



BOYS AND GIRLS CLUB OF MISSION

Minutes of the Boys and Girls Club Mission
Youth Advocacy Advisory Board Meeting, May 21st, 2024

The Youth Advocacy Advisory Board of the Boys and Girls Club of Mission held a regularly scheduled meeting on Tuesday, May 21st, 2024 at 12:30 p.m. at the Main Unit of the Boys and Girls Club Mission

Board Members Present:

Henry Rodriguez	Rolando Reyna
Sergio Cruz	Peter Geddes
Jesus Garcia	Scott Meyer
Aimee Ortega	Jennifer Lee Venecia

Rebecca Lopez

Board Members Absent:

Christine Barrera
Nanette Ortiz

BGCM Staff:

Rick Venecia	Sujei Rodriguez
Xavier Sanchez	Nanette Galvan
Edgar Villarreal	

Guests:

Christian Garza
Katia Alaniz

I. Call to Order

H. Rodriguez called the meeting to order at 12:36 p.m.

II. Approval of Minutes for the April 9th, 2024 Meeting

After a brief review, a motion was made by S. Cruz to approve the minutes for the April 9th, 2024 Board Meeting; the motion was seconded by R. Reyna; the motion carried unanimously.

III. Citizen Participation

No citizens participated . . .

IV. Director's Report

R. Venecia stated that the After-School Programs are doing very well. He stated this was the last week for the After-School programs. He did also mention that the Club is gearing-up for the Summer Program and that the number of Summer Staff has been reduced because of financial constraints. Mr. Venecia informed the Board that we would be getting volunteers during the summer, as well.

V. Programs Report

N. Galvan reported the dates that the Club will be open for its after-school programs. She also informed the Board of the activities that the students participated in for the Mother's day event that recently passed. N. Galvan also reviewed the registration procedures for the upcoming Summer Registration program.

(Program Coordinator's Report attached)

Continue . . .

VI. Athletics Report

E. Villarreal reported for the Athletic Department. He stated that the Baseball/Softball leagues started play on May 7. He also reported that there are approximately 700 members enrolled for the baseball/softball leagues so far. Mr. Villarreal further announced that the Club will be utilizing three fields for all of the activities . . .

(Athletic Coordinator's Report attached)

VII. Grants Report

R. Venecia reported to the Board the current number of grants that the Club has been able to secure. He also added the monetary amounts associated with the grants and which grants have expired.

VIII. Chairperson Comments

S. Cruz stated that he had no announcements at this time . . .

IX. Adjournment

After a brief discussion, S. Cruz entertained a motion to adjourn this portion of the Advisory Board meeting. A motion was made by J. Garcia; the motion was seconded by J. Venecia; the motion passed unanimously. Adjournment time was 12:51 p.m.

Minutes of the Boys and Girls Club Mission Board of Directors' Regularly Scheduled Meeting, May 21st 2024

The Board of Directors of the Boys and Girls Club of Mission held a regularly scheduled meeting on Tuesday, May 21st, 2024, 12:30 p.m. at the Main Unit of the Boys and Girls Club Mission

I. Call to Order

S. Cruz called the meeting to order at 12:52 p.m.

II. Approval of 501c3 Minutes for April 9th, 2024 Meeting

After a brief review, a motion was made by P. Geddes to approve the minutes for the April 9th, 2024 501c3 meeting; the motion was seconded by A. Ortega; the motion carried forward unanimously.

III. 501C3 Financial Report

Christian Garza represented the Finance Department for the City of Mission to review with the Board the 501C3 financial standings. Mr. Garza reviewed with the Board the expenditures, expenses and reconciliations for the month of April. The April Financial Statements were discussed and several questions were entertained. After a brief discussion, a motion was made by R. Reyna to approve the financial packet for the month of April; the motion was seconded by P. Geddes; the motion carried forward unanimously.

(Financial Packet for the months of April is attached)

IV. National Conference Report

R. Venecia announced to the Board that he and several Board Members attended the National Boys and Girls Club Conference in Atlanta, GA. He stated that the topics being presented very pertinent and we could all learn a great deal of how other Clubs in other parts of the country are addressing their particular needs.

V. BGCM/Museum Baseball Exhibit

R. Venecia announced to the Board that the Club and the City of Mission Museum would be hosting a display of baseball sports memorabilia. The display would be housed in one of the smaller classrooms located in the Main Unit of the Club. The exhibition would be open to the public. Mr. Venecia also asked the Board for funds to purchase a TV Monitor and a stand for the monitor to place in the display room. The cost would be approximately \$2,100.00. After a brief discussion, a motion was made by R. Lopez to approve \$2,100.00 for the monitoring system; the motion was seconded by A. Ortiz; the motion carried forward unanimously.

VI. Accountant/Taxes

R. Venecia announced to the Board the need to consider another accountant to prepare the Board's 501C3 yearly audits. The Club has had some issues with our current accountant and we should consider looking for another firm. Some discussion was generated and the Board agreed to pursue this further. More information to be forthcoming . . .

Continued . . .

VII. Paint our Future Project

R. Venecia announced to the Board his intentions to paint the Club both inside and out. He intends to make the Club more presentable to the public by incorporating new paint schemes and landscaping to the exterior of the Club for better curb appeal. He also stated that he would try to utilize private donations and volunteers to accomplish most of the work. More information to be forthcoming . . .

VIII. Golf and Gala Fundraisers

R. Venecia informed the Board of the current situation for Golf Tournaments. He stated that it is better to wait for registration fees to decrease before attempting this type of fundraiser. Furthermore, he stated that the Board must also be cognizant of the Black-Out dates imposed by United Way for fundraising activities. More discussion to follow . . .

IX. Board Retreat


R. Venecia announced to the Board that he would like to hold a Board Retreat this summer. He would like to discuss the objectives for the upcoming academic year and potential fundraisers that the Club could produce. He would inform the Board as circumstances allow.

X. Announcements

No announcements at this time . . .

XI. Adjournment

After a brief discussion, S. Cruz entertained a motion to adjourn the meeting. A motion was made by J. Garcia to adjourn the 501C3 meeting; the motion was seconded by R. Lopez; the motion passed unanimously. Adjournment time was 1:34 p.m.



Xavier Sanchez
Operations Administrator

Sergio Cruz
BGCN Board Secretary

**NOTICE OF REGULAR MEETING
MISSION ECONOMIC DEVELOPMENT CORPORATION
APRIL 24, 2024 4:00 PM
CENTER FOR EDUCATION AND ECONOMIC DEVELOPMENT**

PRESENT:

Richard Hernandez, President
Jose G. Vargas, Vice President
Deborah Cordova, Secretary
Estella Saenz, Treasurer
Julian Alvarez
Carl Davis
Mayor Norie Gonzalez Garza

ABSENT:

ALSO PRESENT:

Eugene Vaughan, JGKL LLP
Adrian A. Arriaga, Sperry Commercial Global
Affiliate, The Arriaga Group
Chad Young, CRI, CPAs & Advisors
Esmeralda Yñiguez, CRI, CPAs & Advisors
Lee McCormick, Community Dev. Associates

STAFF PRESENT:

Tecló J. Garcia, CEO
Belen Guerrero, COO
Judy Vega, Executive Assistant
Joe Salazar, Financial Officer
Mike Perez, City Manager
Andy Garcia, Asst. City Manager
Naxiely Lopez-Puente, Director of
Communications & External Affairs
Brianna Casares, Manager of Marketing &
Programs

1. Call to Order and Establish Quorum

After establishing a quorum of the Board of Directors, President Richard Hernandez called the meeting to order at 4:03 PM

2. Invocation: Julian Alvarez.

3. Pledge of Allegiance: Mayor Norie Gonzalez Garza.

4. Citizen's Participation: None.

5. Approval of Minutes: March 27, 2024

There being no corrections or additions, Carl Davis moved for approval of the meeting minutes of March 27, 2024. Motion was seconded by Julian Alvarez and approved 6-0.

6. Acceptance of Unadjusted Financial Statements for March 2024

Financial Officer Joe Salazar presented and recommended acceptance of Unadjusted Financial Statements for March 2024.

Secretary Deborah L. Cordova moved for acceptance of the Unadjusted Financial Statement for March 2024. Motion was seconded by Carl Davis and approved 6-0.

7. Deliberation and possible action for approval of Resolution No. 2024-02 of Mission Economic Development Corporation authorizing the issuance of one or more series of revenue bonds and the loan of the proceeds thereof to Republic Services Inc., approving documents relating thereto, and approving other matters in connection therewith.

Lee McCormick presented this item and said that this was a final resolution for Republic Services Inc. Mr. McCormick said that Republic Services, Inc. is a trusted leader in the environmental services industry with millions of customers in the United States. They provide recycling, waste, and environmental solutions from a single-source provider. The company is seeking tax-exempt bond financing and refinancing for certain infrastructure and capital improvements to its solid waste collection and disposal operations. Bonds, in the amount of \$50 million, will be issued in one or more series. Based on the proposed transactions, at closing the MEDC is expected to receive approximately \$92,500 for serving as issuer of the bonds and \$12,500 annually until maturity. Approval of this resolution does not impose any payment or obligation on MEDC or City of Mission. More importantly, the bonds will not require any general fund support or tax-payer dollars. There is no commitment of the credit ratings and the bonds do not, in any manner, limit the borrowing/bonding capacity of the MEDC or City of Mission. Mr. McCormick mentioned that a public hearing in Mission will take place related to this project and that it will also be presented to Mission City Council for approval at their next Council meeting. He recommends approval.

Vice President Jose G. Vargas moved for approval of Resolution No. 2024-02 as presented. Motion was seconded by Julian Alvarez and approved 6-0.

Treasurer Estella Saenz joined the meeting at 4:18 PM.

8. Deliberation and possible action for acceptance of MEDC Financial Statements & Independent Auditor's Report for fiscal year ended September 30, 2023.

CEO Teclo J. Garcia introduced Chad Young and Esmeralda Yñiguez, CPAs with Carr Riggs & Ingram CPAs & Advisors (CRI) to present MEDC's Financial Statements & Independent Auditor's Report for fiscal year ended September 30, 2023.

Mr. Young began his presentation related to the audit by explaining MEDC's net position, capital assets, liabilities, long term liabilities, program revenues, general revenues, and rental and expenses for the year. There was a question related to a "Miscellaneous" entry in the report that was not categorized. Ms. Yñiguez said that it was not categorized but that it was related to land sales and CEED rental fees. Based on the clarification provided, it was suggested that that the "Miscellaneous" entry is reported as a foot note to financial statements. The financial statements were presented fairly and in accordance with the financial reporting framework. They did not identify any material misstatements or irregularities that would impact the overall reliability of the financial statements.

Secretary Deborah L. Cordova moved to accept MEDC Financial Statements & Independent Auditor's Report for fiscal year ended September 30, 2023. Motion was seconded by Carl Davis and approved 7-0.

9. Deliberation and possible action for acceptance of the Quarterly Report of Investments for the Quarter ending March 31, 2024 and Interest Earned for Six Months Ending March 31, 2024.

Financial Officer Joe Salazar presented and recommended acceptance of the Quarterly Report of Investments for the Quarter ending March 31, 2024 and Interest Earned for Six Months Ending March 31, 2024.

There being no changes or corrections, Treasurer Estella Saenz moved for acceptance of the Quarterly Report of Investments for the Quarter ending March 31, 2024 and Interest Earned for Six Months Ending March 31, 2024. Motion was seconded by Vice President Jose G. Vargas and approved 7-0.

10. MEDC Committee Briefings:

A. Finance: Committee Chair Estella Saenz presented the Finance Committee briefing. Ms. Saenz said that on April 10, 2024, Committee members including Richard Hernandez, Jose G. Vargas, Teclo Garcia, and Financial Officer Joe Salazar met to discuss MEDC's account with Texas National Bank. The committee discussed the possibility of transferring funds from MEDC's general fund balance to MEDC's TexPool account, a government investment pool account that generates interest for government entities. Ms. Saenz mentioned that interest rates have been steady for the past four months. TexPool's interest rate at this time is 5.3%. The committee also discussed the creation of an MEDC Investment Policy, and investing in money market accounts. Options will be reviewed and brought back to the Board with a recommendation once they meet again. This Committee meets quarterly.

B. Downtown Assistance Program: Committee Chair Deborah L. Cordova reported that the Committee met on April 9, 2024 where they discussed downtown map boundaries. Committee members include Carl Davis, Estella Saenz, Teclo Garcia, Belen Guerrero, and Brianna Casares. Ms. Cordova said that the Committee agreed to include 1st Street through 18th Street and one block west and east of Conway Avenue on the boundaries. Business owners on these boundaries will be able to apply for assistance. The budget for this program is \$150,000 and the Committee recommends awarding seven applicants up to \$25,000 on the first phase. Applications will be open online from June 3rd through July 1, 2024. Ms. Casares mentioned that this program replaces MEDC's prior Downtown Façade Improvements Program. The new concept will focus on businesses' needs such as plumbing and electrical, and not façade. Ms. Casares said that the prior program involved a matching grant, which was discouraging to some businesses as they had to meet a cap amount in order to qualify for a match. Another discouraging factor was that some business owners are tenants, and it was difficult to get property owners to participate. The idea with this program is to make it more accessible. The program has rules and to mention a few religious entities and non-profits do not qualify, and some non-qualifying projects are masonry repairs or installation, ADA accessibility, signage, murals, landscaping, and permit fees, among others. The program will be promoted by visiting businesses, flyers, newspaper ads, radio announcements, on social media, and on MEDC's website.

Julian Alvarez left the meeting at 5:21 PM.

At **5:22** PM, President Richard Hernandez announced that the Mission Economic Development Corporation Board would be convening in closed session.

11. Closed Session Pursuant to V.T.C.A. Gov. Code Sec. 551.001

Deliberation and possible action regarding economic development negotiations or prospects (as permitted under Tex. Gov't Code Sec. 551.087), including, but not limited to the following: Report from CEO as to potential prospect(s).

Deliberation and possible action regarding real property (as permitted under Tex. Gov't Code Sec. 551.072), including, but not limited to the following: M.E.D.C. Land

Consultation with Attorney and possible action (as permitted under Texas Government Code Section 551.071).

The Mission Economic Development Corporation Board of Directors will reconvene in open session to take any actions necessary.

Mayor Norie Gonzalez Garza left the meeting at 5:28 PM

At **5:42** PM., President Richard Hernandez announced that the Mission Economic Development Board of Directors would be convene in open session.

No action was taken.

