

AGENDA
BOARD OF ADJUSTMENT
City Commissioner's Room
118 S. Cage Blvd. June 6, 2018 - 6:00 PM

The City of Pharr has called this meeting as allowed pursuant to Texas law, city charter, and Ordinance O-2015-28. The governing body may recess from day to day when it does not complete consideration of a particularly long subject as authorized by law. All persons desiring to address the governing body must register with the presiding city clerk prior to the scheduled meeting.

If during the course of the meeting, the BOARD OF ADJUSTMENT should determine that a closed, or executive session of the BOARD is required, then such closed or executive session or meeting is authorized by Sections 551.071 et seq. of the Texas Government Code. Notice of closed or executive session will be given after the commencement of the meeting covered by this notice.

Should any final action, decision, or vote be required in the opinion of the Commission with regard to any item during the meeting, then such final action, final decision, or final vote shall be made during the open meeting covered by this notice upon the reconvening of the public meeting.

In compliance with Section 551.041 et seq. of the Texas Government Codes, VTCS (Open Meetings Act), notice is given that the Board of Adjustments Commission will meet to consider and act upon the following:

1. CALL TO ORDER:

A) Roll call and possible action on the excusing of any absent member of the governing body.

2. APPROVAL OF MINUTES:

A) Minutes of May 2, 2018

3. PUBLIC COMMENTS: (Ordinance No. O-2015-28): : *A registered speaker may speak on several items or topics of public concern; however, a speaker may not exceed three (3) minutes as a whole when addressing the board. A registered speaker may not donate time to another speaker. No more than five registered persons may speak at a scheduled meeting. A sign-in form must be filled out prior to the meeting to allow the registered speaker to address the governing body.*

4. PUBLIC HEARINGS: (Ordinance No. O-2015-28): *A registered speaker during the public hearing may not exceed three (3) minutes when addressing the board. A sign-in form for participation in public a hearing shall be promulgated by the city clerk and be made available at the city clerk's office. The public hearing sign-in form shall include the person or entity's name, address, telephone number, other contact information, organization if applicable, and other notices, authorizations, and acknowledgements as may be allowed by law from time to time. No registered speaker may be allowed to address the governing body once the public hearing has closed.*

A) Eliseo and Marissa Macias (owners), has filed with the Board of Adjustment a request for a variance to the City of Pharr Zoning Ordinance. The variance request is to allow a five (5) foot side setback as opposed to the required (10) foot side setback in a Planned Unit Development. The property is legally described as being all of Lot 26, Block 33, Plantation South Subdivision Unit No. 16, Pharr, Hidalgo County, Texas. The property's physical address is 607 Gable Drive. **BOA#180425**

5. ANNOUCEMENTS/OTHER BUSINESS:

6. ABSENTEE REPORT:

7. ADJOURNMENT:

I, the undersigned authority, do hereby certify that the above notice of said Meeting of the Board of Adjustment of the City of Pharr was posted on the bulletin board at City Hall and on the City's web page at www.pharr-tx.gov. This Notice was posted on the 1st day of June, 2018 at 10:00 a.m. and will remain posted continuously for at least 72 hours preceding the scheduled time of said Meeting, in compliance with Chapter 551 of the Government Code, Vernon's Texas Codes, Annotated (Open Meetings Act).

WITNESS MY HAND AND SEAL, this 1st day of June 2018.



Hilda Pedraza

HILDA PEDRAZA, TRMC, CMC
CITY CLERK



AGENDA MEMORANDUM



BOARD: Board of Adjustment

AGENDA ITEM #: 2.A.

DATE SUBMITTED: May 31, 2018

MEETING DATE: June 6, 2018

FROM: Angie Resio, Secretary

DEPARTMENT: Development Services

DIRECTOR:

Agenda Item: Minutes of May 2, 2018

Classification: Regular

(* If closed session, City Attorney must review and approve.)

