

# STAFF REPORT



Meeting: November 7, 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: ZBA16-17

Request: A request for a Variance from Section 501.A of the Zoning Ordinance to allow for a 13-foot front yard setback in lieu of 25 feet to facilitate the enclosure of an existing carport on a property located within the Single-Family Residential (RS-1) Zoning District

Location: 2009 Douglas Drive; generally located along the southwest side of Douglas Drive, between Jade and Shamrock Drives

Size: .28 acres

Legal Description: Lot 5 and a triangular portion of Lot 4, Block 15, Bryant Park Addition

General Information

Zoning: Single-Family Residential (RS-1)

Existing Land Use: Single-Family Residence

Future Land Use: Neighborhood

Surrounding Zoning/Land Use:

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

District: SMD#5 – Lane Carter

Neighborhood: ASU College Heights

History and Background:

The applicant bought the home on August 26, 2016, and applied for a Variance on October 5, 2016, to allow for 13-foot front yard setback in lieu of 25 feet to facilitate the enclosure of an existing carport. The applicant intends to turn the enclosure into a garage. The 2,094-square foot home was built in 1955. In 1997, a 400-square foot carport was added following the approval of case ZB 95-56 by the Zoning Board of Appeals in 1996 which allowed for the construction of the carport 13 feet in lieu of a required 30-foot front yard setback. For the sake of clarity, it should be noted that case ZB 95-56 worded the variance as “an open carport encroaching 17 feet into the minimum 30-foot front yard” which measured the setback from the carport encroaching into the front-yard setback, rather than 13 feet from the property line.

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.**

There are some peculiar features to the land and home other the existing carport being 13 feet from the front property which was allowed by variance in 1996. The applicants have indicated that the rear of the home is “unsuitable” for the construction of a garage as the topography is “rolling” and the house drops off into the rear yard. There are also some mature trees in the rear yard which may have to be removed in order to allow for the proposed construction. Based on the application for the earlier variance approval in 1996, it was for these same reasons that the previous owner wanted to construct the carport in the front yard. Douglas Drive does curve to the north of the property, but then runs parallel to the property as it heads southeast. In any case, a uniform 30-foot front setback is maintained on both sides of the street. The exception is the existing carport at the subject property which is unique in the neighborhood as staff was unable to find comparable carports in the required front yard setbacks.

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

The applicants who now own the home are not the same owner who sought the carport variance in 1996. However, the applicants who bought the home in 2016 now seek to maintain the building footprint of their home but by enclosing the open carport would further alter the appearance of the home in relation to other homes visible from Douglas Drive.

- 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’s request is similar in nature to the Open Space Overlay (Section 309) of the Zoning Ordinance which allows for carports in specific areas of the City to encroach within the front setback, subject to certain design criteria. The subject carport predates the Open Structures Overlay and is not located in the Overlay district which is nearer the core of the City and its surrounding neighborhoods. The closest neighborhood to Downtown outside the Overlay is the Santa Rita neighborhood north of the ASU-College Hills (the subject property neighborhood) other newer sections of San Angelo. The rationale for the Open Structures Overlay was to allow residents living in the older sections of the City the possibility to build open structures such as carports and porches provided the new open structures were architecturally compatible with the principle residence. The applicants already have the benefit over their neighbors of a carport encroaching into the front

yard setback due to the previous variance and granting the enclosure of this structure would appear to further that allowance.

- 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 carport appears to function well within its intended purpose and existing footprint. There does not appear to be anything present in granting this request which would further public interest. In fact, by granting the request, it may begin altering the appearance the neighborhood as it is the only carport in the immediate are to do so. The previous staff report on the subject property in 1996 for Case ZB 95-56 observed “although some carports and garages currently exist within this block, each appears to be set back on accordance with the required front yard. Predominately open yards characterize the area.”

