


**ZONING BOARD OF ADJUSTMENT – May 4, 2020  
STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Variance		ZBA20-14: 422 and 432 N. Bell Street (The Bar Athletic Club)	
<b>SYNOPSIS:</b>			
<p>The applicant applied for a change of occupancy permit and staff discovered during review that there was deficient parking and maneuvering area for his proposed fitness center. The county Appraisal District indicates that the existing buildings have been on the properties since the late 1950s and aerial photography confirms the existing parking area on the property since 1972. The applicant has applied for the subject variance from the Zoning Board of Adjustment (ZBA) to allow a maneuvering area of 4 feet on private property in lieu of the required 20 feet for angled parking. He has applied separately to the Planning Director for an administrative variance (Alternative Parking Plan) to allow 13 spaces in lieu of the required 19 for the building. Since the applicant requires the maneuvering area variance to access the parking spaces, this ZBA variance is required to be approved first (See Additional Information).</p>			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
422 and 432 North Bell Street; located at the southeast corner of North Bell Street and Upton Street		Being Parcels A and B in a Replat of the North 139.75 feet of Lots 1 and 2 and adjoining south 4' of Upton Street, Block 8, Bell Addition	
<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FUTURE LAND USE:</b>	<b>SIZE:</b>
SMD District #3 – Harry Thomas Fort Concho East Neighborhood	General Commercial/Heavy Commercial (CG/CH)	N – Neighborhood Center	0.33 acres
<b>THOROUGHFARE PLAN:</b>			
<p><b>North Bell Street – Urban Arterial Street</b>, Required: 80' right-of-way, 64' pavement, Provided: 84' right-of-way, variable 48-60' pavement  <b>Upton Street – Urban Local Street</b>, Required: 50' right-of-way, 40' pavement or 36' with a 4' wide sidewalk, Provided: 94' right-of-way, 40' pavement and no sidewalk</p>			
<b>NOTIFICATIONS:</b>			
13 notifications mailed within 200-foot radius on April 16, 2020. No responses received for or against to date.			
<b>STAFF RECOMMENDATION:</b>			
Staff's recommendation is for the Zoning Board of Adjustment (ZBA) to <b>APPROVE</b> a variance from Section 511.I of the Zoning Ordinance to allow a two-way maneuvering area of 4 feet in lieu of the required 20 feet for 45 degree parking facing North Bell Street for the subject properties, subject to <b>two</b> conditions of approval.			
<b>PROPERTY OWNER/PETITIONER:</b>			
Tommy Janusz, The Bar Athletic Club			
<b>STAFF CONTACT:</b>			
Jeff Fisher, AICP Principal Planner (325) 657-4210, Extension 1550 <a href="mailto:jeff.fisher@cosatx.us">jeff.fisher@cosatx.us</a>			

**Additional Information:** The previous use was a pawn shop. The current parking lot has 90 degree parking with 15 spaces facing Bell Street fully on private property and 7 spaces facing Upton Street fully in the public right-of-way. The applicant’s proposed concept plan (see attached) delineates 13 parking spaces facing Bell Street angled at 45 degrees. This leaves a minimum 4 feet of maneuvering area on private property – the requested variance – and an additional 18 feet of maneuvering in the Bell Street right-of-way. Taken together, 22 feet of maneuvering would be available. Had all of this right-of-way been on private property, the applicant would not have required a variance as two-way 45-degree angle parking requires only 20 feet of maneuvering. The applicant has agreed not to use the seven parking spaces in the Upton Street right-of-way that could result in danger to motorists with the spaces encroaching almost to the street. Staff recommends a condition of approval that the applicant place “no parking” signs along the building wall facing Upton to delineate no parking. It is noted that prior to final inspection of the applicant’s change of occupancy, he will be required to repair two large potholes within the parking area (shown in the photos section of this staff report) per Section 511.H.3 of the Zoning Ordinance requiring maintenance of all required parking facilities. The City’s contractor for the Bell Street improvement project will repair the remaining damaged areas, including those in the public right-of-way. Also, should this maneuvering area variance be approved, the applicant’s Alternative Parking Plan for reduced parking will require a revised concept plan that removes any parking in the 30’ by 30’ sight triangle at the corner of the property lines adjacent to North Bell Street and Upton Street, as well as install the one required disabled ADA parking space.

Staff identified five other properties with head-in parking and deficient maneuvering areas along Bell Street within a 1.5-mile stretch between Houston Harte Expressway and Rio Concho Drive. None of these properties received variances and these parking lots and buildings were erected between the 1960s and 1980s and appeared to be existing non-conforming situations.

**Variances:** Section 207(F) of the Zoning Ordinance requires that an applicant for a variance must show that a hardship exists and that the Zoning Board of Adjustment make an affirmative finding that each and every one of the following six (6) criteria are met:

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

The existing buildings consume most of the properties except for the parking area on Bell Street that has inadequate maneuvering. The applicant is thereby landlocked and in order to satisfy parking requirements, must use the additional 18 feet of maneuvering in the public right-of-way. New developments would require compliance with current standards and staff would have the opportunity in these cases to work with the applicant from the beginning to ensure compliance. Many older properties in San Angelo such as the one and the other five mentioned along Bell Street are existing non-conforming situations. When a change of occupancy permit is triggered for those properties, they will be in the same situation as this applicant.

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

As indicated, the existing buildings have existed since the late 1950s and the parking area since at least 1972 when the earliest known aerial photo was taken. The applicant did not purchase the property until July 2019 and the deficient maneuvering area was not discovered until March

of this year as part of the change of occupancy permit review. While a pre-existing situation is not sufficient on its own to support a variance, the landlocked property and inability to construct a new parking area somewhere else on the property makes this a special circumstance unique to this property and a candidate for a variance.

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.** A literal interpretation of the Ordinance would leave the applicant with no parking since of all the allowable spaces face Bell Street with the deficient maneuvering area. Other properties have the benefit of utilizing additional space on their sites for maneuvering, either as surplus land on existing developed sites, or on sites for new development where parking and maneuvering can be planned in advance.
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.** Allowing the requested maneuvering area is the minimum action necessary to allow the applicant to operate his business while not contravening the public interest. As indicated, the City’s contractor has recently installed roll curbs along Bell Street to allow continued access to the properties and this parking area. The additional 18 feet of paved public right-of-way when combined with the four feet of maneuvering on private property (total of 22 feet) exceeds the minimum required maneuvering of 20 feet for two-way, 45-degree angle parking.
5. **Granting the variance will not adversely affect adjacent land in a material way.** Approving the requested maneuvering, while not ideal, will allow the applicant’s patrons and employees to park within the parking lot facing Bell Street, which has existed for 50 years or more. Approval of this variance would not have a detrimental impact on other businesses. Combining the private and public right-of-way of 22 feet will allow vehicles to reverse into right-of-way first and then drive straight-out onto Bell Street or exit into the Upton Street side.
6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.** Section 105.D of the Zoning Ordinance requires “the provision of facilities off public streets for parking and loading and by limiting the bulk of buildings in relation to the land around them and to one another.” Staff believes that this objective is achieved by allowing a portion of the right-of-way for the required maneuvering area. No portion of Bell Street, an arterial street, would be needed for maneuvering, consistent with Section 511.I.6 of the Zoning Ordinance, which does not allow any direct head-in parking from arterial streets.