CEO Report on Economic Activity:

CEO Teclo J. Garcia reported on the following: MEDC participated in a groundbreaking ceremony of the 145-acre Anzalduas Industrial Park, a \$50 million warehousing and light manufacturing development, to be located on the north west of the Anzalduas Bridge. Ernesto Gonzalez, President of Tekna Impact is now manufacturing tiny studio size 200 sq. ft. apartment units or "containers" which come from Houston but are being shipped to north Texas. This is a solution to the affordable housing crisis across the country. Mr. Garcia attended the Alliance for I-69 meeting in Washington DC where officials from the RGV as well as Texarkana and other states participated in order to get more funding for the I-69 transportation initiative. He mentioned he and COO Belen Guerrero also attended the Viva Fresh Expo, which is sponsored by the Texas International Produce Association, here in Mission. Texas Women's University (TWU) held a ribbon cutting ceremony recently at CEED, a well-attended event, as we also welcomed them into the building. TWU will be starting a small business program for women in the summer here at CEED. Uniquity, an outsourcing customer service center has leased a building in Mission on Shary Road. MEDC staff participated in the company's grand opening and ribbon cutting recently and published an ad with the Board welcoming Uniquity into Mission. The company invested \$3.6 million in equipment and operations in Mission and plans on hiring over 300 employees by 2027. Apple recently contacted MEDC and asked if we could assist them with hosting their group for an Apple Distinguished Schools Program training. Mostly inviting higher level educators such as principals and superintendents for Apple products integration into their educational programs.

Brianna Casares, Manager of Programs and Marketing provided an update on the Ruby Red Ventures Competition, a program implemented in collaboration with UTRGV's Entrepreneurship & Commercialization Center. Ten (10) entrepreneurs signed up for the program and they will be graduating on May 7, 2024 on their Kauffman FastTrac Program, a seven-session certification program that will provide training, skills, and network courses. The graduates will then be competing for funding on May 10, 2024. Of the 10 participants, three winners in the amounts of \$25,000, \$15,000, and \$10,000 will be awarded. Mr. Garcia mentioned that South Texas College has began offering classes at CEED. A ribbon cutting and grand opening is being planned for them in the near future. Mr. Garcia shared dates for upcoming events including Serenity Fields Cemetery Groundbreaking on April 30th, AT&T Ribbon Cutting on May 1st, Small Business Week: Business Over Breakfast – Open House on May 2nd, Ruby Red Ventures – The Competition on May 10th, and Mission EDC's next Board meeting on May 29th.

12. President Comments

President Richard Hernandez thanked Mr. Garcia and staff for the preparation of this meeting. He also thanked the Board for their time and participation at this meeting.

13. Adjournment

Carl Davis moved to adjourn the meeting. Motion was seconded by Vice President Jose G. Vargas and approved 6-0. The meeting was adjourned at 6:06 PM.

ATTEST

Richard Hernandez, President

Deborah L. Cordova, Secretary

**Mission Redevelopment Authority
Board of Directors Meeting
April 23, 2024**

MINUTES

Call to Order, Establishment of Quorum

The Board of Directors of the Mission Redevelopment Authority (MRA) held a regular meeting open to the public, by teleconference and in person, on April 23, 2024, at 4:00 PM, at 801 N. Bryan Road, Mission Texas, and the roll was called of the duly appointed members of the Board, to-wit:

Martin Garza, Chairman
Albert X. Chapa, Vice Chairman
Aissa I. Garza, Secretary
Efrain Reyna Jr.
Hector Moreno
Ricardo A. Perez
Dennis Burleson

All the above were present except Chairman Martin Garza, Secretary Aissa I. Garza, and Director Burleson. Participating in the Zoom teleconference were Sanjay Bapat, Frances Blake, Ezeiza Garcia, David Flores, and Matt Collins. Participating in person were J.P. Terrazas, Rene Alcala, Julio Cerda, Councilwoman Marissa Gerlach, Crystal Chávez, Teclo J. Garcia, Joe Salazar, Damien D. Tijerina, Romeo Barrera, Mike Perez, Mike Hernandez, Dolly Elizondo, Homer Castillo, Andy Garcia, Victor Treviño, and Judy Vega.

Call Meeting to Order at 4:12 PM.

In the absence of Chairman Martin Garza and with a quorum present, Vice Chairman Albert X. Chapa opened the meeting with a welcome to all.

Citizen's Participation: None.

Approve minutes of March 26, 2024 regular meeting and special meeting of April 1, 2024 of the Mission Redevelopment Authority.

Upon a motion duly made by Director Reyna and seconded by Director Perez, the Board unanimously approved the March 26, 2024 meeting minutes and special meeting minutes of April 1, 2024, of the Mission Redevelopment Authority.

Discussion and possible action related to Third Amendment to the Agreement for Interim Administrative Services between the City of Mission and Mission Redevelopment Authority/TIRZ #1.

Refer to Executive Session Item A.

The Board unanimously agreed to prioritize the next item on the agenda related to Executive Session before addressing any other items.

At **4:15 PM**, Vice Chairman Albert X. Chapa, announced that the Mission Redevelopment Authority Board would convene in closed session. Upon a motion duly made by Director Reyna and seconded by Director Perez, the Board unanimously voted to convene in closed session.

Executive Session Pursuant to V.T.C.A. Gov't Code Sections 551.071 and 551.072

Consultation with Attorney regarding:

- A. Third Amendment to the Agreement for Interim Administrative Services between the City of Mission and Mission Redevelopment Authority/TIRZ #1.**
- B. Deliberation and possible action regarding real property**

The Mission Redevelopment Authority Board of Directors will reconvene in open session to take any actions necessary.

At **4:55 PM**, Vice Chairman Albert X. Chapa announced that the Mission Redevelopment Authority Board would convene in open session. Upon a motion duly made by Director Reyna and seconded by Director Perez, the Board unanimously voted to convene in open session.

Item A: Upon a motion duly made by Director Reyna and seconded by Director Perez, the Board approved a Third Amendment to the Agreement for Interim Administrative Services between the City of Mission and Mission Redevelopment Authority/TIRZ #1, in an amount not to exceed \$9,300 per month to expire September 30, 2024, overriding any related existing agreements in place or any other actions previously taken.

Item B: No action.

Acceptance of Project Reports:

Vice Chairman Albert X. Chapa recognized Mike Hernandez with Melden & Hunt Inc. to report on the **Tierra Dorada Sanitary Sewer Improvements Project**. In the absence of Mr. Ruben James de Jesus, Mr. Hernandez said this project involves the design to eliminate existing Lift Stations No. 13 and 14 within Tierra Dorada Subdivision and construct a new proposed lift station to reroute sewer discharge into existing sanitary sewer trunkline along Los Ebanos Road. Mr. Hernandez said that contracts for this project have been executed and the contractor is in the process of scheduling a pre-construction conference next week. The contractor has also provided a list of all material and equipment that will be used for this project. The contract was awarded to the lowest bidder, RDH Site and Concrete with a bid of \$2,334,367.50.

Vice Chairman Albert X. Chapa recognized Mike Hernandez with Melden & Hunt Inc. to report on the **Inspiration Road Trunklines (Sanitary Sewer Master Plan)**. This project ties in with the Tierra Dorada Sanitary Sewer Improvements Project. It involves Lift Station #10, located on Mile 2 & FM 495

(El Valle Subdivision) and the rerouting of Lift Station No. 10 to AGUA SUD lift station located on FM 364 by force main. Approximately 2MG (two million gallons) per day of sewer flows will be alleviated from the Inspiration Road trunkline. Mr. Hernandez mentioned that Mr. de Jesus will meet with AGUA SUD's general manager to discuss the electrical rates (energy consumption) portion of the contract and to see if that rate will be the most advantageous for the City of Mission. Assistant City Manager JP Terrazas mentioned that the TIRZ is responsible only for the construction portion of the project. Maintenance and operations are the responsibility of the City of Mission. Mr. de Jesus will be contacting the city to report on the outcome of the meeting. A bid date has not been determined.

Vice Chairman Albert X. Chapa recognized Mike Hernandez with Melden & Hunt Inc. to report on the **Walsh Road Expansion Project**. Mr. Hernandez said that this project involves the design and survey to expand the road from Perez St. to Frontage Rd., approximately $\frac{3}{4}$ of a mile. The improvements consist of a paved 32-foot back-to-back curb street section with proposed drainage improvements. Melden & Hunt is working on a lay out survey and design plan, which is about 30% complete. Mr. Hernandez said he expects the plans and survey to be completed within the next two weeks. Bid date is to be determined. This project's cost estimate is \$1,764,369.25 and a reimbursement agreement between the City of Mission and the Authority is in place.

Vice Chairman Albert X. Chapa recognized Damien D. Tijerina with L&G Engineering to report on the **Inspiration Rd./Military Parkway Loop Ph. II and III**. On Phase II, the design phase of the project, Mr. Tijerina said that the project is 95.3% complete and continues to work on a 95% submittal. Regarding a proposed outfall ditch, the firm has updated the drainage model and has submitted it to the Drainage District for review and concurrence. Outfall quantities continue to be updated. On Phase III, Mr. Tijerina said ROW acquisition and Environmental Assessment (EA) for this project continues to be in progress. This phase also has hydrologic model coordination, which Hidalgo County Irrigation District #1 is in the process of reviewing. ROW acquisition involves 47 parcels and research is underway on property owners. Appraisals and title commitments have also been ordered on the parcels. There are 24 easements for this project and appraisals as well as title commitments have also been ordered. Mr. Tijerina mentioned that L&G Engineering is also handling the compensable utility management aspect of the project of which they have already identified all compensable utility lines. Coordination letters have been prepared and have been submitted to corresponding utility companies.

Vice Chairman Albert X. Chapa recognized Rene Alcala with Killam Development to report on **Killam Development's El Milagro Phase I Project**. In the absence of Dr. Rolando Ortiz, Mr. Alcala said that the majority of the underground improvements have been completed. Overall, the project is 70% complete and completion is expected by mid-July due to bad weather. Mr. Alcala said that paving the streets will be left towards the end and should be completed within two weeks once they begin. He shared some images on the project's progress.

Vice Chairman Albert X. Chapa recognized Crystal Chavez with The Warren Group (TWG) to report on the **Fire & Police Sub-Station #6**. Ms. Chavez reported on a cost breakdown for this project by saying that total project cost was \$7,817,173.60, which included change orders in the amount of \$452,623.00. The project cost increase was the result of engineering and material testing fees, the widening of Schuerbach Road and some equipment. This project is 99.97% complete. General

Contractor Gerlach Builders has rescheduled the generator start up due to a regulator installation. Asphalt work has been completed and new cores have been ordered. Temporary emergency power has been installed at the truck bay area while waiting for new light fixtures from the manufacturer. Landscaping punch list has been completed and pending are a few items on millwork to complete all punch list items. Ms. Chavez said that the building has passed all safety and compliance inspections and that a Certificate of Occupancy has been received. Assistant City Mgr. Terrazas said that a final walk through it is scheduled for next week and Fire and PD should start moving in the second week of May.

Vice Chairman Albert X. Chapa recognized Mr. Terrazas to report on the **1st Street Extension (Dragonfly 6265 LLC)**. This project is in the vicinity of Glasscock & Shary Road and involves connectivity through 1st Street, which is perpendicular to Hoerner Street. The contractor, Riverside Contractors, has completed construction of the street, but hasn't been able to pave due to bad weather. He plans on paving the street this month. Dragonfly 6265 LLC Developer Dolly Elizondo said that pending is a property appraisal from United Irrigation District #1. The appraisal should be completed and received within the next two weeks. Once she receives it, she will then purchase the property so she can then punch in through 1st Street.

Vice Chairman Albert X. Chapa recognized Romeo Barrera with Halff Associates to report on the **Hoerner Street Project**. Mr. Barrera said that he has been working with the City of Mission and United Irrigation District #1 on the property acquisition for Hoerner Street. Total engineering costs for this project are \$98,000.00. The project involves a road extension to connect water and sewer. The firm started designing the plan in March 2024, and is expected to be completed by the end of May 2024. The construction schedule has not been announced. The engineer's estimated construction cost for this project is \$1.4 million once completed.

Vice Chairman Albert X. Chapa recognized P.E. Julio Cerda with South Texas Infrastructure Group, to present the **Anzalduas Industrial Park Phase I Subdivision Project**. The industrial park will be located at the corner of W. Military Highway and S. Bryan Road. In his report, Mr. Cerda mentions that they have been laying the groundwork for the utility work that includes water, sanitary sewer, and storm sewer systems. The entire development contains 157 acres which will be subdivided into seven lots. He shared images of the project's street and utility plans.

Upon a motion duly made by Director Reyna and seconded by Director Perez, the Board unanimously accepted all project reports as presented.

Deliberation and possible action regarding the approval of a Lease Agreement between Mission Redevelopment Authority and the City of Mission related to the building located at 1301 E. 8th Street, Mission.

Assistant City Manager Andy Garcia presented and recommended approval of the lease agreement. Mr. Garcia mentioned that he had worked with the Authority's legal counsel Sanjay Bapat on the preparation of this agreement. Via Zoom teleconference, Mr. Bapat briefly described key terms of the agreement as follows: The building is located at 1301 E. 8th Street, Mission, Texas 78572; it will be

leased in its entirety to the City of Mission for \$1.00 per year until the expiration of the life of the TIRZ, December 31, 2030. The City of Mission is responsible for all building maintenance and operations. The Authority will be responsible for capital improvements and property insurance, which is required as the structure's owner. This lease acts as a triple net to the City of Mission. He is recommending approval.

Upon a motion duly made by Director Perez and seconded by Director Reyna, the Board unanimously approved a Lease Agreement between Mission Redevelopment Authority and the City of Mission related to the building located at 1301 E. 8th Street, Mission in the amount of \$1.00 per year until December 31, 2030.

Deliberation and possible action regarding the approval of a Reimbursement Agreement between Mission Redevelopment Authority and the City of Mission for the design and construction management of American Disabilities Act compliance, and other improvements, related to the building located at 1301 E. 8th Street, Mission.

Assistant City Manager J.P. Terrazas introduced this item by saying that it was related to the building discussed in the prior agenda item, and said that the building, a two-story building, is not in compliance with the American Disabilities Act (ADA). He is requesting approval of a Reimbursement Agreement between Mission Redevelopment Authority and the City of Mission for the design and construction management of ADA compliance, and other improvements, related to the building located at 1301 E. 8th Street, Mission. The engineering firm for this improvement (an elevator and other improvements) is CG5 Architects LLC, and the amount of the design costs is \$16,000.

Upon a motion duly made by Director Perez and seconded by Director Reyna, the Board unanimously approved a Reimbursement Agreement between Mission Redevelopment Authority and the City of Mission for the design and construction management of American Disabilities Act compliance, and other improvements, related to the building located at 1301 E. 8th Street, Mission, in an amount not to exceed \$16,000.

Discussion and possible action for authorization to engage Arbitrage Compliance Specialists, Inc. for the Bond Series 2017, and Series 2023.

Interim Executive Director Teclo J. Garcia requested authorization to engage Arbitrage Compliance Specialists Inc. to conduct a debt structure analysis report for the Authority's bond Series of 2017 and 2023. It is a requirement of the Internal Revenue Service's Code of 1986. The Authority's legal counsel Sanjay Bapat mentioned that the purpose of this report is to make sure the Authority does not make more money on interest on an account they use to pay bond holders. If the Authority does make more money, then those funds will need to be paid back to the IRS as a penalty. This report is required every five years.

Approval of invoices for April 2024.

Accountant Joe Salazar presented and recommended approval of all invoices for the month of April 2024.