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

The Planning Division does not foresee an adverse impact from the proposed enclosure impeding the line-of-sight along Douglas Drive as the street right-of-way is 60 feet which exceeds the 50 foot minimum for Local Streets. Staff research was unable to find another front yard variance within 500 feet of the subject property, so enclosing the carport may set a precedent for similar requests in the future. The four nearby variances (two on the same property) were for three side yard variances, one rear yard variance, and a fence variance.

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

The proposed enclosed carport does not appear to be generally consistent with the Zoning Ordinance. Although the carport enclosure will not expand the building footprint, but it will enlarge the habitable area of the home visibly changing the exterior view of the overall structure. It would also have a greater impact on the general uniform building line appearance in the neighborhood. Neighborhoods in the City have features which are appropriate in one part of the City but may not be in character within other neighborhoods. Allowing the variance may not “promote the beneficial and appropriate development of all land and the most desirable use of land in accordance with a well-considered plan,” as stipulated in Zoning Ordinance Section 104.1.

Notification:

On October 24, 2016, 24 notifications were mailed out within a 200-foot radius of the subject site. As of October 28, 2016, there were zero responses in favor and zero in opposition of the request.

Staff Recommendation:

Staff's recommendation is for the Zoning Board of Adjustment for the **Denial** of Case ZBA16-17 for a Variance from Section 501.A of the Zoning Ordinance: allow for a 13-foot front yard setback in lieu of twenty-five feet to facilitate the enclosure of an existing carport on a property located within the Single-Family Residential (RS-1) Zoning District.

Should the Zoning Board of Adjustment choose to approve the request, however, staff recommends the **following three Conditions of Approval**:

1. The applicant is required to obtain a permit from the Permits and Inspections Division for the enclosed carport. The applicant shall submit detailed construction drawings, exterior elevation drawings and specifications for the materials planned to be used in constructing the proposed carport. The drawings must indicate how the proposed improvement will relate architecturally to the existing residence beside which the new carport enclosure is proposed. Such drawings and specifications shall be submitted to the Building Official or his/her designee, in addition to whatever data is ordinarily required with an application for permit to build an enclosed carport.
2. The extent of the variance is limited to the expansion, as proposed, and limited to the footprint of the existing carport.
3. The enclosed carport shall be generally consistent with the materials, character and appearance of the roof and elevation of the residence. If more than one roofline exists on the residence, then the pitch or shape of the roofline on the subject enclosed carport shall be consistent with the character and appearance of the roofline on whatever portion of such residence is located closest to that enclosed carport.

Effect of Variance:

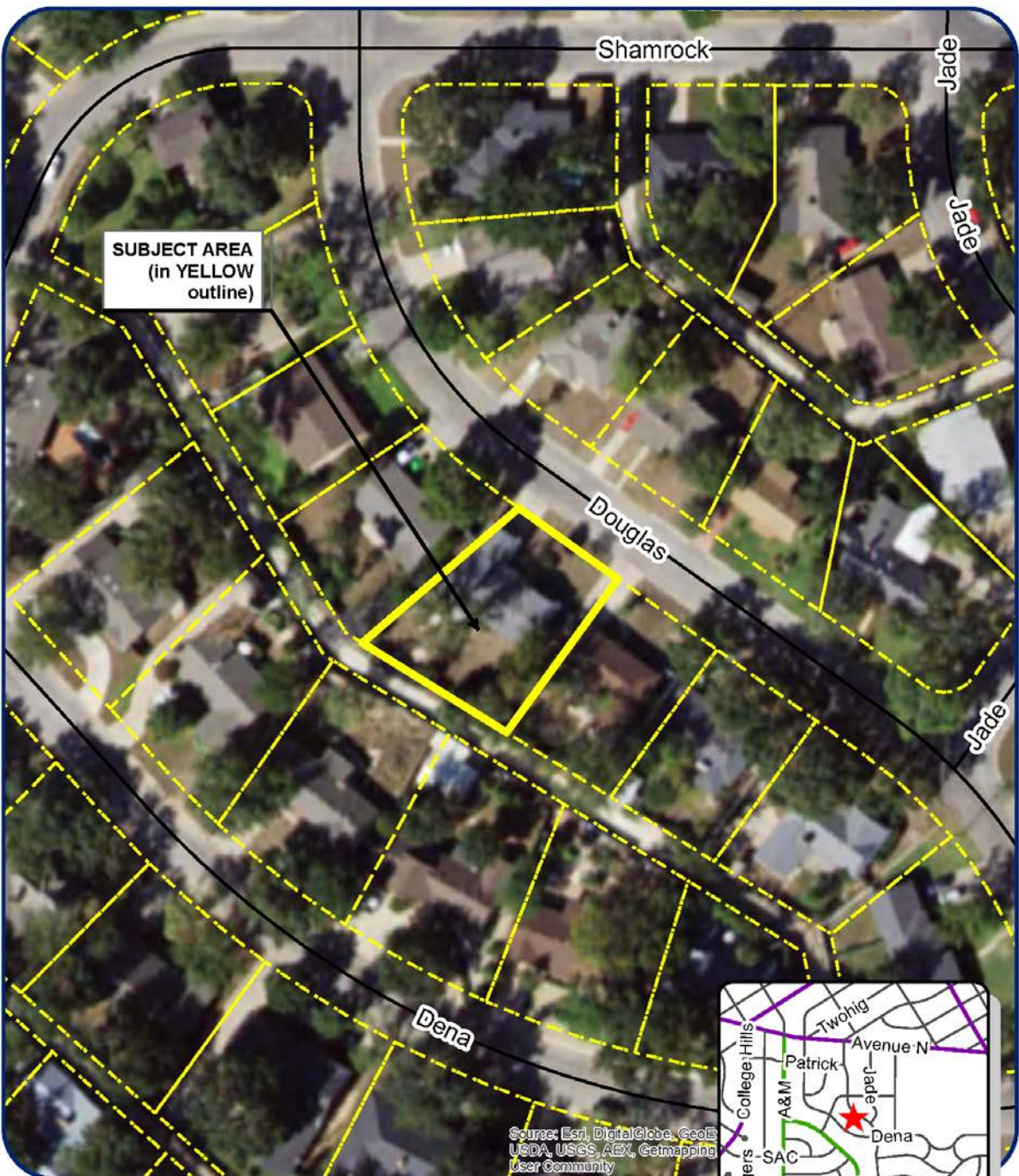
Per Section 207(H) of the Zoning Ordinance:

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  
Major Thoroughfare Map  
Notification Map  
Site Plan - Existing



