

STAFF REPORT



Meeting: July 20, 2015

To: Planning Commission

From: Rebeca A. Guerra, AICP, LEED-AP, CPD
Planning Manager

Presenter: Santiago Abasolo, AICP
Planner I

Case: NCU15-01 Davis

Request: Expansion of a Non-Conforming Use in a Neighborhood Commercial (CN) Zoning District, as defined in Section 609 of the Zoning Ordinance, to allow for the construction of a residential storage building accessory to an existing single detached dwelling

Location: 1217 South Bryant Boulevard, approximately 110 feet north of West Avenue I and South Bryant Boulevard

Legal Description: Occupying Lot 12 and South 30 feet of Lot 11 and North 9 feet of Lot 13, Block 36 of the Park Heights Addition

Acreage: 0.307 acres

General Information

Future Land Use: Neighborhood Center
Zoning: Neighborhood Commercial (CN)
Existing Land Use: Residential
Surrounding Zoning/Land Use:

North:	Neighborhood Commercial (CN)	Offices, Residential
West:	Two-Family Residential (RS-2)	Single family dwellings
South:	Office Commercial (CO)	Offices, Mr. Insurance, Retail
East:	Office Commercial (CO), Two-Family Residential (RS-2), Low-Rise Multi-family Residential (RM-1)	Offices, Multi-family dwellings, Residential

District: SMD #5: - Elizabeth Grindstaff
Neighborhood: Santa Rita

Thoroughfares/Streets: The subject property has frontage onto South Bryant Boulevard. Per the Major Thoroughfare Plan (MTP), South Bryant Boulevard is identified as an “Arterial Street.” An arterial street connects collector streets to freeways and other arterials carrying large volumes of traffic at high speeds, access is secondary and mobility is the primary function of these streets. South Bryant Boulevard has an existing right-of-way width of 98 feet and a pavement width of 70.5 feet. The Subdivision Ordinance requires a right of way of 80 feet and a paved width of 64 feet for South Bryant Boulevard.

Recommendation:

The Planning Division recommends **APPROVAL** of the proposed Expansion of a Non-Conforming Use, **subject to one (1) Conditions of Approval.**

History and Background:

On November 10, 2014, the applicant submitted an application for an Expansion of a Non-Conforming Use on property located at 1217 South Bryant Boulevard. The purpose of the application was to allow the applicant to erect a 2,400-square foot residential storage building accessory to an existing single detached dwelling on the west side of the property. The proposed storage building will be used for the parking and storage of boats, cars, and other equipment. The proposed expansion will not have water, sewer, or gas connections. The existing house is 3,552 square feet in size and was built in 1928. In May of 1976, City Council approved a zoned change from Single Family Residence (R-1) to Neighborhood Retail (C-1). The existing house is located in the Neighborhood Commercial (NC) Zoning District, which does not permit a residence as an Allowed Use on the property, only as a Conditional Use if approved by the Planning Commission. Per Section 601 of the Zoning Ordinance, “nonconformities shall be allowed to continue in accordance with the regulations of this article. If a use lawfully occupying land or building immediately before the effective date of this Zoning Ordinance, on January 4 of 2000, is classified by the Use Table in Section 310 as conditional use in the zoning district where that use is located, such use shall not be considered a nonconforming use. The existing use shall be considered a lawful conditional use, the same as if the Planning Commission had expressly approved the location of that use on the lot where existing at the effective date of this Zoning Ordinance.”

The applicant now wants to expand the residential use to allow for an accessory residential use to store his boats, vehicles, and equipment from the weather and to minimize negative aesthetic impact on his property. He also stated in his application that the proposed metal building will be used only for personal storage.

Planning Staff has the mandate to ensure that no further expansion of non-conformities take place on the property which may circumvent the zoning process. A Condition of Approval will prohibit any further accessory structures on the property, thereby capping the total square footage to 1,776 square feet. The floor area of the existing home, which does not include the garage, is 3,552 square feet. Per Section 402.A.2 of the Zoning Ordinance, “a maximum accessory building floor area of 600 square feet or 50 percent of the floor area of the principal building, whichever is greater, shall be permitted on any residential lot.” In this case, the maximum allowable area would be 1,776 square feet. Therefore, a condition has been proposed to ensure that no further expansions of non-conformities take place to be in keeping with the intent of the Zoning Ordinance. The proposed metal building will have vehicle access through the existing alley located to the west of the subject property.

Analysis:

Section 609(D) of the Zoning Ordinance requires that the Planning Commission consider, at minimum, five (5) factors in determining the appropriateness of any Expansion of a Nonconforming Use request.

1. **Impacts Minimized.** *Whether and the extent to which the proposed expansion of a nonconforming use creates adverse effects, including adverse visual impacts, on adjacent properties.*

The applicant has stated in his application that the “proposed expansion will be shorter than existing building meaning minimal change in property’s appearance [and] will be constructed of all new materials, minimizing negative aesthetic impact.” The proposed storage building will be separated by at least 15 feet from the existing house and will have a 5-foot setback in the north side yard, a 15-foot rear setback from the existing alley, and 4.9-foot setback in the south side yard. The properties immediately to the north and south are currently occupied by office buildings. The office building immediately to the north is a two story building and the office building immediately to the south is a one story building. To the west of the subject property there is an existing 20-foot alley. The properties located to the west of this alley are currently occupied by one story single-family dwellings with storage buildings facing the existing alley. Based on the current land uses, it appears that a new residential storage building that complies with the requirements of the Zoning Ordinance would not have any negative impacts on adjacent properties.

2. **Compatible with Surrounding Area.** *Whether and the extent to which the proposed expansion of a nonconforming use is compatible with existing and anticipated uses surrounding the subject property.*

The applicant has stated that the “expansion will not be visible from the street, only [the] alley” and that “other storage units exist along [the] alley.” The properties immediately to the north and south are zoned Neighborhood Commercial (CN) and the Future Land Use map has designated the properties to the north and south from the subject property as a Neighborhood Center. The properties located to the west of this alley are zoned Two-Family Residential (RS-2) and the Future Land Use map has designated the properties to the west as Neighborhood. The accessory storage building will be a steel building with 26-Gauge colored roof and walls and four steel doors facing the existing alley. It would be accessory to the existing house on the property and it appears similar to other storage units in the residential area. The future land uses for the area are commercial and contain a mix of uses that will allow for increased activity, interest, and long-term viability. Because of the required size of the nonconforming use expansion, it appears that the proposed use will blend with the existing and future uses of this mixed-use area.

