

STAFF REPORT



Meeting: February 1, 2016

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
Senior Planner

Case: ZBA15-28

Request: A request two Variances from Section 501(A): (1) a Variance to allow for a 2-foot front yard setback in lieu of 25 feet, and (2) a Variance to allow for a side yard setback of zero (0) feet in lieu of 5 feet, for a property located in the Single-Family Residence (RS-1) Zoning District

Location: 3221 Red Bluff Road West, generally located 410 feet southwest of the intersection of Red Bluff Road West and Red Bluff Road East

Legal Description: Lot 103, Block 5, Group Red Bluff, Section 4, Lake Nasworthy Addition, City of San Angelo, Tom Green County, Texas

Size: 0.273 acres

General Information

Zoning: RS-1 (Single-Family Residence) District

Future Land Use: Neighborhood

Existing Land Use: Existing single-family detached residences

Surrounding Zoning/Land Use:

North:	RS-1	City of San Angelo (access easement)
West:	RS-1	Single-family detached residences
South:	N/A	Lake Nasworthy
East:	RS-1	Single-family detached residences

District: SMD #1 - Rodney Fleming

Neighborhood: Nasworthy

Notification Required: Yes

Notifications Sent: 12

Responses in Favor: 0

Responses in Opposition: 4 (one respondent requested to remain anonymous)

History and Background:

The property is zoned Single-Family Residence (RS-1) Zoning District and is located within the Lake Nasworthy, Red Bluff Subdivision. The existing house was constructed in 1967. The original detached garage was built prior to 1995 (based on the aerial map) by a previous owner with a front yard setback of 2 feet. Section 501(A) of the Zoning Ordinance requires a side setback of 5 feet and a front

yard setback of 25 feet. There is no record of any building permit being approved for this construction, nor any Variance granted for its encroachment. A building permit was issued for a 2nd story addition to the house and for a garage renovation in 1999. The Tom Green County Appraisal District lists the detached garage / attached storage area as being built in 1999 and being 698 square feet in size.

The Permits and Inspections Division was notified by the Lake Nasworthy Homeowner's Association that an addition to the west side of the existing garage had been constructed without a building permit, in violation of the 5-foot side setback. Planning Staff examined numerous aerial maps and determined that the addition appeared to have been built sometime between 2011 and 2015. That is, the westernmost portion of the garage structure did not appear in the 2011 aerials, but did appear in the 2015 aerials. Furthermore, a survey of the subject property shows a .12 foot encroachment of the addition's building footprint into the neighboring property to the west. On December 14, 2015, the applicant submitted an application for two Variances, one to allow for a front setback of 2 feet, 23 feet less than what is required and a second Variance to allow for a side yard setback of 0 feet, 5 feet less than what is required.

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;**

Special circumstances do not exist on this particular property as the lot is not irregularly shaped, the contour of the land is similar to other lots, and the required 25 foot front yard and 5 yard setbacks are not unique because they apply to all lots within this subdivision. The applicant states that the special circumstances are due to the 75 foot rear setback through deed restrictions along Lake Nasworthy prevents the garage from being built in the back yard; however, surrounding lots are under the same restriction and have successfully constructed structures that meet the Zoning Ordinance's setback requirements.

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

These circumstances were the direct result of the applicant's actions when the shed attached to the garage was replaced by a storage area that matched the

rest of the garage's exterior appearance. The resulting addition came with a roofline extending into the neighbor's property.

- 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 and enforcement of the Zoning Ordinance would not deprive the applicant of any rights commonly enjoyed by other land owners. No other homes built along this street have been granted Variances for front yard and side yard setbacks. The addition to garage was done without a building permit, disregarding the 5-foot side setback and encroaching 0.12 feet into the neighbor's property.

- 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 alone would not be the minimum action needed to make possible the use of the garage addition. The applicant would still be required to remove 0.12 feet of the addition that encroaches into the adjacent neighbor's yard, as well as a portion of the roofline which also encroaches (see attachments). Additionally, a building permit will need to be applied for and approved for the addition. Given the above, it would not appear that granting the Variance would be in the public interest nor represent the spirit of the Zoning Ordinance and substantial justice.

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

Granting a variance from Section 501(A) of the Zoning Ordinance to allow for a 2-foot front yard setback in lieu of 25 feet and a 0-foot side yard setback in lieu of 5 feet for a detached garage would adversely affect adjacent land or property owners. Part of the addition's wall and roofline goes beyond the 5-foot side yard setback and into the neighbor's property. This interferes with the legitimate property rights of the neighbor including the right to exclusive use of his property. Granting such a Variance may set a precedent for allowing other properties on the same side of the street to be granted reduced setbacks as well.

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

The proposed Variance request to allow for a 2-foot front yard setback in lieu of 25 feet and 0-foot side yard setback in lieu of 5 feet for a detached garage is not

consistent with the purposes and intent of the Zoning Ordinance. The purpose of setbacks is to ensure adequate privacy, natural light, ventilation, access to and around buildings and buffering between uses. Also, fire prevention policy deems side setbacks as instrumental to preventing the spreading of fires from one building to another building.

Notification:

On January 21, 2016, twelve (12) notifications were mailed out within a 200-foot radius of the subject site. As of January 26, 2016, there was zero (0) responses in favor and four (4) responses (one anonymous) in opposition of the request.

Staff Recommendation:

Staff's recommendation is for the Zoning Board of Adjustment to **DENY** Case ZBA15-28 for two Variances from Section 501(A): (1) a Variance to allow for a 2-foot front yard setback in lieu of 25 feet, and (2) a Variance to allow for a side yard setback of zero (0) feet in lieu of 5 feet, for property located in the Single-Family Residence (RS-1) Zoning District.

However, should the Board wish to approve the request, Staff recommends that three (3) Conditions of Approval be added:

1. If the nonconforming structure (detached garage / attached storage area) is destroyed or damaged by 50% or more, the nonconforming structure shall be rebuilt with the required 25-foot front yard setback and 5-foot side yard setback, as dictated by the Zoning Ordinance, Chapter 12, Section 501.
2. The applicant shall obtain a Building Permit for the addition to the detached garage / attached storage area from the Permits and Inspections Division
3. Any portion of the detached garage / attached storage area (building footprint and roofline) that encroaches into the adjacent property shall be removed.

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
Notification Responses
Site Plan
Site Photos
Application



