

**ZONING BOARD OF ADJUSTMENT – January 9, 2023  
STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Variance		ZBA22-23: 1011 E 40 <sup>th</sup> Street – Shriner’s Point Addition	
<b>SYNOPSIS:</b>			
<p>The applicant has submitted a request for approval of a variance from Section 502.B of the Zoning Ordinance to allow for a 5-foot setback in lieu of the required 25-foot second street front setback on the side frontage on all double frontage lots. There is a request for Shriner’s Point Addition to rezone from the (RM-2) High Rise Multifamily Zoning District to (RS-1) Single Family Zoning District. In 2019 when this property was zoned for multi-family apartments, there was concern by the surrounding property owners that this change would not be a welcomed change. The anticipated home lots will be 50 X 100-foot lots. Double frontage lots occur where two streets intersect.</p>			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
E. 40 <sup>th</sup> Street/ E 39 <sup>th</sup> Street and Blum Street		Acres: 27.237 Acres	
<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FUTURE LAND USE:</b>	<b>SIZE:</b>
SMD District #2 – Tom Thompson Lake View Neighborhood	RM-2 presently/requesting RS-1 Single Family	Neighborhood Center	27.2237 acres
<b>NOTIFICATIONS:</b>			
<p>37 notifications were mailed within a 200-foot radius on December 21, 2022. No letters received to date in support or opposition.</p>			
<b>STAFF RECOMMENDATION:</b>			
<p>Staff’s recommendation to the Zoning Board of Adjustment (ZBA) is to <b>APPROVE</b> a variance from 502.B of the Zoning Ordinance to allow for a street front setback of 5 feet, in lieu of the required 25 feet on the exterior side frontage, on all double frontage lots with a suggested condition to be applied to Block 1, Lot 15 and Block 6, Lot 12 for a no-build 25-foot sight triangle at the streetside building line.</p>			
<b>PROPERTY OWNER/PETITIONER:</b>			
Applicant: Erica Wilde			
<b>STAFF CONTACT:</b>			
Sherry Bailey Senior Planner (325) 657-4210, Extension 1546 <a href="mailto:sherry.bailey@cosatx.us">sherry.bailey@cosatx.us</a>			

**Additional Information:** This property was zoned RM-2 (High Rise Multifamily) in 2019. The surrounding property owners were against the rezoning. Taking this area back to single-family and making the homes and lot sizes more affordable, is in keeping with the existing use of property and area needs.

**Variations:** Section 207(F) of the Zoning Ordinance requires that an applicant for a variance must show that a hardship exists and that the ZBA 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.** This land is in an area where new starter, single-family homes would be welcomed. The area is impacted by the flow of drainage and the proposed development will contribute to the solution to the drainage problem. The street design minimizes the number of lots needing variance while facilitating the movement of traffic and drainage.
2. **These special circumstances are not the result of the actions of the applicant.** The proposed design minimizes the number of lots that need the variances or have a significant impact on the neighborhood.
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.** Care has been taken to design the street intersections to minimize the need for a variance.
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 variances were granted, the use of land would not be contrary to public interest while minimizing the impact on adjoining properties.
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.
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.

**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.*

**Literal enforcement would impact the design of the development unnecessarily. The design provides for good movement of traffic and placement of single-family homes that will become a thriving interactive neighborhood.**

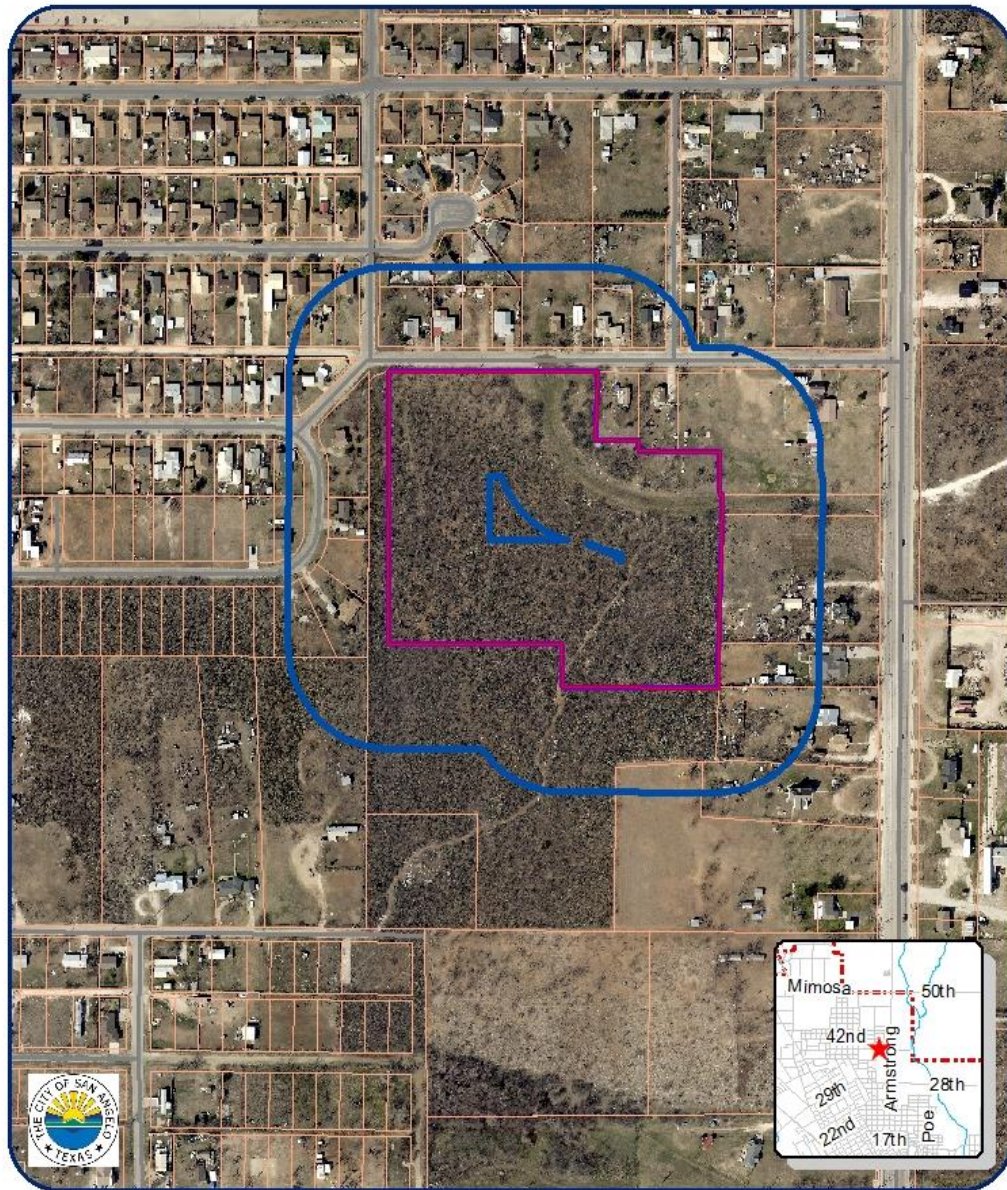
**Recommendation:**

Staff's recommendation to the Zoning Board of Adjustment (ZBA) is to **APPROVE** a variance from 502.B of the Zoning Ordinance to allow for a street front setback of 5 feet in lieu of the required 25 feet on the side frontage on all double frontage lots. Staff is requesting that the ZBA add a condition to Block 1, Lot 15 & Block 6, Lot 12 the requirement at the side streetside rear 5-foot building line a 25-foot no-build triangle to maintain the sight visibility for the adjacent homesite (which is the primary rationale for the regulation being varied).

**Attachments:**

Aerial Map  
Photographs  
Site Plan


**Notification Map**





**ZBA 22-23: SHRINER'S POINT  
VARIANCE REQUEST**

Council District: #2 Tom Thompson  
Neighborhood: Lakeview

Scale: 0 0.03 0.06 0.09 0.12  
Miles

Subject Properties: 

200' Buffer: 

Notified Properties: 



**Photos of Site and Surrounding Area**

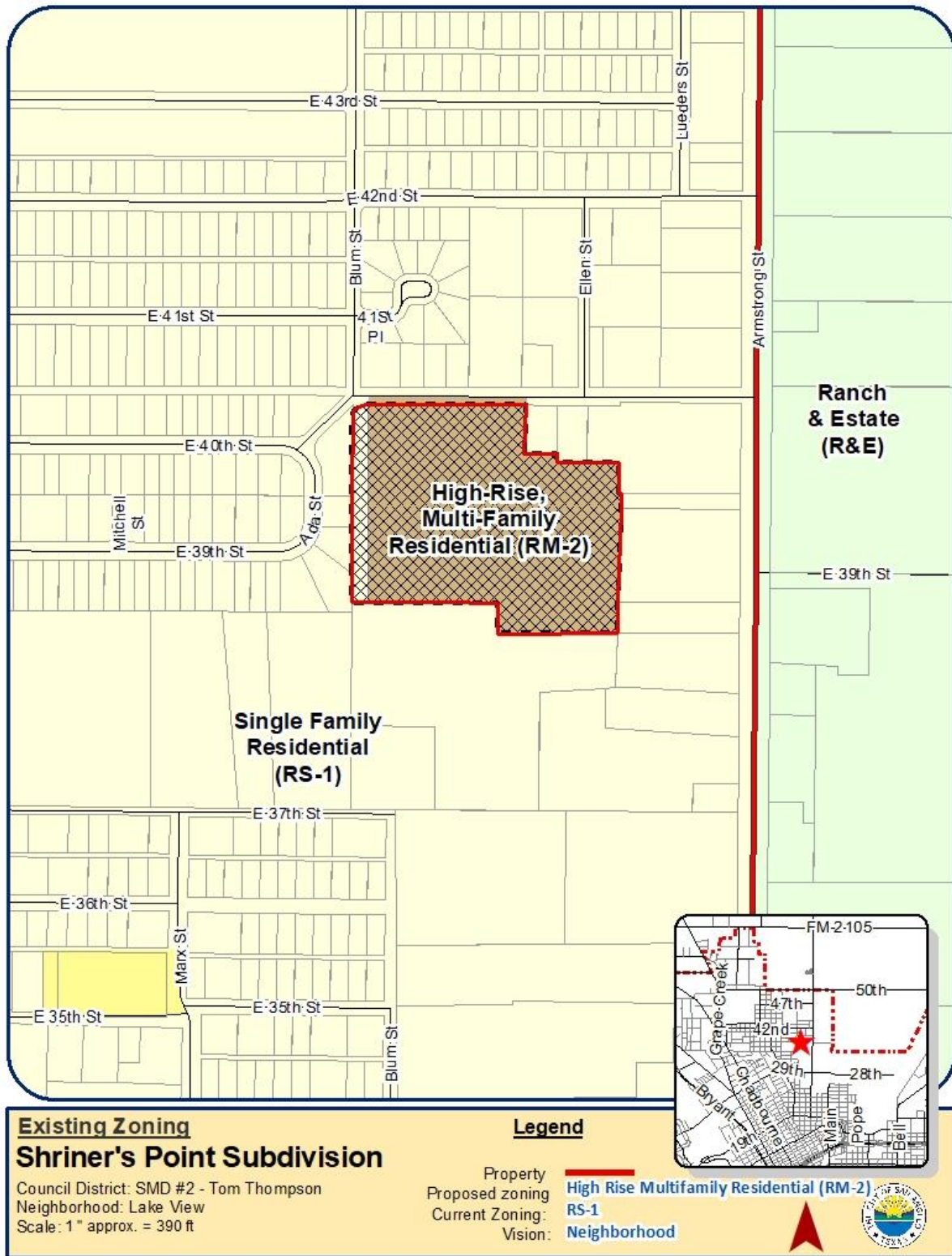
Blum Street will intersect 130 ft. to east



Drainage will be contained in three sites



E. 40<sup>th</sup> Street will be the connection to Armstrong Street



Request to rezone from RM-2 Multifamily to RS-1 Single Family on January 23, 2023 P C agenda.

