

STAFF REPORT



Meeting: October 3, 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: Jeff Fisher
Planner I

Case: ZBA16-15

Request: A request for approval of a variance from Section 501.A of the Zoning Ordinance to allow for a 5-foot front yard setback along the north property line in lieu of 25 feet to allow the construction of a new single-family dwelling with attached garage on a property located within the Single-Family Residential (RS-1) Zoning District

Location: 1918 Cove Road; generally located approximately 375 feet south of the intersection of American Legion Road and Cove Road

Size: 0.689 acres

Legal Description: Specifically being Lot 11 in Block A of the Lake Nasworthy Addition, Group 2 and consisting of 0.689 acres

General Information

Zoning: Single-Family Dwelling (RS-1)

Existing Land Use: Single-Family Dwelling (1260 sq. ft., built 1960)
Detached Garage (300 sq. ft., built 1960)
Detached Storage Building (120 sq. ft., built 2004)
Pier (on water) 130 sq. ft., built 2004)

Future Land Use: Neighborhood

Surrounding Zoning/Land Use:

North:	Single-Family Residential (RS-1)	Single-Family Dwellings
West:	Single-Family Residential (RS-1)	Single-Family Dwellings
South:	Single-Family Residential (RS-1)	Single-Family Dwellings
East:	Single-Family Residential (RS-1)	Single-Family Dwellings

District: SMD#1 – Bill Richardson

Neighborhood: Nasworthy Neighborhood

History and Background:

On September 1, 2016, the applicants submitted this request for a variance to allow the construction of a new single-family dwelling and attached garage on the property with a reduced front yard setback of 5 feet in lieu of the required 25 feet in the Single-Family Residence (RS-1) Zoning District. The applicant has not submitted final plans yet for the new structures, but has indicated the new two-story dwelling and attached garage will be 5,300 square feet and 1,000 square feet respectively. The existing 1,200-square foot dwelling, 300-square foot detached garage, and 120-square foot storage building will be demolished. The existing garage is setback approximately 5 feet from the north property line which is considered to be the front property line as a portion of it is adjacent to Cove Road. Due to the irregular shape of the property, and the narrow width between this front lot line and rear lot line on the east half of the property, the applicants new home will require a variance from this required setback. The existing garage is considered to be legally non-conforming as it was erected in 1960 prior to being annexed into the City in 1984. However, the new dwelling and attached garage

will be required to meet today's governing standards which requires a 25-foot setback from any point along this lot line. The variance request, if approved, would allow the applicants to erect a large enough home to fulfill their family's needs, and maintain a 5-foot setback from this lot line, which acts as a side lot line from the adjacent residents at 1914 Cove Road.

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 was platted with an irregular, triangular shape that follows the Lake Nasworthy shoreline along the side and rear yards, reducing the overall possible building footprint and creating a special circumstance. In addition, Section 803.F of the Zoning Ordinance defines the front lot line as the street "line" which includes not only the 62.27 feet of the front lot line adjacent to the end of Cove Road, but also the remaining 314.42 feet that extends east to the Lake. Even though this remaining portion acts as a side yard adjacent to the side yard of 1910 Cove Road, it is still considered a front yard, requiring a 25-foot front yard setback instead of a 5-foot side yard setback. This reduces even further the developable footprint of structures on the lot. In order for the applicants to build a home to accommodate their large family, they require a variance to reduce the front yard setback given the shorter distance between the front and rear yard on the east portion of the lot.

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

The applicant did not create the circumstance as the irregular shaped lot has existed since at least 2000 when the property was platted. They are planning to erect a more spacious house than what was originally built: 5,300 square feet instead of 960 square feet. However, the majority of the lots in the subdivision all have a greater lot area (36,000 to 50,000 square feet) than this lot at 30,012 square feet, and a greater lot depth average (175 to 200 feet) instead of approximately 90 feet at the midpoint of this lot. The applicant could utilize some of the easterly portion of the lot, but because this portion of the lot narrows, they would have to build a longer house with smaller rooms.

- 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 front yard setback would hinder the applicant's ability to construct a traditionally-designed home on this lot. Even though the Zoning Ordinance defines the front lot line as the entire length of the front of the property, in reality, only the westerly 62.27 feet where Cove Road ends acts as a front yard. The remaining 314.42 feet acts as a shared side yard with Lot 10 immediately to the north. If this portion was defined a side yard, the proposed 5-foot setback to the attached garage and 10-foot setback to the house would comply with the required side yard setback of 5 feet in the RS-1 Zone.

- 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 location of the new house and garage on the site plan will comply with all other RS-1 development standards except for the front yard setback of 25 feet. Given that this line acts more as a side yard than a front, Planning staff believe the spirit of the Zoning Ordinance has been maintained and that this is the minimum action necessary.

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

Planning staff does not believe that adjacent land would be affected in a material way. GIS mapping shows the house on Lot 10 to the north is approximately 20 feet from the shared property line. The closest building to this house would be the applicant's new home which will be 10-feet from the shared lot line, leaving a 30-foot buffer between buildings. This would be consistent with the required 25-foot front yard setback for Lot 11 and 5-foot side yard of Lot 10 which would total 30 feet. Since this shared line acts more as a side yard, the minimum spacing between dwellings would typically be 10 feet, or 5 feet for each dwelling to the shared lot line in the middle. As proposed, there would be an additional 20 feet between structures, leaving adequate room for both drainage and stormwater runoff, as well as adequate visibility and sight lines between structures.

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

One of the purposes of the Zoning Ordinance, as listed in Article 1, Section 104, is the promotion of "beneficial and appropriate development of all land and the most desirable use of land in accordance with a well considered plan." In this instance, the proposed development is a single-family dwelling that would be

compatible, with the existing single-family neighborhood. The use is permitted outright in the RS-1 Zoning District and is compatible with the “Neighborhood” future land use designation of the Comprehensive Plan.

Notification:

On September 22, 2016, seven (7) notifications were mailed out within a 200-foot radius of the subject site. As of September 26, 2016, there were zero (0) responses in favor and zero (0) in opposition of the request from the notified residents. The Planning Division did receive one letter of support from the Lake Nasworthy Homeowners Association submitted with the application.

Staff Recommendation:

Staff’s recommendation is for the Zoning Board of Adjustment to **APPROVE** Case ZBA16-15 for a Variance from Section 501.A of the Zoning Ordinance to allow for a 5-foot front yard setback along the north property line in lieu of 25 feet to allow the construction of a new single family dwelling with attached garage on a property located within the Single-family Residential (RS-1) Zoning District, **subject to the following two** conditions of approval:

1. The applicant is required to obtain a permit from the Permits and Inspections Division for the new single family dwelling with attached garage.
2. This approval for a reduced front yard setback shall only apply to the new single detached dwelling and attached garage at their respective square footages. Any future structures or additions within a required setback shall require a new variance application.