- 3. Effect on Natural Environment.** *Whether and the extent to which the proposed expansion of a nonconforming use would result in significant adverse impacts on the natural environment, including but not limited to adverse impacts on water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.*

The applicant has stated that the “expansion will be used for storage, not production of any sort and not have water/sewer/gas connections.” Therefore, effects on the natural environment will appear to be minimal. Any issues pertaining to grading, drainage, and stormwater will be addressed through the building permit process.

- 4. Community Need.** *Whether and the extent to which the proposed expansion of a nonconforming use addresses a demonstrated community need.*

The applicant has indicated that the proposed expansion of this nonconforming use “will be used for parking/storage of boats, cars, atv’s, and equipment to keep them out of the elements and enhance property appearance by minimizing clutter.” It appears that the proposed expansion of the residential nonconforming use with a storage building will reduce outside visual clutter. In addition, it will allow the applicant to shelter his vehicles and boats from weather conditions and improve pedestrian access to this mixed-use area. Currently, the applicant parks his vehicle in front of the existing house blocking the pedestrian access along South Bryant Boulevard.

- 5. Development Patterns.** *Whether and the extent to which the proposed expansion of a nonconforming use would result in a logical and orderly pattern of urban development in the community.*

The applicant has stated that “on the city’s 10-year plan, the property is part of a commercial-focused area. A good, large warehouse/storage building will be an asset in perpetuity.” At present, the subject property is within the Neighborhood Commercial (CN) Zoning District which is intended to provide opportunities for commercial development that serves and is supported by a relatively surrounding area – a neighborhood. Allowable commercial uses include a wide variety of office activities, as well as a more limited range of retail trade and services aimed toward meeting the routine needs of residents in that neighborhood. Whether utilized as a residence or for commercial purposes, the expansion of the nonconforming use with a one story accessory building appears to be consistent with other uses in this area and appears to be a logical and orderly development of the land development. Furthermore, it appears that expanding the existing use will maximize the land development potential for this commercial area.

Section 208.F of the Zoning Ordinance requires that expansions of legal, nonconforming uses also have to meet the following additional criteria consistent with a Conditional Use review:

Consistency with Zoning Ordinance. *Whether and the extent to which the proposed conditional use would conflict with any portion of this Zoning Ordinance, including the applicable zoning district intent statement.*

The nature of the nonconforming use expansion appears to be consistent with relevant aspects of the Zoning Ordinance. The subject property is 13,373 square feet (0.307 acres) in size and meets the minimum lot frontage of 50 feet, lot depth of 80 feet; and lot area of 6,000 square feet for the CN Zoning District. The use falls under the “Household Living” use category and may be permitted with a Conditional Use in the Neighborhood Commercial Zoning District. The proposed nonconforming use expansion also comply with the required Maximum Floor Area Ratio of 0.6. Per 402 of the Zoning Ordinance, a maximum accessory building floor area of 600 square feet or 50 percent of the floor area of the principal building, whichever is greater, may be permitted on any residential lot. In this case, the maximum allowable area would be 1,776 square feet.

Notification:

On July 2, 2015, 18 notifications were mailed out to residences within a 200-foot radius of the subject site. As of July 15, 2014, there were zero (0) responses in favor and three (3) responses in opposition of the request.

Action Requested:

The action requested is for the Planning Commission to recommend **APPROVAL** of Case NCU14-02, **subject to the following one (1) Condition of Approval:**

Proposed Condition:

1. The proposed residential storage building shall not exceed a maximum of 1,776 square feet in size on the overall 13,373 square feet (0.307 acres) property. No further residential accessory buildings shall be allowed.

Attachments:


Aerial Map
Future Land Use Map
Zoning Map
Major Thoroughfare Plan
Notification Map
Photos of Site and Surrounding Area
Site Plan
Proposed storage building
Expansion of Non-Conforming Use Application



