

STAFF REPORT



Meeting: December 7, 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: ZBA15-20

Request: A request for approval of a Variance from Section 501.A. of the Zoning Ordinance to allow for a patio to have a 19.5-foot front yard setback in lieu of 25 feet and a 0-foot south side yard setback in lieu of 5 feet

Location: 1425 South Van Buren Street; generally located at the northwest corner of West Avenue K and South Van Buren Street

Legal Description: 0.189 acres in the South Heights Addition, Block 16, Lot 7

General Information

Zoning: Single-Family Residence (RS-1)
Existing Land Use: Existing Single Family Residence, built in 1942
Future Land Use: Neighborhood
Surrounding Zoning/Land Use:

North:	Single-Family Residence (RS-1)	Single Family Residences
West:	Single-Family Residence (RS-1)	Single Family Residences
South:	Single-Family Residence (RS-1)	Single Family Residences
East:	Single-Family Residence (RS-1)	Single Family Residences

District: SMD#5 – Elizabeth Grindstaff
Neighborhood: Santa Rita Neighborhood
Notification Required: Yes
Notifications Sent: 21
Responses in Favor: 1
Responses in Opposition: 0

History and Background:

On October 30, 2015, the applicant submitted an application for a Variance to allow for a 19.5 front yard setback in lieu of 25 feet and a 0-foot side yard setback in lieu of 5 feet in order to facilitate repairs and upgrades to an existing uncovered porch.

The repairs and upgrades will not extend the porch beyond its current footprint on the property. The porch projects 6 feet from the house into the front yard, and 5 feet from the house into the south side yard, with a vertical clearance on both sides of 7.5 feet. However, a Variance is required because the porch does not meet the minimum front yard and side yard setbacks. It is unclear when the porch was erected. The applicant indicates he purchased the home in 1978 and the porch was there at that time. Assessment records indicate the house existed on the property since 1942, but does not specifically mention the porch. In 1942, the property would have been subject to the first Zoning Ordinance of the City of San Angelo, which took effect on August 27, 1940. The 1940 Zoning Ordinance also required a 25-foot front yard setback and a 5-foot side yard setback, the same as today's Zoning Ordinance for properties zoned Single-Family Residence (RS-1). The 1940 Ordinance made an exception for porches in the front yard only, however, where they could extend 10 feet into the required front yard, thus allowing for a 15-foot front yard setback. The porch would have complied with the front yard setback at the time, but not the side yard setback. In either case, a Variance would still be required as repairs and upgrades of this nature need to meet the standards set forth in the current Zoning Ordinance.

The applicant has indicated that the porch repairs and upgrades are needed in order to be consistent with future upgrades to the roof of the house and also to make the porch more structurally sound. The existing house and porch roofs are made of brown composition shingles. The applicant plans to replace the brown composition shingles on the house and the porch with new light sand color metal roofing.

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 porch was constructed before 1978 when the applicant purchased the home and is a non-conforming use. The applicant plans to upgrade the porch to become more structurally sound so the special circumstance is not merely financial, as the applicant would be making a financial investment into the upgrades.

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

As indicated previously, the porch was existing in this location prior to the applicant purchasing the home. The proposed upgrades would maintain the same footprint and not further encroach into the required front or side yards.

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 may create a safety issue as the existing porch does not appear to be structurally sound. Further, allowing the improvements in the same location as the existing porch would enhance the surrounding neighborhood, allowing the applicant to make the desired improvements and enjoy the same rights as other property owners.

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 and would be the minimum action required to allow the porch to be upgraded. As indicated above, the footprint of the porch after the upgrades on both the front and side yards will remain unchanged.

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

Approving this Variance request would not appear to adversely impact any adjacent properties. The improvements would enhance the existing home and ensure the porch is structurally sound. A light sand color roof would be in keeping with other homes in the area that have a similar color on their facades and roofs.

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

The proposed upgrades will comply with all other provisions of the Zoning Ordinance, except for the front and side yard setbacks. Looking at the property from both South Van Buren Street and West Avenue K, the reduced setbacks do not appear to be noticeable, and as indicated previously, the new porch will maintain the same footprint as what has existed for many decades.

Notification:

On November 23, 2015, 21 notifications were mailed out within a 200-foot radius of the subject site. As of December 3, 2015, there was one (1) response in favor and zero (0) responses in opposition of the request.

Staff Recommendation:

Staff’s recommendation is for the Zoning Board of Adjustment to **APPROVE** Case ZBA15-20 for a Variance from Section 501.A. of the Zoning Ordinance to allow for a patio to have a 19.5-foot front yard setback in lieu of 25 feet and a 0-foot south side yard setback in lieu of 5 feet in the Single-Family Residence District (RS-1), **subject to the following one (1) Condition of Approval:**

1. The applicant shall obtain a Building Permit for the porch remodel 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 Letter
- Site Plan and Elevations
- Site Photos
- Application



