

**ZONING BOARD OF ADJUSTMENT – December 4, 2023
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Variance – Distance between Short Term		ZBA23-35: 3013 Red Bluff Circle	
SYNOPSIS:			
The applicant has applied for a variance from Sec 426 to allow a distance less than 500' between Short-Term Rentals is RS-1 zoning.			
LOCATION:		LEGAL DESCRIPTION:	
3013 Red Bluff Circle		Lot: 58 SECTION 3, Blk: 3, Subd: LAKE NASWORTHY, RED BLUFF	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #1 – Tommy Hiebert Nasworthy neighborhood	Single-Family Residential (RS-1)	Neighborhood	0.40 acres
NOTIFICATIONS:			
13 notifications mailed within 200-foot radius – November 2023. Received 0 in support, 0 opposition.			
STAFF RECOMMENDATION:			
City staff has no recommendation currently. Processing issue in October 2022; applicant email application to City of San Angelo. Application did not get processed. Applicant thought everything was ok and began operating. Since that time, a property at 2950 Red Bluff Circle has been issued a Conditional Use for a Short-Term Rental. Applicant reached out in November 2023 asking what it takes to renew their application. The properties are 195' apart.			
PROPERTY OWNER/PETITIONER:			
Applicant: Tim Brannan – Property Owner Kelly Nelson - Operator			
STAFF CONTACT:			
Aaron Vannoy Assistant Director Planning and Development Services (325) 657-4210, Extension 1542 Aaron.vannoy@cosatx.us			

Additional Information:

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 orientation of the lots has the rear yards in different directions. Both lots are long being over 240’ deep. These lots both have adequate parking and a large City owned property as access to the roadway.
2. **These special circumstances are not the result of the actions of the applicant.** In this case, the applicant did apply in 2022 and followed up in Nov. Of 2023. The applicant believes they have done their part.
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.** By literal interpretation of the ordinance the distance is less than 500’. this distance is applied equitably across all RS zoning districts by property line to property line.
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.** This is the beginning of the process, the applicant would still be required to obtain a conditional use for a short-term rental by planning commission.
5. **Granting the variance will not adversely affect adjacent land in a material way.** Granting the less than 500’ distance variance is not known to have impacted adjacent properties in a material way 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.” Short-term rentals around the lake properties is an established pattern of development and those such properties with an STR designation are considered residential.

Allowed Variances:

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

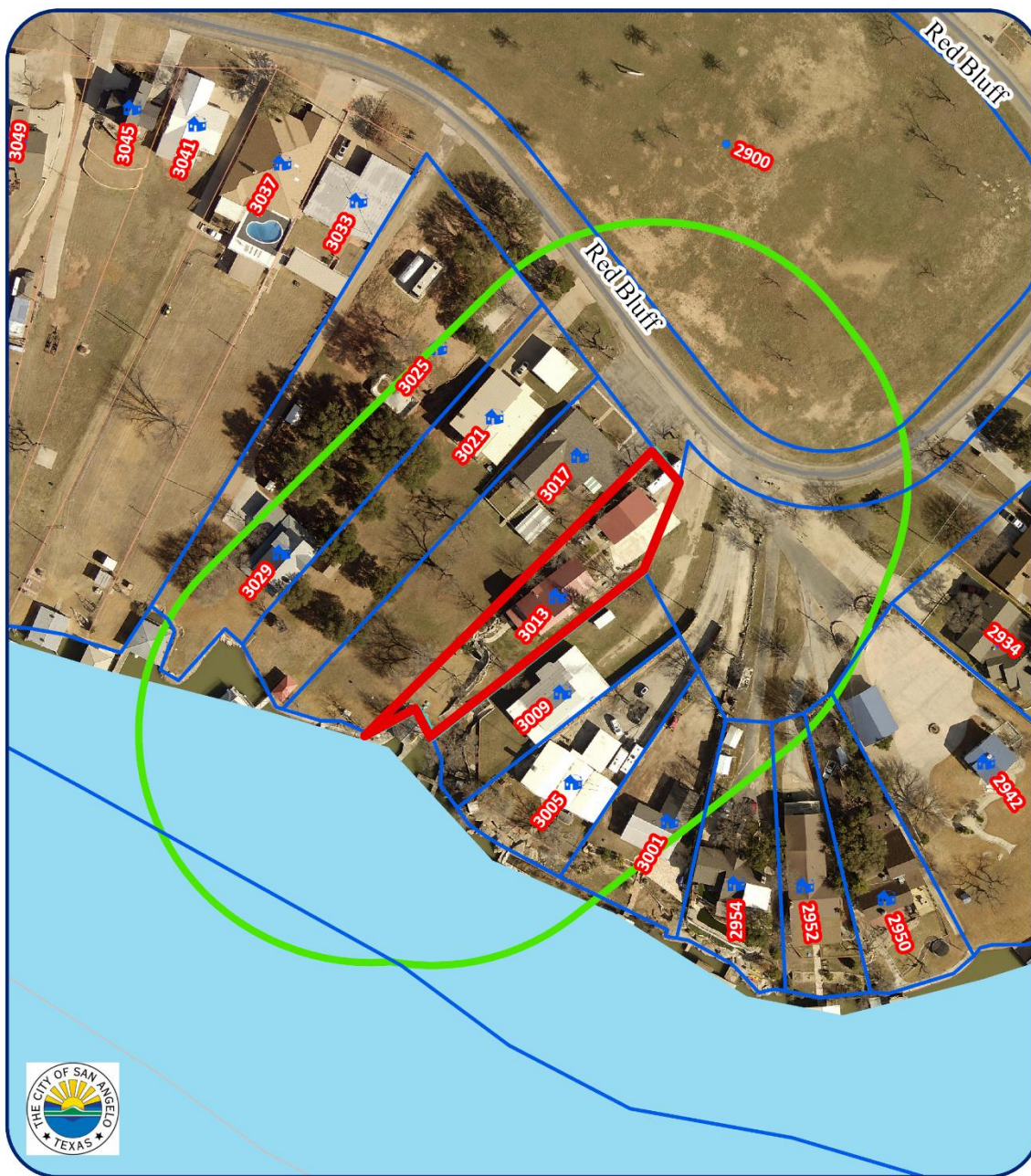
1. **SPECIAL CIRCUMSTANCES RESULTING IN UNNECESSARY HARDSHIP.** *Where special circumstances exist on the property related to the size, shape, area, topography, surrounding conditions or location that do not generally apply to other property in the same zoning district, and that the circumstances are such that strict application of this zoning ordinance would create an unnecessary hardship or deprive the applicant of reasonable use of the land or building.* Currently we do 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.*
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 existing structure on this lot. As this is a new build the enforcement at the site plan review confirmed there are no extraordinary circumstances to vary the ordinance.

Recommendation: City staff has no recommendation currently.

