

STAFF REPORT



Meeting: June 5, 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
Senior Planner

Case: ZBA17-07

Request: Requests for the following: (a) a Variance from Section 511.B of the Zoning Ordinance to allow for four off-street parking spaces in lieu of the required fifteen off-street parking spaces for a religious institution and (b) a Variance from Section 509.A.1.a of the Zoning Ordinance to exempt the requirement for a privacy fence adjacent to a residential district boundary, on a property located within the Single-family Residential (RS-1) Zoning District

Location: 1920 South Johnson Street; generally located approximately 190 feet south of the intersection of South Johnson Street and Vanderverter Avenue

Legal Description: Delmar Place Annex Subdivision, Lots 7, 8, and 9, City of San Angelo, Texas

Size: 0.431 acres

General Information

Future Land Use: Campus/Institutional

Current Zoning: Single-Family Residential (RS-1)

Existing Land Use: “Rams for Christ” Christian Student Campus Center (owned by Johnson Street Church of Christ)

Surrounding Zoning / Land Use:

North:	Single Family Residential (RS-1)	Baptist Student Center
West:	Single Family Residential (RS-1)	Angelo State University
South:	Single Family Residential (RS-1)	Angelo State University
East:	Single Family Residential (RS-1)	Angelo State University

District: SMD #5 – Lane Carter

Neighborhood: ASU – College Hills

Thoroughfares/Streets:

Per the Master Thoroughfare Plan (MTP), South Johnson Street is defined as a “Minor Arterial Street” in the City’s Master Thoroughfare Plan (MTP). Arterial Streets are designed to connect Collector Streets to freeways and other arterials carrying large volumes of traffic at high speeds. Arterial Streets require a minimum right-of-way width of 80 feet and a minimum paving width of 64 feet. South Johnson Street has an existing right-of-way of 64 feet, and an existing paving width of 50 feet, both of which are substandard. However, the lots were previously platted as part of the Delmar Place Annex, and no new improvements are required at this time.

History and Background:

On April 25, 2017, the applicant submitted a request for a zone change (Z17-05) from Single-Family Residential (RS-1) to Office Commercial (CO) to allow an expansion of the existing "Rams for Christ" building on the subject property, a religious institution providing faith-based services to Angelo State University (ASU) students. The proposed expansion would include a new assembly hall, coffee bar and study area, as well as additional lounge seating inside the building. The building was constructed in 1957 has been used by Angelo State University students since that time. The Planning Commission has recommended approval of the zone change, and the item will be heard by City Council at their meeting on June 20, 2017.

At the time of submission, Planning Staff had conveyed to the applicant that while the CO zoning, if approved, would allow the religious facility to expand, there were two deficiencies: First, there are only four parking spaces on the property and the building after expansion at 6,100 square feet would require 15 parking spaces (one space per 400 square feet of gross floor area). Second, the applicant is required to install a 6-foot high opaque privacy fence along the north, east, and south property lines adjacent to a residential zone. The adjacent ASU campus has an underlying zoning of Single-Family Residential (RS-1), and therefore, a privacy fence is required. On May 4, 2017, the applicant submitted this request for a variance from the Zoning Ordinance to allow for a reduction in the required number of parking spaces and an exemption from the requirement to erect a privacy fence. They also attached a letter explaining that the building functions as a student ministry center for ASU students, with all of the patrons being students except for up to two church employees. In their letter, they indicated that students either walk to the property from the adjacent ASU campus, or if driving, park in one of the four parking spaces on-site or on an adjacent ASU lot using their parking pass.

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 applicant believes that there is a special circumstance in that the building will serve nearby ASU students that either live on campus and walk, or that have a parking pass to park in one of the adjacent ASU parking lots. Planning Staff concur with the applicant, given that Rams for Christ provides exclusive services to the

ASU student community located immediately next to the property. The definition of religious institutions in the Zoning Ordinance, which “primarily provide meeting areas for religious worship and education” typically relate to private facilities where the majority of patrons drive from distant locations and where most of the patrons are not connected to a student university organization. In this case, the land use is student driven and the patrons are students themselves who presumably already park or walk from the adjacent campus. As long as this relationship is maintained, Staff is confident that adequate parking will be provided, as students already attending and parking at ASU can easily access the site, avoiding any spillover parking onto neighboring streets or commercial properties. Staff were concerned initially because the applicant indicated that the building, after the new assembly hall expansion, could accommodate up to 149 patrons. While this number of occupants would still require 15 parking spaces under the Zoning Ordinance for religious institutions, there was a concern that if many of the occupants were not ASU students and could not park at the ASU lots, there would be a potential spillover of parking onto adjacent streets and properties. As indicated, the applicant has assured staff in their letter that the patrons utilizing the facility will be ASU students and no more than two church employees. As a condition of approval, Staff recommends that the reduced parking only apply if the property remains a student organization servicing predominantly ASU students. This will ensure that reduced parking only applies to this special circumstance.

The property is surrounded by the ASU campus. Staff noted during our site visit several students utilizing the paved paths and internal sidewalks to cut through this property to access adjacent campus buildings. Therefore, Staff believes there is a special circumstance for not having to install a privacy fence. A privacy fence would likely impede a clear connection for students who utilize the sidewalk system to walk from other buildings on campus to the Rams for Christ facility.