Variance Case File

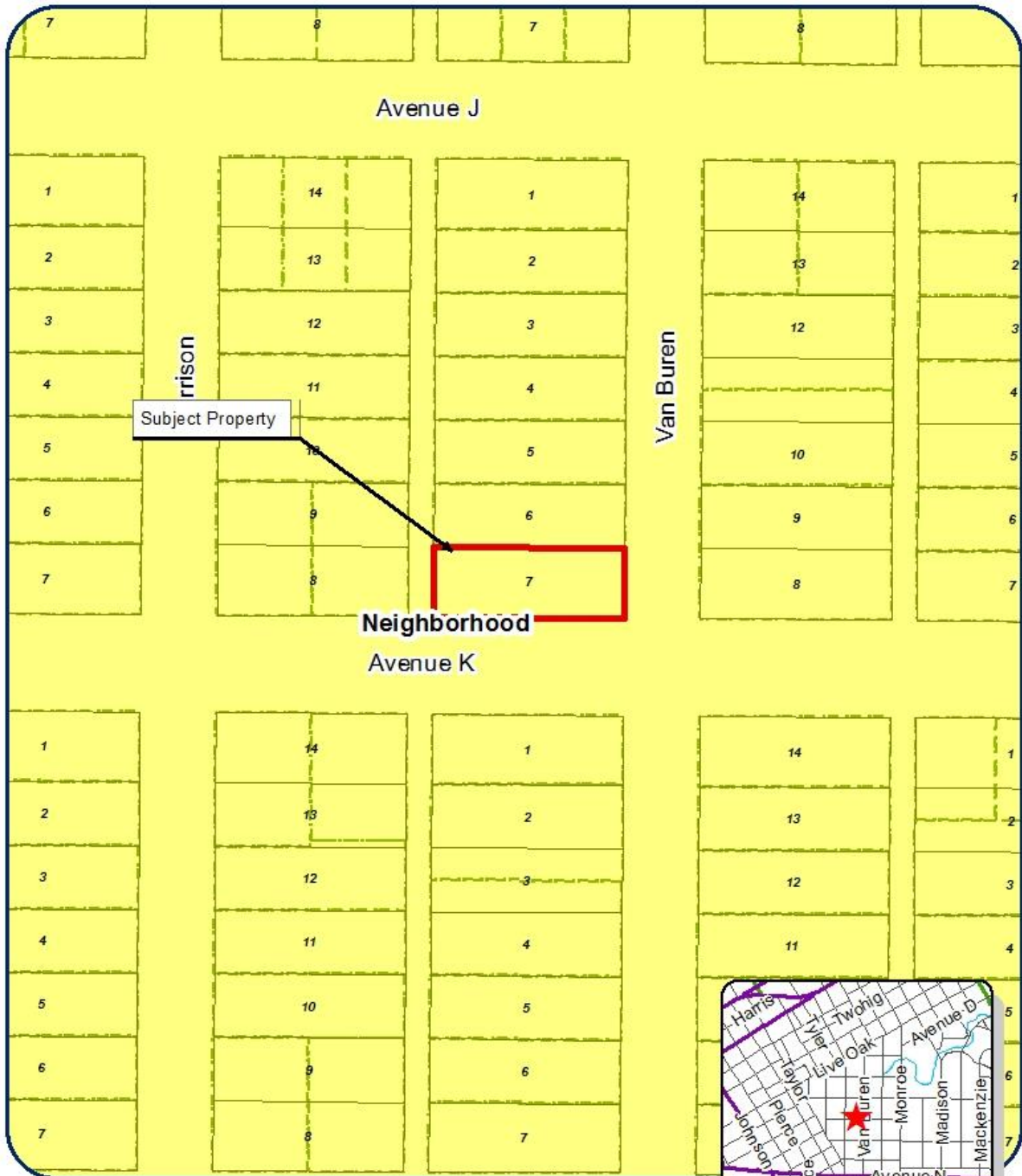
Case ZBA15-20: J. L. Fisher

Council District: Elizabeth Grindstaff (SMD #5)
 Neighborhood: Santa Rita
 Scale: 1" approx. = 100 ft
 Subject Property: 1425 S. Van Buren St.

Legend

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





Variance Case File

Case ZBA15-20: J. L. Fisher

Council District: Elizabeth Grindstaff (SMD #5)
 Neighborhood: Santa Rita
 Scale: 1" approx. = 100 ft
 Subject Property: 1425 S. Van Buren St.

Legend

Subject Properties: █
 Current Zoning: RS 1
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Variance Case File

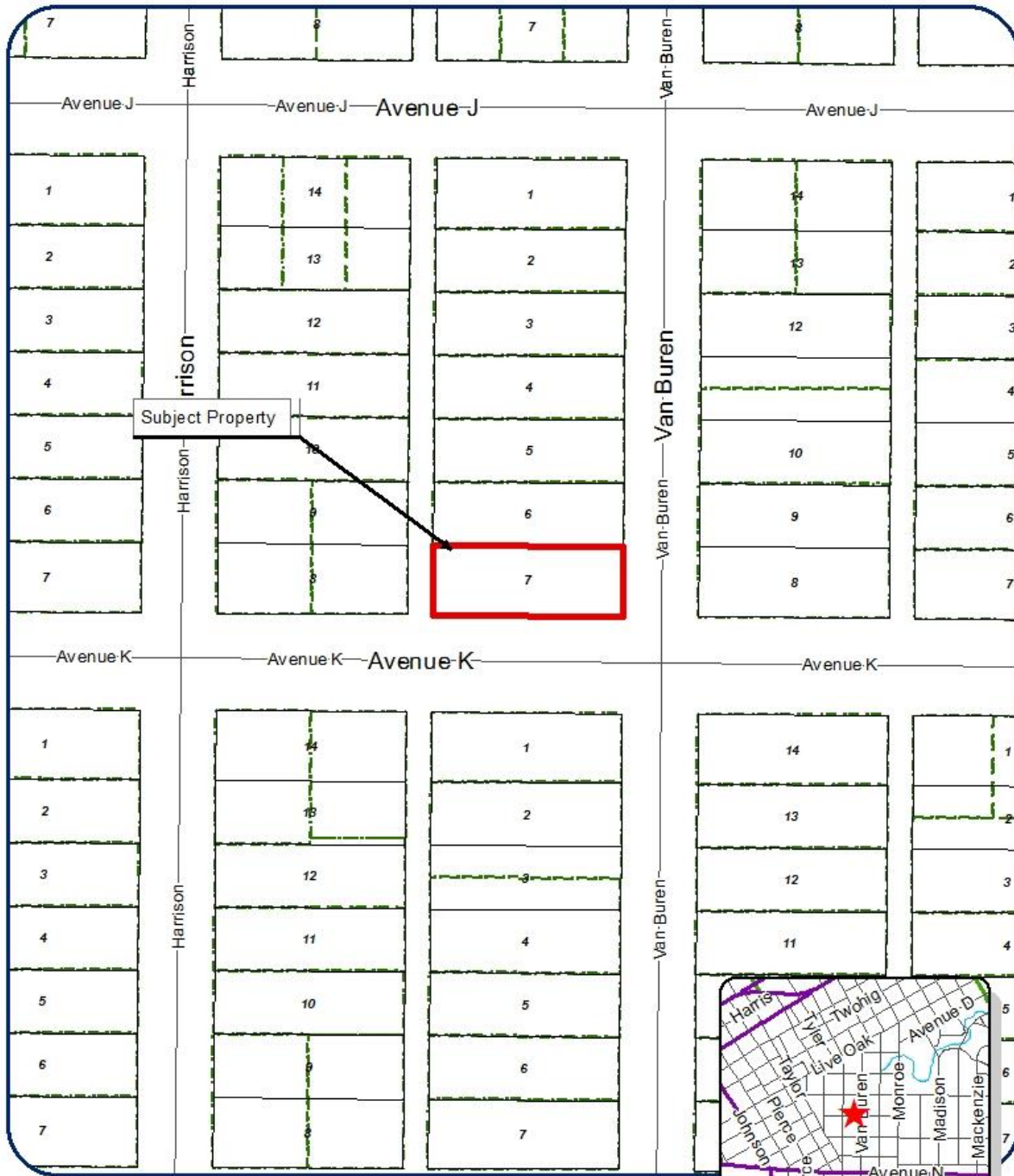
Case ZBA15-20: J. L. Fisher

Council District: Elizabeth Grindstaff (SMD #5)
 Neighborhood: Santa Rita
 Scale: 1" approx. = 100 ft
 Subject Property: 1425 S. Van Buren St.

