

**ZONING BOARD OF ADJUSTMENT – April 1, 2024
STAFF REPORT**

APPLICATION TYPE:		CASE:	
Variance		ZBA24-08: 3338 Cornell Avenue	
SYNOPSIS:			
A request for approval of a variance from Zoning Ordinance Sec. 501.A for a 16-foot rear yard setback in lieu of the required 20 feet for a new carport structure within the RS-1 Zoning District located at 3338 Cornell Avenue.			
LOCATION:		LEGAL DESCRIPTION:	
3338 Cornell Avenue		Lot 4 SEC 10, Blk: 52, Subd: COLLEGE HILLS ADDITION	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
SMD District #5 – Karen Hesse Smith Neighborhood – ASU – College Hills		Single-Family Residential (RS-1)	Neighborhood
		SIZE:	
			0.191
NOTIFICATIONS:			
25 notifications were mailed within 200-foot radius on March 13, 2024. Received 0 in support or opposition.			
STAFF RECOMMENDATION:			
Staff recommends DENIAL of a variance from Section 501.A for a 16-foot rear yard setback in lieu of the required 20 feet.			
PROPERTY OWNER/PETITIONER:			
Applicant: Charles Byron Beal			
STAFF CONTACT:			
Austin Reed Planner (325) 657-4210, Extension 1550 austin.reed@cosatx.us			

Additional Information:

The applicant is requesting a variance for a carport which will be accessed from an alleyway. This carport will jut up to the home. The 20' rear setback here is being measured from the center of the alleyway as is done with substantially open structures in accordance with 402.A.b. After setbacks & without a variance, there is room for somewhere around an 18- to 20-foot-long carport. Additionally, the home has an existing garage and circle drive to the front of the home. Staff were not able to locate an appropriate hardship or justification for the requested variance.

Variances: In addition to the six criteria in the City's Zoning Ordinance, in exercising its authority to grant a variance, per Section 207.F of the Zoning Ordinance, the Zoning Board of Adjustment must affirmatively find that each 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.**
There is a slight differentiation in the shape of this lot from its neighbors, but this does not appear to exacerbate the need for a variance. This subdivision employs a 30-foot front setback, but it appears the home may slightly encroach into its front setback. This lot is the same size and orientation as its neighbors. Staff were not able to identify adequate special circumstances.
2. **These special circumstances are not the result of the actions of the applicant.**
Prompt not applicable.
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 home already boasts a garage which passes its front setback and around 18 feet of length for a carport in the rear. It is bound to the same restrictions and circumstances as its neighbors.
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 request would be excessive and undermine the intent of rear setbacks.
5. **Granting the variance will not adversely affect adjacent land in a material way.**
Granting this variance will likely not adversely affect the adjacent land as the alleyway does not appear to be utilized for parking or traffic very much by surrounding homeowners.
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." Granting a variance here would break the established pattern of development where special circumstances are not present.

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.*

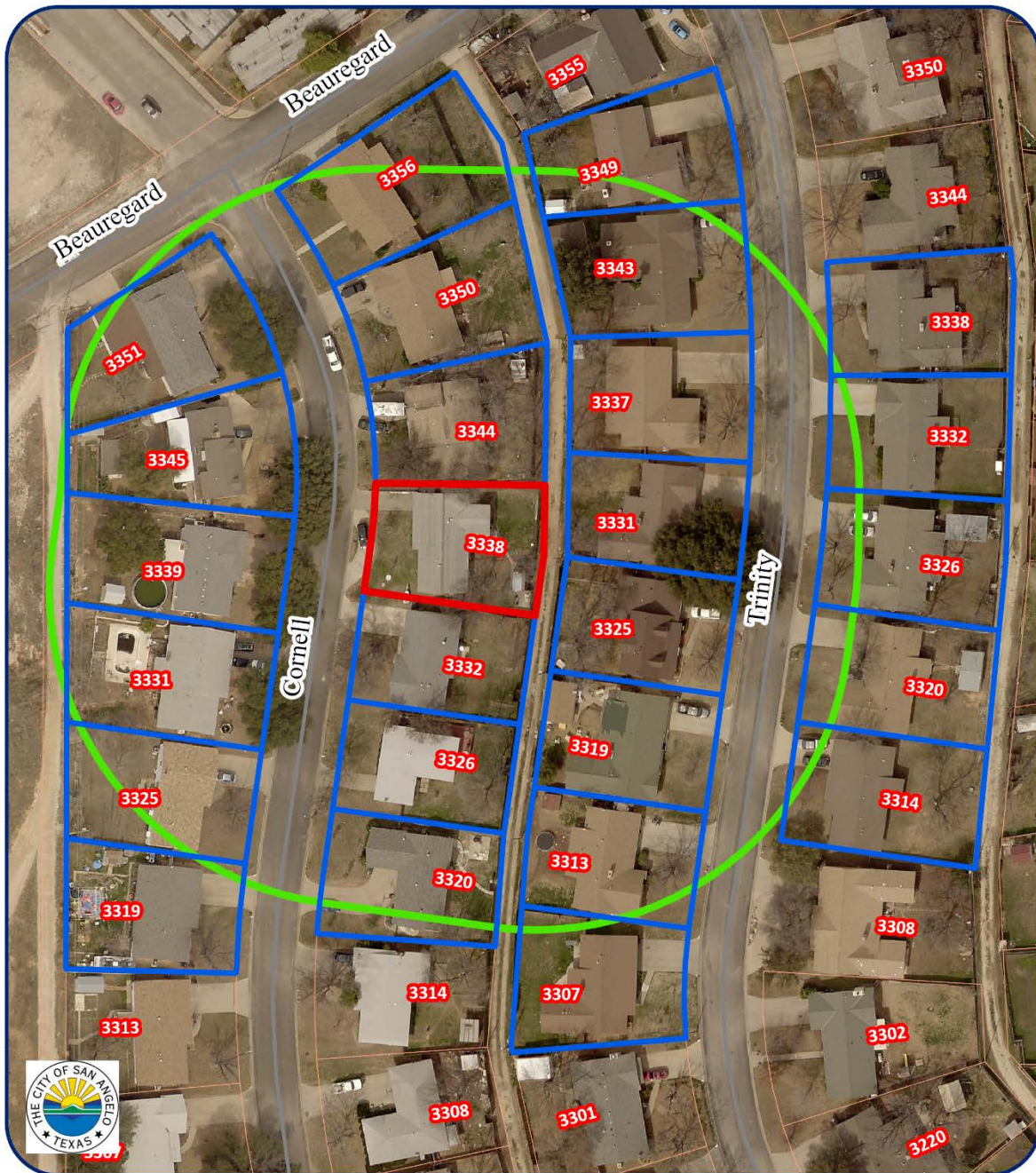
Recommendation:

Staff recommends DENIAL of a variance from Section 501.A for a 16-foot rear yard setback in lieu of the required 20 feet.

