



MEETING DATE: August 27, 2025

PRESENTED BY: Xavier Cervantes, AICP, CPM – Director of Planning

AGENDA ITEM: Public hearing and consideration of a variance request to allow a 4 foot front setback instead of the required 30 feet, and a 1 foot side setback instead of the required 6 feet for a 25' x 22' carport, being Lot 9, Block B, Eagle Heights UT 3 Subdivision, located at 931 Bowen Street, Applicant: Jorge Adame – Cervantes

NATURE OF REQUEST:

Project Timeline:

- July 24, 2025 – Application for Variance Request submitted to the City.
- August 15, 2025 – In accordance with State and local law, notice of the required public hearings mailed to all property owners within 200 feet of the subject tract and notice of public hearing was published in the Progress Times.
- August 27, 2025 – Public hearing and consideration of the requested variance by the Zoning Board of Adjustments (ZBA).

Summary:

- The request is for a variance not to comply with Subdivision Plat 35' front setback, and Section 1.371(5)(e & g) of the Mission Code of Ordinances, which states:
 - Minimum depth of front setback: 20 feet, and
 - Minimum width of side setback:
 1. Internal lot: 6 feet
 2. Corner lot: 10 feet
 - Minimum distance from the public right-of-way to the entrance to a garage or enclosed carport, unless otherwise approved by the Zoning Board of Adjustments: 18 feet.
 - Where a building setback has been established by plat or ordinance and such setback requires a greater or lesser setback than is prescribed by this article for the district in which the building is located, the required setback shall comply with the building line so established by such plat or ordinance.
- The applicant is requesting a variance to keep a 25'x22' carport within the front and side setback.
- Eagle Heights UT 3 Subdivision was recorded on March 26, 1979. The regular lot measures 62 feet in width by 115 feet in length for a total of 7,130 square feet. The site is located at the northwest corner of Jones Avenue and Bowen Street.
- There is currently an existing 2,035 square foot single-family residence on the property. The applicant constructed the carport without obtaining the proper permits.
- The lots to the east, west, north, and south are developed as Single-Family Residences.
- City officials from the Code Enforcement Division noticed the carport and gave the property owner a notice of violation for the construction of the structure without a building permit and violation of setbacks.

- The Planning staff has not received any objections to the request from the surrounding property owners. Staff mailed out 40 legal notices to surrounding property owners.
- Staff notes that ZBA has considered the following variances for Eagle Heights Units 1 & 2 but none for Unit 3.

Subdivision	Variance	Date	Recommendation
Lot 1, UT 2	2' Rear & 8' Corner Side Setback	9/9/97	Approval
Lot 2, Blk. 3, UT 1	28' Front Setback	4/20/05	Approval
Lot C, UT 2	15' Front & 11' Rear Setback	10/19/05	Denied Front/Approved Rear setback
Lot 1, Blk., 3 UT 1	28' Front Setback	12/13/05	Approval

- The City of Mission Code of Ordinances Appendix A – Zoning, Section 1.17 states ZBA may:
 - “Permit the reconstruction, extension, or enlargement of a building occupied by a non-conforming use on the lot or tract occupied by such building provided such reconstruction does not prevent the return of such property to a conforming use”, and
 - “Authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done.”
- There is a state law, HB 1475, that allows variances to be granted if:
 - The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessors for the municipality under Section 26.01, Tax Code;
 - Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
 - Compliance would result in the structure not complying with a requirement of a municipal ordinance, building code, or other department;
 - Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - The municipality considers the structure to be nonconforming.

STAFF RECOMMENDATION:

Staff recommends disapproval of the variance request as:

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

However, if ZBA is inclined to approve this variance request then the applicant would need to comply with the following: 1) Sign a hold harmless agreement stating that the structure will remain perpetually “open and to its footprint” and if the structure is ever removed, the prevailing setbacks shall be complied with thereafter, 2) obtaining a building permit, and 3) paying a double permit fee.

