

**ZONING BOARD OF ADJUSTMENT – October 2, 2023  
STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Variance		ZBA23-22: 1809 Cordell Drive	
<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 5 foot front yard setback for 1809 Cordell Drive. The applicant hired a contractor to build their carport and the contractor did not get a building permit. The front of the carport is back from the property line about 5 feet. The area is zoned (RS-1) Single Family Residential. It is not in the Open Structures Overlay zone so the front yard setback, even for a carport, is 25 feet. The Open Structures Overlay stops 459 feet to the south.</p>			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
1809 Cordell Dr		Lot: 13 SEC 6, Blk: 8, Subd: RIVER VIEW HEIGHTS ADDN	
<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FUTURE LAND USE:</b>	<b>SIZE:</b>
SMD District #2 – Tom Thompson Angelo Heights Neighborhood	Single-Family Residential (RS-1)	Neighborhood	0.193 acres
<b>NOTIFICATIONS:</b>			
<p>23 notifications mailed within a 200-foot radius. No letters received to date in support or opposition.</p>			
<b>STAFF RECOMMENDATION:</b>			
<p>Staff’s recommendation is for the Zoning Board of Adjustment (ZBA) to <b>DENY</b> a variance from 501.A of the Zoning Ordinance to allow for a 5-foot front yard setback in lieu of the required 25-foot setback at 1809 Cordell Drive.</p>			
<b>PROPERTY OWNER/PETITIONER:</b>			
Applicant: Delia Castillo			
<b>STAFF CONTACT:</b>			
<p>Rae Lineberry Planner (325) 657-4210 <a href="mailto:rae.lineberry@cosatx.us">rae.lineberry@cosatx.us</a></p>			

**Additional Information:** The applicant hired a contractor and was told they did not have to have a building permit. That is incorrect. It is a structure and it does require a building permit.

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

1. **Special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district and are not merely financial.** The applicant saw a few other neighbors in the area that had a carport. A contractor came by saying he could build one just like the few others. The applicant saved up and hired the contractor. *There is no non-financial hardship.*
2. **These special circumstances are not the result of the actions of the applicant.** The front yard setback is off Cordell Drive. *There are no special circumstances on this lot that warrant them from being treated the same as other similarly situated properties.*
3. **Literal interpretation and enforcement of the terms and provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by another land in the same zoning district and would cause unnecessary and undue hardship.** The applicant would not be able to have a carport of the size he needs without a variance, since the garage is only 26.5 ft. back from the property line. *However, this is not uncommon and no property is guaranteed space for a carport.*
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 be contrary to public interest, per the setback standards adopted by the City Council. Such approval would NOT be keeping with the spirit and intent of the zoning ordinance.*
5. **Granting the variance will not adversely affect adjacent land in a material way.** Granting the variance could have an adverse effect on adjacent land. Others in the neighborhood have carports that are similar and are too close to the property line. Two other residents in the neighborhood received variance for their carport. However, there is no hardship that warrants a variance in this case.
6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.** Section 104.2 of the Zoning Ordinance states that the purpose of the Ordinance is to “Protect the character and the established pattern of development in each area.” Staff believes that granting this variance will disrupt the pattern of development in this area. Most of the homes do not have carports in front of the garage and continuing to allow the proliferation of carports would be contrary to the rules established by the City Council.

**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 their request is in keeping with the development of homes in this area of town and literal enforcement will deprive them of the necessary use of this addition to their home.**

**Staff disagrees and sees no hardship or overriding public interest that would be served by approval of this variance. Such an approval would not preserve the spirit and intent of the adopted regulations.**

**Recommendation:**

Staff's recommendation is for the Zoning Board of Adjustment (ZBA) to **DENY** a variance from 501.A of the Zoning Ordinance to allow for a front yard setback of 5 feet in lieu of the required 25 feet in order to continue to use their carport as built.


**Attachments:**


Photographs  
Aerial Map  
Site Plan






**Aerial Map**  
**ZBA 23-22: 1809 Cordell Street**  
Council District: #2 Tom Thompson  
Neighborhood: Angelo Heights

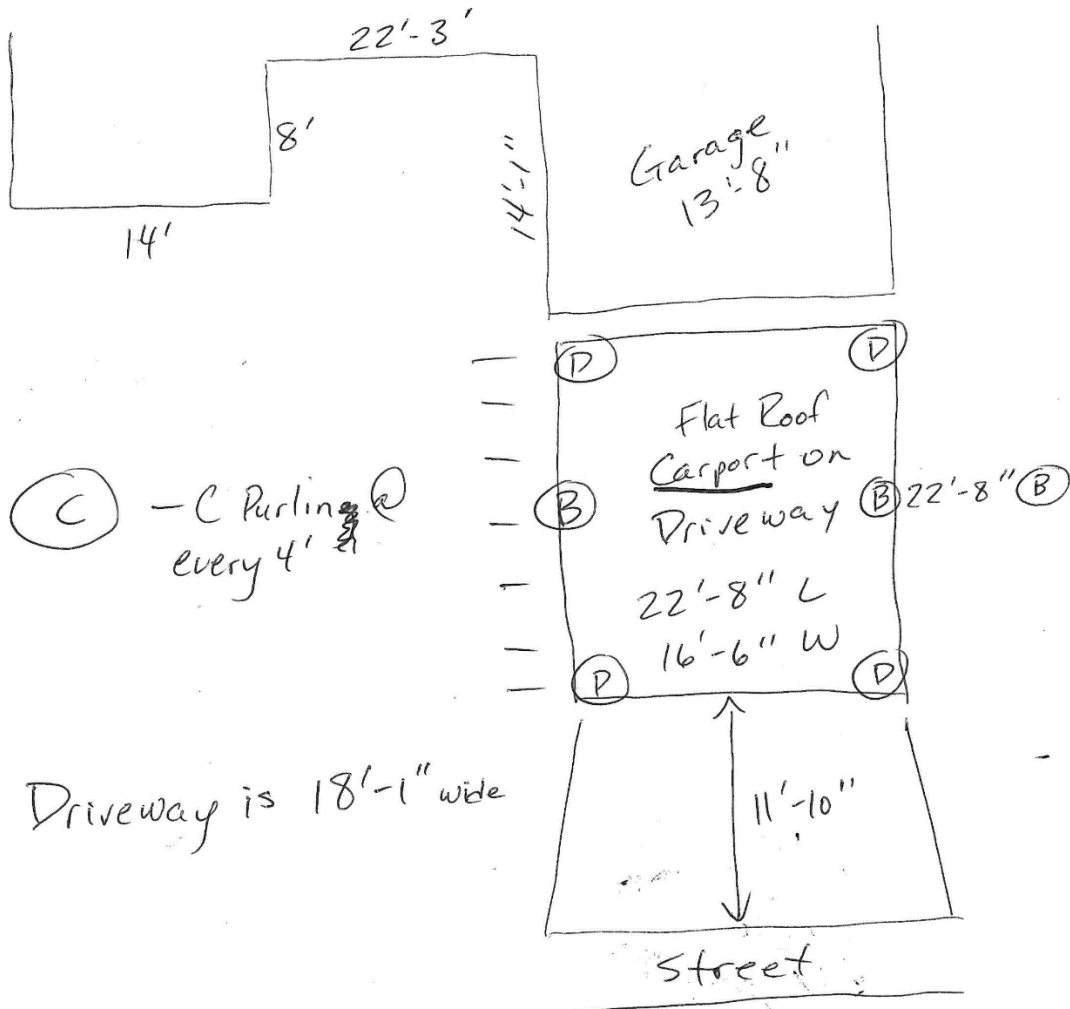
Subject Properties: 

Scale:  Miles



1809 Cordell Dr., San Angelo, Tx 76901

Main home



Roof 26 ga corrugated metal sheets

8" 10 lb wide flange I-Beam (2 pcs) (B)

8" C Purling 14ga (7 pcs) (B) (C)

$\frac{3}{16}$  4" x 4" sq tubing (2 pcs) (D)

**ZONING BOARD OF ADJUSTMENT – October 2, 2023  
STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Variance		ZBA23-25: 1746 Cordell Drive	
<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 0 - foot front yard setback for 1746 Cordell Drive. The applicant built his carport without submitting it for a building permit. The front of the carport is between the property line and one foot off the property line. The area is zoned (RS-1) Single Family Residential. It is not in the Open Structures Overlay zone so the front yard setback, even for a carport, is 25 feet. The Open Structures Overlay stops 528 feet to the south. The Appraisal District shows that the home was built in 1999.</p>			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
Northeast corner of Cordell Dr. & N. Van Buren St.		Lot 16, Blk. 17 River View Heights Addn. Section 7	
<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FUTURE LAND USE:</b>	<b>SIZE:</b>
SMD District #2 – Tom Thompson Angelo Heights Neighborhood	Single-Family Residential (RS-1)	Neighborhood	0.185 acres
<b>NOTIFICATIONS:</b>			
<p>25 notifications mailed within a 200-foot radius on September 15, 2023. No letters received to date in support or opposition.</p>			
<b>STAFF RECOMMENDATION:</b>			
<p>Staff’s recommendation is for the Zoning Board of Adjustment (ZBA) to <b>DENY</b> a variance from 501.A of the Zoning Ordinance to allow for a 0-foot front yard setback in lieu of the required 25-foot setback at 1746 Cordell Drive.</p>			
<b>PROPERTY OWNER/PETITIONER:</b>			
Applicant: Gary Lacy			
<b>STAFF CONTACT:</b>			
Sherry Bailey Principal Planner (325) 657-4210, Extension 1546 <a href="mailto:sherry.bailey@cosatx.us">sherry.bailey@cosatx.us</a>			

**Additional Information:** The applicant believes that he talked with someone at the city that told him if he built it himself he did not have to have a building permit. That is incorrect. It is a structure and it does require a building permit.

**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.** When the applicant bought the house the garage had already been modified to prevent him from parking his truck in the garage. His truck later suffered hail damage when parked outside. Adding a carport seemed to be the best solution. *Staff does not believe that this is a special circumstance warranting approval of a variance is it is not necessarily unique.*
- 2. These special circumstances are not the result of the actions of the applicant.** *While the previous owner may have modified the garage, the current owner presumably knew that when purchasing the home and knew the limitations of having a house without a usable garage. Therefore, the actions to construct a carport (and without a permit) was a result of actions 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 another land in the same zoning district and would cause unnecessary and undue hardship.** The applicant asserts that he would not be able to have a carport of the size he needs without a variance, since the garage is only 24 feet back from the property line. *Again, this was a limitation of the property when purchased and is not a justification for a variance. There is no unnecessary and undue hardship created by enforcing the ordinance as City Council adopted it.*
- 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.** *Granting this variance would be contrary to the public interest, as defined by the City Council when adopting the setback requirements for carport structures and would not carry out the spirit of the ordinance.*
- 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 disrupt the pattern of development in this area. Most of the homes do not have carports in front of the garage.*



**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 their request is in keeping with the development of homes in this area of town and literal enforcement will deprive him of the necessary use of this addition to his home.**

***Staff, on the other hand, believes that there is no hardship, overriding public interest, nor extraordinary circumstance that warrants this variance on this property. The fact that the applicant has already constructed the carport (without permits) should not factor into the decision.***

**Recommendation:**

Staff's recommendation is for the Zoning Board of Adjustment (ZBA) to **DENY** a variance from 501.A of the Zoning Ordinance to allow for a front yard setback of 0 feet in lieu of the required 25 feet for a carport.