Variance Case File

Case ZBA15_028, Hameister

Council District: Rodney Fleming

Neighborhood: Nasworthy

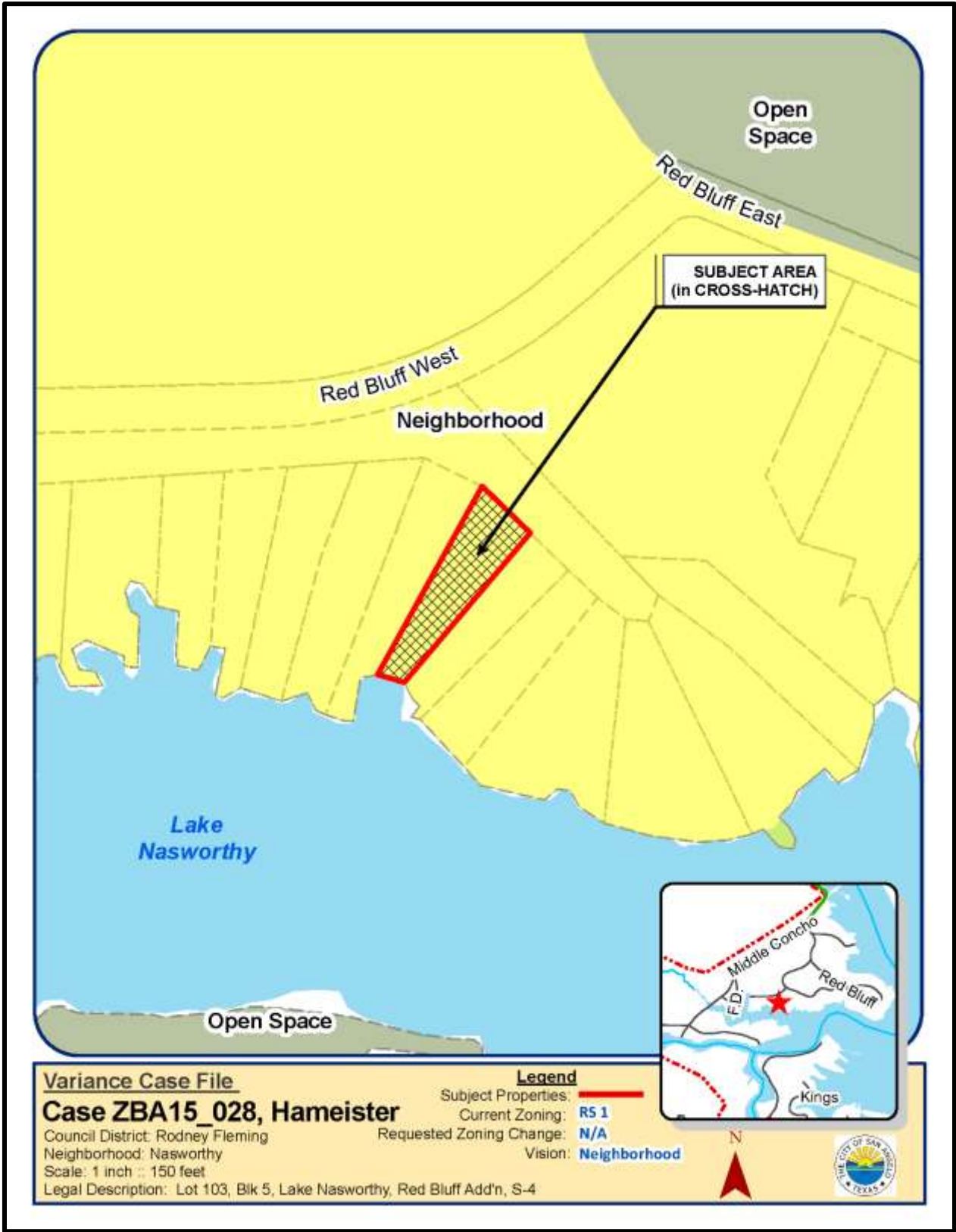
Scale: 1 inch :: 150 feet

Legal Description: Lot 103, Blk 5, Lake Nasworthy, Red Bluff Add'n, S-4

Legend

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





Variance Case File

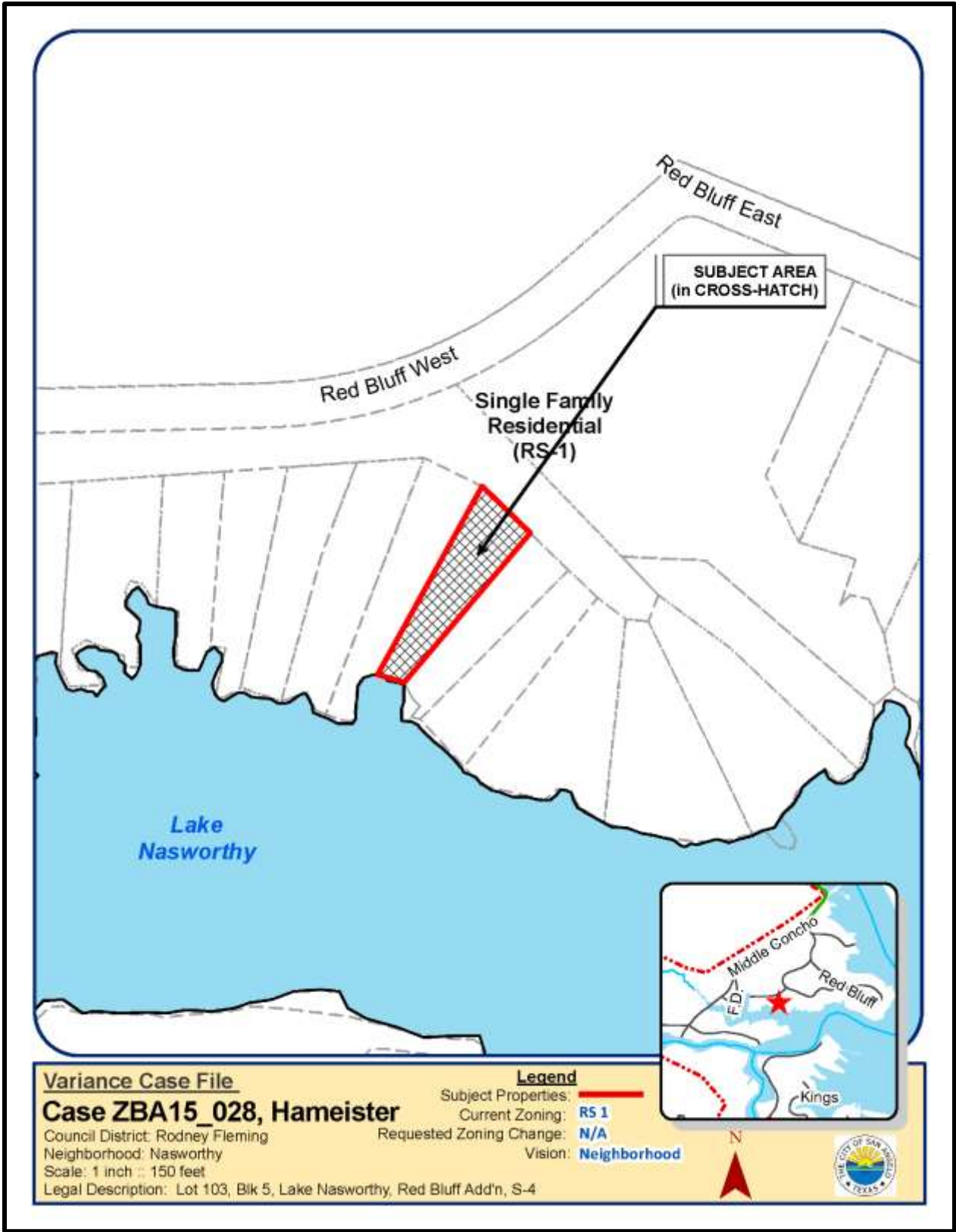
Case ZBA15_028, Hameister

Council District: Rodney Fleming
 Neighborhood: Nasworthy
 Scale: 1 inch = 150 feet
 Legal Description: Lot 103, Blk 5, Lake Nasworthy, Red Bluff Add'n, S-4

