

**ZONING BOARD OF ADJUSTMENTS
OCTOBER 22, 2025
CITY HALL'S COUNCIL CHAMBERS**

ZBA PRESENT

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

ZBA ABSENT

STAFF PRESENT

Susie De Luna
Jessica Munoz
Elisa Zurita

GUESTS PRESENT

Ofelia Amador
Manuel Ruiz
Sandra Martinez
Diana Sanchez
Ricardo Rodriguez
Raul Orozco

CALL TO ORDER

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

CITIZENS PARTICIPATION

Chairman Flores 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 SEPTEMBER 24, 2025

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

ITEM # 5

TO ALLOW A 0-FOOT FRONT SETBACK INSTEAD OF THE REQUIRED 18-FEET FOR A CARPORT AT 1628 WEST "B" STREET, BEING LOT 8, THE PALMS AT MEADOW CREEK SUBDIVISION AS REQUESTED BY SANDRA MARTINEZ

Ms. De Luna stated the site is located along the north side of West B Street, approximately 231 feet East of Scenic Way. The applicant is requesting a variance to construct a carport within the 18-foot Garage/Carport setback. The Palms at Meadow Creek Subdivision was recorded on May 10, 2019. The subject property is a regular lot. The subject lot has a total area of 2,005.90 square feet. 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 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. She stated the structure has not been constructed. They are proposing to build a carport before.

Mr. Salazar asked if staff isn't providing the board with the past variances that have been seen in the area.

Ms. De Luna stated there are no variances.

Mr. Garza asked how many lots are in the subdivision.

Ms. De Luna stated there are 69 lots in the subdivision.

Chairman Flores asked if there are no variances why is it being presented to the board?

Ms. De Luna stated there are currently no variances because they're asking for permission to be able to build.

Ms. Elizondo stated in the plat is very clear that no structures are to be allowed to build.

Ms. De Luna stated staff can't deny the applicant the due process. The applicant had the option to apply and it's up to the board to consider the possibility of granting a variance. She asked if the applicant was present.

Ms. Sandra Martinez stated that she lived in a townhouse neighborhood named The Palms in Meadow Creek that has no carports. She mentioned that their vehicles were exposed to hail and high temperatures. She added that there was no HOA in the subdivision and asked why they couldn't have carports. She mentioned that this was a necessity not a luxury for their vehicles. She added that she had obtained signatures from her neighbors in favor of having carports in this subdivision. Ms. Martinez asked the Board to consider her variance and if they felt the proposed carport was too big then she would adjust to any recommendation from the board. All she asked for was to have a carport for her vehicle.

Chairman Flores asked if anybody had any questions.

Ms. Salazar asked how much the applicant spent.

Ms. Martinez stated that she has not spent anything because the City has not approved her building permit.

Mr. Salazar asked if she had a garage.

Ms. Sandra Martinez replied, "No". She added that there were very few homes with a garage in that subdivision.

Chairman Flores asked if there was anyone in opposition to the request.

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

Mr. Salazar asked if the subdivision was all built out.

Ms. De Luna replied, "partially".

Chairman Flores stated it is half or more than half.

Ms. De Luna stated that this subdivision had been dormant for a long time.

Chairman Flores asked if the setback was designed for safety reasons.

Ms. De Luna replied, "yes".

There was no further discussion. Chairman Flores entertained a motion. Mr. Ueckert moved to deny the variance request. Ms. Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

ITEM # 6

TO ALLOW A 7 FOOT FRONT SETBACK INSTEAD OF THE REQUIRED 10 FEET FOR A NEW DWELLING, AT 1804 VILLAGE SQUARE, BEING LOT 4, PALM VILLAGE SUBDIVISION UNIT NO. 1, AS REQUESTED BY RICARDO RODRIGUEZ

Ms. De Luna stated that the site is located at the northwest corner of Village Square Circle. The applicant is requesting a variance to construct a new dwelling (house) within the 10' front setback. The Palm Village Subdivision Unit No. 1 was recorded on October 3, 1977. The subject property is a regular lot. The subject lot has a total area of 1,292 square feet. The applicant submitted a letter from American Electric Power (A.E.P.) requesting a buffer between the electrical infrastructure and the proposed building. The Planning staff has not received any objections to the request from the surrounding property owners. Staff mailed out 24 legal notices to surrounding property owners. Staff recommends approval. This request does qualify as an undue hardship.

