



## RECORD OF MINUTES

CITY OF SAN ANGELO, TEXAS  
**ZONING BOARD OF ADJUSTMENT**  
MONDAY, June 7, 2021 AT 1:30 P.M.  
72 W. College Avenue  
City Hall East Mezzanine Meeting Room

**Present:** Gary Cortese, Chair  
Debbie Cunningham  
Bill Feist  
Don Barnhart  
Kandi Pool  
Bobby Guerrero

**Absent:** Danny Aguero  
David Morales  
Stephanie Hamby

**Staff:** Aaron Vannoy, Assistant Director of Planning and Development Services  
Jeff Fisher, AICP, Principal Planner  
Charlie Kemp, Building Official

**I. Call to order and establish that a quorum is present.**

Chair Cortese called the meeting to order at 1:30 pm and established a quorum of seven.

**II. Review and take any action related to minute record of the regular meeting held on Monday, May 3, 2021.**

Member Feist made motion to approve the May 3, 2021 Minutes. Member Guerrero seconded the motion. The motion passed unanimously 6-0.

**III. ZBA21-09: 713 East 36<sup>th</sup> Street (Ameritex Homes) SMD #2 – Tom Thompson**

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 in lieu of 25-foot setback for a home along Crockett Street within the Single Family Residential (RS-1) Zoning District located at 713 East 36th Street.

Sherry Bailey, Principal Planner, presented the proposed ZBA case. She explained that a variance is required from the Crockett side because this is a double-frontage lot and it is difficult to comply with two, 25-foot front yard setbacks. Ms. Bailey concluded her presentation by outlining Staff's recommendation to approve the variance on the grounds that

there is a special circumstance given the double frontage lot; that the area was platted in 1946 prior to zoning, and that many of the homes on corner lots maintain only a side yard setback from one side.

Member Pool asked for clarification on the current versus new lot configurations.

Mr. Daniel Zarate, Ameritex Homes, the applicant, indicated that the home will comply with all other setbacks except for the side yard facing Crockett Street. He explained there will not be a sight triangle issue.

Member Barnhart made a motion to **APPROVE** a variance from Section 501.A of the Zoning Ordinance to allow for an 18.5 foot front yard setback in lieu of 25-foot setback for a home along Crockett Street within the Single Family Residential (RS-1) Zoning District located at 713 East 36th Street. Member Pool seconded the motion. The motion was approved 6-0.

**IV. ZBA21-11: 1301 Preusser Street (Dusek)**

**SMD #3 – Harry Thomas**

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.

Sherry Bailey, Principal Planner, presented the proposed ZBA case. She explained that this case is similar to the previous case where this is a double frontage lot. Ms. Bailey concluded her presentation by outlining Staff's recommendation to approve the variance on the grounds that there is a special circumstance given the double frontage lot; that the area was platted in 1951 prior to zoning; that this is an infill lot in a neighborhood that has allowed similar setbacks; and that Irene Street has a 25-foot right-of-way which protects the visibility of the street.

There was no public comment.

Member Fiest made a motion to **APPROVE** 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. Member Cunningham seconded the motion. The motion was approved 6-0.

**V. ZBA21-13: 2514 West Avenue J (Raymond)**

**SMD #5 – Lane Carter**

A request for approval of a variance from Section 501.A the Zoning Ordinance to allow for a rear yard setback of 13 feet in lieu of the required minimum 20 feet, and 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.

Jeff Fisher, Principal Planner, presented the proposed ZBA case. He explained that Staff responded to a complaint that there was an accessory structure built without a permit on the property and determined that variances were needed from the side and rear yards. Mr. Fisher displayed photographs of the property and the area in question. He indicated that the structure includes two parts, a carport, and a covered patio. Mr. Fisher conveyed that this subdivision block is unique given there is no public alley to separate the rear yard from the property to the north. Based on this, he explained that the rear setback is only 13 feet to the rear property line, even though a shared driveway exists through the back of these lots.

