



MEETING DATE: January 28, 2026

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

AGENDA ITEM: Public hearing and consideration of a variance request to allow a 9-foot front setback instead of the required 20 feet, for a 29' x 25' existing carport, being Lot 1, Block 44A, Southwest Addition Subdivision, located at 212 N. Nicholson Avenue, Applicant: Fidel Montiel – Cervantes

NATURE OF REQUEST:

Project Timeline:

- November 26, 2025 – Application for Variance Request submitted to the City.
- January 15, 2026 – 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, and notice of public hearing was published in the Progress Times.
- January 28, 2026 – 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.- R-1 (Single Family Residential District), which states:
 - Minimum Front Setback: 20 feet
 - Minimum Side Setback: 6 feet
 - Minimum Garage/Carport Setback: 18 feet
 - Where a building setback has been established by plat or ordinance and such setback requires a greater or lesser front yard setback than is prescribed by this article for the district in which the building is located, the required front yard setback shall comply with the building line so established by such plat or ordinance.
- The property is located approximately 227 feet North of West 3rd Street, along the East Side of Nicholson Avenue.
- The applicant is requesting a variance to keep a 29'x25' carport within the front and side setback.
- Southwest Addition Subdivision was recorded on April 7, 1953. The regular lot measures 50 feet in width by 150.00 feet in length for a total of 7,500 square feet.
- There is currently an existing 1,156 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 25 legal notices to surrounding property owners.

- 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:

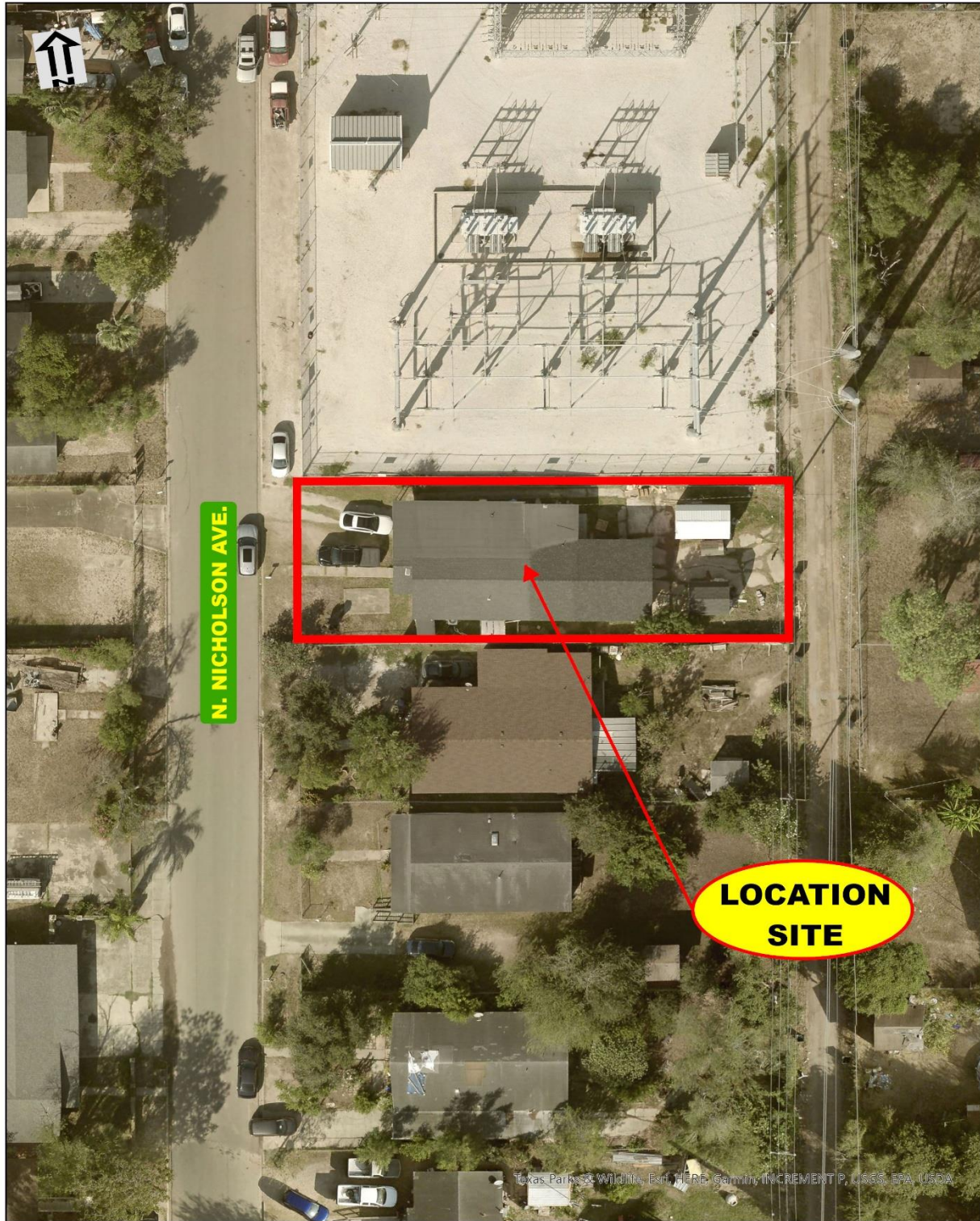
Staff recommends disapproval of the variance request as:

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 _____		

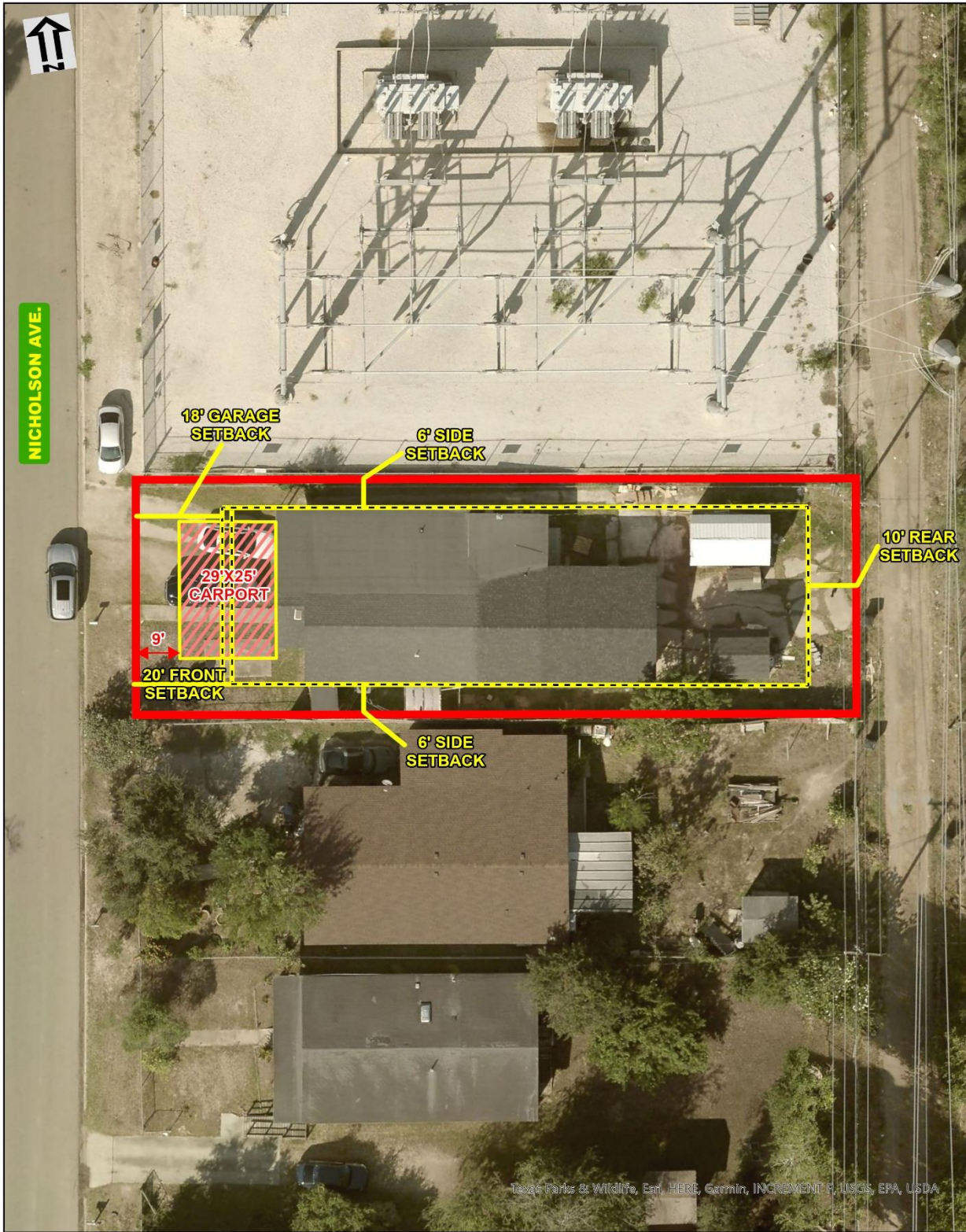
ARIEL MAP



PICTURES



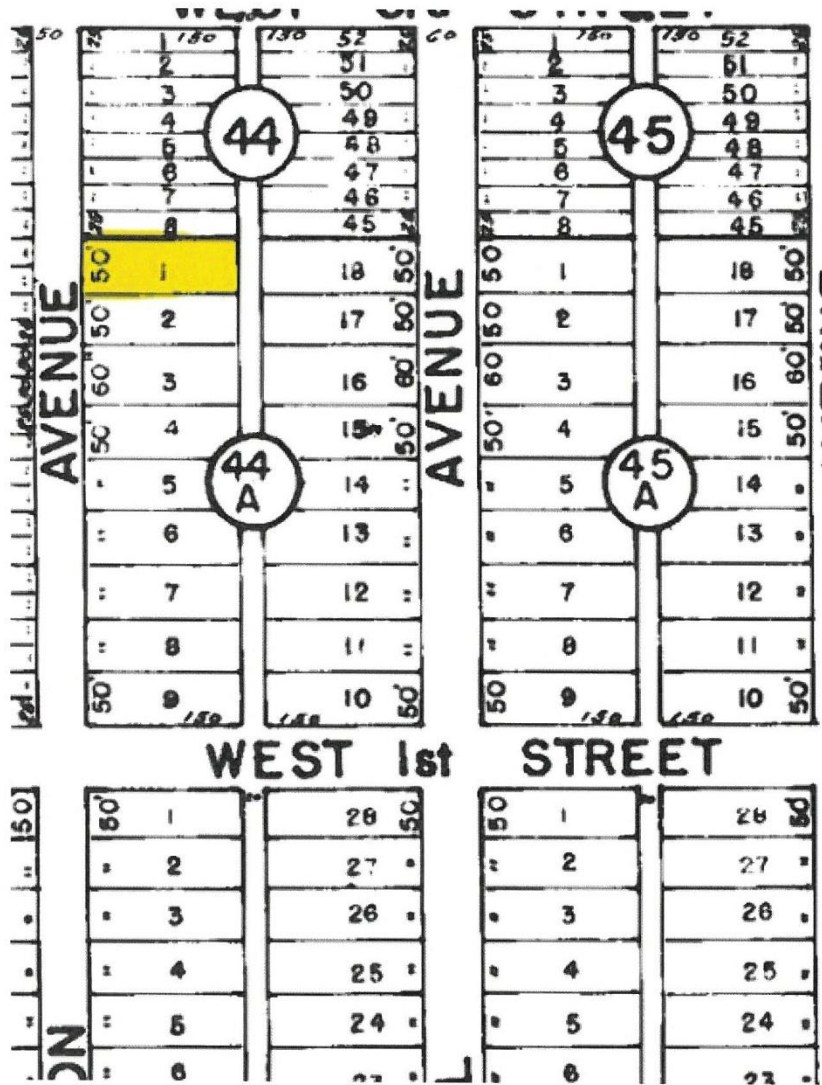
ARIEL WITH SETBACKS



ATTACHMENTS

Hidalgo County Appraisal District		PUBLIC CARD WITH SKETCH 2026-0-0				Valuation Method: cost-local		December 22, 2025																					
PROPERTY ID AND LEGAL DESCRIPTION		OWNER ID, NAME, AND ADDRESS		OWNER ID %		EXEMPTIONS		VALUES																					
289111 212 NICHOLSON AVE, MISSION TX		MONTIEL FIDEL & DIANA		1051716		HS		2025 2026																					
SOUTHWEST ADDN LOT 1 BLK 44 A TYPE: R DBA:		212 NORTH NICHOLSON AVE MISSION TX 78572-5039		100.00000				IMPROVEMENTS 68,787 66,209 LAND MARKET + 64,125 64,125 MARKET VALUE = 132,912 130,334																					
GEO ID: S525001-44A-0001-00 RefID: 29624 RefID2: 289111 SUBTYPE: RES LEGAL ACREAGE:		PROP USE: MAP ID: VOL 12 PG AS CODE: S525001 MKT AREA: S4R6A018 SUB MKT: TIF EFF SIZE: APPR VAL METHOD: cost-local		MPPSCO:		TAXING UNITS		SPECIAL USE EXCL - 0 0 APPRAISED VALUE = 132,912 130,334 HS VALUE LIMIT - 66,079 56,818 CIRCUIT BRKR LIMIT - 0 0 NET APPRAISED = 66,833 73,516																					
CAD 100.00 CMS 100.00 DR1 100.00 GHD 100.00 JCC 100.00 BMS 100.00 SST 100.00		AGENT: EFF DATE:		EXP DATE:																									
