

**ZONING BOARD OF ADJUSTMENT – November 13, 2018
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Variance		ZBA18-18: Johnson Street Church of Christ	
SYNOPSIS:			
<p>On June 5, 2017, the applicant received approval from the Zoning Board of Adjustment for two variances from the Zoning Ordinance, a variance from Section 511.B to allow four off-street parking spaces in lieu of the required 15; and a variance from Section 509.A.1.a to exempt a required privacy fence for a nonresidential use adjacent to a residential district (RS-1) boundary (ZBA17-07). The approved variances allowed the expansion of the existing building on the property, owned by the applicant but which serves as the home to “Rams for Christ” of Angelo State University (ASU). Section 207 of the Zoning Ordinance requires the applicant to obtain a permit within 12 months of approval but the applicant was not ready for construction and the time period expired. The applicant has submitted this renewal request for the same variances for parking and privacy fencing with one exception: The new total floor area will increase from 6,100 to 6,295 square feet, and therefore, the new parking variance will be to allow four off-street parking spaces in lieu of “16” spaces.</p>			
LOCATION:		LEGAL DESCRIPTION:	
1920 South Johnson Street		Lots 7-9 in Block 23 of the Delmar Annex Subdivision	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #5 – Lane Carter ASU – College Hills Neighborhood	CO – Office Commercial	C/I – Campus/Institutional	3.85 acres
THOROUGHFARE PLAN:			
<p>South Johnson Street – Urban Arterial Street Required: 80’ right-of-way, 64’ pavement; Provided: 64’ right-of-way, 50’ (complied at the time of platting)</p>			
NOTIFICATIONS:			
4 notifications were mailed within a 200-foot radius on November 1, 2018. One letter was received in support and none in opposition of the request to date.			
STAFF RECOMMENDATION:			
<p>Staff’s recommendation is for the Zoning Board of Adjustment (ZBA) to APPROVE a Variance from Section 511.B of the Zoning Ordinance to allow for four (4) off-street parking spaces in lieu of the required sixteen (16) off-street parking spaces for a religious institution and, a Variance from Section 509.A.1.a of the Zoning Ordinance to exempt the requirement for a privacy fence adjacent to a residential district boundary, on a property within the Office Commercial (CO) Zoning District, subject to the following two Conditions of Approval.</p>			
PROPERTY OWNER/PETITIONER:			
<p><i>Property Owner and Applicant:</i> Mr. Doug Johnson Johnson Street Church of Christ</p>			
STAFF CONTACT:			
<p>Jeff Fisher, AICP Senior Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us</p>			

Additional Information: The applicant has provided a letter from Angelo State University’s Facilities Planning and Construction Office in support of the variances. The letter explains that most of the users of the new Christian Campus Center will be ASU students who park in the adjacent ASU parking lots with parking permits. In addition, the applicant has provided a letter explaining that the original building offered credit Bible study courses to ASU students and now provides a gathering place to “Rams for Christ”, an ASU student organization. The new facility will include an assembly hall, offices, gathering room, coffee/computer room, and games room.

Variances: 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 property has served the adjacent ASU campus since 1957, beginning with credited Bible Study courses and now as a gathering place for the ASU student organization Rams for Christ. The applicant indicates that there should not be more than 2 employees on-site and that ASU students park in the nearby ASU lots, including immediately to the east behind the Nursing building. Therefore, the Planning Division believes that the four (4) existing parking spaces should adequately serve the new building after expansion. ASU students also utilize the existing sidewalk to the southwest to access the subject property. Installing a 6-foot high privacy fence would block students who park in the adjacent lot from accessing the new building. A site visit by Planning Staff on Thursday, October 25, 2018 at 12:30pm, confirms these pedestrian patterns. Therefore, the Planning Division also supports the variance from installing a privacy fence.

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

The original building was constructed in the 1950s prior to the adjacent portion of the ASU campus. Therefore, the applicant did not create the current unique circumstances. Had residential uses developed to the east instead of the ASU campus, variances from the parking and privacy screening standards would not have been justified. However, in this case, requiring additional parking would be unnecessary and a privacy fence prohibitive as students who park on the adjacent ASU property would be cut off from the Christian Campus Center which they intend to utilize.

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 believes a literal interpretation of the Zoning Ordinance would cause the applicant an unnecessary hardship. The Christian Campus Center building which includes a private gathering space and assembly hall would require one parking space/400 square feet (6,295/400), 16 parking spaces. Requiring 16 spaces on the subject property would not be possible at the footprint of the current building and expansion area takes up the majority of the property. As indicated, ASU students already have parking permits from the university to park on the adjacent

lots, leaving the four existing spaces for employees. In addition, the intent of the Zoning Ordinance was to provide screening between non-residential uses and residential uses, or districts intended for residential purposes. The ASU campus has an underlying zoning of RS-1 but was never used for single-family living. Rather, it developed as an institutional use (university) with a Special Permit (SP314) for a university campus and related facilities.

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 site plan provided by the applicant shows that the new building after expansion will comply with all Office Commercial (CO) Zoning Standards, except for the parking and privacy fence requirements. Granting the variances would be the minimum action necessary to facilitate the building expansion. The variances would allow Rams for Christ to continue to serve the ASU student community more easily, allowing students to walk to the site from the adjacent parking areas.

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

Approval of the variance would not adversely affect any adjacent land. In contrast, the variance would allow students who park on the adjacent property to access the site from the shared sidewalk. As mentioned, additional parking is not required as students access the property from the adjacent parking lot.

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

The Planning Division believes that both variance requests are consistent with the intent of the Zoning Ordinance. Section 105 of the Zoning Ordinance.” Allowing students to park on the adjacent land and have direct access to the site without being restricted by a privacy fence satisfies the intent of the zoning regulations.

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 believes there are special circumstances that warrant variances. They believe that the adjacent University parking lot provides sufficient parking for ASU students; and that a privacy fence would restrict access, opposing its mission of serving ASU students.

