

**ZONING BOARD OF ADJUSTMENT – August 31, 2020
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Variance		ZBA20-20: 58 Buick Street (Tounget)	
SYNOPSIS:			
<p>The applicant applied for a building permit on April 27, 2020 for a new carport for parking of the company’s fleet vehicles. The carport and parking area underneath would be located behind an existing 7-foot tall wood security fence to the rear of the main building. Through review of the permit and associated site plan, Staff communicated to the applicant that per Section 511.H of the Zoning Ordinance, all new parking shall be paved with a paved connection to the street. The applicant decided to apply for a variance from these provisions to allow an all-weather (caliche) surface for the new parking area under the carport, the 24-foot maneuvering area in front, and the approximate 50-foot long driveway extending from the current paved driveway in front of the security fence to the carport (see Additional Information).</p>			
LOCATION:		LEGAL DESCRIPTION:	
58 Buick Street; located southeast of Sherwood Way and Buick Street		Being Lot C in the First Replat in Block 3 of the Shahan Subdivision	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #6 – Billie DeWitt ASU – College Hills Neighborhood	Office Commercial (CO)	C – Commercial	1.463 acres
THOROUGHFARE PLAN:			
<p>Buick Street – Urban Local Street, Required: 50’ right-of-way, 40’ pavement or 36’ with a 4’ wide sidewalk, Provided: 100’ right-of-way, 40’ pavement and no sidewalk</p>			
NOTIFICATIONS:			
18 notifications mailed within 200-foot radius on August 13, 2020. Four responses were received in favor, none against to date.			
STAFF RECOMMENDATION:			
<p>Staff’s recommendation is for the Zoning Board of Adjustment (ZBA) to APPROVE a variance from Section 511.H.1 of the Zoning Ordinance to allow all-weather surface parking and maneuvering for a new parking area in lieu of the required paved parking and maneuvering, for a property located at 58 Buick Street, subject to two conditions of approval.</p>			
PROPERTY OWNER/PETITIONER:			
Owner: Snider Investment Holdings LLC Petitioner: Doug Tounget			
STAFF CONTACT:			
Jeff Fisher, AICP Principal Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

Additional Information: The 2000 Zoning Ordinance stipulated that only required parking areas had to be paved per Section 511 of the Ordinance. On May 21, 2019, City Council approved an amendment to this Section that required, among other changes, that *all* new parking shall be paved except for Special Event uses, Temporary Uses, and areas for storage or repair of vehicles or equipment. This was mainly due to large, unpaved parking lots having drainage issues and surface deterioration, as well as for aesthetic reasons. However, in cases where there could be a demonstrated hardship, a variance from the Zoning Board of Adjustment remains an option. In this case, the applicant is seeking relief from the requirement to use a paved surface for parking spaces and maneuvering while still complying with the minimum dimensional standards for both. Section 511 requires a parking space to be 9 feet wide by 18 feet long, and a two-way maneuvering area for 90-degree (straight-angle) parking to be 24 feet wide. The applicant's site plan delineates the 24-foot required maneuvering areas connecting to the existing driveway and in front of the parking spaces. The carport is 25 feet wide by 100 feet long and the applicant will provide 10 oversized parking spaces for the company's fleet vehicles, 10 feet wide by 25 feet long, in compliance. Staff recommended conditions of approval include that the applicant will be required to obtain a building permit for the new carport and submit a revised site plan that delineates the seven existing parking spaces at the front of the building (current plan shows only six).

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

1. **Special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district and are not merely financial.** Planning Staff concurs with the applicant that there is a special circumstance given the new parking area is screened from public view by a 7-foot tall wood privacy fence. In addition, the applicant has 20 existing paved parking spaces in front of the property facing Buick Street and only requires 10 for their existing 4,864 square-foot office (one space per 500 square feet). As indicated above, Section 511.H.1 of the Zoning Ordinance makes certain exceptions from paved parking, including for "areas for storage or repair of vehicles or equipment." Staff and Council agreed on this exception to protect businesses with rear storage areas that park vehicles and equipment not intended to be moved on a regular basis. This includes many businesses along South U.S. Highway 277 with rear storage areas and some new developments in the San Angelo Industrial Park including the AEP property. Without this provision, many existing businesses would become legal non-conforming to the new standards requiring paved parking. While the proposed carport would not fall under the exception because the fleet vehicles are being used on a regular basis by the customer (as opposed to long-term parking or vehicle repair), Staff believes that a combination of the existing privacy fence to screen the parking area; that this is used only for the applicant's fleet vehicles; and that this surplus parking provides a special circumstance.
2. **These special circumstances are not the result of the actions of the applicant.** The privacy fence was erected prior to the applicant purchasing the property in November 2018, and therefore, was not erected with plans to add unpaved parking behind it. Regardless, Staff believes that

the small size of the parking area; that it is located on a dead-end street away from public view; and that it is used for excess parking of company vehicles are sufficient reasons to support 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.** The applicant indicates that there would be substantial costs if paved surfacing was required. While Staff understands that there would be a financial burden associated with paved surfacing, Section 207 of the Zoning Ordinance does not allow the Zoning Board of Adjustment to consider financial costs as a hardship for a variance. That said, Staff believes that a variance should still be supported for the reasons above. The privacy fence serves to screen the parking area from public view, and the parking area is exclusively for fleet vehicles located to the rear of the property. Requiring paved parking in this case would provide an unreasonable hardship to the applicant. That said, had the parking lot provided a larger number of spaces, Staff may have had to reconsider supporting the variance even if it was screened from public view. This is due to the intent of the new provisions of Section 511 which is designed to ensure that all parking is passable and drivable, and that there is no excess build-up of water and drainage problems in future. For only 10 parking spaces located behind a privacy fence, Staff is satisfied that any drainage concerns will be minimal, and the intent of the Ordinance is being met.
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 providing the minimum dimensional standards for the new parking area and maneuvering area. The only relief being sought is from the requirement to use a paved surface and to allow an all-weather caliche surface instead. Staff believes the request is reasonable for the reasons above, and is the minimum action needed.
5. **Granting the variance will not adversely affect adjacent land in a material way.** Planning Staff does not believe that granting the variance will have any negative impact on adjacent properties. As indicated, the parking lot will be screened from public view and parking spaces will be located under a new carport structure.
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 still achieved by allowing an all-weather surface to be used for the new parking and maneuvering area. As indicated, the new parking area is for additional parking for fleet vehicles, not required parking. The existing office has 10 more parking spaces than required. In addition, a site visit was conducted by Staff on July 10, 2020 at 1:30pm, and there were only eight vehicles parked in the existing parking lot which can accommodate 20 spaces. This research confirms that the existing paved parking area is underutilized and that the variance if approved would be not be exempting required parking from being paved, only surplus parking screened from public view.

