

**ZONING BOARD OF ADJUSTMENT – August 7th, 2023  
STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Variance		ZBA23-16: 2334 Fishermans Rd	
<b>SYNOPSIS:</b>			
<p>The applicant has applied for a variance from Sec 501 to allow a 15' front yard setback in lieu of the 25' setback requirement within the Single-Family Residential (RS-1) Zoning District located at 2334 Fishermans Rd.</p>			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
2334 Fishermans Road		Lake Nasworthy Subdivision, Group 15, Lot: 9, Blk: 1	
<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	0.260 acres
<b>NOTIFICATIONS:</b>			
<p>7 notifications mailed within 200-foot radius on July 18, 2023. Received 0 in support or 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 15' front yard setback in lieu of the 25' setback requirement.</p>			
<b>PROPERTY OWNER/PETITIONER:</b>			
Applicant: Concho Valley Construction			
<b>STAFF CONTACT:</b>			
<p>Rae Lineberry Planner (325) 657-4210, Extension 1533 <a href="mailto:rae.lineberry@cosatx.us">rae.lineberry@cosatx.us</a></p>			

**Additional Information:** The property is currently vacant. The new house being built is a 3,700 sq ft 2-story house. To meet the 75 ft setback from the lake required by the HOA, they will need the house to be closer to the front property line.

**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 curve of the road makes the right-of-way between the street and the property line almost 60 feet, well in excess of the typical of 5-15 feet.
2. **These special circumstances are not the result of the actions of the applicant.** The extensive separation from the street to the proposed home is not typical and is not the result of any action by the applicant or previous property owners.
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 and other properties around the lake have received similar variances.
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 purpose of front setback requirements are to ensure that homes are set back a distance from the street. Given the extensive right-of-way, even with this variance, the purpose of the ordinance is maintained.
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.*

**Staff believes that literal enforcement of the ordinance results in an unnecessary restriction and that granting of the variance will preserve the spirit of the ordinance.**

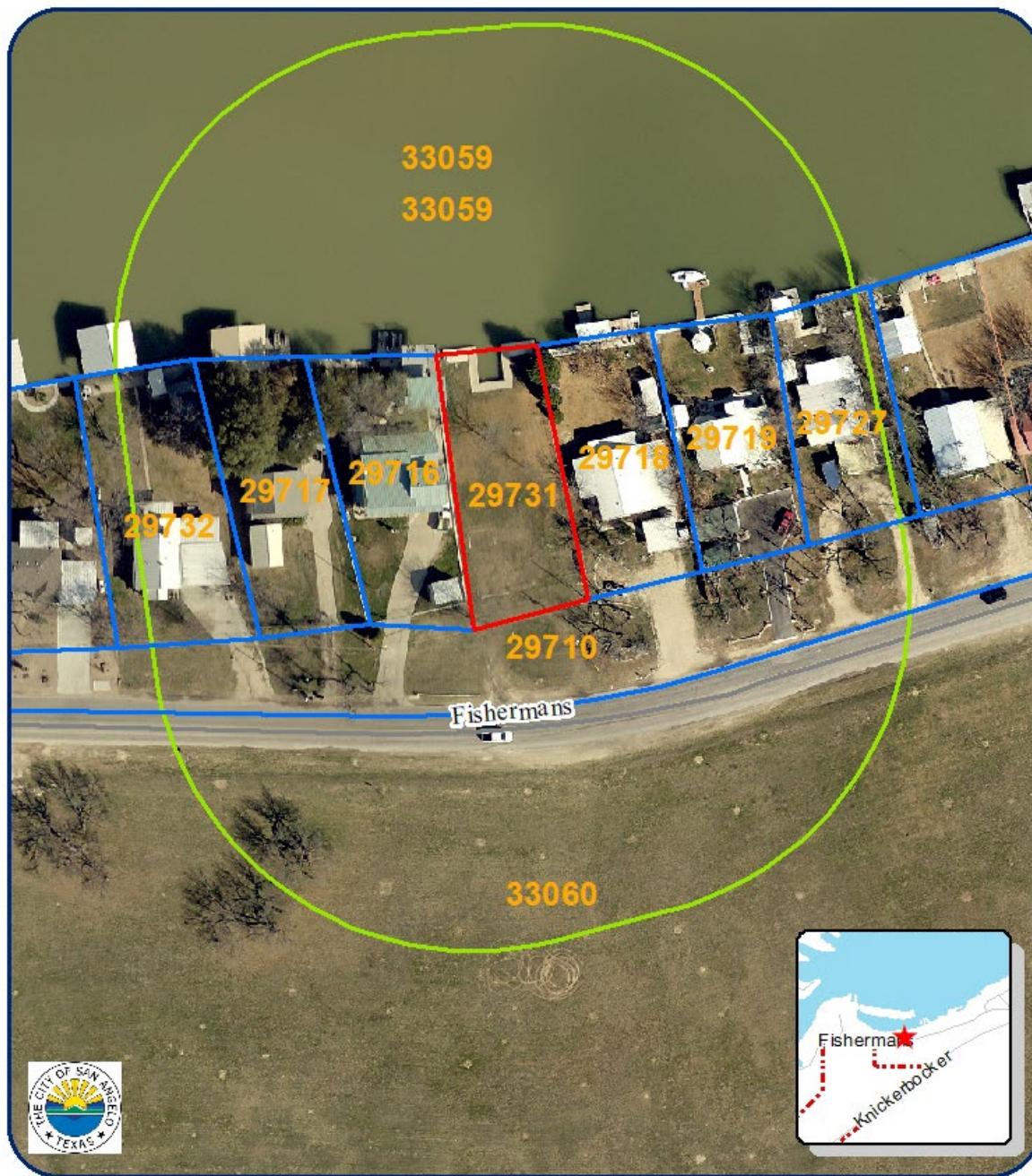
**Recommendation:**

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 15' front yard setback in lieu of the 25' setback requirement.

**Attachments:**

- Notification Map
- Aerial Map
- Site Plan
- Site Plan (zoomed in)

### Notification Map



<b>200' Notification Map</b> <b>ZBA23-16 2334 Fishermans Rd</b> Council District: #1 Tommy Hiebert Neighborhood: Nasworthy Scale: 0.000008 0.016 0.024 0.032 	<b>Subject Properties:</b>	
	<b>200' Buffer:</b>	
	<b>Notified Properties:</b>	