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 (ZBA) to **APPROVE** a Variance from Section 511.B of the Zoning Ordinance to allow for four (4) off-street parking spaces in lieu of the required sixteen (16) off-street parking spaces for a religious institution and, a Variance from Section 509.A.1.a of the Zoning Ordinance to exempt the requirement for a privacy fence adjacent to a residential district boundary, on a property within the Office Commercial (CO) Zoning District, on the subject property, subject to the following **two Conditions of Approval**:

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

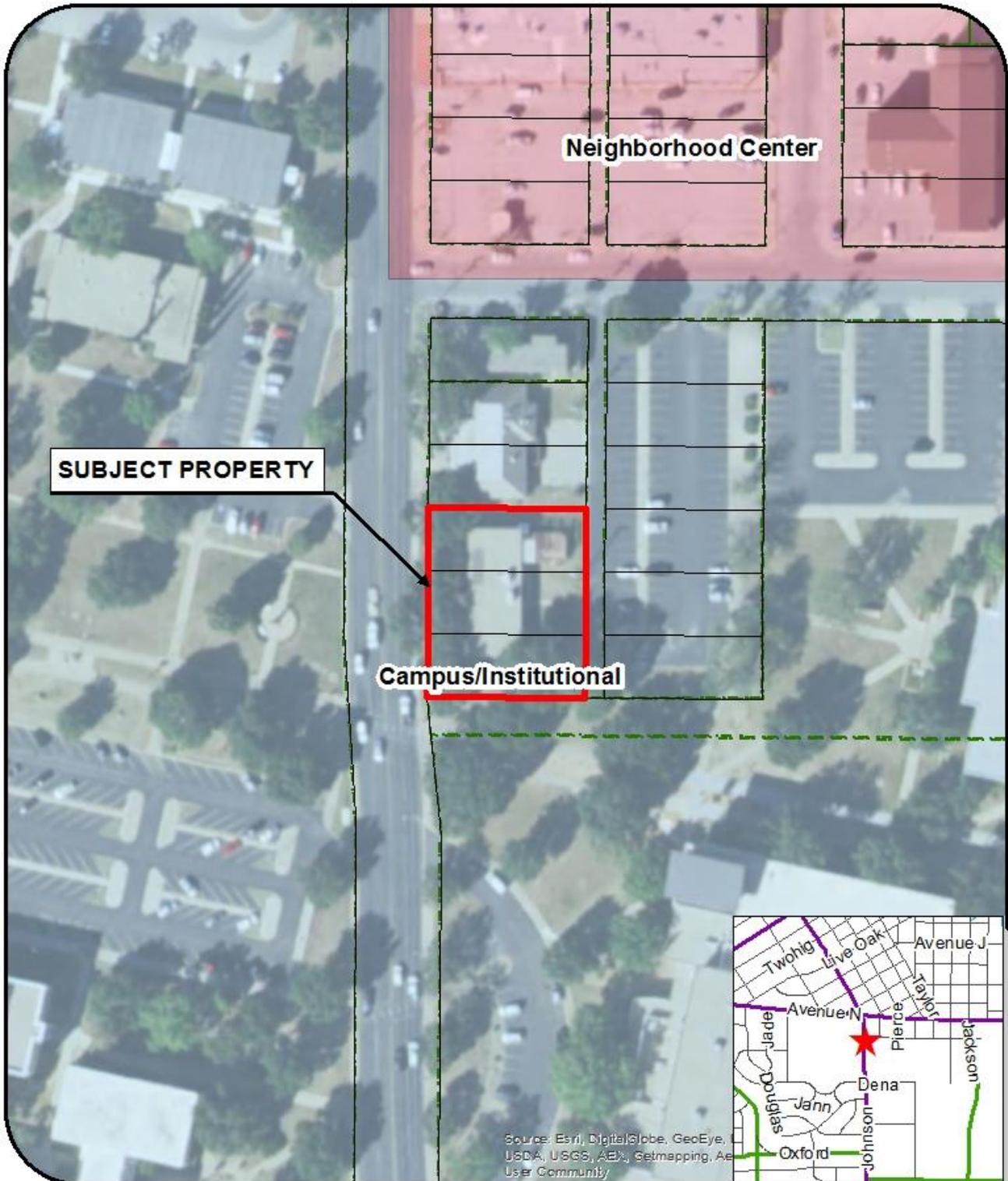
2. The variance to allow four (4) parking spaces on the subject property is conditional on the subject property being used as a student organization primarily serving Angelo State University students.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Response Letter
Letter from ASU Facilities Office
Letter from Rams for Christ
New Site Plan
Application



