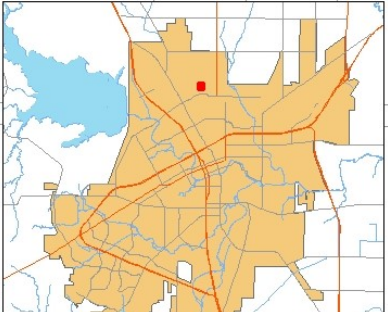


# ZONING BOARD OF ADJUSTMENT – June 7, 2021

## STAFF REPORT



<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Variance		ZBA21-09: 713 East 36th Street (Zarate)	
<b>SYNOPSIS:</b>			
A request for approval of a variance from Section 501.A of the Zoning Ordinance to allow for a 18.5-foot front yard setback along Crockett in lieu of 25-foot setback for a home within the Single Family Residential (RS-1) Zoning District located at 713 East 36 <sup>th</sup> Street.			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
713 East 36th Street		Lot 20 & the East 7.4 ft. of alley, D.H. Cathey Addition	
<b>SM DISTRICT /</b>	<b>ZONING:</b>	<b>FUTURE LAND USE:</b>	<b>SIZE:</b>
SMD #2 –Tom Thompson Lake View Neighborhood	Single Family Residence (RS-1)	Neighborhood	0.178 acre
<b>THOROUGHFARE PLAN:</b>			
<u>East 36th Street</u> – Urban Local Street – ROW 50’ Required (48’ Existing) – Pavement Width 40’ Required (30’ Existing)			
<u>Crockett Street</u> – Urban Local Street – ROW 50’ Required (50’ Existing) – Pavement Width 40’ Required (36’ Existing)			
<b>NOTIFICATIONS:</b>			
20 notifications were mailed within a 200-foot radius on May 21, 2021 Zero responses have been received in support or in opposition.			
<b>STAFF RECOMMENDATION:</b>			
Staff recommends <b>APPROVAL</b> of a variance from Section 502 of the Zoning Ordinance to allow for a 18.5’ front yard setback along Crockett in lieu of the required 25’ for a residential use within the Single Family Residence (RS-1) Zoning District.			
<b>PETITIONER:</b>			
Applicant – Daniel Zarate, Ameritex Homes			
<b>STAFF CONTACT:</b>			
Sherry 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 has stated that the existing lot is in an older neighborhood (platted in 1946) and is 58 feet in width, fronting on two streets with two front yard setbacks of 25 feet. This leaves a building pad of approximately 26' in width without the variance. Similar corner lots in the area show homes on the lots that appear to be using a less restrictive side setback. Staff concurs the house down a block on the corner has a side yard of ten feet, while the house across the street to the east on the corner has a side setback of 10 feet. In this older section of town one of the two street frontages was often treated as a side yard even though the adjacent houses on that side of the street were setback the 25 feet. The applicant is only asking for a variance of 6.5 feet which is less than those in the neighborhood.
2. **These special circumstances are not the result of the actions of the applicant.** This is an infill project on a piece of property that was recorded on August 10, 1946, had a home that burned down. In fact, there are a number of vacant properties in this general area that have never been developed. The home the applicant intends on building is a modest home that will benefit the neighborhood. The total square footage of the home is 1028 sq. ft.
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 has stated that a 26' wide home would not fit well with the surrounding homes and is atypical for new residential build for detached housing. The proposed modest house the applicant intends on building will provide a lot with ample room to expand in the future and still have an ample back yard.
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 the 6.5 feet the applicant is requesting is reasonable and will not have a negative impact on the surrounding homes. The applicant believes that this variance would not impact traffic safety or other neighbor's general enjoyment of their land.
5. **Granting the variance will not adversely affect adjacent land in a material way.** The applicant believes that granting this variance will not affect the adjacent property. Their lot will still be separate and will not require any additional dirt work to prevent runoff. All building codes and drainage requirements of the city will be met. Staff concurs and believes that having infill development within an area that has not seen any new development for a long time will have a positive impact on this neighborhood.
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 view at a corner for traffic safety and establish consistent building lines along the street. Some of the purpose statements of the Zoning Ordinance state, "Protect the character and the established pattern of desirable development in each area," and "Maintain property values by stabilizing expectations and ensuring predictability in development." Granting this variance would not impact the character or established pattern in the areas

and would contribute to the stability of development within the neighborhood.

**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 in that they are proposing to do an infill project that will contribute to the neighborhood, will not negatively impact the neighborhood and will help in the stabilization of the neighborhood. Staff concurs with this interpretation.**

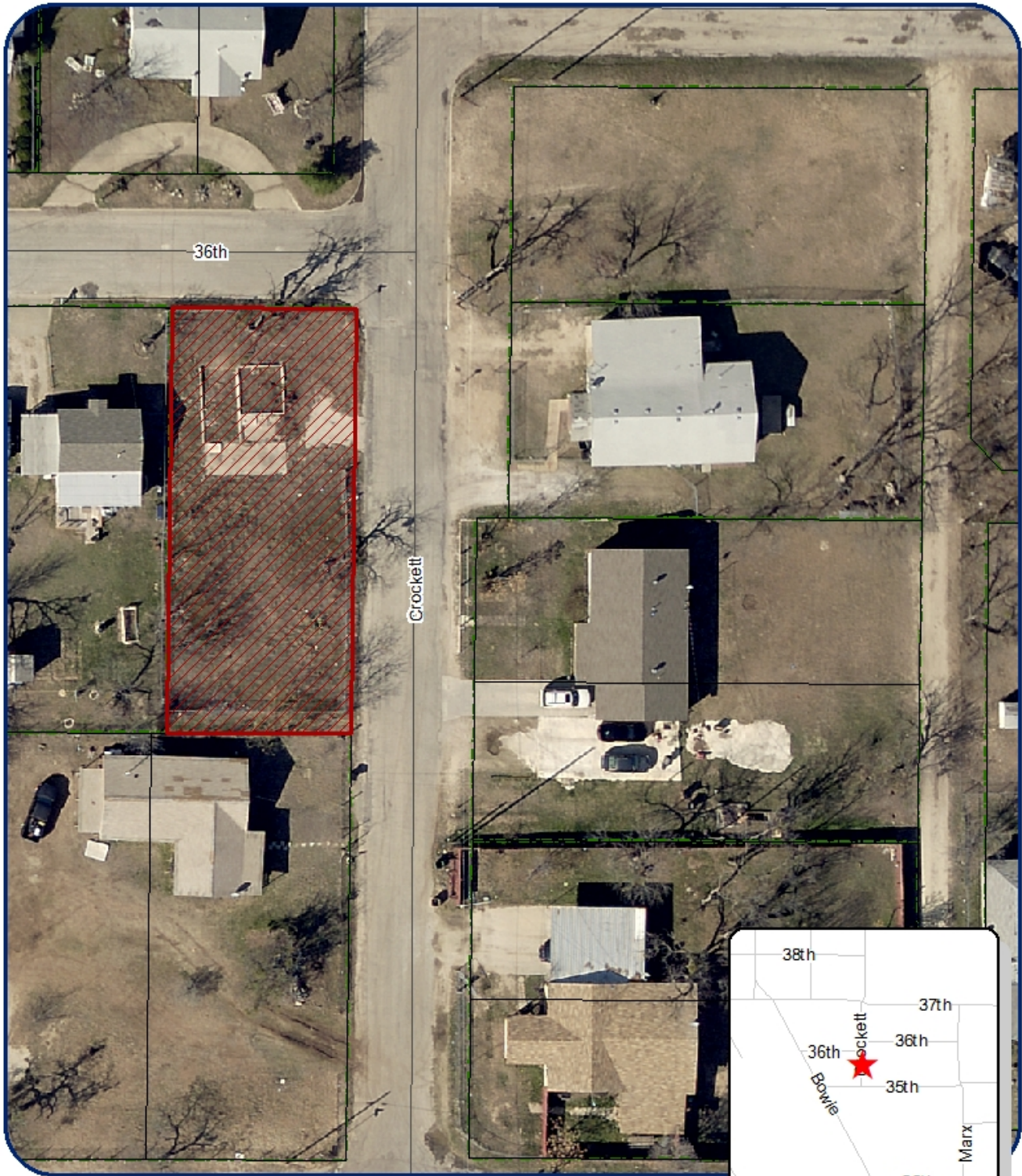
2. **OVERRIDING PUBLIC INTEREST.** *If the variance further an overriding public interest or concern, including, but not limited to: (a) Preserving the natural environment, (b) Promoting maintenance or reuse of older urban or historic buildings, or (c) Helping to eliminate a nonconforming use at another 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 from Section 502 of the Zoning Ordinance to allow for a 18.5' front yard setback in lieu of the required 25' along Crockett Street in a Single Family Residence (RS-1) Zoning District.

