



MEETING DATE: September 24, 2025

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

AGENDA ITEM: Tabled: Public hearing and consideration of a variance request to allow a 15 foot rear setback instead of the required 20 feet for a pool house, being Lot 36, Shary Palms UT 7 Subdivision, located at 2004 E. 20th Street, Applicant: Guillermo Guerrero – Cervantes

NATURE OF REQUEST:

Project Timeline:

- August 7, 2025 – Application for Variance Request submitted to the City.
- August 19, 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). The item was tabled.
- September 24, 2025 – Public hearing and reconsideration of the requested variance by the Zoning Board of Adjustments (ZBA).

Summary:

- This item was previously considered by ZBA on August 27, 2025 and was tabled. The board requested a revised site plan showing the location of the proposed pool within the property in order to make a determination. The applicant submitted a revised site plan
 - The request is for a variance not to comply with Subdivision Plat Note #2, which states:
 - Setbacks are as follows:
Glasscock: 20'
Rear: 10 feet
 - Where a building setback has been established by plat or ordinance and such setback requires a greater or lesser rear yard setback than is prescribed by this article for the district in which the building is located, the required rear yard setback shall comply with the building line so established by plat or ordinance.
- &
- Section 1.371(2)(d) of Appendix A of the Code of Ordinances of the City of Mission, Texas, which states:
 - An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure such as a carport or a garage, whether as an addition or as a detached building, shall not exceed 800 square feet, and shall not exceed 15 feet in total height as measured to the top of its roof. No carport, whether temporary or not, shall have a roof composed of tarp or canvas. Fabric-like material will be allowed with the stipulation that it has to be maintained at all times. However, if the

primary structure's living area total more than 2,000 square feet, the building shall not exceed a maximum size equal to 40% of the primary structure's living area, and shall not exceed the primary structure's total height, as measured to the top of its roof. The applicant's main living space is 2,780 square feet, 40% of that is 1,112 square feet for non-living accessory structures. The applicant's existing non-living area is 956 square feet.

- The applicant is requesting a variance to construct an 800 square foot pool house within the 20' rear setback to Glasscock Road.
- Shary Palm UT 7 Subdivision was recorded on August 17, 1998. The irregular lot measures a total of 14,493 square feet. The subject site is located at the cul-de-sac of Cardinal and E. 20th Street.
- The lots to the east, west, north, and south are developed as Single-Family Residences.
- The Planning staff has not received any objections to the request from the surrounding property owners. Staff mailed out 27 legal notices to surrounding property owners.
- Staff notes that ZBA granted a variance for this lot to have a 0' side setback for a shade porch and a 1.9' rear setback for a palapa on November 17, 2021.
- ZBA has considered the following variance within this subdivision.

Subdivision	Variance	Date	Recommendation
Lot 35	4' side setback	11/9/99	Approval
Lot 25	4.8' side setback	8/13/02	Approval
Lot 36	0' side & 1.9' rear setbacks	11/17/21	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 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: _____

