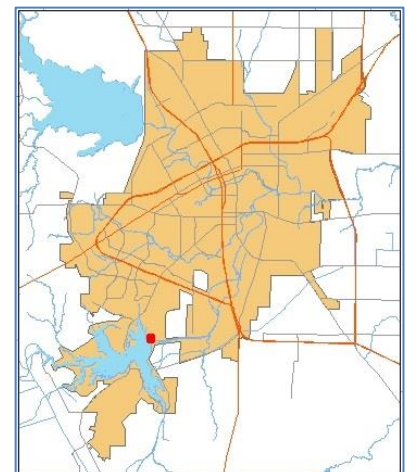


# ZONING BOARD OF ADJUSTMENT – October 7, 2019

## STAFF REPORT



|   |                                  |   |              |
|---|----------------------------------|---|--------------|
| <b>APPLICATION TYPE:</b>  |                                  | <b>CASE:</b>  |              |
| Variance  |                                  | ZBA19-18: Jones   |              |
| <b>SYNOPSIS:</b>  |                                  |   |              |
| A request for approval of a variance from Section 501.A of the Zoning Ordinance to allow for a side yard setback of 4 feet in the front to 0 feet at the back end of the house in lieu of the required minimum 5', for a carport within the Single Family Residential (RS-1) Zoning District. |                                  |   |              |
| <b>LOCATION:</b>  |                                  | <b>LEGAL DESCRIPTION:</b>                                       |              |
| 1901 Beaty Road   |                                  | Lot 30, Boathouse Lot Section 2 Blk. 1; Lake Nasworthy, Group 1 |              |
| <b>SM DISTRICT / NEIGHBORHOOD:</b>  | <b>ZONING:</b>                   | <b>FUTURE LAND USE:</b>   | <b>SIZE:</b> |
| SMD #1 – Tommy Hiebert<br>Nasworthy Neighborhood  | Single Family Residential (RS-1) | Neighborhood  | 0.173 acres  |
| <b>THOROUGHFARE PLAN:</b>   |                                  |   |              |
| <u>Beaty Road</u> – Local Street – Required ROW 50' (Existing varies); Required Pavement Width 40' or 36' with 4' Sidewalk Required (Existing 20' – 24')  |                                  |   |              |
| <b>NOTIFICATIONS:</b>   |                                  |   |              |
| 7 notifications were mailed within a 200-foot radius on September 23, 2019. One response has been received in support, none in opposition.  |                                  |   |              |
| <b>STAFF RECOMMENDATION:</b>  |                                  |   |              |
| <b>APPROVE</b> the variance request from Section 501.A of the Zoning Ordinance to allow for a side yard setback of 0' in lieu of the required 5' for construction of a carport on a single-family dwelling within the RS-1 Zoning District, subject to <b>Three Conditions of Approval</b> .  |                                  |   |              |
| <b>PETITIONER:</b>  |                                  |   |              |
| Benjamin F. Jones, Const.   |                                  |   |              |
| <b>STAFF CONTACT:</b>   |                                  |   |              |
| Sherry L. Bailey<br>Principal Planner<br>(325) 657-4210, Extension 1546<br><a href="mailto:sherry.bailey@cosatx.us">sherry.bailey@cosatx.us</a>   |                                  |   |              |



**Additional Information:** The property owner has just purchased this property and is in the process of setting it up for his family. This structure is next to (on the east) the city property at the Dam. What the owner would like to have is a double carport 23 feet wide the entire length of the house. The carport will have a shed roof matching the house roof in color and materials. At the house corner closest to the road the carport will be four feet from the side property line (needing just a one foot variance). At the back of the house the carport will be at the property line (needing a four foot nine inch variance). The lot was designed at an angle with 65 feet in width at the road and 58 feet in width on the lake side so in order to meet the front yard setback the carport will start eleven feet back of the front of the house.

**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.** This property is located next to the City of San Angelo property at the dam. Allowing a variance on the east will affect only the City property which currently has no structures.
2. **These special circumstances are not the result of the actions of the applicant.** The owner has just purchased the property, and is trying to develop the property to meet his family's needs. The special circumstance is the adjacency of City dam property, which is not a result of the actions of the applicant.
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.** Many of the homes in this area either have large carports or large garages or a combination of both. The angled lot line on the property makes constructing a carport, similar to others in the area, more problematic.
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 applicant could construct only a single carport instead of the double, however, he believes it would not meet his family's needs. The entrance to the home is about two thirds of the way down and if it was just a single carport the entrance to the home could often be blocked.
5. **Granting the variance will not adversely affect adjacent land in a material way.** With no single-family homes to the east, only city land, the impacts could be minimal in nature.
6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.** The side yard setbacks are there to provide distance between structures. In this case there are currently no structures to the east and the integrity of the existing structure will be maintained. The intent of the zoning ordinance is not infringed upon.