Legend

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





Variance Case File

Case ZBA15_028, Hameister

Council District: Rodney Fleming

Neighborhood: Nasworthy

Scale: 1 inch = 150 feet

Legal Description: Lot 103, Blk 5, Lake Nasworthy, Red Bluff Add'n, S-4

Legend

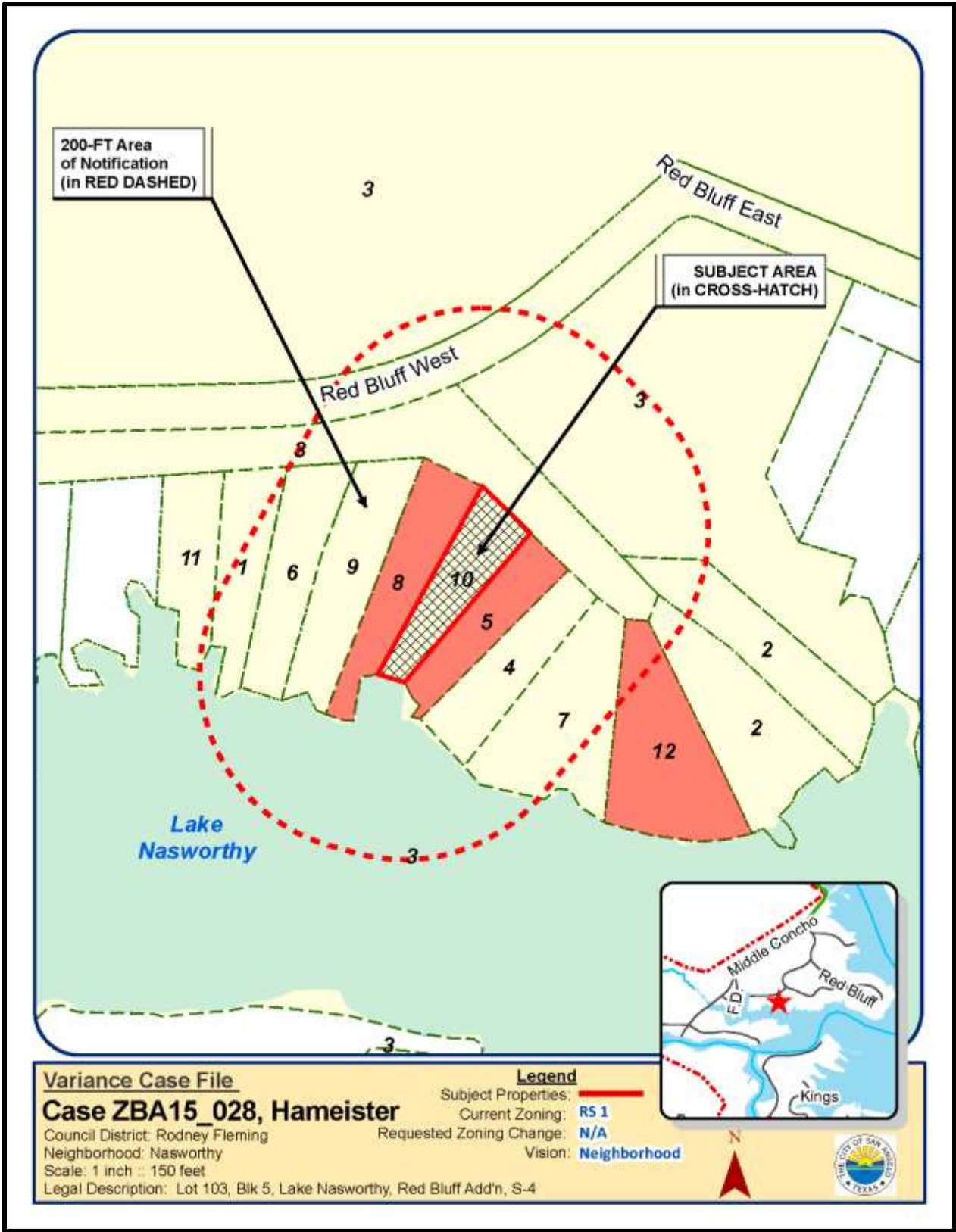
Subject Properties: —

Current Zoning: **RS 1**

Requested Zoning Change: **N/A**

Vision: **Neighborhood**





Sent: Monday, January 25, 2016 2:30 PM
To: Fee, David <david.fee@cosatx.us>
Subject: Response to 3221 Red Bluff West variance

City's Planning Division,

This is **my** response to the request of variance **made by the owner and builder of the garage at 3221 Red Bluff West..** I am the owner of the **adjacent property and** residence at 3225 Red Bluff West. **When the garage at 3221 Red Bluff West was added onto,** I spoke to the owner and my neighbor at the time it was being constructed and he assured me that his garage was on his property and he said he had he had received the required permits for construction. **I** took him at his word which was obviously my mistake.

I have since purchased the residence at 3225 Red Bluff West and am in the remodeling process. As a result, not only have I come to realize and appreciate the importance of pulling permits and receiving green tags so as to assure structures are properly located and constructed, BUT I discovered my neighbor neither applied nor pulled permits and no proper safety inspections were performed on the garage structure he constructed. I also discovered that my neighbors garage has been built in the five foot (5') set back and is located on my property.

Thus, my response. The garage at 3221 Red Bluff West was built illegally and without permit or proper inspection and knowingly constructed on my property. Therefore, I respectfully ask that the variance request be denied and the addition be removed. The 'build it and then ask for forgiveness later' mentality does not move or change property lines.

Thank you for your time and consideration. If you have questions, need additional information, or wish to survey the property, please let me know.

Daniel Gossett
[3225 Red Bluff West](#)
[San Angelo, Texas 76904](#)
[325-234-5823](#)

(Number 8 on notification map)

To David Fee, Senior Planner and Members of the San Angelo Zoning Board of Adjustment:

Re: ZBA 15-28: Hameister; Request for two variances at 3221 Red Bluff Rd W.

I live next door to 3221 Red Bluff Rd. W. (the property in question) at 3217 Red Bluff Rd W. The present owner bought the property at 3221 with an existing garage. The garage at that time had not been a problem to anyone. However, the present owner has modified the garage and put up fencing twice without going through appropriate channels. It is my concern that, the present owner will continue to take liberties and ignore guidelines and rules with total disregard for neighbors and authority. Therefore, based on my experiences with the present owner and that owner's past actions, I believe that if variances are granted, the present owner will have the ability to make further changes to the detriment of the community, as would future owners. Thus, I am **against** allowing the variances. In my opinion, the city should not reward misconduct nor open the door to any other modifications on the property in question.

Thank you for allowing my input. If you have any questions, please feel free to contact me.

Sincerely,
Donna Ferguson
3217 Red Bluff Rd W
San Angelo, TX 76904
325 227-4700 or 325 227-7097 (cell)

Number 5

ZBA15-028, Hameister

Responding to the notice for zone change at 3221 Red Bluff West, San Angelo, Tx 76904

I vote NO to the request. These neighbors have consistently been unkind and uncooperative with their neighbors. They indicated they were permitted to do the construction that in fact, encroaches on the neighboring property, when they had no permit.

Dear Mr. David Fee,

I am one of the neighbors that received a notice of public hearing for a zone change for 3221 Red Bluff West (HAMEISTER).

As as neighbor I would be affected by this change request, Let it be known that I am AGAINST the zone change.

I have spoken with Daniel Gossett of 3225 Red Bluff West. The owner of 3221 Red Bluff West knowingly and with intent deceived Mr. Gossett when the property in question (a garage) was added on to from a smaller garage. Not only does this garage infringe on the 5 foot easement, it actually goes OVER the property line by 2 feet. That is unacceptable. It is absolutely disrespectful to neighbor Gossett.

The owner of 3221 Red Bluff West should be required to tear down the garage to the extent that it's placement satisfies CURRENT zoning.

I will be out of town next week and will not be able to attend the Monday meeting. My voice is important in this matter and should be reflected as AGAINST the requested change.