**Variance Case File**

**Case Z16\_17, White**

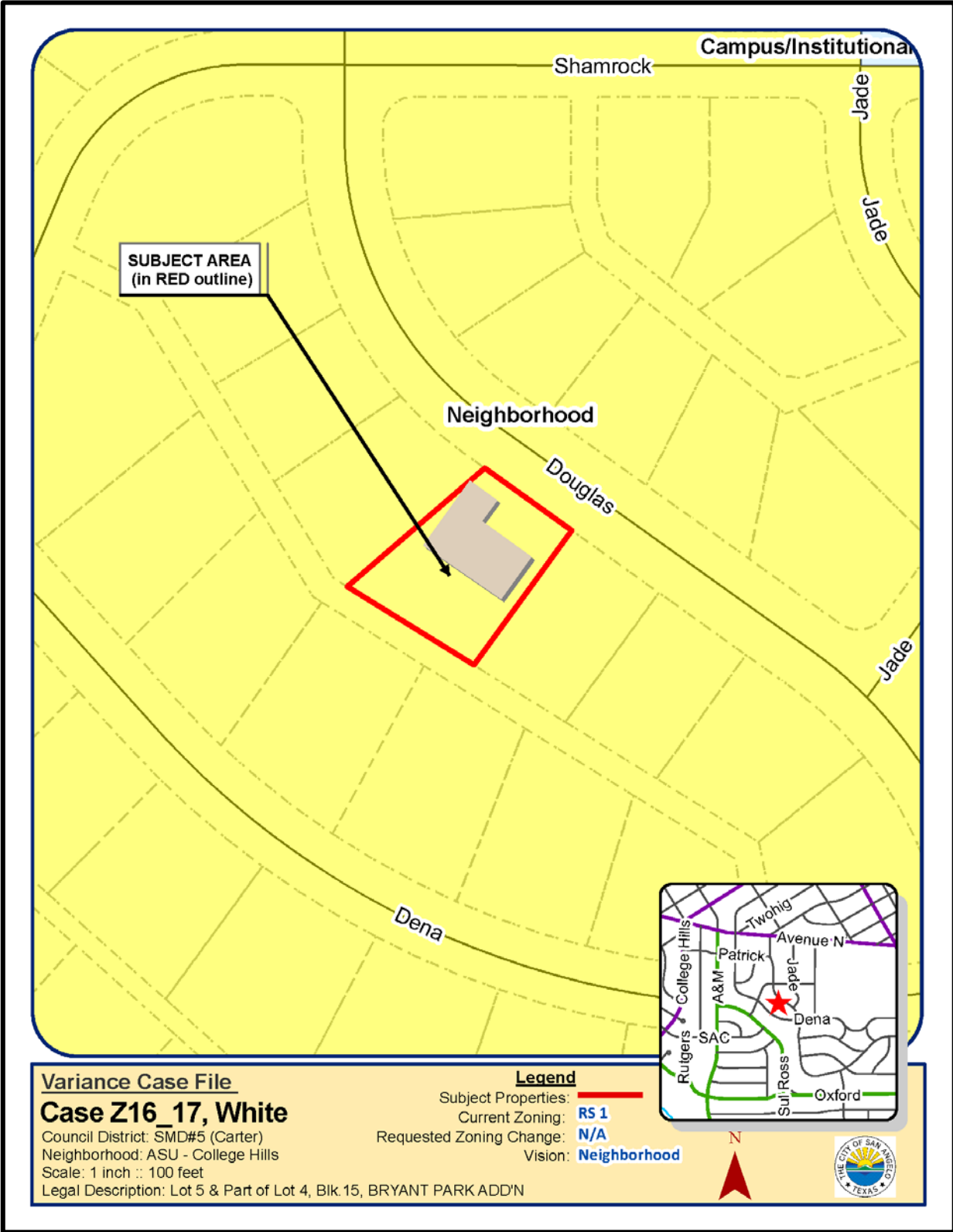
Council District: SMD#5 (Carter)  
 Neighborhood: ASU - College Hills  
 Scale: 1 inch :: 100 feet  
 Legal Description: Lot 5 & Part of Lot 4, Blk.15, BRYANT PARK ADD'N

**Legend**

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







**SUBJECT AREA**  
(in RED outline)

**Neighborhood**

Douglas

Dena

Campus/Institutional

Shamrock

Jade

Jade

Jade



**Variance Case File**

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 Neighborhood: ASU - College Hills  
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**Legend**