**Attachments:**

Aerial Map  
Zoning Map  
Notification Map  
Site Plan  
Photos of the Site  
Application




**Location Map ZBA21-09**  
**713 E. 36th Street-Variance**

Council District 2 -Tom Thompson  
Neighborhood: Lake View  
Scale: 1" approx. = 40 ft

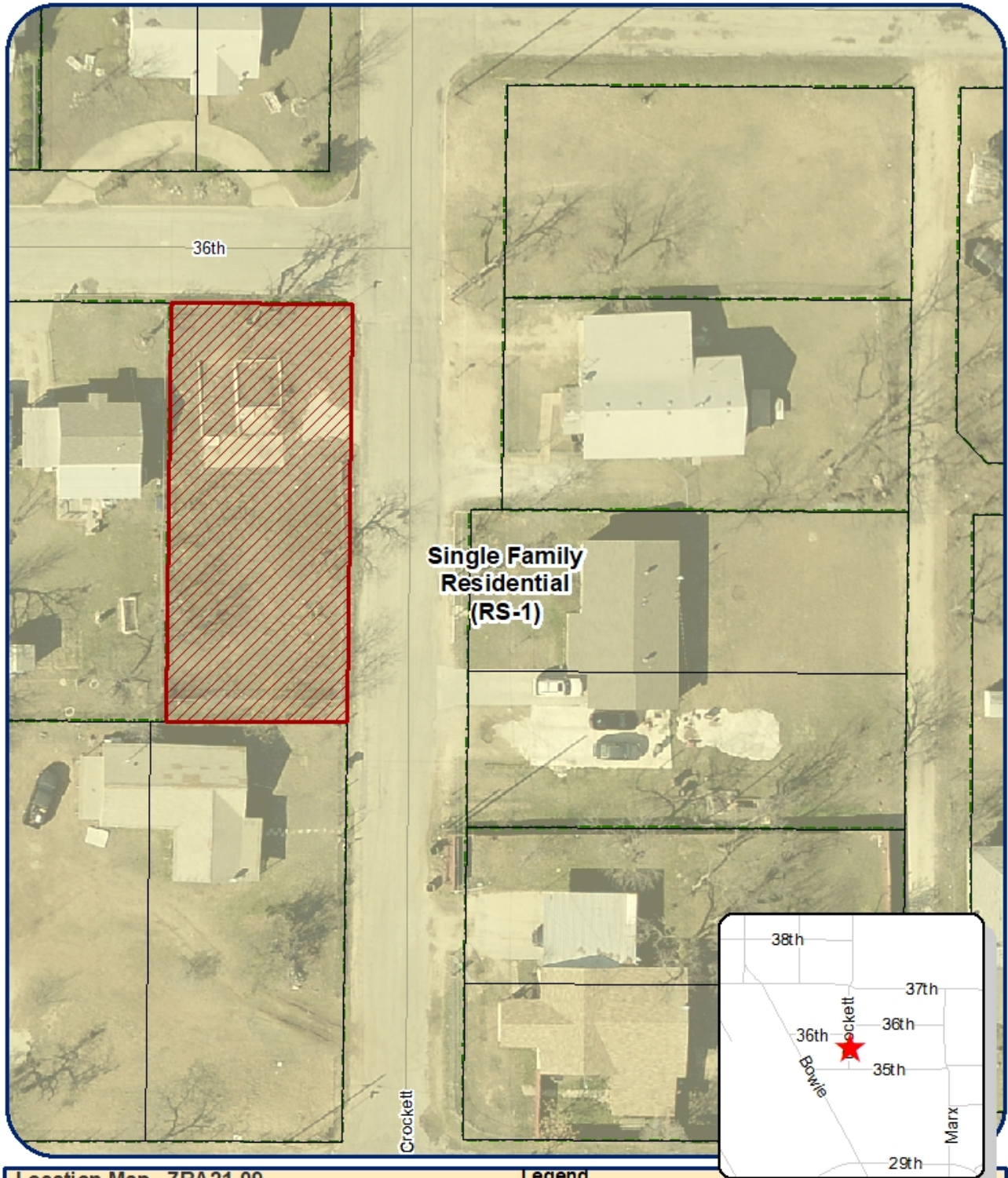
Lot 20 & E. 7.4 ft. of the alley; D.H. Cathy Subdivision

**Legend**

Subject Properties:   
Current Zoning: **RS-1**  
Requested Zoning Change: **Zoning Variance**  
Vision: **Neighborhood**








**Location Map ZBA21-09**

**713 E. 36th Street-Variance**

Council District 2 -Tom Thompson  
Neighborhood: Lake View  
Scale: 1" approx. = 40 ft

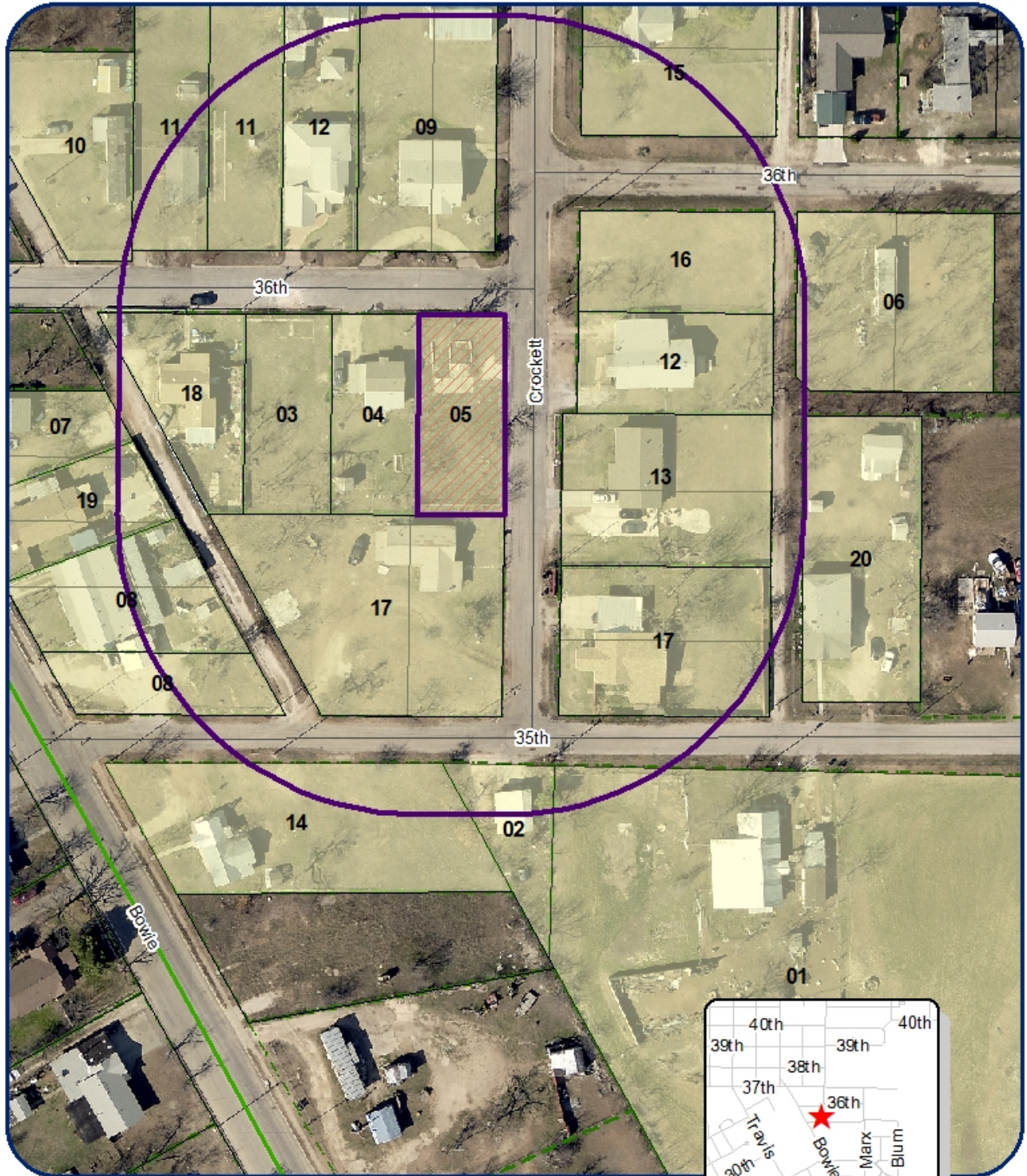
Lot 20 & E. 7.4 ft. of the alley; D.H. Cathy Subdivision

**Legend**

Subject Properties:   
Current Zoning: **RS-1**  
Requested Zoning Change: **Zoning Variance**  
Vision: **Neighborhood**








**Location Map ZBA21-09**

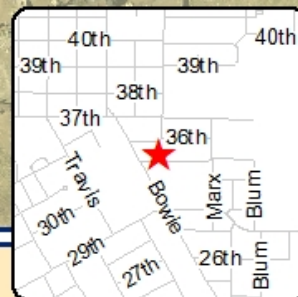
**713 E. 36th Street-Variance**

Council District 2 -Tom Thompson  
 Neighborhood: Lake View  
 Scale: 1" approx. = 85 ft

