



MEETING DATE: April 23, 2025

PRESENTED BY: Xavier Cervantes, Director of Planning

AGENDA ITEM: Public hearing and take action to consider a variance request to allow an accessory structure (carport) to encroach eight (8) feet into the required eighteen (18) foot front yard setback for carports in a R-1 (Single Family Residential District), located at 614 Ramirez Lane, being Lot 7, Mayberry Gardens Subdivision. Applicant: Jeffery Miller - Cervantes

NATURE OF REQUEST:

Project Timeline:

- March 4, 2025 – Application for Variance Request submitted to the City.
- March 14, 2025 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- March 26, 2025 - Public hearing and consideration of requested Variance application by the Zoning Board of Adjustments (ZBA).

Summary:

- 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 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 an accessory structure (carport) to encroach eight (8) feet into the required eighteen (18) foot front yard setback for carports to allow for protection of his vehicles during inclement weather.
- Mayberry Gardens Subdivision was recorded on April 26, 2007. The subject property is located along the south side of Ramirez Lane approximately 386' west of Mayberry Road. The subject property fronts Ramirez Lane with a width of 60.79 feet and a length of 127.30 feet. The subject lot has an area of 7,327 square feet.
- There is currently an existing 2,060 square foot single-family residence on the property. The applicant constructed a 20'x20' carport without obtaining the proper building permit. The applicant shared that he asked the builder several times if a permit was required for the proposed carport and was told all the times that no permit was required. The applicant is a 100% disabled veteran and federal officer and didn't mean to break any rules. He was just not aware that a permit was needed until he was told by a Code Enforcement Officer.
- The lots the north, south, east and west are developed as Single-Family Residences.
- Staff has not received any calls regarding the variance request. Staff mailed out 24 notices to the surrounding property owners.

- Staff notes that ZBA has considered and approved the following variance within this subdivision: 10' front yard setback for Lot 19 on 3/16/11.
- 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 new state law, HB1475, 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 being in compliance 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 a nonconforming structure.

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 carport was built without a permit, and
3. This is a self-imposed hardship.

RECORD OF VOTE:

APPROVED: _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

Attachment I



ZONING BOARD OF ADJUSTMENTS APPLICATION

NAME: Jeffery Miller PHONE: 956-579-3326
 ADDRESS: 614 Ramirez Lane RECEIVED BY: _____
 CITY: Mission, TX 78573 DATE: 4 Mar 2025

SUBDIVISION: Mayberry Garden LOT: _____ BLOCK: _____
 APPROX. LOCATION: 2 Mile / 2 mile / Mayberry
 ZONE: _____

PURPOSE: Had 20x20 Carport built, not attached, Literally asked
builder (7) times if we needed city Permit or if it was illegal,
builder said No to all (7) times. Code Enforcement says I
Need Permit which I do not mind Getting. I am just asking
if I could keep my Carport. I am a 100% disabled Veteran &
Federal Officer & did not have Carport built to be Mean. I did not
KNOW.