**ZONING BOARD OF ADJUSTMENT**  
**Staff Report – ZBA22-23: 1011 E 40<sup>th</sup> Street**  
**January 9, 2023**

**SHRINER'S POINT**  
**SECTION 1**

City of San Angelo, Tom Green County, Texas  
 OWNER: Mission Land Company, LLC

DESCRIPTION: Being 7.97 acres out of Washington County Railroad Company Survey 182, Abstract No. 7985, Tom Green County, Texas, and being comprised of Block 1, Dabbers Way Addition, City of San Angelo, Tom Green County, Texas, according to the Plat recorded in Volume 4 Page 808 of the Plat Records of Tom Green County, Texas, and 22.237 acres as described in Deed from MHRM Services for the Corralo Valley to MHRM Constructors, LLC dated May 30, 2019 and recorded as Instrument # 201909878 of the Official Public Records of Tom Green County, Texas.

CITY PLANNING COMMISSION  
 Approved for recording this \_\_\_ day of \_\_\_ 20

By: \_\_\_\_\_  
 Chairman

By: \_\_\_\_\_  
 Secretary

DEPARTMENT OF WATER UTILITIES  
 Approved for recording this \_\_\_ day of \_\_\_ 20

By: \_\_\_\_\_  
 Director of Water Utilities

DEPARTMENT OF PUBLIC WORKS  
 Approved for recording this \_\_\_ day of \_\_\_ 20

By: \_\_\_\_\_  
 Director of Public Works

**ACKNOWLEDGEMENT/DEDICATION**  
 We, Mission Land Company, LLC, do hereby adopt this plat as a subdivision of our property and dedicate for the use of the public, the streets, alleys, easements, and drainage ways shown hereon.

Eric Von Rosenberg  
 STATE OF TEXAS  
 COUNTY OF TOM GREEN  
 This instrument was acknowledged before me on \_\_\_\_\_  
 by Eric Von Rosenberg

Nancy Public, State of Texas  
 SURVEYORS CERTIFICATE

I, Nancy Public, State of Texas, do hereby certify that I prepared this plat from an actual and accurate survey of land and that corner monuments shown hereon were properly placed, under my supervision, in accordance with the rules for land subdivision in the State of Texas, as set forth in the Civil Statutes of the State of Texas, as amended from time to time.

This document is released for the purpose of interim review under the authority of Blake Wilds, Registered Professional Land Surveyor No. 6759 on November 16, 2022. Preliminary, this document shall not be recorded for any purpose and shall not be used or relied upon as a final survey document.

BLAKE WILDS  
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6759  
 WY WILDE ENGINEERING, LLC 37701 SW 7833 SUT ANGELO, TEXAS 76905 323.277.8882 WWW.WILDE-ENG.COM

Blum Street - 50' ROW per Vol. 2, Pg. 345, Plat Records & Vol. 787, Pg. 525, DR

REF: Re-division of 144,000 sq. ft. of the MHRM Services for the Corralo Valley to MHRM Constructors, LLC, dated May 30, 2019, and recorded as Instrument # 201909878 of the Official Public Records of Tom Green County, Texas.

REF: 100'x140'; Henry Gutierrez and wife, Frances A. Gutierrez to Juan P. Valdez, March 10, 1963, Vol. 769, Pg. 473, DR

REF: 173'x300'; Gary Clinton McClure to Carlos Canfilo and wife, Emma Canfilo, February 14, 1996, Vol. 516, Pg. 775, OPR

REF: 100'x188'; Tamja Mooney to Nicolas Saucedo and Maria I. Saucedo, May 2, 2012, Instrument # 201706111, OPR

REF: 100'x140'; Roy Lynn Ball and wife, Gloria Alice Ball to Floyd Redman Ryan and Chaslie Ruth Ryan, December 10, 1974, Vol. 633, Pg. 504, DR

REF: 115'x188'; Carl Kevin Huckaby to James D. McWhorter, III and Peggy J. McWhorter, July 10, 1985, Vol. 488, Pg. 316, OPR

REF: 225'x225'; James Davis McWhorter, III to Peggy Joyce McWhorter, May 10, 1986, Vol. 718, Pg. 316, OPR

REF: 125'x125'; MHRM Constructors, LLC, May 30, 2019, Instrument # 201909878, OPR and Block 1, Dabbers Way Addition, City of San Angelo, Tom Green County, Texas.

REF: 100'x140'; Henry Gutierrez and wife, Frances A. Gutierrez to Juan P. Valdez, March 10, 1963, Vol. 769, Pg. 473, DR

REF: 100'x140'; Roy Lynn Ball and wife, Gloria Alice Ball to Floyd Redman Ryan and Chaslie Ruth Ryan, December 10, 1974, Vol. 633, Pg. 504, DR

REF: 100'x140'; Henry Gutierrez and wife, Frances A. Gutierrez to Juan P. Valdez, March 10, 1963, Vol. 769, Pg. 473, DR

REF: 100'x140'; Roy Lynn Ball and wife, Gloria Alice Ball to Floyd Redman Ryan and Chaslie Ruth Ryan, December 10, 1974, Vol. 633, Pg. 504, DR

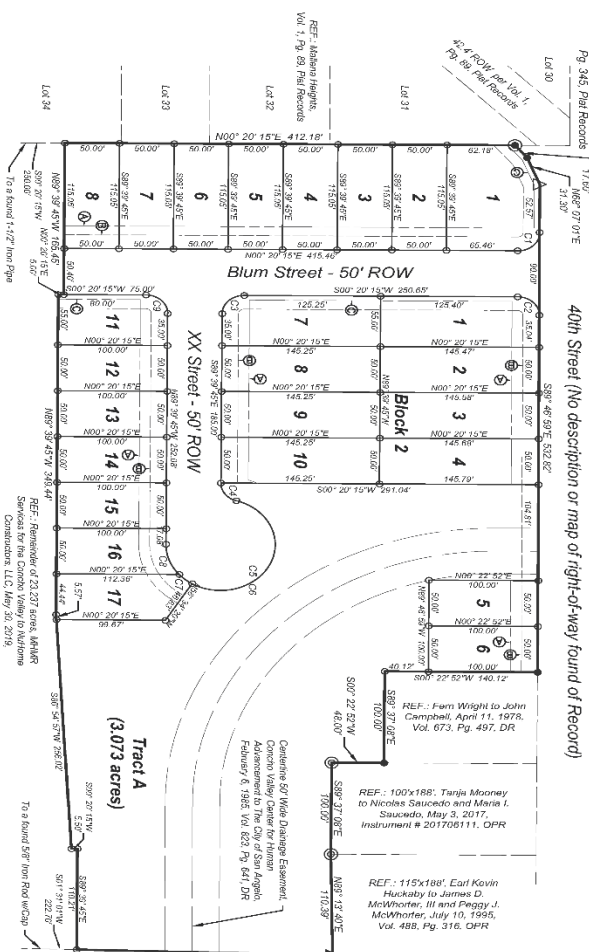
REF: 100'x140'; Henry Gutierrez and wife, Frances A. Gutierrez to Juan P. Valdez, March 10, 1963, Vol. 769, Pg. 473, DR

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REF: 100'x140'; Roy Lynn Ball and wife, Gloria Alice Ball to Floyd Redman Ryan and Chaslie Ruth Ryan, December 10, 1974, Vol. 633, Pg. 504, DR

REF: 100'x140'; Henry Gutierrez and wife, Frances A. Gutierrez to Juan P. Valdez, March 10, 1963, Vol. 769, Pg. 473, DR



The plat is recorded in Cabinet \_\_\_\_\_, Side \_\_\_\_\_ of the Plat Records of Tom Green County, Texas.  
 Field Notes are recorded as Instrument No. \_\_\_\_\_ of the Official Public Records of Tom Green County, Texas.  
 COUNTY CLERK \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ @ \_\_\_\_\_  
 By: \_\_\_\_\_

Washington County  
 Railroad Company  
 Survey 182  
 Abstract No. 7985

REF: 225'x225'; James Davis McWhorter, III to Peggy Joyce McWhorter, May 10, 1986, Vol. 718, Pg. 316, OPR

REF: 125'x125'; MHRM Constructors, LLC, May 30, 2019, Instrument # 201909878, OPR and Block 1, Dabbers Way Addition, City of San Angelo, Tom Green County, Texas.

REF: 100'x140'; Henry Gutierrez and wife, Frances A. Gutierrez to Juan P. Valdez, March 10, 1963, Vol. 769, Pg. 473, DR

REF: 100'x140'; Roy Lynn Ball and wife, Gloria Alice Ball to Floyd Redman Ryan and Chaslie Ruth Ryan, December 10, 1974, Vol. 633, Pg. 504, DR

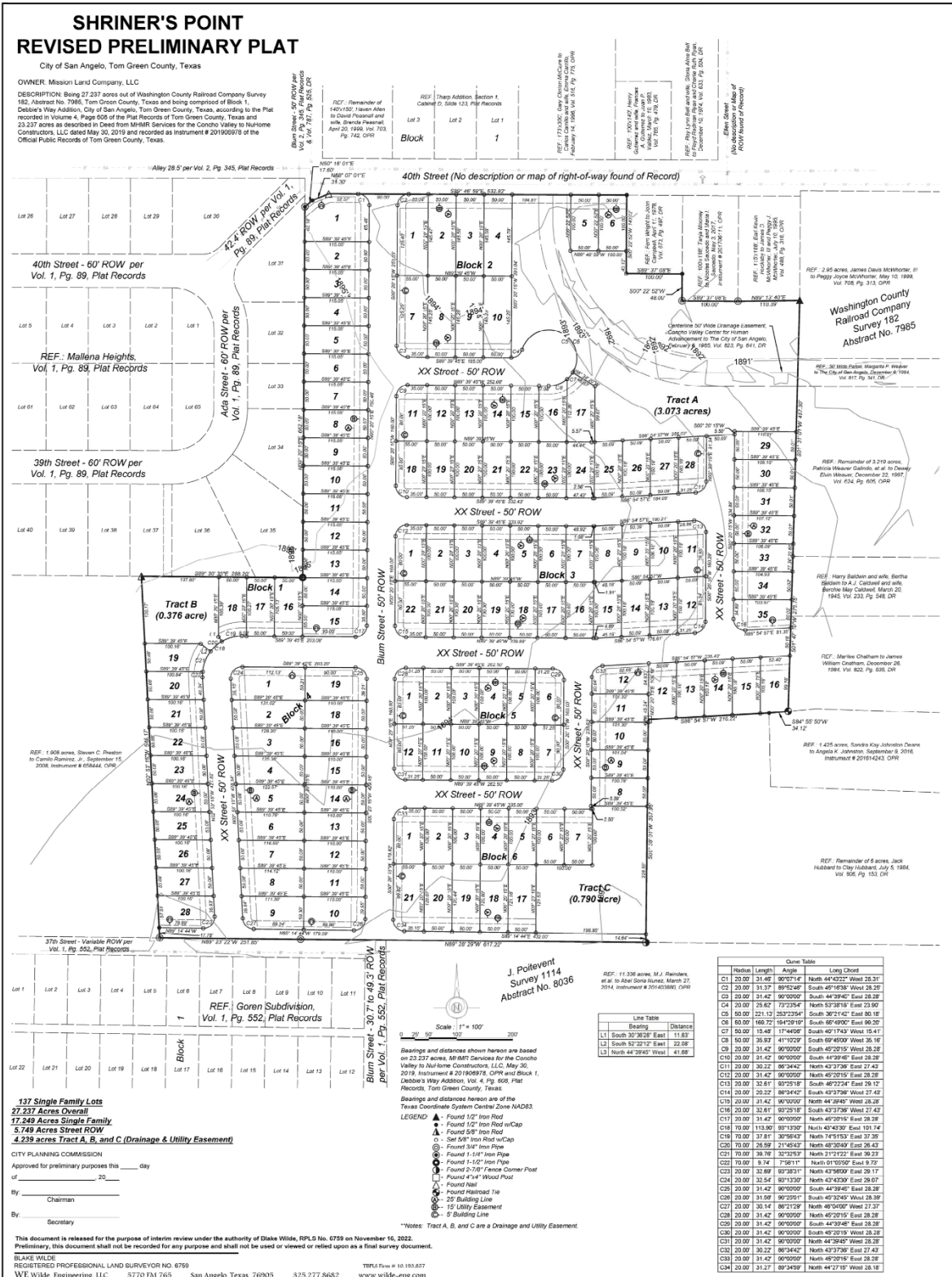
REF: 100'x140'; Henry Gutierrez and wife, Frances A. Gutierrez to Juan P. Valdez, March 10, 1963, Vol. 769, Pg. 473, DR

