

ZONING BOARD OF ADJUSTMENT – July 10, 2017
STAFF REPORT



APPLICATION TYPE:	CASE:
Variance	ZBA17-05: Cervantes

SYNOPSIS:
 The applicants received a Certificate of Occupancy on April 13, 2017, for their new single-detached dwelling on the property (Permit No. 16-00003193). The original plans submitted with the permit delineated compliance with all required setbacks in the Single-Family Residential (RS-1) Zoning District, including a 25-foot front yard setback. It was later discovered that the dwelling was built only 16'-3" from the front property line and that a Variance from the Zoning Board of Adjustment was required. The applicant's agent indicated that the builder measured the required setback in error from the curb instead of the property line, reducing the required front setback by an additional 9 feet. This Variance request ZBA17-05 was subsequently submitted in order to legalize the dwelling's deficient setback, allowing for a 16-foot front yard setback in lieu of the required 25 feet.

LOCATION:	LEGAL DESCRIPTION:
1825 Magnolia Street; generally located at the southwest corner of Magnolia Street and Lowrie Avenue	Being Lots 1 and 2 in Block 8, Avondale Addition

SM DISTRICT / NEIGHBORHOOD:	ZONING:	FLU:	SIZE:
SMD District #4 – Lucy Gonzales Paulann Neighborhood	RS-1 – Single-Family Residential	N – Neighborhood	0.164 acres

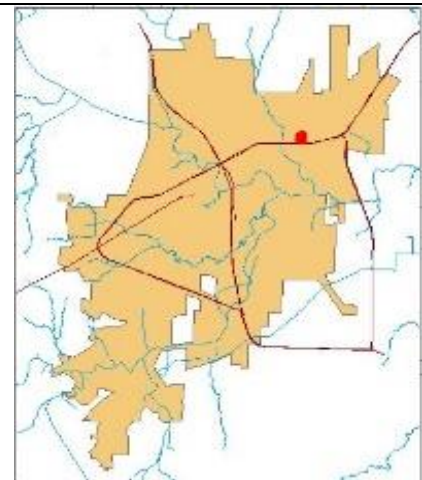
THOROUGHFARE PLAN:
Magnolia Street – Urban Local Street
 Required: 50' right-of-way, 40' pavement or 36' pavement with a 4-foot-wide sidewalk
 Provided: 50' right-of-way, 30' pavement with no sidewalk (lots already platted, complied with standards at that time)
Lowrie Avenue – Urban Local Street
 Required: 50' right-of-way, 40' pavement or 36' pavement with a 4-foot-wide sidewalk
 Provided: 50' right-of-way, 30' pavement with no sidewalk (lots already platted, complied with standards at that time)

NOTIFICATIONS:
 10 notifications mailed within 200-foot radius on June 23, 2017. One received in support from the property owners, none in opposition.

STAFF RECOMMENDATION:
 Staff recommends that the Zoning Board of Adjustment **DENY** the Variance from Section 501.A of the Zoning Ordinance to allow for a 16-foot front yard setback in lieu of 25 feet for a single-family dwelling within the Single-Family Residential (RS-1) Zoning District, on the subject property. However, should the Board wish to approve the request, staff recommends **two Conditions of Approval**.

PROPERTY OWNER/PETITIONER:
Property Owners:
 Baltazar Cervantes and Irma Sanchez
Agent:
 Ms. Selly Cervantes

STAFF CONTACT:
 Jeff Fisher,
 Senior Planner
 (325) 657-4210, Extension 1550
jeff.fisher@cosatx.us



Variationes: 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 indicates there is a fire hydrant and hydro pole within the front right-of-way, and that other properties along Magnolia Street have deficient front yard setbacks as well. Planning Staff does not believe these factors in and of themselves are special circumstances. The hydro pole and fire hydrant appear to be within the public right-of-way which would not have prevented the home from being erected outside of the required 25-foot front yard setback. In addition, none of the properties along either side of Magnolia Street within this block received front yard variances. Those homes with deficient setbacks would either be legal non-conforming, erected prior to the original 1954 Zoning Ordinance for this area, or non-conforming, erected without proper permits. Regardless of the applicant's unintended error, and other deficient setbacks along this street, Staff maintains its recommendation of denial, similar to previous cases, ZBA15-24, ZBA15-26, and ZBA17-01, as the applicant has not demonstrated a special circumstance peculiar to this land or structure.
2. **These special circumstances are not the result of the actions of the applicant.** The applicant indicates the lot was purchased this way. However, the applicants did create the circumstance as they built a home with a 16-foot front yard setback, 9 feet less than required. Despite the unfortunate situation the applicants' now find themselves in – with portions of the dwelling and attached garage within the required front yard setback – Staff cannot support a variance that may set a precedent for future variances from the required setbacks.
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.** Requiring the applicant to comply with the front yard setback would be consistent with any single-family residence in the RS-1 Zoning District. While denial of this variance would no doubt create a hardship for the applicant, the hardship was self-created and was therefore, not an undue or inappropriate 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 this Zoning Ordinance and substantial justice.** Planning Staff do not believe that a 9-foot reduction in the required front yard setback is minor. This is a substantial reduction in the required front yard setback. While Staff understands the applicant created an honest error, the Division must be consistent with past recommendations, including ZBA17-01, in which staff recommended denial of a front yard setback of 6 feet. Although this case was eventually approved by the ZBA, Staff was concerned about creating a negative precedent for future construction that did not meet the required front yard setbacks.
5. **Granting the variance will not adversely affect adjacent land in a material way.** Planning Staff believes that granting this variance will adversely affect neighboring properties, creating an irregular street pattern and reducing consistent in sight lines along Magnolia Street. Although there are some homes along this street with deficient front yard setbacks, likely due to existing legal non-conformities, this is not an adequate to reason to allow further deficient setbacks along this street.

6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.** Planning Staff do not believe that allowing a 9-foot encroachment into the required front yard setback is generally consistent with the Zoning Ordinance which requires a 25-foot front yard setback for single-family dwellings. New single-family dwellings in the RS-1 require the 25-foot setback to ensure a consistent streetscape, adequate front yard space, and adequate sight lines to reduce potential accidents. This is further reiterated in the purpose statements of Section 104 of the Zoning Ordinance which calls to “protect the character and the established pattern of desirable development in each area.”