OFFICE USE ONLY

ZBA ACTION: _____ PASSED _____ TABLED _____ FAILED DATE: _____

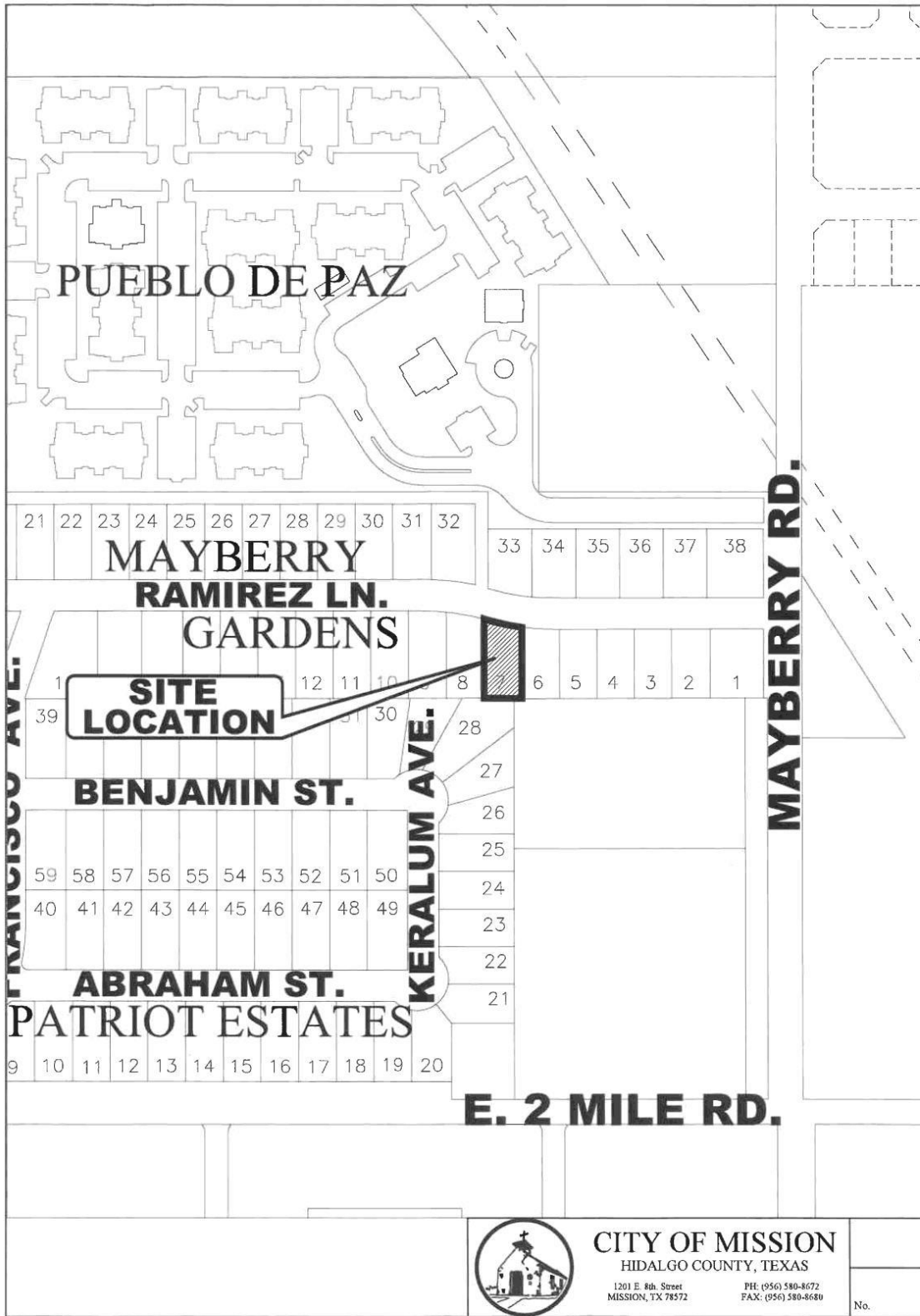
COMMENTS: _____

LETTERS MAILED: _____ FILING FEE: \$250.00 RECEIPT NO.: 20250198