Upon a motion duly made by Director Reyna and seconded by Director Moreno, the Board unanimously approved all invoices for the month of April 2024.

As there was no further business for the board to consider, upon a motion made by Director Perez and being seconded by Director Moreno, the Board unanimously voted to adjourn the meeting at 5:39 PM.

By: _____

Attest: _____

Printed Name: Martin Garza

Printed Name: Aissa I. Garza

Title: Chairman

Title: Secretary

Date: _____

Date: _____

**Mission Tax Increment Reinvestment Zone
Board of Directors Meeting
April 23, 2024**

MINUTES

Call to Order, Establishment of Quorum

The Board of Directors of the Mission TIRZ #1, held a special meeting open to the public, by teleconference and in person, on April 23, 2024 at 801 N. Bryan Road, Mission, Texas and at 5:39 PM, the roll was called of the duly appointed members of the Board, to-wit:

Martin Garza, Chairman
Albert X. Chapa, Vice Chairman
Aissa I. Garza, Secretary
Efrain Reyna Jr.
Hector Moreno
Dennis Burleson
Ricardo A. Perez

All the above were present except Chairman Martin Garza, Secretary Aissa I. Garza, and Director Burleson. Participating in the Zoom teleconference were Sanjay Bapat, Frances Blake, Ezeiza Garcia, David Flores, and Matt Collins. Participating in person were J.P. Terrazas, Rene Alcala, Julio Cerda, Councilwoman Marissa Gerlach, Crystal Chávez, Teclo J. Garcia, Joe Salazar, Damien D. Tijerina, Romeo Barrera, Mike Perez, Mike Hernandez, Dolly Elizondo, Homer Castillo, Andy Garcia, Victor Treviño, and Judy Vega.

I. Consider Consent Agenda

- A. Call meeting to order and establish quorum.
- B. Approve minutes for the March 26, 2024 and special meeting of April 1, 2024 of the TIRZ #1.
- C. Ratify all actions taken by the Mission Redevelopment Authority Board of Directors at the April 23, 2024 meeting.

Upon a motion duly made by Director Perez and seconded by Director Reyna, the Board unanimously approved the March 26, 2024 and special meeting minutes of April 1, 2024 as presented.

Upon a motion duly made by Director Reyna and seconded by Director Moreno, the Board unanimously approved the consent agenda and ratified all actions taken by the Mission Redevelopment Authority Board of Directors at the April 23, 2024 meeting.

II. Adjournment

As there was no further business for the board to consider, upon a motion duly made by Director Perez and seconded by Director Reyna, the Board unanimously voted to adjourn the meeting at 5:40 PM.

By: _____

Attest: _____

Printed Name: Martin Garza

Printed Name: Aissa I. Garza

Title: Chairman

Title: Secretary

Date: _____

Date: _____

**ZONING BOARD OF ADJUSTMENTS
FEBRUARY 21, 2024
CITY HALL'S COUNCIL CHAMBERS**

ZBA PRESENT

Alberto Salazar
Heraclio Flores, Jr.
Dolly Elizondo
Andrew Riddle
Humberto Garza
Marty Gonzalez

ZBA ABSENT

Eliud Reyna
Michael De Leon

STAFF PRESENT

Susie De Luna
Irasema Dimas
Victor Flores
Jessica Munoz
Alex Hernandez

GUESTS PRESENT

See Exhibits Attached

CALL TO ORDER

Chairman Mr. Alberto Salazar called the meeting to order at 4:34p.m.

CITIZENS PARTICIPATION

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

There was none.

DISCLOSURE OF CONFLICT OF INTEREST

Ms. Dimas states that there are 2 conflicts of interest. Mr. Riddle and Ms. Elizondo for Item# 1.1 and Item# 1.5

APPROVAL OF MINUTES FOR January 17, 2024 & January 22, 2024

Chairman Mr. Alberto Salazar asked if there were 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.

Chairman Mr. Alberto Salazar entertained a motion to go into executive session. Mr. Garza moved to go into executive session at 4:37p.m. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Dimas stated that the meeting was back in order at 5:00pm.

Item #1.1

APPEAL TO ADMINISTRATIVE DECISION BY PLANNING DIRECTOR/CITY PLANNER TO ABATE THE PUBLIC NUISANCE (CITY'S WEEDY LOT ORDINANCE) AT CIMARRON COUNTRY CLUB, APPROXIMATELY LOCATED AT 1200 SOUTH SHARY ROAD, MISSION, TEXAS, AS REQUESTED BY BLACK DIAMOND DEVELOPERS, LP.

Ms. Dimas stated that the subject site is located at Cimarron Country Club, approximately located at 1200 South Shary Road, Mission, Texas.

On January 15, 2024 staff received an email from Mr. Joseph Kamel with Black Diamond Developers protesting to the nuisance abatement request that was mailed for his property identified by the Hidalgo County Appraisal District as 1200 N. Shary Road. He stated that his property is zoned Agricultural Open Interim and his zoning allows weeds on his property to grow up to 36 inches in height, as per City Code.

1. According to Ordinances No. 1092, 1096 for the PUD & Ordinance No. 1651 for the Master Plan his property remains zoned PUD (Planned Unit Development).

2. PUD's (Planned Unit Developments) are overlay districts approved by the Planning and Zoning Commission and the City Council.
3. Section 42-31. – Definitions
Weeds means all rank and uncultivated vegetation, grass or plant matter which has grown to more than 12 inches in height or which, regardless of height, is liable to produce an unhealthy, unsightly, unwholesome, or unsanitary condition or become a harboring place for mosquitos, vermin, or vectors.
4. Sec.42-36. – Declaration of nuisance.
 - (a) Whenever and wherever weeds, rubbish, or any other objectionable, unsightly and unsanitary matter of whatever nature, covering or partly covering the surface of any lot or parcel of real estate within the city shall exist, or from any other cause shall be in such condition as to be liable to cause disease or produce, harbor, or spread disease germs of any nature, or tend to render the surrounding atmosphere unhealthy or unwholesome or obnoxious, such condition is hereby declared to constitute a public nuisance, the prompt abatement of which shall be deemed a public necessity.
5. Sec. 42-37 – Heights of weeds; designation of lots as preservation parks
 - (a) It shall be unlawful and it is hereby declared to be a public nuisance for any person, including owner, tenant, or representative of any nonresident owner or tenant of any lot, parcel of real estate, or any other premises or parts thereof, including adjacent sidewalks, whether vacant or occupied within the city, to allow grass, weeds, or brush of any description to grow or flourish thereon without having the same cut and kept short at all times for a height not to exceed 12 inches from the surface of the ground. Any agriculturally zoned lot shall not contain weeds exceeding 36 inches in height from the surface of the ground.

Chairman Mr. Alberto Salazar asked if the board had any questions for staff.

There were none.

Chairman Alberto Salazar asked that if there was anyone in favor or against the appeal

Mr. Chris Nichols was present representing Black Diamond Developers. He mentioned that he was an attorney from Houston and worked with the law firm Wilson Cribbs and Gordon. He stated that he was there to specifically address the zoning board of adjustments on the appeal regarding the nuisance abatement order. He mentioned that he wanted to point out that, in advance that he provided a statement of position, which is in a packet, and it contains about a seven-page summary of what his position was regarding the underlying zoning of the property. He added that in that package, there are 17 exhibits, it's my understanding that these are exhibits, which were procured from the city and response to public information requests. It contains records going back to meetings as early as 1981. And tracking through planning and zoning and council meetings and other documents that talk about the PUD, the PUD process, whether it was finalized, whether it went through the proper statutory validation process at the local government code chapter 211. He mentioned that he wanted to make sure he referred to this as part of our record. So, for clarity, I want to make sure that everyone understands that I'm not here advocating for the right to grow weeds to 36 inches. He stated that he understood that the city had a nuisance ordinance, and that it classifies the appropriate level of vegetation based on zoning classification. Agriculture, open interim receives a 36-inch standard. He mentioned that the order was issued on January the 10th, directing the property owner to abate a nuisance that exceeded 12 inches. He stated that the underlying issue there is that it was based on our opinion, the incorrect zoning classification that being Cimarron, PUD. He stated that he understood there are several lawsuits and litigation ongoing about this issue about which zoning classification actually does apply. He added that it's our position that the zoning of the property is agricultural open interim. And because of that, the 36-inch standard applies. We don't dispute the city's right to change those standards. We don't dispute the right of the city to enforce its nuisance ordinance and exercise its police power and keep things safe ensure health, safety and welfare in the

city. But we do dispute the fact that the property is Cimarron PUD, so zoning is a process. Chapter 211. Local Government Code talks about the process to rezone property to respect to use and that process requires planning and zoning participation, public hearings, recommendations and ultimately the City Council exercising its legislative authority, which only it can do to rezone property and to impose zoning regulations on any property. He mentioned that this is a matter of dispute may have not gone through that process appropriately, then that zoning classification would be void. He added that when actions are void there's no way to validate a void action. He mentioned that in 1981 that there was a presentation for the inclusion of a very large tract of property 800 acres more or less. He stated that there was a proposal for that property to be a PUD Cimarron, PUD. and there was a lot of discussion about the city to entertain a special district with special regulations for a proposed development. He added that part of that approval or that initial approval was that the city was amenable to that sort of development subject to certain conditions. He stated that over the years, it was discovered that the developer at that time who owns the property had not met the conditions that the city placed on the idea of granting a PUD. He added that because of that, the PUD never reached finality, and never came to fruition, and whatever zoning was in place for the property remained that zoning. He mentioned that he understood that there were also some subsequent discussions at various Planning and Zoning meetings, and September of 91, November 26, of 91, December 11 of 91, December 20, of 91, where the city's records reflect that the zoning of the property was never finalized as a PUD that it was actually agricultural open in Interim. He added that various documents in the city one being a letter in 2017, with the city's planning person confirmed that the property that my clients was properly owned. was properly zoned as agricultural open Interim. He stated that which were also confirmed in a zoning report by CDs. He added ultimately, the issue was that the property has been zoned, or has always been zoned as agriculture open interim, that it was never properly rezone for a PUD., and so it remains as it was originally zoned, and City's nuisance ordinance should be applied based on that correct zoning. He mentioned that an appeal, was presented, and the relief we're asking for is for the board of adjustment to overturn the decision of Ms. Dimas Issuing the public nuisance abatement for 12 inches based on Cimarron PUD zoning classification. He added that it didn't mean that if vegetation grows higher than 36, that it should not be cited for a public nuisance and certainly should. But the underlying zoning classification should be corrected. And we would ask that the Board of adjustment enter an order overturning the January 10 public nuisance decision based on the incorrect zoning classification of the Cimarron.

City Attorney Mr. Victor Flores stated that in his review of Mr. Chris Nichols brief that he presented to the to the city and to, to the Zoning Board of adjustments. He mentioned that he wanted to touch on a couple of things that are important. Not getting into the merits, but just on the legal matters. He stated that the relief being requested was to overturn decision of Ms. Dimas based on the zoning classification, and to correct the underlying zoning classification. He mentioned that in his legal review of chapter 211 of Texas Local Government Code, along with section 1.17 of our zoning ordinances that states that this board is limited into the cases that it reviews. He added that typically the cases that this board reviews relate to variances, dealing with setbacks. At the same time, state law and ordinances reflect that this board had the authority to review appeals of orders requirements or decisions or determinations made by the administrative official, and this ordinance being the zoning ordinance. He mentioned that when we talk about whether there were high weeds, the enforcement of the weed or ordinances is not before you, for your consideration was being asked by this board. Is a reclassification of the of the appropriate zoning, and in that case, there's a process that the state has delegated to the city in assigning districts and zoning designations? He added that process that's regulated to the city is very specific in that recommendations are bedded to the Planning and Zoning Commission. He stated that based on their recommendation, that recommendation is then submitted to the City Council for approval. He stated that the applicant appeal he believed it was misplaced in this case with the wrong board of the wrong venue. The wrong jurisdiction in this case is that this board does not have the authority to make zoning designations or to correct zoning designations. He added that's a process and a procedure and a claim for another day. But before this board, it's my legal review that that's not within the code course and scope of chapter 211. Or, or City's zoning ordinances. He added that in addition to the fact that, as opposing counsel has also acknowledged that we do have two other cases won in state court and won a federal court litigating these very same issues and others. But again, that would be for that court or those courts to decide and not this board. So, for that reason, it's my legal review my opinion that that this application is misplaced before this board, after reviewing the basis of appeal that was submitted by opposing counsel, and their legal arguments and the arguments placed here in person as well.

Mr. Antun Domit who resides at 1004 Rio Grande Drive stated that it was a health and fire hazard. He mentioned that the subdivision had a lot of dry branches all over the club and could cause a fire. He stated that there were animals and it was dangerous for the kids that lived in that subdivision.

Mr. Lary Fair who resides at 122 Rio Grande Drive stated that he was the president of the HOA for Cimarron Country Club. He added that his concerns were on their proposed abatement of the weedy lot ordinance. He mentioned that one of his biggest concerns was a fire. He mentioned that the city had an ordinance in place to prevent fires. He added that his second concern was drainage. He stated that by allowing the tall grass to grow over the curbs would cause minor flooding to the streets. He mentioned that engineers have said that allowing the grass to grow will impede the drainage to flow. He stated that the residents have seen all kinds of large animals and are dangerous for kids. He added that the HOA would like the board to consider all the concerns they had.

Ms. Lila Garcia who resides at 415 Rio Grande Drive stated that her biggest concern was all the residents that lived in Cimarron. She mentioned that they don't feel safe because of the large animals she had in her back yard.

Mr. Ricardo Salinas stated that he was an attorney. He mentioned that he disagreed with Mr. Nichols stated. He added that someone chose the form and there were 3 forms in 3 different courts. He also mentioned that he agreed with the city attorney Mr. Flores. He stated that this fight needed to be settled somewhere else and not here. He added that he would like for the board to listen to all the concerns the residents had.

Mr. Michael Scott who resides at 107 Rio Grande Drive stated that he moved into this community to be a part of the golf course community. He added that it was a golf course community and not a 36" wild community. He mentioned that his property value was being affected all of this.

Mrs. Matilde Gutierrez who resides at 2002 Brazos Court stated that Cimarron was deteriorating and not safe. She added that it was a golf course community and not agriculture.

Mr. Ernesto Gonzalez who resides at 410 Sabine Street stated that it was a waste of time for the residents of Cimarron to listen to the same arguments the owner of the golf course had. He added that he requested that they would like for everyone to consider the time vested from the residents and to respect the golf course restrictions.

Mrs. Veronica Flores Vela who resides at 704 Lago Court stated that if the golf course was agriculture was she going to pay agricultural taxes.

Mrs. Della Moreno who resides at 2107 Colorado Street stated that she has lived at Cimarron for 19 years. She mentioned that the person that bought the golf course didn't buy it with the intention of keeping it as a golf course.

Chairman Alberto Salazar entertained a motion to close the public hearing. Mr. Flores moved to close the public hearing. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Mr. De Leon stated that he agreed with the City Attorney Mr. Victor Flores in regards to this case being abated. He mentioned that the board doesn't have jurisdiction in that matter.