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

The applicant indicates that they did not establish the development of the ASU campus or the zoning around their property, and therefore, should receive a variance from the parking requirement. Their letter indicated that the ministry on site has serviced ASU students since 1965, beginning with Bible study, college credit classes, and later Rams for Christ. Staff agrees with the applicant – the current RS-1 zoning had allowed religious institutions by right prior to 2000 and both Rams for Christ and the adjacent ASU campus had already been established. The current situation would not change with an expanded facility. The same students already park on the adjacent ASU lots. Although the new assembly hall is anticipated to generate more patrons to the site, it is assumed that these patrons already attend ASU. So long as a condition of approval is incorporated ensuring that the majority of patrons continue to be part of the ASU student body, Staff is satisfied that the parking needs will continue to be met.

The subject building has existed since 1957 within the ASU campus, and therefore, has always been part of the university community. Its immediate proximity and connectivity to the campus would also warrant a full variance from the privacy fence requirement.

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 believes an unnecessary hardship would ensue if the applicant had to obtain additional required parking. Planning Staff recognizes that there is insufficient space on the property for new parking after expansion, and that all the adjacent land is either occupied by ASU or commercial properties already built-out as well. Granting a variance from the 15 required parking spaces in this case appears to be appropriate presuming that the patrons are students and already park at the adjacent ASU lots.

Staff also concurs with the applicant that requiring a privacy fence would be a detrimental to connectivity between the campus and the Rams for Christ property as the existing sidewalk and trail network would be blocked by a 6-foot high fence.

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.

Staff is in agreement with the applicant that the variance would not be contrary to the public interest, so long as the property continues to be used by Rams for Christ, or another student organization affiliated with ASU. Staff is confident that this criteria will be met, provided that the above mentioned condition of approval is adopted, which would ensure that any reduction in parking is only allowed for a student organization related to the surrounding ASU campus.

Approval of a variance from the required privacy fence would be the minimum action required and further the public interest, allowing students to cross through as they do now from nearby ASU buildings to the Rams for Christ property.

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

Planning Staff believes a reduction in parking would not adversely affect adjacent land, so long as the property remains as a student organization servicing the surrounding ASU community. The above stated condition of approval should ensure that adequate parking is provided. If the property is ever sold or used for

activities unrelated to ASU, the variance would no longer apply, and any future applicant would have to ensure an adequate parking arrangement.

Not requiring a privacy fence would maintain continuity to the ASU campus, thereby creating a positive benefit for ASU Students and Rams for Christ.

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

Planning Staff believes a variance from the required parking standard in this case is consistent with the intent and purpose of the Zoning Ordinance. The purpose statements in Section 104 of the Zoning Ordinance indicate that the Ordinance is “adopted for the purpose of promoting the health, safety, and general welfare of the citizens of San Angelo” and to “promote the beneficial and appropriate development of all land and the most desirable use of land in accordance with a well-considered plan.” Given that the facility services presumably only the adjacent ASU student community which already has adequate parking, Staff believe that this is an appropriate development of land. Further, Staff further believes this is the most appropriate use of land given the ongoing relationship between ASU and Rams for Christ, which services the ASU community.

Staff further believes that an exemption from a privacy fence in this case is generally consistent with the Zoning Ordinance as both uses are institutional in nature, and at present, both serve the ASU community.

Notification:

On May 25, 2017, four notifications were mailed out within a 200-foot radius of the subject site. As of June 1, 2017, there were zero responses in favor and zero in opposition of the request.

Staff Recommendation:

Staff’s recommendation for Case ZBA17-07 is for the Zoning Board of Adjustment to **APPROVE** a Variance from Section 511.B. of the Zoning Ordinance to allow for four off-street parking spaces in lieu of the required fifteen off-street parking spaces for a religious institution and a Variance from Section 509.A.1.a. of the Zoning Ordinance to exempt the requirement for a privacy fence adjacent to a residential district boundary, on property located within the Single-family Residential (RS-1) Zoning District, **subject to the following three Conditions of Approval:**

1. The applicant shall obtain a permit from the Permits and Inspections Division for the proposed building expansion.

2. The variance approvals are conditional on the associated Rezoning (Z17-05) to Office Commercial (CO) on the property being approved by City Council. Additionally, building permit(s) shall not be issued until this condition has been satisfied.
3. The variance to allow four parking spaces is conditional on the subject property being used as a student organization primarily serving Angelo State University students.