Attachments:

Notification Map
Aerial Map
Site Photo
Site Plan

Notification Map



200' Notification Map
ZBA24-08 3338 Cornell Ave

Council District: #5 Karen Hesse Smith
Neighborhood: ASU - College Hills

Scale: 0 0.01 0.02 0.02 0.03 Miles

Subject Properties:



200' Buffer:



Notified Properties:




N




Aerial Map



200' Notification Map
ZBA24-08 3338 Cornell Ave
Council District: #5 Karen Hesse Smith
Neighborhood: ASU - College Hills
Scale: 0 0.01 0.01 0.02 0.02 Miles

Subject Property: 

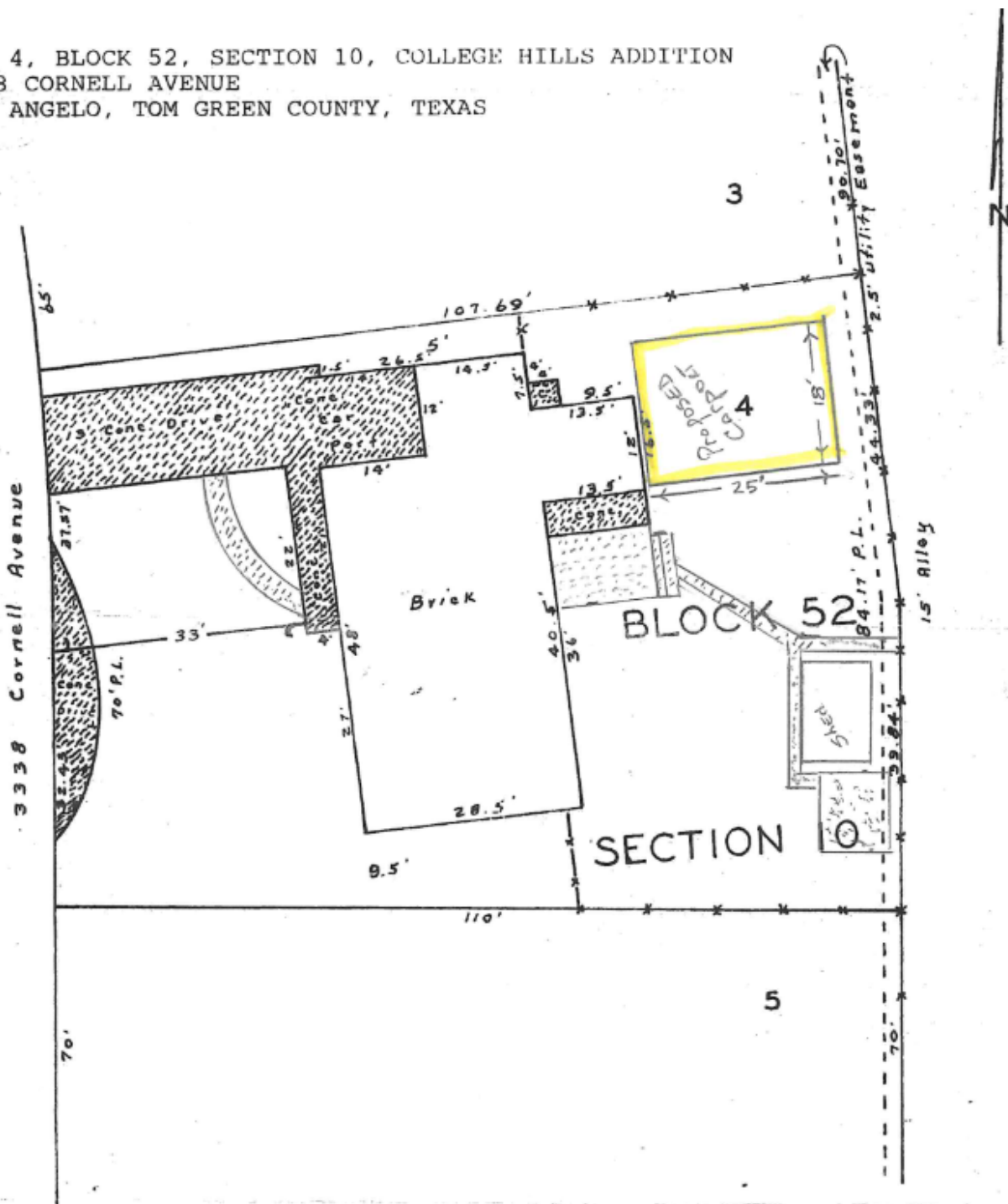
N


Site Photo



Site Plan

LOT 4, BLOCK 52, SECTION 10, COLLEGE HILLS ADDITION
3338 CORNELL AVENUE
SAN ANGELO, TOM GREEN COUNTY, TEXAS



**ZONING BOARD OF ADJUSTMENT – April 1, 2024
STAFF REPORT**

APPLICATION TYPE:		CASE:	
Variance		ZBA24-09: 7698 S Country Club Road	
SYNOPSIS:			
A request for approval of a variance from Zoning Ordinance Sec. 501.A for an 8-foot side yard setback in lieu of the required 15 feet for the garage portion of a new build in the R&E Zoning District at 7698 S Country Club Road.			
LOCATION:		LEGAL DESCRIPTION:	
7698 S Country Club Road		Tract: 96, Abst: A-1921 S-0643, Survey: J SCHMITT, 1.00 ACS BEING .623 AC IN SCHMITT & 0.377 ACRE IN P DUFFY - SUR 171	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
SMD District #1 – Tommy Hiebert Neighborhood – Nasworthy		Single-Family Residential (RS-1)	Neighborhood
SIZE:			
1.00 acre			
NOTIFICATIONS:			
9 notifications were mailed within a 200-foot radius on February 15, 2024. Received 1 in support and 1 opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a variance from Section 501.A for an 8-foot side yard setback in lieu of the required 15 feet.			
PROPERTY OWNER/PETITIONER:			
Applicant: Leeway Properties, LLC			
STAFF CONTACT:			
Austin Reed Planner (325) 657-4210, Extension 1550 austin.reed@cosatx.us			

Additional Information:

This is an empty lot a few hundred feet off Nasworthy where the applicant is looking to build a new single-family residence. On both sides of the lot are properties with existing residences. While the lot is exactly an acre in size, there is a water well directly in the center of the lot which creates an awkward situation for what would be an otherwise normal layout for the area. Most of the proposed home follows the required 15-foot side setback. The garage portion alone is what juts into the side setback so that it can line up with the driveway which must loop around the water well.