There being no further discussion Chairman Alberto Salazar entertained a motion Mr. De Leon moved to deny the order as presented by Mr. Nichols. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.2

TO KEEP 1) A 0' SIDE SETBACK TO THE NORTH; 2) A 3' SIDE SETBACK TO THE SOUTH INSTEAD OF THE REQUIRED 6'; AND 3) TO KEEP A TOTAL OF 1,446.40 SQ.FT. WHERE THE MAXIMUM IS 800

SQ.FT. ALLOWED AT 104 S. NICHOLSON AVENUE, BEING LOT 26, BLOCK 114, SOUTHWEST ADDITION, REQUESTED BY MARCO BETANCOURTH

Ms. Dimas stated that the subject site is located at 100' south of W. 1st Street along the west side of Nicholson Avenue. The lot measures 50' x 150' a total 7,500 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep: 1) a 13'x72' carport on the north side of the property, 2) an 8'x12' storage shed, and 3) and to keep 846.40 sq.ft. over the 800 sq.ft. maximum allowed.

Accessory structures are allowed on R-1 (Single Family Residential) lots, however, they need to meet the following requirements.

d) An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure, 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 area totals less than 2,000 square feet, the accessory structure may be constructed to a maximum size of 800 square feet. It is noted that the total living area for the home is 1,424 sq.ft.

Staff notes that ZBA has approved the following:

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Approval</u>
Lot 9, Block 13	3' side to the north & 5' side to the south	5/20/20

Staff mailed out 33 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Since it's a self-inflicted violation, staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 45 days.

Chairman Alberto Salazar asked if the board had any questions for staff.

Chairman Alberto Salazar asked that if the overhang was all the way to the property line.

Ms. Dimas stated "yes" the overhang is up to the property line.

Mr. Marco Betancourth who resides at 104 S. Nicholson Avenue stated that if he needed to move the storage shed he would. He added that if he would move his poles 6' a car wouldn't fit in his carport.

Ms. Elizondo asked if the shed was on blocks?

Mr. Marco Betancourth stated "yes" that it was on blocks.

Chairman Alberto Salazar entertained a motion to close the public hearing. Ms. Elizondo moved to close the public hearing. Mr. Riddle seconded the motion. Upon a vote, the motion passed unanimously.

First item being discussed 8x12 storage shed.

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

Second item being discussed 13'x72' carport.

Ms. Elizondo asked that if the overhang was hanging over the property line onto the other property.

Ms. Dimas stated "yes".

There being no further discussion Chairman Alberto Salazar entertained a motion Mr. De Leon moved to deny the variance request for the Carport. Ms. Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.3

TO KEEP A 0' GARAGE SETBACK INSTEAD OF THE REQUIRED 30' AND TO ALLOW A 3' SIDE SETBACK INSTEAD OF THE REQUIRED 6', AT 2202 TRUMAN STREET, BEING LOT 7, OLIVAREZ SUBDIVISION NO. 9 FORMERLY SUGARTREE ESTATES, AS REQUESTED BY ISRAEL MENEZ

Ms. Dimas stated that the subject site is located at the end of the cul-de-sac of Truman Avenue and Roosevelt Street. The irregular lot measure a total of 7,182.97 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep: 1) a 20'x27' carport. It is noted that there is a storage shed on the back of the property not meeting the side setback. The owner is willing to move the shed to comply with the setback.

Staff notes that ZBA has approve the following:

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Approval</u>
Lot 9, Block 13	3' side to the north & 5' side to the south	5/20/20

Staff mailed out 15 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Since it's a self-inflicted violation, staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 45 days.

Chairman Alberto Salazar asked if the applicant was present.

Mr. Israel Menez who resides at 2202 Truman Street stated that he built the carport for the cars he owns. He mentioned that when he purchased the home the home was in bad condition.

Chairman Alberto Salazar asked if the board had any questions for the applicant.

Chairman Alberto Salazar asked if the board was considering the structures in the rear of the property.

Ms. Dimas stated that the applicant mentioned that he was willing to move the storage shed to comply with setbacks.

Ms. Elizondo stated that the applicant had an irregular lot.

Mr. Flores stated that his main concern was the side setback.

Mr. Garza asked that if the applicant was using the carport for two cars?

Ms. Dimas stated "yes".

Chairman Alberto Salazar entertained a motion to close the public hearing. Ms. Elizondo moved to close the public hearing. Mr. De Leon seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion Chairman Alberto Salazar entertained a motion Mr. De Leon moved to approve the variance request for the Carport. Mr. Riddle seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.4

TO ALLOW A 10' SIDE SETBACK INSTEAD OF THE 20' SIDE SETBACK AND A 35' REAR SETBACK INSTEAD OF THE REQUIRED 50', AT 2505 SAN LORENZO STREET, BEING LOT 17, SHARYLAND PLANTATION VILLAGE SAN MIGUEL PHASE 8, AS REQUESTED BY RICARDO ACHIRICA

Ms. Dimas stated that the subject site is located at the end of the cul-de-sac of San Lorenzo Street. The irregular lot measures a total 35,134.98 sq.ft.

The applicant would like the Board to consider the above-mentioned variances to allow him to build a pool/guest house. The applicant has already obtained a building permit but noticed that his pool/guest house will be too close to his residence that is why he is requesting a variance to have a bit more separation between the structures

Staff notes that ZBA has considered the following variances in this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lots 23-32, Phase I	30' rear	11/16/05	Approved
Lot 40, Phase II	33.9' rear	11/8/06	Approved
Lot 8, Phase II	45' front	2/6/07	Denied

Staff mailed out 10 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this write up we haven't received any comments in favor or against the request.

RECOMMENDATION: Staff recommends approval. The applicant's proposal will not have a detrimental effect to the surrounding properties.

Chairman Alberto Salazar asked that if the applicant was present.

Mr. Ricardo Achirica was present. He stated that he applied for a variance like everyone in his neighborhood did. He mentioned that he didn't think he needed to leave 50' since his neighbors didn't.

Chairman Alberto Salazar asked if there was anyone in favor or against the variance request.

Mrs. Rosanna Ramirez stated that she was against the request. She added that she was the owner of the vacant lot. She mentioned that every lot had setbacks that needed to be respected.

Chairman Alberto Salazar entertained a motion to close the public hearing. Ms. Elizondo moved to close the public hearing. Mr. Riddle seconded the motion. Upon a vote, the motion passed unanimously.

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

ITEM #1.5

TO KEEP A 0' SIDE SETBACK INSTEAD OF THE REQUIRED 6' AND A 0' REAR SETBACK INSTEAD OF THE REQUIRED 10', AT 117 RIO GRANDE DRIVE, BEING ALL OF LOT 18, BLOCK 9, CIMARRON COUNTRY CLUB PHASE I SECTION II, AS REQUESTED BY JESUS ORDORICA

Ms. Dimas stated that the applicant would like his item to be tabled.

Chairman Alberto Salazar entertained a motion to table the item. Mr. De Leon moved to table the item. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.6

TO KEEP 1) A 3' EAST SIDE SETBACK AND A 2.4' REAR SETBACK FOR A CANOPY/CHIMNEY; 2) A 2.4' WEST SIDE SETBACK AND A 2.4' REAR SETBACK FOR A METAL STORAGE ROOM, AND 3) A 0' REAR SETBACK FOR A TOOL SHED INSTEAD OF THE REQUIRED 6' SIDE SETBACK AND 10' REAR

SETBACK, AT 1905 W. 19TH STREET, BEING LOT 100, SOUTHERN OAK PHASE 2, BEING LOT 100, SOUTHERN OAK PHASE 2, AS REQUESTED BY MARTHA MORENO

Ms. Dimas stated that the subject site is located at the end of the cul-de-sac of W. 19th Street and Tulipan Avenue. The irregular lot measures 43' x 110' or 6,812.72 sq. ft.

The applicant would like to keep the following: 1) a 16' x 16' canopy/chimney, 2) a 16' x 20' metal storage room, and 3) 8' x 10' tool shed. Staff notes that no permits were obtained for any of the structures. The inspectors did place a stop work order during the construction of the canopy/chimney, however the applicant disregarded the stop work order and finished the structure.

The last two encroachments were discovered while visiting the site to take pictures and measurements for the meeting.

Below is a list of the variances approved by ZBA.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Approval</u>
Lot 244, Phase I	17' front setback for a metal carport	8/19/09
Lot 190, Phase III	0' side setback for a carport	2/18/15
Lot 191, Phase III	0' side setback for a carport	2/18/15
Lot 161, Phase II	2' side setback for a carport	11/6/19
Lot 189, Phase III	0' side setback a carport	2/19/20
Lot 25, Phase I	2' side setback for carport	3/15/23

Section 1.371(2) Permitted Uses: (c) of the Mission Code of Ordinances states that: One portable building not more than three percent of the lot's net square footage used for either storage, hobby or other similar uses. Therefore, one storage room will need to be removed from the property.

Staff mailed out 25 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing, staff has not received any calls in favor or against the request

Recommendation: Staff recommends denial. The structures must be modified to comply with the required setbacks and or need to be removed within 45 days.

Chairman Alberto Salazar if the board had questions for staff.

Chairman Alberto Salazar asked that when was the request originally denied.

Ms. Dimas stated that it was denied back in March 2021 and April 2023.

City Attorney Mr. Victor Flores stated that items don't typically get seen as many times as this one. He mentioned that changes had to of been made on the application in order to be seen again. He stated that opposing council was going to present financial hardship and that the lot was irregular.

Mr. Rene Flores who resides at 403 N. Conway Avenue stated that he was representing Mr. Juan Garcia. He mentioned that the application was initially submitted by Martha Moreno who is the owner's wife. He added that this item had been before the board several times. He mentioned that his intent was to introduce evidence regarding the hardship to comply with city codes. He stated that Mr. Garcia and his common law wife had lived there for several years. He stated that Mr. Garcia was the sole provider for the household. He stated that Mr. Garcia had showed interest to comply by moving the palapa but still didn't meet required setbacks. He added that there had been a change in the law to allow the board to look at the evidence and the cost to comply with city requirements. He stated that if it exceeded 50% of the total value of the home then it would fall into total hardship. He added that he would like the board to consider that it was an irregular lot and that Mr. Garcia had moved shed that was against the wall. He also added that the board consider the hardship it would place on Mr. Garcia to comply with city requirements.

Chairman Albert Salazar asked that if the shed was moved.

Mr. Rene Flores stated that the smaller shed was moved.

Ms. Elizondo stated that he had an assessed value of \$179,000. She added that if Mr. Garcia had quotes that totaled 50% of that value.

Mr. Rene Flores stated that he spoke to Mr. Garcia that the board might ask for him to provide quotes.

Ms. Elizondo asked that if the applicant obtained building permits.

Ms. Dimas stated that no building permits were obtained.

Chairman Alberto Salazar asked that what was the reason that the stop work order was ignored.

Mr. Rene Flores stated that he was not involved at the time.

Chairman Alberto Salazar asked that if there was anyone in favor or against the request.

There was none.

Chairman Alberto Salazar entertained a motion to close the public hearing. Ms. Elizondo moved to close the public hearing. Mr. Riddle seconded the motion. Upon a vote, the motion passed unanimously.

City Attorney Mr. Victor Flores stated that financial hardship is based on 50% of the value of structure.

Ms. Dimas stated that the value for the storage was \$1,536, patio \$5,450, and Canopy \$31,010.

Discussion amongst the board on financial hardship.

There being no further discussion Chairman Alberto Salazar entertained a motion Mr. Riddle moved to approve the variances requested based on financial hardship. Mr. De Leon seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.7

TO KEEP 1) A 0' FRONT SETBACK INSTEAD OF THE REQUIRED 20', 2) A 0' SIDE SETBACK INSTEAD OF THE REQUIRED 6', 3) A 2' CORNER SIDE SETBACK INSTEAD OF THE REQUIRED 10', 4) A 4' REAR SETBACK INSTEAD OF THE REQUIRED 10', 5) AND TO ALLOW A TOTAL OF 976 SQ.FT. OVER THE MAXIMUM 800 SQ.FT. ALLOWED, AT 2309 SOLEADO STREET, BEING LOT 1, BLOCK 28, TIERRA DORADA, AS REQUESTED BY RAUL RIOS

Ms. Dimas stated that the subject site is located at the southeast corner of Paseo De La Tranquilidad and Soleado Street. The lot measures 85'x100' for a total 8,500 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep 1) 2 18'x20' carports, 2) a 12'x12' shed, 3) 16.5'x15.5' patio, and 4) and to allow 176 sq.ft. over the total maximum 800 sq.ft. allowed that were built without obtaining the proper permits.

Accessory structures are allowed on R-1 (Single Family Residential) lots, however, they need to meet the following requirements.

d) An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure, 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 area totals less than 2,000 square feet, the accessory structure may be constructed to a maximum size of 800 square feet. It is noted that the total living area for the home is 1,893 sq.ft.

Staff notes that ZBA has seen several variances within the subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 11, Block 11	3' side setback	1/9/01	Denied
Lot 13, Block 16	3' side setback & 4' rear setback	12/12/00	Denied
Lot 10, Block 11	1' side setback & 3.6" rear setback	9/15/21	Denied
Lot 9, Block 19	0' front setback & 0' side setback	12/15/21	Denied
Lot 10, Block 28	2' side setback & 1' rear setback	7/19/23	Approved

Staff mailed out 37 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Since it's a self-inflicted violation, staff recommends denial. Structures need to be modified or removed to comply with the required setbacks.

Chairman Alberto Salazar asked that the board had questions for staff.

Mr. Riddle asked that if the board had approved an item that does not meet code.

Ms. Dimas stated that no building permits were obtained for the structures. She mentioned that the lot behind the one that is being discussed, was the only one ZBA had granted a variance.

Mr. Raul Rios was present he stated that the concrete was built in 1995. He added that his neighbor in the back had the same thing as him.

Mr. Riddle asked that when was the foundation under the red awning built?

Mr. Raul Rios stated that all the foundation was built when the house was built. He added that he was at the meeting for the carport in the front and not the back structures. He mentioned that he got a permit for the front carport but was going to ask the board if the columns could be at least 5' from the house.

Mr. Riddle asked that when was the carport on Paseo De La Tranquilidad built.

Mr. Raul Rios stated that the carport was built in the early 2000.

Chairman Alberto Salazar asked that if Mr. Rios was willing to move the 12x12 shed.

Mr. Raul Rios stated that the shed was on concrete. He added that it was built when the house was built.

Chairman Alberto Salazar that if there was anyone in favor or against the request.

Chairman Alberto Salazar entertained a motion to close the public hearing. Mr. De Leon moved to close the public hearing. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion Chairman Alberto Salazar entertained a motion Mr. Riddle moved to deny the variances requested. Mr. Gonzalez seconded the motion. Upon a vote, the motion passed unanimously.

Chairman Alberto Salazar entertained a motion to un table Item 1.8. Ms. Elizondo moved to un table Mr. Riddle seconded the motion. Upon a vote, the motion passed unanimously.