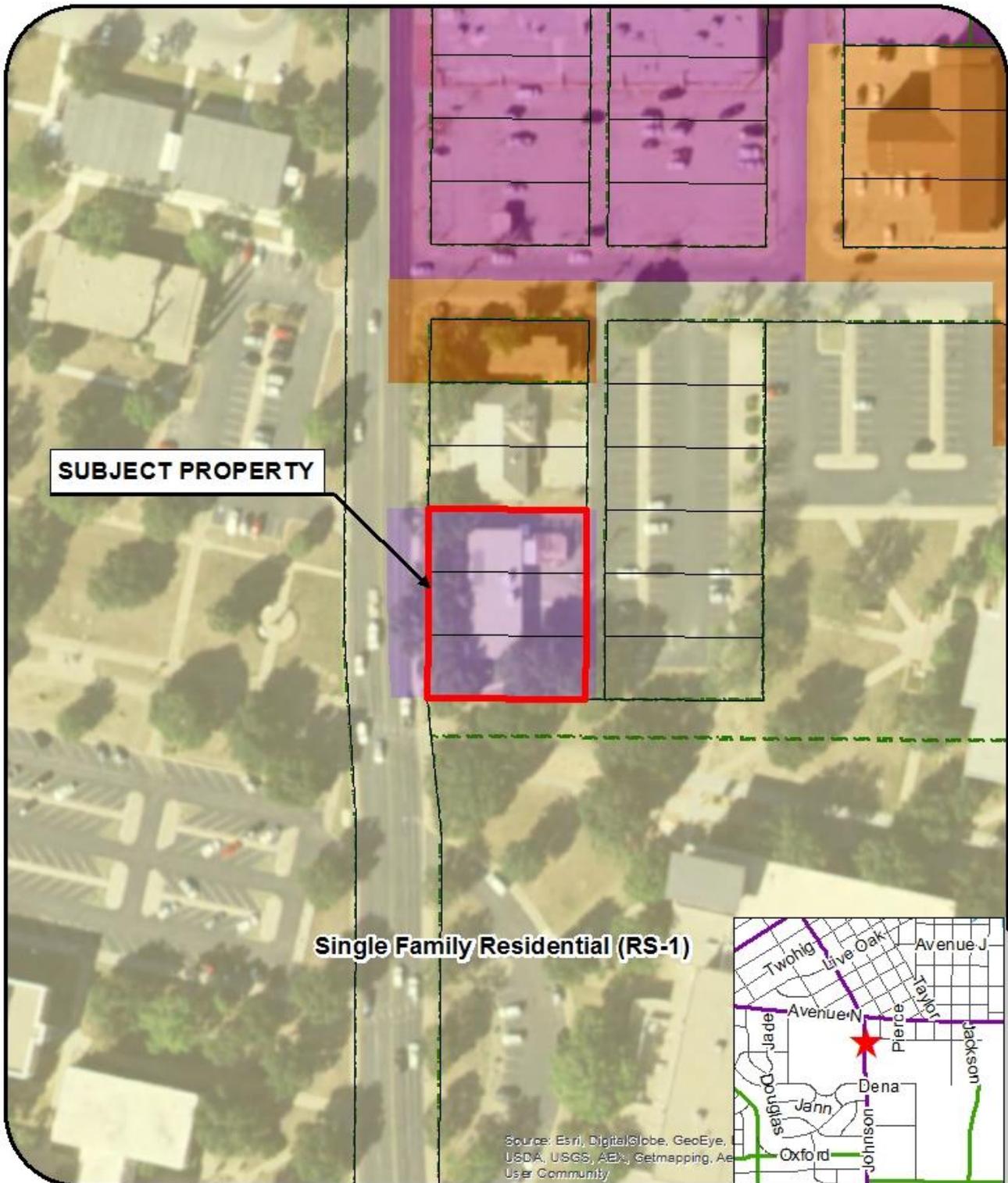
Variance Case File		Legend:	
ZBA18-18: Johnson C. of Christ		Subject Properties: 	
Council District: Lane Carter (SMD#5)		Current Zoning: CO	
Neighborhood: ASU - College Hills		Requested Zoning: N/A	
Scale: 1" approx. = 100 ft		Vision: Campus/Institutional	
Subject Property: 1920 S. Johnson St.			 



Variance Case File
ZBA18-18: Johnson C. of Christ
Council District: Lane Carter (SMD#5)
Neighborhood: ASU - College Hills
Scale: 1" approx. = 100 ft
Subject Property: 1920 S. Johnson St.

Legend:
Subject Properties: 
Current Zoning: **CO**
Requested Zoning: **N/A**
Vision: **Campus/Institutional**





Variance Case File
ZBA18-18: Johnson C. of Christ
 Council District: Lane Carter (SMD#5)
 Neighborhood: ASU - College Hills
 Scale: 1" approx. = 100 ft
 Subject Property: 1920 S. Johnson St.

Legend:
 Subject Properties: —
 Current Zoning: **CO**
 Requested Zoning: **N/A**
 Vision: **Campus/Institutional**



Photos of Site and Surrounding Area

WEST



NORTH



SOUTH



EAST AT SUBJECT PROPERTY



4 EXISTING PARKING SPACES AT REAR



SIDEWALK CONNECTION TO REAR PARKING



Photos of Site and Surrounding Area

**REAR PARKING LOT (ASU) NEXT TO PROPERTY
(POTENTIAL RIVACY FENCE LOCATION)**



PROPOSED REAR EXPANSION AREA



**SIDEWALK CONNECTION – EAST ASU
TO PROPERTY**



**SIDEWALK CONNECTION – PROPERTY
TO SOUTH JOHNSON STREET**



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 72 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

() IN FAVOR () IN OPPOSITION

REASON(S) _____

NAME: Joe Munoz

ADDRESS: ASU Station # 11027
San Angelo, TX. 76909

SIGNATURE: Joe Munoz

ZBA18-18: Johnson Street Church of Christ

Property owner number: 4

If you have any questions about these proceedings, please call Hillary Bueker, Senior Planner, with the City of San Angelo's Planning Division at (325) 657-4210 or by email at hillary.bueker@cosatx.us.



ANGELO STATE UNIVERSITY
MEMBER, TEXAS TECH UNIVERSITY SYSTEM
Facilities Planning and Construction

ASU Station # 10924
San Angelo, TX 76909-10924
Phone: (325) 942-2380
fpcmail@angelo.edu

October 29, 2018

Jeff Fisher
Planning and Development Services
City of San Angelo
52 W. College Ave.
San Angelo, Texas 76903

Dear Mr. Fisher,

Angelo State University is aware that the Christian Campus Center project will be asking for a variance on the parking requirements required for their upcoming remodel and expansion. Currently, the Christian Campus Center has five parking places on their property. Additionally, most of the facility users are Angelo State University students that hold ASU parking permits. If users park in ASU parking areas, have valid parking ASU permits and park in the prescribed zone(s), ASU will be admitting to this arrangement. The Christian Campus Center has been on campus for many years and there has always been a productive relationship between us. We anticipate that relationship will continue in the years ahead.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cody Guins".

Cody Guins
Director
Facilities Planning and Construction
Angelo State University
Member, Texas Tech University System

