

# STAFF REPORT



**Meeting:** March 6, 2017

**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:** ZBA17-01

**Request:** A request for approval of a variance from Section 3-1-15.A.1 of the 1987 Zoning Ordinance (applicable to PD98-02) to allow for a zero lot line dwelling to have a 6-foot front yard setback in lieu of 15 feet from a residential (local) street

**Location:** 3063 Champion Circle; generally located approximately 230 feet north of the intersection of South College Hills Boulevard and Champions Circle; specifically occupying the Southland Hills Addition, Section 21, Block 45, Lot 5.

**Size:** 0.175 acres

**Legal Description:** Southland Hills Addition, Section 21, Block 45, Lot 5.

**General Information**

Zoning: Planned Development (PD98-02)  
Existing Land Use: Single-Family Dwelling (built 2015)  
Future Land Use: Neighborhood

Surrounding Zoning/Land Use:

North:	Planned Development (PD98-02)	Vacant Land
West:	Planned Development (PD98-02)	Zero Lot Line Dwellings
South:	Planned Development (PD98-02)	Zero Lot Line Dwellings
East:	Planned Development (PD98-02)	Vacant Land

District: SMD#1  
Neighborhood: Bonham Neighborhood

**History and Background:**

On February 1, 2017, the applicant submitted this request for a variance to allow a recently constructed zero lot line home to have a 6-foot front yard setback in lieu of the required 15-foot front yard setback required in this Planned Development (PD98-02) Zoning District. The applicant and builder indicated that the home was unintentionally erected within the required 15-foot front yard setback due to a curve in the property line adjacent to the cul-de-sac portion of Champion Circle. He indicated that the mistake was not recognized until after the home was built and that he requires this front yard variance in order to sell the property. The area of the home within the encroachment area includes portions of one of the bedrooms, the front porch, and a great room. The zero lot line home complies with all other provisions of the Zoning Ordinance except for the front yard setback, which is nine feet less than required by the PD98-02 Zoning District.

There have been no previous variance requests to reduce the front yard setback for any lots within the PD98-02 Zoning District. A minor variance was granted in 1998 to allow an existing home to have a 1-foot reduction from the required 30-foot front yard setback at 3122 Grandview Drive, approximately 500 feet southwest of the PD98-02 district (ZBA98-40). More recently in January 2016, the ZBA

approved two variance requests to allow homes with encroaching front yard setbacks: ZBA15-24, for a 20-foot front yard setback in lieu of 25 feet at 5905 Merrick Street, and ZBA15-26 for a 19-foot front yard setback in lieu of 25 feet at 3966 Caroline Lane. In both cases, the Planning Division recommended denial on the grounds that there was no special circumstance, that the action was self-created, that all other homes on the street met the required setback, and that granting the variance may set a precedent for other properties to be granted reduced setbacks as well.

**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.**

Curves in cul-de-sac streets are typical for residential development and are not a special circumstance. The three variances indicated above granted front yard home encroachments within a range of one to six feet from the required setbacks. The subject request, if approved, would allow an encroachment of nine feet into the front yard setback, a substantial variation. In addition, there is approximately 10 feet between the rear wall of the home and a 4-foot underground utility easement to the east. This would have allowed the home to have been constructed up to 10 feet to the east. Staff does not believe there is a special circumstance in this case given the additional 10 feet available to the east, and that the requested setback is a large deviation from the required 15-foot front yard setback.

On their application, the applicant stated that despite the encroachment, the subject house is one foot behind the adjacent home to the south at 3065 Champion Circle. Planning staff conducted a site visit on Thursday, February 23, 2017, and can confirm that the new home appears visually further back from the street than the adjacent home, given the curve in the street. However, the applicant has still not demonstrated a special circumstance.

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

In this case, the applicant created the circumstance by erecting a home nine feet within the required front yard setback. While unfortunate, this circumstance was clearly due to the actions of the applicant and therefore this condition has not been met.

- 3. Literal interpretation and enforcement of the terms and provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zoning district, and would cause an unnecessary and undue hardship.**

A literal interpretation of the Zoning Ordinance would not deprive the applicant rights commonly enjoyed by other property owners within the PD98-02 Zoning District. As stated earlier, all other homes constructed to-date within this Planned Development community comply with the required front yard setback. While it may be financially cumbersome on the applicant to remove a portion of the front of the dwelling, Section 207 of the Zoning Ordinance does not allow for a special circumstance where it is “merely financial” nor does it allow the ZBA to grant variances that “will relieve the applicant of conditions or circumstances that are self-imposed.”

- 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.**

Planning staff do not believe that a 9-foot encroachment into the required 15-foot front yard setback is a minimal action, and believes that such a request, if approved, would be contrary to the public interest. All of the other homes on Champion Circle and in the PD development area have been built with the required front yard setbacks. It is noted that there are three other curves on Champion Circle and all of these homes were able to comply with the required setbacks. Authorizing an exception for one home would set a negative precedent and potentially allow other variances for front yard encroachments in this subdivision and in other parts of the City.

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

Planning staff does not believe that granting a front yard setback encroachment would adversely affect neighboring properties in terms of site visibility. As stated above, the subject house visually appears setback further from the street than the zero line home at 3063 Champion Circle and does not affect site lines to this home. The owner of this home has submitted a letter of support for the subject request stating that the encroachment does not affect her property or her view. Regardless, staff cannot support this variance based on the request not satisfying all of the required criteria for a variance.

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

Planning staff do not believe that a 9-foot encroachment into the required 15-foot front yard setback is generally consistent with the purposes of the Zoning Ordinance. Staff believes that approving this variance undermines the adopted zoning standards approved by the City Council and could set an expectation that a builder need not comply with the adopted standards.

*As the Board may recall, staff brought a discussion item to the June 6, 2016 meeting where multiple options were discussed to address concerns that too many homes were being built across setback lines. Some of these options would have included extra inspections or the requirement that a builder have the foundation surveyed prior to construction. However, the Board recommended keeping the current policies and practices in place and simply holding builders accountable when mistakes such as this are made. If the Board chooses to approve this request, staff will seek further clarification on how these situations should be addressed in the future and whether the City should reconsider other options.*

**Notification:**

On February 28, 2017, 15 notifications were mailed out within a 200-foot radius of the subject site. As of March 1, 2017, the Planning Division received five letters of support, one of these from the property owner, and zero in opposition of the request (see attached).

**Staff Recommendation:**

Staff's recommendation is for the Zoning Board of Adjustment to **DENY** Case ZBA17-01 for a variance from Section 3-1-15.A.1 of the 1987 Zoning Ordinance, which applies to the subject property zoned Planned Development (PD98-02) to allow for a zero lot line dwelling to have a 6-foot front yard setback in lieu of 15 feet from a residential (local) street. However, should the Board wish to approve the request, staff recommends that **two conditions of approval** be added:

1. If the nonconforming structure (zero lot line residence) is deemed as a total loss, the nonconforming structure shall be rebuilt within the required 15-foot front yard setback as dictated by the 1987 Zoning Ordinance, Section 3-1-15.A.1.
2. This approval for a reduced front yard setback shall only apply to the new zero lot line dwelling at its respective square footage. 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:

3. Issuance of a variance shall authorize only the particular variation which is approved in the variance. A variance shall run with the land.
  