Potential New Construction Requirements to Eliminate Measurement Mistakes

As previously stated, several homes were built in the past that were inconsistent with the required 25-foot front yard setback in the Zoning Ordinance. While the Zoning Board of Adjustment has granted variances to legalize these reduced setbacks, discussion items in late 2016 and May 2017 were presented to the ZBA that examined new construction requirements in order to eliminate these building errors prior to building foundations being poured. At last month’s ZBA, a recommendation from the Planning Director was endorsed by the Board for potential new construction requirements for residential development. This included alternative options such as form surveys and strings to eliminate measurement mistakes, and will be presented to City Council for their review and approval on August 1, and August 15, 2017.

Planning Staff believe that most, if not all, of these measurement mistakes will be eliminated in the future if Council passes the proposed amendment to Chapter 4, Building and Construction of the San Angelo Code of Ordinances, which would implement the new requirements. Therefore, while Staff maintains its recommendation of denial for this case, ZBA17-05, to be consistent with prior recommendations of similar cases, the ZBA could choose to approve this case in light of the new construction standards being approved, and shortly implemented. Had the applicant been aware of the new standards and possible actions to prevent such errors, this house, as with others, may have been built within the required setbacks. Even if not, Staff believes that most if not all future homes will be built in compliance, avoiding the need for ZBA action to legalize these deficiencies.

Recommendation:

Staff’s recommendation is for the Zoning Board of Adjustment to **DENY** the Variance from Section 501.A of the Zoning Ordinance to allow for a 16-foot front yard setback in lieu of 25 feet for a single-family dwelling within the Single-Family Residential (RS-1) Zoning District, on the subject property.

However, should the Board wish to approve the request, staff recommends the following **two Conditions of Approval**:

1. This approval for a reduced front yard setback shall only apply to the new single-family dwelling at its respective square footage. Any future structures or additions within a required setback shall require a new variance application.
2. If the nonconforming single-family dwelling is deemed as a total loss, the nonconforming dwelling shall be rebuilt within the required 25-foot front yard setback.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Support Letter from Property Owner
Original Site Plan with Building Permit
As-Built Site Plan
Application




Variance Case File

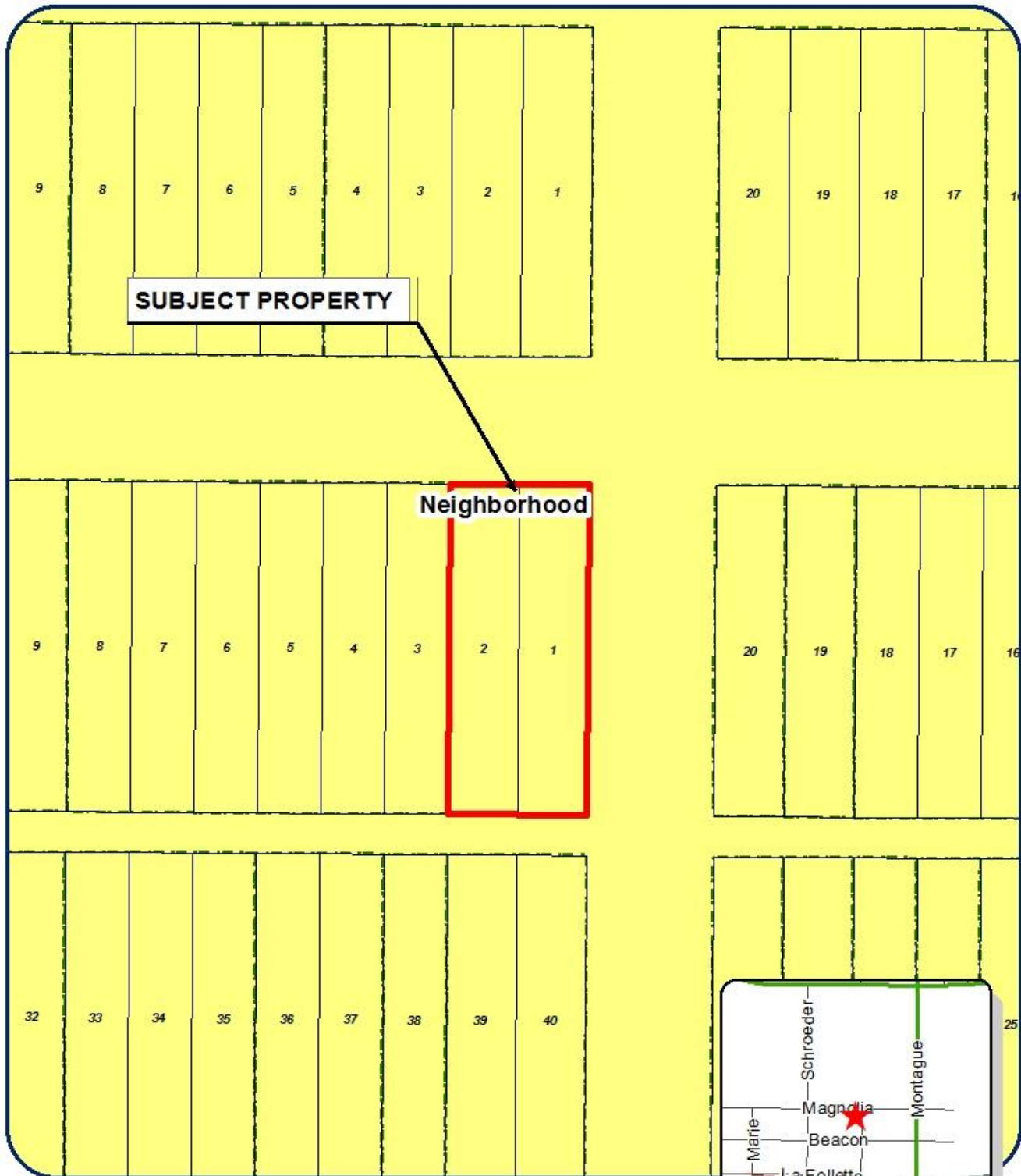
Case ZBA17-05 Cervantes

Council District: Lucy Gonzales (SMD#4)
 Neighborhood: Paulann
 Scale: 1" approx. = 50 ft
 Subject Property: 1837 Magnolia St.