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







**Variance Case File**

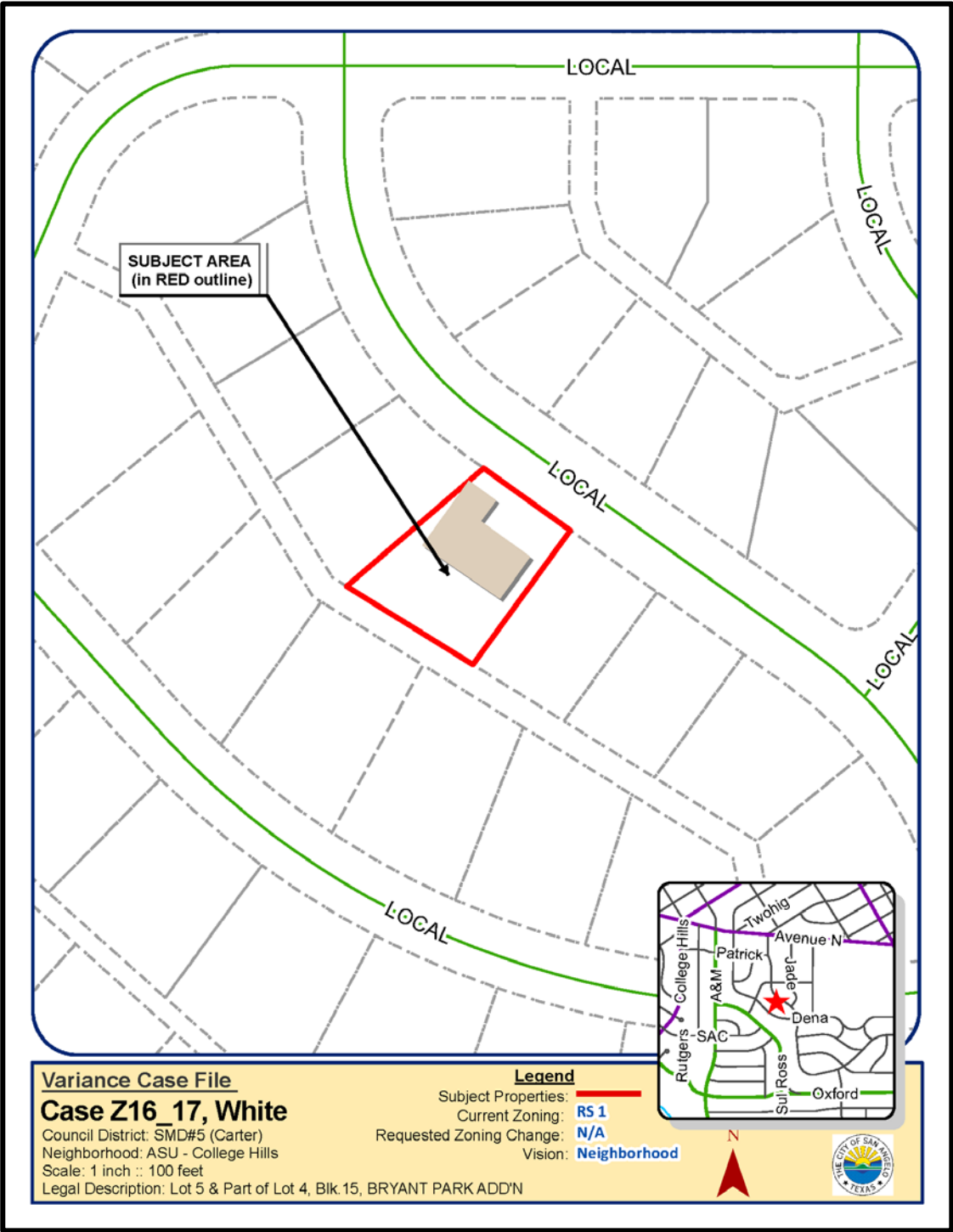