**Attachments:**

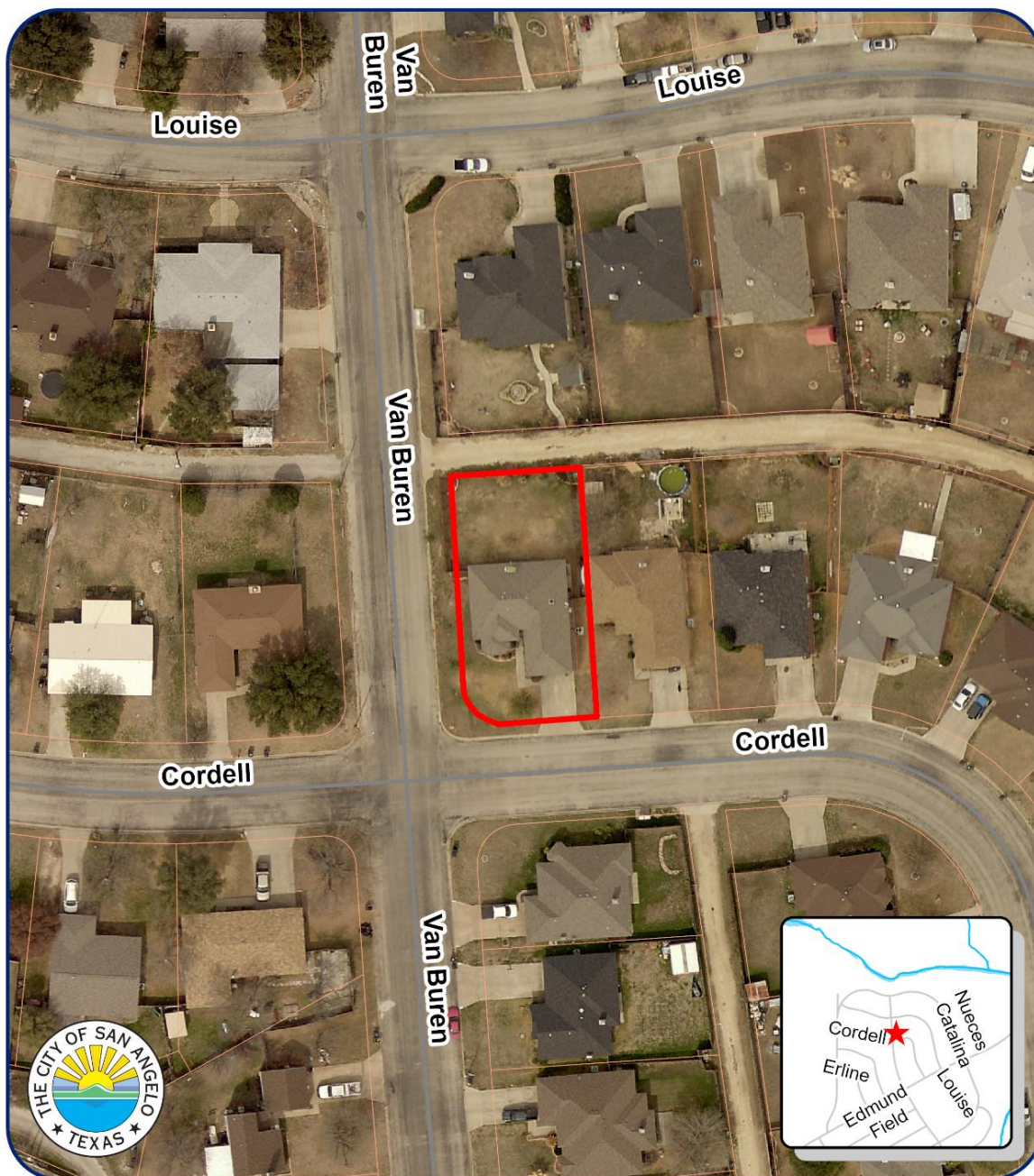
Site Photographs  
Aerial Map  
Zoning Map  
Notification Map











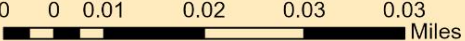
**Aerial Map**

**ZBA23-25: 1746 Cordell Drive**

Council District: #2 Tom Thompson

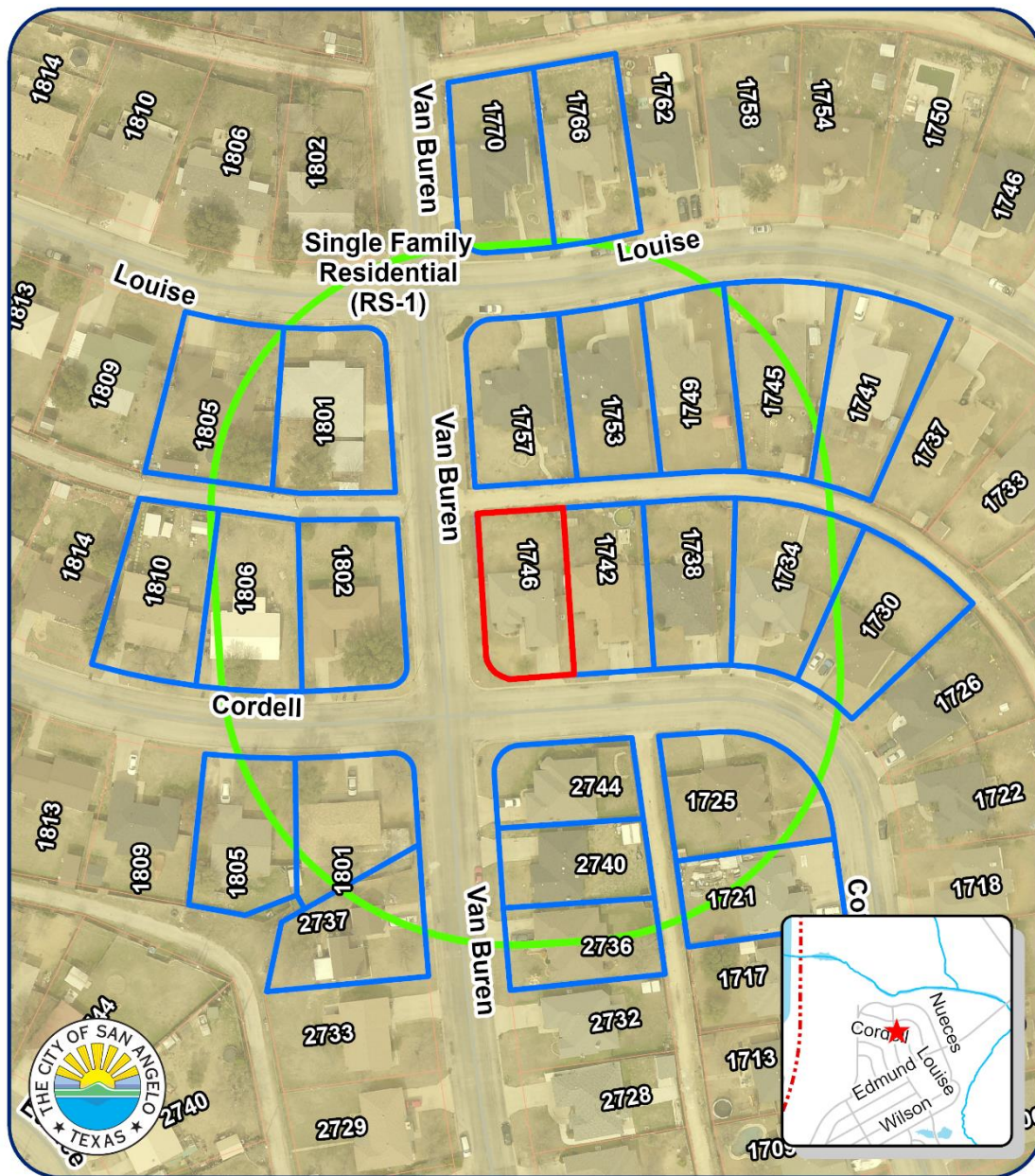
Neighborhood: Angelo Heights

Subject Properties: 

Scale:  Miles



**Zoning Map of Surrounding Area**

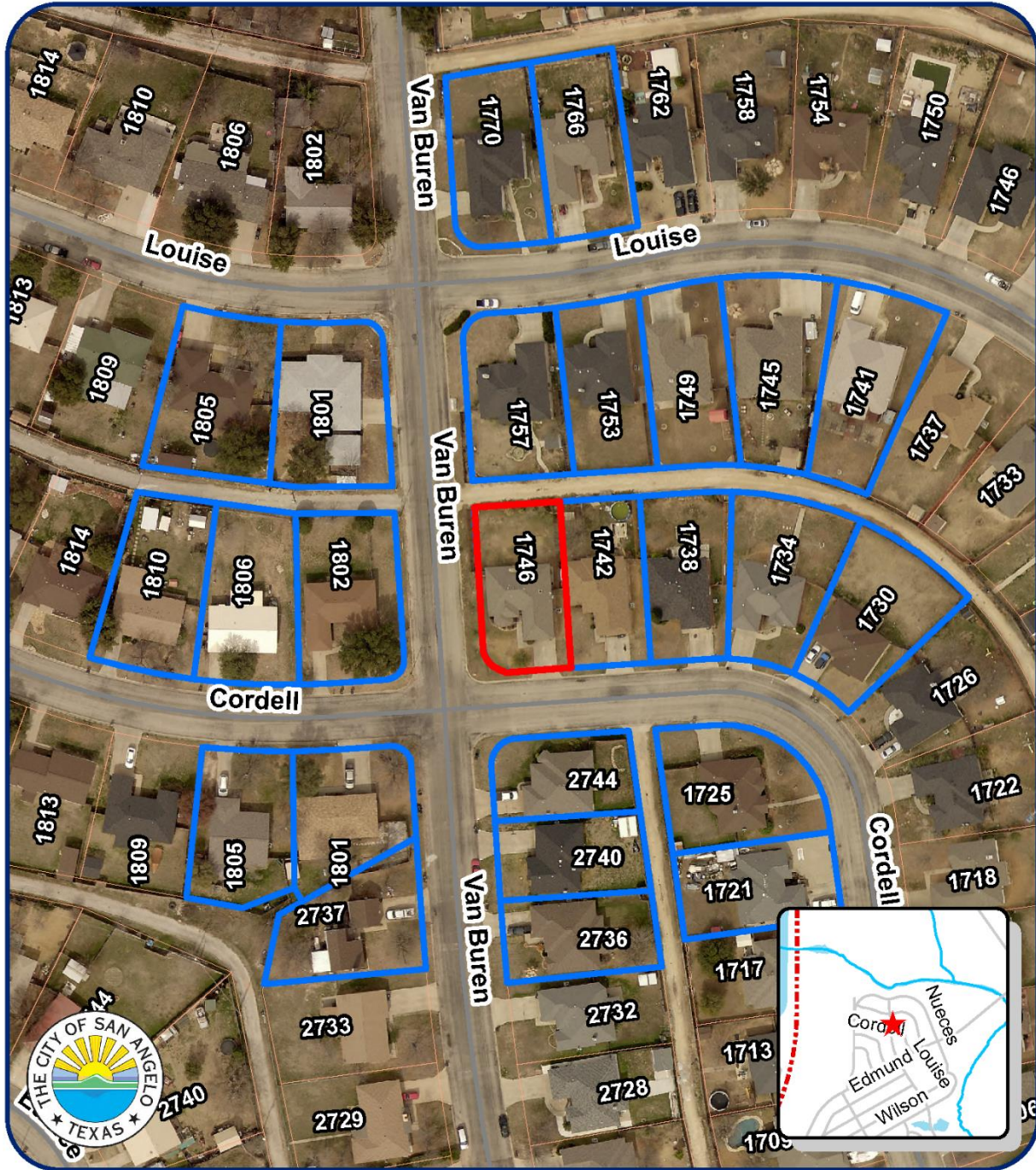


**Zoning Map**  
**ZBA23-25: 1746 Cordell Drive**  
 Council District: #2 Tom Thompson  
 Neighborhood: Angelo Heights

Scale: 0 0.01 0.02 0.03 0.04 Miles

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


N



**200' Notification Map**  
**ZBA23-25: 1746 Cordell Drive**  
 Council District: #2 Tom Thompson  
 Neighborhood: Angelo Heights