Variations: In addition to the six criteria in the City’s Zoning Ordinance, in exercising its authority to grant a variance, per Section 207.F of the Zoning Ordinance, the Zoning Board of Adjustment must affirmatively find that each 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 lot is among the smallest in the area, is under minimum width for an R&E lot, and has an obstructive water well which the applicant wishes to maintain. Other surrounding properties do not appear to have encountered the same issue.
2. **These special circumstances are not the result of the actions of the applicant.**
The existing water well was not placed by the applicant, and the size of the lot was not a result of the applicant.
3. **Literal interpretation and enforcement of the terms and provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zoning district, and would cause an unnecessary and undue hardship.**
One of the direct neighbors - who border to the north (the variance request is for the south side) - has large greenhouse structures spanning 150 feet which range from about 1 foot from the side property line to about 7 feet. The neighbor to the south has a structure about 10 feet from their side, although that lot is zoned RS-1. Literal enforcement of a 15-foot side setback would be something no other nearby homeowner had to abide by and would force the developer to redesign the lot layout in a way which would deprive the homeowner of commonly enjoyed 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.**
Granting a variance in this scenario would maintain a consistent pattern of development. Denying a variance would mean a developer must either remove the water well or build in such a way that an inconsistent building line would be created. Granting the variance would allow the build to be similarly set back, which can be seen as true to public interest and just.
5. **Granting the variance will not adversely affect adjacent land in a material way.**
Granting this variance will not adversely affect the area. The side neighbor nearest to the request has their home placed an additional ten feet back from their required setback, which can help mitigate some of the concerns associated with a closer side setback. Also, it is only the garage of the home which will encroach into the side setback.

6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.**

Granting a variance in this scenario would not be contrary to the intent of the Zoning Ordinance. The garage structure requiring the variance would still be approximately 23 feet away from the neighbor's home, which is ample room to maintain the intent of side 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.*

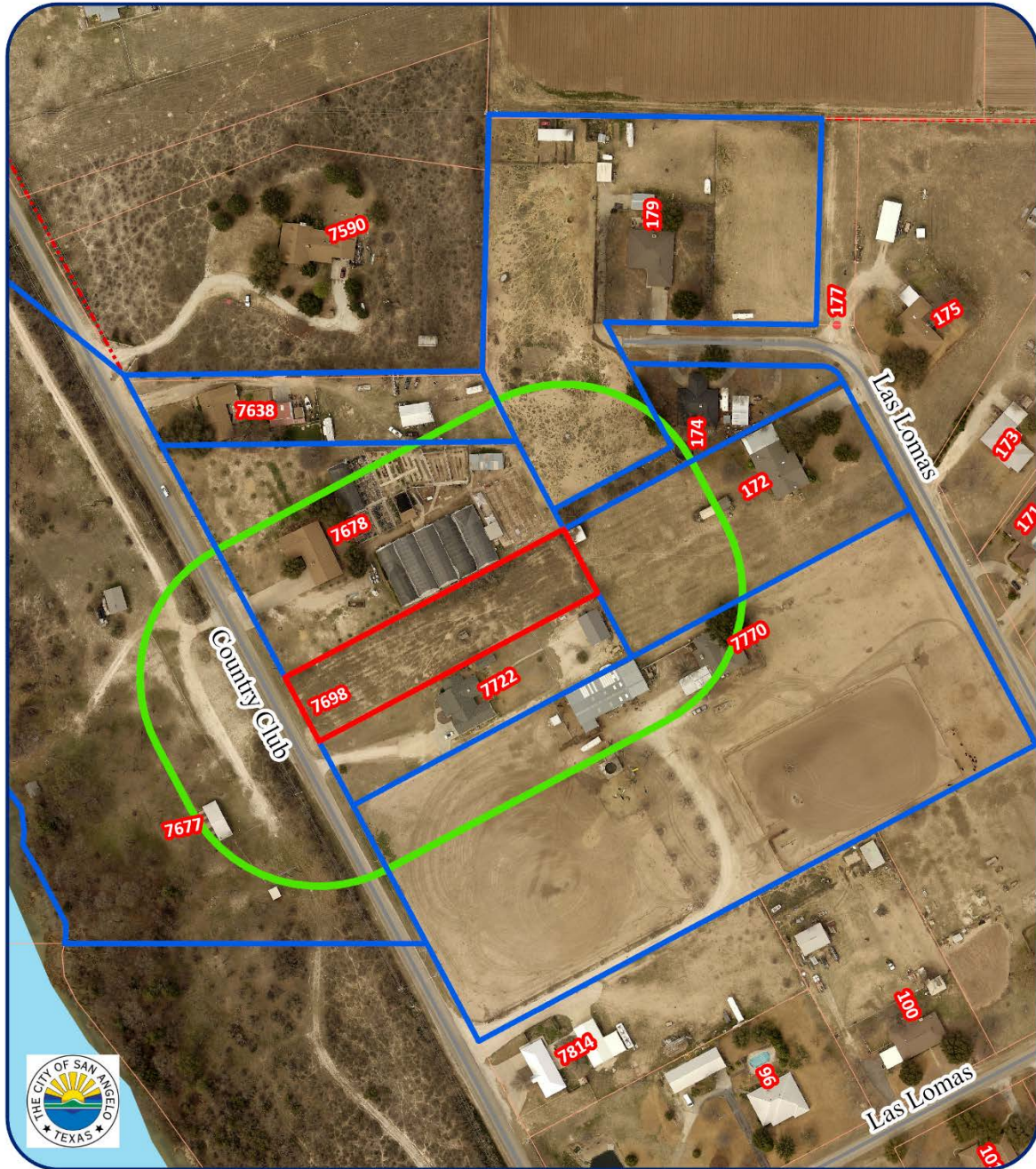
Recommendation:

Staff recommends APPROVAL of a variance from Section 501.A for an 8-foot side yard setback in lieu of the required 15 feet.

Attachments:

- Notification Map
- Aerial Map
- Site Photo
- Site Plan
- House Floor Plan

Notification Map



200' Notification Map ZBA24-09 7698 S Country Club Rd Council District: #1 Tommy Hiebert Neighborhood: Nasworthy Scale: 0.0, 0.01, 0.03, 0.04, 0.06 Miles 		Subject Properties: 200' Buffer: Notified Properties:	
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Aerial Map



200' Notification Map

ZBA24-09 7698 S Country Club Rd.

