

on the City's website, and bulletin should be considered an invitation. He continued to state the notice had not been published for three (3) consecutive days in The Monitor, so staff should consider voiding the requested variance. Mr. Fletcher stated per the Ordinance, a notice is to be published fifteen (15) days prior to the hearing, but state law requires sixteen (16) days.

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

ITEM 4. PUBLIC HEARING

- A. ELISEO & MARISSA MACIAS (OWNER), IS REQUESTING A VARIANCE TO THE CITY OF PHARR ZONING ORDINANCE IN ORDER TO ALLOW A FIVE (5) FOOT SIDE SETBACK AS OPPOSED TO THE REQUIRED TEN (10) FOOT SIDE SETBACK IN A PLANNED UNIT DEVELOPMENT. THE PROPERTY IS LEGALLY DESCRIBED AS 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**

George Martinez, Building Official, introduced the item and stated 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. He further reported twenty-nine (29) surrounding property owners were notified of the request by letter and a legal notice was published in the McAllen Monitor. He stated staff received no response to the letters or the legal notice. Mr. Martinez stated per Plantation South Subdivision Unit 16, Plat Note #3, a corner setback of ten (10) feet is required per City Ordinance.

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, Guadalupe Cano 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 6:08 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 6:31 p.m., Vice Chairman Wylie stated the commission would be resuming the open meeting.

- A. **ELISEO & MARISSA MACIAS (OWNER), IS REQUESTING A VARIANCE TO THE CITY OF PHARR ZONING ORDINANCE IN ORDER TO ALLOW A FIVE (5) FOOT SIDE SETBACK AS OPPOSED TO THE REQUIRED TEN (10) FOOT SIDE SETBACK IN A PLANNED UNIT DEVELOPMENT. THE PROPERTY IS LEGALLY DESCRIBED AS 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**

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

Rogelio Torres moved to **approve** the request for a variance to allow a five (5) foot side setback as opposed to the required ten (10) foot side setback in a Planned Unit Development. Guadalupe Cano seconded the motion and when put to a vote, it carried unanimously.

ITEM 5. ANNOUNCEMENTS/OTHER BUSINESS

None.

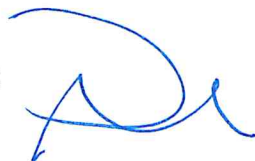
ITEM 6. ABSENTEE REPORT

Chairman, Hector Guerra, Sr., and Rafael Munguia were the absent members. Rogelio Torres moved to **excuse** the absence of the members. Ruben Luna second the motion and when put to a vote, it carried unanimously.

ITEM 7. ADJOURNMENT

There being no further business, Guadalupe Cano moved to **adjourn**. Ruben Luna second the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 6:32 p.m.

ATTEST:



Rafael Munguia, Secretary



Danny Wylie, Vice Chairman

APPROVED: August 7, 2019