


ZONING BOARD OF ADJUSTMENT – November 4, 2019

STAFF REPORT



APPLICATION TYPE:		CASE:	
Variance		ZBA19-20: Rimrock Development, LLC	
SYNOPSIS:			
A request for approval of a Variance from Section 501 of the Zoning Ordinance to allow for the zero lot line side yard to be 10 feet in lieu of the maximum 0-1 for a House with the Zero Lot Line, Twinhome, Townhome Residential (RS-3) Zoning District.			
LOCATION:		LEGAL DESCRIPTION:	
4314 Rimrock Circle		Lot 56, Block 8, Sec.7A, Ellison Estates	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD #6 – Billie DeWitt Bonham Neighborhood	Zero Lot Line, Twinhome, Townhome Residential (RS-3)	Neighborhood	0.173 acres
THOROUGHFARE PLAN:			
<u>Rimrock Circle</u> – Local Street – ROW 50’ Required (50’ Existing) – Pavement Width 40’ with no Sidewalk Required (40’ Existing)			
NOTIFICATIONS:			
3 notifications were mailed within a 200-foot radius on October 16, 2019. No responses have been received in support, none in opposition.			
STAFF RECOMMENDATION:			
Staff recommends the Zoning Board of Adjustment APPROVE the variance request from Section 501.A of the Zoning Ordinance to allow for a zero side yard setback to be the 10 foot drainage easement line in lieu of the maximum 0-1 ft. from the zero side lot line.			
PETITIONER:			
Tony Jones, Rimrock Development, LLC			
STAFF CONTACT:			
Sherry L. Bailey Principal Planner (325) 657-4210, Extension 1546 sherry.bailey@cosatx.us			

Additional Information: The applicant is building zero lot line homes within this development. Lot 56 in Block 8 Section 7A is a larger lot but it has a 10 foot drainage easement along the side lot line that is proposed as the zero lot line. There is no administrative way to approve using the drainage easement line so a variance is being sought from the Zoning Board of Adjustment to use the drainage easement line as the zero lot line for this one lot. (Plat is attached.) The wording of the Zero Lot line ordinance is such that that designation must be within 0 to 1 foot, with no alternatives.

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 kept from achieving the ordinance requirements because of the required drainage easement. That is an unusual requirement unique to this lot and not common to other zero lot line developments.
2. **These special circumstances are not the result of the actions of the applicant.** The drainage at that particular area was mandated by the drainage study, and the current home configuration was not a consideration at the time.
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.** Without this action, in the RS-3 zoning designation, the zero lot line lot can only be 0-1 foot maximum to comply with the current regulations. In this case the request is a reasonable solution and denying the request would deprive the applicant of the proposed use of his property that would cause a 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 this Zoning Ordinance and substantial justice.** The variance approval is the available option, otherwise the zero lot line home would have to be built on the other side of the lot in a more precarious access situation. The proposed location will not be contrary to public interest and would meet the intent of the zoning ordinance.
5. **Granting the variance will not adversely affect adjacent land in a material way.** Granting the variance will result in the development of this lot in line consistent with other zero lot line homes in the area. Since the proposed 10 foot setback will be along the alley, there will be no detrimental effects on other neighbors.
6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.** Granting the variance is the only way the proposed home placement can continue within the requirements of the ordinance. Since this is a large lot the other side yard will continue to observe a 10 foot setback as well in keeping with other lots directly adjacent.

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 and the best access design. There will be no adverse impact on any adjacent property owner.

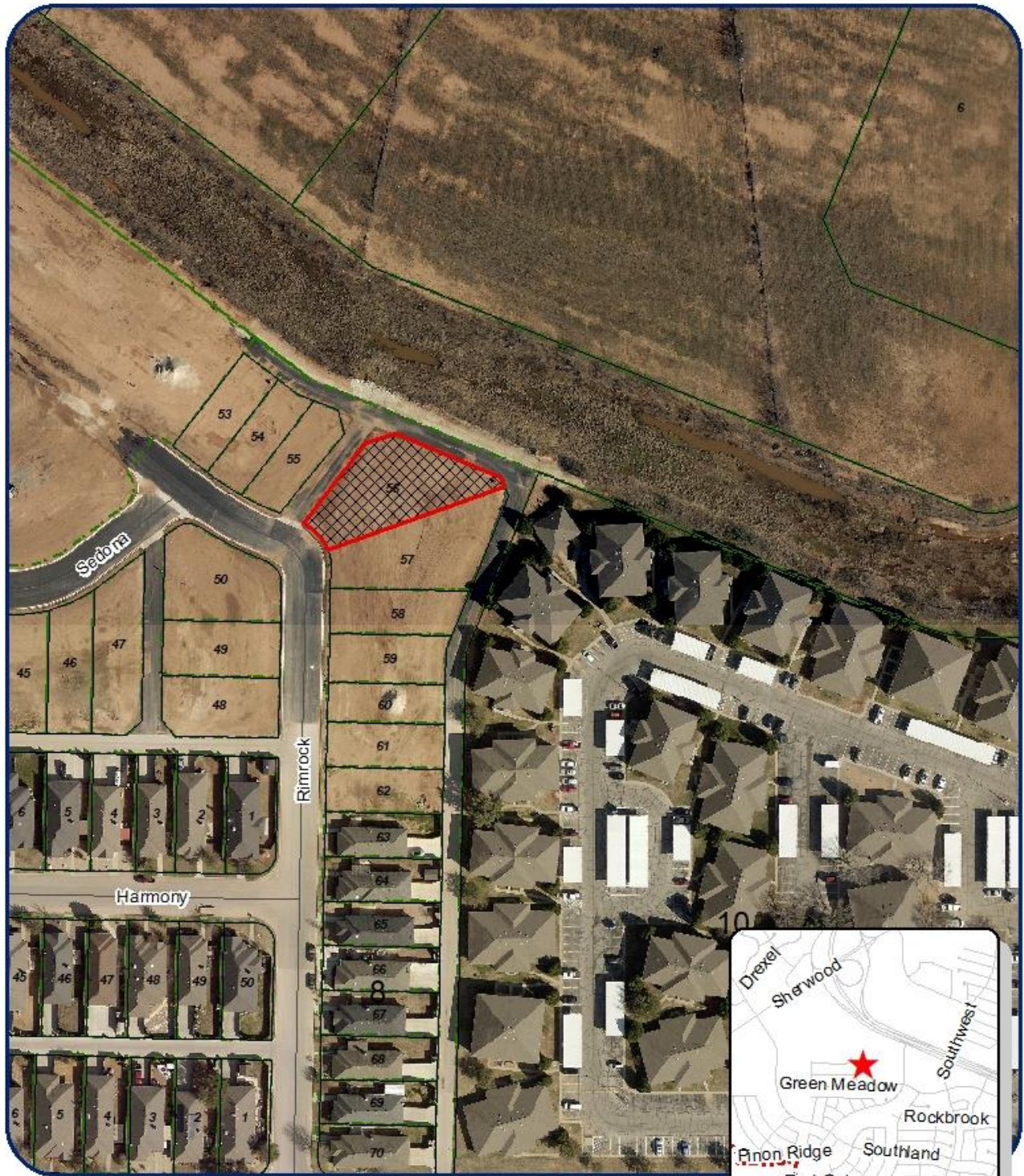
Recommendation:

Staff recommends that the Zoning Board of Adjustments **APPROVE** the variance request from Section 501.A of the Zoning Ordinance to allow for the zero lot line side yard to be located at the 10 foot easement line in lieu of the maximum 0-1 for a House with the Zero Lot Line, Twinhome, Townhome Residential (RS-3) Zoning District with one condition:

1. The applicant must obtain a building permit within one year from the approval date.

Attachments:

Aerial Map
Zoning Map
Notification Map
Application
Plat
Site Photos



Location Map 4314 Rimrock Circle

ZBA 19-20: Rimrock Development LLC

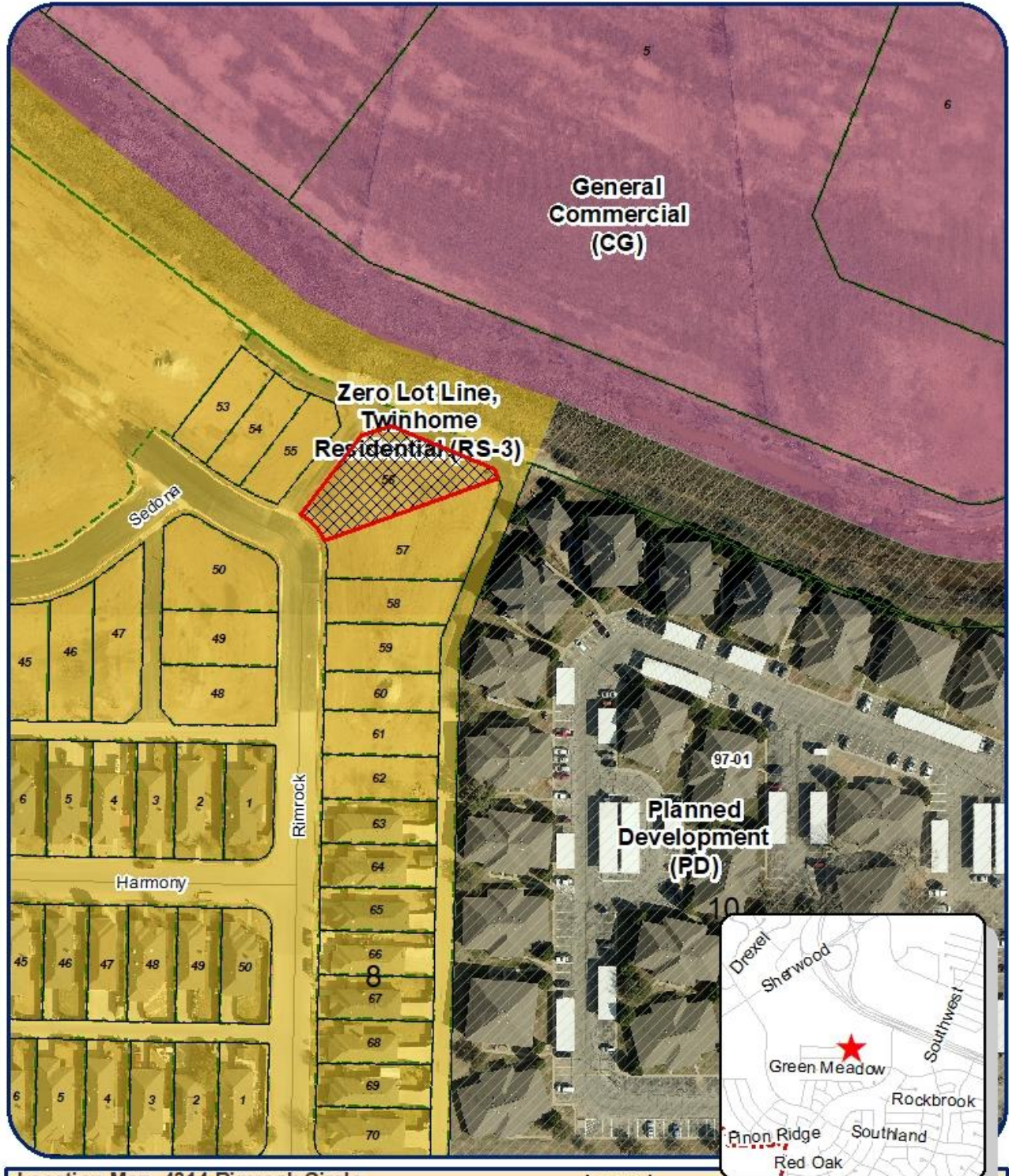
Council District 6 - Billie DeWitt
 Neighborhood: Bonnam
 Scale: 1" approx. = 130 ft

Aerial Map

Legend

Subject Properties: 
 Current Zoning: **Zero Lot Line (RS-3)**
 Requested Zoning Change: **No change**
 Vision: **Neighborhood**





Location Map 4314 Rimrock Circle

ZBA 19-20: Rimrock Development LLC

Council District 6 - Billie DeWitt
 Neighborhood: Bonnam
 Scale: 1" approx. = 130 ft

Existing Zoning

Legend

Subject Properties:
 Current Zoning: **Zero LOT Line (RS-3)**
 Requested Zoning Change: **No change**
 Vision: **Neighborhood**





4314 Rimrock Circle

Legend

ZBA 19-20: Rimrock Development

Council District 6 - Billie DeWitt
Neighborhood: Bonnam
Scale: 1" approx. = 90 ft

Subject Properties: 
Current Zoning: **CG/CH**
Requested Zoning Change: **Planned Development**
Vision: **Neighborhood**



Notification Map

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: USING EXISTING PROPERTY LINE EASEMENTS, BOUNDARIES AS RECORDED WITH ORIGINAL PLAT.

