

**ZONING BOARD OF ADJUSTMENTS
AUGUST 26, 2026
CITY HALL'S COUNCIL CHAMBERS**

ZBA PRESENT

Alberto Salazar
Humberto Garza
Heraclio Flores
Dolly Elizondo
William Ueckert Jr.

ZBA ABSENT

STAFF PRESENT

Xavier Cervantes
Susie De Luna
Alex Hernandez
Elisa Zurita
Jessica Munoz

GUESTS PRESENT

Olaak & Laura Vargas
Roque & Karla Longoria
Roosevelt Gonzalez Jr.
Antonio T. Martinez Jr.
Sonia Mayhugh
Pete Balderas
Mariaelia Gutierrez

CALL TO ORDER

Chairman Salazar called the meeting to order at 4:30 p.m.

CITIZENS PARTICIPATION

Chairman Salazar asked if there was anyone in the audience who had anything to present or express that was not on the agenda.

There was none.

APPROVAL OF MINUTES FOR JULY 22, 2026

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

ITEM #2

PUBLIC HEARING AND CONSIDERATION OF A VARIANCE TO ALLOW A 5' 6" GARAGE/CARPORT SETBACK INSTEAD OF THE REQUIRED 18' AND A 0' SIDE SETBACK INSTEAD OF THE REQUIRED 6' FOR AN 18' X 29' EXISTING CARPORT, BEING LOT 168, FRONTIER ESTATES SUBDIVISION, LOCATED AT 1011 E. SANDSTONE DRIVE, APPLICANT – MARY K. & ROQUE LONGORIA – CERVANTES

Mr. Alex Hernandez stated the request is for a variance not to comply with Section 1.371 (5) (h) of the Mission Code of Ordinances, which states: Minimum distance from the public right-of-way to the entrance to a garage or 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 garage/carport yard 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 site is located at the Northwest corner of Highland Park Avenue and E. Sandstone Drive. The applicant is requesting a variance to keep a 18' by 29' carport within a 5' 6" front setback instead of the required 18' and a 0' side setback instead of the required 6' side setback. The Frontier Estates Phase III Subdivision was recorded on July 26, 2001. The subject property is a regular lot with a depth of 106.69 feet and a width of 60.00 feet along E. Sandstone Drive. The subject lot has a total area of 6,401.40 square feet. The Planning staff has not received any objections to the request from the surrounding property owners. Staff mailed out 19 legal notices to surrounding property owners. Staff notes that Z.B.A. has considered the following variance in this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 78	3' corner setback 10' required 3' rear setback 10' required (Shed)	06-13-2001	Denied
Lot 13	20' front instead/25' required	03-12-2002	Denied

STAFF RECOMMENDATION:

Staff recommends denial. This request does not qualify as an undue 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, and 2) obtaining a building permit fee.

Chairman Salazar asks if there are any questions for staff.

Mr. Flores inquired whether there were any similar approved carports within the subdivision.

Mr. Hernandez stated that no carports had been approved in the subdivision in the past.

Ms. Elizondo inquired whether no one had applied for a carport permit in the past 24 years.

Mr. Hernandez confirmed that that was correct.

Mr. Garza asked if there were other carports in the neighborhood.

Mr. Hernandez stated that there were other carports in the neighborhood.

Mr. Garza asked if those carports were in compliance.

Mr. Hernandez stated that some carports were in compliance while others were not, explaining that the subdivision consists of three phases with varying setback requirements; specifically, this phase requires a 25-foot front setback but allows an 18-foot setback for a garage or carport, and the carports in question do not meet that 18-foot requirement.

Mr. Flores asked if the side setback requirement was 6 feet.

Mr. Hernandez confirmed that the side setback requirement was indeed 6 feet.

Chairman Salazar asked if the applicant was present.