Scale: 0 0.01 0.02 0.03 0.04 Miles

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

N  




**ZONING BOARD OF ADJUSTMENT – October 2, 2023  
STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Variance		ZBA23-23: 1725 Live Oak St	
<b>SYNOPSIS:</b>			
The applicant has submitted a request for a variance from Section 406.A.4. of the Zoning Ordinance for a Short-Term Rental to be within 500' of another Short-Term Rental. Measuring lot line to lot line, per the ordinance, this property is 418 feet from the nearest lot with an STR. However, measuring along the street frontage, this lot is 559 feet from the nearest lot with an STR.			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
1725 Live Oak St		Blk: 3, Subd: SOUTH HEIGHTS ADDITION, W /2 OF LOT 8 & NW /4 OF LOT 7	
<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)	Neighborhood
<b>SIZE:</b>			
0.108 acres			
<b>NOTIFICATIONS:</b>			
22 notifications mailed within a 200-foot radius. No letters received to date in support or opposition.			
<b>STAFF RECOMMENDATION:</b>			
Staff does not have a recommendation for the board.			
<b>PROPERTY OWNER/PETITIONER:</b>			
Applicant: Jarvis & Tamara Letcher, property owner			
<b>STAFF CONTACT:</b>			
Rae Lineberry Planner (325) 657-4210 <a href="mailto:rae.lineberry@cosatx.us">rae.lineberry@cosatx.us</a>			

**Case Evaluation**

**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.**  
This is an existing lot and home. The neighborhood is in transition to partial ownership and long-term rentals. A short-term rental has more control than long term rentals as the local owner or operator must reside within Tom Green County. A special circumstance is that this lot and the nearby STR lot are not on the same street and measured along the roadway they are greater than 500' apart.
2. **These special circumstances are not the result of the actions of the applicant.**  
The special circumstances are another short-term rental is within 500' of a linear distance via lot lines; however, the properties are on separate streets.
3. **Literal interpretation and enforcement of the terms and provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by another land in the same zoning district and would cause unnecessary and undue hardship.** The literal enforcement of the 500' between Short-term rentals via lot lines is prohibiting this applicant from seeking a conditional use through the Planning Commission as the first step to become a short-term rental.
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 where the applicant could seek a Conditional Use through the Planning Commission.
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 in the immediate future. The applicant must still obtain a Conditional Use through Planning Commission as well as meet the remaining standards of Sec 406 of the zoning ordinances for Short-term rentals.
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.*

**The applicant believes their request is in keeping with the development of homes in this area of town which is transitioning to owners and long-term rentals. Literal enforcement prevents the request to obtain a Conditional Use.**

**Recommendation:**

Staff does not have a recommendation for the Board. This request is a variance from of the Zoning Ordinance to allow for a variance for a Short-Term Rental to be within 500' of another Short-Term Rental. In this case the distance via public roadway is 559'; however, the standard measurement required by ordinance is lot line to lot line in this case 418'.


**Attachments:**

Aerial Map  
Image of Home  
Distance Map

### Aerial Map



**Aerial Map**  
**ZBA 23-23: 1725 Live Oak St**  
Council District: #5 Karen Hesse Smith  
Neighborhood: Santa Rita

Subject Properties: 

Scale: 0 0.01 0.02 0.03 0.03 Miles


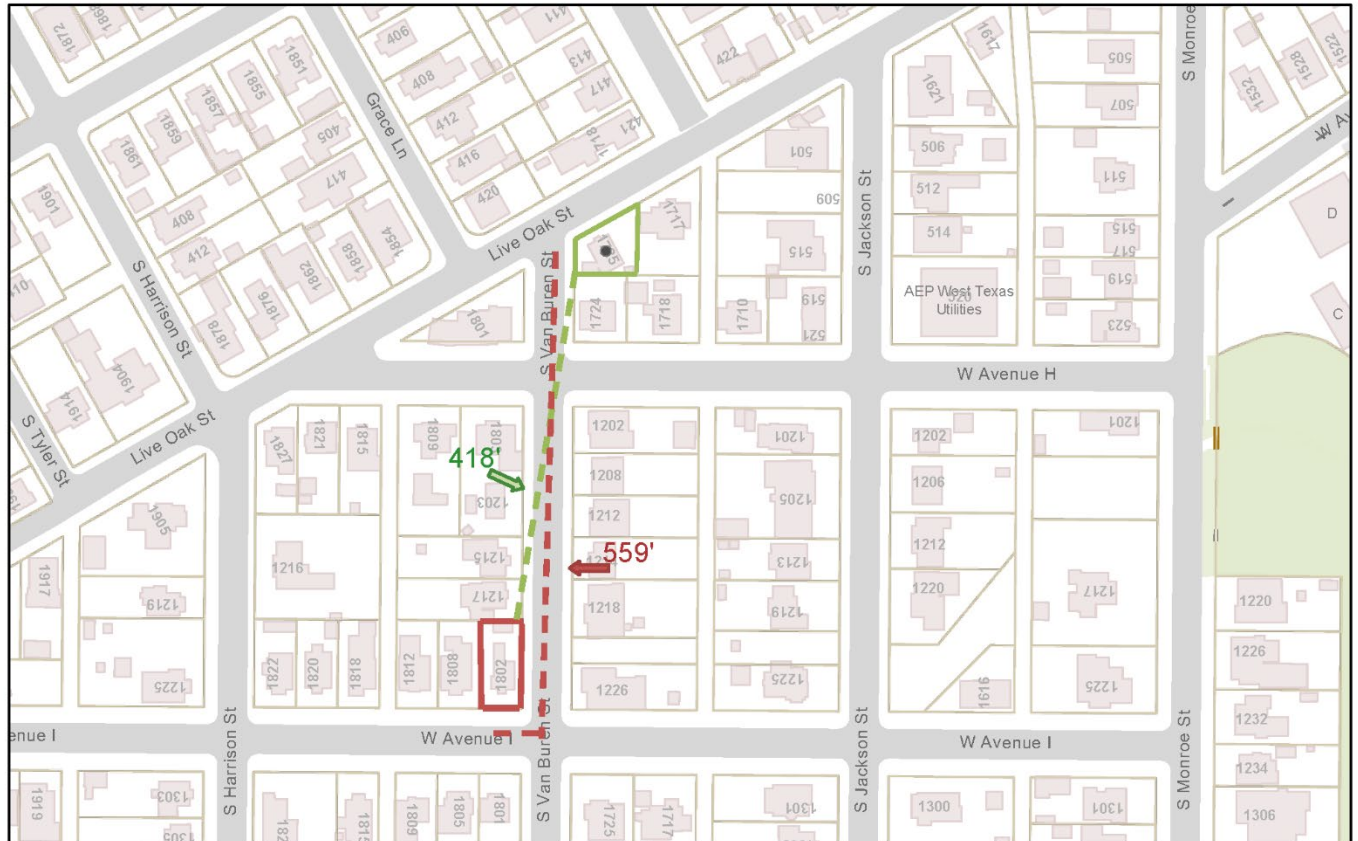


Image of Home



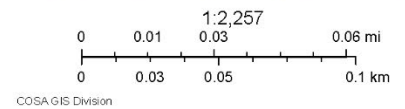
### Distance Map

ArcGIS Web Map



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Parcels



**ZONING BOARD OF ADJUSTMENT – October 2, 2023  
STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Variance		ZBA23-26: 1305 S Jackson St	
<b>SYNOPSIS:</b>			
The applicant has submitted a request for a variance from Section 406 A. 4. of the Zoning Ordinance for a variance for a Short-Term Rental to be within 500' of another Short-Term Rental. Measuring lot line to lot line, per the ordinance, this property is 268 feet from the nearest lot with an STR. However, measuring along the street frontage, this lot is 525 feet from the nearest lot with an STR.			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
1305 S Jackson St		Lot: 2, Blk: 12, Subd: SOUTH HEIGHTS ADDITION	
<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)	Neighborhood
			<b>SIZE:</b>
			0.172 acres
<b>NOTIFICATIONS:</b>			
26 notifications mailed within a 200-foot radius. Received 1 in support and 0 opposition.			
<b>STAFF RECOMMENDATION:</b>			
Staff does not have a recommendation for the board.			
<b>PROPERTY OWNER/PETITIONER:</b>			
Applicant: Dylan Burns			
<b>STAFF CONTACT:</b>			
Rae Lineberry Planner (325) 657-4210 <a href="mailto:rae.lineberry@cosatx.us">rae.lineberry@cosatx.us</a>			

**Case Evaluation**

**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.**  
This is an existing lot and home. The neighborhood is in transition to partial ownership and long-term rentals. A short-term rental has more control than long term rentals as the local owner or operator must reside within Tom Green County. A special circumstance is that this lot and the nearby STR lot are not on the same street and measured along the roadway they are greater than 500' apart.
2. **These special circumstances are not the result of the actions of the applicant.**  
The special circumstances are another short-term rental is within 500' of a linear distance via lot lines; however, the properties are on separate streets.
3. **Literal interpretation and enforcement of the terms and provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by another land in the same zoning district and would cause unnecessary and undue hardship.** The literal enforcement of the 500' between Short-term rentals via lot lines is prohibiting this applicant from seeking a conditional use through the Planning Commission as the first step to become a short-term rental.
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 where the applicant could seek a Conditional Use through the Planning Commission.
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 in the immediate future. The applicant must still obtain a Conditional Use through Planning Commission as well as meet the remaining standards of Sec 406 of the zoning ordinances for Short-term rentals.
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.*

**The applicant believes their request is in keeping with the development of homes in this area of town which are transitioning to owners and long-term rentals. Literal enforcement prevents the request to obtain a Conditional Use.**