REF: 100'x140'; Roy Lynn Ball and wife, Gloria Alice Ball to Floyd Redman Ryan and Chaslie Ruth Ryan, December 10, 1974, Vol. 633, Pg. 504, DR

REF: 100'x140'; Henry Gutierrez and wife, Frances A. Gutierrez to Juan P. Valdez, March 10, 1963, Vol. 769, Pg. 473, DR

REF: 100'x140'; Roy Lynn Ball and wife, Gloria Alice Ball to Floyd Redman Ryan and Chaslie Ruth Ryan, December 10, 1974, Vol. 633, Pg. 504, DR

REF: 100'x140'; Henry Gutierrez and wife, Frances A. Gutierrez to Juan P. Valdez, March 10, 1963, Vol. 769, Pg. 473, DR



This document is released for the purpose of interim review under the authority of Elsie Wilde, RPLS No. 0759 on November 16, 2022. Preliminary. This document shall not be recorded for any purpose and shall not be used or relied upon as a final survey document.

**ELSE WILDE**  
 REGISTERED PROFESSIONAL LAND SURVEYOR No. 6759  
 WE Wilde Engineering, LLC 5770 FM 765 San Angelo, Texas 76905 325.277.5652 www.wilde-eng.com



**ZONING BOARD OF ADJUSTMENT –January 9, 2023  
STAFF REPORT**



<b>APPLICATION TYPE:</b>	<b>CASE:</b>
Variance	ZBA22-24: 290 W 37 <sup>th</sup> Street:

**SYNOPSIS:**

The applicant has submitted a request for approval of a variance from Section 501.A of the Zoning Ordinance to allow an existing 0.973 acre parcel to be split into two lots of 22,547.19 sf and 17,967.86 sf respectively, located in the Rural and Estate (R&E) Zoning District.

<b>LOCATION:</b>	<b>LEGAL DESCRIPTION:</b>
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290 W 37 <sup>th</sup> Street	Being 0.973 acres out of San Antonio and Mexican Gulf Railroad Company Survey 11, Abstract No. 1954, Tom Green County, Texas and being the same 0.973 acre tract as described in Deed from J.H. Linthicum to Cole McCrory Family, LP dated December 8, 2021, and recorded as Instrument # 202121677 of the Official Public Records of Tom Green County, Texas and being out of a 2.5 acre tract as described in Deed from Mrs. Bertha Short, Curtis Short, and Alton Short to W.A. Goolsby dated July 1, 1936 and recorded as Volume 186, Page 356 of the Deed Records of Tom Green County, Texas.
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<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FUTURE LAND USE:</b>	<b>SIZE:</b>
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SMD #2 – Tom Thompson; Riverside Neighborhood	(R&E) Rural and Estate Zoning District.	Neighborhood	0.973 acre
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**NOTIFICATIONS:**

12 notifications were mailed within 200-foot radius on December 21, 2022.  
No letters received to date in support or opposition.

**STAFF RECOMMENDATION:**

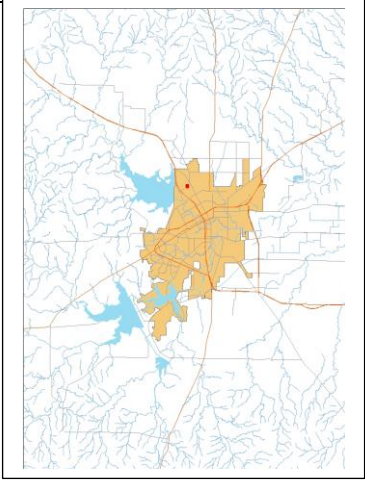
Staff’s recommendation is for the Zoning Board of Adjustment (ZBA) to **APPROVE** a variance from 501.A of the Zoning Ordinance, to allow for the creation of two lots that do not meet the required one-acre minimum lot size for the Ranch & Estate (R&E) Zoning District and to condition the variance that the applicant needs to show on their plat a 30 foot no build area and a 25 foot setback area from the Ogden Road dedication that would accommodate their half of the future minor arterial intended for Ogden Road,

**PROPERTY OWNER/PETITIONER:**

Applicant: Erica Wilde, Carter-Fentress Eng.

**STAFF CONTACT:**

Sherry Bailey  
Senior Planner  
(325) 657-4210, Extension 1546  
[sherry.bailey@cosatx.us](mailto:sherry.bailey@cosatx.us)



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

1. **Special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district and are not merely financial.** The abstract description for this piece of property is less than an acre, and has been that way for many years. The applicant did try to have the property rezoned to allow the smaller lot size, but the Planning Commission did not want to open an area that has not had any incursions of small lot development. They did suggest that the applicant ask for a variance instead that would apply to this property only.
2. **These special circumstances are not the result of the actions of the applicant.** The owner inherited this property from his family. He wants to build just one additional home on the second lot, since that land has not been used for livestock or planted for numerous years. Water and sewer are both available in the street, and the area though rural in nature, would be a great family homesite.
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.** Many of the surrounding lots that still have abstract legal descriptions, are smaller in size than the two lots would be if the variance is granted. The area is changing gradually, and the variance approach is a way to ensure the requests for change are moderate in nature.
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 is granted, the use of the land would not be contrary to the public interest. Both lots would be larger than the norm for the RS-1 lots across the street. Then it will blend in with the existing lots, provide for the rural use and character and continue the rural nature.
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. The existing area is a mix of lot sizes, many less than the required one acre.
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 rural 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.*
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 that the literal enforcement of the Zoning Code will deprive him of providing a good home for a buyer that allows him to share the rural experience, that so many people are looking for.**

**Recommendation:**

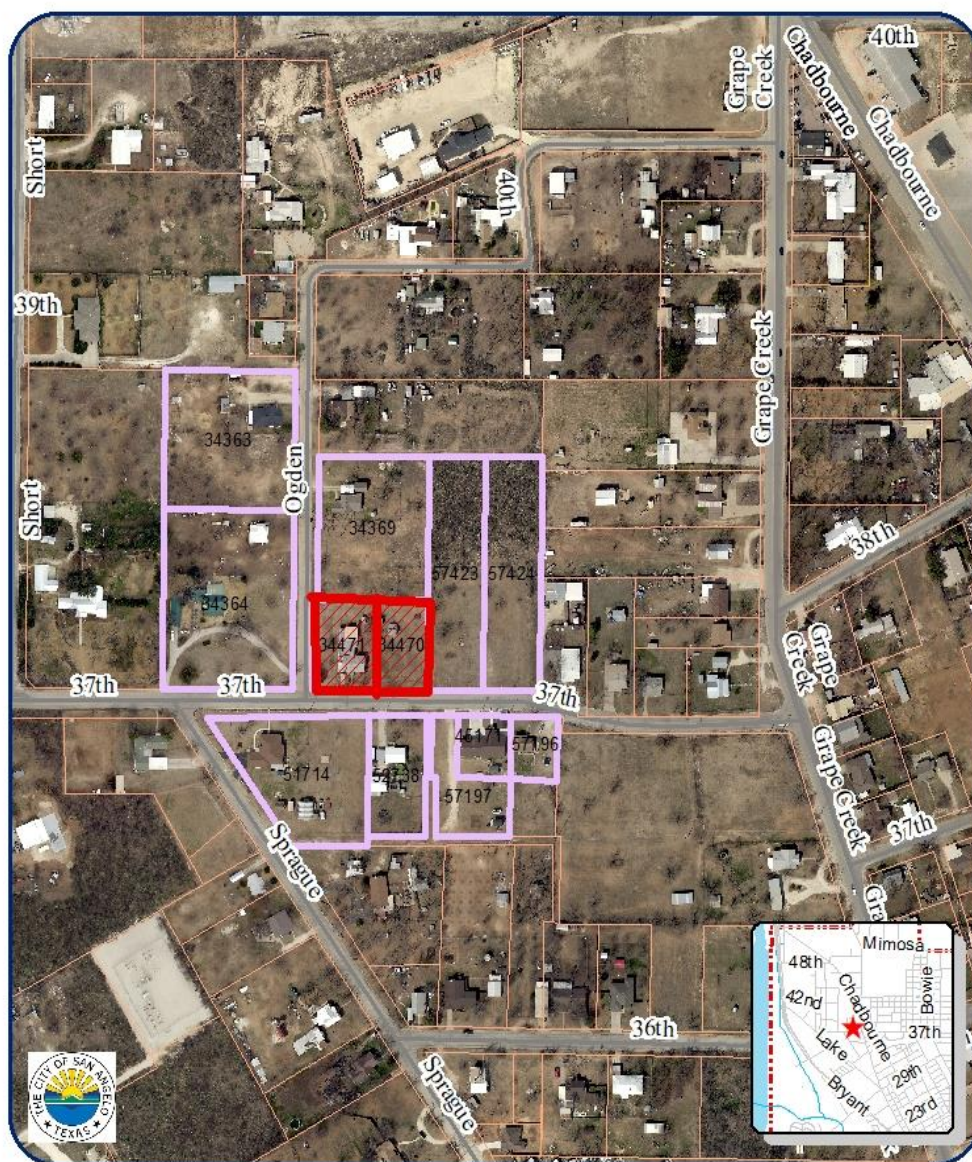
Staff's recommendation is for the Zoning Board of Adjustment (ZBA) to **APPROVE** a variance from 501.A of the Zoning Ordinance to allow for the creation of two lots that are less than the required one acre in size, for the R & E Zoning District subject to the following two conditions.

1. The applicant seeks a residential replat before starting the addition
2. The applicant shall obtain all appropriate building permits before starting the addition
3. The applicant needs to show on their plat a 30-foot no-build area and a 25-foot setback area from the Ogden Road dedication that would accommodate half of the future minor arterial intended to go down Ogden Road.