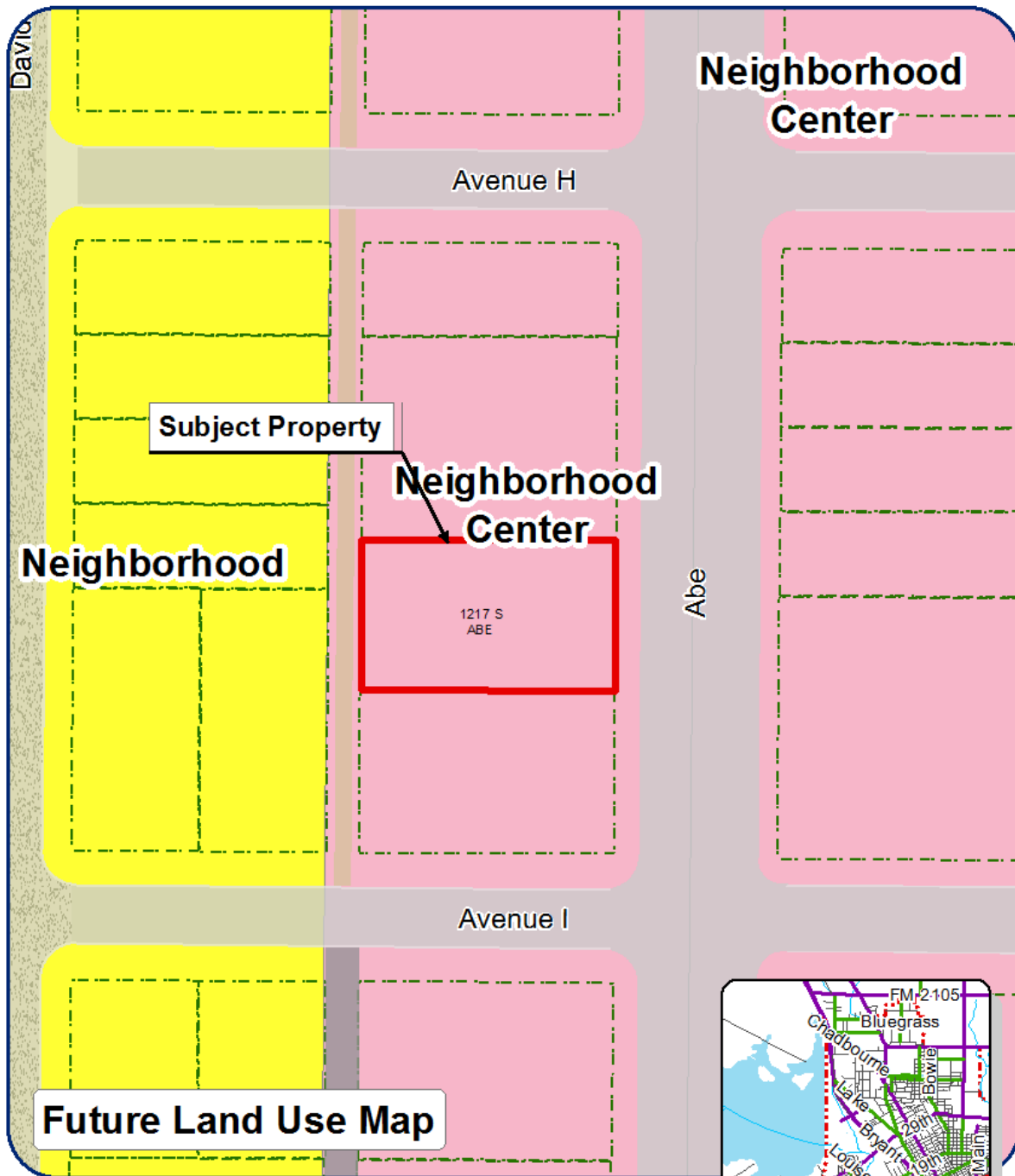
Non-Conforming Use Case File

Case NCU15-01
 Council District: Elizabeth Grindstaff (SMD # 5)
 Neighborhood: Santa Rita
 Scale: 1 in approx = 75 ft
 Subject Property: 1217 South Bryant Boulevard

Legend



Subject Properties: 
 Current Zoning: **CN**
 Requested Zoning Change: **Neighborhood Center**
 Vision: **Neighborhood Center**

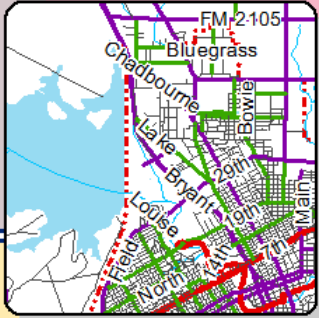


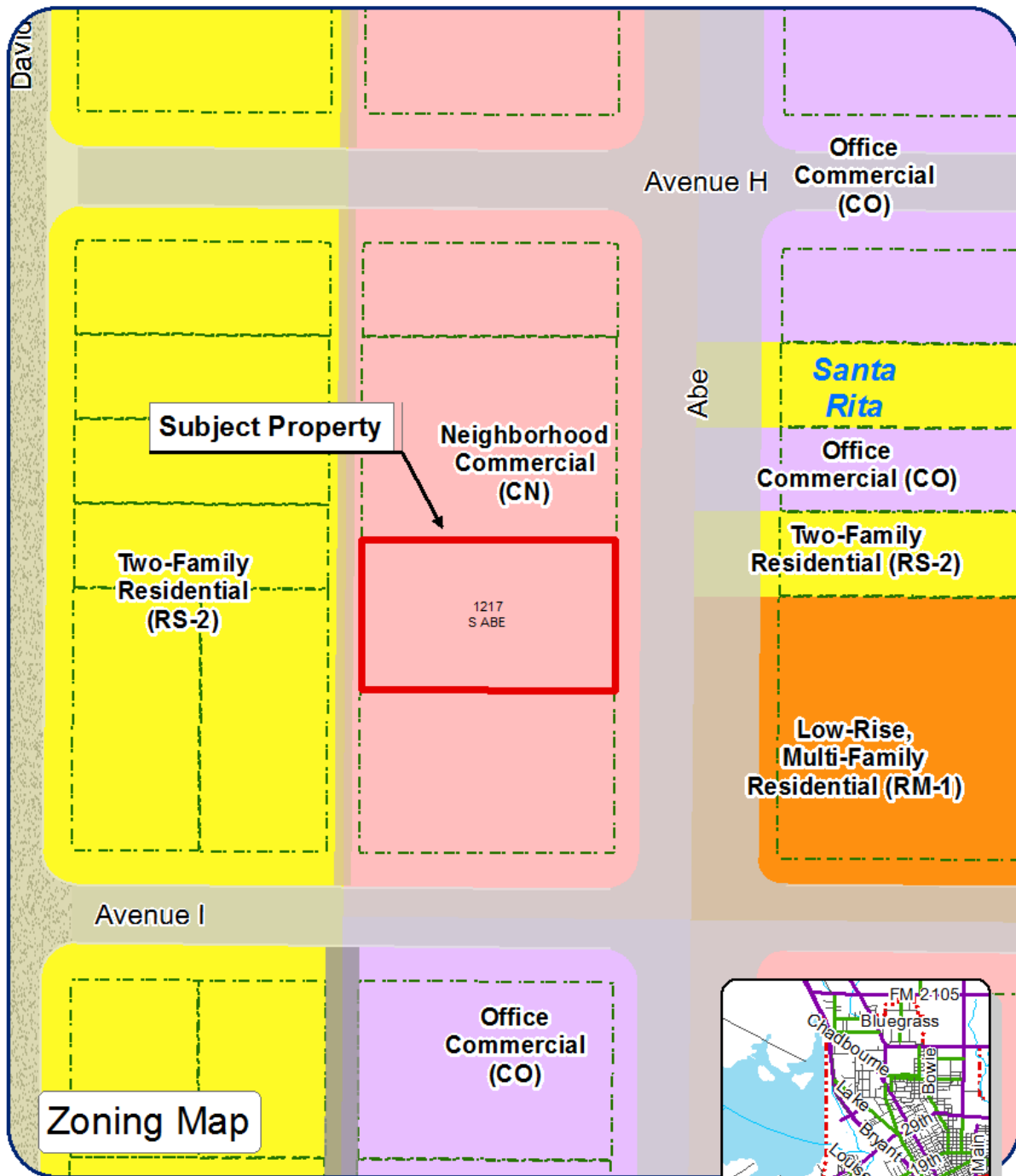


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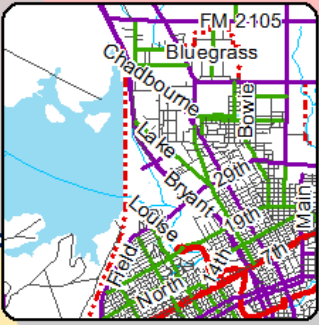
Legend
 Subject Properties: —
 Current Zoning: CN
 Requested Zoning Change: —
 Vision: — Neighborhood Center