**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.*  
**Staff believes there is a Special Circumstance given the property is landlocked and there are no other options to meet the required maneuvering on private property. The building and parking area has existed for over 50 years before the applicant purchased the property. Approval of the variance would allow the applicant to utilize the Bell Street right-of-way for maneuvering and avoid head-in parking.**
2. **OVERRIDING PUBLIC INTEREST.** *If the variance further an overriding public interest or concern, including, but not limited to: (a) Preserving the natural environment, (b) Promoting maintenance or reuse of older urban or historic buildings, or (c) Helping to eliminate a nonconforming use at another location.*
3. **LITERAL ENFORCEMENT.** *If it is found that the literal enforcement and strict application of this Zoning Ordinance will result in extraordinary circumstances inconsistent with the general provisions and intent of this ordinance, and that, in granting the variance, the spirit of the ordinance will be preserved and substantial justice done.*

**Recommendation:**

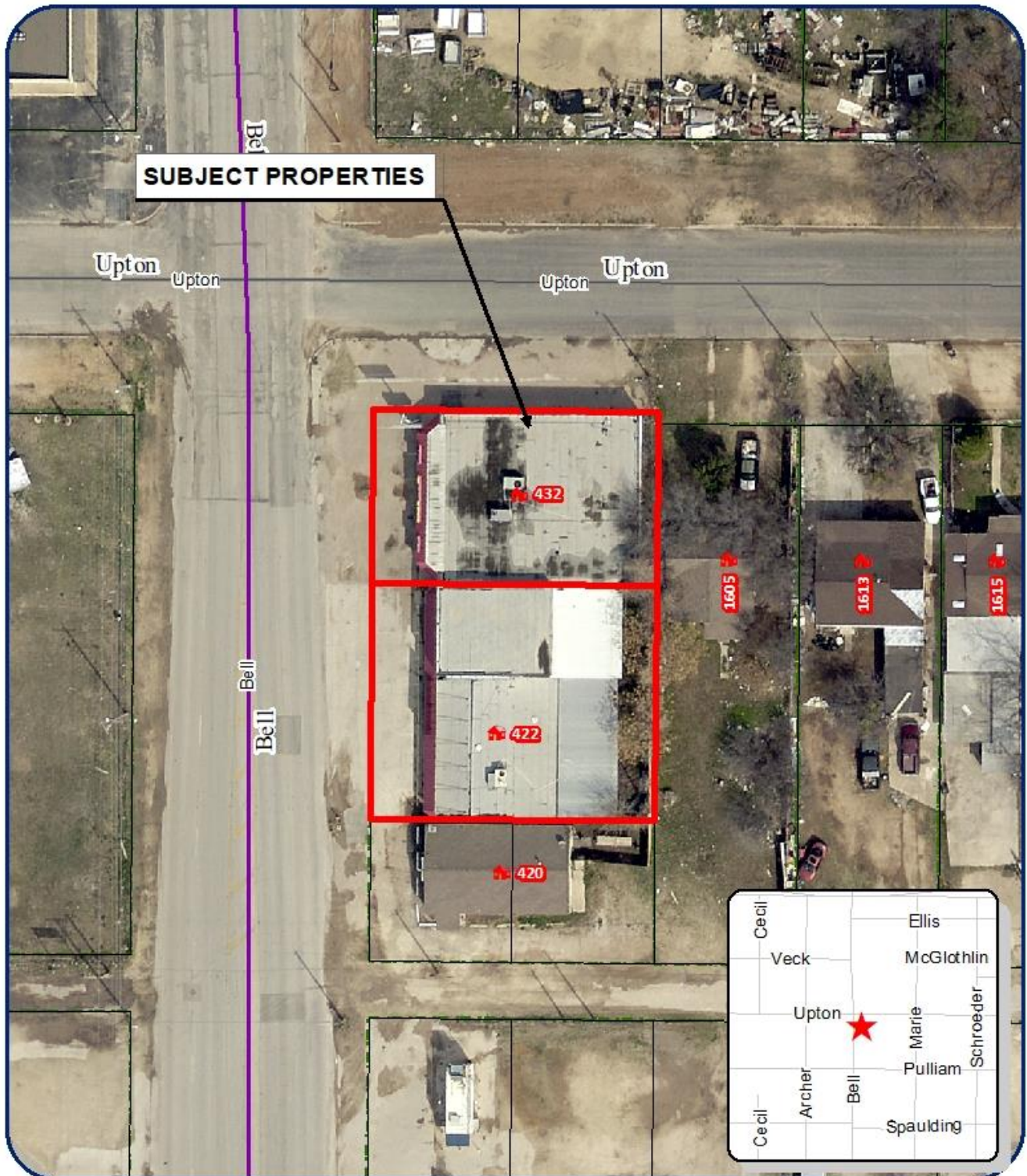
Staff's recommendation is for the Zoning Board of Adjustment (ZBA) to **APPROVE** a variance from Section 511.I of the Zoning Ordinance to allow a two-way maneuvering area of 4 feet in lieu of the required 20 feet for 45 degree parking facing North Bell Street for the subject properties, subject to **two** conditions of approval:

1. The applicants shall obtain a change of occupancy permit, and any other required permits from the Permits and Inspections Division prior to final occupancy.
2. The applicant shall place "no parking" signs along the building wall facing Upton Street to delineate no parking.