APPLICANT'S SIGNATURE: _____

Jeffery Miller
Jeffery Miller

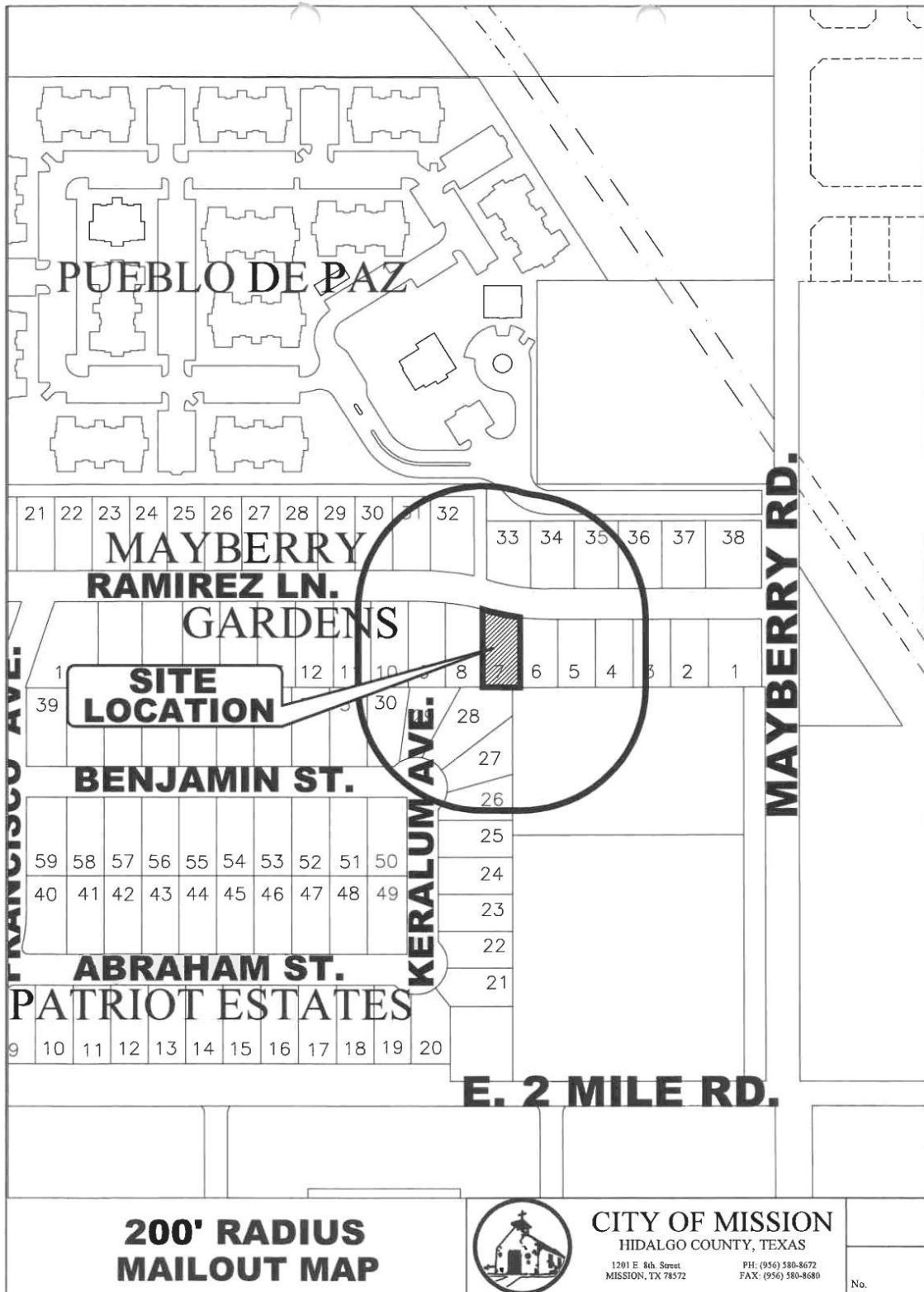
Attachment II



Attachment III



Attachment IV



Attachment V

RAMIREZ LN.