GENERAL		REMARKS		SKETCH																									
UTILITIES: AL GBA: 0 TOPOGRAPHY: LV NRA: 0 ROAD ACCESS: PGP UNITS: 0 ZONING: RS RENT: 0		(2025) NEW POR (2022) ADJ %; NEW ROOF; NEW STG (2019) NEW STG & R/W/D ADD(2016) NEW ADD & PAT (2013) N/C (2013) N/C (2009) N/C 07 (2008) N/C 07 (2007) N/C 07 (2008) ADJ % & NEW ADD 04 (2005) ADJ % & NEW ADD 04																											
TAXING UNIT CD TAXING UNIT NAME PCT CAD APPRAISAL DISTRICT 100.00% CMS CITY OF MISSION 100.00% DR1 DRAINAGE DISTRICT #1 100.00% GHD HIDALGO COUNTY 100.00% JCC SOUTH TEXAS COLLEGE 100.00% SMB MISSION ISD 100.00% SST SOUTH TEXAS SCHOOL 100.00%																													
DEFID HISTORY																													
DATE	TYPE	BOOK/PG	INST #	BUYER	SELLER																								
2015-06-08	GWD	null/full	2617692	MONTIEL FIDEL & EXR LLC																									
2015-05-07	SWD	null/full	2609451	EXR LLC	NATIONSTAR																								
2014-03-10	STD	null/full	2492572	NATIONSTAR	VILLARREAL																								
IMPROVEMENT VALUATION																													
#	TYPE	DESCRIPTION	MODEL CLASS	AREA	UN	PRC	UNITS	STY	BUILT	EF	YR	COND	FEAT	AMT	VALUE	DEP	PHYS	ECON	FUNC	COMP	ADJ	VALUE	#	ADJ TYPE	ADJ AMT	ADJ %	DESC	CODE	
1	NR	Residential N/In	RES SIDLW	1,156	65.39	1	1	1978	1985	AV	0	75,591	47.00	100.00	100.00	100.00	100.00	100.00	100.00	0.47	35,528								