4. 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
- Survey Plat
- Survey Plat Close-up
- Encroachment Area
- Letters of Support
- Application



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<b>Variance Case File</b>		<b>Legend</b>	
<b>Case ZBA17-01: Russell</b>		Subject Properties:	
Council District: Bill Richardson (SMD#1)		Current Zoning: <b>PD98-02</b>	
Neighborhood: Bonham		Requested Zoning Change: <b>N/A</b>	
Scale: 1" approx. = 75 ft		Vision: <b>Neighborhood</b>	
Subject Property: 3063 Champion Circle			





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

**Variance Case File**  
**Case ZBA17-01: Russell**  
 Council District: Bill Richardson (SMD#1)  
 Neighborhood: Bonham  
 Scale: 1" approx. = 75 ft  
 Subject Property: 3063 Champion Circle

**Legend**  
 Subject Properties: —  
 Current Zoning: PD98-02  
 Requested Zoning Change: N/A  
 Vision: Neighborhood



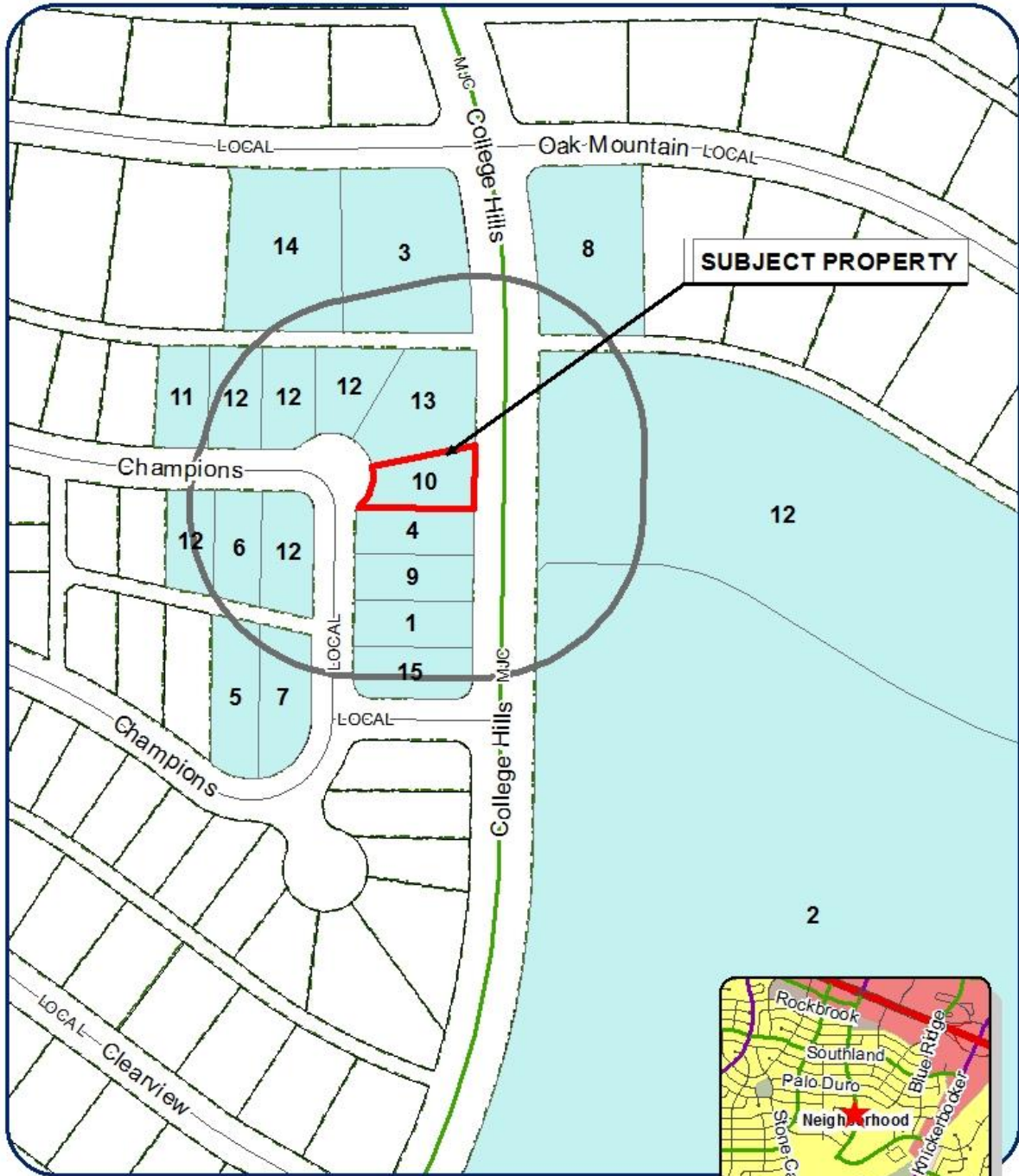




Source: Esri, DigitalGlobe, GeoE  
 USDA, USGS, Aero, GeoMapping  
 User Community



<b>Variance Case File</b>		<b>Legend</b>	
<b>Case ZBA17-01: Russell</b>		Subject Properties:	Current Zoning: <b>PD98-02</b>
Council District: Bill Richardson (SMD#1)		Requested Zoning Change: <b>N/A</b>	Vision: <b>Neighborhood</b>
Neighborhood: Bonham			
Scale: 1" approx. = 75 ft			
Subject Property: 3063 Champion Circle			



**Variance Case File**  
**Case ZBA17-01: Russell**  
 Council District: Bill Richardson (SMD#1)  
 Neighborhood: Bonham  
 Scale: 1" approx. = 150 ft  
 Subject Property: 3063 Champion Circle

