

AGENDA ITEM & RECOMMENDATION SUMMARY

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 20 feet, and a 1 foot side setback instead of the required 6 feet for a 25' x 30' carport, being Lot 81, Tabasco Subdivision, located

at 707 W. 30th Street, Applicant: Roberto Gamez - Cervantes

NATURE OF REQUEST:

Project Timeline:

• July 28, 20255 – 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 Section 1.371(5)(e & g) of the Mission Code of Ordinances, which states:
 - o Minimum depth of front setback: 20 feet, and
 - Minimum width of side setback:
 - Internal lot: 6 feet
 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'x30' carport within the front and side setback.
- Tabasco Subdivision was recorded on May 14, 2003. The regular lot measures 60 feet in width by 107.50 feet in length for a total of 6,450 square feet. The site is located approximately 260 feet east of Nicholson Avenue along the south side of W. 30th Street.
- There is currently an existing 1,021 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.

- 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 variance within this subdivision.

Subdivision Variance		Date	Recommendation
Lot 26	1.9' Corner side setback	7/18/18	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 nonconforming 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
 - o The municipality considers the structure to be nonconforming.

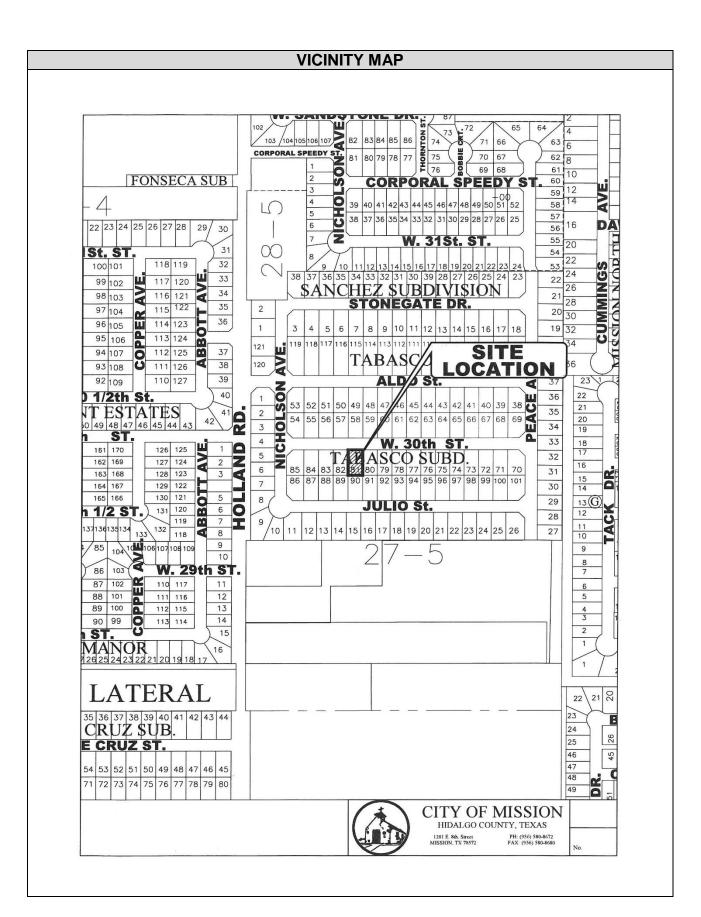
STAFF RECOMMENDATION:

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	TABLED.	
NAYS		
DISSENTING_		



