

NOTICE AND AGENDA
ZONING BOARD OF ADJUSTMENT
MAY 31, 2023 - 05:30 PM
REGULAR MEETING
CITY HALL-COUNCIL CHAMBERS
415 WEST UNIVERSITY DRIVE
EDINBURG, TEXAS 78541

- 1. CALL MEETING TO ORDER, ESTABLISH QUORUM
 - **A.** Prayer
 - **B.** Pledge of Allegiance
- 2. CERTIFICATION OF PUBLIC NOTICE
- 3. DISCLOSURE OF CONFLICT OF INTEREST
- 4. PUBLIC COMMENTS
 - **A.** Public Comments are limited to three (3) minutes. If a resident desires to make a public comment, please notify the Chairperson prior to the start of the meeting. A spokesperson for large groups is required. We ask for everyone's cooperation in following these procedures.

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

- **A.** All items are generally considered as they appear on the agenda. As each item is introduced:
- **B.** Staff will present its findings and recommendation on the item being considered.
- **C.** The party making the request may make a presentation and may address the Board on any issues arising during the discussion of the item being considered.
- **D.** Anyone in the audience desiring to speak in favor or in opposition may do so. A 3-5 minute time limit will be given to each person interested in speaking on the item. The use of a spokesperson for large groups of people will be required.
- **E.** Once the Chair closes the public hearing, the Board may question anyone and maintain any discussion which clarifies the proposal and will then take what action it believes to be appropriate.
- **F.** A minimum of four votes are required for an item to be approved by the Board.

6. MINUTES

A. Consider Approval of the minutes for the April 26, 2023 Regular Meeting

7. PUBLIC HEARINGS

- **A.** Consider Variances to the City's Unified Development Code, Section 3.102(C)(1), Lot and Design Standards, Single-Family Detached Lot and Building Standards, Lot Area, Lot Width, and Setbacks, the east half of Lot 7, Block 243, Original Townsite of Edinburg, located at 1123 East Cano Street, as requested by Ramiro A. Resendez
- **B.** Consider Variances to the City's Unified Development Code, Section 5.207(F), Easements, Encroachments and Removal of Encroachments, Lot 34, Sugar Oaks Subdivision, located at 3335 Nelson Avenue, as requested by Amado Arteaga on behalf of Andrew Alberto Arteaga
- C. Consider Variances to the City's Unified Development Code, Section 5.207(F), Easements, Encroachments and Removal of Encroachments, Lot 89, Atwood Village Subdivision, located at 906 North Blair Avenue, as requested by Gerardo Rodriguez on behalf of Albino Garcia Escamilla
- **D.** Consider Variance to the City's Unified Development Code, Section 3.102(A)(1), General Standards, Building Separation, Lot 12 & 16, Bel-Air Estates Subdivision, located at 2507 North Vineyard Avenue and 2523 North Vineyard Avenue, as requested by Rene Barrera, P.E. on behalf of DGV, L.P. Dr. Parul Desai, Member
- E. Consider Variances to the City's Unified Development Code, Section 5.207(F), Easements, Encroachments and Removal of Encroachments and Section 7.102(D) (2); Nonconformities; General Provisions; Alteration, Enlargement, or Abandonment; Nonconforming Uses, Lot 60, Ebony Terrace No. 2 Unit C Subdivision, Located at 1207 Jo Ann Court, as requested by Letisia Caballero

8. INFORMATION ONLY

A. Attendance Roster

9. ADJOURNMENT

I hereby certify that this notice of meeting was posted in accordance with the Open Meetings Act, V.T.C.A., Government Code, Section 551.041, at the bulletin board located at the main entrance to the City offices of the City of Edinburg, (415 West University Drive), visible and accessible to the general public after regular working hours, at 4:00 P.M. on May 26, 2023.

Claudia Mariscal, Administrative Assistant

landra Marina

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



NOTICE AND AGENDA
ZONING BOARD OF ADJUSTMENT
APRIL 26, 2023 - 5:30 P.M.
REGULAR MEETING
COMMUNITY MEETING ROOM
415 W. UNIVERSITY DR.
EDINBURG, TEXAS 78539
MINUTES

Members Present:

Absent:

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

Staff:

Jaime Acevedo , Director of Planning & Zoning Omar Ochoa, City Attorney Rita Lee Guerrero, Assistant Director Planning & Zoning Leonel Duran, City Forester Claudia Mariscal, Administrative Assistant Robert Hernandez, Engineering Department Sergio Diaz, Assistant Fire Marshall

1. CALL MEETING TO ORDER, ESTABLISH QUORUM

Chairperson Marc Moran called the meeting to order at 5:30 P.M.

- **A.** Prayer Prayer was announced.
- **B.** Pledge of Allegiance The Pledge of Allegiance was said.

2. CERTIFICATION OF PUBLIC NOTICE

Jaime Acevedo certified the agenda had been posted on April 21, 2023 at 4:47 P.M.

3. DISCLOSURE OF CONFLICT OF INTEREST

4. PUBLIC COMMENTS

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

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

- **A.** All items are generally considered as they appear on the agenda, as each item is introduced.
- **B.** Staff will present its findings and recommendation on the item being considered.
- **C.** The party making the request may make a presentation and may address the Board on any issues arising during the discussion of the item being considered.
- **D.** Anyone in the audience desiring to speak in favor or in opposition may do so. A 3 minute time limit will be given to each person interested in speaking on the item. The use of a spokesperson for large groups of people will be required.
- **E.** Once the Chair closes the public hearing, the Board may question anyone and maintain any discussion which clarifies the proposal and will then take what action it believes to be appropriate.
- **F.** A minimum of four votes are required for an item to be approved by the Board.

6. ABSENCES

A. Consider excusing the absence of Board Member Marc Moran from the March 29, 2023 Regular Meeting

BEING NO DISCUSSION, A MOTION WAS MADE BY BOARD MEMBER MICHAEL CANTU AND WAS SECONDED BY BOARD MEMBER RUBEN RUIZ TO EXCUSE THE ABSENCE. MOTION CARRIED WITH A VOTE OF 8-0.

B. Consider excusing the absence of Board Member Diane Teter from the March 29, 2023 Regular Meeting

BEING NO DISCUSSION, A MOTION WAS MADE BY VICE CHAIRPERSON PONCIANO LONGORIA AND WAS SECONDED BY BOARD MEMBER MICHAEL CANTU TO EXCUSE THE ABSENCE. MOTION CARRIED WITH A VOTE OF 8-0.

AFTER THE ITEMS FOR THE ABSENCES WERE VOTED ON BOARD MEMBER DIANE TETER STATED THAT SHE WANTED TO DISCUSS THE EXCUSED ABSENCES. CITY ATTORNEY OMAR OCHOA EXPLAINED THAT THE ITEMS WERE VOTED ON SO THEY COULD NOT BE RECONSIDERED AND SINCE THE TOPIC WAS NOT A LINE ITEM IT COULD NOT BE DISCUSSED.

7. MINUTES

A. Consider approval of the Minutes for the March 29, 2023 Regular Meeting

BOARD MEMBER, MICHAEL CANTU MOVED TO CONSIDER APPROVAL OF THE MINUTES FOR THE MARCH 29, 2023 REGULAR MEETING. SECONDED BY BOARD MEMBER, GREGORY VASQUEZ. THE MOTION TO APPROVE CARRIED UNANIMOUSLY WITH A VOTE OF 8-0

8. PUBLIC HEARINGS

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

DUE TO INCORRECT INFORMATION DISTRIBUTED ON THE MEETING PACKETS, THIS ITEM WAS RECOMMENDED TO BE TABLED.

BEING NO FURTHER DISCUSSION, A MOTION WAS MADE BY VICE CHAIRPERSON, PONCIANO LONGORIA AND WAS SECONDED BY BOARD MEMBER GREGORY VASQUEZ TO TABLE THE VARIANCE REQUEST. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 8-0.

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

MR. VICTOR GONZALEZ THE FACILITIES DIRECTOR FOR THE EDNBURG SCHOOL DISTRICT WAS PRESENT AND EXPLINED THAT THEY WERE

GOING TO PLACE THEIR HOUSEKEEPING PADS FOR THEIR AIR CONDITION UNITS IN THE ADDITION. MR. GONZALEZ ADDED THAT THEY WOULD BE ADDING 15 FEET TO THE EXISTNG STRUCTURE. MR. ESTEBAN ZAMORA THE ARCHITECT WAS PRESENT AS WELL AND EXPLAINED THAT THE ADDITION WOULD ENCROACH. BEING NO ONE WAS PRESENT IN OPPOSITION OR IN FAVOR OF THE VARIANCE REQUEST.

BEING NO FURTHER DISCUSSION, A MOTION WAS MADE BY BOARD MEMBER, MICHAEL CANTU AND WAS SECONDED BY VICE CHAIRPERSON PONCIANO LONGORIA TO APPROVE THE VARIANCE REQUEST. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 8-0.

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

MR. ESTEBAN ZAMORA THE ARCHITECT WORKING ON THE PROJECT WAS PRESENT AND EXPLAINED THAT THEY WERE EXTENDING THE STRUCTURE AS WELL FOR THE HOUSEKEEPING PADS FOR THE AIR CONDITION UNITS AND IT WOULD ENCROACH EIGHT FEET. MS. ANITA GUTIERREZ, RESIDENT WAS PRESENT AND ASK HOW THE VARIANCE WOULD AFFECT THE SURROUNDING PROPERTIES. BEING NO ONE WAS PRESENT IN OPPOSITION OR IN FAVOR OF THE VARIANCE REQUEST.

BEING NO FURTHER DISCUSSION, A MOTION WAS MADE BY VICE CHAIRPERSON PONCIANO LONGORIA AND WAS SECONDED BY BOARD MEMBER, MICHAEL CANTU TO APPROVE THE VARIANCE REQUEST. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 8-0.

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

BEING NO ONE WAS PRESENT IN OPPOSITION OR IN FAVOR OF THE VARIANCE REQUEST. BOARD MEMBER MICHAEL CANTU ASKED ABOUT THE SIDE SETBACKS. MR. JAIME ACEVEDO STATED THAT THERE SHOULD BE A SIX-FOOT SETBACK. VICE CHAIRPERSON PONICANO LONGORIA ASKED WHAT THE DISTANCE WAS FROM THE NEIGHBORS HOME TO THE STRUCTURE. MR. ACEVEDO MENTIONED BASED ON THE PICTURE THERE WAS NO MEASUREMENT PROVIDED. CHAIRPERSON MARC MORAN ASKED STAFF IF THERE WAS A SIZE LIMIT FOR THE

EXTRA STRUCTURE. MR. ACEVEDO REPSONDED THAT THERE WAS NO LIMIT BUT THE APPLICANT WILL COMPLY WITH THE REAR SETBACKS.

BEING NO FURTHER DISCUSSION, A MOTION WAS MADE BY VICE CHAIRPERSON PONCIANO LONGORIA AND WAS SECONDED BY BOARD MEMBER, GREGORY VASQUEZ TO APPROVE THE VARIANCE REQUEST. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 8-0.

BOARD MEMBER ELISEO GARZA JR. SUGGESTED THAT THE BOARD ADD A CONDITION TO THE VARIANCE REGARDING A FIRE WALL. CITY ATTORNEY OMAR OCHOA STATED THAT THE BOARD WOULD NEED TO RECONSIDER THE 1ST MOTION SINCE IT WAS ALREADY VOTED ON.

A MOTION WAS MADE BY BOARD MEMBER ELISEO GARZA JR. AND WAS SECONDED BY VICE CHAIRPERSON PONCIANO LONGORIA TO RECONSIDER THE FIRST VOTE. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 8-0.

THEN A MOTION WAS MADE BY VICE CHAIRPERSON PONCIANO LONGORIA AND WAS SECONDED BY BOARD MEMBER, ELISEIO GARZA JR. TO APPROVE THE VARIANCE REQUEST WITH THE CONDITION THAT IF THE STRUCTURE DOES NOT MEET THE REQUIREMENTS A FIREWALL IS NEEDED. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 8-0.

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

DELLA ROBLES FROM MELDEN & HUNT INC. WAS PRESENT AND ADDRESSED THE BOARD. BEING NO ONE WAS PRESENT IN OPPOSITION OR IN FAVOR OF THE VARIANCE REQUEST.

BEING NO FURTHER DISCUSSION, A MOTION WAS MADE BOARD MEMBER RUBEN RUIZ AND WAS SECONDED BY BOARD MEMBER MICHAEL CANTU TO APPROVE THE VARIANCE REQUEST. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 8-0.

10.INORMATION ONLY

A. Attendance Roster **11.ADJOURNMENT**

There being no further business to consider, the meeting was adjourned at 6:21 P.M.

MOTION WAS MADE BY BOARD MEMBER MICHAEL CANTU AND SECONDED BY BOARD MEMBER GREGORY VASQUEZ TO ADJOURN. THE MEETING AT 6:21 P.M. MOTION CARRIED UNANIMOUSLY.

Claudía Mariscal

Claudia Mariscal, Administrative Assistant Planning & Zoning Department

 $\frac{\text{MEMBERS WHO ARE UNABLE TO ATTEND ARE ASKED TO NOTIFY THE PLANNING AND ZONING DEPARTMENT AT}{956\text{-}388\text{-}8202}$

NOTICE

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Planning & Zoning Staff Report

ZONING BOARD OF ADJUSTMENT

Regular Meeting: May 31, 2023, 2023

Prepared on: May 23 2023

Agenda Item

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

Request

The applicant is requesting a variance to the City's Unified Development Code (UDC) Section 3.102(C)(1) as it applies to side yard setbacks and minimum lot area and width standards for residential development. The applicant is proposing to construct a single-family detached home 4 ½ ft. from each side property line on a lot that does not meet the minimum lot area or lot width requirements for the Residential, Primary (RP) District.

Property Location and Vicinity

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

Background and History

The property is part of the Edinburg Original Townsite recorded in 1913. The lot was split into two equal halves in 1940 and is vacant. The applicant acquired the property earlier this year and proposes to construct a single-family detached home at this location. However, the lot, as divided, does not meet the minimum lot or area requirements for development. The applicant is also proposing 4 ½ ft. side setbacks due to the property constraints. Variance is needed to proceed with the project as planned.

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

Analysis

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

RAMIRO A. RESENDEZ Page 1

Planning & Zoning Staff Report

A site plan submitted by the applicant shows a proposed residential structure placed 4 ½ feet. from each of the side property lines. UDC Section 3.102 requires a minimum side yard setback of 6 ft.

Recommendation

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

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

Prepared by:

Rita Lee Guerrero

Assistant Director of Planning & Zoning

Approved by:

Jaime Acevedo

Director of Planning & Zoning

RAMIRO A. RESENDEZ Page 2



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

ARTICLE 3 – LOT AND DESIGN STANDARDS

Division 3.100, Standards for Rural and Residential Districts

Sec. 3.102, Standards for Rural and Residential Development

• • •

C. Lot and Building Standards by Housing Type.

Single-Family Detached. This housing type is consists of a residence located on a
privately-owned lot with private yards on each side of the unit, as shown in Figure 3.1021, Single-Family Detached. Table 3.102-1, Single-Family Detached Lot and Building
Standards, sets out the dimensional standards for single-family detached units.

Table 3.102-1 Single-Family Detached Lot and Building Standards							
	Minimum						Maximum
Zoning District	Lot Area	Lot Width (ft)	Street Yard ¹ (ft)	Street Side Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Building Height (ft)
Agriculture and Open Space (AO)	5 ac.	330	60	30	30	404	35 / 60 ²
Residential, Suburban (RS)	15,000 sf	90	30	15	15	304	35
Residential, Primary (RP)	5,000 sf	50	20 / 18 ³	10	6	20 ⁴	35
Residential, Multifamily and Urban (RM)	4,000 sf ⁵	40 ⁵	10 / 18 ³	10	5 ⁶	15	35

TABLE NOTES:

RAMIRO A. RESENDEZ Page 3

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

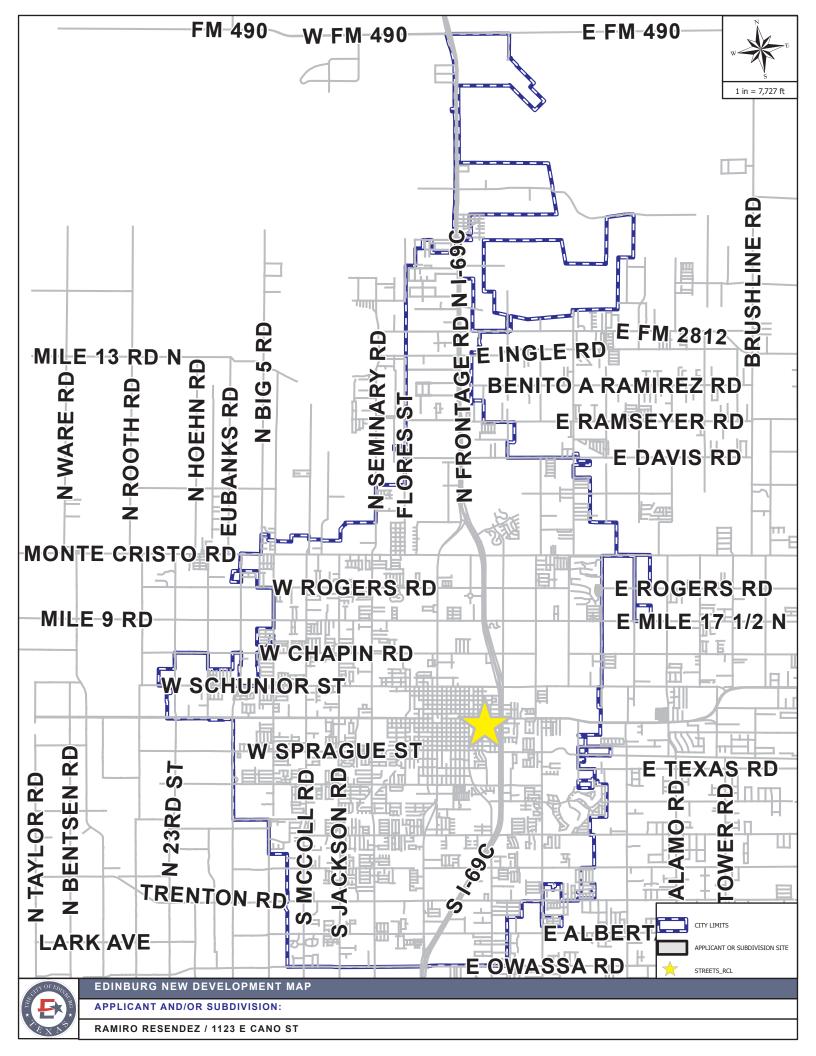
²The second height refers to agricultural structures.

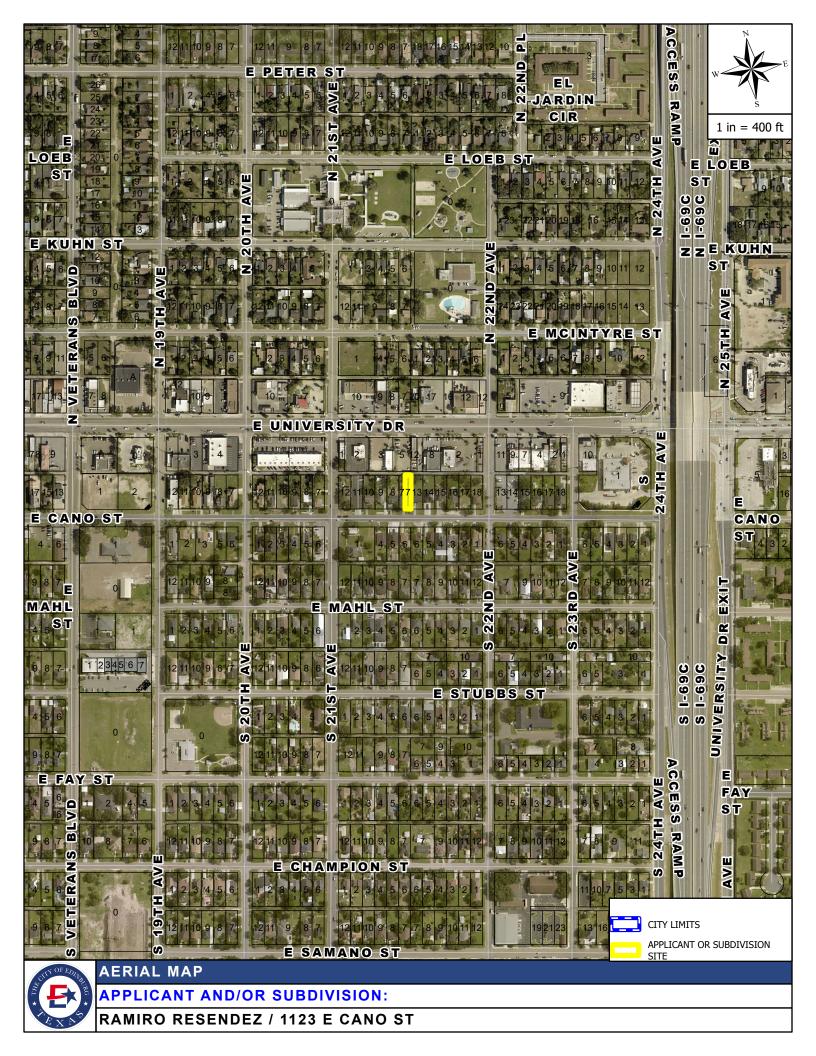
³The first number is the house setback; the second is the setback for a front load garage.

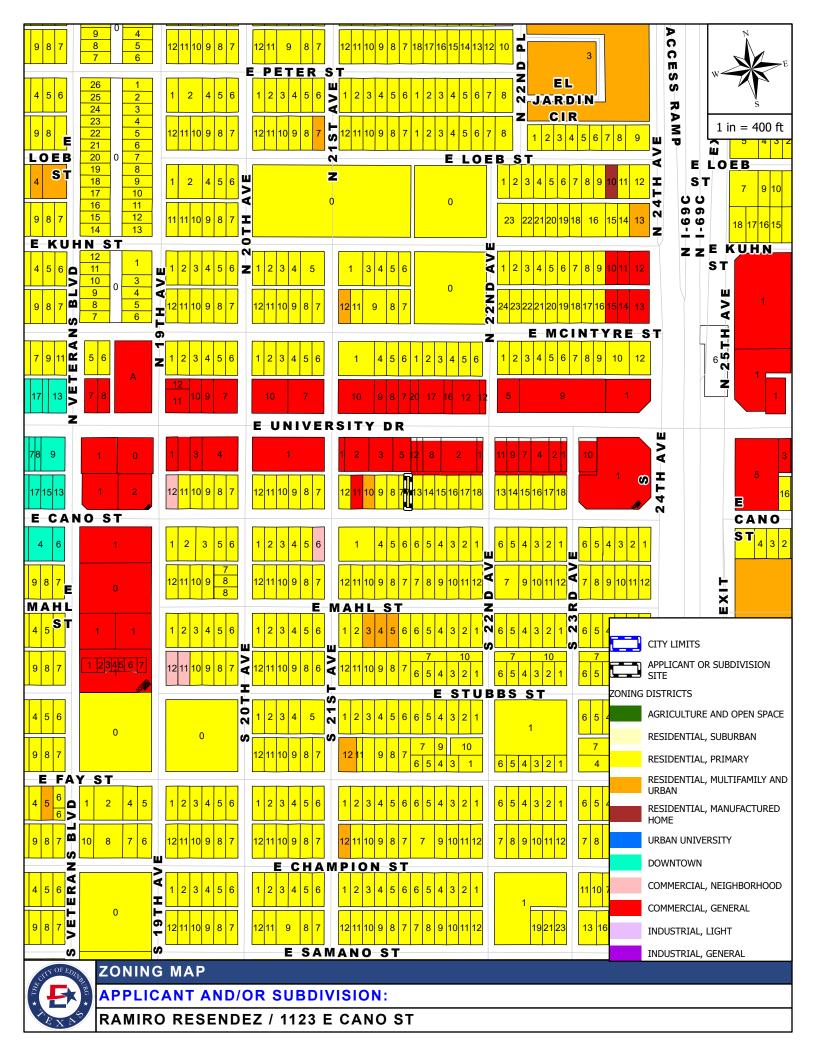
⁴For cul-de-sac and irregular lots, the minimum rear yard setback is 15 feet.

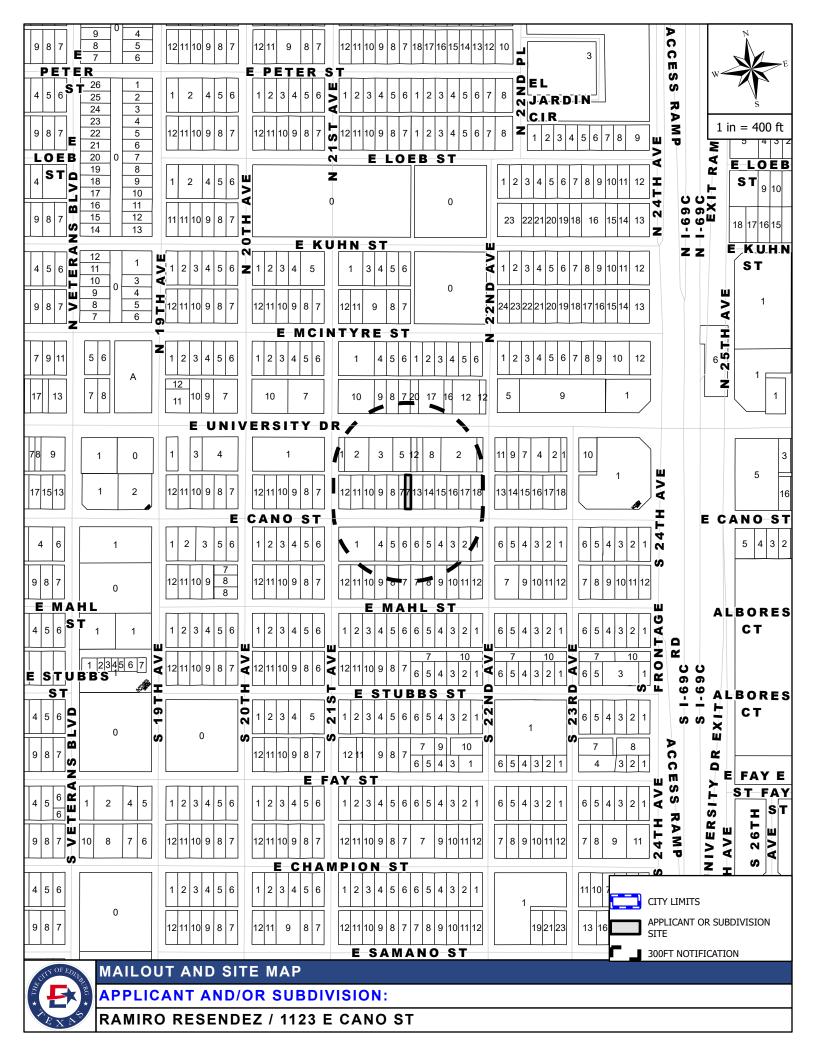
⁵If adjacent to an AO or RS district, lots on the perimeter of the subdivision shall meet the lot area and lot width requirements of the RP district.