**Legend**  
 Subject Properties:   
 Current Zoning: PD98-02  
 Requested Zoning Change: N/A  
 Vision: Neighborhood





**Photos of Site and Surrounding Area**

**East at subject property**



**Further east at vacant lot**



**North**



**West**



**South**



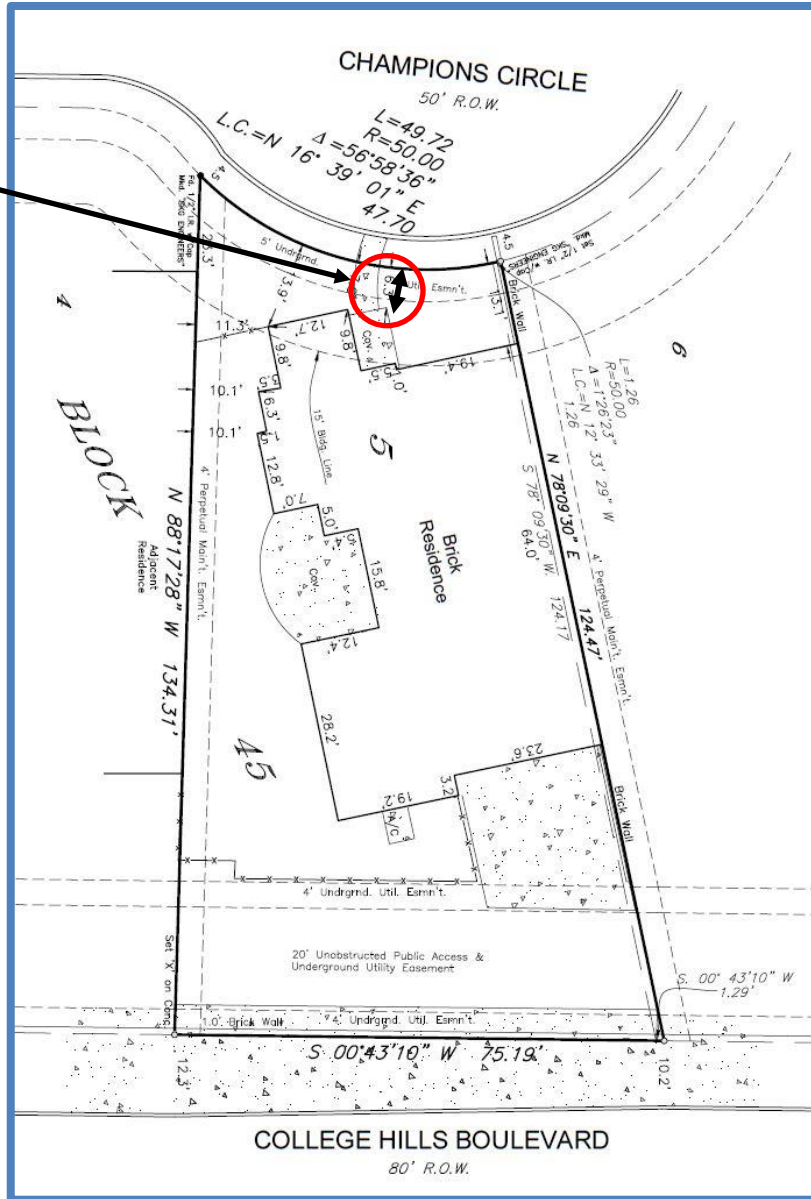
**3063 and 3065 Champion Circle view line**