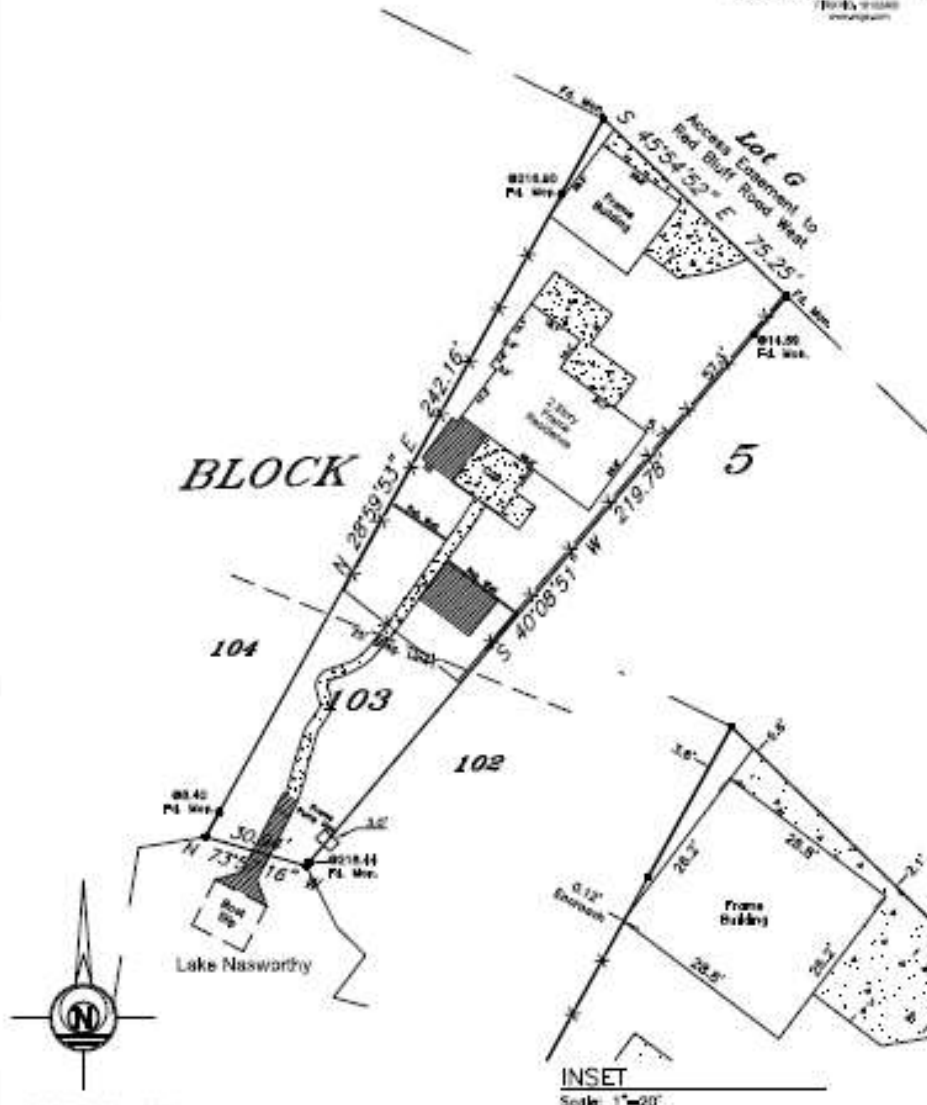
Please simply drop my a quick reply so I know my opinion has been registered.

Thank you,

Mark L. Priest
3205 Red Bluff West
325.450.0499 (cell)
325.653.0112 (wk)

(Number 12 on notification map)

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



SCALE: 1"=40'

BEARINGS ARE BASED UPON THE PLAT OF RECORD.

3221 RED BLUFF ROAD WEST

PLAT SHOWING A SURVEY OF LOT 103, BLOCK 5, GROUP RED BLUFF, SECTION 4, LAKE NASWORTHY ADDITION, CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS.

As per plat recorded in Cabinet E, Slide 172, Plat Records of Tom Green County, Texas.

Certification is hereby made that a survey was made on the ground under my supervision according to the minimum standards of the Professional Land Surveying Practices Act and the General Rules of Procedures and Practices set forth by the Texas Board of Professional Land Surveying.

This survey is prepared for the exclusive use and benefit of the parties listed. Use of this survey by a third party may not be transferred or assigned. Not valid without the original signature and seal of a Registered Professional Land Surveyor.

Surveyed on the ground August 05, 2015.
Revised January 26, 2016 to add inset.

Russell T. Gully

RUSSELL T. GULLY
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5636



AW0002

SITE PHOTOS

North



South



East



West



SITE PHOTOS

Front Yard Looking East



West Side of Property



City of San Angelo, Texas - Planning Division

Application for Variance from Zoning Regulations

Name of Applicant(s): Jeff Harpeister (Representative)

Owner Tenant Representative (Affidavit required)

Mailing Address: 3221 Red Bluff Rd. West Telephone: 325-371-1737

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

Email Address: jeff@addressesrealestate.com

Subject Property Address and/or Location*:

3221 ^{5th} Red Bluff Rd. West

Legal Description*:

Lot 103 Sec 4 Blk 5 Subd. Lake Nasworthy, Red Bluff

Zoning: RS-1

Specific Description of Request*:

Variance Request to Allow a 24' front yard in lieu of 25 feet, and a side yard setback of 0' in lieu of 5 feet

* 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: [Signature] Date: 12/14/15

- 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 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: Building is unable to be moved because of 25 foot setback through deed restrictions & Sewer line on SE corner.

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

Explanation: The Shed was attached to the garage prior to current owner purchasing the home!

- 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: Because of logistics and other structures on the property

- 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: Except for the side and front setback, all other zoning ordinance will be complied with

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

Explanation: Building already existing & over 30 feet from Building on 3225 Red Bluff Rd W

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

Explanation: Complies with all ordinances other than front & side setback

OFFICE USE ONLY	
Case no.: ZBA <u>15-28</u>	Date of application: <u>12/16/2015</u>
Fully-dimensioned site plan: <input checked="" type="checkbox"/> Nonrefundable fee: \$ <u>250.00</u>	Date paid: <u>12/16/2015</u>
Date to be heard by ZBA: <u>2/1/15</u>	
Received by: <u>Jeff</u>	Receipt Number: <u>254849</u>
Ordinance section(s) from which variance(s) is/are requested:	
<u>section 501.A - front yard setback</u>	
<u>section 402.A.1.d.ii - side yard setback</u>	

AFFIDAVIT

STATE OF TEXAS)
COUNTY OF TOM GREEN)

I, Denise Kendall, make this affidavit and hereby on oath state the following:

I, being the sole partial owner of the following property:

PROPERTY ADDRESS: ³²²¹~~3321~~ Red Bluff Rd. West

LEGAL DESCRIPTION*: Lot 103 Sec 4 Blk 5
Subd: Lake Nasworthy, Red Bluff

give my permission to below named representative, to apply for approval of a Zone Change, Special Use or Conditional Use on the above-described property.

REPRESENTATIVE'S NAME: Jeff Hameister

Signed this the 14 day of Dec, 2015.

Denise Kendall
Signature of property owner

Telephone #: 325-223-1112

BEFORE ME, the undersigned authority, this day personally appeared Denise Kendall and on oath stated that the facts hereinabove stated are true to the best of her knowledge or belief.

SWORN TO AND SUBSCRIBED before me on this the 14 day of Dec, 2015.



