



**MEETING DATE:** May 28, 2025

**PRESENTED BY:** Xavier Cervantes, Director of Planning

**AGENDA ITEM:** Conduct a public hearing and consideration of a variance request to keep a 9-foot-8-inch front setback instead of the required 10-foot front setback and a 13-foot-2-inch garage setback instead of the required 18 feet. setback. Being Lot 30, Garden Path Subdivision, located at 2703 Harmony Lane. Applicant: Skuadra Construction – Cervantes

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**NATURE OF REQUEST:**

Project Timeline:

- May 05, 2025 – Application for a Variance Request submitted to the City.
- May 16, 2025 – In accordance with State and local law, notice of the required public hearings was mailed to all property owners within 200 feet of the subject tract.
- May 28, 2025 - Public hearing and consideration of the requested variance by the Zoning Board of Adjustments.

Summary:

- The request is for a variance not to comply with Section 1.371 (5)(e)(h) of the Mission Code of Ordinance, which states:
- Minimum depth of front setback: ten 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.
- The site is located at the Southwest corner of Harmony Lane and E. Solar Drive along the west side of Harmony Lane.
- The applicant is requesting a variance to keep the 9 feet 8 inches front setback instead of the required 10 feet front setback and the 13 feet 2 inches garage setback instead of the required 18 feet.
- The Garden Path Subdivision is a townhome subdivision and was recorded on December 12, 2023. The subject property fronts Harmony Lane with a width of 36 feet and a length of 73 feet and 61 inches.
- The Planning Staff has not received any objections to the request from the surrounding property owners. Staff mailed out (27) legal notices to the surrounding property owners.
- The applicant would like the Board to consider the above-mentioned variance to keep the structures.
- 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 tract occupied by such building, provided such reconstruction does not prevent the return of such property to a conforming use”, and
- Authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done.”
- There is a new state law, HB1475, that allows variances to be granted if:
- The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessors for the municipality under Section 26.01, Tax Code;
- Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
- Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other department; Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- The municipality considers the structure to be a nonconforming structure.

**STAFF RECOMMENDATION:**

Staff recommends denial, but the board can consider HB 1475 in approving the variance request.

