


ZONING BOARD OF ADJUSTMENT – August 5, 2019

STAFF REPORT



APPLICATION TYPE:		CASE:	
Variance		ZBA19-10: Duran/SKG	
SYNOPSIS:			
A request for approval of a Variance from Section 501.A of the Zoning Ordinance to allow for two 115 foot width lots in lieu of the required 150 foot width for a lot within the Ranch & Estate Residential (R&E) Zoning District.			
LOCATION:		LEGAL DESCRIPTION:	
250 W. 37 th Street		2.5 acres out of S.A. & M.G. R.R. Co. Survey No. A-1954, Tom Green Co., Tx. (Abst. A-1954-0011)	
SM DISTRICT /	ZONING:	FUTURE LAND USE:	SIZE:
SMD #2 – Tom Thompson Riverside Neighborhood	Ranch & Estate (R&E)	Rural	2.5 acre
THOROUGHFARE PLAN:			
37 th Street – Urban Local Street – ROW 50’ Required (50’ Existing) – Pavement Width 40’ or 36’ with 4’ Sidewalk Required (36’ Existing)			
NOTIFICATIONS:			
20 notifications were mailed within a 200-foot radius on July 16, 2019. Zero responses have been received in support or in opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a variance from Section 501.A of the Zoning Ordinance to allow for two 115 foot wide lots in lieu of the required 150 foot width for a lot within the Ranch & Estate Residential (R&E) Zoning District.			
PETITIONER:			
Miguel Duran/SKG			
STAFF CONTACT:			
Sherry Bailey Principal Planner (325) 657-4210, Extension 1546 sherry.bailey@cosatx.us			

Variance: Section 207(F) of the Zoning Ordinance requires that the Zoning Board of Adjustments make an affirmative finding that each and every one of the six (6) factors has been 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 existing lot was surveyed prior to current zoning regulations which require the 150 ft. frontage for any lot in the R & E Zoning District. The property owner could build a house on the 230 frontage foot acreage using the entire 2.5 acres. However, to best utilize the property he wishes to divide the property into two equal lots of 115 X 460 feet each (1.25 acres ea.) to present a balanced two lots that other than front footage, exceed all of the zoning lot size requirements.
2. **These special circumstances are not the result of the actions of the applicant.** The original survey was done in 1954 and the land has remained in that general configuration since that time with one owner of record until 2017.
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.** Only 37 % of the lots within this large rural block meet the 150 ft. frontage requirement. A third of the lots come in at less than the 1 acre minimum required for the Ranch & Estate zoning and do not have the front footage requirement. The remaining lots are over an acre but split on whether they meet the 150 ft. frontage requirement. The enabling factor is that all of the lots have access to city water. Ideally this area better matches the RS-1 zoning district rather than R&E. RS-1 zoning is directly south of this lot/block and that could help to explain this large number of lots that do not meet the R&E requirements.
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 short of keeping the lot intact this is the second best approach which meets the minimum action test.
5. **Granting the variance will not adversely affect adjacent land in a material way.** The variance will not adversely affect the adjacent land since a majority of the lots in the area also do not meet the minimum frontage requirement. Of the 19 lots within this expanded block, only 7 presently meet the 150 ft. frontage requirement which is 37%.
6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.** The purpose of the Ranch & Estate ordinance setbacks is to provide sufficient open space and separation between structures in keeping with the rural character of the zoning designation. This variance would maintain open space while accommodating reasonable use of the property consistent with surrounding properties. The substandard lot width in the area creates a situation that warrants a balancing of these needs.

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.*
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.*

The applicant believes that Literal Enforcement of the zoning ordinance will result in his being penalized where others within the same area have developed unimpeded. The applicant's lot is now the largest lot within this block and not allowing a reasonable division that matches the majority of those in the same area would not be meeting the spirit of the ordinance or the intent of this zoning district.

Recommendation:

Staff recommends that the Zoning Board of Adjustments **APPROVE** a variance from Section 501.A of the Zoning Ordinance **to allow for the width of two 115 foot lots in lieu of the 150 ft frontage requirement within the Ranch & Estate Zoning District** subject to the following **Condition of Approval:**

1. The applicant shall submit a plat to the Planning Division for Planning Commission action that represents the variance approved.

Attachments:

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



250 W. 37th Street


ZBA 19-10: Duran/SKG

Council District 2 - Tom Thompson

Neighborhood: Riverside

Scale: 1" approx. = 135 ft

Legend

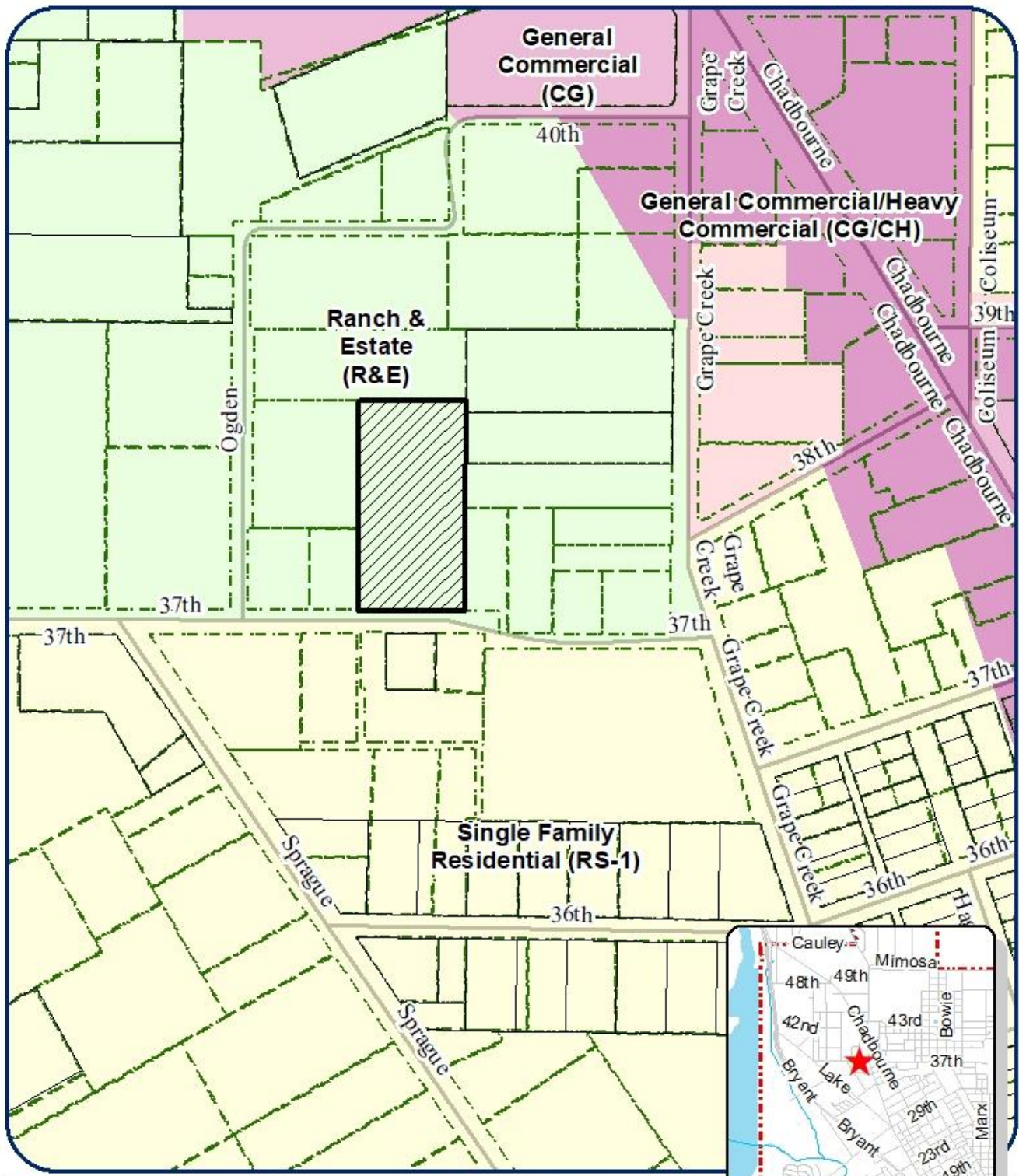
Subject Properties: 

