

**ZONING BOARD OF ADJUSTMENT – JUNE 6, 2022  
STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Variance		ZBA22-08: 1613 Canal Road	
<b>SYNOPSIS:</b>			
<p>The applicants requested an administrative adjustment to maintain an existing caliche-based driveway in lieu of the required paved driveway. Section 203.B.4 of the Zoning Ordinance allows an all-weather surface such as caliche to be used where the Planning Department makes a finding that the character of the surrounding area is principally recreational or rustic in nature, with relatively narrow roadways not bordered by curbs and generally uncharacteristic of urban streets. On May 23, 2022, the Planning Director denied the request based for the reasons outlined below and the applicants subsequently appealed the decision to the Zoning Board of Adjustment (ZBA).</p>			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
1613 Canal Road		Being Lot 1528 in Block 6, Lake Nasworthy Addition, Group Shady Point, Section One	
<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FUTURE LAND USE:</b>	<b>SIZE:</b>
SMD District #1 – Tommy Hiebert Nasworthy Neighborhood	Single-Family Residential (RS-1)	N – Neighborhood	0.27 acres
<b>THOROUGHFARE PLAN:</b>			
<p><b>Canal Road</b> – Urban Local Street, Required: 50’ right-of-way, 40’ pavement or 36’ with a 4’ wide sidewalk, Provided: 50’ right-of-way, 16’ pavement (existed at time of platting)</p>			
<b>NOTIFICATIONS:</b>			
25 notifications mailed within 200-foot radius on May 24, 2022. One letter was received in opposition attached.			
<b>STAFF RECOMMENDATION:</b>			
<p>Staff’s recommendation is for the Zoning Board of Adjustment (ZBA) to <b>DENY</b> an appeal of the Planning Director’s decision that denied an administrative adjustment from Section 203.B.4 of the Zoning Ordinance for an all-weather surface driveway in lieu of a paved driveway, in order to construct a carport within the Single Family Residential (RS-1) Zoning District located at 1613 Canal Road.</p>			
<b>PROPERTY OWNER/PETITIONER:</b>			
Steven Beach			
<b>STAFF CONTACT:</b>			
Jeff Fisher, AICP Chief Planner (325) 657-4210, Extension 1550 <a href="mailto:jeff.fisher@cosatx.us">jeff.fisher@cosatx.us</a>			

**Additional Information:** The request to maintain the existing caliche driveway is associated with a building permit request for a covered porch/carport structure. *The structure was built without a permit and a notice of violation was sent to the applicant in April 2022.* Staff conducted a site visit on Monday, May 23, 2022 and discovered the structure was only 2 feet from the south side property line, whereas 5 feet is required per the Zoning Ordinance. The applicant has been advised to remove or relocate the portion of the structure within this setback (3 feet).

**Other variances:** As part of review of this variance request, staff reviewed other variance requests for caliche driveways and unpaved parking in the two Lake Nasworthy Addition, Group Shady Point subdivisions, both of which were filed for record with Tom Green County on February 26, 2001:

- 1924 Shady Point Circle: ZBA96-24 (1996) - ZBA approved a limestone base parking and driveway 125' long;
- 1804 Shady Point Circle: ZBA96-74 (1996) – ZBA approved all-weather surface parking and driveway 158' long;
- 1908 Shady Point Circle: ZBA97-72 (1997) – ZBA approved all-weather surface parking and driveway 350' long;
- 1902 Shady Point Circle: ZBA07-25 (2007) – Planning Director approved all-weather surface parking and driveway 140' long.

All four of these variances were approved on large lots within the Shady Point Subdivisions and range from 350-500 feet in length. Many of these homes were built closer to Lake Nasworthy than the street, thereby requiring much longer driveways. This has been used as a special circumstance to justify pavement variances in past.

**Comparable lots – paving standards:**

- Staff examined the smaller lots located within the interior of the subdivisions that were within the same size range as the subject property. This included Blocks 5 and 6 in Shady Point 1 and Blocks 8 and 9 in Shady Point 2 (properties west of Shady Point Circle fronting Knickerbocker Road, Canal Road, and Turtle Drive). ***None of these properties were granted variances.***
- Of the 56 properties, 19 of them were paved (parking plus driveway), and an additional 6 had parking paved but not the driveway. Counting properties with any form of paving (driveway plus parking spaces), ***45% (almost half) 25 of 56 had some form of paving.*** Since no variances were granted, Staff believes the unpaved properties were likely pre-existing this way since they were annexed into the City in 1984 and historic aerials and the Appraisal District information confirms most of the homes and driveways were already built.