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





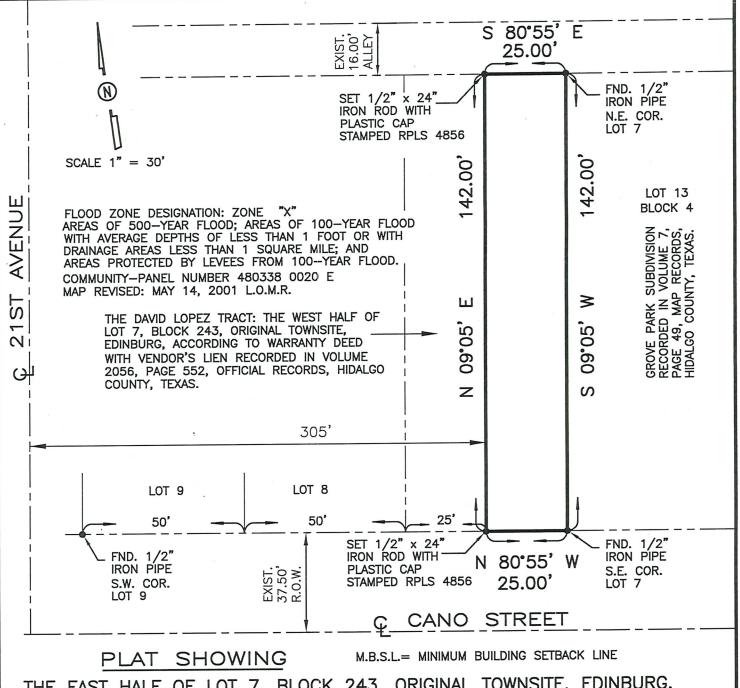




1/23 AMENDED Map EDINBURG IN HIDALGO COUNTY, TEXAS. 5.91 M 10.9 Ac 12.68 Ac 274742 968 A 10.940 29114 16.23 me mis, me 6# day of August, A.D. 144 The Edinburg Townsite Co {Sul} Attest (J. R. Alumie) Secretary 5.46 Ac. By Sohn Closner) President STATE OF TEXAS) Before me the un in a 5.46 AL 5.46 Ac. Country of History) bury, platest by the Edinburg Townsile Company, a like Country at Hidelya, state of Texas, is a true and compiled may affine said burn, as surreyed by the Edinburg Townsile Company, and all the block, like streets a liege and exercitions 10.9916 5.53 Ac (Fred Warren) CITH RHER and SUPPEYOR. 3... 10.99 Ac suc Ac 10.92 Ac 4.44 455 546 Ac. 5.15 AL 5.58 Ac. 5.91 Ac 59140 10.9 Ac. SHA 544 Ac 5.46 Ac SH AL 553 Ac. 5.15 Ac £46.80 500 M Liessomb G 10.99 Ac. 10.40 Mc. 10.92 Ac. 10.9 Ac.

246

1



THE EAST HALF OF LOT 7, BLOCK 243, ORIGINAL TOWNSITE, EDINBURG, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 23, MAP RECORDS, HIDALGO COUNTY, TEXAS, AND ACCORDING TO CONSTABLE'S TAX DEED RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 3158053, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS.

NOTE: THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

COPY

BEARINGS SHOWN ON THIS SURVEY PLAT ARE IN ACCORDANCE WITH BURCH SUBDIVISION RECORDED IN VOLUME 14, PAGE 48, MAP RECORDS, HIDALGO COUNTY, TEXAS.

THE PROPERTY SHOWN ON THIS SURVEY PLAT MAY BE SUBJECT TO THE SUBDIVISION REGULATIONS OF THE COUNTY OF HIDALGO AND/OR ORDINANCES OR GOVERNMENTAL REGULATIONS OF THE CITY IN WHICH THE PROPERTY MAY BE LOCATED OR HOLDING EXTRA TERRITORIAL JURISDICTION.

I, ALFONSO QUINTANILLA, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THE FOREGOING PLAT TO BE A TRUE AND CORRECT REPRESENTATION OF THE LANDS SHOWN AS THE RESULT OF AN ACTUAL SURVEY DONE ON THE GROUND UNDER MY DIRECTION. AND THERE ARE NOT ANY DISCREPANCIES, CONFLICTS, EASEMENTS, OR SHORTAGES IN AREA OR BOUNDARY LINES, OR ANY ENCROACHMENTS, OR ANY OVERLAPPING OF IMPROVEMENTS EXCEPT AS SHOWN CONTINUE PLAT.

MAR 2 1 2023

ALFONSO QUINTANILLA REGISTERED PROFESSIONAL LAND SURVEYOR 4856

PAGE SURVEYED DECEMBER 17, 2020 ADDRESS.

OWNER

BOOK No. _PAGE F:\DATA\SURVEY\SUR20\EDINBURG B243

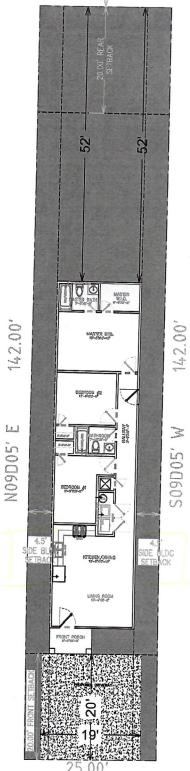


CONSULTING ENGINEERS

124 E. STUBBS ST. EDINBURG, TEXAS 78539

ENGINEERING REGISTRATION NUMBER F-1513 SURVEYING REGISTRATION NUMBER 100411-00

LAND SURVEYORS 956-381-6480 956-381-0527 FAX ALFONSOQ@QHA-ENG.COM \$80D55' E 25.00'



PROPOSSED SITEPLAN

CITY OF EDINBURG, PLANNING AND ZONNING,

REQUESTED VARIANCE:

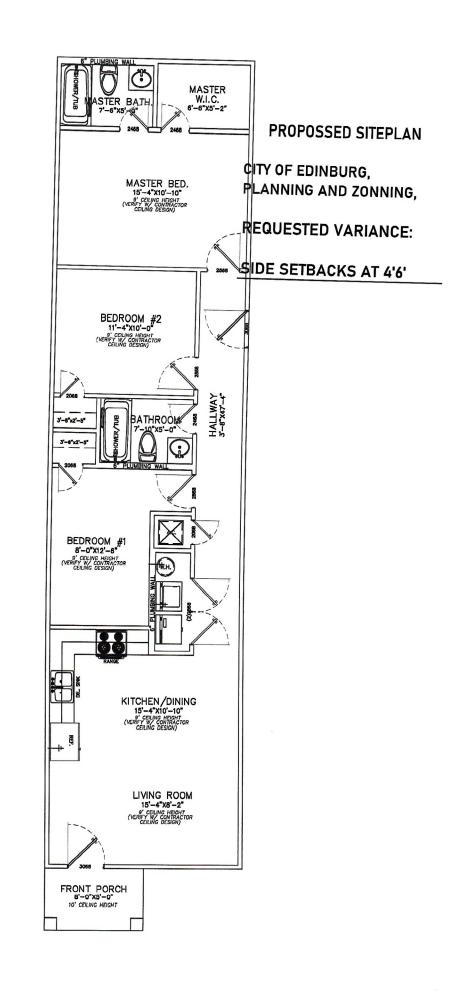
SIDE SETBACKS AT 4'6'

RESIDENCE AREAS: 1,040 sqft— LIVING AREA 40 sqft— FRONT PORCH 1,080 sqft—TOTAL AREA

CANO STREET

PRELIMINARY SITE PLAN

N80D55' W



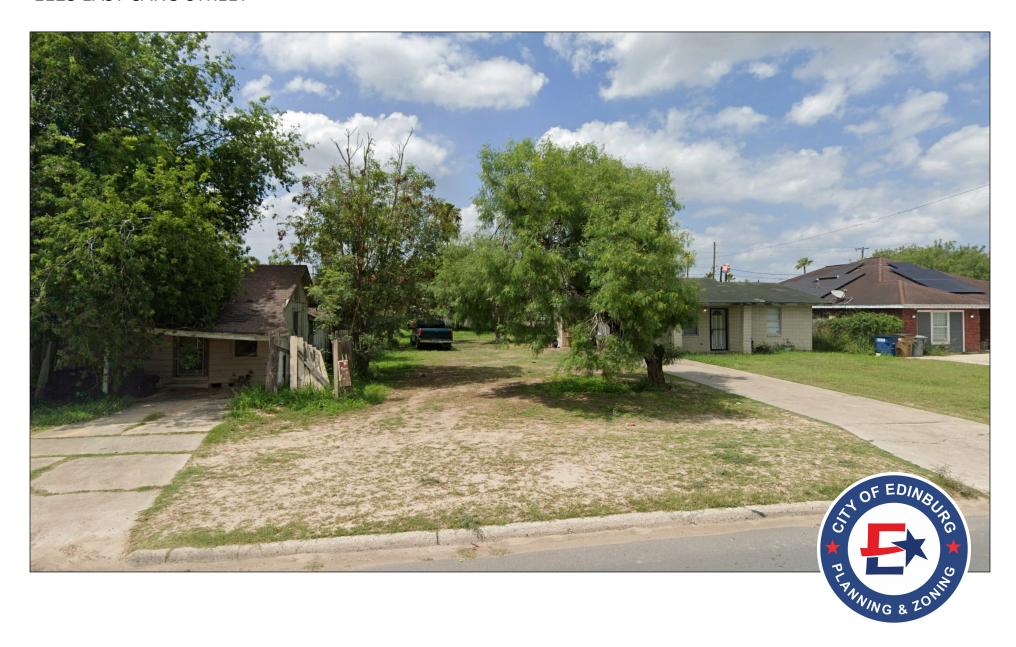


Disclainer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries. Hidalgo County Appraisal District, BIS Consulting - www.bisconsulting.com

Zoning Board of Adjustment

Site Photos for meeting of May 31, 2023

1123 EAST CANO STREET



REFERENCE NUMBER VAR-2023-0159

DEAR CITY OF EDINBURG,

DEAR PLANNING AND ZONING DEPARTMENT,

In reference to the requested Variance, and for your analysis and consideration, I attach a proposed site plan and a floor plan, for the requested lot <u>variance of side setbacks</u> from the existing 6 feet per side, to 4.5 feet per side, of my lot located at: 1123 E. Cano St.

I am aware of the importance of all setbacks for the City orderly development, and of course for all other safety issues that this reduction of the side setbacks might represent, however, in this particular case, I think several factors might make sense to approve this variance.

This particular lot has access from the front on East Cano Street; as well as from the back from the service alley existing behind it. So, this particular quality might help with front as well as rear yard access concerns that might exist.

Also, if this variance is approved, we are willing to condition our building technique to be obligated to install firewalls on the sides of the dwelling, and build the home with a brick veneer or fiber cement siding, to reduce any fire concerns that the City or Fire Marshal might have.

This particular lot has enough depth to increase front and/or rear setbacks to whichever distance the City might think suitable for the purposes of approving this project.

We are hoping to build a brand new three bedroom home, and will like to have a bit more living space if this variance is considered and approved.

We would greatly appreciate any comments or advice that we can get to get this project studied and approved by your Department, and eventually the City and Board.

We think building a brand new home will improve the appearance of that section of Cano Street, and bring increased collection of property taxes to Hidalgo County and specifically the City of Edinburg.

RESPECTFULLY, RAMIRO A. RESENDEZ OWNER (956) 432 4219

PROPERTY ID: 164957 SALAZAR RAMIRO F

NULL

1101 E CANO ST EDINBURG, TX

LEGAL: EDINBURG TOWNSITE S1/2-LOT 12 & N 1/2-LOT 12 BLK 243

PROPERTY ID: 119206 EL PATO PROPERTIES LP

NULL

1300 EAST TAMARACK

MCALLEN, TX

LEGAL: AUSTIN ADDN LOTS 17-18-19 BLK 4

PROPERTY ID: 119207 EL PATO PROPERTIES LP

NULL

1300 EAST TAMARACK

MCALLEN, TX

LEGAL: AUSTIN ADDN LOT 20 BLK 4

PROPERTY ID: 164946

CANALES ELIDA RAMIREZ LOPEZ

NULL

2702 ENCINO COURT

EDINBURG, TX

LEGAL: EDINBURG TOWNSITE LOT 1-E1/2 2 & 3-W1/2 BLK 243

PROPERTY ID: 164947 1116 UNIVERSITY LLC

NULL

11626 MEADOW CHASE DR

NULL

HOUSTON, TX

LEGAL: EDINBURG TOWNSITE E25'-LOT 3 ALL LOT 4 W25'-LOT 5 BLK 243

PROPERTY ID: 164948 MALDONADO PAULA

NULL

601 N 8TH AVE EDINBURG, TX

LEGAL: EDINBURG TOWNSITE E 1/2 LOT 5 ALL LOT 6 BLK 243

PROPERTY ID: 164945 TRUJILLO NORA PEREZ

NULL

2607 PRIMROSE AVE APT 1

NULL

EDINBURG, TX

LEGAL: EDINBURG TOWNSITE LOT W 1/2 OF 1 BLK 243

PROPERTY ID: 164942 GUTIERREZ & CO INC

NULL

PO BOX 4243 EDINBURG, TX

LEGAL: EDINBURG TOWNSITE LOTS 10 11 & 12 BLK 242

PROPERTY ID: 164941 K & M APPLIANCES LLC

NULL

PO BOX 3757 EDINBURG, TX

LEGAL: EDINBURG TOWNSITE LOT 9 BLK 242

PROPERTY ID: 119205 EL PATO PROPERTIES LP

NULL

1300 EAST TAMARACK

MCALLEN, TX

LEGAL: AUSTIN ADDN LOT 16 BLK 4

PROPERTY ID: 164939

ACUNA ROBERTO JR & LETICIA A

NULL

1506 RUIDOSO EDINBURG, TX

LEGAL: EDINBURG TOWNSITE LOTS 7 & 8 BLK 242

PROPERTY ID: 164940

LEGAL:

PROPERTY ID: 165234 RODRIGUEZ BLANCA E

NULL

1116 E CANO ST EDINBURG, TX

LEGAL: EDINBURG TOWNSITE LOT 5 BLK 286

PROPERTY ID: 165233 FLORES VIDAL & JULIA A

NULL

2624 SOUTHRIDGE DR

NULL

EDINBURG, TX

LEGAL: EDINBURG TOWNSITE LOT 4 BLK 286

PROPERTY ID: 165232 FLORES VIDAL & JULIA A

NULL

2624 SOUTHRIDGE DR

NULL

EDINBURG, TX

LEGAL: EDINBURG TOWNSITE LOTS 1-2-3 BLK 286

PROPERTY ID: 183724 SALINAS AZUCENA

NULL

1206 E CANO ST EDINBURG, TX

LEGAL: GROVE PARK LOT 4 BLK 5

PROPERTY ID: 183726 LOPEZ DAVID SALINAS

NULL

1321 E CANO ST EDINBURG, TX

LEGAL: GROVE PARK LOT 6 BLK 5

PROPERTY ID: 165239

GARCIA MANUEL

NULL

1117 EAST MAHL EDINBURG, TX

LEGAL: EDINBURG TOWNSITE LOT 10 BLK 286

PROPERTY ID: 165237

OCHOA JOSE A & RAQUEL R TRUSTEES OCHOA FAMILY REVOCABLE TRUST

NULL

4124 LAKECLIFF DR

NULL

HARKER HEIGHTS, TX

LEGAL: EDINBURG TOWNSITE LOT 8 BLK 286

PROPERTY ID: 183725 CAVAZOS AURORA

NULL

1204 E CANO ST EDINBURG, TX

LEGAL: GROVE PARK LOT 5 BLK 5

PROPERTY ID: 165235

SALINAS ISIDORO L & FRANCISCA G

NULL

1120 E CANO ST EDINBURG, TX

LEGAL: EDINBURG TOWNSITE LOT 6 BLK 286

PROPERTY ID: 165240

RAMIREZ MANUEL JR & EMMA B

NULL

1105 E MAHL ST EDINBURG, TX

LEGAL: EDINBURG TOWNSITE LOT 11 BLK 286

PROPERTY ID: 165238 RODRIGUEZ JESUS JR

NULL

1119 E MAHL ST EDINBURG. TX

LEGAL: EDINBURG TOWNSITE LOT 9 BLK 286

PROPERTY ID: 183718

LIGA PABLO SEVER & FLOR DEL ROCIO SUAREZ

1211 E CANO ST EDINBURG, TX

LEGAL: GROVE PARK LOT 16 BLK 4

PROPERTY ID: 183720

AGUILAR MARIA G & CORINA PEREZ

NULL

3105 S RAUL LONGORIA RD

EDINBURG, TX

LEGAL: GROVE PARK LOT 18 BLK 4

PROPERTY ID: 183715 RODRIGUEZ CESARIO

NULL

1123 E CANO ST EDINBURG, TX

LEGAL: GROVE PARK LOT 13 BLK 4

PROPERTY ID: 183716 OCHOA ANASTACIO JR

NULL

1205 E CANO ST EDINBURG, TX

LEGAL: GROVE PARK LOT 14 BLK 4

PROPERTY ID: 183710

AGUILAR & AGUILAR RENTALS LLC

NULL

2321 E SPRAGUE ST

EDINBURG, TX

LEGAL: GROVE PARK LOT 1 BLK 4

PROPERTY ID: 183717

MORALES IMELDA ABUNDIS

NULL

1207 E CANO ST EDINBURG, TX

LEGAL: GROVE PARK LOT 15 BLK 4

PROPERTY ID: 183719 AGUILAR MARIA G

NULL

3105 S RAUL LONGORIA RD

NULL

EDINBURG, TX

LEGAL: GROVE PARK LOT 17 BLK 4

PROPERTY ID: 164955

CANALES ELIDA RAMIREZ LOPEZ

NULL

2702 ENCINO COURT

EDINBURG, TX

LEGAL: EDINBURG TOWNSITE LOT 11 BLK 243

PROPERTY ID: 183714

MALDONADO PAULA ALONZO

NULL

601 N 8TH AVE EDINBURG, TX

LEGAL: GROVE PARK LOT 12 BLK 4

PROPERTY ID: 183713 MALDONADO ARTURO

NULL

1106 E FAY ST EDINBURG, TX

LEGAL: GROVE PARK LOT 11 BLK 4

PROPERTY ID: 183712 JELUGO PROPERTIES LLC

NULL

2115 LOTT ROAD

DONNA, TX

LEGAL: GROVE PARK LOT 8-9-10 BLK 4

PROPERTY ID: 183711

R & L LOZANO LEASING LTD

NULL

208 N CAGE BLVD

PHARR, TX

LEGAL: GROVE PARK LOTS 2 THRU 7 BLK 4

PROPERTY ID: 183721

MARTINEZ IRENE & HECTOR OCHOA

NULL

1220 E CANO ST

NULL

EDINBURG, TX

LEGAL: GROVE PARK LOT 1 BLK 5

PROPERTY ID: 183722 OCHOA HECTOR

NULL

1220 E CANO EDINBURG, TX

LEGAL: GROVE PARK LOT 2 BLK 5

PROPERTY ID: 183723 RIVERA RAMON & ERICA

NULL

1212 E CANO ST EDINBURG, TX

LEGAL: GROVE PARK LOT 3 BLK 5

PROPERTY ID: 165236 ALVAREZ DEBORAH

NULL

1123 E MAHL ST

NULL

EDINBURG, TX

LEGAL: EDINBURG TOWNSITE LOT 7 BLK 286

PROPERTY ID: 183727 ROJAS JUAN R MARTINEZ

NULL

1201 E MAHL ST EDINBURG, TX

LEGAL: GROVE PARK LOT 7 BLK 5

PROPERTY ID: 183729 PINA CAPITAL LLC 116 E VERDIN MCALLEN, TX

LEGAL: GROVE PARK LOT 9 BLK 5

PROPERTY ID: 183728 LEVRIER ROBERTO JR

NULL

18 M N RABB RD LA FERIA, TX

LEGAL: GROVE PARK LOT 8 BLK 5

PROPERTY ID: 183730

RODRIGUEZ JORGE LUIS DAVILA & NORMA E CAMPOS

1217 E MAHL ST EDINBURG, TX

LEGAL: GROVE PARK LOT 10 BLK 5

PROPERTY ID: 164950

LOPEZ DAVID

NULL

1321 E CANO ST EDINBURG, TX

LEGAL: EDINBURG TOWNSITE LOT W 1/2 OF 7 BLK 243

PROPERTY ID: 164953

MARTIN VILLANUEVA & LUZ BELEN

NULL

3528 BUDDY OWENS AVE

NULL

MCALLEN, TX

LEGAL: EDINBURG TOWNSITE LOT 9 BLK 243

PROPERTY ID: 164952 HERNANDEZ ELVA

NULL

1117 E CANO EDINBURG, TX

LEGAL: EDINBURG TOWNSITE LOT 8 BLK 243

PROPERTY ID: 164954 HERRERA ANDREW

NULL

6800 N 14TH LANE

NULL

MCALLEN, TX

LEGAL: EDINBURG TOWNSITE LOT 10 BLK 243

PROPERTY ID: 164951

LOPEZ FELIX

1001 E OWASSA RD APT 26

EDINBURG, TX

LEGAL: EDINBURG TOWNSITE LOT E 1/2 OF 7 BLK 243



Planning & Zoning Staff Report

ZONING BOARD OF ADJUSTMENT

Prepared on: May 24,2023

Regular Meeting: May 31, 2023

Agenda Item

Consider Variances to the City's Unified Development Code, Section 5.207(F), Easements, Encroachments and Removal of Encroachments, Lot 34, Sugar Oaks Subdivision, located at 3335 Nelson Avenue, as requested by Amado Arteaga on behalf of Andrew Alberto Arteaga

Request

The applicant is requesting a variance to the City's Unified Development Code (UDC) Section 5.207(F) as it applies to easement encroachments. The applicant is wanting to construct a patio encroaching into a 20-foot utility easement located at the rear of the property.

Property Location and Vicinity

The property is located on the west side of Nelson Avenue, approximately 60 ft. south of Red River Avenue. The property is zoned Residential, Multi Family and Urban (RM) District. Adjacent zoning is Residential, Multi Family and Urban (RM) District to the North, East, and South. A City of Edinburg Ditch is located West of this property. Surrounding land uses is Single family residential.

Background and History

The property is part of the Sugar Oaks Subdivision that was recorded in August 30, 2017. The property is about 7,800 square feet. A building permit for a 10x18 pergola was reviewed and approved on April 21, 2021 by City Staff with a building separation of 20 feet from structure to property line. Rear yard setback for this location is 20 feet or easement whichever is greater. The applicant is now requesting an additional 5-foot extension of the patio. Subdivision plat indicates a 20-foot utility easement.

Staff mailed notice of this variance request to 38 neighboring property owners. No comments in favor or against this request had been received at the time this report was prepared.

Analysis

A 20-foot utility easement is indicated on the Subdivision Plat, the first 15-feet of the utility easement from west to east is an exclusive easement to Hidalgo County Irrigation District No. 2. the additional 5-feet is a blanket utility easement. The applicant is proposing to construct over the 5-foot blanket utility easement leaving a 15-foot separation from structure to property line.

Recommendation

Staff recommends denial of the variance request. If approved, the applicant will need to comply with all other requirements during the permitting process. If approved, \$40 fee, payable to the

County of Hidalgo, County Clerk's Office, for the recording of the ZBA order is also required. A location map, aerial map, photo, subdivision plat, site plan, and application from the property owner are attached for the Board's consideration.

Prepared by:

Rita Lee Guerrero

Assistant Director of Planning & Zoning

Approved by:

Jaime Acevedo

Director of Planning & Zoning



UNIFIED DEVELOPMENT CODE

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

ARTICLE 5 - SUBDIVISION STANDARDS

Division 5.200, Subdivision Design Standards

Sec. 5.207, Easements

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:

- A. Utility Easement Width and Location. Where required, all lots shall provide utility easements for sewer, water, gas, telecommunications, or other public utilities that are necessary or desirable to serve the subdivision. Their width and location shall be as follows:
 - 1. Utility easements shall be a minimum of 10 feet wide.
 - 2. Utility easements shall be located in street rights-of-way, alleys, and front, side, or rear yards, as determined by the City in accordance with the particular plans and layout of the utility or other service providing company.
 - **3.** Easements that fall on shared side or rear lot lines shall be of equal dimensions on both lots involved, unless specifically authorized by the City.
 - **4.** Where attached housing types are involved and yards are enclosed or very narrow, easements shall be placed in open space areas for maintenance purposes.

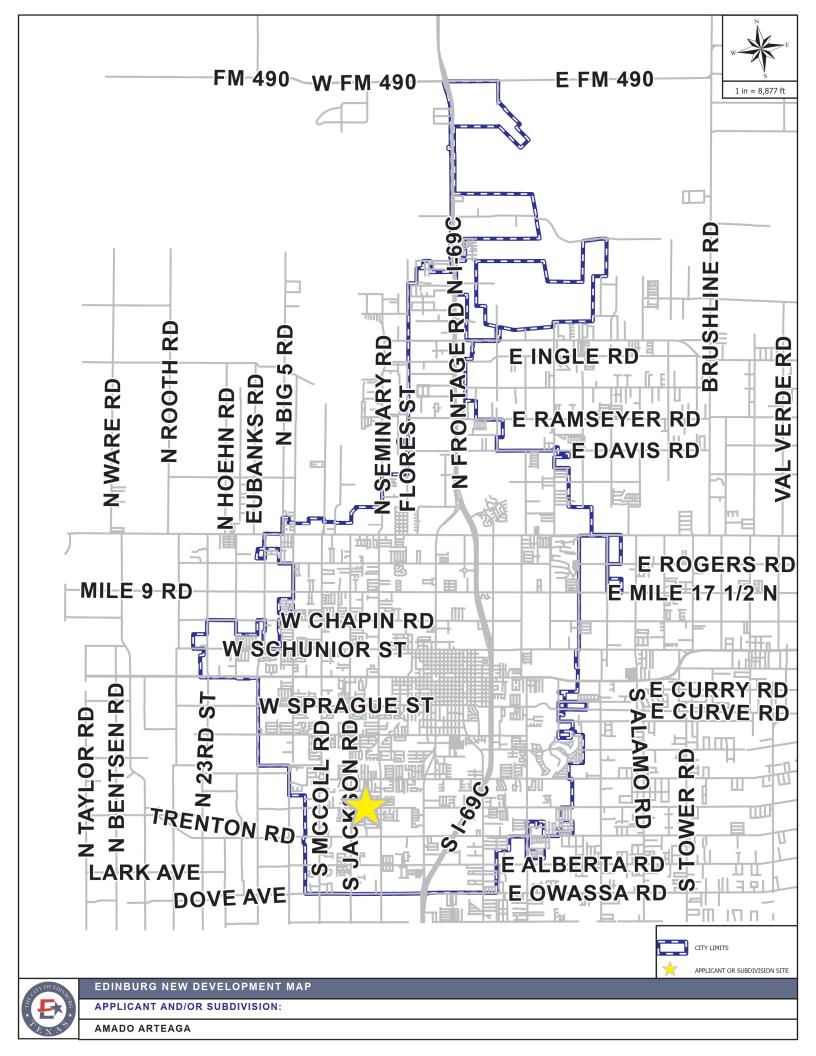
B. Drainage Easements.

- 1. Generally.
 - a. To the extent possible, existing surface drainage patterns shall be protected by easements or open space. In addition, drainage easements shall be placed on lots to convey surface water to storm sewers located on the street or to surface drainage channels located in easements or open spaces as topography and grading dictate.
 - b. Where a subdivision is traversed by a watercourse, drainageway, natural channel or stream, the applicant shall provide an easement or right-of-way with a location that is substantially the limit of such watercourse, plus additional width to accommodate future maintenance needs. Such easement or right-of- way shall be a minimum of 75 feet from its centerline to the edge of the easement and shall be designed in accordance with the Engineering Standards Manual.
- 2. Drainage Facilities. Drainage facilities shall be provided and constructed at the expense of the subdivider pursuant to the City's drainage policy, master plans, and as specified by the City Engineer. In addition, all drainage facilities shall comply with the Hidalgo County master drainage requirements.
- 3. Dedication Required.
 - a. Dedication of drain ditch easements shall be made in accordance with the following:
 - i. Thoroughfare plans;
 - ii. Drainage master plans;
 - iii. County drainage master plans; and
 - iv. Texas Department of Transportation (TxDOT) regulations.
 - b. In the event of demonstrated site constraints, the drain ditch shall be reserved on the subdivision plat as a drainage easement. The easement shall include provisions that, when necessary, it will be used for roadway improvements at no cost to the City and that no improvements shall be constructed within the easement.
- **C. Fire Protection Easements.** Fire protection access lanes at the front, rear, and side of a building, where required by the Fire Marshal, shall be improved with concrete paving at a width of 20 feet, with appropriate turning radii for the City's fire protection equipment.