**RECORD OF VOTE:**

**APPROVED:** \_\_\_\_\_

**DISAPPROVED:** \_\_\_\_\_

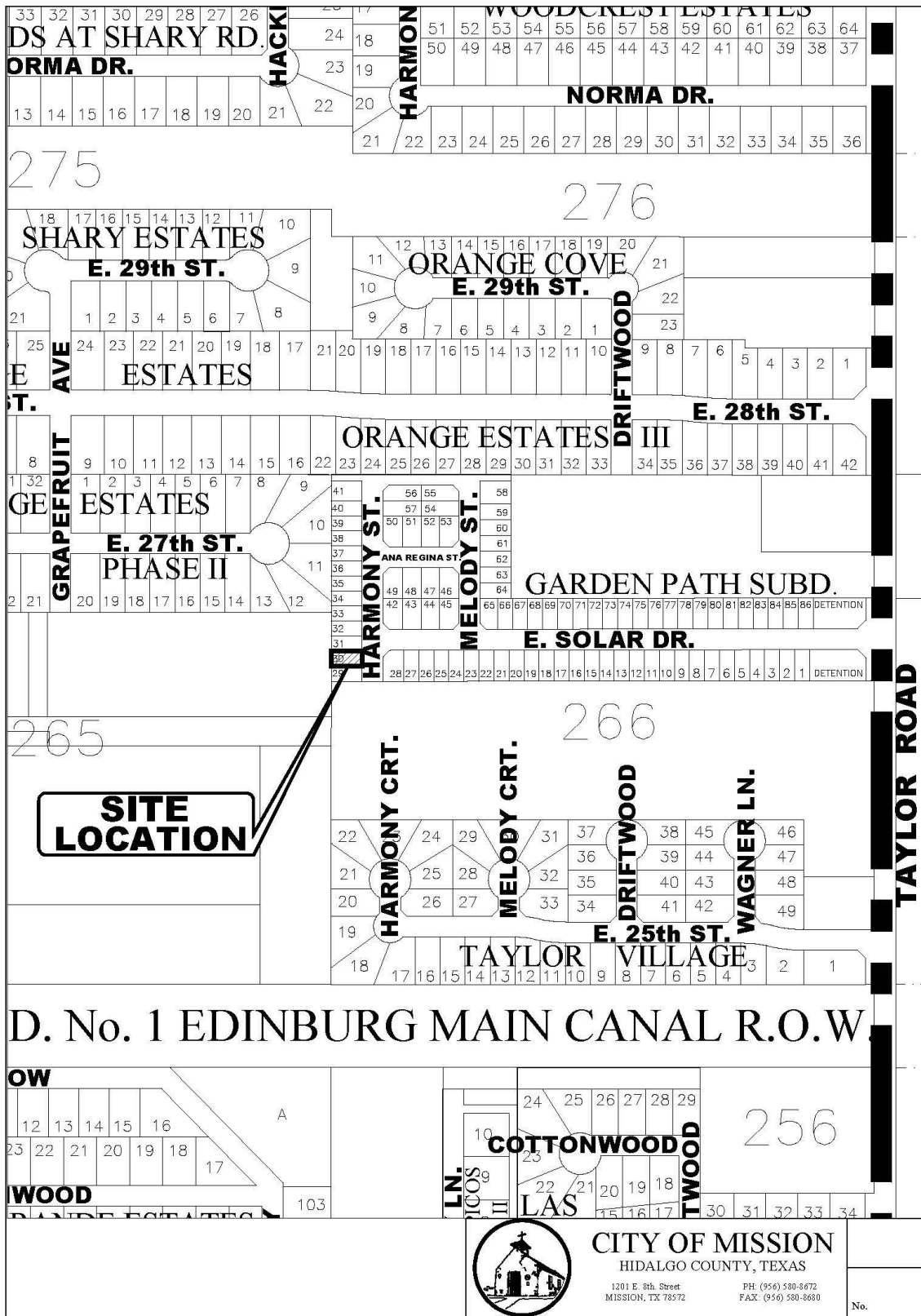
**TABLED:** \_\_\_\_\_

\_\_\_\_\_ AYES

