

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.

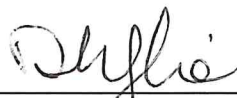
ITEM 4. ANNOUNCEMENTS/OTHER BUSINESS

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



Chairman, Danny Wylie

ATTEST:



Rafael Munguia, Secretary

APPROVED: November 15, 2023