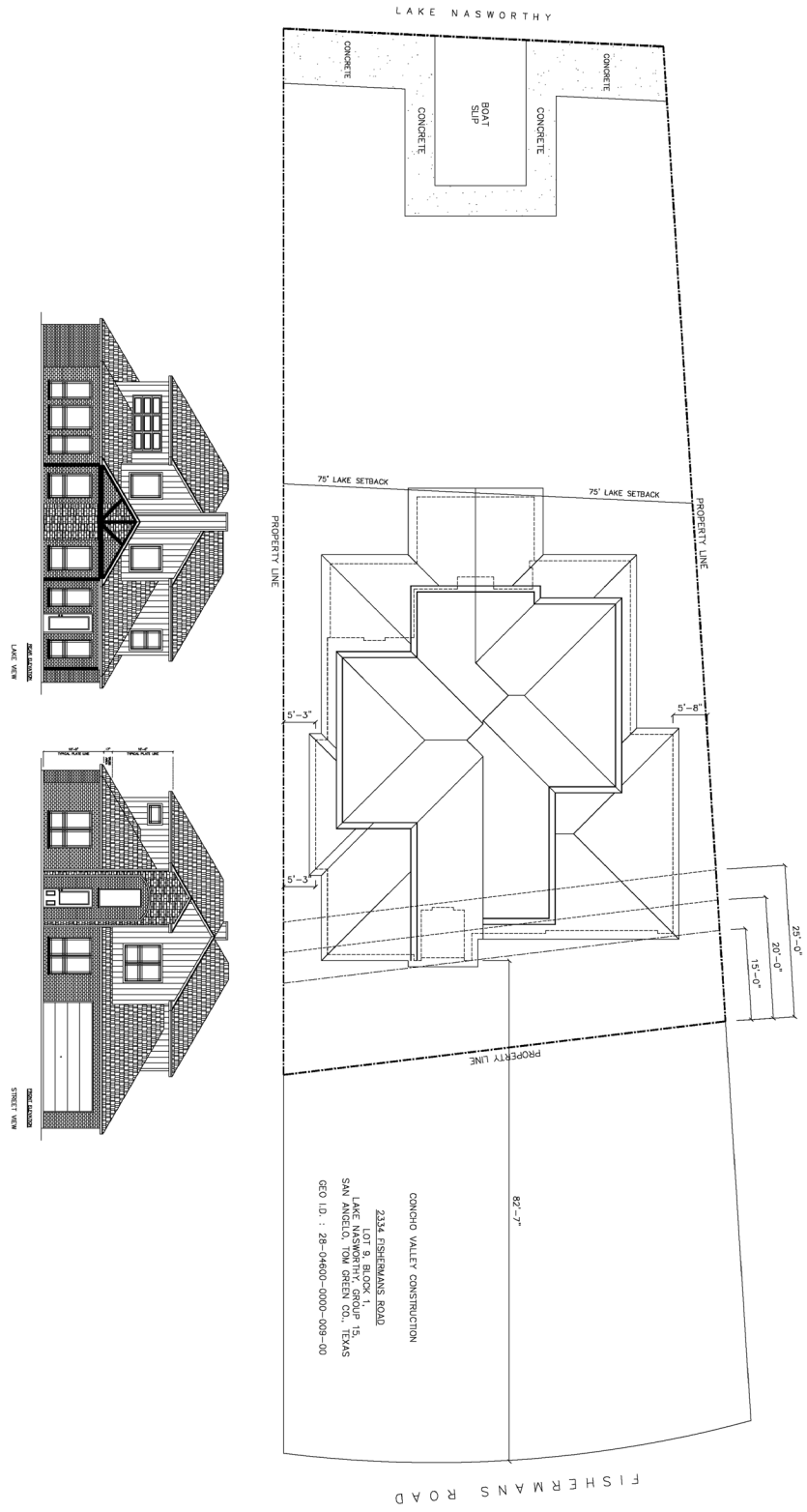
**Aerial Map**



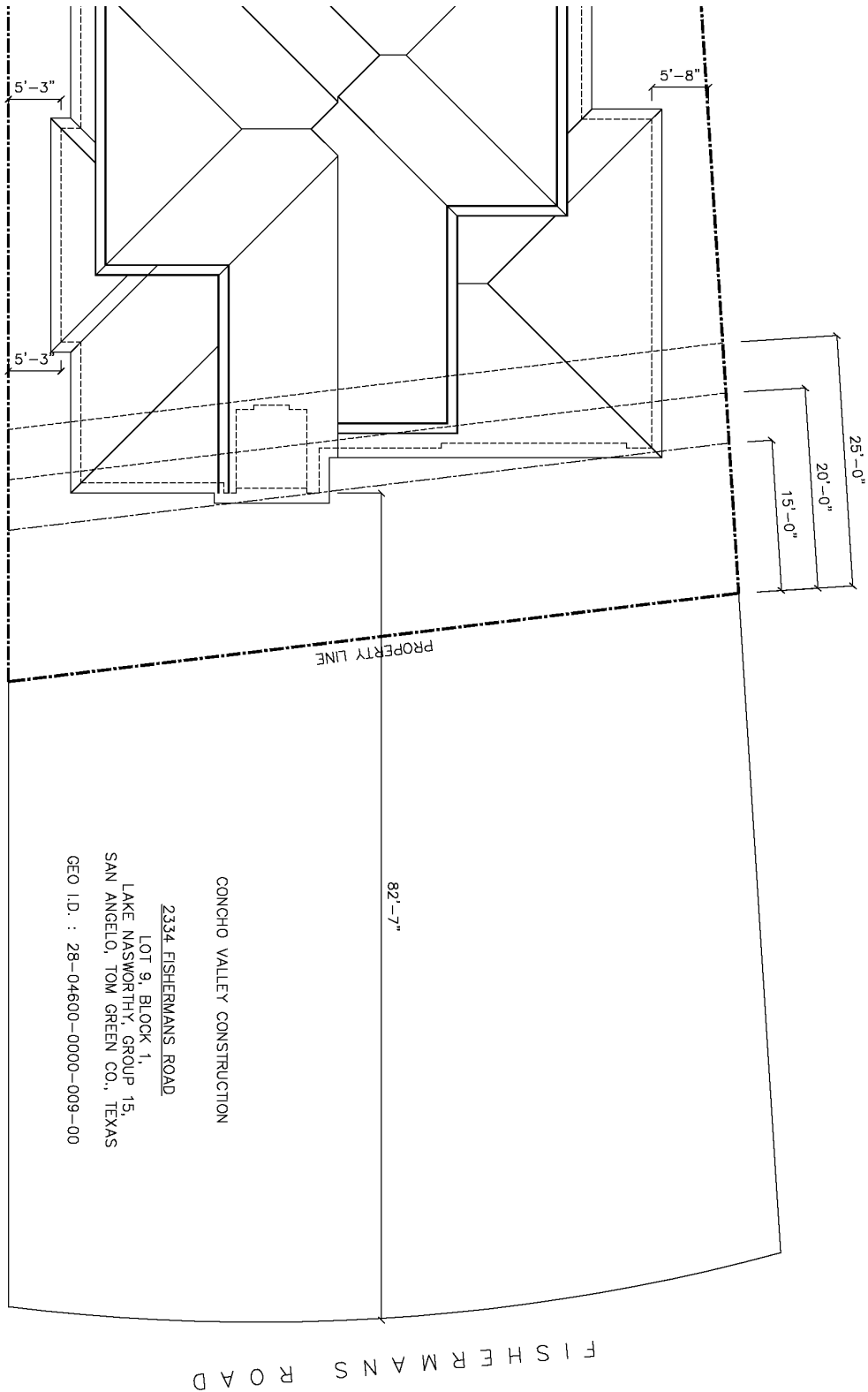
**Site Photo**



### Site Plan



**Site Plan (zoomed in)**



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



<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Variance – Setback Distance		ZBA23-17: 5178 Enclave	
<b>SYNOPSIS:</b>			
<p>The applicant has applied for a variance from Sec 501 to allow a 15’ front yard setback in lieu of the 25’ setback requirement on a corner lot within the Single-Family Residential (RS-1) Zoning District located at 5178 Enclave.</p>			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
5178 Enclave		Lot 80 Block 107 Bentwood Country Club Section 43	
<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	0.33 acres
<b>NOTIFICATIONS:</b>			
<p>13 notifications mailed within 200-foot radius on July 18,2023. Received 0 in support, 0 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 Section 501.A of the Zoning Ordinance, to allow a 10’ front yard setback in lieu of the 25’ minimum front yard setback requirement.</p>			
<b>PROPERTY OWNER/PETITIONER:</b>			
Applicant: von Rosenberg Custom Homes			
<b>STAFF CONTACT:</b>			
Aaron Vannoy Assistant Director Planning and Development Services (325) 657-4210, Extension 1542 <a href="mailto:Aaron.vannoy@cosatx.us">Aaron.vannoy@cosatx.us</a>			



**Additional Information:** As a corner lot, both street frontages are considered front yards with the required 25' setback.

