

**ZONING BOARD OF ADJUSTMENT – June 6th, 2022  
STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Variance		ZBA22-07: 1940 Saint Ann Street	
<b>SYNOPSIS:</b>			
<p>The applicant has submitted a request for approval of a variance from 416.F of the Zoning Ordinance to allow for 60% recreational vehicle use in an MHP (mobile home park) zoned area, in lieu of the maximum 30% set by city council.</p>			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
1940 Saint Ann Street		Acres: 4.750, Abst: A-1854 S-0326, Survey: G SCHUBITZ	
<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FUTURE LAND USE:</b>	<b>SIZE:</b>
SMD District #4 – Lucy Gonzales Fort Concho East Neighborhood	Mobile Home Park (MHP)	Industrial	4.75 acres
<b>NOTIFICATIONS:</b>			
<p>4 notifications mailed within 200-foot radius on May 20, 2022. No letters received to date in support or opposition.</p>			
<b>STAFF RECOMMENDATION:</b>			
<p>Staff’s recommendation is for the Zoning Board of Adjustment (ZBA) to <b>deny</b> a variance from 416.F of the Zoning Ordinance to allow for 60% recreational vehicle use in an MHP (mobile home park) zoned area, in lieu of the maximum 30% set by city council.</p>			
<b>PROPERTY OWNER/PETITIONER:</b>			
Applicant: LARs – Countess Enterprises LLC			
<b>STAFF CONTACT:</b>			
<p>Kyle Warren Planner (325) 657-4210, Extension 1546 <a href="mailto:kyle.warren@cosatx.us">kyle.warren@cosatx.us</a></p>			

**Additional Information:** Staff met with the applicant

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

1. **Special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district and are not merely financial.** The variance requested proves no hardship on the property due to unusual topography, right of way encroachments, or any other reason to suggest that the normal rules should not apply in this case.
2. **These special circumstances are not the result of the actions of the applicant.** There are no special circumstances associated with this property, the applicant only wants the ability to allow more of their property for RV use contrary to the ordinance limitations specifically adopted by the City Council.
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.** Staff sees no unnecessary/undue hardship as all MHP (mobile home park) zoning is held to this same standard of 30% RV use.
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.** If the variance were granted the use of land would be contrary to public interest as city council approved the maximum 30% rule for RV use in the zoning ordinance (Chapter 12, Exhibit A, Article 4, Section 416, Item F.2). This was done to limit transient occupancy in mobile home parks and temporary oilfield camps.
5. **Granting the variance will not adversely affect adjacent land in a material way.** Granting this variance may not affect adjacent land adversely, but some of the permanent residents (mobile homes) may find the allowance of more RV use against the character of the mobile home park.
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.” Staff believes that granting this variance will disrupt the pattern of development in this area, as MHP zoning’s primary use is for mobile homes.

**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.*
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 416.F of the Zoning Ordinance to allow for 60% recreational vehicle use in an MHP (mobile home park) zoned area, in lieu of the maximum 30% set by city council.

**Attachments:**

Notification Map  
Aerial Map  
Photographs

### Notification Map



**200' Notification Map**


**ZBA22-07**

Council District: - Lucy Gonzales District 4

Neighborhood: Fort Concho East

Scale: 490 245 0 490 Feet

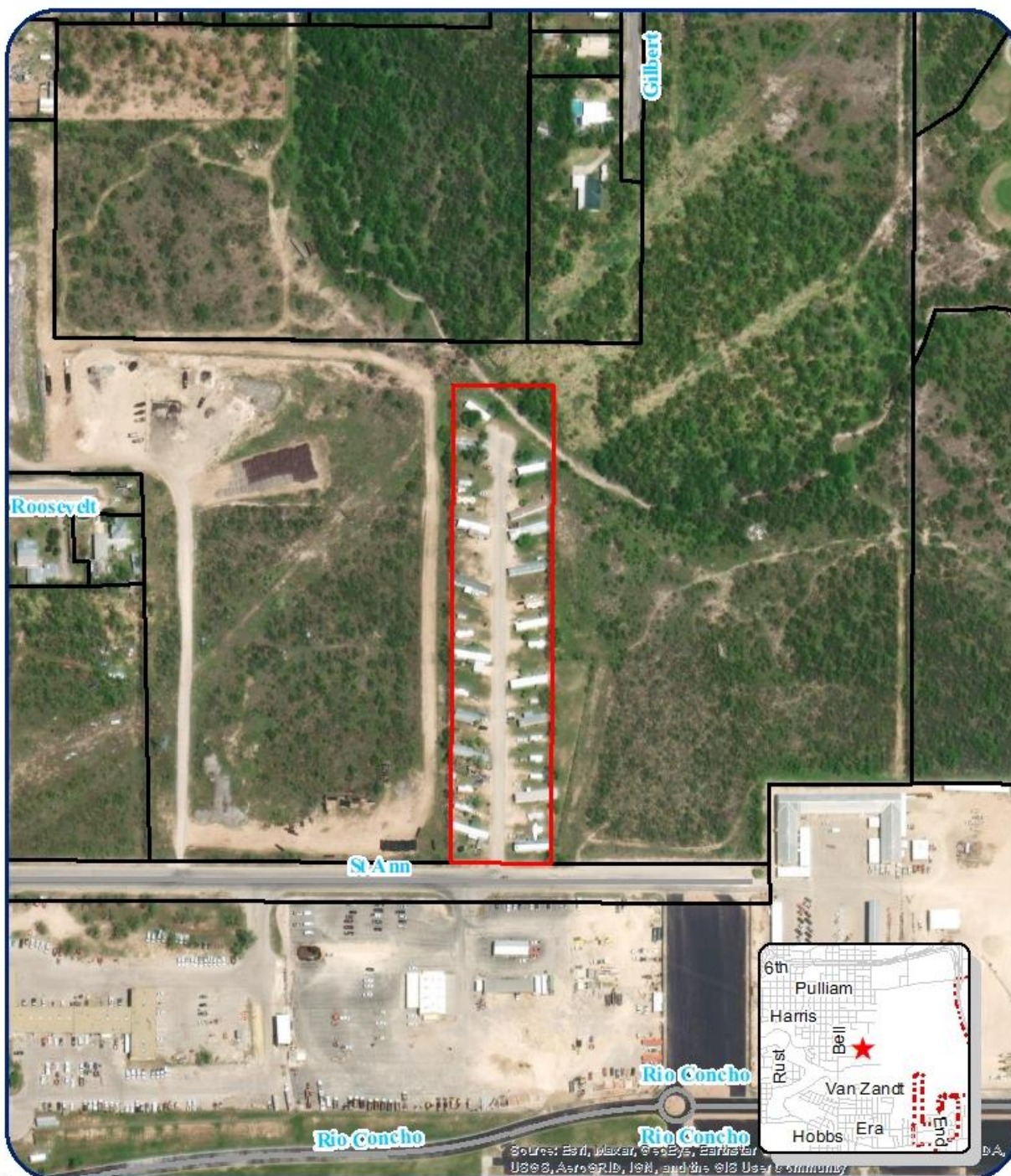


Subject Properties: 


Current Zoning: **MHP**




### Aerial Map



**Area Map**  
**1940 St. Ann**  
Council District: - Lucy Gonzales District 4  
Neighborhood: Fort Concho East  
Scale: 0 0.0125 0.025 0.05 0.075 0.1 Miles

**Legend**  
SUBject property:   
Current Zoning: **MHP**


Site Photo



Looking north from Saint Ann Street.