Exclude Material from Public Packet? No

Reason:

Issue:

Financial Consideration:

Staff Recommendation:

Alternatives:

ROUTING:

Angie Resio

Created/Initiated - 05/31/2018

Roland Gomez

Final Approval - 05/31/2018

MINUTES
BOARD OF ADJUSTMENT
City Commissioner's Room
118 S. Cage Blvd. May 2, 2018 - 6:00 p.m.

A meeting of the Board of Adjustment of the City of Pharr was held on Wednesday, May 2, 2018 and following is the record of attendance.

MEMBERS PRESENT: Danny Wylie
Guadalupe Cano
Rafael Munguia
Ramiro Gutierrez
Ruben Luna

ABSENT: Hector Guerra

OTHERS PRESENT: See attached list

STAFF PRESENT: Melanie Cano, Director
Roland Gomez, Assistant Director
John Rigney, City Attorney
Cristina Garcia, Senior Planner
George Martinez, Building Official
Angie Resio, Secretary

ITEM 1. CALL TO ORDER

Vice Chairman, Danny Wylie called the meeting to order at 6:00 p.m.

ITEM 2. ROLL CALL:

Roll call established a quorum.

ITEM 3. APPROVAL OF MINUTES

A) MINUTES OF APRIL 18, 2018

Vice Chairman, Danny Wylie introduced the item.

There being no discussion, Guadalupe Cano **moved** to approve the minutes of April 18, 2018. Ramiro Gutierrez seconded the motion and when put to a vote it carried unanimously.

ITEM 4. PUBLIC COMMENTS

Kenneth C. Fletcher, residing at 504 South Diplomat, stated he was still experiencing loud noise and vibrations coming from Costco and would like to thank Lamar for doing

business with the City of Pharr. Dr. Fletcher further stated that Ordinance 2014-21 was not being enforced and even though he does not live 200 feet from the sign he is still a taxpayer and has the right to speak. He also stated Lamar was supposed to remove 5 signs as stated in the BOA titled Toyota of Pharr and he can't find which signs were removed. Dr. Fletcher also stated there were various signs by Lamar Advertising that were not in line with various ordinances and that should be looked into. Dr. Fletcher further stated the BOA should be advertised in the official newspaper which is the Advance News Journal and not The Monitor. He continued stating that in his opinion the item on the Agenda should be a special exception and not a variance and believes the location looks better without a sign.

There being no one else wishing to speak, Vice Chairman, Danny Wylie closed the Public Comments and proceeded to the next item.

ITEM 5. PUBLIC HEARING

A. WALTER A. CLINT, REPRESENTING LAMAR ADVERTISING, IS REQUESTING A VARIANCE TO REBUILD A NON-CONFORMING/ABANDONED OFF-PREMISE BILLBOARD SIGN. THE PROPERTY IS LEGALLY DESCRIBED AS BEING ALL OF LOTS 7 THRU 12, LONE STAR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 601 IH 2 WEST. BOA#180317

Cristina Garcia, Senior Planner, introduced the item and stated the property is currently zoned General Business District (C). The surrounding area is zoned General Business District (C) to the north, east and west and Single Family Residential District (R-1) to the south. The area is generally designated for commercial use in the Land Use Plan. She further reported thirteen (13) surrounding property owners were notified of the request by letter and a legal notice was published in the McAllen Monitor. She stated staff received no response to the letters or the legal notice.

The applicant has indicated that a literal enforcement of the current city sign ordinance would not allow a new billboard to be erected within the City of Pharr.

The sign was previously classified as an off-premise billboard sign; however, the sign has been vacant and unoccupied, therefore is considered an abandoned sign. Under the City of Pharr's Sign Ordinance (O-2014-21), Section 106-62, Sign Classification (E), Abandoned signs means: any sign that is located on property which becomes vacant and is unoccupied for a period of three months or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned. An abandoned sign is prohibited and shall be removed by the owner of the sign, owner of the premises, or the city manager after written notice has been served.