**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 a slightly irregular lot with an Enclave Ct. frontage distance of 85.25' that goes into an arc to the Wolf Creek Dr. with a linear distance of 102.21'. Across Enclave Ct. to the north is a similar lot; however it has a 147.22' linear frontage on Enclave Ct. and a linear frontage of 96.11 along Wolf Creek making that lot larger for a corner lot. However, the lot size is bigger than a standard 50' X 100' lot and was platted with both 25' setbacks. *The fact that the particular size home desired by the owner will not fit on the lot is not a rationale for a hardship.*
2. **These special circumstances are not the result of the actions of the applicant.** In this case, the lot is large enough for a large home. The design and size of the proposed house is 5,313 square feet. It is entirely possible to redesign a portion of the home to meet the required 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.** This lot is similarly sized as other lots in the area. There is nothing extraordinary or unique that would warrant granting this 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.** There is another consideration if the variance is granted. The frontage along Wolf Creek Drive is classified as a minor collector street and thus giving a 10' setback variance places an occupiable living space of the structure closer to potential heavier and faster moving traffic than a local roadway, especially as the area continues to develop. Currently Wolf Creek Drive terminates at the end of this lot. However, the undeveloped land to the south will continue to develop over time and Wolf Creek Drive will continue and is ultimately planned to connect into a future minor arterial.
5. **Granting the variance will not adversely affect adjacent land in a material way.** Site lines, looking north to south, this property will be the shortest setback to Wolf Creek at 15'. The three lots to the north which front Wolf Creek will have the 25' setback; properties to the south are unknown at this time.
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. Currently staff does not believe the lot or location presents an unnecessary hardship.*
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. Staff does not believe that there is an overriding public interest to be served by granting this variance. It is possible to meet the ordinance standards that apply to all other similarly situated properties.*
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. There is not an existing structure on this lot. As a vacant property, a substantially sized home can be designed and built on this property while still meeting the required setbacks. Literal enforcement of the ordinance standards does not create an extraordinary circumstance and the spirit of the ordinance would be preserved by not granting the variance request.*

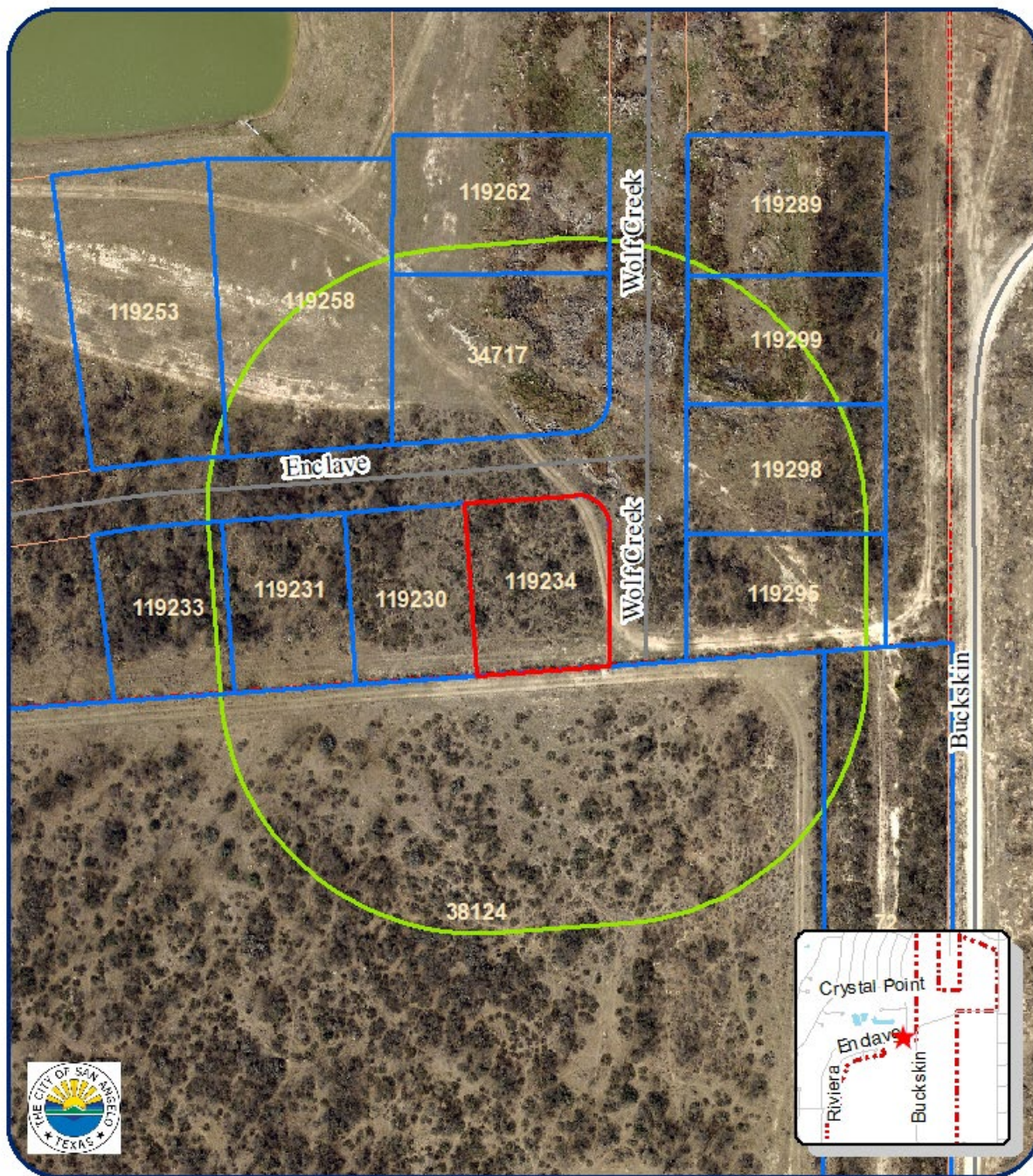
**Recommendation:**

Staff's recommendation is for the Zoning Board of Adjustment (ZBA) to **deny** a variance from Section 501.A of the Zoning Ordinance to allow a 15' front yard setback in lieu of the 25' setback requirement.