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 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
Photos of Site and Surrounding Area
Site Plan
Site Plan Close-up
Letter of Support – Lake Nasworthy HOA
Application



Source: Esri, DigitalGlobe, GeoEye, USDA, USGS, AEX, Getmapping, User Community



Variance Case File
Case ZBA16-15: Cargile

Council District: Bill Richardson (SMD #1)
 Neighborhood: Nasworthy
 Scale: 1" approx. = 150 ft
 Subject Property: 1918 Cove Road

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

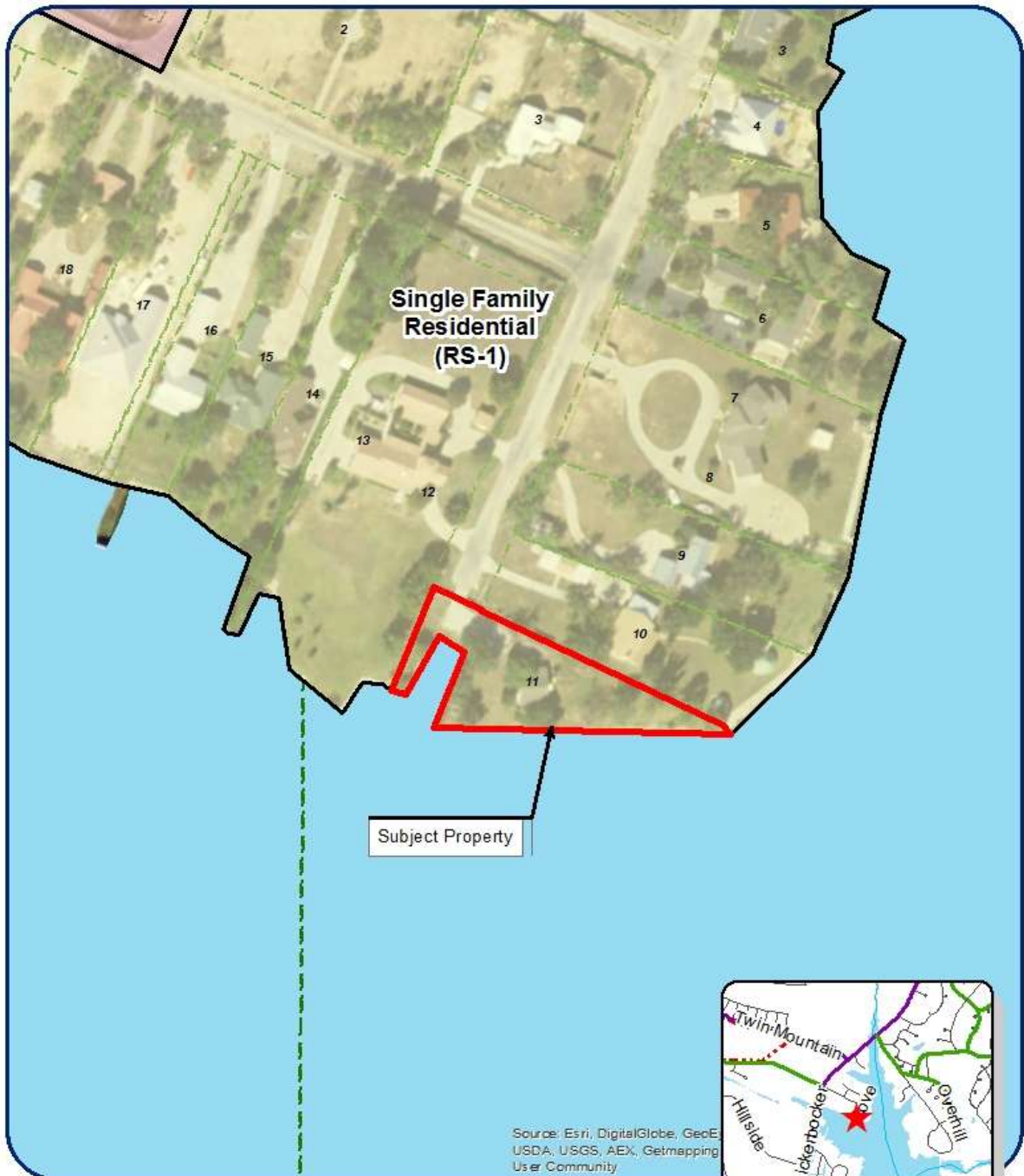




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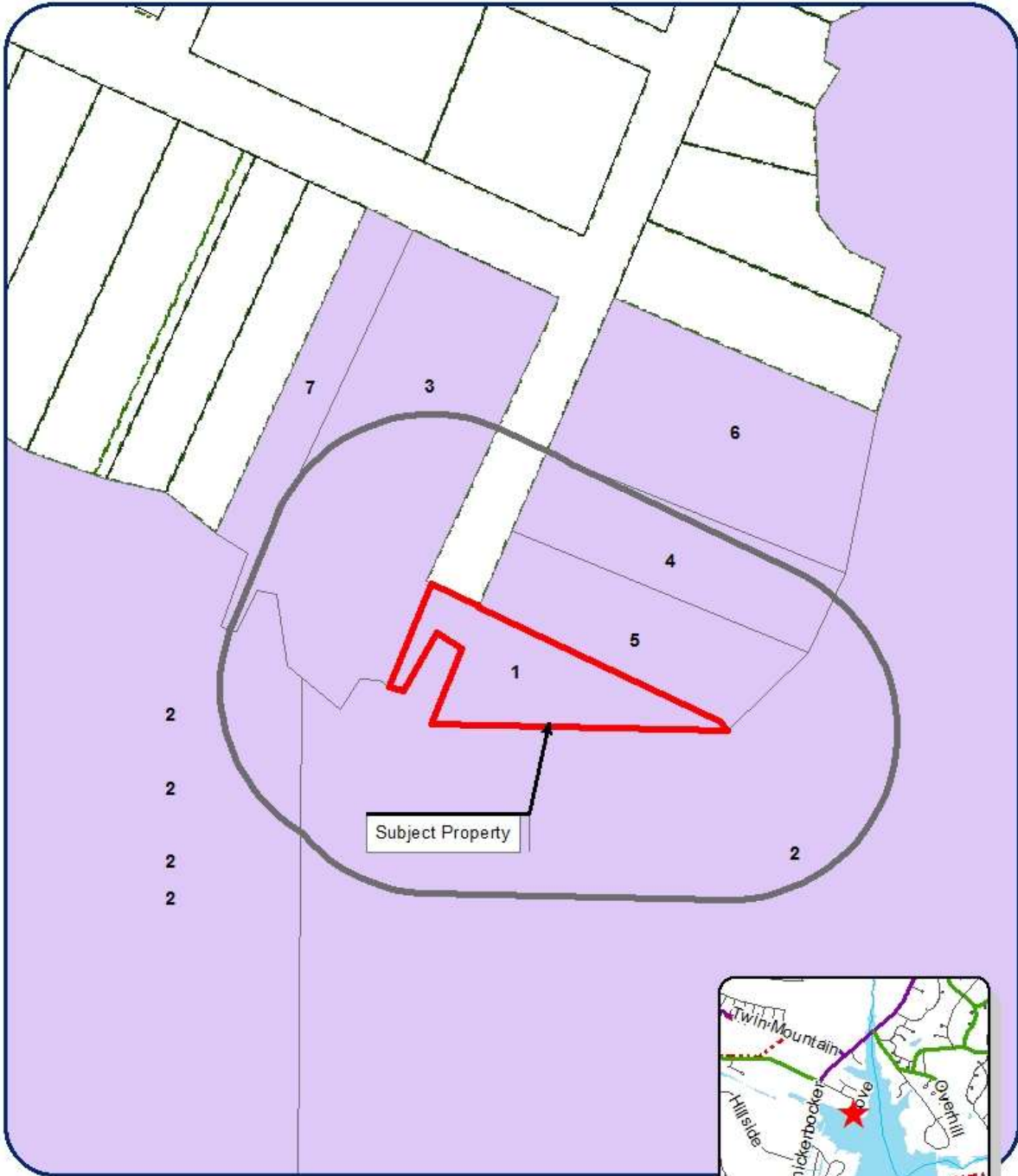
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Council District: Bill Richardson (SMD #1)		Current Zoning: RS-1	
Neighborhood: Nasworthy		Requested Zoning Change: N/A	
Scale: 1" approx. = 150 ft		Vision: Neighborhood	
Subject Property: 1918 Cove Road			