Rams for Christ
Doug Johnson
ZBA
October 29, 2018

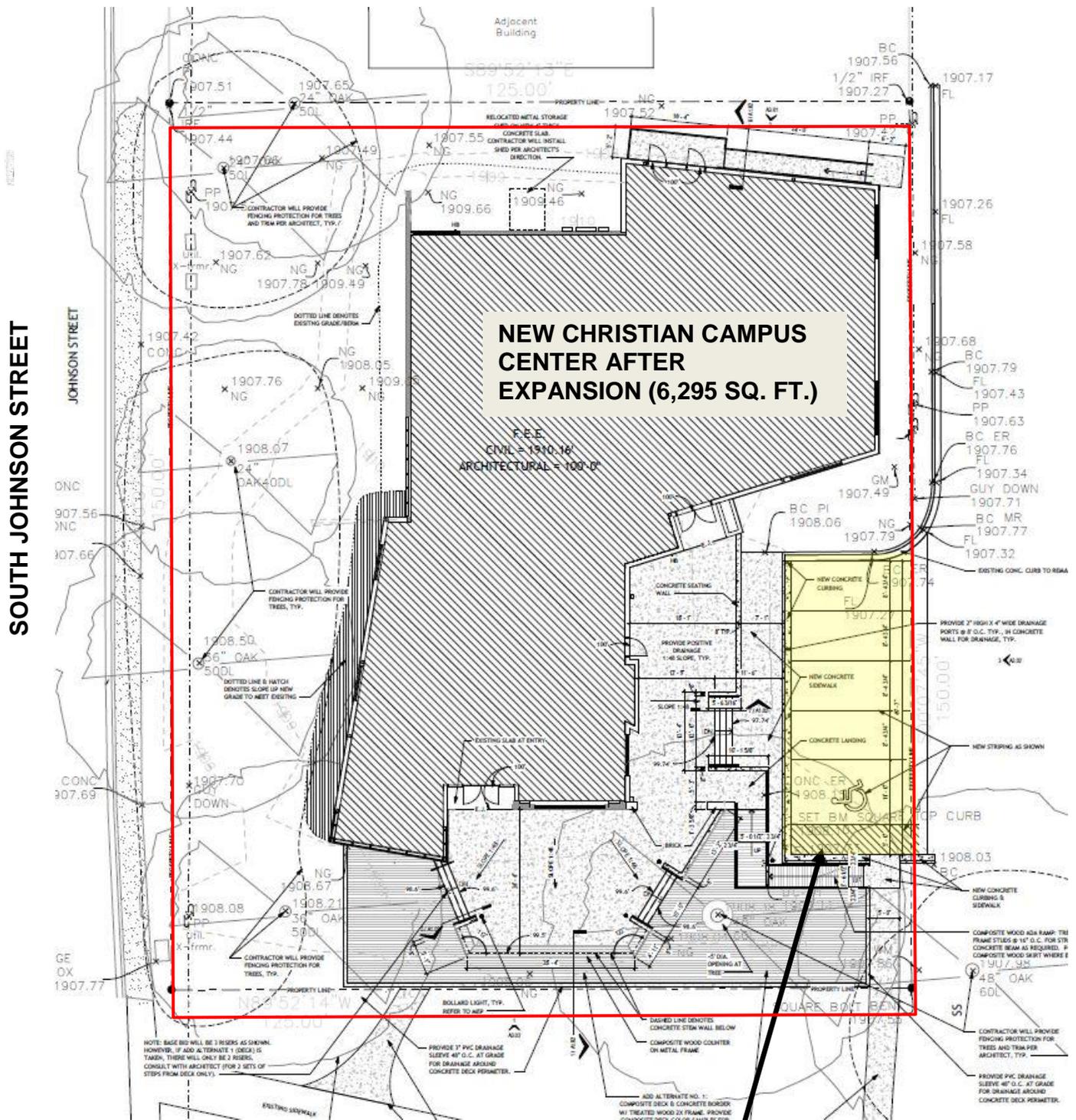


Request for Renewed Approval for Variances:

Hello, last June/July we were granted variance from the perimeter fencing requirement and the minimum number of parking spaces related to our facility purposes and operation. We are seeking renewal of those variance as we are now able to begin the project! As a student ministry building that serves ASU students, please find the following as sufficient reasons for variance:

- Our **ministry facility originated from cooperative efforts with the university** that utilized resources jointly. In order to offer credit Bible courses to students within the department of the school's choosing, we provided staff and building space to teach and house Biblical studies in its own "classroom building". Students registered and attended Bible classes in their normal class regiment, and they accessed the class as they did all of their other classes (on foot or via campus parking).
- **Rams for Christ is a registered student organization** of Angelo State. This just means that although the property is privately owned, we serve ASU students who have access to the campus, including parking. Though Bible courses are not currently offered for credit, campus ministries continue to offer a variety of quality campus life services such as Bible studies, small groups, connection points, and a sort of home away from home. The university is pleased to have us as a part of what is offered to the student experience and contribute to retention.
- **Our facility plans aim to better accommodate on-campus students.** The two aforementioned points are major reasons we seek to improve our facility. Since it was originally built with a classroom configuration, it split up our meeting space into smaller ones, so we are seeking a larger meeting area. Also, pedestrian traffic primarily occurs to our south now, instead of to the west, so we seek to reconfigure our space so that our south side is an entrance to students using the university mall walk.
- **The only way to access our facility and current parking area is through an existing campus parking lot.** Our property and parking lie adjacent to the west of an existing student parking zone. They use this to park when accessing the campus workout facility, classes, etc. Our students park in that lot when using our facility, as well as for the Baptist student ministry adjacent to the north. *There is no difference operationally between us and our BSM neighbors. Although they remain RS1 zoning, we function the same way, so a fence between would inhibit both of our ministries, as well as the flow of students daily.*
- **Our staff parking needs will remain the same.** As far as student usage, they have campus access to parking. As far as our staff, we foresee no scenario when we would hire up to 4 employees. Since 1965, we have utilized a ministry director, and a ministry assistant. As employees of the Johnson Street church, we are limited on how many we can hire. Johnson St. hires ministry staff for our children, youth, preaching, worship, office, and Rust St. ministries. The most likely scenario would be hiring a student intern, but again, they would have access to campus.

Site Plan



4 EXISTING PARKING SPACES

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): Johnson Street Church of Christ

Owner Representative (Notarized Affidavit Required)

2200 Johnson Street San Angelo Texas 76904
 Mailing Address City State Zip Code

Doug Johnson djcruciform10@gmail.com
 Contact Phone Number Contact E-mail Address

1920 Johnson Street San Angelo Texas 76904
 Subject Property Address and/Location City State Zip Code

Lot 7, 8, and 9, BLOCK TWENTY-THREE (23), DELMAR PLACE ANNEX TO THE CITY OF SAN ANGELO, TEXAS.
 Legal Description (can be found on property tax statement or at www.tcmgreencaid.com)

Zoning District:

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

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

Section 2: Variance Request(s)

List each variance request separately:

1. Zoning Ordinance section: Section 511.B

Describe variance: to allow for four (4) off-street parking spaces in lieu of the required fifteen (15) off-street parking spaces for a religious institution.

2. Zoning Ordinance section: Section 509.A.1.a

Describe variance: exempt the requirement for a privacy fence adjacent to a residential district boundary, on a property located within the RS-1 Zoning District.