Legend


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




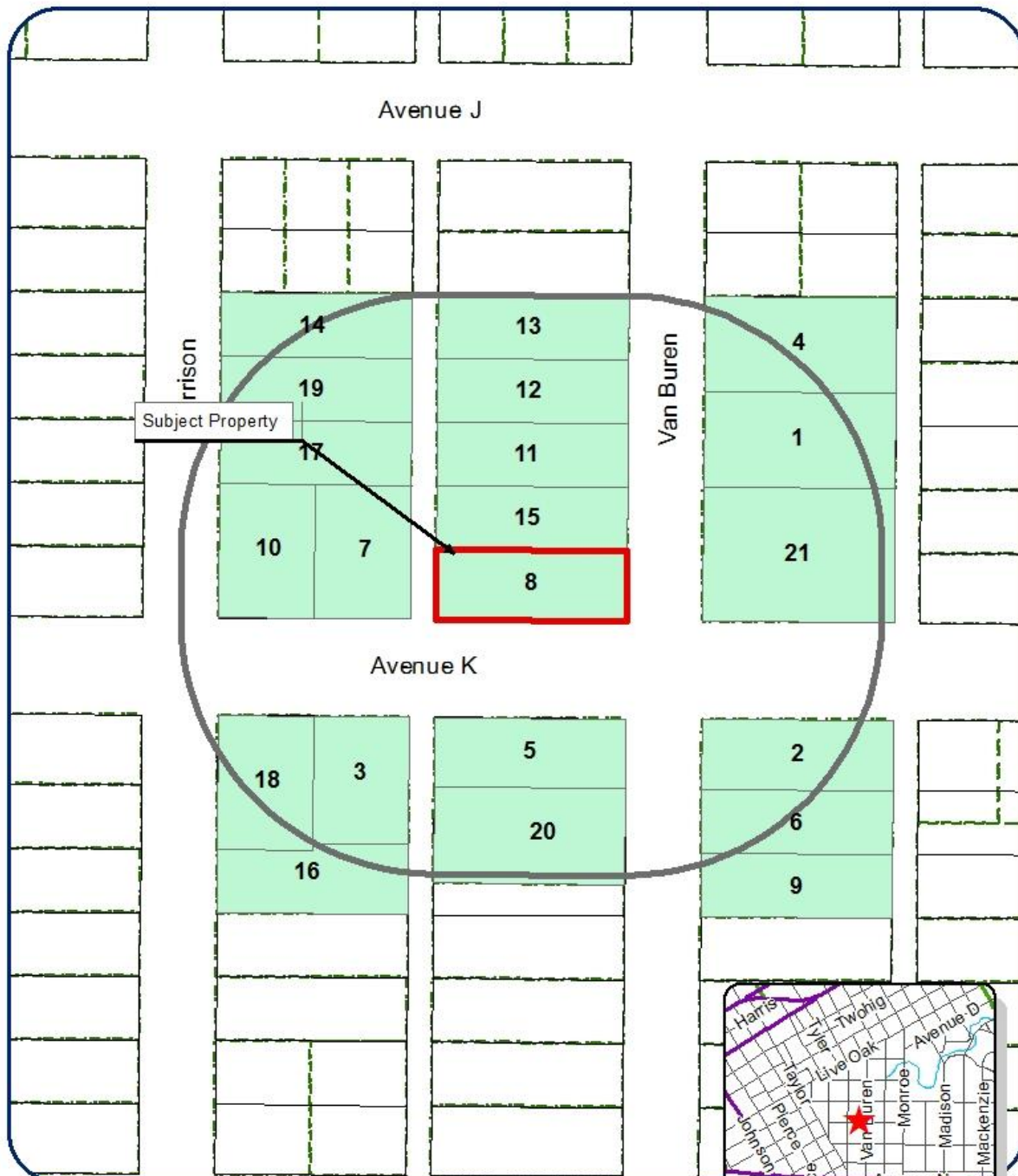


Variance Case File
Case ZBA15-20: J. L. Fisher
 Council District: Elizabeth Grindstaff (SMD #5) Requested Zoning Change:
 Neighborhood: Santa Rita
 Scale: 1" approx. = 100 ft
 Subject Property: 1425 S. Van Buren St.

Legend
 Subject Properties:
 Current Zoning: **RS 1**
 Vision: **Neighborhood**

N






Variance Case File

Case ZBA15-20: J. L. Fisher

Council District: Elizabeth Grindstaff (SMD #5)

Neighborhood: Santa Rita

Scale: 1" approx. = 100 ft

Subject Property: 1425 S. Van Buren St.

Legend

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



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.