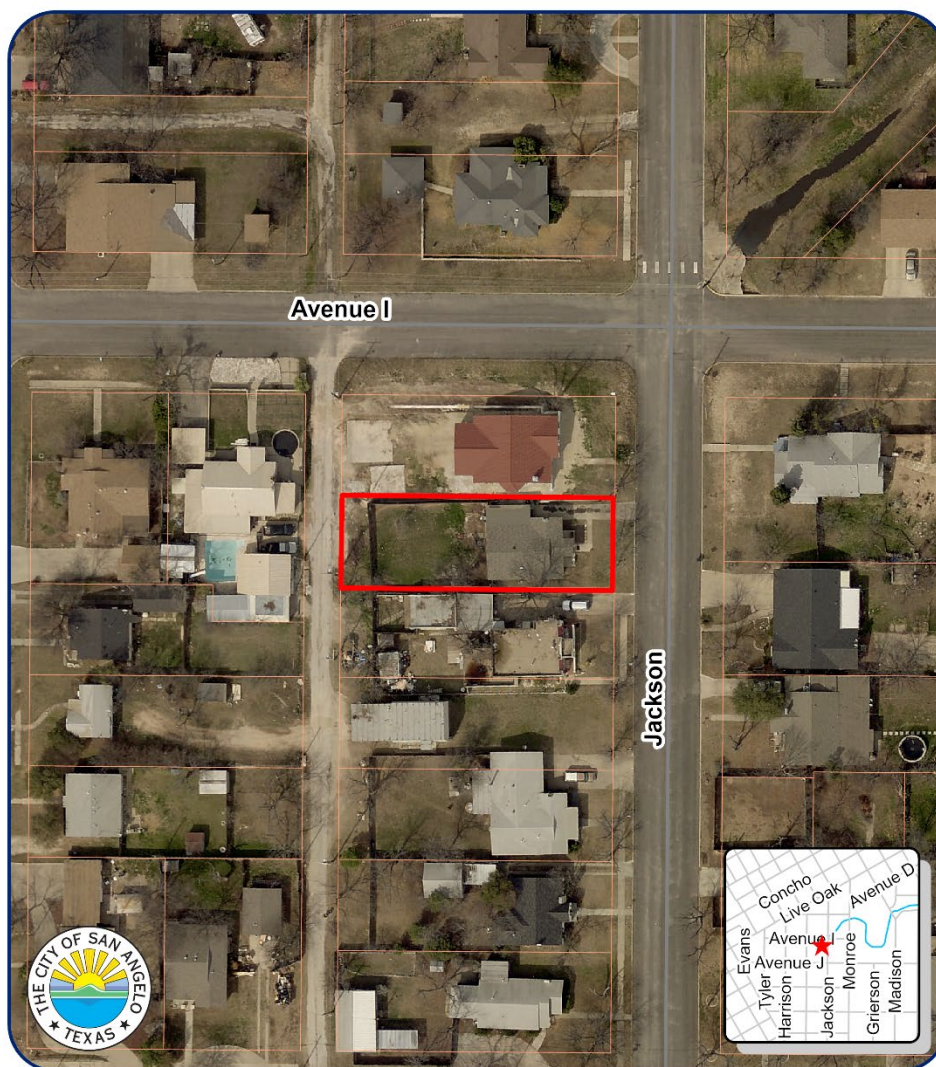
**Recommendation:**

Staff does not have a recommendation for the Board. This request is a variance from of the Zoning Ordinance to allow for a variance for a Short-Term Rental to be within 500' of another Short-Term Rental. In this case the distance via public roadway is 525'; however, the standard measurement required by ordinance is lot line to lot line in this case 268'.


**Attachments:**

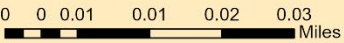
- Aerial Map
- Image of Home
- Distance Map

### Aerial Map



**Aerial Map**  
**ZBA23-26: 1305 S Jackson Street**  
Council District: #5 Karen Hesse Smith  
Neighborhood: Santa Rita

Subject Properties: 

Scale:  Miles


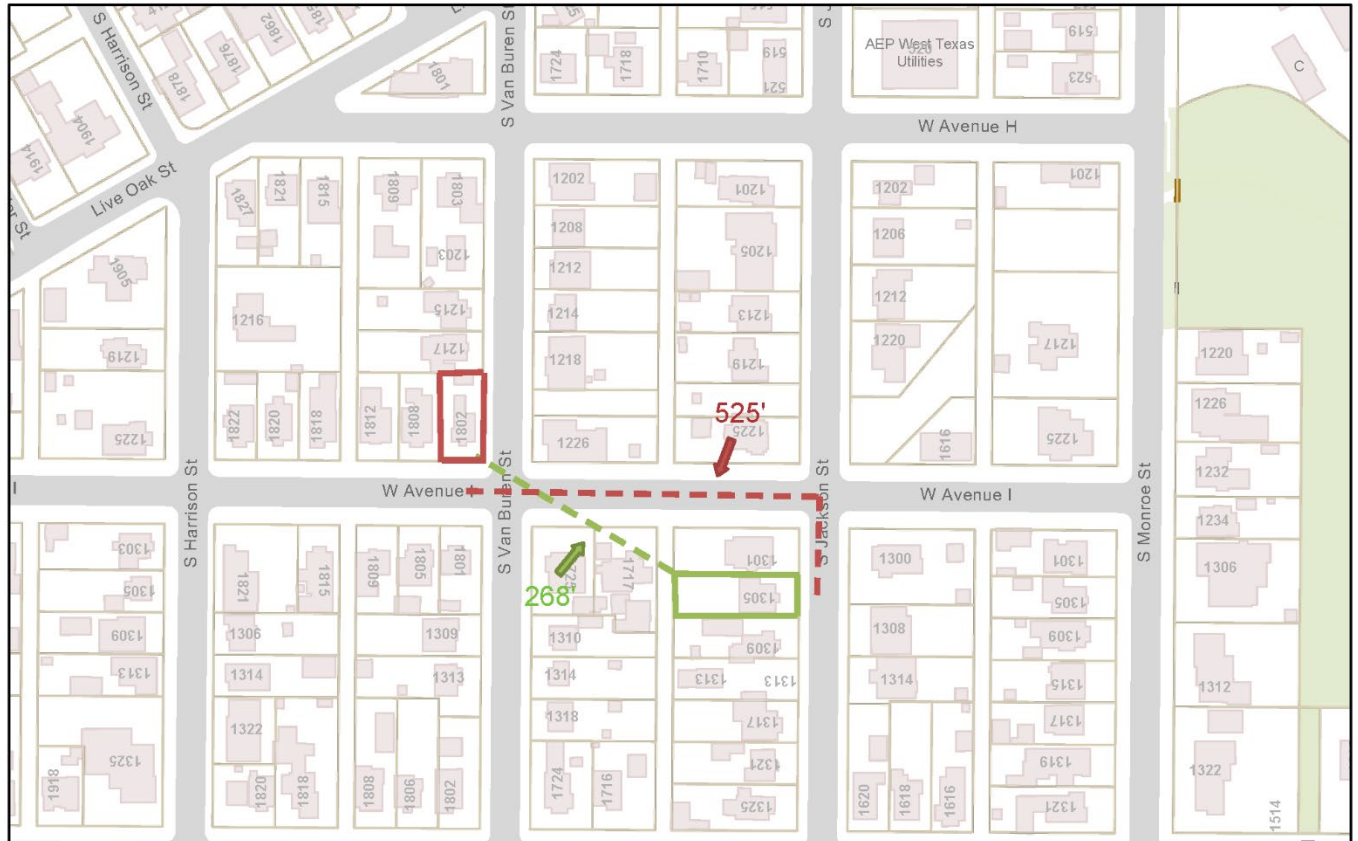


Image of Home



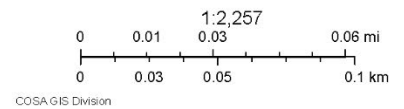
**Distance Map**

ArcGIS Web Map



9/24/2023, 12:37:52 PM

Parcels



**ZONING BOARD OF ADJUSTMENT – October 2, 2023**  
**STAFF REPORT**



<b>APPLICATION TYPE:</b>	<b>CASE:</b>
Variance	ZBA23-24: 3206 Oak Forest Court

**SYNOPSIS:**

The applicant has submitted a request for approval of a variance from Section 501.A of the Zoning Ordinance to allow for a 0 - foot side yard setback for the property at 3206 Oak Forest Court. This lot is unique in its configuration, although it does appear to have two or three front yards. In reviewing the property staff believes that we can consider this a side yard, and the applicant is asking for a 0 - side yard variance only at one point, the corner of their structure. The rest of the structure can meet the five-foot setback from the property line. The fencing goes straight back, does not follow the property line, so that the building is 1.5 feet from the fence but that is not the property line.

<b>LOCATION:</b>	<b>LEGAL DESCRIPTION:</b>
3206 Oak Forest Court	College Hills South Addition, Blk. 57 Lot 22 Sect. 11

<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FUTURE LAND USE:</b>	<b>SIZE:</b>
SMD District #1 – Larry Miller Sunset Neighborhood	Single-Family Residential (RS-1)	Neighborhood	0.260 acres

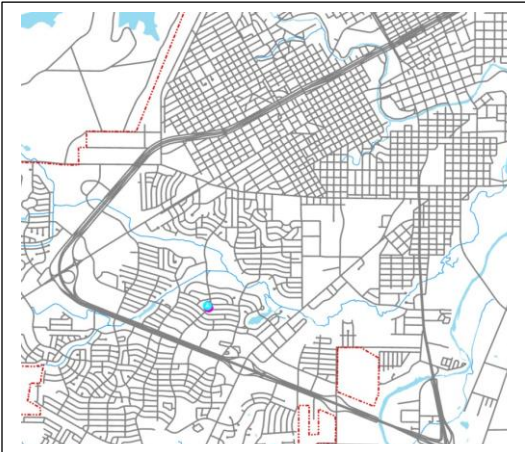
**NOTIFICATIONS:**

21 notifications mailed within a 200-foot radius on June 22, 2023.  
 One letter was received in favor, no letters in opposition.

**STAFF RECOMMENDATION:**

Staff’s recommendation is to **APPROVE** a variance from 501.A of the Zoning Ordinance to allow for a 0-foot side yard setback in lieu of the required 5-foot setback on a lot for 3206 Oak Forest Court.

<b>PROPERTY OWNER/PETITIONER:</b>
Applicant: Collin McCrory – McCrory Homes Representative: Erica Wilde Carter-Fentress Eng.
<b>STAFF CONTACT:</b>
Sherry Bailey Principle Planner (325) 657-4210, Extension 1546 <a href="mailto:sherry.bailey@cosatx.us">sherry.bailey@cosatx.us</a>



**Additional Information:** The fence along this side yard goes straight back but it does not follow the property line. The variance is only needed for the front corner of the accessory structure not the whole structure.

**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.** This is a uniquely shaped lot, with a property line that weaves outward.
2. **These special circumstances are not the result of the actions of the applicant.**  
The only problem that was of the owners making was building the fence line straight back instead of along the weaving property line.
3. **Literal interpretation and enforcement of the terms and provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by another land in the same zoning district and would cause unnecessary and undue hardship.** The applicant did build an accessory building without a permit and he will have to correct that oversight. However, it is only the corner that needs 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 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 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.*