**Allowed Variances:**

In addition to the above criteria, in exercising its authority to grant approval from an appeal of the Planning Director's denial of an administrative adjustment Section 203.E of the Zoning Ordinance, the Zoning Board of Adjustment must affirmatively find that all of the following criteria are met:

1. **That granting the Administrative Adjustment will ensure the same general level of land use compatibility as the otherwise applicable standards.** Many of the properties of similar size in the Lake Nasworthy Addition, Shady Point area have installed paved driveways. As indicated above, almost half the properties of similar size have paved driveways, paved parking, or both.

The subject driveway is only 27 feet long to the front property line whereas the four variances above were between 125' and 350' long. Staff believes supporting the adjustment would not be ensuring the same level of land use compatibility as it could set a precedent for other variances on smaller lots.

2. **That granting the Administrative Adjustment will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other environmental considerations.** Allowing caliche driveways on smaller lots could adversely affect neighboring properties as lower grade materials such as caliche and limestone tend to wash over during inclement weather onto adjacent properties.
3. **That granting the Administrative Adjustment will not adversely affect value of nearby property in any material way.** Paved driveways provide enhanced aesthetic appeal as well serving functional aspects of less deterioration and runoff onto adjacent properties. Therefore, Planning Staff is in not in support of a caliche driveway.
4. **That granting the Administrative Adjustment will be generally consistent with the purposes and intent of this Zoning Ordinance.** Section 104.2 of the Zoning Ordinance purpose statement is to “protect the character and established pattern of desirable development in each area.” Staff believes that approving caliche driveways over time will reduce the desired development in this area, for the reasons mentioned above.

