



**AGENDA**  
**BOARD OF ADJUSTMENT**  
*City Commissioner's Room*  
**118 S. Cage Blvd. November 15, 2023 - 3:00 PM**

The City of Pharr has called this meeting as allowed pursuant to Texas law, city charter, and city ordinances. The governing body may recess from day to day when it does not complete consideration of a particularly long subject as authorized by law.

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.

**2. APPROVAL OF MINUTES:**

- A) Minutes for November 1, 2023

**3. PUBLIC HEARINGS:** *(Ordinance No. O-2019-31): A registered speaker during the public hearing may not exceed 1.5 minutes when addressing the board. A sign-in form for participation in public a hearing shall be promulgated by the presiding 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) Craig L. Jenkins representing LGL Furniture LLC, owner, is requesting a variance to the City of Pharr to allow an off-premise billboard sign. The property is legally described as being Lot 2, Bentsen Commercial Plaza Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 927 East Expressway 83, Pharr, Texas. **BOA#230926**

#### **4. ANNOUNCEMENTS/OTHER BUSINESS:**

**5. CLOSED SESSION:** *In accordance with Chapter 551 of the Texas Gov't. Code, the Board 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:*

Pursuant to Section 551.071, the Board may convene in a closed, non-public meeting with its attorney and discuss any matters related to **legal advice on pending or contemplated litigation, settlement offer, and/or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.** The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.072, the Board may convene in a closed, non-public meeting to discuss any matters related to **real property and deliberate the purchase, exchange, lease, or value of real property as such would be detrimental to negotiations between the City and a third party in an open meeting.** The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.074, the Board may convene in a closed, non-public meeting to discuss any matters related to **appointment, employment, evaluation, reassignment, duties and discipline or dismissal of a public officer or employee and to hear any complaints or charges against an officer or employee.** The City and its attorney may also discuss such issues with the appropriate staff including members so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.076, the Board may convene in a closed, non-public meeting to discuss any matters on the **deployment, or specific occasions for implementation, of security personnel or devices.** The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.084, the Board may convene in a closed, non-public meeting to discuss any matters involving an **investigation and may exclude a witness from hearing during the examination of another witness in the investigation.** The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.087, the Board may convene in a closed, non-public meeting to discuss any matters regarding **economic development issues.** The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

**6. RECONVENE:** *into Regular Session and consider action, if necessary, on any items(s) discussed in closed session.*

**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](http://www.pharr-tx.gov). This Notice was posted on the 8<sup>th</sup> day of November 2023 at 4:30 p.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 8th day of November 2023**



  
HILDA PEDRAZA, TRMC, CMC  
CITY CLERK



## AGENDA MEMORANDUM



**BOARD:** Board of Adjustment

**AGENDA ITEM #:** 2.A.

**DATE SUBMITTED:** November 8, 2023

**MEETING DATE:** November 15, 2023

**FROM:** Kimberly Mendoza, Development Services Director

**DEPARTMENT:** Development Services

**DIRECTOR:** Kimberly Mendoza

**Agenda Item:** Minutes for November 1, 2023

**Classification:** Regular

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

**Issue:** Minutes for November 1, 2023

**Fiscal Consideration:**

**Staff Recommendation:** Development Services recommends approval.

**Alternatives:** N/A

**Exclude Material from Public Packet?** No

**Reason:** N/A

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### **ROUTING:**

Kimberly Mendoza  
Kimberly Mendoza

Created/Initiated - 11/8/2023  
Final Approval - 11/8/2023



**A) VICTOR M. ALMAGUER, OWNER, IS REQUESTING A VARIANCE TO THE SUBDIVISION PLAT NOTE OF “NO ACCESS ONTO EAST ELDORA ROAD”. THE PROPERTY IS LEGALLY DESCRIBED AS LOT C1, ALIANZA BUSINESS PARK SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY’S PHYSICAL ADDRESS IS 3601 EAST ELDORA ROAD. BOA#230921**

Joe Garza, Assistant Director of Development Services, introduced the item and stated the property was currently zoned General Business District (C) and the surrounding areas were zoned Limited Industrial (L-I) to the north, General Business District (C) to the south and east, and Limited Industrial (L-I) to the west. He further stated the area was generally designated for General Business use in the Land Use Plan.

Joe Garza, Assistant Director of Development Services, reported four (4) letters were mailed out to the surrounding property owners within a two hundred (200) foot radius on October 11, 2023. He further reported a legal notice was published in the McAllen Monitor on October 6, 7, and 8, 2023 and stated staff received no responses to the letters or the legal notice.

Joe Garza, Assistant Director of Development Services, further stated the applicant was proposing to construct a twenty-six-foot (26”) wide driveway onto East Eldora Road. He further stated subdivision plat note #16 stated no access onto East Eldora Road would be permitted for lots C1, C3, and C5, and no access onto US 281 would be permitted for lots C1, C2, and C10.

Joe Garza, Assistant Director of Development Services, briefly stated the applicant was advised that he would need to vacate and replat in order to change or eliminate the restriction, but the applicant insisted on proceeding to apply for a variance to the Board of Adjustment. He explained there was approximately 86 feet to the west from the proposed driveway to US Expressway 281 and approximately 89 feet to the east from the proposed driveway onto North Athol Street.

Joe Garza, Assistant Director of Development Services, briefly explained zoning ordinance Section 1.25 General Business District (C) Subsection E.5 and stated the maximum number of entrances and/or exits was one per site per 50 feet of street frontage.

Chairman, Danny Wylie, ask if applicant had any comments.

Representative Phillips stated the property had one way in and one way out on the south side and a bobtail truck was used only for deliveries, since made it impossible to enter. He stated it was a terrible design and that it was 3 ½ year old property and the property was not viable due to delivery and fire protection issues.

At this time, Board member Charlie Ramirez stated they would deviate from the agenda and go into closed session. There was no objection.

**ITEM 5. CLOSED SESSION: IN ACCORDANCE WITH CHAPTER 551 OF THE TEXAS GOV'T. CODE, THE BOARD OF ADJUSTMENTS HERBY 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., Chairman Danny Wylie stated the Board 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.

**ITEM 6. RECONVENE:**

The time being 6:49 p.m., Chairman Danny Wylie stated the Board would be resuming the open meeting.

**ITEM 3. PUBLIC HEARING:**

- A) VICTOR M. ALMAGUER, OWNER, IS REQUESTING A VARIANCE TO THE SUBDIVISION PLAT NOTE OF "NO ACCESS ONTO EAST ELDORA ROAD". THE PROPERTY IS LEGALLY DESCRIBED AS LOT C1, ALIANZA BUSINESS PARK SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 3601 EAST ELDORA ROAD. BOA#230921**

Chairman Danny Wylie reintroduced the item.

Board member Charlie Ramirez moved to approve a variance to the Subdivision Plat Note of "No access onto East Eldora Road". Board member Rafael Munguia seconded the motion and when put to a vote it carried unanimously.

- B) ORLANDO GOMEZ, OWNER IS REQUESTING A VARIANCE TO THE CITY OF PHARR TO ALLOW A (5) FOOT SIDE YARD SETBACK INSTEAD OF THE REQUIRED (10) FOOT SIDE YARD SETBACK IN A SINGLE -FAMILY RESIDENTIAL DISTRICT (R-1). THE PROPERTY IS LEGALLY DESCRIBED AS LOT 20, VILLA ESPANA ESTATES SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 1406 CALLE ESPANA. BOA#230922**

Joe Garza, Assistant Director of Development Services, introduced the item and stated the property was currently zoned Single-Family Residential District (R-1) the surrounding areas were zoned Single-Family Residential (R-1), to the north, south, east, and west. He further stated the area was generally designated for single-family residential use in the Land Use Plan.

Joe Garza, Assistant Director of Development Services, stated twenty-nine (29) letters were mailed out to the surrounding property owners within a two hundred (200) foot radius on October 06, 2023 and a legal notice was published in the McAllen Monitor on October 6, 7, & 8, 2023. He stated staff received no responses to the letters or the legal notice.

