### APPROVAL BY IRRIGATION DISTRICT #1:

THIS PLAT APPROVED BY HIDALGO COUNTY IRRIGATION DISTRICT NO. 1, ON THIS 26 DAY OF July A.D. 2001.

HIDALGO COUNTY IRRIGATION DISTRICT NO. ONE WILL NOT BE RESPONSIBLE FOR DRAINAGE OR DELIVERY OF WATER TO ANY LOT IN THIS SUBDIVISION. ALSO, THERE WILL NOT BE ANY PERMANENT STRUCTURES ON THE DISTRICT RIGHT-OF-WAYS AND/OR EASEMENTS.

NO IMPROVEMENTS OF ANY KIND SHALL BE PLACED UPON HOID #1 RIGHT-OF-WAYS OR EASEMENTS WITHOUT THE EXPRESSED WRITTEN PERMISSION OF THE HOID #1  
willard Jide  
PRESIDENT  
Mendy  
SECRETARY

### METES AND BOUNDS DESCRIPTION FOR A 5.92 ACRE TRACT

A 5.92 acre tract of land being a portion of the west 10.00 acres of Lot 3, Section 274, Texas-Mexican Railway Company's Survey Subdivision, as recorded in Volume 24, Page 168, Deed Records, Hidalgo County, Texas and being more fully described by metes and bounds as follows:

BEGINNING at a found one-half inch iron rod on the west line of Sugar Hill Estates Subdivision as recorded in Volume 30, Page 109, Map Records, Hidalgo County, Texas, also being the southeast corner of Hill Country Villas Phase I Subdivision as recorded in Volume 33, Page 514, Map Records, Hidalgo County, Texas, for the northeast corner of herein described tract.

THENCE S 08° 59' 00" W parallel to the west line of said Lot 3, Section 274 pass at 696.32 feet a found one-half inch iron rod being the north Right-of-Way (R.O.W.) line of a 100.00 foot Drainage R.O.W. and continuing for a total distance of 796.32 feet to a point on the south line of said Lot 3 for the southeast corner of herein described tract.

THENCE N 80° 53' 00" W 330.00 feet along the south line of said Lot 3, Section 274, to a point being the southwest corner of said Lot 3, for the southwest corner of herein described tract.

THENCE N 08° 59' 00" E along the west line of said Lot 3, Section 274, pass at 100.00 feet a found one-half inch iron rod being said north R.O.W. line of a 100.00 foot Drainage R.O.W. and continuing for a total distance of 780.00 feet to a found one-half inch iron rod being the southwest corner of said Hill Country Villas Phase I Subdivision for the northeast corner of herein described tract.

THENCE S 81° 01' 00" E 132.00 feet along the south line of said Hill Country Villas Phase I Subdivision being parallel to the south line of Lot 3, Section 274, to a found one-half inch iron rod for an interior corner of herein described tract.

THENCE N 08° 59' 00" E 35.55 feet parallel to the west line of said Lot 3, Section 274 to a set one-half inch iron rod being the southwest corner of Lot 44 of said Hill Country Villas Phase I Subdivision for an interior corner of herein described tract.

THENCE S 81° 01' 00" E 198.00 feet along the south line of said Hill Country Villas Phase I Subdivision being parallel to the south line of said Lot 3, Section 274, to the point of beginning and containing 5.92 acres of land, more or less.

### FILED FOR RECORD IN:

HIDALGO COUNTY

BY J.D. SALINAS, III

COUNTY CLERK

ON 2/27/01 AT 9:57 AM/PM

AS A RECORDING NUMBER 996732

BY Bea Cruz

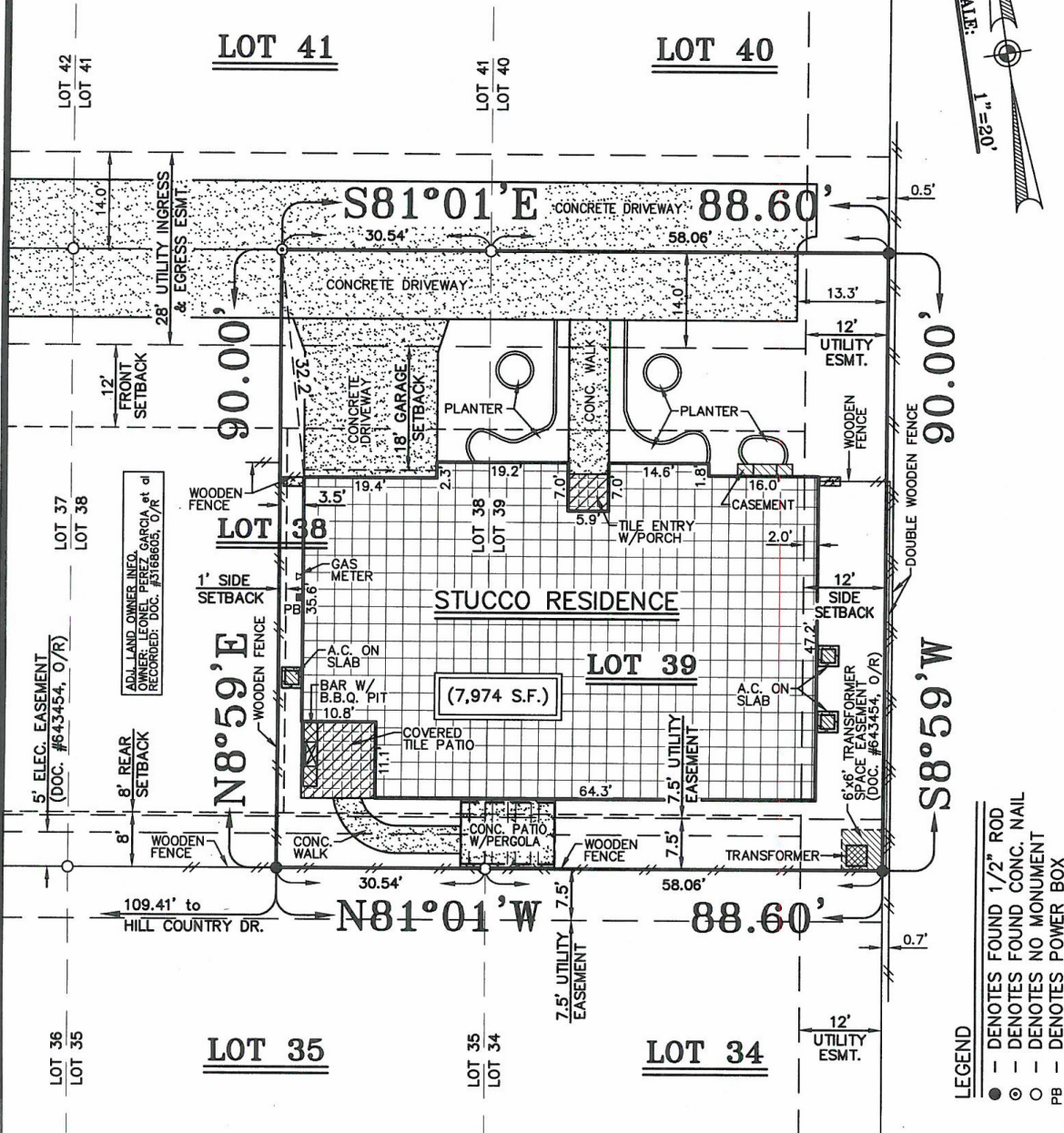
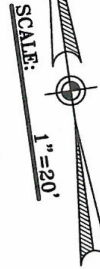
DEPUTY



# ART SALINAS

## ENGINEERING & SURVEYING

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



**FLOOD ZONE DESIGNATION:** The constructible area of this property 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 Panel No. 480338-0030-E dated 06-06-00.