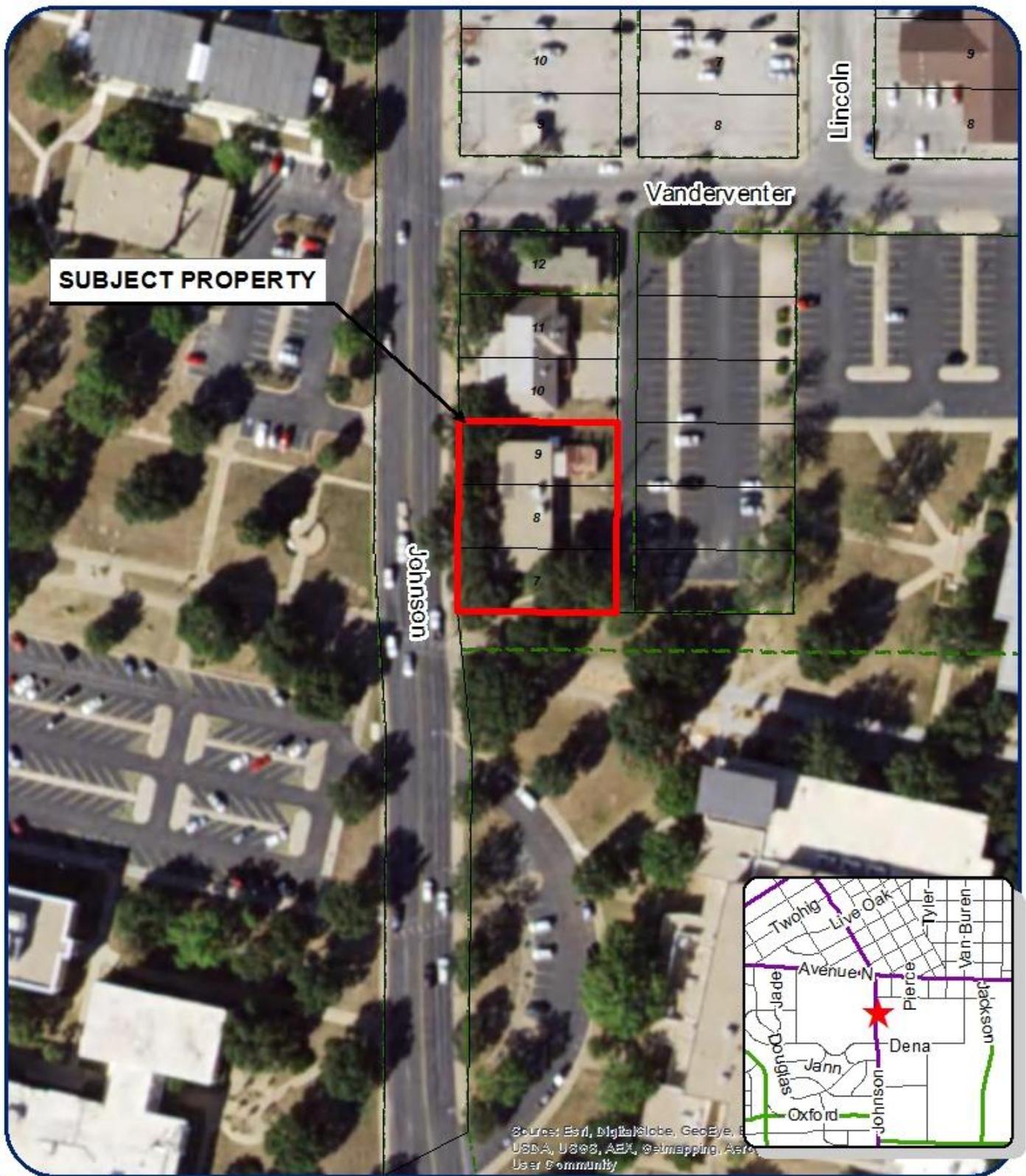
Effect of Variance:

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
Photos of Site and Surrounding Area
Current Site Plan
Proposed Expansion
Letter of Intent
Application