Mr. Roque Longoria and Ms. Mary K. Longoria stated their address as 1011 E. Sandstone Drive for the record and proceeded to explain the reasoning for the variance request, stating that the sole purpose of placing the carport at the front of the residence was to ensure the safe keeping of their vehicles during hail or other inclement weather.

Ms. Elizondo asked if the home had a garage.

Mr. Longoria replied that the home did have a one-car garage, noting that it was small.

Ms. Elizondo inquired about the exact size of the garage.

Mr. Longoria stated that the garage was sized for one car.

Mr. Garza asked if the neighbors had any similar structures close by.

Mr. Longoria stated that they did not believe so.

Chairman Salazar asked if there was anyone present who wished to speak in favor of or against the request.

Ms. Sonia Mayhugh stated that she resides at 1013 E. Sandstone on the property adjacent to the right of Mr. and Mrs. Longoria and respectfully requested a denial of the variance request. She explained that the city zoning ordinance requires a 6-foot side setback from the interior residential lot line, but the pre-existing carport was built only a few inches from their shared property line instead of meeting that requirement. As a result, rainwater now drains onto her property, creating a drainage issue that did not exist before; she noted that while they have not had a lot of rain yet, she has observed the runoff and taken video footage of it. To her knowledge, the structure was built before a permit was obtained. She respectfully asked the board to consider that setback requirements exist to protect neighboring property owners and to prevent exactly these kinds of conflicts, arguing that granting a variance after construction would undermine those protections unless a legally significant hardship exists under the city's standards. Consequently, she respectfully requested that the variance be denied and that the existing zoning ordinance be enforced.

Ms. Elizondo asked if she had the video of the rain.

Ms. Mayhugh stated that she possessed a video showing the structure's close proximity to her property line, adding that while they did not currently have a second vehicle, they did park a business rig there, and due to erosion, the vehicle's tire fell, resulting in a broken taillight. She noted that when it poured, the water drained directly down, and she emphasized that this would eventually become a significant issue during heavy rainfall due to erosion and terrain runoff. She reiterated her understanding that the ordinance requires a 6-foot setback from the property line, which the structure fails to meet, leading to ongoing runoff issues. Finally, she offered to provide the videos and pictures to the board.

Ms. Elizondo asked if she would provide the footage and photos to the city.

Ms. Mayhugh confirmed that she could provide that information to the city.

Chairman Salazar asked Ms. Mayhugh if her main concern was the property line setback, and further inquired whether she had an objection to the structure being placed too far forward toward the street.

Ms. Mayhugh stated that the applicants should adhere to the ordinance as dictated by the city, noting that the structure had been built up and that she had spoken to the contractor. She also provided a side note that they have an active civil lawsuit against the applicants, explaining that when the structure was built, unbeknownst to them, spray from the construction drifted onto their truck, leaving a film over the vehicle and resulting in an ongoing civil matter.

Ms. Elizondo asked if she had a lawsuit with the contractor.

Ms. Mayhugh clarified that the lawsuit was with the property owner because the owner shifted the blame to the contractor, while the contractor deflected responsibility back to the owner. She noted that the contractor had built the structure, though she was unsure if he was licensed, and emphasized that the owner had hired him without obtaining any permits. She explained that the construction overspray had completely covered their truck, which was parked in their driveway well clear of the construction area. Furthermore, she recounted that during the last heavy rainfall, she stood outside and observed that even without hail, rainwater would bounce off the carport roof directly onto their vehicle. She expressed concern that during a severe storm or hail event, elements would bounce off that roof straight onto their vehicles, adding that residents on her property and in the immediate vicinity frequently park in that specific area. She reiterated that because the structure is built so close to her property line, lacks gutters or any proper drainage system, and resembles a commercial shop rather than a residential structure, it creates severe issues with rain and erosion while failing to meet the city's 6-foot setback requirement.

Chairman Salazar asked if there was anyone else present who wished to speak in favor of or against the item.