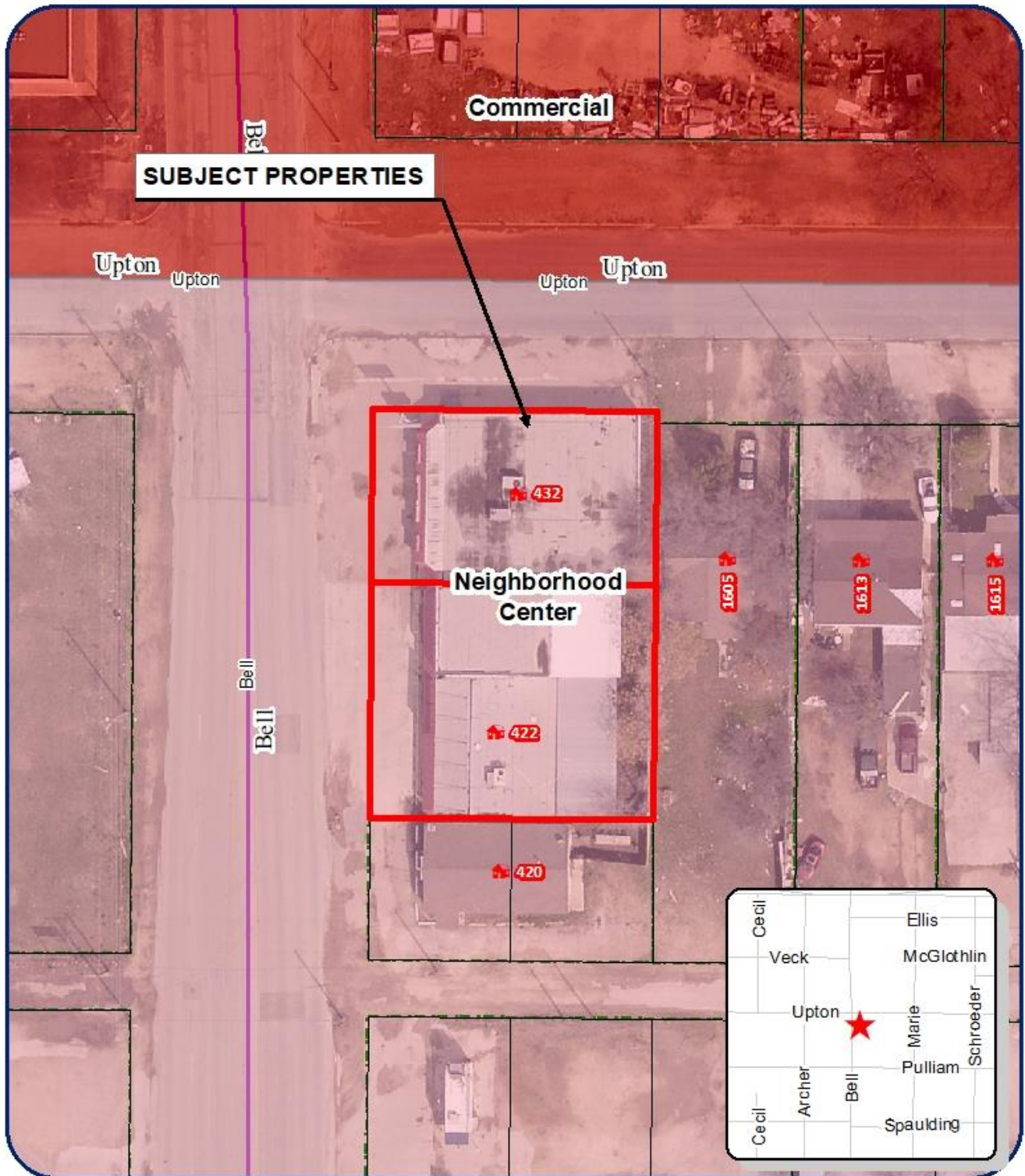
**Note:** Prior to final inspection of the applicant's change of occupancy, he will be required to repair two large potholes within the parking area (shown in the photos section of this staff report) per Section 511.H.3 of the Zoning Ordinance requiring maintenance of all required parking facilities.

**Attachments:**

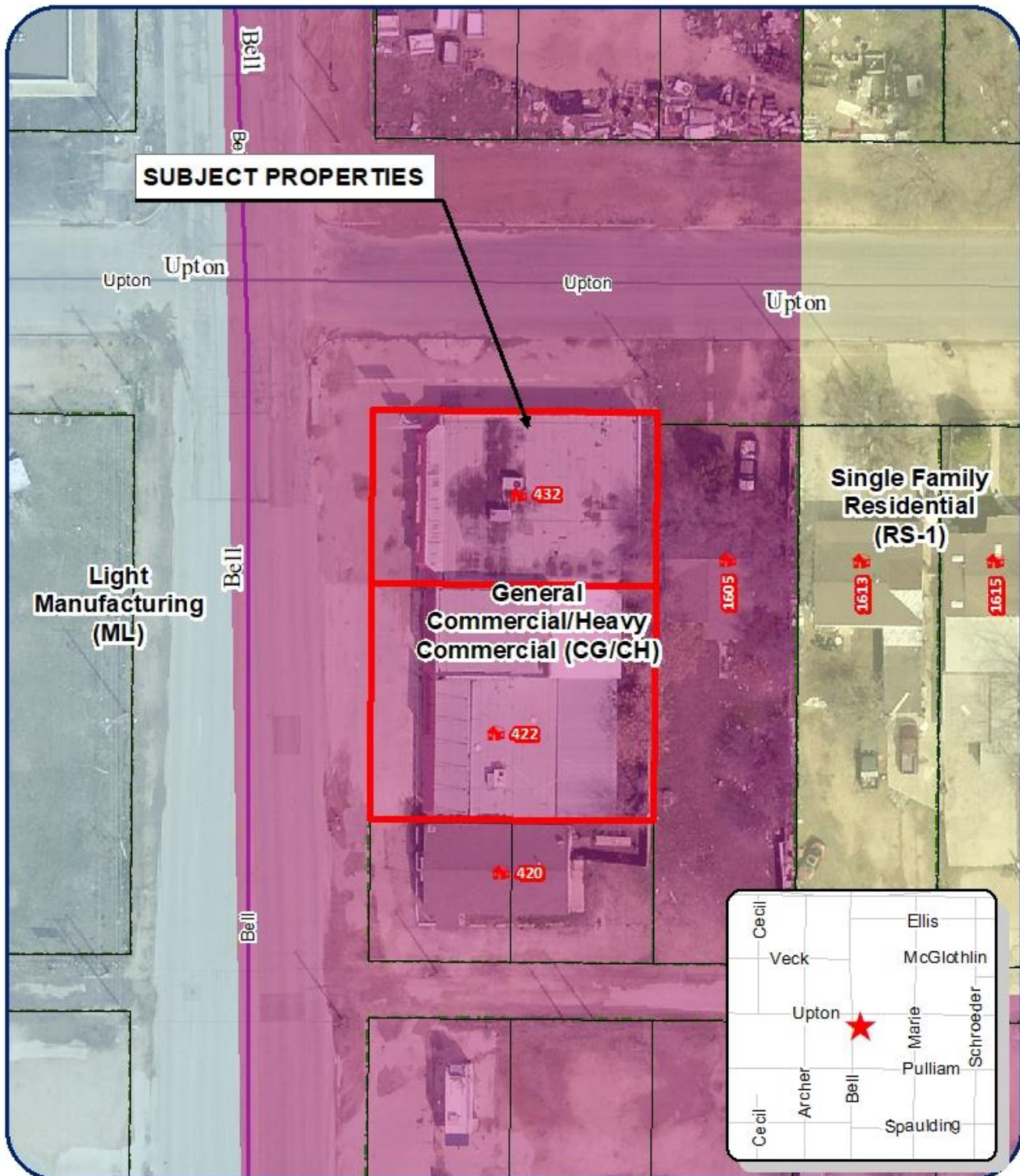
Aerial Map  
Future Land Use Map  
Zoning Map  
Photographs  
Concept Plan  
Application