### PLAT NOTES:

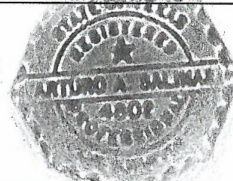
- There are no discrepancies, conflicts, shortages in area or boundary lines, encroachments, overlapping of improvements or visible or apparent easements except as shown on this plat.
- This survey plat is prepared in connection with Title Policy G.F. # 222444297 and does not guarantee title. This survey is for the exclusive use of the client named herein and may not be copied or transferred to another party without the express written consent of the surveyor.
- 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.
- Statutory rights, rules, regulations, easements and liens in favor of Hidalgo County Irrigation District No. 1, pursuant to applicable sections of the Texas Water Code. (Blanket)
- Subject to rights or claims by Hidalgo County Irrigation District No. 1 to any portion of property lying within canal and/or drain ditch easements and/or rights of way located on the property.
- Contract, Easement and Use Restriction entered into by and between Central Power and Light Company, a Texas corporation and Neighborhood Concepts, L.C., filed December 17, 1997, under Document No. 643454, Official Records, Hidalgo County, Texas. (Blanket)
- Party Fence Agreement by and between S.H.E. Owner's Association, Inc. and Neighborhood Concepts, L.C., filed November 18, 1998, under Document No. 726051, Official Records, Hidalgo County, Texas.
- Building, Zoning, Platting and/or Regulatory Laws and/or Ordinances of the City of Edinburg and/or other Governmental Authority.
- Building setback lines as per Restrictive Covenants recorded in Document No. 1236740, Official Records, Hidalgo County, Texas.
- Subject to any oil, gas and mineral lease of record.
- Bearing Basis: "N. line of Lots 38 and 39, Hill Country Villas, Phase II"
- BORROWER(S): Minerva M. Box and Ronald E. Box

THIS IS TO CERTIFY THAT I HAVE, THIS DATE, PREPARED A SURVEY ON THE GROUND WHICH IS LOCATED AT 942 HILL COUNTRY RD., in EDINBURG, TEXAS, DESCRIBED AS FOLLOWS:  
 LOT THIRTY NINE (39) AND THE EAST 1/2 OF LOT THIRTY EIGHT (38), HILL COUNTRY VILLAS, PHASE II, AN ADDITION TO THE CITY OF EDINBURG, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 38, PAGE 50B, MAP RECORDS, HIDALGO COUNTY, TEXAS, REFERENCE TO WHICH IS HERE MADE FOR ALL PURPOSES.

22-63691  
Job No.

08-30-22  
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.



Registered Professional Land Surveyor No. 4802



# Definitely Quality Homes

# ALCO

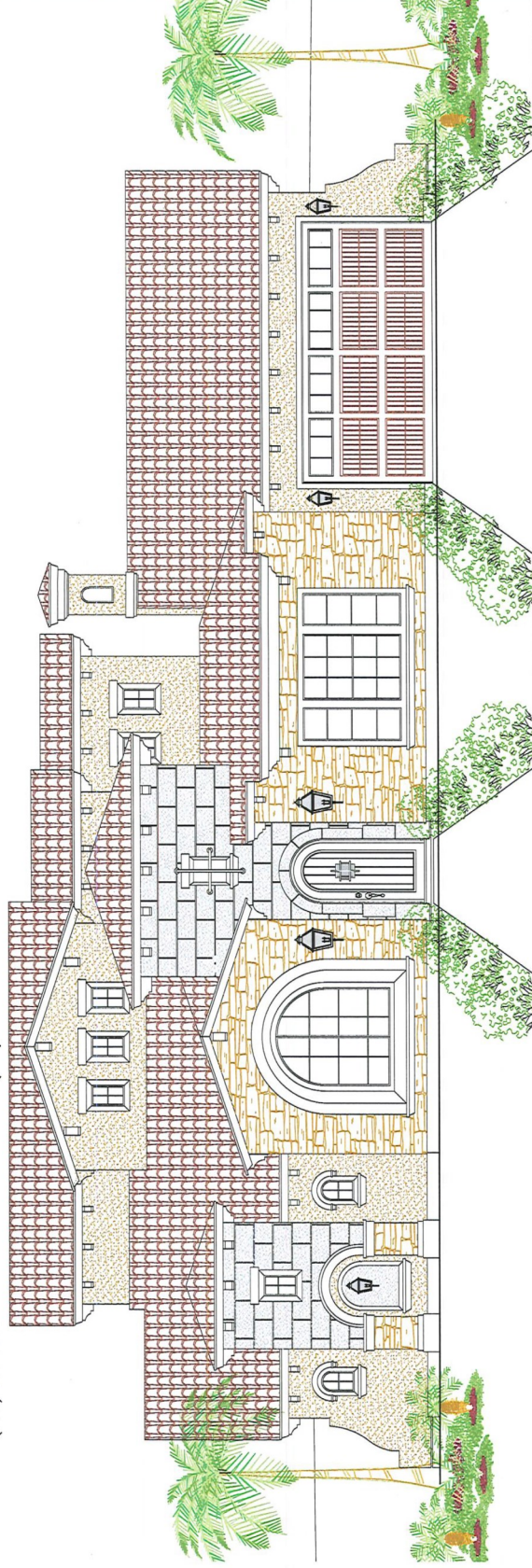
Luis Waldo  
(956) 466-8590

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www.waldohomesllc.com Tere Waldo  
(956) 466-8227

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Lot #38 & 39  
Hill Country Villas

ALDO  
HOMES

## INDEX OF DRAWINGS

<u>COVER</u>	<u>ELECTRICAL</u>
CVR COVER SHEET	E1 1ST. LEVEL ELECTRICAL PLAN
	E2 2ND. LEVEL ELECTRICAL PLAN
<u>CIVIL</u>	<u>STRUCTURAL</u>
C1 SITE PLAN	S1 FOUNDATION PLAN
<u>ARCHITECTURAL</u>	<u>RECEIVED</u>
A1 1ST. LEVEL FLOOR PLAN	SEP 09 2022
A2 2ND. LEVEL FLOOR PLAN	Name: _____
A3 FRONT & LEFT ELEVATIONS	
A4 REAR & RIGHT ELEVATIONS	
A5 ROOF PLAN	
A6 SECTIONS	

RECEIVED

SEP 09 2022

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

AREA TABULATION		CONSTRUCTION ANALYSIS	
1ST LEVEL LIVING AREA	2656.0'	CONSTRUCTION TYPE	TWO STORY RESIDENCE
2ND LEVEL LIVING AREA	617.0'	NUMBER OF LEVELS	2
TOTAL LIVING	9,219.0'		
2 CAR GARAGE	465.0'	FRAME TYPE ( INT. WALLS )	2" x 6" WOOD STUDS
CVD. PATIO	119.0'	FRAME TYPE ( INT. WALLS )	2" x 4" WOOD STUDS
CVD. PORCH	59.0'	FRAME TYPE ( ROOF )	2" x 6" WOOD RAFTERS
TOTAL NON LIVING	616.0'	FRAME TYPE ( FLR. / CLG. )	18" PRE ENG. TRUSS SYSTEM
TOTAL AREA	9,841.0'	VENNER TYPE	STUCCO/ STONE
		FOUNDATION TYPE	SLAB ON GRADE
		ROOF TYPE	CLAY TILE
		ROOF PITCH	4:12
		PLATE HEIGHT ( MIN. )	9'-0"
		PLATE HEIGHT ( MAX. )	23'-0"

2404 S. EXPRESSWAY 83 SUITE # E  
HARTLINGEN, TX. 78552  
OFFICE: (956) 425-7040  
FAX: (956) 425-7714

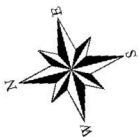
DISTINCTIVE  
DRAFTING & DESIGN LLC  
2404

DATE: 05-02-16	PLAN #0112-16
CHECKED AND APPROVED BY:	

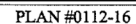
DISTINCTIVE DRAFTING & DESIGN HEREBY RESERVES ITS COMMON COPYRIGHT LAW & OTHER PROPERTY RIGHTS IN THESE PLANS & DESIGNS. THESE PLANS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER, WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION FROM DISTINCTIVE DRAFTING & DESIGN. DISTINCTIVE DRAFTING & DESIGN TAKES NO RESPONSIBILITY FOR THE CONSTRUCTION OF THE RESIDENCE OR BUILDING.

SHEET

CVR



SHEET



DISTINCTIVE DRAFTING & DESIGN HEREBY RESERVES ITS COMMON COPYRIGHT LAW & OTHER PROPERTY RIGHTS IN THESE PLANS & DESIGNS. THESE PLANS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY, WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION FROM DISTINCTIVE DRAFTING & DESIGN. DISTINCTIVE DRAFTING & DESIGN TAKES NO RESPONSIBILITY FOR THE CONSTRUCTION OF THE RESIDENCE OR BUILDING.



