

ZONING BOARD OF ADJUSTMENT – December 11, 2017
STAFF REPORT



APPLICATION TYPE:	CASE:
Variance	ZBA17-22: Garcia

SYNOPSIS:

On October 19, 2017, the Permits and Inspections Division had discovered an unpermitted, flat metal carport within the 25-foot front yard on the subject property in contravention of Section 309 of the Zoning Ordinance, and issued a notice of violation. Section 309, the “Open Structure Overlay Zone,” allows a substantially open carport within 5 feet of the front property line, provided that the carport is generally consistent with the materials, character, appearance, shape and pitch of the roofline of the main dwelling. The main dwelling contains a gable pitched roof constructed of asphalt shingles, and the carport is a flat, metal roof structure, inconsistent with the main dwelling. The applicant subsequently applied for this variance to allow the carport to remain in the front yard. The current carport encroaches within 4 inches of the property line. If the variance is approved, the applicant intends to remove an additional 4’-2” feet measured from the front posts, leaving a 5’-0” setback from the front property line (See Additional Information).

LOCATION:	LEGAL DESCRIPTION:
1522 Linda Lee Drive; generally located east of the intersection of Medina Street and Linda Lee Drive.	Being Lot 8 in the Hartman Addition, comprising a total of 0.168 acres.

SM DISTRICT / NEIGHBORHOOD:	ZONING:	FLU:	SIZE:
SMD District #4 – Lucy Gonzales Belaire Neighborhood	RS-1 – Single-Family Residential	N – Neighborhood	0.168 acres

THOROUGHFARE PLAN:

Linda Lee 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, 33’ pavement with no sidewalk (lots already platted, complied with standards at that time)

NOTIFICATIONS:

23 notifications mailed within 200-foot radius on November 22, 2017. None received in support or in opposition.

STAFF RECOMMENDATION:

Staff’s recommendation is for the Zoning Board of Adjustment to **DENY** the Variance from Section 309.C.5 of the Zoning Ordinance to allow a flat metal carport, inconsistent with the materials, character, appearance, and roofline of the residence, with a 5-foot front yard setback within the Single-Family Residential (RS-1) Zoning District on the subject property.

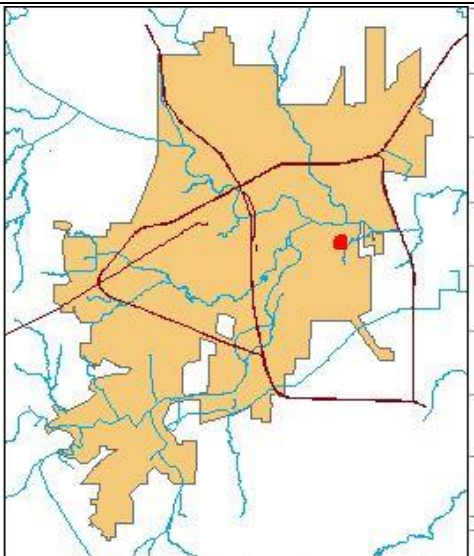
PROPERTY OWNER/PETITIONER:

Property Owner:
 Juan M. Garcia

Applicants:
 Juan and Amy Garcia

STAFF CONTACT:

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



Additional Information:

The applicants provided to Planning Staff a list of other carports on Linda Lee Drive and adjacent streets they believed were similar to theirs and also located in the front yard of their properties. On November 20, 2017, Planning Staff conducted a site visit and discovered of the 24 properties, 19 had carport structures within the 25-foot front yard setback; 9 of these were previously permitted, and 3 received variances. 13 of these structures were not permitted (2 of these had expired permits) nor received a variance and are in potential violation of the current Zoning Ordinance. These potential violations will be reported to the City's Code Compliance Division for further review and action. The 3 variances were approved prior to the adoption of the Open Structure (OS) Overlay Zone on February 15, 2005 which now requires that the carport is generally consistent with the materials, character, appearance, shape and pitch of the roofline of the main dwelling, if located in the front yard. Regardless, even without the Open Structure (OS) Overlay Zone, any structure to be located within a front yard would still require a variance and have to satisfy the required criteria for a variance.

Number	Address	Structure	In 25-foot front yard (Y/N)	Consistent with main dwelling (Y/N)	Permit (Y/N)	Variance (Y/N)	Year erected
1009	Linda Lee Drive	Flat metal carport	Y	N	Y	Y	Pre-2000
1105	Linda Lee Drive	Sloped metal carport	Y	N	N	N	Pre-2012
1208	Linda Lee Drive	Sloped metal carport	N	N	N	N	Pre-2012
1218	Linda Lee Drive	Flat metal carport	Y	N	N	N	After-2012
1511	Linda Lee Drive	Sloped metal carport	Y	N	N expired	N	Pre-2012
1522	Linda Lee Drive	Flat metal carport	Y	N	N	N	After-2012
1601	Linda Lee Drive	Flat metal carport	N	N	N	N	Pre-2012
1605	Linda Lee Drive	Flat metal carport	N	N	N	N	Pre-2012
1616	Linda Lee Drive	Sloped asphalt shingled carport	Y	Y	N expired	N	After-2012
1658	Linda Lee Drive	Flat metal carport	N	N	Y	N	Pre-2012

Number	Address	Structure	In 25-foot front yard (Y/N)	Consistent with main dwelling (Y/N)	Permit (Y/N)	Variance (Y/N)	Year erected
1105	Clairmont Street	Flat metal carport	N	N	N	N	Pre-2012
1203	Clairmont Street	Flat metal carport	Y	N	N	N	Pre-2012
1205	Clairmont Street	Flat metal carport	Y	N	N	N	Pre-2012
1207	Clairmont Street	Sloped metal carport	Y	N	N	N	After-2012
1301	Richard Street	Flat metal carport	Y	N	N	N	Pre-2012
1345	Richard Street	Flat metal carport	Y	N	Y	N	Pre-2012
1351	Richard Street	Sloped metal carport	Y	N	Y	Y	Pre-2000
1104	Ardmore Street	Flat metal carport	Y	N	Y	Y	Pre-2000
1206	Ardmore Street	Flat metal carport	Y	N	N	N	Pre-2012
1511	Wynne Street	Flat metal carport	Y	N	Y	N	Pre-2012
1615	Wynne Street	Flat metal carport	Y	N	N	N	Pre-2012
1616	Wynne Street	Flat metal carport	Y	N	N	N	Pre-2012
1621	Wynne Street	Flat metal carport	Y	N	Y	N	Pre-2012
1637	Wynne Street	Sloped metal carport	Y	N	N	N	Pre-2012

Variations: 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 applicants' cite the existing house being built to the 25-foot front yard setback and a narrow 15-foot rear alley and rear fence as special circumstances for supporting the variance. The Planning Division does not believe these circumstances in and of themselves are special. A site visit conducted on November 20, 2017, confirms that all of the houses on both sides of Linda Lee Drive were built approximately 25-feet back from the front property line. In addition, the survey provided shows a 37-foot rear yard connecting to the 15-foot public alley behind the home. The applicant would have ample room in the rear yard to erect a carport and could comply with the RS-1 zoning setbacks. While not ideal, the applicant could relocate the carport to the rear yard and could use a portion of the property as maneuvering area, regardless of the width of the alley. The applicant also has the option of upgrading the carport to comply with the Open Structure Overlay requirements - consistent with the materials, character, appearance, shape and pitch of the roofline of the main dwelling – and has chosen not to do so. Finally, by reducing the carport by four feet – the carport would still encroach 20 feet into the required 25-foot front yard, a substantially deviation. For these reasons, the Planning Division cannot support the request.
2. **These special circumstances are not the result of the actions of the applicant.** The applicants created the situation by erecting the flat, metal carport without a building permit, in contravention of Section 309 of the Zoning Ordinance. As indicated, the applicants may either relocate the carport to the rear yard, or bring the structure into compliance by changing its pitch and architectural features, and has failed to do either. Hardship The Planning Division cannot support the request as submitted. A proliferation of other illegally-erected carports is not a viable reason to allow another carport in contravention of the standards adopted by City Council through the Zoning Ordinance.
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 Planning Division cannot find an undue hardship for the applicant if the variance was denied. The attached photographs depict an example of another homeowner in the area who made improvements to their property consistent with the Open Structure Overlay Zone – with colors, materials, and rooflines that matched the main structure. The owner of 1616 Linda Lee Drive utilized the same asphalt shingled roof and painted the carport beige with red trim, consistent with the main dwelling. The applicants have the choice to do the same, but have chosen not to. The test for a “hardship” has to prove uniqueness to the subject property - that there is a right that other properties enjoy that would be taken away if the applicant were denied the variance. The Planning Division does see anything unique about the subject property or situation different than other properties in the area. All properties are relatively flat in elevation and have existing dwellings approximately 25-feet back from the front property line, unless they were permitted closer based on matching the appearance of the main dwelling. The fact that some other properties also illegally erected carports inconsistent with their main dwellings does not create a unique circumstance to allow the applicant to do the same.

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 Planning Division believes that allowing the existing carport 5 feet from the front property line – and with materials, appearance, and roofline substantially different than the main dwelling - would be contrary to the public interest. The attached photographs indicate a reduced street view line with the encroaching carport, and the flat metal frame is inconsistent with the other carports and porches along Linda Lee Drive and adjacent streets that are generally consistent with the appearance of their principal dwellings. The Planning Division believes that the minimal action needed would be to locate the carport in the rear yard, or architecturally alter the structure, generally consistent with the appearance of the main dwelling. It is noted that the roof-enclosed portion of the existing carport covers 33% of the minimum 25-foot front yard, in contravention of the maximum 30% allowed under Section 309.C.4 of the Zoning Ordinance. However, the applicant has agreed to remove the front 4 feet of the carport, which would reduce the roof-covered portion to 27.6% and would then be in compliance. The carport will comply with all of the other minimum standards of the Zoning Ordinance.

5. **Granting the variance will not adversely affect adjacent land in a material way.** As indicated, other property owners in the same neighborhood have built carport and porch add-ons that are generally consistent with the colors, materials, and appearance of their main dwellings. In contrast, the Planning Division believes that allowing a flat metal carport on this property would set a negative precedent and adversely affect adjacent land in a material way. While it is difficult to speculate on property values, Planning Staff strongly believe that allowing a flat metal carport within the front yard will reduce the aesthetic integrity of the streetscape, and be inconsistent with the requirements of the Zoning Ordinance.

6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.** The Planning Division believes that the variance request will be inconsistent with the purpose and intent of the Zoning Ordinance. The intent of this Overlay Zone is to allow applicants in traditional, established neighborhoods, reduced front and side yard setbacks where the new carport or porch generally matches the materials, character, appearance, shape and pitch of the roofline of the main dwelling. In theory, the Overlay Zone over time would allow reduced setbacks in the front and side yards, but the streetscape would retain an aesthetically-pleasing appeal, as subsequent structures would blend into the main dwellings architecturally. Allowing a flat metal carport in front of a traditional dwelling with a gabled, asphalt-shingled roof, would disregard the intent of the Ordinance, and set a negative precedent for future variances along the street.