**Attachments:**

Notification Map  
Aerial Map  
Site Plan  
Bentwood Sec 43 Plat

### Notification Map

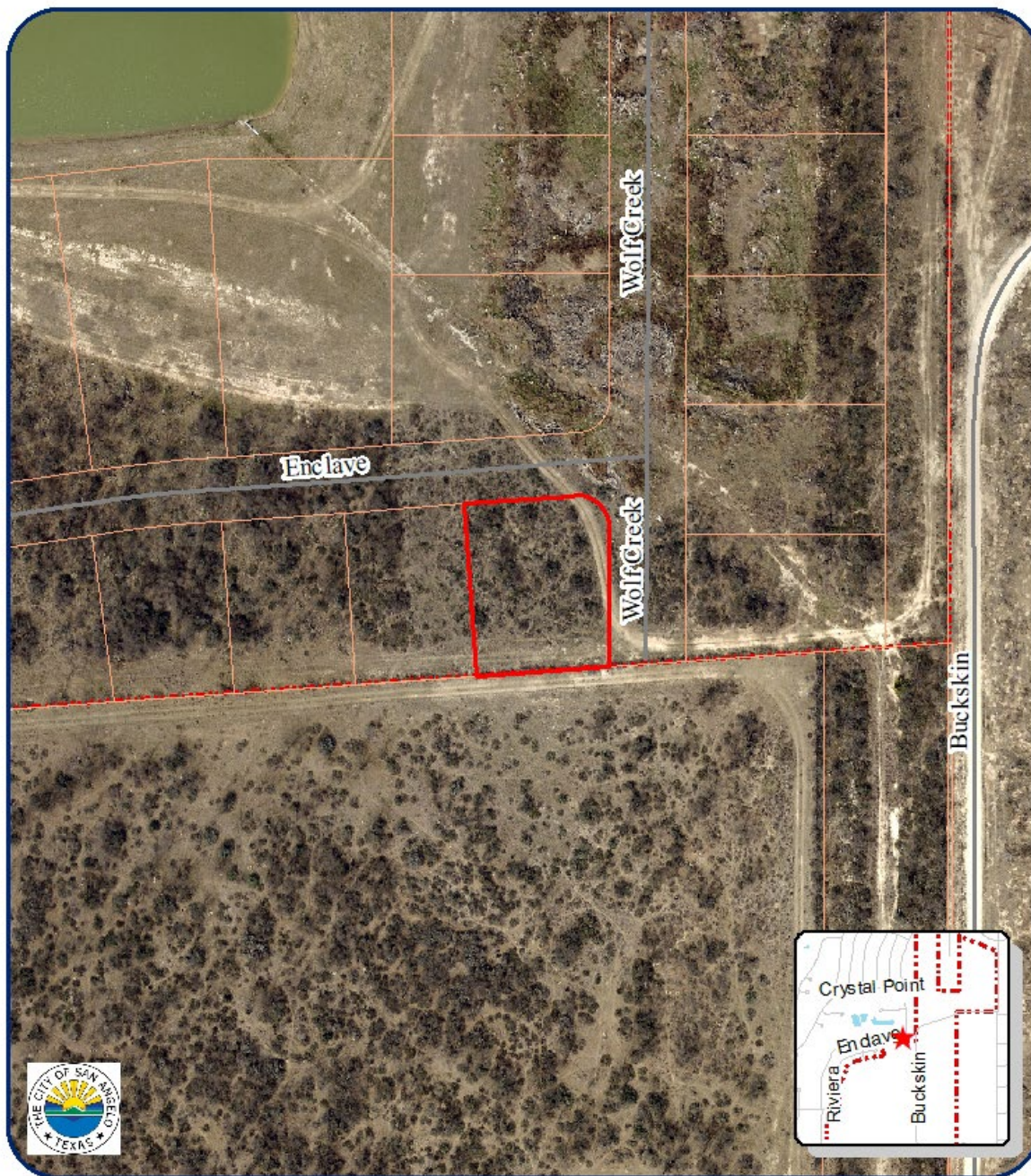


**200' Notification Map**  
**ZBA23-17 5178 Enclave Ct**  
Council District: #1 Tommy Hiebert  
Neighborhood: Country Club  
Scale: 0.00 0.01 0.02 0.03 0.04 Miles

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

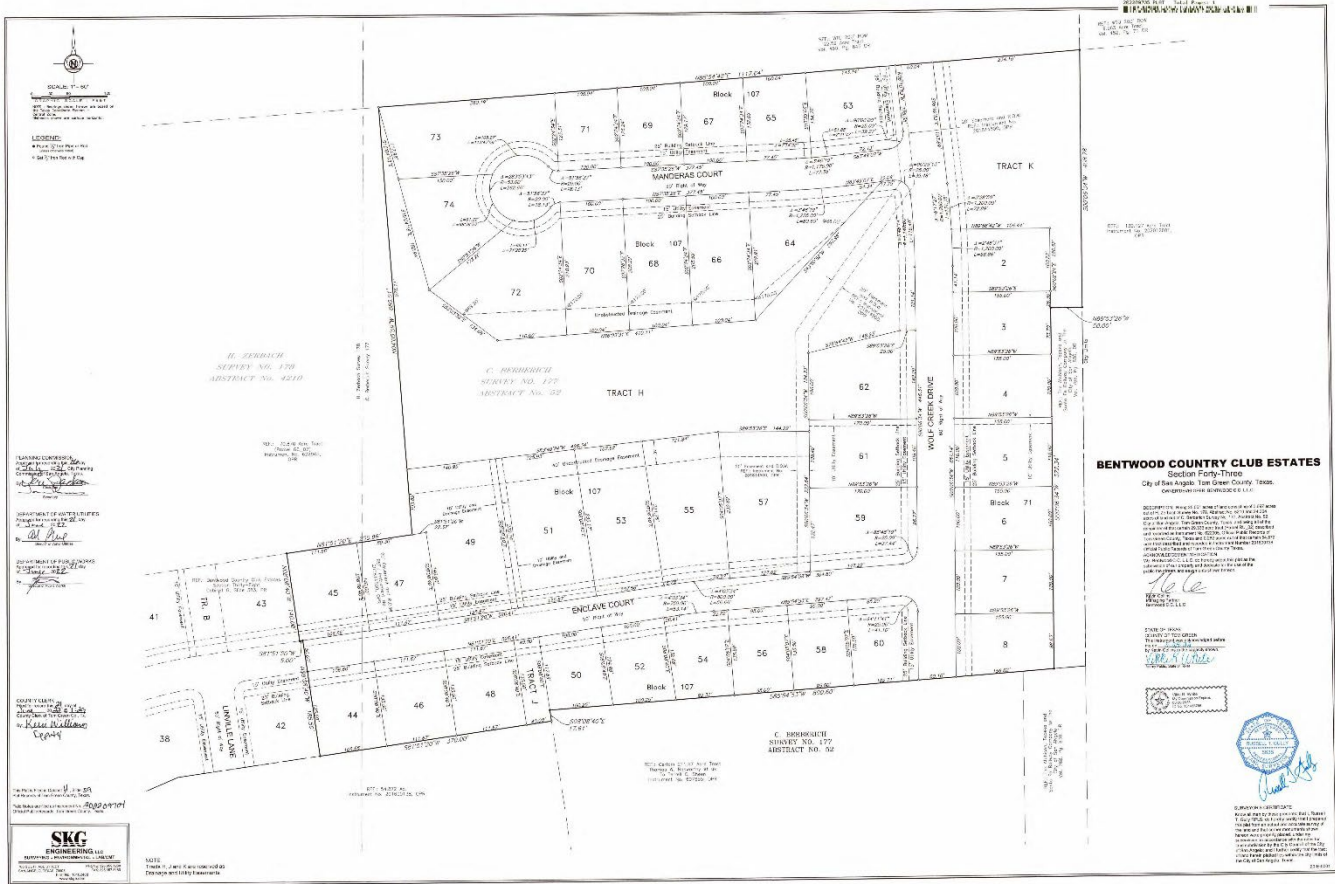
N  
▲

### Aerial Map



<b>Aerial Map</b> <b>ZBA23-17 5178 Enclave Ct</b> Council District: #1 Tommy Hiebert Neighborhood: Country Club Scale: 00.0008.01 0.02 0.03 0.04 	<b>Subject Properties:</b> <b>200' Buffer:</b> <b>Notified Properties:</b>	<b>N</b> 
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### Bentwood CC Estates Sec 43