RECORD OF VOTE:

APPROVED: _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

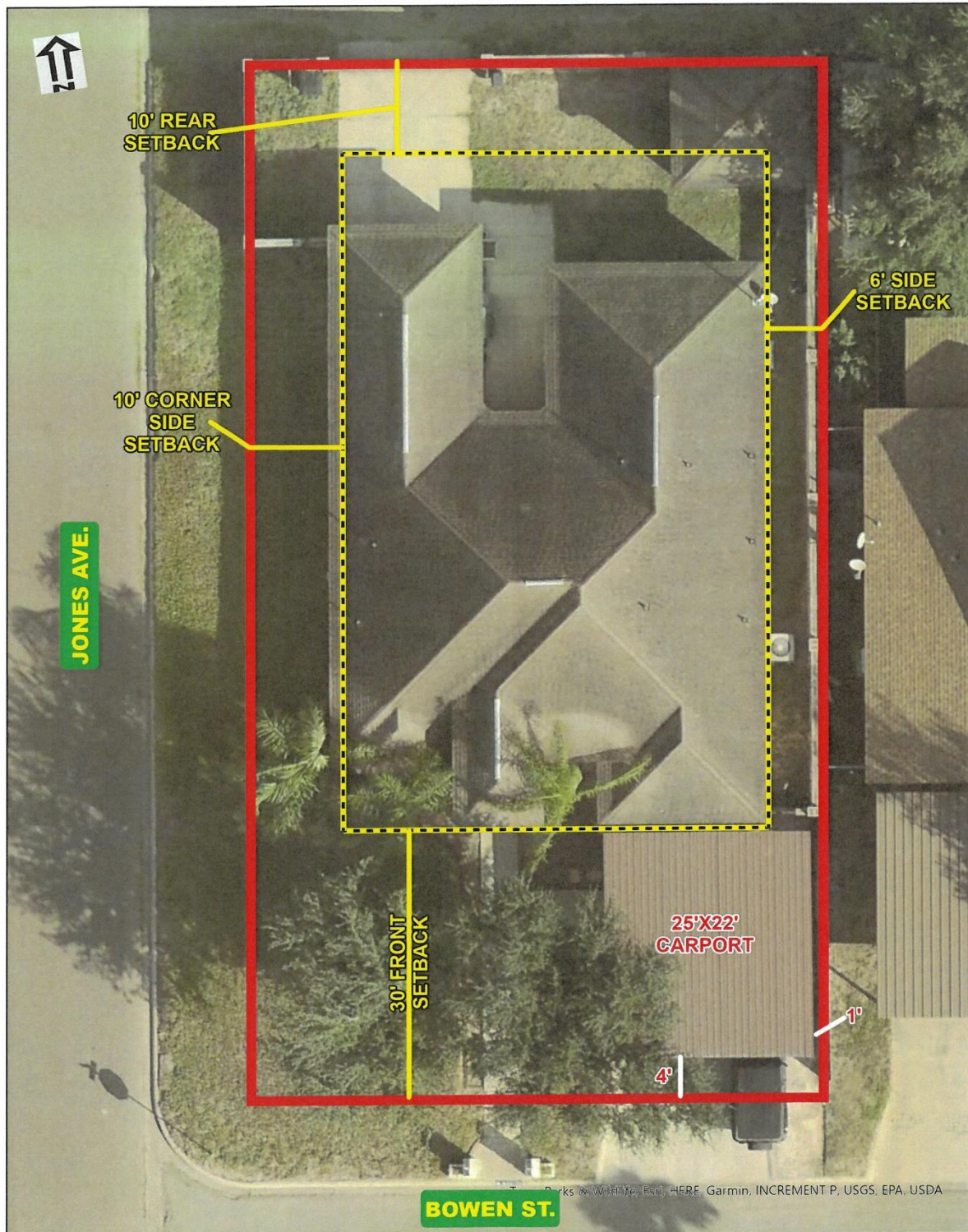
_____ NAYS

_____ DISSENTING _____

VICINITY MAP



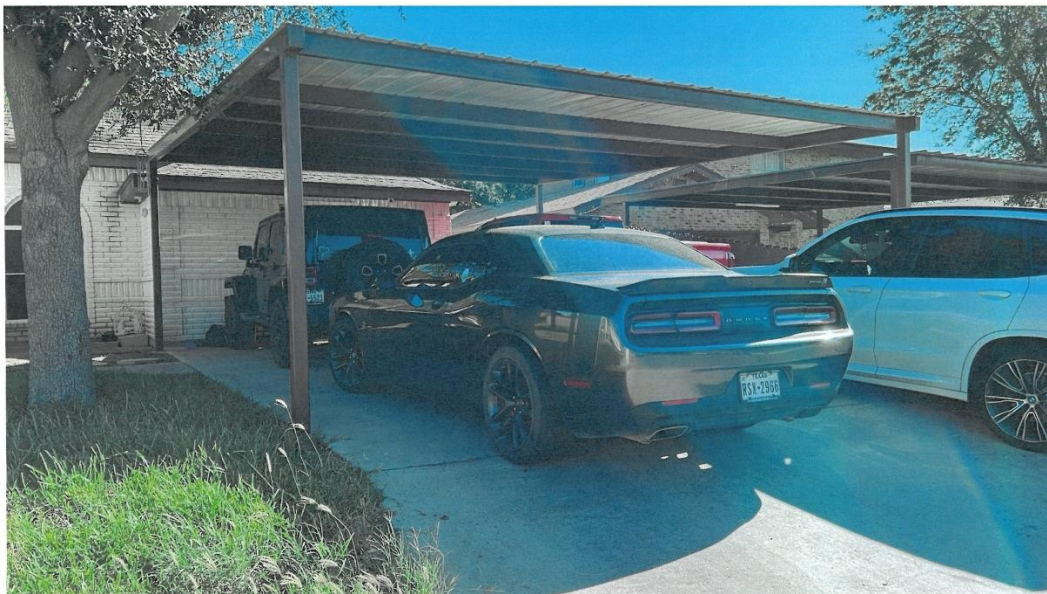
ARIEL MAP



ATTACHMENTS



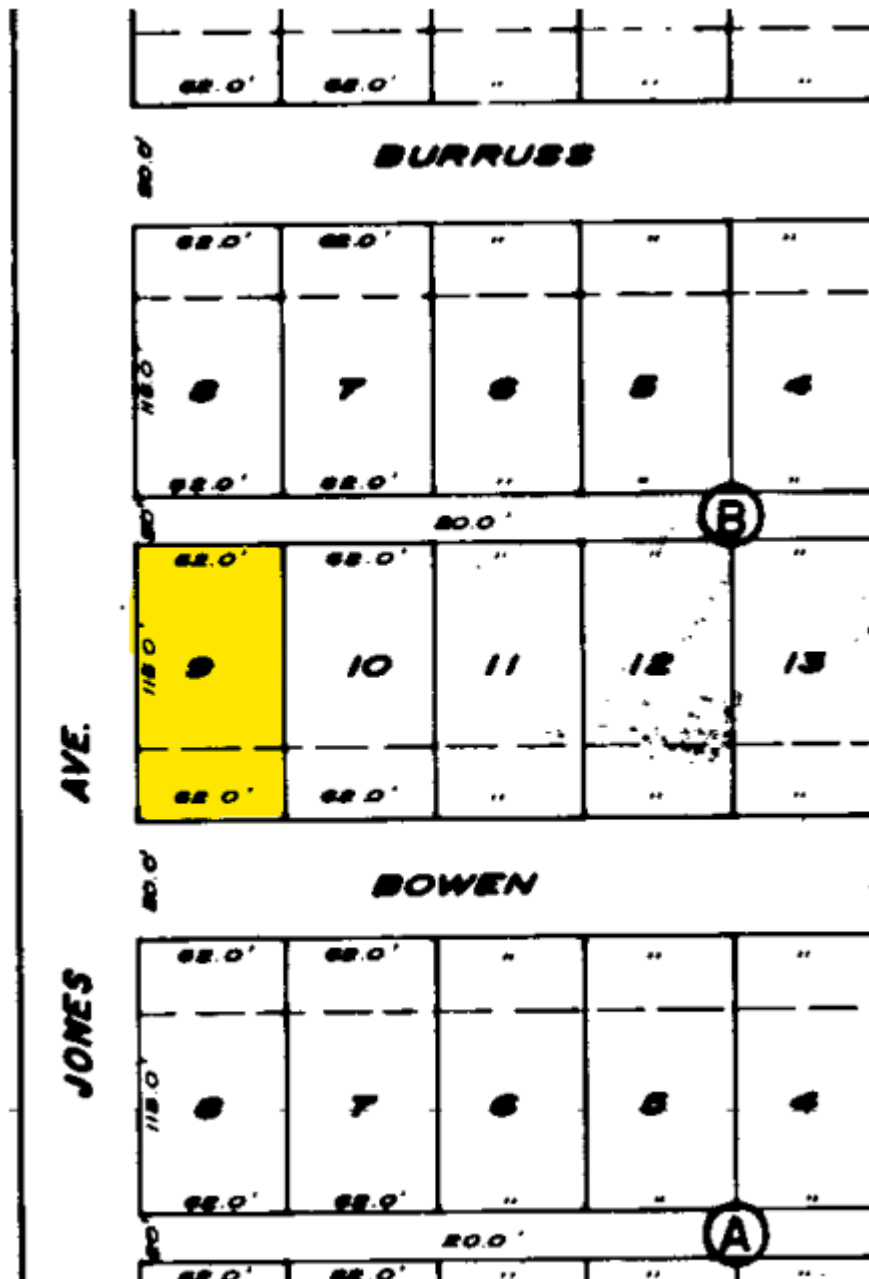
PICTURES



PICTURES



ATTACHMENTS



VOL. 21 PAGE 1

THE WEST 140' OF THE NORTH 1/4 OF THE EAST 1/4 OF LOT 11-A WERE ADDITION TO HUNTERLAND, HUNTERLAND COUNTY, TEXAS.

State Of Texas
County Of DallasState Of Texas
County Of Polk

Known To All Men By These Records

Known To All Men By These Presents That Kenneth James, Owner Of & Does hereby Surrender Said Land As Shown On The Map, hereby Dedicate The FURN, STREETS, AND ALLEYS, To The Public And unto The City Of Madison, So Long As It Remains Unincorporated And For All Uses To The Use And Benefit Of The Public.

State of Texas

State of Texas
County of Hidalgo

Subscribed And Sworn to before me, Undersigned Authority, On This 21st Day of February, 1974

