

**ZONING BOARD OF ADJUSTMENTS**  
**August 27, 2025**  
**CITY HALL'S COUNCIL CHAMBERS**

**ZBA PRESENT**

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

**ZBA ABSENT**

**STAFF PRESENT**

Xavier Cervantes  
Susie De Luna  
Jessica Munoz  
Alejandro Hernandez

**GUESTS PRESENT**

Raudel Garcia  
Delmiro & Maria G.  
Garcia  
Roberto Gamez  
Juana Rodriguez  
Guillermo Guerrero  
Javier Salinas  
Conne A. Gomez  
Hector M. Gutierrez

**CALL TO ORDER**

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

**CITIZENS PARTICIPATION**

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

There was none.

**APPROVAL OF MINUTES FOR JUNE 25, 2025**

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

**ITEM # 1**

**TO ALLOW A 2' REAR SETBACK INSTEAD OF THE REQUIRED 10' AND A 4' SIDE SETBACK INSTEAD OF THE REQUIRED 6' FOR A 27' BY 19' PATIO STRUCTURE AND TO ALLOW A 1' REAR SETBACK INSTEAD OF THE REQUIRED 10' AND A 1' SIDE SETBACK INSTEAD OF THE REQUIRED 6' FOR A 10' BY 8' SHED AND TO ALLOW A 0' GARAGE SETBACK INSTEAD OF THE REQUIRED 18' FOR A 18' BY 21' CARPORT AT 1909 W. 26<sup>TH</sup> STREET, BEING LOT 37, MONTECRISTO SUBDIVISION AS REQUESTED BY CRAIG KING.**

Mr. Cervantes stated that the subject site was located along the South side of 26<sup>th</sup> Street, approximately 230 feet West of Inspiration Road. The applicant is requesting a variance to keep an already-constructed carport, patio structure, and shed. In this case, a carport was built without a permit, and when inspecting the property, we found structures in the backyard that were built without permits and encroachments on the setbacks. He added that staff didn't receive any calls in opposition, but received several calls in support from Mr. King's neighbors.

Staff recommends denial. The structures need to be modified or removed to comply with the required setbacks

However, if the 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 structures will remain perpetually "open and to its footprint" and if the structures are ever removed, the prevailing setbacks shall be complied with thereafter, and 2) obtaining a building permit and paying a double fee

Mr. Cervantes replied that it was built several months ago.

Ms. Elizondo stated that both easements were being encroached on.

Mr. Cervantes replied on the sides, rear, and front.

Ms. Elizondo asked if it was a neighborhood sweep.

Mr. Cervantes replied that code enforcement officers noticed the carport, since it was the only one in that neighborhood. He mentioned that it was a relatively new subdivision with very nice houses.

Ms. Elizondo asked if any variances were approved or denied for that subdivision.

Mr. Cervantes replied no.

Ms. Elizondo stated that Mr. Garza mentioned that the shed had been there for a long time.

Mr. Garza stated the shed looks old.

Mr. Cervantes replied that the subdivision is not that old.

Chairman Flores asked if the applicant was present.

The applicant, Mr. Craig King, was present. He mentioned that two years ago, there was a bad hailstorm that damaged his cars. He stated that he built the carport to protect his vehicles. The back shed is just rusted from all the rain. The utility company came a month ago and ran a line in my backyard for the neighbor's cable.

Ms. Elizondo asked if Mr. King had use for his garage.

Mr. King replied that there was enough room for one car. He mentioned that he had two old dogs in the garage with an air conditioner running constantly.

Mr. Salazar asked who built the carport.

Mr. King replied that he didn't remember the name of the company.

Mr. Christopher Tarbutton resides at 1904 West 26th Street. He mentioned that he lived right in front of Mr. King's home. He stated that he speaks highly of Mr. King and understood that there was an ordinance to be followed. He said he had no problem with what Mr. King built for himself and his family.

There being no further discussion, Chairman Flores entertained a motion to close the public hearing. Mr. Garza moved to close the public hearing, and Ms. Elizondo seconded it. Upon a vote, the motion passed unanimously.

Mr. Ueckert asked if there was a homeowner's association.

Mr. Cervantes replied no.

Mr. Garza asked if there was no opposition from the utility companies to the easements. Is there any documentation in case something comes up?

Ms. Elizondo stated that the back patio was not discussed. We are talking about the front part, and I have the same concern that Mr. Garza has about the utility easement.

Ms. De Luna stated that we were asked not to target structures older than three years. She added that the only thing we would consider would be the carport.