**Site Plan**



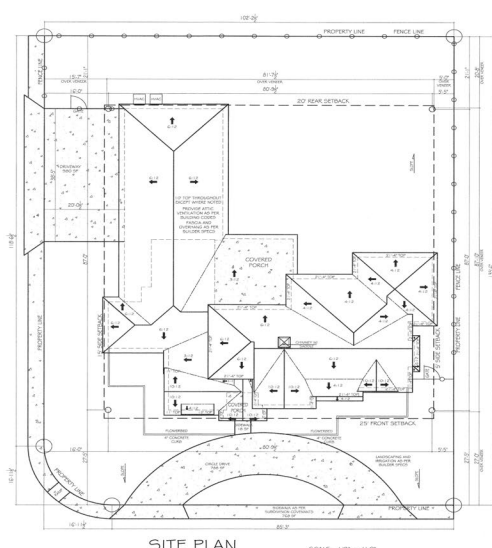
AREA CALCULATIONS:	
<b>OVER FRAME FOOTAGES</b>	
FIRST FLOOR LIVING:	2531 S.F.
SECOND FLOOR LIVING:	1111 S.F.
GARAGE:	1040 S.F.
COVERED FRONT PORCH:	65 S.F.
COVERED BACK PORCH:	284 S.F.
<b>TOTAL OVER FRAME:</b>	<b>5741 S.F.</b>
<b>OVER BRICK FOOTAGES</b>	
FIRST FLOOR LIVING:	2624 S.F.
SECOND FLOOR LIVING:	1157 S.F.
GARAGE:	1090 S.F.
COVERED FRONT PORCH:	67 S.F.
COVERED BACK PORCH:	309 S.F.
<b>TOTAL OVER BRICK:</b>	<b>5333 S.F.</b>

**GENERAL NOTES**

- ALL CONSTRUCTION AND SPECIFICATIONS TO COMPLY WITH CURRENT BUILDING CODES, INCLUDING BUT NOT LIMITED TO BEDROOM WINDOWS, CHIMNEYS, FIREPLACES, STAIRWAYS, HANDRAILS, DUCTWORK, ELECTRICAL FIXTURES, ATTIC ACCESS, GLASS LEAD IN SHOWN, VENTILATION, WALL BRACING, FOUNDATION, SEAL, SITE DRAINAGE, STRUCTURAL LOADS, IRIGATION, ATTIC VENTILATION, ROOFING AND DRAINAGE REQUIREMENTS, CONCRETE PSL, BASEMENT CONSTRUCTION INCLUDING WATERPROOFING AND VENTILATION, AND ENGINEERING WHEN NECESSARY. ALL BRICK ARE 2 1/4" UNLESS OTHERWISE NOTED. THESE PLANS ARE INTENDED TO PROVIDE THE BASIC CONSTRUCTION INFORMATION NECESSARY TO CONSTRUCT THIS STRUCTURE. THEREFORE THESE PLANS MUST BE FIELD VERIFIED AND CHECKED COMPLETELY BY THE GENERAL CONTRACTOR OR SUBCONTRACTOR. ALL CODES, ORDINANCES, AND REQUIREMENTS FEDERAL, STATE AND LOCAL, TAKE PRECEDENCE OVER ANY PART OF THESE DOCUMENTS WHICH MAY CONFLICT WITH THESE APPLICABLE RULES AND/OR REGULATIONS. THESE PLANS AND TRAIL LINE ARE THE PROPERTY OF THE DESIGNER AND ARE NOT TO BE REPRODUCED, COPIED, OR OTHERWISE USED FOR OTHER CONSTRUCTION, TRADES, REPAIRS, OR REUSE WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER. DIMENSIONS SHOWN ON THE FLOOR PLANS ARE NOMINAL. SUGGEST FIELD DIMENSIONS MAY BE NECESSARY. BUILDER/CONTRACTOR TAKES FULL RESPONSIBILITY FOR ANY CHANGES MADE IN THE FIELD. WINDOW SIZES ARE FOR REFERENCE. LOCAL WINDOW SIZE AND TYPE SHALL BE SELECTED BY BUILDER IN ACCORDANCE WITH ALL BUILDING CODES. PROVIDE FIRE EGRESS IN BEDROOM WINDOWS AS PER CODE.

**SITE PLAN AND ROOF NOTES**

- ALL ROOF PITCHES UNDER 3:12 PITCH AND PARAPETS TO BE ENGINEERED BY BUILDER. BUILDER TO CONSULT WITH ROOFING SPECIALIST FOR DRAINAGE CONSIDERATIONS BEFORE WORK COMMENCES.
- BUILDER TO VERIFY ALL DIMENSIONS AND SETBACKS ON SITE. PLAN FRAMES TO BE COMPLETION OF ALL WORK. BUILDER ACCEPTS RESPONSIBILITY FOR VERIFYING SETBACKS REQUIRED BY THE LOCAL GOVERNING AGENCY PRIOR TO FINAL FLOODING.
- FIELD VERIFY ALL UNDERGROUND UTILITIES.
- SUPE GRADE AWAY FROM BUILDING.
- LANDSCAPING AND RETENTION AS PER SUBDIVISION CONTRACT AND BUILDER SPECIFICATIONS.
- ALL FLOORWORK TO BE VERIFIED ON-SITE.
- SIDEWALKS AS PER SUBDIVISION REQUIREMENTS AND TO MATCH ANY EXISTING SIDEWALKS.
- PROVIDE ATTIC VENTILATION AS PER BUILDING CODES.



FOR INFORMATION ONLY: THESE PLANS HAVE BEEN REVIEWED BY THE ZONING BOARD OF ADJUSTMENT FOR CONFORMANCE WITH THE ZONING ORDINANCE AND THE ZONING BOARD OF ADJUSTMENT HAS NO OPINION ON THE QUALITY OR ACCURACY OF THE INFORMATION PROVIDED HEREON. THE ZONING BOARD OF ADJUSTMENT IS NOT RESPONSIBLE FOR THE CONSTRUCTION OF THE PROJECT OR FOR THE RESULTS THEREOF.