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IN FAVOR

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IN OPPOSITION

REASON(S) _____

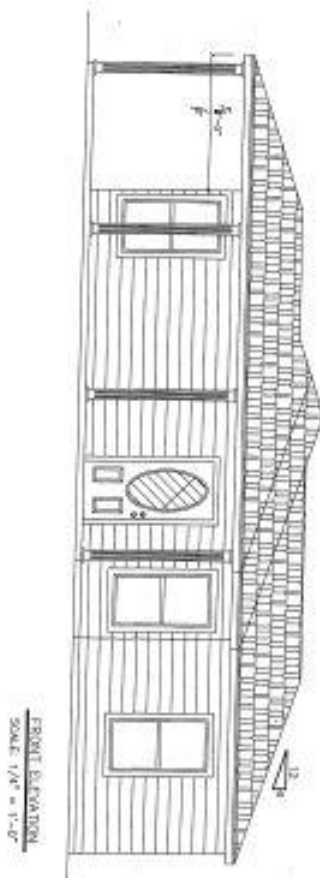
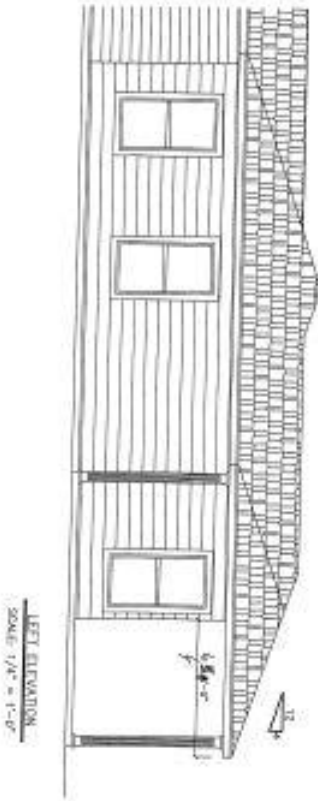
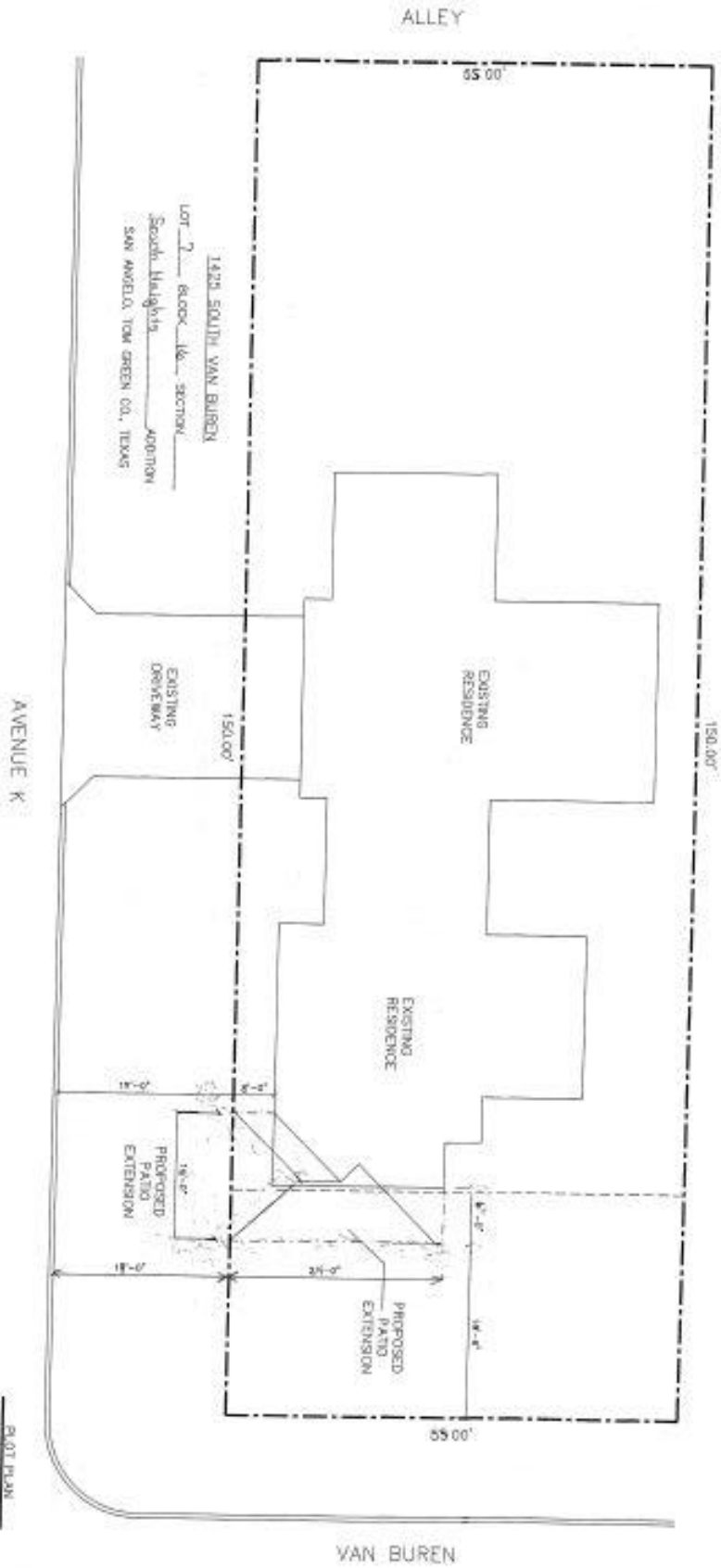
NAME: _____

ADDRESS: _____

SIGNATURE: Carla Michuda Steve Michuda

ZBA15-20: James L. Fisher property owner number: 11
If you have any questions about these proceedings, please call Mr. Jeff Fisher, Planner, 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 and Elevations



SITE PHOTOS

North



South



West



East



SITE PHOTOS - CONTINUED

West at House



North at House



West Site Line



North Site Line



Close-up view of Porch



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

Name of Applicant(s): James Lyndal Fisher

Owner Tenant Representative (Affidavit required)

Mailing Address: 1425 South Van Buren Telephone: 325-653-1591

City/State/Zip: San Angelo, TX 76901-4355 Fax/other: _____

Email Address: jlfisher45@suddenlink.net

Subject Property Address and/or Location*:
1425 South Van Buren

San Angelo, TX 76901-4355

Legal Description*:
Lot 7, Blk 16, South Heights Addition

Zoning: RS-1

Specific Description of Request*:
See Attachment 1

* 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 J Lyndal Fisher

Date 30 Oct 2015

- 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: The house and front porch were originally built in the 1940's. We want to upgrade the porch to bring it up to current code and safety standards. This will also make the porch more in keeping with the look of the house and neighborhood.
- These special circumstances are not the result of the actions of the applicant;
Explanation: The porch was existing when we bought the house in 1978. The porch is a poor design and not structurally sound. The new porch roof will match the existing roof style of the house. The entire house will be reroofed with a metal roof in a light stone color.
- 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 existing porch provides access to the front door of the house. There is no other place to have a porch.
- 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: The porch will be reconstructed in the same footprint as the existing porch.
- Granting the variance will not adversely affect adjacent land in a material way, and
Explanation: The existing porch has been part of the house since the 1940's. It is along the Avenue K street side of the lot. Therefore, the porch is not next to any neighboring yard or house. Therefore, the reconstruction and upgrade of the porch will have no affect on the neighbors or neighborhood.
- Granting the variance will be generally consistent with the purposes and intent of the Zoning Ordinance.
Explanation: This will be in compliance with all other standards.

OFFICE USE ONLY	
Case no.: ZBA <u>15-20</u>	Date of application: <u>10/30/2015</u>
Fully-dimensioned site plan: <input checked="" type="checkbox"/>	Nonrefundable fee: <u>\$250.00</u> Date paid: <u>10/30/2015</u>
Date to be heard by ZBA: <u>12/7/2015</u>	
Received by: <u>JEFF FISHER</u>	Receipt Number: _____
Ordinance section(s) from which variance(s) is/are requested: <u>501.A (Zoning Ordinance)</u>	

Attachment 1

To grant two variances for reduced front and side yard set backs for the original 1940's front porch. The variance for the front yard will be from a 25' set back to a 19' 6" set back which is the same footprint as the porch cover is now. The variance for the side yard will be from a 5' set back to 0' set back which is the same footprint as the porch cover is now. The side yard is along the Avenue K street side of the lot. Therefore, the porch is not next to any neighboring yard or house. The purpose of these variances is to accommodate a proper and coded hip style roof over the porch that will meet current code and safety standards and to match the existing roof style of the house in order to reroof the entire house with a metal roof. The footprint of the porch will remain the same as it has existed since the 1940's.