Current Zoning: **Ranch & Estate**

Requested Zoning Change: **NA**

Vision: **Rural**

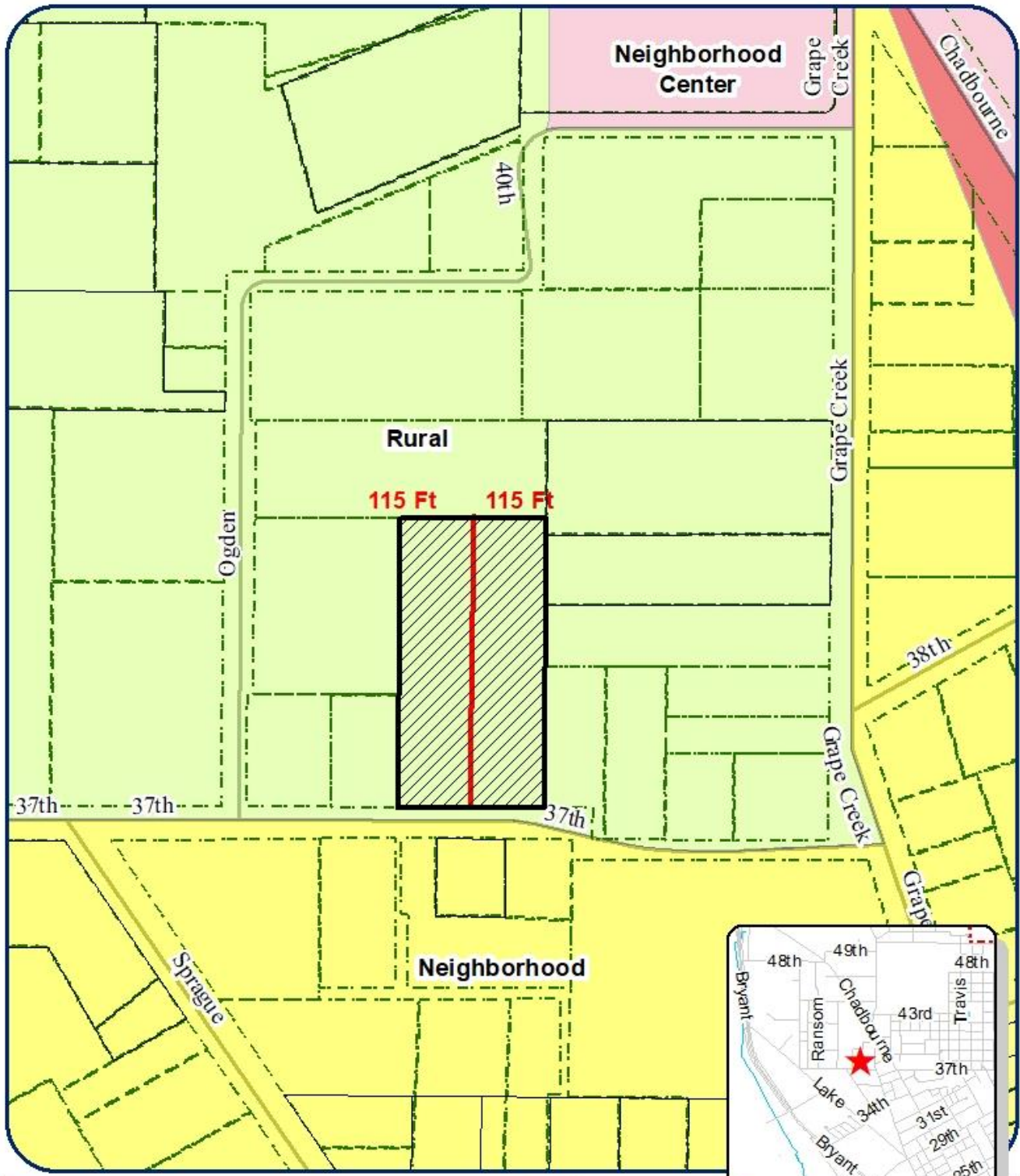




ZBA19-10: Duran
250 W. 37th St.
 Council District 2 - Tom Thompson
 Neighborhood: Riverside
 Scale: 1" approx. = 275 ft

Legend
 Subject Properties: Ranch & Estates
 Current Zoning: NA
 Requested Zoning Change: Rural