10' UTILITY EASEMENT

18' GARAGE SETBACK

20'X20' CARPORT

6' SIDE SETBACK

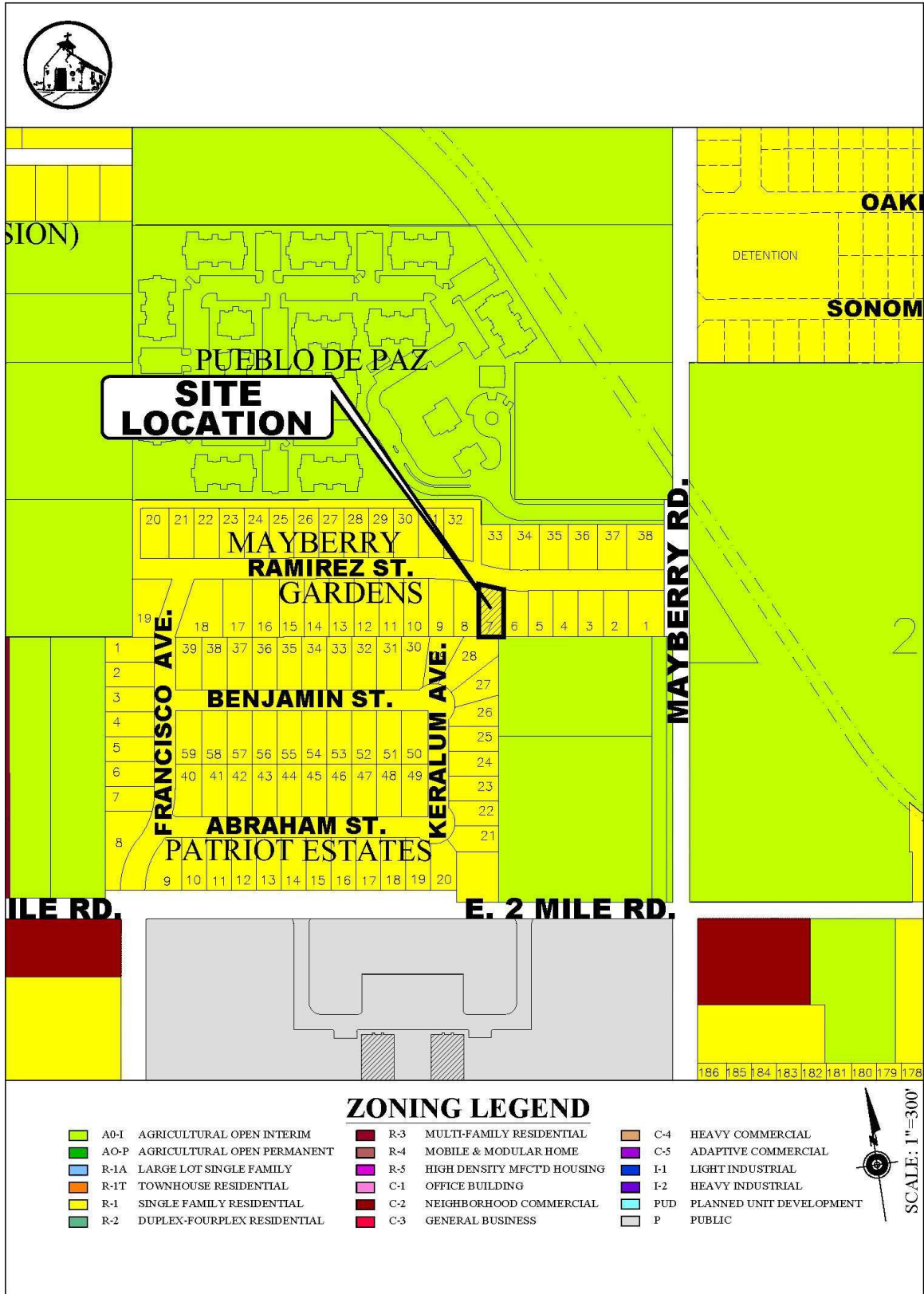
6' SIDE SETBACK

10' REAR & UTILITY EASEMENT