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 there is an existing 7-foot tall privacy fence screening the new parking and maneuvering area from public view; and that the parking area is only used for surplus parking for the applicant's fleet vehicles.
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.H.1 of the Zoning Ordinance to allow all-weather surface parking and maneuvering for a new parking area in lieu of the required paved parking and maneuvering, for a property located at 58 Buick Street, subject to **two** conditions of approval:

1. The applicants shall obtain a building permit for the new carport, and any other required permits from the Permits and Inspections Division prior to final occupancy.
2. The applicant shall submit a revised site plan that delineates the seven existing paved parking spaces at the front of the building prior to final occupancy.

Attachments:

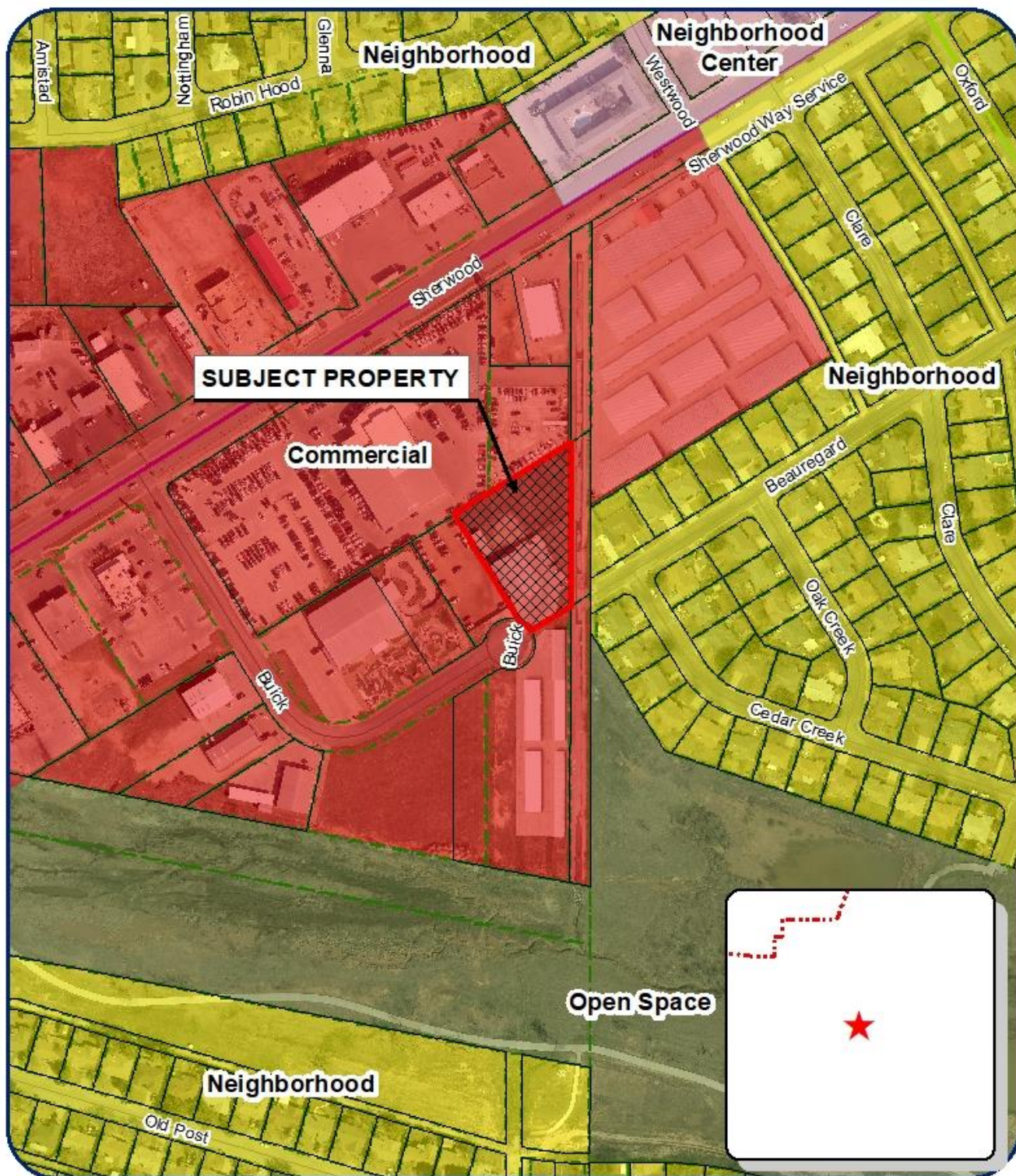
Aerial Map
Future Land Use Map
Zoning Map
Photographs
Response Letters
Site Plan
Application