Ms. Elizondo stated that Jessica mentioned that the shed was from 2023. Is the shed on concrete?

Mr. King replied Yes.

Chairman Flores entertained a motion. Mr. Ueckert moved to deny the variance request for the carport, and Ms. Elizondo seconded it. Upon a vote, the motion passed unanimously.

Ms. Elizondo stated that she would like to table the shed until Mr. King gets utility clearance or at least does the utility locator.

Chairman Flores entertained a motion. Ms. Elizondo moved to table the variance request for the shed until a utility locator is done, and Mr. Salazar seconded it. Upon a vote, the motion passed unanimously.

## **ITEM # 2**

**TO ALLOW A 6' 2" REAR SETBACK INSTEAD OF THE REQUIRED 18' AND A 5' 9" CORNER SIDE SETBACK INSTEAD OF THE REQUIRED 10' FOR A 30' X 20' 2" CARPORT, AT 101 ALBERTO TREVINO DRIVE, BEING LOT 6, GEORGEANNA ESTATES SUBDIVISION, AS REQUESTED JAVIER SALINAS.**

Mr. Cervantes stated that the site was located at the Northwest corner of Alberto Trevino Drive and Paseo Encantado. The applicant is requesting a variance to keep an already-constructed carport in the property's backyard.

Staff recommends denial. The structures must be modified or removed to comply with the required setbacks.

However, if the 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 structures will remain perpetually "open and to its footprint" and if the structures are ever removed, the prevailing setbacks shall be complied with thereafter, and 2) obtaining a building permit and paying a double fee.

Chairman Flores asked if there was an alley in the back.

Mr. Cervantes replied Yes.

Chairman Flores asked if the applicant was present.

Mr. Javier Salinas, who resides at 101 Alberto Trevino, was present. He mentioned that he had two antique Mustangs and would use the carport to protect them. He stated that the contractors were from the Facebook marketplace and that his dad helped him hire them.

Ms. Elizondo stated, "So you're in a corner, where there's an alley behind you and a street next to you."

Mr. Salinas replied Yes.

Mr. Ueckert asked How do you get your vehicle under the carport?

Mr. Salinas replied I drive through the side.

Ms. Elizondo asked if there was a car parked in front of where it would say ten-foot corner.

Mr. Salinas replied yes, he mentioned that the car was the one that he was fixing up.

Mr. Ueckert asked when the carport was built.

Mr. Salinas replied three months ago.

Mr. Garza stated he had a question for Mr. Cervantes and the planning staff. If he adjusted the pole, could the overhang stay there?

Mr. Cervantes replied that the entire structure could be moved so that it won't encroach on the setback.

Ms. Elizondo stated that Mr. Salinas didn't have a cement pad.

Mr. Garza stated that he could move the poles to clear the setbacks.

Mr. Cervantes stated that the overhang cannot encroach on the setbacks; it is considered airspace.

Ms. Elizondo asked the staff a question. Are we no longer publishing previous approvals or denials in the neighborhood?

Ms. De Luna replied Yes.

Ms. Elizondo asked, so there isn't any in this neighborhood.

Ms. De Luna replied no.

Chairman Flores asked if the lot was considered an irregular lot.

Mr. Cervantes replied Yes.

There being no further discussion, Chairman Flores entertained a motion to close the public hearing. Mr. Garza moved to close the public hearing, and Ms. Elizondo seconded it. Upon a vote, the motion passed unanimously.

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

### **ITEM # 3**

**TO ALLOW A 0' FRONT CARPORT AND GARAGE SETBACK INSTEAD OF THE REQUIRED 18', AT 203 OBLATE AVENUE, BEING LOT 7, BLOCK 52, MISSION ORIGINAL TOWNSITE SUBDIVISION, AS REQUESTED BY DELMIRO & MARIA GARCIA.**

Mr. Cervantes stated that the site was located at the Northwest corner of Oblate Avenue and E. 2<sup>nd</sup> Street. The applicant is requesting a variance to keep an already-constructed carport located in the front driveway of the house.

Staff recommends denial. The structures must be modified or removed to comply with the required setbacks.

However, if the 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 structures will remain perpetually "open and to its footprint" and if the structures are ever removed, the prevailing setbacks shall be complied with thereafter, and 2) obtaining a building permit and paying a double fee.

Chairman Flores asked if the applicant was present.

Mrs. Maria Garcia, who resides at 203 Oblate Avenue, was present. She mentioned that when she was approached to build the carport, the man who did her paperwork said that it was taken care of. But when she came to the city, they said, "You should have taken care of it and not taken his word for it."