**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 side set back would deny the owner the ability to achieve the best use of the property for his family's needs and with the city land immediately adjacent there will be no impact on any adjacent property owner.**

**Recommendation:**

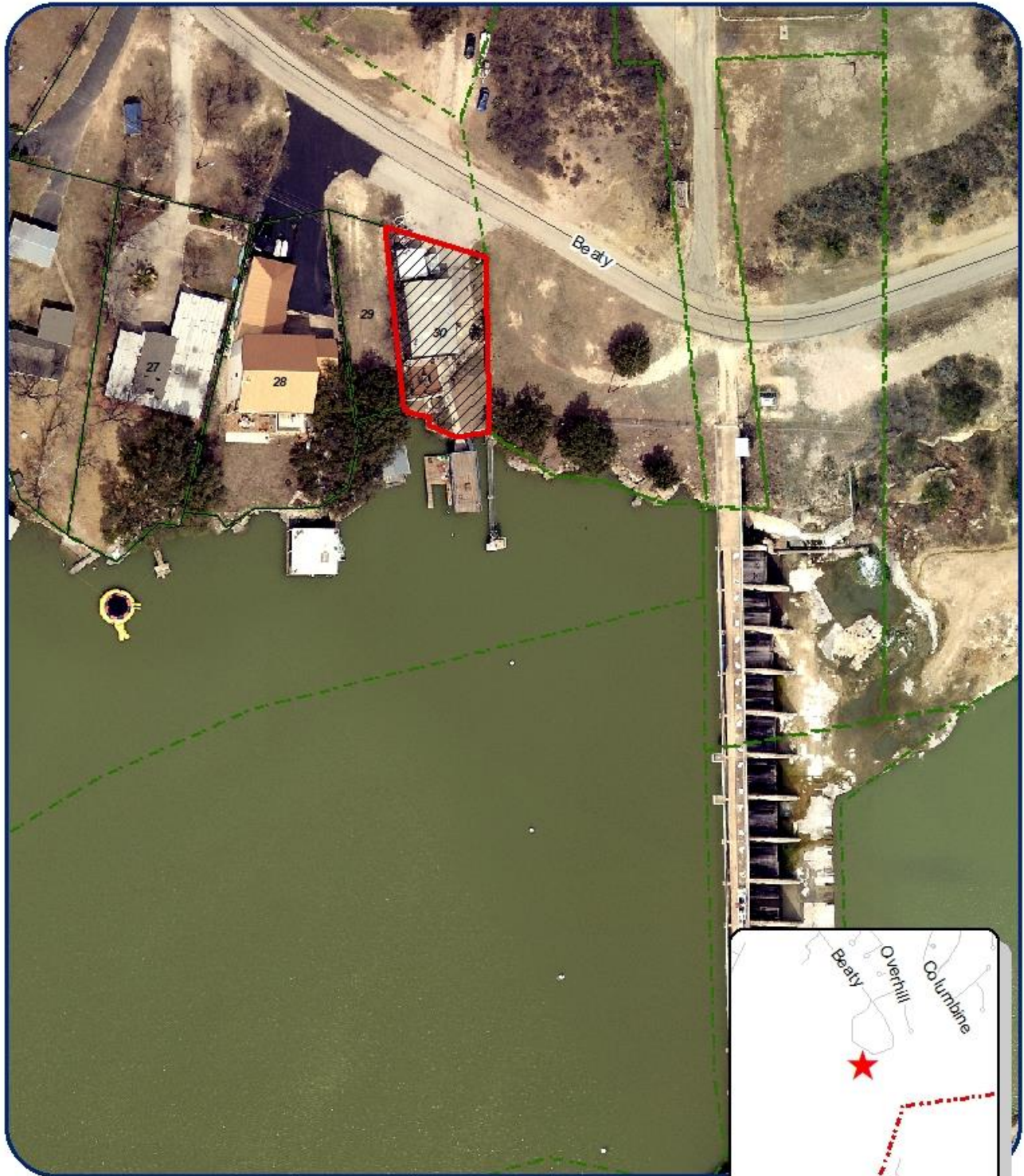
Staff recommends that the Zoning Board of Adjustments **APPROVE** the variance request from Section 501.A of the Zoning Ordinance to allow for a side yard setback of 0' in lieu of the required 5' for construction of a carport on a single-family dwelling within the RS-1 Zoning District, subject to **Three Condition of Approval:**

1. Within the next six months the owner must request a variance on the storage building in the front yard setback or remove the storage building.
2. The applicant shall obtain a building permit approval for all improvements as required.
3. This approval for a reduced side yard setback shall only apply to the proposed carport at its proposed square footage. No portion of the carport shall be encumbered by any walls or screening.