TO MANY FERRISDALE RESIDENTS WITH PERMISSION FROM  
B. JAMES KELLY (PH: 408.500.1794) (WWW.BJAMESKELLY.COM)

**WWW.BJAMESKELLY.COM**  
PROFESSIONAL  
DRAFTING & DESIGN  
Civil Engineering & Architecture  
107 AND BENTWOOD COUNTRY CLUB  
SAN ANGELO, TX

APRIL 14, 2023  
SITE PLAN

**1**

Site Photos







**ZONING BOARD OF ADJUSTMENT – August 7th, 2023**  
**STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Variance		ZBA23-18: 708 S Randolph Street	
<b>SYNOPSIS:</b>			
<p>The applicant has applied for a variance from Sec 501 of the zoning ordinance to allow a 5’ front yard setback in lieu of the 25’ setback requirement within the Two-Family Residential (RS-2) Zoning District on a property located at 708 S Randolph Street.</p>			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
708 S Randolph Street		Millspaugh Addition, W120’ of Lot 7, Blk: 20	
<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FUTURE LAND USE:</b>	<b>SIZE:</b>
SMD District #3 – Harry Thomas Fort Concho Neighborhood	Two-Family Residential (RS-2)	Neighborhood	0.141 acres
<b>NOTIFICATIONS:</b>			
<p>20 notifications mailed within 200-foot radius on July 18, 2023.                  Received 0 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> the request for a 5’ front yard setback, but to <b>APPROVE</b> a 14’ minimum setback to keep the setback in line with adjacent houses.</p>			
<b>PROPERTY OWNER/PETITIONER:</b>			
Applicant: Paloma Custom Homes, LLC			
<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:** There was a house previously on this lot that burned down and the property is currently vacant. The applicant would like to build the house in the same location as the original. The applicant measured from the curb back 25' which puts them about 5' from the property line. However, looking at the floorplan it looks like that is the carport that will be setback 5' but the house will be setback 14'.

**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 original house was built outside of the minimum setbacks as it predates them. The residence next door and across the alley are also 14' from the property line.
2. **These special circumstances are not the result of the actions of the applicant.** The older neighborhood and other houses having similar issues is not the result of any action by 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 and other properties have received similar variances.
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 land would not be contrary to public interest and would be in keeping with the Zoning Ordinance.
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. Staff does not believe a hardship exists that would warrant approving a variance allowing the home to extend to within 5 feet of the property line.*
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. Staff does not believe that there is an overriding public interest in allowing the home to be built to within 5 feet of the property line.*
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 purpose of front yard setbacks, in part, is to ensure a consistent building line within a neighborhood and particularly with houses on the same block. Given that adjacent houses encroach into the front yard setback, staff believes that the spirit of the ordinance would be preserved by allowing a variance to allow the home to extend similarly to adjacent homes, but NOT to allow the setback as requested.*

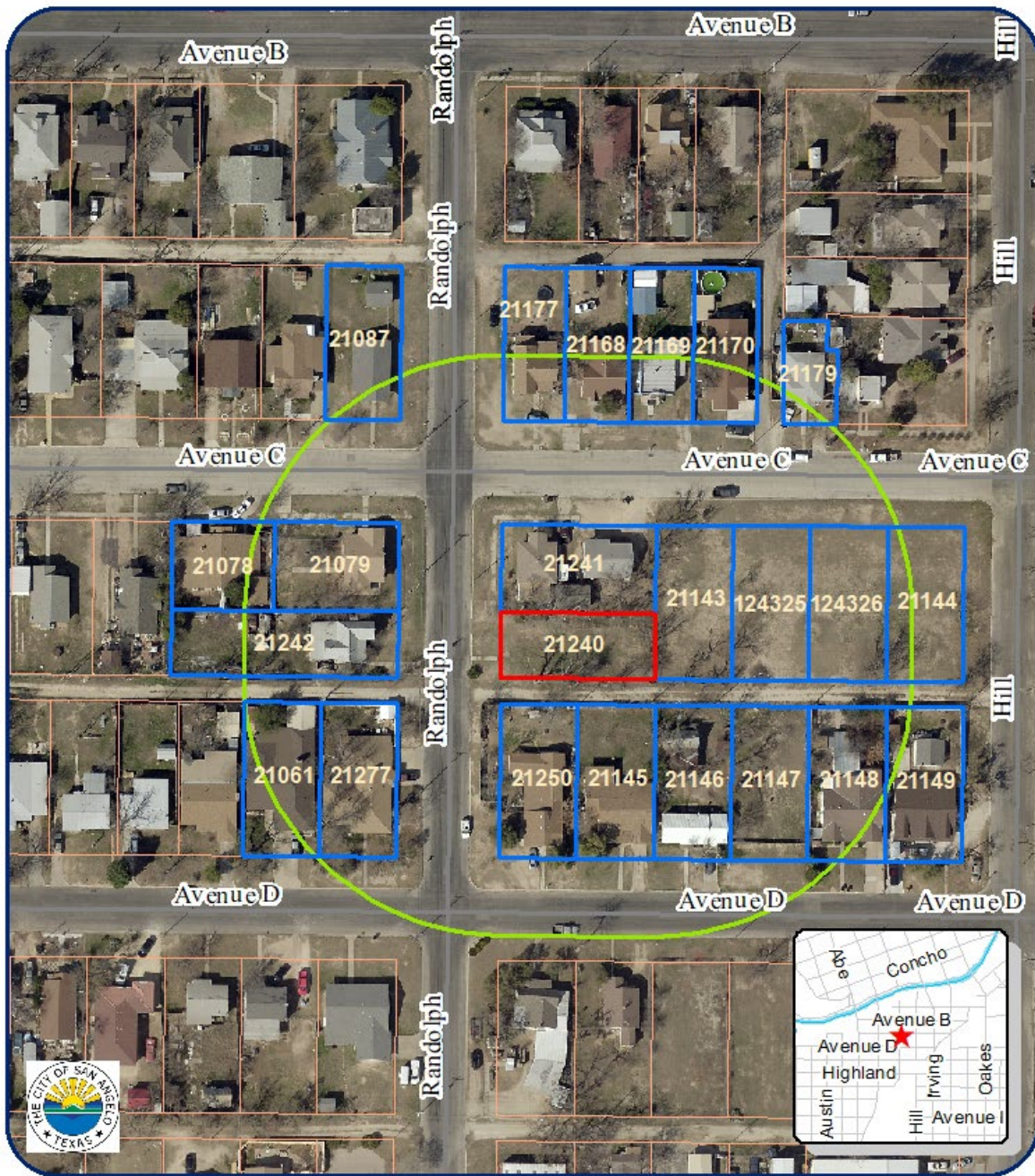
**Recommendation:**

Staff's recommendation is for the Zoning Board of Adjustment (ZBA) to **DENY** the variance from Section 501.A of the zoning ordinance that would allow a 5' front yard setback in lieu of the required 25 feet, but to **APPROVE** a 14' minimum setback to keep the setback in line with adjacent houses.