Attachments:

Notification Map
Aerial Map

Notification Map



200' Notification Map ZBA23-35 3013 Red Bluff Cir

Council District: #1 Tommy Hiebert
Neighbourhood: Nathworthy

Scale: 0 0.00.01 0.02 0.03 0.04
Miles

Subject Properties: —

200' Buffer: —

Notified Properties: —



3013 Red Bluff Circle

kelly nelson <coleandcarter@yahoo.com>

Wed 9/28/2022 10:04 AM

To: Applications <applications@cosatx.us>

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This message (including any attachments) is intended only for the use of the individual or entity to which it is addressed and may contain information that is non-public, proprietary, privileged, confidential, and may constitute attorney work product or be exempt from disclosure under one or more of the following sections of the Texas Public Information Act: SECS. 552.101, 552.103 or 552.107. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, notify us immediately by telephone and (i) destroy this message if a facsimile or (ii) delete this message immediately if this is an electronic communication. Thank you.

Effective February 2, 2017



City of San Angelo, Texas – Planning Division
52 West College Avenue
**Application for Conditional Use:
Short-Term Rental Property**



Office Use Only - Date Accepted:

Section 1: Basic Information

SELECT ONE: Property Owner Designated Operator (Affidavit Required) Representative (Affidavit Required)

Timothy Brannan

Kelly Nelson

Name of Property Owner (s)

Name of Operator (s)

5130 Grape Street

Houston Texas 77096

Property Owner Mailing Address

City State Zip Code

713-396-6305

brannanland@gmail.com

Property Owner Contact Phone Number

Property Owner Contact E-mail Address

5802 Whitecastle Lane

San Angelo Texas 76901

Designated Operator Mailing Address

City State Zip Code

325-227-5008

coleandcarter@yahoo.com

Designated Operator Contact Phone Number

Designated Operator Contact E-mail Address

3013 Red Bluff Circle

San Angelo Texas 76904

Short Term Property Address

City State Zip Code

Number of bedrooms: 3

*1 office used as bedroom
1 apt used as bedroom
(5 total)*

Number of Off-street Parking Spaces: 5

50 total

Zoning: residential

Section 2: Site Specific Details

Provided Site Plan to include a Parking Table and any/all proposed lighting Yes No

Please initial and provide explanations for the following:

TB I understand that the Planning Commission is required by law to make decisions based on the following criteria, and I assert that my request meets all of the required criteria based on my explanations below:

Impacts Minimized. Whether and the extent to which the short-term rental or Bed & Breakfast property use creates adverse effects, including adverse visual impacts, on adjacent properties.

Explanation: *No adverse effects or visual impacts to surrounding properties*

Consistent with Surrounding Area. Whether and the extent to which the proposed short-term rental Bed & Breakfast property use is compatible with existing and anticipated uses, surrounding the subject property.

Explanation: Yes it will be

Effect on Natural Environment. Whether and the extent to which the proposed conditional use would result in significant adverse impacts on the natural environment, including but not limited to, adverse impacts on water and air quality, noise, storm-water management, wildlife, vegetation, wetlands and the practical function of the natural environment.

Explanation: There will be no adverse impacts to the natural environment

Community Need. Whether and the extent to which the proposed conditional use addresses a demonstrated community need.

Explanation: Yes it provides alternative short term housing for families

Development Patterns. Whether and the extent to which the proposed conditional use would result in a logical and orderly pattern of urban development in the community.

Explanation: Yes it will boost the local economy by bringing people from out of town to our city

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

Effective February 2, 2017

Section 3: Applicant(s) Acknowledgement

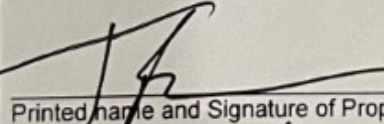
Please read and initial each of the following:

- TB Each Short-Term Rental Conditional Use must be renewed one year from the initial approval and then every two years thereafter.
- TB Unless exempt, a permit cannot be granted for a STR on a street less than 30 feet in width nor within 500 feet of another STR.
- TB The applicant has designated an "Operator" who resides in Tom Green County, Texas and has furnish a telephone number for the named operator. This information must be furnished in the notice to owners of real property as required by Section 201 of this Zoning Ordinance. If this information subsequently changes, the operator must mail notice of the new contact information to owners of real property within 200 feet of the property.
- TB The operator shall keep a current guest register in compliance with State code.
- TB If the short-term rental property is residentially zoned, all lighting must be directed toward the establishment and not at surrounding neighbors.
- TB The operator of a Short Term Rental must post conspicuously in the common area of each unit
 - 1) The name and contact information of the operator, and
 - 2) The occupancy limits and restrictions on noise as set out in the City Code of Ordinances
- TB Renting for overnight occupancy by more than 2 people 18 or older per bedroom is prohibited.
- TB Meal service may not be provided.
- TB Permitting, or hosting of, outdoor gatherings before 7:00 am or after 10:30 pm is prohibited.
- TB Permitting or hosting any outdoor gathering of more than 20 people attending at one time is prohibited.
- TB A Short Term Rental may be occupied by no more than 6 individuals unrelated by blood, marriage, or adoption.
- TB Tents, trailers, cabin, lean-to or similar used for temporary living quarters are prohibited, with the exception of one "pup tent" for no more than two persons and no larger than 40 inches in height or 8 feet in length.
- TB All Bed and Breakfast and Short Term Rental establishments must be registered with the State of Texas and the City of San Angelo for the purpose of Hotel Occupancy Tax.
- TB The owner will obtain and comply with an annual fire safety inspection by the City Fire Marshal's office
- TB The Planning Commission makes the final decision on all Short-Term Rental Conditional Use requests, appeals may be directed to City Council.
- TB Approval of this Short-Term Rental Conditional Use request does not constitute approval of permits, site plans, or other processes that require separate approval.
- TB If a permit is not sought within one year of the approval date of this Conditional Use, it will expire and requires another application.
- TB A certificate of occupancy through the City's Permits and Inspections division will be required

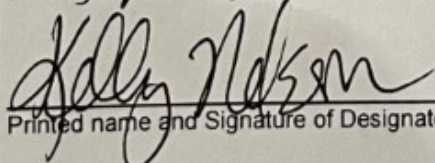
I/We, the undersigned, acknowledge and understand that the above information is not an exhaustive list of

I/We, the undersigned, acknowledge and understand the standards set forth in [Section 406 of Chapter 12, Exhibit A "Zoning Ordinance"]

I/We, the undersigned, acknowledge and understand that failure to comply with all applicable standards set forth in [Section 406 of Chapter 12, Exhibit A "Zoning Ordinance"] for such an establishment may result in revocation of the Certificate of Occupancy.