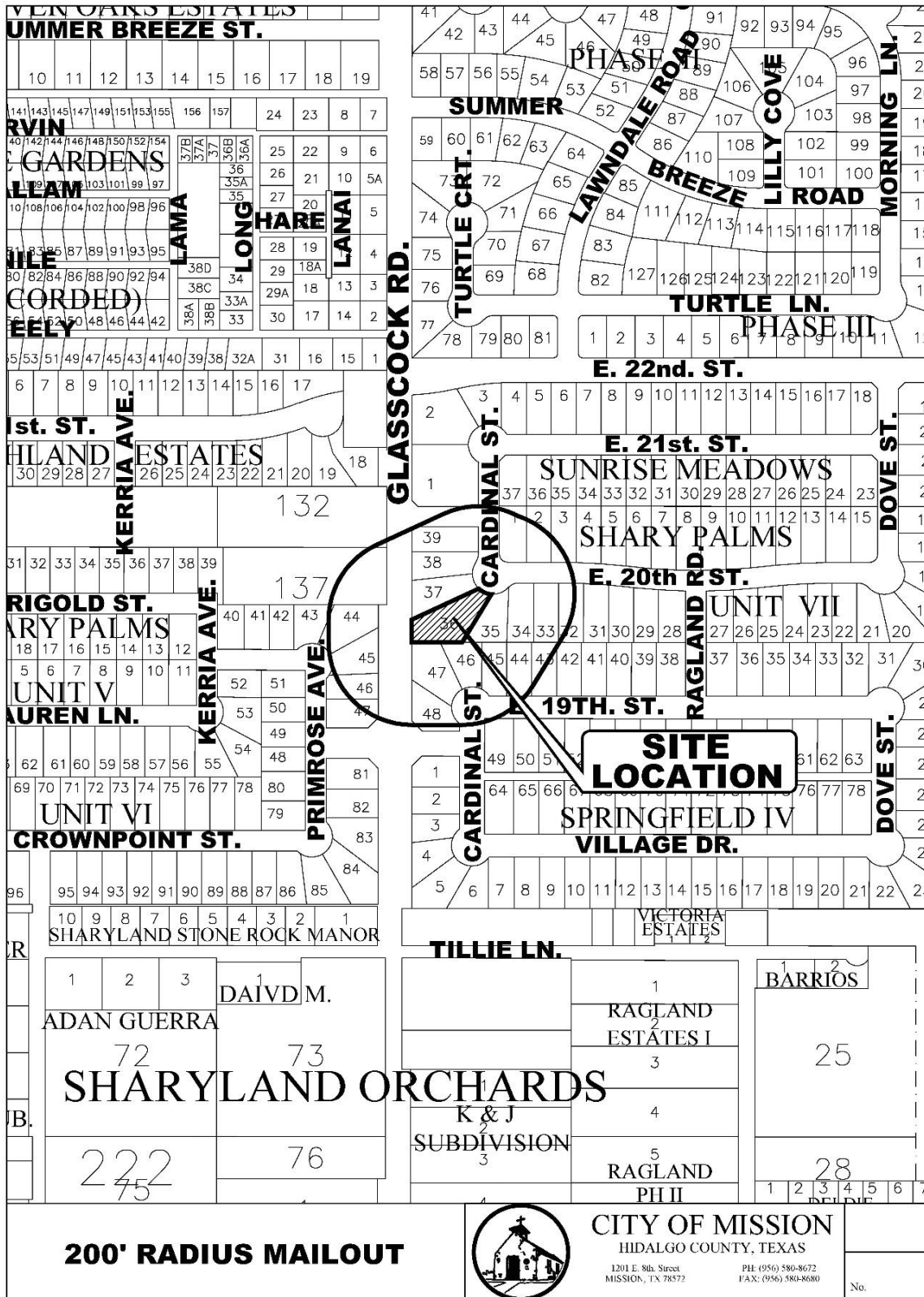
TABLED: _____

_____ AYES

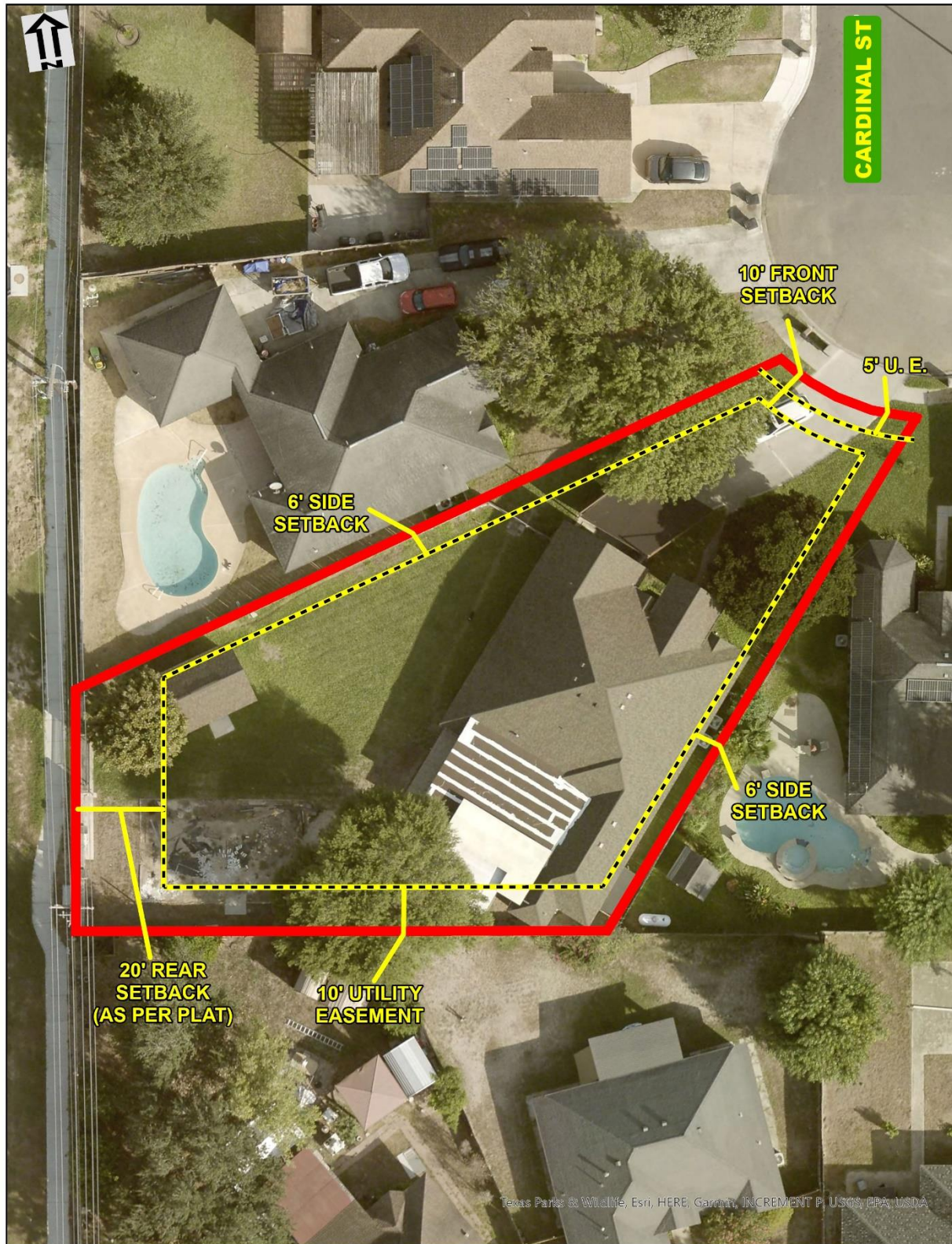