**Attachments:**

Notification Map  
Aerial Map  
Site Photo  
Site Plan  
Site Plan (zoomed in)  
Floor Plan (zoomed in)

**Notification Map**



**200' Notification Map**  
**ZBA23-18 708 S Randolph**  
 Council District: #3 Harry Thomas  
 Neighborhood: Ft. Concho  
 Scale: 0.0008 0.01 0.02 0.03 0.04 Miles

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

N

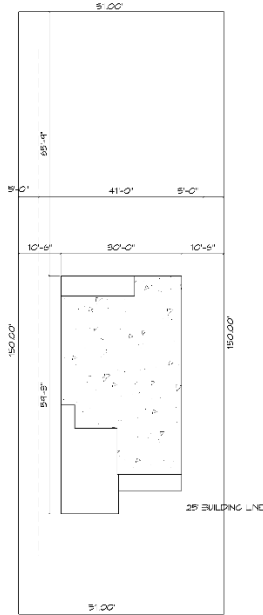
**Aerial Map**



**Site Photo**



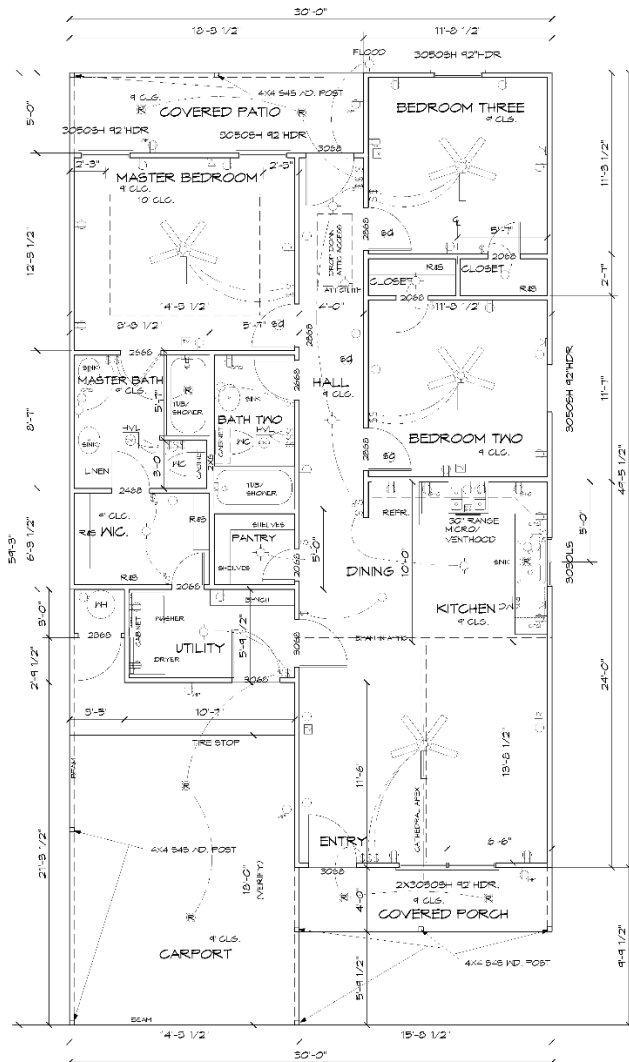
**Site Plan**



108 SOUTH RANDOLPH  
 LOT 7  
 BLK. 20  
 MILLSPAUGH ADDITION  
 TOM GREEN COUNTY, SAN ANGELO, TEXAS

**D SITE PLAN**  
 SCALE: 1/16" = 1'-0"

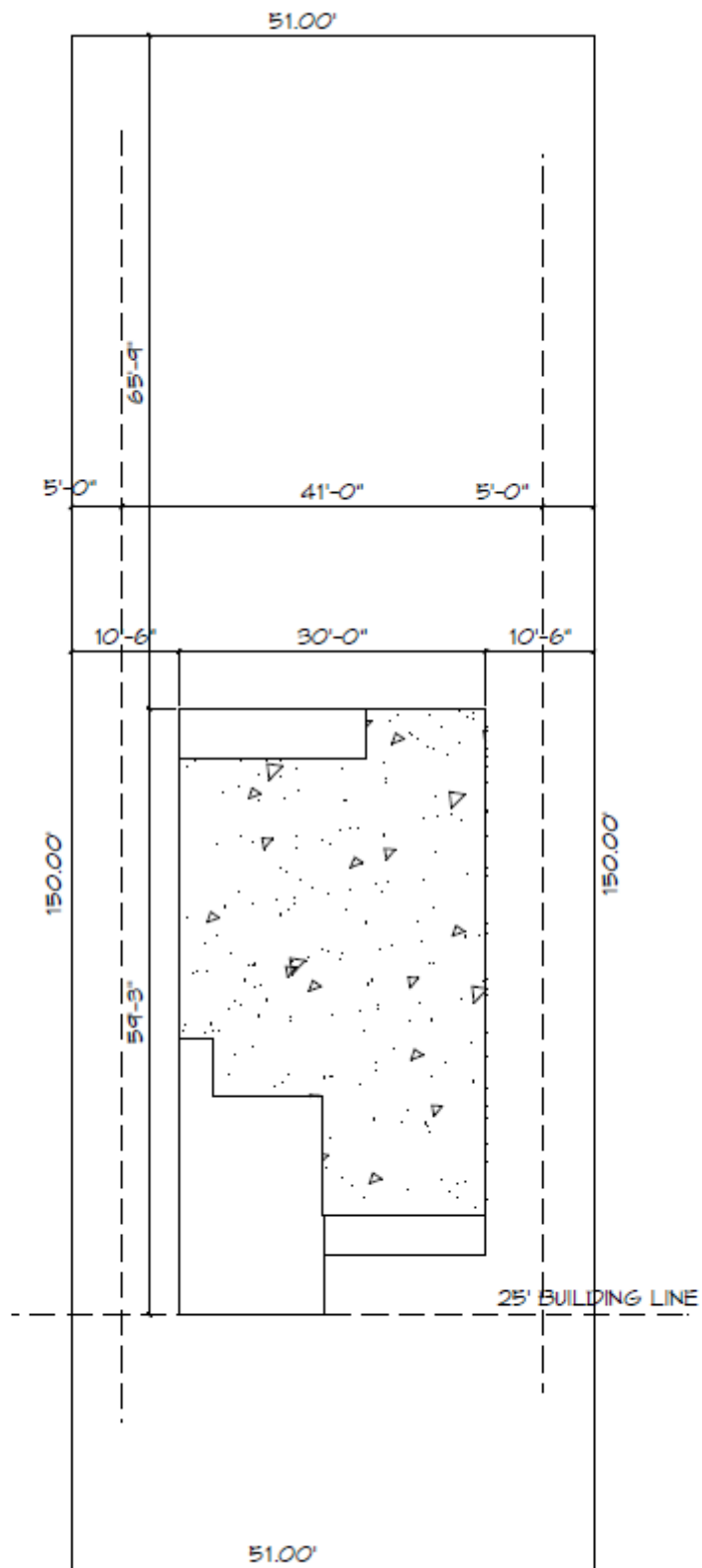
ELECTRICAL SYMBOLS	
	CEILING FAN
	120V CLG. MOUNT INCAND.
	120V WALL MOUNT INCAND.
	LIGHT STRIP MOUNTED TO WALL CAB. SUFFIT.
	HARD WIRE INTERCONNECTED SMOKE DETECTOR.
	SINGLE THROW SINGLE POLE WALL SWITCH.
	THREE-WAY WALL SWITCH.
	FOUR-WAY WALL SWITCH.
	120V WALL MOUNT DUPLEX OUTLET.
	120V GFI DUPLEX OUTLET.
	120V CLG. MOUNT DUPLEX OUTLET.
	120V WEATHER PROOF DUPLEX OUTLET.
	120V FLOOR MOUNT DUPLEX OUTLET. (VERIFY LOCATION)
	220V OUTLET.
	TELEPHONE OUTLET.
	TELEVISION CABLE OUTLET.



