



AGENDA

Pursuant to V.T.C.A. Gov. Code Section 551.001, et. Seq., the Zoning Board of the City of Mission, Texas will hold a Regular Meeting on **Wednesday, May 28, 2025 at 4:30 p.m.** in the **City Hall's Council Chamber, 1201 E. 8th Street** and by Teleconference, to consider the following matters:

The Public Dial Information to Participate Via Zoom/Telephone Meeting is as Follows:
Time: May 28, 2025 04:30 PM Central Time (US and Canada)

Meeting ID: 881 1592 8263

Passcode: 111658

Or Dial by Telephone +13462487799 Meeting ID 88115928263 Password: 111658

REGULAR MEETING

1. Call to Order
2. Disclosure of Conflict of Interest
3. Citizens Participation
4. Approval of Minutes
1. Approval of Minutes for ZBA Meeting - May 8, 2025

PUBLIC HEARING

2. Conduct a public hearing and consideration of a variance request to allow a 6 foot 11 inches rear setback instead of the required 15 feet, being Lot 30, The Legend at Cimarron Subdivision, located at 1713 Sebastian Drive. Applicant: Raymundo Moreno – Cervantes
3. Conduct a public hearing and consideration of a variance request 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. Being Lot 30, Garden Path Subdivision, located at 2703 Harmony Lane. Applicant: Skuadra Construction – Cervantes

OTHER BUSINESS

4. Tabled: Conduct a public hearing and consideration of a variance request to allow a 6 foot rear setback instead of the required 25 feet rear setback for a swimming pool, being Lot 58, Shary Villas Subdivision, located at 2416 E. 20th Street. Applicant: Yuliana Salinas - Cervantes

ADJOURNMENT

Signed this the 23rd day of May, 2025

Xavier Cervantes, Director of Planning

C E R T I F I C A T E

I, the undersigned City Secretary do certify that the above notice of meeting was posted on the bulletin board of City Hall, 1201 E. 8th Street, Mission, Texas on this the 23rd day of May, 2025 at 9:15 a.m.

Anna Carrillo, City Secretary

NOTICE OF REGULAR MEETING OF THE ZONING BOARD OF ADJUSTMENTS OF THE CITY OF MISSION

Notice is hereby given that on the **28th day of May, 2025** the Zoning Board of Adjustments of the City of Mission will hold a regular meeting at 4:30 p.m. at 1201 E. 8th Street, Mission, Texas to consider the following matters. The subjects to be discussed are listed on the agenda, which is attached to and made a part of this Notice.

If, during the course of the meeting covered by this Notice, the Board should determine that a closed or executive meeting or session of the Council is required, then such closed or executive meeting or session as authorized by the Texas Open Meetings Act, Texas Government Code Section 551.001 et seq., will be held by the Board at the date, hour and place given in this Notice or as soon after the commencement of the meeting covered by this Notice as the Board may conveniently meet in such closed or executive meeting or session concerning any and all purposed permitted by the Act, including, but not limited to the following sections and purposes.

Texas Government Code Section:

551.071 (1) (2)	Consultation with Attorney.
551.072	Deliberation regarding real property.
551.073	Deliberation regarding prospective gifts.
551.074	Personnel matters.
551.076	Deliberation regarding security devices or security audits.
551.0785	Deliberations involving medical or psychiatric records of individuals.
551.084	Investigation; exclusion of witness from hearing.
551.087	Deliberation regarding economic development negotiations
551.088	Deliberation regarding test item

Should any final action, final decision, or final vote be required in the opinion of the Board with regard to any matter considered in such closed or executive meeting or session, then the final action, final decision, or final vote shall be either:

- (a) in the open meeting covered by the Notice upon the reconvening of the public meeting;
or
- (b) at a subsequent public meeting of the Board upon notice thereof; as the Board shall determine.

On this the **23rd day of May, 2025** this Notice was emailed to news media who had previously requested such Notice and an original copy was posted on the bulletin board at City Hall, 1201 E. 8th Street at 9:15 a.m. on said date.

Anna Carrillo, City Secretary

**SPECIAL ZONING BOARD OF ADJUSTMENTS
MAY 8, 2025
CITY HALL'S COUNCIL CHAMBERS**

ZBA PRESENT

Alberto Salazar
Humberto Garza
Dolly Elizondo
William Ueckert Jr.

ZBA ABSENT

Heraclio Flores

STAFF PRESENT

Susie De Luna
Jessica Munoz
Patricio Martinez
Gabriel Ramirez

GUESTS PRESENT

Mark & Deedre Payne
Melissa Miller
Blanca Morin
Victor Trevino
Carlos Lerma

CALL TO ORDER

Vice Chairwoman Dolly Elizondo called the meeting to order at 4:30p.m.

CITIZENS PARTICIPATION

Vice Chairwoman Elizondo 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 MARCH 13, 2025

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

ITEM # 2

TO ALLOW TO ALLOW A 6 FOOT REAR SETBACK INSTEAD OF THE REQUIRED 10 FEET UTILITY PLUS A 15 FEET IRRIGATION EASEMENT FOR A TOTAL OF 25 FEET REAR SETBACK FOR A SWIMMING POOL AT 2416 E. 20TH STREET, 58, SHARY VILLAS SUBDIVISION AS REQUESTED BY YULIANA SALINAS

Ms. De Luna stated that the subject 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. Shary Villas Subdivision was recorded on October 30, 2003. The subject property fronts E. 20th Street with a width of 72 feet and a length of 128 feet on one side and 112 feet on the other side.

The Planning Staff has not received any objections to the request from surrounding property owners. Staff mailed out (16) legal notices to surrounding property owners. The applicant would like for the Board to consider the above-mentioned variance for construction of the swimming pool.

On July 19, 2023 at 2408 E. 20th Street the applicant requested a variance to keep a 1.8 feet side setback instead the required 6 feet and a 7.11 feet rear setback instead the required 15 feet for a 18feet by 30 feet open patio. The Zoning Board of Adjustments voted to approve the variance request subject to obtaining a building permit.

Staff recommends denial of the request subject to compliance with the following conditions: Must comply with the required easement and setbacks.

Vice Chairwoman Elizondo asked if the board had any questions for staff.

Mr. Garza asked if the site plan showed the pool on the easement?

Ms. De Luna replied that there was a 10-foot irrigation easement and a 15' feet utility easement. She mentioned that there was a site plan in their packet.

Mr. Garza asked if the irrigation district was ok with the variance request.

Ms. De Luna replied that staff had not receive anything from the irrigation district.

Mr. Garza asked if the applicant was present.

Mr. Victor Trevino with Elegante pools was present, he mentioned that he was trying to build the pool 7 or 8 feet from the utility easement.

Mr. Salazar asked if he had requested an 811-dig test.

Mr. Victor Trevino replied yes, and all the utilities run in the back.

Mr. Garza stated that he was not concerned about the utility easement. He mentioned that it was very hard for an irrigation company to give you consent to allow you to build over an easement.

Mr. Victor Trevino replied that they were not building the cement panel in the back of the easement. He mentioned that the water would be within the setback.

Ms. Elizondo stated that the revised site plan didn't show that. She mentioned that the site plan was wrong, that it showed the utility and irrigation easement in the front of the property.

Mr. Garza mentioned for Mr. Trevino to speak to the irrigation district, and ask if they allow him to build over the easement.

There being no further discussion. Vice Chairwoman Dolly Elizondo entertained a motion. Mr. Garza moved to table the variance request. Mr. Ueckert seconded the motion. Upon a vote, the motion passed unanimously.

ITEM # 3

TO ALLOW A TOTAL OF 4,982.00 SQUARE FEET, INSTEAD OF THE MAXIMUM 2,125.60 SQUARE FEET WHICH EQUALS TO 40 PERCENT ALLOWED FOR ACCESSORY STRUCTURES, AT 3009 N. GLASSCOCK ROAD, BEING A .87 ACRE TRACT OF LAND OUT OF THE NORTH 600 FEET OF THE SOUTH 1,016.00 FEET AND A .97 ACRE TRACT OF LAND OUT OF THE NORTH 600 FEET OF THE SOUTH 1,016.00 FEET OF THE EAST 330 FEET BOTH OUT OF LOT 282, JOHN H. SHARY SUBDIVISION, AS REQUESTED BY MARK M. & DEEDRE PAYNE

Ms. De Luna stated that the site is located at the Southwest corner of N. Glasscock Road and Payton Drive. The applicant is requesting a variance to construct a gym, cabana, covered porch, and

greenhouse for a total of 4,982.00 square feet instead of the maximum 40 percent being 2,125.60 square feet. There is currently an existing 5,314 square foot single-family residence on the property. The applicant is proposing to build a gym, cabana, covered porch and a greenhouse. Item 1.

The Planning Staff has not received any objections to the request from surrounding property owners. Staff mailed out (25) legal notices to surrounding property owners. The applicant would like the Board to consider the above-mentioned variance for construction of the accessory structures.

Staff recommends denial of the request subject to compliance with the following conditions:
Must comply with required maximum 40 percent being 2,125.60 square feet.

Vice Chairwoman Elizondo asked if the board had any questions for staff.

Mr. Garza asked what was the proposed side setback?

Mr. Mark M. Payne & Deedre Payne were present, he mentioned that they were proposing 6 feet on the side setbacks and 20 feet in the rear setback.

Ms. De Luna stated that the only concern was the maximum square footage allowed.

Mr. Garza asked what was the total acreage of the property.

Mr. Mark M. Payne & Deedre Payne replied 1.84 acres.

Mr. Salazar asked when the city commission first thought about limiting the total square footage of accessory structures. Was there something that caused them to reduce size?

Ms. De Luna replied that the purpose was for accessory structures not to be larger than their home.

Mr. Garza mentioned that he could see the issue on a half-acre lot or less, like your regular 50'x100' lots. But acreage smiler to what was being presented was not a a problem.

Vice Chairwoman Elizondo asked if there was anyone in favor or against this request.

There were none.

Vice Chairwoman Elizondo 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. Vice Chairwoman Elizondo entertained a motion. Mr. Garza moved to approve the variance request. Mr. Salazar seconded the motion. Upon a vote, the motion passed unanimously.

ITEM # 4

TO ALLOW AN ACCESSORY STRUCTURE (CARPORT) TO ENCROACH EIGHT (8) FEET INTO THE REQUIRED EIGHTEEN (18) FOOT FRONT YARD SETBACK FOR CARPORTS IN A R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT) AT 614 RAMIREZ LANE, BEING LOT 7, MAYBERRY GARDENS SUBDIVISION, AS REQUESTED BY JEFFERY MILLER

Ms. De Luna stated that the site is located along the south side of Ramirez Lane approximately west of Mayberry Road. The applicant is requesting a variance to allow an accessory structure (carport) to encroach eight (8) feet into the required eighteen (18) foot front yard setback for carports to allow for protection of his vehicles during inclement weather. There is currently an existing 2,060 square foot single-family residence on the property. The applicant constructed a 20'x20' carport without obtaining the proper building permit. The applicant shared that he asked the builder several times if a permit was required for the proposed carport and was told all the times that no permit was required. The applicant is a 100% disabled veteran and federal officer and didn't mean to break any rules. He was just not aware that a permit was needed until he was told by a Code Enforcement Officer.

Staff notes that ZBA has considered and approved the following variance within this subdivision: 10' front yard setback for Lot 19 on 3/16/11.

Staff has not received any calls regarding the variance request. Staff mailed out 24 notices to the surrounding property owners.

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 carport was built without a permit, and 3.) This is a self-imposed hardship.

Vice Chairwoman Elizondo asked if the board had any questions for staff.

Vice Chairwoman Elizondo asked if the applicant was considered for the Accommodation Review Board.

Ms. De Luna replied that she did ask the applicant, and the applicant didn't think he would qualify.

Mrs. Melissa Miller who resides at 614 Ramirez, mentioned that they were unaware of anything that was happening. She added that her husband could not attend, since he was in a training in Georgia.

Mr. Ueckert asked if there were similar carports in the area/subdivision.

Mrs. Melissa Miller replied yes.

Mr. Salazar asked when was the carport built?

Mrs. Melissa Miller replied in April.

Ms. De Luna mentioned that a 10' front setback was granted for Lot 19, Mayberry Gardens Subdivision which is the same subdivision as the one being presented.

Mr. Salazar asked Mrs. Miller, how much did the carport cost?

Mrs. Melissa Miller replied \$2,300.

Vice Chairwoman Elizondo asked if there was anyone in favor or against the variance request.

Vice Chairwoman Elizondo entertained a motion to close the public hearing. Mr. Garza moved to close the public hearing. Mr. Ueckert seconded the motion. Upon a vote, the motion passed unanimously.

Vice Chairwoman Elizondo entertained a motion. Mr. Garza moved to approve the variance request subject to: signing a hold harmless agreement; and for the carport to remain perpetually open to its foot print. Mr. Salazar seconded the motion. Upon a vote, the motion passed unanimously.

ITEM # 5

TO ALLOW A TOTAL OF 4,428 SQUARE FEET INSTEAD OF THE MAXIMUM 2,802 SQUARE FEET, WHICH EQUALS 40 PERCENT ALLOWED FOR AN ACCESSORY STRUCTURE FOR AN ENCLOSED STORAGE/GARAGE BUILDING AT 1907 ROYAL PALM DRIVE, BEING LOT 33B, SOUTHWIND ESTATES UNIT II SUBDIVISION, AS REQUESTED BY CARLOS LERMA

Ms. De Luna stated that the site is located at the Northwest corner of Terrace Drive and Royal Palm Drive. The applicant is requesting a variance to construct a Garage/Storage Building for a total of 4,428.00 square feet instead of the maximum allowed of 2,802 square feet. There is currently an existing 7,005-square-foot single-family residence on the property. The applicant is proposing to build a garage and a storage building.

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. The applicant would like the Board to consider the above-mentioned variance to allow the construction of the accessory structure.