**TABLED
ITEM #1.8**

TO KEEP A 0' FRONT SETBACK INSTEAD OF THE REQUIRED 15' & A 2' REAR SETBACK INSTEAD OF THE REQUIRED 6' AT 1729 DALOBO BLVD., BEING LOT 146, MISSION PALMS ESTATES EAST, AS REQUEST BY DAVID MUNGUIA

Ms. Dimas stated that the subject site is located approximately 645' east of Laredo Blvd. along the north side of Dalobo Blvd. The lots measures 40' x 80' for a total 3,200 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 14'x20' carport, and an 8'x10' storage shed which were built without obtaining the proper permits. Staff was unable to take pictures and measurements on the storage shed.

Staff notes that ZBA has not considered any variances within this subdivision.

Staff mailed out 38 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends denial. The structures must be modified to comply with the required setbacks or need to be removed within 45 days.

Chairman Albeto Salazar asked that if the board had questions for staff.

Mr. Riddle asked that if the poles met setbacks and what was being considered was the overhang.

Ms. Dimas stated that it was the entire structure.

Mr. David Munguia was present he stated that the inspector mentioned that his poles were right on his property line so he moved them 6 ft. He mentioned that what he wanted to know was that if his structure was ok with the modification that he did.

Chairman Alberto Salazar asked that there was anyone in favor or against the request.

Chairman Alberto Salazar entertained a motion to close the public hearing. Mr. Riddle moved to close the public hearing. Mr. Gonzalez seconded the motion. Upon a vote, the motion passed unanimously.

Mr. De Leon asked that how many carports were in the area.

Ms. Dimas stated that staff had a case on the next-door neighbor.

Ms. Dimas asked the applicant that if he had any medical issues.

Mr. David Munguia stated that he had a heart attack 8 years ago, high blood pressure and cholesterol. He added that the doctor mentioned that excessive heat can provoke another heart attack.

There being no further discussion Chairman Alberto Salazar entertained a motion Mr. Riddle moved to deny the variance for the shed. Mr. Gonzalez seconded the motion. Upon a vote, the motion passed unanimously.

No Action was taken on the 14'x20' carport due to medical reasons.

Chairman Alberto Salazar entertained a motion to un table Item 1.9. Mr. Riddle moved to un table Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

**TABLED
ITEM #1.9**

TO KEEP A 4' REAR SETBACK INSTEAD OF THE REQUIRED 15' AT 3900 EL JARDIN STREET, BEING LOT 36, SHARYLAND PLANTATION VILLAGE LAGO ESCONDIDO PHASE 2, AS REQUESTED BY VICENTE GARZA

Ms. Dimas stated that the subject site is located approximately 470' east of Santa Lorena Street along the north side of El Jardin Street. The irregular lot measures a total 11,603 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep an 11'x9' pergola with an outdoor grill, which were built without obtaining the proper permits. Staff discovered that the swimming pool was remodeled to change the specs and to add a jacuzzi in 2020, no permits were obtained for those changes and now the jacuzzi is encroaching into the rear setback as well. Code Enforcement has tagged several properties for construction without a permit in the Sharyland Plantation area.

Staff notes that ZBA has not considered any variances within this subdivision. Approving this variance will set precedence.

Staff mailed out 26 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Since it's a self-inflicted violation, staff recommends denial. Structure need to be modified or removed to comply with the required setbacks.

Chairman Alberto Salazar asked that if the board had any questions for staff.

Mr. Riddle asked that if there was an exemption on the survey.

Ms. Dimas stated no. She added that the pool and the pergola were encroaching.

Mr. Flores asked that if a utility survey was done.

Ms. Dimas stated that it was provided on their packet.

Mr. Flores asked that if 811 had marked his property?

Ms. Dimas stated that the applicant mentioned that all the utilities are in the front of the property.

Ms. Dimas asked that if the applicant received a report from 811.

Mr. Vicente Garza stated that 811 mentioned that reports were no longer being sent.

Mr. De Leon asked staff that if there were confident that all utility easements were in the front.

Ms. Dimas stated no.

Mr. Vicente Garza was present he stated that if the board could consider his request.

Chairman Alberto Salazar asked that if there was anyone in favor or against the request.

There was none.

Chairman Alberto Salazar entertained a motion to close the public hearing. Mr. Riddle moved to close the public hearing. Mr. De Leon seconded the motion. Upon a vote, the motion passed unanimously.

City Attorney Mr. Victor Flores stated that he reviewed the pictures and it showed that all utility easements are in the front.

There being no further discussion Chairman Alberto Salazar entertained a motion Mr. De Leon moved to approve the variance due to financial hardship and provide 3 quotes. Mr. Gonzalez seconded the motion. Upon a vote, the motion passed unanimously.

Chairman Alberto Salazar entertained a motion to un table Item 2.0 Mr. Riddle moved to un table Mr. De Leon seconded the motion. Upon a vote, the motion passed unanimously.

TABLED

ITEM #2.0

TO KEEP A 10' GARAGE SETBACK INSTEAD OF THE REQUIRED 18' & A 2.6' REAR SETBACK INSTEAD OF THE REQUIRED 15', AT 4003 AZUCENA STREET, BEING LOT 60, COLINAS DEL RIO PH. 2, AS REQUESTED BY ROSALVA SALINAS

Ms. Dimas stated that the subject site is located approximately 70' north of Azalea Street along the west side of Azucena Street. The lots measures 60' x 100' for a total 6,000 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep the following: 1) a 20'x25' carport, 2) a 10'x13' shed, and 3) a 15'x17' gazebo; which were built without obtaining the proper permits.

Staff notes that ZBA has considered the following variances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 19, Phase III	0'Front/5.7' Side	4/21/21	Denied
Lot 59, Phase II	0'Front/3'Side/1'Rear	9/20/23	Approval
Lot 60, Phase II	10' Garage	12/6/23	Tabled

Staff mailed out 35 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Since it's a self-inflicted violation, staff recommends denial. Structure need to be modified or removed to comply with the required setbacks.

Chairman Alberto Salazar asked that if the board had questions for staff.

There was none.

Mrs. Rosalva Salinas was present she stated that the board had asked her to move the storage shed to comply. She added that had been done already. She mentioned that 811 had marked her property for any utilities.

Ms. Dimas stated that the report was in the packet.

Chairman Alberto Salazar asked that who resided at the house.

Mrs. Rosalva Salinas stated that her husband, daughter and her.

Chairman asked that if there was anyone in favor or against the request.

Chairman Alberto Salazar entertained a motion to close the public hearing. Mr. Riddle moved to close the public hearing. Mr. De Leon seconded the motion. Upon a vote, the motion passed unanimously.

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

**SIGN IN ROSTER
PLEASE PRINT**

DATE: FEBRUARY 21, 2024

ZBA MEETING

PRINT NAME	ADDRESS
Patricia Domit ANTUN DOMIT	1004 Rio Grande
Ricardo Altrica D. MATEINEZ	2505 San Lorenzo 1005 CIMARRON DR.
LARRY FAIR Holis Rutledge	122 Rio Grande Dr. 214 Ribbenda Dr.
Carole Tucker Sergio Cantu	811 BIRZOS ST. 1008 Rio Grande DR
Maria Guerra Roberto Davila	2320 Red River Dr. 1205 Cimarron Dr.
Richard Roth Benjamin ABILES	518 Rio Grande Dr. 524 Rio Grande Drive
D. Barber VICENTE GARZA	316 Rio Grande Dr 3900 EL JARDIN MISSION
Victor Manuel SANCHEZ M	1208 CIMARRON DRIVE
Felix Mario Garza Victoria Johnson	1900 Pecos st 112 Rio Belasco
Karen McNamee Israel Menez	2300 Colorado 2202 Truman St Mission
Anabella Ramos	2203 Sabinas St - Mission TX

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**SIGN IN ROSTER
PLEASE PRINT**

DATE: FEBRUARY 21, 2024

ZBA MEETING

PRINT NAME	ADDRESS
Monica E. Vazquez	2203 Sabinal St.
Ruth B. Carter	414 Sabine St.
ONESIMO ROMERO	2117 SABINAL ST.
Delicia Moreno	2107 Colorado St
Jorge Garcia	2107 Colorado
Juan Cruz	1007 Rio Grande Dr.
Rosalinda Cruz	1002 Rio Grande Dr
JOSE ESCOBERO	2114 SABINAL ST
Jaime Gutierrez	4135 San Jacinto
Marco Betancourt	104 S Michson Ave
Paul Rios	2309 Solcado St.
SHARI McTIVER	3807 HERON WAY
LES JOSLIN	3807 HERONS WY
Silvia y Eduardo Barron	2013 Sabinal St.
Adrian Martinez	832 Rio Grande
DAVID MUNGUA	1729 DALOBO MISSION
GREG LOOMER	2016 SABIAL ST MISSION TR
JUANITA LOOMER	" " " "
MELBA KOLFF DEUZ	420 RIO GRANDE DR.

**SIGN IN ROSTER
PLEASE PRINT**

DATE: FEBRUARY 21 2024

ZBA MEETING

PRINT NAME	ADDRESS	
Tsela Freeman	2100 Sabine St	A
Bob Freeman	2100 Sabine St	A
Lila Garcia	415 Rio Grande dr	A
Pilo Garcia	415 Rio Grande dr	A
Teresa Broudo	2324 Red River dr	
Richard Ackland	2318 Red River dr	
Sheila Menendez	903 Colorado Ct	
Christian Menendez	901 Cimarron dr	
Ernesto Gonzalez	410 Sabine st, Mission TX	
Jorge Daniel Gonzalez	410 Sabine st Mission TX	
10 Maria de Lourdes Martinez	1018 Rio Grande Dr. Mission	
JESUS CARRERON PEREZ	110 RIO GRANDE DR. MISSION	
Arturo Flores Calderon	931 Rio Grande Dr. Mission TX	
JESUS E VAZQUEZ	2308 RED RIVER DR MISSION TX	A
Marina E. de Toral	307 Sabine St. Mission TX.	A-
Pablo Tagle Jr	815 Rio Grande Dr Mission TX	
Prof. Bustamante	909 Rio Grande Dr Mission TX	
Prada Elva Villalobos	2004 Brazos Ct, Mission TX	A
Blanca Gonzalez P.	126 San Jacinto St. Mission TX	
Anderson	23 Rio Grande Dr. Mission TX	
Anderson	818 Cimarron Dr. Mission TX	
Rota		

**SIGN IN ROSTER
PLEASE PRINT**

DATE: FEBRUARY 21, 2024

ZBA MEETING

PRINT NAME	ADDRESS
Rafaelo Guerra	1816 Trinity St - Mission.
Viridiana Hernandez	807 Brazos St Mission TX
Nidia Puente de Garza	801 Brazos St Mission TX
Ryoberto Gutierrez	1202 Cimarron dr. Mission TX
Paulina Gutierrez	2128 SABINAL d. Mission tx
Claudio Galindo	2206 COLORADO MISS TX
Juan Garcia	1000 Fno dr Mission
Martin Salinas	804 Rio Grande Dr Mission TX
Normand Gatreau	806 Rio Grande Dr. Mission TX
Mayra I. Gutierrez	804 Rio Grande Dr. Mission TX
J.P. Salinas	804 Rio Grande Dr. Mission TX
Ruth Maldonado	2202 Colorado St Mission TX
Alejandra Baraja	2202 Colorado St Mission TX
Alde Baraja	2202 Colorado St Mission TX
Alan Baraja	2202 Colorado St Mission TX
Ariana Baraja	2202 Colorado St Mission TX
Esperanza Escobar	238 SAN JUAN MISSION
ROBERTO ESCOBAR	2133 SABINAL ST MISSION TX
Daniel Gutierrez	2900 Pecos Blvd. ✓
Beatriz & Tyrina	2001 Brazos Court

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**SIGN IN ROSTER
PLEASE PRINT**

DATE: FEBRUARY 21, 2024

ZBA MEETING

PRINT NAME	ADDRESS	
Jorge Rios	2004 Cimarron Ct.	A
José Peña	112 Rio Grande	A
Rosalva Alina	4013 Azucena St Mission	
Dalia Robinson	1805 Adick Dr Mission	
Mazin Chapa	601 Rio Grande Dr.	A
Hugo Reza	601 Rio Grande Dr.	A
Teresita Benavides	2204 Red River Dr Mission	
Rene A. Benavides	2204 Red River Dr.	
Vanessa Ramirez	1024 Rio Grande Dr	A
Luis Ramirez	1024 Rio Grande Dr	A
Cris	1026 Rio Grande Dr	
Mayra P. Sepulveda	2008 Sabinal	
Francisco Norio	2008 Sabinal	
Hortensia Mascorro	137 San Jacinto St	
Abraham Mascorro	137 San Jacinto St	
Juan Gonzalez	301 Sabine St	
Paulina Gonzalez	301 Sabine St.	
BAR. GARCIA	609 Rio Grande Dr.	
Jana A. Franco	609 Rio Grande Dr.	
Agustin Cuesta	807 Rio Grande Ct	

**SIGN IN ROSTER
PLEASE PRINT**

DATE: FEBRUARY 21, 2024

ZBA MEETING

PRINT NAME	ADDRESS
Mariano Salinas	2203 Red River Dr. Mission TX A
Monica M. Salinas	2203 Red River Dr. Mission TX A
Anna Paula M. Salinas	2203 Red River Dr. Mission TX A
Juan Francisco Ochoa	2210 Red River Dr, Mission TX A
Gloria P. Ochoa	2210 Red River Dr Mission TX A
MARIADSE OCHOA	2210 RED RIVER DR MISSION TX A
Sabrina Lucia Ochoa	2210 Red River dr Mission TX A
Regina Ochoa	2210 Red River dr Mission TX A
Matilde Gutierrez	2002 Bruzos Ct. Mission TX A
Victor Akin	2002 Bruzos Ct Mission TX A
Maria Palomares	2000 Bruzos Ct. Mission TX A
Paloma Magaña	2000 Bruzos Ct Mission TX A
Viktor Akin Gutierrez	2002 Bruzos Ct Mission TX A
Michael S. Trigg & Susan T. Trigg	107 Rio Grande Dr Mission TX 78572
Rene & Keri Gonzalez	2118 Subinal Mission 78572
Herbert & Miriam Smith	2105 Pecos St. Mission 78572 TX
A Heidi Gonzalez	316 Rio Grande Drive, Mission, TX
Genaro & Maria Elizondo	804 Colorado Ct. Mission, TX
Richard & Peggy Ackland	2310 Red River Dr Mission TX
A LUIS MANUEL GONZALEZ	705 RIO GRANDE CT. MISSION TX

**SIGN IN ROSTER
PLEASE PRINT**

DATE: FEBRUARY 21, 2024

ZBA MEETING

PRINT NAME	ADDRESS
CLARA LOPEZ	119 San Jacinto
Donato Lopez	117 San Jacinto
Jose Bernal / Gloria Bernal	104 Sabine Court
Maria Refugio Amaldua	141 San Jacinto
JORGE JABER	220 Rio Grande Dr. Mission
Jorge Jaber	1105 CINARDO Dr. Mission
Nicolas L. Moreno	205 San Sabra
Patrick L. Moreno	205 San Sabra
Patti Gross	205 San Sabra
Nidia Elizondo	723 Brazos Cr
FERNANDO LUNA	411 SABINE MISS
M	

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Redolfo Suarez RGV Parter LLC ~~711~~ 1015 N. Mills Ave. Mission TX

IVonne Garcia ~~711~~ 902 Rio Grande Dr Mission TX

Roger Gonzalez 915 Rio Grande Dr Mission TX

Cristina Zavala 1800 Victoria St Mission TX

SERGIO GARCIA 2123 W SACRAMENTO BLVD

José Luis Zobleta 707 Lago Ct Mission TX

Alma del casuelo & Ruiz 2300 Red River Dr Mission TX

Martina Alvarado 2208 Red River Pk Mission TX

Gloria Ordaz 1001 Balsas (A)

Herbert R Smith 2103 Pecos St.
Miriam Smith

NOXIA PERRA YRUEJAS 1408 Pecos St.