Council District: #1 Tommy Hiebert

Neighborhood: Nasworthy

Scale: 0 0.01 0.02 0.04 0.06 0.08
Miles

Subject Property:



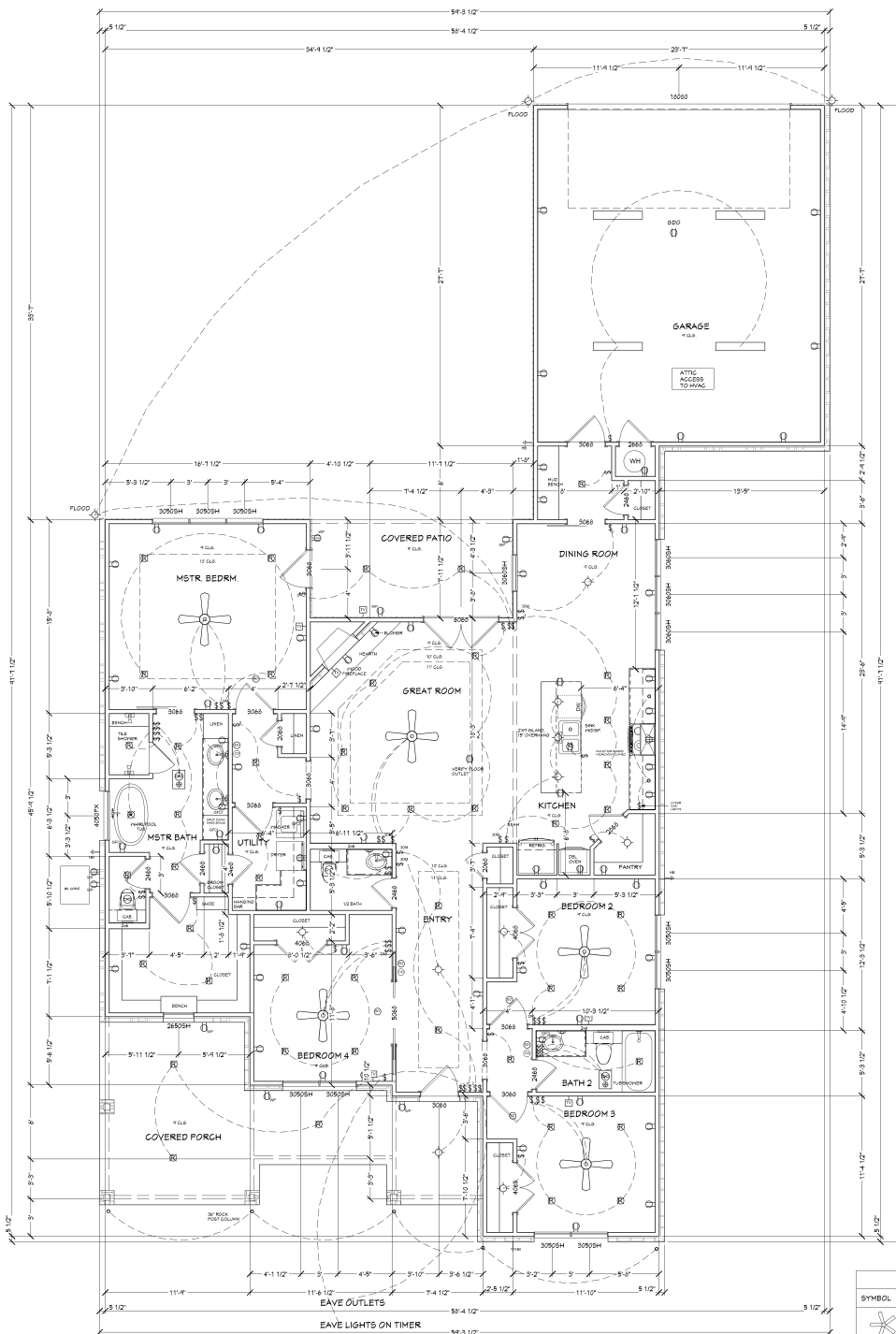
N



Site Photo



House Floor Plan



AREA CALCULATIONS	
HOUSE HEATED OVER MASONRY	2114 SQ. FT.
GARAGE AND STORAGE	611 SQ. FT.
COVERED PORCH	304 SQ. FT.
COVERED PATIO	131 SQ. FT.
TOTAL AREA UNDER ROOF	3221 SQ. FT.

FLOOR PLAN
 SCALE: 1/4" = 1'

ELECTRICAL SYMBOLS	
SYMBOL	DESCRIPTION
	Ceiling Fan
	Ventilation Fans, Heat Lamp
	Ceiling Mounted Light Fixtures: Surface/Pendant, Recessed
	Wall Mounted Light Fixtures: Flush Mounted, Panel Entrance
	Fluorescent/LED Light Fixture
	220V Receptacle
	110V Receptacles: Duplex, Weather Proof, GFCI
	Switches: Single Pole, Weather Proof, 3-Way
	Wall Jacks: CAT5, CAT5 + TV, TV/Cable
	Smoke Detectors, Carbon Monoxide Detectors

For the Zoning Board of Adjustment
Please call (325) 657-4210 if you have any questions about this notice.

CASE #: ZBA24-09

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: SUMMERS ROYCE D & DEBORAH J
Address: 7722 S COUNTRY CLUB ROAD

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

Email: planning@cosatx.us

I am in favor

I am opposed

Additional Comments:

I will ^{be} opposed unless I receive more information about what they intend to do.

