

**ZONING BOARD OF ADJUSTMENTS
JULY 22, 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
Ana Bazaldua

GUESTS PRESENT

Adrian Hernandez
Maria Elizabeth M.
Eddie Tapuro
Leonel Perez

CALL TO ORDER

Chairman Salazar called the meeting to order at 4:30p.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 MAY 27, 2026

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

ITEM #2

PUBLIC HEARING AND CONSIDERATION OF A VARIANCE REQUEST TO ALLOW A 2-FOOT SIDE SETBACK INSTEAD OF THE REQUIRED 6 FEET, FOR A PROPOSED 40' X 15' CARPORT, BEING LOT 91, FAIRMONT ESTATES SUBDIVISION, LOCATED AT 3007 SILVER AVENUE, APPLICANT: ERIK RODRIGUEZ

Mr. Cervantes stated the request is for a variance not to comply with Section 1.371.- R-1 (Single Family Residential District), which states: Minimum Front Setback: 20 feet, minimum Side Setback: 6 feet, minimum Garage/Carport Setback: 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 property is located at 3007 Silver Ave, being Lot 91, Fairmont Estates Subdivision, the applicant is requesting a variance to construct a 40'x15' carport within the side setback. Fairmont Estates Subdivision was recorded on November 2, 2001. The regular lot measures 72 feet in width by 103.00 feet in length for a total of 7,416 square feet. There is currently an existing 1,600 square foot single-family residence on the property. 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 32 legal notices to surrounding property owners. Staff notes that Z.B.A. has considered the following variances in this subdivision.

Legal Description
Lot 44

Variance Request
4'4 Rear, 1' Side

Date of Meeting
05-17-06

Recommendation
Denied

Lot 40	2' Rear	02-01-12	Approved
Lot 47	0' Carport, 4' Side and 5' Rear	06-26-24	Denied
Lot 38,	2' Carport, 0' Side to South	01-28-26	Approved

STAFF RECOMMENDATION:

Staff recommends denial.

Chairman Salazar asks if there's anyone in favor for this item, Ms. Denise Rodriguez stated

Her full name and address for the record and proceeded to explain the reasoning for the petition.

Explaining that the sole purpose of the carport being on the side of the residence was for the safe keeping of their vehicles in the event of hail or other inclement weather.

Ms. Elizondo asked if the home had a garage, to what Ms. Rodriguez replied, no.

Mr. Salazar asked if there was going to be cement slab on the portion proposed for the carport, to what Ms. Rodriguez pointed to the presentation exhibits that there was already cement.

Ms. Elizondo expressed her concerns of the proposed setback encroachment to be a liability that was against the recorded setbacks that are there to be a safety buffer and setbacks being there for a reason. There being no further discussion. Chairman Salazar entertained a motion. Ms. Elizondo moved to deny the variance request. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #3

PUBLIC HEARING AND CONSIDERATION OF A VARIANCE REQUEST TO ALLOW A 8' 6" FRONT SETBACK INSTEAD OF THE REQUIRED 20 FEET, AND A 1' 7" SIDE SETBACK INSTEAD OF THE REQUIRED 6' FOR A 20' X 24' EXISTING CARPORT, BEING LOT 72, TABASCO SUBDIVISION, LOCATED AT 609 W. 30TH STREET, APPLICANT: ARTURO GONZALEZ.

Mr. Cervantes stated the request is for a variance not to comply with Section 1.371(5)(e & g) of the Mission Code of Ordinances, which states: Minimum depth of front setback: 20 feet, and Minimum width of side setback: Internal lot: 6 feet Corner lot: 10 feet 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 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 applicant is requesting a variance to keep a 20'x 24' existing carport within the front and side setback. The board entertained a similar request at 707 W. 30th and was

denied twice. Subsequently the applicant tore down the carport. The Special Accommodations Board approved a similar carport at 611 W. 30th due to health Reasons. The Tabasco Subdivision was recorded on May 14, 2003. The regular lot measures 60 feet in width by 107.50 feet in length for a total of 6,450 square feet. The site is located along the South side of W. 30th Street approximately 120 feet West of Peace Avenue. There is currently an existing 1,500 square foot single-family residence on the property. The applicant constructed the carport without obtaining the proper permits. The lots to the east, west, north, and south are developed as Single-Family Residences. City officials from the Code Enforcement Division noticed the carport and gave the property owner a notice of violation for the construction of the structure without a building permit.