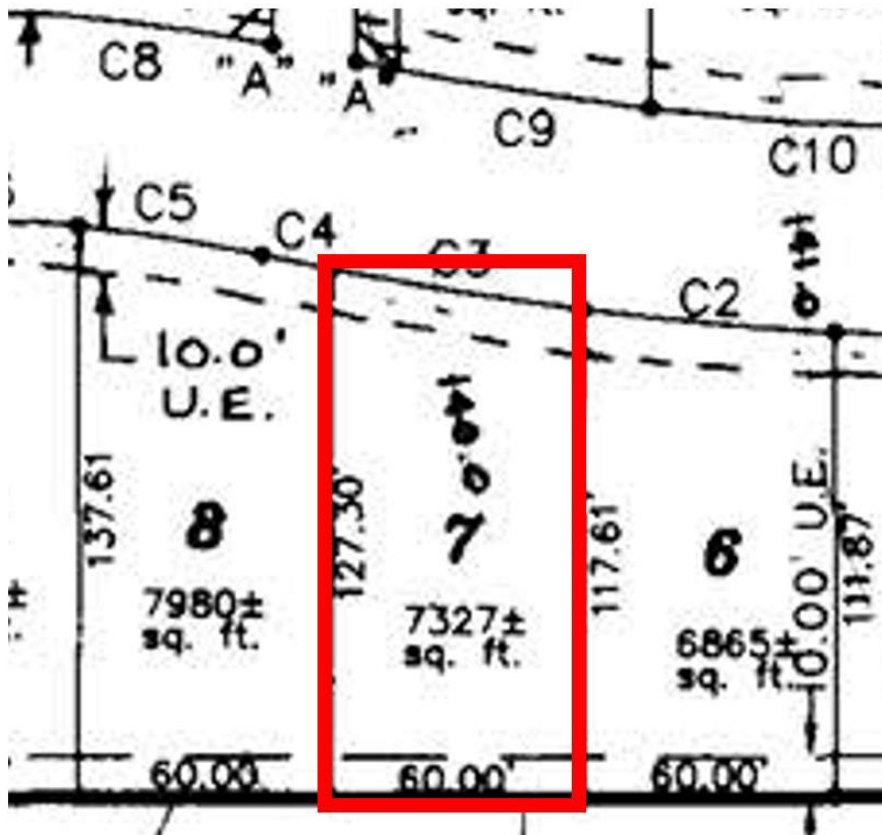
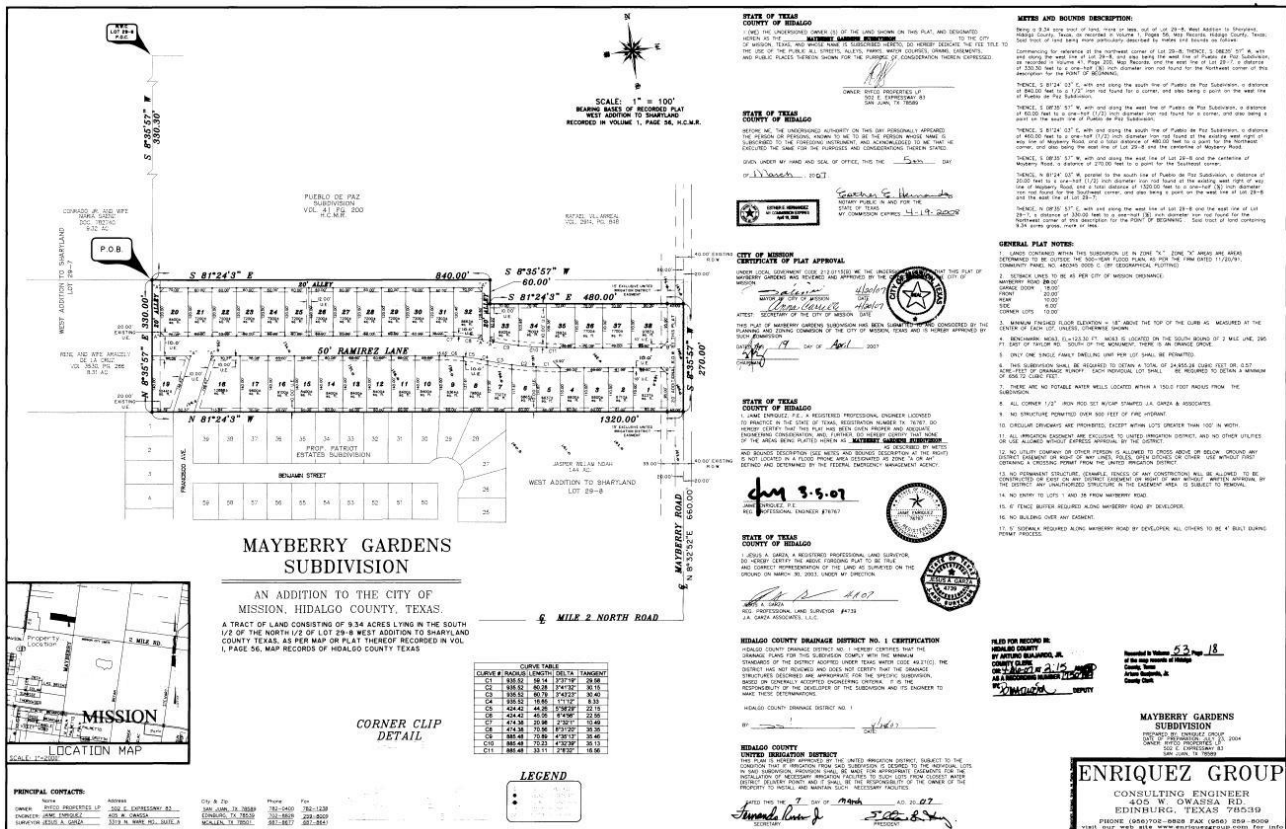
Source: Aerial by GeoEye, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