# Zoning Board of Adjustment

Site Photos for meeting of October 5, 2022

LUIS WALDO - 938 HILL COUNTRY ROAD



## Planning & Zoning Staff Report

Prepared on: September 28, 2022

### ZONING BOARD OF ADJUSTMENT

Regular Meeting: October 5, 2022

#### Agenda Item

Consider Variances to the City's Unified Development Code: 1) Section 3.202-1, Non Residential and Mixed-Use Lot Standards, Lot Area and 2) Section 3.202-2, Nonresidential and Mixed-Use Building Placement Standards, Side Yard, being Lots 12 and 13, Block 2, Victory Subdivision, located at 1724 East University Drive, as requested by Rene Sepulveda on behalf of Roberto Gomez, Jr.

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#### Request

The applicant is requesting 2 Variances to Unified Development Code (UDC): 1) Section 3.202-1 as it applies to lot area for commercial retail establishments and 2) Section 3.202-2 as it applies side yard setbacks for commercial properties. The first Variance requested would allow a commercial retail business to be located on a lot that does not meet the minimum size requirements for the proposed land use and zoning. The second Variance requested would allow this commercial retail property to reduce the required side setbacks from 8 ft. to 5 ft.

#### Property Location and Vicinity

The subject property is located on the south side of East University Drive, between South 26<sup>th</sup> Avenue and South 28<sup>th</sup> Avenue and approximately 570 ft. east of the I-69C southbound frontage road. The property is zoned Commercial, General (CG) District. Adjacent zoning is Commercial, General (CG) District to the north, east, and west, and Residential, Primary (RP) to the south. The surrounding land uses are commercial and single-family residential.

#### Background and History

The property is part of the Victory Subdivision, which was recorded on November 6, 1945. The applicant applied for a commercial building permit on August 22, 2022. Plans showed a proposed commercial structure located 5 ft. from both property lines. Analysis of the case revealed that the property for the proposed establishment does not meet lot area requirements in the Commercial, General (CG) District. An Application Request for Variance was received on September 13 for the subject property. Both Variances are needed to complete the project as proposed.

Staff mailed a notice of the Variance request to 38 neighboring property owners and received no comments in favor or against this request at the time that this report was prepared.

#### Analysis

The Victory Subdivision, recorded in 1945, reflects the commercial development standards of its time. Lots with frontage along East University Drive (State Highway 107) generally have 25 ft.

# Planning & Zoning Staff Report

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width. The property owner for this case owns 2 adjacent lots with a combined area of 7,100 sq. ft. However, UDC Section 3.202-1 requires a minimum lot area of 10,000 sq. ft. for retail establishments in the Commercial, General (CG) District. Three of these lots would be required to meet the modern development standards. Several neighboring business were observed on property of this size and appear to have been established prior to the City's modern UDC regulations.

The site plan submitted shows a proposed 1,600 sq. ft. building located 5 ft. from both the east and west side property lines. UDC Section 3.202-2 requires minimum side setbacks of 8 ft. for commercial retail uses in the Commercial, General (CG) District. The applicant cited the property being "smaller than typical commercial lots" as the basis for this request; however, the property meets the minimum lot width standard (50 ft.) for this district. No other property constraints were noted. Project plans could be modified to respect required setbacks.

## **Recommendation**

Staff recommends approval of the first Variance to lot area. The applicant substantially meets the specific review criteria required by UDC Section 9.501 for approval of this Variance.

Staff recommends disapproval of the second Variance to required setbacks. No justification was found for reducing required setbacks. Proposed plans could be modified to comply with the City's UDC standards. Specific review criteria, as required by UDC Section 9.501, have not been met for this Variance.

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



## UNIFIED DEVELOPMENT CODE

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

### ARTICLE 3 – LOT AND DESIGN STANDARDS

#### Division 3.200, Standards for Nonresidential Development

...

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

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

# Planning & Zoning Staff Report



## UNIFIED DEVELOPMENT CODE

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

### ARTICLE 3 – LOT AND DESIGN STANDARDS

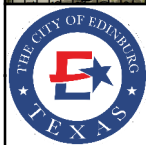
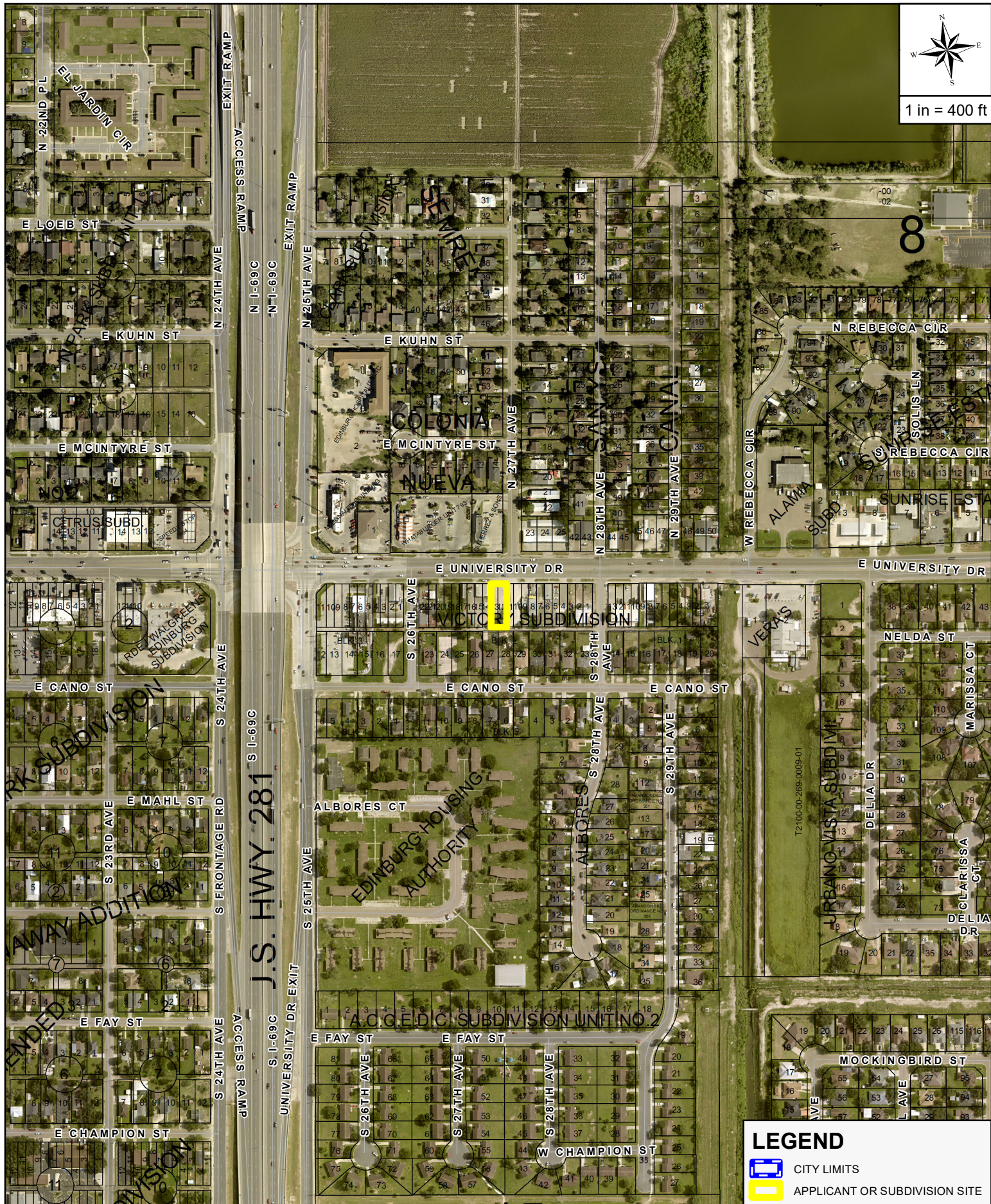
#### Division 3.200, Standards for Nonresidential Development

...