Mr. Pedro Balderas, Jr., stated that he resides at 1013 East Sandstone Drive and confirmed that the situation had escalated into a civil matter, noting that Mr. Longoria had been served with a letter of demand and that they would be taking the case to small claims court. He referenced the city's original zoning ordinance, highlighting the clause stating that accessory use must not be hazardous and must not impair the use or enjoyment of nearby property. Emphasizing the word "enjoyment," he argued that as direct neighbors on the east side, their property qualifies as nearby property, and cited Webster's dictionary definition of "enjoy" as possessing an advantage or using something with good results, noting common synonyms like love, relish, savor, and delight. He stated that he had consulted Al regarding the negative impacts of unauthorized construction overspray, asserting that Mr. Longoria had negligently constructed the carport without a permit, which resulted in overspray damage to their vehicle. Mr. Balderas explained that he had attempted to resolve the matter directly, detailing inconsistent communications where Mr. Longoria claimed to have legal counsel and later denied it, and recounting an instance where Mr. Longoria directed him to a collision center for repairs but subsequently refused to pay, claiming the damages were too high. Finally, he urged the commission not to allow Mr. Longoria to make a mockery of the board simply because he claims his vehicles are expensive.

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

Ms. Elizondo stated her opinion that the existence of an active civil lawsuit should be taken into consideration.

There being no further discussion, Chairman Salazar entertained a motion. Ms. Elizondo moved to deny the variance request. Mr. Ueckert seconded the motion. Upon a call for the vote, the motion carried with a vote of 3-1, with Mr. Garza voting in favor of the variance.

Mr. Garza expressed his intention to request a re-inspection of the entire subdivision, noting his curiosity to see if other carports exist within the development.

Ms. Elizondo asked whether the proposed inspection would apply strictly to this phase or to all phases.

Mr. Garza clarified that the inspection should be conducted in this particular phase, adding that it would be beneficial to identify other existing violations and address them directly with the respective property owners.

Chairman Salazar stated that he would need Ms. Elizondo to rescind her vote.

Ms. Elizondo clarified that she did not believe he was involved in the motion, noting that he was simply opposed but making a comment.

Mr. Garza stated that he would like to withdraw his motion, asking if the board would consider that request.

Ms. Elizondo stated no.

ITEM #3

PUBLIC HEARING AND CONSIDERATION OF A VARIANCE TO ALLOW A 7' GARAGE/CARPORT SETBACK INSTEAD OF THE REQUIRED 18' FOR A PROPOSED 22' X 24' CARPORT, BEING LOT 41, CRYSTAL ESTATES PHASE III SUBDIVISION, LOCATED AT 1608 ALEXA MARIE STREET, APPLICANT – ANTONIO TOMAS MARTINEZ JR.

Mr. Hernandez stated the request is for a variance not to comply with Section 1.371 (5) (h) of the Mission Code of Ordinances, which states: Minimum distance from the public right-of-way to the entrance to a garage or 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 garage/carport yard 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 site is located approximately 200 linear feet east of Silver Oak Drive along the north side of Alexa Marie Street. The applicant is requesting a variance to allow a 7' Garage/carport setback instead of the required 18' for a proposed 22ft by 24 ft carport. The Crystal Estates Phase III Subdivision was recorded on February 01 2019. The subject property is a regular lot with a depth of 126.50 feet and a width of 65.00 feet along Pekins Avenue. The subject lot has a total area of 8,222.50 square feet. The lot has a double frontage to Alexa Marie Street and Esperanza Avenue. The proposed carport will face Esperanza Avenue. The Planning staff has not received any objections to the request from the surrounding property owners. Staff mailed out 29 legal notices to surrounding property owners. No variances have been processed in this subdivision.

STAFF RECOMMENDATION:

Staff recommends denial. This request does not qualify as an undue 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, and 2) obtaining a building permit fee.

Chairman Salazar asked the board if they have any questions for staff.

There was none.

Chairman Salazar asked if they had already built the carport.