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

Mr. Salazar asked if the applicant was present.

Mr. Gonzalez stated his name for the record and proceeded to explain the reason behind the carport, He detailed the carport was built to reduce the sun exposure for his elderly mother, and to make it easier to transition in and out of the vehicle as well as to have sheltered shade during the times his mother sits outdoors. Mr. Gonzalez also added that the carport was also built for the safekeeping of their vehicle as in the past they have endured strenuous expenses on car repairs due to inclement weather. Ms. Elizondo questioned Mr. Gonzalez about the existence of a garage to what Mr. Gonzalez said their garage is being used as storage and the space for a vehicle is not adequate rather small. 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.

ITEM #4

PUBLIC HEARING AND CONSIDERATION OF A VARIANCE TO ALLOW A 1'-9" FRONT SETBACK INSTEAD OF THE REQUIRED 18' FRONT SETBACK FOR A 20'X 21'-2" EXISTING CARPORT, BEING LOT 34, VILLA ESCONDIDA SUBDIVISION, LOCATED AT 1207 SONORA STREET, APPLICANT – MAXIMO CAMPUZANO

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 along the North side of Sonora Street, approximately 200 feet East of Highland Park Avenue. The applicant is requesting a variance to keep a 20' by 21'-2" carport within the 18' front setback. The Villa Escondida Subdivision was recorded on July 20, 2006. The subject property is a regular lot with a depth of 110.00 feet and a width of 62 feet along Sonora Street. The subject lot has a total area of 6,820 square feet. The Planning staff has not received any objections to the request from the surrounding property owners. Staff mailed out 33 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.

Mr. Salazar asked if the applicant was present.

Mr. Campuzano stated his name and address for the record and proceeded to explain the reason for

The violation, they had entrusted their contractor to get a permit prior but they came to realize they had no permit. Mr. Campuzano handed over to the board members printed evidence of similar car ports in the vicinity as well as signatures from their neighbors approving of the carport.

Ms. Elizondo states that even without imminent fire safety concerns, the precedence of the Subdivision having no prior approvals makes it a difficult approval.

Mr. Salazar explained the importance of abiding by the plat notes and setbacks.

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

ITEM #5

PUBLIC HEARING AND CONSIDERATION OF A VARIANCE TO ALLOW A 0' FRONT SETBACK INSTEAD OF THE REQUIRED 18' AND A 0' SIDE SETBACK INSTEAD OF THE REQUIRED 6' FOR A 17' X 20' EXISTING CARPORT, BEING THE WEST 58' OF LOT 1, BLOCK 175, MISSION ORIGINAL TOWNSITE SUBDIVISION, LOCATED AT 1022 PERKINS AVENUE, APPLICANT – CECILIA MARIA MALDONADO

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 Southeast corner of N. Perkins Avenue and W. 11th.

Street. The applicant is requesting a variance to keep a 17' by 20' carport within 0' front setback instead of the required 18' and 0' side setback instead of the required 6' and to be 10' within the City Right of Way. The Mission Original Townsite Subdivision was recorded in 1908. The subject property is an irregular lot with a depth of 58.00 feet and a width of 50.00 feet along Pekins Avenue. The subject lot has a total area of 2,900.00 square feet. The Planning staff has not received any objections to the request from the surrounding property owners. Staff mailed out 18 legal notices to surrounding property owners. Numerous variances have been processed in this subdivision.