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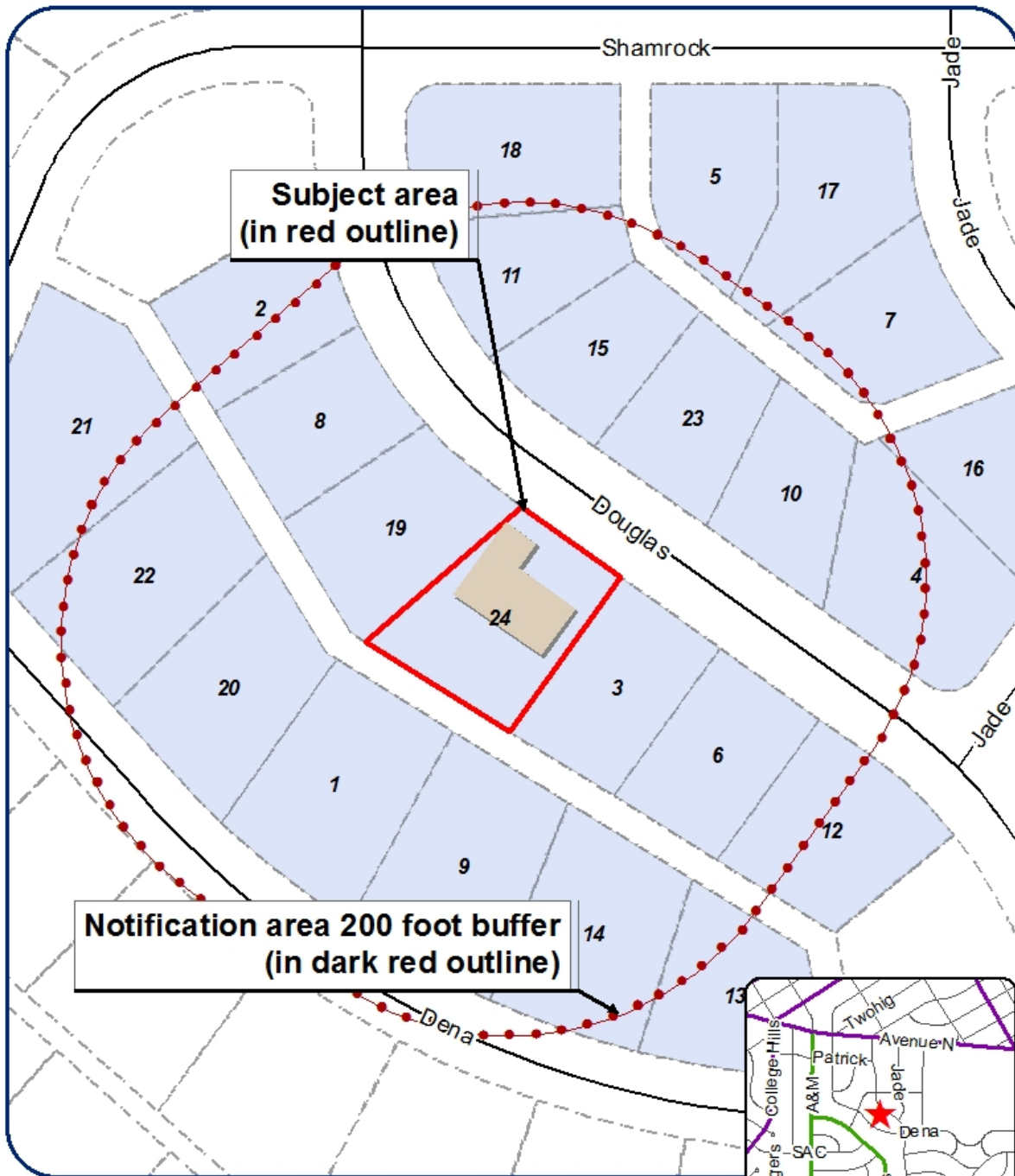




