The Public Dial Information to Participate Via Zoom/Telephonic

**Meeting is as Follows:** 

**Topic: Zoning Board of Adjustments** 

Time: Wednesday, March 26, 2025 04:30 PM

Join Zoom Meeting

https://us06web.zoom.us/j/86391537445?pwd=hkbnLxk2myGYFJmHaikKvv1icGWBsk.1

**Meeting ID:** 863 9153 7445- **Passcode:** 284309

One tap mobile

Or Dial by telephone+13462487799 Meeting ID: 863 9153 7445#, Password: 284309#

## NOTICE OF REGULAR MEETING ZONING BOARD OF ADJUSTMENTS MARCH 26, 2025 5:30 P.M.

Pursuant to V.T.C.A. Gov. Code Section 551.001, et. Seq., the Zoning Board of Adjustments of the City of Mission, Texas will hold a Regular Meeting on **Wednesday, March 26, 2025** at **4:30 p.m.** at the Mission City Hall's Council Chambers, 1201 E. 8<sup>th</sup> Street, Mission, Texas and will consider the following matters:

#### Regular Meeting

- 1. Call to Order
- 2. Disclosure of Conflict of Interest
- 3. Citizens Participation
- 4. Approval of Minutes for March 13, 2025

#### 5. **PUBLIC HEARINGS**

- 5.1. Consider a variance request to allow a 6 foot rear setback instead of the required 10 feet utility plus a 15 feet irrigation easement for a total of 25 feet rear setback for a swimming pool, being Lot 58, Shary Villas Subdivision, located at 2416 E. 20<sup>th</sup> Street, as requested by Yuliana Salinas
- 5.2 Consider a variance request to allow a total of 4,982.00 square feet, instead of the maximum 2,125.60 square feet which equals to 40 percent allowed for accessory structures at a .87 acre tract of land out of the north 600 feet of the south 1,016.00 feet and a .97 acre tract of land out of the north 600 feet of the south 1,016.00 feet of the east 330 feet both out of Lot 282, John H. Shary Subdivision, located at 3009 N. Glasscock Road, as requested by Mark M. & Deedre Payne
- 5.3 Consider a variance request to allow an accessory structure (Carport) to encroach eight (8) feet into the required eighteen (18) foot front yard setback for carports in a R-1 (Single Family Residential District), located at 614 Ramirez Lane, being Lot 7, Mayberry Gardens Subdivision, as requested by Jeffery Miller

#### **6. OTHER BUSINESS**

## 7. ADJOURNMENT

Witness my hand this <u>21</u> <sup>st</sup> day of <u>March</u> in the Y	Year of Our Lord, <u>2025</u> .  Xavier Cervantes, AICP, CPM, Director of Planning
	FICATE  on the bulletin board of Mission City Hall, 1201 ay of March, 2025 at a.m./p.m.
	Anna Carrillo, City Secretary

## AGENDA ITEM EXECUTIVE SUMMARY

Meeting Date: March 26, 2025

## Agenda Item:

Public hearing and take action to consider a variance request to allow a 6 foot rear setback instead of the required 10 feet utility plus a 15 feet irrigation easement for a total of 25 feet rear setback for a swimming pool, being Lot 58, Shary Villas Subdivision, located at 2416 E. 20<sup>th</sup> Street. Applicant: Yuliana Salinas

Prepared By: Alex Hernandez

Title: Assistant Planning Director

Signature: *Hex Hernandez* 

## **Brief Summary:**

#### **Project Timeline**

 March 14, 2025 – Application for Variance Request submitted to the City. (ATTACHMENT I)

- March 14, 2025 In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- March 26, 2025 Public hearing and consideration of requested variance by the Zoning Board of Adjustments.

## Summary

- The request is for a variance not to comply with Section 1.371 (5)(f) of the Mission Code of Ordinances, which states:
  - Minimum depth of the rear setback :10 feet or to the easement line, whichever is greater.
  - Where a building setback has been established by plat or ordinance and such setback requires a greater or lesser rear yard setback than is prescribed by this article for the district in which the building is located, the required rear yard setback shall comply with the building line so established by such plat or ordinance.
- The site is located along the South side of E. 20<sup>th</sup> Street approximately 600 feet East of N. Shary Road (F.M. 494).
- The applicant is requesting a variance to construct a swimming pool in the rear of the property.
- Shary Villas Subdivision was recorded on October 30, 2003. The subject property fronts E. 20<sup>th</sup> Street with a width of 72 feet and a length of 128 feet on one side and 112 feet on the other side.
- The Planning Staff has not received any objections to the request from surrounding property owners. Staff mailed out (16) legal notices to surrounding property owners.
- The applicant would like for the Board to consider the above-mentioned variance for construction of the swimming pool.
- On July 19, 2023 at 2408 E. 20<sup>th</sup> Street the applicant requested a variance to keep

- a 1.8 feet side setback instead the required 6 feet and a 7.11 feet rear setback instead the required 15 feet for a 18 feet by 30 feet open patio. The Zoning Board of Adjustments voted to approve the variance request subject to obtaining a building permit.
- The City of Mission Code of Ordinances Appendix A Zoning, Section 1.17 states ZBA may:
  - "Permit the reconstruction, extension, or enlargement of a building occupied by a non-conforming use on the lot tract occupied by such building provided such reconstruction does not prevent the return of such property to a conforming use", and
  - Authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done."
  - o There is a new state law, HB1475, that allows variances to be granted if:
  - The financial cost compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessors for the municipality under Section 26.01, Tax Code;
  - Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
  - Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other department;
     Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
  - The municipality considers the structure to be a nonconforming structure.

## **Staff Recommendation:**

Staff recommends denial of the request subject to compliance with the following conditions:

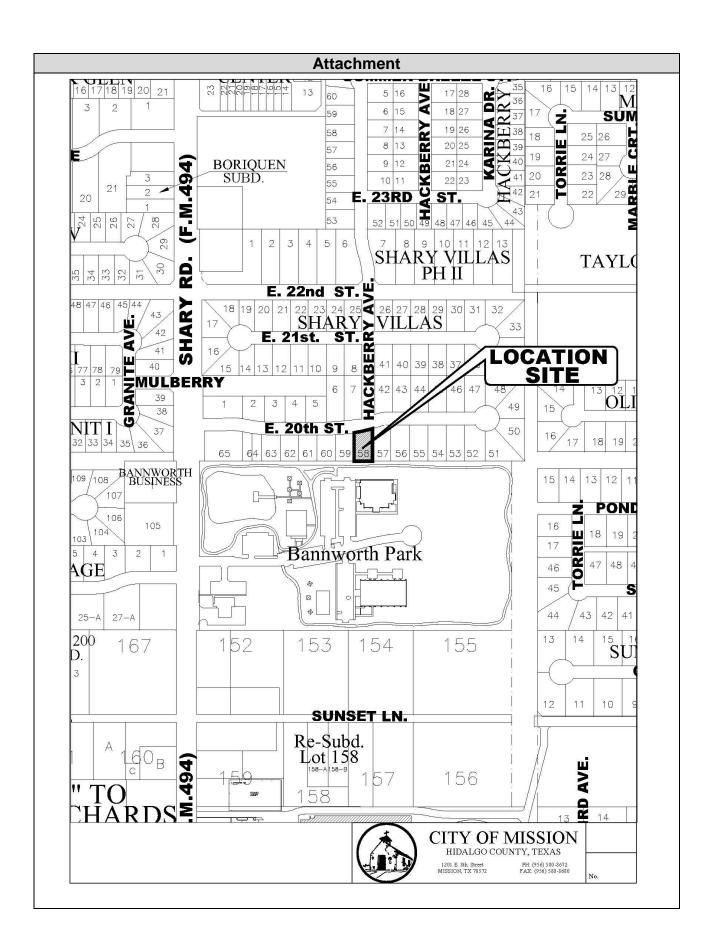
1. Must comply with the required easement and setbacks.