Ms. Elizondo asked what the reason was for building the carport?

Mrs. Garcia replied to protect the cars.

Mr. Salazar stated that the person who told you it was okay was from the city. Who was it?

Mrs. Garcia replied that he was from Dream Homes.

Mr. Salazar asked if he was affiliated with the City of Mission or anybody in any official capacity.

Mrs. Garcia stated No.

Ms. Elizondo stated that she had a comment. We continue to take the citizens of Mission's vulnerability and put them in the back seat, and not go after builders and contractors who take advantage of the elderly. I still think that there needs to be some kind of monetary punishment for contractors who behave this way.

There being no further discussion, Chairman Flores entertained a motion to close the public hearing. Mr. Garza moved to close the public hearing, and Ms. Elizondo seconded it. Upon a vote, the motion passed unanimously.

There being no further discussion, Chairman Flores entertained a motion. Mr. Garza moved to approve the variance request to its footprint and sign a hold harmless agreement, and Ms. Elizondo seconded it. Upon a vote, the motion passed unanimously.

#### **TEM#4**

**TO ALLOW A 0' FRONT SETBACK INSTEAD OF THE REQUIRED 20' FRONT SETBACK FOR A 21'X18'-5" CARPORT AT 611 W. 30<sup>TH</sup> STREET, BEING LOT 73, TABASCO SUBDIVISION, AS REQUESTED BY JUANA RODRIGUEZ.**

Mr. Cervantes stated that the site was located along the South side of W. 30<sup>th</sup> Street, approximately 190 feet West of Peace Avenue. The applicant is requesting a variance to keep a 21' by 18'-5" carport within the 20' front setback.

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 Flores asked if the applicant was present.

Mrs. Juana Rodriguez, who resides at 611 West 30th Street, was present. She mentioned that she requested a permit but was denied because she didn't have the plans for the carport, she only had the measurements. She added that she found someone building a carport and they advised her to build the carport and eventually the city will just charge you a fee for building it.

Ms. Elizondo asked how much Mrs. Rodriguez paid for the carport.

Mrs. Juana Rodriguez replied \$3,600.

Mr. Garza asked if the variance could be approved if Mrs. Rodriguez removed what was on the right-of-way.

Ms. Elizondo stated that the plat had a note that stated any unauthorized structure will be removed. She added that you can't go against what the entity records and signs.

Mr. Cervantes stated that the plat note was for the irrigation district, right, Alex?

Mr. Salazar asked if it was standard verbiage for planning?

Mr. Cervantes replied that it could be something that the irrigation department may have asked for with the city. Sometimes the city council approves licenses to encroach. So, if this was approved today the remaining portion could be approved by the city council through a license to encroach on the right of way.

Ms. Elizondo stated that she agreed with Mr. Cervantes, however it could be the irrigation district that had that note inserted there. If they abandon the easement, then we could proceed.

Mr. Garza stated that the carport was in the front and the irrigation easement was in the rear.

Mr. Salazar stated that he noticed that no other variances had been approved in this subdivision.

There being no further discussion, Chairman Flores entertained a motion to close the public hearing. Mr. Garza moved to close the public hearing, and Ms. Elizondo seconded it. Upon a vote, the motion passed unanimously.

There being no further discussion, Chairman Flores entertained a motion. Ms. Elizondo moved to deny the variance request due it not being an undue hardship, and Mr. Ueckert seconded it. Upon a vote, the motion passed unanimously.

#### **ITEM#5**

**TO ALLOW A 4-FOOT FRONT SETBACK INSTEAD OF THE REQUIRED 20 FEET, AND A 1-FOOT SIDE SETBACK INSTEAD OF THE REQUIRED 6 FEET FOR A 25' X 30' CARPORT AT 707 W. 30<sup>TH</sup> STREET, BEING LOT 81, TABASCO SUBDIVISION, AS REQUESTED BY ROBERTO GOMEZ.**

Mr. Cervantes stated that the site was located approximately 260 feet east of Nicholson Avenue along the south side of W. 30<sup>th</sup> Street. The applicant is requesting a variance to keep a 25'x30' carport within the front and side setback.

Staff recommends disapproval of the variance request as follows: 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.

Chairman Flores asked if the applicant was present.