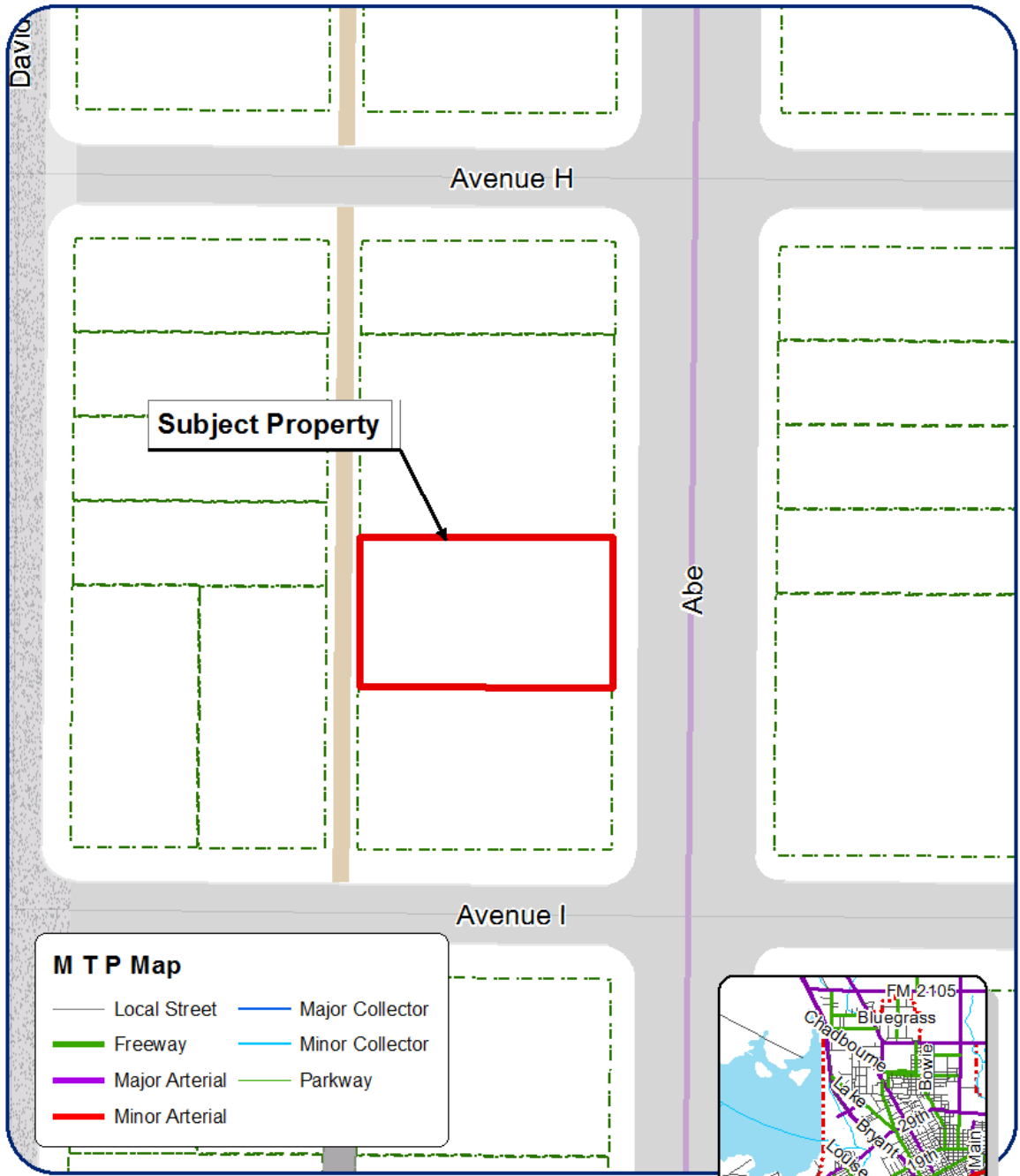
Zoning Map



Non-Conforming Use Case File
 Case NCU15-01
 Council District: Elizabeth Grindstaff (SMD # 5)
 Neighborhood: Santa Rita
 Scale: 1 in approx. = 75 ft
 Subject Property: 1217 South Bryant Boulevard

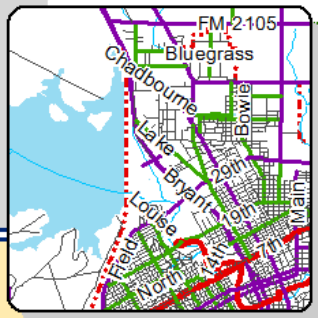
Legend
 Subject Properties:
 Current Zoning: CN
 Requested Zoning Change: Neighborhood Center





M T P Map

— Local Street	— Major Collector
— Freeway	— Minor Collector
— Major Arterial	— Parkway
— Minor Arterial	