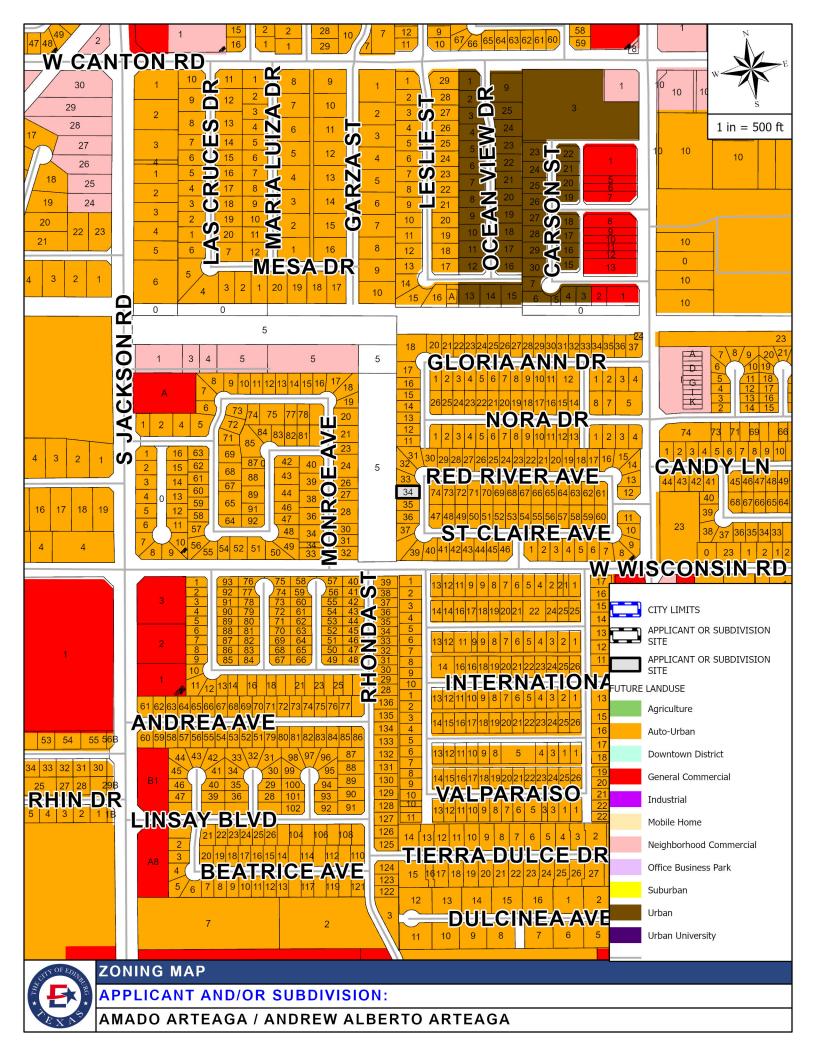


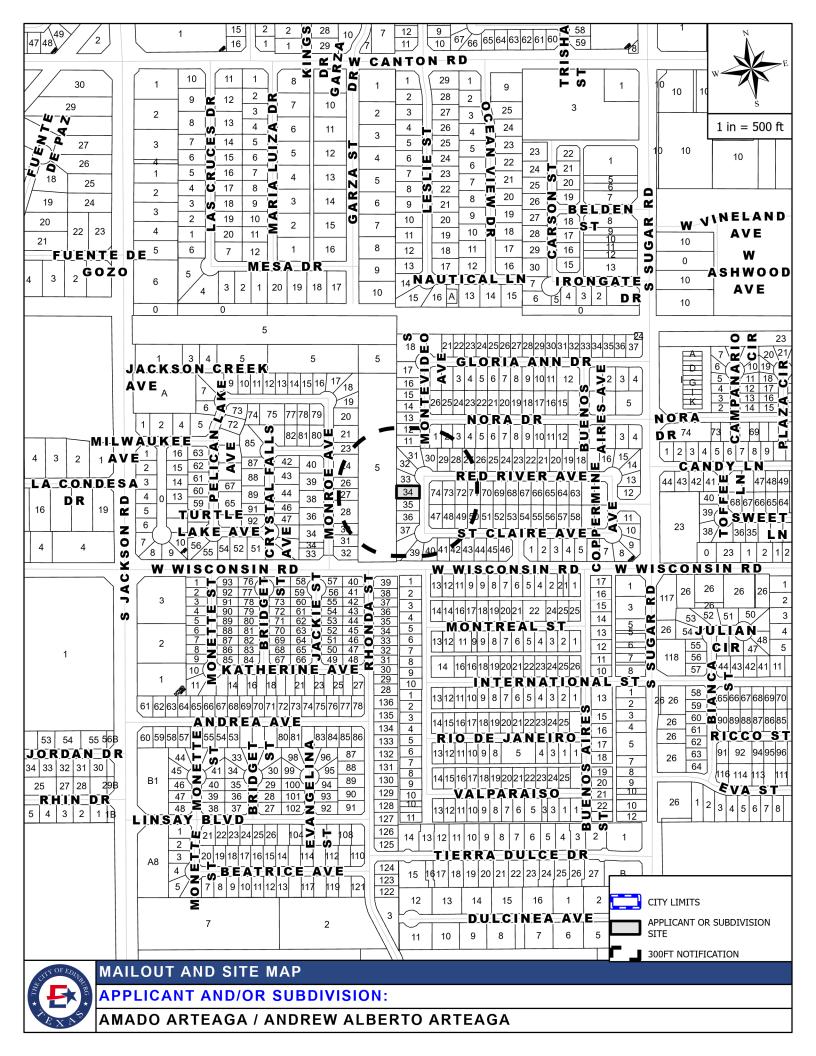
- **D. Pedestrian Access Easements.** Pedestrian access easements may be required in accordance with Paragraph 5.202.E.6, *Mid-Block Pedestrian Connections*.
- **E. Conservation Easements.** The City shall require conservation easements to preserve open space and protect natural resources. Conservation easements shall exclude other easements that would result in the disturbance of the land, provided, however, pedestrian access easements may be permitted. The conservation easements shall be in a form approved by the City Attorney. All conservation easements shall run in favor of two parties: all lots in the development and the City.
- **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.

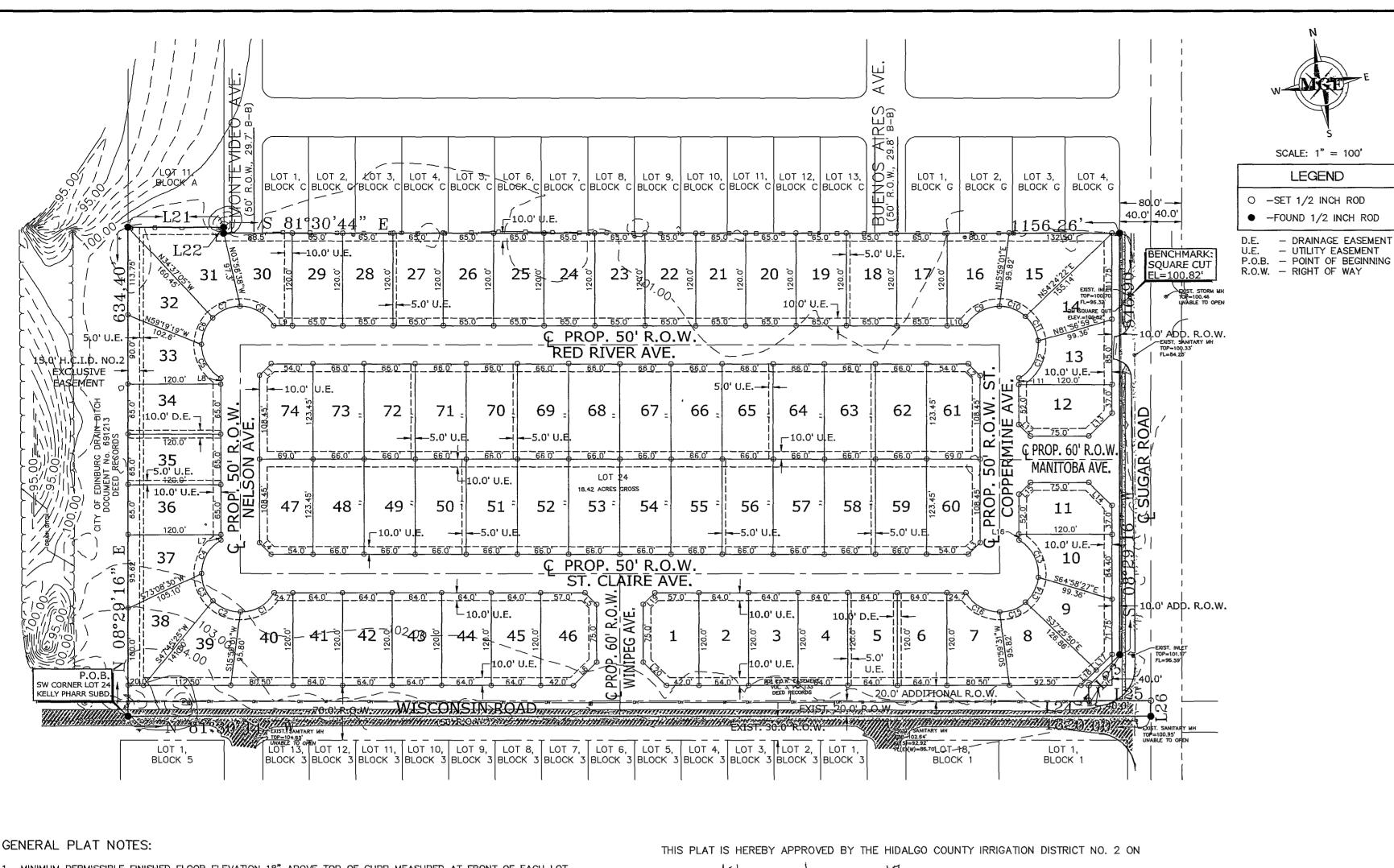
Effective on: 8/9/2022











- 1. MINIMUM PERMISSIBLE FINISHED FLOOR ELEVATION 18" ABOVE TOP OF CURB MEASURED AT FRONT OF EACH LOT.
- 2. THE SUBDIVISION IS IN ZONE "X". SHAPED 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. F.I.R.M. COMMUNITY PANEL NO. 480338-0030-E DATED JUNE 6, 2000.
- PROPOSED SETBACKS FOR SINGLE FAMILY ZONED LOTS AS PER THE FOLLOWING OR GREATER FOR EASEMENT WHICHEVER IS GREATER.
- FRONT SET BACK 20 FEE FRONT CUL-DE-SAC - 15 FEET
- REAR CUL-DE-SAC 15 FET SIDE YARD
- 6 FEET OR GREATER FOR EASEMENT - 20 FEET WILL SERVE AS A BUFFER YARD REAR YARD
- GARAGE - 18' (EXCEPT WHERE GREATER SETBACK REQUIRED)
- 4. THIS SUBDIVISION IS PROPERLY SERVED BY CITY OF EDINBURG WATER AND SANITARY SEWER SYSTEM.
- 5. THERE SHALL BE 1 AS ACRE FEET OF OFF SITE DETENTION REQUIRED FOR THIS SUBDIVISION.
- 6. BENCHMARK SQUARE CUT TOP OF INLET LOCATED APPROXIMATELY 546 FEET NORTH OF THE INTERSECTION OF SUGAR AND WISCONSIN ROAD, BM ELEV=100.82'.
- 7. CORNER MARKERS, CONSISTING OF A ONE-HALF (1/2) INCH STEEL ROD TWO FEET IN LENGTH, HAVE BEEN DRIVEN FLUSH WITH THE GROUND SURFACE TO MARK THE CORNERS OF SAID LOT.
- 8. NO ACCESS TO LOTS 1-8 & 38-46 FROM WISCONSIN ROAD ALLOWED. NO ACCESS TO LOTS 9-14 FROM SUGAR ROAD ALLOWED.
- 9. ONE ACCESS (DRIVEWAY) IS ALLOWED TO LOT 47, 60, 61 & 74, PLACED AS FAR FROM THE STREET INTERSECTION.
- 10. ADDITIONAL FIRE HYDRANTS AND PROPERLY SIZED WATER LINES MAY BE REQUIRED IF SITE PLAN CHANGES OR BUILDING SIZE REQUIRES IT, OR AS PER FIRE CODE.
- 11. FIVE (5) FOOT SIDEWALK IS REQUIRED ALONG SUGAR AND WISCONSIN ROAD DURING SUBDIVISION CONSTRUCTION.
- 12. FIVE (5) FOOT SIDEWALK IS REQUIRED ALONG INTERIOR STREETS TO BE CONSTRUCTED AT BUILDING PERMIT STAGE INCLUDING HANDICAP RAMPS IN COMPLIANCE WITH ADA STANDARDS TO BE LOCATED 4.0' BEHIND BACK OF CURB.
- 13. NO PERMANENT STRUCTURES SHALL BE ALLOWED WITHIN UTILITY EASEMENTS, GAS EASEMENTS, AND IRRIGATION
- EASEMENTS, LOT LINES.
- 14. ALL CONSTRUCTION SHALL COMPLY WITH STORM WATER POLLUTION PREVENTION PLAN (SW3P) REQUIREMENTS.

15. ALL WATER AND SEWER SERVICES SHALL BE PROVIDED BY THE OWNER AT THE TIME OF SITE PLAN/BUILDING

- PERMIT REVIEW/APPROVAL. 16. A SEPARATE PERMIT IS REQUIRED FOR SIDEWALKS DURING BUILDING PERMIT STAGE FOR RESIDENTIAL USE.
- 17. SITE PLAN MUST BE REVIEWED/APPROVED BY THE CITY PRIOR TO ISSUANCE OF BUILDING PERMIT.
- 18. PROPERTY OWNER(S) ARE RESPONSIBLE FOR MAINTENANCE OF ACCESS/UTILITY/DETENTION EASEMENTS.
- 19. 50% PERCENT OF PARKLAND FEE WILL BE REQUIRED AT BUILDING PERMIT STAGE \$300.00.
- 20. PROPERTY ZONING IS AN AUTO URBAN RESIDENTIAL.

NO. | SHEET

THIS, THE 15+ DAY OF June, 20 17

NO IMPROVEMENTS OF ANY KIND (INCLUDING WITHOUT LIMITATION, TREES, FENCES, AND BUILDINGS) SHALL BE PLACED. HIDALGO COUNTY IRRIGATION DISTRICT #2 RIGHTS OF WAYS OR EASEMENTS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVI WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEX. 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 AND HIS ENGINEER TO MAKE THESE DETERMINATIONS.

NAYOR OF THE CITY OF EDINBURG, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS OF THE SUBDIVISION REGULATIONS OF THIS CITY MHEREIN MAY

STATE OF TEXAS COUNTY OF HIDALGO

I, THE UNDERSIGNED, CHAIRPERSON OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF EDINBURG, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT KNOWN AS SUGAR OAKS SUBDIVISION CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED AND HAS BEEN APPROVED FOR RECORDING ON THE 22 DAY OF Light 20 1.

CHAIRPERSON PLANNING AND ZONING COMMISSION

CURVE TABLE

Curve # Length Radius Delta Chord Direction Chord Length Tangent C13 57.34' 50.00' 65.70 S 18°39'50" E 54.25' 32.29' C14 36.78' 50.00' 42.15 S 35°15'41" W 35.96' 19.27' C15 36.78' 50.00' 42.15 S 77°24'38" W 35.96' 19.27' C16 52.36' 50.00' 60.00 N 51°30'53" W 50.00' 28.87'

LINE TABLE

Line #	Length	Direction
L1	21.21	S 53°29'16" W
L2	21.21'	N 36°30'44" E
L3	21.21'	N 53°29'16" E
L4	21.21'	S 36°30'44" E
L5	21.21'	S 36°30'44" E
L6	42.43'	N 53°29'16" E
L7	7.92'	N 08°29'16" E
L8 .	7.95'	N 08°29'16" E
L9	24.20	S 81°30'44" E
L10	24.20'	S 81°30'44" E
L11	8.45'	S 08°29'16" W
L12	21.21'	N 36°30'44" W
L13	42.43'	S 53°29'16" W
L14	42.43'	S 36°30'44" E
L15	21.21'	S 53°29'16" W
.L16	8.45'	S 08°29'16" W
L17	28.74	S 53°29'16" W
L18	27.83'	S 53°29'16" W
L19	21.21'	S 53°29'16" W
L20	42.43'	N 36°30'44" W
L21	123.72'	S 81°30'44" E
L22	7.50'	S 08°29'16" W
L23	56.57'	S 53°29'16" W
L24	20.00'	S 08°29'16" W
L25	80.02'	S 81°30'44" E
L26	20.00'	S 08°29'16" W

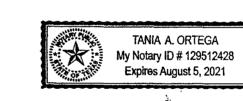
STATE OF TEXAS COUNTY OF HIDALGO

, (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE <u>SUGAR OAKS</u> <u>SUBDIVISION</u> AN ADDITION TO THE CITY OF EDINBURG, TEXAS, AND WHO'S NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE 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.

STATE OF TEXAS COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR PURPOSES AND CONSIDERATIONS THEREIN STATED.

STATE OF TEXAS MY COMMISSION EXPIRES AUG 5, 200



STATE OF TEXAS COUNTY OF HIDALGO

, THE UNDERSIGNED, A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING

CONSIDERATION HAS BEEN GIVEN TO THIS PLAT. LICENSED PROFESSIONAL ENGINEE NO. 90956 STATE OF TEXAS



STATE OF TEXAS COUNTY OF HIDALGO

, JOSE MARIO GONZALEZ, REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE FROM AN ACTUAL SURVEY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON, AND THAT THERE ARE NO APPARENT DISCREPANCIES, CONFLICTS, 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,

ROFESSIONAL SURVEYOR STATE OF TEXAS





FILED FOR RECORD ! ARTURO GUALARDO JR HIDALGO COUNTY CLERK

3:25 INSTRUMENT NUMBER 2845406 OF THE MAD RECORDS OF HIDAGO COUNTY TEXAS

PROJECT SITE <u>WISCONSIN RD</u> 15161716 820 212222 242320 DULCE REAL ESTATES _OCATION MAP SCALE: 1"=1,000 PREPARED BY: M. GARCIA ENGINEERING, LLC. 400 NOLANA SUITE H2 MCALLEN, TEXAS 78504 DATE PREPARED: SEPTEMBER 22, 2015 DATE SURVEYED: AUGUST 13, 2013 PROJECT NO. 15-21

METES AND BOUNDS

A 18.42 ACRE TRACT OF LAND BEING OUT OF LOT 24, KELLY PHARR SURBDIVISION AS RECORDED IN VOLUME 3, PAGES 133-134, DEED RECORDS, HIDALGO COUNTY, TEXAS SAID 18.42 ACRE TRACT IS BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

PLAT OF

PAGES 133-134, DEED RECORDS, HIDALGO COUNTY, TEXAS.

PLAT SHEET 1 OF 1

SUGAR OAKS SUBDIVISION A 18.42 ACRES OUT OF LOT 24 AS PER MAP RECORDED IN VOLUME 3,

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 24 IN THE RIGHT OF WAY OF WISCONSIN ROAD FOR THE SOUTHWEST CORNER OF THIS TRACT OF LAND AND THE POINT OF

THENCE N 08'29'16" E, WITH THE WEST LINE OF SAID LOT 24, AT A DISTANCE OF 20.00' PASS A 1/2" IRON ROD FOUND ON THE NORTH RIGHT OF WAY LINE OF SAID WISCONSIN ROAD, CONTINUING A TOTAL OF 634.40' TO A 1/2" IRON ROD FOUND ON THE SOUTHWEST CORNER OF SOUTH SUGAR TERRACE-PHASE I, AS RECORDED IN VOLUME 23, PAGE 160, MAP RECORDS, HIDALGO COUNTY, TEXAS, FOR THE NORTHWEST CORNER OF THIS TRACT OF LAND;

THENCE S 81'30'44" E, WITH THE SOUTH LINE OF SAID SOUTH SUGAR TERRACE PHASE SUBDIVISION, A DISTANCE OF 123.72' TO A 1/2" IRON ROD FOUND ON AN INSIDE CORNER OF SAID SOUTH SUGAR TERRACE PHASE I SUBDIVISION, FOR AN OUTSIDE CORNER OF THIS TRACT OF LAND;

THENCE S 08°29'16" W, CONTINUING WITH THE SOUTH LINE OF SAID SOUTH SUGAR TERRACE PHASE I SUBDIVISION, A DISTANCE OF 7.50' TO A 1/2" IRON ROD FOUND ON AN OUTSIDE CORNER OF SAID SOUTH SUGAR TERRACE PHASE I SUBDIVISION, FOR AN INSIDE CORNER OF THIS TRACT OF LAND;

THENCE S 81'30'44" E, CONTINUING WITH THE SOUTH LINE OF SAID SOUTH SUGAR TERRACE PHASE I SUBDIVISION, A DISTANCE OF 1156.26' TO A 1/2" IRON ROD SET ON THE WEST RIGHT OF WAY OF SUGAR ROAD, AS RECORDED IN VOLUME 3, PAGES 133-134, DOCUMENT No. 416128, DEED RECORDS, HIDALGO COUNTY, TEXAS, FOR THE NORTHEAST CORNER OF THIS TRACT OF LAND;

THENCE S 08'29'16" W, WITH THE WEST RIGHT OF WAY OF SAID SUGAR ROAD, A DISTANCE OF 546.90' TO A 1/2" IRON ROD SET, FOR AN OUTSIDE CORNER OF THIS TRACT OF LAND;

THENCE S 53"29'16" W, CONTINUING WITH THE WEST RIGHT OF WAY OF SAID SUGAR ROAD, A DISTANCE OF 56.57' TO A 1/2" IRON ROD SET, FOR AN INSIDE CORNER OF THIS TRACT OF

THENCE S 08"29'16" W, CONTINUING WITH THE WEST RIGHT OF WAY OF SAID SUGAR ROAD, A DISTANCE OF 20.00' TO A 1/2" IRON ROD SET ON THE NORTH RIGHT OF WAY LINE OF WISCONSIN ROAD, FOR AN INSIDE CORNER OF THIS TRACT OF LAND;

THENCE S 81'30'44" E, WITH THE NORTH RIGHTOF WAY OF SAID WISCONSIN ROAD, A DISTANCE OF 80.02' TO THE EAST LINE OF SAID LOT 24 IN THE RIGHT OF WAY OF SAID SUGAR ROAD, FOR AN OUTSIDE CORNER OF THIS TRACT OF LAND;

THENCE S 08'29'16" W, WITH THE EAST LINE OF SAID LOT 24 AND THE RIGHT OF WAY OF SAID SUGAR ROAD, A DISTANCE OF 20.00' TO THE SOUTHEAST CORNER OF SAID LOT 24 IN THE RIGHT OF WAY OF SAID WISCONSIN ROAD, FOR THE SOUTHEAST CORNER OF THIS TRACT OF LAND;

THENCE N 81'30'44" W, WITH THE SOUTH LINE OF SAID LOT 24 AND THE RIGHT OF WAY OF SAID WISCONSIN ROAD, A DISTANCE OF 1320.00' TO THE POINT OF BEGINNING, CONTAINING 18.42 ACRES OF LAND MORE OR LESS.

PLA⁷ SUGAR OAKS SUBDIVISION

A 18.42 ACRE TRACT OF LAND OUT OF LOT 24, AS RECORDED IN VOLUME 3, PAGES 133-134, DEED RECORDS, HIDALGO COUNTY, TEXAS.

JOB No. 15-21:

M GARCIA ENGINEERII -C-I-V-I-L-EN-G-IN-E-ER-IN-G-

400 W. Nolana, Ste. H2 McAllen, Texas 78504 Bus. 956.687.9421 Fax 956.687.3211

www.mgarciaengineering.com

DATE

APPROVED

REVISION

PRINCIPAL CONTACTS

OWNER: GGP INVESTMENT GROUP, LLC. ENGINEER: MARIANO GARCIA, P.E. SURVEYOR: JOSE MARIO GONZALEZ, R.P.L.S.

