

**ZONING BOARD OF ADJUSTMENTS  
JUNE 25, 2025  
CITY HALL'S COUNCIL CHAMBERS**

**ZBA PRESENT**

Alberto Salazar  
Humberto Garza  
Heraclio Flores  
William Ueckert Jr.  
Dolly Elizondo

**ZBA ABSENT**

**STAFF PRESENT**

Xavier Cervantes  
Susie De Luna  
Jessica Munoz  
Patricio Martinez

**GUESTS PRESENT**

Dolores Ueckert  
Fidela Elsa Covarrubias

**CALL TO ORDER**

Chairman Flores called the meeting to order at 4:37p.m.

**CITIZENS PARTICIPATION**

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

There was none.

**APPROVAL OF MINUTES FOR MAY 28, 2025**

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

**ITEM # 5**

**TO ALLOW A 3-FOOT REAR SETBACK INSTEAD OF THE REQUIRED 15 FEET REAR SETBACK AND A 1 FOOT 6 INCH SIDE SETBACK INSTEAD OF THE REQUIRED 6 FOOT SIDE SETBACK AT 2219 LAKE VIEW DRIVE, BEING LOT 26, BLOCK 1, MEADOW CREEK COUNTRY CLUB SUBDIVISION PHASE I-B AS REQUESTED BY ELSA COVARRUBIAS**

Mr. Cervantes stated that the subject site was located approximately 450 feet north of River Bend Drive along the west side of Lake View Drive. Meadow Country Club Phase 1B was recorded on March 17, 1987. The regular lot measures a total of 8,394 square feet. The applicant is requesting a variance to keep an already constructed 17' x 40' roof structure partly located within the rear setback.

There is currently an existing 1,357 square foot single-family residence on the property. The applicant constructed a roof structure without obtaining the property building permits. City officials from the Code Enforcement Division noticed the roof structure in the backyard and gave the property owner a notice of the violation.

Staff notes that the applicant applied for a building permit on April 7, 2025, but it was denied due to not meeting the setbacks. A revised application was submitted on April 11, 2025 indicating that she was proposing a 10' rear setback, but it was also denied. The required rear setback is 15' due to a utility easement. The applicant was advised that the 15' requirement needed to be met. The

applicant signed the application, indicating that the structure would be constructed meeting setbacks. The permit was issued on April 23, 2025, however that was not what was done at the site.

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; and 2) This is a self-imposed hardship.

However, if ZBA is inclined to approve this variance request, then staff would recommend that the applicant 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, with an acknowledgement of the utility easement and no access from Inspiration Road, and 2) The vehicle access gate must be modified to a pedestrian gate.

Ms. Elizondo asked if the gate was the buffer?

Mr. Cervantes replied yes. He added that the carport could be used for gatherings but not for the use of vehicles to go in and out through Inspiration Road. He mentioned that the gate had to be modified for the use of a pedestrian only.

Chairman Flores asked if there was anyone in favor or against this request.

The applicant Mrs. Elsa Covarrubias was present. She mentioned that she would like the board to consider approving her carport as is, since it was built already and would cost her money to modify it. She added that she would use the carport for gatherings and to protect her belongings from the heat or ugly weather.

Chairman Flores asked if the board had any questions for the applicant?

Ms. Elizondo stated that the applicant applied proposing to modify the carport to 10 feet instead of the required 15 feet. She stated that the applicant had no intention to modify the carport.

Mrs. Elsa Covarrubias mentioned that she wanted a solution to the problem, but then she started to think about all the money that was needed to modify the carport. She stated that she had invested a lot of money on the carport, and didn't have money to modify it.

Mr. Ueckert asked if staff spoke to the applicant in regards to leaving the carport as is, and removing the gate and making it into a pedestrian entrance only.

Mr. Cervantes replied that he was going to explain to the applicant during the meeting. He stated in Spanish to the applicant the recommendation that was being proposed.

Mrs. Elsa Covarrubias mentioned that she agreed to the proposal, but she needed time so she can build a carport in the front to protect her vehicles. She stated that she didn't have the funds to do any modifications at the moment.

Mr. Cervantes asked how much time was needed to fix the gate.

Mrs. Elsa Covarrubias replied if that was the solution to leave everything as is and build a small gate or seal it, she would need enough time to build a carport in the front.

Mr. Cervantes replied that she could take as much time that she needed to build the carport in the front. He stated that the problem was the gate.

Mrs. Elsa Covarrubias replied that she would need a month.

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

Chairman Flores entertained a motion. Mr. Ueckert moved to approve the variance request 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, with an acknowledgement of the utility easement and no access from Inspiration Road, and 2) The vehicle access gate must be modified to a pedestrian gate. Ms. Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

Mr. William Ueckert abstained from voting on item #6

#### **ITEM # 6**

**TO ALLOW A 2.1' REAR SETBACK INSTEAD OF THE REQUIRED 10' FOR A 9' BY 12' GAZEBO STRUCTURE, AT 2601 E. 20<sup>TH</sup> STREET, BEING LOT 11, OLIVE TREE ESTATES SUBDIVISION, AS REQUESTED WILLIAM UECKERT**

Mr. Cervantes stated that the site was located along the North side of E. 20<sup>th</sup> Street approximately 880 feet West of Taylor Road. The applicant is requesting a variance to construct a 9' by 12' gazebo partly within the 10' rear setback. The subject property is a rectangular lot that has a depth of 118.55 feet and a width of 80 feet along 20<sup>th</sup> Street. The applicant submitted emails from utility companies with no objections.

Mr. Cervantes mentioned that the applicant was proposing a hold harmless agreement and, that if a utility company would need to access his property he would agree to remove the structure.

#### **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 structure is ever removed, the prevailing setbacks shall be complied with thereafter, and 2) obtaining a building permit fee.

Chairman Flores asked if the board had any questions for staff.

There was none.

Chairman Flores asked if the applicant was present.

Mrs. Dolores Ueckert who resides at 2601 E. 20<sup>th</sup> Street was present. She mentioned that she was asking for consideration from the board to allow her to place the 9'x12' Gazebo. She added that the gazebo was not a permanent structure that it would be installed by her and her husband, and would be placed over the pavers they had.

Ms. Elizondo stated that if the structure was not part of the lot, it was not an improvement.

Mr. Cervantes replied that a building permit was submitted for review and was denied because of the encroachment.

Ms. Elizondo asked if it was considered a structure, since it was not placed into the ground?

Mr. Cervantes replied that it would be placed on the ground but was removeable.

Mrs. Ueckert stated that it probably needed to be drilled on the ground, was not sure.

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

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

## **OTHER BUSINESS**

There was none.

## **ADJOURNMENT**

There being no further business, Ms. Elizondo moved to adjourn. Mr. Salazar seconded the motion. Upon a vote, the motion passed unanimously at 4:59 p.m.

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Heraclio Flores, Chairman  
Zoning Board of Adjustments