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:

HARDSHIP WOULD AFFECT SALE OR PURCHASE OF HOME DUE TO LENGTH OF DRIVEWAY, WOULD PUSH COST & TAX LIABILITY FOR BUYER UP.
APP 70' OF EXTRA DRIVEWAY AT A COST OF \$11,200

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: REMAINS ZERO LOT LINE HOME PER INTENT OF ORIGINAL PLAN + ZONING INTENT.

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

Explanation: NO AFFECT ON ADJ PROPERTIES.

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

Explanation: HOME WILL STILL REMAIN ZERO LOT LINE CONFIGURATION

Effective January 3, 2017

Section 4: Applicant(s) Acknowledgement

Please initial the following:

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;

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;

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

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.

Tony Jones, Pres.
Signature of licensee or authorized representative

10/3/19
Date

Tony Jones
Printed name of licensee or authorized representative

RIMROCK DEVELOP LLC
Name of business/Entity of representative

FOR OFFICE USE ONLY:

Reviewed/Accepted by: H. Bueker

Date: 10 / 3 / 19

Case No.: ZBA: 19 -- 20

ZBA Hearing Date: 11 / 4 / 19

Fully-Dimensioned and scaled Site Plan: Yes No

Date of Application: 10 / 3 / 19

Non-Refundable Fee: \$ 250 Receipt #: 4983

Date paid: 10 / 3 / 19

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

Site Photos



Lot in question



Adjacent homes newly constructed

ZONING BOARD OF ADJUSTMENT – NOVEMBER 4, 2019

STAFF REPORT



APPLICATION TYPE:		CASE:	
Variance		ZBA19-21: Bill Feist	
SYNOPSIS:			
A request for approval of a variance from Section 501 of the Zoning Ordinance to allow for a lot width of 41 feet in lieu of the minimum 50 foot for a home in the Single-Family residential (RS-1) zoning district.			
LOCATION:		LEGAL DESCRIPTION:	
2215 Shelton Street		N 41' of E ½ of Lot 8, Block 4, Home Acres	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
SMD #4 – Lucy Gonzales Neighborhood – Blackshear		Single Family Residential (RS-1)	Neighborhood
		SIZE:	
			0.14 acres
THOROUGHFARE PLAN:			
Shelton Street – Urban Local Street, Required 50' ROW (provided 50'); Required 40' pavement or 36' pavement with a sidewalk (provided 35' with 4' sidewalk).			
NOTIFICATIONS:			
12 notifications were mailed within a 200-foot radius on October 18, 2019.			
STAFF RECOMMENDATION:			
Staff recommends the Zoning Board of Adjustment APPROVE the variance request from Section 501 of the Zoning Ordinance to allow for a lot width of 41 feet in lieu of the minimum 50 foot for a home in the Single-Family residential (RS-1) zoning district.			
PETITIONER:			
Agent: Bill Feist			
STAFF CONTACT:			
Shelly Paschal Planner (325) 657-4210, Extension 1533 shelly.paschal@cosatx.us			



Additional Information: The applicant purchased this property in its configuration of 153-foot deep and 41-foot wide. Sometime between 1953 and 1969, this property was divided into this current lot size. There is a gap in the records for this property during that timeframe, therefore, this property has been smaller than the required lot size since at least 1969. The applicant would like to build a single-family home on the subject property.

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 San Angelo Independent School (Blackshear) property. There may not be a structure built to the north since this serves as the recreation area for the school. This will allow the look of open space around the proposed narrow home.
2. **These special circumstances are not the result of the actions of the applicant.** The owner purchased the property as is and is trying to develop the property with a single-family home. This property was split up sometime between 1953 and 1969 without a legal subdivision. This variance would allow the owner to make improvements to his land consistent with the intent of the Single-Family Residential zoning district in the zoning ordinance.
3. **Literal interpretation and enforcement of the terms and provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zoning district, and would cause an unnecessary and undue hardship.** The subject property is zoned for single-family homes, however, the lot is 9-foot narrower than most other lots in this area. The proposed home will have to meet the 5 foot side yard setback and should look similar to homes in the area. Not approving the variance would deprive the owner of the right to construct a home similar to others in the area.
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 is proposing to build a narrower home on the subject property, which should be able to meet all other RS-1 zoning standards. This would be the only variance needed to be able to construct the home.
5. **Granting the variance will not adversely affect adjacent land in a material way.** With no homes to the north (only SAISD land), this would limit the impact due to the recreational nature of the land. RS-1 Setback will have to be met for the proposed home, so the single-family home to the south should have no adverse impacts. The proposed home will have to meet all other RS-1 standards for the subject property.
6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.** Lot size requirements are set minimum standards for a single-family home to be built on. In this case, the configuration of the existing lot is unlikely to become a standard lot size with

the existing home to the south and SAISD property to the north. This lot with the 41 foot width could allow a narrow home to be built while observing the required setbacks, meeting the intent of the Single-Family Residential (RS-1) zoning district in the zoning ordinance.

Allowed Variances:

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

1. **SPECIAL CIRCUMSTANCES RESULTING IN UNNECESSARY HARDSHIP.** *Where special circumstances exist on the property related to the size, shape, area, topography, surrounding conditions or location that do not generally apply to other property in the same zoning district, and that the circumstances are such that strict application of this zoning ordinance would create an unnecessary hardship or deprive the applicant of reasonable use of the land or building.*
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 him the ability to achieve reasonable use of the property and with SAISD 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 of the Zoning Ordinance to allow for a lot width of 41 feet in lieu of the minimum 50 foot for a home in the Single-Family residential (RS-1) zoning district with one condition:

1. Within the one year, a permit for the construction of a single-family home must be submitted and approved by the Building Permits and Inspections Division.