Cindy Ringler
Notary Public, State of Texas

* use attachment, if necessary

STAFF REPORT



Meeting: February 1, 2016

To: Zoning Board of Adjustment

From: Jon James, AICP
Planning & Development Services Director

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

Staff Planner: David Stallworth, AICP
Principal Planner

Case: ZBA 15-29

Request: Request for approval of a Variance from Section 501(A) of the Zoning Ordinance to allow for a 3.5-foot side-yard setback in lieu of 5 feet for property located in the Single-family Residence (RS-1) Zoning District

Location: 2850 Red Bluff Circle, generally located along the north side of Red Bluff Circle, east of Red Bluff Lane

Legal Description: Lot 28, Block 2, Section 2, Group Red Bluff, Lake Nasworthy Addition, City of San Angelo, Tom Green County, Texas

Size: 0.41 acres

General Information

Future Land Use: Neighborhood

Zoning: Single-Family Residential (RS-1)

Existing Land Use: Single-family Detached Residence

Surrounding Zoning / Land Use:

North:	Single-Family Residential (RS-1)	Lake Nasworthy
West:	Single-Family Residential (RS-1)	Single-family detached residential
South:	Single-Family Residential (RS-1)	Open Space; Single-family detached residential
East:	Single-Family Residential (RS-1)	Single-family detached residential

District: SMD #1 - Rodney Fleming

Neighborhood: Nasworthy

History and Background:

The 0.41-acre subject property was annexed into the City in November of 1989 and is zoned Single-Family Residential (RS-1) District. The subject property was platted as part of the original Lake Nasworthy, Red Bluff Addition – Section 2, which was replatted in 2013 (Cabinet C, Slide 48). A two-story, single-family detached residence has been on the premises since 1967.

The subject property is irregular in configuration with a northeast-to-southwest orientation and has approximately 42 feet of street frontage. Lake Nasworthy backs the property to the north, and a 20-foot utility easement traverses the northern quarter of the property. The property is approximately 93 feet at its widest point and approximately 70 feet at its midpoint, and it contains a gradual downward slope from the street toward the lake's bank. According to a 2014 survey, the applicant's 20-foot-wide driveway encroaches 3.6 feet into the adjoining neighbor's yard to the west.

The subject property is subject to the following setbacks: Front – 25 feet; Side – 5 feet; Rear – 20 feet (the attached survey shows a property encumbrance consisting of a more restrictive 75-foot rear setback, origin unknown). The applicant is seeking to construct an attached garage within 3.5 feet of the west property line, representing a 1.5-foot encroachment. The overall building addition, which will include some habitable space, will be located along, and extending westward from, the existing residence's rear (north) building facade.

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 property contains a residence that was built in 1967, prior to the property's original subdivision platting and subsequent replatting. There are fundamentally unique features of both the subject property and surrounding properties as a result of the approved Replat. The property is also bounded by a large waterbody to the north. This combination makes single-family detached residential development in this overall area a challenge due to limited development envelopes.

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

Although the applicant is aware of the irregular configuration of the lot and its site constraints, neither the layout of the property, nor the property's previous development history, were the result of any actions taken by the applicant.

- 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 single-family detached residence already exists on the property. The applicant, however, has not satisfactorily demonstrate that the currently proposed location for the building addition is the only available option. On the other hand, there are at least nine (9) approved Variance applications along Red Bluff Circle that are attributed to setback encroachments as a result of platted lot irregularities. Denial of this request could unfairly deprive the applicant of similar rights and entitlements previously granted to others.

- 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.**

There is nothing to indicate that overall public safety and welfare will be compromised if the request is granted. One of the purposes of a 5-foot side yard setback in the RS-1 Zoning District is to ensure that minimum defensible space equivalent to an overall ten-foot building separation is provided, in addition to

minimal site buffering. At its closest point, however, the proposed addition will have more than ten feet of separation from the neighboring residence to the west. Lastly, there are at least nine (9) approved Variance applications along Red Bluff Circle that are attributed to setback encroachments due to platted lot irregularities.

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

According to a 2014 survey, the applicant's driveway minimally encroaches into the adjacent property to the west. There is nothing to suggest that the granting of this request will have any bearing on, or further exacerbate this encroachment. There is also nothing to indicate that the granting of this request will impact area properties in a materially negative way. Similar precedent for setback encroachments have already been established throughout this neighborhood.

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

The granting of this request would appear to be consistent with the criteria for the granting of a Variance found in Section 207(F) of the Zoning Ordinance, and thereby being consistent with the overall purpose and intent of the Ordinance.

Notification:

On January 20, 2016, nine (9) notifications were mailed out within a 200-foot radius of the property. As of the publication of this report, there was one (1) respondent who expressed concerns over the proposed development, and there were zero (0) responses in opposition to the request.

Staff Recommendation:

Staff's recommendation is for the Zoning Board of Adjustment to **APPROVE** Case ZBA 15-29 for a Variance from Section 501(A) of the Zoning Ordinance to allow a 3.5-foot side-yard setback in lieu of the required 5-foot side-yard setback for a property located in the Single-family Residence (RS-1) Zoning District, subject to the following one (1) Condition of Approval:

1. The applicant shall obtain an approved building permit prior to the commencement of construction.

Effect of Variance:

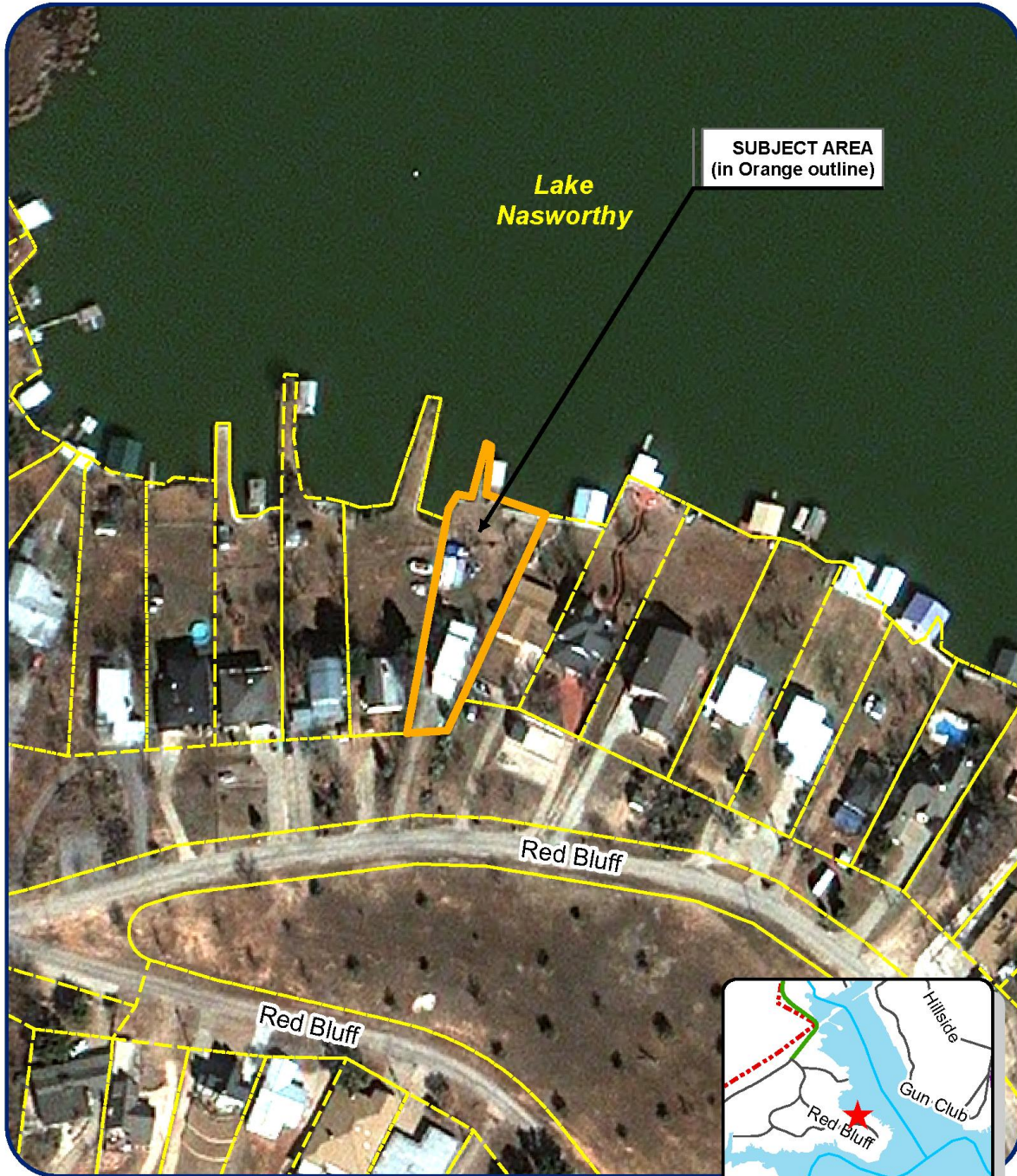
Per Section 207(H) of the Zoning Ordinance:

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
- Survey
- Elevation
- Photographs
- Application




Variance Case File

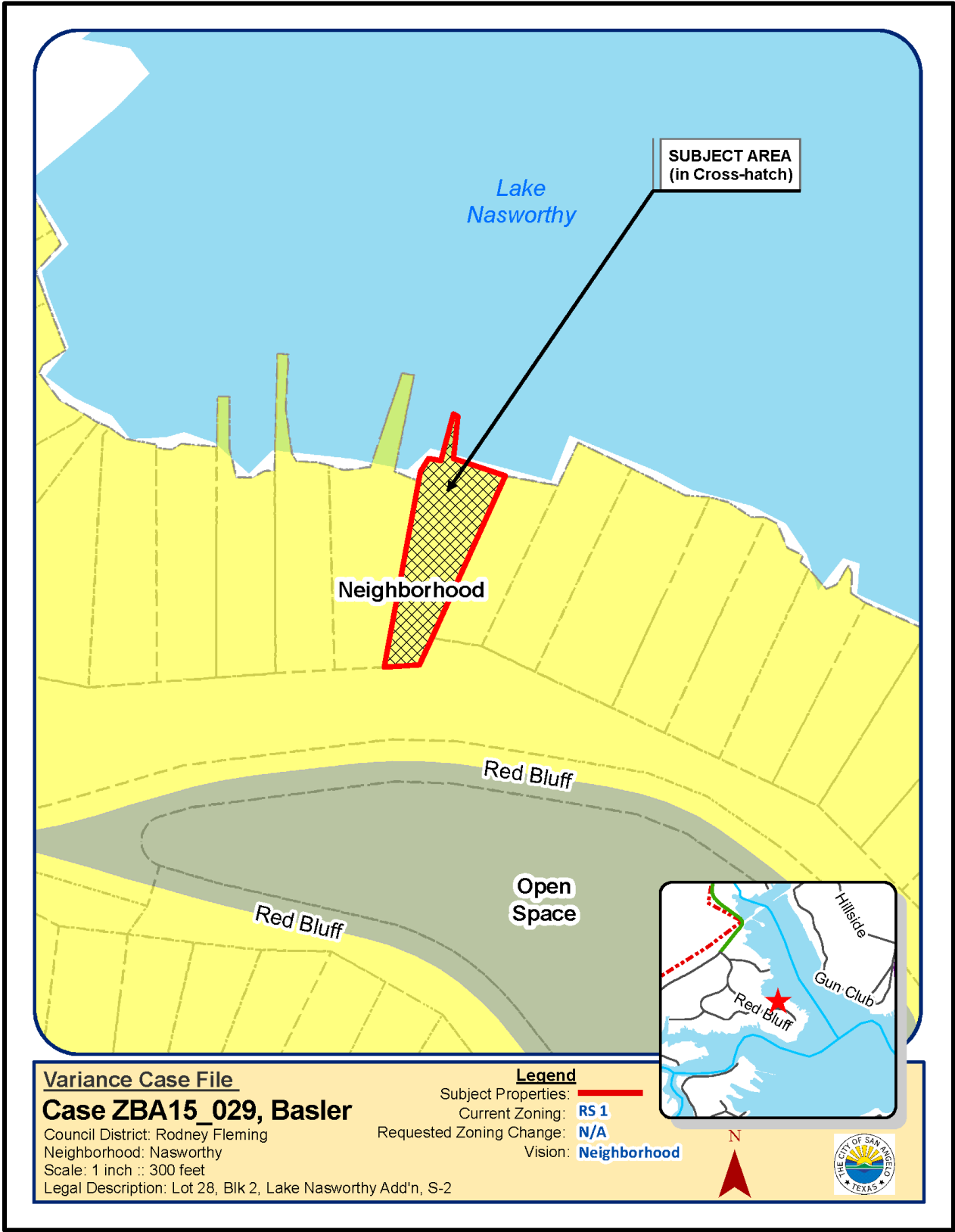
Case ZBA15_029, Basler

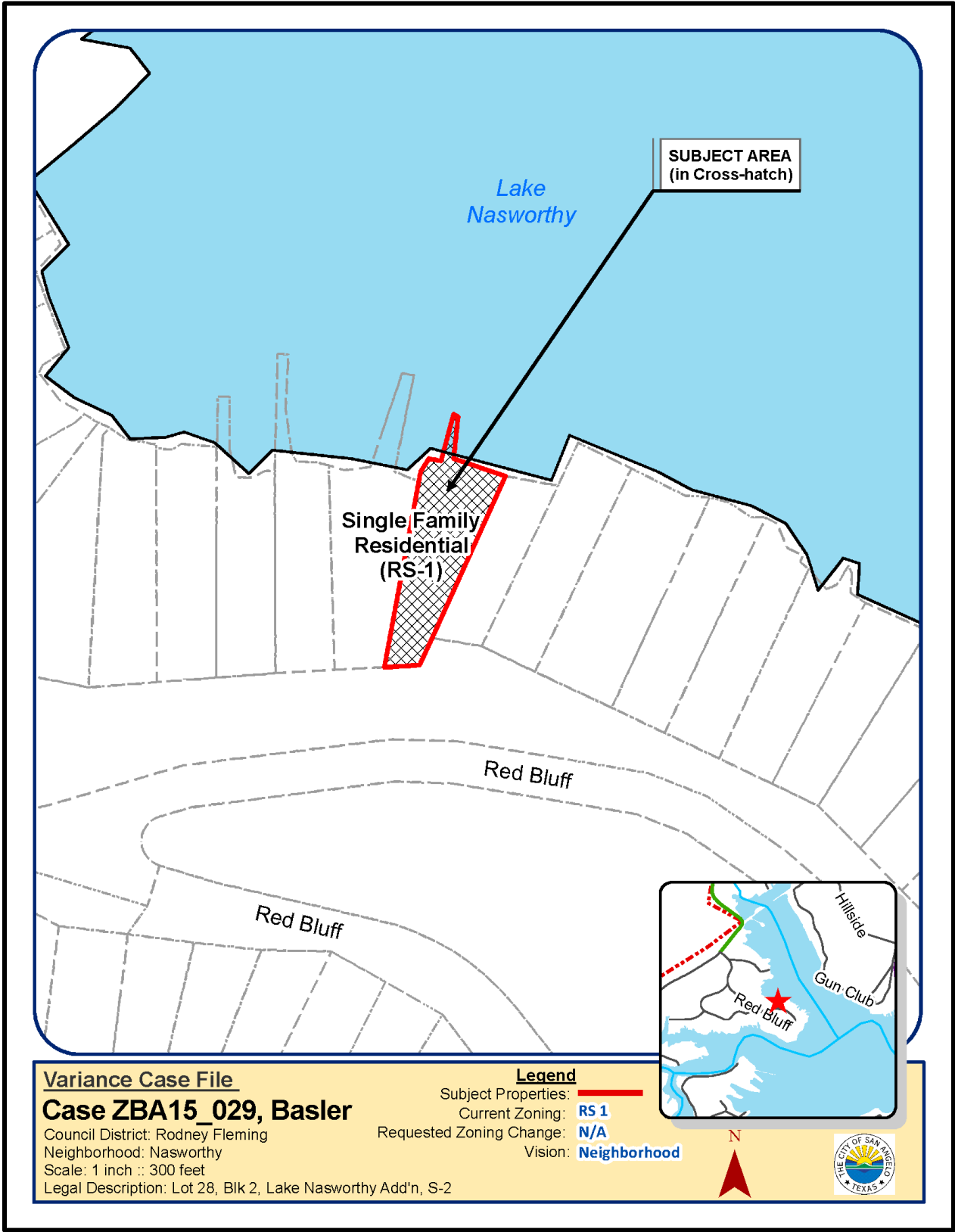
Council District: Rodney Fleming
 Neighborhood: Nasworthy
 Scale: 1 inch :: 300 feet
 Legal Description: Lot 28, Blk 2, Lake Nasworthy Add'n, S-2