5801 N. GUMWOOD AVE. 400 NOLANA SUITE H2 24593 FM 88

ADDRESS

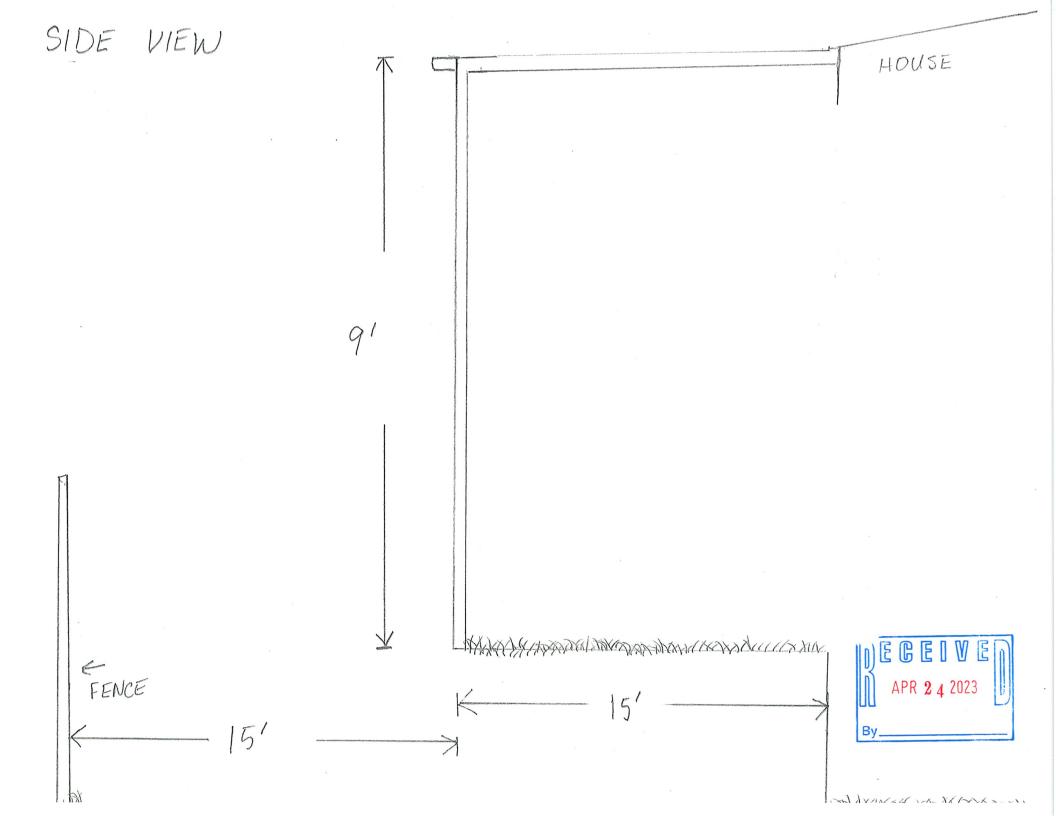
PHARR, TEXAS 78577 MCALLEN, TEXAS 78504 MONTE ALTO, TEXAS 78538

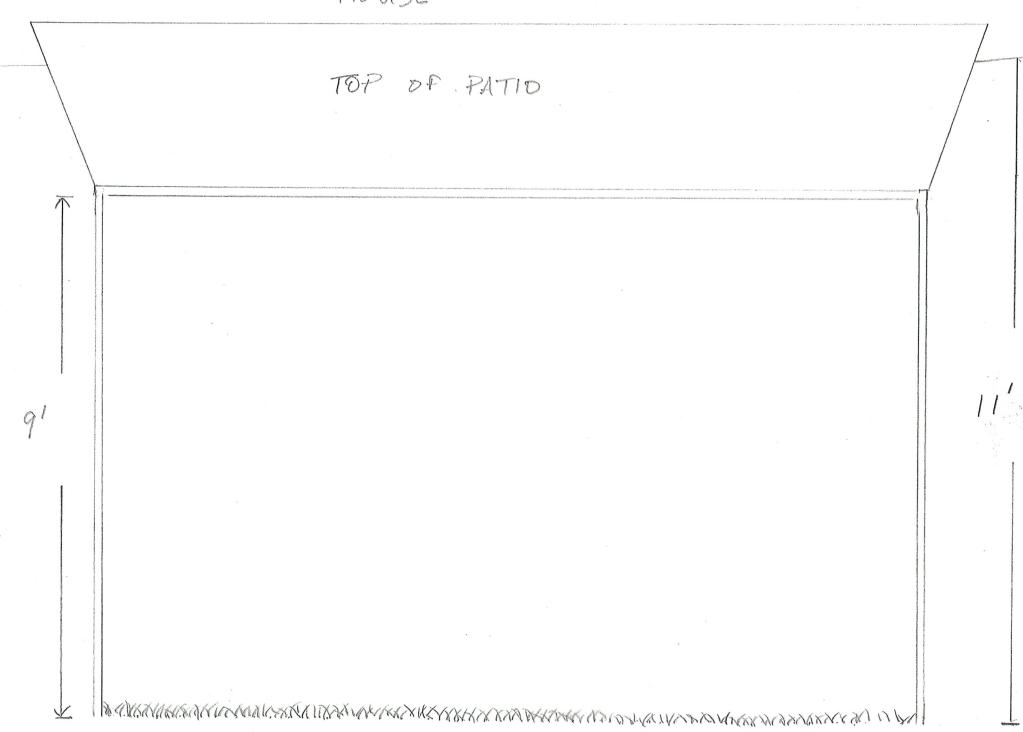
CITY, STATE & ZIP CODE

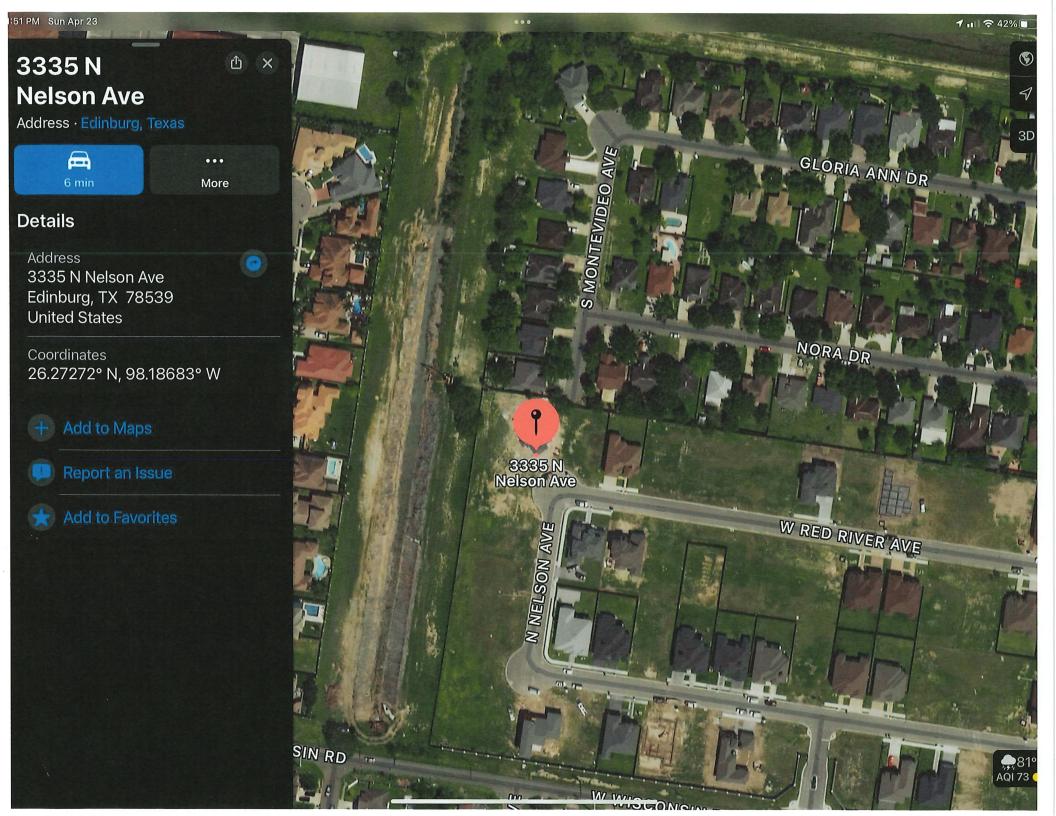
(956) 687-9421 (956) 687-3211 (956) 380-5154 (956) 380-5156

PHONE

FAX







Zoning Board of Adjustment

Site Photos for meeting of May 31, 2023

3335 Nelson Avenue



Planning & Zoning

415 West University Drive Edinburg,

UDC Section(s) Requiring Variance:

Reviewed by:



Texas 78539 (956) 388-8202		WANING & LOUIS	
Zoning Varian	ce Application	ENERGOV CASE # VAR-	2023-0167
Property Owner Name: Owner Contact Info	ANDREW ALBERTO	ARTEAGA	
	3335 NELSON		TX 78539
Phone (Home): _	Street Address (Work):	City/State (Cell)	Zip Code 1: <u>956-330- 813</u> 6
Email:Aan	teaga 49 @ gmail.co.	м	
Applicant Contact			
Mailing Address: _	2020 Joy ST Street Address	ED INB UIZG City/State	74 78539 Zip Code
Phone (Home):	(Work):		FC (C.18 - 0. \$100000 \$1
Email:a	mado 737 @ gmail.co	m	
Property Address for Varia	ince: 3335 NELSON	AVE EDINBUR	G TY 78539
Property Legal Description APR 2 4 2023	Street Address Lot Block	SUGAR O	Zip Code Alcs 7 1D 4 5620
Present Property Zoning:	RM	Property ID#	
Nature of Request (cite all c			PREVIOUSLY APPROVED
FOR A 10' PATIO	HOWEVER DURING THE	SUMMER IT DO	ES NOT PROVIDE ENDUG
SHADE DURING SUM	MER. THE REQUEST 15	TO EXTEND THE	PATIO AND ADDITIONAL
and will not be based solely of known to the Zoning Board of here is not required and does PACL OF THE PIDE	To relieve personal hardships, to acconnection economic gain or loss. However, if a fadjustment, please list below. Attaconot guarantee approval of this requestally for the cuttings to the factor of the cuttings.	there are circumstances the a h additional pages if necessalest. A FLOOD DITCH	npplicant wishes to be ry. Information provided RYNS ALONG THE THE LOCTH. THOSE HOMES
	APUB) TO 3335 NO		E INQUIRED WITH HCID

OFFICE USE ONLY: AND THEY CLAIM AS LONG AS DWARD TAKES ON THE RISIL OF REMOVAL OF
HOS SOCIONS ROCKINGS THEY ARE OF WITH STRUCTURES INCRINGING ON

EASEMENT L178

Zoning Variance Application

Review Criteria

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

- There are extraordinary and exceptional conditions pertaining to the subject property because of its size, shape, or topography that are not applicable to other lands or structures in the same district.
- The need for a Variance or the extraordinary and exceptional conditions do not result from the actions of the owner or applicant.
- Granting the Variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same district.
- A literal interpretation of the provisions of this UDC would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
- Granting of the Variance will be in harmony with the general purpose and intent of this UDC and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- The Variance requested is the minimum variance that will make possible a permitted use of the land, building, or structure.
- The Variance will not permit a use of land, building, or structure that is not otherwise permitted in the applicable district.
- The Variance will not permit an intensity of use of land that is not permitted in the applicable district.

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

Signature: <u>AM</u>	rd. Atean	Date: _	4-24-23
Owner/Agent's Name (V	DO A ARTEAGA	
OFFICE USE ONLY \$450 Application Fee:	INV-00024270	Payment Received by:	C.M.
Application deadline: _	May 1, 2023	ZBA Hearing date:	1AY 31,2023

- \$450 FEE (NON-REFUNDABLE)
- \$40 check or money order, payable to Hidalgo County Clerk, for recording or ZBA's order if approved (returned to applicant if not approved)
- Submit site plan or sketch
- Submit survey or blueprint, if applicable
- Submit letter(s) of support and other documentation if applicable

PROPERTY ID: 287735 GARZA JOSE A & JULIANA

NULL

1824 NORA DR

EDINBURG, TX 78539-6616

LEGAL: SOUTH SUGAR TERRACE PH 1 LOT 1 BLK C

PROPERTY ID: 287737

CARBIA JORGE

NULL

615 SUGAR RD APT 6

EDINBURG, TX 78539-5209

LEGAL: SOUTH SUGAR TERRACE PH 1 LOT 3 BLK C

PROPERTY ID: 287736

REYES JOSE A G & MARIA D C

NULL

1820 NORA DR

EDINBURG, TX 78539-6616

LEGAL: SOUTH SUGAR TERRACE PH 1 LOT 2 BLK C

PROPERTY ID: 287683

GARZA JOSE ANGEL JR & ANNA VICTORIA MUNOZ GARZA

NULL

5622 NEEDVILLE

NULL

SAN ANTONIO, TX 78233-4493

LEGAL: SOUTH SUGAR TERRACE PH 1 LOT 12 BLK A

PROPERTY ID: 287682 MOLINA SENOVIO JR

NULL

3319 MONTEVIDEO ST

NULL

EDINBURG, TX 78539

LEGAL: SOUTH SUGAR TERRACE PH 1 LOT 11 BLK A

PROPERTY ID: 716521

MCCREE FIDEL

NULL

3314 MONROE AVE

EDINBURG. TX 78539-1835

LEGAL: MADISON PARK PH 1 LOT 27

PROPERTY ID: 716517

RODRIGUEZ ORLANDO & MAYRA IBARRA

NULL

3306 MONROE AVE

EDINBURG, TX 78539-1835

LEGAL: MADISON PARK PH 1 LOT 23

PROPERTY ID: 716520 ZARATE TERESA

NULL

3312 MONROE AVE

EDINBURG, TX 78539-1835

LEGAL: MADISON PARK PH 1 LOT 26

PROPERTY ID: 716525

RODRIGUEZ GILDARDO & CLAUDINE

NULL

3408 MONROE AVE

NULL

EDINBURG, TX 78539-1836

LEGAL: MADISON PARK PH 1 LOT 31

PROPERTY ID: 716524

LOZANO ORLANDO & ROSA MARIA RODRIGUEZ-LOZANO

NULL

3406 MONROE AVE

EDINBURG, TX 78539-1836

LEGAL: MADISON PARK PH 1 LOT 30

PROPERTY ID: 583493 CITY OF EDINBURG

NULL

PO BOX 1079

EDINBURG, TX 78540-1079

LEGAL: MCCOLL A. J. E200'-S1021.3' LOT 5 BLK 1 4.69AC GR 4.60AC NET

PROPERTY ID: 716518

BENAVIDEZ GUADALUPE IV & MARISOL D

NULL

PO BOX 4090

EDINBURG, TX 78540-4090

LEGAL: MADISON PARK PH 1 LOT 24 & 25

PROPERTY ID: 716522 NINO GERARDO & LUZ

NULL

3402 MONROE AVE

EDINBURG, TX 78539-1836

LEGAL: MADISON PARK PH 1 LOT 28 & 29

PROPERTY ID: 1126190

GARCIA ANIBAL LEAL & ARELY G MONTES

NULL

1102 SALTILLO ST

EDINBURG, TX 78539-5855 LEGAL: SUGAR OAKS LOT 74

PROPERTY ID: 1126163

GUERRA MARGARITA & LONNIE ARMSTRONG JR

NULL

5111 EL PASEO AVE EDINBURG, TX 78542

LEGAL: SUGAR OAKS LOT 47

PROPERTY ID: 1126164 SAENZ STEPHANIE NICOLE

1813 ST CLAIRE AVE EDINBURG, TX 78539

LEGAL: SUGAR OAKS LOT 48

PROPERTY ID: 1126189

MARTINEZ ANDRES & CLAUDIA D

NULL

1816 W RED RIVER AVE

NULL

EDINBURG, TX 78539

LEGAL: SUGAR OAKS LOT 73

PROPERTY ID: 1126188

MORENO- GARZA ANNETTE

NULL

2816 LA MORA LN

EDINBURG, TX 78541-9489 LEGAL: SUGAR OAKS LOT 72

PROPERTY ID: 1126165 GONZALEZ EFRAIN PEREZ

NULL

1707 KAYLA AVE

EDINBURG, TX 78539-3726 LEGAL: SUGAR OAKS LOT 49

PROPERTY ID: 1126166

KIDD ADAM W

NULL

1805 SAINT CLAIRE AVE EDINBURG, TX 78539-0192 LEGAL: SUGAR OAKS LOT 50

PROPERTY ID: 1126187

KIDD ADAM W

NULL

1805 SAINT CLAIRE AVE EDINBURG, TX 78539-0192 LEGAL: SUGAR OAKS LOT 71

PROPERTY ID: 1126158

GARZA MAXIMO A JR & MARIA C MUNIZ-GARZA

NULL

1810 SAINT CLAIRE AVE EDINBURG, TX 78539-0192 LEGAL: SUGAR OAKS LOT 42

PROPERTY ID: 1126157

RIVERA ROBERTO JR & DENYSE Y

NULL

1814 ST CLAIRE AVE

EDINBURG, TX 78539-0192 LEGAL: SUGAR OAKS LOT 41

PROPERTY ID: 1126156 ARJONA ANGEL & DAISY J

NULL

1818 ST CLAIRE AVE

EDINBURG, TX 78539-0192 LEGAL: SUGAR OAKS LOT 40

PROPERTY ID: 1126155

CUNHA JOSE & ANA MARQUES

NULL

1822 ST CLAIRE AVE

NULL

EDINBURG, TX 78539

LEGAL: SUGAR OAKS LOT 39

PROPERTY ID: 1126154

CA2 INVESTMENT GROUP L L C

1314 E WISCONSIN RD EDINBURG, TX 78542

LEGAL: SUGAR OAKS LOT 38

PROPERTY ID: 1126153 GALVAN SAN MARTIN JR

NULL

10603 FM 2812

NULL

MONTE ALTO, TX 78538-3517 LEGAL: SUGAR OAKS LOT 37

PROPERTY ID: 1126152

VELA ROBERTO JAVIER & MARLA L

NULL

3413 NELSON AVE

EDINBURG, TX 78539-0284 LEGAL: SUGAR OAKS LOT 36

PROPERTY ID: 1126151

URIBE MANUEL ALEJANDRO & ARACELY URIBE

NULL

3409 NELSON AVE

NULL

EDINBURG, TX 78539

LEGAL: SUGAR OAKS LOT 35

PROPERTY ID: 1126150

ARTEAGA ANDREW ALBERTO

3335 NELSON AVE

EDINBURG, TX 78539

LEGAL: SUGAR OAKS LOT 34

PROPERTY ID: 1126149 AL-HASSAN WALEED 1817 W RED RIVER RD EDINBURG, TX 78539

LEGAL: SUGAR OAKS LOT 33

PROPERTY ID: 1126148

CA2 INVESTMENT GROUP L L C

1314 E WISCONSIN RD EDINBURG, TX 78542

LEGAL: SUGAR OAKS LOT 32

PROPERTY ID: 1126147

MENDEZ CHRISTOPHER LEE & JEANNETTE VILLA DANAO

NULL

1821 RED RIVER AVE

EDINBURG, TX 78539-0277 LEGAL: SUGAR OAKS LOT 31

PROPERTY ID: 1126146

AL-HASSAN WALEED & HALA SHAKIR

NULL

1817 RED RIVER AVE

NULL

EDINBURG, TX 78539-0277 LEGAL: SUGAR OAKS LOT 30

PROPERTY ID: 1126145

LEGAL:

PROPERTY ID: 1126144 TALUKDAR NEAL K 1809 RED RIVER AVE EDINBURG, TX 78539

LEGAL: SUGAR OAKS LOT 28

PROPERTY ID: 1126143

RODRIGUEZ MIGUEL ANGEL JR

NULL

1805 RED RIVER AVE

NULL

EDINBURG, TX 78539-0277 LEGAL: SUGAR OAKS LOT 27

PROPERTY ID: 1126142

VILLARREAL CELINA & ABELINO

NULL

1801 RED RIVER AVE

NULL

EDINBURG, TX 78539

LEGAL: SUGAR OAKS LOT 26



Planning & Zoning Staff Report

ZONING BOARD OF ADJUSTMENT

Prepared on: May 23,2023

Regular Meeting: May 31, 2023

Agenda Item

Consider Variance to the City's Unified Development Code, Section 5.207(F), Easements, Encroachments and Removal of Encroachments, Lot 89, Atwood Village Subdivision, located at 906 North Blair Avenue, as requested by Gerardo Rodriguez on behalf of Albino Garcia Escamilla

Request

The applicant is requesting a variance to the City's Unified Development Code (UDC) Section 5.207(F) as it applies to easement encroachments. The applicant constructed a multi-family unit encroaching into a 15-foot utility easement.

Property Location and Vicinity

The property is located on the east side of North Blair Road, approximately 472 ft. north of West Huckleberry Street. The property is zoned Residential, Multi Family and Urban (RM) District. Adjacent zoning is Residential, Multi Family and Urban (RM) District in all surrounding areas. Surrounding land uses is Multi-family residential and vacant land.

Background and History

The property is part of the Atwood Village Subdivision that was recorded in November 21, 2022. The property is about 9,600 square feet. A building permit for multi-family units totaling 4,000 square feet was submitted on January 31, 2023. The building permit was showing a 10-foot setback over a 15-foot easement. The permit was reviewed and approved by staff on March 7, 2023. Plans submitted by the applicant show an existing 10-foot utility easement in the front of the property. Subdivision plat indicates a 15-foot utility easement.

Staff mailed notice of this variance request to 2 neighboring property owners. No comments in favor or against this request had been received at the time this report was prepared.

Analysis

A 15-foot utility easement is indicated on the Subdivision Plat, the first 5-feet of the utility easement is an exclusive easement to Sharyland Water Supply the additional 10-feet is a blanket utility easement. A 4,000 sq. ft. multi-family building was constructed at a 10-foot separation from building to property line.

Recommendation

Due to staff error and construction already at the framing stage, staff recommends approval of the variance request with the understanding a hold harmless agreement is signed in the process. If approved, the applicant will need to comply with all other requirements during the permitting process. If approved, \$40 fee, payable to the County of Hidalgo, County Clerk's Office, for the recording of the ZBA order is also required. A location map, aerial map, photo, subdivision plat, site plan, and application from the property owner are attached for the Board's consideration.

Prepared by:

Rita Lee Guerrero

Assistant Director of Planning & Zoning

Approved by:

Jaime Acevedo

Director of Planning & Zoning



UNIFIED DEVELOPMENT CODE

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

ARTICLE 5 - SUBDIVISION STANDARDS

Division 5.200, Subdivision Design Standards

Sec. 5.207, Easements

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:

- A. Utility Easement Width and Location. Where required, all lots shall provide utility easements for sewer, water, gas, telecommunications, or other public utilities that are necessary or desirable to serve the subdivision. Their width and location shall be as follows:
 - 1. Utility easements shall be a minimum of 10 feet wide.
 - 2. Utility easements shall be located in street rights-of-way, alleys, and front, side, or rear yards, as determined by the City in accordance with the particular plans and layout of the utility or other service providing company.
 - **3.** Easements that fall on shared side or rear lot lines shall be of equal dimensions on both lots involved, unless specifically authorized by the City.
 - **4.** Where attached housing types are involved and yards are enclosed or very narrow, easements shall be placed in open space areas for maintenance purposes.

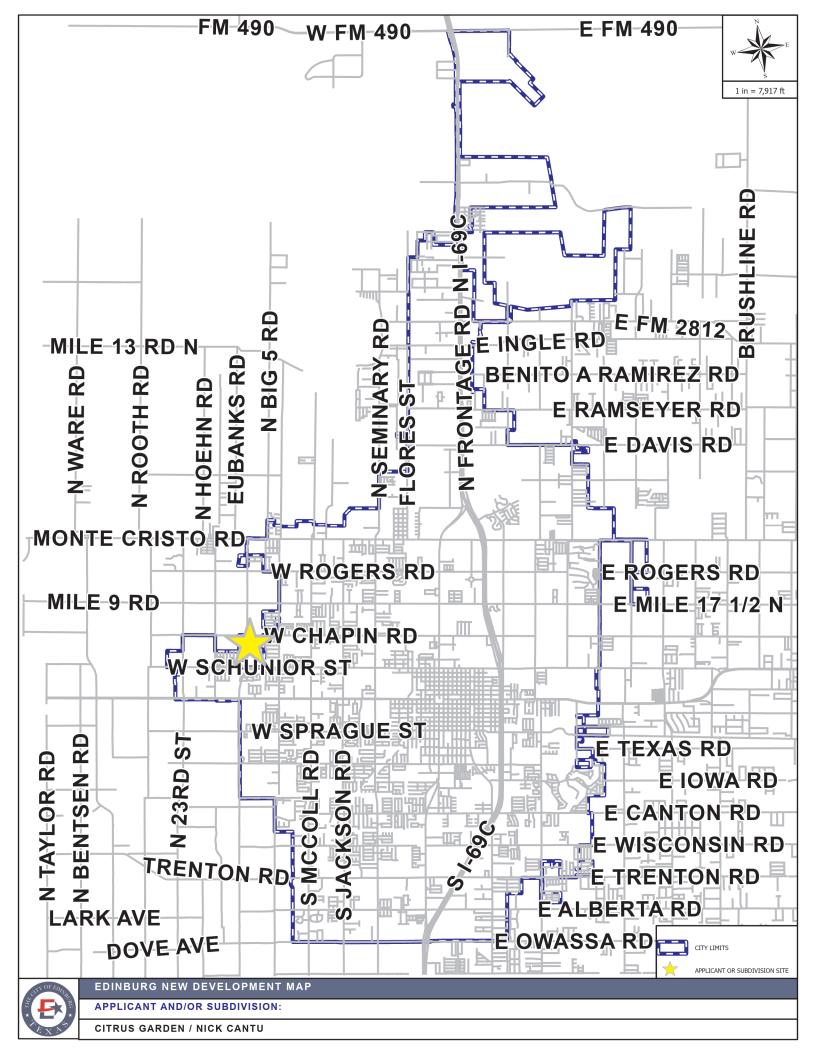
B. Drainage Easements.

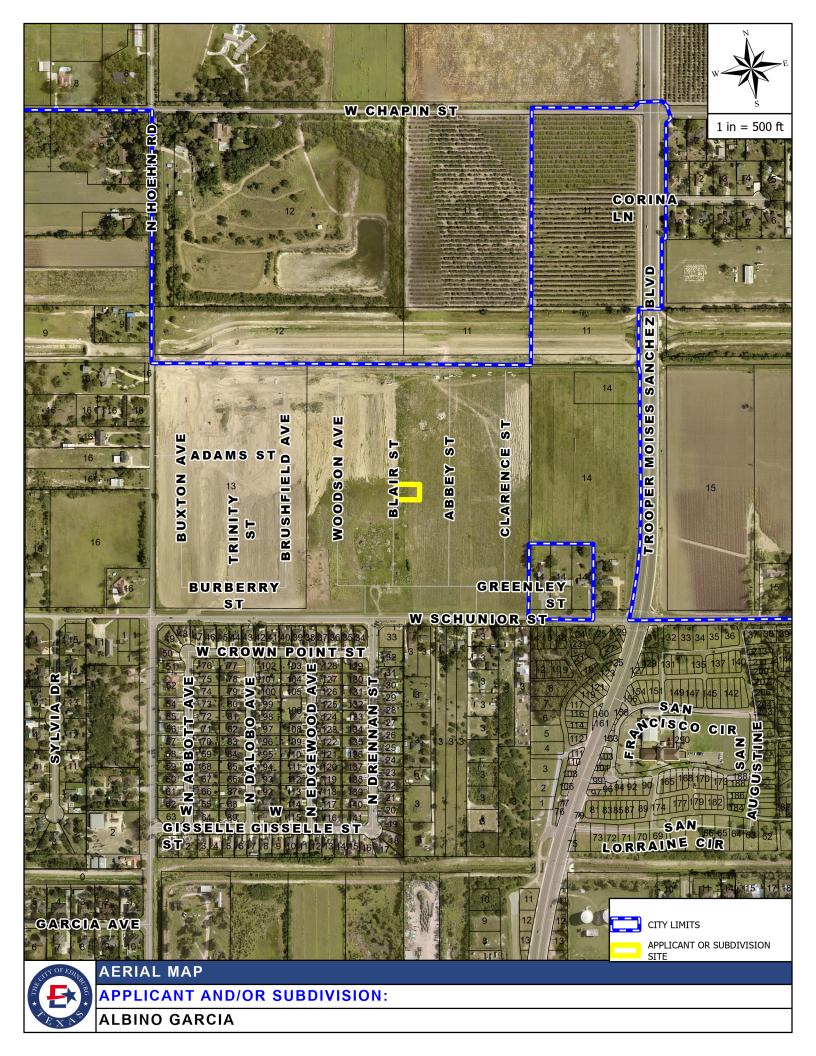
- 1. Generally.
 - a. To the extent possible, existing surface drainage patterns shall be protected by easements or open space. In addition, drainage easements shall be placed on lots to convey surface water to storm sewers located on the street or to surface drainage channels located in easements or open spaces as topography and grading dictate.
 - b. Where a subdivision is traversed by a watercourse, drainageway, natural channel or stream, the applicant shall provide an easement or right-of-way with a location that is substantially the limit of such watercourse, plus additional width to accommodate future maintenance needs. Such easement or right-of- way shall be a minimum of 75 feet from its centerline to the edge of the easement and shall be designed in accordance with the Engineering Standards Manual.
- 2. Drainage Facilities. Drainage facilities shall be provided and constructed at the expense of the subdivider pursuant to the City's drainage policy, master plans, and as specified by the City Engineer. In addition, all drainage facilities shall comply with the Hidalgo County master drainage requirements.
- 3. Dedication Required.
 - a. Dedication of drain ditch easements shall be made in accordance with the following:
 - i. Thoroughfare plans;
 - ii. Drainage master plans;
 - iii. County drainage master plans; and
 - iv. Texas Department of Transportation (TxDOT) regulations.
 - b. In the event of demonstrated site constraints, the drain ditch shall be reserved on the subdivision plat as a drainage easement. The easement shall include provisions that, when necessary, it will be used for roadway improvements at no cost to the City and that no improvements shall be constructed within the easement.
- **C. Fire Protection Easements.** Fire protection access lanes at the front, rear, and side of a building, where required by the Fire Marshal, shall be improved with concrete paving at a width of 20 feet, with appropriate turning radii for the City's fire protection equipment.