Vice Chairman, Danny Wylie opened the public hearing and asked if anyone signed up to speak. There being no one who signed up, the public hearing was closed. Mr. Wylie opened the item for discussion and action.

At this time, Rafael Munguia recommended the item be discussed in closed session. There was no objection.

CLOSED SESSION: IN ACCORDANCE WITH CHAPTER 551 OF THE TEXAS GOV'T. CODE, THE BOARD OF ADJUSTMENT HEREBY GIVES NOTICE THAT IT MAY MEET IN A CLOSED (NON-PUBLIC) EXECUTIVE SESSION TO DISCUSS THE ITEMS LISTED ON THE PUBLIC PORTION OF THE MEETING AGENDA IN ACCORDANCE WITH THE FOLLOWING BELOW

The time being 6:07 p.m., Vice Chairman Wylie stated the commission would be entering into closed session in accordance with Chapter 551 of the Texas Govt. Code to discuss agenda items listed in the public portion of the agenda and Pursuant to Sections 551.071, 551.072, 551.074, 551.076, 551.084 and 551.087

RECONVENE:

The time being 6:18 p.m., Vice Chairman Wylie stated the commission would be resuming the open meeting.

- B. WALTER A. CLINT, REPRESENTING LAMAR ADVERTISING, IS REQUESTING A VARIANCE TO REBUILD A NON-CONFORMING/ABANDONED OFF-PREMISE BILLBOARD SIGN. THE PROPERTY IS LEGALLY DESCRIBED AS BEING ALL OF LOTS 7 THRU 12, LONE STAR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 601 IH 2 WEST. BOA#180317**

There being no discussion Vice Chairman Wylie opened up the item for motion.

Ramiro Gutierrez moved to deny the request to rebuild a non-conforming/abandoned off-premise billboard sign. Guadalupe Cano seconded the motion and when put to a vote, it carried unanimously.

Melanie Cano, Director of Development Services stated the applicant would like to speak to the board and that it was their decision to allow him to or not.

Vice Chairman, Danny Wylie, agreed to allow the applicant to speak.

Walter Clint, representing Lamar Advertising located at 201 Industrial Way, San Benito, Texas. He stated Lamar was approached by Lone Star Development and his

words may not make a difference as the Board has already made a decision but he felt they should be allowed to state their story. He stated the current owner did not have the capital to put into the existing sign and the best practical use for the sign is for a billboard and it would benefit the property owner as well as Lamar Advertising. Mr. Clint stated he was aware that off-premise signs were no longer allowed to be built in the City of Pharr but that because this was an existing sign he thought the Board would consider their request.

Paul. Veale, property owner, stated that he has been a taxpayer in the City of Pharr since 1966 and this sign had been used for a significant amount of time. He further stated he was requesting the Board to assist them in putting it back in service.

ITEM 6. ANNOUNCEMENTS/OTHER BUSINESS

None.

ITEM 7. ABSENTEE REPORT

Hector Guerra, Sr., was the absent member. Ramiro Gutierrez moved to excuse the absence of the members. Rafael Munguia second the motion and when put to a vote, it carried unanimously.

ITEM 8. ADJOURNMENT

There being no further business, Danny Wylie moved to adjourn and when put to a vote, the motion carried unanimously. Meeting adjourned at 6:25 p.m.

Danny Wylie, Vice Chairman

ATTEST:

Rafael Munguia, Secretary

APPROVED: _____



AGENDA MEMORANDUM

BOARD: Board of Adjustment

AGENDA ITEM #: 4.A.

DATE SUBMITTED: May 30, 2018

MEETING DATE: June 6, 2018

FROM: Angie Resio, Secretary

DEPARTMENT: Development Services

DIRECTOR: Melanie Cano

Agenda Item: Eliseo and Marissa Macias (owners), has filed with the Board of Adjustment a request for a variance to the City of Pharr Zoning Ordinance. The variance request is to allow a five (5) foot side setback as opposed to the required (10) foot side setback in a Planned Unit Development. The property is legally described as being all of Lot 26, Block 33, Plantation South Subdivision Unit No. 16, Pharr, Hidalgo County, Texas. The property's physical address is 607 Gable Drive. **BOA#180425**

Classification: Regular

(* If closed session, City Attorney must review and approve.)