Photos of Site and Surrounding Area

North on Cove Road



South of property facing Lake Nasworthy



East



West



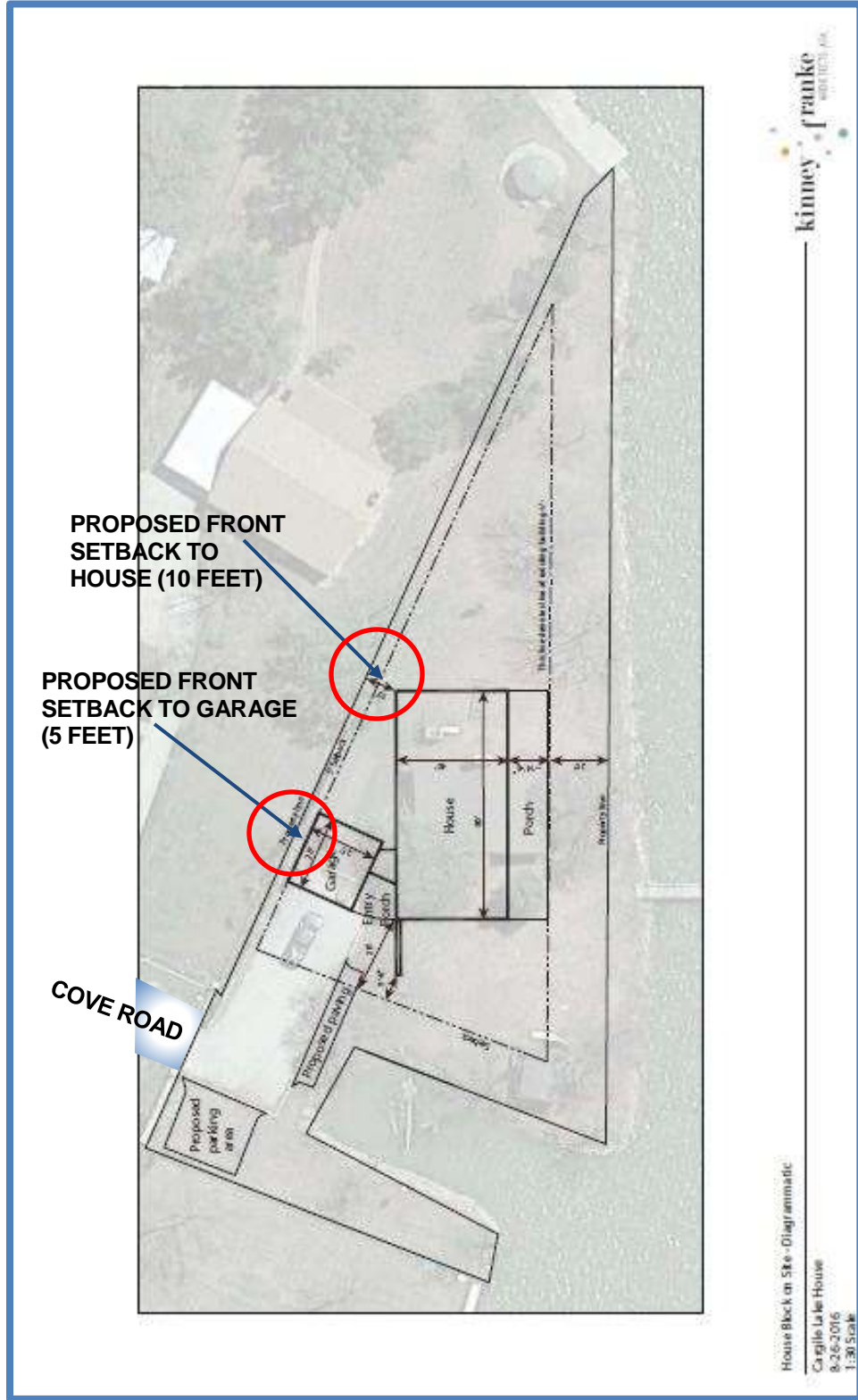
South from front of property



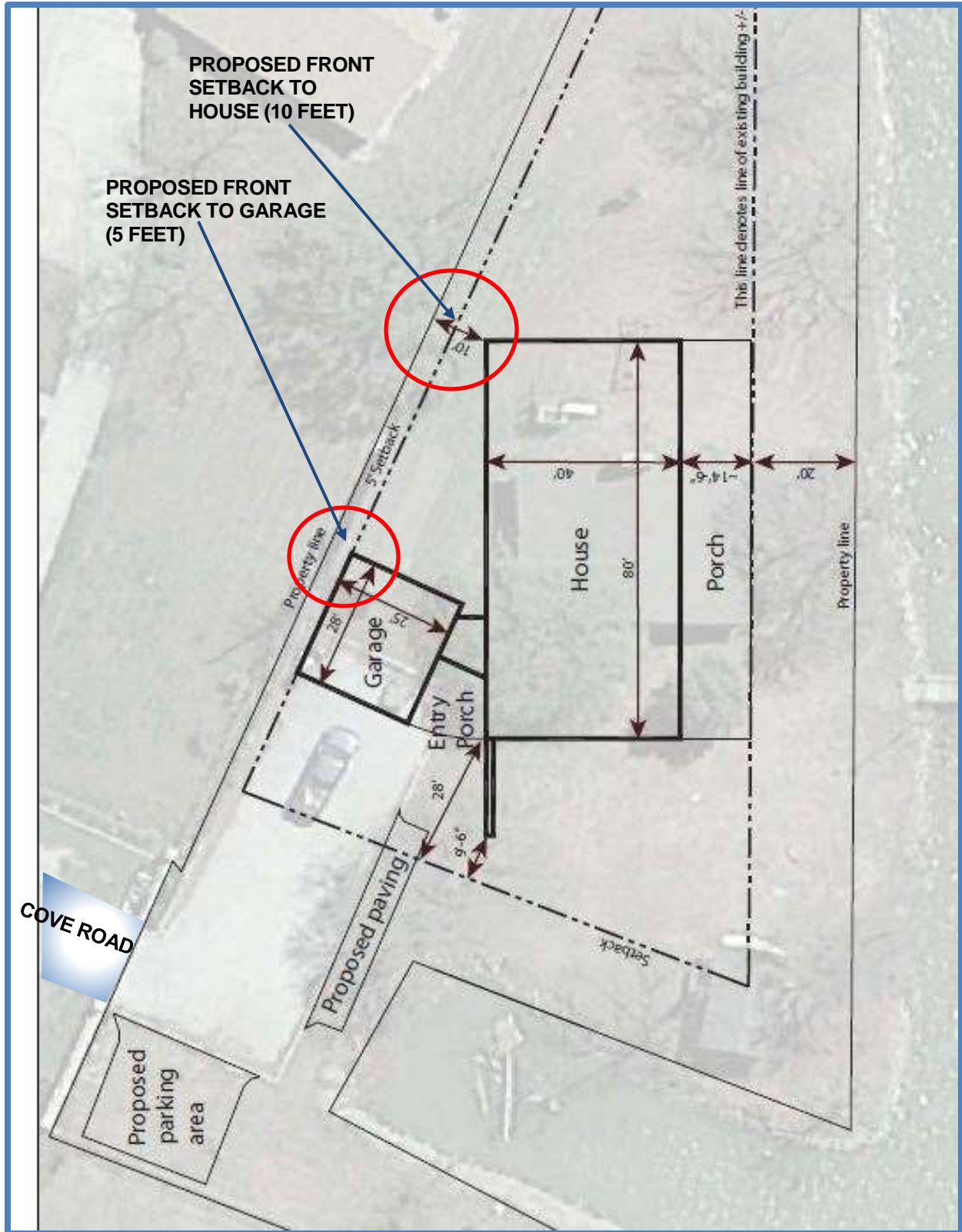
East at existing house and garage



Site Plan



Site Plan (Close-Up)



Letter of Support – Lake Nasworthy H.O.A.