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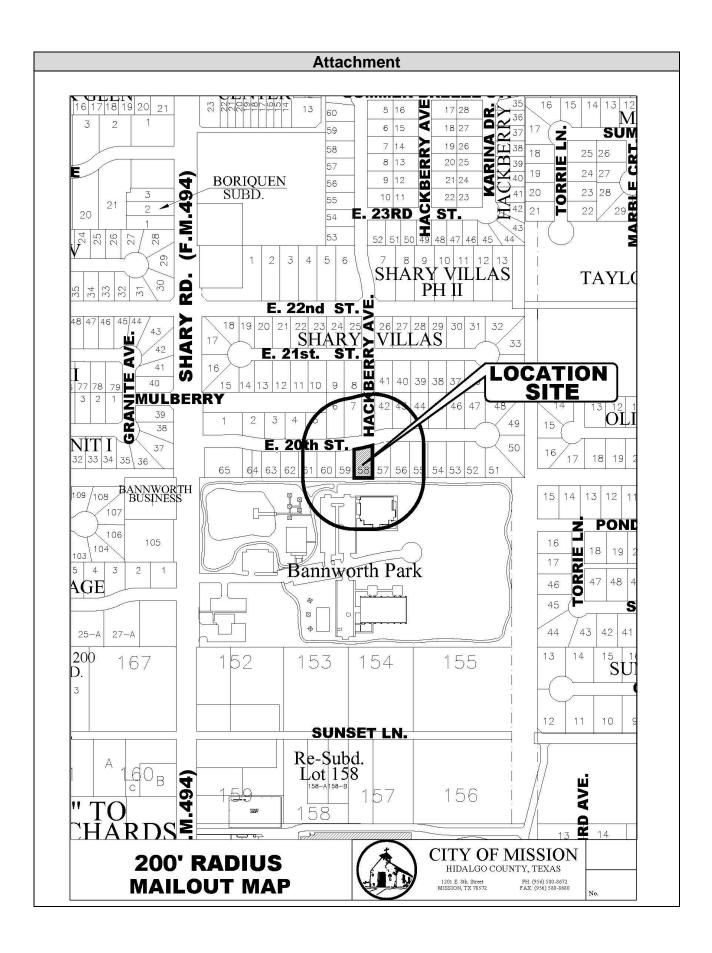


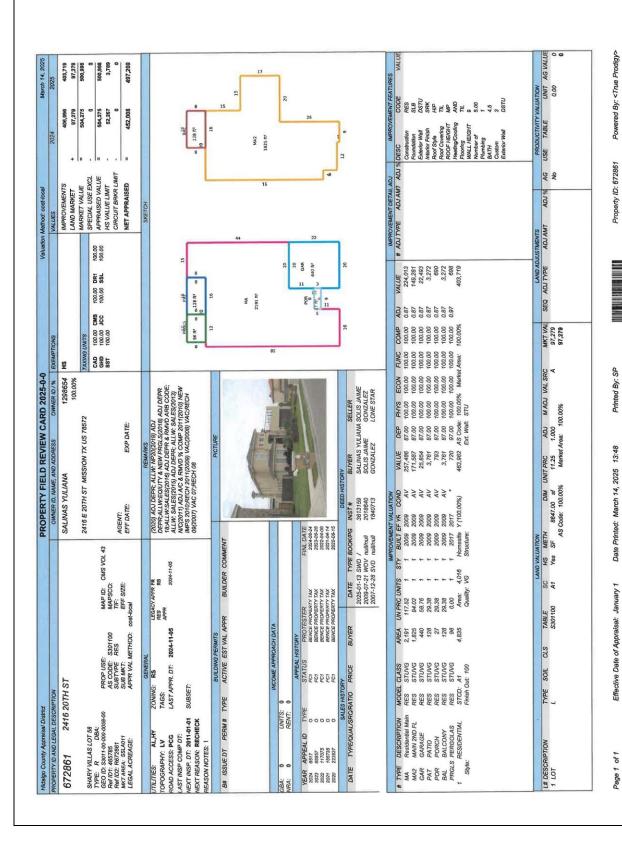
# ZONING BOARD OF ADJUSTMENTS

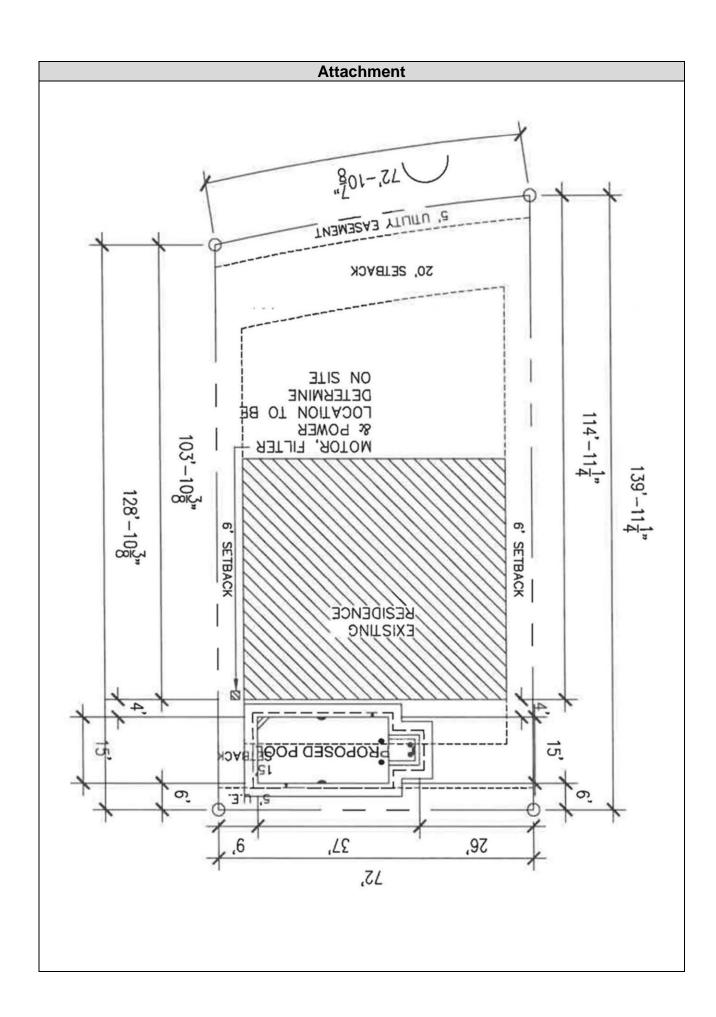
APPLICATION	
NAME: Vuliana Salinas PHONE: 956 400-8600	)_
ADDRESS: 2416 E 20th St. RECEIVED BY:	
CITY: Mission Tx. DATE:	_
SUBDIVISION: Shary Villas LOT: 58 BLOCK:	
APPROX. LOCATION:	
ZONE:	
PURPOSE: Building 15 x 30 Swimming pool	
	_
	_
*OFFICE USE ONLY*	
ZBA ACTION: PASSED TABLED FAILED DATE:	$\perp$
COMMENTS:	$\dashv$
20250224	
LETTERS MAILED: FILING FEE: \$250.00 RECEIPT NO.:	
APPLICANTIS SIGNATURE. The lique Solimon	Vieg