 Tim Brannan
Printed name and Signature of Property Owner or Authorized Representative

9/27/22
Date

 Kelly Nelson
Printed name and Signature of Designated Operator

9/27/22
Date

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

Sent from my iPhone

Short-term Rental application

Lineberry, Rae <rae.lineberry@cosatx.us>

Tue 9/27/2022 10:29 AM

To:coleandcarter@yahoo.com <coleandcarter@yahoo.com>

Cc:Applications <applications@cosatx.us>

Hi Ms. Nelson,

I'm going to send you the link as you can fill it out and then save it and email it instead of having to print it.

<https://www.cosatx.us/home/showpublisheddocument/19483/636519700843330000>

Let me know if you have any questions.

You can email it to applications@cosatx.us and the fee, you can either come in and pay with card/cash/check or we can give you a call once you send in the application so you can pay with card over the phone.

Thank you,
Rae Lineberry

City of San Angelo

Planner I

325.657.4210 ext. 1533

[cosatx.us]cosatx.us

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Re: 3013 Red Bluff Circle.

Bradford, Michael <michael.bradford@cosatx.us>

on behalf of

Applications <applications@cosatx.us>

Wed 9/28/2022 10:20 AM

To:kelly nelson <coleandcarter@yahoo.com>

Good morning, Kelly!

This has been received. It is past the October meeting deadline of 9/16/22, so it will be added to the November Planning Commission meeting.

The employee that can process payment on this is currently out of office today, so you will be contacted as soon as possible to process this payment.

Thank you!

Mike Bradford

From: kelly nelson <coleandcarter@yahoo.com>

Sent: Wednesday, September 28, 2022 10:05 AM

To: Applications <applications@cosatx.us>

Subject: 3013 Red Bluff Circle.

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

I just submitted application. Could someone call me so I can make payment over the phone please?

Thanks

Kelly Nelson

Sent from my iPhone

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telephone and (i) destroy this message if a facsimile or (ii) delete this message immediately if this is an electronic communication. Thank you.

**ZONING BOARD OF ADJUSTMENT – January 8, 2024
STAFF REPORT**



APPLICATION TYPE:	CASE:
Two Variances requested	ZBA23-37: 2726 Red Bluff Ramp Road

SYNOPSIS:
The applicant has submitted two requests for approval of two variances from Section 501 A. Residential Development Standards of the Zoning Ordinance. The first is to allow for a variance from the front yard setback fence height of 4 ft. to allow a fence height of 6.5 ft. The second request is to allow a 13 ft. variance from the front yard setback requirement of 25 ft. for structures for a garage/shop that is 12 ft. from the front property line. In this area the front property line is not adjacent to a street but is adjacent to the city owned access easement that is 95 ft. in depth before the street right of way for Red Bluff Ramp Road. The homes that front this access easement have a dirt road that intersects with Red Bluff Road and provides them access to their homes.

LOCATION:	LEGAL DESCRIPTION:
2726 Red Bluff Ramp Road	Lot 7, Section 1, Lake Nasworthy Subdivision; Red Bluff Ramp Road

SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #1 – Tommy Hiebert Nasworthy Neighborhood	RS-1 zoning district	Neighborhood	0.0494 acres

NOTIFICATIONS:
14 notifications mailed within a 200-foot radius.
No responses either for or against the request.

STAFF RECOMMENDATION:
Staff’s recommendation to the Board: to **DENY** the request to allow a 13 ft. variance from the front yard setback requirement of 25 ft. for structures for a garage/shop that is 12 ft. from the front property line and to **APPROVE** the request for a variance from the front yard setback fence height of 4 ft. to allow a fence height of 6.5 ft.

PROPERTY OWNER/PETITIONER:
Applicant: J. W. Johnson Attorney for applicant
STAFF CONTACT:
Sherry Bailey Principal Planner (325) 657-4210 Ext. 1546 sherry.bailey@cosatx.us



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 can make an affirmative finding that each 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.** There are no special circumstances. The applicant indicates he applied for permits for construction of a workshop building but did not pick up the permits.
2. **These special circumstances are not the result of the actions of the applicant.** The failure to pick up his permits was the applicants fault.
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.** Literal enforcement would mean that the existing building which the owner constructed was built 14 feet into the front yard and without inspections. If the variance is not approved the applicant will have to remove the building.
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 the variances would allow the owner to keep what he built without permits or inspections.
5. **Granting the variance will not adversely affect adjacent land in a material way.** This variance if approved will adversely affect the adjacent areas. The property owner to the east has his exist sight blocked to the west by the building the applicant built. The applicants building is close to the neighbors build.
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 has been 25’ front yard setbacks in the neighborhood. The action that resulted in the workshop being built into the front yard is exactly what the ordinance was developed to control.

Allowed Variations:

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 does not apply:

Variations Not Allowed. (Zoning Code Section 207 D.) In exercising its authority, the Zoning Board of Adjustment shall not grant a variance that would create any of the following effects.

The effect of the variance on the specific property would adversely affect the land use pattern as outlined by any City land use plan or policy.

The variance would be a material detriment to the public welfare or create injury to the use, enjoyment or value of property in the vicinity.

The variance is not the minimum variance that will relieve the proven hardship.

The variance would allow a use not allowed in the use table for the district in which the parcel is located.

The variance will relieve the applicant of conditions or circumstances that are caused by the illegal subdivision of land, which subdivision of land caused the property to be unusable for any reasonable development under the existing regulations.

The variance will relieve the applicant of conditions or circumstances that are self-imposed.

The variance is grounded solely upon the opportunity to make the property more profitable or to reduce expense to the owner.

The variance will modify any condition imposed by the Planning Commission or City Council as part of a conditional use, special use, Planned Development District or Planned Industrial Park.

The variance would not only affect a specific parcel but would be of such general nature as to constitute, in effect, a change in zoning of the parcel or a larger area or would merit an amendment to this Zoning Ordinance.

Recommendation:

Staff's recommends that the Board **DENY** the request for a variance for the following item: to allow a 13 ft. variance from the front yard setback requirement of 25 ft. for structure of a garage/shop that is 12 ft. from the front property line but to approve the variance for the second request to allow a 2.5 ft. variance from the front yard height requirement of 4 ft. for a fence in the front yard.

Attachments:

Aerial Map
Photographs
Site Plan



View from adjacent property.



View from other neighbors property, shows fence.



Shows fence requiring variance as well as shop.



Overall picture.

Notification Map



200' Notification Map

ZBA23-36 - 2726 Red Bluff Ramp Rd.