Legend

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





Variance Case File

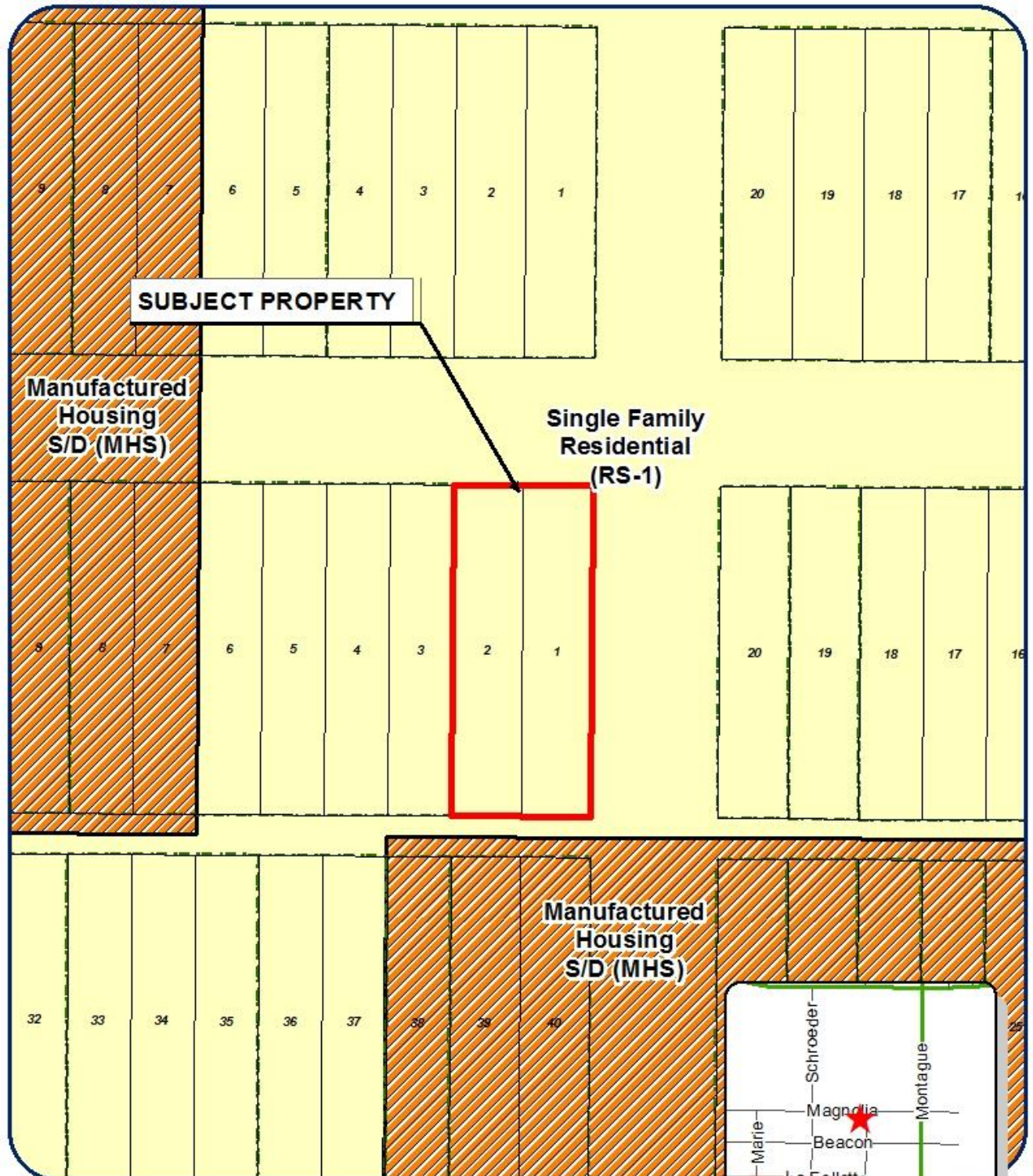
Case ZBA17-05 Cervantes

Council District: Lucy Gonzales (SMD#4)
 Neighborhood: Paulann
 Scale: 1" approx. = 50 ft
 Subject Property: 1837 Magnolia St.

Legend

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





Variance Case File
Case ZBA17-05 Cervantes
 Council District: Lucy Gonzales (SMD#4)
 Neighborhood: Paulann
 Scale: 1" approx. = 50 ft
 Subject Property: 1837 Magnolia St.

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



Photos of Site and Surrounding Area

SOUTH AT PROPERTY



NORTH



WEST



EAST



LOWRIE AVENUE FROM PROPERTY



MAGNOLIA STREET FROM PROPERTY



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) *Have no problem with house being 16 feet from front yard property line. Two other houses on street have a 16 foot setback on the front side.*