_____ NAYS

_____ DISSENTING _____

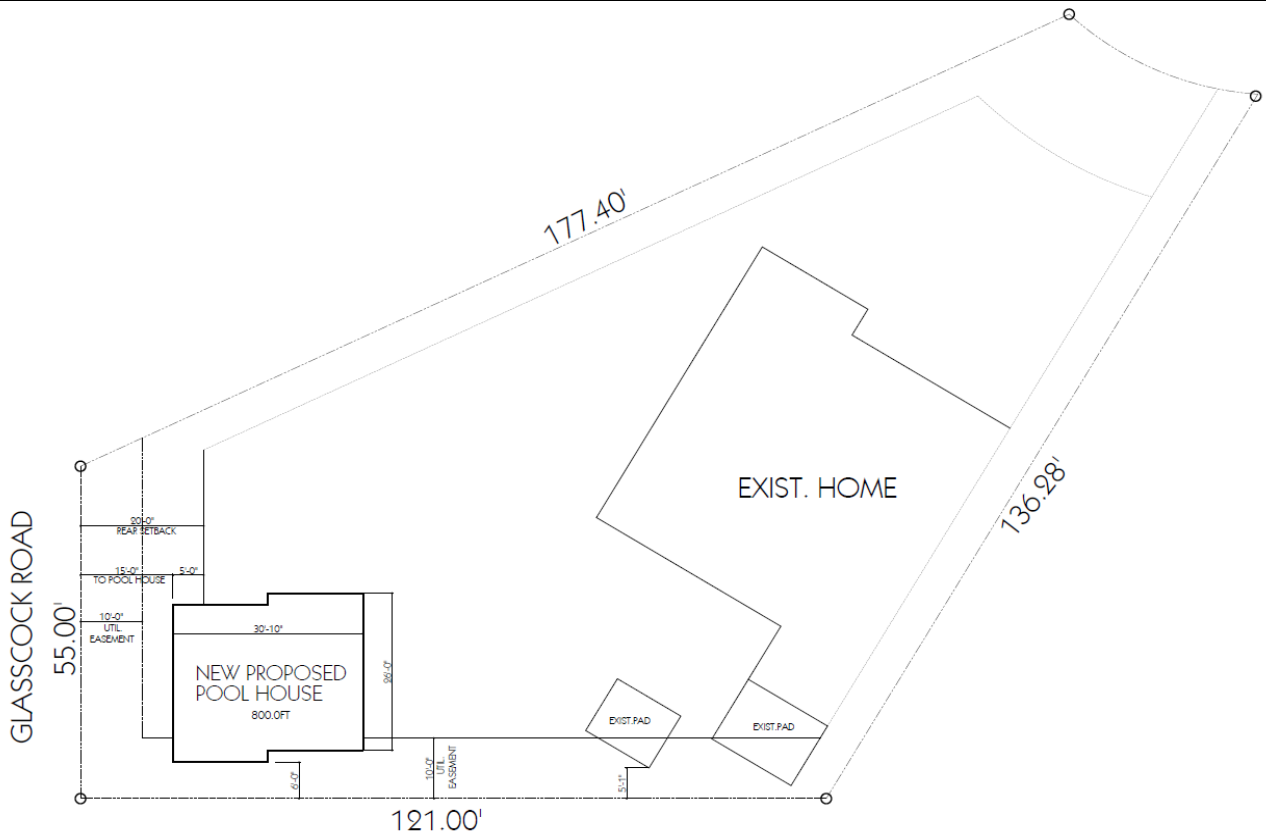
LEGAL NOTICE MAP



ARIEL MAP