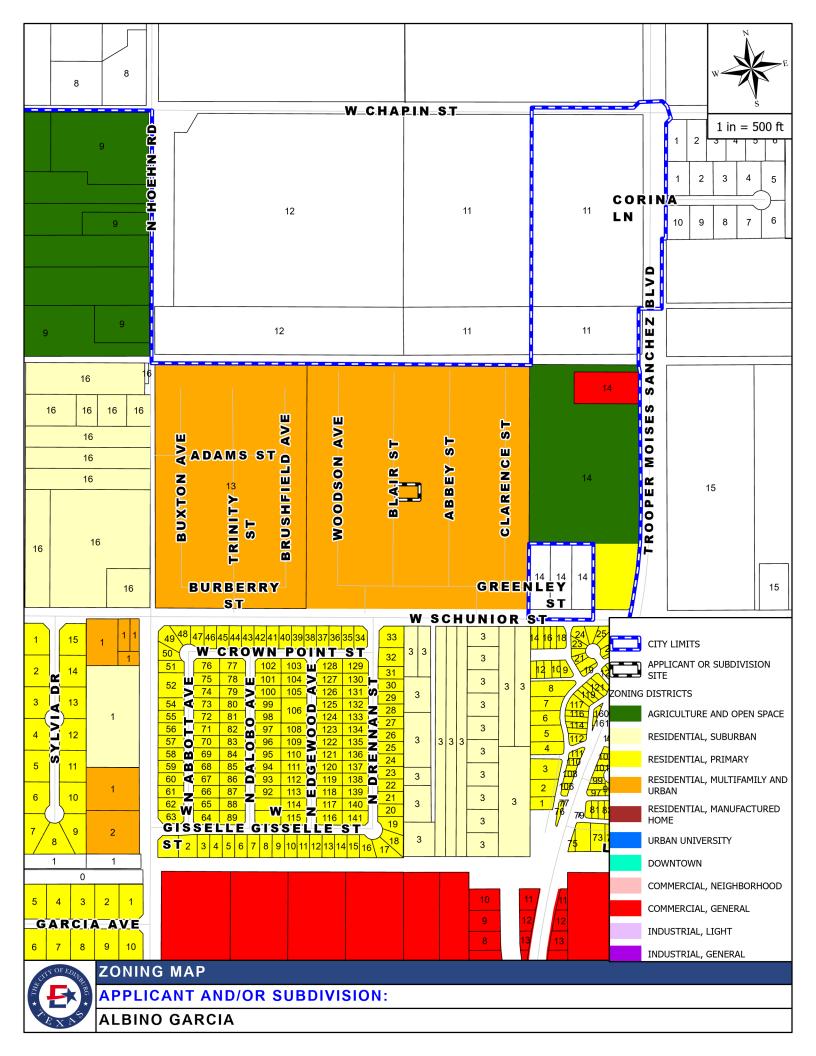


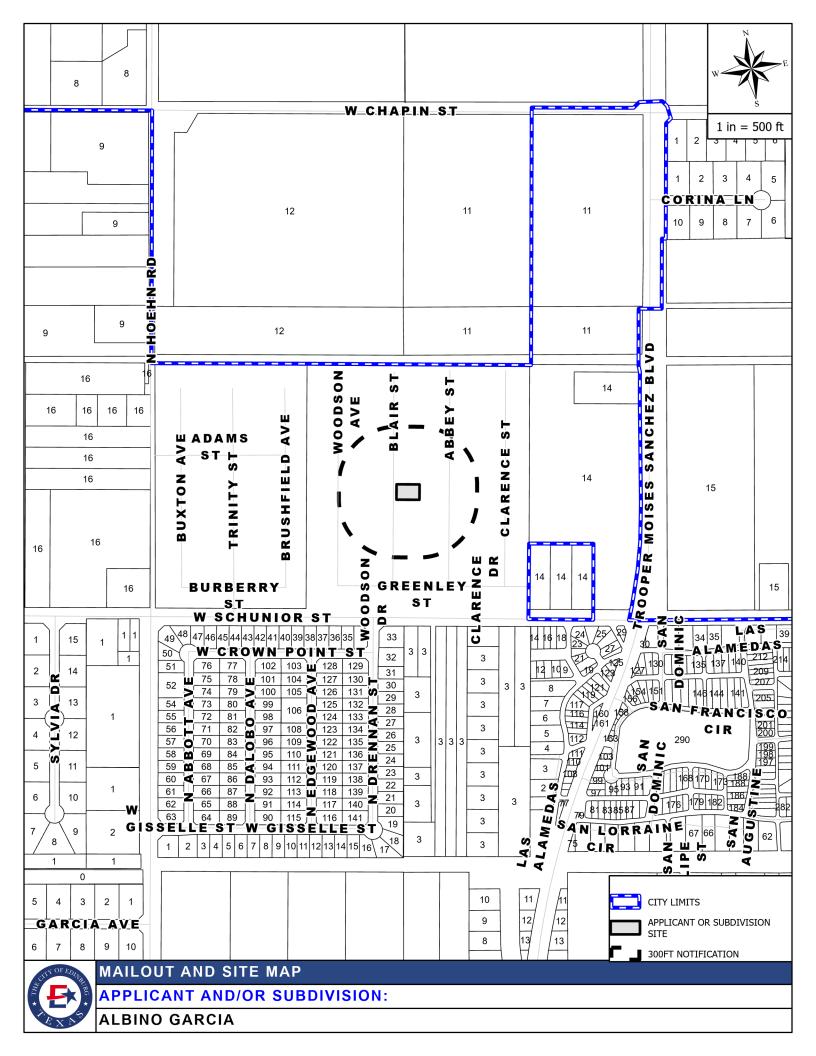
- **D. Pedestrian Access Easements.** Pedestrian access easements may be required in accordance with Paragraph 5.202.E.6, *Mid-Block Pedestrian Connections*.
- **E. Conservation Easements.** The City shall require conservation easements to preserve open space and protect natural resources. Conservation easements shall exclude other easements that would result in the disturbance of the land, provided, however, pedestrian access easements may be permitted. The conservation easements shall be in a form approved by the City Attorney. All conservation easements shall run in favor of two parties: all lots in the development and the City.
- **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.

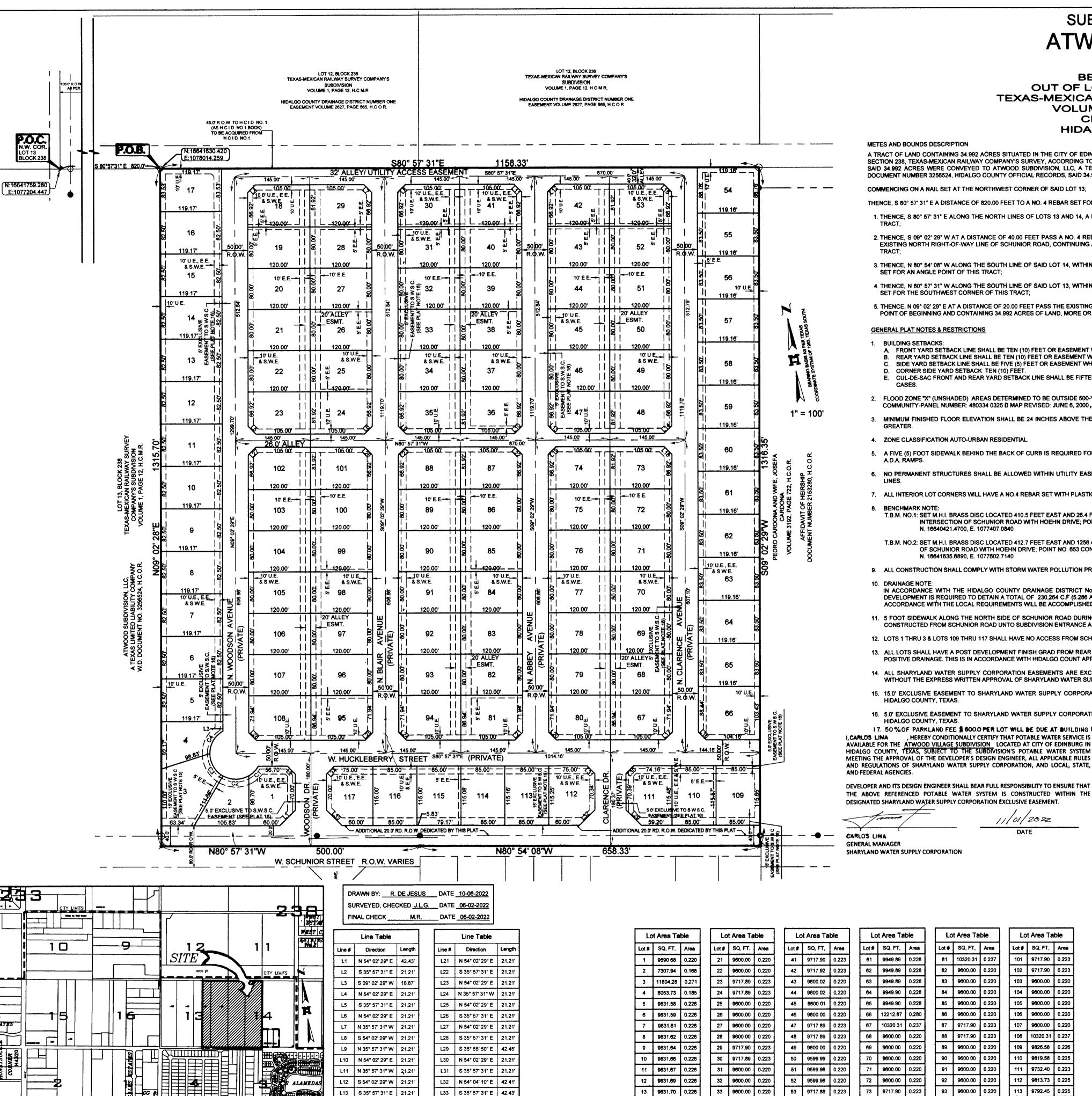
Effective on: 8/9/2022











TO STEEL AND COMES

SCALE:1"=1000'

LOCATION MAP

L14 N 54° 02' 29" E 21.21'

L15 N 35° 57' 31" W 21.21'

L16 N 35° 57' 31" W 21.21'

L17 N 54° 02' 29" E 21.21'

L18 N 35° 57' 31" W 21.21'

L19 N 54° 02' 29" E 21.21'

L20 N 35° 57' 31" W 21.21'

L34 N 54° 02' 29" E 21.21'

SUBDIVISION MAP OF ATWOOD VILLAGE

BEING 34.992 ACRES OUT OF LOTS 13 & 14. SECTION 238 TEXAS-MEXICAN RAILWAY COMPANY SURVEY **VOLUME 1, PAGE 12 H.C.M.R.** CITY OF EDINBURG, HIDALGO COUNTY, TEXAS

METES AND BOUNDS DESCRIPTION

A TRACT OF LAND CONTAINING 34.992 ACRES SITUATED IN THE CITY OF EDINBURG, COUNTY OF HIDALGO, TEXAS, BEING A PART OR PORTION OUT OF LOTS 13 AND 14, SECTION 238, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1, PAGE 12, HIDALGO COUNTY MAP RECORDS, SAID 34.992 ACRES WERE CONVEYED TO ATWOOD SUBDIVISION, LLC, A TEXAS LIMITED LIABILITY COMPANY BY VIRTUE OF A WARRANTY DEED RECORDED UNDER DOCUMENT NUMBER 3256524, HIDALGO COUNTY OFFICIAL RECORDS, SAID 34.992 ACRES ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING ON A NAIL SET AT THE NORTHWEST CORNER OF SAID LOT 13;

THENCE, S 80° 57' 31" E A DISTANCE OF 820.00 FEET TO A NO. 4 REBAR SET FOR THE NORTHWEST CORNER AND POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT;

- 1. THENCE, S 80° 57' 31" E ALONG THE NORTH LINES OF LOTS 13 AND 14, A DISTANCE OF 1,158.33 FEET TO A NO. 4 REBAR SET FOR THE NORTHEAST CORNER OF THIS
- 2. THENCE, S 09° 02' 29" W AT A DISTANCE OF 40.00 FEET PASS A NO. 4 REBAR FOUND IN LINE, AT A DISTANCE OF 1,296.35 FEET PASS A NO. 4 REBAR FOUND ON THE EXISTING NORTH RIGHT-OF-WAY LINE OF SCHUNIOR ROAD, CONTINUING A TOTAL DISTANCE OF 1,316.35 FEET TO A NAIL SET FOR THE SOUTHEAST CORNER OF THIS
- 3. THENCE, N 80° 54' 08" W ALONG THE SOUTH LINE OF SAID LOT 14, WITHIN THE EXISTING RIGHT-OF-WAY OF SCHUNIOR ROAD, A DISTANCE OF 658.33 FEET TO A NAIL
- 4. THENCE, N 80° 57' 31" W ALONG THE SOUTH LINE OF SAID LOT 13, WITHIN THE EXISTING RIGHT-OF-WAY OF SCHUNIOR ROAD, A DISTANCE OF 500.00 FEET TO A NAIL SET FOR THE SOUTHWEST CORNER OF THIS TRACT;
- 5. THENCE, N 09° 02' 29" E AT A DISTANCE OF 20.00 FEET PASS THE EXISTING NORTH RIGHT-OF-WAY LINE OF SCHUNIOR ROAD, AT A DISTANCE OF 1,318.33 FEET TO THE POINT OF BEGINNING AND CONTAINING 34.992 ACRES OF LAND, MORE OR LESS.

GENERAL PLAT NOTES & RESTRICTIONS

- A. FRONT YARD SETBACK LINE SHALL BE TEN (10) FEET OR EASEMENT WHICHEVER IS GREATER ON ALL CASES.
- B. REAR YARD SETBACK LINE SHALL BE TEN (10) FEET OR EASEMENT WHICHEVER IS GREATER ON ALL CASES. SIDE YARD SETBACK LINE SHALL BE FIVE (5) FEET OR EASEMENT WHICHEVER IS GREATER ON ALL CASES.
- E. CUL-DE-SAC FRONT AND REAR YARD SETBACK LINE SHALL BE FIFTEEN (15) FEET OR EASEMENT WHICHEVER IS GREATER ON ALL
- 2. FLOOD ZONE "X" (UNSHADED) AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN. COMMUNITY-PANEL NUMBER: 480334 0325 B MAP REVISED: JUNE 6, 2000, REVISED TO REFLECT LOWR DATE MAY 17, 20014
- 3. MINIMUM FINISHED FLOOR ELEVATION SHALL BE 24 INCHES ABOVE THE TOP OF CURB OR BASE FLOOD ELEVATION WHICH EVER IS
- 4. ZONE CLASSIFICATION AUTO-URBAN RESIDENTIAL.
- 5. A FIVE (5) FOOT SIDEWALK BEHIND THE BACK OF CURB IS REQUIRED FOR INTERIOR STREETS AT THE BUILDING PERMIT STAGE. WITH
- 6. NO PERMANENT STRUCTURES SHALL BE ALLOWED WITHIN UTILITY EASEMENTS, GAS EASEMENTS, IRRIGATION EASEMENTS OR LOT
- 7. ALL INTERIOR LOT CORNERS WILL HAVE A NO.4 REBAR SET WITH PLASTIC CAP STAMPED MELDEN & HUNT, INC.
- - T.B.M. NO.1: SET M.H.I. BRASS DISC LOCATED 410.5 FEET EAST AND 28.4 FEET NORTH FROM THE CENTERLINE INTERSECTION OF SCHUNIOR ROAD WITH HOEHN DRIVE; POINT NO. 652 CONTROL IS BY USGS ELEV,*98.00,

T.B.M. NO.2: SET M.H.I. BRASS DISC LOCATED 412.7 FEET EAST AND 1256.4FEET NORTH FROM THE CENTERLINE INTERSECTION OF SCHUNIOR ROAD WITH HOEHN DRIVE; POINT NO. 653 CONTROL IS BY USGS ELEV, #98.62,

- 9. ALL CONSTRUCTION SHALL COMPLY WITH STORM WATER POLLUTION PREVENTION PLAN (SW3P) REQUIREMENTS.
- IN ACCORDANCE WITH THE HIDALGO COUNTY DRAINAGE DISTRICT No.1 AND HIDALGO COUNTY DRAINAGE REQUIREMENTS, THIS
- DEVELOPMENT IS REQUIRED TO DETAIN A TOTAL OF 230,264 C.F (5.286 AC.-FT.) OF STORM WATER RUNOFF. DRAINAGE DETENTION IN ACCORDANCE WITH THE LOCAL REQUIREMENTS WILL BE ACCOMPLISHED AS STATED IN THE DRAINAGE REPORT. 11. 5 FOOT SIDEWALK ALONG THE NORTH SIDE OF SCHUNIOR ROAD DURING SUBDIVISION CONSTRUCTION PHASE. SIDEWALK IS TO BE
- CONSTRUCTED FROM SCHUNIOR ROAD UNTO SUBDIVISION ENTRANCE ALL THE WAY UNTIL REACHING THE SUBDIVISION GATE.
- 12. LOTS 1 THRU 3 & LOTS 109 THRU 117 SHALL HAVE NO ACCESS FROM SCHUNIOR ROAD.
- 13. ALL LOTS SHALL HAVE A POST DEVELOPMENT FINISH GRAD FROM REAR OF THE LOT TO THE CURB AT A 1.0% SLOPE TO ACCOMPLISH POSITIVE DRAINAGE, THIS IS IN ACCORDANCE WITH HIDALGO COUNT APPENDIX 5: COUNTY CONSTRUCTION.
- 14. ALL SHARYLAND WATER SUPPLY CORPORATION EASEMENTS ARE EXCLUSIVE. NO OTHER USE OF THE EASEMENTS IS PERMITTED WITHOUT THE EXPRESS WRITTEN APPROVAL OF SHARYLAND WATER SUPPLY CORPORATION.
- 15. 15.0' EXCLUSIVE EASEMENT TO SHARYLAND WATER SUPPLY CORPORATION RECORDED IN DOC. NO. 3340276, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS.
- 16. 5.0' EXCLUSIVE EASEMENT TO SHARYLAND WATER SUPPLY CORPORATION RECORDED IN DOC. NO. 3348905, OFFICIAL RECORDS,

Lot Area Table

Lot# SQ, FT, Area

101 9717.90 0.223

102 9717.90 0.223

103 9600.00 0.220

104 9600.00 0.220

105 9600.00 0.220

106 9600.00 0.220

107 9600.00 0.220

108 10320.31 0.237

109 9826.58 0.226

110 9819.58 0.225

111 9732.40 0.223

112 9813.73 0.225

113 9792.45 0.225

114 9785.33 0.225

115 9778.24 0.224

116 9775.15 0.224

117 9787 66 0.225

17. 50% OF PARKLAND FEE \$ 600.0 PER LOT WILL BE DUE AT BUILDING PERMIT STAGE. . HEREBY CONDITIONALLY CERTIFY THAT POTABLE WATER SERVICE IS AVAILABLE FOR THE ATWOOD VILLAGE SUBDIVISION LOCATED AT CITY OF EDINBURG IN HIDALGO COUNTY, TEXAS, SUBJECT TO THE SUBDIVISION'S POTABLE WATER SYSTEM MEETING THE APPROVAL OF THE DEVELOPER'S DESIGN ENGINEER, ALL APPLICABLE RULES

DEVELOPER AND ITS DESIGN ENGINEER SHALL BEAR FULL RESPONSIBILITY TO ENSURE THAT THE ABOVE REFERENCED POTABLE WATER SYSTEM IS CONSTRUCTED WITHIN THE

Lot Area Table

Lot# SQ, FT, Area

81 10320.31 0.237

82 9600.00 0.220

83 9600.00 0.220

84 9600.00 0.220

85 9600.00 0.220

86 9600.00 0.220

87 9717.90 0.223

88 9717.90 0.223

89 9600.00 0.220

90 9600 00 0.220

91 9600.00 0.220

92 9600.00 0.220

93 9600.00 0.220

94 10320.31 0.237

95 10320.31 0.237

96 9600.00 0.220

97 9600.00 0.220

98 9600.00 0.220

99 9600.00 0.220

100 9600.00 0.220

74 9717.90 0.223

76 9600 00 0.220

77 9600.00 0.220

78 9600.00 0.220

79 9600.00 0.220

80 10320.31 0.237

75 9600.00

34 9600.00 0.220

35 9717.89 0.223

36 9717.89 0.223

37 9600 00 0.220

39 9600.00 0.220

40 9600.00 0,220

9600.00 0.220

38

14 9831.72 0.226

15 9831.73 0.226

16 9631.75 0.226

17 9954.51 0.229

19 9600.00 0.220

54 10577 24 0.243

59 9949 89 0.228

9949.87 0.228

9949,88 0.228

9949.89 0.228

THIS PLAT IS HEREBY APPROVED BY THE HIDALGO COUNTY IRRIGATION DISTRICT No. 1
ON THIS, THE DAY OF 20

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

NO IMPROVEMENTS OF ANY KIND SHALL BE PLANCE OUPON THE HCID#1 RIGHT-OF-WAYS OR

EASEMENTS WITHOUT THE EXPRESSED WRITTEN PERMISSION OF HOLD PRESIDEN'

LEGEND • FOUND No.4 REBAR

- **O FOUND No.5 REBAR** FOUND PIPE
- SET No.4 REBAR WITH PLASTIC CAP STAMPED MELDEN & HUNT
- SET NAIL
- R.O.W. RIGHT OF WAY H.C.M.R. - HIDALGO COUNTY MAP RECORDS
- H.C.O.R. HIDALGO COUNTY OFFICIAL RECORDS H.C.I.D. - HIDALGO COUNTY IRRIGATION DISTRICT *: 4
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- N.W. COR. NORTHWEST CORNER S.E. COR. - SOUTHEAST CORNER
- SW.E. SIDEWALK EASEMENT
- U.E. UTILITY EASEMENT **E.E. - ELECTRIC EASEMENT** S.W.S.C. - SHARYLAND WATER SUPPLY CORPORATION
- W.D. WARRANTY DEED

			Curve	Table		
Curve #	Length	Radius	Delta	Chord Direction	Chord Length	Tangent
C1	26.18'	50.00'	030° 00' 00"	N54° 02' 29"E'	25.88'	13.40'
C2	52.36'	50.00'	060° 00' 00"	\$80° 57' 31"E'	50.00'	28.87'
СЗ	52.36'	50.00'	060° 00' 00"	\$20° 57' 31"E'	50.00'	28.87'
C4	52.36'	50.00'	060° 00' 00"	S39° 02' 29"W	50.00'	28.87'

115 W. McINTYRE - EDINBURG, TX 78541

PH: (956) 381-0981 - FAX: (956) 381-1839 ESTABLISHED 1947 - www.meldenandhunt.com

WE, THE UNDERSIGNED, OWNERS OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS ATWOOD VILLAGE SUBDIVISION AN ADDITION TO THE CITY OF EDINBURG, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY RESERVE THE STREETS AND ALLEYS SHOWN ON THIS PLAT AS PRIVATE streets and alleys, but dedicate an ingress and egress easement to fire and police UNITS, GARBAGE AND RUBBISH COLLECTION AGENCIES, AND ALL PUBLIC AND PRIVATE UTILITIES. WE FURTHER DEDICATE TO THE USE OF THE PUBLIC ALL DRAINS, EASEMENTS (INCLUDING DRAINAGI EASEMENTS), WATER LINES, SEWER LINES, STORM SEWER, FIRE HYDRANTS, AND OTHER PUBLIC PLACES WHICH ARE INSTALLED OR WHICH WE WILL CAUSE TO BE INSTALLED THEREON, SHOWN OF NOT SHOWN, AND 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 HEREON OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF EDINBURG.

ATWOOD SUBDIVISION LLC SHAVI MAHTANI, MEMBER 100 EAST NOLANA AVENUE, SUITE 130

STATE OF TEXAS **COUNTY OF HIDALGO:**

MCALLEN, TX 78504

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED <u>SHAVI MAHTAI</u> 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 CONSIDERATIONS

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ______ DAY OF ____ OCTO ber 20 2

NOTARY PUBLIC, HID/LIGO COUNTY, TEXA MY COMMISSION EXPIRES:

STATE OF TEXAS COUNTY OF HIDALGO

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

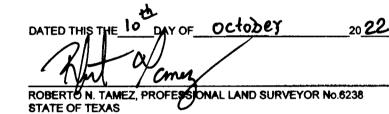
STATE OF TEXAS

DATE PREPARED: 10/06/2022 **ENGINEERING JOB # 18068**



STATE OF TEXAS COUNTY OF HIDALGO

> I, ROBERTO N. TAMEZ, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE FROM AN ACTUAL SURVEY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON, AND THAT THERE ARE NO APPARENT DISCREPANCIES, CONFLICTS, 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 MISSION, TEXAS.



DATE SURVEYED: 04/03/2018 T-1054, PG. 37-39 SURVEY JOB # 18068.08



APPROVED BY DRAINAGE DISTRICT:

HIDALGO COUNTY DRAINAGE DISTRICT NO.1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEXAS WATER 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 AND HIS ENGINEER TO MAKE THESE DETERMINATIONS.

CHAIRPERSON PLANNING AND ZONING COMMISSION

"I, THE UNDERSIGNED, CHAIRPERSON OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF EDINBURG HEREBY CERTIFY THAT THIS SUBDIVISION PLAT KNOWN AS ATWOOD VILLAGE SUBDIVISION CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS

OVED FOR RECORDING ON THE 5 DAY OF NOVEMBEY 2022

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



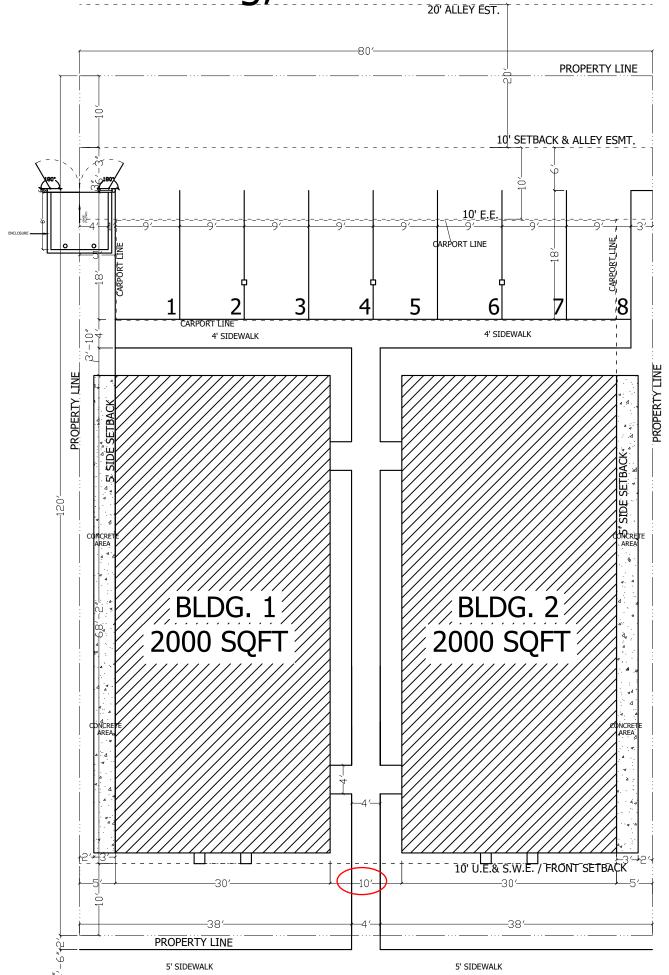
FILED FOR RECORD IN HIDALGO COUNTY ARTURO GUAJARDO, JR. HIDALGO COUNTY CLERK

> -11-21-22 AT 2:26 INSTRUMENT NUMBER 3399641 OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS

BY Housin Hange A' DEPUTY

Atwood Village Sbdv. Lot 89 Edinburg,TX.





CARPORT = 988 SQFT

N. BLAIR AVENUE

- 1. Sidewalk must be installed 3-ft back of curb as per subdivision requirements.
- 2. Must drain from rear to front unless specified otherwise by a professional engineer. Can not drain to adjacent properties.

