

AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: April 23, 2025

PRESENTED BY: Xavier Cervantes, Director of Planning

AGENDA ITEM: Consider a variance request to allow a 2.3' side setback instead of the

required 6' and a 4' front/garage setback instead of the required 18' for a proposed replacement of a carport at 1601 Mission Avenue, being Lot 1,

Block 7, Fiesta Village. Applicant: Jeffrey Horne – Cervantes

NATURE OF REQUEST:

Project Timeline:

March 20, 2025 – Application for Variance Request submitted to the City.

- April 11, 2025 In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract and notice of public hearings was published in the Progress Times.
- <u>April 23, 2025</u> Public hearing and consideration of requested Variance by the Zoning Board of Adjustments (ZBA).

Summary:

- The request is for a variance not to comply with Section 1.40(5)(g)(1) of the Mission Code of Ordinances, which states:
 - Minimum width of side setback:

(1) Internal: 6 ft.(2) Corner: 10 ft.;

& Section 1.40(5)(i) of the Mission Code of Ordinances, which states:

- Minimum distance from the public right-of-way to the entrance to a garage or enclosed 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 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 applicant is requesting a variance to allow a 2.3' side setback instead of the required 6' and a 4' front setback instead of the required 18' to replace a 10'x31' aluminum carport along the southside of the manufactured home. The purpose of the carport is for protection of his vehicles during inclement weather.

- Fiesta Village Subdivision was recorded on January 23, 1978. The property is located on the cul-de-sac of Mission Avenue and Laredo Boulevard. The irregular lot measures 3,050 sq. ft.
- There is currently an existing manufactured home on the property. On March 18th the applicant applied for a building permit with the Fiesta Village HOA. Fiesta Village HOA approved the permit as submitted. According to the contractor's letter attached they had been told that no other permit was needed. The contractor proceeded to start the work and removed the existing carport to later learn that a permit from the city was required. The applicant applied for a permit, however, it was denied due to not meeting the setbacks. The applicant did explain that he was only trying to replace the existing carport. Staff did some research and found no construction permits for that property.
- The applicant submitted a letter of support from the adjoining manufactured home owner who resides at 1600 San Juan.
- Staff has not received any calls regarding the variance request. Staff mailed out 46 notices to the surrounding property owners.
- Staff notes that ZBA has considered and approved other variances within this subdivision shown on the attachments.
- 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."

STAFF RECOMMENDATION:

Staff recommends disapproval of the variance request as:

- The carport that was built prior to being removed was built without any permits nor meeting the setbacks.
- 2. The request does not meet the standards for the issuance of a variance as described in the City of Mission Code of Ordinances.

