



**MEETING DATE:** January 6, 2026

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

**AGENDA ITEM:** Public hearing and consideration of a variance to allow a 10'-1 9/16" front setback instead of the required 25-foot and a 6-foot rear setback instead of the required 10-foot, being Lot 103, Bryan's Landing Subdivision, located at 1212 Post Oak Street, Applicant – Luis D. Waldo - Cervantes

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**NATURE OF REQUEST:**

Project Timeline:

- November 17, 2025 – Application for Variance Request submitted to the City
- November 11, 2025 – In accordance with State and local law, notice of the required public hearings mailed to all property owners within 200 feet of the subject tract.
- January 6, 2026 – Public hearing and consideration of the requested variance by the Zoning Board of Adjustments.

Summary:

- The request is for a variance not to comply with Section 1.37 (5) (e) (f) of the Mission Code of Ordinances, which states:
  - Minimum depth of front setback: 25 feet.
  - Minimum depth of rear setback: 10 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 front yard setback shall comply with the building line so established by such plat or ordinance.
- The site is located at the southwest corner of N. Bryan Road and Post Oak Street.
- The applicant is requesting a variance to construct a new dwelling facing N. Bryan Road with a 10'-1 9/16" front setback instead of the required 25-foot setback and a 6-foot rear setback instead of the required 10-foot setback.
- Bryan's Landing Subdivision was recorded on May 16, 2025. The subject property is a lot outside the subdivision walls.
- The subject lot has a total area of 6,661.01 square feet.
- The Planning staff has not received any objections to the request from the surrounding property owners. Staff mailed out 21 legal notices to surrounding property owners.
- The proposed house has 2,633.00 square feet and a 510.00 square feet garage.

**STAFF RECOMMENDATION:**

Staff recommends denial. This request does not constitute an undue hardship.

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**RECORD OF VOTE:**      **APPROVED:** \_\_\_\_\_