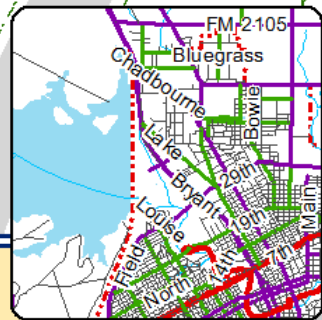
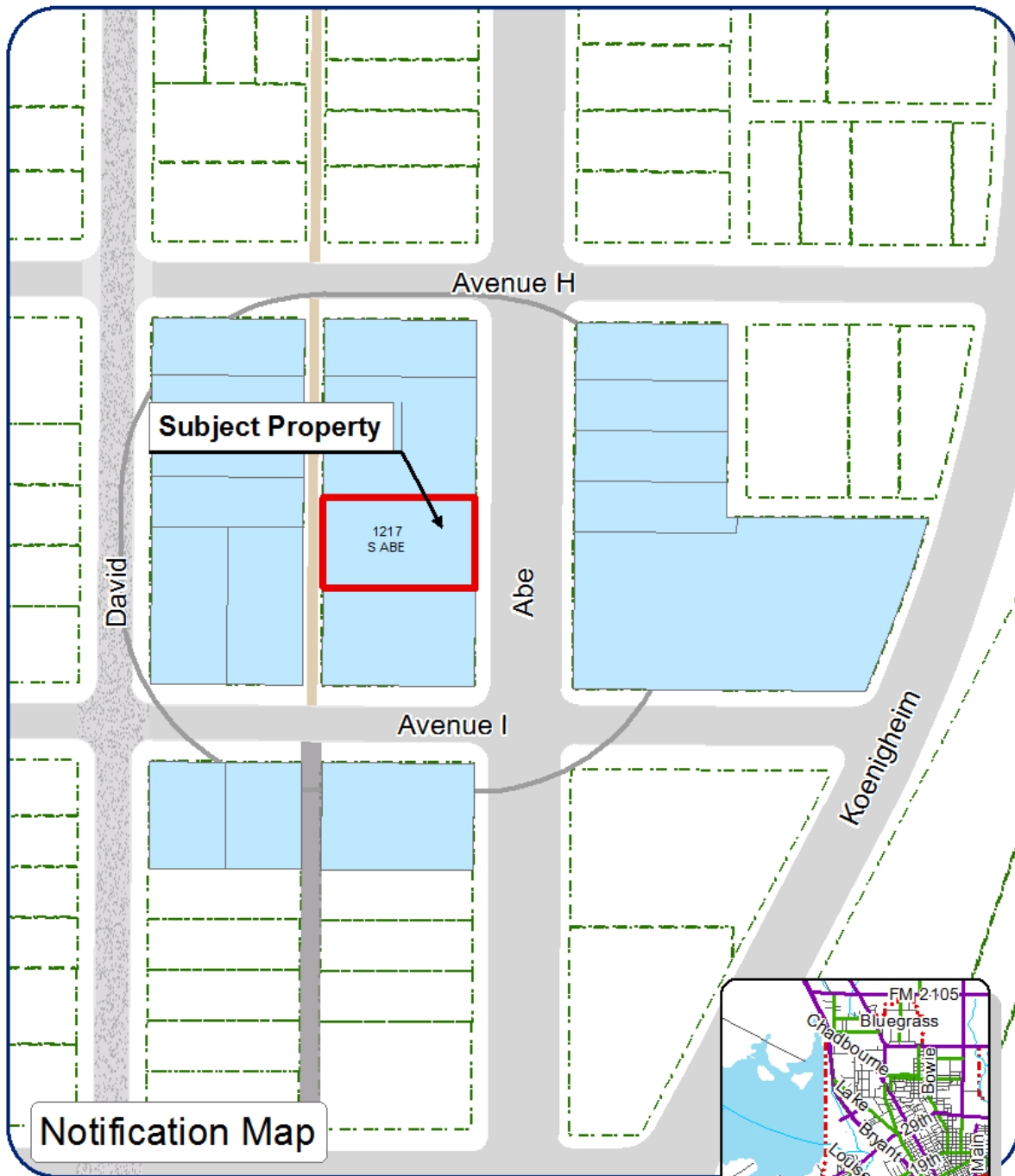
Non-Conforming Use Case File

Case NCU15-01
 Council District: Elizabeth Grindstaff (SMD # 5)
 Neighborhood: Santa Rita
 Scale: 1 in approx. = 75 ft
 Subject Property: 1217 South Bryant Boulevard

Legend

Subject Properties: —
 Current Zoning: CN
 Requested Zoning Change: Neighborhood Center
 Vision: Neighborhood Center


N





Non-Conforming Use Case File

Case NCU15-01
 Council District: Elizabeth Grindstaff (SMD # 5)
 Neighborhood: Santa Rita
 Scale: 1 in approx. = 125 ft
 Subject Property: 1217 South Bryant Boulevard

Legend

Subject Properties: 
 Current Zoning: **CN**
 Requested Zoning Change:
 Vision: **Neighborhood Center**