RECORD OF VOTE:	APPROVED:	
	DISAPPROVED:	
	TABLED:	
AYES		
NAYS		
DISSENTING		

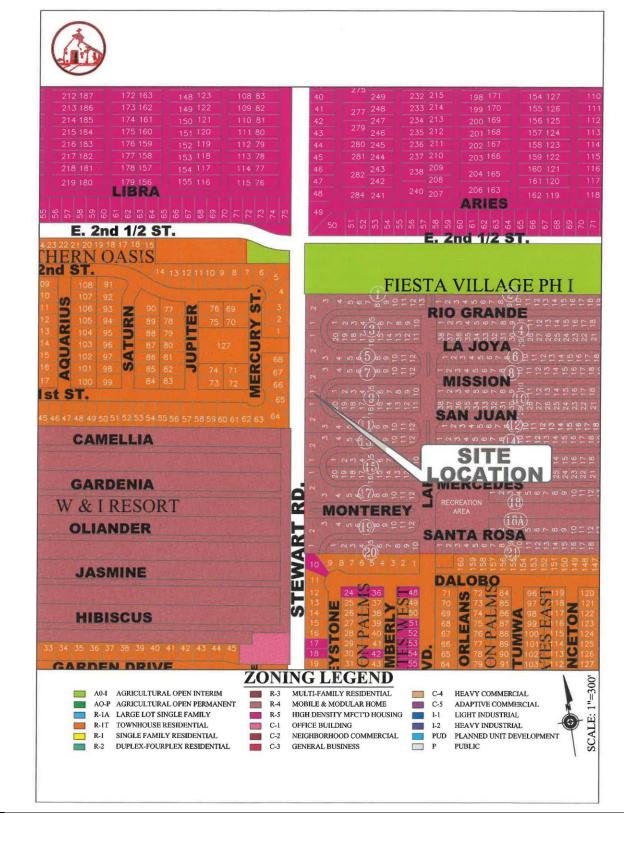
231 2 208 191 272 253 175 6 150 131 144 127 104 87 195 230 209 190 145 126 105 86 37 273 252 151 130 ALADDIN VILLAS WEST ALADDIN VILLAS EAST 170 165 146 125 38 230 217 196 173 210 189 152 129 106 85 251 228 231 216 197 172 171 164 147 124 211 188 107 84 39 250 153 128 275 148 123 212 187 172 163 108 83 40 249 232 215 198 171 154 127 226 173 162 149 122 233 214 199 170 213 186 109 82 155 126 41 248 277 234 213 225 174 161 150 121 200 169 214 185 110 81 42 247 156 125 279 224 215 184 175 160 151 120 111 80 43 246 235 212 201 168 157 124 152 119 223 176 159 236 211 202 167 112 79 280 245 216 183 158 123 44 237 210 203 166 222 177 158 153 118 217 182 113 78 45 281 244 159 122 238 209 221 178 157 154 117 218 181 114 77 46 243 160 121 204 165 282 208 179 156 LIBRA 161 120 47 242 220 219 180 155 116 115 76 206 163 240 48 284 207 162 119 241 ARIES 49 50 E. 2nd 1/2 ST. E. 2nd 1/2 ST 25 24 23 22 21 20 19 18 17 16 /15 UTHERN OASIS 2nd ST. 14 13 12 11 10 9 8 7 FIESTA VILLAGE PH I 26 109 108 91 20 110 0 107 92 24 111 106 93 23 112 105 94 4 ST 24 111 105 94 22 113 105 94 22 113 104 95 21 114 103 96 20 115 101 98 3 90 76 69 2 89 78 75 70 <u>.OCATION</u> RCUR 1 88 79 87 80 127 7 86 81 68 85 82 74 71 67 18 117 100 99 Ш 84 83 73 72 66 1st ST. 65 3 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 N m CAMELLIA GARDENIA RECREATION RECREATION AREA 2 + 0 D 00 0 = 2 W & I RESORT 00 MONTEREY 2 4 2 a 1 3 x 2 5 5 5 OLIANDER 10 9 8 7 6 5 4 3 2 1 **JASMINE DALOBO HIBISCUS** 1 32 33 34 35 36 37 38 39 40 41 42 43 44 45 **GARDEN DRIVE** 1 59 58 57 56 55 54 53 52 51 50 49 64 65 66 67 68 69 70 71 72 73 74 VATIA BLVD. 8 48 47 75 76 ES 2 VATIA 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 CITY OF MISSION HIDALGO COUNTY, TEXAS 1201 E. 8th. Street MISSION, TX 78572 PH: (956) 580-8672 FAX: (956) 580-8680