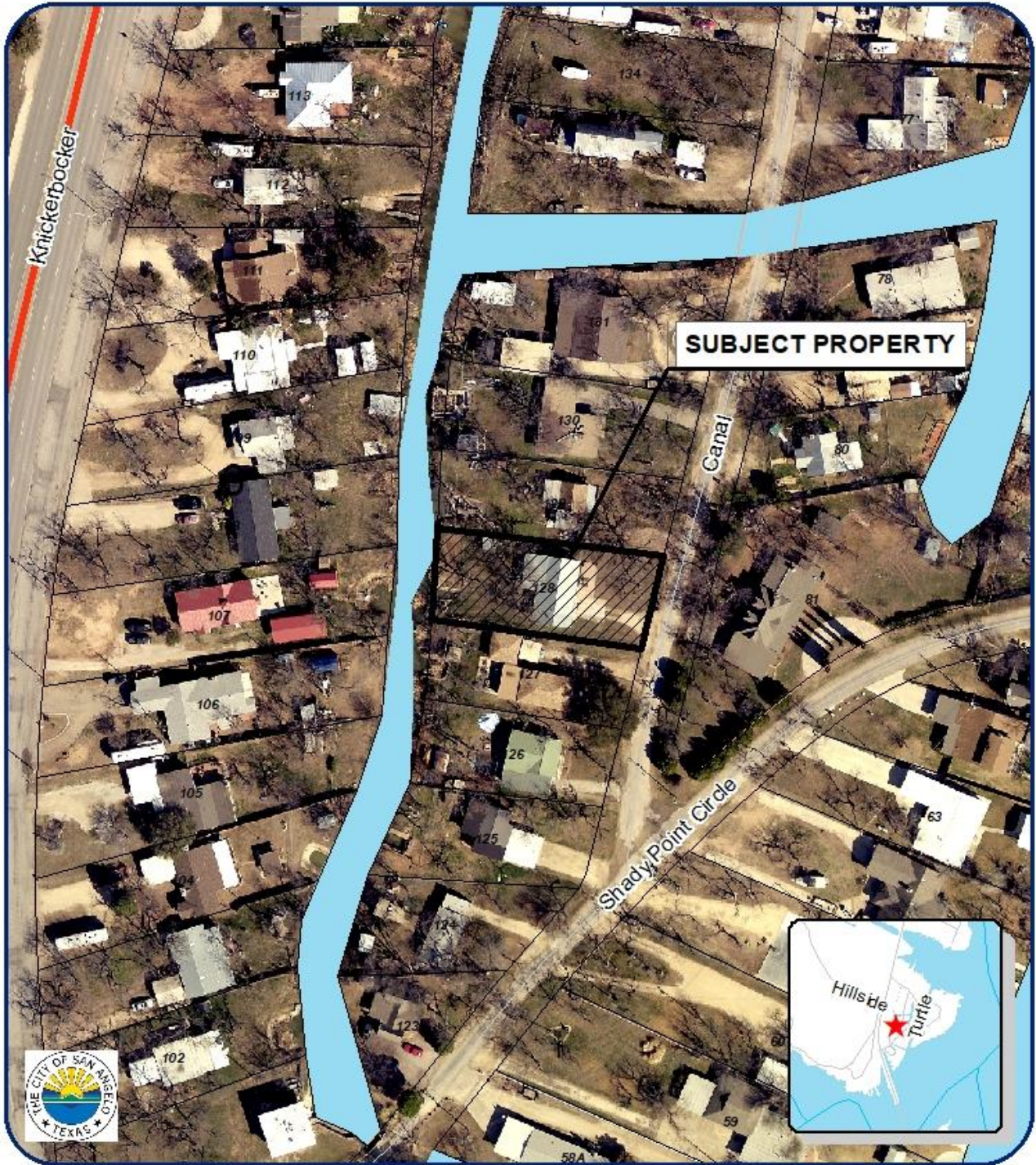
**Recommendation:**

Staff's recommendation is for the Zoning Board of Adjustment (ZBA) to **DENY** an appeal of the Planning Director's decision that denied an administrative adjustment from Section 203.B.4 of the Zoning Ordinance for an all-weather surface driveway in lieu of a paved driveway, in order to construct a carport within the Single Family Residential (RS-1) Zoning District located at 1613 Canal Road.

**Attachments:**

Aerial Map  
Zoning Map  
Photographs  
Concept Plan  
Construction Details  
Proposed Floor Plan  
Response Letter (opposition)  
Application



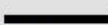


**Administrative Adjustment Appeal**  
**ZBA22-08: 1613 Canal Rd.**

Council District 1 - Tommy Hiebert  
Neighborhood: Nasworthy  
Scale: 1" approx. = 100 ft

SE of Knickerbocker Rd/Shady Point Circle

**Legend**

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





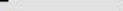


**Administrative Adjustment Appeal**

**ZBA22-08: 1613 Canal Rd.**

Council District 1 - Tommy Hiebert  
Neighborhood: Nasworthy  
Scale: 1" approx. = 100 ft

**Legend**

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



SE of Knickerbocker Rd/Shady Point Circle

**Photos of Site and Surrounding Area**

WEST AT PROPERTY



WEST AT PROPERTY (CLOSE-UP)