Attachments:

Aerial Map
Zoning Map
Future Land Use
Notification Map
Application
Site Photos




Location Map ZBA19-21

Bill Feist

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

Legend

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

North 41 feet of East 1/2 of Lot 8, Block 4, Home Acres






Location Map ZBA19-21

Bill Feist

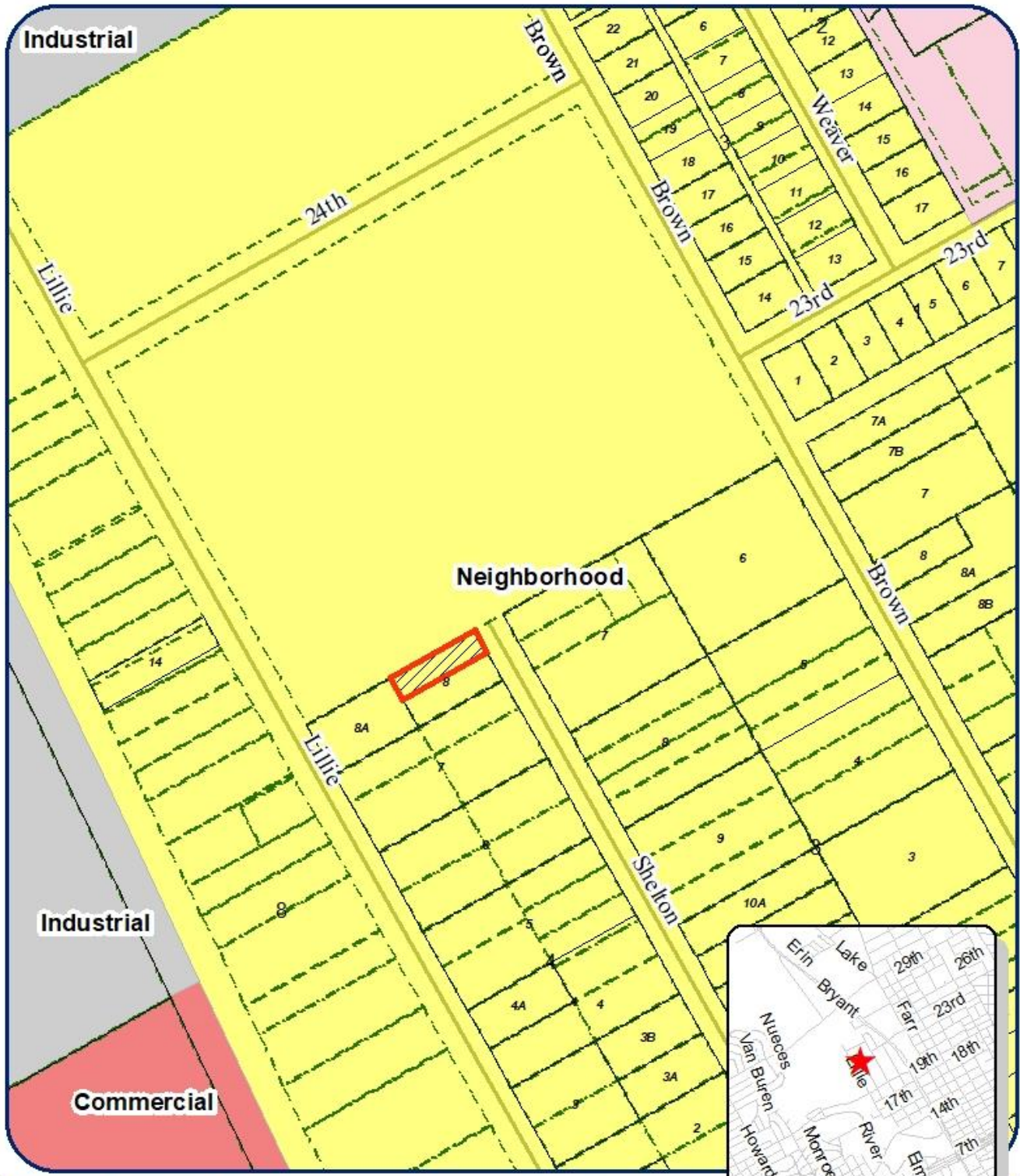
Council District 4 - Lucy Gonzales
Neighborhood: Blackshear
Scale: 1" approx. = 200 ft

Legend

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

North 41 feet of East 1/2 of Lot 8, Block 4, Home Acres





Location Map ZBA19-21

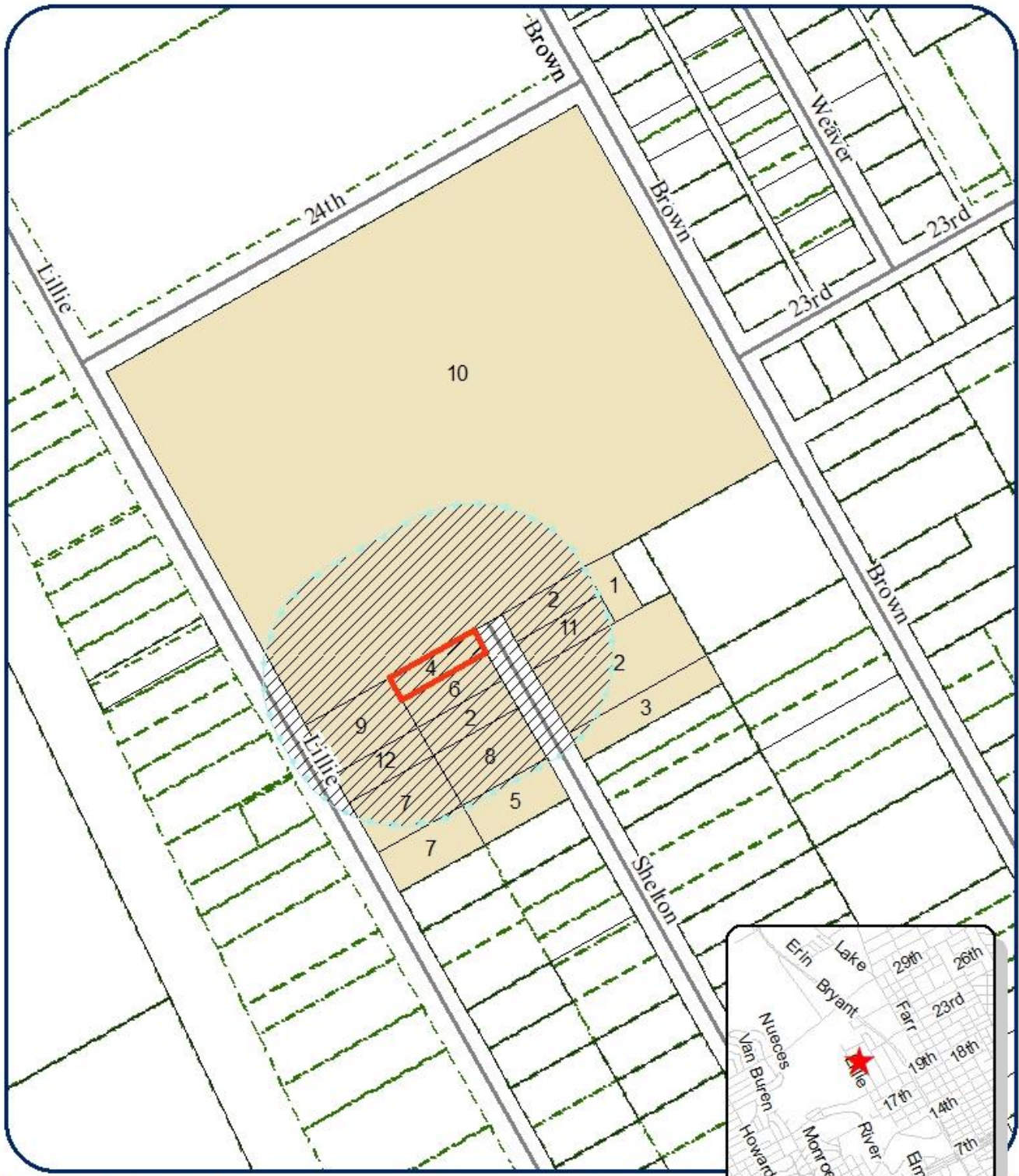
Bill Feist
 Council District 4 - Lucy Gonzales
 Neighborhood: Blackshear
 Scale: 1" approx. = 200 ft