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

Table 3.202-2 Nonresidential and Mixed-Use Building Placement Standards				
District and Use	Minimum			
	Build-To Line (ft.)	Front and Exterior Side Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
...				
<b>Commercial, General (CG)</b>				
Commercial retail	NA	25	8	10
Offices and lodging	NA	25	10	10
Services	NA	25	10	10
Industrial	NA	25	10	10
Self-Storage	NA	25	10	10
All other nonresidential uses	NA	25	10	10



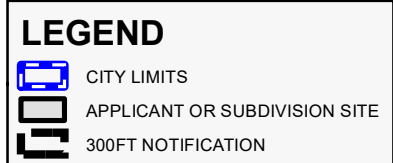
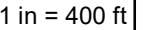


**APPLICANT AND/OR SUBDIVISION:**

**RENE SEPULVEDA / 1724 E UNIVERSITY DR**







## SITE MAP

**APPLICANT AND/OR SUBDIVISION:**

**RENE SEPULVEDA / 1724 E UNIVERSITY DR**



Case # VAR-2022-0131

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: SIDE SETBACK TO BE 17 5' INSTEAD OF

Reason for Hardship (attach additional pages if necessary)

8', DUE TO LOTS BEING SMALLER THAN TYPICAL  
COMMERCIAL LOTS.

Property Description: Lot 12 & 13 Block 2 Subdivision VICTORY

Property Address: 1724 E UNIVERSITY DR. EDINBURG, TX 78542

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

Person requesting Variance: RENE SEPULVEDA

Mailing Address: 4913 N. 3RD. ST MCALLEN, TX 78504  
Street Address City/State Zip Code

Phone No. (Home): \_\_\_\_\_ (Work): \_\_\_\_\_ (Cell): (956) 655-0574

Owner's Name: ROBERTO GOMEZ JR

Mailing Address: 1724 E UNIVERSITY DR 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: [Signature] Date: 9/13/22 **RECEIVED**

Owner/Agent's Name (Please Print): RENE SEPULVEDA **SEP 13 2022**

\$450 Application Fee: R01830282 Application Received by: \_\_\_\_\_ Name: J. Acevedo  
Receipt No.

### OFFICE USE ONLY

Application deadline: \_\_\_\_\_ ZBA Hearing date: SEPT. 28, 22

- \$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

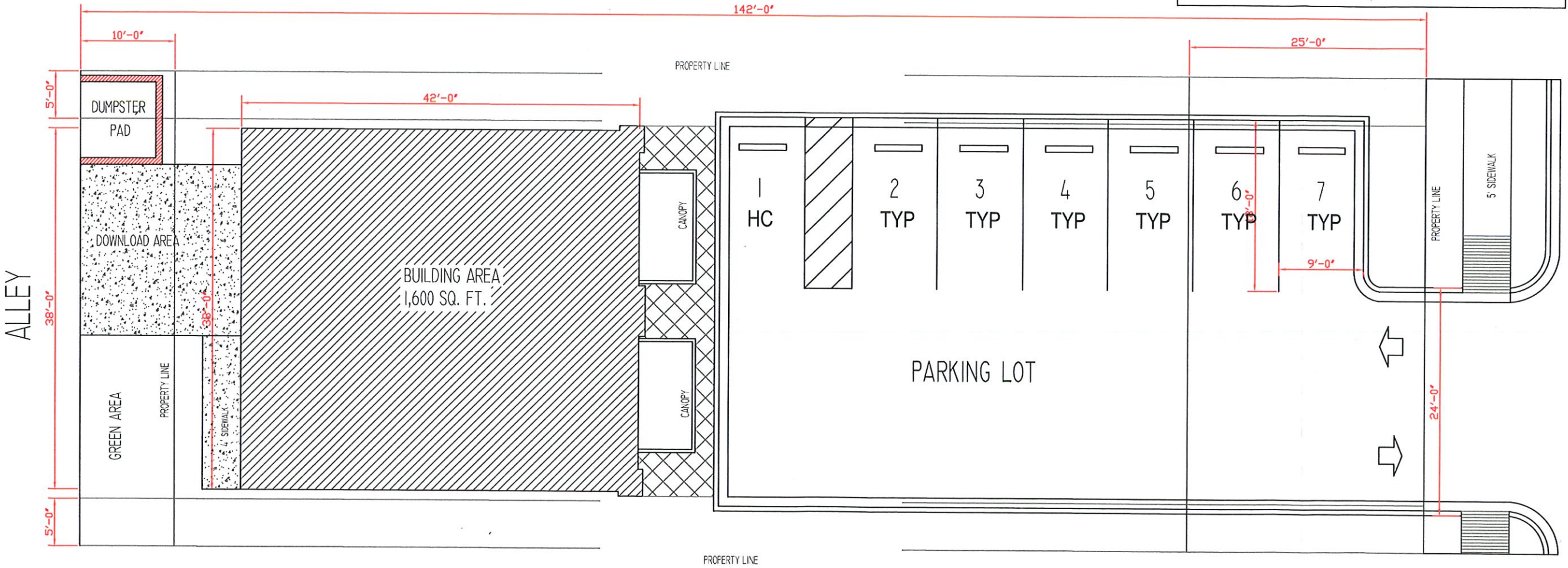
£ 2 State Highway 107



Filed Nov. 6, 1945 11:40 A.M.



LEGAL DESCRIPTION	
LOT	12 & 13
BLOCK	2
SUBDIVISION	VICTORY
CITY	EDINBURG, TX
COUNTY	HIDALGO
NORTH ARROW	



E. UNIVERSITY DRIVE

RECEIVED

SEP 13 2022

PROJECT:  
**PLAZA  
COMERCIAL  
FAMILIA GOMEZ**

REVISIONS	BY
I DO HEREBY CERTIFY THAT THIS DRAWING OR PLAN AND RELATED SPECIFICATIONS MEET ALL LOCAL CODE REQUIREMENTS AND ARE IN SUBSTANTIAL CONFIRMITY WITH MINIMUM PROPERTY REQUIREMENTS. SELA CONSTRUCTION	

SCALE: 3/16"=1'	
SITE PLAN	
DRAFTER	AUTHORIZING OFFICER
CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE JOB SITE AND NOTIFY THE DESIGNER OF ANY DIMENSIONAL ERRORS, OMISSIONS OR DISCREPANCIES BEFORE BEGINNING OF FABRICATING ANY WORK. DO NOT SCALE THIS WORK.	

PROJECT NO.	
DATE	8.10.22
DRAWN BY	RS
CHK. BY	RS
A-100	

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

**SELA  
CONSTRUCTION  
L.L.C.**

**SELA DESIGNS.**

SELA CONSTRUCTION  
DESIGN AND DEVELOPMENT  
4913 N. 3RD ST.  
MCALLEN, TX 78504  
PHONE 956-655-0574



# Zoning Board of Adjustment

Site Photos for meeting of October 5, 2022

RENE SEPULVEDA - 1724 EAST UNIVERSITY DRIVE



## Planning & Zoning Staff Report

Prepared on: September 28, 2022

### ZONING BOARD OF ADJUSTMENT

Regular Meeting: October 5, 2022

#### Agenda Item

Consider Variance to the City's Unified Development Code, Section 3.102-1, Single-Family Detached Lot And Building Standards, Rear Yard, Being Lots 22-24, 27, 29, and 30, Pearl Estates Subdivision, located at 1309, 1305, 1301, 1201 Oscar Street, and 3104 & 3100 North Alyn Avenue, as requested by Hugo Leal

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#### Request

The applicant is requesting a Variance to Unified Development Code (UDC) Section 3.102-1 as it applies to rear yard setbacks for single-family detached residential properties. The Variance requested would allow a 50% reduction to the required rear yard setback for 6 lots in the Pearl Estates Subdivision.

#### Property Location and Vicinity

The subject properties are located in the Pearl Estates Subdivision along North Alyn Avenue and Oscar Street. This subdivision is located on the north side of West Rogers Road and is approximately 950 ft. east of North Sugar Road. The property is zoned Residential, Primary (RP) District. Adjacent zoning is Residential, Primary (RP) District to the northeast of this subdivision with Residential, Suburban (RS) District to the east and Agriculture and Open Space (AO) District to the south across West Rodgers Road. The surrounding land uses are single-family residential and vacant land. The subdivision is approximately 1,460 ft. west of Truman Elementary School and approximately 2,725 ft. west of Edinburg North High School.