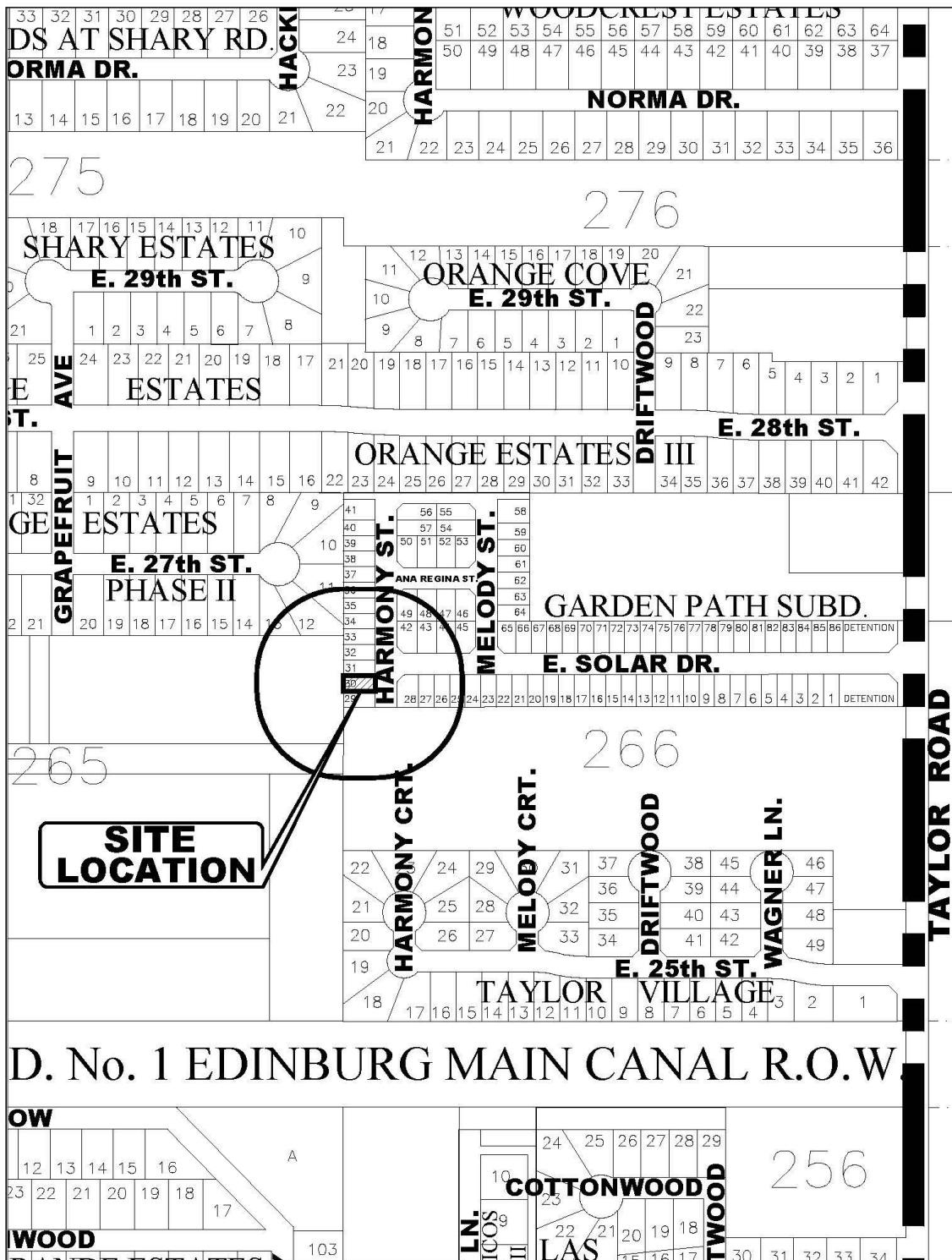
\_\_\_\_\_ NAYS

\_\_\_\_\_ DISSENTING \_\_\_\_\_

# SITE LOCATION



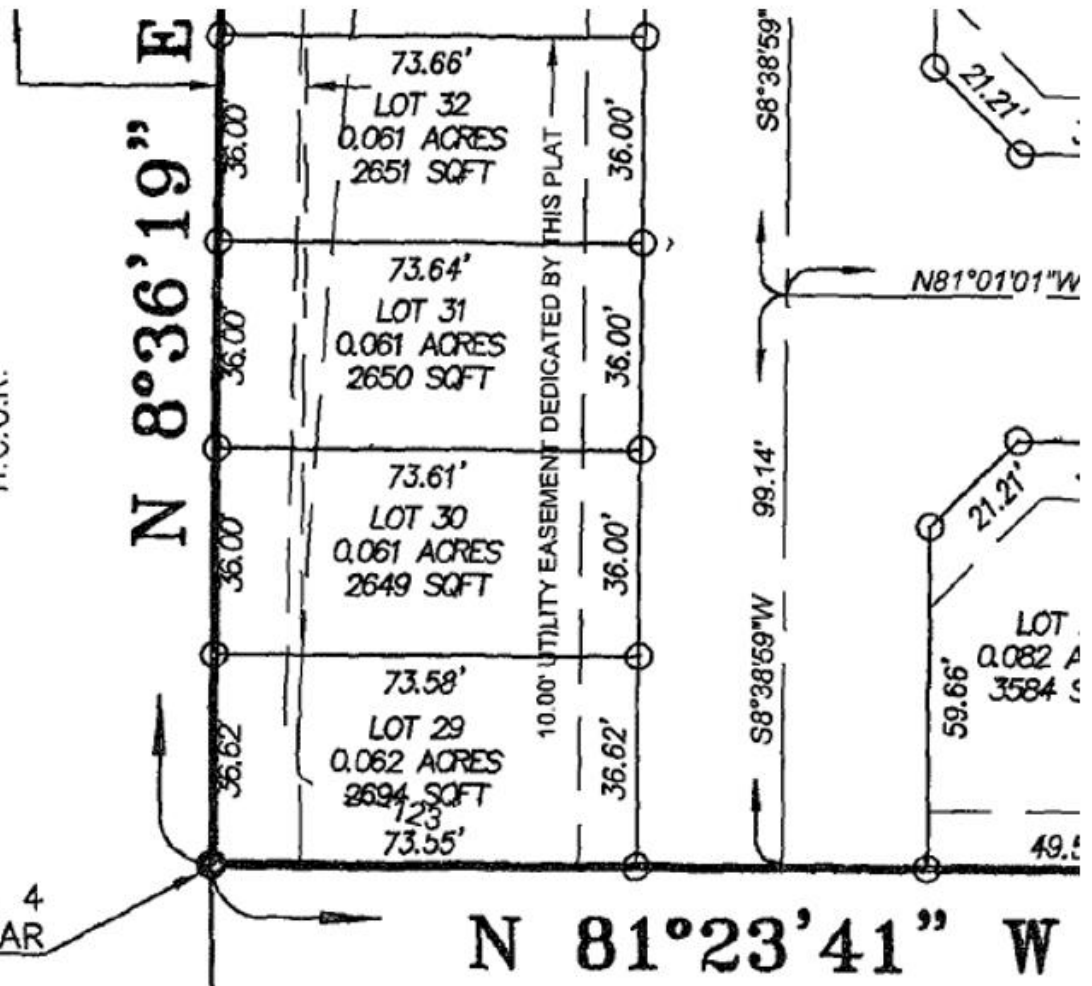
# 200' RADIUS MAP



# PLAT OF LOT 30, GARDEN PATH SUBDIVISION

MICHAEL V. JAMES, AND WIFE MADALINA S JAMES  
VOLUME 3070, PAGE 135  
H.C.O.R.