SUBJECT PROPERTY

Variance Case File

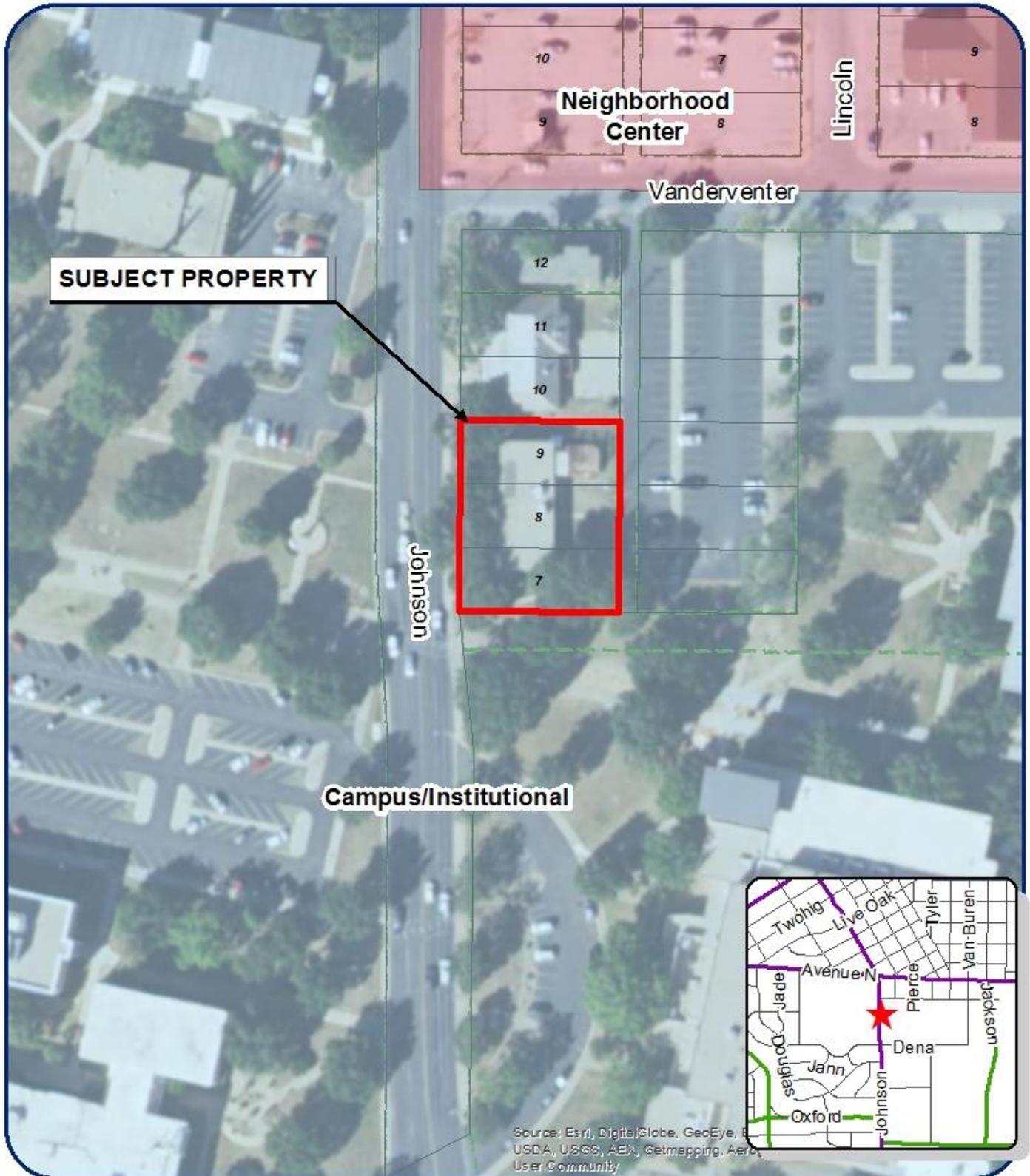
ZBA17-07: Johnson Church of Christ

Council District: Lane Carter (SMD #5)
 Neighborhood: ASU - College Hills
 Scale: 1" approx. = 100 ft
 Subject Property: 1920 Johnson Street

Legend

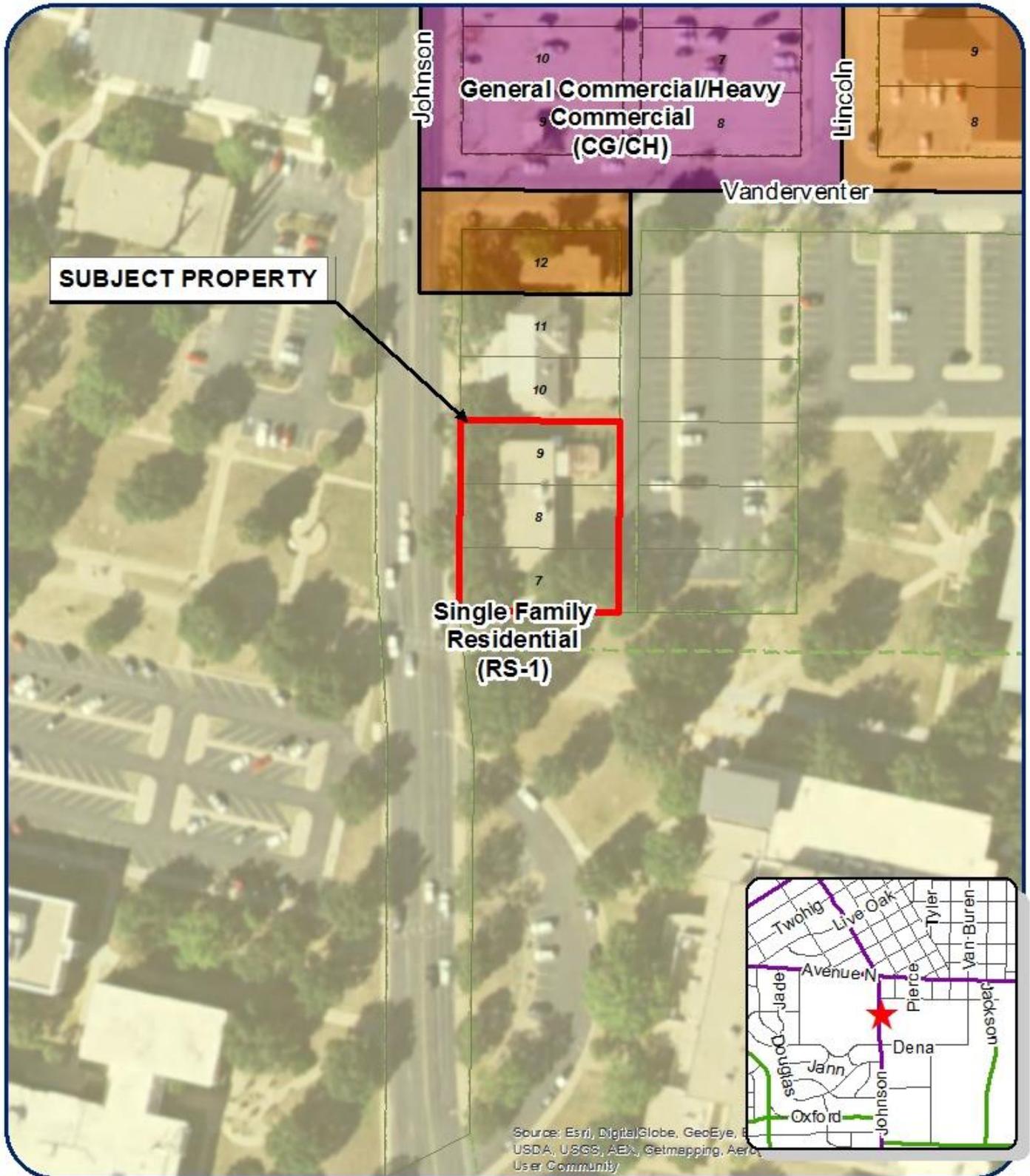
- Subject Properties: █
- Current Zoning: **RS 1**
- Requested Zoning Change: **N/A**
- Vision: **Campus/Institutional**