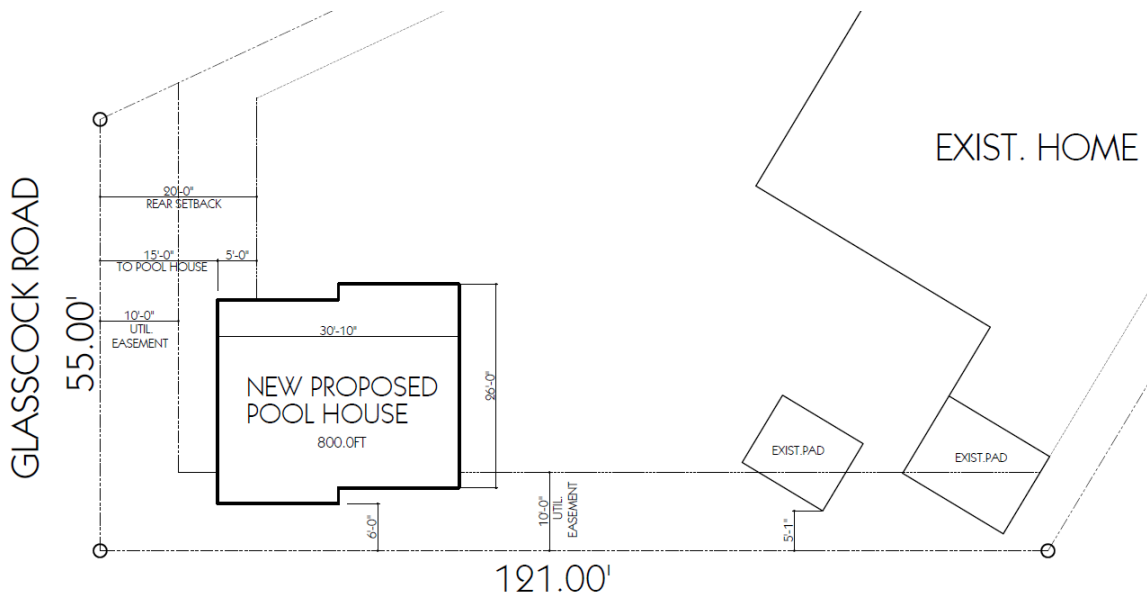


SITE PLAN



PROPOSED SITE PLAN

LOT - 36
SHARY PALMS SUB.
HIDALGO COUNTY.