Staff recommends denial of the request, subject to compliance with the following conditions: Must comply with the required maximum of 40 percent, 2,125.60 square feet.

Vice Chairwoman Elizondo asked if the board had any questions for staff.

There were none.

Mr. Carlos Lerma who resides at 1907 Royal Palm Drive was present, he mentioned that the structure he was proposing to built was already there but caught on fire in 2021. He added that the concrete pad was also there and was not adding anything different.

Mr. Ueckert asked that if the structure being proposed was meeting the required setbacks.

Ms. De Luna replied that the variance being requested was for the square footage.

Mr. Ueckert asked if it was for personal use?

Mr. Carlos Lerma replied that it was only for him and his family.

Vice Chairwoman Elizondo asked if there was anyone in favor or against the variance request.

There were none.

Vice Chairwoman Elizondo entertained a motion to close the public hearing. Mr. Salazar moved to close the public hearing. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion. Vice Chairwoman Dolly Elizondo entertained a motion. Mr. S moved to approve the variance request. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Item 1.

ITEM # 6

TO ALLOW A TOTAL A 6' REAR SETBACK INSTEAD OF THE REQUIRED 10' FOR A 26' BY 28' DETACHED REAR PATIO STRUCTURE, AT 3106 HILLCREST DRIVE, BEING LOT 20, HILLCREST VALLEY SUBDIVISION, AS REQUESTED BY BLANCA MORIN

Ms. De Luna stated that the site is located along the East side of Hillcrest Drive approximately 360 feet South of 2 Mile Road. The applicant is requesting a variance to keep an already-constructed detached roof patio structure. City officials from the Code Enforcement Division noticed the detached 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. The eastern edge of the structure metal posts are located six (6) feet from the rear property line. 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 16 legal notices to surrounding property owners.

Staff recommends denial. The structures need to be modified or removed to comply with the required setbacks within 60/90 days. 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 fee, and 3) accessing a double permit fee.

Vice Chairwoman Dolly Elizondo asked if the board had any questions for staff.

There were none.

Vice Chairwoman Elizondo asked if the applicant was present.

Mrs. Blanca Morin who resides at 3106 Hillcrest Drive was present, she mentioned that when she purchased the home she didn't need a permit since the home was passed two-mile line. She added that when the porch was built they didn't check how close it was to her fence. She stated that she uses the porch for family gatherings, and would like to keep her porch since she's still paying for it and doesn't have the money to remove it.

Mr. Salazar stated that if the variance would be approved, what could happen in the future was that the porch could be enclosed and the city would not be able to do anything if the variance was granted.

Mr. Garza asked if it was possible to relocate the poles within the easement?

Mrs. Blanca Morin replied that she thought about relocating the poles. However, if the poles were relocated it would take money, and didn't think it was possible because the roof was not flat.

Mr. Salazar asked what was behind her property.

Mrs. Blanca Morin replied that it was a canal.

Mr. Garza mentioned that it was not a canal, that it was a drainage ditch.

Mr. Ueckert asked that what utilities ran through the property?

Ms. De Luna replied that an 811 dig test had not been requested.

Vice Chairwoman Elizondo asked if what was shown in aerial was a concrete pad?

Mrs. Blanca Morin replied that the floor was built to eventually place a shed over it.

Mr. Garza asked if other variances had been approved in the subdivision.

Ms. De Luna replied that there was no history of any variances being approved in that subdivision.

Mr. Ueckert stated that it was an electrical easement.

Ms. De Luna mentioned that the plat showed it was a utility easement, but not exactly what type of utility it was.

Mrs. Blanca Morin stated that she was aware that there was a gas line in the back of her lot. She mentioned that the gas line ran right in the middle of her neighbor's property but not in hers.

Mr. Garza mentioned that his main concern was that the structure was two walls away from being enclosed.

Mrs. Blanca Morin stated that the porch was built detached from the home, because she was informed that the taxes are higher when the porch was attached to the home since it was part of it.

Mr. Garza mentioned that any structure with a roof would increase her taxes. He added that what was the purpose of the porch being framed.

Mrs. Blanca Morn replied that it was to be used like a mount for her tv and stuff. She added that they also installed some plumbing to built a restroom in the future.

Vice Chairwoman Elizondo stated that if the porch had plumbing and electrical it could be converted into a living space.

Mrs. Blanca Morin mentioned that the porch had no electricity.

Vice Chairwoman Elizondo stated if a tv was able to be connected, that meant there was electricity.

Mrs. Blanca Morin replied that an extension cord was being used for electricity.

Mr. Garza asked if Mrs. Elizondo was willing to remove the wall?

Mrs. Blanca Morin replied that she thinks she can. She mentioned that she had no issues with the porch until the wall was built. She added that the wall was built to protect the 2x4 from getting moldy.

Mr. Garza asked when was the porch built?

Mrs. Blanca Morin replied 3 years ago.

Mr. Garza asked that if there was any way to relocate the 3 poles to clear the 4-foot utility easement.

Mrs. Blanca Morin replied move the poles inside and remove the cement.

Mr. Garza stated no, the overhang could stay over the easement the poles are the ones that need to be relocated 4 feet.

Mrs. Blanca Morin agreed to move the poles to meet required setbacks.

Vice Chairwoman Elizondo asked if there was anyone in favor or against the variance request.

There were none.

Vice Chairwoman Elizondo entertained a motion to close the public hearing. Mr. Salazar moved to close the public hearing. Mr. Ueckert seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion Vice Chairwoman Elizondo entertained a motion. Mr. Garza moved to deny the variance request as presented. Mr. Salazar seconded the motion. Upon a vote, the motion passed unanimously.

OTHER BUSINESS

Item 1.

There was none.

ADJOURNMENT

There being no further business, Mr. Ueckert moved to adjourn. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously at 5:25 p.m.

Dolly Elizondo, Vice Chairwoman
Zoning Board of Adjustments



CITY OF MISSION

AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 28, 2025

PRESENTED BY: Xavier Cervantes, Director of Planning

AGENDA ITEM: Conduct a public hearing and consideration of a variance request to allow a 6 foot 11 inches rear setback instead of the required 15 feet, being Lot 30, The Legend at Cimarron Subdivision, located at 1713 Sebastian Drive. Applicant: Raymundo Moreno – Cervantes

NATURE OF REQUEST:

Project Timeline:

- April 1, 2025 – Application for Variance Request submitted to the City
- May 16, 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 and notice of public hearing was published in the Progress Times.
- May 27, 2025 – 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 the Legends at Cimarron Subdivision Plat Note #3 which states: Rear setback is 15 feet (Lots 1-53) and Plat Note #6 which states: no building or building structures shall be constructed over any easement.
- The applicant is requesting a variance to keep an already-constructed 13'1" x 22' roof patio structure partly located within the rear setback.
- The Legends at Cimarron Subdivision was recorded on September 22, 2003. The irregular lot measures 8,988.42 square feet. The site is located at the beginning of the cul-de-sac of Princeton and Sebastian Drive.
- There is currently an existing 3,177 square foot single-family residence on the property. 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.
- The lots to the south, east, and west have been developed as single-family residences.
- The Planning staff has not received any objections to the request from the surrounding property owners. Staff mailed out 16 legal notices to surrounding property owners.
- Staff notes that ZBA has considered the following variances within this subdivision.

<u>Subdivision</u>	<u>Variance</u>	<u>Date</u>	<u>Recommendation</u>
1 & 45	10' corner setback	12/17/03	Approved
79	9" rear setback	8/7/07	Deny

- 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 being in compliance 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 a nonconforming structure.

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

RECORD OF VOTE:

APPROVED: _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

APPLICATION FORM

ZONING BOARD OF ADJUSTMENTS
APPLICATIONNAME: Raymundo MorenoPHONE: 956 990-9019ADDRESS: 1713 Sebastian St

RECEIVED BY: _____

CITY: Mission, TX 78572DATE: 04/01/2025SUBDIVISION: The Legends at Church LOT: 30 BLOCK: _____

APPROX. LOCATION: _____

ZONE: _____

PURPOSE: Requesting a forbearance for my metal
roof encroaching by 3 feet on the rear setback
I did not pour a concrete pad just the metal
posts with metal roof.