	Α			Α		
ı	APT 1.					
	APT 2.					
ı	APT 3.	90)8 :	SQF	T. L	Α.
	APT 4.	10)92	SQ	FT.	LA.
	4000) SC).F1	T. T(ATC	۱L

Setbacks Front - 10 feet Rear - 10 feet Side - 5 feet

-RH

SEALE NITE PLAN

4000 SQFT TOTAL

G.R. LOERA
DESIGN (956) 570 04 96
geraloera@hotmail.com

Zoning Board of Adjustment

Site Photos for meeting of May 31, 2023

906 North Blair



Planning & Zoning

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



Zoning	Variance.	Application

ENERGOV CASE # VAR-2023-0169

Property Owner Name: Albuno Garcia Escamilla Owner Contact Information
Mailing Address: 1300 N. 10 th St. Ste 200 Mcallen, Tx 78501
Street Address City/State Zip Code
Phone (Home): (Work): (Cell): (956) 979-616+
Email: abd - h = mandez 11 @ hot mail com
Agent/Applicant Name (if different than Owner): Gerardo Rodriguez Applicant Contact Information Mailing Address: 1018 Beach Ave Mallan Tx 78601
Street Address City/State Zip Code
Phone (Home): (Work): (Cell): 956)5700496
Email: garalocracognail.com
Property Address for Variance: 906 N. Blair Ave Edinburg To
Street Address City/State Zip Code
Property Legal Description:
Lot Block Subdivision
Present Property Zoning: Property ID#:
Nature of Request (cite all applicable issues needing variance):
La Construcción que esta comenzada esta sobre un utility
casement
Reason for Appeal Variance will not be granted to relieve personal hardships, to accommodate conditions created by the owner or applicant, and will not be based solely on economic gain or loss. However, if there are circumstances the applicant wishes to be known to the Zoning Board of Adjustment, please list below. Attach additional pages if necessary. Information provided here is not required and does not guarantee approval of this request.
Adjunto Carta a esta solicitud APR 26 2023
OFFICE USE ONLY:
UDC Section(s) Requiring Variance:
Reviewed by: Date: 4/26/2023

Zoning Variance Application

Review Criteria Please read carefully and check all of the following that apply.				
There are extraordinary and exceptional conditions pertaining to the subject property because of its size, shape, or topography that are not applicable to other lands or structures in the same district.				
The need for a Variance or the extraordinary and exceptional conditions do not result from the actions of the owner or applicant.				
Granting the Variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same district.				
A literal interpretation of the provisions of this UDC would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.				
Granting of the Variance will be in harmony with the general purpose and intent of this UDC and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.				
The Variance requested is the minimum variance that will make possible a permitted use of the land, building, or structure.				
The Variance will not permit a use of land, building, or structure that is not otherwise permitted in the applicable district.				
The Variance will not permit an intensity of use of land that is not permitted in the applicable district.				
As owners or agents for the above described property, I (we) hereby request a hearing before the City of Edinburg Zoning Board of Adjustment.				
Signature: Date:				
Owner/Agent's Name (Please Print): Gerardo Rodriguez				
OFFICE USE ONLY				
\$450 Application Fee: Payment Received by: T.Z.				
Application deadline: May 1 st ZBA Hearing date: May 31 st				

- \$450 FEE (NON-REFUNDABLE)
- \$40 check or money order, <u>payable to Hidalgo County Clerk</u>, for recording or ZBA's order if approved (returned to applicant if not approved)
- Submit site plan or sketch
- Submit survey or blueprint, if applicable
- Submit letter(s) of support and other documentation if applicable

PROPERTY ID: 1468195 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 46

PROPERTY ID: 1468196 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 47

PROPERTY ID: 1468182 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 33

PROPERTY ID: 1468187 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 38

PROPERTY ID: 1468183 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

PROPERTY ID: 1468186 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 37

PROPERTY ID: 1468184 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 35

PROPERTY ID: 1468185 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 36

PROPERTY ID: 1468175 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 26

PROPERTY ID: 1468171 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

PROPERTY ID: 1468174 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 25

PROPERTY ID: 1468172 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 23

PROPERTY ID: 1468173 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 24

PROPERTY ID: 1468223 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 74

PROPERTY ID: 1468222 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

PROPERTY ID: 1468224 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 75

PROPERTY ID: 1468221 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 72

PROPERTY ID: 1468225 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 76

PROPERTY ID: 1468220 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 71

PROPERTY ID: 1468226 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

PROPERTY ID: 1468227 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 78

PROPERTY ID: 1468237 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 88

PROPERTY ID: 1468236 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 87

PROPERTY ID: 1468238

SHADDAI CONSTRUCTION LLC

2802 COUNTRY CLB MISSION, TX 78572

LEGAL: ATWOOD VILLAGE LOT 89

PROPERTY ID: 1468235 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 86

PROPERTY ID: 1468239

SHADDAI CONSTRUCTION LLC

2802 COUNTRY CLB MISSION, TX 78572

PROPERTY ID: 1468234 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 85

PROPERTY ID: 1468240 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 91

PROPERTY ID: 1468233 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 84

PROPERTY ID: 1468241 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 92

PROPERTY ID: 1468232 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

PROPERTY ID: 1468251 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 102

PROPERTY ID: 1468250 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 101

PROPERTY ID: 1468252 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 103

PROPERTY ID: 1468249 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 100

PROPERTY ID: 1468253 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

PROPERTY ID: 1468248 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 99

PROPERTY ID: 1468254 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 105

PROPERTY ID: 1468247 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 98

PROPERTY ID: 1468255 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 106

PROPERTY ID: 1468246 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

PROPERTY ID: 1468228 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 79

PROPERTY ID: 1468242 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 93

PROPERTY ID: 1468231 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 82

PROPERTY ID: 1468256 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE LOT 107

PROPERTY ID: 1468245 ATWOOD SUBDIVISION LLC

NULL

100 E NOLANA AVE STE 130

NULL

MCALLEN, TX 78504

PROPERTY ID: 1468149 ATWOOD SUBDIVISION LLC NULL 100 E NOLANA AVE STE 130 NULL MCALLEN, TX 78504

LEGAL: ATWOOD VILLAGE 7.76ACS FOR PRIVATE STREETS

Zoning Board of Adjustment

Site Photos for meeting of May 31, 2023

Lot 12 Bel Air Estates Subdivision

2507 North Vineyard





Planning & Zoning Staff Report

ZONING BOARD OF ADJUSTMENT

Prepared on: May 24,2023

Regular Meeting: May 31, 2023

Agenda Item

Consider Variance to the City's Unified Development Code, Section 3.102(A)(1), General Standards, Building Separation, Lot 12 & 16, Bel-Air Estates Subdivision, located at 2507 North Vineyard Avenue and 2523 North Vineyard Avenue, as requested by Rene Barrera, P.E. on behalf of DGV, L.P. – Dr. Parul Desai, Member

Request

The applicant is requesting a variance to the City's Unified Development Code, Section 3.102(A)(1), General Standards as it applies to building separation. The applicant is wanted to construct a multi-family unit with 5-foot building separation as oppose to the 10-foot requirement as per the Unified Development Code.

Property Location and Vicinity

The properties are located at the ends of the cul-de-sac of West Rutherford Avenue and West St. Helena Avenue. The property is zoned Residential, Multi Family and Urban (RM) District. Adjacent zoning is Residential, Multi Family and Urban (RM) District to the East and Agriculture (AG) District to the North, South and West. Surrounding land uses is Multi-family residential and vacant land.

Background and History

The property is part of the Bel- Air Estates Subdivision that was recorded on May 14, 2021. Each property is about 19,000 square feet. A building permit for multi-family units totaling 6,696 square feet was submitted to staff for review. The site plan indicates a 5-foot building separation on units between C and F.

Staff mailed notice of this variance request to 5 neighboring property owners. No comments in favor or against this request had been received at the time this report was prepared.

Analysis

A 5- foot separation between buildings C and F is proposed. City of Edinburg Unified Development Code requires a 10-foot separation of walls of buildings that are located on a single lot, if not party walls. It also states Fire Code standards shall be abided by.

Recommendation

Staff recommends denial of the variance request. If approved, the applicant will need to comply with all other requirements during the permitting process including building and fire code requirements. If approved the applicant will need to pay a \$40 fee payable to the County of

Hidalgo, County Clerk's Office, for the recording of the ZBA order is also required. A location map, aerial map, photo, subdivision plat, site plan, and application from the property owner are attached for the Board's consideration.

Prepared by:

Rita Lee Guerrero

Assistant Director of Planning & Zoning

Approved by:

Jaime Acevedo

Director of Planning & Zoning



UNIFIED DEVELOPMENT CODE

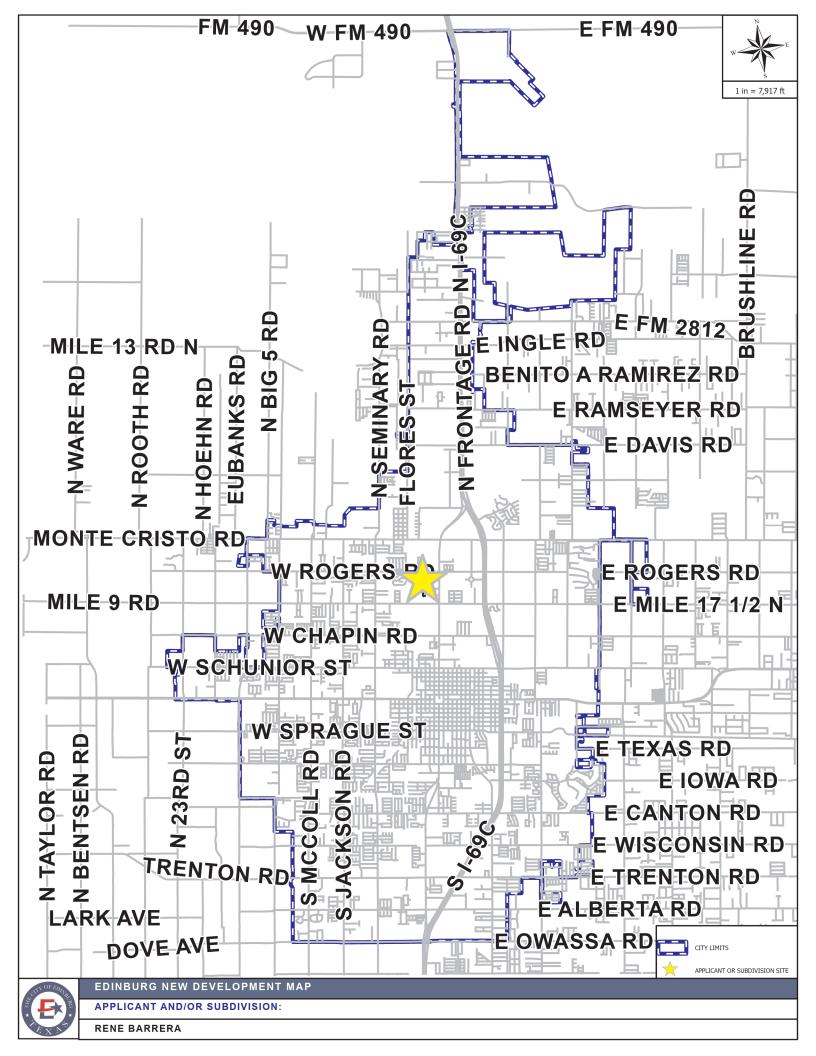
(Ord. No. 2022-4764, 08/09/2022)

ARTICLE 3 - LOT AND DESIGN STANDARDS

Division 3.100, Standards for Rural and Residential Districts

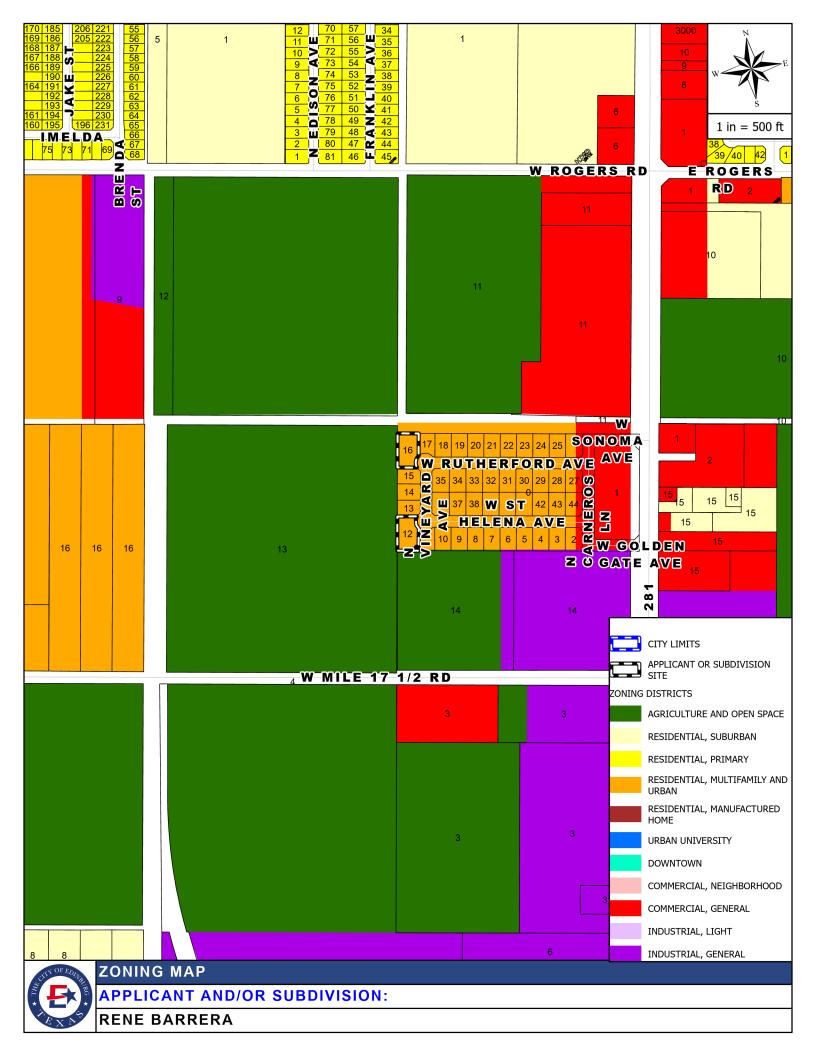
Sec. 3.102, Standards for Rural and Residential Development

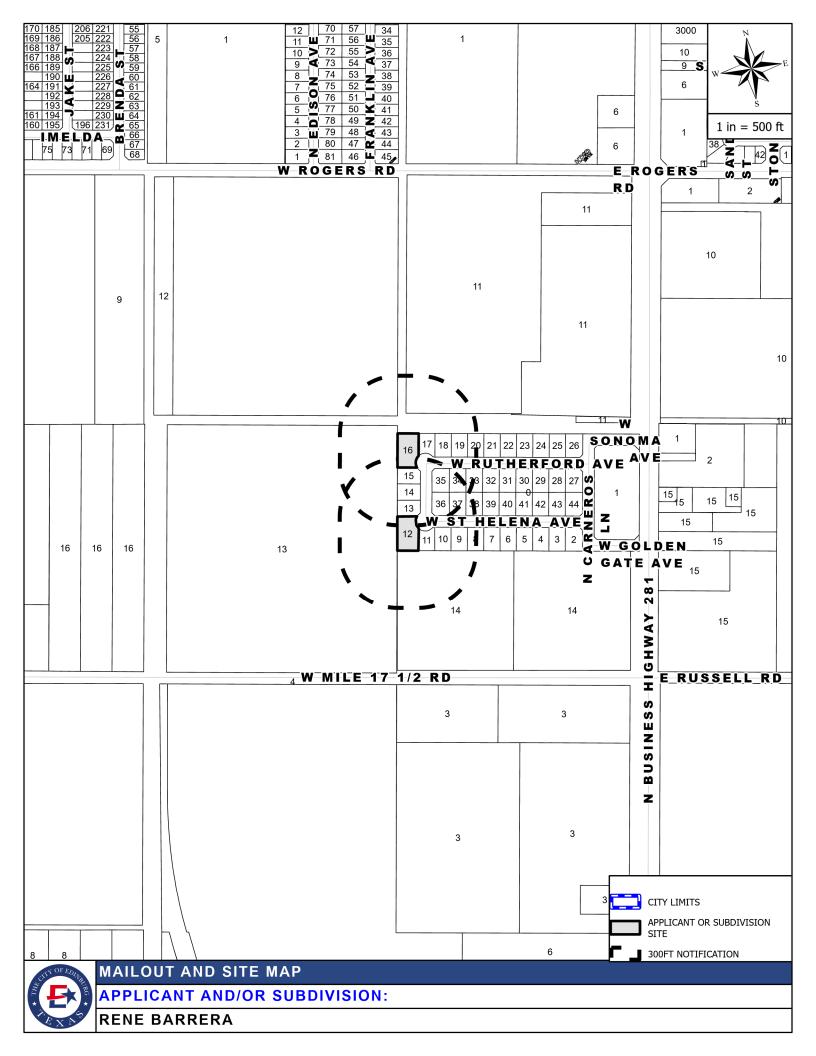
- A. General Standards. The standards below apply to new residential development in Edinburg:
 - 1. Building Separation. The walls of buildings that are located on a single lot, if not party walls, shall be no less than 10 feet apart, and;
 - 2. Fire Code. Shall abide by the standards in the International Fire Code.





RENE BARRERA





PLAT OF THE

BEL-AIR ESTATES "PRIVATE"

BEING 18.00 ACRES OUT OF LOT FOURTEEN (14), SECTION TWO HUNDRED FORTY FOUR (244), TEXAS-MEXICAN RAILWAY COMPANYS SUBDIVISION, HIDALGO COUNTY, TEXAS, AS PER MAP RECORDED IN VOLUME 1, PAGE 12, MAP RECORDS OF HIDALGO COUNTY, TEXAS.

STATE OF TEXAS COUNTY OF HIDALGO

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

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

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

> 1220 NORTHGATE LN. McALLEN, TX 78504

STATE OF TEXAS COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED SATISH DESAL 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 PURPOSES AND CONSIDERATIONS

BY: SATISH DESAI

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 3 DAY OF December 20 20

NOTARY PUBLIC IN AND FOR THE NOTAM # 3592650 STATE OF TEXAS MY COMMISSION EXPIRES.

APPROVAL BY THE CITY OF EDINBURG PLANNING COMMISSION: I, THE UNDERSIGNED CHAIRPERSON OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF EDINBURG, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT KNOW AS BEL-AIR ESTATES CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED AND HAS BEEN APPROVED FOR RECORDING ON THIS

CHAIRPERSON CITY OF EDINBURG PLANNING COMMISSION

APPROVAL BY THE CITY OF EDINBURG MAYOR:

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

APPROVAL IS REQUIRED. MAYOR, CITY OF EDINBURG DATE

STATE OF TEXAS COUNTY OF HIDALGO

I, LEO LOZANO RODRIGUEZ JR., REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE FROM AN ACTUAL SURVEY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON, AND THAT THERE ARE NO APPARENT DISCREPANCIES. CONFLICTS, 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,

__DAY OF _MAY

LEO LOZANO RODRIGUEZ JR., R.P.L.S. REG. PROFESSIONAL LAND SURVEYOR #2448 P.O. BOX 1830 EDINBURG, TEXAS 78540 FIRM NO. 101702-00

LEO L. RODRIGUEZ, JR. 2448

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 DESCRIBÉD ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF DEVELOPER AND HIS ENGINEER TO MAKE THEIR DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT. NO. 1

PRINCIPAL CONTACTS:

SURVEYOR: LEO L. RODRIGUEZ

ENGINEER:

RENE BARRERA, P.E

PHONE FAX **ADDRESS** CITY & ZIP

956-687-3355 956-992-880

LOT 11, SECTION 244 TEXAS MEXICAN RAILWAY COMPANYS SUBDIVISION VOL. 1, PAGE 12 MAP RECORDS **6**1°06'35" 1285.80 SION <u>. sonoma 🛬</u> "PRIVATE" (S)195 24' SUBDIVIS 5' SIDEWALK & UE J 0 15 SIDEWALK & UE 亞 __<u>85.00'_</u>____ __8<u>5.00'</u>___**!**_ <u>85 00'</u> BLVD Y. 281) D RECOM O' DRAIN Õ W. RUTHERFORD AVE. S81'06'35'E 845.00 0 \circ 244 ANY 9 15 SIDEWALK & U 15 SIDEWALK & UE ш SECTION 2/AY COMP/1, PAGE 12/RECORDS ER FIR VOL. 396, PG. 592 DEED RECORDS -10' U E & UE 35' _ _ 86.65' _ _ 86.65' _ _ 86.65' _ _ 86.65' _ _ 86.65' _ _ 10' U E -BUSI PG. AP S SOBEMALK 86.65' 86.65' <u>86.65'</u> __85.00' | _____86.65' ___ LO AN N 6 10' DRAIN | | ESMT ് ത HELENA AVE. N81'06'35'W 845.00' 20.0' UTILITY EASEMENT 8 VOL. 1569, PG. 193 CISO.E. & SIDEWALK X 85.00 85.00 (5 SIDEWALK & UE S'SIDEWALK_ 5' SIDEWALK & UE GOLDEN 1 GATE AVE 81°06'35" PALMER INTERNATIONAL INC. DOCUMENT NO. 496051 OFFICIAL RECORDS 120.0 EXIST. 60.0'

	LINE TA	BLE
LINE	LENGTH	BEARING
L1	35.36'	S36*06'35*E
L2	21.21'	N53'53'25"E
L3	21.21*	N36°06'35"W
L4	35.36'	N53'53'25"E
L5	21.21'	S36*06'35*E
L6	21.21'	S53'53'25"W
L7	21.21'	S36'06'35"E
L8	21.21'	S53'53'25"W
L9	10.00'	N81'06'35"W
L10	21.21	N53'53'25"E
L11	21.21	N36'06'35"W
112	7 40 00'	C0410613E"E

	CURVE TABLE									
CURVE	LENGTH	RADIUS	DELTA ANGLE	TANGENT	CHORD BEARING	CHORD				
C1	85.13'	50.00	97*33'26"	57.07'	S00'00'00"E	75.22'				
C2	65.95'	50,00'	75'34'23"	38.77	S00°00'00"E	61.27'				
<u>C3</u>	26.18'	50.00'	30'00'00"	13.40'	S00,00,00,E	25.88'				
C4	26.18'	50.00'	30'00'00"	13.40'	S00'00'00"E	25.88'				
C5	65.95'	50.00'	75'34'23"	38.77'	S00'00'00"E	61.27				
C6	85.13'	50.00'	97:33'26"	57.07	S00°00'00"E	75.22'				

STATE OF TEXAS COUNTY OF HIDALGO

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

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

DAY OF **MAY** 20 **20** REGISTERED PROFESSIONAL ENGINEER NO. 86862 STATE OF TEXAS TYPEN No: 6435 RENE BARRERA

HIDALGO COUNTY IRRIGATION DISTRICT No. 1 THIS PLAT APPROVED BY HIDALGO COUNTY IRRIGATION DISTRICT No. 1 ON THIS . 462414, 20 D1 EXPRESSED WRITTEN PERMISSION OF THE PIE

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

METES AND BOUNDS DESCRIPTION

A 18.00 ACRE TRACT OF LAND BEING OUT OF LOT 14, SECTION 244, TEXAS-MEXICAN RAILWAY COMPANYS SUBDIVISION, AS RECORDED IN VOLUME 1. PAGE 12, MAP RECORDS, HIDALGO COUNTY, TEXAS, SAID 18.00 ACRE TRACT IS BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

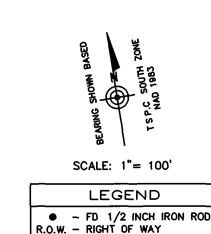
COMMENCING ON THE NORTHEAST CORNER OF SAID LOT 14 AND WITHIN THE RIGHT OF WAY OF N. CLOSNER BLVD., THENCE, S 08'53'25" W, WITH THE EAST LINE OF SAID LOT 14 AND WITHIN THE RIGHT OF WAY OF SAID N. CLOSNER BLVD., A DISTANCE OF 50.00', FOR THE NORTHEAST CORNER OF THIS TRACT OF LAND AND THE POINT OF BEGINNING;

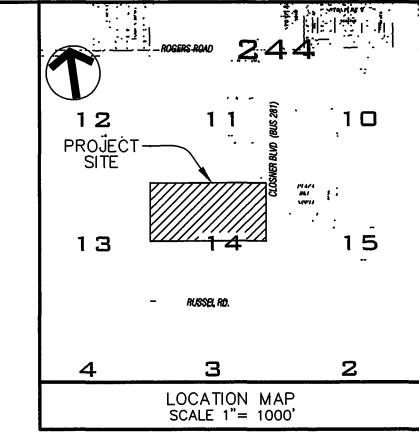
THENCE S 08'53'25" W, CONTINUING WITH THE EAST LINE OF SAID LOT 14 AND WITHIN THE RIGHT OF WAY OF SAID N. CLOSNER BLVD., A DISTANCE OF 610.00' TO THE NORTHEAST CORNER OF A TRACT OF LAND DEEDED TO PALMER INTERNATIONAL INC., AS RECORDED IN DOCUMENT NO. 496051, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS, FOR THE SOUTHEAST CORNER OF THIS TRACT OF LAND:

THENCE N 81°06'35" W, WITH THE NORTH LINE OF SAID PALMER INTERNATIONAL INC. TRACT, AT A DISTANCE OF 25.56' PASS A 1/2" IRON ROD FOUND ON THE WEST RIGHT OF WAY OF SAID N. CLOSNER BLVD., CONTINUING A TOTAL DISTANCE OF 1285.80' TO A 1/2" IRON ROD FOUND ON THE NORTHWEST CORNER OF SAID PALMER INTERNATIONAL INC. AND THE WEST LINE OF SAID LOT 14, FOR THE SOUTHWEST CORNER OF THIS TRACT OF LAND;

THENCE N 08'53'25" E, WITH THE WEST LINE OF SAID LOT 14, A DISTANCE OF 610.00' TO A 1/2" IRON ROD FOUND ON THE SOUTH LINE OF AN H.C.I.D. NO. 1 CANAL R.O.W., FOR THE NORTHWEST CORNER OF THIS TRACT OF LAND;

THENCE S 81°06'35" E, WITH THE SOUTH LINE OF SAID H.C.I.D. NO. 1 CANAL R.O.W., AT A DISTANCE OF 1260.24' PASS A 1/2" IRON ROD FOUND ON THE WEST RIGHT OF WAY LINE OF SAID N. CLOSNER BLVD., CONTINUING A TOTAL DISTANCE OF 1285.80' TO THE POINT OF BEGINNING, CONTAINING 18.00 ACRES OF LAND MORE OR LESS.





BEL-AIR SUBDIVISION IS LOCATED IN CENTRAL HIDALGO COUNTY ON THE WEST SIDE OF CLOSNER BLVD. (U.S. BUSINESS 281) APPROXIMATELY 660 FEET NORTH OF RUSSEL ROAD. THIS SUBDIVISION LIES WITHIN THE CITY LIMITS OF EDINBURG, TEXAS.