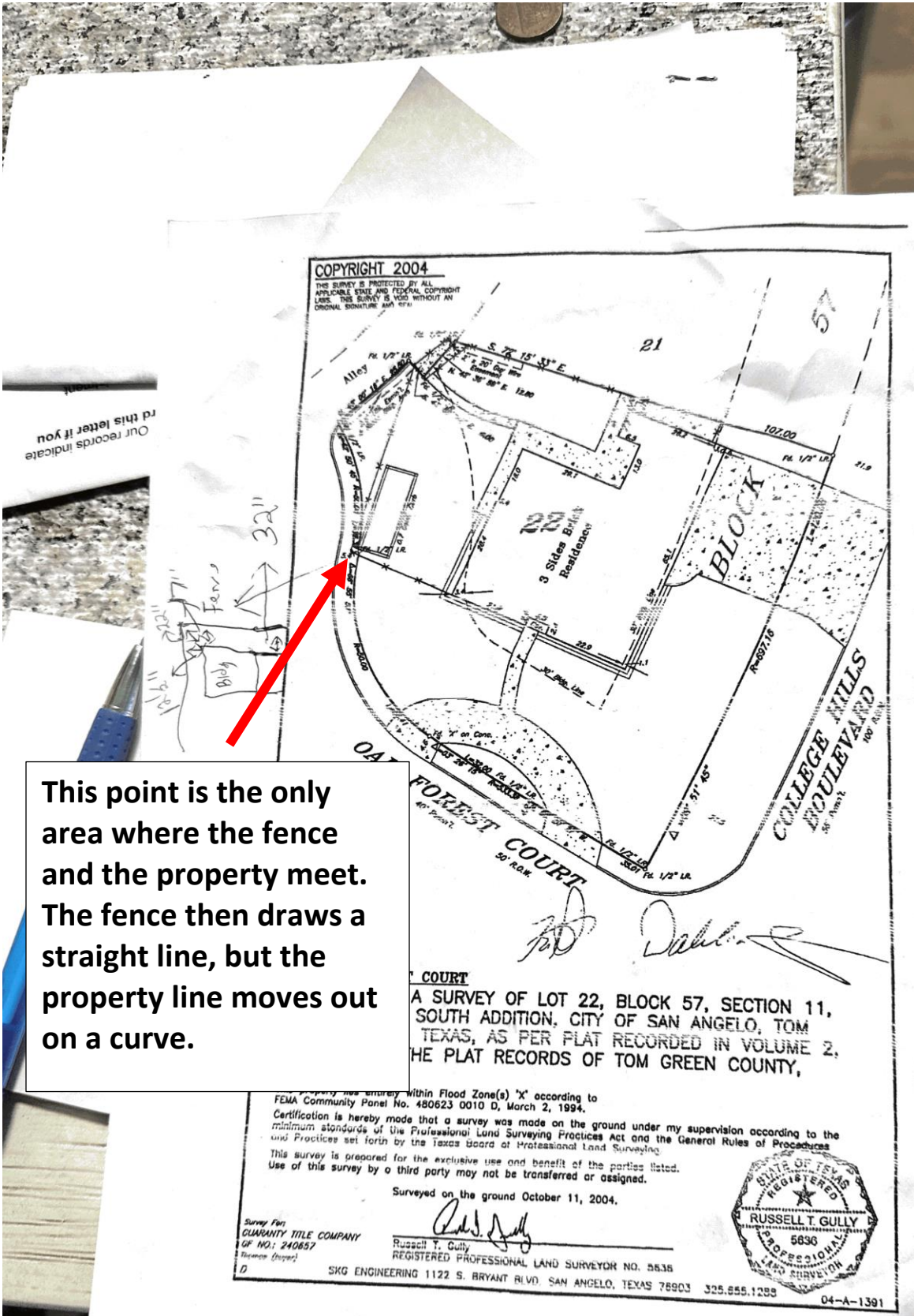
**The applicant believes their request is in keeping with the development of homes in this area of town and granting the variance will preserve the integrity of the ordinance.**

**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 at the corner in lieu of the required 5 feet to keep his accessory structure.

**Attachments:**

Site Plan  
Aerial Map  
Photographs  
Site  
Notification Map



Our records indicate  
rd this letter if you

**This point is the only area where the fence and the property meet. The fence then draws a straight line, but the property line moves out on a curve.**

**COURT**  
A SURVEY OF LOT 22, BLOCK 57, SECTION 11, SOUTH ADDITION, CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS, AS PER PLAT RECORDED IN VOLUME 2, THE PLAT RECORDS OF TOM GREEN COUNTY,

FEMA Community Panel No. 480623 0010 D, March 2, 1994.  
Certification is hereby made that a survey was made on the ground under my supervision according to the minimum standards of the Professional Land Surveying Practices Act and the General Rules of Procedures and Practices set forth by the Texas Board of Professional Land Surveying.  
This survey is prepared for the exclusive use and benefit of the parties listed.  
Use of this survey by a third party may not be transferred or assigned.

Surveyed on the ground October 11, 2004.

Survey For:  
**GUARANTY TITLE COMPANY**  
OF NO: 240857  
Finance (Owner)