**Attachments:**

Notification Map  
Photographs  
Site Plan

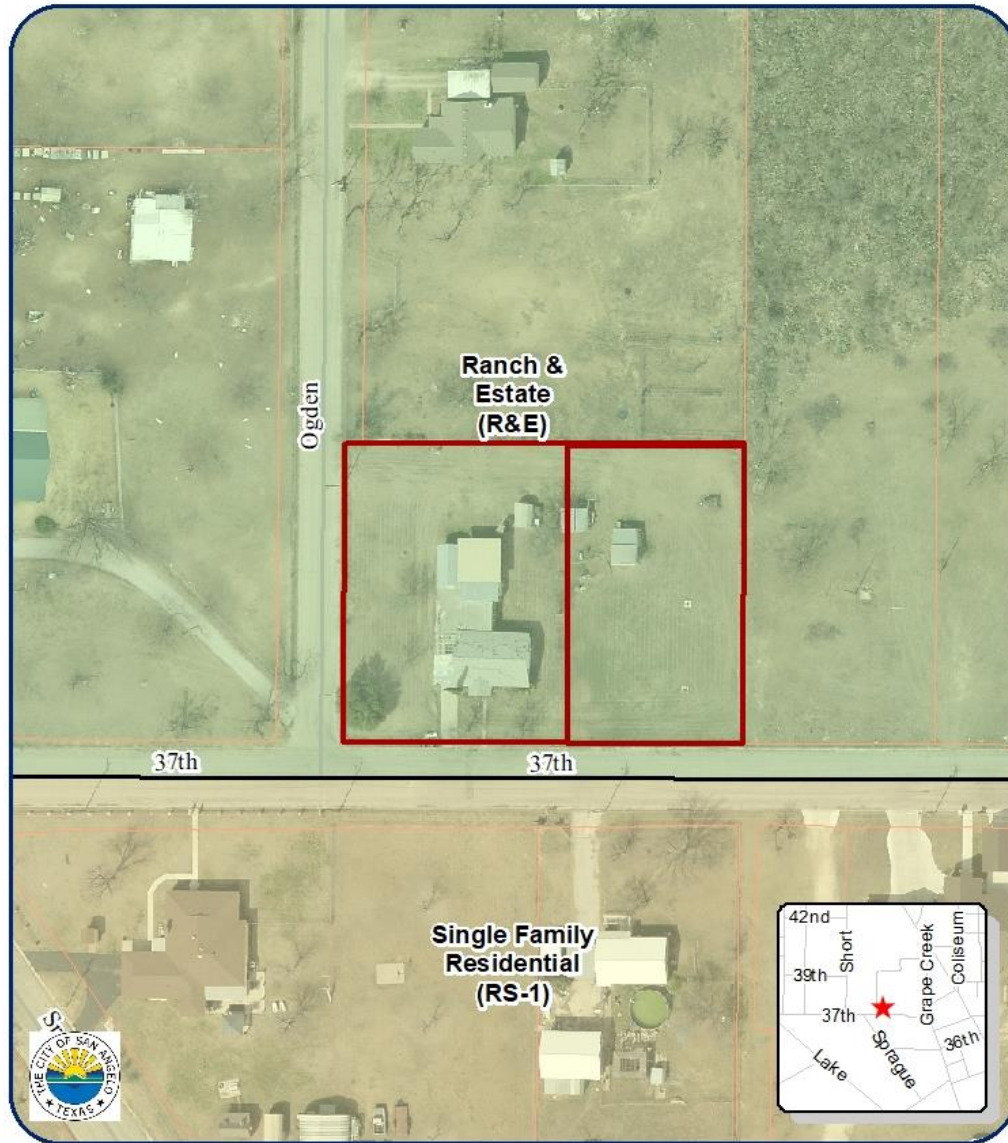
### Notification Map

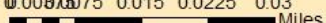


**200' Notification Map**  
**ZBA22-24: 290 W 37th Street**  
Council District: #2 Tom Thompson  
Neighborhood: Riverside  
Scale: 0.01 0.025 0.05 0.075 0.1 Miles

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

N



<b>Existing Zoning</b>		
<b>ZBA22-24: 290 W 37<sup>th</sup> St</b>		
Council District: #2 Thompson		
Neighborhood: Riverside		
Scale: 0.00075 0.015 0.0225 0.03	Subject Properties: 	Notified Properties:
 Miles	200' Buffer:	

**Photos of Site and Surrounding Area-**





# McCRORY ACRES

City of San Angelo, Tom Green County, Texas  
 OWNER: Cole McCrory Family, LP and Brannan Connell

DESCRIPTION: Being 0.973 acres out of San Antonio and Mexican Gulf Railroad Company Survey 11, Abstract No. 1954, Tom Green County, Texas and being the same 0.973 acre tract as described in Deed from J. H. Linthicum to Cole McCrory Family, LP, dated December 8, 2021 and recorded as Instrument # 202121677 of the Official Public Records of Tom Green County, Texas and being out of a 2.5 acre tract as described in Deed from Mrs. Bertha Short, Curtis Short, and Alton Short to W.A. Goolsby dated July 1, 1936 and recorded as Volume 186, Page 356 of the Deed Records of Tom Green County, Texas.

COUNTY CLERK  
 Filed for record this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ @ \_\_\_\_\_  
 By: \_\_\_\_\_

This plat is recorded in Cabinet \_\_\_\_\_, Slide \_\_\_\_\_ of the Plat Records of Tom Green County, Texas.

Field Notes are recorded as Instrument No. \_\_\_\_\_ of the Official Public Records of Tom Green County, Texas.

Scale: 1" = 40'

Bearings and distances shown hereon are based on 0.973 acre, J.H. Linthicum to Cole McCrory Family, LP, December 8, 2021, Instrument # 202121677, OPR and 2.5 acres, Mrs. Bertha Short, Curtis Short, and Alton Short to W.A. Goolsby, July 1, 1936, Vol. 186, Pg. 356, DR, Tom Green County, Texas.

Bearings and distances hereon are of the Texas Coordinate System Central Zone NAD83.

LEGEND:  
 ● - Found 1/2" Iron Rod  
 ⊙ - Found 1-1/4" Iron Pipe  
 ○ - Set 5/8" Iron Rod w/Cap

**San Antonio and Mexican Gulf Railroad Company Survey 11 Abstract No. 1954**

REF: 1.451 acre, Kim Harelson and wife, Laurie Harelson to Juan Carlos Pina and Amalia Martinez, September 14, 2017, Instrument # 201712883, OPR

**37th Street - 50' Right-of-Way per Vol. 189, Pg. 531, Deed Records**

**Ogden Road - 30' Right-of-Way per Vol. 189, Pg. 531, Deed Records**

REF: West 10', Adjacent to Ogden Street of a 0.435 acre tract, Wilford Stasney and wife, Lyla J. Stasney to the public's benefit and use, January 5, 1978, Vol. 671, Pg. 781, DR

REF: Duran West Addition, Cabinet G, Slide 251, Plat Records

**CITY PLANNING COMMISSION**  
 Approved for recording this \_\_\_\_ day of \_\_\_\_\_, 20\_\_  
 By: \_\_\_\_\_  
 Chairman  
 By: \_\_\_\_\_  
 Secretary

**DEPARTMENT OF WATER UTILITIES**  
 Approved for recording this \_\_\_\_ day of \_\_\_\_\_, 20\_\_  
 By: \_\_\_\_\_  
 Director of Water Utilities

**DEPARTMENT OF PUBLIC WORKS**  
 Approved for recording this \_\_\_\_ day of \_\_\_\_\_, 20\_\_  
 By: \_\_\_\_\_  
 Director of Public Works

**ACKNOWLEDGEMENT/DEDICATION**  
 We, Cole McCrory Family, LP, do hereby adopt this plat as a subdivision of our property Lot 2 dedicate for the use of the public the streets, easements, and drainage way shown hereon.

**ACKNOWLEDGEMENT/DEDICATION**  
 I, Brannan Connell, do hereby adopt this plat as a subdivision of my property Lot 1 and dedicate for the use of the public the streets, easements, and drainage way shown hereon.

Cole McCrory \_\_\_\_\_  
 Brannan Connell \_\_\_\_\_

STATE OF TEXAS  
 COUNTY OF TOM GREEN  
 This instrument was acknowledged before me on \_\_\_\_\_

STATE OF TEXAS  
 COUNTY OF TOM GREEN  
 This instrument was acknowledged before me on \_\_\_\_\_

by Cole McCrory \_\_\_\_\_  
 by Brannan Connell \_\_\_\_\_

\_\_\_\_\_  
 Notary Public, State of Texas

\_\_\_\_\_  
 Notary Public, State of Texas

**SURVEYOR'S CERTIFICATE**  
 Know all men by these presents: that I, Blake Wilde, 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 extraterritorial jurisdiction area of the City of San Angelo, Tom Green County, Texas.

**This document is released for the purpose of interim review under the authority of Blake Wilde, RPLS 6759 on November 7, 2022. Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed of relied upon as a final survey document.**

**BLAKE WILDE**  
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6759  
 WE Wilde Engineering, LLC 5770 FM 765 San Angelo, Texas 76905 325.277.8682

TRPLS Firm # 10.193.857  
 www.wilde-eng.com



**ZONING BOARD OF ADJUSTMENT – January 9th, 2023  
STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Variance		ZBA22-25: 6318 Ranch Lane	
<b>SYNOPSIS:</b>			
<p>The applicant has applied for a variance from Sec 501.A of the Zoning Ordinance, to allow a maximum floor area ratio of 51% (or 1,376 sf) in lieu of the allowed 40% maximum (or 1,070 sf), within the Single-Family Residential (RS-1) Zoning District; located at 6318 Ranch Lane.</p>			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
6318 Ranch Lane		Acres: 0.473, Lot 13, Country Club Ranch	
<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FUTURE LAND USE:</b>	<b>SIZE:</b>
SMD District #1 – Tommy Hiebert Country Club Neighborhood	Single-Family Residential (RS-1)	Neighborhood	0.473 acres
<b>NOTIFICATIONS:</b>			
<p>14 notifications mailed within 200-foot radius on December 21, 2022. Received 1 in support, 0 opposition.</p>			
<b>STAFF RECOMMENDATION:</b>			
<p>Staff’s recommendation is for the Zoning Board of Adjustment (ZBA) to <b>APPROVE</b> a variance from Section 501.A of the Zoning Ordinance to allow maximum floor area ratio of 51% (or 1,376 sf) in lieu of the allowed 40% maximum (or 1,070 sf).</p>			
<b>PROPERTY OWNER/PETITIONER:</b>			
Applicant: Christopher Heronema			
<b>STAFF CONTACT:</b>			
Rae Lineberry Planner (325) 657-4210, Extension 1533 <a href="mailto:rae.lineberry@cosatx.us">rae.lineberry@cosatx.us</a>			

**Additional Information:** The proposed building addition is in the backyard for the proposed use as a mother-in-law room as an addition to an existing storage building.

**Variances:** In addition to the six (6) criteria in the City’s Zoning Ordinance, 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 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.** Without the proposed variance, the other option to accommodate for a detached, secondary dwelling is to add onto the existing house, which would require removal of a porch.
2. **These special circumstances are not the result of the actions of the applicant.**
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.**
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.** Allowing 10% more floor area ratio than the required 40% will allow the applicant to add onto a storage building rather than adding onto their house.
5. **Granting the variance will not adversely affect adjacent land in a material way.** Granting this variance will not adversely affect the area.
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.”

**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 **approve** a variance from Section 501.A of the Zoning Ordinance to allow a maximum floor area ratio of 51% (or 1,376 sf) in lieu of the allowed 40% maximum (or 1,070 sf).