**A FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"

AREA CALCULATIONS	
HEATED OVER MASONRY	1212 S.F.
CARPORT AND WATER HEATER CLOSET	321 S.F.
COVERED PORCH	63 S.F.
COVERED PATIO	91 S.F.
<b>TOTAL AREA</b>	<b>1887 S.F.</b>

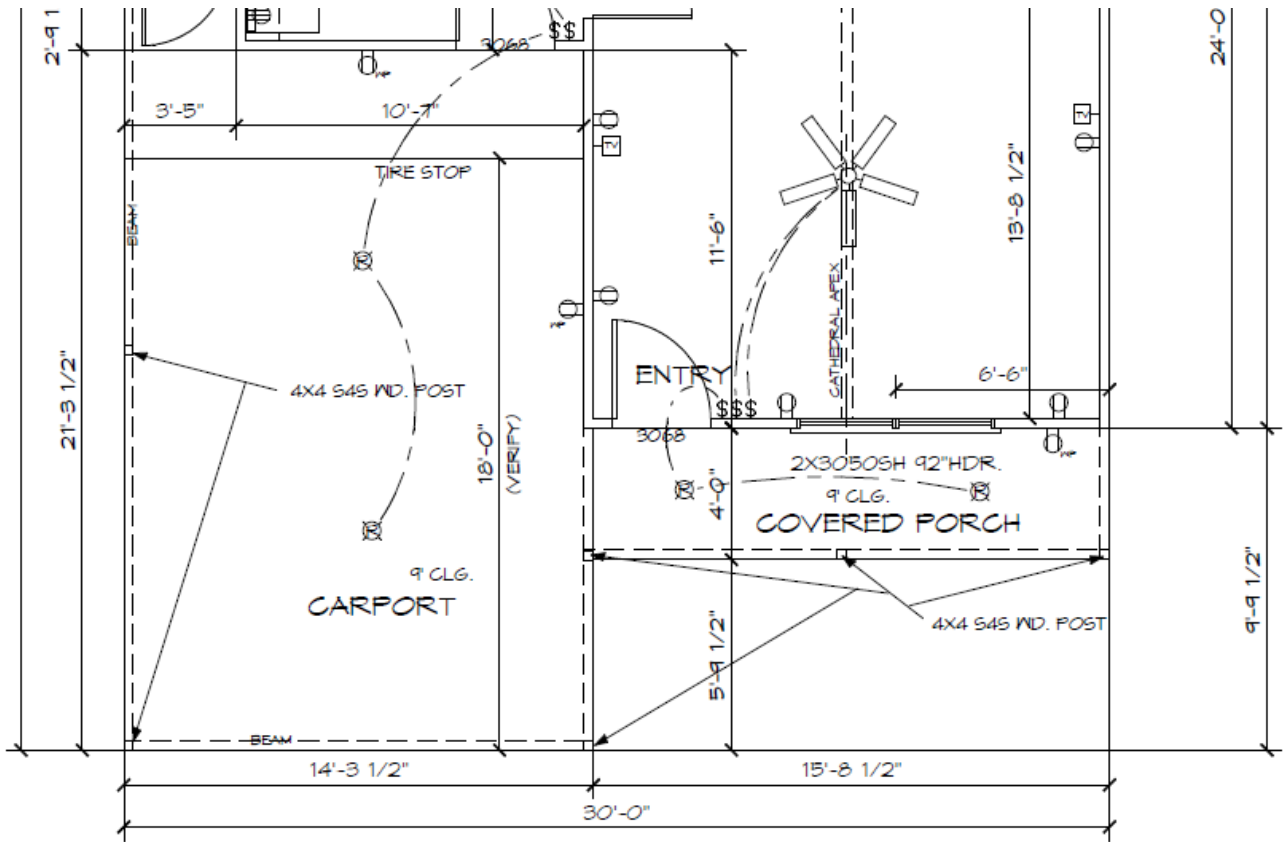
Site Plan (zoomed in)



708 SOUTH RANDOLPH

LOT 1

**Floor Plan (zoomed in)**



NO PLAN

AREA CALCULATIONS





# Memo

**To:** Zoning Board of Adjustment  
**From:** Jon James, Director of Planning & Development Services  
**Date:** August 7, 2023  
**Re:** Appeal of an administrative determination regarding separation of Short Term Rentals

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Section 406 of the City’s zoning ordinance (Chapter 12 – Planning & Development, Exhibit A – Zoning Ordinance, Article 4) contains regulations applicable to Bed and Breakfast Establishments and Short-Term Rentals. A Short-Term Rental (STR) is defined as:

***SHORT-TERM RENTAL:*** An establishment used for dwelling purposes for a period of less than 30 consecutive days in which the entire dwelling unit is offered to transient guests for compensation. This shall not include a rental of a dwelling that is part of a contract for sale of the dwelling.

Section 406.A.4. states that “A Short-Term Rental use may not be located on a lot that is within 500 feet of a lot on which another Short-Term Rental use is located.”

The applicant applied for approval of a Conditional Use to allow an STR on the property at 2512 Princeton. However, upon review staff determined that there was already another STR already approved within 500 feet, measured lot line to lot line. Therefore, the applicant’s Conditional Use application was rejected.

The applicant subsequently asked about applying for a variance from the 500’ separation requirement. Upon review, the Planning Director made a determination that this provision was not subject to a variance request (see the attached email correspondence with that determination).

The applicant is now appealing that administrative interpretation and is seeking to be able to request a variance from that separation requirement.

### Additional background information

The applicant contacted City staff regarding this property in December and asked if there were any STRs within 500 feet of the subject property. No such STRs showed up within 500 feet of the property based on the City's digital mapping at that time, so staff informed the applicant that it did not appear that there were any. However, a recently approved STR did not show up on the City's mapping due to a backlog of mapping updates resulting from a resignation of a Planning staff member.

The applicant claims to have purchased the subject property based on the conversation with staff telling him that no current STRs exist within 500 feet. It is important to point out, however, that even if this had been an eligible location for an STR, approval by the Planning Commission was by no means guaranteed.

Finally, your decision on this case is an interpretation of the ordinance language itself and is NOT a variance for this particular property. But rather is a determination on whether a variance is possible given the language in the ordinance.

## James, Jon

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**From:** James, Jon  
**Sent:** Tuesday, July 18, 2023 10:49 AM  
**To:** missey@drennanrealestategroup.com  
**Cc:** dougrobison67@gmail.com; Vannoy, Aaron  
**Subject:** RE: Short Term Rental - Zoning Ordinance

Ms. Graham,

After discussing with our Legal staff, my interpretation of the zoning ordinance is that the provision requiring separation from short term rentals is NOT variable. The City's zoning ordinance, in Section 207.A., states that a "variance shall not be granted to allow a use that is not allowed in the specific district in question by the use regulations in Article 3." A short term rental is not generally allowed within the zoning district in question, but requires a conditional use which is subject to the 500' separation. Allowing a variance to this standard would amount to a "use variance" which is not permissible, as opposed to typical variances which allow for variation of a measurable standard such as for a building setback, fence height, or other site specific development standards that apply to features on a property rather than whether or not a land use is allowed on the property.

I would be happy to discuss this interpretation. Also, please note that this formal interpretation is appealable to the Zoning Board of Adjustment per Section 206 of the Zoning Ordinance. Such appeal must be made within 30 days of this determination.



Jon James, AICP, Director  
Planning and Development Services  
City of San Angelo  
325-657-4210, ext. 1182