**Russell T. Gully**  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5636

**STATE OF TEXAS**  
REGISTERED  
**RUSSELL T. GULLY**  
5636  
PROFESSIONAL  
LAND SURVEYOR

SKG ENGINEERING 1122 S. BRYANT BLVD. SAN ANGELO, TEXAS 76903 325.655.1283 04-A-1391

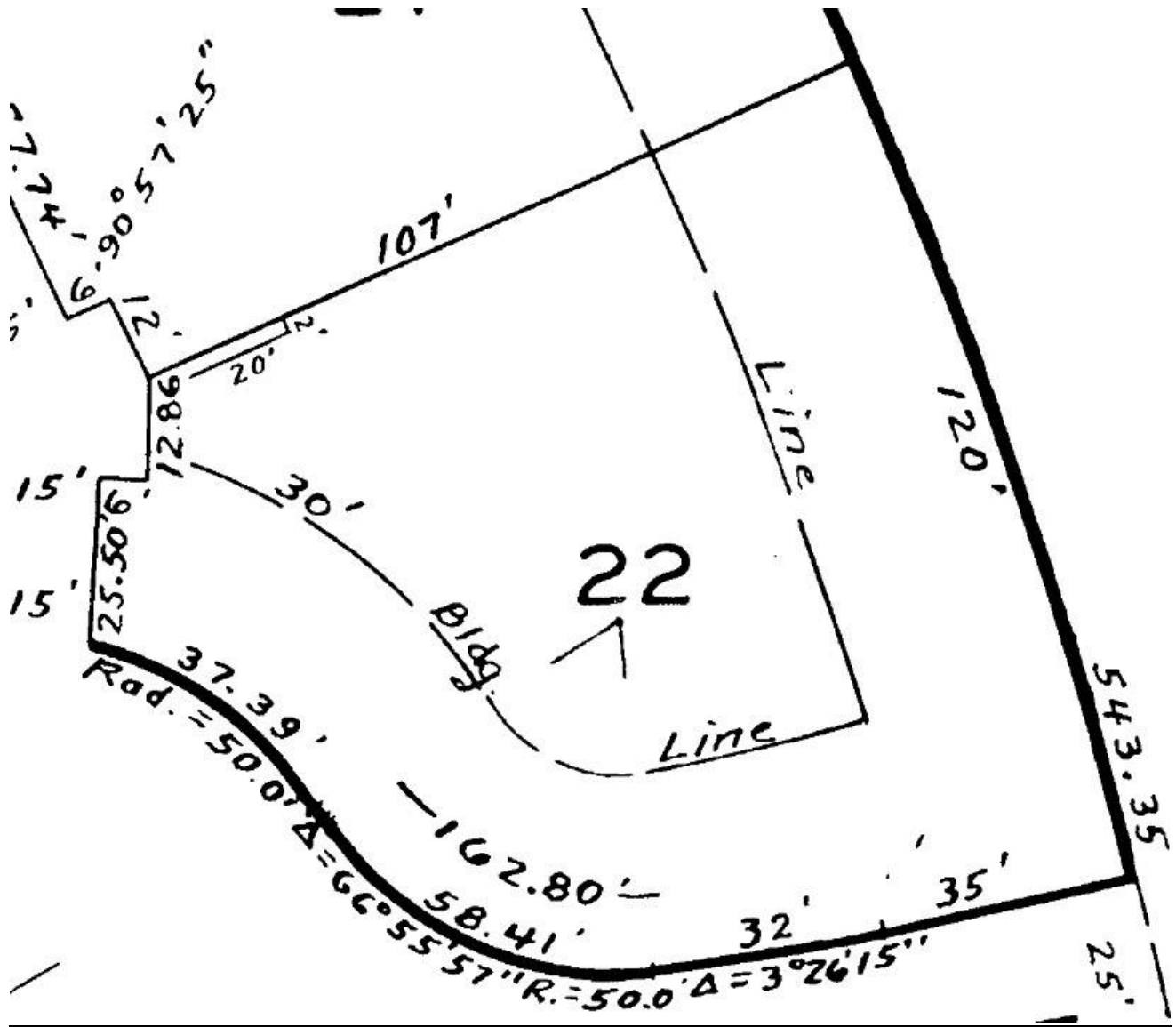


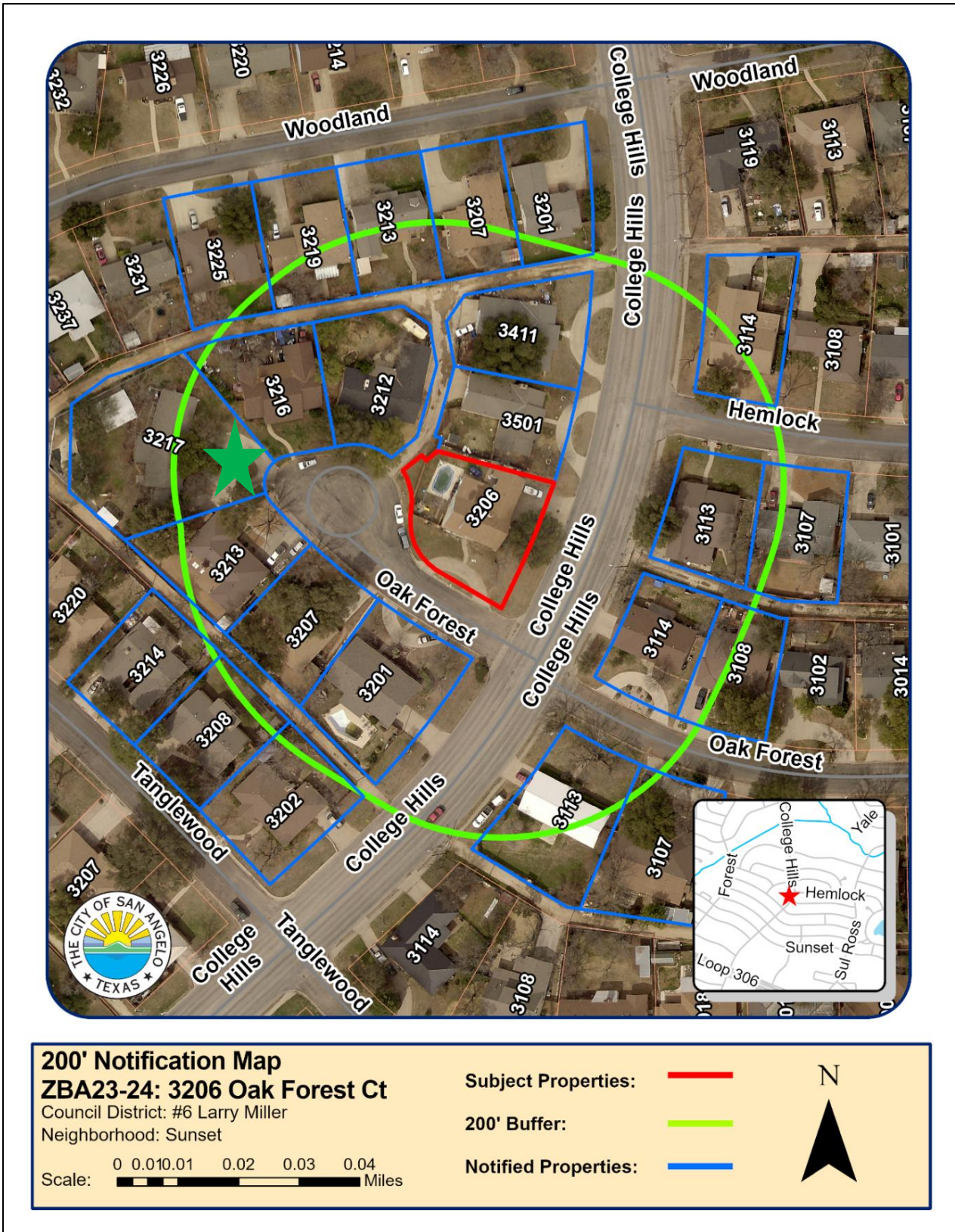


**At the red line there is five feet from the property line to the fence. A fence can be on the property line.**









**ZONING BOARD OF ADJUSTMENT – Oct 2, 2023  
STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Variance		ZBA23-27: 1000 block of Holiday Drive, including all addresses from 1001 to 1069 Holiday Dr.	
<b>SYNOPSIS:</b>			
The applicant has submitted a request for approval of a variance from Section 501 A. Residential Development Standards of the Zoning Ordinance to allow for a variance for a minimum front yard setback of 5’ instead of 15’ under the RM-1 Zoning designation.			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
1000 Blk. of Holiday Dr.		Holiday Terrace Blk. 4 Sec 2 Lots 5-8, Holiday Terrace Blk. 4 Sec 1 Lots 1-5, Holiday Terrace Blk. 3 Sec 1 Lots 1-13	
<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FUTURE LAND USE:</b>	<b>SIZE:</b>
SMD District #3 – Harry Thomas Glenmore	Multi-Family Residential (RM-1)	Neighborhood	1.06 acres
<b>NOTIFICATIONS:</b>			
42 notifications mailed within a 200-foot radius. No letters received to date in support or opposition.			
<b>STAFF RECOMMENDATION:</b>			
Staff’s recommendation is for the Board to <b>APPROVE</b> a variance from of the Zoning Ordinance to allow for a variance for a minimum front yard setback of 5’ instead of 15’ under the RM-1 Zoning designation.			
<b>PROPERTY OWNER/PETITIONER:</b>			
Applicant: Zane Willard, Property Owner			
<b>STAFF CONTACT:</b>			
Aaron Vannoy Assistant Director Planning and Development Services (325) 657-4210 <a href="mailto:Aaron.Vannoy@cosatx.us">Aaron.Vannoy@cosatx.us</a>			

**Case Evaluation**

**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.**  
These lots platted in 1984 sized 32' wide by 60' deep for a lot size of 1,920 square feet. Typical RM-1 lots are with Twin homes are 40' wide by 60' deep with a lot size of 2,500 square feet. These lots are small in size and present a hardship to meet the standard setbacks of 15' for the front yard.
2. **These special circumstances are not the result of the actions of the applicant.** This property was platted in 1984, this is not a result of this applicant and these lots have been vacant since that time.
3. **Literal interpretation and enforcement of the terms and provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by another land in the same zoning district and would cause unnecessary and undue hardship.** By literal enforcement the RM-1 zoning would prohibit these and there currently is not a zoning district that allows lots this small. The City has identified a need for housing such as this within the community.
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.** Based on the design provided by the builder this is the only variance needed to fit this size twin home on the lot and is consistent with other development in the area.
5. **Granting the variance will not adversely affect adjacent land in a material way.** This variance will not adversely affect the land or adjacent areas. The alleyway is designed to carry the daily traffic to these lots for parking while the roadway in front is used for visitors and guests of the housing occupants.
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. The pattern of development has been 5' front yard setbacks directly across the street and this will not adversely disrupt the pattern of development on this block.

**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 the hardship due to the size created in 1984 these lots make it very difficult to build a home that meets market standards of today.

**Recommendation:**

Staff's recommendation is for the Board to **APPROVE** a variance from of the Zoning Ordinance to allow for a variance for a minimum front yard setback of 5' instead of 15' under the RM-1 Zoning designation. In addition, staff recommends that the normal requirement of beginning construction within 12 months should not apply since this application is for many lots.

**Attachments:**

Aerial Map  
Zoning Map  
Notification Map





### Aerial Map



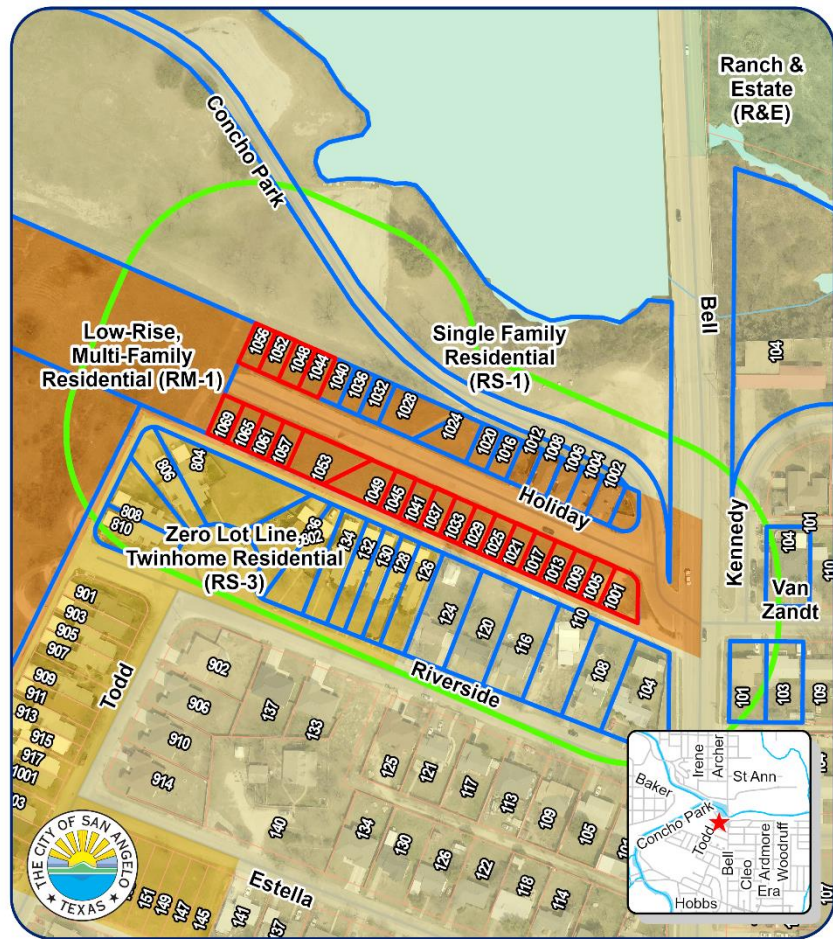
**Aerial Map**  
**ZBA23-27: Holiday Drive**  
Council District: #3 Harry Thomas  
Neighborhood: Glenmore

Scale: 0 0.01 0.02 0.03 0.04 Miles

Subject Properties: 




### Zoning



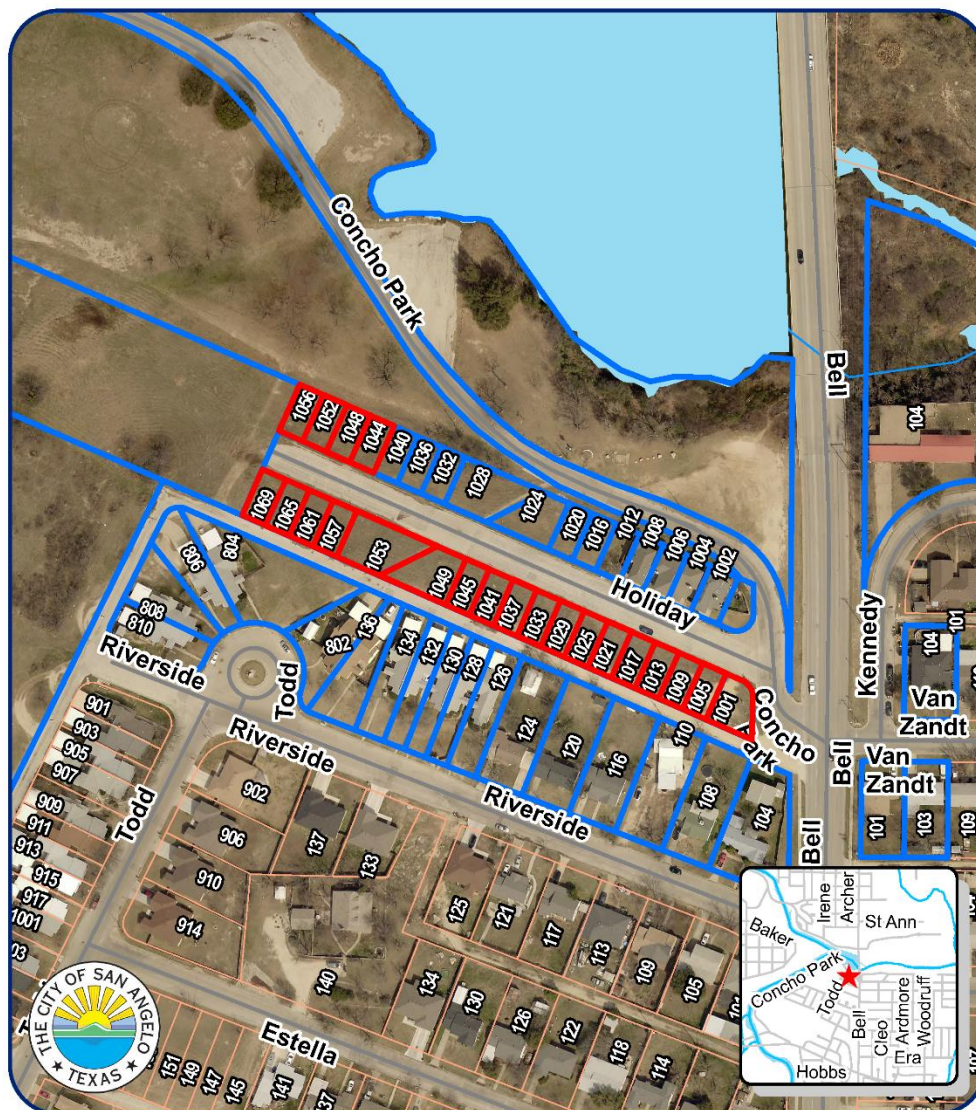
**Zoning Map**  
**ZBA23-27: Holiday Drive**  
 Council District: #3 Harry Thomas  
 Neighborhood: Glenmore

Scale: 0 0.01 0.01 0.03 0.04 0.06 Miles

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

N  



**Notification Map**



**200' Notification Map**  
**ZBA23-27: Holiday Drive**  
 Council District: #3 Harry Thomas  
 Neighborhood: Glenmore

Scale: 0 0.01 0.01 0.03 0.04 0.06 Miles

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

N  


**ZONING BOARD OF ADJUSTMENT – Oct 2, 2023  
STAFF REPORT**



<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Variance		ZBA23-28: Bentwood Country Club Estates Sec 43 Lots 22-26 in the 5300 Blk of Riviera Drive - specifically, 5312, 5317, 5321, 5325, and 5329 Riviera Dr.	
<b>SYNOPSIS:</b>			
The applicant has submitted a request for a variance from Section 501.A. Residential Development Standards of the Zoning Ordinance to allow for a variance to the minimum rear yard setback of 10’ instead of the required 20’ as required under the base zoning of RS-1 within Planned Development, PD23-04.			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
5300 Blk of Riviera Dr.		Bentwood Country Club Estates Sec 43 Lots 22-26	
<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FUTURE LAND USE:</b>	<b>SIZE:</b>
SMD District #1 – Tommy Hiebert Country Club	Planned Development (PD23-04) with RS-1 zoning as the base zoning	Neighborhood	0.8 acres
<b>NOTIFICATIONS:</b>			
35 notifications mailed within a 200-foot radius. Six (6) letters received to date in opposition with zero (0) in support.			
<b>STAFF RECOMMENDATION:</b>			
Staff’s recommendation is for the Board to <b>deny</b> a variance to allow for a 10’ rear yard setback in lieu of the required 20’ setback.			
<b>PROPERTY OWNER/PETITIONER:</b>			
Applicant: Zane Willard, Property Owner			
<b>STAFF CONTACT:</b>			
Aaron Vannoy Assistant Director Planning and Development Services (325) 657-4210 <a href="mailto:Aaron.Vannoy@cosatx.us">Aaron.Vannoy@cosatx.us</a>			

**Case Evaluation**

**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.**  
These lots came to Planning Commission to request a planned development in March of this year. The planned development has the RS-1 standards for setbacks except for the front and side yards. These lots are larger than standard RS-1 lots being 60' wide by 115' deep.
2. **These special circumstances are not the result of the actions of the applicant.** The applicant did apply for and receive permits. The ordinance for PD23-04 included a typographical error, which inadvertently listed the rear setback as 10' instead of 20'. The intention of the Planning Commission and City Council was NOT to change the rear setback through the Planned Development. This circumstance was not a result of the applicant actions.
3. **Literal interpretation and enforcement of the terms and provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by another land in the same zoning district and would cause unnecessary and undue hardship.** By literal enforcement the RS-1 base zoning would prohibit these and being larger than normal RS-1 lots there is no basis for a variance to rear yard setbacks as the PD already allows for a shorter front yard setback to 20'.
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.** While this would be the only action, public interest is an issue due to structures being only 10' from the property line and adjacent properties will be affected.
5. **Granting the variance will not adversely affect adjacent land in a material way.** This variance could adversely affect adjacent areas. Home will be located closer than expected to adjacent properties.
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 if granted this variance will disrupt the pattern of development in this area. The pattern of development in the neighborhood has been 20' rear yard setbacks.