Lot 20 & E. 7.4 ft. of the alley; D.H. Cathy Subdivision

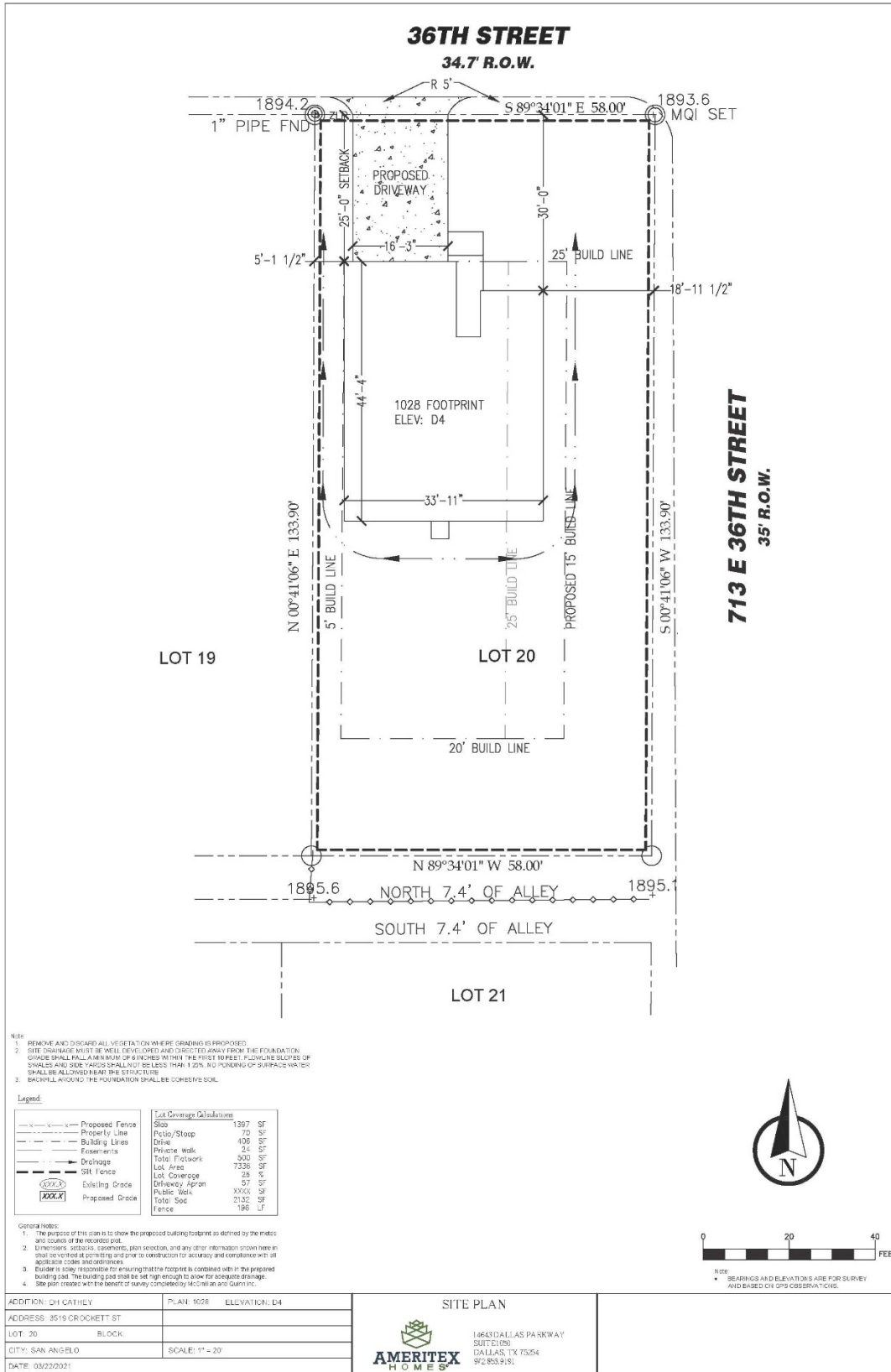
**Legend**

Subject Properties:   
 Current Zoning: **RS-1**  
 Requested Zoning Change: **Zoning Variance**  
 Vision: **Neighborhood**



**Notification Map**







**Photo of the Site**



**Irene Street, the variance requested second street side.**



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): Ameritex Homes

Owner       Representative (Notarized Affidavit Required)

14643 Dallas Parkway Steo 1050      Dallas      TX      75254  
 Mailing Address      City      State      Zip Code

469-378-0304      daniel.zarate@ameritexhomes.com  
 Contact Phone Number      Contact E-mail Address

713 E 36th St      San Angelo      TX  
 Subject Property Address and/Location      City      State      Zip Code

DH Cathey Addition Lot 20  
 Legal Description (can be found on property tax statement or at [www.tomgreencad.com](http://www.tomgreencad.com))

Zoning District:

CN    CO    CG    CH    CG/CH    CBD    OW    ML    MHS    MHP    PD

RS-1    RS-2    RS-3    RM-1    RM-2    R&E

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

**Section 2: Variance Request(s)**

List each variance request separately:

1. Zoning Ordinance section: Sec. 501 - Residential District Standards  
 Describe variance: Double frontage lot. We want to reduce secondary frontage from 25' setback to 15' setback

2. Zoning Ordinance section: \_\_\_\_\_  
 Describe variance: \_\_\_\_\_

3. Zoning Ordinance section: \_\_\_\_\_  
 Describe variance: \_\_\_\_\_

4. Zoning Ordinance section: \_\_\_\_\_  
 Describe variance: \_\_\_\_\_

**Section 3: Variance Request Criteria**

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

1. Special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district and are not merely financial;  
 Explanation: This lot is a corner lot in an older subdivision platted in 1946 with a different set of building standards. With two 25' setbacks for the double frontage lots, the building pad for this lot decreases to 28' in width to build a home.

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

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: We did not replat this property and are attempting to build on the property as it was platted in 1946.

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 double frontage roads would make it very difficult to develop new homes on this lot given the reduced building pad width.

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: Several homes in the immediate vicinity (with double frontage setbacks) do not appear to follow the 25' double frontage setback. We will set our home as far from the second frontage as is allowed in order to provide clearance from the secondary frontage and provide clear visibility. This variance will not cause any hardship to any other resident. Since the lot next to ours is occupied, this is the minimum action possible to develop on this lot.

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

Explanation: We will position the house in a way to provide adequate visibility for motorist and pedestrian safety. The construction of the new home will not adversely impact any nearby resident.

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

Explanation: This variance will be consistent with the zoning ordinance in that it keeps all setbacks as close to the intended setback as possible.

Effective January 3, 2017

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

Please initial the following:

DZ 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;

DZ 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;

DZ 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

DZ 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.**

Daniel Zarate  
Signature of licensee or authorized representative

4/14/21  
Date

Daniel Zarate  
Printed name of licensee or authorized representative

Ameritex Homes  
Name of business/Entity of representative

**FOR OFFICE USE ONLY:**

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

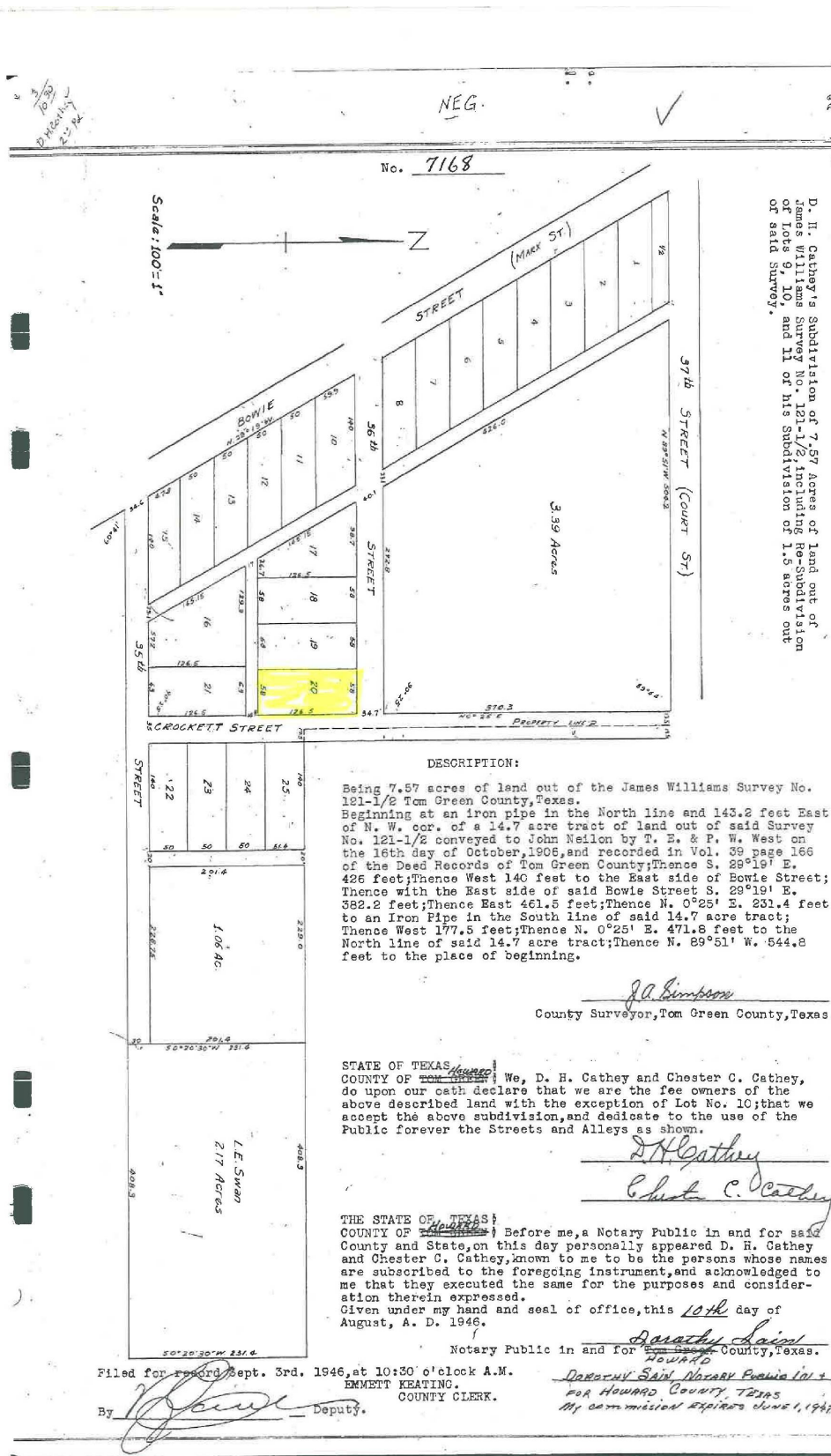
Case No.: ZBA: \_\_\_\_\_ ZBA Hearing Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

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: \_\_\_\_\_

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



D. H. Cathey's Subdivision of 7.57 Acres of land out of James Williams Survey No. 121-1/2, including Re-Subdivision of Lots 9, 10, and 11 of his Subdivision of 1.5 acres out of said Survey.