MARCELO DE ARCE 412 FRIO ST.

Rene + Yeri Gonzalez 2115 S. LINDA MISSION

Antonio Ruiz Arizuelo Red River Dr (A)

Patricia Damit 1004 Rio Grande

Antun Damit 1004 Rio Grande

Hazel Morett 2002 Cimarron Ct (A)
Mission, TX 78572

Ana PAEZ Fernandez 2201. Pecos St.

LYRA G FABEGA 803 Colorado Ct (A)

Norma Nidia Garcia 2122 Sabinal st A
Bentley Rodriguez 2204 Colorado St A

Senen Loche 323 Rio Grande Dr A

Yaili Sandoval 310 Rio grande Dr. A

Juan Carlos 72016 Sabinal Mission A

Guillermo 72016 Sabinal Mission A

Silvia Barroa 2013 Sabinal

Jesús Martínez 201 San Jacinto St. A

Maria de los Angeles 1117 Rio Grande

Selina Vela 323 Sabine Against

Chris Lenke 1026 Rio Grande Dr. Against

Charlene Austin 204 Trinity Against A

Julian Zandiga 711 Rio Grande St. A

Juan C. Peperlo 402 Rio Grande A

Daniel H. Acosta 2216 Red River A

MAYELA PARRA 205 Calumet A

VICTOR PARRA 205 Calumet A

JUAN IPARRA 611 Rio Grande A

JAMUEL LOPEZ 1117 Rio Grande H

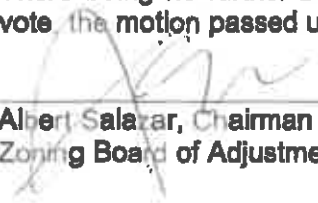
Enrique Lopez	2302 Red River Dr	(A)
Charles + Mary Angeles	Garrett 1908 Trinity	(A)
Raquel G. Austin	1804 Trinit	(A)
Blanca Tejuelo de Vargas	89 Sabana	(A)
Joaquín José María Garza	2308 Red River	(A)
MERCEDES WESTENDAMP	810 BRAZOS	(A)
ENRIQUE CASTRO	810 BRAZOS	(A)
Manuel Soboron	1801 Trinity	(A)

3.0 OTHER BUSINESS

There was none.

4.0 ADJOURNMENT

There being no further business, Mr. Riddle moved to adjourn. Mr. De Leon seconded the motion. Upon a vote, the motion passed unanimously at 7:04 p.m.



Albert Salazar, Chairman
Zoning Board of Adjustments

**SPECIAL ZONING BOARD OF ADJUSTMENTS
APRIL 10, 2024
CITY HALL'S COUNCIL CHAMBERS**

ZBA PRESENT

Alberto Salazar
Dolly Elizondo
Andrew Riddle
Michael De Leon
Humberto Garza

ZBA ABSENT

Eliud Reyna
Marty Gonzalez
Heraclio Flores Jr.

STAFF PRESENT

Susie De Luna
Jessica Munoz
Alex Hernandez

GUESTS PRESENT

Jesus Cardenas
Victoria Cochran
Matthew Cochran
Marco Betancourth
Elizabeth Trevino
Fair Larry
Annette Salinas
Armando Alaniz
Juan Reyes
Jimmy Martinez
Jose Montanez
Jesus Ordorica

CALL TO ORDER

Chairman Mr. Alberto Salazar called the meeting to order at 4:40 p.m.

CITIZENS PARTICIPATION

Chairman Mr. Alberto Salazar 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 FEBRUARY 21, 2024

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

ITEM #1.1

DISCUSSION AND ACTION TO AMEND ZONING BOARD OF ADJUSTMENTS BYLAWS

Ms. Susie De Luna stated a directive was given to staff to review the bylaws for all the Boards in an effort to make any necessary changes. In the Zoning Board of Adjustment bylaws staff proposes the changes below:

ARTICLE V

Voting

- D. A Zoning Board of Adjustment member shall only abstain from voting if he/she has a vested interest in a particular proposal before the Zoning Board of Adjustment and shall sign an affidavit to the conflict (see attached Exhibit A). Should there not be sufficient cause for abstention, the Zoning Board of Adjustment shall vote.

Purpose of this amendment is to update city forms for all boards.

ARTICLE VI

Meeting

- A. ~~Regular meetings shall be on the third (3rd) Wednesday of each month at 4:30 p.m. at the City Hall's Council Chambers, 900 Doherty.~~

~~Regular meetings shall be held once a month at 4:30 p.m. at the City Hall's Council Chambers, 1201 E. 8th Street, Mission, Texas 78572~~

Purpose of this amendment is to not overlap meetings on the same day & times

ARTICLE VIII

Staff Support

- B. ~~Administrative and clerical support for the Zoning Board of Adjustment shall be provided by the City's Community Development and Planning Department which shall keep any and all records pertaining to business undertaken by the Zoning Board of Adjustment.~~

Purpose of this amendment – the Planning Department is the only department that handles and keeps all records pertaining to business undertaken by the ZBA Board.

Chairman Mr. Alberto Salazar asked that if there was anyone in favor or against.

There was none.

There being no discussion further discussion Chairman Mr. Alberto Salazar entertained a motion Ms. Dolly Ellzondo moved to approve the Zoning Board of Adjustment bylaws. Mr. Michael De Leon seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.2

TO ALLOW AN 18' GARAGE SETBACK INSTEAD OF THE PLAT REQUIRED 25' FRONT SETBACK AT 1002 LAGUNA ROAD, BEING LOT 77, LAGUNA OAKS PH. II, AS REQUESTED BY HUMBERTO A. GARCIA

Ms. Susie De Luna stated that the subject site is located approximately 670' south of Hole 9 Street along the west side of La Laguna Road. The irregular lot measures a total 6,322 sq. ft.

The applicant desires to build a residence with an 18' garage setback in order to accommodate more space on the rear of the property. This is a new subdivision that was recorded on June 20, 2023, which includes a plat note indicating the front setback should be 25'.

Staff notes that ZBA has not approve any variances within the subdivision.

Staff mailed out 31 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request. Staff notes that if a variance is approved it would set precedence.

RECOMMENDATION: Staff recommends denial. Building plans can be modified to comply with the required setbacks.

Chairman Mr. Alberto Salazar asked if the applicant is present

There was no answer.

Chairman Mr. Alberto Salazar asked that if there was anyone in favor or against this variance.

There was none.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Ms. Dolly Elizondo moved to deny the variance request. Chairman Mr. Alberto Salazar seconded the motion. Upon a vote, motion falls. There is 3 in favor for the denial 1 against Mr. Andrew Riddle was against the denial.

ITEM #1.3

TO ALLOW A 10' FRONT SETBACK & A 18' GARAGE SETBACK INSTEAD OF THE PLAT REQUIRED 25' FRONT SETBACK, AT 1004 LAGUNA ROAD, BEING LOT 76, LAGUNA OAKS PH. II SUBDIVISION, AS REQUESTED HUMBERTO A. GARCIA

Ms. Susie De Luna stated that the subject site is located approximately 670' south of Hole 9 Street along the west La Laguna Road. The irregular lot measures a total 6,194 sq. ft.

The applicant desires to build a residence with a 10' front setback to the house and an 18' garage setback in order to accommodate more space on the rear of the property. This is a new subdivision that was recorded on June 20, 2023, which includes a plat note indicating the front setback should be 25'.

Staff notes that ZBA has not approve any variances within the subdivision.

Staff mailed out 29 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request. Staff notes that if a variance is approved it would set precedence.

RECOMMENDATION: Staff recommends denial. Building plans can be modified to comply with the required setbacks.

Chairman Mr. Alberto Salazar asked if there was any questions for staff?

There was none.

Chairman Mr. Alberto Salazar asked if the applicant was present?

There was no answer.

Chairman Mr. Alberto Salazar entertained a motion to close the public hearing. Ms. Dolly Elizondo moved to close the public hearing. Mr. Michael De Leon seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Ms. Dolly Elizondo moved to deny the variance request. Mr. Humberto Garza seconded the motion. Upon a vote, the motion falls. 3 in favor and 1 against Mr. Andrew Riddle was against the denial.

ITEM#1.4

TO ALLOW A 25' FRONT SETBACK INSTEAD OF THE REQUIRED 35' FRONT SETBACK AT 521 E. MILE 2 ROAD, BEING THE E100'-W880'-S143' OUT OF LOT 29-8, WEST ADDITION TO SHARYLAND, AS REQUESTED BY JUAN R. REYES

Ms. Susie De Luna stated that the subject site located approximately 410' west of Mayberry Road along the north side of E. Mile 2 Road. The lot measures a total 12,196.80 sq. ft.

The applicant desires to build a residence with a 25' front setback to the house. Staff notes that this was a piece of acreage that was left out of the Patriot Estates Subdivision.

Section 1.59 (2) (d) (1) states: Front yard setbacks for all uses shall be increased as follows when lots front on streets other than minor residential streets: (2) Minor arterial streets: 35-foot front yard setback.

Staff notes that the normal requirement for R-1 is 20' and the applicant is proposing to leave 25'.

Staff mailed out 14 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this write up we haven't received any comments in favor or against the request.

RECOMMENDATION: Staff recommends approval.

Chairman Mr. Alberto Salazar asked if there was any questions for staff?

Ms. Dolly Elizondo asked if this was metes and bounds outside of a recorded subdivision?

Ms. Susie De Luna stated yes, they had applied for a homestead exemption variance which was granted. The only problem now is the different setback. The minimum requirements should be 35' also, this is the only property left outside of the subdivision.

Ms. Dolly Elizondo stated it was unique.

Ms. Susie De Luna stated that the property didn't belong to the same owner that was why it was left out.

Chairman Mr. Alberto Salazar stated that there was a mobile house for a while on the property.

Chairman Mr. Alberto Salazar asked if the applicant was present?

Mr. Juan R. Reyes was present. Mr. Reyes stated his name and address 521 E. 2 Mile Road. He is wanting an opportunity to build been trying to build since October 2023 Mr. Reyes is wanting the 25' instead of the required 35' stating that he would give the 20' additional R.O.W so the total is 45' so the house is going to be too pushed back with the 35' then 25' would just fit enough for 10' in the front & rear setbacks.

Chairman Mr. Alberto Salazar asked if anybody was in favor or against?

There was none.

Chairman Mr. Alberto Salazar entertained a motion to close the public hearing. Ms. Dolly Elizondo moved to close the public hearing. Mr. Michael De Leon seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Ms. Dolly Elizondo moved to approve the variance request as per staff recommendation. Mr. Michael De Leon seconded the motion. Upon a vote, the motion passed unanimously.

ITEM# 1.5

TO ALLOW A 3' SIDE SETBACK INSTEAD OF REQUIRED 6' AT 104 S. NICHOLSON AVENUE, BEING LOT 26, BLOCK 14, SOUTHWEST ADDITION, AS REQUESTED BY MARCO BETANCOURTH

Ms. Susie De Luna stated that the item was previously seen on February 21, 2024 in order to keep a 1) 0' side setback to the north; 2) a 3' side setback to the south instead of the required 6'; and a 3) to keep a total of 1,446.40 sq. ft. where the maximum is 800 sq. ft and it was denied. The applicant is now proposing to remove the storage room in order to comply with the south side setback and also relocate the poles on the carport on the north side to 3'. He also is wanting to modify the structures in order to comply with the maximum square footage allowed.

The subject site is located 100' south of W. 1st Street along the west side of Nicholson Avenue. The lot measures 50' x 150' a total 7,500 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep: 1) a 13'x72' carport on the north side of the property, 2) an 8'x12' storage shed, and 3) and to keep 646.40 sq. ft. over the 800 sq. ft. maximum allowed.

Accessory structures are allowed on R-1 (Single Family Residential) lots, however, they need to meet the following requirements.

d) An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure, 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 area totals less than 2,000 square feet, the accessory structure may be constructed to a maximum size of 800 square feet. It is noted that the total living area for the home is 1,424 sq. ft.

Staff notes that ZBA has approve the following:

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Approval</u>
Lot 9, Block 13	3' side to the north & 5' side to the south	5/20/20

Staff mailed out 33 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Since it's a self-inflicted violation, staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 45 days.

Chairman Mr. Alberto Salazar asked if there was any questions for staff?

There was none.

Chairman Mr. Alberto Salazar asked if the applicant was present?

Mr. Marco Betancourth stated he lives at 104 S. Nicholson Avenue. He is asking for 3' so he can be able to put a car inside so it wouldn't be so tight. He stated that it's all metal there aren't electricity no fire hazards that its just a metal building wanting to see if it'll be approve. Mr. Betancourth stated he had been at the last ZBA meeting back in February stating he had asked for a setback of 0' but he was denied so he is wanting to see if he'll be approved for 3' setback.

Chairman Mr. Alberto Salazar asked is anybody was in favor or against?

There was none.

Chairman Mr. Alberto Salazar entertained a motion to close the public hearing. Ms. Dolly Elizondo moved to close the public hearing. Mr. Michael De Leon seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Andrew Riddle asked if this is the only carport on the property. that the applicant is willing to modify the structure.

Ms. Dolly Elizondo states the issue with the carport is in the future a different owner could add walls and electricity and he is already over the home square feet by 580' square feet.

Chairman Mr. Alberto Salazar stated that they denied the 0' side setback in the ZBA meeting in February.

Mr. Macro Betancourth states why the board can't approve it if he is only going to move the pole 3' side setback.

Chairman Mr. Alberto Salazar states the board can't govern what the applicant builds on the property. The board members can vote on what the applicant can construct on the property, but after that the board can't go and say

Mr. Michael De Leon states there is a possibility that the applicant may want to build it in the future.

Mr. Marco Betancourth asked if there is a different permit and that would allow him to move it 3' so he can fit his car because if he was to move it 6' the pole would be in the middle of his driveway. He states that if he can keep the pole and cut the roof so the pole isn't blocking the entrance of his vehicle.

Chairman Mr. Alberto Salazar mentioned to Mr. Marco Betancourth that the board is going to start voting the variance.