LAKE NASWORTHY HOMEOWNERS ASSOC., INC.

5973 Knickerbocker Rd.
San Angelo, TX. 76904

Architectural Control Committee

8-19-16

To: Mr. & Mrs. John Cargile
5242 BentTree Ct.
San Angelo, TX 76904

Reference: Construction at 1918 Cove Rd. – Lake Nasworthy

Scope of work: (Expansion of existing house and possibly filling in slip)

Dear John & Nancy,

The LNHA would like to take this opportunity to thank you for making improvements to your future property.

This piece of property is unique in that it is triangular in shape with an expansive shoreline and a very shallow depth. If the property line to the West is considered the front, this makes the standard 25' setback very restrictive on the property. With this in mind, since the adjacent neighbor's property faces to the South; I would say that the property to the West adjoining him would be considered a side property with only a 5' setback. The front of this property to me is only the portion which has road access where the road ends. If this is considered, the property would have much more utility for as a garage and a house parameters.

As for as filling in the slip on the South end of this property, the LNHA can see no problem since this is not increasing the acreage by protruding into the lake. It is only utilizing the property to it's best use.

The LNHA would suggest that the enclosed boat house and pier be removed do to safety issues. There is no need to have this located that distance from the shoreline. A new dock placed inside the 35' parameter should have ample depth and clearance to be much more useable to the property owner and be much safer for watercraft on the lake.

Please place reflectors on the corners of your dock for visibility at night, and install the numerals 1918 in at least 4" letters for emergency measures.

Hope all goes well with your construction, if you have any questions don't hesitate to call.

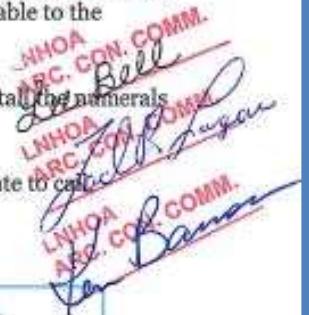
Sincerely,



TR Logan (Architectural Control Committee)



LNHOA
ARC. CON. COMM.
LNHOA
ARC. CON. COMM.
LNHOA
ARC. CON. COMM.



Application

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

Name of Applicant(s): Raul and Angie DeLaRosa

Owner Tenant Representative (Affidavit required)

Mailing Address: 1218 Hugo Ln Telephone: 325-617-2814

City/State/Zip: San Angelo, Tx 76905 Fax/other: _____

Email Address: Angelica71487@yahoo.com or Angie.a.delarosa@wellsfargo.com

Subject Property Address and/or Location*:
1218 Hugo Ln San Angelo, Tx 76905

Legal Description*:
Lot 23, Block 7, Section 7 Paul Ann West Addition

Zoning: RS-1

Specific Description of Request*:
1. To legalize the existing rear yard set back of the main dwelling of 13 ft.
2. To allow a rear yard setback for the new covered porch of 18 feet although 13 feet is desired so that it is flush with the main dwelling

* use attachment, if necessary

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

Angelica DeLaRosa 4/7/16
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: City of San Angelo issued a permit to allow for the set back at 13 ft. There is an existing 56 ft wide gully between us and the next backyard neighbor

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

Explanation: extension of the room (main dwelling) was permitted under permit #5112. The city of san angelo has created the circumstance.

- 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: permit was issued and we would like to provide an area for entertaining that provides cover and shelter from rain, etc.

- 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: We are taking minimum action at the 18 ft set back (although 13 ft is desired) and also bringing the legalization of the main dwelling at 13 ft.

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

Explanation: No adverse impact

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

Explanation: There is only a 2 ft encroachment.

OFFICE USE ONLY

Case no.: ZBA 16-09

Date of application: 6/7/2016

Fully-dimensioned site plan:

Nonrefundable fee: \$ N/A

Date paid: N/A

Date to be heard by ZBA: 7/11/2016

Received by: Jeff Fisher

Receipt Number: _____

Ordinance section(s) from which variance(s) is/are requested:

501.A.

→ further reduces the available space for building due to the 20ft water set back. A result of Cave Rd dead ending but the property line is that the street set back extends the entire length of the present "front lot line" to the lake. The city's drainage easement further reduces the buildable space of the lot.

- improve the structures on the lot. We would be unable to build a home that would meet the needs of our family using the required setbacks.

- request allays lot #11 to be used in alternative manners

STAFF REPORT



Meeting: October 3, 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, AICP
Senior Planner

Case: ZBA16-16

Request: A request for a Variance from Section 501.A of the Zoning Ordinance to allow for a seven foot front yard setback along the north property line in lieu of 25 feet for a property located within the Single-Family Residence (RS-1) Zoning District for the purpose of replacing the existing bleachers and press box with new handicap accessible bleachers and press box.

Location: 900 East 43rd Street

Size: 62.63 acres

Legal Description: Generally located between Crockett Street, East 47th Street, Blum Street and East 43rd Street identified as 62.630 acres in the J W Harris Survey, Abstract 8177, Survey 0182.

General Information

Zoning: Single-Family Residence (RS-1)

Existing Land Use: School

Future Land Use: Campus/Institutional

Surrounding Zoning/Land Use:

North:	Single-Family Residence (RS-1) and Ranch & Estate (R&E)	Single-Family Residences
West:	Single-Family Residence (RS-1)	Single-Family Residences and vacant lots
South:	Single-Family Residence (RS-1)	School parking lot
East:	Single-Family Residence (RS-1)	Lake View Little League Fields (SAISD), Single-Family Residences

District: SMD#2 – Marty Self

Neighborhood: Lake View

History and Background:

The applicants applied for a variance on September 2, 2016, for the expressed purpose of building new bleachers with a press box replacing the existing bleachers and press box. It is unknown exactly when the bleachers were constructed but successive Zoning Ordinances should have defined the bleachers as a building requiring a yard setback due to it falling within the bounds of “Any structure built for the support, shelter, or enclosure of persons, animal, chattels or movable property of any kind and includes any structure”. Later references in this report refer to the bleachers as a structure rather than a conventional building. The setback applied probably is reflected by a prior Zoning Ordinance which required setbacks for nonresidential buildings in retail, commercial or manufacturing district no closer than 30 feet from the center line of any street designated by City Council as a commercial collector street. (1987 Zoning Ordinance, Section 3-1-27,C,2). The subject property is zoned RS-1; therefore, the section should not be applicable but it may explain why the bleachers are 7 feet from the property line. East 47th

Street is minor collector street with a 50 foot right-of way width; therefore, a 25 foot centerline distance required a mere 5 foot setback making the bleachers a legal structure at the time at least since 1987.

During the site visit, the existing Lake View Boy's Baseball Field bleachers had already been removed leaving only the outline on the ground of where the supporting structure footprint was for the old bleachers. The former bleachers were on south side of East 47th Street in the northernmost part of the subject tract which encompasses the bulk of the Lake View High School campus. The surrounding area is in the Single-Family Residence (RS-1) Zoning District with the exception of single tract to the northeast which is zoned as Ranch and Estate (R&E). The tract is in the RS-1 Zoning District which requires a front yard setback of 25 feet. All sides of the tract are treated as front yards with 25 foot setbacks due the tract size of 62.63 acres and it fronting a street on each side. The applicant noted that the rear off the press box is only 7 feet from the northern property line necessitating the need for a variance for the 25 foot front yard setback.