**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 could find no special circumstances resulting in unnecessary hardship, nor any overriding public interest that would be served by the variance, nor any extraordinary circumstances that are inconsistent with preserving the spirit and intent of the ordinance.**

**Recommendation:**

Staff's recommendation is for the Board to **deny** a variance to allow for a 10' rear yard setback in lieu of the required 20' setback.





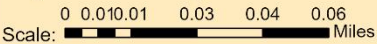
*One of the concerns raised by neighbors is the potential for a two-story house to be constructed on these properties. If the Board is inclined to grant this variance, staff would recommend a condition that for buildings that are allowed to have a reduced setback, that they be limited to single story structures.*

**Attachments:**

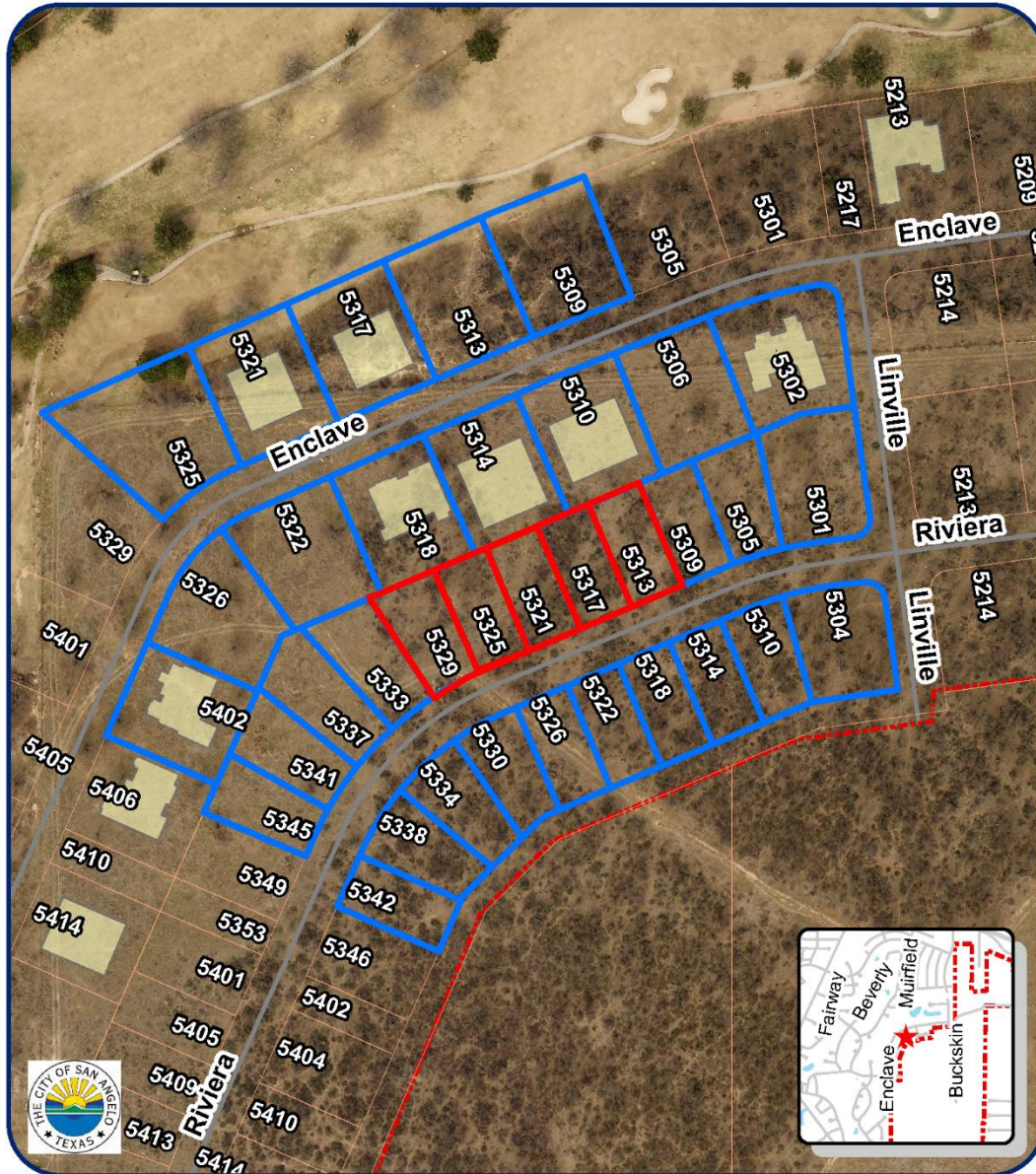
Aerial Map  
Notification Map  
Site Plan  
Citizen comments

### Aerial Map







<b>Aerial Map</b>			
<b>ZBA23-28: Riviera Lane</b>	<b>Subject Properties:</b>		
Council District: #1 Tommy Hiebert	<b>200' Buffer:</b>		
Neighborhood: Country Club	<b>Notified Properties:</b>		
Scale:  Miles			


### Notification Map



**200' Notification Map**  
**ZBA23-28: Riviera Lane**  
Council District: #1 Tommy Hiebert  
Neighborhood: Country Club

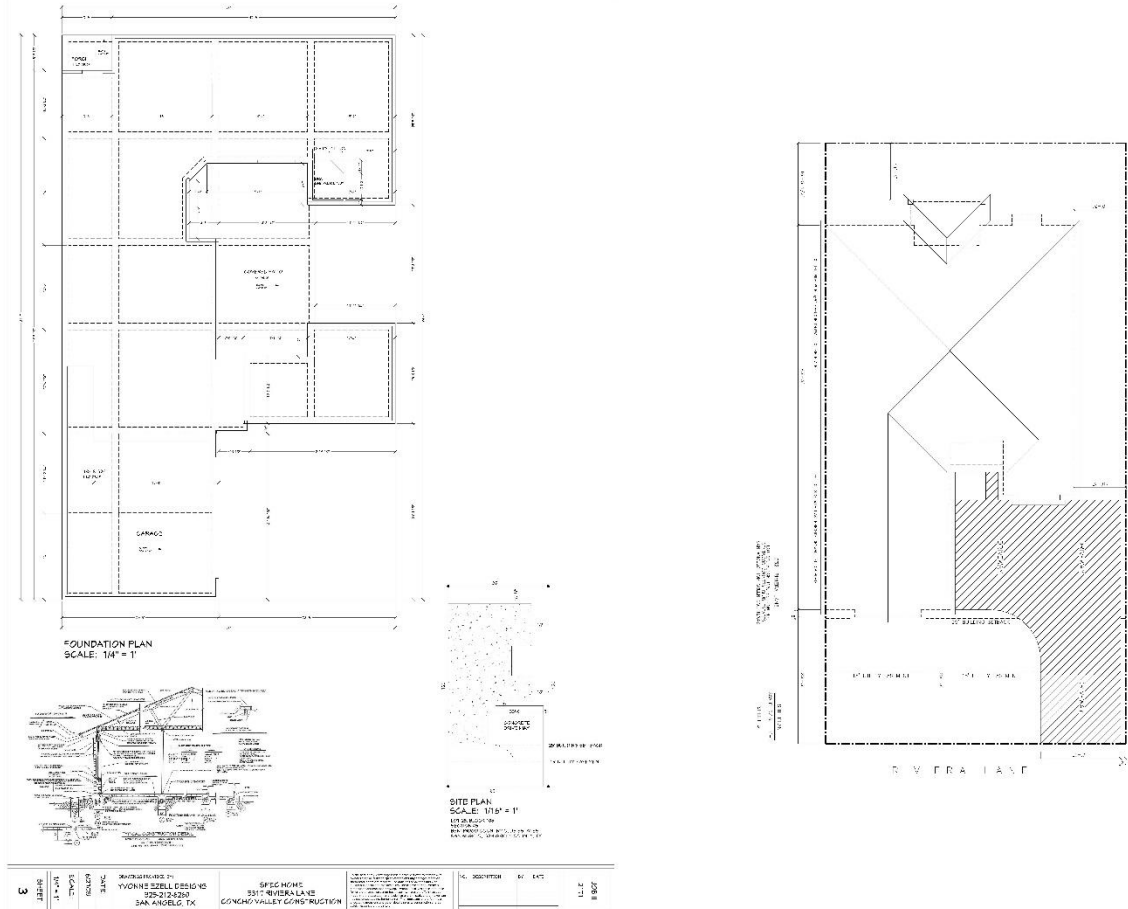
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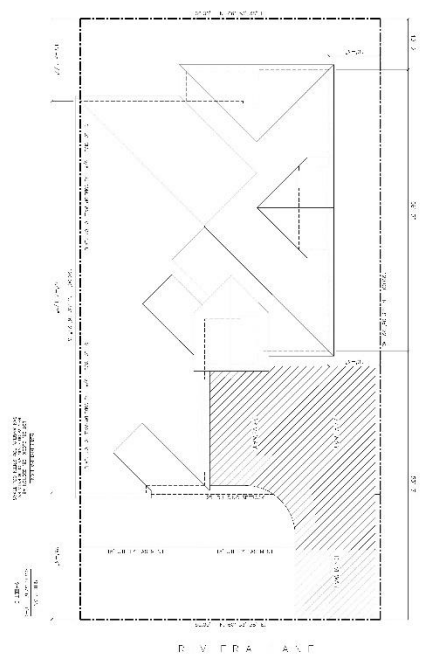
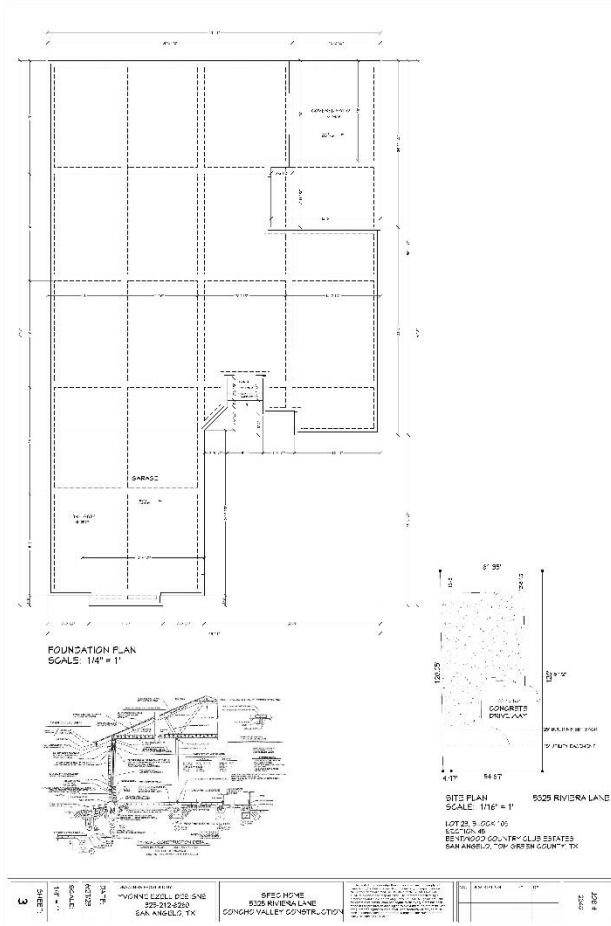
Subject Properties:    
200' Buffer:   
Notified Properties: 