<b>Variance</b>		<b>Legend</b>		N 	
<b>ZBA20-14: The Bar Athletic</b>		Subject Properties: 	Current Zoning: <b>CG/CH</b>		
Council District: Harry Thomas -District 3		Requested Zoning Change: <b>N/A</b>			
Neighborhood: Fort concho East		Vision: <b>Neighborhood Center</b>			
Scale: 1" approx. = 45 ft					
<b>422 and 432 N. Bell St.</b>					



<b>Variance</b>		<b>Legend</b>			
<b>ZBA20-14: The Bar Athletic</b> Council District: Harry Thomas -District 3 Neighborhood: Fort concho East Scale: 1" approx. = 45 ft <b>422 and 432 N. Bell St.</b>		Subject Properties: 	Current Zoning: <b>CG/CH</b>		
		Requested Zoning Change: <b>N/A</b>	Vision: <b>Neighborhood Center</b>		



**Variance**

**ZBA20-14: The Bar Athletic**

Council District: Harry Thomas - District 3

Neighborhood: Fort concho East

Scale: 1" approx. = 45 ft

**422 and 432 N. Bell St.**

**Legend**

Subject Properties:

Current Zoning: **CG/CH**

Requested Zoning Change: **N/A**

Vision: **Neighborhood Center**



**Photos of Site and Surrounding Area**

SOUTH AT PROPERTY (BELL ST PARKING LOT)  
VARIANCE FOR MANUVERING IN RIGHT-OF-WAY



NORTH AT PROPERTY (BELL ST PARKING LOT)  
VARIANCE FOR MANUVERING IN RIGHT-OF-WAY



FURTHER SOUTH AT ADJACENT PROPERTY



RIGHT-OF-WAY DAMAGE TO BE REPAIRED BY CITY CONTRACTOR



PARKING LOT DAMAGE TO BE REPAIRED BY APPLICANT AS CONDITION OF APPROVAL

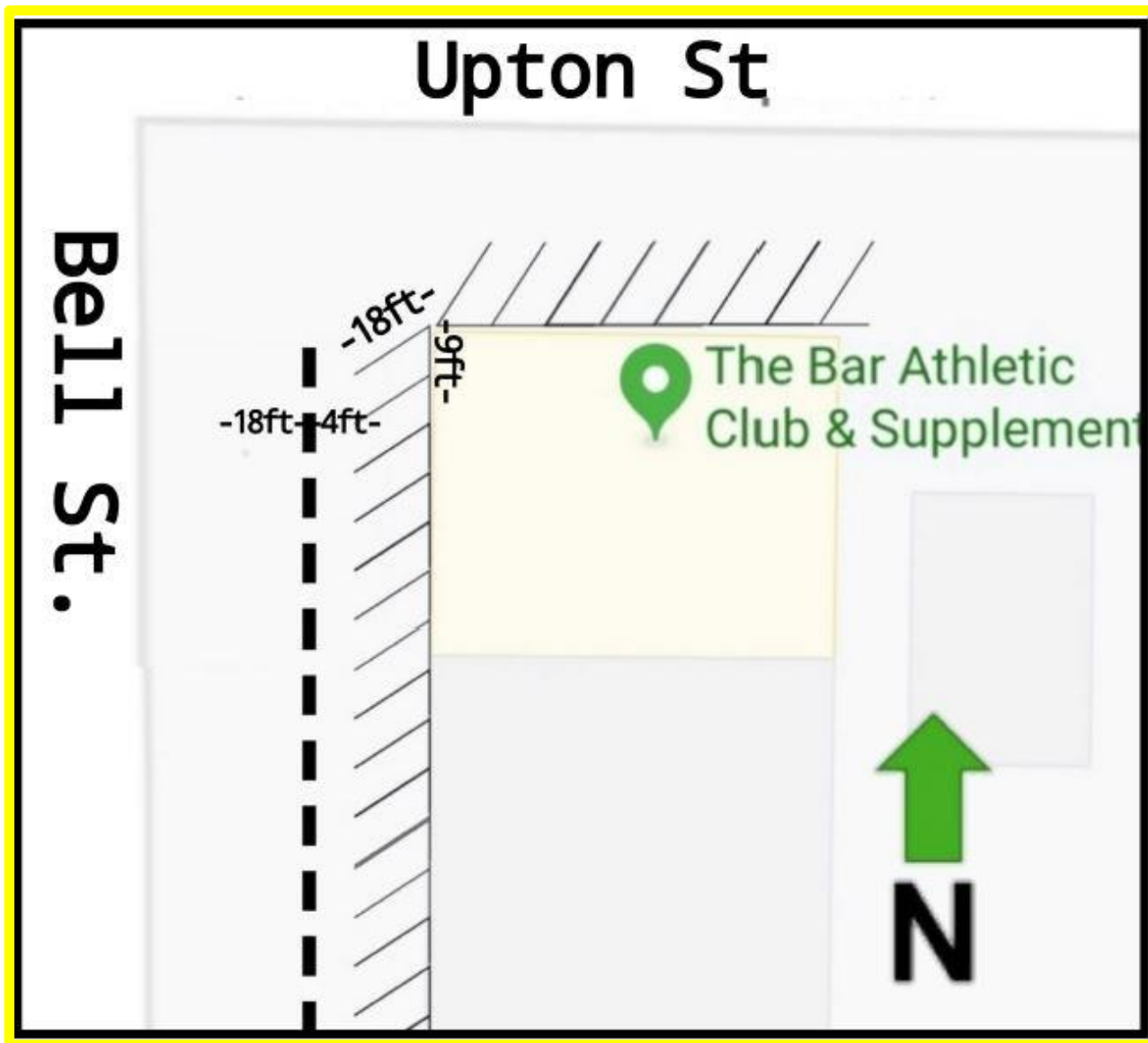


NORTH AT PROPERTY (UPTON ST. PARKING)  
"NO PARK ZONE"