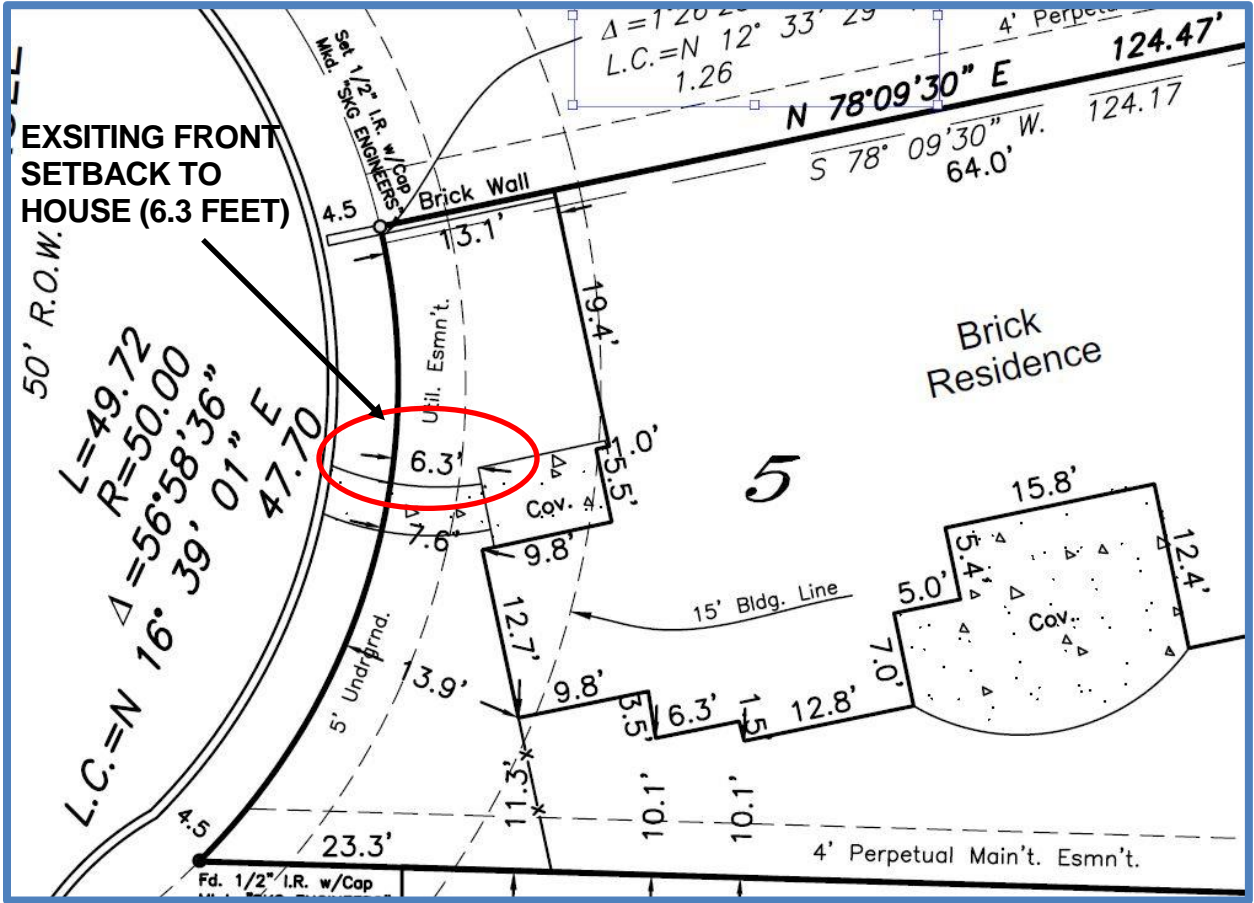


# Survey Plat

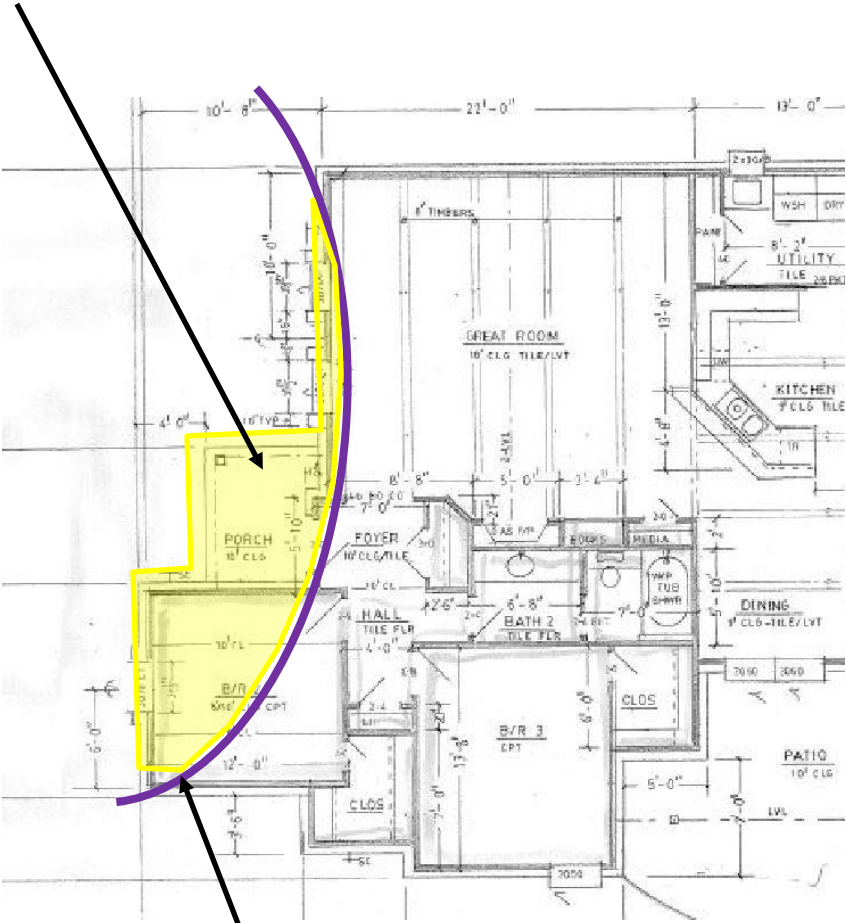
EXISTING FRONT  
SETBACK TO  
HOUSE  
(6.3 FEET)



### Survey Plat (Close-Up)



**Encroachment Area**



**FRONT SETBACK LINE  
(15 FEET REQUIRED)**



## Letter of Support

06/02/2017

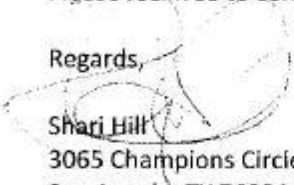
To Whom It May Concern,

My name is Shari Hill, I am the owner of the home located at 3065 Champions Circle.

It was brought to my attention that the newly constructed home next door to my home, 3063 Champions Circle, was built with one corner of the dwelling encroaching into the required setback for a residential dwelling. The intention of this letter is to inform the City of San Angelo, or whomever it may concern, that the said encroachment does not affect my property or impede the view from my property. I do not have an objection to Mr. Russell being awarded a variance.

Please feel free to contact me if you have further concerns that need to be discussed.

Regards,

  
Shari Hill  
3065 Champions Circle  
San Angelo, TX 76904

325-812-8353

# Letter of Support

TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 52 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

(  ) IN FAVOR ( ) IN OPPOSITION

REASON(S) It is not obvious that it is not in compliance as it is on a Cul-de-Sac. Secondly, if it did in any way affect adjoining properties, Mr. Russell owns those properties on both sides and he is the one who would be most affected. Again, its impossible to tell that there is a problem when driving down the street.

NAME: Southland Hills Inc.

ADDRESS: 5118 Knickerbocker Rd.  
San Angelo, Tx, 76904

SIGNATURE: Steve Lacy, President

RECEIVED  
FEB 28 2017

ZBA17-01: Russell

property owner number: 12

If you have any questions about these proceedings, please call Mr. Jeff Fisher, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at [jeff.fisher@cosatx.us](mailto:jeff.fisher@cosatx.us).

# Letter of Support

owner

TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 52 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

(X) IN FAVOR ( ) IN OPPOSITION

REASON(S) Doesn't create a physical or  
aesthetic problem.

RECEIVED  
FEB 28 2011

*Jeff Fisher*  
Planning

NAME: Scott & Lillian Russell

ADDRESS: 3067 Champions Circle  
San Angelo, TX 76904

SIGNATURE: *Scott Russell* *Lillian Mae Russell*

ZBA17-01: Russell  
property owner number: 9

If you have any questions about these proceedings, please call Mr. Jeff Fisher, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at [jeff.fisher@cosatx.us](mailto:jeff.fisher@cosatx.us).

# Letter of Support

TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 52 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

IN FAVOR

( )

IN OPPOSITION

REASON(S) \_\_\_\_\_

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NAME: Star of San Angelo Prop LLC

ADDRESS: 1151 Kuehnle  
San Angelo, TX 76903

SIGNATURE:

ZBA17-01: Russell  
property owner number: 11

If you have any questions about these proceedings, please call Mr. Jeff Fisher, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at [jeff.fisher@cosatx.us](mailto:jeff.fisher@cosatx.us).

RECEIVED  
MAR 01 2017

# Letter of Support

TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 52 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.



IN FAVOR

( )

IN OPPOSITION

REASON(S) \_\_\_\_\_

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NAME: Southland Hills Inc

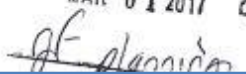
ADDRESS: 1151 Knickerbocker

San Angelo TX 76903

SIGNATURE: 

ZBA17-01: Russell  
property owner number: 13

If you have any questions about these proceedings, please call Mr. Jeff Fisher, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at [jeff.fisher@cosatx.com](mailto:jeff.fisher@cosatx.com).

RECEIVED  
MAR 01 2017  




# Application

City of San Angelo, Texas - Planning Division

## Application for Variance from Zoning Regulations

Name of Applicant(s): Scott Russell Custom Builder, LLC

Owner

Tenant

Representative (Affidavit required)

Mailing Address: PO Box 149 Telephone: 325-277-2605

City/State/Zip: San Angelo, TX 76902 Fax/other: 325-612-5442

Email Address: scottandlillian@suddenlink.net

Subject Property Address and/or Location\*:

3063 Champions Circle  
San Angelo, TX 76904

Legal Description\*:

Lot 5, Blk 45, Southland Hills Addition  
Section 21, San Angelo, Tom Green County, TX 76902

Zoning: Residential - Patio Homes PD 98-02

Specific Description of Request\*:

Need variance because of unintended  
encroachment into front setback and side  
To allow a 6' front yard setback & 9' south side  
setback

\* use attachment, if necessary

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

DS Russell  
Signature

2/1/17  
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.



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: Extra steep curve in cul-de-sac

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

Explanation: Although structure was set back 12' behind set back ~~to~~ point on adjacent structure, it was not enough.

- 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: Would require removal of portion of structure

- 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: will allow sale of property in question to keep good standing of properties in subdivision

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

Explanation: Looking down front of adjacent houses on same street, you cannot even see this house see photos

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

Explanation: This was an unintentional error on our part. Granting variance will allow continued development in subdivision.