#### Background and History

The Pear Estates Subdivision was recorded on April 29, 2022. Plat Note #1 establishes setbacks as follows: 25.00' Front, 6.00' Side, and 20.00' Rear. The property of this subdivision was rezoned from Suburban Residential (S) District to Neighborhood Conservation 5 (NC5) District on July 21, 2020. The setbacks established by the Pearl Estates Subdivision Plat are the same as those set by the NC5 District. The NC5 District was changed to Residential, Primary (RP) District with the UDC update of August 9, 2022. The Rear Yard Setback established for the RP District is 20 ft., the same as required by the NC5 District and the same as required by Plat Note.

Staff mailed a notice of the Variance request to 53 neighboring property owners and received no comments in favor or against this request at the time that this report was prepared.

#### Analysis

The applicant stated that the houses "will be too small" if required setbacks are followed. However, the 6 Lots in this request are not substantially different from the other lots throughout

# Planning & Zoning Staff Report

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this subdivision. The lots in question are not irregular in any way, and no unusual constraints, conditions, or circumstance relative to the other lots in this subdivision could be found.

The developer could have designed this subdivision with larger lots if larger houses were the intent of this neighborhood. The builder could add additional floors if greater square footage is desired for the proposed dwellings.

None of the Specific Review Criteria required by UDC Section 9.501 have been met for this case. There are no extraordinary or exceptional conditions that apply to the subject properties that are not applicable to other lands or structures in the same district. The need for Variance is a direct result of the actions of the applicant. Granting the Variance would confer on the applicant special privilege that is denied to other lands or structures in the same district. This request is not in keeping with the intent of the UDC or City's Comprehensive Plan.

## **Recommendation**

Staff recommends disapproval of Variance for all requested Lots. No justification was found for reducing required setbacks. Proposed plans could be modified to comply with the City's UDC standards. Specific Review Criteria, as required by UDC Section 9.501, have not been met for this Variance.

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



## UNIFIED DEVELOPMENT CODE

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

### ARTICLE 3 – LOT AND DESIGN STANDARDS

#### Division 3.100, Standards for Rural and Residential Districts

...

#### Sec. 3.102, Standards for Rural and Residential Development

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

#### TABLE NOTES:

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

<sup>2</sup>The second height refers to agricultural structures.

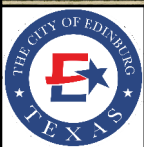
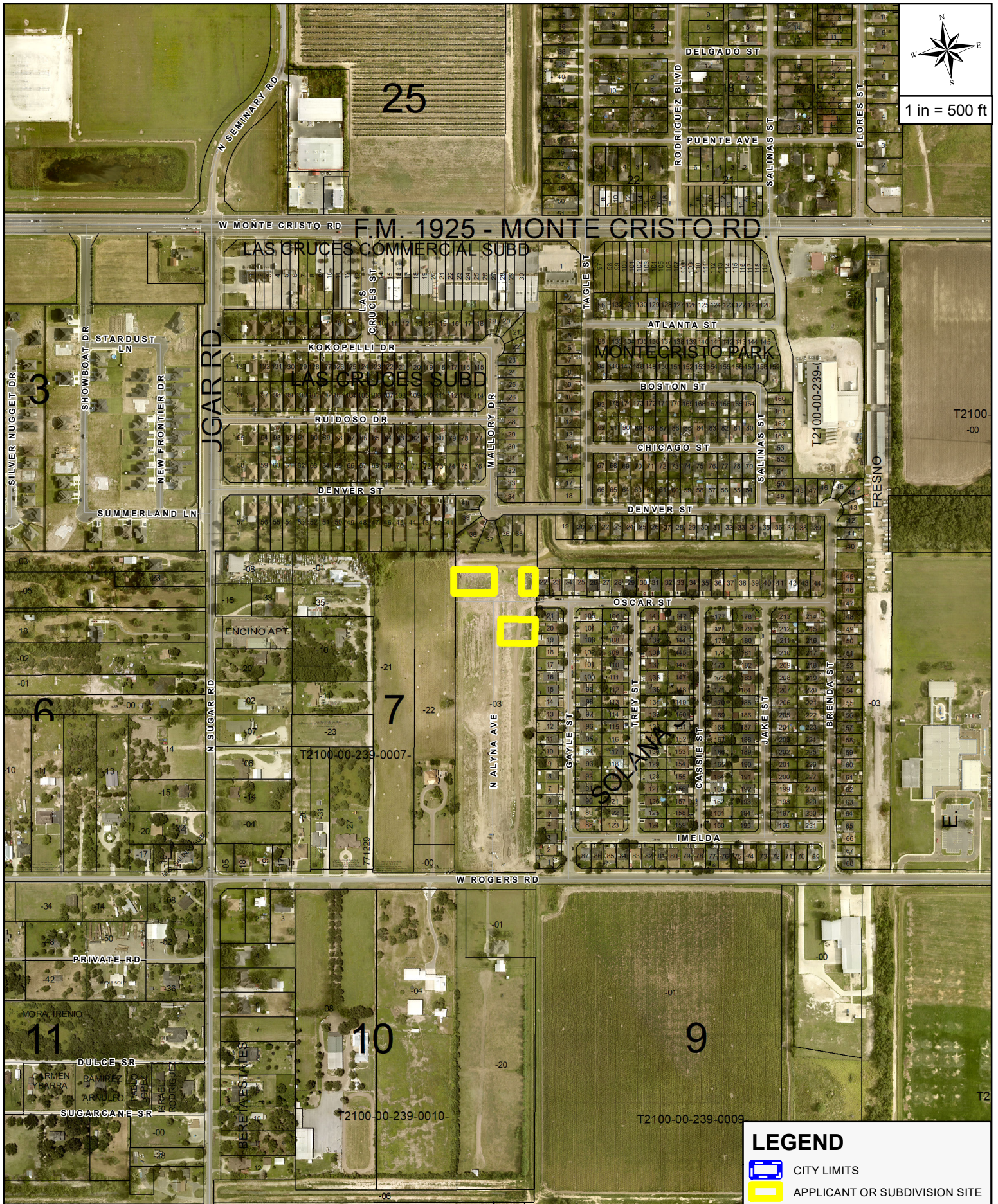
<sup>3</sup>The first number is the house setback; the second is the setback for a front load garage.

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

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

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



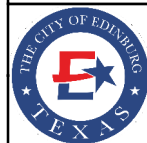
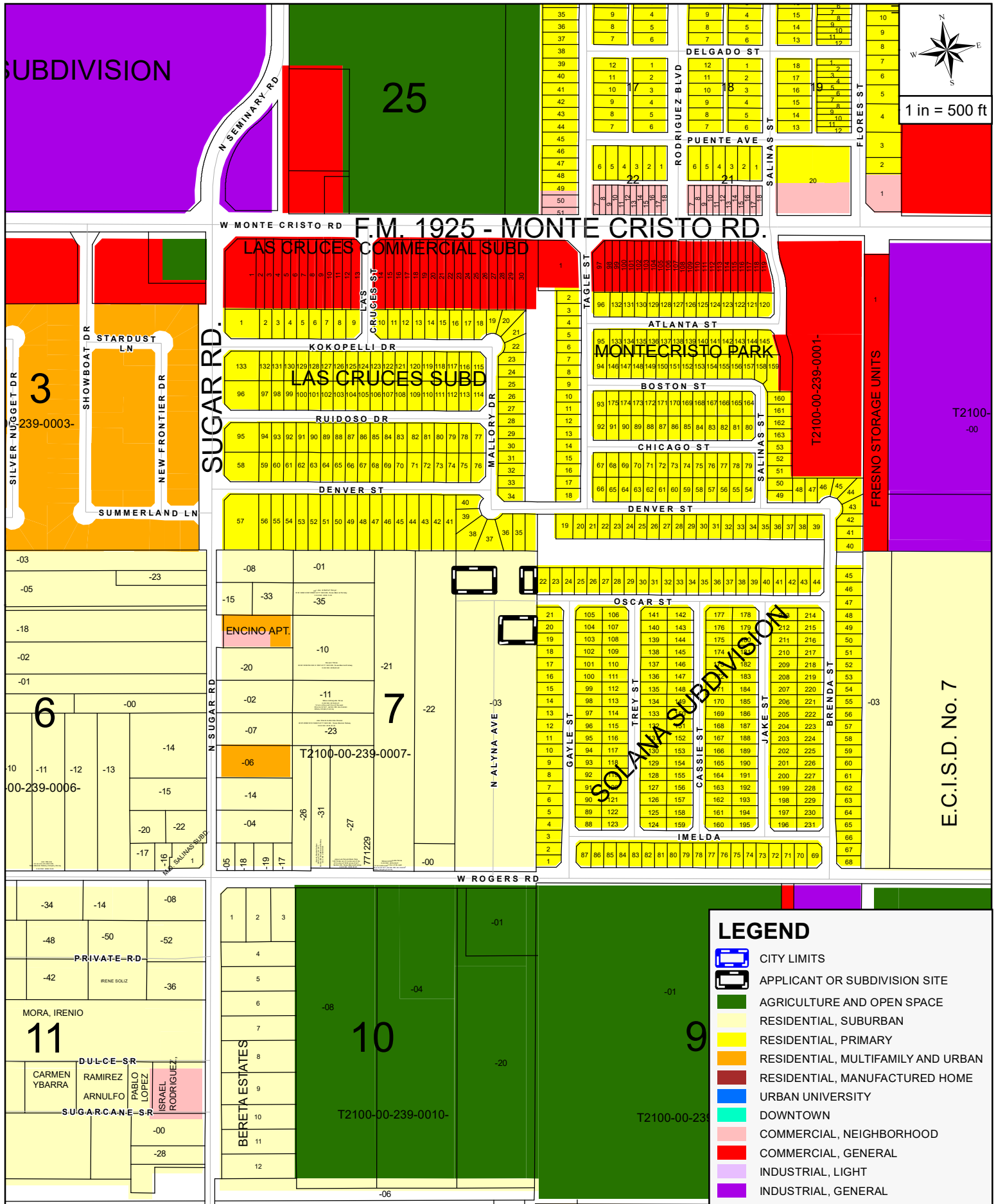