Source: Adapted from World Wildlife, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

Attachment VI



Attachment VII



Attachment VIII



Attachment IX



Attachment X

Hidalgo County Appraisal District										PROPERTY FIELD REVIEW CARD 2025-0-0										Valuation Method: cost-local										March 17, 2025									
PROPERTY ID AND LEGAL DESCRIPTION 716985 614 RAMREZ LN, MISSION TX MAYBERRY GARDENS LOT 7 TYPE: R DBA: GEO ID: M1855-00-000-0007-00 Ref ID: 528670 Ref ID: R716985 MNT AREA: 5M6A012 LEGAL ACREAGE:										OWNER ID, NAME, AND ADDRESS MILLER JEFFERY D & MELISSA Y 1177176 100.00% 614 RAMREZ LANE MISSION TX US 78573-8707 AGENT: EFF DATE:										EXEMPTIONS DVHS, HS TAXING UNITS CAD 100.00 CMB 100.00 DR1 100.00 GHD 100.00 JCC 100.00 SMS 100.00 SST 100.00										VALUES 2024 2025 IMPROVEMENTS 211,451 199,357 LAND MARKET 48,358 48,358 MARKET VALUE 259,809 247,715 SPECIAL USE EXCL 0 0 APPRAISED VALUE 259,809 247,715 HS VALUE LIMIT 0 0 CIRCUIT BRKR LIMIT 0 0 NET APPRAISED 259,809 247,715									
GENERAL UTILITIES: AL ZONING: RS LEGACY APPR EL TOPOGRAPHY: LV TAGS: AS CODE: M185500 ROAD ACCESS: POC LAST APPR DT: 2021-10-12 LAST INSP COMPT DT: NEXT INSP DT: SURSET: NEXT REASON: REASON NOTES:										REMARKS (2025) Adj d (2018) Adj S & CL (2018) NEW PAT'S & SWP (2013) ADJ CL 2013, 2013 NEW IMP'S 2010										SKETCH 																			
BUILDING PERMITS B# ISSUE DT PERM# TYPE ACTIVE EST VAL APPR BUILDER COMMENT										PICTURE 										INCOME APPROACH DATA CBA: 0 UNITS: 0 NRA: 0 RENT: 0																			
APPEAL HISTORY YEAR APPEAL ID TYPE STATUS PROTESTER FINL DATE										SALES HISTORY DATE TYPE QUAL SRC RATIO PRICE BUYER 2020-05-12 A1 null null 186,004 MILLER JEFFERY D 2011-05-03 PA null null 10 GOMEZ JOSE & 2009-03-27 null null null 10 CASTILLO										DEED HISTORY DATE TYPE BOOK #G INST # BUYER SELLER 2020-05-13 WD null null 3111871 MILLER JEFFERY SOTO EZEQUIEL 2019-03-07 AWD null null 2993362 SOTO EZEQUIEL GOMEZ JOSE & 2011-05-16 WD null null 2206933 GOMEZ JOSE & S & Z																			
IMPROVEMENT VALUATION # TYPE DESCRIPTION MODEL CLASS AREA UN PRC UNITS STY BUILT EF YR COND VALUE DEP PHYS ECON FUNC COMP ADJ VALUE 1 MA Residential Main RES BRKAV 2,060 91.96 1 1 2009 2009 AV 189,438 84.00 100.00 100.00 100.00 100.00 0.84 169,128 GAR GARAGE RES BRKAV 441 45.98 1 1 2009 2009 AV 23,277 84.00 100.00 100.00 100.00 100.00 0.84 17,033 POR PORCH RES BRKAV 64 91.96 1 1 2009 2009 AV 5,865 84.00 100.00 100.00 100.00 100.00 0.84 4,943 PAT PATIO RES BRKAV 66 91.96 1 1 2009 2009 AV 6,069 84.00 100.00 100.00 100.00 100.00 0.84 5,096 SWPAB-SWP AVG CL EM RES BRKAV 96 0.00 1 1 2010 2010 * 0 100.00 100.00 100.00 100.00 100.00 1.00 0 PAT PATIO RES BRKAV 154 91.96 1 1 2010 2010 * 14,162 85.00 100.00 100.00 100.00 100.00 0.85 12,038 PAT PATIO RES BRKAV 196 91.96 1 1 2010 2010 * 1,176 85.00 100.00 100.00 100.00 100.00 0.85 1,117 Style: STCD: A1 3,077 Area: 2,060 Homesite: Y (100.00%) 237,007 AS Code: 100.00% Market Area: 100.00% 193,357 Finish Out: 100 Quality: AV Structure: Ext Wall: BRK										IMPROVEMENT DETAIL ADJ # ADJ TYPE ADJ AMT ADJ % DESC CODE VALUE BATH 2 Construction RES Custom 1 Exterior Wall DBRK Flooring TIL Foundation SLB Heating/Cooling AND Interior Finish SRK Number of 300 Plumbing 2 Roof Style HP																													
LAND VALUATION LA DESCRIPTION TYPE SOIL CLS TABLE SC HS METH DIV UNIT PRC ADJ MADJ VAL SRC MNT VAL 1 LOT L M185500 A1 Yes SF 7327.00 sf 6.60 1,000 A 48,358 AS Code: 100.00% Market Area: 100.00% 48,358										LAND ADJUSTMENTS SEQ ADJ TYPE ADJ AMT ADJ % AG USE TABLE UNIT AG VALUE No 0.00 0										PRODUCTIVITY VALUATION AG USE TABLE UNIT AG VALUE 0.00 0																			