Legend

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



North 41 feet of East 1/2 of Lot 8, Block 4, Home Acres



Location Map ZBA19-21

Bill Feist

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


North 41 feet of East 1/2 of Lot 8, Block 4, Home Acres

Legend

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




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): Bill feist
 Owner Representative (Notarized Affidavit Required)

1902 country club estates circle San angel Tx
 Mailing Address City State Zip Code

325-450-8394 bfeist11@icloud.com
 Contact Phone Number Contact E-mail Address

2215 shelton SA Tx 76903
 Subject Property Address and/Location City State Zip Code

N 41' of E 1/2 of Lot 8, Block 4, Home Acres
 Legal Description (can be found on property tax statement or at www.tcomgreencad.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: 501
 Describe variance: LOT SIZE

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 lot is 41 feet by 150'. I would like to build a residential lot on it

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: AT SOME POINT PROPERTY WAS DIVIDED

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: IT IS CURRENTLY ZONED RESIDENTIAL BUT IT'S 41' WIDE

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: PROPOSING SMALLER (NARROWER HOUSE) BUT WITHIN RS-1 STANDARD.

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

Explanation: NOT AFFECT ADJACENT PROPERTY OWNERS

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

Explanation: PLAN ON BUILDING SINGLE FAMILY HOME

Effective January 3, 2017

Section 4: Applicant(s) Acknowledgement

Please initial the following:


Bf 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;

Bf 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;

Bf 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

Bf 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

10-4-19

Date

Bill feist

Printed name of licensee or authorized representative

Bill Feist.

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Reviewed/Accepted by: Shelly Paschal

Date: 10 / 7 / 19

Case No.: ZBA: 19 - 21

ZBA Hearing Date: 11 / 4 / 19

Fully-Dimensioned and scaled Site Plan: Yes No

Date of Application: 10 / 7 / 19

Non-Refundable Fee: \$ 250.00 Receipt #: 8223

Date paid: 10 / 7 / 19

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

Site Photos



Adjacent home to the south

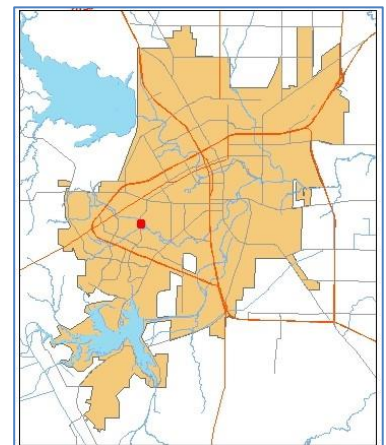


ZONING BOARD OF ADJUSTMENT – November 4, 2019

STAFF REPORT



APPLICATION TYPE:	CASE:		
Variance	ZBA19-22: Sports Next Level		
SYNOPSIS:			
A request for approval of a Variance from Section 501 of the Zoning Ordinance to allow for a front yard setback of 20 feet in lieu of the required minimum front yard of 25 feet for a commercial use in the General Commercial Zoning District located at 2838 S. College Hills Blvd.			
LOCATION:		LEGAL DESCRIPTION:	
2838 College Hills Boulevard; generally located east of the intersection of South College Hills Boulevard and Millbrook Drive		Being 21.536 acres in the J. McNeese Survey	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD #5 – Lane Carter Vista Del Arroyo Neighborhood	CG and RS-1	Open Space	21.536 acres
THOROUGHFARE PLAN:			
<p>South College Hills Boulevard – Urban Arterial Street (complied at the time of platting) Required: 80' right-of-way, 64' pavement Provided: 100' right-of-way, 64' pavement</p>			
NOTIFICATIONS:			
3 notifications were mailed within a 200-foot radius on October 16, 2019. No responses have been received in support, none in opposition.			
STAFF RECOMMENDATION:			
Staff recommends the Zoning Board of Adjustment APPROVE the variance request from Section 501.A of the Zoning Ordinance to allow for a front yard setback of 20 feet in lieu of the required minimum front yard of 25 feet for a commercial use in the General Commercial Zoning District.			
PETITIONER:			
Property Owner: City of San Angelo Agent: Sports Next Level-Shawn Box			
STAFF CONTACT:			
Sherry L. Bailey Principal Planner (325) 657-4210, Extension 1546 sherry.bailey@cosatx.us			



Additional Information: The applicant is leasing 21.536 acres from the City of San Angelo in order to develop a large sports complex on the site of the existing putt-putt golf course. He will utilize the existing buildings and construct new regulation size sports facilities both in field sports and indoor facilities. He has included his approved conceptual plan as part of his exhibit. One of the building he is building is a regulation basketball/gym facility that butts up against the Multi-Sport gym building. That building is constrained by the parking lot area which in turn is constrained by the floodway boundary which cannot have any development or any kind located in the floodway. The existing office/restaurant/retail building further defines the buildable area. The applicant is trying to place the regulation gym adjacent to and in line with the Multi-purpose gym. This area is on the curve on College Hills Blvd. so that the 25 foot building line is adjacent to the edge of the Multi-purpose gym. The regulation gym starts at the 25 foot setback point but about half of the way down the straight line of the building goes over the 25 ft. building line and by the end of the regulation building it is at the 20 ft. point. The request is for the five ft. variance to 20 ft. so that as the building is designed it can have the straight front rectangle shape required by regulation dimensions.