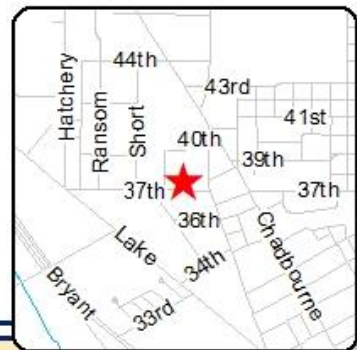
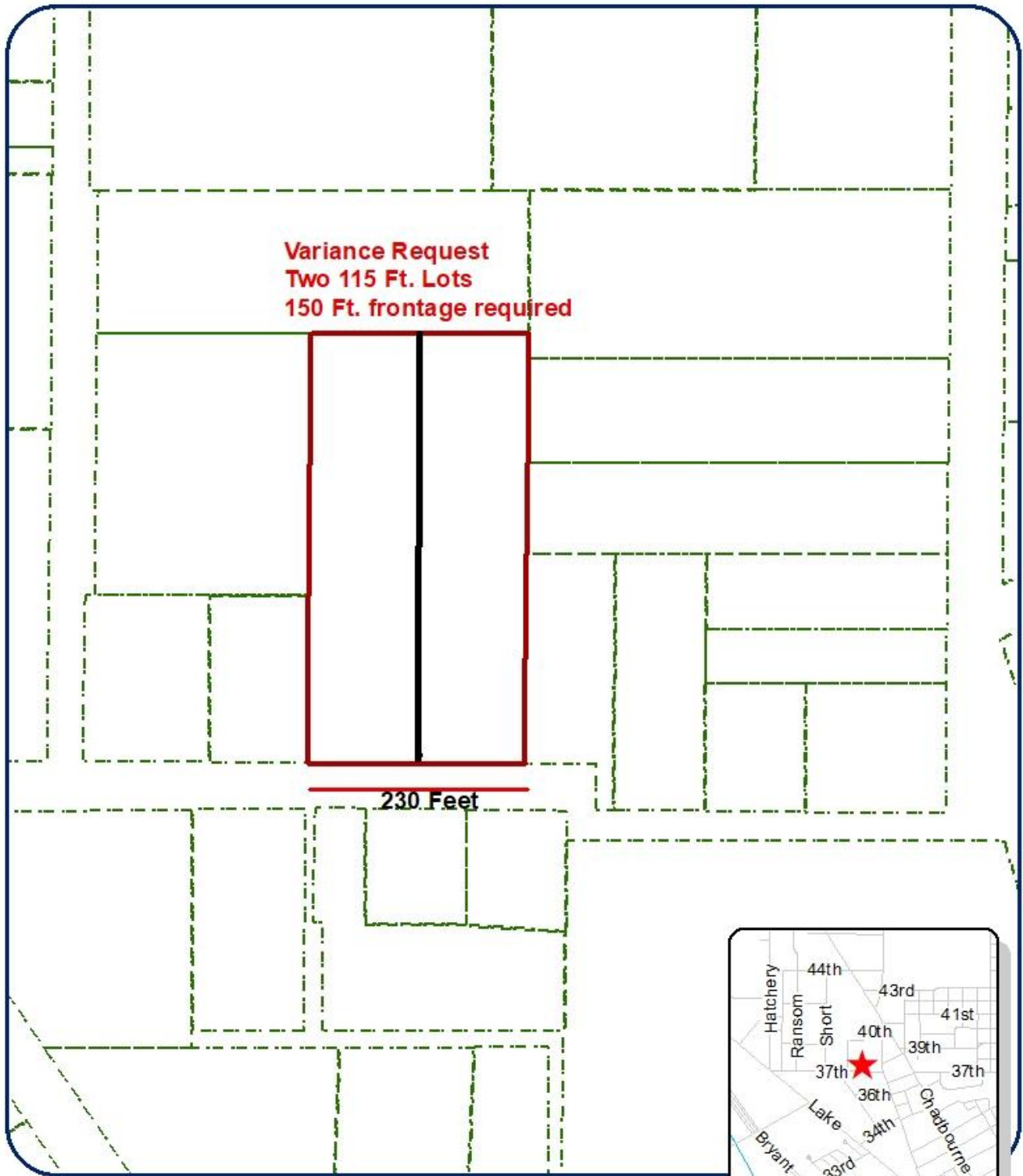
ZBA19-10: Duran
250 W. 37th St.

Council District 2 - Tom Thompson
Neighborhood: Riverside
Scale: 1" approx. = 200 ft

Legend

Subject Properties: 
Current Zoning: **Ranch & Estates**
Requested Zoning Change: **NA**
Vision: **Rural**





250 W. 37th Street


ZBA 19-10: Duran/SKG

Council District 2 - Tom Thompson

Neighborhood: Riverside

Scale: 1" approx. = 135 ft

Legend

Subject Properties:  **Ranch & Estate**

Current Zoning: **NA**

Requested Zoning Change: **NA**

Vision: **Rural**



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): Miguel Duran

Owner Representative (Notarized Affidavit Required)

1110 Ashford Dr. San Angelo TX 76901
 Mailing Address City State Zip Code

951.741.9983 duran929@hotmail.com
 Contact Phone Number Contact E-mail Address

250 W. 37th St. San Angelo TX 76901
 Subject Property Address and/Location City State Zip Code

2.5 ac. out of S.A. & M.G. R.R. CO. Survey No. 11, A-1954, San Angelo, Tom Green Co., TX
 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:

1. Zoning Ordinance section: Sec. 501.A
 Describe variance: Request variance from the required 150' width to 115'

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: This tract of land is approximately 230' wide (on 37th St.) and 460' deep and consists of 2.5 acres. I wish to divide it into 2 tracts for large-lot residential construction. Each tract will be approx. 1.25 acres. This area is Zoned R&E but is primarily smaller tracts that do not meet the width requirements (150') and so, the existing tract does not conform to the development pattern of the area and is, in it's existing configuration, peculiar to the other developed land in the area.

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: The special circumstance of the large tract size in relation to nearby smaller, non-conforming tract sizes are not the results of the applicants actions but were existing prior to the applicants acquisition of the tract.

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: Literal interpretation of the ordinance (150' width) would deprive the applicant of the right to construct residences on tracts similar to the existing residential tracts in the area and would be an unnecessary hardship in this situation.

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 the variance would allow the tract to be used in a similar fashion to the neighborhood area and the spirit of the Zoning Ordinance would be perpetuated for the surrounding area.

