

**SPECIAL ZONING BOARD OF ADJUSTMENTS  
MAY 8, 2025  
CITY HALL'S COUNCIL CHAMBERS**

**ZBA PRESENT**

Alberto Salazar  
Humberto Garza  
Dolly Elizondo  
William Ueckert Jr.

**ZBA ABSENT**

Heraclio Flores

**STAFF PRESENT**

Susie De Luna  
Jessica Munoz  
Patricio Martinez  
Gabriel Ramirez

**GUESTS PRESENT**

Mark & Deedre Payne  
Melissa Miller  
Blanca Morin  
Victor Trevino  
Carlos Lerma

**CALL TO ORDER**

Vice Chairwoman Dolly Elizondo called the meeting to order at 4:30p.m.

**CITIZENS PARTICIPATION**

Vice Chairwoman Elizondo 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 MARCH 13, 2025**

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

**ITEM # 2**

**TO ALLOW TO ALLOW A 6 FOOT REAR SETBACK INSTEAD OF THE REQUIRED 10 FEET UTILITY PLUS A 15 FEET IRRIGATION EASEMENT FOR A TOTAL OF 25 FEET REAR SETBACK FOR A SWIMMING POOL AT 2416 E. 20TH STREET, 58, SHARY VILLAS SUBDIVISION AS REQUESTED BY YULIANA SALINAS**

Ms. De Luna stated that the subject site is located along the South side of E. 20th Street approximately 600 feet East of N. Shary Road (F.M. 494). The applicant is requesting a variance to construct a swimming pool in the rear of the property. Shary Villas Subdivision was recorded on October 30, 2003. The subject property fronts E. 20th Street with a width of 72 feet and a length of 128 feet on one side and 112 feet on the other side.

The Planning Staff has not received any objections to the request from surrounding property owners. Staff mailed out (16) legal notices to surrounding property owners. The applicant would like for the Board to consider the above-mentioned variance for construction of the swimming pool.

On July 19, 2023 at 2408 E. 20th Street the applicant requested a variance to keep a 1.8 feet side setback instead the required 6 feet and a 7.11 feet rear setback instead the required 15 feet for a 18feet by 30 feet open patio. The Zoning Board of Adjustments voted to approve the variance request subject to obtaining a building permit.

Staff recommends denial of the request subject to compliance with the following conditions: Must comply with the required easement and setbacks.

Vice Chairwoman Elizondo asked if the board had any questions for staff.

Mr. Garza asked if the site plan showed the pool on the easement?

Ms. De Luna replied that there was a 10-foot irrigation easement and a 15' feet utility easement. She mentioned that there was a site plan in their packet.

Mr. Garza asked if the irrigation district was ok with the variance request.

Ms. De Luna replied that staff had not receive anything from the irrigation district.

Mr. Garza asked if the applicant was present.

Mr. Victor Trevino with Elegante pools was present, he mentioned that he was trying to build the pool 7 or 8 feet from the utility easement.

Mr. Salazar asked if he had requested an 811-dig test.

Mr. Victor Trevino replied yes, and all the utilities run in the back.

Mr. Garza stated that he was not concerned about the utility easement. He mentioned that it was very hard for an irrigation company to give you consent to allow you to build over an easement.

Mr. Victor Trevino replied that they were not building the cement panel in the back of the easement. He mentioned that the water would be within the setback.

Ms. Elizondo stated that the revised site plan didn't show that. She mentioned that the site plan was wrong, that it showed the utility and irrigation easement in the front of the property.

Mr. Garza mentioned for Mr. Trevino to speak to the irrigation district, and ask if they allow him to build over the easement.

There being no further discussion. Vice Chairwoman Dolly Elizondo entertained a motion. Mr. Garza moved to table the variance request. Mr. Ueckert seconded the motion. Upon a vote, the motion passed unanimously.