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 use, the street design, and the fact that the river floodway figures so prominently in any development along this area makes development on this site both difficult and unique. When examining this application, staff had to keep in mind that this is a redevelopment with an uncommon set of circumstances and requirements.
2. **These special circumstances are not the result of the actions of the applicant.** The applicant is leasing from the City and redeveloping an existing site. Trying to make his plans mesh with what the City needs and requires is compounding the problems with this site. Also, always keeping in mind that the floodway restricts his development in difficult configurations right in the heart of his design.
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 bend in the roadway makes trying to make a large rectangle shaped building driven by regulation dimensions fit into an existing foot print almost impossible when trying to line that building up with an adjacent building. The need to line it up comes from the sprinkler requirements and the need for a large sidewalk and gathering place at the rear of the building footprint.
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 variance approval is the only available option short of losing this building and not meeting community needs. A smaller than regulation building won't meet the competition requirements.
5. **Granting the variance will not adversely affect adjacent land in a material way.** There is no adjacent developed land within the area and no possibility of any.

6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.** Granting the variance will not have a negative effect or impact on the zoning code, in that the essential purposes will still be met.

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 that the uniqueness of his use, the fact that the land is owned by the city and is impacted by the floodway are all factors that make working within the constraints of this project a hardship others would not encounter.

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

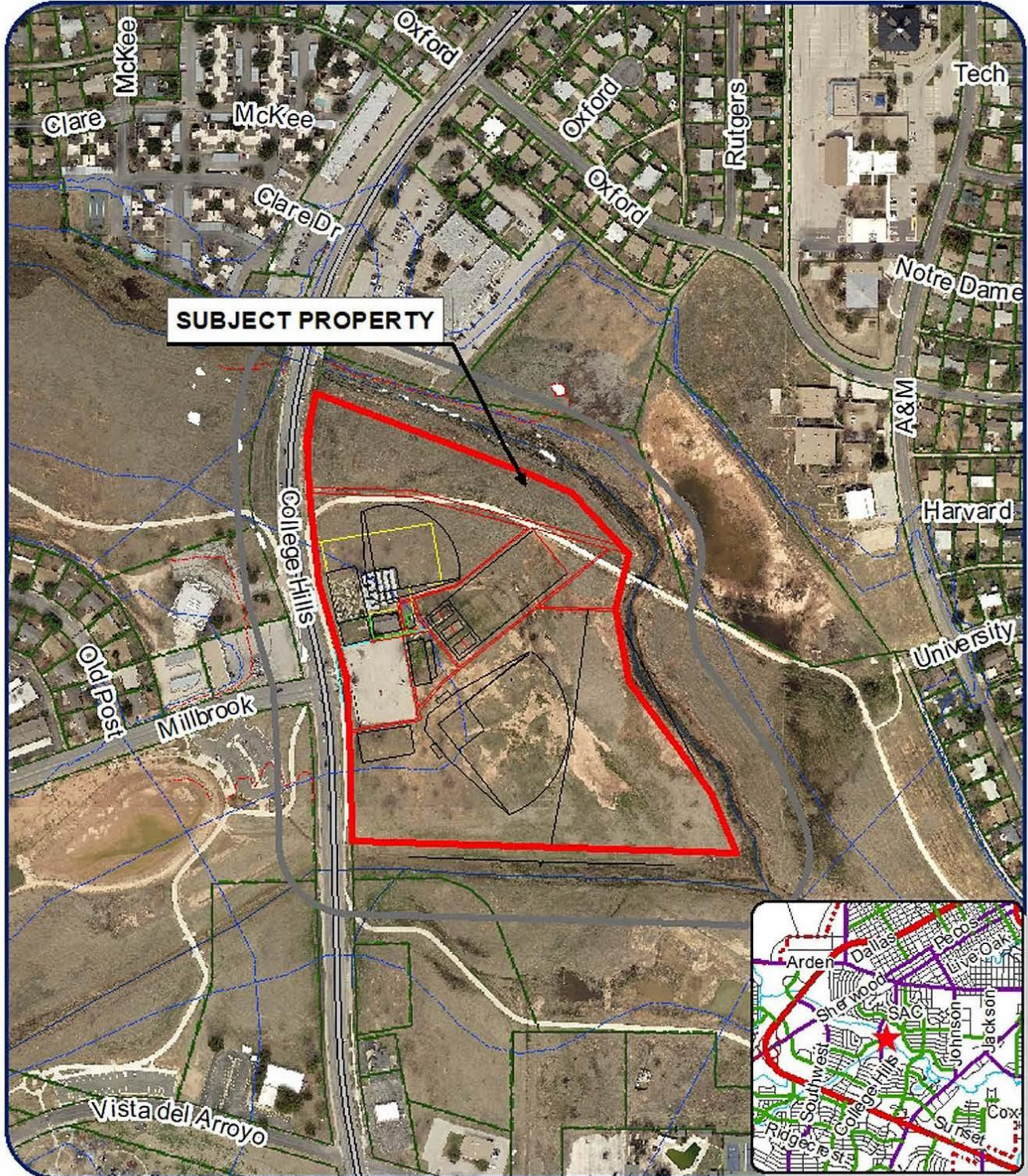
Recommendation:

Staff recommends that the Zoning Board of Adjustments **APPROVE** the variance request from Section 501 of the Zoning Ordinance to allow for the front yard setback of 20 feet in lieu of the required minimum front yard of 25 feet for a commercial use in the General Commercial Zoning District subject to **one condition of approval:**

1. The applicant shall obtain a building permit from the Permits and Inspections Division for the proposed building expansion within one year of the approval date.