Page 1 of 1 Effective Date of Appraisal: January 1 Date Printed: March 17, 2025 15:33 Printed By: SP Property ID: 716985 Powered By: <True Prodigy>

2025-FC-P-716985

Attachment XI



CITY OF
MISSION

Irasema Dimas, Code Enforcement Supervisor
Arturo Lerma, Senior Code Enforcement Officer
Nancy Chavira, Code Enforcement Officer
Joseph Flores, Code Enforcement Officer
Angel Garcia Jr., Code Enforcement Officer
Yvette Villarreal, Code Enforcement Clerk

February 5, 2025

Case# 25-02-G-006

Jeffery D. Miller
614 Ramirez Lane
Mission, TX 78573-8707

Dear Property Owner/Occupant:

A visual exterior inspection was conducted of a property located **614 Ramirez Ln., Mission, TX**, bearing a legal description of **Mayberry Gardens Lot 7**, which according to the real property records of Hidalgo County, you own. After conducting the inspection, it is noted that the construction that took place on the property without first obtaining the required permits. This is a violation of **City of Mission Code of Ordinance; Chapter 18 – Buildings and Building Regulations**.

Under the provisions of City of Mission Code of Ordinance; **Chapter 18 – Building and Building Regulations – Section 18-32 – Residential Code adopted; 2021 International Residential Code (IRC). Section 105 Permits; R105.1 Required**. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit. Since a permit was not acquired, a **double permit fee** will be assessed pending approval of the building permit application by the Planning and Inspection Department.

You have **(10) calendar days** from date of notice to make contact with the **Code Enforcement Department at (956) 580-8697** to discuss the options available to comply. If you fail to make contact within the timeframe provided herein then other enforcement measures may be taken, including but not limited to, the assessment of fines and court costs.

As a property owner, you may file an application for a variance with the Zoning Board of Adjustments. We thank you for your understanding and prompt attention to this matter.

Respectfully,

Angel Garcia Jr.
Code Enforcement Officer

Attachment XII



CITY OF
MISSION

Irasema Dimas, Code Enforcement Supervisor
Arturo Lerma, Senior Code Enforcement Officer
Nancy Chavira, Code Enforcement Officer
Joseph Flores, Code Enforcement Officer
Angel Garcia Jr., Code Enforcement Officer
Yvette Villarreal, Code Enforcement Clerk

February 5, 2025

Case# 25-02-G-007

Jeffery D. Miller
614 Ramirez Lane
Mission, TX 78573-8707

Dear Property Owner/Occupant:

A visual exterior inspection was conducted of a property located **614 Ramirez Ln., Mission, TX**, bearing a legal description of **Mayberry Gardens Lot 7**, which according to the real property records of Hidalgo County, you own. After conducting the inspection, it is noted that **the carport was built within the setback lines**. This is a violation of **City of Mission Code of Ordinance; Appendix A – Zoning, Article VIII – Use Districts and Conditional Uses**.