**AERIAL MAP**

**APPLICANT AND/OR SUBDIVISION:**

**HUGO LEAL / PEARL ESTATES LOT 22-24,27,29-30**





**AERIAL MAP**

**APPLICANT AND/OR SUBDIVISION:**

**HUGO LEAL / PEARL ESTATES LOT 22-24,27,29-30**



**SUBDIVISION**

**25**

**F.M. 1925 - MONTE CRISTO RD.**

**3**

**6**

**7**

**10**

**9**

**11**

**LEGEND**

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

**MAILOUT AND SITE MAP**

**APPLICANT AND/OR SUBDIVISION:**

**HUGO LEAL / PEARL ESTATES LOT 22-24,27,29-30**

[illegible][illegible][illegible]

**SUBDIVISION**

**25**

**F.M. 1925 - MONTE CRISTO RD.**

**LAS CRUCES COMMERCIAL SUBD**

**LAS CRUCES SUBD**

**MONTECRISTO PARK**

**BOSTON ST**

**CHICAGO ST**

**DENVER ST**

**OSCAR ST**

**TREY ST**

**CASSIE ST**

**IMELDA**

**JAKE ST**

**BRENDA ST**

**N ALYNA AVE**

**N SUGAR RD**

**W ROGERS RD**

**PRIVILEGE RD**

**MORA, IRENO**

**DULCE SR**

**CARMEN YBARRA**

**RAMIREZ**

**PABLO LOPEZ**

**ARNULFO**

**ISRAEL RODRIGUEZ**

**SUGARCANE SR**

**BERETA ESTATES**

**ENCINO APT.**

**LAS CRUCES SUBD**

**KOKOPELLI DR**

**RUIDOSO DR**

**DENVER ST**

**ATLANTA ST**

**TAGLE ST**

**DELGADO ST**

**RODRIGUEZ BLVD**

**PUESTO AVE**

**SALINAS ST**

**FLORES ST**

**N SEMINARY RD**

**SILVER NUGGET DR**

**SHOWBOAT DR**

**STARDUST LN**

**NEW FRONTIER DR**

**SUMMERLAND LN**

**1 in = 500 ft**

**LEGEND**

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

**MAILOUT AND SITE MAP**

**APPLICANT AND/OR SUBDIVISION:**

**HUGO LEAL / PEARL ESTATES LOT 22-24,27,29-30**

[illegible]

**SUBDIVISION**

**25**

N SEMINARY RD

F.M. 1925 - MONTE CRISTO RD.

LAS CRUCES COMMERCIAL SUBD

LAS CRUCES SUBD

RUIDOSO DR

DENVER ST

SUGAR RD.

KOKOPELLI DR

CROSS ST

MALLOREY DR

TAGLE ST

ATLANTA ST

BOSTON ST

CHICAGO ST

DENVER ST

OSCAR ST

TREY ST

GAYLE ST

N ALYNA AVE

IMELDA

JAKE ST

BRENDA ST

FRESNO STORAGE UNITS

E.C.I.S.D. No. 7

LEGEND

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

MAILOUT AND SITE MAP

APPLICANT AND/OR SUBDIVISION:

HUGO LEAL / PEARL ESTATES LOT 22-24,27,29-30

[illegible][illegible][illegible][illegible][illegible][illegible]

**SUBDIVISION**

**25**

**3**

**6**

**7**

**10**

**9**

**11**

**LEGEND**

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

**MAILOUT AND SITE MAP**

**APPLICANT AND/OR SUBDIVISION:**

**HUGO LEAL / PEARL ESTATES LOT 22-24,27,29-30**



Case # **VAR-2022-0132**

**Edinburg** THE CITY OF

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

## Zoning Board of Adjustment Application Request for Variance

Nature of Request: TO REDUCE REAR SETBACK FROM 20 TO 10

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

THE REAR SETBACK WAS CHANGE AT RECORDING  
HOUSE SIZED WILL BE TOO SMALL 1/20 SET BACK

Property Description: Lot 22, 23, 24, 27 Block 30 & 29 Subdivision PEARL ESTATES

Property Address: SEE ATTACHMENT

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

Person requesting Variance: HUGO E LEAL Email: hugoel@icloud.com

Mailing Address: 2615 BENJI CIR EDINBURG TX  
Street Address City/State Zip Code

Phone No. (Home): \_\_\_\_\_ (Work): \_\_\_\_\_ (Cell): (956) 522 8646

Owner's Name: HUGO LEAL / GALLERY HOMES Email: hugoel@icloud.com

Owner's Address: 2615 BENJI CIR 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: [Signature] Date: 09/15/22

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

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

Receipt No.

Name: J. Ayala

### OFFICE USE ONLY

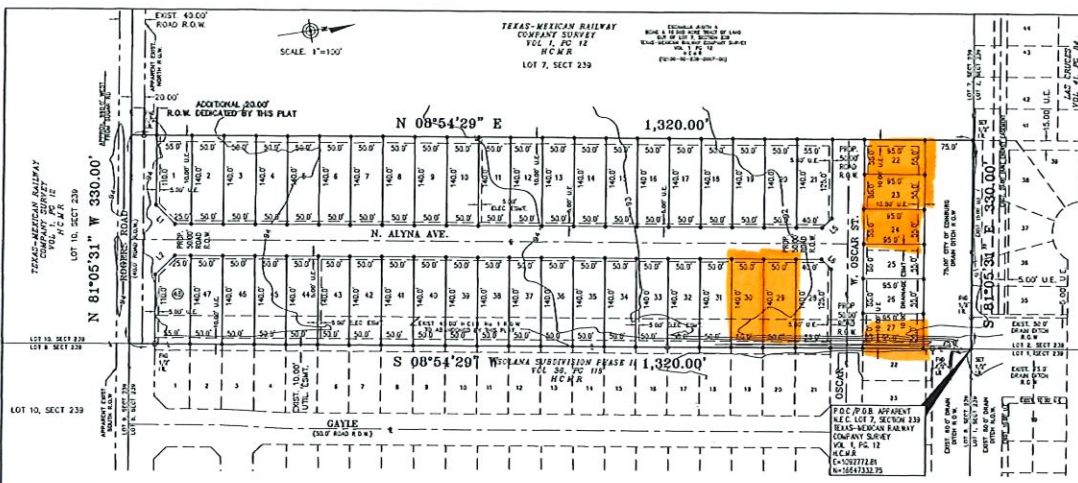
Application deadline: \_\_\_\_\_ ZBA Hearing date: \_\_\_\_\_

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

Warranty deed of project plans. Letter of Authorization  
(if not property owner)



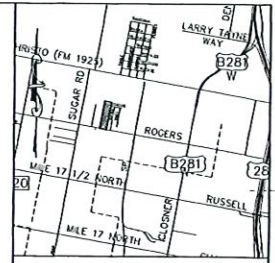
3100 N. Alyna Ave 1309 W OSCAR ST.  
 3104 N. Alyna Ave 1305 W OSCAR ST.  
 1301 W OSCAR ST.  
 1201 W OSCAR ST.