VICINITY MAP

ARIEL MAP



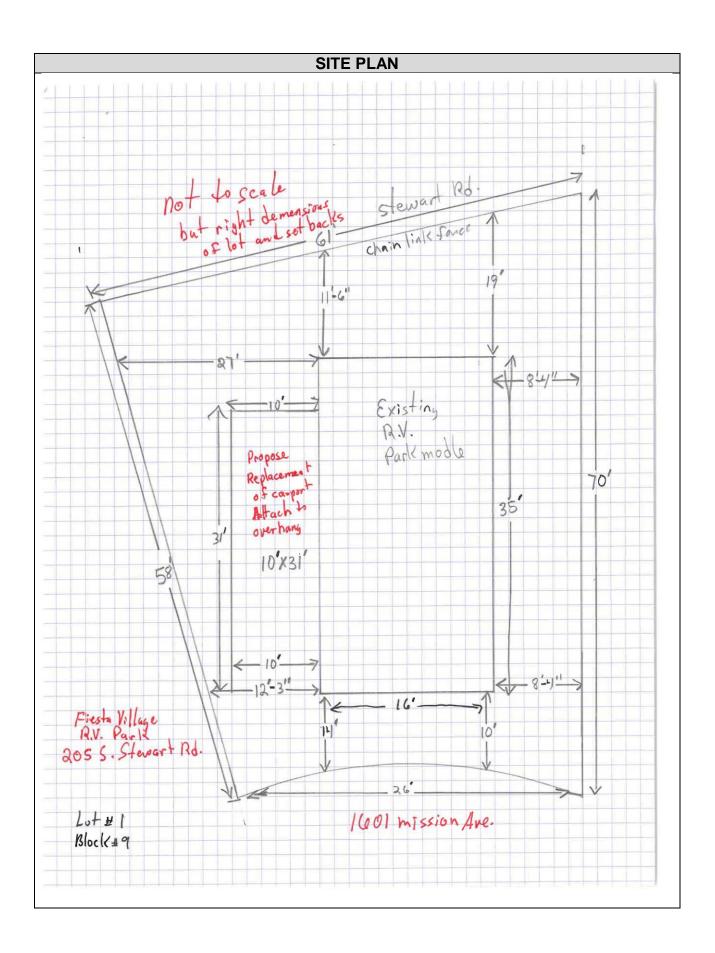
ZONING MAP





ZONING BOARD OF ADJUSTMENTS APPLICATION

ADED IN	
NAME: JEFFREY HORNE	PHONE: 909-569-2600
ADDRESS: 1205 S. Stewart Adi.	RECEIVED BY:
CITY: M 155 100	DATE: 3-20-25
SUBDIVISION: FIESTA VICAGE LOT:	<u>/</u> вьоск:
ZONE:	
PURPOSE: VARIANCE	,
*OFFICE USE	· · · · · · · · · · · · · · · · · · ·
ZBA ACTION: PASSED TABLE	D FAILED DATE:
COMMENTS:	
LETTERS MAILED: FILING FEE: \$	250.00 RECEIPT NO.:
APPLICANT'S SIGNATURE:	No.



PICTURES



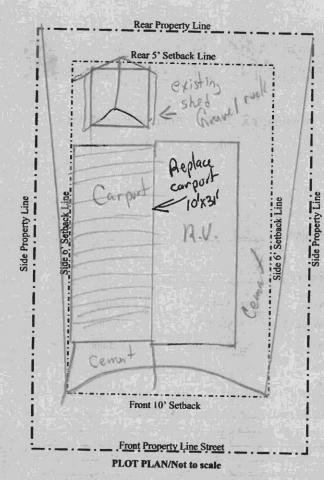
Building Permit Request



Fiesta Village 205 S Stewart Rd Mission, TX 78572 Phone: 956.585.9264

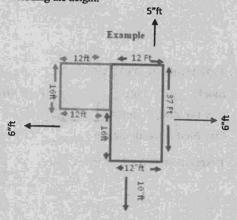
Date: 3-18-2025

Location of work:			
Block: Lot:	Park Street Address:		
City Building Permit #			
City final inspection date:	City Inspector:		
Description of Work (Circle Ch	noice) Canopy Reals	Awning	Siding
THE THE STATE OF T	Windows/Doors	Shed	Trailer
	Rock	Addition	Cement
	Other:	<u>landia</u>	The state of the
Brief description of what yo	u want to do:	1,	1 6
Replace on Hack co	somet aluminium	on southsi	de of RV.
TREPIGE WITHER CO			
approximately size	16'X31'		
1 1 2 AND A THE A			The transmission
The state of the s		1	
Owner: Jeff Horne	Address:	P	hone:
	y u	,	计图象 克斯克斯
Contractor: J.P. Construction Tose P. Cervan	from Address: 2815 mel	ame dr.	Phone: 956)655-1548
Jose P. Cervan	tes Phim, T	x 78577	
Lot Size: Front: S	ide: Rear:	Lot Area (Sq. Ft.):
Proposed Design Building Dista	ance from Property Line:		
Front: Si	de: Sid	e:	



Show existing structures (trailer, park model, shed, canopies and posts, all concrete areas. Drawing must show dimensions of the current structure.

Show proposed construction. Drawing must also show all dimensions of proposed construction including the height.



Note: If you have a irregular shaped lot ... use page 5 to sketch it out showing all dimensions and info.

