



MEETING DATE: July 22, 2026

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

AGENDA ITEM: 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 – Cervantes

NATURE OF REQUEST:

Project Timeline:

- April 23, 2026 – Application for Variance Request submitted to the City.
- July 10, 2026 – 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 and notice of public hearing was published in the Progress Times.
- July 22, 2026 – Public hearing and consideration of the requested variance by the Zoning Board of Adjustments (ZBA).

Summary:

- 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:
 1. Internal lot: 6 feet
 2. 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.

- The Planning staff has not received any objections to the request from the surrounding property owners. Staff mailed out 40 legal notices to surrounding property owners.
- Staff notes that ZBA has considered the following variance within this subdivision.

Subdivision	Variance	Date	Recommendation
Lot 26	1.9' Corner side setback	7/18/18	Approval
Lot 81	8' front setback & 1' side setback	1/28/26	Disapproval

- 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 state law, HB 1475, 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 complying 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 nonconforming.

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.

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, 2) obtaining a building permit, and 3) paying a double permit fee.

RECORD OF VOTE:

APPROVED: _____

DISAPPROVED: _____

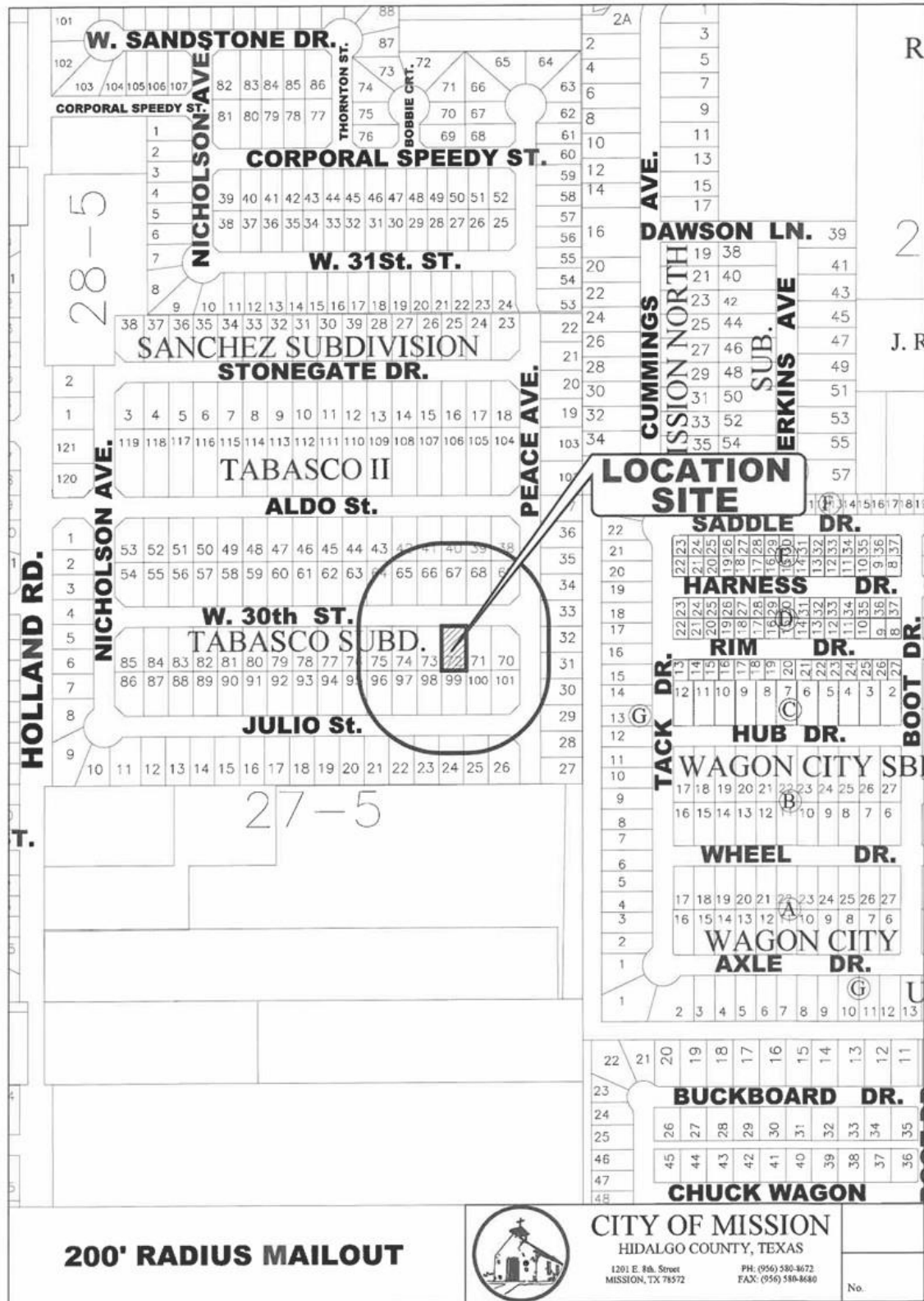
TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