Mr. Hernandez stated that they had not built the structure yet, explaining that they had applied for a building permit and were denied, which was the reason they were seeking a variance request. Chairman Salazar asked how far they would be from the setback requirement.

Mr. Hernandez stated that they would be leaving 11 feet in the rear setback, thereby encroaching 7 feet into the required rear setback.

Chairman Salazar asked if there were any easements located within the rear setback.

Mr. Hernandez stated that there was a utility easement located in the rear.

Ms. Elizondo asked if locators had been requested to find the easements, noting that while records might indicate the presence of utility easements, that did not necessarily mean the utility lines actually ran through them.

Mr. Hernandez stated that staff had not requested a utility locate, but noted that there were driveways allowing the structure to be placed in the back. He explained that as the driveway moves up, the applicants need to meet the setbacks, pointing out that there is a 10-foot easement and the applicant is currently proposing to leave an 11-foot setback instead of the required 18 feet. Chairman Salazar asked if there was currently a driveway over the entire easement.

Mr. Hernandez confirmed that there was, explaining that it was for the entrance of the garage.

Chairman Salazar asked if he could simply add a porch or, in this case, a carport.

Mr. Hernandez confirmed that that was correct.

Chairman Salazar asked if the applicant was present.

Mr. Roosevelt Gonzales, Jr., introduced himself as the contractor representing FRAJA Construction, and Mr. Antonio Martinez introduced himself as the property owner of 1608 Alexa Marie. Mr. Gonzales expressed appreciation for the opportunity to address the board regarding the variance request to construct a carport on the property. He explained that the request was not intended to alter the character of the neighborhood but was rather a practical improvement to protect Mr. Martinez's vehicles and property from the extreme South Texas sun, heavy rain, hail, and other regularly experienced severe weather. Additionally, he noted that the carport would provide safer and more convenient access to the home during inclement weather. He stated that the structure would be designed to complement the existing home using quality materials and an appearance consistent with the surrounding neighborhood. Mr. Gonzales emphasized that every effort had been made to ensure the proposed carport would not negatively impact adjacent properties, traffic visibility, or public utilities. He concluded by stating that they were requesting only the minimum variance necessary to make the improvement possible while respecting the intent of the city's zoning regulations, expressing his belief that the project would enhance the property without impacting the neighborhood.

Chairman Salazar asked what the building materials would be and what the posts would be made of.

Mr. Gonzalez stated the post will be treated six by six post cedar.

Mr. Garza asked if the structure would remain open.

Mr. Gonzalez confirmed that that was correct, adding that it would be finished off with stucco to match the house.

Mr. Flores asked if he was requesting a 4-foot variance.

Mr. Gonzalez stated that they were currently at 18 feet and requesting 7 feet, which would leave a remaining setback length of 11 feet, thereby still clearing the 10-foot easement.

Mr. Flores asked if he was seeing that correctly in the rear of the property.

Mr. Gonzalez confirmed that that was correct, explaining that all the houses and garages were in the rear, and offered to share a picture showing the space where the structure would be located.

Mr. Garza expressed his appreciation for their coming in prior to construction and asked for confirmation that they were clearing the utility easement.

Ms. Elizondo asked the owner if there was a homeowner's association in the neighborhood.

Mr. Treviño stated that there was no homeowner's association in the subdivision.

Ms. Elizondo asked if they were required to apply to an architectural control committee or any similar body.

Mr. Treviño stated that there was no such requirement in the neighborhood, adding that the structure would be included in his home insurance policy with State Farm.