REQUIRED PROCEDURE FOR OBTAINING PERMIT FOR ACTUAL CONSTRUCTION

Step 1. Three current Rules Committee member signatures required for approval. (Current FV board member signatures can be substituted if necessary.) Each signature attests a good faith effort to inform the applicant (FV resident) of pertinent FV building rules and a good faith assessment of conformance with these rules based upon the description and drawings provided. It remains the sole responsibility of the applicant (FV resident) to ensure this conformance throughout the construction process."

1. Fin Rang

2. June 1 - 18 - 25

Date 3 - 18 - 25

Date 3 - 18 - 25

Date 3 - 18 - 25

- Step 2 Presentation of this application to the City of Mission for construction permit.
- Step 3. No work will start until the city permit has been granted and a copy is presented to a committee member and has signed that a permit is granted and a copy.
- Step 4. When the work is underway, display the Building Request and the City of Mission permit on the property and in plain view from the street.
- Step 5. The owner will need to provide any in-progress inspections and call for final city inspection.
- Step 6. Return page 1 to a FV Committee member with a (legible) signature of the inspector name and the date of inspection.

Agreement for Resident

Page 1

CONSTRUCTION AND APPROVALS from FV Covenants Documents

- 4.07 APPROVAL OF SPECIFICATIONS OF CONSTRUCTION AND IMPROVEMENTS PLANS-Prior to any construction of improvements on any Lot, the Park Rules Committee must review and approve in writing all of the following projects on the Property:
 - a. Construction of any building, fence, wall, or other structure.
 - b. Change in orientation of an existing structure where the structure is moved within the Lot.
 - c. Installation of an existing structure moved from another Lot within the park, or from outside the park. (Copies of the City of Mission permit, inspection report, and approval are required if the structure is a park model trailer.)
 - d. Any notable exterior addition, change, or alteration in any building, fence, wall or other permanent
 - e. Lot landscaping or grading that involves concrete, concrete block, or stone work on the Lot or any easement area on the Lot.
 - f. Nothing herein is to be considered as a waiver or change in the stated purpose of this Subdivision as a motor home, travel trailer, recreational vehicle, or park model subdivision. Any additions or similar improvements must only be made to a travel trailer, recreational vehicle, or park model, and the structural integrity of such must be maintained. The construction of improvements around a bare chassis or axles is not permitted. The Park Rules Committee is the sole arbiter of compliance with this Section, subject to appeal to the Board.

LOT USE RESTRICTIONS AND STANDARDS

- 5.01. No Owner shall occupy or use his lot or residence and such outbuildings as are customarily appurtenant thereto or permit the same or any part thereof to be occupied or used for any purpose other than as a Private Residence of the Owner, his family, guest, and tenants.
- 5.02. All Lots may be used only for travel trailers, motor homes, recreational vehicles or park model trailers.
 - a. No more than one travel trailer, motor home, recreational vehicle, or park model trailer may be placed on a Lot, whether such is occupied or not, except if one is used as the sole means of transportation.
 - b. Travel trailers, motor homes, park model trailers, recreational vehicles, storage sheds, and room additions must at the time of installation be situated on the Lot as required by the ordinances and regulations of the City of Mission, Texas this Declaration, and the By-Laws and regulations of Fiesta Village, Inc.
 - c. Travel trailers, motor homes, recreational vehicles, and park model trailers must be self-contained when used as a residence.
 - d. Two-story sheds or additions are not allowed on any Lot.
 - e. The maximum size for a detached storage shed or building on a Lot is twelve (12) feet by twelve (12) feet (or a total of 144 square feet total floor area) by nine (9) feet in height.
 - f. Structural additions or sheds must not extend into the space required for a travel trailer, motor home, recreational vehicle, or park model trailer and one off-street automobile parking space on the Lot.
 - g. Canopies must not extend beyond the lot lines. Canopy posts must not be positioned inside the required setback area as described in Section 5.04 below. Canopy overhangs must not extend over the utility and drainage easement areas.