SET No. 4  
REBAR



## GARDEN PATH SUBDIVISION NOTES

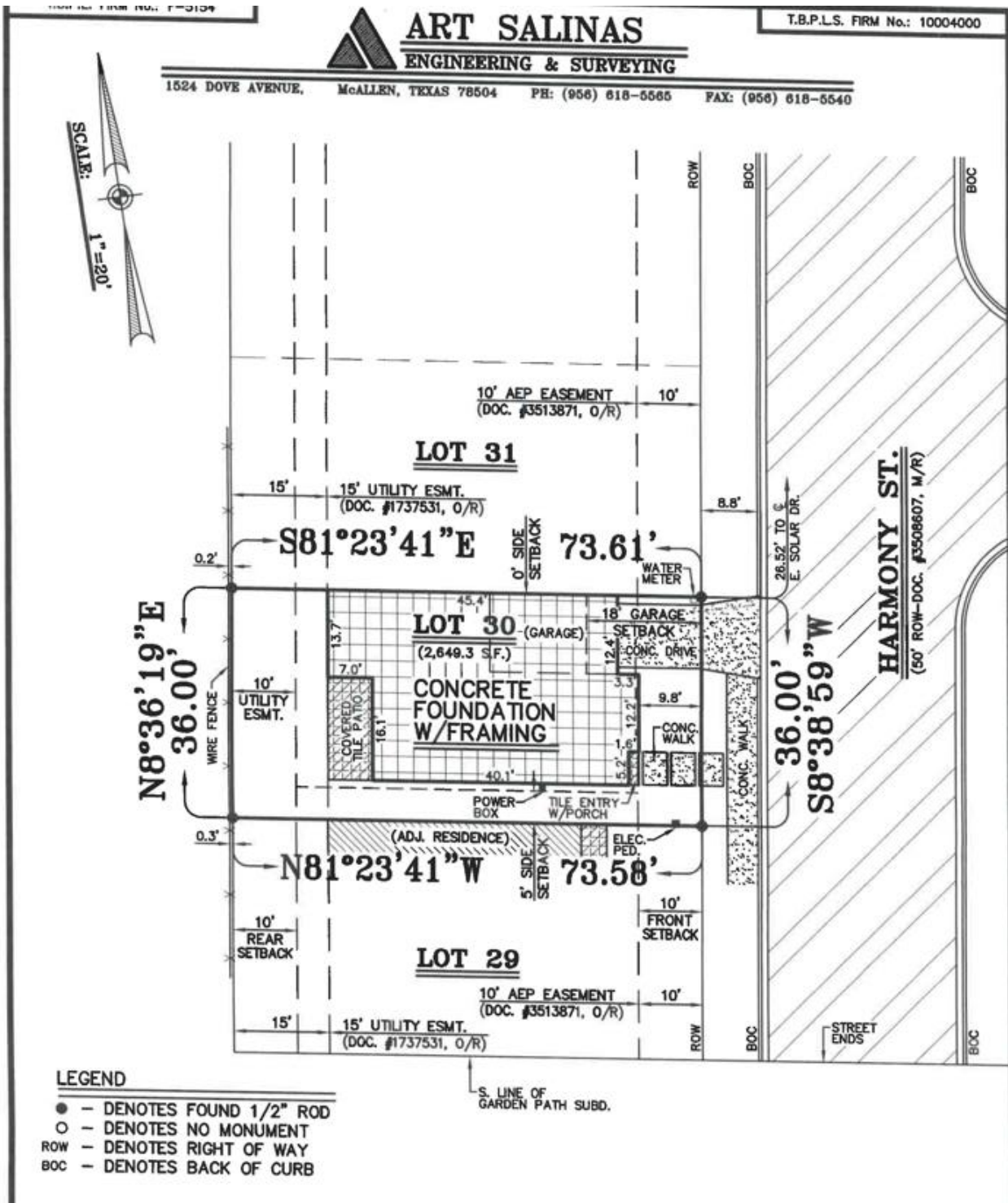
### GENERAL PLAT NOTES & RESTRICTIONS

1. FLOOD ZONE STATEMENT: SUBJECT PROPERTY IS LOCATED IN ZONE "C".  
  
COMMUNITY--PANEL NUMBER: 480334 0400 C,  
EFFECTIVE DATE: NOVEMBER 16, 1982.
2. MINIMUM FINISH FLOOR NOTE:  
MINIMUM FINISH FLOOR ELEVATION SHALL BE 18" ABOVE THE TOP OF CURB IN FRONT OF THE PROPERTY. OR 24" MEASURED AT THE CENTER OF THE LOT. WHICHEVER IS GREATER
3. BUILDING SETBACKS NOTE:  
MINIMUM BUILDING SETBACK LINES SHALL BE AS FOLLOWS:  
FRONT: 10 FEET OR EASEMENT LINE WHICHEVER IS GREATER;  
SIDE: 5 FEET OR EASEMENT LINE WHICHEVER IS GREATER;  
SIDE: 0 FEET OR EASEMENT LINE WHICHEVER IS GREATER; LOTS (1-28, 42, 46-48, 50, 54-55) RIGHT SIDE FACING STREET  
SIDE: 0 FEET OR EASEMENT LINE WHICHEVER IS GREATER; LOTS (29-41, 43-45, 49, 51-53, 56-86) LEFT SIDE FACING STREET  
REAR: 10 FEET OR EASEMENT LINE WHICHEVER IS GREATER;  
GARAGE: 18 FEET  
CORNER SIDE ABUTTING ST: 10 FEET
4. BENCH MARK NOTE:  
HORIZONTAL COORDINATES AND VERTICAL ELEVATION:  
TEXAS STATE PLANE SOUTH ZONE (4205), NAD 83, NAVD 88 US SURVEY FEET  
  