Allowed Variances:

In exercising its authority to grant a variance, per Section 207.D of the Zoning Ordinance, the Zoning Board of Adjustment must affirmatively find that one or more of the following circumstances applies:

1. **SPECIAL CIRCUMSTANCES RESULTING IN UNNECESSARY HARDSHIP.** *Where special circumstances exist on the property related to the size, shape, area, topography, surrounding conditions or location that do not generally apply to other property in the same zoning district, and that the circumstances are such that strict application of this zoning ordinance would create an unnecessary hardship or deprive the applicant of reasonable use of the land or building.*

The applicants believe they have a special circumstance because the original house was built up to the 25-foot setback and there is a narrow 15-foot rear alley and fence, which would restrict placement of the carport anywhere except within the 25-foot front yard.

2. **OVERRIDING PUBLIC INTEREST.** *If the variance further an overriding public interest or concern, including, but not limited to: (a) Preserving the natural environment, (b) Promoting maintenance or reuse of older urban or historic buildings, or (c) Helping to eliminate a nonconforming use at another location.*
3. **LITERAL ENFORCEMENT.** *If it is found that the literal enforcement and strict application of this Zoning Ordinance will result in extraordinary circumstances inconsistent with the general provisions and intent of this ordinance, and that, in granting the variance, the spirit of the ordinance will be preserved and substantial justice done.*

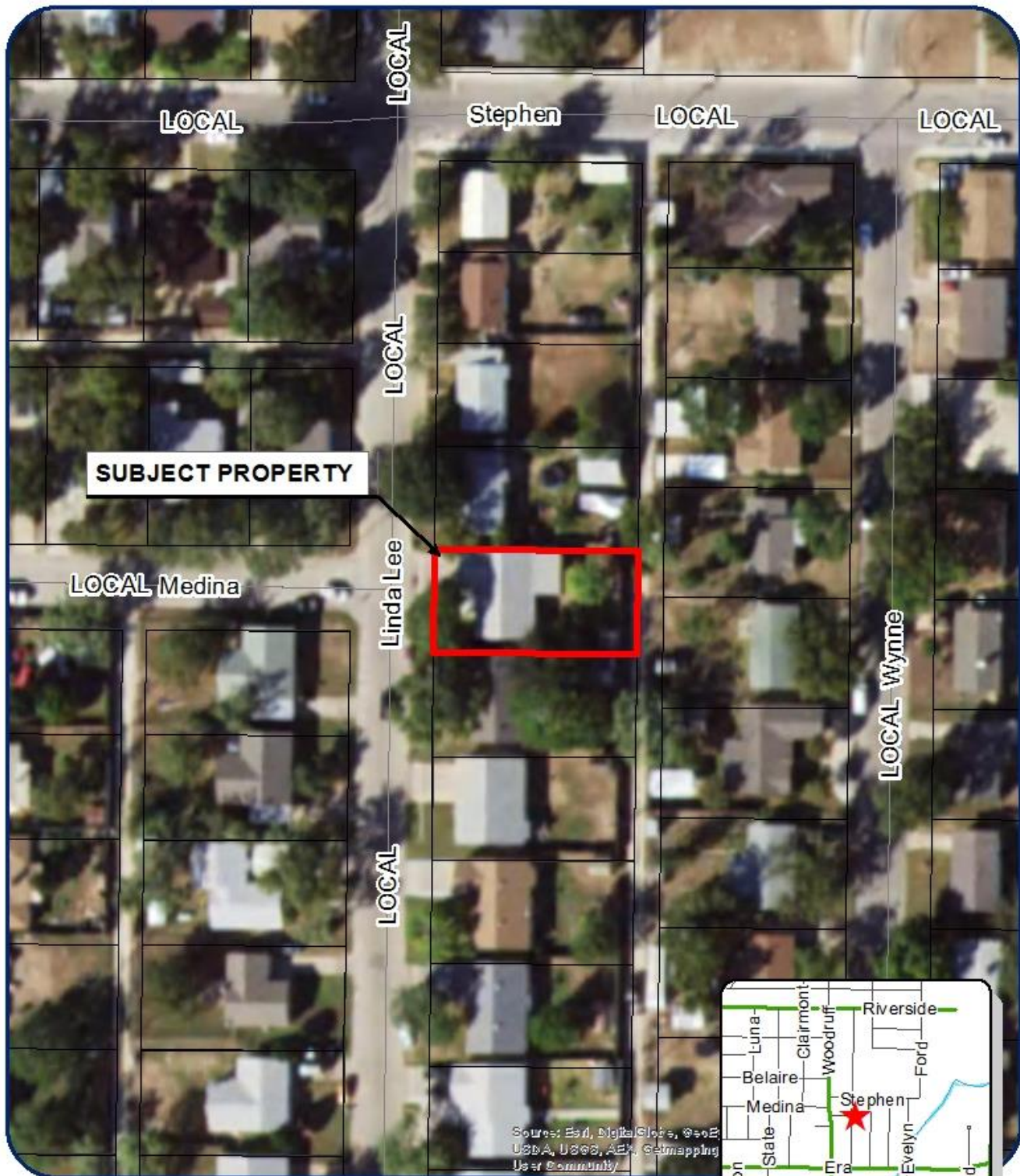
Recommendation:

Staff's recommendation is for the Zoning Board of Adjustment to **DENY** the Variance from Section 309.C.5 of the Zoning Ordinance to allow a flat metal carport, inconsistent with the materials, character, appearance, and roofline of the residence, with a 5-foot front yard setback within the Single-Family Residential (RS-1) Zoning District on the subject property. However, should the Zoning Board of Adjustment decided to grant the variance, Planning Staff recommends the following **four Conditions of Approval**:

1. The applicants shall obtain a permit from the Permits and Inspections Division for the existing flat metal carport.
2. The applicants shall remove any portion of the existing carport within 5 feet of the front property line, retaining a minimum 5-foot front yard setback.
3. The roof-covered portion of the carport shall not exceed 30% of the minimum front yard area, or 457.5 square feet, as per Section 309.C.4. of the Zoning Ordinance.
4. This approval shall only apply to the existing carport at its respective square footage and in the location shown on the attached site plan. 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
Site Plan
Application



Variance Case File
ZBA17-22: Garcia

Council District: Lucy Gonzales (SMD #4)
Neighborhood: Belaire
Scale: 1" approx. = 75 ft
Subject Property: 1522 Linda Lee Drive

Legend

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





Variance Case File

ZBA17-22: Garcia

Council District: Lucy Gonzales (SMD #4)
 Neighborhood: Belaire
 Scale: 1" approx. = 75 ft
 Subject Property: 1522 Linda Lee Drive

Legend

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





Variance Case File
ZBA17-22: Garcia

Council District: Lucy Gonzales (SMD #4)
Neighborhood: Belaire
Scale: 1" approx. = 75 ft
Subject Property: 1522 Linda Lee Drive

Legend

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



Photos of Site and Surrounding Area

SOUTH



NORTH



WEST



EAST AT PROPERTY



CLOSEUP OF CARPORT LOOKING NORTH



CLOSEUP OF CARPORT LOOKING SOUTH



Photos of Site and Surrounding Area

STREET VIEW LOOKING NORTH



STREET VIEW LOOKING SOUTH



1616 LINDA LEE DRIVE (CARPORT CONSISTENT WITH HOUSE)



1218 LINDA LEE DRIVE (CARPORT WITHIN 25-FOOT FRONT YARD - NO PERMIT)



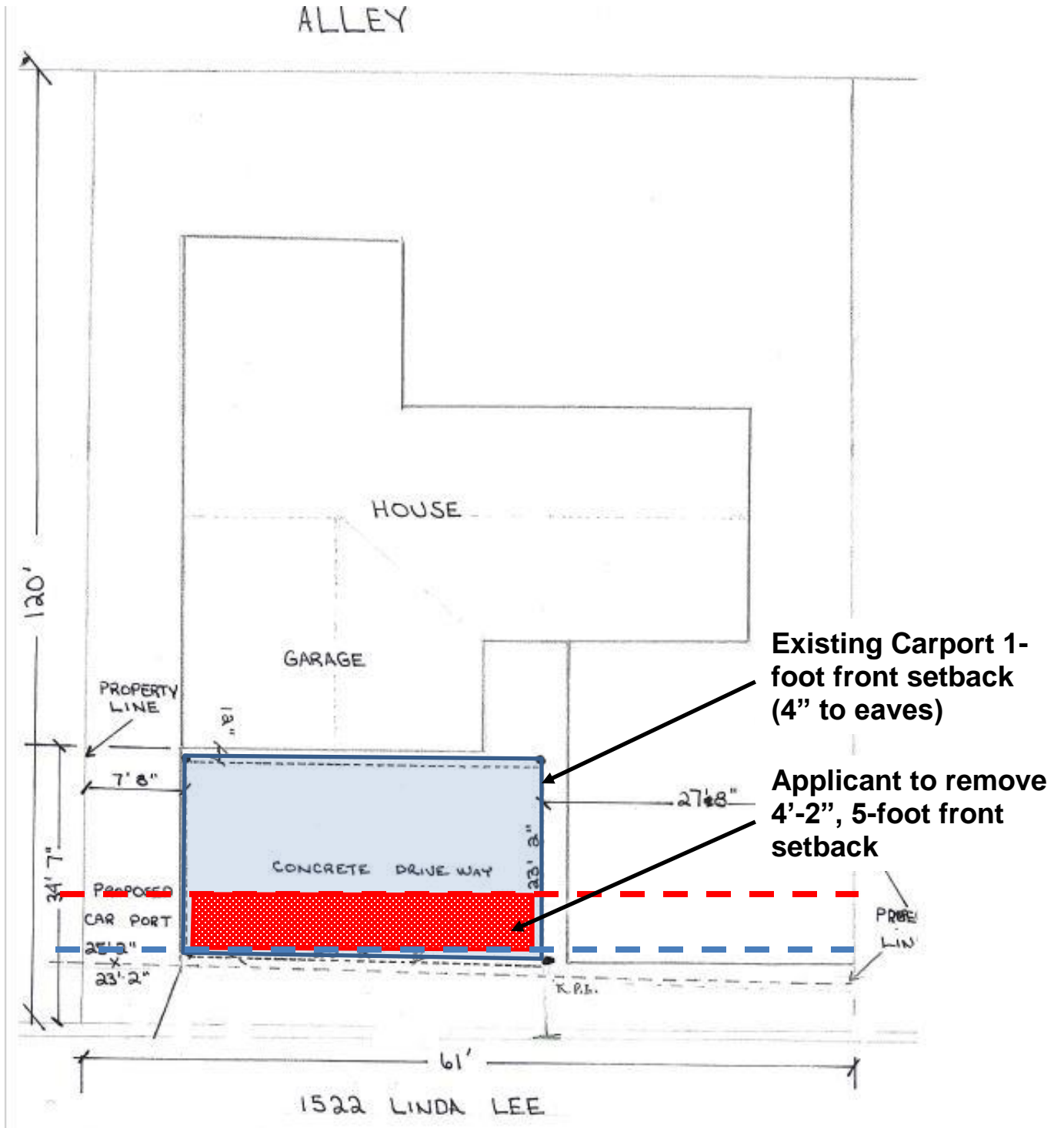
1203 CLAIRMONT STREET (CARPORT WITHIN 25-FOOT FRONT YARD - NO PERMIT)



REAR ALLEY BEHIND SUBJECT PROPERTY



Site Plan





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): Amy & John Garcia
 Owner Representative (Notarized Affidavit Required)

Mailing Address: 1522 Linda Lee St.; San Angelo, TX 76903
City State Zip Code

Contact Phone Number: 325-227-7578
Contact E-mail Address: Amy.garcia.308@yahoo.com

Subject Property Address and Location: Same as above
City State Zip Code

Legal Description (can be found on property tax statement or at www.tongreencaad.com):
Lot 8, Hartman Addition, City of San Angelo, Tom Green County, Texas

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: (309c) Current carport is 1'-0" back from front property line. We will cut back an additional 4', to maintain a 5', front yard set back.
Describe variance: _____
2. Zoning Ordinance section: _____
Describe variance: _____
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: Original house was built right up to the 25'-0" front building line, there is no other more appropriate place to build carport. Alley width is only 15' wide and is restrictive due to fence unable to access back yard.