OFFICE USE ONLY

Case no.: ZBA 17-01

Date of application: 2/1/2017

Fully-dimensioned site plan:

Nonrefundable fee:

\$250.00

Date paid: 2/1/2017

Date to be heard by ZBA: 3/6/2017

Received by: Jeff Fisher

Receipt Number:

269390

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

# STAFF REPORT



**Meeting:** March 6, 2017

**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

**Case:** ZBA17-02

**Request:** A request for a rehearing by the Zoning Board of Adjustment for a Variance to allow an 18-foot rear yard setback along the rear (east) property line in lieu of 20 feet to support a proposed covered porch for a property located within the Single-Family Residential (RS-1) Zoning District.

**Location:** 1218 Hugo Lane; generally located along the east side of Hugo Lane, between Ricks Drive and 1<sup>st</sup> Atlas Street

**Size:** 0.138 acres

**Legal Description:** Specifically being 0.138 acres in the Paulann West Addition, Section 7, Block 7, Lot 23

**General Information**

Zoning: Single-Family Residence (RS-1)  
Existing Land Use: Single-Family Residence (built 2006)  
Future Land Use: Neighborhood

Surrounding Zoning/Land Use:

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

District: SMD#4 – Lucy Gonzales  
Neighborhood: Paulann Neighborhood

**History and Background:**

On July 11, 2016, the applicants’ received a partial variance approval (ZBA16-09) by the Zoning Board of Adjustment (ZBA) to legalize a 180-square foot family room addition onto their residence. A building permit (Permit No. 15-5112) had been granted earlier in November 2015 in error, allowing the addition to have a 13-foot rear yard setback in lieu of the required 20 feet. At the July 11, 2016, ZBA meeting, a motion to approve the applicants’ second variance for a new covered porch with an 18-foot rear yard setback did not pass. Article 5.02.b of the ZBA By-laws requires at least six members to concur with the request for it to pass and only five members had voted in favor.

Article 8 of the ZBA By-laws allows an applicant to apply for a rehearing on the same request after six months. The applicants’ are now applying again for the same request that was denied earlier: to allow the construction of a 273-square foot rear yard covered porch. The proposed porch would replace an existing smaller porch of 54 square feet. The new porch will be an open concept with wood posts, a shingled roof, and no walls. The purpose of the porch is to provide an outdoor entertainment area shaded from the elements. The applicants’ are presently using two temporary tent structures in the rear yard which do not require

permitting as confirmed by the Building Official. The larger tent towards the south of the lot would have to be removed to facilitate construction of the new porch.

### **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.**

Planning Staff's position remains unchanged from the previous request, and believes a combination of a 56-foot drainage easement behind the property, the minimal setback reduction proposed, and the existing family room being built closer to the rear lot line, all create a unique situation. The applicant could have requested to extend the porch to the edge of the concrete patio, flush with the family room addition and 13 feet from the rear property line. Instead, they are proposing only a minor variance of 2 feet, maintaining an 18-foot rear yard setback instead of 20 feet as required. While Staff believes that the family room permit being issued in error does not constitute a special circumstance in and of itself, a 2-foot reduction in the required setback for the porch would not appear to affect any views of adjacent neighbors. In addition, an open concept porch will allow sunlight to permeate through the structure and through the rear yard, avoiding a shadow effect on neighboring properties.

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

As indicated previously, the existing family room was built 13 feet from the rear lot line pursuant to a permit issued in error. The applicants are seeking a minor reduction in the required rear yard setback for the porch addition – only a 2-foot deviation from the Zoning Ordinance, maintaining an 18-foot rear yard setback.

- 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 enclosed family room was already built with a 13-foot rear yard setback. The applicants' are now seeking a rear yard setback of only 18-feet for an unclosed structure, five feet less than the family room. Staff believes a hardship would be created given the wide discrepancy between the setbacks. Had the applicant

attempted to extend the porch along the same setback as the family addition, Staff would not have supported the request. However, Staff supports the applicant in this case given they have made an attempt to request a lesser setback and maintain view lines from the surrounding neighbors.

**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.**

Planning Staff believe that the applicants' are requesting only the minimum action needed – a two foot encroachment into the required 20-foot rear yard setback. Staff does not believe this request is contrary to the public interest. The request appears practical and minor in nature.

**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 is approved. The family room was already permitted and the proposed porch extension would cover an existing patio area already utilized by the applicants. The porch will be covered, but not enclosed, thereby maintaining visual openness underneath the roof. As indicated above, there is a 56-foot drainage easement separating the applicants' rear yard and the closest lot fronting Henry Lane. From this distance, the improvements would not appear to create any negative visual impacts.

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

The proposed request appears to be generally consistent with the Zoning Ordinance. The extension would still maintain 18 feet from the rear lot line, within 90% of the required rear yard setback of 20 feet. The applicant is not seeking any further variances from the Zoning Ordinance.

**Notification:**

On February 22, 2017, 33 notifications were mailed out within a 200-foot radius of the subject site. As of March 1, 2017, there were zero responses in favor and three in opposition of the request (see attached).

**Staff Recommendation:**

Staff's recommendation is for the Zoning Board of Adjustment to **APPROVE** Case ZBA17-02, to allow an 18-foot rear yard setback along the east property line in lieu of 20 feet to support a proposed covered porch for a property located within the Single-Family Residential (RS-1) Zoning District, **subject to the following three Conditions of Approval:**

1. The applicant is required to obtain a new permit from the Permits and Inspections Division for the covered porch addition.
2. This approval for a reduced rear yard setback shall only apply to the proposed covered porch extension with a maximum square footage of 273 square feet. Any future structures or additions within a required setback shall require a new Variance Application.
3. That any portion of the covered porch situated closer than 20 feet from the rear property line shall be substantially open in character, having a minimum of 7 feet from the finished floor level which is open and unencumbered by any structure, walls, screening, glasswork or ornamental components of any kind, except for necessary vertical supports which shall be no greater than 12 inches in width or diameter, and except on the south side of the porch which may be enclosed by the wall of the existing house.