Chairman Salazar entertained a motion to close the public hearing. Ms. Elizondo moved to close the public hearing. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

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

ITEM #4

PUBLIC HEARING AND CONSIDERATION OF A VARIANCE TO ALLOW A 0' GARAGE SETBACK INSTEAD OF THE REQUIRED 18' FOR A 19' X 22' PROPOSED CARPORT, BEING LOT 18, SUNTERRA ESTATES SUBDIVISION, LOCATED AT 1402 LAS BRISAS DRIVE, APPLICANT – OLAAK VARGAS

Ms. Jessica Munoz stated the request is not to comply with the subdivision plat notes for the side and rear setbacks, which state the following: Front setback: 25 feet; Rear setback: 10 feet or greater for easement; Interior side setback: 6 feet or greater for easement; Corner side setback: 10 feet or greater for easement; Garage: 18 feet. The applicant is proposing to construct a 19'x22' Carport that will encroach into the garage setback. The lot measures 124.67 feet by 75 feet and has a total area of 9,350 square feet. The Sunterra Estates Subdivision was recorded on August 23, 2006. The site is located at 1402 Las Brisas Drive. There is currently an existing 2,263 square foot single-family residence on the property. The Planning staff received one call in opposition to the request. Staff mailed out 21 legal notices to surrounding property owners. No variances have been processed in this subdivision.

STAFF RECOMMENDATION:

Staff recommends denial. This request does not qualify as an undue 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, and 2) obtain a building permit fee.

Chairman Salazar asked the board members if they had any questions for staff.

Ms. Elizondo asked if the email presented in the packet was from the developer.

Ms. Muñoz stated that there were two emails and that they had received one call.

Ms. Elizondo clarified that she was asking because it stated "developer."

Ms. Muñoz explained that it was from the developer of the subdivision located next door.

Chairman Salazar asked if the photo accurately represented what it looked like at that moment.

Ms. Muñoz confirmed that that was correct.

Chairman Salazar asked if the construction had been caught halfway through and further inquired if the work had been stopped.

Ms. Muñoz stated that she was not aware of

Ms. Elizondo asked if staff counted how many calls they had received.

Ms. Muñoz stated that staff had received two emails and one call.

Mr. Flores asked if the correspondence was in favor or against.

Ms. Muñoz stated that the phone calls and emails were against the variance request.

Mr. Flores asked if staff had the plans showing how the applicant intended to construct the carport and if there were any renderings available.

Ms. Muñoz stated that the information should be included in the packet presented to the board.

Chairman Salazar asked if the board members had any other questions for staff.

There were none.

Chairman Salazar asked if the applicant was present.

Ms. Muñoz confirmed that the applicant was present.

Mr. Olaak Vargas stated that they were unaware a permit was required initially, but after inquiring, they were told no, and then later told yes. He explained that he was the person who called the developer. He noted that the individual who contacted the developer was also the only person who

opposed the developer's swimming pool appeal. Mr. Vargas stated that the primary reason for the request is that they own three vehicles and are currently in the process of adopting. He explained that they want to protect their cars and ensure there is covered parking when they return home with their baby. He added that the structure will not affect any sewers, wires, or similar infrastructure.

Mr. Garza asked what process they were referring to.

Mr. Vargas stated that they were in the process of adoption, which was one of the safety reasons for the request. He explained that the structure was also intended to protect their vehicles from the weather. He noted that because he and his partner were both teachers, a portion of their garage was used to store school materials. He added that they currently parked one vehicle inside, but had two additional vehicles and a small trailer. Mr. Vargas emphasized that the main goal was vehicle safety, and that the open structure would serve as a sunshade for when they bring their baby home.

Chairman Salazar asked if there had been any variance approved in this subdivision.

Ms. Muñoz stated that this would be the first one approved in the subdivision.

Mr. Vargas stated that his neighbor, a police officer, had also applied for a permit to construct a similar canopy structure from the same builder. He added that another neighbor across the street, Mr. Kipple, was also attempting to obtain a permit for the same type of canopy structure to use as a sunshade.

Chairman Salazar asked Mr. Vargas if the pool he had mentioned was built with a permit.

Mr. Vargas confirmed that it was, noting that the hearing occurred virtually during the COVID-19 pandemic and the request was approved.

Chairman Salazar stated that Mr. Vargas had mentioned his neighbor.