Effective January 3, 2017

Section 3 continued: Variance Request Criteria

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

Explanation: *Wanted to build proposed carport in backyard, however alley is only 15'-0" wide and very restrictive. Existing fence, were there had no other options.*

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: *There are as many 30 car ports of exact const. set on Linda Lee, Medina, Richard St, and all throughout our neighbors hood. We would be deprived of enjoying proposed car port, as many others do.*

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: *will cut carport back 4', as to allow a total of 5' front bldg. setback. no other variance is needed or requested.*

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

Explanation: *Variance will not adversely affect neighbors. Variance setback is not located on corner lot as to obstruct views. Carport looks clean and compatible to home and all surroundings.*

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:

JG 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;

JG 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;

JG 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

JG 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]
Signature of licensee or authorized representative

11-3-17
Date

JUAN GARCIA
Printed name of licensee or authorized representative

JUAN GARCIA
Name of business/Entity of representative

FOR OFFICE USE ONLY:

Reviewed/Accepted by: Jeff Fisher

Date: 11, 3, 17

Case No.: ZBA: 17 - 22

ZBA Hearing Date: 12, 4, 17

Fully-Dimensioned and scaled Site Plan: Yes No

Date of Application: 11, 3, 17

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

Date paid: 11, 3, 17

Ordinance section(s) from which variance(s) is/are requested: 309.C



STAFF REPORT

APPLICATION TYPE:		CASE:	
Variance		ZBA17-23: Victorino	
SYNOPSIS:			
<p>This request is for variance from Section 501.A. of the Zoning Ordinance, to allow for a 3 foot side-yard setback along the west property line in lieu of 5 feet on property located within the Two-family Residential (RS-2) Zoning District. The applicant’s home is located in the Open Structure’s Overlay District (OSOD) and was originally constructed with a carport built into the side of the house. The original carport is indistinguishable from the rest of the house, with matching pitch and materials of the roof. The carport and the storage room behind it were built within the 5 foot side-yard setback. In 2016 the applicant paid a contractor to enclose the carport and turn it into a den, and to install a bathroom in the storage room. Subsequently the bathroom leaked and there was water damage. When attempting to fix the damage it was discovered that the contractor never applied for permits for the original work. The applicant is currently in the process of suing for restitution from the original contractor and is attempting to bring the construction into legal status. This includes paying the retro building permits and applying for a variance from the side-yard setback requirements. The carport, due to its building materials and openness, was allowed to have a two foot side-yard setback. However, once enclosed, the reduced setback allowed under the OSOD is removed and the building must meet the 5 foot setback requirement. The side of the house sits at a side-yard setback of 3’10” and thus must apply for, and receive, a variance in order to maintain its enclosed status.</p>			
LOCATION:		LEGAL DESCRIPTION:	
714 Spaulding Street; generally located 200 feet west of the intersection of Spaulding Street and North Pope Street		Ellis Addition, North, Block 14, Lot 12, City of San Angelo, Texas.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FLU:	SIZE:
SMD District #3 – Harry Thomas Fort Concho East Neighborhood	RS-2 – Two-Family Residential	N – Neighborhood	0.218 acres
THOROUGHFARE PLAN:			
<p>Spaulding Street – Urban Local Street Required: 50’ right-of-way, 40’ pavement or 36’ pavement with a 4-foot-wide sidewalk Provided: 100’ right-of-way, 68’ pavement with intermittent sidewalks</p>			
NOTIFICATIONS:			
22 notifications were mailed out within a 200-foot radius on November 21, 2017. Staff has received zero letter in support and zero in opposition.			
STAFF RECOMMENDATION:			
Staff recommends that the Zoning Board of Adjustment APPROVE a Variance from Section 501.A of the Zoning Ordinance to allow for a 3 foot side-yard setback along the west property line in lieu of 5 feet side-yard setback.			
PROPERTY OWNER/PETITIONER:			
<p><i>Property Owners:</i> Guadalupe Victorino</p> <p><i>Agent:</i> None</p>			
STAFF CONTACT:			
Kristina Heredia, Planner (325) 657-4210, Extension 1546 Kristina.Heredia@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's home was built in 1945, prior to adoption of the Zoning Ordinance. At the time of construction the carport and adjacent storage room were built and integrated into the home's original floorplan. As such the carport and storage room are part of the cohesive nature of the home, and have existed in their current setback location since construction.

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

While the carport itself was in conformance with our current Zoning Ordinance, the storage shed has not been. When the applicant made the decision to enclose the carport and turn it into a den she made a good-faith effort to hire a reputable contractor through the Better Business Bureau and was assured at the time that the project was legal and that building permits had been pulled. Upon discovering that this was not the case, the applicant has worked with Planning and Development to rectify the situation.

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.**

Since the house, carport and storage room were built as one floorplan, prior to the enactment of our Zoning Ordinance, the applicant was unaware of her status as Legal Nonconforming. Asking the applicant to remove the wall of the storage room or the roof of that section of the house would be inconsistent with the Zoning Ordinance. The Building Department, in concurrence with the Fire Marshall's Office, would be satisfied with the enclosed carport's encroachment into the setback if the section of wall that was built to enclose the carport was given a one hour fire rating. The applicant has agreed to this condition, if the variance is approved.

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 granting of this variance will allow the applicant the ability to pay the permits in retro for the previous work done, as well as apply for a new permit to fix the water damage.

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

There was concern that the proximity to the western neighbor's existing carport was too close, however this concern will be alleviated once the applicant fire rates the section of wall that was built in violation of the setback requirement.

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

While the side of the enclosed carport is encroaching into the side-yard setback, the rest of the home was already encroaching and was built before the current setback requirements were established. As such, allowing the variance will keep the now enclosed carport at the same setback as the rest of the house and is therefore consistent with the intent of the Zoning Ordinance.

Allowed Variances:

In exercising its authority to grant a variance, per Section 207.D of the Zoning Ordinance, the Zoning Board of Adjustment must affirmatively find that one or more of the following circumstances applies:

1. **SPECIAL CIRCUMSTANCES RESULTING IN UNNECESSARY HARDSHIP.** *Where special circumstances exist on the property related to the size, shape, area, topography, surrounding conditions or location that do not generally apply to other property in the same zoning district, and that the circumstances are such that strict application of this zoning ordinance would create an unnecessary hardship or deprive the applicant of reasonable use of the land or building.*

The applicant has indicated that they believe they have a special circumstance in that the side of the house that encroaches into the side-yard setback was built prior to the Zoning Ordinance and that the new enclosure has the same setback as the rest of that side of the house.

2. **OVERRIDING PUBLIC INTEREST.** *If the variance further an overriding public interest or concern, including, but not limited to: (a) Preserving the natural environment, (b) Promoting maintenance or reuse of older urban or historic buildings, or (c) Helping to eliminate a nonconforming use at another location.*
3. **LITERAL ENFORCEMENT.** *If it is found that the literal enforcement and strict application of this Zoning Ordinance will result in extraordinary circumstances inconsistent with the general provisions and intent of this ordinance, and that, in granting the variance, the spirit of the ordinance will be preserved and substantial justice done.*

Recommendation:

Staff recommends that the Zoning Board of Adjustment **APPROVE** a Variance from Section 501.A of the Zoning Ordinance to allow for a 3 foot side-yard setback along the west property line in lieu of a 5 feet side-yard setback.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Notification Map
Response in Favor
Photographs