Joe Garza, Assistant Director of Development Services, briefly explained the applicant was issued a building permit on June 29, 2022, for construction of the new home. He stated the applicant was requesting that a 5-foot side yard setback be allowed instead of the required 10-foot side yard setback in a Single-Family Residential District (R-1). Lastly, he stated the owner built the home over a 10-foot utility easement.

Joe Garza, Assistant Director of Development Services, stated the owner had contacted 811 (Call before you dig) to locate all utility lines on the property. He stated the utility companies had no objections (Merit Energy, Spectrum & AT&T) except for AEP. He stated AEP provided a consent to Encroachment document which states the power line lies on the center not over the foundation of the home.

Joe Garza, Assistant Director of Development Services, briefly explained Zoning Ordinance Section 1.11 was for Single-Family Residential District (R-1) and stated Subsection E was for area requirements. He stated section 7 provided for minimum width of side setbacks and Internal lot, five feet or as required by subdivision as noted on the plat.

Board member Guadalupe Cano **moved** to approve a variance to the City of Pharr to allow a five-foot side yard setback instead of the required 10-foot side yard setback on a Single-Family Residential District (R-1). Board member Ruben Luna seconded the motion and when put to a vote it carried unanimously.

#### **ITEM 4. ANNOUNCEMENTS/OTHER BUSINESS**

None.

#### **ITEM 7. ADJOURNMENT**

There being no further business, Board member Charlie Ramirez **moved** to adjourn. Rafael Munguia seconded the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 6:53 p.m.

BOARD OF ADJUSTMENT

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Chairman, Danny Wylie

ATTEST:

\_\_\_\_\_  
Rafael Munguia, Secretary

APPROVED: \_\_\_\_\_



## AGENDA MEMORANDUM

**BOARD:** Board of Adjustment

**AGENDA ITEM #:** 3.A.

**DATE SUBMITTED:** November 8, 2023

**MEETING DATE:** November 15, 2023

**FROM:** Kimberly Mendoza, Development Services Director

**DEPARTMENT:** Development Services

**DIRECTOR:** Kimberly Mendoza

**Agenda Item:** Craig L. Jenkins representing LGL Furniture LLC, owner, is requesting a variance to the City of Pharr to allow an off-premise billboard sign. The property is legally described as being Lot 2, Bentsen Commercial Plaza Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 927 East Expressway 83, Pharr, Texas. **BOA#230926**

**Classification:** Public Hearing

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

**Issue:** Craig L. Jenkins representing LGL Furniture LLC, owner, is requesting a variance to the City of Pharr to allow an off-premise billboard sign.

**Fiscal Consideration:**

**Staff Recommendation:**

**Alternatives:** N/A

**Exclude Material from Public Packet?** No

**Reason:** N/A

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### ROUTING:

Kimberly Mendoza  
Ricardo Rodriguez  
Kimberly Mendoza

Created/Initiated - 11/8/2023  
Approved - 11/8/2023  
Final Approval - 11/8/2023



# Pharr

Development Services



## MEMORANDUM

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**DATE** Wednesday, November 15, 2023

**TO:** BOARD OF ADJUSTMENT

**FROM:** DEVELOPMENT SERVICES

**SUBJECT:** VARIANCE TO THE CITY OF PHARR - A request for a variance to the City of Pharr to allow an off-premise billboard sign in a General Business District (C). The property is legally described as being Lot 2, Bentsen Commercial Plaza Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 927 East Expressway 83, Pharr, Texas.  
**BOA#230926**

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### GENERAL INFORMATION:

**APPLICANT:** Craig L. Jenkins representing LGL Furniture LLC, owner, is requesting a variance to the City of Pharr to allow an off-premise billboard sign.

**LEGAL DESCRIPTION:** The property is legally described as being Lot 2, Bentsen Commercial Plaza Subdivision, Pharr, Hidalgo County, Texas.

**LOCATION:** The property's physical address is 927 East Expressway 83, Pharr, Texas.

**ZONING:** The property is currently zoned General Business District (C). The surrounding area is zoned Single Family Residential (R-1) to the north, General Business District (C) to the south and east, and Heavy Commercial (HC) to the west. The area is generally designated for General Business use in the Land Use Plan.

**NOTIFICATION  
OF PUBLIC:**

Eleven (11) letters were mailed out to the surrounding property owners within a two hundred (200) foot radius on October 24, 2023.

A legal notice was published in the McAllen Monitor on October 20, 21 & 22, 2023. Staff has received no responses to the letters or the legal notice.

**FOR YOUR  
INFORMATION:**

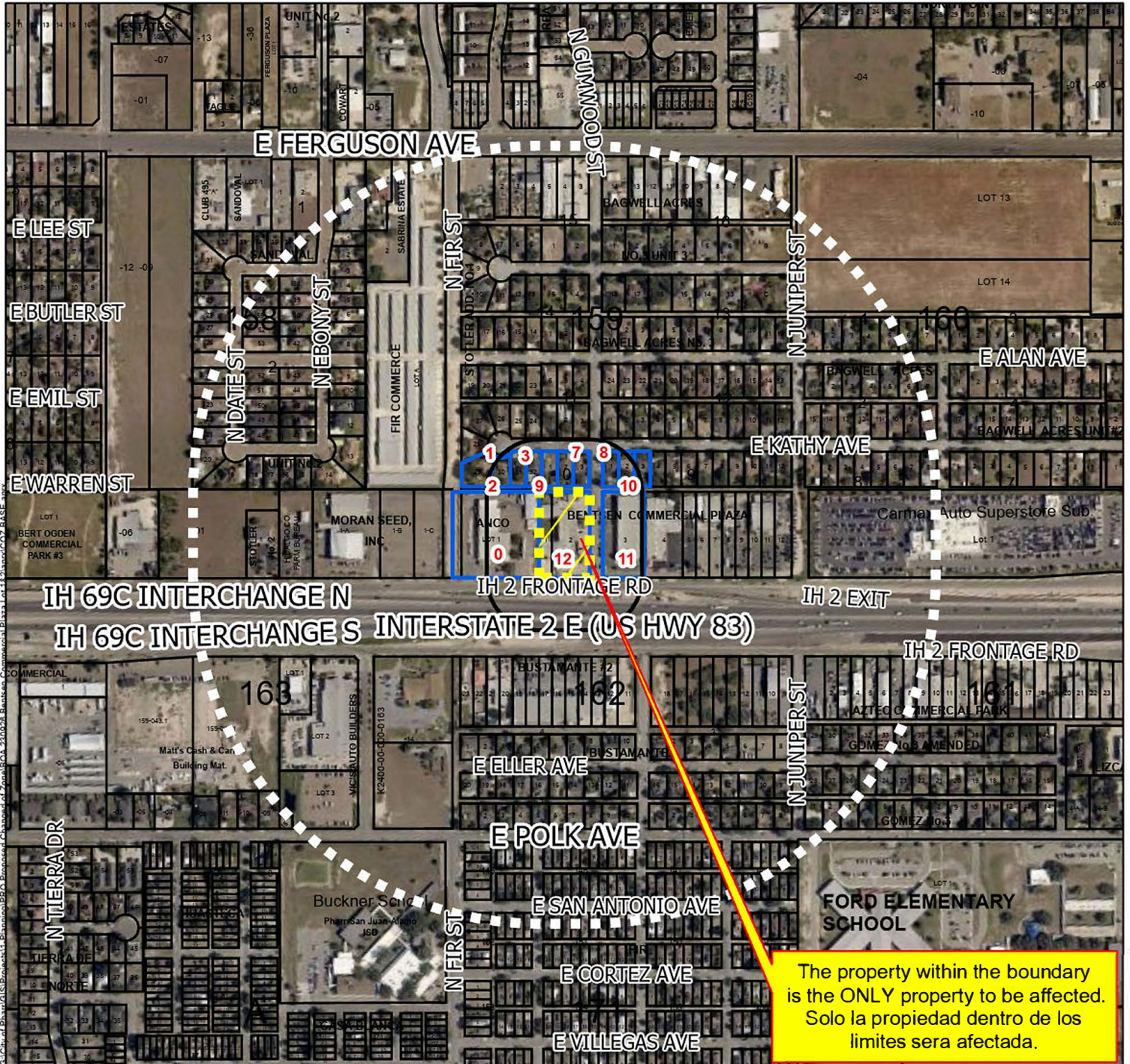
The variance request is for the following:

**Proposed:**

- 1) The applicant is proposing to construct a forty-five foot (45') by sixteen feet (16') by eighty foot (80') tall off premise advertising billboard along the front of the property.