**DISAPPROVED:** \_\_\_\_\_

**TABLED:** \_\_\_\_\_

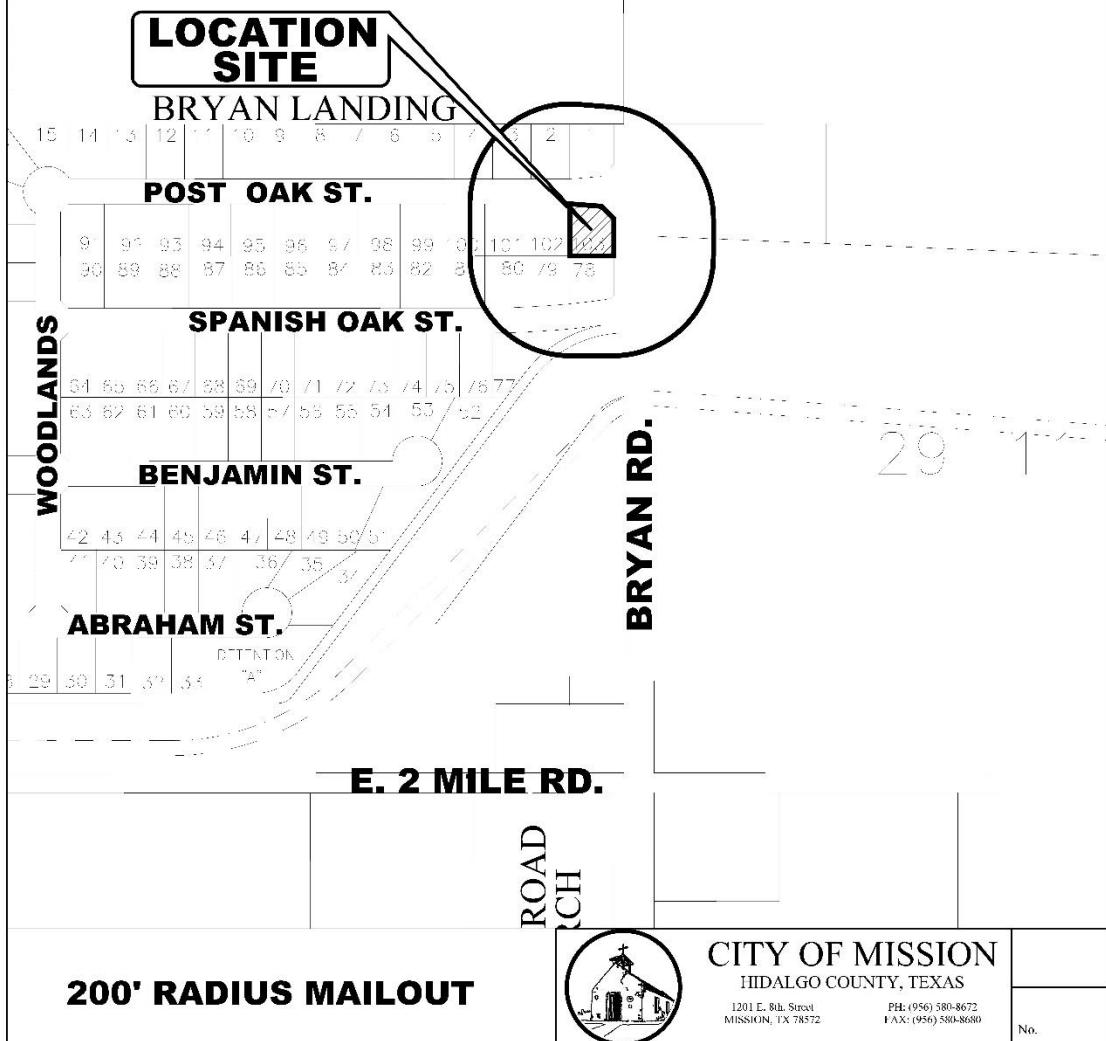
\_\_\_\_\_ AYES

\_\_\_\_\_ NAYS

\_\_\_\_\_ DISENTING \_\_\_\_\_