### **ITEM # 3**

**TO ALLOW A TOTAL OF 4,982.00 SQUARE FEET, INSTEAD OF THE MAXIMUM 2,125.60 SQUARE FEET WHICH EQUALS TO 40 PERCENT ALLOWED FOR ACCESSORY STRUCTURES, AT 3009 N. GLASSCOCK ROAD, BEING A .87 ACRE TRACT OF LAND OUT OF THE NORTH 600 FEET OF THE SOUTH 1,016.00 FEET AND A .97 ACRE TRACT OF LAND OUT OF THE NORTH 600 FEET OF THE SOUTH 1,016.00 FEET OF THE EAST 330 FEET BOTH OUT OF LOT 282, JOHN H. SHARY SUBDIVISION, AS REQUESTED BY MARK M. & DEEDRE PAYNE**

Ms. De Luna stated that the site is located at the Southwest corner of N. Glasscock Road and Payton Drive. The applicant is requesting a variance to construct a gym, cabana, covered porch, and

greenhouse for a total of 4,982.00 square feet instead of the maximum 40 percent being 2,125.60 square feet. There is currently an existing 5,314 square foot single-family residence on the property. The applicant is proposing to build a gym, cabana, covered porch and a greenhouse.

The Planning Staff has not received any objections to the request from surrounding property owners. Staff mailed out (25) legal notices to surrounding property owners. The applicant would like the Board to consider the above-mentioned variance for construction of the accessory structures.

Staff recommends denial of the request subject to compliance with the following conditions:  
Must comply with required maximum 40 percent being 2,125.60 square feet.

Vice Chairwoman Elizondo asked if the board had any questions for staff.

Mr. Garza asked what was the proposed side setback?

Mr. Mark M. Payne & Deedre Payne were present, he mentioned that they were proposing 6 feet on the side setbacks and 20 feet in the rear setback.

Ms. De Luna stated that the only concern was the maximum square footage allowed.

Mr. Garza asked what was the total acreage of the property.

Mr. Mark M. Payne & Deedre Payne replied 1.84 acres.

Mr. Salazar asked when the city commission first thought about limiting the total square footage of accessory structures. Was there something that caused them to reduce size?

Ms. De Luna replied that the purpose was for accessory structures not to be larger than their home.

Mr. Garza mentioned that he could see the issue on a half-acre lot or less, like your regular 50'x100' lots. But acreage smiler to what was being presented was not a a problem.

Vice Chairwoman Elizondo asked if there was anyone in favor or against this request.

There were none.

Vice Chairwoman Elizondo entertained a motion to close the public hearing. Mr. Garza moved to close the public hearing. Mr. Salazar seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion. Vice Chairwoman Elizondo entertained a motion. Mr. Garza moved to approve the variance request. Mr. Salazar seconded the motion. Upon a vote, the motion passed unanimously.

#### **ITEM # 4**

**TO ALLOW AN ACCESSORY STRUCTURE (CARPORT) TO ENCROACH EIGHT (8) FEET INTO THE REQUIRED EIGHTEEN (18) FOOT FRONT YARD SETBACK FOR CARPORTS IN A R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT) AT 614 RAMIREZ LANE, BEING LOT 7, MAYBERRY GARDENS SUBDIVISION, AS REQUESTED BY JEFFERY MILLER**

Ms. De Luna stated that the site is located along the south side of Ramirez Lane approximately 386' west of Mayberry Road. The applicant is requesting a variance to allow an accessory structure (carport) to encroach eight (8) feet into the required eighteen (18) foot front yard setback for carports to allow for protection of his vehicles during inclement weather. There is currently an existing 2,060 square foot single-family residence on the property. The applicant constructed a 20'x20' carport without obtaining the proper building permit. The applicant shared that he asked the builder several times if a permit was required for the proposed carport and was told all the times that no permit was required. The applicant is a 100% disabled veteran and federal officer and didn't mean to break any rules. He was just not aware that a permit was needed until he was told by a Code Enforcement Officer.

Staff notes that ZBA has considered and approved the following variance within this subdivision: 10' front yard setback for Lot 19 on 3/16/11.

Staff has not received any calls regarding the variance request. Staff mailed out 24 notices to the surrounding property owners.

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 carport was built without a permit, and 3.) This is a self-imposed hardship.

Vice Chairwoman Elizondo asked if the board had any questions for staff.

Vice Chairwoman Elizondo asked if the applicant was considered for the Accommodation Review Board.

Ms. De Luna replied that she did ask the applicant, and the applicant didn't think he would qualify.

Mrs. Melissa Miller who resides at 614 Ramirez, mentioned that they were unaware of anything that was happening. She added that her husband could not attend, since he was in a training in Georgia.

