

# STAFF REPORT



**Meeting:** October 5, 2015

**To:** Zoning Board of Adjustment

**From:** Jon James, AICP  
Director of Planning and Development Services

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

**Staff Planner:** Jeff Fisher  
Planner I

**Case:** ZBA15-12

**Request:** A Variance from Section 502.B of the Zoning Ordinance to allow for a 10-foot front yard setback in lieu of 25 feet for the extension of an existing canopy in the General Commercial/Heavy Commercial (CG/CH) Zoning District

**Location:** 1501, 1505, and 1509 Pulliam Street; generally located at the immediate southeast corner of North Archer Street and Pulliam Street

**Legal Description:** Fairview Addition, Block 31, Lots 5, 6, and 7, Tom Green County, Texas

**General Information**

Zoning: General Commercial/Heavy Commercial (CG/CH)

Existing Land Use: Existing Vehicle Repair Facility (Tire Sales and Repair)

Future Land Use: Neighborhood Center

Surrounding Zoning/Land Use:

North:	Light Manufacturing District (ML)	Taco Bell, Rooster's Restaurant
West:	Light Manufacturing District (ML)	Young's Paint and Body Shop
South:	Single-Family Residential (RS-1)	Existing Manufactured Housing
East:	General Commercial/Heavy Commercial (CG/CH)	Retail Commercial Establishments

District: SMD#3 - Johnny Silvas

Neighborhood: Fort Concho East Neighborhood

Notification Required: Yes

Notifications Sent: 11

Responses in Favor: 1

Responses in Opposition: 0

**Recommendation:**

The Planning Division recommends **APPROVAL** of this request, **subject to two (2) Conditions of Approval.**

## **History and Background:**

On May 27, 2015, the applicant submitted an Application for Variance to allow for a 10-foot front yard setback in lieu of the required 25-foot setback in the General Commercial/Heavy Commercial (CG/CH) Zone District for an extension of an existing canopy.

The existing tire change and repair business services small and large vehicles, including trucks as large as 70-feet in length. The owner has been running the existing facility from the properties since 2009, but the facilities have existed since the 1950s, according to Assessment Records. The Permits and Inspections Division have found no record of any permits for the existing canopies on site. There are two canopy areas onsite where vehicles are serviced: The first canopy, which is not subject to the Variance request, is located 69 feet south of the front property line on Pulliam Street and can service large trucks. However, the applicant indicated that due to lack of maneuvering room onsite, larger vehicles, including 18-wheel transport trucks, are forced to stop traffic and reverse out onto Pulliam Street. Pulliam Street is a Major Arterial Road with two lanes on either side, including a middle turning lane. The location of this canopy is perpendicular to Pulliam Street, and therefore, trucks have to drive straight in and have no other option but to reverse back out onto Pulliam Street. The second canopy, which is the subject of the Variance request, is located 15 feet from the front property line and parallel to Pulliam Street, and allows vehicles to drive in and out from Pulliam Street without having to reverse. This canopy, however, is only 20 feet wide with a 12'-2" vertical clearance, and the applicant has stated that this is insufficient to service large trucks. The Variance, if granted, would allow the canopy to be widened by 5 feet, and extended in height by 2 feet to 14'-2". This would reduce the front yard setback to 10 feet, but would provide adequate clearance for large trucks to be serviced here, as well as avoid the need to use the first canopy that requires them to reverse onto Pulliam Street.

Planning Staff circulated the application to the Permits and Inspections Division, the Fire Department, and Engineering Services for review. The Permits and Inspections Division and the Fire Department have no objections to the Variance request. While the new canopy would allow large trucks to drive straight in and straight out, Planning Staff and Engineering Services Staff were concerned with vehicles having an insufficient turning radii to make a left-in from Pulliam Street, and being able to exit from Archer Street back onto Pulliam. A meeting was held with Planning and Engineering Staff, the owner, and applicant, on July 29, 2015. The owner provided further information at the request of Engineering Services, including that for the longest truck that would be using the canopy (70 feet); its wheel base (20'-6"); the distance between the edge of the driveway on Pulliam Street and the canopy (76 feet); the distance between the canopy and Archer Street (54 feet); and the width of Archer Street (37 feet).

In written correspondence dated August 25, 2015, Engineering Services confirmed that based on TxDOT references for turning radii, and the information provided by the applicant, a 70-foot truck would have sufficient space to enter left-in from Pulliam Street, make a right-out onto Archer Street, and then go left-out back onto Pulliam Street. There would not be sufficient space to go north on Archer Street or turn right onto Pulliam. While not ideal, trucks could make a left out onto Pulliam Street, and use North Florence Street, as well as other local streets, to connect to North Bell Street and the Houston Harte Expressway.

**Analysis:**

Section 207(F) of the Zoning Ordinance requires that an applicant for a Variance must show that a hardship exists and that the Zoning Board of Adjustment make an affirmative finding that each and every one of the following six (6) criteria are met.

- 1. Special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district and are not merely financial;**

The buildings and canopies on the properties have existed prior to the owner purchasing the property. Granting a Variance would improve the existing situation, eliminating the need for trucks to reverse onto Pulliam Street to exit the property which they are already doing. The canopy extension will still maintain a 10-foot setback from Pulliam Street, and there is also an additional 17 feet from the front property line to Pulliam Street, leaving a front yard clearance of 27 feet. The circumstances are safety-related, not financial, as the owner is already operating the existing business from the property.

- 2. These special circumstances are not the result of the actions of the applicant;**

The owner did not create the situation as he purchased the property with its current logistical layout. He intends to protect the general public by allowing larger trucks to be serviced at the front canopy and no longer have them reverse out onto Pulliam Street.

- 3. Literal interpretation and enforcement of the terms and provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zoning district, and would cause an unnecessary and undue hardship;**

A literal interpretation of the Zoning Ordinance would maintain the current situation which presents a danger to the public as trucks have to reverse onto Pulliam Street, which increases the likelihood of accidents along that right-of-way.

Allowing the canopy to extend 5 feet into the front yard would allow the existing business to operate in a safer, more efficient manner.

**4. Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest, and would carry out the spirit of this Zoning Ordinance and substantial justice;**

Granting the Variance would not appear to be contrary to the public interest. Other businesses with front canopies already exist along Pulliam Street, including Young's Paint and Body Shop at 1419 Pulliam Street, and the retail buildings at 1416 and 1420 Pulliam Street. This is a unique case where the existing site logistics impose restrictions for this type of business which requires adequate turning areas for vehicles.

**5. Granting the variance will not adversely affect adjacent land in a material way;**

Staff does not anticipate this Variance to have adverse effects on neighboring properties. Not granting the Variance would appear to negatively impact adjacent properties as trucks would continue to reverse out onto Pulliam, creating potential collisions with oncoming traffic, including customers from adjacent businesses.

**6. Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.**

Staff believes this Variance appears to be consistent with all of the stated purposes and intents of the Zoning Ordinance. The proposed canopy extension also will appear to comply, in all other respects, with the Zoning Ordinance, as well as all applicable CG/CH development standards. It is further noted that other properties along Pulliam Street have non-conforming front yard setbacks: Young's Paint and Body Shop at 1419 Pulliam Street (0-foot setback), retail building at 1515 Pulliam Street (13-foot setback), retail building at 1519 Pulliam Street (10-foot setback), convenience store and laundry buildings at 1416 and 1420 Pulliam Street (8-foot and 9-foot setbacks respectively).

**Notification:**

On September 24, 2015, 11 notifications were mailed out within a 200-foot radius of the subject site. As of October 1, 2015, there were zero (0) responses in favor, and zero (0) responses in opposition of the request.

**Action Requested:**

The action requested is for the Zoning Board of Adjustment to **APPROVE** Case ZBA15-12 and approve the Variance from Section 502.B of the Zoning Ordinance to allow for a 10-foot front yard setback in lieu of 25 feet for the extension of an existing canopy in the General Commercial/Heavy Commercial (CG/CH) Zoning District, **subject to the following two (2) Conditions of Approval:**

1. The applicant shall submit final elevations and renderings to the Planning Manager, or his/her designee, showing the color, slope, and materials of the new canopy extension match the existing canopy.
2. The applicant shall obtain a Building Permit for the canopy addition from the Permits and Inspections Division.

**Effect of Variance:**

Per Section 207(H) of the Zoning Ordinance:

1. Issuance of a Variance shall authorize only the particular variation which is approved in the Variance. A Variance shall run with the land.
2. Unless otherwise specified in the Variance, an application to commence construction of the improvements that were the subject of the Variance request must be applied for and approved within 12 months of the date of the approval of the Variance; otherwise, the Variance shall automatically become null and void. Permitted time frames do not change with successive owners. Upon written request, only one (1) extension from the 12-month period may be granted by the Planning Manager if it is determined that conditions of the site and immediately surrounding area are substantially unchanged.

**Attachments:**

- Aerial Map
- Future Land Use Map
- Zoning Map
- Transportation Map
- Notification Map
- Response
- Site Plan
- Elevations
- Site Photos
- Application



**Variance Case File**

**Case ZBA15-12: Garza**

Council District: Johnny Silvas (SMD #3)  
 Neighborhood: Fort Concho East  
 Scale: 1" approx. = 75 ft  
 Subject Property: 1501, 1505, 1509 Pulliam St.

**Legend**

Subject Properties:   
 Current Zoning: **CG/CH**  
 Requested Zoning Change: **N/A**  
 Vision: **Neighborhood Center**





**Variance Case File**

**Case ZBA15-12: Garza**

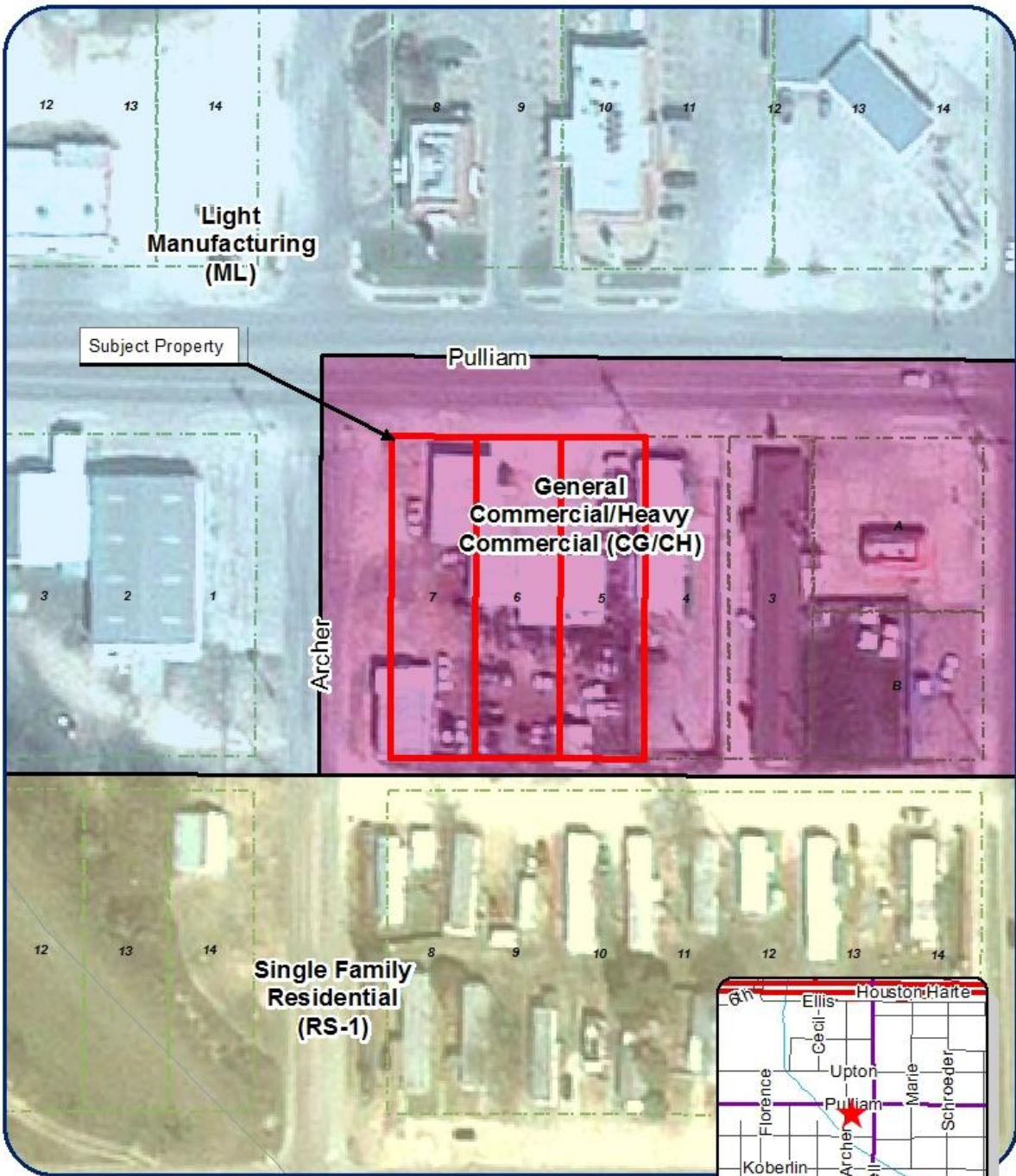
Council District: Johnny Silvas (SMD #3)  
 Neighborhood: Fort Concho East  
 Scale: 1" approx. = 75 ft  
 Subject Property: 1501, 1505, 1509 Pulliam St.

**Legend**

- Subject Properties: █
- Current Zoning: CG/CH
- Requested Zoning Change: N/A
- Vision: Neighborhood Center








**Variance Case File**

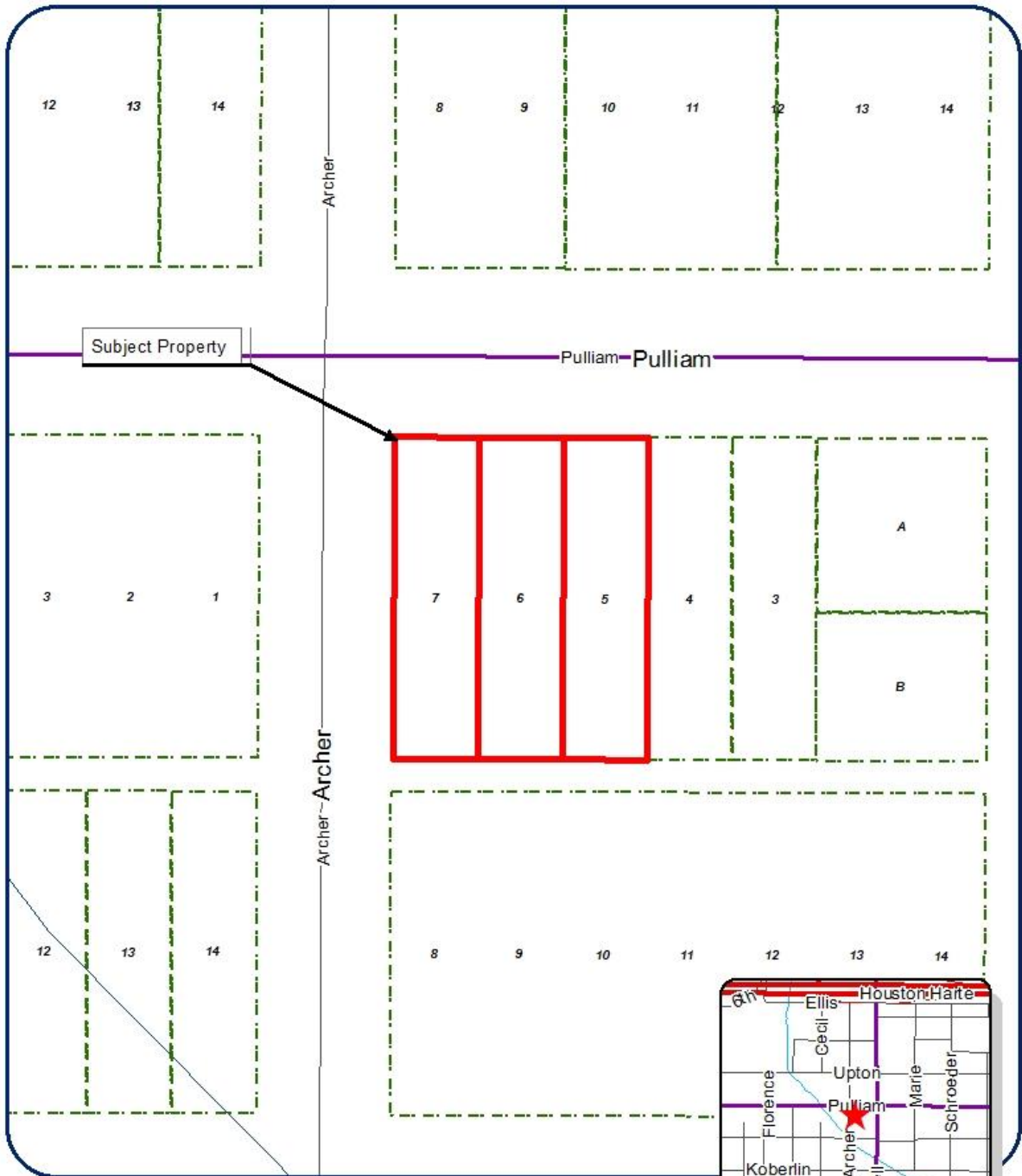
**Case ZBA15-12: Garza**

Council District: Johnny Silvas (SMD #3)  
 Neighborhood: Fort Concho East  
 Scale: 1" approx. = 75 ft  
 Subject Property: 1501, 1505, 1509 Pulliam St.