Photos

West – Subject Property



North



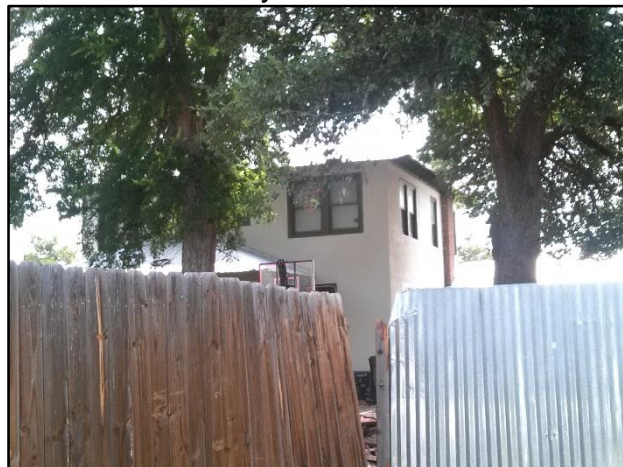
East



South



View from the alley



View of commercial uses to the South



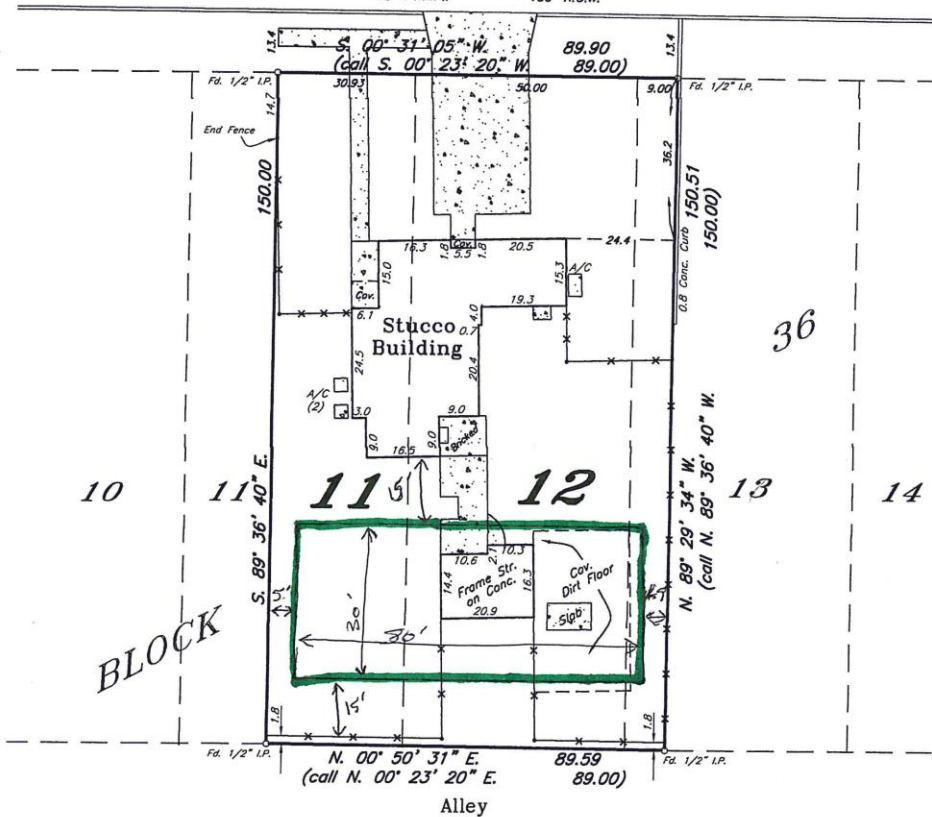
Site Plan

COPYRIGHT 2004

THIS SURVEY IS PROTECTED BY ALL APPLICABLE STATE AND FEDERAL COPYRIGHT LAWS. THIS SURVEY IS VOID WITHOUT AN ORIGINAL SIGNATURE AND SEAL.

SOUTH BRYANT BOULEVARD

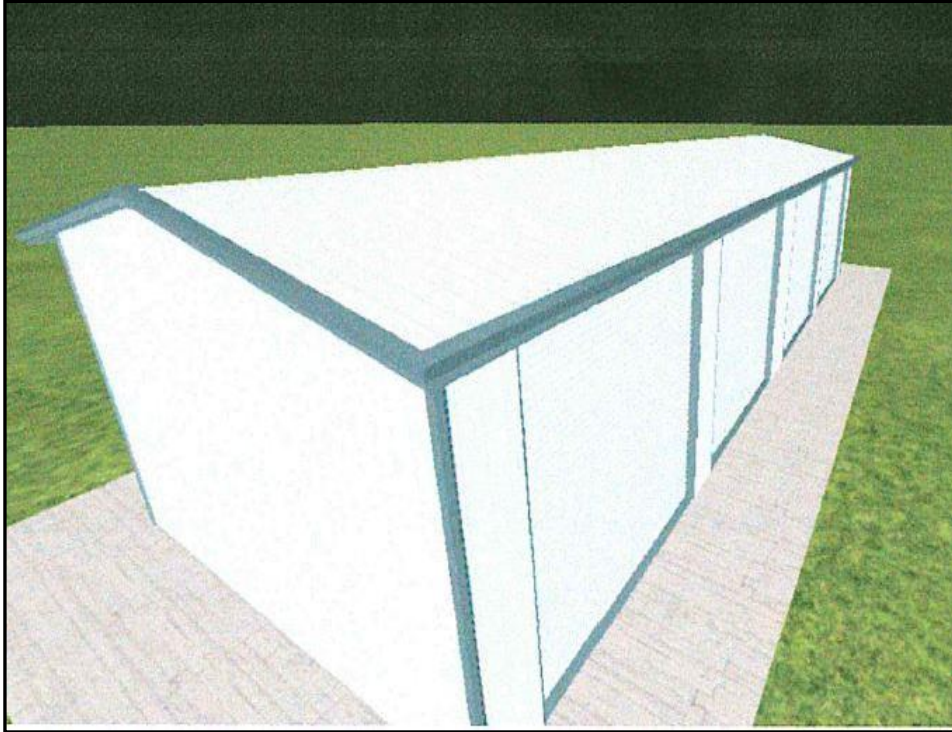
70' Pym't. 100' R.O.W.



Scale: 1" = 30'
 BEARINGS ARE BASED UPON
 THE PLAT OF RECORD.

1217 SOUTH ABE STREET
 PLAT SHOWING A SURVEY OF LOT 12 AND THE SOUTH 30 FEET OF LOT 11 AND THE NORTH 9 FEET OF LOT 13, BLOCK 36, PARK HEIGHTS ADDITION, CITY OF SAN ANGELO, TOM GREEN COUNTY TEXAS

Proposed storage building



Expansion of Non-Conforming Use Application

City of San Angelo, Texas - Planning Division
**Application for EXPANSION OF A NONCONFORMING
USE/NONCOMFORMING STRUCTURE**

Name of Applicant(s): Daniel Davis

Owner Representative (Affidavit required)

Mailing Address: 1217 S. Bryant Telephone: (325) 374-0203

City/State/Zip: San Angelo, TX 76903 Fax/Other: (325) 658-4136

Contact Email Address: daniel@mi-benefit.com

Subject Property Address and/or Location*:
see attached

Legal Description*: See attached

Lot Size: 89' x 150' Zoning: Commercial

Existing Use of Property: residence

Proposed Size/Use: 2,400 sq. ft. storage/warehouse

Nonconforming Feature: larger than 1/2 footage of existing structure

* use attachment, if necessary

I/We the undersigned acknowledge that the information provided above is true and correct, and have read the statements below.