**ZONING BOARD OF ADJUSTMENT – April 1, 2024
STAFF REPORT**

APPLICATION TYPE:	CASE:		
Variance	ZBA24-10: 1528 Kenwood Drive		
SYNOPSIS:			
<p>The applicant presented a request for a variance from Section 406.4 of the Zoning Code: <i>“A Short Term Rental use may not be located on a lot that is within 500 feet of a lot on which another Short Term Rental use is located”</i>. In this case the applicant’s property is located 489 feet from another Short-Term Rental at 1607 S. Park Street. That makes the property at 1528 Kenwood the 16 feet from meeting the 500 feet called out in the ordinance and as such needs a variance if the Board of Adjust chooses to grant that request.</p>			
LOCATION:		LEGAL DESCRIPTION:	
1528 Kenwood Drive		Being: Subd: PARK HEIGHTS ADDITION, W100 OF S50 OF LOT 7 Blk: 52,	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #5 – Karen Hesse Smith Santa Rita Neighborhood	Single-Family Residential (RS-1)	N – Neighborhood	0.115 acres
THOROUGHFARE PLAN:			
<p>Kenwood Drive– Urban Local Street, required: 50’ right-of-way, 40’ pavement or 36’ with a 4’ wide sidewalk, Provided: 70 R-O-W; 37 Ft. pavement.</p>			
NOTIFICATIONS:			
24 notifications mailed within the 200-foot radius on the 15 th of March, 2024. No responses have been received to date.			
STAFF RECOMMENDATION:			
Staff’s recommendation is for the Zoning Board of Adjustment (ZBA) is to a DENY a variance from Section 406.4.			
PROPERTY OWNER/PETITIONER:			
Owner: Doug & Laurie Properties LLC			
STAFF CONTACT:			
Sherry Bailey, Principal Planner (325) 657-4210, Extension 1546 sherry.bailey@cosatx.us			

Additional Information:

The criteria listed below provide the following information on which a property owner can determine if they might be eligible for a variance in the Special Circumstances area and see how they meet all the requirements for the second area. In the applicant's case, staff has a difficult time trying to discern how the applicant meets all the requirements they have to meet in order for staff to recommend that they be granted a variance.

Allowed 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 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 properties 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 the reasonable use of the land or building. On September 1, 2021, the State of Texas has amended the Texas Local Government Code, Section 211.009 to include the following five criteria as grounds for a hardship:*
 - (1) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code;
 - (2) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur.
 - (3) compliance would result in the structure not complying with a requirement of a municipal ordinance, building code, or other requirement.
 - (4) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - (5) the municipality considers the structure to be a nonconforming 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.**
2. **These special circumstances are not the result of the actions of the applicant.** These circumstances are the direct result of the owner's actions.
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. I do not believe we have any way in this case of discerning the truth of this statement.

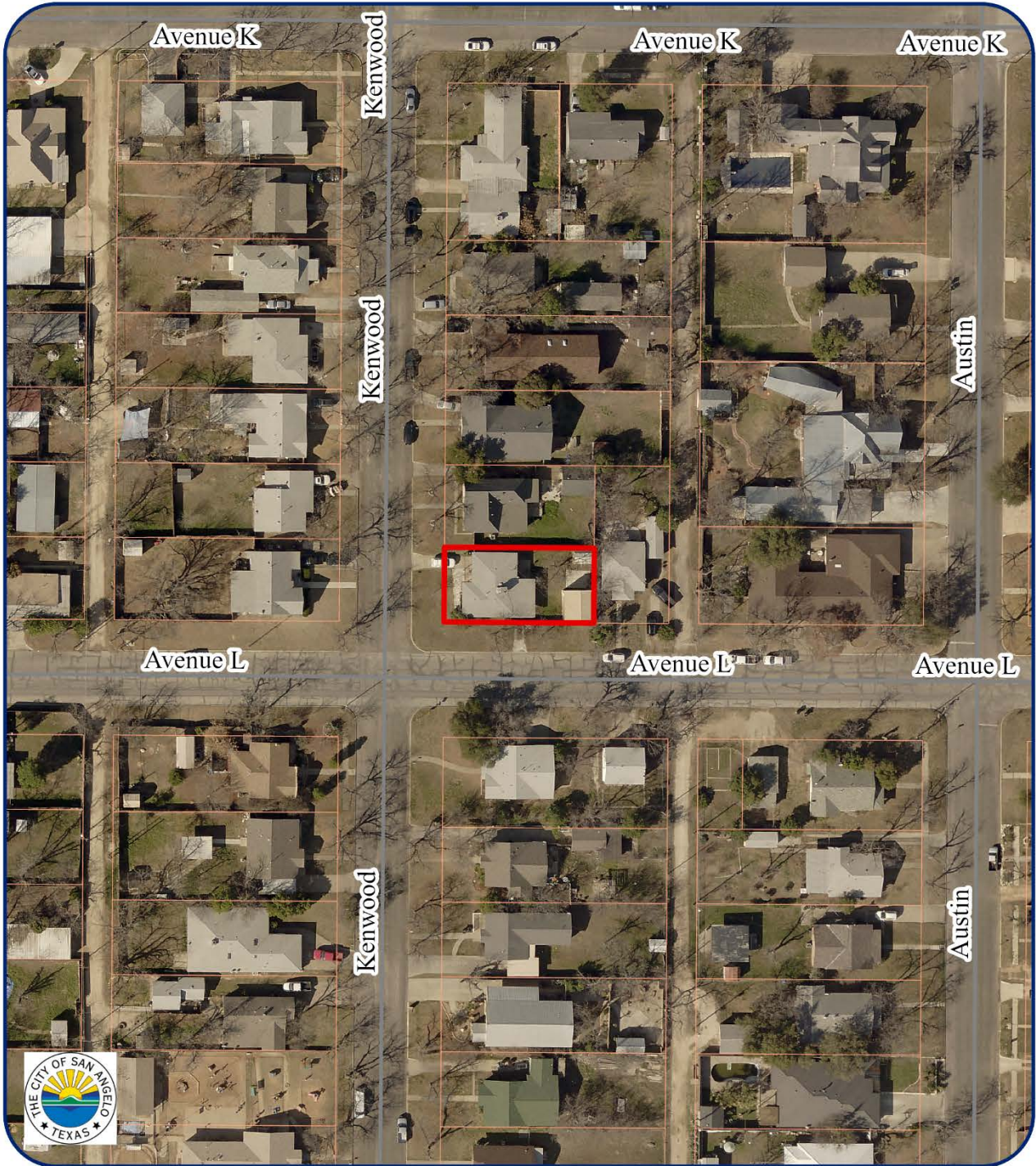
4. Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest, and would carry out the spirit of this Zoning Ordinance and substantial justice. This is an incorrect statement.
5. Granting the variance will not adversely affect adjacent land in a material way. I do believe that this is a correct statement.
6. Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance. I believe that the eleven feet that the property is short will not make a difference.

Recommendation:


Staff recommends that the Zoning Board of Adjustment (ZBA) **DENY** a variance from Section 402. A.2, to allow for an 16-foot variance from the Section 406.4 of the Zoning Code requiring 500 foot separation between Short Term Rentals.