**Legend**

Subject Properties:   
 Current Zoning: **CG/CH**  
 Requested Zoning Change: **N/A**  
 Vision: **Neighborhood Center**





**Variance Case File**

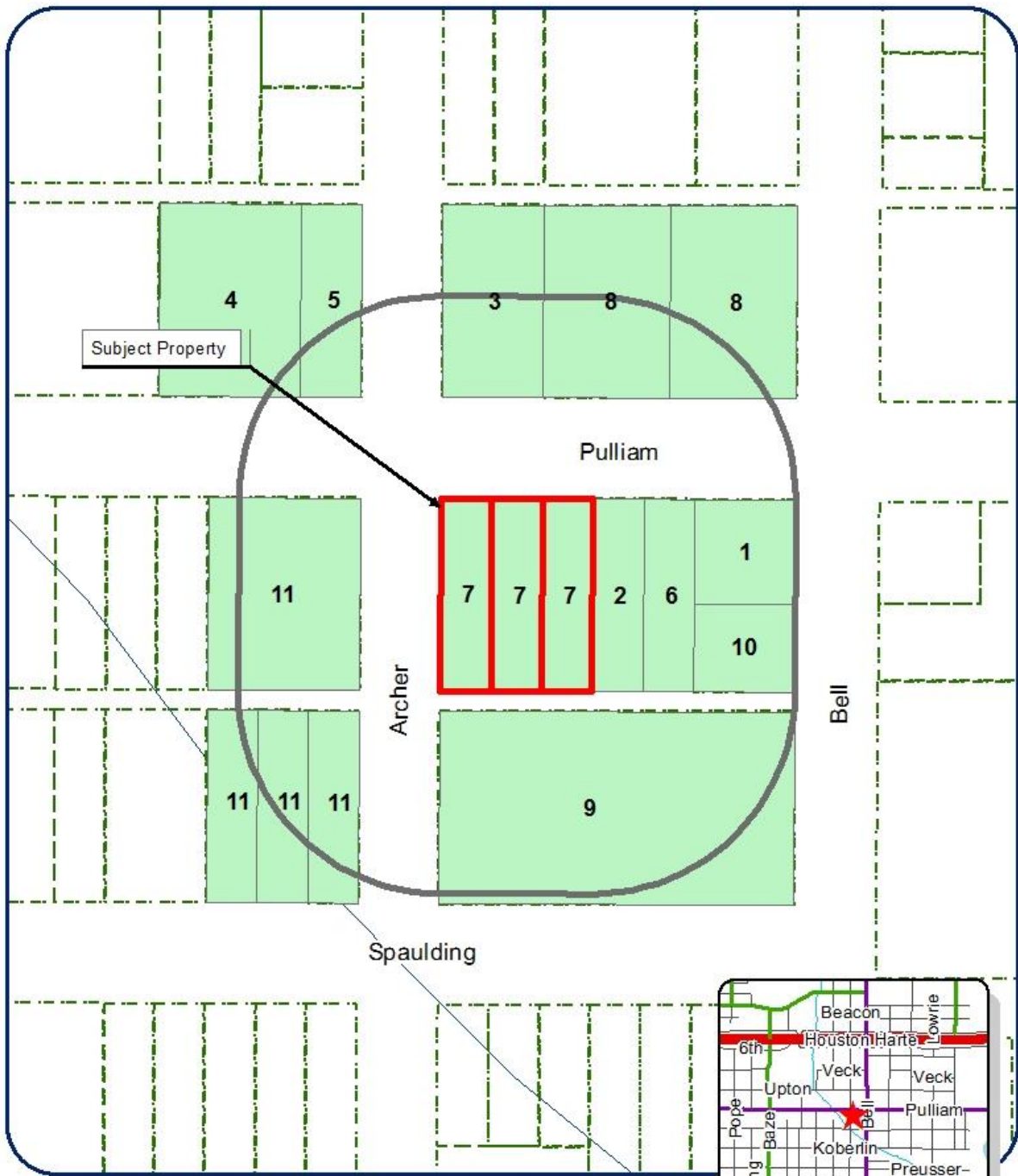
**Case ZBA15-12: Garza**

Council District: Johnny Silvas (SMD #3)  
 Neighborhood: Fort Concho East  
 Scale: 1" approx. = 75 ft  
 Subject Property: 1501, 1505, 1509 Pulliam St.

**Legend**

Subject Properties: —  
 Current Zoning: CG/CH  
 Requested Zoning Change: N/A  
 Vision: Neighborhood Center





**Variance Case File**

**Case ZBA15-12: Garza**

Council District: Johnny Silvas (SMD #3)  
 Neighborhood: Fort Concho East  
 Scale: 1" approx. = 125 ft  
 Subject Property: 1501, 1505, 1509 Pulliam St.

**Legend**

- Subject Properties: █
- Current Zoning: CG/CH
- Requested Zoning Change: N/A
- Vision: Neighborhood Center



TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 52 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903. THIS FORM CAN ALSO BE FAXED TO THE PLANNING DIVISION AT 325-657-4227.

() IN FAVOR                      () IN OPPOSITION

REASON(S) We think this <sup>will</sup> improve the  
value of this property & add to  
the surrounding property's value.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAME: Jace Swanson Roosters/Chickens

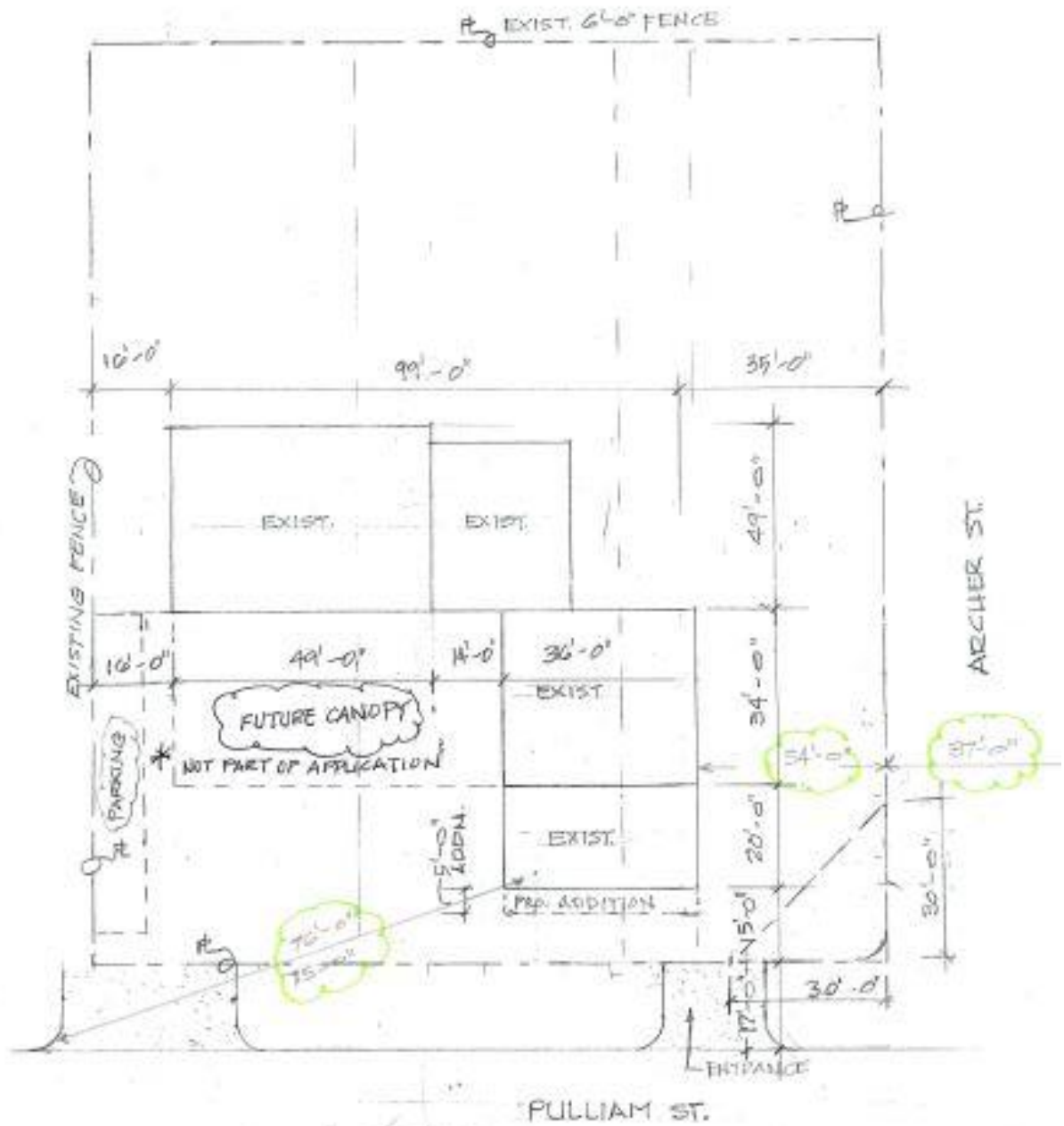
ADDRESS: 4101 Mercedes  
San Angelo, TX

SIGNATURE: Jace Swanson

ZBA15-12: Garza                      property owner number: 8

If you have any questions about these proceedings, please call Ms. Rebeca Guerra, Planning Manager, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached at fax number 325-657-4227.

# Site Plan



PLOT PLAN

50.2' x 10'-0"

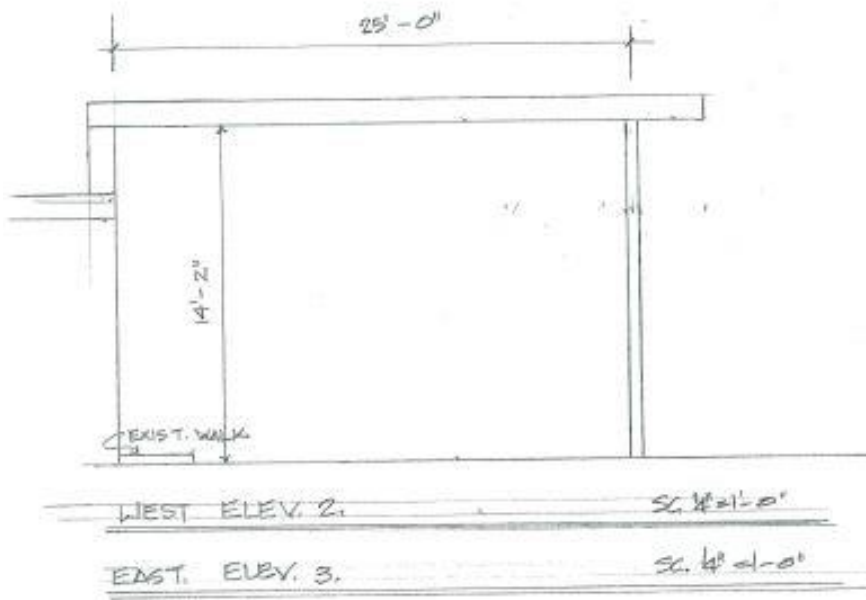
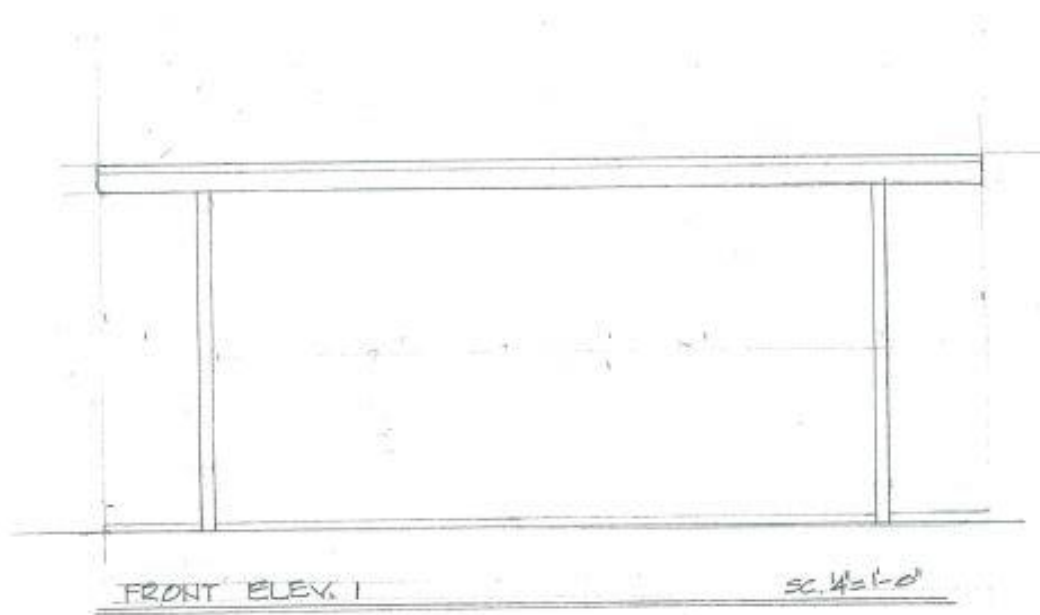
ADDITION - FAIRVIEW ADDN.

LOTS - NO 5, 6 & 7

SAN ANGELO, TX.

TOM GREEN CO.

# Building Elevations



## SITE PHOTOS

### EXISTING FRONT CANOPY (VARIANCE REQUEST)



### EXISTING REAR CANOPY



# NORTH



# EAST





## SOUTH



## WEST



City of San Angelo, Texas - Planning Division  
**Application for Variance from Zoning Regulations**

Name of Applicant(s): RICHARD GARZA

Owner

Tenant

Representative (Affidavit required)

Mailing Address: \_\_\_\_\_

Telephone: 325-651-3539

City/State/Zip: SAN ANGELO, TX. 76903

Fax/other: \_\_\_\_\_

Email Address: \_\_\_\_\_

Subject Property Address and/or Location\*:

1501 PULLIAM

Legal Description\*:

LOT 7 BLK 31 FAIRVIEW ADDN.

Zoning: C-G/CH

Specific Description of Request\*:

TO EXTEND EXISTING CANOPY 5'-0"

& REDUCE FRONT YARD SETBACK TO 10'-0"

\* use attachment, if necessary

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

Richard Garza  
Signature

5/27/15  
Date

- I understand that the Zoning Board of Adjustment is bound by criteria established by state law; I further understand that my request is not guaranteed to be approved and that it constitutes an exception from regulations of the City of San Angelo;
- I/We the undersigned acknowledge that the information provided above is true and correct. I/We understand that any variation(s) authorized by the Zoning Board of Adjustment will require me/us to obtain a building permit for that stated variation within **twelve (12) months** of the approval date by the Board, unless the Board has specifically granted a longer period;
- I understand that all drawings, pictures, documents or other information used during your testimony to the Board must be kept in the permanent files of the Planning Division; and
- I understand that any appeal of a decision made by the Zoning Board of Adjustment must be presented to a court of record with a verified petition stating that the decision of the Zoning Board of Adjustment is illegal in whole or in part and specifying the grounds of the illegality. This petition for appeal must be presented within ten (10) days after the date the decision is filed in the board's office.

I assert that my request for variance meets all of the required criteria based on my explanation(s) below:

- Special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district and are not merely financial;

Explanation: EQUITY, BECAUSE THERE ARE BUILDING WEST & NORTH OF THIS LOCATION REQUEST THAT EXTEND BEYOND MY REQUEST.

- These special circumstances are not the result of the actions of the applicant; <sup>\*(SEE ATTACH)</sup>

Explanation: PRE-EXISTING CONDITIONS - BUT MY REQUEST IS TO ACCOMADATE MY GROWING BUSINESS & PROTECT THE GENERAL PUBLIC.

- Literal interpretation and enforcement of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zoning district, and would cause an unnecessary and undue hardship;

Explanation: THIS REQUEST WILL LESSEN THE DANGER BY SOME

- 18 WHEELERS THAT HAVE TO STOP IN THE MIDDLE OF PULLIAM TO BACKUP INTO MY BUSINESS. THIS REQUEST ALLOWS A DRIVE THRU.

- Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest, and would carry out the spirit of the Zoning Ordinance and substantial justice;

Explanation: THIS REQUEST HELPS TO STOP ENDANGERING THE GENERAL PUBLIC & MY EMPLOYEES. IT ALSO HELPS ME & EMPLOYEES W/ THE ENVIRONMENT, RAIN, SNOW & HEAT.