**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  
Photos  
Resident Letters  
Site Plan - Existing  
Site Plan - Proposed Additions  
Application



**Variance Case File**  
**Case ZBA17-02: DeLaRosa**  
 Council District: Lucy Gonzales (SMD#4)  
 Neighborhood: Paulann  
 Scale: 1" approx. = 50 ft  
 Subject Property: 1218 Hugo Ln

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

Elmo George Hugo Henry Jacie James June Ricks

1st Atlas

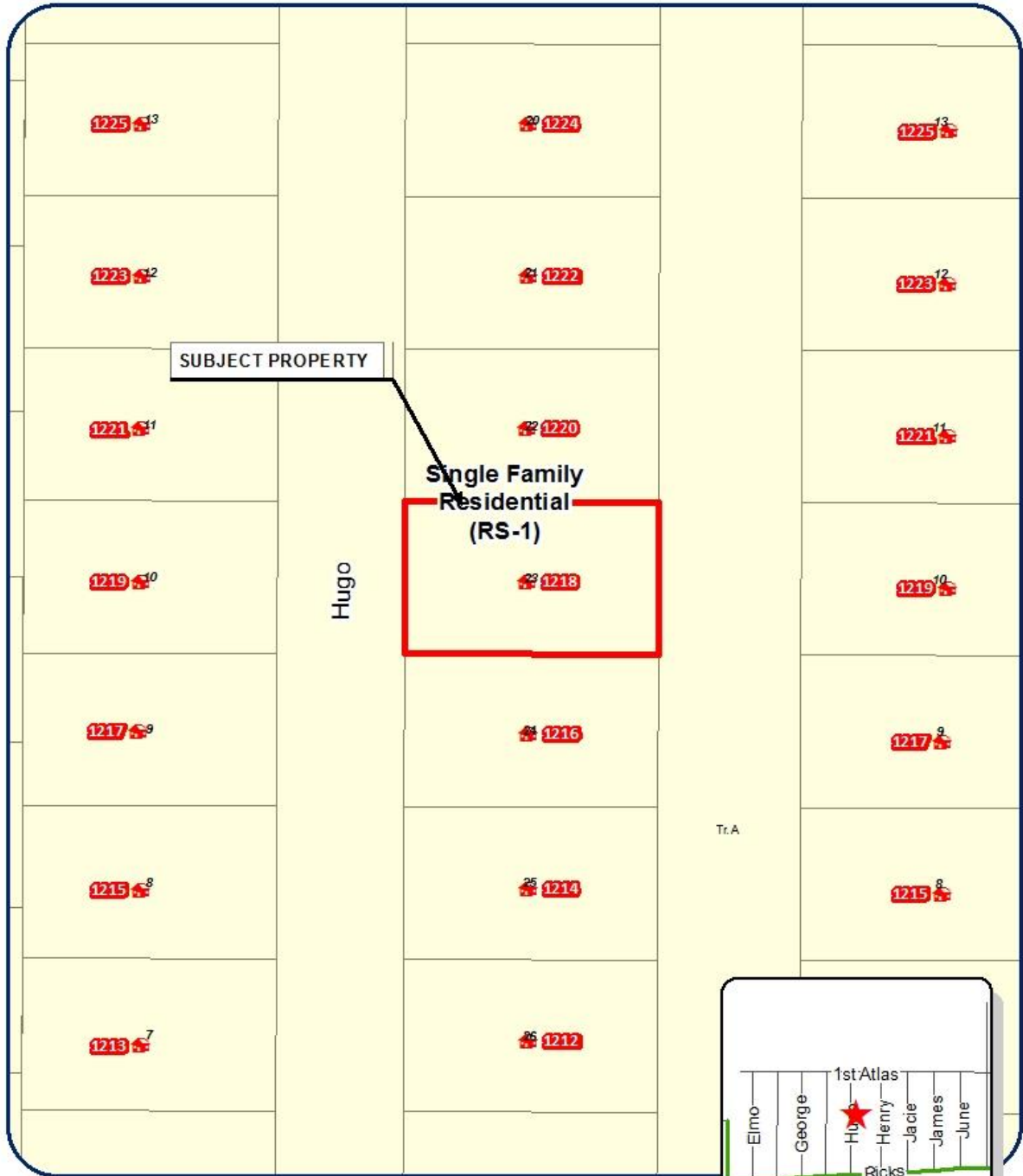
N



**Variance Case File**  
**Case ZBA17-02: DeLaRosa**  
 Council District: Lucy Gonzales (SMD#4)  
 Neighborhood: Paulann  
 Scale: 1" approx. = 50 ft  
 Subject Property: 1218 Hugo Ln

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

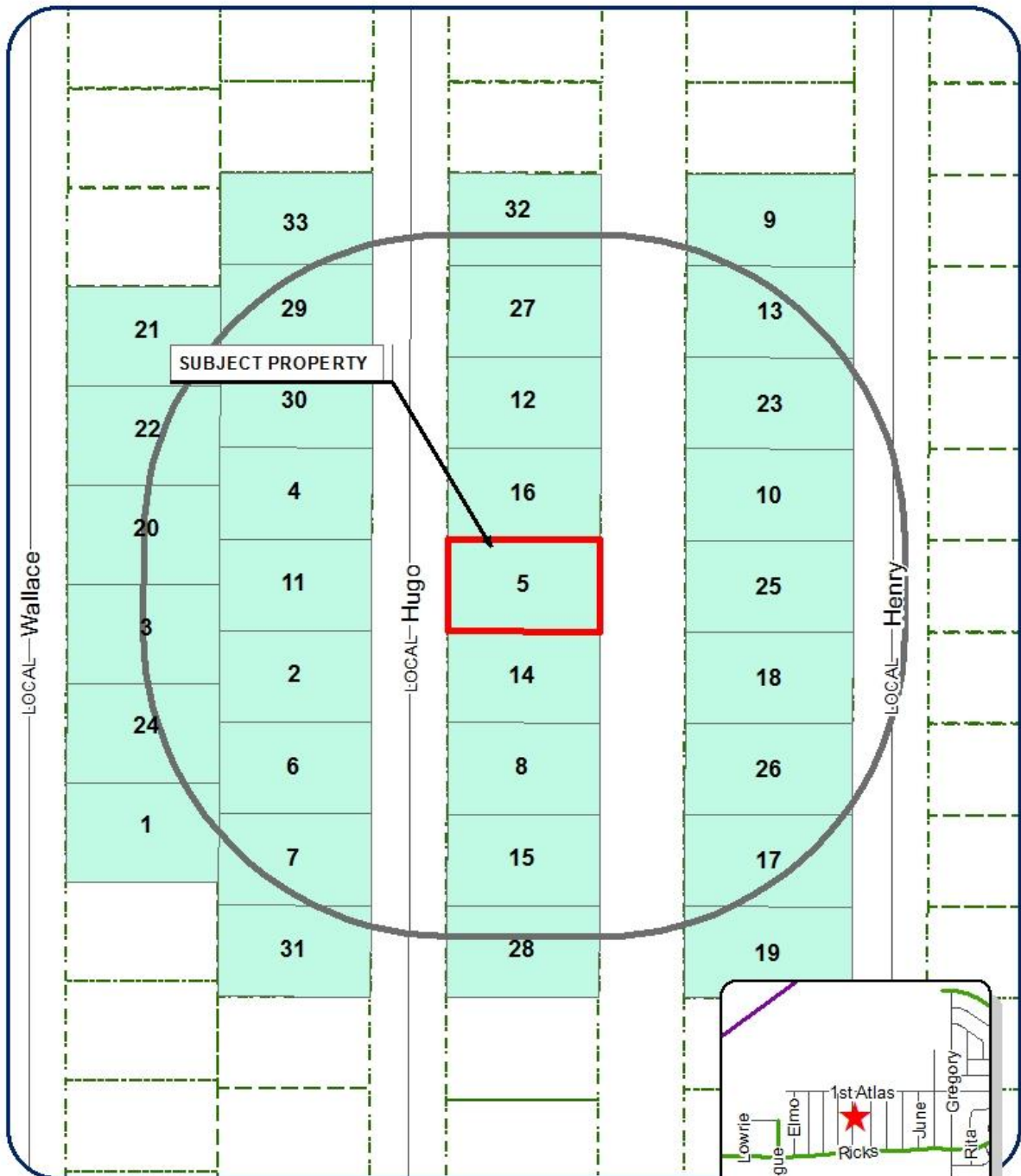
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**Variance Case File**  
**Case ZBA17-02: DeLaRosa**  
 Council District: Lucy Gonzales (SMD#4)  
 Neighborhood: Paulann  
 Scale: 1" approx. = 50 ft  
 Subject Property: 1218 Hugo Ln