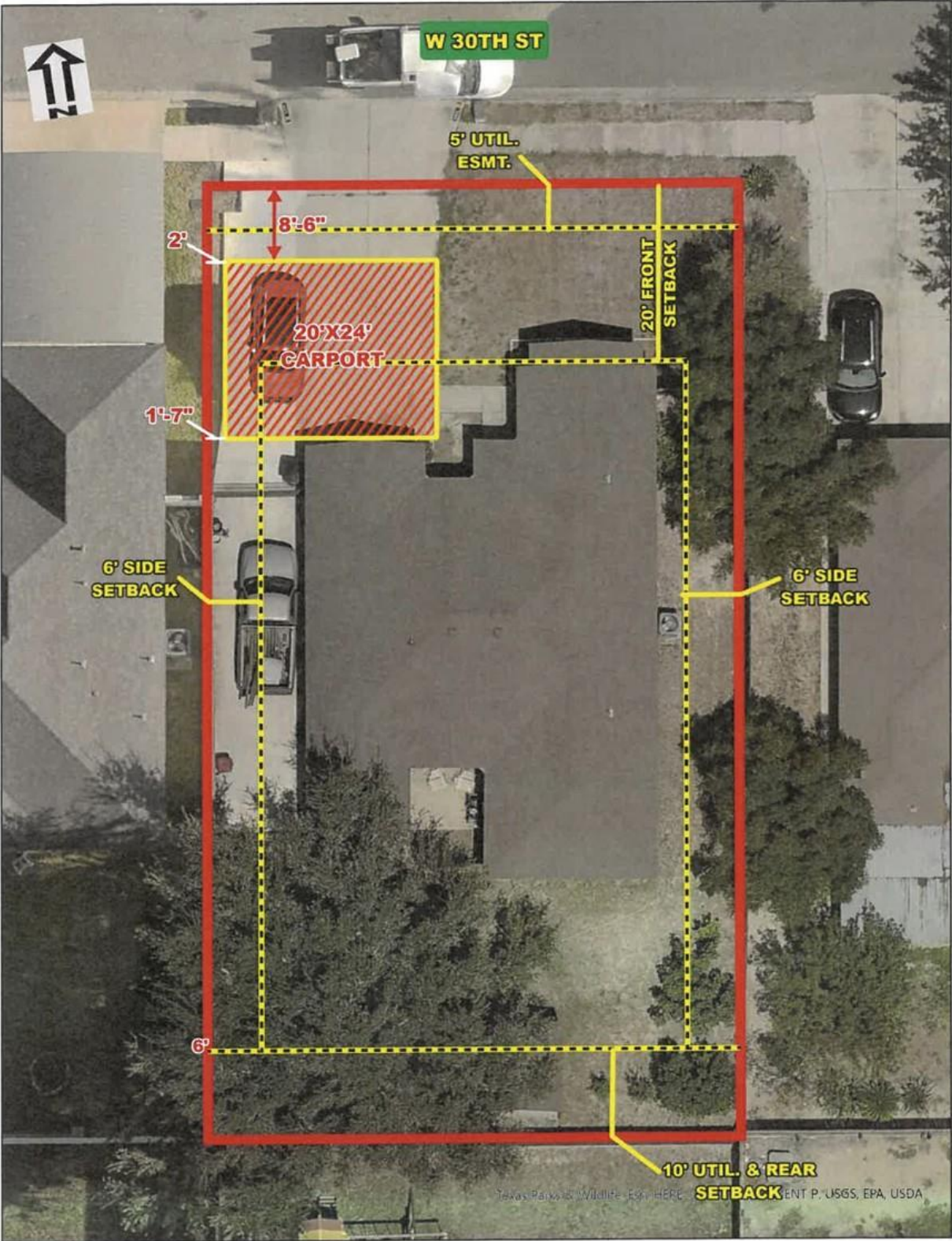
LEGAL NOTICE MAP



AERIAL MAP



AERIAL WITH GRAPHICS



PHOTO