The approximately 1,640 square foot proposed structure is designed to fit within the footprint of the old bleachers. The former bleachers were not designed to be as handicap accessible but the new bleachers will have a wider row depth and the press box will be more accessible as well. A canopy will be installed adding greater comfort for spectators.

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 62.63 acre tract itself is not peculiar other than being much larger than the surrounding residential lots. The Lake View High School Girls' Softball Field also appears to be in the front setback as well. What sets the tract apart is that is a school campus with multiple fields devoted to different sports. The bleachers themselves are not typical of other structures in the area as most of the surrounding area is comprised of single-family dwellings. If the bleachers were moved outside of the 25 foot front yard setback, the entire baseball field would have to be moved 18 feet south of its current location if order to maintain the proper distances. It is also highly probable that the bleachers were built within the setback requirements of the day.

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

The special circumstances are not due to the actions of the applicant. The former bleachers were built before the Americans with Disabilities Act (ADA) 2010 Standards for Accessible Design for assembly areas including stadiums, arenas, and grandstands. The San Angelo Independent School District (SAISD) now seeks to comply with ADA standards with the construction of the new bleachers which will have greater row depth increased and a more accessible press box.

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.

The applicant is in a unique circumstance as a school operating within the development standard for the RS-1 Zoning District. Prior the 2000 Zoning Ordinance schools were allowed by right in residential zoning districts as neighborhood schools were considered compatible uses. Under the Comprehensive Plan, tract is zoned as Campus/Institutional for the Future Land Use map clearly setting it apart from the surrounding area categorized as "Neighborhood".

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 applicant is not asking for any expansion to the bleacher's footprint. With exception of the variance being sought, the property complies with the Zoning Ordinance in all of aspects for the RS-1 Zoning District. The proposed bleachers will not change much in appearance with the exception of the added canopy.

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

The Planning Division does not foresee any adverse impacts if the requested variance was approved. A reduced setback would not impede the line-of-sight along East 47th Street because it is largely an open structure with the exception of the press box which is nearly 10 feet off the ground and it in is in the middle of a large block. The access and egress to the parking lot between the baseball and softball fields offer a clear view as well as it is devoid of large vegetation with the exception of a single tree. Lastly, staff has received no responses to the public notification distributed within 200 feet of the subject property.

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

The proposed bleachers appear to be generally consistent with the Zoning Ordinance with the exception of the requested variance for the north front yard setback. The bleachers are not being expanded any further beyond the present footprint. The Vision Plan clearly aims at preserving the subject tract as a school with a future land use of Campus/Institutional which includes maintaining recreation and sport facilities as accessory uses.

Notification:

On September 22, 2016, 34 notifications were mailed out within a 200-foot radius of the subject site. As of September 26, 2016, there were zero (0) responses in favor and zero (0) in opposition of the request.

Staff Recommendation:

Staff's recommendation is for the Zoning Board of Adjustment to **APPROVE** Case ZBA16-16 for a Variance from Section 501.A of the Zoning Ordinance: A request for a Variance from Section 501.A of the Zoning Ordinance to allow for a seven foot front yard setback along the north property line in lieu of 25 feet for a property located within the Single-Family Residence (RS-1) Zoning District for the purpose of replacing the existing bleachers and press box with new handicap accessible bleachers and press box, **subject to the following two (2) Conditions of Approval:**

1. The applicant is required to obtain a permit from the Permits and Inspections Division for the bleachers with press box.
2. The extent of the variance for the proposed bleachers is limited to the former footprint of the old bleachers.

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
Photo of Former Bleachers
Site Plan - Proposed Bleachers
Photos
Application