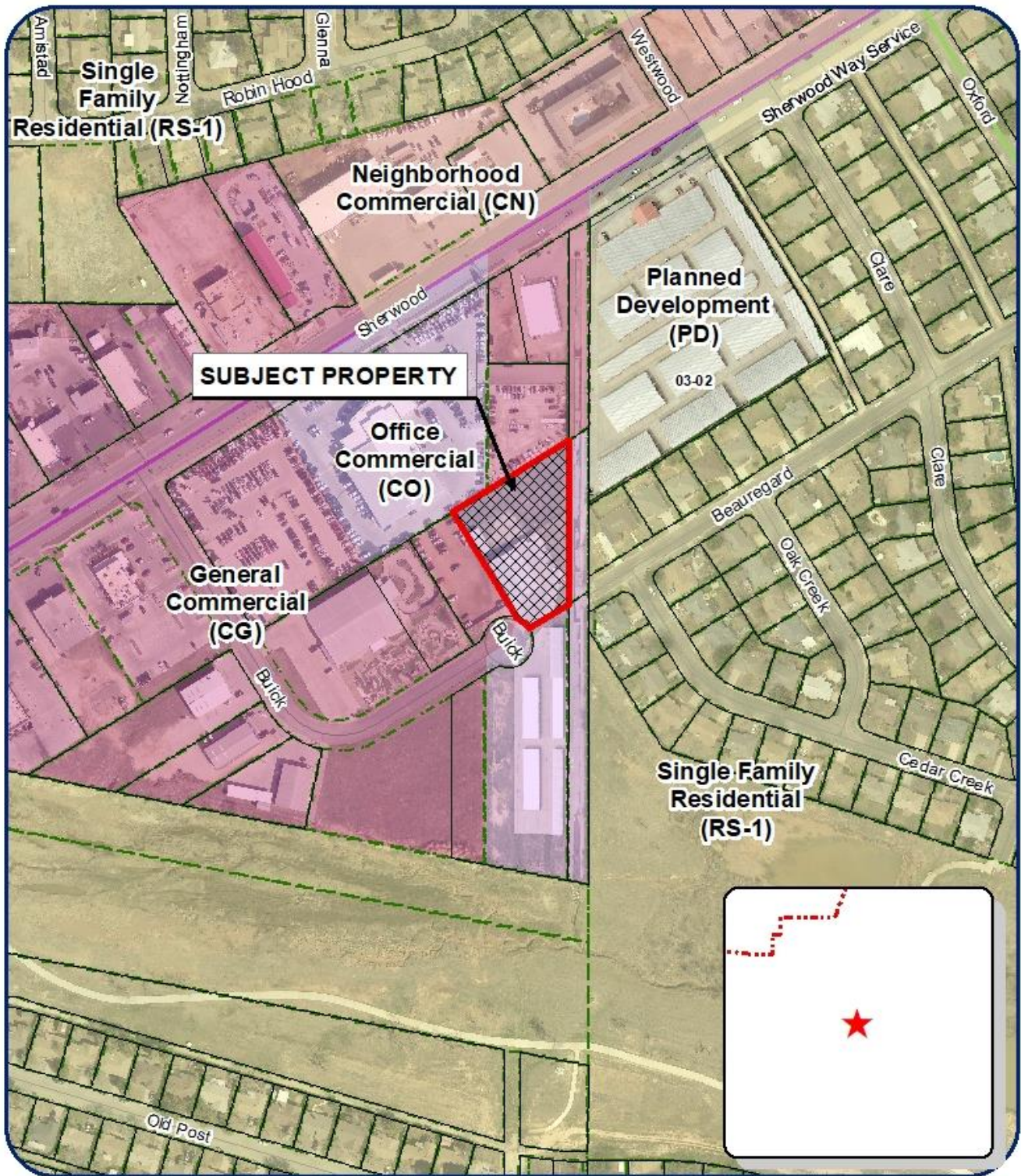
Variance
ZBA20-20: 58 Buick Street
Council District: Billy DeWitt - District 6
Neighborhood: ASU - College Hills
Scale: 1" approx. = 250 ft
58 Buick Street

Legend
Subject Properties: 
Current Zoning: **CO**
Requested Zoning Change: **N/A**
Vision: **Commercial**



Variance		Legend			
ZBA20-20: 58 Buick Street Council District: Billy DeWitt - District 6 Neighborhood: ASU - College Hills Scale: 1" approx. = 250 ft 58 Buick Street		Subject Properties: 	Current Zoning: CO Requested Zoning Change: N/A Vision: Commercial		



<p>Variance ZBA20-20: 58 Buick Street Council District: Billy DeWitt - District 6 Neighborhood: ASU - College Hills Scale: 1" approx. = 250 ft 58 Buick Street</p>	<p>Legend Subject Properties:  Current Zoning: CO Requested Zoning Change: N/A Vision: Commercial</p>	<p></p>	
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Photos of Site and Surrounding Area

WEST ON BUICK STREET



SOUTH



EAST AT PROPERTY



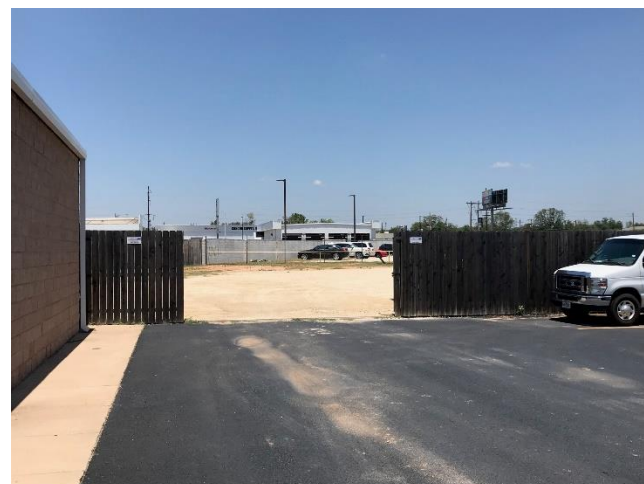
NORTH AT PROPERTY



EAST SIDE OF PROPERTY (EXISTING PARKING LOT)



LOOKING NORTH AT EXISTING FENCE



Photos of Site and Surrounding Area

FUTURE CARPORT AND PARKING AREA



FUTURE CARPORT AND PARKING AREA



VIEW FROM REAR YARD (DRIVEWAY TO REMAIN ALL-WEATHER SURFACE)



LOOKING NORTH AT REAR OF MITCHELL GMC



TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 72 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

IN FAVOR () IN OPPOSITION

REASON(S) _____

NAME: ANGELO Skate & Fun Center

ADDRESS: 34 BUICK ST
San Angelo

SIGNATURE: 

ZBA20-20: 58 Buick Street
Property owner number: 1

If you have any questions about these proceedings, please call Jeff Fisher, Principal Planner, with the City of San Angelo's Planning Division at (325) 657-4210 or by email at jeff.fisher@cosatx.us.

TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 72 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

() IN FAVOR () IN OPPOSITION

REASON(S) _____

NAME: Phillip & Lucy Rodriguez

ADDRESS: 3638 Cedar Creek DR,
San Angelo, TX 76904

SIGNATURE: Phillip Rodriguez Lucy Rodriguez

ZBA20-20: 58 Buick Street
Property owner number: 12

If you have any questions about these proceedings, please call Jeff Fisher, Principal Planner, with the City of San Angelo's Planning Division at (325) 657-4210 or by email at jeff.fisher@cosatx.us.

TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 72 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

() IN FAVOR () IN OPPOSITION

REASON(S) _____

NAME: _____

ADDRESS: _____

SIGNATURE: _____ *Reed Shahan*

ZBA20-20: 58 Buick Street
Property owner number: 14

If you have any questions about these proceedings, please call Jeff Fisher, Principal Planner, with the City of San Angelo's Planning Division at (325) 657-4210 or by email at jeff.fisher@cosatx.us.

TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 72 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

() IN FAVOR () IN OPPOSITION

REASON(S) _____

NAME: _____

ADDRESS: _____

SIGNATURE: Reed Mahan _____


ZBA20-20: 58 Buick Street
Property owner number: 15

If you have any questions about these proceedings, please call Jeff Fisher, Principal Planner, with the City of San Angelo's Planning Division at (325) 657-4210 or by email at jeff.fisher@cosatx.us.


Site 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): Doug Toungel
 Owner Representative (Notarized Affidavit Required)

Mailing Address: 1217 S. Oakes San Angelo TX 76903
City State Zip Code

Contact Phone Number: 325-656-9874 Contact E-mail Address: dtoungel@verizon.net

Subject Property Address and/Location: _____ City _____ State _____ Zip Code _____

Legal Description (can be found on property tax statement or at www.tamptax.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: 5-11 H-1
 Describe variance: To allow all-weather driveway + parking lot

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: 7' Privacy fence blocks view + gives security + protection for the cars. There are 19 paved parking spaces, so those under the car port are extra.

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 7' tall privacy fence offers security + blocks the view of cars and is the only place that they want the carport.

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: The increase in cost for the project is substantial

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: Nothing else would work + be required

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

Explanation: Everything would be behind privacy fence

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

Explanation: There are 19 paved parking spaces, only 10 are required

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.

[Signature] 7-1-20
 Signature of licensee or authorized representative Date

Doug Toungat
 Printed name of licensee or authorized representative

Ventajre Arming Co
 Name of business/Entity of representative

FOR OFFICE USE ONLY:

Reviewed/Accepted by: _____ Date: ____/____/____

Case No.: ZBA: _____ - _____ ZBA Hearing Date: ____/____/____


Fully-Dimensioned and scaled Site Plan: ___ Yes ___ No Date of Application: ____/____/____

Non-Refundable Fee: \$ _____ Receipt #: _____ Date paid: ____/____/____

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

**ZONING BOARD OF ADJUSTMENT – August 31, 2020
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Variance		ZBA20-22: 2317 Sherwood Way	
SYNOPSIS:			
<p>The applicant is requesting approval of a variance from Section 511 of the Zoning Ordinance to allow for 8 parking spaces in lieu of the required 10 and to allow 0 foot maneuvering area for the three parking spaces adjacent to Sherwood Way Right-of-way in lieu of the required 15 foot; for a property located at 2317 Sherwood Way. Mr. Stango purchased this building as a place to store his equipment while he decided what to do with the building. In this time of covid-19 restrictions he has determined to branch out by opening a retail store. The store is located in the older Sherwood Way commercial way which had minimal off street pull-in parking along Sherwood Way. This building also has backlot parking for five vehicles off the paved alley with a door into the building area. Mr. Stango intends on using about 1100 sq. ft. for the retail store which requires six spaces and the rest of the building area would require four spaces. An ADA parking space is also required, making the total required parking 10 spaces with a variance request two spaces and the 0 maneuvering area into the Sherwood right of way.</p>			
LOCATION:		LEGAL DESCRIPTION:	
2317 Sherwood Way		Lot 5 except for the north 10 ft., Block 3, West Heights Addition.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #5 – Lane Carter Santa Rita Neighborhood	General Commercial/Heavy Commercial (CG/CH)	N – Neighborhood Center	0.161 acres
THOROUGHFARE PLAN:			
Sherwood Way – Urban Major Arterial Street , Required: 80’ right-of-way, provided -110 ft.; 64 ft. pavement required, variable 60 to 64 ft. pavement provided			
NOTIFICATIONS:			
17 notifications mailed within 200-foot radius on August 13, 2020. No responses received for or against the request to date.			
STAFF RECOMMENDATION:			
Staff’s recommendation for the Zoning Board of Adjustment (ZBA) is to APPROVE a variance from Section 511 of the Zoning Ordinance to allow 8 parking spaces in lieu of the required 10 and to allow 0 feet maneuvering area in lieu of the required 15 feet along Sherwood Way for the property, subject to four conditions of approval.			
PROPERTY OWNER/PETITIONER:			
Steve Stango - applicant			
STAFF CONTACT:			
Sherry L Bailey Principal Planner (325) 657-4210, Extension 1546 sherry.bailey@cosatx.us			

Additional Information: The existing building was built in 1949 and has been used as a warehouse, storage and auto repair facility among other uses. The existing parking along Sherwood Way has been the required parking. Since the applicant is requiring a change of use the parking must meet the existing city standards unless a variance is granted. If the applicant identifies the three 45 degree parking spaces along Sherwood Way and designates the five available spaces off the alley he will be providing eight spaces where three had been provided in the past. If the variance for two spaces is also granted this will be one of the few buildings in this commercial strip that provides the required parking.

Variations: 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 building was built with almost enough parking available on its lot and in the continuously used head in parking off Sherwood way. Where other buildings in this commercial area will have difficulty meeting today's parking requirements with just this small variance this building can be retrofitted to provide parking. This type of compromise is beneficial to both the applicant and the city. It allows continued use of an older established commercial area.
2. **These special circumstances are not the result of the actions of the applicant.** As indicated, the existing building has existed since the late 1949 with the parking in a similar configuration. The applicant did not purchase the property until a few years ago and the deficient maneuvering area was not discovered until earlier 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 property and inability to construct a new parking area on the property lends to the need for a variance request and the special circumstance for this property.
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 spaces along Sherwood Way, including one of the few ADA spaces in the area. The use of the area in front of the building by designating it 45 degree parking and providing parking off the rear sets a good standard for the rest of the commercial uses 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.** This is the best use of available space and results in the minimum request possible while still providing for the commercial parking needs.
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 to park within the parking area along Sherwood Way. Most of the intended customers will be stop and go

customers and this front parking will meet their needs. The area in back will meet employee parking needs and the occasional customer who needs to spend additional time in the store.