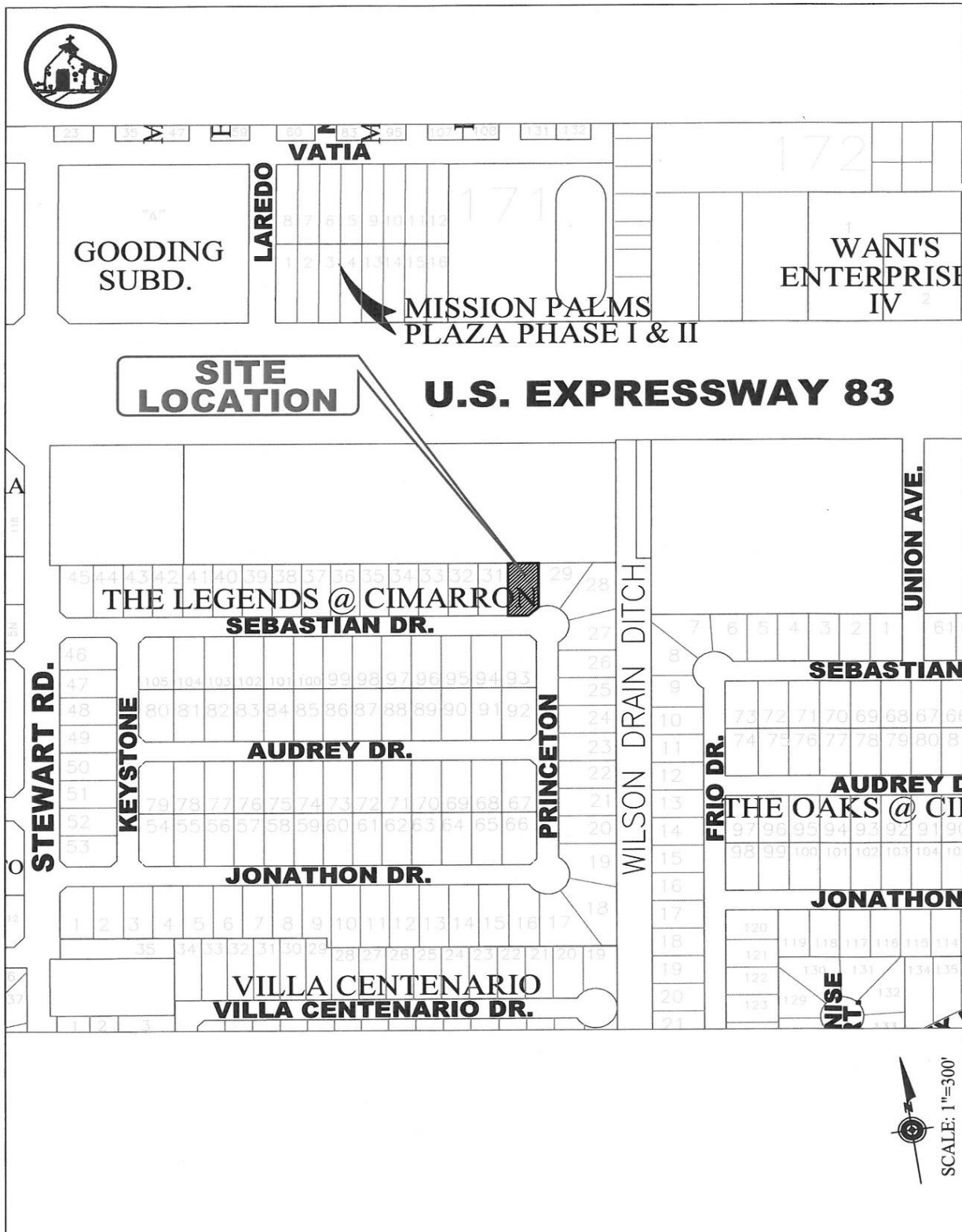
OFFICE USE ONLY

ZBA ACTION: _____ PASSED _____ TABLED _____ FAILED DATE: _____

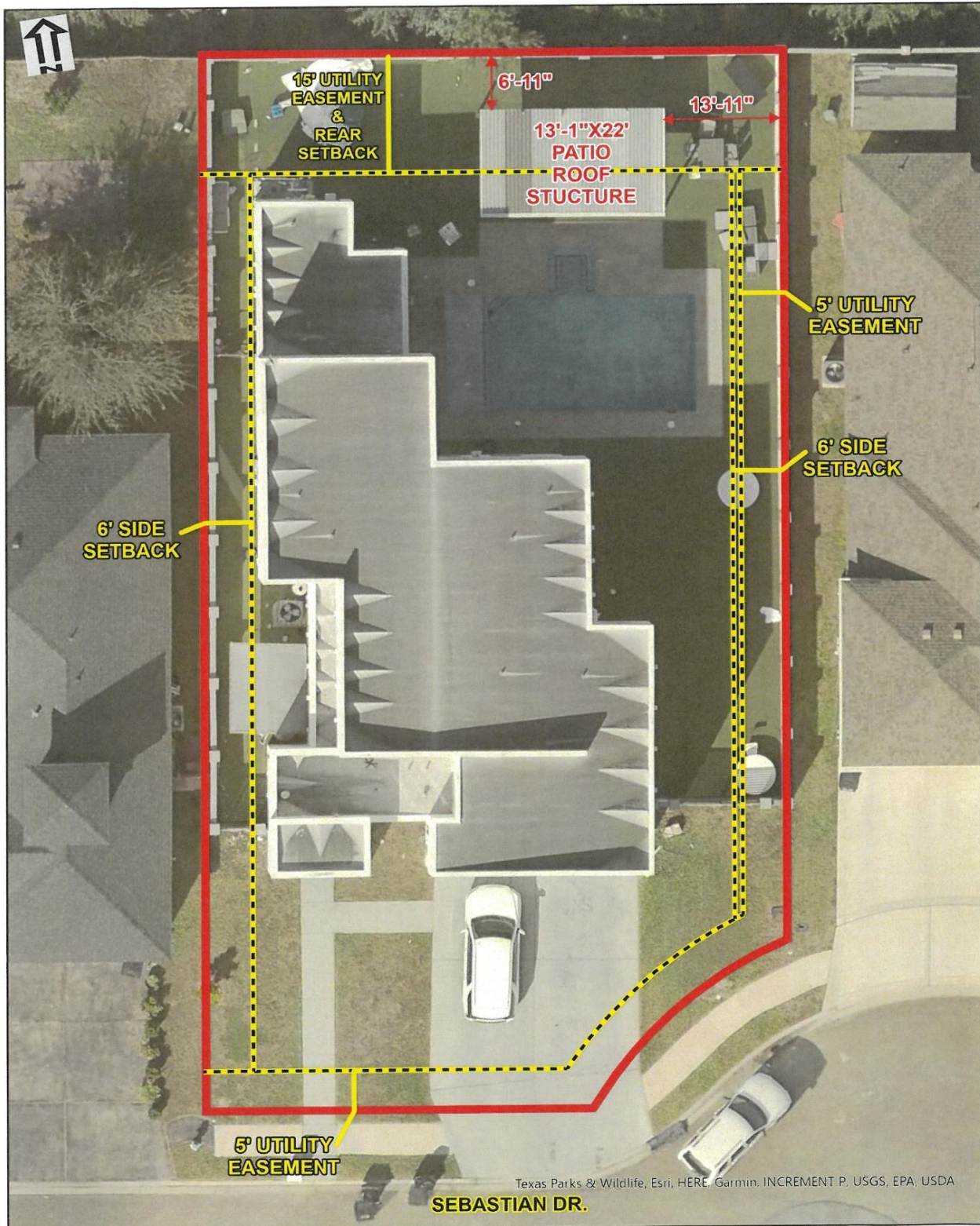
COMMENTS: _____

LETTERS MAILED: _____ FILING FEE: \$250.00 RECEIPT NO.: 20250274APPLICANT'S SIGNATURE: Raymundo M.

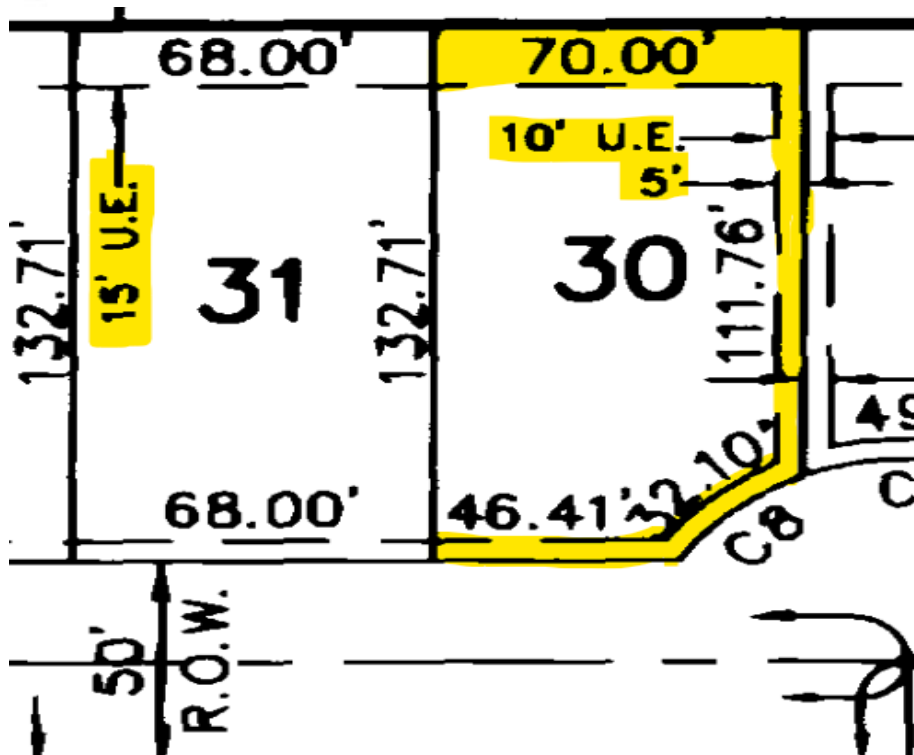
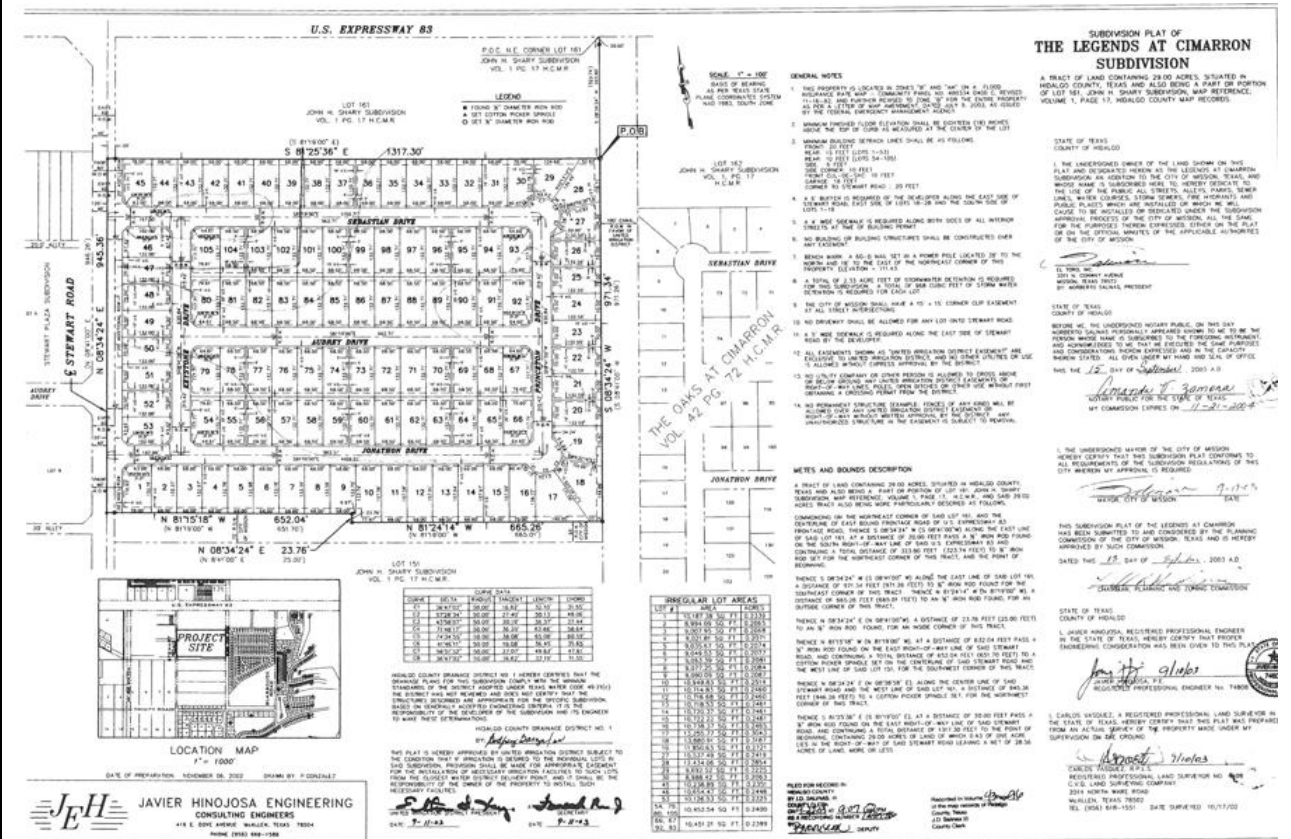
LEGAL NOTICE MAP



AERIAL WITH SETBACKS



RECORDED SUBDIVISION PLAT & LOT	

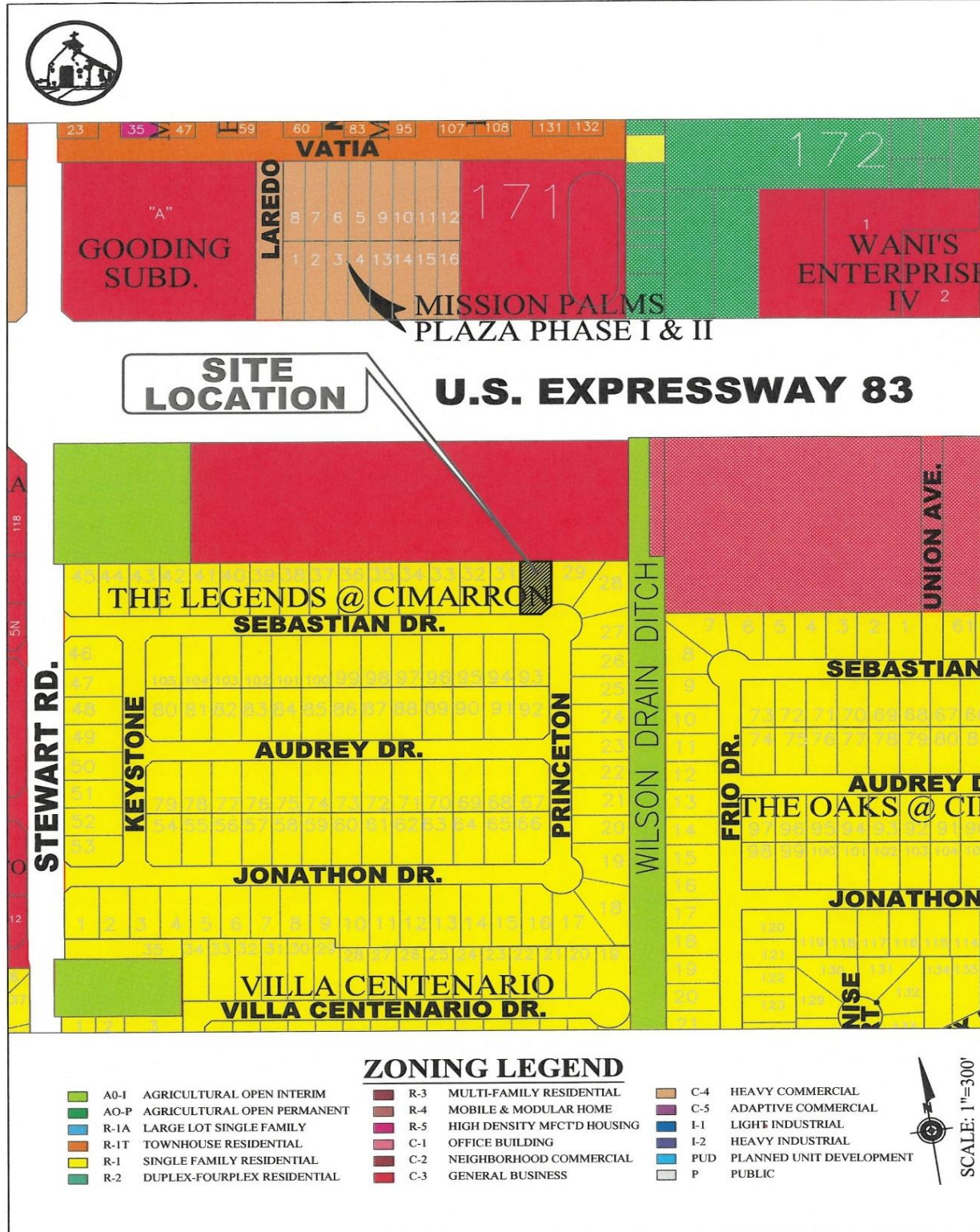


PLAT NOTES

GENERAL NOTES

1. THIS PROPERTY IS LOCATED IN ZONES "B" AND "AH" ON A FLOOD INSURANCE RATE MAP - COMMUNITY PANEL NO. 480334 0400 C, REVISED 11-16-82, AND FURTHER REVISED TO ZONE "B" FOR THE ENTIRE PROPERTY AS PER A LETTER OF MAP AMENDMENT, DATED JULY 9, 2003, AS ISSUED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
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: 20 FEET
 REAR: 15 FEET (LOTS 1-53)
 REAR: 10 FEET (LOTS 54-105)
 SIDE: 6 FEET
 SIDE CORNER: 10 FEET
 FRONT CUL-DE-SAC: 10 FEET
 GARAGE: 18 FEET
 CORNER TO STEWART ROAD : 20 FEET
4. A 6' BUFFER IS REQUIRED OF THE DEVELOPER ALONG THE EAST SIDE OF STEWART ROAD, EAST SIDE OF LOTS 18-28 AND THE SOUTH SIDE OF LOTS 1-18.
5. A 4' WIDE SIDEWALK IS REQUIRED ALONG BOTH SIDES OF ALL INTERIOR STREETS AT TIME OF BUILDING PERMIT.
6. NO BUILDING OR BUILDING STRUCTURES SHALL BE CONSTRUCTED OVER ANY EASEMENT.
7. BENCH MARK: A 60-D NAIL SET IN A POWER POLE LOCATED 38' TO THE NORTH AND 18' TO THE EAST OF THE NORTHEAST CORNER OF THIS PROPERTY. ELEVATION = 111.43.
8. A TOTAL OF 2.33 ACRE FEET OF STORMWATER DETENTION IS REQUIRED FOR THIS SUBDIVISION. A TOTAL OF 968 CUBIC FEET OF STORM WATER DETENTION IS REQUIRED FOR EACH LOT.
9. THE CITY OF MISSION SHALL HAVE A 15' x 15' CORNER CLIP EASEMENT AT ALL STREET INTERSECTIONS.
10. NO DRIVEWAY SHALL BE ALLOWED FOR ANY LOT ONTO STEWART ROAD.
11. A 5' WIDE SIDEWALK IS REQUIRED ALONG THE EAST SIDE OF STEWART ROAD BY THE DEVELOPER.
12. ALL EASEMENTS SHOWN AS "UNITED IRRIGATION DISTRICT EASEMENT" ARE EXCLUSIVE TO UNITED IRRIGATION DISTRICT, AND NO OTHER UTILITIES OR USE IS ALLOWED WITHOUT EXPRESS APPROVAL BY THE DISTRICT.
13. NO UTILITY COMPANY OR OTHER PERSON IS ALLOWED TO CROSS ABOVE OR BELOW GROUND ANY UNITED IRRIGATION DISTRICT EASEMENTS OR RIGHT-OF-WAY LINES, POLES, OPEN DITCHES OR OTHER USE WITHOUT FIRST OBTAINING A CROSSING PERMIT FROM THE DISTRICT.
14. NO PERMANENT STRUCTURE (EXAMPLE: FENCES OF ANY KIND) WILL BE ALLOWED OVER ANY UNITED IRRIGATION DISTRICT EASEMENT OR RIGHT-OF-WAY WITHOUT WRITTEN APPROVAL BY THE DISTRICT. ANY UNAUTHORIZED STRUCTURE IN THE EASEMENT IS SUBJECT TO REMOVAL.