- Granting the variance will not adversely affect adjacent land in a material way; and <sup>ENVIRONMENT RG &</sup>

- 3 Explanation: WHAT I WANT TO BUILD WILL <sup>BE</sup> CLOSURE TO COMPLIANCES W/ ORDINANCES THAN MOST BUILDING IN AREA.

- Granting the variance will be generally consistent with the purposes and intent of the Zoning Ordinance.

Explanation: Granting the variance will be generally consistent with zoning ordinance as it will be more in compliance than most building in area. Granting the variance will in no way adversely affect adjacent land as it more in compliance than most building in immediate area.

OFFICE USE ONLY	
Case no.: ZBA <u>15-12</u>	Date of application: <u>5/27/15</u>
Fully-dimensioned site plan: <input checked="" type="checkbox"/> Nonrefundable fee: \$ <u>225.00</u>	Date paid: <u>5/27/15</u>
Date to be heard by ZBA: <u>7/6/15</u>	
Received by: <u>Jeff Fisher</u>	Receipt Number: <u>247282</u>
Ordinance section(s) from which variance(s) is/are requested: <u>section 502.B</u>	

May 27, 2015

This request will stop endangering the General Public and my employees. We now have to stop traffic to be able to backup the 18 wheelers into my establishment. We have to flag the Public when we do this. My request will also make for a better environment for myself and my employees from the elements, rain, snow, heat etc. It also that the 5'-0" variance will not in anyway effect the General Public area in a material way as it will be more in compliance than most buildings in area. The future canopy shown dotted in Plat Plan will be only for smaller vehicles, unfortunately this area will not be long enough for large trucks without having to backup into Pulliam which we believe causes danger to the Public and Employees safety. There are existing buildings on Pulliam that are not conforming. including Young Paint & Body Shop at 1419 Pulliam at set back 0'ft. and the buildings 1416 and 1420 on Pulliam with front set back with less than 10'-0" to their Canopy.

Richard Danga

# STAFF REPORT



**Meeting:** October 5, 2015

**To:** Zoning Board of Adjustment

**From:** Jon James, AICP  
Director

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

**Case:** ZBA15-16

**Request:** A Variance from Section 511.C.7 of the Zoning Ordinance to allow for zero (0) off-street parking spaces in lieu of two (2) spaces, and a Variance from Section 511.F.8 of the Zoning Ordinance to allow for an all-weather surface for a driveway approach from a public street in lieu of a paved connection for a Telecommunications Facility

**Location:** Generally located south of Meadow Drive along Lake View Heroes Drive

**Legal Description:** Being 8.5 acres in the TH Dawson survey, Tom Green County, Texas

**Size:** 8.5 acres

## **General Information**

Future Land Use: Campus / Institutional

Zoning: Single Family Residence (RS-1)

Existing Land Use: Vacant Lot & Parking Lot

Surrounding Zoning/Land Use:

North:	Ranch & Estate	Single Family Homes
West:	Planned Development	San Angelo Rodeo Fairgrounds
South:	Single Family Residence (RS-1)	Vacant Land
East:	Single Family Residence (RS-1)	Lincoln Middle School

District: SMD#2 - Marty Self

Neighborhood: Lakeview

Notification Required: Yes

Notifications Sent: 13

Responses in Favor: 0

Responses in Opposition: 0

Thoroughfares/Streets: Per the Master Thoroughfare Plan (MTP), Lake View Heroes Drive is defined as a Minor Arterial. Minor Arterials supplement the major arterials by providing connections between them typically, four-lane roadways with provisions for left-turn lanes. Lake View Heroes Drive exists as a two-lane undivided roadway and should be upgraded to minor arterial standards. Minor arterial roads require 90 feet of right-of-way and 60 feet of pavement.

## **Recommendation:**

The Planning Division recommends **APPROVAL** of this request, **subject to one (1) Condition of Approval.**

## **History and Background:**

The subject site measures approximately 8.5 acres and has never been formally platted. The site is east of the San Angelo Rodeo Fairgrounds and west of Lincoln Middle School. The City of San Angelo is the current property owner of this site.

Ranch & Estate (R&E) and Single Family Residential (RS-1) are the most dominant Zoning Districts in the immediate area. In addition, there is a Planned Development for the existing San Angelo Rodeo Fairgrounds located west of the site, and a small piece of General Commercial (CG) further south of the site. Existing uses in the immediate area include single family residential homes, a school, and the fairgrounds.

On August 17, 2015, the Planning Commission approved a request for a Conditional Use to allow for an unmanned 175-foot tall telecommunications facility on the subject site, subject to three (3) Conditions of Approval.

The proposed telecommunications facility would be located at the far southeast portion of the site. The applicant is proposing a 700-foot long all weather driveway that would provide access from Long View Heroes Drive down to the proposed telecommunications facility. Further, the applicant is requesting that no off-street parking be required for the proposed facility.

## **Analysis:**

Section 207(F) of the Zoning Ordinance requires that an applicant for a Variance must show that a hardship exists and that the Zoning Board of Adjustment make an affirmative finding that each and every one of the following six (6) criteria are met.

- 1. Special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district and are not merely financial;**

The subject site is located next to the San Angelo Rodeo Fairgrounds and currently holds overflow parking for the Fairgrounds as well as for the adjacent water tower. The property is partially paved, but for the most part, contains grass, brush, sand, and caliche. The site's location has been determined by City Staff to be ideal in its

proximity to other City facilities, as well as its centralized position within the City's geographic boundaries. The City is charged with providing services to its residents, and as such, has determined that relative to its other land holdings, this site is most appropriate for the proposed telecommunications facility. Because the City intends to place the proposed facility at its southernmost end, the access to the facility would require almost 700 feet of pavement. Given that the facility will not require continuous maintenance, staff does not anticipate that an all-weather surface, in lieu of pavement, will pose a significant problem for the site. Moreover, since the property is already used as overflow parking for the Fairgrounds and the adjacent water tower, it would appear to be impractical to carve two distinct paved parking areas for the sole purpose of maintaining a telecommunications facility.

**2. These special circumstances are not the result of the actions of the applicant;**

The subject site has existed in this condition for decades, and while it has been the City's property for some time, given the intermittent use of the site for overflow parking, the City has never found an overriding reason for the public's health, safety, or welfare, to improve it. In the event that more permanent uses are established on the site, the City will re-evaluate its stance on the matter and may determine that a more a stabilized surface (i.e. cement or asphalt) may be required.

**3. Literal interpretation and enforcement of the terms and provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zoning district, and would cause an unnecessary and undue hardship;**

A literal interpretation of the Zoning Ordinance would in this case limit the City's ability to effectively develop the site in a fiscally responsible manner. This is particularly significant given that the City's directive is to provide services to its residents in manner which protects their current and future health, safety and welfare. Since the City does not yet know the extent to which the property will be developed, the requirement of paving over 700 feet of access, along with two designated parking spaces appears to be an undue hardship. As stated previously, in the event that more permanent uses are established on the site, the City will re-evaluate the property and may determine that a more a stabilized surface (i.e. cement or asphalt) may be needed.

**4. Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest, and would carry out the spirit of this Zoning Ordinance and substantial justice;**



Allowing for Variances for unpaved access only from Lakeview Heroes Drive to the proposed telecommunications facility and for no paved off-street parking spaces is the minimum needed for the development of the site as a telecommunications facility for the City. Moreover, the City appears to be acting in the public's interest by not constructing permanent pavement on a site which may, in the future, hinder the appropriate development of the property. Finally, Section 207 of the Zoning Ordinance states that a variance may be granted "if it will further an overriding public interest or concern...."

**5. Granting the variance will not adversely affect adjacent land in a material way;**

Staff does not anticipate this variance to have adverse effects on neighboring properties. Access to the telecommunications facility shall be limited to only City personnel and their vehicles. Because the property is used on a fairly infrequent basis, surface disturbance will appear to be very limited. Moreover, since the site is already used as overflow parking, the proposed use is not anticipated to have unfavorable results. There are no vegetation or natural features on the property, or in the surrounding area, that might be affected by the proposed use. The existing vehicular uses have affected the natural terrain in terms of compaction of the ground. Therefore, it appears the proposed telecommunications facility would not have significant adverse impacts on the natural environment, including water, air quality, noise, storm water, wildlife, vegetation, or wetlands.

**6. Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.**

Staff believes this variance appears to be consistent with all the purposes and intent of the Zoning Ordinance, in particular, Section 104 of the Ordinance which mandates that Staff "promotes the beneficial and appropriate development of all land...." The development of the site also appears to comply in all other respects to the Zoning Ordinance.

**Notification:**

On September 24, 2015, 13 notifications were mailed out within a 200-foot radius of the subject site. As of October 1, 2015, there were zero (0) responses in favor, and zero (0) responses in opposition of the request.

**Action Requested:**

The action requested is for the Zoning Board of Adjustment to **APPROVE** Case ZBA15-16 for a Variance from Section 511.C.7 of the Zoning Ordinance to allow for zero (0) off-street parking spaces in lieu of two (2) spaces, and a Variance from Section

511.F.8 of the Zoning Ordinance to allow for an all-weather surface for a driveway approach from a public street in lieu of a paved connection for a Telecommunications Facility, subject to the following **one (1) Condition of Approval**:

1. The proposed all-weather surface shall be comprised of a two course surface treatment designed in accordance with City of San Angelo Standard Specifications for Construction ITEM 316 – SURFACE TREATMENT, as well as other pertinent City design standards and detail drawings and Texas Department of Transportation Specifications.

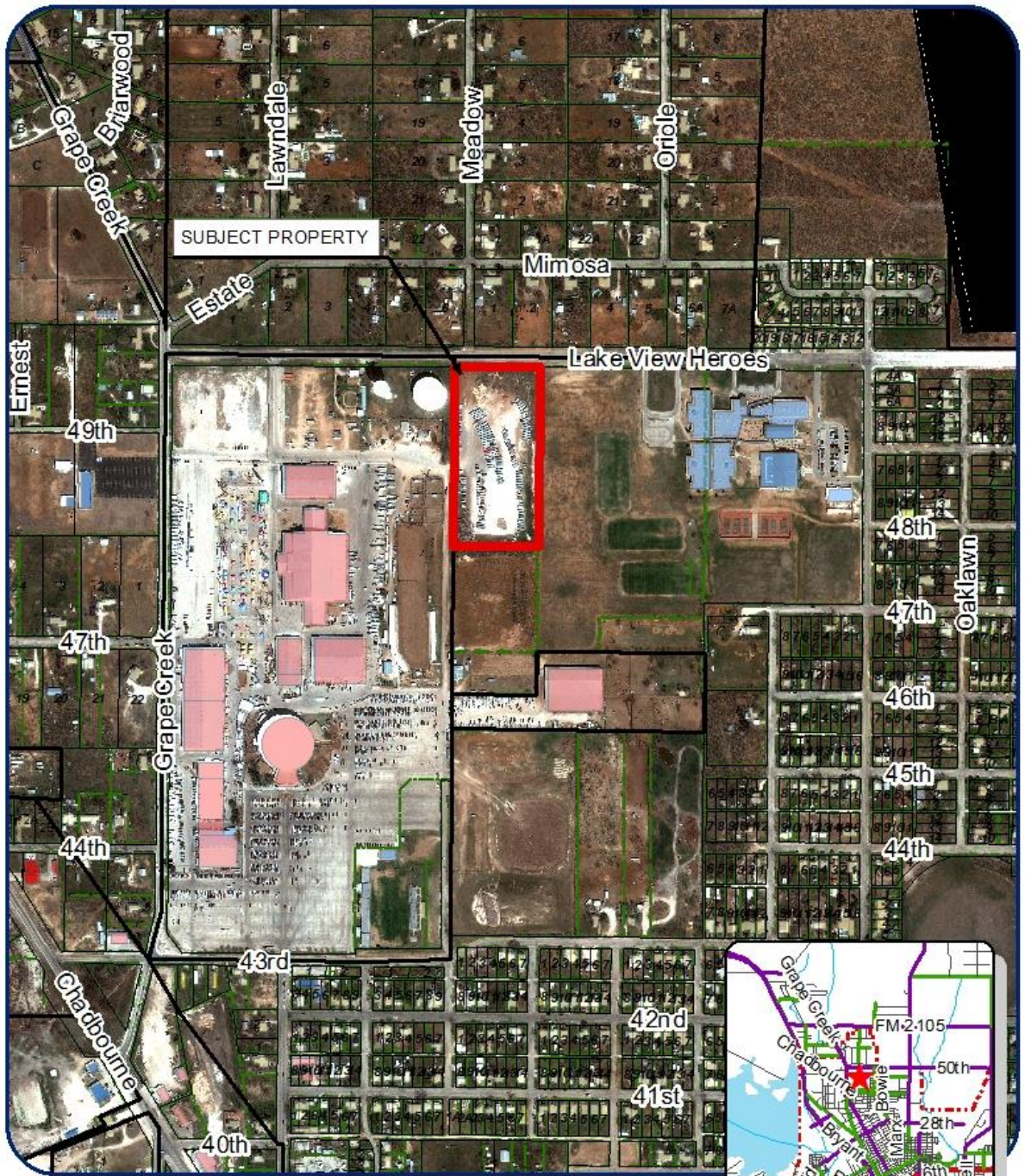
**Effect of Variance:**

Per Section 207(H) of the Zoning Ordinance:

1. Issuance of a Variance shall authorize only the particular variation which is approved in the Variance. A Variance shall run with the land.
2. Unless otherwise specified in the Variance, an application to commence construction of the improvements that were the subject of the Variance request must be applied for and approved within 12 months of the date of the approval of the Variance; otherwise, the Variance shall automatically become null and void. Permitted time frames do not change with successive owners. Upon written request, only one (1) extension from the 12-month period may be granted by the Planning Manager if it is determined that conditions of the site and immediately surrounding area are substantially unchanged.

**Attachments:**

- Aerial Map
- Future Land Use Map
- Zoning Map
- Notification Map
- Site Plan
- Site Photos



**Telecommunications Tower**

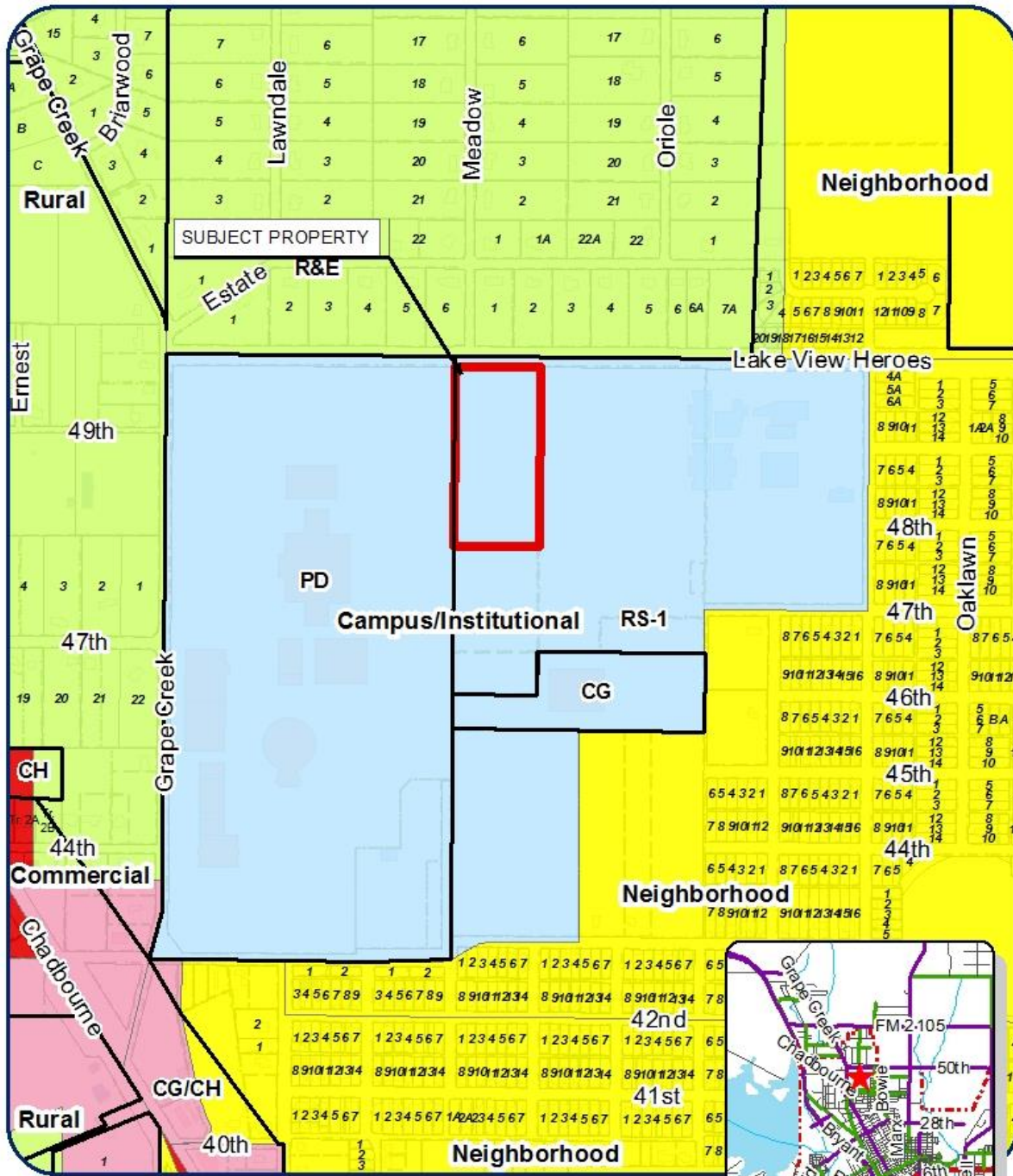
**Case CU15-08**

Council District: #2 Marty Self  
 Neighborhood: Lake View  
 Scale: 1" approx. = 625 ft  
 Subject Property Legal Description(s):