**Attachments:**

Aerial Map  
Future Land Use  
Zoning Map  
Notification Map  
Resident Letter

Application  
Proposed Improvements  
Site Photos



**Location Map Side Yard Variance**

**1901 Beaty Rd.**

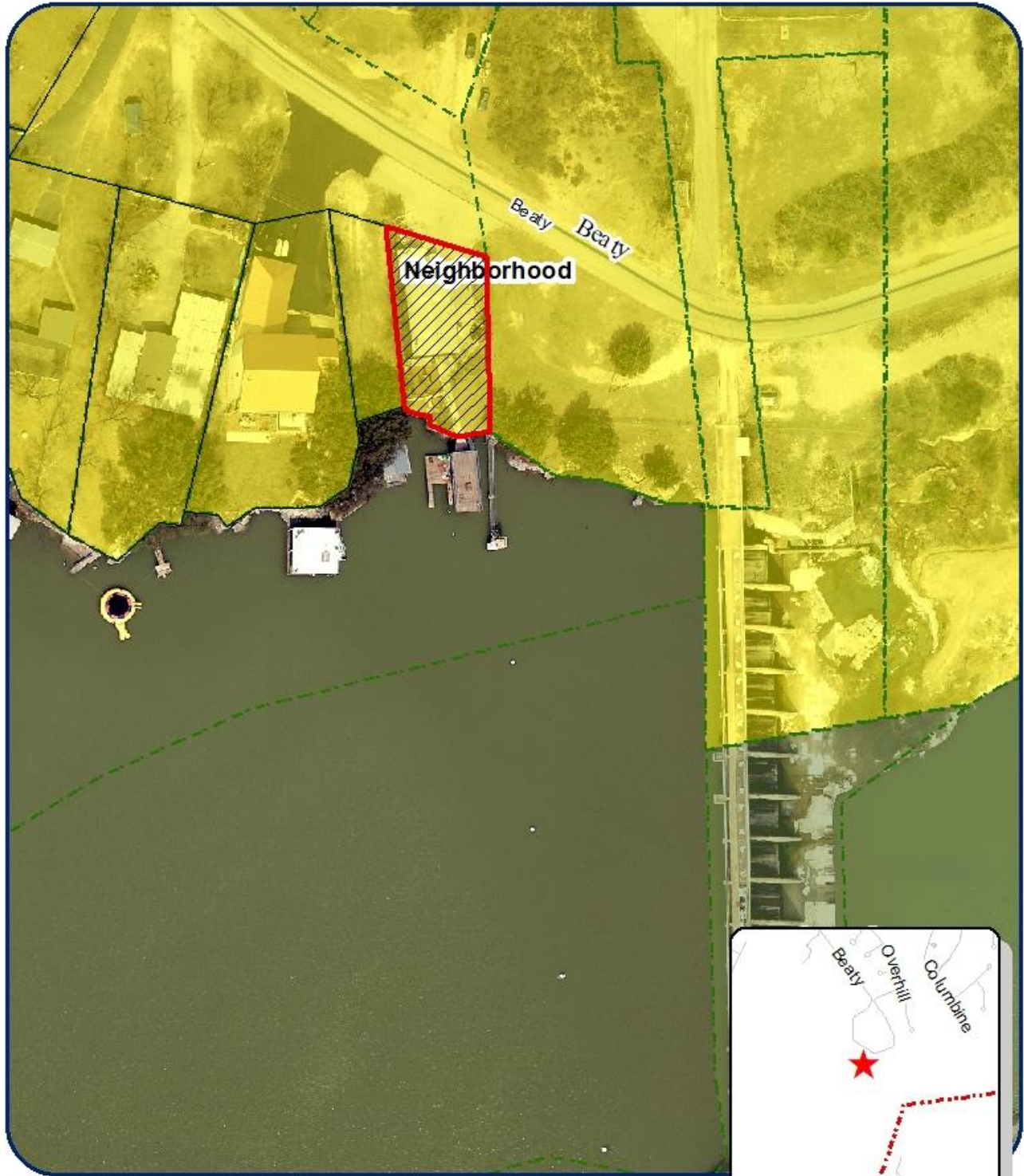
Council District 1 -Tommy Hiebert  
Neighborhood: County Club  
Scale: 1" approx. = 85 ft

**Legend**

Subject Properties:   
Current Zoning: **Single Family (RS-1)**  
Requested Zoning Change: **NA**  
Vision: **Neighborhood**

Lot 30 Boathouse e Lot Section 2, Blk. 1 Lake Nasworthy, Group 1; being 0.173 acres.