NAME: *Baltazar Cervantes*

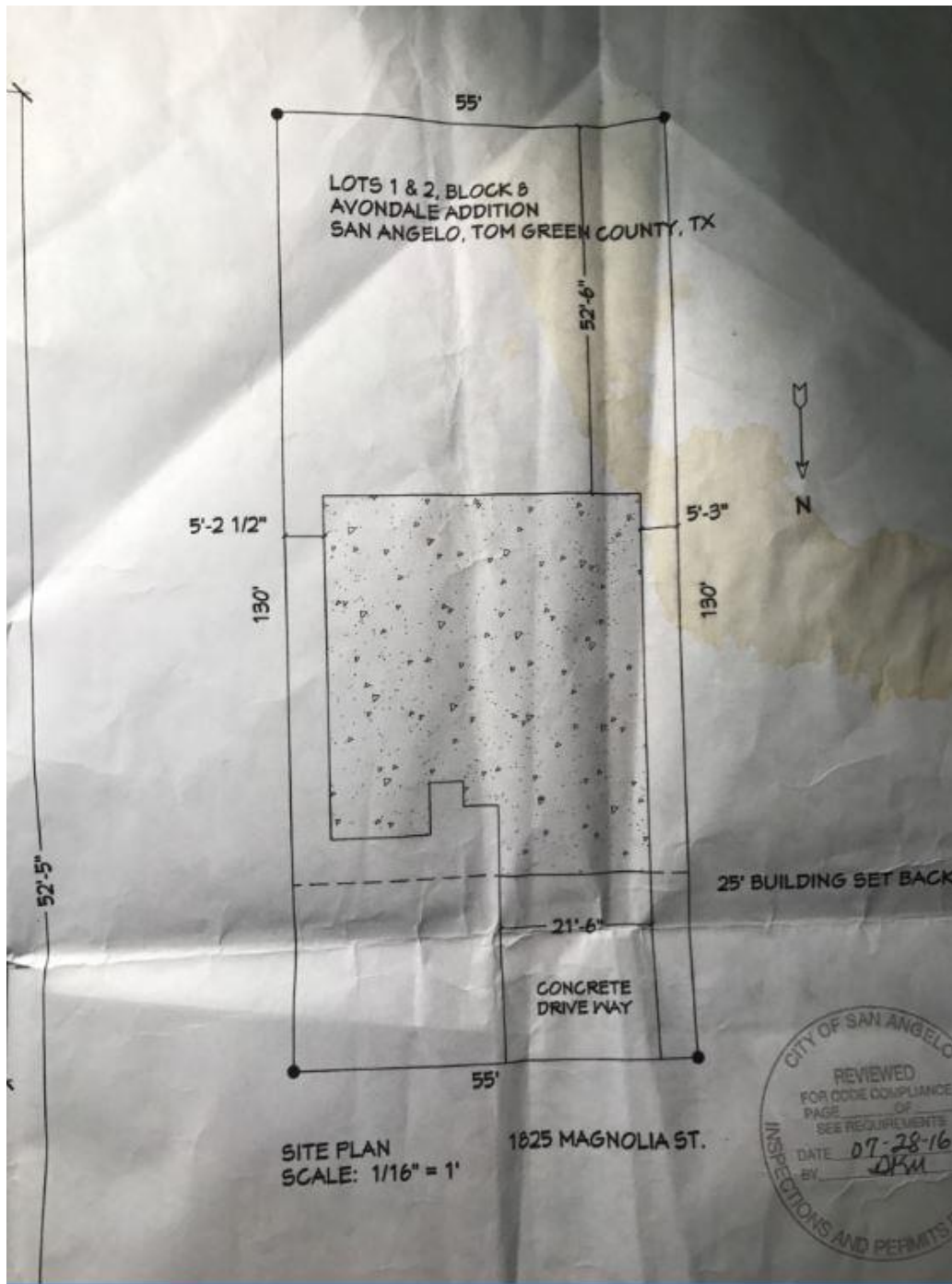
ADDRESS: *1823 Beacon St
San Angelo, TX 76905*

SIGNATURE: *Baltazar Cervantes*

ZBA17-05: Cervantes
property owner number: 3

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.

Original Site Plan with Building Permit



City of San Angelo, Texas - Planning Division

Application for Variance from Zoning Regulations

Name of Applicant(s): Selly Cervantes

Owner Tenant Representative (Affidavit required)

Mailing Address: 1814 Beacon St Telephone: 325-262-6328

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

Email Address: Cervantesgto@yahoo.com

Subject Property Address and/or Location*:
1837 Magnolia St San Angelo TX 76905

Legal Description*:
Avondale Addition Blk 8 lot 1 and 2
1837 Magnolia St

Zoning: RS-1

Specific Description of Request*:
To allow Variance For the newly constructed single family home.

* 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 Selly Cervantes

Date 4-27-2017

- 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: The lot is a corner lot that has a fire hydrant and a power pole with no side curbs.

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

Explanation: The lot was purchased this way

- A
- 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: See back

- 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 variance would not impact any near by homeowners and would allow the proper use of the structure

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

Explanation: Several home are outside their property lines so there would be no issues.

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

Explanation: The property meets all other zoning ordinance

OFFICE USE ONLY

Case no.: ZBA 17-05

Date of application: 4/28/17

Fully-dimensioned site plan:

Nonrefundable fee: \$250.00

Date paid: 4/28/17

Date to be heard by ZBA: 7/10/2017

Received by: J. Fisher

Receipt Number: 269439

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

501.A.

A. In the same zoning district there are several homes that do not meet the zoning ordinance. Enforcing the ordinance would prevent the future home buyer from purchasing the home. Making the necessary adjustments would require changes to the garage, which in turn, would make it unusable.

ZONING BOARD OF ADJUSTMENT – July 10, 2017
STAFF REPORT



APPLICATION TYPE:	CASE:
Variance	ZBA17-10: Diaz

SYNOPSIS:
 The applicant is proposing to erect a new 324-square foot unenclosed porch attached to the existing zero lot line dwelling on the property zoned Low Rise Multifamily Residential (RM-1). A variance is required from the required 10-foot east side yard setback to allow for a new porch to be constructed within eight feet of this side yard. The property is not within the Open Structure Overlay Zone, and therefore, cannot benefit from a reduced side yard setback without a variance approval from the Zoning Board of Adjustment. The proposed porch will be constructed with asphalt shingles to match the house. The applicant owns the adjacent parcel to the east designated as “Open Space” on the recorded plat of Bentwood Village. A separate dwelling unit on the adjacent parcel is not permitted.

LOCATION:	LEGAL DESCRIPTION:
2059 Putter Street; generally located approximately 120 feet southeast of the intersection of Putter Drive and Augusta Drive	Being Lot 1 in Block 3, Bentwood Village, Section Two, comprising a total of 0.236 acres.

SM DISTRICT / NEIGHBORHOOD:	ZONING:	FLU:	SIZE:
SMD District #1 – Tommy Hiebert Country Club Neighborhood	RM-1 – Low Rise Multifamily Residential	N – Neighborhood	0.236 acres

THOROUGHFARE PLAN:
Putter Drive – Urban Local Street
 Required: 50’ right-of-way, 40’ pavement or 36’ pavement with a 4-foot-wide sidewalk
 Provided: 50’ right-of-way, 36’ pavement with no sidewalk (lots already platted, complied with standards at that time)

NOTIFICATIONS:
 23 notifications mailed within 200-foot radius on June 23, 2017. Two received in support, none in opposition.