3. Zoning Ordinance section: _____

Describe variance: _____

4. Zoning Ordinance section: _____

Describe variance: _____

Section 3: Variance Request Criteria

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

1. Special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district and are not merely financial;

Explanation: The property has a small parking lot that is adjacent to a large University parking lot. The students that participate in the Center's offerings already have a parking pass for the larger University parking lot.

Additionally, the property currently has no fencing around it due to it serving the University's students. A fence would be in opposition to the Center's mission.

Effective January 3, 2017

Section 3 continued: Variance Request Criteria

H

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

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

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

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

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

4. Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest, and would carry out the spirit of the Zoning Ordinance and substantial justice;

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

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

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

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

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

Effective January 3, 2017

Section 4: Applicant(s) Acknowledgement

Please initial the following:

ck dx 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;

ck dx 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;

ck dx 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

ck dx 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.

Doug Johnson
 Signature of licensee or authorized representative

10/10/18
 Date

Doug Johnson
 Printed name of licensee or authorized representative

Johnson St. Church of Christ
 Name of business/Entity of representative

FOR OFFICE USE ONLY:

Reviewed/Accepted by: E. H. Bueker

Date: 10 / 10 / 18

Case No.: ZBA: 18 - 12

ZBA Hearing Date: 11 / 5 / 18

Fully-Dimensioned and scaled Site Plan: Yes No

Date of Application: 10 / 10 / 18

Non-Refundable Fee: \$ 250 Receipt #: _____

Date paid: 10 / 10 / 18

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

**ZONING BOARD OF ADJUSTMENT – November 13, 2018
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Variances		ZBA18-19: Spider Homes, LLC	
SYNOPSIS:			
The applicant has applied for variances from the 4' maximum fence height within front yards to allow for construction of a new 6' high privacy fence on a property zoned Single Family Residential (RS-1). This lot is located along a curved portion of Burlington Road which results in a long front yard that encompasses the side of the home as well as the front. To allow for a useable backyard with privacy, the applicant has requested to build the 6' fence with an 11.5' setback from the front lot line, which would be located within the front yard setback.			
LOCATION:		LEGAL DESCRIPTION:	
206 Burlington Road		Lot 1, Block 42, Section 13, The Bluffs Addition	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
SMD District #6 – Billie DeWitt Bluffs Neighborhood		RS-1 – Single Family Residential	N - Neighborhood
			SIZE: 0.27 acres
THOROUGHFARE PLAN:			
<i>Burlington Road</i> – Urban Local Street, 50' right-of-way required (50' provided), 40' pavement, or 36' pavement with 4' sidewalk required (40' Provided)			
NOTIFICATIONS:			
14 notifications were mailed within a 200-foot radius on October 22, 2018. Zero letters have been received in support or opposition.			
STAFF RECOMMENDATION:			
Staff's recommendation is to Approve a variance from Section 509.B.3.a of the Zoning Ordinance to allow for a 6 foot fence in the front yard in lieu of the maximum 4 feet, subject to One Condition of Approval .			
PROPERTY OWNER/PETITIONER:			
Spider Homes, LLC Dara Hurt			
STAFF CONTACT:			
Hillary Bueker, AICP Senior Planner (325) 657-4210, Extension 1547 hillary.bueker@cosatx.us			



Allowed Variances:

In exercising its authority to grant a variance, per Section 207.D of the Zoning Ordinance, the Zoning Board of Adjustment (ZBA) must affirmatively find that one or more of the circumstances below applies. If determined that one or more of the circumstances do not apply, the variance request will be automatically denied. If one or more of these circumstances do apply, the ZBA must then determine if various criteria have been met.

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 and Planning Staff believe that special circumstances exist on the property related to the shape and surrounding street that do not generally apply to other property in the RS-1 zoning district. With the existing street and lot configuration, a unique condition of an expended front yard setback is created for this lot. If the front yard setback is maintained the fenced in area for a backyard become very small which would not be the case with most of the surrounding lots within the RS-1 zoning district.

2. **OVERRIDING PUBLIC INTEREST.** *If the variance will 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.*

Variances:

Should the ZBA agree that one or more of the circumstances above does justify a variance, they must also rule that all of the below criteria have been met. 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.**

As stated above the applicant and planning staff believe a special circumstance exists because of the lot shape and surrounding street. If the proposed fence were to be built within the 25 foot

front yard setback, the remaining private back yard space would be small relative to similar RS-1 properties within the surrounding area.

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

The Plat was recorded in January 1987 and did not take into account the effects of an extended front yard setback on the side of the future home. The lot was purchased by the current home builder in January 2018 and she obtained a building permit for the new home and is now seeking the variance to expand the usable private backyard for the future homeowners.

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.**

If the applicant was to maintain the 25 foot front yard setback on the west side of the property, the new home would only have approximately 3000 sq. ft. of useable fenced in backyard. Other homes surrounding this property have anywhere from 4,000-6,000 sq. ft. If the new fence was allowed to extend to the 11 foot setback line the backyard could expand to about 3500 square feet allowing it to become more consistent with the surrounding neighborhood.

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.**

With the approval of the requested variances, the property is allowed to have a larger usable private backyard space while maintaining street visibility around the curve. Planning staff believes that allowing this variance would not be contrary to public interest and would be consistent with the spirit of the Zoning Ordinance.

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

Planning staff believes this will not adversely affect adjacent land. Since the applicant has proposed to locate the fence 11.5' back from the front setback line, the new fence will not obstruct the view around Burlington Road allowing traffic to continue as it does today.

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

The applicant and planning staff believe granting the variance will not affect the intent of the Zoning Ordinance. The Zoning Ordinance was intended to create a safe and consistently built environment with adequate setbacks from property lines for all structures. This variance will allow a larger backyard for the future homeowner consistent with the surrounding properties, while not effecting the public interest.