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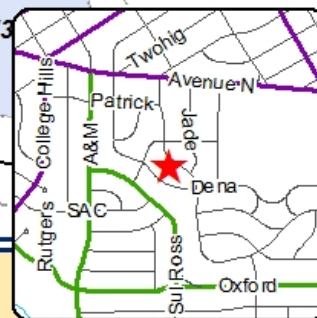
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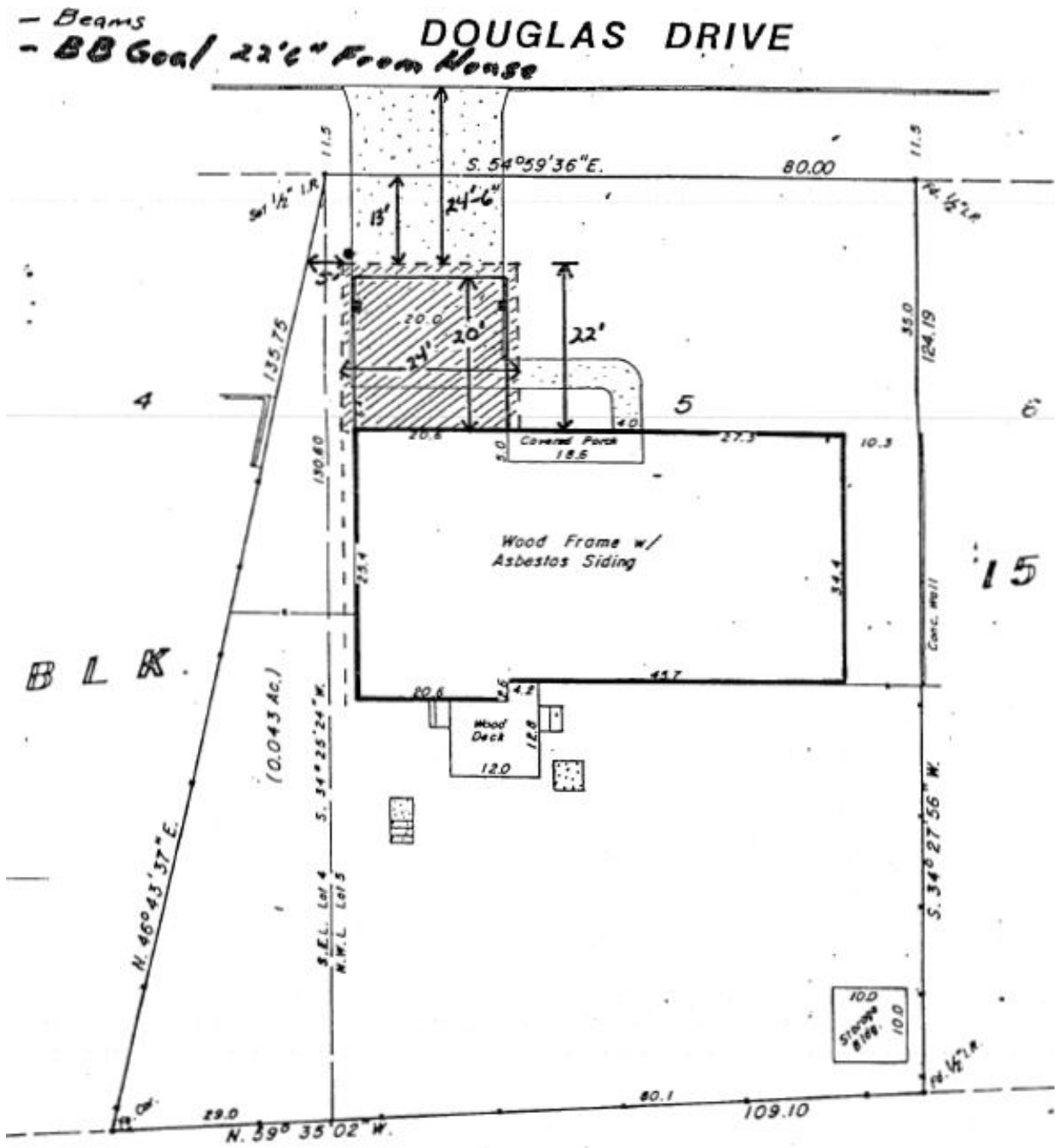
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**Legend**