Ms. Elizondo asked Ms. De Luna to repeat what she last said.

Ms. De Luna stated it does qualify for an undue hardship.

Ms. Elizondo asked based on.

Ms. De Luna stated the applicant submitted letters from AEP requesting them to have a buffer due to the proximity of the overhead power.

Chairman Flores asked if the applicant was present.

Mr. Ricardo Rodriguez stated that he was proposing to construct two homes one at 1803 Village Square and one at 1804 Village Square. He added that when they spotted the utility lines they discovered that there's a power line going through the bottom and one in the overhead. Since these lots are small he is proposing to do two-story homes, which would be too close to the existing power lines. He contacted AEP to check how close they could be, and they requested that they be at least three away.

Ms. Elizondo asked how they would do the buffer.

Mr. Ricardo Rodriguez stated he would move the homes back three feet so the roof could clear the power lines.

Ms. Elizondo stated that would force him into the setback.

Mr. Ricardo Rodriguez mentioned that it would due to the fact that those properties are very small.

Mr. Ueckert asked how many square feet are the proposed homes.

Mr. Rodriguez replied, "980 sq.ft."

Mr. Ueckert stated it takes most of the lot.

Mr. Rodriguez stated he is proposing to build two-story homes consisting of a living room, kitchen on the bottom floor and two bedrooms on the second floor.

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

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

ITEM # 7

TO ALLOW A 0' FRONT SETBACK INSTEAD OF THE REQUIRED 20' FOOT SETBACK FOR AN EXISTING CARPORT, AT 1717 SALINAS STREET, BEING LOT 55, LAS MISIONES ESTATES PHASE II SUBDIVISION, AS REQUESTED BY DIANA V. SANCHEZ

Ms. De Luna stated that the site is located on the west side of W. 18th Street and Salinas Drive intersection. The applicant is requesting a variance to keep a 20' x 20' carport within the 20' front setback. The carport was constructed without obtaining a building permit. Las Misiones Estates Phase II Subdivision was recorded on January 28, 1999. The lot measures 60' in width by 113 in depth for a total area of 6,780 square feet. The lots to the north, south, east, and west are developed as Single-Family Residences. Staff notes that the Code Enforcement Department has an ongoing case in this property for construction without a permit. The Planning staff has not received any objections to the request from the surrounding property owners. Staff mailed out 25 legal notices to surrounding property owners. No variances have been processed in this subdivision. There is a 5-foot utility easement along the front of the property. 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) Signed 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 thereafter, 2) obtaining a building permit, and 3) paying a double permit fee.

Ms. Elizondo asked staff if the applicant has an ongoing case.

Ms. De Luna replied, "yes, for construction without a permit". The Code Enforcement Department has a case in court and is pending the outcome of the variance.

Mr. Ueckert asked why it came to the board.

Ms. De Luna stated that the applicant wanted the Board to consider her request to keep the carport before going to court. If the variance is granted then she gets to keep the carport and if it gets denied then the carport would have to be removed.

Mr. Ueckert asked if the judge would deny it.

Ms. De Luna stated that the judge could only give them more time to resolve the issue or issue citations for non-compliance. The Zoning Board of Adjustments Board is the only authority that can grant variances.

Mr. Ueckert stated the judge takes ZBA action into consideration.

Ms. De Luna replied, "Yes".

Chairman Flores asked if the applicant was present.