Recommendation:

Staff's recommendation is for the Zoning Board of Adjustment (ZBA) to **APPROVE** a Variance from Section 509.B.3.a of the Zoning Ordinance to allow for a 6 foot fence in the front yard in lieu of the maximum 4 feet, Subject to **One Condition of Approval:**

1. New 6' Privacy Fence must retain a minimum of 11 foot front yard setback as depicted in the proposed site plan.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Site Plan
Application
Notification Map



ZBA18-19: Spider Homes, LLC

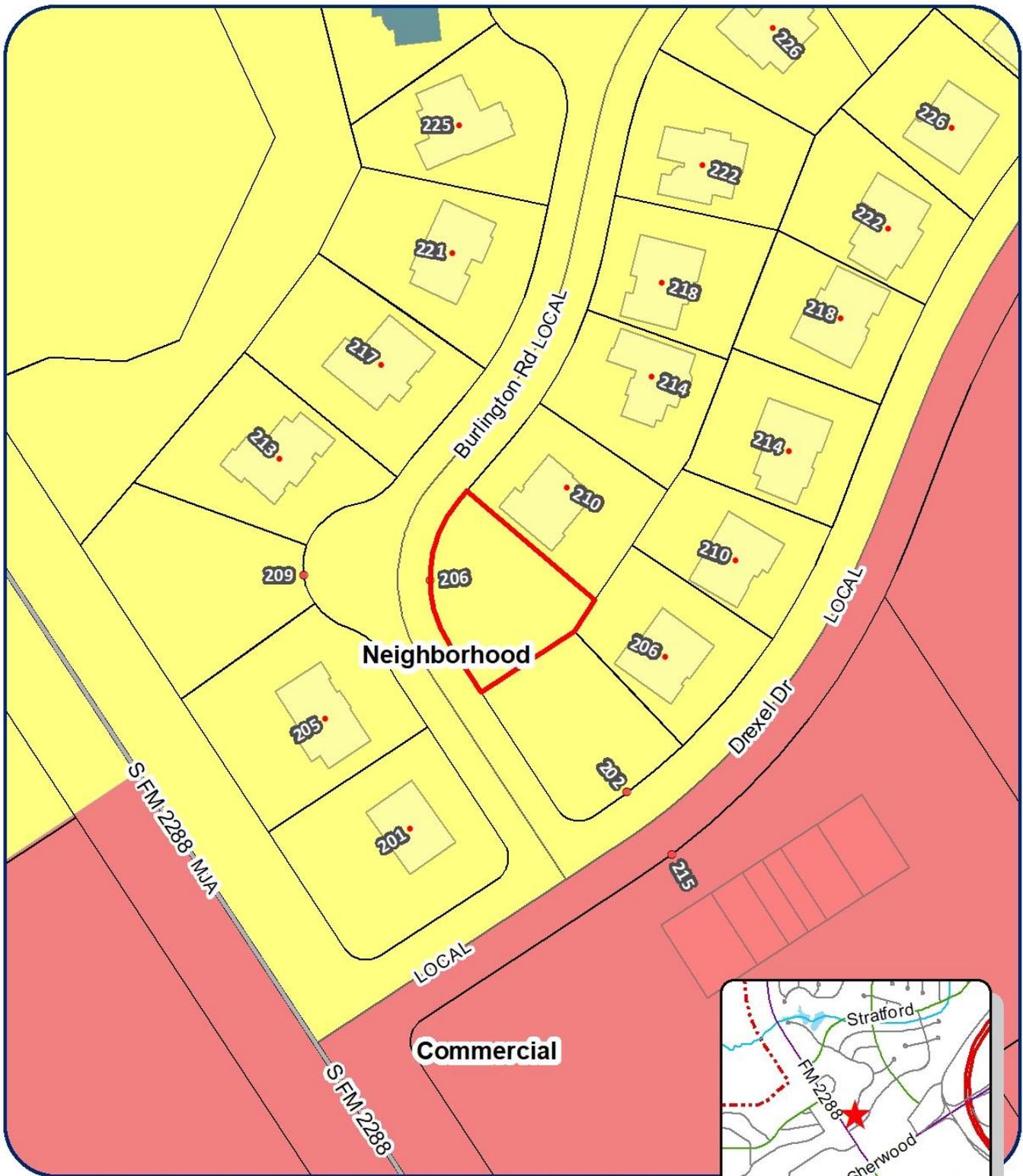
206 Burlington Road

Council District: SMD #6 - Billie DeWitt
Neighborhood: Bluffs
Scale: 1" approx. = 100 ft