Attachments:

Aerial Map
Zoning Map
Notification Map
Concept Plan
Application
Additional Exhibits




Zoning Case File

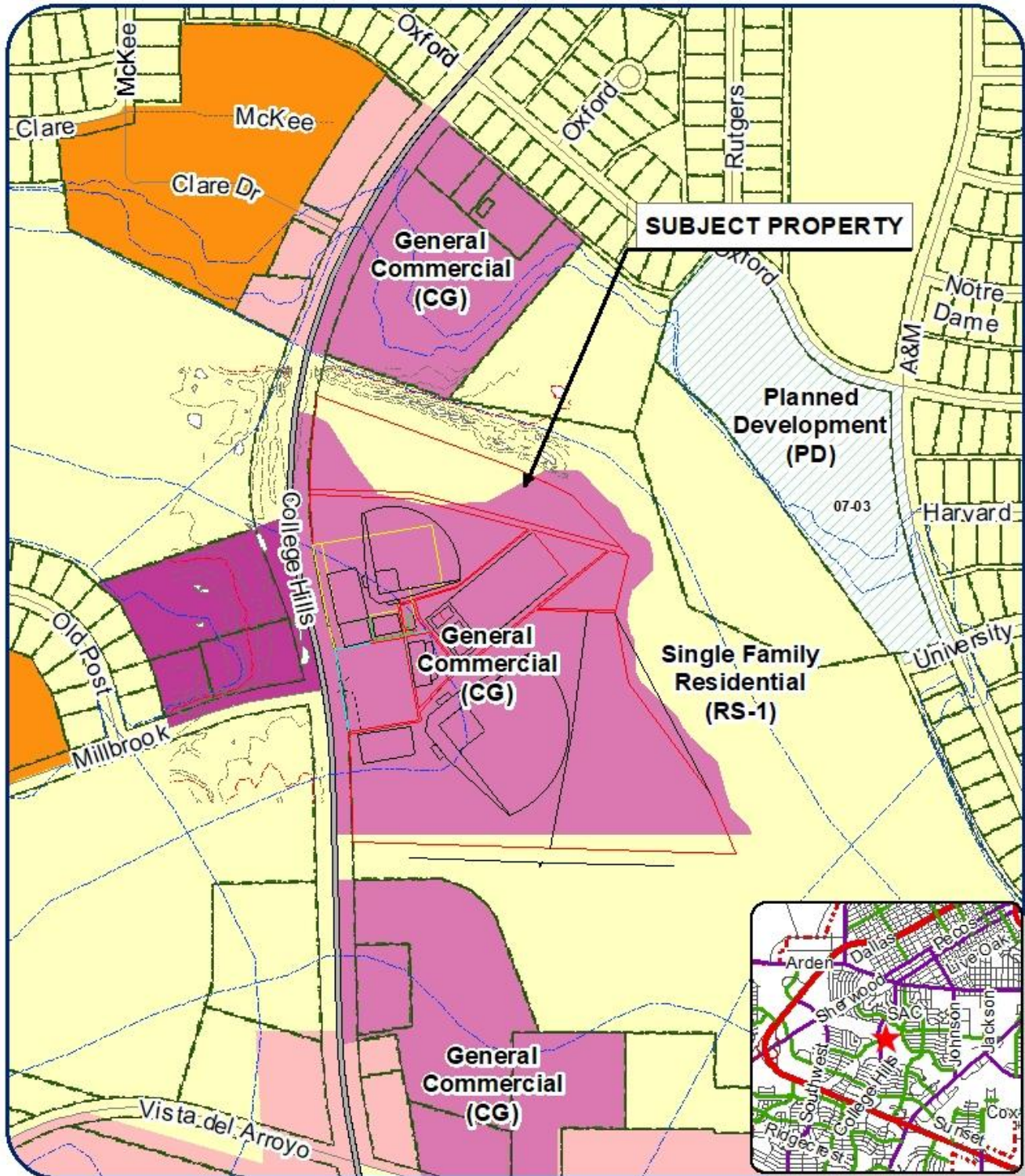
ZBA19-22: Box

Council District: Lane Carter (SMD#5)
Neighborhood: Vista Del Arroyo
Scale: 1" approx. = 350 ft
Subject Property: 2838 College Hills Blvd

Legend

Subject Properties: 
Current Zoning: CG and RS-1
Requested Zoning Change: N/A
Vision: Commercial