Concept Plan



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): The BAR ATHLETIC CLUB, Tommy JANUSZ  
 Owner  Representative (Notarized Affidavit Required)

Mailing Address: 432 N BELL ST. SAN ANGELO TX 76903  
City State Zip Code

Contact Phone Number: 325-829-7571 Contact E-mail Address: SAN ANGELO HERO@gmail.com

Subject Property Address and Location: 432 N BELL ST SAN ANGELO TX 76903  
City State Zip Code

Legal Description (can be found on property tax statement or at [www.lomgreencad.com](http://www.lomgreencad.com)):  
Replat of the North 139.5' of lots 1 and 2 and adjoining south 4' of Upton Street  
Block 8, BELL ADDITION

Zoning District:  
 CN  CO  ~~SPC~~  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: 511 I  
Describe variance: To allow a maneuvering area of 4 (four) feet in lieu of the required twenty feet for two way traffic.
- Zoning Ordinance section: \_\_\_\_\_  
Describe variance: \_\_\_\_\_
- Zoning Ordinance section: \_\_\_\_\_  
Describe variance: \_\_\_\_\_
- Zoning Ordinance section: \_\_\_\_\_  
Describe variance: \_\_\_\_\_

Section 3: Variance Request Criteria

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

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

Explanation: The existing building was built in 1959 and is LANDLOCKED  
therefore there is nothing that can be done to the property to allow adequate  
maneuvering.

Tommy Janusz  
PhotoGold

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 existing building and parking lot has been in the existing since 1954.

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: Without utilizing the existing parking lot on N Bell I would not be able to comply with parking and would not be able to manage my business.

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: I proposed creating angled parking to comply with zoning ordinance. The only variance needed is the maneuvering

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

Explanation: All parking and maneuvering is on my property and should not affect any businesses, it has been built since 1954.

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

Explanation: I am making revisions of the parking lot to bring the parking spaces into compliance to encourage traffic safety with angled parking and 18 feet of maneuvering in the right of way should reduce any potential safety issues.

Effective January 3, 2017

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

Please initial the following:

I 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 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 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 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]  
Signature of licensee or authorized representative

3/5/2020  
Date

TOMMY JANUSZ  
Printed name of licensee or authorized representative

THE BAR ATHLETIC CLUB  
Name of business/Entity of representative

**FOR OFFICE USE ONLY:**

Reviewed/Accepted by: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Case No.: ZBA: 20 - 14 ZBA Hearing Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Fully-Dimensioned and scaled Site Plan: \_\_\_ Yes \_\_\_ No Date of Application: \_\_\_\_/\_\_\_\_/\_\_\_\_

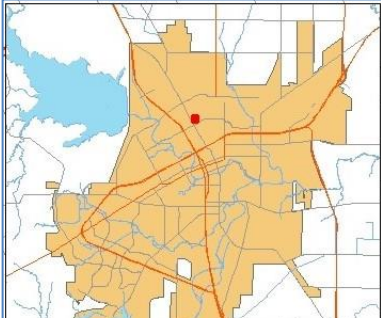
Non-Refundable Fee: \$ 250.00 Receipt #: 172820 Date paid: \_\_\_\_/\_\_\_\_/\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# ZONING BOARD OF ADJUSTMENT – May 4, 2020 STAFF REPORT



<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Variance		ZBA20-15: Hicks/KCE Family Limited Partnership	
<b>SYNOPSIS:</b>			
A request for approval of a variance from Section 511.D. of the Zoning Ordinance to allow for zero parking spaces in lieu of the required two spaces per unit required for a home in the Single Family Residence (RS-1) zoning district.			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
45 E 21 <sup>st</sup> St.; Southwest of the intersection of E 21 <sup>st</sup> St. and Volney St.		Lot 4, Block 2, Morgan Addition	
<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FUTURE LAND USE:</b>	<b>SIZE:</b>
SMD #4 – Lucy Gonzales Reagan Neighborhood	Single Family Residence District (RS-1)	Neighborhood	0.161 acres
<b>THOROUGHFARE PLAN:</b>			
21 <sup>st</sup> Street – Urban Local Street – ROW 50’ Required (100’ Existing) – Pavement Width 40’ or 36’ with 4’ Sidewalk Required (30’ Existing)			
<b>NOTIFICATIONS:</b>			
22 total notifications were mailed within a 200-foot radius on April 16, 2020. There have been no responses received in favor or in opposition at this time.			
<b>STAFF RECOMMENDATION:</b>			
Staff recommends <b>APPROVAL</b> of requested variance from Section 511.D. of the Zoning Ordinance to allow for zero parking spaces in lieu of the required two spaces subject to <b>One condition of approval</b> .			
<b>PETITIONER:</b>			
Ashley Hicks KCE Family Limited Partnership			
<b>STAFF CONTACT:</b>			
Sherry L. Bailey Principal Planner (325) 657-4210, Extension 1546 <a href="mailto:sherry.bailey@cosatx.us">sherry.bailey@cosatx.us</a>			

**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.** The applicant believes that this is an older home that like the other homes in this area was built closer to the front property line (13 ft.) than would normally have been allowed. The house was built in 1959, but the right-of-way away associated with 21<sup>st</sup> Street is 100 ft. wide while the actual road paving width is just 30 ft. Many of the homes in this area have a detached garage, but this older home had an attached garage which was converted into a bedroom to make this a two bedroom home. However, there is a front porch that was built in 1959 which is closer to the original single car garage. There is not enough room to build a double car driveway between the porch and the side property line. Likewise, there is only 13 feet from the home to the front property line. Short of demolition there is not room for a two car parking area. Staff understands the restrictions but believes there are additional options or a combination of options for the applicant which we will cover in item 4.
- 2. These special circumstances are not the result of the actions of the applicant.** This house is a rental house managed by the KCE Family Limited Partnership. They had decided that enclosing the garage and making a bedroom out of that space would make the small home more of a family home which is consistent with the neighborhood. They entered into a contract with a small company to accomplish that request. That builder did not pull a building permit, which brought this conversion to the notice of the Planning Department. Significant interior remodeling had occurred and the owners would like to finish that off for the second bedroom but now must deal with the requirement for the two parking spaces. Staff believes that it is ultimately the applicants responsibility but understand that they are having to deal with a circumstance after the fact.
- 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 applicant believes that the front porch placement and the closeness of the side property line are two factors that make adhering to the two parking space requirement an undue and unnecessary hardship. Staff would add to that the fact that this home, like all the others in this neighborhood is built only 13 ft. from the front property line, so a variance would be necessary even if the porch was not a hindrance. All of these factors combine to make this request reasonable as an undue hardship.
- 4. Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest, and would carry out the spirit of this Zoning Ordinance and substantial justice.** This request for a variance from the two parking space requirement was submitted based on staff's recommendation. At first glance the first solution that came to mind was providing parking on the back of the lot off the alley. However, staff agrees that even though that would fulfill the requirement that parking would not be used because this lot is a deep lot (140 ft. lot/100 ft./ behind the house) and parking in the rear would be inconvenient. The applicant original was asking for a variance from the width and depth of the

required parking spaces in order to fit two spaces in the front yard. However, staff believed that that would be asking the Zoning Board of Adjustment to approve a situation that would involve in part the use of the public right-of-way which we believed the ZBA Board could not approve. The resulting request is a compromise that staff believes will meet the needs of the applicant, addresses the unique situation, and is one the city can support.