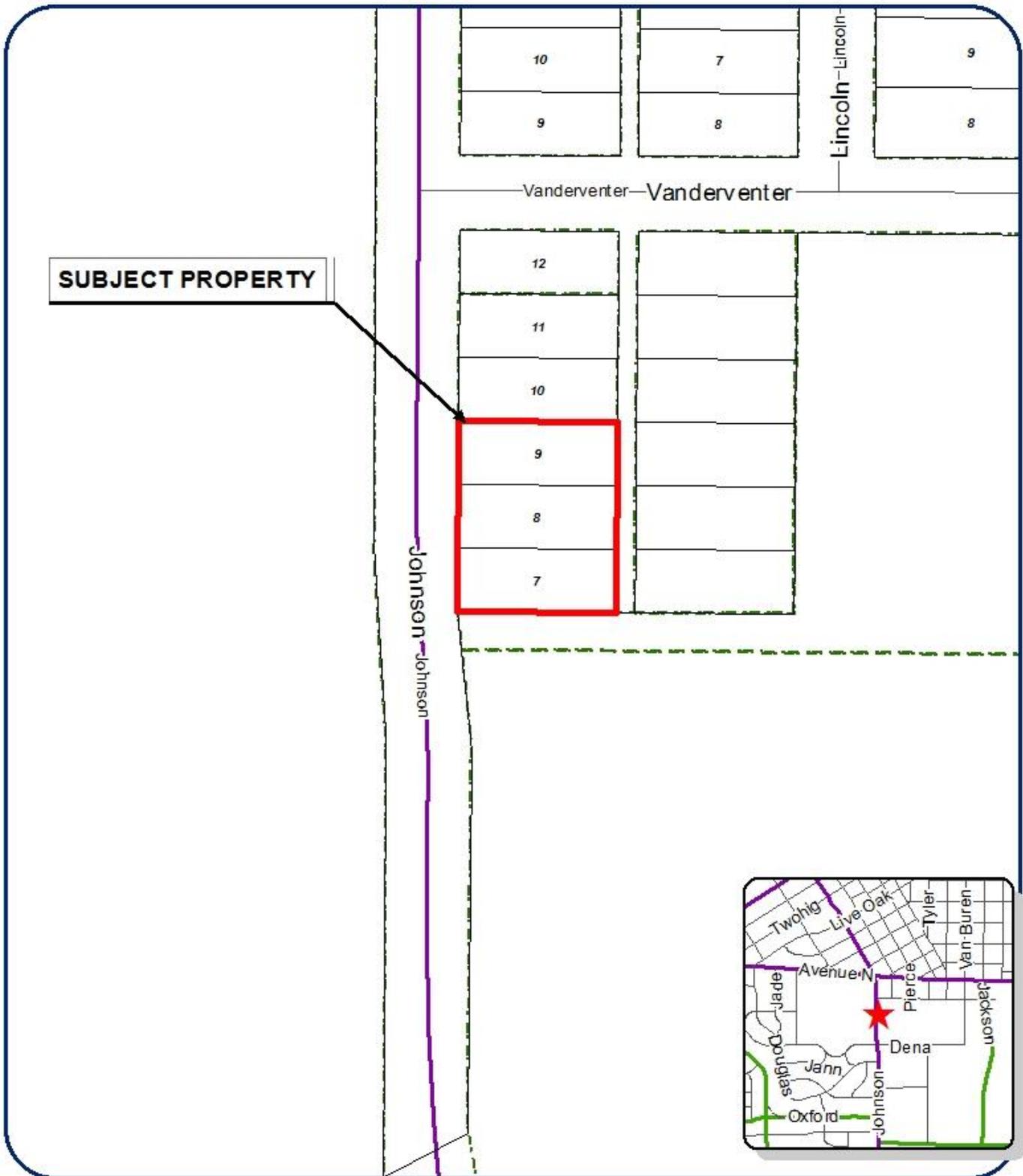


Source: Esri, DigitalGlobe, GeoEye, Earthstar (United States), USDA, USGS, Aero, Getmapping, AerD, User Community

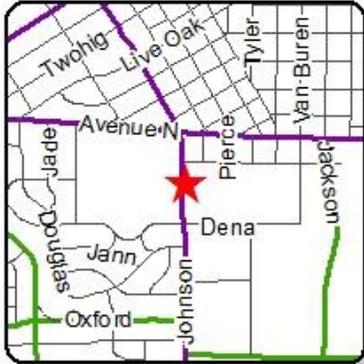
Variance Case File		Legend		
ZBA17-07: Johnson Church of Christ		Subject Properties:	Current Zoning: RS 1	
Council District: Lane Carter (SMD #5)		Requested Zoning Change: N/A	Vision: Campus/Institutional	
Neighborhood: ASU - College Hills				
Scale: 1" approx. = 100 ft				
Subject Property: 1920 Johnson Street				