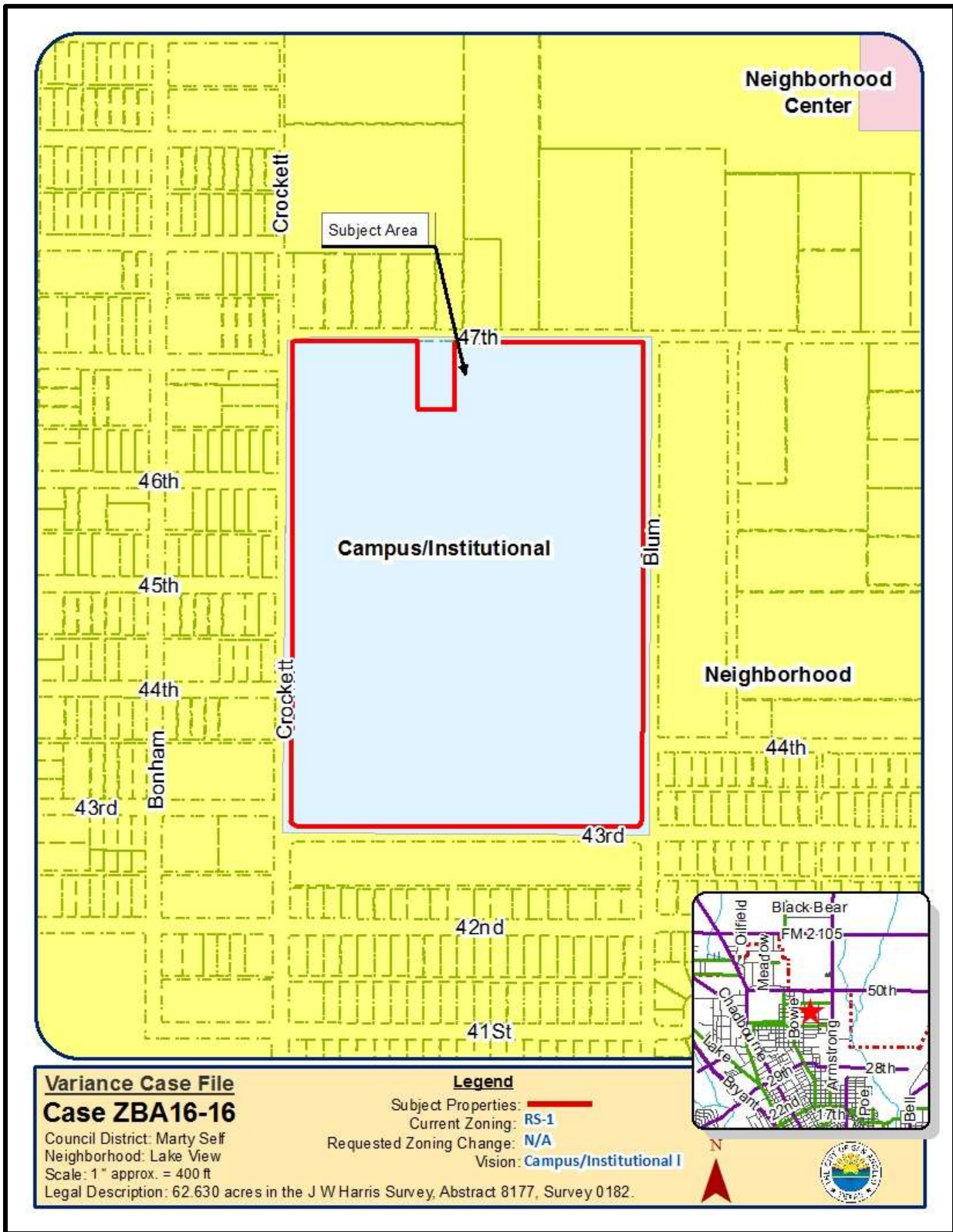
Variance Case File
Case ZBA16-16

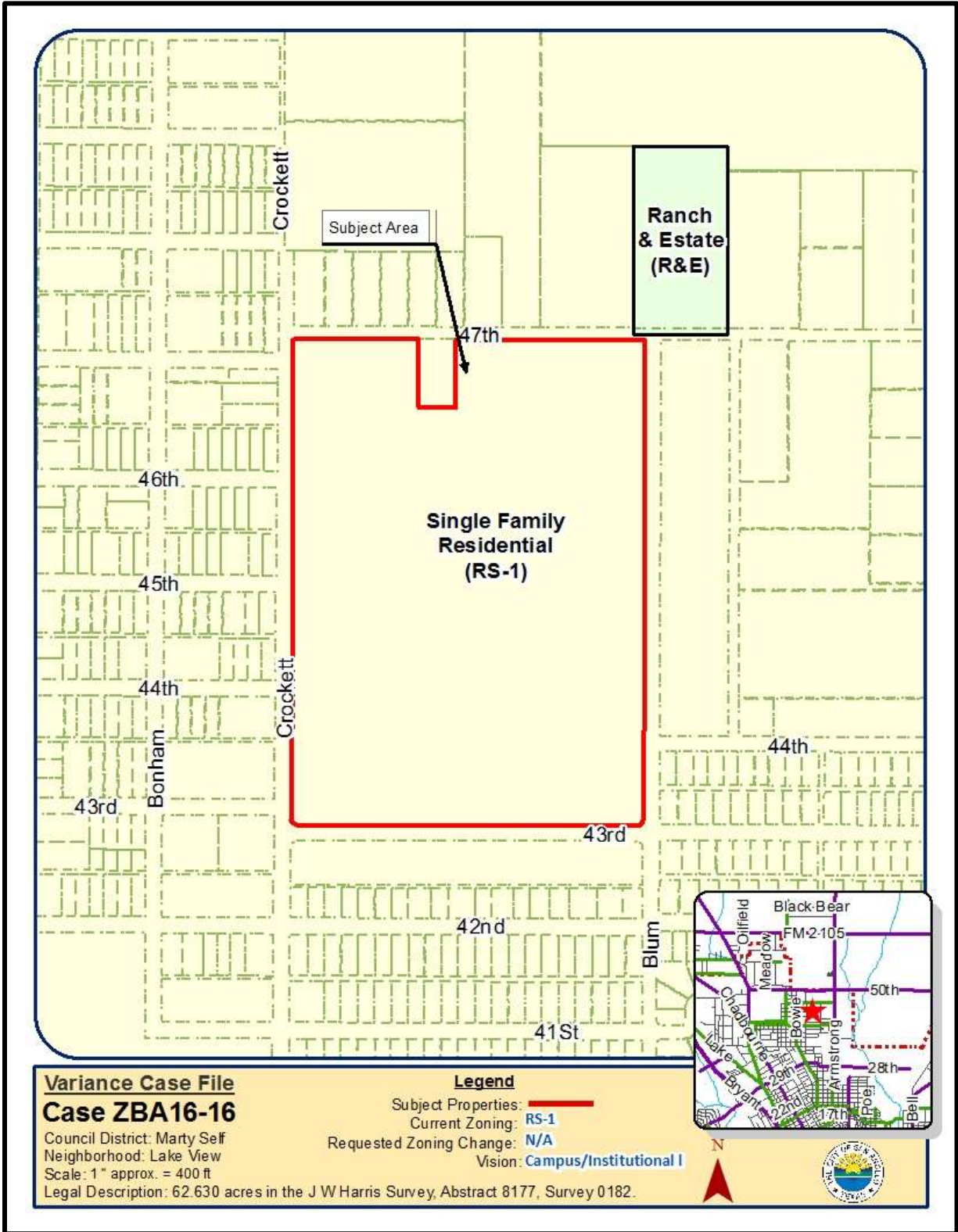
Council District: Marty Self
 Neighborhood: Lake View
 Scale: 1" approx. = 400 ft
 Legal Description: 62.630 acres in the J W Harris Survey, Abstract 8177, Survey 0182.