Mr. Andrew Riddle states nobody had discussed guidelines and regulations etc.

Ms. Dolly Elizondo states there was a variance request in June 2020 for a 3' side.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Humberto Garza moved to approve the variance request. Mr. Michael De Leon seconded the motion. Upon a vote, the motion passed unanimously.

ITEM# 1.6

TO KEEP A 2' SIDE SETBACK INSTEAD OF THE REQUIRED 6' SIDE SETBACK AT 1231 E. 1ST STREET, BEING LOT 14, BLOCK 4, SOUTH BRYAN RIDGE AS REQUESTED BY JIMMY MARTINEZ

Ms. Susie De Luna stated that the subject site located approximately 124' west of Pecan Avenue along the north side of E. 1st Street. The lot measures 55'x130' for a total 7,150 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 15'x24' carport that was built without a permit. The applicant did express that the reason why he built the carport was to protect his vehicle from weather adversity.

Staff notes that ZBA has considered the following variances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 6, Block 6, Phase I	0' side / 14' front	3/15/15	Approval
Lots 13 & 14, Block Phase II	7,3' front / 3.3' side	10/19/22	Denial
Lot 16, Block 7, Phase II	0' front / 0' corner 3' rear/ max 1,472 sq. ft.	8/13/23	Denial

Staff mailed out 33 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Since it's a self-inflicted violation, staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 45 days.

Chairman Mr. Alberto Salazar asked if there was any questions for staff?

There was none.

Chairman Mr. Alberto Salazar asked if the applicant was present?

Mr. Jimmy Martinez lives at 1231 E. 1st Street. He states he didn't know of the setback. He stated the driveway was existing and there he just wanted to cover his vehicle from the weather.

Chairman Mr. Alberto Salazar asked is anybody was In favor or against?

There was none.

Chairman Mr. Alberto Salazar entertained a motion to close the public hearing. Ms. Dolly Elizondo moved to close the public hearing. Mr. Andrew Riddle seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Dolly Elizondo asked if the lot is a little bit slanted so the rain runs into the next lot and stated the same board denied request in august 2023 and in 2022.

Mr. Andrew Riddle asked a question to staff if the pervious attorney mentioned to board if they approved the foot print it would allow them to build or in close the structure however they would have still had to apply for a building permit and be approved for the new improvements of the property.

Ms. Susie De Luna states yes that's correct. we would have to approve it if the board was to approve the variance request. Staff would have to approve the building permit because the board would approve the variance request. Ms. Susie De Luna states the board is not approving the carport the board is approving the 2' instead of the required 6'.

Chairman Mr. Alberto Salazar states the applicant is 4' away to be complying that he sees room on the lot to move the carport.

Ms. Dolly Elizondo states that the carport is sloped to put water in the next lot.

Mr. Jimmy Martinez states he had the board on the inside.

Mr. Humberto Garza asked applicant of its possible relocation closer to the house.

Mr. Jimmy Martinez responded that the 3' or 4' the door will probably hit the carport also it would be in the middle of the driveway so he'll have to add cement. If were to move it the other way there is a tree on the other side. Since the driveway was already there he just built a carport.

Mr. Andrew Riddle stated the applicant doesn't meet setbacks or requirements.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Humberto Garza moved to deny the varlance request as per staff recommendation. Mr. Andrew Riddle seconded the motion. Upon a vote, the motion passed unanimously.

ITEM# 1.7

TO KEEP A 2' REAR SETBACK INSTEAD OF THE REQUIRED 10' REAR SETBACK AT 2102 TURTLE LANE, BEING LOT 2, SPRINGFIELD PH. 3, AS REQUESTED BY MATTHEW COCHRAN

Ms. Susle De Luna stated that the subject site located approximately 80' east of Lawndale Road along the south side of Turtle Lane. The lot measures 68'x102.50' for a total 6,970 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep an 8'x14' shed that was constructed without a permit. This violation was discovered by Code Enforcement Division while following up on a complaint in the area.

Staff notes that ZBA has considered the following varlances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 20, Block 2, Com.	0' corner	9/12/00	Approval
Lot 74, Phase III	15' rear	4/19/06	Approval
Lot 16, Block 1, Com.	5' corner	9/20/06	Approval

Staff mailed out 28 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Since it's a self-inflicted violation, staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 45 days.

Chairman Mr. Alberto Salazar asked any questions for staff?

Ms. Dolly Elizondo stated that it appears on cinderblocks.

Chairman Mr. Alberto Salazar asked if the applicant was present?

Mr. Matthew Cochran lives at 2102 Turtle Lane. He states when they first original did the shed didn't know they need a building permit. Since it is a removable structure wouldn't need a permit as to why we had it built. Previously he had a shed in the exact same location just a smaller shed. Most of all of the neighbors are either the same setback or are on the fence same style of structures. He states he provided a letter and signatures for the board stating they are fine with structure.

Ms. Dolly Elizondo asks if he had turned the paper work to the staff.

Mr. Matthew Cochran states he has not given the papers to staff but he can give it to them.

Ms. Dolly Elizondo states we would have to verify signatures.

Mr. Humberto Garza asked staff if we have questioned the neighbors that have building structures on the utility easement.

Ms. Susie De Luna states that there is a lot of cases on the neighborhood.

Mr. Matthew Cochran states he knows the utility easement runs through there and if whatever reason it needs to be move it would be on his own expense so that way they can access those utilities.

Mr. Andrew Riddle asked if we are still draw up harmless agreements.

Chairman Mr. Alberto Salazar stated no.

Chairman Mr. Alberto Salazar asked if it was built on site?

Mr. Matthew Cochran states yes it was built on site.

Chairman Mr. Alberto Salazar asked if that is utility easement?

Staff responded yes, it is utility easement.

Chairman Mr. Alberto Salazar stated that he can't see there is room since the applicant has a 15' easement to the back of the house. He states that the shed is much too wide.

Mr. Humberto Garza stated he is wondering how many sheds on the utility easement were in the subdivision.

Ms. Susie De Luna states they can table the item till next ZBA meeting so they can gather more information for the board.

Mr. Humberto Garza responded he wouldn't want to deny the item just because he is on a utility easement, while others been approved because the structure been there longer. He states that they deserve to be given the opportunity to present the variance request.

Ms. Dolly Elizondo states she was going to suggest to table the item because the signatures he presented need to be verified.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Ms. Dolly Elizondo moved to table the variance request. Mr. Michael De Leon seconded the motion. Upon a vote, the motion passed unanimously.

ITEM# 1.8

TO KEEP A 3.5' SIDE SETBACK INSTEAD OF THE REQUIRED 6' SIDE SETBACK AND A 3' REAR SETBACK INSTEAD OF REQUIRED 15' REAR SETBACK AT 4102 SAN CLEMENTE, BEING LOT 46, SHARYLAND PLANTATION VILLAGE LAGO ESCONDIDO, PH. 1, AS REQUESTED BY ELIZABETH BATTEN

Ms. Susie De Luna stated that the subject site located on the southwest corner of San Clemente Street and San Efrain Street. —see vicinity map. The irregular lot measures a total of 11,576 sq. ft.

The applicant would like to keep a 15'x16' pergola that was built without a permit. This violation was discovered by the Code Enforcement Division while doing a sweep on the Sharyland Plantation area.

Staff notes that ZBA has considered the following variances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 8, Phase II	22.8' front	9/15/04	Approval
Lot 7, Phase II	5.10' rear corner clip/ 10.6' rear	9/15/21	Approval
Lot 36, Phase II	4' rear	2/21/24	Approval

Staff mailed out 21 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing, staff has not received any calls in favor or against the request

RECOMMENDATION: Since it's a self-inflicted violation, staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 45 days.

Chairman Mr. Alberto Salazar asked if their sending it to HOA first?

Ms. Susie De Luna states that they submitted to HOA. She stated they tried to verify but nothing was submitted to them.

Chairman Mr. Alberto Salazar states that they talked about sending it to HOA before sending it to the Board members. Chairman Alberto Salazar asks if it already acted?

Ms. Susie De Luna states they had sent it to HOA for the variance but they didn't send anything back.

Chairman Mr. Alberto Salazar asked if the applicant was present?

Ms. Elizabeth Batten lives at 4102 San Clemente. Ms. Elizabeth Batten stated she has letters from her neighbors stating they are having no issue with her pergola. She also states that she has an 811-letter request done already. Ms. Batten then proceeds with giving a personal letter to board members due to privacy. She states that she built the pergola 3 months into covid she wasn't aware about needing a building permit.

Chairman Mr. Alberto Salazar asked staff if they are having a medical board?

Ms. Susie De Luna states she just received the form from the attorney about the guidelines that are required and it's going to start in the beginning of May for the medical assistant.

Chairman Mr. Alberto Salazar states since it is close should they table the variance request so it can go through to medical board.

Ms. Dolly Ellzondo asked if there is a medical issue?

Ms. Susie De Luna states she suggests to take no action so that they don't have to put it again and do it all over again and they can just send it towards the medical board.

Ms. Susie De Luna explains to Ms. Elizabeth Batten that the board members will be taking no action and that it will be special accommodation but they'll be needing copies of the letters she has present to the board.

There being no further discussion, Chairman Mr. Alberto Salazar states they'll take no action.

ITEM# 1.9

TO KEEP A 2' CORNER SIDE SETBACK INSTEAD OF 10' CORNER SIDE SETBACK; A 1' SIDE SETBACK INSTEAD OF 6' SIDE SETBACK; AND A 1' REAR SETBACK INSTEAD OF 10' REAR SETBACK AT 124 MINA DE ORO, BEING LOT 1, BLOCK 7, TIERRA DORADA, SECTION II, AS REQUESTED BY ARMANDO ALANIZ

Ms. Susie De Luna stated that the subject site located at the southeast corner of Tierra Dorada Boulevard and Mina De Oro Street. The lot measures 70'x100' for a total 7,000 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep 1) a 7'x41' carport, 2) a 13'x21' carport, and 3) a 7'x7' shed that were built without obtaining the proper permits. These violations were discovered by Code Enforcement Division while doing a sweep in the area.

Staff notes that ZBA has seen several variances within the subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 19, Block 6, Phase II	0' front /1.5' side	12/6/23	Approval on side Tabled on front
Lot 10, Block 21, Phase II	3' front/7' rear	7/19/23	Approval
Lot 10, Block 7, Phase II	1' side/9' rear & 1,075 max.1/17/24 sq. ft.		Approval on rear Denial on side & sq. ft.

Staff mailed out 40 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Since it's a self-inflicted violation, staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 45 days.

Chairman Mr. Alberto Salazar asked any questions for staff?

Mr. Andrew Riddle asked if the lot right behind it. was an independent lot?

Ms. Susie De Luna states yes, it's one lot by itself.

Chairman Mr. Alberto Salazar asked if the applicant was present?

Mr. Armando Alaniz lives at 124 Mina De Oro. Mr. Armando Alaniz stated he did a carport more for shade for his grandkids to play around at. He stated added the bar at first but later decided to add lights. He stated that he did around a 3' setback instead of the 10' setback. He stated he thought as long as the roof is on his side of the property and the water falls on his side of the lot he thought it was okay since his neighbor didn't have an

issue with it. He states the constructor said he could since he wasn't going to do any lighting or electricity. Mr. Alaniz stated the constructor he can do it since it just the structure. It was built around 8 years ago.

Chairman Mr. Alberto Salazar asked how much did it cost?

Mr. Armando Alaniz states the carport and the hallway cost about \$8,000 - \$9,000. He states he got a 12,000 loan to build them.

Ms. Dolly Elizondo asked if there is a utility easement?

Chairman Mr. Alberto Salazar answered yes.

Chairman Mr. Alberto Salazar states there are 3 violations on the property which is the shed, side and rear setbacks.

Mr. Andrew Riddle believes the shed could be moved.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Andrew Riddle moved to deny the variance request for the 7 X 7 shed in the rear setback. Mr. Michael De Leon seconded the motion. Upon a vote, the motion passed unanimously.

The board members believe that it's a financial hardship on the side and rear setback on the carport.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Andrew Riddle moved to approve the variance request for the side and rear setback. Mr. Michael De Leon seconded the motion. Upon a vote, the motion passed unanimously.

ITEM# 2.0

TO KEEP A 0' SIDE SETBACK INSTEAD OF THE REQUIRED 6' SIDE SETBACK; A 0' REAR SETBACK INSTEAD OF 10' REAR SETBACK AND TO ALLOW A TOTAL OF 1,053 SQ. FT. INSTEAD OF THE MAXIMUM 800 SQ. FT. ALLOWED AT 1514 MAGDALENA AVE., BEING LOT 78, ALA BLANCA NORTE UT NO. 1, AS REQUESTED BY GREGORIO GONZALEZ

Ms. Susie De Luna stated that the subject site located approximately 70' south of Tencha Street along the east side of Magdalena Avenue. The lot measures 60'x120' for a total 7,200 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep the following: 1) a 20'x25' carport/shed, 2) a 13'x10' carport, 3) a 15'x18' carport, 4) a 9'x17' carport, 5) a 11'x13' shed, and 6) to keep 253 sq. ft. over the 800 sq. ft. maximum allowed. These violations were discovered by Code Enforcement while doing a sweep in the area.

Accessory structures are allowed on R-1 (Single Family Residential) lots, however, they need to meet the following requirements.

d) An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure, 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 area totals less than 2,000 square feet, the accessory structure may be constructed to a maximum size of 800 square feet. It is noted that the total living area for the home is 1,727 sq. ft.

Staff notes that ZBA has seen several variances within the subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 36, Phase 1	5' side	5/21/03	Denied
Lot 9, Phase 1	40' front	5/15/13	Approval

Lot 73, Phase 1	6.3' rear	3/17/21	Approval
Lots 3 & 4, Phase 1	4.9' rear	6/21/23	Approval

Staff mailed out 35 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Since it's a self-inflicted violation, staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 45 days.

Chairman Mr. Alberto Salazar asked any questions for staff?

There was none.

Chairman Mr. Alberto Salazar asked if the applicant was present?

Mr. Gregorio Gonzalez stated he lives at 1514 Magdalena Avenue. Mr. Gregorio Gonzalez asked if he can speak Spanish.

Chairman Mr. Alberto Salazar responded yes, he can.

Mr. Gregorio Gonzalez stated he is the owner.

Chairman Mr. Alberto Salazar asked when was the house, carports and shed constructed?

Mr. Gregorio Gonzalez stated the house was constructed in 1996. Mr. Gonzalez stated as the years went by he had built his fence first then he did the small carport to park his vehicles. He stated built the big carport in 2003 for his work vans.

Chairman Mr. Alberto Salazar asked Mr. Gregorio Gonzalez which is the most recent one?

Mr. Gregorio Gonzalez stated the most recent one is the one that looks new which was back in December when he had built it. He stated when it would rain they would get wet from the rain. Mr. Gonzalez stated he had put 6 metal sheets of the carport to protect them from the rain.

Chairman Mr. Alberto Salazar states there is a lot going on the property.