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



Proposed site plan based on 1996 site plan





## Site Photos

Looking Northeast



Northwest

Looking Southwest (subject property)



Southeast





## Site Photos

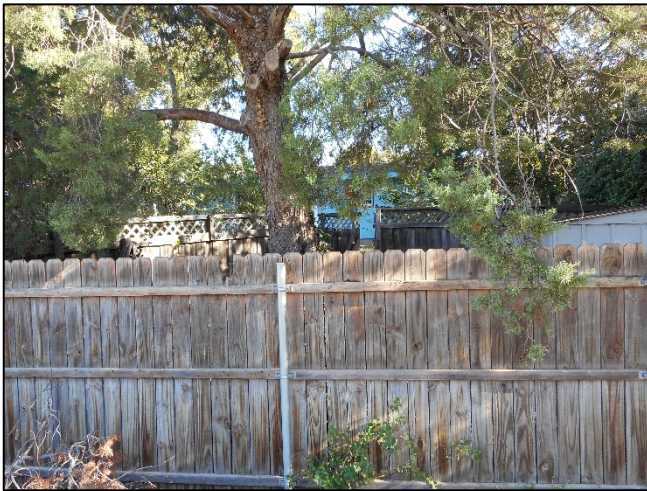
Close up of carport



Northeast elevation



Rear yard from alley



Rear yard from alley



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

Name of Applicant(s): Holly White

Owner       Tenant       Representative (Affidavit required)

Mailing Address: 2009 Douglas Telephone: 325-656-0231

City/State/Zip: San Angelo TX Fax/other: \_\_\_\_\_

Email Address: holly4j@gmail.com

Subject Property Address and/or Location\*:  
Same as Above  
2009 Douglas

Legal Description\*:  
Lot 5 + Triangle part of Lot 4 Block 15  
Bryant Park Addition

Zoning: Residential RS-1

Specific Description of Request\*:  
Enclose Carpet  
Amend previous Variance ZBA 95-516

\* use attachment, if necessary

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

B. J. Rader  
Signature

10-5-16  
Date

- I understand that the Zoning Board of Adjustment is bound by criteria and my request is not guaranteed to be approved and that it constitutes an Angelo;
- I/We the undersigned acknowledge that the information provided above variation(s) authorized by the Zoning Board of Adjustment will require in variation within twelve (12) months of the approval date by the Board longer period;
- I understand that all drawings, pictures, documents or other information be kept in the permanent files of the Planning Division; and
- I understand that any appeal of a decision made by the Zoning Board o record with a verified petition stating that the decision of the Zoning Bo and specifying the grounds of the illegality. This petition for appeal mu date the decision is filed in the board's office.

Brian Rader  
b.rader@wcc.net  
325.656.0770



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 open carports sits on part of the triangular portion of the property known as lot 4, blk 15 of the Bryant Park Addition to San Angelo : 2009 Douglas Drive

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

Explanation: The open carport was built on this part of the property due to the rolling nature of the ground on lot 5 and front side of lot 4.

- 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: Having the use of the carport, after enclosure, allows the protection of vehicles and other property that is currently enjoyed by other owners in the district. At this time, only a limited amount of protection is offered versus what could be offered once enclosed.

- 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: Having the carport enclosed, is the simplest and quickest way to have a fully protected place for various property items. Any other way would have to involve new construction, higher expense, and more traffic in the area.

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

Explanation: Enclosing the carport will not adversely affect any of the adjacent properties. While it is located close to the boundary lines in the triangular tip of lot 4, it will not expand any further.

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

Explanation: Enclosing the carport is consistent with the other properties that are within the district. If falls within the purposes of the owners' complete use, it will increase the current value and it will be within conformity with the rest of the zoning district.

<b>OFFICE USE ONLY</b>	
Case no.: ZBA <u>16</u> - <u>17</u>	Date of application: <u>10.5.2016</u>
Fully-dimensioned site plan: <input checked="" type="checkbox"/>	Nonrefundable fee: <u>\$ 250 -</u> Date paid: _____
Date to be heard by ZBA: <u>11.7.2016</u>	
Received by: 	Receipt Number: _____
Ordinance section(s) from which variance(s) is/are requested:	
_____	
_____	