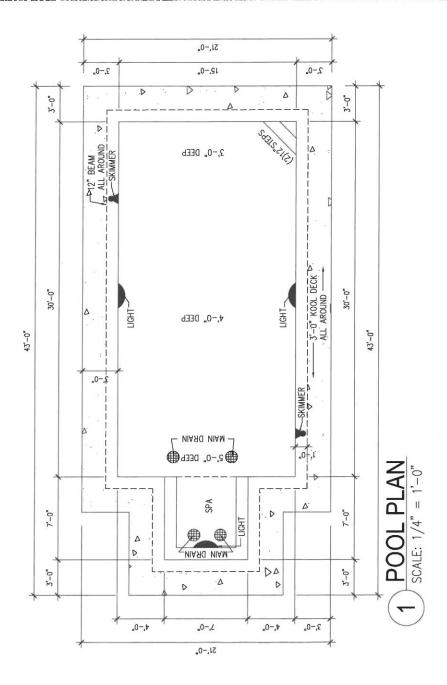






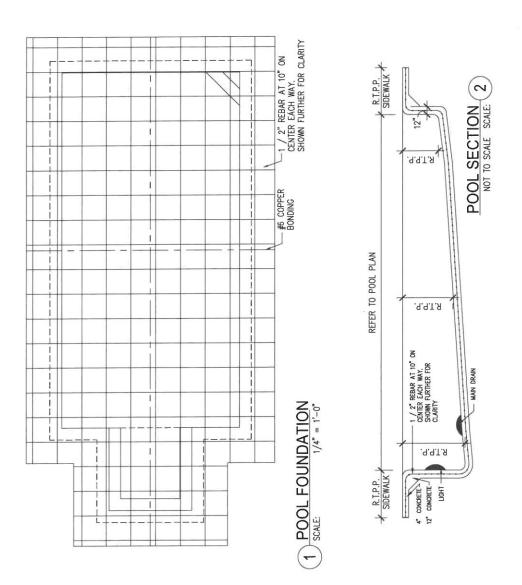


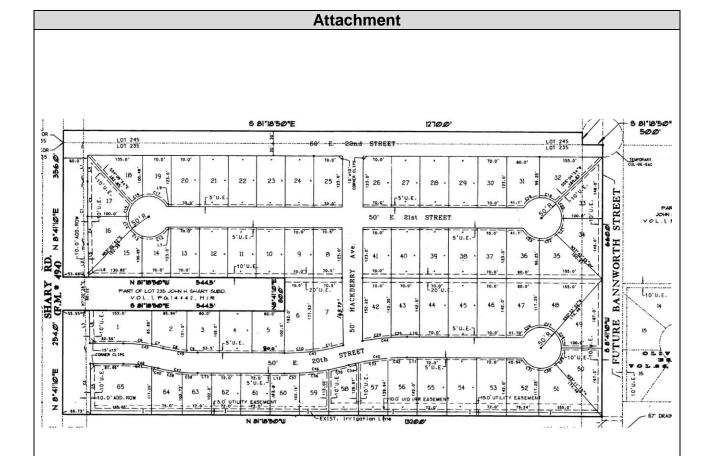
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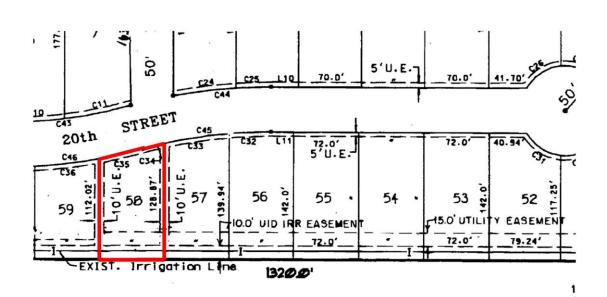




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#### NOTES:

- MINIMUM FINISHED FLOOR ELEVATION SHALL BE 18 INCHES ABOVE TOP OF CURB MEASURED AT FRONT CENTER OF LOT.
- THIS PROPERTY FALLS IN ZONE "X" OF THE FLOOD INSURANCE RATE MAP. COMMUNITY PANEL NO. 480345 0005 C. REVISED NOVEMBER 20. 1991.
- 3. MINIMUM BUILDING SETBACK LINE SHALL BE IN ACCORDANCE WITH CITY OF MISSION ZONING ORDINANCE OR TO THE EASEMENT LINE, WHICHEVER IS GREATER.
- 4. 5.0 FT. SIDEWALK REQUIRED OF DEVELOPER ALONG SHARY ROAD (F.M. # 494). E. 22nd STREET FUTURE BANNWORTH STREET THE NORTH SIDE OF LOT 65 AND 4 Ft. SIDEWALKS ALONG ALL OTHER INTERIOR STREETS.
- STORM WATER DETENTION OF 1.16 AC-FT. IS REQUIRED FOR THIS SUBDIVISION.
  - \* STORM WATER DETENTION PER LOT IS: 382 cu-ft.
- NO DRIVEWAY PERMITTED ONTO SHARY RDAD (F.M. #494), E. Z2nd STREET AND FUTURE BANNWORTH STREET.
- 7. DEVELOPER SHALL BE REQUIRED TO PROVIDE BUFFER ALONG SHARY ROAD (F.M. #494) & E. 22nd STREET. A WOOD FENCE BUFFER SHALL BE REQUIRED DURING THE PERMIT PROCESS FOR LOTS HAVING REAR FRONTAGE TO THE FUTURE BANNWORTH STREET.
- 8. DEVELOPER SHALL BE RESPONSIBLE TO HAVE LOT 65 'S DRIVEWAY RE-CONSTRUCTED TO ACCESS E. 20th STREET AND ELIMINATE DRIVEWAY ACCESS TO SHARY ROAD.
- 9. NO FRONT UTILITY EASEMENT SHALL BE FENCED.
- 10. BENCHMARK- CHISEL MARK AT TOP OF CURB ON THE EAST SIDE OF SHARY ROAD (F.M. #494) AT THE SOUTHWEST CORNER OF THIS PROPERTY ELEV. = 128.95.

(281200)GARCIA MARIA ORALIA 2008 N SHARY RD **MISSION TX US 78572-3235** 

(672809)DAMON HARLANY M 2413 E 20TH ST **MISSION TX US 78572-3389** 

(672843)CONTRERAS DANIEL R 2421 E 20TH ST **MISSION TX US 78572-3389** 

(672863)MARINES ANTONIO & SARA M **2410 EAST 20TH ST MISSION TX US 78572-3389** 

(672860)CHAVEZ MIGUEL 2418 E 20TH ST **MISSION TX US 78572-3389** 

(281198)CITY OF MISSION 1201 E 8TH ST **MISSION TX US 78572-5812**  (672807)ZECCA CESAR 2901 LA VISTA AVE MCALLEN TX US 78501-1632

(672810)**ROBLES ALEJANDRO RIVERA & AURORA BRAVO CO-TRUSTEES FAMILY RVBL TRUST** 2417 E 20TH ST **MISSION TX US 78572-3389** (672847)**CARDENAS JORGE F** 2425 E 20TH ST

**MISSION TX US 78572-3389** 

(672862)**SEVILLA LUIS E RAMIREZ &** PATRICIA E NUNEZ VERA CA QUINTANA ROO NTE 501 COL MISSION TX US 78572 **SECTOR POPULAR TOLUCA 50040** MEXICO, (672859)TREVINO JOSE ANGEL &

VERONICA GUZMAN 2420 E 20TH ST **MISSION TX US 78572-3389**  (672808)CANTU ANA L NAVA 2409 E 20TH ST **MISSION TX US 78572-3389** 

(672845)POLICARPIO BENJAMIN A & ALMA RAFANAN 2419 E 20TH ST **MISSION TX US 78572-3389** 

(672864) **BENSON ADRIANA 2408 EAST 20TH ST MISSION TX US 78572-3389** 

(672861)SALINAS YULIANA 2416 E 20TH ST

(672858)TREVINO JOSE ANGEL & **VERONICA GUZMAN** 2420 E 20TH ST **MISSION TX US 78572-3389** 

# AGENDA ITEM EXECUTIVE SUMMARY

Meeting Date: March 26, 2025

## Agenda Item:

Public hearing and take action to consider a variance request to allow a total of 4,982.00 square feet, instead of the maximum 2,125.60 square feet which equals to 40 percent allowed for accessory structures at a .87 acre tract of land out of the north 600 feet of the south 1,016.00 feet and a .97 acre tract of land out of the north 600 feet of the south 1,016.00 feet of the east 330 feet both out of Lot 282, John H. Shary Subdivision, located at 3009 N. Glasscock Road, Applicant: Mark M. & Deedre Payne.

Prepared By: Alex Hernandez

Title: Assistant Planning Director

Signature: Hernandez

## **Brief Summary:**

## **Project Timeline**

- March 14, 2025 Application for Variance Request submitted to the City.
- March 14, 2025 In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- March 26, 2025 Public hearing and consideration of requested variance by the Zoning Board of Adjustments.

## **Summary**

- The request is for a variance not to comply with Section 1.371 (2)(d) of the Mission Code of Ordinances, which states:
  - any non-living accessory structures, such as a carport or a garage, whether as an addition or as a detached building, shall not exceed a maximum size equal to 40% of the primary structure's living area; and shall not exceed the primary structure's total height, as measured to the top of its roof. However, if the primary structure's living are totals less than 2,000 square feet, the accessory structure may be constructed to a maximum size of 800 square feet. No carport, whether temporary or not, shall have a roof composed of tarp, canvas, or other similar fabric-like material.
- The site is located at the Southwest corner of N. Glasscock Road and Payton Drive.
- The applicant is requesting a variance to construct a gym, cabana, covered porch, and greenhouse for a total of 4,982.00 square feet instead of the maximum 40 percent being 2,125.60 square feet.
- There is currently an existing 5,314 square foot single-family residence on the property. The applicant is proposing to build a gym, cabana, covered porch and a greenhouse.
- The Planning Staff has not received any objections to the request from surrounding property owners. Staff mailed out (25) legal notices to surrounding property owners.
- The applicant would like the Board to consider the above-mentioned variance for