## LEGAL NOTICE MAP

# MISSION



## AERIAL MAP



AREIAL MAP



**PHOTO**

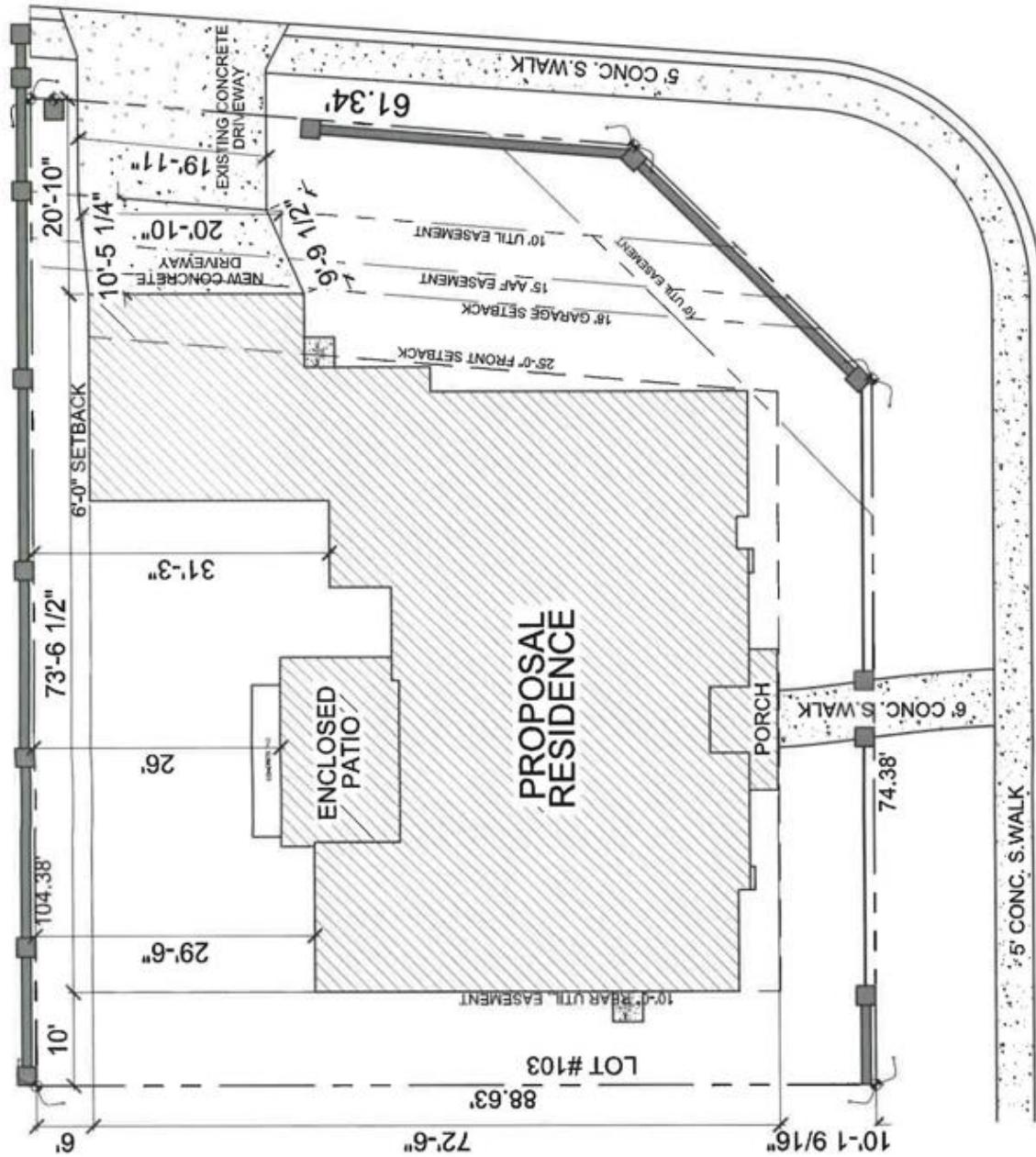


**PHOTO**



## **SITE PLAN**

POST OAK STREET



BRYAN RD.