Notary Public, Shelby County, Tennessee

This Book Received by The City Commission On Tax Code Of Nuncom. Passed On This The 6th Day Of May 1970 A.D.

ATTN: Mr. [illegible]

I, SAUEL M. FARR, a Registered Professional Engineer, Do Herewith Certify The Foregoing Map To Be A True And Correct Representation Of The Land herein Described As Plotted By Me For Survey Of The Caliente Boundaries Of Same

I, the undersigned, Chairman of The Planning and Zoning Commission Of the City Of Boston, hereby Certify That This Subdivision Plan conforms To All Requirements Of The Subdivision Regulations Of This City Which My Approval is Required.

APPROVED
FOR RECORDING
Hospice, 11/11/77
by Hanna Walker
Jm 8-26-77

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 03-24-2009 BY 60322
[Signature]

Submitted to Court 2/1/91
at the State records of Florida
County Clerk
Cassidy L. McCall
County Supervisor

APPROVED FOR RECORDING
COMMISSIONER'S COURT
This day 20th of 1962
SANTOS SARDAGA, Clerk
by [Signature]

EAGLE HEIGHTS

Phase II

[illegible]

ATTACHMENTS

BUILDING PERMITS

931 Bowen (Lot 9, Block B, Eagle Heights) UT 3)

Project Management - (View)

File Edit Options Functions Help Chat

Building Projects Selection

Name Information

Name
☐ Individual ☒ Entity ☐ Both
Name

Address
Street No#
Street
Unit

Advanced
Project Number

Contractor
Code

Selection
Status
Project Type

Project #	Type	Name	Exp. Date	Status	St No#	Street	Unit	Project Type
04001485	R	ADAME, JORGE L	8/18/2004	Open	931	BOWEN		BLDG
04001502	R	ADAME, JORGE L	8/21/2004	Open	931	BOWEN		PL
04002164	R	ADAME, JORGE L	9/12/2004	Open	931	BOWEN		EL
04002165	R	ADAME, JORGE L	9/12/2004	Open	931	BOWEN		BLDG
04002357	R	ADAME, JORGE L	9/15/2004	Open	931	BOWEN		ME
04004000	R	ADAME, JORGE L	11/10/2004	Open	931	BOWEN		BLDG
04004620	R	ADAME, JORGE L	12/01/2004	Open	931	BOWEN		SS
13001261	R	ADAME, JORGE L	11/16/2013	Open	931	BOWEN		FNC