PREPARED BY: BARRERA INFRASTRUCTURE GROUP, INC. FIRM REG. NO.: 6435

DATE PREPARED: AUG / 2016

DATE SURVEYED: AUG. 9, 2016

GENERAL PLAT NOTES:

- THIS PROPERTY IS LOCATED WITHIN ZONE "X" ON A FLOOD INSURANCE RATE MAP DEFINED AS AREAS OUTSIDE THE 500-YEAR FLOODPLAIN COMMUNITY PANEL NO. 480338 0015 E REVISED JUNE 06, 2000. (LOMR: MAY 14, 2001)
- MINIMUM FINISHED FLOOR ELEVATION SHALL BE 18 INCHES ABOVE TOP OF CURB MEASURED AT FRONT AND CENTER OF EACH LOT.
- MINIMUM SETBACKS ARE AS FOLLOWS:

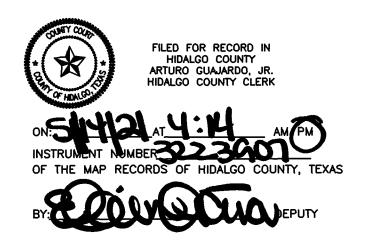
MULTI-FAMILY LOTS (LOTS 2-44)
FRONT - 20 FFFT 15 - 20 FEET; 15 FEET CUL-DE-SACS OR EASEMENT, WHICHEVER IS GREATER

- 6 FEET OR EASEMENT, WHICHEVER IS GREATER - 20 FEET OR EASEMENT, WHICHEVER IS GREATER REAR COMMERCIAL LOTS (LOT 1)

- 25 FEET (CLOSNER BLVD) - 10 FEET **FRONT** REAR SIDE

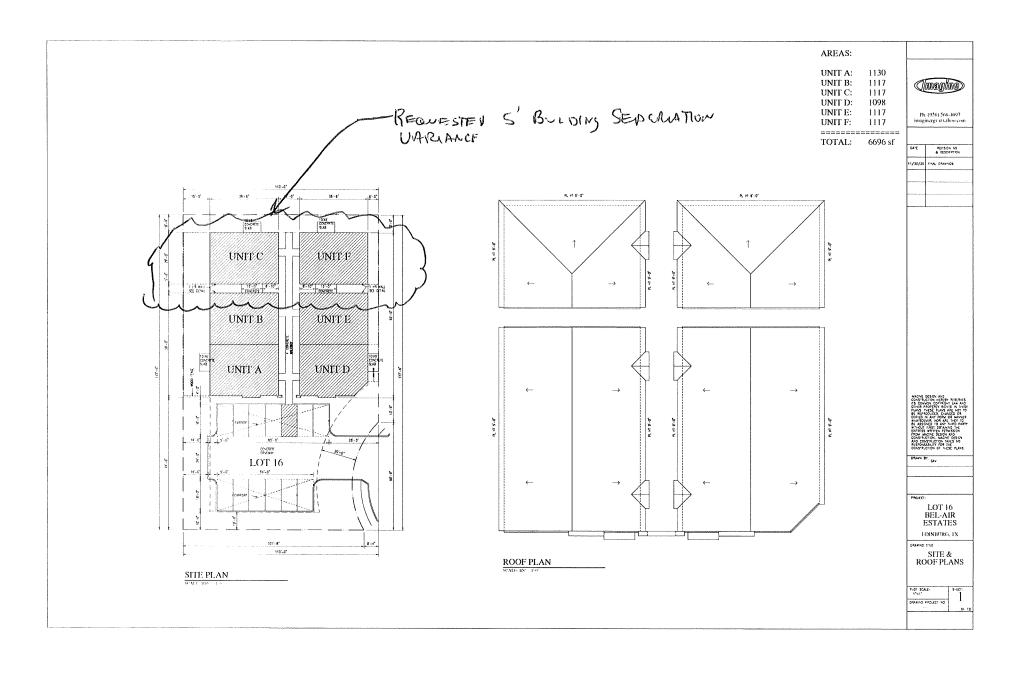
- 8 FEET

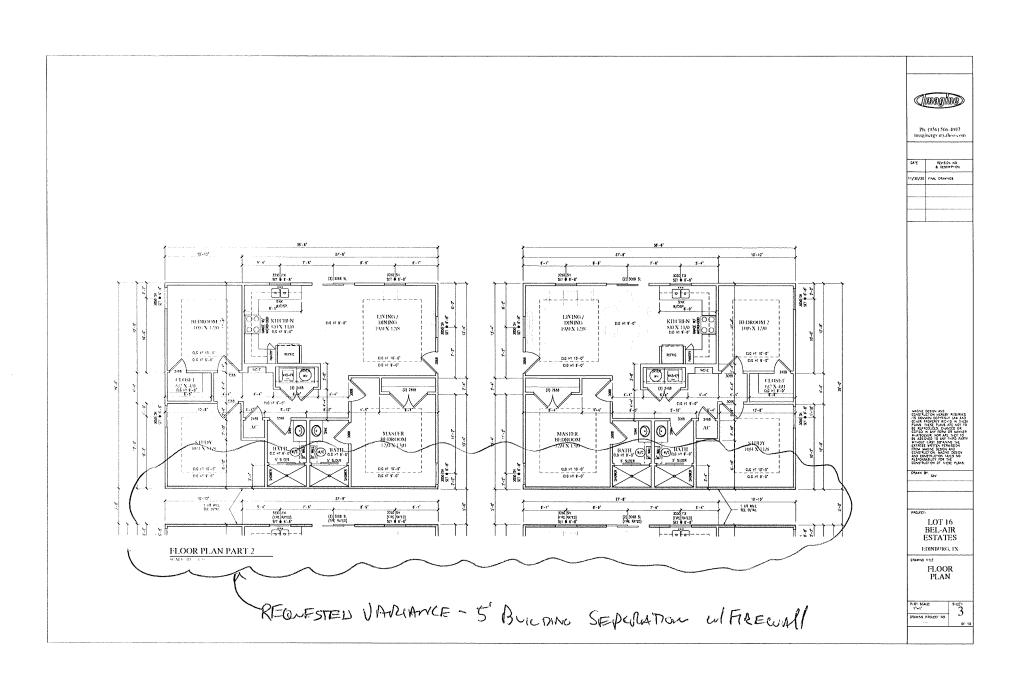
- THIS SUBDIVISION IS SERVED BY THE CITY OF EDINBURG WATER AND SANITARY SEWER SYSTEMS.
- 5. A TOTAL OF 64,246 CF (1.47 AC-FT) OF DETENTION IS REQUIRED FOR THIS SUBDIVISION. (1,460 CF PER LOT)
- 6. ALL LOTS CORNERS SHALL BE MARKED WITH A HALF (1/2) INCH IRON ROD WITH A PLASTIC YELLOW CAP STAMPED: LLR / 2448 (UNLESS OTHERWISE NOTED.)
- BENCHMARK: TOP OF FLANGE ON FIRE HYDRANT LOCATED AT THE NORTHEAST CORNER OF LOT 1; ELEV. 95.10
- A 5 FT. SIDEWALK WITH A.D.A. RAMPS AND LANDINGS IS REQUIRED AT BUILDING PERMIT STAGE OR AS APPROVED BY CITY ENGINEER ON ALL INTERIOR STREETS AND A 5 FT. SIDEWALK WITH A.D.A. RAMPS AND LANDINGS IS TO BE CONSTRUCTED AT SUBDIVISION STAGE ALONG CLOSNER BLVD
- NO PERMANENT STRUCTURES SHALL BE ALLOWED WITHIN UTILITY EASEMENTS OR IRRIGATION EASEMENTS.
- 50% PARK FEE PER UNIT WILL BE DUE AT BUILDING PERMIT STAGE FOR LOTS
- 12. ALL CONSTRUCTION SHALL COMPLY WITH STORM WATER POLLUTION PREVENTION PLAN (SW3P) REQUIREMENTS.
- 13. LOT 1 IS FOR COMMERCIAL USE ONLY, AND LOTS 2-44 ARE FOR MULI-FAMILY DEVELOPMENT (URBAN RESIDENTIAL DISTRICT).
- 14. A 6 FOOT BUFFER FENCE BUILT BY DEVELOPER AND MAINTAINED BY THE HOME OWNERS ASSOCIATION WILL BE REQUIRED BETWEEN MULTI-FAMILY AND COMMERCIAL LOTS.
- 15. THE HOME OWNERS ASSOCIATION FOR LOTS 2-44 MUST COLLECT DUES TO MAINTAIN PRIVATE STREETS, STREET SIGNS, LANDSCAPE IMPROVEMENTS IN COMMON AREAS, STREET LIGHTS ELECTRIC BILL, AND OTHER AMENITIES IMPROVEMENTS FOR THIS SUBDIVISION.
- ALL COMMON ACCESS, PARKING, LANDSCAPING AREAS SHALL BE MAINTAINED BY THE LOT OWNERS.
- OWNERS OF LOTS 2-44, SERVED BY THE PRIVATE ACCESS, ALLEYS AND ACCESS EASEMENTS WITHIN THIS PLAT, AGREE TO RELEASE, INDEMNIFY, DEFEND AND HOLD HARMLESS ANY GOVERNMENTAL ENTITY FOR DAMAGES TO THE PRIVATE ACCESS, ALLEYS AND ACCESS EASEMENTS OCCASIONED BY THE REASONABLE USE THEREOF BY THE GOVERNMENT ENTITY FOR GOVERNMENTAL PURPOSES; AND TO RELEASE, INDEMNIFY, DEFEND AND HOLD HARMLESS ANY GOVERNMENTAL ENTITY FOR DAMAGES ARISING FROM THE CONDITION OF THE PRIVATE ACCESS, ALLEYS AND ACCESS EASEMENTS. THE MAINTENANCE OF SIGNS SHALL NOT BE THE RESPONSIBILITY OF THE CITY OF EDINBURG.
- 18. LOT 1 SHALL HAVE NO ACCESS ONTO CLOSNER BLVD.

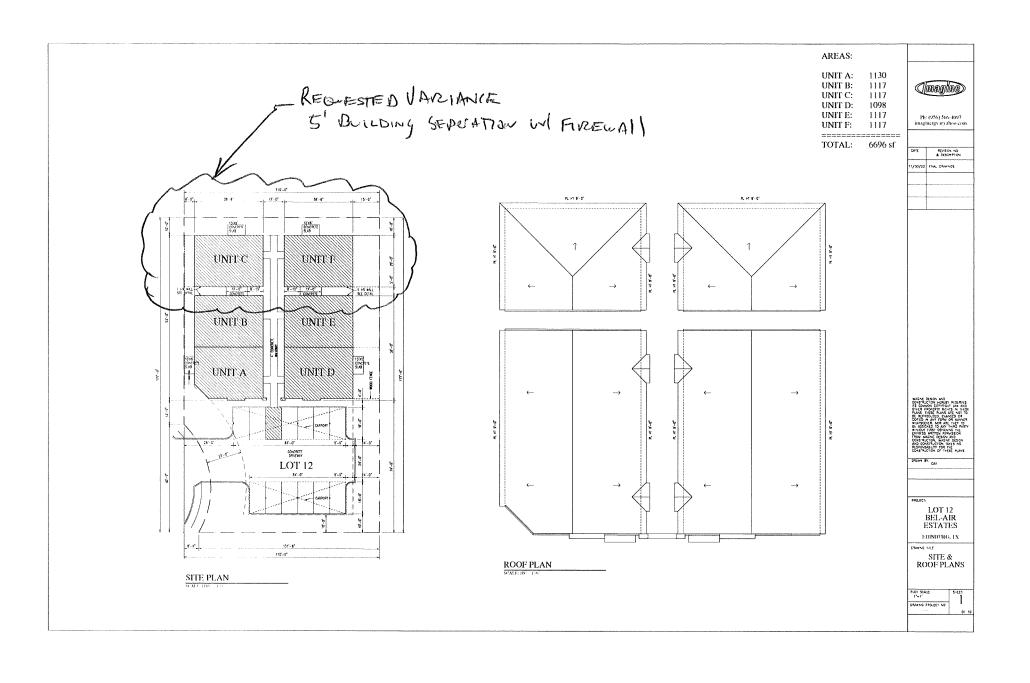




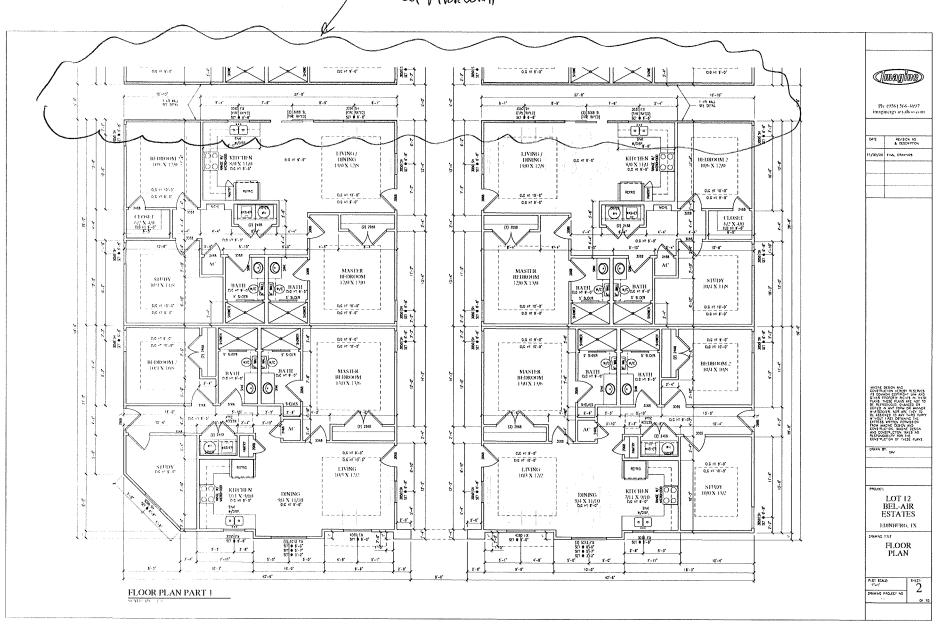
Suite B2 Edinburg, Texas 78539 956-687-3355 956-992-8801 (FAX) TEXAS FIRM NO: 6435







- REGUESTED VARYANCE.



Zoning Board of Adjustment

Site Photos for meeting of May 31, 2023

Lot 16, 2523 North Vineyard



Planning & Zoning

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



Zoning	Variance A	pplication
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ENERGOV CASE # VAL-2023-0171

Owner Contact Information
Mailing Address: 1220 NORTH GATE LA, MCALLEN, TX. 78.504 Street Address City/State Zip Code
Phone (Home): NA (Work): NA (Cell): 956-358-5299
Email: polesti 2211 2 hotmpil. Com
Agent/Applicant Name (if different than Owner): RENE BARRERA, P.E PROJECT ENGINEE Applicant Contact Information
Mailing Address: 3525 W. Freddy GONZALFZ Dr., Ste B-2, EDINBUTY, TX. Street Address City/State Zip Code 78574
Phone (Home): NA (Work): 956-687-3355 (Cell): 956-624-4985
Email:
Property Address for Variance: 2523 N. VINEYARD, EDINBURG, TV. 78539 Street Address City/State Zip Code
Property Legal Description: LOT 16 BEL-AIR ESTATES
Lot Block Subdivision
EDINBURG TX
,
Present Property Zoning: Musti-Family Property ID#: 1372570
Nature of Request (cite all applicable issues needing variance):
REQUEST VARIANCE REGARDING 10 ft BUILDING SEPERATION WITHIN THE
SAWE LOT. RECUESTING SET SEPERATION WITH INSTAIL ATION OF REASON FOR ADDRESS REQUIRED FIREWALL.
Reason for Appeal Variance will not be granted to relieve personal hardships, to accommodate conditions created by the owner or applicant, and will not be based solely on economic gain or loss. However, if there are circumstances the applicant wishes to be
and will not be based solely on economic gain of loss. However, if there are circumstances the applicant wishes to be known to the Zoning Board of Adjustment, please list below. Attach additional pages if necessary. Information provided
have to not required and does not guarantee approval of this request
A INC. 12 SEPERATOR WOULD RESULT IN PARPLOX 145 CE OF
UNIT COF BULDING HOEA COSS NESCUTING ID THE PHOPMATOLIE
UNIT CIF BULDING AREA LOSS RESULTING IN LESS FAVORABLE LIVING ACCOMODATIONS FOR A FAMILY, THE ADDITIONAL AREA ACHEIVED WITH THE REQUESTED S' SEPANATION PROVIDES FAVORABLE LIVING
OFFICE USE ONLY: ENVIRONMENT
UDC Section(s) Requiring Variance:
Reviewed by:
MAY 0 1 2023
Control of the Contro

Zoning Variance Application

Review Criteria
Please read carefully and check all of the following that apply.
There are extraordinary and exceptional conditions pertaining to the subject property because of its size, shape, or topography that are not applicable to other lands or structures in the same district.
The need for a Variance or the extraordinary and exceptional conditions do not result from the actions of the owner or applicant.
Granting the Variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same district.
A literal interpretation of the provisions of this UDC would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
Granting of the Variance will be in harmony with the general purpose and intent of this UDC and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
The Variance requested is the minimum variance that will make possible a permitted use of the land, building, or structure.
The Variance will not permit a use of land, building, or structure that is not otherwise permitted in the applicable district.
The Variance will not permit an intensity of use of land that is not permitted in the applicable district.
As owners or agents for the above described property, I (we) hereby request a hearing before the
City of Edinburg Zoning Board of Adjustment.
Signature: Date: 5/1/23
Owner/Agent's Name (Please Print): RENE BANGELL, D.F AGENT
OFFICE USE ONLY
\$450 Application Fee:* <u>L0 & 06 5653</u> Payment Received by:
Application deadline: May 1 st ZBA Hearing date: May 31 st

- \$450 FEE (NON-REFUNDABLE)
- \$40 check or money order, payable to Hidalgo County Clerk, for recording or ZBA's order if approved (returned to applicant if not approved)
- Submit site plan or sketch
- Submit survey or blueprint, if applicable
- Submit letter(s) of support and other documentation if applicable

PROPERTY ID: 295839 AZTECA MILLING LP

NULL

5601 EXECUTIVE DR SUITE 650

IRVING, TX 75038-2508

LEGAL: TEX-MEX SURVEY ALL 40ACS OF LOT 13 BLK 244 34.38AC NET

PROPERTY ID: 295842

PAULMEX INTERNATIONAL INC

NULL

PO BOX 2479

EDINBURG, TX 78540-2479

LEGAL: TEX-MEX SURVEY LOT 14-W10AC/S20AC BLK 244 9.77 AC NET

PROPERTY ID: 295527 AZTECA MILLING LP

NULL

5601 EXECUTIVE DR SUITE 650

IRVING, TX 75038-2508

LEGAL: TEX-MEX SURVEY ALL LT 4;N10.31AC-LT 5;W16.32AC-IRR TR LT 6 BLK

241 & ALL LT 12 BLK 244 102.35AC GR 94.75AC NET

PROPERTY ID: 1372564

DGV LP NULL

1220 NORTHGATE LN MCALLEN, TX 78504-9556

LEGAL: BEL-AIR ESTATES LOT 10

PROPERTY ID: 1372563

DGV LP NULL

1220 NORTHGATE LN MCALLEN. TX 78504-9556

LEGAL: BEL-AIR ESTATES LOT 9

PROPERTY ID: 1372562

DGV LP NULL

1220 NORTHGATE LN MCALLEN, TX 78504-9556

LEGAL: BEL-AIR ESTATES LOT 8

PROPERTY ID: 1372572

DGV LP NULL

1220 NORTHGATE LN MCALLEN, TX 78504-9556

LEGAL: BEL-AIR ESTATES LOT 18

PROPERTY ID: 1372573

DGV LP NULL

1220 NORTHGATE LN MCALLEN, TX 78504-9556

LEGAL: BEL-AIR ESTATES LOT 19

PROPERTY ID: 1372574

DGV LP NULL

1220 NORTHGATE LN MCALLEN, TX 78504-9556

LEGAL: BEL-AIR ESTATES LOT 20

PROPERTY ID: 1372568

DGV LP NULL

1220 NORTHGATE LN MCALLEN, TX 78504-9556

LEGAL: BEL-AIR ESTATES LOT 14

PROPERTY ID: 1372589

DGV LP NULL

1220 NORTHGATE LN MCALLEN, TX 78504-9556

LEGAL: BEL-AIR ESTATES LOT 35

PROPERTY ID: 1372588

DGV LP NULL

1220 NORTHGATE LN MCALLEN, TX 78504-9556

LEGAL: BEL-AIR ESTATES LOT 34

PROPERTY ID: 1372587

DGV LP NULL

1220 NORTHGATE LN MCALLEN, TX 78504-9556

LEGAL: BEL-AIR ESTATES LOT 33

PROPERTY ID: 1372590

RONAK LLC

NULL

2121 E GRIFFIN PKWY STE 12 MISSION. TX 78572-3072

LEGAL: BEL-AIR ESTATES LOT 36

PROPERTY ID: 1372591

DGV LP NULL

1220 NORTHGATE LN MCALLEN, TX 78504-9556

LEGAL: BEL-AIR ESTATES LOT 37

PROPERTY ID: 1372592

RONAK LLC

NULL

2121 E GRIFFIN PKWY STE 12

MISSION, TX 78572-3072

LEGAL: BEL-AIR ESTATES LOT 38

PROPERTY ID: 1372565

DGV LP NULL 1220 NORTHGATE LN MCALLEN, TX 78504-9556

LEGAL: BEL-AIR ESTATES LOT 11

PROPERTY ID: 1372566

DGV LP NULL 1220 NORTHGATE LN MCALLEN, TX 78504-9556

LEGAL: BÉL-AIR ESTATES LOT 12

PROPERTY ID: 1372567

DGV LP NULL

1220 NORTHGATE LN MCALLEN, TX 78504-9556

LEGAL: BEL-AIR ESTATES LOT 13

PROPERTY ID: 1372569

DGV LP NULL

1220 NORTHGATE LN MCALLEN, TX 78504-9556

LEGAL: BEL-AIR ESTATES LOT 15

PROPERTY ID: 1372570

DGV LP NULL

1220 NORTHGATE LN MCALLEN, TX 78504-9556

LEGAL: BEL-AIR ESTATES LOT 16

PROPERTY ID: 1372571

DGV LP NULL

1220 NORTHGATE LN MCALLEN, TX 78504-9556

LEGAL: BEL-AIR ESTATES LOT 17

PROPERTY ID: 1372551

DGV LP NULL

1220 NORTHGATE LN MCALLEN, TX 78504-9556

LEGAL: BEL-AIR ESTATES 4.00AC FOR PRIVATE STREETS

PROPERTY ID: 295835

LEADING MEDIA GROUP CORP

NULL

5633 RICHMOND AVE

NULL

HOUSTON, TX 77057-6345

LEGAL: TEX-MEX SURVEY LOT 11-N120'-W515.8'-E540.8' & E700'- W745'- N1270'

LOT 11 BLK 244 EXC E100.8'- S270' 21.21AC GR 21.07AC NET



Planning & Zoning Staff Report

ZONING BOARD OF ADJUSTMENT

Prepared on: May 25,2023

Regular Meeting: May 31, 2023

Agenda Item

Consider Variances to the City's Unified Development Code, Section 5.207(F), Easements, Encroachments and Removal of Encroachments and Section 7.102(D)(2); Nonconformities; General Provisions; Alteration, Enlargement, or Abandonment; Nonconforming Uses, Lot 60, Ebony Terrace No. 2 Unit C Subdivision, Located at 1207 Jo Ann Court, as requested by Letisia Caballero

Request

The applicant is requesting a variance to the City's Unified Development Code, Section 7.102 (D)(2) as it applies to Easements and encroachments. The applicant has constructed an outdoor restroom and concrete pad over an easement. Survey submitted indicated there is a 10-foot easement located on the northwest side of the property.

Property Location and Vicinity

The property is located at the end of the cul-de-sac of Jo Ann Court and is zoned Residential Primary (RP) District. Adjacent zoning is Residential Primary (RP) District in all directions. Surrounding land uses is Single Family Residential Uses.

Background and History

The property is part of the Ebony Terrace 2 Unit C Subdivision that was recorded in May of 1975. The property is about 12,000 square feet. The applicant mentioned that a previous contractor had started the construction on the structure and was under the impression a building permit was obtained. It was then when a new contractor was hired and a building permit for an accessory structure was formally submitted on March 31, 2023. After review from the staff it was indicated the accessory structure had been built over the 10-foot utility easement located on the northwest side of the property.

Staff mailed notice of this variance request to 35 neighboring property owners. No comments in favor or against this request had been received at the time this report was prepared.

Analysis

A 10-foot utility easement is located on the northwest side of the property. An outdoor patio area is located in the area and the applicant is wanting to add an outdoor restroom and concrete pad to the structure thus making it non-compliant. The structure was initially built without a permit and is wanting to come to compliance.

Recommendation

Staff recommends denial of the variance request If approved, the applicant will need to comply with all other requirements during the permitting process such as building and fire codes. If approved, staff recommends a hold harmless agreement be signed as well as a \$40 fee payable to the County of Hidalgo, County Clerk's Office, for the recording of the ZBA order is also required. A location map, aerial map, photo, subdivision plat, site plan, and application from the property owner are attached for the Board's consideration.

Prepared by:

Rita Lee Guerrero

Assistant Director of Planning & Zoning

Approved by:

Jaime Acevedo

Director of Planning & Zoning



UNIFIED DEVELOPMENT CODE

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

ARTICLE 5 - SUBDIVISION STANDARDS

Division 5.200, Subdivision Design Standards

Sec. 5.207. Easements

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:

- A. Utility Easement Width and Location. Where required, all lots shall provide utility easements for sewer, water, gas, telecommunications, or other public utilities that are necessary or desirable to serve the subdivision. Their width and location shall be as follows:
 - 1. Utility easements shall be a minimum of 10 feet wide.
 - 2. Utility easements shall be located in street rights-of-way, alleys, and front, side, or rear yards, as determined by the City in accordance with the particular plans and layout of the utility or other service providing company.
 - 3. Easements that fall on shared side or rear lot lines shall be of equal dimensions on both lots involved, unless specifically authorized by the City.
 - **4.** Where attached housing types are involved and yards are enclosed or very narrow, easements shall be placed in open space areas for maintenance purposes.

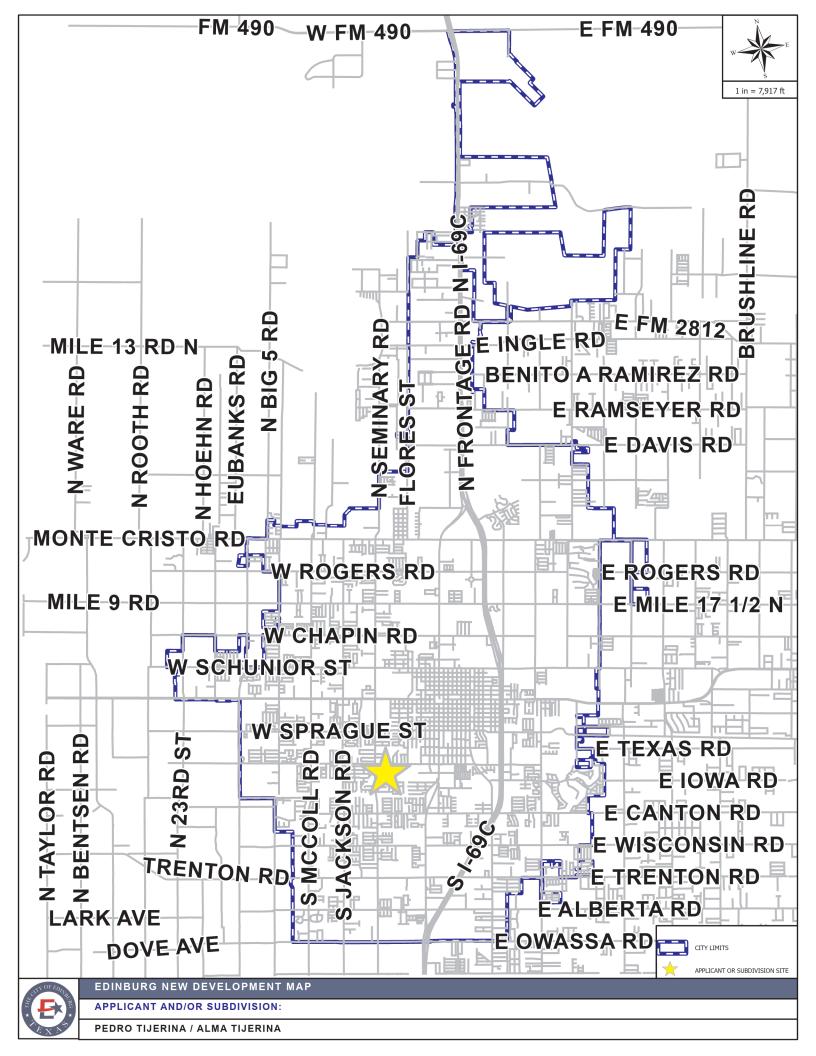
B. Drainage Easements.