**Attachments:**

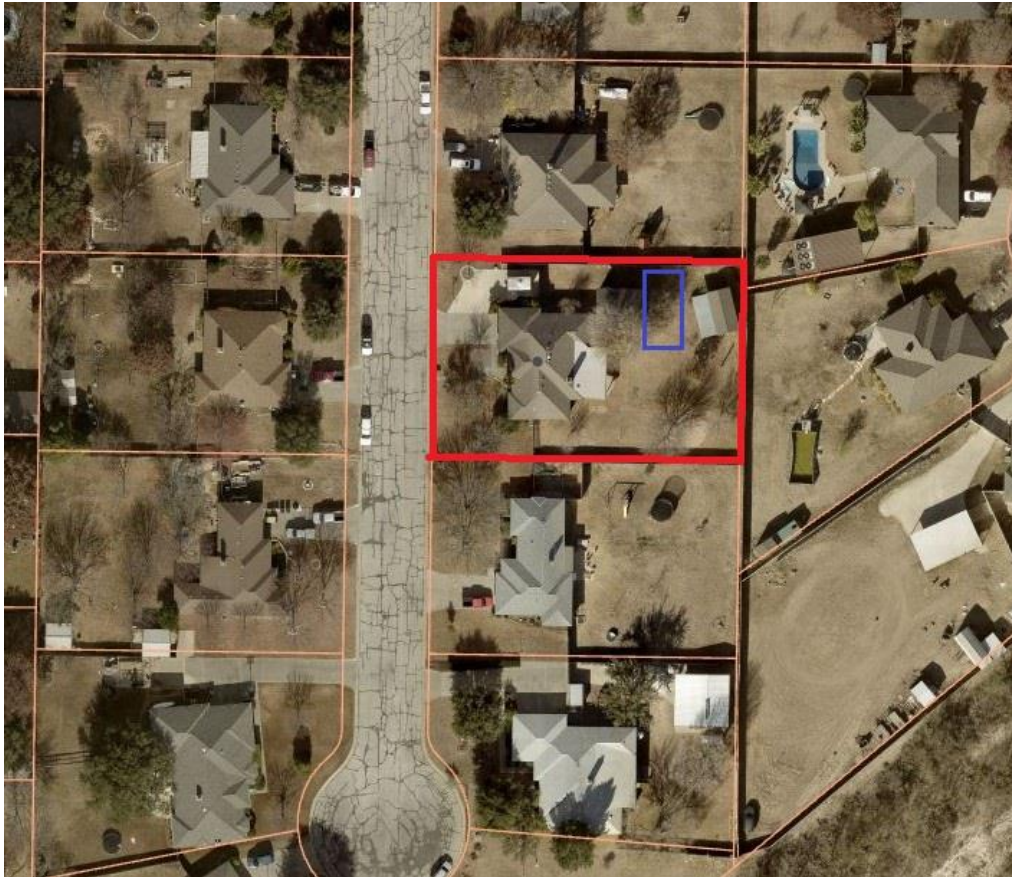
Notification Map  
Aerial Map  
Site Plan  
Backyard Picture

**Notification Map**

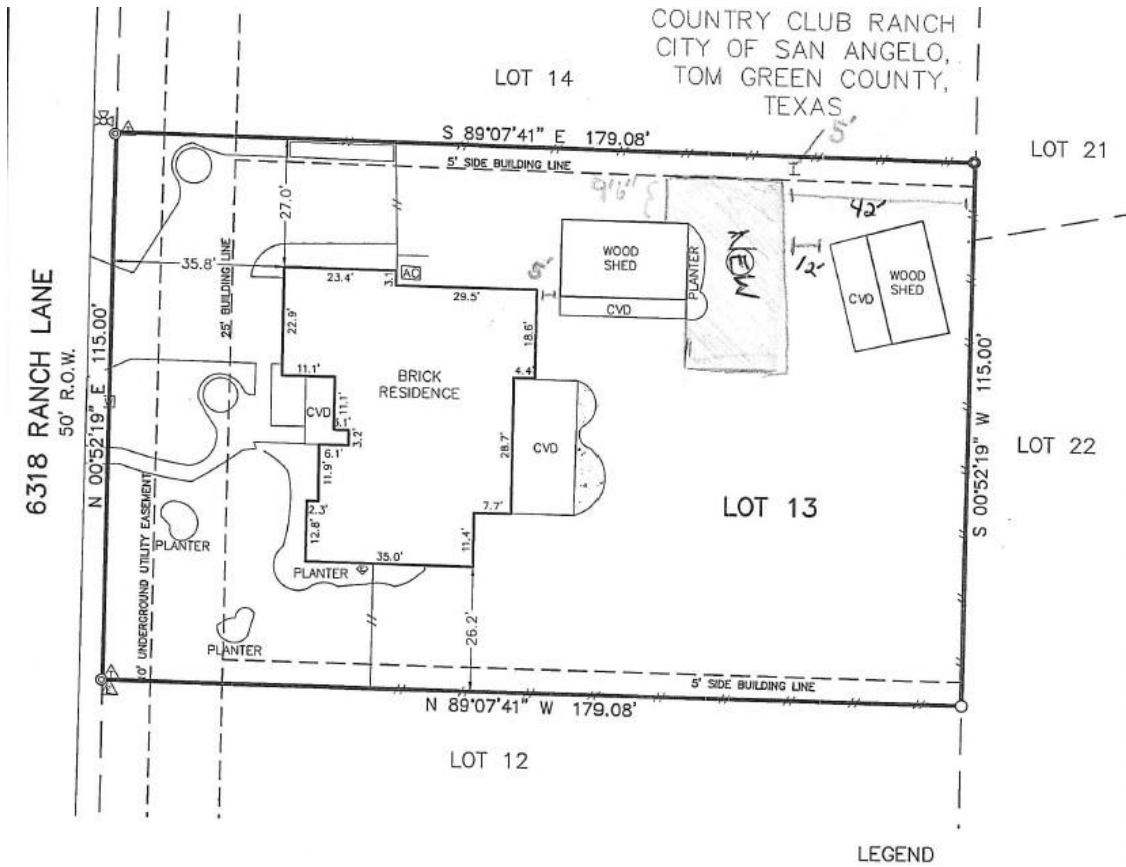


<b>200' Notification</b>		
<b>ZBA22-25 6318 Ranch Ln</b>		
Council District: 1 Hiebert		Subject Properties: <span style="color: red;">—</span>
Neighborhood: Country Club		200' Buffer: <span style="color: green;">—</span>
Scale: 0.0005 0.015 0.03 0.045 0.06 Miles		Notified Properties: <span style="color: blue;">—</span>
		N ▲

Aerial Map



Site Plan



Backyard Picture



**Backyard Pictures**





**ZONING BOARD OF ADJUSTMENT – January 9th, 2023  
STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Variance		ZBA22-26: 2662 Kings Rd.	
<b>SYNOPSIS:</b>			
<p>The applicant has applied for a variance from Sec 501 to allow a 16’ front yard setback in lieu of the 25’ setback requirement within the Single-Family Residential (RS-1) Zoning District located at 2662 Kings Rd, San Angelo, Tom Green County, Texas.</p>			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
2662 Kings Rd.		Acres: 0.259, Lot 50, Block One, Lake Nasworthy	
<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)	Neighborhood	0.259 acres
<b>NOTIFICATIONS:</b>			
<p>14 notifications mailed within 200-foot radius on December 21, 2022. Received 1 in support, 0 opposition.</p>			
<b>STAFF RECOMMENDATION:</b>			
<p>Staff’s recommendation is for the Zoning Board of Adjustment (ZBA) to <b>approve</b> a variance from Section 501.A of the Zoning Ordinance, to allow a 16’ front yard setback in lieu of the 25’ minimum front yard setback requirement.</p>			
<b>PROPERTY OWNER/PETITIONER:</b>			
Applicant: Karen Goodson			
<b>STAFF CONTACT:</b>			
Rae Lineberry Planner (325) 657-4210, Extension 1533 <a href="mailto:rae.lineberry@cosatx.us">rae.lineberry@cosatx.us</a>			

**Additional Information:** The current house will be demolished, and a new house will be built on the property.

**Variations:** In addition to the six criteria in the City’s Zoning Ordinance, 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 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 lot is at a diagonal cut which causes half the garage to be at 20’ setback and the other half to be 16’ from the front yard property line.
2. **These special circumstances are not the result of the actions of the applicant.**
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.** There are other houses on the street that have similar issues.
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.**
5. **Granting the variance will not adversely affect adjacent land in a material way.** Granting this variance will not adversely affect the area.
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.”

**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 **approve** a variance from Section 501.A of the Zoning Ordinance to allow a 16' front yard setback in lieu of the 25' setback requirement.

**Attachments:**

Notification Map  
Aerial Map  
Site Plan  
Site Plan (enlarged)

### Notification Map



**200' Notification**  
**ZBA22-26 2662 Kings Rd**  
Council District: 1 Hiebert  
Neighborhood: Nasworthy  
Scale: 0.00501 0.02 0.03 0.04 Miles

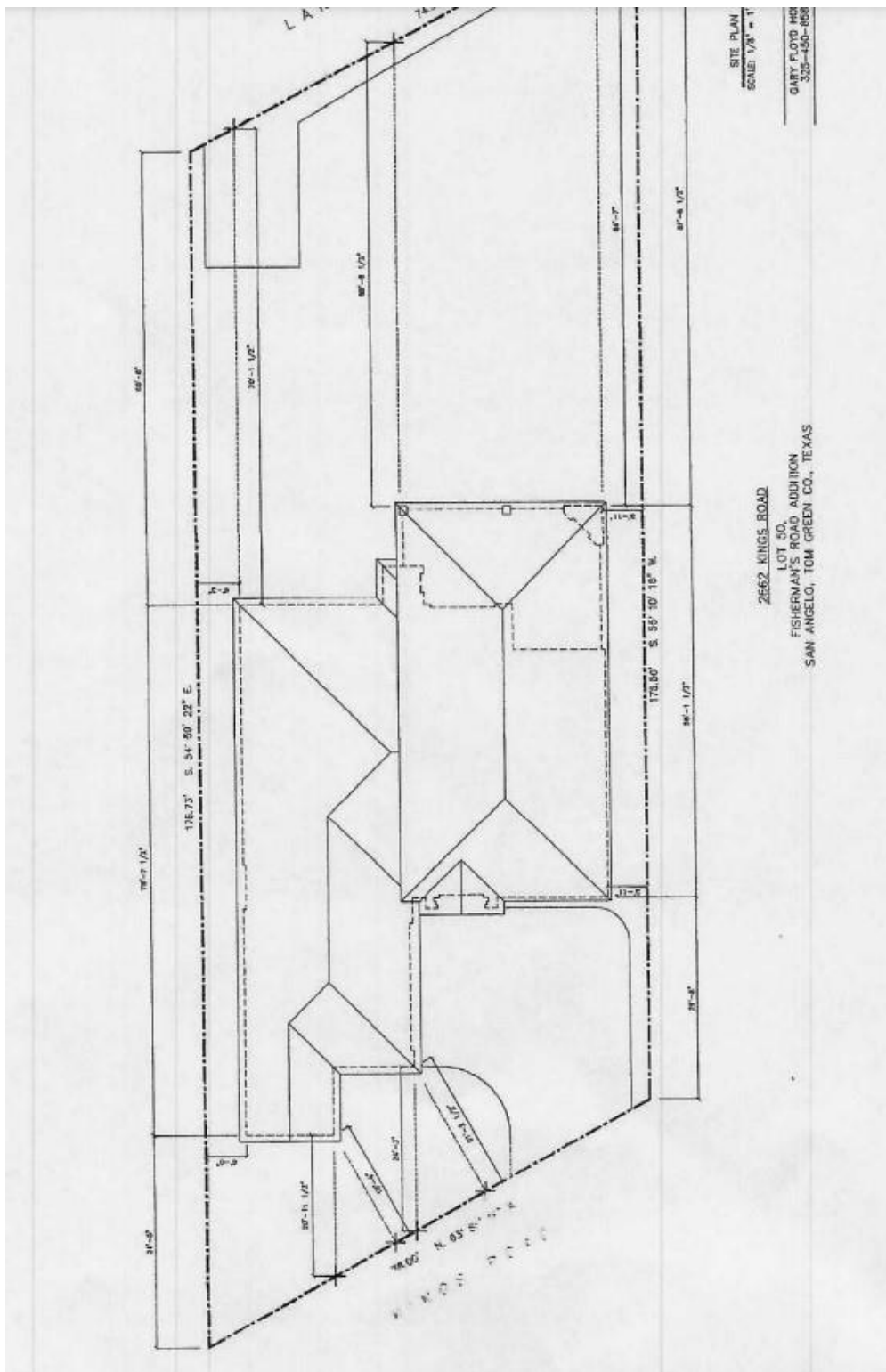
Subject Properties: ——— (Red line)  
200' Buffer: ——— (Green line)  
Notified Properties: ——— (Blue line)