## ZONING MAP



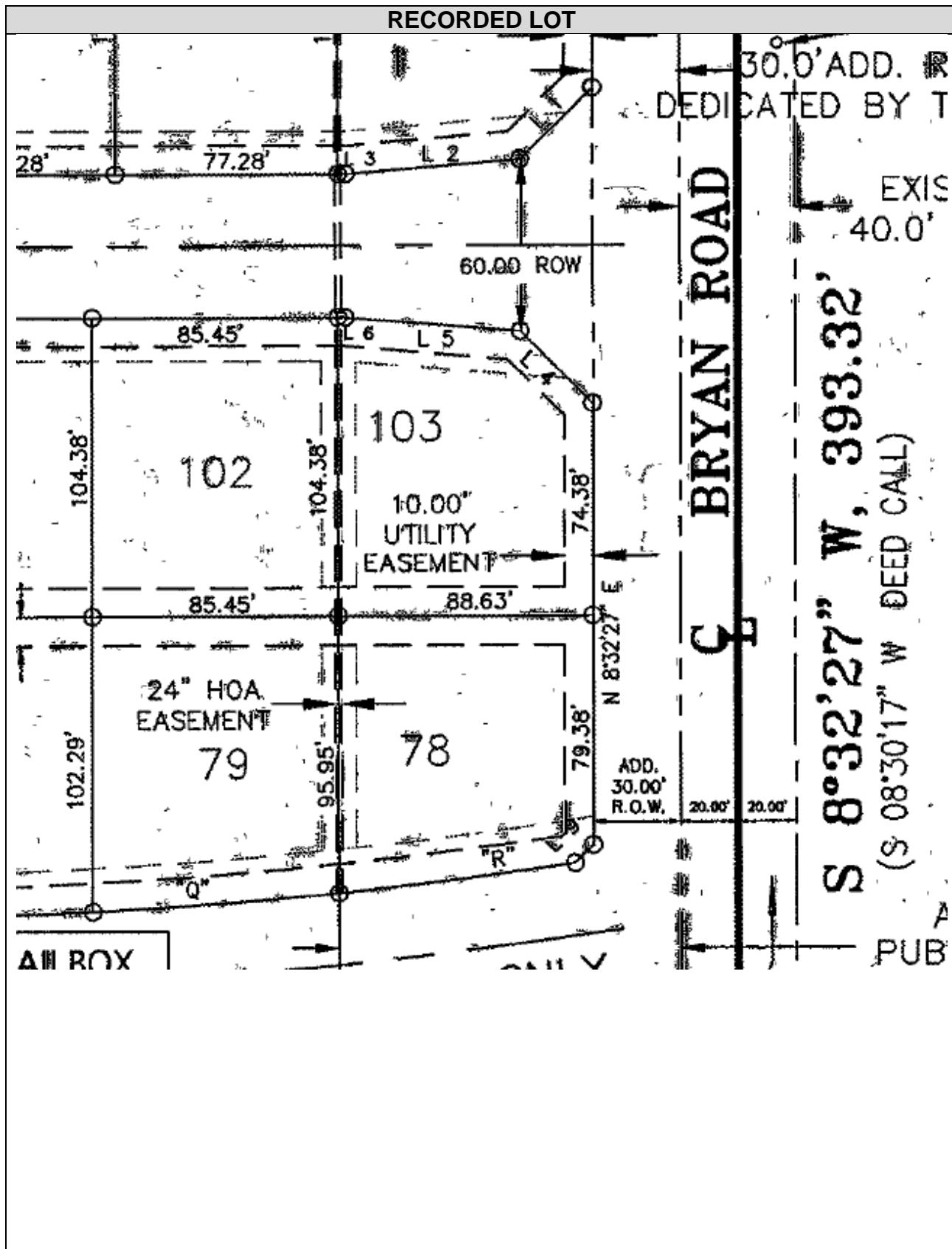
### SITE LOCATION



### ZONING LEGEND

A0-I	AGRICULTURAL OPEN INTERIM	R-3	MULTI-FAMILY RESIDENTIAL	C-4	HEAVY COMMERCIAL
AO-P	AGRICULTURAL OPEN PERMANENT	R-4	MOBILE & MODULAR HOME	C-5	ADAPTIVE COMMERCIAL
R-1A	LARGE LOT SINGLE FAMILY	R-5	HIGH DENSITY MFCTD HOUSING	I-1	LIGHT INDUSTRIAL
R-1T	TOWNHOUSE RESIDENTIAL	C-1	OFFICE BUILDING	I-2	HEAVY INDUSTRIAL
R-1	SINGLE FAMILY RESIDENTIAL	C-2	NEIGHBORHOOD COMMERCIAL	PUD	PLANNED UNIT DEVELOPMENT
R-2	DUPLEX-FOURPLEX RESIDENTIAL	C-3	GENERAL BUSINESS	P	PUBLIC