N 

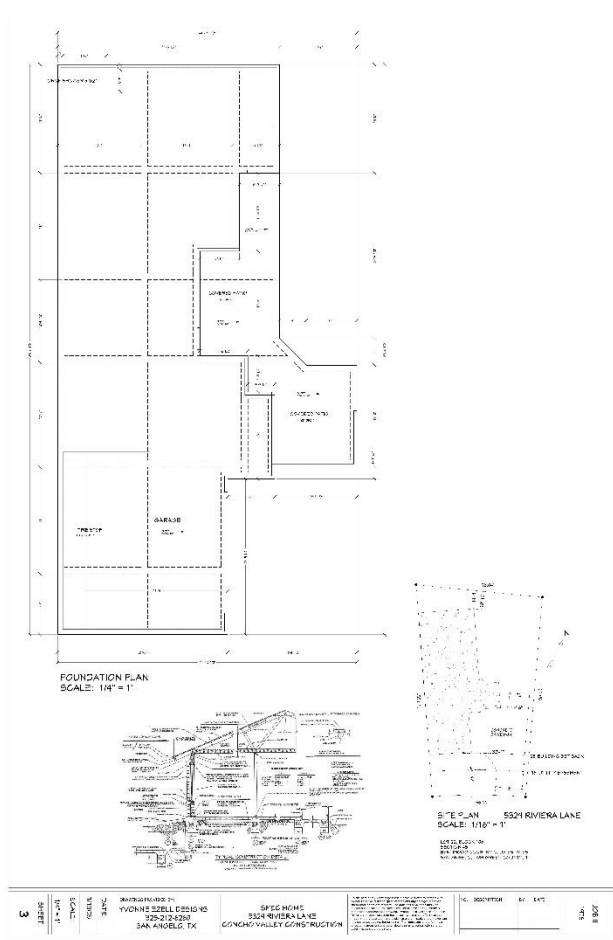


**Site Plans**





<p>3</p> <p>DATE: 08/23/23</p> <p>BY: J. B. BROWN</p> <p>PROJECT: 2512 PRINCETON</p>	<p>ALL WORK SHALL BE IN ACCORDANCE WITH THE 2021 IRC AND 2021 IBC.</p> <p>CONCRETE SHALL BE 3000 PSI.</p> <p>FOUNDATION SHALL BE 18" MIN. THICK.</p> <p>FOOTINGS SHALL BE 24" MIN. THICK.</p> <p>REINFORCEMENT SHALL BE #4 BARS.</p> <p>CONCRETE SHALL BE PLACED AND FINISHED TO THE FINISH GRADE.</p> <p>CONCRETE SHALL BE CURED FOR 7 DAYS.</p> <p>CONCRETE SHALL BE TESTED FOR STRENGTH.</p> <p>CONCRETE SHALL BE TESTED FOR AIR CONTENT.</p> <p>CONCRETE SHALL BE TESTED FOR SLUMP.</p> <p>CONCRETE SHALL BE TESTED FOR SET TIME.</p> <p>CONCRETE SHALL BE TESTED FOR TEMPERATURE.</p> <p>CONCRETE SHALL BE TESTED FOR MOISTURE.</p> <p>CONCRETE SHALL BE TESTED FOR pH.</p> <p>CONCRETE SHALL BE TESTED FOR CHLORIDE.</p> <p>CONCRETE SHALL BE TESTED FOR SULFATE.</p> <p>CONCRETE SHALL BE TESTED FOR ALKALITY.</p> <p>CONCRETE SHALL BE TESTED FOR SOLUBLE CHLORIDES.</p> <p>CONCRETE SHALL BE TESTED FOR SOLUBLE SULFATES.</p> <p>CONCRETE SHALL BE TESTED FOR SOLUBLE CHLORIDES AND SULFATES.</p> <p>CONCRETE SHALL BE TESTED FOR SOLUBLE CHLORIDES AND SULFATES AND ALKALITY.</p> <p>CONCRETE SHALL BE TESTED FOR SOLUBLE CHLORIDES AND SULFATES AND ALKALITY AND MOISTURE.</p> <p>CONCRETE SHALL BE TESTED FOR SOLUBLE CHLORIDES AND SULFATES AND ALKALITY AND MOISTURE AND pH.</p> <p>CONCRETE SHALL BE TESTED FOR SOLUBLE CHLORIDES AND SULFATES AND ALKALITY AND MOISTURE AND pH AND TEMPERATURE.</p> <p>CONCRETE SHALL BE TESTED FOR SOLUBLE CHLORIDES AND SULFATES AND ALKALITY AND MOISTURE AND pH AND TEMPERATURE AND SET TIME.</p> <p>CONCRETE SHALL BE TESTED FOR SOLUBLE CHLORIDES AND SULFATES AND ALKALITY AND MOISTURE AND pH AND TEMPERATURE AND SET TIME AND SLUMP.</p> <p>CONCRETE SHALL BE TESTED FOR SOLUBLE CHLORIDES AND SULFATES AND ALKALITY AND MOISTURE AND pH AND TEMPERATURE AND SET TIME AND SLUMP AND AIR CONTENT.</p> <p>CONCRETE SHALL BE TESTED FOR SOLUBLE CHLORIDES AND SULFATES AND ALKALITY AND MOISTURE AND pH AND TEMPERATURE AND SET TIME AND SLUMP AND AIR CONTENT AND STRENGTH.</p>	<p>5029 RIVIERA LANE</p> <p>CONCRETE DRIVEWAY</p> <p>5497</p>	<p>DATE: 08/23/23</p> <p>BY: J. B. BROWN</p> <p>PROJECT: 2512 PRINCETON</p>
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### Citizen Input

Please call (325) 657-4210 if you have questions about this notice.

**CASE #: ZBA23-28**

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: MOSS JAMES F & SAVANNAH  
Parcel I.D.: 55766  
Address: 5402 ENCLAVE

Mailing To: ATTN: Planning and Development Services  
52 W. College Ave  
San Angelo TX 76903

Email: [planning@cosatx.us](mailto:planning@cosatx.us)

I am in favor   
Additional Comments:

I am opposed

Signature: \_\_\_\_\_



**CASE #: ZBA23-28**

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: VON ROSENBERG CUSTOM HOMES LLC  
Parcel I.D.: 55772  
Address: PO BOX 60556

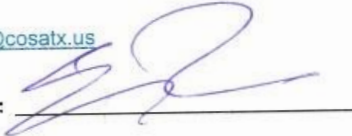
Mailing To: ATTN: Planning and Development Services  
52 W. College Ave  
San Angelo TX 76903

Email: [planning@cosatx.us](mailto:planning@cosatx.us)

I am in favor   
Additional Comments:

I am opposed

Signature: \_\_\_\_\_



**CASE #: ZBA23-28**

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: PATEL KOKILA  
Parcel I.D.: 55748  
Address: 5306 ENCLAVE CT

Mailing To: ATTN: Planning and Development Services  
52 W. College Ave  
San Angelo TX 76903

Email: [planning@cosatx.us](mailto:planning@cosatx.us)

I am in favor   
Additional Comments:

I am opposed

Signature: Kokila Patel

---

Please call (325) 657-4210 if you have questions about this notice.

**CASE #: ZBA23-28**

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: SPRINGFIELD JERRIS & KYNDRA  
Parcel I.D.: 55768  
Address: 3514 SILVER SPUR DR

Mailing To: ATTN: Planning and Development Services  
52 W. College Ave  
San Angelo TX 76903

Email: [planning@cosatx.us](mailto:planning@cosatx.us)

I am in favor   
Additional Comments:

I am opposed

Signature: Jerry Springer



The City Of  
San Angelo, Texas  
Planning Division  
52 West College Avenue, 76903

BENTWOOD JV LLC  
58606  
2111 CLUB HOUSE LN  
SAN ANGELO, TX 76904-8015

**NOTICE OF PUBLIC HEARING**

RE: Variance ZBA23-28

10/02/2023

Monday, October 2, 2023, during a meeting scheduled to begin at 1:30 pm, the Zoning Board of Adjustment for the City of San Angelo will hold a public hearing on the request described below. The meeting will be held in the East Mezzanine of City Hall, 72 West College Avenue. The request from Concho Valley Construction for approval of a variance from Section 501.A of the Zoning Ordinance to approve a variance on the Rear Yard Setback to allow 10 ft. instead of the required 20 ft. in the Planned Development (PD23-04) Zoning District. The legal description for the lots in question are the following being Lots 22, 23, 24, 25, 26 of Bentwood County Club Estates Sec 45 San Angelo, Tom Green County, Texas.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you can fill out and return by mail. Comments are also accepted by email to the address listed below.

The attached map shows the area of this request. Only that area which is bounded by the red line on the map is being considered for this request. The solid boundary line around the subject area is only a notification area.

Zoning Board of Adjustment members are citizens appointed by San Angelo's City Council, specifically to hear and decide variance requests within the city limits of San Angelo. If you have questions about these proceedings, please contact Planning, at telephone 325-657-4210 or by email address [planning@cosatx.us](mailto:planning@cosatx.us)

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Please call (325) 657-4210 if you have questions about this notice.

**CASE #: ZBA23-28**

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: BENTWOOD JV LLC  
Parcel I.D.: 58606  
Address: 2111 CLUB HOUSE LN

Mailing To: ATTN: Planning and Development Services  
52 W. College Ave  
San Angelo TX 76903

Email: [planning@cosatx.us](mailto:planning@cosatx.us)

I am in favor   
Additional Comments:

I am opposed

Signature: \_\_\_\_\_

See Attached sheet

I am against this variance request. The main reason is that the planning commission confirmed in their meeting to the residents with myself in attendance that a 20 foot rear setback would be in place and could not change to anything else. The very reason that the planned development was supported by the residents was in part because the planning commission and the City staff under direct question from the floor in public comment all confirmed that the 20 foot setback for the rear would be in place. And on further question by a resident was confirmed that it could not change for any reason. This is all confirmed and viewable on the cities YouTube channel that aired this the planning commission meeting held in March 2023.

In addition, there are no homes in the subdivision, that have a 10 foot setback. Bentwood's homes fall under RS one designation, All homes require a 20 foot setback in an RS 1 designation.