STAFF REPORT



Meeting: December 7, 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: David Fee, AICP
Senior Planner

Case: ZBA15-21

Request: A request for approval of a Variance from Section 509.B.3.a. of the Zoning Ordinance to allow for a 6-foot high fence to extend into the required front yard in the General Commercial/Heavy Commercial (CG/CH) Zoning District

Location: 6, 8, and 10 East 28th Street; generally located approximately 140 feet northeast of the intersection of North Chadbourne Street and East 28th Street

Legal Description: 0.591 acres of the F.E. Cramer Survey #318, and lots 7 and 8 in the C.L. Cunningham Subdivision

General Information

Future Land Use: Neighborhood Center

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

Existing Land Use: Vacant commercial land

Surrounding Zoning/Land Use:

North:	Single-Family Residential (RS-1), General Commercial/Heavy Commercial (CG/CH)	Single family residences, Commercial (Texican Chop Shop)
West:	General Commercial/Heavy Commercial (CG/CH)	Former dentist office, small business bldg.
South:	Single-Family Residential (RS-1)	Single family residences
East:	Single-Family Residential (RS-1)	Single family residence

District: SMD#4 – Lucy Gonzales

Neighborhood: Reagan Neighborhood

Notification Required: Yes

Notifications Sent: 18

Responses in Favor: 0

Responses in Opposition: 0

History and Background:

The subject property measures 0.591 acres and is part of the overall C.L. Cunningham Subdivision. The site is zoned General Commercial/Heavy Commercial (CG/CH) and the property borders CG/CH to the west where there is the former dentist office of Dr. Tim Green and a small commercial building. Across the northern property line is land which is also zoned CG/CH with the Texican Body Shop. The remaining neighboring property, separated by an alley, is zoned Single-Family Residential (RS-1). The east side lot is next to a residential dwelling zoned RS-1. The south side is on East 28th Street and fronts three residential dwellings zoned RS-1.

On October 29, 2015, the applicant submitted a Variance from the Zoning Ordinance to allow an existing 6-foot high fence to remain in the required front yard. The fence is setback 10 feet from the front property line on East 28th Street and encroaches 10 feet into the front yard on the west and east sides.

Section 509.A of the Zoning Ordinance outlines fencing requirements. A privacy fence shall be required where the side or rear lot line of a non-residential use is adjacent to a residential district boundary or residential use. Section 509.B.3 sets the maximum fence height in required front yards at 4 feet.

Because the fence is only 6 feet in height, no permit was required for its erection. An adjacent neighbor brought the matter to the City's attention and the applicant is now seeking to rectify his mistake.

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 applicant is applying for this Variance from the 4 foot maximum fence height in order to allow for a 6-foot high fence to encroach within the required front yard because he seeks to develop a vacant lot into a construction business and needs the storage space. The construction business requires a large outdoor storage area necessitating a higher fence for security purposes. As an alternative, erecting a large building to warehouse construction equipment and supplies would not be characteristic of the surrounding commercial or residential uses.

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

Given the small size of the property and need for a large storage area for the business, the applicant erected the fence 10 feet into the 25 foot front yard setback. General Outdoor Storage is allowed in unlimited quantity, subject only to the location restrictions. (Section 504.C). If the applicant were to adhere to the 25 foot setback, it would greatly reduce the storage space.

- 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 height of the chain link fence to only 4 feet. Granting a Variance for a 6-foot fence would provide greater perimeter security for the property. A construction business would be a lawful use of the property in the area zoned General Commercial/Heavy Commercial (CG/CH). Construction companies are common targets for individuals looking for high dollar value equipment and materials. Inadequate fencing would not provide enough security against theft or acts of vandalism for the storage of construction materials on the site. A privacy fence surrounding the property is not recommended, as once inside, individual activity cannot be seen from the 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 chain link fence exceeding the maximum height for the fencing by 2 feet and the 6-foot high privacy fence encroaching 15 feet on both sides of the front yard. Staff has not received any negative responses from within the 200-foot public notification radius regarding the fence. Future Land Use maps envision the subject property being bounded on nearly all sides as a Neighborhood Center with the front yard facing commercial uses except for a 15-foot section of the chain link fence across the street from a residential dwelling.

- 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. Screening serves to reduce some impacts on surrounding land uses and the higher fence will make the property a less desirable target for individuals who would commit acts of theft or vandalism to the site, which need vicariously benefit neighboring properties

- 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. Screening serves to reduce some impacts on surrounding land uses and the higher fence will make the property a less desirable target for individuals who would commit acts of theft or vandalism to the site, which need vicariously benefit neighboring properties.

Notification:

On November 23, 2015, 18 notifications were mailed out within a 200-foot radius of the subject site. As of December 3, 2015, there were zero (0) responses in favor and zero (0) responses in opposition of the request.

Staff Recommendation:

Staff’s recommendation is for the Zoning Board of Adjustment to APPROVE Case ZBA15-21 and approve a Variance from Section 509.B.3.a. of the Zoning Ordinance to allow for a 6-foot high fence to extend into the required front yard in the General Commercial/Heavy Commercial (CG/CH) Zoning District.

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
- Site Concept Plan
- Site Photos
- Application

Aerial Map



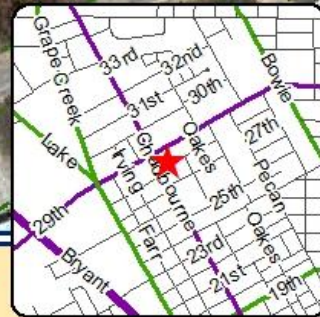
Variance Case File

Case ZBA15-21: Ortiz

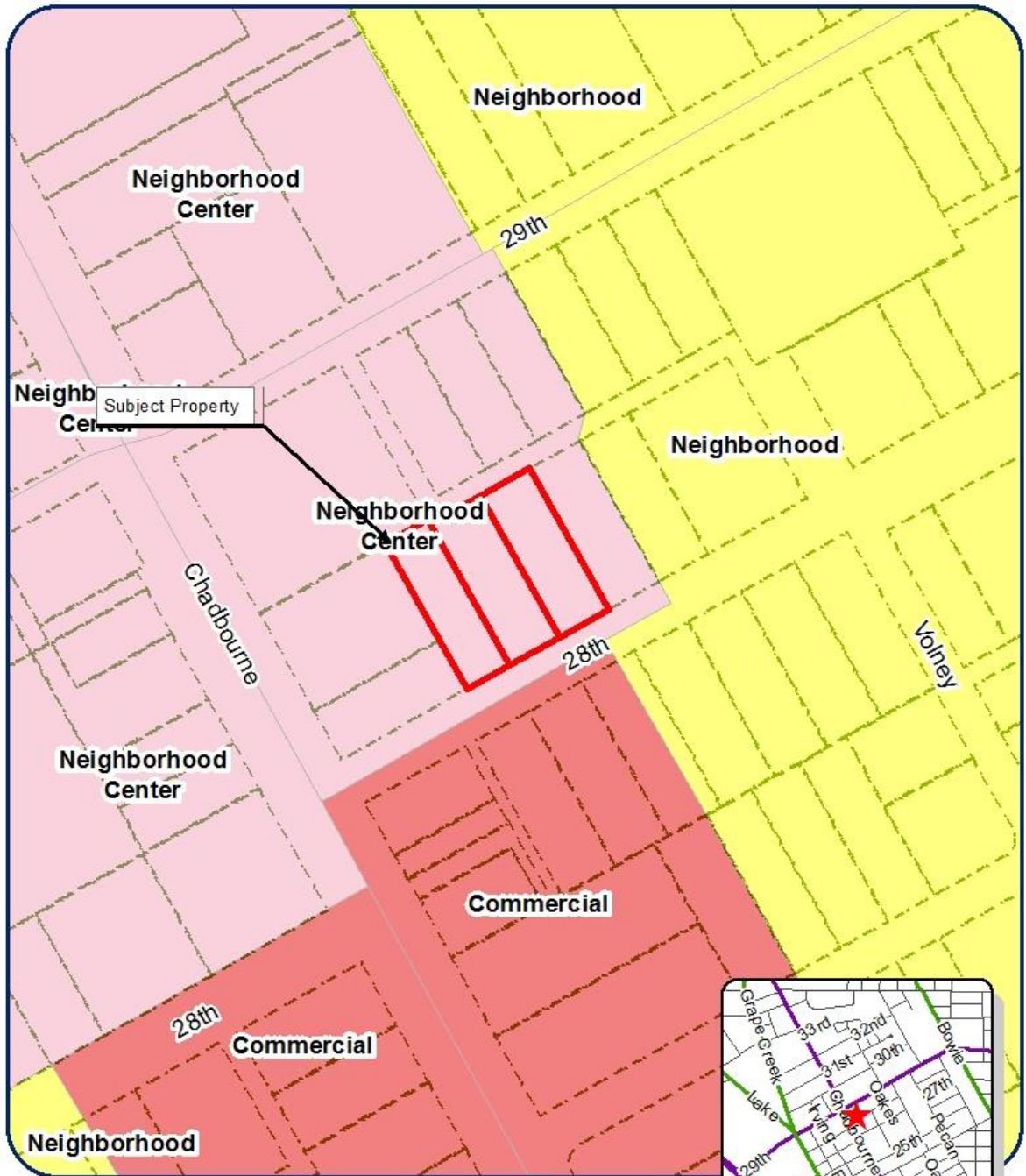
Council District: Lucy Gonzales (SMD #4)
Neighborhood: Reagan
Scale: 1" approx. = 125 ft
Subject Property: 6, 8, 10 E. 28th St.