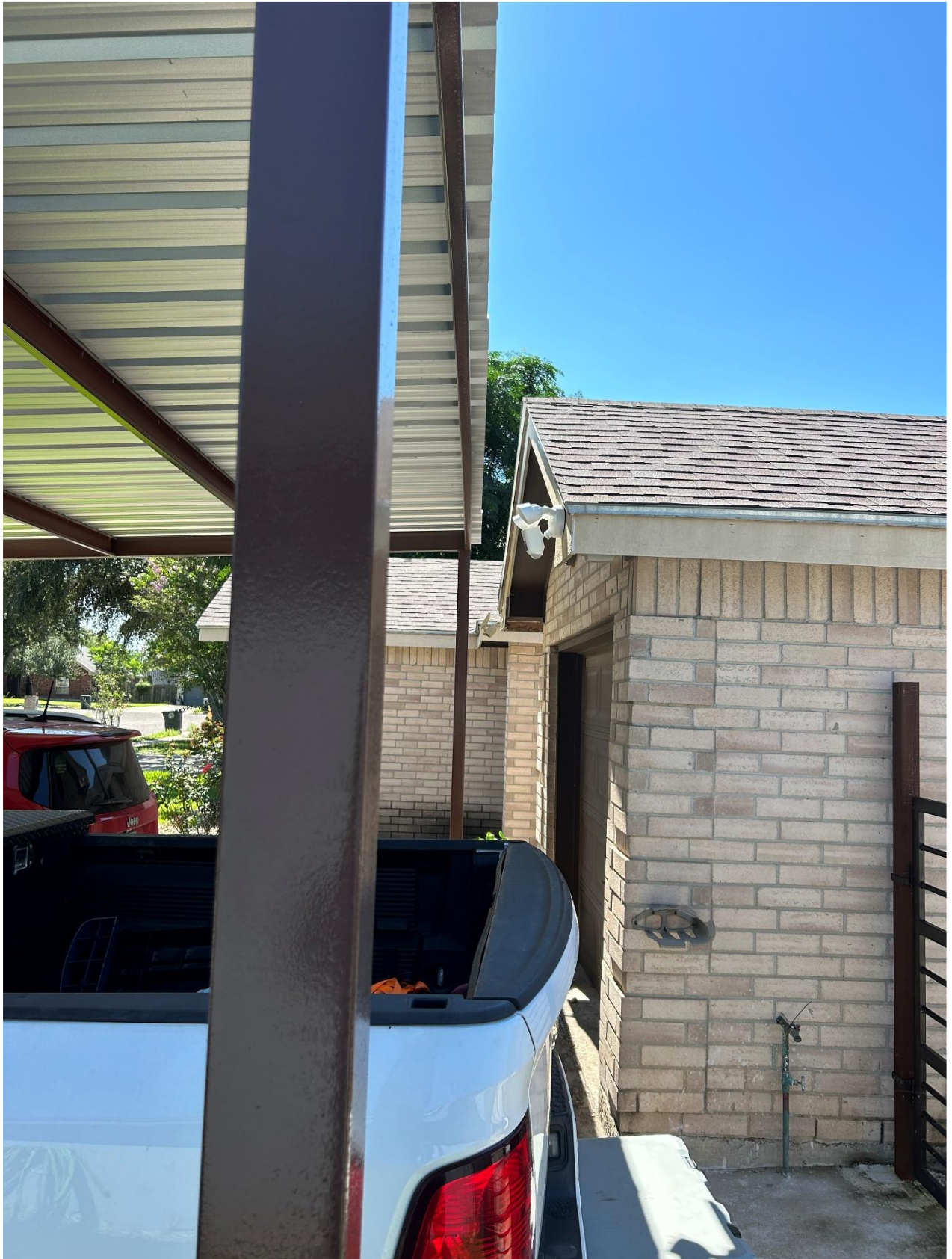
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