Mr. Roberto Gomez who resides at 707 W 30<sup>th</sup> Street was present. He mentioned that the reason he made the carport for three cars was to prevent his third car from being in the sidewalk. He added that his kids play on there bikes on the sidewalk and instead of building the carport over the sidewalk he decided to extend it to one side. He stated that he was not the only one with a carport that there were several in the neighborhood.

Ms. Elizondo asked if Mr. Gomez knew the addresses of the other carports?

Mr. Gomez replied that one of the houses was on 30<sup>th</sup> Street. He stated that he thinks it was lot 60 or 61.

Ms. Elizondo asked if a variance was approved for any of those lots.

Ms. De Luna replied that the only variance that she was aware of was lot 26.

Ms. Elizondo asked who built the carport?

Mr. Gomez replied that it was him and his friend.

Chairman Flores asked if anyone in favor or against this variance request.  
There was none.

There being no further discussion, Chairman Flores entertained a motion to close the public hearing. Ms. Elizondo moved to close the public hearing, and Mr. Salazar seconded it. Upon a vote, the motion passed unanimously.

Mr. Cervantes stated that the previous variance request that was just denied was in the same street and same subdivision.

Ms. Elizondo mentioned that it was self-inflicted, because there was an awareness of a letter from a neighbor previously and he moved forward with building the carport.

Mr. Cervantes stated that there was a five-foot utility easement in the front.

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

#### **ITEM#6**

**TO ALLOW A 4 FOOT FRONT SETBACK INSTEAD OF THE REQUIRED 30 FEET, AND A 1 FOOT SIDE SETBACK INSTEAD OF THE REQUIRED 6 FEET FOR A 25' X 22' CARPORT AT 931 BOWEN STREET, BEING LOT 9, BLOCK B, EAGLE HEIGHTS UT 3 SUBDIVISION AS REQUESTED BY JORGE ADAME**

Mr. Cervantes stated that the site was located at the northwest corner of Jones Avenue and Bowen Street. The applicant is requesting a variance to keep a 25'x22' carport within the front and side setback.

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.

Mr. Cervantes stated that the next-door neighbor had a carport but wasn't sure if they got a variance or it was past the three years.

Ms. De Luna stated that the carport next door was passed the three years. She mentioned that the house in the back applied for a permit back in 2020, but the city of mission had different setback requirements, which allowed it at ten feet.

Mr. Salazar asked what was time frame for that city ordinance, and what was the reason for it?

Ms. De Luna replied for a year and it was to comply with the front setback. She added but they reverted the ordinance back to its original setback.



Ms. Elizondo stated that she was going to recuse herself from this item, because she owns a property on Bowen Street.

Chairman Flores asked if the applicant was present.

Representing the applicant was the applicant's daughter Ms. Jacqueline Adame. She mentioned that there was a big storm that damaged all their cars and the main reason for building the carport was to protect all her vehicles. She stated that there was a garage in the back, but it was for one car only and they are a family of six.

Mr. Ueckert stated that he noticed that the driveway is concrete, and the other side is gravel.

Ms. Adame replied that it was concrete, but its damaged. I would need to ask my dad but he is working out of town.

Chairman Flores asked if the front of the house was where the carport was built?

Ms. Adame replied Yes.

Chairman Flores asked if the carport meets the front setbacks?

Mr. Cervantes replied that the front setback was thirty feet.

Mr. Salazar asked who built the carport?

Ms. Adame replied no, it was a contractor.

Mr. Salazar asked how much did the carport cost?

Ms. Adame replied forty-five hundred.

Mr. Ueckert asked when was the carport built?

Ms. Adama replied 2021.

Mr. Salazar asked if the neighbor to the east requested a variance.

Ms. De Luna replied that the carport complies with the three years, the home on Burris Street requested a variance and was approved.

There being no further discussion, Chairman Flores entertained a motion to close the public hearing. Mr. Garza moved to close the public hearing, and Mr. Salazar seconded it. Upon a vote, the motion passed unanimously.

There being no further discussion, Chairman Flores entertained a motion. Mr. Garza moved to approve the variance request, subject to signing a hold harmless agreement stating that the structure will remain open and within to footprint. Ms. Elizondo abstained. Mr. Salazar seconded it. Upon a vote, the motion passed unanimously.

Board Member, Mr. Humberto Garza, left the meeting.

Ms. Elizondo asked if there was a quorum if Mr. Garza left the meeting.

Mr. Cervantes replied that there was quorum, but any remaining agenda items all four board members would need to approve. The applicant can request to table the item until all five board members are present.

Ms. Elizondo stated that she would make the announcement for the record.