Ms. Dolly Elizondo states there is 3 carports and a shed.

Mr. Andrew Riddle asked staff if the structure were to fall, where does the liability fall? He states there is a questionable span.

Ms. Susie De Luna states if they do approve it. One it was not inspected there is no permits; so they don't know right now if the carports are structurally sound or not because there are no permit. Unless you want a 3rd party inspector and get inspected as a requirement if you are considering that route.

Mr. Andrew Riddle stated he was curious where the liability would fall. If they were to approve it as is and if something were to happen.

Ms. Susie De Luna states he does not have the answer for that it would be the legal department to answer that question. Unless they were to approve it and they would have some sort of document signing off that the structure since there was no inspections.

Mr. Andrew Riddle stated it would need to meet local codes and etc.

Ms. Dolly Elizondo asked since the home is 1,727 sq. ft. 40% of that 690 sq. ft. that is what is allowed for him to build 690 sq. ft. only and what is the total he has now?

Ms. Susie De Luna stated that he has 1,053 sq. ft.

Chairman Mr. Alberto Salazar entertained a motion to close the public hearing. Ms. Dolly Elizondo moved to close the public hearing. Mr. Michael De Leon seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Ms. Dolly Elizondo moved to deny the variance request. Mr. Humberto Garza seconded the motion. Upon a vote, the motion passed unanimously.

ITEM# 2.1

TO KEEP A 4.5' FRONT SETBACK INSTEAD OF THE REQUIRED 20' FRONT SETBACK AND A 0' SIDE SETBACK INSTEAD OF THE REQUIRED 6' SIDE SETBACK AT 3538 GARZA STREET, BEING LOTS 27-28, BLOCK 5, MADERO TEX TOWNSITE, AS REQUESTED BY VICTOR RAYGOSA

Ms. Susie De Luna stated that the subject site located approximately 107' south of Los Indios Road along the west side of Garza Street. The lots measures 50' x 100' for a total 5,000 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 20'x18' carport which was built without obtaining the proper permits. This violation was discovered by Code Enforcement Division while doing a sweep in the area. Staff notes that the house is also encroaching into the side setback. Madero was annexed into the City of Mission on November 22, 1998.

Staff notes that ZBA has not considered any variances within this subdivision.

Staff mailed out 35 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Since it's a self-inflicted violation, staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 45 days.

Chairman Mr. Alberto Salazar asked any questions for staff?

There was none.

Chairman Mr. Alberto Salazar asked if the applicant was present?

The applicant was not present.

Chairman Mr. Alberto Salazar asked if anybody was in favor or against?

Chairman Mr. Alberto Salazar entertained a motion to close the public hearing. Ms. Dolly Elizondo moved to close the public hearing. Mr. Andrew Riddle seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Dolly Elizondo asked staff if they had notified the applicant for the meeting?

Staff responded that they had notify and left a voicemail to applicant but the applicant never responded back.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Humberto Garza moved to deny the variance request. Ms. Dolly Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

ITEM# 2.2

TO KEEP A 3' REAR SETBACK INSTEAD OF THE REQUIRED 10' REAR SETBACK AT 1915 W. 27TH STREET, BEING LOT 8, INSPIRATION HEIGHTS, AS REQUESTED BY ANNETTE SALINAS

Ms. Susie De Luna stated that the subject site is located at the end of the cul-de-sac of Tulipan Avenue and W. 27th Street. The Irregular lot measures a total 6,416.06 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep an 8'x19' patio which was built without obtaining the proper permit. This violation was discovered by Code Enforcement Division while doing a sweep in the area.

Staff notes that ZBA has not considered any variances within this subdivision.

Staff mailed out 30 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request. Staff notes that if a variance is approved it would set precedence.

RECOMMENDATION: Since it's a self-inflicted violation, staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 45 days.

Chairman Mr. Alberto Salazar asked if there were any questions for staff?

Mr. Andrew Riddle asked where was the utility easement located on the property?

Ms. Susie De Luna responded that the utility easement runs through the front of the property.

Chairman Mr. Alberto Salazar asked if the applicant was present?

Ms. Annette Salinas from 1915 W. 27th Street was present,

Chairman Mr. Alberto Salazar asked Ms. Salinas if she hired a contractor?

Ms. Annette Salinas states it was sub contacted it was built 3 years ago when she built her house. She stated that she didn't know about setbacks; she didn't think it was bothering anybody because it was on her property behind her fence. She stated that there is a 5' easement to the next subdivision so believes its not going to bother anybody that is going to build behind her. She states she built it for her window because of the heat during the summer. She states its stable its not rotting and that its not bothering anybody.

Mr. Humberto Garza asked the applicant if she owned lot 177?

Ms. Annette Salinas responded that she own lot 8.

Ms. Susie De Luna states that there are several lots that the board members are considering.

Chairman Mr. Alberto Salazar asked if anybody was in favor or against?

Ms. Annette Salinas states that her neighbor is in the meeting which she is sitting next to. She is the neighbor on the right of her property she states she doesn't have a neighbor on her left side.

Chairman Mr. Alberto Salazar asked if there were any questions for the applicant?

There was none.

Chairman Mr. Alberto Salazar states he is looking at the criteria for granting variances one of them is unique property.

Mr. Andrew Riddle states he was going to say that he likes the shape of the lot.

Mr. Michael De Leon agrees with Mr. Andrew Riddle and Chairman Mr. Alberto Salazar

Chairman Mr. Alberto Salazar entertained a motion to close the public hearing. Ms. Dolly Elizondo moved to close the public hearing. Mr. Michael De Leon seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Andrew Riddle moved to approve the variance the lot being irregular. Ms. Dolly Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

Chairman Mr. Alberto Salazar amend the sole of the foot print of the patio the amendment passed unanimously.

ITEM# 2.3

TO KEEP A 5' REAR SETBACK INSTEAD OF THE REQUIRED 10' REAR SETBACK AT 1913 W. 27TH STREET, BEING LOT 7, INSPIRATION HEIGHTS, AS REQUESTED JOSE SAUL MONTAÑEZ

Ms. Susie De Luna stated that the subject site is located approximately 50' east of Tulipan Avenue along the south side of W. 27th Street. The irregular lot measures a total 6,793.60 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 9'x13' patio which was built without obtaining the proper permit. This violation was discovered by Code Enforcement Division while doing a sweep in the area.

Staff notes that ZBA has not considered any variances within this subdivision.

Staff mailed out 33 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request. Staff notes that if a variance is approved it would set precedence.

RECOMMENDATION: Since it's a self-inflicted violation, staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 45 days.

Chairman Mr. Alberto Salazar asked if there were any questions for staff?

There was none.

Chairman Mr. Alberto Salazar asked if the applicant was present?

Mr. Jose Saul Montanez 1913 W. 27th Street stated that when he built the canopy they had called city hall to see if they needed a permit. Mr. Montanez states he was not aware of setbacks. He states he only has 16' in his backyard the only reason there is drain that runs through his lot which is why that made him reduce his lot which made him setback his house when it was first getting built.

Ms. Dolly Elizondo asked there is a drain?

Mr. Jose Saul Montanez states there are street drains.

Ms. Dolly Elizondo responds yes, she saw what he meant.

Mr. Jose Saul Montanez states there is cement piping and they didn't want him to build anything on top of it just in case they had to fix it.

Ms. Dolly Elizondo asked if his lot slope down and so he built the house up?

Mr. Jose Saul Montanez responded yes.

Mr. Michael De Leon asked Mr. Jose Saul Montanez how much did the structure cost him to build?

Mr. Jose Saul Montanez states the canopy cost him around \$2,000. He states it was already pre-cut that they just had to build it on their own.

Chairman Mr. Alberto Salazar asked if there were any more questions for applicant?

There was none.

Chairman Mr. Alberto Salazar states to Ms. Susie De Luna that the applicant mentioned before about an easement. he asked if it would be a drainage easement?

Ms. Susie De Luna stated utility easement was on the front but that is the only utility easement that is shown on the plat. Unless something was recorded they don't have anything recorded of a drainage easement that Mr. Jose Saul Montanez is talking about. Ms. Susie De Luna states it does show a utility easement but they all run in the front.

Ms. Dolly Elizondo states the developer did that to ease the water drainage.

Mr. Andrew Riddle states its located on the rear or the side.

Mr. Jose Saul Montanez states the drainage is located on the side and it runs to the front drains.

Mr. Humberto Garza asked what is the Subdivision?

Ms. Susie De Luna states the subdivision name is Inspiration Heights.

Chairman Mr. Alberto Salazar asked Ms. Susie De Luna if there is no easement would it be 5' what would be the reason?

Ms. Susie De Luna states if there is no easement they allow an accessory structure at 4' from the property line. They need to make a 12' requirement from the home. So, it would 4' from property line 12' from the home. They would have to comply with both only when there is no easement.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Andrew Riddle moved to approve variance request. Mr. Michael De Leon seconded the motion. Upon a vote, the motion passed unanimously.

ITEM# 2.4

TO KEEP A 3' REAR SETBACK INSTEAD OF THE REQUIRED 10' REAR SETBACK AND TO ALLOW 323 SQ.FT. STORAGE ROOM OVER THE 3% MAXIMUM ALLOWED AT 2709 TULIPAN AVENUE, BEING LOT 14, INSPIRATION HEIGHTS, AS REQUESTED BY JESUS CARDENAS

Ms. Susie De Luna stated that the subject site located at the end of the cul-de-sac of Montecruz Street and Tulpan Avenue. The irregular lot measures a total 6,425.52 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 17'x19' storage room. The applicant obtained a building permit for a 12.6'x24' shed adjacent to the house on 8/4/22; which staff

mistakenly approved the square footage but meeting the setbacks. However, the applicant decided to build a bigger shed and leaving a small distance between the house and the shed.

Section 1.59-4(a) states: An accessory building not exceeding 20 feet in height may occupy not more than 30 percent of the rear yard and unenclosed parking spaces may occupy not more than 90 percent of the area of a required rear yard. An accessory building, however, shall be no closer than 12 feet to the main building and no closer than four feet to any rear lot line.

It is noted that this violation was discovered by Code Enforcement Division while doing a sweep in the area.

Staff notes that ZBA has not considered any variances within this subdivision.

Staff mailed out 20 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request. Staff notes that if a variance is approved it would set precedence.

RECOMMENDATION: Since it's a self-inflicted violation, staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 45 days.

Chairman Mr. Alberto Salazar asked if there were any questions for staff?

There were none.

Chairman Mr. Alberto Salazar asked if the applicant was present?

Mr. Jesus Cardenas stated he lives at 2709 Tulipan Avenue. Mr. Cardenas asked the board if he can speak Spanish?

The board responded yes.

Chairman Mr. Alberto Salazar asked Mr. Jesus Cardenas what is the structure used for?

Mr. Jesus Cardenas stated it is used for storage. He explains that he is 13 years retired. He stated that he had sold a commercial property by Bentsen Palm and there was equipment left on the property because he was using it as storage. He stated he had built a shed as storage to store his equipment in the shed.

Chairman Mr. Alberto Salazar asked if the shed was a 2-story storage? When you open the door what do you see inside?

Mr. Jesus Cardenas stated yes it is a two-story. He stated that once you open the door you see equipment on the bottom and part of the antiques he collected on the top.

Chairman Mr. Alberto Salazar asked if he had stairs that lead up on the top?

Mr. Jesus Cardenas stated yes, he had put stairs to go up there. He stated that he has two tables that are antiques. He stated that he also has a bar and a sofa they gave to him on the top floor. He also stated that he has a new hospital bed mattress on the top floor.

Chairman Mr. Alberto Salazar asked if it's a living area or if it has a bathroom?

Mr. Jesus Cardenas stated no it's not a living area. He does have only a toilet on the bottom floor. He states what he is trying to do is get a second permit because the first permit had expired. He stated he is trying to see if he can get a second permit because the plumber and the electrician need to get permits.

Ms. Dolly Elizondo asked if he was applying for a second permit?

Ms. Susie De Luna states he originally applied for a permit. He is complying for the 4.5' rear setback the problem is that the structure is not 12' from the home also he did not have any plumbing and electrical at the time. He had done it after it built. He is trying to renew the permit and the utilities.

Ms. Dolly Elizondo states it's like a second house on the property.

Ms. Susie De Luna states yes its being converted.

Mr. Humberto Garza asked if they had gotten pictures on the inside?

Ms. Susie De Luna states no we don't have picture on the inside and advises the board if they want to table the item so they can see pictures next ZBA meeting.

Ms. Dolly Elizondo agrees and she would like to see photos.

Chairman Mr. Alberto Salazar states to the applicant that they are want more photos so that they will see him next ZBA meeting.

Chairman Mr. Alberto Salazar entertained a motion to close the public hearing. Ms. Dolly Elizondo moved to close the public hearing. Mr. Andrew Riddle seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Andrew Riddle moved to table variance request. Mr. Michael De Leon seconded the motion. Upon a vote, the motion passed unanimously.

ITEM# 2.5

TABLED: TO KEEP A 0' SIDE SETBACK INSTEAD OF THE REQUIRED 6' SIDE SETBACK AND A 0' REAR SETBACK INSTEAD OF THE REQUIRED 10' REAR SETBACK AT 117 RIO GRANDE DRIVE, BEING ALL OF LOT 18, BLOCK 9, RE-SUBDIVISION PLAT OF BLOCK 9, CIMARRON COUNTRY CLUB PHASE I SECTION II, AS REQUESTED BY JESUS ORDORICA

Ms. Susie De Luna stated This item was previously tabled on February 21, 2024 in order to allow the applicant an opportunity to get with the HOA.

that the subject site located approximately 460' east of Cimarron Drive along the north side of Rio Grande Drive. The irregular lot measures a total 9,096 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 5'x20' storage shed and a 21'x20' carport, that were built without a permit.

Staff notes that ZBA has considered the following variances in this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 5, Block 9	10' front	7/9/02	Approved
Lot 8, Block 9	15.3' garage	4/17/19	Approved

Staff mailed out 15 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Since it's a self-inflicted violation, staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 45 days.

Item 2.5 was Tabled.

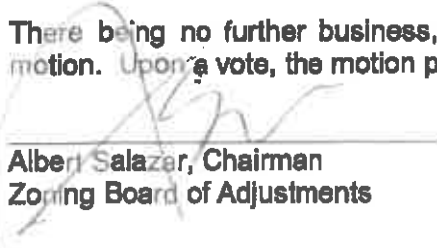
3.0 OTHER BUSINESS

Chairman Mr. Alberto Salazar entertained an amendment. Mr. Humberto Garza amended the motion for item 1.5 to approve the footprint. Ms. Dolly Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

Chairman Mr. Alberto Salazar entertained an amendment. Mr. Andrew Riddle amended the motion for item 1.9 to approve the footprint. Ms. Dolly Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

4.0 ADJOURNMENT

There being no further business, Ms. Dolly Elizondo moved to adjourn. Mr. Andrew Riddle seconded the motion. Upon a vote, the motion passed unanimously at 6:03 p.m.



Albert Salazar, Chairman
Zoning Board of Adjustments