STAFF RECOMMENDATION:
 Staff recommends that the Zoning Board of Adjustment **APPROVE** the Variance from Section 501.B.2 of the Zoning Ordinance to allow for a 2-foot side yard setback for a new porch attached to a zero lot line dwelling along the east property line in lieu of 10 feet on property located within the Low Rise Multifamily Residential (RM-1) Zoning District, on the subject property, **subject to two Conditions of Approval.**

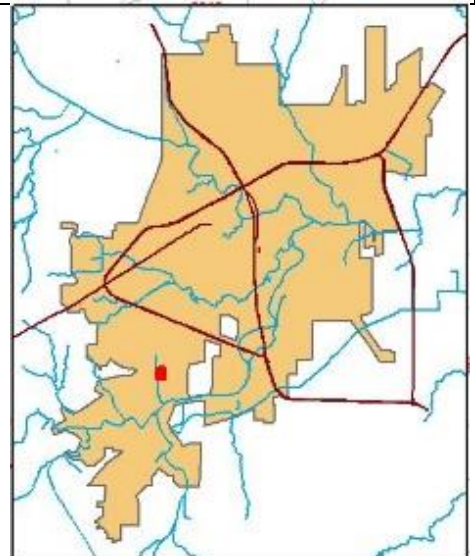
PROPERTY OWNER/PETITIONER:

Property Owners:
 Edward and Angelina Coronado

Agent:
 Mr. Hito Diaz

Jeff.STAFF CONTACT:

Jeff Fisher,
 Senior Planner
 (325) 657-4210, Extension 1550
jeff.fisher@cosatx.us



Special Uses: 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 owns the adjacent, unbuildable parcel immediately to the east, delineated as “Open Space” on the recorded plat for Bentwood Village, Section Two. This parcel is unbuildable because it has an insufficient width to meet the required setbacks for a new dwelling. When this lot is taken into account, the east side yard setback from the new porch would be over 27 feet, almost three times the required 10 feet for a zero lot line home. In addition, the 50-foot street right-of-way to the east and 50-foot utility easement to the south, provide additional separation from the closest neighboring properties. Lastly, an existing 6-foot high wood privacy fence screens the entire property to the east and south.
2. **These special circumstances are not the result of the actions of the applicant.** The owners did not create the special circumstance. They purchased both properties in 2006, the lot in question, and the adjacent open space lot, after the house was already built. As stated previously, the open space lot is unbuildable and provides an additional setback from the street. It also appears to meet the intent of the required setback, thus providing for a minimum 10-foot separation from the street.
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.** An unnecessary hardship would be created if the applicant is not allowed to erect the new porch in the east side yard. The porch, as indicated above, would maintain a substantial setback of over 27 feet from the east lot line of the adjacent lot owned by the applicants. There would be no adverse impacts on adjacent owners given the applicants own both lots creating a much greater setback than other zero lot line homes in the area, thus providing a substantial setback from the adjacent street consistent with other land in the same zoning district.
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 requested variance would be the minimum action necessary. The applicants have not requested any further variances. The porch would connect to the east side of the existing home and provide additional shade from the elements. And as previously indicated, the additional land adjacent to the subject site appears to meet the intent of the required 10-foot side setback.
5. **Granting the variance will not adversely affect adjacent land in a material way.** Planning Staff does not foresee any adverse impacts if this variance request is approved. There are substantial setbacks from surrounding neighbors given the 50-foot utility easement and street right-of-way to the east and south, respectively. Even if the unbuildable lot was replatted as part of the subject lot under one ownership in future, the expansive right-of-way and easement would still provide a substantial setback from any nearby properties.

6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.** The variance request will be generally consistent with the purpose and intent of the Zoning Ordinance. The proposed porch will comply with all other provisions of the Zoning Ordinance. It also appears to meet the intent of the required setback, providing for a minimum 10-foot separation from the street or any other dwelling.

Recommendation:

Staff's recommendation is for the Zoning Board of Adjustment to **APPROVE** the Variance from Section 501.B.2 of the Zoning Ordinance to allow for a 2-foot side yard setback for a new porch attached to a zero lot line dwelling along the east property line in lieu of 10 feet on property located within the Low Rise Multifamily Residential (RM-1) Zoning District, on the subject property, **subject to two Conditions of Approval:**

1. The applicant shall obtain a permit from the Permits and Inspections Division for the proposed unenclosed porch.
2. This approval for a reduced east side yard setback shall only apply to the new unenclosed porch at its respective square footage. Any future structures or additions within a required setback shall require a new variance application and approval.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Resident Letter
Survey Plan
Elevation
Application