Attachments:

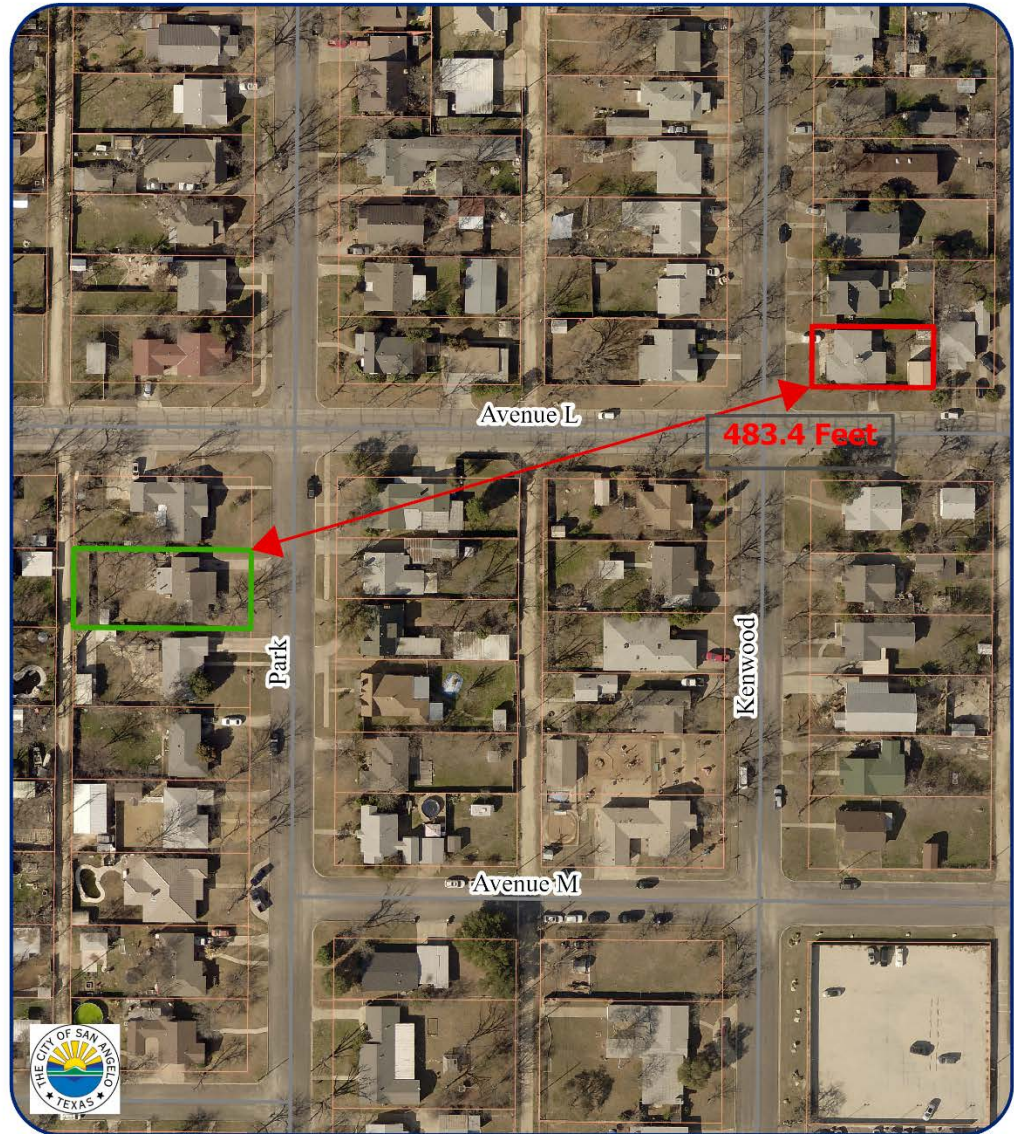
Aerial Map
Zoning Map
Photographs



200' Notification Map
ZBA24-10 1528 Kenwood Dr
Council District: #5 Karen Hesse Smith
Neighborhood: Santa Rita
Scale: 0 0.01 0.02 0.03 0.03 Miles

Subject Property: 





200' Notification Map
ZBA24-10 1528 Kenwood Dr

Council District: #5 Karen Hesse Smith
Neighborhood: Santa Rita

Scale: 0 0.01 0.02 0.03 0.04
Miles

Subject Property: 

Existing STR: 