ZONING MAP



PHOTOS



CODE ENFORCEMENT 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*

November 5, 2024

Case# 24-10-F-006

Jaquelyn Tijerina &
Raymundo G. Moreno Reyes
1713 Sebastian Dr.
Mission, TX. 78572-6068

Dear Property Owner/Occupant:

A visual exterior inspection was conducted of a property located **1713 Sebastian Dr, Mission, TX**, bearing a legal description of **The Legends At Cimarron Lot 30**, which according to the real property records of Hidalgo County, you own. After conducting the inspection, it is noted that the construction taking 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; 2021 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. Since a permit was not acquired, a **double permit fee** will be assessed pending approval of the building permit application by the Planning and Inspection Department.

You have **(15) calendar days** from date of notice to make contact with the **Code Enforcement Department at (956) 580-8697** 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.

As a property owner, you may file an application for a variance with the Zoning Board of Adjustments. We thank you for your understanding and prompt attention to this matter.

Respectfully,

Irasema Dimas
Code Enforcement Supervisor

1201 E. 8th St. / Mission, Texas 78572 / (956)580-8697 / codeenforce@missiontexas.us

APPRAISAL DISTRICT INFORMATION	
1. Appraisal District	
2. Appraisal District Number	
3. Appraisal District Name	
4. Appraisal District Address	
5. Appraisal District Phone Number	
6. Appraisal District Fax Number	
7. Appraisal District E-mail Address	
8. Appraisal District Website	
9. Appraisal District Description	
10. Appraisal District Notes	

[illegible]

BUILDING PERMITS

Building Projects Selection
✕

Name Information

Name

☐ Individual ☒ Entity ☐ Both

Name

Address

Street No#

Street

Unit

Advanced

Project Number

Contractor

Code

Selection

Status

Project Type

Project #	Type	Name	Exp. Date	Status	St No#	Street	Unit	Project Type
16001827	R	HERITAGE, RICH	12/20/2016	Open	1713	SEBASTIAN	SPR	ME
16001455	R	HERITAGE, RICH	11/16/2016	Open	1713	SEBASTIAN DR		ND
16001467	R	HERITAGE, RICH	11/20/2016	Open	1713	SEBASTIAN DR		PL
16001475	R	HERITAGE, RICH	11/20/2016	Open	1713	SEBASTIAN DR		EL
16001476	R	HERITAGE, RICH	11/20/2016	Open	1713	SEBASTIAN DR		TP
16002668	R	HERITAGE, RICH	3/21/2017	Open	1713	SEBASTIAN DR		TC

Display ☒ Name ☐ Project Description

Building Projects Selection
✕

Name Information

Name

☐ Individual ☒ Entity ☐ Both

Name

Address

Street No#

Street

Unit

Advanced

Project Number

Contractor

Code

Selection

Status

Project Type

Project #	Type	Project Description	Exp. Date	Status	St No#	Street	Unit	Project Type
16001827	R	MECHANICAL	12/20/2016	Open	1713	SEBASTIAN	SPR	ME
16001455	R	NEW DWELLING	11/16/2016	Open	1713	SEBASTIAN DR		ND
16001467	R	PLUMBING	11/20/2016	Open	1713	SEBASTIAN DR		PL
16001475	R	ELECTRICAL	11/20/2016	Open	1713	SEBASTIAN DR		EL
16001476	R	T-POLE	11/20/2016	Open	1713	SEBASTIAN DR		TP
16002668	R	TEMPORARY CLEARANCE	3/21/2017	Open	1713	SEBASTIAN DR		TC

Display ☐ Name ☒ Project Description

23

MAILOUT LIST

PROP_ID	Property Owner	addrDeliveryLine	addrCity	addrState	addrZip
720213	CITY OF MISSION	1201 E 8TH ST	MISSION	TX	78572-5812
668029	LOPEZ EMMANUEL & NATALIA P	812 PRINCETON DRIVE	MISSION	TX	78572-6075
668031	CAMARA ARTURO & BLANCA E SADA	1717 SEBASTIAN DR	MISSION	TX	78572-6068
668094	CANTU JOSE MANUEL	1711 AUDREY DR	MISSION	TX	78572-6069
668096	GUTIERREZ COSME H & CLAUDIA M GARZA ELIZONDO	1712 SEBASTIAN ST	MISSION	TX	78572-6066
668097	JIMENO FERNANDO	1710 SEBASTIAN ST	MISSION	TX	78572-6066
668098	VILLARREAL GUILLERMINA & BENITO GONZALEZ	1708 SEBASTIAN DR	MISSION	TX	78572-6066
668099	VILLARREAL MARCOS	1706 SEBASTIAN ST	MISSION	TX	78572-6066
668033	TIJERINA JAQUELYN & RAYMUNDO G MORENO REYES	1713 SEBASTIAN DR	MISSION	TX	78572-6068
668034	RODRIGUEZ AARON ROEL	1711 SEBASTIAN DR	MISSION	TX	78572-6068
668035	CARDENAS JUAN M & KARINA L	1709 SEBASTIAN DR	MISSION	TX	78572-6068
668036	GUZMAN TONY	1707 SEBASTIAN ST	MISSION	TX	78572-6068
668095	GOMEZ CONNE A & PATRICIA L	1713 AUDREY DR	MISSION	TX	78572-6069
280839	RRR DEV LP	PO BOX 86	HIDALGO	TX	78557-0086
668028	FUENTES JOSE LUIS & ISABEL CRISTINA	900 PRINCETON AVE	MISSION	TX	78572-6070
668030	CALDERON NADJA ANAHI & GUILLERMO OSORNIO CALDERON	810 PRINCETON DR	MISSION	TX	78572-6075
668032	ALANIS REYNOL & CRUZ E RODRIGUEZ	1715 SEBASTIAN DR	MISSION	TX	78572-6068



CITY OF MISSION

AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 28, 2025

PRESENTED BY: Xavier Cervantes, Director of Planning

AGENDA ITEM: Conduct a public hearing and consideration of a variance request 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. Being Lot 30, Garden Path Subdivision, located at 2703 Harmony Lane. Applicant: Skuadra Construction – Cervantes

NATURE OF REQUEST:

Project Timeline:

- May 05, 2025 – Application for a Variance Request submitted to the City.
- May 16, 2025 – In accordance with State and local law, notice of the required public hearings was mailed to all property owners within 200 feet of the subject tract.
- May 28, 2025 - 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 1.371 (5)(e)(h) of the Mission Code of Ordinance, which states:
- Minimum depth of front setback: ten 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.
- 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.
- The Garden Path Subdivision is a townhome subdivision and was recorded on December 12, 2023. The subject property fronts Harmony Lane with a width of 36 feet and a length of 73 feet and 61 inches.
- The Planning Staff has not received any objections to the request from the surrounding property owners. Staff mailed out (27) legal notices to the surrounding property owners.
- The applicant would like the Board to consider the above-mentioned variance to keep the structures.
- 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 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 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 a nonconforming structure.

STAFF RECOMMENDATION:

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

RECORD OF VOTE:

APPROVED: _____

DISAPPROVED: _____

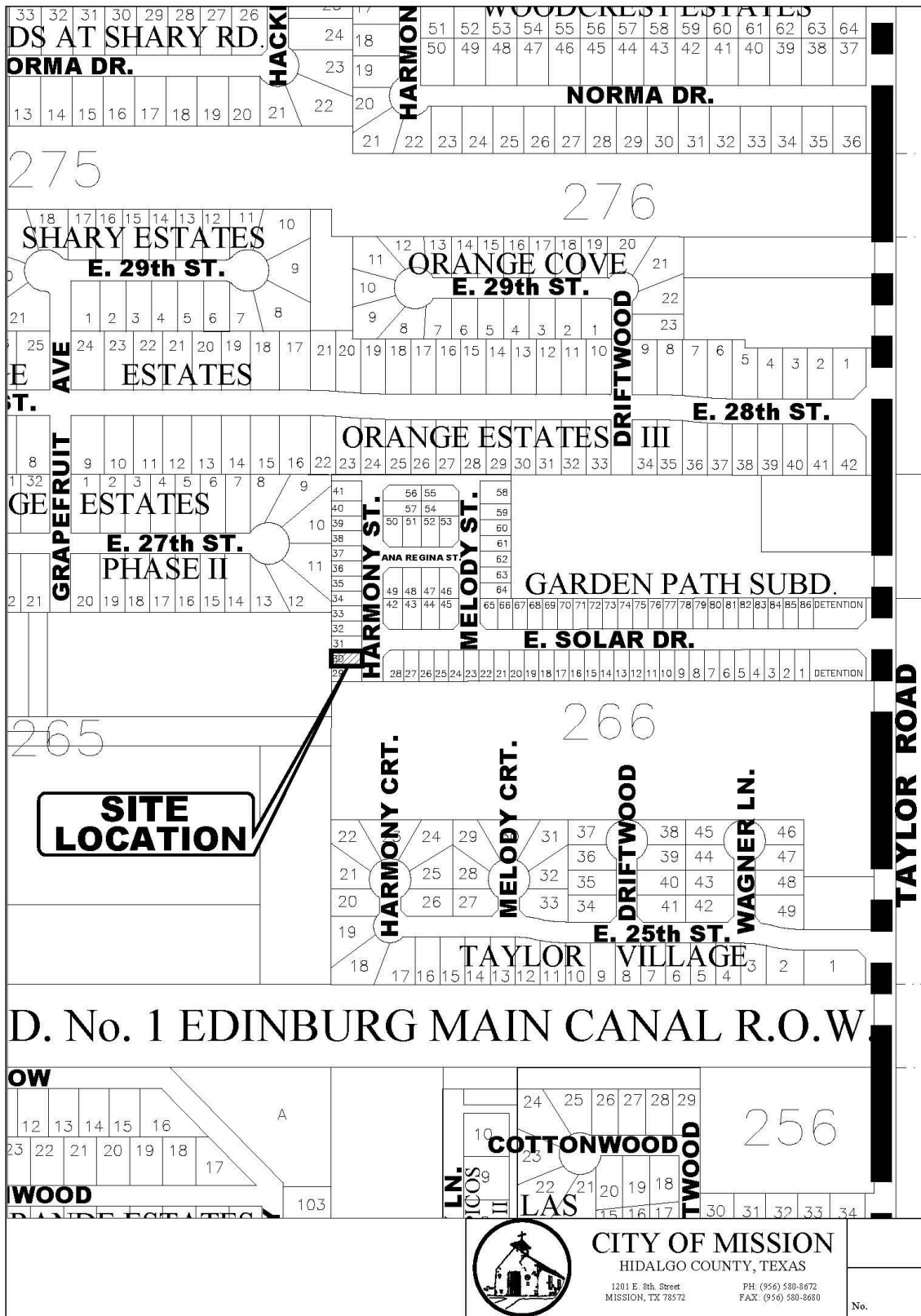
TABLED: _____

_____ AYES

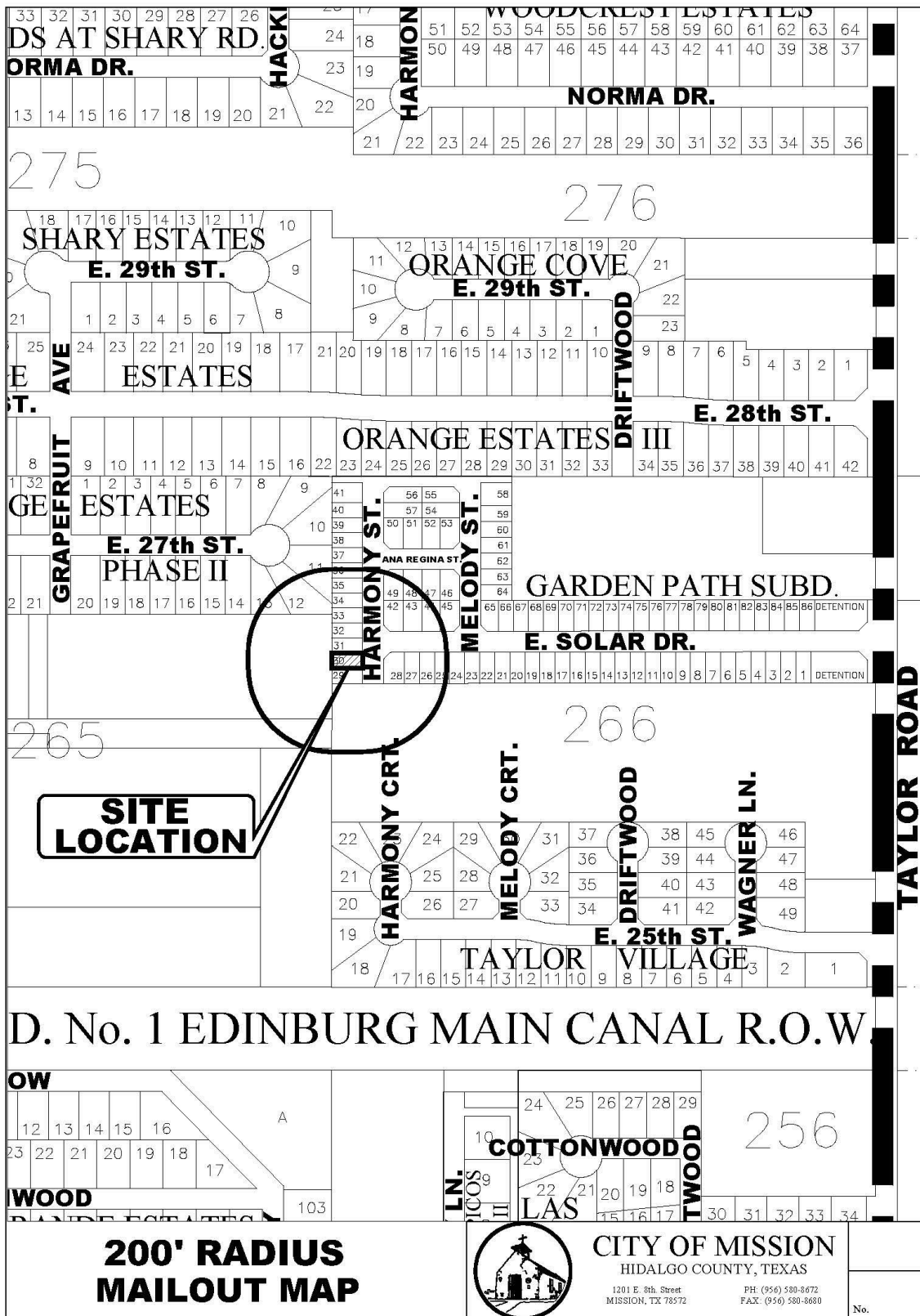
_____ NAYS

_____ DISSENTING _____

SITE LOCATION

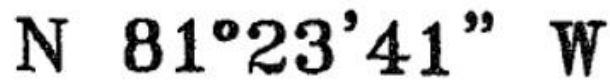


200' RADIUS MAP



PLAT OF LOT 30, GARDEN PATH SUBDIVISION

SET No. 4
REBAR



GARDEN PATH SUBDIVISION NOTES

GENERAL PLAT NOTES & RESTRICTIONS

1. FLOOD ZONE STATEMENT: SUBJECT PROPERTY IS LOCATED IN ZONE "C".

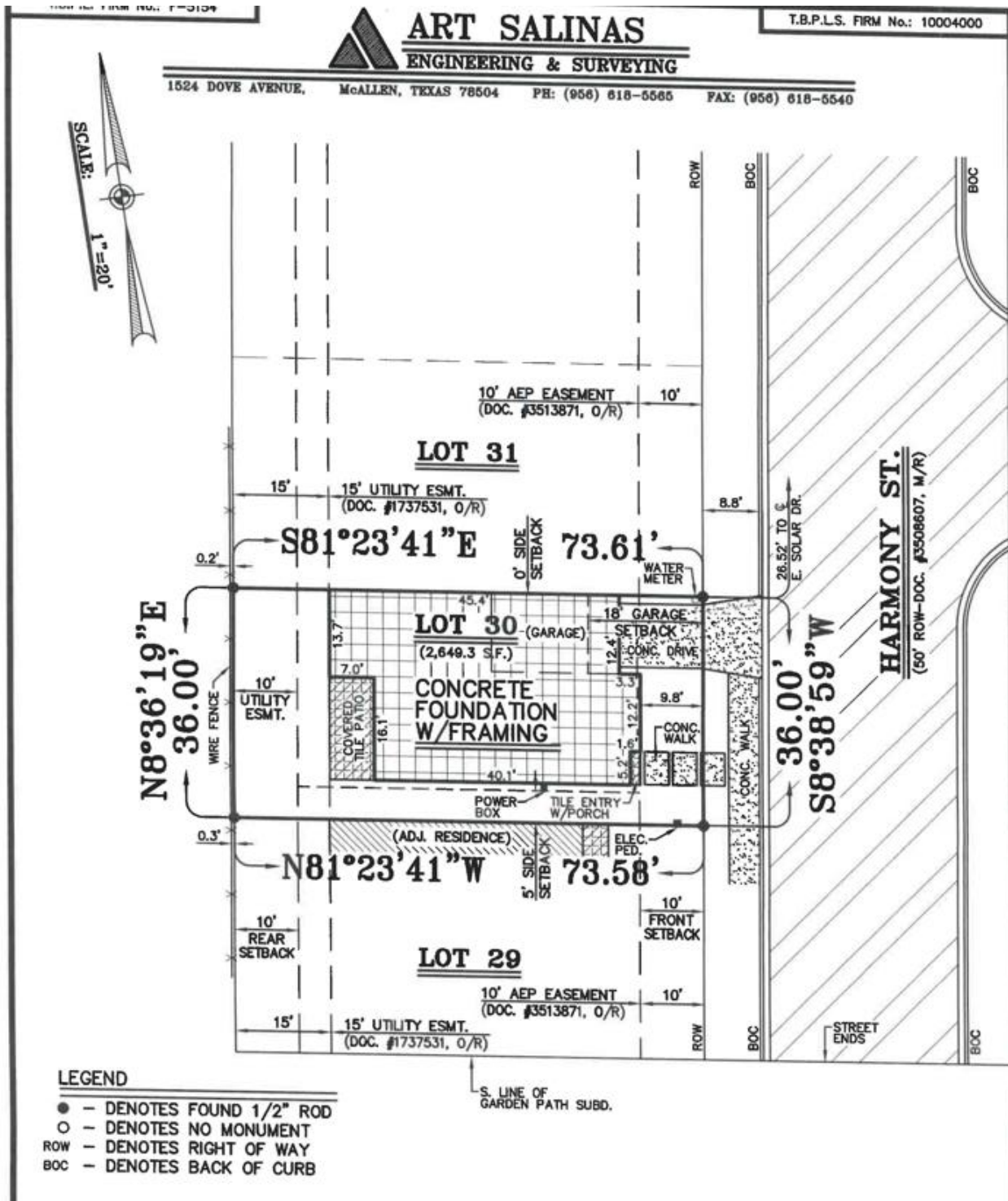
COMMUNITY--PANEL NUMBER: 480334 0400 C,
EFFECTIVE DATE: NOVEMBER 16, 1982.
2. MINIMUM FINISH FLOOR NOTE:
MINIMUM FINISH FLOOR ELEVATION SHALL BE 18" ABOVE THE TOP OF CURB IN FRONT OF THE PROPERTY. OR 24" MEASURED AT THE CENTER OF THE LOT. WHICHEVER IS GREATER
3. BUILDING SETBACKS NOTE:
MINIMUM BUILDING SETBACK LINES SHALL BE AS FOLLOWS:
FRONT: 10 FEET OR EASEMENT LINE WHICHEVER IS GREATER;
SIDE: 5 FEET OR EASEMENT LINE WHICHEVER IS GREATER;
SIDE: 0 FEET OR EASEMENT LINE WHICHEVER IS GREATER; LOTS (1-28, 42, 46-48, 50, 54-55) RIGHT SIDE FACING STREET
SIDE: 0 FEET OR EASEMENT LINE WHICHEVER IS GREATER; LOTS (29-41, 43-45, 49, 51-53, 56-86) LEFT SIDE FACING STREET
REAR: 10 FEET OR EASEMENT LINE WHICHEVER IS GREATER;
GARAGE: 18 FEET
CORNER SIDE ABUTTING ST: 10 FEET
4. BENCH MARK NOTE:
HORIZONTAL COORDINATES AND VERTICAL ELEVATION:
TEXAS STATE PLANE SOUTH ZONE (4205), NAD 83, NAVD 88 US SURVEY FEET

TBM - DESCRIPTION: 1/2" IRON ROD SET IN CONC. LOCATED 6.63 FEET SOUTH AND 31.32 FEET WEST OF NORTHEAST CORNER OF THIS SUBDIVISION, SHOWN ON THIS PLAT;
NORTHING: 16608800.949
EASTING: 1058090.843
ELEVATION=124.34
5. DRAINAGE NOTE:
IN ACCORDANCE WITH THE CITY OF MISSION AND HIDALGO COUNTY DRAINAGE DISTRICT No.1 REQUIREMENTS, THIS DEVELOPMENT IS REQUIRED TO DETAIN A TOTAL OF 53,195 C.F. (1.22 AC.-FT.) OF STORM WATER RUNOFF. PROPOSED RUNOFF WILL BE DETAINED ON-SITE WITHIN PROPOSED DETENTION PONDS LOCATED AT THE EASTERN PROPERTY LINE OF THE PROPOSED SUBDIVISION AND WILL CONNECT INTO EXISTING CITY OF MISSION DRAINAGE SYSTEM ALONG THE EAST ROW OF TAYLOR ROAD.
6. EASEMENTS NOTE:
NO STRUCTURES SHALL BE PERMITTED OVER ANY EASEMENTS. EASEMENTS SHALL BE KEPT CLEAR OF FENCES, BUILDINGS, SHEDS, SHRUBS, TREES AND OTHER PLANTINGS (EXCEPT LOW, LESS THAN 18 INCHES MATURE HEIGHT, GROUND COVER GRASS OR FLOWERS), AND OTHER OBSTRUCTIONS TO THE OPERATION AND MAINTENANCE OF THE EASEMENT.
7. ALL CONSTRUCTION SHALL COMPLY WITH STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS.
8. LANDSCAPING AS PER CITY OF MISSION ORDINANCE.
9. SITE PLAN MUST BE REVIEWED/APPROVED BY THE CITY OF MISSION PRIOR TO ISSUANCE OF BUILDING PERMIT.
11. PROPERTY ZONING: R-1T (TOWNHOUSE RESIDENTIAL) DISTRICT.
12. ALL COMMON ACCESS, PARKING AND LANDSCAPE AREAS SHALL BE MAINTAINED BY THE LOT OWNER.
13. DETENTION AREAS, LOT 87 AND 88, SHALL BE MAINTAINED BY HOA.
14. ALL LOT CORNERS MARKED WITH 1/2" DIAMETER IRON ROD WITH A PINK PLASTIC CAP STAMPED "C.L.S. RPLS 6388"
15. SHOULD ANY ENTITY HAVING AUTHORITY OVER THE RECORDED EASEMENTS DEDICATED HEREIN NEED TO REPAIR, REPLACE, INSTALL OR ANY WAY REQUIRED EXCAVATION ACCESS TO THE LINES HEREIN, THAT ENTITY SHALL HAVE RIGHT TO ACCESS THE EASEMENT WHICH MAY CAUSE INCIDENTAL DAMAGE TO PRIVATE PROPERTY IMPROVEMENTS INCLUDING BUT NOT LIMITED TO FENCES, WALLS, SLABS, LANDSCAPING, AND PRIVATE IRRIGATION SYSTEMS. OWNERS(S) OF PROPERTIES SHALL HOLD HARMLESS AND INDEMNIFY ANY SUCH ENTITY FROM THE DAMAGES AND/OR REPLACEMENT COST CAUSED BY NEEDED WORK.
16. ALL IRRIGATION EASEMENTS ARE EXCLUSIVE TO UNITED IRRIGATION DISTRICT, AND THE DISTRICT ALLOWS NO OTHER UTILITIES OR OUTSIDE USE WITHOUT ITS EXPRESS WRITTEN APPROVAL.
17. 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 PERMITS FROM THE UNITED DISTRICT IRRIGATION DISTRICT.
18. 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.
19. 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.
20. UNITED IRRIGATION DISTRICT EASEMENT RESERVATION PER 04/07/1914 DOC# 1914-450171, H.C.D.R.T.
21. A 5.00 FEET CONCRETE SIDEWALK IS REQUIRED IN FRONT OF EACH LOT, BEHIND CURB AT BUILDING PERMIT STAGE.

