

**ZONING BOARD OF ADJUSTMENTS  
MAY 28, 2025  
CITY HALL'S COUNCIL CHAMBERS**

**ZBA PRESENT**

Alberto Salazar  
Humberto Garza  
Heraclio Flores  
William Ueckert Jr.

**ZBA ABSENT**

Dolly Elizondo

**STAFF PRESENT**

Susie De Luna  
Jessica Munoz  
Elisa Zurita  
Alex Hernandez

**GUESTS PRESENT**

Yuliana Salinas  
Raymundo Moreno  
Daniel Garza

**CALL TO ORDER**

Chairman Flores called the meeting to order at 4:34p.m.

**CITIZENS PARTICIPATION**

Chairman Flores asked if there was anyone in the audience that had anything to present or express that was not on the agenda.

There was none.

**APPROVAL OF MINUTES FOR MAY 28, 2025**

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

**ITEM # 2**

**TO ALLOW A 6 FOOT 11 INCHES REAR SETBACK INSTEAD OF THE REQUIRED 15 FEET AT 1713 SEBASTIAN DRIVE, BEING LOT 30, THE LEGEND AT CIMARRON SUBDIVISION AS REQUESTED BY RAYMUNDO MORENO**

Mr. Cervantes stated that the subject site is located at the beginning of the cul-de-sac of Princeton and Sebastian Drive. The applicant constructed a roof patio structure without obtaining the proper building permits.

City officials from the Code Enforcement Division noticed the roof patio structure in the backyard and gave the property owner a notice of violation for the construction of the structure without a building permit.

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.

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, with an acknowledgment of the utility easement, 2) obtaining a building permit, and 3) paying a double permit fee.

Chairman Flores asked if there was anyone in favor or against the variance request.

There was none.

Chairman Flores asked if the applicant was present.

Mr. Raymundo Moreno was present during the meeting. He stated that he understood the conditions if the board would approve his variance.

Chairman Flores entertained a motion to close the public hearing. Mr. Garza moved to close the public hearing. Mr. Salazar seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Salazar asked if staff knew what utilities ran through the back of the property.

Mr. Cervantes replied it could be power or cable.

Chairman Flores asked if staff knew what was in back of the property.

Mr. Cervantes replied that it was a vacant lot.

Mr. Garza asked if Mr. Moreno submitted an 811 report.

Mr. Cervantes replied no. He mentioned that if a utility company needed to go into the property to do repairs, and would damage the structure they wouldn't be responsible to fix it.

There being no further discussion. Chairman Flores entertained a motion. Mr. Garza moved to approve the variance request as per staff's recommendation. Mr. Ueckert seconded the motion. Upon a vote, the motion passed unanimously.

### **ITEM # 3**

**TO KEEP A 9-FOOT-8-INCH FRONT SETBACK INSTEAD OF THE REQUIRED 10-FOOT FRONT SETBACK AND A 13-FOOT-2-INCH GARAGE SETBACK INSTEAD OF THE REQUIRED 18 FEET. SETBACK, AT 2703 HARMONY LANE, BEING LOT 30, GARDEN PATH SUBDIVISION, AS REQUESTED SKUADRA CONSTRUCTION**

Mr. Cervantes stated that the site is located at the Southwest corner of Harmony Lane and E. Solar Drive along the west side of Harmony Lane. The applicant is requesting a variance to keep the 9 feet 8 inches front setback instead of the required 10 feet front setback and the 13 feet 2 inches garage setback instead of the required 18 feet.

Mr. Cervantes mentioned that there was an error when setting the foundation of the townhome. He added that the second error was the garage and the mistake was made when the building permit was processed. He mentioned that the setback for a garage was 18 feet from the property line, and the site plan reflected 18 feet but not the floor plan. He stated that 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.

Staff recommends denial, but the board can consider HB 1475 in approving the variance request.

Chairman Flores asked if the board had any questions for staff.

There was none.

Chairman Flores asked if the variance would set precedence for the other homes in the subdivision.

Mr. Cervantes replied no.

Chairman Flores asked if the applicant was present.

The applicant was not present.

Mr. Salazar asked if the applicant was the builder.

Mr. Cervantes replied yes. He added that in Harlingen where he comes from, a pre-pour survey for new construction permits was required to avoid mistakes before the pouring of the foundation.

Mr. Salazar asked if the city of mission required a pre-pour survey?

Mr. Cervantes replied that it was required when the lot was an irregular shaped lot but not a regular shaped lot.

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

There being no further discussion. Chairman Flores entertained a motion. Mr. Garza moved to approve the variance request under house bill 1475. Mr. Ueckert seconded the motion. Upon a vote, the motion passed unanimously.

Chairman Flores entertained a motion to remove item #4 from the table. Mr. Garza moved to un-table item #4. Mr. Salazar seconded the motion. Upon a vote, the motion passed unanimously.

## **TABLED**

### **ITEM # 4**

**TO ALLOW A 6 FOOT REAR SETBACK INSTEAD OF THE REQUIRED 25 FEET REAR SETBACK FOR A SWIMMING POOL AT 2416 E. 20TH STREET, BEING LOT 58, SHARY VILLAS SUBDIVISION, AS REQUESTED BY YULIANA SALINAS**

Mr. Cervantes stated that the site is located along the South side of E. 20th Street approximately 600 feet East of N. Shary Road (F.M. 494). The applicant is requesting a variance to construct a swimming pool in the rear of the property. He added that unfortunately there was no room for a swimming pool because the property had a 10-foot irrigation easement and a 15-foot utility easement.

Vice Chairman Flores asked if the applicant was present.

Mr. Hector Pena was present. He mentioned that he wanted to build a swimming pool in the back of my property. He added that it was not a fire hazard and the subdivision did not have an HOA. He stated that other properties within the same subdivision had been granted variances but for structures.

Mr. Salazar asked if he was building the standard 6 feet deep swimming pool.

Mr. Pena replied that it was not going to be that deep that he had small kids.

Chairman Flores asked if a site plan of the proposed pool was submitted to staff?

Mr. Cervantes replied that a site plan was submitted to staff, but was wrong.

Mr. Garza asked Mr. Pena if he contacted the irrigation company, to ask if it was ok for them to build a pool over the easement.

Mr. Pena replied that the contractor was in charge of that, but was not able to be present.

Mr. Garza asked who was the contractor?

Mr. Pena replied Elegante Pools. He added that what needed to be revised on the site plan, so the variance could be approved.

Mr. Cervantes replied that the property had a 10-foot irrigation easement and a 15-foot utility easement. He stated that the back yard was all easement.

Mr. Garza stated that he had no problem approving a utility easement, but to approve an irrigation district easement was tough. He added that if the applicant would provide a letter from the irrigation district then maybe he would consider it.

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

Chairman Flores entertained a motion. Mr. Garza moved to table the variance request. Mr. Salazar seconded the motion. Upon a vote, the motion passed unanimously.

## **OTHER BUSINESS**

There was none.

## **ADJOURNMENT**

There being no further business, Mr. Salazar moved to adjourn. Mr. Ueckert seconded the motion. Upon a vote, the motion passed unanimously at 5:10 p.m.

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Heraclio Flores, Chairman  
Zoning Board of Adjustments