Signature

4/8/2015
Date

1. The Planning Commission makes the final decision on these requests; appeals may be directed to City Council.
2. I understand that the Commission may impose conditions including, but not limited to: limitations on size, bulk and location; requirements for landscaping, buffering and screening, lighting, & adequate ingress and egress; cash deposits, bonds or other guarantees of performance; other on-site improvements; and limitations on the duration or hours of operation of an expanded use.
3. Approval of this request does not constitute approval of permits, site plans, or other processes that require separate approval.
4. If a permit is not sought within one year of the approval date of this Conditional Use, it will expire and requires another application.

I understand that this Commission is required by law to make decisions based on the following criteria, and I assert that my request meets all of the required criteria based on my explanation(s) below:

- **Impacts Minimized.** Whether and the extent to which the proposed expansion of a nonconforming use creates adverse effects, including adverse visual impacts, on adjacent properties.

Explanation: Proposed expansion will be shorter than existing building, meaning minimal change in property's appearance. Will be constructed of all new materials, minimizing negative aesthetic impact

- **Compatible with Surrounding Area.** Whether and the extent to which the proposed expansion of a nonconforming use is compatible with existing and anticipated uses surrounding the subject property.

Explanation: Expansion will not be visible from street, only alley. Other storage units exist along alley.

- **Effect on Natural Environment.** Whether and the extent to which the proposed expansion of a nonconforming use would result in significant adverse impacts on the natural environment, including but not limited to adverse impacts on water and air quality, noise, storm-water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.

Explanation: Expansion will be used for storage, not production of any sort and NOT have water/sewer/gas connections

- **Community Need.** Whether and the extent to which the proposed expansion of a nonconforming use addresses a demonstrated community need.

Explanation: Will be used for parking/storage of boats, cars, ATVs & equipment to keep them out of the elements and enhance property appearance as minimizing clutter

- **Development Patterns.** Whether and the extent to which the proposed expansion of a nonconforming use would result in a logical and orderly pattern of urban development in the community.

Explanation: On the city's 10-year plan, the property is part of a commercially-focused area. A good, large warehouse/storage building will be an asset in perpetuity.

OFFICE USE ONLY

Case no.: 15-01 Date of application: 6/11/15

Received by: Jeff Fisher

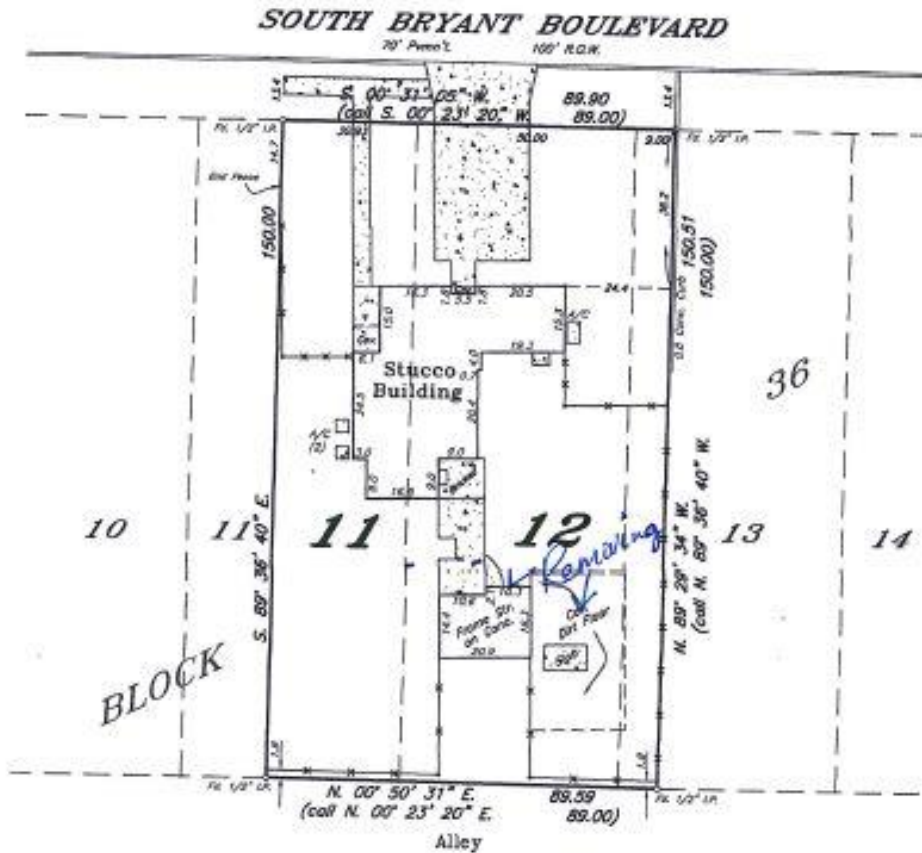
Nonrefundable application fee (with deposit): \$163.75 Date paid: 6/11/15

Fully-dimensioned site plan: Planning Commission hearing date: 7/20/15

River Corridor Commission? yes no

If yes, RCC meeting date: _____

NOTE: THIS SURVEY IS VOID WITHOUT AN ORIGINAL SIGNATURE AND SEAL.



Scale: 1" = 30'

BEARINGS ARE BASED UPON THE PLAT OF RECORD.

