



MEETING MINUTES

CITY OF SAN ANGELO, TEXAS
ZONING BOARD OF ADJUSTMENT
MONDAY, January 8, 2024, AT 1:30 P.M.
72 W. College Avenue
City Hall East Mezzanine Meeting Room

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

A quorum was recognized, and the meeting was called to order at approximately 1:30pm.

II. **Review and take any action related to minute records of the regular meeting held on Monday, December 4, 2023.**

Member Roberts-Galindo moved to approve the minutes. Teri Jackson seconded this motion, where it carried 7-0.

III. **Election of Chairperson.**

Member Teri Jackson gave a motion to re-elect the current Chair, Gary Cortese. Julie Efferson provided a second. Gary Cortese was elected Chairperson with a vote of 7-0.

IV. **Election of Vice Chairperson.**

Julie Efferson volunteered to remain the Vice Chairperson. Stephanie Hambie seconded, where the vote carried 7-0.

Please note:

This discussion was continued later in the meeting under the Division Report where the result of the vote was walked back. The results of that discussion will be included there.

V. **ZBA23-35: 3013 Red Bluff Circle**

SMD#1 – Tommy Hiebert

A request for a distance variance between Short-term Rentals on Red Bluff Circle at Lake Nasworthy

Assistant Director Aaron Vannoy presented the request to the Board. This case was originally heard at the previous month's meeting and was tabled to give the applicant time to gather information. There were 14 mailed notices, where one opposition was received. The distance between the subject property and existing short-term rental is 190 feet.

The applicant originally attempted to apply for a short-term rental Conditional Use in 2022. They reached out to staff, who provided information on how to apply. The applicant e-mailed their application, but staff were not able to locate any record of further conversation or payment. At some point before the previous meeting, the applicant reached out to staff about renewing her Conditional Use, where she was informed that

there was not one. The applicant operated the property many times as a short-term rental over the year in which they assumed they were registered. After checking, staff found there were no complaints or service calls for the property.

The Chair opened for public comment. Kelly Nelson, the applicant, approached the podium. She explained the steps she took in attempting to apply for the Conditional Use and corroborated the timeline that staff provided. She provided documentation of taxes she had paid, but was not sure whether these were state taxes or local taxes – and offered to pay anything that may have been backlogged.

Lyndon Roberts-Galindo, who was absent at the previous meeting, sought context for the situation. Aaron Vannoy explained that, in the year that the applicant thought she was registered, the other nearby short-term rental came into existence and received their Conditional Use. Deputy City Attorney Brandon Dyson, after looking over the tax payments provided by the applicant at the meeting, said that the payments appear to be for state taxes, not local.

The Chair asked if information about paying the necessary Hotel Occupancy Taxes was disclosed anywhere on the application for a short-term rental Conditional Use. Brandon Dyson highlighted an initial line within the application explaining the need to pay both state and local taxes.

Stephanie Hamby asked if an applicant receives any sort of confirmation, permit, or notification that would suggest their case moved forward. Assistant City Manager Rick Weise says that typically notifications follow, but they did not in this case as payment was not received and therefore the application was not fully processed.

Member Donald Barnhart asked about the steps still ahead should the applicant receive approval before the Board. Aaron Vannoy confirmed that the applicant would still need to seek and receive approval from the Planning Commission for the Conditional Use permit itself. He also mentioned that it would be handled as a new case – not a renewal. Some of the Board sought updates on where the short-term rental ordinance changes stand, where Vannoy and Weise answered their questions.

The Chair sought a motion. Roberts-Galindo moved to approve, seconded by Julie Efferson. This motion carried 7-0, thus granting the variance.

VI. ZBA23-36: 2726 Red Bluff Ramp Rd.

SMD#1 - Tommy Hiebert

A request from Sec. 509.B for a two ft. variance (6.5 ft. instead of the maximum 4 ft.) fence height allowed in the front yard setback, and a request for variance from Sec. 501.A to allow a 13 ft. setback instead of the required 25 ft. front yard setback.

Senior Planner Sherry Bailey presented the request to the Board. Board member Bobby Guerrero recused himself from this item. This request, coming from a Lake Nasworthy

property, comes as a result of a code compliance and municipal court procedure spanning roughly the last two years. The judge overseeing the municipal court case suggested the applicant seek a variance before the Board. The need for the variance stems from a 6.5-foot metal fence along the front property line and a shop/living quarter-type structure that was constructed without permit or approval within the property's 25-foot front setback. Out of 14 mailed notices, there were none in favor and six in opposition.

Bailey explains that staff were unable to find any special circumstances that would justify the granting of a variance and found that the granting of a variance would adversely affect neighboring properties. Every property on the street shares a city-owned gravel path for access. While the shop structure is large and obstructs vision, the fence is more of a see-through wrought-iron safety fence rather than a privacy fence – and therefore does not impact neighboring properties as much. Similar fences can be found in the vicinity. Therefore, staff is recommending denial of the front-setback variance for the accessory structure, and approval of the fence height variance.

The Chair asked if a complaint was received, which Bailey confirmed. The owner filed for a permit for the shop structure but did not come in to follow up or pick one up. Stephanie Hamby asked if the enclosing of the shop to create bedrooms would require a permit, which Bailey confirmed. Bailey also mentioned that both the Building Official and Code Compliance Officer were present at the meeting.