TBM - DESCRIPTION: 1/2" IRON ROD SET IN CONC. LOCATED 6.63 FEET SOUTH AND 31.32 FEET WEST OF NORTHEAST CORNER OF THIS SUBDIVISION, SHOWN ON THIS PLAT;  
NORTHING:16608800.949  
EASTING:1058090.843  
ELEVATION=124.34
5. DRAINAGE NOTE:  
IN ACCORDANCE WITH THE CITY OF MISSION AND HIDALGO COUNTY DRAINAGE DISTRICT No.1 REQUIREMENTS, THIS DEVELOPMENT IS REQUIRED TO DETAIN A TOTAL OF 53,195 C.F. (1.22 AC.-FT.) OF STORM WATER RUNOFF. PROPOSED RUNOFF WILL BE DETAINED ON-SITE WITHIN PROPOSED DETENTION PONDS LOCATED AT THE EASTERN PROPERTY LINE OF THE PROPOSED SUBDIVISION AND WILL CONNECT INTO EXISTING CITY OF MISSION DRAINAGE SYSTEM ALONG THE EAST ROW OF TAYLOR ROAD.
6. EASEMENTS NOTE:  
NO STRUCTURES SHALL BE PERMITTED OVER ANY EASEMENTS. EASEMENTS SHALL BE KEPT CLEAR OF FENCES, BUILDINGS, SHEDS, SHRUBS, TREES AND OTHER PLANTINGS (EXCEPT LOW, LESS THAN 18 INCHES MATURE HEIGHT, GROUND COVER GRASS OR FLOWERS), AND OTHER OBSTRUCTIONS TO THE OPERATION AND MAINTENANCE OF THE EASEMENT.
7. ALL CONSTRUCTION SHALL COMPLY WITH STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS.
8. LANDSCAPING AS PER CITY OF MISSION ORDINANCE.
9. SITE PLAN MUST BE REVIEWED/APPROVED BY THE CITY OF MISSION PRIOR TO ISSUANCE OF BUILDING PERMIT.
11. PROPERTY ZONING: R-1T (TOWNHOUSE RESIDENTIAL) DISTRICT.
12. ALL COMMON ACCESS, PARKING AND LANDSCAPE AREAS SHALL BE MAINTAINED BY THE LOT OWNER.
13. DETENTION AREAS, LOT 87 AND 88, SHALL BE MAINTAINED BY HOA.
14. ALL LOT CORNERS MARKED WITH 1/2" DIAMETER IRON ROD WITH A PINK PLASTIC CAP STAMPED "C.L.S. RPLS 6388"
15. SHOULD ANY ENTITY HAVING AUTHORITY OVER THE RECORDED EASEMENTS DEDICATED HEREIN NEED TO REPAIR, REPLACE, INSTALL OR ANY WAY REQUIRED EXCAVATION ACCESS TO THE LINES HEREIN, THAT ENTITY SHALL HAVE RIGHT TO ACCESS THE EASEMENT WHICH MAY CAUSE INCIDENTAL DAMAGE TO PRIVATE PROPERTY IMPROVEMENTS INCLUDING BUT NOT LIMITED TO FENCES, WALLS, SLABS, LANDSCAPING, AND PRIVATE IRRIGATION SYSTEMS. OWNERS(S) OF PROPERTIES SHALL HOLD HARMLESS AND INDEMNIFY ANY SUCH ENTITY FROM THE DAMAGES AND/OR REPLACEMENT COST CAUSED BY NEEDED WORK.
16. ALL IRRIGATION EASEMENTS ARE EXCLUSIVE TO UNITED IRRIGATION DISTRICT, AND THE DISTRICT ALLOWS NO OTHER UTILITIES OR OUTSIDE USE WITHOUT ITS EXPRESS WRITTEN APPROVAL.
17. NO UTILITY COMPANY, PUBLIC ENTITY, PARTY OR PERSON IS ALLOWED TO CROSS ABOVE OR BELOW GROUND ANY IRRIGATION DISTRICT EASEMENT OR RIGHT-OF-WAY WITH LINES, POLES, OPEN DITCHES OR OTHER USE WITHOUT FIRST OBTAINING A CROSSING PERMITS FROM THE UNITED DISTRICT IRRIGATION DISTRICT.
18. NO PERMANENT STRUCTURE, UTILITY POLE, HOLE, WALL, FENCE, DRIVEWAY OR ROAD WILL BE ALLOWED TO BE CONSTRUCTED OR EXIST ON ANY DISTRICT EASEMENT OR RIGHT-OF-WAY WITHOUT WRITTEN APPROVAL BY IRRIGATION DISTRICT. ANY UNAUTHORIZED STRUCTURE WITHIN THE EASEMENT BOUNDARY IS SUBJECT TO IMMEDIATE REMOVAL AT VIOLATOR'S EXPENSE.
19. NO UTILITY COMPANY, PUBLIC ENTITY, PARTY OR PERSON IS ALLOWED TO CONNECT TO ANY DISTRICT FACILITY WITHOUT FIRST OBTAINING A PERMIT FROM IRRIGATION DISTRICT. ANY CONNECTION NOT AUTHORIZED BY THE DISTRICT IS SUBJECT TO IMMEDIATE REMOVAL AT VIOLATOR'S EXPENSE.
20. UNITED IRRIGATION DISTRICT EASEMENT RESERVATION PER 04/07/1914 DOC# 1914-450171, H.C.D.R.T.
21. A 5.00 FEET CONCRETE SIDEWALK IS REQUIRED IN FRONT OF EACH LOT, BEHIND CURB AT BUILDING PERMIT STAGE.