Zoning Map

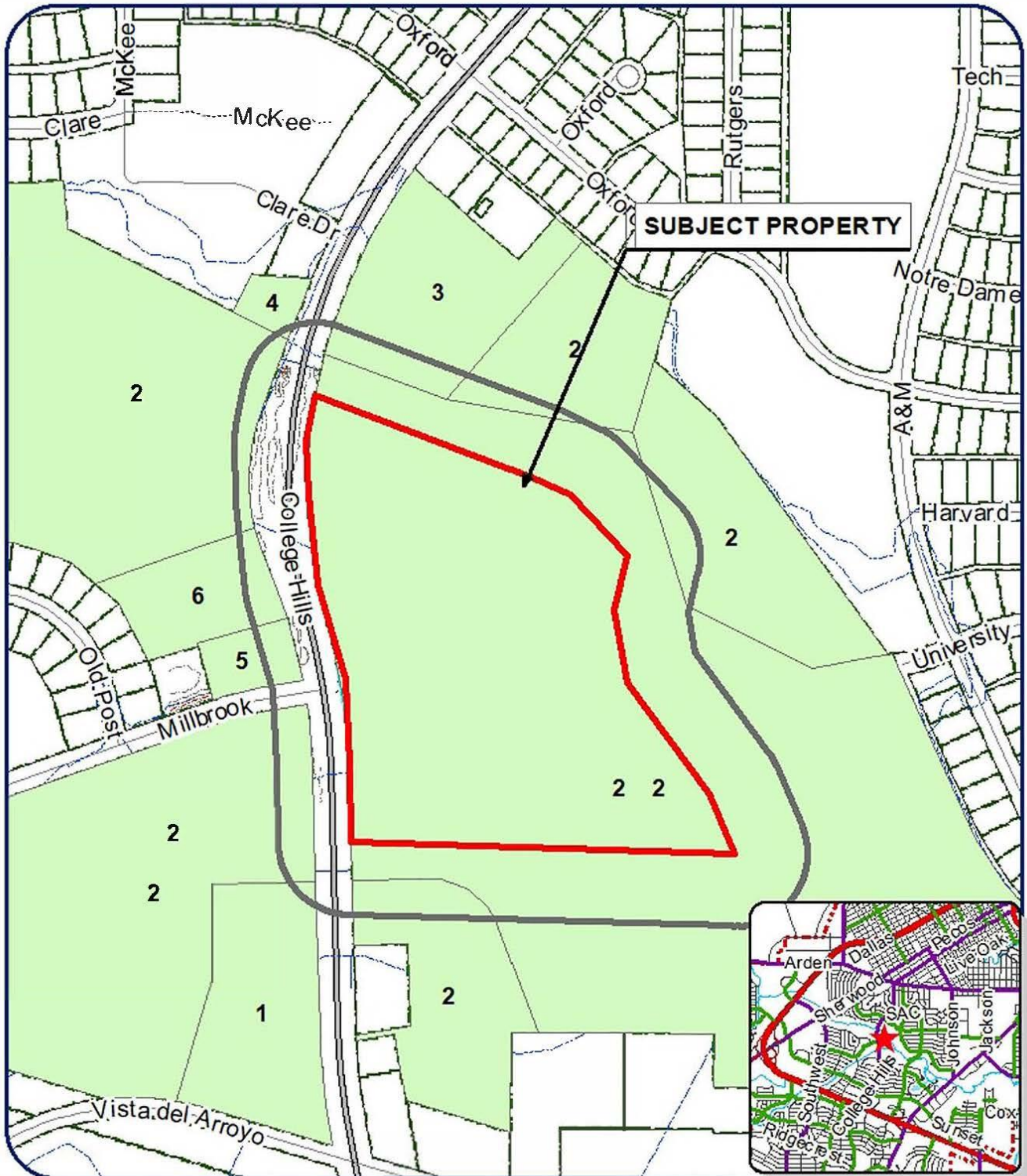
ZBA19-22: Box Sports Next Level

Council District: Lane Carter (SMD#5)
 Neighborhood: Vista Del Arroyo
 Scale: 1" approx. = 350 ft
 Subject Property: 2838 South College Hills Blvd

Legend

Subject Properties: ▬
 Current Zoning: ▬ CG and RS-1
 Requested Zoning Change: ▬ N/A
 Vision: ▬ Open Space





Zoning Case File

ZBA19-22: Box

Council District: Lane Carter (SMD#5)
 Neighborhood: Vista Del Arroyo
 Scale: 1" approx. = 350 ft
 Subject Property: 2838 South College Hills Blvd

Legend

Subject Properties: —
 Current Zoning: CG and RS-1
 Requested Zoning Change: N/A
 Vision: Open Space





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): SPORTS NEXT LEVEL (STAIN BOX)
 Owner Representative (Notarized Affidavit Required)

Mailing Address: 2838 COLLEGE HILLS City San Angelo State TX Zip Code 76904

Contact Phone Number: 325 374-2590 Contact E-mail Address: INFO @ SPORTS NEXT LEVEL .COM

Subject Property Address and/Location: 2838 COLLEGE HILLS City San Angelo State TX Zip Code 76904

Legal Description (can be found on property tax statement or at www.tomgreencad.com)

Zoning District:

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

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

Section 2: Variance Request(s)

List each variance request separately:

- Zoning Ordinance section: _____
Describe variance: _____
- Zoning Ordinance section: _____
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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: THE MAJOR DIFFICULTY IN THIS PROBLEM IS THE FLOODWAY
NO STRUCTURE CAN BE BUILT IN THE FLOODWAY (BLUE LINE)
THE EXISTING STRUCTURE HAS TO BE WORKED AROUND. THIS
MAKES IT DIFFICULT TO GET THE CORRECT SIZE AND
PLACEMENT IS LIMITED. A 5 FOOT SIDE WALK IS NEEDED BETWEEN
BUILDINGS.

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: WHEN THE COMPLEX WAS ORIGINAL DESIGNED, THERE WERE TO BE NO FIRE SPRINKLERS TO SAVE ON COST. UNFORTUNATELY DURING PERMITS THE CITY ENGINEER REQUIRED SPRINKLERS. THE ONLY WAY TO AFFORD THE SPRINKLERS WAS TO DIVIDE THE COST BETWEEN ALL THREE BUILDINGS ALL BUILDINGS HAVE SPRINKLER NOW, THATS WHY A GYM WILL NOW FIT.

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: A REGULATION SIZE GYM (50x84) IS NEEDED FOR ALL AGE KIDS. IF LESS IT WILL BE TOO SMALL FOR HIGH SCHOOL AGE GAMES. WHICH WILL CUT OUT A LARGE PORTION OF GAMES FOR HIGH SCHOOL AGE KIDS AND ADULTS

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: SAN ANGELO IS IN NEED OF GYM SPACE FOR BASKETBALL AND VOLLEYBALL. THIS GYM WOULD BE OPEN TO THE PUBLIC AND USED BY ALL AGES. IT WILL BE HEATED AND COOLED FOR YEAR AROUND USE.

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

Explanation: THERE ARE NO STRUCTURES OR PROPERTY ADJACENT TO THIS STRUCTURE. THIS PROPERTY IS SURROUNDED BY THE RED ARROYO AND THE RED ARROYO TRAIL. ~~Part of the foundation~~
* EXTENDING THE 25 VARIANCE WILL LINE THE BUILDINGS UP ALONG COLLEGE HILLS. THE LOOK AND DESIGN WILL BE BETTER FOR COLLEGE HILLS

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

Explanation: THE PURPOSE OF THIS PROJECT IS A SPORTS COMPLEX. A FULL SIZE GYM WILL BE BUILT WITH THIS VARIANCE. THE GYM WILL BE ABLE TO BE USED BY ALL AGES. IF VARIANCE IS NOT GRANTED THEN GYM WILL ONLY BE USED BY JUNIOR HIGH AGE AND UP, 50x84 IS NEEDED FOR HIGH SCHOOL AND COLLEGE. WITHOUT THE 25 FEET THE GYM WILL BE LESS THAN REGULATION SIZE AND MORE SUITED FOR JUNIOR HIGH AGE AND BELOW, ONLY.

WE WANT IT TO BE USED BY ALL AGES, ADULTS INCLUDED.

→ ATTACHED ARE SOME DIAGRAMS OF THE INTERIORS OF THE BUILDINGS TO BETTER UNDERSTAND WHY THE VARIANCE IS NEEDED