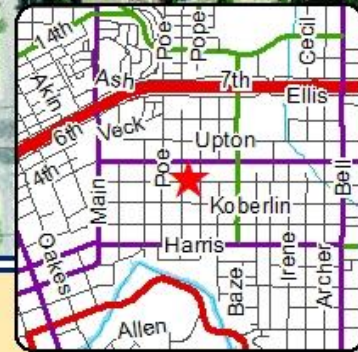
Aerial Map

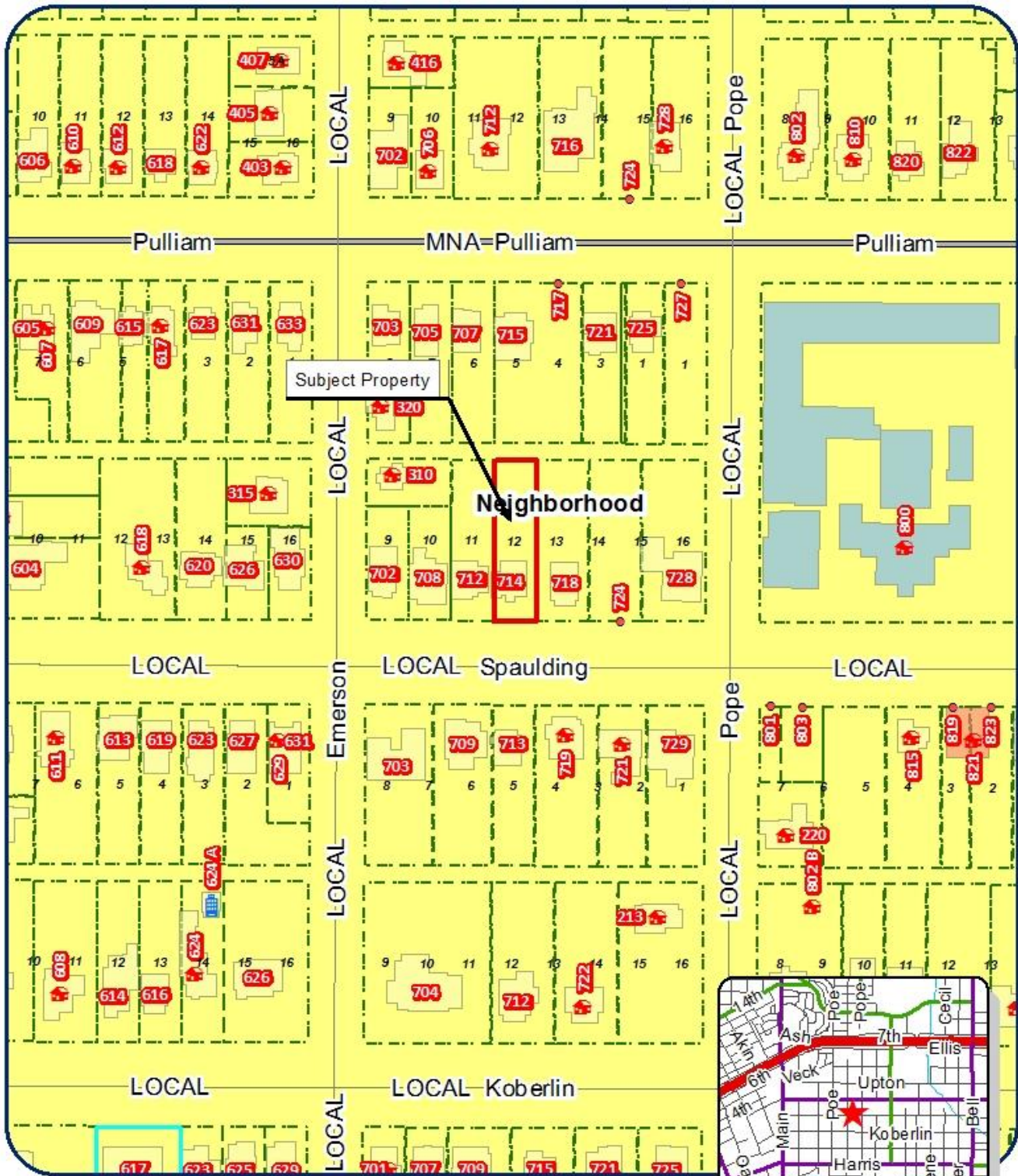
Case ZBA17-23: Victorino

Council District: Harry Thomas
 Neighborhood: Fort Concho East
 Scale: 1" approx. = 150 ft
 Subject Property Legal Description(s): Lot 12, Block 14, Ellis Addition

Legend

Subject Properties: █
 Current Zoning: **RS-2**
 Requested Zoning Change: **N/A**
 Vision: **Neighborhood**

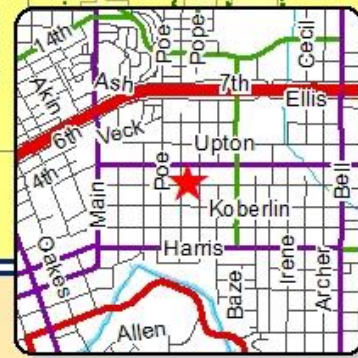




Future Land Use (FLU) Map
Case ZBA17-23: Victorino

Council District: Harry Thomas
 Neighborhood: Fort Concho East
 Scale: 1" approx. = 150 ft
 Subject Property Legal Description(s): Lot 12, Block 14, Ellis Addition

Legend
 Subject Properties: —
 Current Zoning: RS-2
 Requested Zoning Change: N/A
 Vision: Neighborhood





Zoning Map

Case ZBA17-23: Victorino

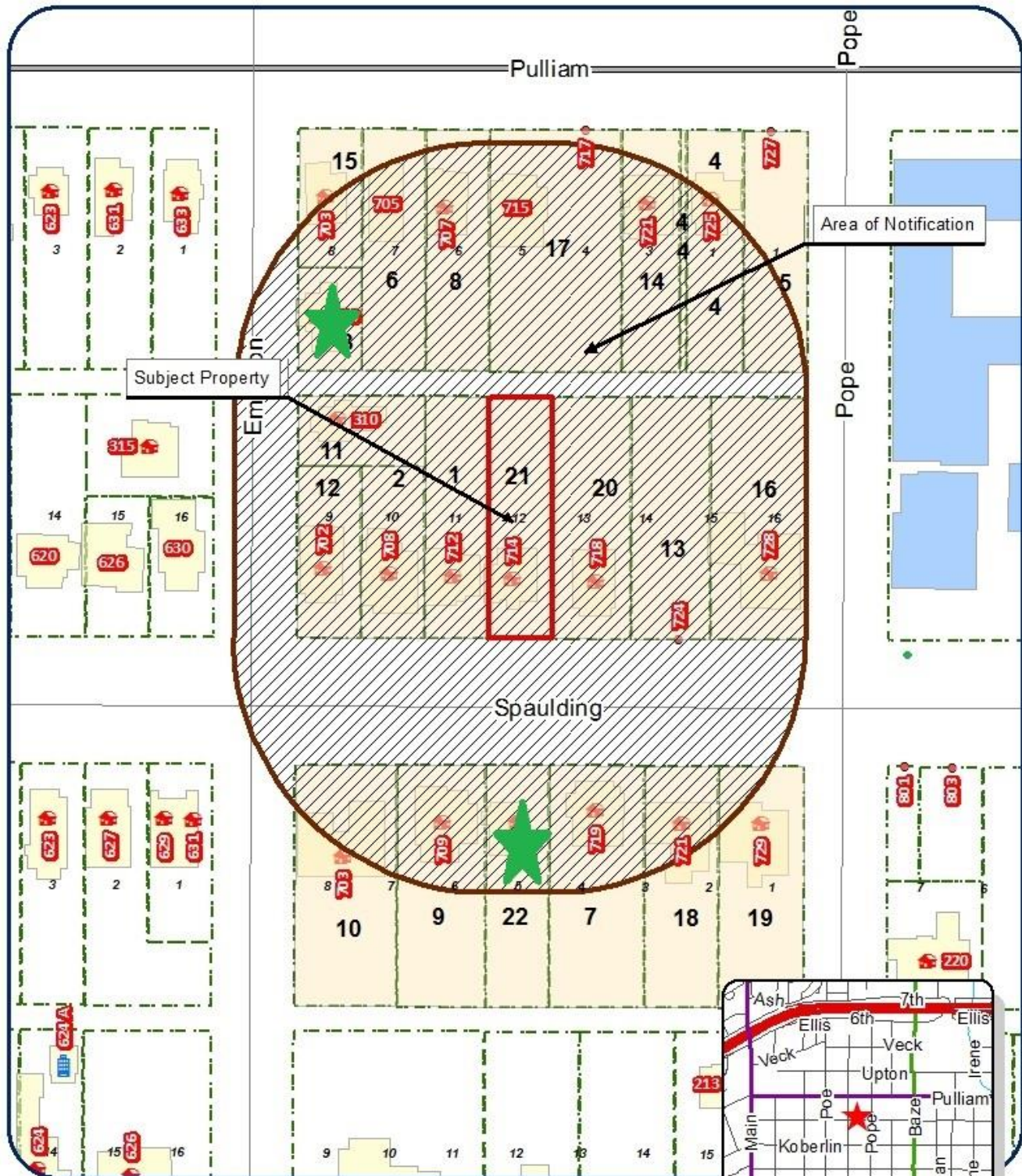
Council District: Harry Thomas
 Neighborhood: Fort Concho East
 Scale: 1" approx. = 150 ft
 Subject Property Legal Description(s): Lot 12, Block 14, Ellis Addition

Legend

- Subject Properties: —
- Current Zoning: RS-2
- Requested Zoning Change: N/A
- Vision: Neighborhood



Green Stars = In favor



Notification Map

Case ZBA17-23: Victorino

Council District: Harry Thomas
 Neighborhood: Fort Concho East
 Scale: 1" approx. = 100 ft
 Subject Property Legal Description(s): Lot 12, Block 14, Ellis Addition

Legend

Subject Properties: —
 Current Zoning: RS-2
 Requested Zoning Change: N/A
 Vision: Neighborhood



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 was an unintentional mistake

NAME: Jim Wade

ADDRESS: 713 Spaulding

SIGNATURE: Jim Wade

ZBA17-23: Victorino
Property Owner number: 22.

If you have any questions about these proceedings, please call Kristina Heredia, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210, ext. 1546. The Planning Division staff may also be reached by email at kristina.heredia@cosatx.us.

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: ROSALIE S. BRANNAN
ADDRESS: 320 N. EMERSON
SAN ANGELO, TX 76903

SIGNATURE: Rosalie S. Brannan

ZBA17-23: Victorino
Property Owner number: 3

If you have any questions about these proceedings, please call Kristina Heredia, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210, ext. 1546. The Planning Division staff may also be reached by email at kristina.heredia@cosatx.us.

Photo showing home prior to remodel



Photo showing home after remodel



Photos of Site

FRONT ON SPAULDING



SIDE OF ENCLOSURE



Photos of Surrounding Area

WEST

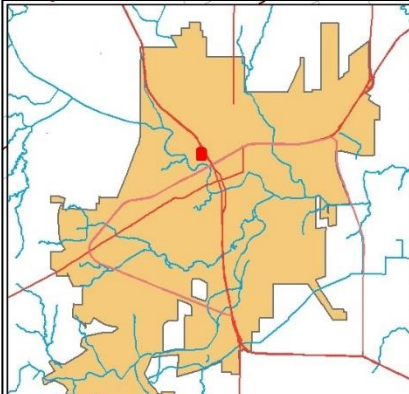


EAST



ZONING BOARD OF ADJUSTMENT – December 11, 2017
STAFF REPORT



APPLICATION TYPE:		CASE:	
Variance		ZBA17-25: Hruby	
SYNOPSIS:			
A request for approval of a Variance from Section 509.B.3 of the Zoning Ordinance to allow for a 6-foot high chain link or decorative iron fence within the front yard (with a 0 foot setback) in lieu of a maximum 4-foot high fence within the front yard for a self-storage facility located within the General Commercial/Heavy Commercial (CG/CH) Zoning District.			
LOCATION:		LEGAL DESCRIPTION:	
514 & 610 West 14th Street		Abst: A-0111 S-0320, Survey: F E Cramer, 1.4800 Acres Being 385'x 167.5' N Side Of 14th St, and Abst: A-0111 S-0320, Survey: F E Cramer, 0.1900 Acre, City Of San Angelo, Tom Green County, Texas	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD #4 – Lucy Gonzales Blackshear Neighborhood	CG/CH – General Commercial/Heavy Commercial	Commercial	1.67 acre
THOROUGHFARE PLAN:			
<u>West 14th Street</u> – Urban Minor Collector Street – ROW 60' Required (60' Existing) – Pavement Width 50' Required (48' Existing)			
NOTIFICATIONS:			
22 notifications were mailed within a 200-foot radius on November 27, 2017. Two response have been received in support and Zero in opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the proposed variance from Section 509.B.3 of the Zoning Ordinance to allow for a 6-foot high fence within the front yard (with a 0 foot setback) within the front yard for a self-storage facility located within the General Commercial/Heavy Commercial (CG/CH) Zoning District, subject to the following five Conditions of Approval.			
PETITIONER:			
Russell Hruby			
STAFF CONTACT:			
Hillary Bueker, RLA Senior Planner (325) 657-4210, Extension 1547 hillary.bueker@cosatx.us			

Variance: Section 207(F) of the Zoning Ordinance requires that the Zoning Board of Adjustments consider six (6) factors in determining the appropriateness of any Variance request.