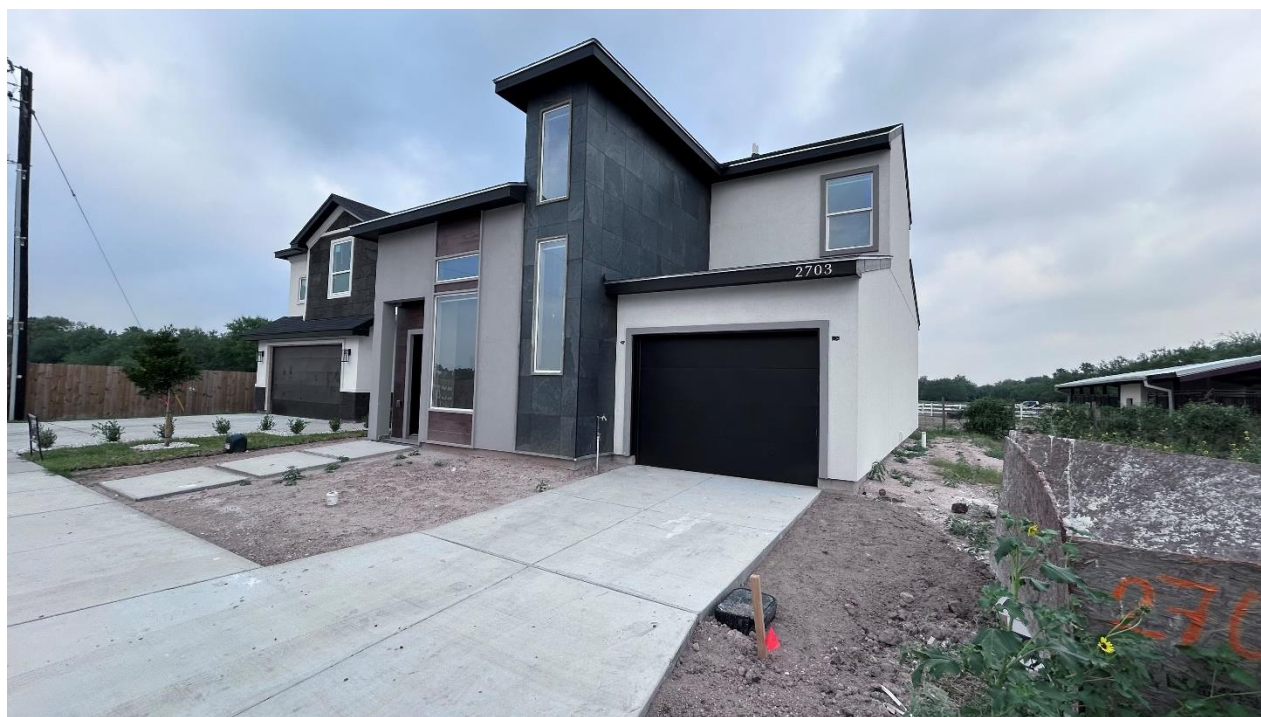
## AERIAL MAP



## SURVEY



PHOTO



## MAILOUT LIST

PROP_ID	file_as_na	addrDeliveryLine	addrCity	addrState	addrZip
503650	JAMES MICHAEL V & MADELINE S	308 N 11TH ST	MCALLEN	TX	78501-4522
281348	NANVA HARJAP S	2700 N SHARY RD	MISSION	TX	78574-2749
545497	GARZA HORACIO EFRAIN	2009 S STANDARD AVE	SAN JUAN	TX	78589-2527
545495	NEWCOMBE GRACIELA L	2418 E 27TH ST	MISSION	TX	78574-1914
545496	MASKER JACOB	341 KIWI AVE	MCALLEN	TX	78504
281363	BYRUM RAYBURN W JR	2814 THORNE CREEK LN	HOUSTON	TX	77073-3426
281364	BYRUM RAYBURN W JR	2814 THORNE CREEK LN	HOUSTON	TX	77073-3426
1567606	MONTEON OMAR FLORES	6497 CAMINITO FORMBY	LA JOLLA	CA	92037-5811
1567607	MONTEON OMAR FLORES	25420 KUYKENDAHL RD STE F400	TOMBALL	TX	77375-3428
1567608	DE LA GARZA ARACELI	2108 E 20TH ST	MISSION	TX	78572-3209
1567609	OMANA PROPERTIES LLC	25420 KUYKENDAHL RD STE F400	TOMBALL	TX	77375-3428
1567626	DEKA INVESTMENTS LLC	25420 KUYKENDAHL RD STE F400	TOMBALL	TX	77375-3428
1567625	DEKA INVESTMENTS LLC	25420 KUYKENDAHL RD STE F400	TOMBALL	TX	77375-3428