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. In addition, the rear parking will meet the code requirements.

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.*
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.*

Staff believes there is an overriding Public Interest given the historic use of the property within this area and the need for the City to keep this commercial area vibrant and productive. Approval of the variance would allow the applicant to utilize the Sherwood Way right-of-way for maneuvering while also using the rear access parking off the alley.

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 of the Zoning Ordinance to allow 8 parking spaces in lieu of the required 10 spaces and to allow 0 feet maneuvering space in lieu of the required 15 foot, subject to **four** 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 “rear parking” signs to designate available parking area in the rear of the building.
3. The applicant is required to paint the parking spaces including the ADA Van assessable parking as required in both the front and back parking areas.
4. The applicant understands that any additional use of the existing building other than for the current proposed use and for personal storage will require a different parking lot configuration that meets the City’s parking ordinance.

Attachments:

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



Location Map Sec. 511 - Parking

ZBA 20-22 2317 Sherwood Way

Council District 5 - Lane Carter
Neighborhood: Santa Rita
Scale: 1" approx. = 115 ft

Lot 5; Except the north 10 ft. Blk. 3; West Heights Addition

Legend

- Subject Properties: 
- Current Zoning: **CG/CH**
- Variance Request: **Parking/Maneuvering Space**
- Vision: **Neighborhood Center**



Aerial Map



Location Map Sec. 511 - Parking

ZBA20-22 2317 Sherwood Way

Council District 5 - Lane Carter
Neighborhood: Santa Rita
Scale: 1" approx. = 25 ft

Legend

Subject Properties: 
Current Zoning: **CG/CH**
Variance Request: **Parking/Maneuvering Space**
Vision: **Neighborhood Center**



Lot 5; Except the north 10 ft. Blk. 3; West Heights Addition



Location Map Sec. 511 - Parking

ZBA20-22 2317 Sherwood Way

Council District 5 - Lane Carter
 Neighborhood: Santa Rita
 Scale: 1" approx. = 115 ft

Lot 5; Except the north 10 ft. Blk. 3; West Heights Addition

Legend

- Subject Properties:
- Current Zoning: **CG/CH**
- Variance Request: **Parking/Maneuvering Space**
- Vision: **Neighborhood Center**



Future Land Use



Location Map Sec. 511 - Parking

ZBA20-22 2317 Sherwood Way

Council District 5 - Lane Carter
 Neighborhood: Santa Rita
 Scale: 1" approx. = 115 ft

Legend

- Subject Properties: _____
- Current Zoning: **CG/CH**
- Variance Request: **Parking/Maneuvering Space**
- Vision: **Neighborhood Center**

N



Lot 5; Except the north 10 ft. Blk. 3; West Heights Addition

Zoning Map

Site Photos



Front 45 degree parking



Total front area



Rear space for parking



Showing the two spaces under the carport shelter

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): Steve Stango
 Owner Representative (Notarized Affidavit Required)

221 S. Chadbourne St.
 Mailing Address City State Zip Code

203-736-7141 STANBOSCOFF@GMAIL.COM
 Contact Phone Number Contact E-mail Address

Subject Property Address and/Location City State Zip Code

2317 Sherwood Way

Legal Description (can be found on property tax statement or at www.tomgreencad.com)
Lot: 5 EXCEPT THE NORTH 10 FT, Blk: 3, Subd: WEST HEIGHTS ADDITION

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

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

Section 2: Variance Request(s)

List each variance request separately:

1. Zoning Ordinance section: Sec 511 - Parking
 Describe variance: Variance from full parking to 1 ADA Space and 2 Regular spaces
2. Zoning Ordinance section: Sec 511 - Manuvering Space
 Describe variance: Variance from 24' manuvering to 15 manuvering, backing into the paved alleyway
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 existing structure is placed very close to the front property line. The Right of Way along Sherwood Way is very large also causing head in parking at the front to be prohibitive.

This type of retail is not like other retail where customers linger; they come in and grab their items and leave thus lessing the need for long term parking.

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 building is existing; the type of occupancy was retail in the past. The State handles the right of way in this part of town and not 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: Other buildings along this stretch of Sherwood way have the same challenge of parking. Since they are grandfathered they are not subject to the parking rules

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: This would be the minimum allowable to make the parking work for the type of business

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

Explanation: This variance would enhance the adjacent landowners as a vacant building would now be useful again.

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

Explanation: _____

Effective January 3, 2017

Section 4: Applicant(s) Acknowledgement

Please initial the following:

PL 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;

PL 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;

PL 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

PL 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.

Stephen P. Starvo Sr.

 Signature of licensee or authorized representative

7-15-2020

 Date

Stephen P. Starvo Sr.

 Printed name of licensee or authorized representative

 Name of business/Entity of representative

FOR OFFICE USE ONLY:

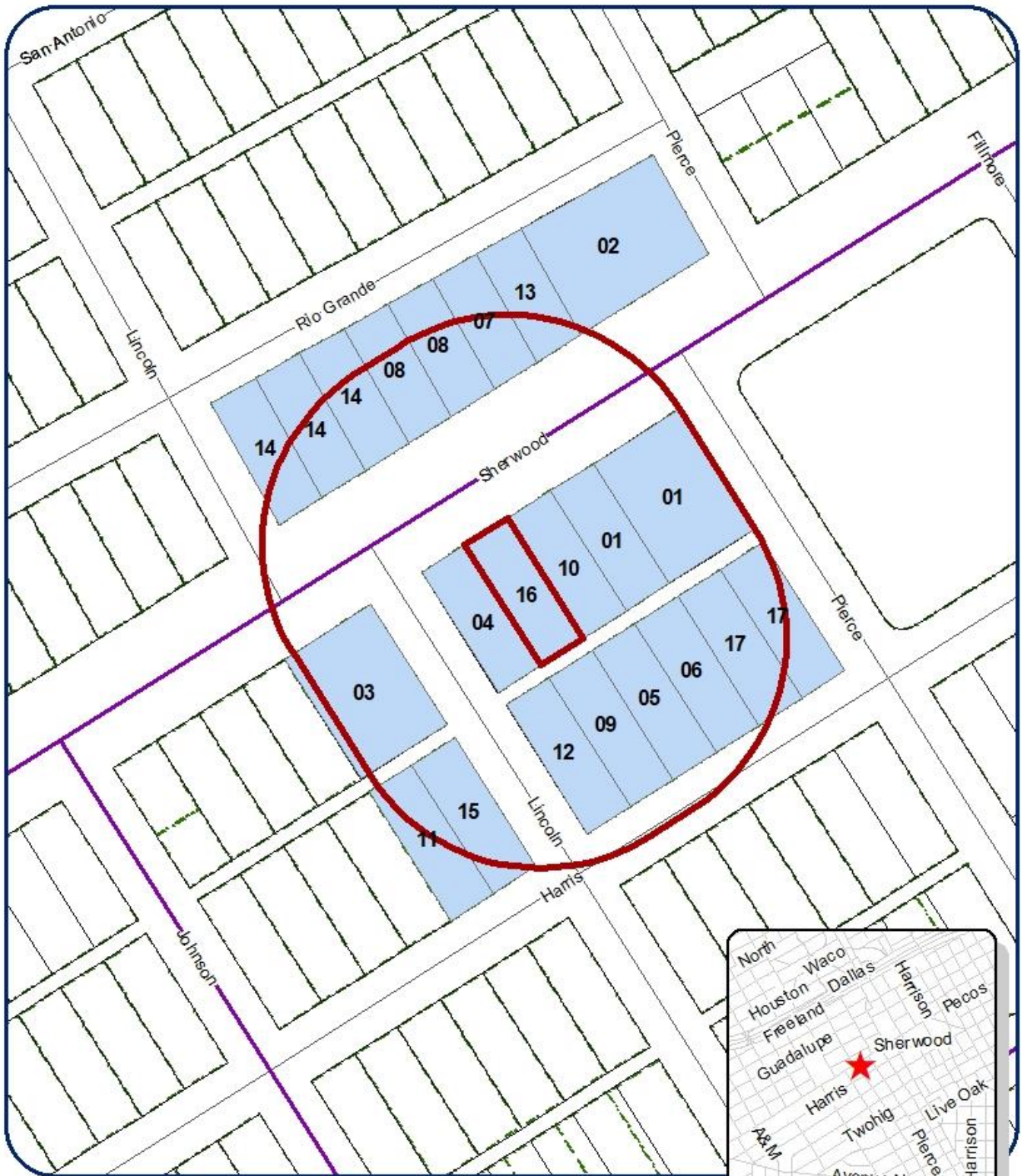
Reviewed/Accepted by: _____ Date: ____/____/____

Case No.: ZBA: *20 -- 22* ZBA Hearing Date: ____/____/____

Fully-Dimensioned and scaled Site Plan: ___ Yes ___ No Date of Application: ____/____/____

Non-Refundable Fee: \$ *250.00* Receipt #: _____ Date paid: ____/____/____

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




<p>Location Map Sec. 511 - Parking ZBA20-22 2317 Sherwood Way Council District 5 - Lane Carter Neighborhood: Santa Rita Scale: 1" approx. = 125 ft Lot 5; Except the north 10 ft. Blk. 3; West Heights Addition</p>	<p>Legend Subject Properties:  Current Zoning: CG/CH Variance Request: Parking/Maneuvering Space Vision: Neighborhood Center</p>	<p>N  </p>
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ZONING BOARD OF ADJUSTMENT – AUGUST 31, 2020

STAFF REPORT



APPLICATION TYPE:		CASE:	
Variance		ZBA20-24: 820 North Oakes Street (Galindo)	
SYNOPSIS:			
A request for approval of a variance from Section 501 of the Zoning Ordinance to allow a 14.5' front yard setback in lieu of the required 25' for a home within the Two-family residential (RS-2) Zoning District.			
LOCATION:		LEGAL DESCRIPTION:	
820 North Oakes Street		Lot 10A, Block 27, Replat of Lots 9 & 10, Miles Addition	
SM DISTRICT /		ZONING:	FUTURE LAND USE:
SMD #3 – Harry Thomas Reagan Neighborhood		RS-2 – Two-Family Residential	Neighborhood
THOROUGHFARE PLAN:			
<p><u>East 9th Street</u> – Urban Local Street – ROW 50' Required (60' Existing) – Pavement Width 40' or 36' with 4' Sidewalk Required (36' Existing)</p> <p><u>North Oakes Street</u> – Urban Local Street – ROW 50' Required (80' Existing) – Pavement Width 40' or 36' with 4' Sidewalk Required (48' Existing)</p>			
NOTIFICATIONS:			
24 notifications were mailed within a 200-foot radius on August 19, 2020. Zero responses have been received in support or in opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a variance from Section 501 of the Zoning Ordinance to allow for a 14.5' front yard setback in lieu of the required 25' for a home within the Two-family residential (RS-2) Zoning District.			
PETITIONER:			
GRC Builders Inc. Toby Galindo			
STAFF CONTACT:			
Hillary Bueker Planning Manager (325) 657-4210, Extension 1547 hillary.bueker@cosatx.us			

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 existing lot was platted in 1997, and at that time a home existed on this lot which was non-conforming. This home no longer exists and a new home is proposed but because this lot was platted with double frontage this limit the buildable area to a very small home footprint. A 14.5 front yard foot setback would allow the home to maintain an average size on a lot with double frontage. This lot also has extra wide right-of-ways adjacent which will create the look of a deeper setback. Finally the average setback along East 9th street for existing homes is 17 foot so the request would be generally consistent with the current improvements along the block.
2. **These special circumstances are not the result of the actions of the applicant.** Since the lot was platted in 1997 with an existing non-conforming home, the owner today is left with a limited building area due to the setback requirement 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.** With the current setbacks in the zoning ordinance, the buildable area of the lot would be 20 foot wide by 55 foot deep, thus only allowing for a maximum 1100-square foot home. By allowing the requested variance, the applicant would be allow to build a home consistent with the surrounding area where homes range from approximately 1,000 square feet to 2,000 square feet in size.
4. **Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest, and would carry out the spirit of this Zoning Ordinance and substantial justice.** Staff believes that this would be the minimum action needed in order to develop the property in manner consistent with the submitted plans. The applicant has asked for a variance to allow for a 14.5-foot front yard setback in lieu of 25 feet. Staff believes that the reduced setback would still accommodate for a standard size home, allow a reasonable use of the property consistent with nearby properties, while maintaining the spirit of the ordinance requirement in this situation.
5. **Granting the variance will not adversely affect adjacent land in a material way.** The variance will not adversely affect the adjacent land since the reduced front yard setback will be generally consistent with the established building line along East 9th Street.
6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.** The purpose of the ordinance setbacks is to provide sufficient open space and separation between structures. This variance would maintain open space while accommodating reasonable use of the property consistent with surrounding properties. The double frontage 50 foot wide lot creates a situation that warrants a balancing of these needs.