5. **Granting the variance will not adversely affect adjacent land in a material way.** All of the homes in this neighborhood were built close to their front property lines. Most of the homes have a detached garage that sits behind the house with a single car driveway that allows parking beside the home and in front of the home. Many park on the driveway all the way to the curb line where the pavement starts. The large right-of-way acts as a de facto garage driveway area for parking.
6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.** Granting the request to not require the two parking spaces is not consistent with the intent and purpose of the Zoning Ordinance. Required parking on a lot helps to relieve congestion, opens up roadways and provides for a more orderly neighborhood.

**Allowed Variances:**

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

1. **SPECIAL CIRCUMSTANCES RESULTING IN UNNECESSARY HARDSHIP.** *Where special circumstances exist on the property related to the size, shape, area, topography, surrounding conditions or location that do not generally apply to other property in the same zoning district, and that the circumstances are such that strict application of this zoning ordinance would create an unnecessary hardship or deprive the applicant of reasonable use of the land or building.*

**The applicant believes there is a special circumstance since the home was built in 1959 with an attached single car garage, a solid entry pouch area closer to the garage side and only 13 feet from the property line. All unique circumstances that makes developing two parking spaces that meet the required 9' X 18' spacing almost impossible to accomplish within the remaining available area.**

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 511.D of the Zoning Ordinance to allow for zero parking spaces in lieu of the required two spaces per unit required for homes in the Single Family Residence (RS-1) zoning district subject to **One condition of approval.**

1. The applicant shall pave a driveway, meeting all applicable City standards, from the street to the home providing paved parking on that driveway.

**Attachments:**

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





**Location Map** Aerial view

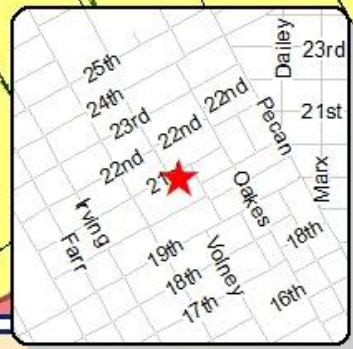
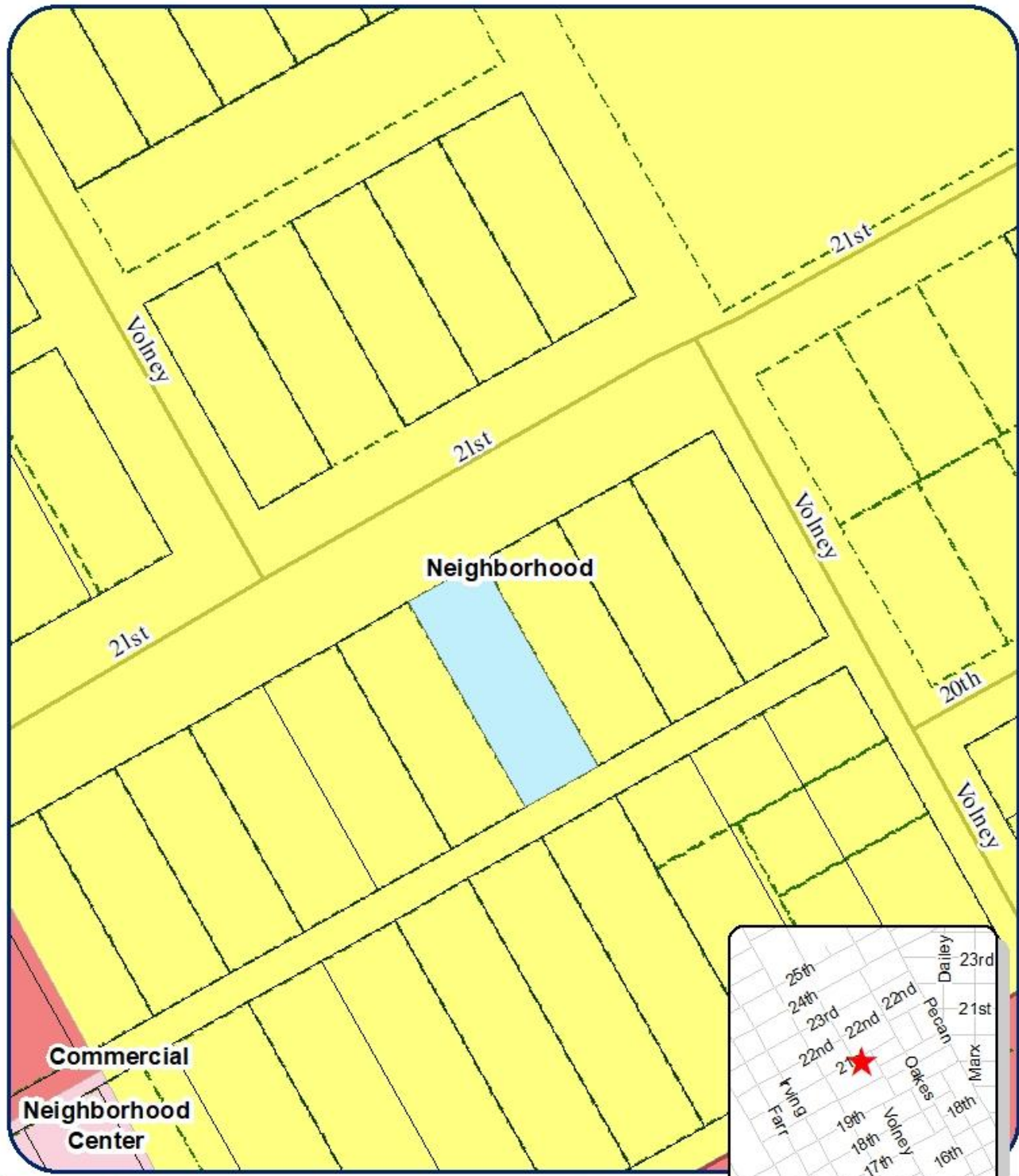
**ZBA20-15: 45 E. 21 St.**  
Council District 4 - Lucy Gonzales  
Neighborhood: Reagan  
Scale: 1" approx. = 40 ft