Mr. Ueckert asked if there were similar carports in the area/subdivision.

Mrs. Melissa Miller replied yes.

Mr. Salazar asked when was the carport built?

Mrs. Melissa Miller replied in April.

Ms. De Luna mentioned that a 10' front setback was granted for Lot 19, Mayberry Gardens Subdivision which is the same subdivision as the one being presented.

Mr. Salazar asked Mrs. Miller, how much did the carport cost?

Mrs. Melissa Miller replied \$2,300.

Vice Chairwoman Elizondo asked if there was anyone in favor or against the variance request.

Vice Chairwoman Elizondo entertained a motion to close the public hearing. Mr. Garza moved to close the public hearing. Mr. Ueckert seconded the motion. Upon a vote, the motion passed unanimously.

Vice Chairwoman Elizondo entertained a motion. Mr. Garza moved to approve the variance request subject to: signing a hold harmless agreement; and for the carport to remain perpetually open to its foot print. Mr. Salazar seconded the motion. Upon a vote, the motion passed unanimously.

#### **ITEM # 5**

**TO ALLOW A TOTAL OF 4,428 SQUARE FEET INSTEAD OF THE MAXIMUM 2,802 SQUARE FEET, WHICH EQUALS 40 PERCENT ALLOWED FOR AN ACCESSORY STRUCTURE FOR AN ENCLOSED STORAGE/GARAGE BUILDING AT 1907 ROYAL PALM DRIVE, BEING LOT 33B, SOUTHWIND ESTATES UNIT II SUBDIVISION, AS REQUESTED BY CARLOS LERMA**

Ms. De Luna stated that the site is located at the Northwest corner of Terrace Drive and Royal Palm Drive. The applicant is requesting a variance to construct a Garage/Storage Building for a total of 4,428.00 square feet instead of the maximum allowed of 2,802 square feet. There is currently an existing 7,005-square-foot single-family residence on the property. The applicant is proposing to build a garage and a storage building.

The Planning Staff has not received any objections to the request from the surrounding property owners. Staff mailed out (30) legal notices to surrounding property owners. The applicant would like the Board to consider the above-mentioned variance to allow the construction of the accessory structure.

Staff recommends denial of the request, subject to compliance with the following conditions: Must comply with the required maximum of 40 percent, 2,125.60 square feet.

Vice Chairwoman Elizondo asked if the board had any questions for staff.

There were none.

Mr. Carlos Lerma who resides at 1907 Royal Palm Drive was present, he mentioned that the structure he was proposing to built was already there but caught on fire in 2021. He added that the concrete pad was also there and was not adding anything different.

Mr. Ueckert asked that if the structure being proposed was meeting the required setbacks.

Ms. De Luna replied that the variance being requested was for the square footage.

Mr. Ueckert asked if it was for personal use?

Mr. Carlos Lerma replied that it was only for him and his family.

Vice Chairwoman Elizondo asked if there was anyone in favor or against the variance request.

There were none.

Vice Chairwoman Elizondo entertained a motion to close the public hearing. Mr. Salazar moved to close the public hearing. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion. Vice Chairwoman Dolly Elizondo entertained a motion. Mr. Salazar moved to approve the variance request. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

#### **ITEM # 6**

**TO ALLOW A TOTAL A 6' REAR SETBACK INSTEAD OF THE REQUIRED 10' FOR A 26' BY 28' DETACHED REAR PATIO STRUCTURE, AT 3106 HILLCREST DRIVE, BEING LOT 20, HILLCREST VALLEY SUBDIVISION, AS REQUESTED BY BLANCA MORIN**

Ms. De Luna stated that the site is located along the East side of Hillcrest Drive approximately 360 feet South of 2 Mile Road. The applicant is requesting a variance to keep an already-constructed detached roof patio structure. City officials from the Code Enforcement Division noticed the detached roof patio structure in the backyard and gave the property owner a notice of violation for the construction of the structure without a building permit. The eastern edge of the structure metal posts are located six (6) feet from the rear property line. There is no history of variances in this subdivision.

The Planning staff has not received any objections to the request from the surrounding property owners. Staff mailed out 16 legal notices to surrounding property owners.