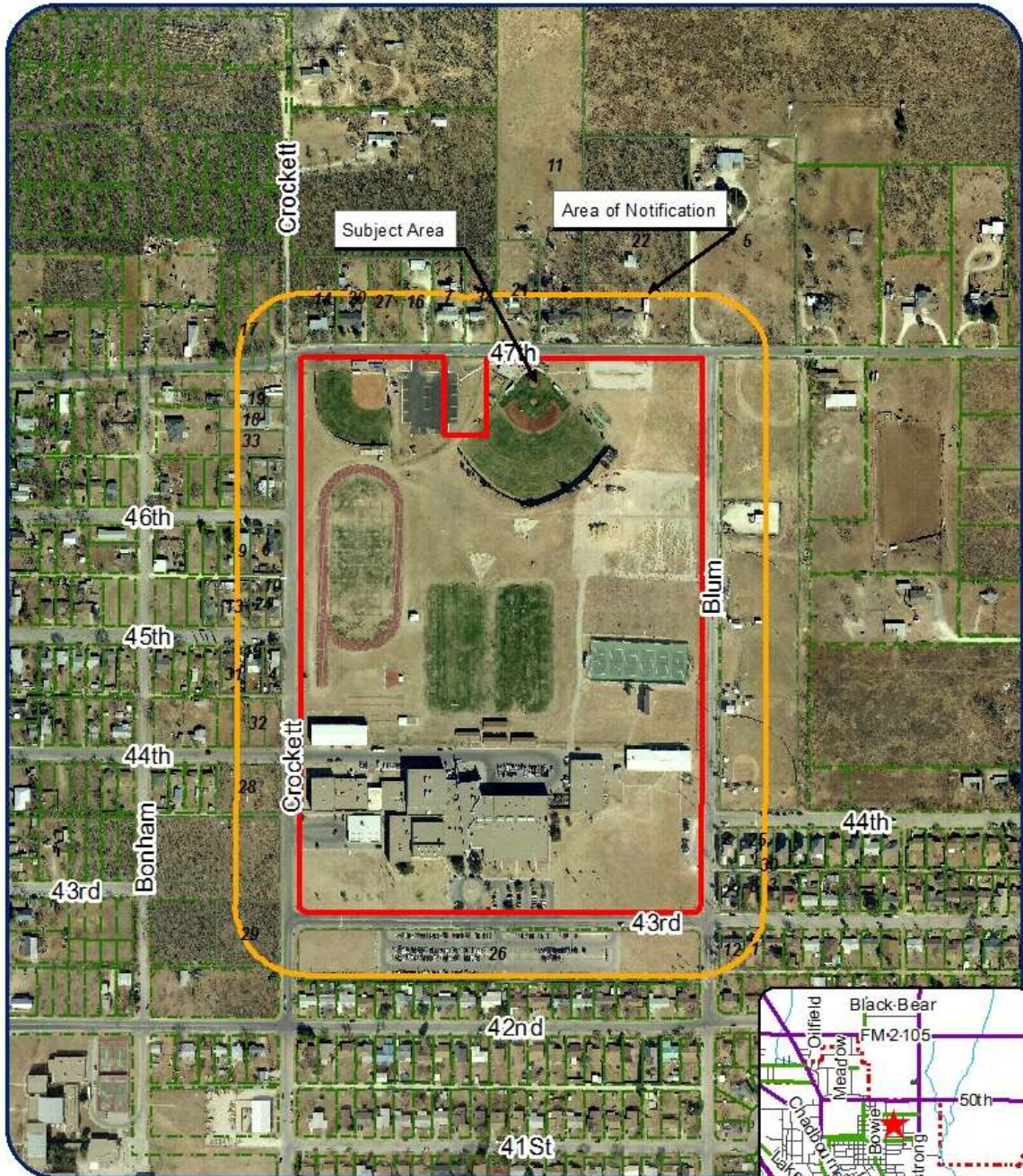
Legend

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









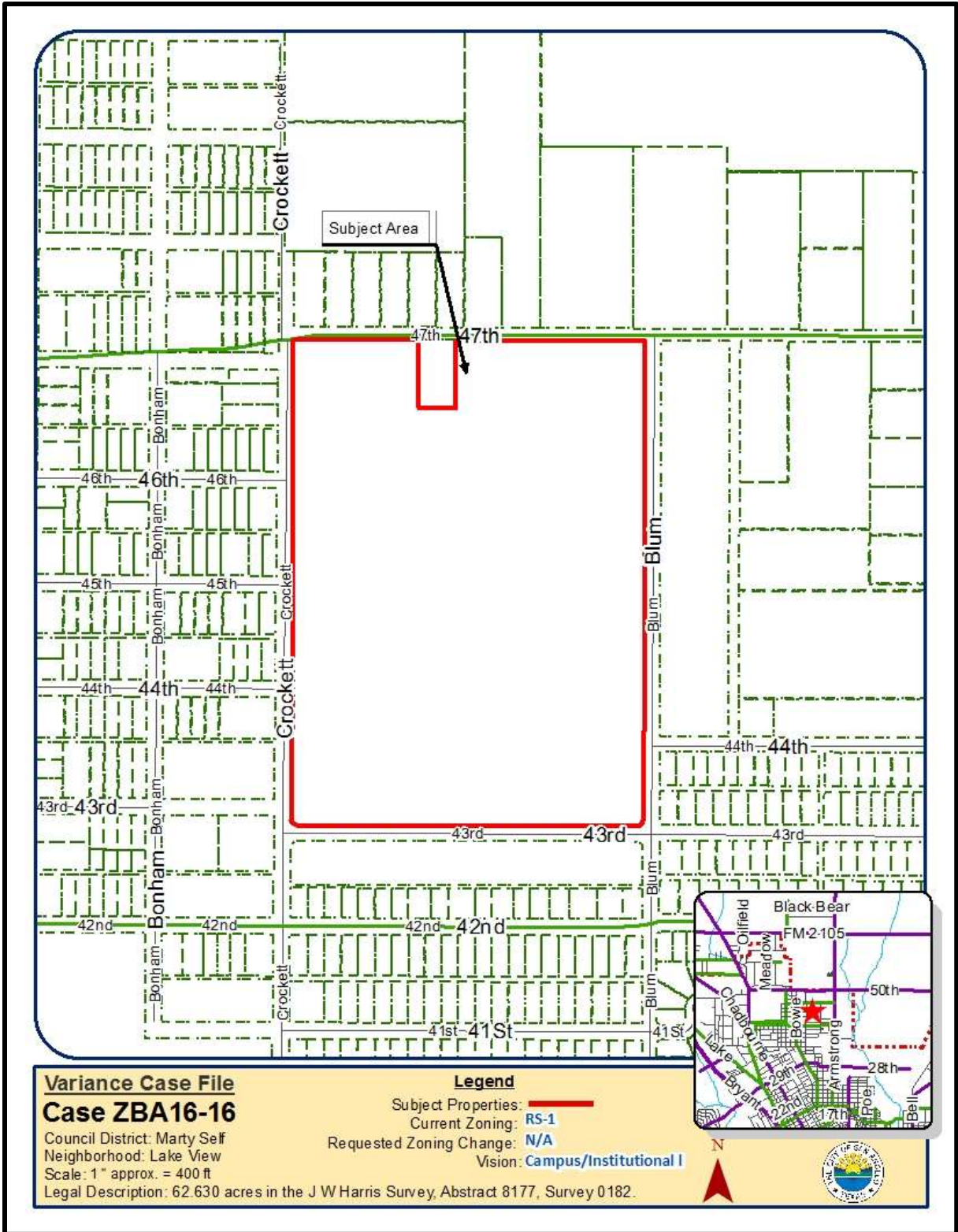
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Case NCU16-16

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- Vision: **Campus/Institutional I**





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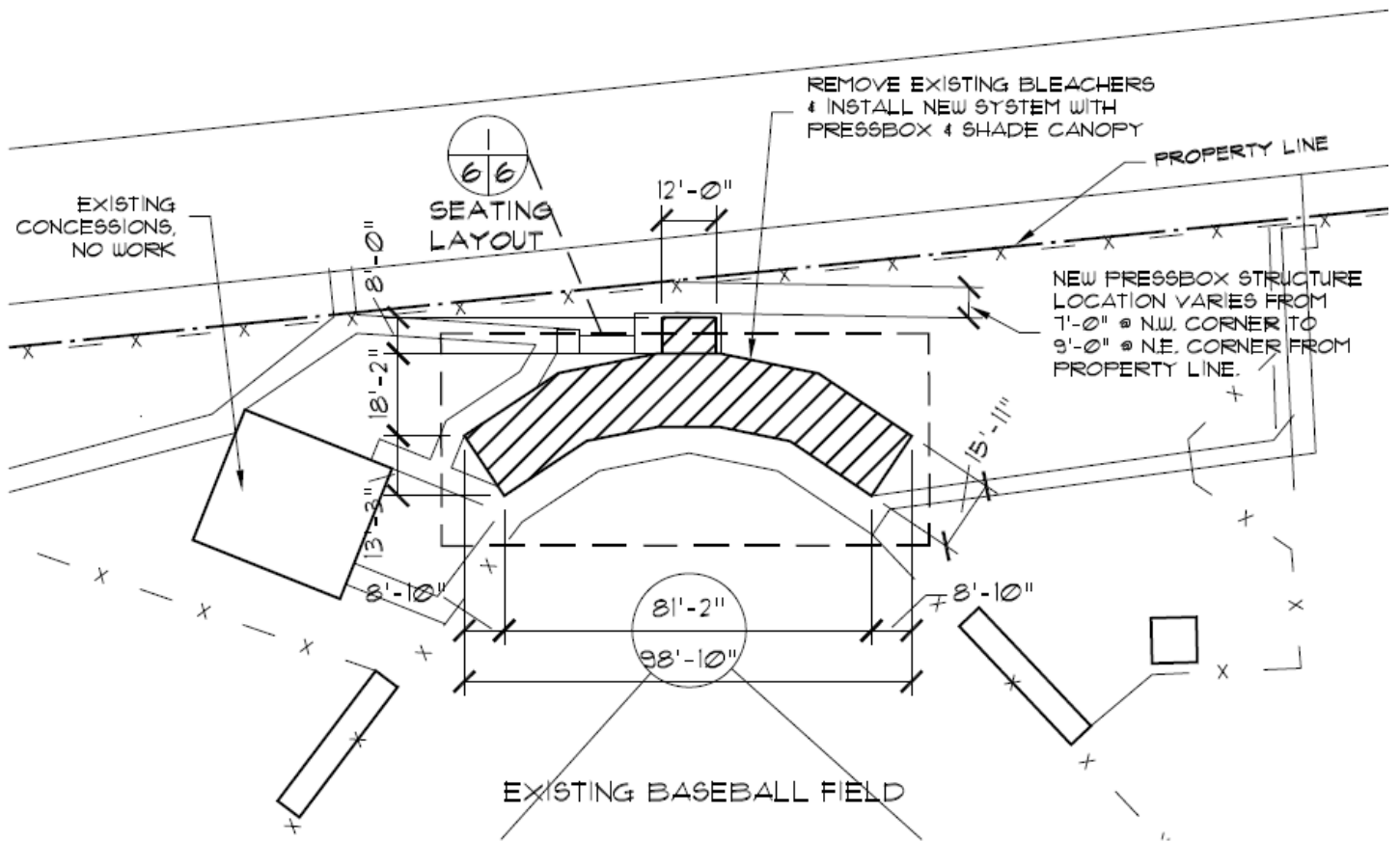
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Former Bleachers