Variance Case File

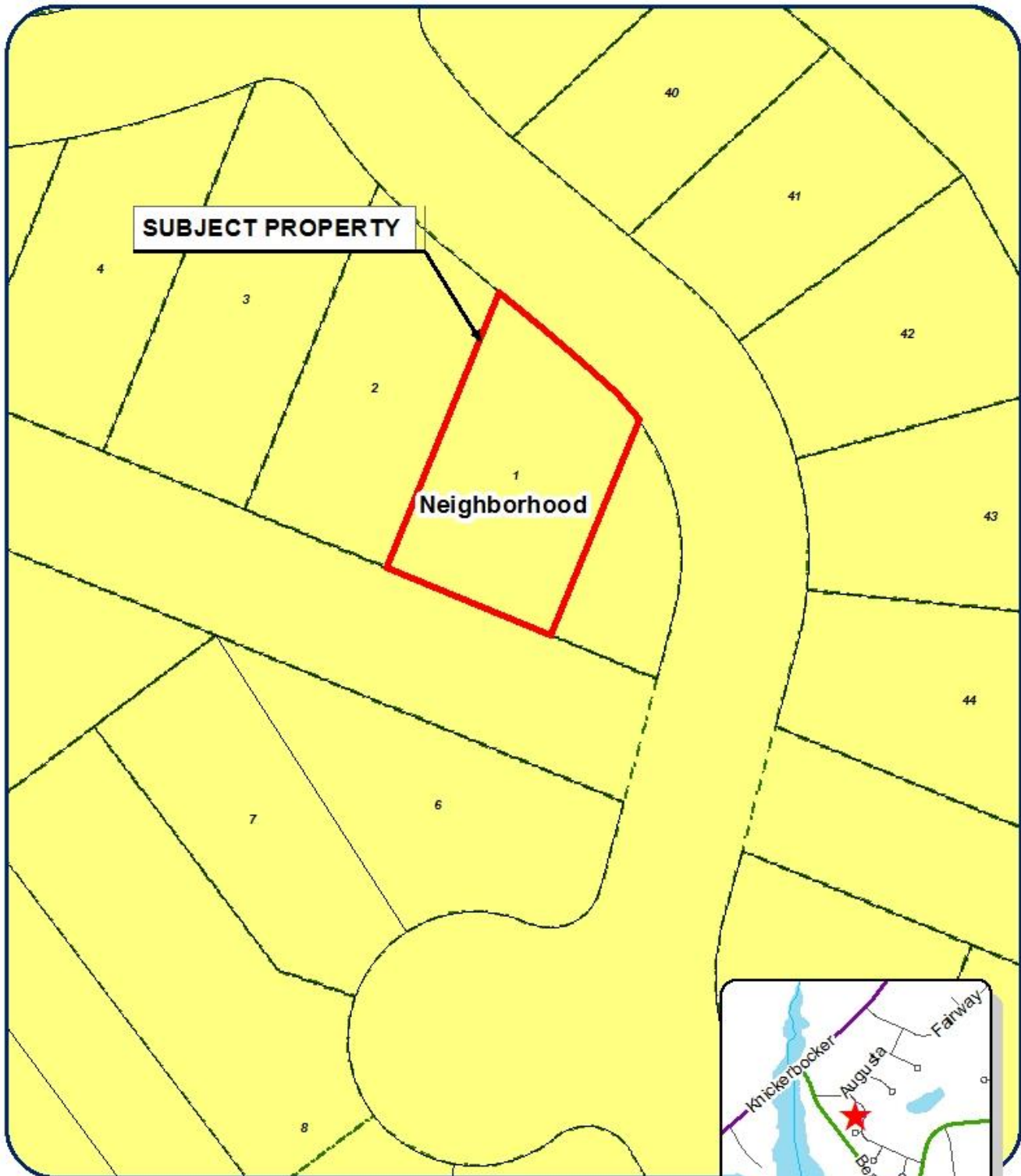
Case ZBA17-10: Diaz

Council District: Tommy Hiebert (SMD#1)
Neighborhood: Country Club
Scale: 1" approx. = 50 ft
Subject Property: 2059 Putter Drive

Legend

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






Variance Case File

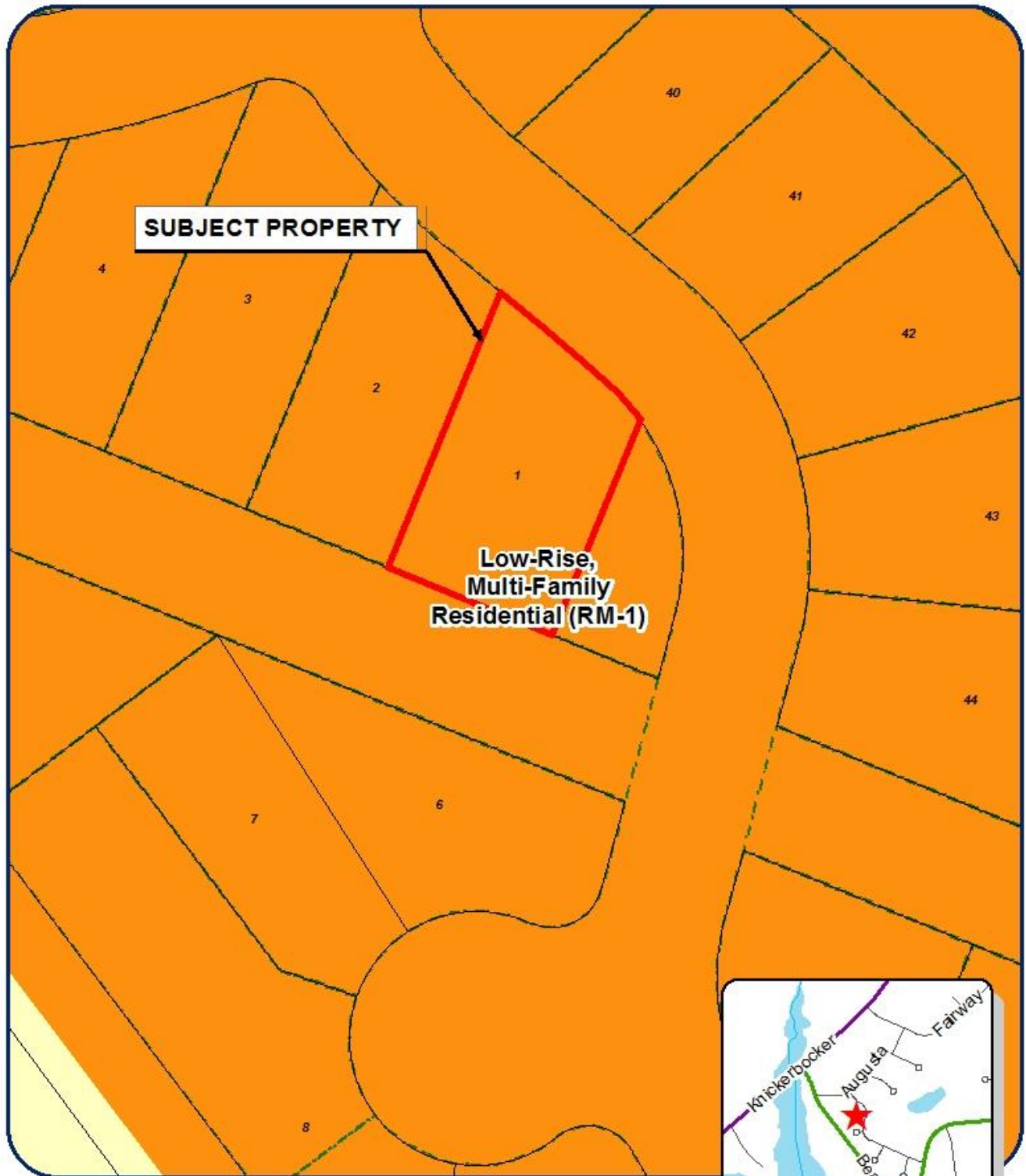
Case ZBA17-10: Diaz

Council District: Tommy Hiebert (SMD#1)
Neighborhood: Country Club
Scale: 1" approx. = 50 ft
Subject Property: 2059 Putter Drive