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

Explanation: The variance will, in fact, positively affect the adjacent land by the addition of new construction and the positive maintenance of an otherwise vacant tract.

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

Explanation: Granting this variance will assure the homogeneity of this tract with the surrounding area and would reinforce the purpose and intent of the Zoning Ordinance.

Effective January 3, 2017

Section 4: Applicant(s) Acknowledgement

Please initial the following:

CH 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;

CH 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;

CH 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

CH 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.

Herb Hooker
Signature of licensee or authorized representative

05/31/2019
Date

HERB HOOKER
Printed name of licensee or authorized representative

SKG ENGINEERING
Name of business/Entity of representative

FOR OFFICE USE ONLY:

Reviewed/Accepted by: _____

Date: ____/____/____

Case No.: ZBA: 19 - 10

ZBA Hearing Date: ____/____/____

Fully-Dimensioned and scaled Site Plan: Yes No

Date of Application: ____/____/____

Non-Refundable Fee: \$ 250.00 Receipt #: 2555de

Date paid: 5 / 31 / 19

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

Effective January 3, 2017



City of San Angelo, Texas – Planning Division
52 West College Avenue



AFFIDAVIT
Owner Permission-To-Named-Representative

STATE OF TEXAS
COUNTY OF TOM GREEN

Section 1: Owner, Property, and Representative Information

I, Miguel Duran, make this affidavit and hereby on oath state the following:
Print Property Owner Name

I, being the sole partial owner of the following property:

<u>250 W. 37th St.</u>	<u>San Angelo TX</u>	<u>76901</u>	<u>duran929@hotmail.com</u>
Property Address	City	State Zip Code	Contact Number E-mail Address

Legal Description of Location (can be found on property tax statement or at (www.tomgreencad.com) :
2.5 ac. out of S.A. & M.G. R.R. CO. Survey No. 11, A-1954 San Angelo, Tom Green County, TX
TGCAD Property ID R000071962

give my permission to below named representative, to apply for approval of a Planning application (e.g. Zone Change, Special Use, Conditional Use, etc.) on the above-described property.

SKG Engineering

(Please print) Representative's Organization or Entity

Signed this the 31st day of MAY, 20 19.

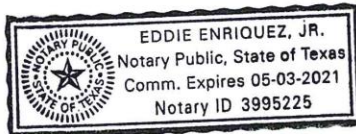
Signature of the Property Owner

Section 2: Notary Public Information

BEFORE ME, the undersigned authority, this day personally appeared MIGUEL DURAN and
Name

on oath stated that the facts hereinabove stated are true to the best of HIS knowledge or belief.
His/Her

SWORN TO AND SUBSCRIBED before me on this the 31st day of MAY, 20 19.



Notary Public, State of Texas

PHOTOS OF THE SITE AND AREA



Adjacent property to the east



Duran property

PHOTOS OF THE SITE AND AREA



Duran property



Property to the west



Property south and west of Duran



Property south and east of Duran

ZONING BOARD OF ADJUSTMENT – August 5, 2019
STAFF REPORT



APPLICATION TYPE:		CASE:	
Variance		ZBA19-11: Gutierrez	
SYNOPSIS:			
<p>The owner has applied for variances from the required front and rear yard setbacks in order to erect a two-bedroom addition to his existing single-family dwelling. He has also applied for a variance to allow an existing 6-foot high fence to remain within the required front yard. The existing lot was illegally divided into a substandard 60' x 80' sized lot prior to 2004 when the current owner purchased the property. This left the existing home, built in the mid-1960s, with deficient front and rear setbacks. The owner installed the 6-foot high fence after purchase but did not realize the fence could not exceed six feet in height within the front yard. The owner is seeking relief from the Zoning Board of Adjustment (ZBA) to allow for a front yard setback of 18 feet; rear yard setback of 6 feet; and to maintain the six-foot high fence in the front yard in lieu of the maximum height of 4 feet (See Additional Information).</p>			
LOCATION:		LEGAL DESCRIPTION:	
319 South Cecil Street, located approximately 150 feet northwest of the intersection of South Cecil Street and Roosevelt Street		The north 80 feet of the east 10 feet of Lot 13, and the north 80 feet of Lot 14 in Block 10 of the Fairview Addition	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #3 – Harry Thomas Fort Concho East Neighborhood	RS-1	N- Neighborhood	0.11 acres
THOROUGHFARE PLAN:			
<p>South Cecil Street – Urban Local Street Required: 50' right-of-way, 40' pavement or 36' feet with a 4' sidewalk; Provided: 80' right-of-way, 36' pavement (complied at the time of platting)</p>			
NOTIFICATIONS:			
11 notifications were originally mailed within a 200-foot radius on July 22, 2019. None received in support or opposition to date.			
STAFF RECOMMENDATION:			
<p>Staff's recommendation is for the Zoning Board of Adjustment (ZBA) to APPROVE a variance from Section 501.A of the Zoning Ordinance to allow for a front yard setback of 18 feet in lieu of the required minimum front yard setback of 25 feet; APPROVE a variance from Section 509.B.3.a. of the Zoning Ordinance to allow the existing privacy fence located in the front yard to maintain a height of 6 feet in lieu of the maximum 4 feet; and DENY a variance from Section 501.A of the Zoning Ordinance to allow for a rear yard setback of 6 feet in lieu of the required 20 feet, for a single-family dwelling within the RS-1 Zoning District subject to three conditions of Approval.</p>			
PROPERTY OWNER/PETITIONER:			
Saul Gutierrez			
STAFF CONTACT:			
Jeff Fisher, AICP Principal Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

Additional Information: Planning Staff researched existing lot sizes within three blocks in all directions from the property, and other variance cases with a quarter mile of the property to assist in the determination of whether the requested variances might be warranted. The original lots were platted in 1906 as part of the Fairview Addition as 50' x 190' lots. The subject property was later divided illegally (i.e., without obtaining the required replat) into a substandard 60' x 80' lot. Staff found that all other properties with the radius researched met today's minimum lot size of 5,000 square feet in the RS-1 Zone, as well as minimum dimensions of 50' frontage x 100' depth. This included those that were reoriented illegally without a replat. Staff found a relevant ZBA case, ZBA14-23 approved on June 2, 2014 for a lot on South Buchanan Street, north of Roosevelt Street. The applicant of this case requested a reduced front yard setback to allow more buildable space. The front yard in this case also acted as a side yard of adjacent properties which requires a 5-foot setback instead of 25 feet for a front yard.