Council District: #1 Tommy Hiebert

Neighborhood: Nasworthy

Scale: 0 0.01 0.02 0.03 0.04
Miles

Subject Properties:



200' Buffer:



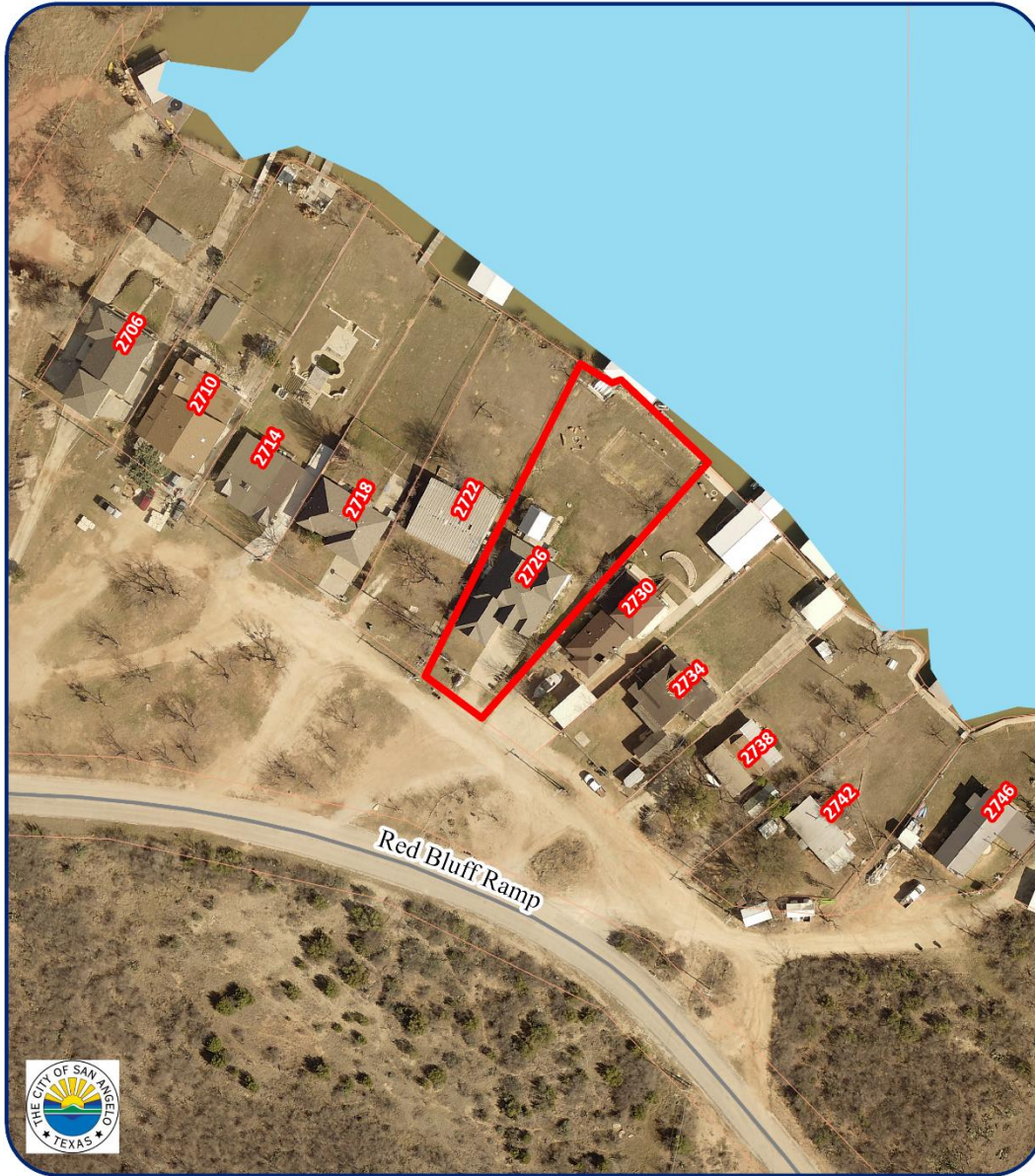
Notified Properties:






N




Aerial Map



200' Notification Map
ZBA23-36 - 2726 Red Bluff Ramp Rd.
Council District: #1 Tommy Hiebert
Neighborhood: Nasworthy
Scale: 0 0.01 0.02 0.03 0.04 Miles

Subject Properties: 
200' Buffer: 
Notified Properties: 

N


**ZONING BOARD OF ADJUSTMENT – January 8, 2024
STAFF REPORT**

APPLICATION TYPE:		CASE:	
Variance		ZBA23-37: 1301 Preusser Street	
SYNOPSIS:			
<p>A request for approval of a variance from Sec. 509.B to allow for a 6-foot fence in the front yard, and to allow a variance from 501.A for a 6-foot front yard setback in lieu of the required 15 feet.</p>			
LOCATION:		LEGAL DESCRIPTION:	
1301 Preusser Street		Sheppards Addition, 1st R/P Of The N 100 Ft Of Lot 5 1/2	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
SMD District #3 – Harry Thomas Ft. Concho East Neighborhood		Single-Family Residential (RS-1)	Neighborhood
SIZE:			
0.135 acres			
NOTIFICATIONS:			
<p>22 notifications mailed within 200-foot radius on December 21, 2023. Received 0 in support or opposition.</p>			
STAFF RECOMMENDATION:			
<p>Staff recommends APPROVAL of a variance from Section 509.B to allow for a 6-foot fence in the front yard and APPROVAL of a variance from Section 501.A for a 6-foot front yard setback in lieu of the required 15 feet, subject to three conditions.</p>			
PROPERTY OWNER/PETITIONER:			
Applicant: David Dusek			
STAFF CONTACT:			
<p>Austin Reed Planning Technician (325) 657-4210, Extension 1550 austin.reed@cosatx.us</p>			

Additional Information: This is a double-frontage lot where the applicant intends to have a home built. There is a pre-existing variance on this lot to create a 15-foot front setback along Irene. On the property is a shed structure that is within 6 feet of that front property line along Irene, which is also surrounded by a 6-foot fence. The shed’s distance from the front property line and its surrounding 6-foot fence in the front yard both require variances. Being a detached accessory structure, the shed only requires a front setback variance, it is allowed to be within the southern rear setback. The house will not encroach into any current setbacks.

Variances: 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.** This is a double frontage lot in an older neighborhood. There is a large amount of public right-of-way – approximately 23 feet – along Irene Street. The setbacks result in a small buildable area which does not leave room for a respectable “rear” or fenced-in yard.
2. **These special circumstances are not the result of the actions of the applicant.** This lot and subdivision were platted in 1887 and the special circumstances are in no way a result of 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 a number of other properties in the vicinity along Irene whose 6’ fences and even buildings themselves entirely surpass front property lines. These all share the same amount of right-of-way along Irene. Literal interpretation and enforcement would deprive the applicant of rights enjoyed by others in similar circumstances.
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.** This is an infill project by the Galilee Organization and is modest in nature. The granting of a variance would help those who wish to improve and develop the neighborhood, not be contrary to public interest, and would be consistent 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. The lot adjacent is currently un-improved, but if it were to ever develop, it is oriented in the same way as the applicant’s. The fence and shed in the front setback do not impact any of the surrounding properties and may only help to ensure privacy between homes.
6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.** Double frontage setbacks seek to maintain safety and visibility for traffic around the intersection. The improvements requested by the applicant are as far away from an intersection as possible & are less intrusive than many other pre-existing improvements nearby. Granting the variance promotes consistency with the character of the neighborhood & the development of an infill area.