Exclude Material from Public Packet? No

Reason: N/A

Issue: Eliseo and Marissa Macias (owners), has filed with the Board of Adjustment a request for a variance to the City of Pharr Zoning Ordinance. **BOA#180425**

Financial Consideration: N/A

Staff Recommendation:

Alternatives: N/A

ROUTING:

Angie Resio

Created/Initiated - 05/30/2018

Roland Gomez

Approved - 05/31/2018

Melanie Cano

Final Approval - 05/31/2018



Pharr

Development Services



MEMORANDUM

DATE WEDNESDAY, JUNE 6, 2018

TO: BOARD OF ADJUSTMENT

FROM: DEVELOPMENT SERVICES

SUBJECT: VARIANCE TO THE CITY OF PHARR ZONING ORDINANCE
FILE NO. BOA#180425

GENERAL INFORMATION:

APPLICANT: Eliseo and Marissa Macias (owners), has filed with the Board of Adjustment a request for a variance to the City of Pharr Zoning Ordinance. The variance request is to allow a five (5) foot side setback as opposed to the required (10) foot side setback in a Planned Unit Development.

LEGAL DESCRIPTION: The property is legally described as being all of Lot 26, Block 33, Plantation South Subdivision Unit No. 16, Pharr, Hidalgo County, Texas.

LOCATION: The property's physical address is 607 Gable Drive.

ZONING: The property is currently zoned Planned Unit Development District (PUD). The surrounding area is zoned Planned Unit Development District (PUD) in all directions. The area is generally designated for residential use in the Land Use Plan.

NOTIFICATION OF PUBLIC: Twenty-nine (29) surrounding property owners were notified of the request by letter and a legal notice was published in the McAllen Monitor. Staff received no response to the letters or the legal notice.

**FOR YOUR
INFORMATION:**

As per Plantation South Subdivision Unit No. 16 Plat Note No. 3, Setbacks: as per the City of Pharr Zoning Ordinance calls for a corner setback of 10 feet. Therefore, the required corner setback is 10 feet.