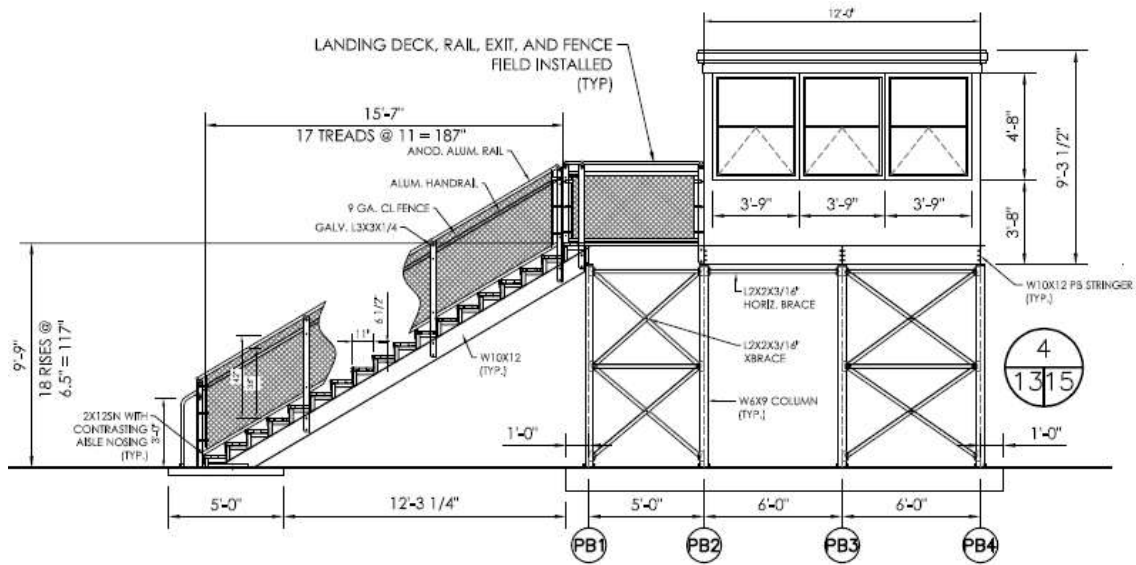
Proposed Bleachers Site Plan



LAKE VIEW H.S. - BASEBALL FIELD
 SAN ANGELO I.S.D.
 SCALE: 1" = 30'-0"



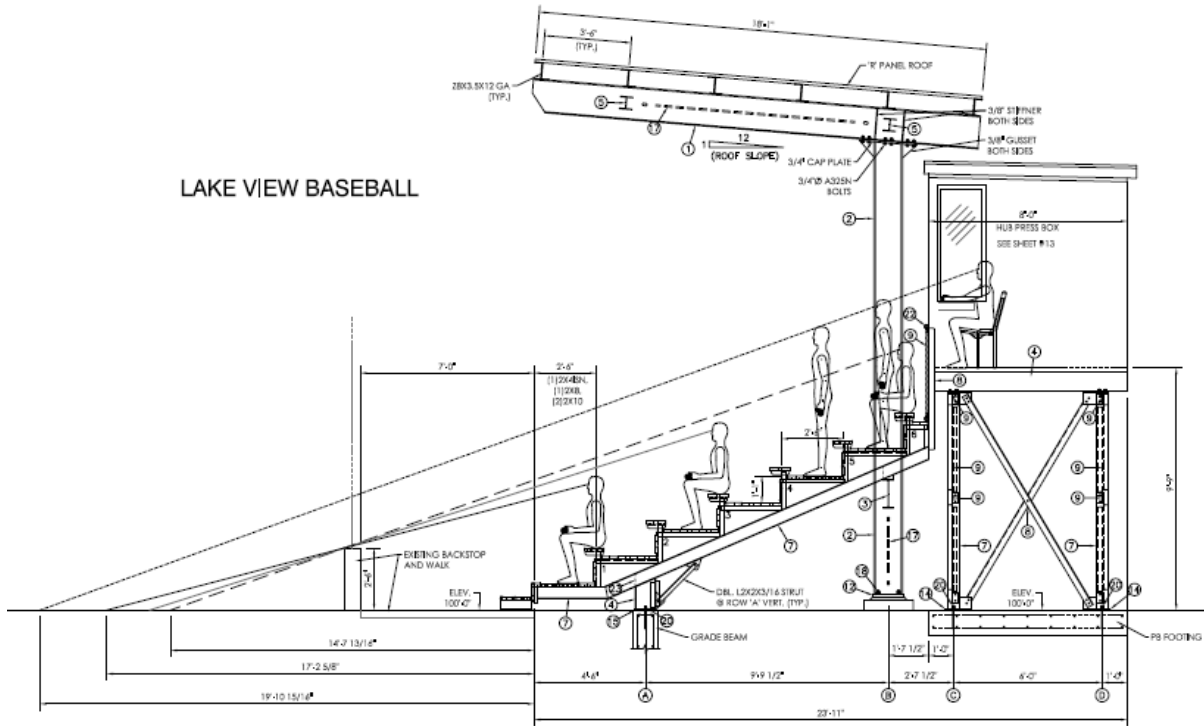
Proposed Bleacher Elevations



SEE SHEET #5 & #10

1 FRONT ELEVATION VIEW (LOOKING NORTH)
 SCALE: 1/4" = 1'-0"

LAKE VIEW BASEBALL



1 SECTION VIEW @ PRESS BOX
 SCALE: 1/2" = 1'-0"

Site Photos

North



South



East



West



Site Photos

Looking west elevation



Looking east elevation



Application for Variance from Zoning Regulations

Name of Applicant(s): San Angelo I.S.D.

Owner Tenant Representative (Affidavit required)

Mailing Address: 1621 University Telephone: 325.947.3159

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

Email Address: Richard.Ringdon@saisd.org ← *director of purchasing & construction*

Subject Property Address and/or Location*:
Lake View High School Baseball Stadium
E. 47th Street, Crickett St, Plum St.

Legal Description*:
J.N. Harris Survey 62.63 acres
A-8177 S-01B2 (Lake View High School)

Zoning: RS-1

Specific Description of Request*:
set-back variance for new ^{accessible} bleachers/press box
to replace existing bleachers & press box

* 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 9-2-10

- 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: SPED requests to install new bleachers/press box to replace older existing bleachers/press box. The setbacks will vary from the existing slightly.

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

Explanation: New rules governing access, row depth and press box access/dimensions require new dimensions

- 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: No additional seating is being requested however the new access & press box dimensions require the variance.

- 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 school district is base ball program at Lakeview urgently need the new structure(s) for contemporary and updated facilities for the students and spectators at Lakeview HS

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

→ possible

Explanation: will enhance the viewing by the general public and safety of the general public and spectators plus will be accessible for the H.C.

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

Explanation: Inasmuch as the existing structures are there presently and the new will enhance the school program and not adversely affect the neighborhood, the approval of such will not be detrimental to established zoning.

OFFICE USE ONLY

Case no.: ZBA 16 - 16 Date of application: 9/2/16

Fully-dimensioned site plan: Nonrefundable fee: \$ 250.00 Date paid: 9/2/16

Date to be heard by ZBA: 10/3/16

Received by: David Fee Receipt Number: 247396

Ordinance section(s) from which variance(s) is/are requested:

Section 501.A