Agreement for Resident

- 5.03 All permanent driveways, car parking spaces and patios must be of concrete. When developing or redeveloping a Lot, all required driveways, car parking spaces, patios and utilities must be installed prior to the installation of any recreation vehicle or park model on a Lot.
- 5.04 SETBACKS—No motor home, travel trailer, recreational vehicle, or park model trailer, shed, or permanent improvement of any kind is to be located on any Lot nearer to the front lot line, the side lot line, or the rear lot line than the minimum building setback lines as defined as follows:
 - a. Side building setback lines must be located at least Six (6) feet from the lot line as measured from the side lot line. Front building setback lines must be located at least Ten (10) feet from the front lot line as measured from the front lot line. Setbacks are as shown on the plat of Fiesta Village, recorded in Hidalgo County Map Records Book Vol. 20, Page 64 on January 23, 1978. (Information: The front lot line in Fiesta Village is typically the edge of the street curb.)
 - b. The rear setback line and some side setback lines are established by the total depth of the utility easement and drainage easement areas as they affect each lot, as shown on the plat of Fiesta Village, recorded in Hidalgo County Map Records Book Vol. 20, Page 64 on January 23, 1978. (Information: Required rear setbacks could be either five feet, ten feet, or twenty feet depending on the location of the property within the Fiesta Village Subdivision.) Permanent structures must not be constructed on any utility easement, or drainage easement area. These easements are recorded and benefit the utility companies serving Fiesta Village and the City of Mission and are subject to construction and maintenance activities without notice. (Information: All improvements, including patios, flower beds, shrubs, trees, buildings and building additions, sheds, canopies, etc., located in utility easement and drainage easement areas are subject to removal without notice or recompense when it is necessary to clear the easement area for maintenance or construction activity.) (Information: Utility and drainage easement areas are not subject to abrogation through
 - c. For purposes of this covenant, eaves are not considered to be a part of the building; provided, however, that this is not to be construed to permit any portion of a building or eve on any Lot to extend over another Lot or the street. Also, building eaves must not extend over the utility or drainage easement areas.

Agreement for Contractor

Page 1

CONSTRUCTION AND APPROVALS

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ZOWING SEPERCK REQUIREMENTS FRONT REAR SIDE LOTSIZE CORNER (IN SQUARE FEET) INTERNAL R-4 Mobile & Modelar Hames Spaces to park for Mobile Romes Lots for M.B. & RV's vani nu Perfolis jan et . mettings to RECCEALD Exist. Ord. Permitted Resulting Minimum Max. 91dg. Maximum Required Imp. Area Lot Size Coverage Open Space Zone (Square Ft) (% of lot area) (% of lot area)(% of lot area) mh spaces-2450 50% 60 50% 50 rv spaces-1500 40 mh lots-5000 40% 50 40 common areas thereto N/A 10 Page 6