PROPOSED SITE PLAN

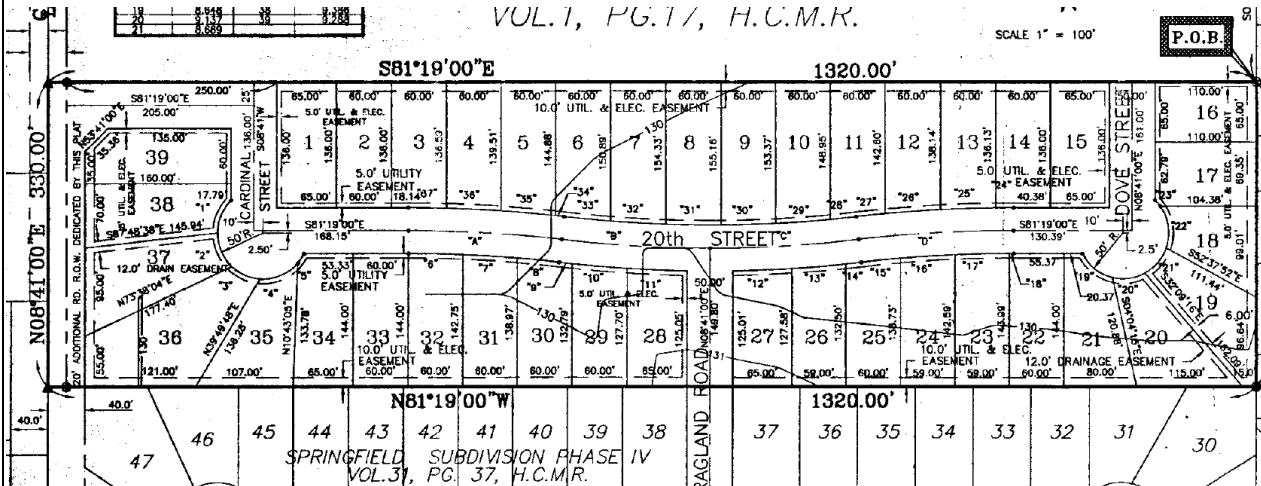
LOT - 36
SHARY PALMS SUB.
HIDALGO COUNTY.

RECORDED PLAT & PLAT NOTES

VOL. 1, PG. 17, H.C.M.R.

SCALE 1" = 100'

P.O.B.

