

**ZONING BOARD OF ADJUSTMENTS
MAY 27, 2026
CITY HALL'S COUNCIL CHAMBERS**

ZBA PRESENT

Alberto Salazar
Humberto Garza
Heraclio Flores
Dolly Elizondo

ZBA ABSENT

William Ueckert Jr.

STAFF PRESENT

Xavier Cervantes
Susie De Luna
Jessica Munoz
Alex Hernandez
Ana Bazaldua
Eden Ramirez

GUESTS PRESENT

Rebecca Castillo
Dilbag Singh
Arturo Gonzalez
Amparo Gonzalez
J. Shi
Joel R. Saenz

CALL TO ORDER

Chairman Salazar called the meeting to order at 4:30 p.m.

CITIZENS PARTICIPATION

Chairman Salazar asked if there was anyone in the audience who had anything to present or express that was not on the agenda.

There was none.

APPROVAL OF MINUTES FOR MARCH 25, 2026

Chairman Salazar asked if there are any corrections to the minutes. Ms. Elizondo moved to approve the minutes as presented. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

ITEM # 2

PUBLIC HEARING AND CONSIDERATION OF A VARIANCE REQUEST TO ALLOW A 10' REAR SETBACK INSTEAD OF THE REQUIRED 15' FOR A PROPOSED COMMERCIAL BUILDING, BEING LOT 1, PEDIATRICS AT SHARYLAND SUBDIVISION, LOCATED AT 2403 COLORADO STREET, REQUESTED BY: JOSE DE LEON

Ms. De Luna stated the request is not to comply with subdivision plat note #3 rear setback, which states the following: Front setback: 30 feet along Colorado Street Rear setback: 15 feet or greater for easement Side Setback: 0 feet or greater for easement Mr. De Leon is proposing to construct a 6,825 square foot commercial plaza. He would like the board to consider the proposed adjustment to provide sufficient space for the required site operations and to ensure a functional, efficient site layout. The requested reduction is limited in scope and intended only to accommodate the property's operational needs. Pediatrics at Sharyland Subdivision was recorded on May 26, 2011. The subject property is located approximately 294' east of Shary Road along the north side of Colorado Street. The lot fronts Colorado Street with a width of 120.87 feet and a length of 192.53' for a total of 23,271.10' square feet. The property is currently vacant. The lots to the north, south and west are vacant; and the lot to the east has a commercial building. Staff has not received any calls regarding this variance request. Staff mailed out 9 notices to the surrounding property owners. Staff notes that no other variances have been considered in this subdivision. 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 approval of the variance request.

Mr. Flores asked is this was for the rear setback

Ms. De Luna replied Yes, there's a 15 foot rear setback. But there's a 10 foot utility easement, so they're wanting to move the building five feet within into the 15 foot setback. Not the easement, but within the setback.

Chairman Salazar asked if there was anyone in pro or against the item.

Mr. Dilbag Singh. The owner of the Holiday Inn Hotel on Shary Road. expressed deep safety concerns regarding the variance request and the possible effects if could have in the event of an emergency. He expressed concern as to this being the first time the City gets this sort of request to what Ms. Elizondo and Mr. Flores appeased his concern letting him know this is a routine procedure and it's very frequent for this sort of request to be presented before the Zoning Board of Adjustments.

Mr. Joel Saenz assistant Fire Marshal from the Mission Fire Department took the stand to share his findings in conjunction with the Fire Marshal, stating that the variance request presented no fire hazard to the Holiday Inn, Wings and Rings and/or adjacent buildings, remarking that Holiday Inn and Wings and Rings are 100% sprinklered and can be accessed from parking lot areas. Mr. Saenz remarked the different access points for ladder trucks and aerial devices and explained that no matter if there were to be a fence around Holiday Inn, they would have to comply with all City Codes and safety requirements.

Chairman Salazar proceeded to ask if the applicant was present and Ms. De Luna stated the applicant was not present but had designated a person to represent him, but they were also absent. Chairman Salazar proceeded to push the item towards the end of the meeting and advised staff to try to make contact with owner or representative to make themselves available to prevent the item from being tabled since the board had questions for the applicant.

There being no further discussion, Chairman Salazar entertained a motion to close the public hearing. Mr. Garza moved to close the public hearing. Ms. Elizondo seconded the motion. Upon a vote, the motion passed unanimously

ITEM # 3

PUBLIC HEARING AND CONSIDERATION OF A VARIANCE TO ALLOW A 5-FOOT REAR SETBACK INSTEAD OF THE REQUIRED 25-FOOT REAR SETBACK/UTILITY AND IRRIGATION EASEMENT FOR A PROPOSED SWIMMING POOL, BEING LOT 35, CROWN POINTE PHASE 4 SUBDIVISION, LOCATED AT 1607 LILA BETH LANE, APPLICANT – REBECCA CASTILLO