**Legend**

Subject Properties:   
Current Zoning: **RS-1**  
Requested action: **Parking variance**  
Vision: **Neighborhood**



Lot 4, Bk. 2 MORGAN ADDITION



**Location Map**   **Future Land Use**

**ZBA20-15: 45 E. 21 St.**  
 Council District 4 - Lucy Gonzales  
 Neighborhood: Reagan  
 Scale: 1" approx. = 75 ft


**Legend**

- Subject Properties: —
- Current Zoning: **RS-1**
- Requested action: **Parking variance**
- Vision: **Neighborhood**





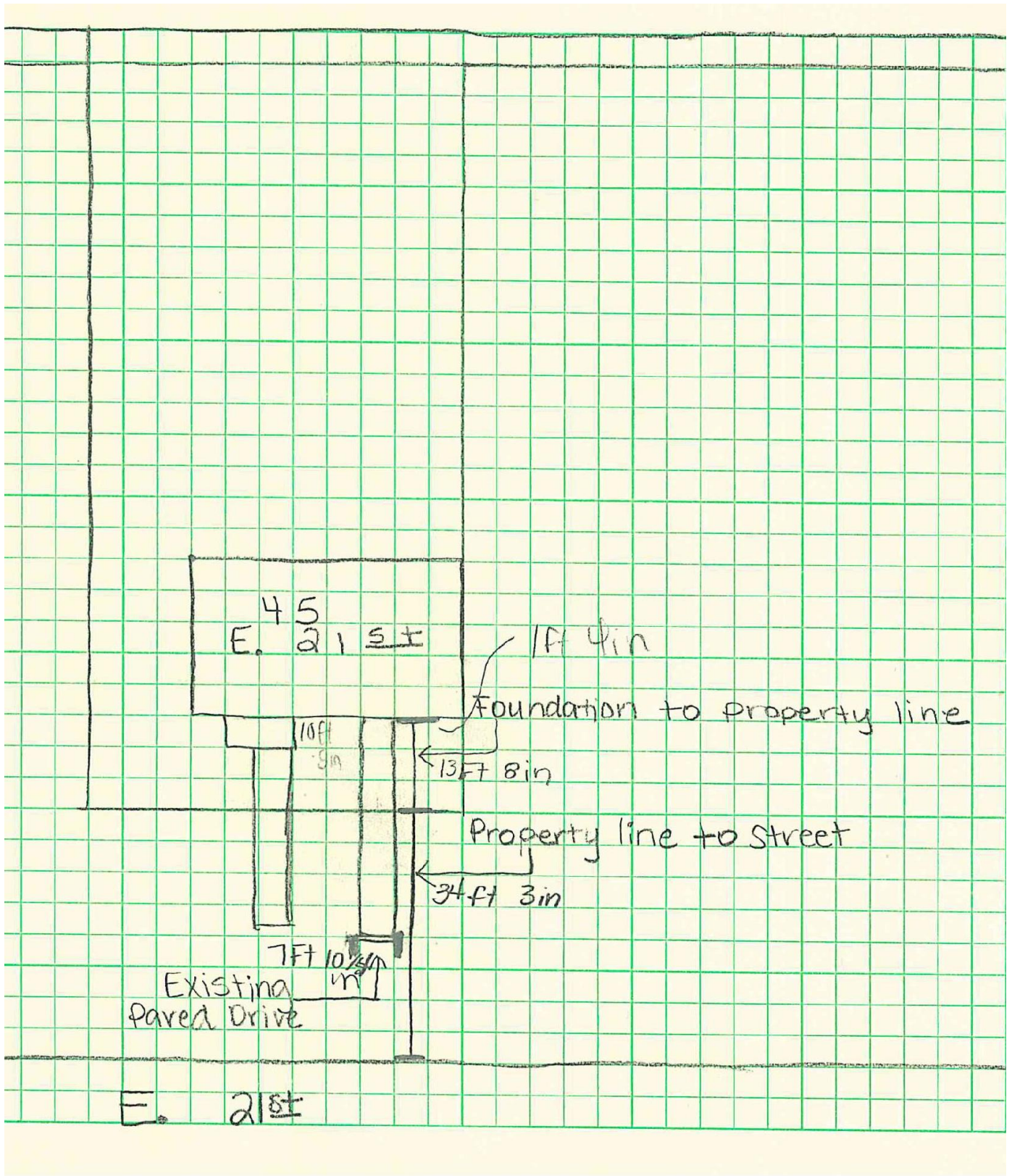
Lot 4, Bk. 2 MORGAN ADDITION



<b>Location Map</b> <b>Zoning Map</b>	<b>Legend</b>
<b>ZBA20-15: 45 E. 21 St.</b>	Subject Properties: 
Council District 4 - Lucy Gonzales	Current Zoning: <b>RS-1</b>
Neighborhood: Reagan	Requested action: <b>Parking variance</b>
Scale: 1" approx. = 75 ft	Vision: <b>Neighborhood</b>

Lot 4, Blk. 2 MORGAN ADDITION

N  



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): Ashley Hicks, on behalf of KCE Family Limited Partnership  
 Owner  Representative (Notarized Affidavit Required)

601 S. Irving, Ste 3 San Angelo TX 79603  
 Mailing Address City State Zip Code

(817) 771-9141 ashley.kce@outlook.com  
 Contact Phone Number Contact E-mail Address

45 E. 21st San Angelo TX 76903  
 Subject Property Address and/Location City State Zip Code

Lot 4, Block 2, Morgan Addition, City of San Angelo, Tom Green County, Texas, according to the map or plat of record  
 Legal Description (can be found on property tax statement or at [www.tomgreencad.com](http://www.tomgreencad.com))  
 in the office of the County Clerk, Tom Green County, Texas, more commonly known as: 45 E. 21st St. (Tom Green County Tax Appraisal Code #136)

**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: Sec. 501  
 Describe variance: Parking encroachment on 6 foot of Right of way easement.
- Zoning Ordinance section: Sec. 511  
 Describe variance: Parking decreased by 2 foot from prescribed parking dimensions for a single space only.
- Zoning Ordinance section: \_\_\_\_\_  
 Describe variance: \_\_\_\_\_
- Zoning Ordinance section: \_\_\_\_\_  
 Describe variance: \_\_\_\_\_

**Section 3: Variance Request Criteria**

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

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

Explanation: The primary reason for the variance(s) requested are due to the paved parking placement. In order to meet

the required two-space paved parking of 9 by 18 foot, the driveway must be extended out toward the front porch/door. The existing porch structure would prevent the driveway from meeting the required width.