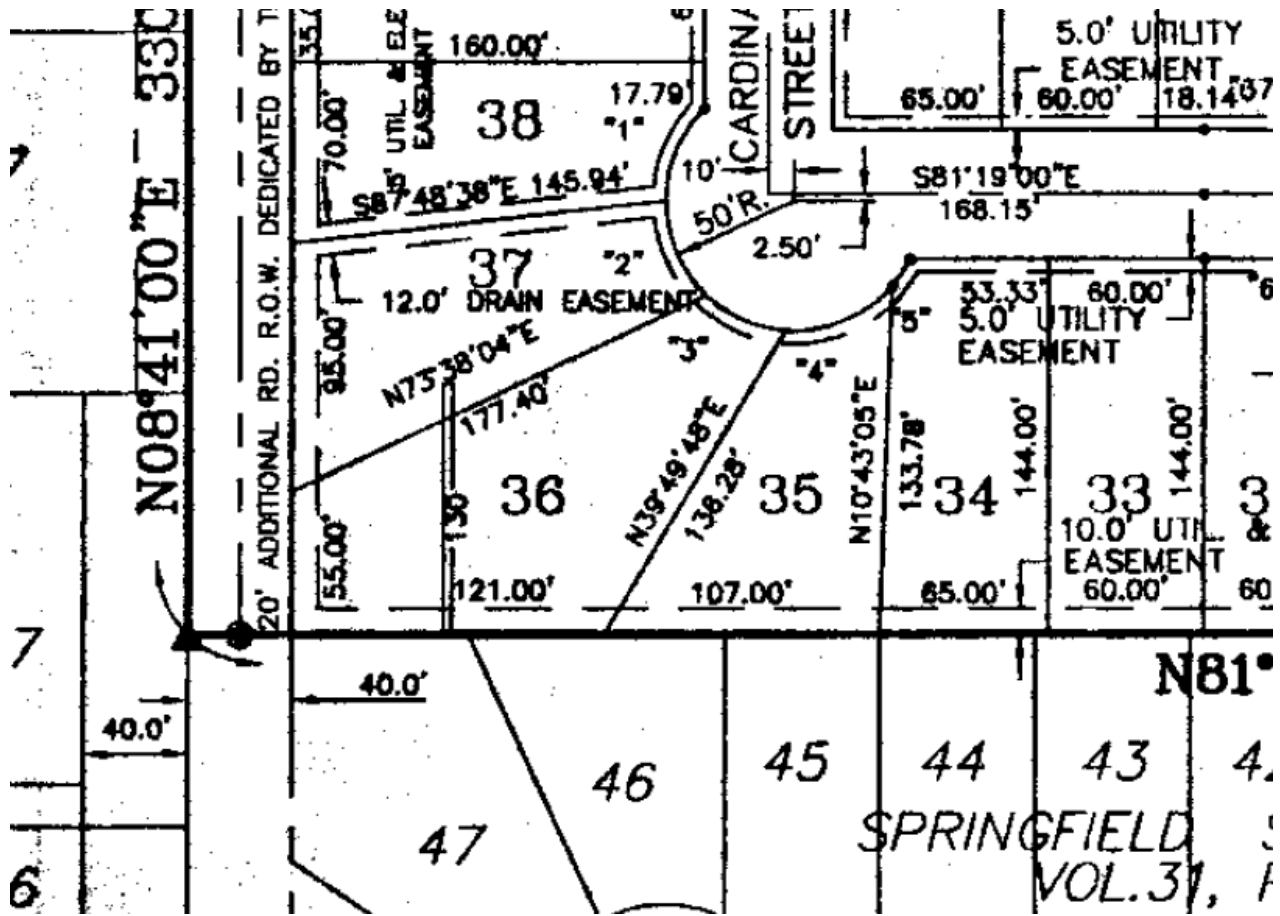


GENERAL NOTES:

1. ANTICIPATED WATER CREATED BY A 100 YEAR STORM WILL NOT POND IN THIS SUBDIVISION. THIS SUBDIVISION IS IN ZONE "X" ON FEMA'S FLOOD INSURANCE RATE MAP COMMUNITY PANEL No. 480345 0005C MAP REVISED NOVEMBER 20, 1991.
ZONE "X" AREAS OF 500-YEAR FLOOD; AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD
2. SETBACKS ARE AS FOLLOWS:
GLASSCOCK: 20'
FRONT: 20 FEET; 10 FEET AT CUL-DE-SAC,
GARAGE 18 FEET EXCEPT WHERE GREATER SETBACK IS REQUIRED
REAR: 10 FEET
SIDE: 8 FEET, AT STREET SHALL BE 10 FEET.
3. MINIMUM PERMISSIBLE FINISHED FLOOR ELEVATIONS FOR ALL BUILDING IMPROVEMENTS IS 18" ABOVE NATURAL GROUND.
4. BENCH MARK: "X" CUT SET ON TOP OF THE EAST SIDE BULT OF FIRE HYDRANT. FIRE HYDRANT LOCATED 20.50' WEST, & 55.00' NORTH OF THIS SUBDIVSION ELEV. = 133.18
5. NO STRUCTURES PERMITTED OVER ANY EASEMENTS.
6. EACH LOT SHALL BE REQUIRED TO RETAIN 1071 CF.
7. 5.0' SIDEWALK REQUIRED ALONG GLASSCOCK RD. BY DEVELOPER AND ALL OTHERS DURING PERMIT STAGE.
8. NO ENTRY TO LOTS 38-39 FROM GLASSCOCK ROAD.
9. 6.0' FENCE BUFFER REQUIRED ALONG THE WEST SIDE OF LOTS 38-39.
10. ONLY ONE RESIDENCE PER LOT.