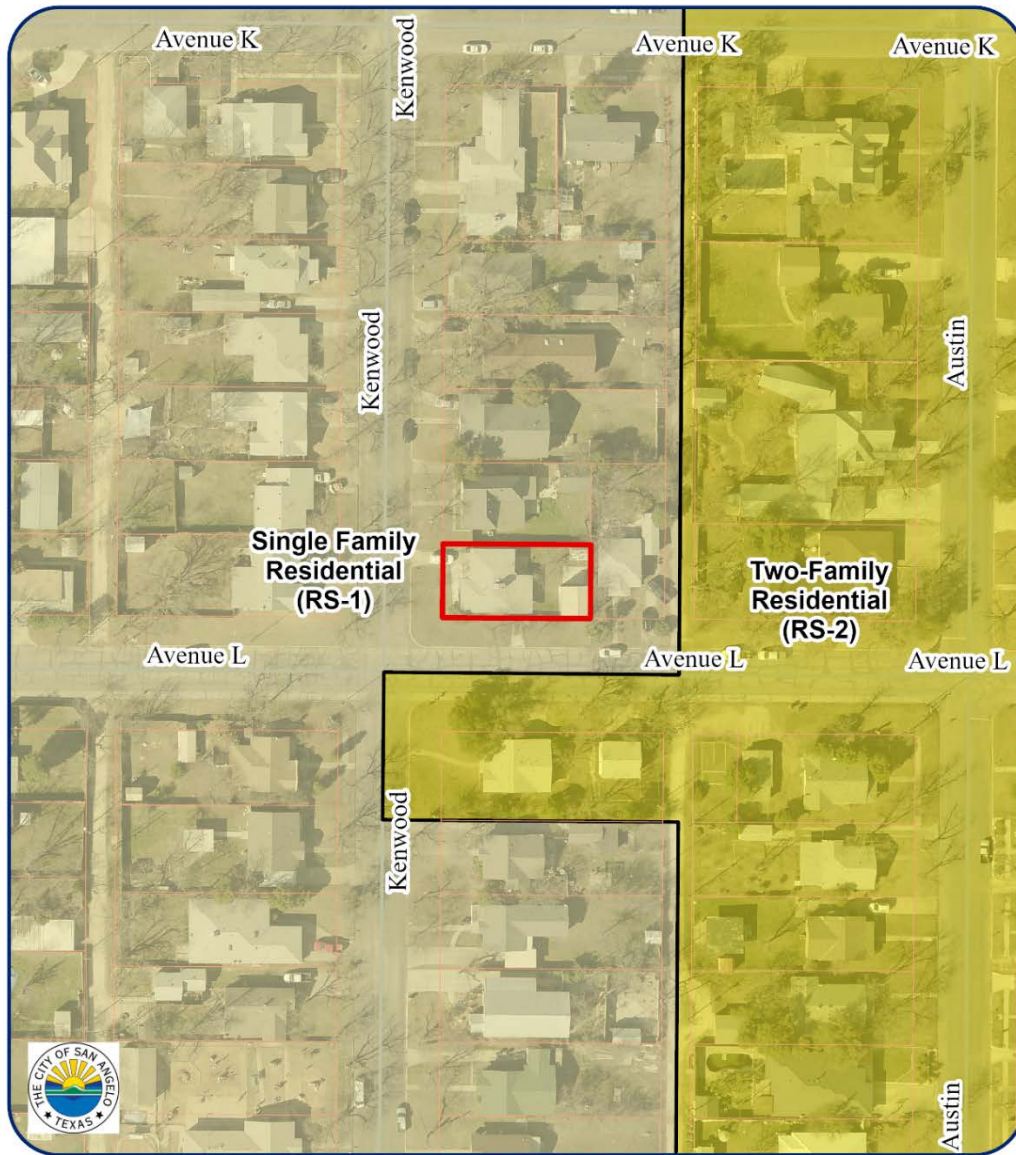
SUBJECT PROPERTY

Photos of Site and Surrounding Area







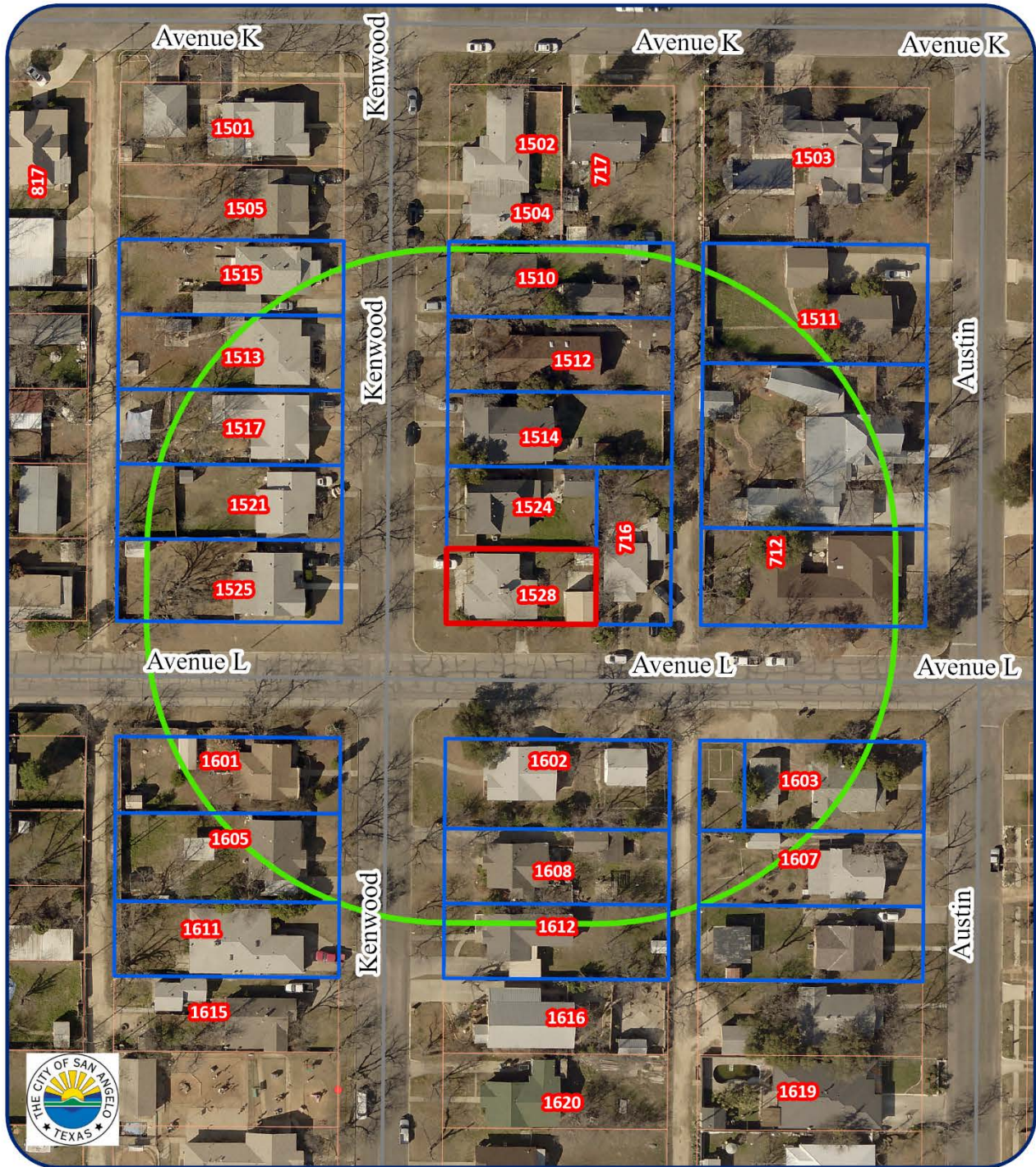




200' Notification Map
ZBA24-10 1528 Kenwood Dr
Council District: #5 Karen Hesse Smith
Neighborhood: Santa Rita
Scale: 0 0.01 0.02 0.03 0.03 Miles

Subject Property: 





200' Notification Map

ZBA24-10 1528 Kenwood Dr

Council District: #5 Karen Hesse Smith
 Neighborhood: Santa Rita

Scale: 0 0.01 0.02 0.03 0.03 Miles

Subject Properties: —

200' Buffer: —

Notified Properties: —





MEETING MINUTES

CITY OF SAN ANGELO, TEXAS
ZONING BOARD OF ADJUSTMENT
MONDAY, March 4, 2024, AT 1:30 P.M.
72 W. College Avenue
City Hall East Mezzanine Meeting Room

ALL CELLULAR PHONES MUST BE PLACED ON EITHER "SILENT" OR "VIBRATE" DURING THE PROCEEDINGS.