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 existing buildings were built by a previous owner at the 25' building setback. This would not allow the fence to be placed and the setback line and provide internal circulation and additional security for the entire property
2. **These special circumstances are not the result of the actions of the applicant.** Since the buildings are existing, the potential new owner would like to add fencing around the property as a whole to enhance the property security.
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.** Having a 4' fence, per the zoning ordinance, within the front yard of the property would add a visual barrier but not add the additional security for the storage unit user and owner that a 6' high fence would.
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.** Allowing the 6' fence at the zero foot setback line would secure a property with known risk of theft and allow adjacent residents and storage users an elevated sense of security without any other action.
5. **Granting the variance will not adversely affect adjacent land in a material way.** The proposed 6' chain link fence would add additional security to the subject property and surrounding land owners while not obscuring views in and around the site.
6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.** A 6' high fence would be allowed in the Heavy Commercial (CH) Zoning District. The subject property is zoned General Commercial & Heavy Commercial (CG/CH) and is surrounded by CG/CH and ML zoning which functions similar to a heavier use zoning district.

Allowed Variances:

In exercising its authority to grant a variance, per Section 207.D of the Zoning Ordinance, the Zoning Board of Adjustment must affirmatively find that one or more of the following circumstances applies:

1. **SPECIAL CIRCUMSTANCES RESULTING IN UNNECESSARY HARDSHIP.** *Where special circumstances exist on the property related to the size, shape, area, topography, surrounding conditions or location that do not generally apply to other property in the same zoning district, and that the circumstances are such that strict application of this zoning ordinance would create an unnecessary hardship or deprive the applicant of reasonable use of the land or building.*

The applicants believe they have a special circumstance because the original storage units

were built up to the 25-foot setback, which would restrict placement of a fence while allowing internal circulation within the fenced area and additional security anywhere except within the 25-foot front yard.

2. **OVERRIDING PUBLIC INTEREST.** *If the variance furthers an overriding public interest or concern, including, but not limited to: (a) Preserving the natural environment, (b) Promoting maintenance or reuse of older urban or historic buildings, or (c) Helping to eliminate a nonconforming use at another location.*
3. **LITERAL ENFORCEMENT.** *If it is found that the literal enforcement and strict application of this Zoning Ordinance will result in extraordinary circumstances inconsistent with the general provisions and intent of this ordinance, and that, in granting the variance, the spirit of the ordinance will be preserved and substantial justice done.*

Recommendation:

Staff recommends that the Zoning Board of Adjustments **APPROVE** the proposed variance from Section 509.B.3 of the Zoning Ordinance to allow for a 6-foot high chain link or decorative iron fence within the front yard (with a 0 foot setback) within the front yard for a self-storage facility within the General Commercial/Heavy Commercial (CG/CH) Zoning District, **subject to the following five Conditions of**

Approval:

1. No razor wire or barbed wire will be allowed on top of the proposed 6' high chain link or decorative iron fence.
2. Final specifications for the type of fence will be approved by the Director of Planning.
3. Any new fencing installed along the back or side of the property adjacent to a residential zoning or use, will be an opaque 6' privacy fence to screen the storage units from view of the neighboring homes.
4. Fencing along West 14th Street will be laid out on or within the property lines to ensure a minimum 6' clear space from the back of curb to the fence.
5. Any new construction will be setback at an appropriate distance to allow the 6' high fence to be placed at the 25' setback line and still allow security and internal circulation.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Application
Site Plan
Photos of the Site
Notification Map



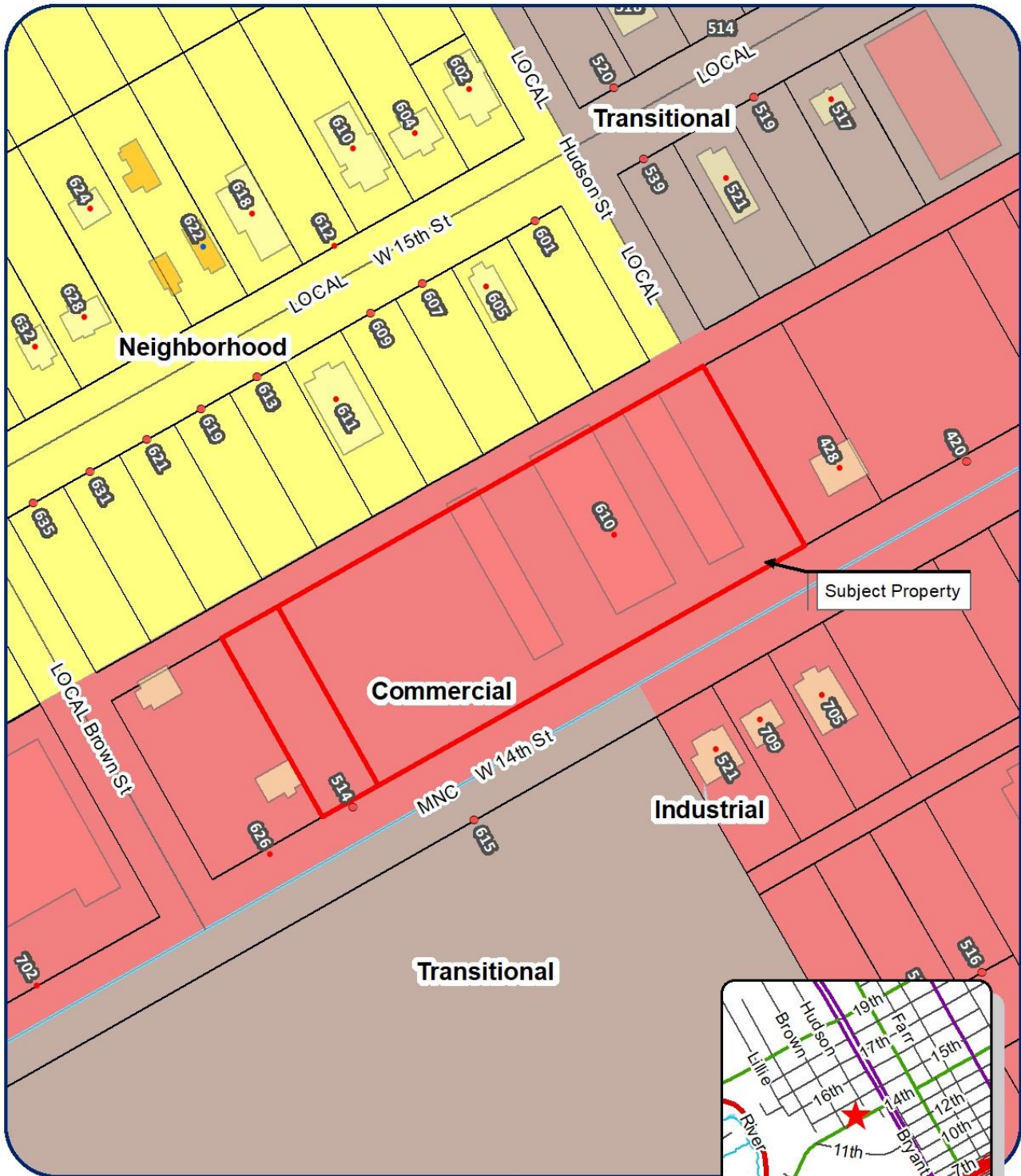
ZBA17-25: Hruby
514 & 610 West 14th Street

Council District: SMD #4 - Lucy Gonzales
 Neighborhood: Blackshear
 Scale: 1" approx. = 100 ft

Legend

- Subject Properties: —
- Current Zoning: CG/CH
- Requested Zoning Change: N/A
- Vision: Commercial

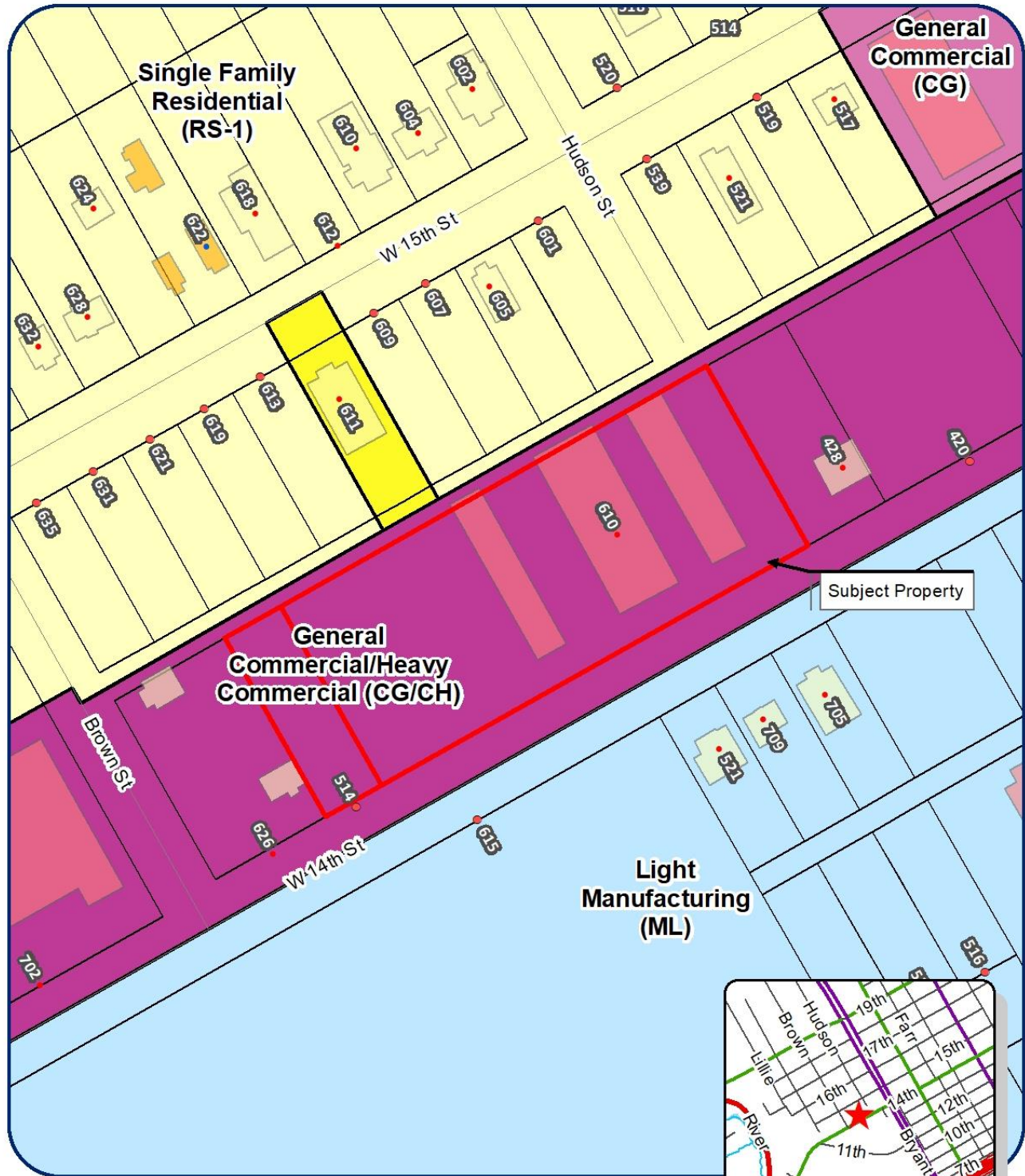




ZBA17-25: Hruby
514 & 610 West 14th Street
Council District: SMD #4 - Lucy Gonzales
Neighborhood: Blackshear
Scale: 1" approx. = 100 ft