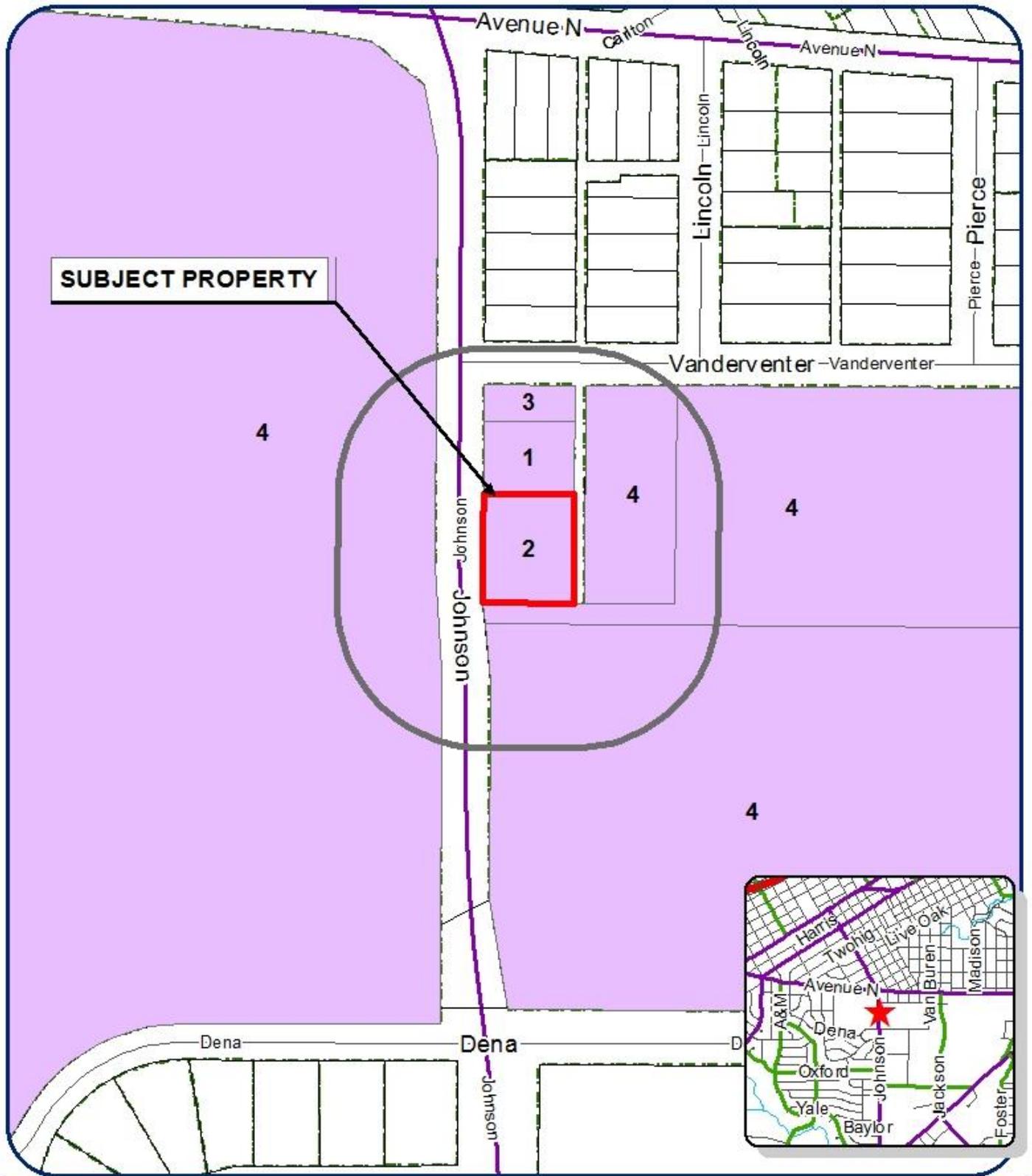
Variance Case File	Legend	
ZBA17-07: Johnson Church of Christ	Subject Properties: Current Zoning: RS 1 Requested Zoning Change: N/A Vision: Campus/Institutional	
Council District: Lane Carter (SMD #5) Neighborhood: ASU - College Hills Scale: 1" approx. = 100 ft Subject Property: 1920 Johnson Street		



SUBJECT PROPERTY



Variance Case File		Legend			
ZBA17-07: Johnson Church of Christ		Subject Properties: 	Current Zoning: RS 1		
Council District: Lane Carter (SMD #5)		Requested Zoning Change: N/A		Vision: Campus/Institutional	
Neighborhood: ASU - College Hills					
Scale: 1" approx. = 100 ft					
Subject Property: 1920 Johnson Street					



Variance Case File

ZBA17-07: Johnson Church of Christ

Council District: Lane Carter (SMD #5)

Neighborhood: ASU - College Hills

Scale: 1" approx. = 175 ft

Subject Property: 1920 Johnson Street

Legend

Subject Properties: 

Current Zoning: **RS 1**

Requested Zoning Change: **N/A**

Vision: **Campus/Institutional**



Photos of Site and Surrounding Area

West



North



South



East at Subject Building (front)



Photos of Site and Surrounding Area

Rear of Building (4 existing parking spaces)



Rear of Building (future expansion area)