AERIAL MAP



SURVEY



PHOTO



MAILOUT LIST

PROP_ID	file_as_na	addrDeliveryLine	addrCity	addrState	addrZip
503650	JAMES MICHAEL V & MADELINE S	308 N 11TH ST	MCALLEN	TX	78501-4522
281348	NANVA HARJAP S	2700 N SHARY RD	MISSION	TX	78574-2749
545497	GARZA HORACIO EFRAIN	2009 S STANDARD AVE	SAN JUAN	TX	78589-2527
545495	NEWCOMBE GRACIELA L	2418 E 27TH ST	MISSION	TX	78574-1914
545496	MASKER JACOB	341 KIWI AVE	MCALLEN	TX	78504
281363	BYRUM RAYBURN W JR	2814 THORNE CREEK LN	HOUSTON	TX	77073-3426
281364	BYRUM RAYBURN W JR	2814 THORNE CREEK LN	HOUSTON	TX	77073-3426
1567606	MONTEON OMAR FLORES	6497 CAMINITO FORMBY	LA JOLLA	CA	92037-5811
1567607	MONTEON OMAR FLORES	25420 KUYKENDAHL RD STE F400	TOMBALL	TX	77375-3428
1567608	DE LA GARZA ARACELI	2108 E 20TH ST	MISSION	TX	78572-3209
1567609	OMANA PROPERTIES LLC	25420 KUYKENDAHL RD STE F400	TOMBALL	TX	77375-3428
1567626	DEKA INVESTMENTS LLC	25420 KUYKENDAHL RD STE F400	TOMBALL	TX	77375-3428
1567625	DEKA INVESTMENTS LLC	25420 KUYKENDAHL RD STE F400	TOMBALL	TX	77375-3428
1567624	MONTEON OMAR FLORES	29101 FM 2978 RD STE B3	MAGNOLIA	TX	77354-3192
1567623	OMANA PROPERTIES LLC	25420 KUYKENDAHL RD STE F400	TOMBALL	TX	77375-3428
1567630	DEKA INVESTMENTS LLC	25420 KUYKENDAHL RD STE F400	TOMBALL	TX	77375-3428
1567629	DEKA INVESTMENTS LLC	25420 KUYKENDAHL RD STE F400	TOMBALL	TX	77375-3428
1567628	DEKA INVESTMENTS LLC	25420 KUYKENDAHL RD STE F400	TOMBALL	TX	77375-3428
1567610	WH MEX-PRODUCTS LLC	25420 KUYKENDAHL RD STE F400	TOMBALL	TX	77375-3428
1567611	OMANA PROPERTIES LLC	1804 N 23D ST	MCALLEN	TX	78501
1567612	BEAS FUND LLC	1012 MARTIN AVE STE A	MCALLEN	TX	78504
1567613	BEAS FUND LLC	1012 MARTIN AVE STE A	MCALLEN	TX	78504
1567614	WH MEX-PRODUCTS LLC	25420 KUYKENDAHL RD STE F400	TOMBALL	TX	77375-3428
1567615	WH MEX-PRODUCTS LLC	1308 E UPAS AVE	MCALLEN	TX	78501-5619
1567616	OMANA PROPERTIES LLC	1804 N 23D ST	MCALLEN	TX	78501
1567617	OMANA PROPERTIES LLC	1804 N 23RD ST	MCALLEN	TX	78501-6122
1567581	DEKA INVESTMENTS LLC	29101 FM 2978 RD STE B3	MAGNOLIA	TX	77354-3192



CITY OF MISSION

AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 28, 2025

PRESENTED BY: Xavier Cervantes, Director of Planning

AGENDA ITEM: Tabled: Conduct a public hearing and consideration of a variance request to allow a 6 foot rear setback instead of the required 25 feet rear setback for a swimming pool, being Lot 58, Shary Villas Subdivision, located at 2416 E. 20th Street. Applicant: Yuliana Salinas - Cervantes

NATURE OF REQUEST:

Project Timeline:

- March 14, 2025 – Application for Variance Request submitted to the City.
- April 11, 2025 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- April 23, 2025 – Public hearing and consideration of requested variance by the Zoning Board of Adjustments. Due to no quorum, the meeting was cancelled and rescheduled for May 8, 2025.
- May 8, 2025 - Public hearing and consideration of requested variance by the Zoning Board of Adjustments.
- May 8, 2025 – During the public hearing the Zoning Board of Adjustment voted to table the variance request.
- May 28, 2025 – Consideration of requested variance by the Zoning Board of Adjustments.

Summary:

- 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 rear setback :10 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 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.
- Shary Villas Subdivision was recorded on October 30, 2003. The subject property fronts E. 20th Street with a width of 72 feet and a length of 128 feet on one side and 112 feet on the other side.
- The Planning Staff has not received any objections to the request from surrounding property owners. Staff mailed out (16) legal notices to surrounding property owners.
- The applicant would like for the Board to consider the above-mentioned variance for construction of the swimming pool.

- On July 19, 2023 at 2408 E. 20th Street the applicant requested a variance to keep a 1.8 feet side setback instead the required 6 feet and a 7.11 feet rear setback instead the required 15 feet for a 18feet by 30 feet open patio. The Zoning Board of Adjustments voted to approve the variance request subject to obtaining a building permit.
- 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 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 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 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 a nonconforming structure.

STAFF RECOMMENDATION:

Staff recommends denial of the request subject to compliance with the following conditions:

1. Must comply with the required easement and setbacks.

RECORD OF VOTE:

APPROVED: _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

Attachment I



ZONING BOARD OF ADJUSTMENTS APPLICATION

NAME: Yuliana SalinasPHONE: (956) 400-8600ADDRESS: 2416 E 20th St.

RECEIVED BY: _____

CITY: Mission Tx.

DATE: _____

SUBDIVISION: Shary Villas LOT: 58 BLOCK: _____

APPROX. LOCATION: _____

ZONE: _____

PURPOSE: Building 15X30 swimming pool

OFFICE USE ONLY		

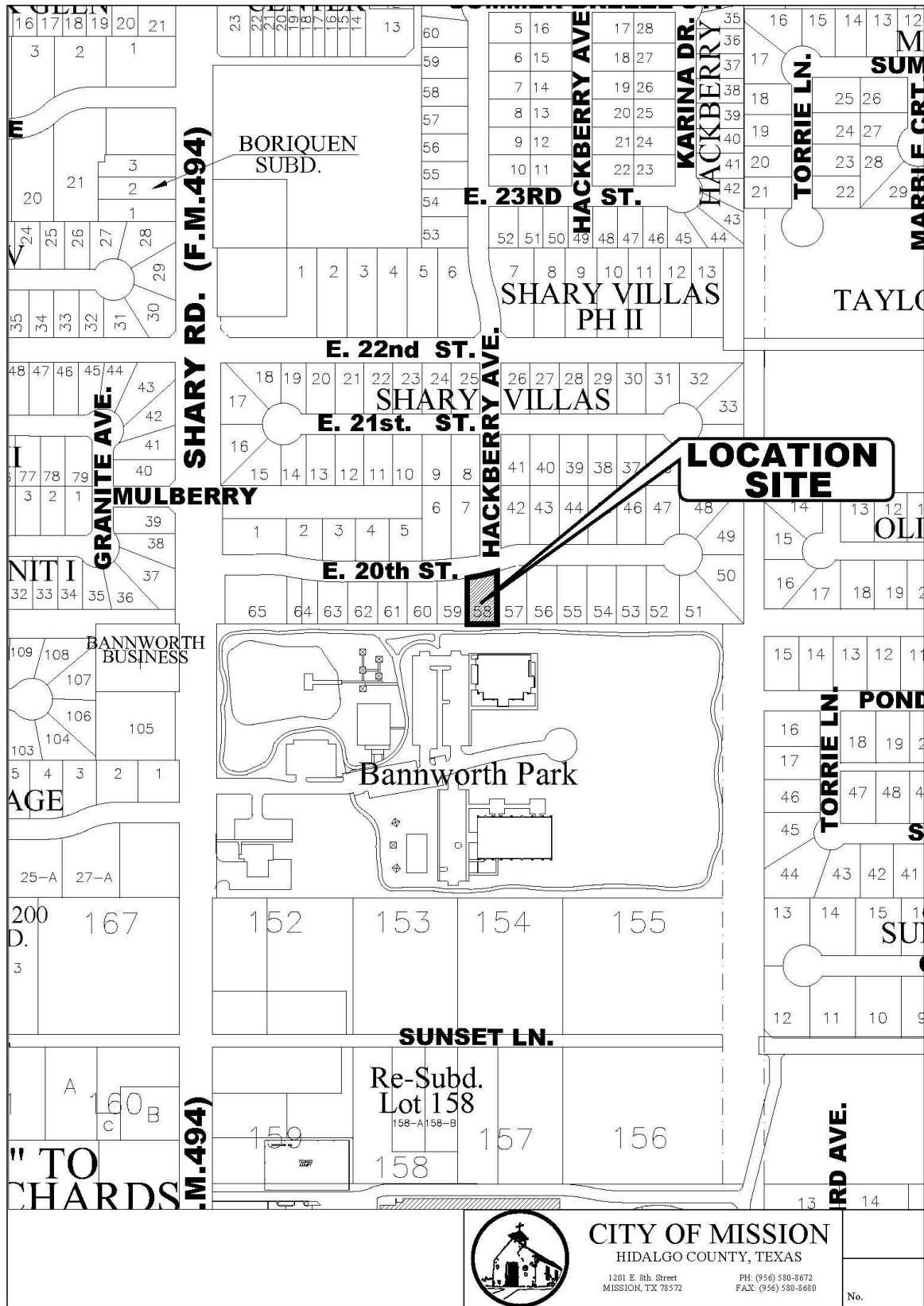
ZBA ACTION:	____ PASSED ____ TABLED ____ FAILED	DATE: _____
COMMENTS: _____		