Legend
Subject Properties: —
Current Zoning: **CG/CH**
Requested Zoning Change: **N/A**
Vision: **Commercial**






ZBA17-25: Hrubby
514 & 610 West 14th Street

Council District: SMD #4 - Lucy Gonzales
Neighborhood: Blackshear
Scale: 1" approx. = 100 ft

Legend

- Subject Properties: 
- Current Zoning: **CG/CH**
- Requested Zoning Change: **N/A**
- Vision: **Commercial**



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): Russell Hruby
 Owner Representative (Notarized Affidavit Required)

5701 Galsworthy Ct Austin TX 78739
 Mailing Address City State Zip Code

512-680-6299 rustyhruby@gmail.com
 Contact Phone Number Contact E-mail Address

610 W. 14th Street San Angelo TX 76903
 Subject Property Address and/Location City State Zip Code

Acres: 1.478, Abst: A-0111 S-0320, Survey: F E CRAMER, 1.4800 ACRES BEING 385'X 167.5' N SIDE OF 14TH ST Situs: 14TH ST 610 W
 Legal Description (can be found on property tax statement or at www.tomgreencad.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:

- Zoning Ordinance section: 25' setback (from 14th street...see drawing of fencing attached)
 Describe variance: Reconfigure fencing to allow for a secured storage facility along with the ability for a customer to drive through electronic gate and have drive space (parallel to 14th St) inside of fencing.
- Zoning Ordinance section: _____
 Describe variance: _____
- 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:

- 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: Unable to effectively configure a secure storage facility w/o variance to move the fence as a result of how the existing buildings were placed on the parcel.

Effective January 3, 2017

Section 3 continued: Variance Request Criteria

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

Explanation: I am planning to purchase this parcel and further build out the parcel with additional storage buildings. Without the variance, I will not move forward with the purchase.

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: See above

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: See above

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

Explanation: See above

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

Explanation: See above

Effective January 3, 2017

Section 4: Applicant(s) Acknowledgement

Please initial the following:

RH 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;

RH 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;

RH 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

RH 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

11/06/2017
Date

Russell Hruby
Printed name of licensee or authorized representative

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Reviewed/Accepted by: _____ Date: ____/____/____

Case No.: ZBA: _____ -- _____ ZBA Hearing Date: ____/____/____

Fully-Dimensioned and scaled Site Plan: Yes No Date of Application: ____/____/____

Non-Refundable Fee: \$ _____ Receipt #: _____ Date paid: ____/____/____

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

Proposed Site Plan



Variance Request: Bring security fence (6' chain link or similar) near curb to run along the majority of the front property line.

Photos of the Site



Looking West at the Property From West 14th Street



Existing Storage Buildings



Looking South from the Property

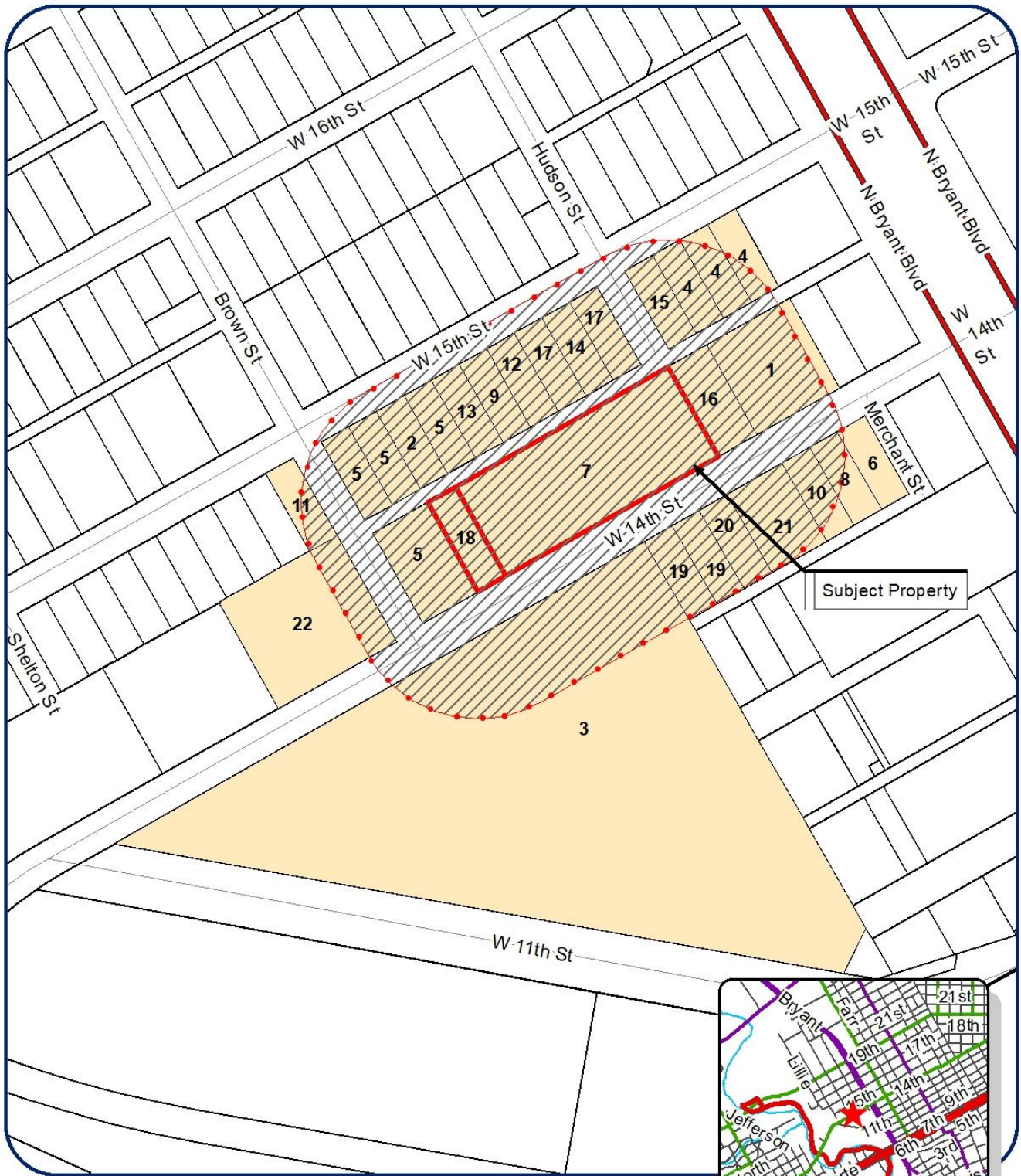


Looking East at the Property from West 14th Street



Back of the Property





Subject Property



ZBA17-25: Hruby
514 & 610 West 14th Street

Council District: SMD #4 - Lucy Gonzales
 Neighborhood: Blackshear
 Scale: 1" approx. = 200 ft

Legend

- Subject Properties: —
- Current Zoning: **CG/CH**
- Requested Zoning Change: **N/A**
- Vision: **Commercial**

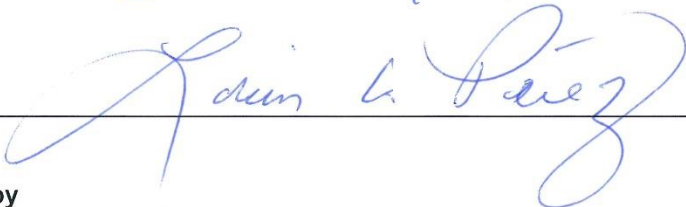
TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 52 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

() IN FAVOR () IN OPPOSITION

REASON(S) _____

NAME: Louis A. Perez

ADDRESS: 112 W. College Ave.
San Angelo, TX 76903

SIGNATURE: 

ZBA17-25: Hruby

Property owner number: 13

If you have any questions about these proceedings, please call Hillary Bueker, Senior 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 hillary.bueker@cosatx.us.

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) To make use of property for
STORAGE UNIT

NAME: Marvin B. Stephenson

ADDRESS: 10257 Burma Road
Carlsbad Tx 76934

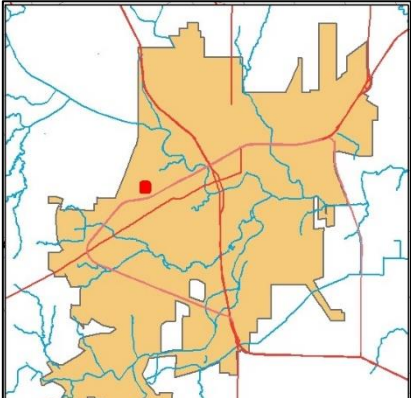
SIGNATURE: Marvin B. Stephenson

ZBA17-25: Hruby
Property owner number: 18

If you have any questions about these proceedings, please call Hillary Bueker, Senior 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 hillary.bueker@cosatx.us.

ZONING BOARD OF ADJUSTMENT – December 11, 2017
STAFF REPORT



APPLICATION TYPE:		CASE:	
Variance		ZBA17-26: Weiershausen	
SYNOPSIS:			
A request for approval of a Variance from Section 501.A of the Zoning Ordinance to allow for a 6-foot front yard setback in lieu of 25' for a house within the Single Family Residential (RS-1) Zoning District.			
LOCATION:		LEGAL DESCRIPTION:	
2702 Coleman Street		Lot 16, Block 37, Hatcher Addition, City Of San Angelo, Tom Green County, Texas	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
SMD #2 – Tom Thompson Bluffs Neighborhood		RS-1 – Single-Family Residential	Neighborhood Center
			SIZE:
			0.106 acre
THOROUGHFARE PLAN:			
<p><u>Hatcher Street</u> – Urban Local Street – ROW 50' Required (60' Existing) – Pavement Width 40' or 36' with 4' Sidewalk Required (30' Existing)</p> <p><u>Coleman Street</u> – Urban Local Street – ROW 50' Required (60' Existing) – Pavement Width 40' or 36' with 4' Sidewalk Required (30' Existing)</p>			
NOTIFICATIONS:			
25 notifications were mailed within a 200-foot radius on November 27, 2017. Zero responses have been received in support or in opposition.			
STAFF RECOMMENDATION:			
<p>Staff recommends DENIAL of the proposed variance from Section 501.A of the Zoning Ordinance to allow for a 6-foot front yard setback in lieu of 25' for a house within the Single Family Residential (RS-1) Zoning District.</p> <p>Alternatively, Staff would recommend APPROVAL of a variance from Section 501.A of the Zoning Ordinance to allow for a 15-foot front yard setback in lieu of 25' for a house within the Single Family Residential (RS-1) Zoning District.</p>			
PETITIONER:			
Galen Weiershausen			
STAFF CONTACT:			
Hillary Bueker, RLA Senior Planner (325) 657-4210, Extension 1547 hillary.bueker@cosatx.us			

Variance: Section 207(F) of the Zoning Ordinance requires that the Zoning Board of Adjustments consider six (6) factors in determining the appropriateness of any Variance request.