Ms. Diana Veronica Sanchez stated her mother lives with her, she is 77 years old, and requested her to build or install a carport to protect her, to keep her safe and to provide a shade to keep her car from overheating. She mentioned it's for when her mother runs her errands and she goes to her doctor's appointments. She added her mother was having issues with that since she wasn't feeling very well, feeling a little bit dizzy. She stated she had already thought of installing the carport and she loves to water her plants but it's too hot for her. She added that they didn't know that a permit was needed. She had asked a neighbor almost in front of her if a permit was needed and was told no. She also spoke to the staff at Dart Monkey Metal Erectors and she asked them if a permit was needed, and they told me they that we did not. They told her that they have installed carports in every city in the Rio Grande Valley and have never needed a permit. She stated they didn't think that they needed a permit otherwise they would have complied with the requirements and most importantly it's not a luxury It's a necessity and it's for her mom.

Mr. Salazar asked if her neighbor is directly across from her house.

Ms. Sanchez stated he is located on Salinas and 18th, right in front of me on the corner of Salinas and 18th. She mentioned she had asked him personally and he had told her that he did not need a permit. She stated she had taken it for granted and wasn't trying to not comply with setbacks that are required by the City of Mission. She mentioned they didn't think that they needed a permit after talking to her neighbor and the builder of the carport.

Mr. Ueckert asked when it was built.

Ms. Sanchez stated in the beginning of August.

Ms. Elizondo asked if she talked to the contractor to let them know that they're wrong about the permit process and ask them to come back and correct the situation.

Ms. Sanchez stated she had not talked to them yet. She was waiting for the outcome of the meeting. She mentioned she does have their information as well as the name of the person who actually installed it. The employee is Salvador and the owner name is Gerardo Silva. They told her that they did not need a permit.

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

Ms. Elizondo asked if there was anything ever approved in that subdivision?

Ms. De Luna replied, "No".

Ms. Elizondo stated they would be setting precedents.

Ms. De Luna stated they would set precedents. Ms. De Luna added that she had checked with Code Enforcement to see if they had other cases in this subdivision but they only had this particular address.

Ms. Elizondo asked if it was the picture that was shown to the board?

Ms. De Luna replied, "yes". She added that these are older subdivisions which homes were built right on the front setback, leaving no room for a carport unless it was right at the property line.

Mr. Ueckert asked if the footprint of the structure itself is within their property if it's not inside any road right of way or anything.

Ms. De Luna stated it is at the zero lot line.

Mr. Ueckert stated it's right on their property line.

Mr. Salazar asked if there is a utility easement.

Ms. De Luna stated along the front of the property.

Mr. Salazar asked if it's the five foot.

Mr. Garza stated it was a water easement.

Ms. De Luna stated it didn't specify it could be electrical, water, and sewer.

Mr. Salazar but they don't know at this point.

Ms. De Luna replied, "no, unless we have them ask for utilities".

Chairman Flores asked if the city keeps a list of subs or contractors that are on a preferred approved vendor list.

Ms. De Luna stated that the purchasing has a list of vendors but it was not specifically for carports.

Mr. Garza asked if staff were going to visit with the person who installed her carport.

Ms. De Luna replied, "yes". She added that they would be informing him that permits are required for carports, and they are obviously giving out the wrong information.

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

ITEM # 8

TO ALLOW AN 8'5" REAR SETBACK INSTEAD OF THE REQUIRED 10' FOR AN EXISTING COVERED PATIO AND A 10' SIDE SETBACK INSTEAD OF THE REQUIRED 20' FOR A PROPOSED SWIMMING POOL, AT 2109 PASEO ENCANTADO STREET, BEING LOT 1, HARMONY ESTATES SUBDIVISION, AS REQUESTED BY ELIAS RODRIGUEZ, JR. & OFELIA AMADOR

Ms. De Luna stated that the site is located on the southeast corner of Inspiration Road and Paseo Encantado. The applicant is requesting a variance to keep a 41' x 24' covered patio within the 10' rear setback and to allow the construction of a swimming pool within the 20' side setback on Inspiration Road. The covered patio was constructed without obtaining a building permit. Harmony Estates Subdivision was recorded on August 30, 2001. The irregular lot has a total area of 9,452 square feet. The lots to the north, south, and east 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 22 legal notices to surrounding property owners. No variances have been processed in this subdivision. There is a 10-foot utility easement along the side and rear of the property. Staff recommends denial for the existing carport and proposed pool. This request does not qualify as an undue hardship. However, if ZBA is inclined to approve the variance for the carport then the applicant would need to comply with the following: 1) Signed 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 thereafter, 2) obtaining a building permit, and 3) paying a double permit fee.