NORTH ON CANAL ROAD

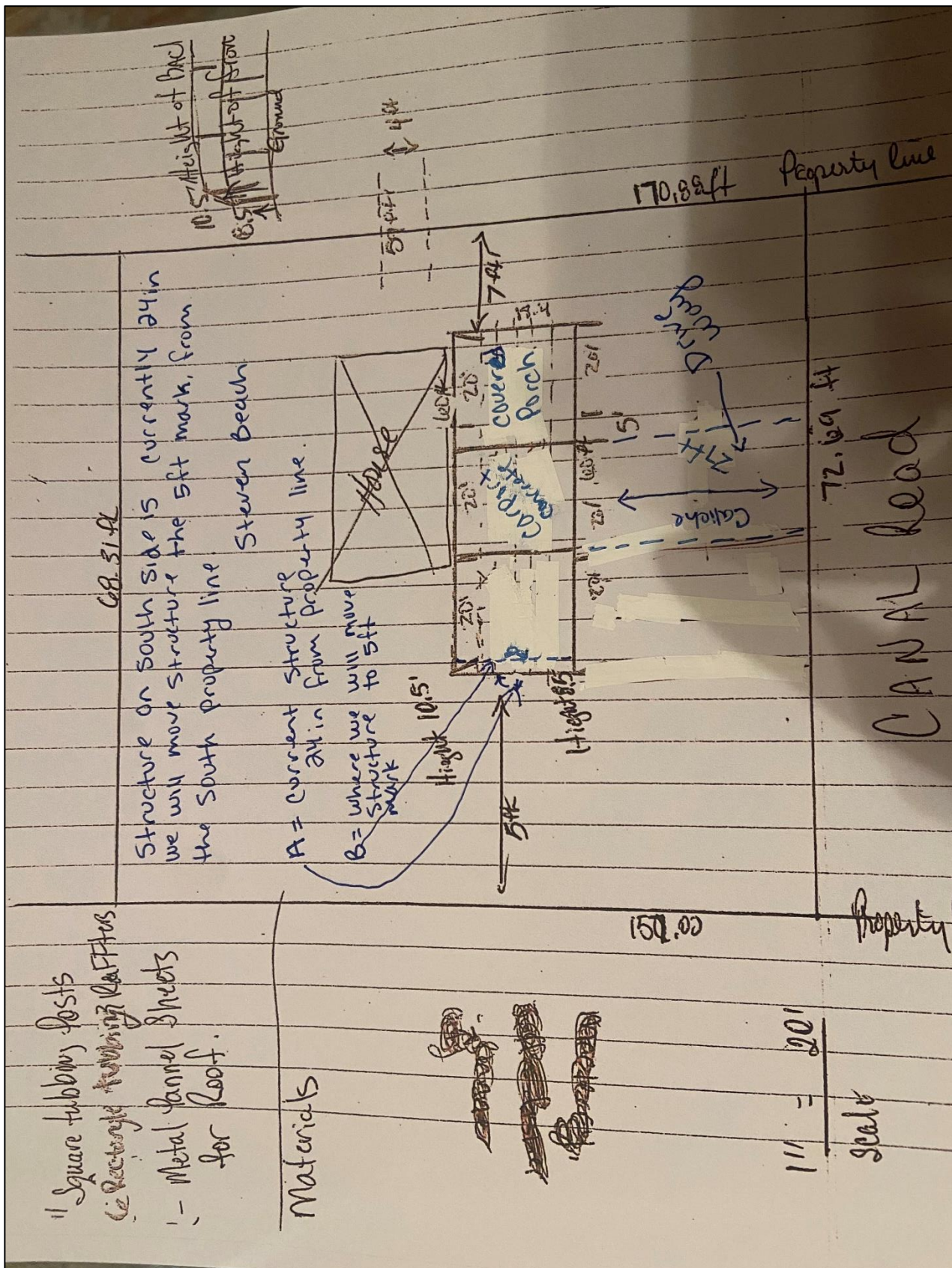


PAVED DRIVEWAY EXAMPLE 1626 CANAL RD





Concept Plan



**Fisher, Jeff**

---

**From:** Charlene Schmidt <ck\_schmidt@outlook.com>  
**Sent:** Wednesday, May 25, 2022 4:34 PM  
**To:** Fisher, Jeff  
**Subject:** RE: Clarification

**CAUTION: This email was received from an EXTERNAL source, use caution when clicking links or opening attachments.**

Thank you.

---

**From:** Fisher, Jeff [mailto:jeff.fisher@cosatx.us]  
**Sent:** Wednesday, May 25, 2022 4:32 PM  
**To:** 'Charlene Schmidt' <ck\_schmidt@outlook.com>  
**Subject:** RE: Clarification

Thank you. I'll count this as an opposition to the variance and let the Zoning Board know when we meet June 6<sup>th</sup>.

---

**From:** Charlene Schmidt [mailto:ck\_schmidt@outlook.com]  
**Sent:** Wednesday, May 25, 2022 3:57 PM  
**To:** Fisher, Jeff <jeff.fisher@cosatx.us>  
**Subject:** RE: Clarification  
**Importance:** High

**CAUTION: This email was received from an EXTERNAL source, use caution when clicking links or opening attachments.**

Jeff,

So sorry to be a pest. We will be opposed to the caliche driveway. I talked to my grandkids and they said the neighbors have been parking along that area and it throws gravel onto their property.

Let me know if you feel this is an unrealistic viewpoint.

Regards,  
Charlene Schmidt  
234-3075



Effective January 3, 2017

City of San Angelo, Texas – Planning Division  
 52 West College Ave  
**Application for Administrative Adjustment**

ZBA-08

Discuss - Defer to ZBA to make decision  
 Staff

**Section 1: Basic Information**

Name of Applicant(s): Steven Beach  
 Owner       Representative (Affidavit Required)

Mailing Address: 1613 Canal Rd      San Angelo TX      76904  
City State Zip Code

Contact Phone Number: (325) 315-5916      Contact E-mail Address: sbeach.targa@gmail

Subject Property Address: 1613 Canal Rd      San Angelo TX      76904  
City State Zip Code

Legal Description (can be found on property tax statement or at [www.tamgreencaad.com](http://www.tamgreencaad.com)):  
Acres: 0.266, Lot: 178 SEC 1, Blk: 6, Subd; LAKE NASWORTHY, SHADY POINT I

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

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

**Section 2: Administrative Adjustment Request**

List each variance request separately:

1. Zoning Ordinance section: 203.B.4  
 Describe variance: allow caliche driveway

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

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

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

**Section 3: Applicant(s) Acknowledgement**

If my request is administratively denied, then I wish to appeal this decision to the Zoning Board of Adjustments (ZBA). I understand that the ZBA is required by law to make decisions based on the following criteria:

(Please Initial)

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

Hours of Operation: 8 AM -12 PM & 1PM – 5 PM 325-657-4210, #2 [www.cosatx.us/planning](http://www.cosatx.us/planning)

Effective January 3, 2017

**Section 3 continued: Applicant(s) Acknowledgement**

(Please Initial)