ARIEL MAP

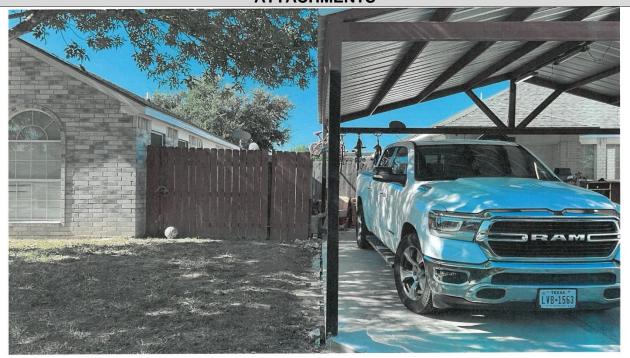


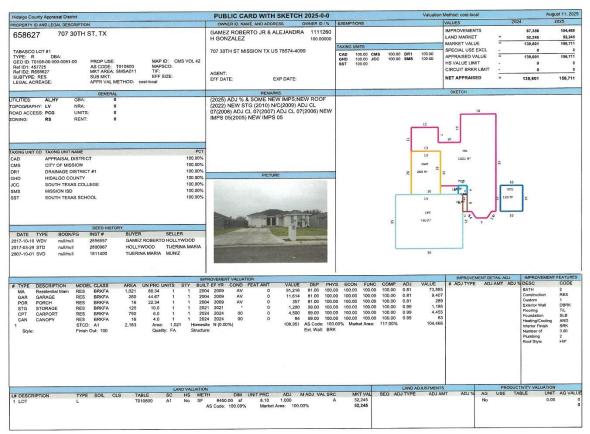
PICTURES





PICTURES





Effective Date of Appraisal: January

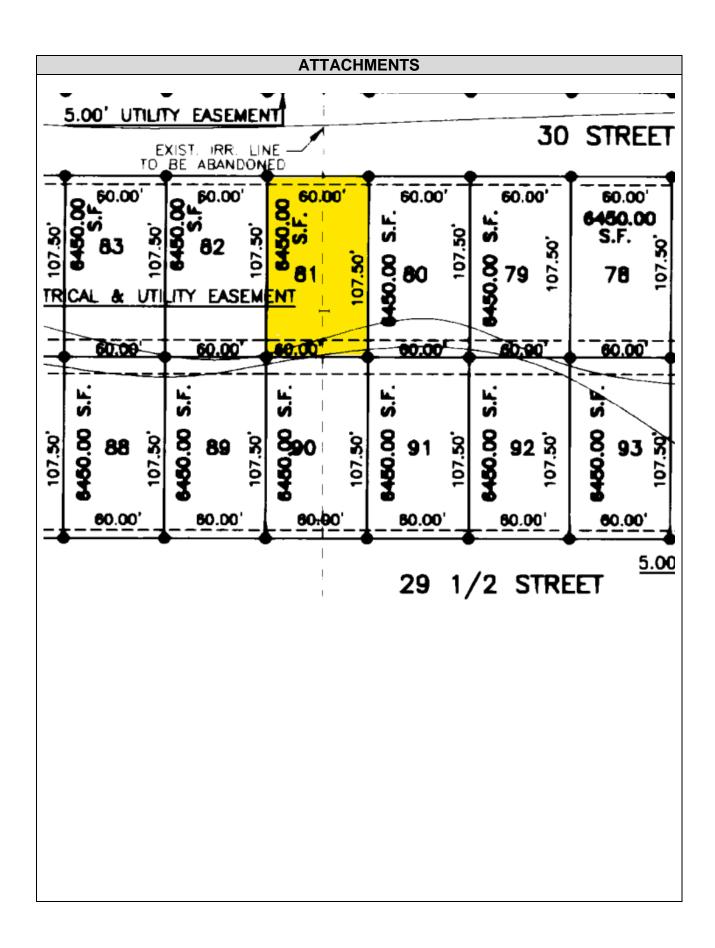
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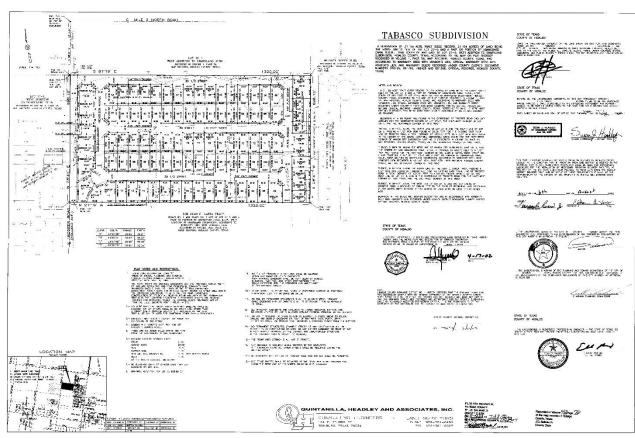
Date Printed: August 11, 2025 12:12

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Property ID: 658627

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ATTACHMENTS BUILDING PERMITS 707 W. 30th Street (Lot 81, Tabasco Subdivision) S Project Management - (View) × File Edit Options Functions Help Chat MX H · X 6 & Building Projects Selection Name Information Name -Address Street No# 707 ○ Individual ● Entity ○ Both Project Number W 30 Street Unit Contractor Selection <Any> Status Code Project Type <Any> St No# Street Project # Exp. Date Status Unit Project Type Type Name 11/15/2004 Open 3/22/2005 Open 3/26/2005 Open 3/26/2005 Open 04004122 04007232 04007293 04007294 N CASA LINDA HOMES 707 W 30TH ST EL * Ŧ Display Name Project Description OK Cancel & Project Management - (View) File Edit Options Functions Help Chat & Building Projects Selection Name Information Name -Address Advanced 707 Street No# Project Number W 30 Street Name Unit Contractor Selection (Any) Status 0 Project Type <Any> Project # Type Project Description Exp. Date Status St No# Street Project Type 11/03/2004 Open 11/15/2004 Open 3/22/2005 Open 3/26/2005 Open 3/26/2005 Open 04004122 04007232 04007293 04007294 707 W 30TH ST PLUMBING MECHANICAL N PLUMBING N MECHANICAL N ELECTRICAL N TEMPORARY CLEARANCE PL ME EL Ţ Display Name Project Description OK Cancel