**Legend**

Subject Properties: —  
 Current Zoning: **RS 1**  
 Requested Zoning Change: **N/A**  
 Vision: **Campus/Institutional**

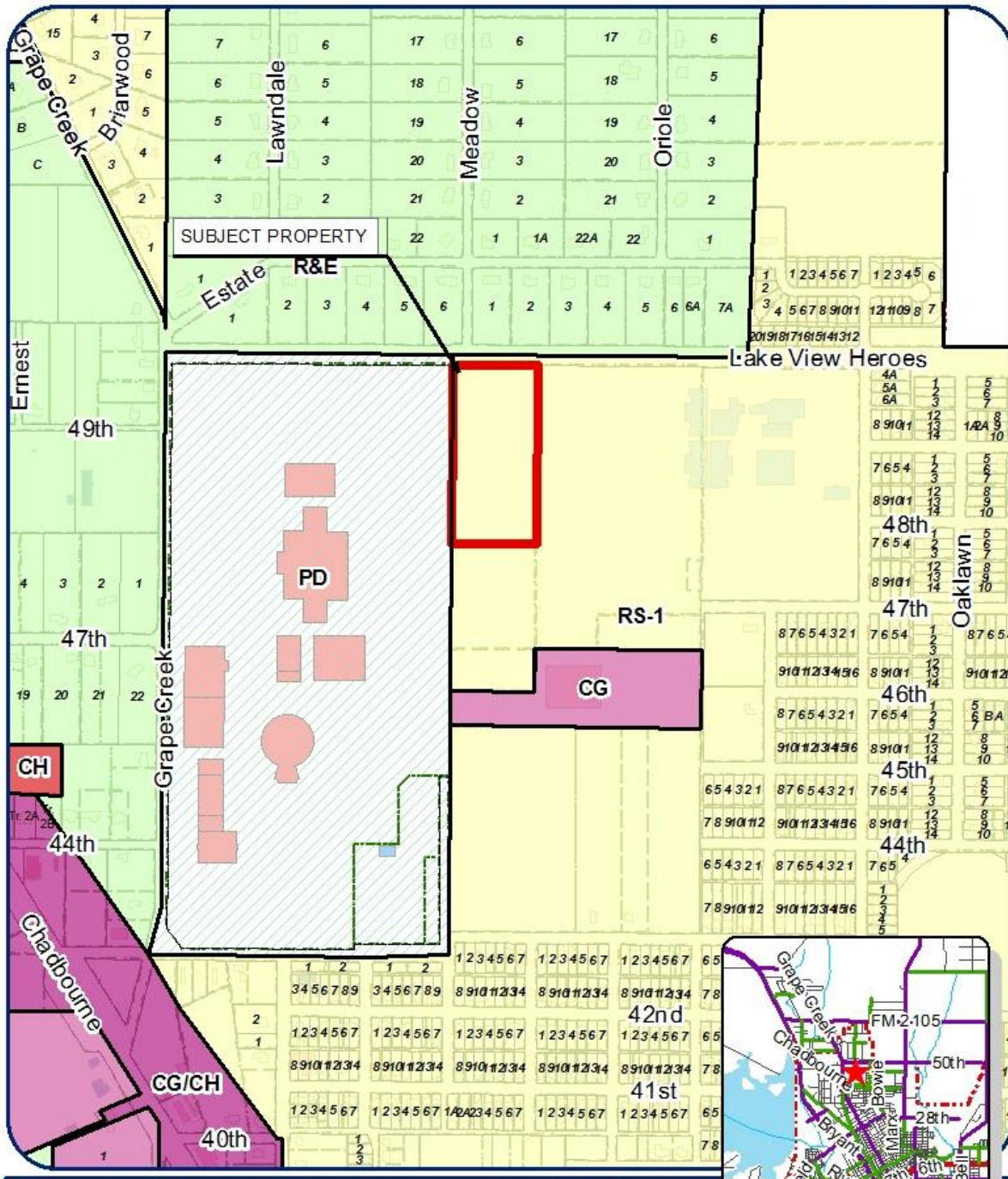




**Telecommunications Tower**  
**Case CU15-08**  
 Council District: #2 Marty Self  
 Neighborhood: Lake View  
 Scale: 1" approx. = 625 ft  
 Subject Property Legal Description(s):

**Legend**  
 Subject Properties: —  
 Current Zoning: **RS 1**  
 Requested Zoning Change: **N/A**  
 Vision: **Campus/Institutional**

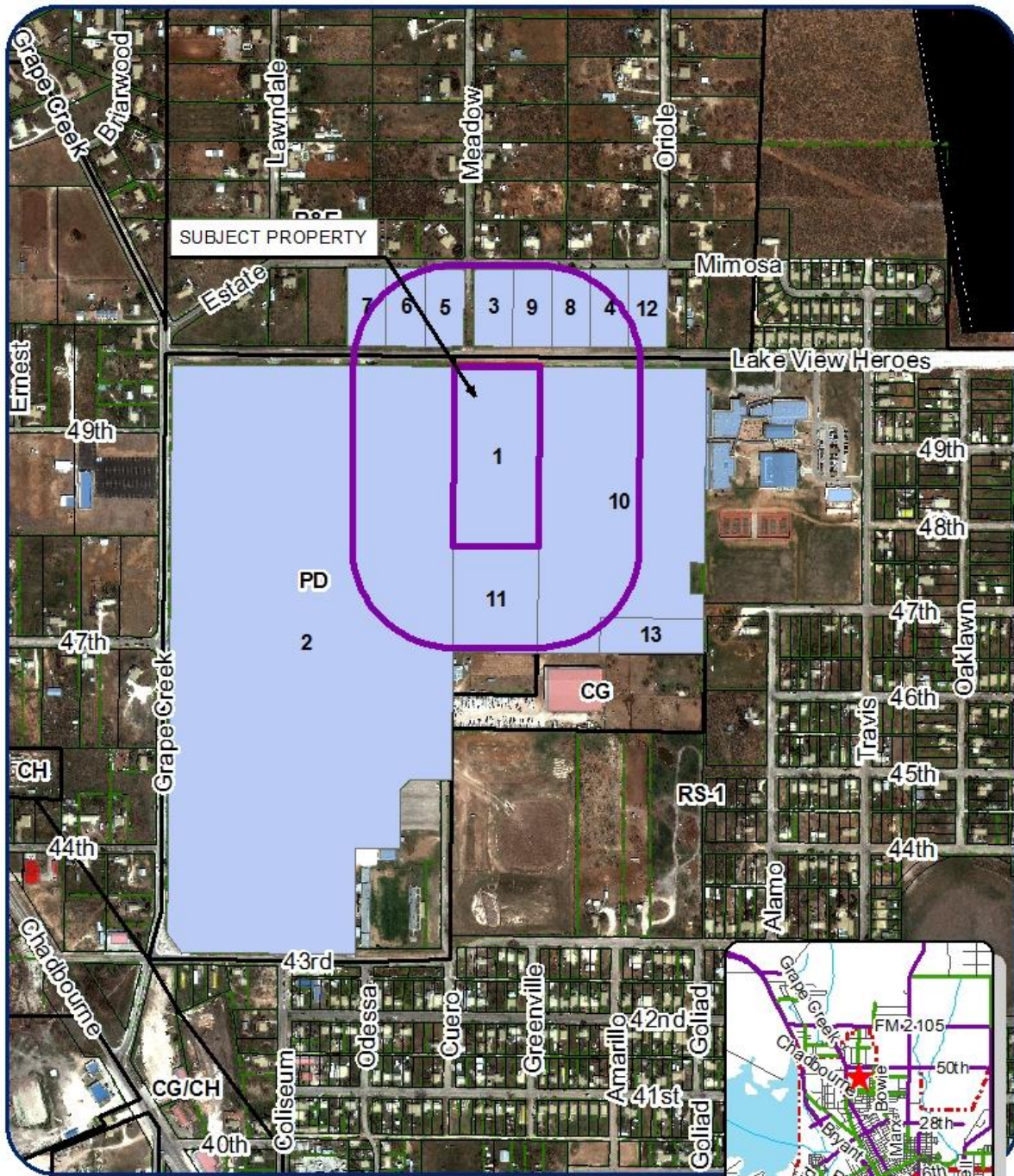




**Telecommunications Tower**  
**Case CU15-08**  
 Council District: #2 Marty Self  
 Neighborhood: Lake View  
 Scale: 1" approx. = 625 ft  
 Subject Property Legal Description(s):

**Legend**  
 Subject Properties:   
 Current Zoning: **RS 1**  
 Requested Zoning Change: **N/A**  
 Vision: **Campus/Institutional**





**Telecommunications Tower**

**Case CU15-08**

Council District: #2 Marty Self

Neighborhood: Lake View

Scale: 1" approx. = 625 ft

Subject Property Legal Description(s):

**Legend**

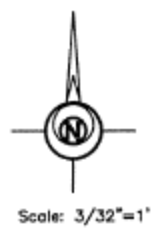
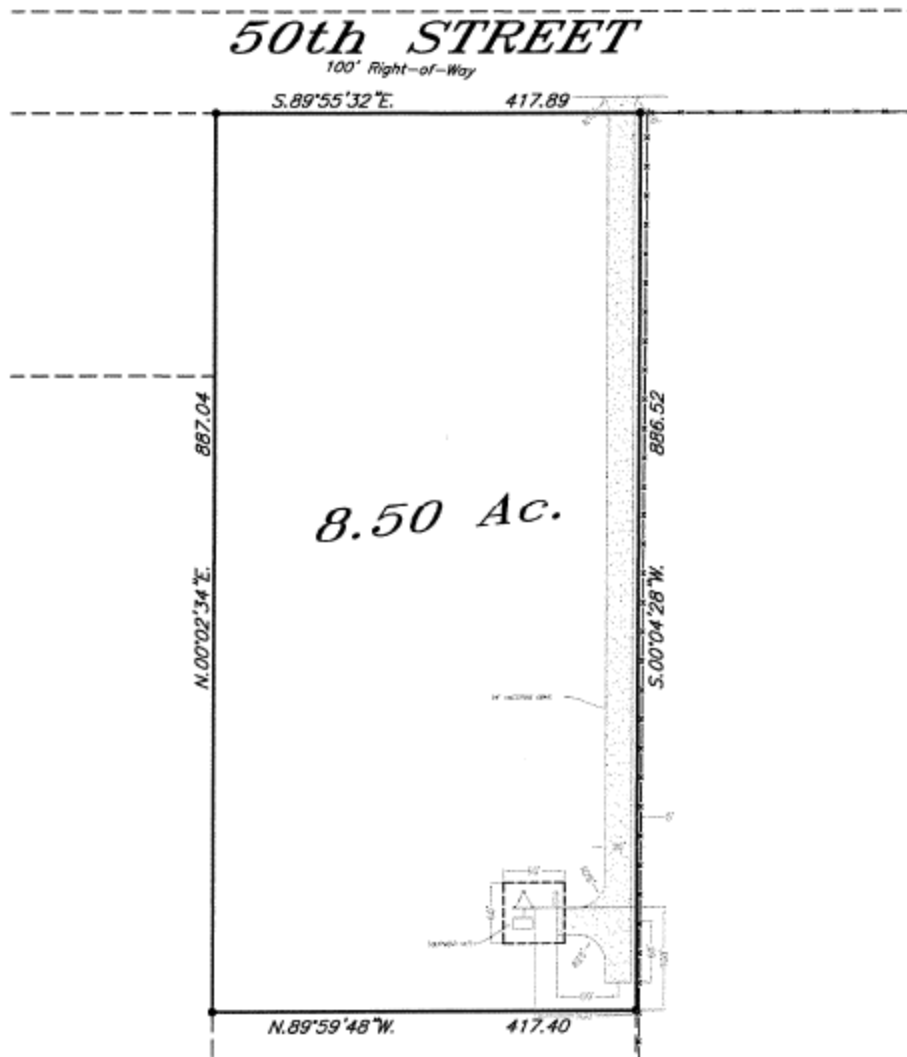
Subject Properties: —

Current Zoning: **RS 1**

Requested Zoning Change: **N/A**

Vision: **Campus/Institutional**





# SITE PHOTOS

**Subject Site**



**West of Site**



**East of Site**



**North of Site**





# STAFF REPORT



**Meeting:** October 5, 2015

**To:** Zoning Board of Adjustment

**From:** Jon James, AICP  
Director of Planning and Development Services

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

**Staff Planner:** Jeff Fisher  
Planner I

**Case:** ZBA15-17

**Request:** A Variance from Section 509.B.3.a. of the Zoning Ordinance to allow for a 6-foot high privacy fence in lieu of 4 feet in a required front yard

**Location:** 517 and 519 West 19<sup>th</sup> Street and an unaddressed tract; generally located approximately 315 feet west of the intersection of North Bryant Boulevard and West 19<sup>th</sup> Street

**Legal Description:** Leon Heights Addition, Block 1, Lots 9 and 10 less the north part, and Lot 11

## General Information

Future Land Use: Transitional

Zoning: Neighborhood Commercial (CN)

Existing Land Use: Vacant commercial land

Future Land Use: Neighborhood Center

Surrounding Zoning/Land Use:

North:	Single-Family Residential (RS-1), General Commercial (CG)	Single family residences, Taco Bell
West:	Single-Family Residential (RS-1)	Single family residences
South:	General Commercial (CG)  Neighborhood Commercial (CN) with Special Use	1801 N. Bryant Blvd: Existing "Auto Wrangler" automotive sales with vehicle repair building;  Lot 9-11, Blk 1, Mineola Addition: Expansion of "Auto Wrangler" automotive sales with vehicle repair (Z07-14 and SU 07-03)
East:	General Commercial/Heavy Commercial (CG/CH)	Stripes Gas Station with Convenience Store

District: SMD#4 – Lucy Gonzales

Neighborhood: Blackshear Neighborhood

Notification Required: Yes

Notifications Sent: 15

Responses in Favor: 0

Responses in Opposition: 0

Thoroughfares/Streets: Per the Master Thoroughfare Plan (MTP), West 19<sup>th</sup> Street is classified as a "Collector Street" which is designed to collect local street traffic carrying it to arterial streets at a moderate speed.

West 19<sup>th</sup> Street is 50 feet wide, in compliance with the minimum paving width of 50 feet for Collector Streets.

Hudson Street is classified as a local street. A local street carries light neighborhood traffic at low speeds. Hudson Street has an existing right-of-way of 50 feet, and a paving width of 40 feet, in compliance with the MTP.

### **Recommendation:**

The Planning Division recommends **APPROVAL** of this request, **subject to two (2) Conditions of Approval.**

### **History and Background:**

On September 1, 2015, City Council adopted for the subject properties a Zone Change (Z15-05) from Single-Family Residence (RS-1) to Neighborhood Commercial (CN), and a Special Use (SU15-01) for an Auto and Boat Dealer with various conditions of approval. The purpose of the applications were to facilitate an expansion of the existing Auto Wrangler auto dealership at 1801 North Bryant Boulevard, immediately south and southeast of the subject properties.

The applicant had submitted a Concept Plan with the applications, delineating a future 5,000-square foot building for the auto detailing and washing of existing vehicles for sale on the property, parking areas for vehicles for sale, and a future access from West 19<sup>th</sup> Street.

The Special Use Approval required the applicant to install a 6-foot high, fully opaque wooden privacy fence along the north and west property lines, including the first 25 feet of the south property line facing the residences, and excluding the 30-foot by 30-foot site visibility triangle at the corner of Hudson Street and West 19<sup>th</sup> Street. The approval also required a Variance to allow the 6-foot high privacy fence abutting West 19<sup>th</sup> Street, a front yard, which is restricted to a maximum 4-foot high fence, as per Section 509.B.3.a of the Zoning Ordinance.

On September 2, 2015, the applicant submitted this Variance application to allow for a 6-foot high privacy fence in the front yard abutting West 19<sup>th</sup> Street. The

applicant included a Site Plan which delineates the proposed fencing as required by the Special Use approval.