Legend

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



Future Land Use Map

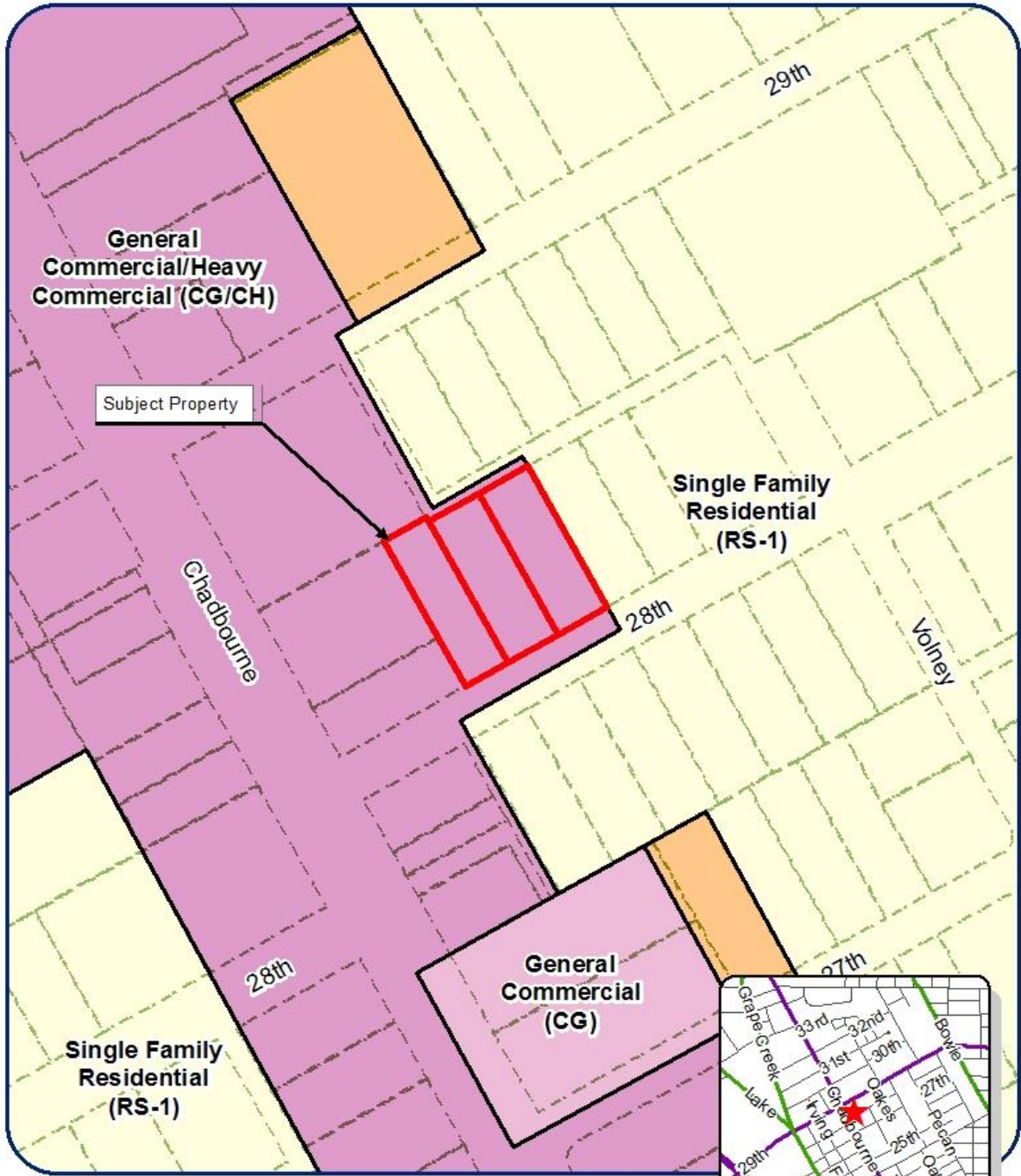


Variance Case File
Case ZBA15-21: Ortiz
 Council District: Lucy Gonzales (SMD #4)
 Neighborhood: Reagan
 Scale: 1" approx. = 125 ft
 Subject Property: 6, 8, 10 E. 28th St.