**Location Map Future Land Use**

**1901 Beaty Rd.**

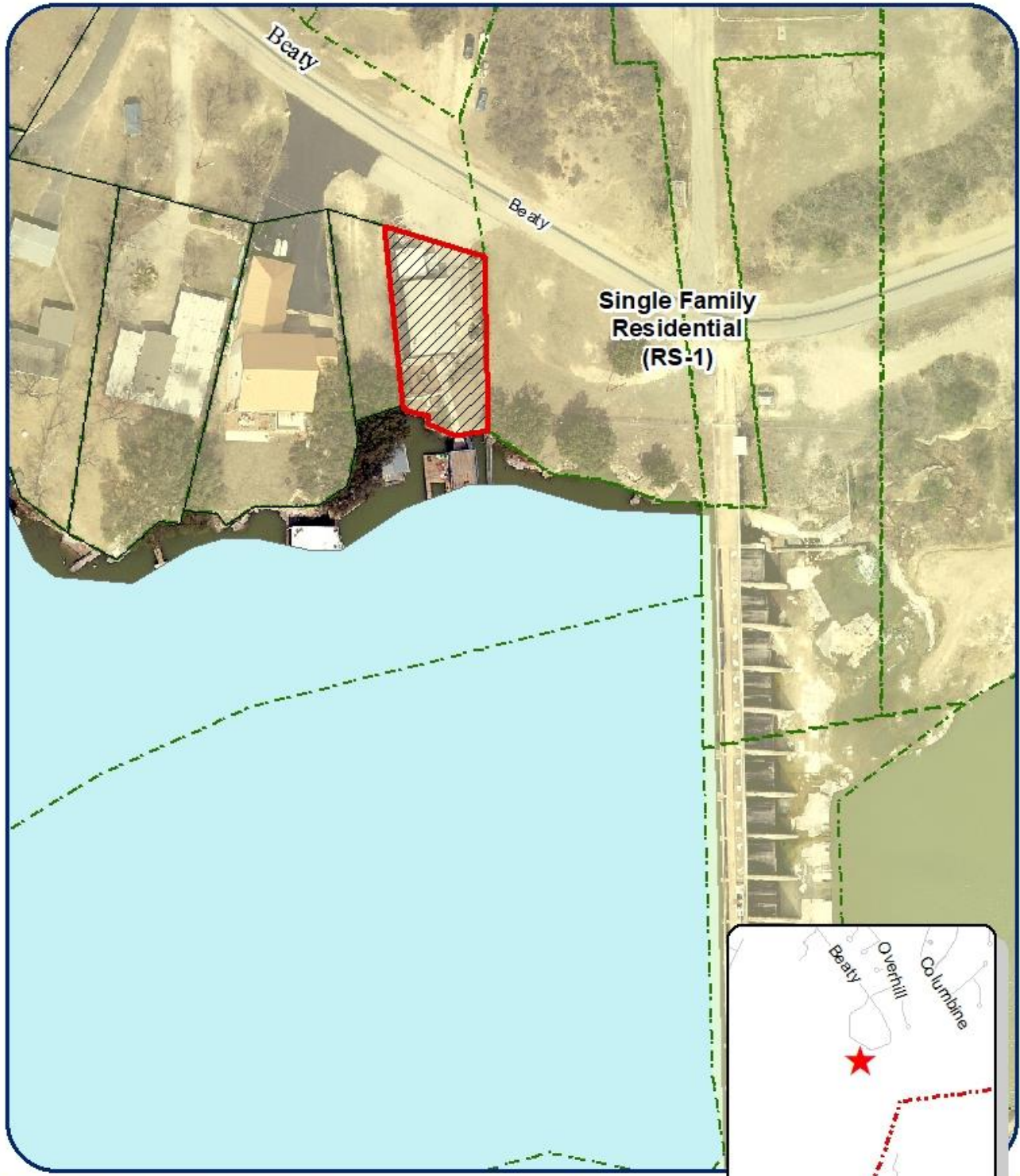
Council District 1 -Tommy Hiebert  
Neighborhood: County Club  
Scale: 1" approx. = 85 ft

**Legend**

Subject Properties:   
Current Zoning: **Single Family (RS-1)**  
Requested Zoning Change: **NA**  
Vision: **Neighborhood**

Lot 30 Boathouse e Lot Section 2, Blk. 1 Lake Nasworthy, Group 1; being 0.173 acres.