Allowed Variances:

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

1. **SPECIAL CIRCUMSTANCES RESULTING IN UNNECESSARY HARDSHIP.** *Where special circumstances exist on the property related to the size, shape, area, topography, surrounding conditions or location that do not generally apply to other property in the same zoning district, and that the circumstances are such that strict application of this zoning ordinance would create an unnecessary hardship or deprive the applicant of reasonable use of the land or building.*
2. **OVERRIDING PUBLIC INTEREST.** *If the variance further an overriding public interest or concern, including, but not limited to: (a) Preserving the natural environment, (b) Promoting maintenance or reuse of older urban or historic buildings, or (c) Helping to eliminate a nonconforming use at another location.*
3. **LITERAL ENFORCEMENT.** *If it is found that the literal enforcement and strict application of this Zoning Ordinance will result in extraordinary circumstances inconsistent with the general provisions and intent of this ordinance, and that, in granting the variance, the spirit of the ordinance will be preserved and substantial justice done.*

Recommendation:

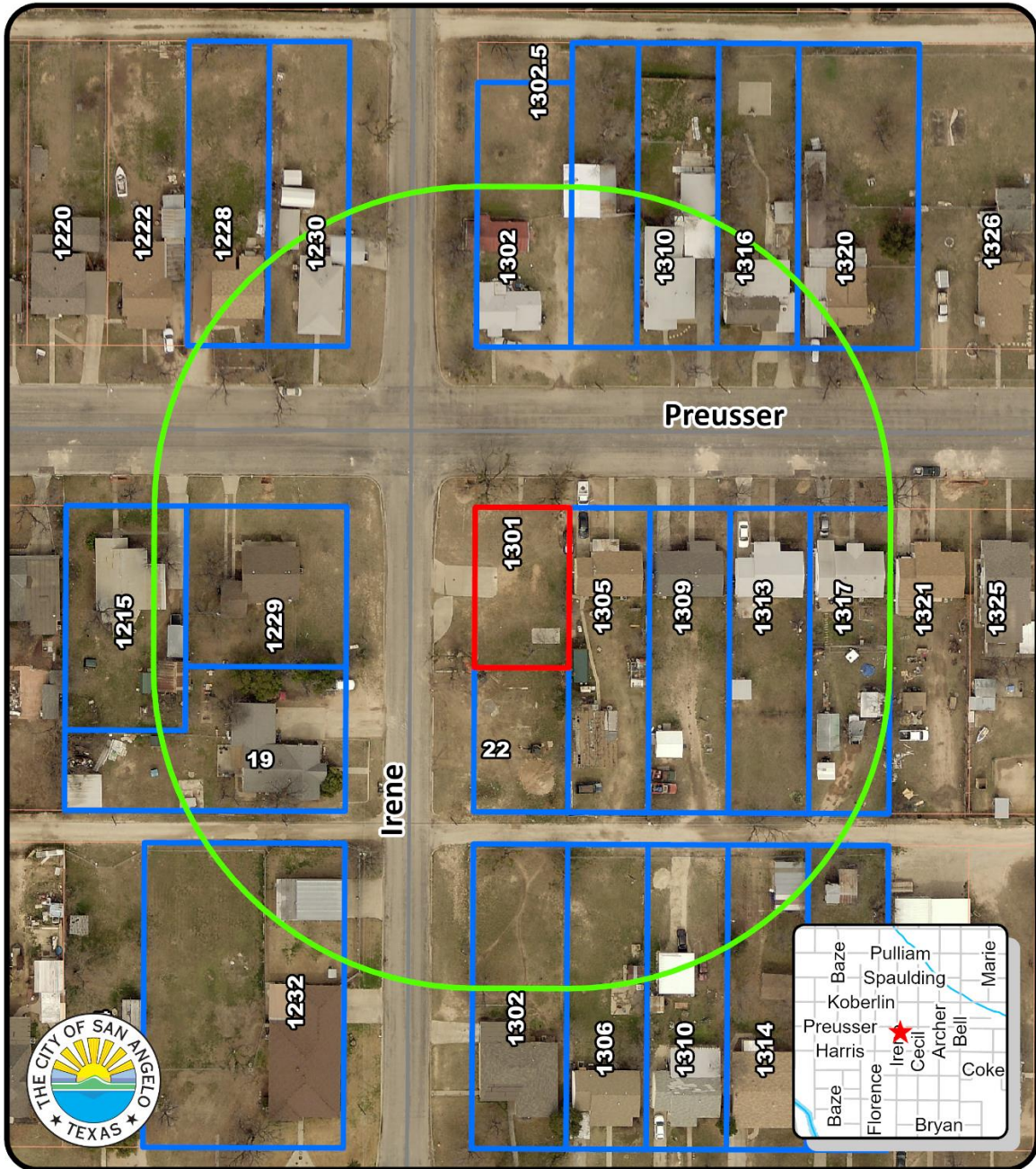
Staff's recommendation is for the Zoning Board of Adjustment (ZBA) to **approve** a variance from Section 509.B to allow for a 6-foot fence in the front yard and to **approve** a variance from Section 501.A for a 6-foot front yard setback in lieu of the required 15 feet, subject to **three conditions**:

1. The applicant shall obtain a Building Permit from the Permits and Inspections Department for the home;
2. The front setback variance shall be limited to the shed structure along Irene;
3. The 6-foot fencing in the front yard shall be limited to the area demonstrated by the applicant on site plans.

Attachments:

Notification Map
Aerial Map
Site Photo
Site Plan
House Floor Plan

Notification Map



200' Notification Map
ZBA23-37: 1301 Preusser St
 Council District: #3 Harry Thomas
 Neighborhood: Ft. Concho East

Scale: 0 0.01 0.02 0.03 0.04 Miles

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

N

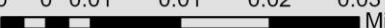
Aerial Map



Aerial Map
ZBA23-37: 1301 Preusser St

Council District: #3 Harry Thomas
Neighborhood: Ft. Concho East

Subject Properties: 

Scale:  0 0.01 0.02 0.03 Miles



Site Photos

Note: Since these photos were taken, the shed has been rotated on its axis to be perpendicular to Irene rather than parallel.