Mr. Vargas confirmed this, stating that the woman developing the property across from them was the individual who had sent the email. He added that she was also the same person who had opposed their swimming pool request, which the board ultimately approved at that time.

Chairman Salazar asked if that request had been for a variance as well.

Mr. Vargas stated that he believed so, noting it occurred back around 2020, shortly after the start of COVID-19.

Ms. Elizondo stated that it appeared to be a side setback.

Mr. Vargas stated that the request had been approved. He explained that their contractor had indicated there was a 15-foot easement, but because the neighbors behind them only had a 10-foot easement, they had extended approximately two feet into the rear easement.

Chairman Salazar asked Mr. Vargas if he was familiar with the building permit process.

Mr. Vargas confirmed that he was familiar with the process.

Chairman Salazar asked if Mr. Vargas was unaware that carports were also a part of that process.

Mr. Vargas stated that because the structure was not going to be attached to the home, he did not know it required a permit, adding that he had never done any construction of this type before.

Ms. Elizondo asked if they were located adjacent to the new development right next door.

Mr. Vargas confirmed that they were and stated that the development would be to the west of them.

Ms. Elizondo asked if Las Brisas Street would continue, resulting in a home site being located right next to them.

Mr. Vargas stated that he believed so. He explained that the structure would be located directly next to their driveway and would not be encroaching into the six-foot setback, as there is a nine-foot distance from their house to the property line fence. He noted that the structure would still be approximately nine feet away from the boundary.

Chairman Salazar asked if he had a garage.

Mr. Vargas confirmed that he did have a garage.

Chairman Salazar asked if he was using the garage.

Mr. Vargas stated that they were using it and could park one car inside, but noted they have three vehicles. He explained that because they are both teachers, half of the garage is utilized to store school supplies and his tools. Consequently, only his wife's car fits inside, while his truck, another vehicle, and a small utility trailer must park outside. Mr. Vargas reiterated that the main reason for the structure is safety, expressing hope that their ongoing adoption process will be successful and stating they want to protect their vehicles, as well as ensure their baby is protected during severe storms.

Ms. Elizondo stated that the summary she was reading indicated the application for the variances also included the side setback, and she asked if that was correct.

Mr. Vargas stated that it was, explaining that because the structure would align with where their house ends, there would still be a nine-foot distance, meaning it would not be close to the property line.

Ms. Elizondo stated that the summary listed the front, rear, interior, and corner setbacks.

Ms. Muñoz stated that the variance request was only for the front setback.

Ms. Elizondo asked why all of the setbacks were listed in that case.

Ms. Muñoz explained that those were the standard setbacks for the subdivision but specified that the variance itself only pertained to the front setback.

Mr. Vargas stated that the structure is only long enough to cover a vehicle and will not disrupt the sidewalk or any other infrastructure.

Ms. Elizondo asked if the structure would extend six feet into the setback if it is constructed at 19 feet by 22 feet instead of 25 feet by 22 feet.

Ms. Muñoz stated that the required front setback for a garage in that subdivision is 18 feet.

Ms. Elizondo asked for clarification if a 19-foot by 22-foot structure meant an encroachment of one foot.

Ms. Muñoz stated that the front setback for a primary residence is 25 feet.

Ms. Elizondo agreed.

Ms. Muñoz explained that for a garage, the required setback is 18 feet. She noted that if they construct a carport, they must comply with the 18-foot requirement rather than the standard 25-foot front setback.

Chairman Salazar asked if the garage would be situated on that setback.

Ms. Muñoz stated that the garage is actually set back at 22 feet.

Mr. Vargas added that that was the core point, explaining that when the home was constructed, he had misunderstood and thought the line extending from the garage represented the 25-foot line they were permitted to build to.

Chairman Salazar asked if there was an additional three feet of encroachment.

Ms. Elizondo stated that it would extend four feet into the setback.

Chairman Salazar asked for clarification regarding the encroachment into the setback.

Ms. Elizondo and Ms. Muñoz both confirmed that the measurement was 22 feet.