**City Requirements:**

- 1) Section 106-62- Sign Classifications (C) (7) It shall be unlawful to erect or maintain any off-premises sign(s).
- 2) Section 106-35- Restrictions Generally (a) No more than one permanent sign shall be permitted per frontage road, except for those lots with double frontage, in which case a maximum of two permanent signs will be permitted with at least one sign on each frontage. In the event two front yards overlap at a corner, the area of overlap shall be designated as only one front yard and only one sign may be erected. This does not include exempted signs.
- 3) City of Pharr is a Certified City with Texas Department of Transportation (TXDOT) since 2014. The City of Pharr works together with TXDOT to regulate commercial signs, otherwise referred to as outdoor advertising sign, along with the federally designated National Highway System.
- 4) Scenic City – City of Pharr has a Sliver designation. The mission of the Scenic City Certification Program is to support and recognize Texas municipalities that implement high-quality scenic standards for public roadways and open spaces. The Scenic City Certification Program provides a proven, highly-regarded tool to Texas cities for assessment, evaluation, and recognition of infrastructure standards.

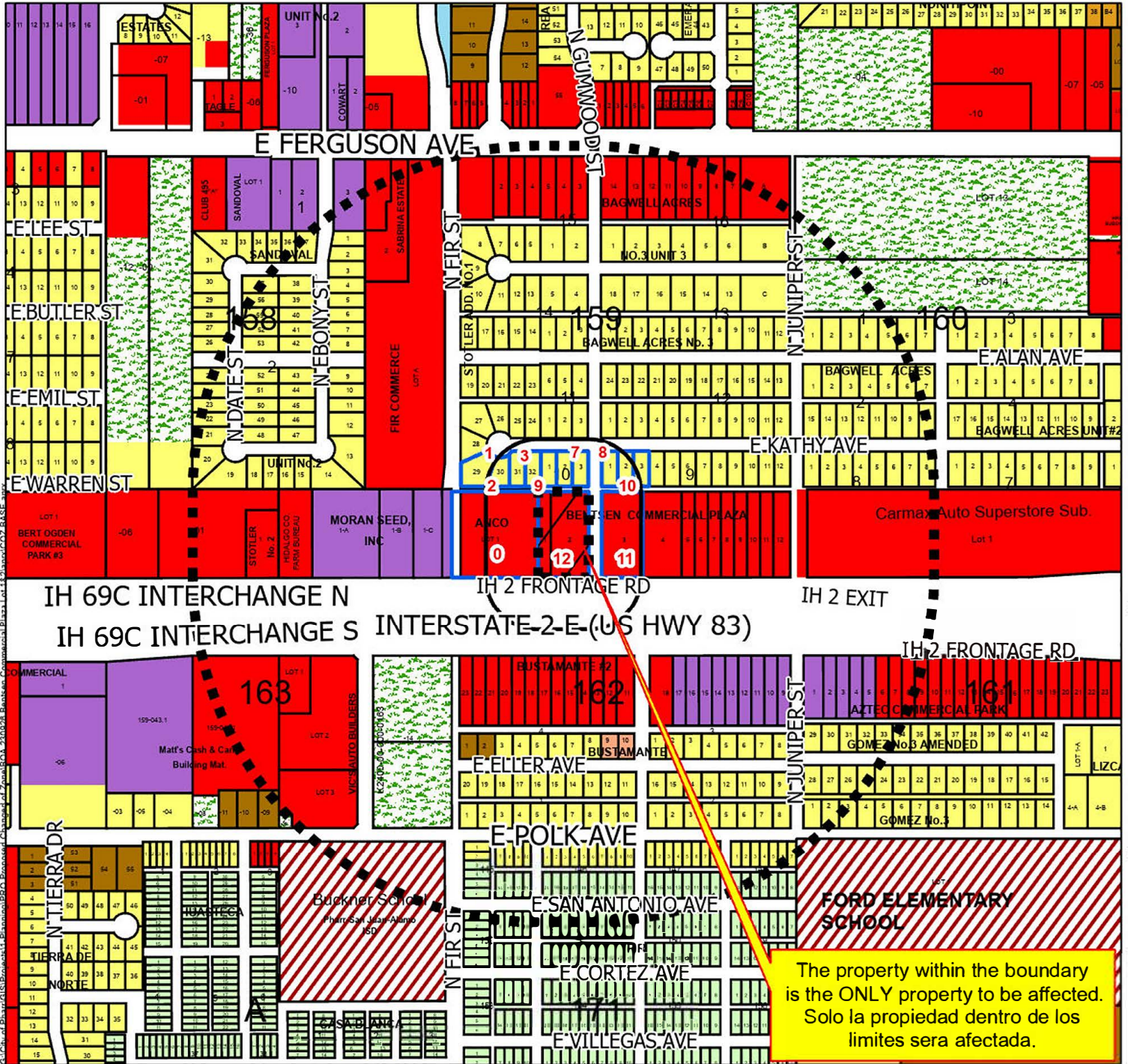


The property within the boundary is the ONLY property to be affected. Solo la propiedad dentro de los limites sera afectada.

<b>Zoning</b>	Mobile Home	Drainage Easement	Hidalgo ISD
<b>ZONE</b>	Townhouse	Heavy Commercial	Valley View ISD
Agricultural Open Space	HUD Code	Heavy Industrial	Planned Unit Development
Single Family	Rail Road R.O.W	Limited Industrial	Subject Property
Single Family Small Lot	Government Owned	Neighborhood Commercial	Notified Properties
Residential Multi-Family	General Business	Office Professional	200 ft Radius
Residential Multi-Family High Density	Business District	PSJA ISD	Quarter Mile Radius

All information displayed on this map is subject to verification by field survey or by the agency responsible for maintaining the information. This map is intended for general information only.