**DESCRIPTION:**

Being 7.57 acres of land out of the James Williams Survey No. 121-1/2 Tom Green County, Texas. Beginning at an iron pipe in the North line and 143.2 feet East of N. W. cor. of a 14.7 acre tract of land out of said Survey No. 121-1/2 conveyed to John Neilon by T. E. & P. W. West on the 16th day of October, 1905, and recorded in Vol. 39 page 166 of the Deed Records of Tom Green County; Thence S. 29°19' E. 426 feet; Thence West 140 feet to the East side of Bowie Street; Thence with the East side of said Bowie Street S. 29°19' E. 382.2 feet; Thence East 41.5 feet; Thence W. 0°25' E. 231.4 feet to an Iron Pipe in the South line of said 14.7 acre tract; Thence West 177.5 feet; Thence N. 0°25' E. 471.8 feet to the North line of said 14.7 acre tract; Thence N. 89°51' W. 544.8 feet to the place of beginning.

*J. A. Simpson*  
 County Surveyor, Tom Green County, Texas.

STATE OF TEXAS, ~~County of Tom Green~~ County of ~~Tom Green~~ <sup>Howard</sup> We, D. H. Cathey and Chester C. Cathey, do upon our oath declare that we are the fee owners of the above described land with the exception of Lot No. 10; that we accept the above subdivision, and dedicate to the use of the Public forever the Streets and Alleys as shown.

*D. H. Cathey*  
*Chester C. Cathey*

THE STATE OF TEXAS, ~~County of Tom Green~~ County of ~~Tom Green~~ <sup>Howard</sup> Before me, a Notary Public in and for said County and State, on this day personally appeared D. H. Cathey and Chester C. Cathey, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed. Given under my hand and seal of office, this 10th day of August, A. D. 1946.

*Dorothy Sain*  
 Notary Public in and for ~~Tom Green~~ <sup>Howard</sup> County, Texas.

Filed for record Sept. 3rd, 1946, at 10:30 o'clock A.M.  
 EMMETT KEATING, COUNTY CLERK.

By *[Signature]* Deputy.

*Dorothy Sain, Notary Public 1014*  
 FOR HOWARD COUNTY, TEXAS  
 My commission expires June 1, 1947



# ZONING BOARD OF ADJUSTMENT – June 7, 2021

## STAFF REPORT



<b>APPLICATION TYPE:</b>		<b>CASE:</b>					
Variance		ZBA21-11: 1301 Preusser Street(Dusek)					
<b>SYNOPSIS:</b>							
A request for approval of a variance from Section 501.A of the Zoning Ordinance to allow for a 15 foot front yard setback in lieu of 25-foot setback for a double frontage home along North Irene Street within the Single Family Residential (RS-1) Zoning District located at 1301 Preusser Street.							
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>					
1301 Preusser Street		First Replat of the North 100 feet of Lot 51/2 Sheppard’s Addition.					
<b>SM DISTRICT /</b>		<b>ZONING:</b>		<b>FUTURE LAND USE:</b>		<b>SIZE:</b>	
SMD#3 – Harry Thomas Ft. Concho East Neighborhood		Single Family Residence (RS-1)		Neighborhood		0.135 acre	
<b>THOROUGHFARE PLAN:</b>							
<p><u>Preusser Street</u> – Urban Local Street – ROW 50’ Required (100’ Existing) – Pavement Width 40’ Required (56’ Existing) with curb and gutter</p> <p><u>Irene Street</u>- Urban Local Street – ROW 50’ Required (50’ Existing) Pavement Width 40’ Required (36’ Existing) with curb and gutter</p>							
<b>NOTIFICATIONS:</b>							
20 notifications were mailed within a 200-foot radius on May 21, 2021 Zero responses have been received in support or in opposition at this time.							
<b>STAFF RECOMMENDATION:</b>							
Staff recommends <b>APPROVAL</b> of a variance from Section 502 of the Zoning Ordinance to allow for a front yard setback of 15 feet along Irene Street in lieu of the required minimum 25 feet in for a double frontage lot within the Single Family Residence (RS-1) Zoning District at 1301 Preusser Street subject to two conditions.							
<b>PETITIONER:</b>							
Applicant – David Dusek							
<b>STAFF CONTACT:</b>							
Sherry 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 has stated that the existing lot is in an older neighborhood (originally platted in 1887) and is 58 feet in width, fronting on two streets with two front yard setbacks of 25 feet. This leaves a building pad of approximately 30' in width without the variance. The right of way in that neighborhood on Irene is 25 feet deep. Similar corner lots in the area show homes on the lots that appear to be at the property line balancing the setback by the existing right of way. Staff concurs with the applicant that not granting their request would deprive the applicant of benefits that others in the neighborhood enjoy and would be an excessive setback distance.
2. **These special circumstances are not the result of the actions of the applicant.** This is an infill project on a piece of property that was recorded in 1887. There are a number of vacant properties in this general area that have never been developed so that allowing the variance would benefit the entire neighborhood. The home the applicant intends on building is a modest 3 bedroom home and is one being built by the Galilee Organization. The one the applicant has chosen is a 38' by 40' home.
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 has stated that a 30' wide home would not fit well with the surrounding homes and is atypical for new residential build for detached housing. The proposed modest house the applicant intends on building will provide a lot with ample room for a back yard and landscaping.
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 the 10 feet the applicant is requesting is reasonable and will not have a negative impact on the surrounding homes. The applicant believes that this variance would not impact traffic safety or other neighbor's general enjoyment of their land.
5. **Granting the variance will not adversely affect adjacent land in a material way.** The applicant believes that granting this variance will not affect the adjacent property. Their lot will still be separate and will not require any additional dirt work to prevent runoff. All building codes and drainage requirements of the city will be met. Staff concurs and believes that having infill development within an area that has not seen much new development for a long time will have a positive impact on this neighborhood.
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 view at a corner for traffic safety and establish consistent building lines along the street. Some of the purpose statements of the Zoning Ordinance state, "Protect the character and the established pattern of desirable development in each area," and "Maintain property values by stabilizing expectations and ensuring predictability in development." Granting this variance would not impact the character or established pattern in the areas and would contribute to the stability of development within the neighborhood.

**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 there is a special circumstance in that they are proposing to do an infill project that will contribute to the neighborhood, will not negatively impact the neighborhood and will help in the stabilization of the neighborhood. The existing right of way on Irene of 25 ft. already provides for a setback that the others in the neighborhood have utilized and the applicant is only asking for what others already have.**

***Staff concurs with this interpretation.***

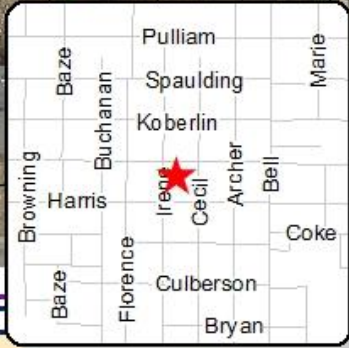
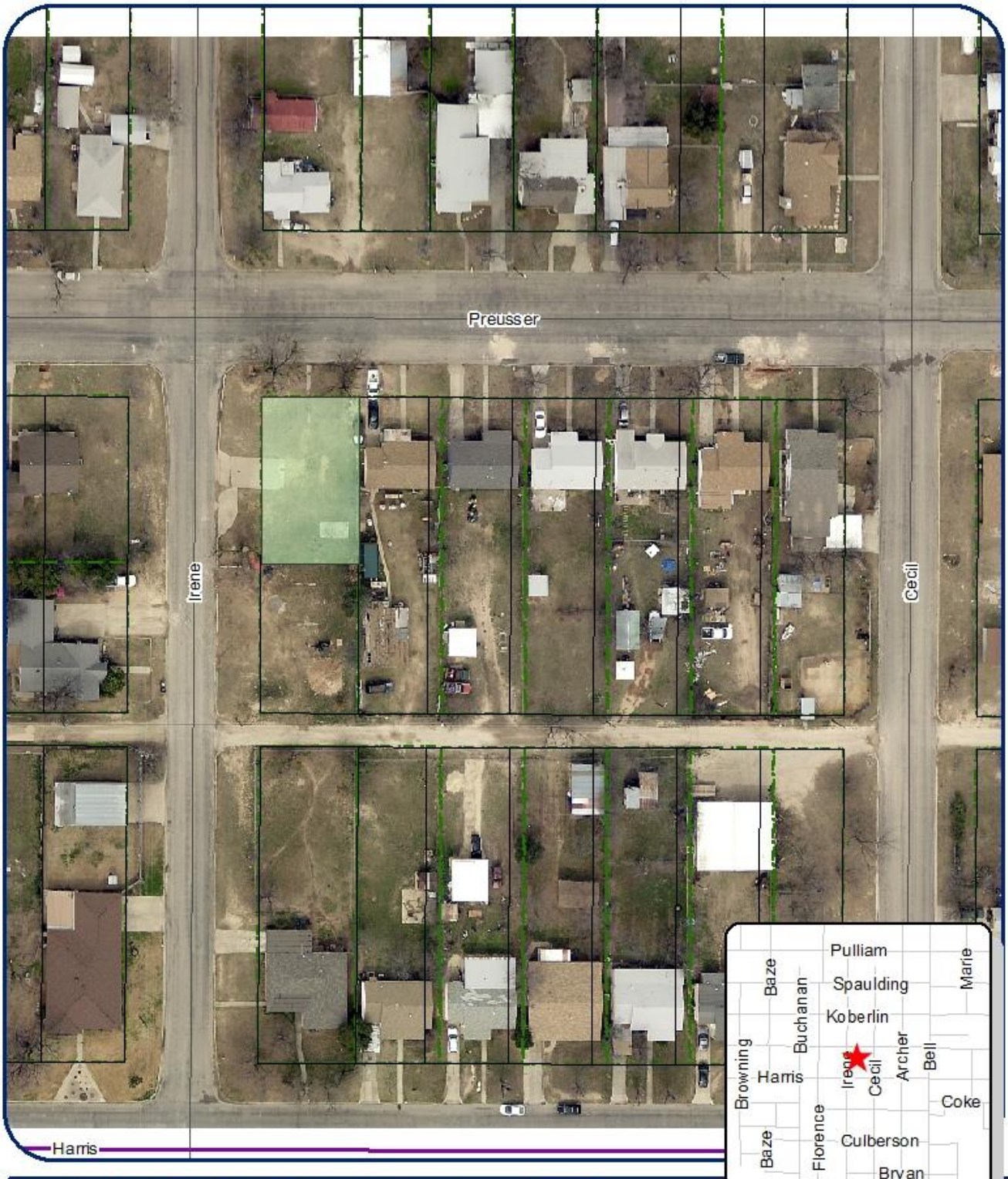
**Recommendation:**