Should the requested variances be approved, as conditions of approval the applicant will be required to remove all fencing that encroaches into the Cecil Street right-of-way (a distance of 6 feet), and reduce the portion within the front 25 feet to 4 feet in height. In addition, the applicant will be required to pave two parking spaces as per Section 511 of the Zoning Ordinance.

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.**

Planning Staff believe that the property's deficient size and configuration provide a special circumstance for a front yard setback variance. The applicant is proposing to maintain the existing 18-foot front yard setback measured from the front wall of the home. The existing home has a porch that extends to within 10 feet of the front yard. The applicant could have chosen to add an additional 8 feet onto the house flush with the porch. However, Staff believes this would have exceeded the minimum action necessary, and thus, would not have been a special circumstance. Staff also believe that the requested fence variance is warranted given surrounding properties on the same side of Cecil Street have existing 6-foot high privacy fences which acts as their side yards. However, Staff requests that the fence variance be limited to only the existing portions of fencing that extends into the front yard in their current configuration. This will ensure that the remainder of the front yard remains open and unobstructed for greater site visibility. Staff is not in support of the third variance to allow a 6-foot rear yard setback. Even though this setback would be flush with the existing home, the applicant has an existing 33 feet of north side yard area where building expansion could occur in conformance with the rear setback. Staff has had extensive discussions with the applicant's contractor and presented this alternative. Maintaining a 20-foot rear yard setback would still allow up to 11-foot wide bedrooms if the proposed hallway was removed, and maintain a 26-foot north side yard setback in compliance (see attached site plan). While not ideal, this alternative is achievable. This would still allow a substantial play/amenity area within the north side yard which acts as a rear yard (26 feet long instead of 33 feet long as proposed).

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

While the applicant purchased the property after it was split in its current configuration, this is not sufficient on its own for a variance. The applicant has chosen to add onto the existing home and has already installed the fence, creating the need for the three variances. Staff believes that the front yard setback and fence variances are justified. The applicant is making the best of the front yard situation by maintaining the current front wall line of the existing house. As indicated, the portion of the front privacy fence within the front setback acts as a side yard fence. The rear yard setback variance however, is the result of the applicant's choice not to construct a longer house within the substantial north side yard area.

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.**

Staff believes an unnecessary hardship would result if the front yard and fence variances were not granted. The property has only 60 feet of depth versus other lots in this same subdivision which are 190 feet in depth, three times greater. Satisfying both the front and rear setbacks would only leave 15 feet total width, insufficient space for the two additional bedrooms. However, the applicant has sufficient space to install both rooms and meet at least the front yard setback, consistent with the existing home and the one immediately to the south. The front yard privacy fence, once the encroaching part is removed from the right-of-way, connects to the existing fence for a side yard amenity area. The applicant does not have a rear yard given the substandard lot and Staff believes this request is reasonable.

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 the requested front yard and fence variances are the minimum actions necessary. As indicated, the applicant could have chosen to extend the addition along the porch line, an additional 8 feet instead of along the existing house wall line. By maintaining the existing house setback, the applicant preserves the existing front yard space and is consistent with the setback of the house to the south. The portions of the fence within the front yard provide a private yard area for the applicant and his family. There is insufficient yard area behind the home given its close proximity to the rear fence. Therefore, this area to the north of the home serves as a rear yard. As indicated, Staff is not in support of the variance to the rear yard setback. There is currently 33 feet to the north of the existing house to extend the addition. Building a longer addition would still allow two bedrooms and maintain a substantial side yard setback to serve as a play/amenity area.

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

Approval of the front yard and fence variances will not adversely affect any adjacent land. Maintaining the existing 18-foot front yard setback is consistent with the house to the south which has a front setback of approximately 20 feet. The 6-foot high privacy fence in the front yard is consistent with the 6-foot high fencing along portions of South Cecil Street which acts as

side yards for other homes. Staff does not believe approval of the rear yard setback would negatively affect adjacent land. The rear addition would be located next to excess land owned by the neighbor to the south.

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

Planning Staff believes that the rear yard variance request is inconsistent with the intent of the Zoning Ordinance. Section 104.2 requires the protection of “the character and the established pattern of desirable development in each area”. Staff believes allowing an extension of the deficient rear yard is inconsistent with other homes in the area and would set a negative precedent for further setback encroachments. Staff understands that the lot configuration was created before the applicant purchased the property. However, the applicant has sufficient space to meet this setback if he chooses to build a longer house into the north side yard.

Allowed Variances:

In addition to the above criteria, 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.*

Planning Staff believe there is a special circumstance that justifies the front yard and fence variances but not the rear setback variance. The deficient lot depth of 60 feet limits the ability to meet both front and rear setbacks. With the existing front yard setback being maintained, there is sufficient space to meet the required 20 foot rear setback if the house was extended further to the north. The current situation in this regard is an inconvenience but not a hardship. There is a proliferation of other properties who have installed 6-foot high fences along South Cecil Street which acts as their side 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.*