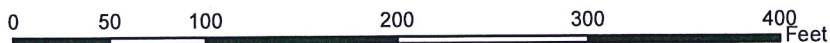


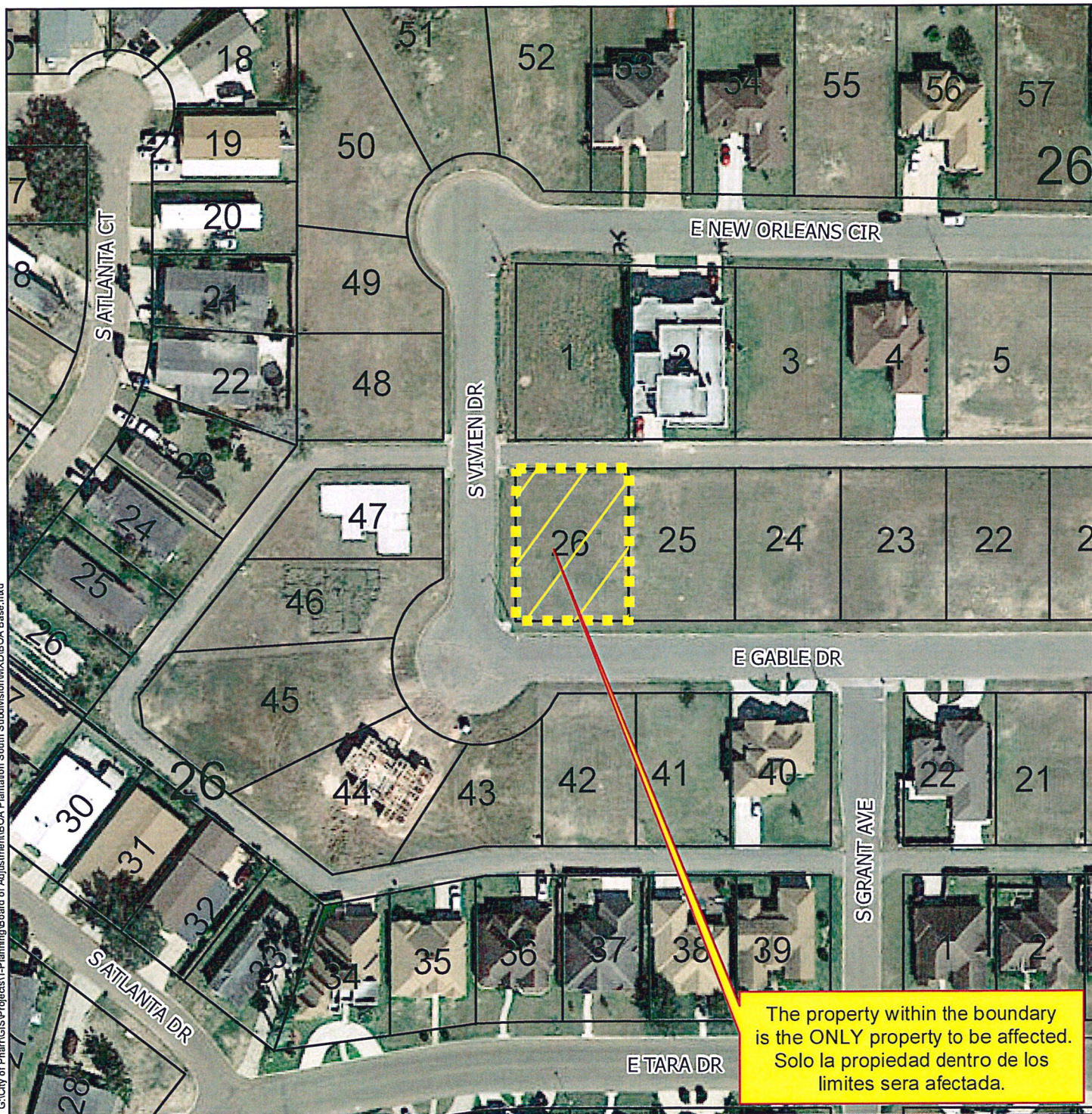
The property within the boundary is the ONLY property to be affected.
 Solo la propiedad dentro de los limites sera afectada.

G:\City of Pharr\CIS\Projects\1-Planning\Board of Adjustment\BOA Plantation South Subdivision\KXD\BOA Base.mxd

- | | | | | |
|-----------------------------|---------------------------|-------------------|-------------------------|--------------------------|
| Agricultural Open Space | High Density Multi-Family | Government Owned | Heavy Industrial | Hidalgo ISD |
| Single Family | Mobile Home | General Business | Limited Industrial | Valley View ISD |
| Single Family Small Lot | Townhouse | Business District | Neighborhood Commercial | Planned Unit Development |
| Two Family | HUD Code | Drainage Easement | Office Professional | |
| Medium Density Multi-Family | Rail Road R.O.W. | Heavy Commercial | PSJA ISD | |