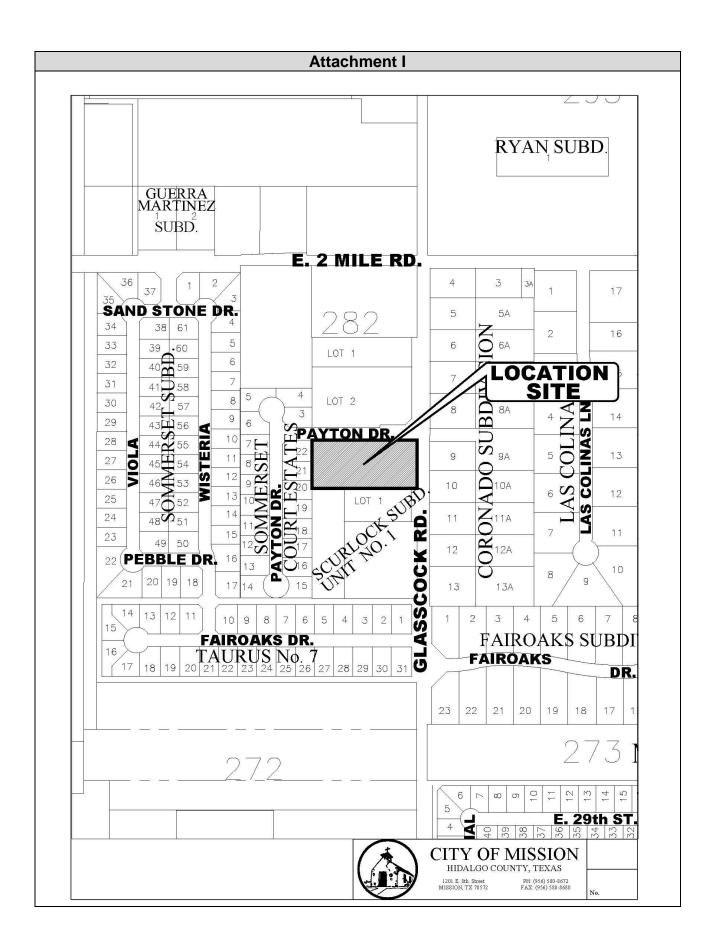
construction of the accessory structures.

- The City of Mission Code of Ordinances Appendix A Zoning, Section 1.17 states ZBA may:
  - "Permit the reconstruction, extension, or enlargement of a building occupied by a non-conforming use on the lot tract occupied by such building provided such reconstruction does not prevent the return of such property to a conforming use", and
  - Authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done."
  - o There is a new state law, HB1475, that allows variances to be granted if:
  - The financial cost compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessors for the municipality under Section 26.01, Tax Code;
  - Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
  - Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other department;
     Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
  - o The municipality considers the structure to be a nonconforming structure.
- Staff notes that ZBA has considered the following variance in this site:
- Previous property owner requested a variance to keep a 2 feet side setback instead of the required 6 feet side setback.

#### **Staff Recommendation:**

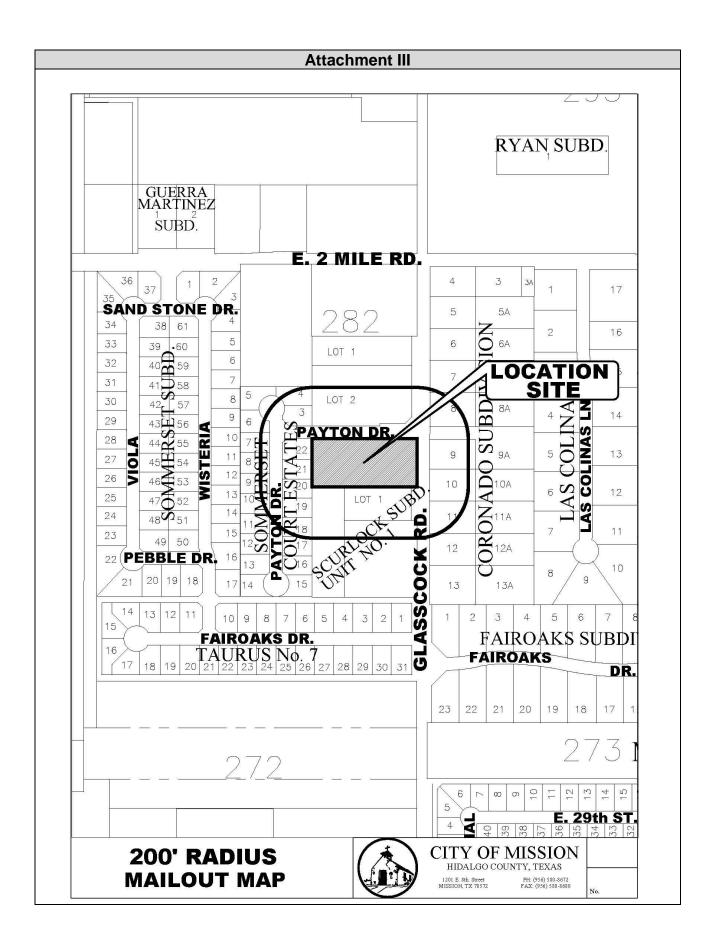
Staff recommends denial of the request subject to compliance with the following conditions:

1. Must comply with required maximum 40 percent being 2,125.60 square feet.



## Attachment II



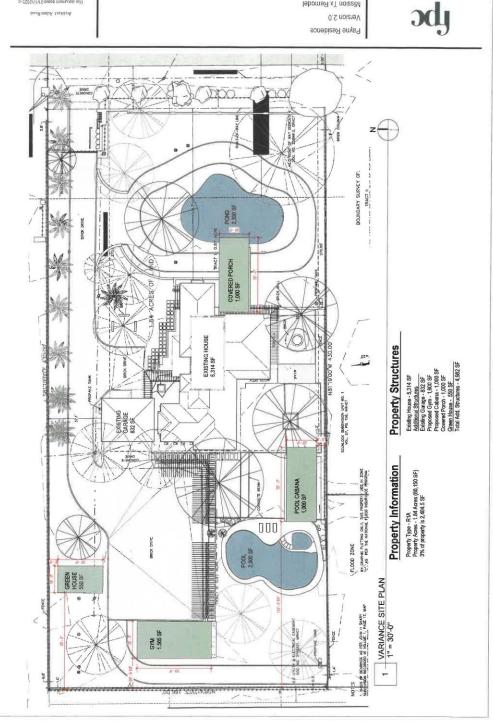


# Attachment IV 10' REAR SETBACK 10' CORNER SIDE SETBACK PAYTON DR. 25'X32' GARAGE GLASSCOCK RD. 6' SIDE SETBACK

Project Number PROJECT # 101801 Project Issue Date UNITARD25

Mission Tx Remodel

Version 2.0 Payne Residence



## Attachment VI

PROPERTY ID AND LEGAL DESCRIPTION	WOL	OWNER ID, NAME, AND ADDRESS OWNER ID / %	EXEMPTIONS	VALUES 2024	2025
281448 3009 N G	3009 N GLASSCOCK, TX	PAYNE MARK M & DEEDRE 1296096	HS.	IMPROVEMENTS 571,278	70 648,011 30 113,730
JOHN H SHARY E300"-N186"-S616 1.67AC NET	JOHN H SHARY E300-M186-S616' LOT 282 & E100' X 188' ABND CNL ROW 1.84AC GR 1.87AC NET	3009 N GLASSCOCK RD MISSION TX 78574-2041	GUNITS	MARKET VALUE = 685,000 SPECIAL USE EXCL - 0	0 781,741
TYPE: R DBA: GEO ID: S2950-00-0282-26 Ref ID1: 287349 Ref ID2: R281448	PROP USE: MAP ID: CMS AS CODE: \$295000 MAPSCO: SIBTYPE RES		CAD 100.00 CMS 100.00 DR1 100.00 GHD 100.00 JCC 100.00 SSL 100.00 SST 100.00	APPRAISED VALUE = 685,000 HS VALUE LIMIT - 0 CIRCUIT BRKR LIMIT - 0	0 0 0
MKT AREA: SSLA012 LEGAL ACREAGE: 1.6700 ac	SUB MKT: EFF SIZE: APPR VAL METHOD: cost-local	EFF DATE: EXP DATE:		NET APPRAISED = 685,000	761,741
	GENERAL	REMARKS		SKETCH	
TOPOGRAPH: LY TAGS: ROAD ACCESS: PGG LAST: NACT INSP COMP DT: NEXT INSP COMP DT: NEXT INSPONE DT: 2017-01-41 SUBSE REASON: RECHECK REASON: RECHECK REASON NOTES: PMT16 W4	(6) 0. 1-	(2025) ADJ CE BAAZ STALL WASLES(2017) ADJ DINIS AC & (2025) ADJ DEPRALL WASLES(2017) ADJ DINIS AC & (2025) ADJ DEPRALL WASLES(2017) INAN INAS-RECH & COMPARAD STAND IN STAND AND ALLINES ADD ALLINES ADD ALLINES ADD ADJ STAND DEPRA (2020) END ADJ STAND DEPRA (2020) FAIND ADJ STAND ADJ STAND ADJ STAND DEPRA (2020) FAIND ADJ STAND ADJ		6 20 33	
TOTAL TRANSPORT INC	BUILDING PERMITS	PICTURE		2.p. 833 ft.	26
B# 1550E U PENN # 1 171	ACIVE ESI VAL MITR		11° 6° 60° 60° 60° 60° 60° 60° 60° 60° 60°	22 10 2 10 2 20 2 2 2 2 2 2 2 2 2 2 2 2	_
GBA: 0 UNITS: 0	TOWN THE		78 20 685174	29	
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YEAR APPEAL ID TYPE 2024 645 0 2023 56724 0 2022 724882 0	STATUS	45.00 FE	7 6 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5	12 4397 4 6.15 12 18 20	
SALES HISTORY	34	DEED HISTORY			
DATE TYPE/QUAL/SRC/RATIO 2024-09-20 SFR/Qualified Sale/MLS 1 2013-06-25 INVL/null/null/CATA 2012-07-12 PAlinul/null/	70 PRICE BUYER 2024-08-18 WD nullhuli 315,000 KAZEMI ADRIENNE 2013-08-28 WD nullhuli 315,000 KAZEMI ADRIENNE 2013-13-62-28 GWD nullhuli 2012-12-28 GWD nullhuli 2013-12-28 GWD nullhuli 2013-13-28 GWD	W/PG         INST#         BUPER         SELLER           uul         3982000         PAYNE MAR M. & KAZEMI           2424683         KAZEMI         POX CHARLES           uil         2236986         POX CHARLES           ri         2369876         POX CHARLES			
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ION AY	ELCASS AREA IN PRC UNITS STY BRIVG 622 68.52 1 1 BRIVG 497 29.26 1 1 BRIVG 203 29.26 1 1 BRIVG 203 29.26 1 1 BRIVG 203 29.26 1 1	BULL TEY TR COMD VALUE DEP PHYS ECON 2015 2015 2015 2015 2015 2015 2015 2015	ADJ VALUE # 1, 20, 20, 22, 44, 794 0.92 13, 379 0.92 7, 079 0.92 4, 684	TYPE ADJ AMT ADJ % DESC JACIZZI BATH Construction Custom Ethnick wall Flooring Wall	CODE VALUE  12 2 2 RES DBRK TIL
BALLONY 39 SWFG CL 8M-9P HIGH CEILING Residential Main MAIN 2ND FL	BRYOUG 104 6.00 1 1 BRYOG 104 0.00 1 1 BRYOG 105 82.86 1 1 BRYOG 13726 177.05 1 1 BRYOG 1589 83.64 1 1 Out:100 Quality VG Still	2007 - 25.00 100.00 2007 - 0 100.00 100.00 2015 AV 22.06 22.00 100.00 2015 AV 46.01 22.00 100.00 2015 AV 46.01 22.00 100.00 Y(100.00%) 704.80 AS Code: 100.00 Y(100.00%) 704.80 AS Code: 100.00	700.00 0.92 40 100.00 0.92 40 100.00 0.92 41 100.00 0.92 41 100.00 0.92 41 1100.00%	Pennodion Heading-Cooling Interior Finish Mumber of Plumbing Plumbing Plumbing Roof Style Roof Style	SLB AND SRK 5.00 2 2 HIP
					3 3
	LAND VALU				
L# DESCRIPTION TYF 1 ACREAGE AC CONT W-35;	PE SOIL CLS TABLE SC HS STS36000 A1 Yes	METH DIM UNITPRC ADJ MADJ VALSRC AC 1:6700 ac 68102.00 1.000 A AS Code: 100.00% Mertel Area: 100.00%	MKT VAL SEQ AD. 113,730	ADJ % AG	0.00 0

Powered By: <True Prodigy>

Property ID: 281448

## **Attachment VII**





## Attachment VIII



## Attachment IX



(528290) SALINAS ANGELICA Y 1904 E MILE 2 RD MISSION TX US 78574-2081

(1070777) CHANDLER ESPERANZA PO BOX 536 MCALLEN TX US 78505

(1070783) LOPEZ GUADALUPE B SANCHEZ 3013 PAYTON MISSION TX US 78574-3523

(1070775) RGV VILLA HOMES LLC 519 E 9TH STREET STE B MISSION TX US 78572-4271

(1070794)
FRAIRE MEREDITH ALEXIS &
RICARDO JAMES
3008 PAYTON DR
MISSION TX US 78574-3523

(281448)
PAYNE MARK M & DEEDRE
3009 N GLASSCOCK RD
MISSION TX 78574-2041

(281442) ROJAS CRISTOBAL & MARIA R 3003 N GLASSCOCK RD MISSION TX US 78574-2041

(154047) HINOJOSA NORMA 3006 N GLASSCOCK RD MISSION TX US 78574-2021

(154053) CRUZ DAVID & TEODULA T 2900 S 23RD ST MCALLEN TX US 78503-5605 (1070779)
RODRIGUEZ GABRIEL G &
LIZBET A
3102 PAYTON
MISSION TX US 78574-3512

(1070781) CONFIDENTIAL 3101 PAYTON DR MISSION TX US 78574-3512

(1070784) LONGORIA JONATHAN J & MY TRANG 3011 PAYTON DR MISSION TX US 78574-3523

(1070792) HUERTA PABLO PEREZ & MARIA IRENE 1100 E JASMINE AVE MCALLEN TX US 78501-4393

(1070795) TREVINO LAURA MARIA O & FERNANDO GARZA 3010 PAYTON DR MISSION TX US 78574-3523

(542017) LOPEZ CARLOS E & NORMA 3301 N SHARY RD TRLR 3 MISSION TX US 78573-8437

(154043) ZAMORA FRANCISCO 3102 N GLASSCOCK ROAD MISSION TX US 78574-2022

(154048) HINOJOSA NORMA 3006 N GLASSCOCK RD MISSION TX US 78574-2021 (1070778)
GALVAN CLAUDIO ALEJANDRO
3100 PAYTON DR
MISSION TX US 78574-3512

(1070782)
GODINEZ MIGUEL A &
ALYSSA M CANTU
3015 PAYTON
MISSION TX US 78574-3523

(1070786) OVIEDO VERONICA CASTRO 3700 PAYTON DR MISSION TX US 78574

(1070793) RIOS JOAQUIN 3006 PAYTON MISSION TX US 78574-3523

(1070796) HUERTA PABLO PEREZ & MARIA I 3014 PAYTON DR MISSION TX US 78574-3523

(517003) LOPEZ MIGUEL & ERICKA 3005 N GLASSCOCK RD MISSION TX US 78574-2041

(154045) CANTU JESUS & DIANA C 3100 N GLASSCOCK RD MISSION TX US 78574-2022

(154051) MANCHA MARIA LUISA 3004 N GLASSCOCK RD MISSION TX US 78574-2021

#### **EXECUTIVE SUMMARY**

Meeting Date: March 26, 2025

## Agenda Item:

Public hearing and take action to consider a variance request to allow an accessory structure (carport) to encroach eight (8) feet into the required eighteen (18) foot front yard setback for carports in a R-1 (Single Family Residential District), located at 614 Ramirez Lane, being Lot 7, Mayberry Gardens Subdivision. Applicant: Jeffery Miller

Prepared By: Susana De Luna

Title: Assistant Planning Director

Signature: Susana De Guna

## **Brief Summary:**

## **Project Timeline**

• March 4, 2025 – Application for Variance Request submitted to the City.

- March 14, 2025 In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- March 26, 2025 Public hearing and consideration of requested Variance application by the Zoning Board of Adjustments (ZBA).