**Location Map Existing Zoning**

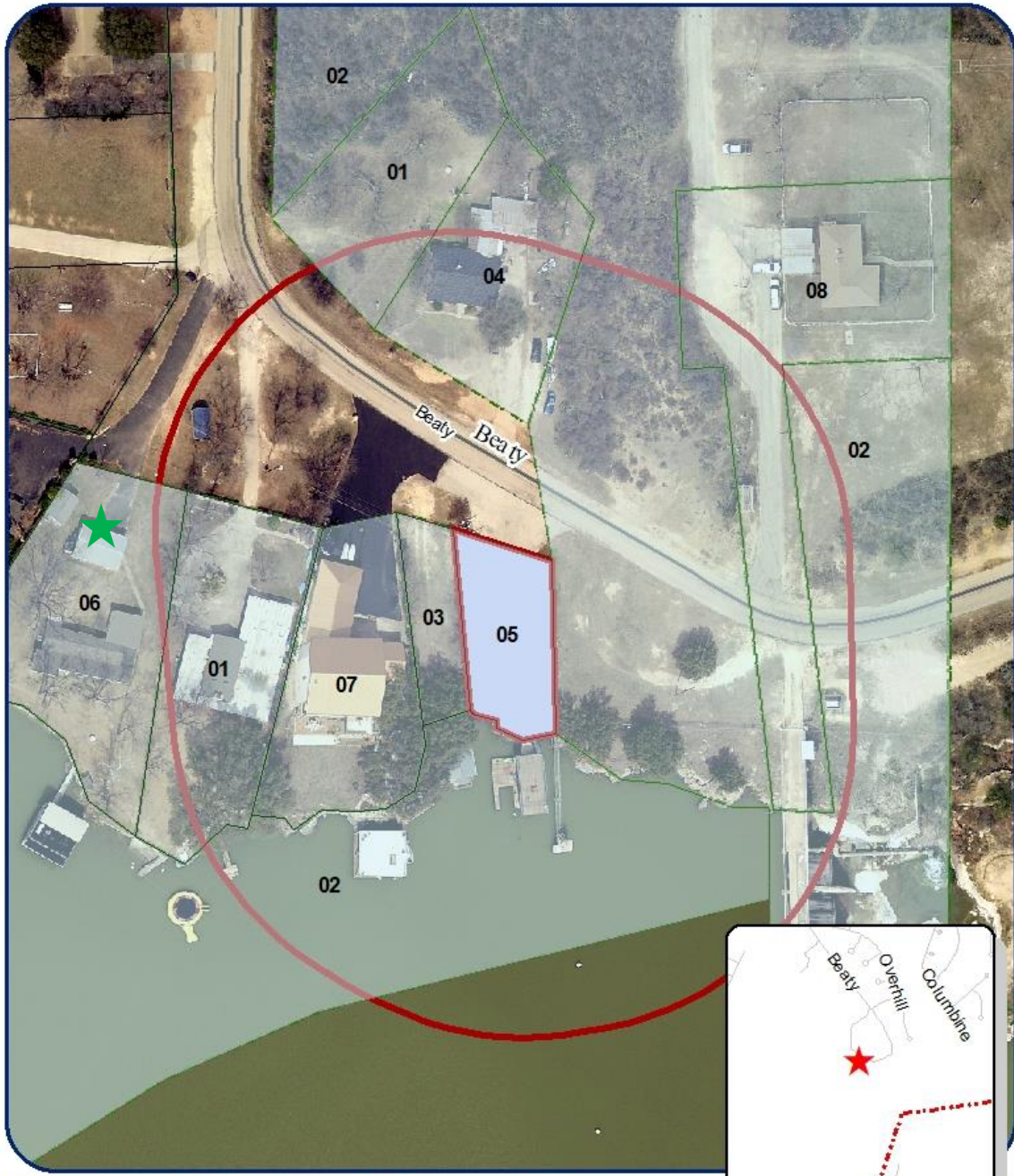
**1901 Beaty Rd.**  
Council District 1 -Tommy Hiebert  
Neighborhood: County Club  
Scale: 1" approx. = 85 ft

**Legend**

Subject Properties:   
Current Zoning: **Single Family (RS-1)**  
Requested Zoning Change: **NA**  
Vision: **Neighborhood**



Lot 30 Boathouse e Lot Section 2, Blk. 1 Lake Nas worthy, Group 1; being 0.173 acres.



**Location Map 200 Ft. Notification Map**

**1901 Beauty Rd.**  
Council District 1 - Tommy Hiebert  
Neighborhood: County Club  
Scale: 1" approx. = 85 ft

**Legend**

Subject Properties:   
Current Zoning: **Single Family (RS-1)**  
Requested Zoning Change: **NA**  
Vision: **Neighborhood**



Lot 30 Boathouse Lot Section 2, Blk. 1 Lake Nasworthy, Group 1; being 0.173 acres.