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

June 27, 2025

Case# 25-06-G-007

Roberto Gamez Jr. 707 W. 30th St. Mission, TX 78574-4099

Dear Property Owner/Occupant:

A visual exterior inspection was conducted of a property located 707 W. 30th St. Mission, TX, bearing a legal description of Tabasco Lot 81, which according to the real property records of Hidalgo County, you own. After conducting the inspection, it is noted that the construction that took place on the property without first obtaining the required permits. This is a violation of City of Mission Code of Ordinance; Chapter 18 – Buildings and Building Regulations.

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

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

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

Respectfully,

Angel Garcia Jr.

Code Enforcement Officer



PROPERTY INFORMATON:	ZONE R-1 DATE 7/11/25	STAFF GREXNOT PERMIT				
Project Address 707 w 3046	St Mission Ty 7857	GEO ID#				
Lot Block	Subdivision Name					
Description of Work Porch						
(example: new single family dwelling, remodel existing dwelling, addition to existing dwelling, new porch/garage, solar panels)						
Square Footage of Living Area	Patio/Porch Garage/	Carport Total				
OWNER/CONTRACTOR INFORMATION:						
General Contractor	Contact Name	Phone				
Email Address (for project correspondence only):						
Property Owners Name Rober to Gamer + Alyandra Gonzalez Owners Address 707 w 30th St Hissian IX						
(THE ABOVE INFORMATION MUST BE CORRECT. IT IS REQUIRED THAT THE CERTIFICATE OF OCCUPANCY HAVE THIS INFORMATION)						
Estimated Project Cost: \$						
CUDMITTAL CHECKLIST						

SUBMITTAL CHECKLIST

Please submit the following items along with the completed application above.

UNDER NO CIRCUMSTANCES WILL AN INCOMPLETE AND/OR PARTIAL SUBMITTAL BE ACCEPTED.

Effective immediately, <u>NO</u> application will be accepted without a 2024 REScheck Compliance Report (www.energycodes.gov), Manual J (A/C Report), an engineered sealed Windstorm Plan and a complete set of plans in the size of 11x17.

Complete set of plans is to include the following:

- Site Plan
- Foundation Plan
- Floor Plan
- Mechanical, Electrical and Plumbing Plans
- Elevation Plan
- Driveway and Sidewalk

<u>SPECIAL CONDITIONS:</u> Must comply with all 2024 IBC, IRC, IFC, IPC, IMC, IFGG, IECC, ISPSC, IPMC, 2023 NEC Code Requirements, State Law, Local Ordinances & Setback Requirements

FOR OFFICE NOTES ONLY

DENIED NEW CONSTRUCTION

- * MED DERMIT REQUIRED
- * COMPLY WITH ALL SETBACKS NOTED
- * COMPLY WITH ALL NOTES AND

ATTACHMENTS

- * CALL IN ALL NECESSARY INSPECTIONS
- * CALL IN A FINAL INSPECTION
- *PF: ()

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A pre-pour survey by a licensed surveyor and/or civil engineer will be required to ensure setback/easement compliance on any cul-de-sac lots and/or irregular lots, if the house is placed on the exact setback allowed on a regular lot.

Please allow 3-5 business days to pick up permit or you may inquire at (956) 580-8691 or (956) 580-8687.

NO BUILDING SHOULD COMMENCE WITHOUT A BUILDING PERMIT.