Chairman Flores asked if the covered patio in the rear of the property is proposed or it is already built.

Ms. De Luna replied, "The structure has already been built". She mentioned they are proposing a pool.

Chairman Flores asked if the covered patio is within the easements.

Ms. De Luna replied, "yes, it's within the setback".

Chairman Flores asked if there were two setbacks, which were a 10' utility easement and a 20' setback.

Ms. De Luna replied, "yes". She added that the 20' is towards Inspiration Road. She mentioned that on corner lots they are usually allowed a 10' setback but since this is towards Inspiration Road, they require a higher setback.

Chairman Flores stated it seems like the edge of the pool would be right at the 10' setback, so it would be in compliance for the utility.

Ms. De Luna stated that it would be complying with the 10' utility easement but not with the 20' setback towards Inspiration Road.

Chairman Flores asked if the 10' utility easement was that main issue.

Ms. De Luna replied, "yes".

Mr. Ueckert asked why would the plat have a 20' setback from Inspiration Road.

Ms. De Luna stated that main roads required higher setbacks due to future widening and to have a higher separation. She added that for regular streets it's usually a 10' setback.

Mr. Ueckert asked how many travel lanes does Inspiration Road have currently.

Ms. De Luna stated that they currently had two lanes in the area but Inspiration Road was going to be widened in the near future.

Chairman Flores asked if that excess land belongs to the city.

Ms. De Luna stated it is the city's right-of-way.

Mr. Salazar asked if that was the proposed widening.

Ms. De Luna stated yes.

Chairman Flores asked if the applicant was present.

Ms. Ofelia stated they are first time home buyers they didn't know about permits, easements or setbacks. She mentioned they did try to get a permit for the pool. She stated they would like to have the pool for their family. She mentioned when they first looked into it and getting the pool they had found a company that stated that they didn't need a permit. She mentioned they had already done the fence and the porch. She stated she had found a contractor that said yes, they'll take care of the permits and she didn't have to worry about anything. She mentioned her contractor came to the City of Mission and spoke to the permits department asked what the easements were and were told it showed a 10' utility easement on the side and 10' on the rear of the property and 6' on the other side. She mentioned since they built the blueprints they had paid for the blueprints and all that based on the easements that were given to her contractor and when they had submitted the permit it had gotten denied because there was a 20' setback on the side because of the road. She stated it's five feet to work which is nothing for a pool. She stated 811 went to their house to put the flags nothing crosses anywhere along the path of the 20'. The pool was designed by the contractor based on what the city told them.

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

Ms. Elizondo stated it is an irregular lot. If you notice, she's number one. So there's no other lot next to her off Inspiration. The house couldn't be positioned in any other different way because of the corner clip. It is one entrance to the subdivision. There's no neighbor they'll ever exist and the road can only come in maybe 5' on those 20' or 7' at the most. She added that the utilities were cleared.

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

Ms. De Luna asked if they were approving both structures?

Ms. Elizondo stated this was only for the pool structure.

Chairman Flores stated the second structure is off by 1½' on the setback in the rear of the property.

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

Mr. Salazar asked if Inspiration was a city of state road?

Ms. De Luna stated it is a state road.

Mr. Salazar asked if they would have any say in this request.

Ms. De Luna replied, "yes".

Ms. Elizondo stated they would have to buy her what they take from her which at the most would be 7' out of the 20'.

Chairman Flores asked if every time the board approves a variance does the applicant have to sign a hold harmless agreement.

Ms. De Luna stated that it depends some don't require a hold harmless agreement. In this case she will be signing a hold harmless agreement for the actual structure on the rear right of the patio because the board is approving the pool as is.