Legend

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







Variance Case File

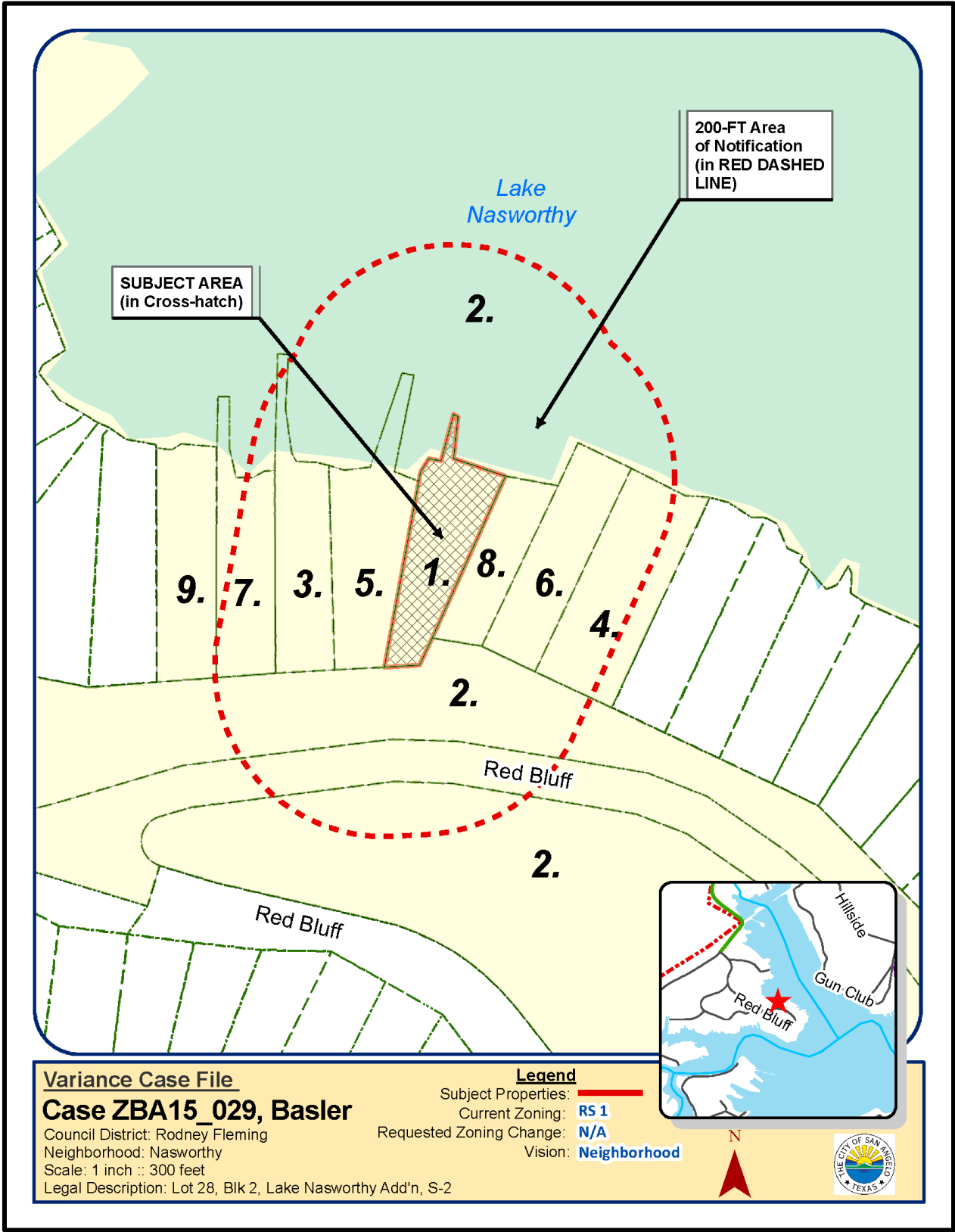
Case ZBA15_029, Basler

Council District: Rodney Fleming
 Neighborhood: Nasworthy
 Scale: 1 inch :: 300 feet
 Legal Description: Lot 28, Blk 2, Lake Nasworthy Add'n, S-2