LETTERS MAILED: _____	FILING FEE: <u>\$250.00</u>	RECEIPT NO.: <u>20250224</u>

APPLICANT'S SIGNATURE: Yuliana Salinas

March 14

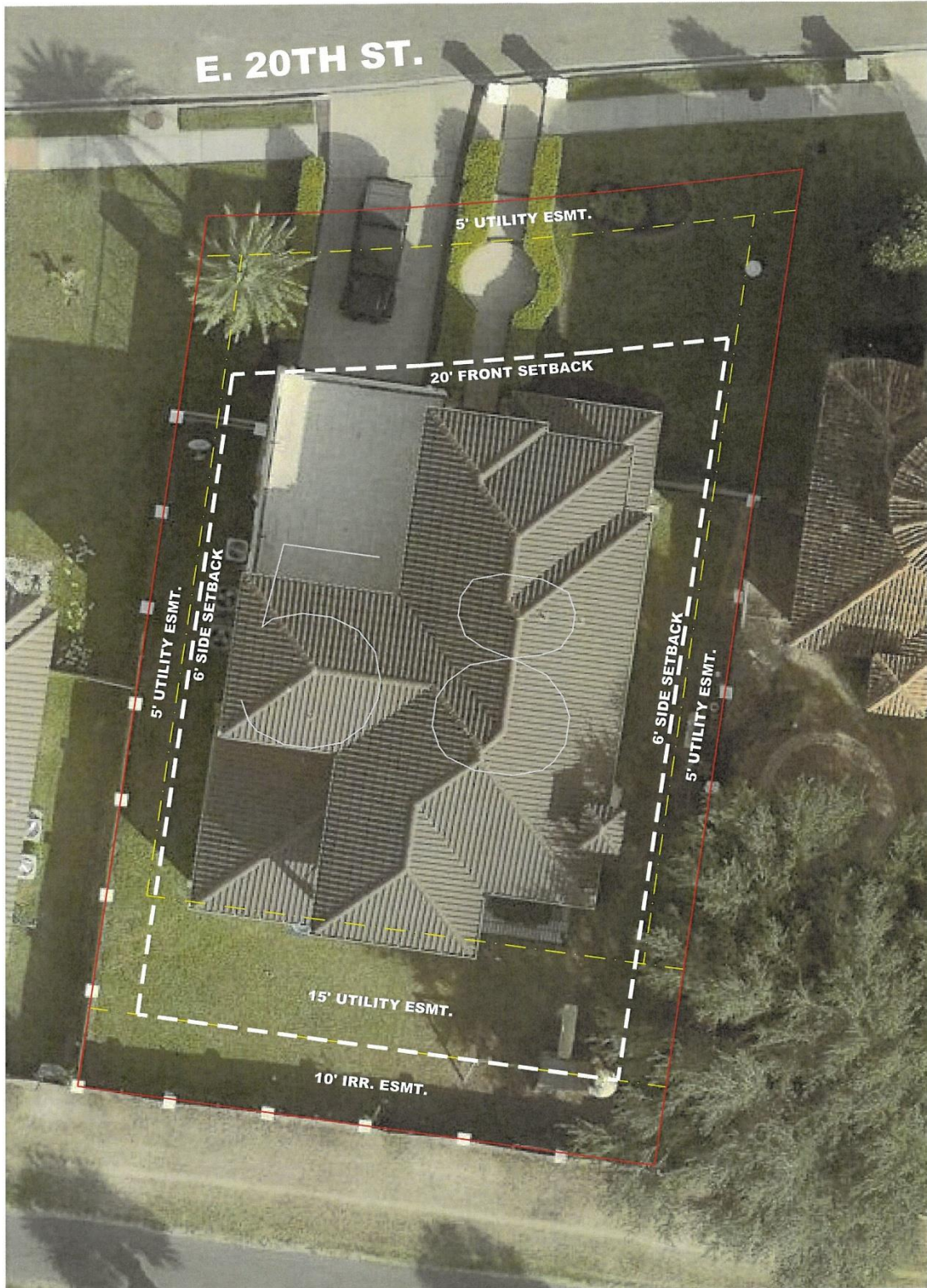
Attachment II



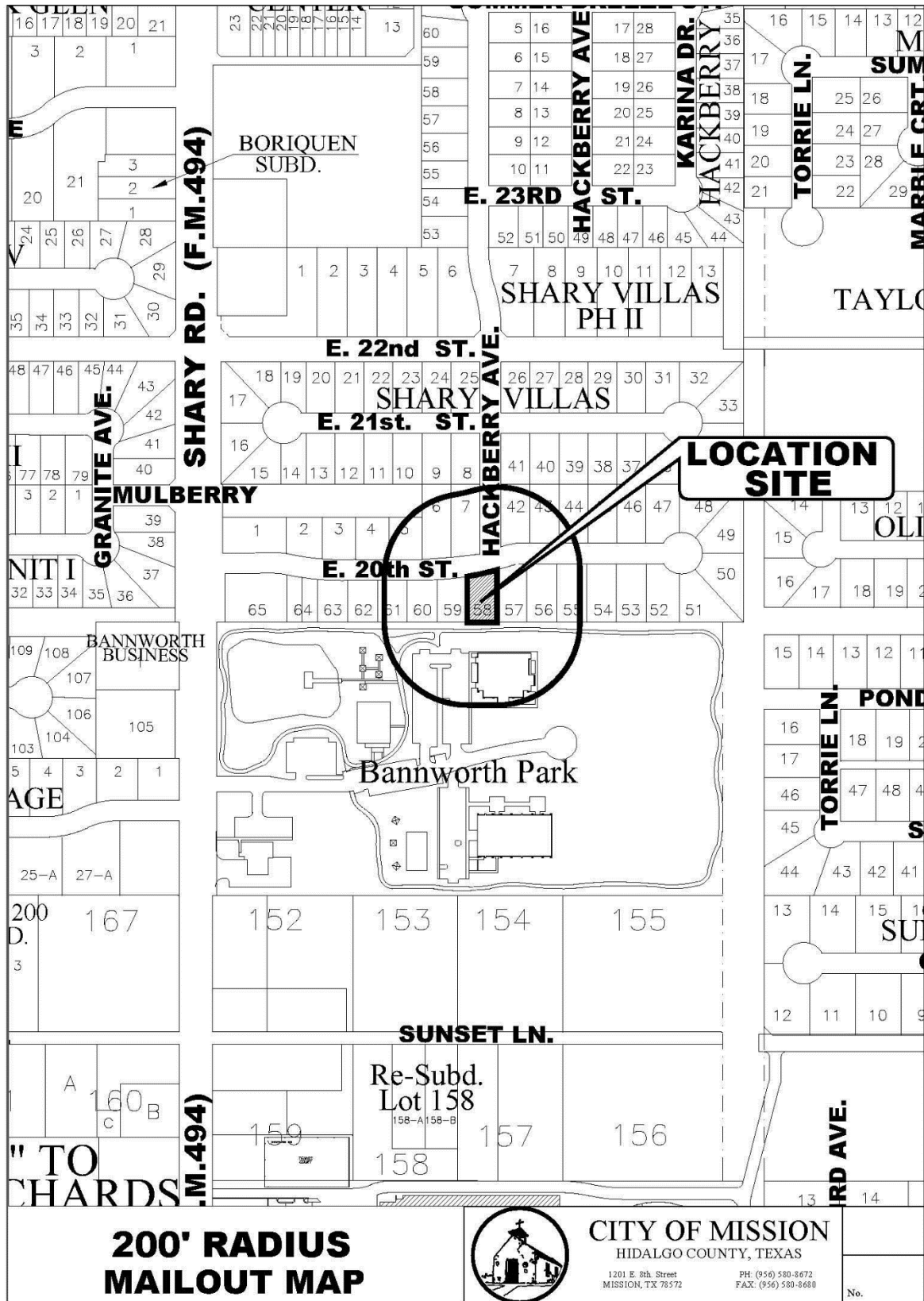
Attachment III



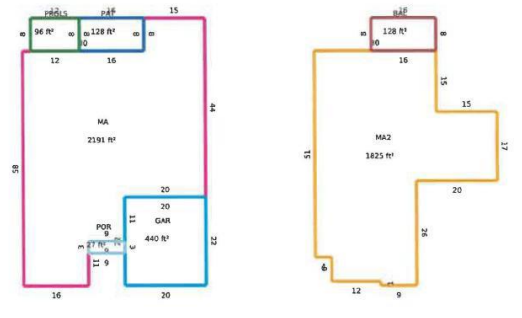

Attachment IV



Attachment V



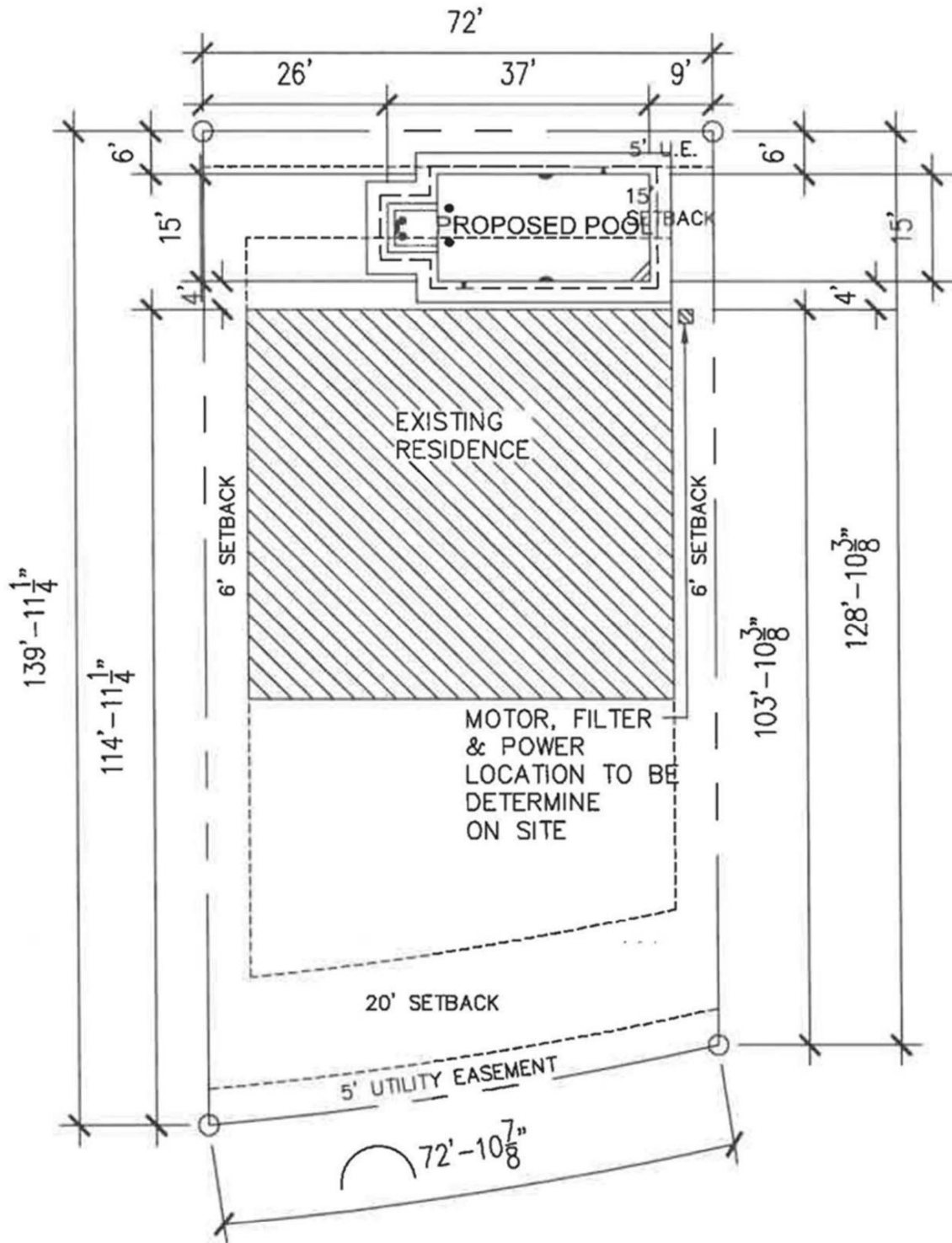
Attachment VI

Hidalgo County Appraisal District		PROPERTY FIELD REVIEW CARD 2025-0-0		Valuation Method: cost-local		March 14, 2025					
PROPERTY ID AND LEGAL DESCRIPTION		OWNER ID, NAME, AND ADDRESS		EXEMPTIONS		VALUES					
672861 2416 20TH ST		SALINAS YULIANA 1298654		HS		2024 2025					
SHARY VILLAS LOT 58 TYPE: R DBA: GEO ID: S3011-00-000-0058-00 Ref ID1: 465785 Ref ID2: R672861 MKT AREA: S3LA011 LEGAL ACREAGE:		2416 E 20TH ST MISSION TX US 78572		TAXING LIMITS CAD 100.00 CMB 100.00 DR1 100.00 GHD 100.00 JCC 100.00 SSL 100.00 BST 100.00		IMPROVEMENTS LAND MARKET MARKET VALUE SPECIAL USE EXCL APPRAISED VALUE HS VALUE LIMIT CIRCUIT BRKR LIMIT NET APPRAISED					
PROP USE: S301100 AS CODE: S301100 SUBTYPE: RES SUB MKT: EFF SIZE: APPR VAL METHOD: cost-local		MAP ID: CMS VOL 43 MAPSCO: TIF: EFF SIZE:		AGENT: EXP DATE:		406,996 403,719 97,279 97,279 504,275 500,998 0 0 504,275 500,998 62,267 3,789 0 0 452,008 497,209					
GENERAL		REMARKS		SKETCH							
UTILITIES: AL, HY ZONING: RS LEGACY APPR FR TOPOGRAPHY: LV TAGS: RES RS ROAD ACCESS: PCG LAST APPR DT: 2024-11-05 2024-11-05		(2020) ADJ DEPR; ALLW: NP20(2019) ADJ DEPR; ALLW: EQUITY & NEW PRGLS(2018) ADJ DEPR; ALLW: SALES(2019) ADJ DEPR & RMVD ARS CODE; ALLW: SALES(2015) ADJ DEPR; ALLW: SALES(2013) N/C(2011) ADJ A/C & RMVD % COMP 2011(2010) NEW IMPS 2010; RECH 2011(2009) VAC(2008) VAC; RECH 09(2007) VAC 07; RECH 08									
NEXT INSP. DT: 2011-01-01 NEXT REASON: RECHECK REASON NOTES: 1		BUILDING PERMITS		PICTURE							
B# ISSUE DT PERM # TYPE ACTIVE EST VAL APPR BUILDER COMMENT											
INCOME APPROACH DATA											
GBA: 0 UNITS: 0 NRA: 0 RENT: 0											
APPEAL HISTORY											
YEAR APPEAL ID TYPE STATUS PROTESTER FINL DATE											
2024 6917 O FC1 BENCE PROPERTY TAX 2024-05-24											
2023 69357 O FC1 BENCE PROPERTY TAX 2023-06-28											
2022 117075 O FC1 BENCE PROPERTY TAX 2022-04-08											
2021 159736 O FC1 BENCE PROPERTY TAX 2021-04-14											
2020 233637 O FC1 BENCE PROPERTY TAX 2020-06-15											
SALES HISTORY		DEED HISTORY									
DATE TYPE/QUAL/SRGRATIO PRICE BUYER		DATE TYPE BOOK/PAGE INST # BUYER SELLER									
2025-01-13 SWD /		2025-01-13 SWD / 3613159 SALINAS YULIANA SOLIS JAIME									
2009-07-21 WDV null/null		2009-07-21 WDV null/null 2018640 SOLIS JAIME GONZALEZ									
2007-12-28 SVD null/null		2007-12-28 SVD null/null 1840713 GONZALEZ LONE STAR									
# TYPE DESCRIPTION MODEL CLASS AREA UN PRC UNITS		IMPROVEMENT VALUATION									
1 MA Residential Main RES STUVG 2,191 117.52 1		BUILT EF YR COND VALUE DEP PHYS ECON FUNC COMP ADJ VALUE									
MA2 MAIN 2ND FL RES STUVG 1,825 94.02 1		2009 2009 AV 257,496 87.00 100.00 100.00 100.00 0.87 224,013									
GAR GARAGE RES STUVG 440 58.76 1		2009 2009 AV 171,597 87.00 100.00 100.00 100.00 0.87 148,281									
PAT PATIO RES STUVG 128 29.38 1		2009 2009 AV 25,854 87.00 100.00 100.00 100.00 0.87 22,453									
POR PORCH RES STUVG 27 29.38 1		2009 2009 AV 3,761 87.00 100.00 100.00 100.00 0.87 3,272									
BAL BALCONY RES STUVG 128 29.38 1		2009 2009 AV 793 87.00 100.00 100.00 100.00 0.87 690									
PRGLS PERGOLAS RES STUVG 98 0.00 1		2017 2017 * 3,761 87.00 100.00 100.00 100.00 0.87 3,272									
1 RESIDENTIAL STCD: A1 4,835 Area: 4,018		2017 2017 * 720 97.00 100.00 100.00 100.00 0.97 698									
Style: Finish Out: 100 Quality: VG Structure: Y(100.00%)		463,992 AS Code: 100.00% Market Area: 100.00% 403,719									
		Ext. Wall: STU									
		IMPROVEMENT DETAIL ADJ									
		IMPROVEMENT FEATURES									
		CONSTRUCTION RES									
		FOUNDATION SLB									
		EXTERIOR WALL DSTU									
		INTERIOR FINISH SRK									
		ROOF STYLE HIP									
		ROOF COVERING TIL									
		ROOF HEIGHT MP									
		HEATING/COOLING AND									
		FLOORING TIL									
		WALL HEIGHT 9									
		NUMBER OF PLUMBING 5.00									
		BATH 4.5									
		CUSTOM 3									
		EXTERIOR WALL DSTU									
LAND VALUATION		LAND ADJUSTMENTS									
L# DESCRIPTION TYPE SOIL CLS TABLE SC HS METH DIM UNIT PRC ADJ M ADJ VAL SRC		SEQ ADJ TYPE ADJ AMT ADJ % AG USE TABLE UNIT AG VALUE									
1 LOT L S301100 A1 Yes SF 8647.00 sf 11.25 1.000		No 0.00 0									
AS Code: 100.00% Market Area: 100.00%		97,279									