- These special circumstances are not the result of the actions of the applicant;
- 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;
- Granting the variance is the minimum action that will make possible the use of the land or the structure which is not contrary to the public interest, and would carry out the spirit of the Zoning Ordinance and substantial justice;
- Granting the variance will not adversely affect adjacent land in a material way; and
- Granting the variance will be generally consistent with the purposes and the intent of the Zoning Ordinance

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

S. Beach  
Signature of licensee or authorized representative

4.28.2022  
Date

Steven Beach  
Printed name of licensee or authorized representative

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

**FOR OFFICE USE ONLY:**

Case No.: ZBA: \_\_\_\_\_ -- \_\_\_\_\_

Fee: \$ \_\_\_\_\_ Receipt #: \_\_\_\_\_ Date paid: \_\_\_\_/\_\_\_\_/\_\_\_\_

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

Administrative Adjustment is: \_\_\_ Approved \_\_\_ Denied Date: \_\_\_\_/\_\_\_\_/\_\_\_\_



**ZONING BOARD OF ADJUSTMENT – July 11, 2022**  
**STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Variance		ZBA22-12: 1021 W. Concho Ave.	
<b>SYNOPSIS:</b>			
<p>The applicant has submitted a request for approval of a variance from Section 501.A of the Zoning Ordinance to allow for a zero foot setback in lieu of the required 5 foot side yard setback in RS-1 zoning to allow for an addition to be built on their home.</p>			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
1021 W. Concho Ave.		Blk: 48, Subd: ANGELO HEIGHTS ADDITION, EAST 1/2 OF LOTS 10 THRU 12	
<b>SM DISTRICT / NEIGHBORHOOD:</b>		<b>ZONING:</b>	<b>FUTURE LAND USE:</b>
SMD District #5 – Karen Hesse-Smith; Santa Rita Neighborhood		Single Family Residential (RS-1)	Residential
<b>NOTIFICATIONS:</b>		<b>SIZE:</b>	
18 notifications mailed within 200-foot radius on June 23, 2021. No letters received to date in support or opposition.		6.53 acres	
<b>STAFF RECOMMENDATION:</b>			
<p>Staff’s recommendation is for the Zoning Board of Adjustment (ZBA) to <b>approve</b> a variance from 501.A of the Zoning Ordinance to allow for a side yard setback of 0 feet in lieu of the required minimum 5 feet to allow for an addition to the property.</p>			
<b>PROPERTY OWNER/PETITIONER:</b>			
Applicant: Jon & Andrea Honea			
<b>STAFF CONTACT:</b>			
Kyle Warren Planner (325) 657-4210, Extension 1546 <a href="mailto:kyle.warren@cosatx.us">kyle.warren@cosatx.us</a>			

**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.** Due to the fact that this addition for the house in question cannot be put elsewhere, that will allow connectivity from the existing house to the existing garage (see site plan below)
2. **These special circumstances are not the result of the actions of the applicant.**  
The applicant has an accessory structure that already has a zero foot setback. The accessory garage has been grandfathered (as it was part of the original house layout). The applicant now seeks a setback variance to connect this accessory garage to the primary house, and although this would make a new, larger house footprint the nonconforming setback will not be worsened.
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 could not expand their house to connect to their accessory garage if literal interpretation was carried out.
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 not be contrary to public interest. The alleyway that borders the side yard in question requiring the setback would provide adequate separation (20 feet) if this variance were to be granted.
5. **Granting the variance will not adversely affect adjacent land in a material way.**  
Granting the variance would not have an adverse effect on adjacent land. As stated above the alleyway would still provide adequate separation from other residential uses.
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 not disrupt the pattern of development in this area, as the use will still continue as residential.



**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.*

**The applicant believes the property is handicapped due to the accessory garage already being at a zero foot setback.**

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 501.A of the Zoning Ordinance to allow for a side yard setback of 0 feet in lieu of the required 5 feet in order to build an addition to a single family home located at 1021 W. Concho Avenue with two conditions of approval:

1. The applicant seeks a residential replat before starting the addition
2. The applicant shall obtain all appropriate building permits before starting the addition

**Attachments:**

Notification Map  
Photographs  
Site Plan

### Notification Map



**200' Notification Map**  
**ZBA 22-12 1021 W. Concho Ave.**

Council District: 5 Hesse-Smith  
Neighborhood: Santa Rita

Scale: 0 0.006 0.01 0.02 0.03 0.04 Miles

Subject Properties: —  
200' Buffer: —  
Notified Properties: —

N



**Photos of Site and Surrounding Area-**

**Views of alleyway, house and accessory garage**