Mr. Fisher outlined Staff's recommendation to deny both variances on the grounds that there is not a special circumstance for either variance; that the rear driveway encroaches 7.5' into the property and there is no public alley to separate the properties from one another. He also indicated there the side variance to 0' is unjustified as the structure goes right to the property line, creating potential drainage and fire hazards.

Member Feist asked if the neighbor also has a non-conformity.

Mr. Fisher displayed a photograph showing the neighbor's roof eaves which also go to the property line. However, Mr. Fisher indicated that he believed this home was built this way prior to zoning.

Mr. Feist asked to clarify setbacks.

Mr. Fisher explained that a structure attached to or within 10 feet of the house had to meet the same setbacks as the house, 20-feet to the rear and 5-feet to the side.

Ms. Pool explained that it was not uncommon in this area for homes to utilize the shared rear driveway even without the alley, and that there were certain accessory structures that were built right to the rear lot line.

Mr. Fisher explained that if these structures, including the applicant's was 10 feet from the house, they could be built within 2 feet of the rear or side property line.

Aaron Vannoy, Assistant Director of Planning and Development Services, explained that if the ZBA approved the side setback, a firewall would be required.

Mr. Cruz Moreno, the applicant's builder, explained that a firewall could be installed if needed. He explained that if he had to remove 5 feet from the side, he would have to remove a tree and wouldn't have sufficient room to park a vehicle.

Chair Cortese explained the problem now is the structure was built without a permit.

Mr. Brian Raymond, the applicant and homeowner, explained that it would be expensive to have to make the adjustments to meet the setbacks. He indicated that the neighbor next door has a roofline already built to the property line.

Mr. Bob Stribling, the adjacent neighbor at 2524 W. Avenue J, explained that his house was built 70 years ago with the overhanging roof. He explained that there is lots of room if the applicant was to have built the structure further east on the property. Mr. Stribling explained further that he was approached by Mr. Raymond that he would build a carport but he did not expect it would be built so close to his property. He concluded by requesting that the Board deny the variance on the carport.

Chair Cortese asked Mr. Stribling if he would be okay approving the remainder of the structure for the patio but remove the carport.

Mr. Stribling responded he would deem this acceptable if necessary.

Mr. Fisher explained that the applicant would have to take off 6.5 feet from the rear of the structure to meet the 20 feet rear yard setback.

Member Feist asked what building requirements would apply if the structure span width is 24 feet or greater.

Ms. Charlie Kemp, Building Official, explained that an engineering seal would be required.

Mr. Fisher presented the four conditions of approval in the Staff Report.

Member Cunningham made a motion to **APPROVE** a request for a variance from Section 501.A the Zoning Ordinance to allow the patio portion of the above structure with a rear yard setback of 13 feet in lieu of the required 20 feet; **APPROVE** a request for a variance from Section 501.A the Zoning Ordinance to allow the carport portion of the above structure with a rear yard setback of 13 feet in lieu of the required 20 feet; and, **DENY** a request for a variance from Section 501.A the Zoning Ordinance to allow the carport portion of the above structure with a west side yard setback of 0 feet in lieu of the required 5 feet, subject to four conditions of approval. Member Barnhart seconded the motion. The motion was approved 6-0.

## **VI. Division Report**

Aaron Vannoy, Assistant Director of Planning and Development Services, announced Sherry Bailey, Principal Planner, is retiring. He also indicated that a new Planning Manager, Zack Rainbow, has been hired and will start soon.

## **VII. Next Meeting Agenda**

The next regular meeting of the Zoning Board of Adjustment is scheduled to begin at 1:30 p.m. on **Monday, July 12, 2021** in the City Hall East Mezzanine Reception Room.

## VIII. Adjournment

Member Pool made a motion to adjourn at 3:12 p.m., and Member Feist seconded the motion. The motion passed unanimously 6-0.

A handwritten signature in black ink, appearing to read "G. Cortese", written over a horizontal line.

~~Gary Cortese~~  
Zoning Board of Adjustment Chair