Scale: 1 inch = 100 feet



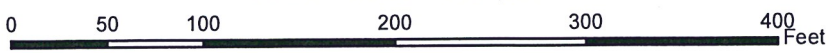


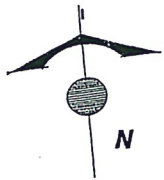
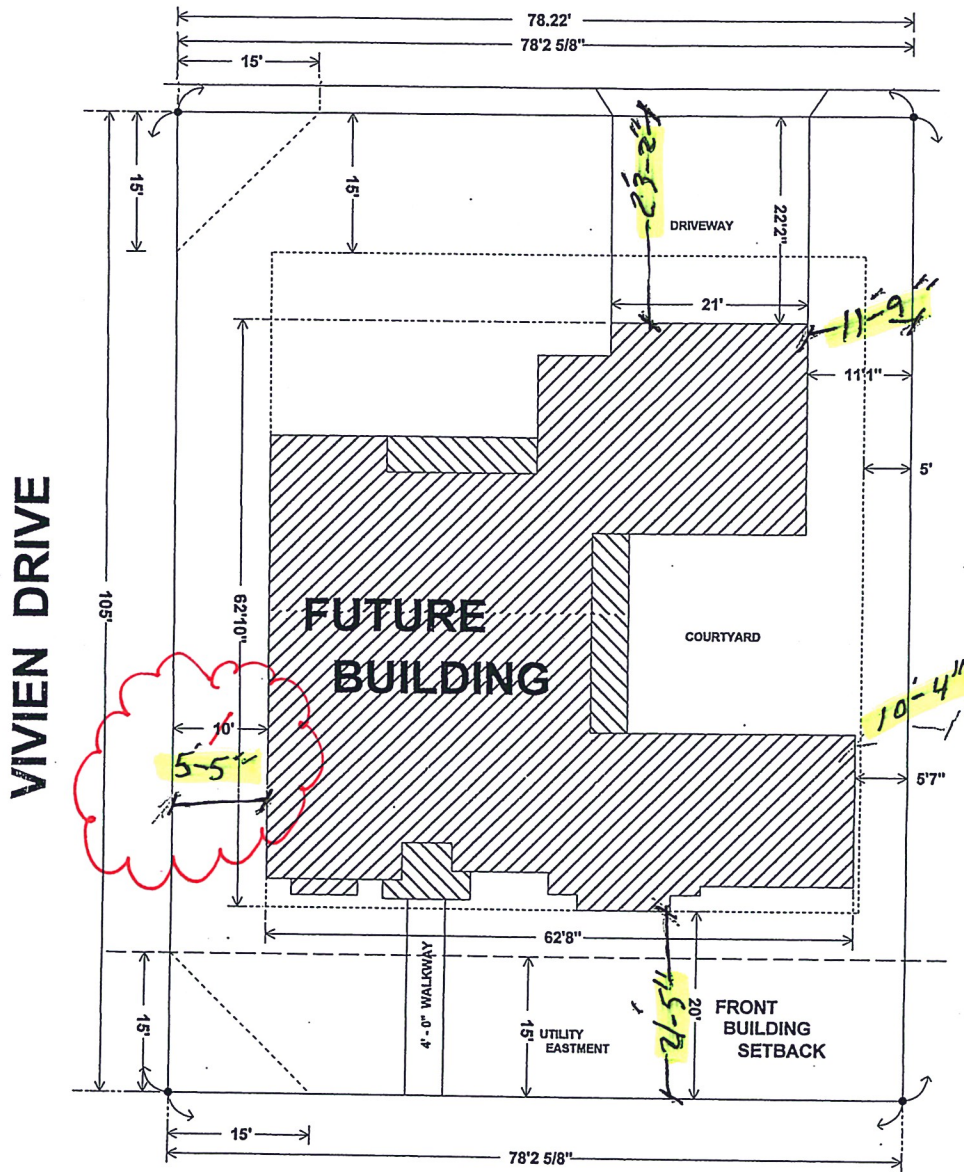
G:\City of Pharr\GIS\Projects\1-Planning\Board of Adjustment\BOA Plantation South Subdivision\WXD\BOA Base.mxd

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- | | | | | |
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Scale: 1 inch = 100 feet