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 existing lot was platted prior to current zoning regulations which limit the buildable area to a very small home footprint, but a 6' setback would create irregular pattern of development. The home directly adjacent to the North is approximately 15' setback from the property line.
2. **These special circumstances are not the result of the actions of the applicant.** Since the lot was platted in 1927, the owner today is left with a very limited building area due to the 25' setback line in the current zoning ordinance.
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.** With the current setback the buildable area of the lot would be 20' wide by 47' deep only allowing a 940 square foot home. This is inconsistent with the surrounding area where homes range from approximately 1200 square feet to 2000 square feet. By approving a 15' front yard setback, the buildable lot area increases to 1410 square 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 this Zoning Ordinance and substantial justice.** Staff believes that this is not the minimum action that would make the use of the land possible. The applicant has asked for a variance to allow a 6' front yard setback in lieu of 25'. Staff believes that a 15' setback would still allow a large enough buildable area and be more consistent with adjacent properties without varying the ordinance too much.
5. **Granting the variance will not adversely affect adjacent land in a material way.** The home directly north and south of the subject property, on the same side so the street, face Hatcher Street where the applicant has proposed the varied front yard setback. The proposed 6' setback would create an inconsistent development pattern within this block. The home to the north appears to be approximately 15' setback from the property line and therefore a variance to allow a 15' setback on the subject property this would provide for consistency.
6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.** It appears that the proposed Variance by the applicant would result in an illogical pattern of urban development. Since the house to the north is set back approximately 15' from the property line along Hatcher Street, staff believe that a variance to allow a 15' front yard setback with be generally consistent with the purpose and intent of the zoning ordinance.

Allowed Variances:

In exercising its authority to grant a variance, per Section 207.D of the Zoning Ordinance, the Zoning Board of Adjustment must affirmatively find that one or more of the following circumstances applies:

1. **SPECIAL CIRCUMSTANCES RESULTING IN UNNECESSARY HARDSHIP.** *Where special circumstances exist on the property related to the size, shape, area, topography, surrounding conditions or location that do not generally apply to other property in the same zoning district, and that the circumstances are such that strict application of this zoning ordinance would create an unnecessary hardship or deprive the applicant of reasonable use of the land or building.*

The applicant believe they have a special circumstance because the original lot was platted in 1927 and the subsequent zoning determined the 25-foot setback which would restrict placement of the home to an area of 20' wide by 47' deep.

2. **OVERRIDING PUBLIC INTEREST.** *If the variance further an overriding public interest or concern, including, but not limited to: (a) Preserving the natural environment, (b) Promoting maintenance or reuse of older urban or historic buildings, or (c) Helping to eliminate a nonconforming use at another location.*
3. **LITERAL ENFORCEMENT.** *If it is found that the literal enforcement and strict application of this Zoning Ordinance will result in extraordinary circumstances inconsistent with the general provisions and intent of this ordinance, and that, in granting the variance, the spirit of the ordinance will be preserved and substantial justice done.*

Recommendation:

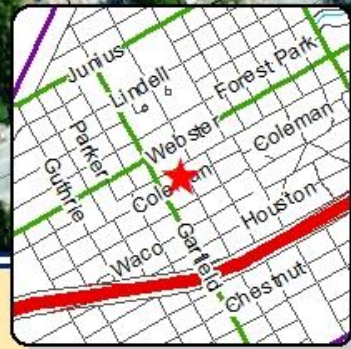
Staff recommends that the Zoning Board of Adjustments **DENY** the proposed variance from Section 501.A of the Zoning Ordinance to allow for a 6-foot front yard setback in lieu of 25' for a house within the Single Family Residential (RS-1) Zoning District.

However, Staff would recommend **APPROVAL** of a variance form Section 501.A of the Zoning Ordinance **to allow for a 15-foot front yard setback in lieu of 25'** for a house within the Single Family Residential (RS-1) Zoning District with the following **Condition of Approval**:

1. The applicants shall obtain necessary permits from the Permits and Inspections Division.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Application
Site Plan
Photos of the Site
Notification Map



ZBA17-26: Weiershausen
2702 Coleman Street

Council District: SMD #2 - Tom Thompson
Neighborhood: Bluffs
Scale: 1" approx. = 100 ft

Legend

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





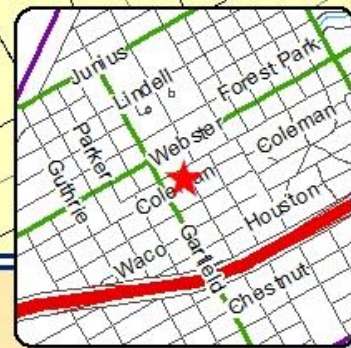
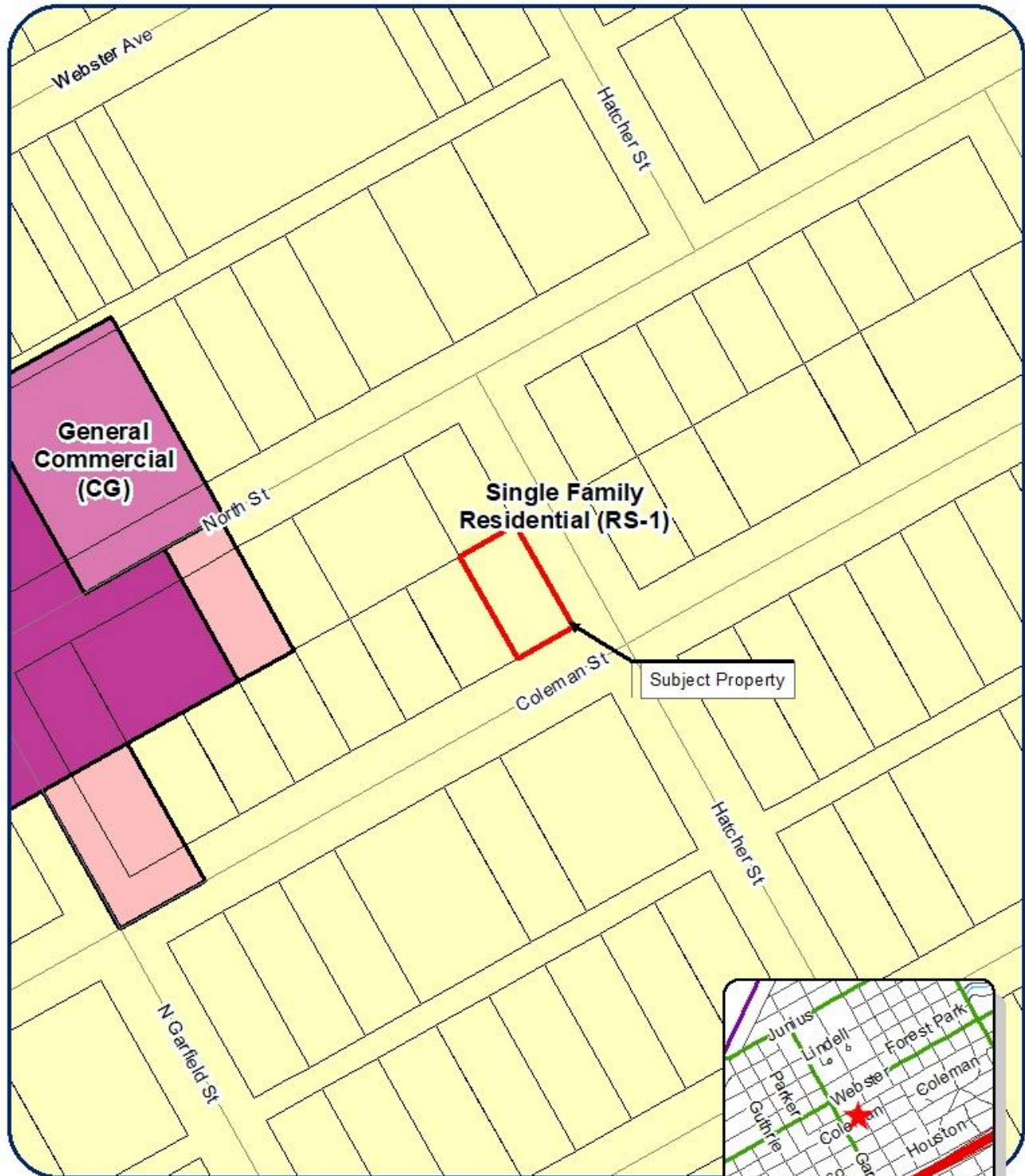
ZBA 17-26: Weiershausen
2702 Coleman Street

Council District: SMD #2 - Tom Thompson
Neighborhood: Bluffs
Scale: 1" approx. = 100 ft

Legend

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





ZBA 17-26: Weiershausen
2702 Coleman Street

Council District: SMD #2 - Tom Thompson
Neighborhood: Bluffs
Scale: 1" approx. = 100 ft

Legend

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



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): Galew Weiershausen

Owner Representative (Notarized Affidavit Required)

Mailing Address: P.O. Box 368 SAN ANGELO TX 76902

Contact Phone Number: 325-234-0617 Contact E-mail Address: XMRVISIT@AOL.COM

Subject Property Address and/Location: 2702 COLEMAN ST. SAN ANGELO TX 76901

Legal Description (can be found on property tax statement or at www.tomgreencad.com): Block 37 Lot 16 Hatcher Addition

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.A, Front Yard Setback
 Describe variance: 6 ft. instead of 25 ft.
- Zoning Ordinance section: 501.A Maximum lot depth 92' instead of 100'
 Describe variance: _____
- 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: Built A Home adjacent that had same lot size and is 20 ft to slab from curb. Home would look like all others in that area. Other home built was 2029 Coleman St. Home would face Coleman St. as all others are.

Effective January 3, 2017

Section 3 continued: Variance Request Criteria

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

Explanation: Property was Platted in 1920's and HAS
not been altered.

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: Keeps anyone from building a home like all the
existing ones around this neighborhood because of a
double front setback.

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: Granting this would not affect any public
interest at all.

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

Explanation: Granting this would make this home the
same as all the other adjacent homes.

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

Explanation: Yes

Effective January 3, 2017

Section 4: Applicant(s) Acknowledgement

Please initial the following:

W 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;

W 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;

W 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

W 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.