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) \_\_\_\_\_

The lot in question is very narrow  
and the requested variance does not  
obstruct any neighbors view of lake  
or affect neighbors property.

NAME: Doug Massey

ADDRESS: 1913 Beatty Rd

San Angelo Tx 76904

SIGNATURE: 

ZBA 19-18: Jones  
Property owner number: 6

If you have any questions about these proceedings, please call Sherry Bailey, Principal Planner, with the City of San Angelo's Planning Division at (325) 657-4210 or by email at [sherrybailey@cosatx.us](mailto:sherrybailey@cosatx.us).

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): Benjamin F Jones  
 Owner  Representative (Notarized Affidavit Required)

Mailing Address: P.O. Box 60472 San Angelo TX 76906-0472  
 City State Zip Code

Contact Phone Number: 325-812-6436 Contact E-mail Address: diffjonesiii@gmail.com

Subject Property Address and/Location: 1901 Beauty Rd San Angelo Texas 76904  
 City State Zip Code

Legal Description (can be found on property tax statement or at [www.tomgreencad.com](http://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: \_\_\_\_\_  
 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: The structure is immediately adjacent to City owned property so that the neighboring property will never be built on.

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 carport structure is immediately adjacent to City owned property so that the neighboring property will never be built on. Also the owner has just acquired the property which does not have covered parking.

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: Most of the other properties in the area have a garage or covered parking

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: The owners access to their home requires a 2 car carport or garage. The carport is a minimum lot size. The design of the carport allows for a see through view of the block

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

Explanation: The adjacent land is owned by the city and will never be built on

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

Explanation: The proposed carport will be constructed in a manner which matches the existing design and materials of construction with the existing house.

Effective January 3, 2017

**Section 4: Applicant(s) Acknowledgement**

Please Initial the following:

BJ 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;

BJ 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;

BJ 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

BJ 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.

Benjamin Jones  
Signature of licensee or authorized representative \_\_\_\_\_ Date \_\_\_\_\_

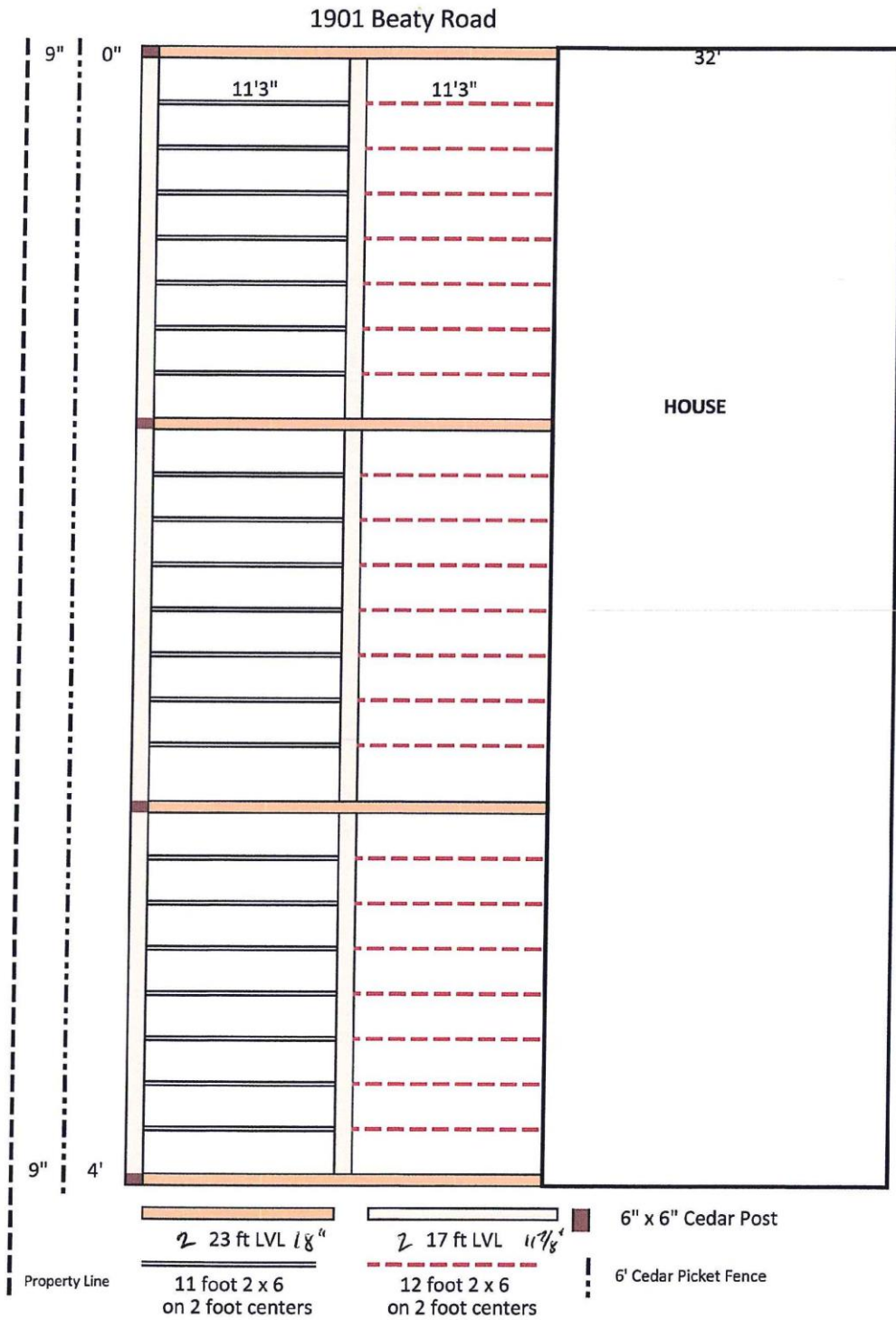
Benjamin Jones B Jones Contracting  
Printed name of licensee or authorized representative