Allowed Variances:

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

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

The applicant believes there is a special circumstance because the original lot was platted with an existing non-conforming home which is now being replaced, as well as the 50 foot wide double frontage lot which would restrict the placement of a structure consistent with specific setback requirements.

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** of a variance from Section 501 of the Zoning Ordinance to allow for a 14.5' front yard setback in lieu of the required 25' for a home within the Two-family residential (RS-2) Zoning District, subject to the following **Condition of Approval**:

1. The applicant shall obtain necessary permits from the Permits and Inspections Division.

Attachments:

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



ZBA20-24
820 North Oakes Street
Council District: SMD #3 - Harry Thomas
Neighborhood: Reagan
Scale: 1" approx. = 100 ft

Legend
Subject Properties:
Current Zoning: **RS-2**
Requested Zoning Change: **N/A**
Vision: **Neighborhood**





ZBA20-24
820 North Oakes Street

Council District: SMD #3 - Harry Thomas
 Neighborhood: Reagan
 Scale: 1" approx. = 100 ft

Legend
 Subject Properties: —
 Current Zoning: **RS-2**
 Requested Zoning Change: **N/A**
 Vision: **Neighborhood**





ZBA20-24

820 North Oakes Street

Council District: SMD #3 - Harry Thomas
Neighborhood: Reagan
Scale: 1" approx. = 100 ft

Legend

- Subject Properties:
- Current Zoning: **RS-2**
- 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): GRC Builders Inc.

Owner Representative (Notarized Affidavit Required)

65 East Washington San Angelo Tx 76903
 Mailing Address City State Zip Code

325 658 4890 galindoroofing@yahoo.com
 Contact Phone Number Contact E-mail Address

820 North Oaks San Angelo Texas 76903
 Subject Property Address and/Location City State Zip Code

Lot 10A Block 27 Miles Addition

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: 501
 Describe variance: Requesting 14'-8" in lieu of required 25ft set back
- 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: Its A Corner Lot 100' x 50'
Hes to front yard Set Backs Which Leave little
Buildable Space.

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: Purchased Property as is, to build new
3-Bedroom, 2-Bath, 1-Car garage.

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: Financial Arrangements have already been made
for construction, Buidable Area would be greatly reduced as
compared to other Homes in this 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 the Zoning Ordinance and substantial justice;

Explanation: New House will add Value to area.
Once granted we will able to proceed with construction
of new home without any other Variances.

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

Explanation: New House will improve neighborhood
This is directly adjacent to street so it would
not effect any other property.

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

Explanation: This is a residential neighborhood and construction of
new house will be consistent with current neighborhood
appeal.

Effective January 3, 2017

Section 4: Applicant(s) Acknowledgement

Please initial the following:

GA 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;

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I/We the undersigned acknowledge that the information provided above is true and correct.

Toby Galindo
Signature of licensee or authorized representative

7-27-20
Date

Toby Galindo

Printed name of licensee or authorized representative

GRC Builders Inc.
Name of business/Entity of representative

FOR OFFICE USE ONLY:

Reviewed/Accepted by: _____

Date: 8, 5, 20

Case No.: ZBA: 20 -- 24

ZBA Hearing Date: 9, 14, 20

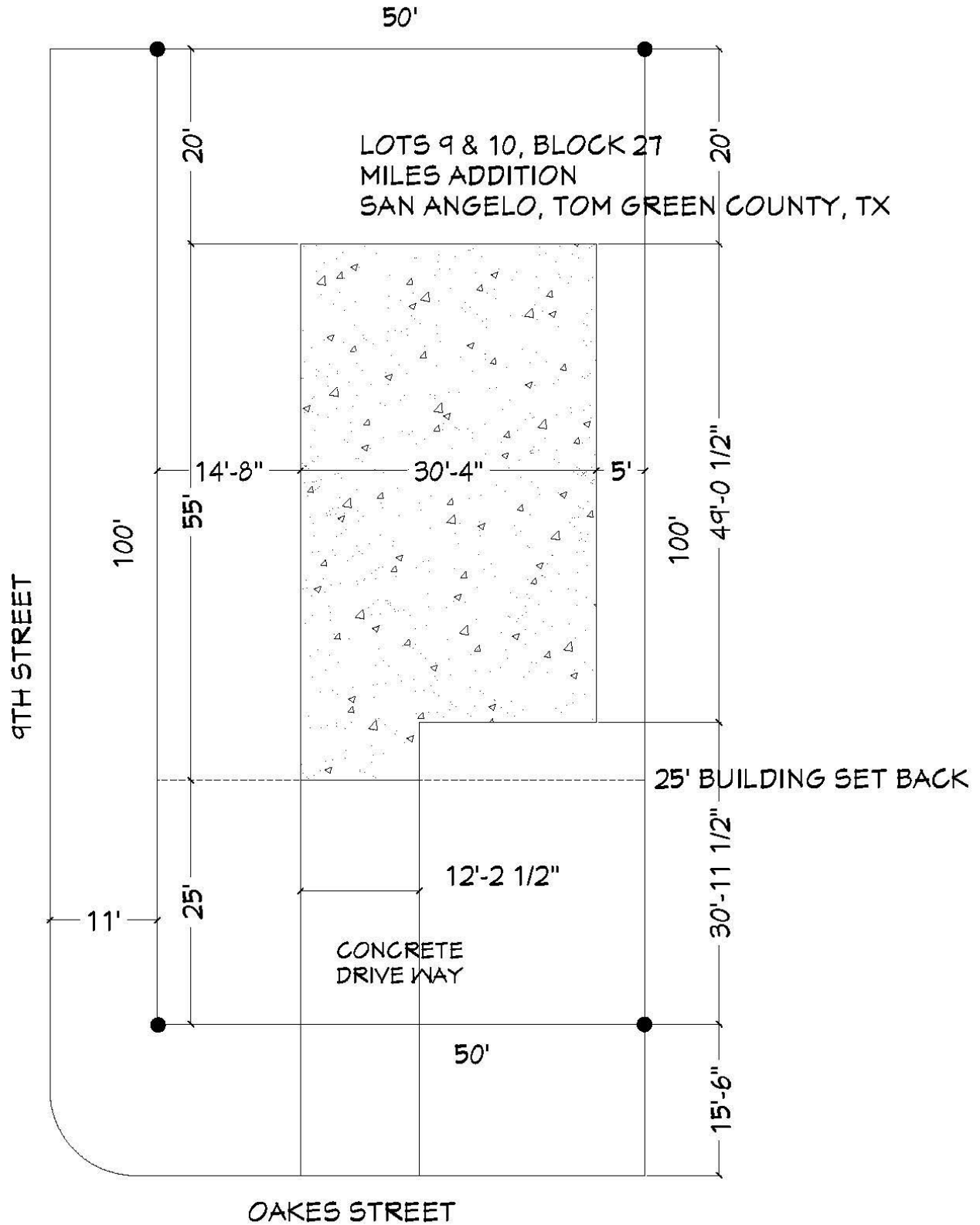
Fully-Dimensioned and scaled Site Plan: Yes No