Site Plans

Applicant-provided:

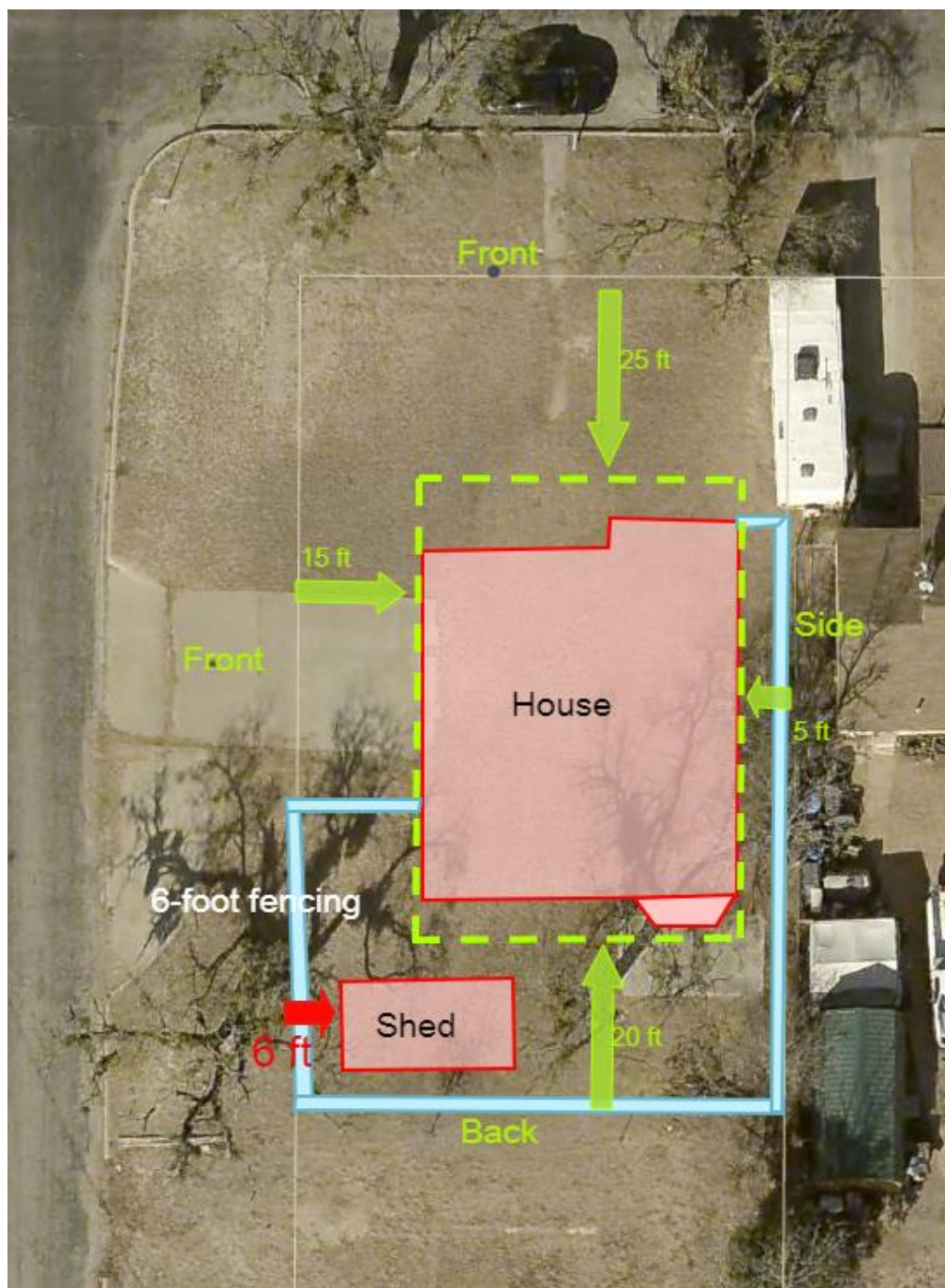


1301 PREUSSER ST. FINAL 12/26/23

Internal - 0/12
External - 0/12
Overall - 0.40yd x 0.40yd



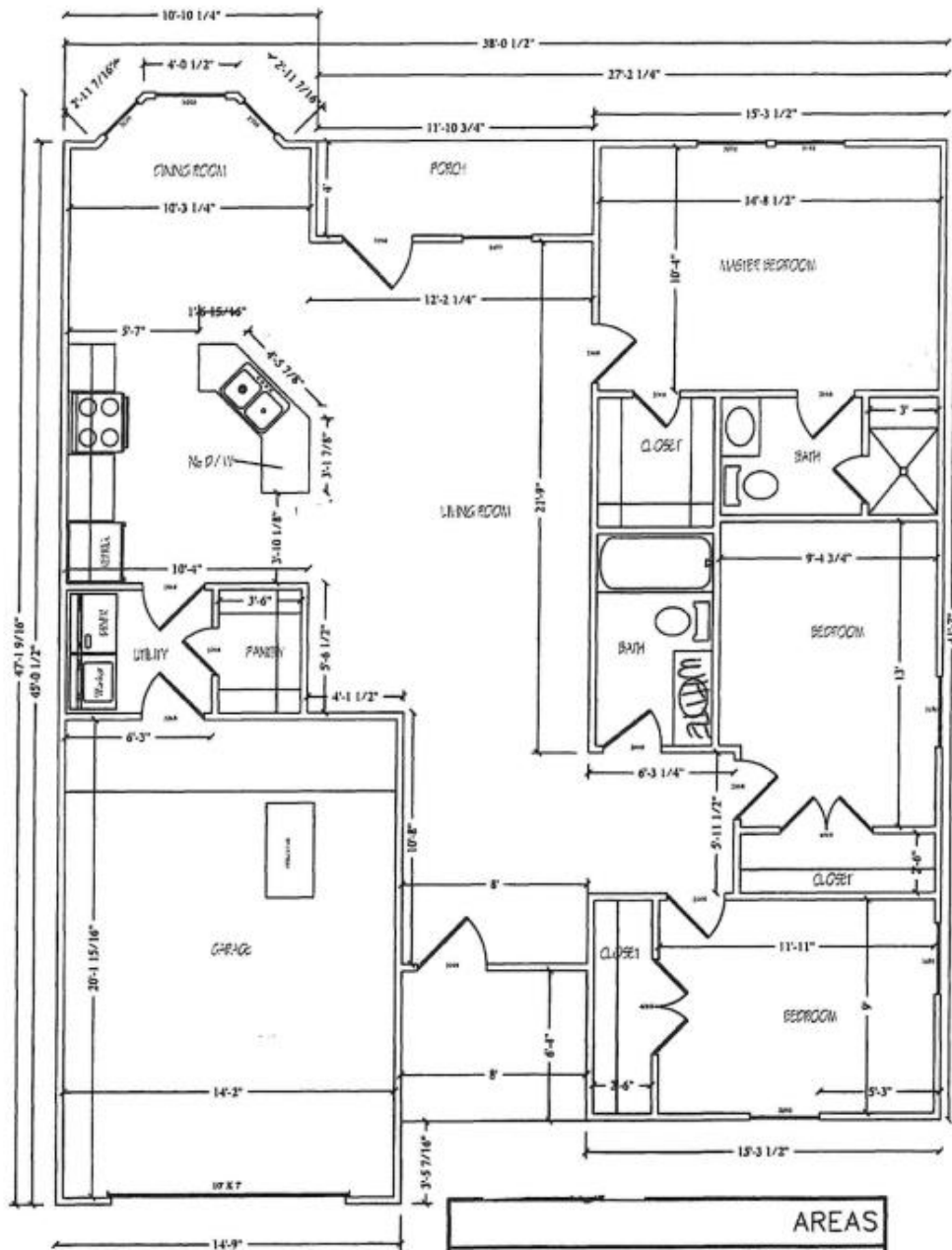
Staff rendering:



House Floor Plan
 North = the bottom of the image

FLOOR PLAN

SCALE
 1/4" = 1'



AREAS	
1,249 SQ.FT.	TOTAL HEATED
397 SQ.FT.	GARAGE AND PORCHES
1,646 SQ.FT.	TOTAL UNDER ROOF

**ZONING BOARD OF ADJUSTMENT – January 8th, 2024
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Variance		ZBA23-38: 1914 S Irving	
SYNOPSIS:			
<p>The applicant has applied for four variance requests from Section 501 to allow a lot size of 50' x 75' instead of required 50' x 100'; to allow a lot coverage of 3,750sq ft instead of required 5,000sq ft; to allow a 5' front yard setback instead of required 25' setback; and to allow a 10' rear yard setback instead of required 20' setback, all within a RS-1 Single Family zoning district located at 1914 S Irving St.</p>			
LOCATION:		LEGAL DESCRIPTION:	
1914 S Irving		Blk: 130, Subd: FORT CONCHO ADDITION, N 1/2 OF LOT 16	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD #3 – Harry Thomas Rio Vista Neighborhood	Single-Family Residential (RS-1)	Neighborhood	0.085 acres
NOTIFICATIONS:			
<p>26 notifications mailed within 200-foot radius on December 20, 2023. Received 0 in support or opposition.</p>			
STAFF RECOMMENDATION:			
<p>Staff’s recommendation is for the Zoning Board of Adjustment (ZBA) to Approval the requested four variance requests from Section 501 to allow a lot size of 50' x 75' instead of required 50' x 100'; to allow a lot coverage of 3,750sq ft instead of required 5,000sq ft; to allow a 5' front yard setback instead of required 25' setback; and to allow a 10' rear yard setback instead of required 20' setback with 2 conditions.</p>			
PROPERTY OWNER/PETITIONER:			
Applicant: Pete Madrid Jr & Pete Madrid Sr			
STAFF CONTACT:			
<p>Rae Lineberry Planner (325) 657-4210, Extension 1533 rae.lineberry@cosatx.us</p>			

Additional information: The applicant would like to build a home on this property but it does not meet the minimum lot size requirements. They have provided the floor plan of the house they plan to build if all four variances are approved. The house to the south received a variance for the lot size, lot coverage and the rear yard setback. This is an older section of town that has multiple houses built either to the property line or close. There is a larger right-of-way and Staff does not see any site issues.

Variances: 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 shape of the lot is smaller than a required lot being slightly over 3,700 sq. ft. If the variance is not granted, it is unlikely anything would be able to be built on the property.
2. **These special circumstances are not the result of the actions of the applicant.** The lot to the south was approved to be smaller in 1980. Approving it left this property as a non-compliance lot; granting these variances allows for a modest livable structure at approximately 1,488 sq. ft. which would not be intrusive to the surrounding neighbors.
3. **Literal interpretation and enforcement of the terms and provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zoning district, and would cause an unnecessary and undue hardship.** The size of the lot makes it difficult to build a house but the applicant has found a house that will fit within the requested setbacks. The Irving street side has a significant right of way and thus allowing the front setback to be 5’ still give 25’ from back of curb. The sideyards will be at 5’ minimum and the back yard will be at 10’ which if this was zoned RS-3 would be the standard.
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.** This is the minimum action required.
5. **Granting the variance will not adversely affect adjacent land in a material way.** Granting this variance will not adversely affect the area. The area does have smaller sized houses. The adjacent properties for a few blocks around have small structures which are livable. This being an infill area as well as our community needing affordable homes granting these variances seems reasonable.
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.” Within a two block area you can see several properties with similar sized lots and with modest structures.

Allowed Variances:

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

1. **SPECIAL CIRCUMSTANCES RESULTING IN UNNECESSARY HARDSHIP.** *Where special circumstances exist on the property related to the size, shape, area, topography, surrounding conditions or location that do not generally apply to other property in the same zoning district, and that the circumstances are such that strict application of this zoning ordinance would create an unnecessary hardship or deprive the applicant of reasonable use of the land or building.*
2. **OVERRIDING PUBLIC INTEREST.** *If the variance further an overriding public interest or concern, including, but not limited to: (a) Preserving the natural environment, (b) Promoting maintenance or reuse of older urban or historic buildings, or (c) Helping to eliminate a nonconforming use at another location.*
3. **LITERAL ENFORCEMENT.** *If it is found that the literal enforcement and strict application of this Zoning Ordinance will result in extraordinary circumstances inconsistent with the general provisions and intent of this ordinance, and that, in granting the variance, the spirit of the ordinance will be preserved and substantial justice done.*

Recommendation:

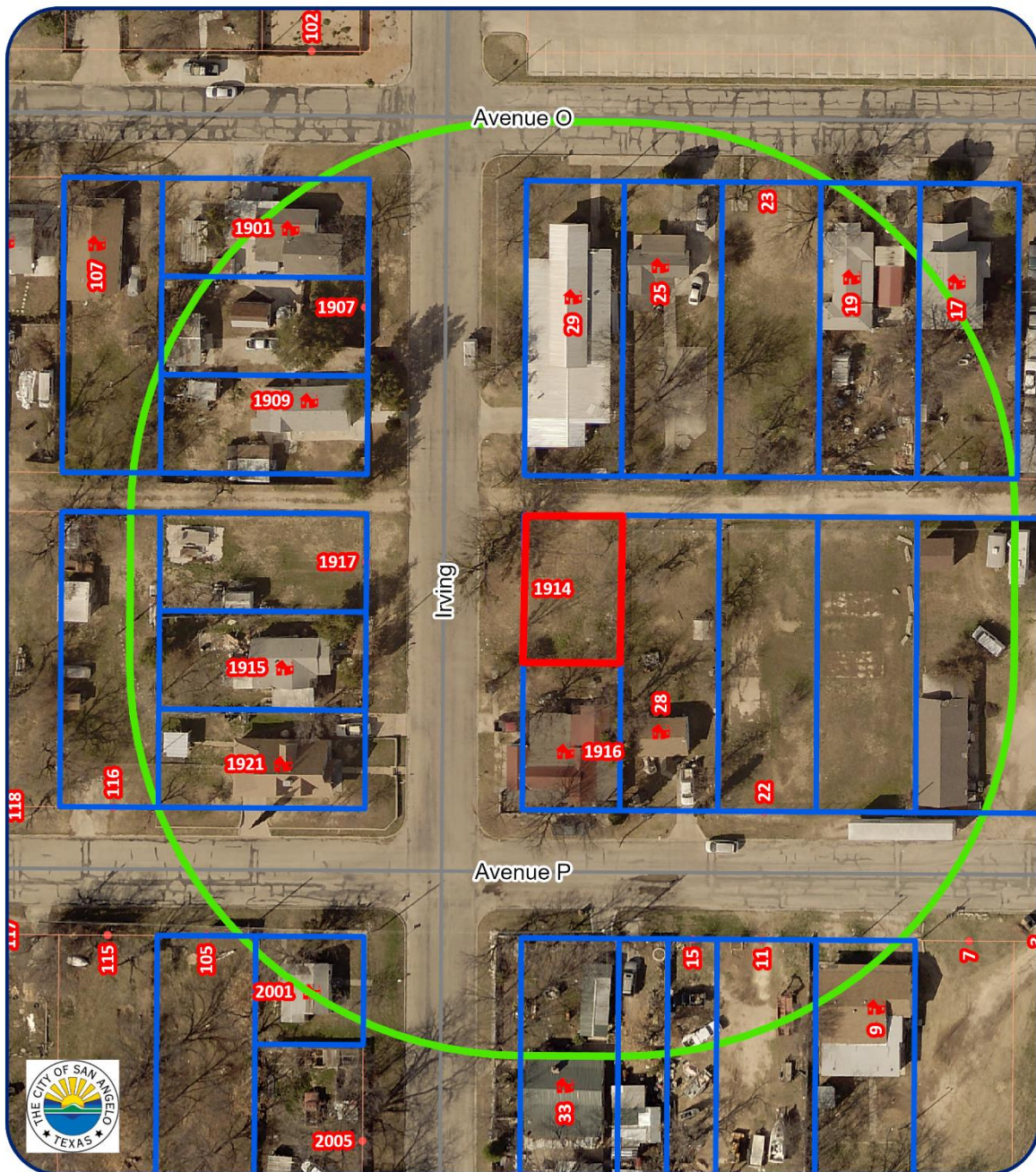
Staff's recommendation is for the Zoning Board of Adjustment (ZBA) to **Approve** the requested four variances from Section 501 to allow a lot size of 50' x 75' instead of required 50' x 100'; to allow a lot coverage of 3,750 sq ft. instead of required 5,000 sq ft; to allow a 5' front yard setback instead of required 25' setback; and to allow a 10' rear yard setback instead of required 20' setback with two conditions.

1. Must obtain a Building Permit within 12 months of ZBA approval.
2. Must Contact Water Utilities for water and wastewater services taps if they are not existing.

Attachments:


Notification Map
Aerial Map
Site Plan/Survey
Site Photos

Notification Map

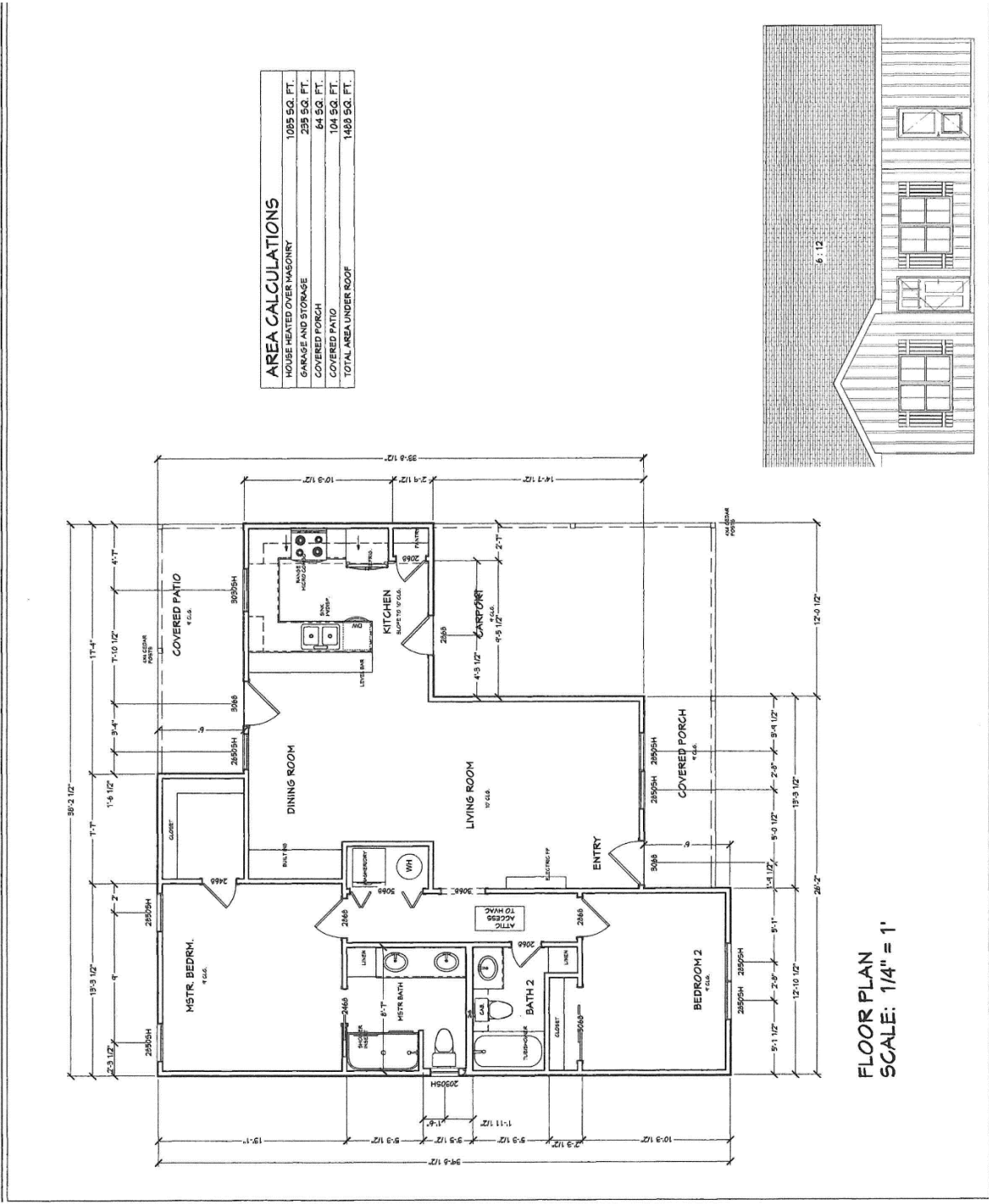


200' Notification Map
ZBA23-38 - 1914 S Irving
 Council District: #3 Harry Thomas
 Neighborhood: Rio Vista
 Scale: 0 0.01 0.01 0.02 0.03 Miles

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

N


Site Plan



Site Photo