Additionally, the paved drive cannot be extended toward house number 41 without crossing the property line.

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: Neither the existing porch structure nor the existing property line are a result of the applicant.

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 denial of these requests would directly hinder the rights commonly enjoyed by others in this zoning district.

The alternative to these variances requested would be to pave the designated parking places from the alley, which no other residents in the zoning district adhere to. Moreover, going through the alley to park in the backyard would create an undue and unnecessary hardship on a daily basis to get in and out of the hypothetical paved 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: Granting the variance is not contrary to public interest, and offers the least disruptive action to meet the expectations of the Zoning Ordinance and substantial justice without depriving the rights of the applicant.

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

Explanation: As described, it is possible to avoid adversely affecting adjacent land in a material way by granting these variance requests. In order to extend the paved parking to meet the required 18 foot width, the paved parking must extend to the porch/front door and, simultaneously, extending over the property line of 41 E 21st.

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

Explanation: Granting the variances requested will be generally consistent with the Zoning Ordinance. These variances provide a method of appropriate, though unique, adherence to the prescribed 9 by 18 foot paved parking for two designated parking places, while offering the most justifiable and equitable method of acting in accordance with the purposes and intent of the Zoning Ordinance.

Effective January 3, 2017

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

Please initial the following:

AH      /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;

AH      /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;

AH      /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

AH      /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.**

Ashley Hicks  
Signature of licensee or authorized representative

03-01-2020  
Date

Ashley Hicks  
Printed name of licensee or authorized representative

KCE Family Limited Partnership  
Name of business/Entity of representative

**FOR OFFICE USE ONLY:**

Reviewed/Accepted by: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Case No.: ZBA: 20 - 15 ZBA Hearing Date: 4 / 06 / 20

Fully-Dimensioned and scaled Site Plan:  Yes  No Date of Application: \_\_\_\_/\_\_\_\_/\_\_\_\_

Non-Refundable Fee: \$ 5000 Receipt #: 175242 Date paid: 3 / 06 / 20

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Photos**



Garage was enclosed on the right side of the house with dirt driveway entrance

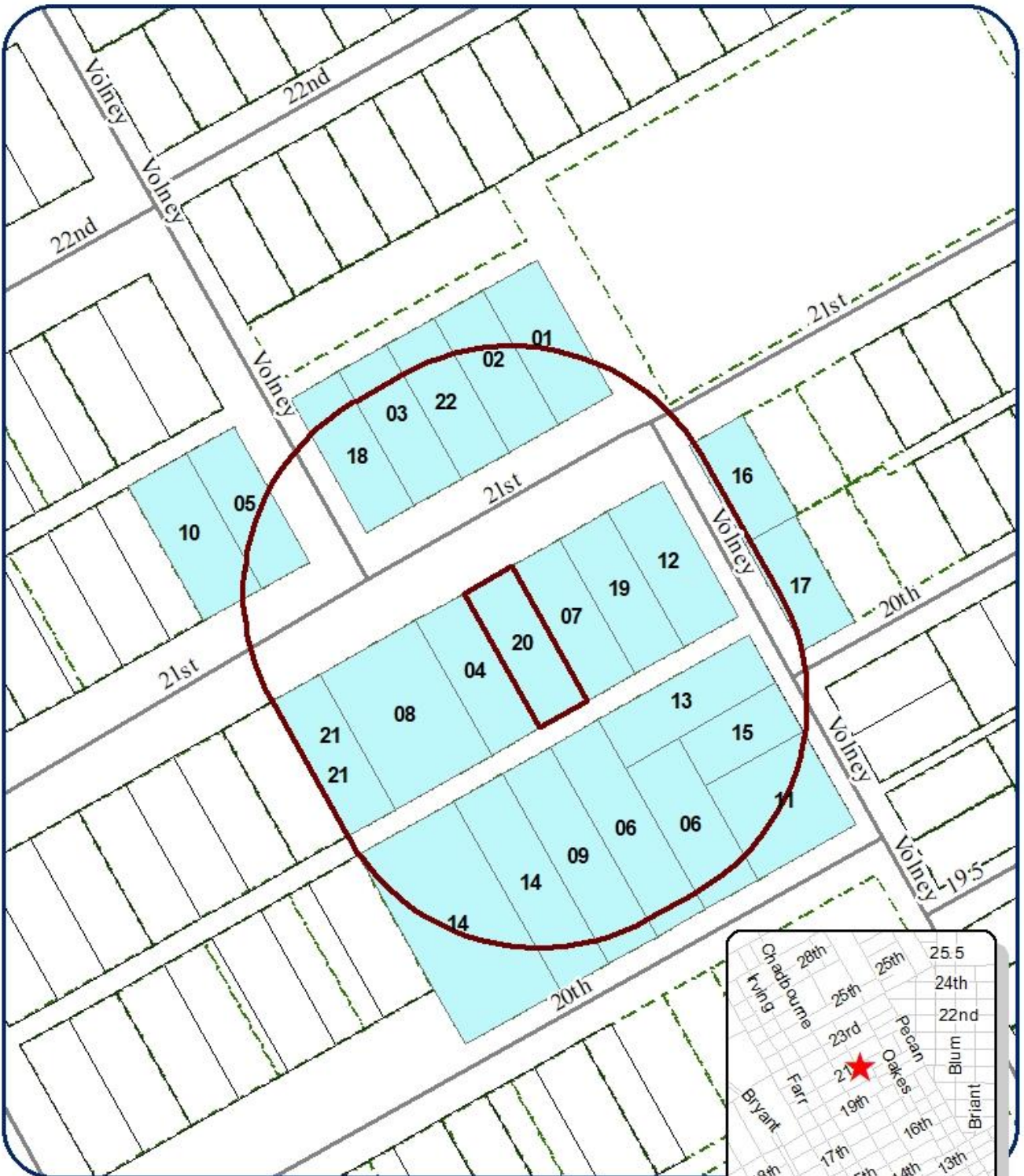




Better perspective of the house with driveway





Two houses to the east of 45 E 21<sup>st</sup> St. showing existing use of right-of-way for parking



<p><b>Location Map Notification Map</b>  <b>ZBA20-15: 45 E. 21 St.</b>          Council District 4 - Lucy Gonzales          Neighborhood: Reagan          Scale: 1" approx. = 115 ft</p>	<p><b>Legend</b>          Subject Properties: <span style="border: 2px solid red; display: inline-block; width: 15px; height: 10px;"></span>          Current Zoning: <b>RS-1</b>          Requested action: <b>Parking variance</b>          Vision: <b>Neighborhood</b></p>	<p>N</p>  
<p>Lot 4, Blk. 2 MORGAN ADDITION</p>		