**GENERAL SUBDIVISION PLAT NOTES**

1. PROPOSED SETBACKS FROM: 25.00' SIDE: 6.00' REAR: 20.00' MINIMUM GARAGE: 18.00'-FT. EXCEPT WHERE GREATER SETBACKS APPLY.
2. FLOOD ZONE STATEMENT: ZONE "A" (SHADED) AREAS OF 500-YEAR FLOOD. AREAS OF 100-YEAR FLOOD WITH AVERAGES DEPTHS OF LESS THAN 1 FOOT OR WITH GRADIENT AREAS LESS THAN 1 SQUARE MILE. AND ARE PROTECTED BY LEVEES FROM 100-YEAR FLOOD, AS PER COMMUNITY-PANEL NUMBER: 480338 0015 E LOMR DATE: MAY 14, 2001.
3. BENCH MARK DESCRIPTION: BENCH MARK: EXISTING SANITARY SEWER MANHOLE LOCATED 110.00' EAST FROM THE SOUTHEAST CORNER OF LOT 48, WITH AN ELEVATION OF: 94.48.
4. A FIVE FOOT (5.0') SIDEWALK IS REQUIRED ON ALL INTERNAL STREET AT THE BUILDING PERMIT STAGE.
5. A FIVE FOOT (5.0') SIDEWALK IS REQUIRED ALONG ROGERS ROAD DURING SUBDIVISION CONSTRUCTION.
6. IN ACCORDANCE WITH THE HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 AND HIDALGO COUNTY REQUIREMENTS, THIS DEVELOPMENT WILL BE REQUIRED TO DETAIN 28,872.62 CUBIC-Feet ON 0.558 ACRE-Feet OF STORM WATER RUNOFF FOR THIS SUBDIVISION.
7. NO PERMANENT STRUCTURES SHALL BE ALLOWED WITHIN UTILITY EASEMENTS, GAS EASEMENTS, IRRIGATION EASEMENTS AND LOT LINES.
8. ALL LOT CORNERS ARE SET 1/2 INCH IRON RODS, UNLESS OTHERWISE NOTED.
9. ALL CONSTRUCTION SHALL COMPLY WITH STORM WATER POLLUTION PREVENTION PLAN (SWPP) REQUIREMENTS.

- LEGEND**
- 2 1/2" IRON ROD
  - 4" IRON ROD
  - 6" IRON ROD
  - 8" IRON ROD
  - 10" IRON ROD
  - 12" IRON ROD
  - 14" IRON ROD
  - 16" IRON ROD
  - 18" IRON ROD
  - 20" IRON ROD
  - 22" IRON ROD
  - 24" IRON ROD
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  - 80" IRON ROD
  - 82" IRON ROD
  - 84" IRON ROD
  - 86" IRON ROD
  - 88" IRON ROD
  - 90" IRON ROD
  - 92" IRON ROD
  - 94" IRON ROD
  - 96" IRON ROD
  - 98" IRON ROD
  - 100" IRON ROD



**LOCATION MAP**  
 SCALE: 1"=300'

PREPARED BY:  
 HLG PLAN REVIEW SERVICES  
 HOMERO L. GUTIERREZ, P.E., OWNER  
 BOX 548, McALLEN, TEXAS 78505

DATE PREPARED: 3/26/20  
 DATE SURVEYED: 1/23/20

**PLAT OF  
 PEARL ESTATES  
 SUBDIVISION  
 BEING A 10.000 ACRE TRACT  
 OF LAND OUT OF LOT 7,  
 SECTION 239, TEXAS-MEXICAN  
 RAILWAY COMPANY SURVEY  
 VOL. 1, PG. 12  
 H.C.M.R.  
 HIDALGO COUNTY, TEXAS**

STATE OF TEXAS  
 COUNTY OF HIDALGO

I, (WE) TEAK KIM, MANAGER, ROGERS & SUGAR, LLC, THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS PEARL ESTATES SUBDIVISION, ADOPTION OF THE CITY OF EDINBURG, AND WHOME NAME IS SUBSCRIBED HERETO, HEREBY EDEICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE OF CONSIDERATION THEREIN EXPRESSED.

TEAK KIM, MANAGER  
 ROGERS & SUGAR, LLC  
 1602 W. EXPRESSWAY 83  
 ALAMO, TEXAS 78516

11/18/2021  
 DATE

STATE OF TEXAS  
 COUNTY OF HIDALGO

I, THE UNDERSIGNED MAYOR OF THE CITY OF EDINBURG, TEXAS, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT KNOWN AS PEARL ESTATES SUBDIVISION CONFORMS WITH THE REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED AND HAS BEEN APPROVED FOR RECORDING ON THE 24th DAY OF April, 2022.

PLANNING & ZONING COMMISSION CHAIRPERSON  
 DATE: 4/21/2022

STATE OF TEXAS  
 COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Teak Kim, known to me to be the person whose name is (is are) subscribed to the foregoing instrument, and acknowledged to me that he executed the same for purposes and considerations therein stated GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 12th DAY OF November, 2021.

Emma Monterrubio  
 NOTARY PUBLIC  
 MY COMMISSION EXPIRES ON 09-30-2022

11/18/2021  
 DATE

APPROVED BY DRAINAGE DISTRICT NO. 1

STATE OF TEXAS  
 COUNTY OF HIDALGO

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

DATE: 4/29/2022

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

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1  
 RAUL E. SETHI, P.E.  
 GENERAL MANAGER

04-27-2022  
 DATE

HIDALGO COUNTY  
 CERTIFICATE OF PLAT APPROVAL

HIDALGO COUNTY IRRIGATION DISTRICT # 1

NO IMPROVEMENTS OF ANY KIND SHALL BE PLACED UPON H20 NO. 1 RIGHTS-OF-WAY OR EASEMENTS WITHOUT THE EXPRESSED WRITTEN PERMISSION OF THE H.C.I.D. No. 1.

THIS PLAT APPROVED BY THE HIDALGO COUNTY IRRIGATION DISTRICT NO. 1 ON THIS 24th DAY OF March, 2022.

ATTEST: Robert P. Ball  
 PRESIDENT  
 DATE: 4/29/2022

SECRETARY  
 DATE: 4/29/2022

STATE OF TEXAS  
 COUNTY OF HIDALGO

I, HOMERO LUIS GUTIERREZ, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS MADE AND IS PREPARED FROM AN ACTUAL SURVEY ON THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON, AND THAT THERE ARE NO APPARENT DISCREPANCIES, CONFLICTS, OR OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN ON THE ACCOMPANYING PLAT, AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF EDINBURG, TEXAS.