**ITEM#7**

**TO ALLOW A 13'-11" REAR SETBACK INSTEAD OF THE REQUIRED 20' REAR SETBACK FOR A SWIMMING POOL, BEING LOT 3, CONCHO ESTATES SUBDIVISION AT 1102 KICKAPOO CREEK STREET BEING LOT 3, CONCHO ESTATES SUBDIVISION, AS REQUESTED BY GEORGE & SYLVIA PADILLA**

Mr. Cervantes stated that the site was located at the corner of Kickapoo Creek and Warjebo Street. The applicant is requesting a variance to construct a 14' x 30' Swimming Pool within the 20' rear setback.

Mr. Cervantes mentioned that the swimming pool was outside of the utility easements but within the setbacks, and that it was a proposed new swimming pool.

Staff recommends denial.

Chairman Flores asked if the applicant was present.

Mr. Jorge Padilla and Raul Garcia were present. Mr. Padilla mentioned that he wants to built a pool for his family. He stated that as they get older, they want different kinds of exercise nothing that puts pain on their ankles.

Chairman Flores stated if the variance would be approved, it would only be for the pool, not for improvements.

Mr. Padilla replied ok.

Ms. Elizondo asked if Mr. Garcia was the contractor?

Mr. Garcia replied yes, I'm the contractor. I advised Mr. Padilla that the pool was within the setbacks and advised him to apply for the variance.

Mr. Salazar asked if there was anywhere else on the lot where the pool could be built?

Mr. Padilla replied that it was the best place he had. He stated we have good visibility to ensure we can see from the inside out.

There being no further discussion, Chairman Flores entertained a motion to close the public hearing. Ms. Elizondo moved to close the public hearing, and Mr. Salazar seconded it. Upon a vote, the motion passed unanimously.

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

**ITEM#8**

**TO ALLOW A 15' REAR SETBACK INSTEAD OF THE REQUIRED 20' OFF GLASSCOCK ROAD FOR A POOL HOUSE STRUCTURE AT 2004 E. 20<sup>TH</sup> STREET, BEING LOT 36, SHARY PALMS UNIT NO. 7 SUBDIVISION, AS REQUESTED BY GUILLERMO GUERRERO**

Mr. Cervantes stated that the site was at the cul-de-sac of Cardinal Street and E. 20<sup>th</sup> Street. The applicant is requesting a variance to construct a 790 square feet pool house within the 20' rear setback off Glasscock Road.

The proposed pool is going to encroach on the setbacks but not on the utility easement. When I spoke to the applicant, he mentioned he would apply for a permit for both the pool house and the swimming pool, but desires to build the pool house first and then the swimming pool.

Chairman asked if the applicant was present.

Mr. Guillermo Guerrero, who resides at 2004 E. 20<sup>th</sup> Street. He mentioned that he was asking for a five-foot variance. He stated that he had been saving money to build a pool and a pool house for guests or anyone to use.

Chairman Flores asked if there was anyone in favor of or against this variance request.

Mrs. Olga Galvan, who resides at 1903 Cardinal Street, was present. She mentioned that her backyard was connected to Mr. Guerrero back backyard. She stated that Mr. Guerrero had an above-ground pool, and the motor would make a lot of noise, which affected her lifestyle. She added that she didn't understand the letter she received and wanted to ensure that Mr. Guerrero complied with the six-foot side setback with whatever he was proposing to build.

Mr. Guerrero stated that after meeting with his contractor, who is building the pool, he advised me that the motor for the pool will be on the opposite side of Mrs. Galvan.

Ms. Elizondo stated that the board was addressing the pool house and not the pool.

Mr. Guerrero replied Yes, but her concern was the noise of the motor.

Chairman Flores asked if most motors were on the side of the house.

Ms. Elizondo replied that motors need electricity.

Mr. Salazar asked Mr. Guerrero what the reason was for the variance request.

Mr. Guerrero replied that it was an irregularly shaped lot.

Mr. Salazar asked Why do you want the pool house there.

Mr. Guerrero replied that it was the best place where the pool house could fit.

Mr. Salazar stated You can reduce it, right? The pool house could be reduced, or your pool house could be smaller.

Mr. Guerrero replied, Yeah.

Mr. Salazar stated it wouldn't kill your project. It would just have to be moved or modified to fit within the setbacks.

Ms. Elizondo asked if Mr. Guerrero had a site plan for the future pool.

Mr. Guerrero replied no.