Revision 1 March 22, 2022

Agreement for Contractor

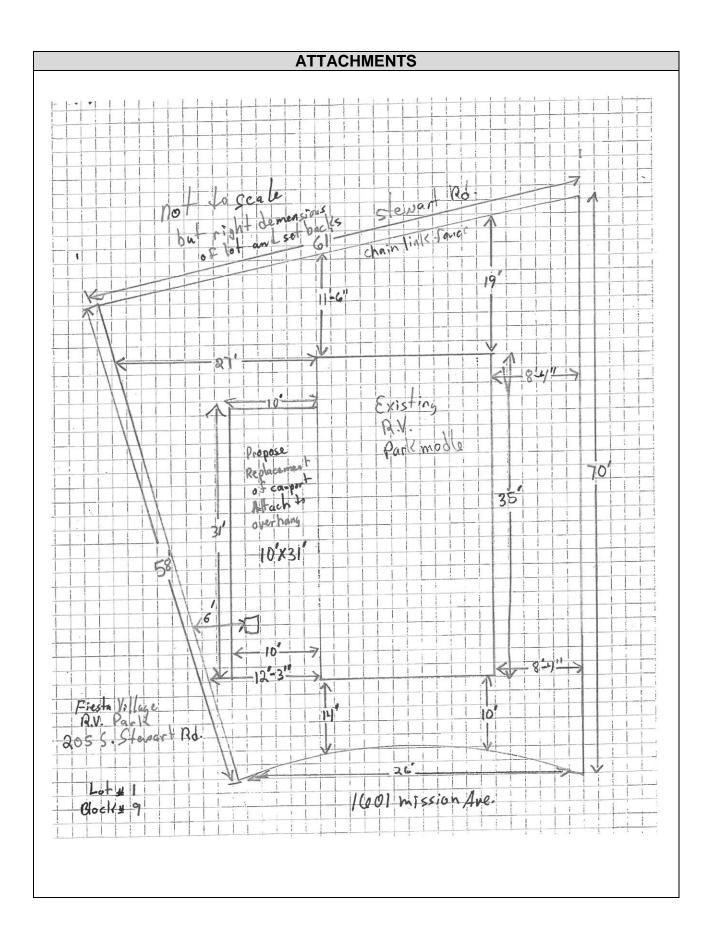
Page 3

City of Mission, Texas and Hidalgo County building codes and or restriction take precedence over Fiesta Village Covenants, Rules or Restrictions unless Fiesta Village is more stringent in which case Fiesta Village will take precedence.

Contractors who <u>do not</u> abide by the City of Mission, Hidalgo County or the Fiesta Village covenants and or restriction will make all changes to bring such work into compliance at contractors expense and could lose the privilege of contracting work within the Fiesta Village Park.

Contractor: I have read and understand and agree to the statement standards and restriction above.

Company Name	
Signature:	But the Arts
Printed Name_	
Phone Number	
Date:	D. F.
MANAGE TO STATE	
ss:	
Signature:	
Printed Signatur	P. T. P.
AND THE PARTY OF T	HE STEELS
Date:	
Signature:	
Printed Signatur	re:
Date:	



03/21/2025

Phillip L Martin

205 S Stewart Rd # 164

Mission TX 78572

To whom it may concern

I have no objections to Jeffery Horne at 1601 Mission, Mission Texas rebuilding his carport in its original location which joins my property at 1600 San Juan Mission Texas.