Under the provisions of City of Mission Code of Ordinance; **Appendix A – Zoning, Article VIII-Use Districts and Conditional Uses; Section 1.371 R-1 Single Family Residential; 4-Prohibited Uses - c)** Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required.

You have **(10) calendar days** from date of notice to contact the **Code Enforcement Department at (956) 580-8697** to discuss the options available to comply. If you fail to make contact within the timeframe provided herein then other enforcement measures may be taken, including but not limited to, the assessment of fines and court costs.

As a property owner, you may file an application for a variance with the Zoning Board of Adjustments. We thank you for your understanding and prompt attention to this matter.

Respectfully,

Angel Garcia Jr.
Code Enforcement Officer

Attachment XIII

PROP_ID	Property Owner	addrDeliveryLine	addrCity	addrState	addrZip
717008	LOPEZ CYNTHIA ELIZABETH	406 E 28TH ST	MISSION TX	TX	78574-2157
717011	PORTILLO JULIO C & SASHA M	613 RAMIREZ LANE	MISSION TX	TX	78573-8706
716988	CASTANEDA ERICA NICOLE HERRERA	608 RAMIREZ LN	MISSION TX	TX	78573-8707
717010	ESTEVIS ARTURO & RUBY	611 E RAMIREZ LN	MISSION TX	TX	78573-8706
716987	MANDES SAN JUANITA M	610 RAMIREZ LN	MISSION TX	TX	78573-8707
716989	GONZALEZ JORGE & BEATRIZ ADRIANA SALINAS	606 RAMIREZ LN	MISSION TX	TX	78573-8707
716985	MILLER JEFFERY D & MELISSA Y	614 RAMIREZ LANE	MISSION TX	TX	78573-8707
716986	BUENTELLO REYNALDO & YOLANDA	612 RAMIREZ LN	MISSION TX	TX	78573-8707
717009	DE LA CRUZ HUGO & YADIRA MARQUEZ & MA DE SAN JUANA HERNANDEZ	609 RAMIREZ LN	MISSION TX	TX	78573-8706
717013	MUNOZ LILIANA & OSIEL A	701 RAMIREZ LN	MISSION TX	TX	78573-8710
717014	CAMPOS SANDRA	PO BOX 914	MISSION TX	TX	78573-0015
716984	VERA RACHEL & MICHAEL AMBERS	616 RAMIREZ LN	MISSION TX	TX	78573-8707
716983	MORALES CRYSTAL LEE	618 RAMIREZ LN	MISSION TX	TX	78573-8707
716982	RAMIREZ ROLANDO & LETICIA MORALES	700 RAMIREZ LN	MISSION TX	TX	78573
716981	LUNA ROLANDO RICARDO & AYISSA ANNETTE SALINAS	702 RAMIREZ LN	MISSION TX	TX	78573-8709
717012	CONFIDENTIAL	<Null>	<Null>	<Null>	<Null>
658540	PUEBLO DE PAZ APARTMENTS	175 POWDER FOREST DR	WEATOGU CT	CT	06089-7902
693136	LABASTIDA CUAUHEMOC S & LUISANA B	3210 N KERALUM AVE	MISSION TX	TX	78573-2106
693137	GUTIERREZ JOSE A & MARIA S	3212 KERALUM AVE	MISSION TX	TX	78573
693138	CRABTREE JOSHUA A & SANDRA SEGUNDO	1009 SUNRISE LN	MISSION TX	TX	78574-2382
693141	PENA MARISOL G	1725 W MILE 4 RD	MISSION TX	TX	78573-4100
693139	VALADEZ MARIA E	611 BENJAMIN ST	MISSION TX	TX	78573-2107
693140	CORONA GABRIELA M & JOSE A CASTILLO	3216 BLACK OAK LN	MISSION TX	TX	78573-1314
317274	MORENO LUIS A	3221 N MAYBERRY RD	MISSION TX	TX	78573-1595

Attachment XIV

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 carport was built without a permit, and
3. This is a self-imposed hardship.