## Summary

- The request is for a variance not to comply with Section 1.371(5)(h) of the Mission Code of Ordinances, which states:
  - Minimum distance from the public right-of-way to the entrance to a garage or enclosed carport, unless otherwise approved by the Zoning Board of Adjustments: 18 feet.
  - Where a building setback has been established by plat or ordinance and such setback requires a greater or lesser front yard setback than is prescribed by this article for the district in which the building is located, the required front yard setback shall comply with the building line so established by such plat or ordinance.
- The applicant is requesting a variance to allow an accessory structure (carport) to encroach eight (8) feet into the required eighteen (18) foot front yard setback for carports to allow for protection of his vehicles during inclement weather.
- Mayberry Gardens Subdivision was recorded on April 26, 2007. The subject property is located along the south side of Ramirez Lane approximately 386' west of Mayberry Road. The subject property fronts Ramirez Lane with a width of 60.79 feet and a length of 127.30 feet. The subject lot has an area of 7,327 square feet.
- There is currently an existing 2,060 square foot single-family residence on the property. The applicant constructed a 20'x20' carport without obtaining the proper building permit. The applicant shared that he asked the builder several times if a permit was required for the proposed carport and was told all the times that no permit was required. The applicant is a 100% disabled veteran and federal officer and didn't mean to break any rules. He was just not aware that a permit was

needed until he was told by a Code Enforcement Officer.

- The lots the north, south, east and west are developed as Single-Family Residences.
- Staff has not received any calls regarding the variance request. Staff mailed out 24 notices to the surrounding property owners.
- Staff notes that ZBA has considered and approved the following variance within this subdivision: 10' front yard setback for Lot 19 on 3/16/11.
- The City of Mission Code of Ordinances Appendix A Zoning, Section 1.17 states ZBA may:
  - "Permit the reconstruction, extension, or enlargement of a building occupied by a non-conforming use on the lot or tract occupied by such building provided such reconstruction does not prevent the return of such property to a conforming use", and
  - "Authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done."
- There is a new state law, HB1475, that allows variances to be granted if:
  - The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessors for the municipality under Section 26.01, Tax Code;
  - Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
  - Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other department;
     Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
  - The municipality considers the structure to be a nonconforming structure.

#### Staff Recommendation:

Staff recommends disapproval of the variance request as:

- 1. The request does not meet the standards for the issuance of a variance as described in the City of Mission Code of Ordinances;
- 2. The carport was built without a permit, and
- 3. This is a self-imposed hardship.

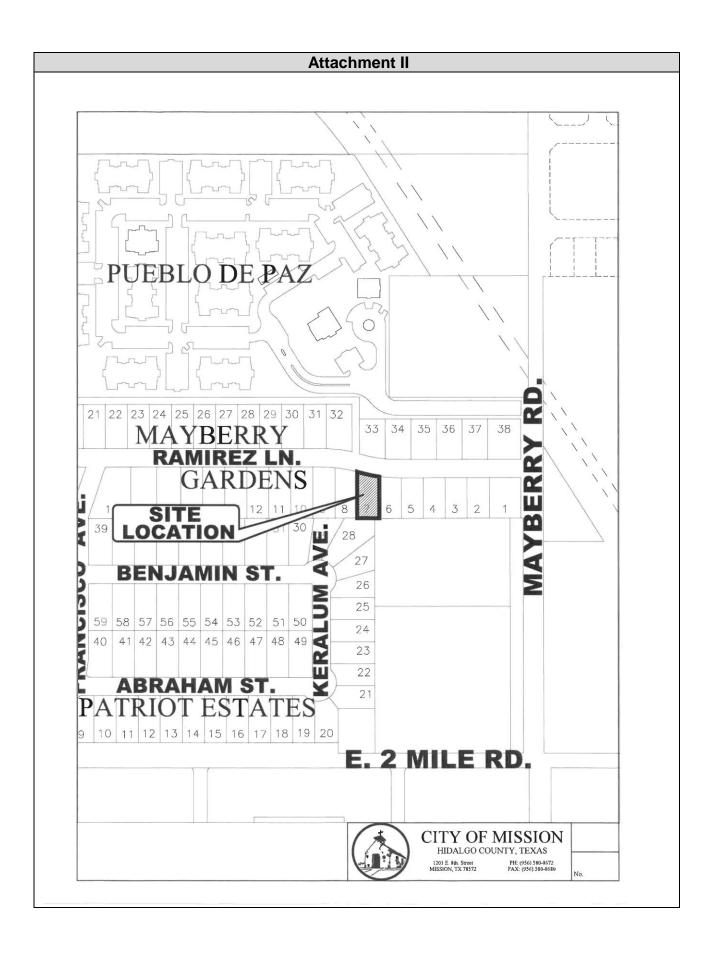


# ZONING BOARD OF ADJUSTMENTS APPLICATION

ON DED IN	956-579-3326
NAME: Jeffery Miller P	HONE: 325 - 260 - 0238
1111 P = 1.5	CEIVED BY:
CITY: M: 55 ion, Tx 78573 DA	TE: 4 Mar 2025
SUBDIVISION: Mayberry Garden LOT:	BLOCK:
SUBDIVISION: Mayberry Garden LOT:	yberry
ZONE:	
PURPOSE: Had 26+20 Carport bailt, not builder (7) fixes if we needed city Per builder said No to all (7) fixes. Ca Need Permit which I do Not Mind Go if I could keep my Carport. I am Federal Officer & Did Not have Carpo	thing. I am Just asking  a 100% o sabled Votoran +
*OFFICE USE ONL	Y*
ZBA ACTION: PASSED TABLED	FAILED DATE:
	2-0-0
LETTERS MAILED: FILING FEE: \$250.0	20250198 00 RECEIPT NO.:
	1.71

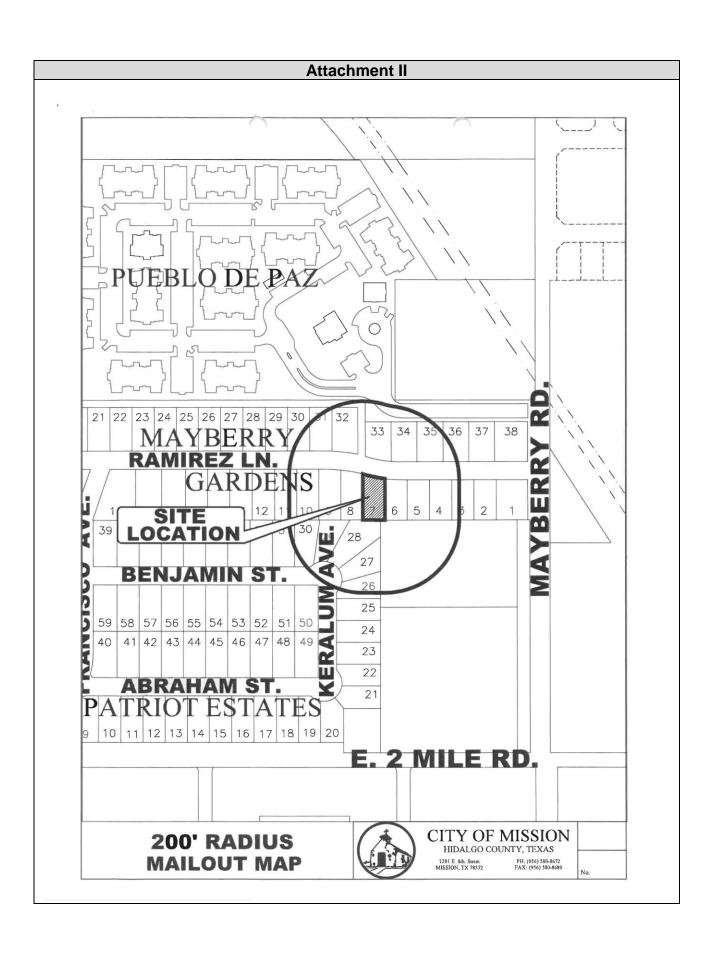
APPLICANT'S SIGNATURE:

effery Miller

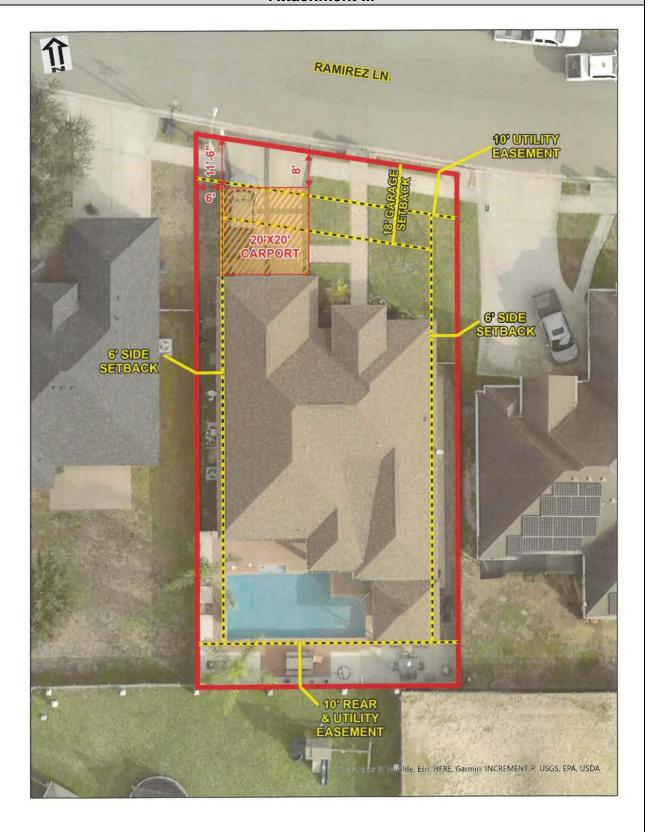


## Attachment II





## Attachment III



## **Attachment IV** OAK SION) DETENTION SONOM PUEBLO DE PAZ **MAYBERRY RD** 20 21 22 23 24 25 26 27 28 29 30 MAYBERRY 34 35 36 37 38 RAMIREZ ST. GARDENS 17 16 15 14 13 12 11 10 39 38 37 36 35 34 33 32 31 30 28 BENJAMIN ST. 26 25 24 23 22 PATRIOT ESTATES ILE RD. E. 2 MILE RD. 186 185 184 183 182 181 180 179 17 ZONING LEGEND R-3 MULTI-FAMILY RESIDENTIAL A0-I AGRICULTURAL OPEN INTERIM C-4 HEAVY COMMERCIAL C-5 ADAPTIVE COMMERCIAL I-1 LIGHT INDUSTRIAL AO-P AGRICULTURAL OPEN PERMANENT R-4 MOBILE & MODULAR HOME SCALE: R-1A LARGE LOT SINGLE FAMILY R-5 HIGH DENSITY MFCTD HOUSING I-2 HEAVY INDUSTRIAL C-1 OFFICE BUILDING R-1T TOWNHOUSE RESIDENTIAL R-1 SINGLE FAMILY RESIDENTIAL PUD PLANNED UNIT DEVELOPMENT C-2 NEIGHBORHOOD COMMERCIAL C-3 GENERAL BUSINESS PUBLIC R-2 DUPLEX-FOURPLEX RESIDENTIAL \_\_\_\_ P

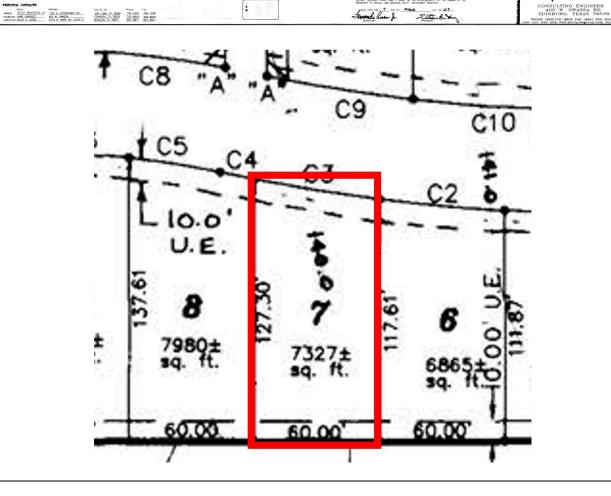
#### Attachment V METER AND BOUNDS DESCRIPTION: Deep o 8.34 year and of land, more or less, out of ut 29-5. West Addison to Shorpland, indept Courty, Secur. on neutral or volume 1, Popes 56, Maj Records, Ridage Courty, Recor. STATE OF TELAS COUNTY OF HIDALGO LOT PS-4 Commencing for extension of the northwest corner of Lat 20–8; TRENCI, 5: 08335 57° A. with seed eleng the weet file of 1 lat 20–8. See late gift weet file of Plastos at RID Subdivision, are recorded in Numer 41. Plags 200. May Resents on the earth file of Lat 20–7, or debutions of 3.00, 200. May Resents on the earth file of Lat 20–7, or debutions of 3.00, 200. Need fair a cream-late (S) inch dominate into not found fair the Southwest corner of this association for the Intel<sup>®</sup> Collection (S). PENCE, S 8124° 03° C, with and stong the south line of Pueblo se Por Subdivision, o distance of 840.00 feet its a 1/2° into red found for a corner, and also being a point on the west line of Notice of the Subdivision. OWNER RYCE PROFESSION 63 502 E. EXPRESSION 63 SAN JUNE, TX 78089 TRINCE, 5 (8735' 57' W, with and doing the west line of Pueblo de Pos Subdivision, a distance at 60,00 feet to a one-helf (1/2) inch depreser from red found for a corner, and also being a point on the author to 4 fluidatio 330.30 THENCE, S. 8124° 03° E, with and along the south line of Puebo de Picz Subdivision, o distinct of 460,00 feet to a one-half (1/2) inch dismeter from rid found at the entiting were injet of way line of Mayaway Root, or of titler advances of 480,00 feet to a point for the front-headt common, and data being the certifier of Lot 22° and the certifier of 160,000 feet to the certifier of Mayaway Root. SEFORE MC, THE UNDERSURED AUTHORITY ON THIS DAY PERSONALLY APPORTED THE PERSON OF PERSONS AND MY TO BE THE PERSON MYCES NAME IS SURECISED TO THE PORTIONO INCREMENT, AND ACKNOWLEDGED TO ME THAT HE EXCLUSED THE SHARE ON THE PURPOSES AND CONSECRATIONS THREE STATES. colonic. and also solving the seast feet of LCL 20-cd at the extensions of Wagnery Rend. FORCEL C (2003 27 N; will now do source the sear Line of LCL 27 Go on the certainties of Wagnery State 1: destroyed a 1500 feet to a good rend. the State State 1 of Enterior of LCL 2000 feet to a good rend. The State State 1 of LCL 2000 feet to a sear-seaf (1/22) and destroyed and the state of the scaleding with rend, and feet of LCL 2000 feet to a contract of LCL 2000 fee Single severe severe services of the service of the PUEBLO DE PAZ SUBDIVISION VDL 41 FG 200 H.C.M.E. he(MCE, N 0835' 57' E, with and along the west line of (o) 29-8 and the east line of (u) 29-7, a distance of 3,0000 feet to a one-half (36) rich distrible vior roc found for the Nathwall conner of this discreption for the POINT OF BISINNING. Sool track of land containing \$3.5 arms going, more or line. NAMA SADO NAMA SADO DOS TRIZAS RAPAD VILABREAL VOL. 2814, PO. 818 CHINECTI OF PLAS SPRINGS. CHINECTI OF PLAS SPRI Cheese of the Control of Control SO PARTIES LAND MEDIE, AND NEW AMARDI DE LA CHELT VOX 3650, PM 266 B.31 AC STATE OF TEXAS COUNTY OF MIDALOG COUNTY OF MIDALOG D. HAME EMMORPH, P.E. A REGISTERD PROFESSIONAL DIGITAL LEDN D. PRACEC IN THE STATE OF TOOK, RECISTORION NAMER TO. TOOK ANDRES CORTS THAN THE SILL HE BEST GOOD PROFESSION PARKET RESISTENCE OF THE STATE OF THE STATE OF THE STATE OF THE RESISTENCE CONSISTENCY, MILL FEBRUAR CONSISTENCY OF THE STATE OF THE PARKET STATE OF THE STATE OF THE THE STATE OF 12. NO UTLITY COMPANY OF OTHER PERSON IS ALLOWED TO CROSS ABOVE OR SELECT ORGANIZATION OF NAVI LINES, POLICE, ONLY DIFFUSE OR OTHER LISE WITHOUT FIRST ORTHRONE ORTHRONE ORTHRONE. 13. NO PERMINENT STRUCTURE, (ENWIRLE, RENCES OF ANY CONSTRICTION) AND RE ALLOWED TO BE CONSTRUCTED OR EXIST ON ANY DISTRICT REQUIRM OF MORE OF ANY WHI-BUT AMERICA STRUCTURE OF THE DISTRICT ANY UNAUTHORIZED STRUCTURE IN THE DESERVEN WITH A LABOUR TO PERMINE ROAD 660.00 STATE OF TEXAS COUNTY OF HIDALGO MAYBERRY GARDENS LASUS A DARDA, A RODSTORED PROFESSIONAL DARD SUPPLY DO "REGIEV CERTIFY INC ABOVE FOREDING PLAT TO BE TIME AND CORRECT REPRESENTATION OF THE UNIT AS SUPPLYING OR ORDING ON NAMES 30, 2003, UNDER MY DIRECTION. SUBDIVISION AN ADDITION TO THE CITY OF MISSION, HIDALGO COUNTY, TEXAS. A TRACT OF LANG CONSTING OF 9.34 ACRES LYNG IN THE SOUTH LYGO THE ROPHLY OF OF 127 B-WEST ADDITION THE ASAFUL AND COUNTY TEXAS, AS PER MAY OF PLAT THEREOF RECORDED IN YOU. 1, PARES SEA, MAY ECORORS OF HOLDS COUNTY TEXAS. Commit Parks (1987) 12/14 | Description (1987) 1