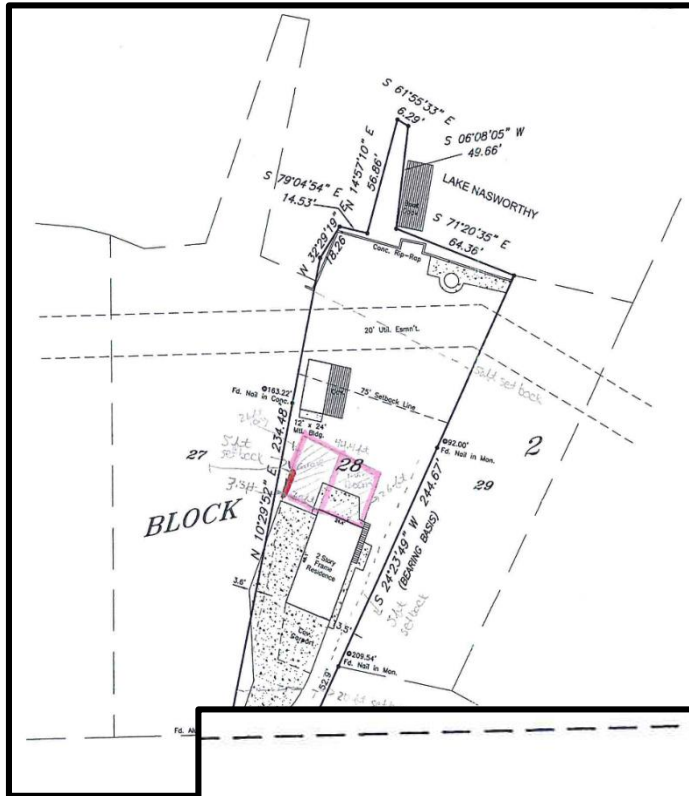
Legend

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

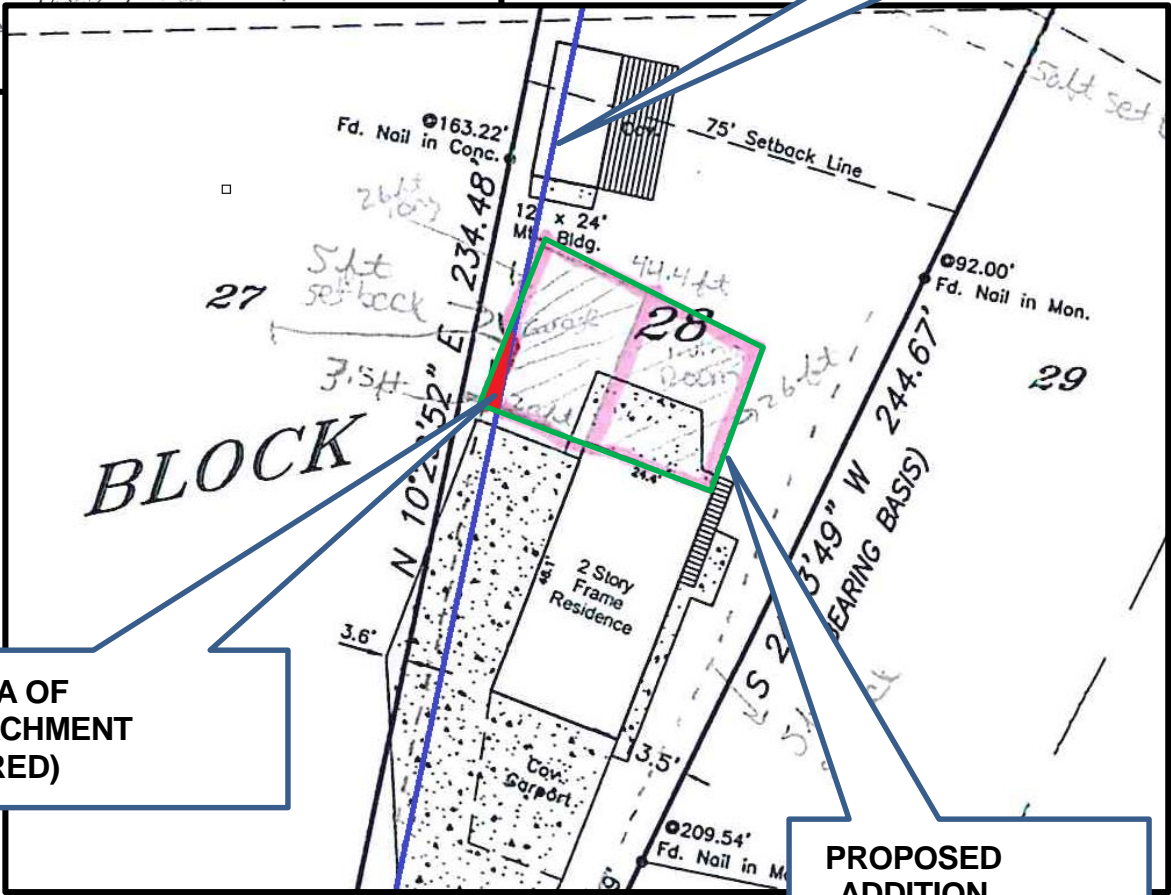




SITE PLAN / LOCATION OF NEW CONSTRUCTION



**APPROXIMATE
5' SIDE
SETBACK LINE
(in BLUE)**



**AREA OF
ENCROACHMENT
(in RED)**

**PROPOSED
ADDITION
(in GREEN)**

NOT TO SCALE

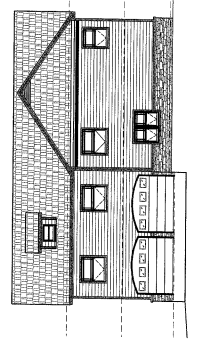
PROPOSED BUILDING ELEVATIONS

NOTICE:
 THESE ARE PRELIMINARY DESIGN PROPOSALS FOR A HOME / ACCION AND ALL
 ELECTRICAL, MECHANICAL, PLUMBING AND FINISHES SHALL BE
 DETERMINED BY THE APPROPRIATE PROFESSIONAL.
 IT IS RECOMMENDED THESE PROFESSIONAL SERVICES BE OBTAINED BY THE OWNER OR
 CONTRACTOR PRIOR TO COMMENCING CONSTRUCTION. THESE ELEVATIONS
 TAKE NO RESPONSIBILITY FOR THESE ELEMENTS OF THE PROJECT.

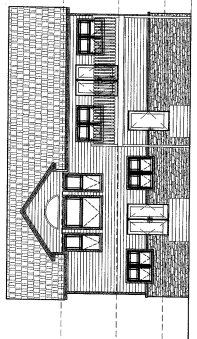
NEW HOUSE ADDITION FOR:

Drawn By:
 Sam Guevara
 325-227-9669
 Footprints design

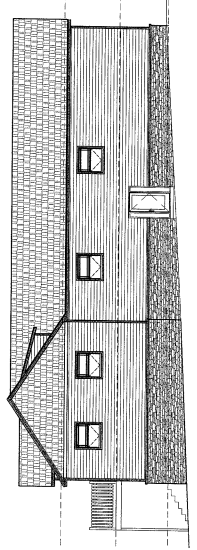
DATE PLOTTED:
 11/11/2019
A2.0
 08-



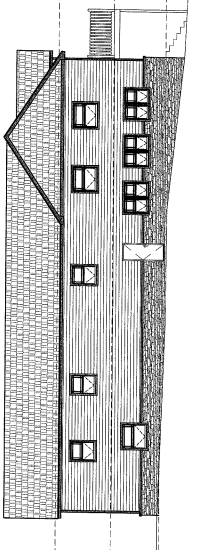
A Front Elevation
SCALE: 1/8" = 1'-0"



C Rear Elevation
SCALE: 1/8" = 1'-0"



E Left Elevation
SCALE: 1/8" = 1'-0"



D Right Elevation
SCALE: 1/8" = 1'-0"

Chris Baker
 2850 Red Bluff circle

PICTURES OF THE PROSPECTIVE JOB SITE



FRONT OF PROPERTY, LOOKING TOWARDS LAKE (Looking NE)



BACK OF PROPERTY (Looking SW)



SUBJECT PROPERTY



LOOKING WEST



LOOKING SOUTH



LOOKING EAST



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

Name of Applicant(s): Craig Basler

Owner Tenant Representative (Affidavit required)

Mailing Address: 2850 Red Bluff Circle Telephone: 337 591-1281

City/State/Zip: San Angelo, TX 76904 Fax/other: _____

Email Address: craigbasler2@netzero.com

Subject Property Address and/or Location*:
2850 Red Bluff Circle, San Angelo, TX 76904

Legal Description*:
2850 Red Bluff Circle, San Angelo, TX 76904

Lot 28, Block 2, Red Bluff, Lake Nasworthy, Section 2, Tom Green County, Texas

Zoning: RS-1

Specific Description of Request*:

Requesting a variance for an attached garage due to the irregular shape of the lot. The first 1ft of the proposed garage is 3.5ft off the property line, which tapers to 5ft off the property line by the 10th ft. With the remaining 16ft tapering further away from the property line.

* 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

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: The lot is an irregular shape and also has a hill in the front and middle portion, therefore not allowing a garage to be built further up or back because of the 75ft set back to the lake.

- These special circumstances are not the result of the actions of the applicant;
Explanation: This was the shape of the lot when the house was purchased.

- 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: Cannot protect personal property without a garage to secure vehicles and outdoor items that will be also stored in there.

- 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: Granting the variance is the minimal that needs to be done in order for the structure to be built.

- Granting the variance will not adversely affect adjacent land in a material way; and
Explanation: The adjacent property is still 5 ft off the property line, if they were to build something there, because of the drainage that runs between the property they cannot build any closer .

- Granting the variance will be generally consistent with the purposes and intent of the Zoning Ordinance.
Explanation: It will generally be consistent because I am only requesting a variance for 10ft of a 26ft long structure.

OFFICE USE ONLY	
Case no.: ZBA <u>15</u> - <u>28</u>	Date of application: <u>12/31/15</u>
Fully-dimensioned site plan: <input checked="" type="checkbox"/>	Nonrefundable fee: <u>\$250.00</u> Date paid: <u>12/31/15</u>
Date to be heard by ZBA: <u>2/1/16</u>	
Received by: <u>David Fee</u>	Receipt Number: <u>254856</u>
Ordinance section(s) from which variance(s) is/are requested:	