## PLAT NOTES

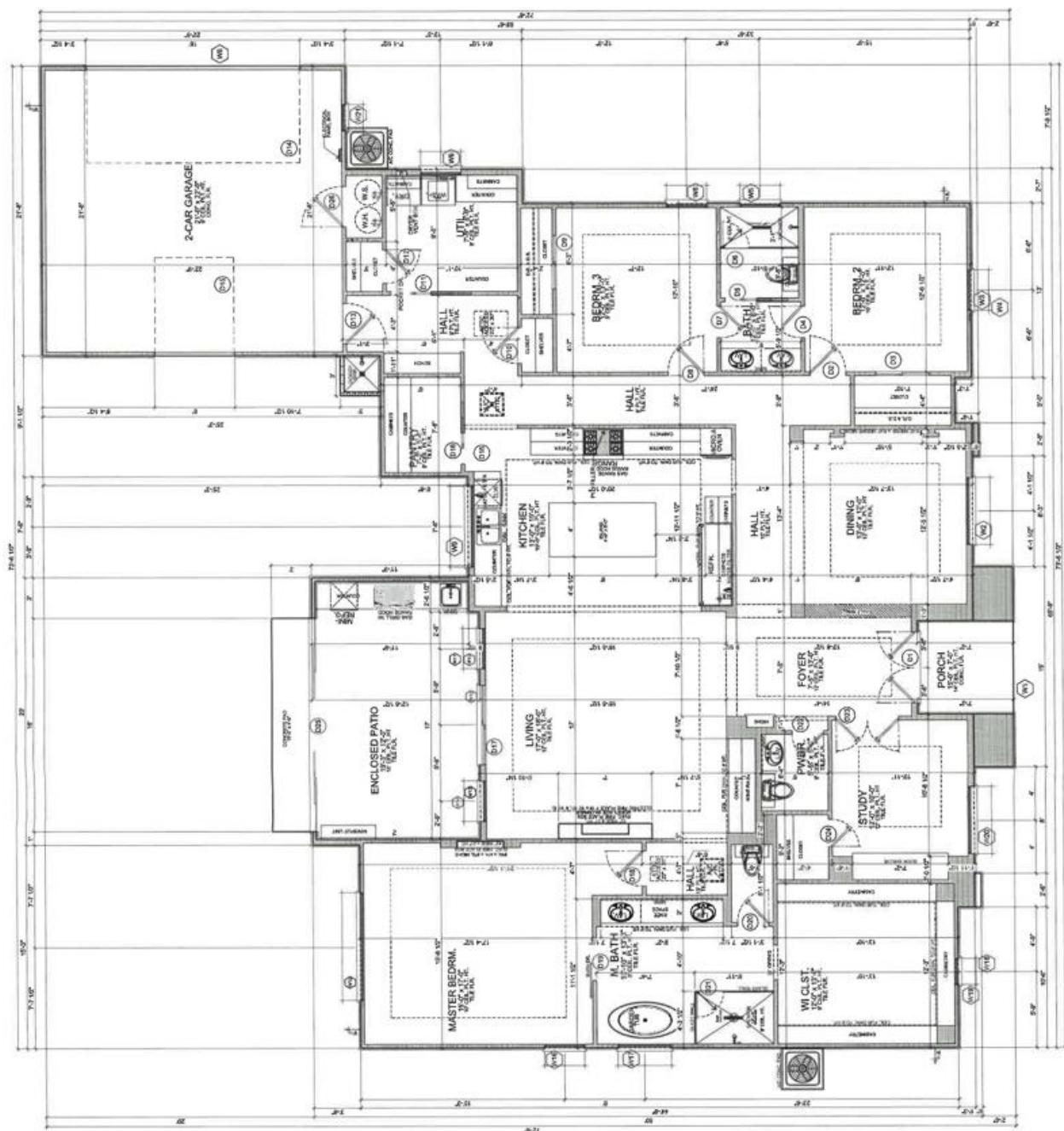
### GENERAL NOTES

### LOCATION MAP

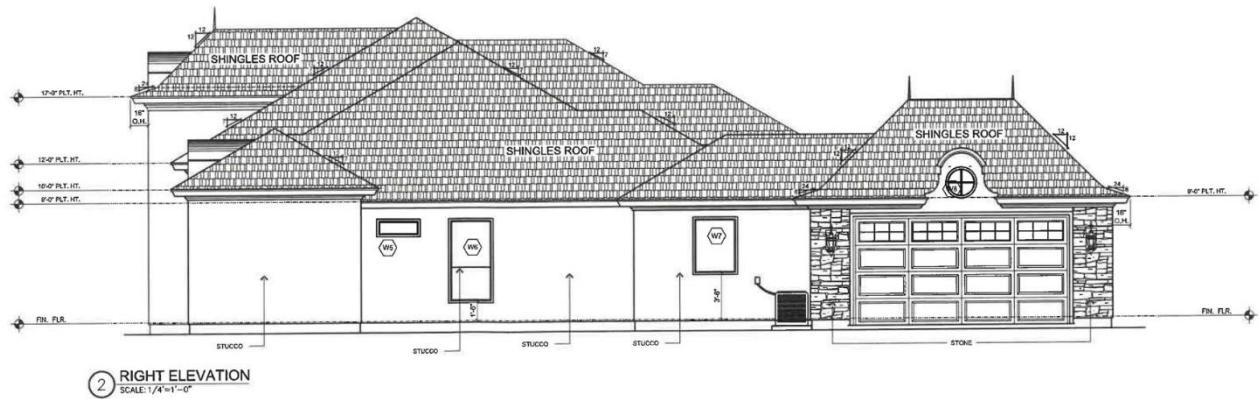
SCALE 1"=1000

1. THE FLOOD DESIGNATION FOR THIS PROPERTY IS ZONE "C" WHICH ARE "AREAS OF MINIMAL FLOODING" (NO SMADING), AS PER F.E.M.A.'S FLOOD INSURANCE RATE MAP - COMMUNITY PANEL NO. 480334 0400 C, REVISED NOVEMBER '86, 1982.
2. MINIMUM FINISHED FLOOR ELEVATION SHALL BE EIGHTEEN (18) INCHES ABOVE THE TOP OF CURB AS MEASURED AT THE CENTER OF THE LOT.
3. MINIMUM BUILDING SETBACK LINES SHALL BE AS FOLLOWS:
  - FRONT: ..... 25 FEET EXCEPT 15' FOR UNENCLOSED CARPORT ONLY.  
OR GREATER FOR EASEMENTS.
  - REAR: ..... 10 FEET OR GREATER FOR EASEMENT
  - INTERIOR SIDES: ..... 6 FEET OR GREATER FOR EASEMENT
  - LOTS 16-28 SHALL INSTALL A GATE ON THE SIDE FOR REAR ENTRANCE PER UNITED IRRIGATION DISTRICT POLICY.
  - CORNER: ..... 10 FEET OR GREATER FOR EASEMENT
  - CUL-DE-SAC: ..... 15 FEET FRONT OR GREATER FOR EASEMENT
  - GARAGE: ..... 18 FEET EXCEPT WHERE GREATER SETBACK IS REQUIRED; GREATER SETBACK APPLIES.
4. A 4' WIDE SIDEWALK IS REQUIRED ALONG BOTH SIDES OF ALL INTERIOR STREETS AT TIME OF BUILDING PERMIT, AND A 5' SIDEWALK IS REQUIRED ALONG WEST SIDE OF BRYAN ROAD BY DEVELOPER.
5. NO BUILDING OR BUILDING STRUCTURES SHALL BE CONSTRUCTED OVER ANY EASEMENT.
6. BENCH MARK: ELEV=149.33 TOP OF SANITARY SEWER MANHOLE LOCATED APPROXIMATELY 300 FEET NORTH OF THE SOUTH PROPERTY LINE OF THIS SUBDIVISION ALONG THE EAST RIGHT OF WAY OF BRYAN ROAD.
7. A TOTAL OF 168,190.25 CUBIC FEET (6,570 Cu.Yd.) OF STORM WATER DETENTION IS REQUIRED FOR THIS SUBDIVISION AND SHALL BE PROVIDED WITHIN DETENTION "A" OF THIS SUBDIVISION AND OUTFALL INTO THE CITY OF MISSION DRAINAGE FACILITIES ALONG MILE 2 RD. MAINTENANCE OF THE DETENTION AREA SHALL BE PROVIDED FOR BY THE HOMEOWNERS ASSOCIATION OF THIS SUBDIVISION AND NOT THE CITY OF MISSION.
8. FOR LOTS 2-77 AND 79-102; THE FRONT 10' UTILITY EASEMENT SHALL NOT BE FENCED IN OR IT'S ACCESS IMPAIRED FROM THE CITY OF MISSION.