B Jones Contracting  
Name of business/Entity of representative

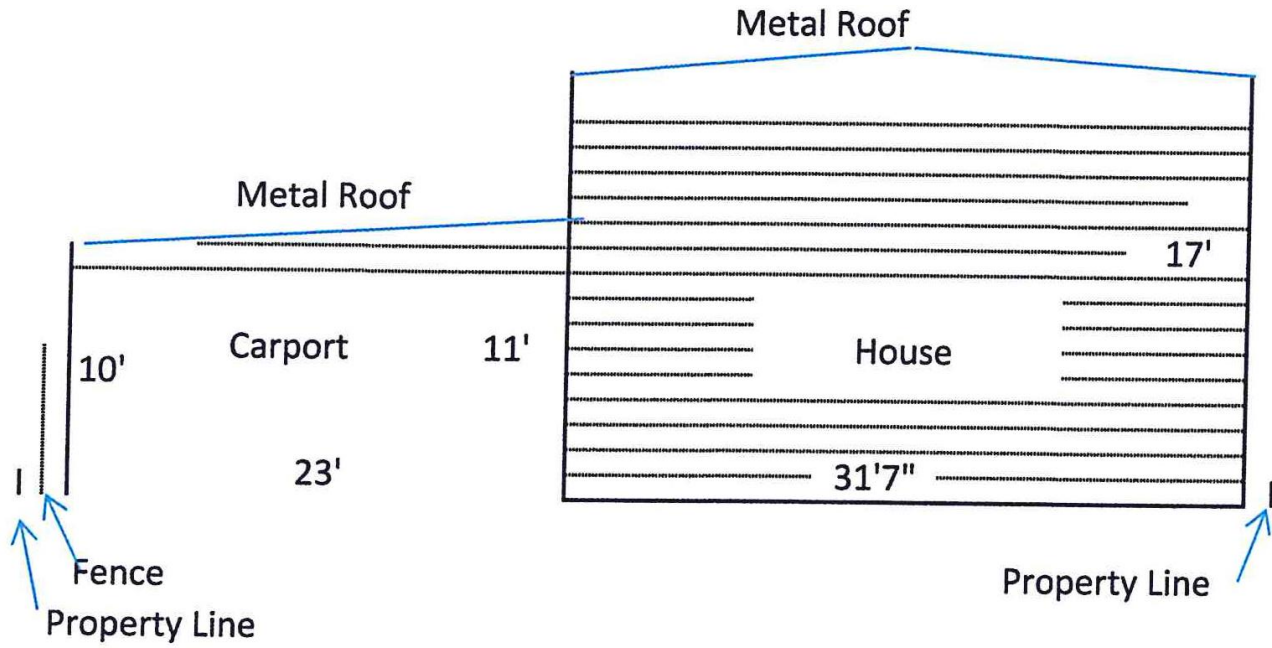
**FOR OFFICE USE ONLY:**

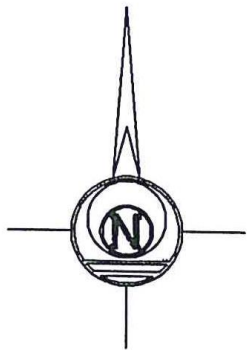
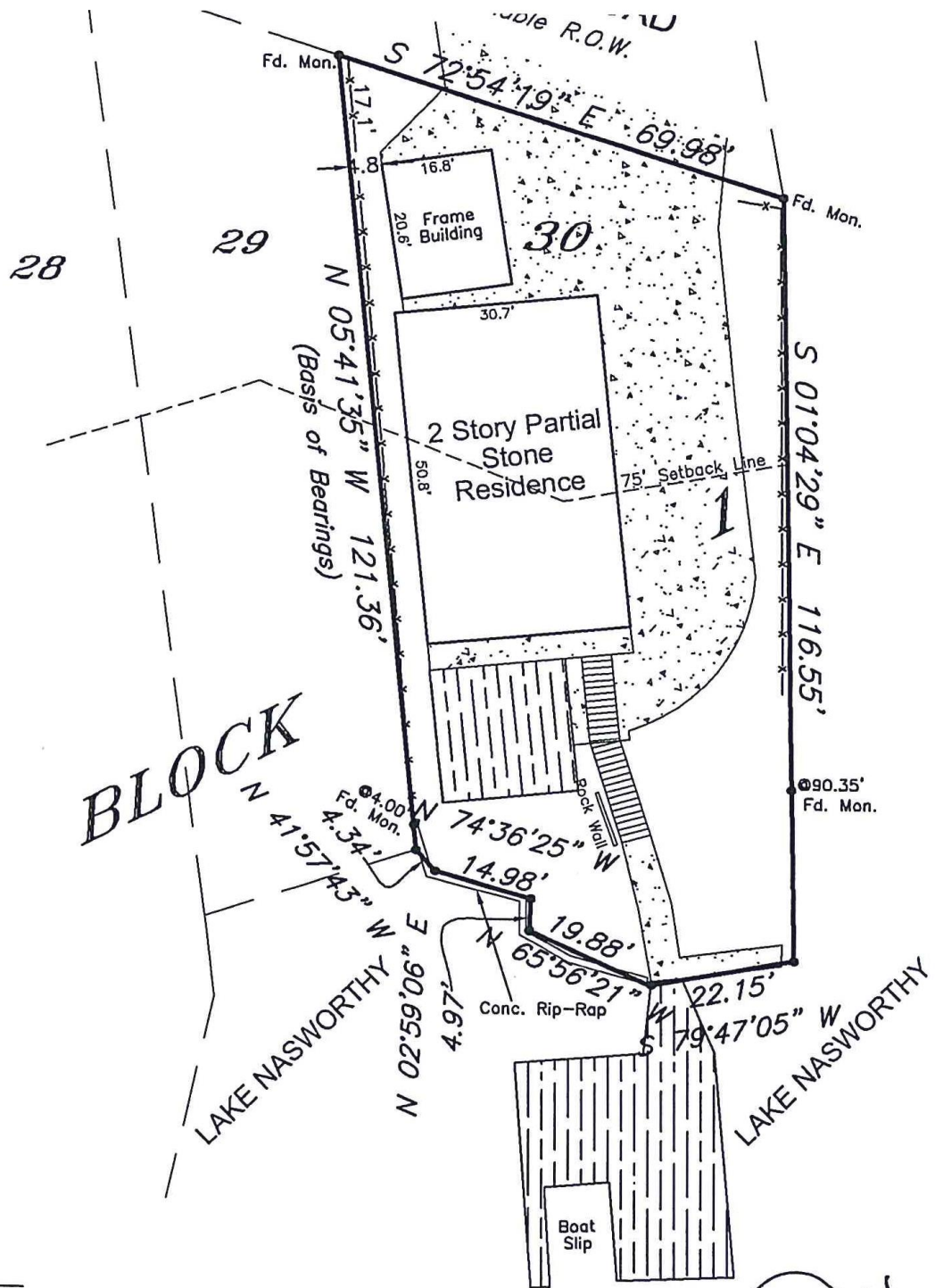
Reviewed/Accepted by: \_\_\_\_\_ Date: 09, 23, 19  
Case No.: ZBA: 19 - 18 ZBA Hearing Date: 10, 07, 19  
Fully-Dimensioned and scaled Site Plan:  Yes  No Date of Application: 9, 23, 19  
Non-Refundable Fee: \$ 250.00 Receipt #: 374790 Date paid: 9, 23, 19

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



### 1901 Beaty Road





SCALE: 1"= 30'

**Site Photos**



Carport placement will be here with direct visual to the lake.



Property owned by the city adjacent to the dam.





Showing the entrance door, area to be covered by the carport.



Side property line on the west.