**Analysis:**

Section 207(F) of the Zoning Ordinance requires that an applicant for a Variance must show that a hardship exists and that the Zoning Board of Adjustment make an affirmative finding that each and every one of the following six (6) criteria are met.

- 1. Special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district and are not merely financial;**

City Council concurred with Planning Staff's recommendation and required, as a Condition of Approval for the Special Use, a 6-foot high fence along West 19<sup>th</sup> Street to provide a buffer from the residential area to the north. The applicant is applying for this Variance because of the special condition imposed by City Council requiring a 6-foot high front yard privacy fence, a condition that is not typically imposed on other commercial properties in the City.

- 2. These special circumstances are not the result of the actions of the applicant;**

As indicated above, City Council imposed through the Special Use Approval the additional height increase to 6 feet for the front yard property fence. The applicant did not initiate the request, but is merely seeking to comply with City Council's instructions.

- 3. Literal interpretation and enforcement of the terms and provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zoning district, and would cause an unnecessary and undue hardship;**

A literal interpretation of the Zoning Ordinance would limit the privacy fence required by the Special Use Approval to only 4 feet. Residents to the north would be able to see over a 4-foot high fence, negating its intended privacy. As stated above, the proposed development is for a 5,000-square foot building for auto detailing and washing of vehicles, including outdoor areas for storing of vehicles. These intense land uses require proper screening and buffering to reduce their visible impact on adjacent residential properties. Approval of a Variance for a 6-foot high privacy fence would provide a continuation of the existing 6-foot high wooden privacy fence immediately to the south of the alley. These properties were

subject to a previous Special Use Approval in 2007 (SU-07-03) for Auto Wrangler's first expansion. The difference is that the properties to the south face Hudson Street, deemed a side yard, whereas the properties subject to this request face West 19<sup>th</sup> Street, which is deemed a front yard in Section 803.F.1 of the Zoning Ordinance. This Section states "On a corner lot, the front lot line shall be any street line on which an immediate adjoining lot has a front boundary." The subject property where the fence would be erected is a corner lot, Lot 11 of Block 1, Leon Heights Addition, and the immediately adjoining lot, Lot 10 of Block 1, Leon Heights Addition, also has its front boundary on West 19<sup>th</sup> Street.

**4. Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest, and would carry out the spirit of this Zoning Ordinance and substantial justice;**

The proposed development appears to comply with all other development standards of the Zoning Ordinance, except for the maximum height for the fencing which abuts West 19<sup>th</sup> Street. Allowing a Variance to extend the fence by two additional feet would provide necessary screening for the residents to the north, and comply with the requirement for a 6-foot high privacy fence in the recent Special Use approval. The subject properties essentially act as side and rear yards for the development, as the main entrance of Auto Wrangler is on North Bryant Boulevard. Therefore, granting a Variance for a 6-foot high privacy fence in this location would not appear to be contrary to the public interest.

**5. Granting the variance will not adversely affect adjacent land in a material way;**

Staff does not anticipate this Variance to have adverse effects on neighboring properties. The additional fence height as mentioned previously would provide additional and necessary screening from the residential homes to the north which directly face these properties. The fencing, then, would serve to minimize any adverse effects from uses occurring on the site.

**6. Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.**

Staff believes that this Variance is consistent with all of the stated purposes and intents of the Zoning Ordinance. The proposed development appears to comply in all other respects to the Zoning Ordinance, and the Conditions of the Special Use approval will ensure proper screening, buffering, and other restrictions to reduce any impacts on surrounding land uses.

**Notification:**

On September 24, 2015, 15 notifications were mailed out within a 200-foot radius of the subject site. As of October 1, 2015, there were zero (0) responses in favor, and zero (0) responses in opposition of the request.

**Action Requested:**

The action requested is for the Zoning Board of Adjustment to **APPROVE** Case ZBA15-17 and approve the Variance from Section 509.B.3.a. of the Zoning Ordinance to allow for a 6-foot high privacy fence in lieu of 4 feet in a required front yard, **subject to the following two (2) Conditions of Approval:**

1. The applicant shall fulfill all required Conditions of Approval of Special Use SU15-01 prior to obtaining a Building Permit from the Permits and Inspections Division for the new building.
2. The 6-foot high privacy fence shall be constructed of wood and shall visually match the existing privacy fence south of the alley abutting Hudson Street.

**Effect of Variance:**

Per Section 207(H) of the Zoning Ordinance:

1. Issuance of a Variance shall authorize only the particular variation which is approved in the Variance. A Variance shall run with the land.
2. Unless otherwise specified in the Variance, an application to commence construction of the improvements that were the subject of the Variance request must be applied for and approved within 12 months of the date of the approval of the Variance; otherwise, the Variance shall automatically become null and void. Permitted time frames do not change with successive owners. Upon written request, only one (1) extension from the 12-month period may be granted by the Planning Manager if it is determined that conditions of the site and immediately surrounding area are substantially unchanged.

**Attachments:**

- Aerial Map
- Future Land Use Map
- Zoning Map
- Notification Map
- Site Concept Plan
- Site Photos

## Application



**Variance Case File**

**Case ZBA15-17: Collin Henry**

Council District: Lucy Gonzales (SMD #4)

Neighborhood: Blackshear

Scale: 1" approx. = 195 ft

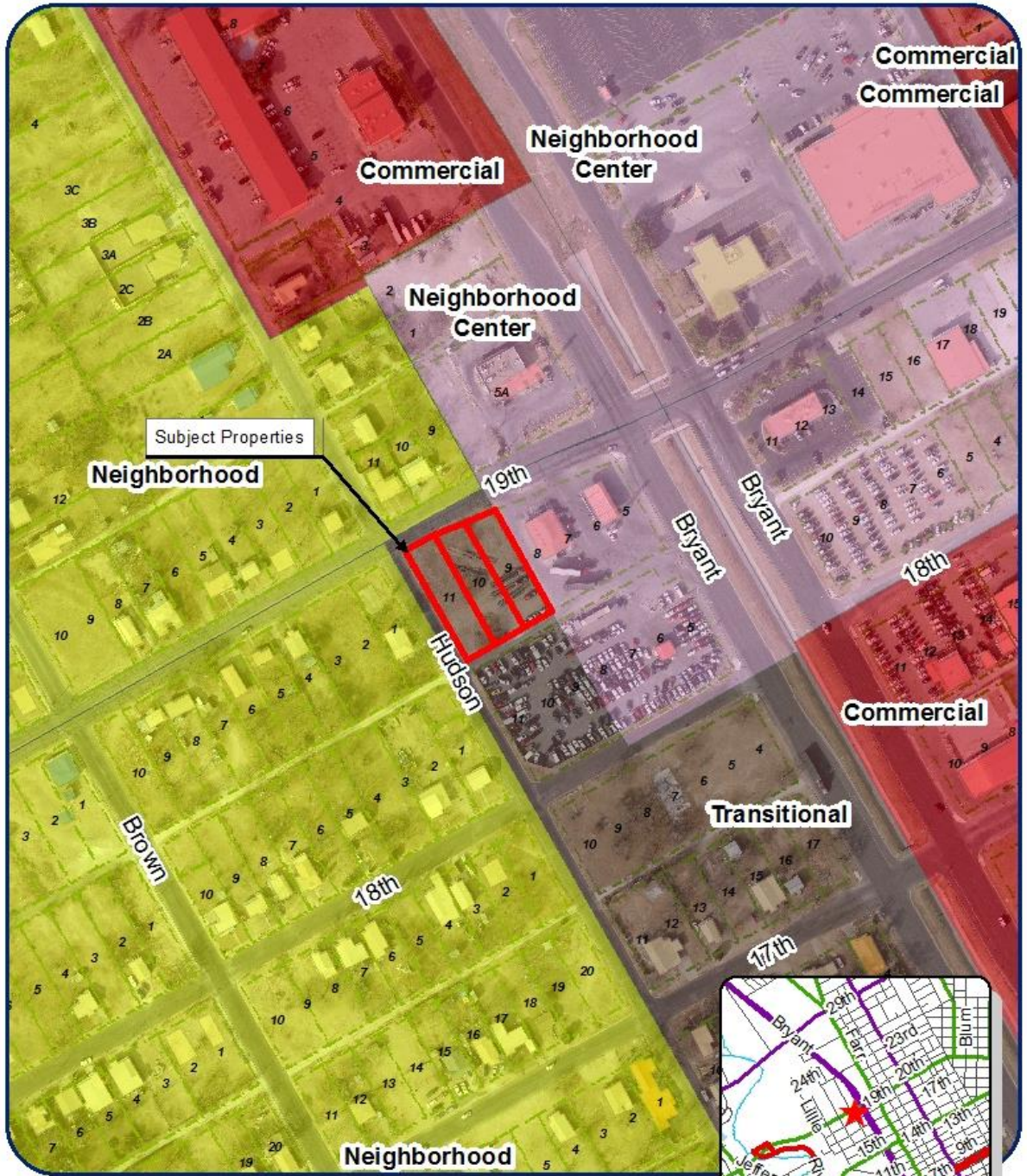
Subject Properties: Leon Heights Addition, Blk 1, Lots 9, 10, 11

**Legend**

- Subject Properties: —
- Current Zoning: **CN**
- Requested Zoning Change: **N/A**
- Vision: **Transitional**







**Variance Case File**

**Case ZBA15-17: Collin Henry**

Council District: Lucy Gonzales (SMD #4)

Neighborhood: Blackshear

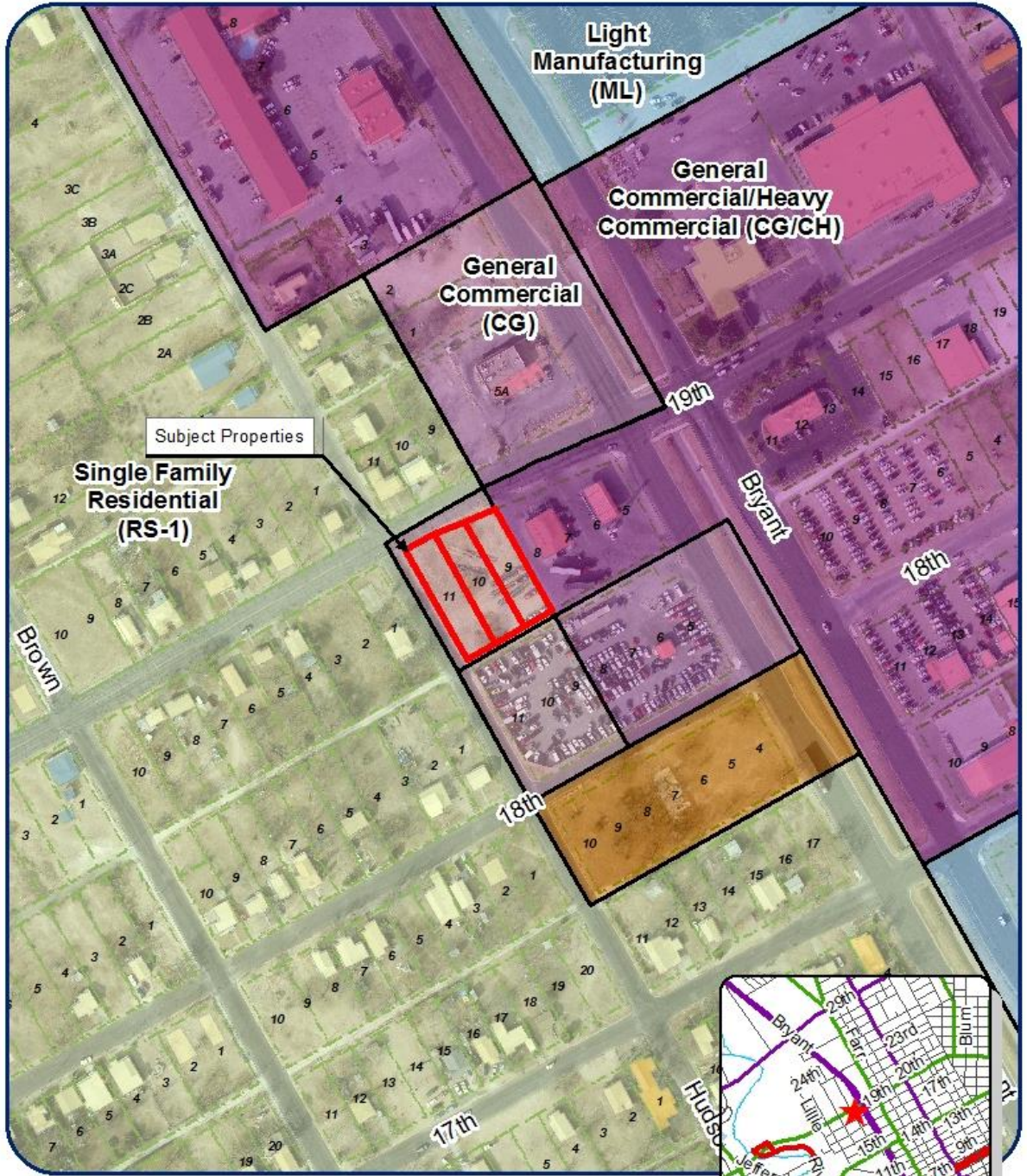
Scale: 1" approx. = 195 ft

Subject Properties: Leon Heights Addition, Blk 1, Lots 9, 10, 11

**Legend**


- Subject Properties: —
- Current Zoning: **CN**
- Requested Zoning Change: **N/A**
- Vision: **Transitional**

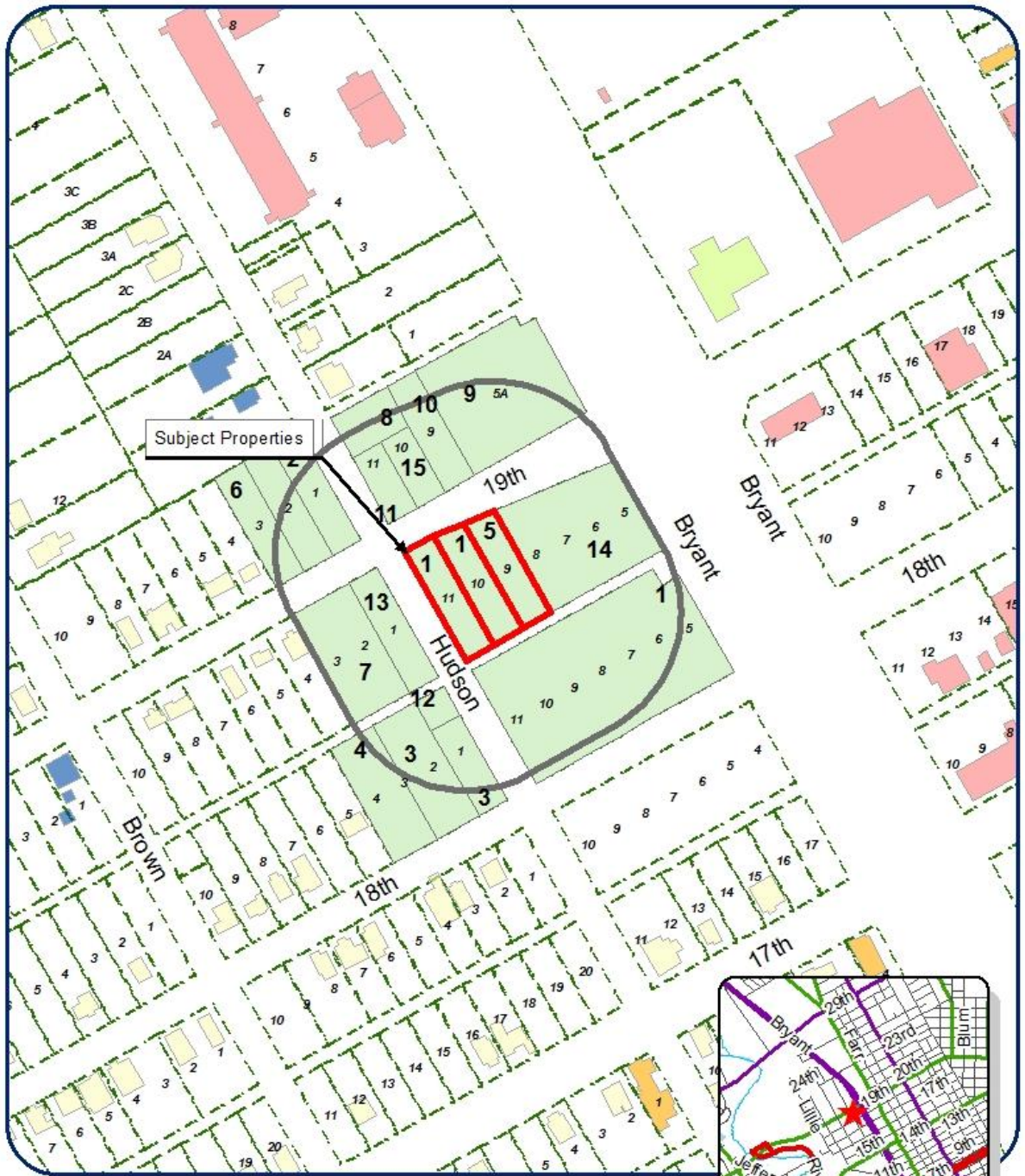




**Variance Case File**  
**Case ZBA15-17: Collin Henry**  
 Council District: Lucy Gonzales (SMD #4)  
 Neighborhood: Blackshear  
 Scale: 1" approx. = 195 ft  
 Subject Properties: Leon Heights Addition, Blk 1, Lots 9, 10, 11