9. NO ACCESS, NO CURB CUTS FOR LOTS 6, 103, AND 78, FROM BRYAN ROAD.
10. ALL IRRIGATION EASEMENTS ARE EXCLUSIVE TO UNITED IRRIGATION DISTRICT, AND THE DISTRICT ALLOWS NO OTHER UTILITIES OR OUTSIDE USE WITHOUT ITS EXPRESS WRITTEN APPROVAL.
11. NO UTILITY COMPANY, PUBLIC ENTITY, PARTY OR PERSON IS ALLOWED TO CROSS ABOVE OR BELOW GROUND ANY IRRIGATION DISTRICT EASEMENT OR RIGHT OF WAY WITH LINES, POLES, OPEN DITCHES OR OTHER USE WITHOUT FIRST OBTAINING A CROSSING PERMIT FROM THE DISTRICT.
12. NO PERMANENT STRUCTURE, UTILITY POLE, HOLE, WALL, FENCE, DRIVEWAY, OR ROAD WILL BE ALLOWED TO BE CONSTRUCTED OR EXIST ON ANY DISTRICT EASEMENT OR RIGHT OF WAY WITHOUT WRITTEN APPROVAL BY IRRIGATION DISTRICT. ANY UNAUTHORIZED STRUCTURE WITHIN THE EASEMENT BOUNDARY IS SUBJECT TO IMMEDIATE REMOVAL AT VIOLATOR'S EXPENSE.
13. NO UTILITY COMPANY, PUBLIC ENTITY, PARTY OR PERSON IS ALLOWED TO CONNECT TO ANY DISTRICT FACILITY WITHOUT FIRST OBTAINING A PERMIT FROM IRRIGATION DISTRICT. ANY CONNECTION NOT AUTHORIZED BY THE DISTRICT IS SUBJECT TO IMMEDIATE REMOVAL AT VIOLATOR'S EXPENSE.
14. ALL PRIVATE STREETS, INCLUSIVE OF MEDIAN ISLANDS AND ANY SENTRY SHELTERS, PLUS ANY ACCOMPANYING STORM DRAINAGE, STREET LIGHTING, AND/OR SIDEWALKS, SHALL BE PRIVATELY MAINTAINED BY THE HOMEOWNER'S ASSOCIATION. ALSO, ALL PERIMETER WALLS AND FENCES SHALL BE UNDER THE OWNERSHIP AND THE EXCLUSIVE RESPONSIBILITY OF THE HOMEOWNER'S ASSOCIATION FOR THE PURPOSES OF ENCLOSED PRIVACY, SECURITY, AND REPAIR.
15. AFTER THE RECORDING OF THE PLAT'S CONDITIONS, COVENANTS, AND RESTRICTIONS (CCRs) TO THUS ASSURE MAINTENANCE OF COMMON AREAS AND MEDIAN ISLANDS, ETC., A BUILDING PERMIT APPLICATION MAY BE FILED WITH THE CITY OF MISSION FOR ANY PROPOSED GATED ENTRY MECHANISMS WHEREAFTER IT SHALL BE REVIEWED FOR APPROVAL OR DISAPPROVAL BY THE CITY INCLUDING THE FIRE MARSHAL'S OFFICE. IN NO CASE SMALL GATE(S) BE INSTALLED WHERE A BUILDING PERMIT HAS NOT BEEN ISSUED.