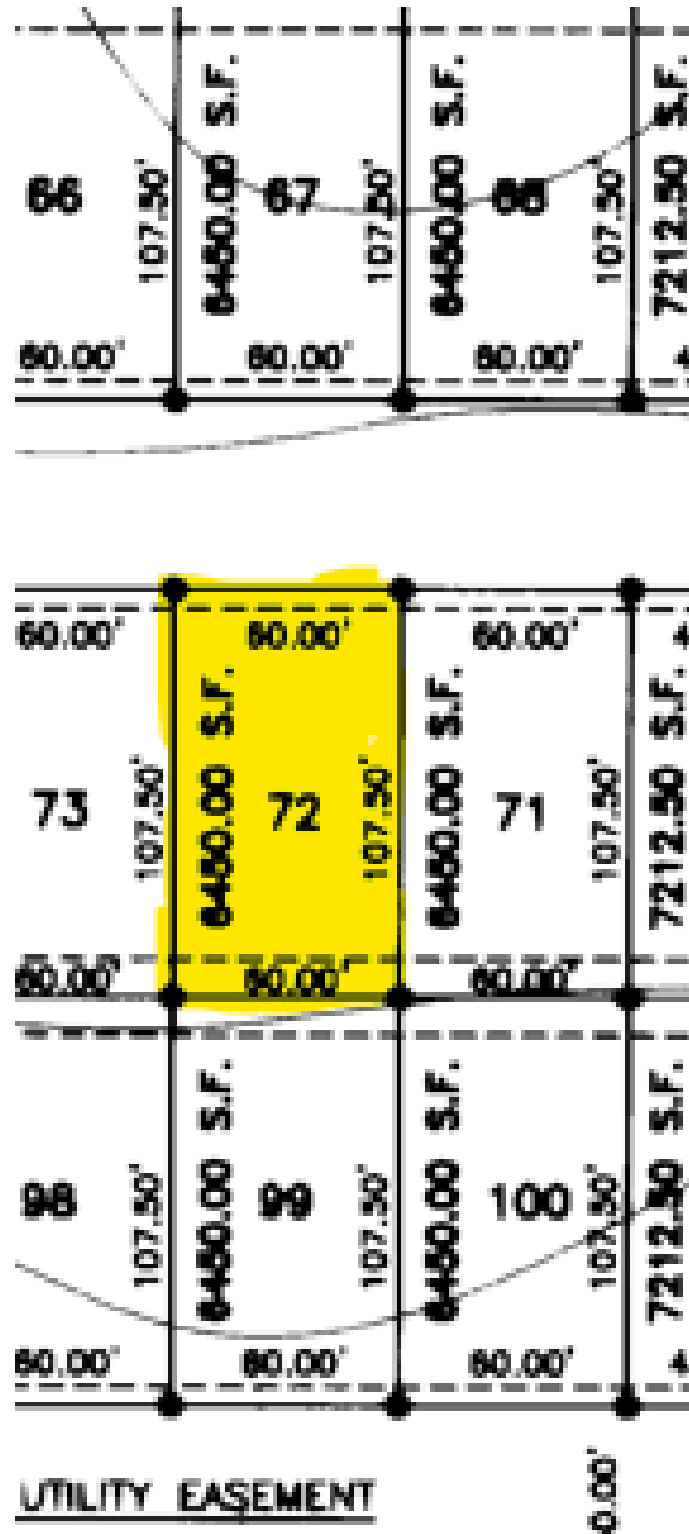
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PLAT WITH LOT HIGHLIGHTED