**Legend**  
 Subject Properties: —  
 Current Zoning: **CN**  
 Requested Zoning Change: **N/A**  
 Vision: **Transitional**



**Variance Case File**

**Case ZBA15-17: Collin Henry**

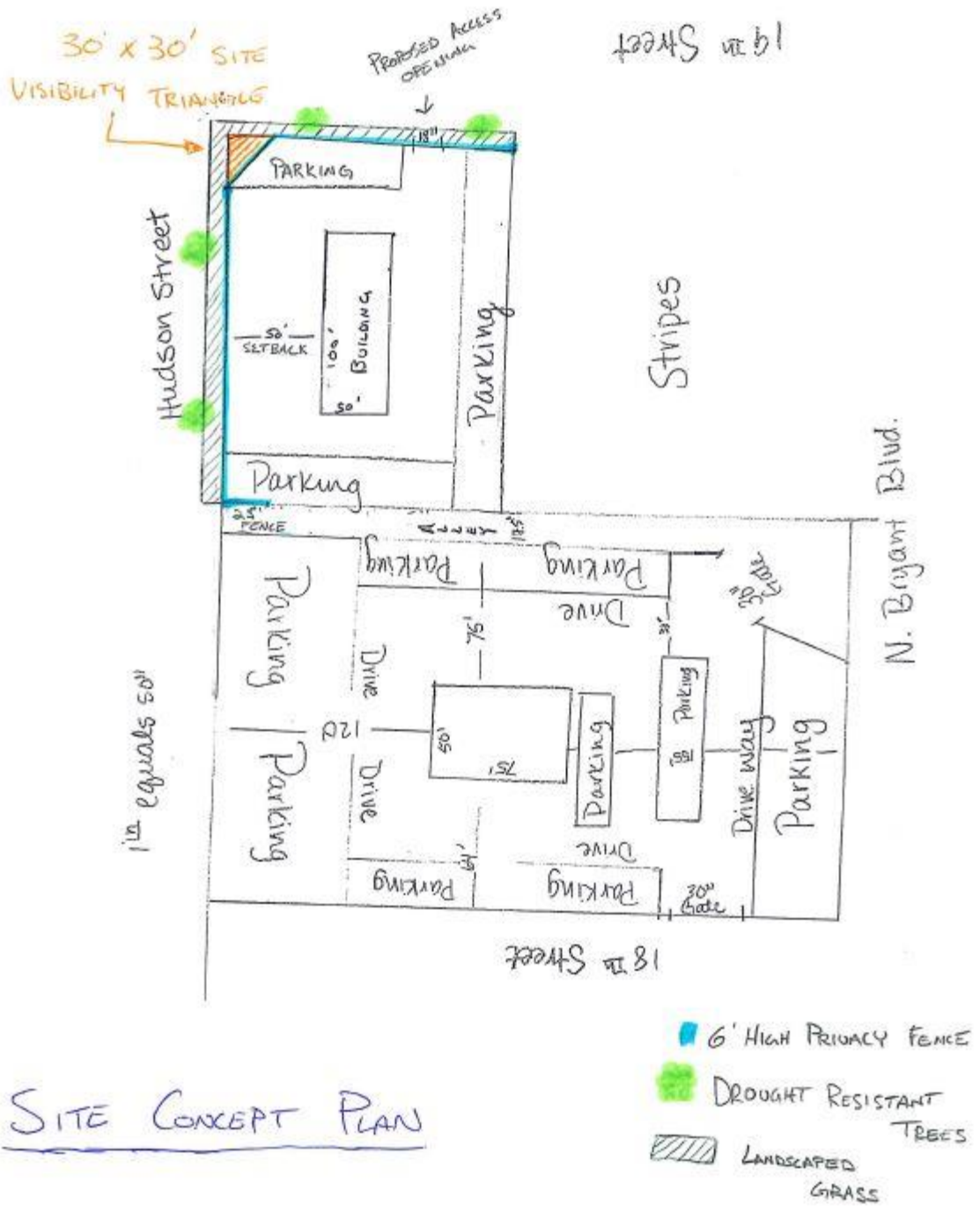
Council District: Lucy Gonzales (SMD #4)  
 Neighborhood: Blackshear  
 Scale: 1" approx. = 195 ft  
 Subject Properties: Leon Heights Addition, Blk 1, Lots 9, 10, 11

**Legend**

Subject Properties: —  
 Current Zoning: **CN**  
 Requested Zoning Change: **N/A**  
 Vision: **Transitional**

**Map of Salisbury, MD**

North Arrow



## Photos

**West at Existing Site (1801 N Bryant Blvd).**



**East**



**North of Subject Properties**



**Subject Site (Lots 9, 10, 11) behind Stripes**



**North**



**South and East of Subject Properties**



### Application for Variance from Zoning Regulations

Collin R. Henry, "Authorized Representative" (affidavit attached to application)

Name of Applicant(s): \_\_\_\_\_

Owner       Tenant       Representative (Affidavit required)

Mailing Address: 610 S. Abe, Ste A. Telephone: (325)653-1356

City/State/Zip: San Angelo, Texas 76903 Fax/other: (325)653-2423

Email Address: collin@beesleylaw.com

Subject Property Address and/or Location\*: Lot 1: 517 W. 19th, San Angelo, Texas 76903. Lot 2: 521 W. 19th, San Angelo, Texas 76903.

Lot 3: No physical address - corner of Hudson and 19th adjacent to Lot 2.

Legal Description\*: Please see Exhibit "A," attached hereto and made a part hereof for all purposes.

Zoning: Currently Zoned RS-1, but pending approval of Neighborhood Commercial (CN)

Specific Description of Request\*: Applicant is seeking a variance for a 6' high, fully opaque wooden privacy fence along the north and west property lines (as shown) as from the staff report for the July 20, 2015 meeting; Case SU15-01.

\* 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: [Handwritten Signature] Date: 9/2/15

- I understand that the Zoning Board of Adjustment is bound by criteria established by state law; I further understand that my request is not guaranteed to be approved and that it constitutes an exception from regulations of the City of San Angelo;
- I/We the undersigned acknowledge that the information provided above is true and correct. I/We understand that any variation(s) authorized by the Zoning Board of Adjustment will require me/us to obtain a building permit for that stated variation within **twelve (12) months** of the approval date by the Board, unless the Board has specifically granted a longer period;
- I understand that all drawings, pictures, documents or other information used during your testimony to the Board must be kept in the permanent files of the Planning Division; and
- I understand that any appeal of a decision made by the Zoning Board of Adjustment must be presented to a court of record with a verified petition stating that the decision of the Zoning Board of Adjustment is illegal in whole or in part and specifying the grounds of the illegality. This petition for appeal must be presented within ten (10) days after the date the decision is filed in the board's office.

I assert that my request for variance meets all of the required criteria based on my planation(s) below:

- Special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district and are not merely financial;  
Explanation: There has been a special use imposed-conditioned that required this variance.
- These special circumstances are not the result of the actions of the applicant;  
Explanation: This variance was imposed by the planning commission on July 20, 2015.
- Literal interpretation and enforcement of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zoning district, and would cause an unnecessary and undue hardship;  
Explanation: The previous special use granted a 6' high fence and therefore not granting this 6' variance would not be consistent with prior zoning rulings.
- Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest, and would carry out the spirit of the Zoning Ordinance and substantial justice;  
Explanation: 6' is the minimum because that is what the planning commission granted in SU15-01
- Granting the variance will not adversely affect adjacent land in a material way; and  
Explanation: Granting the variance will benefit all adjacent property, mainly due to the aesthetics of trees and grass landscape installation which adjoins RS-1
- Granting the variance will be generally consistent with the purposes and intent of the Zoning Ordinance.  
Explanation: This is a case where expansion has created the subject property to be a rear yard which should be treated as 6' screening from any adjacent residences as per zoning ordinance

<b>OFFICE USE ONLY</b>	
Case no.: <u>ZBA 15-17</u>	Date of application: <u>9/2/15</u>
Fully-dimensioned site plan: <input checked="" type="checkbox"/>	Nonrefundable fee: <u>\$225.00</u> Date paid: <u>9/2/15</u>
Date to be heard by ZBA: <u>10/5/15</u>	
Received by: <u>Jeff Fisher</u>	Receipt Number: <u>240160</u>
Ordinance section(s) from which variance(s) is/are requested: <u>Sec. 509.B.3.a.</u>	

# STAFF REPORT



**Meeting:** October 5, 2015

**To:** Zoning Board of Adjustment

**From:** Jon James, AICP  
Director

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

**Case:** ZBA15-18

**Request:** A Variance from Section 309C.5.b.(1) of the Zoning Ordinance to allow for an attached carport in the Open Structure Overlay Zone to have a flat roofline in lieu of a gabled roofline

**Location:** 208 East 37<sup>th</sup> Street; generally located east of Goliad Street, south of East 38<sup>th</sup> Street, and west of Alamo Street

**Legal Description:** Lakeview Addition, Block 78, Lots 9 and 10, and the west 26 feet of Lot 11

**Size:** 0.434 acres

## General Information

Future Land Use: Neighborhood

Zoning: Single Family Residence (RS-1)



Existing Land Use: Single-Family Residence

Surrounding Zoning/Land Use:

North:	Single Family Residence (RS-1)	Single Family Homes
West:	Single Family Residence (RS-1)	Single Family Homes
South:	Single Family Residence (RS-1)	East 37 <sup>th</sup> Street and Single Family Homes
East:	Single Family Residence (RS-1)	Single Family Homes

District: SMD#2 - Marty Self

Neighborhood: Lakeview

Notification Required: Yes

Notifications Sent: 13

Responses in Favor: 0

Responses in Opposition: 0

Thoroughfares/Streets: Per the Master Thoroughfare Plan (MTP), East 37<sup>th</sup> Street is classified as a "Local Street." A Local Street carries light neighborhood traffic at low speeds. The existing road has a right-of-way of approximately 60 feet and an existing paving width of 40 feet, both in compliance with the MTP.

**Recommendation:**

The Planning Division recommends APPROVAL of this request, **subject to one (1) Condition of Approval.**

## **History and Background:**

The subject site measures a little less than half an acre and is part of the overall Lakeview Addition subdivision. Single Family Residential (RS-1) is the most dominant Zoning District in the immediate area, and is in fact the Zoning designation of the subject property. In addition, there is a Planned Development for the existing San Angelo Rodeo Fairgrounds located west of the site, and a small piece of General Commercial (CG) further south of the site. Existing uses in the immediate area include single family residential homes, with a church and Goliad Elementary School some distance away.

The applicants wish to build an attached carport, among other improvements, to their existing residence. In the RS-1 Zoning District, carports are normally required to maintain a 25-foot front setback. However, in this case, the property is located within the Open Structure (OS) Overlay Zone. Within an OS Overlay Zone, open carports may be allowed to extend into the minimum front setback subject to conditions laid forth in Section 309C. of the Zoning Ordinance. One of those conditions, found in Subsection 5.b.(1) states that “if more than one roofline exists on such residence, then the pitch or shape of the roofline on the subject carport or porch shall be consistent with the character and appearance of the roofline on whatever portion of such residence is located closest to that carport or porch.” The applicants are requesting to construct the proposed carport, however, with a flat roofline, instead of a gabled roofline similar to the residence to which it will be attached.

## **Analysis:**

Section 207(F) of the Zoning Ordinance requires that an applicant for a Variance must show that a hardship exists and that the Zoning Board of Adjustment make an affirmative finding that each and every one of the following six (6) criteria are met.

- 1. Special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district and are not merely financial.**

The single family residence was constructed in 1959 with a ranch-style architecture predominant in the neighborhood. The residence has a gable-type roofline with expansive, gentle sloping that is angled to the front and rear of the home, as opposed to the sides. The construction of an attached carport with a gabled roof at the front of the residence would make for graceless transition between the rooflines of the proposed carport and the residence, especially given that they would slope in opposite directions. Moreover, if the applicants were to construct the carport to the side of the residence, it would require that at least one mature understory tree be removed.

**2. These special circumstances are not the result of the actions of the applicant.**

The residence has existed in this condition for more than fifty years, with the roofline unchanged. The existing understory trees on the subject site are likely to have been planted at least fifteen years ago, if not longer. Tom Green County records indicate that the property was last sold in 1993, so it appears that neither circumstance was the result of actions generated by the applicants.

**3. Literal interpretation and enforcement of the terms and provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zoning district, and would cause an unnecessary and undue hardship.**

A literal interpretation of the Zoning Ordinance would in this case limit the applicants' ability to construct an attached carport at the front of their residence. This would appear to be inconsistent with other carports constructed in the immediate vicinity. Many of these other carports were erected in the front of their respective residence, and most were not built with similarly-pitched rooflines. Requiring this carport to have a gabled roofline similar to the residence would also appear to cause an undue hardship in that the resulting profile would be awkward and ungainly, as well as create possible drainage issues from cascading rainfall.

**4. Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest, and would carry out the spirit of this Zoning Ordinance and substantial justice.**

The applicants are not seeking any other variances from the Zoning Ordinance and intend to construct the proposed carport consistent with all other requirements contained in the Zoning Ordinance. It appears that the intent of the OS Overlay Zone is allow for the erection of "open" structures in the front or side setbacks in so far as the resulting construction can visually match, to a certain extent, the existing architectural vernacular of the residence it serves. In this case, the proposed carport will be built in a similar style as the residence and will have a roof containing the same materials. This will expectantly result in a seamless, continuous transition between the existing structure and the new.

**5. Granting the variance will not adversely affect adjacent land in a material way.**

Staff does not anticipate this variance to have adverse effects on neighboring properties. The proposed carport will not exceed 12 feet in height and will be built at least 25 feet away from the adjacent property line. Because of the "open" nature of its construction, and that its use will likely be limited to parking, it therefore appears

that there will not be any significant adverse impacts on the natural environment, including water, air quality, or noise.

**6. Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.**

Staff believes this variance appears to be consistent with all the purposes and intent of the Zoning Ordinance. Section 309C. requires that a carport in the OS Overlay Zone not be closer than 5 feet from the front lot boundary and be separated by at least 10 feet from the back of the street curb. The carport is intended to be at least 17 feet away from the edge of pavement, and well than 5 feet away from the front property line. The carport's roof will also be constructed of similar material as the existing residence. The development of the site appears to comply in all other respects to the Zoning Ordinance.

**Notification:**

On September 24, 2015, 13 notifications were mailed out within a 200-foot radius of the subject site. As of October 1, 2015, there were 0 responses in favor, and zero (0) responses in opposition of the request.

**Action Requested:**

The action requested is for the Zoning Board of Adjustment to **APPROVE** Case ZBA15-18 for a Variance from Section 309C.5.b.(1) of the Zoning Ordinance to allow for an attached carport in the Open Structure Overlay Zone to have a flat roofline in lieu of a gabled roofline, subject to the following **one (1) Condition of Approval**:

1. The proposed carport shall be constructed consistent with the attached drawings and building materials. At the time of permitting, it shall be subject to review and approval by the Planning Manager, or his/her designee.

**Effect of Variance:**

Per Section 207(H) of the Zoning Ordinance:

1. Issuance of a Variance shall authorize only the particular variation which is approved in the Variance. A Variance shall run with the land.
2. Unless otherwise specified in the Variance, an application to commence construction of the improvements that were the subject of the Variance request must be applied for and approved within 12 months of the date of the approval of the Variance; otherwise, the Variance shall automatically

become null and void. Permitted time frames do not change with successive owners. Upon written request, only one (1) extension from the 12-month period may be granted by the Planning Manager if it is determined that conditions of the site and immediately surrounding area are substantially unchanged.