Staff recommends that the Zoning Board of Adjustments **APPROVE** the variance from Section 502 of the Zoning Ordinance to allow for a 15' front yard setback in lieu of the required 25' along Irene Street in a Single Family Residence (RS-1) Zoning District subject to two conditions:

1. The applicant shall obtain a building permit from the Permits and Inspections Division for the home;
2. The variance shall be limited to the footprint provided on the concept plan.,

**Attachments:**

Aerial Map  
Zoning Map  
Notification Map  
Site Plan  
Photos of the Site  
Application



**Location Map Front Yard Setback Variance**

**ZBA21-11: 1301 Preusser Street**

Council District 3 - Harry Thomas  
 Neighborhood: Ft. Concho East  
 Scale: 1" approx. = 75 ft

Shepards Addition First Replat N 100 ft. of Lot 51/2

**Legend**

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



**Aerial Map**





**Location Map Front Yard Setback Variance**

**Legend**

**ZBA21-11: 1301 Preusser Street**

Council District 3 - Harry Thomas  
 Neighborhood: Ft. Concho East  
 Scale: 1" approx. = 75 ft

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



Shepards Addition First Replat N 100 ft. of Lot 51/2


**Existing Zoning Map**



**Location Map ZBA21-11**

**1301 Preusser Street**  
 Council District 3 - Harry Thomas  
 Neighborhood: Ft. Concho East  
 Scale: 1" approx. = 74 ft

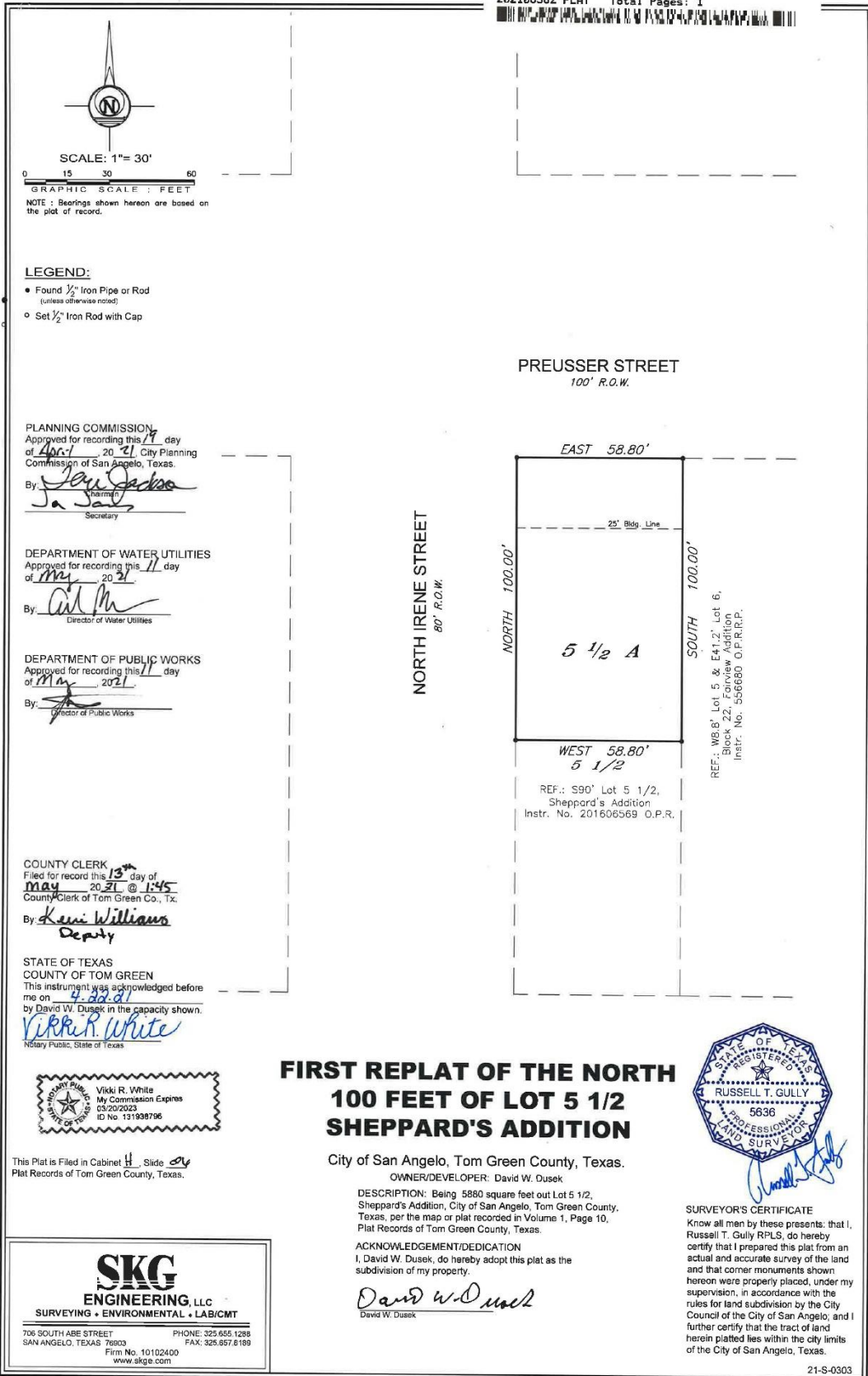
**Legend**

Subject Properties:   
 Current Zoning: **RS-1**  
 Requested Zoning Change: **Zoning Variance**  
 Vision: **Neighborhood**



First Replat of the North 100 Feet of Lot 51/2, Shepards Addition

202108382 PLAT Total Pages: 1



SCALE: 1" = 30'  
 0 15 30 60  
 GRAPHIC SCALE: FEET  
 NOTE: Bearings shown hereon are based on the plot of record.

**LEGEND:**  
 ● Found 1/2" Iron Pipe or Rod (unless otherwise noted)  
 ○ Set 1/2" Iron Rod with Cap

PLANNING COMMISSION  
 Approved for recording this 7 day of April, 2021, City Planning Commission of San Angelo, Texas.  
 By: [Signature]  
 Secretary

DEPARTMENT OF WATER UTILITIES  
 Approved for recording this 11 day of May, 2021.  
 By: [Signature]  
 Director of Water Utilities

DEPARTMENT OF PUBLIC WORKS  
 Approved for recording this 11 day of May, 2021.  
 By: [Signature]  
 Director of Public Works

COUNTY CLERK  
 Filed for record this 13<sup>th</sup> day of May, 2021 @ 1:45  
 County Clerk of Tom Green Co., Tx.  
 By: [Signature]  
 Deputy

STATE OF TEXAS  
 COUNTY OF TOM GREEN  
 This instrument was acknowledged before me on 4-22-21  
 by David W. Dusek in the capacity shown.  
[Signature]  
 Notary Public, State of Texas

**NOTARY PUBLIC**  
 Vikki R. White  
 My Commission Expires 03/20/2023  
 ID No. 131938796

This Plat is Filed in Cabinet H, Slide av  
 Plat Records of Tom Green County, Texas.

**SKG ENGINEERING, LLC**  
 SURVEYING • ENVIRONMENTAL • LAB/CMT  
 706 SOUTH ABE STREET SAN ANGELO, TEXAS 76903 Firm No. 10102400 www.skg.com  
 PHONE: 325.655.1288 FAX: 325.657.6189

**FIRST REPLAT OF THE NORTH 100 FEET OF LOT 5 1/2 SHEPPARD'S ADDITION**

City of San Angelo, Tom Green County, Texas.  
 OWNER/DEVELOPER: David W. Dusek

DESCRIPTION: Being 5880 square feet out Lot 5 1/2, Sheppard's Addition, City of San Angelo, Tom Green County, Texas, per the map or plat recorded in Volume 1, Page 10, Plat Records of Tom Green County, Texas.

ACKNOWLEDGEMENT/DEDICATION  
 I, David W. Dusek, do hereby adopt this plat as the subdivision of my property.

[Signature]  
 David W. Dusek



**SURVEYOR'S CERTIFICATE**  
 Know all men by these presents: that I, Russell T. Gully RPLS, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that corner monuments shown hereon were properly placed, under my supervision, in accordance with the rules for land subdivision by the City Council of the City of San Angelo, and I further certify that the tract of land herein platted lies within the city limits of the City of San Angelo, Texas.



## Photos of the Site



Looking at the site and the side of the variance request.



View of the variance Irene Street side with curb and gutter.