Legend

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





Variance Case File
Case ZBA17-10: Diaz
Council District: Tommy Hiebert (SMD#1)
Neighborhood: Country Club
Scale: 1" approx. = 50 ft
Subject Property: 2059 Putter Drive

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



Photos of Site and Surrounding Area

SOUTHWEST AT PROPERTY



NORTHEAST



NORTH



SOUTHEAST AT PROPERTY



Photos of Site and Surrounding Area

SOUTHEAST EXISTING PRIVACY FENCE



UTILITY EASEMENT BEHIND PROPERTY



**PROPOSED PORCH LOCATION
(FACING HOUSE)**



**PROPOSED PORCH LOCATION
(FACING REAR YARD)**



Staff Report – ZBA17-10: Diaz

July 10, 2017

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) _____

NAME: Cody Goehrauer

ADDRESS: 2088 Augusta Dr.

San Angelo, TX 76904

SIGNATURE: [Signature]

RECEIVED
JUL 03 2017
Jeff Fisher, Planning

ZBA17-10: Diaz

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.

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(X)

IN FAVOR

()

IN OPPOSITION

REASON(S)

RECEIVED
JUL 05 2017

Jeff Fisher, Planner

NAME: Koleta Disch

ADDRESS: 2054 Putter Drive
San Angelo, TX 76904

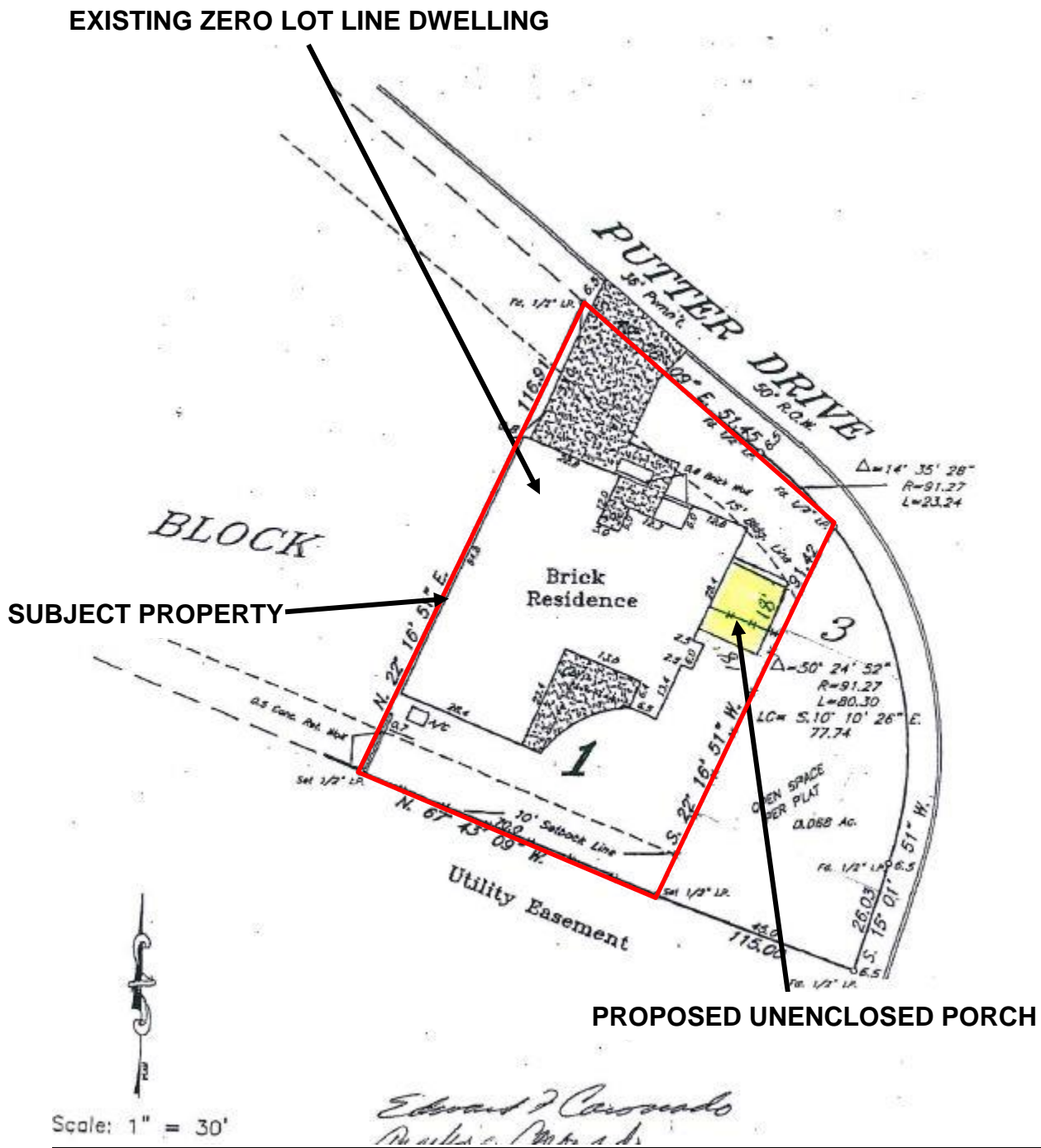
SIGNATURE: Koleta A. Disch

ZBA17-10: Diaz

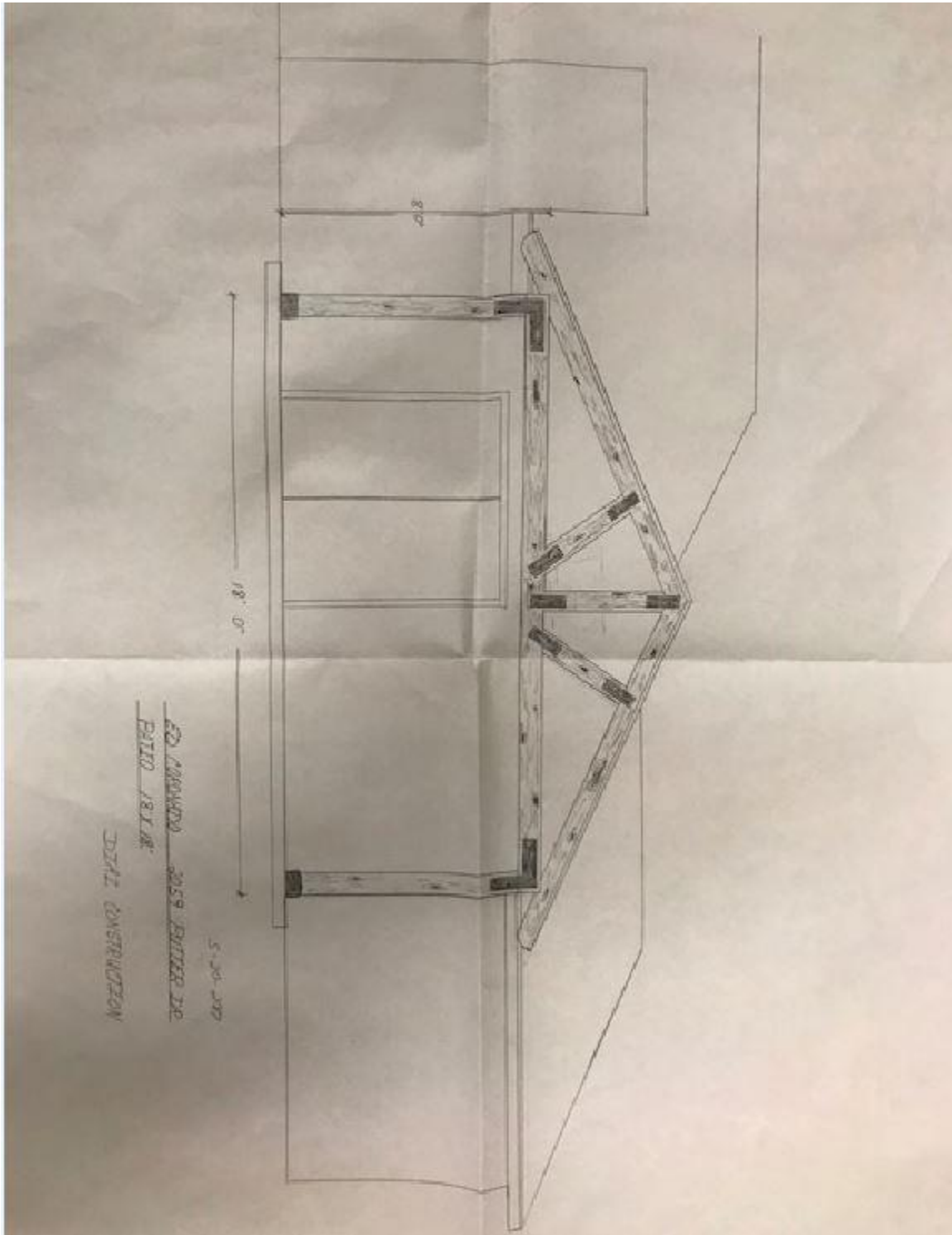
property owner number: 7

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.

Survey Plan



Proposed Elevation



Effective January 3, 2017



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): Alto Diaz
 Owner Representative (Notarized Affidavit Required)

Mailing Address: 2059 Putter Dr San Angelo Tx 76904
City State Zip Code

Contact Phone Number: 325-650-1950, 325-315-2293
 Contact E-mail Address: _____

Subject Property Address and Location: 2059 Putter Dr San Angelo Tx 76904
City State Zip Code

Legal Description (can be found on property tax statement or at www.tcomgreencad.com):
Lot 1 in block 3, Section Two, Bentwood Village.

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:

- Zoning Ordinance section: 501.B
 Describe variance: 2 feet sid (east yard set back) on line
- Zoning Ordinance section: of required 10 feet sideyard set back
 Describe variance: a zero line
- Zoning Ordinance section: _____
 Describe variance: _____