MAILOUT LIST

PROP ID	geoID	name	addrDelive	addrCity	addrState	addrZip
658564	T0108-00-000-0018-00	SANTIAGO MIRNA E & LUIS C PEREZ NARRO	701 JULIO ST	MISSION	TX	78574-4007
658598	T0108-00-000-0052-00	SACKEY-WALKER EVELYN NAA & ELIAS KOJJO	713 ALDO DR	MISSION	TX	78574-4098
658600	T0108-00-000-0054-00	SANCHEZ REYNDALDO JR & ZAIDA RUBI	601 S 6TH ST APT B	MCALLEN	TX	78501-2878
658601	T0108-00-000-0055-00	FLORES MINU E	712 W 30TH ST	MISSION	TX	78574-4010
658561	T0108-00-000-0015-00	RODRIGUEZ JOSE JR	707 JULIO ST	MISSION	TX	78574-4007
658631	T0108-00-000-0085-00	GONZALEZ CONSTANTINO P & OLGA	715 W 30TH ST	MISSION	TX	78574-4099
658632	T0108-00-000-0086-00	CHAVEZ JESUS A	714 JULIO ST	MISSION	TX	78574-4006
658633	T0108-00-000-0087-00	RODRIGUEZ MARISSA	3912 W HACKBERRY AVE	MCALLEN	TX	78501-8181
658634	T0108-00-000-0088-00	WADE LORON TALBOTT & RUTH ANN	1101 E PECAN BLVD NO 87	MCALLEN	TX	78501-5716
658560	T0108-00-000-0014-00	SANCHEZ JUAN JOSE	709 JULIO ST	MISSION	TX	78574-4007
658562	T0108-00-000-0016-00	RICHARDS ELMA A & BRADLEY	705 JULIO ST	MISSION	TX	78574-4007
658594	T0108-00-000-0048-00	SEPULVEDA JUAN A & ROSALBA GARCIA	705 ALDO DR	MISSION	TX	78574-4098
658596	T0108-00-000-0050-00	GONZALEZ GERARDO	709 ALDO DR	MISSION	TX	78574-4098
658603	T0108-00-000-0057-00	GUTIERREZ ESEQUIEL Jr	708 W 30TH ST	MISSION	TX	78574-4010
658605	T0108-00-000-0059-00	DOMINGUEZ FELICIANO V	704 W 30TH ST	MISSION	TX	78574-4010
658628	T0108-00-000-0082-00	MORALES JESUS IVAN	709 W 30TH ST	MISSION	TX	78574-4099
658630	T0108-00-000-0084-00	LUENGAS DIEGO J & DANIA M LOPEZ MELGAR	713 W 30TH ST	MISSION	TX	78574-4099
658635	T0108-00-000-0089-00	SALINAS JUAN JR & LETICIA C	708 JULIO ST	MISSION	TX	78574-4006
658637	T0108-00-000-0091-00	DICKINSON LYUDMYLA	1908 W 41 1/2 ST	MISSION	TX	78573-5001
658639	T0108-00-000-0093-00	RODRIGUEZ ROSA ELVIA	700 JULIO ST	MISSION	TX	78574-4006
658563	T0108-00-000-0017-00	PERALTA ANNE	703 JULIO ST	MISSION	TX	78574-4007
658595	T0108-00-000-0049-00	GARCIA BELINDA	707 ALDO DR	MISSION	TX	78574-4098
658597	T0108-00-000-0051-00	AVILA VANESSA SANCHEZ & OLGA SANCHEZ BRAGA	711 ALDO ST	MISSION	TX	78574-4098
658602	T0108-00-000-0056-00	CANTU LUCIANO	710 W 30TH ST	MISSION	TX	78574-4010
658604	T0108-00-000-0058-00	CANTU JOEL M & LAURA M	706 W 30TH ST	MISSION	TX	78574-4010
658627	T0108-00-000-0081-00	GAMEZ ROBERTO JR & ALEJANDRA H GONZALEZ	707 30TH ST	MISSION	TX	78574-4099
658629	T0108-00-000-0083-00	COHAB LLC	6114 N 3RD LANE	MCALLEN	TX	78504-2855
658636	T0108-00-000-0090-00	TIJERINA STEPHANY LISSBETH	706 JULIO ST	MISSION	TX	78574-4006
658638	T0108-00-000-0092-00	MORFIN CHRISTIAN	702 JULIO ST	MISSION	TX	78574-4006
658559	T0108-00-000-0013-00	CASTRO BEATRIZ & JORGE ANTONIO	711 JULIO ST	MISSION	TX	78574-4007
658592	T0108-00-000-0046-00	SOLIS GERARDO G & MAYRA V CRUZ PADRON	701 ALDO DR	MISSION	TX	78574-4098
658593	T0108-00-000-0047-00	SOLIS ALYSSA	703 ALDO DR	MISSION	TX	78574-4098
658606	T0108-00-000-0060-00	NARVAEZ MELISSA BECHO & RICARDO NARVAEZ AGUAYO	702 W 30TH ST	MISSION	TX	78574-4010
658607	T0108-00-000-0061-00	TIJERINA YOLANDA	2106 SUNRISE LN	MISSION	TX	78574-8384
658608	T0108-00-000-0062-00	VILLARREAL CECILIA H	618 W 30TH ST	MISSION	TX	78574-4009
658623	T0108-00-000-0077-00	CANTU RUPERTO O	619 W 30TH ST	MISSION	TX	78574-4044
658624	T0108-00-000-0078-00	AVENDANO JOSE CORTEZ & MARISSA	701 W 30TH ST	MISSION	TX	78574-4099
658625	T0108-00-000-0079-00	GARCIA JOSE L JR & ERICA G	703 W 30TH ST	MISSION	IX	/85/4-4099
658626	T0108-00-000-0080-00	MORALES MARIA O MARTINEZ	705 W 30TH ST	MISSION	TX	78574-4099
658640	T0108-00-000-0094-00	MARTINEZ NANCY	618 JULIO ST	MISSION	TX	78574-4008