ITEM # 9

TO ALLOW A 1'5" SIDE SETBACK INSTEAD OF THE REQUIRED 10' FOR AN EXISTING 19' X 25' HOUSE ADDITION (STORAGE SHEDS) AND A 3' SIDE SETBACK INSTEAD OF THE REQUIRED 6' AND A 1' REAR SETBACK INSTEAD OF THE REQUIRED 10' FOR A 30'X22' EXISTING OUTDOOR KITCHEN, AT 1901 AZALEA STREET, BEING LOT 132, TAURUS ESTATES NO. 9 SUBDIVISION, AS REQUESTED BY RAUL OROZCO

Ms. De Luna stated that the site is located along the southwest corner of Azalea Street and Crisantema Street. The applicant is requesting a variance to keep an already-constructed 19' x 25' house addition (storage sheds) within the 10' corner side setback; and a 30' x 22' outdoor kitchen within the 10' rear setback and the 6' side setback. The existing structures were constructed without building permits. The Taurus Estates No. 9 Subdivision Phase III was recorded on January 16, 2003. The subject property is a regularly shaped lot with a depth of 100.00 feet, a front width of 71.88 feet. The subject lot has an area of 7,188 square feet. There is no history of variances in this subdivision. Staff mailed out 27 legal notices to the surrounding property owners. The Planning staff has not received any objections to the request from the surrounding property owners. City officials from the Code Enforcement Division noticed the outdoor kitchen and the house addition (storage sheds) and gave the property owner notice of violation for the construction of the structures without a building permit. 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.

Ms. Elizondo mentioned that she is assuming the 19 x 25 has electrical and water because it looks like the roof is extended and it is not a separate structure or is it.

Ms. De Luna stated it's together, but there is no entrance from the home. She mentioned it used to be a storage shed but got converted.

Ms. Elizondo stated that this was a good example when the Board approves a storage shed and they converted into something else.

Ms. De Luna stated as you can see in some of the pictures, it is used as storage but it could be converted into something else. She added that the applicant does not have a business but she does work decorating for her friends.

Chairman Flores asked if the applicant was present.

Mr. Raul Orozco stated he built the structure for his family gatherings. He mentioned he started putting up a gutter so he wouldn't be throwing water onto his neighbor's property. He stated not a single drop falls onto her property when it rains. He mentioned the roof is made of sheet metal. He is on the corner and given the street he doesn't know if there is a chance of keeping the structure since there are limits to the city and they might consider doing something there which they have the right-of-way to do.

Ms. Elizondo stated he only spoke of the kitchen; he didn't speak about the storage room at all.

Chairman Flores stated there are two variances.

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

Mr. Garza asked if the storage room had been built for more than three years?

Ms. De Luna replied, "No, it was built in 2024".

Mr. Ueckert stated the first picture shows a double door. He asked if that is the addition of the shed to the house.

Ms. De Luna stated that they have two sheds and also added a restroom.

Mr. Ueckert stated it's all attached to the building and no permit was acquired to do any work.

Ms. Elizondo stated the applicant has two violations.

Ms. De Luna stated the sheds were converted into one and the outdoor kitchen.

Mr. Ueckert asked if there was no permit for the two sheds together, also part of that house. There was no permit obtained. So the contractor just didn't even contact the city about what he was doing.

Ms. De Luna asked the applicant if he did the work or hired someone else.

Mr. Raul Orozco stated he didn't do the work he had somebody else.

Ms. Elizondo asked if there was anything in the neighborhood that they had approved before.

Ms. De Luna replied, "no".

Ms. Elizondo stated he's right next to a street. No one will ever be built next to him for these structures because he has two driveways. He's got one in the front and one on the side and if that one's on the side she is assuming there is a street right next to him not a lot.

Mr. Salazar asked if the applicant would be able to insulate and make it another bedroom if he wants to at this point if there were to approve the variance.

Ms. De Luna replied, "yes".

Chairman Flores asked if it was over the utility easement on the right side.

Ms. De Luna replied, "yes".

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

OTHER BUSINESS

UNFINISHED BUSINESS

ADJOURNMENT

There being no further business, Chairman Flores entertained a motion. Ms. Elizondo moved to adjourn the meeting. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously at 5:17 p.m.

Heraclio Flores, Chairman
Zoning Board of Adjustments