**Attachments:**

Aerial Map  
Future Land Use Map  
Zoning Map  
Notification Map  
Concept Plan  
Application



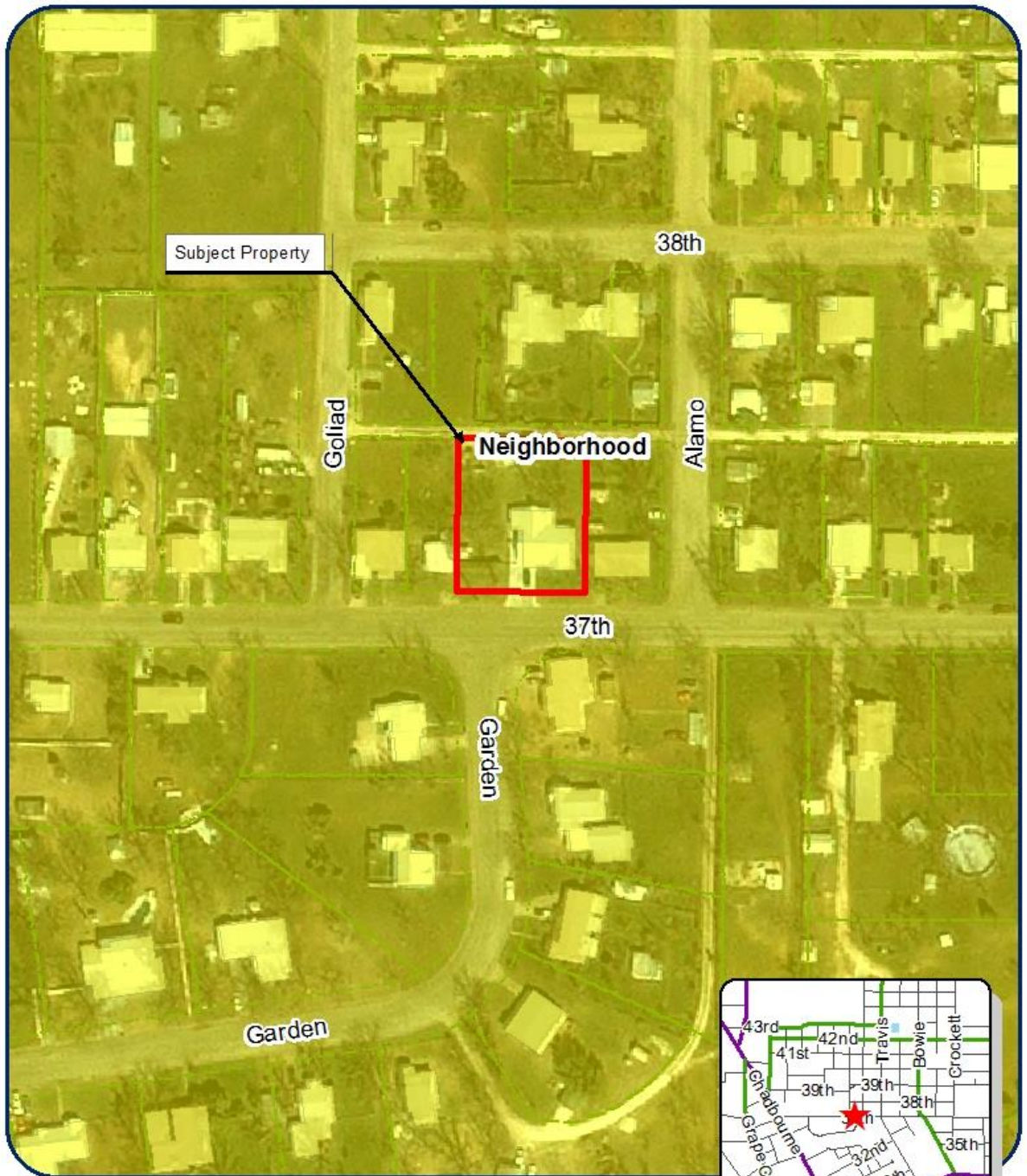
**Variance Case File**  
**Case ZBA15-18: Stewart**

Council District: Marty Self (SMD #2)  
 Neighborhood: Lake View  
 Scale: 1" approx. = 125 ft  
 Subject Property: 208 E. 37th St

**Legend**

Subject Properties:   
 Current Zoning: **RS 1**  
 Requested Zoning Change: **N/A**  
 Vision: **Neighborhood**





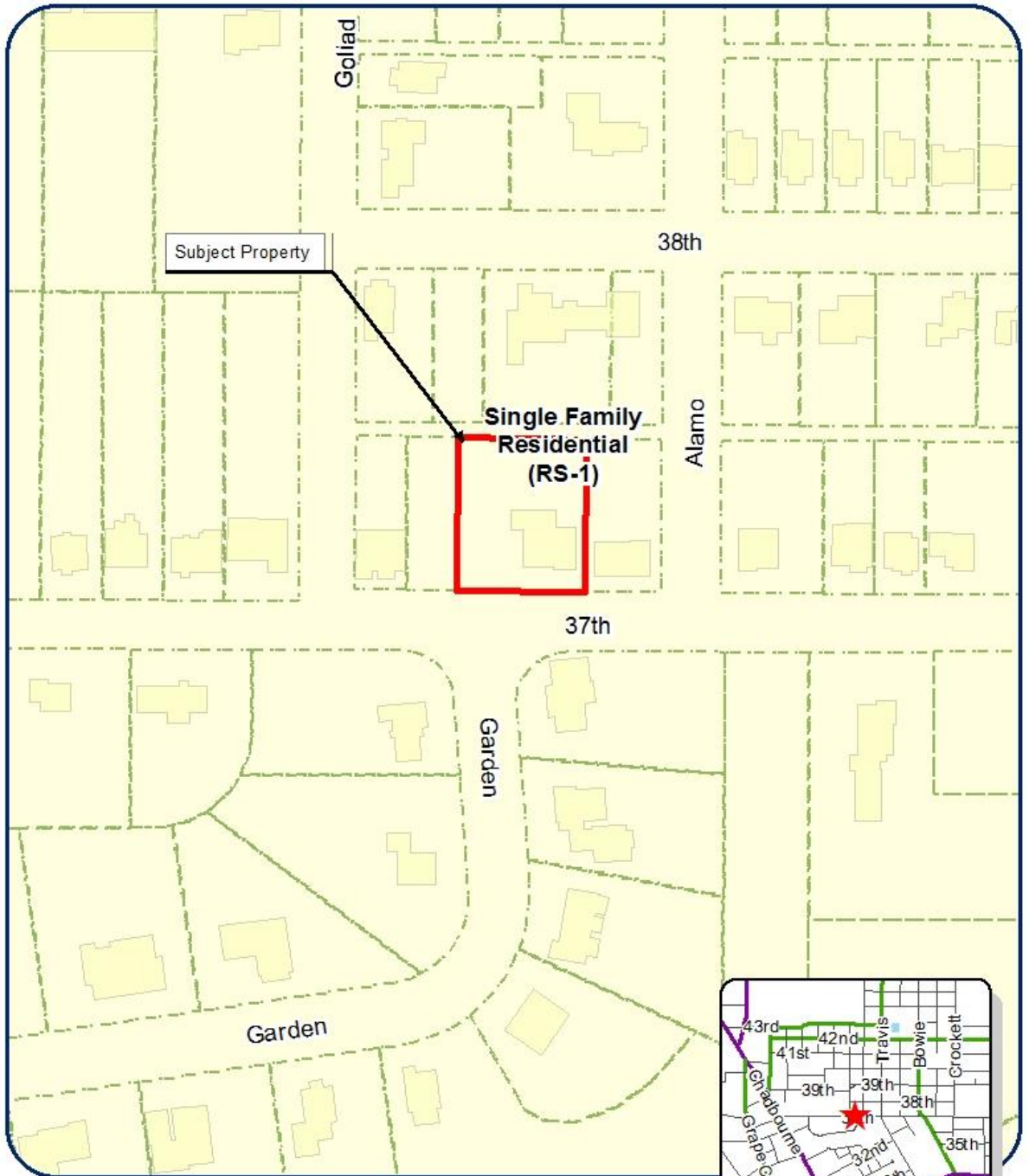
**Variance Case File**  
**Case ZBA15-18: Stewart**

Council District: Marty Self (SMD #2)  
 Neighborhood: Lake View  
 Scale: 1" approx. = 125 ft  
 Subject Property: 208 E. 37th St

**Legend**

Subject Properties: —  
 Current Zoning: **RS 1**  
 Requested Zoning Change: **N/A**  
 Vision: **Neighborhood**






**Variance Case File**  
**Case ZBA15-18: Stewart**

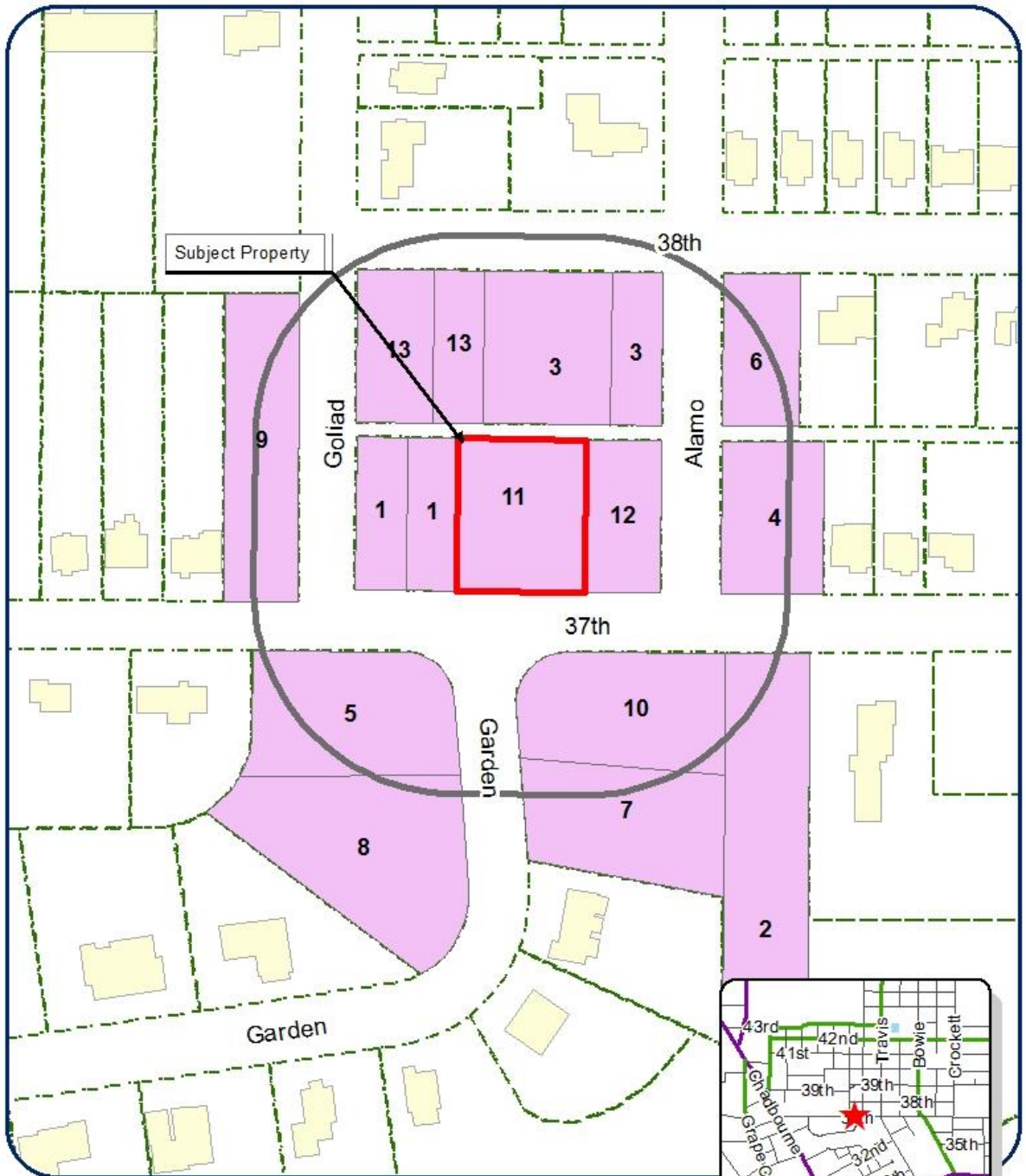
Council District: Marty Self (SMD #2)  
 Neighborhood: Lake View  
 Scale: 1" approx. = 125 ft  
 Subject Property: 208 E. 37th St

**Legend**

Subject Properties:   
 Current Zoning: **RS 1**  
 Requested Zoning Change: **N/A**  
 Vision: **Neighborhood**







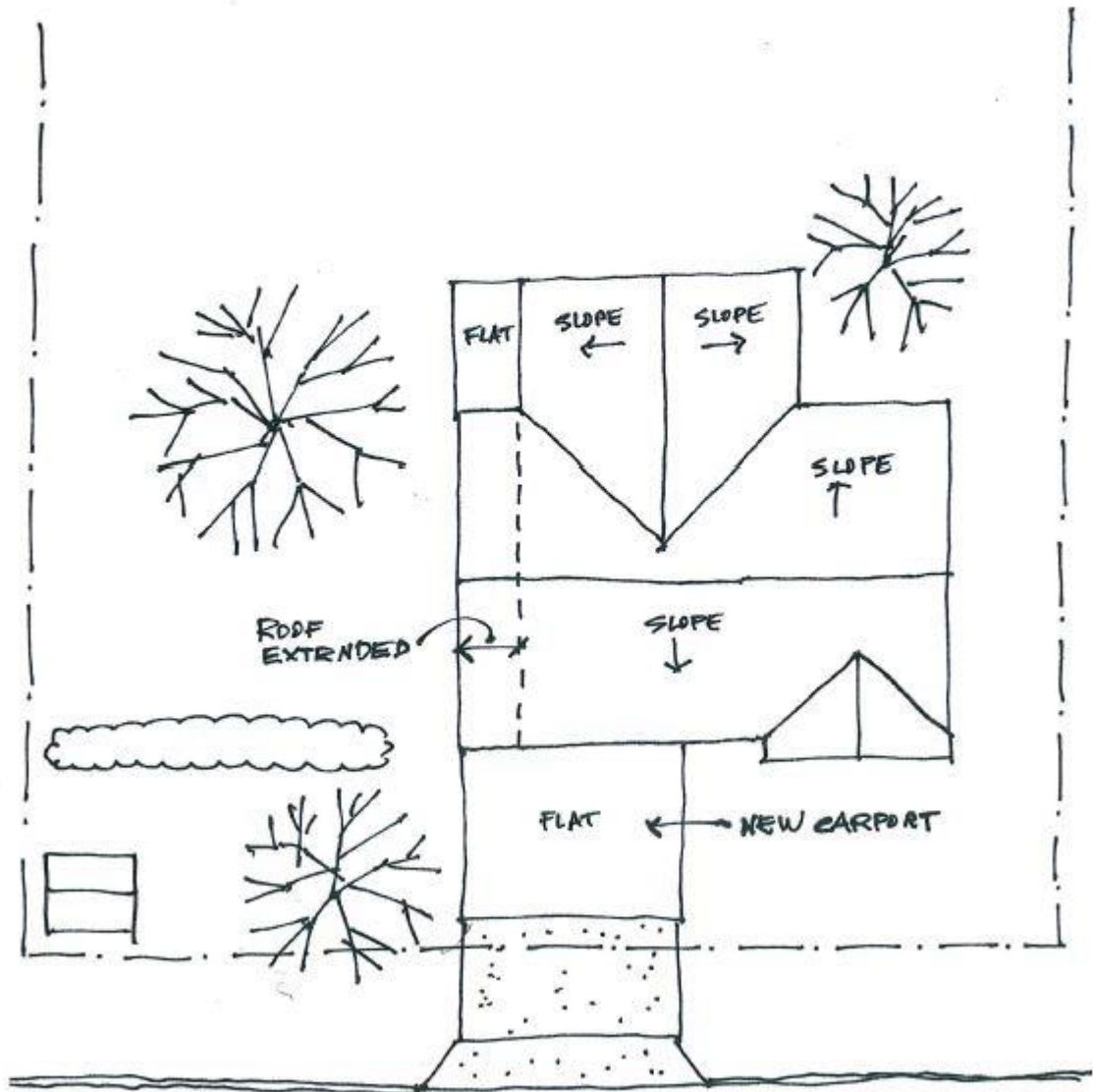
**Variance Case File**  
**Case ZBA15-18: Stewart**  
 Council District: Marty Self (SMD #2)  
 Neighborhood: Lake View  
 Scale: 1" approx. = 125 ft  
 Subject Property: 208 E. 37th St

**Legend**  
 Subject Properties:   
 Current Zoning: **RS 1**  
 Requested Zoning Change: **N/A**  
 Vision: **Neighborhood**