HOMERO LUIS GUTIERREZ, P.E.  
 REGISTERED PROFESSIONAL LAND SURVEYOR No. 2791

11/09/2021  
 DATE

STATE OF TEXAS  
 COUNTY OF HIDALGO

I, HOMERO LUIS GUTIERREZ, A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

HOMERO LUIS GUTIERREZ, P.E.  
 LICENSED PROFESSIONAL ENGINEER No. 36639

11/09/2021  
 DATE

**MEETS AND BOUNDS DESCRIPTION**

A 10.000 ACRE (CALCULATED) TRACT OF LAND, OUT OF LOT 7, SECTION 239, MEXICAN RAILWAY COMPANY SURVEY, AS PER MAP RECORDED IN VOLUME 1, PAGE 12, HIDALGO COUNTY MAP RECORDS, HIDALGO COUNTY, TEXAS, (REFERENCE TO WHICH IS HERE MADE FOR ALL PURPOSES), SAID 10.000 ACRE (CALCULATED) TRACT OF LAND IS MORE PARTICULARLY DESCRIBED BY MEETS AND BOUNDS AS FOLLOWS:

THE POINT OF COMMENCEMENT (P.O.C.) BEING A 1/4" IRON ROD SET FOR THE APPARENT NORTHEAST CORNER OF SAID LOT 7, SECTION 239, AND ALSO BEING THE POINT OF BEGINNING (P.O.B.) OF SAID 10.000 ACRE TRACT OF LAND HEREIN DESCRIBED,

THENCE, S 05°42'29" E, ALONG THE APPARENT EAST LINE OF SAID LOT 7, SECTION 239, AND ALSO BEING THE APPARENT EAST LINE OF SAID 10.000 ACRE TRACT, A DISTANCE OF 1,320.00 FEET TO A 1/4" IRON ROD FOUND FOR THE APPARENT EXISTING NORTH RIGHT-OF-WAY LINE OF ROGERS ROAD, CONTINUING ON THE SAME BEARING FOR A TOTAL DISTANCE OF 1,320.00 FEET TO A POINT FOR THE APPARENT SOUTHEAST CORNER OF SAID LOT 7, SECTION 239, AND ALSO BEING THE APPARENT SOUTHEAST CORNER OF SAID 10.000 ACRE TRACT OF LAND HEREIN DESCRIBED,

THENCE, S 81°05'31" E, ALONG THE APPARENT SOUTH LINE OF SAID LOT 7, SECTION 239, AND ALSO BEING THE APPARENT SOUTH LINE OF SAID 10.000 ACRE TRACT, A DISTANCE OF 330.00 FEET TO A POINT FOR THE APPARENT SOUTHWEST CORNER OF SAID 10.000 ACRE TRACT OF LAND HEREIN DESCRIBED,

THENCE, N 05°42'29" E, ALONG THE APPARENT WEST LINE OF SAID 10.000 ACRE, A DISTANCE OF 20.00 FEET TO A 1/4" IRON ROD SET ON THE APPARENT NORTH RIGHT-OF-WAY LINE OF ROGERS ROAD, CONTINUING ON THE SAME BEARING FOR A TOTAL DISTANCE OF 1,320.00 FEET TO A 1/4" IRON ROD SET ON THE APPARENT NORTH LINE OF SAID LOT 7, SECTION 239, AND ALSO BEING THE APPARENT NORTHWEST CORNER OF SAID 10.000 ACRE TRACT OF LAND HEREIN DESCRIBED,

THENCE, S 81°05'31" E, ALONG THE APPARENT NORTH LINE OF SAID LOT 7, SECTION 239, AND ALSO BEING THE APPARENT NORTH LINE OF SAID 10.000 ACRE TRACT, A DISTANCE OF 330.00 FEET TO THE NORTHEAST CORNER OF SAID 10.000 ACRE TRACT OF LAND HEREIN DESCRIBED, AND ALSO BEING THE POINT OF BEGINNING (P.O.B.), CONTAINING 10.000 ACRE (CALCULATED) TRACT OF LAND, MORE OR LESS.

NAME	ADDRESS	PHONE NUMBER	FAX NUMBER
OWNER:	TEAK KIM, MANAGER		
ENGINEER:	ROGERS & SUGAR, LLC	1602 W. EXPRESSWAY 83, ALAMO, TEXAS 78516	(956) 778-3161 N/A
SURVEYOR:	HOMERO L. GUTIERREZ, P.E., R.P.L.S.	P.O. BOX 548, McALLEN, TEXAS 78505	(956) 369-0988 (956) 287-3639
			(956) 369-0988 (956) 287-3639

**HLG PLAN REVIEW SERVICES**  
 HOMERO L. GUTIERREZ, P.E., OWNER  
 P.O. Box 548, McAllen, Texas 78505  
 Tel: 956-369-0988  
 TBPE Firm Licensed No. F-10426

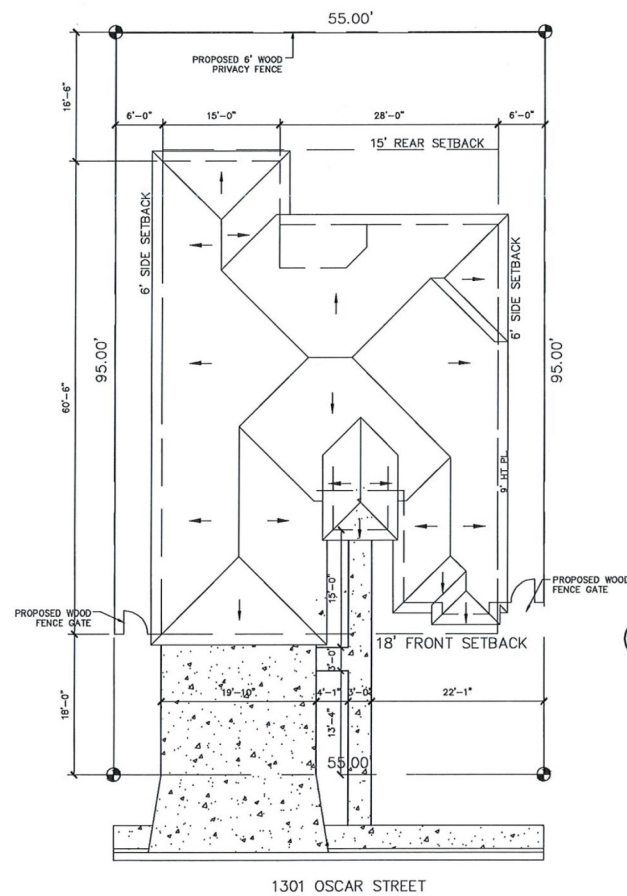
FILED FOR RECORD IN  
 HIDALGO COUNTY CLERK'S  
 OFFICE  
 4-19-22 4:28 PM  
 BY: [Signature] DEPUTY

LINE DATA				LOT AREAS			
LINE	BEARING	DISTANCE	LOT	SQ. FT.	AC.		
L1	S 53°52'29" W	43.42'	1	1.45	7,250.00	0.168	
L2	N 78°00'00" E	43.42'	2	1.45	7,250.00	0.168	
L3	S 81°05'31" E	20.00'	3	2.20	7,600.00	0.181	
L4	S 81°05'31" E	21.31'	4	21.48	7,587.50	0.174	
L5	S 81°05'31" E	21.31'	5	22.27	5,235.00	0.120	
L6	N 53°52'29" E	21.31'	6	22.47	7,600.00	0.181	

SEP 15 2022

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





1 SITE PLAN  
SCALE: 1/16" = 1'-0" NORTH

LOT 24 ✓  
PEARL ESTATES SUBDIVISION  
1301 OSCAR STREET  
EDINBURG, TEXAS  
HIDALGO COUNTY

RECEIVED  
SEP 15 2022  
Name: \_\_\_\_\_

JV DRAFTING	
DONNA/ALAMO, TX (956)-472-5378	
REVISIONS:	DATE:
1: MIRRORED	08.31.2022
2:	
3:	
4:	
PROPOSED RESIDENCE PEARL ESTATES SUBDIVISION - LOT 24 1301 OSCAR STREET EDINBURG, TEXAS HIDALGO COUNTY	
SHEET CONTENT:	
PROJECT NO.: 2017-73	
DATE: 08/02/22	
DRAWN BY: J. VALDEZ	
CHECKED BY:	
SHEET No. 0	

NOTE: THESE DOCUMENTS ARE A DESIGN DRAWING BY THE DESIGNER/DRAWER. THE DRAFTER ASSUMES NO RESPONSIBILITY IF THE OWNER CHANGES TO BUILD THIS 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 October 5, 2022

HUGO LEAL - PEARL ESTATES SUBDIVISION



## 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	07/27/22	08/31/22			
Alex Rios - Chairperson	A	P	P	P	P	A	A	P	A			
Eddie Garza - Vice Chairperson	P	P	P	P	P	P	P	P	P			
Andre Maldonado - Regular	P	P	P	P	P	A	P	A	P			
George Cardenas - Regular	A	P	P	P	P	A	P	P	P			
Ponciano Longoria - Regular	P	P	P	A	P	P	P	P	P			
Marc Moran - Alternate	P	P	P	A	P	P	P	P	P			
Michael Cantu - Alternate	P	P	A	P	P	P	P	A	P			
Diane Teter - Alternate	P	P	P	P	P	P	P	P	P			
Abraham Garcia - Alternate					P	A	A	A	A			