Galen Weiershausen

Signature of licensee or authorized representative

11/9/17

Date

Galen Weiershausen

Printed name of licensee or authorized representative

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Reviewed/Accepted by: *H. Bueker* _____

Date: *11 / 9 / 17* _____

Case No.: ZBA: *17 -- 26* _____

ZBA Hearing Date: *12 / 4 / 17* _____

Fully-Dimensioned and scaled Site Plan: ___ Yes ___ No

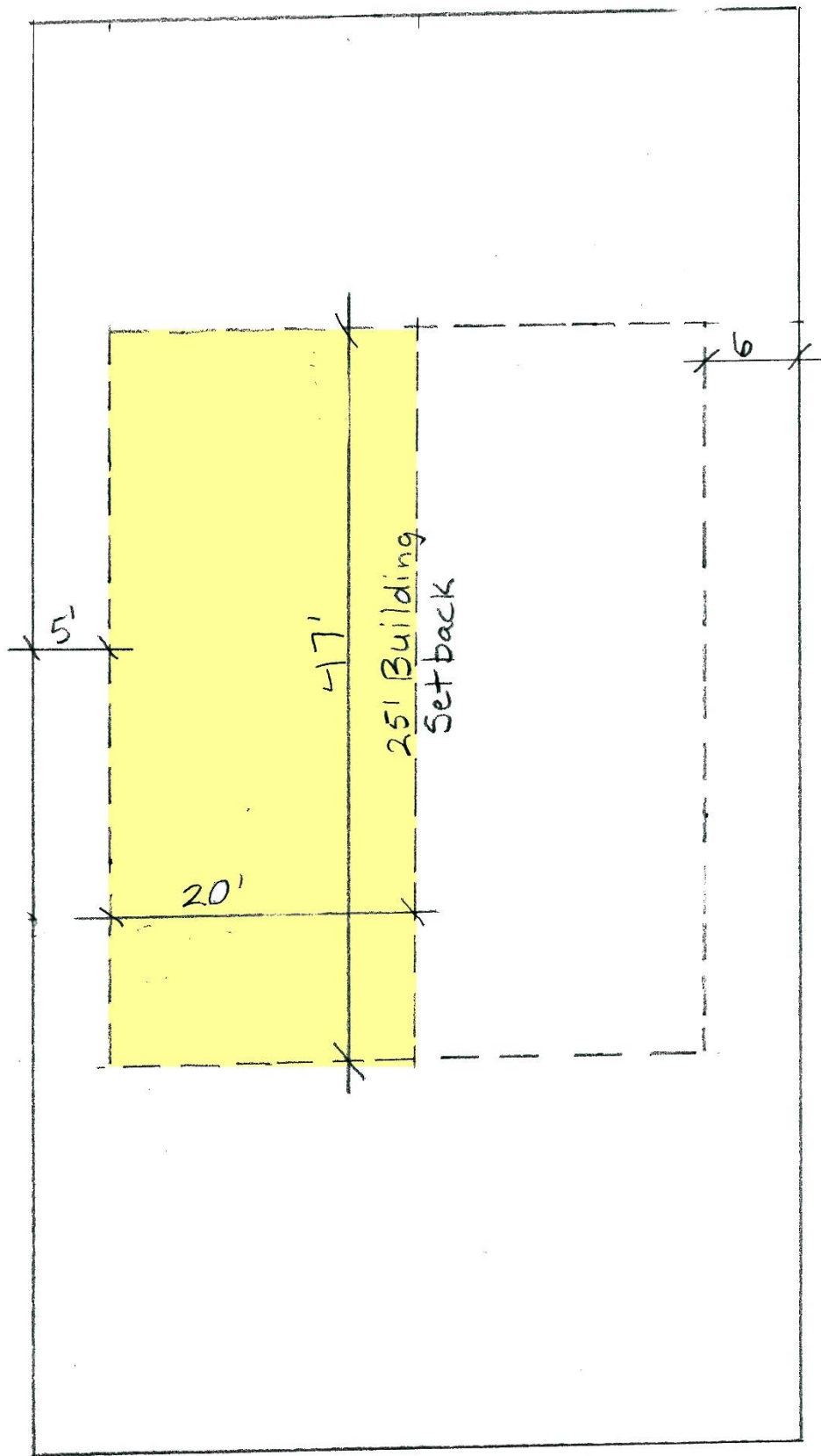
Date of Application: ___ / ___ / ___

Non-Refundable Fee: \$ *250* Receipt #: *269572*

Date paid: ___ / ___ / ___

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

Lot Exhibit



Photos of the Site



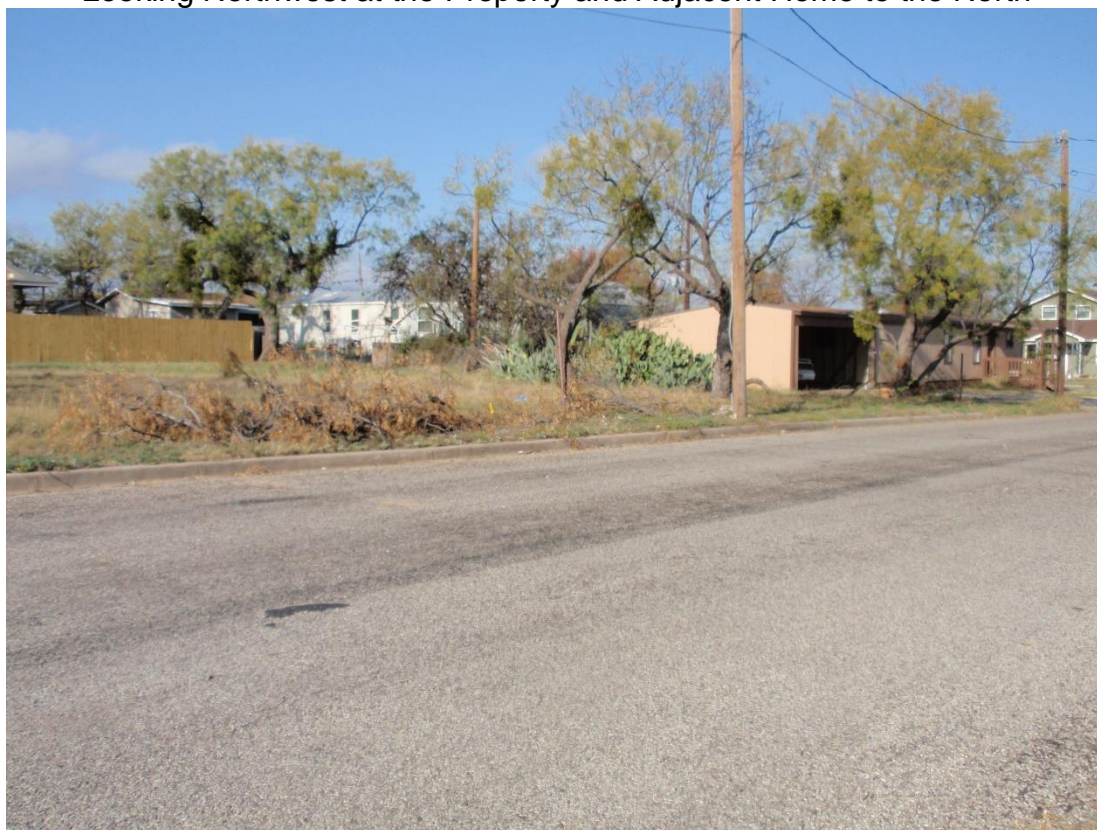
Looking Northwest at the Property from Hatcher Street



Looking Southwest down Coleman Street



Looking Northwest at the Property and Adjacent Home to the North

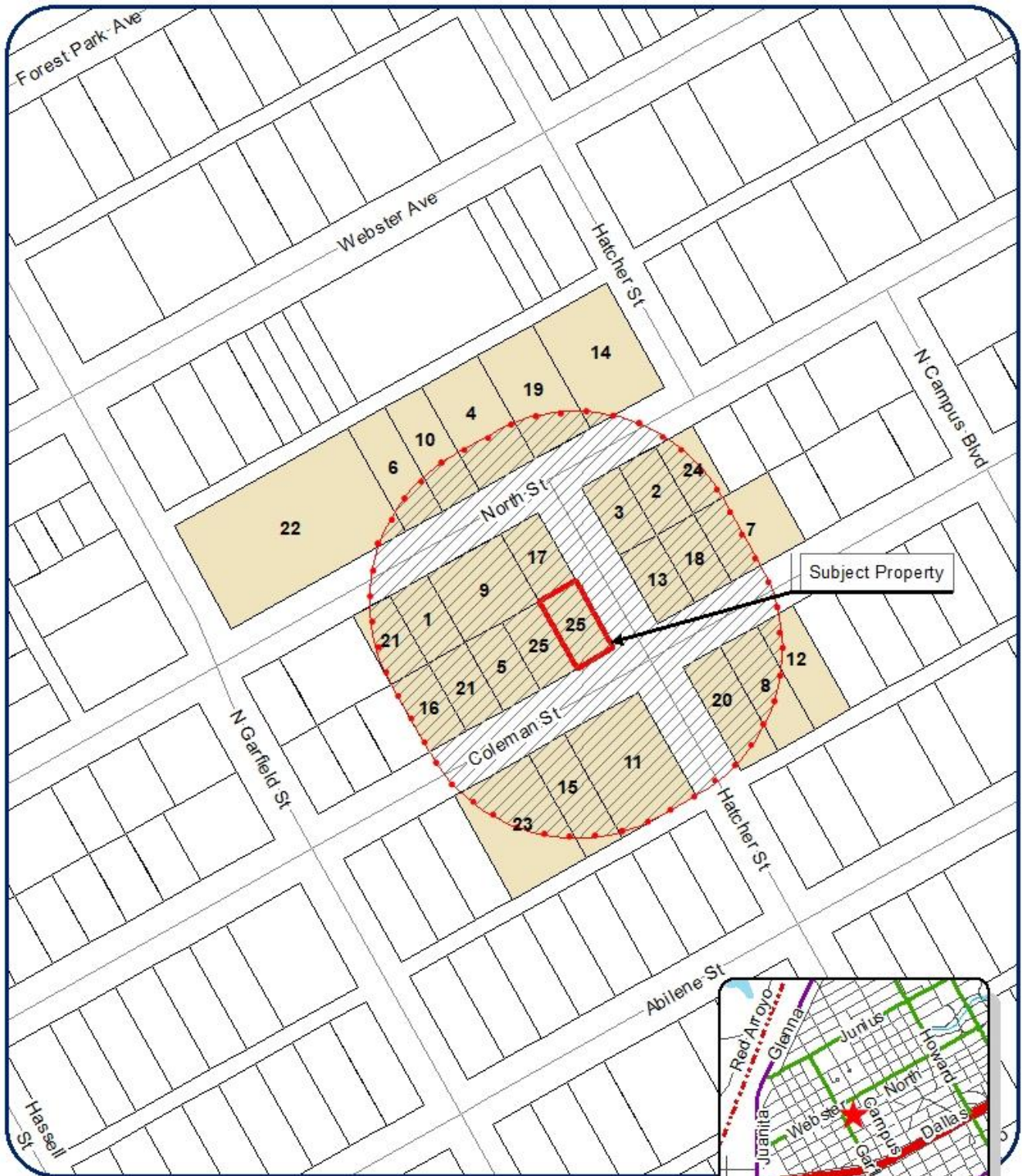


Home to the South of the Property Fronting Hatcher Street



Home on Southeast corner of Hatcher Street and Coleman Street





<p>ZBA17-26: Weiershausen 2702 Coleman Street</p>	<p>Legend</p>	
<p>Council District: SMD #2 - Tom Thompson Neighborhood: Bluffs Scale: 1" approx. = 150 ft</p>	<p>Subject Properties: Current Zoning: RS-1 Requested Zoning Change: N/A Vision: Neighborhood Center</p>	