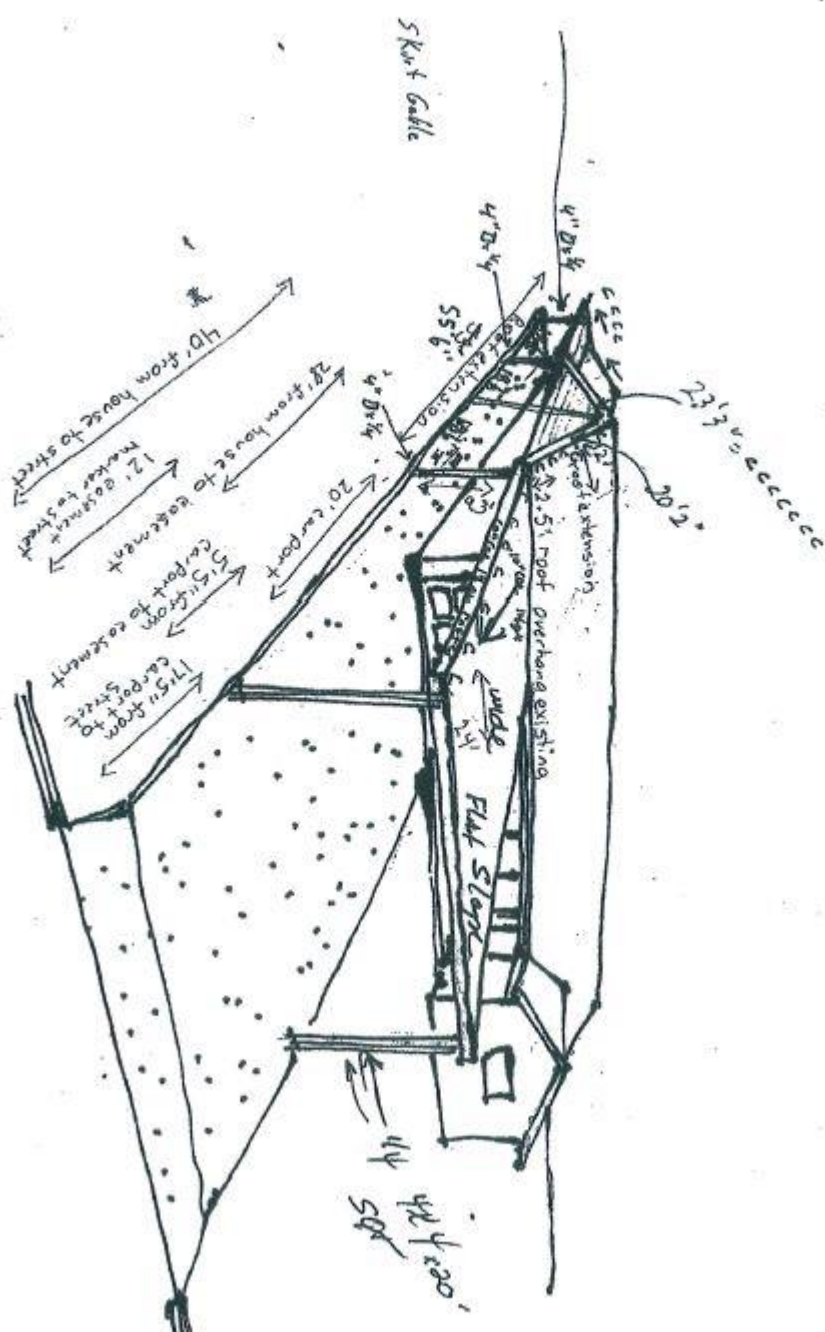


# CONCEPT PLAN

not to scale



208 E. 37<sup>TH</sup> ST. - PROPOSED



### Application for Variance from Zoning Regulations

Name of Applicant(s): Jock & Debra Stewart

Owner

Tenant

Representative (Affidavit required)

Mailing Address: 208 East 37th Street

Telephone: 325-895-0779

City/State/Zip: San Angelo, Texas 76903

Fax/other: \_\_\_\_\_

Email Address: damstewart13@gmail.com

Subject Property Address and/or Location\*:

208 East 37th Street

Legal Description\*:

Lot 9-10 & W 26' of Lot 11, Block 78, Subd: Lakeview Addition

Zoning: RS-1 Single-Family Residence

Specific Description of Request\*:

Construction of a 20' L x 24' W carport within the Open Structure Overlay Zone

Construction of a 12' W roof extension on the west side of house to replace existing porch

\* use attachment, if necessary

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

Debra Stewart  
Signature

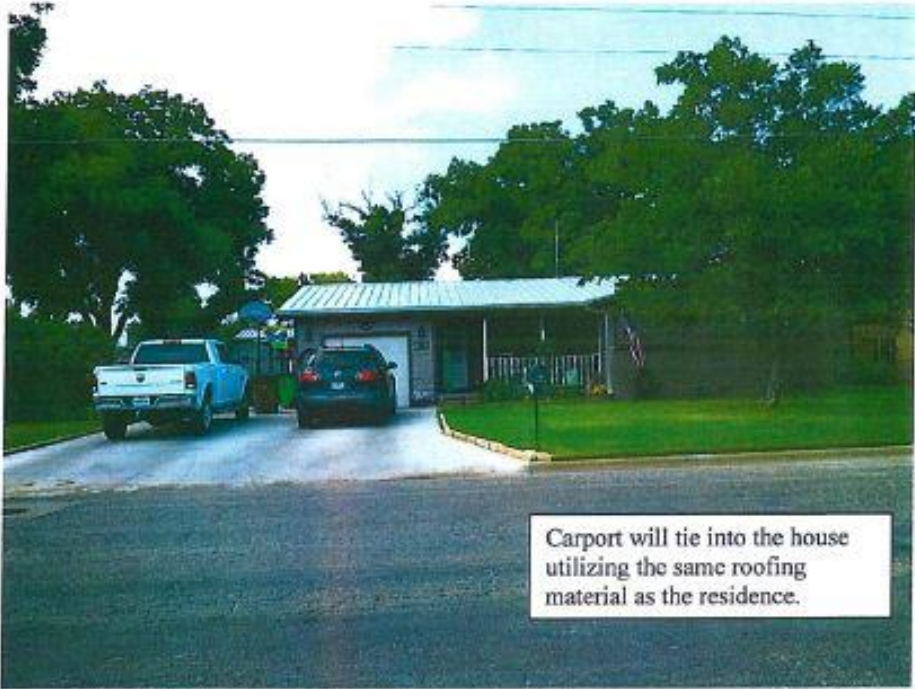
9/16/15  
Date

- I understand that the Zoning Board of Adjustment is bound by criteria established by state law; I further understand that my request is not guaranteed to be approved and that it constitutes an exception from regulations of the City of San Angelo;
- I/We the undersigned acknowledge that the information provided above is true and correct. I/We understand that any variation(s) authorized by the Zoning Board of Adjustment will require me/us to obtain a building permit for that stated variation within **twelve (12) months** of the approval date by the Board, unless the Board has specifically granted a longer period;
- I understand that all drawings, pictures, documents or other information used during your testimony to the Board must be kept in the permanent files of the Planning Division; and
- I understand that any appeal of a decision made by the Zoning Board of Adjustment must be presented to a court of record with a verified petition stating that the decision of the Zoning Board of Adjustment is illegal in whole or in part and specifying the grounds of the illegality. This petition for appeal must be presented within ten (10) days after the date the decision is filed in the board's office.

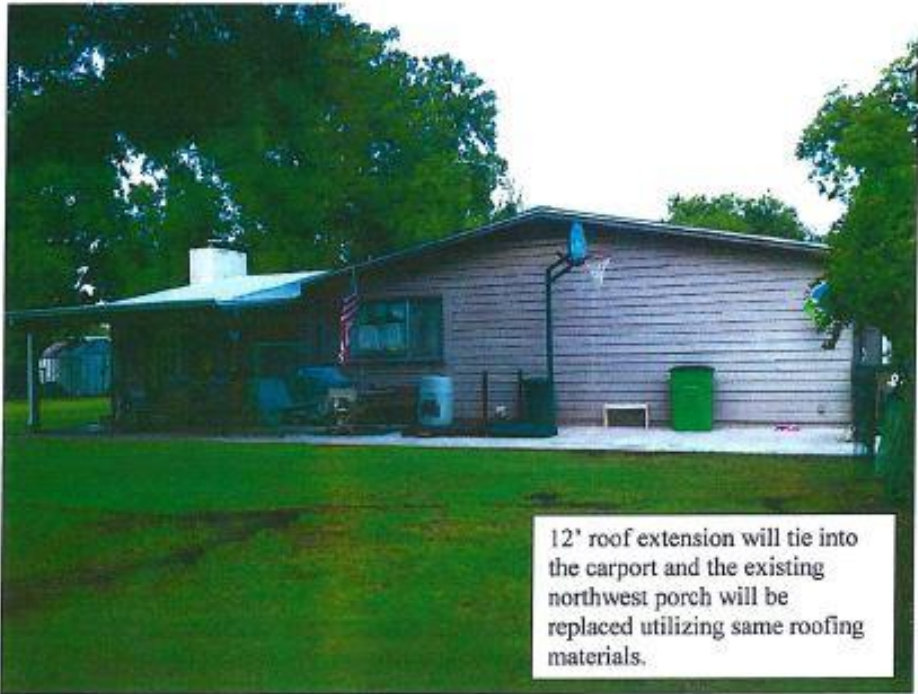
I assert that my request for variance meets all of the required criteria based on my explanation(s) below:

- Special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district and are not merely financial;  
Explanation: A flat roof carport would tie into our existing roof & the new addition, for a smooth continuous flowing roof line.  
It would also fitting into our neighborhood better. We also have numerous large pavers trees, a cellar & sprinkler system in the front & side yards prohibiting a placement of a side carport.
- These special circumstances are not the result of the actions of the applicant;  
Explanation: There are a lot of flat roof carports in our neighborhood and the one's with a pitched roof are the cheaper portable units.
- Literal interpretation and enforcement of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zoning district, and would cause an unnecessary and undue hardship;  
Explanation: There are many flat carports in the immediate vicinity of our house that were built in the last few years and building a sloped carport would not generally be consistent with the character/appearance of the roof line closest to the carport.
- Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest, and would carry out the spirit of the Zoning Ordinance and substantial justice;  
Explanation: A flat carport roof would make our house/property/landscaping more attractive, pleasing to the eye. And in doing that, makes it look like it was meant to be there & not an after thought which should increase property value & curb appeal not only to our house/property but the neighborhood also.
- Granting the variance will not adversely affect adjacent land in a material way; and  
Explanation: As you can see in the attached pictures, there are many flat carports in the immediate vicinity of our house so this request is consistent with the adjacent land use and will actually look better than a sloped roof and fit into the neighborhood.
- Granting the variance will be generally consistent with the purposes and intent of the Zoning Ordinance.  
Explanation: The zoning ordinance states that the subject carport should be consistent with the character and appearance of the roof line closest to that carport which is a gradual slope. This carport would also continue out while maintaining the appropriate distance from the street.

OFFICE USE ONLY	
Case no.: ZBA <u>15-18</u>	Date of application: <u>9/12/15</u>
Fully-dimensioned site plan: <input checked="" type="checkbox"/> Nonrefundable fee: <u>225.<sup>00</sup></u>	Date paid: <u>9/12/15</u>
Date to be heard by ZBA: <u>10/5/15</u>	
Received by: <u>Jeff Fisher</u>	Receipt Number: <u>240165</u>
Ordinance section(s) from which variance(s) is/are requested: _____ _____	

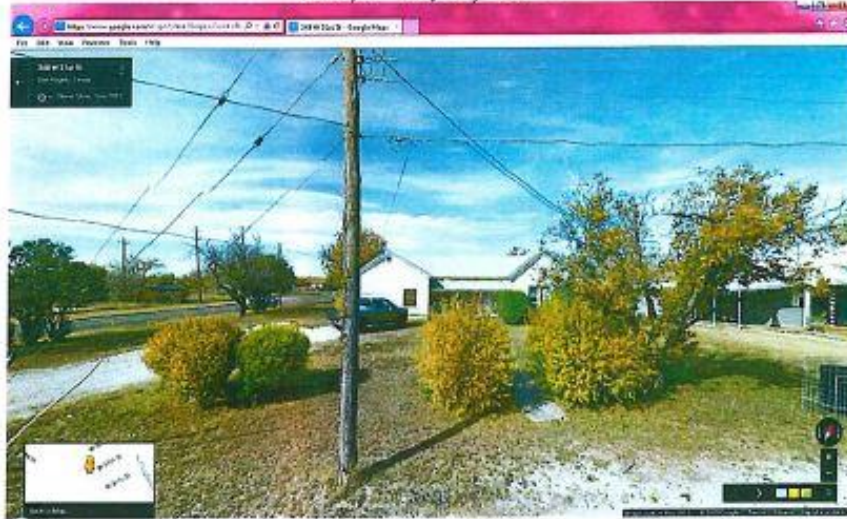


Carport will tie into the house utilizing the same roofing material as the residence.



12' roof extension will tie into the carport and the existing northwest porch will be replaced utilizing same roofing materials.

*New Car Port addition - added after 2012  
next 2 pages*



*Nov 2012*



*348 W 31st Street*



New Car Port — est of 7/29/15  
348 W 31<sup>st</sup> Street





200 E 37th St.



492 E 37th St.



534 E 37th St.



127 E 37th St.



350 E 38th St.



60 E 39th St.



420 E. 39th St.



529 E 39th St.



576 E 35th St.



250 W 36th St.



49 E 33rd St.



88 E 33rd St.



339 E 28th St.



807 E. 42nd St.



869 E 42nd St.



819 E 42nd St.



973 E 42nd St.



3257 Orchard Drive



3703 N Chadbourne St.



3884 Travis St.



S W Garden Road



11 Garden Road



65 Garden Road



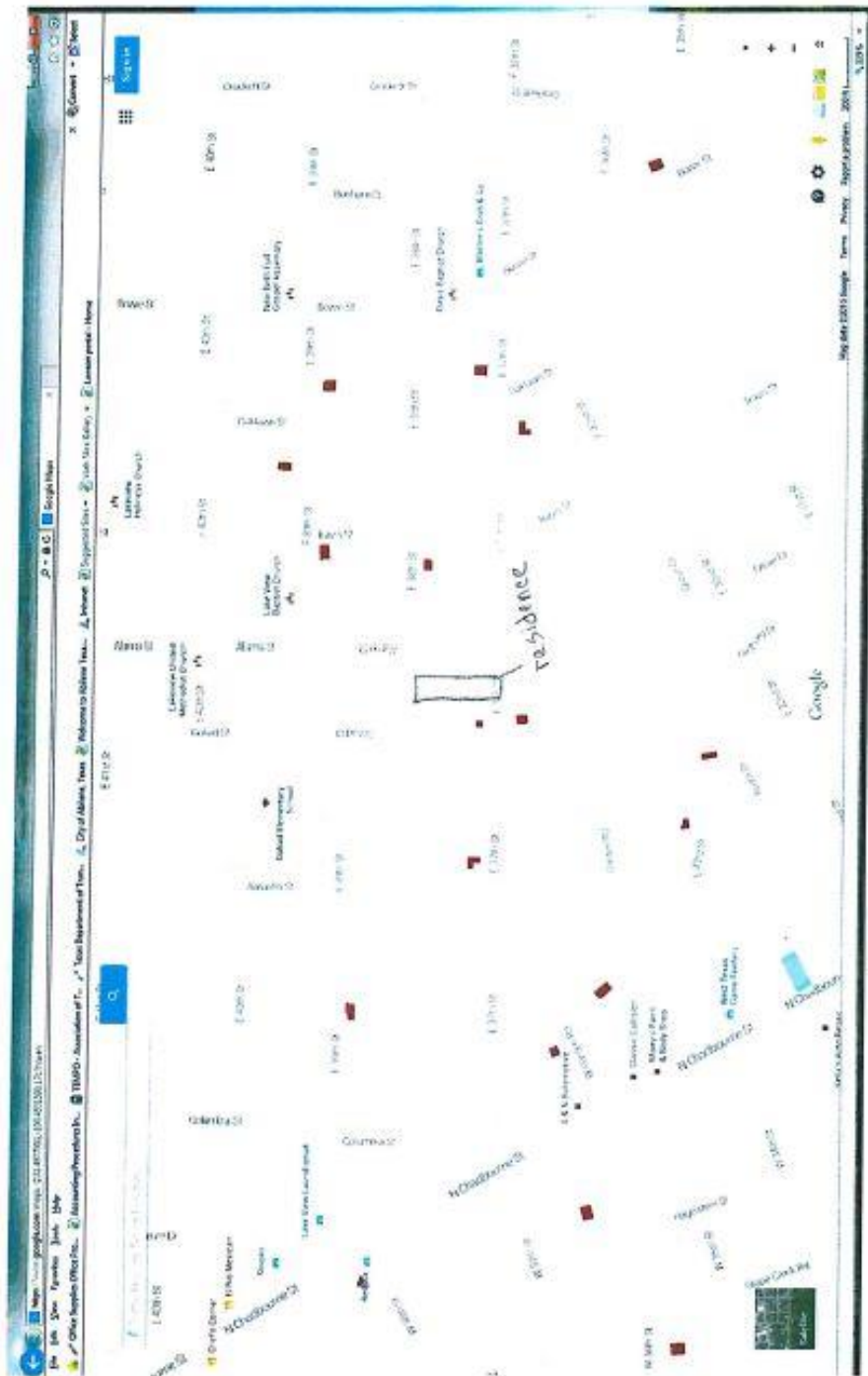
3566 Grape Creek Road

11 Larden Road



90 East 33rd St





Locations of some of the corporates in the area.