Display ☒ Name ☐ Project Description

OK Cancel

Project Management - (View)

File Edit Options Functions Help Chat

Building Projects Selection

Name Information

Name
☐ Individual ☒ Entity ☐ Both
Name

Address
Street No#
Street
Unit

Advanced
Project Number

Contractor
Code

Selection
Status
Project Type

Project #	Type	Project Description	Exp. Date	Status	St No#	Street	Unit	Project Type
04001485	R	NEW DWELLING	8/18/2004	Open	931	BOWEN		BLDG
04001502	R	PLUMBING	8/21/2004	Open	931	BOWEN		PL
04002164	R	ELECTRICAL	9/12/2004	Open	931	BOWEN		EL
04002165	R	T-POLE	9/12/2004	Open	931	BOWEN		BLDG
04002357	R	MECHANICAL	9/15/2004	Open	931	BOWEN		ME
04004000	R	DRIVEWAY/SIDEWALK	11/10/2004	Open	931	BOWEN		BLDG
04004620	R	SPRINKLER SYSTEM	12/01/2004	Open	931	BOWEN		SS
13001261	R	FENCE	11/16/2013	Open	931	BOWEN		FNC

Display ☐ Name ☒ Project Description

OK Cancel

ATTACHMENTS



CITY OF
MISSION

*Irasema D...s, Code Enforcement Supervisor
Arturo Lerm...nior Code Enforcement Officer
Nancy Chavira, Code Enforcement Officer
Joseph Flores, Code Enforcement Officer
Angel Garcia Jr., Code Enforcement Officer
Yvette Villarreal, Code Enforcement Clerk*

December 16, 2024

Case# 24-12-C-022

Jorge L. Adame
931 Bowen St.
Mission, TX 78572-3606

Dear Property Owner/Occupant:

A visual exterior inspection was conducted of a property located **931 Bowen St., Mission, TX**, bearing a legal description of **Eagle Heights UT 3 BLK B Lot 9**, which according to the real property records of Hidalgo County, you own. After conducting the inspection, it is noted that **the construction taking place on the property without first obtaining the required permits.** This is a violation of **City of Mission Code of Ordinance; Chapter 18 – Buildings and Building Regulations.**

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

You have **(10) calendar days** from date of notice to contact the **Code Enforcement Department at (956) 580-8697** to discuss the options available to comply. Should no response to this notice be evident after this tenure, other enforcement measures could be procedurally activated. Please be advised that if the case is filed in Municipal Court, you could be liable for court cost and possibly fines.

We thank you for your understanding and prompt attention to this matter.

Respectfully,

Nancy Chavira

Nancy Chavira
Code Enforcement Officer

ATTACHMENTS



CITY OF
MISSION

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

December 16, 2024

Case# 24-12-C-023

Jorge L. Adame
931 Bowen St.
Mission, TX 78572-3606

Dear Property Owner/Occupant:

A visual exterior inspection was conducted of a property located at **931 Bowen St., Mission, TX, Eagle Heights UT 3 BLK B Lot 9**, which according to the real property records of Hidalgo County, you own. After conducting the inspection, it is noted that the carport was built within the setback lines. This is a violation of **City of Mission Code of Ordinance; Appendix A – Zoning, Article VIII – Use Districts and Conditional Uses**.

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

You have **(10) calendar days** from date of notice to contact the **Code Enforcement Department at (956) 580-8697** to discuss the options available to comply. Should no response to this notice be evident after this tenure, other enforcement measures could be procedurally activated. Please be advised that if the case is filed in Municipal Court, you could be liable for court cost and possibly fines.