SITE PLAN
 SCALE: 1/8" = 1'-0"
 607 GABLE DR.
 PLANTATION SOUTH
 SUB-DIVISION LOT # 26
 PHARR, TEXAS

VIVIEN DRIVE

GABLE DRIVE

Field Note
 Dimensions

RECEIVED
 MAR 02 2018
 BY: ALEX W

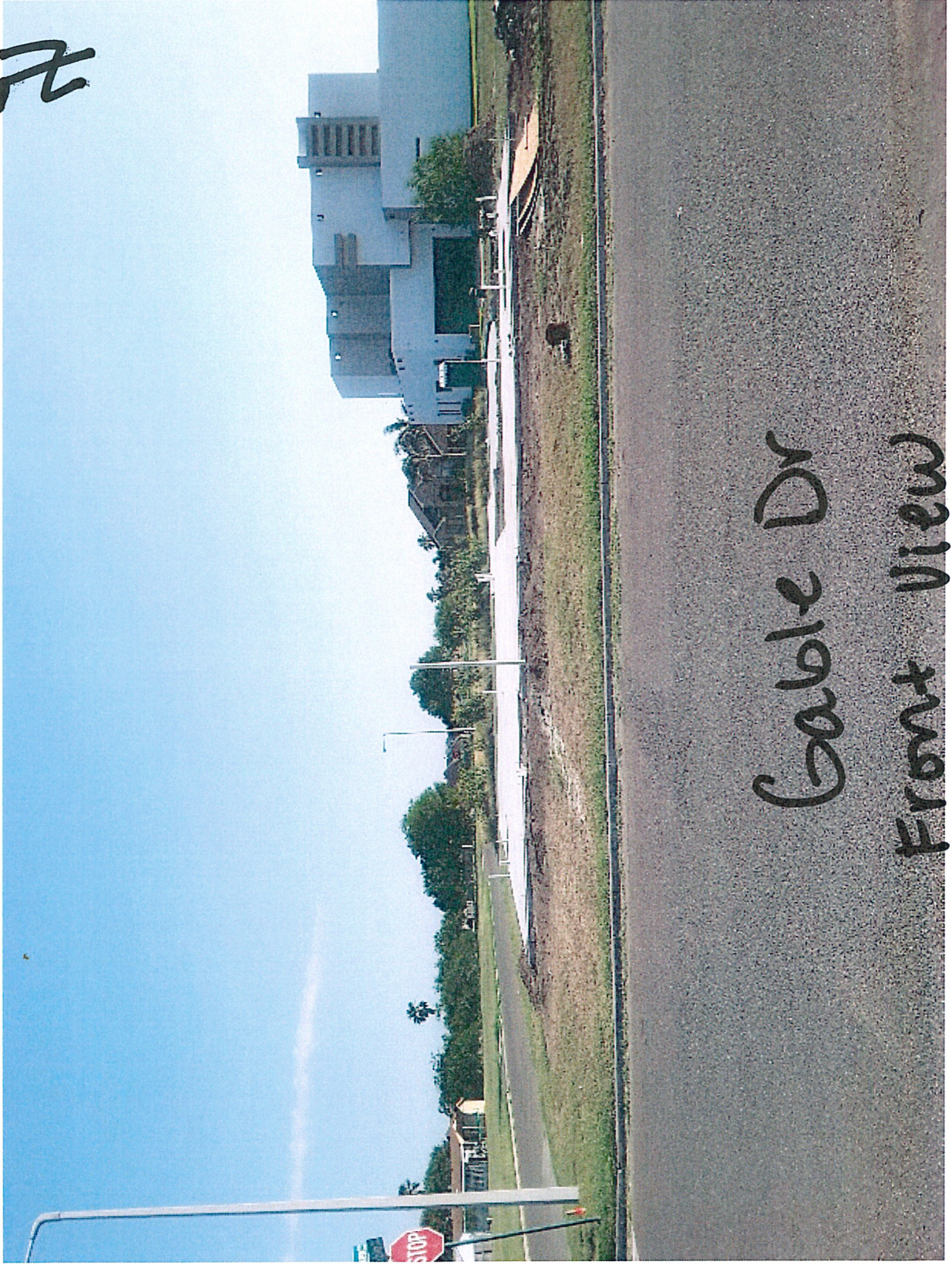
Building Safety
 Reasonable Compliance
 MAR 23 2018
 AM