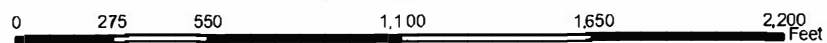


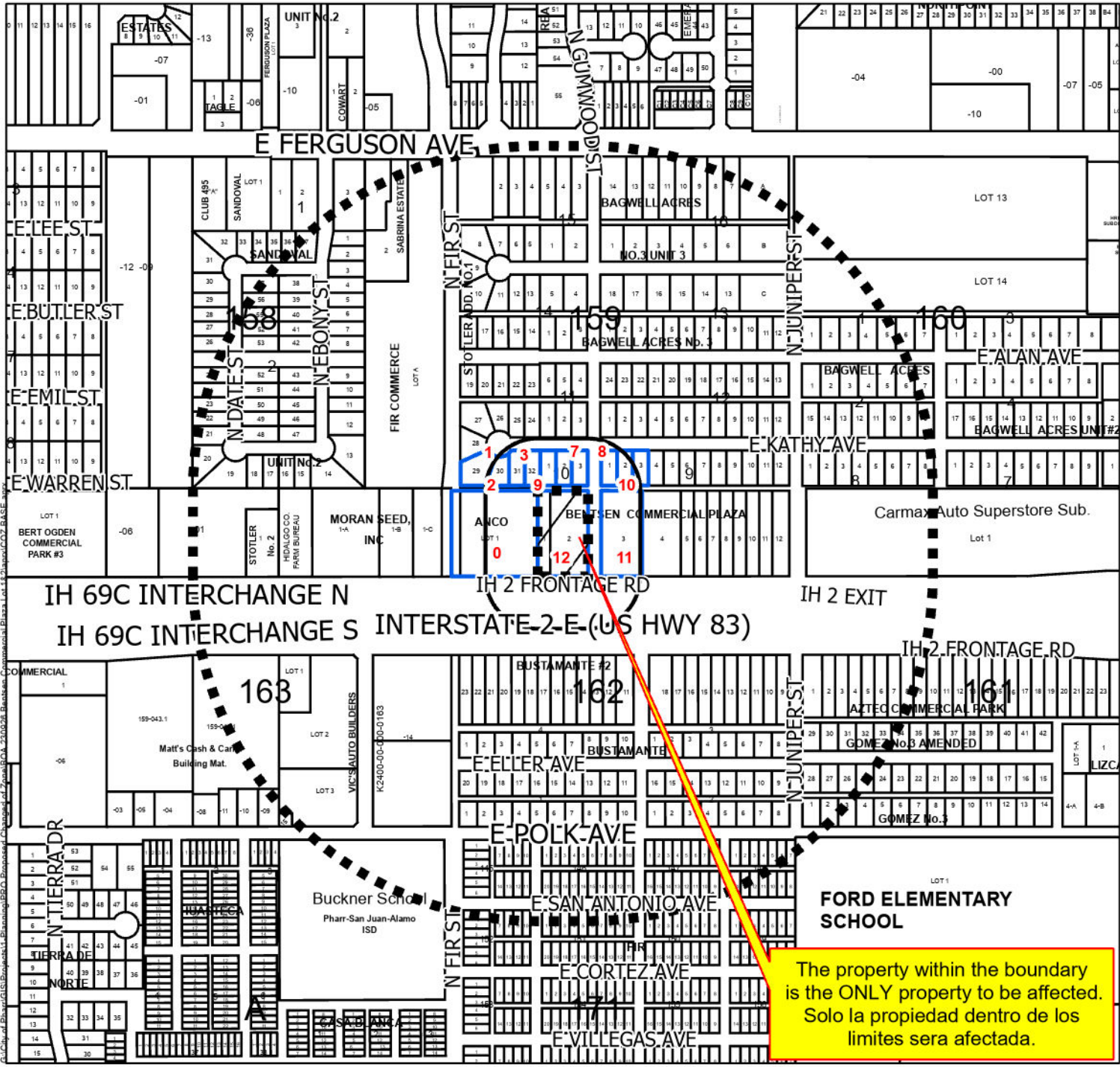


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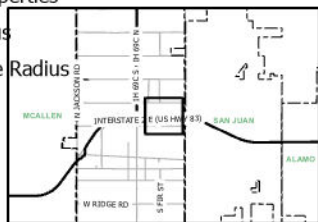
<b>Zoning</b>	Mobile Home	Drainage Easement	Hidalgo ISD
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Agricultural Open Space	HUD Code	Heavy Industrial	Planned Unit Development
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Zoning	Mobile Home	Drainage Easement	Hidalgo ISD
<b>ZONE</b>	Townhouse	Heavy Commercial	Valley View ISD
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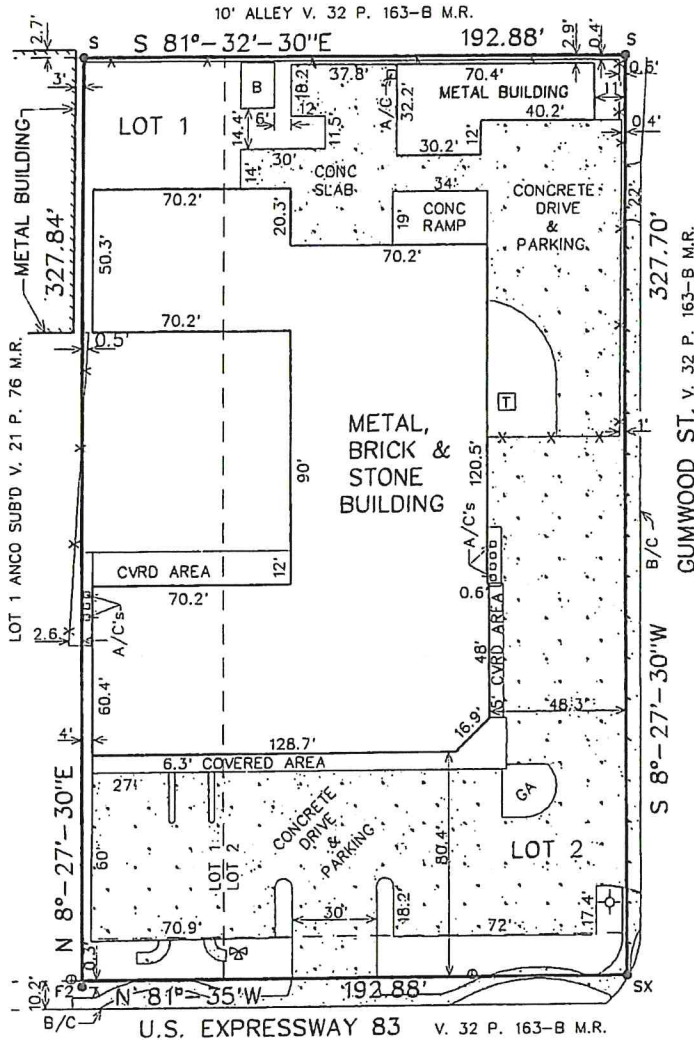


# PEÑA ENGINEERING

1001 WHITEWING • P.O. BOX 4320  
(956) 682-8812 • McALLEN, TEXAS 78502 • FAX (956) 631-PENA



SCALE: 1"=50'  
CAD: BENTSENCOMM1-2



NOTE: BASIS OF BEARING,  
IS THE NORTH LINE OF LOTS  
1-12, BENTSEN COMMERCIAL  
PLAZA V. 32 P. 163-B M.R.

### LEGEND

- F2 - FOUND 5/8" DIAMETER IRON ROD
- S - SET 1/2" DIAMETER IRON ROD
- SX - SET "X" CUT IN CONCRETE
- B/C - BACK OF CONCRETE CURB AND GUTTER
- R.O.W. - RIGHT OF WAY
- \*-\* - 6' CHAINLINK FENCE
- [T] - ELEC. PEDESTAL
- B - 12'X16' METAL STORAGE ROOM ON CONCRETE BLOCKS
- e - POWER POLE
- ⊗ - FIRE HYDRANT
- GA - GREEN AREA
- ⊙ - LIGHT POLE

NOTE: SURVEY PREPARED  
WITHOUT THE BENEFIT OF  
A TITLE COMMITMENT WHICH  
MAY SHOW EASEMENTS OF  
RECORD THAT MAY AFFECT  
THE PROPERTY.

BUYER'S NAME: LGL FURNITURE L.L.C.

FLOOD ZONE: By GRAPHICAL PLOTTING Community Panel Number 480347 0005 C  
Map Revised: October 19, 1982

- Zone "A" - This is to certify that this property is in a flood prone area.
- Zone "B" - This is to certify that this property is not in a flood prone area. However limits between the 100 year and 500 year flood are subject to flooding with average depths less than one foot.
- Zone "C" - This is to certify that this property is not in a flood prone area.

I certify that this plat represents the facts found on the ground at the time of survey and that there are no visible discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments, or overlapping of improvements except as shown on this plat. © copyright 2011 PENA ENGINEERING this survey was provided in multiple originals safely for the barrower named hereon, in conjunction with the original transaction which shall take place within 6 months after the survey was provided. No license has been created or implied to copy this survey. Survey valid only if print has original seal and signature.

ADDRESS: \_\_\_\_\_

LEGAL DESCRIPTION: All of Lots 1 and 2, BENTSEN COMMERCIAL PLAZA, on addition to the City of Pharr, Hidalgo County, Texas,

ACCORDING TO THE MAP RECORDED IN VOLUME 32 PAGE 163-B  
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS.