STAFF RECOMMENDATION:

Staff recommends denial. This request does not qualify as an undue hardship

Ms. Maldonado stated her name and address for the record and a brief explanation of the needs for her carport, stating due to her elderly age and special needs the carport provides aid and comfort, elevating her living conditions. There being no further discussion. Chairman Salazar entertained a motion. Mr. Garza moved to deny the variance request. Mr. Ueckert seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #6

PUBLIC HEARING AND CONSIDERATION OF A VARIANCE TO ALLOW A 5.2 ' SIDE SETBACK INSTEAD OF THE REQUIRED 6' FOR AN EXISTING DUPLEX, BEING LOT 20, TROSPER CREEK SUBDIVISION, LOCATED AT 613 MOUNTAIN ROAD, APPLICANT – RAYMUNDO PLATAS

The request is for a variance not to comply with Section 1.371 (5) (f) of the Mission Code of Ordinances, which states: Minimum depth of the side setback: 6 feet or to the easement line, whichever is greater. 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 such plat or ordinance. The site is located along the South side of Mountain Road approximately 500 feet West of Compton Road. The applicant is requesting a variance to keep an already-constructed duplex structure. The Trospers Creek Subdivision was recorded on July 21, 2025. The subject property has a depth of 141.25 feet and a width of 74.19 feet. A building permit was issued for the construction of two (2) residential duplex buildings in accordance to the zoning ordinance. A survey conducted after the buildings were erected revealed that the building along the East side is gradually encroaching to the side setback. At the North side of the East side of the property the building the encroachment to the side setback is 0.8 feet. There is no history of variances in this subdivision. The Planning staff has not received any objections to the request from the surrounding property owners. Staff mailed out 30 legal notices to surrounding property owners.

STAFF RECOMMENDATION:

Staff recommends approval because the separation between buildings will not be in violation of the Fire Code

Mr. Cervantes stated the builder was off during the foundation of the building and the discrepancy

was discovered after the fact. Mr. Salazar asked if the applicant was present.

Mr. Platas stated his name for the record and proceeded to explain that he sold the lots and he was there in support of the variance as the encroachment was discovered after the project was finished. There being no further discussion. Chairman Salazar entertained a motion. Ms. Elizondo moved to approve the variance request. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #7

PUBLIC HEARING AND CONSIDERATION OF A VARIANCE TO ALLOW A 10' FRONT SETBACK INSTEAD OF THE REQUIRED 30' FRONT SETBACK FOR A 20' X 24' PROPOSED CARPORT, BEING LOT 14, VILLA DE ROMA SUBDIVISION, LOCATED AT 2010 CLAVELE STREET, APPLICANT – RAMIRO FLORES

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 along the North side of Clavele Street, approximately 460 feet West of Hill Crest Drive. The applicant is requesting a variance to allow a 10' front setback instead of the required 30' front setback for a 20' by 24' carport. The Villa De Roma Subdivision was recorded on August 17, 1998. The subject property is a regular lot with a depth of 140.00 feet and a width of 61 feet along Clavele Street. The subject lot has a total area of 8,540.0 square feet. The Planning staff has not received any objections to the request from the surrounding property owners. Staff mailed out 31 legal notices to surrounding property owners. Staff notes that Z.B.A. has considered the following variances in this subdivision.

Legal Description	Variance Request	Date of Meeting	Recommendation
Lot 44	To allow 400ft shed	09-21-16	Denied
Lot 62	To have a 10.8ft rear	04-20-16	Approved

There is one (1) carport in the subdivision that was built without a building permit. The carport is located at 2111 Clavele Street.

STAFF RECOMMENDATION:

Staff recommends denial. This request does not qualify as an undue hardship.

Mr. Garza inquired if the carport was built or proposed to what Mr. Hernandez clarified the request was for a proposed carport.

Mr. Garza requested the applicant to come forth. Mr. Contla spoke in representation of Mr. Flores Stating the request was to benefit and protect his children from the sun due to their eczema skin Issues, some minor heart conditions related to his son, as well as to protect his vehicles from hail

damage and other inclement weather conditions.

Mr. Contla stated Mr. Flores's dad has some health. Ms. Elizondo asked Mr. Flores the involvement of his dad at his house to what Mr. Flores stated his father would regularly babysit.