On Aug 17, 1991
by Josefa Hidalgo
County Clerk
Total Fees
Received
Felix Rod

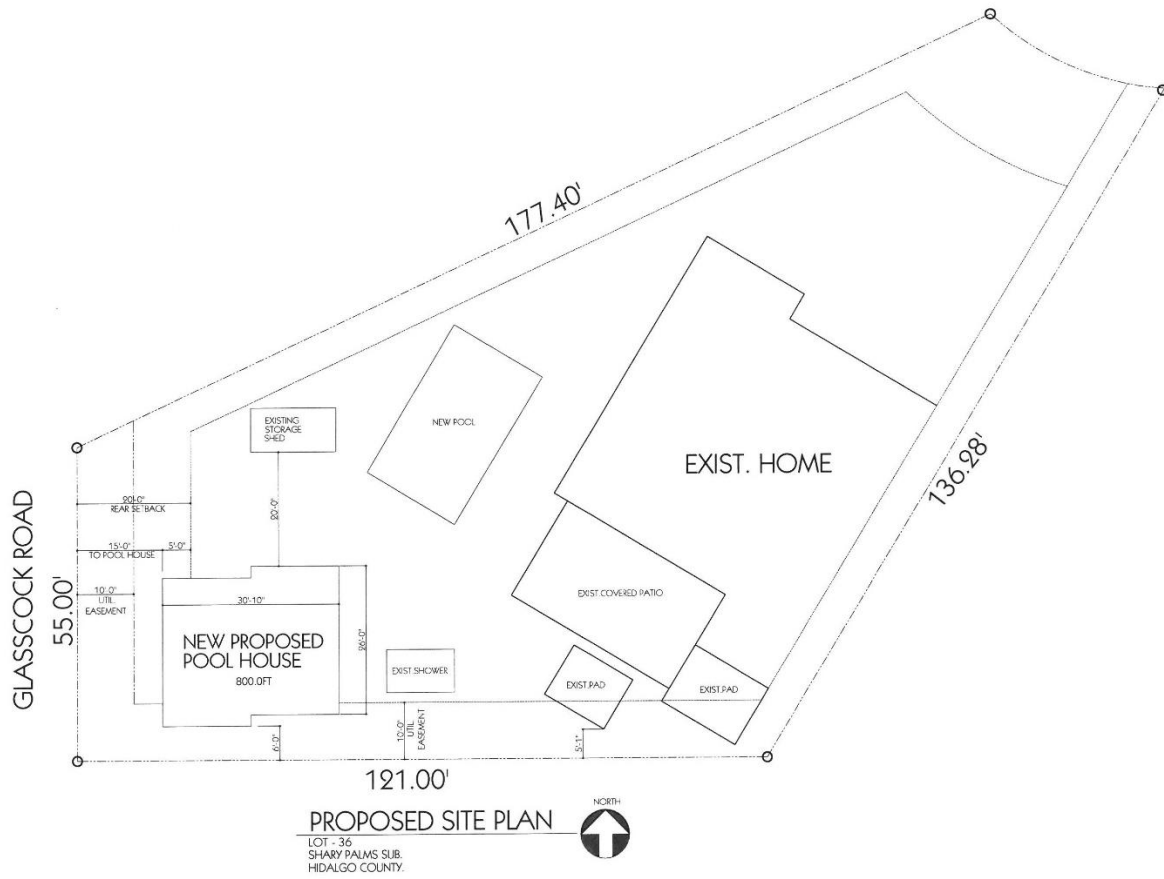
RECORDED LOT



APPRAISAL DISTRICT INFORMATION

Hidalgo County Appraisal District		PUBLIC CARD WITH SKETCH 2025-1-0		Valuation Method: cost-local		August 11, 2025																																																																																																																																																																												
PROPERTY ID AND LEGAL DESCRIPTION		OWNER ID, NAME, AND ADDRESS		EXEMPTIONS		VALUES																																																																																																																																																																												
582186 2004 E 20TH ST, MISSION TX 78572		GUERRERO GUILLERMO & REBECCA 475154 100.00000		HS		<table border="1"> <thead> <tr> <th></th> <th>2024</th> <th>2025</th> </tr> </thead> <tbody> <tr> <td>IMPROVEMENTS</td> <td>235,157</td> <td>288,929</td> </tr> <tr> <td>LAND MARKET</td> <td>91,306</td> <td>91,306</td> </tr> <tr> <td>MARKET VALUE</td> <td>326,463</td> <td>380,235</td> </tr> <tr> <td>SPECIAL USE EXCL</td> <td>0</td> <td>0</td> </tr> <tr> <td>APPRaised VALUE</td> <td>326,463</td> <td>380,235</td> </tr> <tr> <td>HS VALUE LIMIT</td> <td>22,716</td> <td>0</td> </tr> <tr> <td>CIRCUIT BRKR LIMIT</td> <td>0</td> <td>0</td> </tr> <tr> <td>NET APPRAISED</td> <td>303,747</td> <td>380,235</td> </tr> </tbody> </table>			2024	2025	IMPROVEMENTS	235,157	288,929	LAND MARKET	91,306	91,306	MARKET VALUE	326,463	380,235	SPECIAL USE EXCL	0	0	APPRaised VALUE	326,463	380,235	HS VALUE LIMIT	22,716	0	CIRCUIT BRKR LIMIT	0	0	NET APPRAISED	303,747	380,235																																																																																																																																																
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REVISED SITE PLAN



