

MINUTE RECORD OF THE CITY OF SAN ANGELO ZONING BOARD OF ADJUSTMENT MEETING HELD ON MONDAY, JANUARY 23, 2014 AT 1:30 PM, KENNETH MCNEASE CONVENTION CENTER

PRESENT: Louis Rork, Jimmy Mitchell, David Nowlin, Haydn John

ABSENT: John Rowland (UA), Lloyd Woodfin Jr. (EA)

STAFF: Kevin Boyd, Planner
Roxanne Johnston, Planner
Joy Shelton, Permit Technician

I. Call to order and establish that a quorum is present.

The meeting was called to order at 1:36 pm with a quorum present.

II. Election of a chair and vice-chair to serve for the 2014 calendar year.

Mr. Rork motioned to nominate David Nowlin to remain chairman of the board, seconded by Mr. Mitchell. Motion passed. Louis Rork was nominated by Mr. Mitchell for vice-chair, seconded by Mr. John, motion passed.

III. Approval of meeting schedule for 2014.

Mr. Mitchell made a motion for approval, seconded by Mr. Rork. Motion carried with a 4-0 vote.

IV. Review and take any action related to minute record of the scheduled regular meeting held on November 4, 2013.

Motioned by Mr. Nowlin, seconded by Mr. Mitchell, motion passed, 4-0.

V. Consideration of requested variance from zoning regulations.

A. ZBA 13-37: Rey Hernandez.....Rowland

A request for approval to allow an increase in the floor area of an accessory building, above the required 50 percent of the total square footage of the principal structure as outlined in Section 501, in a Single-Family Residential (RS-1) zoning district by an additional 20 percent, equaling 70 percent of the size of the principle structure, on the following the property:

3013 Red Bluff Circle, located approximately 950 feet southeast of the intersection of Red Bluff Circle and Red Bluff Lane; more specifically occupying the Lake Nasworthy, Group Red Bluff, Block 3, Section 3, Lot 58, in southwest San Angelo.

Kevin Boyd, Planner, came forward to present this case, recommending to deny the request given the fact that it was inconsistent with the Zoning Ordinance and plans and policies of the City.

Mr. Boyd explained that some of the notification letters given to the members were duplicates from the same address – he noted that a set of notifications were sent out each time the meeting was cancelled due to a lack of a quorum; there were four relevant letters, each in favor of the request.

Mr. Boyd explained that there were several structures in place on the property, the surrounding structures on nearby properties were consistent with the maximum limits outlined in the Zoning Ordinance. He then explained the proponent sought to convert the existing carport / storage structure into a garage which would affect the Floor Area Ratio (the structure would no longer be substantially open) and increase it by approximately 20 percent, equaling 70 percent of the primary residence. The Zoning Ordinance only allows for a maximum of 50 percent in a RS-1 zoned district.

Mr. Boyd cited the approximate dates of construction of the structures on the lot. Mr. Boyd clarified that the boathouse structure built out towards the water, was not counted in the FAR calculations since much of it was situated outside the bounds of the property – and likened it to neighboring properties. He further explained that the lot had no special circumstances that would warrant the variance and that the lot was much larger the typical lot size in the district.

Joy Shelton, from the permits office came forward to explain the intent of the applicant in terms of building. She showed the site plan to the board and answered questions as to how the 70 percent figure was calculated.

Ms. Shelton also explained that all setbacks had been met; the applicant was proposing over the allotted amount for the district. She confirmed that the boathouse was not figured into the calculations.

Mr. Rork made a motion to deny the request, seconded by Mr. John. Motion to deny was carried by a 3-1 vote. Mr. Mitchell was in favor of the request.

B. ZBA 13-39: Louis BlaneK Jr.....Woodfin

A request for approval of a complete variance from Section 502.B of the Zoning Ordinance, which requires a minimum building setback of 10 feet to the rear in non-residential zoning districts abutting residential zoning districts or residential uses, in a Heavy Commercial (CH) and General Commercial/Heavy Commercial (CG/CH) Zoning District on the following property:

609 and 617 Glenna Street, located directly west of the intersection at Glenna Street and TLC Way; more specifically occupying Poulter Highland Acres, the north 100' of S. 703.27' of Lots 36 & 37, less the E. 5' to City, -AND- Poulter Highland Acres, N. 100' of S. 603.27' of Lots 36 & 37 Less E. 5' to City, in west San Angelo.

Roxanne Johnston, Planner, came forward to speak on the case. Ms. Johnston showed maps and pictures of the area which included the subject property. The notification map illustrated letters received in favor or opposition of the case. She also presented a site plan of the proposed request and related criteria in staff's

recommendation. Planning staff recommended approval of the request, consistent with city plans and policies.

Special circumstances were not caused by the applicant. When Houston Harte Expressway was constructed it resulted in a series of fragments along its entire stretched which was not the fault of the applicant. Granting the variance would not be contrary to the public interest, it was noted that R&E section (due to regulatory constraints) was deemed unbuildable. Variance is consistent with the intent of the Ordinance, the request sought the only minimum action necessary to expand its business.

Mr. Rork demonstrated concerns about approval of the requested variance when a zone change would accomplish the same goal. Ms. Johnston mentioned that the developers were ready to build and that a zone change would take some time.

Mr. Rork stated if the variance is granted, could the property on the north adjoining lot also build a structure on the property line. Ms. Johnston stated a site plan review is a necessary component of the building process.

Louis Blaneck came forward to speak on the matter. He spoke about previous constructions of the building in which they did not have to go through this process. Ms. Johnston stated such developments may have predated the current Zoning Ordinance.

Mr. Rork stated whether the R&E portion could be developed. Ms. Johnston responded, no, that given the small size of the fragment section, said constraints from the Ordinance make the section unbuildable.

Mr. Rork recommended approval of the request, seconded by Mr. John. Motion passed by a 4-0 vote.

VI. Presentation on recent trends of code enforcement in the city.

The presentation by James Flores, Code Compliance Manager, was postponed to the next scheduled meeting.

VII. Next meeting agenda.

The next regular meeting of the Zoning Board of Adjustment is scheduled to begin at 1:30 p.m. on Monday, February 3rd of 2014 in the McNease Convention Center.

VIII. Adjournment.

Mr. Nowlin motioned the meeting be adjourned, seconded by Mr. Mitchel. The meeting adjourned at 2:20 pm.

David Nowlin, Chairperson
Zoning Board of Adjustment