ZBA 21-11

Jeff  
 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): David W Dusek

Owner  Representative (Notarized Affidavit Required)

Mailing Address: 609 W 29<sup>th</sup> St Apt 311 San Angelo Tx 76903

Contact Phone Number: 325-300-9593 Contact E-mail Address: DavidDusekSr@yahoo.com

Subject Property Address and/Location: 1301 Preusser San Angelo Tx 76901

Legal Description (can be found on property tax statement or at [www.tomgreencad.com](http://www.tomgreencad.com)): Acres 0.135 Subd Sheppards Addition, N100' of lot 5 1/2

**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: \_\_\_\_\_  
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: With the variance like it is our house would not fit, our house is 38' by 40', our house will face Preusser and our Driveway will be on Preusser St. Like it is now we could not have a house no wider than 30'. This would not be possible for a 3 bedroom home.

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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Explanation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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:

DD 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;

DD 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;

DD 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

DD 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.

David W. Dusek  
 Signature of licensee or authorized representative

4-22-21  
 Date

DAVID W. DUSEK  
 Printed name of licensee or authorized representative

\_\_\_\_\_  
 Name of business/Entity of representative

**FOR OFFICE USE ONLY:**

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

Date: 4, 23, 21

Case No.: ZBA: 21-11

ZBA Hearing Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Fully-Dimensioned and scaled Site Plan:  Yes  No

Date of Application: \_\_\_\_/\_\_\_\_/\_\_\_\_

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

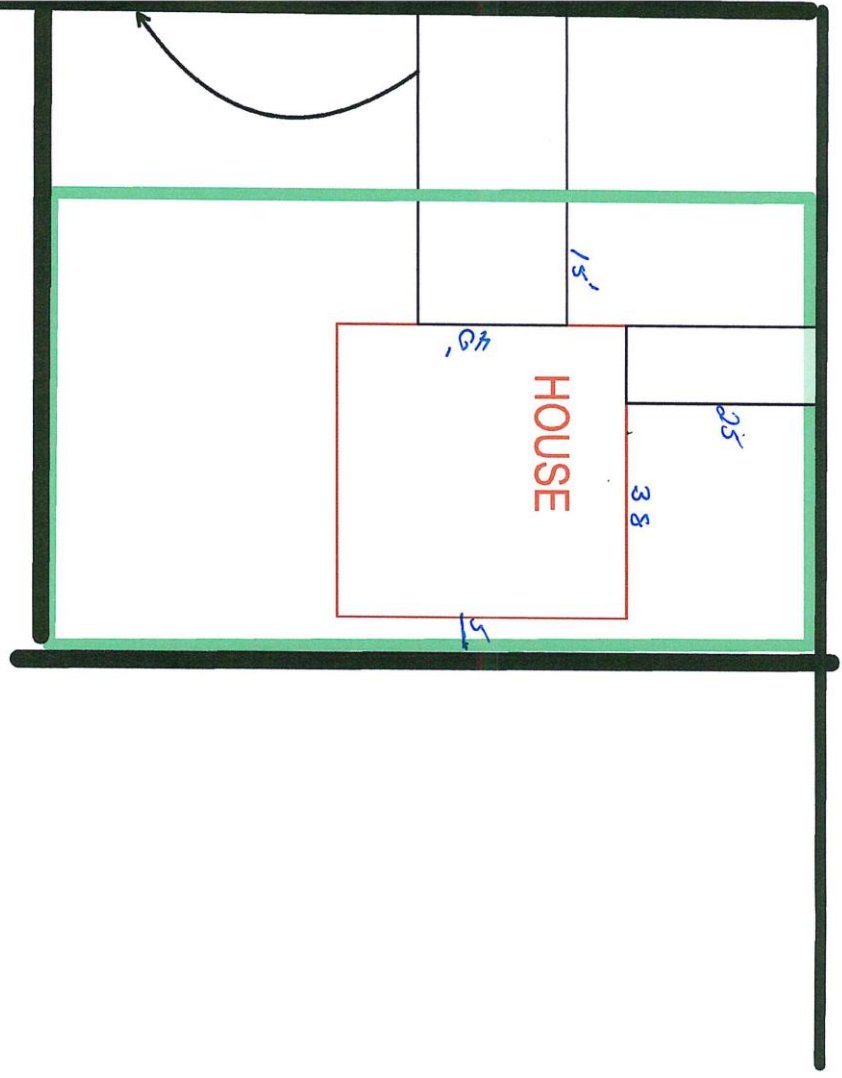
Date paid: \_\_\_\_/\_\_\_\_/\_\_\_\_

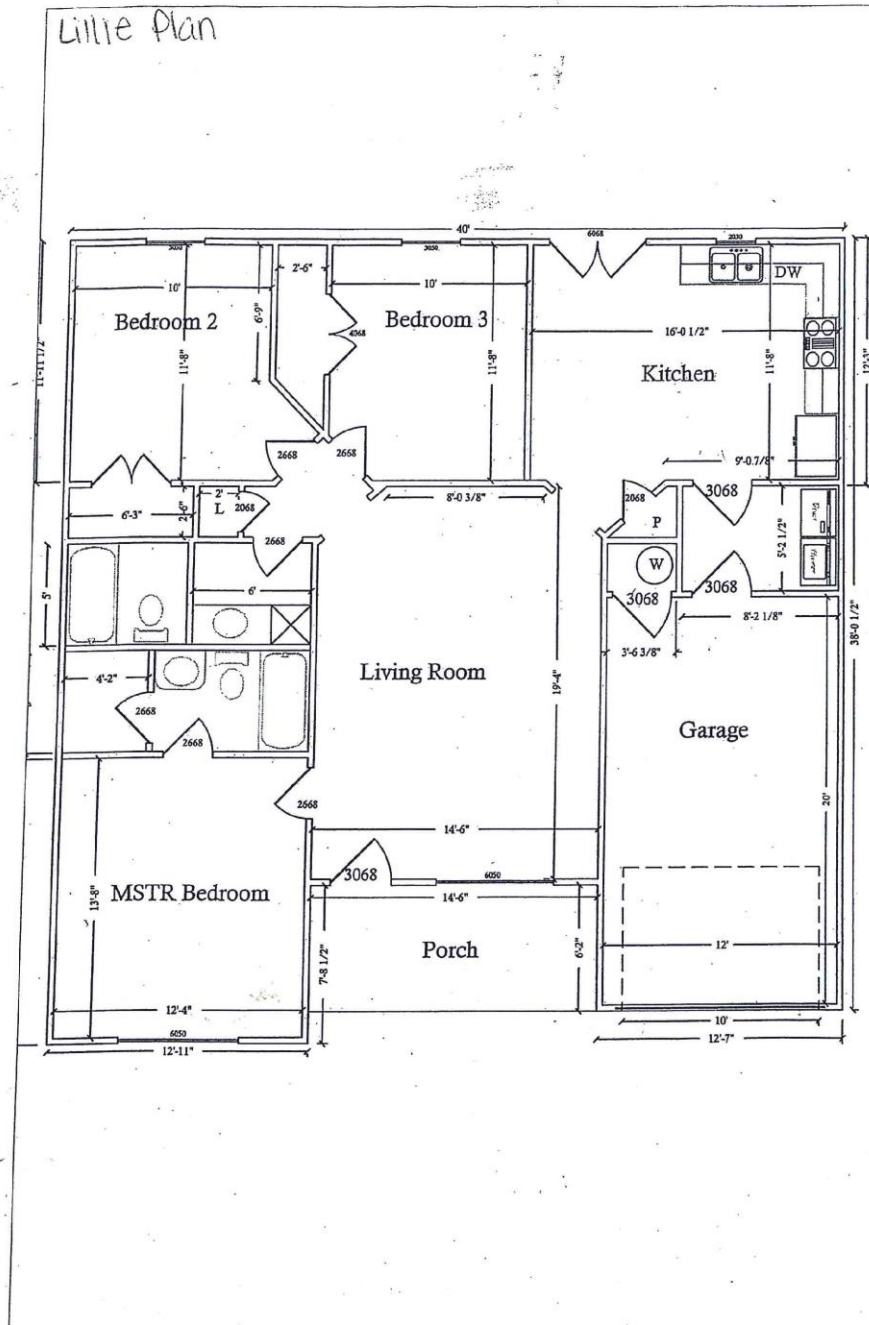
Ordinance section(s) from which variance(s) is/are requested: \_\_\_\_\_