The Code Compliance Officer, Rudy Ibarra, approached to answer questions. He explained that he received one complaint, and upon arrival took note of the building in the front yard. He contacted Permits and Planning for verification and found that the structure was indeed in violation.

The Chair opened for public comment. The applicants, Ronnie Milford and his wife, approached the podium. They explained their correspondence with the Building Permits Department beginning in 2020. The Board found that the two outstanding permits attached to the property when they purchased it pertained to a boat dock and back patio – not a shop structure. The Chair asked if they received homeowner association approval, to which they said they did not. The applicants explained their dealings with the neighbors and explained that they thought they were okay with their shop.

The Building Official, Charlie Kemp, also approached the podium to explain the permitting processes and what she believes happened regarding the old permits connected to the property. Upon comment from Stephanie Hamby, Kemp confirmed that permits are not transferrable between projects – meaning a permit for the boat dock has no bearing on the permittance of a shop structure.

Some more questions and answers between the applicant and Board ensued about the timeline of events regarding the different permits connected to the property. The Board agreed to take a break.

Sherry Bailey, Principal Planner, informed the Board that the Planning Department had been notifying the applicant about coming into compliance through a variance for the past two years, but never received a response or application. Rudy Ibarra, Code Compliance Officer, approached again with a detailed timeline of his violation process beginning in 2022, beginning with the issuance of a warning and culminating in a citation and court dates. The violations included both the fence and shop building.

Assistant Director Aaron Vannoy reminded the Board that there are two separate items (one for the fence and one for the shop structure) and recommended that they take motions on them separately. *Teri Jackson gave a motion to approve the variance for fence height. Julie Efferson seconded this motion. The variance was approved 7-0.*

Going back to discuss the variance request for the shop structure, Robert-Galindo found issue with the amount of opposition from surrounding neighbors. Julie Efferson asked what would happen if the request was denied – namely whether would be forced to tear the structure down. If denied, the violation would go back to municipal court where the penalty would be decided. While the court would be unlikely to file an action requiring the applicant to remove the structure, that is something the city can do.

Member Donald Barnhart gave a motion to deny the front setback variance for the shop structure. Stephanie Hamby would second this motion. A vote of 4-2 followed, effectively denying the variance request.

VII. ZBA23-37: 1301 Preusser St.

SMD#3 – Harry Thomas

A request for approval of a variance from Sec. 509.B to allow 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.

Planning Technician Austin Reed presented the request to the board. Stephanie Hamby recused herself from this item. Out of 22 mailed notifications, none were received in favor, and one was received in opposition. This request comes out of an old subdivision in an infill area where a single-family home is to be built. The home will not trigger the need for any variances, but there is an existing shed structure and 6-foot-high fencing both in the front yard that will require variances. There is a large amount of public right-of-way and a number of other improvements up and down the street that encroach well into front setbacks.

The Chair asked where the applicant's front door would be, to which it was answered it would be on the north side of the house towards Preusser. The Chair opened and closed public comment to no response.

Member Jackson moved to approve the variance, seconded by Roberts-Galindo. The motion passed with a vote of 6-0.

VIII. ZBA23-38: 1914 S. Irving

SMD#3 – Harry Thomas

A request for 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 3,750sq 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 within the RS-1 single family zoning district.

Assistant Director Aaron Vannoy presented this item, involving several variances for a residential lot in an infill area. Having split off in 1980, this lot was left with smaller-than-standard dimensions and little buildable area. Out of 26 mailed notifications, zero were returned in favor and two were returned in opposition.

Vannoy mentions that there will be a carport against one of the side setbacks. Stephanie Hamby asked how these are measured, to which Vannoy answered that the carport begins triggering setbacks at its vertical structures or poles.

The Chair opened and closed public comment to no response.

Teri Jackson moved to approve the request, seconded by Julie Efferson. The motion carried 7-0.

IX. Division Report

Aaron Vannoy spoke to the Board, where the only major item he had was to revisit the election of the Vice Chairperson.

The current Vice Chairperson, Julie Efferson, is an alternate for the Board of Adjustment. Since her election, staff has determined that the Vice Chairperson cannot be an alternate. This was clarified in the meeting by Assistant Director Aaron Vannoy.

Deputy City Attorney Brandon Dyson stated that, in being safe, the Board should take a motion first to reconsider the original vote. This motion was given by Jackson & seconded by Roberts-Galindo, passing unanimously.

The Chair sought a new nomination. Efferson gave a motion to elect Member Lyndon Roberts-Galindo as the new Vice Chairperson. This was seconded by Teri Jackson. The motion to elect Roberts-Galindo passed 7-0.

Vannoy informed the Board that there were no current items for February.

X. 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.

The Chair opened and closed public comment to no response.

XI. Next Meeting Agenda

The next regular meeting of the Zoning Board of Adjustment is scheduled to begin at 1:30 p.m. on **Monday, February 5, 2024**, in the City Hall East Mezzanine Meeting Room.

XII. Adjournment

The Chair sought a motion to adjourn. Roberts-Galindo gave this motion, where Efferson seconded. The motion to adjourn carried 7-0.