Phillip I Martin



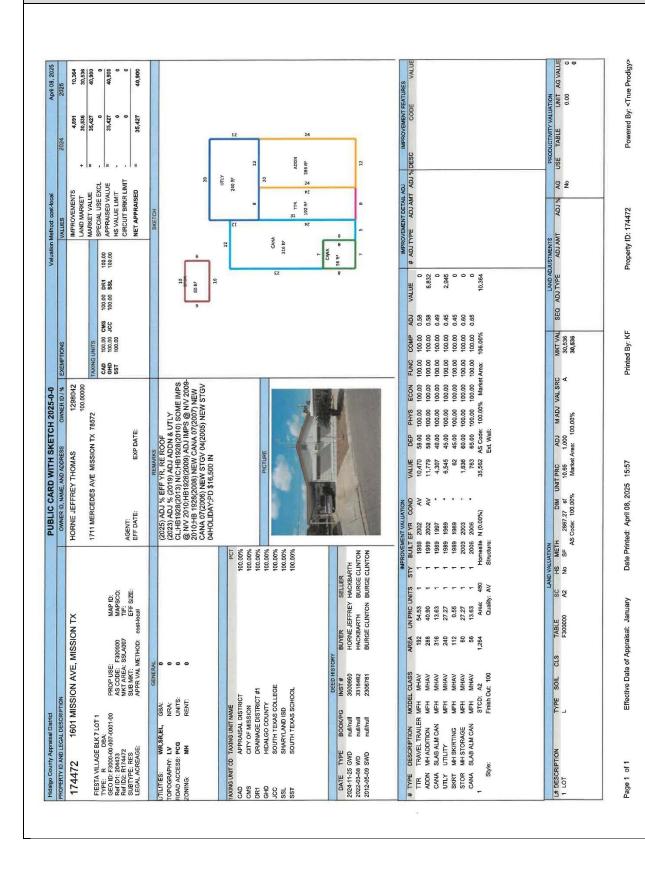


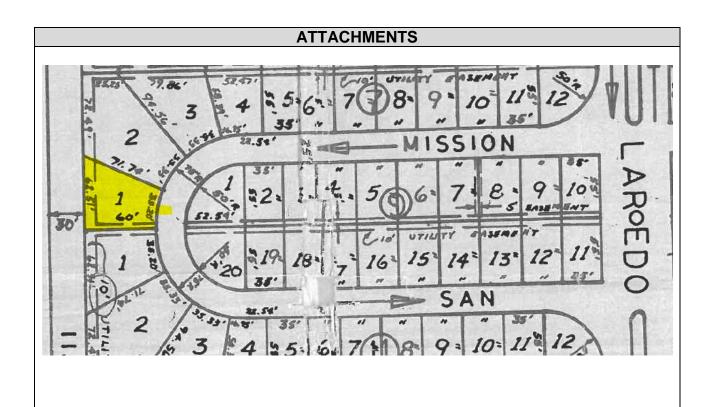
3-20-2025

To whom it may concern, customer Mr. Iest Horne, would like to apply for a variance, because of a misunders tanding, of the board et Fiesta Villege, 205 s. stewart Rd. They said he didn't need a permit to replace a carport that was attach approximately 10'x31', all we needed was a blue sheet with three signifures, which he got. so we started to take it out completely, and then they said, that now the posts needed to be move 6' towards the inside, so now there will not be a four king space, because of the shape of the lot. I have attach a drawing of set backs of lot and structures in 17.

There a lot of misunderstanding in fiesta Village, people apply for the board, whithout any noghlage of the rules and regulations, and one person will say orce thing and others, a different one, so there's a lot of con fusion, in the park

T.P. Construction fail Cevants (850) 655-1548





Database of Variances

Legal Description Lot 5, Blk. 5	Variance RequestDate of Meeting4' inner side setback1/14/97		Recommendation Approved	
Lot 13, Blk. 1, Lot 1, Blk.2, Lots 10 & 11, Blk. 3, Lots 1 & 38-39, Blk. 4, Lot 12, Blk. 5, Lot 1, Blk. 6, Lot 12, Blk. 7, Lot 1, Blk. 8, Lots 10 & 11, Blk. 9, Lots 1 & 38-39, Blk. 10, Lot 12, Blk. 11, Lot 12, Blk. 13, Lot 1, Blk. 12, Lot 12, Blk. 13, Lot 1, Blk. 14, Lots 10 & 11, Blk. 15, Lots 1 & 38, Blk. 16, Lot 12, Blk. 17, Lot 12, Blk. 19, Lot 10, Blk. 20, Lot 1, Blk. 21,	5' corner setbacks	4/10/01	Approved	
Lot 13, Block 18 ^a	3' side setback	1/19/05	Approved	