PABLO PEÑA III

03-24-2011  
DATE

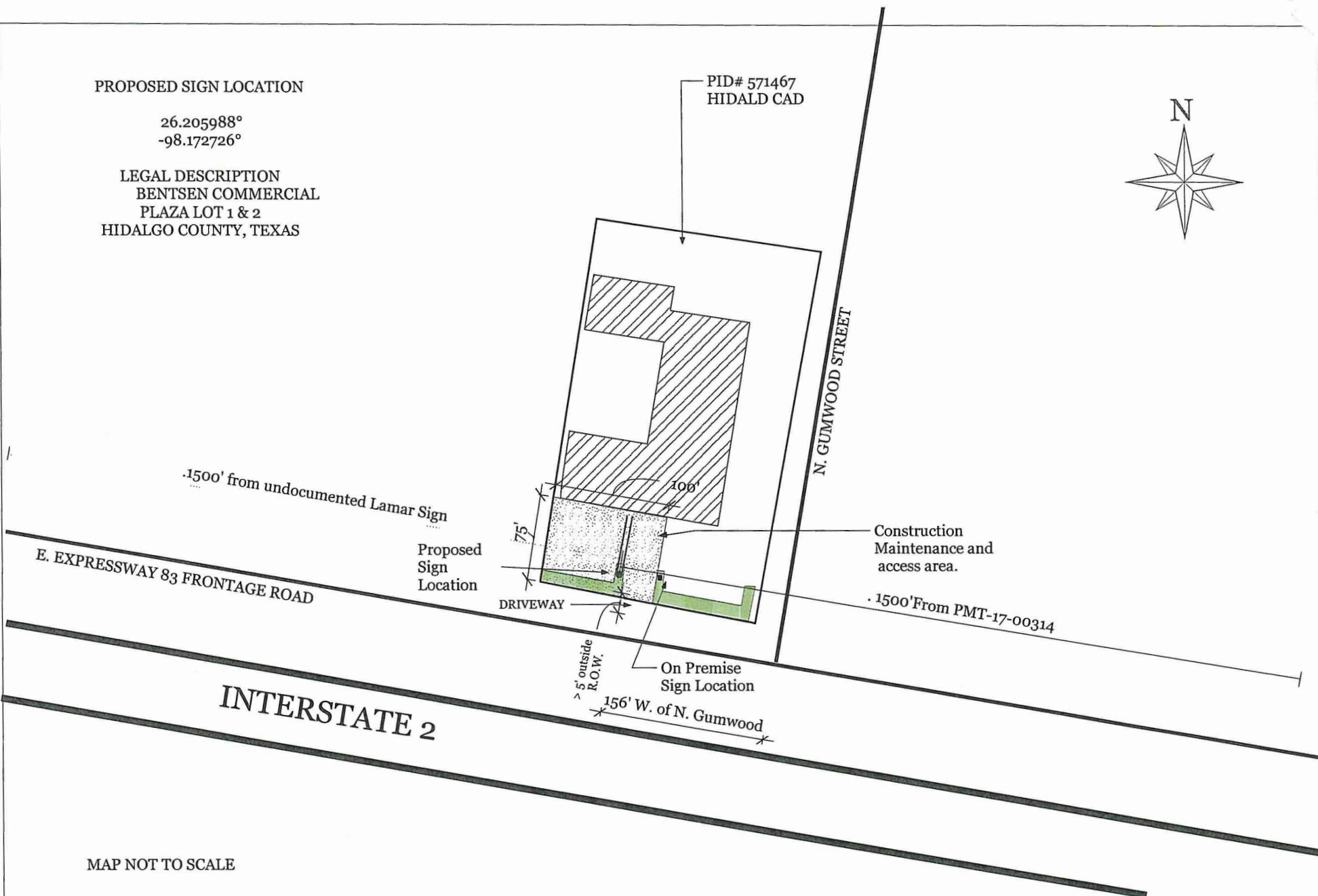
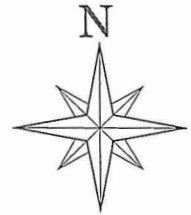
REG. PROFESSIONAL LAND SURVEYOR No. 5242

PROPOSED SIGN LOCATION

26.205988°  
-98.172726°

LEGAL DESCRIPTION  
BENTSEN COMMERCIAL  
PLAZA LOT 1 & 2  
HIDALGO COUNTY, TEXAS

PID# 571467  
HIDALD CAD



MAP NOT TO SCALE

SITE PLAN  
LGL FURNITURE LLC  
011-927 E. INTERSTATE 2  
PHARR, TEXAS



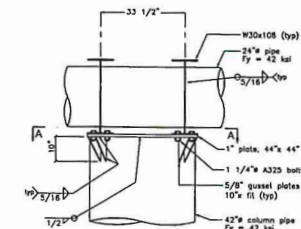
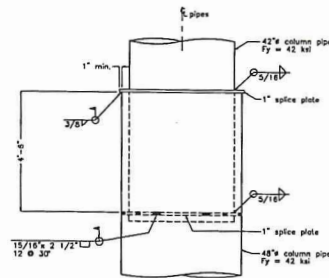
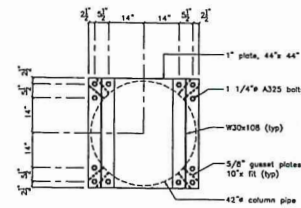
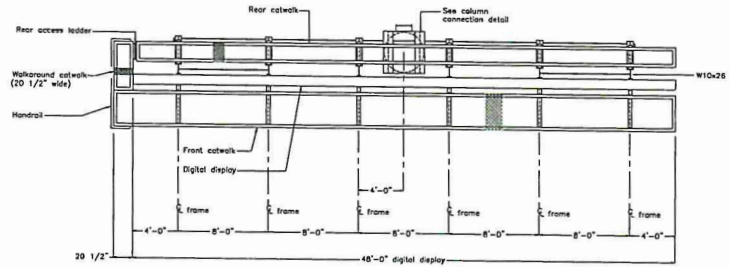
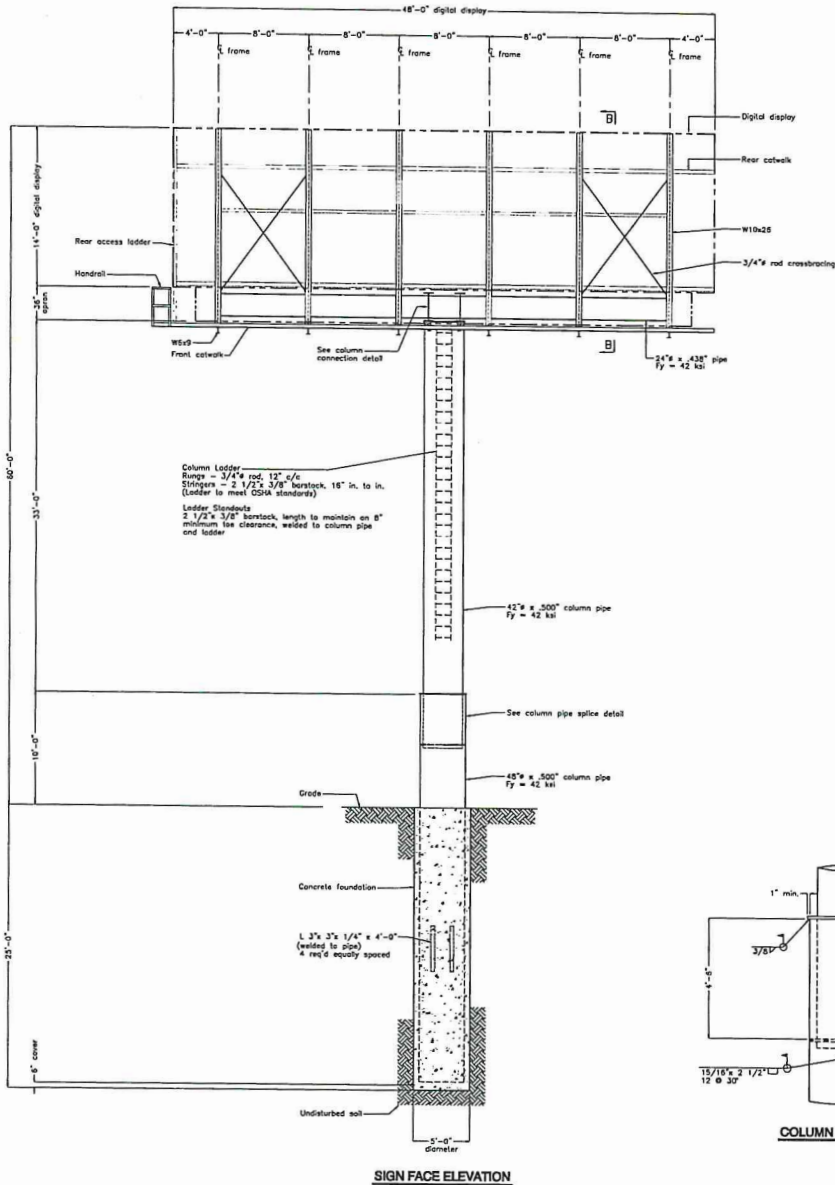
MediaChoice

PROPOSED BILLBOARD PHARR

REVISIONS

	MM/DD/YY	REMARKS
1	06/23/2022	SITE PLAN FOR BILLBOARD, ACCESS AND MAINTENANCE.
2	--/--/--	...
3	--/--/--	...
4	--/--/--	...
5	/ / /	...