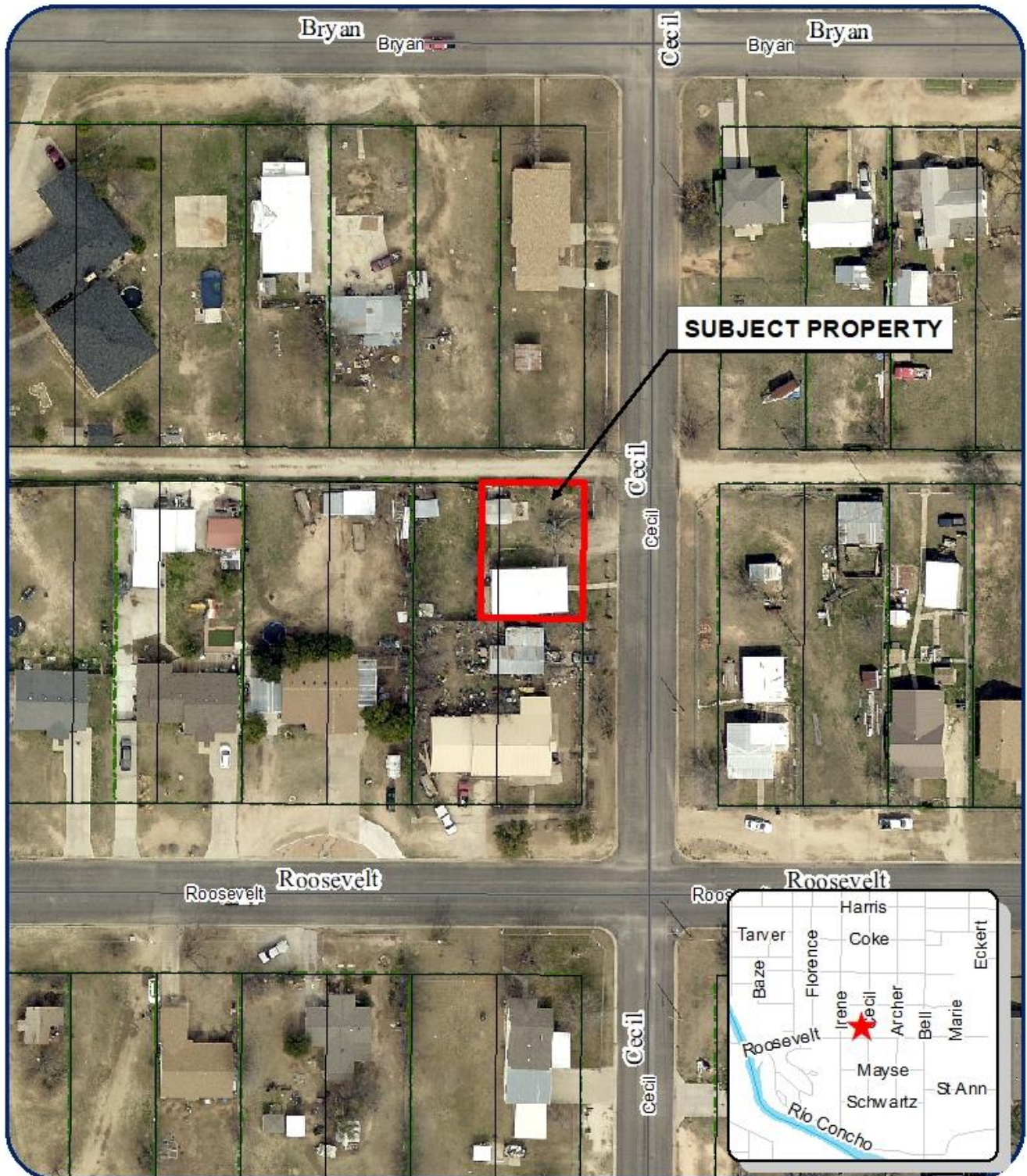
Recommendation:

Staff's recommendation is for the Zoning Board of Adjustment (ZBA) to **APPROVE** a variance from Section 501.A of the Zoning Ordinance to allow for a front yard setback of 18 feet in lieu of the required minimum front yard setback of 25 feet; **APPROVE** a variance from Section 509.B.3.a. of the Zoning Ordinance to allow the existing privacy fence located in the front yard to maintain a height of 6 feet in lieu of the maximum 4 feet; and **DENY** a variance from Section 501.A of the Zoning Ordinance to allow for a rear yard setback of 6 feet in lieu of the required 20 feet; for a single-family dwelling within the Single Family Residential (RS-1) Zoning District located at 319 South Cecil Street; subject to the following **three conditions of Approval:**

1. The applicant shall obtain a new building permit from the Permits and Inspections Division for the approved building addition consistent with the footprint provided on the site plan.
2. The applicant shall install the required two paved parking spaces with a paved connection to the street.
3. The applicant shall remove all fencing that encroaches into the public right-of-way and reduce the privacy fence in the front yard to a maximum height of 4 feet prior to final occupancy of the building addition. The fence variance shall only apply to the existing fencing in the front yard as shown on the site plan.

Attachments:

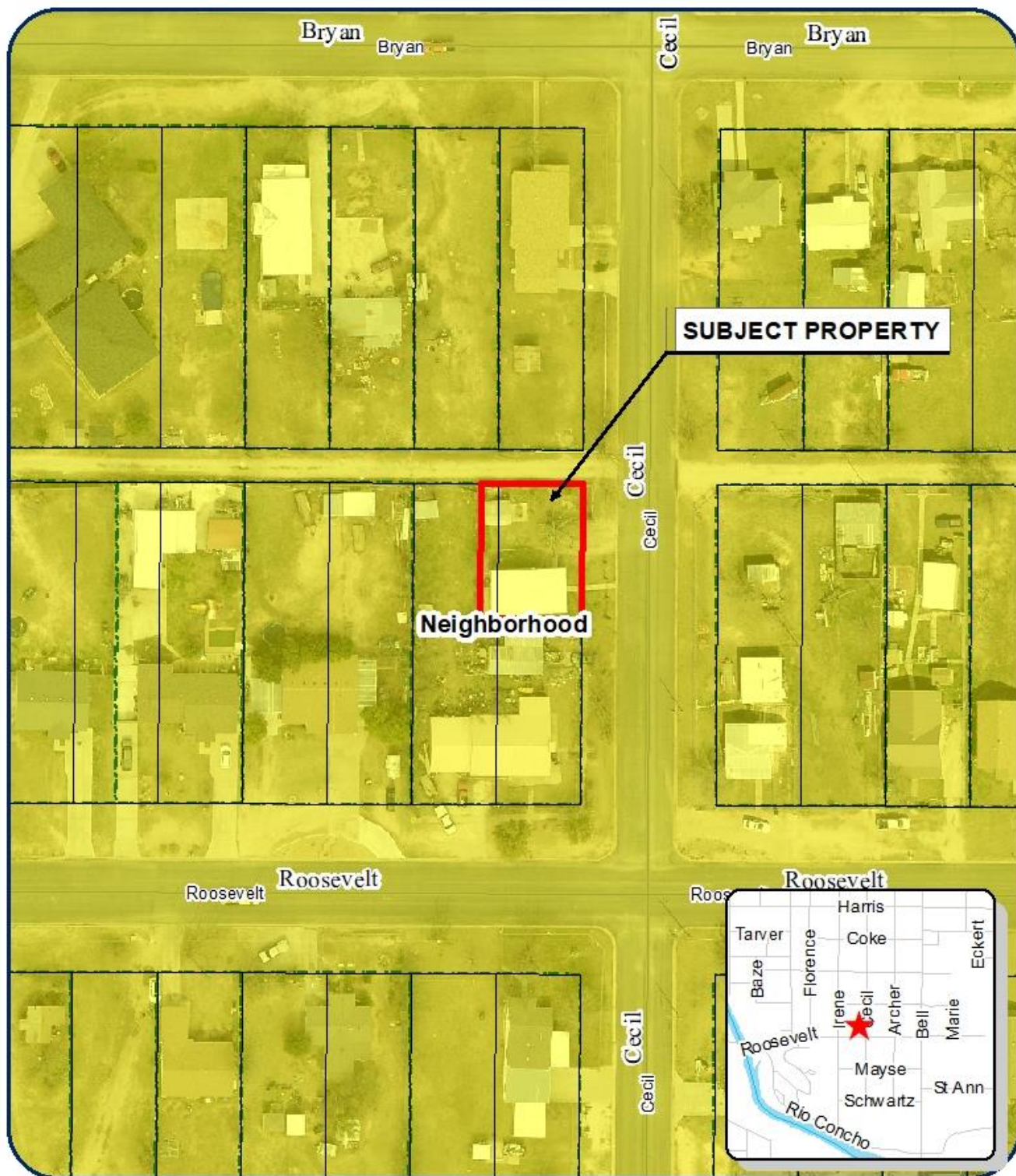
Aerial Map
Future Land Use Map
Zoning Map
Photographs
Site Plan
Application