Legend

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



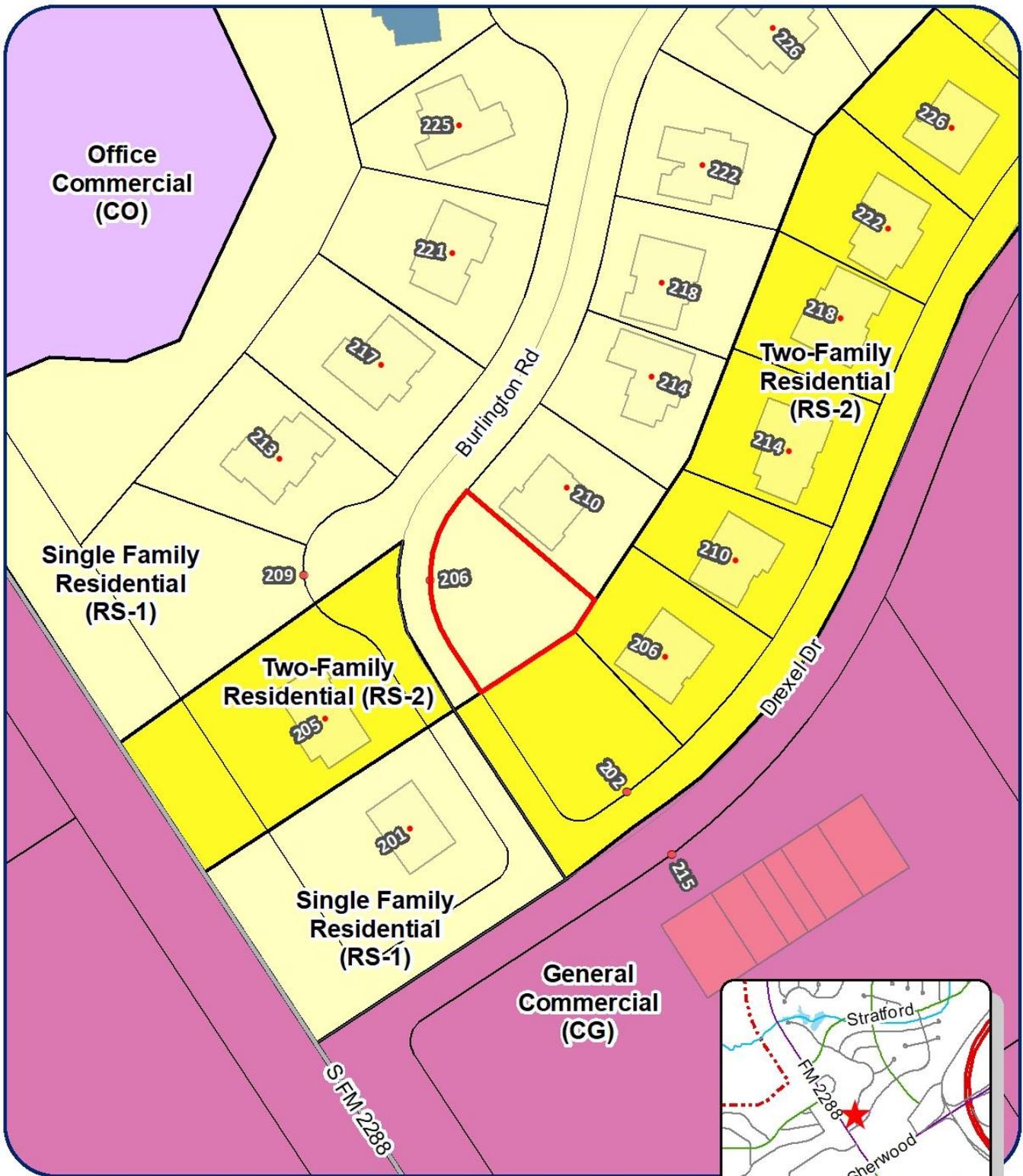


ZBA18-19: Spider Homes, LLC
206 Burlington Road

Council District: SMD #6 - Billie DeWitt
 Neighborhood: Bluffs
 Scale: 1" approx. = 100 ft

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





ZBA18-19: Spider Homes, LLC

206 Burlington Road

Council District: SMD #6 - Billie DeWitt
 Neighborhood: Bluffs
 Scale: 1" approx. = 100 ft

Legend

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



Photos of Site and Surrounding Area



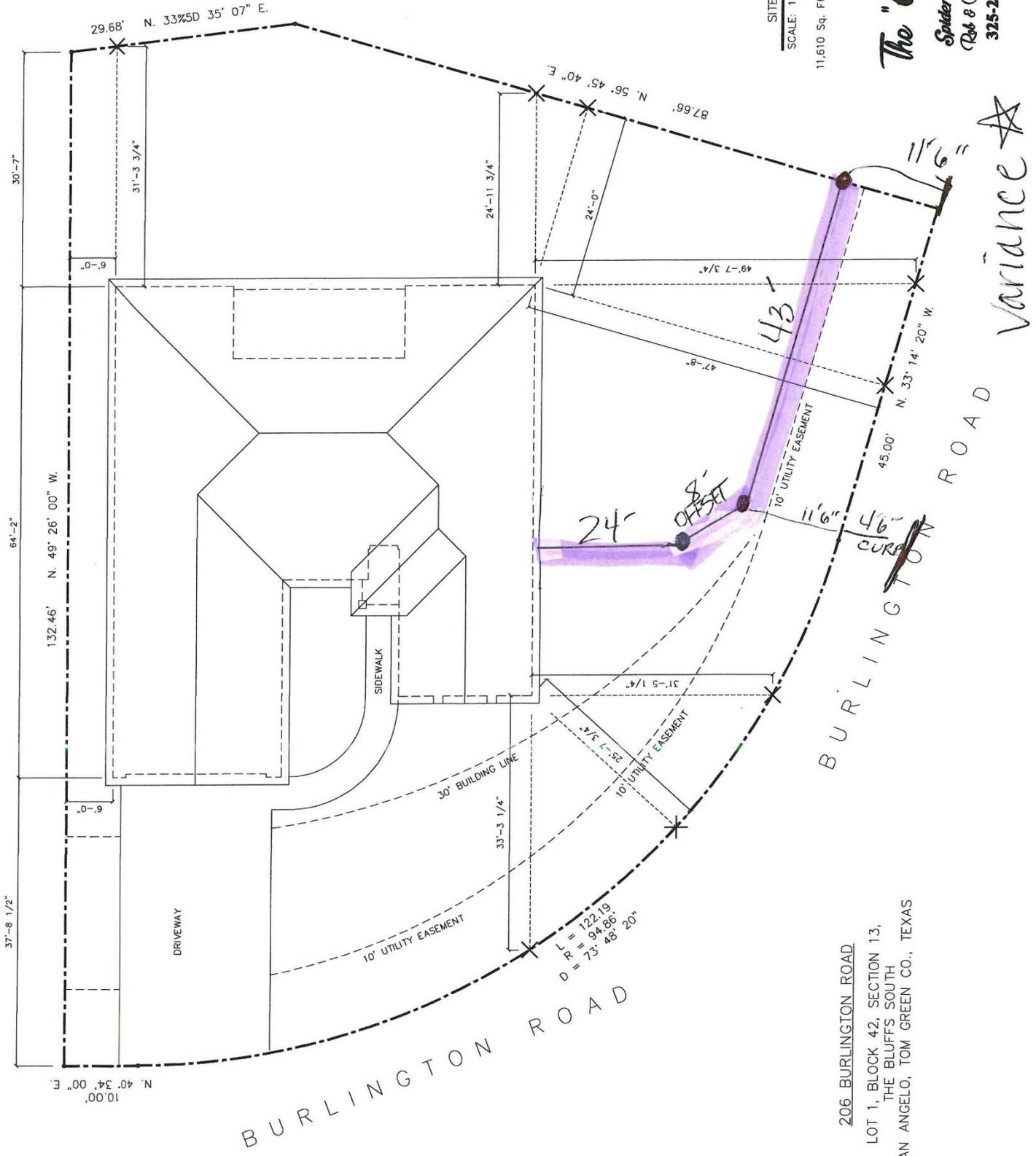


Site Plan

SITE PLAN
 SCALE: 1/8" = 1'-0"

11,610 Sq. Ft. Total Lot Size

The "Gunter"
 Spider Homes
 Rob & Dana Hunt
 325-227-4878



206 BURLINGTON ROAD
 LOT 1, BLOCK 42, SECTION 13,
 THE BLUFFS SOUTH
 SAN ANGELO, TOM GREEN CO., TEXAS

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): SPIDER HOMES, LLC.