ALL MATTERS LISTED ON THE AGENDA ARE SUBJECT TO INDIVIDUAL DISCUSSION AND ACTION BY THE ZONING BOARD OF ADJUSTMENT.

I. Call to order and establish that a quorum is present.

The Chair recognized a quorum of six and introduced the new Board member, Mr. Lorenzo Lasater. *The meeting was called to order at 1:51pm.*

II. Review and take any action related to minute records of the regular meeting held on Monday, January 8, 2024.

Roberts-Galindo moved to approve, seconded by Jackson. The minutes were approved 6-0.

III. ZBA24-01: 124 Medina Street

SMD#4 – Lucy Gonzales

A request for a 17-foot rear setback in lieu of the required 20 feet from Section 501 for a new home at 124 Medina Street in the RS-1 zoning district.

Planner Austin Reed presented the request to the Board. 124 Medina is an empty, recently platted lot in the Belaire neighborhood where the applicant intends to build a home. There was no response to the 26 mailed notices. When platting, the City required a sewer easement to run north-south through the side of the subject property. Already being a relatively small lot (58'x100'), this easement cut into the lot's buildable area. The area to the rear, where the variance will be, is currently vacant. When developed, it can be inferred that another backyard will adjoin the subject property's backyard. *In finding all necessary criteria present, staff is recommending approval.*

The Chair opened and closed public comment to no response.

The Chair sought a motion. *Teri Jackson moved to approve, seconded by Lyndon Roberts-Galindo. The motion carried 6-0, thereby granting the variance.*

IV. ZBA24-02: 1015 E. 40th Street

SMD#2 – Tom Thompson

A request for a 17-foot rear setback in lieu of the required 20 feet from Section 501 for a new home at 1015 E. 40th Street in the RS-1 zoning district.

Planner Austin Reed presented the request. This item, ZBA24-01, and ZBA24-03 share the same applicant and same request. This time coming out of the Lake View neighborhood,

1015 E 40th is again an empty lot where a home is to be built. There was no response to the 7 mailed notices. This lot, along with 1013 E 40th (the next item on the agenda) were cut shorter than other lots on the same block when platted in 2019. This is due to a drainage area that runs near and behind the lots, leaving both lots at the RS-1 minimum of 50 by 100 feet. This means that nothing can be built to the homes' rears, which is where the variance request is. Therefore, granting a variance would be inconsequential for future development. Finally, there is little right-of-way to the front on a relatively busy road, so it is preferable to extend the homes to the rear. *In finding all necessary criteria present, staff is recommending approval.*

Member Roberts-Galindo asked if this item and the next were able to be voted on together given their closeness and similarity. Deputy City Attorney Brandon Dyson answered that one motion could suffice for both cases after the Chair reads the caption of the next item and staff gives their presentation. The Chair asked if the applicant - who was present - was okay with this, to which the applicant said yes. The Chair then began to read in the next item.

V. ZBA24-03: 1013 E. 40th Street

SMD#2 – Tom Thompson

A request for a 17-foot rear setback in lieu of the required 20 feet from Section 501 for a new home at 1013 E. 40th Street in the RS-1 zoning district.

Planner Austin Reed presented this request. Because they are next door to each other, virtually all details of the last item apply to this request, as well. The request remains the same and the houses even use the same floorplan. This lot, however, is closer to and directly adjoins the drainage area. There were no responses to the 8 mailed notices. *Staff is again recommending approval.*

Stephanie Hamby asked about the nature of the drainage area and if, for instance, if it would stop the property owner from building a fence or improvements in the rear yard. Austin Reed and Aaron Vannoy answered that the drainage area does have an actual easement as shown on the plat and should remain unobstructed, but the lot currently as planned does not encroach into that drainage.

The Chair opened and closed public comment to no response.

In reference to both the current item (ZBA24-03) and the last (ZBA24-02), Lyndon Roberts-Galindo moved to approve. Lasater would second this motion, followed by a vote of 6-0, thereby granting both variance requests.

VI. ZBA24-05: 1905 Beaty Road

SMD#1 – Tommy Hiebert

Request for a variance to allow for a .50 Floor-Area Ratio instead of the required .40 in the RS-1 Single-Family Residential district at 1905 Beaty Road.

Principal Planner Sherry Bailey presented this item to the Board. This request is for a new home on a very small lot with water access off Lake Nasworthy. Because the home is two stories and the lot is so small, the threshold for floor-area ratio is being surpassed. The lot does have a variance for its size. Out of the 8 notices sent, two were opposed, including one of the immediate neighbors. *In finding all necessary criteria present, staff is recommending approval.*

Hamby asked staff what exactly floor-area ratio was, to which Sherry Bailey explained how it is calculated, that standards are different between zones, and that higher floor-area ratios are not uncommon for Lake Nasworthy homes. Notably, a home's additional stories do count towards the floor-area ratio, as we see in this case. Hamby also asked if the proposed home would meet all setback requirements, which Bailey confirmed.

Bailey also provided the Board with items showing the Homeowner Association's approval of the project. While often discussed, Director Aaron Vannoy reminded the Board that an HOA decision cannot have any bearing on the ZBA's decision.

The Chair opened public comment and the applicant, Bryan Benson, approached the podium to answer any questions the Board may have. Roberts-Galindo asked if the lot had water access, which Benson and Vannoy said there was.

Daniel Valenzuela, one of the immediate neighbors who was notified, spoke to the Board. He explained that he was initially opposed given the size of the lot. However, he has since spoken with Mr. Benson to address concerns and is now in support of the request, believing it to be a good project.

The Chair closed public comment and sought a motion. Teri Jackson moved to approve, seconded by Mimi Clark. The motion passed unanimously, granting the variance.

VII. Division Report

Aaron Vannoy spoke, informing the Board that he was now Director of Planning and Development Services whereas he was the Assistant Director before. He gave the Board a small update concerning the extension of the Open Structures Overlay Zone and that more is to follow in April.

VIII. Public Comment

Issues or concerns not on the Regular Agenda may be raised by the public at this time. Citizens should speak from the podium, address all comments to the dais, and begin by stating their name and address or Single Member District number. Please limit all remarks to less than three minutes.

No public comment was raised.

IX. Next Meeting Agenda

The next regular meeting of the Zoning Board of Adjustment is scheduled to begin at 1:30 p.m. on **Monday, April 1st, 2024**, in the City Hall East Mezzanine Meeting Room.

XII. Adjournment

Roberts-Galindo moved to adjourn, seconded by Jackson. All present voted in favor, and the meeting adjourned at 2:16pm.

Gary Cortese, Chairperson