MAILOUT LIST

PROP_ID	geoID	name	addrDelive	addrCity	addrState	addrZip
684222	S7355-00-000-0001-00	RAMIREZ JAIME & ANGELICA	1822 N GLASSCOCK RD	MISSION	TX	78572-3127
582152	S2973-07-000-0002-00	DREUMONT GLADYS CARLA	2009 E 20TH ST	MISSION	TX	78572-3224
582153	S2973-07-000-0003-00	LEVECK MATTHEW	2011 E 20TH ST	MISSION	TX	78572-3224
582151	S2973-07-000-0001-00	AYALA MINERVA	2007 E 20TH ST	MISSION	TX	78572-3224
582188	S2973-07-000-0038-00	ESPARZA FERNANDA	2001 CARDINAL ST	MISSION	TX	78572-3459
556895	S5451-04-000-0049-00	GALLOSO LILLIE MARIE	2006 E 19TH	MISSION	TX	78572-3285
582189	S2973-07-000-0039-00	GUZMAN JUAN F	2003 CARDINAL ST	MISSION	TX	78572-3459
556889	S5451-04-000-0043-00	BERRONES VICTOR A & SYLVIA A	2011 E 19TH ST	MISSION	TX	78572-3286
556890	S5451-04-000-0044-00	WESTON ROBERT H & CRISTA A	2009 E 19TH ST	MISSION	TX	78572-3286
582187	S2973-07-000-0037-00	PEREZ EVANGELINA SALDANA	2002 EAST 20TH STREET	MISSION	TX	78572-3201
563559	S2973-05-000-0044-00	VERA MARIA G DE HURTADO	1823 LAUREN LN	MISSION	TX	78572-3158
563561	S2973-05-000-0046-00	VILLANUEVA ERICK A ALONSO	1704 PRIMROSE AVE	MISSION	TX	78572-3149
563560	S2973-05-000-0045-00	CHAVEZ FIDEL JR & IRMA	1706 PRIMROSE AVE	MISSION	TX	78572
563558	S2973-05-000-0043-00	HICKS THOMAS A & LORI M	3045 LADOGA AVE	LONG BEACH	CA	90808-4017
563562	S2973-05-000-0047-00	RODRIGUEZ CASEY JEREMIAH	13919 N 34TH LN	MCALLEN	TX	78504-6717
283535	S3000-00-000-0137-00	BON GEORGE & SUE	1811 N GLASSCOCK RD	MISSION	TX	78572-3128
556894	S5451-04-000-0048-00	MARTINEZ JENNY G & LAZARO	PO BOX 720189	MCALLEN	TX	78504-0189
556893	S5451-04-000-0047-00	GALVAN CLAUDIO ALEJANDRO	1903 CARDINAL ST	MISSION	TX	78572-3472
556892	S5451-04-000-0046-00	VARELA ALEJANDRO	2005 E 19TH ST	MISSION	TX	78572-3286
556891	S5451-04-000-0045-00	SALINAS FERNANDO & BRIANA RODRIGUEZ	2007 E. 19TH ST.	MISSION	TX	78572
556888	S5451-04-000-0042-00	PENA SERGIO & BEATRIZ GONZALEZ	2013 E 19TH ST	MISSION	TX	78572-3286
582184	S2973-07-000-0034-00	MALDONADO JESUS E LEAL	2008 E 20TH ST	MISSION	TX	78572-3201
582183	S2973-07-000-0033-00	MAYORGA GUADALUPE A LEAL & SILVIA TREVINO E	2010 E 20TH ST	MISSION	TX	78572-3201
582185	S2973-07-000-0035-00	MARTINEZ MOISES & PAULA	2006 E 20TH ST	MISSION	TX	78572-3201
582186	S2973-07-000-0036-00	GUERRERO GUILLERMO & REBECCA	2004 E 20TH ST	MISSION	TX	78572-3201
582182	S2973-07-000-0032-00	GARZA JESUS J J R & CRISELDA C	2012 E 20TH ST	MISSION	TX	78572-3201
283532	S3000-00-000-0132-00	BORREGO ELIBORIO JR & MARIA MAGDALENA	1815 N GLASSCOCK RD	MISSION	TX	78572-3128