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

N



**Variance Case File**

**Case ZBA17-02: DeLaRosa**

Council District: Lucy Gonzales (SMD#4)  
 Neighborhood: Paulann  
 Scale: 1" approx. = 83 ft  
 Subject Property: 1218 Hugo Ln

**Legend**

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





**Photos of Site and Surrounding Area**

**East looking at property**



**South**



**North**



**West**



**Rear yard drainage easement (56 feet wide)**



**Existing porch (to be removed)**

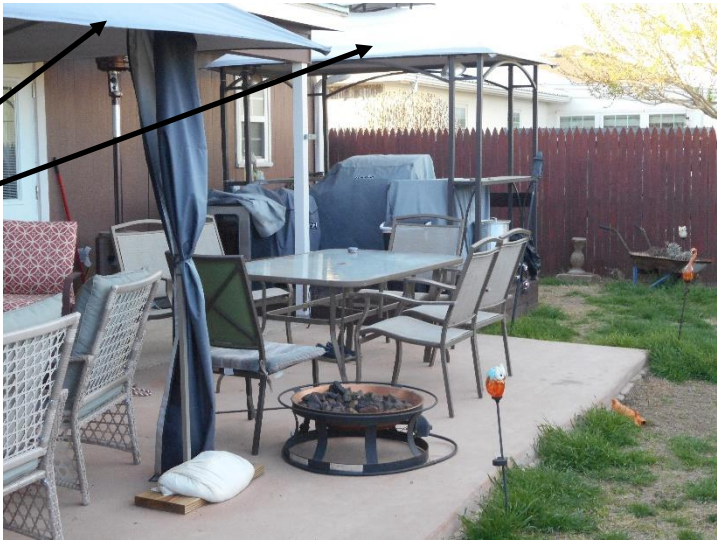


**Photos of Site and Surrounding Area**

**Existing family room (approved by ZBA)**



**Existing temporary tent structures**





TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 52 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

( ) IN FAVOR (X) IN OPPOSITION

REASON(S) Property taxes will increase  
Concern about increased traffic  
and child safety stemming from  
higher volume parties. Increased  
traffic parking blocking driveways,  
which I observed happening to two  
other neighbors. Increased traffic  
resulting in confrontation of which one  
party goer was rude and yelled and  
curse at my daughter in front of  
her 2 year old.

NAME: Christopher A. Hernández

ADDRESS: 1219 Hugo Lane  
San Angelo TX 76905

SIGNATURE: 

ZBA17-02: DeLaRosa  
property owner number: 11

If you have any questions about these proceedings, please call Mr. Jeff Fisher, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at [jeff.fisher@cosatx.utexas.edu](mailto:jeff.fisher@cosatx.utexas.edu)

RECEIVED  
MAR 01 2017

*of planning*

TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 52 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

( ) IN FAVOR

(X) IN OPPOSITION

REASON(S) 1. We have increased traffic because of the many large parties and because Mrs. DeLaRosa works from home. This results in too many strangers in the neighborhood. The traffic and strangers are a threat to our families' safety especially when they drink.  
2. Potential increased property tax valuation by taxing authorities with inability to sell home because buyers, seeing DeLaRosa's massive house, will believe they can have similar addition "only" the DeLaRosa's are allowed to have.

NAME: Lynn M. Thebo

ADDRESS: 1220 Hugo Ln.  
San Angelo, TX 76905

SIGNATURE: Lynn Thebo

ZBA17-02: DeLaRosa  
property owner number: 16

If you have any questions about these proceedings, please call Mr. Jeff Fisher, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at [jeff.fisher@cosatx.us](mailto:jeff.fisher@cosatx.us).

RECEIVED  
MAR 01 2017

Jeff planning

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( ) IN FAVOR (X) IN OPPOSITION

- REASON(S)
1. potential higher taxes
  2. Resale value of home could possibly be lowered
  3. will be harder to sell my home in the future due to this expansion
  4. look of the neighborhood will be diminished
  5. Fear of too many cars and kids playing
  6. Too many people in neighborhood.