Date of Application: 8, 5, 20

Non-Refundable Fee: \$ 250.00 Receipt #: 345238

Date paid: 8, 5, 20

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



SITE PLAN
SCALE: 1/16" = 1'

820 N. OAKES

Photos of the Site



East at the Subject Property



South at the rear of the Subject Property



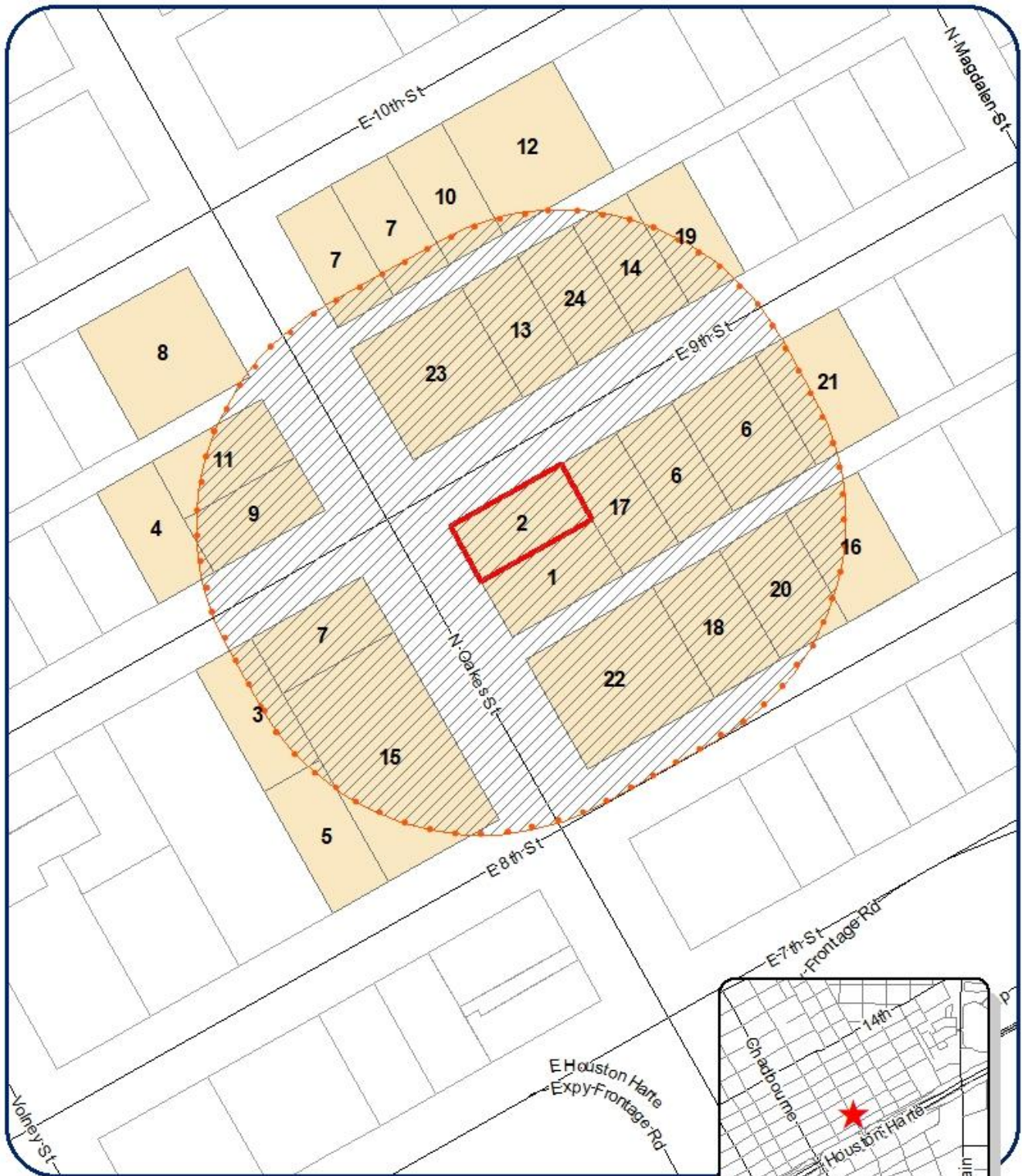
Adjacent home to the South



Homes to the North



Homes across North Oakes Street



ZBA20-24
820 North Oakes Street
 Council District: SMD #3 - Harry Thomas
 Neighborhood: Reagan
 Scale: 1" approx. = 100 ft

Legend
 Subject Properties:
 Current Zoning: **RS-2**
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