Owner Representative (Notarized Affidavit Required)

Mailing Address: PO BOX 61067 SA, TX 76906

Contact Phone Number: 227-4878 Contact E-mail Address: SpiderHomes@suddenlink.net

Subject Property Address and/Location: 206 Burlington SA, TX 76901

Legal Description (can be found on property tax statement or at www.tomgreencad.com): LOT 1 BLOCK 42 Bluffs Sect 13

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: 509.B.3A
 Describe variance: wanting 6' fence in lieu of 4' fence
- 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:

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: This is an unusual street configuration with a turn radius not technically a corner making it a different type of lot.

Effective January 3, 2017

Section 3 continued: Variance Requ Criteria

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

Explanation: I purchased this lot with intent to have a back and side yard. The back yard has a drop off so wanted homeowner to have good flat space yard as well.

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: If we did not get this variance, the usable "private" yard space would be not usable. We wanted to have all side windows for kids room (IN) the fenced area since on a busy street.

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: Allowing this variance is the only variance requested and not detrimental to the public.

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

Explanation: I am asking for encroachment in the "front" yard to allow a larger private area for the owners. This would not affect neighbors in any way or site triangle.

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

Explanation: By granting this variance, you would allow this homeowner to enjoy usable space without being detrimental to traffic.

Effective January 3, 2017

Section 4: Applicant(s) Acknowledgement

Please initial the following:

DH 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;

DH 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;

DH 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

DH 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.

Dara Hurt
Signature of licensee or authorized representative

10-11-18
Date

Dara Hurt
Printed name of licensee or authorized representative

SPIDER HOMES, LLC.
Name of business/Entity of representative

FOR OFFICE USE ONLY:

Reviewed/Accepted by: H. Becker

Date: 10 / 11 / 18

Case No.: ZBA: 18 -- 19

ZBA Hearing Date: 11 / 5 / 18

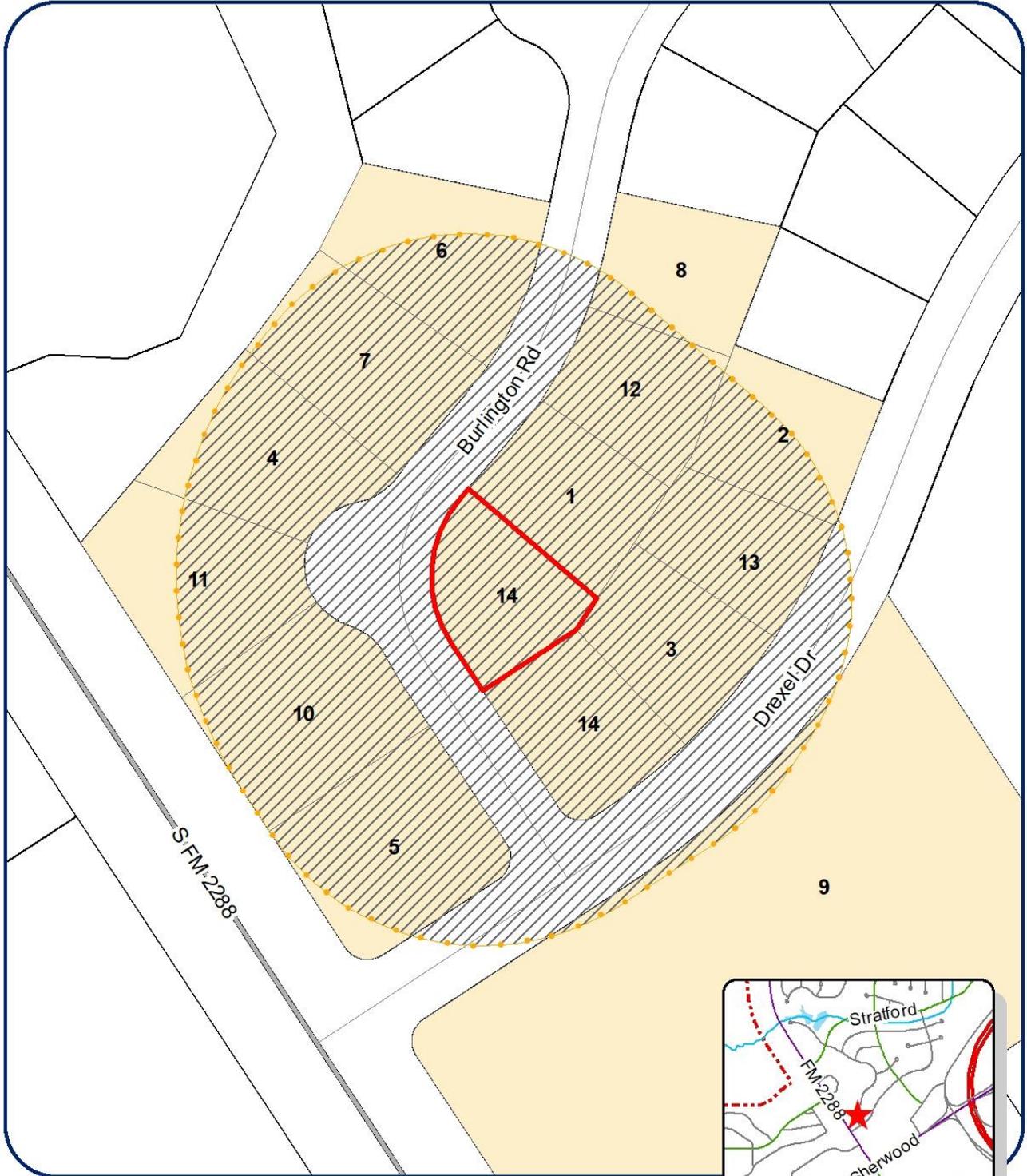
Fully-Dimensioned and scaled Site Plan: Yes No

Date of Application: 10 / 11 / 18

Non-Refundable Fee: \$ 250 Receipt #: _____

Date paid: 10 / 11 / 18

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



ZBA18-19: Spider Homes, LLC
206 Burlington Road

Council District: SMD #6 - Billie DeWitt
Neighborhood: Bluffs
Scale: 1" approx. = 100 ft

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