N  
▲

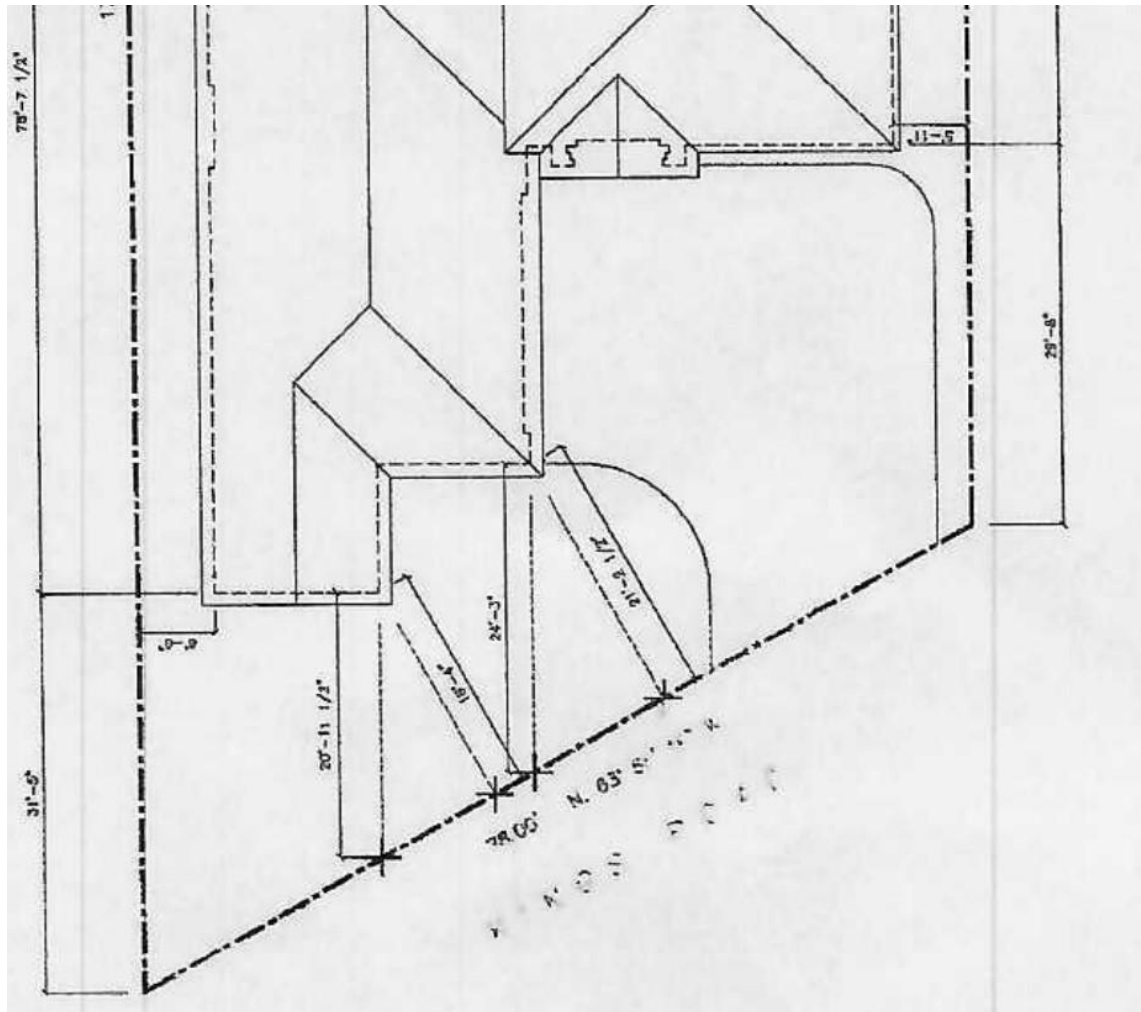
Aerial Map



Site Plan



Site Plan (enlarged)



**ZONING BOARD OF ADJUSTMENT – January 9, 2023  
STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Variance		ZBA22-27: 4617 Blum Street	
<b>SYNOPSIS:</b>			
<p>The applicant(s) are requesting variances in order to reconstruct and relocate an existing chain-link fence on the subject property. During a consultation with City Staff, the applicant had plans to reconstruct and relocate the existing fence surrounding Lake View High School in Single-Family Residential (RS-1) Zoning District. <b>The request for the variances is to comply with newly enacted Texas School Safety Center and TEA mandates, that requires the fencing to be provided located on or as close to the property lines and taller than 6' in some sections.</b> As required per Section 509.A.1 of the Zoning Ordinance, maximum fence height adjacent to a street side boundary is 4', and shall be setback by a minimum of 25'. The proposed fence would be located on the property lines (6'-10' from edge of pavement) and varying heights (6'-8'). Thus, the reason for the variance requests.</p>			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
4617 Blum Street ; Lake View H.S.; located northwest of Blum Street Road and E. 43 <sup>rd</sup> Street		Being Abst: A-8177 S-0182, Survey: J W HARRIS, 62.6300 ACRES (LAKE VIEW HIGH SCHOOL)	
<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FUTURE LAND USE:</b>	<b>SIZE:</b>
SMD District #2 – Billie DeWitt Lakeview Neighborhood	Residential Single-Family (RS-1)	C/I – Campus/Institutional	62.63 acres
<b>THOROUGHFARE PLAN:</b>			
<p><b>East 47<sup>th</sup> Street – Urban Local Street</b>, Required: 50' right-of-way, 40' pavement or 36' with a 4' wide sidewalk, Provided: 45' right-of-way, 32' pavement</p> <p><b>Blum, Crockett Street, E. 43<sup>rd</sup> Street(s) – Urban Local Street(s)</b>, Required: 50' right-of-way, 40' pavement or 36' with a 4' wide sidewalk, Provided: 60' right-of-way, 40' pavement</p>			
<b>NOTIFICATIONS:</b>			
43 notifications mailed within 200-foot radius on December 21, 2022. No responses have been received.			
<b>STAFF RECOMMENDATION:</b>			
<p>Staff's recommendation is for the Zoning Board of Adjustment (ZBA) to <b>APPROVE</b> two variances from Section 509.A.1 of the Zoning Ordinance to exempt the requirement for a privacy fence to be a maximum height of 4' where a lot line/lines are adjacent to a street side boundary in RS-1 Zoning, and reducing the minimum street side setback (at property line instead of 25' setback); located at Lake View High School, 4617 Blum Street, subject to <b>one</b> condition of approval.</p>			
<b>PROPERTY OWNER/PETITIONER:</b>			
San Angelo ISD (Jason Henry)			
<b>STAFF CONTACT:</b>			
<p>Zack Rainbow          Planning Manager          (325) 657-4210, Extension 1547  <a href="mailto:zachary.rainbow@cosatx.us">zachary.rainbow@cosatx.us</a></p>			



**Additional Information:** Without granting of these variance requests, the applicant(s) would not be in compliance with the new Texas School Safety Center and TEA mandates that require school properties are responsible to install a six-foot (or taller) privacy fence along property boundaries. The subject property serves and is developed as a public school (Lake View High School), with associated accessory uses (athletic fields, locker rooms, etc.), and it is noted that the school as has previously installed a six-foot tall, privacy fence adjacent to the public roadways to provide some screening for the residential homes located across the street(s) and an additional level of security for the school. This fence is set back the required 25 feet as property lines along roadways are considered a front yard for determining setbacks.

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

1. **Special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district and are not merely financial.** In this case, the entire 62+ acres is developed as a public school campus in the center of a residential area and has a previously constructed 6' fence around the property now. City Staff feels that these conditions could be considered peculiarities in this case.
2. **These special circumstances are not the result of the actions of the applicant.** Lake View High School since 1923, long before many of the surrounding residential neighborhoods were platted in the 70's and 80's, and has been used as such since. Therefore, Staff supports the variances from a fence adjacent located on the property lines and exceeding 6' in height.
3. **Literal interpretation and enforcement of the terms and provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zoning district, and would cause an unnecessary and undue hardship.** The applicant indicates that the installation of a privacy fence would not be detrimental to any of the adjacent property owners. Staff does not agree that in all cases this would be true, but does believe that the literal interpretation of the Zoning Ordinance in this case could justify the variances for a fence in this case. The fence requirement was to protect residential uses that were immediately adjacent or in very close proximity to nonresidential uses. In this case, the entire 62+ acres is developed as a public school campus in the center of a residential area and has a previously constructed 6' fence around the property now.
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 fence location and height will comply with all other development standards of the Residential Single-Family (RS-1) Zoning District where it is located, if the variance requests are approved. Therefore, the proposed request is the minimum action required. Staff also believes that granting the variance would not be contrary to the public interest given the newest mandates required by new Texas School Safety Center and the TEA fencing.

5. **Granting the variance will not adversely affect adjacent land in a material way.** Planning Staff does not believe that granting the variance will have any negative impact on adjacent properties.
6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.** Staff believes that Section 509.A of the Zoning Ordinance was established to protect residential properties from incompatible commercial uses or those immediately adjacent or in close proximity. The school has existed since 1923 as a school. Privacy fencing has already been installed along the frontages, and around the Lake View High School Campus. In this case, Staff believes that the requests are compatible with the intent of the Zoning Ordinance.

**Allowed Variances:**

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

1. **SPECIAL CIRCUMSTANCES RESULTING IN UNNECESSARY HARDSHIP.** *Where special circumstances exist on the property related to the size, shape, area, topography, surrounding conditions or location that do not generally apply to other property in the same zoning district, and that the circumstances are such that strict application of this zoning ordinance would create an unnecessary hardship or deprive the applicant of reasonable use of the land or building.*  
**Staff believes there are Special Circumstances to support variances from maximum height and reduced minimum front street side fence (see above).**
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** two variances from Section 509.A.1 of the Zoning Ordinance, 1.) allow for a privacy fence to be 8' maximum height instead of the of 4' maximum height where a lot line/lines are adjacent to a street side boundary in RS-1 Zoning, and, 2.) reducing the minimum street side setback (at property line instead of 25' setback); located at 4617 Blum Street, subject to **one** conditions of approval:

1. The applicant(s) shall obtain any necessary building permits.

**Attachments:**

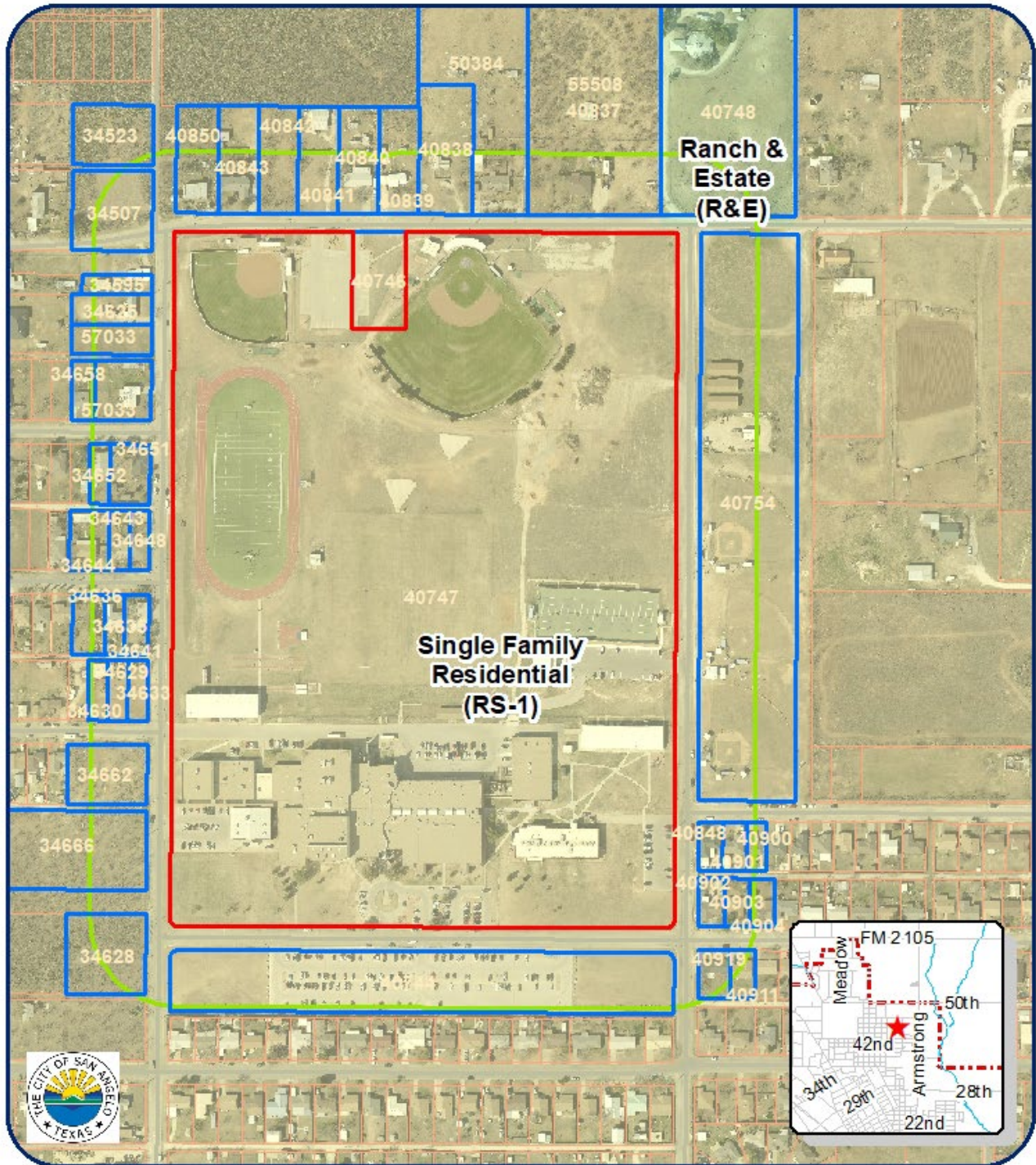
Aerial Map

Future Land Use Map

Zoning Map


Photographs

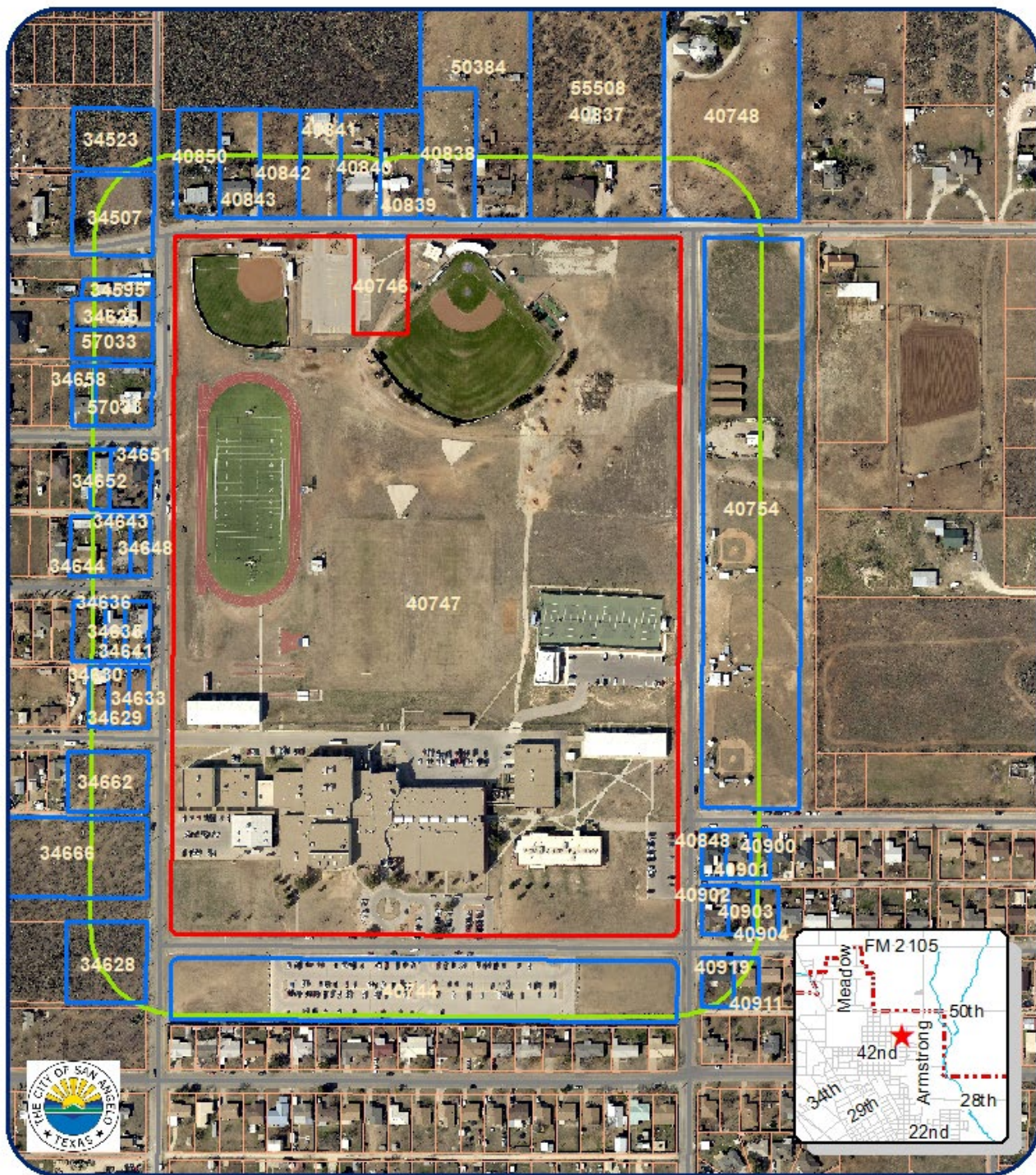
Site Plan



**Zoning Map**  
**ZBA22-27 900 E 43rd LHS**  
 Council District: 2 Thompson  
 Neighborhood: Lakeview  
 Scale: 0.016.03 0.06 0.09 0.12 Miles


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

N  




**200' Notification**  
**ZBA22-27 900 E 43rd LHS**  
 Council District: 2 Thompson  
 Neighborhood: Lakeview  
 Scale: 0.00 0.03 0.06 0.09 0.12 Miles

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

N  


**Photos of Site and Surrounding Area**

NEW HONDA DEALERSHIP ON PROPERTY



LOOKING EAST ON DREXEL DRIVE



DREXEL DRIVE PRIVACY FENCE  
INSTALLED BY APPLICANT



EXISTING PRIVACY FENCE FOR  
RESIDENTIAL HOMES



NORTHEAST PROPERTY LINE (VARIANCE REQUESTED  
TO EXEMPT REQUIRED PRIVACY FENCE)



EAST PROPERTY LINE (VARIANCE REQUESTED  
TO EXEMPT REQUIRED PRIVACY FENCE)





Lake View HS, This page  
347' New 6' Galvanized Fencing  
2 - 6' Gates, With Crash Bar  
1 - 26' Double Gate, Manual  
1 - 20x7' Concrete Handicap Landing Pad

Lake View HS

Map # 1

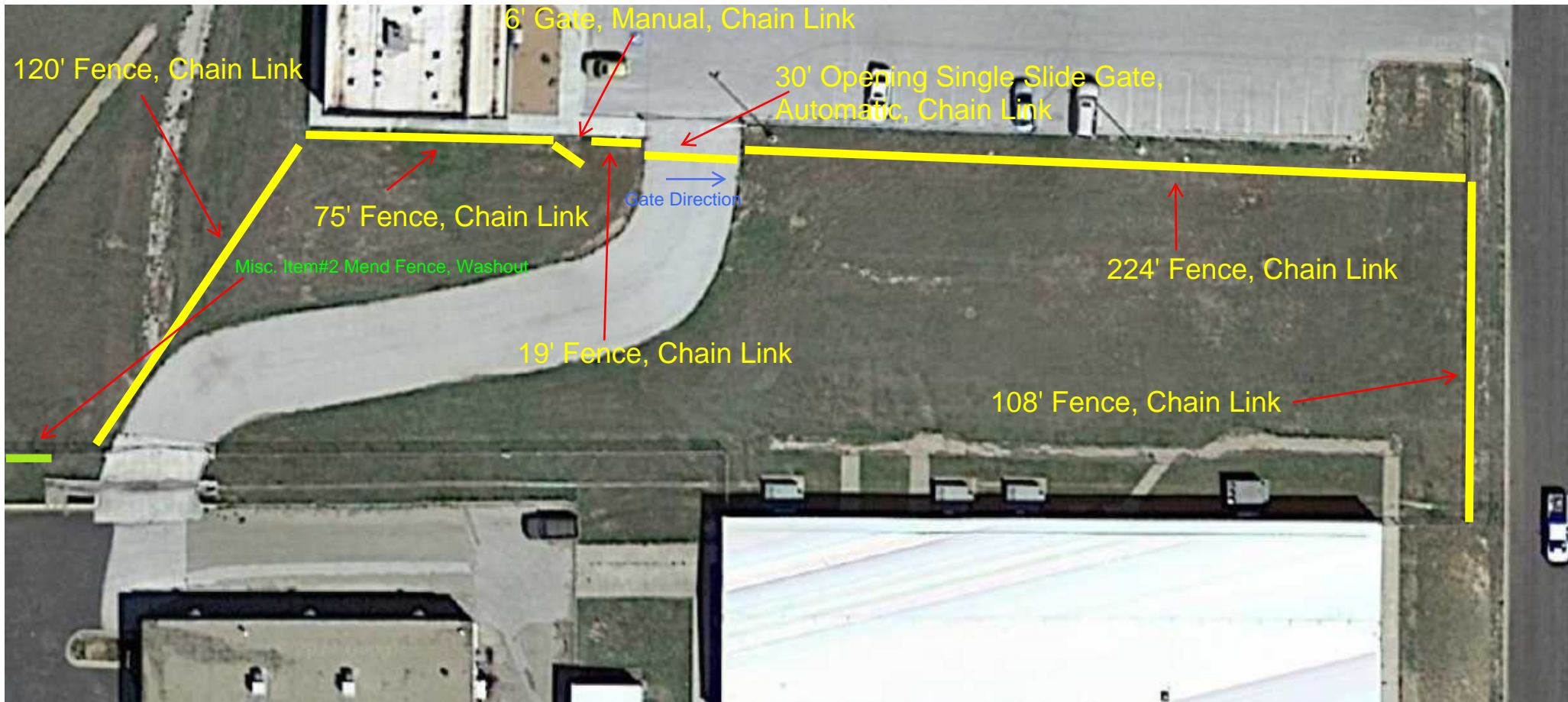




Lake View HS, This page  
546' New 6' Galvanized Fencing  
1 - 6' Manual Gate  
1 - 30' Opening Sliding Gate, Chain Driven  
Misc Work, Item #2 Mend Fence, Washout