A 01



- NOTES**
- Structural design conforms to the 2016 International Building Code.
  - Design standard is ASCE 7-16.
  - Superstructure can accommodate face weighing up to 8,000 pounds.
- WIND**
- Design winds - 125 mph. (3 sec. gust) Exposure C.
  - Structure is classified risk category 1.
  - Wind importance factor -  $I_w = 1.0$
  - Design wind pressure is 35.5 p.s.f.

- SEISMIC**
- Selismic load importance factor:  $I_s = 1.0$
  - Structure is classified occupancy category 1.
  - Mapped spectral response accelerations:  
 $S_s = 0.041 \text{ g}$   
 $S_1 = 0.014 \text{ g}$
  - Site class: D
  - Spectral response coefficients:  
 $S_{w1} = 0.043$   
 $S_{w2} = 0.023$
  - Selismic design category is A.
  - Selismic basic force resisting system:  
 Non-building structure not similar to building - sign and billboards.
  - Design base shear: .37 kips
  - Selismic response coefficient:  $C_s = 0.03$
  - Response modification factor:  $R = 2$ .
  - Analysis procedure used: Equivalent lateral force method.

- STEEL**
- Structural steel pipe shall conform to ASTM A252 or API 5L, with grade that corresponds to the specified yield stress.
  - Structural steel plate, rods, angles, and channels shall conform to ASTM A36.
  - Structural steel wide flange shapes shall conform to ASTM A992.
  - High strength bolts shall conform to ASTM A325 (unless noted otherwise).
  - Nuts shall conform to ASTM A305.
  - A325 bolts and nuts to be cadmium plated or galvanized.
  - High strength A325 bolts shall be installed according to the latest AISC specifications.
  - Bolt holes shall be the AISC standard size (unless noted otherwise).
  - All high strength bolts shall be fully pretensioned (unless noted otherwise).
  - Steel shall be primed and painted, except for the embedded portions of members.
  - Steel welding shall be in accordance with AWS standards.
  - Steel members and elements of the structure shall be fabricated and erected according to the latest AISC specifications and standard practice.
- FOUNDATION & CONCRETE**
- Concrete shall attain a 28-day compressive strength of  $F'_c = 3000 \text{ p.s.f.}$
  - Allowable lateral bearing of the soil profile is an assumed 150 p.s.f./ft.
  - Type and structural character of the soil profile to be confirmed with an investigation by others.

- GENERAL**
- The contractor shall verify all dimensions and conditions in the field and notify the engineer of any discrepancies.
  - This structural drawing has been created for a proposed project-the location of which has not been established-and use of this design is to be approved by the building official of the jurisdiction of the location where this structure is to be installed/erected.
  - GRC Engineering, Inc. will not be supervising or monitoring the erection/installation of this structure.
  - This is an unprinted drawing and is not to be reproduced, copied, or exhibited in any fashion without written permission of Sign Company.



GRC Engineering, Inc.  
 Texas Registered  
 Engineering Firm  
 F-16643

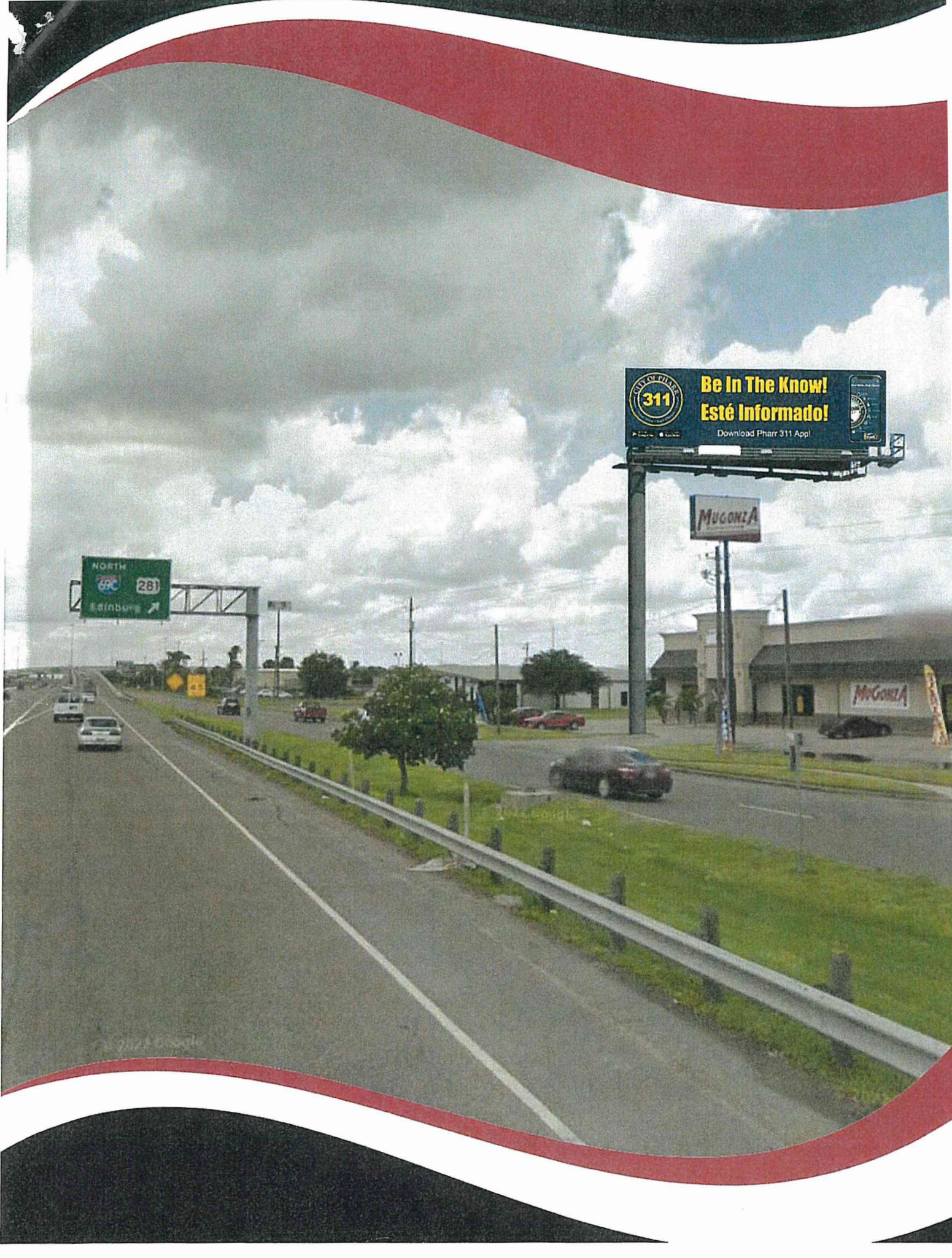


NO.	DATE	BY	CHKD	DESCRIPTION

**SIGN COMPANY**

14'-0" x 48'-0" CENTERMOUNT SINGLE FACE 60'-0" OVERALL HEIGHT TEXAS

GRC NO. 21-041-120  
 DRAWING NO. 17716  
 SHEET 1 of 2



**PHARR 311**

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# Pharr

Development Services



APPLICATION TO THE  
CITY OF PHARR  
BOARD OF ADJUSTMENT  
FOR A

## VARIANCE/SPECIAL EXCEPTION

CITY OF PHARR, TEXAS

## **INSTRUCTIONS FOR COMPLETING THE REQUEST FOR A VARIANCE/SPECIAL EXCEPTION TO THE BOARD OF ADJUSTMENT**

This coversheet is designed to provide you with general information about completing the attached application and should not be considered legal advice. If you have any questions, or do not understand these instructions, you are advised to seek help from a qualified attorney or land use planning expert.