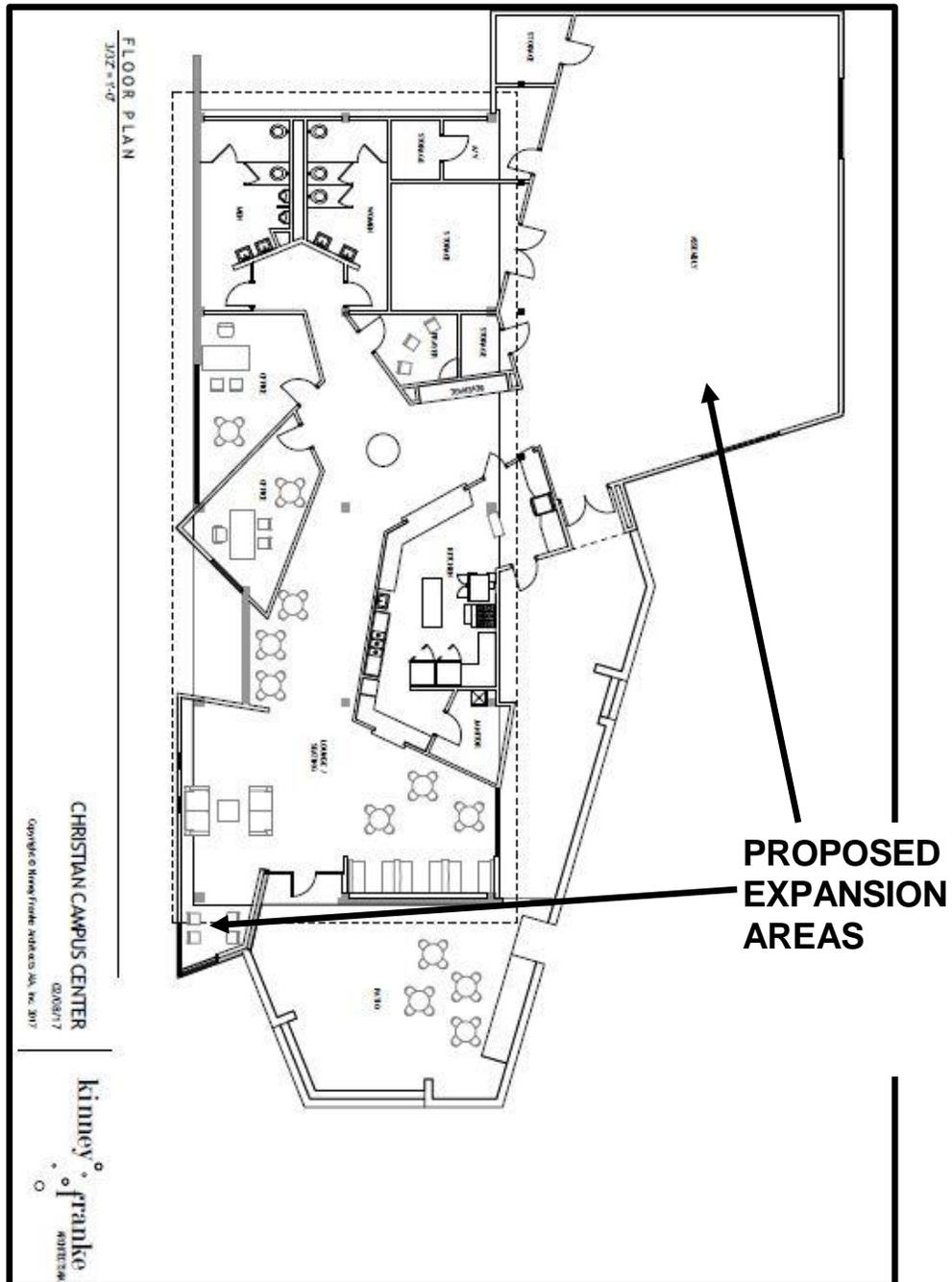
Rear of Building (adjacent ASU parking)



Rear of Building (adjacent ASU campus)



PROPOSED EXPANSION





April 13, 2017

To Whom It May Concern:

The Rams for Christ, a campus ministry of the Johnson St. Church of Christ, is applying for a zone change. Our ministry began as a small classroom building to teach a Bible course each semester on the Angelo State University campus for credit, so students utilized it and accessed it in the midst of their daily class schedules. In the late 1980s, early 1990s we lost the opportunity to teach classes for credit, so we function as a student ministry center to serve students on campus, offering pastoral guidance, Bible study, and serving as sort of a pit stop in the midst of their day. It is a great place to meet others, relax, and recharge, which offers something very unique to campus life.

One topic of consideration for this change is the amount of parking as it relates to our needs and usage. The building has 2 offices currently which will hopefully be updated, and expanded minimally. We have functioned with one or two employees (usually two) since 1965, and do not plan to add employees or other offices, since we utilize student leaders for many of our efforts. The 5 parking spaces we possess have been sufficient for our staff to park, and sometimes our Rams for Christ students park in the remaining three spots. When those are taken, students park close by in their ASU student permit parking areas.

One of the greatest aspects of our ministry is its location! Our building at 1920 Johnson St. is surrounded by Angelo State University property to the West, South, and East. We are immediately in the flow of pedestrians on those three sides, and even have students walk on the north side between our building and that of our neighboring ministry. Our parking arrangement has been effective the past 50+ years because of its accessibility to students on foot. So whether most students continue to walk in right off of the mall walk, or they drive and park adjacent to us where students constantly park to access the ASU CHP (Center for Human Performance), we are sure the current parking spaces will sufficiently, conveniently, and safely serve our needs.

Thank you for your time and attention to help us in this process!

Sincerely,

Doug Johnson

Director, Rams for Christ

College Minister, Johnson Street Church of Christ

325.944.2559



City of San Angelo, Texas – Planning Division
52 West College Ave
Application for Variance from Zoning Regulations



Section 1: Basic Information

Name of Applicant(s): Johnson Street Church of Christ

Owner Representative (Notarized Affidavit Required)

2200 Johnson Ave San Angelo Texas 76903
Mailing Address City State Zip Code

325-949-3701 djcruciform10@gmail.com
Contact Phone Number Contact E-mail Address

1920 Johnson Ave San Angelo Texas 76903
Subject Property Address and Location City State Zip Code

Lot: 7 THRU 9, Blk: 23, Subd: DELMAR ANNEX

Legal Description (can be found on property tax statement or at www.tamugreencad.com)

Zoning District:
 CN CO CG CH CG/CH CBD OW ML MHS MHP PD
 RS-1 RS-2 RS-3 RM-1 RM-2 R&E

(Zoning Map available on [City Maps](#))

Section 2: Variance Request(s)

List each variance request separately:

1. Zoning Ordinance section: Section 511
Describe variance: Variance from required parking to provide four total off-street parking spaces
2. Zoning Ordinance section: Section 509
Describe variance: Variance from fence along a residential district boundary
3. Zoning Ordinance section: _____
Describe variance: _____
4. Zoning Ordinance section: _____
Describe variance: _____

Section 3: Variance Request Criteria

I assert that my request for variance meets all of the required criteria based on my explanation(s) below:

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;

Explanation: The subject property is surrounded on three sides for Angelo State University which is in an RS-1 zoning district and a use similar to the use on the subject property on the other side. The use on the subject property is to serve students of ASU. These student either live on campus or have a parking pass to park in ASU designated parking spaces on campus.