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



Zoning Map

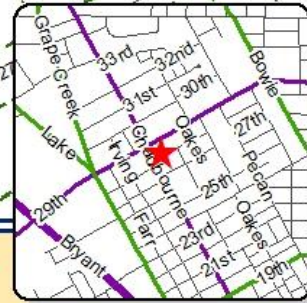
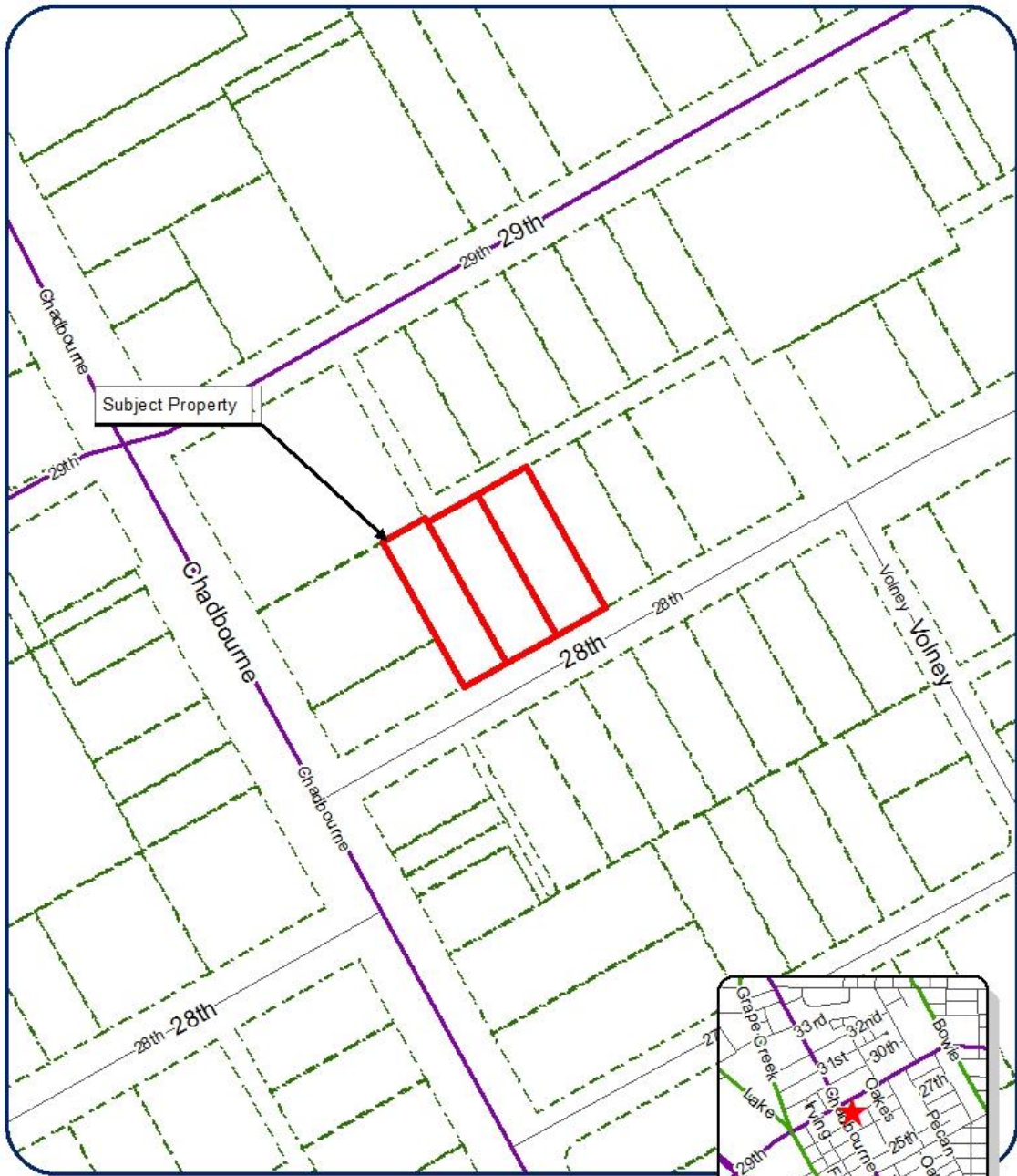


Variance Case File
Case ZBA15-21: Ortiz
 Council District: Lucy Gonzales (SMD #4)
 Neighborhood: Reagan
 Scale: 1" approx. = 125 ft
 Subject Property: 6, 8, 10 E. 28th St.

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



Transportation Map



Variance Case File

Case ZBA15-21: Ortiz

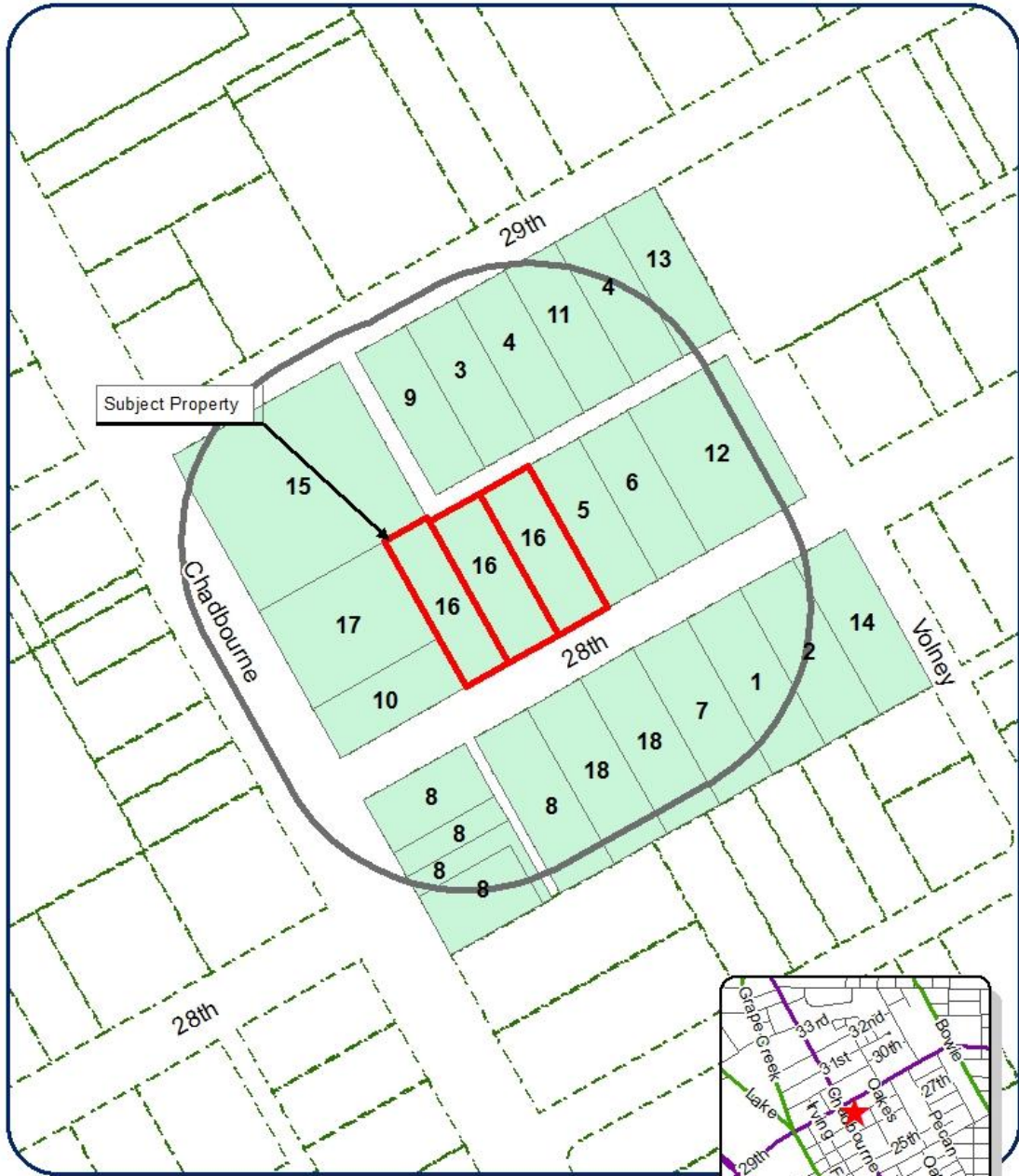
Council District: Lucy Gonzales (SMD #4)
 Neighborhood: Reagan
 Scale: 1" approx. = 125 ft
 Subject Property: 6, 8, 10 E. 28th St.