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



PROJECT NAME  
Internal - 0ft2





**ZONING BOARD OF ADJUSTMENT – JUNE 7, 2021  
STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Variance		ZBA21-01: 2514 West Avenue J	
<b>SYNOPSIS:</b>			
<p>The applicant has submitted a Variance application for a rear carport and porch structure (33' x 26') that was erected without a permit on the property. The structure has a west side yard setback of 0 feet in lieu of the required 5 feet, and a rear yard setback of 13.5 feet in lieu of the required 20 feet. The requested rear variance sought is 13 feet, consistent with past precedent not to approve fractions and to allow for an offset in case of any minor discrepancy. There is a 15-foot paved driveway that serves as rear access to the homes (7.5 feet of this driveway is within the subject property) even though this area is not identified as an alley on the 1908 subdivision plat for the Westmoreland Addition. Many of the adjacent owners have erected rear privacy fences along the edges of this alley, and utilize this driveway for rear access to their properties (see additional information).</p>			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
2514 West Avenue J		Being the east 36 feet of Lot 8, and all of Lots 9 and 10 in Block 7 of the Westmoreland Addition	
<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FUTURE LAND USE:</b>	<b>SIZE:</b>
SMD District #5 – Lane Carter Santa Rita Neighborhood	Single-Family Residential (RS-1)	N – Neighborhood	0.469 acres
<b>THOROUGHFARE PLAN:</b>			
<p><b>West Avenue J</b> – Urban Local Street, Required: 50' right-of-way, 40' pavement or 36' with a 4' wide sidewalk, Provided: 60' right-of-way, 36' pavement (complied at time of platting)</p>			
<b>NOTIFICATIONS:</b>			
15 notifications mailed within 200-foot radius on May 21, 2021. One letter received against, none opposed.			
<b>STAFF RECOMMENDATION:</b>			
<p>Staff's recommendation is for the Zoning Board of Adjustment (ZBA) to <b>DENY</b> a variance from 501.A of the Zoning Ordinance to allow for a rear yard setback of 13 feet in lieu of the required minimum 20 feet, and <b>DENY</b> a west side yard setback of 0 feet in lieu of the required 5 feet for a carport and patio structure within the Single Family Residential (RS-1) Zoning District located at 2514 West Avenue J.</p>			
<b>PROPERTY OWNER/PETITIONER:</b>			
Mr. Brian Raymond			
<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:** It is noted that Permits and Inspections sent a notice of violation to the applicant on May 7, 2021 for erecting the structure without a permit. The variances are required to allow the structure to remain in its current location on the property. As part of review of this variance request, staff conducted a site visit on Friday May 21, 2021 to review other non-conformities in the same subdivision block, and then researched other variance cases within 500 feet of the subject property. Staff found three properties with existing non-conformities – an existing home at 2502 West Avenue J within 10 feet of the rear property line; a roof overhang within 0 feet of the side property line at 2524 West Avenue J, and a partially enclosed carport within 10 feet of the rear property line at 2501 Live Oak Street. No variances were granted for these deficient setbacks. Although difficult to determine using historic aerial imagery, it appears these homes were built prior to 1954 and that these setbacks may be legal non-conforming. Only two variance cases were found relevant to this case – 2535 Live Oak Street which was denied a rear variance to 25 feet at a time when rear setbacks were 20% of the lot depth making the required setback 31'-8" (ZBA92-36) in 1992, and 2515 West Avenue J which approved an 8' rear yard setback for a workshop attached to the residence in 1983.

**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.** On May 21, 2021 Planning Staff met with the contractor who constructed the structure at the property. Staff and the contractor verified the measurements provided. Staff does not believe there is any special circumstance to justify the 0-foot side yard variance. As noted above, the adjacent neighbor at 2524 West Avenue J has an existing roof that also overhangs to 0 feet but this appears to be pre-existing and although difficult to tell from historic aerials, appears to have been built as part of the original home prior to 1954. Any new structure is required to meet the current Zoning Ordinance provisions. Although significant alterations would be required, the applicant could reduce the width of the carport currently 12.9' wide, and the porch covering the patio currently 20.1' wide, or shift the entire structure to the east. Staff also does not believe there is a special circumstance for the rear variance. The rear driveway encroaches 7.5 feet into the property, leaving only 6 feet between the structure and the beginning of this driveway. Staff believes supporting this variance would set a negative precedent, allowing other homeowners the potential to also be granted reduced setbacks. This property is 136 feet wide, occupying almost three full platted lots leaving ample space in the rear yard for this structure. The applicant has an additional 8.8 feet of rear yard to utilize if he had chosen to build his structure to the east and behind the elongated portion of the house (which is further setback than where the applicant has chosen to erect the structure behind the garage). In subdivisions with legally platted alleys, the alleys are not located over private property lines, but rather, they separate the lots. This would have provided an additional 7.5 feet of separation from the lots on the other side. However, this is not the case, and the rear yard variance should be denied.
2. **These special circumstances are not the result of the actions of the applicant.**  
The applicant chose to erect the structure in this location where he could not meet either setback.

As indicated, if he shifted the structure southeast behind the house, he would have met both setbacks. There is an outdoor patio in this location and the west portion of the structure could provide shade for this outdoor patio and achieve the setbacks.

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 has indicated on his application that there is existing concrete in this location and that the new structure would just be building over this area. Staff does not believe the presence of existing concrete warrants a variance for a new structure that is almost 900 square feet that does not meet required setbacks. Literal interpretation of the ordinance would not deprive the applicant of the right to place a new structure in his rear yard. By moving the structure to the south and east, the structure would be able to comply with both setbacks and would not have needed to come to the ZBA for a decision.
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 proposed variances are not the minimum action necessary as there is room on the property to comply if the structure was built in a different location.
5. **Granting the variance will not adversely affect adjacent land in a material way.** Staff believes that granting a variance from the side yard setback would negatively affect the adjacent homeowner providing less separation between the properties; creating potential stormwater runoff issues of rainwater falling off the structure into the neighbor's property; and potential fire hazard with the new structure situated immediately adjacent to the shared wood property fence. Granting the rear yard variance would set a negative precedent in an area where there is public alley and where the driveway encroaches into the properties, leaving less separation between rear structures and the driveway.
6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.** Section 104.2 of the Zoning Ordinance states that the purpose of the Ordinance is to "Protect the character and the established pattern of development in each area" and Section 105.E states that the zoning regulations were designed to "reduce the danger of conflagration" and "provide adequate light and air". Staff believes allowing the side yard variance to 0 feet is setting a negative precedent in contravention of the Zoning Ordinance purpose statements. As indicated, allowing a 0-foot side yard structure immediately abutting the shared wood fence and close to the neighbor's home could lead to potential fire hazards and drainage/runoff issues as well as blocking natural sunlight and privacy. Allowing the rear variance would be inconsistent with the established development pattern in the area. Pre-existing non-conformities on other properties are not a justification to support deficient setbacks on a new structure under today's Zoning Ordinance standards.

**Allowed Variances:**

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

1. **SPECIAL CIRCUMSTANCES RESULTING IN UNNECESSARY HARDSHIP.** *Where special circumstances exist on the property related to the size, shape, area, topography, surrounding conditions or location that do not generally apply to other property in the same zoning district, and that the circumstances are such that strict application of this zoning ordinance would create an unnecessary hardship or deprive the applicant of reasonable use of the land or building.*  
**Planning Staff does not believe there is a special circumstance for either variance. If the rear driveway was a public alley, it would have been built outside the rear property lines of the homes on West Avenue J and Live Oak Street, providing an additional 7.5 feet of rear yard space. However, this is not the case. Therefore, the driveway serves as a reason not to support the variance, leaving 7.5 feet less to utilize. Staff sees no circumstance to allow the side variance of 0' either, which can create drainage issues and a potential fire hazard for the adjacent neighbor.**
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.*

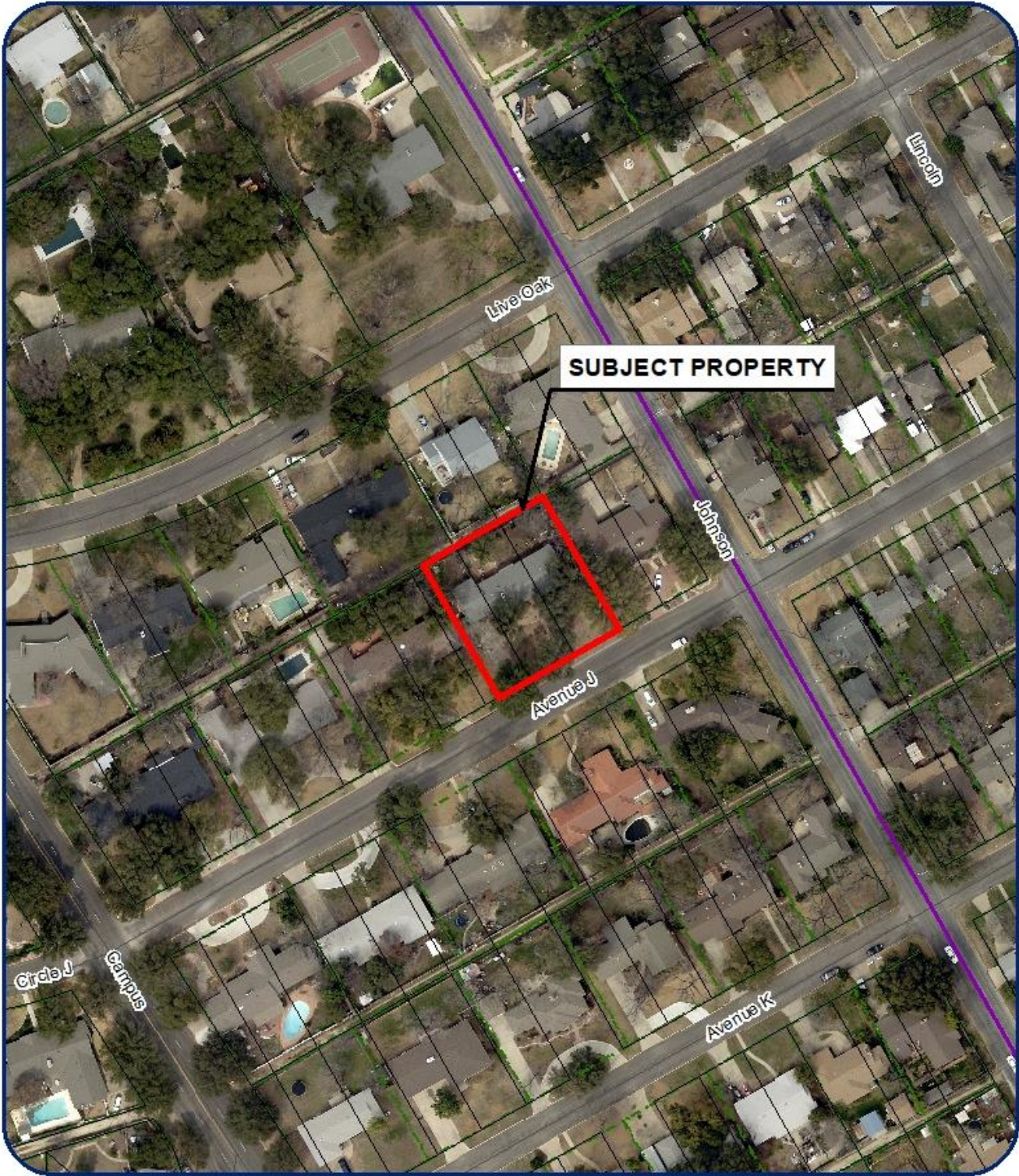
**Recommendation:**

Staff's recommendation is for the Zoning Board of Adjustment (ZBA) to **DENY** a variance from 501.A of the Zoning Ordinance to allow for a rear yard setback of 13 feet in lieu of the required minimum 20 feet, and **DENY** a west side yard setback of 0 feet in lieu of the required 5 feet for a carport and patio structure within the Single Family Residential (RS-1) Zoning District located at 2514 West Avenue J.