	POR	PORCH	RES SIDLW	84	16.35	1	1	1978	1985	AV	0	1,373	47.00	100.00	100.00	100.00	100.00	100.00	0.47	645									
	ADD	ADDITION	RES SIDLW	500	65.39	1	1	1978	1985	AV	0	36,618	47.00	100.00	100.00	100.00	100.00	100.00	0.47	17,210									
	PAT	PATIO	RES SIDLW	200	16.35	1	1	2007	2007	-	0	3,597	72.00	100.00	100.00	100.00	100.00	100.00	0.72	2,590									
	STG	STORAGE	RES SIDLW	96	8.0	1	1	2018	2018	-	0	768	98.00	100.00	100.00	100.00	100.00	0.98	700										
	STG	STORAGE	RES SIDLW	120	32.70	1	1	2021	2021	-	0	3,924	94.00	100.00	100.00	100.00	100.00	0.94	3,689										
	POR	PORCH	RES SIDLW	90	16.35	1	1	2000	2000	OD	0	1,472	60.00	100.00	100.00	100.00	100.00	0.60	883										
	T	Style:	STCD: A1	2,326	Area:	1,716	Homesite:	Y (100.00%)	Structure:			123,343	AS Code:	100.00%	Market Area:	108.00%					66,209								
			Finish Out: 100		Quality:	LW																							
LAND VALUATION										LAND ADJUSTMENTS			PRODUCTIVITY VALUATION																
LP DESCRIPTION	TYPE	SOIL	CLS	TABLE	SC	HS	METH	DIV	UNIT	PRC	ADJ	MADJ	VAL	SRC	MKT	VAL	SEQ	ADJ	TYPE	ADJ	AMT	ADJ	%	AG	USE	TABLE	UNIT	AG	VALUE
1 LOT	L			S525001	A1	Yes	SF	7500.00	sf	8.95	1.000				64,125									No			GLOO	0	0
								AS Code:	100.00%	Market Area:	100.00%																		