Section 3 continued: Variance Request Criteria

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

Explanation: The applicant did not establish ASU, nor the zoning around their property.

3. 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: To require a fence would be a detriment to the flow and campus concept that is currently enjoyed at this location.

Given that the use of the property is to support ASU students who either live on campus or have parking permits to require parking for said students would result in an unnecessary and undue hardship.

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 the Zoning Ordinance and substantial justice;

Explanation: To approve both variance request is not contrary to public interest and will make it possible to use the structure in a way to serves the public interest and and would carry out the spirit of the zoning ordinance.

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

Explanation: Given that the use of the structure is to support the activities of the adjacent land, the granting of the variance will not adversely affect the adjacent land in a material way.

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

Explanation: As this area is functioning as a campus/institutional purpose and will continue to do so with the granting of these variance request will be generally consistent with the purposes and intent of the zoning ordinance.

Section 4: Applicant(s) Acknowledgement

Please initial the following:

- AP I/we understand that the Zoning Board of Adjustment (ZBA) 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;
- AP I/we understand that any variation(s) authorized by the ZBA will require me/us to obtain a building permit for that stated variation within twelve (12) months of the approval date by the ZBA, unless the ZBA has specifically granted a longer period;
- AP I/we understand that all drawings, pictures, documents or other information used during your testimony to the ZBA must be kept in the permanent files of the Planning Division; and
- AP I/we understand that any appeal of a decision made by the ZBA must be presented to a court of record with a verified petition stating that the decision of the ZBA 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/We the undersigned acknowledge that the information provided above is true and correct.

Allen L. Price, Pres. 5-1-17
 Signature of licensee or authorized representative Date

Allen L. Price, President
 Printed name of licensee or authorized representative

Johnson Street Church of Christ
 Name of business/Entity of representative

FOR OFFICE USE ONLY:

Reviewed/Accepted by: Jeff Fisher Date: 5, 4, 17

Case No.: ZBA: 17-07 ZBA Hearing Date: 6, 5, 17

Fully-Dimensioned and scaled Site Plan: Yes No Date of Application: 5, 4, 17

Non-Refundable Fee: \$ 250.00 Receipt #: 269440 Date paid: 5, 4, 17

Ordinance section(s) from which variance(s) is/are requested: 509, 511

MEMO

**Meeting**

Date: June 5, 2017

To: Zoning Board of Adjustment

From: Jon C. James, AICP
Director

Request: Recommendation for a Text Amendment to the City of San Angelo Code of Ordinances, Chapter 4 – Building & Construction – Concrete and Foundation Construction, Section 4.04.035 (new subsection d.)

Background:

The Zoning Ordinance provides for required building setbacks for any structure erected within the City limits. For residential developments, these setbacks are, in the Single Family Residential (RS-1) Zoning District, 25 feet in the front, 20 feet in the rear, and 5 feet in the sides. Since the beginning of 2014, Planning Staff has received 10 instances of single-family homes built inconsistent with these required minimum setbacks: particularly the 25-foot front setback.

During previous Zoning Board of Adjustment meetings, Staff has brought the issue forward for discussion hoping to gain direction from the Board as to how to address this matter. In late 2016, the Board instructed Staff that no changes were needed and that further instances of homes being built over the setback lines would continue to be addressed on a case-by-case basis by the Board. The Board indicated, however, that decisions on these matters would be weighed more carefully.

In early 2017, Staff received another case of a builder who had inadvertently built a home inconsistent with the 25-foot front setback. The case was discussed thoroughly, and a variance was granted to the builder.

Afterwards, the Board asked Staff to revisit this issue and come up with solutions to assure that these measurement mistakes were caught prior to the pouring of concrete for the homes' foundation.

Planning, Building, and Engineering Staff have comprehensively researched the matter, and have established criteria that will alleviate, to a great extent, any of the dimensional inaccuracies that have led to these homes being incorrectly situated. They are as follows:

For rectilinear lots, no additional steps are needed. This is because most property pins are seemingly easy to locate, stake out, and measure from. Lots that are on cul-de-sacs will be required to provide a survey, more specifically called a Form Survey, to the Building and Permits Division prior to a foundation being poured for a residence. In lieu of a Form Survey, a document may be provided, that is signed/sealed by a licensed surveyor or engineer, certifying that the foundation is located outside of the required setbacks. For lots that are curved, a table shall be utilized which will delineate if a Form Survey (or signed/sealed document) is required or if the lot need only to be staked out according to the property pins, with string pulled delineating where the property lines and setback lines are. The table establishes a boundary which would allow for an offset of a maximum of 6-7 inches. In this manner, the resulting construction should allow for a home to be built with little-to-no discrepancies. If there are any discrepancies, they may be resolved administratively without a Variance.

Below is the proposed table (i.e. if a Form Survey is needed or not):

		curve radius						
		50'	400'	500'	800'	1000'	2000'	3000'
Lot width	40'	yes	no	no	no	no	no	no
	50'	yes	yes	yes	no	no	no	no
	60'	yes	yes	yes	yes	no	no	no
	70'	yes	yes	yes	yes	no	no	no
	80'	yes	yes	yes	yes	yes	no	no
	90'	yes	yes	yes	yes	yes	no	no
	100'	yes	yes	yes	yes	yes	no	no
	120'	yes	yes	yes	yes	yes	yes	no
	140'	yes	yes	yes	yes	yes	yes	yes

It is Staff's intent to bring the proposed Text Amendment to City Council for their review as early as June 20, 2017. As part of this request, Staff wishes to forward the recommendation of the Zoning Board of Adjustment on this matter. Staff will also be soliciting comments from the Home Builders Association for their input on the proposed amendment.