Ms. De Luna stated the request is for a variance not to comply with Section 1.37 (5) (f) of the Mission Code of Ordinances, which states: Minimum depth of rear setback: 10 feet. The site is located 110 feet East of Melissa Rea Street along the North side of Lila Beth Lane. The applicant is requesting a variance to construct a swimming pool with a 5-foot rear setback instead of the required 25-foot rear setback/utility, and irrigation easement. Crown Pointe Phase 4 Subdivision was recorded on February 22, 2000. The subject lot has a total area of 14,630.00 square feet. The Planning staff has not received any objections to the request from the surrounding property owners. Staff mailed out 22 legal notices to surrounding property owners. Staff notes that Z.B.A. has considered the following variances in this subdivision. Legal Description Variance Request Date of Meeting Recommendation Lot 34, Phase IV 18'-8" rear setback 09-21-2000 Approved.

STAFF RECOMMENDATION:

Staff recommends denial. This request does not qualify as an undue hardship.

However, if ZBA is inclined to approve this variance request then the applicant would need to comply with the following: 1) Sign a hold harmless agreement stating that the structure will remain perpetually "open and to its footprint," and if the structure is ever removed, the prevailing setbacks shall be complied with thereafter, and 2) obtaining a building permit fee.

Chairman Salazar asked if the applicant was present.

Ms. Rebecca Castillo at 1607 Lila Beth stated that after doing some research with her neighbors she found of lots 34 and 37 have requested similar variances for swimming pools and have gotten them approved. She also stated that she is following all the proper steps gathering the proper documentation to support this request.

There being no further discussion. Chairman Salazar entertained a motion. Ms. Elizondo moved to approve the variance request Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

ITEM # 4

PUBLIC HEARING AND CONSIDERATION OF A VARIANCE TO ALLOW A 5-FOOT REAR SETBACK INSTEAD OF THE REQUIRED 10-FOOT REAR SETBACK/UTILITY EASEMENT FOR A PROPOSED SWIMMING POOL, BEING LOT 64, TAURUS ESTATES NO. 9 PHASE 1 SUBDIVISION, LOCATED AT 2001 W. 42 ½ STREET, APPLICANT – VICTOR PENA

The request is for a variance not to comply with Section 1.37 (5) (f) of the Mission Code of Ordinances, which states: Minimum depth of rear setback: 10 feet. The site is located 72 feet East of Hillcrest Drive along the South side of W. 42 ½ Street. The applicant is requesting a variance to construct a swimming pool with a 5-foot rear setback instead of the required 10-foot rear setback/utility easement Taurus Estates No. 9 Phase 1 Subdivision was recorded on January 9, 2002. The subject lot has a total area of 6,700.00 square feet. The Planning staff has not received any objections to the request from the surrounding property owners. Staff mailed out 28 legal notices to surrounding property owners. Staff notes that Z.B.A. has considered the following variances in this

subdivision. Legal Description Variance Request Date of Meeting Recommendation Lot 11, Blk 4, Phase I 14-foot corner 04-15-2009 Denied Lot 61, Blk 3 Phase I 1.1' side/ 1.3' rear/ 7-20-2022 Approved 6' rear & 3' side Lot 91, Blk 3 Phase I 0' front 4-21-2021 Approved

STAFF RECCOMENDATION:

Staff recommends denial. This request does not qualify as an undue hardship.

However, if ZBA is inclined to approve this variance request then the applicant would need to comply with the following: 1) Sign a hold harmless agreement stating that the structure will remain perpetually "open and to its footprint," and if the structure is ever removed, the prevailing setbacks shall be complied with thereafter, and 2) obtaining a building permit fee.

Chairman Salazar asked if the applicant was present.

Victor Peña from 2001 West 42 ½ Street stated his case and detailed all the steps he has taken to take all safety and City mandated precautions. Complying with utility easements in regards to the new utilities being moved to the front of the property.

There being no further relevant discussion in regards to the request. Chairman Salazar entertained a motion. Ms. Elizondo moved to approve the variance request Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously

BREAK: 5:10 PM

Chairman Salazar called a break in the meeting to give time for the owner/representative of Item # 2 to show up for further clarification in regards to the request.

CALL TO ORDER

Chairman Salazar went back to item # 2 on the agenda at 5:13 p.m.

Mr. Gutierrez spoke on behalf of Jose de Leon and stated the case and the need to encroach in the 5 ft. requested in order to comply with the parking requirements set by the City and satisfy the needs of Mr. De Leon and his project development, Mr. Gutierrez further more stated that this approval depends on whether Mr. De Leon further invests in the land and project overall.

There being no further relevant discussion in regards to the request. Chairman Salazar entertained a motion. Ms. Elizondo moved to approve the variance request Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously

ADJOURNMENT

There being no further business, Chairman Salazar entertained a motion, Mr. Flores moved to adjourn. Mr. Elizondo seconded the motion. Upon a vote, the motion passed unanimously at 5:19 p.m.

Alberto Salazar, Chairman
Zoning Board of Adjustments