

MINUTE RECORD OF THE CITY OF THE SAN ANGELO ZONING BOARD OF ADJUSTMENT MEETING HELD ON MONDAY, DECEMBER 7, 2015, AT 1:30 PM, AT THE KENNETH MCNEASE CONVENTION CENTER

PRESENT: David Nowlin (Chairman), Fredd Adams, Jim Turner, Haydn John, Debbie Cunningham, Rick Cortijo, Darrin Fentress

ABSENT: Louis Rork (Vice-Chairman) (AE)

STAFF: Rebeca A. Guerra, AICP, Planning Manager
David Fee, Senior Planner
Jeff Fisher, Planner

I. Call to order and establish that a quorum is present.

The meeting was called to order at 1:32 pm. A quorum was established with seven (7) members present.

II. Review and take any action related to minute record of the regular meeting held on Monday, October 5, 2015.

Mr. Nowlin asked if the Board had an opportunity to review the draft minutes from the October 5, 2015, meeting.

A motion was made by Board Member Adams and seconded by Board Member John to approve the minutes. The Motion passed unanimously, 7-0.

III. ZBA15-20: James Lyndal Fisher

SMD#5 - Elizabeth Grindstaff

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 in the Single-Family Residence (RS-1) Zoning District located at the northwest corner of West Avenue K and South Van Buren Street on 0.189 acres.

Planner Jeff Fisher outlined the case. The property is zoned Single-Family Residence (RS-1), is 0.189 acres in size, and is located at the northwest corner of West Avenue K and South Van Burren Street. Mr. Fisher explained that the applicant requires the Variances in order to reconstruct a porch canopy in the same footprint as the existing structure which does not meet the required front and side yard setbacks. He outlined Staff's recommendation to approve the Variances requested subject to the one condition in the Staff Report, given that the canopy is already existing in the same footprint; it was not built originally by the applicant; that not allowing the improvement may cause a safety issue as the canopy is not structurally sound; that there would no adverse impacts; and that the improvements would be consistent with the Zoning Ordinance.

Board Member Nowlin asked if Mr. Fisher could read into the record the one Condition of Approval being proposed. Mr. Fisher read the Condition into the record, that the applicant shall obtain a Building Permit for the porch remodel from the Permits and Inspections Division.

Board Member Nowlin asked Mr. Fisher if he would support a Variance for another resident in the same circumstance for a structure that extends to a lot line.

Mr. Fisher indicated that in this case, there is a 19-foot right-of-way between the side yard lot line and the paved portion of Avenue K, which acts as a further buffer on this side.

Board Member Nowlin then asked if Staff is supporting this application because the canopy is existing.

Rebeca Guerra, Planning Manager, explained that each case is reviewed on a case-by-case basis and each new applicant would have to prove there was a special circumstance and/or a hardship, as dictated by the Zoning Ordinance. She further expressed that each case is assessed based on whether it meets the criteria for a Variance.

Board Member Fentress asked if the applicant is changing the footprint of the structure.

Mr. Fisher responded the footprint of the structure would remain the same.

The applicant, James Lyndal Fisher, and his wife, Nancy Fisher, indicated they are available for any questions the ZBA Members may have about their application.

A motion was made by Board Member Adams and seconded by Board Member Turner to approve the Variance with the one Condition of Approval as outlined in the Staff Report. The Motion passed unanimously, 7-0.

IV. ZBA15-21: John Ortiz

SMD#4 - Lucy Gonzales

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 located approximately 180 feet northeast of the intersection of North Chadbourne Street and East 28th Street on 0.591 acres.

Rebeca Guerra, Planning Manager, introduced Mr. David Fee, the City's new Senior Planner, to the ZBA Members.

Mr. Fee outlined the case. The subject properties are zoned General Commercial/Heavy Commercial (CG/CH), are 0.591 acres in size, and are located at

the northeast corner of North Chadbourne Street and East 28th Street. Mr. Fee explained that the applicant requires a Variance in order to allow an existing 6-foot high fence in the front yard on the properties. This includes the portion of the fence that is chain-link which runs parallel to the front lot line, and the portions that are opaque which run vertically along the west and east lot lines, encroaching 25 feet into the front yard.

Mr. Fee outlined Staff's recommendation to approve the Variance requested, given that the fence is necessary to secure the perimeter of the property for storage for the applicant's construction business; that there would be security issues if the applicant was not allowed to maintain the fence at 6 feet high; that there are no adverse impacts; and that the request is consistent in all other respects with the Zoning Ordinance.

The applicant, Mr. Ortiz, spoke in support of his application. He explained the fence is only for security reasons to protect storage equipment for his business and to prevent vandalism.

A motion was made by Board Member Adams and seconded by Board Member Turner to approve the Variance as outlined in the Staff Report. The Motion passed unanimously, 7-0.

V. Director's Report

Rebeca Guerra, Planning Manager, indicated this will be Mr. Nowlin's last meeting as the ChairMAN with the ZBA as his term expires after this meeting. She explained that the ZBA Members will elect a new Chairman and Vice-Chairman at the next ZBA Meeting of January 4, 2016. Each nomination will take place by a separate motion. Ms. Guerra further indicated that Mr. Fentress will now become a Regular Member and the Mayor will be responsible for electing 2 Alternate Members to the ZBA. She reminded the board that a minimum of six members are required to approve or deny Variances before the ZBA.

Ms. Guerra provided Mr. Nowlin with a Certificate of Appreciation on behalf of the City for his service to the ZBA.

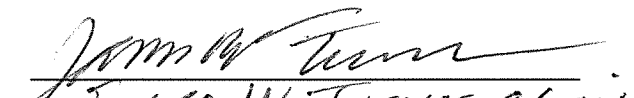
Mr. Nowlin thanked everyone in attendance and applauded City staff for their efforts.

VI. Next meeting agenda.

Mr. Nowlin announced that the next regular meeting of the Zoning Board of Adjustment was scheduled to begin at 1:30 p.m. on Monday, January 4, 2016, in the McNease Convention Center.

VII. Adjournment

A Motion to adjourn was made by Board Member Adams, and seconded by Board Member Turner. The Motion passed unanimously, 7-0. The meeting ended at 1:48 pm.


James W. Turner, Chair
Zoning Board of Adjustment