NOTICE OF VIOLATION LETTER



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*

April 20, 2025

Arturo Gonzalez
609 W. 30th Street
Mission, TX. 78574-4044

Dear Property Owner/Occupant:

A visual exterior inspection was conducted of a property located **609 W. 30th Street, Mission, TX**, bearing a legal description of **Lot 72, Tabasco** which according to the real property records of Hidalgo County, you own. After conducting the inspection, it is noted that construction has taken 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; 2024 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.

You have ten (10) calendar days from the date of notice to make contact with the **Planning Department at (956) 580-8672** 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.

Respectfully,


Xavier Cervantes
Director of Planning, AICP, CPM

MAIL OUT LIST

PROP_ID	name	addrDelive	addrCity	addrState	legalDes_1
658568	RIVERA JUAN JR	2703 E MILE 3 RD	PALMHURST	TX	TABASCO LOT 22
658584	FERRO KARLA JACQUELINE	1405 DONS DR	MISSION	TX	TABASCO LOT 38
658615	AVILA IRMA R	604 W 30TH ST	MISSION	TX	TABASCO LOT 69
658616	ROSALES STEPHANIE SCARLLET & BRYAN K	605 W 30TH ST	MISSION	TX	TABASCO LOT 70
658617	RODRIGUEZ RODOLFO B & MARIA T	607 W 30TH ST	MISSION	TX	TABASCO LOT 71
658618	GONZALEZ ARTURO	609 WEST 30TH STREET	MISSION	TX	TABASCO LOT 72
658569	ZENDEJAS MYRNA	9932 VIRGINIA AVE APT L	SOUTH GATE	CA	TABASCO LOT 23
658571	CORTINAS GUILLERMO GUADALUPE II & EGLAEN LERMA	607 JULIO ST	MISSION	TX	TABASCO LOT 25
658578	GUTIERREZ YSELA & ANDRES MARTINEZ	5708 N 28TH ST	MCALLEN	TX	TABASCO LOT 32
658580	REYNA MARIA	3002 PEACE AVE	MISSION	TX	TABASCO LOT 34
658585	GONZALEZ ALFREDO	1003 GRANITE ST	PENITAS	TX	TABASCO LOT 39
658587	FLORES JANETTE FKA JANETTE GUERRERO	611 ALDO DR	MISSION	TX	TABASCO LOT 41
658589	OROZCO BENJAMIN MIRAMONTES & GRACIELA	615 ALDO ST	MISSION	TX	TABASCO LOT 43
658610	GALVAN OSVALDO & CLAUDIA Y	614 W 30TH ST	MISSION	TX	TABASCO LOT 64
658612	CARAVEO ANDREA	610 W 30TH ST	MISSION	TX	TABASCO LOT 66
658619	RODRIGUEZ FRANK S & JUANA	611 W 30TH ST	MISSION	TX	TABASCO LOT 73
658621	GUERRA ORLANDO	615 W 30TH	MISSION	TX	TABASCO LOT 75
658644	ZENDEJAS MYRNA	2221 HACKBERRY AVE	MISSION	TX	TABASCO LOT 98
658646	VASQUEZ LUCIA	1702 N OAK ST	ALTON	TX	TABASCO LOT 100
658570	FUENTES ARTURO & FLORENCIA T	609 JULIO ST	MISSION	TX	TABASCO LOT 24
658572	FLORES ROBERTO Q	605 JULIO ST	MISSION	TX	TABASCO LOT 26
658577	SANCHEZ ROGELIO & ANA DELIA MENDOZA	2914 PEACE AVE	MISSION	TX	TABASCO LOT 31
658579	GUERRA ERIKA	3000 PEACE AVE	MISSION	TX	TABASCO LOT 33
658586	RADA JOSE JR & MELISSA ANN	609 ALDO DR	MISSION	TX	TABASCO LOT 40
658588	BARBA ANA C GUERRA	613 ALDO DR	MISSION	TX	TABASCO LOT 42
658611	GARCIA JOSE ESTEBAN	612 W 30TH ST	MISSION	TX	TABASCO LOT 65
658613	CAZARES JOSE G & ANA MARIA	606 W 30TH ST	MISSION	TX	TABASCO LOT 67 & 68
658620	RIOS BERNICE N & ABEL M	613 W 30TH ST	MISSION	TX	TABASCO LOT 74
658622	ESPINOZA ONEIDA P	617 W 30TH STREET	MISSION	TX	TABASCO LOT 76
658645	FERNANDEZ ANGEL ERNESTO	608 JULIO ST	MISSION	TX	TABASCO LOT 99
658647	HERRERA JAZMIN & MARTIN	2105 WESTWAY AVE	MCALLEN	TX	TABASCO LOT 101
658575	MATIAS HERSON & YOLANDA	2910 PEACE AVE	MISSION	TX	TABASCO LOT 29
658576	LOPEZ AMY D	2912 PEACE AVE	MISSION	TX	TABASCO LOT 30