ATTACHMENTS



MAILOUT LIST

PROP_ID	geoID	name	addrDelive	addrCity	addrState	addrZip
289112	S5250-01-44A-0002-00	ALONZO MARCELINO (DECEASED)	128 N NICHOLSON AVE	MISSION	TX	78572-5037
289128	S5250-01-44A-0018-00	SALINAS ANTONIO (DECEASED)	133 N CANAL AVE	MISSION	TX	78572-5022
289111	S5250-01-44A-0001-00	MONTIEL FIDEL & DIANA	212 NORTH NICHOLSON AVE	MISSION	TX	78572-5039
289114	S5250-01-44A-0004-00	GARCIA JOSE ENEREO	120 N NICHOLSON AVE	MISSION	TX	78572-5037
289126	S5250-01-44A-0016-00	GARZA MARIA GUADALUPE & LUIS ANGEL	127 N CANAL AVE	MISSION	TX	78572-5022
289127	S5250-01-44A-0017-00	FLORES LYDIA	131 N CANAL AVE	MISSION	TX	78572-5022
289088	S5250-01-044-0046-00	GARZA EUDELIO & NANCY HERNANDEZ	211 N CANAL AVE	MISSION	TX	78572-5024
289115	S5250-01-44A-0005-00	GUERRERO ESTELA R	118 N NICHOLSON AVE	MISSION	TX	78572-5037
289113	S5250-01-44A-0003-00	DELGADO SACRAMENTO & MA CARMEN	126 N NICHOLSON AVE	MISSION	TX	78572-5037
289124	S5250-01-44A-0014-00	CADENA JUAN	115 N CANAL AVE	MISSION	TX	78572-5022
289125	S5250-01-44A-0015-00	SANCHEZ ISAAC T & ANNA M	123 N CANAL AVE	MISSION	TX	78572-5022
289092	S5250-01-044-0051-00	RODRIGUEZ FRANCISCA	221 N CANAL AVE	MISSION	TX	78572-5024
289086	S5250-01-044-0001-00	AEP TEXAS CENTRAL COMPANY	PO BOX 16428	COLUMBUS	OH	43216-6428
289089	S5250-01-044-0047-00	GUTIERREZ SOCORRO D	215 N CANAL AVE	MISSION	TX	78572-5024
289090	S5250-01-044-0049-00	ACEVEDO ELIAZAR A/K/A ELEAZAR	135 AUSTIN ST APT 6 B	ROSENBURG	TX	77471
289071	S5250-01-043-0035-00	RAMOS HILARIO & MARIA	117 N NICHOLSON AVE	MISSION	TX	78572-5036
289073	S5250-01-043-0037-00	OZUNA DELMA	121 N NICHOLSON AVE	MISSION	TX	78572-5036
289077	S5250-01-043-0043-00	MUNOZ ANA MARIA	2020 E 20TH ST	MISSION	TX	78572-3201
289079	S5250-01-043-0046-00	CUELLAR ROOSEVELT JR	213 NICHOLSON AVE	MISSION	TX	78572-5038
289081	S5250-01-043-0048-00	CEDILLO LAURA & SAMANTHA	215 N NICHOLSON AVE	MISSION	TX	78572-5038
289087	S5250-01-044-0045-00	GARZA EUDELIO & NANCY HERNANDEZ	211 N CANAL AVE	MISSION	TX	78572-5024
289078	S5250-01-043-0045-00	BECHO MARIA	211 N NICHOLSON AVE	MISSION	TX	78572-5038
289116	S5250-01-44A-0006-00	DORADO ANTHONY REYES & ANGELA MARIA	114 N NICHOLSON AVE	MISSION	TX	78572-5037
289083	S5250-01-043-0050-00	GUERRERO JUAN & DIANA	1101 BURNEY ST	MISSION	TX	78572-3601
289084	S5250-01-043-0051-00	RAMIREZ MARIA GUADALUPE	219 N NICHOLSON AVE	MISSION	TX	78572-5038