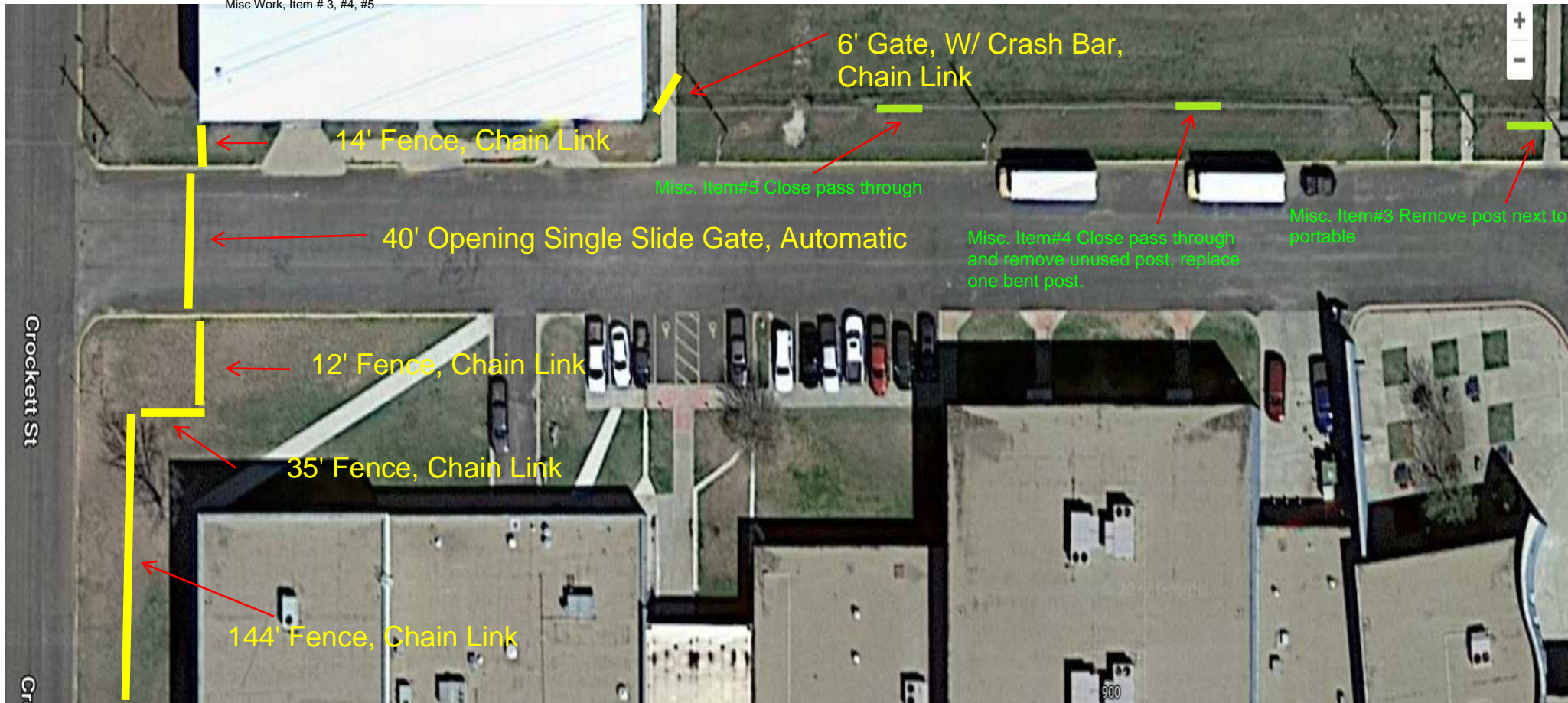
Lake View HS

Map # 2



Lake View HS, This page  
205' New 6' Galvanized Fencing  
1 - 6' Crash bar Gate  
1 - 30' Opening Sliding Gate, Chain Driven  
Misc Work, Item # 3, #4, #5

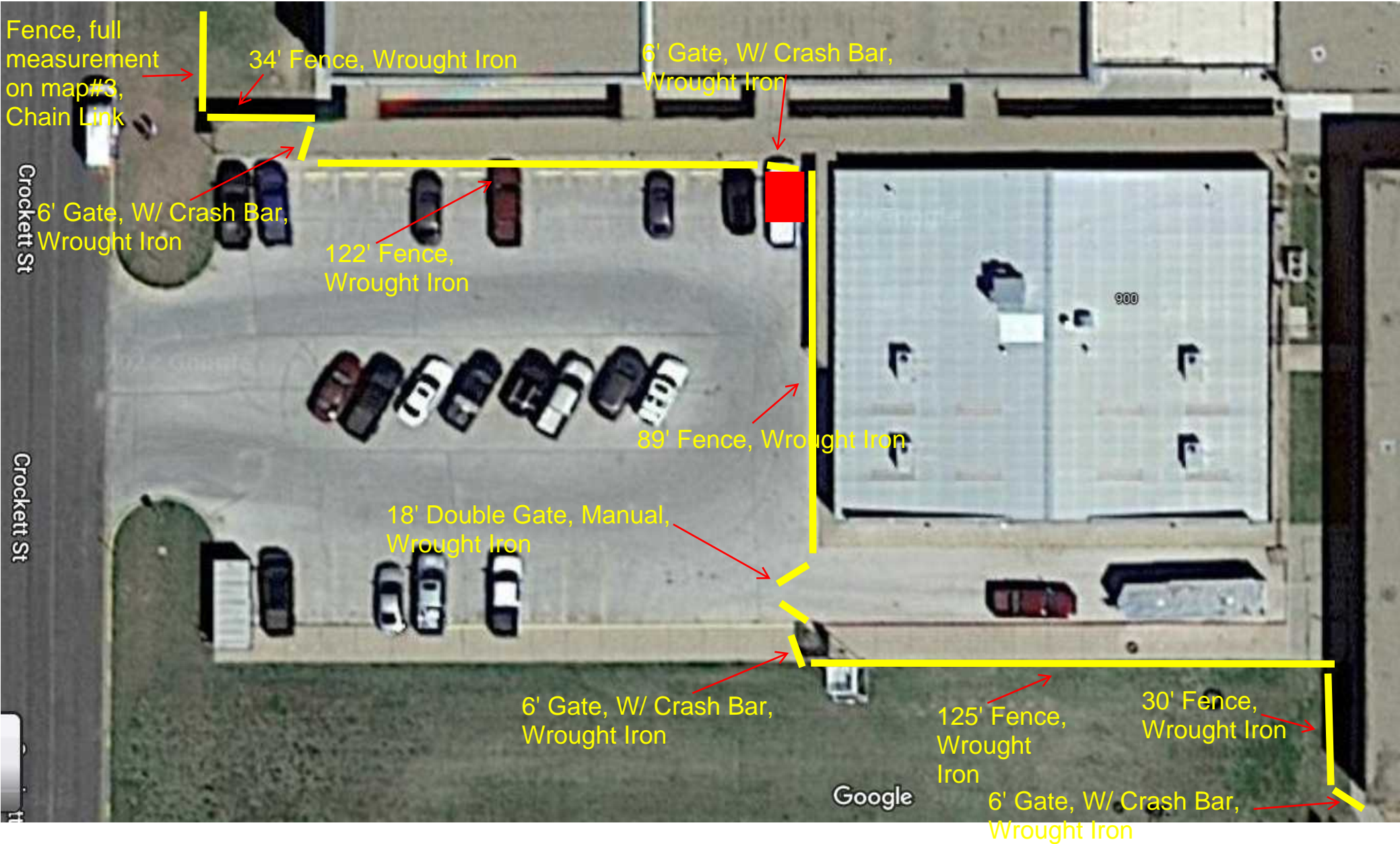
Lake View HS

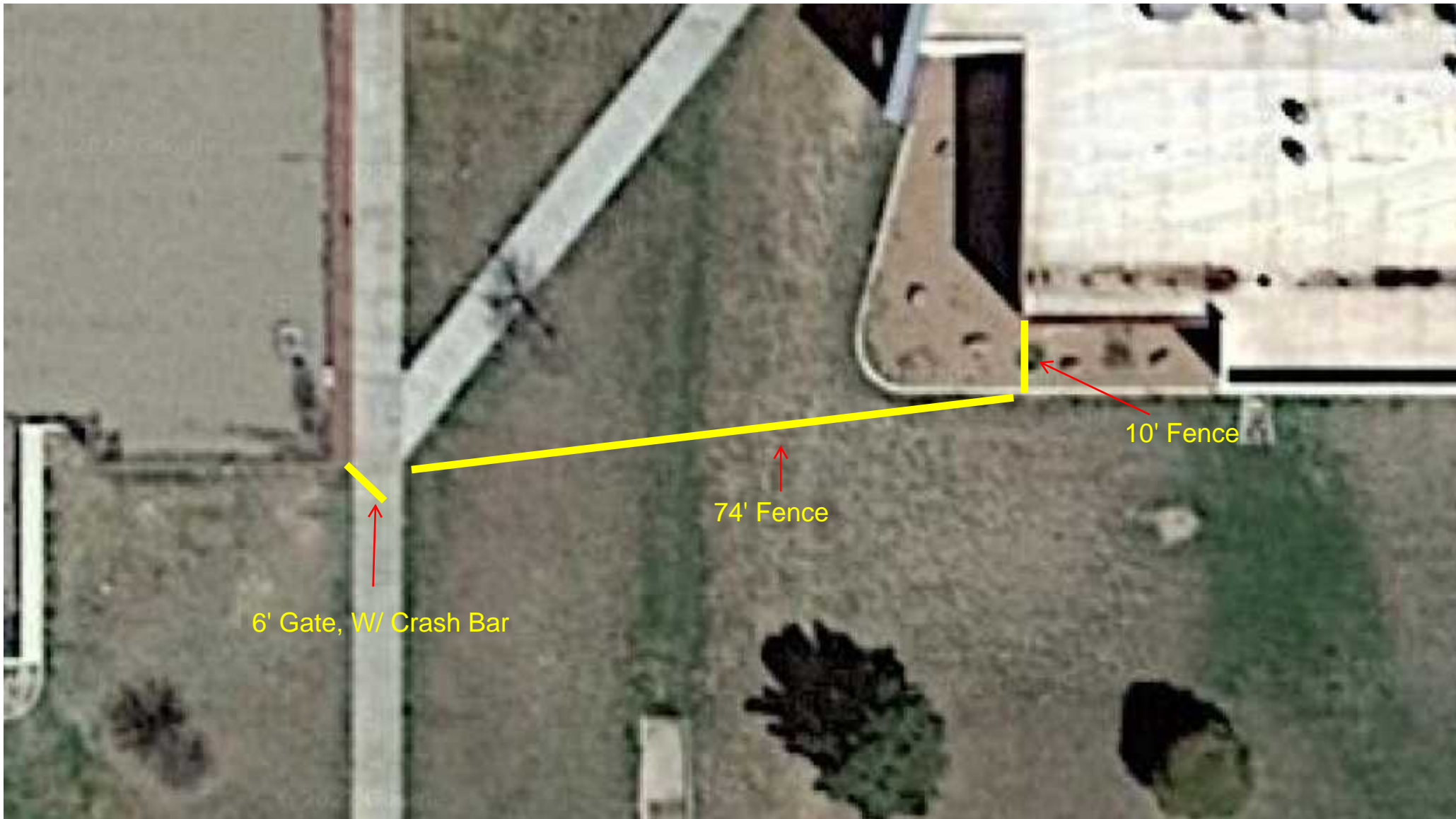


Lake View HS, This page  
400' New 6' Wrought Iron Fencing  
4 - 6' Crash bar Gate  
1 - 18' Opening Manual Double Gate

Lake View HS

Map # 4





Lake View HS

Misc. Item # 1, ROTC  
parking area fence  
post removal, remove  
all.



Lake View HS

Misc. Item # 2 Wash  
out mend fence



Lake View HS

Misc. Item # 3 Next to  
Portable Building  
remove post



Lake View HS

Misc. Item # 4 Close pass through and remove unused post replace one bent post

Remove & Replace

Remove