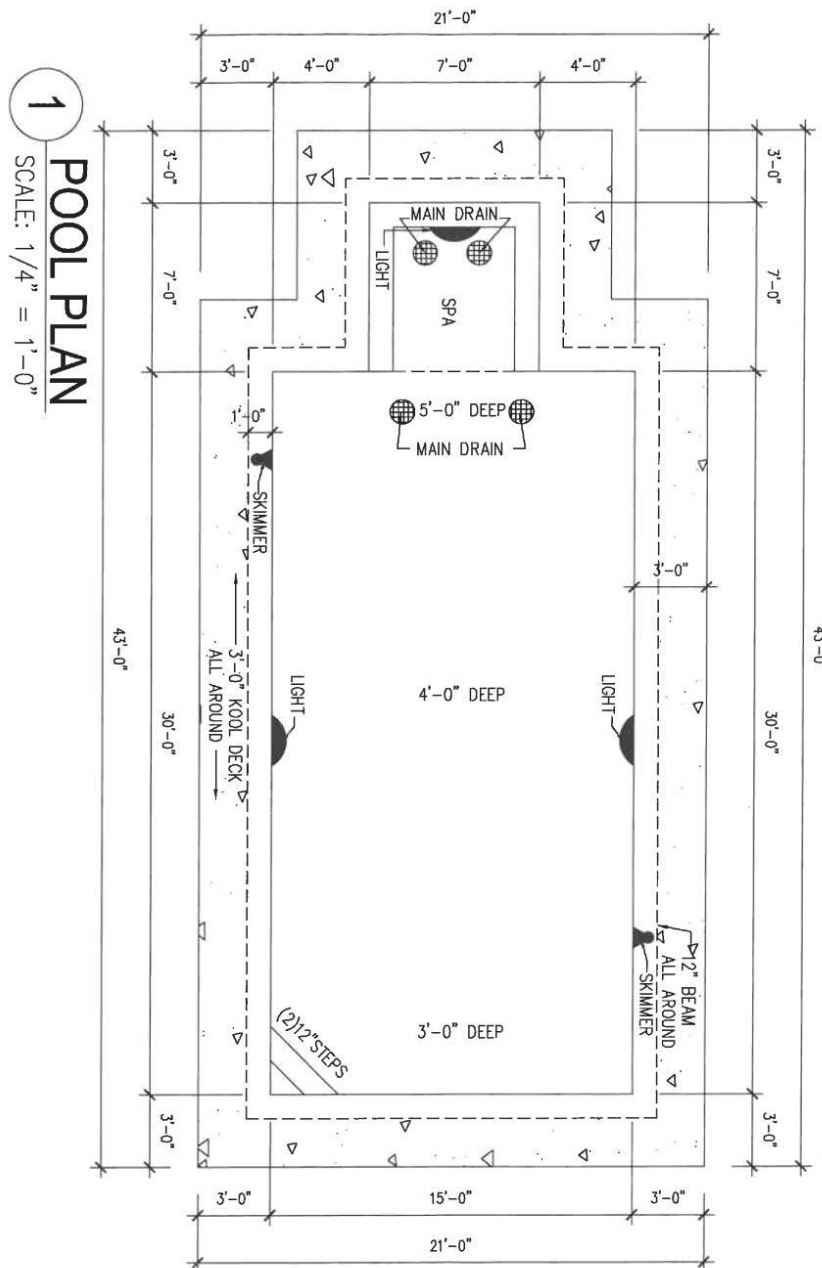
2025-FC-P-672861

Attachment VII



Attachment VIII

NOTE:
SCALE ON 27704 SET IS AS NOTED
AND ON 11717 IS HALF THE SCALE



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SHEET:

3of3



Sánchez  **Garcia**
DESIGN SERVICES

Enrique "Ricky" Sanchez Certified Drafter

Donna, Texas 78537 Tel:(956) 472-3758 ensadesignservices@yahoo.com

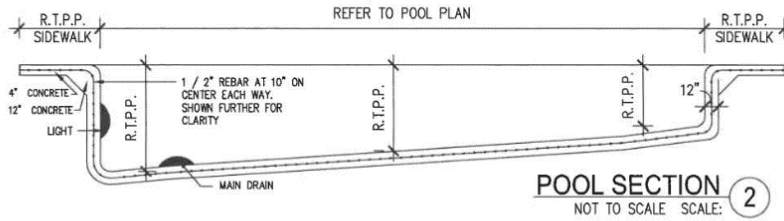
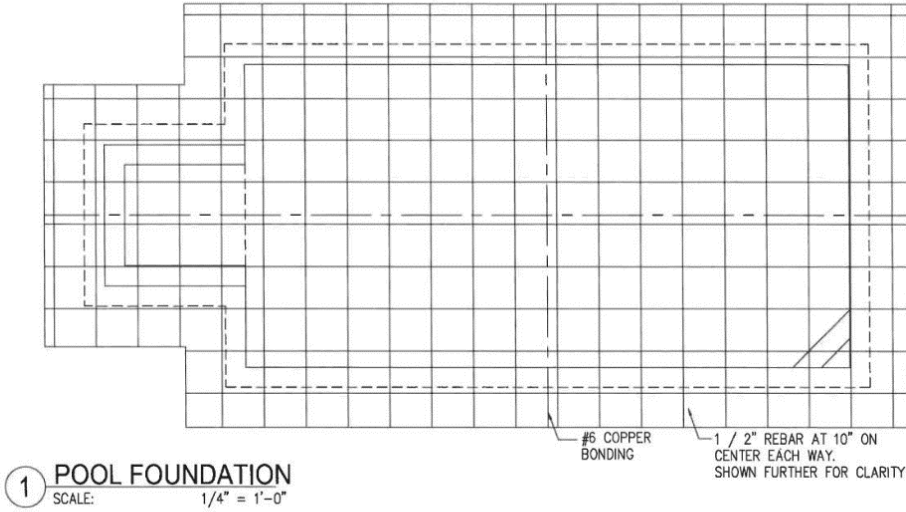
ELEGANTE POOL'S

PROJECT :	2416 E. 20TH ST. MISSION, TX.
-----------	-------------------------------

OWNER : MRS. YULIANA & MR. HECTOR SALINAS

PROJECT # 0272225
DATE: 02/19/2025
DRAWN BY: J.A.G.
CHECKED BY: E. SANCHEZ
REVISION:
1: XXX
2: XXX
3: XXX
4: XXX

Attachment IX



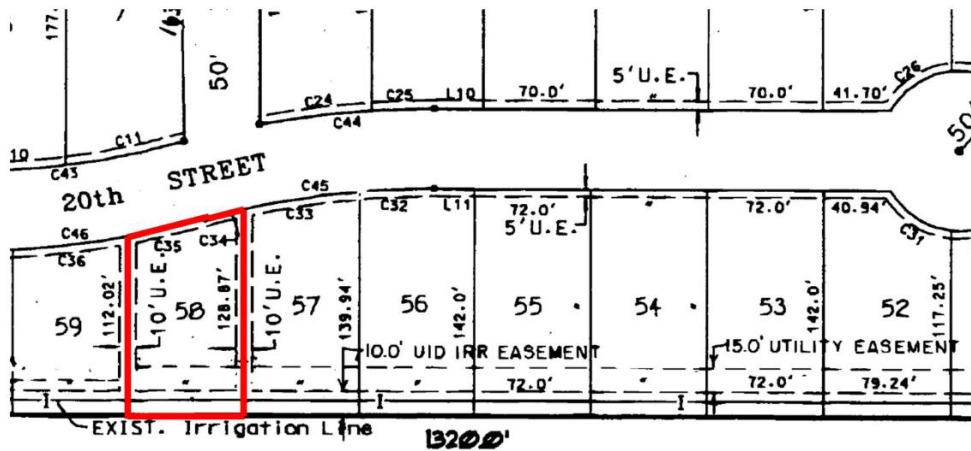
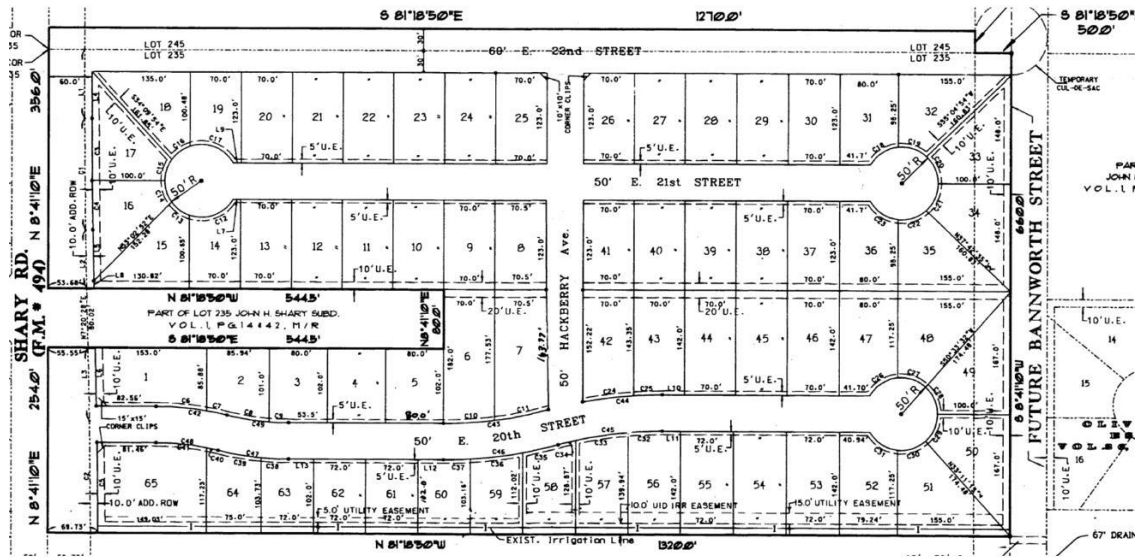
NOTE:
SCALE ON 2013 SET IS AS NOTED
AND ON 1713 SET IS AS NOTED

PROJECT: A. 2013
OWNER: MRS. YULIANA & MR. HECTOR SALINAS
DATE: 07/17/2013
PROJECT: 1. 2013
OWNER: MRS. YULIANA & MR. HECTOR SALINAS
DATE: 07/17/2013

Sánchez **García**
DESIGN SERVICES
Engineers, Planners, Architects, Drafters
Donna, Texas 78537 Tel: (956) 472-3759 ensadesignservices@yahoo.com
WWW.ENSADDESIGNSERVICES.COM

2013

Attachment X



ANNWORTH PARK

P

Attachment XI

NOTES:

1. MINIMUM FINISHED FLOOR ELEVATION SHALL BE 18 INCHES ABOVE TOP OF CURB MEASURED AT FRONT CENTER OF LOT.
2. THIS PROPERTY FALLS IN ZONE " X " OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL No. 480345 0005 C, REVISED NOVEMBER 20, 1991.
3. MINIMUM BUILDING SETBACK LINE SHALL BE IN ACCORDANCE WITH CITY OF MISSION ZONING ORDINANCE OR TO THE EASEMENT LINE, WHICHEVER IS GREATER.
4. 5.0 FT. SIDEWALK REQUIRED OF DEVELOPER ALONG SHARY ROAD (F.M. # 494), E. 22nd STREET FUTURE BANNWORTH STREET THE NORTH SIDE OF LOT 65 AND 4 Ft. SIDEWALKS ALONG ALL OTHER INTERIOR STREETS.
5. STORM WATER DETENTION OF 1.16 AC-FT. IS REQUIRED FOR THIS SUBDIVISION.
* STORM WATER DETENTION PER LOT IS: 382 cu-ft.
6. NO DRIVEWAY PERMITTED ONTO SHARY ROAD (F.M. #494), E. 22nd STREET AND FUTURE BANNWORTH STREET.
7. DEVELOPER SHALL BE REQUIRED TO PROVIDE BUFFER ALONG SHARY ROAD (F.M. #494) & E. 22nd STREET. A WOOD FENCE BUFFER SHALL BE REQUIRED DURING THE PERMIT PROCESS FOR LOTS HAVING REAR FRONTAGE TO THE FUTURE BANNWORTH STREET.
8. DEVELOPER SHALL BE RESPONSIBLE TO HAVE LOT 65 's DRIVEWAY RE-CONSTRUCTED TO ACCESS E. 20th STREET AND ELIMINATE DRIVEWAY ACCESS TO SHARY ROAD.
9. NO FRONT UTILITY EASEMENT SHALL BE FENCED.
10. BENCHMARK- CHISEL MARK AT TOP OF CURB ON THE EAST SIDE OF SHARY ROAD (F.M. #494) AT THE SOUTHWEST CORNER OF THIS PROPERTY ELEV. = 128.95.

MAILOUT LIST

PROP_ID	Property Owner	addrDeliveryLine	addrCity	addrState	addrZip
672847	CARDENAS JORGE F	2425 E 20TH ST	MISSION	TX	78572-3389
672863	MARINES ANTONIO & SARA M	2410 EAST 20TH ST	MISSION	TX	78572-3389
672807	ZECCA CESAR	2901 LA VISTA AVE	MCALLEN	TX	78501-1632
672809	DAMON HARLAN M	2413 E 20TH ST	MISSION	TX	78572-3389
672858	TREVINO JOSE ANGEL & VERONICA GUZMAN	2420 E 20TH ST	MISSION	TX	78572-3389
672859	TREVINO JOSE ANGEL & VERONICA GUZMAN	2420 E 20TH ST	MISSION	TX	78572-3389
672862	SEVILLA LUIS E RAMIREZ & PATRICIA E NUNEZ VERA	CA QUINTANA ROO NTE 501 COL SECTOR POPULAR	TOLUCA 50040 MEXICO	NULL	NULL
672864	BENSON ADRIANA	2408 EAST 20TH ST	MISSION	TX	78572-3389
672808	CANTU ANA L NAVA	2409 E 20TH ST	MISSION	TX	78572-3389
672845	POLICARPIO BENJAMIN A & ALMA RAFANAN	2419 E 20TH ST	MISSION	TX	78572-3389
672860	CHAVEZ MIGUEL	2418 E 20TH ST	MISSION	TX	78572-3389
672861	SOLIS JAIME OMAR & YULIANA SALINAS	2416 E 20TH ST	MISSION	TX	78572
672810	ROBLES ALEJANDRO RIVERA & AURORA BRAVO CO-TRUSTEES FAMILY RVBL TRUST	2417 E 20TH ST	MISSION	TX	78572-3389
672843	CONTRERAS DANIEL R	2421 E 20TH ST	MISSION	TX	78572-3389
281200	GARCIA ARTURO	2008 N SHARY RD	MISSION	TX	78572-3235
281198	CITY OF MISSION	1201 E 8TH ST	MISSION	TX	78572-5812
281199	CITY OF MISSION	1201 E 8TH ST	MISSION	TX	78572-5812