There being no further discussion, Chairman Flores entertained a motion to close the public hearing. Ms. Elizondo moved to close the public hearing, and Mr. Salazar seconded it. Upon a vote, the motion passed unanimously.

Mr. Salazar stated that it seems like the board wants to see the schematic in the drawings.

Chairman Flores replied that the variance request was for the pool house. We can't stop machines from being on easements. Everyone has machines on easements. But that's not the issue here.

Mr. Salazar stated Mr. Galvan wants her setback to be respected.

Mr. Cervantes stated that the variance was for the rear setback, not the side.

Mr. Salazar asked to see the subdivision plat showing Mrs. Galvan's property. He asked if Mrs. Galvan's property was on the south side.

Mr. Cervantes replied yes, and the variance that was being requested was on the west side.

There being no further discussion, Chairman Flores entertained a motion. Ms. Elizondo moved to approve the variance request, and Mr. Flores seconded it. Upon a vote, the motion died with a 3/1 vote.

Mr. Cervantes mentioned that the applicant could request a full board.

Mr. Salazar said he would like to review the site plan, including the swimming pool.

Chairman Flores entertained a motion. Ms. Elizondo rescinded her first motion and motioned to table item #8; Mr. Ueckert seconded it. Upon a vote, the motion passed.

## **ITEM#9**

### **TO ALLOW A 0 FOOT WEST SIDE SETBACK INSTEAD OF THE REQUIRED 6 FOOT SIDE SETBACK AT 723 W. 25<sup>TH</sup> STREET, BEING LOT 2, HOLLAND TERRACE SUBDIVISION, AS REQUESTED BY STEVE SPOOR**

Mr. Cervantes stated that the property was approximately 200 feet east of Holland Road along the south side of W. 25<sup>th</sup> Street. The applicant is requesting a variance to allow a 0-foot side setback on the west side of Lot 2 in order to match the ordinance setback for the adjacent Lot 3. Lot 1 is a stormwater detention area and will not have a building on it. The lot is currently vacant, and the applicant would like to construct a townhome.

Ms. Elizondo asked if the plat was recorded?

Mr. Cervantes replied Yes.

Chairman Flores asked if the applicant was present.

Mr. Gutierrez was present but had no comments.

There being no further discussion, Chairman Flores entertained a motion to close the public hearing. Ms. Elizondo moved to close the public hearing, and Mr. Salazar seconded it. Upon a vote, the motion passed unanimously.

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

#### **ITEM#10**

**TO ALLOW A 6' REAR SETBACK INSTEAD OF THE REQUIRED 10' FOR A 21' X 21' OUTDOOR PATIO STRUCTURE AT 1713 AUDREY DRIVE, BEING LOT 92, THE LEGENDS AT CIMARRON SUBDIVISION, AS REQUESTED BY CONNE A. GOMEZ**

Mr. Cervantes stated that the property was located at the Northwest corner of Princeton and Audrey Drives. The applicant is requesting a variance to keep an already-constructed patio structure with an outdoor kitchen. A variance was denied on March 13, 2025, for both the outdoor patio structure and a canopy structure encroaching on the side setback. The variances were denied due to opposition from the property owner to the west. The encroachment to the side setback has been cleared by the applicant, and he is now requesting reconsideration of the variance for the outdoor patio structure rear setback encroachment.

Chairman Flores asked if the applicant was present.

Mr. Conne A. Gomez, who resides at 1713 Audrey Drive, was present. He mentioned that he was requesting a variance to keep his back patio. He stated that he asked for an 811-dig test, and the test indicated that there were no utility lines in the back of his property. He added that he would sign a document stating that if, in the future, utility lines needed to be installed on his property, he would be ok with that.

Chairman Flores asked if the board had any questions.

There was none.

Chairman Flores asked if there was anyone in favor or against this variance request.

There was none.

There being no further discussion, Chairman Flores entertained a motion to close the public hearing. Ms. Elizondo moved to close the public hearing, and Mr. Salazar seconded it. Upon a vote, the motion passed unanimously.

There being no discussion, Chairman Flores entertained a motion. Mr. Ueckert moved to approve the variance request subject to signing a hold harmless agreement, and Ms. Elizondo seconded it. Upon a vote, the motion passed unanimously.

#### **OTHER BUSINESS**

There was none.

#### **ADJOURNMENT**

There being no further business, Ms. Elizondo moved to adjourn. Mr. Salazar seconded the motion. Upon a vote, the motion passed unanimously at 5:15 p.m.

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Heraclio Flores, Chairman  
Zoning Board of Adjustments