Legend



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

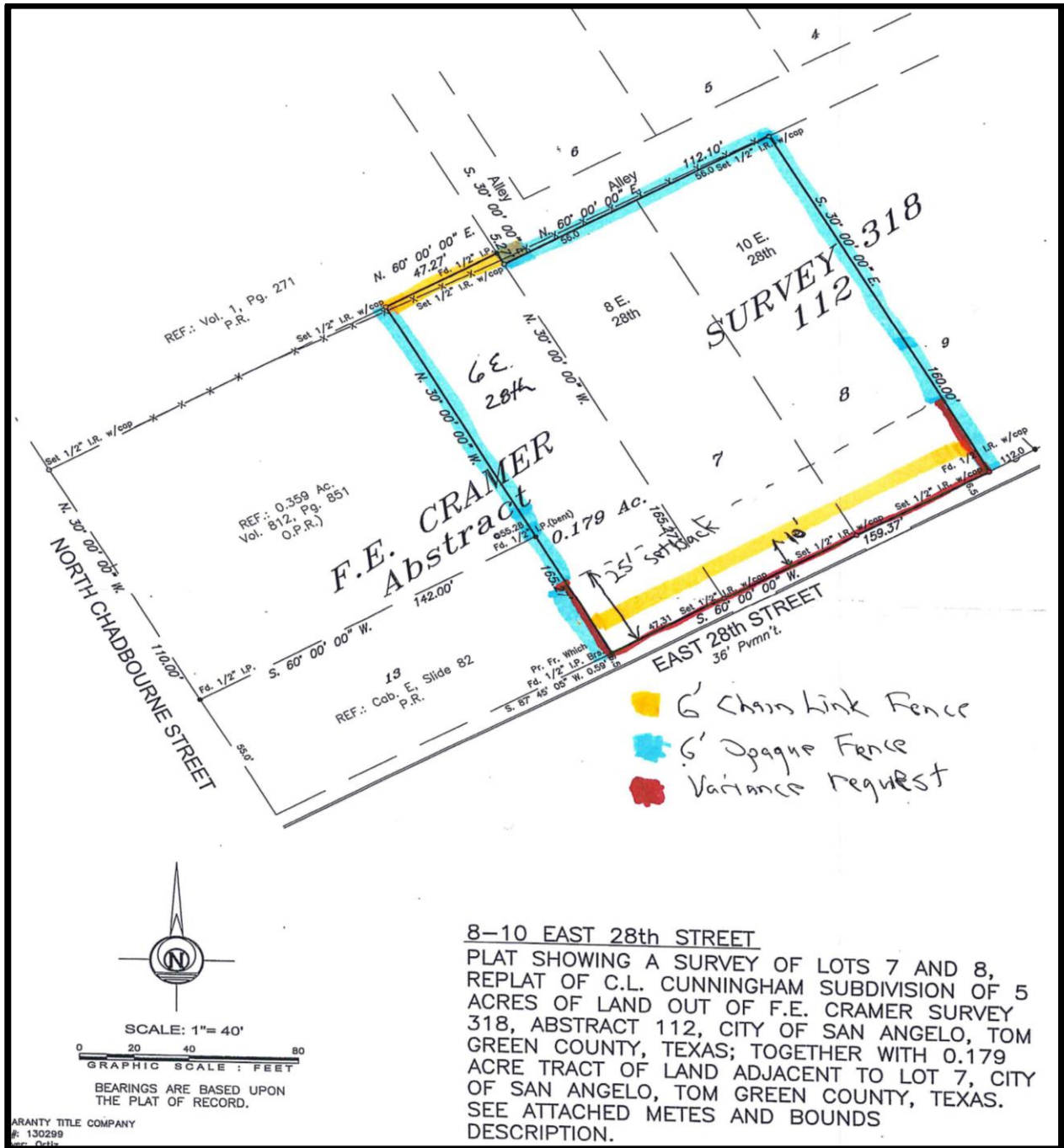


Notification Map



Variance Case File		Legend	
Case ZBA15-21: Ortiz		Subject Properties: 	
Council District: Lucy Gonzales (SMD #4)		Current Zoning: CG/CH	
Neighborhood: Reagan		Requested Zoning Change: N/A	
Scale: 1" approx. = 125 ft		Vision: Neighborhood Center	
Subject Property: 6, 8, 10 E. 28th St.			



Photos

North



South



West



East



Northeast



Northwest



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

Name of Applicant(s): John Detie

Owner Tenant Representative (Affidavit required)

Mailing Address: 2620 Waco Telephone: (325) 315-8344

City/State/Zip: San Angelo, TX 76901 Fax/other: _____

Email Address: _____

Subject Property Address and/or Location*:
6. 8, 10. E. 28th St

Legal Description*:
Lot 7, 8, 0.179 acres of land adjacent to Lot 7.
C.L. Cunningham Subdivision of 5

Zoning: CG/CH

Specific Description of Request*:
to allow an existing front yard chain link fence
with a height of 6ft where zoning allows only 4ft.

and to allow 6ft high side yard fences in the required
* use attachment, if necessary (side yard fences extend 15^{ft} into front yard)

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

Signature [Handwritten Signature]

Date Oct 29, 2015

- 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: plan to use as construction business and need all storage space

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

Explanation: bought land for this reason CG/CH installed on a R-panel fence on all 3 side except front front chain link is all ready existing.

- 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: Comply on the rest of fence except front fence.

- 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: Only increasing fence by 2 ft only to keep vandalism and robbers out

- Granting the variance will not adversely affect adjacent land in a material way; and

Explanation: will not affect any body or neighbors by any way

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

Explanation: I feel I meet all Zoning Ordinances now and in the future.

OFFICE USE ONLY		
Case no.: ZBA <u>15-21</u>	Date of application: <u>10/30/2015</u>	
Fully-dimensioned site plan: <input checked="" type="checkbox"/>	Nonrefundable fee: <u>\$250.00</u>	Date paid: <u>10/30/15</u>
Date to be heard by ZBA: _____		
Received by: <u>Jeff Fisher</u>	Receipt Number: _____	
Ordinance section(s) from which variance(s) is/are requested: <u>s. 509 B-3-a</u>		