MAYBERRY GARDENS SUBDIVISION

ENRIQUEZ GROUP

MISSION

CORNER CLIP DETAIL



## Attachment VI

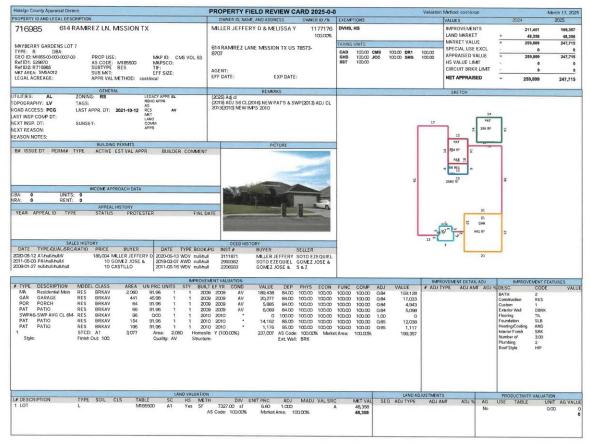




## **Attachment VII**



#### **Attachment VIII**



Page 1 of 1

Effective Date of Appraisal: January 1 Date Printed: March 17, 2025 15:33

Property ID: 716985 Powered By: <True Prodigy>

#### Attachment IX



Irasema Dimas, Code Enforcement Supervisor Arturo Lerma, Senior Code Enforcement Officer Nancy Chavira, Code Enforcement Officer Joseph Flores, Code Enforcement Officer Angel Garcia Jr., Code Enforcement Officer Yvette Villarreal, Code Enforcement Clerk

February 5, 2025

Case# 25-02-G-006

Jeffery D. Miller 614 Ramirez Lane Mission, TX 78573-8707

Dear Property Owner/Occupant:

A visual exterior inspection was conducted of a property located 614 Ramirez Ln., Mission, TX, bearing a legal description of Mayberry Gardens Lot 7, which according to the real property records of Hidalgo County, you own. After conducting the inspection, it is noted that the construction that took place on the property without first obtaining the required permits. This is a violation of City of Mission Code of Ordinance; Chapter 18 – Buildings and Building Regulations.

Under the provisions of City of Mission Code of Ordinance; Chapter 18 – Building and Building Regulations – Section 18-32 – Residential Code adopted; 2021 International Residential Code (IRC). Section 105 Permits; R105.1 Required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit. Since a permit was not acquired, a double permit fee will be assessed pending approval of the building permit application by the Planning and Inspection Department.

You have (10) calendar days from date of notice to make contact with the Code Enforcement Department at (956) 580-8697 to discuss the options available to comply. If you fail to make contact within the timeframe provided herein then other enforcement measures may be taken, including but not limited to, the assessment of fines and court costs.

As a property owner, you may file an application for a variance with the Zoning Board of Adjustments. We thank you for your understanding and prompt attention to this matter.

Respectfully,

Angel Garcia Jr.

Code Enforcement Officer



Irasema Dimas, Code Enforcement Supervisor Arturo Lerma, Senior Code Enforcement Officer Nancy Chavira, Code Enforcement Officer Joseph Flores, Code Enforcement Officer Angel Garcia Jr., Code Enforcement Officer Yvette Villarreal, Code Enforcement Clerk

February 5, 2025

Case# 25-02-G-007

Jeffery D. Miller 614 Ramirez Lane Mission, TX 78573-8707

Dear Property Owner/Occupant:

A visual exterior inspection was conducted of a property located 614 Ramirez Ln., Mission, TX, bearing a legal description of Mayberry Gardens Lot 7, which according to the real property records of Hidalgo County, you own. After conducting the inspection, it is noted that the carport was built within the setback lines. This is a violation of City of Mission Code of Ordinance; Appendix A – Zoning, Article VIII – Use Districts and Conditional Uses.

Under the provisions of City of Mission Code of Ordinance; Appendix A – Zoning, Article VIII-Use Districts and Conditional Uses; Section 1.371 R-1 Single Family Residential; 4-Prohibited Uses - c) Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required.

You have (10) calendar days from date of notice to contact the Code Enforcement Department at (956) 580-8697 to discuss the options available to comply. If you fail to make contact within the timeframe provided herein then other enforcement measures may be taken, including but not limited to, the assessment of fines and court costs.

As a property owner, you may file an application for a variance with the Zoning Board of Adjustments. We thank you for your understanding and prompt attention to this matter.

Respectfully

Angel Garcia Jr.

Code Enforcement Officer

#### Attachment XI

(658540)
PUEBLO DE PAZ APARTMENTS
175 POWDER FOREST DR
WEATOGUE CT 06089-7902

(717010) ESTEVIS ARTURO & RUBY 611 E RAMIREZ LN MISSION TX US 78573-8706

(717013) MUNOZ LILIANA & OSIEL A 701 RAMIREZ LN MISSION TX US 78573-8710

(716982) SALINAS BETSYVEL & CRISTO RODOLFO LOPEZ 700 RAMIREZ LN MISSION TX US 78573

(716985)
MILLER JEFFERY D & MELISSA Y
614 RAMIREZ LANE
MISSION TX US 78573-8707

(716988) CASTANEDA ERICA NICOLE HERRERA 608 RAMIREZ LN MISSION TX US 78573-8707

(693137) GUTIERREZ JOSE A & MARIA S 3212 KERALUM AVE MISSION TX US 78573

(693140)
CORONA GABRIELA M & JOSE A
CASTILLO
3216 BLACK OAK LN
MISSION TX US 78573-1314

(717008) LOPEZ CYNTHIA ELIZABETH 406 E 28TH ST MISSION TX 78574-2157

(717011) PORTILLO JULIO C & SASHA M 613 RAMIREZ LANE MISSION TX US 78573-8706

(717014) CAMPOS SANDRA PO BOX 914 MISSION TX US 78573-0015

(716983) MORALES CRYSTAL LEE 618 RAMIREZ LN MISSION TX US 78573-8707

(716986) BUENTELLO REYNALDO & YOLANDA 612 RAMIREZ LN MISSION TX US 78573-8707

(716989)
GONZALEZ JORGE &
BEATRIZ ADRIANA SALINAS
606 RAMIREZ LN
MISSION TX US 78573-8707

(693138)
CRABTREE JOSHUA A & SANDRA
SEGUNDO
1009 SUNRISE LN
MISSION TX US 78574-2382

(693141)
PENA MARISOL G
1725 W MILE 4 RD
MISSION TX US 78573-4100

(717009)
DE LA CRUZ HUGO & YADIRA
MARQUEZ & MA DE SAN
JUANA HERNANDEZ
609 RAMIREZ LN
MISSION TX US 78573-8706
(717012)
CONFIDENTIAL
615 RAMIREZ LANE
MISSION TX US 78573-8706

(716981) LUNA ROLANDO RICARDO & AYISSA ANNETTE SALINAS 702 RAMIREZ LN MISSION TX US 78573-8709

(716984) VERA RACHEL & MICHAEL AMBERS 616 RAMIREZ LN MISSION TX US 78573-8707

(716987) MANDES SAN JUANITA M 610 RAMIREZ LN MISSION TX US 78573-8707

(693136)
LABASTIDA CUAUHTEMOC S &
LUISANA B
3210 N KERALUM AVE
MISSION TX US 78573-2106

(693139) VALADEZ MARIA E 611 BENJAMIN ST MISSION TX US 78573-2107

(317274) MORENO LUIS A 3221 N MAYBERRY RD MISSION TX US 78573-1595

	Attachment XII
	STAFF RECOMMENDATION:
Staff recom	nmends disapproval of the variance request as:
1.	The request does not meet the standards for the issuance of a variance as described in the City of Mission Code of Ordinances;
2.	The carport was built without a permit, and
3.	This is a self-imposed hardship.