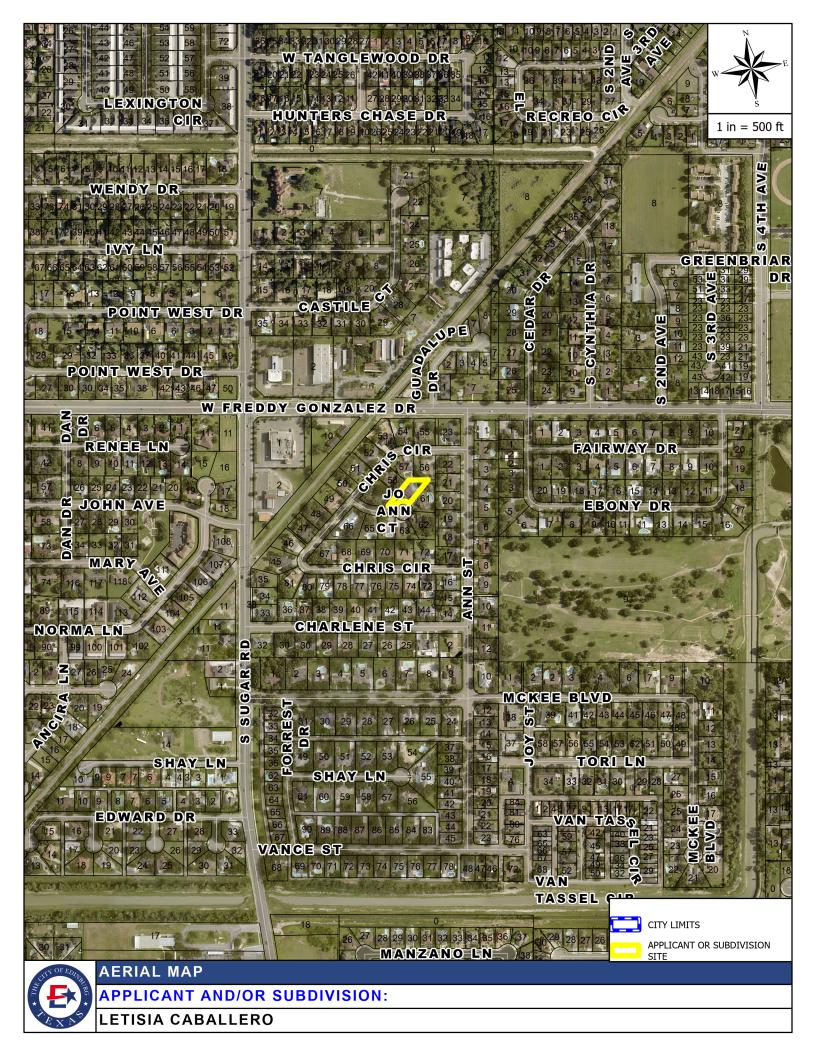
- 1. Generally.
 - a. To the extent possible, existing surface drainage patterns shall be protected by easements or open space. In addition, drainage easements shall be placed on lots to convey surface water to storm sewers located on the street or to surface drainage channels located in easements or open spaces as topography and grading dictate.
 - b. Where a subdivision is traversed by a watercourse, drainageway, natural channel or stream, the applicant shall provide an easement or right-of-way with a location that is substantially the limit of such watercourse, plus additional width to accommodate future maintenance needs. Such easement or right-of- way shall be a minimum of 75 feet from its centerline to the edge of the easement and shall be designed in accordance with the Engineering Standards Manual.
- 2. *Drainage Facilities*. Drainage facilities shall be provided and constructed at the expense of the subdivider pursuant to the City's drainage policy, master plans, and as specified by the City Engineer. In addition, all drainage facilities shall comply with the Hidalgo County master drainage requirements.
- 3. Dedication Required.
 - a. Dedication of drain ditch easements shall be made in accordance with the following:
 - i. Thoroughfare plans;
 - ii. Drainage master plans;
 - iii. County drainage master plans; and
 - iv. Texas Department of Transportation (TxDOT) regulations.
 - b. In the event of demonstrated site constraints, the drain ditch shall be reserved on the subdivision plat as a drainage easement. The easement shall include provisions that, when necessary, it will be used for roadway improvements at no cost to the City and that no improvements shall be constructed within the easement.
- **C. Fire Protection Easements.** Fire protection access lanes at the front, rear, and side of a building, where required by the Fire Marshal, shall be improved with concrete paving at a width of 20 feet, with appropriate turning radii for the City's fire protection equipment.

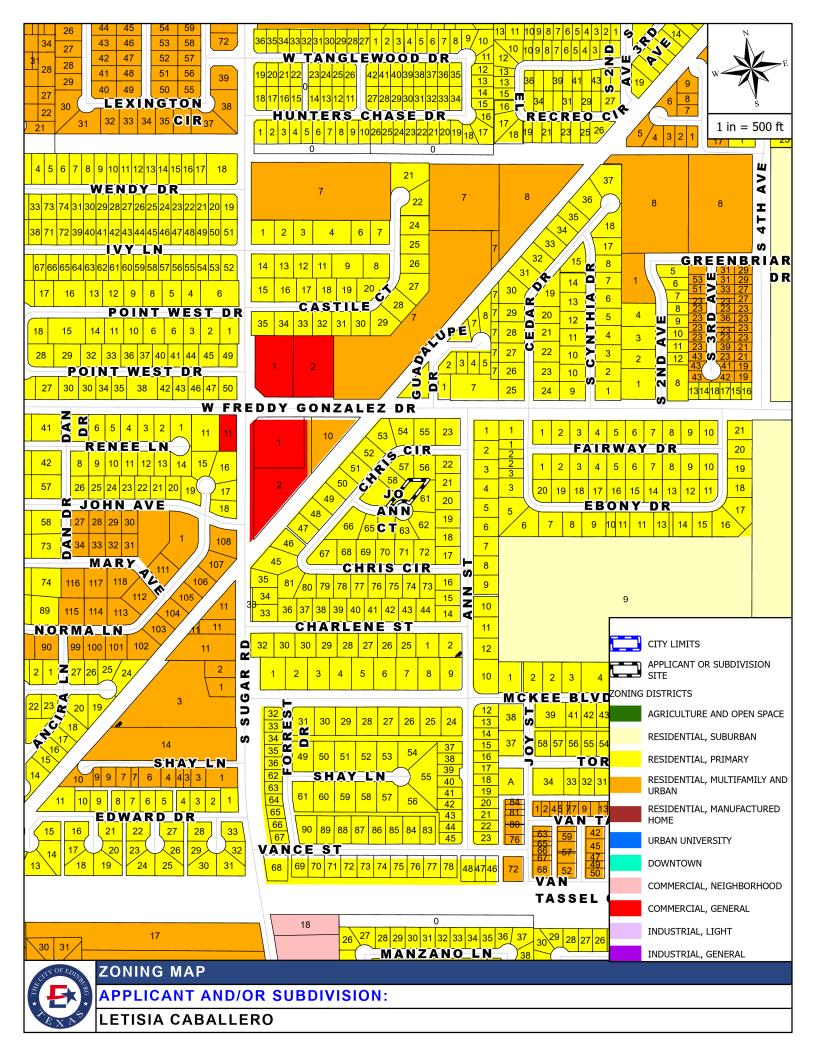


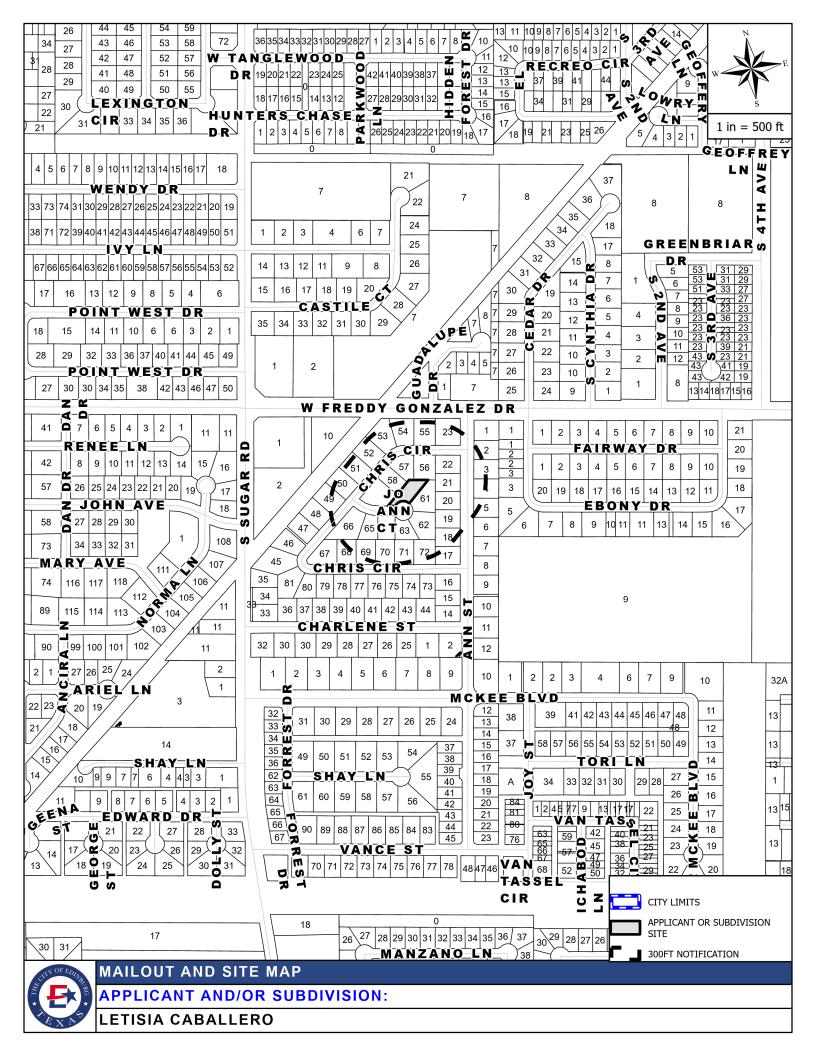
- **D. Pedestrian Access Easements.** Pedestrian access easements may be required in accordance with Paragraph 5.202.E.6, *Mid-Block Pedestrian Connections*.
- **E. Conservation Easements.** The City shall require conservation easements to preserve open space and protect natural resources. Conservation easements shall exclude other easements that would result in the disturbance of the land, provided, however, pedestrian access easements may be permitted. The conservation easements shall be in a form approved by the City Attorney. All conservation easements shall run in favor of two parties: all lots in the development and the City.
- **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.

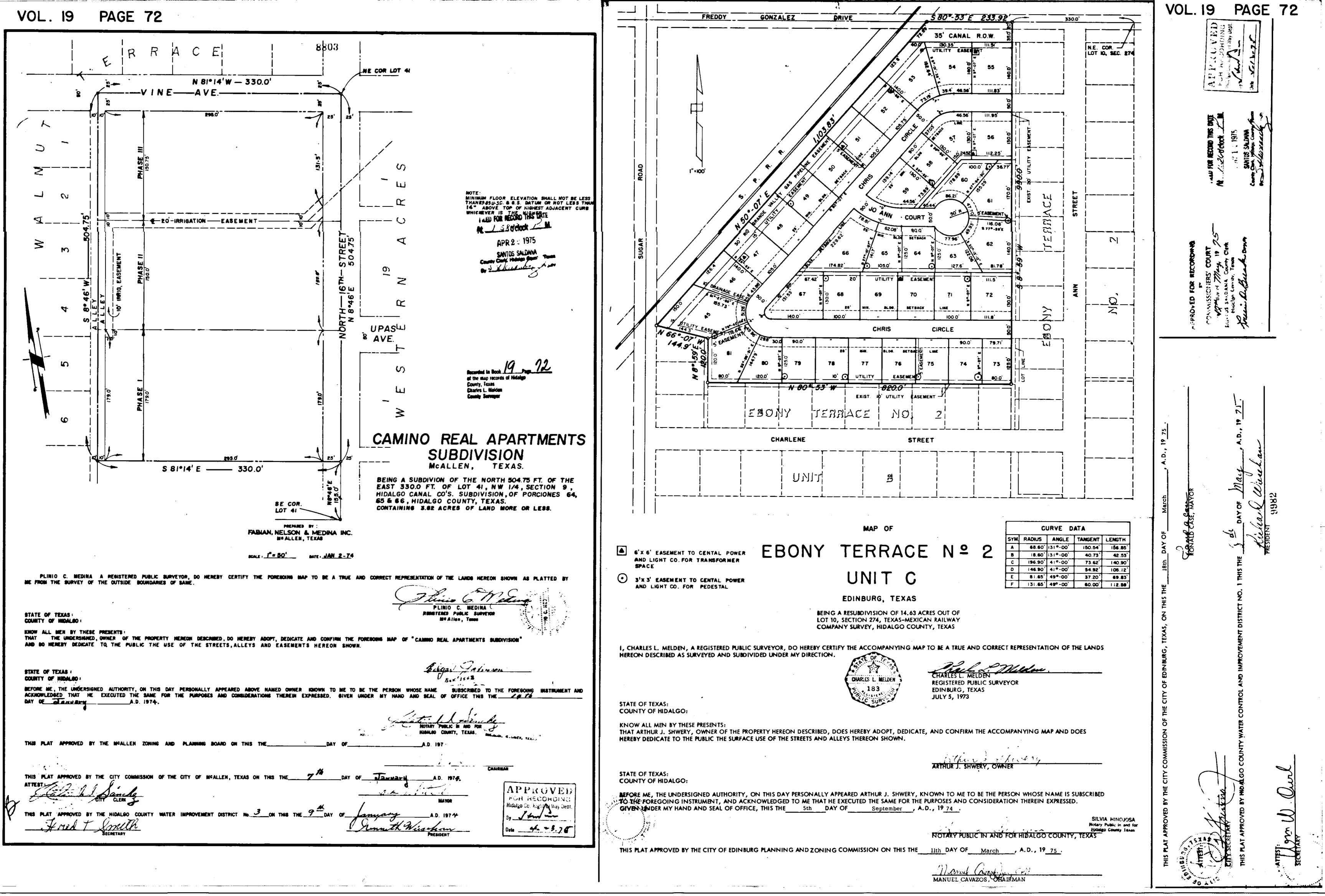
Effective on: 8/9/2022





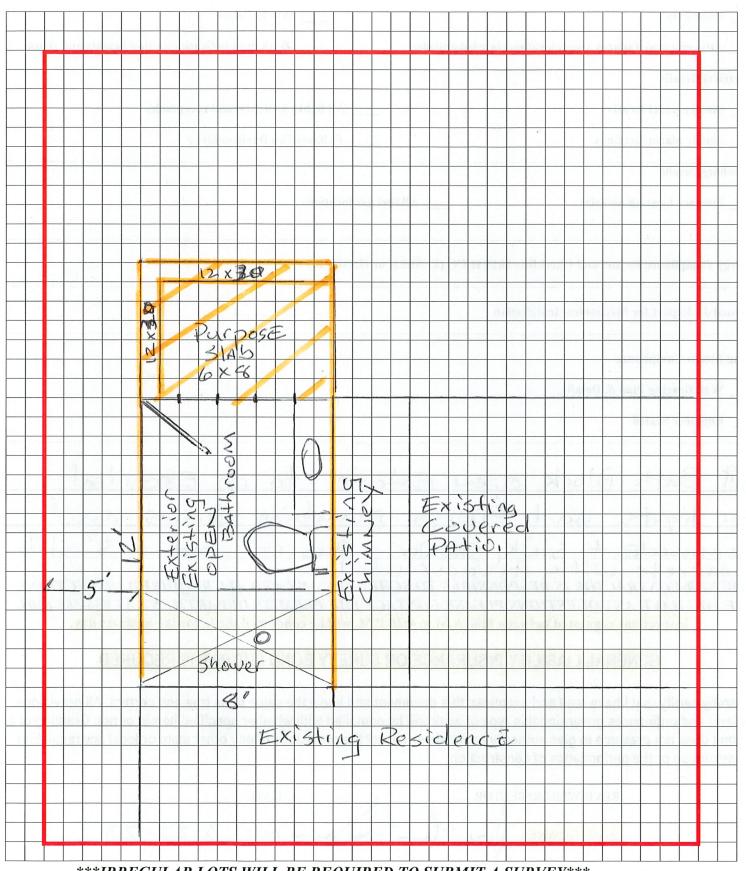






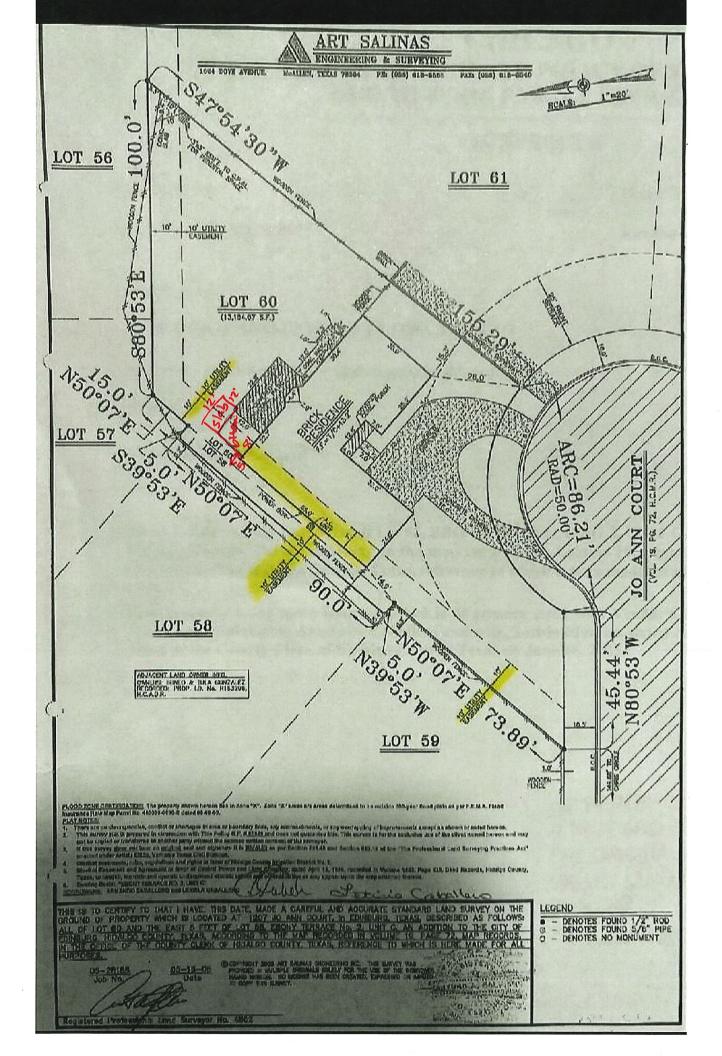
SITE PLAN AND FLOOR PLAN IS REQUIRED

REAR



IRREGULAR LOTS WILL BE REQUIRED TO SUBMIT A SURVEY

FRONT



Zoning Board of Adjustment

Site Photos for meeting of May 31, 2023

1207 JoAnn Court



Planning & Zoning

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

Reviewed by:

T.F.



Date: May 1, 2023

Zoning Variance Application

ENERGOV CASE # VAR - 2023 - 0173 Property Owner Name: **Owner Contact Information** Mailing Address: (207 Street Address Phone (Home): _____ (Work): ____ ____(Cell): <u>956-292-857</u> Email: Phisiamoreno @ att, net Agent/Applicant Name (if different than Owner): Applicant Contact Information Mailing Address: Street Address City/State Zip Code Phone (Home): ______ (Work): ______ (Cell): ______ Property Address for Variance: 1207 Johnst Edinburg Tr. 7853 Property Legal Description: (1) Block Subdivision Present Property Zoning: RESIDENTIAL Primary Property ID#: 163298 **Nature of Request** (cite all applicable issues needing variance): Bathroom | Slab | Fireplace to encuert 7 F **Reason for Appeal** Variance will not be granted to relieve personal hardships, to accommodate conditions created by the owner or applicant, and will not be based solely on economic gain or loss. However, if there are circumstances the applicant wishes to be known to the Zoning Board of Adjustment, please list below. Attach additional pages if necessary. Information provided here is not required and does not guarantee approval of this request. **OFFICE USE ONLY:** UDC Section(s) Requiring Variance:

Sec. 5.207 (F) Fasements

Zoning Variance Application

Review Criteria
Please read carefully and check all of the following that apply.
There are extraordinary and exceptional conditions pertaining to the subject property because of its size, shape, or topography that are not applicable to other lands or structures in the same district.
The need for a Variance or the extraordinary and exceptional conditions do not result from the actions of the owner or applicant.
Granting the Variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same district.
A literal interpretation of the provisions of this UDC would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
Granting of the Variance will be in harmony with the general purpose and intent of this UDC and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
The Variance requested is the minimum variance that will make possible a permitted use of the land, building, or structure.
The Variance will not permit a use of land, building, or structure that is not otherwise permitted in the applicable district.
The Variance will not permit an intensity of use of land that is not permitted in the applicable district.
As owners or agents for the above described property, I (we) hereby request a hearing before the City of Edinburg Zoning Board of Adjustment.
Signature:
Owner/Agent's Name (Please Print): Letisla Caballer
OFFICE USE ONLY
\$450 Application Fee: <u>LO2066405</u> Payment Received by: <u>T.Z.</u>
Application deadline:

- \$450 FEE (NON-REFUNDABLE)
- \$40 check or money order, <u>payable to Hidalgo County Clerk</u>, for recording or ZBA's order if approved (returned to applicant if not approved)
- Submit site plan or sketch
- Submit survey or blueprint, if applicable
- Submit letter(s) of support and other documentation if applicable

PROPERTY ID: 163241

COOK RACHEL L

NULL

1622 ANN ST

EDINBURG, TX 78539-6002

LEGAL: EBONY TERRACE NO. 2 LOT 4

PROPERTY ID: 163242

SANDOVAL MARIA SOCORRO

NULL

1708 ANN ST

EDINBURG, TX 78539-6004

LEGAL: EBONY TERRACE NO. 2 LOT 5

PROPERTY ID: 163293

PUMAREJO RICARDO & IRENE

NULL

1203 CHRIS CIR

NULL

EDINBURG, TX 78539-6015

LEGAL: EBONY TERRACE NO. 2 UT C LOT 55

PROPERTY ID: 163291

CUELLAR MARTIN & SYLVIA

NULL

1207 CHRIS CIR

EDINBURG, TX 78539-6015

LEGAL: EBONY TERRACE NO. 2 UT C LOT 53

PROPERTY ID: 163240

NEELEY PHILIP B & CYNTHIA L

NULL

1620 ANN ST

EDINBURG, TX 78539-6002

LEGAL: EBONY TERRACE NO. 2 LOT 3

PROPERTY ID: 163239

SINDER DAVID & MIRJAM K

NULL

1616 ANN ST

EDINBURG, TX 78539-6002

PROPERTY ID: 163292 VARGAS EDUARDO

NULL

1205 CHRIS CIR

EDINBURG, TX 78539-6015

LEGAL: EBONY TERRACE NO. 2 UT C LOT 54

PROPERTY ID: 163310

ARREDONDO MANUEL & MAGDALENA

NULL

1235 CHRIS CIR

EDINBURG, TX 78539-6015

LEGAL: EBONY TERRACE NO. 2 UT C LOT 72

PROPERTY ID: 163254 ENRIQUEZ ELISANDRO III

NULL

1721 ANN ST

EDINBURG, TX 78539-6003

LEGAL: EBONY TERRACE NO. 2 LOT 17

PROPERTY ID: 163255

GARZA FRANCISCO X & HILDA A

NULL

1719 ANN ST

EDINBURG, TX 78539-6003

LEGAL: EBONY TERRACE NO. 2 LOT 18

PROPERTY ID: 163256

MENDEZ PAULINO & ELIZABETH C MARTINEZ

NULL

1715 ANN ST

EDINBURG, TX 78539-6003

LEGAL: EBONY TERRACE NO. 2 LOT 19

PROPERTY ID: 163290

HODGE JOHN P

NULL

2204 ASH CIRCLE

EDINBURG, TX 78539-5928

PROPERTY ID: 163296

RODRIGUEZ MONETTE MARGOT G

NULL

1208 CHRIS CIRCLE

NULL

EDINBURG, TX 78539

LEGAL: EBONY TERRACE NO. 2 UT C LOT 58 EXC E5'

PROPERTY ID: 163286

CORDONIER IRMA G & RACHEL L TORRES CO TRUSTEES

IRMA G CORDONIER LVNG TRUST

1503 MCKEE DR EDINBURG, TX 78539

LEGAL: EBONY TERRACE NO. 2 UT C LOT 48

PROPERTY ID: 163260 MEREDITH MAURY

NULL

1601 ANN ST

NULL

EDINBURG, TX 78539

LEGAL: EBONY TERRACE NO. 2 LOT 23

PROPERTY ID: 163294

LOPEZ SANTOS JR & ESPERANZA

NULL

1204 CHRIS CIR

EDINBURG. TX 78539-6016

LEGAL: EBONY TERRACE NO. 2 UT C LOT 56

PROPERTY ID: 163298 CABALLERO ARMANDO

LETISIA MORENO 1207 JOANN ST

EDINBURG, TX 78539-6017

LEGAL: EBONY TERRACE NO. 2 UT C LOT 60 & E5' LOT 58

PROPERTY ID: 163307

ARREDONDO NORA N & PABLO

NULL

1229 CHRIS CIR

EDINBURG, TX 78539-6015

PROPERTY ID: 163258

LUNA OMAR & MARY ALICE

NULL

25815 COPPERAS LN

NULL

SAN ANTONIO, TX 78260-2464

LEGAL: EBONY TERRACE NO. 2 LOT 21

PROPERTY ID: 163297 MAYES ROBERT VALE

NULL

1210 CHRIS CIR

EDINBURG, TX 78539-6016

LEGAL: EBONY TERRACE NO. 2 UT C LOT 59

PROPERTY ID: 163299 GARCIA REBECCA

NULL

1203 JOANN ST

EDINBURG, TX 78539-6017

LEGAL: EBONY TERRACE NO. 2 UT C LOT 61

PROPERTY ID: 163304

MORIN MANUEL & MARIA G

NULL

1214 JOANN ST

EDINBURG, TX 78539-6017

LEGAL: EBONY TERRACE NO. 2 UT C LOT 66

PROPERTY ID: 163306

GUZMAN JOSE O & HILDA Z

NULL

1227 CHRIS CIR

EDINBURG, TX 78539-6015

LEGAL: EBONY TERRACE NO. 2 UT C LOT 68

PROPERTY ID: 163309 ZUNIGA BALDEMAR

HERMELINDA ZUNIGA H TRUST

1233 CHRIS CIR

EDINBURG, TX 78539-6015

PROPERTY ID: 163257

PENA MARITZA E & MARIA F SALDANA

NULL

1701 ANN ST

EDINBURG, TX 78539-6003

LEGAL: EBONY TERRACE NO. 2 LOT 20

PROPERTY ID: 163259

GUERRA FEDERICO & SYLVIA

NULL

1615 ANN ST

EDINBURG, TX 78539-6068

LEGAL: EBONY TERRACE NO. 2 LOT 22

PROPERTY ID: 163308 SHELLER STEVEN DANIEL

NULL

1231 CHRIS CIR

EDINBURG, TX 78539-6015

LEGAL: EBONY TERRACE NO. 2 UT C LOT 70

PROPERTY ID: 163287

DE LA ROSA RAUL INES JR ETAL

1817 ANN ST

EDINBURG, TX 78539

LEGAL: EBONY TERRACE NO. 2 UT C LOT 49

PROPERTY ID: 163289 ZUNIGA JUAN ANGEL JR 3312 N CHRISTOPHER LN EDINBURG. TX 78542

LEGAL: EBONY TERRACE NO. 2 UT C LOT 51

PROPERTY ID: 163295 TREVINO JUAN LONGINO

NULL

1206 CHRIS CIR

EDINBURG, TX 78539-6016

LEGAL: EBONY TERRACE NO. 2 UT C LOT 57

PROPERTY ID: 163300 CANO IRENE & DAVID

NULL

105 WILLOWBEND DR

PORT LAVACA, TX 77979-2261

PROPERTY ID: 163301

TORRES CARLOS & ESPERANZA L

NULL

1206 JOANN ST

EDINBURG, TX 78539-6017

LEGAL: EBONY TERRACE NO. 2 UT C LOT 63

PROPERTY ID: 163302

GRAHAM CYNTHIA YBARRA

NULL

1208 JOANN ST

NULL

EDINBURG, TX 78539-0617

LEGAL: EBONY TERRACE NO. 2 UT C LOT 64

PROPERTY ID: 163303

MAYO RODNEY D & CRYSTAL G MUELLER

NULL

1210 JOANN CT

NULL

EDINBURG, TX 78539

LEGAL: EBONY TERRACE NO. 2 UT C LOT 65

PROPERTY ID: 163288 HAUSENFLUCK & MARY E

NULL

4505 N 4TH ST

MCALLEN, TX 78504-2939

2023 ATTENDANCE RECORD ZONING BOARD OF ADJUSTMENTS MEETINGS										
ZOMINO DO	01/25/23	02/22/23	03/29/23	04/26/23			'	100		
Ponciano Longoria - Vice Chair	Р	Р	Р	Р						
Marc Moran - Chairperson	Р	Р	Α	Р						
Michael Cantu - Regular	Α	Р	Р	Р						
Ruben Ruiz- Regular		Р	Р	Р						
Eliseo Garza Jr - Regular			Р	Р						
Diane Teter - Alternate	Р	Р	Α	Р						
Gregory A. Vasquez- Alternate	Р	Р	Р	Р						
Marc A. Gonzalez- Alternate	Р	Р	Р	Р						
Vacant										