MAILOUT LIST

PROP ID	file_as_na	addrDeliveryLine	addrCity	addrState	addr7in
_	SILVANOVICH GLEN	1524 E 1ST ST	MISSION	TX	78572-6416
	JONES KENNETH R & CAROLE J	101 MERCURY ST	MISSION	TX	78572-6395
	RUPPLE JUDITH A & DIANNA L SMITH	103 MERCURY ST	MISSION	TX	78572-6395
	SOSBEE GERAL & MARISOL	PO BOX 3834	MCALLEN	TX	78502-3834
	GERARDY ARMINDA	109 MERCURY	MISSION	TX	78572-6395
	OLSON JUDY & DENNIS L	2272 500TH ST	NORTHWOOD	IA	50459-8635
	DALLMANN GERALD TRUSTEE	10840 RIVERBEND LN NW	ORONOCO	MN	55960-2038
	LOWREY GUY ROY & MARY KATHRYN CO TRUSTEES	52939 740TH ST	ANITA	IA	50020-8904
	KREMER LLOYD J	5408 N 30TH ST	MCALLEN	TX	78504-5107
174508	HOFF VANE & SHERYL	6672 HIGHWAY 61	SILVER BAY	MN	55614-4222
174478	DALLMANN GERALD L TRUSTEE REVOCABLE LIVING TRUST	10804 RIVERBEND LN NW	ORONOCO	MN	55960-2038
174442	SCHAAP RODGER E JR	4373 WEATHERBY LN	TRAVERSE CITY	MI	49685-9628
174444	BERG RICHARD L & LOIS K & SHELLEY ANN GABLE	3120 DALE RD	EAU CLAIRE	WI	54703-1105
174445	CLARK KENT LEROY	24481 DUTCHSETTLEMENT ST	CASSOPOLIS	MI	49031-9763
174563	MARTIN PHILLIP & CHERYL A	205 S STEWART RD UNIT 164	MISSION	TX	78572-6348
174566	RUSSMANN JERALDINE TRUSTEE GRAMMA JERRY LIVING TRUST	205 S STEWART RD UNIT 259	MISSION	TX	78572-6337
174599	KLOSSNER HARVEY	6871 220TH ST	SILVER LAKE	MN	55381-6400
174601	HENDEL ROBERT L & KATHLEEN A	205 S STEWART RD UNIT 244	MISSION	TX	78572-6337
174600	SWARTZ DELILA	431 S E GOSNELL LN	SHELTON	WA	98584-8384
174598	GONZALEZ VICENTE & SHERYL TRSTS	123 MAIN ST N	SAUK CENTRE	MN	56378-1109
174441	LOWREY GUY ROY & KATHRYN CO-TRUSTEES FAMILY REVOCABLE LIVING TRUST	52939 740TH ST	ANITA	IA	50020-8904
	RANNEY JOSEPH W III & PAULA J	21218 FEATHER RIDGE LN NE	POULSBO	WA	98370-8927
	6 HUDDLESTUN MONTE & RHEA	205 S STEWART RD	MISSION	TX	78572
	2 HACKBARTH ELIZABETH J	1711 MERCEDES AVE	MISSION	TX	78572
	MARTIN PHILLIP L & CHERYL A CO TRUSTEES	205 S STEWART RD UNIT 164	MISSION	TX	78572-6348
	5 MITCHELL DAVID W & TRACY L MITCHELL	205 S STEWART RD UNIT 228	MISSION	TX	78572-6336
	FURST MARTIN A II & RITA J	845 W 3RD ST	GARNER	IA	50438-1206
	7 ADAMS GEOFFREY J & SANDRA J LIVING TRUST		MISSION	TX	78572-6386
		205 S STEWART RD NO 336			
	O FINER EUNICE M IRRVCBL TRST	602 UNION ST	EMMETSBURG	IA	50536-2451
	L LOLAND DENNIS W & GERALDINE RUSSMANN	29270 330TH ST	NEOLA	IA	51559-6036
	3 MELAND JAMES R & BRENDA L & MARK A &	4885 PARTRIDGE AVE	NORTHWOOD	IA	50459-8628
	\$ SCOTT FLORENCE M	205 S STEWART RD NO 338	MISSION	TX	78572-6386
	5 BARBER MARY ANN	205 S STEWART RD UNIT 365	MISSION	TX	78572-6329
	5 EBNET LAVOY G & MARY A EBNET	219 1ST ST N W	NEW RICHLAND	MN	56072
	BARBEE IRENE N & JANE B CROWLEY	205 S STEWART RD UNIT 76	MISSION	TX	78572-6332
	O CODDINGTON CURTIS K TRUSTEE	21218 FEATHER RIDGE LN NE	POULSBO	WA	98370
	B DE NOON ROGER EDWARD	7310 CORONADO AVE	DALLAS	TX	75214-4213
17456	7 VALDEZ ARTURO JR	PO BOX 279	HIDALGO	TX	78557-0279
17450	9 RUSSMANN GERALDINE TRUSTEE	29270 300TH ST	NEOLA	IA	51559
17452	2 THOENNES RALPH & JOYCE	811 4TH AVE NE	BARNESVILLE	MN	56514-3327
17440	D LAMBERT DELORES & MARK	205 S STEWART RD # 133	MISSION	TX	78572-6345
17452	3 THOENNES MARK C & SHARON M	525 WEST ST SOUTH	MILTONA	MN	56354-8188
17440	1 LOWREY GUY ROY & MARY K CO TRSTS	52939 740TH ST	ANITA	IA	50020-8904
61388	1 PENA FERNANDO XAVIER & ALICIA CASAS PENA	1518 E 1ST ST	MISSION	TX	78572-6416
61388	2 SCHRIEVER MARK ALAN & WANTHA L	1522 E 1ST ST	MISSION	TX	78572-6416
31667	4 W & I LEASEHOLDERS ASSOC	206 S STEWART RD #234	MISSION	TX	78572-6392

	STAFF RECOMMENDATION			
Staf	f recommends disapproval of the variance request as:			
1.	The carport that was built prior to being removed was built without any permits nor meeting the setbacks.			
2.	The request does not meet the standards for the issuance of a variance as described in the City of Mission Code of Ordinances.			