16. THE HOMEOWNER'S ASSOCIATION AND/OR EVERY LOT OWNER SHALL HOLD THE CITY OF MISSION, TEXAS, HARMLESS AND INDEMNIFY SAID CITY FROM ANY AND ALL LIABILITY AND ALLEGED CLAIMS RELATING TO SAID PRIVATE STREETS. THE LOT OWNERS SHALL BE RESPONSIBLE FOR THE COSTS TO MAINTAIN THE PRIVATE STREETS, ACCOMPANYING STORM DRAINAGE, PRIVATE SIDEWALKS, PRIVATE STREET LIGHTING, AND ANY OTHER PRIVATE IMPROVEMENT IN THE PRIVATE STREET AREA.
17. THE OWNER(S)/DEVELOPER(S) SHALL SIGN AND RECORD AN INDEMNIFICATION AGREEMENT HOLDING HARMLESS THE CITY OF MISSION AND INDEMNIFYING IT FROM ALL OBLIGATIONS TO MAINTAIN SAID STREETS AND FROM ANY LIABILITY ARISING OUT OF OR INCIDENT TO SUCH STREETS.
18. PER UNITED IRRIGATION DISTRICT A FENCE SHALL BE ERECTED ALONG THE SUBDIVISION SOUTH BOUNDARY.
19. PER UNITED IRRIGATION DISTRICT POLICY AND NOTES ON THE PLAT, ALL DISTRICT RIGHTS OF WAYS AND EASEMENTS ARE NON-FENCED.
20. H.O.A. INSTALLED A 12FT FENCE TO THE BACK OF LOTS. LOTS 16-28 SHALL INSTALL A GATE ON THE SIDE FOR REAR ENTRANCE PER UNITED IRRIGATION DISTRICT POLICY.
21. UNITED IRRIGATION BLANKET EASEMENT RESERVATIONS PER  
DOC. 1911-140201,  
DOC. 1912-250021,  
DOC. 1916-530044.
22. UNITED IRRIGATION DISTRICT RELEASE THE 0.552 ACRE EASEMENT/RIGHT-OF-WAY TRACT OF LAND, BY RECORDED DOC.#2025-3637795.
23. UNITED IRRIGATION DISTRICT GRANT THE 0.115 ACRE WATERLINE AND STORM SEWER EASEMENT TRACT OF LAND TO THE CITY OF MISSION TEXAS, BY RECORDED DOC.#2025-3637796.
24. UNITED IRRIGATION DISTRICT GRANT THE 850 SQUARE FEET RIGHT-OF-WAY TRACT OF LAND TO FORTIS LAND COMPANY, LLC (FORTIS), BY RECORDED DOC.#2025-3637793.
25. THE LANDOWNER, FORTIS LAND COMPANY, LLC (FORTIS) GRANT A 32-FOOT ACCESS AND EGRESS EASEMENT TRACT OF LAND TO VICENTE LOZANO AND WIFE, SAN JUANITA LOZANO, BY RECORDED DOC.#2025-3637792.
26. THE LANDOWNER, FORTIS LAND COMPANY, LLC (FORTIS) GRANT A 0.783 GROSS ACRE AND 0.353 NET ACRE RIGHT-OF-WAY TRACT OF LAND TO UNITED IRRIGATION DISTRICT BY RECORDED DOC. 2025-3637794.