Staff recommends denial. The structures need to be modified or removed to comply with the required setbacks within 60/90 days. 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, with an acknowledgment of the utility easement 2) obtaining a building permit fee, and 3) accessing a double permit fee.

Vice Chairwoman Dolly Elizondo asked if the board had any questions for staff.

There were none.

Vice Chairwoman Elizondo asked if the applicant was present.

Mrs. Blanca Morin who resides at 3106 Hillcrest Drive was present, she mentioned that when she purchased the home she didn't need a permit since the home was passed two-mile line. She added that when the porch was built they didn't check how close it was to her fence. She stated that she uses the porch for family gatherings, and would like to keep her porch since she's still paying for it and doesn't have the money to remove it.

Mr. Salazar stated that if the variance would be approved, what could happen in the future was that the porch could be enclosed and the city would not be able to do anything if the variance was granted.

Mr. Garza asked if it was possible to relocate the poles within the easement?

Mrs. Blanca Morin replied that she thought about relocating the poles. However, if the poles were relocated it would take money, and didn't think it was possible because the roof was not flat.

Mr. Salazar asked what was behind her property.

Mrs. Blanca Morin replied that it was a canal.

Mr. Garza mentioned that it was not a canal, that it was a drainage ditch.

Mr. Ueckert asked that what utilities ran through the property?

Ms. De Luna replied that an 811 dig test had not been requested.

Vice Chairwoman Elizondo asked if what was shown in aerial was a concrete pad?

Mrs. Blanca Morin replied that the floor was built to eventually place a shed over it.

Mr. Garza asked if other variances had been approved in the subdivision.

Ms. De Luna replied that there was no history of any variances being approved in that subdivision.

Mr. Ueckert stated that it was an electrical easement.

Ms. De Luna mentioned that the plat showed it was a utility easement, but not exactly what type of utility it was.

Mrs. Blanca Morin stated that she was aware that there was a gas line in the back of her lot. She mentioned that the gas line ran right in the middle of her neighbor's property but not in hers.

Mr. Garza mentioned that his main concern was that the structure was two walls away from being enclosed.

Mrs. Blanca Morin stated that the porch was built detached from the home, because she was informed that the taxes are higher when the porch was attached to the home since it was part of it.

Mr. Garza mentioned that any structure with a roof would increase her taxes. He added that what was the purpose of the porch being framed.

Mrs. Blanca Morn replied that it was to be used like a mount for her tv and stuff. She added that they also installed some plumbing to built a restroom in the future.

Vice Chairwoman Elizondo stated that if the porch had plumbing and electrical it could be converted into a living space.

Mrs. Blanca Morin mentioned that the porch had no electricity.

Vice Chairwoman Elizondo stated if a tv was able to be connected, that meant there was electricity.

Mrs. Blanca Morin replied that an extension cord was being used for electricity.

Mr. Garza asked if Mrs. Elizondo was willing to remove the wall?

Mrs. Blanca Morin replied that she thinks she can. She mentioned that she had no issues with the porch until the wall was built. She added that the wall was built to protect the 2x4 from getting moldy.

Mr. Garza asked when was the porch built?

Mrs. Blanca Morin replied 3 years ago.

Mr. Garza asked that if there was any way to relocate the 3 poles to clear the 4-foot utility easement.

Mrs. Blanca Morin replied move the poles inside and remove the cement.

Mr. Garza stated no, the overhang could stay over the easement the poles are the ones that need to be relocated 4 feet.

Mrs. Blanca Morin agreed to move the poles to meet required setbacks.

Vice Chairwoman Elizondo asked if there was anyone in favor or against the variance request.

There were none.

Vice Chairwoman Elizondo entertained a motion to close the public hearing. Mr. Salazar moved to close the public hearing. Mr. Ueckert seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion Vice Chairwoman Elizondo entertained a motion. Mr. Garza moved to deny the variance request as presented. Mr. Salazar seconded the motion. Upon a vote, the motion passed unanimously.

## **OTHER BUSINESS**

There was none.

## **ADJOURNMENT**

There being no further business, Mr. Ueckert moved to adjourn. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously at 5:25 p.m.

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Dolly Elizondo, Vice Chairwoman  
Zoning Board of Adjustments