Variance
ZBA19-11: Gutierrez
Council District: Harry Thomas - District 3
Neighborhood: Fort Concho East
Scale: 1" approx. = 75 ft
319 S. Cecil St.

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



Variance

ZBA19-11: Gutierrez

Council District: Harry Thomas -District 3

Neighborhood: Fort Concho East

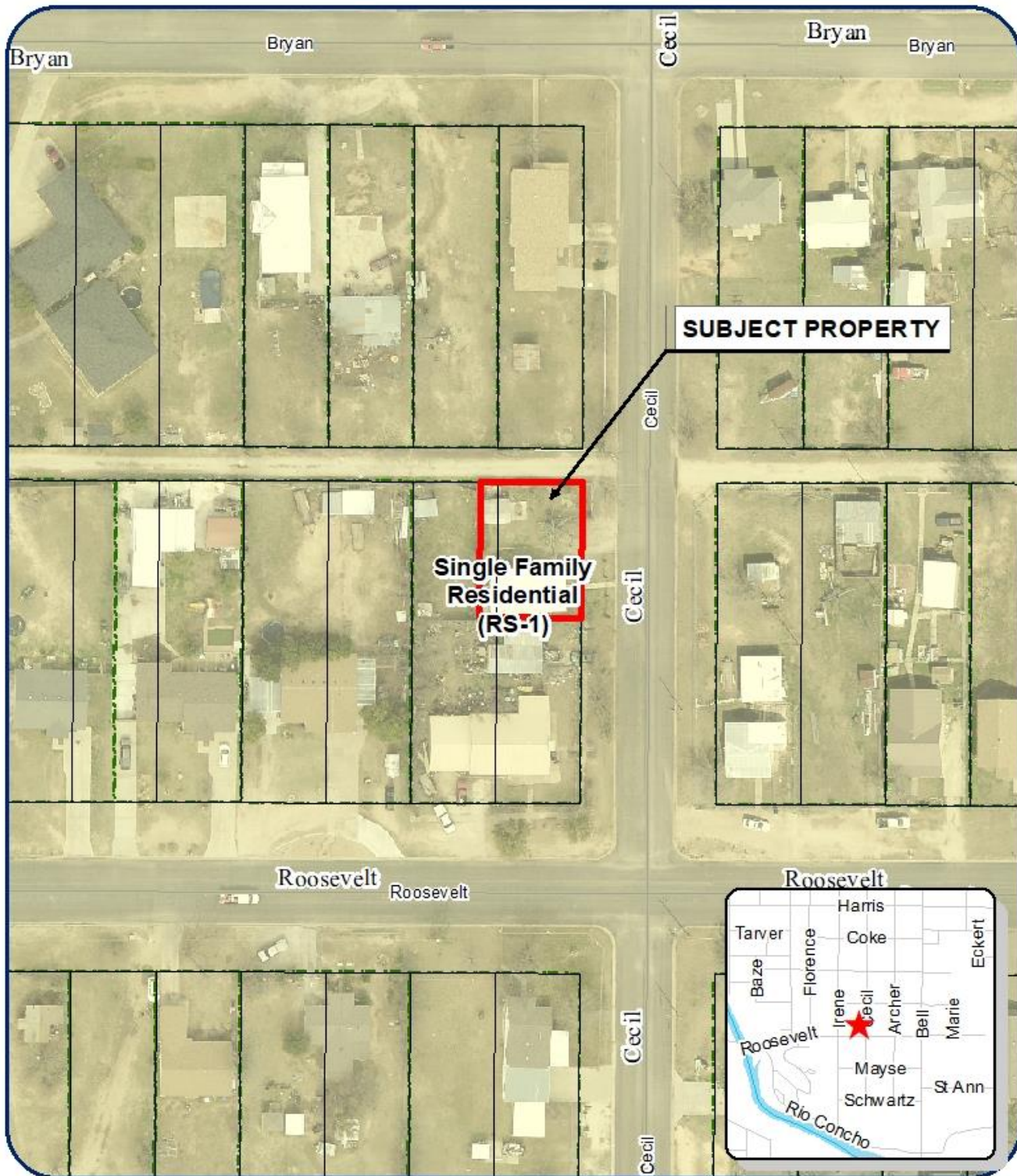
Scale: 1" approx. = 75 ft

319 S. Cecil St.

Legend

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





Variance

ZBA19-11: Gutierrez

Council District: Harry Thomas - District 3
 Neighborhood: Fort Concho East
 Scale: 1" approx. = 75 ft
319 S. Cecil St.