1217 SOUTH ABE STREET

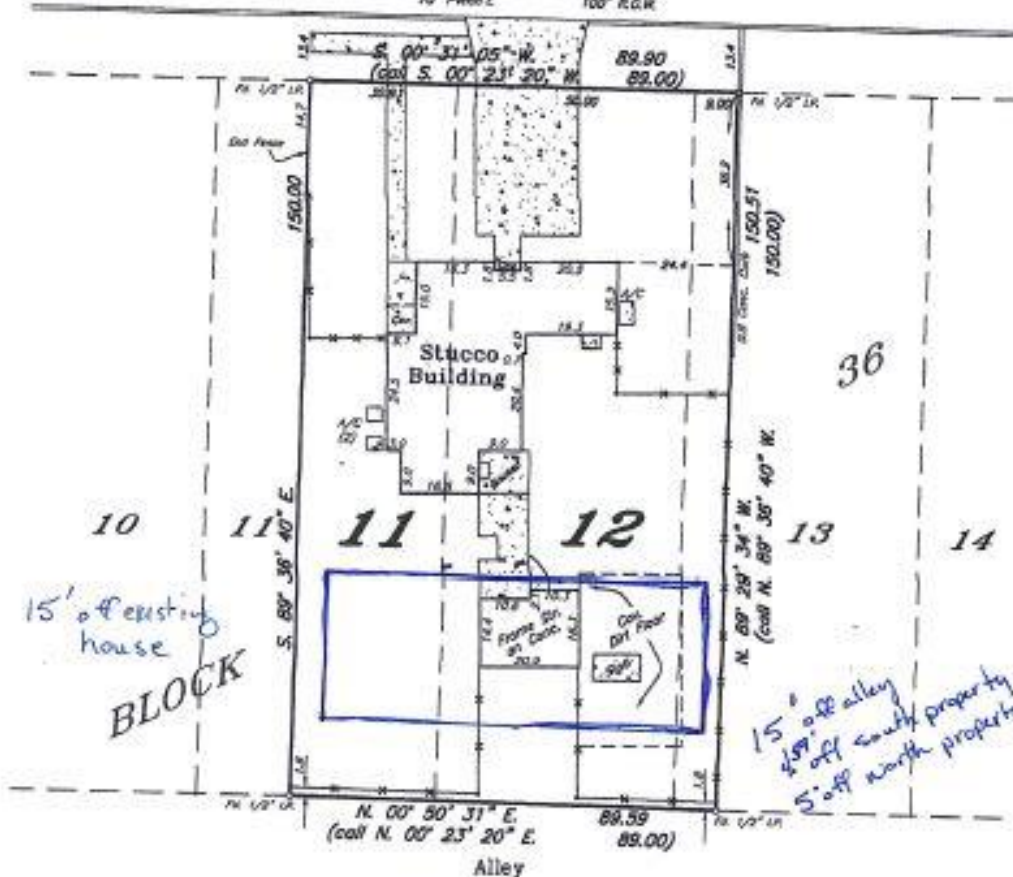
PLAT SHOWING A SURVEY OF LOT 12 AND THE SOUTH 30 FEET OF LOT 11 AND THE NORTH 9 FEET OF LOT 13, BLOCK 36, PARK HEIGHTS ADDITION, CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS.

As per plat recorded in Volume 26, Page 360, Deed Records of Tom Green County, Texas.

THIS SURVEY IS MADE HEREON AND ORIGINAL SIGNATURE AND SEAL.

SOUTH BRYANT BOULEVARD

70' Paved 100' R.O.W.



Scale: 1" = 30'

BEARINGS ARE BASED UPON THE PLAT OF RECORD.

1217 SOUTH ABE STREET

PLAT SHOWING A SURVEY OF LOT 12 AND THE SOUTH 30 FEET OF LOT 11 AND THE NORTH 9 FEET OF LOT 13, BLOCK 36, PARK HEIGHTS ADDITION, CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS.

As per plat recorded in Volume 26, Page 360, Deed Records of Tom Green County, Texas.

This property see entirely within Deed 200-11-10



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Property Year 2015 [Tax Summary](#)

Information Updated 7/14/2015

Property ID: R000010509 Geo ID: 21-38100-0036-009-00

< [Previous Property](#) **217** [Next Property](#) >

**** Property Alert **** This property's 2015 value(s) are preliminary and un-certified.

Property Details

Ownership	Available Actions
DAVIS DANIEL 1217 S ABE SAN ANGELO, TX 76903-7243 Ownership Interest: 1.0000000	

Qualified Exemptions

Homestead Exempt

Legal Information

Legal: Lot: 12 & S30'OF LOT 11 & N9'OF 13 *COMB FR, Blk: 36, Subd: PARK HEIGHTS ADDITION
 Situs: ABE 1217 S

Property Valuation History

Values by Year		2015	2014	2013	2012	2011	n/a
Improvements	+	\$259,200	\$160,110	\$63,500	\$63,500	\$63,500	\$0
Land	+	\$35,600	\$35,600	\$35,600	\$35,600	\$35,600	\$0
Production Market	+	\$0	\$0	\$0	\$0	\$0	\$0
Personal	+	\$0	\$0	\$0	\$0	\$0	\$0
Mineral	+	\$0	\$0	\$0	\$0	\$0	\$0
Appraised Value	=	\$294,800	\$195,710	\$99,100	\$99,100	\$99,100	\$0
Agricultural Loss	-	\$0	\$0	\$0	\$0	\$0	\$0
Homestead Cap Loss	-	\$174,890	\$86,700	\$0	\$0	\$0	\$0
Total Assessed	=	\$119,910	\$109,010	\$99,100	\$99,100	\$99,100	\$0

Property Information

Improvement / Buildings Improvement Value: \$259,200

Group Sequence	Code	Building Description	Year Built	Square Footage	Perimeter Footage
1	0400	HOUSE	1928	3,552	180
2	CARPORT1	CARPORT	2004	630	102
3	0600	O/C PORCH	1928	36	24
4	DETSTG1	DET/STG	2004	160	51

Land Details Market Value: \$35,600 Production Market Value: \$0 Production Value: \$0

Land Code	Acres	Sq. Ft.	Front Ft.	Rear Ft.	Depth	Mkt. Value	Prd. Value
0200	0.307	13,373	89	89	150	35,600	0

Deed History

Sold By	Volume	Page	Deed Date Instrument
THOMAS LARRY ONEAL			1/21/2005
THOMAS LARRY ONEAL	1167	553	12/29/2004 583212

Property Tax Estimation by Entity / Jurisdiction

Code	Description	Taxable Value	Tax Rate per \$100	Tax Factor applied to Taxable Value	Estimated Tax
CR	TOM GREEN COUNTY	95,928	\$0.515	0.00515	\$494.03
CT	CITY OF SAN ANGELO	95,928	\$0.776	0.00776	\$744.40
SA	SAN ANGELO ISD	104,910	\$1.24	0.0124	\$1,300.88
Total Estimation			\$2.531	0.02531	\$2,539.31

The above property tax estimation is not a tax bill. Do not pay.
[Click here to view actual Property Tax Bill.](#)

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