**Attachments:**

Aerial Map  
Future Land Use Map  
Zoning Map  
Photographs  
Response Letter  
Concept Plan  
Construction Details  
Application





**Variance**  
**ZBA21-13: 2514 W. Avenue J**  
Council District: Lane Carter - District 5  
Neighborhood: Santa Rita  
Scale: 1" approx. = 125 ft  
**2514 W. Avenue J (0.469 ac.)**

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






**Variance**

**ZBA21-13: 2514 W. Avenue J**


Council District: Lane Carter - District 5

Neighborhood: Santa Rita

Scale: 1" approx. = 125 ft

**2514 W. Avenue J (0.469 ac.)**

**Legend**

Subject Properties: 

Current Zoning: **RS-1**

Requested Zoning Change: **N/A**

Vision: **Neighborhood**







**Variance**

**ZBA21-13: 2514 W. Avenue J**

Council District: Lane Carter - District 5  
Neighborhood: Santa Rita  
Scale: 1" approx. = 125 ft

**2514 W. Avenue J (0.469 ac.)**

**Legend**

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





**Photos of Site and Surrounding Area**

FRONT OF PROPERTY



REAR VIEW OF STRUCTURE



REAR VIEW OF STRUCTURE



LOOKING NORTH AT STRUCTURE





Photos of Site and Surrounding Area

LOOKING NORTH AT WEST SIDE



LOOKING SOUTH AT WEST SIDE



LOOKING EAST REAR DRIVEWAY



LOOKING WEST REAR DRIVEWAY





Photos of Site and Surrounding Area

REAR OF HOUSE



REAR OF HOUSE



REAR OF HOUSE



REAR OF HOUSE



VIEWS FROM ADJACENT PROPERTY 2524 W. AVENUE J





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

( ) IN FAVOR

( X ) IN OPPOSITION

**REASON(S)** I am the adjacent neighbor to the west and, by far, the most impacted.

Applicant's lot size is large and typical for the block – 136' x 150' or 20,400 SF (0.47 Ac). Per appraisal district, house size is 2,638 SF plus 782 SF attached garage. House/garage size and layout of the improvements on the site is generally typical of other properties on the block.

There is room for the applicant to construct a 2 car carport and be within both rear and side setback requirements; i.e., there are absolutely no special circumstances that would not allow construction of a 2 car carport within all setback requirements.

All circumstances and conditions that exist are solely the result of the actions of the applicant. At the time the applicant purchased the property in 2019, there was no concrete slab or any structural improvements between the back of the garage and the alley. The applicant then poured a concrete slab that extends well beyond both rear and side setbacks. On the east portion of the slab, the applicant has begun construction for a large outdoor living area. This outdoor living area extends about 7 feet beyond the rear setback. With the small remaining area on the west side of the concrete slab, the applicant constructed a 1 car carport that hovers above and along my fence for a distance of about 35 feet (and 5 feet beyond the side setback and 7 feet beyond the rear setback). The applicant has parked vehicles back to back (2 cars deep) in this space (see photos).

I believe the improvements would negatively impact my property value and create a precedent for the area.

NAME: Bob Stribling

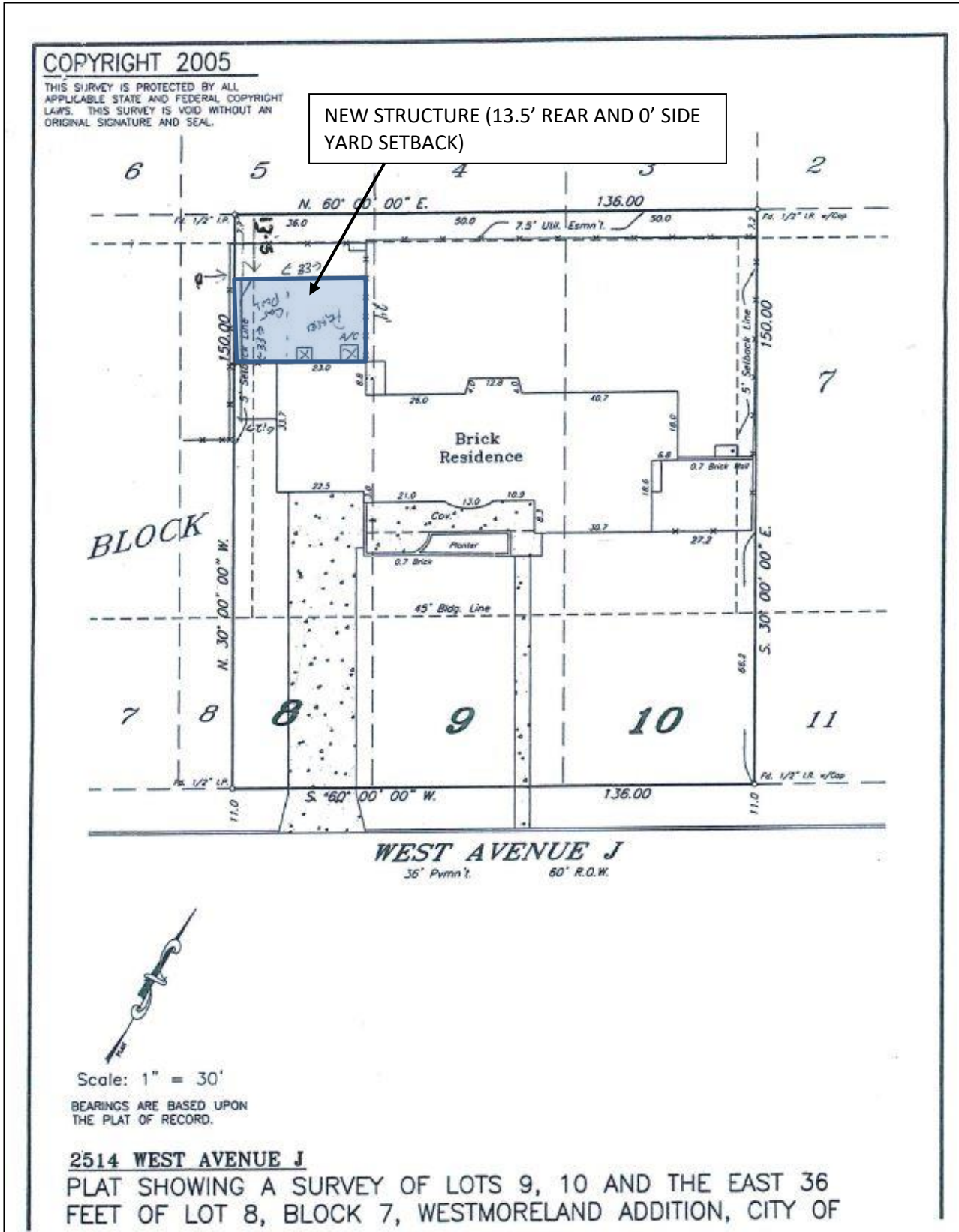
ADDRESS: 2524 W Avenue J  
San Angelo, TX 76901

SIGNATURE: 

**ZBA21-13: 2514 W Avenue J**  
**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](mailto:jeff.fisher@cosatx.us).

**Concept Plan**



21-13 Self

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): Brian Raymond  
 Owner  Representative (Notarized Affidavit Required)

Mailing Address: 1208 C Harris San Angelo Tx 76903  
City State Zip Code

Contact Phone Number: (325) 374-7133 Contact E-mail Address: Cruz-Lus Martha@yahoo.com

Subject Property Address and/Location: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
2514 W Av J

Legal Description (can be found on property tax statement or at [www.tcomgreencad.com](http://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: 501A  
 Describe variance: To Allow a 1' side yard for a carport - Porch

2. Zoning Ordinance section: 501A To  
 Describe variance: To Allow 17' Rear yard for a carport - Porch

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: Carport was already down & set for a patio - carport. Best Place to keep Unlaid with the Look of the House.

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



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 Contract was already existing & Just Bidding over

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: in order to Have Snow Space for Course of Vicood and P.A. Co. Owner needed to Build the Struter to Have proper space

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: Yes

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

Explanation: NO Negative Effect on Neighbors Residents as

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

Explanation: Yes Job Done it meets that

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.**

*Brian Raymond*  
Signature of licensee or authorized representative

5-7-21  
Date

Brian Raymond  
Printed name of licensee or authorized representative

\_\_\_\_\_  
Name of business/Entity of representative

**FOR OFFICE USE ONLY:**

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

Date: 5, 7, 21

Case No.: ZBA: 21-13

ZBA Hearing Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Fully-Dimensioned and scaled Site Plan:  Yes  No

Date of Application: \_\_\_\_/\_\_\_\_/\_\_\_\_

Non-Refundable Fee: \$ \_\_\_\_\_ Receipt #: \_\_\_\_\_

Date paid: 5, 7, 21

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

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