### **VARIANCES**

A variance may be granted to an applicant when the board finds:

- 1) That there are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to lands or buildings in the same zone or neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of such land or building; and
- 2) That the granting of such variance will not be detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located; and
- 3) That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the board is the minimum variance that will accomplish this purpose; and
- 4) That the literal enforcement and strict application of the provisions of the ordinance in question will result in an unnecessary hardship inconsistent with the general provisions and intent of that ordinance and that in granting such variance the spirit of the ordinance will be preserved and substantial justice done; and
- 5) In addition to considering the character and use of adjoining buildings and those in the vicinity, the board, in determining its findings, shall take into account the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity.

The board may, after public notice and hearing and subject to the conditions and safeguards herein contained, vary or adapt the strict application of any of the terms of this ordinance under the power and authority herein granted and consistent with Article XII, Section 1.91, subsection D.

In granting any variance under the provisions of this ordinance, the board may designate such conditions in connection therewith which, in its opinion, will secure substantially the purpose and intent of this ordinance.

The board may permit the change of occupancy from one nonconforming use to another nonconforming use when the extent of the second nonconforming use is found to be less detrimental to the environment than the first.

The board may permit the enlargement of a nonconforming use only when the enlargement will not prolong the life of the nonconforming use. A specific period of time for the return to conformity can be required.

The board may permit the reconstruction of a nonconforming structure or building on the lot or tract occupied by such building, provided such reconstruction does not, in the judgment of the board,

# APPLICATION FOR VARIANCE/SPECIAL EXEPTION

Application Date: 09 <sup>29</sup>/~~11~~ / 2023

Company Name or Business Entity: ACME PARTNERSHIP, LP

Applicant: CRAIG L. JENKINS Phone No.: 512.550.5981  
(First) (Middle) (Last)

Mailing Address: 3701 BEE CAVE ROAD #101 AUSTIN, TEXAS, 78746  
(Address) (City) (State) (Zip)

Email: CJENKINS@MEDIACHOICE.COM

Property Owner: LGL FURNITURE LLC Phone No.: 956.535.6558  
(First) (Middle) (Last)

Owner Mailing Address: 927 E Expressway 83, Pharr, TX 78577  
(Address) (City) (State) (Zip)

Present Property Zoning: GENERAL BUSINESS Nature of Request: PROPOSED OFF PREMISE BILLBOARD

Property Address: 927 E Expressway 83, Pharr, TX 78577

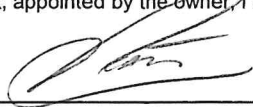
Property Legal Description: BENTSEN COMMERCIAL PLAZA LOTS 1 & 2  
(Subdivision) (Block) (Lot)

Current use of Property: GENERAL BUSINESS Proposed use of Property: GENERAL BUSINESS

I hereby certify that the information provided above is true and correct to the best of my knowledge. By signing this application I hereby grant the City of Pharr authorization to do the background and information check(s) necessary to process this application. I also hereby grant employees of the City of Pharr to enter the premises and conduct any inspections necessary to process this application. Alterations, changes or deviations from the plans authorized by this permit are unlawful without written authorization. The applicant hereby agrees to comply with all City Ordinances, Code, Subdivision Regulations, Restrictions, Local, State and Federal Laws and assumes all responsibility for such compliance. I understand that the City of Pharr does not enforce any private restriction, covenant rule, or regulation that may be imposed. If permit becomes invalid for any reason no refunds will be issued.

I hereby request a hearing before the Board of Adjustment and I acknowledge receiving the Guidelines / Restrictions as they will apply to the proposed use.

As agent, appointed by the owner, I am authorized to act on his/her behalf in regards to the above information.

	<u>9-29-23</u> <del>11</del>	<u>Michael Ross</u> <b>GRAIG L. JENKINS</b>	<u>9-29-23</u> <del>11/13/2023</del>
(Agent Signature)	(Date)	(Agent Print Name)	(Date)

As owner of the above described property, I hereby request a hearing before the Board of Adjustment in reference to the above information.

_____	_____	_____	_____
(Property Owner Signature)	(Date)	(Property Owner Print Name)	(Date)

## CONDITIONS NECESSARY FOR GRANTING A VARIANCE

Below are the conditions that are required to exist in order for the Board of Adjustment to grant a variance request. Describe in detail how the requested variance meets these conditions. (*Attach additional pages if necessary.*)

### 1. The variance is not contrary to the public interest.

The addition of a double sided digital board in the city of Pharr will be in the public interest as per Chapter 34 Article II, Emergency Management Subsection 34-32. This board will serve as a vital tool for disseminating important information to the community in times of emergency, such as natural disasters, public safety alerts, and traffic updates. The double sided nature of the board will increase its visibility and accessibility, ensuring that more people are able to receive the information they need to stay safe. This project aligns with the city's commitment to public safety and emergency preparedness, and will benefit residents, visitors, and businesses alike. Overall, the installation of this digital board is a step towards creating a more informed and resilient community.

Sec. 34-32. - [Effect of emergency orders, rules, and regulations.]

At all times when the orders, rules, and regulations made and promulgated pursuant to this article shall be in effect, they shall supersede and override all existing ordinances, orders, rules, and regulations insofar as the latter may be inconsistent therewith. This article also supersedes Ordinances O-2009-38 and successor ordinances to O-2009-38 as may be amended from time to time to the extent that off-premises advertising shall be allowed should the City of Pharr, at its discretion, deems it necessary due to emergency uses and advertising for approved locations that further the health, safety, and general welfare of the community, inhabitants, and property without charge or expense to the City of Pharr.

(Ord. No. O-2012-23, § 7, 6-19-12)

### 2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.

A restrictive ordinance that prohibits new billboards can have negative consequences for various stakeholders. For property owners, the lack of new billboard opportunities can result in undue hardship, as they may have invested in the property with the expectation of being able to rent out space for billboard advertising. This could reduce the value of their property and limit their ability to generate income from it. The general public may also be affected, as the restriction may reduce the availability of advertising for local businesses, making it harder for these businesses to reach potential customers and generate revenue. This in turn can impact the ad valorem tax, which is based on the value of real property, as reduced property values could result in lower tax revenue for schools and other public entities. The ban on new billboards may also limit the ability of local businesses to use digital advertising for marketing purposes, further reducing their ability to reach customers and generate revenue.

**3. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the subject property is located.**

Per the City of Pharr Ordinance Section 106-146 General Business..Subsection 4, off-premise signs are prohibited in residential areas. However, the property where the sign is being built is located in a General Business district along the Expressway Corridor, which is clearly not a residential area. There are digital signs through out the expressway corridor in Pharr in General Business areas. We are not proposing to put a off-premise sign in a residential area.

**4. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.**

The addition of a double-sided digital sign on the proposed property will bring multiple benefits to the citizens, the landowner, and the city. The sign will provide timely and efficient information to the citizens, increase the visibility of businesses and services, and boost the economic activity in the area. Furthermore, the sign will not harm the essential character of the district as there are many other signs along the Expressway Corridor, making it a well-established commercial area. The new digital sign will blend in with the existing signage and maintain the cohesive look of the district, while providing modern and effective communication methods.

**5. The plight of the owner of the property is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.**

The digital sign will provide a unique advantage to the existing landowner, drawing interest and attention to their property. With the ongoing construction along the Expressway Corridor, many businesses are losing visibility, but the addition of a digital sign will set the landowner's property apart and make it more noticeable to passing traffic. The dynamic and eye-catching nature of the digital sign will attract attention and help increase the visibility of not only the landowner's property, but also other businesses in the city. This will drive more foot traffic and potential customers to the area, boosting the local economy and benefiting the city as a whole.