## **FLOOR PLAN**



## ELEVATION PLAN



## MAILOUT LIST

PROP_ID	name	addrDeliv	addrCity	addrState	addrZip
317414	MARES LEONARDO	3501 N BRYAN ROAD	MISSION	TX	78573-1349
317298	AGUILAR OSCAR & MARIA ELIA	3414 N BRYAN RD	MISSION	TX	78573-1348
317303	VERASTEGUI VANESSA & LUIS GUERRERO	1816 KINGSBOROUGH AVE	MCALEN	TX	78504
317302	AGUILAR OSCAR & MARIA ELIA	3414 N BRYAN RD	MISSION	TX	78573-1348
528468	VERASTEGUI VANESSA & LUIS GUERRERO	1816 KINGSBOROUGH AVE	MCALEN	TX	78504
317425	AGUILAR SARAH & DANIEL	3422 N BRYAN RD	MISSION	TX	78573-1348
317292	FORTIS LAND COMPANY LLC	222 W UNIVERSITY DR	EDINBURG	TX	78539-3301
350986	IZAGUIRRE INGRID A	2121 E GRIFFIN PKWY STE 2	MISSION	TX	78572
350987	OLGUIN ANTONIO	3601 AARONS DR	MISSION	TX	78574
350988	OLGUIN ANTONIO	3602 AARONS DR	MISSION	TX	78575
350989	OLGUIN-MENDEZ RAMIRO	5424 N MINNESOTA RD	MISSION	TX	78574-4477
351063	IZAGUIRRE DIANA L	2121 E GRIFFIN PKWY STE 2	MISSION	TX	78572
351087	FORTIS LAND COMPANY LLC	222 W UNIVERSITY DR	EDINBURG	TX	78539-3301
351086	RIOS JOEL OMAR JR & LOYDA MARISOL FLORES	1405 BARCELONA ST	MISSION	TX	78572
351085	PENA KARINA	3001 TIMBERWOOD AVE	MISSION	TX	78574
351063	IZAGUIRRE DIANA L	2121 E GRIFFIN PKWY STE 2	MISSION	TX	78572
351064	AMF MANAGEMENT LLC & MANGROVE VENTURES LLC	1015 W 9TH ST	WESLACO	TX	78596
351065	AMF MANAGEMENT LLC & MANGROVE VENTURES LLC	1015 W 9TH ST	WESLACO	TX	78596
351066	FORTIS LAND COMPANY LLC	222 W UNIVERSITY DR	EDINBURG	TX	78539-3301
351067	FORTIS LAND COMPANY LLC	223 W UNIVERSITY DR	EDINBURG	TX	78539-3301
351062	FORTIS LAND COMPANY LLC	224 W UNIVERSITY DR	EDINBURG	TX	78539-3301