NAME: Charles & Kelli Barker

ADDRESS: 1226 Hugo Lane  
San Angelo TX 76905

SIGNATURE: Kelli Barker

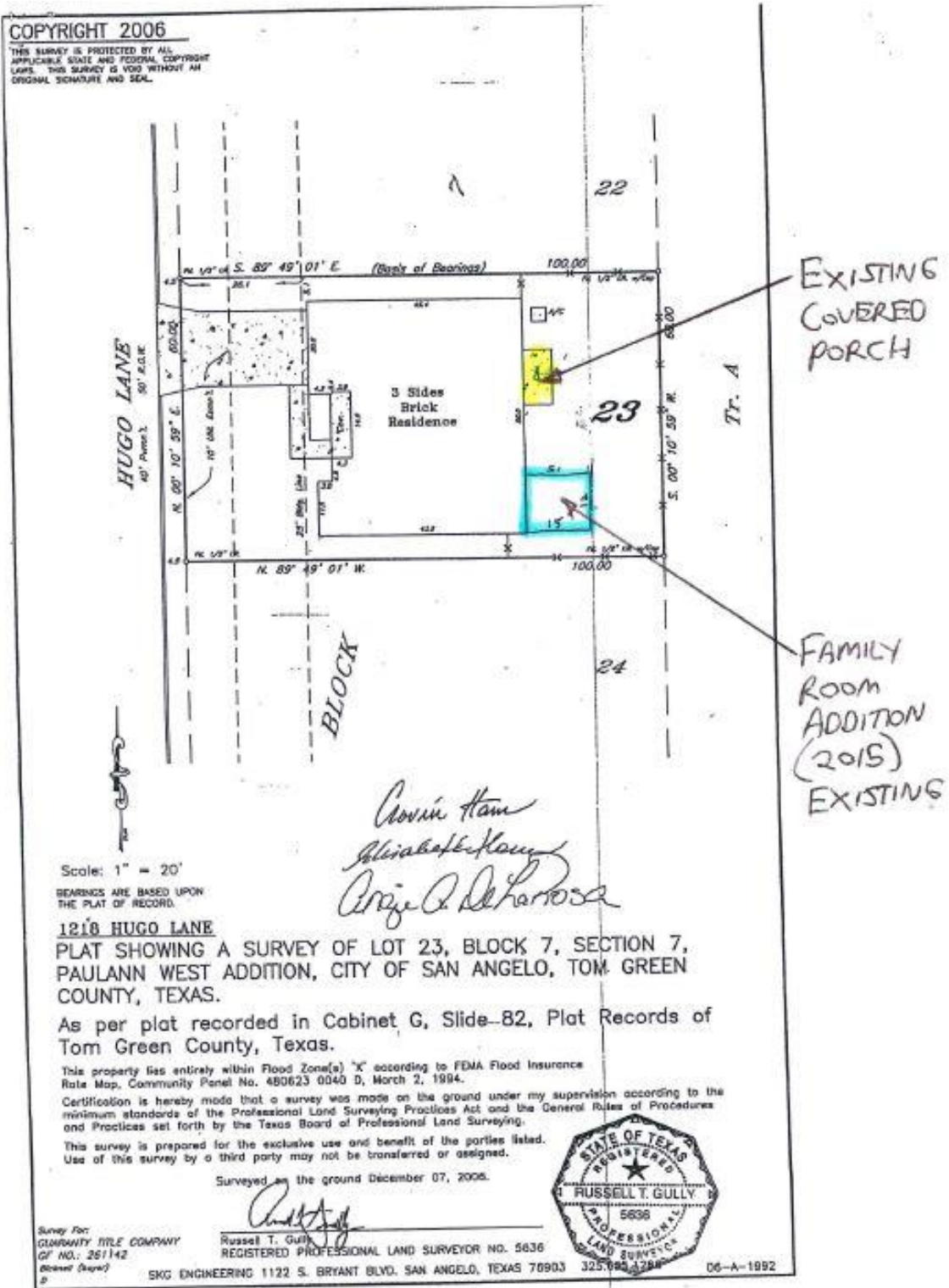
ZBA17-02: DeLaRosa  
property owner number: 32

If you have any questions about these proceedings, please call Mr. Jeff Fisher, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at [jeff.fisher@cosatx.us](mailto:jeff.fisher@cosatx.us).

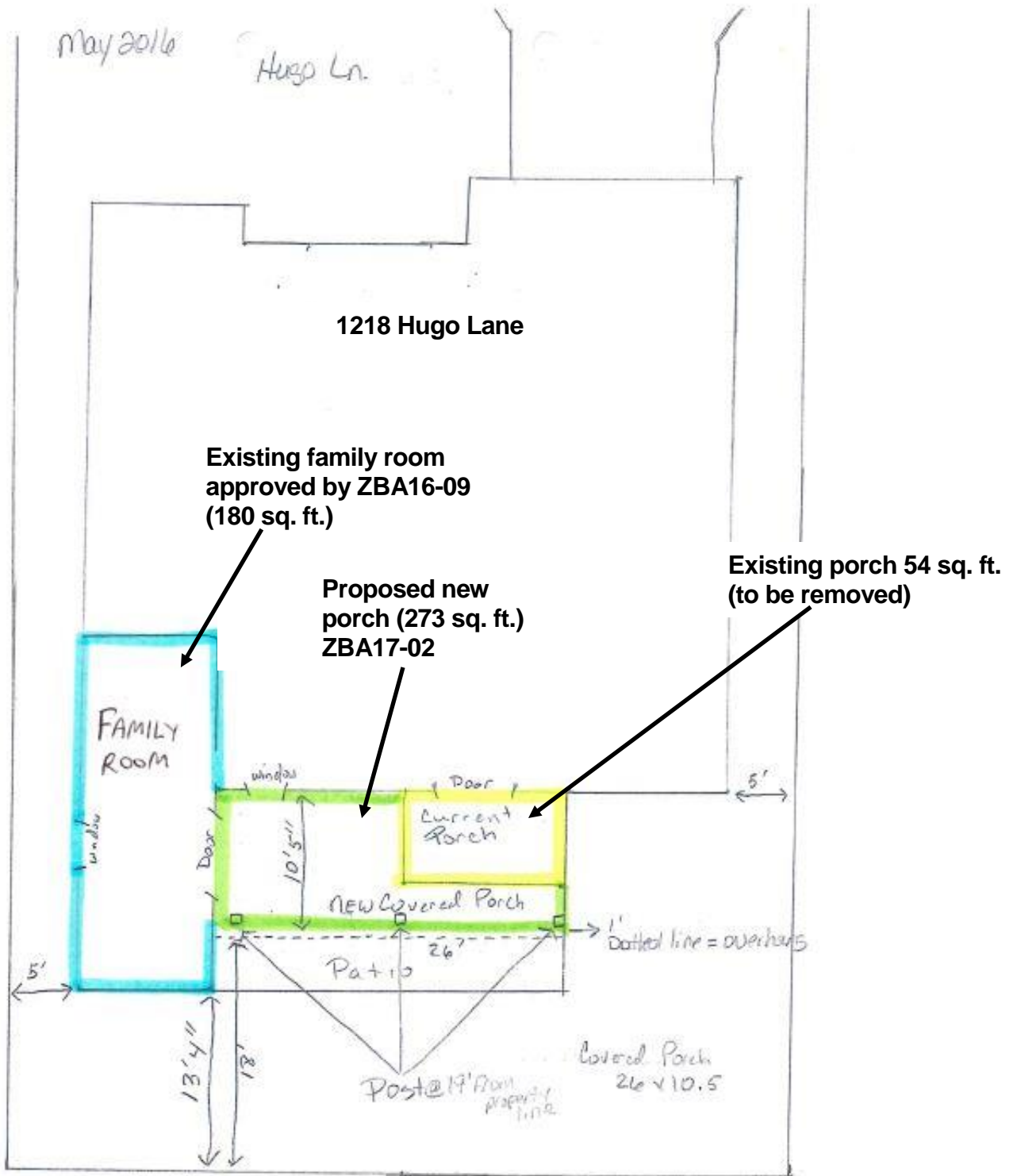
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At planning



# Site Plan - Existing



Site Plan – Proposed Additions



### 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: angelica71467@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\*:  
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

Angie DeLaRosa      2/2/2017  
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 issues a permit to allow for the set back at 13 ft with the expansion that was legalized back in July 2016. There is an existing 56 ft wide gully between us and the next back yard 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: 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 18ft setback (although 13 ft is desired)

- 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 17-02

Date of application: 2/2/2017

Fully-dimensioned site plan:  Nonrefundable fee: \$250.00 Date paid: 2/2/17

Date to be heard by ZBA: 3/6/2017

Received by: Jeff Fisher Receipt Number: 269391

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

SOLA