1567624	MONTEON OMAR FLORES	29101 FM 2978 RD STE B3	MAGNOLIA	TX	77354-3192
1567623	OMANA PROPERTIES LLC	25420 KUYKENDAHL RD STE F400	TOMBALL	TX	77375-3428
1567630	DEKA INVESTMENTS LLC	25420 KUYKENDAHL RD STE F400	TOMBALL	TX	77375-3428
1567629	DEKA INVESTMENTS LLC	25420 KUYKENDAHL RD STE F400	TOMBALL	TX	77375-3428
1567628	DEKA INVESTMENTS LLC	25420 KUYKENDAHL RD STE F400	TOMBALL	TX	77375-3428
1567610	WH MEX-PRODUCTS LLC	25420 KUYKENDAHL RD STE F400	TOMBALL	TX	77375-3428
1567611	OMANA PROPERTIES LLC	1804 N 23D ST	MCALLEN	TX	78501
1567612	BEAS FUND LLC	1012 MARTIN AVE STE A	MCALLEN	TX	78504
1567613	BEAS FUND LLC	1012 MARTIN AVE STE A	MCALLEN	TX	78504
1567614	WH MEX-PRODUCTS LLC	25420 KUYKENDAHL RD STE F400	TOMBALL	TX	77375-3428
1567615	WH MEX-PRODUCTS LLC	1308 E UPAS AVE	MCALLEN	TX	78501-5619
1567616	OMANA PROPERTIES LLC	1804 N 23D ST	MCALLEN	TX	78501
1567617	OMANA PROPERTIES LLC	1804 N 23RD ST	MCALLEN	TX	78501-6122
1567581	DEKA INVESTMENTS LLC	29101 FM 2978 RD STE B3	MAGNOLIA	TX	77354-3192