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Respectfully,

Nancy Chavira

Nancy Chavira
Code Enforcement Officer

MAILOUT LIST

PROP_ID	geolD	name	addrDelive	addrCity	addrState	addrZip
161999	E0100-03-00B-0013-00	GARZA CAMILO C & MARIA C	923 BOWEN ST	MISSION	TX	78572-3606
161997	E0100-03-00B-0011-00	CANALES RODOLFO	927 BOWEN ST	MISSION	TX	78572-3606
162009	E0100-03-00C-0007-00	VILLEGAS RUBEN & SAN JUANITA	929 BURRUS ST	MISSION	TX	78572-3633
161990	E0100-03-00B-0004-00	GARZA FRANK	922 BURRUS ST	MISSION	TX	78572-3632
161992	E0100-03-00B-0006-00	VILLAFUERTE MARIA D & FERNANDO H	926 BURRUS ST	MISSION	TX	78572-3632
161991	E0100-03-00B-0005-00	CANALES SERVANDO	924 BURRUS ST	MISSION	TX	78572-3632
161998	E0100-03-00B-0012-00	CANALES RUDY	927 BOWEN ST	MISSION	TX	78572-3606
162008	E0100-03-00C-0006-00	SOLIS GREG & IRMA D	927 BURRUS ST	MISSION	TX	78572-3633
161975	E0100-03-00A-0005-00	HERNANDEZ NELIA G & BERNABE	924 BOWEN ST	MISSION	TX	78572-3650
161974	E0100-03-00A-0004-00	SANCHEZ NOE JR	922 BOWEN ST	MISSION	TX	78572-3650
162045	E0100-05-000-0006-00	CORTEZ JUAN GERARDO	1004 BURRUS ST	MISSION	TX	78572-3634
161978	E0100-03-00A-0008-00	GARZA REYNALDO R & BEATRIZ P	1202 JONES ST	MISSION	TX	78572
161993	E0100-03-00B-0007-00	RETA ALBERT & BERTHA LETICIA RETA	1005 BOWEN	MISSION	TX	78572-3631
161977	E0100-03-00A-0007-00	FLORES ABRAHAM JR & ROSALINDA	928 BOWEN ST	MISSION	TX	78572-3650
161979	E0100-03-00A-0009-00	HINOJOSA OFELIA	PO BOX 2263	MISSION	TX	78573
161994	E0100-03-00B-0008-00	SARABIA MONICO & IDALIA	930 BURRUS ST	MISSION	TX	78572-3632
162010	E0100-03-00C-0008-00	SAUCEDA MARTHA	931 BURRUS ST	MISSION	TX	78572-3633
162040	E0100-05-000-0001-00	CORONA JUANITA & ROLANDO	1001 BURRUS ST	MISSION	TX	78572-3635
161980	E0100-03-00A-0010-00	DUBERNEY JAIME OMAR & ESMERALDA	929 BURNEY ST	MISSION	TX	78572-3627
161981	E0100-03-00A-0011-00	BOYD MYRNA	206 STONEGATE DR	MISSION	TX	78574-3363
161995	E0100-03-00B-0009-00	ADAME JORGE L	931 BOWEN ST	MISSION	TX	78572-3606
161996	E0100-03-00B-0010-00	CANALES ARNULFO JR & ARMANDINA	929 BOWEN ST	MISSION	TX	78572-3606
162055	E0100-05-000-0016-00	HERNANDEZ ALDO	1000 BOWEN ST	MISSION	TX	78572-3630
162017	E0100-04-000-0007-00	RETA ALBERT & BERTHA LETICIA RETA	1005 BOWEN	MISSION	TX	78572-3631
162054	E0100-05-000-0015-00	ANZALDUA LIBRADO	1002 BOWEN ST	MISSION	TX	78572-3630
162048	E0100-05-000-0009-00	SINGLETERRY GREGORIO A & ARLENE R	1205 JONES AVE	MISSION	TX	78572-3659
162049	E0100-05-000-0010-00	RETA ALBERTO & BERTHA L	1005 BOWEN	MISSION	TX	78572-3631
162050	E0100-05-000-0011-00	RETA ALBERT & BERTHA L	1005 BOWEN ST	MISSION	TX	78572-3631
161976	E0100-03-00A-0006-00	CHAPA ELIZABETH	926 BOWEN ST	MISSION	TX	78572-3650
162046	E0100-05-000-0007-00	CHAPA SAHIRA & JULIO A RAMOS	1000 BURRUS ST	MISSION	TX	78572-3634