Ms. Elizondo noted that, as a result, he had four (4) fewer feet to work with.

Chairman Salazar stated that there appeared to be an issue with the existing garage even before discussing the carport.

Mr. Vargas responded that he believed the main issue was what he had been told.

Ms. Muñoz stated that the garage was fine and that he had left more space than required.

Chairman Salazar asked if he then had four (4) feet to work with.

Ms. Muñoz confirmed that that was correct.

Ms. Elizondo thanked her for the clarification.

Mr. Flores asked if the issue pertained specifically to the front setback.

Ms. Muñoz confirmed that it was for the front setback.

Mr. Flores asked if the side setback was within compliance.

Ms. Muñoz confirmed that the side setback was fine.

Mr. Vargas stated that the encroachment appeared to be only four (4) feet and asked the board to consider that factor. He reiterated that their primary goal was safety in anticipation of finalizing the adoption of their child. He added that they were also installing a small fence around the pool in the backyard to ensure the child's safety.

Chairman Salazar asked the board members if they had any further questions for the applicant.

Mr. Cervantes stated that an ordinance was currently in development, noting that State Law allows for special exceptions to the zoning ordinance if a project is architecturally compatible with both the home and the surrounding neighborhood. He explained that the proposed ordinance would permit carports within the front setback, provided the architecture matches the house and the neighborhood. He added that a public hearing would still be required. Consequently, if the applicant provides a rendering of the carport and staff determines that the design aligns with the house and neighborhood architecture, staff would be able to recommend approval.

Ms. Elizondo asked what the timeline was for the ordinance to go before the City Council.

Mr. Cervantes stated that the ordinance was scheduled to go before the Planning and Zoning (P&Z) Commission on September 2nd, followed by the City Council in early October, suggesting this case could be a strong candidate for a special exception.

Ms. Elizondo asked if he was recommending that the board table the item.

Mr. Cervantes stated that, in his opinion, the request did not qualify as an hardship and should therefore be denied. However, he noted that it could be a very strong candidate for a special exception once the City Council adopts the pending ordinance. He explained that the applicant would simply need to submit a rendering, suggesting they could use AI to generate a design that matches the home's architecture. Mr. Cervantes added that if a high-quality design is submitted, it would come back before this board for review, where neighbors would still have an opportunity to provide input, potentially making it the first case processed as a special exception under the new ordinance.

Chairman Salazar asked if the city wanted to see the same materials used so that it matches.

Mr. Cervantes confirmed that that was correct, stating the carport must fit the architecture of the home and would be limited to a maximum of 400 square feet, or a 20-foot by 20-foot dimension. He emphasized that the architecture must match.

Chairman Salazar asked if the proposed structure consisted solely of a roof covering.

Mr. Cervantes stated that the structure's design must remain architecturally compatible, clarifying that a standard metal carport would not be compliant.

Chairman Salazar noted that a standard metal structure would not receive the board's approval.

Mr. Vargas stated that the structure was a canopy or sunshade rather than a metal carport.

Chairman Salazar stated that the board could not rule on that until the city ordinance is passed, which is scheduled to occur in October. He explained that the board could either take no action or table the

item, advising the applicant that a vote today might result in a denial. He noted that if the board takes no action and the applicant returns after the ordinance passes, there would be a better chance of approval.

Mr. Vargas asked for clarification, inquiring if that meant he would be required to construct it with a traditional roof and similar materials.

Mr. Cervantes stated that the applicant would need to provide a rendering demonstrating a carport design that architecturally fits the house.

Mr. Vargas asked what that entails, questioning if it specifically means adding a solid roof structure.

Mr. Cervantes stated that the rendering would need to show the roof structure and offered to explain the details to the applicant at a later time.

Mr. Vargas stated that he was trying to balance the project with what was affordable for his family. He explained that their adoption process would cost approximately \$50,000, requiring them to take out a loan, whereas the proposed structure would cost around \$2,000 and was within their budget.