Legend

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



Photos of Site and Surrounding Area

SOUTH



NORTH



WEST AT SUBJECT PROPERTY



NORTHWEST AT SUBJECT PROPERTY



EXISTING DRIVEWAY AND FENCE IN FRONT YARD



EAST



Photos of Site and Surrounding Area

LOOKING SOUTH AT EXISTING 4-FOOT HIGH FENCE



NORTH SIDE YARD



FUTURE ADDITION IF APPROVED)



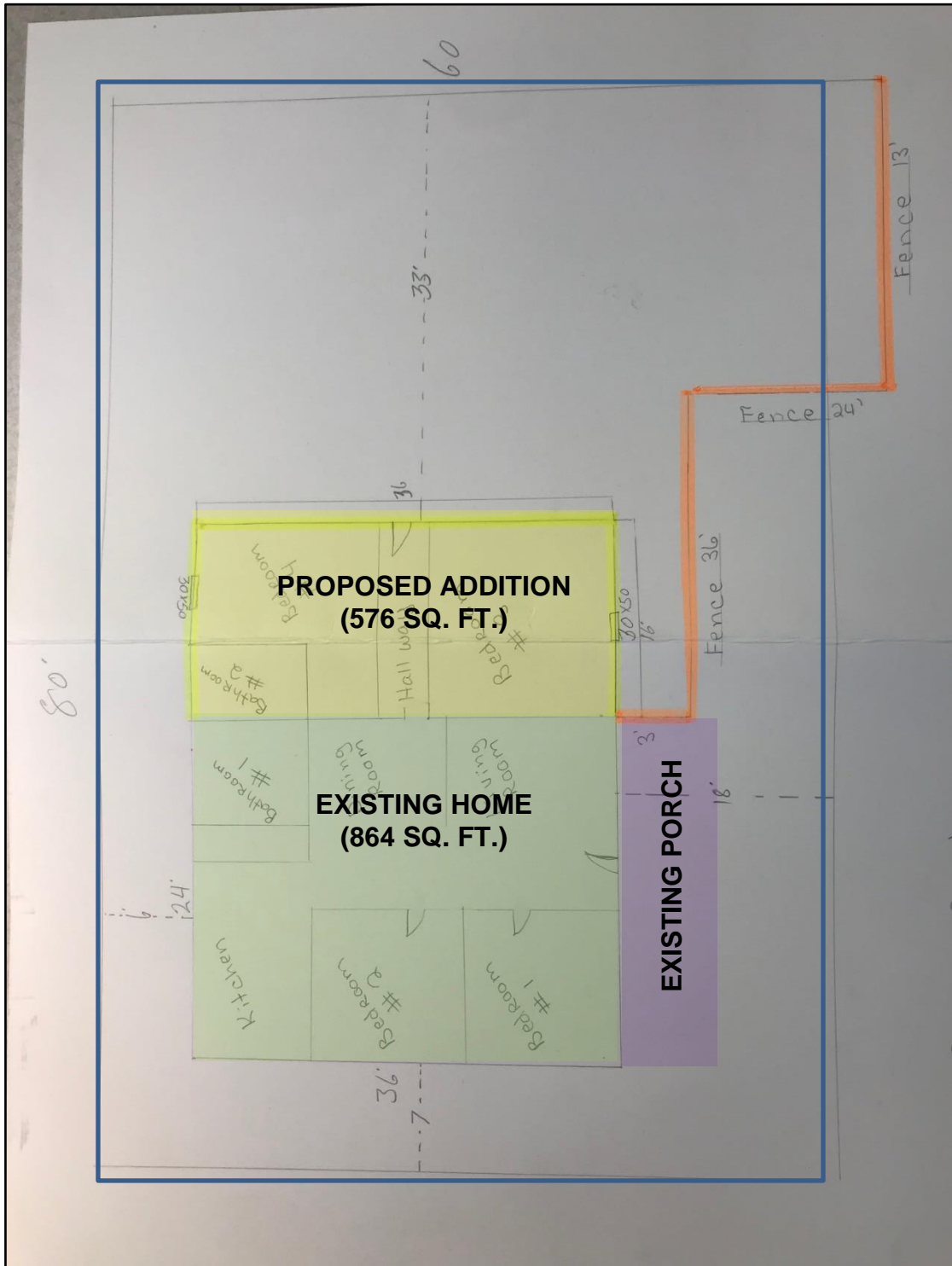
EXISTING 6-FOOT HIGH FENCE TO NORTH



EXISTING 6-FOOT HIGH FENCE – NORTH CECIL STREET BETWEEN BRYAN AND CULBERSON



Site Plan



SOUTH CECIL STREET



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): Saul Gutierrez
 Owner Representative (Notarized Affidavit Required)

Mailing Address: 319 S. Cecil San Angelo TX 76903
City State Zip Code

Contact Phone Number: (325) 212-6801 Contact E-mail Address: Norma.Cornejo23@yahoo.com

Subject Property Address and/Location: 319 S. Cecil San Angelo TX 76903
City State Zip Code

Legal Description (can be found on property tax statement or at www.tnmgreencad.com): Fairview Addition, BLK: 10, N 80 FT of E 10 FT of Lot 13 & N 80 FT of Lot 14

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.3.A
 Describe variance: PRivacy fence
- Zoning Ordinance section: 501.A
 Describe variance: FRont yard of ^{18 ft} 24 feet in Lieu of 25 feet
- Zoning Ordinance section: 501.A
 Describe variance: REar yard of ^{16 ft} 12 feet in Lieu of 20 feet
- 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 location of the fence is my backyard and near wide yard. There is also other properties around my neighborhood with 6 foot fences as well. Use smaller lot limits of from meeting ordinance.

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Section 3 continued: Variance Request Criteria

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

Explanation: The existing property configured this way before we bought the 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: if we have to move the fence back my children lose their play area. also moving the lot back will prevent me from building our addition.

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: everything is in compliance with the city ordinance this is the minimum that we need.

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

Explanation: the setback of the fence is only about 20 feet and again this is my rear area. we also have an addition 20 feet to the begin of pavement. The new addition will have the same set backs as our current house.

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

Explanation: I believe I am not asking for much it is only 20 feet and again again this acts like our wide yard. Set backs match existing house.

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Section 4: Applicant(s) Acknowledgement

Please initial the following:

SG 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;

SG 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;

SG 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

SL 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

Date

Gutierrez Sauc
Printed name of licensee or authorized representative

7/8/19

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Reviewed/Accepted by: Jeff Fisher

Date: 7, 8, 19

Case No.: ZBA: 19-11

ZBA Hearing Date: 8, 5, 2019

Fully-Dimensioned and scaled Site Plan: Yes No

Date of Application: 7, 8, 19

Non-Refundable Fee: \$ 250.00 Receipt #: 295022

Date paid: 7, 8, 19

Ordinance section(s) from which variance(s) is/are requested: 509.B.3.a