City of Pharr
 Reviewed for Code Compliance
 By: [Signature]
 Date: 3/15/18

GENERAL NOTES :

1. THIS SUBDIVISION IS IN ZONE "B". DEFINED AS AREA BETWEEN LIMITS OF THE 100-YEAR FLOOD AND 500-YEAR FLOOD; OR CERTAIN AREAS SUBJECT TO 100-YEAR FLOODING WITH AVERAGE DEPTHS LESS THAN ONE (1) FOOT OR WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN ONE SQUARE MILE; OR AREAS PROTECTED BY LEVEES FROM THE BASE FLOOD. ON FEMA'S FLOOD INSURANCE RATE MAP COMMUNITY PANEL No. 480334 0425 C, MAP REVISED NOVEMBER 16, 1982.
2. MINIMUM PERMISSIBLE FINISH FLOOR ELEVATION IS 18" ABOVE TOP OF CURB MEASURED AT FRONT CENTER OF EACH LOT, OR 91.00' ELEV. WHICHEVER IS HIGHER.
3. SETBACKS AS PER ZONING ORDINANCE CITY OF PHARR:
SINGLE-FAMILY RESIDENTIAL
FRONT 20 FEET
REAR 15 FEET OR 10% OF LOT DEPTH
SIDE 5 FEET OR GREATER FOR EASEMENT
CORNER 10 FEET
4. EACH LOT SHALL BE REQUIRED TO DETAIN 770 C.F. OF STORM WATER.
5. BENCH MARK: SQUARE CUT ON NORTHEAST CORNER OF BASE OF IRRIGATION STAND PIPE LOCATED IN THE ALLEY, 66.0 FEET WEST OF GRANT AVENUE. ELEV. 97.12.

CITY OF PHARR BENCH MARK #28: MONUMENT 28 LOCATED ALONG THE NORTH SIDE OF HALL ACRES ROAD APPROXIMATELY 660 FEET EAST OF CAGE BOULEVARD (F.M. 281). ELEV. 89.80
6. NO BUILDING ALLOWED OVER ANY EASEMENT.
7. ONLY ONE RESIDENCE PER LOT.
8. NO ACCESS TO LOTS 1 & 26 BLOCK 33 FROM VIVIEN DRIVE.
NO ACCESS TO LOT 12 BLOCK 34, LOTS 13 & 14 BLOCK 33 FROM BUTLER AVE.
NO ACCESS TO LOT 40 BLOCK 26 & LOT 22 BLOCK 34 FROM GRANT AVE.
9. IF P.I. EXCEEDS 15, LIME STABILIZATION WILL BE REQUIRED.
10. DEVELOPER SHALL INSTALL ADA APPROVED WHEELCHAIR RAMPS AND LANDINGS AT SIDEWALK INTERSECTIONS WITH ROADWAYS AND DRIVEWAYS AT TIME OF SUBDIVISION CONSTRUCTION.
11. 4' SIDEWALK MUST BE INSTALLED AT THE TIME OF ISSUANCE OF A BUILDING PERMIT ALONG ALL STREET.
12. ANY BUILDING OR STRUCTURE LOCATED BEYOND 300- FEET FROM A HYDRANT WILL REQUIRE EXTENSION OF FIRE PROTECTION LINES.
13. CONSTRUCTION WILL COMPLY WITH ALL STORM WATER POLLUTION PREVENTION PLAN (SW3P) REQUIREMENT.
14. 15 FOOT CORNER CLIP EASEMENT AT ALL INTERIOR STREET INTERSECTION.



Cable Dr
Front View

7



S. Wynn Dr.

Gable Dr

Front / side view





Alley View