Chairman Salazar acknowledged the financial circumstances but stated that a decision would set a precedent for the entire subdivision, which had not occurred in the past. He added that the board must remain consistent because an approval would require them to approve similar requests for everyone else in the neighborhood.

Ms. Elizondo noted that the applicant also had active opposition against the request.

Mr. Vargas stated that two additional neighbors were interested in the same structure, noting that his next-door neighbor, a police officer, had already applied for a permit. He expressed that he had anticipated the developer would oppose the request, pointing out that she was the same individual who had opposed their swimming pool request, which the board ultimately approved.

Chairman Salazar stated that the board could proceed to take a vote.

Mrs. Vargas asked for clarification regarding the AI rendering mentioned by staff, inquiring if a canopy structure simply needed to match the design of the house.

Mr. Cervantes stated that the structure's architecture must remain compatible and fit with the design of the house.

Mr. Vargas stated that the consideration was primarily about the material so they would not have to spend \$10,000 to \$20,000.

Mrs. Vargas asked if the structure was required to feature brick elements.

Mr. Cervantes stated that it did not necessarily require brick, but it must architecturally fit with the house.

Mrs. Vargas asked if it would need to match the color of the home.

Mr. Cervantes stated that the applicant would need to provide a rendering of a design they like that architecturally fits with the house.

Mr. Vargas stated that the proposed canopy structure would match the house and that the colors would be coordinated to match the home.

Mr. Cervantes stated that a rendering is necessary to present to the board. He explained that the applicant would need to wait for the new ordinance to be adopted by the City Council, after which they could apply for a special exception and return before the board for a final decision.

Mr. Vargas asked if they would be required to pay another fee to appeal, noting that it represents a significant amount of money.

Mr. Cervantes stated that the applicant would likely have to pay the application fee again.

Mr. Vargas stated that the fee would be \$250 and expressed concern that approval would still not be guaranteed. He noted that while he understood the board's position, he hoped they would consider their specific situation.

Mr. Garza asked if staff could display the proposed site plan again.

Mr. Vargas stated that they would deeply appreciate the board's consideration, reiterating that the structure would not impact anyone's security and that the primary motivation was to ensure safety for their child upon finalizing the adoption.

Chairman Salazar asked the board members if they had any other questions for the applicants.

Mr. Vargas stated that he felt if someone truly wanted to oppose the request, they should have been present at the meeting.

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

Mr. Flores asked Mr. Cervantes if, should the applicant proceed with the special exception process, staff would be able to advise the applicant on whether it is worth paying the \$250 fee based on staff's recommended rule.

Mr. Cervantes confirmed that that was correct, noting that staff could provide guidance if the applicant provided a rendering.

Mr. Flores asked if the applicant would have to pay another \$250 and still face the risk of being denied.

Mr. Cervantes stated that because another public hearing would be required, the neighbors would have an opportunity to speak in opposition. He explained that the decision would be based strictly on the pending ordinance. He added that the Texas Local Government Code allows for special exceptions to the zoning ordinance if the project is architecturally compatible with the neighborhood and will not negatively affect surrounding property values.

Mr. Garza asked if the police officer who installed a carport had obtained a permit.

Mr. Cervantes stated that he had not obtained a permit, adding that this request would represent the first carport in the neighborhood.

Ms. Muñoz stated that the neighbor had simply submitted a building permit application, which was subsequently denied.

Mr. Cervantes stated that he had personally driven through the neighborhood earlier that day.

There being no further discussion, Chairman Salazar entertained a motion. Mr. Ueckert moved to deny the variance request. Ms. Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

ADJOURNMENT

There being no further business, Chairman Salazar entertained a motion, Ms. Elizondo moved to adjourn. Mr. Ueckert seconded the motion. Upon a vote, the motion passed unanimously at 5:10 p.m.

Alberto Salazar, Chairman
Zoning Board of Adjustments