There being no further discussion. Chairman Salazar entertained a motion. Mr. Garza moved to approve the variance request due to the front setback being 30 feet as opposed to the normal 20 feet.

Ms. Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #8

PUBLIC HEARING AND CONSIDERATION OF A VARIANCE TO ALLOW A 5' FRONT SETBACK INSTEAD OF THE REQUIRED 20' FRONT SETBACK FOR A 20' X 22' PROPOSED CARPORT, BEING LOT 77, TAURUS ESTATES NO. 3 SUBDIVISION, LOCATED AT 3109 CRISANTEMA STREET, APPLICANT – MARIA FLORES

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 along the West side of Crisantema Street, approximately 350 feet South of West Mile 2 Road. The applicant is requesting a variance to allow a 5' front setback instead of the required 20' front setback for a 20' by 22' carport. The Taurus Estates No 3 Subdivision was recorded on February 18, 1999. The subject property is a regular lot with a depth of 100.00 feet and a width of 62 feet along Clavele Street. The subject lot has a total area of 6,200.00 square feet. The Planning staff has not received any objections to the request from the surrounding property owners. Staff mailed out 35 legal notices to surrounding property owners. Staff notes that Z.B.A. has considered the following variance in this subdivision. Legal Description Variance Request Date of Meeting Recommendation Lot 3 19.5' front setback 09-11-01 Approved There are three (3) carports in the subdivision that were built without a building permit. The carports are located at 3000 Tulipan Avenue, 2916 Crisantema Street and 3003 Crisantema Street.

STAFF RECOMMENDATION:

Staff recommends denial. This request does not qualify as an undue hardship.

Mr. Contla spoke on behalf of Ms. Flores, stating that one of the property owners suffered a stroke Plus dealing with an array of other health issues and concerns. The carport is simply a way of making daily living for comfortable and elevating the quality of life.

Mr. Salazar wanted clarification from Mr. Cervantes that given the option of taking no action and doing the special accommodation request that the approval would be on a individual basis rather than

on the property. To what Mr. Cervantes verified the information to be correct.

Ms. Elizondo proposed to move towards no action and have this request move as a Special Accommodations request. There being no further discussion. Chairman Salazar entertained a motion. Ms. Elizondo moved to take no action on the variance request. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #9

PUBLIC HEARING AND CONSIDERATION OF A VARIANCE REQUEST TO ALLOW A 2.5' REAR SETBACK INSTEAD OF THE REQUIRED 10' AND A 2.5' SIDE SETBACK INSTEAD OF THE REQUIRED 6' FOR A 15' X 20' PROPOSED PATIO, BEING LOT 21, HILLCREST VALLEY SUBDIVISION, LOCATED AT 3104 HILLCREST DRIVE, APPLICANT: ALFREDO RIOS

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, Garage: 20 feet The applicant is proposing to construct a 15' x 20' patio. He would like the board to consider allowing him to have reduced setbacks. The Hillcrest Valley Subdivision was recorded on November 24, 2020. The lot measures 73 feet by 121.12 feet and has a total area of 8,817.58 square feet. The property is located near the Davila Estates and Hillcrest Drive intersection. There is currently an existing 1,574 square foot single-family residence on the property. The lots to the north, south, east, and west are vacant. Staff has not received any calls regarding this variance request. Staff mailed out 25 notices to the surrounding property owners. Staff notes that no other variances have been considered in this subdivision. 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 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 denial of the variance request.

Mr. Rios stated that as a first-time home owner they did not revise the layout or the survey of the

land and after the fact they understood why the house was built the way it was. Mr. Salazar asked if he was planning on digging, to what Mr. Rios replied he was not planning on digging more of just laying a cement slab but no digging. They were just looking into making it an area for family gatherings. There being no further discussion. Chairman Salazar entertained a motion. Ms. Elizondo moved to take no action on the variance request. Mr. Ueckert 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. Garza seconded the motion. Upon a vote, the motion passed unanimously at 5:43 p.m.

Alberto Salazar, Chairman
Zoning Board of Adjustments