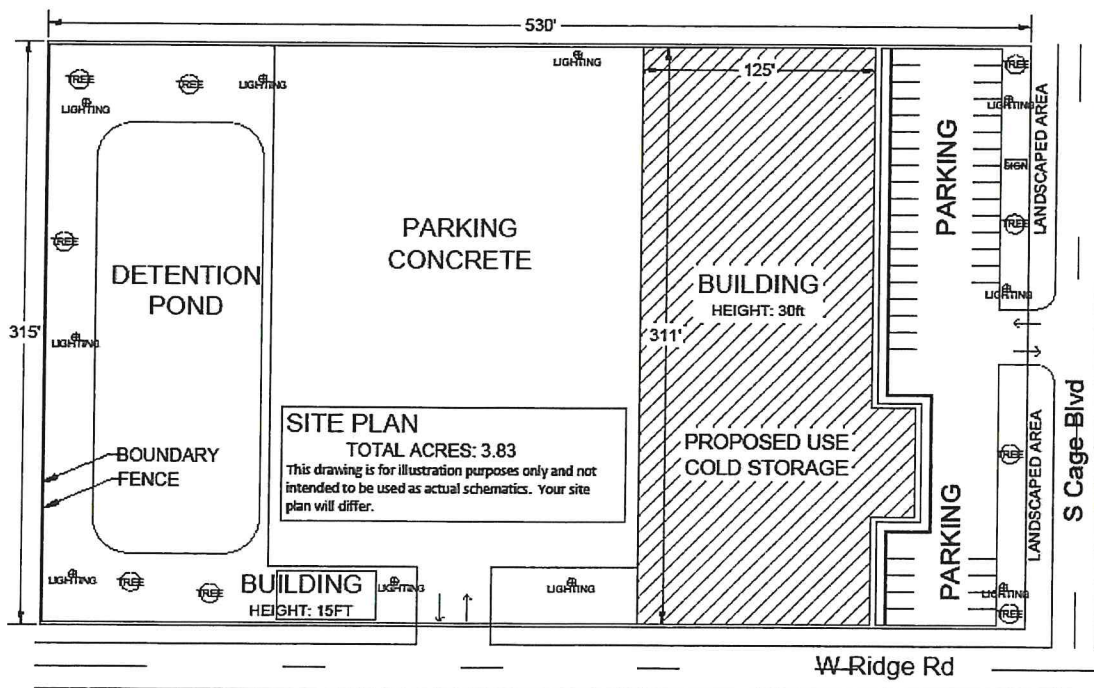


## REQUIRED MATERIAL FOR FILING A REQUEST FOR A VARIANCE TO THE BOARD OF ADJUSTMENT

- 1) A completed application for a Variance/Special Exception.
- 2) A copy of the Warranty Deed with Owner's consent.
- 3) If you are acting as an agent/representative for the property, you must bring a letter signed by the owner stating his consent for the request being applied for.
- 4) Application fee of \$750.00
- 5) Narrative: proposed use and intent of variance/special exception.
- 6) A site plan of your property **drawn to scale**. The site plan must contain the following items:
  - a) A North arrow and scale;
  - b) The location of all structures on the subject property and on adjoining property;
  - c) Landscaping and/or fencing of yards and setback areas and proposed changes;
  - d) Design of ingress and egress;
  - e) Off-street parking and loading facilities;
  - f) Height of all structures;
  - g) Proposed uses; and
  - h) The location and type of all signs, including lighting and heights.

\*Note: Site plan may be preliminary, during building permit process a final site plan showing all city requirements and/or conditions must be submitted. As well as any other required building plans.\*

### EXAMPLE SITE PLAN



## **SPECIAL EXCEPTIONS**

A special exception may be granted to an applicant when the board finds:

- 1) That the granting of such exception will not be injurious or otherwise detrimental to the public health, safety, morals and general welfare of the general public, and
- 2) That the granting of such exception will not be detrimental or injurious to the property or improvements in such zone or neighborhood in which the property is located, and
- 3) That the granting of such exception will be in harmony with the general purpose and intent of this ordinance.

In determining its finding, the board shall take into account the character and use of adjoining buildings and those in the vicinity, the number of persons residing or working in such building or upon such land, traffic conditions in the vicinity, and the conformance of such area to the zoning map and general plan.

The board may, after public hearing and subject to the conditions and safeguards herein contained, authorize special exceptions to this ordinance as follows:

- 1) Permit the enlargement of a nonconforming use only when the enlargement will not prolong the life of the nonconforming use. A specific period of time for the return to conformity can be required.
- 2) Permit the use of a lot or lots in any dwelling district adjacent to any other district, even if separated therefrom by an alley or by a street, for the parking of passenger cars under such safeguards and conditions of the more restricted property, provided no other business use is made of such lot or lots.
- 3) Permit such modification of a yard, lot area or lot width regulation requirements as may be necessary to secure appropriate improvement of a parcel of land where such parcel was separately owned on the effective date of this ordinance, and is not adjacent to another parcel of the same ownership and where such parcel is of such size that it cannot be improved without such modification or of such restricted area that it cannot be appropriately improved without such modification.
- 4) Grant conditional use permits in any zone where such uses are allowed conditionally by the provisions of this ordinance.
- 5) Permit the modification of the requirements for signs.
- 6) May grant a permit for the extension of a use, height, or area regulation into an adjoining district for a distance of not more than 25 feet, where the boundary line of the district divides a lot in single ownership as of the effective date of this ordinance.

In granting any special exception under the provisions of this ordinance, the board may designate such conditions in connection therewith which, in its opinion, will secure substantially the purpose and intent of this ordinance.

prevent the return of such property to a conforming use or increase the nonconformity of a nonconforming structure.

The board may permit such variance of the front yard, side yard, rear yard, lot width, lot depth, coverage, minimum setback standards, off-street parking or off-street loading regulations where the literal enforcement of the provisions of this ordinance would result in an unnecessary hardship, and where such variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same district by being of such restricted area, shape or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district. A variation from the standard established by this ordinance shall not be granted to relieve a self-created or personal hardship, nor for financial reason only, nor shall such modification be granted to permit any person a privilege in developing a parcel of land not permitted by this ordinance to other parcels of land in the district.

A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person a privilege in developing a parcel of land not permitted by an Ordinance to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship on another parcel of land.

**The following approval criteria must be met for a variance request to be granted:**

- 1) *The variance is not contrary to the public interest.*
  - a) This requires that in order for the variance to be granted, it may not be against the public interest. "Public Interest" for zoning variances is defined as the well-being of the general public, with specific attention to those members of the public that could be directly affected by the proposed variance."
- 2) *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*
  - b) This requires that the enforcement of a zoning regulation causes an "unnecessary hardship." The hardship must be **caused by the property itself**, for reasons such as exceptional size or shape, topography or other physical conditions of a parcel of land. The hardship must not be caused by the applicant, cannot be personal in nature, cannot be financial only; and must relate to the very property for which the variance is sought. It must be unique condition, oppressive and not common to other property. Unnecessary hardship is present only where, in the absence of a variance, no reasonable use may be made of the property.
- 3) *Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the subject property is located.*
  - c) This requires that if the Board of Adjustment grants the variance as requested, it will not allow the operation of a use not specifically permitted in the zoning district in which it is located.
- 4) *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*
  - d) This examines whether or not the granting of the variance will negatively influence the ability of an adjacent property to be used in a manner appropriate to the zoning district

to which it conforms. This condition also examines the potential of the variance to influence or change the image or perception of the locality, as defined by its built environment, landscaping, natural features and open space, types and style of housing, and other elements that contribute to its distinct identity.

5) *The plight of the owner of the property is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.*

e) This requires that the dilemma necessitating the request of a variance is the result of exceptional physical characteristics of the property that are unique to the subject property and distinct from those of nearby properties and the district in general. The unique condition from which the hardship arises must not be the result of the actions of the property owner themselves and must not be merely financial in nature.

**All 5 (five) conditions are required to be met in order for the Board of Adjustment to grant a variance. The burden of proving that these 5 (five) conditions apply to the subject property is solely the responsibility of the applicant.** At the Board of Adjustment hearing, you will be expected to submit evidence proving that the above stated conditions exist.