- 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: Proposing 18' X 18' ^{patio} toward front side of property.
Patio exceeds 10' set back from property line.
Ed Carrascho Owns both ~~pro~~ property 1 + 3.
Set back is next to unbuildable lot owned by
same owner

Section 3 continued: Variance Request Criteria

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

Explanation: ED Corrao purchased both properties not knowing of set back line, these lots were already platted in this configuration before purchased.

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: Owners will be deprived of having a 18' X 18' Patio for outdoor recreation. When the unbuildable lot is included actual side yard setback would be over 20 feet.

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: No other variances requested. No other variances needed.

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

Explanation: No variance. Variances will not adversely affect neighbors because setback would be towards empty lot owned by same owner.

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

Explanation: Because all other requirements are met.

Effective January 3, 2017

Section 4: Applicant(s) Acknowledgement

Please initial the following:

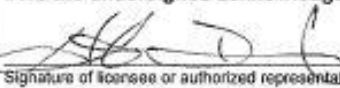
HD I/we understand that the Zoning Board of Adjustment (ZBA) is bound by criteria established by state law. I further understand that my request is not guaranteed to be approved and that it constitutes an exception from regulations of the City of San Angelo;

HD 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;

HD 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

HD 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.


Signature of licensee or authorized representative

6-7-2017
Date

Hito Diaz
Printed name of licensee or authorized representative

Diaz Construction
Name of business/Entity of representative

FOR OFFICE USE ONLY:

Reviewed/Accepted by: Jeff Fisher

Date: 6, 7, 17

Case No.: ZBA: 17-10

ZBA Hearing Date: 7, 10, 17

Fully-Dimensioned and scaled Site Plan: Yes No

Date of Application: 6, 7, 17

Non-Refundable Fee: \$ 250.00 Receipt #: _____

Date paid: 6, 7, 17

Ordinance section(s) from which variance(s) is/are requested: 501.B